FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL MEETING
APRIL 4, 2000

A meeting of Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.

2. **SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

3. **FAYETTE TREE & TRENCH:** A resolution approving a contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase I and a construction contingency of $28,942.00 (10%).

4. **BID 00-29:** A resolution awarding a construction contract for a new water line at Highway 45 East and Wyman Road to J&L Construction in the amount of $106,040.00, a construction contract contingency of $10,000 and approval of a budget adjustment.

5. **BOTANICAL GARDEN BOARD APPOINTMENTS:** A resolution appointing Wade Colwell, PRAB member, Lisa Paschal, Parks and Recreation employee and Yolanda Fields, Community Development Coordinator to the Botanical Garden Board.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

6. **BOND COUNSEL:** A resolution approving a letter agreement with Wright, Lindsey, and Jennings LLP of Little Rock, Arkansas to serve as bond counsel for the proposed issuance of library construction and improvement bonds. The cost is not-to-exceed $35,000, plus disclosure documentation, sale document and continuing disclosure agreement preparation cost not-to-exceed $5,000, plus out-of-pocket expenses not-to exceed $3,500 per series of bonds. These costs will be paid from the bond proceeds. Additionally, to authorize the Budget Manager to execute any budget amendments necessary to implement this bond issue.

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8. **BID 99-22:** A resolution authorizing the Mayor to enter into a change order to Rupple Road Bid No. 99-22 with McClinton-Anchor for the water and sewer improvements including a sewage lift station and approving an agreement for Fayetteville Public Schools to compensate the City for such improvements.

9. **OFF-STREET PARKING:** A resolution approving the renewal of the City's lease of parking lots owned by the Off-Street Parking Development District No. 1.

OLD BUSINESS

1. **SENIOR COMMUNITY CENTER:** An ordinance approving a 2 mil tax for one year to fund a Senior Community Center/Services. The ordinance was left on the first reading at the March 21, 2000 meeting.

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance approving rezoning request RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 00-12:** An ordinance approving rezoning request RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O Residential Office.

3. **TROLLEY PASSENGER BUS:** An ordinance approving a bid waiver for the purchase of one used diesel powered passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director, and the Equipment Committee. This unit will be used by City of Fayetteville Trolley Program.

4. **YOUTH CENTER BUS:** An ordinance approving a bid wavier for the purchase of one used diesel powered forward control passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Youth Center.

5. **MOWING MACHINE:** An ordinance approving a bid waiver for the purchase of one used Hustler diesel powered mowing machine from Williams Ford Tractor with full new unit factory supported warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division, and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

6. **BAUM STADIUM FIREWORKS:** An ordinance allowing the University of Arkansas to use Fireworks for the singular occasion of the celebration of the fourth anniversary of the opening of the Baum Baseball Stadium.

7. **TOWN CENTER FUND:** A resolution approving a budget adjustment transfer to the Town Center Fund from the Sales Tax Capital Improvements fund in the amount of $450,247 and repealing that portion of Resolution 103-99 which approved such an amount to be transferred from the General Fund.

8. **ARKANSAS ATHLETES OUTREACH:** A resolution authorizing granting $10,000 a year for two years to Arkansas Athletes Outreach, Inc.

⊕

CITY COUNCIL **APRIL 4, 2000**

ROLL	Roll				
SANTOS	A				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
AUSTIN	A				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA	✓				
	BP pt. Consent.				
~~SANTOS~~					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
~~AUSTIN~~					
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	10-0.				
	Senior Center.				
JOE ALEXANDER ~~SANTOS~~					
YOUNG					
RUSSELL					
REYNOLDS					
~~AUSTIN~~					
DAVIS					
TRUMBO					
DANIEL					
MAYOR HANNA					
	left on 2nd				

CITY COUNCIL **APRIL 4, 2000**

ROLL	* BD 2ND R2 00-11.00.				
~~SANTOS~~					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
~~AUSTIN~~					
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	6-0 Left on 2ND. # CY 2ND. R2 00-12.				
~~SANTOS~~					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
~~AUSTIN~~					
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	Left on 2ND. KR CY BD RR. ~~[illegible]~~ Bus. TROLLEY	*	PASS. *		
~~SANTOS~~					
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
~~AUSTIN~~					
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	6-0	6-0.	6-0.		

CITY COUNCIL **APRIL 4, 2000**

ROLL	KR 2ND RR yth out	CU 3RD HD Bus.	PASS.		
~~SANTOS~~					
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
~~AUSTIN~~					
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
	6-0.	6-0.	6-0.		
	BD HP. 2ND moving	HPR 3RD machine	PASS		
~~SANTOS~~					
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
~~AUSTIN~~	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓			
DANIEL	✓	✓	✓		
MAYOR HANNA					
	6-0.	6-0.	6-0.		
	HHP 2D BAUMSTROHM.	3RD. HHP 3RD	PASS.		
~~SANTOS~~					
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓				
~~AUSTIN~~	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
MAYOR HANNA					
		6-0.	6-0.		

CITY COUNCIL **APRIL 4, 2000**

ROLL	KP H. Town Cont. Fund.				
~~SANTOS~~					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
~~AUSTIN~~					
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
MAYOR HANNA					
	6-0. BD RR AAO				
~~SANTOS~~					
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
~~AUSTIN~~					
DAVIS	✓				
TRUMBO	✓				
DANIEL	N				
MAYOR HANNA					
	5-0-0.				
~~SANTOS~~					
YOUNG					
RUSSELL					
REYNOLDS					
~~AUSTIN~~					
DAVIS					
TRUMBO					
DANIEL					
MAYOR HANNA					

BRAD FRIESS

CHECKLIST FOR CITY COUNCIL MEETING: ____/____/2000

AGENDA DUE:	Draft	Tentative	Agenda Session	Final
DATE:	3/20/00	3/24/00	3/28/00	

DISTRIBUTION:	T	A	F	*Staff:*	T	A	F
Bob Reynolds	✓	✓		Mayor Hanna	✓	✓	
Ron Austin	✓	✓		John Maguire	✓	✓	
Cyrus Young	✓	✓		Nancy Hendricks	✓		
Kyle Russell	✓	✓		Charles Venable	✓	✓	
Trent Trumbo	✓	✓		Don Bunn	✓	✓	
Bob Davis	✓	✓		Marilyn Cramer	✓		
Kevin Santos	✓	✓		Steve Davis	✓	✓	
Heather Daniel	✓	✓		Yolanda Fields	✓		
				Jerry Rose	✓	✓	
Northwest AR Times	✓	✓		Tim Conklin	✓		
Morning News	✓	✓		Alett Little	✓		
AR Democrat-Gazette	✓	✓					

- ☐ **Draft Agenda**
  - ☑ Check for Additional Items
  - ☐ Mail Notification Letters to Applicants / Property Owners

- ☐ **Tentative Agenda**
  - ☑ Include all contracts
  - ☐ Include budget adjustments
  - ☐ All signatures on Staff Review Form
  - ☑ Page numbers correct
  - ☑ 24 copies of agenda packet distributed to Distribution
  - ☑ 34 copies of agenda cover distributed to general staff
  - ☑ 10 copies of agenda cover placed in City Clerk's office agenda cubbybox
  - ☐ Put minutes cover (items approved) on front of agenda

Continued: CHECKLIST FOR CITY COUNCIL MEETING: ____/____/2000

- ☐ **Agenda Session**
  - ☑ Attendance
  - ☑ Additional Information
  - ☑ New Information
  - ☐ Requested Information
  - ☐ Distribute Agenda Session packet to anyone absent
  - ☐ Make sure Lana / Marilyn have their copies

- ☐ **Final Agenda**
  - ☑ Additional Information
  - ☑ Minutes
  - ☑ All signatures on Staff Review Form and executed contracts (other side)
  - ☑ Include all contracts
  - ☑ Include budget adjustments
  - ☑ 24 copies of agenda packet distributed to Distribution
  - ☑ 34 copies of agenda cover distributed to general staff
  - ☑ 15 copies of agenda cover placed in City Council entry box
  - ☑ Advertisement
    - ☑ Display ad faxed to NWAT, Friday, 11:00 a.m.
    - ☑ Fax proof checked / returned to NWAT by Friday afternoon
    - ☑ Cut out Final Agenda from Monday newspaper
  - ☑ Internet disk: approved minutes, agenda, public meetings to Kevin Springer

- ☐ **City Council**
  - ☐ Roll tally
  - ☐ Assemble and bring full agenda
  - ☐ Resolutions / Ordinances:
    - ☐ Resolutions / Ordinances assembled and signed
    - ☐ Update Resolutions / Ordinances Book
    - ☐ Attach correspondence / conversations to Resolutions / Ordinances
    - ☐ Resolutions / Ordinances indexed and microfilmed
    - ☐ Publish ordinances
    - ☐ File ordinances at Washington County Courthouse
    - ☐ Distribute originals and copies with cover letters
    - ☐ Send ordinances for codification
  - ☐ Thank you letters to speakers
  - ☐ Send notification letters to applicants
  - ☐ Index City Council minutes
  - ☐ Distribute City Council minutes
    - ☐ Planning
    - ☐ Marilyn Cramer
    - ☐ Arthur Andersen
    - ☐ Public Library

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

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left on 2ND

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left on 2nd

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PASS Ord. # 4240

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PASS Ord. # 4242

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PASS Res. 51-00

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PASS Res. 50-00

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Senior Center
C.C. 4/4/00

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

April 4, 2000

Arkansas Athletes Outreach, Inc.
240 North Block Avenue
Fayetteville, AR 72701

To Whom It May Concern:

Fayetteville schools have been proud recipients of outreach by AAO in the past, especially with the current three-plot project *Champions of Character*. I support their new proposal for *Champions of Character* to be in our middle schools beginning next year.

Champions of Character relies on the universal appeal of athletic role models to influence students in the critical years of character formation. School assemblies are followed by classroom discussion and application; then when students exhibit exemplary behavior, they will be rewarded.

I think the continuation of this program will achieve its goals and motivate achievement, build healthy relationships, and promote overall health among young people. Since they naturally look up to college-age students, our pre-teens should be more receptive when interns emphasize respect, self-control, truthfulness, responsibility, and tolerance --- sometimes the messenger makes all the difference.

Best Regards,

Bobby C. New
Superintendent

BCN/md

1000 West Stone Street PO Box 849 Fayetteville, Arkansas 72702 (501) 444-3000

BATES ELEMENTARY SCHOOL

Faye Jones, Principal

601 So. Buchanan
Fayetteville, AR 72701
(501) 444-3083

April 4, 2000

Fayetteville City Council
City of Fayetteville
Fayetteville, Arkansas 72701

Dear Council Member (s),

I am Principal at Bates Elementary School in the Fayetteville School District. It is with pleasure I write this letter of support for the Champion of Character Program sponsored by the Arkansas Athletic Outreach. Bates has participated in this program for the last three years with both enthusiasm and positive results.

Bates population is very varied. While we have a large number of international students, we also have a high number of students from single parent, foster, and guardian homes. As of April 4, 2000, nearly fifty (50) students enrolled at Bates fit the criteria for homeless. These families have many, many issues in their lives that the school helps address before the students can be in a positive learning environment. In an ideal world, these issues are handled outside school and the school is responsible only for education of the child. Today's twenty-first century world is not ideal. It takes the community, corporate world, and government entities working with the schools to create the wanted citizens of tomorrow.

Topics of character that the AAO addresses are varied and extremely timely. The AAO personnel work with the counselor to decide the four (4) topics that will be presented that school year and which classroom activities will precede and follow up each topic. They have presented the topics Obedience, Patience, and Responsibility so far this school year and will present the topic Sportsmanship in May. Past years topics were Honesty, Dependability, and others.

Thank you for supporting this needed program in the schools. We deeply appreciate your partnering with the Fayetteville Schools. Results will be to everyone's benefit.

Sincerely,
Faye Jones
Faye Jones

Member North Central Association

THE BANK OF FAYETTEVILLE, N.A.

April 4, 2000

Fayetteville City Council
City Administration Building
Fayetteville. AR 72701

Dear Council Member:

It is with great pride that I write this letter to endorse **Champions of Character** in the Fayetteville Public Schools. Four years ago, when AAO first brought this program to my attention, I knew immediately this was something innovative, praiseworthy and valuable for not only our youth, but our community as well. Along with the City of Fayetteville, the Bank of Fayetteville, many other businesses, local foundations and individuals rallied to support this effort.

They did not disappoint. **Champions of Character** came alongside our educators to assist them in character-training services. The three-year pilot program brought together the best that our community offers – exemplary role models in our student-athletes from the University, our young people and the educators in our public schools.

Because of the tremendous response and success of this pilot program, an over-arching goal is now attainable: to continue **COC** for the next two years and expand its scope and include all middle schools in the Northwest Arkansas communities. What an opportunity we have to impact the future of our whole community by reaching out now to our future leaders with such a positive program.

Thank you for your service to our City and for your commitment to our citizens.

Sincerely,

John M. Lewis
Chairman

P.O. Box 1728, Fayetteville, Arkansas 72702 501-444-4444

Member FDIC

RECEIVED
APR 04 2000
Eng.

04/04/2000 10:59
AR0007 W.SIDE MIDDLE SCHOOL SEWER SYSTEM
*** Default User

BID TOTALS

Biditem	Description	Status	Quantity	Units	Unit Price	Bid Total
10	4" SDR C-900 W/C-153 DI FITTINGS	U	1,780.000	LF	22.80	40,584.00
20	SB2 BACKFILL	U	120.000	TN	13.40	1,608.00
30	4" GATE VALVE & BOX CONSTRUCTION	U	4.000	EA	615.00	2,460.00
40	TRACER WIRE BOX CONSTRUCTION	U	3.000	EA	245.00	735.00
50	DROP CONNECTION TO EXISTING MH	U	1.000	EA	455.00	455.00
60	OPEN CUT UNPAVED ROAD	U	40.000	LF	4.00	160.00
70	OPEN CUT MT. COMFORT RD.	U	40.000	LF	16.00	640.00
80	8" STEEL ENCASEMENT	U	55.000	LF	52.00	2,860.00
90	8" STEEL ENCASEMENT	U	60.000	LF	52.00	3,120.00
100	STREET SURFACE REPLACEMENT	U	20.000	SY	57.00	1,140.00
110	AIR RELEASE ASSEMBLY	U	1.000	EA	3480.00	3,480.00
120	LIFT STATION	U	1.000	LS	67435.00	67,435.00
130	SCADA SYSTEM	U	1.000	LS	4700.00	4,700.00
140	ROCK EXCAVATION	U	170.000	CY	75.00	12,750.00
150	TRAFFIC CONTROL	U	1.000	LS	900.00	900.00
160	FIRE HYDRANT	U	1.000	EA	3850.00	3,850.00
170	UTILITY MARKER	U	7.000	EA	180.00	1,260.00
180	YARD HYDRANT	U	1.000	EA	570.00	570.00
190	TRENCH SAFETY		300.000	LF	0.32	96.00
200	LIFT STATION FENCING & GATE	U	1.000	LS	2980.00	2,980.00
				Bid Total	⟹	$151,783.00

APAC-Arkansas, Inc.
McClinton-Anchor Div.
James A. Cole
Vice President Estimating

BID 99-22. c.c. 4/4/00.

501 636 8771

APR 04 2000 10:55

MINUTES OF A SPECIAL MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 29, 2000

A special meeting of the Fayetteville City Council was held on February 29, 2000 at 5:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred Hanna; Aldermen Reynolds, Davis, Trumbo, Daniel, Santos, Young and Russell; Assistant City Attorney LaGayle McCarty; City Clerk Heather Woodruff; Administrative Services Director John Maguire; Public Works Director Charles Venable; City Planner Tim Conklin; Staff; Press; and Audience.

QUESTEC CORPORATION: An ordinance awarding a contract to QuesTec Corporation for preparation of a business plan, waiving competitive bidding, and appropriating up to $200,000 for preparation of a business plan. The item was left on the second reading.

LaGayle McCarty read the ordinance for the second time.

Mayor Hanna introduced Alett Little, Economic Development Director to make her presentation.

Alett Little thanked the Council for scheduling the special meeting and thanked the guests and the public for coming back for a second meeting. She brought the Council's attention to additional information she had passed out tonight. The Council had requested this information and she had made every effort to make sure all information requested is in the packet. She stated that nothing had changed with the exception that the delivery schedule has been noted on the exclusive agreement. In weeks 1 through 6, the Facility Needs Analysis, the Economic Impact Analysis, and the Demographic Market Study will be completed and delivered. In weeks 2 through 8, a written architectural program, including the ADA assessment, the site plan and the arena concept design will be delivered. There is little bit of an overlap in weeks 6 through12, when work will be on-going on the schematic design development for plans and performance specifications. In weeks 10 through14, the detail construction budget will be developed. There is also an overlap time frame in weeks 8 through16, when a forecast of revenue and operating expenses and a total project development budget will be performed. In weeks 10 through 16, the detailed business plan including ownership structure and financing formula will be delivered. Ms. Little also noted a change in that the detailed business plan will be made available to financial institutions for their required due diligence in deciding whether or not to finance this study.

Ms Little also noted that the Airport Board had wished to have an additional public comment on this item, and they did have an Airport Board Meeting on February 24, 2000 at Drake Field. Two motions came from this meeting as follows:

*A motion was made by Dr. Charles Wallace that the Airport Board support further consideration of the study, and requested the study test for us our serious intention that the proposed facility will be three things:

(1). Compatible and synergistic with Drake Field Airport so that airport functions and services will be enhanced.
(2) A direct and irrevocable revenue producer for the airport and by local commitment that surplus revenue from the operation of the arena be credited to the airport fund and used for airport development and operation.
(3). A renewed effort to redevelop Drake Field be a part of the study seeking to have a viable general aviation airport.

*The second motion was made by Dr. Charles Wallace and it was that the Airport Board would request staff to explore the negotiability of the study and seek the best possible terms for the City and the airport.

Ms Little pointed out that the information distributed included possible locations for an arena. This is very schematic in nature and what is shaded in yellow in the packet and in diagonals in the black and white that has just been passed out, is an area approximately three acres in size which would accommodate the 130-140,000 square foot building that would be proposed.

Also in the packet is a letter from Ron Bumpass supporting the study.

Ms. Little stated that she had been asked repeatedly about the Waco and Abilene teams which were part of the Western Professional Hockey League. She spoke with Dan Wingold, who is a ticket operations manager for the league, as well as with Rick Cosovac. She learned that the Waco franchise had been a struggle from the beginning, due in part by quite a bit of overlap between the Dallas market and the Austin market which had been established first. They stated it was difficult to draw back into Waco the support that they needed for the arena there. They also credited failure of that franchise with the fact that the arena was not built for hockey and the seats were away from the ice, which is not conducive to watching hockey games They stated that they did try very hard to make this market work but in the end the Western Professional Hockey League chose to pull that franchise. It was not the owners decision. With regard to the Abilene Aviators which is in Abilene, the reason is less clear cut. Everything should have worked in that market. Ms. Little was told the franchise changed ownership and the second owner really did not work well with WPHL in terms of following their advice for successful franchisees. Nor did they work well with the local community. Her sources felt the Abilene Aviators would have

been successful this season but the WPHL felt it would be best to remove that franchise. They are very much interested in working with another owner and plan to put a team back in Abilene. They do not plan to put a team back in Waco at this point.

Ms. Little stated that she had prepared a packet of information for the Chamber of Commerce. Their Board met yesterday and a representative of that group is ready to address the Council tonight with their comments.

At this time Ms. Little introduced Mr. John Knight, Director of the Arkansas Department of Aeronautics to the Council. She stated that she had asked him to give the Council his perspective on what it takes to operate a general aviation airport.

Mr. John Knight thanked Mrs. Little, the Mayor, and the Council. He explained that he felt his mission tonight would to be stress how important general aviation airports are to communities and to the State airport system plan. The State of Arkansas has ninety-three public-owned, public-used airports. Four of the ninety-three are primary air carrier airports, which is what Drake Field used to be . Six of the ninety-three are primary commercial service airports. That leaves eighty-three general aviation airports. About ten of the eighty-three general aviation airports generate sufficient revenue to be self sustaining. The other seventy-three have to be subsidized by the city or the county

The challenge at hand for Fayetteville is to transition from the primary carrier status to the GA status. Mr. Knight stated that obviously less revenue will be generated due to the loss of the airlines and the related businesses at Drake Field. Also, the amount of grant funding received from FAA will decrease. More revenue from the City budget will have to be used to subsidize the airport, unless the City can find a revenue generating source. Mr. Knight stated that he felt the City had already begun to meet these challenges. The new A & P School is an asset to the airport operation and to the City. He urged the airport management, the City Council, and the Airport Board to continue to search for ways to compete in the general aviation airport arena and also ways to generate revenue. And of course any revenue that is generated from any industry into the airport can be used for matching funds for FAA and State grants. Mr. Knight stated that in the last ten years, the City has had a total of twenty-five grants to support capital improvements and maintenance items at Drake Field. Fifteen of those grants were matched with FAA grants of 90%; the City picked up 5% and the State picked up 5%. Ten of those grants were matched with State grant money only on 50/50 match basis. These grants resulted in just under a million dollars for improvements. He felt that in the future, the City would see less FAA funding come to Drake Field, the State stands ready to do at least what has been done in the past. They will support the City's efforts as long as the City stays in compliance with its grant assurances.

Alderman Russell asked Mr. Knight if he had experience working with commercial air carriers.

Mr. Knight said he had less than with general aviation airports.

Alderman Russell said he wondered if the existence of the proposed facility would prevent commercial airlines from considering returning to Drake 30 years down the road.

Mr. Knight stated that he had had a conversation with the FAA concerning an arena such as Fayetteville is looking at. Although no one really can look thirty years into the future, from that discussion with the FAA he did not believe the facility would have a negative affect.

Alderman Russell asked if Mr. Knight was aware of any current FAA rules or regulations that would prevent commercial air service from operating at this site with the arena there.

Mr. Knight stated that as long as it is air spaced correctly and the FAA approves it, he knew of no problems.

The Council thanked Mr. Knight for addressing this issue.

Ms. Alett Little then introduced Tom Ingle from St. Charles, Missouri. Mr. Ingle worked as County Administrator for two years trying to bring an arena project into St. Charles. He is now the arena manager.

Mr. Tom Ingle stated that St. Charles County has a population of about 280,000 people. There are five medium sized cities in the county and they are basically a suburb of St. Louis. A private developer came in with the idea of building a ten thousand seat arena that would house basketball and hockey and would also be available for some concerts. Basically they put together a program where the county and the city of St. Charles in a joint partnership with the developer worked out a risk sharing for both entities. They spent about 2-2 ½ years putting this together and working out all the details. There was much mixed reaction from the community. Many said it wouldn't work and they shouldn't be doing it, that it was too great a risk for tax payer money. The facility opened in September of last year and it has been nothing but a success. It would be very hard to find twenty people out of 280,000 in St. Charles County that would say now that it should not have been done. A minor league hockey team had been brought in. They compete with the Blues in St. Louis. Also, a basketball team from the new international basketball league is doing very well. They are bringing in a professional soccer team. They are negotiating with arena football and hope to have a team next year. That will give them four major tenants. In addition to that they are doing a number of concerns and special activities.

Mr. Ingle stated St. Charles County is a very fast growing county and have a lot of people who work outside the county in St. Louis. They are interested in trying to bring business and entertainment to the County so that families can live and work in St. Charles County and spend their entertainment money at home. This Family Arena was intended to create a place for

families of parents and kids and grandparents to go to enjoy many, many different activities and do it in a place that was fun, exciting and not too expensive Mr. Ingle said that his County is extremely happy with the arena and glad that they took the financial steps and the risks of the taxpayers money to do it. He felt their taxpayers are happy at this point.

Alderman Russell asked if St. Charles County taxpayers are obligated on the bond if the bonds default.

Mr. Ingle said there is some risk. If everything goes bust, the citizens are stuck with the $35 million bond issue. The bond payment is covered by the amount the private corporation pays the County and City and with the increase in tax revenue generated by the facility. In essence the arena is being paid for by the people that go there and in twenty-five years the county will get a $35 million building they didn't have to put any money into. Always assuming they stay successful.

Alderman Russell said he understood that the St. Charles County taxpayers took a substantially larger risk than Fayetteville is being asked to take on this project. In this case the City is not being asked to obligate itself on the bonds at all.

Alderman Santos asked Mr. Ingle what his interest is on our community and who paid for his trip to Fayetteville.

Mr. Ingle said his predecessor as County Administrator in St. Charles County was Jim McLagan, who is a friend of and who has worked with the developer (QuesTec) Mr. McLagan called him and said he had a friend trying to build an arena here and wanted to know if Mr. Ingle thought it was a good idea. Mr. Ingle said it was great for St. Charles County. He was then asked to come to Fayetteville and give a testimony, which he agreed to. He said he was willing to share information from studies St. Charles County had done or help Fayetteville in any way he could.

Alderman Trumbo asked how much St. Charles County had paid for their feasibility study.

Mr. Tom Ingle said the private developer did $500,000 to $600,000 worth of research and development in studies. He brought those studies to the county and said "This will work". The county wanted to step back and do their own studies, which they did. He estimated they spent around $15,000 for an engineering study to see what kind of building they would get for $60 million. Then they spent $80,000 on a study to establish whether enough money could be made in operating the facility to allow them to pay the county enough to pay the mortgage Those were the only studies done by the county.

Alderman Trumbo asked if the developer re-cooped their $6-700,000 soft cost of doing that study and refer the bonds to the county.

Mr. Ingle said the arena ended up costing about $29 million and then the County reimbursed the developer almost a million dollars of funds that he had spent in developing this project. These were things the County would have probably done itself so they felt it was only fair to reimburse that out of the bond monies.

In response to a question from Ms. Little about how the land was acquired for the project, Mr. Ingle said that four entities were involved in this project. The city of St. Charles is donating some money to the county who is also donating money and who put the bonds in. Also involved are the developer and the person who wanted to operate the facility, and a fourth entity was the Station Casinos who have a casino in St. Charles County. They have bought a lot of property along the Missouri River to prevent other casinos from coming in. When the laws changed in terms of other casinos coming in, they had a fair amount of land that was pretty much useless to them. They felt if an arena was built and 10,000 people came to it, those same people might come down to the casino afterwards. They donated the 60 acres to put the arena on. They also donated $100,000 in cash and a guarantee of $500,000 a year in advertising. They became another private partner. So there are really two private partners and two public partners. Four groups came together to make it work.

Mayor Hanna and the City Council thanked Mr. Ingle for coming down to address the council.

Mrs. Alett Little said she wanted to correct one piece of information. Though Mr. McLagan offered to pay for Mr. Ingle's ticket to Fayetteville, she felt that since she had asked for him to come, she should pay for it out of her economic development budget. She also stated that Mr. Ingle has not worked with QuesTec nor with Nustadia. She felt it was important for him to be here because he could answer questions from both sides of the issue - as the County Administrator and as the current operator of the arena.

Steve Ward, with the Chamber of Commerce, thanked Alett Little for the information packet she had given to the Chamber. It was distributed to their Board of Directors who spent extensive time viewing the information before and during their Board Meeting. Upon viewing this information they found this to be a private sector investment, to be run by the private sector. They feel private sector dollars invested into this community to bring multi purpose facilities would be an enhancement to the community and they support the project. He stated that he had an official letter from the Chamber for Alett for her files.

Mayor Hanna thanked Steve Ward and asked if the Council had any questions and if they wanted to open it up to the public.

Alderman Trumbo asked if Mr. Ward saw this project as potentially helping existing businesses and creating new businesses.

Steve Ward said he thought anytime traffic is generated, dollars will be generated. Where there is development in the community you will see additional businesses develop in that area and prosper. This would obviously be a drawing card for South Fayetteville.

Alderman Trumbo said he believed there are only two or three options left on the airport. One is to sell it, privatize it or try to convert a non-earning asset to an earning asset with all the parking utilities and infrastructure already there. Or to somehow increase the revenue attributed to general aviation, which we haven't been able to do so far. He asked if Mr. Ward saw it any differently.

Mr. Ward said a marketing plan was developed cooperatively between the City and the Chamber. The marketing plan for Drake Field included utilization of the facilities for expanded aviation businesses. He thinks it is an ideal piece of property for that purpose and there is ample land down there to do that. It still needs to be a focus for the development of that land. Those opportunities exist out there.

Alderman Trumbo asked if the study was generated internally or if the Chamber contracted it out with a consultant

Steve Ward said Dale Frederick and Jim Crider had attended a national meeting and seminar on redevelopment of airports. With that information, a group of marketing people was assembled. It took about nine months to develop a marketing plan in 1994 and it was updated in 1999. He felt it to be a quality plan that offers some real direction on the development of aviation at Drake Field.

Alderman Daniel said she had been told that competition to attract businesses and industries to municipal airports is furious. She wondered if any businesses had expressed interest when the plan was in place.

Steve Ward reminded the Council that when the marketing plan was presented to the Airport Board, they made a choice to hire an internal marketing director. The Chamber did not have any direct involvement in that marketing

Mayor Hanna and the Council thanked Steve Ward for addressing the Council.

Alderman Russell asked if the staff had had an opportunity to negotiate regarding the cost of the study, as per the motion by the Airport.

Alett Little said she feels the $200,000 that is on the table is a negotiated amount. The City must own the study. The staff feels in the event the arena does not materialize, the city is putting money into it and they certainly want to have something at the end of it. That was probably the

major point of negotiation.. As she understands it, the $200,000 is a deal killer. When the subject has been brought up, the staff was told it was non-negotiable. She feels other developers are out there who might be interested in pursuing a project here. They may or may not offer the same deal. In talking to other communities, she didn't find many other projects that are privately financed like this one is. Most have been publicly financed.

In response to a question, Ms. Little said the total cost of the plan is $700,000. QuesTec has money already invested in the project and they will put additional money in the project as will Nustadia. They have accounting procedures where they account for their hours. The main money that will go to QuesTec is for the production of the architectural documents and the specifications that would determine what the total facility is going to cost so we could look at what revenues have to be produced to cover those costs.

Alderman Trumbo asked Jim McCord if the project goes to the next phase where they actually go to the Facility Board for the bond, whether all three of those entities would be able to recoup the soft cost of the $700,000 of the total bond issue.

Ms. Little said she understood that soft costs for the project are reimbursable whether or not bonds are used to finance. If commercial or bank financing is used, those costs should be recoverable. She said they have talked about the use of bonds for this project because they want to prepare the Council if bonds are used. Bonds are a very advantageous way to finance a project. But the Nustadia Group has a financial arm and they might chose to finance using conventional financing. So a determination that bonds will be used has not yet been made. That decision has to be made during the course of this study.

Alderman Davis wanted to be sure everyone was in agreement that in the event things don't work once the arena is built, whether it is bonds or private financing through a bank, that the City taxpayers will not be held responsible for this debt.

Ms. Little said this is a 100% private liability. Since it is to be built on airport property, our property, of necessity, will be tied up. It is the ground underneath the facility. However, we retain the parking and if you don't have parking to go along with your building you are pretty much up a creek. So whoever came in and took over the management of the facility or bought it at some reduced price, would be forced to deal with the City in order to make the project go.

Alderman Austin asked Ms. Little to comment on any other products that might be derived for the benefit of our City from the $200,000 extensive study; apart from the building specs and the architectural plans.

Ms. Little said she thinks one of the most important things the City will get from that study is additional public involvement. This developer has said they will not do this project unless there

is public support for this project. So in order to get a facility that can be supported by citizens of Fayetteville and surrounding areas some fairly extensive public involvement will have to occur. Another important thing is that the City will own the document and will have the ability to refine it and go forward so we have not lost that money. The City can reuse it in a positive way.

Alderman Trumbo said he had check out all the players, and found them to be credible. But he is concerned that this is a private enterprise for profit. They will have a group of investors who will expect 12 -18 percent rate of return on their investment. He stated the $200,000 is a problem for him. The city's equity portion should be the land and utilities and the parking. The study would be used to sell the idea to investors. He questioned if he could justify the expenditure. In essence the city would be subsidizing the cost of doing business.

Alderman Davis stated his problem was with the payment structure. It seems to be a good project, but he had some reservations.

Alderman Daniel said a lot of money is spent on studies by consultants. She has spoken with citizens who are concerned about the cost of this study. She felt it is important that the Airport Board has approved this and that it is coming from the Airport fund.

Alderman Austin asked if the City would be paying for plans that had already been made for another facility or another community with this $200,000.

Alderman Trumbo expressed concern about QuesTec not having done one of these plans before and not having worked with Nustadia before. This was a new merge between the two.

Mr. Gary McClagan, Vice President with QuesTec, stated they would not be purchasing a set of plans that had been used somewhere else. Some things are standard, but the plans would be designed specifically for this facility.

Alderman Austin asked what other information would be derived from the study other than the building plans and architecture design. For instance, will population projections be made.

Mr. Joe Greaves explained they will look first at demographics and market study. They would talk to the community to see what they would support. There would be a site plan and architecture program, schematic designs, and a set of plans detailed enough for a cost estimate. It will not be a set of plans that anyone could bid. There will also be a forecast of revenue and operating expenses. They will be compiling an entire program, not just a project.

In response to a question from Alderman Trumbo, Mr. John Akerley stated that he is an employee of Nustadia, a wholly owned subsidiary of Cochran Group. He is also a major shareholder in the Cochran Group. He is a member of the Board of Directors and a Senior Vice

President of Nustadia Developments. He is also the managing director of an entity which is about to be created and will be called ICC. It stands for International Coliseums and that is an entity that is owned 50% by Nustadia and 50% by the shareholders of the Western Professional Hockey League. It exists for the sole purpose of bringing in investment. It would be the investing arm of his group in this project.

Alderman Trumbo said he visited today with Terry in Lamar, Texas, a municipality that is currently 2 ½ months ahead of the City in this process. That city's population is only 14,000 and they put $100,000 to get started on their plan.

Mr. Akerley stated there has to be a commitment on both sides to make this thing happen. The project has started. There are a series of decisions to go through collectively as the project is developed.. It is not a study to see if this is going to be a project. This project has started. I am investing into it and so are you, through your Airport authority. This is a new and different approach we think works and is more successful.

Alderman Daniel had a citizen ask her why they could not use U of A students to help develop the plan.

Mr. Akerley stated they liked to involve local universities. He liked to use local people. In response to the questions, he stated the process they are following is very new and was brought about by taxpayer revolt. He has personally been involved in this type of project since 1972. They had done close to one hundred buildings of all types, ranging from recreational arenas to 20,000 seat multi purpose stadiums. In the last four years this new procedure has been developed as a response to the tax payer. There have been no failures. They are just starting this in the US. In response to questions, he stated they had been looking at this area for quite some time. QuesTec contacted them. He wants a commitment from his associates, but until they put money down he feels they are not committed.

Alderman Davis asked when and how many public input sessions were planned.

Mr. Joe Greaves stated they had not determined the number yet. The important thing now is whether the city is behind it.

Alderman Trumbo asked if QuesTec would be subcontracting the work.

Mr. Greaves stated they were a growing company and their primary business was consulting engineering. They did small feasibility studies, but not the type they were discussing here.. If they can not do something, they go out and find the best people in that area so the client gets the best project. He said he had worked on this project for a couple of years. They knew at some point they would have to team up with someone who knew how to do arenas. Once they had an

outline, then they could carry the ball forward. They have done construction management for a long time.

Alderman Trumbo questioned when all the funding would be worked out.

Mr. Akerley stated it comes together pretty quickly at the end. He needs to know what the revenues and operating expenses would be. He had been contacted within the last week by four independent financing groups interested in talking about this area and this type of building.

Alderman Trumbo asked who would have control with the investors and the actual bonds being floated. Who would impose debt service ratios and other financial considerations on bond issue?

Mr. Akerley stated all these items will be covered when the plan is complete. They had to address all these matters with the financing companies.

Mr. Charles Wallace, Airport Board, stated the Airport Board seriously considered the arena and made a very cautious decision to support the next step. They were aware that it was not just a feasibility study but a step toward a project that would make a major change in our community airport. On the one hand it is an exciting project, an airport with a sports arena. On the other hand, it's an anxiety producing project should it become a sports arena with an airport. He wanted to make sure any local revenues go to the airport. They also want a renewed commitment on everyone's part to develop a viable general aviation airport. The board is concerned about doing more marketing than has been done. It is in a far better location than many airports that have been successful following the withdrawal of airlines. He said Drake Airport is not dead without this project. It is very likely that it could be a stand alone community airport as a general aviation entity. Drake has been recovering from losing its major revenue stream. Staff is changing its view towards what it means to be a GA field. Marketing for general aviation is very different from calling on airlines. A lot more can be done.

Christen Walker, ten years old and a goalie for the a youth hockey team said he started playing in October, 1999 and has gotten into it more than any sport before. He wants everyone to know what this multi sports facility means to his future. This arena provides a way for him to realize his dreams and goals of going on to college with a hockey scholarship. Without the use of ice time, he will not be able to gain the experience he needs.

Emily Williams said Mrs. Little made the statement that this was going to be built anyway. She wondered if this meant that this was going to be built "anyway" in this area or built "anyway" somewhere else?

Ms. Little stated that she was not certain where she said that statement. Perhaps it was when she was mentioning that she had inadvertently talked to another league. She said she could not

guarantee this project. But she thinks there is a very good possibility another group might want to proceed with the project if this falls through. She has been amazed at the amount of interest that this particular facility has generated.

Emily Williams asked if she was saying, that regardless of the Council's decision tonight, the facility will be built in this area?

Ms. Little stated that she thought there was a lot of interest and that if this deal is not made, someone else will come forward and entertain us with their ideas of how a deal could be made in this area.

Emily Williams stated she is not opposed to funding this study. There have been a lot of questions raised and she is very upset with the unseemly haste with which she feels the Council is going into this decision. She feels the City keeps rushing into things without giving the public a chance to really absorb it and find out what it is they think about something. When you are pressured to make a decision, mistakes are made. She feels the process should be slowed down.. She felt that public trust had already been damaged over the years when these issues came up and everybody rushed right ahead. She urged that the project be left on its second reading. She stated the Council was elected to make informed decisions and to make an informed decision you have to have information and you have to have time.

Alderman Trumbo asked, with all due respect, what kind of additional information Ms. Williams felt they needed to get back.

Ms. Williams referred to information the Council received tonight and asked when they had received it.

Alderman Trumbo said on any item before the Council, whether it be the waste water treatment plant or senior center, he gets his information and makes a lot of calls and asks questions. He gets a lot of information. He agrees that the more public hearings you have on anything the better it is for the overall community. But on the other hand, an alderman is elected to represent the people, to do that with due diligence and ask the questions and to make informed decisions based on his/her convictions. If the people in his ward disagree with his decisions, they won't elect him again. He stated that he does not jump into any decision he makes.

Ms. Williams said she is concerned that there has not been enough time to get all the information needed. The Council appears to still have questions. She personally has questions. If a decision is made tonight, she feels the public is left with the impression the Council is jumping into something.

Alderman Young said if the Council votes tonight, it will not be a vote on whether to put the

hockey rink in there. In the event the $200,000 is approved, the public should continue to study this because the next round is the lease agreement, which is more important than this question.

Ms. Williams said she came here tonight with the understanding that this was a vote on $200,000 for a feasibility study but she feels now she is hearing that as far as the developers are concerned, a yes vote is a green light and the only thing that stops it is if the investors say no.

Alderman Young stated that is not the case. If the Council votes no to a lease, the project stops.

Alderman Davis stated that they have to take this information back to their investors to make sure it is a go for them. Then they bring it back and work out a lease agreement.

Ms. Williams stated that the developer made the statement that this was not a feasibility study, but the beginning of a project. Mrs. Little said that this was a study we would own in the end, and it would come back to us.

Alderman Davis stated that it is a business plan.

Ms. Williams said she feels everyone has a different idea of what this vote is really on.

Alderman Trumbo stated he had only been on the Council three years and he feels they have a well diversified group with good checks and balances. He asked for specific cases where the City Council has been moving too fast and voting and not telling the people what they are doing.

Ms. Williams referred to public perception, and law suits such as the Town Center and going all the way back to the incinerator. She feels the perception is going to be that the Council does not take the time they need to inform the public and allow them to respond. She said when these things come up it appears the Council is trying to push something and avoiding public input.

Alderman Trumbo stated that it was not the Council's intent.

Ms. Williams again asked that the Council slow down, put off the vote until a regular meeting.

Alderman Austin said he would like to see everybody who wants to speak, come up and speak. If they have a question to ask a particular staff person, they can call them tomorrow. He would like to not have the bantering back and forth. He felt time was being wasted.

Mayor Hanna agreed.

Alderman Russell said he agreed as long as this was going to be left on the second reading. However it they were going to vote tonight and an aldermen has questions they have no choice

but to ask the question.

Tim de Noble stated he was there on behalf of Friends for Fayetteville, a non-profit citizen organization. They request that the City Council examine and respect the motion passed by the Drake Field Airport Board, Thursday, February 24, 2000. Friends for Fayetteville also support the Airport's Board vote for further negotiation on the cost of the study. In addition they recommend the City Council allow another two weeks, a third reading on the ordinance in order to continue the opportunity for public input. They also request that a more detailed description of what this study will encompass and a sample of a probable lease be presented to the public before any money is spent.

Mr. de Noble. also said he hoped the City, even though it will be leasing the facility, has some input about what will go on there. He hopes the study does not come about by promoting things that promote violence , even fake violence, as family activities and that the City has a part in and some control over who cannot be excluded from going into the facility.

Paula Marinoni said she thought this project would be great if it would work. She gave an instance of a similar situation in Kansas City where the airport thrived when the old terminal was turned into a convention hall. She liked the idea of making use of all the parking spaces already there. She shared some information she had collected about other arenas in other areas she felt the Council should look at. She talked about the range of sports already available in this area and how many opportunities citizens already have to spend recreational dollars on sports. She questioned how long it would take to get something like hockey going in this area. She listed what she considered red flags in this. One concern is the short period of time this has been available for the public to consider. Cost is also a concern for her. She listed the costs of other studies that have been done in our area and what we had received for the money. Her third red flag is what she sees as a conflict of interest - paying the people who will profit from this project to do a study and telling us how much we have to pay for it. Her fourth flag is the haste and pressure she feels is being applied by the developer. She questioned why the $200,000 is a deal killer and why it cannot be negotiated.

Mayor Hanna asked Paula to clarify for him whether she was for the project or against

Paula Marinoni said she thinks it would be wonderful if it could work. But she doesn't feel it has been on the table long enough to weigh all the options.

Chuck Chadwick stated that he is an eighteen year resident of Fayetteville and represented Fayetteville Air Service, the fixed base operator at Drake Field. He commended the Council for not suspending the rules at the last meeting and sending this on to the second reading then. He said he is not opposed to the arena but promotes public awareness and public discussion. He said he isn't sure if he is for or against the project, but is leaning toward support of the study, though

he feels the cost is too high. He urged the Council not to go for the quick fix but to think of long term investments. He commended Ms. Little for bringing the project before the Airport Board and the Council. He questioned paying someone who is admittedly new in the business and trying to get their foot in the door more than other people are paying for a similar study. He feels Northwest Arkansas has a lot to offer. If this market is attractive enough to bring a hockey league or whatever, it is attractive enough to do so without the haste.

Mr. Chadwick stated he might not be as concerned if the money was coming from the city budget and not the Airport budget. As a pilot and airport business representative, this would greatly affect him. The $200,000 would go a long way toward other investments and improvements on the field.

Richard Mannard asked, without the feasibility study, what keeps a ice hockey franchise viable in terms of attendance - 3,000 or 4,000? As a taxpayer, he was a little nervous about what the city would be asked to do if the project doesn't work. Would we be asked to give a little more if the project isn't quite a success but not really a failure?

Dan Coody from Fayetteville said he appreciated those aldermen who did not vote to push the project through on the first meeting. It took St. Charles, Missouri a year to get from the time of presentation to the public to actually starting the arena. He asked if the arena takes over half of the terminal and then six months down the line an aviation facility wants to come in that needs that half of the terminal, how will the conflict be handled.

Alderman Trumbo said if the hockey franchise wanted to lease part of the terminal, the City Attorney would have to look into the issue before a lease was signed.

Alderman Young repeated that all that would be addressed when the lease agreement came before the Council.

Mayor Hanna stated that no one had made a request for any of the terminal and he said he was not much in favor of use of the terminal building for this project. He also had questions about the location presently designated for the arena.

Mayor Hanna said he and Charles Venable looked at the area yesterday and today and there appears to be a possibility of putting the arena south of the parking area. That can all be worked out when the time comes. First you have to get some plans on the proposed arena and the site decided for the footprint of the building and where it would fit in there. At that time they would come back to us and start talking about lease agreements.

Dan Coody hoped there would be plenty public comment scheduled so these details could be discussed.. He also questioned whether Drake Field was the best site for this project. He

mentioned partnering it with the Youth Center to make it readily accessible to schools. He favored putting it right in town rather than at the southernmost point of town. He felt more time was needed to discuss all these issues.

Sandy Walker , a hockey mom and a concerned citizen of Northwest Arkansas, not necessarily just Fayetteville, said she was very much a supporter of this facility. She felt it has a lot to offer the area. She said she has complete confidence in the Council's ability to make the financial decisions, whether it be in a three week process or longer. As with any major project, pros and cons have to be weighed and she felt the pros outweighed the cons. She emphasized that the facility would offer opportunities for children in this area to have ice time. Normally they would have to travel to Little Rock, Ft. Smith and Tulsa for this opportunity. Over 100 families volunteer their time to make a successful hockey program for the youth of this area. There are well over 160 registered players in the Jones Center hockey arena. But there are ice limitations at the Jones Center because of the continuing growth of the hockey program. One group travels to Tulsa at least once a week to play in the regional high school program. If these kids could practice and play locally, it would also keep the money local. In addition to the youth hockey program, a junior varsity team will be added next season, which means more kids traveling away for ice time. The youth hockey league holds tournaments, which would generate local revenue to area businesses. She asked that the council remember this is not just a financial issue but an issue that involves the future of our children.

Alderman Santos asked what percentage of time the operators would donate the facility for use by youth groups.

Alett Little said that was one of the things that would be more fully discovered during the feasibility study. She didn't think donations of time would be involved, but she said that in talking with other communities it is evident that one of their most successful revenue generators is public skate time. In conversations with the Youth Hockey Leagues, fees they pay now for tournaments were discussed. This group is interested in the youth sports aspects of the project. They have discussed hockey as well as figure skating and indoor soccer. But details have not been worked out yet.

Rick McKinney, a lifetime resident and the Chairman of the Airport Board, stated he has been around that airport all of his life. He felt marketing the airport was a big issue. He felt little had been done in the area of marketing for industrial support, corporate aviation and general aviation. He felt the feasibility study needs more discussion. Prospective tenants at the airport have been required to come to the Board and to the City with a business plan. He questioned why this came to the Council before the Airport Board and why it was being rushed. He said the public didn't have enough information to look at and really consider. $200,000 is two thirds of the annual airport budget. He asked that the Council consider the money to be spent out of the Airport budget, and what it might be take away from the operation of the Airport. He suggested the

Council consider taking part of the money out of the general fund.

Jeff Erf, a Fayetteville resident asked what percentage of the total cost the $200,000 would be. He was concerned that such a small percentage of the total cost of the project would be a deal breaker. He also wondered if the feasibility study is going to be an independent study or if it would be done by one of the developers. Upon being told that Questec would do the study, Mr. Erf if QuesTec would gain financially if they determine the project is feasible.

Alderman Trumbo stated that they would be paid for the study and they would also be paid during the construction phase to do some engineering work for which they would obviously be compensated.

Jeff Erf said they obviously would have a financial interest in a positive outcome.

Alderman Trumbo said that the feasibility study would have to show that it would be feasible financially in order to get the investors to buy the bonds.

Alderman Russell said at some point independent people without a current financial interest in the project would have to look at the feasibility study and make their own determinations whether the project is feasible before deciding whether to put their finances at risk.
Mayor Hanna closed the public portion of the meeting and turned it back to the Council.

Alderman Austin stated if the venture is a success, it is a win-win situation. If it is unsuccessful, the investors and the financial institutions lose; and the city is sitting there with property with a building on it.

Alderman Russell said he had a couple of concerns. He agrees with the Mayor's concerns about leasing terminal space. If it is leased, it should be year by year so priority can be given to aviation related businesses if that opportunity arises. If the $200,000 is approved and they come back to us in 120 days and say, this project is feasible and we will build it if we can have a ten year lease on half of your airline terminal, a no answer could cause the city to forfeit the $200,000. He felt some of these things should be written out beforehand so everyone essentially knows what kind of playing field they are dealing with.

Alderman Davis suggested some of these items might be discussed with the developers and answers might be available at the next meeting if the Council does not vote today.

Alderman Davis suggested changing the payout schedule, dividing it into quarters, paying $50,000 at the time of signing; another $50,000 in eight weeks, another $50,000 in twelve weeks, and the last $50,000 at sixteen weeks. This would decrease the payout if at any time during the process it was determined to be a no-go.

Alett Little said she would need to address the payment of money at the time of signing.

Mayor Hanna said he had it divided a little differently - $50,000 at signing; $75,000 at twelve weeks and $75,000 at the sixteenth week.

Alderman Davis said he had no problem with that.

Alderman Austin stated that he had been thinking about dividing it by two.

Mayor Hanna said the two things that really need to be decided are whether or not to fund the study and how to pay it if it is funded. If the Council chooses to leave it on second reading tonight, putting it on the third reading on the next meeting, it would give Alett an opportunity to talk with the principals and to fine tune that.

Alderman Santos asked if they could get information such as what percentage of ice time would be dedicated to public use or youth hockey. He also asked about parking needed for this large arena.

Ms. Little stated she would be glad to get with the developers and ask them what percent of time could be dedicated. She said they have to come up with cost before they can figure out how much revenue is needed to cover those costs. Any information is going to be preliminary information. But they can draw from their experiences to provide some information.

As for the parking, until a location is decided on, again any information would be preliminary. If any alderman wants additional information, Alett asked that they call and let her know what they need. She will get what information she can for them.

In response to a question from Alderman Santos, Ms. Little said they don't know for sure if this project will be connected to the terminal. It might be better to have entrances from another location.

Alderman Russell said he would like to know whether they are interested in using the terminal and if so, whether they would be willing to lease it on a short term or year-to-year basis. He said he wanted to have a good idea of whether he would vote for the lease before he votes to appropriate the $200,000.

Ms. Little said she would ask the question and if some ground rules and decisions need to be made along the way, they will try to do that.

Alderman Davis asked Mayor Hanna about the best way to handle the Airport Board's recommendations - should it be in a lease agreement or part of the ordinance being voted on.

Mayor Hanna said he thought it should be a separate resolution of the City's intent. He said that he thought it had little to do with the developers and everything to do with the City. The main thing is that we want to be sure that the revenues generated go to the airport. The other thing is that it not take over the whole airport identity. A resolution can be passed to that effect.

Alderman Trumbo said his first thought here was that it was a way to take a non-earning asset and create some revenue that would compliment it and not infringe upon the general aviation aspect.

Dan Coody stated that he understood that position entirely. He said that there is nothing that says that if the arena does get built in a better location, that a portion of the proceeds can't still go to the airport.

In response to a question from Alderman Daniel, Ms. Little said it was correct that if the airport parking is used for the arena, some of the parking revenue can come to the city

Alderman Daniel then asked if additional parking has to be built by the group who run the arena, whether they would get those parking revenues.

Ms. Little said the question asked at the Airport Board was whether there is enough parking already there to support the arena. The answer is no. Additional parking and additional ways to get people to the arena were then discussed.. She said she was concerned about using additional airport land for parking because of its dedication to aviation uses. The idea of using other parking lots and busing patrons was then discussed. However, if additional parking has to be built it will follow the same rules every other business in Fayetteville follows, which is that they will have to build their own parking. She said unless there is something unique decided during the lease negotiations, she doesn't think the City would have any control over or derive any revenue from that. At this point, since the actual seating in the arena has not been established (though they have been using 6,000 as a round number), there is no way to know exactly how much parking is going to be required.

Alderman Austin agreed with Alderman Russell about negotiating some issues now so they won't come back with a financial hook use this $200,000 investment as a leverage for more.

In response to a question from Alderman Austin about figure skating in this arena, John Akerly said there are provisions for ice hockey and other professional ice events. There are also provisions for tiny tot ice. He did want the Council to realize that these buildings are not recreation type buildings where you have no spectators. This is a spectator building that happens to have ice facilities and the object of the building is to put buns in seats. To take this project and totally dedicate it to tiny tot skating programs will not work. It is not a business then and would have to be subsidized. But public ice time will be available because events only take of

part of the time. The rest of the day this building can be used for other things. There will be professional ice events, shows, and trade shows as well. Even aviation trade shows if the city decides on the airport location. He said the choice of site is not his but the city's.

Chuck Chadwick stated that he had heard the way the airport is going to get revenue is through parking. If there are 900 spaces and a 6,000 seat arena, there is going to have to be extra parking. If the airport or City does not control that parking, we leave it up to the owners of the facility. They can then make deals as far as ticket prices, including parking and stuff, in which it is possible that the airport may not get revenue from parking.

Mayor Hanna assured Mr. Chadwick that this would be in the lease agreement.

Chuck Chadwick stated that land lease is not how the airport is going to make it's money. He said the revenue would come from the parking, and that is going to be per car per event.

Mayor Hanna said he was in favor of that.

Alderman Davis made a motion to leave the item on the second reading.

Alderman Daniel seconded the motion.

THE ORDINANCE WAS LEFT ON THE SECOND READING.

PUBLIC FACILITIES BOARD

Mayor Hanna read the next item which is an ordinance to expand the role of the Public Facilities Board to include recreational facilities and multi-family housing as provided by state law. It is on the second reading.

LaGayle McCarty read the ordinance.

Mayor Hanna stated that it was on the second reading and would automatically be on the third reading next time.

Alderman Austin asked if he could make an announcement. He wanted to commend Swifty for coming to the meeting tonight, which is his 35th wedding anniversary. He has been waiting for an hour and a half to get home to take his spouse out to eat.

The meeting was adjourned.

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
MARCH 21, 2000

A meeting of the Fayetteville City Council was held on March 21, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna, Aldermen Austin, Davis, Daniel, Santos and Young, City Attorney Jerry Rose, Deputy City Clerk Gina Roberts, Staff, Audience and Press. Aldermen Reynolds, Trumbo and Russell were absent.

CONSENT AGENDA

APPROVAL OF MINUTES
Approval of the minutes of the March 7, 2000 City Council meeting.

MUD CREEK TRAIL
A resolution approving a contract in the amount of $73,763.99 with Milholland Engineering for the design of a multi-use trail along Mud Creek.

RESOLUTION 30-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MAINTENANCE BUILDING
A resolution awarding Bid No. #2000-24 to the lowest bidder, Heckathorn Construction Co., in the amount of $190,863 plus 15% contingency and a budget adjustment in the amount of $19,492 for the construction of the solid waste container maintenance building.

RESOLUTION 31-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADVANTAGE ARKANSAS PROGRAM
A resolution certifying local government endorsement of Computer Management Information Systems located at 2927 N. Point Cir, Ste 1, Fayetteville, Arkansas to participate in the Advantage Arkansas Program (Act 947 of 1993).

RESOLUTION 32-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

YOUTH CENTER
A resolution authorizing substitute uses of funds appropriated to the Fayetteville Youth Center on Resolution 93-99. The Youth Center Board requests Resolution 93-99 be amended to provide

maintenance at the Youth Center as per their revised maintenance schedule dated February 8, 2000.

RESOLUTION 33-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GULLEY PARK
A resolution approving RFP #00-06 for the Gulley Park Tot Lot Playground to Arkoma Playground and Supply in the amount of $49,999.

RESOLUTION 34-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BLOCK AVENUE GRANT
A resolution approving a budget adjustment and expressing the willingness of the City of Fayetteville to utilize Federal Aid Funds in the amount of $150,000 for improvements to Block Avenue from Dickson Street south and to provide 20 percent ($37,500) matching funds.

RESOLUTION 35-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PARKING EQUIPMENT
A resolution authorizing the Mayor to execute contracts for the purchase and installation of parking management equipment for the Municipal Parking Deck and approving a budget adjustment funding request.

RESOLUTION 36-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the consent agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

SENIOR COMMUNITY CENTER
An ordinance approving a 2 mil tax for one year to fund a Senior Citizens Center/Services.

Mayor Hanna said he spoke with Alderman Reynolds at the hospital this afternoon and Alderman Reynolds asked him to pass the word that he does support this item.

Mr. Rose read the ordinance.

Alderman Daniel stated that she is in favor of this project but she would like to see the deductible alternatives put back in. If this is to be put on the ballot, it should be done right. The site is worthy of a great building. She said she didn't want to approve this to go on the ballot unless it

is the best we can have

Mayor Hanna said that this would not go on the ballot, but is a discretionary tax. He said he had not heard any negative reports at this time. He realizes some people will object to the tax, however, and would like to see the ordinance go through all its readings so people with concerns can contact him, the staff or their alderman.

Alderman Davis said he too would like to see this proceed slowly to make sure everyone has the opportunity to call and express their views. He was concerned about the petition that has been discussed to get property taxes off the books. If the Council approves this discretionary tax and gives authorization to start work on the Senior Center, and this move to eliminate property taxes succeeds in November, where would that leave the City.

Alderman Santos said if that happened, we would be in a complete state of anarchy anyway, the schools would close and the government would shut down.

Alderman Davis said he understood what Alderman Santos was saying, but he felt this should be discussed and legal advise sought from the City Attorney.

Mayor Hanna said he believed the ballot title was Act 4 and that in it is the provision that if the millage were repealed, there would be a sales tax added that would make up for most, if not all, of the funds. He did think there would be some belt tightening and pencil sharpening, but didn't think things would shut down.

Alderman Austin said he agreed that they should be cautious. And he agreed with Heather that if we can afford the whole building package, we should have it. He said it is not often you have an opportunity to play a key role in providing a service for such a worthy cause for a group that will include each of us at some point. He said he supports this issue.

Alderman Davis stated he wanted to make it clear he supports this issue also.

In response to a request from Mayor Hanna, Jerry Rose said the Attorney General's office should have information about the proposed amendment and he would contact them and try to have the information by the next agenda session.

Alderman Daniel stated that she had not heard any objections to the millage. She felt it showed that our community is community minded and supportive.

In response to a question about whether there would be enough members present at tonight's meeting to suspend the rules should the Council wish to move this item to the second reading, Jerry Rose stated that after checking with the Municipal League and re-reading the Attorney

General's opinions, it has been established that the Mayor can vote anytime his vote is needed for the passage of a motion or an ordinance or resolution. All aldermen present would constitute five votes. The Mayor's vote would count as six and that would be sufficient to move an item to its second or third reading.

In response to a question from Alderman Santos regarding a three fourths majority, Mr. Rose said the requirement is a two thirds majority which requires six votes.

Alderman Young thought they should wait to allow Swifty to vote on this.

Mayor Hanna said he felt the public should be given more opportunity to comment on this item. He asked if there was anyone in the audience who wished to comment.

Randy Zurcher said he felt many people are waiting on this facility. He thinks the design is fantastic, even after the cuts. He asked the Council to move on the item when they could.

Mayor Hanna asked if there was any further comment. There was none.

RZA 00-1
An ordinance approving annexation request RZA 00-1.00 submitted by Engineering Design Associates on behalf of Arkansas Oaks for property located east of New Bridge Drive and south of Mount Comfort Road. The property is in the planning growth area and contains approximately 15 acres. The request is to annex subject property into the City of Fayetteville.

This item is on its third and final reading.

Mr. Rose read the ordinance.

Alderman Daniel moved that the Council approve the annexation.

Mayor Hanna asked if there was anyone in the audience who would like to address this annexation.

In response to a question from Alderman Davis, Mayor Hanna said the Planning Commission vote had been 8-0 on this item.

Upon roll call the motion carried unanimously.

ORDINANCE 4235 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZ 00-3
An ordinance approving rezoning request RZ 00-3 submitted by Engineering Design Associates on behalf of Arkansas Oaks for property located east of New Bridge Drive and south of Mount Comfort Road. The property is zoned A-1, Agricultural and contains approximately 15 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the second reading.

Mr. Rose read the ordinance.

Mayor Hanna opened the floor for public comment. There was none.

Upon roll call the motion carried unanimously.

ORDINANCE 4236 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

RZ 00-10.00
An ordinance approving RZ 00-10, submitted by M.B. Stiles for property located at 2650 Old Farmington Road. The property is zoned A-1, Agricultural and contains approximately 0.72 acres. The request is to rezone the property to C-2, Thoroughfare Commercial.

Mr. Rose read the ordinance.

Alderman Daniel said she attended the Planning Commission meeting where this was discussed. She also drove out to this property and said she thought this was a beautiful old house. She was glad somebody wanted to do something constructive with it. The Planning staff had pointed out the petitioner could build a dinner theater here anyway and are simply asking to rezone the portion that will allow them to have parking.

Alderman Santos stated that this rezoning would give the petitioner enough room to make a more effective development.

Alderman Santos made a motion to suspend the rules and go to the second reading. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

Alderman Young stated that the neighbors' concerns had been answered but he was interested in seeing if anybody in the audience wished to speak.

Mayor Hanna asked if there was anyone in the audience who would like to address this request for rezoning.

Patricia Stiles introduced herself as Mrs. M. B. Stiles. She said she and her husband were interested in becoming a part of this community and wanted to grasp this opportunity. She said she currently lives in Sherwood, Arkansas but is relocating and they should be here by next summer. She said she and her husband of thirty years, Michael B. Stiles, had graduated from the University of Arkansas about thirty years ago. Their two partners, Cliff and Sally Langford, also graduated from the University of Arkansas about thirty years ago. She said theirs had been a long standing friendship and they all wished to be a part of this community. She said they are public school teachers and very conservative people. Under no circumstances would they consider doing anything morally objectionable on this property. They want a dinner theater where all the people at the Senior Center and churches would feel welcome. They want it to be a wholesome cultural environment. When they bought this property, they were not aware it was zoned two different ways. They have worked with the planning staff and have tried to do everything they were suppose to do to get this property zoned properly for a dinner theater. They want to maintain the integrity of the property and save a beautiful black walnut that sits on the property. In order to do that, the theater would need to be moved over a little onto the property that is now A-1. The rest of that piece would be used for parking. They have every intention of making this something of which the neighbors can be proud.

There being no further public comment, Mayor Hanna turned the discussion back to the Council.

Alderman Santos said that he felt pretty confident this would not be an adult entertainment establishment, but a nice dinner theater and a positive addition to the community.

Alderman Austin moved to suspend the rules and go to the third and final reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

Mayor Hanna asked for any comments. There were none.

Upon roll call the motion carried unanimously.

ORDINANCE 4237 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 00-1
An ordinance approving VA 00-1, Millsap Road Investments Lot 17, submitted by Henry Kelly, Jr. of Millsap Road Investments for property located at 655 Millsap Road Lot 17 of CMN Park Phase I. The property is zoned C-2, Thoroughfare Commercial and contains approximately 2.58

acres. The request is to vacate a portion of an existing water line easement within Lot 17.

Mr. Rose read the ordinance.

In response to a question from Alderman Davis, Tim Conklin stated there is currently an active water line that is partially on Lot 18. They will develop that lot and then relocate that water line. Then they will bring that vacation request back to the Council.

Alderman Davis made a motion to suspend the rules and go to the second reading. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

Mayor Hanna asked if anyone in the audience wanted to comment on this ordinance.

Thad Kelly, an architect, stated he was representing the Millsap Road Investments. He would answer any questions that anyone had concerning the property.

Alderman Santos made a motion to suspend the rules and go to the third and final reading. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance.

Upon roll call the motion carried unanimously.

ORDINANCE 4238 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

AD 99-30.00
A resolution approving AD 99-30 submitted by David Bercaw of Ball and Mourton on behalf of Lenk Development for property located south of Zion Road. The property is zoned R-2, Medium Density Residential and contains approximately 5 acres. The request is to guarantee future construction of Stearns Street with a letter of credit.

Alderman Young stated he would not participate in this discussion and would abstain from voting because the company he works for is doing some work for this owner.

Alderman Daniel stated that she would like to move that this go to the Street Committee for consideration. She has questions about it and feels it is complicated in a number of ways.

Mayor Hanna asked Charles Venable if there would be any problem with doing this and Mr. Venable stated there would be no problem.

Mr. Venable stated he believed Sterns St. was down graded from a collector to a local street when the master street plan was reviewed about six months ago. There was quite a bit of discussion on this when Vantage Square was proposed at that time but he said they will be glad to talk about it again in the Street Committee.

Mayor Hanna asked Tim Conklin if he had anything to add.

Tim Conklin stated that originally when the development was approved they were going to construct Stearns Street. They went back to the Commission a year later and they approved money to escrow for that portion of Stearns Street and then they did request a letter of credit to guarantee that improvement. So the right-a-way is dedicated as part of their final plat for Zion Valley planning development. The issue at hand is whether or not we require them to put up the money in an escrow account or have them guarantee it by way of this letter of credit.

In response to a question from Alderman Davis, Mr. Conklin said it would be the Planning Division's responsibility to ensure that these developers come through with the letter of credit for future years.

Alderman Davis stated that a letter of credit is only good as long as it is renewed and once the expiration date passes there is nothing the City can do to force them to get another one issued.

Tim Conklin said this was correct. He said they do keep up with letters of credit on unfinished improvements on large scale developments and preliminary and final plats, and have a system where they make sure that these letters of credit do not expire.

Alderman Davis said he wants to make sure that the portion of this document that says a new letter of credit will be issued 30 days prior to the expiration of the current letter of credit is enforced.

Tim Conklin said if the Planning Division did not receive a new letter of credit extending that time period an additional year, they would take that letter of credit and go ahead and get the funds and place them into an escrow account.

Alderman Santos said he agreed with Heather's suggestions to let the Street Committee give a recommendation on this item, but wanted to take the opportunity to say that this is another argument we won't have after we have a system of impact fees in place.

Mayor Hanna asked for any other comments. There being none, he asked if the petitioners would like to speak.

David Bercaw, representing Lenk Development said he was present to respond to any questions

the Council might have.

Alderman Davis said there appeared to be a gap in time from when this was originally proposed and when the petitioners came back with a discussion of money.

David Bercaw said that the development was originally started by Zion Valley LLC. They were the ones that took the appeal to the Planning Commission where the decision was made for an escrow to be made. Mr. Bercaw's clients, Lenk Development bought the property last year and are proceeding with development. Zion Valley, after the death of the original developer, ceased developing the property and it is Lenk Development that is seeking to have the letter of credit in place rather than having a $75,000 escrow put up for an indefinite period of time. It is their understanding that Stearns Street may or may not be developed within the next five years or so.

In response to a question from Alderman Daniel, Mr. Bercaw said they have already placed $75,000 in escrow pending approval of the letter of credit by the Council so they could go ahead and get approval of the final plat and get started on the development. They have already constructed at the site.

Alderman Daniel asked when he thought that the total project might be completed.

David Bercaw said he did not know this point. He said there would eventually be a hundred units at the project. They have gotten started on the first two.

Charles Venable asked if this would be tied to the construction cost index, so that as the cost goes up the letter of credit will also increase. He also said, if it is okay with Chairman Davis, the Street Committee could meet next Tuesday following agenda session.

Alderman Davis agreed. He asked City Attorney Rose if, in the event that the financials for this particular company began to deteriorate and the bank realized they would have to pull the letter of credit ahead of time, would they be allowed to pull that letter of credit before its expiration.

Jerry Rose stated that by nature it is an irrevocable letter of credit.

Alderman Austin asked if the Street Committee could address the impact this many people would have on Zion Road traffic, and what the long range plan for traffic control would be, such as a traffic light or caution light.

Alderman Daniel agreed they should look at traffic impact.

In response to a question from Mayor Hanna, Jerry Rose said he believed the council had to have a motion and second to table the item.

Alderman Austin made a motion to table the item. Alderman Davis seconded the motion. Upon roll call the motion passed. Alderman Young abstained.

AIRPORT BOARD
Presentation of the Airport Board's position on Drake Field.

Rick McKinney, Chairman of the Airport Board, said that a suggestion was made by Charles Wallace that the Airport Board create a mission statement or a position paper and bring that to the Council for review and approval. He said Dr. Wallace would address this and he had copies for the Council.

Charles Wallace thanked the Mayor and members of the Council for this opportunity. He passed out a short position statement on the part of the Airport Board that articulates the way they have focused their thinking about the future of Drake Field. The paper begins with an affirmative statement about the value of our airport. He felt it was very important that we keep before our community the fact that Drake Field is a valuable asset in very good condition. The Board feels that what is needed and what they have created is a clear visionary plan with strong leadership and the points that are made in this paper are those that they feel should be included in that. Drake Field can be a very strong and economically viable asset for the community. They have developed a simple plan for marketing the airport that stresses attracting any aircraft owners and any aviation related businesses to Drake Field. A letter was sent to every aircraft owner and every pilot in Washington and Benton County. Close to 75 responses have already been received from the card that was included in that letter. One airplane has already moved to the Field. If we could land some entity that provided the amount of revenue that we lost when the airlines moved, that would be wonderful. But in the meantime we need to move one airplane and one business in at a time and keep the vision of a strong community airport before us. That is the way community airports happen. Dr. Wallace said the Airport Board is here to find out if the Council supports this vision. He said he is very appreciative of the support received from the Mayor in appointing a marketing committee. Dr. Wallace encouraged everyone, including the Airport Board, to lay aside the past. He said what we have is a great opportunity and he hopes the Council and Airport Board will join together in moving ahead. He said the Marketing Committee will be focusing on how many calls should be made, who should be contacted, how they should be contacted and when that should happen. They will have regular reviews of the results of these contacts so that they don't spend time on things that don't work. The Mayor has asked that the Airport Manager spend half of his time marketing the airport. Dr. Wallace feels with this time and a good plan, we will see some results. He hopes to report back in another 60-90 days that the effort has been very successful. With the presentation of this paper, the Board is asking for the Council's support and any direction they would like to give to the Board.

Alderman Daniel said a citizen asked her if Fayetteville really needs a municipal airport. She asked how she should have answered that question.

Charles Wallace said he would have answered it very affirmatively. He would have told the citizen that active airports are a part of the national transportation system. The community airport is a valuable asset and helps bring a number of people here for educational and related purposes and meets many needs of the community.

Alderman Austin said he had been elected chairman of the Arkansas Aviation and Airspace Commission and recently held his first meeting. He said $1,690,000 was freed up from one project, and a little town in Arkansas had on file another project proposal. The staff pulled the proposal, brought it to the Commission's attention and they voted Monday to give that town $1,690,000. Alderman Austin challenged the Airport Board and the Fayetteville Economic Development Department and the Marketing Committee to get some projects on the board so that when money becomes free Fayetteville will have a project to be considered.

Alderman Austin asked Rick McKinney to come back to the microphone and talk about the Airport Board and its membership, how you get on it, how you get off of it and also comment on the fuel tax money he recently heard about.

Rick McKinney stated that you apply to the Airport Board through the City Clerk's Office. Terms are for five years and they rotate so that a term comes open every couple of years. The City Council Nominating Committee interviews applicants for the Airport Board and they make a recommendation to the Council for appointments.

Mr. McKinney said the Aircraft Owners and Pilot Association has been petitioning the Federal Government to release more of the aviation trust fund money to airports in the country and he believes they have been successful. The last allocation he read about was close to $8 billion. With the bulk of it used as a budget balancing item.

After discussion, the Council commended the Airport Board for their work and the new direction they are taking Drake Field.

WASTEWATER IMPROVEMENT PROJECT

BLACK AND VEATCH

A resolution approving the contract with Black and Veatch for engineering services in connection with improvements at the Noland Wastewater Treatment Plant in the amount of $359,720.00.

Mayor Hanna took a moment to remind citizens how important it is fill out and return U.S. Census forms. They are being mailed this month and we are asked to return them by April 1st. Because of the unprecedented growth in this area, this may be the most important census in Fayetteville's history. We need to bring our tax dollars back home to Fayetteville. We would

also like to let our U of A students know that they are valued members of our community and that they do count and would ask them to please fill out their forms as Fayetteville residents.

Alderman Santos moved that the Council pass the resolution. Alderman Daniel seconded the motion. Upon roll call the motion passed unanimously.

RESOLUTION 37-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GARVER ENGINEERS
A resolution approving a contract with Garver Engineers for engineering services in connection with sewer collection system improvements within the White River Basin in the amount of $391,532.00.

Alderman Austin moved that the Council pass the resolution. Alderman Davis seconded the motion. Upon roll call the motion passed unanimously.

RESOLUTION 38-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MCGOODWIN, WILLIAMS AND YATES
A resolution approving the contract with McGoodwin, Williams and Yates for engineering services in connection with the new west side wastewater treatment plant in the amount of $955,302, and approval of a budget adjustment.

Alderman Young said he thought he remembered someone in the Water & Sewer Committee Meeting mentioning that the City is considering utilizing the State's revolving loan fund for this project because the interest rate is so low. He asked how that would work. Would there still be a vote of the people to authorize this loan .

Don Bunn answered that he thought there would be a vote to specifically authorize utilizing the State's funds. There would, of course, be a vote if we decide to go with the sales tax.

Alderman Austin wondered if the issue was not approved by the public, in addition to not getting to spend the extra money raised, would the City have to eat some of the money that has already been spent.

Don Bunn answered affirmatively.

Alderman Santos suggested they go with the recommendation of the staff and moved that the resolution be passed.

Alderman Young asked Carl Yates, from McGoodwin, Williams and Yates if they were going to

do the preliminary work for the $955,000.

Carl Yates said that was correct.

Alderman Santos moved the Council pass the resolution. Alderman Daniel seconded the motion.

Mayor Hanna asked if there was anyone else who would to address this issue.

Jeff Erf said he had been reading the paper about how the Cityis going to pay for this waste treatment plant. He wondered if the City is going to look at impact fees or sewage or assistant development charges for this. He thought the public should be involved in deciding how this plant would be paid for.

Alderman Santos stated that he thought the RFP for the impact fee study would have six public meetings scheduled with the consultants. The McGoodwin, Williams and Yates contract also has public involvement. They will have three public meetings, a public officials workshop, education of the public in general, public opinion surveys, and work on the City's web page.

Vic Biondi stated that he lived in Johnson, Arkansas but uses Fayetteville water and sewer and the Fayetteville schools. He says he smells Mud Creek where he lives. He says from the information he has gathered, there is 12.3 million gallons of treated waste water that comes down Mud Creek. He said to come over after a rain sometime and smell how bad it is and see all the trash that comes down it.

Alderman Daniel asked if the Staff could address some of Mr. Biondi's concerns.

Charles Venable stated he thought the maximum treated wastewater released was 6.2 million gallons. Both the Illinois Basin and the White River Basin will be addressed in all of the studies that are going to be done. He said the effluent coming out into Mud Creek is probably better than any of the water that comes in there. The trash certainly doesn't come out of the treatment plant. He said our effluent now is in great shape. He said they will look at all this.

Alderman Austin asked who does have the responsibility for keeping trash and debris from the water ways that we use.

Charles Venable stated that right now he thought it was the people who live along there. He said within the next three years they are going to have to start taking the storm water run off and looking at everything that goes in. Some things will be done but primarily the people will have to try to keep the trash out.

Alderman Santos said the way he understood it, the East plant is going to discharge their effluent into the White River and the West plant is going to discharge all of its effluent into the Illinois River. Would there still be effluent in Mud Creek?

Charles Venable said there might possibly still be some discharge into Mud Creek from the White River. They will have to wait to see how the permits work out.

Alderman Austin asked if it would then improve Mr Biondi's problem.

Mayor Hanna said he didn't think that odor was coming from the waste water treatment plant. He didn't know where it was coming from. It is something that has been picked up as non-pollutant. He said it could be chicken houses runoff or something washing in off of the lawns in the area. But he was sure that studies will show it is not coming from the plant.

Upon roll call the motion passed unanimously.

RESOLUTION 39-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SAGE HOUSE/ CHILDREN'S HOUSE
A resolution approving a lease agreement with EOA for real property to be used by Sage House. Alderman Austin said that this project began about four months ago when the Sage House people called him looking for a place for Sage House. He stated he supported this 100%.

Alderman Austin moved to approve the resolution.

Mr. Rose read the resolution.

Mayor Hanna stated that this was property on Deane Solomon Road.

Alderman Austin asked if Exhibit A was the description of the property?

Alderman Davis answered yes it was. It was across from the Razorback Golf Course.

Alderman Daniel said it was on the same side of the street. She asked what the terrain was like out there? Is it part of that wetlands system or anything?

Charles Venable answered that it was fairly flat out there and that it was not a part of the wetlands. There is a little pond there but basically it is a pretty nice tract of land.

Mayor Hanna said they were looking at a different tract of land than they were originally out by the United Way on 265.

In response to questions Tim Conklin stated that in regards to Sage House that would require rezoning and that will have to come before the Commission since that is a multi family housing and the Children's House will have to come to the Planning Commission as a conditional use.

Alderman Daniel asked what they were leasing this for? How much are we charging them?

Charles Venable said that had not been determined yet. He explained Children's House needed needed property in order to get the grant. This is just allows us, Jerry, to enter into an agreement for lease the details had not worked out on anything.

Jerry Rose said that lease will come back before the council. This is just an intent and a commitment on your part to enter into such a lease.

Mayor Hanna said that allows the Children's House to go after their funding. He thought that the people in that area need to be notified.

Alderman Santos said he thought that they would amble opportunity to comment during the lease meetings, the rezoning meetings, the large scale meetings and there will be plenty of meetings, and if we can go ahead and express our intent with this tonight.

Alderman Austin moved to pass this resolution. Alderman Santos seconded the motion. Upon roll call the motion passed unanimously.

RESOLUTION 40-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel asked what will become of the old Children's House and who will actually own it?

Charles Venable said that had not been discussed. He thought it would become our property.

Mayor Hanna stated that there were several items that were not on the Agenda here. The City Attorney has drawn up for approving an agreement with Moss & Barnett to represent us in our telecommunications franchise.

TELECOMMUNICATIONS ATTORNEY

Jerry Rose, stated he had introduced the items at the Agenda Meeting, Mayor and Councilmen. He felt the need to have some expert advice in negotiating the cable television franchise with Cox Communications and in developing a telecommunications ordinance it is interesting that from the time he drafted this resolution until tonight he has two new requests for applications from telecommunications providers on his desk that want to know information about how they

can get a telecommunications franchise and lay some fiber optic cable in Fayetteville. It is certainly timely. And finally, he wanted to review and update of all of our utility ordinances. It is fast becoming that a franchise it appears in Arkansas, and across the United States, is becoming nothing more or less than a rental of our rights of ways within the City of Fayetteville. In that regard, there are different percentages required or allowed under different laws and he thinks these need to be reviewed. The Committee has selected a law firm in Minneapolis, MN. They are called Moss & Barnett. Our representative will be Brian Groggan. They are a firm which specializes in telecommunications and specially the cable TV franchise field. They have negotiated contracts with Cox Cable; with TCA Cable; with Warner Cable. They have assisted other cities in that regard. They largely represent municipalities rather than the cable providers themselves. They represented the City of Sturgess, Kentucky which won't mean much to you and probably shouldn't, but Sturgess, Kentucky is one of the few cities in the United States that chose to reject their cable TV provider and failed to provide them with a franchise. As you might imagine, they lawsuit and sued. That lawsuit was taken all the way up through the Federal Circuit Court of Appeals and Brian Groggan was the attorney that worked on that and negotiated that on behalf of Sturgess, Kentucky. He said he trusts that we will not end up in any kind of a lawsuit but it certainly is nice to have that kind of authority behind you in dealing in that kind of confidence you have in the ability of these folks. The contract he is authorized to negotiate as a result of that selection is before you. It is a contract for an amount not to exceed $30,000.00 for all of which he has mentioned to you. He thinks it is a very wise and reasonable expenditure of funds on your behalf for the hundreds of thousands of dollars that these franchises very much bring into our City.

Alderman Young questioned why the item was not on the agenda.

Jerry Rose answered it was brought to your attention at the Agenda meeting. Again, you do whatever you want do.

Alderman Austin asked if two weeks delay would be a problem.

Jerry Rose said that he has Brian Groggan flying out here on the 5th of April.

The Council answered it was the day after the meeting.

Jerry Rose said if they wanted to that and take that risk. Again, we need to start as soon as we possibly can with negotiations with Cox Cable and get that off dead center.

Alderman Davis said the committee felt very comfortable with these people. And we gave Jerry the opportunity to negotiate. We gave him the bottom limit and the top limit, and lo and behold, he came real close to the bottom limit. We should applaud him on that and he thinks Jerry needs this thing to go through tonight.

Alderman Daniel asked if this went to the Cable Board?

Mayor Hanna told her it was the Selection Committee.

Alderman Davis said he would like for them to go ahead and vote on it to night because he did mention it at the Agenda Session. In fact we had the final selection right before the Agenda meeting that same Tuesday. So it is something at least we all knew about. Yes, I agree we need to keep the public informed of everything we do. But I think that this is probably a special situation with the gentleman coming out the following day after the next Council Meeting.

Alderman Austin said he was going to move that they suspend the rules and approve the resolution enabling the City Attorney to engage Moss & Barnett concerning legal representation, etc, etc, as presented.

Alderman Santos said he would like to ask in the future that we set the agenda at the Agenda Session.

Jerry Rose stated that he knew that and he appreciated that and again, if you don't want to do it, don't do it by all means. But let me just say this, I think it is more a clerical error that is was not on your agenda than it was not presenting it you at your Agenda Session. It was presented. The Clerk is not here tonight and I don't know why she didn't put it on there. But it should have been on there and certainly everybody had notice and thought it was going to be. That is not true of the next item he was going to present to you, but it is true of this one. Again, you do what you want to do, you control your agenda, and he was not there to dissuade you from that.

Alderman Austin said that Jerry did have your hands tied and he did make a note in his tentative agenda that it was presented, and he thought that was what they were going to see in the Agenda, so that is why he feels the way he does.

Alderman Austin moved to suspend the rules and approve the resolution. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 41-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

We had a hearing on the City's motion for summary judgement last Wednesday, March 15th. At that March 15th meeting summary judgement hearing, Judge Gunn had two issues before her on our motion. One was the issue of whether or not the County sales tax could be used, the City's portion of the County sales tax, could be used for the Town Center project. The second issue was whether or not the City was in violation of the Arkansas Constitution's provision of having its yearly contracts exceed its yearly revenue. The Judge ruled in favor of the City of Fayetteville on the latter issue and found us not to be in violation of the Arkansas Constitution's prohibitions

of revenues exceeding contracts. The Judge did, however, fail to grant and refused to grant our summary judgement motion on the issue of County sales tax being used for the Town Center project. Let me review with you where that leaves us. The Judge has ruled by way of summary judgement that it is alright for the City to use more than bond money for the construction of the Town Center project. The Judge has ruled that the A & P million dollars that was given to us by the A & P Commission for the Town Center project may be used for the Town Center. The Judge has ruled that the parking revenue fund monies that we have appropriated may be used for the Town Center project and the Court city's sale tax may be used for the Town Center project. That leaves us with only outstanding issue that the Judge has ruled against us on by way of summary judgement and that is not to say that she is not going to eventually rule in our favor, she hasn't decided that yet, but she will not rule on summary judgement which is a very narrow issue. You must go undisputed facts and the law must be clearly in your favor for her to grant a summary judgement. So we are left with only one issue. The Judge went on to say at that hearing the following: if the City does not intend to pursue the appropriations from the County Turnback Funds, from the County sales tax,. And if they decide to that the question is moot??? So it appears to what the Judge has done has told us that if we spend money, other money, other than County sales tax money on this project, that issue is then moot as to the use of that county money. If you will recall you didn't really appropriate county sales tax or city sales tax or whatever. We did a budget adjustment back when we passed Ordinance 103.99. That is the one that gave a resolution to increase the amount of money that we were putting into the Town Center and put City funds with it. You just said we are going to use parking funds and we are going to use general funds. Your general fund is composed of part of the City sales tax monies, which the Judge has okayed and that is how she got to that. She did not get there directly, she examined part of the general fund. And the City portion of the county sales tax which also in that general fund. Okay. So what is before you is to approve a budget transfer to revoke that portion of that resolution 103.99 which approved an amount to be transferred from the general fund. So we are no longer going to take any money from the general fund and the $450,000 that you were going to take from the general fund is now going to come directly from the City's sales tax. Something that she has already approved as being alright to spend for the Town Center project. We are no longer going to spend any money which is even mildly tainted by the County sales tax. We are going to spend City sales tax dollars and City sales tax dollars only for the $450,000 contribution for the Town Center. That is what is before you a resolution approving a budget transfer to the Town Center fund from the sales tax capital improvement fund, that is City sales tax dollars, in the amount of $450,247 and repealing that portion of resolution 103.99 which approved that such amount or that amount to be transferred from the general fund. Woody Bassett looked at it. I looked at it. James Graves looked at it. Everyone that is legal representative for the City on this case believes that this a wonderful opportunity for the City to make moot the question of county sales tax. What happens if you don't? Well, if you don't do this, the Judge sets a trial date. She has set a date for class certification for some time in April. So you will have to go through the whole process of certifying class or attempting to certifying class. There will be class notices. There will be opportunities to opt out and then some of that

time some 60-90 days after that you will have hearing on this matter. This is a way to shorten things and make meaningless the argument of whether or not county sales tax dollars may be used for the Town Center. There is no need to argue over it. Do you have to do it tonight? No you don't. But the sooner you do it the better because until you do it and I can submit it to the Judge as to what you have done, everybody has to go on assuming that you haven't done anything which means the other side and our side has to start preparing now for this class certification here. It just appeared logical to us for you to pass it tonight since you have already done in Resolution 103.99; you have already said you are going to spend $450,000 and at that time you didn't even know where it was coming from, it was just general fund money. So it didn't appear to be a very big decision to us because it looked like one you had already made, and that is why I am bringing it to you tonight. I am bringing it to you at its earliest possible time to cut down on attorney time.

Alderman Daniel said it makes sense to her but how does this affect the budget. I see Steve Davis back there. How is this going to affect the projects that we have scheduled?

Alderman Santos said that what they were doing was accepting the fact that the county sales tax needs to be used for services and we are not going to contest whether a building is a service or not.

Steve Davis said at this point they are projecting that they will have enough money, more than enough money in City sales tax revenues to cover this $450,000 budget transfer without impacting a project.

Alderman Austin said we are taking money from one pocket instead of the other pocket.

Alderman Santos asked if this will effectively end the Town Center lawsuit. All they will have to appear are summary judgements which are real long shots?

Jerry Rose said taking the Judge at her word as to what she said, once we submit this to her and she declares this issue to be moved there are no more remaining issues to be tried in this case and the case is ready for appeal. There will be no need for class certification.

Alderman Santos asked if all they can appeal is summary judgements?

Jerry Rose answered yes.

Alderman Austin said that this is not a controversial issue and it is something that could save us money.

Alderman Young suggested that the safest way to do this is to wait two weeks and pass it on the

Consent Agenda so they won't have any excuse to get up there and challenge what we need to do here because that is one of their contentions.

Alderman Santos agreed with Alderman Young.

Alderman Davis said to remove the second and tell the attorneys not to do anything for two weeks.

The Council felt that this was the best way to handle this issue and cover all the procedures required.

Mayor Hanna said it would go on the Consent Agenda for next meeting. Are there any other announcements or business?

Alderman Austin said the make up celebration of Bernice Young Jones is going to be held on the 31st of March, Friday evening, 7:00 p.m. and he would like to encourage individuals and the public to express your thanks by sending notes, banners, letters to Bernice Young Jones Day, P. O. Box 2035, Springdale, Arkansas 72765.

Alderman Davis reminded that there would be a Street Committee Meeting following the Agenda Session on Tuesday.

Alderman Daniel reminded everyone to fill out your census form.

Meeting Adjourned at 8:20 p.m.

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Name	Division	Department
Peggy Vice	Purchasing	Administrative Services

ACTION REQUIRED: Approve a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

COST TO CITY:

$50,000.00	$ 157,500.00	Settlements
Cost of this Request	Category/Project Budget	Category/Project Name
1010-6600-5311.09	$ 157,500.00	
Account Number	Funds Used To Date	Program Name
N/A	$ -0-	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Marilyn J Cramer	3-20-00		
Accounting Manager	Date	Internal Auditor	Date
	3-20-00		
City Attorney	Date	ADA Coordinator	Date
P Vice	3-20-00		
Purchasing Manager	Date		

STAFF RECOMMENDATION: Staff recommends approval.

P Vice	3-20-00	
Division Head	Date	Cross Reference
	3-20-00	New Item: Yes No
Department Director	Date	
John Maguire	3-20-00	Prev Ord/Res #:
Administrative Services Director	Date	
Fred Shoaf	3/20/00	Orig Contract Date:
Mayor	Date	

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council Members

THRU: John McGuire, Administrative Services Director

FROM: Peggy Vice, Purchasing Manager PVice

DATE: March 20, 2000

RE: Town Center Lawsuit- Deductible for Professional Liability Insurance

The City has a professional liability policy with Scottsdale Insurance to protect City Staff, Council Members and Board Members in the amount of $1,000,000 for each wrongful act and an annual aggregate of $3,000,000. The deductible is $50,000 for each claim.

A budget adjustment in the amount of $50,000 from General Fund Balance into the Settlements account is required to pay the deductible of $50,000 in the Town Center Lawsuit claim.

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	General Government	Date Requested	Adjustment #
2000	Division:	Miscellaneous	03/20/2000	
	Program:	Miscellaneous		

Project or Item Requested:
Funding is requested to pay the deductible for the Town Center Lawsuit.

Project or Item Deleted:
None. use of fund balance is proposed for this adjustment.

Justification of this Increase:
The City has insurance through Scottsdale Insurance and the policy has a $50,000 deductible. The insurance company has invoiced the City for expenses paid inconjunction with the Town Center lawsuit.

Justification of this Decrease:
Sufficient cash & investments exist in General fund to fund planned expenditures, fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Settlements	50,000	1010	6600		5311	09		

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Use of Fund Balance	50,000	1010	0001		4999	99		

Approval Signatures

Requested By	Date
Budget Manager	Date 3-20-2000
Department Director	Date 3-20-00
Admin. Services Director	Date
Mayor	Date 3/20/00

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

/filename

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Wayne L/Jim B	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of:

(1) a construction contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase 1.
(2) a construction contract contingency of $28,942.00 (10%).

COST TO CITY:

$318,358.00	$1,892,956	Arkansas Research And Technology Pk.
cost of this Request	Project Budget	Project Name
4470-9470-5808.00	$47,339	Water mains
Account Number	Funds Used To Date	Program Name
95075-2	$1,845,618	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: x Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager Date ADA Coordinator Date

City Attorney Date Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approval

Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #

Orig Contract Date:

FAYETTEVILLE
CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director
Contract Review

From: Jim Beavers, City Engineer

Date: March 21, 2000

Re: Council Meeting April 4, 2000
Construction contract for the Phase 1 water and sanitary sewer improvements for the Arkansas Research and Technology Park.
Bid number 2000-14

Bids for the water and sanitary sewer improvements and extensions for Phase 1 of the Arkansas Research and Technology Park were opened March 21, 2000 with the following results:

Fayette Tree and Trench	$289,416.00
J & L Construction	$324,105.00
Marinoni Construction	$364,348.85
McClinton-Anchor	$408,083.50
United Plumbing	$411,250.00

The bids are within the range of the City's estimate (we do not publish the estimate). The plan was designed "in-house". Construction should be completed in July 2000.

Staff recommends award to Fayette Tree and Trench

Fayette Tree
A. 3. Page 3

INFORMAL Formal
VERBAL QUOTATION ☐ PERFORMANCE BOND REQUIRED YES ☒ NO ☐

FAYETTEVILLE, ARKANSAS 72701

Certified Funds 350,000.00

TABULATION OF BIDS

SUBJECT _____

DESCRIPTION UA Tech Research Park W/S Imprv F.O.B. _____ DATE OPENED 3/2/00 2:30 PM

BID NO. 2000-14 PROJECT NO. Phase I

		ITEM	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Apac	UNIT/QUANT COST						
ADDRESS: McClinton Anchor	EXT. COST	408,083.50					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Fayette	UNIT/QUANT COST						
ADDRESS: Tree's Trench	EXT COST	289,416.00					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: J&L	UNIT/QUANT COST						
ADDRESS: Const	EXT COST	324,105.00					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Marinoni	UNIT/QUANT COST						
ADDRESS: Const	EXT. COST	364,384.85					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT COST						
BIDDER: United	UNIT/QUANT COST						
ADDRESS: Pldg	EXT. COST	411,250.00					

BID AWARD SUMMARY:

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

DATE _____ CERTIFIED BY

REMARKS:

PURCHASING OFFICER

WITNESS

AGREEMENT

The agreement executed this _____ day of _____, 2000, by and between the City of Fayetteville, Arkansas, hereinafter called "City" and the Fayetteville Public Schools, hereinafter called "School", WITNESSETH:

WHEREAS, A.C.A. 25-20-108 allows one public agency to contract for governmental services, activities, or undertakings with another public agency when each of the public agencies entering into the contract is authorized by law to perform alone; and ,

WHEREAS, the City is currently involved in a street and water line construction project along Rupple Road; and,

WHEREAS, the School wishes to contract with the City for certain water and sewer main extension services, activities and undertakings along Rupple Road to provide water and sewer to the new school; and

WHEREAS, both the City and the School are authorized by law to perform alone.

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

1. The School agrees to compensate the City for the actual costs incurred for services, activities and undertakings, including, but not limited to, construction and testing.

2. Payment shall be due within thirty (30) days from the acceptance by the City of the water and sewer lines.

IN WITNESS WHEREOF, the City and the School have executed this AGREEMENT on the date above stated.

CITY OF FAYETTEVILLE, ARKANSAS

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

FAYETTEVILLE PUBLIC SCHOOLS

By:_____
Roy Karr, Associate Superintendent

ATTEST:

By:_____
Glenda Sullens

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Jim Beavers	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of:

(1) a construction contract with J & L Construction in the amount of $106,040.00
(2) a construction contract contingency of $10,000.00
(3) a budget adjustment.

COST TO CITY:

$116,040.00	$ -0-	Hwy 45 east water
cost of this Request	Project Budget	Project Name
4470-9470-5814.00	$ -0-	Water mains
Account Number	Funds Used To Date	Program Name
00038-2	$ -0-	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ___ Budgeted Item x Budget Adjustment Attached

Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** _____

Marilyn J Cramer	3-21-00		
Accounting Manager	Date	ADA Coordinator	Date
	3-22-00		
City Attorney	Date	Internal Auditor	Date
PR	3-22-00		
Purchasing Officer	Date		

STAFF RECOMMENDATION: Approval

Division Head	Date	Cross Reference
	3-22-00	New Item: **Yes**
Department Director	Date	
	3-22-00	Prev Ord/Res #_____
Administrative Services Director	Date	
	3/22/00	Orig Contract Date:_____
Mayor	Date	

STAFF REVIEW FORM

Description Highway 45 East water line phase 1 Bid # 00-29 Meeting Date April 4, 2000

Comments:
Budget Coordinator

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director
Contract Review

From: Jim Beavers, City Engineer

Date: March 21, 2000

Re: Council Meeting April 4, 2000
Construction contract for a new water line crossing at Highway 45 East at Wyman Road
Bid number 00-29

In preparation for the State Highway Department (AHTD) replacing the existing bridges on Highway 45 East at the White River and at Richland Creek the City must relocate portions of the existing line.

The City's work will be done in two phases. Phase 1 is the current work to replace the crossing at Wyman Road.

Phase 2 (future) will be designed this spring/summer and will include a new water line to be placed upon the new White River bridge. The existing water line is on the existing White River bridge which will be demolished. The existing water line is under Richland Creek and will not require adjustments or replacements on the new Richland Creek bridge.

The Phase 1 plan was designed "in-house" and bids were opened March 21,2000 with the following results:

J & L	Basic	United Plumbing
$106,040.00	$109,000.00	$112,050.00

The bids are within the range of the City's estimate (we do not publish the estimate).

Staff recommends award to J&L Construction.

Enc:
1. Letter from AHTD dated February 22, 2000
2. One contract

Bid 00-29
A. 4. Page 4

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RECEIVED
FEB 25 2000

Dan Flowers
Director
Telephone (501) 569-2000

P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

February 22, 2000

Mr. Jim Beavers P.E.
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

WORK ORDER

RE: Job 040230 (Utilities)
BRN-0072(22)
Washington County

Dear Mr. Beavers:

This acknowledges your letter of October 26, 1999, advising there would be no reimbursement claimed for the adjustment of your facilities on the above captioned project.

You are authorized to proceed with the work. Our records indicate your company will begin the work within 60 days and complete your work within 30 days thereafter. Please notify this office if for any reason you cannot meet the anticipated completion date of May 24, 2000.

Physical work to be performed on the Department's right of way should not be performed until after March 9, 2000.

Your facilities to be placed on highway right of way must be in compliance with State Laws and the Department's Utility Accommodation Policy. Any deviation from the attached plans must have prior approval of this office.

You or your contractor must notify the Department's Resident Engineer: John Sharum, 12425 Larue Rd., Mountainburg, AR 72946, telephone 501-369-4007, three (3) days before beginning work and on the day work is completed.

If additional assistance from this office is needed, please advise.

Sincerely,

Gene Kuettel
Utility Coordinator
Utilities Section
Right of Way Division

GK
cc: Master Files
District Engineer
Resident Engineer #42

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Public Works	Date Requested	Adjustment #
2000	Division:	Water Capital Mains	04/04/2000	
	Program:			

Project or Item Requested:
Funding is requested for the White River Bridge 45 East Water Line project.

Project or Item Deleted:
None. A portion of the funding for project #00026, Highway 62 West - Water Line Replacement is proposed for this adjustment.

Justification of this Increase:
The Arkansas Highway and Transportation Department is planning to replace the bridge that crosses Highway 45 at White river. The City needs to relocate the water lines in advance of the bridge replacement project.

Justification of this Decrease:
The White River project is a higher priority project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	121,140	5400	5600		5808	00	00038	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	121,140	5400	5600		5808	00	00026	20

Approval Signatures

Requested By	Date
Budget Manager	3-21-2000 Date
Department Director	3-22-00 Date
Admin. Services Director	3-22-00 Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

H:\BUDGET\PROJECTS\OTHER\ba_2000\HWY45_WL.WK4

3/21/00

Steve,

The estimated budget adjustment needed for phase 1 of this project is:

$106,040	construction contract
10,000	construction contingency
200	plan and specifications
400	advertisements
2000	easements
2000	salaries
500	misc
$121,140	total

I do not yet have an estimate on the phase 2 (12 inch water line on the new bridge).
A potential source for the funds is the highway 62 West CIP project. This could result in delaying this project. Another source would be the Garland water/sewer relocations. WE are still waiting on the State to know if this is going to be a 2000 project.

thank you,

Jim Beavers

From
project # 00026 121,140

To
project # 00038-20

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:	Date: 3-22-00
P.O. Number:	Expected Delivery Date: ASAP

Vendor #: 4721	Vendor Name: J & L Construction Attn: Justin Bryan		Mail: Yes ___ No X
Address: PO Box 1479		FOB Point:	Taxable: Yes ___ No ___
City: Huntsville	State: AR	Zip: 72740-1479	Ship To Code: 090
Requester: Jim Beavers		*Requester's Employee#: 327	Extension: 208
			Division Head Approval:

Item	Description:	Quantity	Unit of issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset
1	Construction of Water Line on			$106,040.00		4470-9470-5814.00	00038-2		
	Hwy. 45 East, Phase I, Bid #___								
	Contract #_____								
	SHIPPING/HANDLING								

Special Instructions: PLEASE RETURN PO TO ENGINEERING

Subtotal: _____

Tax: _____

TOTAL: $106,040.00

Approvals: (for purchasing office use only)

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Admin. Services Director: _____

Budget Coordinator: _____

Data Processing Mgr: _____

Bid 00-29
A. 4. Page 7

Section 00500

AGREEMENT

BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2000 by and between the City of Fayetteville, Arkansas (hereinafter called OWNER) and _____ (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Project - Highway 45 East Water Line Relocation - Phase 1, Bid # 00-29 for the City of Fayetteville

310 lf of 12 inch ductile iron water line, restrained joint gaskets, fittings, 90 lf of 24 inch encasement by bore and jack, 60 lf of 24 inch encasement by open cut, connections to existing lines, one fire hydrant, site preparation and cleanup, and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Engineering Division
113 W. Mountain
Fayetteville, Arkansas 72701

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work shall be both substantially and fully completed and ready for final payment within 21 calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions.

3.2. *Liquidated Damages.* OWNER and CONTRACTOR recognize that time is of the essence

of the Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER **One hundred** dollars **($200.00)** for each day that expires after the time specified in paragraph 3.1 for Substantial and Final Completion.

Article 4. CONTRACT PRICE.

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. for all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. for all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

Item No.	Item Description	Unit	Estimated Quantity	Unit Price	Extended Price
	Total Base Bid Amount				

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1. *Progress Payments*. OWNER 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 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to OWNER as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. 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, or furnishing of the Work.

6.3. 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.

6.4. CONTRACTOR has carefully studied all 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 which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER 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. CONTRACTOR has obtained and carefully studied (or assumes responsibility for 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, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance 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.

6.5. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. 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.

6.7. 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 and 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

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

7.1. This Agreement (pages 1 to __ , inclusive).

7.2. Performance and Payment Bonds, (Exhibits A and B respectively).

7.3. Certificates of Insurance, (Exhibit C).

7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).

7.5. General Conditions (pages 1 to 42, inclusive).

7.6. Supplementary Conditions (pages 1 to 15, inclusive).

7.7. Specifications consisting of Divisions 1 through 16 as listed in table of contents thereof.

7.8. Addenda numbers __ to __, inclusive.

7.9. Drawings (not attached hereto) consisting of a cover sheet and sheets numbered 1 through 25, inclusive with each sheet bearing the following general title:

Highway 45 East Water Line Relocation Phase 1, Bid # 00-29

7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

7.10.1. Notice to Proceed

7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. OWNER and CONTRACTOR each binds itself, it 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.

8.4. 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 stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to OWNER and ENGINEER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, 2000 (which is the Effective Date of the Agreement).

OWNER: **City of Fayetteville**

By: _____
Mayor

Attest_____

Address for giving notices

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)

CONTRACTOR: J+L CONSTRUCTION

By: _____

OWNER
Title

[CORPORATE SEAL]

Attest_____

Address for giving notices

License No. _____

Agent for service of process:

_____

_____

(If CONTRACTOR is a corporation, attach evidence of authority to sign)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: March 15, 2000

TO: City Council Members

FROM: John Maguire, Administrative Services Director

RE: Botanical Garden Board Appointments

Based on Section 7.0 of the Land Lease Agreement dated September 2, 1999, with the Botanical Garden Society of the Ozarks, the City Council will have the right to appoint no less than 25 percent of the members of the Society's Board of Directors. At least one of the City's appointees shall be a current member of the City Parks and Recreation's Advisory Board. At this time, 25 percent of this Board represents three positions.

I recommend that these positions be filled as follows:

1. Wade Colwell, Parks and Recreation's Advisory Board
2. Lisa Paschal, Parks and Recreation's employee
3. Yolanda Fields, Community Development Coordinator

JM:msm

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Charles Venable	Public Works Director	Public Works
Name	Division	Department

ACTION REQUIRE: A resolution approving a letter agreement with Wright, Lindsey and Jennings LLP of Little Rock, Arkansas to serve as bond counsel for the proposed issuance of library construction and improvement bonds. The cost is not-to-exceed $35,000, plus disclosure documentation, sale document and continuing disclosure agreement preparation cost not-to-exceed $5,000, plus out-of-pocket expenses not-to-exceed $3,500 per series of bonds. These costs will be paid from the bond proceeds. Additionally, authorize the Budget Manager to execute any budget amendments necessary to implement this bond issue.

COST TO CITY:

$43,500 estimate		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager	3-28-00 Date	Internal Auditor	3-28-00 Date
City Attorney	3-28-00 Date	ADA Coordinator	Date
Purchasing Officer	3-28-00 Date		

STAFF RECOMMENDATION: Staff recommends approval of this agreement.

Division Head	Date	Cross Reference
Department Director	3-28-00 Date	New Item: **Yes** **No**
Administrative Services Director	3-28-00 Date	Prev Ord/Res #:
Mayor	3/28/00 Date	Orig Contract Date:

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Charles Venable	Public Works Director	Public Works
Name	Division	Department

ACTION REQUIRE: A resolution approving a letter agreement with Stephens Incorporated to serve as the underwriter the proposed issuance of library construction and improvement bonds. The underwriting fee will not exceed 1.25% of the bond issue. These bond issuance costs will be paid from the bond proceeds. Additionally, authorize the Budget Manager to execute any budget amendments necessary to implement this bond issue.

COST TO CITY:

$250,000 estimate		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J. Grames — Accounting Manager — Date 3-28-00

Yolanda Fields — Internal Auditor — Date 3-28-00

City Attorney — Date 3-28-00

ADA Coordinator — Date

Purchasing Officer — Date

STAFF RECOMMENDATION: Staff recommends approval of this agreement.

Division Head — Date

Charles Venable — Department Director — Date 3-28-00

John Mangum — Administrative Services Director — Date 3-28-00

Fred Shoaf — Mayor — Date 3/28/00

Cross Reference

New Item: **Yes** **No**

Prev Ord/Res #:

Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor Hanna and City Council

From: Charles Venable

Date: March 23, 2000

Subject: Underwriting Services and Bond Counsel Services for the City of Fayetteville's Future Public Library Construction

---

Attached hereto are copies of the following:

1. A contract proposal from the law firm of Wright, Lindsey and Jennings LLP, of Little Rock, Arkansas, to serve as bond counsel for the proposed library construction and improvement bonds; and

2. A contract proposal from Stephens, Incorporated, of Fayetteville, Arkansas, to serve as the underwriter for the proposed library construction and improvement bonds.

The firms were selected by Selection Committees who met on January 4, 1999, to select the underwriter, and January 11, 1999, to select the bond counsel.

Approval of the two agreements is recommended at this time.

CV:msm

Attachments

c Jerry Rose
Louise Schaper
John Maguire

Stephens Inc.

Dennis R. Hunt
Vice President and Manager

March 3, 2000

Honorable Fred Hanna
Mayor
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Underwriting Services - Fayetteville Public Library Ad Valorem Tax Financing

Dear Mayor Hanna:

Stephens Inc. is pleased to provide underwriting services for the City of Fayetteville in connection with a bond issue for the Fayetteville Public Library. This letter is to serve as an Engagement Agreement between the City of Fayetteville and Stephens Inc. for underwriting services.

Our scope of services will be as submitted in our proposal to the City's RFQ 98-8. As indicated in our proposal, we will provide the City with an analysis of financing options, debt schedules, and prepare a report on pricing the bonds. In addition, we will be available to make presentations to review and explain financing alternatives. Once a structure is complete, we will then, based on the City and Library Board's approval, offer the bonds.

To initiate this process, we would request that the City of Fayetteville agree to designate Stephens Inc. as underwriter for the proposed financing. It is understood the City will not be obligated to our firm for underwriting costs in the event the bonds are not sold or in the event the City Council fails to adopt an Ordinance approving the bond issue. Our compensation will be limited solely to the sell of the bonds, the terms of which, including the underwriting discount, will be subject to the City's approval. In any event, the underwriting fee will not exceed 1.25% of the issue. Stephens agrees to pay all travel, phone, and computer expenses from the underwriter's discount. All other costs relating to the issuance of the bonds will be paid from bond proceeds or from existing funds.

If the foregoing is in accordance with your understanding and our previous discussions, please execute the acceptance below. We look forward and appreciate the opportunity to work with the City and Library Board on this issue.

Respectfully submitted,

By: _____
Stephens Inc.

Accepted this _____ day of _____

By: _____
Mayor, City of Fayetteville

By: _____
President, Fayetteville Public Library

DH/kg

Investment Bankers
2592 North Gregg Avenue • Suite 1 • Fayetteville, Arkansas 72703 • 501-718-7401 • Fax 501-718-7490
800-205-8613 • dhunt@stephens.com

EDWARD L. WRIGHT
(1903-1977)
ROBERT S. LINDSEY
(1913-1991)
ISAAC A. SCOTT, JR.
JOHN G. LILE
GORDON S. RATHER, JR.
TERRY L. MATHEWS
DAVID M. POWELL
ROGER A. GLASGOW
C. DOUGLAS BUFORD, JR.
PATRICK J. GOSS
ALSTON JENNINGS, JR.
JOHN R. TISDALE
KATHLYN GRAVES
M. SAMUEL JONES III
JOHN WILLIAM SPIVEY III
LEE J. MULDROW
N.M. NORTON
CHARLES C. PRICE
CHARLES T. COLEMAN
JAMES J. GLOVER
EDWIN L. LOWTHER, JR.
CHARLES L. SCHLUMBERGER
SAMMYE L. TAYLOR
WALTER E. MAY
GREGORY T. JONES
H. KEITH MORRISON
BETTINA E. BROWNSTEIN
WALTER McSPADDEN
ROGER D. ROWE
NANCY BELLHOUSE MAY

WRIGHT, LINDSEY & JENNINGS LLP
ATTORNEYS AT LAW

200 WEST CAPITOL AVENUE
SUITE 2200
LITTLE ROCK, ARKANSAS 72201-3699

(501) 371-0808

FAX (501) 376-9442

WEBSITE: www.wlj.com

OF COUNSEL
ALSTON JENNINGS
RONALD A. MAY
M. TODD WOOD

Writer's Direct Dial No. 501-212-1310
jspivey@wlj.com

JOHN D. DAVIS
JUDY SIMMONS HENRY
KIMBERLY WOOD TUCKER
RAY F. COX, JR.
TROY A. PRICE
PATRICIA A. SIEVERS
JAMES M. MOODY, JR.
KATHRYN A. PRYOR
J. MARK DAVIS
CLAIRE SHOWS HANCOCK
KEVIN W. KENNEDY
JERRY J. SALLINGS
FRED M. PERKINS III
WILLIAM STUART JACKSON
MICHAEL D. BARNES
STEPHEN R. LANCASTER
JUDY ROBINSON WILBER
BETSY MEACHAM
AINSLEY H. LANG
KYLE R. WILSON
C. TAD BOHANNON
DON S. McKINNEY
MICHELE SIMMONS ALLGOOD
KRISTI M. MOODY
J. CHARLES DOUGHERTY
M. SEAN HATCH
PHYLLIS M. McKENZIE
ELISA MASTERSON WHITE
JANE M. FAULKNER
ROBERT W. GEORGE
J. ANDREW VINES

March 6, 2000

Honorable Fred Hanna, Mayor
City of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

Honorable Louis Gottsponer
President, Fayetteville Library Board
Fayetteville Public Library
217 E. Dickson Street
Fayetteville, Arkansas 72701

RE: Proposed 1999 City of Fayetteville, Arkansas Library Construction and Improvement Bonds Series 2000 (the "Bonds")

Ladies and Gentlemen:

On behalf of Wright, Lindsey & Jennings LLP, we want to express our appreciation to you for selecting our firm to serve the City of Fayetteville ("City") as bond counsel in connection with the proposed Library Construction and Improvement Bonds. We look forward to the opportunity to work with you and your staff and other members of the City administration in formulating a sound financing plan for the proposed capital improvements.

We view our role as Bond Counsel to be that of counselor and advisor to you in connection with the documentation, issuance and delivery of the Bonds. We will prepare all ordinances, indentures, resolutions and other documents necessary to the authorization and approval of the bond issue, including the election documents. Upon request, a representative of our firm will be in attendance at all public meetings at which matters pertinent to your consideration of the Bonds are discussed.

You have requested that we enter into a definitive fee agreement with the City in connection with the proposed bond counsel engagement. We are prepared to enter into such an agreement and would suggest that the fee arrangements be structured as follows:

1. Our proposed fee for serving as bond counsel in connection with the issuance of the Bonds, based on the anticipated size of approximately $20 million, would be $35,000.00. In the event the actual amount of bonds issued exceeds or is less than the estimated size for the

bond issue by more than $3,000,000, we would negotiate a mutually acceptable adjustment to the proposed fee. Similarly, if the Bonds are issued in more than one series we would request an appropriate adjustment to the fee based upon the additional fixed costs incurred through the issuance of bonds in multiple series. You would incur no obligation to pay our fees unless and until the Bonds are sold and delivered to the purchaser.

2. In the event the underwriter you have selected requests that we also prepare the disclosure documentation (the Preliminary and Final Official Statements), sale document (Bond Purchase Agreement) and Continuing Disclosure Agreement we would add an additional $5,000.00 to the fee quoted above.

3. If for any reason the City becomes involved in litigation challenging the validity of the Bonds, the proceedings necessary to the issuance of the Bonds or any other matter which would impact our ability to deliver our unqualified approving opinion in connection with the sale and delivery of the Bonds, and the City requests that we act as counsel in such litigation, we would negotiate an appropriate charge for our services in that action.

4. Finally, we would expect to be reimbursed on a dollar-for-dollar basis for our out-of-pocket expenses for such things as photocopying, express mail, long distance telephone service, facsimile transmissions, travel outside the City of Little Rock and the binding of transcripts. We agree that our charges for these expenses will not, in any event, exceed $3,500.00 per series of bonds. We would expect to be reimbursed for these expenses whether or not the Bonds are actually issued.

We are prepared to discuss and negotiate a reasonable alternative fee structure or modifications to the proposals outlined in this letter. If the foregoing proposal is acceptable, we ask only that you approve a copy of this letter in the space provided below and return the same to us. If further modification of these proposals is desired, we ask that you contact us after reviewing the proposed fee structure to discuss any requested changes or modifications.

Once again, it is a privilege and an honor to be selected to serve as bond counsel to the City of Fayetteville in connection with the proposed Bonds. We look forward to serving you in this capacity.

Cordially yours,

WRIGHT, LINDSEY & JENNINGS LLP

John William Spivey III

JWS:jlh
78183

ACCEPTED this _____ day of April, 1999.

CITY OF FAYETTEVILLE, ARKANSAS

_____
Mayor

FAYETTEVILLE PUBLIC LIBRARY BOARD

By:_____
President

cc: Ms. Louise Shaper
Mr. Brian Swain

STAFF REVIEW FORM

___X__ AGENDA REQUEST
___X__ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting

FROM:

Apryl Okoroafor	Parking Management	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of the Contract Renewing the City's lease of parking lots owned by the Off Street Development District No. 1 for the next five years.

COST TO CITY:

N/A		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

___ Budgeted Item ____ Budget Adjustment Attatched

Budget Coordinator | Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **Granting Agency:**_____

Marilyn J Cramer	3-24-00			
Accounting Manager	Date	Internal Audit		Date
	3.24.00			
City Attorney	Date	ADA Coordinat		Date
	3-24-00			
Purchasing Officet	Date			

STAFF RECOMMENDATION: Staff recommended approval.

Apryl Okoroafor	3-24-00
Division Head	Date
John Thurmond	3-27-00
Department Director	Date
Fred Shoun	3/27/00
Mayor	Date

Cross Reference

New Item: YES NO

Prev. Ord/Res #:_____

Orig. Contract Date:_____

STAFF REVIEW FORM

Description Off-Street Development Dist. No1 Contract Meeting Date April 4, 2000

ients: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Goal: to make it to Agenda Session TUESDAY (28th). (Need PKT BACK By Tuesday early.

Thanks April x280

LEASE AGREEMENT

This lease Agreement executed this 23 day of March, 2000, by and between OFF-STREET PARKING DEVELOPMENT DISTRICT NO. 1 of the City of Fayetteville, Arkansas (hereinafter called "Lessor"), and the CITY OF FAYETTEVILLE, Arkansas (hereinafter called "Lessee").

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

1. Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the real property described in Exhibit "A: attached hereto and made a part hereof.

2. The term of this Lease shall be for a period of fIVE (5) years commencing on the date of execution hereof; provided, this Lease shall automatically terminate at such time as the principal and interest on all Improvement District Bonds issued by Lessor is paid in full, if such payment in full is made prior to expiration of fIVE (5) years from the date hereof.

3. Lessee hereby agrees that during the term of this Lease, or any extension thereof, Lessee shall operate the leased premises as revenue producing off-street parking lots; Lessee agrees to equip the leased premises with parking meters or parking gates; Lessee agrees to collect the revenues from the parking meters or parking gates located on the leased premises; and Lessee agrees to police the lease premises to insure that motorists parking thereon are paying required usage fees as are now, or as may hereafter, be established by Lessee.

4. Lessee agrees to pay over to Lessor during the term of this Lease, or any extension thereof, the net operating revenues derived from the leased premises. The term "net operating revenues" shall mean gross revenues less all costs of equipping, maintaining, and operating the lease premises as off-street parking lots. Said revenues shall be paid to Lessor quarterly.

IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the date first above written.

OFF-STREET PARKING DEVELOPMENT
DISTRICT NO. 1 OF THE CITY OF
FAYETTEVILLE, ARKANSAS

By: _____
COMMISSIONER

_____
COMMISSIONER

_____
COMMISSIONER
LESSOR

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
MAYOR
LESSEE

ATTEST:

_____
CITY CLERK

EXHIBIT A

Lots 1 and 2 in Block 13;
Lots 7, 8, 9, and 10 in Block 17;
Lots 1 and part of lot 2 in Block 25.

Parking Management Office, 113 West Mountain, Fayetteville, AR 72701
501- 575- 8280 Fax 501- 575- 8316

March 10, 2000

Lamar Pettus
151 West Dickson Street
Fayetteville, AR 72701

Dear Mr. Pettus,

The city of Fayetteville's lease with Off-Street Parking Development District No. 1 expires March 2000. Enclosed is a lease agreement for the Off-Street Parking Development District No. 1's review. If the enclosed contract meets with the districts approval pleas sign and forward to my attention at your earliest convenance.

I am eager to reestablish our contract. Thank you for your time and consideration with this request.

Sincerely,

Apryl Okoroafor
Parking Management Coordinator

Enc.: Contract

STAFF REVIEW FORM

___X___ AGENDA REQUEST
___X___ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting

FROM:

Apryl Okoroafor	Parking Management	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of the Contract Renewing the City's lease of parking lots owned by the Off Street Development District No. 1 for the next five years.

COST TO CITY:

N/A		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used To Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW:

___Budgeted Item ____ Budget Adjustment Attatched

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **Granting Agency:**_____

Marilyn J Cramer	3-24-00			
Accounting Manager	Date	Internal Audit		Date
	3·24·00			
City Attorney	Date	ADA Coordinat		Date
P Vice	3-24-00			
Purchasing Officet	Date			

STAFF RECOMMENDATION: Staff recommended approval.

Apryl Okoroafor	3-24-00	
Division Head	Date	Cross Reference
John Thurmond	3-27-00	New Item: YES NO
Department Director	Date	
Fred Shoaf	3/27/00	Prev. Ord/Res #:_____
Mayor	Date	Orig. Contract Date:_____

STAFF REVIEW FORM

Description Off-Street Development Dist. No1 Contract Meeting Date April 4, 2000

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Goal: to Make it to Agenda Session TUESDAY (28th). (Need PKt BACK By Tuesday early.

Thanks April x280

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IN WITNESS WHEREOF, the parties have executed this Lease Agreement on the date first above written.

OFF-STREET PARKING DEVELOPMENT
DISTRICT NO. 1 OF THE CITY OF
FAYETTEVILLE, ARKANSAS

By: _____
COMMISSIONER

_____
COMMISSIONER

_____
COMMISSIONER
LESSOR

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
MAYOR
LESSEE

ATTEST:

_____
CITY CLERK

EXHIBIT A

Lots 1 and 2 in Block 13;
Lots 7, 8, 9, and 10 in Block 17;
Lots 1 and part of lot 2 in Block 25.

Parking Management Office, 113 West Mountain, Fayetteville, AR 72701
501- 575- 8280 Fax 501- 575- 8316

March 10, 2000

Lamar Pettus
151 West Dickson Street
Fayetteville, AR 72701

Dear Mr. Pettus,

The city of Fayetteville's lease with Off-Street Parking Development District No. 1 expires March 2000. Enclosed is a lease agreement for the Off-Street Parking Development District No. 1's review. If the enclosed contract meets with the districts approval pleas sign and forward to my attention at your earliest convenance.

I am eager to reestablish our contract. Thank you for your time and consideration with this request.

Sincerely,

Apryl Okoroafor
Parking Management Coordinator

Enc.: Contract

3/20

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of April 4, 2000.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Resdential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	3-17-00 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 8-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-17-00 Date	**Cross Reference**
Department Director	3-20-00 Date	New Item: **Yes** **No**
Administrative Services Director	3-20-00 Date	Prev Ord/Res#:_____
Mayor	3/20/00 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ00-11.00 FOR A PARCEL CONTAINING APPROXIMATELY 4.02 ACRES LOCATED AT 2300 CATO SPRINGS ROAD AS REQUESTED BY RONALD G. WOODRUFF ON BEHALF OF THE JOYCE M. OGDEN FAMILY TRUST.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

RZ00-11.00 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From R-2 Medium Density Residential to C-2, Thoroughfare Commercial.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By_____
Fred Hanna, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

A part of the NW 1/4 of the NE 1/4 of section 29, township 16 north, range 30 west of the fifth principal meridian, being more particularly described as follows: commence at the southwest corner of the NW 1/4 of the NE 1/4 of said section 29; thence S 86°37'38" E 703.93 feet to the point of beginning and run thence N 2°35'15" E 563.56 feet; thence S 87°23'09" E 310.00 feet; thence S 2°35'15" W 567.66 feet; thence N 86°37'38" W 310.03 feet to the point of beginning and containing 4.02 acres, more or less, Washington County, Arkansas.

RZ00-11: REZONING
OGDEN, PP638

This item was submitted by Ronald G. Woodruff, Attorney on behalf of Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Ron Woodruff was present on behalf of the request.

Staff Recommendation

Staff recommended approval of requested rezoning.

Commission Discussion

Johnson: The property is adjacent to the City property for the Water and Sewer Services Facility. There has been recent rezoning approved by the Council which is R-2 to the north of this property which is now I-1. The City intended to sell the property and ultimately did not. Everything east and north is now I-1. This was part of a larger tract which was before us four years ago for a rezoning. At that time, did the Commission deny the rezoning?

Conklin: They denied the request for the entire acreage. The applicant came back with 6.17 acres which is to the west and it was approved. When the city property was proposed for student housing, there was concern about having thoroughfare commercial C-2 zoning. Now the city property has been rezoned to I-1 with plans to expand that facility. It is consistent with our land use plan.

Woodruff: We originally proposed 10 acres for rezoning in 1996 and we withdrew that. I wanted to bring it to your attention that I did go to the city and reviewed the zoning map and it was shown as commercial use and I had to bring their attention that there were four acres still zoned R-2.

Public Comment

None.

Further Commission Discussion

Johnson: This action is merely a recommendation to the City Council who will make the

final determination.

MOTION

Commissioner Marr made a motion to approve RZ00-11.

Commissioner Odom seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: March 13, 2000

RZ 00-11.00: Rezoning (Ogden, pp 638) was submitted by Ronald G. Woodruff, Attorney on behalf of Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 13, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-13-00\ogden.wpd

BACKGROUND:

On October 28, 1996 the applicant requested that the Planning Commission rezone this property along with the adjacent 6.17 acres (a total of 10.19 acres) to C-2, Thoroughfare Commercial. At that time, the request was denied (see attached minutes). Later, the applicant revised the request and resubmitted a rezoning application for only the 6.17 acres closest to the by-pass. On December 2, 1996, the Planning Commission voted 6-1-0 to rezone the 6.17 acres from R-2, Medium Density Residential to C-2, Thoroughfare Commercial. A Bill of Assurance offered by the applicant at the time was also accepted by the Commission which stated that the entire 6.17 acres would be subject to the requirements of the Design Overlay District (see attached minutes). The City Council approved this amended request with a vote of 8-0-0 on the third reading of the rezoning ordinance on January 21, 1997.

At this time, the applicant is requesting that the 4.02 acres which was removed from the original rezoning request be zoned C-2, Thoroughfare Commercial. At this time the property is zoned R-2, Medium Density Residential.

This property is bound on the north and east by City of Fayetteville property. This is the site of the Water & Sewer Operations Center. The property is currently zoned R-2, however a request has been approved by the Planning Commission and is before City Council at this time to rezone this City property I-1, Heavy Commercial / Light Industrial. On the south and west, the subject property adjoins C-2 property which is largely undeveloped. The property immediately south of this tract (approximately 12.44 acres) was rezoned from R-2 to C-2 in 1997.

SURROUNDING LAND USE AND ZONING

North:	City of Fayetteville Water & Sewer Operations Center (R-2 / rezoning to I-1 at City Council currently)
South:	Single family home (C-2)
East:	City of Fayetteville Water & Sewer Operations Center (R-2 / rezoning to I-1 at City Council currently)
West:	Single family home (C-2)

INFRASTRUCTURE:

Streets: Access to this property is along a private drive and along Treat Street, from Razorback Road which is classified as a principal arterial on the Master Street Plan requiring a total of 110' of right of way.

Water: 24" line along Treat Street (south boundary)

Sewer: Not available. Owner will be responsible for extending sewer to this location at the time of development.

LAND USE PLAN: General Plan 2020 designates this site Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial, is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed rezoning to C-2, is consistent with the City's General Plan 2020. The area of Cato Springs Road / Razorback Road is designated in the General Plan as a regional commercial center into which new regional development should be directed.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed rezoning is only justified in that it is consistent with the City's adopted General Plan 2020.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed rezoning will not create or appreciably increase traffic danger and congestion.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning will not alter population density at this location.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

§161.14 DISTRICT C-2 THOROUGH-FARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations. Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

Description of Request

Joyce M. Ogden Family Trust is the owner of the property. Joyce Ogden is a co-trustee and lives on the site. Joyce's son, Earl L. Ogden, Jr. is a co-trustee and a secondary beneficiary along with his two sons. There is no pending or proposed sale of the property.

The extension of Razorback Road in 1996 to the I 540 ramp makes the property a prime location for commercial development and use. The property could be used for a hotel, motel, restaurant, fuel sales, and other accommodations and services for local and traveling public.

In late 1996 "Tract A" (see Plat of Survey) containing 6.17 acres was rezoned from R-2 to C-2. During that process, "Tract B" (the land now sought to be rezoned to C-2) was withdrawn from the original Petition primarily because the City of Fayetteville was negotiating the sale of the property adjoining Tract B on the North and East to third parties for construction of a large apartment complex. The City lost its buyer and now has pending a Petition to rezone it's land back to C-2. Assuming the City is successful in its efforts to rezone its 19+ acres back to C-2, Ogden's Tract B is to be an isolated 4 acre tract of R-2 surrounded on three sides by commercial zoning.

The increase traffic flow stimulated by the Razorback/Cato Springs Road connection to I 540 and the surrounding C-2 zoning has rendered Tract B no longer suitable for residential use. It is anticipated that given the nature and market value of Tract B, the appearance of any building constructed for commercial use would be attractive and appropriate.

According to City maps a 24" water line is available to serve the City. Currently, the sewer line terminates at the City Operation Center on Cato Springs Road which lays adjacent and North of "Tract B".

RZ96-18.00: REZONING TO C-2
JOYCE OGDEN NE CORNER OF CATO SPRINGS RD & TREAT ST.

The next item on the agenda was submitted by Ronald Woodruff on behalf of Joyce Ogden for property located at the northeast corner of Cato Springs Road and Treat Street. The property is zoned R-2 (Medium Density Residential) and contains approximately 10.19 acres. The request is for a rezoning to C-2 (Thoroughfare Commercial).

The staff recommended approval of the rezoning as requested based on the designation of this area in General Plan 2020 as Regional Commercial. General Plan 2020 states the purpose of regional commercial development is to "maximize and enhance the existing regional commercial areas of the City and to create regional identity". Section 6.4e under Regional Commercial: Implementation Strategies reads as follows, "Direct new regional development into designated regional commercial centers". This area (71 Bypass intersection with U.S. 71/ Razorback Road/Cato Springs Road) is specifically designated as a "new center" of regional commercial activity.

Mr. Tucker questioned if the property was in the overlay district. He added the 2020 Plan did show this area as regional commercial, but it also preferred nodule type development.

Ms. Little stated a portion of the property was in the overlay district. The 2020 plan tried to place more neighborhood commercial in nodes regional commercial was placed in areas that would attract from various regions.

Mr. Sugg stated the area should be used as residential.

Ms. Johnson questioned the number of residents now on the property.

Mr. Woodruff stated there were two existing homes on the site.

Ms. Johnson commented she could not remember an area where a five-lane highway had gone in first residential. She had seen the reverse where a five-lane had gone through an existing residential area.

Mr. Sugg defended the City encouraged it by zoning it commercial.

Ms. Johnson did not believe the property would develop as residential. She noted that, if they did not rezone the property to commercial, it would probably just sit there undeveloped.

Ms. Hoffman did not believe there was a need for the entire tract to be rezoned commercial. The frontage would be appropriate, but the back of the tract was reaching into a residential

neighborhood. To rezone the entire tract for a dense commercial use would be excessive.

Mr. Woodruff responded residential was not practical for this tract of land because of the railroad toward the back of the property. They would have five lane highways on two sides and a railroad track to the rear.

Ms. Johnson questioned the street in the northeast corner.

Mr. Woodruff stated it was used as a driveway for Mr. Treat, the adjacent neighbor.

Mr. Harbison commented he was leaning toward denial of this request. The Planning Commission bylaws instructed that they must determine that there is a current need in the City for the rezoning as of the date for the proposed rezoning. Fayetteville now had more than 400 acres of undeveloped C-2 land, most of which they had rezoned in the last year and half. He could not see the need for additional C-2.

Mr. Sugg commented this area was to be the new gateway into Fayetteville. His concern was that there was too much C-2, he felt C-1 would be more appropriate.

Mr. Tucker stated one benefit was that it was in the overlay district.

Ms. Little replied about half of the property was in the overlay district, but did include most of the frontage.

MOTION

Mr. Odom moved to approve the rezoning.

Mr. Allred seconded the motion.

Mr. Forney stated he would oppose the rezoning for the same reasons that he opposed designating this area as regional commercial when they passed the land use plan. He explained that the proximity to the Highway 62 intersection was too close. The City did not need two different nodes that close together. He would be consistent and oppose the rezoning.

The roll was called. The rezoning failed by a vote of 3-6-0, Harbison, Sugg, Forney, Reynolds, Hoffman, and Tucker voting nay.

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Planning Commission was held on December 2, 1996 at 5:30 p.m. in Room 326 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

MEMBERS PRESENT: Phyllis Johnson, Lorel Hoffman, Gary Tucker, Conrad Odom, John Forney, Mark Sugg, and Jerry Allred.

STAFF PRESENT: Alett Little, Jim Beavers, Rich Lane, Dawn Warrick, and Heather Woodruff.

APPROVAL OF THE MINUTES
Minutes of the October 28, 1996 meeting were approved as distributed.

OLD BUSINESS

RZ96-18.00: REZONING FOR JOYCE OGDEN
CATO SPRINGS AND TREAT STREET.

The first item was submitted by Ronald Woodruff on behalf of Joyce Ogden for property located at the northeast corner of Cato Springs Road and Treat Street. The property is zoned R-2 (Medium Density Residential) and contains approximately 10.19 acres. The request is to rezone only the west 6.17 acres from R-2 to C-2 (Thoroughfare Commercial). This is an amendment to a previous petition heard and denied at the Planning Commission meeting of 10/28/96.

The staff recommended approval of the rezoning (with the amended acreage, decreasing from 10.19 acres to 6.17 acres) as requested based on the designation of this area in General Plan 2020 as Regional Commercial. General Plan 2020 states that the purpose of the regional commercial development is to "maximize and enhance the existing regional commercial areas of the City and to create regional identity." Section 6.4.e. under Regional Commercial: Implementation Strategies reads as follow, "Direct new regional development into designated regional commercial centers." This area (71 Bypass intersection with U.S. 71/Razorback Road/Cato Springs Road) is specifically designated as a "new center" of regional commercial activity.

Although staff recommended approval of the previous submittal, the amended proposal appears to be a better with the R-2 buffer to the east (4.02 acres). The applicant is advised that the "tract A & B" description should only be utilized for zoning purposes and will not be recognized by the City as separate tracts. A lot split will be required before these tracts could be sold separately.

Mr. Tucker asked if the applicant was willing to put all of the proposed rezoning under the design overlay district.

Mr. Woodruff stated they were willing to offer a Bill of Assurance accepting the Overlay District for the proposed 6.17 acre rezoning.

Ms. Johnson clarified some of the six acres did not lay within the Overlay District.

Mr. Woodruff replied there was about an acre out of it, but they were willing to cover the whole tract.

Mr. Allred commented the land was not subject to the Overlay District now because it was not zoned commercial.

Ms. Little explained as long as the parcel was zoned R-2 (or any residential classification) it would not be subject to the Overlay District. The Overlay District only applied to commercial property.

Ms. Johnson asked Mr. Woodruff if he was willing to have the entire tract of C-2 in the Overlay District.

Mr. Woodruff stated they were willing to have the entire commercial area in the Overlay District.

Mr. Forney questioned the need for more property zoned commercially.

Ms. Johnson stated the staff had observed there was very little commercial property in that area. The implication being, it was not sensible to have all the commercial development in one region of the City.

Ms. Little stated the Land Use Plan showed this area to be Regional Commercial.

MOTION

Mr. Odom moved to approve the rezoning subject to staff comments and the applicant's willingness to offer a Bill of Assurance to subject the entire C-2 tract to requirements of the Overlay District.

Mr. Tucker seconded the motion.

Ms. Johnson explained to Mr. Woodruff a rezoning required five positive votes to pass. She gave him the option to wait until they had more members present.

Mr. Woodruff stated he would accept this vote.

Mr. Forney commented there was a lot of C-2 at the intersection of Hwy 62 and 71B as well as S. School. He objected to making this regional commercial at this time because of these strong commercial strips.

Ms. Johnson commented the area north of the bypass was largely regional commercial and the areas south of the bypass had more of a local flavor. She could not see the logic in pushing such a large portion of the commercial development to the north, excluding the mall area.

Mr. Forney stated the 2020 Plan had five nodes of regional commercial along the bypass. It was his argument that they did not need to develop another intersection in the same manner as Hwy 62. He did not believe they should rezone more land for heavy commercial use than what was needed. He felt one of the dangers was that if all the land was developed to its highest potential, by-right, use in C-2 then they would have a remarkable amount of commercial development and it would be hard for the City's infrastructure to support. They might be over taxing the highway if they were to develop that densely. He added the northern region had always been seen as the primary regional commercial area, because they had more potential customers from Springdale and Rogers.

Mr. Sugg stated this was a better proposal and he hoped that the Overlay District would do what it was intended to do and make it a pleasant entry.

Mr. Tucker commented the infrastructure was part of the reason he was inclined to vote for this. The City had already built a five-lane road out there. He believed it was in preparation for heavy commercial use.

Mr. Forney expressed concern that they were encouraging strip developments along major arterial. He was in favor of commercial nodes. He argued that using the five lane street as a route to commercial properties would cause traffic problems.

Ms. Johnson asked Mr. Forney if he agreed or disagreed with the 2020 Plan.

Mr. Forney stated the rezoning complied with the 2020 plan, however, rezoning more land C-2 was in contradiction with the plan because it would create an excess of C-2 property in Fayetteville.

Ms. Johnson asked if the cemetery on the north side of Razorback Road joined the road.

Mr. Woodruff thought it was a private cemetery and it did come to the road.

Ms. Johnson thought the location of the cemetery would prevent that side of the highway from being developed commercial adding this node would not be so heavily developed as some of the

other intersections.

Ms. Little stated the cemetery did adjoin the right-of-way. The land use plan only showed the northeast corner of the intersection being zoned regional commercial, reasoning that the steep terrain to the south of the intersection would limit commercial developments there.

Mr. Sugg asked Mr. Woodruff if the terrain would affect the access to the property.

Mr. Woodruff replied the property did sit a little low along the south side of the highway but the existing driveway was at a slope that leveled off before it met the highway.

Mr. Allred commented they had two options: a commercial development or an apartment complex.

Ms. Little added apartment complexes were not subject to the Overlay District.

Mr. Allred stated the City would benefit by the rezoning because they would be subject to the Overlay beautification requirements. If they did not rezone, they could have an apartment complex not subject to any of the requirements.

Mr. Forney expressed concerns that the entire Razorback extension would become strip development.

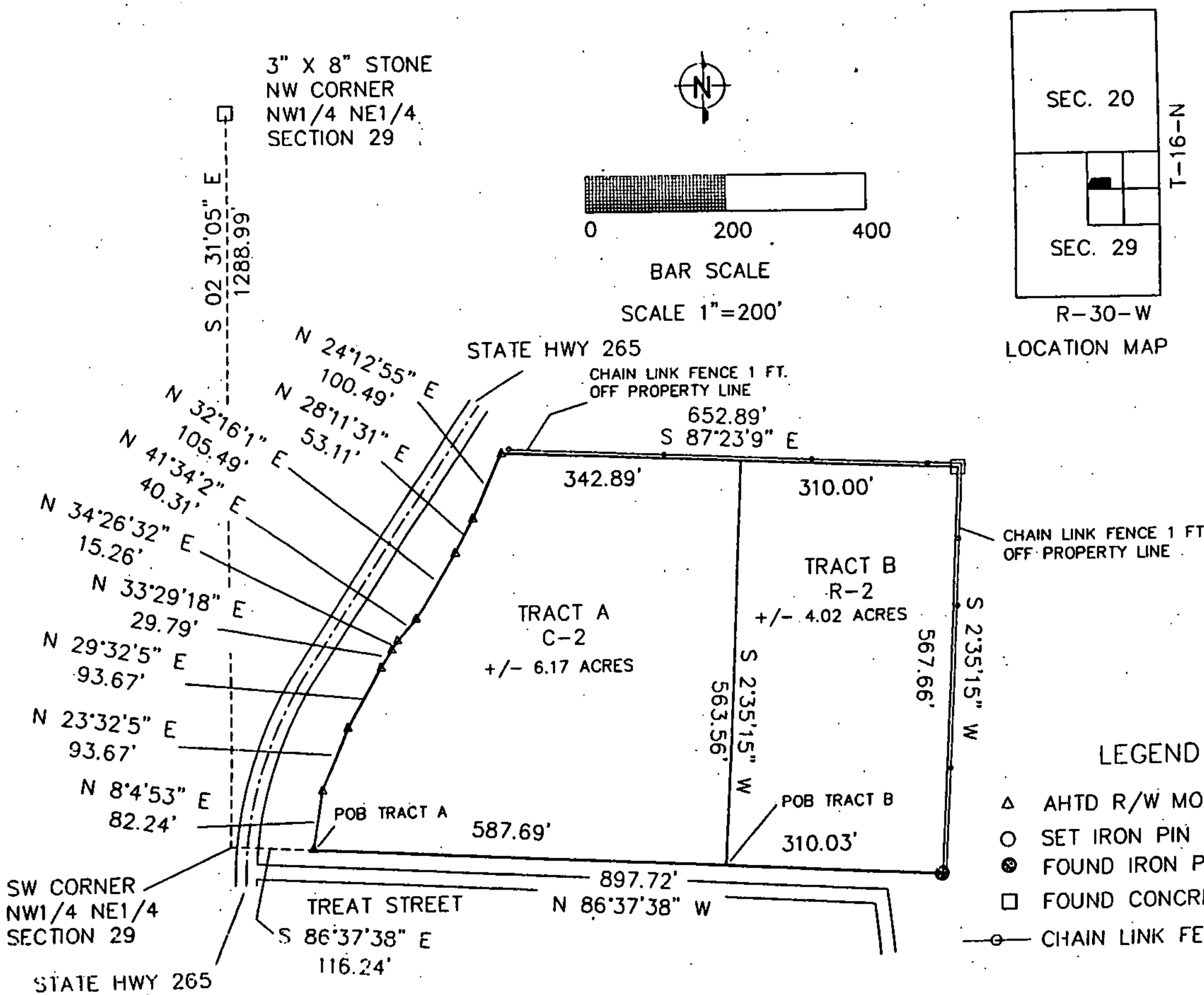
Ms. Johnson responded they would have more control over this because it was going across fresh land and that Hwy 62 had existing commercial developments for years.

Mr. Woodruff stated Richard Poole, who owned the lots on the west side, had no intentions of developing his land commercial. He added the proposed rezoning was surrounded by City property to the north and east who had control over how the land would be developed.

Mr. Sugg thought the land across the road would be undevelopable because of the slope.

Ms. Johnson stated the motion was to approve the rezoning subject to the staff's comments and subject to the applicant's offer of a Bill of Assurance to apply all requirements of the Overlay District to the entire six plus acres.

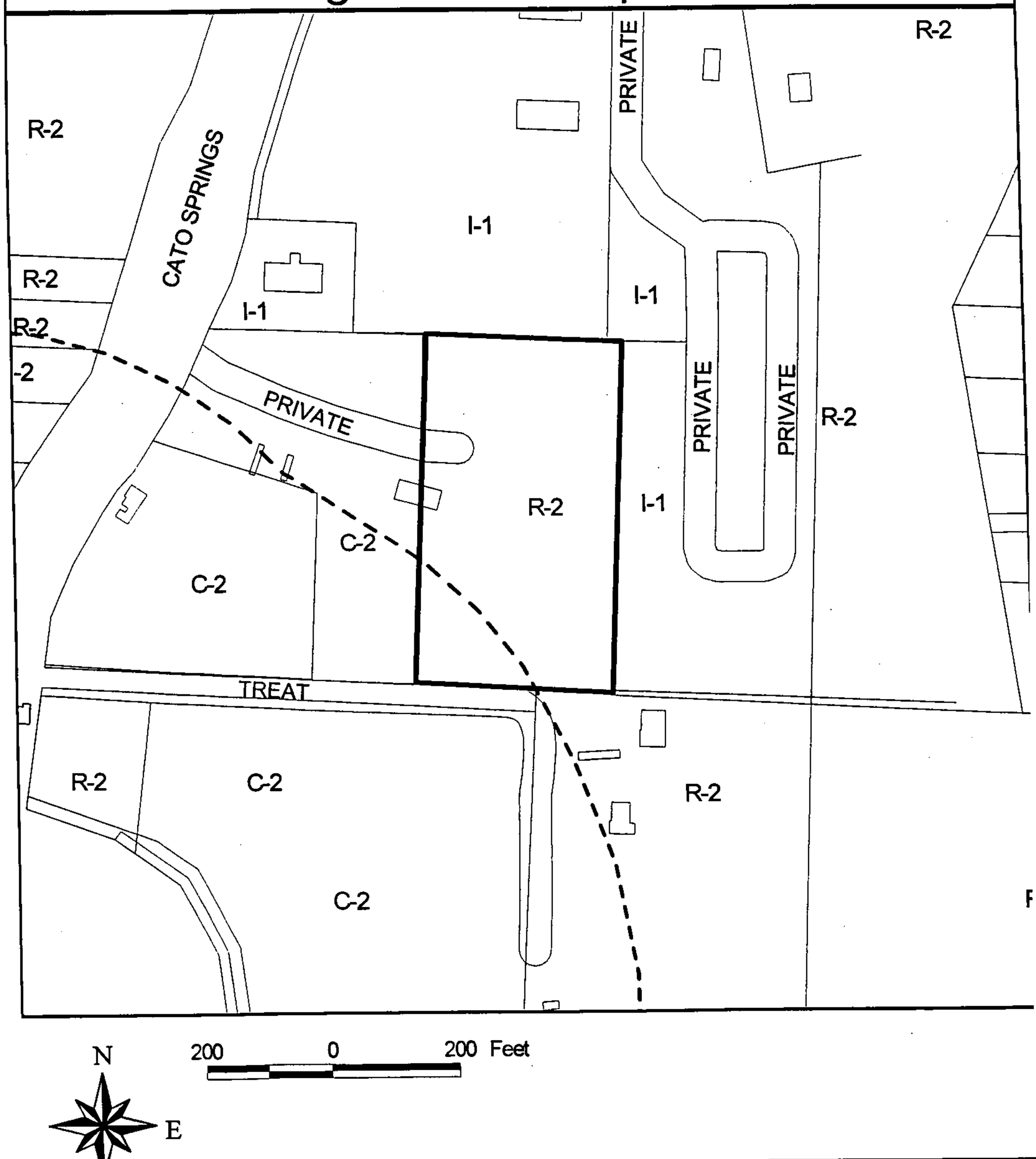
The roll was called and the item was approved by a vote of 6-1-0. Mr. Forney voting nay.



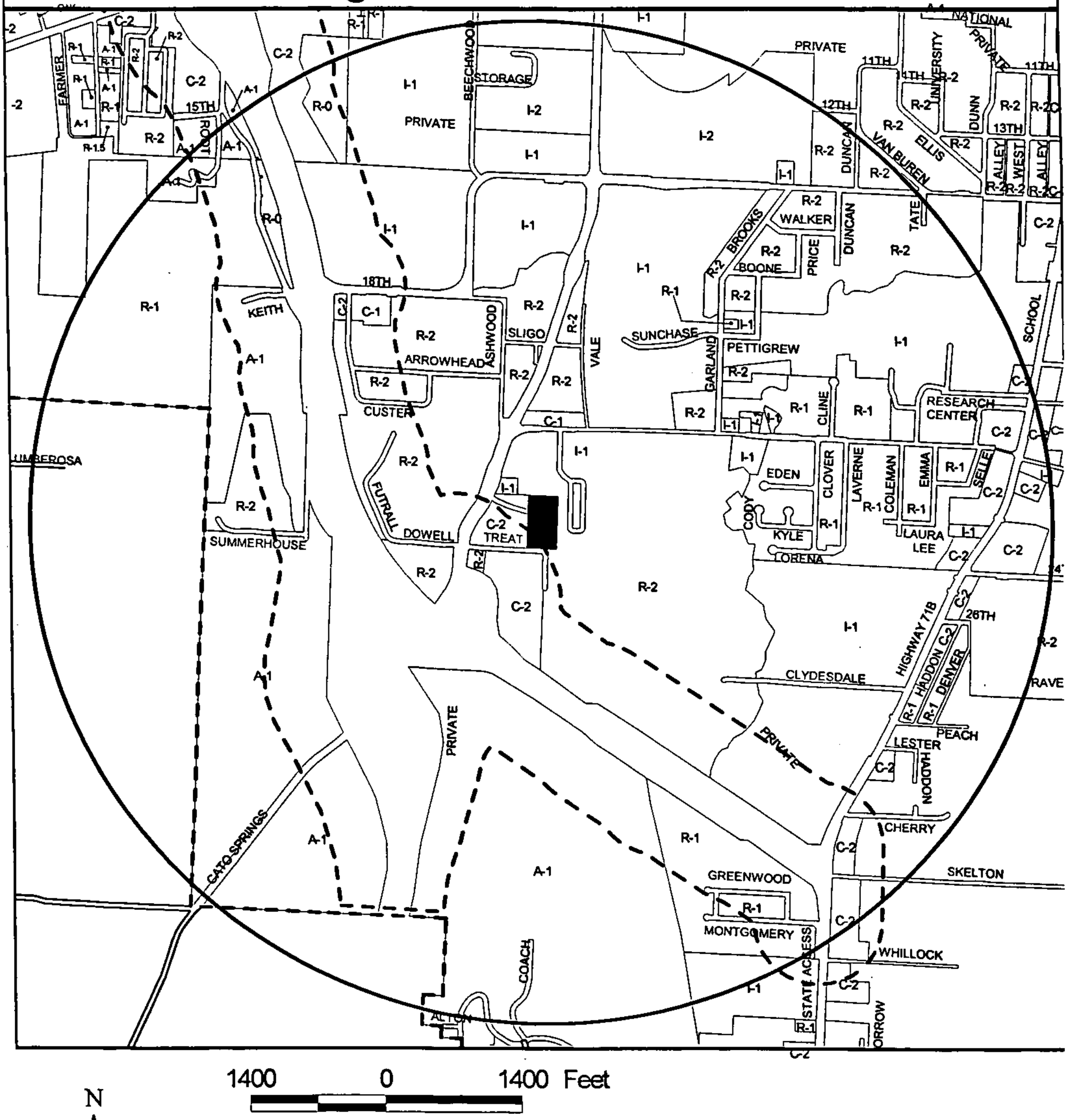
BASIS OF BEARINGS: AS ESTABLISHED BY THE AHTD FOR THE STATE HIGHWAY 265 RIGHT OF WAY ACQUIRED IN 1995.

FLOOD CERTIFICATION: THE HEREIN DESCRIBED TRACT IS IN A NON-FLOODED AREA AND NOT WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 05143C0094 C DATED SEPTEMBER 18, 1991

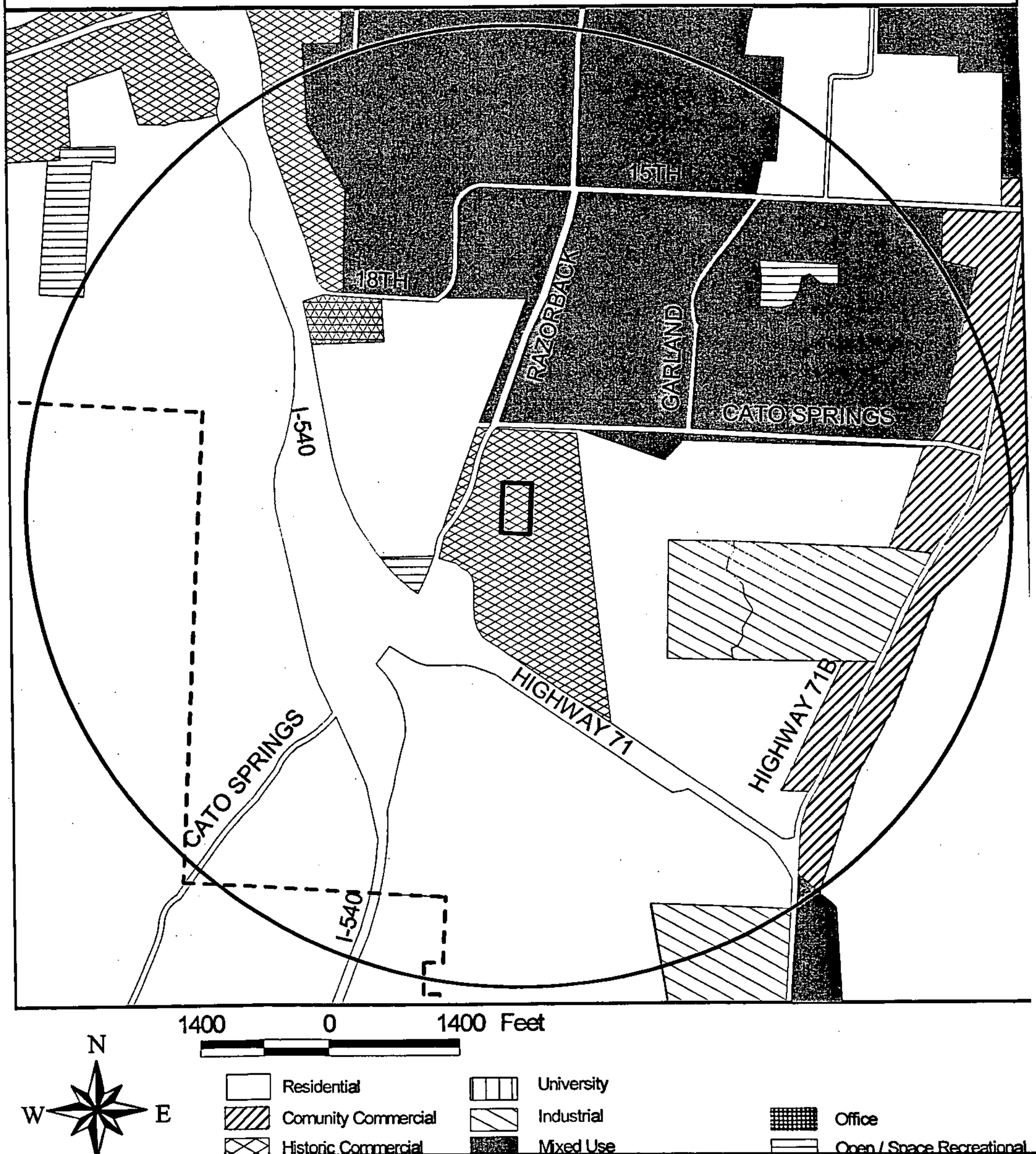
RZ00-11.00 - Ogden - Close Up



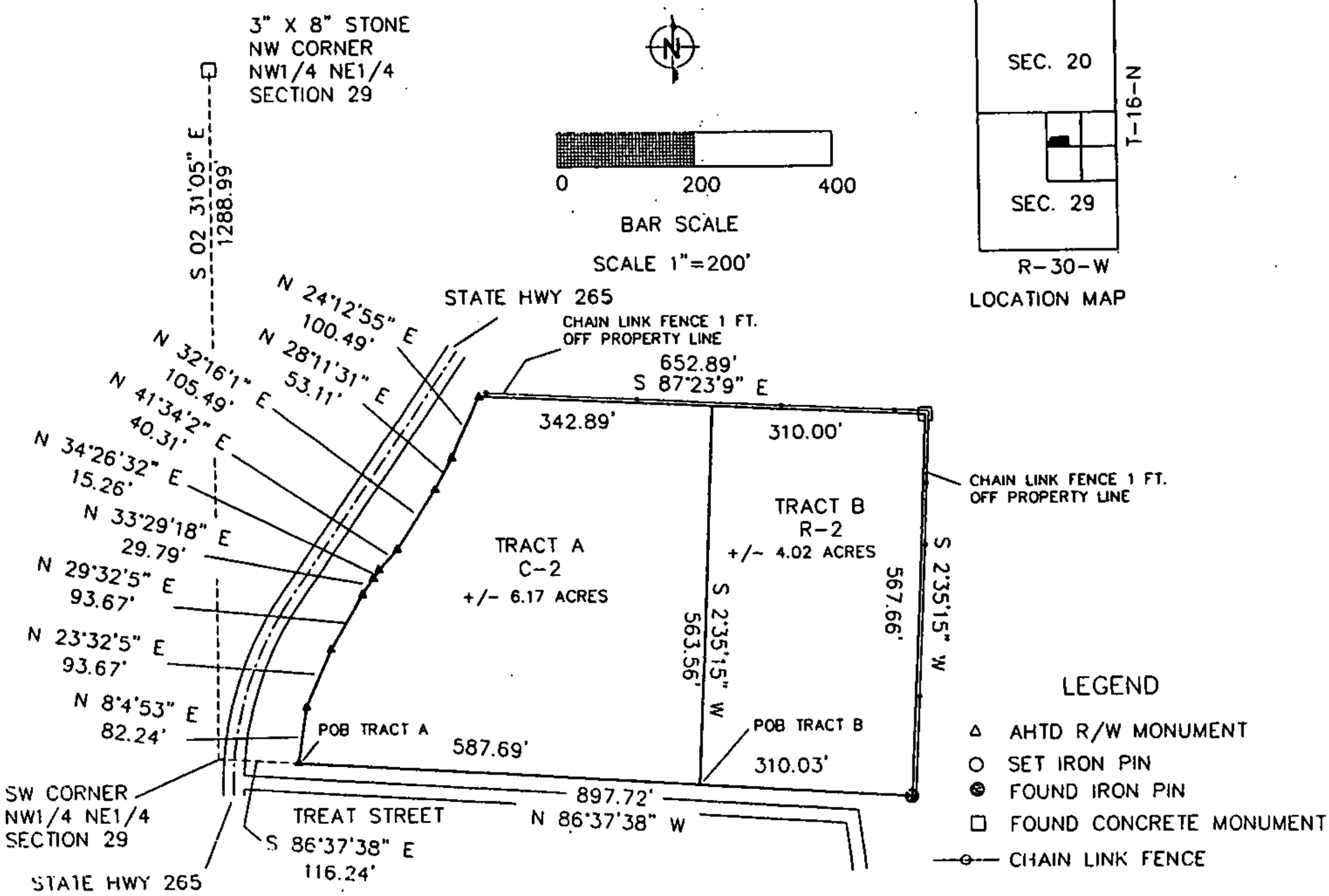
RZ00-11.00 - Ogden - One Mile Diameter



RZ00-11.00 - Ogden - 2020 Plan



PLAT OF SURVEY



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FLOOD CERTIFICATION: THE HEREIN DESCRIBED TRACT IS IN A NON-FLOODED AREA AND NOT WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 0514300094 C DATED SEPTEMBER 18, 1991

BOUNDARY DESCRIPTIONS

TRACT A

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 29; THENCE S 86°37'38" E 116.24 FEET TO THE EASTERLY RIGHT OF WAY OF STATE HIGHWAY 265(AS ACQUIRED IN 1995) FOR THE POINT OF BEGINNING AND RUN THENCE N 8°04'53" E ALONG SAID RIGHT OF WAY 82.24 FEET; THENCE N 23°32'05" E ALONG SAID RIGHT OF WAY 93.67 FEET; THENCE N 29°32'05" E ALONG SAID RIGHT OF WAY 93.67 FEET; THENCE N 33°29'18" E ALONG SAID RIGHT OF WAY 29.79 FEET; THENCE N 34°26'32" E ALONG SAID RIGHT OF WAY 15.26 FEET; THENCE N 41°34'02" E ALONG SAID RIGHT OF WAY 40.31 FEET; THENCE N 32°16'01" E ALONG SAID RIGHT OF WAY 105.49 FEET; THENCE N 28°11'31" E ALONG SAID RIGHT OF WAY 53.11 FEET; THENCE N 24°12'55" E ALONG SAID RIGHT OF WAY 100.49 FEET; THENCE S 87°23'09" E LEAVING SAID RIGHT OF WAY 342.89 FEET; THENCE S 2°35'15" W 563.56 FEET; THENCE N 86°37'38" W 587.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.17 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

TRACT B

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 29, TOWNSHIP

SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed the herein described tract and that the property lines and corner monuments are, to the best of my knowledge and ability, correctly established as shown herein. Also any easements and/or encroachments revealed by survey are shown.

JAMES E. GORE ARKANSAS R.L.S. 1298
GORE ENGINEERING & LAND SURVEYING, INC.
1817 OLD 12 CROSSROADS
CHESTER, ARKANSAS 72934
PH(501)929-5599

REGISTERED
STATE OF ARKANSAS
NO. RLS 1298
SIGNATURE
PROFESSIONAL LAND SURVEYOR

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 4, 2000.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 00-12.00 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O, Residential Office.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	3-17-00 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 8-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-17-00 Date	**Cross Reference**
Department Director	3-20-00 Date	New Item: **Yes** **No**
Administrative Services Director	3-20-00 Date	Prev Ord/Res#:_____
Mayor	3/20/00 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ00-12.00 FOR A PARCEL CONTAINING APPROXIMATELY 6 ACRES LOCATED AT THE SOUTHWEST CORNER OF JOYCE BLVD. AND OLD MISSOURI ROAD AS REQUESTED BY GEORGE FAUCETTE ON BEHALF OF BUTTERFIELD TRAIL VILLAGE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

RZ00-12.00 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From A-1, Agricultural to R-O, Residential Office.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By_____
Fred Hanna, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

Part of the SW 1/4 of the NE 1/4 of section 25, township 17 north, range 30 west Washington County, Arkansas and being more particularly described as beginning at a point S 0°50'52" E 36.06 feet from the NW corner of the SW 1/4 of the NE 1/4 of said section 25; thence N 89°59'20" E 355.95 feet; thence S 48°06'43" E 37.11 feet; thence S 5°12'14" W 386.88 feet; thence S 6°57'27" W 353.69 feet; thence S 89°09'08" W 294.35 feet; thence N 0°05'52" W 765.51 feet to the point of beginning, containing 6.00 acres, more or less.

RZ00-12: REZONING
BUTTERFIELD TRAIL VILLAGE, PP176

This item was submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O, Residential Office.

Daniel Broyles was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested rezoning.

Commission Discussion

Conklin: Staff has recommended approval. They are requesting rezoning the property from A-1 to R-O. To the east of this property is Paradise Valley at the intersection of Joyce and Old Missouri Road. That includes the clubhouse, restaurant, and parking lot. To the northeast across Joyce is undeveloped and zoned A-1. It is designated on the land use plan as office. To the west is a church and further south and west is a 60 unit large scale development which we approved several weeks ago.

Public Comment

Wes Murtishaw was present.

Murtishaw: I am President of the Board of Butterfield Trail Village. Also with me is Vice President, Don Honeycut and our Treasurer, David Lashley.

MOTION

Commissioner Shackelford made a motion to approve RZ00-12.

Commissioner Marr seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

APPOINTMENT OF NOMINATING COMMITTEE

Johnson: Our last item is appointment of the Nominating Committee. I appoint Commissioner Ward which is a word to the wise not to miss a meeting. Commissioner Marr, would you be willing to serve?

Marr: Yes.

Johnson: I will appoint myself, the chair, as the third member of the Nominating Committee. That report will come back to the Commission at the next meeting. Commissioner Marr will you find a time for us to meet?

Meeting adjourned at 7:38 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: March 13, 2000

RZ 00-12: Rezoning (Butterfield Trail Village, pp 176) was submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. & Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-0, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 13, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-13-00\butterfield.wpd

BACKGROUND:

The applicant is seeking R-O, Residential Office zoning for this 6 acre tract of property. This 6 acres at the intersection of Old Missouri Rd. and Joyce Blvd. was recently split from the remaining Butterfield Trail Village land to the west. As a condition of the lot split, dedication of sufficient right of way to meet the Master Street Plan requirement for a collector street (Old Missouri Rd.) on the east was a condition of that split.

On the General Plan 2020, all of Joyce Blvd. on the north side of the street between Vantage Street (future collector) and Crossover Rd. is classified as office. The areas on the south side of Joyce Blvd. between these streets are classified as residential or open space / recreational. The intersection of Old Missouri Rd. and Joyce Blvd. is a signalized intersection. Two major streets converge in this location creating a node. Three corners of this intersection are currently vacant, the fourth corner is occupied by the clubhouse and golf course for Paradise Valley.

SURROUNDING LAND USE AND ZONING

North:	Vacant (A-1)
South:	Vacant - part of Butterfield Trail future phase (A-1)
East:	Paradise Valley Club house and golf course (A-1)
West:	Life Change Community Fellowship Church (A-1)

INFRASTRUCTURE:

Streets: Joyce Blvd. on the north is a 4-lane principal arterial which requires a total of 110' of right of way. Old Missouri Rd. on the east is classified as a collector street on the Master Street Plan requiring a total of 70' of right of way. Old Missouri will be improved to collector street standards as development occurs.

Water: 6" line along Old Missouri Rd.

Sewer: 8" line within Butterfield Trail development to the south west

LAND USE PLAN: General Plan 2020 designates this site Residential.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Residential Office zoning allows for single family and two family dwellings as**

well as for professional offices. This zoning will allow a mix of residential and office uses and is consistent with the land use plan.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed rezoning is justified at this time. The north side of Joyce Blvd. is currently designated as Office from the proposed Vantage Street on the west to Crossover Rd. on the east. Old Missouri Road is the largest intersection on Joyce Blvd. between these two cross roads. This corner can serve the area as a node of office / commercial uses.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning would not create or appreciable increase traffic danger or congestion. This property is located at the corner of a signalized intersection. Joyce Blvd. is a principle arterial on the Master Street Plan and Old Missouri Rd. is classified as a collector. Additional right of way along Old Missouri Rd. was dedicated as a condition of the lot split creating this tract of land in accordance with Master Street Plan requirements.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning would not alter population density.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

A . Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development Individual Lot	 10,000 sq. ft. 2500 sq. ft
	Single Family	6000 sq. ft
	Two Family	6500 sq. ft
	Three or More	8000 sq. ft
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses &Apartments: Two or More Bedrooms One Bedroom No Bedroom	 1200 sq. ft. 1000 sq. ft. 1000 sq. ft
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

To: Fayetteville Planning Commission

From: George Faucette & Dan Broyles, Representatives of the Applicant
Date: 2/18/00

Re: Rezoning App. A-1 to R-0

Subject: Butterfield Trail Village's parcel #765-15677-000, six (6) acres more or less (part of a larger parcel) at the stop light of Joyce Blvd. and Old Missouri Road, just west of the Paradise Valley Country Club and east of the LifeChange Community Fellowship Church.

Applicants: Butterfield Trail Village, Inc.
Owners: Butterfield Trail Village, Inc.
Purpose: Construction of office buildings.

This property is under contract and the applicants are the Sellers of the property. The contract is contingent upon the rezoning of the property from A-1 to R-0.

Rezoning is requested by the applicants to complete the sale of this parcel, and finance the expansion project currently in large-scale development planning with the City.

The adjacent and nearby land use is mixed:
>East is Paradise Valley Golf Course,
>South is R-2 zoning proposed (Butterfield Trail),
>West is Institutional with LifeChange Community Fellowship,
>North is Vantage Square Office Park consisting of eight office buildings and one multi-level surgery center, plus the undeveloped land of the Ferrell LP (13 acres mol) and the Luke Knox property (26 acres mol).

In August 1999, new R-O rezoning occurred on 4.98 acres on Joyce Blvd. and Sunbest St., located between Old Missouri Rd. and Crossover Rd. This parcel was owned by Neal R. Pendergraft, et al.

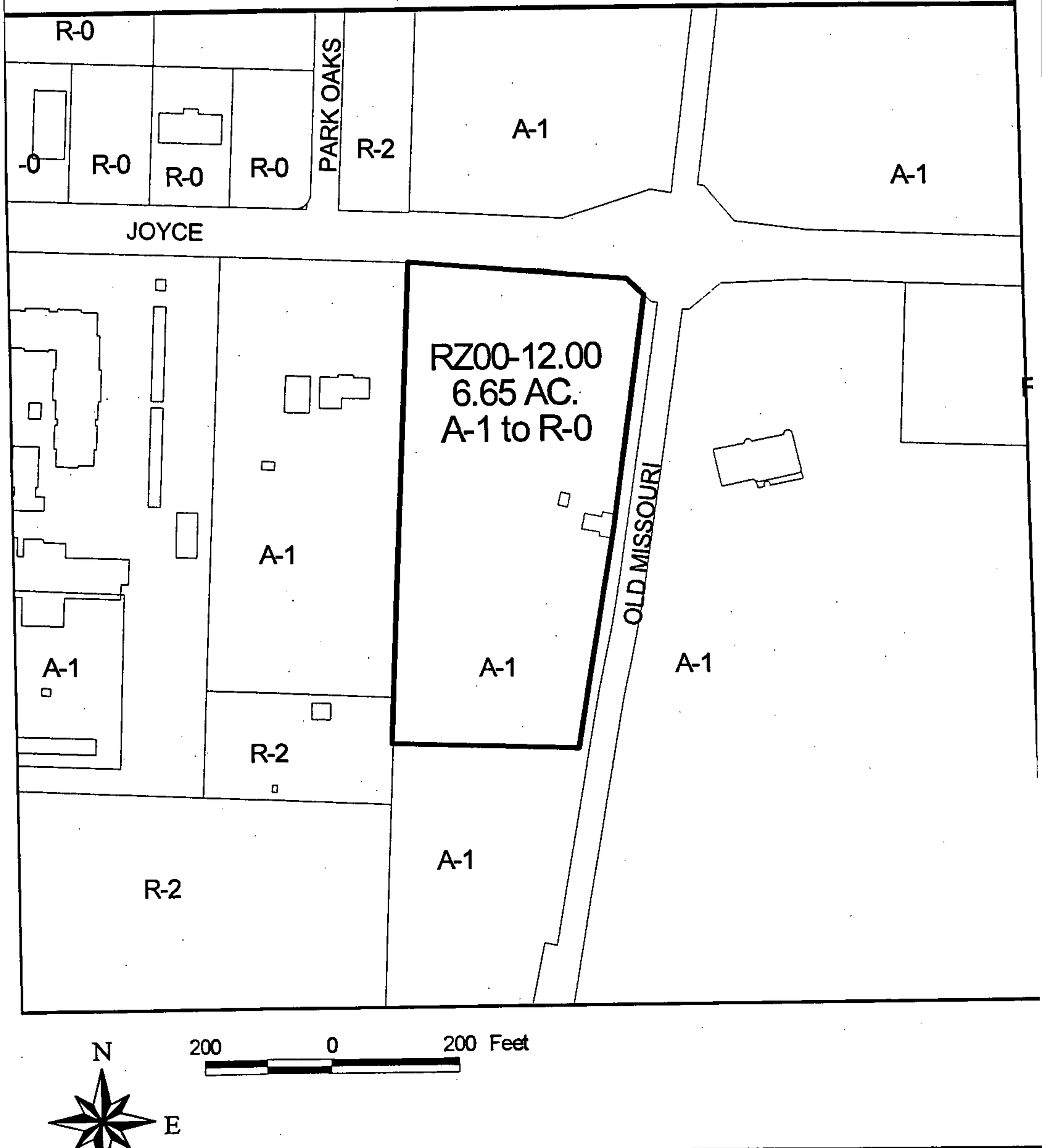
High density residential exists at Butterfield Trail, and to the north at The Park, a Lindsey Property Management property located behind the Vantage Square Office Park.

The infrastructure is excellent and all utilities are available. The water line available is 6 inches and the sewer lines are 8 inches.

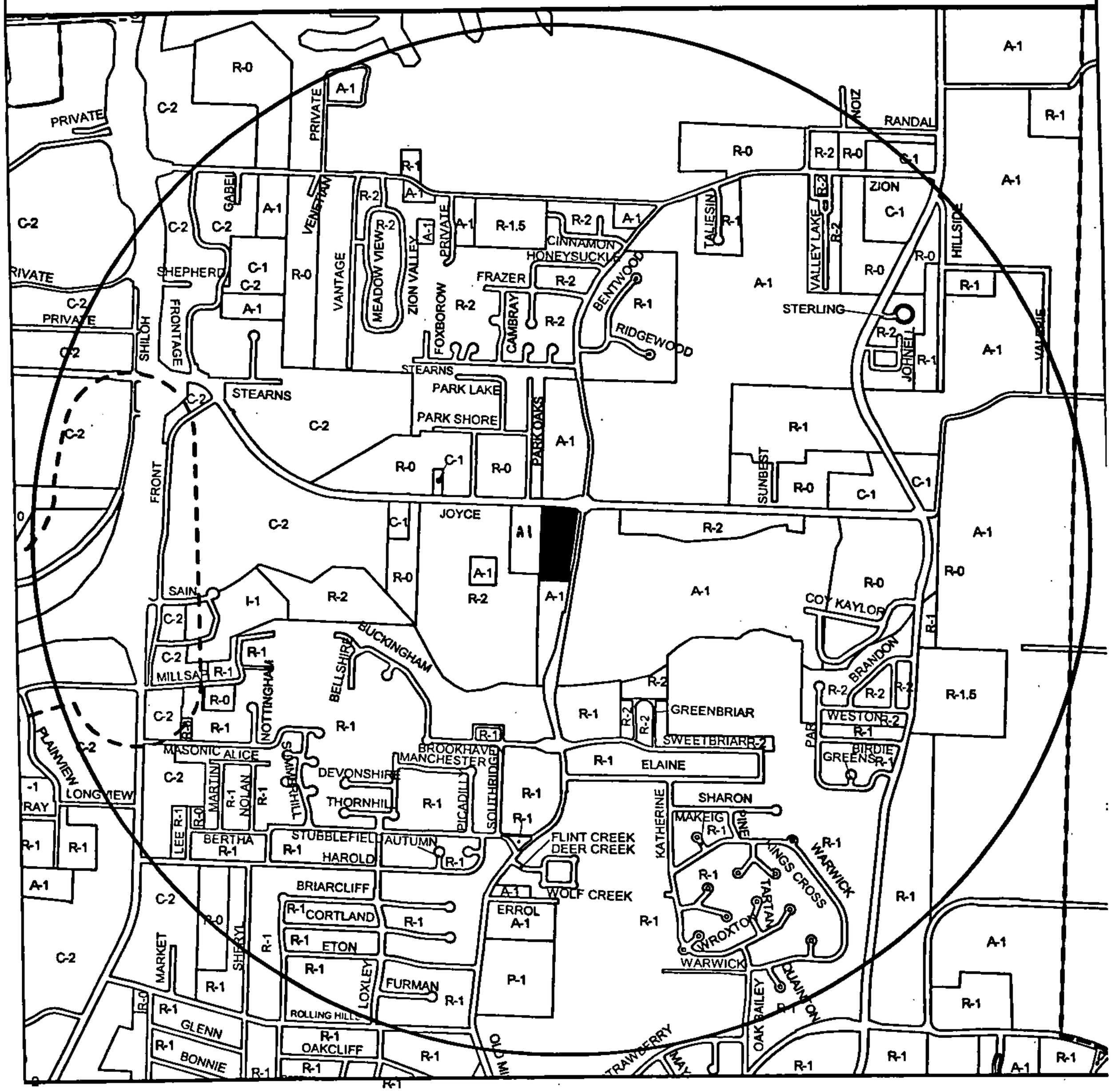
Our proposed rezoning anticipates no undesirable increase to population density, and no undesirable increases on public services including schools.

Best regards.

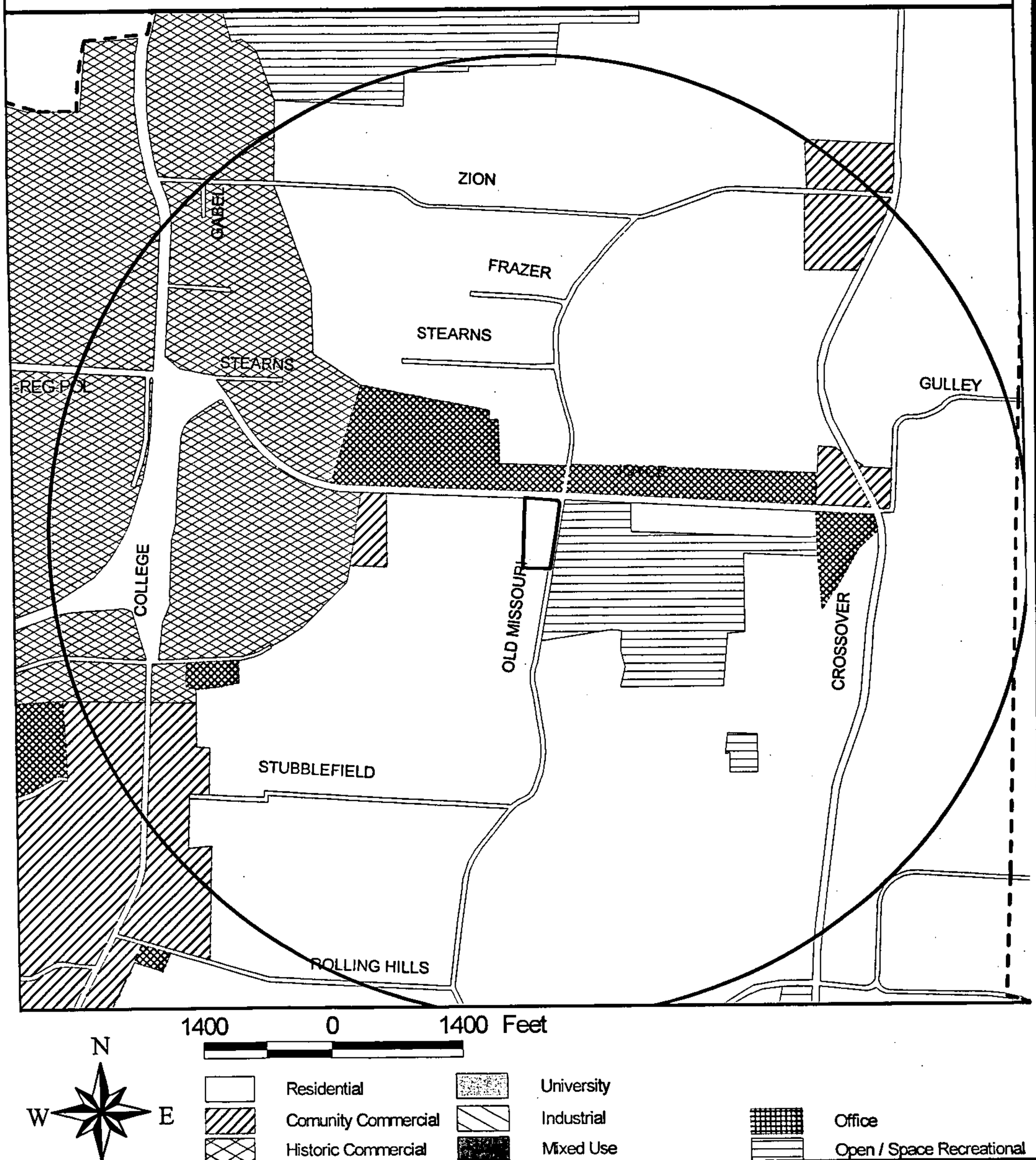
RZ00-12.00 - Butterfield Trail Village - Close Up

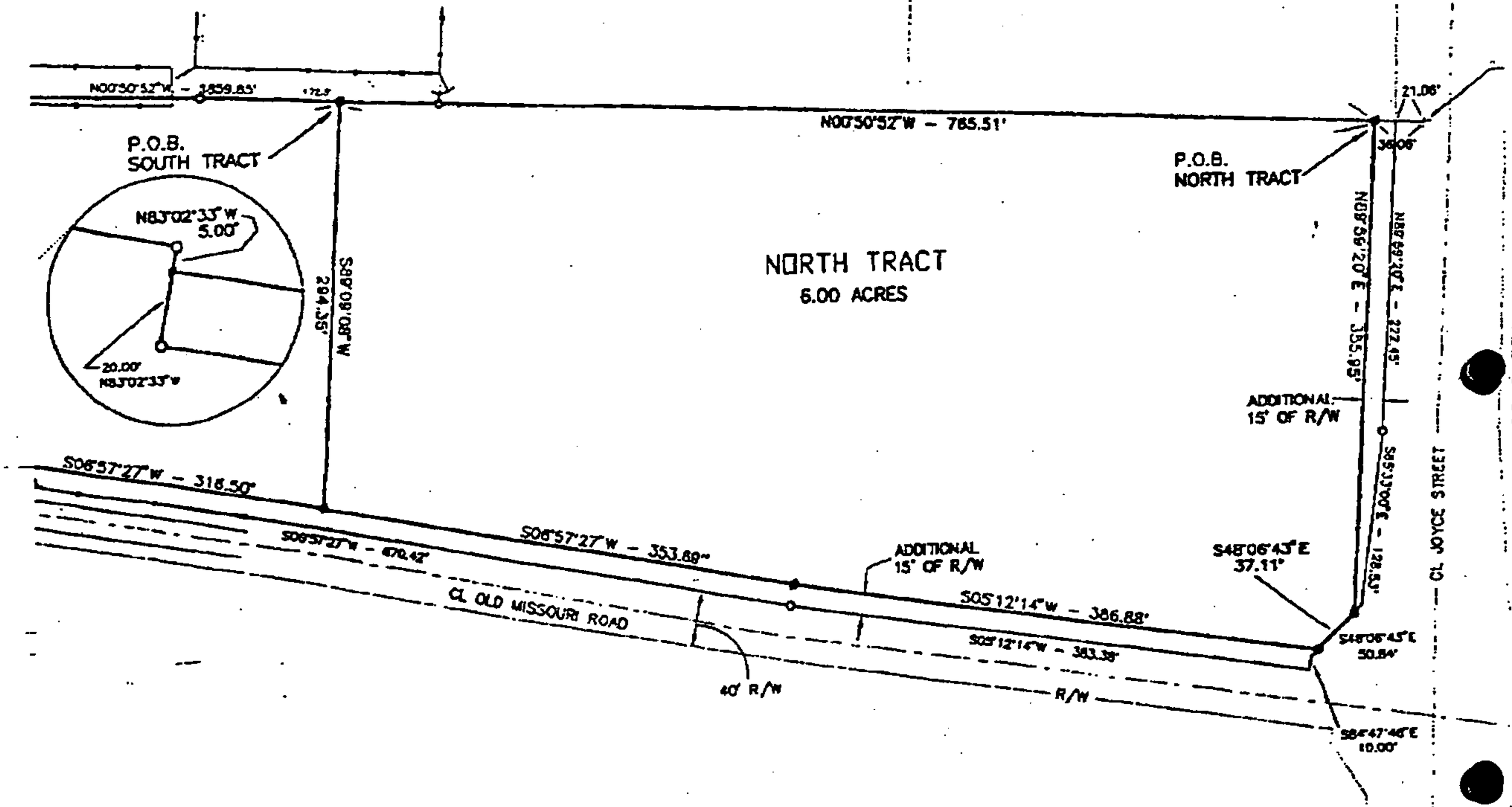


RZ00-12.00 - Butterfield Trail Village - One Mile Diameter



RZ00-12.00 - Butterfield Trail Village - 2020 Plan





NORTH TRACT:

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 25, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT SOUTH 0°50'52" EAST - 36.06 FEET FROM THE NW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 25, THENCE NORTH 89°59'20" EAST - 355.95 FEET; THENCE SOUTH 48°06'43" EAST - 37.11 FEET; THENCE SOUTH 5°12'14" WEST - 386.88 FEET; THENCE SOUTH 6°57'27" WEST - 353.69 FEET; THENCE SOUTH 89°09'08" WEST - 294.35 FEET; THENCE NORTH 0°05'52" WEST - 765.51 FEET TO THE POINT OF BEGINNING, CONTAINING 6.00 ACRES, MORE OR LESS

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of an Ordinance providing for a Bid Waiver to purchase 1 Used Diesel Powered Passenger Bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director and the Equipment Committee. This unit will be primarily be utilized by the City of Fayetteville Trolley Program.

COST TO CITY:

$ 35,000.00	$ 457,200.00	Repl/Exp Lt/Med Util. Veh.
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ 45,000.00	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98063-001	$ 412,200.00	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J Cramer	3-17-00		
Accounting Manager	Date	ADA Coordinator	Date
	3-17-00	Yolanda Fields	3-17-00
City Attorney	Date	Internal Auditor	Date
P Nice	3-17-00		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

W.A. Oestreich	3-16-00	
Division Head	Date	Cross Reference
		New Item: **Yes No**
Department Director	Date	
	3-17-00	Prev Ord/Res #:_____
Administrative Services Director	Date	
Fred Hanna	3/17/00	Orig Contract Date:_____
Mayor	Date	

STAFF REVIEW FORM

Description: Bid Waiver - Fayetteville Trolley

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED FORWARD CONTROL PASSENGER BUS TO BE UTILIZED IN THE FAYETTEVILLE TROLLEY PROGRAM; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Forward Control Passenger Bus which will be utilized by the Youth Center. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Administrative Services Director to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $35,000.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this_____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

CITY OF FAYETTEVILLE
FLEET OPERATIONS
INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent

DATE: March 10, 2000

SUBJECT: **Bid Waiver for a Used Diesel Powered Passenger Bus**

Attached is a proposed Ordinance providing for a Bid Waiver to purchase a Used Diesel Powered Passenger Bus. This unit will be utilized as an in service replacement for Unit 210, a 1985 Ford E-350 El Dorado Bus which is utilized in the Fayetteville Trolley Service.

A new unit of this type has a customer cost of $50,000.00 to $85,000.00. It is the intent to limit the cost to a maximum of $35,000.00 for a late model used unit in good condition delivered to our facility in Fayetteville.

An opportunity to save a substantial amount of money with the purchase of a used unit has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with another economically priced used unit.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Hanna.

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of an Ordinance providing for a Bid Waiver to purchase 1 Used Diesel Powered Forward Control Passenger Bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director and the Equipment Committee. This unit will be primarily be utilized by the City of Fayetteville Youth Center.

COST TO CITY:

$ 45,000.00	$ 457,200.00	Repl/Exp Lt/Med Util. Veh.
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ --0.00--	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98063-001	$ 457,200.00-	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marilyn J. Cramer — Accounting Manager — 3-17-00 Date

ADA Coordinator — Date

City Attorney — 3-17-00 Date

Yolanda Fields — Internal Auditor — 3-17-00 Date

Purchasing Officer — 3-17-00 Date

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

W.A. Oestreich — Division Head — 3-16-00 Date

Cross Reference

Department Director — Date

New Item: **Yes No**

Administrative Services Director — 3-17-00 Date

Prev Ord/Res #:_____

Fred Hanna — Mayor — 3/17/00 Date

Orig Contract Date:_____

STAFF REVIEW FORM

Description: Bid Waiver - Youth Center Bus

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED FORWARD CONTROL PASSENGER BUS TO BE UTILIZED BY THE YOUTH CENTER; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Forward Control Passenger Bus which will be utilized by the Youth Center. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Youth Center Director Division to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $45,000.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this_____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

CITY OF FAYETTEVILLE
FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent

DATE: March 10, 2000

SUBJECT: **Bid Waiver for a Used Forward Control Diesel Powered Passenger Bus**

Attached is a proposed Ordinance providing for a Bid Waiver to purchase a Used Diesel Powered Forward Control Passenger Bus. This will be utilized to replace either Unit 297 or 298, both of which are 1980 Thomas Coaches. A final determination as to which unit will be retired will be done at the time of replacement.

A new unit of this type has a customer cost of $75,000.00 to $100,000.00. It is the intent to limit the cost to a maximum of $45,000.00 for a used unit in good condition delivered to our facility in Fayetteville.

An opportunity to save a substantial amount of money with the purchase of a used unit has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with another economically priced used unit.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Hanna.

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich — Name
Fleet Operations — Division
Administrative Services — Department

ACTION REQUIRED:

Approval of Ordinance providing for a Bid Waiver to purchase 1 Used Hustler Diesel powered Mowing Machine from Williams Ford Tractor with Full New Unit Factory Supported Warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

COST TO CITY:

$ 23,500.00 — Cost of this Request	$ 154,000.00 — Category/Project Budget	Repl/Exp Tractor/Mower — Category/Project Name
9700-1920-5802.00 — Account Number	$ -0- — Funds Used To Date	Vehicles & Equipment — Program Name
98068-001 — Project Number	$ 154,000.00 — Remaining Balance	Shop — Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager — Date 3-17-00
ADA Coordinator — Date
City Attorney — Date 3-17-00
Internal Auditor — Date 3-17-00
Purchasing Officer — Date 3-17-00

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

Division Head — Date 3-16-00

Cross Reference

Department Director — Date

New Item: **Yes No**

Administrative Services Director — Date 3-17-00

Prev Ord/Res #:_____

Mayor — Date 3/20/00

Orig Contract Date:_____

STAFF REVIEW FORM

Description: Mowing Machine Bid Waiver

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED 12' HUSTLER MOWING MACHINE TO BE UTILIZED BY THE PARKS MAINTENANCE DIVISION; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT FROM WILLIAMS FORD TRACTOR & EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Hustler 12' Mowing Machine which will be utilized by the Parks Maintenance Division. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Parks Superintendent to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $23,500.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

Williams Ford Tractor & Equipment Co.
2501 SHILOH DRIVE
P. O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 501/442-8284
FAX 501/442-6013

NEW HOLLAND

March 10, 2000

City of Fayetteville
Attn: Bill Oestrich

Gentlemen:

Please accept the following bid for your equipment needs:

1 new Excel Hustler 4600, 38hp dsl with HD suspension seat, shaft drive, 72" dual trim front deck, hydra range wings (left & right), air scoop hood and 26x13 turf tires.

Price (plus sales tax if applicable): $34,505.00

Thank you for considering Williams Ford Tractor for your equipment needs.

Sincerely,

Danny Spears
Salesman

Williams Ford Tractor & Equipment Co.
2501 SHILOH DRIVE
P. O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 501/442-8284
FAX 501/442-6013

NEW HOLLAND

Friday, March 10, 2000

City of Fayetteville

Attn: Bill Oestrich
501-444-3425 (fax)

Please accept the following bid for your equipment needs:

One used Excel Hustler 4600 38hp dsl with HD suspension seat, shaft drive, 72" dual trim front deck, hydra range wings (left & right), air scoop hood and 26X13 turf tires. This unit has 81 hours, new rubber and has been gone through. New warranty is included.
Price, plus sales tax if applicable: $ 23,500.00

Thank you for considering Williams Ford Tractor and Equipment Company for your equipment needs.

Sincerely,

Danny Spears
Salesman

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Bill Oestreich, Fleet Operations Superintendent

From: Terry Gulley, Turf & Facility Coordinator

Date: March 10, 2000

Subject: Purchase of Hustler Range Wing Mower

****

The Parks and Recreation Division is requesting for Fleet Operations to provide us with a Hustler Range Wing Mower. This equipment will provide the Parks Division with a superior mowing machine that will result in an increased efficiency for our current mowing crews. It will allow one person to do the work currently being done by two operators on two tractor mounted mowers, thus allowing the division to reap the benefits of having an additional worker without the additional cost. I appreciate any help that you may provide towards obtaining this mower for the Parks and Recreation Division.

UofA
UNIVERSITY OF ARKANSAS

Office of the General Counsel

March 23, 2000

VIA FACSIMILE
501-575-8315

Jerry E. Rose
Fayetteville City Attorney
113 W. Mountain St.
Fayetteville AR 72701

Dear Jerry:

If you can believe it, another year has rolled around and it's time to celebrate the fourth anniversary of the opening of Baum Baseball Stadium with fireworks. Accordingly, attached please find a proposed resolution to authorize the University of Arkansas to use fireworks within the City limits on Friday, May 5, 2000 (with a May 6, 2000 rain date). I would appreciate your assistance in presenting this proposed resolution for consideration and passage by the City Council.

If this resolution poses any problems, please let me know. Thank you for your assistance with this matter.

Sincerely,

T. Scott Varady
Associate General Counsel

TSV:jmm
Attachment
xc: Matt Shanklin

421 Administration Building / Fayetteville, Arkansas 72701 / 501 575 5101 / Fax 501-575-5046

University of Arkansas, Fayetteville / University of Arkansas at Little Rock / University of Arkansas at Pine Bluff
University of Arkansas for Medical Sciences / University of Arkansas at Monticello / Division of Agriculture / Criminal Justice Institute
Arkansas Archeological Survey / Phillips Community College of the University of Arkansas
University of Arkansas Community College at Hope / University of Arkansas Community College at Batesville
The University of Arkansas is an equal opportunity/affirmative action institution.

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE UNIVERSITY OF ARKANSAS TO USE FIREWORKS FOR THE SINGULAR OCCASION OF THE CELEBRATION OF THE FOURTH ANNIVERSARY OF THE OPENING OF THE BAUM BASEBALL STADIUM.

WHEREAS, Fayetteville Code of Ordinances, 94.04 Sale and Use of Fireworks allows the use of fireworks within the City only on certain dates in July; and,

WHEREAS, the Athletic Department of the University of Arkansas wishes to celebrate the fourth anniversary of the opening of the Baum Baseball Stadium with fireworks; and,

WHEREAS, the City of Fayetteville wishes to join with the University of Arkansas in the celebration of the fourth anniversary of the opening of the Baum Stadium and allow fireworks in a safe and proper manner to commemorate that event.

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

Section 1. That 94.04 of the Code of Fayetteville, Sale & Use of Fireworks is hereby amended for the singular occasion of the fourth anniversary of the Baum Baseball Stadium and the use of fireworks by the University of Arkansas Athletics Department on Friday, May 5, 2000 (May 6, 2000 should adverse weather cancel the May 5, 2000 event) is hereby allowed at the Baum Baseball Stadium, 15th Street and Razorback Road in Fayetteville, Arkansas between the hours of 7:00 p.m. and 11:00 p.m.

Section 2. That the City of Fayetteville joins with the University of Arkansas in celebrating the fourth anniversary of the Baum Baseball Stadium and congratulates the 2000 Razorback Baseball team on their accomplishments.

PASSED AND APPROVED this _day of_____, 2000._

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET TRANSFER TO THE TOWN CENTER FUND FROM THE SALES TAX CAPITAL IMPROVEMENTS FUND IN THE AMOUNT OF $450,247 AND REPEALING THAT PORTION OF RESOLUTION 103-99 WHICH APPROVED SUCH AN AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND.

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

Section 1. That the City Council hereby approves a budget transfer to the Town Center Fund from the Sales Tax Capital Improvements Fund in the amount of $450,247 and repeals that portion of Resolution 103-99 which approved such an amount from the General Fund. A copy of the budget transfer is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the funds be transferred from the next City sales tax remittance received from the State of Arkansas following the passage of this resolution.

PASSED AND APPROVED this 21st day of March, 2000.

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

Town Center Fund
A. 6. Page 2

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvement Fund	Date Requested	Adjustment #
2000	Division:	03/21/2000	
	Program:		

Project or Item Requested:
Approve a transfer to the Town Center Fund from the Sales Tax Capital Improvements Fund and reverse a previously approved transfer from General Fund. The funds to be transfered will be from the next City sales tax remittance received from the State of Arkansas.

Approval of this budget adjustment does not increase the project funding.

Project or Item Deleted:
None.

Justification of this Increase:
The budget adjustment is requested to clarify the source of City funds used for the Town Center project.

Justification of this Decrease:
Sufficient cash & investments exist to fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
nsfer to Town Center	450,247	4470	9470		7602	60		
of Fund Balance	450,247	1010	0001		4999	99		
Trnsfr from Sales Tax Capital	450,247	5600	0960		6602	47		

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Use of Fund Balance	450,247	4470	0947		4999	99		
Transfer to Town Center	450,247	1010	6600		7602	60		
Trnsfr from General Fund	450,247	5600	0960		6602	10		

Approval Signatures

Requested By	Date
Budget Manager	3-21-2000 Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

RESOLUTION NO. 163-99

MICROFILMED

A RESOLUTION AWARDING BID NO. 99-45 IN THE AMOUNT OF $7,346,408 TO NABHOLZ CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE FAYETTEVILLE TOWN CENTER PROJECT, APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF $150,000, APPROVING A CONTRACT FOR SAID AMOUNTS, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 TO SAID CONTRACT IN THE AMOUNT OF $970,162, AND APPROVAL OF A BUDGET ADJUSTMENT.

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

Section 1. That the City Council hereby awards Bid No. 99-45 in the amount of $7,346,408 to Nabholz Construction Company for the construction of the Fayetteville Town Center Project, approves a project contingency in the amount of $150,000, approves a contract for said amounts; and authorizes the Mayor and City Clerk to execute said contract for said amounts. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. The City Council hereby approves Change Order No. 1 to Exhibit "A" above for improvements to the Town Center Project in the amount of $970,162 and hereby authorizes the Mayor and City Clerk to execute said change order. A copy of Change Order No. 1 is attached hereto marked Exhibit "B" and made a part hereof.

Section 3. The City Council hereby approves a budget adjustment increasing the project budget for the Town Center Project, Acct. No. 5600 9600 5804 00, Project No. 97084 20, in the amount of $1,120,162 and increasing the Transfer to Town Center Fund, from General Fund, Acct. No. 1010 6600 7602 60, in the amount of $450,247, and increasing Transfer to Town Center Fund, from Off-Street Parking Fund, Acct. No. 2130 9130 7602 60, in the amount of $386,600 by recognizing the Use of Fund Balance from General Fund, Acct. No. 1010 0001 4999 99, in the amount of $450,247 and recognizing the Use of Fund Balance from Off Street Parking Fund, Acct. No. 213 0913 4999 99, in the amount of $386,600 and recognizing additional Interest on Investments (earned on the funds transferred from the Advertising and Promotion Fund) in the Town Center Fund, Acct. No. 5600 0960 6708 00, in the amount of $58,000 and recognizing additional interest on Construction Fund (earned on the Town Center bond proceeds), Acct. No. 5600 0960 6602 01, in the amount of $225,315. A copy of the budget adjustment is attached hereto marked Exhibit "C" and made a part hereof.

PASSED AND APPROVED this 3rd day of August, 1999.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

RESOLUTION NO. 62-97

A RESOLUTION AUTHORIZING GRANTING $10,000 A YEAR FOR THREE YEARS TO ARKANSAS ATHLETES OUTREACH, INC. FOR AN AAO INTERN FOR THE CHAMPIONS OF CHARACTER PROGRAM.

WHEREAS, Arkansas Athletes Outreach, Inc. (AAO) was founded as a non-profit corporation in 1990 dedicated to the training and equipping of collegiate athletes to make a positive impact and difference in the lives of our community youth; and,

WHEREAS, AAO has three major programs to accomplish its mission: (1) the Campus Outreach Program working on the college campus to strengthen the moral fiber and character of college athletes; (2) the Athletes Helping Kids Program, which utilizes respected athletes to positively influence and mentor youth through community service project; and (3) the Sports Camp Program teaching important athletic and life lessons while utilizing sports skills; and,

WHEREAS, there is a recognized need in our community articulated by the Arkansas State Legislature, the Mayor of Fayetteville, the Fayetteville School District and other national, state, and local organizations for programs designed to strengthen the moral fiber and charter of our young people in order to promote personal growth, improve productivity, strengthen relationships, and enhance overall health and good citizenship; and,

WHEREAS, AAO seeks to fill this need by initiating the Champions of Character Project within the existing Athletes Helping Kids Programs; and,

WHEREAS, the Champions of Character Project, endorsed by the Fayetteville Public Schools, will use trained athletes to articulate the message that character and personal integrity count and to provide notoriety, momentum, and visibility for that message; and,

WHEREAS, the Champions of Character Project will provide fourth, fifth and sixth graders in targeted schools with monthly assembly programs introducing the nature, importance and benefits of individual character qualities, provide classroom follow up to show the relevance and application of those qualities and provide for the recognition and reward of students who exhibit these qualities; and,

WHEREAS, AAO proposes to facilitate the Champions of Character Project by securing two interns who will provide 1,700 hours per year at approximately 35 hours per week to assist in and develop the Champions of Character Project; and,

WHEREAS, AAO proposes to apply to the Arkansas Commission on National and Community Service for two AmeriCorps educational award grants to be awarded to the AAO interns for their service to the Fayetteville community; and,

WHEREAS, AmeriCorps will provide an educational award of approximately $5,000 to each approved intern in addition to an administrative allocation to AAO of $1,000 per intern; and,

WHEREAS, in order to be eligible for an AmeriCorps Educational Award grant, AAO must obtain community support in providing a living stipend on $10,000 per intern; and,

WHEREAS, the City of Fayetteville wishes to provide such community support by providing $10,000 for one AAO intern to be employed and supervised by the AAO and utilized in their Champions of Character Program.

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

Section 1. The City Council hereby authorizes a grant of $10,000 per year for three years, subject to yearly budgetary approval, to Arkansas Athletes Outreach, Inc., to be used as a living stipend for an AAO intern to be employed and supervised by the AAO and utilized in their Champions of Character Program. Such grant is contingent upon the AAO vigorously pursuing approval of the AmeriCorps Educational Award grant for such an intern.

PASSED AND APPROVED this 1st day of July, 1997.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL MEETING
APRIL 4, 2000

A meeting of Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.

2. **SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

3. **FAYETTE TREE & TRENCH:** A resolution approving a contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase I and a construction contingency of $28,942.00 (10%).

4. **BID 00-29:** A resolution awarding a construction contract for a new water line at Highway 45 East and Wyman Road to J&L Construction in the amount of $106,040.00, a construction contract contingency of $10,000 and approval of a budget adjustment.

5. **BOTANICAL GARDEN BOARD APPOINTMENTS:** A resolution appointing Wade Colwell, PRAB member, Lisa Paschal, Parks and Recreation employee and Yolanda Fields, Community Development Coordinator.

6. **TOWN CENTER FUND:** A resolution approving a budget adjustment transfer to the Town Center Fund from the Sales Tax Capital Improvements fund in the amount of $450,247 and repealing that portion of Resolution 103-99 which approved such an amount to be transferred from the General Fund.

7. **ARKANSAS ATHLETES OUTREACH:** A resolution granting money to Arkansas Outreach.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

OLD BUSINESS

1. **SENIOR COMMUNITY CENTER:** An ordinance approving a 2 mil tax for one year to fund a Senior Community Center/Services. The ordinance was left on the first reading at the March 21, 2000 meeting.

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance for RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 00-12:** An ordinance for RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O Residential Office.

3. **TROLLEY PASSENGER BUS:** An ordinance providing for a Bid Waiver to purchase one used diesel powered passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director, and the Equipment Committee. This unit will be used by City of Fayetteville Trolley Program.

4. **YOUTH CENTER BUS:** An ordinance providing a bid wavier to purchase one used diesel powered forward control passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Youth Center.

5. **MOWING MACHINE:** An ordinance providing for a bid waiver to purchase one used Hustler diesel powered mowing machine from Williams Ford Tractor with full new unit factory supported warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division, and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

6. **BAUM STADIUM FIREWORKS:** An ordinance allowing the University of Arkansas to use Fireworks for the singular occasion of the celebration of the fourth anniversary of the opening of the Baum Baseball Stadium.

STAFF REVIEW FORM

X AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Peggy Vice	Purchasing	Administrative Services
Name	Division	Department

ACTION REQUIRED: Approve a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

COST TO CITY:

$50,000.00	$ 157,500.00	Settlements
Cost of this Request	Category/Project Budget	Category/Project Name
1010-6600-5311.09	$ 157,500.00	
Account Number	Funds Used To Date	Program Name
N/A	$ -0-	General
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _____ Budgeted Item X Budget Adjustment Attached

Budget Coordinator _____ Administrative Services Director _____

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____

Marilyn J Cramer	3-20 00		
Accounting Manager	Date	Internal Auditor	Date
	3-20-00		
City Attorney	Date	ADA Coordinator	Date
PWice	3-20-00		
Purchasing Manager	Date		

STAFF RECOMMENDATION: Staff recommends approval.

PWice	3-20-00	
Division Head	Date	Cross Reference
	3-20-00	New Item: Yes No
Department Director	Date	
John Maguire	3-20-00	Prev Ord/Res #: _____
Administrative Services Director	Date	
Fred Hanna	3/20/00	Orig Contract Date: _____
Mayor	Date	

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council Members

THRU: John McGuire, Administrative Services Director

FROM: Peggy Vice, Purchasing Manager PVice

DATE: March 20, 2000

RE: Town Center Lawsuit- Deductible for Professional Liability Insurance

The City has a professional liability policy with Scottsdale Insurance to protect City Staff, Council Members and Board Members in the amount of $1,000,000 for each wrongful act and an annual aggregate of $3,000,000. The deductible is $50,000 for each claim.

A budget adjustment in the amount of $50,000 from General Fund Balance into the Settlements account is required to pay the deductible of $50,000 in the Town Center Lawsuit claim.

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	General Government	Date Requested	Adjustment #
2000	Division:	Miscellaneous	03/20/2000	
	Program:	Miscellaneous		

Project or Item Requested:
Funding is requested to pay the deductible for the Town Center Lawsuit.

Project or Item Deleted:
None. use of fund balance is proposed for this adjustment.

Justification of this Increase:
The City has insurance through Scottsdale Insurance and the policy has a $50,000 deductible. The insurance company has invoiced the City for expenses paid inconjunction with the Town Center lawsuit.

Justification of this Decrease:
Sufficient cash & investments exist in General fund to fund planned expenditures, fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Settlements	50,000	1010	6600		5311	09		

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Use of Fund Balance	50,000	1010	0001		4999	99		

Approval Signatures

Requested By	Date
Budget Manager	3-20-2000 Date
Department Director	3-20-00 Date
Admin. Services Director	Date
Mayor	3/20/00 Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

/filename

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Wayne L/Jim B	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of:

(1) a construction contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase 1.
(2) a construction contract contingency of $28,942.00 (10%).

COST TO CITY:

$318,358.00	$1,892,956	Arkansas Research And Technology Pk.
cost of this Request	Project Budget	Project Name
4470-9470-5808.00	$47,339	Water mains
Account Number	Funds Used To Date	Program Name
95075-2	$1,845,618	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager Date ADA Coordinator Date

City Attorney Date Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION: Approval

Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: **Yes**

Prev Ord/Res #

Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director
Contract Review

From: Jim Beavers, City Engineer

Date: March 21, 2000

Re: Council Meeting April 4, 2000
Construction contract for the Phase 1 water and sanitary sewer improvements for the Arkansas Research and Technology Park.
Bid number 2000-14

Bids for the water and sanitary sewer improvements and extensions for Phase 1 of the Arkansas Research and Technology Park were opened March 21, 2000 with the following results:

Fayette Tree and Trench	$289,416.00
J & L Construction	$324,105.00
Marinoni Construction	$364,348.85
McClinton-Anchor	$408,083.50
United Plumbing	$411,250.00

The bids are within the range of the City's estimate (we do not publish the estimate). The plan was designed "in-house". Construction should be completed in July 2000.

Staff recommends award to Fayette Tree and Trench

Fayette Tree
A. 3. Page 3

INFORMAL formal
VERBAL QUOTATION ☐ PERFORMANCE BOND REQUIRED YES ☒ NO ☐

FAYETTEVILLE, ARKANSAS 72701

Certified Funds 350,000.00

TABULATION OF BIDS

SUBJECT _____

DESCRIPTION Ark Tech Research Park W/S Imprv F.O.B. _____ DATE OPENED 3/2/00 2:30PM

BID NO. 200-14 PROJECT NO. Phase I

		ITEM	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Apac	UNIT/QUANT COST						
ADDRESS: McClinton Anchor	EXT. COST	408,083.50					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Fayette	UNIT/QUANT COST						
ADDRESS: Tree's Trench	EXT COST	289,416.00					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: J&L	UNIT/QUANT COST						
ADDRESS: Const	EXT COST	324,105.00					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT. COST						
BIDDER: Marinoni	UNIT/QUANT COST						
ADDRESS: Const	EXT. COST	364,384.85					
BIDDER:	UNIT/QUANT COST						
ADDRESS:	EXT COST						
BIDDER: United	UNIT/QUANT COST						
ADDRESS: Pldg	EXT. COST	411,250.00					

BID AWARD SUMMARY:

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

ITEM _____ TO _____ P.O. # _____

DATE _____ CERTIFIED BY

REMARKS:

PURCHASING OFFICER

WITNESS

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of April 4, 2000

FROM:

Jim Beavers	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of:

(1) a construction contract with J & L Construction in the amount of $106,040.00
(2) a construction contract contingency of $10,000.00
(3) a budget adjustment.

COST TO CITY:

$116,040.00	$ -0-	Hwy 45 east water
cost of this Request	Project Budget	Project Name
4470-9470-5814.00	$ -0-	Water mains
Account Number	Funds Used To Date	Program Name
00038-2	$ -0-	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ___ Budgeted Item _x_ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J Cramer	3-21-00		
Accounting Manager	Date	ADA Coordinator	Date
	3-22-00		
City Attorney	Date	Internal Auditor	Date
PR	3-22-00		
Purchasing Officer	Date		

STAFF RECOMMENDATION: Approval

Division Head	Date	Cross Reference
	3-22-00	New Item: **Yes**
Department Director	Date	
	3-22-00	Prev Ord/Res #_____
Administrative Services Director	Date	
	3/22/00	Orig Contract Date:_____
Mayor	Date	

STAFF REVIEW FORM

Description Highway 45 East water line phase 1 Bid # 00-29 Meeting Date April 4, 2000

Comments:
Budget Coordinator

Reference Comments:

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fred Hanna, Mayor

Thru: Charles Venable, Public Works Director
Contract Review

From: Jim Beavers, City Engineer

Date: March 21, 2000

Re: Council Meeting April 4, 2000
Construction contract for a new water line crossing at Highway 45 East at Wyman Road
Bid number 00-29

In preparation for the State Highway Department (AHTD) replacing the existing bridges on Highway 45 East at the White River and at Richland Creek the City must relocate portions of the existing line.

The City's work will be done in two phases. Phase 1 is the current work to replace the crossing at Wyman Road.

Phase 2 (future) will be designed this spring/summer and will include a new water line to be placed upon the new White River bridge. The existing water line is on the existing White River bridge which will be demolished. The existing water line is under Richland Creek and will not require adjustments or replacements on the new Richland Creek bridge.

The Phase 1 plan was designed "in-house" and bids were opened March 21,2000 with the following results:

J & L	Basic	United Plumbing
$106,040.00	$109,000.00	$112,050.00

The bids are within the range of the City's estimate (we do not publish the estimate).

Staff recommends award to J&L Construction.

Enc:
1. Letter from AHTD dated February 22, 2000
2. One contract

Bid 00-29
A. 4. Page 4

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

RECEIVED
FEB 25 2000

Dan Flowers
Director
Telephone (501) 569-2000

P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

February 22, 2000

Mr. Jim Beavers P.E.
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

WORK ORDER

RE: Job 040230 (Utilities)
BRN-0072(22)
Washington County

Dear Mr. Beavers:

This acknowledges your letter of October 26, 1999, advising there would be no reimbursement claimed for the adjustment of your facilities on the above captioned project.

You are authorized to proceed with the work. Our records indicate your company will begin the work within 60 days and complete your work within 30 days thereafter. Please notify this office if for any reason you cannot meet the anticipated completion date of May 24, 2000.

Physical work to be performed on the Department's right of way should not be performed until after March 9, 2000.

Your facilities to be placed on highway right of way must be in compliance with State Laws and the Department's Utility Accommodation Policy. Any deviation from the attached plans must have prior approval of this office.

You or your contractor must notify the Department's Resident Engineer: John Sharum, 12425 Larue Rd., Mountainburg, AR 72946, telephone 501-369-4007, three (3) days before beginning work and on the day work is completed.

If additional assistance from this office is needed, please advise.

Sincerely,

Gene Kuettel
Utility Coordinator
Utilities Section
Right of Way Division

GK
cc: Master Files
District Engineer
Resident Engineer #42

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Public Works	Date Requested	Adjustment #
2000	Division:	Water Capital Mains	04/04/2000	
	Program:			

Project or Item Requested:
Funding is requested for the White River Bridge 45 East Water Line project.

Project or Item Deleted:
None. A portion of the funding for project #00026, Highway 62 West - Water Line Replacement is proposed for this adjustment.

Justification of this Increase:
The Arkansas Highway and Transportation Department is planning to replace the bridge that crosses Highway 45 at White river. The City needs to relocate the water lines in advance of the bridge replacement project.

Justification of this Decrease:
The White River project is a higher priority project.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	121,140	5400	5600		5808	00	00038	20

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	121,140	5400	5600		5808	00	00026	20

Approval Signatures

Requested By	Date
Budget Manager	3-21-2000 Date
Department Director	3-22-00 Date
Admin. Services Director	3-22-00 Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Blue Copy: Budget & Research / Yellow Copy: Requester

H:\BUDGET\PROJECTS\OTHER\ba_2000\HWY45_WL.WK4

3/21/00

Steve,

The estimated budget adjustment needed for phase 1 of this project is:

$106,040	construction contract
10,000	construction contingency
200	plan and specifications
400	advertisements
2000	easements
2000	salaries
500	misc
$121,140	total

I do not yet have an estimate on the phase 2 (12 inch water line on the new bridge).
A potential source for the funds is the highway 62 West CIP project. This could result in delaying this project. Another source would be the Garland water/sewer relocations. WE are still waiting on the State to know if this is going to be a 2000 project.

thank you,

Jim Beavers

From
project # 00026 121,140

To
project # 00038-20

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No.:	
Date:	3-22-00
P.O. Number:	
Expected Delivery Date:	ASAP

Vendor #: 4721	Vendor Name: J & L Construction Attn: Justin Bryan		Mail: Yes ___ No X
Address: PO Box 1479		FOB Point:	Taxable: Yes ___ No ___
City: Huntsville	State: AR	Zip: 72740-1479	Ship To Code: 090
Division Head Approval:			
Requester: Jim Beavers		*Requester's Employee#: 327	Extension: 208

Item	Description:	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Number:	Project/SubProject Number:	Inventory #	Fixed Asset #
1	Construction of Water Line on			$106,040.00		4470-9470-5814.00	00038-2		
	Hwy. 45 East, Phase I, Bid #___								
	Contract #___								
	SHIPPING/HANDLING								

Special Instructions: PLEASE RETURN PO TO ENGINEERING

Subtotal: ___

Tax: ___

TOTAL: $106,040.00

Approvals: (for purchasing office use only)

Mayor: ___

Admin. Services Director: [signature]

Department Director: [signature]

Budget Coordinator: ___

Purchasing Manager: ___

Data Processing Mgr: ___

Bid 00-29
A. 4. Page 7

Section 00500

AGREEMENT

BETWEEN OWNER AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2000 by and between the City of Fayetteville, Arkansas (hereinafter called OWNER) and _____ (hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

Project - Highway 45 East Water Line Relocation - Phase 1, Bid # 00-29 for the City of Fayetteville

310 lf of 12 inch ductile iron water line, restrained joint gaskets, fittings, 90 lf of 24 inch encasement by bore and jack, 60 lf of 24 inch encasement by open cut, connections to existing lines, one fire hydrant, site preparation and cleanup, and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Engineering Division
113 W. Mountain
Fayetteville, Arkansas 72701

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work shall be both substantially and fully completed and ready for final payment within 21 calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions.

3.2. *Liquidated Damages.* OWNER and CONTRACTOR recognize that time is of the essence

of the Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER **One hundred** dollars **($200.00)** for each day that expires after the time specified in paragraph 3.1 for Substantial and Final Completion.

Article 4. CONTRACT PRICE.

OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

4.1. for all Work other than Unit Price Work, an amount equal to the sum of the established lump sums for each separately identified item of Lump Sum Work; and

4.2. for all Unit Price Work, an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the estimated quantity of that item as indicated in this paragraph 4.2.

PAYMENT ITEMS

Item No.	Item Description	Unit	Estimated Quantity	Unit Price	Extended Price
	Total Base Bid Amount				

As provided in paragraph 11.03 of the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classifications are to be made by ENGINEER as provided in paragraph 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03.B of the General Conditions.

Article 5. PAYMENT PROCEDURES

CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by ENGINEER as provided in the General Conditions.

5.1. *Progress Payments.* OWNER 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 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

5.1.1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in case, less the aggregate of payments previously made and less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

90 percent of Work completed (with the balance of 10 percent being retainage), If Work has been 50 percent completed as determined by the ENGINEER, and if the character and progress of the Work have been satisfactory to OWNER and ENGINEER, OWNER, on recommendation of ENGINEER, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of work completed, in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100 percent of the Work completed.

100 percent of materials and equipment not incorporated in the Work but delivered, suitably stored, and accompanied by documentation satisfactory to OWNER as provided in paragraphs 14.02.B.5 & 14.02.D of the General Conditions. That is, if any such items are setup for that type payment in the Specifications.

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to CONTRACTOR to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as ENGINEER shall determine, or OWNER may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraphs 14.07.B & C.

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

6.1. CONTRACTOR has examined and carefully studied the Contract Documents (including the Addenda listed in Article 7) and the other related data identified in the Bidding Documents including "technical data."

6.2. 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, or furnishing of the Work.

6.3. 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.

6.4. CONTRACTOR has carefully studied all 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 which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER 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. CONTRACTOR has obtained and carefully studied (or assumes responsibility for 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, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance 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.

6.5. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. 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.

6.7. 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 and 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

The Contract Documents which comprise the entire agreement between OWNER and CONTRACTOR concerning the Work consist of the following:

7.1. This Agreement (pages 1 to __ , inclusive).

7.2. Performance and Payment Bonds, (Exhibits A and B respectively).

7.3. Certificates of Insurance, (Exhibit C).

7.4. Documentation submitted by CONTRACTOR prior to Notice of Selection (Exhibit D).

7.5. General Conditions (pages 1 to 42, inclusive).

7.6. Supplementary Conditions (pages 1 to 15, inclusive).

7.7. Specifications consisting of Divisions 1 through 16 as listed in table of contents thereof.

7.8. Addenda numbers __ to __, inclusive.

7.9. Drawings (not attached hereto) consisting of a cover sheet and sheets numbered 1 through 25, inclusive with each sheet bearing the following general title:

Highway 45 East Water Line Relocation Phase 1, Bid # 00-29

7.10. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:

7.10.1. Notice to Proceed

7.10.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

The documents listed in paragraphs 7.2 et seq. above are attached to this Agreement (except as expressly noted otherwise above).

There are no Contract Documents other than those listed above in this Article 7. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.04 of the General Conditions.

Article 8. MISCELLANEOUS.

8.1. Terms used in the Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

8.2. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

8.3. OWNER and CONTRACTOR each binds itself, it 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.

8.4. 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 stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in quadruplicate. One counterpart each has been delivered to OWNER and ENGINEER, and two counterparts have been delivered to CONTRACTOR. All portions of the Contract Documents have been signed, initialed, or identified by OWNER and CONTRACTOR or identified by ENGINEER on their behalf.

This Agreement will be effective on _____, 2000 (which is the Effective Date of the Agreement).

OWNER: **City of Fayetteville**

By: _____
Mayor

Attest_____

Address for giving notices

(If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of Agreement.)

CONTRACTOR: J+L CONSTRUCTION

By: _____

OWNER
Title

[CORPORATE SEAL]

Attest_____

Address for giving notices

License No. _____

Agent for service of process:

_____

_____

(If CONTRACTOR is a corporation, attach evidence of authority to sign)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: March 15, 2000

TO: City Council Members

FROM: John Maguire, Administrative Services Director

RE: Botanical Garden Board Appointments

Based on Section 7.0 of the Land Lease Agreement dated September 2, 1999, with the Botanical Garden Society of the Ozarks, the City Council will have the right to appoint no less than 25 percent of the members of the Society's Board of Directors. At least one of the City's appointees shall be a current member of the City Parks and Recreation's Advisory Board. At this time, 25 percent of this Board represents three positions.

I recommend that these positions be filled as follows:

1. Wade Colwell, Parks and Recreation's Advisory Board
2. Lisa Paschal, Parks and Recreation's employee
3. Yolanda Fields, Community Development Coordinator

JM:msm

RESOLUTION NO. _____

A RESOLUTION APPROVING A BUDGET TRANSFER TO THE TOWN CENTER FUND FROM THE SALES TAX CAPITAL IMPROVEMENTS FUND IN THE AMOUNT OF $450,247 AND REPEALING THAT PORTION OF RESOLUTION 103-99 WHICH APPROVED SUCH AN AMOUNT TO BE TRANSFERRED FROM THE GENERAL FUND.

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

Section 1. That the City Council hereby approves a budget transfer to the Town Center Fund from the Sales Tax Capital Improvements Fund in the amount of $450,247 and repeals that portion of Resolution 103-99 which approved such an amount from the General Fund. A copy of the budget transfer is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. That the funds be transferred from the next City sales tax remittance received from the State of Arkansas following the passage of this resolution.

PASSED AND APPROVED this 21st day of March, 2000.

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____
Heather Woodruff, City Clerk

Town Center Fund
A. 6. Page 2

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvement Fund	Date Requested	Adjustment #
2000	Division:	03/21/2000	
	Program:		

Project or Item Requested:
Approve a transfer to the Town Center Fund from the Sales Tax Capital Improvements Fund and reverse a previously approved transfer from General Fund. The funds to be transfered will be from the next City sales tax remittance received from the State of Arkansas.

Approval of this budget adjustment does not increase the project funding.

Project or Item Deleted:
None.

Justification of this Increase:
The budget adjustment is requested to clarify the source of City funds used for the Town Center project.

Justification of this Decrease:
Sufficient cash & investments exist to fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Transfer to Town Center	450,247	4470	9470		7602	60		
Use of Fund Balance	450,247	1010	0001		4999	99		
Trnsfr from Sales Tax Capital	450,247	5600	0960		6602	47		

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Use of Fund Balance	450,247	4470	0947		4999	99		
Transfer to Town Center	450,247	1010	6600		7602	60		
Trnsfr from General Fund	450,247	5600	0960		6602	10		

Approval Signatures

Requested By	Date
Budget Manager	3-21-2000 Date
Department Director	Date
Admin. Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

Date of Approval _____

Posted to General Ledger _____ _____

Posted to Project Accounting _____ _____

Entered in Category Log _____ _____

Pink: Copy: Budget & Research / Yellow: Copy: Requester

H:\BUDGET\PROJECTS\OTHER\BA_2000\TWN_CTR.WK4

RESOLUTION NO. 183-99

MICROFILMED

A RESOLUTION AWARDING BID NO. 99-45 IN THE AMOUNT OF $7,346,408 TO NABHOLZ CONSTRUCTION COMPANY FOR THE CONSTRUCTION OF THE FAYETTEVILLE TOWN CENTER PROJECT, APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF $150,000, APPROVING A CONTRACT FOR SAID AMOUNTS, AUTHORIZING AND APPROVING CHANGE ORDER NO. 1 TO SAID CONTRACT IN THE AMOUNT OF $970,162, AND APPROVAL OF A BUDGET ADJUSTMENT.

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

Section 1. That the City Council hereby awards Bid No. 99-45 in the amount of $7,346,408 to Nabholz Construction Company for the construction of the Fayetteville Town Center Project, approves a project contingency in the amount of $150,000, approves a contract for said amounts; and authorizes the Mayor and City Clerk to execute said contract for said amounts. A copy of the contract is attached hereto marked Exhibit "A" and made a part hereof.

Section 2. The City Council hereby approves Change Order No. 1 to Exhibit "A" above for improvements to the Town Center Project in the amount of $970,162 and hereby authorizes the Mayor and City Clerk to execute said change order. A copy of Change Order No. 1 is attached hereto marked Exhibit "B" and made a part hereof.

Section 3. The City Council hereby approves a budget adjustment increasing the project budget for the Town Center Project, Acct. No. 5600 9600 5804 00, Project No. 97084 20, in the amount of $1,120,162 and increasing the Transfer to Town Center Fund, from General Fund, Acct. No. 1010 6600 7602 60, in the amount of $450,247, and increasing Transfer to Town Center Fund, from Off-Street Parking Fund, Acct. No. 2130 9130 7602 60, in the amount of $386,600 by recognizing the Use of Fund Balance from General Fund, Acct. No. 1010 0001 4999 99, in the amount of $450,247 and recognizing the Use of Fund Balance from Off Street Parking Fund, Acct. No. 213 0913 4999 99, in the amount of $386,600 and recognizing additional Interest on Investments (earned on the funds transferred from the Advertising and Promotion Fund) in the Town Center Fund, Acct. No. 5600 0960 6708 00, in the amount of $58,000 and recognizing additional interest on Construction Fund (earned on the Town Center bond proceeds), Acct. No. 5600 0960 6602 01, in the amount of $225,315. A copy of the budget adjustment is attached hereto marked Exhibit "C" and made a part hereof.

PASSED AND APPROVED this 3rd day of August, 1999.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Heather Woodruff
Heather Woodruff, City Clerk

RESOLUTION NO. 62-97

A RESOLUTION AUTHORIZING GRANTING $10,000 A YEAR FOR THREE YEARS TO ARKANSAS ATHLETES OUTREACH, INC. FOR AN AAO INTERN FOR THE CHAMPIONS OF CHARACTER PROGRAM.

WHEREAS, Arkansas Athletes Outreach, Inc. (AAO) was founded as a non-profit corporation in 1990 dedicated to the training and equipping of collegiate athletes to make a positive impact and difference in the lives of our community youth; and,

WHEREAS, AAO has three major programs to accomplish its mission: (1) the Campus Outreach Program working on the college campus to strengthen the moral fiber and character of college athletes; (2) the Athletes Helping Kids Program, which utilizes respected athletes to positively influence and mentor youth through community service project; and (3) the Sports Camp Program teaching important athletic and life lessons while utilizing sports skills; and,

WHEREAS, there is a recognized need in our community articulated by the Arkansas State Legislature, the Mayor of Fayetteville, the Fayetteville School District and other national, state, and local organizations for programs designed to strengthen the moral fiber and charter of our young people in order to promote personal growth, improve productivity, strengthen relationships, and enhance overall health and good citizenship; and,

WHEREAS, AAO seeks to fill this need by initiating the Champions of Character Project within the existing Athletes Helping Kids Programs; and,

WHEREAS, the Champions of Character Project, endorsed by the Fayetteville Public Schools, will use trained athletes to articulate the message that character and personal integrity count and to provide notoriety, momentum, and visibility for that message; and,

WHEREAS, the Champions of Character Project will provide fourth, fifth and sixth graders in targeted schools with monthly assembly programs introducing the nature, importance and benefits of individual character qualities, provide classroom follow up to show the relevance and application of those qualities and provide for the recognition and reward of students who exhibit these qualities; and,

WHEREAS, AAO proposes to facilitate the Champions of Character Project by securing two interns who will provide 1,700 hours per year at approximately 35 hours per week to assist in and develop the Champions of Character Project; and,

WHEREAS, AAO proposes to apply to the Arkansas Commission on National and Community Service for two AmeriCorps educational award grants to be awarded to the AAO interns for their service to the Fayetteville community; and,

WHEREAS, AmeriCorps will provide an educational award of approximately $5,000 to each approved intern in addition to an administrative allocation to AAO of $1,000 per intern; and,

WHEREAS, in order to be eligible for an AmeriCorps Educational Award grant, AAO must obtain community support in providing a living stipend on $10,000 per intern; and,

WHEREAS, the City of Fayetteville wishes to provide such community support by providing $10,000 for one AAO intern to be employed and supervised by the AAO and utilized in their Champions of Character Program.

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

Section 1. The City Council hereby authorizes a grant of $10,000 per year for three years, subject to yearly budgetary approval, to Arkansas Athletes Outreach, Inc., to be used as a living stipend for an AAO intern to be employed and supervised by the AAO and utilized in their Champions of Character Program. Such grant is contingent upon the AAO vigorously pursuing approval of the AmeriCorps Educational Award grant for such an intern.

PASSED AND APPROVED this 1st day of July, 1997.

APPROVED:

By: Fred Hanna
Fred Hanna, Mayor

ATTEST:

By: Traci Paul
Traci Paul, City Clerk

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 4, 2000.

FROM:		
Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Resdential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	3-17-00 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 8-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-17-00 Date	**Cross Reference**
Department Director	3-20-00 Date	New Item: **Yes** **No**
Administrative Services Director	3-20-00 Date	Prev Ord/Res#:_____
Mayor	3/20/00 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ00-11.00 FOR A PARCEL CONTAINING APPROXIMATELY 4.02 ACRES LOCATED AT 2300 CATO SPRINGS ROAD AS REQUESTED BY RONALD G. WOODRUFF ON BEHALF OF THE JOYCE M. OGDEN FAMILY TRUST.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

RZ00-11.00 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From R-2 Medium Density Residential to C-2, Thoroughfare Commercial.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By_____
Fred Hanna, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

A part of the NW 1/4 of the NE 1/4 of section 29, township 16 north, range 30 west of the fifth principal meridian, being more particularly described as follows: commence at the southwest corner of the NW 1/4 of the NE 1/4 of said section 29; thence S 86°37'38" E 703.93 feet to the point of beginning and run thence N 2°35'15" E 563.56 feet; thence S 87°23'09" E 310.00 feet; thence S 2°35'15" W 567.66 feet; thence N 86°37'38" W 310.03 feet to the point of beginning and containing 4.02 acres, more or less, Washington County, Arkansas.

RZ00-11: REZONING
OGDEN, PP638

This item was submitted by Ronald G. Woodruff, Attorney on behalf of Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

Ron Woodruff was present on behalf of the request.

Staff Recommendation

Staff recommended approval of requested rezoning.

Commission Discussion

Johnson: The property is adjacent to the City property for the Water and Sewer Services Facility. There has been recent rezoning approved by the Council which is R-2 to the north of this property which is now I-1. The City intended to sell the property and ultimately did not. Everything east and north is now I-1. This was part of a larger tract which was before us four years ago for a rezoning. At that time, did the Commission deny the rezoning?

Conklin: They denied the request for the entire acreage. The applicant came back with 6.17 acres which is to the west and it was approved. When the city property was proposed for student housing, there was concern about having thoroughfare commercial C-2 zoning. Now the city property has been rezoned to I-1 with plans to expand that facility. It is consistent with our land use plan.

Woodruff: We originally proposed 10 acres for rezoning in 1996 and we withdrew that. I wanted to bring it to your attention that I did go to the city and reviewed the zoning map and it was shown as commercial use and I had to bring their attention that there were four acres still zoned R-2.

Public Comment

None.

Further Commission Discussion

Johnson: This action is merely a recommendation to the City Council who will make the

final determination.

MOTION

Commissioner Marr made a motion to approve RZ00-11.

Commissioner Odom seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: March 13, 2000

RZ 00-11.00: Rezoning (Ogden, pp 638) was submitted by Ronald G. Woodruff, Attorney on behalf of Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 13, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

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BACKGROUND:

On October 28, 1996 the applicant requested that the Planning Commission rezone this property along with the adjacent 6.17 acres (a total of 10.19 acres) to C-2, Thoroughfare Commercial. At that time, the request was denied (see attached minutes). Later, the applicant revised the request and resubmitted a rezoning application for only the 6.17 acres closest to the by-pass. On December 2, 1996, the Planning Commission voted 6-1-0 to rezone the 6.17 acres from R-2, Medium Density Residential to C-2, Thoroughfare Commercial. A Bill of Assurance offered by the applicant at the time was also accepted by the Commission which stated that the entire 6.17 acres would be subject to the requirements of the Design Overlay District (see attached minutes). The City Council approved this amended request with a vote of 8-0-0 on the third reading of the rezoning ordinance on January 21, 1997.

At this time, the applicant is requesting that the 4.02 acres which was removed from the original rezoning request be zoned C-2, Thoroughfare Commercial. At this time the property is zoned R-2, Medium Density Residential.

This property is bound on the north and east by City of Fayetteville property. This is the site of the Water & Sewer Operations Center. The property is currently zoned R-2, however a request has been approved by the Planning Commission and is before City Council at this time to rezone this City property I-1, Heavy Commercial / Light Industrial. On the south and west, the subject property adjoins C-2 property which is largely undeveloped. The property immediately south of this tract (approximately 12.44 acres) was rezoned from R-2 to C-2 in 1997.

SURROUNDING LAND USE AND ZONING

North:	City of Fayetteville Water & Sewer Operations Center (R-2 / rezoning to I-1 at City Council currently)
South:	Single family home (C-2)
East:	City of Fayetteville Water & Sewer Operations Center (R-2 / rezoning to I-1 at City Council currently)
West:	Single family home (C-2)

INFRASTRUCTURE:

Streets: Access to this property is along a private drive and along Treat Street, from Razorback Road which is classified as a principal arterial on the Master Street Plan requiring a total of 110' of right of way.

Water: 24" line along Treat Street (south boundary)

Sewer: Not available. Owner will be responsible for extending sewer to this location at the time of development.

LAND USE PLAN: General Plan 2020 designates this site Regional Commercial. Rezoning this property to C-2, Thoroughfare Commercial, is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The proposed rezoning to C-2, is consistent with the City's General Plan 2020. The area of Cato Springs Road / Razorback Road is designated in the General Plan as a regional commercial center into which new regional development should be directed.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed rezoning is only justified in that it is consistent with the City's adopted General Plan 2020.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed rezoning will not create or appreciably increase traffic danger and congestion.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning will not alter population density at this location.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

§161.14 DISTRICT C-2 THOROUGH-FARE COMMERCIAL.

A. Purpose. The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 21	Warehousing and Wholesale
Unit 28	Center for Collecting Recyclable Materials
Unit 32	Sexually Oriented Business

C. Bulk and Area Regulations. Setback lines shall meet the following minimum requirements:

From Street ROW	50 ft.
From Side Property Line	None
From Side Property Line When Contiguous to a Residential District	15 ft.
From Back Property Line	20 ft.

D. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

E. Height Regulations. In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-177; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

Description of Request

Joyce M. Ogden Family Trust is the owner of the property. Joyce Ogden is a co-trustee and lives on the site. Joyce's son, Earl L. Ogden, Jr. is a co-trustee and a secondary beneficiary along with his two sons. There is no pending or proposed sale of the property.

The extension of Razorback Road in 1996 to the I 540 ramp makes the property a prime location for commercial development and use. The property could be used for a hotel, motel, restaurant, fuel sales, and other accommodations and services for local and traveling public.

In late 1996 "Tract A" (see Plat of Survey) containing 6.17 acres was rezoned from R-2 to C-2. During that process, "Tract B" (the land now sought to be rezoned to C-2) was withdrawn from the original Petition primarily because the City of Fayetteville was negotiating the sale of the property adjoining Tract B on the North and East to third parties for construction of a large apartment complex. The City lost its buyer and now has pending a Petition to rezone it's land back to C-2. Assuming the City is successful in its efforts to rezone its 19+ acres back to C-2, Ogden's Tract B is to be an isolated 4 acre tract of R-2 surrounded on three sides by commercial zoning.

The increase traffic flow stimulated by the Razorback/Cato Springs Road connection to I 540 and the surrounding C-2 zoning has rendered Tract B no longer suitable for residential use. It is anticipated that given the nature and market value of Tract B, the appearance of any building constructed for commercial use would be attractive and appropriate.

According to City maps a 24" water line is available to serve the City. Currently, the sewer line terminates at the City Operation Center on Cato Springs Road which lays adjacent and North of "Tract B".

RZ96-18.00: REZONING TO C-2
JOYCE OGDEN NE CORNER OF CATO SPRINGS RD & TREAT ST.

The next item on the agenda was submitted by Ronald Woodruff on behalf of Joyce Ogden for property located at the northeast corner of Cato Springs Road and Treat Street. The property is zoned R-2 (Medium Density Residential) and contains approximately 10.19 acres. The request is for a rezoning to C-2 (Thoroughfare Commercial).

The staff recommended approval of the rezoning as requested based on the designation of this area in General Plan 2020 as Regional Commercial. General Plan 2020 states the purpose of regional commercial development is to "maximize and enhance the existing regional commercial areas of the City and to create regional identity". Section 6.4e under Regional Commercial: Implementation Strategies reads as follows, "Direct new regional development into designated regional commercial centers". This area (71 Bypass intersection with U.S. 71/ Razorback Road/Cato Springs Road) is specifically designated as a "new center" of regional commercial activity.

Mr. Tucker questioned if the property was in the overlay district. He added the 2020 Plan did show this area as regional commercial, but it also preferred nodule type development.

Ms. Little stated a portion of the property was in the overlay district. The 2020 plan tried to place more neighborhood commercial in nodes regional commercial was placed in areas that would attract from various regions.

Mr. Sugg stated the area should be used as residential.

Ms. Johnson questioned the number of residents now on the property.

Mr. Woodruff stated there were two existing homes on the site.

Ms. Johnson commented she could not remember an area where a five-lane highway had gone in first residential. She had seen the reverse where a five-lane had gone through an existing residential area.

Mr. Sugg defended the City encouraged it by zoning it commercial.

Ms. Johnson did not believe the property would develop as residential. She noted that, if they did not rezone the property to commercial, it would probably just sit there undeveloped.

Ms. Hoffman did not believe there was a need for the entire tract to be rezoned commercial. The frontage would be appropriate, but the back of the tract was reaching into a residential

neighborhood. To rezone the entire tract for a dense commercial use would be excessive.

Mr. Woodruff responded residential was not practical for this tract of land because of the railroad toward the back of the property. They would have five lane highways on two sides and a railroad track to the rear.

Ms. Johnson questioned the street in the northeast corner.

Mr. Woodruff stated it was used as a driveway for Mr. Treat, the adjacent neighbor.

Mr. Harbison commented he was leaning toward denial of this request. The Planning Commission bylaws instructed that they must determine that there is a current need in the City for the rezoning as of the date for the proposed rezoning. Fayetteville now had more than 400 acres of undeveloped C-2 land, most of which they had rezoned in the last year and half. He could not see the need for additional C-2.

Mr. Sugg commented this area was to be the new gateway into Fayetteville. His concern was that there was too much C-2, he felt C-1 would be more appropriate.

Mr. Tucker stated one benefit was that it was in the overlay district.

Ms. Little replied about half of the property was in the overlay district, but did include most of the frontage.

MOTION

Mr. Odom moved to approve the rezoning.

Mr. Allred seconded the motion.

Mr. Forney stated he would oppose the rezoning for the same reasons that he opposed designating this area as regional commercial when they passed the land use plan. He explained that the proximity to the Highway 62 intersection was too close. The City did not need two different nodes that close together. He would be consistent and oppose the rezoning.

The roll was called. The rezoning failed by a vote of 3-6-0, Harbison, Sugg, Forney, Reynolds, Hoffman, and Tucker voting nay.

MINUTES OF A MEETING OF THE PLANNING COMMISSION

A regular meeting of the Planning Commission was held on December 2, 1996 at 5:30 p.m. in Room 326 of the City Administration Building, 113 W. Mountain, Fayetteville, Arkansas.

MEMBERS PRESENT: Phyllis Johnson, Lorel Hoffman, Gary Tucker, Conrad Odom, John Forney, Mark Sugg, and Jerry Allred.

STAFF PRESENT: Alett Little, Jim Beavers, Rich Lane, Dawn Warrick, and Heather Woodruff.

APPROVAL OF THE MINUTES
Minutes of the October 28, 1996 meeting were approved as distributed.

OLD BUSINESS

RZ96-18.00: REZONING FOR JOYCE OGDEN
CATO SPRINGS AND TREAT STREET.

The first item was submitted by Ronald Woodruff on behalf of Joyce Ogden for property located at the northeast corner of Cato Springs Road and Treat Street. The property is zoned R-2 (Medium Density Residential) and contains approximately 10.19 acres. The request is to rezone only the west 6.17 acres from R-2 to C-2 (Thoroughfare Commercial). This is an amendment to a previous petition heard and denied at the Planning Commission meeting of 10/28/96.

The staff recommended approval of the rezoning (with the amended acreage, decreasing from 10.19 acres to 6.17 acres) as requested based on the designation of this area in General Plan 2020 as Regional Commercial. General Plan 2020 states that the purpose of the regional commercial development is to "maximize and enhance the existing regional commercial areas of the City and to create regional identity." Section 6.4.e. under Regional Commercial: Implementation Strategies reads as follow, "Direct new regional development into designated regional commercial centers." This area (71 Bypass intersection with U.S. 71/Razorback Road/Cato Springs Road) is specifically designated as a "new center" of regional commercial activity.

Although staff recommended approval of the previous submittal, the amended proposal appears to be a better with the R-2 buffer to the east (4.02 acres). The applicant is advised that the "tract A & B" description should only be utilized for zoning purposes and will not be recognized by the City as separate tracts. A lot split will be required before these tracts could be sold separately.

Mr. Tucker asked if the applicant was willing to put all of the proposed rezoning under the design overlay district.

Mr. Woodruff stated they were willing to offer a Bill of Assurance accepting the Overlay District for the proposed 6.17 acre rezoning.

Ms. Johnson clarified some of the six acres did not lay within the Overlay District.

Mr. Woodruff replied there was about an acre out of it, but they were willing to cover the whole tract.

Mr. Allred commented the land was not subject to the Overlay District now because it was not zoned commercial.

Ms. Little explained as long as the parcel was zoned R-2 (or any residential classification) it would not be subject to the Overlay District. The Overlay District only applied to commercial property.

Ms. Johnson asked Mr. Woodruff if he was willing to have the entire tract of C-2 in the Overlay District.

Mr. Woodruff stated they were willing to have the entire commercial area in the Overlay District.

Mr. Forney questioned the need for more property zoned commercially.

Ms. Johnson stated the staff had observed there was very little commercial property in that area. The implication being, it was not sensible to have all the commercial development in one region of the City.

Ms. Little stated the Land Use Plan showed this area to be Regional Commercial.

MOTION

Mr. Odom moved to approve the rezoning subject to staff comments and the applicant's willingness to offer a Bill of Assurance to subject the entire C-2 tract to requirements of the Overlay District.

Mr. Tucker seconded the motion.

Ms. Johnson explained to Mr. Woodruff a rezoning required five positive votes to pass. She gave him the option to wait until they had more members present.

Mr. Woodruff stated he would accept this vote.

Mr. Forney commented there was a lot of C-2 at the intersection of Hwy 62 and 71B as well as S. School. He objected to making this regional commercial at this time because of these strong commercial strips.

Ms. Johnson commented the area north of the bypass was largely regional commercial and the areas south of the bypass had more of a local flavor. She could not see the logic in pushing such a large portion of the commercial development to the north, excluding the mall area.

Mr. Forney stated the 2020 Plan had five nodes of regional commercial along the bypass. It was his argument that they did not need to develop another intersection in the same manner as Hwy 62. He did not believe they should rezone more land for heavy commercial use than what was needed. He felt one of the dangers was that if all the land was developed to its highest potential, by-right, use in C-2 then they would have a remarkable amount of commercial development and it would be hard for the City's infrastructure to support. They might be over taxing the highway if they were to develop that densely. He added the northern region had always been seen as the primary regional commercial area, because they had more potential customers from Springdale and Rogers.

Mr. Sugg stated this was a better proposal and he hoped that the Overlay District would do what it was intended to do and make it a pleasant entry.

Mr. Tucker commented the infrastructure was part of the reason he was inclined to vote for this. The City had already built a five-lane road out there. He believed it was in preparation for heavy commercial use.

Mr. Forney expressed concern that they were encouraging strip developments along major arterial. He was in favor of commercial nodes. He argued that using the five lane street as a route to commercial properties would cause traffic problems.

Ms. Johnson asked Mr. Forney if he agreed or disagreed with the 2020 Plan.

Mr. Forney stated the rezoning complied with the 2020 plan, however, rezoning more land C-2 was in contradiction with the plan because it would create an excess of C-2 property in Fayetteville.

Ms. Johnson asked if the cemetery on the north side of Razorback Road joined the road.

Mr. Woodruff thought it was a private cemetery and it did come to the road.

Ms. Johnson thought the location of the cemetery would prevent that side of the highway from being developed commercial adding this node would not be so heavily developed as some of the

other intersections.

Ms. Little stated the cemetery did adjoin the right-of-way. The land use plan only showed the northeast corner of the intersection being zoned regional commercial, reasoning that the steep terrain to the south of the intersection would limit commercial developments there.

Mr. Sugg asked Mr. Woodruff if the terrain would affect the access to the property.

Mr. Woodruff replied the property did sit a little low along the south side of the highway but the existing driveway was at a slope that leveled off before it met the highway.

Mr. Allred commented they had two options: a commercial development or an apartment complex.

Ms. Little added apartment complexes were not subject to the Overlay District.

Mr. Allred stated the City would benefit by the rezoning because they would be subject to the Overlay beautification requirements. If they did not rezone, they could have an apartment complex not subject to any of the requirements.

Mr. Forney expressed concerns that the entire Razorback extension would become strip development.

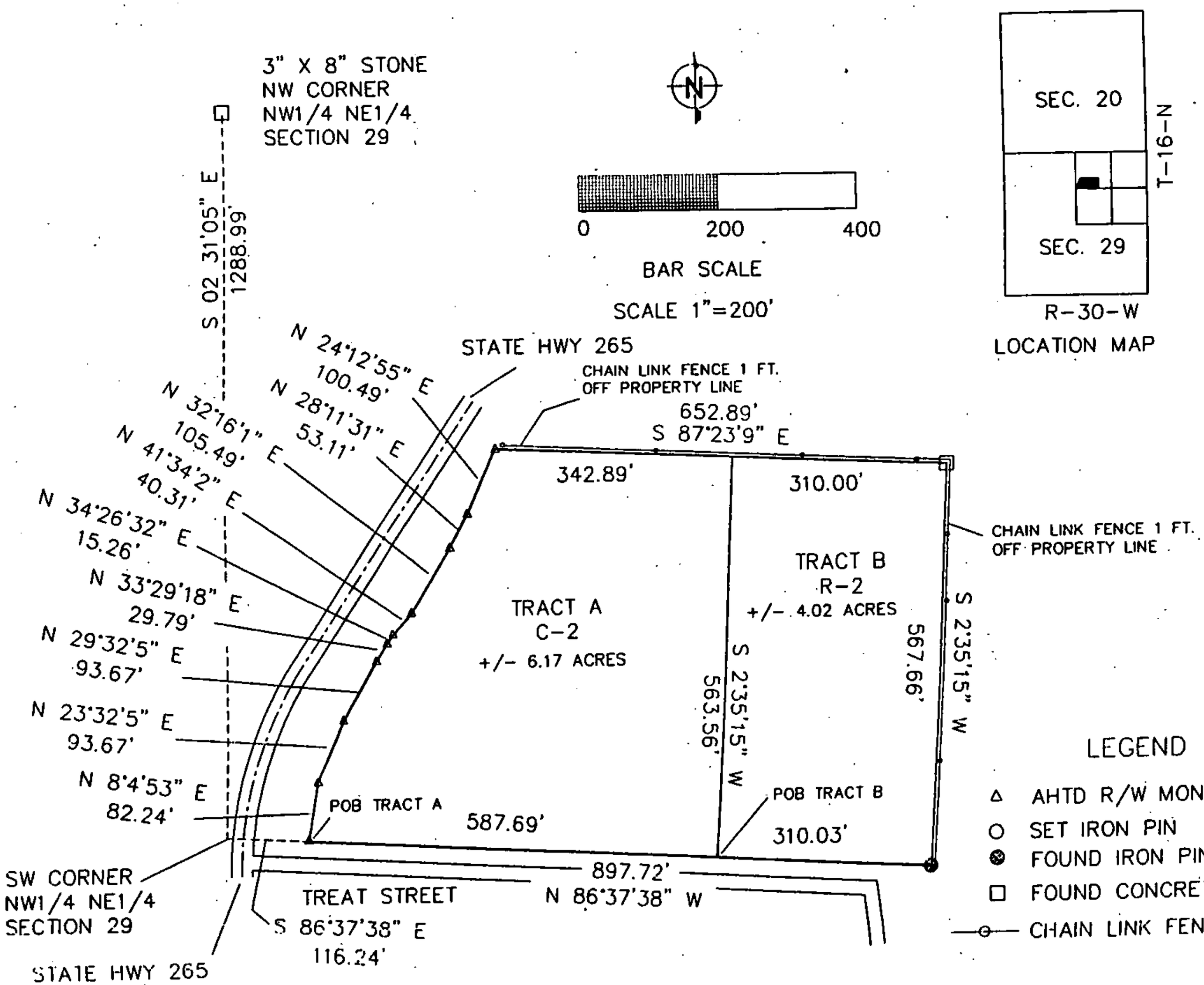
Ms. Johnson responded they would have more control over this because it was going across fresh land and that Hwy 62 had existing commercial developments for years.

Mr. Woodruff stated Richard Poole, who owned the lots on the west side, had no intentions of developing his land commercial. He added the proposed rezoning was surrounded by City property to the north and east who had control over how the land would be developed.

Mr. Sugg thought the land across the road would be undevelopable because of the slope.

Ms. Johnson stated the motion was to approve the rezoning subject to the staff's comments and subject to the applicant's offer of a Bill of Assurance to apply all requirements of the Overlay District to the entire six plus acres.

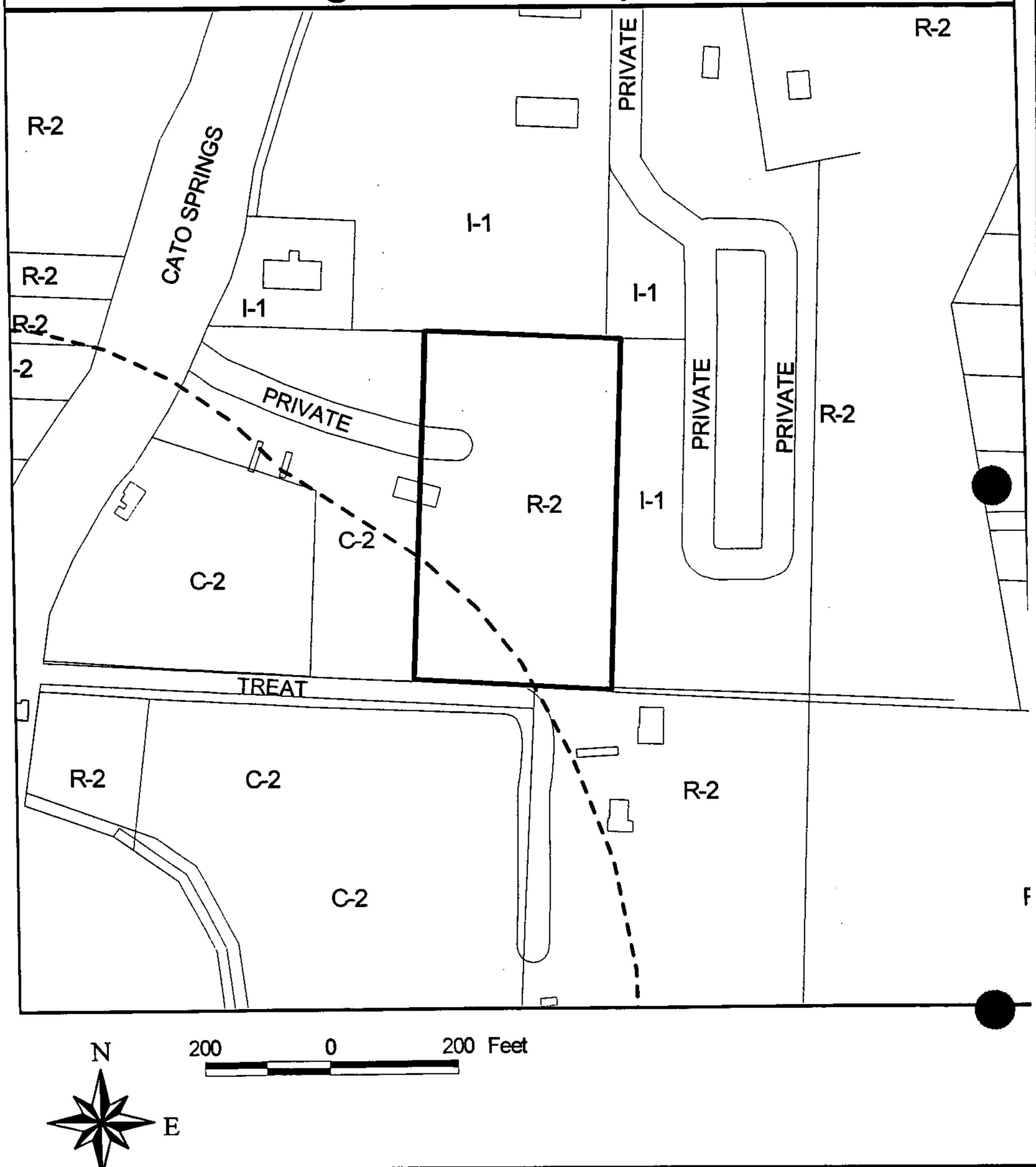
The roll was called and the item was approved by a vote of 6-1-0. Mr. Forney voting nay.



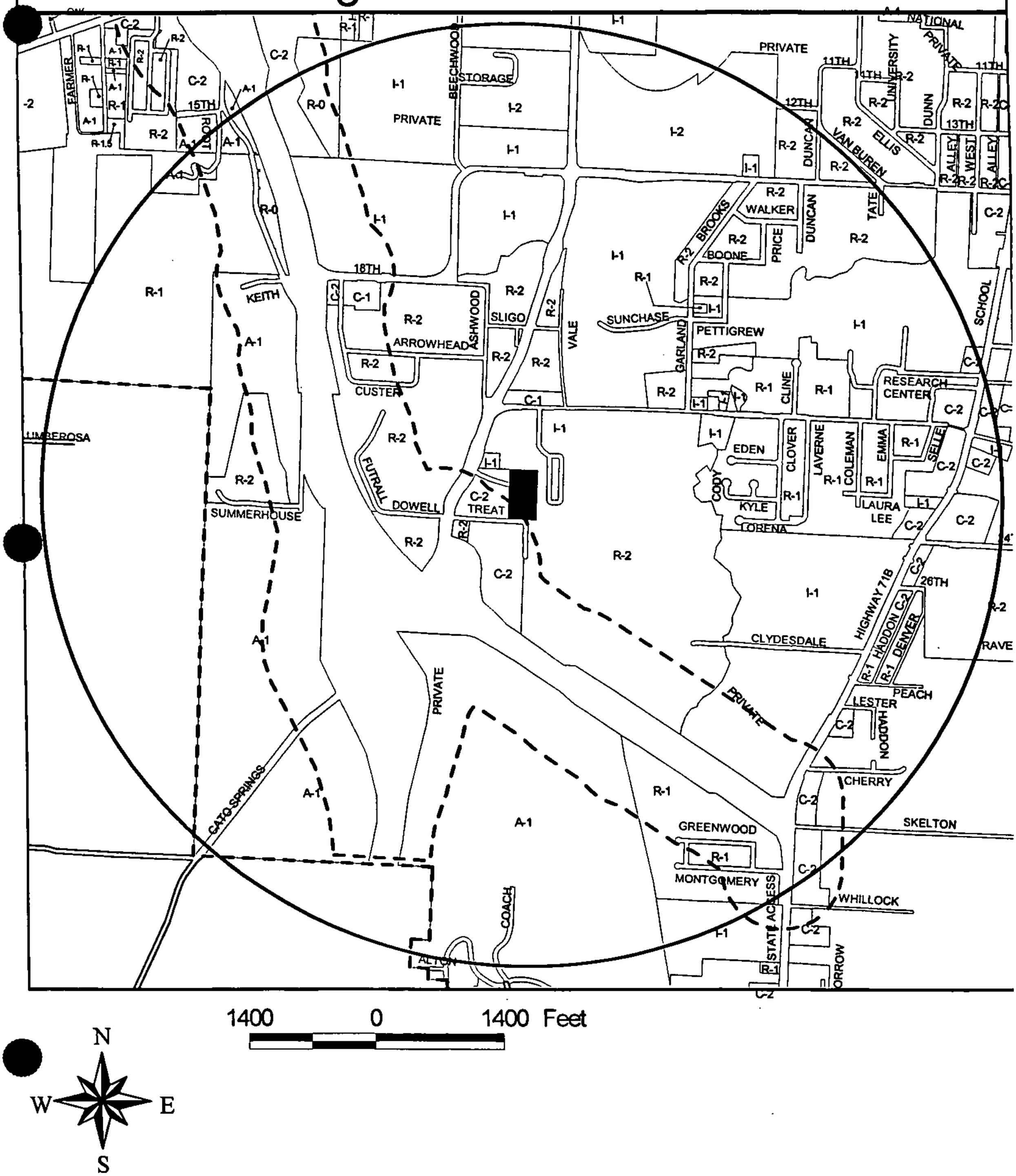
BASIS OF BEARINGS: AS ESTABLISHED BY THE AHTD FOR THE STATE HIGHWAY 265 RIGHT OF WAY ACQUIRED IN 1995.

FLOOD CERTIFICATION: THE HEREIN DESCRIBED TRACT IS IN A NON-FLOODED AREA AND NOT WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 05143C0094 C DATED SEPTEMBER 18, 1991

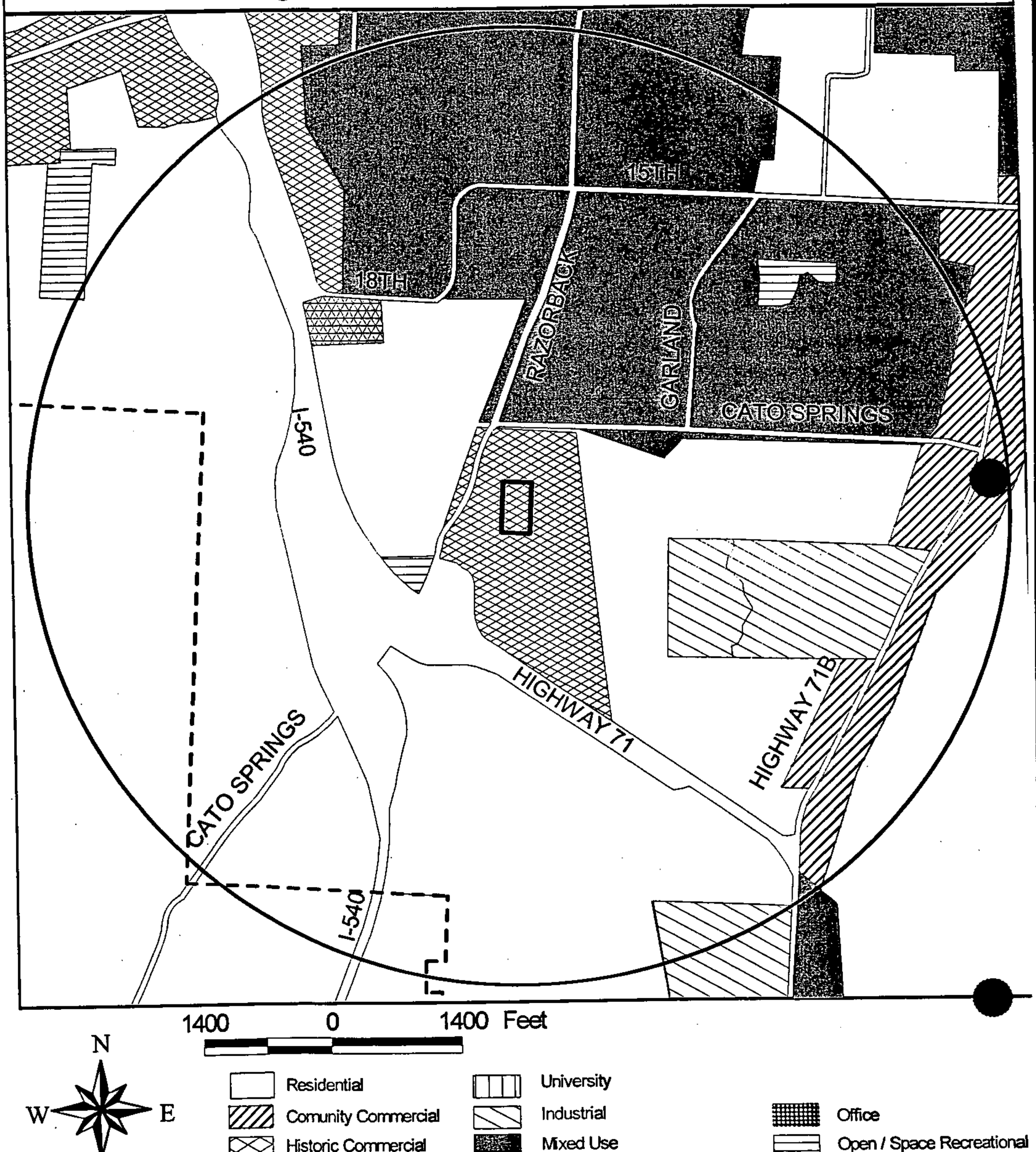
RZ00-11.00 - Ogden - Close Up



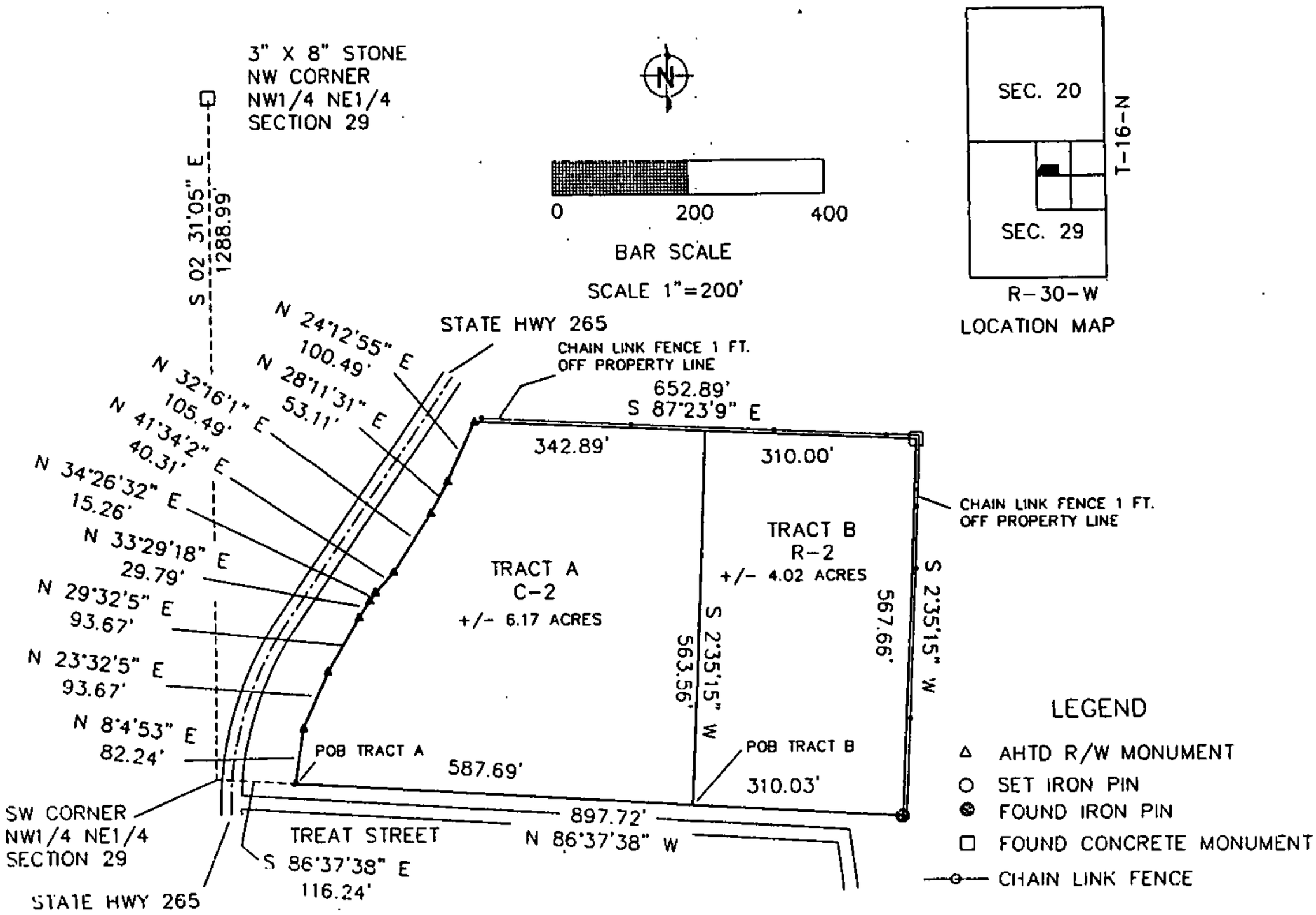
RZ00-11.00 - Ogden - One Mile Diameter



RZ00-11.00 - Ogden - 2020 Plan



PLAT OF SURVEY



BASIS OF BEARINGS: AS ESTABLISHED BY THE AHTD FOR THE STATE HIGHWAY 265 RIGHT OF WAY ACQUIRED IN 1995.

FLOOD CERTIFICATION: THE HEREIN DESCRIBED TRACT IS IN A NON-FLOODED AREA AND NOT WITHIN THE 100 YEAR FLOOD PLAIN PER FIRM MAP NO. 05143C0094 C DATED SEPTEMBER 18, 1991

BOUNDARY DESCRIPTIONS

TRACT A

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 29, TOWNSHIP 16 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHWEST CORNER OF THE NW1/4 OF THE NE1/4 OF SAID SECTION 29; THENCE S 86°37'38" E 116.24 FEET TO THE EASTERLY RIGHT OF WAY OF STATE HIGHWAY 265(AS ACQUIRED IN 1995) FOR THE POINT OF BEGINNING AND RUN THENCE N 8°04'53" E ALONG SAID RIGHT OF WAY 82.24 FEET; THENCE N 23°32'05" E ALONG SAID RIGHT OF WAY 93.67 FEET; THENCE N 29°32'05" E ALONG SAID RIGHT OF WAY 93.67 FEET; THENCE N 33°29'18" E ALONG SAID RIGHT OF WAY 29.79 FEET; THENCE N 34°26'32" E ALONG SAID RIGHT OF WAY 15.26 FEET; THENCE N 41°34'02" E ALONG SAID RIGHT OF WAY 40.31 FEET; THENCE N 32°16'01" E ALONG SAID RIGHT OF WAY 105.49 FEET; THENCE N 28°11'31" E ALONG SAID RIGHT OF WAY 53.11 FEET; THENCE N 24°12'55" E ALONG SAID RIGHT OF WAY 100.49 FEET; THENCE S 87°23'09" E LEAVING SAID RIGHT OF WAY 342.89 FEET; THENCE S 2°35'15" W 563.56 FEET; THENCE N 86°37'38" W 587.69 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.17 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

TRACT B

A PART OF THE NW1/4 OF THE NE1/4 OF SECTION 29, TOWNSHIP

SURVEYOR'S CERTIFICATION

I hereby certify that I have surveyed the herein described tract and that the property lines and corner monuments are, to the best of my knowledge and ability, correctly established as shown herein. Also any easements and/or encroachments revealed by survey are shown.

JAMES E. GORE ARKANSAS R.L.S. 1298
GORE ENGINEERING & LAND SURVEYING, INC.
1817 OLD 12 CROSSROADS
CHESTER, ARKANSAS 72934
PH(501)929-5599

REGISTERED
STATE OF ARKANSAS
NO. RLS 1298
SIGNATURE
PROFESSIONAL SURVEYOR
JAMES E. GORE

STAFF REVIEW FORM

_X_ Agenda Request
____ Contract Review
____ Grant Review

For the Fayetteville City Council meeting of April 4, 2000.

FROM:

Tim Conklin	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ 00-12.00 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O, Residential Office.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**_____

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	3-17-00 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and Planning Commission unanimously voted 8-0-0 to recommend and forward the rezoning to the City Council.

Division Head	3-17-00 Date	**Cross Reference**
Department Director	3-20-00 Date	New Item: **Yes** **No**
Administrative Services Director	3-20-00 Date	Prev Ord/Res#:_____
Mayor	3/20/00 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZ00-12.00 FOR A PARCEL CONTAINING APPROXIMATELY 6 ACRES LOCATED AT THE SOUTHWEST CORNER OF JOYCE BLVD. AND OLD MISSOURI ROAD AS REQUESTED BY GEORGE FAUCETTE ON BEHALF OF BUTTERFIELD TRAIL VILLAGE.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

RZ00-12.00 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From A-1, Agricultural to R-O, Residential Office.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section above.

PASSED AND APPROVED this _____ day of _____, 2000.

APPROVED:

By_____
Fred Hanna, Mayor

ATTEST:

By_____
Heather Woodruff, City Clerk

EXHIBIT "A"

Part of the SW 1/4 of the NE 1/4 of section 25, township 17 north, range 30 west Washington County, Arkansas and being more particularly described as beginning at a point S 0°50'52" E 36.06 feet from the NW corner of the SW 1/4 of the NE 1/4 of said section 25; thence N 89°59'20" E 355.95 feet; thence S 48°06'43" E 37.11 feet; thence S 5°12'14" W 386.88 feet; thence S 6°57'27" W 353.69 feet; thence S 89°09'08" W 294.35 feet; thence N 0°05'52" W 765.51 feet to the point of beginning, containing 6.00 acres, more or less.

RZ00-12: REZONING
BUTTERFIELD TRAIL VILLAGE, PP176

This item was submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O, Residential Office.

Daniel Broyles was present on behalf of the request.

Staff Recommendation

Staff recommends approval of the requested rezoning.

Commission Discussion

Conklin: Staff has recommended approval. They are requesting rezoning the property from A-1 to R-O. To the east of this property is Paradise Valley at the intersection of Joyce and Old Missouri Road. That includes the clubhouse, restaurant, and parking lot. To the northeast across Joyce is undeveloped and zoned A-1. It is designated on the land use plan as office. To the west is a church and further south and west is a 60 unit large scale development which we approved several weeks ago.

Public Comment

Wes Murtishaw was present.

Murtishaw: I am President of the Board of Butterfield Trail Village. Also with me is Vice President, Don Honeycut and our Treasurer, David Lashley.

MOTION

Commissioner Shackelford made a motion to approve RZ00-12.

Commissioner Marr seconded the motion.

Roll Call

Upon roll call, the motion passed with a unanimous vote of 8-0-0.

APPOINTMENT OF NOMINATING COMMITTEE

Johnson: Our last item is appointment of the Nominating Committee. I appoint Commissioner Ward which is a word to the wise not to miss a meeting. Commissioner Marr, would you be willing to serve?

Marr: Yes.

Johnson: I will appoint myself, the chair, as the third member of the Nominating Committee. That report will come back to the Commission at the next meeting. Commissioner Marr will you find a time for us to meet?

Meeting adjourned at 7:38 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Associate Planner
THRU: Tim Conklin, City Planner
DATE: March 13, 2000

RZ 00-12: Rezoning (Butterfield Trail Village, pp 176) was submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. & Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-0, Residential Office.

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION: **Required** **YES**
O Approved **O Denied**

Date: **March 13, 2000**

CITY COUNCIL ACTION: **Required** **YES**
O Approved **O Denied**

Date: _____

Comments: _____

H:\USERS\COMMON\DAWNT\REPORTS\PC\3-13-00\butterfield.wpd

BACKGROUND:

The applicant is seeking R-O, Residential Office zoning for this 6 acre tract of property. This 6 acres at the intersection of Old Missouri Rd. and Joyce Blvd. was recently split from the remaining Butterfield Trail Village land to the west. As a condition of the lot split, dedication of sufficient right of way to meet the Master Street Plan requirement for a collector street (Old Missouri Rd.) on the east was a condition of that split.

On the General Plan 2020, all of Joyce Blvd. on the north side of the street between Vantage Street (future collector) and Crossover Rd. is classified as office. The areas on the south side of Joyce Blvd. between these streets are classified as residential or open space / recreational. The intersection of Old Missouri Rd. and Joyce Blvd. is a signalized intersection. Two major streets converge in this location creating a node. Three corners of this intersection are currently vacant, the fourth corner is occupied by the clubhouse and golf course for Paradise Valley.

SURROUNDING LAND USE AND ZONING

North:	Vacant (A-1)
South:	Vacant - part of Butterfield Trail future phase (A-1)
East:	Paradise Valley Club house and golf course (A-1)
West:	Life Change Community Fellowship Church (A-1)

INFRASTRUCTURE:

Streets: Joyce Blvd. on the north is a 4-lane principal arterial which requires a total of 110' of right of way. Old Missouri Rd. on the east is classified as a collector street on the Master Street Plan requiring a total of 70' of right of way. Old Missouri will be improved to collector street standards as development occurs.

Water: 6" line along Old Missouri Rd.

Sewer: 8" line within Butterfield Trail development to the south west

LAND USE PLAN: General Plan 2020 designates this site Residential.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **Residential Office zoning allows for single family and two family dwellings as**

well as for professional offices. This zoning will allow a mix of residential and office uses and is consistent with the land use plan.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed rezoning is justified at this time. The north side of Joyce Blvd. is currently designated as Office from the proposed Vantage Street on the west to Crossover Rd. on the east. Old Missouri Road is the largest intersection on Joyce Blvd. between these two cross roads. This corner can serve the area as a node of office / commercial uses.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning would not create or appreciable increase traffic danger or congestion. This property is located at the corner of a signalized intersection. Joyce Blvd. is a principle arterial on the Master Street Plan and Old Missouri Rd. is classified as a collector. Additional right of way along Old Missouri Rd. was dedicated as a condition of the lot split creating this tract of land in accordance with Master Street Plan requirements.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed rezoning would not alter population density.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

   a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

   b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

§161.12 DISTRICT R-O RESIDENTIAL OFFICE.

A . Purpose. The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 5	Government Facilities
Unit 8	Single-Family and Two-Family Dwellings
Unit 12	Offices, Studios and Related Services
Unit 25	Professional Offices

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 3	Public Protection and Utility Facilities
Unit 4	Cultural and Recreational Facilities
Unit 9	Multi-Family Dwelling - Medium Density
Unit 10	Multi-Family Dwelling - High Density
Unit 13	Eating Places

C. Bulk and Area Regulations.
(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.
	Three or More	90 ft.
Lot Area Minimum:	Mobile Home Park	3 acres
	Lot Within a Mobile Home Park	4200 sq. ft.
	Row Houses: Development Individual Lot	 10,000 sq. ft. 2500 sq. ft
	Single Family	6000 sq. ft
	Two Family	6500 sq. ft
	Three or More	8000 sq. ft
	Fraternity or Sorority	1 acres
Land Area Per Dwelling Unit:	Mobile Home	3000 sq. ft.
	Row Houses &Apartments: Two or More Bedrooms One Bedroom No Bedroom	 1200 sq. ft. 1000 sq. ft. 1000 sq. ft
	Fraternity or Sorority	500 sq. ft., per resident

D. Bulk and Area Regulations/ Setbacks. Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.
From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

E. Building Area. On any lot the area occupied by all buildings shall not exceed 60% of the total area of such lot.

F. Height Regulations. There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any R-1, R-2, or R-3 District an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, §160.041; Code 1965, App. A, Art. 5(x); Ord. No. 1747, 6-29-89; Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80)

To: Fayetteville Planning Commission

From: George Faucette & Dan Broyles, Representatives of the Applicant
Date: 2/18/00

Re: Rezoning App. A-1 to R-0

Subject: Butterfield Trail Village's parcel #765-15677-000, six (6) acres more or less (part of a larger parcel) at the stop light of Joyce Blvd. and Old Missouri Road, just west of the Paradise Valley Country Club and east of the LifeChange Community Fellowship Church.

Applicants: Butterfield Trail Village, Inc.
Owners: Butterfield Trail Village, Inc.
Purpose: Construction of office buildings.

This property is under contract and the applicants are the Sellers of the property. The contract is contingent upon the rezoning of the property from A-1 to R-0.

Rezoning is requested by the applicants to complete the sale of this parcel, and finance the expansion project currently in large-scale development planning with the City.

The adjacent and nearby land use is mixed:
>East is Paradise Valley Golf Course,
>South is R-2 zoning proposed (Butterfield Trail),
>West is Institutional with LifeChange Community Fellowship,
>North is Vantage Square Office Park consisting of eight office buildings and one multi-level surgery center, plus the undeveloped land of the Ferrell LP (13 acres mol) and the Luke Knox property (26 acres mol).

In August 1999, new R-O rezoning occurred on 4.98 acres on Joyce Blvd. and Sunbest St., located between Old Missouri Rd. and Crossover Rd. This parcel was owned by Neal R. Pendergraft, et al.

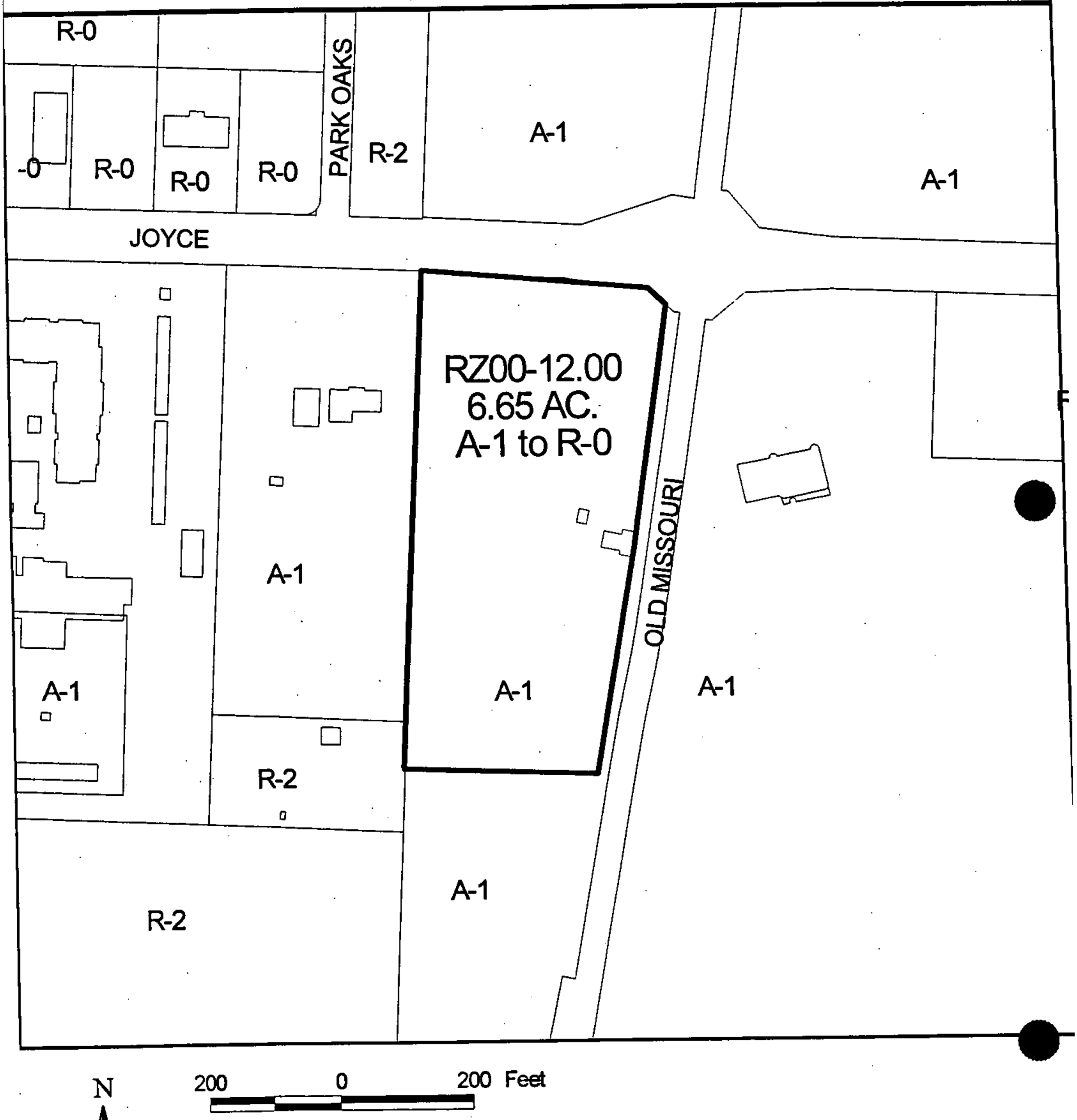
High density residential exists at Butterfield Trail, and to the north at The Park, a Lindsey Property Management property located behind the Vantage Square Office Park.

The infrastructure is excellent and all utilities are available. The water line available is 6 inches and the sewer lines are 8 inches.

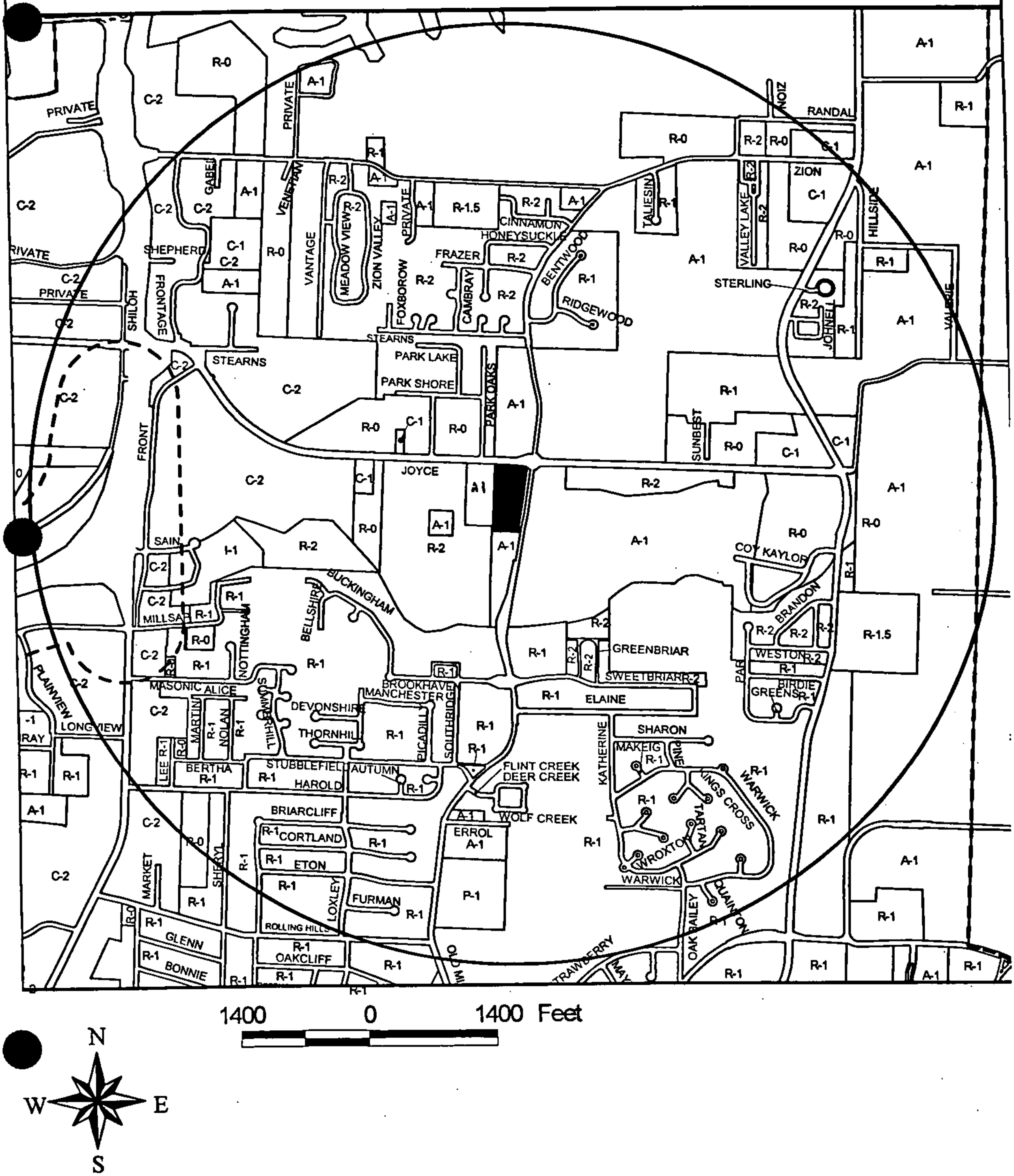
Our proposed rezoning anticipates no undesirable increase to population density, and no undesirable increases on public services including schools.

Best regards.

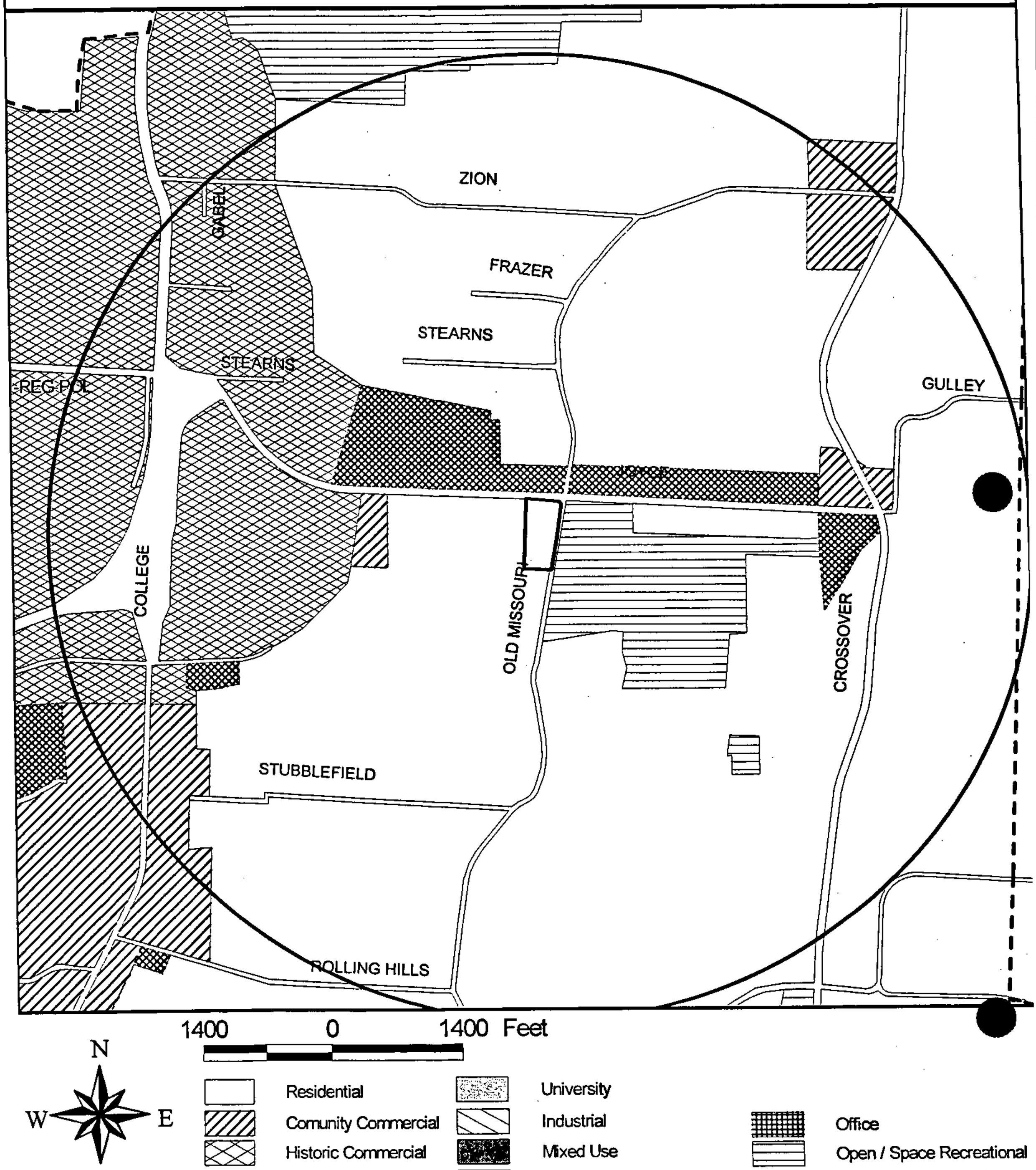
RZ00-12.00 - Butterfield Trail Village - Close Up

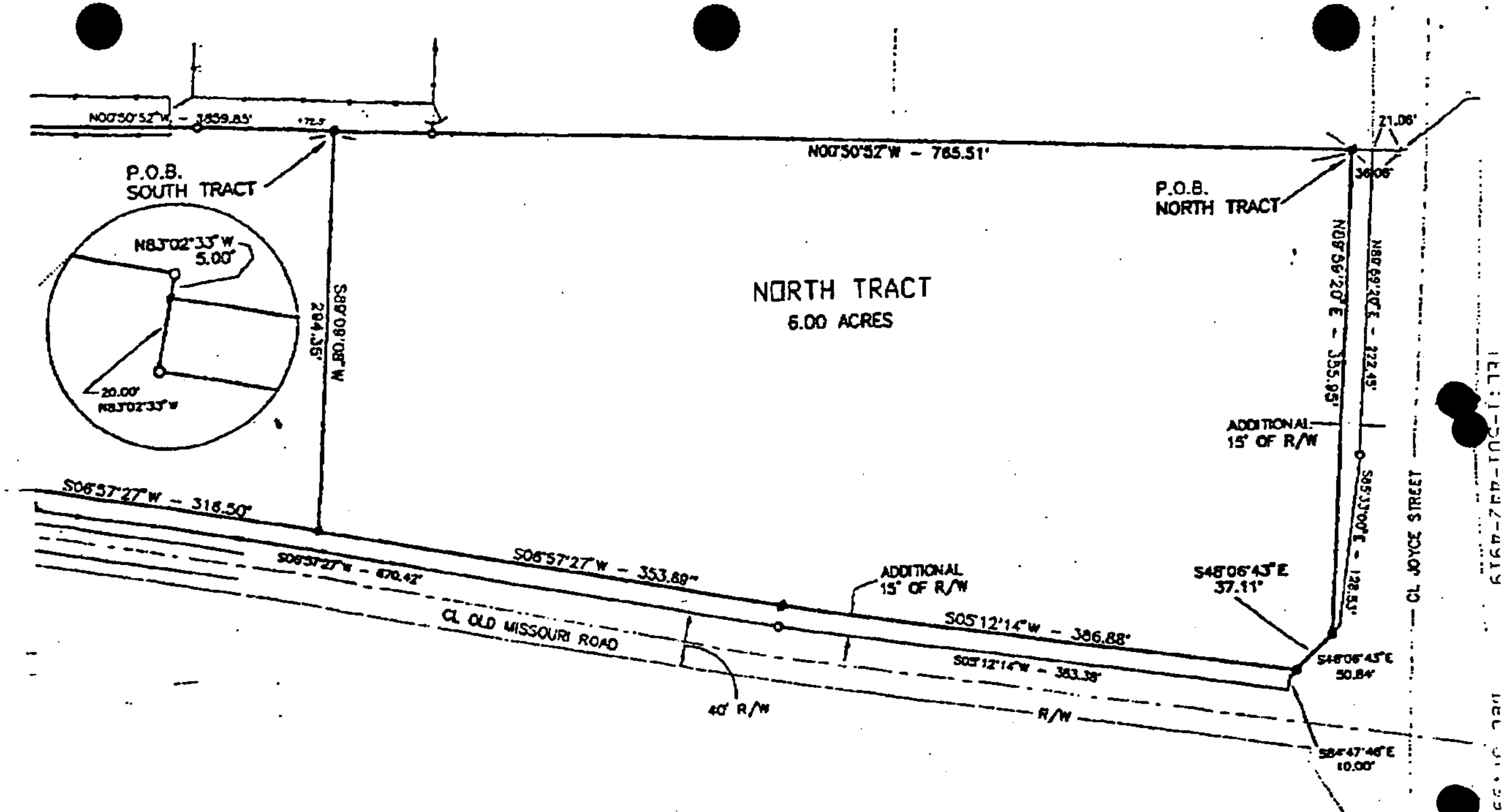


RZ00-12.00 - Butterfield Trail Village - One Mile Diameter



RZ00-12.00 - Butterfield Trail Village - 2020 Plan





NORTH TRACT:

PART OF THE SW 1/4 OF THE NE 1/4 OF SECTION 25, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT SOUTH 0°50'52" EAST - 36.06 FEET FROM THE NW CORNER OF THE SW 1/4 OF THE NE 1/4 OF SAID SECTION 25, THENCE NORTH 89°59'20" EAST - 355.95 FEET; THENCE SOUTH 48°06'43" EAST - 37.11 FEET; THENCE SOUTH 5°12'14" WEST - 386.88 FEET; THENCE SOUTH 6°57'27" WEST - 353.69 FEET; THENCE SOUTH 89°09'08" WEST - 294.35 FEET; THENCE NORTH 0°05'52" WEST - 765.51 FEET TO THE POINT OF BEGINNING, CONTAINING 6.00 ACRES, MORE OR LESS

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of an Ordinance providing for a Bid Waiver to purchase 1 Used Diesel Powered Passenger Bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director and the Equipment Committee. This unit will be primarily be utilized by the City of Fayetteville Trolley Program.

COST TO CITY:

$ 35,000.00	$ 457,200.00	Repl/Exp Lt/Med Util. Veh.
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ 45,000.00	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98063-001	$ 412,200.00	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager — Date 3-17-00
ADA Coordinator — Date
City Attorney — Date 3-17-00
Internal Auditor — Date 3-17-00
Purchasing Officer — Date 3-17-00

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

Division Head — Date 3-16-00

Cross Reference

Department Director — Date

New Item: **Yes No**

Administrative Services Director — Date 3-17-00

Prev Ord/Res #:_____

Mayor — Date 3/17/00

Orig Contract Date:_____

STAFF REVIEW FORM

Description: Bid Waiver - Fayetteville Trolley

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED FORWARD CONTROL PASSENGER BUS TO BE UTILIZED IN THE FAYETTEVILLE TROLLEY PROGRAM; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Forward Control Passenger Bus which will be utilized by the Youth Center. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Administrative Services Director to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $35,000.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this_____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

CITY OF FAYETTEVILLE
FLEET OPERATIONS
INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent

DATE: March 10, 2000

SUBJECT: **Bid Waiver for a Used Diesel Powered Passenger Bus**

Attached is a proposed Ordinance providing for a Bid Waiver to purchase a Used Diesel Powered Passenger Bus. This unit will be utilized as an in service replacement for Unit 210, a 1985 Ford E-350 El Dorado Bus which is utilized in the Fayetteville Trolley Service.

A new unit of this type has a customer cost of $50,000.00 to $85,000.00. It is the intent to limit the cost to a maximum of $35,000.00 for a late model used unit in good condition delivered to our facility in Fayetteville.

An opportunity to save a substantial amount of money with the purchase of a used unit has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with another economically priced used unit.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Hanna.

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich	Fleet Operations	Administrative Services
Name	Division	Department

ACTION REQUIRED:

Approval of an Ordinance providing for a Bid Waiver to purchase 1 Used Diesel Powered Forward Control Passenger Bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director and the Equipment Committee. This unit will be primarily be utilized by the City of Fayetteville Youth Center.

COST TO CITY:

$ 45,000.00	$ 457,200.00	Repl/Exp Lt/Med Util. Veh.
Cost of this Request	Category/Project Budget	Category/Project Name
9700-1920-5802.00	$ --0.00--	Vehicles & Equipment
Account Number	Funds Used To Date	Program Name
98063-001	$ 457,200.00-	Shop
Project Number	Remaining Balance	Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Marilyn J. Cramer	3-17-00		
Accounting Manager	Date	ADA Coordinator	Date
	3-17-00	Yolanda Fields	3-17-00
City Attorney	Date	Internal Auditor	Date
	3-17-00		
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

	3-16-00	
Division Head	Date	Cross Reference
		New Item: **Yes No**
Department Director	Date	
	3-17-00	Prev Ord/Res #:_____
Administrative Services Director	Date	
	3/17/00	Orig Contract Date:_____
Mayor	Date	

STAFF REVIEW FORM

Description: Bid Waiver - Youth Center Bus

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED FORWARD CONTROL PASSENGER BUS TO BE UTILIZED BY THE YOUTH CENTER; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Forward Control Passenger Bus which will be utilized by the Youth Center. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Youth Center Director Division to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $45,000.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this_____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

CITY OF FAYETTEVILLE
FLEET OPERATIONS

INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: John Maguire, Administrative Services Director

FROM: William Oestreich, Fleet Operations Superintendent

DATE: March 10, 2000

SUBJECT: **Bid Waiver for a Used Forward Control Diesel Powered Passenger Bus**

Attached is a proposed Ordinance providing for a Bid Waiver to purchase a Used Diesel Powered Forward Control Passenger Bus. This will be utilized to replace either Unit 297 or 298, both of which are 1980 Thomas Coaches. A final determination as to which unit will be retired will be done at the time of replacement.

A new unit of this type has a customer cost of $75,000.00 to $100,000.00. It is the intent to limit the cost to a maximum of $45,000.00 for a used unit in good condition delivered to our facility in Fayetteville.

An opportunity to save a substantial amount of money with the purchase of a used unit has proven to work out well in the past. We have been very fortunate in locating very serviceable units in the market. Therefore every effort will be made to continue this record with another economically priced used unit.

Upon approval of a Bid Waiver, a purchase recommendation for a suitable unit will be submitted to the Equipment Committee and Mayor Hanna.

STAFF REVIEW FORM

XX AGENDA REQUEST
__ CONTRACT REVIEW
__ GRANT REVIEW
For the Fayetteville City Council meeting of April 4, 2000

FROM:

W.A.Oestreich — Name
Fleet Operations — Division
Administrative Services — Department

ACTION REQUIRED:

Approval of Ordinance providing for a Bid Waiver to purchase 1 Used Hustler Diesel powered Mowing Machine from Williams Ford Tractor with Full New Unit Factory Supported Warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

COST TO CITY:

$ 23,500.00 — Cost of this Request	$ 154,000.00 — Category/Project Budget	Repl/Exp Tractor/Mower — Category/Project Name
9700-1920-5802.00 — Account Number	$ -0- — Funds Used To Date	Vehicles & Equipment — Program Name
98068-001 — Project Number	$ 154,000.00 — Remaining Balance	Shop — Fund

BUDGET REVIEW: XX Budgeted Item __ Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:**

Accounting Manager — Date 3-17-00
ADA Coordinator — Date
City Attorney — Date 3-17-00
Internal Auditor — Date 3-17-00
Purchasing Officer — Date 3-17-00

STAFF RECOMMENDATION:

Approval of Bid Waiver Ordinance

Division Head — Date 3-16-00

Cross Reference

Department Director — Date

New Item: **Yes No**

Administrative Services Director — Date 3-17-00

Prev Ord/Res #:_____

Mayor — Date 3/20/00

Orig Contract Date:_____

STAFF REVIEW FORM

Description: Mowing Machine Bid Waiver

Meeting Date: April 4, 2000

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

ORDINANCE NO._____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF A USED DIESEL POWERED 12' HUSTLER MOWING MACHINE TO BE UTILIZED BY THE PARKS MAINTENANCE DIVISION; ESTABLISHING A REVIEW AND RECOMMENDATION PROCEDURE FOR PURCHASE OF THE LISTED EQUIPMENT AND AUTHORIZING THE MAYOR TO APPROVE PURCHASE OF THE LISTED EQUIPMENT FROM WILLIAMS FORD TRACTOR & EQUIPMENT.

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

Section 1. The City Council hereby waives the requirements of formal competitive bidding for the purchase of a Used Diesel Powered Hustler 12' Mowing Machine which will be utilized by the Parks Maintenance Division. Said formal bidding requirements would prevent purchase of such units as dealers do not find it practical or feasible to hold a unit of this type for the time necessary to comply with the requirements.

Section 2. The total number of units involved in this purchase will not exceed 1 unit.

Section 3. The City Council hereby authorizes representatives of the Fleet Operations Division and the Parks Superintendent to evaluate, compare and finalize a recommendation to the Equipment Committee upon unanimous approval to purchase an appropriate unit "on the spot" at a total cost not to exceed $23,500.00.

Section 4. The City Council hereby authorizes the Equipment Committee to review the recommendation for final approval prior to submission to the Mayor.

Section 5. The City Council hereby authorizes the Mayor to review the recommendations of the Equipment Committee prior to approving purchase.

PASSED AND APPROVED this_____day of _____, 2000

APPROVED

By:_____
Mayor

ATTEST

By:_____
City Clerk

Williams Ford Tractor & Equipment Co.
2501 SHILOH DRIVE
P. O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 501/442-8284
FAX 501/442-6013

NEW HOLLAND

March 10, 2000

City of Fayetteville
Attn: Bill Oestrich

Gentlemen:

Please accept the following bid for your equipment needs:

1 new Excel Hustler 4600, 38hp dsl with HD suspension seat, shaft drive, 72" dual trim front deck, hydra range wings (left & right), air scoop hood and 26x13 turf tires.

Price (plus sales tax if applicable): $34,505.00

Thank you for considering Williams Ford Tractor for your equipment needs.

Sincerely,

Danny Spears
Salesman

Williams Ford Tractor & Equipment Co.
2501 SHILOH DRIVE
P. O. BOX 1346
FAYETTEVILLE, ARKANSAS 72702-1346

Phone 501/442-8284
FAX 501/442-6013

NEW HOLLAND

Friday, March 10, 2000

City of Fayetteville

Attn: Bill Oestrich
501-444-3425 (fax)

Please accept the following bid for your equipment needs:

One used Excel Hustler 4600 38hp dsl with HD suspension seat, shaft drive, 72" dual trim front deck, hydra range wings (left & right), air scoop hood and 26X13 turf tires. This unit has 81 hours, new rubber and has been gone through. New warranty is included.
Price, plus sales tax if applicable: $ 23,500.00

Thank you for considering Williams Ford Tractor and Equipment Company for your equipment needs.

Sincerely,

Danny Spears
Salesman

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Bill Oestreich, Fleet Operations Superintendent

From: Terry Gulley, Turf & Facility Coordinator

Date: March 10, 2000

Subject: Purchase of Hustler Range Wing Mower

****

The Parks and Recreation Division is requesting for Fleet Operations to provide us with a Hustler Range Wing Mower. This equipment will provide the Parks Division with a superior mowing machine that will result in an increased efficiency for our current mowing crews. It will allow one person to do the work currently being done by two operators on two tractor mounted mowers, thus allowing the division to reap the benefits of having an additional worker without the additional cost. I appreciate any help that you may provide towards obtaining this mower for the Parks and Recreation Division.

UofA
UNIVERSITY OF ARKANSAS

Office of the General Counsel

March 23, 2000

VIA FACSIMILE
501-575-8315

Jerry E. Rose
Fayetteville City Attorney
113 W. Mountain St.
Fayetteville AR 72701

Dear Jerry:

If you can believe it, another year has rolled around and it's time to celebrate the fourth anniversary of the opening of Baum Baseball Stadium with fireworks. Accordingly, attached please find a proposed resolution to authorize the University of Arkansas to use fireworks within the City limits on Friday, May 5, 2000 (with a May 6, 2000 rain date). I would appreciate your assistance in presenting this proposed resolution for consideration and passage by the City Council.

If this resolution poses any problems, please let me know. Thank you for your assistance with this matter.

Sincerely,

T. Scott Varady
Associate General Counsel

TSV:jmm
Attachment
xc: Matt Shanklin

421 Administration Building / Fayetteville, Arkansas 72701 / 501 575 5401 / Fax 501-575-5046

University of Arkansas, Fayetteville / University of Arkansas at Little Rock / University of Arkansas at Pine Bluff
University of Arkansas for Medical Sciences / University of Arkansas at Monticello / Division of Agriculture / Criminal Justice Institute
Arkansas Archeological Survey / Phillips Community College of the University of Arkansas
University of Arkansas Community College at Hope / University of Arkansas Community College at Batesville
The University of Arkansas is an equal opportunity/affirmative action institution.

ORDINANCE NO. _____

AN ORDINANCE ALLOWING THE UNIVERSITY OF ARKANSAS TO USE FIREWORKS FOR THE SINGULAR OCCASION OF THE CELEBRATION OF THE FOURTH ANNIVERSARY OF THE OPENING OF THE BAUM BASEBALL STADIUM.

WHEREAS, Fayetteville Code of Ordinances, 94.04 Sale and Use of Fireworks allows the use of fireworks within the City only on certain dates in July; and,

WHEREAS, the Athletic Department of the University of Arkansas wishes to celebrate the fourth anniversary of the opening of the Baum Baseball Stadium with fireworks; and,

WHEREAS, the City of Fayetteville wishes to join with the University of Arkansas in the celebration of the fourth anniversary of the opening of the Baum Stadium and allow fireworks in a safe and proper manner to commemorate that event.

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

Section 1. That 94.04 of the Code of Fayetteville, Sale & Use of Fireworks is hereby amended for the singular occasion of the fourth anniversary of the Baum Baseball Stadium and the use of fireworks by the University of Arkansas Athletics Department on Friday, May 5, 2000 (May 6, 2000 should adverse weather cancel the May 5, 2000 event) is hereby allowed at the Baum Baseball Stadium, 15th Street and Razorback Road in Fayetteville, Arkansas between the hours of 7:00 p.m. and 11:00 p.m.

Section 2. That the City of Fayetteville joins with the University of Arkansas in celebrating the fourth anniversary of the Baum Baseball Stadium and congratulates the 2000 Razorback Baseball team on their accomplishments.

PASSED AND APPROVED this _day of_____, 2000._

APPROVED:

By:_____
Fred Hanna, Mayor

ATTEST:

By:_____

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

X See Charita for Bond - Library. School - Sewer line & agreement w/ School.

X add parking meter off St. parking.

Staff Notes

TENTATIVE AGENDA
CITY COUNCIL MEETING
APRIL 4, 2000

A meeting of Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.

2. **SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

3. **FAYETTE TREE & TRENCH:** A resolution approving a contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase I and a construction contingency of $28,942.00 (10%).

4. **BID 00-29:** A resolution awarding a construction contract for a new water line at Highway 45 East and Wyman Road to J&L Construction in the amount of $106,040.00, a construction contract contingency of $10,000 and approval of a budget adjustment.

5. **BOTANICAL GARDEN BOARD APPOINTMENTS:** A resolution appointing Wade Colwell, PRAB member, Lisa Paschal, Parks and Recreation employee and Yolanda Fields, Community Development Coordinator.

6. **TOWN CENTER FUND:** A resolution approving a budget adjustment transfer to the Town Center Fund from the Sales Tax Capital Improvements fund in the amount of $450,247 and repealing that portion of Resolution 103-99 which approved such an amount to be transferred from the General Fund.

7. **ARKANSAS ATHLETES OUTREACH:** A resolution granting money to Arkansas Outreach.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

OLD BUSINESS

1. **SENIOR COMMUNITY CENTER:** An ordinance approving a 2 mil tax for one year to fund a Senior Community Center/Services. The ordinance was left on the first reading at the March 21, 2000 meeting.

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance for RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 00-12:** An ordinance for RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O Residential Office.

3. **TROLLEY PASSENGER BUS:** An ordinance providing for a Bid Waiver to purchase one used diesel powered passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director, and the Equipment Committee. This unit will be used by City of Fayetteville Trolley Program.

4. **YOUTH CENTER BUS:** An ordinance providing a bid wavier to purchase one used diesel powered forward control passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Youth Center.

5. **MOWING MACHINE:** An ordinance providing for a bid waiver to purchase one used Hustler diesel powered mowing machine from Williams Ford Tractor with full new unit factory supported warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division, and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

6. **BAUM STADIUM FIREWORKS:** An ordinance allowing the University of Arkansas to use Fireworks for the singular occasion of the celebration of the fourth anniversary of the opening of the Baum Baseball Stadium.

Consent. — Parking lease - off S. parking.
Charlie. * Sewer on School - agreement & water line.
* Bond Council for Library. (Stephens) with Lindsey & Jerry Bond Counsel.
* under water.

DRAFT TENTATIVE AGENDA
CITY COUNCIL MEETING
APRIL 4, 2000

A meeting of Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.

2. **SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

→ 4+5 Sewer ~~[illegible]~~ School – Wyble Road: Middle School

OLD BUSINESS

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance for RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 00-12:** An ordinance for RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O Residential Office.

3. Lake Hill P.C. appeal – (might remove Cool Wyle AAO.?

March 28, 2000

AGENDA SESSION
FOR THE
CITY COUNCIL MEETING
APRIL 4, 2000

NEW ITEMS:

Consent 1. **BOND COUN~~CIL~~SEL:** A resolution approving a contract proposal from the law firm of Wright, Lindsey and Jennings LLP, of Little Rock, Arkansas, to serve as bond counsel for the proposed library construction and improvement bonds.

Consent 2. **BOND UNDERWRITER:** A resolution approving a contract proposal from Stephens, Incorporated, of Fayetteville, Arkansas, to serve as the underwriter for the proposed library construction and improvement bonds.

Consent 3. **BID 99-22:** A resolution authorizing the Mayor to enter into a change order to Rupple Road Bid No. 99-22 with McClinton-Anchor for the water and sewer improvements including a sewage lift station and approving an agreement for Fayetteville Public Schools to compensate the City for such improvements.

Consent 4. **OFF-STREET PARKING:** A resolution approving the renewal of the City's lease of parking lots owned by the Off-Street Parking Development District No. 1.

Report on fuel ?

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

agenda Jenny

TENTATIVE AGENDA
CITY COUNCIL MEETING
APRIL 4, 2000

A meeting of Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF THE MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.

2. ✓**SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment for $50,000 to pay the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.

3. ✓**FAYETTE TREE & TRENCH:** A resolution approving a contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase I and a construction contingency of $28,942.00 (10%).

4. ✓**BID 00-29:** A resolution awarding a construction contract for a new water line at Highway 45 East and Wyman Road to J&L Construction in the amount of $106,040.00, a construction contract contingency of $10,000 and approval of a budget adjustment.

5. ✓**BOTANICAL GARDEN BOARD APPOINTMENTS:** A resolution appointing Wade Colwell, PRAB member, Lisa Paschal, Parks and Recreation employee and Yolanda Fields, Community Development Coordinator. to Botanical Garden Board.

Remove from Consent agenda

6. ✓**TOWN CENTER FUND:** A resolution approving a budget adjustment transfer to the Town Center Fund from the Sales Tax Capital Improvements fund in the amount of $450,247 and repealing that portion of Resolution 103-99 which approved such an amount to be transferred from the General Fund.

7. ✓**ARKANSAS ATHLETES OUTREACH:** A resolution granting money to ~~Arkansas Outreach.~~ NEED $10,000, 2000 & 10,000 for 2001

See Jenny for Resolution.

113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

OLD BUSINESS

1. **SENIOR COMMUNITY CENTER:** An ordinance approving a 2 mil tax for one year to fund a Senior Community Center/Services. The ordinance was left on the first reading at the March 21, 2000 meeting.

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance ~~for~~ approving rezoning request RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.

2. **RZ 00-12:** An ordinance ~~for~~ approving rezoning request RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O Residential Office.

3. **TROLLEY PASSENGER BUS:** An ordinance ~~providing for~~ approving a bid waiver ~~to~~ for the purchase of one used diesel powered passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director, and the Equipment Committee. This unit will be used by City of Fayetteville Trolley Program.

4. **YOUTH CENTER BUS:** An ordinance ~~providing a~~ approving a bid wavier ~~to~~ for the purchase of one used diesel powered forward control passenger bus. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Youth Center Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Youth Center.

5. **MOWING MACHINE:** An ordinance ~~providing for~~ approving a bid waiver ~~to~~ for the purchase of one used Hustler diesel powered mowing machine from Williams Ford Tractor with full new unit factory supported warranty provided. This will allow the Mayor to approve for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division, and the Equipment Committee. This unit will be utilized by the City of Fayetteville Parks Maintenance Division.

6. **BAUM STADIUM FIREWORKS:** An ordinance allowing the University of Arkansas to use Fireworks for the singular occasion of the celebration of the fourth anniversary of the opening of the Baum Baseball Stadium.

Northwest Arkansas Times
Monday, April 3, 2000

CITY OF FAYETTEVILLE CITY COUNCIL FINAL AGENDA

A meeting of the Fayetteville City Council will be held on April 4, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes of the March 21, 2000 and February 29, 2000 City Council meetings.
2. **SCOTTSDALE INSURANCE:** A resolution approving a budget adjustment of $50,000 to pay for the deductible for the claim submitted on the Town Center to Scottsdale Insurance for the deductible for professional liability.
3. **FAYETTE TREE & TRENCH:** A resolution approving a contract with Fayette Tree and Trench in the amount of $289,416.00 for the Arkansas Research and High Technology Park water and sanitary sewer phase I and a construction contingency of $28,942.00 (10%).
4. **BID 00-29:** A resolution awarding a construction contract for a new water line at Highway 45 East and Wyman Road to J&L Construction in the amount of $106,040.00, a construction contract contingency of $10,000 and approval of a budget adjustment.
5. **BOTANICAL GARDEN BOARD APPOINTMENTS:** A resolution appointing Wade Colwell, PRAB member, Lisa Paschal, Park and Recreation employee and Yolanda Fields, Community Development Coordinator to the Botanical Garden Board.
6. **BOND COUNSEL:** A resolution approving a letter agreement with Wright, Lindsey, and Jennings LLP of Little Rock, Arkansas to serve as bond counsel for the proposed issuance of library construction and improvement bonds. The cost is not to exceed $35,000, plus disclosure documentation, sale document and continuing disclosure agreement preparation cost not-to-exceed $5,000, plus out-of-pocket expenses not-to-exceed $3,500 per series of bonds. These costs will be paid from the bond proceeds. Additionally, to authorize the Budget Manager to execute any budget amendments necessary to implement this bond issue.
7. **BOND UNDERWRITER:** A resolution approving a letter agreement with Stephens Inc. to serve as the underwriter for the proposed issuance of library construction and improvement bonds. The underwriting fee will not exceed 1.25% of the bond issue. These bond issuance costs will be paid from the bond proceeds. Additionally, to authorize the Budget Manager to execute any budget amendments necessary to implement this bond issue.
8. **BID 99-22:** A resolution authorizing the Mayor to enter into a change order to Rupple Road Bid No. 99-22 with McClinton Anchor for the water and sewer improvements including a sewage lift station and approving an agreement for Fayetteville Public Schools to compensate the City for such improvements.
9. **OFF-STREET PARKING:** A resolution approving the renewal of the City's lease of parking lots owned by the Off-Street Parking Development District No.1.

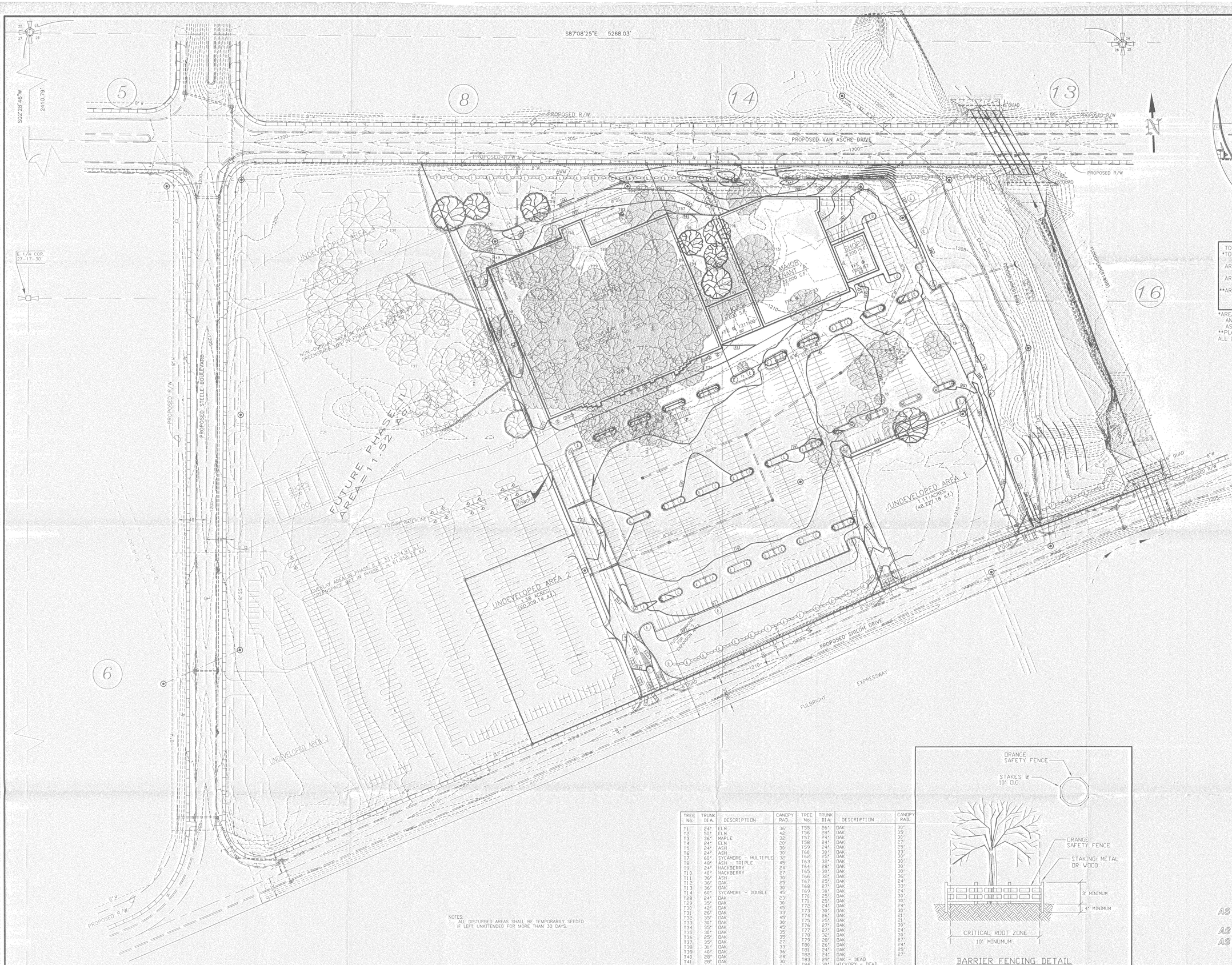
OLD BUSINESS

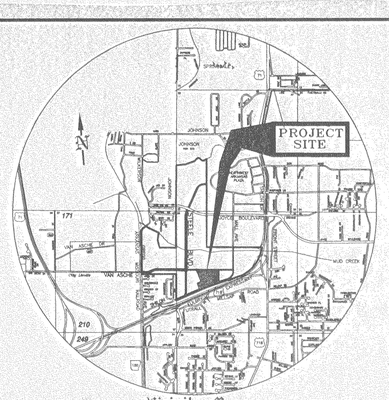
1. **SENIOR COMMUNITY CENTER:** An ordinance approving a 2 mil tax for one year to fund a Senior Community Center/Services. The ordinance was left on the first reading at the March 21, 2000 meeting.

NEW BUSINESS

1. **RZ 00-11.00:** An ordinance approving rezoning request RZ 00-11.00 submitted by Ronald G. Woodruff on behalf of the Joyce M. Ogden Family Trust for property located at 2300 Cato Springs Road. The property is zoned R-2, Medium Density Residential and contains approximately 4.02 acres. The request is to rezone to C-2, Thoroughfare Commercial.
2. **RZ 00-12:** An ordinance approving rezoning request RZ 00-12 submitted by George Faucette on behalf of Butterfield Trail Village for property located at the southwest corner of Joyce Blvd. and Old Missouri Road. The property is zoned A-1, Agricultural and contains approximately 6 acres. The request is to rezone to R-O, Residential Office.
3. **TROLLEY PASSENGER BUS:** An ordinance approving a bid waiver for the purchase of one used diesel powered passenger bus. This will allow the Mayor to aprove for purchase the unit recommended by the Fleet Operations Division, Administrative Services Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Trolley Program.
4. **YOUTH CENTER BUS:** An ordinance approving a bid waiver for the purchase of one used diesel powered forward control passenger bus. This will allow the Mayor to aprove for purchase the unit recommended by the Fleet Operations Division, Youth Center Director, and the Equipment Committee. This unit will be used by the City of Fayetteville Youth Center.
5. **MOWING MACHINE:** An ordinance approving a bid waiver for the purchase of one used Hustler diesel powered mowing machine from Williams Ford Tractor with full new unit factory supported warranty provided. This will allow the Mayor to aprove for purchase the unit recommended by the Fleet Operations Division, Parks Maintenance Division, and the Equipment Committee. This unit will be used by the City of Fayetteville Parks Maintenance Division.
6. **BAUM STADIUM FIREWORKS:** An ordinance allowing the University of Arkansas to use Fireworks for the singular occasion of the celebration of the fourth anniversary of the opening of the Baum Baseball Stadium.
7. **TOWN CENTER FUND:** An ordinance approving a budget adjustment transfer to the Town Center Fund from the Sales Tax Capital Improvements fund in the amount of $450,247 and repealing that portion of Resolution 103-99 which approved such an amount to be transferred from the General Fund.
8. **ARKANSAS ATHLETES OUTREACH:** A resolution authorizing granting $10,000 a year for two years to Arkansas Athletes Outreach, Inc.

Only items presented by the City Council or City Staff may be discussed during the meeting. If you have an item you wish to discuss, please contact your alderman to have it presented at the next City Council Agenda Session. For further assistance, please contact Heather Woodruff, City Clerk, at 575-8323.





Vicinity Map

TOTAL AREA OF SITE –	696,255.27 S.F.
*TOTAL AREA OF EXISTING TREE CANOPY –	154,101.14 S.F.
% OF TOTAL SITE – 22.13%	
AREA OF TREE CANOPY PRESERVED/SALVAGED –	14,905.25 S.F.
% OF TOTAL SITE – 2.14%	
AREA OF TREE REPLACEMENT –	98,500.00 S.F.
% REPLACEMENT – 14.15%	
**AREA OF TREE PLANTINGS PER AGREEMENT WITH CORPS. OF ENG. IN DEED RESTRICTED AREA –	21,250.00 S.F.
% REPLACEMENT – 3.05%	

*AREA CHANGED BECAUSE TWO ADDITIONAL DEAD TREES WERE LOCATED AND ONE TREE WAS REMOVED DURING THE CONSTRUCTION OF VAN ASCHE DRIVE.
**PLANTINGS BASED UPON MATURE CANOPYOF TREES PLANTED BY EGIS. ALL PARKING LOT ISLANDS WILL HAVE IRRIGATION.

TOTAL SITE AREA (PROPOSED ADJ. LOT 15)		
	804,691.57 s.f.	18.48 ac.
LESS OUT PARCEL #1	48,227.16 s.f.	1.11 ac.
LESS OUT PARCEL #2	60,209.14 s.f.	1.38 ac.
PROPOSED LSD SITE AREA	696,255.27 s.f.	15.98 ac.
LSD OVERLAY AREA	515,029.85 s.f.	11.82 ac.
GREENSPACE REQ'D–25%	128,757.46 s.f.	2.96 ac.
GREENSPACE PROVIDED–25%	128,757.46 s.f.	2.96 ac.
GREENSPACE FOR FUTURE PHASE II	64,872.59 s.f.	1.49 ac.
LSD NON–OVERLAY AREA	181,225.42 s.f.	4.16 ac.
GREENSPACE REQUIRED–15%	27,183.81 s.f.	0.62 ac.
GREENSPACE PROVIDED–15%	27,183.81 s.f.	0.62 ac.
GREENSPACE FOR FUTURE PHASE II	31,281.34 s.f.	0.72 ac.
TOTAL LSD BUILDING AREA	128,384 s.f.	
PARKING REQUIRED	514 spaces	
+20% OVERAGE	103	
TOTAL MAXIMUM PARKING ALLOWED	617 spaces	
HANDICAP REQUIRED	11	
VAN ACCESSIBLE	2	
REGULAR SPACES	604 spaces	
PARKING PROVIDED	617 spaces	
HANDICAP PROVIDED	11	
VAN ACCESSIBLE	2	
REGULAR SPACES	604 spaces	

L E G E N D

- SET IRON PIN
- QUARTER SECTION CORNER WITH FOUND CONCRETE MONUMENT
- SECTION CORNER WITH FOUND STATE MONUMENT
- EXT G — EXISTING GAS LINE
- EXT SS — EXISTING SANITARY SEWER LINE
- 8"W — PROPOSED WATER
- MANHOLE
- D — DUMPSTER
- SL — STREET LIGHTS
- FH — FIRE HYDRANT
- DROP INLET
- PARKING LOT LIGHTS
- CURB & GUTTER
- EXISTING CONTOUR
- HANDICAP PARKING w/STRIPED AILSE
- GRATE INLET
- STORM SEWER
- NEW SHRUB
- L — NEW "LARGE" TREE
- M — NEW "MEDIUM" TREE
- NEW "SMALL" TREE
- PRESERVED/SALVAGED TREE w/FENCING
- SILT FENCE
- GRADING CONTOUR LINE
- 68 — GRADING CONTOUR ELEVATION

TREE No.	TRUNK DIA.	DESCRIPTION	CANOPY RAD.	TREE No.	TRUNK DIA.	DESCRIPTION	CANOPY RAD.
T1	24"	ELM	36'	T55	26"	OAK	30'
T2	50"	ELM	42'	T56	28"	OAK	35'
T3	36"	MAPLE	32'	T57	24"	OAK	30'
T4	24"	ELM	20'	T58	24"	OAK	27'
T5	24"	ASH	20'	T59	24"	OAK	25'
T6	24"	ASH	30'	T60	30"	OAK	33'
T7	60"	SYCAMORE – MULTIPLE	38'	T62	25"	OAK	30'
T8	48"	ASH – TRIPLE	45'	T63	32"	OAK	30'
T9	24"	HACKBERRY	24'	T64	28"	OAK	30'
T10	40"	HACKBERRY	27'	T65	30"	OAK	30'
T11	36"	ASH	30'	T66	32"	OAK	36'
T12	36"	OAK	25'	T67	25"	OAK	24'
T13	36"	OAK	30'	T68	27"	OAK	33'
T14	60"	SYCAMORE – DOUBLE	45'	T69	30"	OAK	24'
T28	24"	OAK	23'	T70	25"	OAK	30'
T29	35"	OAK	30'	T71	25"	OAK	30'
T30	42"	OAK	45'	T72	24"	OAK	24'
T31	26"	OAK	23'	T73	30"	OAK	30'
T32	35"	OAK	45'	T74	26"	OAK	21'
T33	30"	OAK	30'	T75	25"	OAK	21'
T34	35"	OAK	45'	T76	27"	OAK	30'
T35	30"	OAK	35'	T77	27"	OAK	24'
T36	25"	OAK	35'	T78	32"	OAK	30'
T37	35"	OAK	27'	T79	28"	OAK	27'
T38	31"	OAK	33'	T80	26"	OAK	24'
T39	40"	OAK	36'	T81	24"	OAK	25'
T40	28"	OAK	24'	T82	24"	OAK	27'
T41	28"	OAK	30'	T83	29"	OAK – DEAD	
T42	24"	OAK	24'	T84	30"	HICKORY – DEAD	
T43	27"	OAK	27'	T86	25"	OAK – DEAD	
T44	26"	OAK	24'	T87	40"	OAK	45'
T45	36"	OAK	24'	T88	30"	OAK	45'
T46	36"	OAK	30'	T89	34"	OAK	34'
T47	26"	OAK	30'	T90	30"	OAK	28'
T48	30"	OAK	33'	T91	24"	OAK	25'
T49	30"	OAK	30'	T92	30"	OAK	21'
T50	24"	HICKORY	24'	T93	28"	OAK	27'
T51	24"	HICKORY	21'	T94	30"	OAK	30'
T52	30"	OAK	35'	T95	30"	OAK	39'
T53	36"	OAK	32'	T96	39"	OAK	36'
T54	32"	HICKORY	30'	T97	26"	ELM	39'
				T98	29"	OAK	30'

NOTES:
1. ALL DISTURBED AREAS SHALL BE TEMPORARILY SEEDED IF LEFT UNATTENDED FOR MORE THAN 30 DAYS.

FLOODPLAIN NOTE:
ACCORDING TO THE FLOOD INSURANCE RATE MAP, EFFECTIVE JULY 21, 1999, MAP NUMBER 05143C0082 D, A PORTION OF SAID PROPERTY IS IN THE 100–YEAR FLOOD AREA.

BARRIER FENCING DETAIL

TREE PRESERVATION NOTES

1. PRIOR TO STARTING CONSTRUCTION THE CONTRACTOR SHALL INSTALL BARRIER FENCING AROUND ALL PRESERVATION AREAS AS SHOWN ON PLAN.
2. THE CONTRACTOR SHALL MAINTAIN THE BARRIER FENCING THROUGHOUT THE DURATION OF THE CONSTRUCTION PHASE OF THE SITE.
3. ALL NEW TREES SHALL HAVE A 2" DIAMETER TRUNK MEASURED 6" ABOVE GROUND LEVEL AT THE TIME OF PLANTING.

60 0 60 120 180

Scale 1" = 60'

AS APPROVED BY: IN-HOUSE REVIEW & TECH. PLAT REVIEW
AS REVIEWED BY: SUBDIVISION COMMITTEE
AS SUBMITTED TO: PLANNING COMMISSION

file with City Council Agenda Pack 4/4/00

PRELIMINARY TREE PRESERVATION PLAN

Milholland Company
608 W. Center • (501) 442-4724
Fayetteville, Arkansas

PROFESSIONAL ENGINEERS
SURVEYING SPECIALISTS

STEELE CROSSING I

FAYETTEVILLE ARKANSAS

DATE: 10-17-99	SCALE: 1"=60'
REVISIONS: 03-15-00	PLAT PAGE NO.(s): 212
03-20-00	DRAWN BY: PWM/JTS
03-01-00 PW TECH. PLAT REVIEW	
03-16-00 PW SUBDIVISION COMMITTEE	DRAWING NO. E-563
	SHEET

DEVELOPER/OWNER
ARGUS PROPERTIES
c/o VIRK RANKIN
831 E. MOREHEAD ST., SUITE 450
CHARLOTTE, NC 28202
(704) 378-0948

SURVEYOR
500-17th-SOW-0-26-304-72-648

BASIS OF BEARINGS
CITY OF FAYETTEVILLE – GPS SYSTEM

PROJECTS-CAD-DWG\PROJ-563.DWG
03/20/2000 8:52