MINUTES OF A MEETING OF THE CITY COUNCIL MARCH 19, 2002

A meeting of the City Council was held on March 19, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Coody, Aldermen Santos, Jordan, Reynolds, Thiel, Young, and Davis, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

Mayor Coody stated Tim Conklin had been recognized at the 2002 Planner of the Year by the Arkansas Chapter of the American Planning Association.

NOMINATING COMMITTEE REPORT

REMOVED FROM THE AGENDA.

CONSENT

APPROVAL OF THE MINUTES

BID 02-12: A resolution awarding Bid No. 02-12, Item No. 1, 5000 lb. Forklift, to Yale Materials Handling Gammon Inc.

RESOLUTION 43-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

I-540 SEWER REPAIR: A resolution awarding the construction contract to 4-D Construction in the amount of $182,520 with a 15% contingency for a total of $209,898 and approval of a budget adjustment for sanitary sewer main replacement and repairs, I-540 crossing.

RESOLUTION 44-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LIBRARY: A resolution approving a contract with Robert Kohler for owner's representative services for the construction of the new Fayetteville Public Library. The amount to be paid to the owner's representative shall not exceed $3000 monthly. The contract will expire on the date of final completion of the building.

RESOLUTION 45-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ROLL-OFF CONTAINERS: A resolution approving the purchase of roll-off style containers for use by Solid Waste Customers from WasteQuip-MayFab. Purchase up to $50,000.

SW CLERK: A resolution authorizing to add part-time temporary clerk in Solid Waste.

RESOLUTION 46-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICIES AND PROCEDURES: A resolution amending the Rules of Order and Procedure - Mayor / City Council, pertaining to the selection process for members of citizen committees.

RESOLUTION 48-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 01-55: A resolution awarding the Item No. 1,2,3,4,5,7,9 and 10 in the amount of $991,835 to Ron Blackwell Ford and Item No. 8 and 11 in the amount of $105,622.80 to Landers Ford and approval of a budget adjustment.

RESOLUTION 49-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Santos moved to approve the Consent Agenda. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

OLD BUSINESS

RZN 02-1.00: An ordinance approving request RZN 02-1.00 for property located at 1140 Hendrix and 1110 Hendrix. The property is zoned R-1, Low Density Residential, and contains approximately 1.36 acres. The request is rezone to R-1.5, Moderate Density Residential. The ordinance was tabled on the second reading at the March 5, 2002 meeting.

Alderman Davis moved to take the item off the table. Alderman Santos seconded. Upon roll call the motion carried unanimously.

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

Mr. Williams read the ordinance.

Mr. Brock Thompson, property owner, stated they had spent about six month evaluating where they wanted to do this project. He had family in Fayetteville, Arkansas. They had looked at the zoning. They had received a letter from the city stating this property was R-1.5 which would work for his project. He had held a neighborhood meeting in which twenty to twenty-five neighbors came along with several aldermen. At least fifty percent of the neighbors had changed their minds and were in favor of the project. With all the expansion going on in Fayetteville, it was only a matter of time before this property developed. He was not a professional builder or contractor. He was adding a lot of extras because he was trying to heighten the professionalism of the tenants that he wanted. Seventy-five percent of each unit would be brick. He was asking for a total of nine units. They were going to be nice. They were going to go above and beyond in the landscaping and the interiors. He presented a picture of the proposed project with landscaping.

Ms. Hanna stated the neighborhood association was requesting the property be left as R-1. They had met with Mr. Thompson at that meeting they had agreed unanimously that they would request the council to leave the property at R-1. She read a letter from Ms. Richards objecting the rezoning. She expressed concern about the increase in traffic. She had lived on Stevens for thirty years. There were a lot of others who had lived there twenty-five and thirty years. They were a permanent neighborhood.

Ms. Jeanie Sanderland, an area resident, stated she was concerned about the possible of triplexes. She was also concerned about the traffic and the destruction of trees on the property. She would like to see the property stay at its current zoning.

Mr. Palmer Alice, an area resident, stated he had lived there for approximately six years. This last year two triplexes had gone up. His concern with this project was that it would open the door for more properties to be developed. If there were the case, then he would ask them not to rezone this property. However, he understood that this was a mistake and that Mr. Thompson had purchased property understanding that the zoning was R-1.5. If that was the case, then he was entitled to build what he wanted to build. He did not have a problem with him and he liked what Mr. Thompson was proposing. He thought it would improve the neighborhood.

Mr. Conklin stated most of the rezoning activity that they had seen in that area had been on property that had been vacant or used for non-residential purposes in the past. They have not seen too much activity. The likelihood was not very high, when they had lots already developed with single-family homes. Garland Avenue was classified as a principle arterial. In the future, it was planned to be a four lane road and State highway. Typically, they did see a transition of different types of residential uses. Also, within their comprehensive plan it did talk about a mixture of residential type uses.

Mr. John David Lindsey, Lindsey and Associates, they had the property listed for sale. Their information had been that this property was R-1.5. Mr. Thompson had bought the property under that assumption. There was a second ingress and egress to this subdivision on the Mt. Comfort Road. He thought that would help with traffic, but this property being right on the corner of Garland, the R-1.5 zoning would be a perfect fit. This project will not affect the property values in that neighborhood.

Ms. Carla Grey, an area resident, stated this had been a mistake, but there were a lot of strong feelings over this issue. The neighborhood association was against spot rezoning, but they were divided on whether or not they believe that it should be left R-1 or if they should go R-1.5 as part of a larger plan. She asked what they could do about the existing triplex that was also a mistake.

Mr. Conklin stated what has occurred was that back in 1995 they took a 1970's map and digitized it. During that process, R-1.5 had been entered into that area. With regard to the previous triplexes being build, the error had not been discovered. This mistake had not been discovered until now. What they were doing now was going back and reviewing the rezoning. They were going to go back and look at thirty-two years worth of ordinances. From there they were going to bring back a zoning map for adoption. They have not address the issue of the triplexes in the R-1 zoning district. They were there, they were permitted, they were built and occupied. He did not have the answers on how to justify the past mistakes.

Alderman Jordan stated the neighbors were concerned about how this area was going to be rezoned.

Mr. Conklin stated in their General Plan, that the council adopted in 1995 it stated they would look at industrial, Heavy Industrial area, identify them and determine whether or not those need to remain I-1. The first neighborhood that they had looked at was west of the square. It has transitioned from two active rail lines to one active rail lines. The process was to work with the neighborhood associations to identify. He was concerned with them saying they were going to rezone the entire city. There were many areas that were not zoned industrial that were currently zoned. It was not his intention to rezone the entire city. They were working with neighborhoods. This was going to come from the neighborhoods to them. It was not going to be them telling the industrial neighborhoods what to do. It was a pilot process, they have not done this in thirty-two years. They will improve on the process and they will continue the process. He may need more help in the future too. This was going to take more and more staff time.

Ms. Mona York, an area resident, stated her property adjoined this property on the east side. She had originally signed the petition, since then she has seen what was proposed. She did not object to this at all. She did not see how this was going to harm her. She thought it might make the area a little more beautiful. She did not have any problem getting out onto Garland.

Ms. Sawyer, an area resident, stated she supported the development. The area was going to develop anyway. She hoped that it would be an improvement to the neighborhood.

Ms. Ada Washington, an area resident, stated she would love to see something come in as pretty as this in their neighborhood. She had lived there twenty years and she had not see anything positive happen there. She was definitely for the development. The last ten years had been terrible. This seemed positive to him.

Mr. Scott Roberts, an area resident, stated Mr. Thompson had purchased the property based on it being R-1.5, information that had been given out by the city. He wanted to be able to trust the system. He wanted to be able to make investments in the future himself. He wanted to be able to rely on the information given to him.

Mr. Greg Henry, an area resident, stated he was relying on the city's records of zoning to invest in property. He did not believe they should be able to change what has been committed to Mr. Thompson. He was in favor of this project.

Ms. Terry Faylyn, an area resident, stated she has lived here for sixteen years. The city had made a mistake and she felt for Mr. Thompson, but she wanted to remind the council that the other people in the neighborhood also purchased their property with the understanding that neighborhood was zoned R-1.

Ms. Bolin, an area resident, stated that the other property owners had purchased their property with the assurance that it was R-1. When Mayor Coody ran for office, he had stated that he would support neighborhood associations and he would listen to them. This association was opposed to this. No every one in the neighborhood was at the meeting, but those that vote decide for the rest of them. They were opposed to this. They would like to keep this neighborhood a post-war expansion neighborhood with affordable housing.

Mr. Osburn stated a vote on this rezoning was not setting a precedent on any other rezoning. He felt if the same mistake had not happen on the triplexes, they would not be facing so much opposition. R-1.5 made perfect since as a transition from Garland to the neighborhood.

Mr. Thompson stated he had made every effort to talk to as many people as possible. He has proposed a Bill of Assurance on some of things that he has committed to. He had previously committed to a Bill of Assurance saying nine units. He was now committing to other things that they talked about at the neighborhood meeting that he could make work for the bank. Which was all the extras, single level, with landscaping, trees, privacy fence, and security system.

Mayor Coody asked if that included using the design that he was presenting tonight?

Mr. Thompson replied he was trying to elevate the amount of professionalism that he was going to attract into that area. These will rent from a thousand to eleven hundred per month.
He had spent $160,000 on this property that for the past eight years been zoned R-1.5. If he reduced the number of units he would not be able to spend as much money on materials. He would not be able to do brick and put in as many sixteen foot trees as he wanted or the security system.

Mr. Williams stated it would require five affirmative votes for this to pass. He noted there were two members missing.

Mr. Thompson stated he would be in favor of waiting two more weeks.

Alderman Davis moved to table the item for two more weeks. Alderman Santos seconded.

Alderman Young stated he would like to see from both sides of the homeowners. It appeared to him that the neighborhood was split. He would like to hear from every one.

Upon roll call the motion carried unanimously.

ORDINANCE WAS TABLED ON THE THIRD READING.

CIVIL SERVICE: An ordinance adding two additional members to the Fayetteville Civil Service Commission. The ordinance was tabled on the third reading at the March 5, 2002 meeting.

Alderman Santos moved to take the item off the table. Alderman Jordan seconded. The motion carried unanimously.

Alderman Thiel stated she thought adding two commissioners would better reflect their increase size and the diversity of our city. Commissioners had six-year terms and they had five commissioners. They had seven applicants for the one open position. People were willing and qualified and had the time.

Alderman Davis stated he was opposed to it because trying to get that many people together would be more difficult. He had spoken to three of the commissioners. They had all told him that there was no reason to add any more members. It was hard enough now to get meeting times arranged. There were times when they had to meet for three or four consecutive days, all day. They had very good applicants, but there were a few who were surprised when they told them they would need two or three days. He had not heard from the police force.

Alderman Thiel stated she had spoken with Tad Scott, FOP, and stated he was in favor of this. They were still supporting this.

Alderman Reynolds stated he could not support this. What they had now was working well.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed by a vote of 5-2, Reynolds and Davis voting nay and Mayor Coody voting yea.

ORDINANCE 4379 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

INDUSTRIAL PARK LANDS: An ordinance amending the ordinance establishing the formal process for the sale of municipally owned real property by defining industrial park lands. The ordinance was left on the second reading at the March 5, 2002 meeting.

Mr. Williams read the ordinance as amended.

Alderman Young stated the only thing that bothered him was that this amended the first ordinance. When they passed that ordinance, it had been represented to the council that there was a map with prices of lots on it. He had asked for that and never gotten that.

Mayor Coody stated they were currently selling the property for $20,000 per acre.

Alderman Young requested an official map with the prices.

Mayor Coody stated one of the problems that they had run into was that they would try and sell some acreage, but as soon as they buy the lot, the city would require them to build sidewalk or to put in sewer lines. They have run into situation where they might have to rethink their position, where they had to change the price of the acre to $23,000 and include in that the price of getting the work done, so they would not have to pay to get the work done.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed.

ORDINANCE 4380 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 01-47.00: A resolution to approve ADM 01-47.00 to update census data; the community facilities section; and an annexation policy; and reorganize the General Plan 2020 for easier use. The resolution was tabled at the March 5, 2002 meeting.

Mr. Conklin introduced Ms. Shelly Rushing from the Planning Division who was responsible for their long range planning, ordinances that implement their General Plan, and has worked with Tree and Trails Task Force. She will be presenting the General Plan 2020 update and the annexation policy.

Ms. Rushing presented the major changes to the plan. The majority of the changes were in the census data and the housing data. She explained the purpose of the plan and the new annexation policy. The purpose of the annexation section was to introduce policy regarding annexations. They were taking a more proactive approach to their annexation by identifying potential annexation areas and establishing policy and criteria for reviewing those requests.

In response to Alderman Young's request to replace "should" with "shall", Mr. Williams stated this was a guiding plan. Most guiding plans did not require things; they recommended things. He thought "shall" might be a little misleading. He did not believe they could give a directive with just a plan.

Alderman Young stated they were guiding policies, but he questioned how often it would be done, occasionally or every time.

Mr. Williams stated if the city did not follow this, it would not be fatal to their annexation, however, it might give someone an opportunity to try and attack them.

Alderman Young stated he was looking at from the view point of information provided to the Planning Commission, the council and the public.

Mr. Conklin stated the planning staff had made sure that annexation went to different divisions. They were pretty much doing a study. They will formalize the process as they go forward. They wanted to make sure that they understood that they understand what they were doing with regard to annexation. These are the things the council asked staff to bring forward to them to consider. They should make their decisions based on these policies. He added they will see these reports as annexations occur.

Alderman Young moved to change the word, "should" to "shall" in 11.6.b. Alderman Reynolds seconded. Upon roll call the motion failed by a vote of 3-3, Santos, Thiel and Davis voting nay.

Alderman Santos moved to pass the resolution. Alderman Jordan seconded. The motion carried unanimously.

RESOLUTION 50-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

MCCLELLAND ENGINEERING: A resolution authorizing McClelland Engineering to proceed with their contract for I-540 Business/Technology Park. The original resolution was passed at the February 5, 2002 meeting.

Mayor Coody gave a presentation updating the progress of the project. He stated the Arkansas Game and Fish Commission was very interested in locating their regional facility out here. They would want to have an educational component built in. The city would also be able to build some trails.

Mr. Emmanuel Barns, EGIS, stated the proposed conservation area was about one hundred acres that would be set aside by Corp of Engineers permit and by the conservation agreement from the U.S. Fish and Wildlife service. A large portion of the area would be newly created wetlands. He thought this was very proactive. In response to questions from Alderman Thiel, Mr. Barns stated the total area delineated and confirmed by the Corp of Engineers was approximately eighty-four acres of wetlands. About forty-five acres would be impacted. There was about thirty-five to thirty-seven acres that was wetland that must be mitigated. If that impact did not occur, then the whole concept of having a conservation area.

Alderman Thiel stated it would not cost them as much if they just left it and did not mitigate it.

Mr. Barns stated of they just preserved the area it would not give them the opportunity to take Clabbar Creek and recreate more stream habitat rather than a lake.

Mr. Tom McKinney stated he had found an area that looked like prairie grass land. It was very rare. He suggested that they try and preserve the area.

Mr. Dumas stated they were asking the council to let them proceed with their preliminary plat work. McClelland will come up with at least three designs which would be presented to the council for review. From there they would prepare a final preliminary plat.

Alderman Thiel stated she would like to see three proposals that showed a broad diversity. She wanted to see this project move forward. She noted in their contract there was a budget item of $1,380 for a field trip to observe a similar wetland project.

In response to questions, Mr. Dumas stated McClelland would be drawing up three preliminary designs with preliminary costs.

Mr. Tom McKinney, Sierra Club, stated they had some concerns. It was very difficult to find where things were on the property. There were no markers or way to tell exactly where they were and what was planned to be developed. They were concerned about the area close to Wilson Springs. They also wanted to preserve the prairie they had found.

Ms. Andrea Radwell, an area resident, expressed concern about the wetlands and the floodplain. She questioned what they planned to mitigate.

Mr. Jeff Erf, an area resident, questioned why the city wanted to be able to open bids in October of 2002.

Mayor Coody stated they had two grants that had be obligated within one year.

Mr. Erf stated he had not been able to find the terms and conditions of the grant and had not been provided the information. He had called the administrator of the grant. There was no time limit on the money, according the person he talked to. He wanted to see the documentation that if in fact that was the case. He was also concerned that there was no business plan for this project. It had also gone from the Technology Park to a Business Technology park. What kind of tentants did they expect. What kind of jobs were going to be provided out there.

Mayor Coody stated they were coming up with three different options. If they did not know what the plan was, how could they estimate what it was going to cost. They did not have the information yet because they kept taking it back to the public input process. They had gone completely back to the drawing board. They already had one client interested, the Arkansas Game and Fish Commission.

Mr. Robert Ferrel, Chamber of Commerce, stated the Chamber of Commerce had been working with the city and had been trying to find common grounds on this 540 park. It was a great opportunity to preserve nature and combine the business together.

Mr. Jim Bemis, an area resident, stated they wanted to have the research and business people together. He asked how they were going to further develop the site as a business park. He asked who was going to pay for the infrastructure.

Mr. Bill Ramsey, Chamber of Commerce, stated the Fish and Game people were meeting here tomorrow. They were waiting on the City. They would be a great draw for what they were trying to do out there.

Ms. Barbara Moorman, an area resident, stated they were relying on people who had a financial interest. They had hired someone to advise them on what to do and they were the same people who would be doing the work. She felt this was on the fast tract. They were starting something before they knew what they were doing. In the past officials had denied that there were problems with the land at all. She quoted from minutes stating that there were no problems with flooding on the property. The residents opposed to the rezoning of this property were the only ones who noted the problems with the flooding and the wetland. There were still unanswered questions.

Ms. Fran Alexander, an area resident, stated the environmental community has not been included.

Ms. Radwell stated she felt it had been very difficult for them to be involved in this process. They had never been consulted.

Ms. Alexander stated she quoted from the February 5, 2002 minutes regarding "team". She felt they had been left off the team. The team was not happening. They were just saying that it was.
Mr. Barns stated he could recall a number of meetings that they had had with Andrea and several other agencies. He had seen an evolution of this project. They had opened their arms up to the environmental community. He was totally for environmental protection, but they wanted to live in reality. They had to work together.

In response to questions from Alderman Thiel, Mr. Dumas stated they would make several places on the site so people could orientate themselves on the site.

Mr. Joe Tarban, McClelland, stated they were the implementers of what the city and EGIS come up with. They had no preconceived notations of how this should be done. They did not want to make a mistake any more than they did. They had not gotten to the part in the contract where they look at soils. So they really did not know what was out there. They had looked at some county soils maps. They had abandoned conventional means. The only problem that he could see was that someone had to referee. Someone had to make decisions. They could meet and discuss for a long time, but someone had to decide what they were going to do. If they get bogged down trying to decide what the options were, that could become a problem. He was very open to meeting with anyone who wanted to be apart of this thing. They wanted to come up with something they could all be proud of.

Alderman Santos moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion carried unanimously.

RESOLUTION 51-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

RZN 02-5.00: An ordinance approving rezoning request RZN 02-5 as submitted by Shawki Al-Madoun of Northstar Engineering Consultants on behalf of Fadil Bayyari for property located west of I-540 and south of Point West Phase I and east of Pine Valley Phase I. The property is zoned I-1, Heavy Commercial / Light Industrial and R-2, Medium Density Residential and contains approximately 14.84 acres. The request is to rezone to R-1.5, Moderate Density Residential.

Mr. Williams read the ordinance for the first time.

Alderman Jordan asked for them to leave this on the first reading, since most of the public had left.

Ms. Sue Jenson, an area resident, stated her association was concerned about drainage and traffic. Thirty-four lots had been planned for a total of sixty-eight units. They would like to have some definite feelings from the city about how they were going to handle this. They were asking the council to table this issue until they had time to find out more information.

Mr. Chad Calson, an area resident, stated typically he would agree that down zoning from an industrial to a residential would be a good thing. They had originally proposed duplexes and connecting his neighborhood and this neighborhood. They were asking for some assurances that there would be some minimum standards set for those duplexes. He has refused to do that. He questioned what kind of duplexes they were going to have. They were going to see those duplexes from 540.

Mr. Fidal Bayyari, owner, stated his proposal was for 1200 square foot per side for these duplexes. They were going to be brick. Some of the lots were going to be small. He would be doing two story duplexes out there. Because of the price of the land the extra cost in development that by the time the duplexes were finished the property values in the neighborhood would increase. The traffic issue was a concern to the neighbors but it would be an enhancement to the city because they were going to open that road to take Shiloh all the way to Hwy 16. He proposed to the neighbors a set of covenants that would be put in place to protect their interest. They would have control over the builders. The neighbors were asking for a set of assurances from him to go with the land. In the past, he gave a bill of assurance and it came to haunt him later. The property now was useless.

Mr. Conklin stated they could have restrictive covenants , they can be filed. The property owners could vote to change them. There was no guarantee that what they see today may not be the same tomorrow. The city did not enforce covenants.

An area resident, questioned why Mr. Bayyari was not willing to give them a bill of assurance. They were willing to work with them.

Mr. Williams stated they could not dictate to developers once the property is zoned meet the minimum requirements.

Mr. Conklin stated the staff's job once the zoning decision was made was to tell the developer what they had to do to comply with their ordinances. Once they complied with those ordinances, then they would recommend approval. Their job was to tell them how to get their developments approved based on their current ordinances. They could not negotiate.

Mr. Jim Owen, an area resident, stated he was concerned that they had only seen a draft of covenance. Those could only be enforced by an attorney that they would hire. They would have no power after it was written. It could be changed. He also requested a bill of assurance.

ORDINANCE WAS LEFT ON THE FIRST READING.

WATER AND SEWER REVENUE BONDS: An ordinance authorizing the issuance of $10,250,000 of Water and Sewer Revenue Bonds to refund the City's 1994 and 2000 Water and Sewer Revenue Bonds and authorizing the issuance and execution of a Trust Indenture, and Official Statement, a Bond Purchase Agreement, an Escrow Agreement, and a Continuing Disclosure Agreement.

Mr. Hunt stated the ordinance attempted to accomplish three things. The first was that the city had outstanding debt, Gross Revenue Rate, during the time they were working with them on the sales tax issue, the subject came up. Basically, it required them to increase rates much more than they would have too if they had a Net Revenue Rate. Secondly, it was to provide fixed rate financing on some of their short-term variable rate financing that they had issued in the past. We believe short-term rates were going to go up fairly significantly in the short term and they believed now was the time to lock in. Third, they had an issue of which the interest rate by reissuing at this point in time will be reduced from the current rate that was outstanding. They had three issues that were outstanding for Water and Sewer Revenue Bonds: Series 1994 ($3,215,000), Series 1999 ($7,350,000), and Series 2000 (10,000,000). This ordinance would address the Series 1994 and the Series 2000. Approximately May 2004 they will want to address their 1999 issue. Each of those bond issues have a gross revenue covenant.

Mr. Williams read the ordinance for the first time.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the second time.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance for the third and final time.

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

ORDINANCE 4381 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BULK TRASH DISPOSAL: An ordinance amending collection charges for bulk brush disposal.

Mr. Williams read the ordinance.

Alderman Young moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

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

ORDINANCE 4382 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DDEP: A resolution awarding the construction contract to Township Builders based upon the result of March 5, 2002 construction contract bid opening for Dickson Street Improvements.

Mr. Boettcher, Public Works Director, stated they had five bids on March 5. Three were not responsive. Two were. The low bid was by Township Builders of Little Rock. Their base bid was $3,011,368.30 with two deductive alternates that eliminated scoring concrete and welcome mats at the buildings. If they take the alternates the bid becomes $2,948,590.30. The funds that they had on hand includes city funds, Dickson Street Improvement District and the Razorback Foundations, so they ended up with $3,068,864 available for the project. All parties involved are recommending an award of the contract to Township Builders with the deductive alternates.

Randy Richy, Atkins Benham, stated Township Builders had worked on a couple projects in Fort Smith, very similar to this project in which traffic was minimally affect. They have also done a similar project for the city of Little Rock and they had been well pleased with them.

Mr. Williams asked Mr. Richy if he had checked into the legalities of the bids and if it was his opinion that they were not allowed to accept some of the other bids.

Mr. Richy stated there were other bids that were numerically lower, but they had been rendered non responsive. Certain Federally required documents had not been submitted. Their hands were tied. It was a mandate.

Alderman Jordan asked how much business will be brought in because of this investment.

Ms. Ackerman stated the project itself was a response to about 65 million dollars of private investment on the street in the last ten years, since the building of the Walton Art Center.

Alderman Young questioned the phasing the project.

Mr. Richy stated they had presented the contract with a suggested sequence of construction. Their purpose of that was to make them aware going into the bid that they could not treat this job as an interstate. They were not going to hold them to it. They were going to ask them for a plan. Their main purpose was to keep the district open and working. It was going to difficult, but if they could keep those work areas short and finish the work section completely, then the merchants and users can see the finished product.

Alderman Davis moved to award the bid to Township Builders. Alderman Santos seconded. Upon roll call the motion carried unanimously.

RESOLUTION 52-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CDBG: A resolution accepting the 2002 Community Development Block Grant in the amount of $647,000 and approval of the sub-recipient grant agreements with the Fayetteville Boys and Girls Club, Fayetteville Public Library, and Habitat for Humanity.

Mr. Ernest stated what they were being asked to approve was three of four sub-recipient grant agreements. They had some questions with the South Fayetteville Development Corporation. They had met with them and they could resolve those issue with respect to reporting and conformance with Federal and city regulations.

Alderman Davis moved to approve the resolution. Alderman Santos seconded. Upon roll call the motion carried unanimously.

RESOLUTION 53-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BOYS AND GIRLS CLUB: An ordinance waiving the requirements of competitive bidding and approving a contractual agreement between the City of Fayetteville and the Fayetteville Youth Center, Inc. in the amount of $68,000 to provide water service to Donald W. Reynolds Boys and Girls Club facility and $17,900 for a temporary haul road.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. Upon roll the motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried unanimously.
ORDINANCE 4383 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 11:50 p.m.