FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
CITY COUNCIL
OCTOBER 15, 2002

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **MOBLEY CONSTRUCTION:** A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Contractors for the "City-wide Sidewalk Construction" project.

3. **CLEVELAND STREET IMPROVEMENTS:** A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027.00; and the related budget adjustment.

4. **CLEVELAND STREET:** A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.69.

5. **RIGHT-OF-WAY PURCHASE:** A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.

6. **OLD MISSOURI ROAD:** A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.

7. **SKYLAR PLACE ADDITION:** A resolution to accept money in lieu as park land requirement of the Skylar Place Addition.

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

8. **CORNERSTONE APARTMENTS:** A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.

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1. **RZN 02-23.00:** An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.

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1. **VA 02-8.00:** An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.

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Oct. 15, 2002 ✓

City Council [redacted]

	Roll				
Young	✓				
Marr	✓				
Bechard	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Coody	✓				

Consent	LJ Dm.				
Young	✓				
Marr	✓				
Bechard	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Coody					

City Council ~~July 16, 2002~~ Oct 15, 2002

RZN 02-23.	BD BR. Remark fr Pub.	KS CY 2ND	KS DL 2ND	PASS	
Young	✓	✓	✓	✓	
Marr	✓	✓	✓	✓	
Bechard	✓	✓	✓	N	
Davis	✓	✓	✓	N	
Santos	✓	✓	✓	✓	
Jordan	✓	✓	✓	N	
Reynolds	✓	✓	✓	✓	
Thiel	✓	✓	✓	N	
Coody				✓	

8:00

TRAFFIC STUDY	to remove from table KS DM	entire scope KS DM			
Young	✓	✓			
Marr	✓	✓			
Bechard	✓	✓			
Davis	✓	✓			
Santos	✓	✓			
Jordan	✓	✓			
Reynolds	✓	N			
Thiel	✓	✓			
Coody					

Oct 15, 02

City Council ~~July 16, 2002~~

RZ 2nd 02-27.00	BT BD. 2ND	BD RZ. 3RD	PASS		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Bechard	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	N		
Jordan	✓	✓	N		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Coody			10-2.		

8:45

VA 2-300	BD RZ. 2ND	BD LD. 3RD	PASS		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Bechard	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Coody					

Oct. 15, 02

City Council ~~July 16, 2002~~

PZN 0228.	VJ 2ND BD	PZ 2ND KS.	PASS		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Bechard	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Coody					

DEV P.+P.	PZ 2ND DMK				
Young	✓				
Marr	✓				
Bechard	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Coody					

Oct. 15, 02

City Council ~~July 16, 2002~~

BID quotations	BD XB 2ND	KS LA. 3RD	PASS		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Bechard	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Coody					

2002 MILLAGE	BD TB. 2ND	LA BD. 3RD	PASS		
Young	✓	✓	✓		
Marr	✓	✓	✓		
Bechard	✓	✓	✓		
Davis	✓	✓	✓		
Santos	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	✓	✓	✓		
Thiel	✓	✓	✓		
Coody					

Oct 15, 02

~~City Council July 16, 2002~~

FIRE TRUCK	CU DM Susan Rutter	BD WAIVER 2nd LJ KS	BD 2nd LJ	Jones	Comp Chro. LJ KS
Young	✓	✓	✓	✓	—
Marr	✓	✓	✓	✓	✓
Bechard	✓	✓	✓	✓	✓
Davis	✓	✓	✓	✓	✓
Santos	✓	✓	✓	✓	✓
Jordan	✓	✓	✓	✓	✓
Reynolds	✓	✓	✓	✓	✓
Thiel	✓	✓	✓	✓	✓
Coody					

Res Fire Truck	BD LJ				
Young	✓				
Marr	✓				
Bechard	✓				
Davis	✓				
Santos	✓				
Jordan	✓				
Reynolds	✓				
Thiel	✓				
Coody					

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Left off on 2nd

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PASS

FIRE TRUCK
BID WAIVER ORD

PASS

PASS RES TO BUY FIRE TRUCK
+ Budget adj

Budget 10/22
* 5:00

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PASS FIRE TRUCK BID WAIVER ORD

pass RES To Buy FIRE Truck + Budget adj

Budget 10/22.
* 5:00

RESOLUTION NO. _____

A RESOLUTION AWARDING AN ENGINEERING CONTRACT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS ($222,388.00) TO BUCHER, WILLIS AND RATLIFF CORPORATION FOR ENGINEERING AND PLANNING SERVICES ASSOCIATED WITH THE COMPREHENSIVE TRAFFIC STUDY; APPROVING AN ENGINEERING CONTRACT CONTINGENCY IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00); AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF FORTY THOUSAND NINE HUNDRED EIGHTY DOLLARS ($43,980.00) FOR SAME.

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

Section 1. That the City Council of Fayetteville, Arkansas, hereby awards an engineering contract in an amount not to exceed Two Hundred Twenty-Two Thousand Three Hundred Eighty-Eight Dollars ($222,388.00) to Bucher, Willis and Ratliff Corporation for engineering and planning services associated with the Comprehensive Traffic Study, a copy of which, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of Fayetteville, Arkansas, hereby approves an engineering contract contingency in the amount of Twenty Thousand Dollars ($20,000.00).

Section 3. That the City Council of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of Forty Thousand Nine Hundred Eighty Dollars ($43,980.00) for same.

PASSED and **APPROVED** this _____ day of _____, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of **October 15, 2002**

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of the Amendment #3 to the engineering contract with **Crafton, Tull and Associates, Inc.**, for **Cleveland Street Improvements Project** (Hall to Leverett).

COST TO CITY:

$71,301.69	$768,339	Cleveland St. Impvts.
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5809-00	$14,269	Capital Street Impvtes.
Account Number	Funds Used To Date	Program Name
01011-10	$754,070	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:**

Marsha Faulkner — Accounting Manager — Date 9/27/02

ADA Coordinator — Date

City Attorney — Date 9/27/02

Internal Auditor — Date 9/27/02

Purchasing Officer — Date

STAFF RECOMMENDATION: Approval of the amendment #3.

Jim Beavers — Division Head — Date 09.27.02

Department Director — Date 9-27-02

Administrative Services Director — Date 9-27.02

Mayor — Date 9/30/02

Cross Reference

New Item: **Yes**__ **No X**

Prev Ord/Res #: 42-98

Orig Contract Date: 4-7-98

Orig Contract # 637

Staff Review Form

Description/ Cleveland Street Impvts. Meeting Date 10-15-2002
Project Name Amendment #3

Comments: Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Greg Boettcher, PWD
Jim Beavers, City Engineer Jim Beavers

From: Sid Norbash, Staff Engineer

Date: September 27, 2002

Re: **Cleveland Street Improvements Project**
Amendment #3 to the Engineering Contract
With Crafton, Tull, and Associates, Inc.

The above referenced project has been designed by Crafton, Tull, and Associates, and the approval of the construction project is on this agenda.

This contarct amendment will allow Crafton, Tull & Associates to perform construction management to the completion of this project.

Staff is requesting approval of **Amendment #3**, in the amount of **$71,301.69**, to the original design and bid contract.

SN/sn
Attachments: Copy of Amendment #3

Crafton, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

CONTRACT AMENDMENT #3

October 10, 2002

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

RE: Cleveland Street Improvement Project
CTA Job No. 98073.01

Dear Mr. Beavers:

In accordance with Section XIII of our Agreement for Engineering Services dated April 7, 1998, we request your consideration of an increase in the upper limit of compensation for our services per the City's request for our firm to provide Construction Phase Services. These services are described as follows:

Construction Phase Services:

The City of Fayetteville requires Crafton, Tull & Associates, Inc. to provide on-site daily construction observation for the Cleveland Street Improvement Project. Crafton, Tull & Associates, Inc. shall provide periodic construction observation to ensure compliance with the plans and specifications, monitor the progress and performance of the work, and review construction procedures in the field. It is estimated that 270 calendar days (180 workdays) will be required for the construction period of the project, from which the fee for engineering services during construction are estimated (6 hrs/day average). Should the Engineer's time to observe the construction project be lengthened significantly, the Engineer will be compensated for the construction observation services through an additional amendment to this Agreement. It is mutually understood and agreed that the Engineer will assist the Owner and the Contractor, but shall not be responsible for the manner, execution, or safety procedures of the Contractor's work. During construction, the Engineer will make minor revisions to the plans if needed and assist the contractor with technical questions. Upon completion of the construction project, the Engineer will provide Record drawings to the City in hard copy and electronic AutoCAD format. This project will comply with Section 22-9-101 of the Arkansas Code, "Observation by Registered Professionals Required", shown in Attachment "A".

Cleveland Street Improvement Project
Construction Phase Engineering Services

The additional compensation for the work described above is detailed in the attached man-hour estimate and fee proposal. This Contract Amendment shall not change the fees for Phases A, B, C, and E described in the Agreement for Engineering Services, Section XII. The requested compensation is summarized below:

Construction Phase Services – costs not to exceed	$62,467.77
Fixed Fee for Construction Phase Services	$ 8,833.92
Total Additional Amount Requested	$71,301.69

SUMMARY

Previous Total Contract Amount	$ 86,296.03
Additional Requested Amount	$ 71,301.69
New Total Contract Amount	$157,597.72

Based on the information contained herein, we respectfully request your consideration to increase the upper limit of our Agreement for Engineering Services. We trust that we have adequately documented this request, and should you have any questions or require any additional information, please contact us at your convenience.

Very Truly Yours,

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

Enclosure

IN WITNESS WHEREOF, the parties hereto have caused the original Agreement to be amended and duly executed as of the date and year first herein written.

CITY OF FAYETTEVILLE

Mayor Dan Coody

ATTEST:

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

ATTEST:

Tom Hopper, P.E.
President

ATTACHMENT "A"

As Engrossed: 2/3/93 2/9/93

State of Arkansas
79th General Assembly
Regular Session, 1993
By: Senators Malone and Bookout

A Bill

SENATE BILL 93

For An Act To Be Entitled

"AN ACT TO AMEND ARKANSAS CODE ANNOTATED §22-9-101 TO REQUIRE ALL CONSTRUCTION OF ANY PUBLIC WORKS BE OBSERVED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT; AND FOR OTHER PURPOSES."

Subtitle

"TO REQUIRE CONSTRUCTION OF ANY PUBLIC WORKS BE OBSERVED BY A REGISTERED PROFESSIONAL ENGINEER OR ARCHITECT."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Annotated §22-9-101 is amended as follows:

"§22-9-101. Observation by registered professionals required.

(a) Neither the state nor any township, county, *municipality*, village, or other political subdivision of the state shall engage in the construction of any public works involving engineering or architecture for which the plans, specifications, and estimates have not been made by, and the construction executed under the observation of, a registered professional engineer or architect, in their respective areas of expertise, who are licensed to practice under the laws of Arkansas.

(b) Nothing in this section shall be held to apply to any public works *wherein the contemplated construction expenditure for an engineering project does not exceed twenty-five thousand dollars ($25,000) or for an architectural project does not exceed seventy-five thousand dollars ($75,000).*

(c) This section shall not apply to any school district, county, *municipality*, or township project which is planned and executed according to plans and specifications furnished by authorized state agencies."

SECTION 2. All provisions of this act of a general and permanent nature

mrd322

As Engrossed: 2/3/93 2/9/93

ATTACHMENT "A"

are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Senator Malone

SCOPE OF SERVICES / MAN-HOUR EST[illegible]TE
CONSTRUCTION OBSERVATION & ENGINEERING DURING CONSTRUCTION
CLEVELAND STREET IMPROVEMENT PROJECT
FAYETTEVILLE, ARKANSAS
[illegible]ember 25, 2002

CONSTRUCTION OBSERVATION AND ENGINEERING SERVICES

This scope of services includes providing on-site daily construction observation for the Cleveland Street Improvement Project. Crafton, Tull & Associates, Inc. shall provide periodic construction observation to ensure compliance with the plans and specifications, monitor the progress and performance of the work, and review construction procedures in the field. It is estimated that 270 calendar days (180 workdays) will be required for the construction period of the project, from which the fee for engineering services during construction are estimated (6 hrs/day average). Should the Engineer's time to observe the construction project be lengthened significantly, the Engineer will be compensated for the construction observation services through an additional amendment to this Agreement. It is mutually understood and agreed that the Engineer will assist the Owner and the Contractor, but shall not be responsible for the manner, execution, or safety procedures of the Contractor's work.

During construction, the Engineer will make minor revisions to the plans if needed and assist the contractor with technical questions. Upon completion of the construction project, the Engineer will provide Record drawings to the City in hard copy and electronic AutoCAD format.

		Man-hour Estimate					
ID	TASK	ADMIN. ASST.	ENGR. TECH	CONST. INSPTR.	PROJ. ENGR.	PROJ. MGR.	**TOTAL HOURS**
1	On-Site Construction Inspection (180 days @ 6 hrs./day avg.)			1080			**1080**
[illegible]	Plan Revisions as Necessary		16		4		**20**
[illegible]	Record Drawings		16	8	4		**28**
4	Project Management	10		20	42	10	**82**
	Sub-Total CTA Construction Observation	**10**	**32**	**1108**	**50**	**10**	**1210**

SUMMARY OF MAN-HOURS & COMPUTATION OF DIRECT LABOR COSTS		UNITS	RATE	TOTAL
Administrative Assistant	10.0	Hours	$13.40	$134.00
Engineering Technician	32.0	Hours	$17.50	$560.00
Construction Inspector	1108.0	Hours	$17.60	$19,500.80
Project Engineer	50.0	Hours	$27.40	$1,370.00
Project Manager	10.0	Hours	$58.20	$582.00
Sub-Total Direct Labor	1210.0			$22,146.80
Overhead (165.92%)				$36,745.97
Fixed Fee				$8,833.92

COMPUTATION OF DIRECT EXPENSES		UNITS	RATE	TOTAL
Travel Mileage (180 days @ 50 miles/day)	9000	Miles	$0.325	$2,925.00
Plan Sheet Plotting	25	Sheets	$18.00	$450.00
Printing and Reproduction	100	Sheets	$2.00	$200.00
[illegible]-Total Direct Expenses				$3,575.00
TOTAL - Cleveland Street Construction Observation & Engineering During Construction				**$71,301.69**

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Connie Edmonston	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED:
Resolution to waive Ordinance 3793 to accept money in lieu as the park land requirement of the Skylar Place Addition.

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 Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:
Resolution to Waive Ordinance 3793 to accept money in lieu as the park land dedication requirement of Skylar Place Addition.

Division Head	Date	Cross Reference
Department Director	9-25-02 Date	New Item: Yes No
Administrative Services Director	9-25-02 Date	Prev Ord/Res #: [Prev Ord/Res #]
Mayor	9/26 Date	Orig Contract Date: [Orig Contract Date]
		Orig Contract Number: [Contract #]

STAFF REVIEW FORM

Description Skylar Place Addition Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Eric J. Schuldt, Parks Development Coordinator

DATE: September 24, 2002

SUBJECT: Waiver of the Park Land Dedication Ordinance 3793

Background
Skylar Place Addition is a proposed large scale development located west of Sang Ave. and South of Deane Street. The owners are Sam Mathias and Bleaux Barnes and the engineering firm is Jorgensen & Associates. The development contains 119 multi-units and 7 single family units on 21.03 acres. The requirement for park land is 2.555 acres and money in lieu is $47,915. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

> *"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study."* (Unified Development Ordinance No. 166.03K)

Current Status
Parks and Recreation staff met with the engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board on September 9, 2002. See attached minutes.

Recommendation
The Parks and Recreation staff and Parks and Recreation Advisory Board recommend a money in lieu contribution for this development. The money in lieu contribution will be used for park improvements in the northwest park quadrant.

The developers of Skylar Place Addition have proposed to provide 2.17 acres of land for a neighborhood park. The majority of the proposed dedication is located in the 100 year flood plain. The proposed dedication also includes over 0.55 acres of detention facilities. The proposed park is divided into three partials, separated by two city streets. The conceptual loop trail plan has four street intersections and is approximately 0.15 miles in length. The Parks and Recreation Advisory Board and Park staff believe that the proposed land dedication will not meet the desires of the neighborhood due to the limited size, configuration and relationship to the detention ponds/flood plain. The Parks and Recreation Division is currently not accepting detention facilities for parkland purposes due maintenance issues and because the developer is responsible for drainage control. See attached plat.

From input at the public meeting, Park staff understands that the community is interested in having a neighborhood park in this area of town. Asbell Park, which is located across the street from the development, is used for many active sports and currently does not provide the neighborhood park amenities desired by the community. Park staff believes that Asbell Park will have opportunities in the future to provide a neighborhood park atmosphere. The Parks and Recreation Advisory Board and Park staff recommends working with the Fayetteville School System to add neighborhood park features to Asbell Park. After the public meeting, the neighbors agreed to create a list of priority park amenities for the Park staff to incorporate into future plans. If you have any questions, please call me at 444-3472 or Connie Edmonston at 444-3473.

Attachments:
Location Map
PRAB September 9, 2002 Meeting Minutes
Letter from Dave Jorgensen

MINUTES OF A MEETING

OF THE

PARKS AND RECREATION ADVISORY BOARD

September 9, 2002

The regular meeting of the Fayetteville Parks and Recreation Advisory Board was called to order at 5:30 p.m. in front of Asbell Elementary School, 1500 N. Sang Avenue, Fayetteville, Arkansas by Chairman Colwell.

PRESENT: Parks and Recreation Advisory Board members Mauritson, Eads, Colwell, Cook, Hill, Marley, and Pawlik-Holmes; City Staff Earnest, Edmonston, Gulley, Hatfield, Schuldt, Nelson, Wright and Audience.

ABSENT: Shoulders

AGENDA

I. Park Land Dedication Ordinance

Development Name:	**Skylar Place Addition**
Engineer:	Jorgensen & Associates, Dave Jorgensen
Owner:	Sam Mathias & Bleaux Barnes
Location:	South of Deane Street, West of Sang Avenue, East of I-540
Park District:	NW
Units:	7 Single Family Units 119 Multi Units
Total Acres:	21.03 acres
Land Dedication Requirement:	2.555 acres
Money in Lieu Requirement:	$47,915
Existing Parks and Acreage:	Asbell Park (10 acres), Lewis Soccer Complex (27 acres), Friendship Park (0.378 acres)
Staff Recommendation:	Money in Lieu of Land

1) This development is in close proximity to Asbell, Lewis, and Friendship Parks.
2) Due to drainage problems in this area, a park in this location is not advisable.

Neighborhood Association President, Richard Maynard, expressed a need for a recreational park in the area and questioned the use of park fees which had been obtained from other developments in the area. Sarah Cox drives her children to Wilson, Gulley, or Davis Parks. Although she lives within walking distance of Asbell Park, Ms. Cox said Asbell is not family-friendly and unattractive. Barbara Fitzpatrick echoed that sentiment. She said there was no place within walking distance to

walk, to sit under trees, or to enjoy a picnic. Because of the soccer field, Ms. Fitzpatrick said she must drive to another park across town. Linda Scarbrough labeled Asbell a sports facility and said it is not a place for family recreation because of lack of parking and overcrowding. Ms. Scarbrough felt the neighborhood should see benefits from developments in the area by having a park. Mr. Maynard was surprised by resistance to the idea of having a park inside the proposed development. He proposed the developers use the required park fees for development and lessen the maintenance burden on the city by utilizing the community to help mow and maintain it. His idea is to take park land fees to develop the green space, and it would be the city's to manage. If the city didn't want the park, then it could be given to the POA. Mr. Gulley explained the Park Land Dedication Ordinance. The city can not develop land it does not own or lease. Ms. Edmonston explained criteria for accepting park land and the importance of following park master plan recommendations. She cited Davis, Red Oak, Bundrick, and Lewis as parks benefiting from park fees.

Regardless of whether park land or money in lieu fees are taken, Bleaux Barnes said the green space will remain because the property is maximized with the number of units. He also stated the pond would be removed.

Urban Development Director, Hugh Earnest, felt the piece of ground in question did not meet the legitimate needs of the area. The 1-1 ½ acre parcel is too small. He suggested staff meet with the Fayetteville School District to discuss a better use of the Asbell property. Neighbors were urged to create a wish list of park amenities.

MOTION:

Mr. Colwell moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Skylar Place Addition and requested the Parks and Recreation Advisory Board focus on working with the neighborhood to determine their needs for Asbell Park.

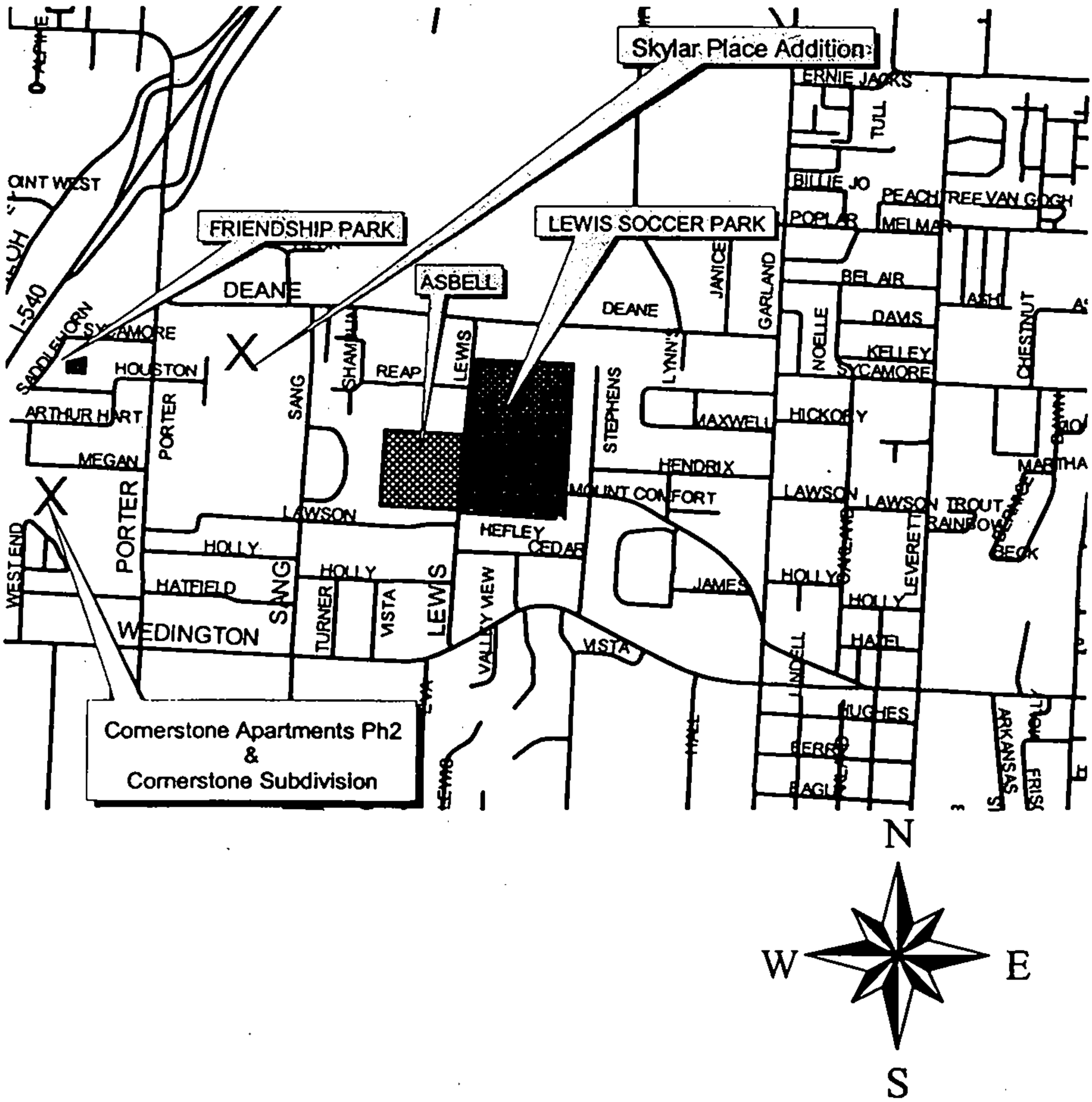
Mr. Mauritson seconded the motion.

Upon roll call, the motion was approved unanimously 7-0-0.

The Parks and Recreation Advisory Board reconvened at 7:00 p.m. in Room 326 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Development Name:	**Cornerstone Apartments Phase II**
Engineer:	Jorgensen & Associates, Dave Jorgensen
Owner:	Lindsey & Associates
Location:	East of I-540, North of Wedington Drive next to Cornerstone Apartment Complex
Park District:	NW
Units:	108 Multi Units
Total Acres:	11.94 acres
Land Dedication Requirement:	2.16 acres
Money in Lieu Requirement:	$40,500

Skylar Place Addition
Cornerstone Subdivision
Cornerstone Apartments Ph 2



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
THOMAS HENNELLY, P.E.
CHRISTOPHER B. BRACKETT, P.E.

8/27/02

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Att: Parks Dept
Re: Skyler Place Subdivision

As you know, we have submitted Skyler Place for consideration by the Parks Staff for parks dedication. The owner/developer will be dedicating 2.17 Acres of greenspace which includes the detention pond area. The owner would like some of this to apply to parks dedication if possible. The total amount of unit on this project is 126. At 0.025 acres per unit the dedication requirement would be 3.15 acres.

If the Parks Board decided to accept money in lieu of land the owner does not have a problem with this.

The Asbell Neighborhood Association has requested that some of this money be dedicated to this greenspace area if possible.

We will attend the Parks meeting on Sept. 9 to work this out.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF THE SWORN OFFICERS OF THE FAYETTEVILLE FIRE DEPARTMENT FROM LOPFI BENEFIT PLAN #1 TO LOPFI BENEFIT PLAN #2, EFFECTIVE JANUARY 1, 2003

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

Section 1: That the City Council hereby authorizes the transfer of the sworn officers of the Fayetteville Fire Department from LOPFI Benefit Plan # 1 to LOPFI Benefit Plan # 2, effective January 1, 2003.

PASSED and APPROVED this 1st day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
HEATHER WOODRUFF, City Clerk

ADDITIONAL INFOR
LOPFI BENEFITS
A. 9 page 1

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

FROM: Stephen Davis, Administrative Services Director, Interim

DATE: October 11, 2002

SUBJECT: LOPFI – Increased City Cost for LOPFI 2

During the agenda session October 8 there were several questions concerning the increased cost to the City associated with adopting the resolutions to move the Fire and Police uniform employees from LOPFI to LOPFI 2. My response to the questions asked was that the annual cost increase was approximately $300,000.

Attached are two spreadsheets prepared by the Budget & Research Division that calculates the net cost increase, for both the Fire and Police departments, associated with the move to LOPFI 2. The combined net cost increase for 2003 is $269,892 at the current staffing levels. LOPFI 2 does not apply to the uniform employees in the two closed pension plans.

If you have any questions concerning this issue please contact me at 575-8330.

Thank you.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

ADDITIONAL INFO
LOPFI BENEFITS
A. 9 page 2

DEPARTMENTAL CORRESPONDENCE

TO: Budget & Research File

FROM: Kevin Springer, Senior Financial Analyst

DATE: October 10, 2002

SUBJECT: **Fire Department 2003 Budget Increase – LOPFI II Plan**

Below are the amounts that have been increased to the Fire Department's 2003 Budget submission. This is due to City Council approving the change to the LOPFI II Plan on October 15, 2002. The current LOPFI I plan requires a City of Fayetteville contribution of 6.0% whereas the LOPFI II Plan requires a City of Fayetteville contribution of 10.04%.

In addition the projected revenue for State Turnback – Fire 2003 is estimated for 2003 at $112,000. The net difference between pension expense contributed and revenue received is $180,418.

	LOPFI I Plan (6.0%)	LOPFI II Plan (10.04%)	Increase
Fire Prevention (1010.3010)	$ 2,280	$ 3,816	$ 1,536
Fire Operations (1010.3020)	169,338	283,348	114,010
Fire Training (1010.3030)	3,140	5,254	2,114
Total Amount	$ 174,758	$ 292,418	$ 117,660
State Turnback Revenue – Fire Department	($ 112,000)	($ 112,000)	0
Net City Contribution	$ 62,758	$ 180,418	$ 117,660

ADDITIONAL INFO
LOPFI BENEFITS
A. 9 page 3

FEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Budget & Research File

FROM: Kevin Springer, Senior Financial Analyst

DATE: October 10, 2002

SUBJECT: **Police Department 2003 Budget Increase – LOPFI II Plan**

Below are the amounts that have been increased to the Police Department's 2003 Budget submission. This is due to City Council approving the change to the LOPFI II Plan on September 9, 2002. The current LOPFI I plan requires a City of Fayetteville contribution of 6.0% whereas the LOPFI II Plan requires a City of Fayetteville contribution of 10.06%.

In addition the projected revenue for State Turnback – Police 2003 is estimated for 2003 at $248,000. The net difference between pension expense contributed and revenue received is $129,206.

	LOPFI I Plan (6.0%)	LOPFI II Plan (10.06%)	Increase
PD Support Services (1010.2900)	$ 5,819	$ 9,758	$ 3,939
PD Patrol/Warrant (1010.2940)	213,326	357,675	144,349
PD Drug Enforcement (2930.2960)	5,829	9,773	3,944
Total Amount	$ 224,974	$ 377,206	$ 152,232
State Turnback Revenue – Police Department	($ 248,000)	($ 248,000)	0
Net City Contribution	($ 23,026)	$ 129,206	$ 152,232

MINUTES OF A MEETING OF THE CITY COUNCIL SEPTEMBER 17, 2002

A meeting of the Fayetteville City Council was held on September 17, 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 Jordan, Reynolds, Thiel, Young, Marr, Bechard, Davis, and Santos, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press and Audience.

WASTEWATER IMPROVEMENT PROJECT: Report by Jerry Sonderegger, Burns and McDonnell, presentation will include an overview of the work completed, the current status, the project schedule and the planned future actions.

Mr. Sonderegger stated they had been trusted with the task of managing the Wastewater System Improvement Project. They wanted to up date them on their progress. He was the program/project manager for this project. They were to review the overall program and to assess the status of the program. They were to work with the consultants that they already had contracts with, and assemble the projects in the most efficient manner that they can. They were to prepare overall program budget to include the design engineering, the construction as well as the administration costs. One of the biggest tasks that they have is to evaluate the permits that were required and assess the affect that they have on the overall project. They were to provide coordination and administration among all of the consultants, the city, and other stake holders.

The project consists of four major projects. On the west side is the new wastewater treatment plant, which would be served by new sewers and lift stations which would be designed by RJN Group. On the east side, there would be improvements to the Noland Facility which would be designed by Black and Vetch. The sewers and the interceptor that will be serving that will be serving that project will be done by Garver Engineers. Burns and McDonnell task was to coordinate all of these projects as they move from the predesign phase into the design phase with one unified project.

They had studied each one of the preliminary design reports that have been submitted. They had met with each one of the designers. They had done a good job and the predesign phase was ready to move into the design phase. They should be authorized to begin design as quick as possible.

The permit process was moving forward. They did not see any road blocks at all in being able to obtain the permits that were necessary. They had incorporated all of the Revolving Loan Fund requirements into the contract documents that they had worked on. The Soil and Water Commission had been very helpful in interpreting their requirements. The conditions of the memorandum of agreement have been met to this point. One of their goals was to provide a unified and coordinated approach to the design of the project. They had prepared design criteria to be issued to the consultants, which would include architectural treatments, wastewater process treatment, design criteria, architectural

standard, mechanical, electrical, civil and structural and drafting design standards. The contractors would be seeing the same contractual type relationship with each one of the projects. It would make it easier for contractors to bid the work when they know that the jobs are going to be contractually the same in each one of the major projects. They had standardized the professional services agreement to assist the city in hiring engineering firms from now to the end of the project.

They recommended that the design phase start very soon and that they would be seeing more agreements with each one of the consultants very soon. One of the first tasks that would be required of the designers would be a detailed survey of the routes of the sites and to identify the land needed for rights-of-way and easements and to begin the geotechnical investigations. The permitting process was ongoing. They would continue to furnish the information required to ultimate issue the approvals. They recommended that they begin design in advance of receiving the final report, especially on the west side because that was on a critical path. It was a long design and contraction time. All of the other projects fit within that particular part of the project.

Mr. Ray Santee, project manager/ construction, presented a graph illustrating the schedules of the different projects and how they related. Design and construction of the project should be complete by late December 2005.

Mr. Sonderegger stated a full report had been given to the Public Works Director. Included in that report will be the design criteria, the complete set of general conditions for the construction contracts, front end documents for the construction contracts as well as the engineering contract for obtaining professional services.

Alderman Young stated they had stated that they did not see anything that would hold them up on the permits. Did that include Oklahoma?

Mr. Sonderegger replied it did not. He was talking about the 404 permits from the Corp of Engineers, the Fish and Wildlife, the Archeological. The permits that they were required to get to be the finding of no significant impact and the 404 permit to construct in the wetlands.

Alderman Young asked if they had included the discharge permits?

Mr. Sonderegger stated it did not fall within the scope of their project. The project that they had was to see what permits were required for construction through the wetlands.

Mr. Santee stated the discharge permit will be included in the 404 permit. It was very common practice on the design side to start with the design process. There were certain aspects of the permit that needed to be identified so that they could complete their design, they did not have to have the discharge permit available until they started to discharge into a stream. They did not see that as a delay.

Alderman Young stated they were proposing to start designing this project. How much of the design did they recommend doing without that permit.

Mr. Santee stated maybe 25% into the design portion of the project it would become clear that they were going to need to have those approvals for the 404 before they could proceed. He was not a permitting expert. They did have a staff member that was. He has looked into these issues.

Alderman Young stated the last time when they redid the Noland Plant, they thought like they did. Oklahoma had slowed down the process. He was concerned about that happening again.

Mr. Boettcher stated they were aware that there was going to be some permitting issues. The core facilities were going to remain the same, some of the concerns were a matter of chemical addition and operating costs more so than the design of the facility. They had a comfort level on design to a certain state. They were going to have to monitor these concurrently.

Alderman Young asked if they were going to valves on the pipe lines to divert the flow to the new plant.

Mr. Sonderegger stated they had not gotten to that part yet, but it was an extremely important part of the project. This was a very complex project to tie all of the projects together and to make them come together at the last moment.

Alderman Reynolds stated the design would be 25% complete before they went after a discharge permit.

Mr. Sonderegger stated they were saying it was possible that they could be that far along. It will take about 150 days from today to get their 404 permit. All of this time the consultants have been meeting with the Corp of Engineers, the Fish and Wildlife Service and the others. They had been meeting with them to determine what it would take to be able to construct these project thorough wetlands. What were the mitigation measures that were required. This has been a back and forth dialogue between the two. The agreements have more or less been reached, there were a couple of things that still have not been resolved. Once the agreements were reached, then they could go into a public comment period. At that point, it was pretty much assured that they were going to get the permit. It was going to take time for the Corp. to review all the information and to give the approval. But, they have in essence received that when they have all of the verbal agreements and the discussion that they have ahead of time. They would know what they were going to do.

Mr. Boettcher stated they were in a chicken and egg situation. They will not issue construction and discharge permits until they had designs and plans on what they wanted to build for view and public comment. They had to move forward with certain amounts of work to get to a stage that they could get to a stage that they could file permits and have the Soil and Water Conservation and ADEQ and review that. they would not issue a permit until they see the plans. They could not get a permit until they complete the

plans and submit them. There was an element of risk, but at a situation that they had to move forward. They had a comfort level with the consultants that what they were doing is going to ultimately be resolved and they could move forward with the project.

TOWN CENTER: Annual report from the Town Center.

Ms. Denis Bemeneck, Town Center, presented their annual report for 2002 through July. Their income $143,792, with expenses of $206,160. They were 57% over what they had budgeted for the year on income. With expenses they were running at 19% under what their budgeted expenses were. Total events between September 1 and August 31 were 148, 37 of those were non-profit events. The average cost per square foot was 16.7 cents non-profit was 10 cents one of their goals has been to raise that bar and to operate in a more profitable zone. They had manage to raise their overall square footage cost to 24.1 cents and to keep their non-profit cost to 14.6 cents. They were no longer discounting events because people were purchasing prior to the opening of the town. They had all contracts that had been signed prior to the completion of the Town Center were done.

CONSENT

APPROVAL OF THE MINUTES

RODGERS WATER TANK: A resolution awarding the engineering services contract for tank painting to McClelland Engineering in the amount of $31,481.00. The project includes the second Rodgers tank and the City of Fayetteville's tank at Goshen; and approval of a project contingency.

RESOLUTION 141-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WATER MAIN REPLACEMENT: A resolution awarding the engineering services contract for the North College water main replacement, North Street to Maple Street, to McClelland Engineers in the amount of $28,894.00 and approval of a project contingency of $5,000.00.

RESOLUTION 142-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

GREGG AVE: A resolution awarding the engineering services contract for the Gregg Avenue water line relocation and improvements to Garver Engineers, Inc. in the lump sum amount of $135,950.00; approval of a project budget contingency in the amount of $20,000.00; and approval of a budget adjustment.

RESOLUTION 143-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICE GRANT: A resolution accepting the award of the Bulletproof Vests Partnership Grant for 50% of cost of vest up to $48,925.00 and award the bid for vests to the lowest bidder, Cruse Uniforms.

RESOLUTION 144-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

YVONNE RICHARDSON CENTER: A resolution approving a contract with Air Works to install an HVAC System in the Yvonne Richardson Community Center.

RESOLUTION 145-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TASK ORDER #13: A resolution approving Task Order #13 to McClelland Engineering Co. for design engineering and construction oversight of the new FBO hangar.

RESOLUTION 146-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Davis moved to approve the consent agenda. Alderman Santos seconded. The motion carried unanimously.

OLD BUSINESS

AUTOMATED CARTS: An ordinance establishing the rate structure and program parameters for an automated cart based on residential trash collection and disposal program. The ordinance was left on the second reading as amended at the September 3, 2002 meeting.

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.

Alderman Santos stated he had suggested for their excess trash events. With the cart they could not put more trash out, he suggested they issue four or six extra bags per year by allocating stickers and not charge extra. This will require the drive to get out of the truck and lift the bag from the ground into the cart, then use the automated arm to dump the cart. The stickers would be issued every year.

Mr. Dumas stated he thought it was a much more doable option than some of the others they had discussed.

Alderman Thiel asked how many bags they could have per sticker.

Mr. Dumas stated he thought it should be 33 gal bag, with a fifty pound limit.

Alderman Marr stated they had four pickups per ward and one for earth week.

Mr. Dumas stated there were seventeen clean ups per year.

Alderman Santos moved to amend to ordinance "b. additional bags on the collection day an additional bag not to exceed 35 gallons in capacity and 50 pounds weight, with an attached city permit stick may be left beside the cart and will be picked up. Each residential customer shall receive four free city permit stickers per year. Alderman Jordan seconded. The motion passed unanimously.

Alderman Jordan expressed concern that the rates for apartment residents was not fair.

Alderman Marr moved to pull out the apartment complex recycling cost per unit and the non recycling cost per unit for apartments from this particular ordinance at this time or to leave it at the rates they charge today. Alderman Jordan seconded.

Mr. Dumas stated for the financial health of the system, the apartments are a critical part of that, but since it would be some time next year before the apartment recycling program is in place. They would have time to develop a more appropriate fee schedule for that. There would be some additional costs when they start doing apartment recycling. They did need to move with the residential so that they could get on with the cart selection.

Mr. Stephen Pollard, an area resident, stated he was the manager for Maple Street apartments, which participated the city's pilot program for apartments. It would make sense to use the knowledge base that was out there. There were many communities around that had experience in this. A resource recovery infrastructure be implemented way before any attempt to collect recyclables is put in place. They had to get management on board with this. There were many issues involved and each apartment complex would have their own variables that they had to think about.

Mr. Gary Lowery, an area resident, stated the city had been braking State law for the past four or five years. The law required that trash be placed in a water tight container with a close fitting lid. The city had been allowing people to place just the purple bags out. They were also breaking their own city ordinances by doing so. He suggested that the city start picking up recyclables every other week. He suggested they get a larger container and only pick up every other week.

Mr. Steve Mansfield, an area resident, stated he owned Mansfield Properties. He was also a member of the board of directors of the Apartment Association. He stated many of the apartments had smaller household sizes than the standard single family home. The association thought that the single family portion of the ordinance was designed to reduce trash and to increase recycling. They were prorecycling, but they wanted to make sure that the recycling program was properly implemented. They would like to be part of the development of the program before it was implement and to be part of the solution. Requiring recycling could be a significant problem for some complexes. They were limited in site size. Some would lose limited parking spaces. He did not believe that it should be a requirement. They were also concerned about the amount of the increase. He wanted to make sure that it was fairly determined.

Upon roll call the motion carried unanimously.

Mayor Coody stated they should reconsider the rate increase that they past last week. The rates that had been original presented had been based on actual cost and the cost of service. The higher they raised the rates the more trash problems they were going to have.

Alderman Thiel stated they had gone to this amended rate because they had been debated for four to six weeks on the rates. This seemed to be the closes to a consensus. The original rates were the rates that some of the council had already given Mr. Dumas.

Alderman Marr stated he thought the amended rates had not be arbitrary, but he was going to go back to his original comments from two weeks ago. He thought they should look at this enterprise fund as a whole. Was the fund as a whole in deficit. They had been telling the citizens that they were going to this new system to save money on workman compensation and compensation. He would think that the average citizen would believe that the saving would be passed onto them rather than having a rate increase.

Alderman Jordan stated he would like to see a reduction of the 32 gallon rate to reward the people who do recycle.

Alderman Jordan moved to go back to the original rates. Alderman Santos seconded.

Alderman Bechard stated as a council they were responsible for balancing philosophical and the real data that was in their hands. The real data stated it cost the city $12.92 to handle 32 gallons. To go to a rate of $8.19 means that they were going to loose 58%, that was a 58% discount.

Mr. Mark Berry, an area resident and attorney for Roll-Off, stated they had been awarded the contract for Gravette. Each resident was being charged $6.50 per house. He thought that they needed to take a look at the cost. The believed they should use the same size container. He thought they should look at opening this up in the future.

Mr. Gary Lowery, an area resident, stated he did not understand why they had to charge so much when all the other cities around were charging so little.

Upon roll call the motion passed 5-3, Young, Bechard, and Davis voting nay.

In response to questions, Mr. Dumas stated when they distributed the carts where would be a location marked to show where the cart should be placed.

Alderman Thiel questioned the color of the carts.

Alderman Marr moved to purchase green carts. Alderman Thiel seconded. Upon roll call the motion carried unanimously.

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

ORDINANCE 4415 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-8.00: An ordinance approving rezoning request RZN 02-8.00 as submitted by Bob Hill of Nickle Hill Group on behalf of J.C. and Alma Nickell for property located at 867 N. College. The property is zoned R-O, Residential Office and contains approximately 0.29 acres. The request is to rezone to C-1, Neighborhood Commercial. The ordinance was left on the first reading at the September 3, 2002 meeting.

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.

Alderman Thiel stated she would not be able to approve the rezoning because she was concerned about the cars and the traffic impact to the area.

Alderman Jordan stated he thought the traffic problems would far out weigh any benefit. He was not in favor of it.

Alderman Davis stated he had asked the owners to discuss what they would like to have in there. This location had been vacant a long time.

Ms. Terry Saladman, an area resident, stated she was concerned about the traffic and bringing in an intense use. There was very little buffer from commercial to residential.

Mr. Bob Hill stated there were very few differences between a C-1 and an R-O zoning. C-1 allowed gas stations and retail. They were wanting to do commercial. All the other properties a long College were commercial.

Alderman Santos 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.

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

ORDINANCE FAILED.

RZN 02-23.00: An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was left on the first reading at the September 3, 2002 meeting.

Alderman Davis moved to table the ordinance. Alderman Santos seconded. Upon roll call the motion carried unanimously.

ORDINANCE WAS TABLED ON THE OCTOBER 1, 2002 MEETING.

RZN 02-24.00: An ordinance approving rezoning request RZN 02-24.00 as submitted by Phil Hagen of Crafton Tull and Associates on behalf of Don Nelms for property located west of I-540 and east of Hwy 112. The property is zoned A-1, Agricultural and contains approximately 27.81 acres. The request is to rezone to C-2, Thoroughfare Commercial. The ordinance was left on the second reading at the September 3, 2002 meeting.

Alderman Santos move 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.

Don Nelms, owner, stated he had purchased the property in order to add to the auto park. The new owners were going to bring a proposal forward to add to the auto park. At that time they were going to designate the center, north, for a nature easement and the northern part of it, approximately five acres, would be left C-2 in case there ever was a clover leaf built off the bypass. They did not have any intention of developing it now. They did not have any access to the property to the north. If he leased the property to the auto park, they were only going to use approximately four acres. Before they develop the property he was going to see that there would be a nature easement given.

Alderman Jordan asked if the lights from the auto park, would they affect the drive in.

Mr. Nelms stated the lights would be lower and further way then they are now. They has never been enough light contamination that they have ever had a problem. They did not have a problem. They would also leave the trees as a buffer.

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

Alderman Marr asked why he had brought forward the entire property rather than the two parcels he was planning on developing.

Mr. Nelms stated they wanted the versatility to design the whole project and he was also looking at it from a tax point of view. He was giving up quiet a bit of acreage that was

not delineated as wet lands. He would like to be able to take the tax advantage from it. C-2 had more value.

Alderman Marr stated they had no assurances that they would not use the property as commercial.

Mr. Conklin stated Mr. Nelms had met with staff and they had discussed using part of the property as an auto dealership and at the same time they had looked at their tree preservation ordinance. What has been developed is a plan to try to avoid wetland and to preserve the trees within a tree preservation area easement. They were incorporating the tree preservation area easement to save the trees. There was some guarantee there, if the plans were approved by the Planning Commission. He agreed with Marr that if the property was rezoned and Mr. Nelms walked away from the property that someone else could then develop. They had conditioned the project at Subdivision Committee. It has not been to Planning Commission yet.

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

ORDINANCE 4416 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-25.00: An ordinance approving rezoning request RZN 02-25.00 as submitted by Erin Rushing on behalf of Sage House, Inc. for property owned by the City of Fayetteville and located at 1033 Huntsville Road. The property is zoned R-1, Low Density Residential and contains approximately 4.22 acres. The request is to rezone to MF-12, Moderate Density Residential. The ordinance was left on the second reading at the September 3, 2002 meeting.

Alderman Davis moved to suspend the rules and move to third and final reading. Alderman Reynolds 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 4417 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PUBLIC TRANSIT AUTHORITY: An ordinance authorizing the City of Fayetteville to become a part of a Public Transit Authority to be known as the Ozark Transit Authority and confirming an interlocal agreement to be signed by the Mayor. The ordinance was left on the second reading at the September 3, 2002 meeting.

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

Mr. Williams read the ordinance.

Mr. Humphrey, Ozark Regional Transit, presented a report of the changes they had made. They had expanded the routes and hours to service citizen better. They had held a public meeting to discuss fares. The disabilities act required that they charge a fare. He had set the fare at a dollar per passenger. If they used a bus regularly, they could purchase monthly fare at a discount rate of $24 dollars per month. The rate for disabled and elderly is .50. Their ridership had increased from 65 passengers per day to 100 per day. That was a quick build of ridership.

Alderman Reynolds asked what was defined as a senior.

Mr. Humphrey replied 60 or older would be considered a senior.

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

ORDINANCE 4418 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW BUSINESS

TRAFFIC STUDY: A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,408.00; approval of an engineering contract contingency in the amount of $20,000.00 and approval of a budget adjustment.

Mr. Charles Swinger, Bucher, Willis, and Ratliff, presented an overview of the what the project would cover.

Mr. Swinger stated they would be developing a series of policy statements to help them manage the growth of the traffic. The development of the assessment would be how do they pay for the new improvements. The second, Smart Growth, was the timing and place to grow. The third, Traffic Calming, how do they protect new neighborhoods from traffic encroachment. The last one access management the quality of traffic movement and access that was needed. The second tool was help to them prioritize the improvements.

Alderman Reynolds stated he thought the State of Arkansas needed to be paying for this and not the city. Every problem that they had in this town was a State Highway. He did not believe that they had that many problems with city streets. He would rather take this money and buy a few loads of asphalt to put on city streets and let the highway department do this study. Once they did this study, what would they do with this. The State was not going to give them any money to do anything.

Alderman Marr stated advantage of this study would give them advantage of a future plan. He did not want this to be just a traffic management study. If they thought of it as transportation study, such as increased transit routes, improved sidewalks, trail systems. That was one concern that was missing. They were looking at this from just an automotive perspective and not a total transportation plan.

Mr. Swinger stated a lot of those elements would be covered in the smart growth section. They would not directly prepare a plan for a bike path, there would be some of those issues that they would address and implement them.

Mr. Frankenburger, an area resident, questioned how they were going to get the traffic out of the neighborhoods and where they would put that traffic.

Alderman Marr stated he was looking at transportation as a whole and wanted recommendations, like what areas would be good for a transit system. He would like to see that as a deliverable task. He wanted them to look at alternative transportation.

Alderman Young stated he was thinking about mass transit. What he would be looking for in a study would not be specific routes. He would look for what areas would be most effective for mass transit. They were working on a trails system. People were also interested in getting traffic out of the neighborhoods and where they were going to put it.

Mr. Swinger state they were talking about a level of detail. They would needed to refine the scope of the project.

Alderman Marr left the meeting.

Alderman Jordan moved to table. Alderman Thiel seconded. The motion carried unanimously.

ITEM WAS TABLED.

VA 02-6.00: An ordinance approving vacation request VA 02-6.00 as submitted by Brian Black of Black, Corley and Owens PA for property located at 1384 W. Showroom Drive, Fayetteville, Arkansas. The request is to vacate a portion of a utility easement containing 0.05 acres.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the second reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rules and move to the third and final reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. The ordinance passed unanimously.

ORDINANCE 4419 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RZN 02-26.00: An ordinance approving rezoning request RZN 02-26.00 as submitted Dave Jorgensen of Jorgensen & Associates on behalf of Chuck Calloway for property located at 1429 & 1430 Deerfield Way, containing 0.45 acres. The property is zoned R-O, Residential Office, the request is to rezone to R-1, Low Density Residential.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Bechard seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and move to the third and final reading. Alderman Bechard 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.

ORDIANNCE 4420 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 02-9.00 & 10.00: An ordinance approving vacation request VA 02-9.00 and 10.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Chuck Calloway for property located at 1429 and 1430 Deerfield Way which are lots 2 and 34 of Deerfield Subdivision. The request is to vacate two sections of utility easements.

Mr. Williams read the ordinance.

Alderman Santos moved to suspend the rule and move to the second reading. Alderman Jordan seconded. The motion carried unanimously.

Mr. Williams read the ordinance.

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.

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

ORDINANCE 4421 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SETBACK LINES: An ordinance establishing setback lines on such streets and highways as designated on the Master Street Plan and prohibiting the establishment of any new structures or other improvements within the setback lines.

Mr. Williams read the ordinance.

Mr. Conklin stated this was taking the current policy of the city and putting it into an ordinance.

LEFT ON THE FIRST READING.

MASTER STREET PLAN: A resolution amending the Master Street Plan to relocate the extension of Hollywood Avenue from 18th Street to Best Way Street.

Mr. Conklin stated the street bisected a piece of property that had the potential for a major development. The realignment would avoid a major creek crossing and would allow a development

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

RESOLUTION 147-02 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 10:40 p.m.

October 8, 2002

AGENDA SESSION
CITY COUNCIL
OCTOBER 15, 2002

ADDITIONAL INFORMATION:

1. **SOUTH HANGAR:** Missing pages for Item C. 7. pages 1-9.

CITY COUNCIL TOUR

HAY GROUP REPORT
Following Agenda Session

WARD 2 MEETING
7:00 p.m. in Room 111

Fayetteville Public Schools

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE
WWW.FAYAR.NET

October 14, 2002

To Whom It May Concern:

The Fayetteville Public School District is pleased to support Jim Lindsey in his efforts to develop the property west of West Campus Technical Center. It is our understanding that a multi-family unit property is proposed as well as a strip mall area adjacent to the school property.

Representatives from our school district have met with Mr. Lindsey to discuss the possibilities of future partnerships regarding the strip mall area. He was very receptive to the idea of working with us on several projects that would directly benefit the district and, specifically, the technical programs at West Campus.

There is a real possibility that this joint venture could benefit a far greater clientele. Currently the West Campus Child Care Center is serving as an infant/toddler program only. This program needs to be expanded to serve 3-5 year old children as well. The Center also serves as the training site for University of Arkansas interns in the fields of Sociology, Psychology and Family/Consumer Sciences as well as its current program of work with high school students from 18 school districts in Northwest Arkansas. After extensive discussions with Mr. Lindsey there is an exciting opportunity here for utilizing part of this property to benefit students, children, and the community as a whole. In addition, other technical programs at West Campus such as the horticulture, dental and culinary arts departments, have the potential to benefit from this partnership.

We appreciate the opportunity to support Jim Lindsey and his associates as they work to enhance our community and its people. We look forward to this venture and hope the City Council will join us in support of this project that has far reaching possibilities.

Sincerely,

Bobby C. New
Superintendent

BCN/pn

1000 WEST STONE STREET PO BOX 849 FAYETTEVILLE, ARKANSAS 72702 (501) 444-3000

Narry Krushiker

P O Box 7479,

Springdale, AR 72766

To:

Fayetteville City Council

Dear City Council members;

The following are some comments I would like to make to you so that a better-informed decision is made in determining the future use of land immediately north of Old Farmington road. East of I540 and Futrall Drive in Southwest Fayetteville.

In 1994 I built the Hampton Inn on Shiloh Drive. This location was chosen because of its proximity to University of Arkansas and the accessibility to and from 6th Street, the best way to the University.

In 1999, after much debate and opposition the Highway department went ahead and made Shiloh Drive and Futrall Drive one-way. This may have improved the traffic flow some, but it also did something else. It adversely affected the business at the hotels along Shiloh drive. If it had not been for the superior name recognition of Hampton Inns we would face some grim decisions today. Our guests as well as those of the other hotels are inconvenienced and if people are inconvenienced, they simply move on.

Such is the case with the Quality Inn on Shiloh Drive owned by the Mong family. This hotel is fairy new and managed well, but due to the inconvenience of ingress and egress the hotel has experienced a tremendous loss of revenue. The Mong family also owns some acreage fronting Shiloh Drive, which they put up for sale three years ago. To date they have not had a buyer although the price is very reasonable. My point here is that also the commercial viability on the vacant land along Shiloh Drive and Futrall Drive was adversely affected.

My decision to locate my next hotel project west of the old Westgate Shopping Center is very much swayed by the accessibility from both 6th Street and I 540. I had also considered the land across the highway on Futrall Drive north of 6th. Street, but due to the one way access I decided not to locate there. This particular location was once rumored to be home to a large Home Center, which never happened. Mr. Lindsey who owns this land presently had it for commercial development. He decided to sell it after the one-way was proposed and has yet to sell it.

Again when the one-way was put in, it took away the commercial viability of land along Shiloh and Futrall Drive. Please note that at first glance it seems like Old Farmington road, East of Futrall Drive would be the normal outlet to 6th. Street via Sang Avenue, but a closer look suggest otherwise especially when you account for the School zone and all the school buses and other school related traffic that congests it during the morning and evening hours.

I hope my comments will help you in making a better-informed decision for the future of Mr. Lindsey's property.

Yours Truly,

Narry Krushiker.
Krushiker Hospitality Grp Inc

QUALITY INN

October 4, 2002

CITY COUNCIL
CITY OF FAYETTEVILLE
113 MOUNTAIN ST.
FAYETTEVILLE, AR. 72701

RE: LINDSEY REZONIG AT FUTRALL RD.

COMMISSION MEMBERS:

PLEASE BE INFORMED OF MY APPROVAL OF THE LINDSEY PROPOSAL RETAINING 6.7 ACRES OF COMMERCIAL ZONE AND 18.3 ACRES OF MULTI-FAMILY.

I SPOKE WITH MR. KIM FUGITT REPRESENTING THE LINDSEY COMPANY OCTBER 2, 2002 AT WHICH TIME WE DISCUSSED THE REZONING AS WELL AS THE ADVERSE EFFECTS OF CHANGING SHILOH AND FUTRALL DRIVES TO ONE-WAY ONLY.

MY HUSBAND AND I BUILT OUR MOTEL CURRENTLY KNOWN AS THE QUALITY INN AT 529 S. SHILOH DR, IN 1996 AT WHICH TIME SHILOH DR. WAS TWO-WAY. IN 1999, SHILOH WAS CHANGED TO ONE-WAY ONLY. THIS CHANGE HAS HAD A VERY NEGATIVE EFFECT ON OUR BUSINESS. I HAVE EXTENSIVE FINANCIAL RECORDS TO PROVE THE EXTENT OF THE DAMAGES. IN FACT, THE DAMAGES WHERE SUCH THAT I WAS COUNCILED TO SUE THE CITY AND STATE BUT MY NATURE DOES NOT PERMIT THIS. I HAVE BEEN FORCED TO CHANGE THE NAME OF OUR MOTEL NOW TO A NATIONALLY KNOWN CHAIN SO THAT I CAN HAVE NATIONAL ADVERTISING TO OVERCOME THE LOSS IN REVENUES. OF COURSE, ALONG WITH THE NAME CHANGE HAS COME A SUBSTANTIAL FRANCHISE FEE I MUST PAY TO THE NATIONAL CHAIN.

THE ONE-WAY STREET MAKES IT VERY DIFFICULT FOR MY CLIENTS TO LOCATE OUR FACILITY. IF MY USERS COME FROM THE NORTH AND DO NOT HAVE PRIOR KNOWLEDGE OF OUR LOCATION, THEY EXIT AT SIXTH STREET, DRIVE WEST APPROXIMATELY ONE MILE TO THE WAL-MART, TURN BACK NORTH ON ONE-MILE RD., THEN EAST ON OLD FARMINGTON RD., THEN NORTH AGAIN ON A SERVICE DRIVE THAT I HAVE CONSTRUCTED. IF MY USERS COME FROM THE SOUTH, THEY EXIT AT HIWAY 62/SIXTH ST. TURN WEST TO ONE-MILE RD. AND AGAIN FOLLOW IT DOWN OLD FARMINGTON TO THE SERVICE ROAD TO OUR MOTEL. THIS FORCES OUR USERS TO WEAVE THROUGH RESIDENTIAL NEIGHBORHOODS WITH MANY OPPORTUNITIES FOR CONFUSION. IF ONE OF OUR USERS MISSES ONE TURN THEY CAN BECOME LOST AND VERY FRUSTRATED AND WE ARE IN A POTENTIAL POSITION TO LOSE CUSTOMERS CONTINUOUSLY.

MY HUSBAND AND I WOULD NOT HAVE INVESTED MUCH OF OUR FUTURE IN THIS LOCATION HAD WE KNOWN SHILOH DR. WAS GOING TO BE ONE-WAY.

October 8, 2002

SINCERELY,

SUE MONG, OWNER

Sue K. Mong

253 S. SHILOH DR • FAYETTEVILLE, AR. • 72701
PHONE: 479.444.9800 • FAX: 479.521.9006

SINES BODY SHOP, INC.

October 8, 2002

CITY COUNCIL
CITY OF FAYETTEVILLE
113 W. MOUNTAIN ST.
FAYETTEVILLE, AR. 72701

RE: REZONING ON OLD FARMINGTON RD. BY LINDSEY CO.

CITY COUNCIL MEMBERS,

PLEASE FIND THIS LETTER TO OFFICIALLY NOTE MY OPINIONS REGARDING THE PROPOSED REZONING OF THE APPROXIMATE 26 ACRES DIRECTLY TO THE NORTH OF SINES BODY SHOP, INC.

I MET WITH MR. KIM FUGITT REPRESENTING THE LINDSEY COMPANY WEDNESDAY OCTOBER 2, 2002 AT WHICH TIME I TOLD HIM THAT I HAD NO OPPOSITION TO THEIR PLAN OF 6.7 ACRES OF COMMERCIAL DIRECTLY NORTH OF MY PROPERTY AND 312 APARTMENT UNITS PROPOSED FOR THE REMAINING 18.3 ACRES TO THE NORTH.

AT THAT TIME I ALSO CONVEYED TO MR. FUGITT MY NEGATIVE FEELINGS AND EXPERIENCES REGARDING THE TRAFFIC SITUATION AT THIS LOCATION AFTER THE FRONTAGE ROAD WAS DETERMINED ONE WAY. IT IS DIFFICULT AT BEST FOR MY CUSTOMERS TO FIND THEIR WAY BACK TO WHERE THEY CAME FROM WITH THE ONE WAY TRAFFIC PATTERNS. PERSONNALLY, I HAVE BEEN ABLE TO FIND AN EASY WAY NORTH ON I-540 THROUGH THE USE OF MY AUTO STORAGE LOT BUT FOR THE GENERAL PUBLIC, THEY MUST GO EAST ON OLD FARMINGTON AND THEN THROUGH PARKING LOTS OR TO SANG STREET, THEN SOUTH TO SIXTH ST. AND FINALLY WEST TO I-540. AT MANY TIMES OF THE DAY, ESPECIALLY IN THE AFTERNOON WHEN SCHOOL IS LETTING OUT, THE SANG ST./SIXTH ST. INTERSECTION IS EXTREMELY BUSY AND DIFFICULT TO MANUVER.

RESPECTFULLY,

JIMMY DEEN,

OWNER, SINES BODY SHOP, INC.

NOCK DEVELOPMENT

October 12, 2002

CITY COUNCIL
CITY OF FAYETTEVILLE
113 W. MOUNTAIN
FAYETTEVILLE, AR. 72701

RE: LINDSEY PROPOSED REZONING AT OLD FARMINGTON RD AND FUTRALL DR.

DEAR ALDERMEN;

PLEASE BE INFORMED OF OUR RECOGNITION AND ACCEPTANCE OF THE AFOREMENTIONED REZONING.

AS DEVELOPERS, WE ALSO AGREE WITH THE OPINION THAT THE PROPERTY NORTH OF SIXTH STREET ALONG I-540 DOES NOT LEND ITSELF WELL TO COMMERCIAL DEVELOPMENT DUE TO THE ADVERSE EFFECTS OF THE ONE-WAY ACCESS ROADS THAT SERVE THAT AREA.

RESPECTFULLY,

JOHN NOCK,

NOCK DEVELOPMENT.

CC. 10/15/02
RZN 02-27.00

Brook Drive Project

The goal of this project is to create a nice county setting with upscale rental homes. Each of the existing units will be completely remodeled (exterior and interior). The fire damanged unit will be rebuilt, and 12 new upscale townhouses will be built. Professional landscape plans will be made for each individual group of units and an overall plan will be made for the entire 6 acres including a nice entry into the area. The landscaping will help to define each group of units and block the view of all of the other units.

Phase I

- The fire damaged duplex will be evaluated to determine if it should be totally torn down or if any of the existing structure is worth saving.
  - If it is determined that it must be torn down that work will begin.
  - If it is determined that the exterior structure is worth saving it will start being rebuilt (weather permitting)

- Landscaping, including a nice sign, will be completed for the entry.

Phase II

- The exterior plan for the first 4 duplexes (2 on each side of the road) will be completed (weather permitting).

  Exterior structures will be repaired & painted
  Lighting will be upgraded
  Driveways from the road to the carport will be improved
  Patios will be built
  The Patio area & part of the backyard will have a privacy fence built (this will eliminate junk being storaged around the buildings and in the carports)
  Roofs that need repaired or replaced will be completed
  New A/C units will be installed
  Professial landscape plan will be created & implemented to define each group of units

- The interior plan for the first 4 duplexes that are empty, will be completed

  Ceilings, walls, & woodwork will be painted
  Dishwashers will be installed
  Upscale Ceiling fans will be installed in the Living room & both bedrooms
  Upscale lighting will be installed in the bathroom, kitchen, etc.
  New mini-blinds & curtain rods (with curtains) will be installed
  Install New Carpeting, wood entries, & new tile in kitchen & bathrooms
  New countertops will be installed where necessary
  Appliances will be updated where necessary
  New heater units will be installed if necessary

- These steps will continue until all the duplexes' exterior & interiors are complete.

Phase III

- New 2 story townhouses will begin construction.

  Built in groups of 2-4, depending on the lot size
  Attractive 2-3 bedroom units with at least 2 bathrooms
  Upscale lighting, appliances, carpet, etc.
  Private patio & back yard area
  Attached 2 car garage per townhouse

Phase IV

- Landscaping will be completed for the entire 6 acres which will accomplish the goal of a nice country setting and keep the project from looking like a row of rental units.

Phase V

- Find new project

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **City Council**

FROM: **Kit Williams**, City Attorney

DATE: **October 8, 2002**

RE: **City Council Meeting of October 15, 2002: Resolutions**

Attached are your copies of the draft Resolutions I have prepared for Agenda items which did not already have ordinances or resolutions within your agenda packet.

The Resolutions are for the following Agenda items.

Consent Agenda

Item #	Subject	Price
2.	City-Wide Sidewalk Const.	$ 148,180.00
3.	Cleveland St. Const.	$1,090.270.00
4.	Cleveland St. Eng. Amd. #3	$ 71,301.69
5.	Gregg St. R-O-W Purchase	$ 36,000.00
6.	Old Missouri Eng. Amd. #2	$ 13,698.00
7.	Resolutions to either **ACCEPT** or to **REJECT** cash contribution in lieu of parkland for Skylar Place Addition	
8.	Resolution to accept cash contribution in lieu of parkland for Cornerstone Apartments Phase II	

NEW BUSINESS

6. Const. of FBO Hangar	$634,000.00
7. Construct/pave Exec. Hanger Comp.	$616,207.70

If anyone wishes to clarify, change or correct any Resolution, please call me (575-8313). Since there was public opposition to the Parks and Recreational Advisory Board's recommendation to require money rather than establish a neighborhood park, I have prepared Resolutions to either require the money or return this for further study to Parks and Rec.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH MOBLEY CONTRACTORS, INC. FOR CITY-WIDE SIDEWALKS AS NEEDED UP TO $148,180.00 PLUS A $20,000.00 TOTAL PROJECT CONTINGENCY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the construction contract attached as Exhibit A with Mobley Contractors, Inc. for city-wide sidewalk construction as needed up to $148,180.00 plus a $20,000.00 total project contingency.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT IN THE AMOUNT OF $1,090,270.00, PLUS A PROJECT CONTINGENCY OF $109,027.00 WITH TOWNSHIP BUILDERS, INC. FOR THE CLEVELAND STREET IMPROVEMENTS PROJECT 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 of the City of Fayetteville, Arkansas hereby approves the construction contract attached as Exhibit A with Township Builders, Inc. in the amount of $1,090,270.00, plus a project contingency of $109,027.00 for the Cleveland Street Improvements Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $532,181.00 attached as Exhibit B to fund this project.

PASSED and **APPROVED** this 15th day of October, 2002.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AMENDMENT #3 TO THE ENGINEERING CONTRACT WITH CRAFTON, TULL AND ASSOCIATES, INC. TO INCREASE THE SCOPE OF WORK AND THE ENGINEERING FEES IN THE AMOUNT OF $71,301.69 FOR THE CLEVELAND STREET IMPROVEMENT PROJECT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. to increase the scope of the engineering work and increase the engineering fees in the amount of $71,301.69 to provide additional periodic construction operation for the Cleveland Street Improvement Project.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: **DRAFT**

DAN COODY, Mayor

ATTEST:

By: _____

Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN OFFER AND ACCEPTANCE CONTRACT WITH ARKANSAS-MISSOURI RAILROAD COMPANY, INC. FOR THE PURCHASE OF 1.31 ACRES OF RAILROAD RIGHT-OF-WAY LOCATED ADJACENT TO GREGG AVENUE FOR A PRICE OF $36,000.00 AND A BUDGET ADJUSTMENT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the offer and Acceptance Contract attached as Exhibit A with the Arkansas-Missouri Railroad Company, Inc. for the purchase of 1.31 acres of railroad right-of-way located adjacent to Gregg Avenue for the price of $36,000.00 plus closing costs.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the budget adjustment attached as Exhibit B in the amount of $36,500.00 for the purchase of the railroad right-of-way.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____
DRAFT
DAN COUDY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE CONTRACT AMENDMENT #2 WITH GARVER ENGINEERS, INC. TO INCREASE THEIR FEES BY $13,698.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves contract amendment #2 with Garver Engineers, Inc. to increase their scope of work and corresponding fees by $13,698.00.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO **ACCEPT** THE RECOMMENDATION OF THE FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD TO REQUIRE A CASH CONTRIBUTION FOR THE PARK LAND DEDICATION REQUIREMENT FOR SKYLAR PLACE ADDITION

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the recommendation of the Fayetteville Parks and Recreation Advisory Board to require a cash contribution of $47,915.00 to satisfy the required park land dedication for Skylar Place Addition pursuant to the Unified Development Ordinance §166.03 K.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO **REJECT** THE RECOMMENDATION OF THE FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD TO REQUIRE A CASH CONTRIBUTION FOR THE PARK LAND DEDICATION REQUIREMENT FOR SKYLAR PLACE ADDITION AND TO RETURN THE PLAT TO THE PARKS AND RECREATIONAL ADVISORY BOARD FOR FURTHER STUDY

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby rejects the recommendation of the Fayetteville Parks and Recreation Advisory Board to require a cash contribution of $47,915.00 to satisfy the required park land dedication for Skylar Place Addition pursuant to the Unified Development Ordinance §166.03 K. and returns the plat to the Parks and Recreational Advisory Board for further study.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT THE RECOMMENDATION OF THE FAYETTEVILLE PARKS AND RECREATION ADVISORY BOARD TO ACCEPT A CASH CONTRIBUTION FOR THE PARK LAND DEDICATION REQUIREMENT FOR CORNERSTONE APARTMENTS PHASE II

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept a cash contribution of $40,000.00 to satisfy the required park land dedication for Cornerstone Apartments Phase II pursuant to the Unified Development Ordinance §166.03 K.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH CROSSLAND CONSTRUCTION, INC. TO CONSTRUCT THE FIXED BASE OPERATIONS HANGER IN THE AMOUNT OF $634,000.00 PLUS A CONTINGENCY OF 63,400.00, THE ACCEPTANCE OF A STATE DEPARTMENT OF AERONAUTICS GRANT IN THE AMOUNT OF $200,000.00 AND APPROVAL OF A BUDGET ADJUSTMENT IN THE AMOUNT OF $697,400.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a construction contract with Crossland Construction, Inc. to build the Fixed Base Operations Hangar in the amount of $634,000.00 plus a contingency of $63,400.00.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby accepts the State Department of Aeronautics grant in the amount of $200,000.00 to assist in the construction of this FBO Hanger.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $697,400.00 for the construction of the Fixed Base Operations Hanger.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

DRAFT

ATTEST:

By: _____
Heather Woodruff, City Clerk

DRAFT

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH TOMLINSON ASPHALT COMPANY, INC. IN THE AMOUNT OF $616,207.70 TO FURNISH ALL MATERIALS AND TO CONSTRUCT AND PAVE THE EXECUTIVE HANGER COMPLEX PROJECT

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the contract (attached as Exhibit A) with Tomlinson Asphalt Company, Inc. in the amount of $616,620.70, plus a contingency of $61,620.77 for the construction of the Executive Hanger Complex Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the budget adjust attached as Exhibit B.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____ DRAFT
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 15, 2002

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. **MOBLEY CONSTRUCTION:** A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Contractors for the "City-wide Sidewalk Construction" project.

3. **CLEVELAND STREET IMPROVEMENTS:** A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027.00; and the related budget adjustment.

4. **CLEVELAND STREET:** A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.69.

5. **RIGHT-OF-WAY PURCHASE:** A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.

6. **OLD MISSOURI ROAD:** A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.

7. **SKYLAR PLACE ADDITION:** A resolution to accept money in lieu as park land requirement of the Skylar Place Addition.

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

8. **CORNERSTONE APARTMENTS:** A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.

9. **LOPFI BENEFITS:** A resolution authorizing the transfer of the sworn officers of the Fayetteville Fire Department for LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003.

B. OLD BUSINESS

1. **RZN 02-23.00:** An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.

2. **TRAFFIC STUDY:** A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,408; approval of an engineering contract contingency in the amount of $20,000 and approval of a budget adjustment. The resolution was tabled at the September 17, 2002 and the October 1, 2002 meetings.

3. **RZN 02-27.00:** An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lenwyn Edens for property located southeast of Wedington Drive and Brooke Lane. The property is zoned A-1, Agricultural and contains approximately 6.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the first reading at the October 1, 2002 meeting.

C. NEW BUSINESS

1. **VA 02-8.00:** An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.

2. **RZN 02-28.00:** An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

3. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.

4. **BID QUOTATIONS:** An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.

5. **2002 MILLAGE:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002 fixing the rate thereof at 0.4 MILS for the Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

6. **FBO HANGAR:** A resolution approving a construction contract in the amount of $634,000.00 with Crossland Construction, Inc. for construction of FBO Hangar; a 10 % contingency and approval of a budget adjustment.

7. **SOUTH HANGAR APRON:** A resolution approving a construction contract in the amount $616,207.70 with Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex; a 10% contingency and approval of a budget adjustment.

8. **ARKANSAS GAME AND FISH:** A resolution expressing the City of Fayetteville's intent to provide approximately five acres to the Arkansas Game and Fish Commission for construction of a regional headquarters.

STAFF REVIEW FORM

MOBLEY CONST.
A. 2 Page 1

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

the Fayetteville City Council Meeting of: October 15, 2002

FROM:

Paul Libertini	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: 1. Approval of a resolution awarding the construction contract in the amount of $148,180.00 to Mobley Contractors, Inc. for the "City-wide Sidewalk Construction."

2. Approval of a project contingency of $20,000.00 for project needs including material testing, variations in final quantities, ...

COST TO CITY:

$168,180.00	$ 485,952.00	Sidewalk Improvements
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5814.00	$ 120,430.00	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02053.20	$ 365,522.00	Sales Tax Capital
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date: 9-30-02
Administrative Services Director — Date

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:

Accounting Manager — Date: 9/30/02
Internal Auditor — Date: 9/30/02
City Attorney — Date: 10/1/02
ADA Coordinator — Date
Purchasing Manager — Date: 10/2/02
Grant Coordinator — Date

STAFF RECOMMENDATION: Staff recommends approval of the contract and project contingency.

Division Head — Date: 9.30.02
Department Director — Date: 10-2-02
Administrative Services Director — Date: 10-2-02
Mayor — Date: 10/3/02

Cross Reference

New Item: Yes No

Previous Ord/Res#:

Orig. Contract Date

Orig. Contract Number

Staff Review Form - Page 2

Description City-wide Sidewalk Construction Contract Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701
Engineering Division

To: Dan Coody, Mayor
City Council

Thru: Greg Boettcher, Public Works Director
Staff Review

From: Jim Beavers, City Engineer *for Beavers*

Date: September 27, 2002

Re: City Council Meeting October 15, 2002
City wide Sidewalk – construction contract

Bids were publicly opened and read aloud at 2:00 p.m. Friday, September 27, 2002 at the City Administration Building for the City wide Sidewalk Construction contract, Bid 02-52.

The low bidder was Mobley Contractors' Inc. of Springdale, Arkansas.

Bid results are attached.

This City wide Sidewalk contract will provide for contracted concrete flat work on an as-needed basis initiated through formal work-orders issued by the City's Sidewalk Division. The City of Fayetteville's Sidewalk Division shall be responsible for all preparation and cleanup. The contractor shall be responsible for forming and placing the concrete. The Contract is an annual contract with allowances for renewal for two additional years. Enc:

Enclosures:

1. Bid tabulation
2. Contract

City wide sidewalk

Mobley

1	4 inch SW	30,000	3.41	102300
2	6 inch SW	6000	3.73	22380
3	6 inch AR	2000	4.25	8500
4	C&G	1000	15	15000
		sum		148180

Sweetser

1	4 inch SW	30,000	4.55	136500
2	6 inch SW	6000	5.25	31500
3	6 inch AR	2000	5.25	10500
4	C&G	1000	9	9000
		sum		187500

Township

1	4 inch SW	30,000	6.5	195000
2	6 inch SW	6000	7.5	45000
3	6 inch AR	2000	11.5	23000
4	C&G	1000	25	25000
		sum		288000

Turnkey

1	4 inch SW	30,000	4.5	135000
2	6 inch SW	6000	3.75	22500
3	6 inch AR	2000	9	18000
4	C&G	1000	16	16000
		sum		191500

APAC

1	4 inch SW	30,000	7.46	223800
2	6 inch SW	6000	8.79	52740
3	6 inch AR	2000	22.25	44500
4	C&G	1000	32.03	32030
		sum		353070

EWI

1	4 inch SW	30,000	26.54	796200
2	6 inch SW	6000	24.05	144300
3	6 inch AR	2000	26.88	53760
4	C&G	1000	106.8	106800
		sum		1101060

Engr estimate

1	4 inch SW	30,000	2.9	87000
2	6 inch SW	6000	3.65	21900
3	6 inch AR	2000	4	8000
4	C&G	1000	12	12000
		sum		128900
		+15% contingency		19035
		sum		147935

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of **October 15, 2002**

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of:
(1) The construction contract in the amount of $1,090,270.00, with Township Builders, Inc. for **Cleveland Street Improvements Project** (Hall to Leverett).
(2) A 10% Project Contingency in the amount of $109,027.00
(3) The related budget adjustment.
This is a CIP project scheduled for 2002 construction.

COST TO CITY:

$1,199,297.00	$768,339	Cleveland St. Improvements
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5809-00	$14,269	Capital Street Imprvts.
Account Number	Funds Used To Date	Program Name
01011-20	$754,070	Sales Tax
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Coordinator — Administrative Services Director

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

Accounting Manager — Date 9/27/02 — ADA Coordinator — Date

City Attorney — Date 9/27/02 — Internal Auditor — Date 9/27/02

Purchasing Officer — Date

STAFF RECOMMENDATION: Approval of the contract, contingency, and the related budget adjustment.

Division Head — Date 09.27.02

Department Director — Date 9-27-02

Administrative Services Director — Date 9-27-02

Mayor — Date 9/30/02

Cross Reference

New Item: **Yes X** **No**___

Prev Ord/Res #: _____

Orig Contract Date: _____

Orig Contract _____

Staff Review Form

Description/ Cleveland Street Impvts.
Project Name Construction Contract

Meeting Date 10-15-2002

Comments:

Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan Coody, Mayor
Greg Boettcher, PWD
Jim Beavers, City Engineer *for Beavers*

From: Sid Norbash, Staff Engineer *SN*

Date: September 26, 2002

Re: **Cleveland Street Improvements (Hall to Leverett)**
Award of Construction Contract

Background:
The above referenced project is a Capital Improvement Project which is scheduled for construction in 2002, as part of City's Streets Capital Improvement Program.

Scope:
The existing Cleveland Street will be improved with the installation of curb and gutter, drainage system and street reconstruction.

The limits of this project are Hall Ave. And Leverett, for a distance of 2000 feet.

Status:
Crafton,Tull & Associates, Inc. has designed this project. There were seven plan holders, and four contractors responded with official bids. Bids were received on September 25, 2002,, and the results are as follows:

Contractor	Total Bid
Township Builders, Inc.	$1,090,270.00
Jerry D. Sweetser, Inc.	$1,099,429.50
Mobley Contractors, Inc.	$1,237,966.89
APAC-Arkansas, Inc.	$1,433,868.40
Engineer's Estimate	**$1,065,040.35**

For additional information please refer to the attached bid tabulation sheet.

Recommendations:

Crafton, Tull & Associates has recommended to award the bid to the low bidder Township.

Staff is requesting the following approvals:

(1) Award of the contract to Township Builders, Inc. In the amount of $1,090,270.00.

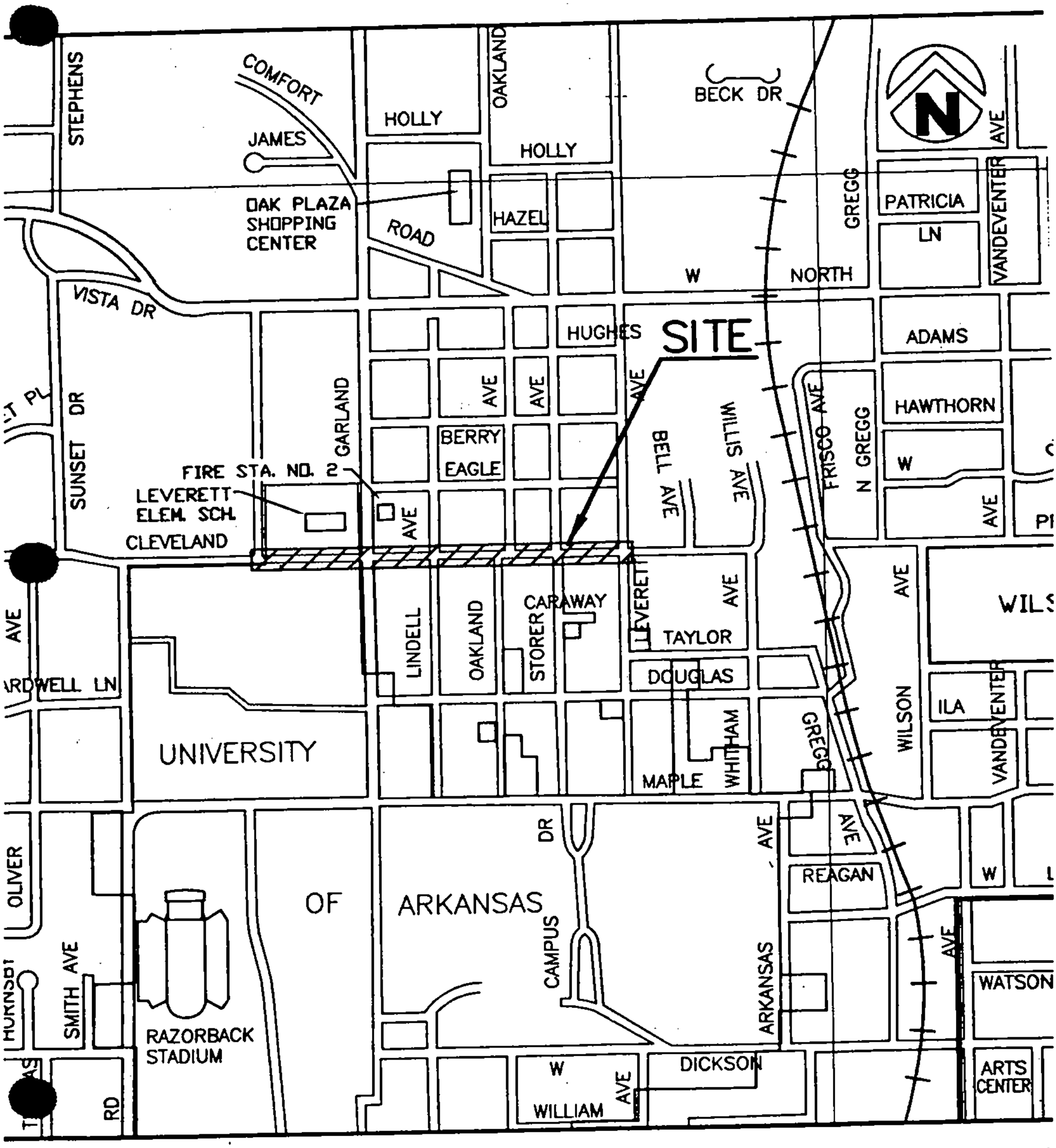
(2) A project contingency in the amount of $109,027.00

(3) Approval of the related budget adjustment.

Funding:

The CIP funding for this project uses Sales Tax fund. The project has had an overall funding of $768,339, and to date land acquisitions and Engineering and other expenses have been charged to this project, resulting a balance of $754,070, necessitating the attached budget adjustment.

SN/sn
attachments: Vicinity Map
Copy of Contract
Budget Adjustment
Bid Tabulation



VICINITY MAP

CONTRACT

THIS AGREEMENT, made and entered into the 15th day of October, 2002, by and between the City of Fayetteville, County of Washington, State of Arkansas, Party of the First Part, hereinafter called the Owner, and Township Builders, Inc., of the City of Little Rock, Arkansas, Party of the Second Part, hereinafter called the Contractor.

WITNESSETH THAT:

WHEREAS, the Owner has called for bids for Cleveland Street Improvements as set out in the Plans and Specifications and approved by the City of Fayetteville, Arkansas; and

WHEREAS, pursuant to the published calls for bids under said Plans and Specifications, the Contractor is the lowest and best qualified bidder for the construction of said Improvements;

NOW THEREFORE, the Contractor agrees with the Owner to commence and complete the construction of: Cleveland Street Bid No. 02-15 which shall be the portion of Cleveland Street between Hall and Leverett in Fayetteville, Arkansas; including all Work required for a complete and acceptable installation, for the unit and lump sum prices bid in the Bid Proposal, all of which become and are a part of this Contract, the total sum thus being

One Million Ninety Thousand Two Hundred Seventy and 00/100

dollars ($1,090,270.00), such sum being the agreed amount upon which bonds and liabilities are based, and at his own cost and expense furnish all materials, supplies, labor, machinery, equipment, tools, supervision, bonds, insurance and other accessories and services necessary to complete the said construction in accordance with the conditions and prices stated in the Bid attached hereto and made a part hereof, and in accordance with the Technical Specifications, the General Conditions, the Supplementary Conditions, and in accordance with the Plans, which include all maps, plats, blueprints, and other drawings, and written or printed explanatory matter thereof.

The Contractor agrees to commence work under this contract within ten days of the issuance of the Notice to Proceed and totally complete all work within Three Hundred (300) calendar days.

Copyright © 2002
Crafton Tull & Associates, Inc.

The Owner agrees to pay the Contractor in current funds for the performance of the contract in accordance with the accepted Bid therefor, subject to additions and deductions, as provided in the Specifications, and to make payment on account thereof as provided below.

As soon as is practicable after the first of each calendar month, and in accordance with the Contract Specifications, the Owner will make partial payments to the Contractor for work performed during the preceding calendar month, based upon the Engineer's estimate of work completed, said estimate being certified by the Contractor and accepted by the Owner. Retainage shall be withheld from the partial payments as provided by Arkansas state laws by the Owner until final completion and acceptance by the Owner and Engineer. The Engineer shall then issue a Final Estimate of work done based upon the original contract and subsequent changes made and agreed upon, it any.

Time is hereby expressly declared to be of the essence of this contract, and the time of beginning, manner of progress and time of completion of the work hereunder shall be and are essential conditions hereof.

The Contractor agrees to commence work within ten (10) calendar days from the date of the Notice to Proceed and to proceed with the construction of the work and to prosecute the work with an adequate force and in a manner so as to complete the work within the time stipulated herein. If the Contractor fails in completing the contract within the time stipulated herein, the Contractor agrees to pay the Owner, as **liquidated damages** the sum of five hundred dollars **($500.00) per day** for each calendar day of delay in completion, said amounts being fixed and agreed upon by and between the parties hereto. Because of the impracticability and extreme difficulty in fixing and ascertaining the actual damages Owner would in such event sustain, said amounts are to be presumed by the parties to this contract to be the amounts of damage Owner would sustain. Said amounts of liquidated damages shall be deductible from any amount due Contractor under the Final Estimate of said work, after the completion thereof, and Contractor shall be entitled any to the Final Estimate less such amounts of liquidated damages.

If the Contractor be delayed at any time in the progress of the work by any act or neglect of the Owner or of the Owner's employees, or by any other Contractor employed by the Owner, or by changes ordered in the work, or by strikes, lockouts, fire, unusual delay in transportation, unavoidable casualties or any causes beyond the Contractor's control, or by delay authorized by the

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Engineer pending arbitration, or by any cause which the Engineer shall decide to justify the delay, then the time of completion shall be extended for such reasonable time as the Engineer may decide.

No such extension shall be made for delay occurring more than seven days before claim therefor is made in writing to the Engineer. In the case of a continuing cause for delay, only one claim is necessary.

In the event the Contractor abandons the work hereunder or fails, neglects or refuses to continue the work after ten (10) days written notice, given Contractor by the Owner or by the Engineer, then the Owner shall have the option of 1) declaring this contract at an end, in which event the Owner shall not be liable to the Contractor for any work theretofore performed, or 2) requiring the surety hereto, upon ten (10) days notice, to complete and carry out the contract of Contractor; and in that event, should be surety fail, neglect or refuse to carry out said contract, 3) said Owner may complete the contract as its own expense and maintain an action against the Contractor and the surety hereto for the actual cost of same, together with any damages or other expense sustained or incurred by Owner in completing this contract, less the total amount provided for hereunder to be paid Contractor upon the completion of this contract.

This contract shall be binding upon the heirs, representatives, successors or assigns of the parties hereto, including the surety.

IN WITNESS WHEREOF, the Owner and Contractor have hereto set their hands and seals, respectively.

_____
Firm Name

By_____

_____

_____
Witnesses*

*If corporation, secretary should attest.

Attest:

CITY OF FAYETTEVILLE, ARKANSAS

_____
Dan Coody, Mayor

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Budget Adjustment Form

Budget Year	Department:	Division:	Program:	Date Requested	Adjustment Number
2002	Public Works	Engineering	Sales Tax Capital Improvements	10/15/2002	

Project or Item Requested:

$532,181 is requested in the Cleveland Street Improvements - Leverett to Hall capital project.

Project or Item Deleted:

$532,181 from the Kings Drive Reconstruction capital project.

Justification of this Increase:

The additional funds are needed to cover the cost of the construction contract which included additional drainage work than that was originally planned.

Justification of this Decrease:

The project is currently being studied for possible in-house work.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	532,181	01011	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	532,181	01016	1

Approval Signatures

Requested By	9-27-02 Date
Budget Manager	9.27.02 Date
Department Director	Date
Administrative Services Director	9-27.02 Date
Mayor	Date

Budget Office Use Only

Type: A B C (D) E

	Date	Initial
Date of Approval		
Posted to General Ledger		
Posted to Project Accounting		
Entered in Category Log		

Crafton, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

RECEIVED
SEP 25 2002
Hand del. Eng.

September 25, 2002

Mr. Sid Norbash, P.E.
City of Fayetteville Engineering
125 W. Mountain
Fayetteville, AR 72701

RE: Cleveland Street Improvements
CTA No. 98073.01

Dear Sid,

Bids received during the September 25, 2002 bid opening for the above referenced project are listed below. The bids were tabulated by our staff and were all found to be correct. A copy of the tabulation is attached for your use.

	TOTAL BID
Township Builders, Inc.	**$1,090,270.00**
Sweetser Construction	$1,099,429.50
Mobley Contractors, Inc.	$1,237,966.89
APAC-Arkansas, Inc.	$1,433,868.40
Engineer's Estimate	$1,065,040.35

We recommend acceptance of the low bid of $1,090,270.00 given by Township Builders, Inc. If you have any questions prior to the City Council Meeting, please call us at your convenience.

Sincerely,

CRAFTON, TULL & ASSOCIATES, INC.

Bill Burnett

Bill Burnett, P.E.

Enclosure (1)

F:\JOBFILES\98073-01\const\Corr\Bid Recommendation.doc

BID TABULATION

Job: Cleveland Street Improvement Project
Description: Cleveland Street Surfacing, Curb & Gutter, Storm Drainage, Sidewalks
Job No.:98073.01
Date: September 25, 2002

				Engineer Estimate		Township Builders, Inc.		Sweetser Const		Mobley Contractors		APAC	
ITEM NO.	DESCRIPTION OF ITEMS	UNIT	CONTRACT QUANTITY	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1.0	MOBILIZATION (NOT TO EXCEED 5% OF THE TOTAL CONTRACT PRICE	LS	1	$5,000.00	$5,000.00	$34,000.00	$34,000.00	$18,000.00	$18,000.00	$53,722.58	$53,722.58	$5,966.00	$5,966.00
2.0	CONSTRUCTION STAKING	LS	1	$15,000.00	$15,000.00	$10,000.00	$10,000.00	$15,000.00	$15,000.00	$25,947.27	$25,947.27	$29,360.00	$29,360.00
3.0	MAINTENANCE OF TRAFFIC	LS	1	$10,000.00	$10,000.00	$23,000.00	$23,000.00	$62,000.00	$62,000.00	$39,406.25	$39,406.25	$68,300.00	$68,300.00
4.0	TREE PROTECTION FENCING	LF	1,560	$10.00	$15,600.00	$4.00	$6,240.00	$5.00	$7,800.00	$1.68	$2,620.80	$3.40	$5,304.00
5.0	TRENCH SAFETY	LS	1	$10,000.00	$10,000.00	$3,000.00	$3,000.00	$5,000.00	$5,000.00	$1,050.00	$1,050.00	$10,600.00	$10,600.00
6.0	CLEARING & GRUBBING	LS	1	$20,000.00	$20,000.00	$10,000.00	$10,000.00	$15,000.00	$15,000.00	$26,000.00	$26,000.00	$21,800.00	$21,800.00
7.0	COMMON EXCAVATION	CY	9,600	$6.50	$62,400.00	$7.00	$67,200.00	$8.00	$76,800.00	$11.50	$110,400.00	$12.44	$119,424.00
8.0	ROCK EXCAVATION	CY	100	$50.00	$5,000.00	$40.00	$4,000.00	$200.00	$20,000.00	$23.61	$2,361.00	$65.00	$6,500.00
9.0	COMP. EMBANK. - IMPORTED HILLSIDE MATERIAL	CY	7,100	$8.50	$60,350.00	$13.00	$92,300.00	$8.00	$56,800.00	$15.08	$107,068.00	$13.17	$93,507.00
10.0	UNDERCUT & DISPOSAL	CY	100	$5.50	$550.00	$14.00	$1,400.00	$10.00	$1,000.00	$19.03	$1,903.00	$4.13	$413.00
11.0	7" ACHM BINDER COURSE TYPE 2 (3"+4" COURSES)	TN	3,060	$37.00	$113,220.00	$42.00	$128,520.00	$40.00	$122,400.00	$38.59	$118,085.40	$40.10	$122,706.00
12.0	2" ACHM SURFACE COURSE TYPE 2	TN	757	$42.00	$31,794.00	$42.00	$31,794.00	$42.00	$31,794.00	$40.01	$30,287.57	$43.35	$32,815.95
13.0	CONCRETE CURB & GUTTER	LF	4,128	$9.00	$37,152.00	$11.00	$45,408.00	$8.00	$33,024.00	$17.37	$71,703.36	$8.65	$35,707.20
14.0	6'x4" THICK CONC. SIDEWALK W/ 4" CL. 7 BASE	SY	1,623	$27.00	$43,821.00	$28.00	$45,444.00	$28.00	$45,444.00	$31.12	$50,507.76	$31.00	$50,313.00
15.0	6" THICK CONCRETE DRIVEWAY W/ 6" CL. 7 BASE	SY	843	$50.00	$42,150.00	$37.00	$31,191.00	$34.00	$28,662.00	$35.58	$29,993.94	$38.69	$32,615.67
16.0	18" RCP CLASS III	LF	935	$35.00	$32,725.00	$42.00	$39,270.00	$30.00	$28,050.00	$46.29	$43,281.15	$64.00	$59,840.00
17.0	18" RCP CLASS III W/ GRANULAR BACKFILL	LF	866	$45.00	$38,970.00	$48.00	$41,568.00	$38.00	$32,908.00	$51.01	$44,174.66	$94.35	$81,707.10
18.0	24" RCP CLASS III	LF	230	$45.00	$10,350.00	$53.00	$12,190.00	$45.00	$10,350.00	$53.56	$12,318.80	$65.50	$15,065.00
19.0	14" x 23" RCHEP W/ GRANULAR BACKFILL	LF	102	$50.00	$5,100.00	$67.00	$6,834.00	$65.00	$6,630.00	$68.76	$7,013.52	$96.00	$9,792.00
20.0	18" ALUMINIZED CMP	LF	355	$30.00	$10,650.00	$37.00	$13,135.00	$30.00	$10,650.00	$21.92	$7,781.60	$47.50	$16,862.50
21.0	24" RC FLARED END SECTION	EA	1	$850.00	$850.00	$600.00	$600.00	$500.00	$500.00	$488.83	$488.83	$530.00	$530.00
22.0	14" x 23" RCHE FLARED END SECTION	EA	1	$850.00	$850.00	$700.00	$700.00	$600.00	$600.00	$549.72	$549.72	$600.00	$600.00
23.0	TYPE A 4'x4' CURB INLET-STD. 5' DEPTH	EA	18	$2,000.00	$36,000.00	$1,700.00	$30,600.00	$1,600.00	$28,800.00	$1,827.94	$32,902.92	$3,625.00	$65,250.00
24.0	TYPE B 4'X4' CURB INLET W/ GRATE-STD. 5' DEPTH	EA	10	$2,500.00	$25,000.00	$3,000.00	$30,000.00	$2,500.00	$25,000.00	$3,475.35	$34,753.50	$5,100.00	$51,000.00
25.0	TYPE D CURB INLET W/ CAST IRON GRATE	EA	1	$3,000.00	$3,000.00	$2,000.00	$2,000.00	$2,500.00	$2,500.00	$4,318.72	$4,318.72	$5,600.00	$5,600.00
26.0	EXTRA INLET DEPTH	VF	25.2	$100.00	$2,520.00	$150.00	$3,780.00	$200.00	$5,040.00	$77.50	$1,953.00	$318.00	$8,013.60

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of **October 15, 2002**

FROM:

Sid Norbash	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED: Approval of the Amendment #3 to the engineering contract with **Crafton, Tull and Associates, Inc.**, for **Cleveland Street Improvements Project** (Hall to Leverett).

COST TO CITY:

$71,301.69	$768,339	Cleveland St. Imprvts.
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5809-00	$14,269	Capital Street Impvtes.
Account Number	Funds Used To Date	Program Name
01011-10	$754,070	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:** _____

Marsha Faulkner — Accounting Manager — Date 9/27/02
ADA Coordinator _____ Date ___

City Attorney — Date 9/27/02
Internal Auditor — Date 9/27/02

Purchasing Officer _____ Date ___

STAFF RECOMMENDATION: Approval of the amendment #3.

Jim Beavers — Division Head — Date 09.27.02
Department Director — Date 9-27-02
Administrative Services Director — Date 9.27.02
Mayor — Date 9/30/02

Cross Reference

New Item: **Yes**__ **No** X

Prev Ord/Res #: 42-98

Orig Contract Date: 4-7-98

Orig Contract # 637

Staff Review Form

Description/ Cleveland Street Impvts. Meeting Date 10-15-2002
Project Name Amendment #3

Comments: Reference Comments:

Budget Director

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Dan coody, Mayor
Greg Boettcher, PWD
Jim Beavers, City Engineer for Beavers

From: Sid Norbash, Staff Engineer sn

Date: September 27, 2002

Re: **Cleveland Street Improvements Project**
Amendment #3 to the Engineering Contract
With Crafton, Tull, and Associates, Inc.

The above referenced project has been designed by Crafton, Tull, and Associates, and the approval of the construction project is on this agenda.

This contarct amendment will allow Crafton, Tull & Associates to perform construction management to the completion of this project.

Staff is requesting approval of **Amendment #3**, in the amount of **$71,301.69**, to the original design and bid contract.

SN/sn
Attachments: Copy of Amendment #3

, Tull & Associates, Inc.
P.O. Box 549 Rogers, AR 72757 479.636.4838 Fax 479.631.6224 www.craftull.com

CONTRACT AMENDMENT #3

September 25, 2002

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

RE: Cleveland Street Improvement Project
CTA Job No. 98073.01

Dear Mr. Beavers:

In accordance with Section XIII of our Agreement for Engineering Services dated April 7, 1998, we request your consideration of an increase in the upper limit of compensation for our services per the City's request for our firm to provide Construction Phase Services. These services are described as follows:

Construction Phase Services:

The City of Fayetteville requires Crafton, Tull & Associates, Inc. to provide on-site daily construction observation for the Cleveland Street Improvement Project. Crafton, Tull & Associates, Inc. shall provide periodic construction observation to ensure compliance with the plans and specifications, monitor the progress and performance of the work, and review construction procedures in the field. It is estimated that 270 calendar days (180 workdays) will be required for the construction period of the project, from which the fee for engineering services during construction are estimated (6 hrs/day average). Should the Engineer's time to observe the construction project be lengthened significantly, the Engineer will be compensated for the construction observation services through an additional amendment to this Agreement. It is mutually understood and agreed that the Engineer will assist the Owner and the Contractor, but shall not be responsible for the manner, execution, or safety procedures of the Contractor's work. During construction, the Engineer will make minor revisions to the plans if needed and assist the contractor with technical questions. Upon completion of the construction project, the Engineer will provide Record drawings to the City in hard copy and electronic AutoCAD format.

The additional compensation for the work described above is detailed in the attached man-hour estimate and fee proposal. This Contract Amendment shall

not change the fees for Phases A, B, C, and E described in the Agreement for Engineering Services, Section XII. The requested compensation is summarized below:

Construction Phase Services – costs not to exceed	$62,467.77
Fixed Fee for Construction Phase Services	$ 8,833.92
Total Additional Amount Requested	$71,301.69

SUMMARY

Previous Total Contract Amount	$ 86,296.03
Additional Requested Amount	$ 71,301.69
New Total Contract Amount	$157,597.72

Based on the information contained herein, we respectfully request your consideration to increase the upper limit of our Agreement for Engineering Services. We trust that we have adequately documented this request, and should you have any questions or require any additional information, please contact us at your convenience.

Very Truly Yours,

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

Enclosure

IN WITNESS WHEREOF, the parties hereto have caused the original Agreement to be amended and duly executed as of the date and year first herein written.

CITY OF FAYETTEVILLE

ATTEST:

_____

Crafton, Tull & Associates, Inc.

Matt Crafton, P.E.
Chief Operating Officer

ATTEST:

Tom Hopper, P.E.
President

SCOPE OF SERVICES / MAN-HOUR ESTIMATE
CONSTRUCTION OBSERVATION & ENGINEERING DURING CONSTRUCTION
CLEVELAND STREET IMPROVEMENT PROJECT
FAYETTEVILLE, ARKANSAS
September 25, 2002

CONSTRUCTION OBSERVATION AND ENGINEERING SERVICES

This scope of services includes providing on-site daily construction observation for the Cleveland Street Improvement Project. Crafton, Tull & Associates, Inc. shall provide periodic construction observation to ensure compliance with the plans and specifications, monitor the progress and performance of the work, and review construction procedures in the field. It is estimated that 270 calendar days (180 workdays) will be required for the construction period of the project, from which the fee for engineering services during construction are estimated (6 hrs/day average). Should the Engineer's time to observe the construction project be lengthened significantly, the Engineer will be compensated for the construction observation services through an additional amendment to this Agreement. It is mutually understood and agreed that the Engineer will assist the Owner and the Contractor, but shall not be responsible for the manner, execution, or safety procedures of the Contractor's work.

During construction, the Engineer will make minor revisions to the plans if needed and assist the contractor with technical questions. Upon completion of the construction project, the Engineer will provide Record drawings to the City in hard copy and electronic AutoCAD format.

		Man-hour Estimate					
ID	TASK	ADMIN. ASST.	ENGR. TECH	CONST. INSPTR.	PROJ. ENGR.	PROJ. MGR.	TOTAL HOURS
1	On-Site Construction Inspection (180 days @ 6 hrs./day avg.)			1080			**1080**
2	Plan Revisions as Necessary		16		4		**20**
[illegible]	Record Drawings		16	8	4		**28**
[illegible]	Project Management	10		20	42	10	**82**
	Sub-Total CTA Construction Observation	**10**	**32**	**1108**	**50**	**10**	**1210**

SUMMARY OF MAN-HOURS & COMPUTATION OF DIRECT LABOR COSTS		UNITS	RATE	TOTAL
Administrative Assistant	10.0	Hours	$13.40	$134.00
Engineering Technician	32.0	Hours	$17.50	$560.00
Construction Inspector	1108.0	Hours	$17.60	$19,500.80
Project Engineer	50.0	Hours	$27.40	$1,370.00
Project Manager	10.0	Hours	$58.20	$582.00
Sub-Total Direct Labor	1210.0			$22,146.80
Overhead (165.92%)				$36,745.97
Fixed Fee				$8,833.92

COMPUTATION OF DIRECT EXPENSES		UNITS	RATE	TOTAL
Travel Mileage (180 days @ 50 miles/day)	9000	Miles	$0.325	$2,925.00
Plan Sheet Plotting	25	Sheets	$18.00	$450.00
Printing and Reproduction	100	Sheets	$2.00	$200.00
Sub-Total Direct Expenses				$3,575.00

TOTAL - Cleveland Street Construction Observation & Engineering During Construction	**$71,301.69**

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Ed Connell (Name) | Engineering (Division) | Public Works (Department)

ACTION REQUIRED: The passage of a resolution approving the Offer and Acceptance Contract between the City of Fayetteville and Arkansas-Missouri Railroad Company, a Virginia corporation, for the purchase of 1.31 acres of railroad right of way (25 ft. wide)located adjacent Gregg Avenue in the SE¼ of 4-16-30 and the NE¼ of 9-16-30, for a price of $36,000 plus associated closing costs where applicable. Such resolution shall include a Budget Adjustment for this purpose.

COST TO CITY:

$ 36,000 (Cost of this Request)	$ 155,950 (Category/Project Budget)	Gregg Ave. Water Line Replace. (Category/Project Name)
5400-5600-5808.00 (Account Number)	$ 155,950 (Funds Used To Date)	(Program Name)
02129-30 (Project Number)	$ 0 (Remaining Balance)	Water/Sewer (Fund)

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Manager | Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fulkerson 10/2/02 Accounting Manager Date
10/2/02 City Attorney Date
10/2/02 Purchasing Officer Date

GRANTING AGENCY: _____

Nancy Smith 10/2/02 Internal Auditor Date
ADA Coordinator Date

STAFF RECOMMENDATION: Staff recommends approval of the contract and purchase of the property for as such right of way is needed to install a 24" water line and Gregg Avenue already intrudes on about 60-70% of the subject right of way. This is a house keeping resolution to potential problem and provides an area to install the new water line. Included is a budget adjustment for this purpose.

Jim Beavers 10-01-02 Division Head Date
10-2-02 Department Director Date
10-2-02 Administrative Services Director Date
12/3/02 Mayor Date

Cross Reference

New Item: Yes X No ___

Prev Ord/Res #: _____

Orig Contract Date: _____

STAFF REVIEW FORM

Description Gregg Avenue Railroad ROW Purchase

Meeting Date October 15, 2002

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

DATE: September 26, 2002

TO: Fayetteville City Council
Dan Coody, Mayor

THRU: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer

FROM: Ed Connell, Land Agent

RE: Purchase of Railroad Right of Way
Poplar St. to Spruce St. along Gregg Ave.

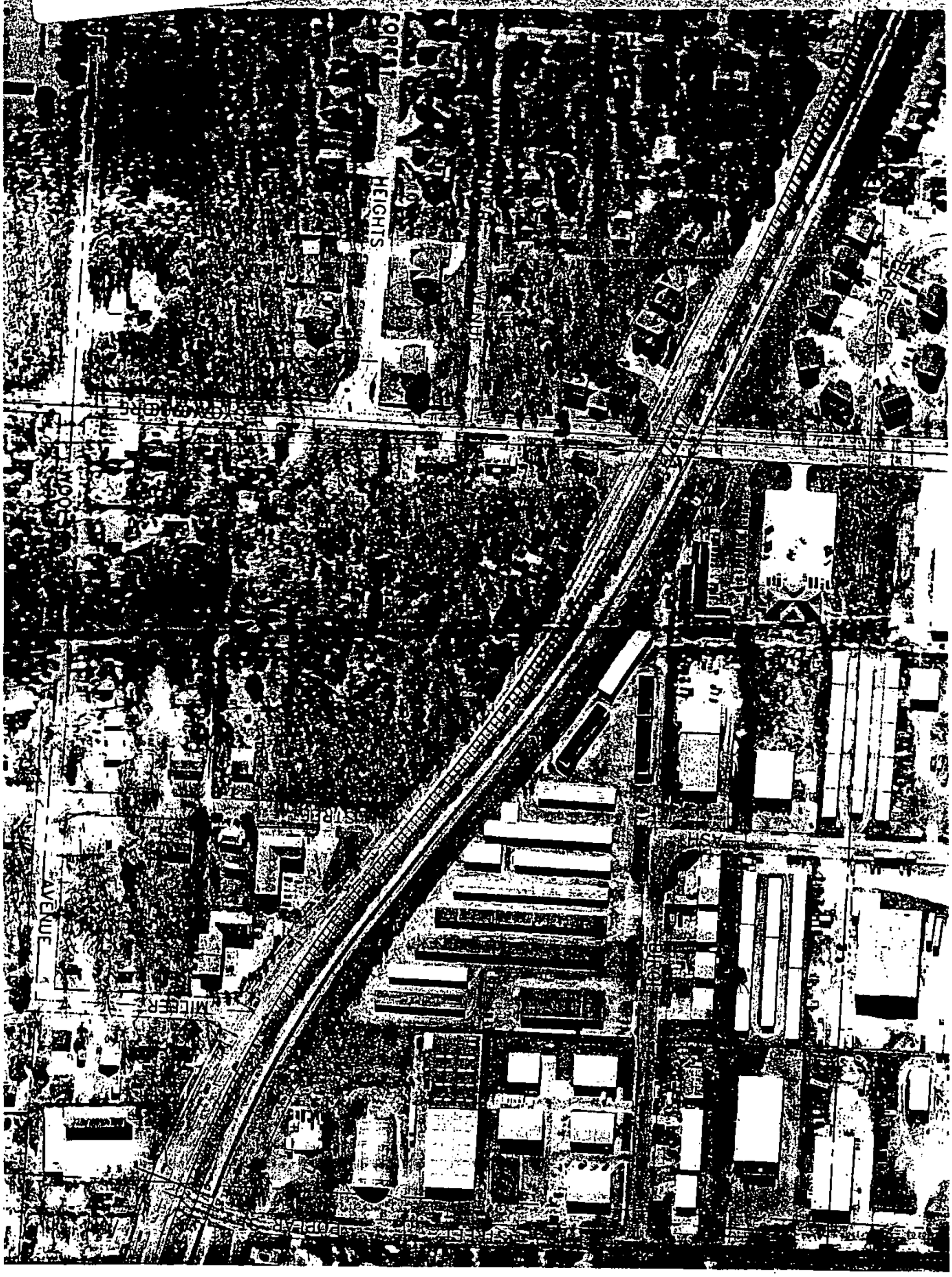
Earlier this year, the city purchased a 25 foot wide strip of Railroad right of way along Gregg Ave., from Poplar Street north to Van Ashe, to accomodate the expansions of Gregg Ave. north of Township Road. The City is now looking to run a new 24" water main from Van Ashe south to Sycamore St., along the West side of Gregg. Accordingly, the city needs to extend the acquisition of railroad right of way south to Sycamore in order to run this new line.

It has also been discovered that Gregg Avenue already encroaches into the railroad right of way as much as 20 feet between Poplar St. and Spruce Street (approx. 700 feet south of Sycamore). We have been unable to find any documentation which conveys this encroachment area to the city, thus it is in the city's interest to avoid potential problem areas by acquiring this additional land before control of the railroad is turned over to the new ownership, which will occur in about a month If one takes a rough estimate, it appears that about 60-70 percent of the 1.306 acres to be acquired is already under concrete pavement & curb of Gregg Ave.

The city paid $40,000 per acre for the acreage purchased earlier this year from A & M Railroad. Such acreage was originally appraised at $43,500.00 per acre. The City and A & M have a joint use agreement for the first 700 feet south of Poplar St. and part of this acquisition will involve the area covered by that agreement. A & M initially asked for $38,820 for an area of 1.294 acres, being the east 25 foot of RR ROW from Poplar St. to just south of Spruce St or 1.306 acres. For this we have negotiated a price of $36,000 or $27,565 per acre. Since our year old appraisal for just north of this land appraised for over $43,000, we believe this to be a good deal for the city, especially where we are encroaching on a major portion of what we are offering to purchase. As noted above, the secondary purpose for this acquisition is for the installation of a new 24" water line on the west side of Gregg Ave.. Easements cost the same as fee simple acquisition.

Your approval of this acquisition is recommended and appreciated. A copy of the executed Offer and Acceptance Agreement is attached for your reference. I will be glad to provide additional information if required.

R-O-W PURCHASE
A. 5 Page 4



Scale: 1" = 150'

Budget Year	Department:	Public Works	Date Requested	Adjustment #
2002	Division:	Water & Sewer Maintenance	10/15/2002	
	Program:	Capital Water Mains		

Project or Item Requested:

$36,500 is requested in Water & Sewer Fund to fund the purchase of 1.31 acres of railroad right-of-way for the Gregg Avenue waterline replacement/ improvement project.

Project or Item Deleted:

Funding proposed for this adjustment is from the Mt. Sequoyah Water/Sewer Improvements Project.

Justification of this Increase:

The item is requested for the needed water/sewer line replacement/upgrade for Gregg Avenue.

Justification of this Decrease:

The Mt. Sequoyah project will have approximately $1.5 million remaining after this adjustment.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	36,500	5400	5600		5808	00	02129	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Waterline Improvements	36,500	5400	5600		5808	00	01023	1

Approval Signatures

Requested By	Date
Budget Manager	Date 10-2-02
Department Director	Date
Services Director	Date 10-2-02
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\BUD_ADJ\BA_2002\GREGG_WL.WK4

OFFER AND ACCEPTANCE CONTRACT

1. The **City of Fayetteville, Arkansas**, a municipal corporation, hereinafter referred to as the Buyer, offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"

FOR PROPERTY DESCRIPTION

2. **Purchase Price**: Subject to the following conditions, the Buyer shall pay for the property at closing, the total and cash payment of **$36,000.00.**

3. **Contingent Earnest Money Deposit**: The Buyer herewith tenders a check for **$ 3,000.00** to **Arkansas and Missouri Railroad Company**, a Virginia corporation, hereinafter referred to as the Seller, as earnest money, which shall apply on the purchase price. This offer of purchase is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to the Buyer by the Seller. If title requirements are not fulfilled or the Seller fails to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the Buyer. If the Buyer fails to fulfill his obligations under this contract or after all conditions have been met, the Buyer fails to close this transaction, the earnest money may, at the option of the Seller, become liquidated damages to the Seller. Alternatively, the Seller may assert legal or equitable rights which it may have because of breach of this contract.

4. Conveyance will be made to the Buyer by Quit Claim Deed, therein conveying any and all rights of the Seller on an as-is basis, except it shall be subject to recorded instruments, easements, leases and rights of way, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the Seller.

5. The Seller shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the Buyer. The cost of such title insurance shall be borne by the Seller.

6. Seller agrees to allow Buyer, if Buyer so desires, at Buyer's expense, to survey the property. Seller agrees to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

7. Taxes and special assessments due on or before closing shall be paid by the Seller. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of the closing date.

8. The closing date is designated to be within **Thirty (30)** days after approval of this Contract by the Fayetteville City Council. This Contract will submitted to the Fayetteville City Council for approval within three weeks of the date of Seller signature.

9. Possession of the property shall be delivered to the Buyer on the date of closing.

10. Seller hereby grants permission for the Buyer or its employees or designates to enter the above described property for the purpose of inspection and/or surveying.

11. All fixtures, improvements and attached equipment are included in the purchase price.

12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the Seller.

13. Seller shall disclose to Buyer any and all environmental hazards of which Seller has actual knowledge. Buyer shall accept property described in Exhibit "A" on an "as-is" basis.

14. This agreement shall be governed by the laws of the State of Arkansas.

15. This agreement, when executed by both the Buyer and the Seller shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

16. Seller asserts and Buyer hereby acknowledges that this offer is also expressly contingent upon the assurance by Buyer that, after conveyance of the property, said property will not be altered in any manner which would affect or otherwise compromise the operation of the Seller's railroad upon the existing rail line, resulting from, but not limited to, changes in drainage, alignment of the existing rail line, or otherwise, and further, that if any such changes or alterations be made by Buyer after conveyance of the property which does so affect or otherwise compromise the operation of the Seller's railroad, then Buyer shall be responsible for any and all costs associated with correcting said alterations so that the operation of Seller's railroad may be conducted in such a manner as existed prior to the sale of the property described herein.

.CCEPTANCE CONTRACT

17. This contract expires, if not accepted by the Seller, on or before the ~~3rd~~ 8th EDC-City day of **October, 2002.**

18. **NOTICE:** **BUYER ASSERTS AND SELLER HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS OFFER OF PURCHASE BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO BUYER OF THE $3,000.00 EARNEST MONEY DEPOSIT.**

SELLER:

Arkansas and Missouri Railroad Company

BY:

G. Brent McCready, President

Date: 10/2/02

WITNESS:

Date: 10/2/02

BUYER:

City of Fayetteville, Arkansas,
a municipal corporation

Dan Coody, Mayor

Date: 9/26/02

Heather Woodruff, City Clerk

Date: 9/26/02

EXHIBIT "A"
PROPERTY DESCRIPTION

Gregg Avenue Proposed Right of Way Acquisition (Poplar St. to Spruce St.)

The East Twenty-five (25) feet of the Arkansas and Missouri Railroad Company Main line 100 foot wide right of way across the W½-SE¼ of Section 4 and a portion of the NW¼ of the NE¼ of Section 9, all in Township16 North, Range 30 West, being more particularly described as follows: Commencing at the Southeast corner of the NW¼-NE¼ of said Section 9 and running North along the east line thereof a distance of 1363 feet; thence West a distance of 272 feet, more or less to a point which is 50 feet East of the centerline of the Railroad Company's Main track and the Point of Beginning; thence continuing westerly a distance of 25.0 feet; thence running southwesterly, parallel with said Railroad Company's Main track centerline and 25 feet east thereof , a distance of 2,275.04 feet; thence in a southeasterly direction, being perpendicular to said railroad track centerline a distance of 25 feet; thence in a northeasterly direction, being parallel with and 50 feet east of said Railroad Company's Main track centerline, to the Point of Beginning, containing 56,876.00 square feet (1.306 acres), more or less, subject to easements, leases and rights of way of record.

SIGNED FOR IDENTIFICATION:

SELLER:

Arkansas and Missouri Railroad Company
BY:

G. Brent McCready, President

BUYER:

The City of Fayetteville, Arkansas,
a municipal corporation

BY:

Dan Coody, Mayor

OFFER AND ACCEPTANCE CONTRACT

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Heather Woodruff**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they are the **Mayor** and **City Clerk** of the **City of Fayetteville, Arkansas, a municipal corporation**, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said municipal corporation, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 26th day of SEPTEMBER, 2002.

Edward D. Connell
Notary Public

MY COMMISSION EXPIRES:
05-01-2010

EDWARD D. CONNELL
Washington County
My Commission Expires
May 1, 2010

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **G. Brent McCready and** Jerome P. Lipka, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that **they are the President and** Secretary, and are duly authorized to execute the foregoing instrument for and in the name and behalf of the Arkansas and Missouri Railroad Company, a Virginia corporation, and further stated and acknowledged that **they** had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 2nd day of October, 2002.

Maria Andreadis
Notary Public

MY COMMISSION EXPIRES:
7/15/2008

"OFFICIAL SEAL"
Maria Andreadis
Notary Public, State of Arkansas
County of Washington
My Commission Exp. 07/15/2008

STAFF REVIEW FORM

x AGENDA REQUEST
x CONTRACT REVIEW (amendment)
___ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Jim Beavers	Engineering	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of engineering contract amendment number two with Garver Engineers, Inc in the amount of $13,698.00 to the existing engineering services contract for design and construction management for the Old Missouri Road project.

COST TO CITY:

$ 13,698	$1,957,369	Old Missouri Rd
Cost of this Request	Category/Project Budget 2002	Category/Project Name
4470-9470-5809.00	$196,860	Street Improvements
Account Number	Funds Used To Date 2002	Program Name
00050-0010	$1,760,509	Sales Tax
Project Number	Remaining Balance 2002	Fund

BUDGET REVIEW: x Budgeted Item ___ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

Emma Sadlig for Marsha Fastking 9/24/02
Accounting Manager Date

D. J. Whitaker 9/24/02
City Attorney Date

P Vice 9/25/02
Purchasing Officer Date

GRANTING AGENCY:

Nancy Smith 9/24/02
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 09-24-02
Division Head Date

Cross Reference

9-24-02
Department Director Date

New Item: Yes___ No _x

9-25-02
Administrative Services Director Date

Prev Ord/Res #: 19-01 and 109-01

Ken Cooley 9/26/02
Mayor Date

Orig Contract Date: February 20, 2001

Orig Contract No: 792

STAFF REVIEW FORM

Description Old Missouri Road, Engineering services contract amendment two with Garver Engineers

Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701
Engineering Division

To: Dan Coody, Mayor
City Council

Thru: Greg Boettcher, Public Works Director
Staff Review

From: Jim Beavers, City Engineer *Jim Beavers*

Date: September 23, 2002

Re: City Council Meeting October 15, 2002.
Old Missouri Road, Rolling Hills Drive to Sweetbriar.
Proposed amendment number 2 to the engineering services contract with Garver Engineers.

Please find enclosed the proposed engineering services contract amendment number two with Garver Engineers in the amount of $13,698.00 for additional design services and increased rates applicable to bidding and construction engineering services.

Additional design services for scope changes : $7,450.00. Generally due to scope changes with relocation and connecting the Wilson's Drive.

Additional costs for bidding and construction engineering services: $6,248.00. Generally due to the one year project delay which was due in part to the City's consideration of additional options and the delay in right-of-way acquisition.

Please refer to the attached letter amendment from Garver Engineers for specific details.

Contract summary to date:

The City Council approved the original engineering services contract with Garver Engineers on February 20, 2001 in the amount of $256,420.00 for design, bidding and construction engineering services. (Design $132,395.00; easement preparation $15,591.00; bidding $5,667.00; construction management/inspection $98,467.00.)

Amendment number one was approved by the City Council August 21, 2001 in the amount of $24,947.00 for additional design options and cost estimates requested by the City's Street Committee.

Project Status:

The design is significantly complete. The requested additional work will complete the design and allow the City to advertisement the project for bids subsequent to final right-of-way acquisition.

Enclosure: Four originals, proposed contract amendment number two.

Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

479-527-9100
FAX 479-527-9101

www.garverinc.com

RECEIVED
SEP 2 4 2002
Eng.

GARVER|ENGINEERS

September 23, 2002

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

Re: Old Missouri Road Improvements
Professional Engineering Services Contract Amendment No. 2

Dear Jim:

In accordance with direction from you in our recent meetings, please consider this letter as our proposed Amendment No. 2 to our original engineering services contract for Old Missouri Road Improvements dated February 20, 2001. As you know, we have been directed by the City to accomplish some work on our Old Missouri Road Improvements project, under Design Phase Services, that is beyond our current scope of services. Our understanding of the additional work requested is as follows:

1. Prepare and submit three additional conceptual options for the Wilson's driveway with cost estimates for each and continued coordination with the Wilsons and the City.
2. Design preferred option for Wilson's driveway and incorporate into the construction plans and specifications. This will involve additional drainage evaluation (including revising the hydraulic model) and some structural design for a drainage structure, in addition to the general civil design and specification revisions.
3. Coordination with the Corps of Engineers and the City for 404 permit requirements beyond that required in our original contract.
4. Add provisions in plans and specifications for off-site water line extension along Farr Lane and south from Butterfield Meadows Subdivision. This will also include site investigations, design, and an on-site meeting with City staff.

Additionally, we are requesting an adjustment in the original "not to exceed" (NTE) fees for bidding and construction support services due to unanticipated delays to the project which are beyond our control. These delays have been caused by previous expansion of our scope of work, particularly during the Conceptual Phase, extended time period required for property acquisition, and other issues. When negotiating the original contract, we anticipated accomplishing bidding and construction support services beginning in the fall of 2001. We now anticipate those services will be accomplished approximately one year later under increased hourly rates, and therefore request a six percent increase in our bidding and construction support services fees to cover our additional costs.

In summary, we are requesting the following fee increases:

	Current NTE Amount	Proposed Increase in NTE Amount
Design Phase Services	$157,342	$7,450
Bidding Phase Services	$5,667	$340
Construction Phase Services	$98,467	$5,908

Please indicate your approval and authorization to proceed by signing in the space provided below. As always, we appreciate the opportunity to provide professional services to the City of Fayetteville and look forward to successful completion of this project. Please call me with any questions or comments. Thank you.

Sincerely,
GARVER ENGINEERS

Brock Hoskins, P.E.
Vice President/Project Manager

Approved: _____

Title: _____

Date: _____

Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

479-527-9100
FAX 479-527-9101

www.garverinc.com

RECEIVED
SEP 2 4 2002
Eng

GARVER|ENGINEERS

September 23, 2002

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City Engineer
City of Fayetteville
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Fayetteville, AR 72701

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Brock Hoskins, P.E.
Vice President/Project Manager

Approved: _____

Title: _____

Date: _____

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GARVER|ENGINEERS

September 23, 2002

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

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Sincerely,
GARVER ENGINEERS

Brock Hoskins, P.E.
Vice President/Project Manager

Approved: _____

Title: _____

Date: _____

Garver, Inc.
Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

479-527-9100
FAX 479-527-9101

www.garverinc.com

RECEIVED
SEP 2 4 2002
Eng.

GARVER|ENGINEERS

September 23, 2002

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

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Sincerely,
GARVER ENGINEERS

Brock Hoskins, P.E.
Vice President/Project Manager

Approved: _____

Title: _____

Date: _____

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Connie Edmonston	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED:
Resolution to waive Ordinance 3793 to accept money in lieu as the park land requirement of the Skylar Place Addition.

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 Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:
Resolution to Waive Ordinance 3793 to accept money in lieu as the park land dedication requirement of Skylar Place Addition.

Division Head	Date	Cross Reference
Department Director	9-25-02 Date	New Item: Yes No
Administrative Services Director	9-25-02 Date	Prev Ord/Res #: {Prev Ord/Res #}
Mayor	9/26 Date	Orig Contract Date: {Orig Contract Date}
		Orig Contract Number: {Contract #}

STAFF REVIEW FORM

Description Skylar Place Addition Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Eric J. Schuldt, Parks Development Coordinator

DATE: September 24, 2002

SUBJECT: Waiver of the Park Land Dedication Ordinance 3793

Background

Skylar Place Addition is a proposed large scale development located west of Sang Ave. and South of Deane Street. The owners are Sam Mathias and Bleaux Barnes and the engineering firm is Jorgensen & Associates. The development contains 119 multi-units and 7 single family units on 21.03 acres. The requirement for park land is 2.555 acres and money in lieu is $47,915. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

> *"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study."* (Unified Development Ordinance No. 166.03K)

Current Status

Parks and Recreation staff met with the engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board on September 9, 2002. See attached minutes.

Recommendation

The Parks and Recreation staff and Parks and Recreation Advisory Board recommend a money in lieu contribution for this development. The money in lieu contribution will be used for park improvements in the northwest park quadrant.

The developers of Skylar Place Addition have proposed to provide 2.17 acres of land for a neighborhood park. The majority of the proposed dedication is located in the 100 year flood plain. The proposed dedication also includes over 0.55 acres of detention facilities. The proposed park is divided into three partials, separated by two city streets. The conceptual loop trail plan has four street intersections and is approximately 0.15 miles in length. The Parks and Recreation Advisory Board and Park staff believe that the proposed land dedication will not meet the desires of the neighborhood due to the limited size, configuration and relationship to the detention ponds/flood plain. The Parks and Recreation Division is currently not accepting detention facilities for parkland purposes due maintenance issues and because the developer is responsible for drainage control. See attached plat.

From input at the public meeting, Park staff understands that the community is interested in having a neighborhood park in this area of town. Asbell Park, which is located across the street from the development, is used for many active sports and currently does not provide the neighborhood park amenities desired by the community. Park staff believes that Asbell Park will have opportunities in the future to provide a neighborhood park atmosphere. The Parks and Recreation Advisory Board and Park staff recommends working with the Fayetteville School System to add neighborhood park features to Asbell Park. After the public meeting, the neighbors agreed to create a list of priority park amenities for the Park staff to incorporate into future plans. If you have any questions, please call me at 444-3472 or Connie Edmonston at 444-3473.

Attachments:
Location Map
PRAB September 9, 2002 Meeting Minutes
Letter from Dave Jorgensen

MINUTES OF A MEETING

OF THE

PARKS AND RECREATION ADVISORY BOARD

September 9, 2002

The regular meeting of the Fayetteville Parks and Recreation Advisory Board was called to order at 5:30 p.m. in front of Asbell Elementary School, 1500 N. Sang Avenue, Fayetteville, Arkansas by Chairman Colwell.

PRESENT: Parks and Recreation Advisory Board members Mauritson, Eads, Colwell, Cook, Hill, Marley, and Pawlik-Holmes; City Staff Earnest, Edmonston, Gulley, Hatfield, Schuldt, Nelson, Wright and Audience.

ABSENT: Shoulders

AGENDA

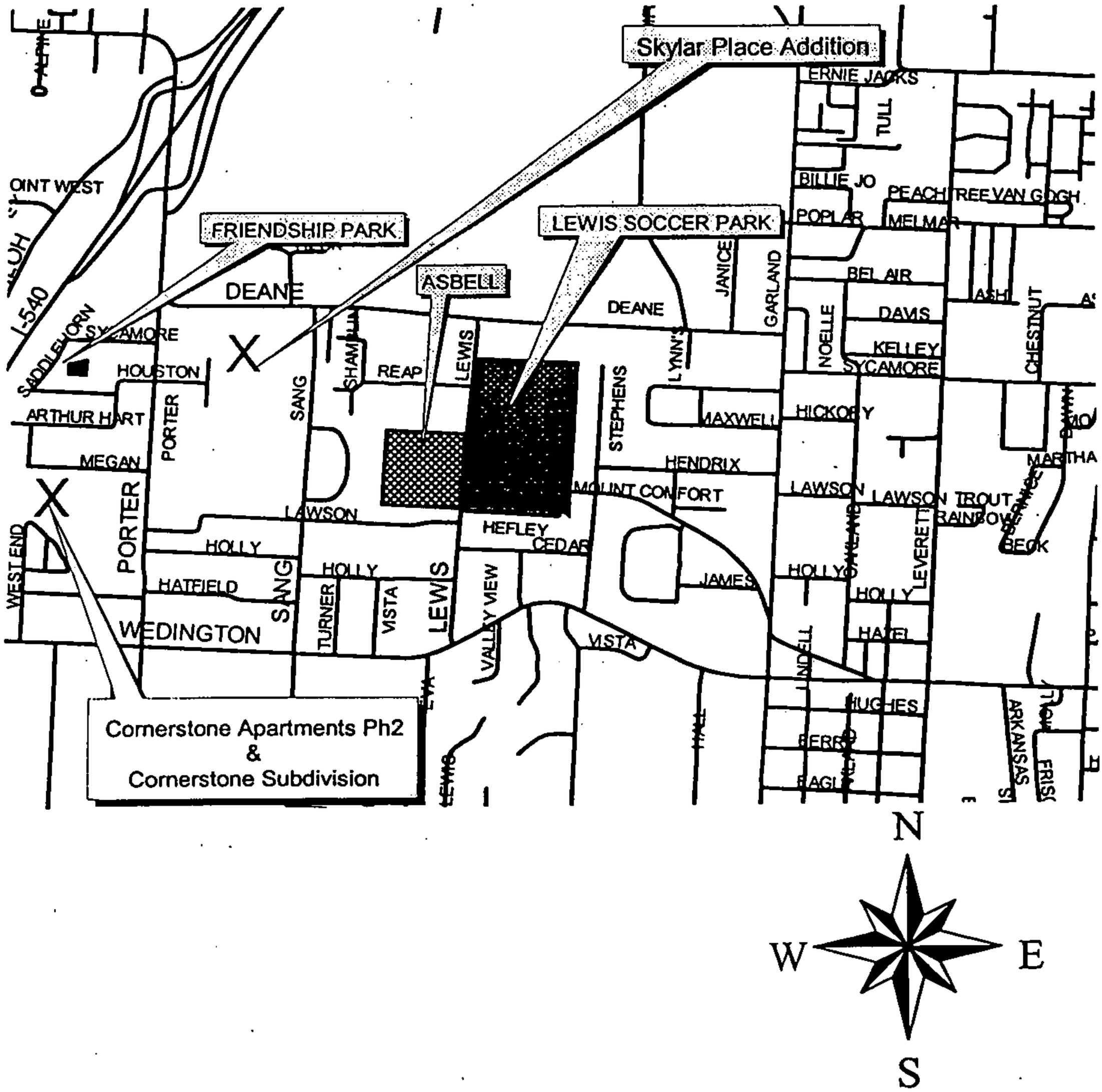
I. Park Land Dedication Ordinance

Development Name:	**Skylar Place Addition**
Engineer:	Jorgensen & Associates, Dave Jorgensen
Owner:	Sam Mathias & Bleaux Barnes
Location:	South of Deane Street, West of Sang Avenue, East of I-540
Park District:	NW
Units:	7 Single Family Units 119 Multi Units
Total Acres:	21.03 acres
Land Dedication Requirement:	2.555 acres
Money in Lieu Requirement:	$47,915
Existing Parks and Acreage:	Asbell Park (10 acres), Lewis Soccer Complex (27 acres), Friendship Park (0.378 acres)
Staff Recommendation:	Money in Lieu of Land

1) This development is in close proximity to Asbell, Lewis, and Friendship Parks.
2) Due to drainage problems in this area, a park in this location is not advisable.

Neighborhood Association President, Richard Maynard, expressed a need for a recreational park in the area and questioned the use of park fees which had been obtained from other developments in the area. Sarah Cox drives her children to Wilson, Gulley, or Davis Parks. Although she lives within walking distance of Asbell Park, Ms. Cox said Asbell is not family-friendly and unattractive. Barbara Fitzpatrick echoed that sentiment. She said there was no place within walking distance to

Skylar Place Addition
Cornerstone Subdivision
Cornerstone Apartments Ph 2



JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
THOMAS HENNELLY, P.E.
CHRISTOPHER B. BRACKETT, P.E.

8/27/02

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Att: Parks Dept
Re: Skyler Place Subdivision

As you know, we have submitted Skyler Place for consideration by the Parks Staff for parks dedication. The owner/developer will be dedicating 2.17 Acres of greenspace which includes the detention pond area. The owner would like some of this to apply to parks dedication if possible. The total amount of unit on this project is 126. At 0.025 acres per unit the dedication requirement would be 3.15 acres.

If the Parks Board decided to accept money in lieu of land the owner does not have a problem with this.

The Asbell Neighborhood Association has requested that some of this money be dedicated to this greenspace area if possible.

We will attend the Parks meeting on Sept. 9 to work this out.

Thank you.

Sincerely;

David L. Jorgensen, P.E.

STAFF REVIEW FORM

XX AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Connie Edmonston	Parks & Recreation	Urban Development
Name	Division	Department

ACTION REQUIRED:
Resolution to waive Ordinance 3793 to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.

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 Manager Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: _____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:
Resolution to Waive Ordinance 3793 to accept money in lieu as the park land dedication requirement of Cornerstone Apartments Phase II.

Division Head	Date	Cross Reference
Hugh Earnest Department Director	9-25-02 Date	New Item: Yes No
Administrative Services Director	9-25-02 Date	Prev Ord/Res #: [Prev Ord/Res #]
Mayor Dan Coody	9/26/02 Date	Orig Contract Date: [Orig Contract Date]
		Orig Contract Number: [Contract #]

STAFF REVIEW FORM

Description Cornerstone Apartments Phase II_____ Meeting Date October 15, 2002

Comments:_____ Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Coody and City Council

THRU: Hugh Earnest, Urban Development Director

FROM: Eric J. Schuldt, Parks Development Coordinator

DATE: September 24, 2002

SUBJECT: Waiver of the Park Land Dedication Ordinance 3793

Background

Cornerstone Apartments Phase II is a proposed large scale development located west of Porter Road near the location of Cornerstone Apartments Phase I. The owner is Lindsey & Associates and the engineering firm is Jorgensen & Associates. The apartment complex contains 108 multi-family units on 11.94 acres. The requirement for park land is 2.16 acres and money in lieu is $40,500. The Park Land Dedication Ordinance states if a large scale development is over 40 acres or 100 units, the requirement is land.

> *"...However, if the Parks and Recreation Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to our ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks Board with instructions or further study."* (Unified Development Ordinance No. 166.03K)

Current Status

Parks and Recreation staff met with the engineering firm to evaluate the site. The development was presented to the Parks and Recreation Advisory Board on September 9, 2002. See attached minutes.

Recommendation

Parks and Recreation staff and Parks and Recreation Advisory Board recommend a money in lieu dedication for this development due to potential drainage problems in this area.

Attachments:
Location Map
PRAB September 9, 2002 Meeting Minutes
Letter from Dave Jorgensen

Existing Parks and Acreage:	Asbell Park (10 acres), Lewis Soccer Complex (27 acres), Friendship Park (0.378 acres)
Staff Recommendation:	Money in Lieu of Land

1) This development is close to the Lewis Soccer Complex and Friendship Park.
2) Due to drainage problems in this area, a park in this location is not advisable.

MOTION:

Mr. Hill moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Cornerstone Apartments Phase II.

Ms. Eads seconded the motion.

Upon roll call, the motion was approved unanimously 7-0-0.

Development Name:	**Cornerstone Subdivision**
Engineer:	Jorgensen & Associates, Dave Jorgensen
Owner:	Lindsey & Associates
Location:	East of I-540, North of Wedington Drive
Park District:	NW
Units:	9 Single Family
Total Acres:	3.40 acres
Land Dedication Requirement:	0.225 acres
Money in Lieu Requirement:	$4,230
Existing Parks and Acreage:	Asbell Park (10 acres), Lewis Soccer Complex (27 acres), Friendship Park (0.378 acres)
Staff Recommendation:	Money in Lieu of Land

1) This development is within a half mile of Asbell Park.
2) This development is close to the Lewis Soccer Complex and Friendship Park.
3) Due to drainage problems in this area, a park in this location is not advisable.

MOTION:

Mr. Hill moved to accept money in lieu of a land dedication to satisfy the park land dedication requirement for the proposed Cornerstone Subdivision.

Ms. Eads seconded the motion.

Upon roll call, the motion was approved unanimously 7-0-0.

II. Community Park Discussion

Community sports enthusiasts expressed a desire to develop a $15 million community park on land proposed for a business technology park. Larry Long said all the property should be used for a park. A conceptual plan was distributed illustrating community park potentials and benefits of a community park. Carl Totemeir said the park would improve the quality of life and improve the economic impact on the community. Park staff has been looking for a large parcel of land for a

JORGENSEN & ASSOCIATES
CIVIL ENGINEERS • SURVEYORS
124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (501) 442-9127 • FAX (501) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
THOMAS HENNELLY, P.E.
CHRISTOPHER R. BRACKETT, P.E.

8/27/02

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Att: Parks Dept
Re: Cornerstone Subdivision and Apartments

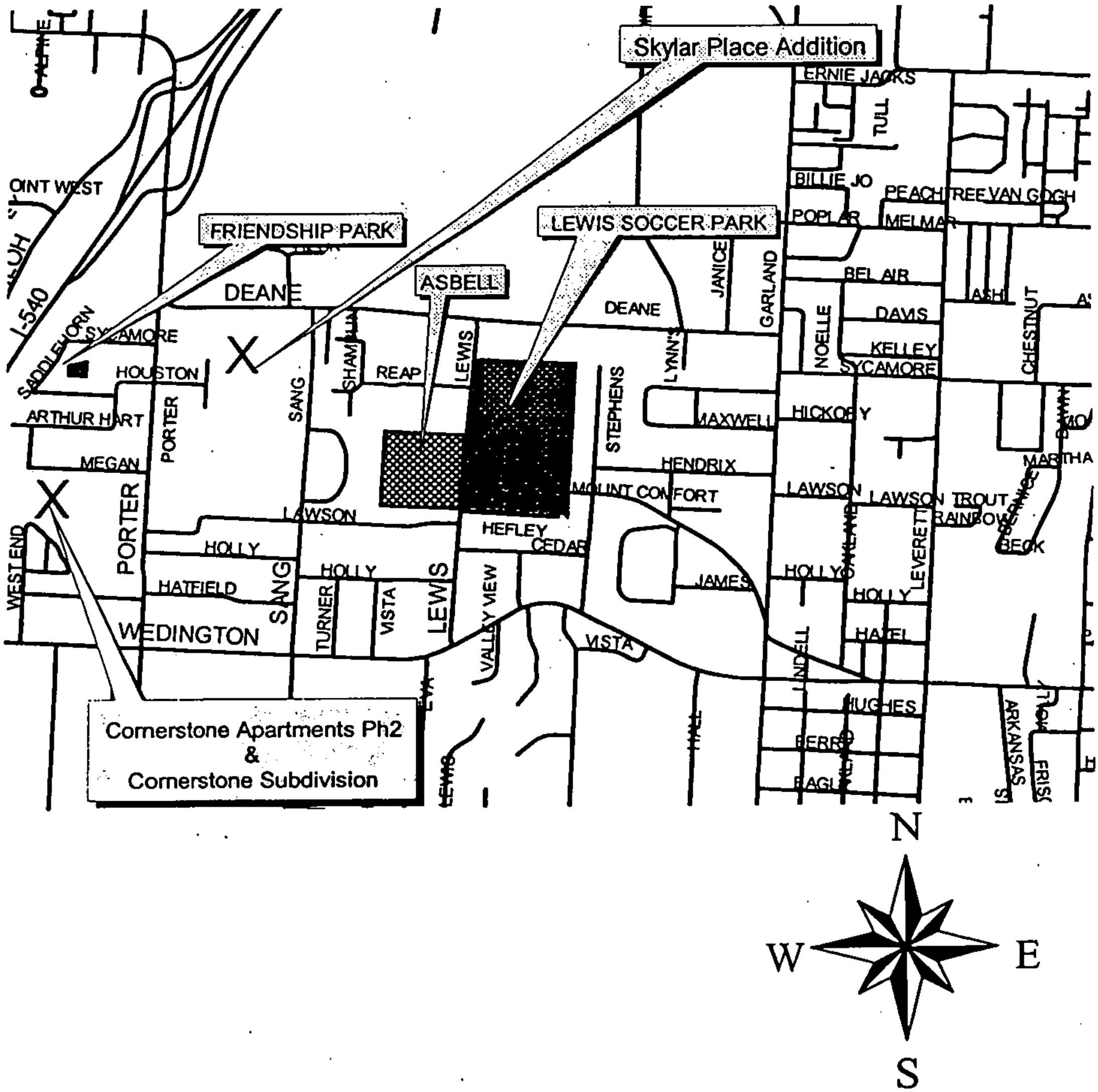
This is to confirm that the owner would like to give money in leau of land for parks dedication.

Thank you.

Sincerely:

David L. Jorgensen, P.E.

Skylar Place Addition
Cornerstone Subdivision
Cornerstone Apartments Ph 2



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TRANSFER OF THE SWORN OFFICERS OF THE FAYETTEVILLE FIRE DEPARTMENT FROM LOPFI BENEFIT PLAN #1 TO LOPFI BENEFIT PLAN #2, EFFECTIVE JANUARY 1, 2003

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

Section 1: That the City Council hereby authorizes the transfer of the sworn officers of the Fayetteville Fire Department from LOPFI Benefit Plan # 1 to LOPFI Benefit Plan # 2, effective January 1, 2003.

PASSED and APPROVED this 1st day of October, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
HEATHER WOODRUFF, City Clerk

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of October 1, 2002

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.

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	9-16-02 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on September 9, 2002 the Planning Commission voted 8-0-0 to recommend the vacation be approved by the City Council.

Division Head	9-13-02 Date	**Cross Reference**
Department Director	9-16-02 Date	New Item: **Yes** **No**
Administrative Services Director	Date	Prev Ord/Res#: _____
Mayor	9/17/02 Date	Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 02-8.00 TO VACATE AND ABANDON A PORTION OF UTILITY EASEMENT FOR PROPERTY LOCATED AT 485 VINSON AVENUE, CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE ATTACHED MAP AND LEGAL DESCRIPTION.

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described utility easement is not required for corporate purposes.

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

Section 1. That the City of Fayetteville, Arkansas hereby vacates and abandons all of its rights together with the rights of the public generally, in and to the following described utility easement:

See Exhibit "A" attached hereto and made a part hereof.

Section 2. That a copy of this Ordinance duly certified by the City Clerk shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

DRAFT

By_____
Dan Coody, Mayor

ATTEST:

DRAFT

By_____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Utility Easement Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, AICP
DATE: September 13, 2002

BACKGROUND

VAC 02-08 Vacation was submitted by Carole Jones of McClelland Consulting Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement. See the attached maps and legal descriptions for the exact locations of the requested easement vacation.

No objections from the adjacent property owners have been submitted to the City. The applicant has submitted the required notification forms to the utility companies and to the City.

CURRENT STATUS

Staff recommended approval and on September 9, 2002 the Planning Commission voted to recommend the vacation to the City Council.

RECOMMENDATION

Approval of the proposed utility easement vacation 02-08.00 subject to the following conditions:

1. Any relocation of existing utility lines and facilities will be at the property owner's expense.
2. Relocation of the water and sewer mains must be completed, inspected and approved by the City of Fayetteville staff prior to vacating the easement.

EXHIBIT "A"

A PART OF LOT 12 IN THE EAST MOUNTAIN ADDITION TO THE CITY OF FAYETTEVILLE AND A PART OF LOTS 1, 2 AND 3 OF MOUNTAIN VIEW ADDIITON TO THE CITY OF FAYETTEVILLE AND A PART OF MAPLE STREET AS VACATED BY THE CITY OF FAYETTEVILLE AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NE CORNER OF THE NW ¼ OF THE NE 1/4 OF SECTION 15, T-16N, R-30W, THENCE WEST 551.78 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF VINSON AVENUE, SAID POINT BEING THE NE CORNER OF SAID LOT 12 AS ORIGINALLY PLATTED, THENCE SOUTH 2°09'10"EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 7.07 FEET, THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 48°52'12"WEST – 18.66 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 20 FOOT UTILITY EASEMENT FOR THE POINT OF BEGINNING; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 86.95 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 43°50'11" WEST – 13.86 FEET TO A POINT ON THE CENTERLINE OF SAID EXISTING 20 FOOT EASEMENT; THENCE ALONG SAID CENTERLINE EAST – 36.01 FEET; THENCE LEAVING CENTERLINE NORTH – 5.00 FEET; THENCE EAST – 16.15 FEET; THENCE SOUTH 36°16'59"EAST – 4.96 FEET; THENCE EAST – 28.86 FEET; THENCE SOUTH 48°52'12"EAST – 16.72 FEET TO THE POINT OF BEGINNING, CONTAINING 979 SQUARE FEET, MORE OR LESS.

PC Meeting of September 9, 2002

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
113 W. Mountain St.
Fayetteville, AR 72701

Utility Easement Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner
FROM: Matt Casey, Staff Engineer
DATE: September 5, 2002

Project: **VAC 02-08: Vacation (Belden, pp 486)** was submitted by Carole Jones of McClelland Consulting Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement. See the attached maps and legal descriptions for the exact locations of the requested easement vacation.

No objections from the adjacent property owners have been submitted to the City.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

Ozarks Electric - No objections
Southwestern Electric Power Company - No objections
Arkansas Western Gas - No objections
SW Bell – No objections.
Cox Communications - No objections. "Any damage to or relocation of existing Cox facilities will be at owner's expense."

City of Fayetteville:
Water/Sewer – No objections. "Approval contingent upon completion of relocation of water and sewer mains as described on attached letter."
Street Department - No objections.
Solid Waste - No objections.
Engineering – No objections.

Recommendation: Approval of the proposed utility easement vacation 02-08.00 with the following conditions:

1. Any relocation of existing utility lines and facilities will be at the property owner's expense.
2. Relocation of the water and sewer mains must be completed, inspected and approved by the City of Fayetteville staff prior to vacating the easement.

PLANNING COMMISSION ACTION: __yes__ **Required**
_____ **Approved** _____ **Denied**

Date: _____

Comments:_____

_____

_____

_____

_____

_____

_____

_____

_____

CITY COUNCIL ACTION: __yes__ **Required**
_____ **Approved** _____ **Denied**

Date: ___/___/

PETITION

PETITION TO VACATE AN EASEMENT LOCATED IN LOT 12, EAST MOUNTAIN ADDITION AND LOTS 1, 2 AND 3, BLOCK 9, MOUNTAIN VIEW ADDITION, OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the easement hereinafter sought to be abandoned and vacated, lying in Lot 12, East Mountain Addition and Lots 1, 2, and 3, Block 9, Mountain View Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate an easement which is described as follows:

A part of Lot 12 in the East Mountain Addition to the City of Fayetteville and a part of Lots 1, 2 and 3 of the Mountain View Addition to the City of Fayetteville and a part of Maple Street as vacated by the City of Fayetteville as recorded in the records of the Circuit Clerk, Washington County, Arkansas, and being more particularly described as follows:

From the NE corner of the NW ¼ of the NE ¼ of Section 15, T-16-N, R-30-W, thence West 551.78 feet to a point on the West Right-of-Way line of Vinson Avenue, said point being the NE corner of said Lot 12 as originally platted, thence South 2°09'10" East along said Right-of-Way line a distance of 7.07 feet, thence leaving said Right-of-Way line North 48°52'12" West – 18.66 feet to a point on the South line of an existing 20 foot utility easement for the Point of Beginning; thence West along said South line a distance of 86.95 feet; thence leaving said South line North 43°50'11" West – 13.86 feet to a point on the centerline of said existing 20 foot easement; thence along said centerline East - 36.01 feet; thence leaving centerline North – 5.00 feet; thence East – 16.15 feet ; thence South 36°16'59" East – 4.96 feet; thence East – 28.86 feet; thence South 48°52'12" East – 16.72 feet to the Point of Beginning, containing 979 square feet, more or less (See attached drawing).

That the abutting real estate affected by said abandonment of the easement are Lot 12, East Mountain Addition and Lots 1, 2, and 3, Block 9, Mountain View Addition, City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described easement.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Date this 9th day of August, 2002.

Mr. Ted Belden
Printed name

Ted Belden
Signature

Printed name

Signature

EASEMENT VACATION REQUEST
MR. AND MRS. TED BELDEN
485 VINSON AVENUE
FAYETTEVILLE, ARKANSAS

In 2001, Mr. and Mrs. Ted Belden attempted to sell their house located at 485 Vinson Avenue. During the closing process, they found out that a portion of the house was located within a 20' utility easement running east/west along the northern side of their property. The easement contains a 6" sewer main, a 1-½" water main and a 6" high-pressure gas line. Additionally, the sewer line runs under the corner of the house, and the water line is approximately five feet from the corner of the house at the closest point (See attached drawing).

Per the City's request, the Owner hired a consulting engineer (McClelland Consulting Engineers, Inc.) to design the water and sewer line relocations. The design for said relocations has been completed. Approvals for the design have been obtained from the Arkansas Department of Health and the City of Fayetteville. A Preconstruction Conference was held on May 2, 2002. The Owner, Engineer, Contractor and City Staff Engineer were present at the Preconstruction Conference. The Owner requested that the utility easement vacation request be made before construction begins. The City Staff Engineer stated that the easement vacation request could be made before construction, but recommended that the easement vacation be contingent upon the completion of the construction of the relocated water and sewer lines.

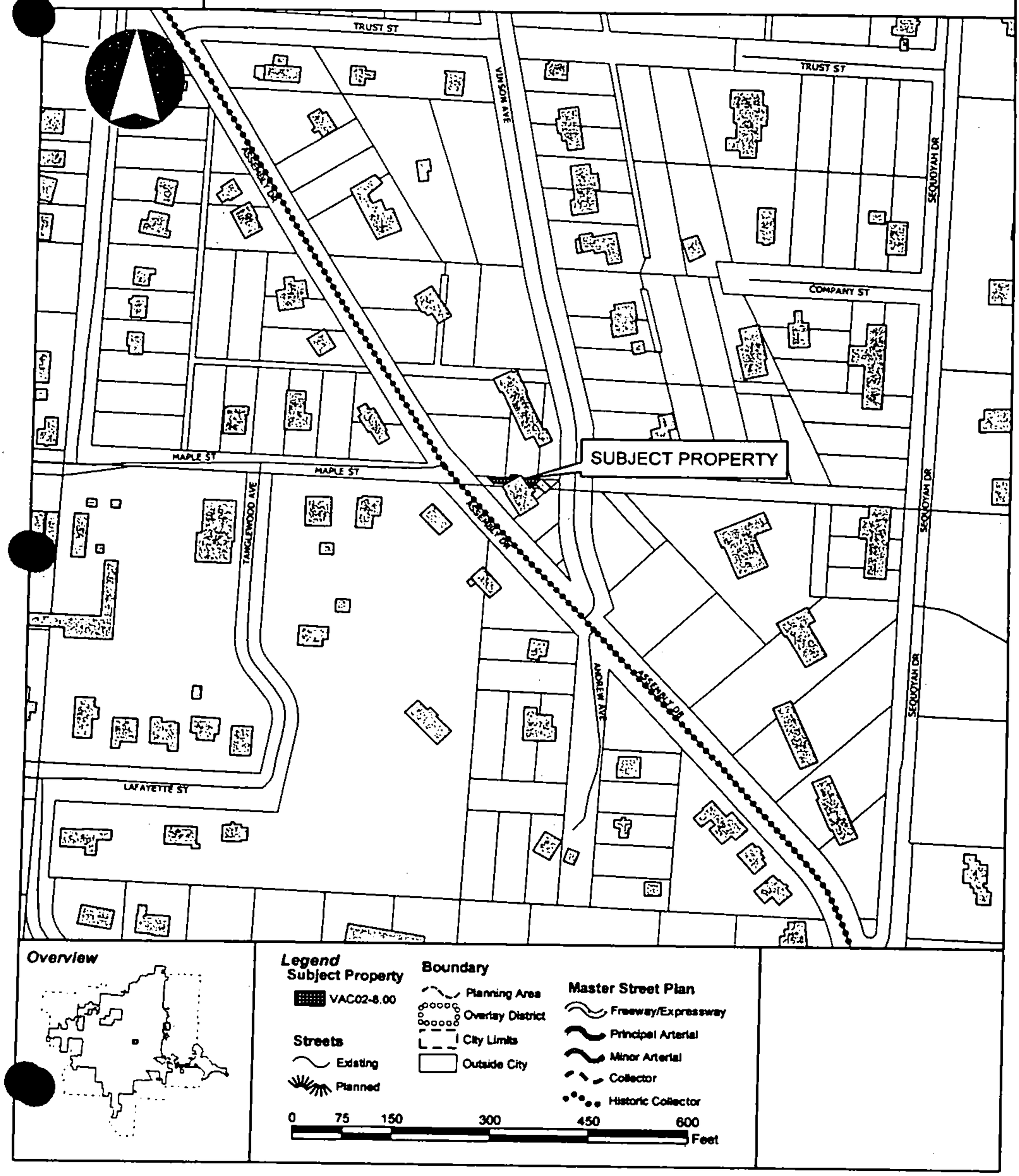
In addition, the Owner entered into a Utility Construction/Relocation Agreement with Arkansas Western Gas Company. The agreement authorized and paid for the conversion of the existing 6" high-pressure gas line to an intermediate pressure line. This conversion has been completed.

Based on the above, the Owner is requesting an easement vacation as shown on the attached drawing. This easement vacation is contingent upon the completion of the construction of the relocated water and sewer lines.

VAC02-8.00

Close Up View

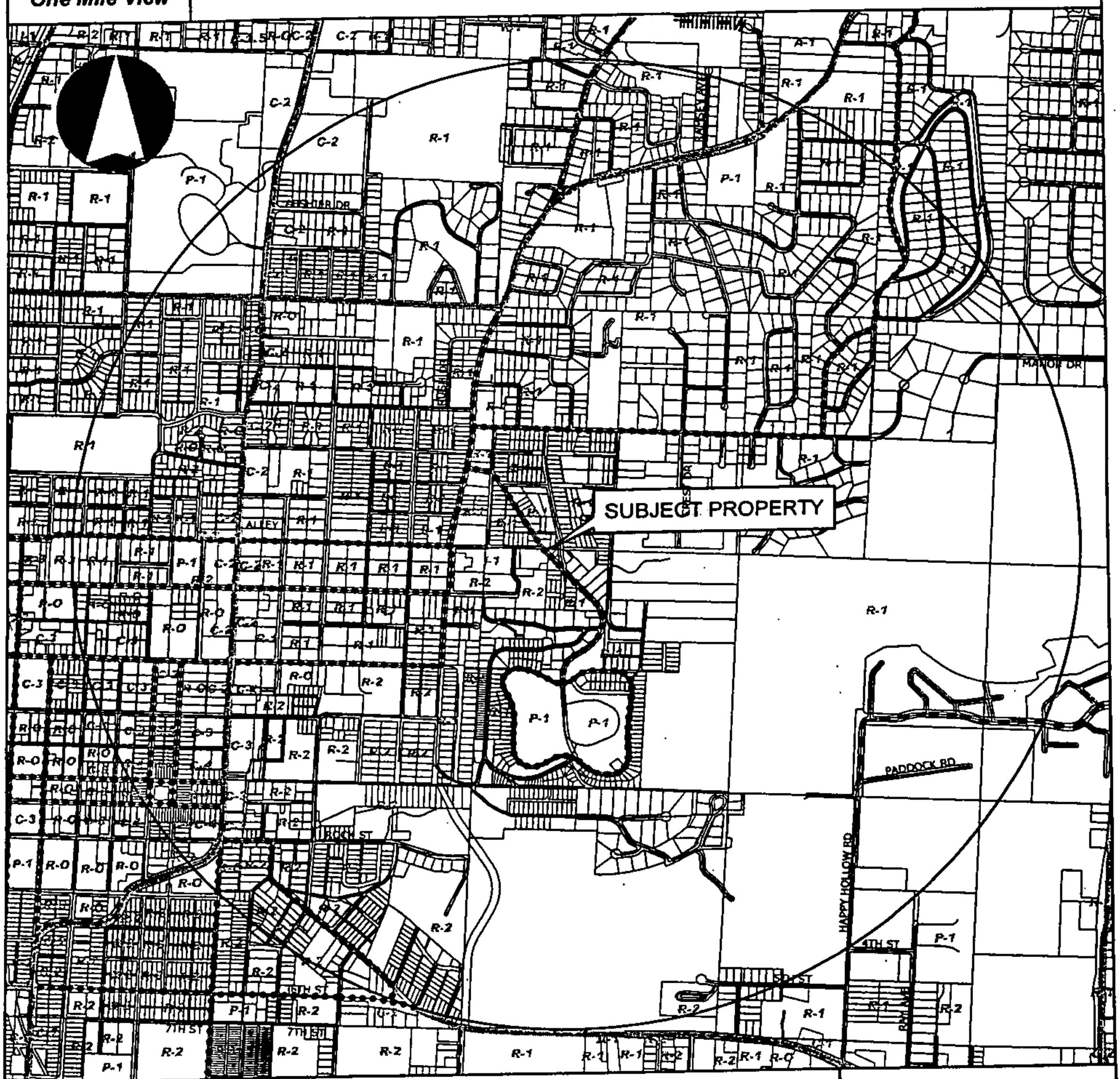
BELDEN



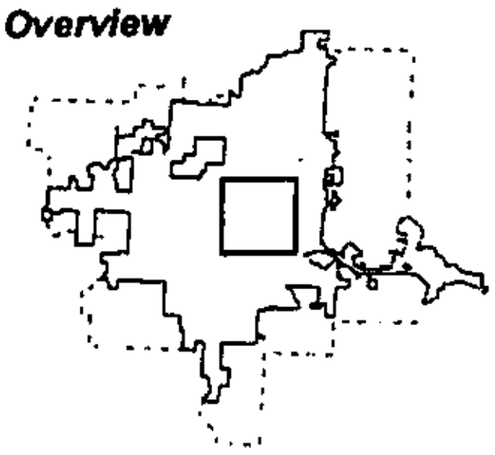
VAC02-8.00

One Mile View

BELDEN



Overview



Legend

Subject Property

VAC02-8.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

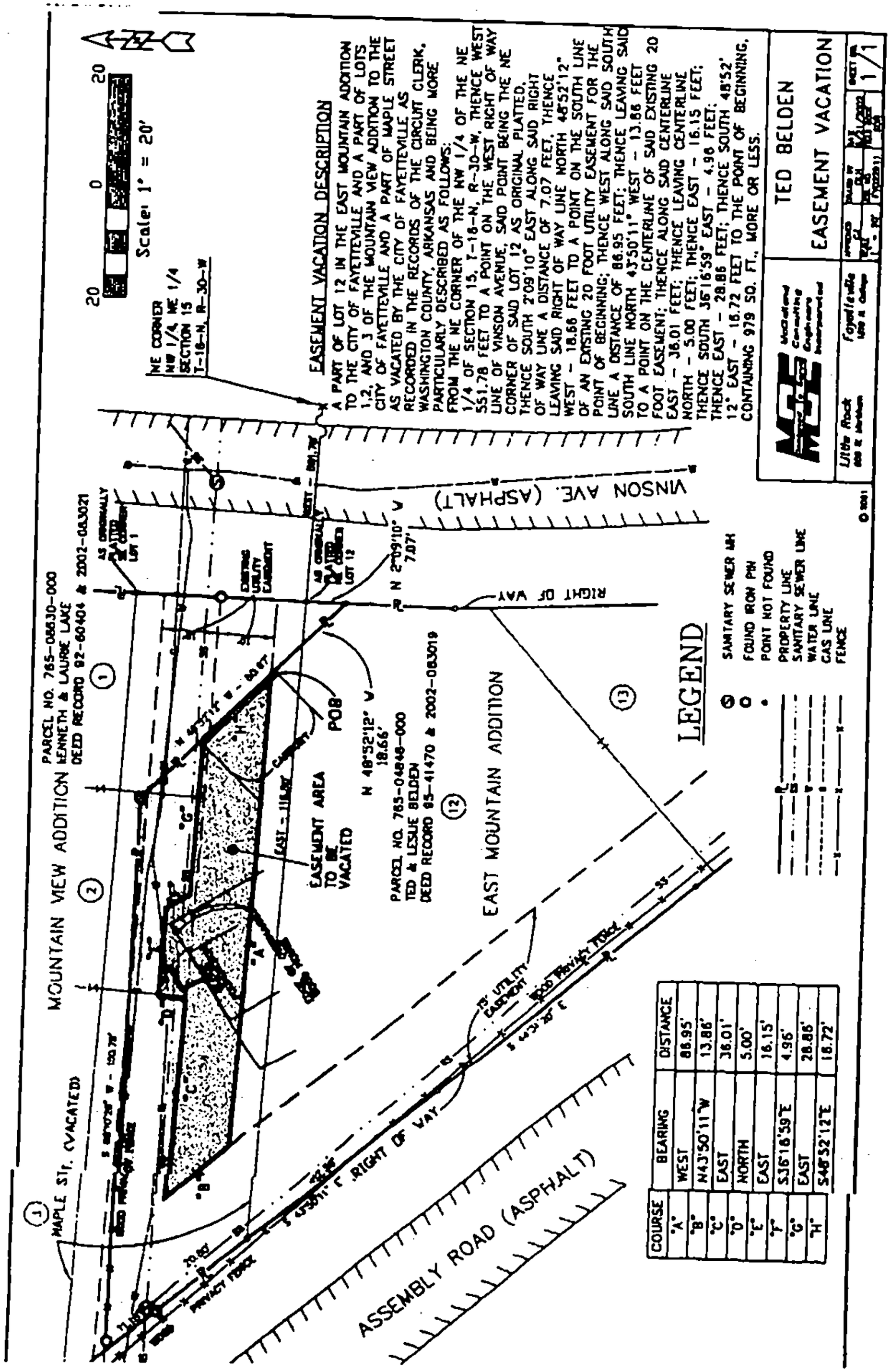
Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

EXHIBIT "A"


EASEMENT VACATION DESCRIPTION
A PART OF LOT 12 IN THE EAST MOUNTAIN ADDITION TO THE CITY OF FAYETTEVILLE AND A PART OF LOTS 1,2, AND 3 OF THE MOUNTAIN VIEW ADDITION TO THE CITY OF FAYETTEVILLE AND A PART OF MAPLE STREET AS VACATED BY THE CITY OF FAYETTEVILLE AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK, WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
FROM THE NE CORNER OF THE NW 1/4 OF THE NE 1/4 OF SECTION 15, T-16-N, R-30-W, THENCE WEST 551.78 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF VINSON AVENUE, SAID POINT BEING THE NE CORNER OF SAID LOT 12 AS ORIGINAL PLATTED.
THENCE SOUTH 2°09'10" EAST ALONG SAID RIGHT OF WAY LINE A DISTANCE OF 7.07 FEET, THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 48°52'12" WEST - 18.66 FEET TO A POINT ON THE SOUTH LINE OF AN EXISTING 20 FOOT UTILITY EASEMENT FOR THE POINT OF BEGINNING; THENCE WEST ALONG SAID SOUTH LINE A DISTANCE OF 88.95 FEET; THENCE LEAVING SAID SOUTH LINE NORTH 43°50'11" WEST - 13.86 FEET TO A POINT ON THE CENTERLINE OF SAID EXISTING 20 FOOT EASEMENT; THENCE ALONG SAID CENTERLINE EAST - 36.01 FEET; THENCE LEAVING CENTERLINE NORTH - 5.00 FEET; THENCE EAST - 16.15 FEET; THENCE SOUTH 36°16'59" EAST - 4.96 FEET; THENCE EAST - 28.86 FEET; THENCE SOUTH 48°52' EAST - 18.72 FEET TO THE POINT OF BEGINNING, CONTAINING 979 SQ. FT., MORE OR LESS.
TED BELDEN
EASEMENT VACATION
Scale: 1" = 20'
NE CORNER NW 1/4 NE 1/4 SECTION 15 T-16-N, R-30-W
VINSON AVE. (ASPHALT)
RIGHT OF WAY
MOUNTAIN VIEW ADDITION
PARCEL NO. 765-08630-000 KENNETH & LAURIE LAKE DEED RECORD 92-60404 & 2002-083021
EASEMENT AREA TO BE VACATED
POB
N 48°52'12" W 18.66'
N 2°09'10" W 7.07'
PARCEL NO. 765-04846-000 TED & LESLIE BELDEN DEED RECORD 95-41470 & 2002-083019
EAST MOUNTAIN ADDITION
MAPLE ST. (VACATED)
15' UTILITY EASEMENT
WOOD PRIVACY FENCE
PRIVACY FENCE
ASSEMBLY ROAD (ASPHALT)
LEGEND
SANITARY SEWER MH
FOUND IRON PIN
POINT NOT FOUND
PROPERTY LINE
SANITARY SEWER LINE
WATER LINE
GAS LINE
FENCE
COURSE | BEARING | DISTANCE
"A" | WEST | 88.95'
"B" | N43°50'11"W | 13.86'
"C" | EAST | 36.01'
"D" | NORTH | 5.00'
"E" | EAST | 16.15'
"F" | S36°16'59"E | 4.96'
"G" | EAST | 28.86'
"H" | S48°52'12"E | 18.72'
Little Rock
1/1

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of October 15, 2002

FROM:

Tim Conklin	Planning	Urban Development
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

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	Date 9-27-02	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on September 23, 2002 the Planning Commission voted 7-1-0 to recommend the rezoning be approved by the City Council.

Division Head	Date 9-26-02
Department Director	Date 9-26-02
Administrative Services Director	Date 9-30-02
Mayor	Date 10/2/02

Cross Reference

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

Prev Ord/Res#: _____

Orig Contract Date: _____

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 02-28.00 FOR A PARCEL CONTAINING APPROXIMATELY 3.34 ACRES LOCATED AT 1509 MORNINGSIDE DRIVE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY GLENN CARTER OF CARTER CONSULTING ON BEHALF OF DEWAYNE PROVENCE.

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:**

From R-2, Medium Density Residential to I-1, Heavy Commercial/Light Industrial as shown in Exhibit A attached hereto and made a part hereof.

Section 2. **That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.**

PASSED AND APPROVED this _____ day of _____, 2002.

APPROVED:

DRAFT

By:_____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 02-28.00

A PART OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHWEST QUARTER (SW ¼) OF SECTION 22, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE CENTER OF SAID SECTION 22, AND RUNING THENCE S89°57'42"W, 440.59 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE ALONG QUARTER SECTION LINE S89°57'42"W, 440.59 FEET; THENCE S00°14'21"W, 331.00 FEET; THENCE N89°57'42"E, 440.59 FEET; THENCE N00°14'21"E, 331.00 FEET TO THE POINT OF BEGINNING, CONTAINING 3.348 ACRES, MORE OR LESS.

LESS AND EXCEPT THAT PORTION OF LAND LYING AND BEING SITUATED IN HIGHWAY 16 BY-PASS RIGHT-OF-WAY.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Shelli Rushing, Associate Planner
THRU:	Tim Conklin, A.I.C.P., City Planner
DATE:	September 19, 2002

RZN 02-28.00: Rezoning (Provence, pp 602) was submitted by Glenn Carter on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

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: September 23, 2002			
CITY COUNCIL ACTION:	**Required**	**YES**	
	O Approved		**O Denied**
Date: October 15, 2002 (If recommended, 1st reading)			

Comments: _____

BACKGROUND:

Property Description. The subject property is located at 1509 Morningside Drive, a vacant parcel located south of 15th Street. The applicant owns property with one parcel zoned I-1 Heavy Commercial/Light Industrial and another zoned R-2 Medium Density Residential. The applicant operates a trucking company on the I-1 parcel. Mature trees line the west and south sides of the property.

Proposal and Request. The applicant would like to expand his business with an office building on the R-2 parcel. The R-2 district does not allow for an office or a trucking business. He is requesting that the R-2 property be rezoned to I-1, consistent with the rest of his property, to allow him to expand his business.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Office / Industrial	I-1 Heavy Commercial / Light Industrial
South	Vacant	R-2 Medium Density Residential
East	Industrial	I-1 Heavy Commercial / Light Industrial
West	Residential	R-2 Medium Density Residential

INFRASTRUCTURE:

Streets: North: 15th Street (Principal Arterial)
South: Cato Springs Road (Minor Arterial)
East: Morningside Drive (Collector)
West: School Avenue (Principal Arterial)

Water: Existing 12" water line across the street from the property.

Sewer: Sewer will have to be extended from an existing 20" line south of the property.

LAND USE PLAN: General Plan 2020 designates this site as Mixed Use. Rezoning this property to I-1 Heavy Commercial / Light Industrial 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 is consistent with the objectives, principles and policies of the Future 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 in order for the property owner to expand his trucking business and for all of his property to be zoned alike.**

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

Finding:

Planning Findings: **Planning does not find that the proposed rezoning will significantly increase traffic danger and congestion. Trucks are already being used adjacent to the subject property and the addition to the business is an office, which should not generate significant traffic.**

Public Works Findings: **At this location Morningside is a two lane City street north of the end of State Highway 156 and 15th Street is State Highway 16 East (also two lanes). The proposed rezoning may, or may not, result in additional traffic volumes for this area, subject to the final use of the property. The access to the developed site and circulation network within the development shall be reviewed in detail as part of large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as the information becomes available.**

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: *Planning Finding:* **Planning does not find that the rezoning of this property will increase population density.**

Public Works Finding: **Existing 12" water main on the north side of 15th Street and existing 24" water main on the east side of Morningside Drive. Existing 8" sanitary sewer line at the west side or west of the property. Existing 21" and 30" sanitary sewer transmission main trunk lines south of the property.**

The proposed rezoning and ultimate development may increase the loading on the existing infrastructure systems. During the development's review and approval process the adequacy of the existing infrastructure to accommodate the service requirements will be assessed by the developer's consultant and reviewed by city staff. Any inadequacies, lack of availability, need for improvements and determination of responsibility for the infrastructure improvements shall be resolved during the development's review/approval process.

Fire Department Finding: **Response time of 3 to 5 minutes. A solid driving surface (20' wide) is needed for access to new facility. Additional hydrants may be required. If the building is to be sprinkled a fire hydrant shall be installed within 100' of Fire Department connection.**

Police Department Finding: **After reviewing the above rezoning request and looking at the property described, the police department does not have an objection to the rezoning being granted. They do no believe there will be any adverse effects to public safety should this property be rezoned.**

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**

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

§161.06 DISTRICT R-2 MEDIUM DENSITY RESIDENTIAL.

A. Purpose. The High Density Residential District is designed to permit and encourage the developing of a variety of dwelling types in suitable environments in a variety of densities.

B. Uses.

1. Uses Permitted.

Unit 1	City-Wide Uses by Right
Unit 8	Single-Family Dwellings
Unit 9	Multifamily Dwellings - Medium Density

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 11	Mobile Home Park
Unit 25	Professional Offices

C. Density.

Families Per Acre	4 to 24

D. Bulk and Area Regulations.

1. Lot Width Minimum.

Mobile Home Park	100 Feet
Lot within a Mobile Home Park	50 Feet
One Family	60 Feet
Two Family	60 Feet
Three or More	90 Feet
Professional Offices	100 Feet

2. Lot Area Minimum.

Mobile Home Park	3 Acres
Lot Within a Mobile Home Park	4,200 Sq. Ft.
Row House: Development Individual Lot	 10,000 Sq. Ft. 2,500 Sq. Ft.
Single-Family	6,000 Sq. Ft.
Two-Family	7,000 Sq. Ft.
Three or More	9,000 Sq. Ft.
Fraternity or Sorority	2 Acres
Professional Offices	1 Acre

3. Land Area Per Dwelling Unit.

Mobile Home	3,000 Sq. Ft.
Apartments: Two or More Bedrooms	 2,000 Sq. Ft.
One Bedroom	1,700 Sq. Ft.
No Bedroom	1,700 Sq. Ft.
Fraternity or Sorority	1,000 Sq. Ft. per Resident

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	25

Cross Reference: Variances Chapter 156.

F. Height Regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line an additional distance of one foot for each foot of height in excess of 20 feet.

(Code 1991, § 160.033; Code 1965, App. A, Art. 5(III); Ord. No. 2320, 4-5-77; Ord. No. 2700, 2-2-81)

From Chapter 161 Zoning Regulations
Fayetteville Unified Development Ordinance

§161.17 DISTRICT I-1 HEAVY COMMERCIAL AND LIGHT INDUSTRIAL.

A. Purpose. The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The light industrial district is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities.
Unit 4	Cultural and Recreational Facilities
Unit 6	Agriculture
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 17	Trades and Services
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 21	Warehousing and Wholesale
Unit 22	Manufacturing
Unit 25	Professional Offices
Unit 27	Wholesale Bulk Petroleum Storage Facilities with Underground Storage Tanks

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation-Large Sites
Unit 28	Center for Collecting Recyclable Materials

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

From Street R-O-W (when adjoining A or R districts)	50 ft.
From Street R-O-W (when adjoining C, I or P districts)	25 ft.
Side (when adjoining A or R districts)	50 ft.
Side (when adjoining C, I or P districts)	10 ft.
Rear (when adjoining C, I or P districts)	10 ft.

D. Height Regulations. There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 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 25 feet.

(Code 1991, §160.039; Code 1965, App. A, Art. 5(VIII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79)

RECEIVED
AUG 21 2002
PLANNING DIV.

CARTER CONSULTING, PA
3980 Wedington Drive, Suite 14 Fayetteville, Arkansas 72704 (479) 444-7892 Fax 442-5480

August 20, 2002

Sarah Edwards
Associate Planner
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Re: Dewayne Provence Rezoning

Dear Sarah,

Please find attached to this letter the rezoning application for Dewayne Provence. All required information should be attached.

In response to item #5:

a. Dewayne Provence currently owns property located on the south side of 15th street from the creek to Morningside drive. This includes a parcel zoned R-2 and a parcel zoned I-1. There are no proposed or pending property sales.

b. Mr. Provence owns a trucking company located on the I-1 parcel which is adjacent to the R-2 parcel. His future plans include a new office building on the R-2 parcel. This type of development is not allowed in an R-2 zoning district. The R-2 parcel will require rezoning from it's current zoning of R-2, to I-1.

c. The property should have the same relation to surrounding properties as before. Since this is an expansion to an already existing business, there is no change in relationship of this property to the other properties nearby. There is a tree line which screens the property from surrounding properties on the west and south sides. This should screen any 18-wheeler trucks which may be parked on the property. Traffic should remain the same because the business is simply relocating. At this point there are no plans for signage on the property. If any signage is proposed, it will be submitted to the City of Fayetteville during the Large Scale Development Process.

d. There is an existing 12" waterline across the street from the property. However, sewer will have to be extended from an existing 30" line south of the property.

In response to item #6:

a. The proposed zoning is very consistent with the land use planning objectives because the 2020 plan indicates that this property is in a mixed use area which makes this request appropriate.

b. The proposed zoning is needed now in order to begin the Large Scale Development process.

c. The proposed zoning will not increase traffic or create any congestion or danger.

d. The proposed zoning will not change population density and therefore will not have an impact on public services.

e. It would be impractical to use this land for residential because it is located in an area containing other large businesses well as warehouses such as Hiland Dairy, Hannah's Candle Factory, and other factories and warehouses. The property is near the Fayetteville Industrial Park and is not planned to be residential.

If you have any comments or questions, feel free to call me at 444-7892.

Sincerely,

Glenn Carter, P.E., R.L.S.
Carter Consulting, PA

RZN 02-28.00 (Provence, pp 602) was submitted by Glenn Carter on behalf of Dwayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

Aviles: Item two on our agenda is a rezoning, RZN 02-28.00 which was submitted by Glenn Carter on behalf of Dwayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial. Tim, do you have a staff report before we hear from the applicant?

Conklin: This is a request to rezone 3.34 acres from R-2 to I-1, Heavy Commercial/Light Industrial. Staff is recommending approval of the rezoning. It is located at 1509 Morningside Drive. The actual parcel to be rezoned actually faces 15th Street. It is on the south side of 15th Street. The applicant currently owns the parcel zoned I-1, Heavy Commercial/Light Industrial and others zoned R-2, Medium Density Residential. There is currently a trucking company on the I-1 parcel. The applicant is requesting to expand the business on the parcel to be rezoned. R-2 does not allow for an office building or for the trucking business on the site. Surrounding land uses include to the north, office and industrial, to the south vacant, to the east industrial and to the west residential. At agenda session it was brought up that there was an enforcement action taken on this property adjacent to the east, it is currently zoned I-1. I did provide you information on Friday in your packet in 1996 the City of Fayetteville started the process to prosecute Mr. Provence with regard to requiring him to pave the lot where the trucks were parking. That case was settled by our City Prosecutor and that was settled back in 1996. The settlement included that the lot would be paved and that two parking spaces would be provided to the employees. At this time since the city did settle that case with Mr. Provence, it is my understanding that everything is in compliance. I did go out there. The parking lot is paved and the employee lot is paved. I would just advise that when the applicant does come forward to further develop the property, staff will look at the property with regard to our current commercial design standards and other standards with regard to landscaping and screening and look at the conditions of approval with regard to storing vehicles that are unlicensed on the property. That is just to give you information with regard to that action. What I am going to pass out is the actual District Court Summary from that. At the very bottom of it, it talks about how the case was resolved. It is just one sentence and you can take a look at that. That is all the information I have at this time with regard to this rezoning. Thank you.

Carter: I am Glenn Carter with Carter Consulting. I am here to represent Mr. and Mrs. Provence. We have a situation where Mr. Provence has property in a mixed use area and he is just wanting to expand his business. The zoning of the property

adjacent to his current business doesn't support that. It is not the proper zoning for this type of business so he simply wants to do that. In regard to the past action that Mr. Conklin mentioned a moment ago, the client has expressed his desire to comply with every ordinance and every condition of any approval for any project that we submit and we do plan to submit a Large Scale Development application and a set of construction plans and grading and drainage plans that will comply with the ordinances of the City of Fayetteville and building standards and design standards. If you have any questions I would be glad to answer them.

Aviles: Thank you Mr. Carter. Is there any member of the audience that would like to address us on this rezoning? Seeing none, I will go ahead and bring it back to the applicant and the Commission for discussion and/or motions.

Motion:

Ward: I will go ahead and recommend approval of RZN 02-28.00. I feel like the I-1 zoning is more in character with what is already down there with the Hiland Dairy, the Hanna's Potpourri, the Superior Wheel, all close to the Industrial Park area. I recommend that we approve this particular rezoning from R-2 to I-1.

Aviles: Thank you Commissioner Ward. Do I have a second?

Ostner: I will second.

Aviles: I have a second by Commissioner Ostner. Is there any further discussion?

Allen: I wondered if any of the neighbors had voiced any concern because there is some residential property near this area and I also wondered why the applicant didn't comply so promptly.

Conklin: I can answer your first question. I have not heard any complaints from any of the adjoining residents. You will have to ask the applicant what happened back in 1996 and prior to that. Thank you.

Allen: I would like to do that.

Aviles: Mr. Carter, could you come back up and address that please?

Carter: Could you rephrase your question?

Allen: Yes. I wondered why the applicant was so remiss in complying with the conditions when the property was previously through the Planning Commission?

Carter: Ok. I am not very knowledgeable about everything that happened in 1996 but in my discussions with the applicant, he came here, he was not aware of the city's ordinances and he just got his building permit and began to build his building. If there was a time factor from the time he was notified until the time he complied, I don't know what that was all about. I can't answer that question.

Allen: He is not here this evening?

Carter: Yes, he is here.

Provence: To answer the question about the time, we took the top soil off and put in the red dirt to make a hard driveway for dropping loaded trailers, the company that did my paving was Tomlinson Asphalt and they seemed to think there needed to be a time element for all the red dirt to get settled good before we put the pavement on to keep it from cracking and stuff so we just got into a time problem.

Aviles: For the record, are you Mr. Provence?

Provence: Yes I am.

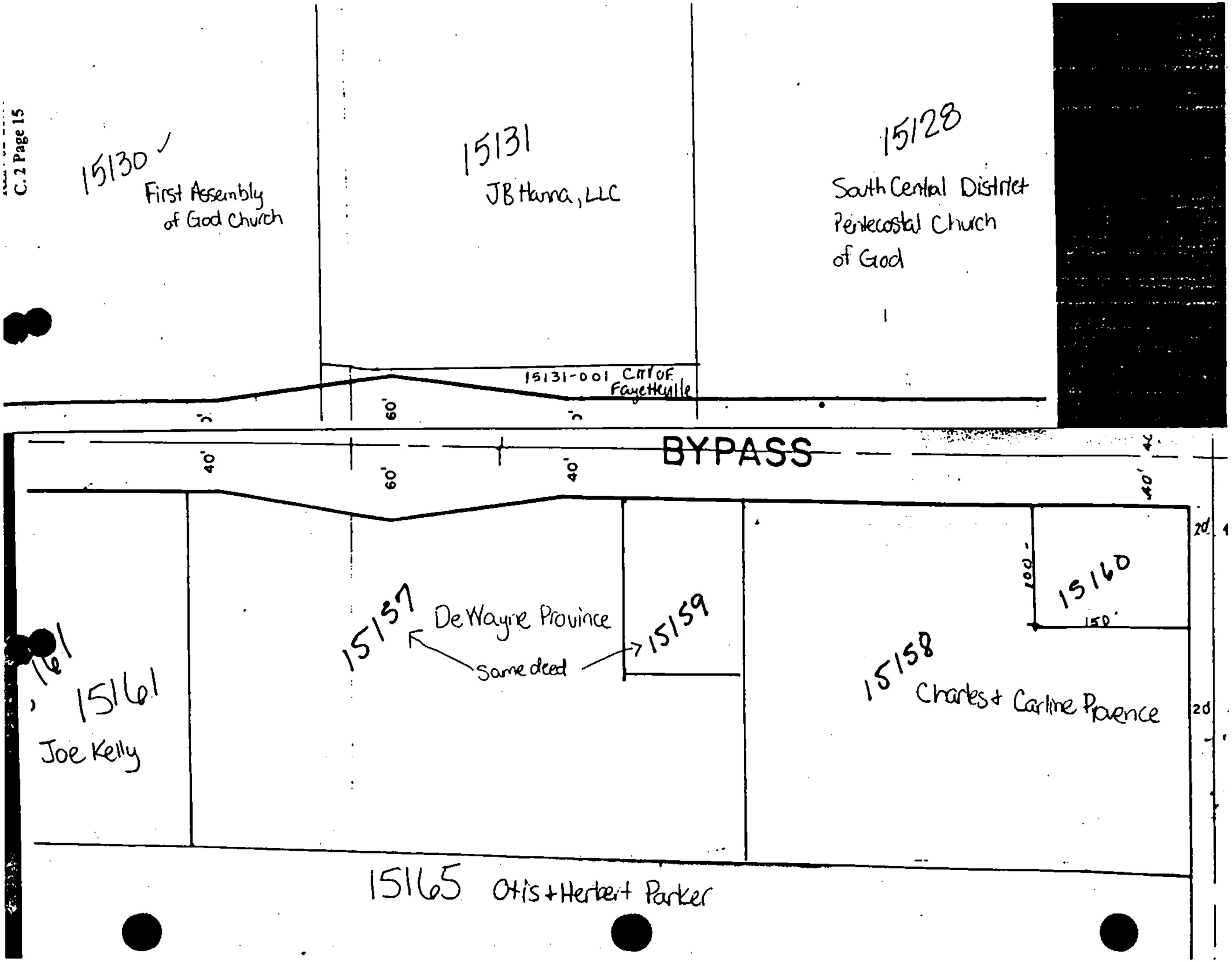
Aviles: Thank you.

Allen: Thank you.

Aviles: Are there any other questions or comments? We have a motion and a second on the floor. Is there any further discussion on this rezoning? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 02-28.00 was approved by a vote of 6-1-0 with Commissioner Allen voting no.

Aviles: Thank you. The recommendation of the rezoning carries on a vote of six to one.

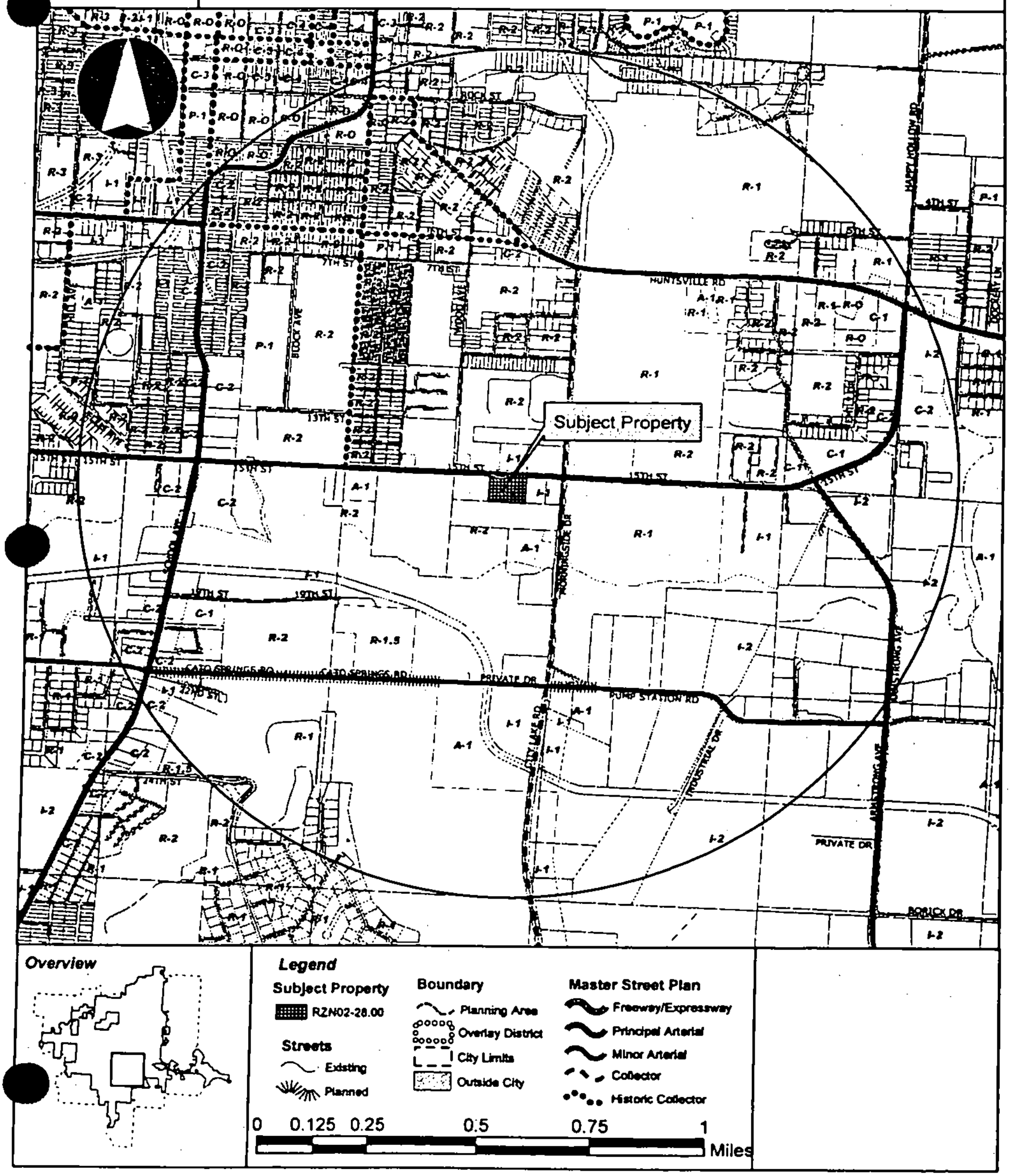

15130
First Assembly of God Church
15131
JB Hanna, LLC
15128
South Central District Pentecostal Church of God
15131-001 CITY OF Fayetteville
BYPASS
40'
60'
40'
40'
20'
100'
150'
15160
15157
De Wayne Province
same deed
15159
15158
Charles + Carline Provence
161
15161
Joe Kelly
15165 Otis + Herbert Parker

RZN 0

RZN02-28.00

One Mile View

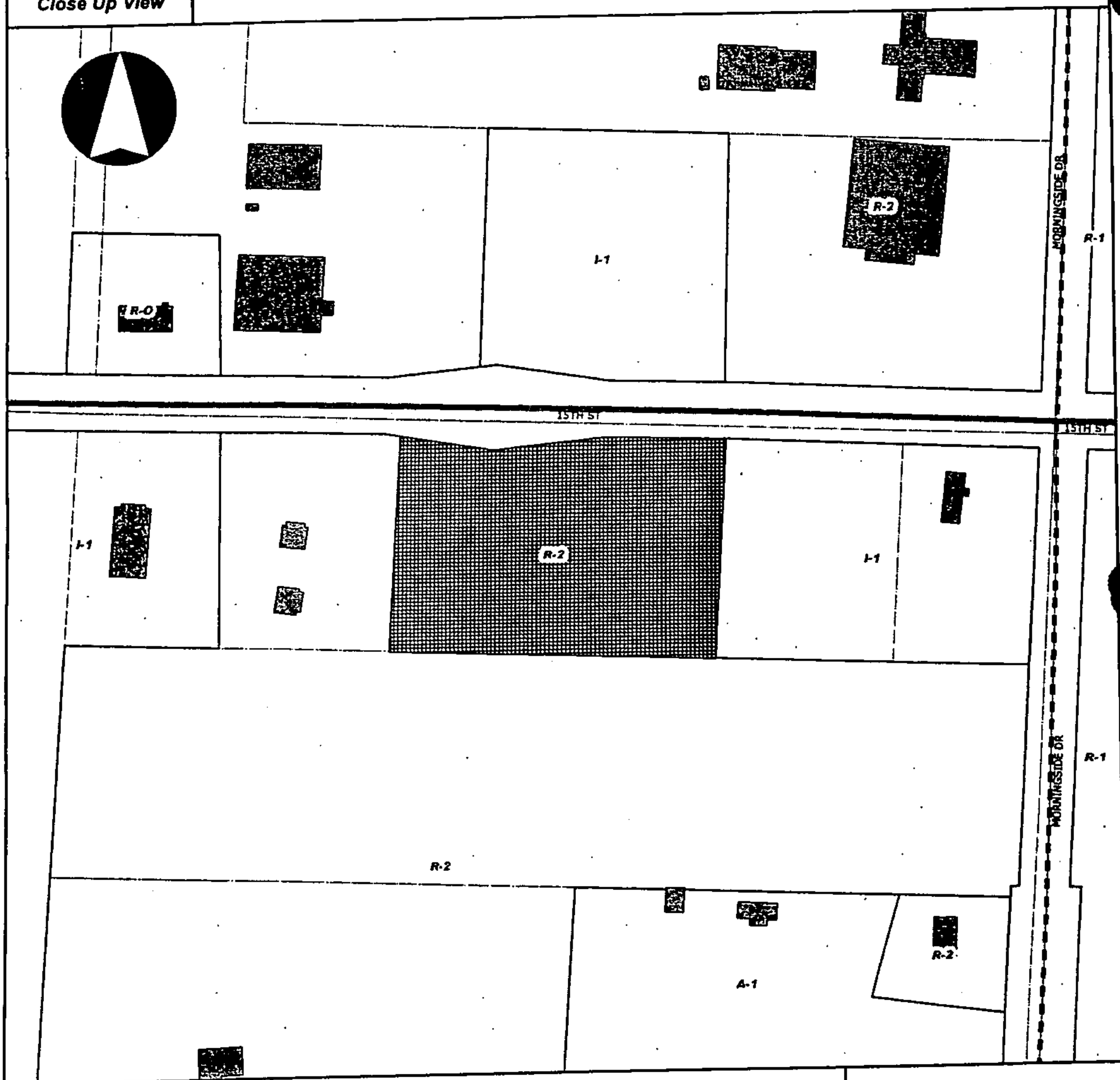
PROVENCE



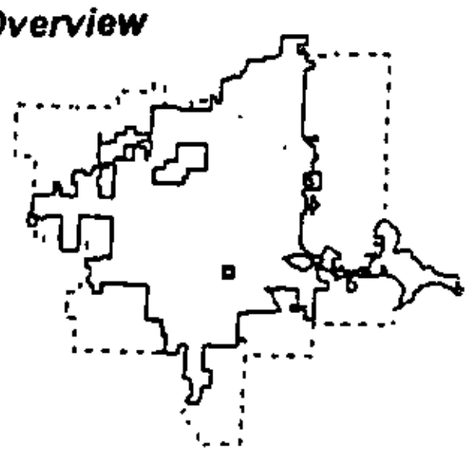
RZN02-28.00

Close Up View

PROVENCE



Overview



Legend

Subject Property
- RZN02-28.00

Streets
- Existing
- Planned

Boundary
- Planning Area
- Overlay District
- City Limits
- Outside City

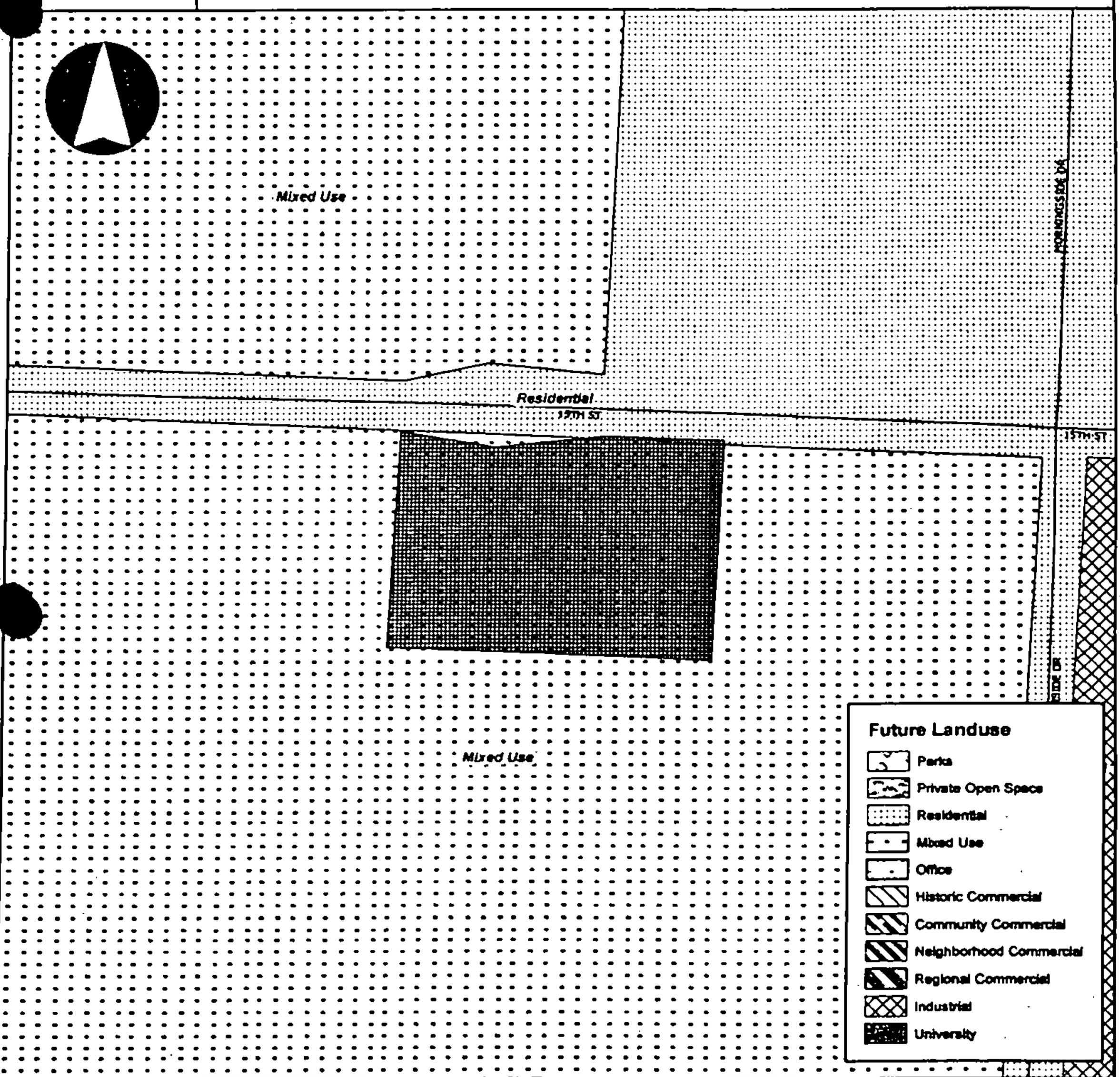
Master Street Plan
- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 75 150 300 450 600 Feet

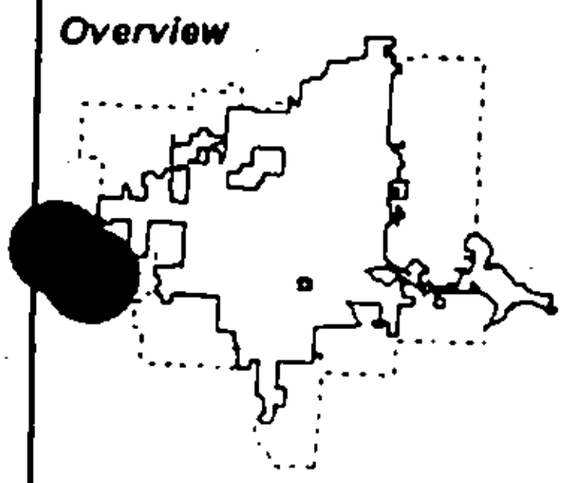
RZN02-28.00

Future Landuse

PROVENCE



Overview



Legend

Subject Property
- RZN02-28.00

Streets
- Existing
- Planned

Boundary
- Planning Area
- Overlay District
- City Limits

0 75 150 300 450 600 Feet

RZN 02-28.00
C. 2 Page 20

P.P. 602

CITY OF FAYETTEVILLE
OFFICE OF THE PROSECUTING ATTORNEY

CLINTON K. JONES
CITY PROSECUTOR

140 W. ROCK
FAYETTEVILLE, ARKANSAS 72701
PHONE: 575-8377
575-8378
575-8374
575-8375
FAX #: 575-8373

September 4, 1996

Rich Lane
Planning Division
City Hall

RE: City of Fayetteville vs. DeWayne Provence
Charge: Ordinance Violations

Dear Mr. Lane:

The above referenced case was set for trial on 09/04/96. Circumstances require that this trial must be re-scheduled to 09/11/96 at 1:00pm, in Fayetteville Municipal Court located at 100 "B" West Rock Street.

Please contact this office to verify the time of the trial and to be sure the case has not been settled or reset. Thank you for your cooperation in this matter.

Sincerely,

Lisa McClelland

Lisa J. McClelland
Assistant to City Prosecutor

§ 160.117 Off-street parking lot design, required number of spaces, landscaping and location of parking lots within the city.

(A) *Purpose.* The regulations of this section are intended to reinforce community standards and to promote safe and attractive parking lots for new, redeveloped, and expanded development within the city. The size, number, design, landscaping, and location of parking lots are regulated in order to:

(1) Provide for the safe and orderly circulation of motor vehicles within parking lots.

(2) Provide safe ingress and egress into and out of parking lots from public and private streets.

(3) Protect adjoining properties from the adverse impacts associated with parking lots such as noise, lighting, appearance, drainage, and effect on property values.

(4) Provide adequate areas for off-street parking and storage of motor vehicles.

(5) Enhance the appearance of parking lots in all zoning districts.

(B) *Parking lot construction standards.*

(1) **Permits and plan. For parking lots containing five (5) or more spaces, building and grading permits and site and grading plans shall be required prior to any initiation of work.**

(2) **Surfacing. Parking lots shall be asphalt, semi-permeable soil pavers, or concrete, graded and drained to dispose of surface water into appropriate drainage structures.**

(3) **Barriers. Parking lots shall be provided with wheel guards or curbs so located that no part of a parked vehicle will extend into or over the sidewalks, property lines, or street right-of-way.**

(4) **Striping and marking. Parking lots spaces shall be striped to indicate the location of the individual spaces, directional arrows shall be provided at the entrance of aisles and entry drives, and accessible spaces shall be marked meeting current Americans with Disabilities Act requirements. Such striping and marking shall be in accordance with the Manual on Uniform Traffic Control Devices.**

(5) **Accessibility. Accessibility for persons with disabilities in parking lots and building approaches shall be as required by the current Americans with Disabilities Act (See Exhibit B below) and as may from time to time be amended.**

RZN 02-28.00
C. 2 Page 22

CITY OF FAYETTEVILLE
OFFICE OF THE PROSECUTING ATTORNEY

AleH,
FYI

CLINTON K. JONES
CITY PROSECUTOR

140 W. ROCK
FAYETTEVILLE, ARKANSAS 72701
PHONE: 575-8377
575-8378
575-8374
575-8375
FAX #: 575-8373

August 9, 1996

Rich Lane
Planning Division
City of Fayetteville

RE: City of Fayetteville vs. Dewayne Provence DBA: McWhorter Distributing
Charge: Violation of City Ordinances: 160.117. 160.118. 162.11, 161.15

Dear Mr. Lane:

The above referenced case is set for trial on September 4, 1996, at 9:00 a.m. in Fayetteville Municipal Court. Since you are a witness you will be needed to testify at that time.

Please contact our office, one week prior to the court date to verify receipt of this letter, to review the facts, and to be sure the case has not been settled or reset.

Thank you,

Jill A. Platt
Assistant to City Prosecutor

/jap

FAX COVER SHEET

Herbert G. Parker
Phone (904) 893-2671
Fax (904) 576-8223

Date: May 17, 1996

To: Mr. Charlie McWhortes

Fax: (501) 582-0333

It has been brought to my attention that there is a plan to construct a high board fence near the intersection of 15th Street and Morningside.

We are property owners in the vicinity of this planned construction and are strongly opposed to the erection of this fence for several reasons. You will recall several years ago, before the area was cleared, accidents were a common occurrence at that location. This planned construction would again certainly create a blind corner, a fire hazard, as well as an eye sore.

It is my strong belief that the placement of a high board fence at this location would not be in the best interest of the property owners in this area, nor that of the general public.

I would hope that consideration be given to these factors listed and the fence not be erected.

Thank you for your consideration.

Should there be questions or a desire to discuss the issue, I can be reached at (904) 893-2671.

Sincerely,

Herbert G. Parker

CERTIFICATE OF OCCUPANCY

This Form Was Printed On 10/11/95

Date Completed: / /

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use.

PROJECT #: 95- AXS

PERMIT #: 95-04102

MASTER PERMIT #: 95-04102

PROPOSED USE: MCWHORTER DIST/TRUCK BROKERAGE

OCCUPANCY TYPE: CONSTRUCTION TYPE: FIRE ZONE:

PROPERTY OWNER: MCWHORTER DISTRIBUTION

ADDRESS: P.O. BOX 6154

CITY: SPRINGDALE

STATE: AR ZIP: 72766

PROJECT ADDRS: MORNINGSIDE DR., 1509

APPROVED BY
ZONING ADMINISTRATOR

/ / DATE

APPROVED BY
BUILDING OFFICIAL

10 / 19 / 95 DATE

* * * * * POST IN A CONSPICUOUS PLACE * * * * *

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

Jill #378

TO: Casey Jones, City Prosecutor
THRU: Alett S. Little, City Planner
FROM: Rich Lane, Associate Planner
DATE: January 19, 1996
SUBJECT: City of Fayetteville Code Violations:
McWhorter Distribution - 1509 Morningside Drive

McWhorter Distribution at 1509 Morningside Drive is in direct violation of numerous City of Fayetteville Codes. The list of code violations is as follows:

Section 158.20 Sign Permit Required.

Section 160.117 Off-street parking (B) Parking lot construction standards
(F) Parking lot landscaping requirements

Section 160.118 Buffer strips and screening (D) Screening required.

Section 161.09 Grading plan submittal.

Section 161.15 Certificate of Occupancy.

Section 162.11 Tree Protection (D) Preservation Plan.

As additional information, please find enclosed documentation of The City of Fayetteville staff's attempts to bring said violations into compliance. If I can be of any assistance, I can be reached at ext. 262.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION

December 20, 1995

DeWayne Provence
1509 Morningside Drive
Fayetteville, AR 72701

Dear Mr. Provence:

It has come to our attention that your Trucking Brokerage has numerous City of Fayetteville Code violations. It is our understanding that your operation has been in violation since early fall. You must contact the Planning Office by December 29, 1995 to discuss remedial actions for compliance.

Sincerely,

G. Richard Lane II

FAYETTEVILLE

RZN 02-28.00
C. 2 Page 27

CITY OF FAYETTEVILLE, ARKANSAS

October 31, 1995

McWhorter Distribution
P. O. Box 6154
Springdale, AR 72766

Re: Property located at 1509 Morningside Drive, Fayetteville

Gentlemen:

It has come to our attention that tractor-trailer trucks are being parked on the above referenced property without the lot being paved. It was our understanding there would be an occasional vehicle parked temporarily on site but that the site would not be used as a parking lot. In order for us to sign off on your Certificate of Occupancy, you will need to obtain an application to construct a parking lot and meet the parking lot ordinance.

Should you have any questions regarding this matter, please feel free to contact this office.

Sincerely,

Sharon Langley

Sharon Langley
Permit Clerk

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

FAYETTEVILLE

CITY OF FAYETTEVILLE, ARKANSAS

January 18, 1996

Dewayne Provence
1509 Morningside Drive
Fayetteville, Arkansas 72701

Dear Mr. Provence:

It has come to the attention of the Public Works Department of the City of Fayetteville, that your business is currently in violation of Chapter 162: Tree Protection and Preservation Ordinance of the City Code. **Section 162.11 (D) Preservation Plan**, requires new development in an industrial zone to submit a tree preservation plan with the preliminary plat, or site plan. Failure to comply with this notice could result in fines pursuant to **Section 162.99 Penalty**.

Additionally, you are required to comply with the parking lot standards, and screening requirements for outdoor storage yards of the city's Code of Ordinances. You will be required to submit a site plan depicting your proposed tree preservation, screening and landscaping, for approval by the Landscape Administrator.

Upon receipt of this notice, please contact the Planning Office, or myself at 575-8308, for further information on these remedial action requirements.

Sincerely yours,

Beth L. Sandeen

Beth L. Sandeen
Landscape Administrator

cc: Kevin Crosson, Public Works Director
Charles Venable, Asst. Public Works Director
Alett Little, City Planner
Jim Petty, Engineering Assistant

CITY OF FAYETTEVILLE
OFFICE OF THE PROSECUTING ATTORNEY

LINTON K. JONES
CITY PROSECUTOR

140 W. ROCK
FAYETTEVILLE, ARKANSAS 72701
PHONE: 575-8377
575-8378
575-8374
575-8375
FAX #: 575-8373

September 11, 1996

Rich Lane
Planning
City Hall

RE: City of Fayetteville vs. DeWayne Provence
Charge: Ordinance Violations

Dear Mr. Lane:

The above referenced case was set for trial on 09/11/96. Circumstances require that this trial must be re-scheduled to 09/25/96 at 1:00pm, in Fayetteville Municipal Court located at 100 "B" West Rock Street.

Please contact this office to verify the time of the trial and to be sure the case has not been settled or reset. Thank you for your cooperation in this matter.

Sincerely,

Lisa McClelland

Lisa J. McClelland
Assistant to City Prosecutor

PP602

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Alett S. Little, City Planner
FROM: Rich Lane, Associate Planner
DATE: September 26, 1996
SUBJECT: Dwayne Provence - McWhorter Distribution Code Violations

This memo is to inform you that the City Prosecutor's Office called to say that Mr. Provence and the City have settled out of court. The settlement included Mr. Provence paving his storage area for trucks, as well as providing parking spaces for employees. Mr. Provence is also responsible for all court costs.

I asked the Prosecutor's Office to remind Mr. Provence's legal representatives that neither vehicles nor trailers could be stored on the premises without current license plates.

If no improvements are made on the property within 30 days, the Prosecutor's Office asked that I notify their office.

RZN 02-28.00
C. 2 Page 31

FAYETTEVILLE DISTRICT COURT
DOCKET INQUIRY
09-23-02

PERSONAL INFO

DOCKET FILE MAINTENANCE

PAYME

CASE# CS963333 NAME PROVENCE, DEWAYNE COURT CITY

ME
DR1
DR2
TY, ST
P
#
ONE
PLOY
C SEC#
X
CE
RTH DT
LST PMT
T PMT
TAL PAID 0.00
RR BAL 50.00

PROVENCE, DEWAYNE
1509 MORNING SIDE DR

FAYETTEVILLE, AR
72701

ACCT#	119443	FINE, TRAN	0.00	DATE	CASH
DOCKET#	96*14409	L LIB, DACF			
DATE	06-18-96	J RET, ASR			
OFFENSE	107	LAB, SJR		TOTAL BAD DEBT	
OFFEN DESC	ORDINANCE VIOLATION	FPD, CRF			
ARR OFFICER	107	ASP, CJ			
ATTORNEY	52	CPP, BAD CK			
PAPER BOND		ATTY, CVREP			
BOND AMT	0.00	DF INDG, DET			
BOND DATE		LEG ED, ADMJ			
AMT FINED	0.00	CASF, ADACPF			
TOT ASSESSED	50.00	BOND FORF AMT			
DT ASSESSED	10-02-96	BOND REF AMT			
BALANCE	50.00	BOND REF CK#			
CASH	0.00	CASH PYMT AMT			
PLEA, PLEDT	NG, 07-01-96	CASH REC#			
TRIAL DATE	09-25-96	PAYMENT DATE			
DUE DATE		DISPOSITION	CN	MUN CT	
TIME PYMT	50.00	WARR DATE		OVR WGT PEN	
		CRIM SUMMS DT		CNTY TAX	
				DAP&SRF	

DOCKET HIST	REF POINTER
1*CS963333	
1*[illegible]972707	

DISPOSITION: 092596, PBW/HOGUE, DEF TO PAVE LOT & PROVIDE 2 PARKING SPACES. $50.00 CC.

CERTIFICATE OF RECORD
I do hereby certify that this is a true and correct copy of records of Fayetteville District Court.
Wi[illegible] my hand and seal this 23 day of [illegible], 20[illegible]

STAFF REVIEW FORM

_X_ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF **October 15, 2002** MAYOR'S APPROVAL _____

FROM:

Tim Conklin — Name
Planning Division — Division — Department

ACTION REQUIRED An Ordinance Amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to Provide a Date Certain For the Expiration of Approved Development Plans and Permits

COST TO CITY:

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 9-24-02
City Attorney — Date
Purchasing Officer — Date
Internal Auditor — Date
ADA Coordinator — Date

STAFF RECOMMENDATION:

Division Head — Date 9-24-02
Department Director — Date
Administrative Services Director — Date
Mayor — Date 9/24/02

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT ORDINANCE OF THE CODE OF FAYETTEVILLE, TO PROVIDE A DATE CERTAIN FOR THE EXPIRATION OF APPROVED DEVELOPMENT PLANS AND PERMITS

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

Section 1. That Chapter 166, Development of the Unified Development Ordinance, Code of Fayetteville, is hereby amended by inserting the following:

§166.18 EXPIRATION OF PREVIOUSLY APPROVED PLANS AND PERMITS. All approved large scale developments, planned unit developments, conditional uses, and lot splits approved prior to July 1, 2002, which have not received all required permits to begin construction, have not begun construction, have not been established, or in the case of lot splits, have not been recorded within twelve (12) months from the date of the passage of this ordinance, shall be required to comply with all current ordinances. The City Planner is authorized to approve minor plat modifications and/or design changes necessitated by compliance with this section.

§166.19 EXPIRATION OF APPROVED PLANS AND PERMITS.

A. Applicability. The provisions of this section apply to all of the following plans and permits:

1. Preliminary plats;
2. Planned unit developments;
3. Conditional uses;
4. Large-scale developments;
5. Lot splits;
6. Physical alteration of land permits;
7. Storm water, drainage, and erosion control permits;
8. Tree preservation plans;
9. Sign permits; and,
10. Floodplain development permits.

DRAFT

B. One-year Time Limit.

1. All of the above-enumerated plans and permits are conditioned upon the applicant accomplishing the following tasks within one (1) year from the date of approval:

a. For any renovation or new construction, receive a Building Permit; and/or,

b. For a lot split, record a deed or survey at the Washington County Circuit Clerk's Office, stamped for recordation by the City Planning Division; and/or,

c. Receive a Certificate of Zoning Compliance; and/or,

d. Receive all permits and approvals required by City, State, and Federal regulations to start construction of the development project.

2. Prior to the expiration of the one (1) year time limit, an applicant may request the Planning Commission to extend the period to accomplish the tasks by up to one (1) additional year. The applicant has the burden to show good cause why the tasks could not reasonably be completed within the normal one (1) year limit.

3. If the required task(s) are not completed within one (1) year from the date of approval or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

C. Three-year Time Limit.

1. All of the above-enumerated plans and permits are also conditioned upon the applicant completing the project and receiving final inspection approval and a final Certificate of Occupancy permit within three (3) years from the date of issuance of a Building Permit.

2. Prior to the expiration of the three (3) year time limit, an applicant may request the Planning Commission to extend the three (3) year period to complete the project by up to two (2) additional years. The applicant has the burden to show good cause why the project could not reasonably be completed within the three (3) year time limit.

3. If the applicant fails to meet the requirements of subsection **C.1.** within three (3) years from the date of issuance of a Building Permit or during an allowed extension period, all of the above-enumerated plans and permits shall be rendered null and void.

DRAFT

Section 2. That **§163.02, Authority; Conditions; Procedures**, of the Unified Development Ordinance, Code of Fayetteville, is hereby amended by inserting the following:

E. Expiration if Discontinued. All existing conditional uses that are discontinued for more than one (1) year shall be rendered null and void, and shall not be reestablished without Planning Commission approval of a new conditional use permit.

PASSED and **APPROVED** this _____ day of _____, 2002.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
HEATHER WOODRUFF, City Clerk

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8264

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
THROUGH: Hugh Earnest, Urban Development Director
FROM: Tim Conklin, City Planner
DATE: September 27, 2002

ADM 02-29.00: Administrative Item (Large Scale Development Ordinance/Expiration) To amend the Unified Development Ordinance to require all approved undeveloped or discontinued large scale developments, planned unit developments, conditional uses, and lot splits that have not received all required permits to begin construction, have not begun construction, have not been established, or recorded to meet all current Unified Development Ordinances.

To amend the Unified Development Ordinance to set time limits for application/plan/project approvals by staff, Planning Commission, and City Council.

BACKGROUND

Staff has brought forward these amendments to the UDO in order to address the issues of "old" large scale developments and other approvals and permits that do not meet current ordinances and standards, developments that are occurring on "paper subdivisions" without public hearings or notice, and have no existing time limits for current and future approvals.

The staff and the Planning Commission has dealt with all of these issues over the past few years and the public and elected officials have expressed concern regarding several developments, approvals, and permits that do not meet current ordinances or ever expire.

RECOMMENDATION

Staff recommends approval of the proposed amendments.

ADM 02-29.00: Administrative Item (Large Scale Development Ordinance/Expiration) To amend the Unified Development Ordinance to require the development of any lot(s) in a previously approved and recorded subdivision, where required infrastructure such as sewer, sidewalks, streets, street lighting, or water is lacking or incomplete, or in the judgment of the City Planner is otherwise inadequate to serve the proposed development, shall be processed in accordance with the requirements for a large-scale development, regardless of the size or number of lots.

Hoffman: Our next item on the agenda is ADM 02-29.00, which is another administrative item for Large Scale Development Ordinances and Expiration dates. This item is to amend the Unified Development Ordinance to require the development of any lots in a previously approved and recorded subdivision where required infrastructure such as sewer, sidewalks, streets, street lighting or water is lacking or incomplete or in the judgment of the City Planner is otherwise inadequate to serve the proposed development shall be processed in accordance with the requirements for a Large Scale Development regardless of the size or the number of lots. Secondly, to amend the Unified Development Ordinance to require all approved undeveloped or discontinued Large Scale Developments, Planned Unit Developments, Conditional Uses and Lot Splits that have not received all required permits to begin construction, have not begun construction, have not been established or recorded to meet all current Unified Development Ordinances. Then thirdly, to amend the Unified Development Ordinance to set time limits for application, plan, and project approvals by staff, Planning Commission and the City Council.

Conklin: Madam Chair and members of the Commission I would like for you to review this ordinance this evening however I would like to bring back to the next Commission a final version of the ordinance and there may be some people here tonight that would like to also offer comments but I think it would be valuable for staff to hear from the Commissioners if we need to make any changes. The City Attorney and I can get together and we can produce a final draft. Basically we are trying to bring forward an ordinance that would amend our Large Scale Development requirement and place that Large Scale Development requirement for development that is occurring within or adjacent to what is called like a paper subdivision where the infrastructure has not been placed or installed. Also, within this ordinance we are trying to establish an expiration of a previously approved plan or permit. We currently have Large Scale Developments that have been approved by the Commission in the early 90's, maybe even in the 80's that are existing that currently do not meet our current standards for tree preservation, commercial design standards, parking lot landscaping. This ordinance revision would require that they either build their development within 90 days from the date of passage of the ordinance or they be required to meet all current city ordinances. I have been fairly successful in getting these developments to meet our current ordinances, especially with commercial design standards. There were some metal buildings that were

approved a while back prior to our commercial design standards. You have some very prominent visible intersections in Fayetteville. However, it would be helpful to have this ordinance in place so I don't have to sit there and ask them to voluntarily comply with these standards. We have a commercial development on Hwy. 265 and Huntsville Road, right behind the gas station, a commercial shopping center that currently doesn't have landscaping within the parking lot. Also the back of the building will be visible from the back of the street. I am working with them to try to get into compliance as much as possible. There was no expiration. The commercial development at Rupple Road and Wedington Drive that went in, several of you asked about when we approved this. Well it was approved many, many years ago prior to probably anyone on this Commission. Once again, staff had to work with them to at least bring it up as close to compliance with our current standards. That is the second part of the ordinance. The third part is to make sure any future approvals for the different things that the City of Fayetteville approves has an expiration date on them and we have a one year time limit and we have conditions for the projects once they are approved to begin construction or renovation, receive their Certificate of Zoning Compliance, record the lot split deed and file it over at the County, receive all the permits from the city, state, and federal regulations. Basically once we approve a project we want to make sure that that project is going to be built and it is going to be built within a time frame. After the permits are issued I also proposed a three year time limit. If you get your permit and you are under construction that within three years you need to complete construction. I have some projects out there that are many, many years old that have not completed construction. Certain things they have not complied with, it is more of an enforcement issue. I want it in writing in the Unified Development Ordinance to state that all your approvals will be voided if you don't start your project and complete it. I am not going to name the project but just a couple of Planning Commission meetings ago after Planning Commission approved the project I met with the developer and at that time we talked about meeting the conditions of approval by the Planning Commission. They talked about years, taking years to meet these conditions. That concerned me when we talked about screening, commercial design standards, landscaping. They were talking about doing this piece meal. I think it is very hard to keep up with as staff and we just need to clarify that in the ordinance. Those are the three major changes that are proposed with regard to Large Scale Development. Requiring that all previously approved development after 90 days will meet all of our current ordinances and setting up a three year time limit. Thank you.

Williams: Madam Chairman, I just wanted to tell you that one reason we did not want you to go forward tonight is that there were some suggestions made at your Thursday evening agenda session. We have not been able to get all that down in black and white. We are pretty close and will be getting you what we believe are more finished ordinances so don't waste too much time studying the ones you have in your packet now because we are going to incorporate the

suggestions that the Planning Commission made at it's agenda session and we will be getting you new clean copies of ordinances which I think are slightly improved from your suggestions.

Hoffman: Thank you Mr. Williams. Is there any member of the public that would like to address us on these proposed ordinances? Seeing no one, I will bring it back to the Commission for discussion and motions.

Bunch: Just a quick question for Kit and for Tim also I guess, in those revisions that you are contemplating do they include some system of extensions and also to accommodate phased jobs?

Williams: I have drafted some language concerning the extensions. I haven't drafted anything specifically about phased jobs. Both of the extensions would have to come before the Planning Commission and the developer would have to show good cause why they could not complete the tasks within the time period originally allowed. It would be their burden and they would have to appear before the Planning Commission prior to their time period expiring and then the Planning Commission would have the power to grant an additional year in the first one and I tentatively have put an additional two years on the completion of the project. If you think that we need something else in a phased project then I welcome any sort of language that might incorporate that idea. I have not included anything in relation to a phased project.

Hoffman: Thank you Mr. Williams.

Shackelford: I was also someone who brought up a couple of points in the agenda session that I want to go ahead and get on record. The points that I made Thursday were that as this proposed ordinance is currently written that regardless of the size of the development or the lot in which this development is on something as minor as an incomplete sidewalk or a missing street light could force a project through the Large Scale Development process. My concern was that you have a small business owner, and we have seen several of these in my time on the Planning Commission, a very small building on a lot that he or she may own that this could be very cost prohibitive for that developer to the tune of 15, 20 or 30% additional cost just for the process to go through Large Scale Development. I would ask that the City Planner be given a broader discretion in the enforcement of this ordinance or some other situation which we can address.

Williams: I have some proposed language and I am going to get with our City Planner that should take care of that situation I hope. Tim has been understaffed and with the lateness of the suggestions we just weren't able to get everything together for tonight.

Shackelford: I understand, I just wanted to get that on public record.

Motion:

Estes: In accordance with our City Planner, Mr. Conklin's request and in conformity with our City Attorney, Mr. Williams comments, I move that we table ADM 02-29.00.

Hoffman: There is a motion by Commissioner Estes, do I have a second?

Shackelford: I will second it.

Hoffman: A second by Commissioner Shackelford. I would like to add a comment that I agree about the smaller projects, I would like to see specific exemptions for smaller projects but don't necessarily exempt them from our ordinances. They will still have to comply with parking lot, commercial design standards and so forth but to avoid a public hearing is sometimes a big thing for a smaller project, small additions, utility line extensions and things like that. Can we add those to the wish list?

Conklin: I certainly can work with our City Attorney. What I am trying to do here is address a problem also where I have had developers request property line adjustments to create .9999 acres to avoid any site plan review process by the Planning Commission. I will definitely work on that. What I want to make sure, and you as a Planning Commission can help me, is that we don't create an exemption where I have the developers back in my office asking to create parcels that meet the exemption and that is the only difficult part of that ordinance.

Hoffman: I think that can be made fairly restrictive that would discourage that practice.

Conklin: I agree with Loren Shackelford with regard to a single-family home but I think we need to come up with some language, especially when you own more than one lot that is contiguous to each other, I think we need to be careful because we have areas where you can't even get a fire truck down a street and turn around and even on a single-family home that concerns me putting one more home down that street but we will come up with something for our next meeting.

Hoffman: Thank you Tim. Is there any further discussion?

Allen: I just wanted to comment that I see that it needs some tweaking but I think the basic premise of this ordinance is excellent.

Hoffman: Thank you. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to table ADM 02-29.00 was approved by a vote of 8-0-0.

Hoffman: Thank you. The motion to table carries unanimously.

Aviles: I would like to welcome everybody to the Monday, September 23rd meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call there were seven Commissioners present with Commissioners Shackelford and Hoover being absent.

Aviles: We have seven Commissioners present tonight. Thank you Renee. The next item will be the approval of the minutes from the September 9th meeting. Do I have a motion for that?

Motion:

Allen: I move for approval of the minutes.

Ward: Second.

Aviles: I have a motion and a second for the approval of the minutes from the last meeting. Renee, would you call the roll please?

Roll Call: Upon completion of roll call the motion to approve the minutes was approved by a vote of 7-0-0.

Aviles: Thanks Renee. We have four items on the agenda tonight. The first item is really number four, it is old business, it is ADM 02-29.00, which is an administrative item to amend the Unified Development Ordinance to require the development of any lots in a previously approved and recorded subdivision where required infrastructure such as sewer, sidewalks, streets, street lighting, or water is lacking or incomplete or in the judgment of the City Planner is otherwise inadequate to serve the proposed development shall be processed in accordance with requirements for a Large Scale Development regardless of the size or number of lots. Also, to amend the Unified Development Ordinance to require all approved undeveloped or discontinued Large Scale Developments, Planned Unit Developments, Conditional Uses, and Lot Splits that have not received all required permits to begin construction, have not begun construction, have not been established or recorded to meet all current Unified Development Ordinances and thirdly, to amend the Unified Development Ordinance to set time limits for application, plan and project approvals by staff, Planning Commission and City Council. Tim, would you like to bring us to speed on this one?

Conklin: Sure. The ordinance that we are considering tonight is the expiration of previously approved plans and permits and then setting time limits for our different types of applications. Then setting a time limit for the expiration of the permit if they start construction and then they expire or they start but don't finish their project within a three year time period. Basically, after this

ordinance is passed by the City Council they will have 90 days to use their current permits that have been issued by the City of Fayetteville Planning Commission and go ahead and construct their project. We have some projects out in the community that have been approved as far back as nine or ten years ago that don't comply with our Commercial Design Standards or Landscaping Standards in parking lots. Basically, if they want those project approvals to stand they need to go ahead and get their projects underway. After 90 days they need to meet our current city ordinances. That is the first part and then it sets up a one year time limit with conditions for approvals. Once the Planning Commission approves a project or staff, that any building permits for a renovation or new construction that has a one year time limit. For a lot split that has a one year time limit. They need to go ahead and meet the conditions of approval for the lot split and go get that filed. We have a situation, I just had one last week where a lot split was approved a couple of years ago. The sewer line was not extended. There was a private line crossing the property line issue with the buyer and the person that split the property. We have these things that are just sitting out there that if you are going to go ahead and get approval you need to at least get your infrastructure complete within that year. They need to receive a Certificate of Zoning Compliance. Those are issued at the time of building to permit and make sure the use is allowed and receive all permits and approvals required by the city, state, and federal regulations to start the construction. If the applicant has a good cause of why he can't achieve those conditions he can come back to the Planning Commission to request a one year time extension for the approval. That is part of the ordinance also. Basically, we are just trying to set up a time limit that once you get approval, go ahead and get your permits in hand, and start construction of your project. You may see in the future if this ordinance is passed, that applicants would come back before you asking for an additional one year time extension. Then, basically Part C of the ordinance is a three year time limit. Once you start your project you have three years to complete it. We also added in the Conditional Use section that all the previously approved Conditional Uses that are currently out there in our community, if they are discontinued for more than one year that they become void and they would have to reapply for a Conditional Use. Currently, we issue Conditional Uses and there are Conditional Uses out there that don't have the one year time limit that five years ago there was a child care facility established and they came into our office and there was a Conditional Use that was approved by the Planning Commission we would have to allow them to go ahead and reestablish that childcare without this ordinance. We are trying to clean up those also. That is all I have on this ordinance. If you have any questions I would be more than happy to answer them.

Bunch: Tim, a question on the timing on page 4.3 in paragraph 166.18 where it says approved prior to July 1st. Do we not have quite a number of projects out that have a one year time limit on it and it would not take away that one year time limit from those and establish a 90 day time limit?

Conklin: I think I understand your question. By passing this ordinance with that time limit would that give them 90 days to complete.

Bunch: Right. Some that already have a one year sunset clause and if I understand properly the purpose of this is to bring in those that have no time limit on them. What affect would this particular language have on projects that have come through currently, meet our current conditions and have a one year time limit but predated July 1, 2002?

Conklin: That is a good question. The intent of the ordinance is any projects approved recently should have a year to go ahead and get their permits in hand.

Williams: The 90 days was added to actually give anyone that had a very old permit 90 days from the passage of this ordinance by the City Council to go ahead and go forward with their project so they are not bound by this one year limitation which they will be if they don't begin their project. I can get with Tim and as it goes up the line to the City Council we will look at trying to clear that wording up to make sure that we are not restricting anyone to less than one year, which is what this provides.

Bunch: We have people that have recently gone through the process that have done everything that they should and there is no sense in penalizing them because of other conditions.

Williams: That is not the intent of that. We will look at that language again and make it clear exactly what it is we are trying to get to with that. The 90 days was simply a window that was being provided to anyone, even if they have a very, very old project, to go forward so that they don't have to comply with this particular ordinance. They can go ahead and begin their project even if their permits are very, very old.

Bunch: I understand the 90 day deal but my question is is the 90 days in conjunction with July 1, 2002?

Conklin: We can take a look at that. Once again, I want to make sure that I can work with the City Attorney and have some language in there that the intent is to not penalize anybody that has an approval less than a year, take that away from them. Whatever language we can put in there between now and Council we will put in there. It is to catch the very old ones that I am having to deal with currently.

Williams: In fact, we can just move that date back I would think because for the last couple of years you have been putting as conditions of approval a time limit on

virtually everything that goes forward have you not Tim as a part of the Planning process?

Conklin: I want to say yes but can't guarantee 100% so it kind of worries me to push it back too far. Let me do some research and I will work with the City Attorney's office and we will have language in there to cover all bases. I don't want something in between the date and the passage of the ordinance that falls through. Basically, I want to put everybody on the same playing field.

Aviles: Thanks Tim.

Estes: I have a question for Mr. Conklin. Tim, in the introductory material that we have on page 4.1 at the end of the first paragraph is the phrase "shall be processed in accordance with the requirements for a Large Scale Development regardless of the size or number of lots." Is there a portion of the draft ordinance that has inclusionary language? I see that there is exclusionary language over in subsection "G", what is excluded. Is there language in the draft that contains the inclusion that is in our introductory material for a Large Scale Development regardless of the size or number of lots?

Conklin: That was actually the staff report that went to the first Planning Commission. It was not updated and it is separate from what we are discussing this evening. I apologize for not taking that out of the staff report.

Aviles: So we are just going to strike the first paragraph since it is not under consideration tonight?

Conklin: Yes.

Aviles: What is the status on that Tim? Is the Planning Commission going to be hearing that when you have had enough time to draft it I assume?

Conklin: I talked with Commissioners that were at agenda session and they seemed to favor just bringing one ordinance at a time to you. I have a list of ordinances so as we get ready we will bring them to you. Does that answer your question?

Aviles: It does.

Conklin: I don't have the dates in my head right now that I can give to you.

Aviles: Is there any further discussion on the proposed ordinance that is in front of us? Is there any member of the public here that wishes to address us on this item? Seeing none, I will close public discussion and bring it back to the Commission for further discussion or motions.

Ward: I feel like this particular ordinance is an excellent ordinance. It is something that should have been done a long time ago. I am a little amidst that all of the sudden we are just putting a 90 day time frame in there. I think that is too short of time. If we don't do this ordinance a lot of these things can last for another twenty years. I don't think 90 days is an appropriate time to allow for some of these old developments and so on to come through. I think maybe one year would be a time frame that would be closer to what I would feel was acceptable. Also, Tim are we going to notify all the present owners by Certified Mail what is going to be happening to their properties and how this will affect it? I think that needs to be done for sure. Even on the Conditional Uses, we need to notify all those people.

Conklin: I don't have that capability or staff to do that at this time. I am always surprised when they bring in their projects to me and they say they got this approved in 1990, here is the Large Scale Development, we want our permits.

Ward: I just feel like we are trying to push too much.

Conklin: I have thousands of files and approvals I would have to go through. I don't have that staff time. I would not have the staff time this year, I will not have the staff time next year to do that unless we wanted to hire someone to help out. Unfortunately, that is the reality. There are some very old approvals and every year I get one or two of them that come up that all staff, Engineering, Planning, Tree and Landscape are unaware of.

Ward: I think it is a very well needed ordinance but I think we are trying to push the time frames way to quick. Things that have been on the books for a long time, by doing the ordinance I think it is a way of doing it but I don't think 90 days is appropriate at all, and unless we do notify them by certified mail.

Estes: Commissioner Ward, do I understand that you are suggesting §166.18 that within 90 days be changed to within one year?

Ward: Yes, I'm not holding that as some kind of terrific date or anything, I just think 90 days is way too short of time for something that we are not even notifying about.

Estes: That would satisfy Commissioner Bunch's concerns I believe and should Commissioner Ward make such a motion I would certainly second it.

Aviles: I will support it too because I think that it is more in line with standards for extensions granted to Large Scale Development projects. This can be treated almost like that.

Motion:

Ward: With that, I will go ahead and make a motion to approve ADM 02-29.00, which is the administrative item for the Large Scale Development Ordinance Expiration and with the one change from 90 days to 12 months time frame.

Estes: For the reasons that have been articulated by Mr. Conklin, the recommendation of staff, and the recommendation of our City Attorney's office that passage of this ordinance be made and with the change from 90 days to one year I will second the motion.

Aviles: Thank you Commissioner Estes. I have a motion and a second. Is there any further discussion? Tim, before we vote on this, could you let us know, this now goes to the Ordinance Review Committee?

Conklin: It is up to the City Council. Typically we put it on the City Council agenda and if they have questions they refer it to the Ordinance Review Committee.

Aviles: I think that this goes as a recommendation in either case to the City Council and I think it is one that is well advised because it would give property owners a chance to secure financing and so forth. Renee, would you call the roll please?

Roll Call: Upon completion of roll call the motion to forward ADM 02-29.00 was approved by a vote of 7-0-0.

Aviles: Thank you. The motion carries unanimously.

STAFF REVIEW FORM

__X__ AGENDA REQUEST
_____ CONTRACT REVIEW
_____ GRANT REVIEW

FOR: COUNCIL MEETING OF October ~~1~~ 15, 2002 **MAYOR'S APPROVAL** _____

FROM:

Kit Williams	City Attorney	Legal
Name	Division	Department

ACTION REQUIRED An Ordinance To Amend §34.23 And §34.24 To Change The Amount Above Which Quotation Bids Are Required

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 Attached

Budget Coordinator | Administrative Services Director

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

Accounting Manager	Date 9-20-02	Internal Auditor	Date
City Attorney	Date 9-20-02	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:

Division Head | Date

Department Director | Date 9-23-02

Administrative Services Director | Date 9/24/02

Mayor | Date

CROSS REFERENCE

New Item: **Yes** No

Previous Ordinance/Resolution No.: _____

ORDINANCE NO. _____

AN ORDINANCE TO AMEND §34.23 OF THE FAYETTEVILLE CODE TO CHANGE THE AMOUNT ABOVE WHICH QUOTATION BIDS ARE REQUIRED AND TO REPEAL §34.24 OF THE FAYETTEVILLE CODE

WHEREAS, A.C.A. §14-58-303 (b) requires the "municipal governing body shall provide, by ordinance, the procedure for making all purchases which do not exceed the sum of **ten thousand dollars ($10,000.00)**."

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby repeals §34.23 of the Fayetteville Code and replaces it with a new §34.23 changing the dollar limit from $20,000.00 to $10,000.00 to comply with state law:

> **"§34.23 Purchases and contracts not in excess of $10,000.00.**
>
> All such purchases not in excess of $10,000.00 shall be made by the mayor, or his duly authorized representative, after the securing and recording of quotation bids therefor; provided, quotation bids need not be secured for purchases under $500.00. Contracts not in excess of $10,000.00 shall be made and entered into by the mayor, provided the hiring or engagement of professional services shall be conducted according to a professional hiring policy approved by the city council. The mayor shall have authority to approve contract change orders up to the contingency amount, if any, as set forth in any approved contract even though such contingency amount may exceed $10,000.00."

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §34.24 of the Fayetteville Code because purchases and contracts in excess of $10,000.00 are governed exclusively by state law (A.C.A. §14-58-303).

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

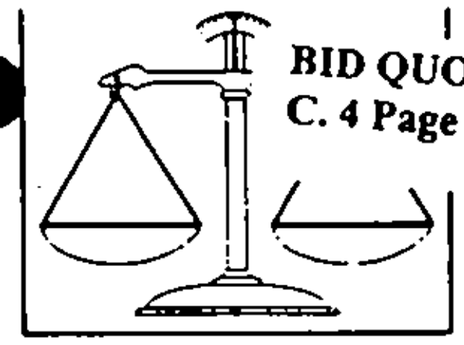
ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY



BID QUOTATIONS
C. 4 Page 3

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor
All City Directors

FROM: **Kit Williams**, City Attorney

DATE: **March 13, 2002**

RE: **Bidding Requirements: Ten Thousand Dollar Limitation**

In most cases A.C.A. §14-58-303 (b)(2) controls the manner in which a city contract in excess of $10,000.00 must be obtained ... "competitive bidding." I have attached this statute.

A.C.A. §19-11-229 (b) was amended in 2001 to state that "Contracts exceeding an estimated purchase price of twenty-five thousand dollars ($25,000.00) shall be awarded by competitive sealed bidding ...." This statute **did not change** A.C.A. §14-58-303 (b) (2) which still requires competitive bidding for contracts above $10,000.00.

I believe the City is bound by this lower figure despite the raise from $10,000.00 to $25,000.00 in the competitive bidding threshold in A.C.A. §19-11-229 (b).

History. Acts 1959, No. 28, § 8; A.S.A. 1947, § 19-4428.

14-58-302. Annual report by mayor.

(a) The mayor of a first class city shall prepare and submit to the municipal governing body within sixty (60) days after the end of each fiscal year a complete report on the finances and administrative activities of the city during the previous fiscal year.

(b) The mayor shall also keep the governing body advised as to the financial condition and future needs of the city and make such recommendations as to him may be desirable.

History. Acts 1959, No. 28, § 4; A.S.A. 1947, § 19-4424.

14-58-303. Purchases and contracts generally.

(a) In a city of the first class, the mayor or his duly authorized representative shall have exclusive power and responsibility to make purchases of all supplies, apparatus, equipment, materials, and other things requisite for public purposes in and for the city and to make all necessary contracts for work or labor to be done or material or other necessary things to be furnished for the benefit of the city, or in carrying out any work or undertaking of a public nature therein.

(b)(1) The municipal governing body shall provide, by ordinance, the procedure for making all purchases which do not exceed the sum of ten thousand dollars ($10,000).

(2)(A)(i) Where the amount of expenditure for any purpose or contract exceeds the sum of ten thousand dollars ($10,000), the mayor or his duly authorized representative shall invite competitive bidding thereon by legal advertisement in any local newspaper.

(ii) Bids received pursuant to the advertisement shall be opened and read on the date set for receiving the bids in the presence of the mayor or his duly authorized representative.

(iii) The mayor or his duly authorized representative shall have exclusive power to award the bid to the lowest responsible bidder, but may reject any and all bids received.

(B) The governing body, by ordinance, may waive the requirements of competitive bidding in exceptional situations where this procedure is deemed not feasible or practical.

History. Acts 1959, No. 28, § 5; 1979, No. 154, § 1; 1985, No. 745, § 3; A.S.A. 1947, § 19-4425; Acts 1995, No. 812, § 1.

Amendments. The 1995 amendment substituted "ten thousand dollars ($10,000)" for "five thousand dollars ($5,000)" in (b)(1) and (b)(2)(A)(i); rewrote (b)(2)(A)(iii); and deleted former (b)(2)(A)(iv).

STAFF REVIEW FORM

2002 MILLAGE
C. 5 Page 1

• AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

the Fayetteville City Council Meeting of: October 15, 2002

FROM:

Kevin Springer	Budget & Research	Administrative Services
Name	Division	Department

ACTION REQUIRED: Council Action is requested to adopt real and personal property tax rates for 2002 for Policemen's Pension & Relief and Firemen's Pension & Relief Funds. The rate to be adopted for Policemen's Pension & Relief fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property. The rate to be adopted for Library Operations is 1.0 mils for real property and 1.0 mils for personal property.

COST TO CITY:

N/A	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
N/A	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
N/A	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Ken Springer	9-26-02		
Budget Manager	Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Faulkner	9/26/02	Nancy Smith	9/27/02
Accounting Manager	Date	Internal Auditor	Date
[illegible]	9/27/02		
City Attorney	Date	ADA Coordinator	Date
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends adoption of millage rates.

Division Head	Date
Department Director	Date
Steve Rogers	9-26-02
Administrative Services Director	Date
Dan Coody	9/27/02
Mayor	Date

Cross Reference

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

Previous Ord/Res#: ____

Orig. Contract Date ____

Orig. Contract Number ____

Staff Review Form - Page 2

Description Property Tax Adoption - Police/Fire/Library Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2002 FIXING THE RATE THEREOF AT 0.4 MILS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILS FOR THE POLICEMEN'S PENSION AND RELIEF FUND AND 1.0 MIL FOR THE FAYETTEVILLE CITY LIBRARY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1. That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002, to be collected in 2003, for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

Purpose		Levy
Fayetteville City Library		1.0 mils
Policemen's Pension Fund		0.4 mils
Firemen's Pension Fund		0.4 mils
	TOTAL	1.8 mils

Section 2. That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3. The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

Section 4. That the 1.0 mil levied above for operation of the Fayetteville City Library replaces the 1.0 mil county library tax formerly levied on property within the City of Fayetteville and is not an additional mil.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

FAYETTEVILLE

3AS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THRU: Dan Coody, Mayor
Steve Davis, Interim Administrative Services Director

FROM: Budget & Research

DATE: September 24, 2002

SUBJECT: **2002 Millage Levy**

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2002.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of September 14, 2002, is approximately $668 million. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real estate assessments is approximately 7.6%. The final assessments are anticipated from Washington County mid October.

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. In addition, there will be a millage levy for the operation of the Fayetteville Public Library if approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library will be 1.0 mils for real property and 1.0 mils on personal property.

City Council has the option of assessing up to 5 mils on real and personal property. City Council may choose to exercise its option to levy some or all these discretionary 5 mils to provide a financial cushion to General Fund in the event Amendment 3 (removal of sales tax from food and drugs) is approved by the voters on November 5.

The estimated impact on the City in General Fund, for 2003 if Amendment 3 is approved is between $1.6 and $2.2 million. The millage levy must be at Washington County, November 7 to be included in their consolidated levy ordinance. Approximately 3 mils would be needed to offset this loss.

If City Council levies millage to offset the projected loss if Amendment 3 is approved then the millage revenue would be used for operations. If Amendment 3 is **not** approved and City Council has levied millages, then the funds could be directed to one or more identified capital projects. The majority of the funds from a millage received is in November.

The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2002. If you have any questions concerning this agenda request please contact Stephen Davis at 575-8330.

City of Fayetteville
Property Tax Revenue per Mil
September 25, 2002

Millage	Approximate Revenue
0.10	$ 61,000
0.20	$ 122,000
0.30	$ 183,000
0.40	$ 244,000
0.50	$ 305,000
0.60	$ 366,000
0.70	$ 426,000
0.80	$ 487,000
0.90	$ 548,000
1.00	$ 609,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2002 dated September 14, 2002 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2002 amount to approximately $641 million excluding real estate and personal property for utilities.

The change in assessed value, for real estate, from 2001 to 2002 is approximately $37.8 million or (7.7%). The change in assessed real estate value is due to newly discovered, newly constructed property (5.5%) and reassessment of existing property (2.0%). This change is offset by a total reduction of approximately $36.8 million in the assessed value for personal property. The net change for all assessments is approximately $1.0 million or (0.16%).

Property Tax Impact Illustration

	Appraised Value	Assessed Value	1 Mil Tax / Year
Single Family Home	$ 75,000.00	$ 15,000.00	$ 15.00
Single Family Home	$ 100,000.00	$ 20,000.00	$ 20.00
Single Family Home	$ 150,000.00	$ 30,000.00	$ 30.00

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College - Suite 250
Fayetteville, Arkansas 72701

2002 MILLAGE
C. 5 Page 7

SUE PHILLIPS
COUNTY ASSESSOR

TELEPHONE
479/444-1500

August 27, 2002

Mr. Steve Davis
Budget Officer
City of Fayetteville
113 W Mountain
Fayetteville AR 72701

Dear Mr. Davis

Enclosed is a copy of the Preliminary Summary Report of County Assessments for the Year 2002. It reflects the district totals for all the taxing entities in Washington County as they were assessed August 19, 2002 for 2002.

Values are to be certified for purposes of determining if a millage rollback is required under Amendment 59 as soon as the Equalization Board is finished and the County Court hearings are complete. The Equalization Board has meetings scheduled through the end of September, and County Court hearings, if there are any, will commence after that.

As you can see in the "%change" column, some of the cities have already experienced more than a 10% increase in total assessed value. It is very likely that those cities will have to roll back their millage.

I hope you find this information useful. Please feel free to call me if you have any questions.

Sincerely

Lee Ann Kizzar

Lee Ann Kizzar
Chief Deputy

Washington County
Preliminary Summary Report of County Assessments for the Year 2002

School District Totals

	2001	2002	NDP	% Change	% NDP
Benton County	7,014,210	7,394,684	126,360	5.42	2.27
Elkins	29,156,583	29,806,387	761,200	2.23	3.58
Farmington	67,937,403	72,684,010	3,673,909	6.99	6.27
Fayetteville	682,791,340	707,507,818	26,303,222	3.62	4.78
Greenland	35,305,285	33,219,025	999,855	(5.91)	4.46
Lincoln	41,895,344	42,984,728	1,074,873	2.60	3.43
Prairie Grove	50,574,359	53,645,248	2,798,493	6.07	6.87
Springdale	666,570,065	702,032,328	31,713,880	5.32	6.14
West Fork	31,447,830	32,662,148	1,191,312	3.86	5.08
Winslow	9,547,091	10,169,000	445,397	6.51	7.14
Grand Total	**1,622,239,510**	**1,692,105,376**	**69,088,501**	4.31	**5.41**

City Totals

	2001	2002	NDP	% Change	% NDP
Elkins	10,334,018	10,895,682	569,506	5.44	6.46
Elm Springs	8,173,378	9,044,363	589,381	10.66	7.75
Farmington	29,722,337	31,245,129	1,067,526	5.12	4.20
Fayetteville	666,622,010	686,722,390	27,141,884	3.02	5.11
Goshen	8,187,035	9,336,839	884,718	14.04	11.08
Greenland	6,709,881	6,856,619	192,852	2.19	3.46
Johnson	26,716,679	27,736,598	1,209,768	3.82	5.61
Lincoln	13,841,929	13,845,041	266,896	0.02	2.50
Prairie Grove	21,680,922	22,643,063	874,751	4.44	4.73
Springdale	485,460,574	511,184,862	23,061,824	5.30	6.25
Tontitown	16,224,085	18,616,215	1,465,562	14.74	10.43
West Fork	13,800,077	14,471,543	455,263	4.87	3.98
Winslow	2,220,958	2,528,563	267,465	13.85	14.55

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

FBO Hangar
Crossland Construction

For the Fayetteville City Council Meeting of: October 15, 2002

FROM:

Ray M. Boudreaux	Aviation & Economic Development	Airport
Name	Division	Department

ACTION REQUIRED: Resolution to approve a Contract with Crossland Construction, Inc. to construct FBO Hangar. Includes a 10 % contingency amount. Approval of a budget adjustment. Forward to the Mayor for signature.

Approval of Arkansas Aeronautics Commission grant 1926-02 in the amount of $200,000 (50-50%) for construction of hangar to accommondate FBO expansion.

COST TO CITY:

$697,400.00	$ -	FBO Hangar
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.3960.5804.00	$ -	Capital
Account Number	Funds Used to Date	Program / Project Category Name
02130.1	$ -	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

	9-27-02		
Budget Manager	Date	Administrative Services Director	Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fielding	9/27/02	Danny Smith	9/30/02
Accounting Manager	Date	Internal Auditor	Date
D. P. Whitaker	10/1/02		
City Attorney	Date	ADA Coordinator	Date
Alice * need purch attached	10/1/02		
Purchasing Manager	Date	Grant Coordinator	Date

STAFF RECOMMENDATION: Staff recommends approval of contract and associated budget adjustment.

Staff recommends approval of grant award 1926-02.

Division Head	Date
Department Director	Sept 27, 2002 Date
Administrative Services Director	10-1-02 Date
Mayor	10/3/02 Date

Cross Reference

New Item: Yes No X

Previous Ord/Res#: 046-02(eng. cntrct)

Orig. Contract Date N/A

Orig. Contract Number N/A

TEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Fayetteville City Council Members
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: September 27, 2002
SUBJECT: FBO Hangar Construction Project

Background:
The Fayetteville Municipal Airport has no hangars to lease. Since March, we have been full. The airport board at their June meeting approved the project to construct a new FBO Hangar. We started engineering and design immediately and on September 26 opened bids for the project. Seven bids were received. The engineer's estimate was $713,612.37. The lowest bid was from Crossland Construction Co. for $634,000. The second lowest was for $636,000 from Maranoni Construction.

To continue expansion we need space for new tenants to store their aircraft as well as for overnight storage of transient aircraft. The new FBO hangar will allow a great degree of flexibility. New tenants can be placed in the large hangar until a new T Hangar could be built. The FBO hangar will hold up to 20 small aircraft. DHL has expressed interest in a heated hangar for periods of severe weather. Many corporate pilots have expressed similar interest. Our survey found 37 pilots, 20% of those responding were interested in a heated hangar including several from Drake Field. Those would move to the heated, full service hangar opening up some T Hangar units for new customers. This facility is the next step in the rebirth of the Fayetteville Municipal Airport, Drake Field as the premiere general aviation airport in Northwest Arkansas.

Purpose: Accept the lowest responsive bid and award contract for construction of the FBO hangar to Crossland Construction Co.

Budget Considerations: The lowest responsive bid of 634,000 plus 10% contingency. Funds are available. A State of Arkansas grant for $200,000 has been approved for this project. A Budget Adjustment is attached.

Requested Action: Approve award of the contract for construction of the new FBO Hangar plus a 10% contingency to Crossland Construction Company.

Attachments: Staff Review Form
Contract
Budget Adjustment

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

FBO HANGAR
C. 6 Page 3

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

MIKE HUCKABEE
GOVERNOR

JOHN K. KNIGHT
DIRECTOR

Gary Gummill
Chairman
Jonesboro

Darryl Riddell
Vice-Chairman
West Helena

Margarita Montana
Rogers

John A. Sparks
Little Rock

Ken Johnson
Pine Bluff

Ken Pyle
Fort Smith

Marion Burton
Little Rock

July 11, 2002

LOU
Start project
file

RECEIVED
JUL 15 2002
AIRPORT

Mr. Ray M. Boudreaux, Director
Fayetteville Municipal Airport
4500 South School – Suite F
Fayetteville, Arkansas 72701

Dear Mr. Boudreaux:

The Arkansas Aeronautics Commission in their meeting of July 10, 2002 approved a State Airport Aid Grant in the amount of $200,000.00 for construction of hangar to accommodate FBO expansion at Fayetteville Municipal Airport. (50-50%)

Your grant has been assigned a number for identification purposes. Please use 1926-02 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
Director

JK/cb

FBO HANGAR
C. 6 Page 4

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of Fayetteville, Arkansas, Washington County.

Date of Request: June 20, 2002

Name of Airport: Fayetteville Municipal Airport / Drake Field (FYV)

Name and address of City/County Commission sponsoring request:

City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

Person to contact about project:
Ray M. Boudreaux, Director
4500 S School Ave, Suite F

Phone/Fax Number: _____

Phone/Fax Number: 501-718-7642
501-718-7646 fax

Name and address of Engineering Firm (If Applicable):

McClelland Consulting Engineers, Inc.
PO Box 1229
Fayetteville, AR 72702-1229

Contact Person: Wayne Jones, P.E.

Phone/Fax Number: 501-443-2377

Describe the work to be accomplished:
Construct a new Fixed Base Operations Hangar South of the Main Terminal. At the present time there is no place for the FBO to hangar aircraft remaining overnight.

State and Local Project Costs:
Please indicate: X 50-50% Match
___ 75-25% Match
___ 90-10% Match

Federal AIP Projects:
N / A

Total Cost of Project	$679,215	Total Cost of Project
Local Share/Funds	$479,215	Federal Share (90%)
Local Share/In-Kind		Local Share (5%)
State Share	$200,000	State Share

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

FUNDS:

Source of Funds State Funding: Arkansas Department of Aeronautics

Local Funding: The City of Fayetteville Municipal Airport Funds

Source of In-Kind Services N/A

Estimate starting date of project: August 1, 2002

Estimate completion date of project: November 30, 2002

Project will be for: New Airport _____ Existing Airport XX

Is land to be leased or purchased? NO

Description of land and cost per acre: N/A

Provide the Federal AIP Grant Number (AIP Projects Only)

State Representatives for your area:

State Senator David Malone - District 35

State Representative Bill Pritchard - District 8

State Airport Aid Application
Page Three

The Sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc., shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1-Pages 1&2).

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction Page).

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 25th day of June, 20 02.

City of Fayetteville
Name of Sponsor

Authorized Signature

Ray M. Boudreaux, Director
Title

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Date Requested	Adjustment #
2002	Aviation & Economic Development Division: Airport Program: Capital	09/27/2002	

Project or Item Requested:

$697,400 is requested in the Building Costs account to construct a 150' x 125' hangar to support the Airport's Fixed Base Operation. (FBO)

Project or Item Deleted:

To recognize $200,000 in State grant revenue - Arkansas Dept. of Aeronautics grant #1926-02

$497,400 in the Capital program Professional Services account.

Justification of this Increase:

Investment in this facility supports the Airport's strategic goals for the future self sufficiency of Drake Field.

Justification of this Decrease:

Airport funds leverage State grant funds for hangar development.

Sufficient funding remains in Prof Serv account to meet 2002 objectives.

Sufficient funding remains to comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Building Costs	697,400	5550	3960		5804	00	02130	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
State Grants	200,000	5550	0955		6805	00	02130	1
Professional Services	497,400	5550	3960		5314	00	02073	1

Approval Signatures

Requested By	Date
Budget Manager	Date
Department Director	Date
Adm. Services Director	Oct 1, 2002 Date
Mayor	10/3/02 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

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of _____, 2002, by and between Crossland Construction Co., Inc. and the City of Fayetteville, Arkansas:

W I T N E S S E T H:

That Crossland Construction Co., Inc., for the consideration hereinafter fully set out, hereby agrees with the City of Fayetteville as follows:

1. That Crossland Construction Co., Inc. shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Drawings, Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled FBO Hangar for Fayetteville Municipal Airport, dated August, 2002.

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplementary Conditions
Performance Bond	Specifications
	Drawings (Bound Separately)

2. That the City of Fayetteville hereby agrees to pay to Crossland Construction Co., Inc. for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of: Six-hundred thirty-four thousand Dollars ($634,000.00).

3. The Work will be substantially completed within **150** days after the date when the Contract Time commences to run as provided in the Notice to Proceed.

4. Liquidated Damages: The City of Fayetteville and Crossland Construction Co., Inc. recognize that time is of the essence of this Agreement and that the City of Fayetteville will suffer financial loss if the Work is not completed within the time specified above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by the City of Fayetteville if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City of Fayetteville and Crossland Construction Co., Inc. agree that as liquidated damages for delay (but not as a penalty) Crossland Construction Co., Inc. shall pay the City of Fayetteville **Five Hundred Dollars ($500.00)** for each day that expires after the time specified in Paragraph 3 for Substantial Completion.

5. That within 30 days of receipt of an approved payment request, the City of Fayetteville shall make partial payments to Crossland Construction Co., Inc. on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by Crossland Construction Co., Inc., LESS the retainage provided in the General Conditions, which is to be withheld by the City of Fayetteville until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the City of Fayetteville.

6. That upon submission by Crossland Construction Co., Inc. of evidence satisfactory to the City of Fayetteville that all payrolls, material bills, and other costs incurred by Crossland Construction Co., Inc. in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by Crossland Construction Co., Inc. of all work covered by this Agreement and the acceptance of such work by the City of Fayetteville.

7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the City of Fayetteville shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, Crossland Construction Co., Inc. shall, at his expense, within 5 days after the receipt of notice from the City of Fayetteville, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the City of Fayetteville. In such event, no further payment to Crossland Construction Co., Inc. shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the City of Fayetteville.

8. No additional work or extras shall be done unless the same shall be duly authorized by appropriate action by the City of Fayetteville in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

CROSSLAND CONSTRUCTION CO., INC.

By Signed Contracts 1st Wak Rg.
Name

WITNESSES:

_____
Title

_____

CITY OF FAYETTEVILLE, ARKANSAS

ATTEST:

_____ By_____
Clerk Mayor

Approved as to form:

_____ Attorney for City of Fayetteville

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

P.O. Box 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

September 27, 2002

Mr. Ray Boudreaux
Airport Manager
4500 South School, Suite F
Fayetteville, AR 72702

Re: Bid Tabulation & Recommendation to Award
FBO Hangar, Fayetteville Municipal Airport

Dear. Mr. Boudreaux:

As you are aware, bids were opened for the referenced project on September 26, 2002. We were very pleased that seven bids were received, with the lowest bid coming from Crossland Construction Co., Inc. in the amount of $634,000. This was substantially under the Engineer's estimate of $713,612.37.

Of the seven bids received, five were below the Engineer's estimate. I attribute that to a very competitive situation influenced somewhat by workload in Northwest Arkansas vs. number of qualified Contractors.

Our company has worked successfully with Crossland Construction Co. before (on the Science Engineering Building, UA Campus). They have an established office in Rogers, AR (home office: Columbus, Kansas). They have an impressive list of completed projects – both larger and smaller than the FBO Hangar.

They are licensed in the State of Arkansas to do "Municipal and Utility Construction" and their "Bid Limit" is unlimited.

Without reservation, I recommend award of the Construction Contract for the FBO Hangar to Crossland Construction Co., Inc. in the Total Lump Sum Base Bid amount of $634,000.

If you have questions about this matter, please contact me.

Sincerely,
McClelland Consulting Engineers, Inc.

Johnny Quinn, P.E.

Encl: Bid Tab

J:\2002\022134\Boudreaux 9.27.02.doc

September 26, 2002 2:00 p.m.

NAME OF BIDDER	TOTAL LUMP BASE BID	ADDITIONAL UNDERCUT AND BACKFILL	DEDUCTIVE ALTERNATE #1	DEDUCTIVE ALTERNATE #2	DEDUCTIVE ALTERNATE #3
Crossland Construction Company, Inc.	$634,000.00	$14.00	$4,200.00	$6,000.00	$4,000.00
John P. Marinoni Construction	$636,000.00	$15.00	$2,600.00	$6,000.00	$2,400.00
SSI, Incorporated of NW Arkansas	$692,000.00	$13.00	$4,245.00	$4,061.00	$4,928.00
Buildings, Inc.	$698,900.00	$13.00	$4,200.00	$6,400.00	$3,800.00
Kirby Specialties Corporation	$713,000.00	$25.00	$3,200.00	$6,300.00	$2,085.00
East-Harding, Inc.	$720,035.00	$16.50	$4,000.00	$4,884.00	$2,884.00
Basic Construction Company, Inc.	$799,000.00	$10.00	$2,924.00	$1,639.00	$1,310.00

Certified by: John Quinn
John Quinn, P.E. #4314

J:\2002\022134\Bid Tab.wb2

STAFF REVIEW FORM

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

South Hangar Apron Complex
Tomlinson Asphalt

For the Fayetteville City Council Meeting of: October 15, 2002

FROM:

Ray M. Boudreaux	Aviation & Economic Development	Airport
Name	Division	Department

ACTION REQUIRED: Resolution to approve a Contract with Tomlinson Asphalt, Inc. to construct aircraft hangar apron. Includes a 10 % contingency amount. Approval of a budget adjustment. Forward to the Mayor for signature. 616,707.74

COST TO CITY:

$677,829.00	$ -	South Hangar Apron Complex
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.3960.5804.00	$ -	Capital
Account Number	Funds Used to Date	Program / Project Category Name
02131.1	$ -	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Manager — Date 9-27-02 — Administrative Services Director — Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date 9/27/02 — Internal Auditor — Date 9/30/02

City Attorney — Date 10/1/02 — ADA Coordinator — Date

Purchasing Manager * need purchasing attached — Date 10/1/02 — Grant Coordinator — Date

STAFF RECOMMENDATION: Staff recommends approval of contract and associated budget adjustment.

Division Head — Date

Department Director — Date Sept 27, 2002

Administrative Services Director — Date 10-1-02

Mayor — Date 10/2/02

Cross Reference

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

Previous Ord/Res#: 036-02(eng. cntrct)

Orig. Contract Date N/A

Orig. Contract Number N/A

Staff Review Form - Page 2

Description Tomlinson Asphalt - S Hangar Apron Complex Meeting Date October 15, 2002

Comments: Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Fayetteville City Council Members
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: September 26, 2002
SUBJECT: Executive Ramp Project

Background:
Beginning in January 2002, Airport staff began planning for a new aircraft parking ramp to accommodate corporate style hangars. Following Strategic Planning meetings, the Airport Board approved a new five year plan that included the new Executive Ramp Development area to support the corporate community with facilities near the highway, convenient for passengers. Initial designs and cost estimates were used to apply for a State grant for the design and construction of the ramp. Application was made January 25 to the State, approved by the City Council resolution February 5 and awarded by the State Aeronautics Commission at their February 13, 2002 meeting in the amount of $166,600 for the project estimated to cost $205,670. The State Aeronautics Commission required that there be two leases signed for parcels to construct hangars on the new ramp before the grant could be used.

Two leases were negotiated and signed. Don Nelms and Flying Investments, Inc. signed leases in May 2002 for ground on which to construct new hangars. Both companies requested South facing buildings which necessitated a modified design for the area and an increase in the scope of the project.

In May we presented the project to the Planning Commission for Large Scale Development approval. Following several meetings with planning and engineering staff, additional engineering was needed to allow for increases in drainage runoff caused by the construction of the buildings. Large Scale Development approval was granted.

The Executive Ramp Development Project has evolved into a very nice development. The initial project was for phase one to begin on the South side of the new ramp. The first tenants to lease land for hangars asked for South facing doors so the first new hangars would need to be constructed on the North side of the ramp. The construction estimate grew to $713,612.37 for the ramp and support infrastructure. The project now includes four times the initial parking area, a new sewer pump station and water to support fire suppression systems in all five hangars in the LSD. It also relocates the entrance road and provided security fencing around the entire project. The Board decided to build the new FBO Hangar adjacent to the Terminal for easy access so the North side of the development is full. We have interest from another company to build a hangar on the South side of the ramp.

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

The project bids were opened September 27 at City Hall. The low bidder was Tomlinson Construction of Fayetteville in the amount of $616,201.70 for the base bid.

All hangars on the airport are full. The new Executive Ramp Development project will allow the needed expansion space for our new FBO hangar and several corporate hangars. We have leases for two corporate hangars. One is ready to begin construction and has a delivery date for their building in November. This expansion project is essential for our continued development as the premiere general aviation airport in Northwest Arkansas.

Purpose: Review and acceptance of the lowest responsive bid and the contract for the construction of the new FBO Hangar to Tomlinson Construction.

Budget Considerations: Base bid of $616,207.70 plus a 10% contingency. Funding is available.

Requested Action: Approve the award of the lowest responsive bid and Mayor sign the contract for construction.

Attachments: Staff Review Form
Contract
Budget Adjustment

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

SO. HANGAR APRON
C. 7 Page 5

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

MIKE HUCKABEE
GOVERNOR

JOHN K. KNIGHT
DIRECTOR

Gary Gammill
Chairman
Jonesboro

Darryl Riddell
Vice-Chairman
West Helena

Margarita Fontana
Rogers

John A. Sparks
Little Rock

Ken Johnson
Pine Bluff

Ken Pyle
Fort Smith

Marion Burton
Little Rock

February 13, 2002

Mr. Ray Boudreaux, Director
Aviation and Economic Development
Fayetteville Municipal Airport
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701

RECEIVED
FEB 19 2002
AIRPORT

Dear Mr. Boudreaux:

The Arkansas Aeronautics Commission in their meeting of February 13, 2002 approved a State Airport Aid Grant in the amount of $74,088.00 to convert car parking area to ramp with overlay at the Fayetteville Municipal airport. (90-10%)

Your grant has been assigned a number for identification purposes. Please use 1877-02 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project provided the commission has received written assurance that lease agreements have been signed for two hangars as described in the grant application. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
Director

JK/cb

SO. HANGAR APRON
C. 7 Page 6

STATE OF ARKANSAS
DEPARTMENT OF AERONAUTICS

Little Rock National Airport • One Airport Drive • 3rd Floor
Little Rock, Arkansas 72202-4402
Telephone: (501) 376-6781 • Fax: (501) 378-0820

MIKE HUCKABEE
GOVERNOR

Gary Gammill
Chairman
Jonesboro

Daryl Riddell
Vice-Chairman
West Helena

Marguerite Fortunu
Rogers

John A. Sparks
Little Rock

Ken Johnson
Pine Bluff

Ken Pyle
Fort Smith

Marion Burton
Little Rock

JOHN K. KNIGHT
DIRECTOR

February 13, 2002

RECEIVED
FEB 19 2002
AIRPORT

Mr. Ray Boudreaux, Director
Aviation and Economic Development
Fayetteville Municipal Airport
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701

Dear Mr. Boudreaux:

The Arkansas Aeronautics Commission in their meeting of February 13, 2002 approved a State Airport Aid Grant in the amount of $92,512.00 for new taxiway and apron expansion at the Fayetteville Municipal Airport. (75-25%)

Your grant has been assigned a number for identification purposes. Please use 1878-02 as your grant number when corresponding with our office concerning your project. You should advise the Director of this office if you find you will not be able to complete the project for the amount approved. An amendment request for the project may then be acted on at the next Commission meeting. The Commission will not be responsible for any additional project costs unless the sponsor has received notification in advance.

The Commission has asked that we call your attention to Page Three (3) of your application for State Airport Aid. You agreed, when the application was submitted to start the project within three months after approval or the grant would be null and void. The next to the last paragraph requires that the project be completed within one year unless it is partially funded by the Federal Aviation Administration (FAA). Please advise if circumstances beyond your control prevent the completion within the allotted time, otherwise, the grant may be canceled.

Payment of this grant may be made on completion of the project provided the commission has received written assurance that lease agreements have been signed for two hangars as described in the grant application. Please request payment of this grant in writing and include your documentation for the project at that time.

Sincerely,

John Knight

John K. Knight
Director

JK/cb

RESOLUTION NO. 15-02

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN GRANT AGREEMENTS IN AN AMOUNT NOT TO EXCEED TWO HUNDRED THOUSAND DOLLARS ($200,000.00) PLUS A TEN PERCENT (10%) PROJECT CONTINGENCY FOR THE DEVELOPMENT OF EXECUTIVE RAMP FACILITIES AT THE FAYETTEVILLE MUNICIPAL AIRPORT.

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

Section 1. That the City Council hereby authorizes the Mayor to sign grant agreements in an amount not to exceed Two Hundred Thousand Dollars ($200,000.00) plus a ten percent (10%) project contingency for the development of executive ramp facilities at the Fayetteville Municipal Airport.

PASSED and **APPROVED** this 5th day of February, 2002.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Heather Woodruff
HEATHER WOODRUFF, City Clerk

SO. HANGAR APRON
C. 7 Page 8

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department:	Aviation & Economic Development	Date Requested	Adjustment #
2002	Division:	Airport	09/27/2002	
	Program:	Capital		

Project or Item Requested:

$677,829 is requested in the Capital program Building Costs account to construct an aircraft parking ramp to serve the South Corporate Hangar Complex.

Project or Item Deleted:

To recognize $166,600 In State grant revenue - Arkansas Dept of Aeronautics grants #1877-02 & #1878-02.

$150,000 in the Airside program Professional Services account.

To use $361,229 from Use of Fund Balance.

Justification of this Increase:

Investment in this facility supports the Airport's strategic goals for the future self sufficiency of Drake Field.

This aircraft ramp pavement will provide the infrastructure for private investment in corporate hangar facilities.

Justification of this Decrease:

Airport funds leverage State grant funds for hangar development.

Sufficient funding remains in Prof Serv account to meet 2002 objectives.

Sufficient funding remains in Fund Balance to comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Building Costs	677,829	5550	3960		5804	00	02131	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
State Grants	166,600	5550	0955		6805	00	02131	1
Professional Services	150,000	5550	3950		5314	00		
Use of Fund Balance	361,229	5550	0955		4999	99		

Approval Signatures

Requested By — Date

Budget Manager — Date

Department Director — Date Sept 27, 2002

Admin. Services Director — Date Sept 30, 2002

Mayor — Date 10/2/02

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

OCTOBER 11, 2002

FINAL AGENDA
CITY COUNCIL
OCTOBER 15, 2002

CORRECTION TO THE OCTOBER 15, 2002 FINAL AGENDA

RESOLUTIONS ATTACHED ARE:

A. 2. MOBLEY CONSTURCTION

B. 2 TRAFFIC STUDY

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONSTRUCTION CONTRACT WITH MOBLEY CONTRACTORS, INC. FOR CONTRACTED CONCRETE FLAT WORK AS NEEDED UP TO $148,180.00

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the construction contract attached as Exhibit A with Mobley Contractors, Inc. for contracted concrete flat work as needed up to $148,180.00.

PASSED and **APPROVED** this the 15th day of October, 2002.

APPROVED:

By: _____
DAN COUNTY, Mayor

DRAFT

ATTEST:

By: _____
Heather Woodruff, City Clerk

RESOLUTION NO. _____

A RESOLUTION AWARDING AN ENGINEERING CONTRACT IN AN AMOUNT NOT TO EXCEED TWO HUNDRED TWENTY-TWO THOUSAND THREE HUNDRED EIGHTY-EIGHT DOLLARS ($222,388.00) TO BUCHER, WILLIS AND RATLIFF CORPORATION FOR ENGINEERING AND PLANNING SERVICES ASSOCIATED WITH THE COMPREHENSIVE TRAFFIC STUDY; APPROVING AN ENGINEERING CONTRACT CONTINGENCY IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00); AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF FORTY-THREE THOUSAND NINE HUNDRED EIGHTY DOLLARS ($43,980.00) FOR SAME.

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

Section 1. That the City Council of Fayetteville, Arkansas, hereby awards an engineering contract in an amount not to exceed Two Hundred Twenty-Two Thousand Three Hundred Eighty-Eight Dollars ($222,388.00) to Bucher, Willis and Ratliff Corporation for engineering and planning services associated with the Comprehensive Traffic Study, a copy of which, marked Exhibit "A" is attached hereto and made a part hereof.

Section 2. That the City Council of Fayetteville, Arkansas, hereby approves an engineering contract contingency in the amount of Twenty Thousand Dollars ($20,000.00).

Section 3. That the City Council of Fayetteville, Arkansas, hereby approves a budget adjustment in the amount of Forty-Three Thousand Nine Hundred Eighty Dollars ($43,980.00) for same.

PASSED and **APPROVED** this _____ day of _____, 2002.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

HEATHER WOODRUFF, City Clerk

DRAFT

FAYETTEVILLE

agenda Sem.

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 15, 2002

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**

2. ✓**MOBLEY CONSTRUCTION:** A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Contractors for the "City-wide Sidewalk Construction" project. Check binding.

3. ✓**CLEVELAND STREET IMPROVEMENTS:** A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027.00; and the related budget adjustment.

4. ✓**CLEVELAND STREET:** A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.69. Need clarification for Cypress - See Leg B.

5. ✓**RIGHT-OF-WAY PURCHASE:** A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.

6. **OLD MISSOURI ROAD:** A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.

7. **SKYLAR PLACE ADDITION:** A resolution to accept money in lieu as park land requirement of the Skylar Place Addition.

Remove from Consent

Need minutes from PRAB

113 WEST MOUNTAIN 72701 479-521-7700
FAX 479-575-8257

Remove from Insert

8. **CORNERSTONE APARTMENTS:** A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.

9. **LOPFI BENEFITS:** A resolution authorizing the transfer of the sworn officers of the Fayetteville Fire Department for LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003.

B. OLD BUSINESS

1. **RZN 02-23.00:** An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.

2. **TRAFFIC STUDY:** A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,408; approval of an engineering contract contingency in the amount of $20,000 and approval of a budget adjustment. The resolution was tabled at the September 17, 2002 and the October 1, 2002 meetings.
Need resolution for hybrid. See list.

3. **RZN 02-27.00:** An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lenwyn Edens for property located southeast of Wedington Drive and Brooke Lane. The property is zoned A-1, Agricultural and contains approximately 6.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the first reading at the October 1, 2002 meeting.

C. NEW BUSINESS

1. **VA 02-8.00:** An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.

2. **RZN 02-28.00:** An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

3. **DEVELOPMENT PLANS AND PERMIT:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.

4. **BID QUOTATIONS:** An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.

5. **2002 MILLAGE:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002 fixing the rate thereof at 0.4 MILS for the Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

Consent 6. **FBO HANGAR:** A resolution approving a construction contract in the amount of $634,000.00 with Crossland Construction, Inc. for construction of FBO Hangar; a 10 % contingency and approval of a budget adjustment.
+ Grant acceptance.

Consent 7. **SOUTH HANGAR APRON:** A resolution approving a construction contract in the amount $616,207.70 with Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex; a 10% contingency and approval of a budget adjustment.

Remove from agenda 8. **ARKANSAS GAME AND FISH:** A resolution expressing the City of Fayetteville's intent to provide approximately five acres to the Arkansas Game and Fish Commission for construction of a regional headquarters.

CEIVED SEP 3 0 2002

CONTRACT

THIS AGREEMENT, made and entered into on the___ day of _____, 2002, by and between Tomlinson Asphalt Company, Inc. and the City of Fayetteville:

W I T N E S S E T H:

That Tomlinson Asphalt, for the consideration hereinafter fully set out, hereby agrees with the City of Fayetteville as follows:

1. That Tomlinson Asphalt shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled City of Fayetteville **Executive Hangar Complex**.

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications

2. That the City of Fayetteville hereby agrees to pay to Tomlinson Asphalt for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of: Six Hundred Sixteen Thousand Two Hundred Seven and 07/100 Dollars ($616,207.70).

3. The Work will be completed and ready for final payment in accordance with the General Conditions within **120** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.

4. Liquidated Damages: City of Fayetteville and Tomlinson Asphalt recognize that time is of the essence of this Agreement and the City of Fayetteville will suffer financial loss if the Work is not completed within the times specified in above, plus any extensions thereof allowed in accordance with the General Conditions. They also recognize the delays, expense, and difficulties involved in proving the actual loss suffered by City of Fayetteville if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and Tomlinson Asphalt agree that as liquidated damages for delay (but not as a penalty) Tomlinson Asphalt shall pay City of Fayetteville Three Hundred Fifty Dollars (**$ 350 .00**) for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within 30 days of receipt of an approved payment request, the City of Fayetteville shall make partial payments to Tomlinson Asphalt on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by Tomlinson Asphalt, LESS the retainage provided in the General Conditions, which is to be withheld by the City of Fayetteville until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the City of Fayetteville.

6. That upon submission by Tomlinson Asphalt of evidence satisfactory to the City of Fayetteville that all payrolls, material bills, and other costs incurred by Tomlinson Asphalt in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within 60 days after the completion by Tomlinson Asphalt of all work covered by this Agreement and the acceptance of such work by the City of Fayetteville.

7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the City of Fayetteville shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, Tomlinson Asphalt shall, at his expense, within 5 days after the receipt of notice from the City of Fayetteville, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the City of Fayetteville. In such event, no further payment to Tomlinson Asphalt shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the City of Fayetteville.

8. No additional work or extras shall be done unless the same shall be duly authorized by appropriate action by the City of Fayetteville in writing.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original Contract.

SEAL:

TOMLINSON ASPHALT CO., INC.

WITNESSES:

By _____

Operations Engr.
Title

ATTEST:

CITY OF FAYETTEVILLE

_____

By _____
Dan Coody, Mayor

McCLELLAND CONSULTING ENGINEERS, INC.
DESIGNED TO SERVE

ox 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

September 27, 2002

Mr. Ray Boudreaux
Airport Director
Airport Department
4500 S. School, Suite F
Fayetteville, AR 72701

Re: Executive Hangar Complex
Fayetteville Municipal

Dear Mr. Boudreaux:

Bids were received on the above referenced project on Thursday, September 26, 2002, with seven (7) Contractor's submitting bids. The low bidder is Tomlinson Asphalt Co., Inc., of Fayetteville, Arkansas, in the amount of $ 616,207.70 for the Base Bid. A copy of the Bid Tabulation is enclosed. The project estimated construction cost was $711,875.00.

We have worked with Tomlinson Asphalt Co., Inc., on numerous projects and have had very excellent results. We recommend the City accept the low base bid submitted by Tomlinson Asphalt Co., Inc. for the Base Bid in the amount of $ 616,207.70.

If there are any questions regarding the bids or this recommendation, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.

R. Wayne Jones, P.E.
Vice President

Enclosures: Bid Tabulation
Estimated Construction Cost

J:\2002\022104\correspondence\boudreaux-927.wpd:wj

EXECUTIVE HANGAR COMPLEX
SITE WORK
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
24-Sep-2002

Item No.	BASE BID Items	Quantity	Unit	Unit Price	Extended
1	Mobilization & Demobilization	1	LS	$ 6,000.00	$ 6,000.00
2	Clearing & Tree Removal	1	LS	$ 1,850.00	$ 1,850.00
3	Topsoil Striping (500 CY)	1	LS	$ 2,750.00	$ 2,750.00
4	Topsoil Stockpile Removal (3600 CY)	1	LS	$ 25,000.00	$ 25,000.00
4a	Topsoil Replacement (6" Thickness) (Over Disturbed Areas.not Paved	1	LS	$ 10,000.00	$ 10,000.00
5	Excavation	1	LS	$ 9,500.00	$ 9,500.00
6	Embankment from Excavation (2200 CY)	1	LS	$ 11,200.00	$ 11,200.00
7	Select Borrow Embankment (4000 CY)	1	LS	$ 37,000.00	$ 37,000.00
8	Asphalt Pavement Removal & Pulizering and Placementwithin Apron Area	18400	SY	$ 3.50	$ 64,400.00
9	Curb and Gutter Removal	3600	CY	$ 3.50	$ 12,600.00
10	Remove Curb Inlets	6	CY	$ 750.00	$ 4,500.00
11	Remove Storm Drain Pipe	1	LS	$ 4.00	$ 4.00
12	Remove Parking Booth	1	LS	$ 850.00	$ 850.00
13	Class 7 Base	4500	Tons	$ 15.00	$ 67,500.00
14	ACHM Type II or III	3000	Tons	$ 55.00	$ 165,000.00
15	8" Concrete Taxiway Pavement	830	SY	$ 32.00	$ 26,560.00
16	New Curb Inlet	2	EA	$ 2,500.00	$ 5,000.00
17	New Concrete Grate Inlet	7	EA	$ 2,400.00	$ 16,800.00
18	New Junction Box	2	EA	$ 2,500.00	$ 5,000.00
19	18" RCP, Class 3, Wall B	875	LF	$ 22.00	$ 19,250.00
20	24" RCP, Class 3, Wall B	308	LF	$ 30.00	$ 9,240.00
21	Curb and Gutter	320	EA	$ 8.00	$ 2,560.00
22	5'- Wide Sidewalk	200	LF	$ 13.50	$ 2,700.00
23	6' Chain Link Fence with Barbed Wire	1060	LF	$ 8.60	$ 9,116.00
24	Joint Sealant for 8" CCMC Pavement	1	LS	$ 1,750.00	$ 1,750.00
25	Pipe Underdrain	400	LF	$ 9.00	$ 3,600.00
26	Soil Stabilization Fabric	200	SY	$ 1.20	$ 240.00
27	8" PVC, C900 Water Line	1025	LF	$ 22.00	$ 22,550.00
28	8" Gate Valve	4	EA	$ 800.00	$ 3,200.00
29	6" Gate Valve	2	EA	$ 700.00	$ 1,400.00
30	Ductile Iron Fittings	2400	Lbs.	$ 3.50	$ 8,400.00
31	5-1/4" Fire Hydrant Assembly	2	EA	$ 1,800.00	$ 3,600.00
32	Relocate Existing Fire Hydrant Assembly	1	EA	$ 1,400.00	$ 1,400.00
33	8" PVC, SDR 26 Sewer Pipe	1220	LF	$ 26.50	$ 32,330.00
34	Class 7 Trench Backfill	450	Tons	$ 15.00	$ 6,750.00

EXECUTIVE HANGAR COMPLEX
SITE WORK
DRAKE FIELD
FAYETTEVILLE MUNICIPAL AIRPORT
24-Sep-2002

Item No.	BASE BID Items	Quantity	Unit	Unit Price	Extended
35	Sanitary Sewer Manhole	3	EA	$ 2,200.00	$ 6,600.00
36	5-HP Duplex Pump Station with 2" Force Main	1	LS	$ 53,000.00	$ 53,000.00
37	Relocate 55-Ft Apron Lighting Pole with Foundation Wiring and Conduit	1	EA	$ 1,600.00	$ 1,600.00
38	Remove Parking Area Lighting Pole and Foundation	11	EA	$ 250.00	$ 2,750.00
39	Reinstall Parking and Drive Lighting Pole with Foundation, Wiring and Conduit	10	EA	$ 600.00	$ 6,000.00
40	Seeding, Mulching and Fertilizer	4	AC	$ 1,800.00	$ 7,200.00
41	Silt Fence with Wire Fabric	900	LF	$ 4.00	$ 3,600.00
42	Straw Bale Erosion Protection	100	EA	$ 2.50	$ 250.00
43	Trench and Excavation Safety	1	LS	$ 4,500.00	$ 4,500.00
44	1" Water Meter Setting with Box & 1" Service Line	1	EA	$ 750.00	$ 750.00
45	Paint Striping of Parking and Taxiway	1	LS	$ 1,500.00	$ 1,500.00
46	Contractor's General Conditions Cost	1	LS	$ 0.00	$ 0.00
47	Undercut and Backfill	400	CY	$ 15.00	$ 6,000.00
48	Planting 2" Caliper Trees	29	EA	$ 225.00	$ 6,525.00
49	Elec. Transformer Pad and Two 4-inch Sch. 40 PVC Condiuts (48" Depth) for AEP- SWEPCO Service	2	EA	$ 6,000.00	$ 12,000.00
				Estimated Construction Cost	**$711,875.00**

Item No.	DEDUCTIVE ALTERNATES BID Items	Quantity	Unit	Unit Price	Extended
D-1	Topsoil Stockpile Removal (3600 CY)	1	LS	$ 25,000.00	$ (25,000.00)
D-2	8" PVC, C900 Water Line	345	LF	$ 22.00	$ (7,590.00)
D-3	5-1/4" Fire Hydrant Assembly	2	EA	$ 1,800.00	$ (3,600.00)
D-4	8" PVC, SDR 26 Sewer Pipe	397	LF	$ 26.50	$ (10,520.50)
D-5	Sanitary Sewer Manhole	1	EA	$ 2,200.00	$ (2,200.00)
D-6	Class 7 Trench Backfill	50	Tons	$ 15.00	$ (750.00)
					($49,660.50)
				Estimated Construction Cost Less Deductive Alternatives	**$662,214.50**

BID TAB
McCLELLAND CONSULTING ENGINEERS, INC.
FY022104
Executive Hangar Complex
Fayetteville Airport

CONTRACTOR	TOTAL BASE BID
Tomlinson Asphalt	$616,207.70
Red Deer	$679,250.00
Basic Construction	$703,842.00
McClinton-Anchor (APAC)	$716,870.50
Mobley Contractors	$771,416.94
Sweetser Construction	$797,118.00
Township Builders	$956,447.00

SO. HANGAR APRON
C. 7 Page 15

BID TABULATION
XECUTIVE HANGAR COMPLEX
ETTEVILLE MUNICIPAL AIRPORT
MCE Project No. FY022104
Bid Date September 26, 2002

Description	Estimated Quantity	Units	Mobley Contractors, Inc.		Jerry D. Sweetser Construction Co., Inc.		Township Builders, Inc.	
			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
; 7 Trench Backfill	450	TON	$15.23	$6,853.50	$14.00	$6,300.00	$14.00	$6,300.00
ary Sewer Manhole	3	EA	$1,890.00	$5,670.00	$2,000.00	$6,000.00	$1,500.00	$4,500.00
Du Pump Station with 2" Force & Electrical Service	1	LS	$48,300.00	$48,300.00	$55,700.00	$55,700.00	$77,000.00	$77,000.00
:ate 55-foot Apron Lighting Pole with dation, Wiring and Conduit	1	EA	$2,799.30	$2,799.30	$2,800.00	$2,800.00	$4,000.00	$4,000.00
ove Parking Area Lighting Pole and dation	11	EA	$117.00	$1,287.00	$595.00	$6,545.00	$300.00	$3,300.00
stall Parking and Drive Lighting Pole with dation, Wiring and Conduit	10	EA	$1,639.30	$16,393.00	$1,325.00	$13,250.00	$1,800.00	$18,000.00
ing, Mulching and Fertilizer	4	AC	$3,536.58	$14,146.32	$2,200.00	$8,800.00	$1,700.00	$6,800.00
ence with Wire Fabric	900	LF	$3.28	$2,952.00	$10.00	$9,000.00	$3.00	$2,700.00
Bale Erosion Protection	100	EA	$19.34	$1,934.00	$12.00	$1,200.00	$10.00	$1,000.00
h and Excavation Safety	1	LS	$3,286.73	$3,286.73	$2,000.00	$2,000.00	$1,000.00	$1,000.00
ater Meter Setting with Box & Service	1	EA	$557.50	$557.50	$600.00	$600.00	$400.00	$400.00
Striping Parking & Taxiway	1	LS	$2,499.00	$2,499.00	$3,335.00	$3,335.00	$1,500.00	$1,500.00
actor's General Conditions Cost	1	LS	$68.25	$68.25	$12,000.00	$12,000.00	$39,386.00	$39,386.00
rcut and Backfill	400	CY	$14.38	$5,752.00	$14.00	$5,600.00	$17.00	$6,800.00
ng 2" Caliper Trees	29	EA	$240.28	$6,968.12	$350.00	$10,150.00	$400.00	$11,600.00
Tra mer Pad and Two 4-inch Sch. /C Conduits (48" Depth) for SWEPCO Service	2	EA	$5,863.20	$11,726.40	$5,864.00	$11,728.00	$7,600.00	$15,200.00
ID (Items 1 through 49)				**$771,397.00**		**$797,118.00**		**$956,447.00**
nate Bid Schedule								
il Stockpile Removal (3600 CY)	1	LS	$17,472.00	$17,472.00	$18,000.00	$18,000.00	$16,000.00	$16,000.00
C, C900 Water Line	345	LF	$21.00	$7,245.00	$45.00	$15,525.00	$25.00	$8,625.00
Fire Hydrant Assembly	2	EA	$1,732.50	$3,465.00	$2,000.00	$4,000.00	$2,200.00	$4,400.00
C, SDR26 Sewer Pipe	397	LF	$16.70	$6,629.90	$40.00	$15,880.00	$28.00	$11,116.00
ry Sewer Manhole	1	EA	$1,890.00	$1,890.00	$2,000.00	$2,000.00	$1,500.00	$1,500.00
7 Trench Backfill	50	TON	$15.23	$761.50	$14.00	$700.00	$14.00	$700.00

Date: 9-27-02

. Wayne Jones, P.E.
rkansas # 4532

)\Bid Tab wb2

BID TABULATION
EXECUTIVE HANGAR COMPLEX
FAYETTEVILLE MUNICIPAL AIRPORT
MCE Project No. FY022104
Bid Date September 26, 2002

Description	Estimated Quantity	Units	Mobley Contractors, Inc.		Jerry D. Sweetser Construction Co., Inc.		Township Builders, Inc.	
			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
ization & Demobilization	1	LS	$22,661.31	$22,661.31	$12,000.00	$12,000.00	$33,000.00	$33,000.00
in Tree Removal	1	LS	$1,813.50	$1,813.50	$4,000.00	$4,000.00	$11,000.00	$11,000.00
oil pping (500 CY)	1	LS	$4,654.00	$4,654.00	$3,000.00	$3,000.00	$4,000.00	$4,000.00
oil Stockpile Removal (3600 CY)	1	LS	$26,208.00	$26,208.00	$18,000.00	$18,000.00	$16,000.00	$16,000.00
oil Replacement (6" Thickness) (Over rbed Areas not to be Paved)	1	LS	$12,675.00	$12,675.00	$3,000.00	$3,000.00	$15,000.00	$15,000.00
vation (2600 CY)	1	LS	$19,214.00	$19,214.00	$18,200.00	$18,200.00	$24,000.00	$24,000.00
ankment from Excavtion (2200 CY)	1	LS	$25,779.00	$25,779.00	$8,800.00	$8,800.00	$19,000.00	$19,000.00
t Borrow Embankment (4000 CY)	1	LS	$48,426.95	$48,426.95	$40,000.00	$40,000.00	$64,000.00	$64,000.00
alt Pavement Removal & Pulizering and ment within Apron Area	18,400	SY	$2.25	$41,400.00	$4.50	$82,800.00	$4.00	$73,600.00
and Gutter Removal	3,600	LF	$1.51	$5,436.00	$3.00	$10,800.00	$5.00	$18,000.00
ove Curb Inlets	6	EA	$453.38	$2,720.28	$500.00	$3,000.00	$500.00	$3,000.00
ove Storm Drain Pipe	1	LS	$2,697.50	$2,697.50	$500.00	$500.00	$6,000.00	$6,000.00
ove Parking Booth	1	LS	$929.18	$929.18	$500.00	$500.00	$2,000.00	$2,000.00
7 Base	4,500	TON	$15.73	$70,785.00	$14.00	$63,000.00	$16.00	$72,000.00
M Type II or III	3,000	TON	$45.13	$135,390.00	$42.00	$126,000.00	$52.00	$156,000.00
ncrete Taxiway Pavement	830	SY	$45.10	$37,433.00	$45.00	$37,350.00	$48.00	$39,840.00
Curb Inlet	2	EA	$2,876.06	$5,752.12	$2,100.00	$4,200.00	$2,200.00	$4,400.00
Concrete Inlet	7	EA	$2,750.87	$19,256.09	$2,200.00	$15,400.00	$2,200.00	$15,400.00
Junction Box	2	EA	$2,256.88	$4,513.76	$1,700.00	$3,400.00	$2,500.00	$5,000.00
CP, Class 3, Wall B	875	LF	$42.05	$36,793.75	$30.00	$26,250.00	$52.00	$45,500.00
CP Class 3, Wall B	308	LF	$51.13	$15,748.04	$36.00	$11,088.00	$72.00	$22,176.00
and Gutter	320	LF	$21.28	$6,809.60	$9.00	$2,880.00	$15.00	$4,800.00
de Sidewalk	200	SY	$32.75	$6,550.00	$28.00	$5,600.00	$30.00	$6,000.00
ain Link Fence with Barbed Wire	1,060	LF	$15.66	$16,599.60	$14.45	$15,317.00	$11.00	$11,660.00
Sealant for 8" CCMC. Pavement	1	LS	$6,099.60	$6,099.60	$5,700.00	$5,700.00	$3,000.00	$3,000.00
rain	400	LF	$15.58	$6,232.00	$14.00	$5,600.00	$12.00	$4,800.00
tion Fabric	200	SY	$8.54	$1,708.00	$2.00	$400.00	$3.00	$600.00
0 Water Line	1,025	LF	$21.00	$21,525.00	$45.00	$46,125.00	$25.00	$25,625.00
e	4	EA	$819.00	$3,276.00	$900.00	$3,600.00	$900.00	$3,600.00
e	2	EA	$656.25	$1,312.50	$600.00	$1,200.00	$700.00	$1,400.00
ittings	2,400	LBS	$2.73	$6,552.00	$4.00	$9,600.00	$3.00	$7,200.00
ydrant Assembly	2	EA	$1,732.50	$3,465.00	$2,000.00	$4,000.00	$2,200.00	$4,400.00
sting Fire Hydrant Assembly	1	EA	$1,207.50	$1,207.50	$2,000.00	$2,000.00	$800.00	$800.00
26 Sewer Pipe	1,220	LF	$15.23	$18,580.60	$40.00	$48,800.00	$28.00	$34,160.00

.wb2

SO. HANGAR APRON
C. 7 Page 17

BID TABULATION
XECUTIVE HANGAR COMPLEX
ETTEVILLE MUNICIPAL AIRPORT
MCE Project No. FY022104
Bid Date September 26, 2002

Description	Estimated Quantity	Units	Tomlinson Asphalt Company, Inc.		Red Deer Inc.		Basic Construction, Inc.		McClinton Anchor Div, APAC-Arkansas, Inc.	
			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
ization & Demobilization	1	LS	$4,500.00	$4,500.00	$19,500.00	$19,500.00	$30,000.00	$30,000.00	$3,350.00	$3,350.00
ing & Tree Removal	1	LS	$2,750.00	$2,750.00	$5,000.00	$5,000.00	$8,500.00	$8,500.00	$1,200.00	$1,200.00
oil [illegible]ping (500 CY)	1	LS	$6,175.00	$6,175.00	$2,000.00	$2,000.00	$3,500.00	$3,500.00	$2,900.00	$2,900.00
oil Stockpile Removal (3600 CY)	1	LS	$12,500.00	$12,500.00	$17,000.00	$17,000.00	$9,000.00	$9,000.00	$19,900.00	$19,900.00
oil Replacement (6" Thickness) (Over bed Areas not to be Paved)	1	LS	$8,530.00	$8,530.00	$15,000.00	$15,000.00	$15,500.00	$15,500.00	$17,000.00	$17,000.00
vation (2600 CY)	1	LS	$14,000.00	$14,000.00	$10,000.00	$10,000.00	$12,700.00	$12,700.00	$14,900.00	$14,900.00
nkment from Excavtion (2200 CY)	1	LS	$7,500.00	$7,500.00	$12,000.00	$12,000.00	$7,700.00	$7,700.00	$15,800.00	$15,800.00
t Borrow Embankment (4000 CY)	1	LS	$36,932.00	$36,932.00	$34,000.00	$34,000.00	$40,000.00	$40,000.00	$34,300.00	$34,300.00
alt Pavement Removal & Pulizering and ment within Apron Area	18,400	SY	$1.08	$19,872.00	$1.70	$31,280.00	$2.00	$36,800.00	$1.10	$20,240.00
and Gutter Removal	3,600	LF	$2.00	$7,200.00	$3.00	$10,800.00	$3.00	$10,800.00	$1.90	$6,840.00
ove Curb Inlets	6	EA	$360.00	$2,160.00	$500.00	$3,000.00	$1,000.00	$6,000.00	$290.00	$1,740.00
ove Storm Drain Pipe	1	LS	$5,475.00	$5,475.00	$6,500.00	$6,500.00	$14,000.00	$14,000.00	$7,700.00	$7,700.00
ove Parking Booth	1	LS	$2,600.00	$2,600.00	$1,500.00	$1,500.00	$1,500.00	$1,500.00	$590.00	$590.00
7 Base	4,500	TON	$14.11	$63,495.00	$12.50	$56,250.00	$12.75	$57,375.00	$13.95	$62,775.00
A Type II or III	3,000	TON	$38.20	$114,600.00	$37.35	$112,050.00	$40.00	$120,000.00	$38.60	$115,800.00
ncrete Taxiway Pavement	830	SY	$25.00	$20,750.00	$48.20	$40,006.00	$45.00	$37,350.00	$33.90	$28,137.00
Curb Inlet	2	EA	$1,850.00	$3,700.00	$2,200.00	$4,400.00	$1,250.00	$2,500.00	$3,350.00	$6,700.00
Concrete Inlet	7	EA	$2,190.00	$15,330.00	$2,200.00	$15,400.00	$1,850.00	$12,950.00	$3,900.00	$27,300.00
Ju[illegible]n Box	2	EA	$1,900.00	$3,800.00	$1,600.00	$3,200.00	$2,000.00	$4,000.00	$2,845.00	$5,690.00
CP, Class 3, Wall B	875	LF	$39.78	$34,807.50	$36.00	$31,500.00	$25.00	$21,875.00	$42.00	$36,750.00
CP Class 3, Wall B	308	LF	$50.55	$15,569.40	$48.00	$14,784.00	$28.00	$8,624.00	$56.00	$17,248.00
and Gutter	320	LF	$15.50	$4,960.00	$9.00	$2,880.00	$9.50	$3,040.00	$9.30	$2,976.00
le Sidewalk	200	SY	$30.00	$6,000.00	$25.00	$5,000.00	$30.00	$6,000.00	$28.30	$5,660.00
ain Link Fence with Barbed Wire	1,060	LF	$14.57	$15,444.20	$15.00	$15,900.00	$16.00	$16,960.00	$14.00	$14,840.00
Sealant for 8" CCMC. Pavement	1	LS	$980.00	$980.00	$1,000.00	$1,000.00	$3,000.00	$3,000.00	$2,700.00	$2,700.00
Underdrain	400	LF	$12.85	$5,140.00	$9.00	$3,600.00	$8.50	$3,400.00	$9.25	$3,700.00
tabilization Fabric	200	SY	$2.00	$400.00	$2.00	$400.00	$3.00	$600.00	$3.70	$740.00
C, C900 Water Line	1,025	LF	$20.48	$20,992.00	$16.00	$16,400.00	$16.00	$16,400.00	$28.90	$29,622.50
te Valve	4	EA	$790.00	$3,160.00	$800.00	$3,200.00	$1,000.00	$4,000.00	$790.00	$3,160.00
te Valve	2	EA	$635.00	$1,270.00	$700.00	$1,400.00	$800.00	$1,600.00	$560.00	$1,120.00
e Iron Fittings	2,400	LBS	$3.65	$8,760.00	$4.50	$10,800.00	$4.00	$9,600.00	$4.15	$9,960.00
' Fire Hydrant Assembly	2	EA	$1,650.00	$3,300.00	$1,900.00	$3,800.00	$1,850.00	$3,700.00	$2,200.00	$4,400.00
ate Existing Fire Hydrant Assembly	1	EA	$1,200.00	$1,200.00	$2,000.00	$2,000.00	$1,250.00	$1,250.00	$1,600.00	$1,600.00
C, SDR26 Sewer Pipe	1,220	LF	$14.98	$18,275.60	$19.00	$23,180.00	$12.00	$14,640.00	$18.80	$22,936.00

BID TABULATION
EXECUTIVE HANGAR COMPLEX
FAYETTEVILLE MUNICIPAL AIRPORT
MCE Project No. FY022104
Bid Date September 26, 2002

Description	Estimated Quantity	Units	Tomlinson Asphalt Company, Inc.		Red Deer Inc.		Basic Construction, Inc.		McClinton Anchor Div, APAC-Arkansas, Inc.	
			Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price	Unit Price	Extended Price
; 7 Trench Backfill	450	TON	$14.50	$6,525.00	$13.00	$5,850.00	$12.00	$5,400.00	$16.30	$7,335.00
ar wer Manhole	3	EA	$1,825.00	$5,475.00	$1,800.00	$5,400.00	$1,500.00	$4,500.00	$1,740.00	$5,220.00
Duplex Pump Station with 2" Force & Electrical Service	1	LS	$51,000.00	$51,000.00	$51,200.00	$51,200.00	$42,000.00	$42,000.00	$60,900.00	$60,900.00
:ate 55-foot Apron Lighting Pole with dation, Wiring and Conduit	1	EA	$3,200.00	$3,200.00	$3,000.00	$3,000.00	$3,500.00	$3,500.00	$3,240.00	$3,240.00
ove Parking Area Lighting Pole and dation	11	EA	$145.00	$1,595.00	$350.00	$3,850.00	$350.00	$3,850.00	$165.00	$1,815.00
stall Parking and Drive Lighting Pole with dation, Wiring and Conduit	10	EA	$1,336.00	$13,360.00	$1,400.00	$14,000.00	$1,200.00	$12,000.00	$2,600.00	$26,000.00
ing, Mulching and Fertilizer	4	AC	$1,600.00	$6,400.00	$2,000.00	$8,000.00	$2,500.00	$10,000.00	$1,175.00	$4,700.00
ence with Wire Fabric	900	LF	$5.00	$4,500.00	$2.50	$2,250.00	$5.00	$4,500.00	$4.00	$3,600.00
/ Bale Erosion Protection	100	EA	$10.00	$1,000.00	$5.00	$500.00	$5.00	$500.00	$23.50	$2,350.00
:h and Excavation Safety	1	LS	$2,200.00	$2,200.00	$13,500.00	$13,500.00	$1,000.00	$1,000.00	$1,300.00	$1,300.00
ater Meter Setting with Box & Service	1	EA	$550.00	$550.00	$450.00	$450.00	$1,000.00	$1,000.00	$475.00	$475.00
Striping Parking & Taxiway	1	LS	$3,350.00	$3,350.00	$3,500.00	$3,500.00	$4,500.00	$4,500.00	$3,300.00	$3,300.00
ractor's General Conditions Cost	1	LS	$2,000.00	$2,000.00	$4,500.00	$4,500.00	$38,878.00	$38,878.00	$1.00	$1.00
rcut and Backfill	400	CY	$12.00	$4,800.00	$13.00	$5,200.00	$10.50	$4,200.00	$15.00	$6,000.00
in Caliper Trees	29	EA	$225.00	$6,525.00	$380.00	$11,020.00	$350.00	$10,150.00	$240.00	$6,960.00
Transformer Pad and Two 4-inch Sch. VC Conduits (48" Depth) for SWEPCO Service	2	EA	$5,800.00	$11,600.00	$6,150.00	$12,300.00	$6,500.00	$13,000.00	$16,700.00	$33,400.00
3ID (Items 1 through 49)				**$616,207.70**		**$679,250.00**		**$703,842.00**		**$716,870.50**
rnate Bid Schedule										
ɔile Removal (3600 CY)	1	LS	$12,000.00	$12,000.00	$17,000.00	$17,000.00	$9,000.00	$9,000.00	$19,900.00	$19,900.00
Water Line	345	LF	$20.00	$6,900.00	$16.00	$5,520.00	$16.00	$5,520.00	$28.90	$9,970.50
drant Assembly	2	EA	$1,650.00	$3,300.00	$1,900.00	$3,800.00	$1,850.00	$3,700.00	$2,200.00	$4,400.00
26 Sewer Pipe	397	LF	$15.00	$5,955.00	$19.00	$7,543.00	$12.00	$4,764.00	$18.80	$7,463.60
er Manhole	1	EA	$1,800.00	$1,800.00	$1,800.00	$1,800.00	$1,500.00	$1,500.00	$1,740.00	$1,740.00
h Backfill	50	TON	$14.50	$725.00	$13.00	$650.00	$12.00	$600.00	$16.30	$815.00

Date: 9-27-02

ɔe Jones, P.E.
as # 4532

wb2

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Heather Woodruff**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **October 16, 2002**

RE: **Passed Ordinances and Resolutions from City Council meeting of October 15, 2002**

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Mobley Construction**: Resolution awarding construction contract for contracted concrete flat work as needed up to $148,180.00, to Mobley Contractors;

2. **Cleveland Street Improvements**: Resolution approving construction contract in amount of $1,090,270.00, plus contingency of $109,027.00 with Township Builders, Inc. for Cleveland Street Improvement Project; and related budget adjustment;

3. **Cleveland Street**: Resolution approving Amendment #3 to engineering contract w/Crafton, Tull & Assoc., Inc. in amount of $71,301.69;

4. **Right-of-Way Purchase**: Resolution approving right-of-way purchase from Arkansas-Missouri Railroad Company, Inc. for purchase of 1.31 acres or railroad right-of-way located adjacent to Gregg Avenue for $36,000.00 and budget adjustment;

5. **Old Missouri Road**: Resolution approving engineering contract amendment number 2 w/Garver Engineers in amount of $13,698 to existing engineering services contract for design and construction management for Old Missouri Road project;

6. **Skylar Place Addition**: Resolution accepting money in lieu as park land requirement of Skylar Place Addition;

7. **Cornerstone Apartments**: Resolution accepting money in lieu as park land requirement of Cornerstone Apartments Phase II;

8. **LOPFI Benefits**: Resolution authorizing transfer of sworn officers of Fayetteville Fire Department from LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003;

9. **FBO Hangar**: Resolution approving construction contract in amount of $634,000.00 w/Crossland Construction, Inc. for FBO Hangar; a 10% contingency; acceptance of grant from Arkansas Aeronautics Commission in amount of $200,000.00 and approval of budget adjustment;

10. **South Hangar Apron**: Resolution approving construction contract in amount of $616,207.70 w/Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex; 10% contingency and approval of budget adjustment;

11. **RZN 02-23.00**: Ordinance approving rezoning request as submitted by Jerry Kelson on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrall; Property is zoned C-2 Thoroughfare Commercial and contains approximately 19.39 acres; request is to rezone to RMF-18, Medium Density Multi-Family Residential;

12. **Traffic Study**: Resolution awarding engineering and planning services contract for traffic study to firm of Bucher, Willis, and Ratliff Corporation in amount of $222,388.00 for traffic study; approving contingency in amount of $20,000.00; and budget adjustment of $43,980.00;

13. **RZN 02-27.00**: Ordinance approving rezoning as submitted by Dave Jorgensen on behalf of Lenwyn Edens for property located southeast of Wedington Drive and Brooke Lane; property is zoned A-1 Agricultural and contains approximately 6.10 acres; request is to rezone to RMF-6, Low Density Multi-Family Residential;

14. **VAC 02-8.00**: Ordinance approving vacation as submitted by Carole Jones on behalf of Ted Belden for property located at 485 Vinson Avenue; request is to vacate portion of a utility easement;

15. **RZN 02-28.00**: Ordinance approving rezoning as submitted by Glenn Carter on behalf of Dewayne Provence for property located at 1509 Morningside Drive; property is zoned R-2 and contains approximately 3.34 acres; request is to rezone to I-1 Heavy Commercial/Light Industrial;

16. **Bid Quotations**: Ordinance amending §34.23 and §34.24 of Code of Fayetteville to change amount above which quotation bids are required;

17. **2002 Millage**: Ordinance levying a tax on real and personal property within City of Fayetteville for year 2002 fixing rate thereof at 0.4 MILS for Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying same to County Clerk of Washington County, Arkansas;

18. **Aerial Ladder Fire Apparatus**: Ordinance waiving formal competitive bidding for purchase of new 75′ Aerial Ladder Fire Apparatus from Leeco, Inc. and declaring an emergency;

19. **Fire Apparatus Purchase Approval**: Resolution approving purchase of new 75′ Aerial Ladder Fire Apparatus from Leeco, Inc. in amount of $501,444.80 and approving budget adjustment in amount of $64,141.00

Monday, October 14, 2002

FINAL AGENDA
CITY COUNCIL
OCTOBER 15, 2002

City of Fayetteville

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES
2. MOBLEY CONSTRUCTION: A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Contractors for the "City-wide Sidewalk Construction" project.
3. CLEVELAND STREET IMPROVEMENTS: A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027.00; and the related budget adjustment.
4. CLEVELAND STREET: A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.69.
5. RIGHT-OF-WAY PURCHASE: A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.
6. OLD MISSOURI ROAD: A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.
7. SKYLAR PLACE ADDITION: A resolution to accept money in lieu as park land requirement of the Skyler Place Addition.
8. CORNERSTONE APARTMENTS: A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.
9. LOPFI BENEFITS: A resolution authorizing the transfer of the sworn officers of the Fayetteville Fire Department for LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003.
10. FBO HANGAR: A resolution approving a construction contract in the amount of $634,000.00 with Crossland Construction, Inc. for construction of FBO Hangar; a 10 % contingency; acceptance of a grant from the Arkansas Aeronautics Commission in the amount of $200,000.00 and approval of a budget adjustment.
11. SOUTH HANGAR APRON: A resolution approving a construction contract in the amount $616,207.70 with Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex; a 10% contingency and approval of a budget adjustment.

B. OLD BUSINESS
1. RZN 02-23.00: An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrell. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.
2. TRAFFIC STUDY: A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,406; approval of an engineering contract contingency in the amount of $20,000 and approval of a budget adjustment. The resolution was tabled at the September 17, 2002 and the October 1, 2002 meetings.
3. RZN 02-27.00: An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lanwyn Edens for property located southeast of Wedington Drive and Brooks Lane. The property is zoned A-1, Agricultural and contains approximately 6.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the first reading at the October 1, 2002 meeting.

C. NEW BUSINESS
1. VA 02-8.00: An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.
2. RZN 02-28.00: An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provance for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
3. DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.
4. BID QUOTATIONS: An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.
5. 2002 MILLAGE: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002 fixing the rate thereof at 0.4 MILS for the Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am Legal Clerk of the Arkansas Democrat-Gazette newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, the advertisement of:

Final Agenda was inserted in the regular editions on Oct. 14, 2002.

** Publication Charge: $ 188.86

Subscribed and sworn to before me this

14 day of October, 2002.

Tammy Allen
Notary Public

My Commission Expires: _____

Official Seal
TAMMY ALLEN
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 11-05-2011

** Please do not pay from this invoice.
An invoice will be sent.

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CITY CLERK'S OFFICE

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2:20 pm

To: Dave
From: Tammy
511-4400

AGENDA AD 10/11/02 12:00 PM Page 1

AGENDA AD 2x7

FINAL AGENDA
CITY COUNCIL
OCTOBER 15, 2002

City of Fayetteville

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas

A. CONSENT

1. APPROVAL OF THE MINUTES
2. MOBLEY CONSTRUCTION: A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Construction for the "City-wide Sidewalk Construction" project.
3. CLEVELAND STREET IMPROVEMENTS: A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett), a 10% project contingency in the amount of $109,027.00, and the related budget adjustment.
4. CLEVELAND STREET: A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.89.
5. RIGHT-OF-WAY PURCHASE: A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.
6. OLD MISSOURI ROAD: A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.
7. SKYLAR PLACE ADDITION: A resolution to accept money in lieu as park land requirement of the Skylar Place Addition.
8. CORNERSTONE APARTMENTS: A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.
9. LOPFI BENEFITS: A resolution authorizing the transfer of the sworn officers of the Fayetteville Fire Department for LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003.
10. FBO HANGAR: A resolution approving a construction contract in the amount of $634,000.00 with Crossland Construction, Inc. for construction of FBO Hangar, a 10 % contingency, acceptance of a grant from the Arkansas Aeronautics Commission in the amount of $200,000.00 and approval of a budget adjustment.
11. SOUTH HANGAR APRON: A resolution approving a construction contract in the amount $616,207.70 with Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex, a 10% contingency and approval of a budget adjustment.

B. OLD BUSINESS
1. RZN 02-23.00: An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Furrell. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.
2. TRAFFIC STUDY: A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,406; approval of an engineering contract contingency in the amount of $20,000 and approval of a budget adjustment. The resolution was tabled at the September 17, 2002 and the October 1, 2002 meetings.
3. RZN 02-27.00: An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lanwyn Evans for property located southeast of Wedington Drive and Brooks Lane. The property is zoned A-1, Agricultural and contains approximately 8.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the first reading at the October 1, 2002 meeting.

C. NEW BUSINESS
1. VA 02-8.00: An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 466 Vinson Avenue. The request is to vacate a portion of a utility easement.
2. RZN 02-28.00: An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Conor Consultants on behalf of Dewayne Provence for property located at 1502 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
3. DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV, Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.
4. BID QUOTATIONS: An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.
5. 2002 VILLAGE: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002 fixing the rate thereof at 0.4 MILS for the Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

FINAL AGENDA
CITY COUNCIL
OCTOBER 15, 2002

City of Fayetteville

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. APPROVAL OF THE MINUTES
2. MOBLEY CONSTRUCTION: A resolution awarding a construction contract in the amount of $148,180.00 to Mobley Contractors for the "City-wide Sidewalk Construction" project.
3. CLEVELAND STREET IMPROVEMENTS: A resolution approving a construction contract in the amount of $1,090,270.00 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027.00; and the related budget adjustment.
4. CLEVELAND STREET: A resolution approving Amendment #3 to the engineering contract with Crafton, Tull and Associates, Inc. for Cleveland Street Improvements Project (Hall to Leverett) in the amount of $71,301.69.
5. RIGHT-OF-WAY PURCHASE: A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street and the approval of a budget adjustment.
6. OLD MISSOURI ROAD: A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.
7. SKYLAR PLACE ADDITION: A resolution to accept money in lieu as park land requirement of the Skylar Place Addition.
8. CORNERSTONE APARTMENTS: A resolution to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.
9. LOPFI BENEFITS: A resolution authorizing the transfer of the sworn officers of the Fayetteville Fire Department for LOPFI Benefit Plan #1 to LOPFI Benefit Plan #2, effective January 1, 2003.
10. FBO HANGAR: A resolution approving a construction contract in the amount of $634,000.00 with Crossland Construction, Inc. for construction of FBO Hangar; a 10 % contingency; acceptance of a grant from the Arkansas Aeronautics Commission in the amount of $200,000.00 and approval of a budget adjustment.
11. SOUTH HANGAR APRON: A resolution approving a construction contract in the amount $616,207.70 with Tomlinson Asphalt, Inc. for construction of Aircraft Hangar Apron Complex; a 10% contingency and approval of a budget adjustment.

B. OLD BUSINESS
1. RZN 02-23.00: An ordinance approving rezoning request RZN 02-23.00 as submitted by Jerry Kelson of Crafton Tull and Associates on behalf of Lindsey Management Co. for property located north of Old Farmington Road and east of Futrell. The property is zoned C-2, Thoroughfare Commercial and contains approximately 19.39 acres. The request is to rezone to RMF-18, Medium Density Multi-Family Residential. The ordinance was tabled on the first reading at the September 17, 2002 meeting. Left on table at the October 1, 2002 meeting.
2. TRAFFIC STUDY: A resolution awarding the engineering and planning services contract for the City of Fayetteville's traffic study to the firm of Bucher, Willis, and Ratliff Corporation in the not-to-exceed amount of $198,408; approval of an engineering contract contingency in the amount of $20,000 and approval of a budget adjustment. The resolution was tabled at the September 17, 2002 and the October 1, 2002 meetings.
3. RZN 02-27.00: An ordinance approving rezoning request RZN 02-27.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Lenwyn Edens for property located southeast of Wedington Drive and Brooke Lane. The property is zoned A-1, Agricultural and contains approximately 6.10 acres. The request is to rezone to RMF-6, Low Density Multi-Family Residential. The ordinance was left on the first reading at the October 1, 2002 meeting.

C. NEW BUSINESS
1. VA 02-8.00: An ordinance approving VA 02-8.00 as submitted by Carole Jones of McClelland Engineers, Inc. on behalf of Ted Belden for property located at 485 Vinson Avenue. The request is to vacate a portion of a utility easement.
2. RZN 02-28.00: An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.
3. DEVELOPMENT PLANS AND PERMIT: An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.
4. BID QUOTATIONS: An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.
5. 2002 MILLAGE: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2002 fixing the rate thereof at 0.4 MILS for the Firemen's Pension and Relief Fund, 0.4 MILS for Policemen's Pension and Relief Fund and 1.0 MIL for the Fayetteville City Library; and certifying the same to the County Clerk of Washington County, Arkansas.

DRAFT TENTATIVE AGENDA
CITY COUNCIL
OCTOBER 15, 2002

A meeting of the Fayetteville City Council will be held on October 15, 2002 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

A. CONSENT

1. **APPROVAL OF THE MINUTES**
2. **MOBLEY CONSTRUCTION:** A resolution awarding the construction contract in the amount of $148,180 to Mobley Contractors for the "City-wide Sidewalk Construction".
3. **CLEVELAND STREET IMPROVEMENTS:** A resolution approving a construction contract in the amount of $1,090,270 with Township Builders for Cleveland Street Improvement Project (Hall to Leverett); a 10% project contingency in the amount of $109,027 and the related budget adjustment.
4. **RIGHT-OF-WAY PURCHASE:** A resolution approving a right-of-way purchase from the Arkansas and Missouri Rail Road Company for right-of-way on the west side of Gregg Avenue from Poplar Street to approximately Spruce Street.
5. **OLD MISSOURI ROAD:** A resolution approving an engineering contract amendment number two with Garver Engineers in the amount of $13,698 to the existing engineering services contract for design and construction management for the Old Missouri Road project.
6. **SKYLAR PLACE ADDITION:** A resolution ~~to waive Ordinance 3793 to accept~~ money in lieu as park land requirement of the Skylar Place Addition.
7. **CORNERSTONE APARTMENTS:** A resolution ~~to waive Ordinance 3793~~ to accept money in lieu as the park land requirement of the Cornerstone Apartments Phase II.
8. **COMPOST TURNER:** An resolution awarding Bid 02-50 to Scott Construction Equipment in the amount of $245,245 for a self powered compost turner; and the sale of a Ford New Holland tractor to Williams Ford Tractor in the amount of $30,119. This amount is to be credited to the Shop Fund.

B. OLD BUSINESS

C. NEW BUSINESS

1. **RZN 02-28.00:** An ordinance approving rezoning request RZN 02-28.00 as submitted by Glenn Carter of Carter Consultants on behalf of Dewayne Provence for property located at 1509 Morningside Drive. The property is zoned R-2, Medium Density Residential and contains approximately 3.34 acres. The request is to rezone to I-1, Heavy Commercial/Light Industrial.

2. **DEVELOPMENT PLANS AND PERMITS:** An ordinance amending Title XV: Unified Development Ordinance of the Code of Fayetteville, to provide a date certain for the expiration of approved development plans and permits.

3. **BID QUOTATIONS:** An ordinance to amend Section 34.23 and Section 34.24 of the Code of Fayetteville to change the amount above which quotation bids are required.

4. **2002 MILLAGE:** An ordinance adopting real and personal property tax rates for 2002. 0.4 mils for real and 0.4 mils for personal property for Policemen's Pension and Relief Fund; and 0.4 mil for real and 0.4 mils for personal property for the Firemen's Pension and Relief Fund. 1.0 mils for real and 1.0 mils for personal property for Library Operations. ~~Currently there is no millage proposed for general government operations. However, City Council has an option to assess millages to provide funds to replace sales tax lost as a result of Amendment 3 passing.~~

okay

Now 7 to Comm.

5. Kenan - ROW - condemnation. - See sug + lit.

airport - Ray.
1) FBO.
2) Executive sweep

consent.

— 4:30 Budget retreat. —

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