

**FINAL AGENDA
CITY COUNCIL
FEBRUARY 4, 2003**

A meeting of the Fayetteville City Council will be held on February 4, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

RECOGNITION OF CITY CLERK

★ KAY SWANNER UNITED WAY RECOGNITION

STATE OF THE CITY ADDRESS

PRESENTATION BY OMI

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the January 21, 2003 City Council Meeting.
2. **RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
3. **AGREEMENT OF UNDERSTANDING:** A resolution to approve the Agreement of Understanding between the City of Fayetteville and Arkansas Highway and Transportation Department.
4. **FEDERAL-AID:** A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.
5. **POLICE CARS:** A resolution accepting the State of Arkansas contract award ST-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Option "IO" and modifications to "ee" with authorization to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

6. **BID 02-72:** A resolution awarding Bid 02-72 to the lowest qualified bidder, Arkansas Power Steering and Hydraulics, for the purchase of three Freightliner FL70 w/mounted SAC Recycle Body in the amount of \$432,681.00. Approval of a budget adjustment is also requested.
7. **BID 02-73:** A resolution awarding Bid 02-73 to the lowest qualified bidder, River City Hydraulics, Inc. for the purchase of a demonstrator self powered mobile vacuum with leaf mulcher attachment in the amount of \$35,930.00. Approval of a budget adjustment is also requested.
8. **OMI:** A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.
9. **HANGAR COMPLEX:** A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure. Approval of a budget adjustment is also requested.

B. OLD BUSINESS

- pull off per kit*
1. ~~**FRISCO:** A resolution certifying to the tax collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 922 North Frisco Avenue in the City of Fayetteville, Arkansas. This resolution was tabled at the December 3, 2002 meeting.~~

C. NEW BUSINESS

1. **BROYLES ROAD:** A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.
2. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.
3. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

4. **ANX 03-01.00:** An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.
5. **RZN 03-4.00:** An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.
6. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.
7. **RZN 03-1.00:** An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.
8. **RZN 03-3.00 LOW DENSITY:** An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.
9. **RZN 03-3.00 RESIDENTIAL OFFICE:** An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-0, Residential -Office.
10. **ENVIRONMENTAL CONCERNS:** An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA CITY COUNCIL FEBRUARY 4, 2003

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RECOGNITION OF CITY CLERK

RECOGNIZING KAY SWANNER FOR RECEIVING THE "OUTSTANDING IN-HOUSE WORKER" AWARD FROM THE UNITED WAY.

*Get a copy
from the Mayor's office*

STATE OF THE CITY ADDRESS

Date for town

PRESENTATION BY OMI

A. CONSENT *Motion Jordan - Seconded Davis*

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the January 21, 2003 City Council Meeting.
2. **RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
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to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

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8. **OMI:** A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.
9. **HANGAR COMPLEX:** A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure. Approval of a budget adjustment is also requested.

B. OLD BUSINESS

C. NEW BUSINESS

*Motion Davis
Lucas*

- res. passed*
1. **BROYLES ROAD:** A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.
 2. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.
 3. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

4. **ANX 03-01.00:** An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located

*Kit read Ord.
Leave on 1st*

*Kit read the
Ord.
Motion move to
second failed*

at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.

*Kit road
Leave on
1st*

RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

passed

6. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.

Passed

7. RZN 03-1.00: An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

Passed

8. RZN 03-3.00 LOW DENSITY: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

Passed

9. RZN 03-3.00 RESIDENTIAL OFFICE: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-0, Residential -Office.

Passed

10. ENVIRONMENTAL CONCERNS: An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.

Meeting of February 4, 2003

~~Jordan~~
Davis

Adjourn 7:55 PM

	roll	consent			
Marr	✓	✓			
Rhoads	✓	✓			
Davis	✓	✓			
Lucas	✓	✓			
Jordan	✓	✓			
Reynolds	absent	—			
Thiel	✓	✓			
Cook	✓	✓			
Coody	✓	✓			

Mayor

~~Davis~~
Lucas

#1

Brayley Rd.	Res. Pass				
Marr	yes				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	—	—	—	—	—
Thiel	✓				
Cook	✓				
Coody	✓				

✓

Meeting of February 4, 2003

#2

Student Hour	Table				
Marr	✓				
Rhoads	✓				
Davis	✓				
Lucas	✓				
Jordan	✓				
Reynolds	—				
Thiel	✓				
Cook	✓				
Coody					

#3

VA 03-1.00	Learn 1st				
Marr					
Rhoads					
Davis					
Lucas					
Jordan					
Reynolds	—				
Thiel					
Cook					
Coody					

Meeting of February 4, 2003

bailed left on first.
Motion

#4

ANX 03-100	<i>Move to Second</i>				
Marr	<i>N</i>				
Rhoads	<i>Y</i>				
Davis	<i>Y</i>				
Lucas	<i>Y</i>				
Jordan	<i>N</i>				
Reynolds	<i>—</i>				
Thiel	<i>N</i>				
Cook	<i>N</i>				
Coody	<i>—</i>				

#5

RZN 03-4.00	<i>Leave on 1st</i>				
Marr					
Rhoads					
Davis					
Lucas					
Jordan					
Reynolds					
Thiel					
Cook					
Coody					

Meeting of February 4, 2003

Ord. Passed
Sup.

#6

RZN 02-14. 00	2nd	3rd	pass		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	—	—	—		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Coody					

DAVIS/Marr Marr/Jordan MOTION PASSED

#7

RZN 03-1.00	2nd	3rd	pass		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	—	—	—		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Coody					

Meeting of February 4, 2003

8

	Davis / man	Davis / man	✓		
RZN 03-3-00	2nd	3rd	Ord. Pass		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	—				
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Coody					

9

	Davis	Davis / Jordan			
RZN 03-3-00	2nd	3rd	Ord. Pass		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds	—	—	—		
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Coody					

Meeting of February 4, 2003

#10

	Thiel	Jordan	Ord.		
Environ. Com.	2nd	3rd	Pass		
Marr	✓	✓	✓		
Rhoads	✓	✓	✓		
Davis	✓	✓	✓		
Lucas	✓	✓	✓		
Jordan	✓	✓	✓		
Reynolds					
Thiel	✓	✓	✓		
Cook	✓	✓	✓		
Coody					

Marr					
Rhoads					
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Lucas					
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State of the City Address - 2003

The year 2002 was a year of progress for every department in the City. So many accomplishments were made that I will highlight only a few of the advances to illustrate the range of areas of improvement rather than the sheer number of them. For your convenience I am distributing a report from each department to detail individual accomplishments and I urge you to read each of these reports so you will understand how hard everyone has worked to make our City government function as well as possible.

We developed the Planned Zoning District process, completed our first area down zoning, passed impact fee legislation, and began acquiring land specifically for preservation and aesthetic qualities by selling other land we have accumulated over the years and from the settlement of the Kohl's lawsuit. We have started a real public transportation system reaching from South Fayetteville to the Jones Center in Springdale and west to Gregg Avenue. We have made substantial progress in building our multi-use trail system and greenways network and our Skate Park nears completion. I would like to add that all of these efforts benefitted greatly from sustained and thoughtful public input, which we deeply appreciate.

We continue to complete drainage improvements, street and traffic flow improvements, and sidewalk construction. We are moving forward with our west-side fire station planned for completion this year while looking forward to a station on the east side of town. We are making steady progress toward construction of our wastewater system improvement project. We completed two bond issues that reduced our Water and Sewer Fund debt service costs and provided funding for the initial expenses of the wastewater system overhaul.

Our Solid Waste Department continues to make great strides in program development with the expanded recycling opportunities, improved composting techniques, the automated cart system, expanded commercial capability, multi-family recycling and commercial glass crushing pilot program. The Department has a 75% reduction in turnover and a much-improved safety record. Our Animal Shelter has seen a reduction in complaints, an increase in adoptions, and the hiring of an excellent full-time vet. In 1999 Fayetteville was placed in a "high risk" pool for our workers' comp policy because of the City's rate and severity of on-the-job injuries. Through an aggressive, well-managed safety program, we were released from the pool early, resulting in lowered costs and a safer workplace.

We are online with the long-awaited, and much-needed, Hansen Municipal Management System with Tele-works which provides a comprehensive information system to our community. We are able to respond to requests and concerns from our citizens on a 24-hour, seven-day basis. This system allows us to track and report the status of work orders, costs of service delivery and provide a new level of convenience and efficiency to our customers. Our e-government platform is viewed as the best in the State.

The most significant achievement for our Police Department was the appointment of Rick Hoyt as Chief. The modernization and improvements we have seen in that department, and there are too many to list here, are the result of the Chief's initiative and the new team perspective of the men and women in the department. Our Fire Department continues improving its service to the community. The substantial increase in morale and productivity in these two departments are dramatic.

Fayetteville Municipal Airport has shown growth thought impossible only two short years ago. As operations and fuel sales increase, more aviation businesses are locating at the airport. Deficit spending has reduced steadily and the airport should be operating with a balanced budget in the near future. We have come a long way from the idea of making Fayetteville's airport a drag strip or hockey arena.

We have broadened our definition of "economic development" by recognizing the importance of quality-of-life and city livability issues while adopting a more entrepreneurial and aggressive approach to achieving our goals. A few examples include our recruitment of Olive Garden Restaurant, which continues to break the sales records of every restaurant in the chain; partnering with Danaher Tools to provide new sidewalks around Root School; and working to secure an \$8 million water park. We are

actively pursuing other businesses that will fill specific needs in our community, such as state-of-the-art cinemas, builders of affordable housing, a convention center, and businesses that would enhance our technology base, to name a few.

Speaking of technology, I would like to bring something to your attention. The Milken Institute report is the standard by which the 50 states are judged in their standing in the technology environment. Unfortunately, Arkansas has always been rated 50th in our ability to compete in the New Economy. The lack of opportunity in this field forces our best and brightest to leave for other areas. The resulting "brain drain" widens the gap in a vicious cycle that condemns Arkansas to a life sentence of being one of the poorest states in the country. But here is some good news. This year the Milken report showed, for the first time, a city in Arkansas that rated recognition and placement on the technology map. That city is Fayetteville. We absolutely must continue our partnership with the University and work aggressively to strengthen our position in the fields of technology, not only for the benefit of Fayetteville, but for the good of the whole state.

Fayetteville was recognized as one of the "Dazzling Dozen" places to do business in the U.S. by Business Week magazine and we won first place in our class in the America in Bloom contest.

Everything I have listed represents only the tip of the iceberg. Looking back it's hard to believe how much has been accomplished in one year. And one of the most significant points to remember is that we have done all this in the worst economy since the Great Depression. Which brings me to my next point.

Since the late 1990's our Budget Department has predicted the use of our reserve funds at the very rate we have seen. Two years ago we brought to you're a plan to spend down our reserves to meet the "good government" rule of thumb to keep in reserve roughly 15% of the general fund income or 60 days operating expenses. What was not foreseen was the severity of the national economic downturn or the \$1 million annual raise and benefit package given to Fire and Police personnel in 2003. We have been able to provide very high quality services for our citizens and expand existing programs to better accommodate the needs and wishes of our community. At the same time, we have held our employee count very close to year 2000 levels despite increased population and expanded programs. During the Winter meeting of the U.S. Conference of Mayors it was very clear that Fayetteville is better insulated from the fallout of the bad economy than the vast majority of other cities. While we are keeping employees and working to improve benefits, most cities are having to lay off members of their workforce and cutting back on basic services. However, we cannot increase operating costs, such as raises for Fire and Police, and add personnel that will be needed for a new fire station without increasing revenues.

We have seen the report from the Budget Office showing Fayetteville to have the lowest CITY tax burden in the region when taking into account all taxes and franchise fees. We have work to do and basic needs to fulfill that will cost money and we must have the fortitude to find the revenue to pay for them. For example, when we build the new west-side fire station the annual cost to pay for the personnel will be about \$650,000. We are going to have to find the strength to increase our revenue similarly to what our neighbors to the north charge for operation and maintenance. We have cut costs and increased efficiency as much as we can, and as our population grows, so must the organization that serves the population.

In the year 2001 Fayetteville began charting a new course into the future. The significant changes brought into City Hall that year brought with it an equal amount of turbulence. But those changes also laid the foundation for the substantial improvement that is underway in Fayetteville's government. While I generally avoid automobile analogies, I can't think of a better one to illustrate our present status. For the past two years we have had a top-notch team of mechanics make the engine of local government run with maximum efficiency. The recent reorganization was the result of living with and observing an organization that had not been redefined in too many years while the rest of the world grew and changed. While this reorganization is the last major change we anticipate for the next two years, we will continue fine-tuning as we move forward.

Now the questions become: which way is forward, and how do we get there?

As we all know, the future is arriving daily. If we only focus on our bi-monthly agendas we will drift into a future that none of us will like or want to claim. It is essential that we determine what our city should be and use our vision, our wits, and our resolve to harness our momentum and give it direction. If we do not do this, we will let Fayetteville, with its passionate soul and deep sense of community, become just another Anytown where people live only out of convenience. Without a doubt, planning well for the future is our highest-priority challenge.

My administration is dedicated to making Fayetteville the most attractive, vibrant, livable city of its size in America. We must carefully manage all of our resources, financial and human, to meet that challenge. But the only way we will be able to accomplish this most important goal is to work as a team with our eyes set on the path directly under our feet as well as on the horizon. For this reason I have elevated the Planning Office status to give us the tools we need to design our destiny. I know that you, the City Council, our Planning staff, and my administration share this perspective. It is very important that we get maximum benefit from our Leadership and Strategic Planning session scheduled for March. We must do what it takes to overcome any barriers between us and success. The price of failure is much too great.

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State of the City Address--2003

The year 2002 was a year of progress for every department in the City. So many accomplishments were made that I will highlight only a few of the advances to illustrate the range of areas of improvement rather than the sheer number of them. For your convenience I am distributing a report from each department to detail individual accomplishments and I urge you to read each of these reports so you will understand how hard everyone has worked to make our City government function as well as possible. But before I begin speaking of how hard our employees work for this community, I would like to let you know how your employees give to in other ways. The City of Fayetteville was awarded the Gold Medal from The United Way because our contributions increased from 2001 by 75%. The City's goal was \$20,000 and our employees and staff raised almost \$33,000. This accomplishment is worthy of our appreciation, especially considering our economy. That same effort went into all aspects of our work in the City and I would like to list some of the high points for 2002.

We developed the Planned Zoning District process, completed our first area down zoning, passed impact fee legislation, and began purchasing land specifically for preservation and aesthetic qualities. We have started a real public transportation system reaching from South Fayetteville to the Jones Center in Springdale and west to Gregg Avenue. We have made substantial progress in building our multi-use trail system and greenways network and our Skate Park nears completion. I would like to add that all of these efforts benefited greatly from sustained and thoughtful public input, which we deeply appreciate.

We continue to complete drainage improvements, street and traffic flow improvements, and sidewalk construction. We are moving forward with our west-side fire station planned for completion this year while looking forward to a station on the east side of town. We are making steady progress toward construction of our wastewater system improvement project. We completed two bond issues that reduced our Water and Sewer Fund debt service costs and provided funding for the initial expenses of the wastewater system overhaul.

Our Solid Waste Department continues to make great strides in program

development with expanded recycling opportunities, improved composting techniques, the automated cart system, expanded commercial capability, multi-family recycling and commercial glass crushing pilot programs. The Department has seen a 75% reduction in turnover and a much-improved safety record. Our Animal Shelter has seen a reduction in complaints, an increase in adoptions, and the hiring of an excellent full-time vet. In 1999 Fayetteville was placed in a "high risk" pool for our worker's comp policy because of the City's rate and severity of on-the-job injuries. Through an aggressive, well-managed safety program, we were released from the pool early, resulting in lowered costs and a safer workplace.

We are online with the long-awaited, and much-needed, Hansen Municipal Management System with Tele-works which provides a comprehensive information system to our community. We are able to respond to requests and concerns from our citizens on a 24 hour, seven day basis. This system allows us to track and report the status of work orders, costs of service delivery and provide a new level of convenience and efficiency to our customers. Our e-government platform is viewed as the best in the State.

The most significant achievement for our Police Department was the appointment of Rick Hoyt as Chief. The modernization and improvements we have seen in that department, and there are too many to enumerate here, are the result of the Chief's initiative and the new team approach embraced by the men and women in the department. Our Fire Department continues improving its service to the community. The substantial increase in morale and productivity in these two departments are dramatic.

Fayetteville Municipal Airport has shown growth thought impossible only two short years ago. As operations and fuel sales increase, more aviation businesses are locating at the airport. Deficit spending has reduced steadily and the airport should be operating with a balanced budget in the near future. We have come a long way from the idea of making Fayetteville's airport a drag strip or hockey arena.

We have broadened our definition of "economic development" by recognizing the importance of quality-of-life and city livability issues while adopting a more entrepreneurial and aggressive approach to achieving our goals. A few examples include our recruitment of Olive Garden Restaurant, which continues to break the sales records of every restaurant in the Darden

Corporation chain, partnering with Danaher Tools to provide new sidewalks around Root School, and working to secure an \$8 million water park. We are actively pursuing other businesses that will fill specific needs in our community, such as state-of-the-art cinemas, builders of affordable housing, a convention center, and businesses that would enhance our technology base, to name a few.

Speaking of technology, I would like to bring something to your attention. The Milken Institute report is the standard by which the 50 states are judged in their standing in the technology environment. Unfortunately, Arkansas has always been rated 50th in our ability to compete in the New Economy. The lack of opportunity in this field forces our best and brightest to leave for other areas. The resulting "brain drain" widens the gap in a vicious cycle that condemns Arkansas to a life sentence of being one of the poorest states in the country. But here is some good news. This year the Milken report showed, for the first time, a city in Arkansas that rated recognition and placement on the technology map. That city is Fayetteville. We absolutely must continue our partnership with the University and work aggressively to strengthen our position in the fields of technology, not only for the benefit of Fayetteville, but for the good of the whole state.

I want to remind you to please read the reports by each department to get an idea of the tremendous work that has been put into making our government work as effectively as possible. Everything I have listed represents only the tip of the iceberg. Looking back it's hard to believe how much has been accomplished in one year. And one of the most significant points to remember is that we have done all this in the worst economy since the Great Depression. Which brings me to my next point.

Since the late 1990's our Budget Department has predicted the use of our reserve funds at the very rate we have seen. Two years ago we brought to you a plan to spend down our reserves to meet the "good government" rule of thumb to keep in reserve roughly 15% of the general fund income or 60 days operating expenses. What was not foreseen was the severity of the national economic downturn or the \$1 million annual raise and benefit package given to Fire and Police personnel for 2003. We have been able to provide very high quality services for our citizens and expand existing programs to better accommodate the needs and wishes of our community. At the same time, we have held our employee count very close to year 2000 levels despite

increased population and expanded programs. During the Winter meeting of the U.S. Conference of Mayors it was very clear that we in Fayetteville are better insulated from the fallout of the bad economy than the vast majority of other cities. While we are keeping employees and working to improve benefits, most other cities are having to lay off large numbers of their workforce and cutting back on basic services. However, we cannot increase operating costs, such as raises for Fire and Police, and add personnel that will be needed for a new fire station without increasing revenues.

We have seen the report from the Budget Office showing Fayetteville to have the lowest CITY tax burden in the region when taking into account all taxes and franchise fees. We have work to do and basic needs to fulfill that will cost money and we must have the fortitude to increase revenue to pay for them. For example, when we build the new west-side fire station the annual cost to pay for the personnel will be about \$650,000. We are going to have to find the strength to increase our revenue similarly to what our neighbors to the north charge for operation and maintenance. We have cut costs and increased efficiency as much as we can, and as our population grows, so must the organization that serves that population.

In the year 2001 Fayetteville began charting a new course into the future. The significant changes brought into City Hall that year brought with it an equal amount of turbulence. But those changes also laid the foundation for the substantial improvement that is underway in Fayetteville's government. While I generally avoid automobile analogies, I can't think of a better one to illustrate our present status. For the past two years we have had a top-notch team of mechanics make the engine of local government run with maximum efficiency. The recent reorganization was the result of living with and observing an organization that had not been redefined in too many years while the rest of the world had grown and changed. While this reorganization is the last major change we anticipate for the next two years we will continue fine-tuning as we move forward.

Now the questions become: which way is forward, and how do we get there?

As we all know the future is arriving on a daily basis. If we only focus on our bi-monthly agendas we will drift into a future that none of us will like or want to claim. We absolutely must determine what our city should be and use our vision, our wits, and our resolve to harness our momentum and give it

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2002

ANNUAL REPORT

Report of the City of

Fayetteville, Arkansas

ANNUAL REPORT (C) 2002

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Current Wastewater Operations and Maintenance Information

Owner: City of Fayetteville, Arkansas

Contact person: Greg Boettcher
Water/Wastewater Director
113 West Mountain Street
Fayetteville, AR 72701
501/575-8302

Operator: Operations Management International, Inc. (OMI)

Contact person: Billy L. Ammons
Project Manager
1400 North Fox Hunter Road
Fayetteville, AR 72701
501/443-3292

Staff size: 24

Hours of operation: 24 hours per day, seven days per week

Type of facility: Biological nutrient removal (A/O process) and aerobic digestion

Major process equipment: Influent screening, grit removal, primary clarification, biological reactors, secondary clarification, post aeration, effluent filtration, ultraviolet disinfection, split discharge to receiving streams, aerobic digestion of sludge, chemical odor scrubbing, land application of biosolids

Number of sewer lift stations: 32

Type: Wetwell, drywell, submersible

Other permitted programs: Industrial pretreatment program and land application

Contract start date: January 1987

Renewal dates: January 1989, August 1994, January 2002

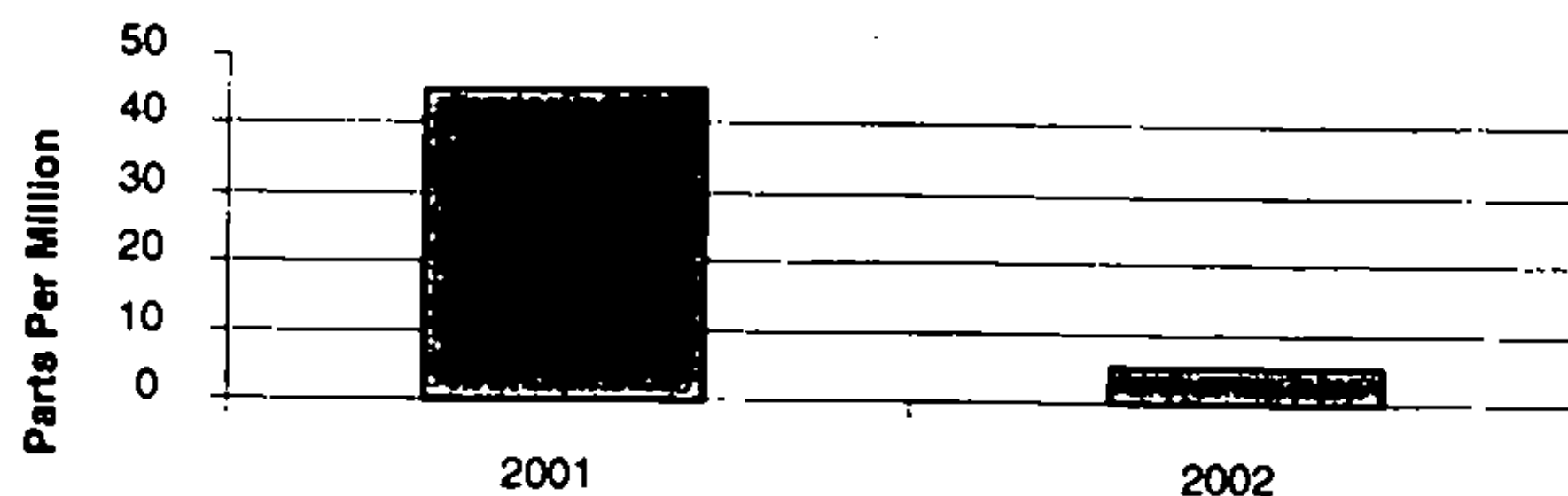
Completion date: December 2004

Executive Summary

December 31, 2002, marked the completion of 16 years of successful partnering between Operations Management International, Inc. (OMI) and the City of Fayetteville (the City) in relation to the operation and maintenance (O&M) of the City's wastewater treatment facility. This report summarizes the overall activities involved in this partnership, particularly relating to the 2002 contract year. Generally speaking, the wastewater treatment facility O&M for 2002 was successful, and is expected to finish under budget. There were several significant activities during the 2002 calendar year, including at least two important regulatory challenges. The most significant are listed and briefly explained as follows:

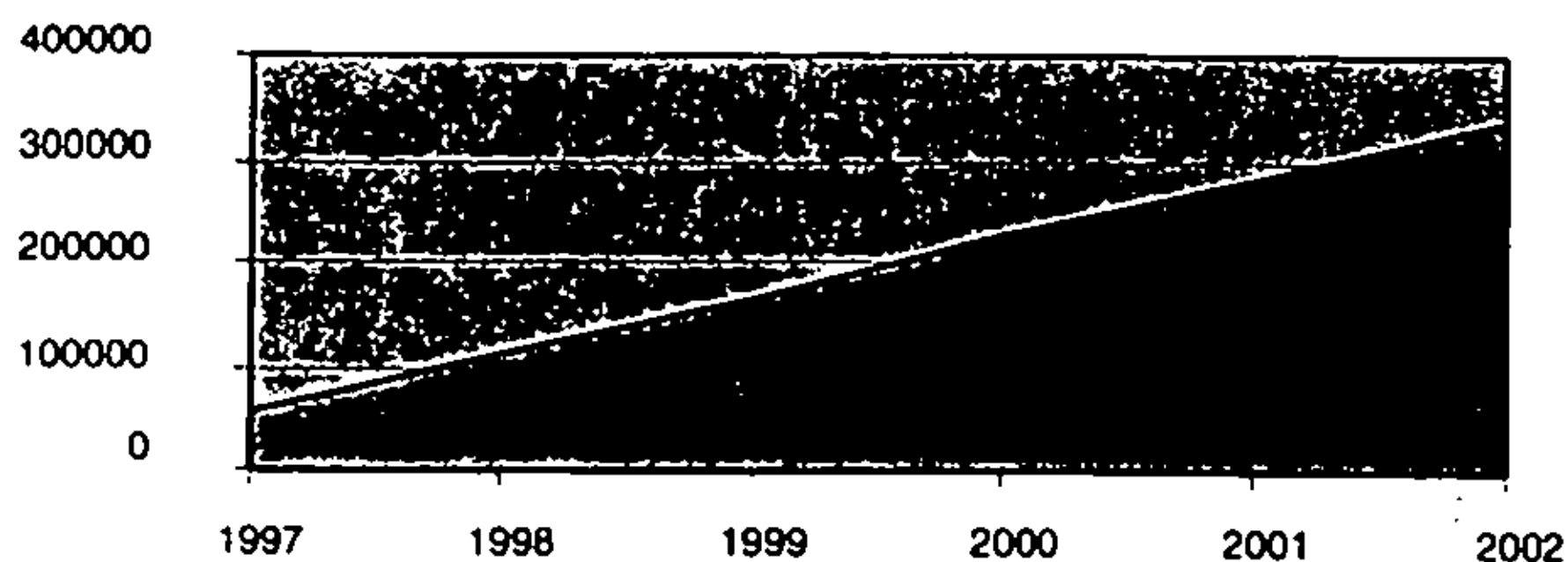
- **An odor control system was installed at the Hamestring Creek lift station to help alleviate long-standing odor problems in the Porter Road area.** For a number of years the area near the Porter Road lift station (No. 9) experienced relatively severe odor problems. These problems were exacerbated by the remarkable population growth on the City's west side, and the subsequent increase in sewage flow that accompanied the growth. Odor control equipment for this area of the City was not included in the last major collection system odor initiative completed in 1989. Several efforts were made over the years to deal with the problematic odors after they were produced, all with limited success. The Public Works Department made the decision in late 2001 to move forward with more decisive corrective action for this problem, which resulted in the present system. This installation included the purchase and installation of a bulk chemical tank, pumping equipment, and monitoring devices to allow for efficient use of this system. Odors at the downstream locations were vastly improved due to this installation.

Hydrogen Sulfide Peak Levels at Porter Road Lift Station



- **Three highly successful industrial seminars were coordinated.** OMI helped to promote and coordinate three Industrial Awareness Seminars in conjunction with Arkansas Department of Environmental Quality (ADEQ) on pollution prevention for Northwest Arkansas. The first seminar explained how to reduce and eliminate silver and mercury discharges by reducing pollutants at the source through common-sense management and described capture and recycling options. In response to citizen concerns, OMI helped arrange the second seminar, promoting environmental responsibility and regulatory compliance through voluntary best management practices within the carpet cleaning industry. The third seminar dealt with the proposed metal products and machinery regulations. We presented proven, low-cost, common-sense methods for reducing, recovering, and recycling pollutants, thus reducing disposal costs. Attendance and response to the seminars were very good. At least 12 businesses contracted for silver and mercury recycling. Some of the potential metal products and machinery industries indicated they are further exploring pollutant reduction regardless of the final regulations.
- **We incurred no work-related lost-time injuries in 2002.** The entire OMI staff was able to accomplish their varied set of responsibilities in all types of weather conditions with zero work-related lost-time injuries. The facility has now had no lost-time injuries for nearly six calendar years.

Cumulative Work Hours With No Lost Time



- **We celebrated the recognition of excellence for our laboratory and industrial pretreatment personnel at the state and national levels.** OMI-Fayetteville is very proud to have had two associates recognized for excellence in their areas of expertise by their peers. The Water Environment Federation gave Laboratory Director Donna McChristian (pictured on the right, following page) the National Laboratory Analyst Excellence award. This award signifies excellence at the highest level in the field of laboratory analysis. The Arkansas Environmental Association gave Industrial Pretreatment Coordinator Denise Georgiou (pictured on the left, following page) the State award for excellence in the field of industrial pretreatment. OMI-Fayetteville personnel have been involved in a number of activities in recent years that have demonstrated their expertise at a high level within their profession. These awards are recognition within the industry of that level of accomplishment.



- **The project received notice from ADEQ that the use of plant effluent for irrigation on the land application site was not approved as part of the existing National Pollutant Discharge Elimination System (NPDES) permit.** The Noland wastewater treatment plant must deal with a very complicated set of NPDES discharge requirements throughout the year. These requirements become especially challenging during the summer months, when additional restrictions are placed on the ability to discharge to the White River. One option that was always available to the facility during this period has been to use plant effluent to provide irrigation water to the Bermuda grass crop being grown on the land application site. The question was raised during this past year whether this practice was specifically allowed under the City's existing NPDES permit, with the subsequent ruling that it was not. Plant effluent has been used for this purpose since the plant was upgraded in 1988 with the full knowledge of ADEQ and this practice was part of the original facility plan and the operating plan for the land application site. Nonetheless, since irrigation is not specifically mentioned in the current NPDES permit, the practice was halted at the request of ADEQ. A separate permit application for non-discharge of effluent will be prepared and submitted in early 2003. With the current status of nutrient loading to the existing property, however, approval of that application may or may not be forthcoming, and the City may be required to develop immediate alternative plans for sludge disposal.
- **We received notice from ADEQ that the method being used to calculate effluent carbonaceous biological oxygen demand (CBOD) values was not allowed under current practice and that the facility must report a minimum value of 2.0 milligrams per liter (mg/L).** This ruling had the potential impact of making it nearly impossible to meet the NPDES permit limits for mass discharged during a given month. The Noland plant must regularly discharge effluent that is much cleaner than the permit concentration limit in order to meet the mass limit. By arbitrarily limiting the measured CBOD value in this manner, compliance with all permit limitations might have become impossible. Thankfully, ADEQ reasonably considered

the argument presented by the City on this issue and reversed its original decision. Treatment plant laboratory personnel have been allowed by the latest correspondence from ADEQ to continue to report the actual effluent CBOD value, as has been done for many years. The effect of this ruling on current plant operation as well as the implications for future plant operations is difficult to overstate. We are certainly hopeful that the latest decision will stand so that Fayetteville can continue to be credited for the remarkable quality of effluent being discharged from the wastewater treatment facility, as well as have a significantly higher probability of maintaining compliance with permit limitations.

OMI is pleased to be able to provide a very positive report concerning wastewater treatment facility activities for 2002. We look forward to the challenges in 2003 and the opportunity of providing continued excellent service to the City of Fayetteville.

Plant Overview

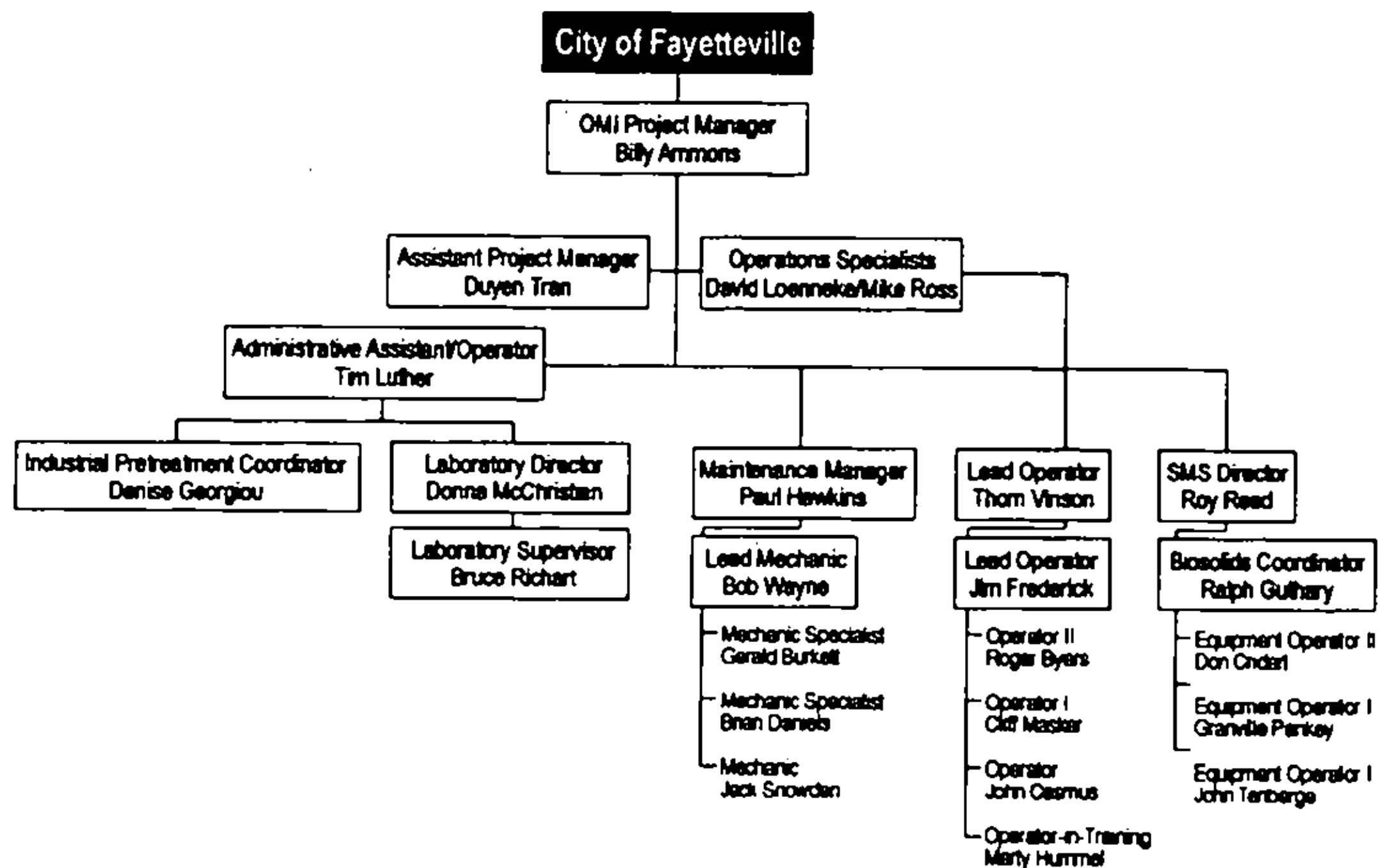
The Paul R. Noland wastewater treatment facility has been operated and maintained by OMI since the plant first began treating wastewater on February 25, 1988. In 2002, this facility served more than 66,000 people from the City of Fayetteville and the neighboring communities of Greenland, Farmington, Elkins, and Johnson. The wastewater treatment process consists of influent screening, primary clarification for the purpose of grit removal, biological nutrient removal, secondary clarification, effluent filtration, ultraviolet disinfection, post aeration, gravity sludge thickening, gravity-belt sludge thickening, high-rate aerobic digestion, chemical scrubbing for odor control, and land application of digested biosolids.

The Fayetteville area receives about 44 inches of rainfall per year and has a temperate climate. Typical daytime high temperatures are 40°F in January and 90°F in July. Fayetteville is primarily a residential community with associated commercial activity, and has a small but significant industrial mixture, including 11 significant industrial users. Rapid growth has challenged the public works infrastructure. Continuing construction is expected to increase the metropolitan area population by nearly 60 percent in the next 20 years.

The City was required to construct the existing wastewater treatment plant in the mid-1980s to produce an effluent that meets stringent receiving stream standards. OMI is providing complete O&M, including staff training, computerized maintenance management and inventory control, industrial pretreatment program (IPP) management, installation of standard OMI management systems, operation of sludge management system (including hay harvesting and marketing), and public awareness assistance.

OMI operates the facility to consistently meet effluent permit limits of 5, 5, 2, and 1 mg/L (CBOD₅, total suspended solids [TSS], ammonia nitrogen, and phosphorous).

Staffing Plan



To achieve the high level of performance demanded by the City of Fayetteville, OMI has adequately staffed the project with 24 capable people. The total number of OMI associates has decreased, even though the workload has increased numerous times over the past several years and the present scope of work is much greater than the original contract. This reduced staffing level has been possible due to increases in efficiency in several key areas, most notably by using more automation for plant operations, modernized analytical equipment in the laboratory, and the application of Total Quality Management principles.

Departmental Overviews

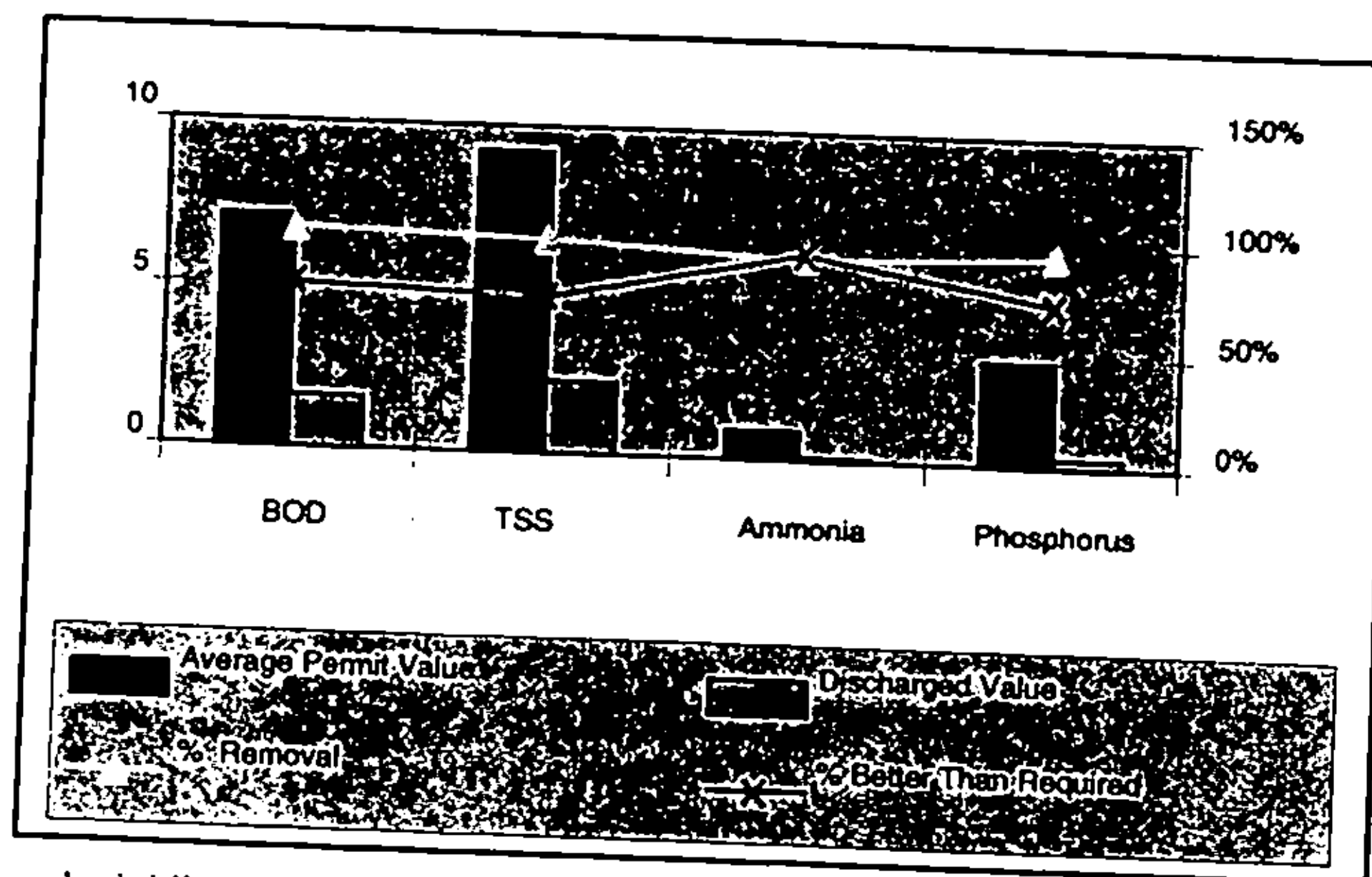
Operations

Solids Production and Digestion

Sludge production continued to increase in 2002, due largely to the continued general increase in biological loadings. The covered digestion system consistently produced sludge that met 40 CFR Part 503 requirements for land application, even though considerable fluctuation in loading occurred throughout the year.

Plant Performance/Permit Compliance

The facility produced high-quality effluent on a consistent basis in 2002. There were no NPDES permit violations during the year. The Fayetteville facility has not only a very good record of NPDES permit compliance, but has also performed well above the minimum expectation for many years in an effort to provide as much protection for the environment as reasonably possible.



The graph vividly depicts the remarkable performance of the Noland wastewater treatment plant over the past year. Effluent discharged from this facility not only met the permit requirements, but also exceeded the minimum standard by an average of 79 percent, representing an average removal of 97 percent of incoming waste.

Electricity

Electrical use was up about 4.4 percent for 2002, with a total usage of 16,122,000 kW hours. The cost for electricity was down about 4.4 percent to \$716,306, or \$2,002 per day. The largest cause for the increase in electrical usage was the electrical problem associated with the control card failure at ultraviolet disinfection system. However, the largest influence on the decrease in total cost was the return to "normal" fuel-cost adjustment charges applied to the wastewater treatment plant electric bill from Ozarks Electric Cooperative.

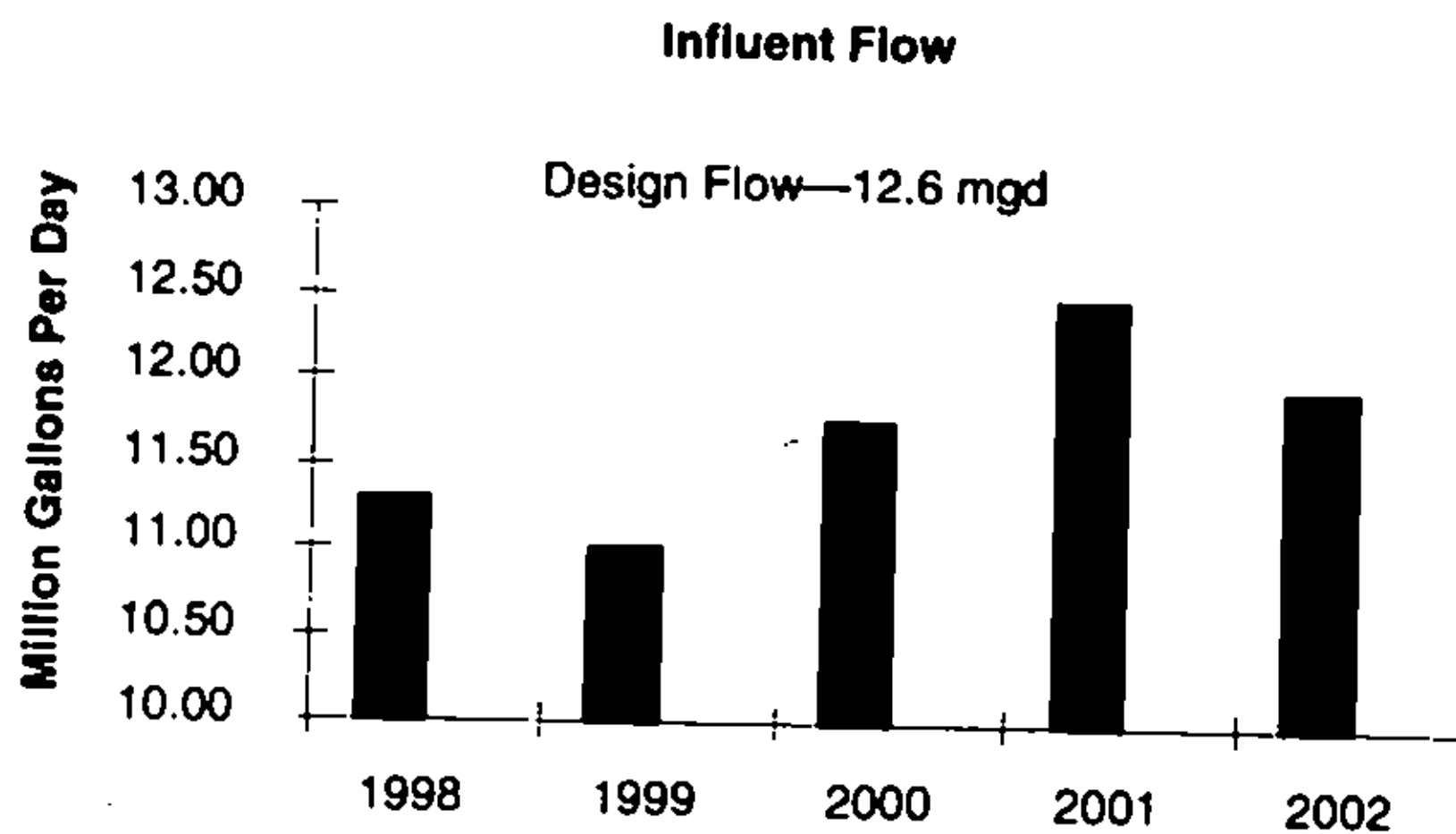
Chemical Use

The quantity of chemicals used for odor control (sulfuric acid down 50 percent, sodium hypochlorite down 20 percent, and sodium hydroxide up 55 percent) was again somewhat different than expected. Additional chemical costs include \$1,716 on sodium hypochlorite for filter cell cleaning, and \$11,820 on ozone for additional odor scrubbing. Alum use increased 33 percent over 2001, but was still less than an average year.

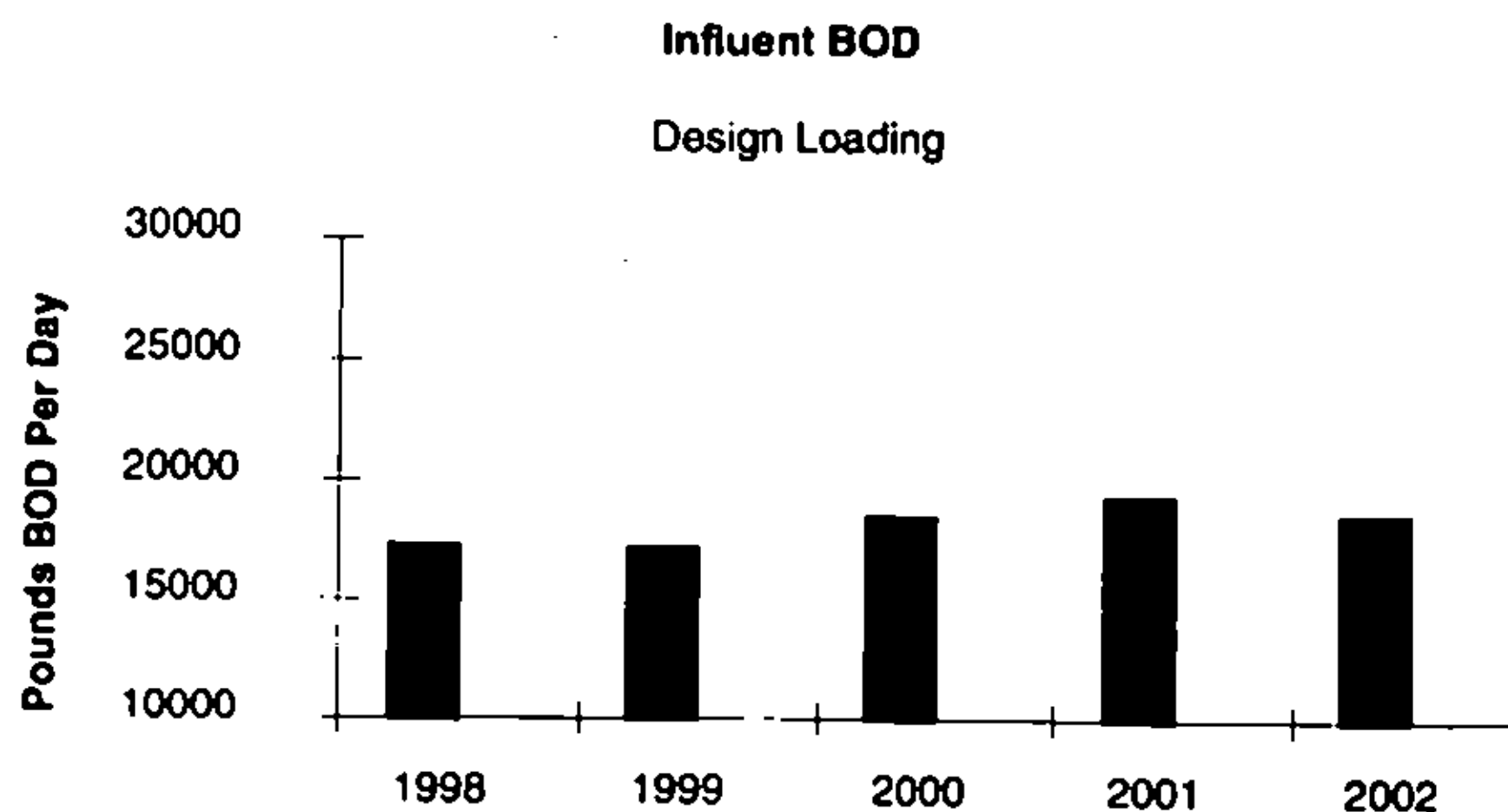
Plant Loadings

The average daily flow to the wastewater treatment plant was slightly lower than in 2001, and the dry weather flow significantly higher. The lowest monthly flow in 2002 was 9.1 million gallons per day (mgd) in July. The highest monthly average flow of 16.8 mgd occurred in February. The annual average influent flow for 2002 was 11.97 mgd, just under the annual average rated capacity of the wastewater treatment plant of 12.6 mgd. The highest monthly average biochemical oxygen demand (BOD) load for 2002 was 23,758 pounds per day, less than the design of 27,500. For TSS, the highest monthly average was 20,617, compared to the design of 23,200 pounds per day. The following graphs represent the loading history for the facility over the past several years.

As can be seen from the graph, the influent flow to the facility has been generally increasing for the past several years. Measured by this parameter, the plant was at 95 percent of design capacity in 2002.



Influent BOD represents one way of indicating the relative organic strength of the incoming wastewater. The trend for the past few years has again been steadily increasing, although the facility is still only at 72 percent of design for this parameter.



Public/Professional Activities

Numerous tours of the wastewater treatment plant were conducted in 2002. As usual, tours were given to the Fayetteville elementary schools, Fayetteville High School science classes, and the University of Arkansas civil engineering classes. In addition, several home school groups and a number of other civic groups and individuals visited the facility.

OMI continued to be active at both the district and state level in wastewater activities in 2002. Project Manager Billy Ammons served as a member of the Board of Directors of the Northwest District of the Arkansas Water Works and Water Environment Association (AWW&WEA), while Duyen Tran continued to serve as the Vice Chair for the Northwest District AWW&WEA in 2002. Donna McChristian gave a presentation at the annual AWW&WEA Short School in Hot Springs. Roy Reed served as the Secretary/Treasurer of the State AWEA committee. OMI expects to remain active in providing training for District water and wastewater personnel by teaching Arkansas Environmental Academy classes and organizing district meetings.

Other involvement in public education included presentations at Middle Schools upon request; participation as science judges in local science fairs; participation in the Chamber of Commerce's Vital Link program by offering wastewater operations experience to four junior high school students from Ramay and Woodland schools; and work with the Storm Water Focus Group for the Northwest Arkansas Regional Planning commission.

OMI continued to support the City's Curb-The-Clutter program with the cleanup of a section of Old Wire Road near Highway 265, and maintained an unofficial commitment to clean up Fox Hunter Road near the plant twice per year. Additionally, in 2002 OMI displayed the trailer-mounted nine-hole miniature golf course, with each hole patterned after a step in the overall wastewater treatment process, at several community events. This educational tool was enjoyed by a record crowd at Autumnfest in 2002, while also being demonstrated at the White River Watershed Awareness seminar.

OMI also participated in the City's annual United Way campaign, provided assistance to the Battered Women's Shelter for Christmas, helped the Meals-on-Wheels program deliver food to several elderly people, and donated money to several local charitable organizations.

Training

In keeping with OMI's continued emphasis on staying abreast of new technological and regulatory developments, OMI continued to stress training for all associates. Ten OMI associates have attained the highest license level (Class IV) within the State. Training necessary to qualify for upgrading licenses was generally derived from classes given by the Arkansas Environmental Academy and attendance at monthly district meetings of the Northwest District of the AWW&WEA. Additional informal training was also obtained through inhouse training sessions and computer-based self-paced technical training on various industry related topics. Each OMI associate attends a minimum of 30 hours of training per year.

Laboratory

Inhouse Services

The Fayetteville laboratory received a total of 3,654 samples in 2002 from various sources, including Operations (process control and NDPES permit required), Maintenance (unusual influent, lift station odor control), Industrial Pretreatment (regulatory compliance and surcharge data), and City of Fayetteville Solid Waste (yard-waste composting). A total of 15,242 analyses were performed on these samples. Both of these figures represent significant decreases from the previous year. These decreases result from extensive use of automation in process control and in the laboratory, as well as the application innovative operational techniques. The end result of these sampling and analysis efficiencies is a 33 percent reduction in the laboratory staff.

The Fayetteville laboratory has the capability to analyze each of the following 38 parameters: alkalinity, chloride, ammonia, BOD/CBOD, chemical oxygen demand, diazinon scan, dissolved oxygen, fecal coliform, nitrate, nitrite, pH, phosphorus, ortho-phosphorus, specific conductance, total residual chlorine, total solids, TSS, volatile suspended solids, total dissolved solids, antimony, arsenic, beryllium, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, potassium, selenium, silver,

thallium, zinc, and non-quantitative test kits for cyanide, total phenolics, nitrate, nitrite, and sulfide.

The following analyses and services were performed by outside companies in 2002:

Biomonitoring	\$ 5,200
Organics	\$ 1,194
Inhibition investigation	\$ 100
Soil analyses	\$ 7,972
Cyanide/phenols/mercury	\$ 2,548
Sludge	\$28,231
Oil and grease	\$ 204
Miscellaneous (investigative)	\$ 2,530
Total:	\$22,571

Laboratory Significant Events

- Reduced staffing level by one
- Addressed ADEQ state audit findings with superior technical clarification on validation of laboratory performance
- Passed annual OMI Laboratory Audit
- Passed both U.S. Environmental Protection Agency water performance studies for all permitted parameters

Industrial Pretreatment Program

The Industrial Pretreatment Program includes 11 permitted significant industrial users, five of which are metal-based categorical users. The four large food industries participate in the surcharge program for excess TSS and BOD loading that generated about \$350,000 in revenue for the City. Along with administering the program, industrial pretreatment personnel are the industrial liaisons who provide education and training for industrial users and the general public.

In addition to industrial discharges to the sewer, hauled septic tank and portable toilet wastes are discharged into the headworks of the publicly-owned treatment works. No landfill leachate was trucked to a lift station for discharge to the system in 2002. The overall hauled waste program generated \$9,900 in City revenue. The following is a breakdown of the IPP's activities:

Total no. of compliance inspections	11
Total no. of compliance and surcharge sample collection events:	27
Total no. loads of hauled waste accepted:	198

Total no. of unusual discharge/influent cases:	21
Permitted industrial users in 2002:	Elkhart Products Corporation Hiland Dairy Company K-D Tools Marshalltown Tools Pinnacle Foods Corporation Superior Industries International, Inc. Tyson Foods, Inc. South Tyson's Mexican Original East Waste Management
Haulers discharging in 2002:	AAA Septic Tank Service, Inc. A-1st National Rooter American Plumbing Arkansas Portable Toilets* Best Jet Gates Johnny on the Spot Potty House* Roto-Rooter *New haulers in 2002

Bartholomew Transport, Bub's Inc., and Terra Renewal Service (TRS) discharged no hauled liquid waste at the Fayetteville WWTF in 2002 although they are registered haulers. Gates discharged one load as an unauthorized discharger and has not yet been authorized.

*Note: The City of Fayetteville directly collected all funds

IPP Significant Events

- Promoted and coordinated three industrial awareness seminars described in detail above
- Summer inhibition of the biological process was minimized in part through frequent communication with the industrial users and the series of educational seminars presented
- Worked with industrial users to maintain a high level of industrial user compliance with permit limits
- Maintained consistent low metal loadings

Permitted Industries' Limits Violations 1996 - 2003

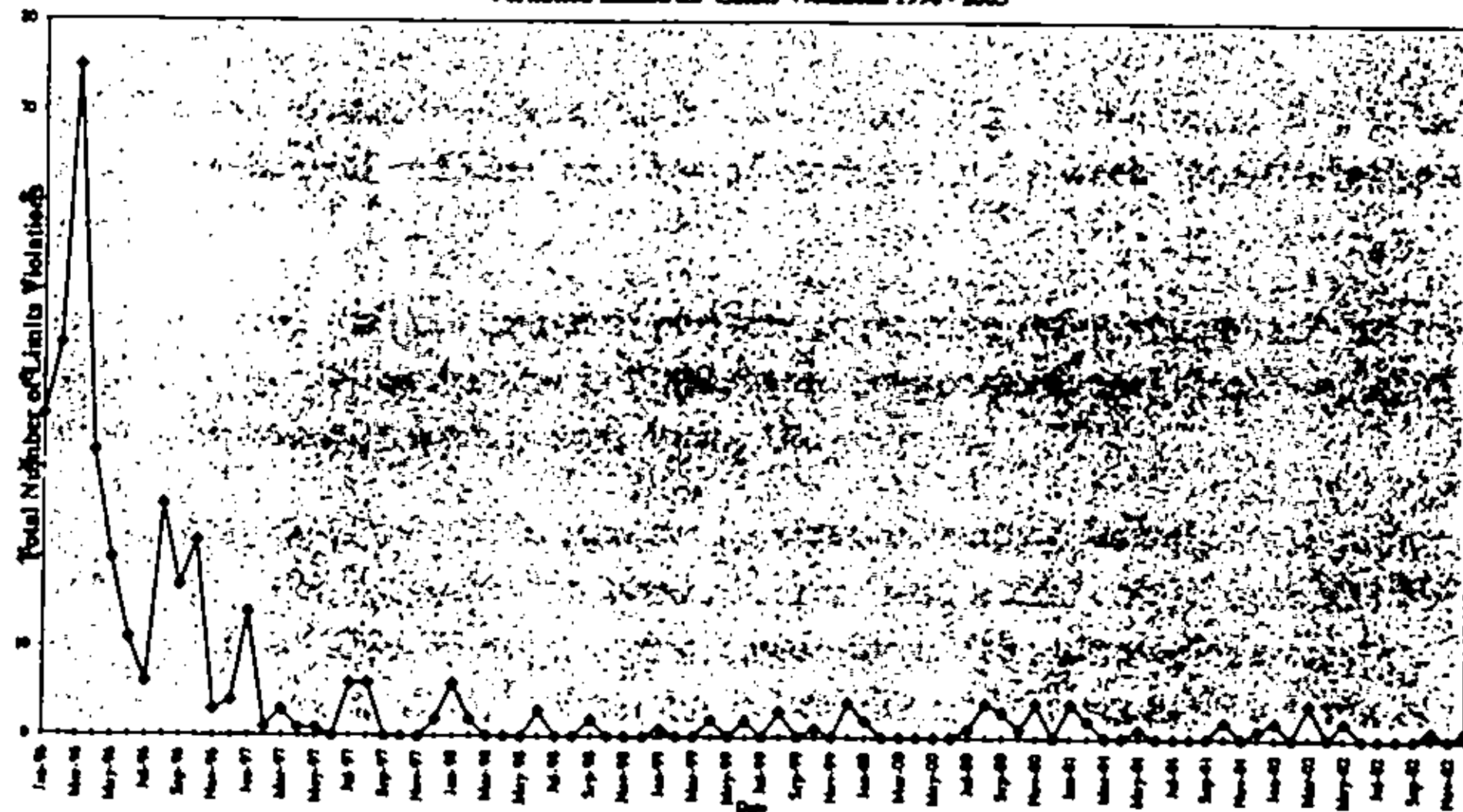
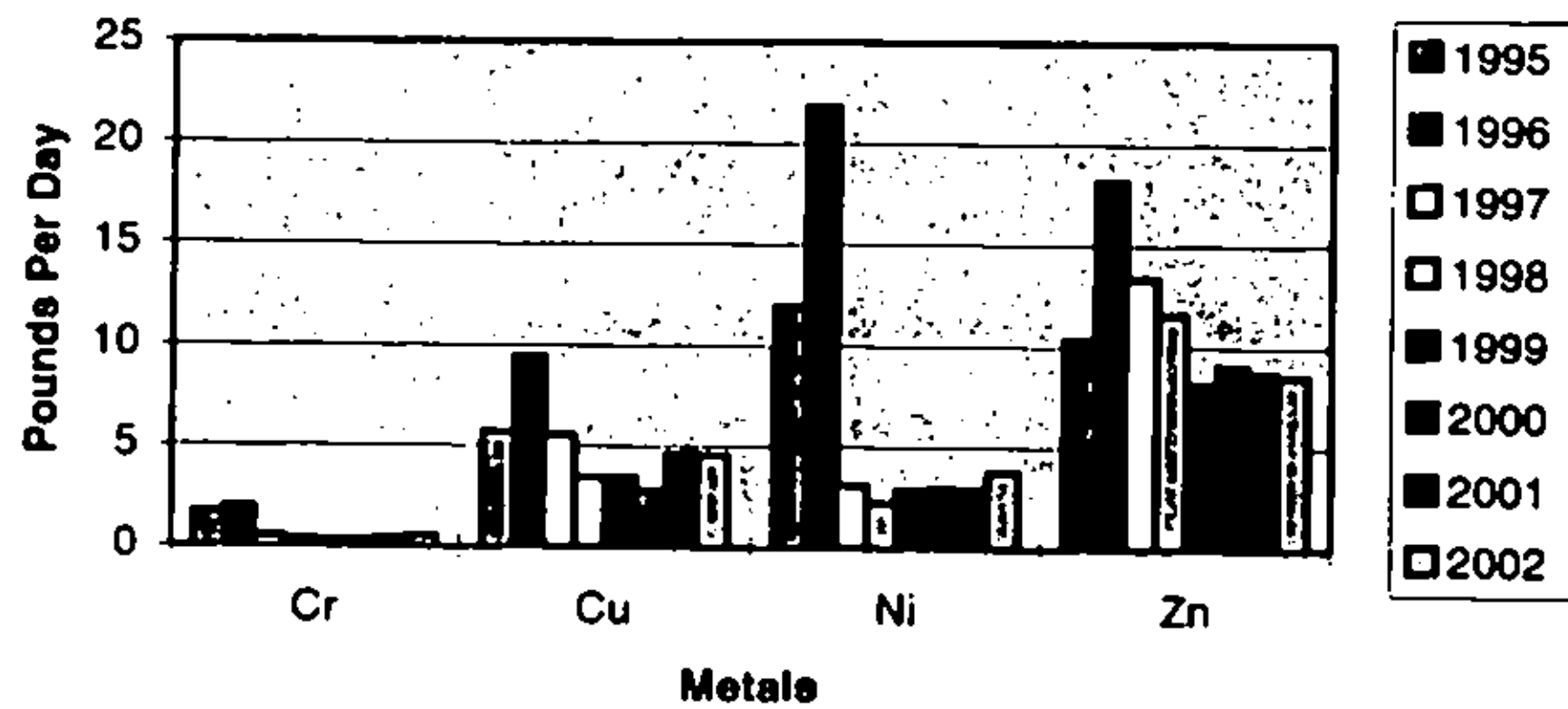


Figure 2 - Metals Loadings



Maintenance

The Fayetteville wastewater treatment facility continued to use Datastream MP2 to track the maintenance workload and keep the flow of work orders between departments smooth and efficient.

The Fayetteville O&M staff continued to perform preventive maintenance tasks on over 4,000 individual pieces of equipment in 2002. Maintenance personnel also completed 504 corrective maintenance work orders during the year.

The most expensive repairs for 2002 involved a series of many relatively small repairs required on the ultraviolet disinfection system, comprising a total cost of over \$35,498. Several components of the ultraviolet system (most notably the ultraviolet lamps themselves) must be replaced on a routine basis, which comprise about 50 percent of the total cost for this unit in 2002. Much of the additional cost for last year revolved around one faulty control card, (valued at ~ \$1,200), which malfunctioned and caused excessive power to be introduced to the ballasts for each of the 160 ultraviolet lamps in the system. In turn, many of these ballasts failed prematurely and had to be replaced. This control card malfunction was also responsible for excessive power consumption over a 2-3 week period stretching into two different months.

Other large and/or costly repairs in 2002 included:

- Rebuilding one of the large digested sludge pumps used to deliver stabilized sludge to the land application site (\$12,508)
- Repair of pump No. 2 at lift station No. 6 Old Wire Road (\$8,176)
- Major repair of one plant influent pump (\$7,976)

Equipment Improvements

A new chemical odor control system was installed at the Hamestring Creek lift station (No. 7) to help resolve ongoing odor and corrosion problems at the Porter Road lift station (No. 9) and the subsequent downstream gravity lines. This installation included the purchase and installation of a bulk chemical tank, pumping equipment, and monitoring devices to allow for efficient use of this system. Odors at the downstream locations were vastly improved due to this installation.

Several improvements were made to the in-plant supervisory control and data acquisition (SCADA) system, allowing for greatly increased control of the sludge wasting process as well as a much more highly automated and accurate system for maintaining the proper mixed liquor suspended solids concentration in the secondary treatment system. These improvements are additional steps toward improving the overall efficiency of labor and equipment at the treatment facility.

Significant improvements in the lift station and water tower SCADA systems were also initiated during 2002, although final completion of these endeavors will not occur until early 2003. These improvements included adding the ability to manually control the lift station pumps from the plant location, and adding several hours of backup power to the SCADA system at the old White River Rural Water sites in the potable water system.

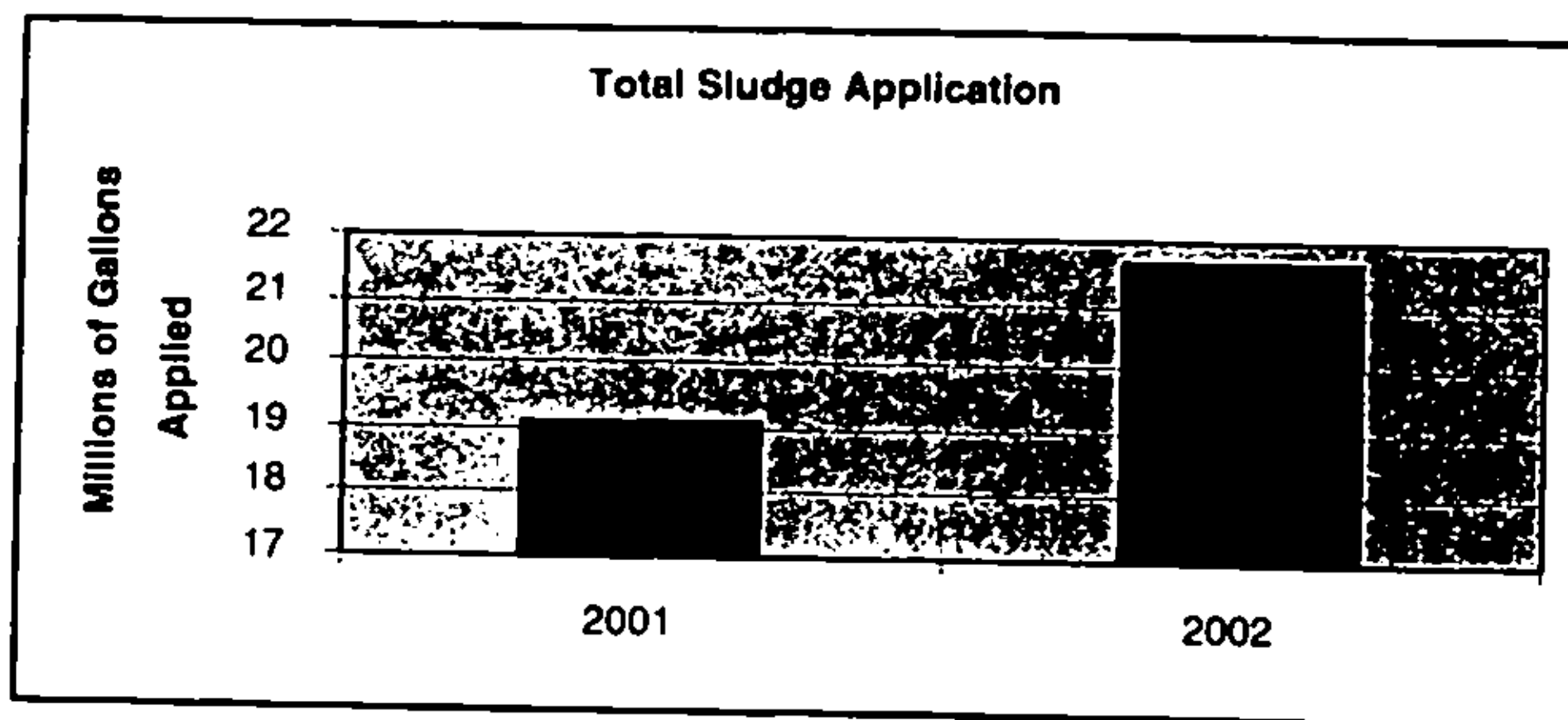
Sludge Management

During 2002, no complaints were received from the adjacent landowners or the general public concerning odors, land application, or irrigation.

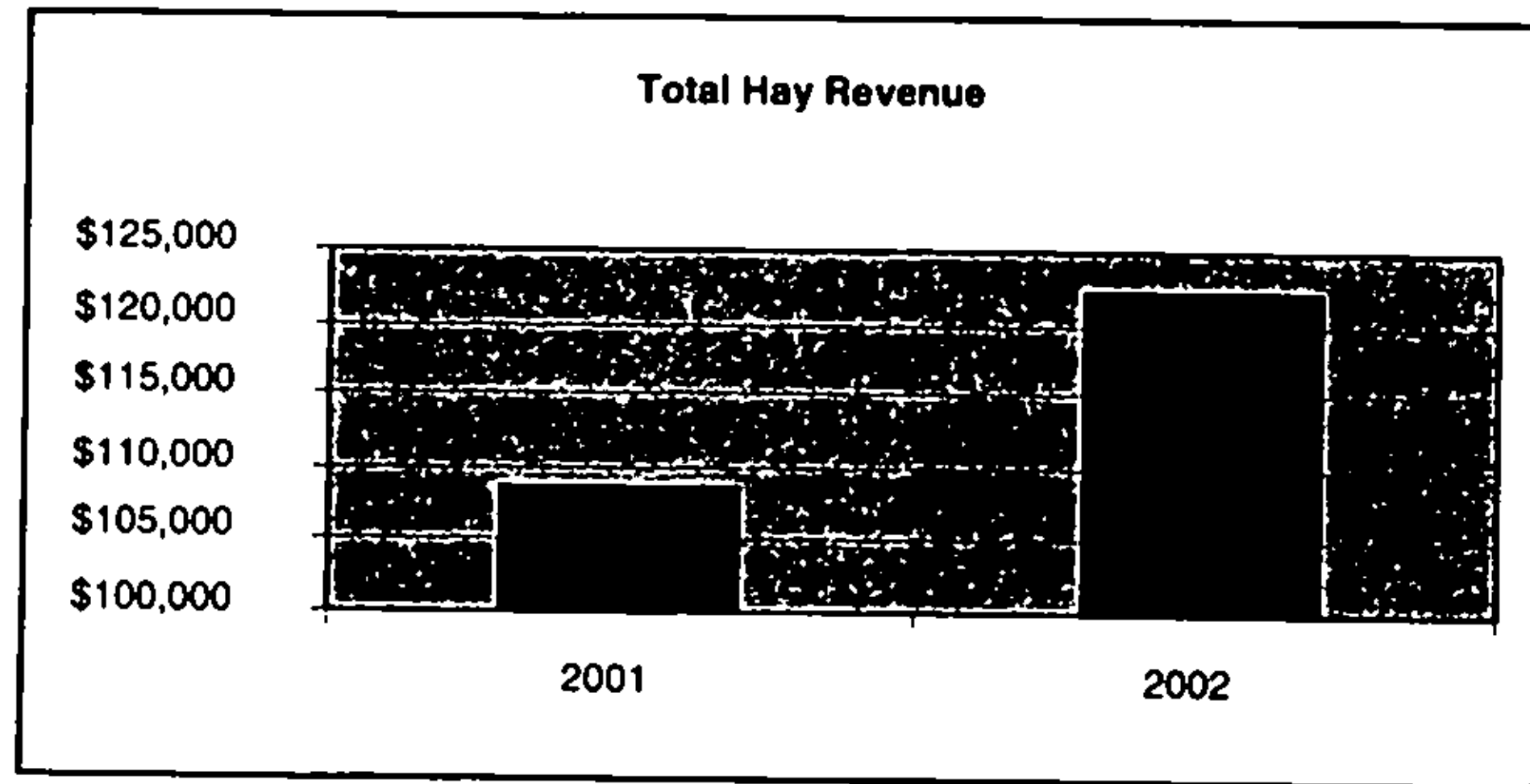
The total pounds of plant available nitrogen (PAN) which can be applied to the site in any given year are 104,370 pounds. The amount applied in 2002 was 79,988 pounds. The average loading for 2002 was 150 pounds of PAN per acre.

Metals contained in the sludge were tested and tracked in accordance with 40 CFR Part 503 regulations. Testing determined the sludge to be well within the Table 3 (clean sludge) limits, which allows application of the sludge according to PAN requirements of the cover crop, instead of a maximum allowable loading based on heavy metals concentration. Since more than 1,500 metric dry tons were applied to the SMS in 2002, the sampling frequency was increased to six times per year in accordance with 503 regulations. The total No. of dry tons produced was 1,807.

Soil sampling indicated that several areas at the SMS needed lime application to increase the pH to meet state recommendations. Lime was applied in these areas using standard agronomic rates and practices.



The amount of sludge applied in 2002 was 21,677,355 gallons, or 41,209 gallons per acre. The application of sludge promotes crop growth, which then must be removed from the site. The Midland Bermuda grass crop is cut and harvested as hay and sold to local farmers. The site produced 2,345 tons of hay, and the sales produced total revenue of \$122,205. The price per ton average was \$52.11, up slightly from 2000.



This price average was higher largely because the SMS had no insect infestation and experienced no drought conditions during the summer. These factors allowed for greater production and less damage to the crop during harvesting operations.

Projections for 2003

The total organic and hydraulic loading to the wastewater treatment facility is expected to continue to increase during 2003 as the population of the City and surrounding communities continues to grow. Ongoing sewer collection system rehabilitation efforts are also expected to continue, which will force more wastewater to the wastewater treatment facility as overflows in the system are eliminated. At the beginning of 2003 some flexibility at the existing facility remained for treating additional organic loading. However, the continued increase in loading does now require both treatment "trains" on a full-time basis.

Odor control at the wastewater treatment facility and in the collection system will continue to be a major focus during 2003. The existing odor control equipment will be maintained and operated as efficiently as possible. Odor control at the sewer lift stations, already vastly improved with the purchase and installation of an iron salt addition system at lift station No. 7, will also continue to be a high priority. It is expected that a newly available biological odor control system will also be evaluated in the collection system in early 2003.

The large ongoing SCADA capital improvement plan project involving the proposed new water valve and pressure monitoring stations will be completed if possible. The ongoing roof replacement project on the South operations building at the Noland plant will also be completed, as will at least one other major roof repair. There are also a number of other small capital improvement plan projects that will receive appropriate attention and direction.

OMI continues to be very pleased to be in partnership with the City of Fayetteville and provide outstanding service for O&M of the City's wastewater facilities. The year 2002 was another successful year for both OMI and the City, and certainly no change in this trend of success is expected. With the help and support that OMI and the City's partnership can provide, area citizens can look forward to the continued protection of Northwest Arkansas' valuable water resources.

**MINUTES OF A MEETING
OF THE
CITY COUNCIL
JANUARY 21, 2003**

A meeting of the Fayetteville City Council was held on January 21, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Cook, Marr, Davis, Rhoads, Lucas, Jordan, City Attorney Kit Williams, City Clerk Heather Woodruff, Staff, Press, and Audience.

Alderman Marr moved to suspend the rules and add an item from the nominating committee to make an additional appointment to the A&P Commission. There was one appointment at the last meeting to the A&P Commission body, but the Mayor has the responsibility to appointment two individuals, one of those individuals that was previously appointed was Alderman Santos who is no longer on the Council. The Mayor would like to appoint himself. Seconded by Alderman Reynolds. Upon roll call the motion to suspend the rules passed.

A motion was made by Alderman Marr and seconded by Alderman Jordan to add Mayor Coody to the A&P Commission. Upon roll call the motion carried unanimously.

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

CONSENT

APPROVAL OF THE MINUTES: December 3, 2002

BEVERAGE CONTAINERS: A resolution of support for the beverage container deposit legislation being sponsored by the Arkansas Municipal League during the 2003 State Legislative Session.

RESOLUTION 08-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CDBG: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by Community Development Block Grants.

RESOLUTION 09-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HABITAT FOR HUMANITY: A resolution to waive the building permit fee and other developmental fees for homes to be constructed by Habitat for Humanity.

RESOLUTION 10-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

PUBLIC ACCESS: A resolution accepting a contract for public access television services from February 1, 2003 until February 28, 2003.

RESOLUTION 11-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

NEW WORLD: A resolution approving a standard software maintenance agreement with New World Systems, Inc. for a period of three years; and authorizing the Mayor and City Clerk to execute said contract.

RESOLUTION 12-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HANSEN: A resolution to approve the Service and Maintenance Fees with Hansen Information Technologies for 2003.

RESOLUTION 13-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OLD BUSINESS

RZN 02-40.00: An ordinance approving RZN 02-40.00 as submitted by Jerry Kelso of Crafton, Tull & Associates on behalf of David Slone for property located behind 3195 N. College and east of Plainview Ave. The property is zoned A-1, Agricultural, C-2, Thoroughfare Commercial and R-1, Low Density Residential and contains approximately 8.84 acres. The request is to rezone to RMF-18, Medium Density, Multi-Family Residential. The ordinance was left on the first reading at the December 17, 2002 meeting and was tabled at the January 7, 2003 meeting.

Alderman Rhoads moved to postpone indefinitely. Alderman Marr seconded. Upon roll call the motion carried unanimously.

RZN 02-41.00: An ordinance approving RZN 02-41.00 as submitted by Norman Moulden for property located at 1504 W. Cato Springs Road. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.33 acres. The request is to rezone to R-2, Medium Density Residential. The ordinance was left on the second reading at the January 7, 2003 meeting.

Alderman Jordan moved to suspend the rules and move to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 6-1. Reynolds voting nay.

Mr. Williams read the ordinance.

Alderman Reynolds stated that this was not in his Ward but that he did not think it was appropriate for this zoning for this location because he thought they should be taking up at least the four pieces of property that is there instead of taking a bite of this. I don't think it is any future good to us.

Alderman Marr stated that he agreed with Alderman Reynolds and he thought that one of the things in this staff report that concerned him was that one of the findings of fact is that the future land use plan shows the area as mixed use. It also talks about it being able to accommodate a variety of uses including residential and that it was designed to promote redevelopment. Alderman Marr stated that he thought that this parcel is too small to do that.

Alderman Lucas stated she felt that way also, she feels like it is a spot zoning.

Alderman Jordan stated that he had not had any calls that anybody has been against this but that he has some problems with it as well. One of the concerns that he has is if you put that in that area that it may become just another run down property.

Alderman Davis asked shall the ordinance pass. Upon roll call the ordinance failed unanimously.

NEW BUSINESS

MEETING TIME: An ordinance to repeal §32.02 Meetings of the Code of Fayetteville and to declare an emergency.

Alderman Reynolds stated that the last time he supported this but since then he had thought some about it and since Bob Davis cannot make a 6:30 meeting and he was voted as Vice Mayor, in Mr. Coody's absence we need Alderman Davis here, and therefore he will not support this ordinance at this time.

Mr. Williams read the ordinance.

City Attorney Kit Williams stated that he was sorry he did not spot this earlier. He assumed that all our procedure rules would be within our Rules and Procedure but unfortunately this was part of the code and since the code being an ordinance takes precedence we will have to come back and change the code. Your rules of when your meeting should start should be within your rules of Order and Procedure rather than in the code itself.

Alderman Marr stated it is frustrating to have to vote on this twice. Also when we run for office we have to make concessions. While this may not be an end all to our solution it is a step.

Alderman Rhoads echoed Mr. Marr's frustration. He thinks it is a big step in the right direction to making us more efficient.

Alderman Davis stated we did not address the problem we basically addressed the time change one thing he thinks we all have the intention of doing is trying to use our committees to the fullest.

Alderman Marr moved to suspend the rules and move to the second reading. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Jeff Erf, a citizen asked how this ordinance makes running City Council meetings more efficient.

City Attorney Kit Williams stated all this ordinance does is set the time and date for the meetings.

Alderman Marr stated this does not solve the root cause of our extended Council meetings. There are many factors that need to be done in addition. This was one means to look at, but it does not solve all the issues. One of the things that I would like to see come out of this is to have more effective use of the committee structure.

Jeff Erf asked what the next step is to insure that the guidelines and regulations become part of the rules that the Council follows.

Alderman Davis stated hopefully at our retreat in March we will all sit down and look at what would be the best way to run our meetings.

Jeff Erf asked does that have to be done by ordinance or resolution.

Alderman Davis stated the Council can decide if things need to go to committee before coming before the Council.

City Attorney Kit Williams stated you can put some sort of structure within your rules of procedure to identify which items should go to committees. I would recommend that you do not hamstring yourself too much.

Alderman Don Marr stated they were given a list of recommended changes and revisions to their rules of procedure by the city attorney. While the ordinance review is for ordinance review if we do not handle this at the retreat then I will bring something forward to that committee to be discussed.

Jeff Erf said his concern was that starting a half hour earlier is not going to make a whole lot of difference. It's how you run the meeting that is more important.

Lou Weiss, a citizen stated she was concerned about the Aldermen not eating because of the earlier meeting time. She was concerned that their blood sugar could drop causing them to be irritable, and not be able to think properly.

Alderman Reynolds moved to go to the third and final reading. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Davis stated he ran for this position twice and both times he was aware that the meeting time was 6:30, if he had known it was going to be a different time before 6:30 he would have had to think about it. He has also been told by other individuals that they do see a problem if we change our meeting times, it could affect other individuals that may want to run for office in the future.

Alderman Marr stated it has just the impact, if he feels like he is going to be at 2:00 a.m. meetings or midnight meetings consistently, he is not going to do it and he doesn't think that may others are going to do it.

Alderman Rhoads stated the comments he has received from the public are that that this is a good step.

Alderman Cook stated Alderman Rhoads mentioned this would show a good gesture towards the public that we are trying to do something to try to end the meetings earlier. We also must remember when those late meetings were going on there was two hot topics on the agenda. I think this is a good first step.

Alderman Jordan said we set the agenda and we need to move hot topics more to the front of the agenda so the public does not sit here to 11:00 or after. Whoever is in charge of running the meetings, which in this case is the Mayor, will have to get a handle on the length of the speakers.

Alderman Davis asked shall the ordinance pass. The ordinance passed with a vote of 5 to 2 with Davis and Reynolds voting nay.

ORDIANANCE 4456 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Mr. Williams stated an emergency clause takes a two thirds vote which would be 6 votes to pass immediately instead of 31 days. The City council did not vote to pass the

emergency clause. This will take effect in 31 days due to no motion on the emergency clause.

DICKSON ENHANCEMENT: A resolution approving Change Order #5 to the construction contract with Township Builders, Inc. for Dickson Street Enhancement Project.

Administration would like to pull so all future unexpected expenses can be discussed.

Alderman Jordan moved to table until the second meeting in February. Alderman Marr seconded. Alderman Davis asked shall the motion pass.

Motion passed with a vote of 6 with Alderman Reynolds abstaining.

Alderman Marr would like some type of visual and a way for the citizens to have input before we vote on this agenda item.

Hugh Earnest stated we should be able to develop something.

Item was tabled until February 18, 2003.

TRASH CARTS: An ordinance amending Chapter 50: Garbage and Trash, of the Code of Fayetteville, to adopt a residential cart exchange fee.

Mr. Williams read the ordinance.

Alderman Davis asked Gary Dumas to address the issue and answer any questions.

Alderman Marr asked will this waiver be limited to individuals who are converting their service at this time and not to new program participants after the date.

Gary Dumas stated the ones converting now.

Alderman Davis asked when the cart system will be in place.

Gary Dumas stated it will be in place by the end of March if the trucks are here by then. We will implement it all at one time for the entire City.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed.

Mr. Williams read the ordinance.

Alderman Davis asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4457 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Meeting adjourned at 7:10 p.m.

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

<u>Jim Beavers</u> Name	<u>Engineering</u> Division	<u>CPE Services</u> Department
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ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

<u>\$ 17,500</u> Cost of this Request	<u>\$350,000</u> Category/Project Budget 2003	<u>Street Impvt</u> Category/Project Name
<u>4470.9470.5809.00</u> Account Number	<u>\$0</u> Funds Used To Date 2003	<u>Cost Shares</u> Program Name
<u>02116 - 10</u> Project Number	<u>\$332,500</u> Remaining Balance 2003	<u>Sales Tax</u> Fund

BUDGET REVIEW:

75 B ☒ Budgeted Item ☐ Budget Adjustment Attached

Budget Manager Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Fattling 1/17/03

Accounting Manager Date

D. P. Whitaker 1/17/03

City Attorney Date

P. L. Lince 1/17/03

Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03

Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

Jim Beavers 01-17-03

Division Head Date

Cross Reference

Department Director Date

New Item: Yes x No

Art L. Lince 1-21-03

Finance and Internal Services Director

Prev Ord/Res #:

Date

Orig Contract Date:

Orig Contract No:

Michael Earnest 1-21-03

Chief Administrative Officer Date

Mayor Date

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

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
Fayetteville City Council

Thru: Staff Review

From: Jim Beavers, Engineering *Jim Beavers*

Date: January 17, 2002

Re: City Council Meeting February 4, 2003
Proposed agreement with the Arkansas Highway and Transportation Department relative to preliminary engineering for Razorback Road from 6th Street to Garland/Maple.

Please find attached the proposed agreement and supporting documentation.

The project scope is Razorback Road (State Highway 112) from 6th Street (State Highway 180) north and east to the Garland/Maple intersection.

The total costs are \$35,000.00 which will be shared "50/50" with the University of Arkansas. The City's costs for the preliminary study will be \$17,500.00.

This agreement and authorization for the cost share was approved by the City of Fayetteville Council Street Committee on January 15, 2003.

Enclosures:

1. "Agreement Of Understanding Between The City Of Fayetteville And The Arkansas State Highway And Transportation Department . . . relative to widening Hwy 112 from Hwy. 180 (6th Street) to Garland Avenue"

Such Agreement includes as additional formal Resolution as Attachment B.

2. Memorandum from Greg Boettcher, P.E., to the City of Fayetteville Street Committee dated January 15, 2003.

3. Letter from Mayor Coody to Dan Flowers (AHTD) dated March 27, 2002.
4. Letter from Dan Flowers (AHTD) to Mayor Coody dated July 9, 2002.
5. Letter from Mayor Coody to Donald Pederson (University of Arkansas) dated July 30, 2002.
6. Fax response from Donald Pederson (U of A) to Mayor Coody dated August 2, 2002 with agreement to the cost share of \$17,500.00.

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2002.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF
FAYETTEVILLE

Dan Flowers
Director of Highways and Transportation

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation Program funds are available for certain local projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Share</u>
	Preliminary Engineering	0%	100%	0%
	Right-of-Way	80%	0%	20%
	Utilities	80%	0%	20%
	Construction	80%	0%	20%
	Construction Engineering	80%	0%	20%
City projects programmed but not let to contract	Right-of-Way	0%	0%	100%
	Utilities	0%	0%	100%

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: Mayor Dan Coody or his designee is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2002.

Dan Coody
Mayor

ATTEST: _____

(SEAL)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE/PUBLIC WORKS DEPARTMENT

TO: FAYETTEVILLE STREET COMMITTEE
Bob Davis, Chairman; Lioneld Jordan, Alderman; Don Marr,
Alderman; Robert Reynolds, Alderman

COPY: Mayor Dan Coody, Jim Beavers, Heather Woodruff, Hugh
Earnest, Terry Gulley, Tim Conklin

FROM: Greg Boettcher, Public Works Director

DATE: January 15, 2003

RE: Razorback Road Improvement Project
Federal-aid Surface Transportation Program

BACKGROUND

Representatives of the University of Arkansas met with Fayetteville City Administration in early 2002 to discuss the concept of improving Razorback Road from South Street north to the intersection of Garland Avenue and Maple Street. The University had developed a preliminary schematic of widening and wished to collaborate with the City on such capital improvement project. Since this improvement would connect two pending improvement projects (Razorback Road improvements from 15th to 6th Street and Garland Avenue Improvements from Wedington to Maple), it was deemed an essential link in a major transportation corridor. Also, since the road was under the jurisdiction of the Arkansas State Highway and Transportation Department (AHTD) as Highway 180, the improvement project could be eligible for state/federal assistance.

Mayor Coody has requested the AHTD to consider funding of this critical road improvement project due to its connectivity to other major corridors. On July 9, 2002, the AHTD responded to this request by forwarding an "Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department". On July 30, 2002, Mayor Coody advised the University of Arkansas of the AHTD participation agreement and requested that the University of Arkansas financially participate in and support this activity. A fax was received from the University on August 2, 2002 from Mr. Pederson confirming the 50-50 cost share on the preliminary engineering cost of \$35,000.00. Copies of the correspondence are attached.

It is recommended that the Fayetteville Street Committee approve the preliminary engineering activities on Razorback Road Improvement Project with the net cost to the City of Fayetteville being \$17,500.00. This agreement shall need to then proceed to the City Council for approval and authorization of the mayor's execution of the Agreement of Understanding.

THE CITY OF FAYETTEVILLE, ARKANSAS

March 27, 2002

Mr. Dan Flowers, P.E.
Arkansas State Hwy. & Transportation Dept.
P.O. Box 2261
Little Rock, AR 72209

RE: Surface Transportation Program (STP)
Razorback Road (State Hwy. 265)
Fayetteville, Washington County, Arkansas

Dear Mr. Flowers,

Fayetteville's surface transportation system is becoming increasingly inadequate for the public's transportation needs. Continued community growth coupled with the unique demands of the University of Arkansas campus require infrastructure improvement projects that exceed local resources. To alleviate a pressing local transportation system deficiency, the City requests funding assistance for the improvement of Razorback Road, beginning at Sixth St. and continuing north to Garland Avenue. It is understood that the \$4 - 6 million project may obtain financial assistance under Arkansas Highway and Transportation Program (STP). Incorporation of the Razorback Road Project into the STP work plan is requested. In addition to providing a critically needed interior transportation corridor, this activity may provide long-term benefits by becoming an institutional drive of the University of Arkansas. Discussions with Don Pederson, Vice Chancellor of Finance at the University of Arkansas have confirmed this project to be a high priority for them, as it is for the City.

The construction of this segment of Razorback Road is a crucial link between other transportation projects, and is essential for realization of full benefits from other projects. North of this project, the improvement of Garland Avenue, from Maple Street to Wedington Drive is nearing start of construction. South of this project, improvement of Razorback Road from Sixth Street to Fifteenth St. is scheduled; completion expected in the next two to three years. Full function and benefit of these transportation projects depends upon completion of the requested Razorback Road Improvements (see attached location map).

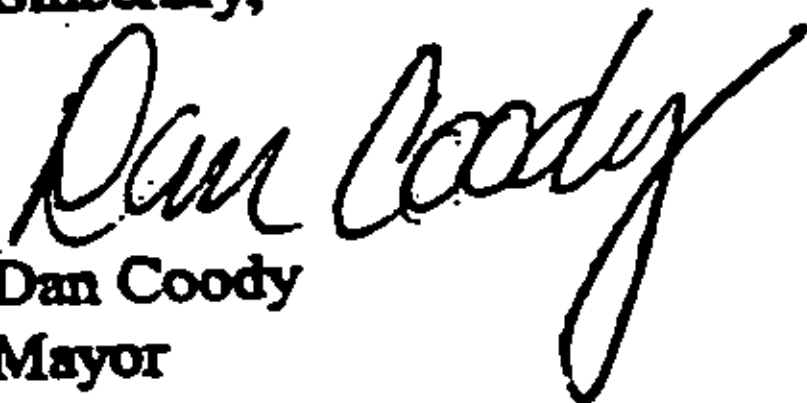
Fayetteville has placed a strong emphasis on local transportation needs and is securing a consultant to perform a comprehensive traffic study. This expected traffic

Dan Flowers
Arkansas Highway & Transportation Dept.
Page 2

analysis will further validate the need for Razorback Road Improvements as well as identify and prioritize other needs. It is requested that the Arkansas State Highway and Transportation Department include this middle segment of Razorback Road Improvements in its STP funding schedule, granting this need a high priority.

Should there be any questions, or if additional information is needed, please don't hesitate to contact me at 479-575-8330.

Sincerely,



Dan Coody
Mayor

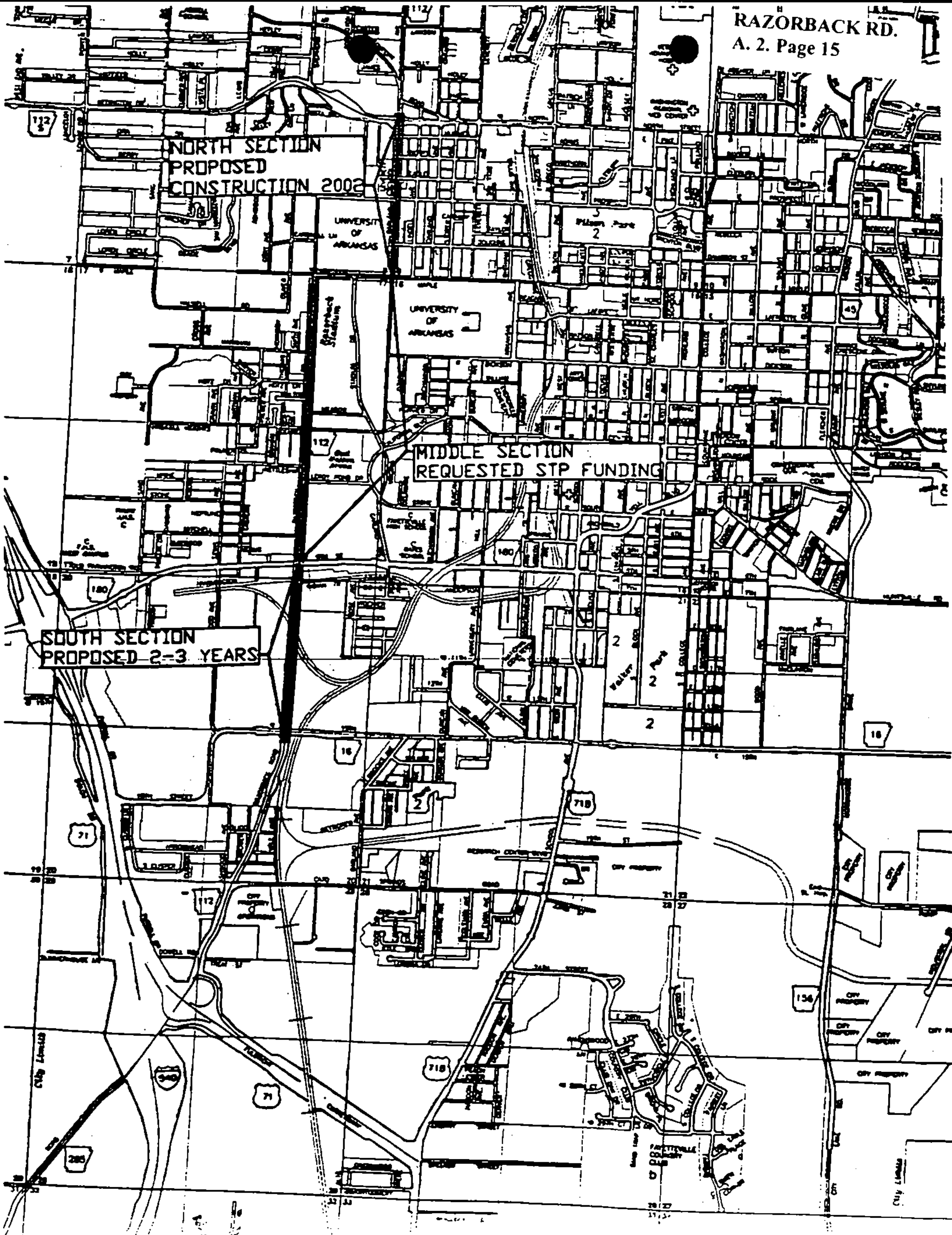
cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Don Pederson, University of Arkansas
Jonathan Barnett, Arkansas State Highway Commission

NORTH SECTION
PROPOSED
CONSTRUCTION 2002

UNIVERSITY
OF
ARKANSAS

MIDDLE SECTION
REQUESTED STP FUNDING

SOUTH SECTION
PROPOSED 2-3 YEARS



ARKANSAS STATE HIGHWAY COMMISSION

JOHN "M" LIPTON, CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD, VICE CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA



JONATHAN BARNETT
SILOAM SPRINGS

RECEIVED CARL S. ROSENBAUM
LITTLE ROCK

JUL 15 2002

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-0261
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400
July 9, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your most recent letter requesting that we program a Federal-aid Surface Transportation Program (STP) City project to widen Highway 112 (Razorback Road) from Highway 180 (6th Street) to Garland Avenue in Fayetteville.

Enclosed is an Agreement of Understanding for the project that includes a sample resolution (Attachment B) for your City Council to pass. Once the resolution is passed, please sign the Agreement and return it with a signed and sealed copy of the resolution to the Department. We will then execute the Agreement and return a copy to you.

If you have any questions, please advise.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

RAZORBACK

THE CITY OF FAYETTEVILLE, ARKANSAS

July 30, 2002

Mr. Donald O. Pederson
Vice Chancellor for Finance and Administration
University of Arkansas
406 Administration Building
Fayetteville, AR 72701

RE: Razorback Road Improvement Project
Highway 180 (6th Street) to Garland Avenue
Federal-aid Surface Transportation Program

Dear Mr. Pederson,

Following our meeting earlier this year to discuss improvement concepts for Razorback Road, I have pursued possible funding avenues for such a project. One such option was the use of the Federal-aid Surface Transportation Program (STP) to cover a portion of the road improvement project costs. In response to this request, the Arkansas Highway and Transportation Department has tendered an Agreement of Understanding for this project. In essence, the project scope involves the improvement of Razorback Road between 6th Street and Garland Avenue. It has been indicated that the University of Arkansas is interested in the improvement of this road segment due to its connectivity with the campus. Similarly, the City of Fayetteville has interest in the road improvement due to its potential to improve the public transportation network. It appears that there are shared benefits from this proposed project that accrue equally to the University of Arkansas and the City of Fayetteville.

Under the STP program, this project would be eligible for 80% federal aid towards allowable elements with a funding ceiling of \$1,000,000.00. The 20% local match, ineligible project activities and project costs above \$1,000,000.00 must all be secured to complete this project's financing program. At this time, the amount of local matching funds needed is not known as first the preliminary engineering must be completed. Once this preliminary design is available, a project budget will be developed and funding sources secured. It is evident that this Razorback Road Improvement Project will have a cost far exceeding the \$1,000,000.00, therefore, local match funding must be secured. Also, with the current economic conditions and the limited capital improvement funding in the municipal budget, the use of municipal resources alone may not be feasible for completion of the project's financing program.

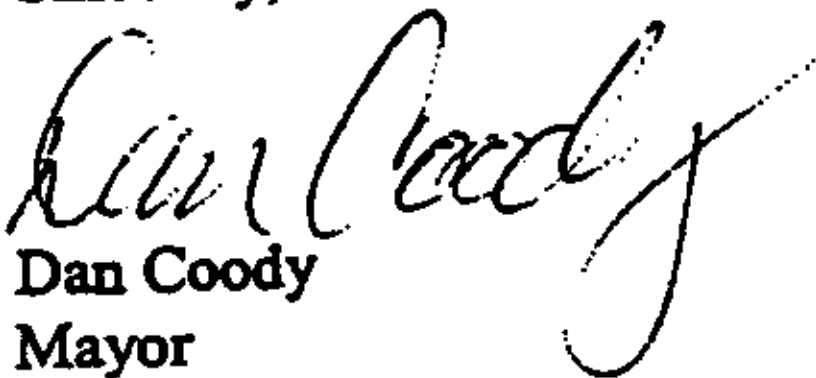
Donald Pederson
University of Arkansas
Page 2

In view of the University of Arkansas's interests in and benefits from this project, would a funding partnership be possible with the University and City being equal partners in the local match requirements? With respect to municipal utility relocation, the City of Fayetteville's Water & Sewer Division would bear the costs, and with respect to additional rights-of-way, the University would provide easements/right-of-way at no cost to the project. These cooperative participations may bring the local share of the project costs within our collective resources. I would appreciate the University's consideration of this partnership as this represents the only viable financing program for the Razorback Road Improvement Project.

While it is important that these arrangements be confirmed, these are not an immediate priority. It is considerably more important that the "Agreement of Understanding" be approved enabling the Arkansas Highway and Transportation Department to place the preliminary engineering design on its schedule. At such time as the preliminary design enters the work flow, a payment of \$35,000.00 will be required. To confirm the University of Arkansas's interest in this project and its intent to partner with the City on such improvement, it is requested that the University of Arkansas agree to fund 50% of the preliminary engineering costs, or \$17,500.00.

If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002.

Sincerely,



Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

RAZORBACK RD.

A. 2. Page 19

**UNIVERSITY of ARKANSAS****1871**

University of Arkansas, Fayetteville
Office of the Vice Chancellor for Finance & Administration
406 Administration Building
Fayetteville, AR 72701
Fax #479-575-5400

Number of pages including cover: 2 Date: 8-2-02

Company sent to:

Company name:

City of Fay.

ATTN:

Don Coady

FAX Number:

() 575-8257

Phone Number:

()

Sent from:

Sender's name:

Don Pederson

Phone Number:

(479) 575-5828

Message/Notes:

Is this sufficient?

Don Pederson

If you have problems with this transmission, please call (479) 575-5828

RAZORBACK RD.

A. 2. Page 20

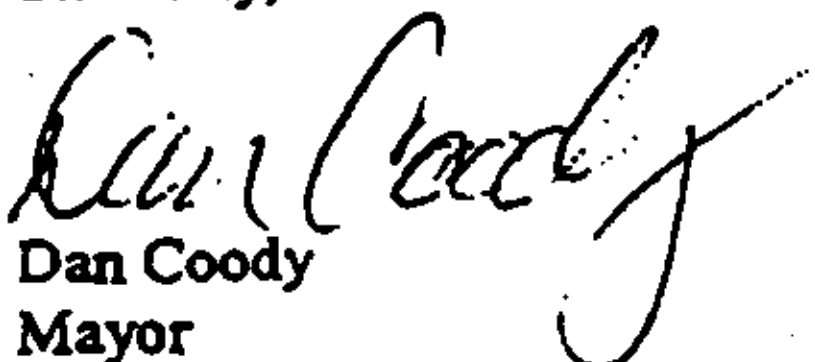
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University of Arkansas
Page 2

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Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

agreed
D. J. Pederson
8/2/02

STAFF REVIEW FORM

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

<u>Jim Beavers</u>	<u>Engineering</u>	<u>CPE Services</u>
Name	Division	Department

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

<u>\$ 17,500</u>	<u>\$350,000</u>	<u>Street Impvt</u>
Cost of this Request	Category/Project Budget 2003	Category/Project Name
<u>4470.9470.5809.00</u>	<u>\$0</u>	<u>Cost Shares</u>
Account Number	Funds Used To Date 2003	Program Name
<u>02116 - 10</u>	<u>\$332,500</u>	<u>Sales Tax</u>
Project Number	Remaining Balance 2003	Fund

BUDGET REVIEW:

☒ Budgeted Item

☐ Budget Adjustment Attached

[Signature]
Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Fattling 1/17/03
Accounting Manager Date

[Signature] 1/17/03
City Attorney Date

[Signature] 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Danny Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

[Signature] 01-17-03
Division Head Date

Department Director Date

[Signature] 1-21-03
Finance and Internal Services Director

[Signature] 1-21-03
Chief Administrative Officer Date

Mayor Date

Cross Reference

New Item: Yes x No

Prev Ord/Res #:
Date

Orig Contract Date:

Orig Contract No:

STAFF REVIEW FORM

Page 2

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

AGREEMENT OF UNDERSTANDING

BETWEEN

THE CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U.S. Department of Transportation, Federal Highway Administration (FHWA)

RELATIVE TO

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue (hereinafter called "the project") utilizing Federal-aid Surface Transportation Program (STP) funds.

WHEREAS, the Transportation Equity Act for the Twenty-first Century provides 80% Federal-aid funds to be matched with 20% local funds (cash match) for improvements to eligible routes, and

WHEREAS, the City of Fayetteville (hereinafter called "City") has expressed its desire to use Federal-aid funds for an eligible project and to provide necessary matching cash share for such funds, and

WHEREAS, each project phase will be funded as follows, subject to a limit of \$1,000,000 in Federal STP funding:

	<u>Federal %</u>	<u>State %</u>	<u>City %</u>
Preliminary Engineering:	0	100	0
Right-of-Way:	80	0	20
Utilities:	80	0	20
Construction:	80	0	20
Construction Engineering:	80	0	20

, and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions or any part of the agreement to make the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement, and

WHEREAS, the City understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will adhere to the General Requirements for Recipients and Sub-recipients Concerning Minority Business Enterprises as stated on Attachment A,

IT IS HEREBY AGREED that the City and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation and will accept the responsibilities and assigned duties as described hereinafter.

THE CITY WILL:

1. Transmit to the Department a signed and sealed copy of the Resolution (Attachment B) from the City Council which requests the project and authorizes the Mayor to execute contracts with the Department.
2. Upon request, submit to the Department \$35,000.00 before preliminary engineering by the Department begins.
3. Be responsible for the 20% match for the cost of construction, construction engineering, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities. **NOTE: The maximum amount of Federal STP funding available for this project is \$1 million.**
4. Be responsible for 100% of all right-of-way, utility, construction and construction engineering costs not provided by the Federal Highway Administration.
5. Submit a letter to the Right of Way Division of the Department which either (1) stipulates the services relative to right-of-way acquisition, appraisal, relocation, and utilities that the City will assume or (2) requests that the Department handle some or all of these services.
6. Be responsible for 100% of all right-of-way and utility costs incurred should the City not enter into the construction phase of the project.
7. Submit to the Department the local matching share of the total estimated cost before the project is awarded to contract.
8. Make no alterations to the improvements constructed with Federal-aid funds without first consulting with the Department.
9. Assure that its policies and practices with regard to its employees, any part of whose compensation is reimbursed from federal funds, will be without regard to race, color, religion, sex, national origin, age, or disability in compliance with the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, The Americans with Disabilities Act of 1990, as amended, and Title 49 of the Code of Federal Regulations Part 21 (49 CFR 21), Nondiscrimination in Federally-Assisted Programs of the Department of Transportation.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project construction supervision.
2. Be responsible for 100% of the cost of developing plans and specifications for the project.
3. When requested, provide the necessary services relative to right-of-way acquisition, appraisal, relocation, and utility adjustments and will be reimbursed for costs involved in performing these services.

IT IS FURTHER AGREED that should the City fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure will disqualify the City from receiving future Federal-aid highway funds.

IT IS FURTHER AGREED, that should the City fail to pay to the Department any required funds due for project implementation or fail to complete the project as specified in this Agreement, the Department may cause such funds as may be required to be withheld from the City's gasoline tax allotment.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement this _____ day of _____, 2002.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF
FAYETTEVILLE

Dan Flowers
Director of Highways and Transportation

Dan Coody
Mayor

**GENERAL REQUIREMENTS
FOR
RECIPIENTS AND SUB-RECIPIENTS
CONCERNING MINORITY BUSINESS ENTERPRISES**

It is the policy of the U. S. Department of Transportation that minority business enterprises (MBEs) as defined in 49 CFR Part 23 shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the MBE requirements of 49 CFR Part 23 apply to this Agreement.

The recipient or its contractor agrees to ensure that MBEs as defined in 49 CFR Part 23 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. In this regard all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 23 to ensure that MBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of DOT-assisted contracts.

If as a condition of assistance the recipient has submitted and the Department has approved a minority business enterprise affirmative action program which the recipient agrees to carry out, this program is incorporated into this financial assistance agreement by reference. This program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of this financial assistance agreement. Upon notification to the recipient of its failure to carry out the approved program, the Department shall impose such sanctions as noted in 49 CFR Part 23, Subpart E, which sanctions may include termination of the Agreement or other measures that may affect the ability of the recipient to obtain future DOT financial assistance.

The recipient shall advise each sub-recipient, contractor or subcontractor that failure to carry out the requirements set forth in Subsection 23.43(a) shall constitute a breach of contract and after the notification of the Department, may result in termination of the agreement or contract by the recipient or such remedy as the recipient deems appropriate.

(NOTE: Where appropriate, the term "recipient" may be modified to mean "sub-recipient", and the term "contractor" modified to include "subcontractor".)

STAFF REVIEW FORM

<u> x </u>	AGENDA REQUEST
<u> x </u>	CONTRACT REVIEW
<u> </u>	GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

<u>Jim Beavers</u> Name	<u>Engineering</u> Division	<u>CPE Services</u> Department
----------------------------	--------------------------------	-----------------------------------

ACTION REQUIRED:

1. Approval of a resolution to a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road (Highway 112) from 6th Street (Highway 180) to Garland/Maple (Highway 112). The total costs of the agreement shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
2. Approval of the "Agreement of Understanding Between the City of Fayetteville and The Arkansas Highway and Transportation Department".
3. Approval of the "Federal-Aid Project Resolution" as submitted as "Attachment B" by the Arkansas Highway and Transportation Department.

COST TO CITY:

<u>\$ 17,500</u> Cost of this Request	<u>\$350,000</u> Category/Project Budget 2003	<u>Street Impvmt</u> Category/Project Name
<u>4470.9470.5809.00</u> Account Number	<u>\$0</u> Funds Used To Date 2003	<u>Cost Shares</u> Program Name
<u>02116 - 10</u> Project Number	<u>\$332,500</u> Remaining Balance 2003	<u>Sales Tax</u> Fund

BUDGET REVIEW:

 x Budgeted Item

 Budget Adjustment Attached

Budget Manager

Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Masha Fattley 1/17/03
Accounting Manager Date

[Signature] 1/17/03
City Attorney Date

[Signature] 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

Darcy Smith 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION: Approval

[Signature] 01-17-03
Division Head Date

Department Director Date

[Signature] 1-21-03
Finance and Internal Services Director Date

[Signature] 1-21-03
Chief Administrative Officer Date

Mayor Date

Cross Reference

New Item: Yes ☒ No

Prev Ord/Res #:
Date

Orig Contract Date:

Orig Contract No:

STAFF REVIEW FORM

Page 4

Description Razorback Road Agreement of Understanding

Meeting Date February 4, 2003

Comments:

Reference Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

Grant Coordinator

FEDERAL-AID PROJECT RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION EXPRESSING THE WILLINGNESS OF
THE CITY OF FAYETTEVILLE
TO UTILIZE FEDERAL-AID MONIES
FOR THE FOLLOWING CITY PROJECT:**

Widening Hwy. 112 from Hwy. 180 (6th Street) to Garland Avenue

WHEREAS, the City of Fayetteville understands Federal-aid Surface Transportation Program funds are available for certain local projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>State Share</u>	<u>City Share</u>
	Preliminary Engineering	0%	100%	0%
	Right-of-Way	80%	0%	20%
	Utilities	80%	0%	20%
	Construction	80%	0%	20%
	Construction Engineering	80%	0%	20%
City projects programmed but not let to contract	Right-of-Way	0%	0%	100%
	Utilities	0%	0%	100%

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

SECTION I: The City will participate in accordance with its designated responsibilities in this project.

SECTION II: Mayor Dan Coody or his designee is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this project.

SECTION III: The City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

THIS RESOLUTION adopted this _____ day of _____, 2002.

Dan Coody
Mayor

ATTEST: _____

(SEAL)

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE/PUBLIC WORKS DEPARTMENT

TO: FAYETTEVILLE STREET COMMITTEE
Bob Davis, Chairman; Lioneld Jordan, Alderman; Don Marr,
Alderman; Robert Reynolds, Alderman

COPY: Mayor Dan Coody, Jim Beavers, Heather Woodruff, Hugh
Earnest, Terry Gulley, Tim Conklin

FROM: Greg Boettcher, Public Works Director

DATE: January 15, 2003

RE: Razorback Road Improvement Project
Federal-aid Surface Transportation Program

BACKGROUND

Representatives of the University of Arkansas met with Fayetteville City Administration in early 2002 to discuss the concept of improving Razorback Road from South Street north to the intersection of Garland Avenue and Maple Street. The University had developed a preliminary schematic of widening and wished to collaborate with the City on such capital improvement project. Since this improvement would connect two pending improvement projects (Razorback Road improvements from 15th to 6th Street and Garland Avenue Improvements from Wedington to Maple), it was deemed an essential link in a major transportation corridor. Also, since the road was under the jurisdiction of the Arkansas State Highway and Transportation Department (AHTD) as Highway 180, the improvement project could be eligible for state/federal assistance.

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RECOMMENDATION

It is recommended that the Fayetteville Street Committee approve the preliminary engineering activities on Razorback Road Improvement Project with the net cost to the City of Fayetteville being \$17,500.00. This agreement shall need to then proceed to the City Council for approval and authorization of the mayor's execution of the Agreement of Understanding.

THE CITY OF FAYETTEVILLE, ARKANSAS

March 27, 2002

Mr. Dan Flowers, P.E.
Arkansas State Hwy. & Transportation Dept.
P.O. Box 2261
Little Rock, AR 72209

RE: Surface Transportation Program (STP)
Razorback Road (State Hwy. 265)
Fayetteville, Washington County, Arkansas

Dear Mr. Flowers,

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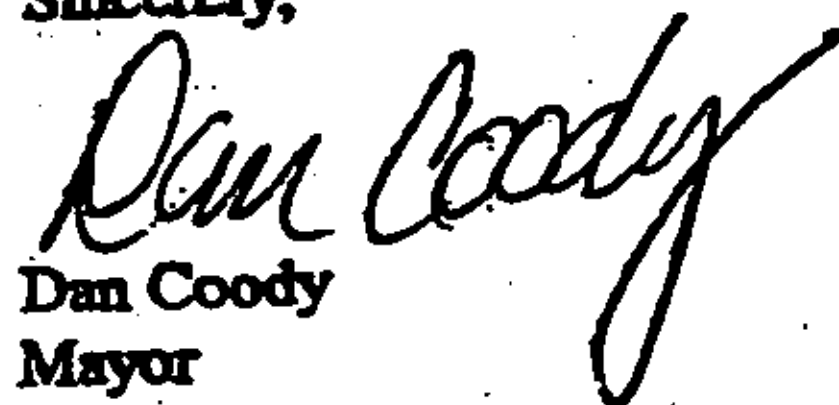
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Dan Flowers
Arkansas Highway & Transportation Dept.
Page 2

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Should there be any questions, or if additional information is needed, please don't hesitate to ^{and} contact me at 479-575-8330.

Sincerely,


Dan Coody
Mayor

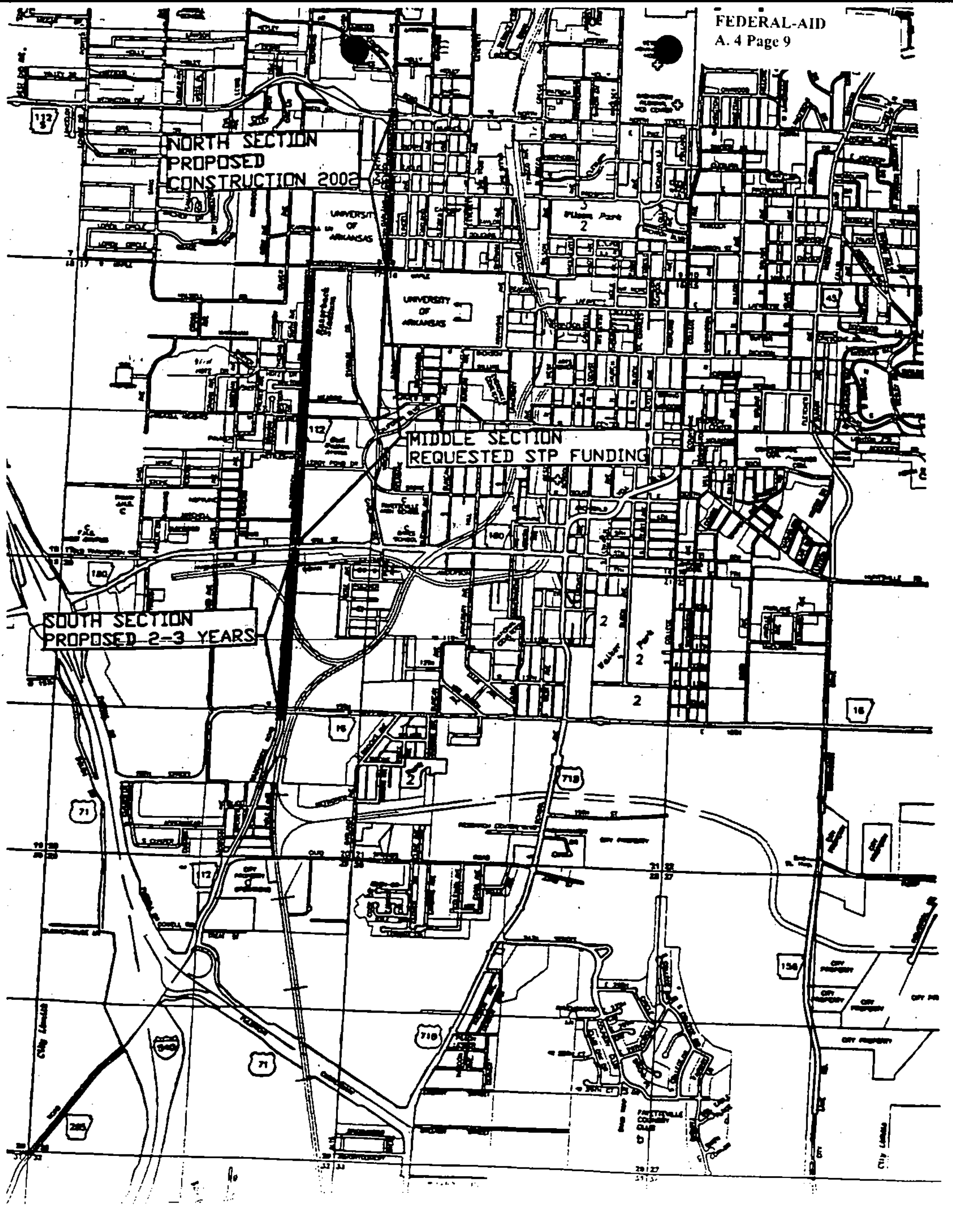
cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Don Pederson, University of Arkansas
Jonathan Barnett, Arkansas State Highway Commission

NORTH SECTION
PROPOSED
CONSTRUCTION 2002

UNIVERSITY
OF
ARKANSAS

MIDDLE SECTION
REQUESTED STP FUNDING

SOUTH SECTION
PROPOSED 2-3 YEARS



ARKANSAS STATE HIGHWAY COMMISSION

JOHN M. LIPTON, CHAIRMAN
WARREN

J.W. "BUDDY" BENAFIELD, VICE CHAIRMAN
HICKORY PLAINS

MARY P. "PRISSY" HICKERSON
TEXARKANA



JONATHAN BARNETT
SILOAM SPRINGS

CARL S. ROSENBAUM
LITTLE ROCK

DAN FLOWERS
DIRECTOR OF
HIGHWAYS AND TRANSPORTATION

RECEIVED

JUL 15 2002

P.O. Box 2261
LITTLE ROCK, ARKANSAS 72203-0261
CITY OF FAYETTEVILLE
CITY ENGINEER'S OFFICE
TELEPHONE No. (501) 569-2000
FAX No. (501) 569-2400
July 9, 2002

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Coody:

Reference is made to your most recent letter requesting that we program a Federal-aid Surface Transportation Program (STP) City project to widen Highway 112 (Razorback Road) from Highway 180 (6th Street) to Garland Avenue in Fayetteville.

Enclosed is an Agreement of Understanding for the project that includes a sample resolution (Attachment B) for your City Council to pass. Once the resolution is passed, please sign the Agreement and return it with a signed and sealed copy of the resolution to the Department. We will then execute the Agreement and return a copy to you.

If you have any questions, please advise.

Sincerely,

Dan Flowers
Director of Highways
and Transportation

Enclosure

c: Commissioner Jonathan Barnett
Chief Engineer

RAZOR

THE CITY OF FAYETTEVILLE, ARKANSAS

July 30, 2002

Mr. Donald O. Pederson
Vice Chancellor for Finance and Administration
University of Arkansas
406 Administration Building
Fayetteville, AR 72701

RE: Razorback Road Improvement Project
Highway 180 (6th Street) to Garland Avenue
Federal-aid Surface Transportation Program

Dear Mr. Pederson,

Following our meeting earlier this year to discuss improvement concepts for Razorback Road, I have pursued possible funding avenues for such a project. One such option was the use of the Federal-aid Surface Transportation Program (STP) to cover a portion of the road improvement project costs. In response to this request, the Arkansas Highway and Transportation Department has tendered an Agreement of Understanding for this project. In essence, the project scope involves the improvement of Razorback Road between 6th Street and Garland Avenue. It has been indicated that the University of Arkansas is interested in the improvement of this road segment due to its connectivity with the campus. Similarly, the City of Fayetteville has interest in the road improvement due to its potential to improve the public transportation network. It appears that there are shared benefits from this proposed project that accrue equally to the University of Arkansas and the City of Fayetteville.

Under the STP program, this project would be eligible for 80% federal aid towards allowable elements with a funding ceiling of \$1,000,000.00. The 20% local match, ineligible project activities and project costs above \$1,000,000.00 must all be secured to complete this project's financing program. At this time, the amount of local matching funds needed is not known as first the preliminary engineering must be completed. Once this preliminary design is available, a project budget will be developed and funding sources secured. It is evident that this Razorback Road Improvement Project will have a cost far exceeding the \$1,000,000.00, therefore, local match funding must be secured. Also, with the current economic conditions and the limited capital improvement funding in the municipal budget, the use of municipal resources alone may not be feasible for completion of the project's financing program.

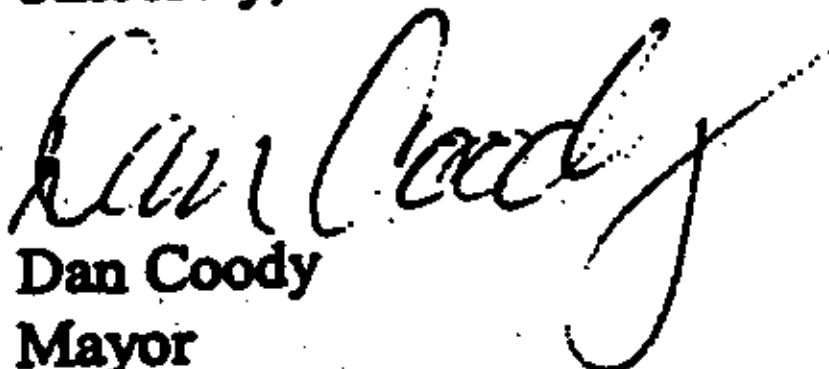
Donald Pederson
University of Arkansas
Page 2

In view of the University of Arkansas's interests in and benefits from this project, would a funding partnership be possible with the University and City being equal partners in the local match requirements? With respect to municipal utility relocation, the City of Fayetteville's Water & Sewer Division would bear the costs, and with respect to additional rights-of-way, the University would provide easements/right-of-way at no cost to the project. These cooperative participations may bring the local share of the project costs within our collective resources. I would appreciate the University's consideration of this partnership as this represents the only viable financing program for the Razorback Road Improvement Project.

While it is important that these arrangements be confirmed, these are not an immediate priority. It is considerably more important that the "Agreement of Understanding" be approved enabling the Arkansas Highway and Transportation Department to place the preliminary engineering design on its schedule. At such time as the preliminary design enters the work flow, a payment of \$35,000.00 will be required. To confirm the University of Arkansas's interest in this project and its intent to partner with the City on such improvement, it is requested that the University of Arkansas agree to fund 50% of the preliminary engineering costs, or \$17,500.00.

If you wish to meet to discuss this matter, please do not hesitate to contact me at 575-8331. In order that this matter may be presented to the City Council at its August 20, 2002 meeting, I will need to complete our arrangements no later than Friday, August 2, 2002.

Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

**UNIVERSITY of ARKANSAS**

1871

University of Arkansas, Fayetteville
Office of the Vice Chancellor for Finance & Administration
406 Administration Building
Fayetteville, AR 72701
Fax #479-575-5400

Number of pages including cover: 2 Date: 8-2-02

Company sent to:

Company name: City of Fay.ATTN: Don CoadyFAX Number: () 575-8257Phone Number: ()

Sent from:

Sender's name: Don PedersonPhone Number: (479) 575-5828

Message/Notes:

Is this sufficient?Don Pederson

If you have problems with this transmission, please call (479) 575-5828

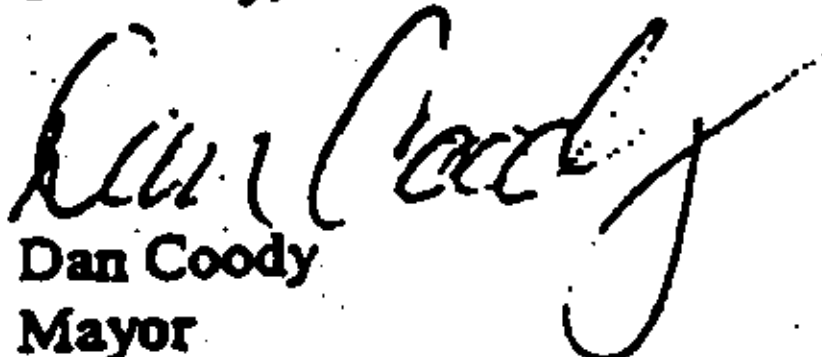
Donald Pederson
University of Arkansas
Page 2

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Sincerely,


Dan Coody
Mayor

cc: Greg Boettcher, Public Works Director
Jim Beavers, City Engineer
Steve Davis, Budget Manager

STAFF REVIEW FORM

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

<u>Ron Petrie</u>	<u>Engineering</u>	<u>CPE Services</u>
Name	Division	Department

ACTION REQUIRED:

1. Approval of a resolution to support the extension of Broyles Road from Persimmon Street through the proposed Persimmon Place Subdivision to Wedington Drive.

COST TO CITY:

<u>\$ 0.00</u>	<u>\$0.00</u>	<u>WWTP</u>
Cost of this Request	Category/Project Budget 2003	Category/Project Name
<u>N/A</u>	<u>\$0.00</u>	<u>Water/Sewer Improv.</u>
Account Number	Funds Used To Date 2003	Program Name
<u>N/A</u>	<u>\$0.00</u>	<u>Sales Tax</u>
Project Number	Remaining Balance 2003	Fund

BUDGET REVIEW: N/A Budgeted Item Budget Adjustment Attached

<u>[Signature]</u>	<u> </u>
Budget Manager	Finance and Internal Services Director

CONTRACT/GRANT/LEASE REVIEW:

Maria Farkas 1/17/03
Accounting Manager Date

[Signature] 1/17/03
City Attorney Date

[Signature] 1/17/03
Purchasing Officer Date

GRANTING AGENCY:

[Signature] 1/17/03
Internal Auditor Date

ADA Coordinator Date

Grant Coordinator Date

STAFF RECOMMENDATION:

Approval of the action listed above.

Var K for Jim Powers 1/17/02

Division Head

Date _____

Cross Reference

Department Director

Date _____

New Item: Yes x No

Art Deen 1-21-03

Finance and Internal Services Director

Prev Ord/Res #:**Date**

Hugh Earnest 1-21-03

Chief Administrative Officer

Date _____

Orig Contract Date:

Orig Contract No:

Mayor

Date _____

STAFF REVIEW FORM

Page 3

Description Broyles Road Extension

Meeting Date February 4, 2003

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

Telephone: 501-575-8206

ENGINEERING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody, Greg Boettcher, Hugh Earnest, Jim Beavers, Tim Conklin
FROM: Ron Petrie, Staff Engineer 
DATE: January 17, 2003
SUBJECT: Proposed City Council Resolution to support the extension of Broyles Road from Persimmon Street through the proposed Persimmon Place Subdivision to Wedington Drive.

Please find attached a memo from Greg Boettcher to the Street Committee dated January 15, 2003 that provides the background for this proposed street extension.

Currently, Broyles Road terminates at Persimmon Street with traffic utilizing 46th Street to access Wedington Drive. The 59.6 acres of land that was rezoned the past year is located immediately to the north of this intersection. A subdivision, Persimmon Place, to be located on the 59.6 acres has recently been submitted for staff review. The vehicles from this proposed subdivision, Persimmon Place, would also utilize 46th Street as the major ingress/egress thoroughfare. This situation prompted Staff to explore the extension of Broyles Road to Wedington Drive to alleviate the adjacent property owner's concerns and also to provide an access road to the new wastewater treatment plant. This option would involve the Persimmon Place developers to construct Broyles road through their property and the City constructing approximately 1,320 feet of street from the subdivision to Wedington Drive.

On January 15, 2003, the Street Committee was in agreement to the placement of this item on the upcoming City Council Agenda, with the condition that the upcoming ward meeting on January 27, 2003 favorably receives this concept.

Attachments:

Staff Review Form

Memo from Greg Boettcher to Street Committee

Site Drawing

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE--PUBLIC WORKS DEPARTMENT

TO: FAYETTEVILLE STREET COMMITTEE
Bob Davis, Chairman; Lioneld Jordan, Alderman; Don Marr,
Alderman; Robert Reynolds, Alderman

COPY: Mayor Dan Coody, Jim Beavers, Heather Woodruff, Hugh
Earnest, Terry Gulley, Tim Conklin

FROM: Greg Boettcher, Public Works Director

DATE: January 15, 2003

RE: Broyles Road Extension Project
Integrated Improvement Plan

BACKGROUND

Multiple public and private improvement projects are being planned for the west side of Fayetteville, particularly in the vicinity of Broyles Road and Persimmon Street. To the south of this intersection, the City of Fayetteville plans to construct the west side wastewater treatment plant, such project to commence final design phase in 2003. Part of this large scale development project will be the improvement of Broyles Road along the east property frontage and the construction of an adequate road system to service the plant site. The preliminary planning proposed that the primary access to the plant site be from the south, with Broyles Road to be improved from Highway 62 (in Farmington) to the plant site. This access plan has been further evaluated in recent months, with a comparison of alternative being developed by the Engineering Department.

Concurrent with these evaluations, a developer has proceeded with plans to develop a tract of land north of the intersection of Persimmon Street and Broyles Road, such land being proposed as a residential subdivision by the name of Persimmon Place. Internal reviews of the preliminary layout for this subdivision have precipitated discussions on alternate lot configurations that would accommodate the extension of Broyles Road northerly through the subdivision. An amended preliminary subdivision plan has been developed that capitalizes upon the infrastructure improvements being proposed as a part of the private development, aligning the internal street to match the planned extension of Broyles Road. This coordination of private and public planning produces significant cost saving for the northerly extension of Broyles Road by leveraging the private investment.

A third consideration in the northerly extension of Broyles Road is the forthcoming need for a utility easement for the 48-inch force mains from the proposed Hamestring Lift Station. The preliminary design of the west side line work for the wastewater system improvement project depicts the construction of new 48-inch force mains along the corridor proposed for the extension of Broyles road to Wedington Avenue. The design of the Persimmon Place Subdivision will include the necessary considerations to accommodate this future construction with a minimum damage to infrastructure. Since it will be necessary at a later date to acquire the right-of-way for this force main, the acquisition of the street right-of-way now, with allowances for the future force main avoids redundant efforts and serves multiple public interests.

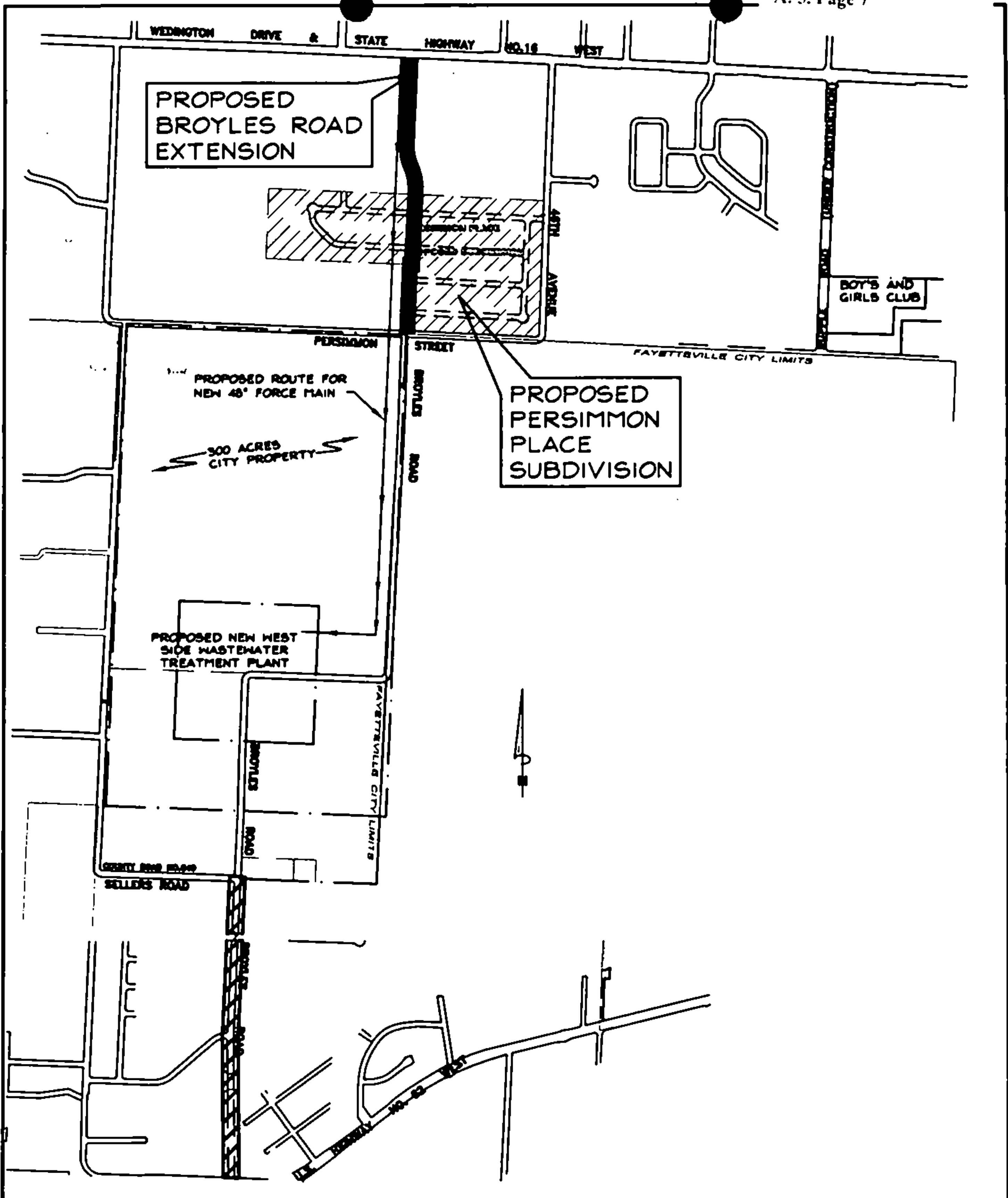
Due to these interrelated and concurrent needs, the construction of the Broyles Road Extension, using the northerly connection alignment, offers a window of opportunity that the City of Fayetteville should capitalize upon. The coordination of planning, engineering, utilities and private interests can produce significant cost savings for the municipal operations; will promote the orderly growth of the public infrastructure; and leverages public/private resources for the greatest net benefit to all interests.

DISCUSSION

This new capital improvement project is the most economical access road solution for the new west wastewater treatment plant, the cost savings from the original plan being approximately \$1,400,000.00. Even when the other alternatives are evaluated this approach has a cost advantage of \$130,000.00-\$500,000.00 from the next lowest alternative (use of 46th Street). Functionally, the northerly extension has advantages of improved alignment, minimal traffic interference during construction, reduced conflict with existing land uses and compatibility with master street planning. The design of the new street will include appropriate considerations to allow the future construction of the 48-inch force mains in the same right-of-way corridor, minimizing damages and interruptions during the later construction. The proposed right-of-way acquisitions will involve an estimated three property owners, the anticipated total right-of-way width being at least 70 feet for street and utility construction.

RECOMMENDATION

The construction of a Broyles Road extension using a northerly alignment from its intersection with Persimmon Street is recommended for acceptance by the Street Committee



CITY OF FAYETTEVILLE
ENGINEERING DIVISION

Title:

Fayetteville West Side WWTP

DESCRIPTION

JPO

CHECKED IN:
RSP

DATE: Jan. 8 2003

1992

IDENT NO.

1

SCALE:
AS SHOWN

SIGNED

— P. L. MOY.

RESOLUTION NO. _____

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENT
TO EXTEND BROYLES ROAD NORTH TO WEDINGTON DRIVE

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 expresses its intent to extend Broyles Road north to Wedington Drive to
provide right-of-way for 48-inch sewer force mains and access to the site of the
new wastewater plant.

PASSED and APPROVED this the 4th day of February, 2003.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

Heather Woodruff, City Clerk



GRANT REVIEW
For the Fayetteville City Council meeting FEB 4, 2003

Operations
Department

Acceptance of the State of Arkansas Contract Award SP-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Options "IO" and modifications to "ee". This will be for 9 units. The Vendor for this Purchase will be Landers Ford, 4600 S. University Ave, Little Rock, AR 72204

Orig Contract Date:



STAFF REVIEW FORM

Description: Agenda Request – State Contract

Meeting Date: February 4, 2003

Comments:
Budget Coordinator:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

Reference Comments:



CITY OF FAYETTEVILLE
FLEET OPERATIONS
INTER-OFFICE MEMORANDUM

TO: Mayor/City Council

THRU: Gary Dumas, Director of Operations *[Signature]*

THRU: Peggy Vice, Purchasing Manager *[Signature]*

FROM: W. A. Oestreich, Fleet Operations Superintendent *[Signature]*

DATE: January 13, 2003

SUBJECT: **ACCEPTANCE OF STATE CONTRACT AWARD SP-03-0033**
Project #02081

Reference the attached Agenda Request for the Acceptance of the State of Arkansas contract Award SP-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Vehicle including Option "IO" and upgrade of Item "ee". The Vendor for this purchase will be Landers Ford, 4600 S. University Ave., Little Rock, AR 72204. These are budgeted items for the calendar year 2003.

The applicable pages of the Contract Award are included along with the Vendor information, Bid Specifications and Pricing Information.

The item listed complies with the original specifications developed by the City of Fayetteville for vehicles of this type and size. Therefore it will be to our advantage to utilize the State Bid for our pricing structure. The anticipated Manufacturer and Dealer support necessary to maintain these units in a proper and efficient manner was also considered.

Please note the upgrade on Item "ee" in the specifications for the 2003 Ford Full Size Police Pursuit Vehicle. This upgrade was completed with the assistance of Mr. Jerry Smith, Fleet Manager for Landers Ford. It consists of the upgrade from the standard unit which is an AM/FM to the next step unit of AM/FM/Cassette/Clock. The pricing is based on Dealer cost as of 1-6-03 which is \$185.00. This was done to allow these units to conform to standardization of equipment which was initiated in 1992. We have followed this practice for each model year since which includes 1993, 1994, 1995, 1996 1997, 1998, 1999, 2000, 2001 and 2002. As the officers frequently move from one year model unit to another, it is to their advantage when instrumentation and controls remain in a relatively familiar location. As these changes from unit to unit occur at varying times of day and night, lighted instrumentation is of particular importance due to the safety factor of not needing to search for unfamiliar controls.

This recommendation has been reviewed by the Police Department, Fleet Operations Division and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

ITEM 7. Full Size Police Pursuit Sedan

**

Landers Ford
2003 Ford Crown Victoria Police Interceptor - 4 Door @
\$20,489.00. This should provide units that will be efficient, reliable
and compatible to our operations.

SUMMARY

TO BE DELIVERED AS 9 COMPLETE UNITS:

ITEM 7. Landers Ford - 9 Units at \$ 20,489.00

TOTAL BID AWARD:\$ 184,401.00

The budgeted amount for items in this Category/Project is \$270,500 in account 9700-1920-5802.00, Project 02081. With the purchase of these items at \$184,401.00 we will have a balance remaining of \$86,099 for the other vehicles/equipment scheduled for this Category/Project.

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Jesse Beeks, Interium Fleet Operations Superintendent

FROM: ~~Tim~~ Tim Helder, Assistant Chief - Administration

DATE: January 13, 2003

SUBJECT: *Ford Crown Victoria Vehicles*

This department has been using the Ford LTD Crown Victoria for police vehicles for several years. Our vehicles are driven by officers of different stature and are on the streets continuously. We have equipment such as the laptop computers that takes up a lot of the space. The full size vehicle provides more room for both the operator as well as the equipment. Also, the vehicles must be durable and dependable and work under the worst conditions with the constant stopping/starting in traffic. Another plus is that by continuing to use the Ford Crown Victoria the equipment used by law enforcement, i.e., light bars, prisoner cages, etc., would be interchangeable and would not have to be replaced.

The Crown Victoria has been doing a good job for us and we recommend that we continue using this particular vehicle.

Copy to: Bill Oestreich, Director of Safety and Equipment

STATE OF ARKANSAS
CONTRACT AWARD

CONTRACT NO.: SP-03-0033

11

Item #7 #10011618

VENDOR

LANDERS FORD
#100001659Type LAA - Four (4) Door Large Police Pursuit Sedan \$20,228.00MFG AND MODEL FORD CROWN VICTORIA
ENGINE SIZE 4.6LApproximate delivery 90 days A.R.O.OEM alternate fuel vehicle \$N/A
Multi-fuel - Gasoline/Compressed Natural Gas
(CNG)

ENGINE SIZE _____

Approximate delivery _____ days A.R.O.

OPTIONS:

IO. Roof reinforcement for light bar installation \$76.00MO. Delete Spotlight: Spotlight may be deleted
for Credit (deduct) \$<136.00OO. Spotlight (additional, to be installed front
passenger side). \$170.00VO. Delete ABS Brakes (deduct) \$<N/A>VI. Delete anti-slip rear axle (deduct) \$<95.00WL. Full size spare, tire to match others on vehicle. \$STD.ZI. Street Appearance Package: Chrome grill, side
moldings, full size wheel covers, change police
engine markings. \$250.00 (Also deletes spotlight))Per Jerry Smith: AM/FM/Cassette \$185.00**Total per Unit: \$20,489.00**

Jan 17 03 04:59p

FLEET OPERATIONS

479-444-3489

A. 6. Page 9

CITY OF FAYETTEVILLE

Purchase Requisition

(not a purchase order)

Requisition No. 01/17/03

P.O. Number:

Vendor # 7582 Vendor Name: LANDER'S FORD

Address

City:

State:

Zip:

FOB Point:

Fayetteville, AR

Ship To Code:

50

Requester:

BARBAROLSEN *1/3/03*

Requester's Employee:

1940

Division Head Approval:

Barbara B. B...

Item

Quantity

Unit

Unit

Cost

Extended

Cost

Account Number:

Cost

Project/Subject

Number:

Inventory

#

Fixed

Asset #

1 2003 FORD CROWN

9

EA

\$20,489.00

\$184,401.00

9700.1920.5802.00

2081

2 INTERCEPTOR POLICE CARS

EA

\$0.00

\$0.00

3

EA

\$0.00

\$0.00

4

EA

\$0.00

\$0.00

5

EA

\$0.00

\$0.00

6

EA

\$0.00

\$0.00

7

EA

\$0.00

\$0.00

8

EA

\$0.00

\$0.00

9

EA

\$0.00

\$0.00

10

EA

\$0.00

\$0.00

11

EA

\$0.00

\$0.00

12 SHIPPING/HANDLING

EA

\$0.00

\$0.00

Special Instructions:

Check P.O. by 9:00 AM. Please advise us if the P.O. is not valid.

Subtotal:

\$184,401.00

Tax:

\$14,982.68

TOTAL:

\$199,383.68

Approvals:

(relating office use only)

Mayor:

Department Director:

Purchasing Manager:

Admin. Services Director:

Budget Coordinator:

Data Processing Mgr.:

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request <u>1/16/03</u>
Division:		
Program: <u>Patrol</u> <u>1010-2940</u>		
Circle One: Expansion or <u>Replacement</u> If replacement, unit # to be replaced <u>1021</u> Date required:		
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>119.00</u> <u>OH 93.00</u>
		Replacement: <u>327.60</u> Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u> <u>OH 100.33</u>
		Replacement: <u>332.00</u> Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>2003 Ford Crown Interceptor</u> <u>6 yr. life</u> <u>\$20,489.00</u>		
Justification for this equipment:		
Approval Signatures: <u>[Signature]</u> Division Head <u>1/17/03</u> Date <u>[Signature]</u> Fleet Operations Superintendent <u>1/17/03</u> Date <u>[Signature]</u> Budget Manager <u>1-17-03</u> Date		Approval Signatures: _____ Department Director _____ Admin. Services Director <u>1-21-03</u> Date _____ Mayor _____ Date

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request <u>1/16/03</u>
Division:		
Program: <u>Patrol 1010-2940</u>		
Circle One: <u>Expansion or Replacement</u> If replacement, unit # to be replaced <u>1044</u> Date required:		
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>320.00</u> <u>04.95.00</u> Replacement: <u>327.23</u> Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u> <u>04 100.33</u> Replacement: <u>332.00</u> Amount Budgeted \$
Description of the equipment to be purchased/transferred: 2003 Ford Crown Interceptor <u>6 yr. life</u> <u>\$20,484.00</u>		
Justification for this equipment:		
Approval Signatures: <u>[Signature]</u> Division Head <u>Jesse B...</u> Fleet Operations Superintendent <u>[Signature]</u> Budget Manager <u>1/17/03</u> Date <u>1/17/03</u> Date <u>1-17-03</u> Date		Approval Signatures: <u>[Signature]</u> Department Director <u>[Signature]</u> Admin. Services Director Mayor <u>1-21-03</u> Date Date

K:\Forms\Vehicle Exp.xls\Vehicle Exp.

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request	
Division:		<u>1/16/03</u>	
Program: <u>Patrol 1010-2940</u>			
Circle One: <u>Expansion or Replacement</u> If replacement, unit # to be replaced <u>1043</u> Date required:			
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>183.00</u>	OH <u>95.00</u>
		Replacement: <u>327.23</u>	Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u>	OH <u>100.33</u>
		Replacement: <u>332.00</u>	Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>2003 Ford Crown Interceptor</u> <u>6-yr life</u> <u>\$20,489.00</u>			
Justification for this equipment:			
Approval Signatures:		Approval Signatures:	
<u>[Signature]</u> Division Head	<u>1/17/03</u> Date	<u>[Signature]</u> Department Director	<u> </u> Date
<u>[Signature]</u> Fleet Operations Superintendent	<u>1/17/03</u> Date	<u>[Signature]</u> Admin. Services Director	<u>1-21-03</u> Date
<u>[Signature]</u> Budget Manager	<u>1-17-03</u> Date	<u> </u> Mayor	<u> </u> Date

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request
Division:		<u>1/16/03</u>
Program: <u>Patrol 1010-2940</u>		
Circle One: Expansion or <u>Replacement</u> If replacement, unit # to be replaced <u>1042</u> Date required:		
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>110.00</u> <u>OH 95.00</u>
		Replacement: <u>327.23</u> Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u> <u>OH 100.33</u>
		Replacement: <u>332.00</u> Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>2003 Ford Crown Interceptor</u> <u>6 yr. life</u> <u>\$20,483.00</u>		
Justification for this equipment:		
Approval Signatures: <u>Heller</u> Division Head: <u>1/17/03</u> Date <u>Jesse B. Baker</u> Fleet Operations Superintendent: <u>1/17/03</u> Date <u>[Signature]</u> Budget Manager: <u>1-17-03</u> Date		Approval Signatures: _____ Department Director: _____ Date <u>[Signature]</u> Admin. Services Director: <u>1-21-03</u> Date _____ Mayor: _____ Date

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POLICE CARS

A. 6. Page 14

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <i>Police</i>	Date of Request
Division:	<i>1/16/03</i>
Program: <i>Patrol 1010-2940</i>	

Circle One: Expansion ☒ Replacement If replacement, unit # to be replaced *1039* Date required:

Current Veh. Monthly chgs. Overhead: Maintenance: *71.80* OH *95.00*

Replacement: *327.23* Amount Budgeted \$

Replcmt. Veh. Monthly chgs Overhead: Maintenance: *164.90* OH *100.33*

Replacement: *332.00* Amount Budgeted \$

Description of the equipment to be purchased/transferred:

2003 Ford Crown Interceptor

6-yr-life
\$20,489.00

Justification for this equipment:

Approval Signatures:

[Signature]
Division Head

1/17/03
Date

[Signature]
Fleet Operations Superintendent

1/17/03
Date

[Signature]
Budget Manager

1-17-03
Date

Approval Signatures:

Department Director

Date

[Signature]
Admin. Services Director

1-21-03
Date

Mayor

Date

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POLICE CARS
A. 6. Page 15

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>	Date of Request <u>1/16/03</u>
Division: <u>Patrol</u>	
Program: <u>1010-2940</u>	

Circle One: <u>Expansion or Replacement</u> If replacement, unit # to be replaced <u>1037</u> Date required: _____		
Current Veh. Monthly chgs. Overhead:	Maintenance: <u>64.00</u>	DH <u>95.00</u>
	Replacement: <u>307.23</u>	Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:	Maintenance: <u>164.90</u>	DH <u>100.33</u>
	Replacement: <u>332.00</u>	Amount Budgeted \$

Description of the equipment to be purchased/transferred:

2003 Ford Crown Interceptor

6-yr. life
\$20,489.00

Justification for this equipment:

Approval Signatures: <u>[Signature]</u> Division Head <u>1/17/03</u> Date <u>Jesse Beebe</u> Fleet Operations Superintendent <u>1/17/03</u> Date <u>[Signature]</u> Budget Manager <u>1-17-03</u> Date	Approval Signatures: <u>[Signature]</u> Department Director Date <u>[Signature]</u> Admin. Services Director <u>1-21-03</u> Date Mayor Date
---	---

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request <u>1/16/03</u>
Division:		
Program: <u>Patrol 1010-2940</u>		
Circle One: Expansion or <u>Replacement</u> If replacement, unit # to be replaced <u>1035</u> Date required:		
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>347.00</u> OH <u>95.00</u>
		Replacement: <u>307.23</u> Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u> OH <u>100.33</u>
		Replacement: <u>332.00</u> Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>2003 Ford Crown Interceptor</u> <u>6-yr. life</u> <u>\$20,489.00</u>		
Justification for this equipment:		
Approval Signatures: <u>[Signature]</u> Division Head <u>1/17/03</u> Date <u>[Signature]</u> Fleet Operations Superintendent <u>1/17/03</u> Date <u>[Signature]</u> Budget Manager <u>1/17/03</u> Date		Approval Signatures: <u>[Signature]</u> Department Director <u>1-21-03</u> Date <u>[Signature]</u> Admin. Services Director <u>1-21-03</u> Date <u>[Signature]</u> Mayor <u>1-21-03</u> Date

City of Fayetteville, Arkansas Request for Expansion/Replacement Equipment

Department: <u>Police</u>		Date of Request	
Division:		<u>1/16/03</u>	
Program: <u>Patrol 1010-2940</u>			
Circle One: <u>Replacement</u> If replacement, unit # to be replaced <u>1020</u> Date required:			
Current Veh. Monthly chgs. Overhead:		Maintenance: <u>59.00</u>	<u>OH 93.00</u>
		Replacement: <u>327.60</u>	Amount Budgeted \$
Replcmt. Veh. Monthly chgs Overhead:		Maintenance: <u>164.90</u>	<u>OH 100.33</u>
		Replacement: <u>332.00</u>	Amount Budgeted \$
Description of the equipment to be purchased/transferred: <u>2003 Crown Interceptor, Ford</u>			
<u>6 yr. life</u> <u>\$20489.00</u>			
Justification for this equipment:			
Approval Signatures:		Approval Signatures:	
<u>[Signature]</u> Division Head	<u>1/17/03</u> Date	_____ Department Director	_____ Date
<u>[Signature]</u> Fleet Operations Superintendent	<u>1/17/03</u> Date	_____ Admin. Services Director	_____ Date
<u>[Signature]</u> Budget Manager	<u>1-17-03</u> Date	_____ Mayor	_____ Date



BID 02-72

A. 7 Page 1



XXX AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For CC Meeting Feb 4, 2003

Jesse Beeks
Name

FROM:
Fleet Operations
Division

Operations
Department

ACTION REQUIRED:

Acceptance of the lowest priced bid for Item #1 – Bid: 02-72 – 3 each - 2003 Freightliner FL70 w/mounted SAC Recycle Body to the lowest qualified bidder, Arkansas Power Steering & Hydraulics, 900 Fiber Optic Dr., N. Little Rock, AR 72114 (Vendor #9822).

COST TO CITY:

\$ 432,681.00
Cost of this Request

\$
Category/Project Budget

Solid Waste Expansion Vehicles
Category/Project Name

5500-5060-5802.00
Account Number

\$
Funds Used To Date

Recycling
Program Name

02033 & 02036
Project Number

\$
Remaining Balance

Solid Waste
Fund

BUDGET REVIEW:

XX Budgeted Item

 Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

Acceptance of Bid and Approval to Purchase 3 Units.

Division Head

Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res #:

Mayor

Date

Orig Contract Date:

Description: Agenda Request – Recycle Trucks

Meeting Date: February 4, 2003

1. a. Printed

[illegible]



City of
FAYETTEVILLE
FLEET OPERATIONS



479.444.3495 INTER-OFFICE MEMORANDUM FAX: 479.444.3425

TO: Mayor/City Council
THRU: Gary Dumas, Director of Operations
THRU: Peggy Vice, Purchasing Manager
FROM: Jesse Beeks, Interim Fleet Operations Superintendent
DATE: January 14, 2003
SUBJECT: BID AWARD RECOMMENDATION 02-72 - Project 02033 & 02036

Reference the attached Agenda Request for the Award of Bid 02-72, Item #1, to the lowest qualified bidder meeting specifications. This Vendor is Arkansas Power Steering & Hydraulics, 900 Fiber Optic Dr., N. Little Rock, AR 72114. (Vendor #9822).

The Bid Tabulation Sheet dated December 31, 2002, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List. Also attached is a completed copy of the successful bid.

This item has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain it in a proper and efficient manner.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by the Fleet Operations Division, Solid Waste & Recycling Division and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

Item 1:
Arkansas Power Steering & Hydraulics - 2003 Freightliner FL-70 w/SAC
Recycle Bodies @ \$144,227.00

SUMMARY

TO BE DELIVERED AS COMPLETE UNITS:

Item 1. Arkansas Power Steering & Hydraulics - 3 Units at \$144,227.00

TOTAL BID AWARD: \$ 432,681.00

The budgeted amount for items of this type is in account 5500-5060-5802.00, Project 02033 and 02036.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

1560 South Happy Hollow Road
Fayetteville, AR 72701
Telephone: 479-575-8398

SOLID WASTE DIVISION CORRESPONDENCE

TO: Jesse Beeks, Interim Fleet Operations Superintendent

FROM: Carrol Hill - Solid Waste Division *CH*

DATE: January 15, 2003

SUBJECT: Bid # 02-72 Recycling Vehicles

The initial bid specs were put together by the Fleet Operations Division and the Solid Waste/ Recycling Division. The bid opening was December 31, 2002.

We have reviewed the bids submitted at the opening and the low bidder Arkansas Power Steering has complied with the bid specifications and was the low bidder.

Therefore, we are recommending that the Bid #02-72 be awarded to Arkansas Power Steering for 3 Units.

BID: 02-72
DATE: 12/31/02
TIME: 11:00 A.M.
CITY OF FAYETTEVILLE

DESCRIPTION: H.D. CAB / CHASSIS W / COMPARTMENTALIZED BODY

ITEM 1

1. ARKANSAS POWER STEERING

\$144,227
FREIGHT LINER
FL - 70

\$288,454

2. BARLOWWORLD FREIGHTLINER INC.

\$144,250
FREIGHT LINER
FL - 70

\$288,500

CERTIFIED BY: P. VICE PURCH MGR

WITNESS

DATE

3
Office # 432681
GIL

BID: 02 - 72
DATE: 12/31/02
TIME: 11:00 A.M.
CITY OF FAYETTEVILLE

DESCRIPTION: H.D. CAB / CHASSIS W / COMPARTMENTALIZED BODY

BIDDERS: PER UNIT COST TOTAL BID
ITEM 1

1. ARKANSAS POWER STEERING

\$144,227

\$288,454

FREIGHT LINER

FL - 70

2. BARLOWWORLD FREIGHTLINER INC.

\$144,250

\$288,500

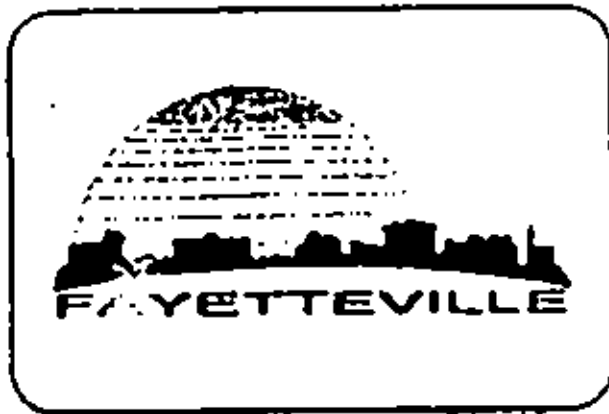
FREIGHT LINER

FL - 70

CERTIFIED BY: P. Vice
P. VICE PURCH MGR

P. Vice
WITNESS

12-31-02
DATE



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

FLEET OPERATIONS
479-444-3494
INVITATION TO BID

BID #: 02-72

DATE ISSUED: December 13, 2002

DATE & TIME OF OPENING: December 31, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (479) 575-8289

DATE REQUIRED AS A COMPLETE UNIT: 120 days from Date of Order

***GUARANTEED DELIVERY DATE: 120-190 DAYS F.R.O.**

F.O.B. Fayetteville, AR

THIS INVITATION TO BID IS BASED ON THE NEED FOR 2 UNITS, AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING, AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
1.	Heavy Duty Truck Cab and Chassis with Mounted Compartmentalized Recycling Collection Body per Item #1 of Specifications Attached	2	\$ <u>144227.</u>	\$ <u>288454.-</u>

PLEASE SPECIFY:

***MANUFACTURER: FREIGHTLINER**

***MODEL: FL-70**

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal. Including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. The Bidder also agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: ARKANSAS POWER STEERING + HYDRAULICS INC

*BUSINESS ADDRESS: 900 FIBER OPTIC DR.

*CITY: N. Little Rock *STATE: AR *ZIP: 72117

*PHONE: 501-372-4828 *FAX: 501-372-2886

*BY: (PRINTED NAME) LARRY JACKSON

*AUTHORIZED SIGNATURE: 

*TITLE: Sales Mgr.

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

SPECIAL TERMS & CONDITIONS - ITEM 1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

BID:		☐	☐	☐
	FORMAL	☐	BID BOND REQUIRED	YES ☐ NO ☐
	INFORMAL	☐		
	VERBAL QUOTATION	☐	PERFORMANCE BOND REQUIRED	YES ☐ NO ☐

PROJECT

DESCRIPTION

DESCRIPTION	DATE	AMOUNT	REMARKS
40 Cab/Chassis w/Computerized Body	12/12		

2013/02

BID NO. 02-12 PROJECT NO.

BID NO.	PROJECT NO.		UNITQUANT COST	ITEM	ITEM	ITEM	ITEM	EXTENSION
BIDDER: Mike Downey				144,227	288,454-total			
ADDRESS:				Freight+liner FL-70				
BIDDER:								
ADDRESS:								
BIDDER: Barlowe's Freightliner				144,250	288,500-total			
ADDRESS:				Freight+liner FL-70				
BIDDER:								
ADDRESS:								
BIDDER: [Signature]								
ADDRESS:								
BIDDER:								
ADDRESS:								
BIDDER:								
ADDRESS:								
BIDDER:								
ADDRESS:								
BIDDER:								
ADDRESS:								

BID AWARD SUMMARY:

ITEM _____ TO _____ P.O.# _____

DATE _____

CERTIFIED BY _____

ITEM _____ TO _____ P.O.# _____

SUBJECT

RECORDING OFFICER

ITEM _____ TO _____ P.O.# _____

TO _____ P.O.# _____

WILMINGTON



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

FLEET OPERATIONS
479-444-3494
INVITATION TO BID

BID #: 02-72

DATE ISSUED: December 13, 2002

DATE & TIME OF OPENING: December 31, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (479) 575-8289

DATE REQUIRED AS A COMPLETE UNIT: 120 days from Date of Order

***GUARANTEED DELIVERY DATE: 120 - 190 DAYS F.R.O.**

F.O.B. Fayetteville, AR

THIS INVITATION TO BID IS BASED ON THE NEED FOR 2 UNITS, AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING, AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

ITEM:	DESCRIPTION:	QUANTITY:	*UNIT PRICE:	*TOTAL PRICE:
1.	Heavy Duty Truck Cab and Chassis with Mounted Compartmentalized Recycling Collection Body per Item #1 of Specifications Attached	2	\$ <u>144227.</u>	\$ <u>288454.-</u>

PLEASE SPECIFY:

***MANUFACTURER: FREIGHTLINER**

***MODEL: FL-70**

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this proposal. Including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on. The Bidder also agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: ARKANSAS POWER STEERING + HYDRAULICS INC

*BUSINESS ADDRESS: 900 FIBER OPTIC DR.

*CITY: N. Little Rock *STATE: AR *ZIP: 72117

*PHONE: 501-372-4828 *FAX: 501-372-2886

*BY: (PRINTED NAME) LARRY JACKSON

*AUTHORIZED SIGNATURE: 

*TITLE: Sales Mgr.

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

SPECIAL TERMS & CONDITIONS - ITEM 1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City, with the item bid and the bid number stated on the face of the sealed envelope. Bidders, MUST provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing, and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount MUST be shown as a separate item.
3. Bids received after the date and time set for receiving bids will NOT be considered. The City will NOT be responsible for misdirected bids. Vendors may call the Purchasing Office at (479) 575-8289, to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be mailed to:

City of Fayetteville – Attn: Purchasing
113 West Mountain St.
Fayetteville, AR 72701

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder MUST state on the face of the bid form the anticipated number of days from the date of receipt of order, to the date of delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence in this contract, and failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages.
7. All bid prices shall be F.O.B. Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.
8. Standard Manufacturer's Warranty shall apply to each unit as specified. A copy of the applicable warranty MUST accompany the bid, with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor MUST be noted. Full New Unit Warranty shall apply regardless of operating hours shown at time of delivery.
9. Any exceptions to the requirements of the City of Fayetteville MUST be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature, and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. Installation of Dealership/Distributorship Logo is PROHIBITED.

11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed prior to release for delivery.
12. All items marked, "MANDATORY REQUIREMENT FOR CONSIDERATION OF BID". MUST be completed and returned with the bid, or the bid may be considered as non-responsive and rejected on that basis.
13. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body, and any modifications to production items.
14. A training session shall be provided at a City of Fayetteville Facility, in order to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

BASIC SPECIFICATIONS

HD CAB & CHASSIS W/COMPARTMENTALIZED RECYCLE COLLECTION BODY

General Specification Requirements for a HD CAB & CHASSIS W/COMPARTMENTALIZED RECYCLE COLLECTION BODY are as follows. These are **MINIMUM SPECIFICATIONS ONLY**, and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered, provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish, and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis, Fleet standardization requirements, replacement parts availability, warranty service availability, and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "hi-lited" and specifics noted is suggested.

ANY BIDDER, WHETHER A MANUFACTURER OR DESIGNATED DEALER, WHO CAN PROVIDE MATERIALS, FEATURES OR OPTIONS TO MEET THE SPECIFICATIONS OUTLINED HEREIN, AND WILFULLY FAILS TO DO SO BECAUSE OF PRICE, OR TO GAIN A PRICING ADVANTAGE IN A COMPETITIVE BID SITUATION WILL BE DEEMED NON-RESPONSIVE. NO FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL BE MADE. SHOULD THEIR CURRENT LITERATURE OR PRICE LISTS FOR MATERIALS, FEATURES, OR OPTIONS INDICATE THEIR ABILITY TO PROVIDE SAME TO MEET THESE SPECIFICATIONS, AND THEY FAIL TO DO SO, THEY WILL BE DEEMED NON-RESPONSIVE, AND DECLARED INELIGIBLE TO RECEIVE THE AWARD FOR THE UNIT SPECIFIED. FINALLY, ANY CLAIMS THAT AN ITEM BID EXCEEDS THE STATED SPECIFICATION MUST BE DEMONSTRATED IN A PERFORMANCE DEMONSTRATION IN DIRECT COMPETITION WITH OTHER UNITS BID BY OTHER MANUFACTURERS PRIOR TO

AN AWARD, OR THE BID WILL BE DEEMED UNRESPONSIVE FOR FAILURE TO SUBSTANTIATE THE CLAIM.

All equipment shall be new and unused, and of the Manufacturers Current Model Year, and shall include all standard equipment as advertised by the Manufacturer. All vehicles and equipment listed herein shall comply with applicable Federal and State Safety, Emission and Pollution Control Requirements in effect at time of delivery. Standard Manufacturer's Warranty shall be furnished. Minimum Warranty period shall be no less than one year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis, at the option of Staff members, or other qualified interested parties. Properly documented referrals may be required of vendors, which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best, and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications, to secure for the purchaser the necessary equipment and accessories that will be capable of performing in a safe, practical, and efficient manner-consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials, and workmanship shall be of the highest grade in accordance with modern practice. The equipment supplied will be new and unused except for the necessary testing, calibration, and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturers and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment which can be properly maintained, and serviced without the necessity of stocking an extensive parts inventory, or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility, within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days. A complete set of Parts and Service Manuals are to be provided for each unit.

5. TRAINING

Supplier shall provide the necessary training required for a full work crew of this equipment. Such training will be on an operational work site which shall be mutually selected, and is to provide sufficient background training in all areas of use. This training is to allow the crews performance to be considered as satisfactory, and to comply with accepted commercial standards of operation.

ITEM 1. HEAVY DUTY TRUCK CAB/CHASSIS W/MOUNTED COMPARTMENTALIZED BODY

COMPLIANCE WITH APPLICABLE FMVSS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

BODY STYLE: Conventional Cab/Chassis

WHEELBASE: 236"

CAB/AXLE DIMENSION: 168"

AFTER FRAME: 97"

DIESEL ENGINE: MINIMUM ONLY: 504 C.I.D. 8.3 Liter Displacement, Turbo charged w/Air to Air After cooling, 275 HP @ 2400 R.P.M., 800 LB.FT. @ 1300 R.P.M.-120 Volt 1500 Watt Engine Block Heater, Dry Type Air Cleaner with Restriction Indicator, Automatic Warning System with Automatic Shut Down, Spin-On Fuel Filters, Horizontal Exhaust W/Left outlet. Provision shall be made to have the chassis capable of mounting a hot shift style P.T.O. and hydraulic pump which will be provided with the Body listed herein.

MANDATORY REQUIREMENT FOR CONSIDERATION.

PLEASE STATE:

MANUFACTURER: CATERPILLAR
MODEL DESIGNATION: 3126
NO. OF CYLINDERS: 6
C.I.D. DISPLACEMENT: 439
HP RATING: 275 @ 2200 R.P.M.
TORQUE RATING: 800 @ 1440 R.P.M.

TRANSMISSION:	Allison MD3560WR-P 5 Speed Electronic Control Automatic OR EQUAL. Neutral position shall be provided which will automatically actuate the parking brake. Grade Retarder to be provided.
FRAME:	17.2 SM 110,000 PSI Yield, 11/32" X 10-15/16".
GVW RATING:	30,000 LBS..
REAR AXLE:	20000 LB Rockwell Steel W/6.83 Ratio, Magnetic Drain and Fill Traps or equal, with 20000 LB Springs.
DRIVE LINE:	Spicer/Dana 1710 Coated Spline w/guard.
FRONT AXLE:	10000 LB. Capacity, Bronze King Pin Bushings, Greaseable Drag Link and Tie Rods, Double Acting Telescopic Shock Absorbers W/10000 LB. Capacity Taperleaf Suspension.
ALTERNATOR:	130 AMP.
BATTERIES:	1875 CCA.
FUEL SYSTEM:	Single Steel Min. Cap. 50 Gal. Left Tank.
COOLING SYSTEM:	Silicone Hoses, Filter/Conditioner.
STEERING:	Ross TAS-65 Power Assist or equal.
WHEELS & TIRES:	22.5 x 8.25 Steel Disc 10 Hole Pilot Type w/245/75R22.5 Goodyear G-159 Steel Belt Radial Tires.
RADIO:	O.E.M. AM/FM with clock.
FLOOR COVERING:	Non-Skid Vinyl/Rubber.
SEAT:	H.D. Vinyl/Cloth Drivers Seat, Seat Belts shall be provided.
CAB:	Standard Manufacturers Rust Proofed Current Model Year, Equipped with O.E.M. Heater and Air Conditioner w/R134a Refrigerant capable of maintaining sufficient temperature control and air flow for operator comfort.
COLOR:	EXTERIOR-White, INTERIOR-Grey.
WIPERS:	2 Speed Intermittent.

MIRRORS: Left/Right Heated Remote Control West Coast Style, with 5" Convex Spot Mirrors Arm Mounted below the standard mirrors. 6" Pedestal Mounted Convex Safety Mirror shall be furnished at both front corners of cab.

GLASS: Tinted, Maximum Glass area offered by the Manufacturer shall be made available.

BRAKE SYSTEM: Bendix 13.2 CFM Compressor or equal. 15 X 4" Front, 16-1/2" X 7" Rear, Outboard Mounted Drums, Automatic Slack Adjusters on all positions, Rear Parking Brake Chambers, Bendix Heated Air Drier.

SAFETY EQUIPMENT: Electronic Back-Up Alarm, 5 Roof Mounted Marker Lamps, Frame Mounted Front Tow Hooks, Dual Air Horns, Interior Sun Visor-Both Sides, Electronic Tachometer and Speedometer w/Odometer, Vernier Hand Throttle, Manual Reset Circuit Breakers.

RADIO EQUIPMENT: Motorola C7 Spectra Dash Mount Mobil 35W DC7ZX Radio with Brackets, Antenna, and all necessary hardware shall be provided. Mounting will be completed by the City of Fayetteville.

✓ **RIGHT HAND STAND UP CONVERSION:**

Corner-Entry; Right-Hand Stand Up Drive Modification on right hand side of conventional chassis. Corner entry access with entry door, which slides inside of cab. Sliding Door to be constructed of 1/8" - 5052 Aluminum Door Size 72.625" H x 20" W x 2" D - with 1.5" x 1.5" x 1/4" - 6063 Aluminum Angle reinforcement on top, bottom, and sides. Door to have one window sized 15" x 39.5" to be constructed of lightly tinted safety plate glass, and a door handle with lock. Stationary portion of right hand enclosure to be fabricated of 12 GA Galvannealed Steel, and to have one window sized 20.5" x 39.5", one window sized 7.5" x 16.5" and one window sized 5.75" x 24". All windows to be constructed of lightly tinted safety plate glass. Four Windows to add 11.02 Square Feet of Safety Plate Glass to the truck. Bevel Gear Drive Boxes added to both Right and Left Side Steering. Gear Boxes to be constructed of 3000 PSI cast iron with alloy Shafting #1144 Stress proof, tapered roller bearings, and double lipped spring-loaded seals. Right hand side bevel gear drive box to be pedestal-mounted, and connected to left side by a solid cross shaft constructed of 1" keyed solid steel shaft - Grade 1018 Cold Rolled Steel with universal joint type couplers constructed of cold-formed carbon steel at each end. Universal joint to have grease fittings, and to be safety wired. Cross Shaft to be protected with a 1/8" - 5052 aluminum shield which is 39.5" Long. Shield to be contoured around the Cross Shaft. Right Side Steering to be all OEM - Brand Name parts, including, Steering Wheel, Horn, Self-canceling Signal Switch, Housing Steering Shaft Air-operated brake valve to be protected with 1/8" - 5052 Aluminum Shield, 11" deep x 8" wide, mounted under cab onto right corner fender, to shelter brake valve from road and weather debris. OEM - brand name electronic type throttle control pedal on right hand side connected to left side throttle pedal using remote throttle switch module which is an electrically actuated six pole, double throw switch, that allows the operator to select between the left side and right side stations. Relocate chassis shifting mechanism, and

remount on aluminum pedestal for easy access from right hand side of vehicle. Removable synthetic grate material floor. Padded backrest and leg support. Aluminum trim package. Finish paint to match cab. Existing mirrors supplied with chassis to be relocated on stationary portion of Right Hand Stand Up Drive. Electronic mirrors installed with central control The following Schematics to be provided with Dual Steer Conversion:

- 1) Upper Column Components - including part numbers and vendors.
- 2) Shaft Components - including part numbers and vendors.
- 3) Signal Switch & Stop Circuit - including part numbers and vendors.
- 4) Dual Brake Circuit - including part numbers and vendors.

City of Fayetteville, Arkansas

Bid Specifications

✓ 45.5 Cubic Yard Separating Recycling Body with Plastics Cage

✓ Body Construction	Aluminum
✓ Body & Cage Capacity	47.5 Yards
✓ Body Width Outside	102" Wide
✓ Body Length	22'
✓ Divider Doors	7
✓ Height Inside	66"
✓ Height Including Cage	98"

Compartmentation & Yardage - Front to Rear

✓ Compartment #1		.75 Cubic Yards
✓ Compartment #2		1.27 Cubic Yards
✓ Compartment #3		2.00 Cubic Yards
✓ Compartment #4		3.61 Cubic Yards
✓ Compartment #5		2.00 Cubic Yards
✓ Compartment #6		.50 Cubic Yards
✓ Compartment #7		10.49 Cubic Yards
✓ Compartment #8		9.71 Cubic Yards
✓ Compartment #9	#1 Plastic	7.595 Cubic Yards
✓ Compartment #10	#2 Plastics	7.595 Cubic Yards

- ✓ Compartments are not to be marked. 11" X 4" Signage is to be provided for installation by the
✓ City of Fayetteville with the following legends:

GREEN GLASS

BROWN GLASS

CLEAR GLASS

ALUMINUM

STEEL

MIXED PAPER

CORRUGATED

NEWSPAPER

#1 PLASTIC

#2 PLASTIC

✓ Understructure

8" - .487 Aluminum Structural Channel Longmembers with 3/16" 5052 Aluminum formed diagonal "Z" reinforcement. Two inner gussets per floor sheet. 3/16" 5052 Aluminum Formed Crossmembers interlaced through longitudinals for maximum floor support, each crossmember to be 6" x 1.5" with four way bend or equivalent.

✓ Body Floor

3/16" - 5052 Aluminum Floor pan with 4" flange to meet side panels.

✓ Body Sides

1/8" - 5052 Aluminum Side Panels with each vertical support side column welded to each crossmember. Each column to be 1/8" - 5052 Aluminum 6" x 1.5" with four way bend. Left side of front compartment (Cans & Glass) to be double wall construction.

✓ Body Front

1/8" - 5052 Aluminum with 1" Flange to meet body sides with double wall construction.

✓ Body Roof

1/8" - 5052 Aluminum with 1-1/2" flange on side panels to meet body sides.

✓ Sorting Platforms - Right Hand Side

12" Wide x 114" long (post to post) Recycle Bin Shelf. Sorting Platform Safety Step to be constructed of 4" - .180 Aluminum Channel step frame and 3" - .170 Aluminum Channel for vertical bracing. Safety Step to be 78" Long and be constructed of 12" x 1.5" X 14 ga - 51514 Steel Grip Strut. Body Roof to extend over sorting platform, and to include drip molding, work area light, and aluminum grab handle.

✓ Plastic Cage - Two Compartments

Two compartment Plastics Cage to be 7.595 yards each with separating wall down length of truck (stationary). Capacity with Right Side Loading Chutes located on sorting platform. Right Side Loading Chutes located on Sorting Platform to be Constructed of 10" Diameter PVC Pipe. Loading Chute one will be longer than other to reach other side of cage. 1/8" Neoprene Diaphragm Loading Shoot Cover that allows for loading of plastics without backflow. Cage Skeleton to be constructed of 1/4 x 2 x 2 - 6061 Aluminum Angle. Roof covered with .090 - 5052 Aluminum Sheet. Sides constructed of Expanded Aluminum Flat - 0.75 x 0.125. Beveled front corners to act as brush guards and to be constructed of .125 - 5052 Aluminum Sheet. Rear Plastics Cage Tailgate will need to be split to provide separate load dumping process, and will also need to be constructed of Expanded Aluminum Flat .075 x 0.125 with 1-1/2" x 1-1/2" x 1/8" - 6063 Aluminum Square Box Tube framing. Rear Door to be bottom hinged with four aluminum

hinges, and with rear latch on left side which releases gate. Rear door to have 1/8" - 5052 Aluminum "wings" to guide load during dumping process.

Compartment Dividers

Seven (7) Compartment Dividers to be furnished. Seven Compartment Divider Doors to be constructed of 1/8" - 5052 Aluminum with formed angle reinforcement. One rear door to be constructed of .090 - 5052 Aluminum sheet framed with 1-1/2" x 1-1/2" x 1/8" - 6063 Aluminum Square Box Tube framing. Upper 10" of Door to be Expanded Aluminum flat .075 x 0.125 for easier unloading of rear compartment. Plastics Cage compartment divider to be constructed of expanded Aluminum Flat .075 x 0.125 and framed with 1-1/2" x 1-1/2" x 1/4" Angle - 6061 Aluminum Wedge Type doorstops welded to body floor forward of each compartment divider door. Door to be hinged with Aluminum hinges with Stainless Steel hinge pins. Steel cam type latching devices to release each divider door when operated. Release handles to be located on left-hand side of the body.

Loading Doors

0.125 - 5052 Aluminum Double Channel Bending configuration for added strength. Lower portion of double channel bending configuration to be completed with a 0.125 - 5052 aluminum cover plate. Stainless Steel, Spring loaded positioning handles to be mounted at top of loading doors, two per door. Doors to be vertically adjustable on approximately 6" centers. Bolt in Door Track Sections allow for easy removal of doors. Right side loading doors for each compartment.

Rear Door

56" high x 89" wide rear door to be constructed of 1/8" Aluminum with four (4) horizontal and two (2) side, vertical reinforcements constructed of 3" (.130) channel 3/16" - 5052 Aluminum formed rear header fully welded to each rear side post. Additional 10" - 5052 Aluminum corner gussets connecting rear header and corner posts. Rear Door to be top hung with four 12" reverse bracket hinges manufactured from 8ga. hot rolled steel, embossed for greater strength and zinc finished. Each hinge to have one 2/16" - 6061 4" x 8" reinforcement back plate. Latching and unlatching of rear door to be single lever cam type steel door lock with zinc finish, plastic coated handle assembly, and one handle keeper assembly with lock retaining latch for added security. Four mounting brackets cross shaft to be made of 3/4" A 53 welded steel pipe. Each end dam to be fully welded to cross shaft, as well as, drilled and plug welded to cross shaft. Both keepers to be mounted to rear corner posts with 1/4" - 1-1/2" x 7" steel back plates for added reinforcement. All hardware painted with high solid primer and high solid No Smudge stainless steel paint. Chain latch for rear doors when unloading.

Power & Hoist System

Rugby Scissors Type Model LR 28A double acting with 17 Ton capacity at 45 degree angle or equivalent. Must attain a class 60 rating, at or below 3200 PSI. Hoist shall be a combination of double arm and scissors design, with a double acting cylinder, providing power down and locking body in down position. Upper and Lower arm of scissor hoist shall be constructed of tubular design with a minimum of 3/16" high quality strength steel. Cylinder to be of a minimum 6" bore and stroke of 28". Cylinder rod shall be 2-1/2" diameter, and chrome plated to prevent rusting. Mounting height shall not exceed 8 1/2". Must have 45 degree dump angle, with end dimension of 120". Minimum hinge pin - 1-1/2". Two (2) body props to support the body. 12 volt electric hydraulic pump. Pump valve shall have load chocks in each port to assist holding the body to the truck chassis. Controls to be of push button electric type. Power Take Off to be Muncie Clutch Shift CS 6 Series, electric over air operated. Switch to be mounted in cab in control tower mounted on floor. Muncie Direct Mount K Series 8 gallon Hydraulic Pump. Control

Valve to be single spool with direct mounted return line 25 Micron spin on filter. Control Valve operated by closed cable. Controls to be in floor mounted tower in cab. Hydraulic Tank suction line to have sump strainer with rating of 150-micron.

✓ Body Detail and Lighting

ICC Bumper, Rear mud flaps two (2), Truck-Lite LED lights to be installed for all body lighting including Stop/Tail/Turn Signal and Marker lamps. Lens and housing assemblies to be polycarbonate, and sure-seal Snap-lock plug assemblies. LED to be rated at 1000,000 hours of operation and to be warranted for the life of the vehicle. ICC lights and reflectors. All lights to be sealed beam, shock rubber mounted. Two (2) truck lite brand 7" LED amber flashers to be installed on rear of body. Back up alarm, Body Up alarm and flashing light in cab. Spare Recycling bin holding shelf, Tool Box, Bucket hook, to be located below sliding door compartment for newspaper.

✓ Paint

No paint - body to natural aluminum finish.

City Logo/decals to be provided. (City will advise of logo & location)

✓ CAD Drawings

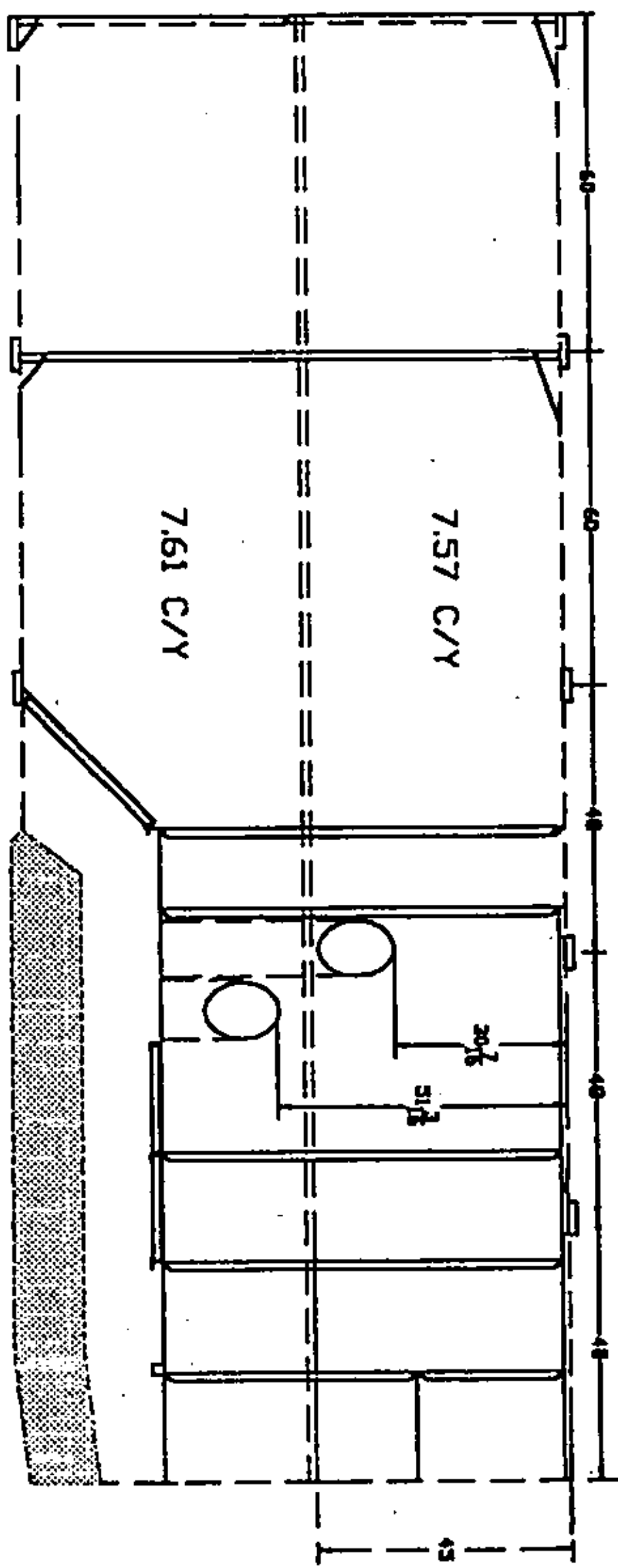
CAD drawings provided to show detail of proposed recycling body.

✓ Manual/Parts Books

One manual provided to include hoist manual, hydraulic schematic, wiring schematic/diagram.

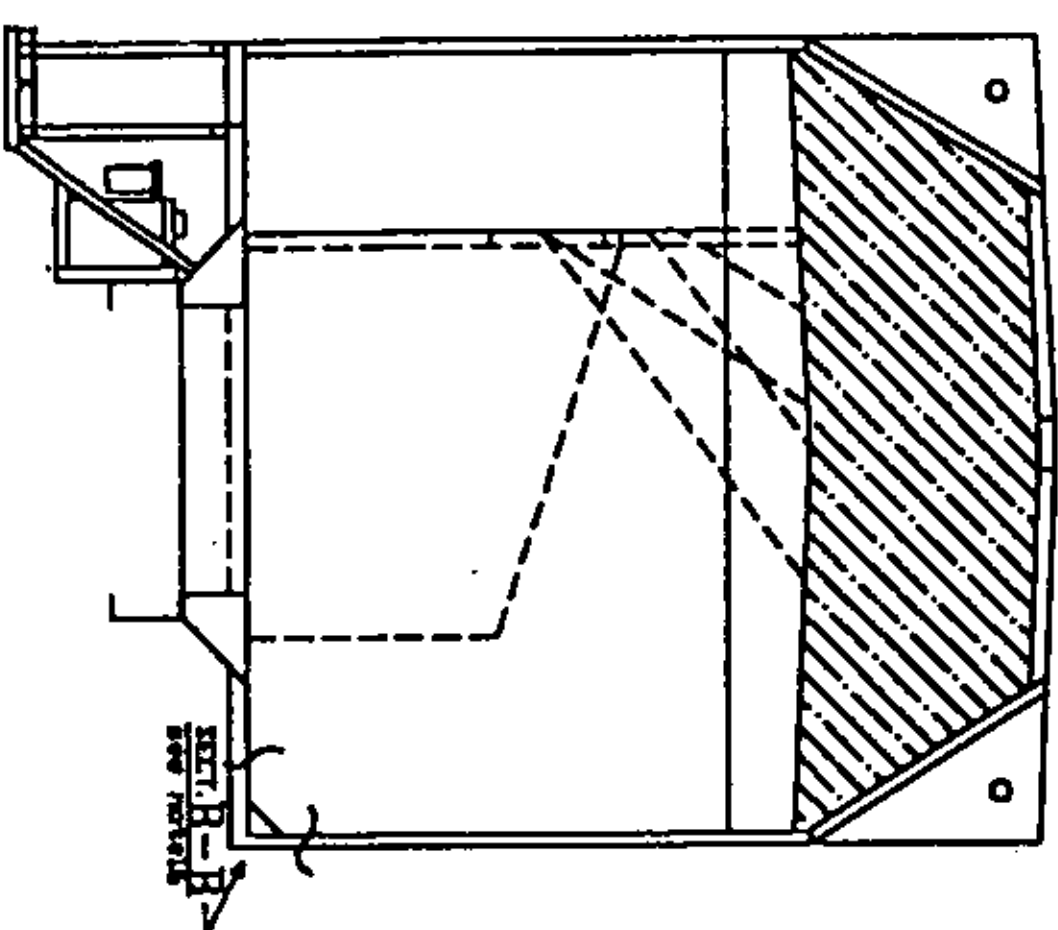
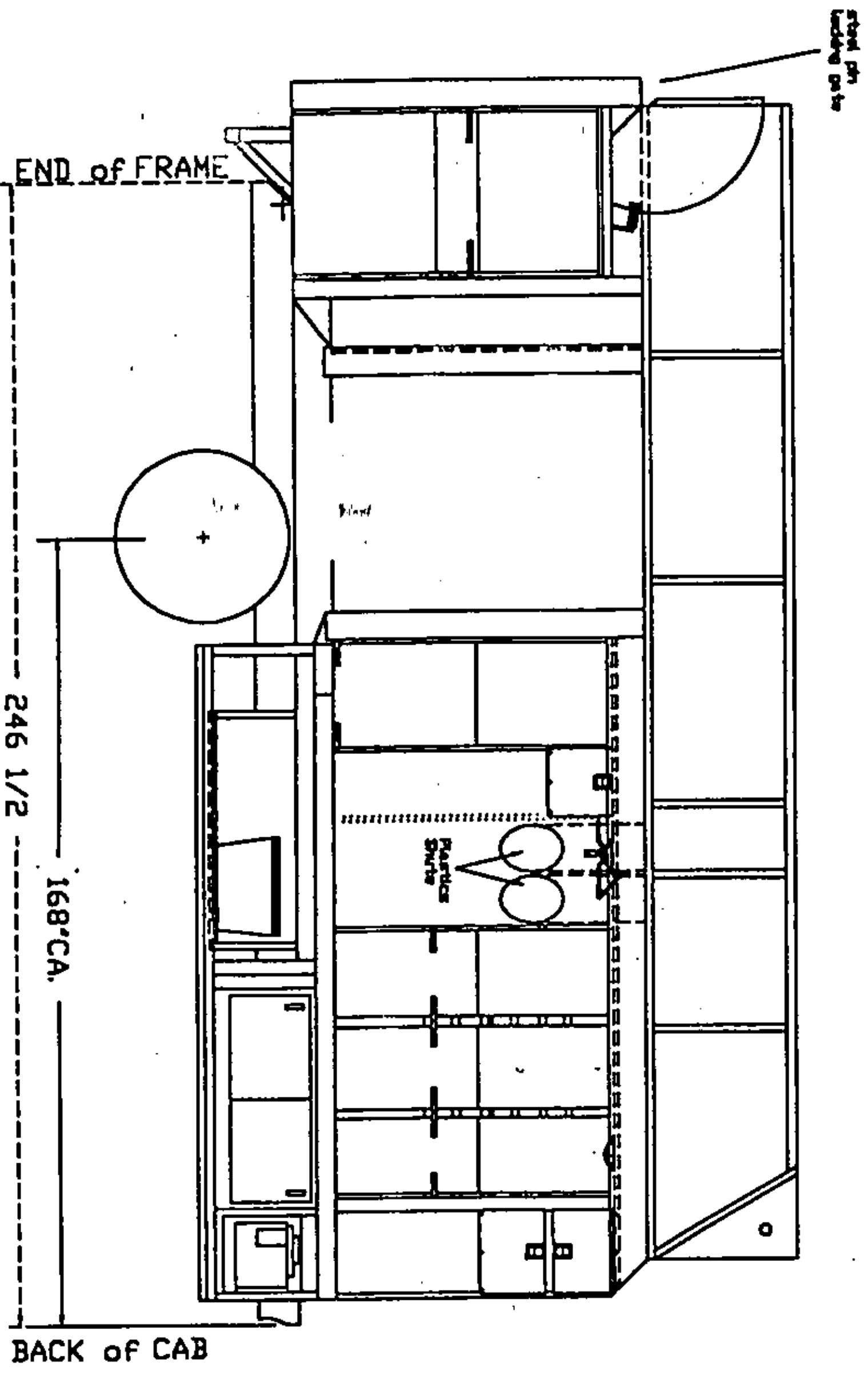
CITY OF FAYETTEVILLE SHALL HAVE FINAL APPROVAL OF BODY CONFIGURATION PRIOR TO PRODUCTION.

FAYETTEVILLE



SAC RECYCLING SYSTEMS
SOUTH WINDSOR, CT
SAC 4200 10COMPARTMENT 'SEPARATOR'
PROPOSED FOR

Drawing: FEY UPDATE 9 26 01
REVISED 9/30/2002



EXCEPTIONS

- 1) Transmission is MD3560PR with output retarder.
- 2) GVW rating 31,300#
- 3) Rear axle 23,000 lb with 23,000 lb rear springs with helper
- 4) Front axle 12,000 lb with 12,000 lb front springs
- 5) Freightliner measures their fuel tanks by drain instead of fill. Our tank is 45 gal.
Drain
- 6) Batteries 3 batteries at 2280 cca
- 7) Goodyear tires are not available from Freightliner. We bid 255/70R 22.5 16 ply with
XZE tread
- 8) Radio is Delco AM/FM/WB/ Cassette
- 9) Radio equipment: the replacement radio is ASTRO SPECTRA W-7

Internal Use Only

Prepared for CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
479-444-3494
BILL OESTREICH

Prepared by Barloworld Freightliner Inc.
11700 Valentine Rd.
72117
Dewayne Jones
Quote ID: 11-11-02 F
December 30, 2002

SPECIFICATION PROPOSAL

SpecPro Version: V4.01

Data Book Code	Specifications	Weight (+/-) Front	Weight (+/-) Rear	Sugg. Retail Price (\$)
MODEL				
001-056	FL70 CONVENTIONAL CHASSIS	5060	3100	65,851.00
002-004	SET BACK AXLE - TRUCK			STD
019-002	STRAIGHT TRUCK PROVISION			STD
003-001	LH PRIMARY STEERING LOCATION			STD
GENERAL SERVICE				
AA1-002	TRUCK CONFIGURATION			STD
A85-001	REFUSE SERVICE			N/C
A84-1GM	GOVERNMENT BUSINESS SEGMENT			N/C
AA3-009	RECYCLING BODY			N/C
AA4-003	DRY BULK COMMODITY			N/C
AA5-002	100% ON HIGHWAY/CITY TERRAIN			STD
AB5-001	SMOOTH CONCRETE OR ASPHALT ROAD SURFACE			STD
AB1-008	MAXIMUM 8% EXPECTED GRADE			STD
AA6-002	DOMICILED, USA 49 STATES(W/O CALIFORNIA)			N/C
995-059	MEDIUM TRUCK WARRANTY II			STD
A66-99D	EXPECTED FRONT AXLE LOAD	10000	LBS	
A68-99D	EXPECTED REAR AXLE LOAD	20000	LBS	
A63-99D	EXPECTED GVW CAPACITY	26000	LBS	
TRUCK SERVICE				
A88-99D	TRUCK BODY LENGTH	0	FT	
A89-99D	CAB TO TRUCKBODY CLEAR	4	IN	
ENGINE				
101-1YY	CAT 3126 275 HP @ 2200 RPM; 2400 GOV RPM 800 LB/FT @ 1440 RPM	460	-30	7,301.00
ENGINE EQUIPMENT				
99C-002	2002 EPA/CARB EMISSION CERTIFICATION			N/C
105-001	ENGINE MOUNTED OIL CHECK & FILL			STD
014-008	FRONTAL AIR INTAKE W/DONALDSON AIR CLEANER - RAIL MOUNTED			STD
190-001	AIR CLEANER: DONALDSON ONE-STAGE			STD
124-080	DR 12V 130 AMP 22-SI ALTERNATOR			STD

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292-058	(3) ALLIANCE 1031 GRP31 12V MF 2280 CCA THREADED STUD BATTERIES	25	25	106.00
290-017	BATTERY BOX FRAME MTD			STD
291-001	FRAME GROUND RETURN FOR BATTERY CABLES			STD
180-998	NO CLUTCH			STD
107-015	BW 132 CFM COMPRESSOR (SERIES 550)			N/C
131-002	TEFLON COMPRESSOR DISCHARGE LINE			N/C
152-041	ELEC ENG INTEGRAL SHUTDOWN PROTECTION SYSTEM			STD
128-026	TRANSMISSION RETARDER CONTROLS, FLOOR MTD MODULATED FOOT PEDAL			N/C
016-021	SINGLE HORIZONTAL MUFFLER W LH ROUTING	25	25	300.00
242-011	ALUMINUM MUFFLER/TAILOPIPE SHIELD			N/C
273-018	HORTON DRIVEMASTER ON/OFF FAN DRIVE			329.00
110-004	CAT SPIN ON FUEL FILTER			N/C
118-001	FULL FLOW OIL FILTER			STD
266-019	720 SQ-IN RADIATOR - COPPER/BRASS	20		272.00
103-036	ANTIFREEZE TO -34F, ETHYLENE GLYCOL PRE-CHARGED SCA HEAVY DUTY COOLANT			STD
171-007	GATES BLUE STRIPE COOLANT HOSES			49.00
172-001	CONSTANT TENSION HOSE CLAMPS FOR COOLANT HOSES			STD
138-011	PHILLIPS-TEMRO 1000 WATT/115 VOLT BLOCK HEATER	5		107.00
140-053	BLACK PLASTIC ENGINE HEATER RECEPTACLE MOUNTED UNDER LEFT HAND DOOR			N/C
134-002	IRON FLYWHEEL HOUSING			N/C
132-001	AIR INTAKE WARMER			N/C
155-029	DELCO 12V 41MT 400 SERIES STARTER			N/C
TRANSMISSION AND EQUIPMENT				
342-307	ALLISON MD-3560PR AUTOMATIC TRANSMISSION W/OUTPUT RETARDER	250	70	17,109.00
343-028	MD/HD TRANSMISSION PROGRAMMING - 5SPEED REFUSE/CONSTRUCTION 1 (GRP 73/PKG 142)			N/C
341-018	MAGNETIC PLUGS, ENGINE DRAIN TRANSMISSION DRAIN AXLE(S) FILL & DRAIN			STD
345-003	PUSH BUTTON, ELECTRONIC SHIFT CONTROL, DASH MOUNTED			N/C
370-006	WATER TO OIL TRANSMISSION COOLER			N/C
FRONT AXLE AND SUSPENSION				
400-003	MERITOR FF-961 FRONT AXLE @ 12,000#	90		261.00
402-020	MERITOR 15 X 4 Q+ CAM FRONT BRAKES			N/C

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419-021	GUNITE CAST IRON FRONT BRAKE DRUMS			N/C
427-001	FRONT BRAKE DUST SHIELDS	5		25.00
409-021	CHICAGO RAWHIDE SCOTSEAL PLUS XL FRONT OIL SEALS			11.00
416-022	STANDARD SPINDLE NUTS FOR ALL AXLES			STD
405-002	MERITOR AUTOMATIC FRONT SLACK ADJUSTRS			N/C
536-013	TRW TAS-65 POWER STEERING			N/C
539-003	POWER STEERING PUMP			STD
534-015	2 QUART SEE THROUGH POWER STEERING RESERVOIR			STD
620-015	12,000# TAPERLEAF FRONT SUSPENSION	80		88.00
619-005	MAINTENANCE FREE RUBBER BUSHINGS - FRONT SUSPENSION			STD
410-001	FRONT SHOCK ABSORBERS			STD
REAR AXLE AND SUSPENSION				
420-051	MERITOR RS-23-160 R-SRS SINGLE REAR AXLE @ 23,000#		250	1,147.00
421-683	6.83 AXLE RATIO			N/C
424-001	IRON REAR AXLE CARRIER HOUSING			STD
386-025	17N MERITOR MAIN DRIVELINE W/FULL ROUND YOKES	85	85	761.00
423-020	MERITOR 16.5X7 Q+ CAST SPIDER CAM REAR BRKS, DBLE ANCHOR, FAB'D SHOES			N/C
433-002	NON-ASBESTOS REAR BRAKE LINING			STD
434-011	BRAKE CAMS AND CHAMBERS ON FORWARD SIDE OF DRIVE AXLE(S)			N/C
451-021	CAST IRON OUTBOARD REAR BRAKE DRUMS			N/C
440-001	CHICAGO RAWHIDE SCOTSEAL REAR OIL SEALS			STD
426-021	ANCHORLOK GOLDSEAL TAMPER PROOF 1-DRIVE AXLE SPRING-PRKG CHAMBERS W/ORANGEALERT			N/C
428-002	MERITOR AUTOMATIC REAR SLACK ADJUSTERS			N/C
622-087	23,000# FLAT LEAF SPRING REAR SUSPENSION W/HELPER, WITH RADIUS LEAF		90	157.00
621-001	SPRING SUSPENSION - NO AXLE SPACERS			STD
431-001	STANDARD U-BOLT PAD			STD
623-007	FORE/AFT RADIUS LEAF			N/C
BRAKE SYSTEM EQUIPMENT				
018-002	AIR BRAKE PACKAGE	125	200	438.00
490-100	WABCO 4S/4M ABS W/O TRACTION CONTROL ENHANCEMENT			N/C
871-001	REINFORCED NYLON, FABRIC BRAID & WIREBRAID CHASSIS AIR LINES			N/C

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Data Book Code	Specifications	Weight (+/-) Front	Weight (+/-) Rear	Sugg Retail Price (\$)
432-003	RELAY VALVE W/ 5-8 PSI CRACK PRESSURE NO REAR PROPORTIONING VALVE			N/C
480-009	BW AD-9 BRAKE LINE AIR DRYER W/HEATER	40		557.00
460-001	STEEL AIR BRAKE RESERVOIRS			N/C
477-004	PULL CABLES ON ALL AIR RESERVOIRS			N/C
WHEELBASE				
545-595	234"/5950MM WHEELBASE			N/C
FRAME				
546-030	11/32" X 3-1/2" X 10-15/16" STEEL FRAME (8.73MM X 277.8/344" X 10.94") 110KSI	480	180	962.00
565-001	STANDARD SUSPENSION CROSSMEMBER			STD
572-001	STANDARD REARMOST CROSSMEMBER			STD
553-001	SQUARE END OF FRAME			STD
CHASSIS EQUIPMENT				
556-095	12" PAINTED STEEL BUMPER - THREE PIECE WITH COLLAPSIBLE ENDS			STD
558-001	FRONT TOW HOOKS - FRAME MOUNTED	10		113.00
574-003	SINGLE LICENSE PLATE BRKT BELOW BUMPER			STD
FUEL TANKS AND EQUIPMENT				
206-998	NO RH FUEL TANK			N/C
204-105	45 GALLON / 170 LITER SHORT RECTANGULAR STEEL FUEL TANK - LH	10	10	22.00
218-005	RECTANGULAR FUEL TANK(S)			STD
215-005	PLAIN ALUMINUM/PAINTED STEEL FUEL/ HYDRAULIC TANK(S) WITH PAINTED BANDS			STD
212-007	FUEL TANK(S) FORWARD			STD
205-001	FUEL TANK CAP(S)			STD
216-020	EQUIFLO INBOARD FUEL SYSTEM			STD
202-003	REINFORCED NYLON FUEL HOSE			STD
FRONT TIRES, HUBS, WHEELS				
093-0BN	MICHELIN XZE.....255/70R 22.5 16 PLY	-36		140.00
418-018	CONMET PRE-SET BEARING ALUMINUM FRONT HUBS			N/C
502-411	ACCURIDE 28408 22.5X8.25 10-HUB PILOT 2-HAND STEEL DISC FRONT WHEELS			STD
REAR DRIVE TIRES, HUBS, WHEELS				
094-0BN	MICHELIN XZE.....255/70R 22.5 16 PLY		-72	280.00
450-001	CONMET ALUMINUM REAR HUBS			STD
505-411	ACCURIDE 28408 22.5X8.25 10-HUB PILOT 2-HAND STEEL DISC REAR WHEELS			STD
CAB EXTERIOR				

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829-010	106" BBC STEEL CONVENTIONAL CAB			STD
646-009	PAINTED PLASTIC GRILLE			STD
644-004	FIBERGLASS HOOD			STD
727-001	DUAL 14" ROUND GROVER AIR HORNS	4		107.00
726-001	SINGLE ELECTRIC HORN			STD
657-001	ALL LOCKS KEYED THE SAME			STD
312-007	SINGLE RECTANGULAR HALOGEN HEADLIGHTS			25.00
302-001	(5) AMBER MARKER LIGHTS			STD
294-001	INTEGRAL STOP/TAIL/BACKUP LIGHTS			STD
300-015	STANDARD FRONT TURN SIGNAL LAMPS			STD
744-029	DUAL SST AERO MOTO MIRRORS, HTD LH/RH RMT	4		739.00
797-001	DOOR MOUNTED MIRRORS			STD
796-002	96" EQUIPMENT WIDTH			STD
743-202	LH/RH 6" CONVEX MIRRORS, BRIGHT FINISH, MTD UNDER PRIMARY MIRRORS			42.00
74A-001	RIGHT HAND DOWN VIEW MIRROR			N/C
729-001	STANDARD SIDE/REAR REFLECTORS			STD
768-001	29"X13" DUAL CLEAR REAR WINDOWS			STD
661-003	TINTED DOOR GLASS LH & RH WITH TINTED NON-OPERATING WING WINDOWS			N/C
654-003	MANUAL DOOR WINDOW REGULATORS			STD
663-013	TINTED WINDSHIELD			N/C
659-004	2.5 GALLON WINDSHIELD WASHER RESERVOIR MTD UNDER RH DECK			STD
CAB INTERIOR				
707-1AK	OPAL GRAY VINYL INTERIOR			STD
706-037	VINYL DOOR TRIM			STD
708-037	VINYL DOOR TRIM			STD
772-006	BLACK MATS W/SINGLE INSULATION			STD
694-001	CENTER STORAGE CONSOLE, FLOOR			STD
N 742-008	(1) CUP HOLDER, LH DASH			STD
700-002	HEATER, DEFROSTER AND AIR CONDITIONER	60		1,030.00
703-005	MAIN HVAC CONTROLS WITH RECIRCULATION SWITCH			N/C
170-015	STANDARD HEATER PLUMBING			STD
739-001	CAB INSULATION			STD
285-001	AUTOMATIC SELF-RESET CIRCUIT BREAKERS			25.00
280-007	12V NEGATIVE GROUND ELECTRICAL SYSTEM			STD

Internal Use Only

Prepared for CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
479-444-3494
BILL OESTREICH

Prepared by Barloworld Freightliner Inc.
11700 Valentine Rd.
72117
Dewayne Jones
Quote ID: 11-11-02 F
December 30, 2002

Date Book Code	Specifications	Weight (+/-) Front	Weight (+/-) Rear	Sugg. Retail Price (\$)
324-008	DOMELITE W/3-WAY SWITCH ACTIVATED BY LEFT HAND DOOR(S)			STD
655-001	CAB DOOR LATCHES WITH MANUAL DOOR LOCKS			STD
756-081	BOSTROM TALLADEGA 910 HIGH-BACK AIR-SUSPENSION DRIVER SEAT	-10		N/C
760-026	BOSTROM HI-BACK NON-SUSP PASS SEAT	35		321.00
758-033	VINYL W/CLOTH INSERT, DRIVER'S SEAT			24.00
532-001	FIXED STEERING COLUMN			STD
540-006	TWO-SPOKE 475MM (19") STEERING WHEEL			STD
765-002	DRVR/PASS INTER SUN VISORS			STD
INSTRUMENT PANEL AND CONTROLS				
017-076	BUSINESS CLASS GAUGE CLUSTER			STD
732-004	GRAY INSTRUMENT PANEL-DRIVER			STD
486-001	LOW AIR PRESSURE LIGHT AND BUZZER			N/C
840-002	PRIMARY & SECONDARY AIR PRESSURE GAUGES			N/C
198-025	INTAKE MOUNTED AIR RESTRICTION INDICATOR WITHOUT GRADUATIONS			STD
721-021	87 DB TO 112 DB SELF ADJUSTING BACKUP ALARM		2	151.00
149-013	PROGRAMMABLE RPM CONTROL FOR 3126 (FS65 ONLY)			STD
156-001	DASH MOUNTED START CONTROL			STD
160-012	DIAGNOSTIC INTERFACE CONNECTOR, 9 PIN, SAE J1587/1708/1939, LOCATED BELOW DASH			141.00
844-001	ELECTRIC FUEL GAUGE			STD
856-001	ELECTRICAL ENGINE COOLANT TEMP GAUGE			STD
864-001	TRANSMISSION OIL TEMPERATURE GAUGE			74.00
852-002	ELECTRIC ENGINE OIL PRESSURE GAUGE			STD
746-067	F/L XTA-2100 AM/FM/WB CASSETTE RADIO BY DELCO	10		605.00
747-002	ROOF/OVERHEAD CONSOLE MOUNTED RADIO			N/C
750-002	(2) RADIO SPEAKERS (CAB ONLY)			N/C
753-001	AM/FM ANTENNA MOUNTED ON FORWARD LH ROOF			N/C
810-027	ELECTRONIC MPH SPEEDOMETER W/ SECONDARY KPH SCALE, W/O ODOMETER			STD
812-001	ELECTRONIC TACHOMETER 3000 RPM			102.00
660-008	SINGLE ELECTRIC WINDSHIELD WIPER MOTOR W/DELAY			28.00
304-001	MARKER LIGHT SWITCH INTEGRAL W/HEADLIGHT SWITCH			STD
299-009	GROTE SELF CANCEL TURN SIGNAL SWITCH W/DIMMER & HAZARD			STD
298-001	THERMAL TURN SIGNAL FLASHER			STD

Internal Use Only

Prepared for CITY OF FAYETTEVILLE
113 WEST MOUNTAIN
FAYETTEVILLE, AR 72701
479-444-3494
BILL OESTREICH

Prepared by Barloworld Freightliner Inc.
11700 Valentine Rd.
72117
Dewayne Jones
Quote ID: 11-11-02 F
December 30, 2002

Data Book Code	Specifications	Weight (+/-) Front	Weight (+/-) Rear	Sugg. Retail Price (\$)
PAINT DESIGNS				
065-000	PAINT: ONE SOLID COLOR			STD
980-3F6	Cab Color A: IMRON N0006 WHITE			
986-020	Chassis: BLACK HIGH SOLIDS POLYURETHANE			
962-970	Front Wheels: FRONT WHEEL PAINT VENDOR WHITE			
966-970	Rear Wheels: REAR WHEEL PAINT VENDOR WHITE			
TOTALS				
		6837	3935	\$ 99,800.00
EXTENDED WARRANTY				
PMP-202	2002 EPA ENGINE PRICE ESCALATOR			N/C
TOTAL WARRANTY				

TOTAL VEHICLE SUMMARY

Total Weight

Front Weight Total..... 6837 LBS
Rear Weight Total..... 3935 LBS
Total Weight..... 10772 LBS

Total Price

Suggested Price Total.....\$99,800.00
Extended Warranty \$0.00
Std Destination Charge\$1,593.00
Total Vehicle Price\$101,393.00

(+) Weights shown are estimates only.

If weight is critical, contact sales application engineering.

CONTRACT

BID 02-72
A. 7 Page 31

WHEREAS, the City of Fayetteville has accepted Bid #02-72 from Arkansas Power Steering and Hydraulics, Inc. of North Little Rock, Arkansas (hereinafter "Arkansas Power Steering") to purchase compartmentalized recycling trucks at the unit price of One Hundred Forty Four Thousand Two Hundred Twenty-Seven Dollars (\$144,227.00) each.

Pursuant to this bid, the City of Fayetteville agrees to pay Arkansas Power Steering the sum of **Four Hundred Thirty-Two Thousand Six Hundred Eighty-One Dollars (\$432,681.00)** upon the timely delivery of three compartmentalized recycling trucks pursuant to the terms and specifications within Bid #02-72.

Pursuant to paragraph 6 of the Bid and the Guaranteed Delivery Date on page one of the Invitation to Bid, all ordered units must be delivered, ready for service and in full compliance with all specifications no later than **190 calendar days** after Arkansas Power Steering receives an order to purchase from the City of Fayetteville. Liquidated damages in the amount of **Two Hundred Fifty Dollars (\$250.00)** per calendar day will be assessed (per vehicle) for any vehicle not properly delivered within the 190 day allowed period. The City of Fayetteville may assert all of its other legal rights if Arkansas Power Steering breaches this contract or any of the bid specifications (which are incorporated within this contract and expressly agreed to by both parties).

In agreement with all terms stated above as well as all specifications and terms of Bid #02-72, the proper legal representatives of the City of Fayetteville and Arkansas Power Steering and Hydraulics, Inc. sign below.

Arkansas Power Steering & Hydraulics, Inc.

City of Fayetteville, Arkansas

By: _____

By: _____
Dan Coady, Mayor

DRAFT

Printed Name & Corporate Title

Witness: _____

Attest: _____
City Clerk

Date Signed: _____

Date Signed: _____



XXX AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For CC meeting of FEB 4, 2003

Jesse Beeks
Name

FROM:
Fleet Operations
Division

Operations
Department

ACTION REQUIRED:

Acceptance of the lowest priced bid for Item #4 – Bid: 02-73 (Demonstrator Self Powered Mobile Vacuum w/Leaf Mulcher Attachment) to the lowest qualified bidder, River City Hydraulics, Inc., 122 Magnet Drive, Sherwood, AR, 72124.

COST TO CITY:

\$ 35,930.00
Cost of this Request

\$
Category/Project Budget

Other Vehicles/Equipment
Category/Project Name

9700-1920-5802.00
Account Number

\$
Funds Used To Date

Vehicles & Equipment
Program Name

02080
Project Number

\$
Remaining Balance

Shop
Fund

BUDGET REVIEW:

XX Budgeted Item

 Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

Accounting Manager Date

ADA Coordinator Date

City Attorney Date

Internal Auditor Date

Purchasing Officer Date

STAFF RECOMMENDATION:

Acceptance of Bid and Approval to Purchase Item.

Division Head Date

Cross Reference

Department Director Date

New Item: Yes No

Administrative Services Director Date

Prev Ord/Res #:

Mayor Date

Orig Contract Date:



City of
FAYETTEVILLE
FLEET OPERATIONS



479.444.3495 INTER-OFFICE MEMORANDUM FAX: 479.444.3425

TO: Mayor/City Council
THRU: Gary Dumas, Director of Operations
THRU: Peggy Vice, Purchasing Manager
FROM: Jesse Beeks, Interim Fleet Operations Superintendent
DATE: January 14, 2003
SUBJECT: BID AWARD RECOMMENDATION 02-73 - Project 02080

Reference the attached Agenda Request for the Award of Bid 02-73, Item #4, to the lowest qualified bidder meeting specifications. This Vendor is River City Hydraulics, Inc., 122 Magnet Drive, Sherwood, AR, 72124. (Vendor #6433).

The Bid Tabulation Sheet dated December 30, 2002, is included along with a copy of the formal bid that was sent to each of the vendors on the Bidders List. Also attached is a completed copy of the successful bid.

This item has been evaluated for compliance with original specifications along with anticipated Manufacturer and Dealer support necessary to maintain it in a proper and efficient manner.

It has been with an objective attitude that this bid has been evaluated. This recommendation has been reviewed by the Fleet Operations Division and the Equipment Committee.

Therefore, the following is submitted for purchase approval by the Council:

Item 4:
River City Hydraulics, Inc., Mad-Vac Model 101D Demonstrator Unit
With Approximately 10 Hours, Complete with New Leaf Mulching
Attachment @ \$ 35,930.00

SUMMARY

TO BE DELIVERED AS A COMPLETE UNIT:

Item 4. River City Hydraulics, Inc. - 1 Unit at \$ 35,930.00

TOTAL BID AWARD: \$ 35,930.00

The budgeted amount for items of this type is in account 9700-1920-5802.00, Project 02080.

Meeting Date: February 4, 2003

Comments:
Budget Coordinator:

Reference Comments:

Accounting Manager:

City Attorney:

Purchasing Officer:

ADA Coordinator:

Internal Auditor:

BID: 0273
DATE: 12/30/02
TIME: 11:00 A.M.
CITY OF FAYETTEVILLE

DESCRIPTION: MOBILE VACUUM - SELF POWERED

BIDDER'S		TOTAL BID		TOTAL BID		TOTAL BID		TOTAL BID	
		ITEM 1	ITEM 2	ITEM 3	ITEM 4				
1. BURNUP EQUIPMENT INC.		\$33,940 MADVAC101D	NO BID	\$38,200 MADVAC 101D WITH 71 LH LEAF SYSTEM	NO BID				
2. RIVER CITY HYDRAULICS		\$33,695 MADVAC 101D	\$32,300 MADVAC 101D WITH 10 HOURS	\$37,325 MADVAC 101D	\$36,930 MADVAC 101D WITH 10 HOURS				

CERTIFIED BY: P. VICE PURCH MGR

WITNESS _____

DATE _____

1-2-02
61

02.73 Rev
BID: 02-73
DATE: 12/30/02
TIME: 11:00 A.M.
CITY OF FAYETTEVILLE

DESCRIPTION: MOBILE VACUUM - SELF POWERED

BIDDER'S TOTAL BID

1. BURNUP EQUIPMENT INC. ITEM 1 \$33,940 ITEM 2 NO BID ITEM 3 \$38,200 ITEM 4 NO BID

MADVAC101D

MADVAC 101D
WITH 71 LH LEAF
SYSTEM

2. RIVER CITY HYDRAULICS

\$33,695
MADVAC 101D

\$32,300
MADVAC 101D
WITH 10 HOURS

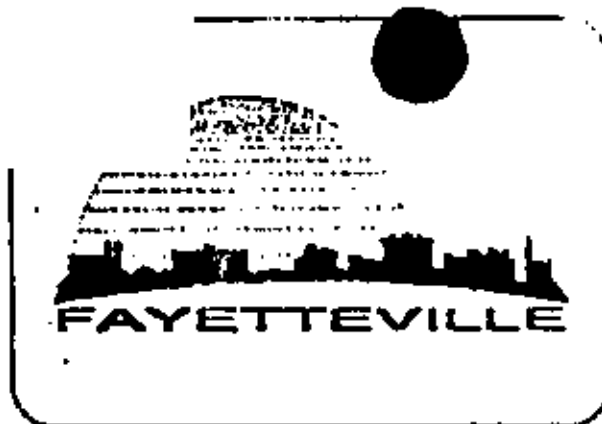
\$37,325
MADVAC 101D

\$35,930
MADVAC 101D
WITH 10 HOURS

CERTIFIED BY: *P. Vice*
P. VICE PURCH MGR

P. Williams
WITNESS

12/30/02
DATE



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

FLEET OPERATIONS
479-444-3494
INVITATION TO BID

BID #: 02-73

DATE ISSUED: November 27, 2002

DATE & TIME OF OPENING: December ³⁰~~12~~, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (479) 575-8289

DATE REQUIRED AS A COMPLETE UNIT: 60 Days from Date of Order

***GUARANTEED DELIVERY DATE:**

F.O.B. Fayetteville, AR

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

Item #	Description	Qty	Price*
1.	Self Powered Mobile Vacuum as listed in Item #1 of Specifications Attached New & Unused	1	\$ <u>33,695.⁰⁰</u>

PLEASE SPECIFY:

***MANUFACTURER:** MAD VAC

***MODEL:** 101 D

2. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
Demonstrator Unit (Max. 150 Hrs.)

1 \$ 32,300.⁰⁰

PLEASE SPECIFY:

*MANUFACTURER: MAD VAC

*MODEL: 101 D

*HOURS: 10

3. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
With Leaf Mulcher Attachment
New & Unused

1 \$ 37,325.⁰⁰

PLEASE SPECIFY:

*MANUFACTURER: MAD VAC

*MODEL: 101 D

4. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
With Leaf Mulcher Attachment
Demonstrator Unit (Max. 150 Hrs.)

1 \$ 35,930.⁰⁰

PLEASE SPECIFY:

*MANUFACTURER: MAD VAC

*MODEL: 101 D

*HOURS: 10

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: RIVER City Hydraulics, INC

*BUSINESS ADDRESS: 122 MAGNET Drive

*CITY: Sherwood *STATE: AR *ZIP: 72124

*PHONE: 501-835-5230 *FAX: 501-834-1233

*BY:(PRINTED NAME) ROGER WILLIAMS

*AUTHORIZED SIGNATURE: Roger Williams

*TITLE: Sales

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

SPECIAL TERMS & CONDITIONS - ITEM 1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.



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

FLEET OPERATIONS
479-444-3494
INVITATION TO BID

BID #: 02-73

DATE ISSUED: November 27, 2002

DATE & TIME OF OPENING: December 12, 2002 - 11:00 A.M.

BUYER: Peggy Vice, Purchasing Manager, Room 306 - (479) 575-8289

DATE REQUIRED AS A COMPLETE UNIT: 60 Days from Date of Order

***GUARANTEED DELIVERY DATE:**

F.O.B. Fayetteville, AR

THIS INVITATION TO BID IS BASED ON THE NEED FOR 1 UNIT AS LISTED IN SPECIFICATIONS ATTACHED. HOWEVER, THE CITY RESERVES THE RIGHT TO ACCEPT OR REJECT ANY OR ALL BIDS, WAIVE FORMALITIES IN THE BIDDING AND MAKE A BID AWARD DEEMED TO BE IN THE BEST INTEREST OF THE CITY.

Item #	Description	Qty	Price*
1.	Self Powered Mobile Vacuum as listed in Item #1 of Specifications Attached New & Unused	1	\$ _____

PLEASE SPECIFY:

***MANUFACTURER: _____**

***MODEL: _____**

2. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
Demonstrator Unit (Max. 150 Hrs.)

1

\$

PLEASE SPECIFY:

*MANUFACTURER:

*MODEL:

*HOURS:

3. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
With Leaf Mulcher Attachment
New & Unused

1

\$

PLEASE SPECIFY:

*MANUFACTURER:

*MODEL:

4. Self Powered Mobile Vacuum
as listed in Item #1 of
Specifications Attached
With Leaf Mulcher Attachment
Demonstrator Unit (Max. 150 Hrs.)

1

\$

PLEASE SPECIFY:

*MANUFACTURER:

*MODEL:

*HOURS:

EXECUTION OF BID - Upon signing this Bid, the bidder certifies that he/she has read and agrees to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agrees to furnish these articles at the prices stated. Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: _____

*BUSINESS ADDRESS: _____

*CITY: _____ *STATE: _____ *ZIP: _____

*PHONE: _____ *FAX: _____

*BY:(PRINTED NAME) _____

*AUTHORIZED SIGNATURE: _____

*TITLE: _____

PLEASE NOTE: ALL ITEMS MARKED * ARE CONSIDERED MANDATORY REQUIREMENTS FOR CONSIDERATION OF BID. FAILURE TO COMPLETE THESE ITEMS MAY RESULT IN REJECTION OF BID.

SPECIAL TERMS & CONDITIONS - ITEM 1

THIS REQUEST FOR BID IS NOT TO BE CONSTRUED AS AN OFFER, A CONTRACT, OR A COMMITMENT OF ANY KIND; NOR DOES IT COMMIT THE CITY TO PAY ANY COSTS INCURRED BY THE BIDDER IN THE PREPARATION OF THIS BID.

1. All bids shall be submitted on forms provided by the City with the item bid and the bid number stated on the face of the sealed envelope. Bidders **MUST** provide the City with their bids signed by an employee or officer having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
2. Bidders shall include all applicable local, state, and federal sales tax in this bid. The responsibility of payment shall remain with the successful bidder. Tax amount **MUST** be shown as a separate item.
3. Bids received after the date and time set for receiving bids will **NOT** be considered. The City will **NOT** be responsible for misdirected bids. Vendor may call the Purchasing Office at (479) 575-8289 to determine if their bid documents have been received prior to opening date and time listed on the bid form.

Bids must be mailed to:

City of Fayetteville – Attn: Purchasing
113 West Mountain St.
Fayetteville, AR 72701

4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds.
5. Each bidder **MUST** state on the face of the bid form the anticipated number of days from the date of receipt of order to the date of delivery of the completed units to the City of Fayetteville, Arkansas.
6. Time is specifically made of the essence of this contract and failure to deliver on or before the time specified in the contract may subject the contractor to the payment of damages.
7. All bid prices shall be FOB Fleet Operations, 1525 S. Happy Hollow Rd., Fayetteville, AR, 72701, and shall include all dealer preparation charges, labor, materials, overhead, profit, insurance, inspection fees, etc., to cover the furnishing of the unit/units bid.
8. Standard Manufacturer's Warranty shall apply to each unit as specified. A copy of the applicable warranty **MUST** accompany the bid with any exception to the warranty clearly noted on the Bid Form. Warranty on accessories/equipment furnished by an after market vendor **MUST** be noted. Full New Unit Warranty shall apply regardless of operating hours shown at time of delivery.
9. Any exceptions to the requirements of the City of Fayetteville **MUST** be noted on the Bid Form. If products and/or components other than those described on this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
10. Installation of Dealership/Distributorship Logo is **PROHIBITED**.

11. The completed unit delivered to the City of Fayetteville shall comply with all accepted commercial standards for materials and supplies which are new and unused except for normal testing and evaluation needed prior to release for delivery.
11. All items marked "MANDATORY REQUIREMENT FOR CONSIDERATION OF BID" MUST be completed and returned with the bid or the bid may be considered as non-responsive and rejected on that basis.
12. Parts and Service Manuals shall be provided to cover the Chassis, Power train, Body and any modifications to production items.
13. A training session shall be provided at a City of Fayetteville Facility to familiarize City Employees with the operational and maintenance needs of any special equipment furnished.

BASIC SPECIFICATIONS SELF PROPELLED MOBILE VACUUM

General Specification Requirements are as follows for a SELF PROPELLED MOBILE VACUUM. These are **MINIMUM SPECIFICATIONS ONLY** and are not limited or restricted to the following.

ALL UPGRADE OR DOWNGRADE VARIATIONS/DEVIATIONS/SUBSTITUTIONS MUST BE CLEARLY ANNOTATED. IN THE ABSENCE OF SUCH STATEMENTS, THE BID SHALL BE ACCEPTED AS IN STRICT COMPLIANCE WITH ALL TERMS, CONDITIONS, AND SPECIFICATIONS AND THE SUPPLIER SHALL BE HELD LIABLE.

Alternates will be considered provided each Supplier clearly states on the face of his proposal exactly what he proposes to furnish and forwards necessary descriptive material which will clearly indicate the character of the article covered by his bid. All Bids are subject to Staff analysis. Fleet standardization requirements, replacement parts availability, warranty service availability and Manufacturer/Distributor/Dealer Field support of operational units will be considered.

All Units Bid shall show deviations to line item specifications on the "Minimum Specification" attached with referral to each item. Utilizing a copy of these specifications with variations "hi-lited" and specifics noted is suggested.

ANY BIDDER, WHETHER A MANUFACTURER OR DESIGNATED DEALER, WHO CAN PROVIDE MATERIALS, FEATURES OR OPTIONS TO MEET THE SPECIFICATIONS OUTLINED HEREIN AND WILFULLY FAILS TO DO SO BECAUSE OF PRICE OR TO GAIN A PRICING ADVANTAGE IN A COMPETITIVE BID SITUATION WILL BE DEEMED NON-RESPONSIVE. NO FURTHER CONSIDERATION OF THEIR BID SUBMISSION WILL BE MADE. SHOULD THEIR CURRENT LITERATURE OR PRICE LISTS FOR MATERIALS, FEATURES, OR OPTIONS INDICATE THEIR ABILITY TO PROVIDE SAME TO MEET THESE SPECIFICATIONS, AND THEY FAIL TO DO SO, THEY WILL BE DEEMED NON-RESPONSIVE AND DECLARED INELIGIBLE TO RECEIVE THE AWARD FOR THE UNIT SPECIFIED. FINALLY, ANY CLAIMS THAT AN ITEM BID EXCEEDS THE STATED SPECIFICATION MUST BE DEMONSTRATED IN A PERFORMANCE DEMONSTRATION IN DIRECT COMPETITION WITH OTHER UNITS BID BY OTHER MANUFACTURERS PRIOR TO AN AWARD OR THE BID WILL BE DEEMED UNRESPONSIVE FOR FAILURE TO SUBSTANTIATE THE CLAIM.

All equipment shall be new and unused and of the Manufacturers Current Model Year and shall include all standard equipment as advertised by the Manufacturer. All vehicles and equipment listed herein shall comply with applicable Federal and State Safety, Emission and Pollution Control Requirements in effect at time of delivery. Standard Manufacturer's Warranty shall be furnished. Minimum Warranty period shall be no less than 1 year.

Field demonstrations of currently operational units which are offered as a substitute, variation, or deviation may be required as part of Staff analysis at the option of Staff members or other qualified interested parties. Properly documented referrals may be required of vendors which allows field evaluation of units in a comparable operational area.

The City of Fayetteville reserves the right to accept the best bid for the City, and is not required to accept the lowest priced bid.

The City also reserves the right to reject any or all bids and will be the sole judge of what comprises the best and most advantageous unit to meet the needs of the City.

GENERAL PROVISIONS AND REQUIREMENTS

1. GENERAL

It is the intent and purpose of these specifications to secure for the purchaser the necessary equipment and accessories which will be capable of performing in a safe, practical and efficient manner consistent with accepted commercial standards.

2. MATERIALS AND WORKMANSHIP

All equipment, materials and workmanship shall be of the highest grade in accordance with modern practice. The equipment supplied will be new and unused except for the necessary testing, calibration and transportation.

3. WARRANTY

All items furnished in accordance with these specifications shall be covered by the manufacturers and/or supplier's standard warranty or guarantee on new equipment. The minimum warranty period on new equipment must be one year. Warranty which will be honored by other than the supplier bidding must be annotated.

4. PARTS AND SERVICE

To best service the requirements of the purchaser, it is the intent of these specifications to secure equipment which can be properly maintained and serviced without the necessity of stocking an extensive parts inventory or being subjected to long periods of interrupted service due to the lack of spare parts.

All suppliers submitting proposals must have available a parts and service facility within an area to allow 1 day service on any parts or service needs. The facility shall be staffed with full time technical personnel, as well as order and shipping personnel, during regular business hours and days.

A complete set of Parts and Service Manuals are to be provided for each unit.

5. TRAINING

Supplier shall provide the necessary training required for a full work crew of this equipment. Such training will be on an operational work site which shall be mutually selected and is to provide sufficient background training in all areas of use. This training is to allow the crews performance to be considered as satisfactory and to comply with accepted commercial standards of operation.

SELF PROPELLED MOBILE VACUUM

COMPLIANCE WITH ALL APPLICABLE SAFETY STANDARDS SUPERSEDES REQUIREMENTS AS LISTED BELOW.

MINIMUM SPECIFICATIONS ONLY

The machine described in these specifications shall be a four wheel type self propelled vacuum unit capable of picking up cans, glass, bottles, to a maximum size of 40 ounce capacity, paper, cups, clothing, wood, leaves and various types of refuse. The unit shall deposit debris into a rear-mounted container. The unit shall have a hand controlled vacuum arm and hose for debris pick up with a 270-degree working radius.

ENGINE

Diesel powered 28 hp, water-cooled industrial engine. To ensure clean air, the engine air cleaner shall be a minimum two stage cyclonic with a restriction indicator. Analog gauges must be provided for the following; fuel, ammeter, and hour meter. Low oil pressure warning system shall be provided.

TRANSMISSION

Infinitely variable hydrostatic, 0-16 mph. Single foot pedal controlled forward and reverse. 12-gallon hydraulic tank, with fin type hydraulic oil cooler. To permit safer and faster cornering, the machine must be four wheel drive. The transmission must be provided with a quick tow valve facility to permit towing without the use of tools.

BRAKES

Foot operated disc brakes on rear wheels. Dynamic hydraulic braking on front wheels.

CHASSIS & BODY

All welded 1/8" structural steel tubular design, heavy gauge steel body panels, front and rear bumpers with rubber protectors. Two storage compartments shall be provided on the vehicle for additional bags, and operators work gear and tools. Chassis shall incorporate a trailer hitch at the rear of the unit.

STEERING

Automotive type power steering. The machine shall be designed to operate in tight areas; therefore the overall length shall not exceed 85", width not to exceed 48".

SUSPENSION

For operator ease, comfort and safety, the machine shall incorporate suspension on all four wheels. I-Beam suspension, with leaf springs on the front, coil springs and shock absorbers on the rear.

WHEELS AND TIRES

Tire size shall be 20". All four tires shall be the same size.

ELECTRICAL

The electrical system must be 12 volt, with a 450-cca battery and 40-amp alternator. The machine must be street legal and include the following as minimum; headlights, brake, turn signal and taillights, 4 way flashers, flashing beacon mounted on top of container. For safety purposes the machine must be equipped with a neutral interlock system to prevent machine from starting with the operators foot on the accelerator pedal. Slow moving vehicle emblem shall also be provided.

SEATING

To permit good visibility in pedestrian areas, the operator shall be positioned in front of the debris container and while seated the operator shall be able to see in front of and both sides of the machine, as well as having line of sight vision over the debris container. All weather seat with backrest. A seat belt must be provided.

VACUUM SYSTEM

Hydraulically driven fan shall be located beneath the vacuum chamber so that collected litter is compacted as it is loaded. NO EXCEPTIONS. Container must be capable of being filled to the top with normal litter. For greater durability the container shall be constructed of steel. Cast alloy fan, 30" negative water pressure rating at closed inlet. Impellor performance 2900 CFM. NO EXCEPTIONS. Fan on/off control shall be located at the operator's panel. A rear mounted fan exhaust filter shall be provided to prevent airborne emissions from the debris container. Filter shall be 30-micron minimum. For maximum sweeping intervals, without having to change bags the machine shall compact debris at approximately a 2:1 ratio.

Vacuum Fan Prefilter

To prevent litter from contacting the vacuum fan the system shall incorporate a fibrous filter. The filter shall be located inside the debris container and not require any clamps or liners to hold it in place. No litter shall pass through the vacuum fan. NO EXCEPTIONS.

VACUUM HOSE

8" Diameter, heavy duty, vacuum hose. To permit easier operation, the hose shall incorporate a

hydraulic cylinder for load relief. The up/down movement of the hose shall be controlled hydraulically via a rocker switch on the vacuum arm handle. Hose movement shall be 270 degrees around the vehicle. The hose shall be capable of picking up in front of and on both sides of the vehicle. Working reach to be 4' minimum.

WARRANTY

The vehicle shall be covered under a 1-year, 100% parts and labor warranty. All warranty work is to be performed on site. NO EXCEPTIONS. Vacuum fan and debris container shall be guaranteed for life against wear and tear, corrosion and cracking. One set of operator, parts, and maintenance manuals must be provided with the vehicle.

48" Vacuum Nozzle

A wide area vacuum nozzle shall be provided. The nozzle shall be raised and lowered hydraulically from the operator's position. Vacuum hose shall attach to the vacuum nozzle without the operator leaving the seat permitting on the fly engagement.

Extension Hose

To permit cleaning in hard to reach areas a 15' x 5" diameter extension hose shall be provided. Hose shall be connected directly to the debris container. Hose shall be stored permanently on the machine.

Sound Suppression Package

To permit cleaning in pedestrian areas the machine must incorporate a state of the art sound suppression package. The engine shall be totally enclosed in a sound-absorbing module. The vacuum debris container shall incorporate sound barriers. Noise level at full engine rpm shall not exceed 83dba at operators ear, while maintaining 2900 cfm vacuum rating.

4-Wheel Drive

To permit cleaning off road or on rough terrain the machine shall incorporate drive wheel motors on all four wheels. Machine shall be full time all wheel drive.

Rollover Protection System

Machine shall incorporate an OSHA approved Rollover Protection System (ROPS) with overhead weather shield. ROPS system shall meet or exceed OSHA standard 1926.1001

Fence line Elbow

A 90-degree elbow shall be provided to clean fence lines. Elbow shall clamp onto existing vacuum hose.

Vacuum Exhaust Filter

To permit safe cleaning in heavy pedestrian areas the machine shall incorporate a 2-micron dust filtration system. The system shall be 99% effective at 2 microns. Filters shall be rear mounted and be a minimum of 130 sq. ft. in total area. To prevent loss of vacuum no litter shall pass through the fan and become lodged in the filter.

OPTIONAL EQUIPMENT – SEE ITEMS 3 & 4

Leaf Collection System – To be added to Vacuum Unit

A trailer mounted leaf collection system shall be provided. Leaves shall be mulched at a ratio of 4:1 through a steel fan and funneled into a 2 cubic yard trailer. Trailer shall incorporate a screen to prevent airborne emissions of leaves. Quick release pin shall be provided to permit tilting of trailer for leaf disposal. Machine shall be capable of transforming from litter mode to leaf mode within 15 minutes.

STAFF REVIEW FORM

OMI
A. 9 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council meeting of February 4, 2003

FROM:

Greg Boettcher Water & Wastewater Water & Wastewater
 Name Division Department

ACTION REQUIRED: Approval of Amendment No 8 to OMI's contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested to allow Capitalization of SCADA costs.

COST TO CITY:

\$3,874,501.00 \$3,919,794.00
 Cost of this Request Category/Project Budget
 5400-5100-5328-00 (OPERATIONS)
 5400-5700-5315-00 (SCADA) -0-
 Account Number Funds Used To Date

Water/Sewer Imp'ts
Wastewater Treatment
 Category/Project Name

02117-1 (SCADA)
 Project Number

Remaining Balance

Water and Sewer
 Fund Category

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

[Signature]
 Budget Coordinator

[Signature]
 Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

[Signature]
 Accounting Manager

1/22/02
 Date

[Signature]
 ADA Coordinator

Date

[Signature]
 City Attorney

1/22/03
 Date

[Signature]
 Internal Auditor

Date

[Signature]
 Purchasing Officer

1/22/03
 Date

[Signature]
 Grant Officer

Date

STAFF RECOMMENDATION: It is recommended that the City Council approve OMI Contract Amendment No.8 to authorize contract operations from January 1, 2003 to December 31, 2003 for \$3,874,501.00.

[Signature]
 Division Head

Date

Cross Reference

[Signature]
 Department Director

Date

New Item: Yes No

[Signature]
 Admin. Svcs Director

Date

Prev Ord/Res #: 94-9

[Signature]
 Mayor

Date

Orig Contract Date:

Description _____ Meeting Date _____

Comments:

Budget Coordinator

Reference Comments:

Accounting Manager

Reference Comments:

City Attorney

Reference Comments:

Purchasing Officer

Reference Comments:

ADA Coordinator

Reference Comments:

Internal Auditor

Reference Comments:

Grants Offcier

Reference Comments:

EXECUTIVE SUMMARY FOR AGENDA ITEM-FEBRUARY 4, 2003

**AGENDA ITEM: WASTEWATER PLANT OPERATING CONTRACT
AMENDMENT NUMBER 8 TO OMI CONTRACT**

DEPARTMENT: Water and Wastewater Department

COSTS: \$3,874,501.00

RECOMMENDED ACTION:

- ✓ Approval of Contract Amendment Number 8 for fiscal year 2003 with Operations Management International, Inc. (OMI) for \$3,874,501.00.

BACKGROUND:

Fayetteville entered into a contract for wastewater operations with OMI on August 16, 1994, with the agreement to continue through December 31, 2004. Under this agreement OMI, as a private contract operator, provides the following operations and management services:

1. Operates and maintains the Noland Wastewater Treatment Plant
2. Operates and maintains 33 wastewater pumping stations
3. Administers the city's NPDES discharge permit
4. Manages the city's sludge disposal program
5. Implements the city's industrial pretreatment program
6. Supports the SCADA (supervisory control and data acquisition system) network that monitors water/wastewater facilities
7. Pursues operation economies and efficiencies, permit compliance

To encourage operational economy and innovation, an incentive provision is contained within the contract, whereby, budget under runs are distributed as follows: 87.5% to city and 12.5% to OMI.

CURRENT SITUATION:

OMI has submitted a 2003 budget proposal, under amendment number 8 that is deemed reasonable and consistent with cost trends. With the growing complexities of permit compliance, the escalating energy costs, the increasing loadings, the growing age of the equipment/facilities and the stringent requirements being imposed by regulatory agencies, the incremental increase in operating costs between 2002 and 2003 are justified.

.....FAYETTEVILLE
WATER AND WASTEWATER DEPARTMENT

City of Fayetteville, Arkansas

TO: Mayor Dan Coody and
Fayetteville City Council

VIA: Hugh Earnest
Chief Administrative Officer

FROM: Greg Boettcher, P.E.
Public Works Director

DATE: January 22, 2003

**SUBJECT: Amendment No 8 to OMI Contract
Wastewater Treatment Facility Operations
Fiscal Year 2003**

RECOMMENDATION:

It is recommended that the Fayetteville City Council approve "Amendment No 8 to the Agreement for Operations, Maintenance and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant." This \$3,874,501.00 contract amendment with Operations Management International, Inc. (OMI) will address the wastewater treatment contract operations for fiscal year 2003. The contract amount is within the funds budgeted funding for 2003.

BACKGROUND:

On August 16, 1994 the City of Fayetteville inclined into a multiple-year contract with OMI, this agreement expiring on December 31, 2004. The scope of services provided under this agreement includes:

1. Operate and maintain the Noland Wastewater Treatment Plant
2. Operate and maintain 33 wastewater pumping stations
3. Administer the city's NPDES discharge permit
4. Manage the city's sludge disposal program
5. Implement the city's industrial pretreatment program
6. Support the SCADA (supervisory control and data acquisition system) network that monitors water/wastewater facilities
7. Pursue operation economies, efficiencies, and permit compliance

To encourage operational economy and innovation, and incentive provision is incorporated within the contact, whereby, budget under runs are distributed as follows: 87.5% to city and 12.5% to OMI.

FAYETTEVILLE

WATER AND WASTEWATER DEPARTMENT

City of Fayetteville, Arkansas

CURRENT SITUATION:

OMI has predicted the 2003 operations costs, these costs being categorized as follows:

Facility Operations	\$ 3,567,992.00
Management Fee	\$ 92,509.00
Total Operations	\$3,660,501.00
Lift Station Odor Control @ cost	\$ 170,000.00
SCADA Upgrades @ cost	\$ 44,000.00
Total Budget	\$3,874,501.00

The attached chart graphically depicts the growth patterns of costs, flows, and organic loadings. The operating costs reflect continuing economies by the service provider, when the escalating cost impacts of aging equipment, growth of the infrastructure, increasingly stringent regulations and inflationary increases for labor/materials are factored into the analysis. The budget for contract services reflects a favorable trend.

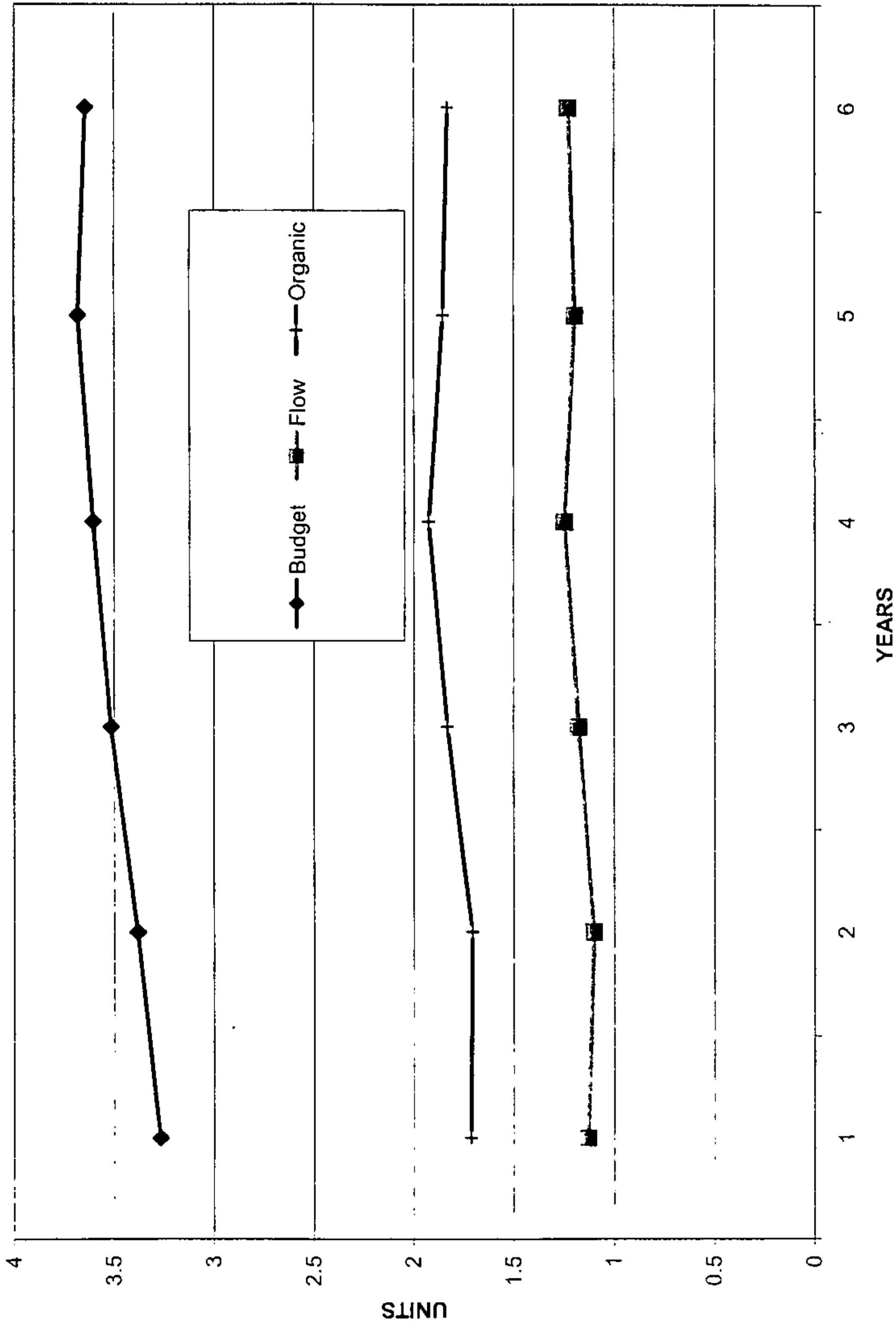
The data on the rate of increase of operating costs compared to the Consumer Price Index is shown on an attached chart. The graphical comparisons indicate a less than inflationary adjustment in the contract values confirming the reasonableness of the requested budget. The OMI operations have continuously striven for cost control and operating economics, these efforts materializing in the form of rebates to the City of Fayetteville. The rebates received by Fayetteville are summarized as follows:

YEAR	1998	1999	2000	2001	2002
REBATE AMOUNT	\$31,310	\$7,957	\$19,075	\$4,160	\$45,379

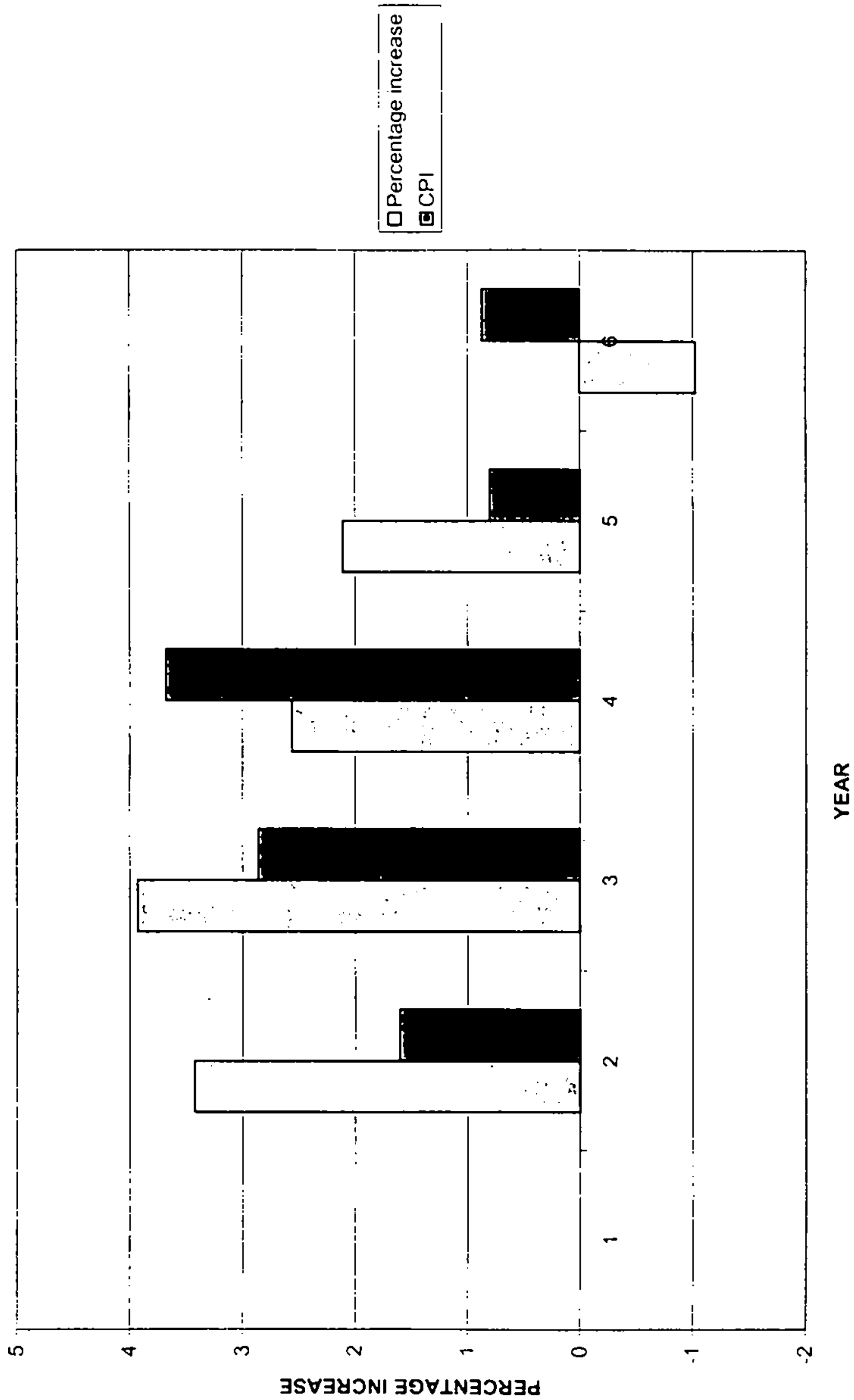
It is to be noted that the operation of the treatment plant consumes large amounts of electric energy, this consumption being controlled by load management. Cost-effective energy management has partially offset the stepped increases in operations. In 1999, to sustain reliable treatment processes, another stage of aeration was brought into service increasing the plant's energy use by more than 400 horsepower. Rapid changes in energy prices can significantly impact the budget for this facility, and are not in the service provider's direct control.

The City of Fayetteville is obligated to continue the contract operating services of OMI through December 31, 2004 and has received an acceptable budget proposal for fiscal year 2003. Contract Amendment Number 8 is recommended for approval.

COST, FLOW AND LOADING TREND



COST INCREASE COMPARED TO CPI



City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2003	Department: Water & Wastewater Operations Division: Wastewater Treatment Plant Program: Wastewater Treatment Operations	Date Requested 2/4/2003	Adjustment Number
-------------------------	---	--------------------------------	-------------------

Project or Item Requested:

\$44,000 is requested in the SCADA Improvements capital project.

Project or Item Deleted:

None. \$44,000 from the PCP Operations Contract account.

Justification of this Increase:

The funding is requested for improvements that will be done by the Wastewater Treatment Plant provider to our SCADA System.

Justification of this Decrease:

Even though the work performed will be done by the Wastewater Treatment Plant provider as part of the annual contract, the funds should be shown as a separate project and capitalized.

Increase Expense (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Contract services	5400	5700	5315	00	44,000	02117	1

Decrease Expense (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
PCP operation contract	5400	5100	5328	00	44,000		

Approval Signatures

Requested By

Date

Budget Manager

Date

Department Director

Date

Administrative Services Director

Date

Mayor

Date

Budget Office Use Only

Type:

A

B

C

D

E

Date of Approval

Date

Initial

Posted to General Ledger

Date

Initial

Posted to Project Accounting

Date

Initial

Entered in Category Log

Date

Initial

AMENDMENT NO. 8
TO THE
AGREEMENT FOR OPERATIONS,
MAINTENANCE, AND MANAGEMENT SERVICES
FOR THE CITY OF FAYETTEVILLE, ARKANSAS
WASTEWATER TREATMENT PLANT

THIS AMENDMENT, entered into this _____ day of _____, 200_, by and between the City of Fayetteville, Arkansas (hereinafter "Owner"), whose address for any formal notice is 113 W. Mountain St, Fayetteville, Arkansas 72701 and Operations Management International, Inc., (hereinafter "OMI") with offices at 9193 S. Jamaica Street, Suite 400, Englewood, Colorado 80112 is made and entered into for purposes of amending certain provisions of the "Agreement for Operations, Maintenance, and Management Services for the City of Fayetteville's Wastewater Treatment Plant," dated August 16, 1994 (the "Agreement") to prevent the facilities covered by the Agreement from being deemed to be used in the trade or business of OMI pursuant to Section 141 (b) of the Internal Revenue Code of 1986, as amended.

This is Amendment No. 8 to the Agreement dated the 16th day of August, 1994, between Owner and OMI.

NOW THEREFORE, Owner and OMI agree to amend the Agreement as follows:

1. Article 4.1 is hereby deleted in its entirety and replaced with the following Article 4.1:
 - 4.1 For services rendered during the eighth year of this Agreement Owner shall pay to OMI the actual cost of services performed plus a management fee of Ninety Two Thousand Five Hundred and Nine Dollars (\$92,509). Said fee and estimated cost (base fee) shall be paid in twelve (12) equal monthly installments. The management fee for subsequent years will be determined proportional to the increase in estimated cost.
2. Article 4.2 is hereby deleted in its entirety and replaced with the following Article 4.2:
 - 4.2 OMI and Owner agree that at the end of the contract year, OMI will perform a reconciliation of estimated to actual cost and submit the reconciliation within one hundred twenty (120) days of the end of the contract year. Any difference due to Owner or OMI will be paid within thirty (30) days of acceptance of the reconciliation by both parties.
3. Article 4.3 is hereby deleted in its entirety and replaced with the following Article 4.3:
 - 4.3 OMI estimates that cost for services for calendar year 2003 shall be Three Million Eight Hundred Seventy-Four Thousand, Five Hundred One Dollars (\$3,874,501)

annually. Details of said cost are shown in Appendix J. The base fee shall be negotiated each year in September, beginning in 2003 for calendar year 2004. Should Owners and OMI fail to agree, the base fee will be determined by the application of the base fee adjustment formula shown in Appendix F. Should the actual expenditures exceed estimated expenditures by more than Twenty Thousand Dollars (\$20,000), in any year of this Agreement, specific approval will be obtained from the Owner.

4. Article 4.4 is hereby deleted in its entirety and replaced with the following Article 4.4:

4.8 An administrative fee of 35 percent is added to personnel services and 10 percent to all other costs for administration, support, management and overhead, with the exception of electricity and lift station odor control direct expenses.

5. Article 4.8 is hereby deleted in its entirety and replaced with the following Article 4.8:

4.8 OMI agrees to incur up to \$170,000 per year in lift station odor control direct expenses, including costs for necessary chemicals, pumps, tanks, related equipment and such outside services as needed. These expenses will not include labor and benefits for OMI personnel. OMI will rebate to the Owner the entire amount that actual lift station odor control expenses are less than \$170,000 in any year of this Agreement.

6. Appendices B, C, D, E, J, and K are hereby deleted in their entirety and replaced with the attached Appendices B, C, D, E, J, and K.

All other terms and conditions remain in effect in accordance with the Agreement referenced in this Amendment.

Both parties indicate their approval of this Amendment to the Agreement by their signatures below as of the date shown above.

Authorized Signature:

Authorized Signature:

E. Forrest Forbes
Title: VP, Project Delivery

Dan Coody
Title: Mayor

OPERATIONS MANAGEMENT
INTERNATIONAL, INC.

CITY OF FAYETTEVILLE

Date: _____

Date: _____

Appendix B

LOCATION OF PROJECT

B.1 OMI agrees to provide the services necessary for the management, operation and maintenance of the following:

- a) All equipment, vehicles, grounds and facilities now existing within the present property boundaries of or being used to operate Owner's Wastewater Treatment Plant located at:

1400 North Fox Hunter Road
Fayetteville, Arkansas

- b) All equipment, grounds, and facilities now existing within the present property boundaries of pump stations described as follows:

WW1	978 E. Zion Road
WW2	4938 Mission Blvd. (Timbercrest)
WW3	Crystal Springs/Salem Road
WW4	691 W. Poplar
WW5	3896 N. Gregg
WW6	3021 N. Old Wire Road
WW7	2034 N. County Road 877
WW8	729 W. North Street
WW9	1336 N. Porter
WW10	716 Futrall Drive
WW11	4412 W. 6 th Street
WW12	398 N. Double Springs Road
WW13	878 S. Stonebridge Road
WW14	1820 S. Armstrong
WW15	203 E. 29 th Circle
WW16	3917 S. McCollum Road
WW17	4394 S. School
WW18	202 N. Sandy (Greenland)
WW19	988 S. Mallywagnon Road
WW 20	3212 N. Highway 112
WW21	1687 S. Happy Hollow Road
WW22	630 N. Double Springs Road
WW23	Masters Addition (Country Club - 2)
WW24	4071 South McCollum (Airport East)
WW25	Willow West (Farmington)

WW26	74 S. Kestrel (Sequoyah Preserve)
WW27	1031 River Meadows Drive (Stonebridge Meadow)
WW28	1603 Plantation Avenue (Heritage Village)
WW29	Greenland (Todd Bohannon)
WW30	2324 Ruppel Road
WW31	2318 Internet (Research Park)
WW32	478 N. Durango Place (Silverthorne)
WW33	4644 N. Crossover Road (Copper Creek)

c) All equipment, grounds, and facilities now existing within the present property boundaries of or being used to operate the Owner's Sludge Management Site located east of the wastewater treatment facility across the White River:

d) The potable water SCADA system at the following locations:

W1	215 W. 24 th Street	Pump Station
W2	844 N. Crossover Road	Pump Station
W3	4938 E. Mission Boulevard	Pump Station
W4	1016 E. Ash Street	Pump Station
W5	707 E. Rogers Drive	Pump Station
W6	456 E. Baxter Lane	Ground Storage Tank
W7	707 E. Rogers Drive	Ground Storage Tank
W8	113 N. Sang	Elevated Storage Tank
W9	1170 E. South Skyline	Elevated Storage Tank
W10	1044 E. Township Road	Elevated Storage Tank
W11	Mt. Kessler	Elevated Storage Tank
W12	Highway 45 Valve Station	Pressure-reducing Valve
W13	Fire Tower Avenue (Goshen)	Ground Storage Tank
W14	Fire Tower Avenue (Goshen)	Pump Station
W15	Co. Road # 55 (Round Mountain)	Ground Storage Tank
W16	Co. Road # 4343 (Benson Mountain)	Ground Storage Tank
W17	Gulley Road Tank	Elevated Storage Tank
W18	Gulley Road Station	Pump Station
	1475 Cato Springs Road	Water & Sewer Ops Center
	12141 Ed Edwards Road	Mt. Robinson Tower Site

Appendix C

NPDES PERMIT AND PROJECT CHARACTERISTICS

- C.1 OMI will operate Project so that effluent will meet the requirement of NDPEs permit No AR0020010. OMI shall be responsible for meeting the effluent quality requirements of Owner's NPDES permit unless one or more of the following occurs: (1) the Project influent does not contain Adequate Nutrients to support operation of Project biological processes and/or contains Biologically Toxic Substances which cannot be remove by the existing process and facilities; (2) the flow, influent BOD₅, and/or suspended solids exceeds the Project design parameters which are: 30 Million Gallons Per Day (MGD) maximum; 17 MDG average weekly maximum flow; 12 MGD average monthly maximum; 25,700 pound of BOD₅ per day; 21300 pounds of suspended solids per day.
- C.2 In the event any one of the Project influent characteristics, suspended solids, BOD₅, or flow, exceeds the parameters listed above, OMI shall return the plant effluent to the characteristics required by the NPDES permit in accordance with the following schedule after Project influent characteristics return to within design parameters:

<u>Characteristics Exceeding Listed Parameters By:</u>	<u>Recovery Period Maximum</u>
10% or Less	5 days
Above 10% But Less Than 20%	10 days
20% and Above	30 days

Notwithstanding the above schedule, if the failure to meet effluent quality limitations is caused by the presence of Biologically Toxic Substances or the lack of Adequate Nutrients in the influent, then OMI will have a thirty (30) day recovery period after the influent is free from said substances or contains Adequate Nutrients.

- C.3 OMI shall not be responsible for fines or legal action as a result of discharge violations within the period that influent exceeds design parameters, does not contain Adequate Nutrients, contains Biologically Toxic Substances (that exceed process inhibiting levels or creates concentrations exceeding

application or discharge limitations), and the subsequent recovery period.

- C.4 The estimated Costs for services under this Agreement are bases upon the following Project Characteristics:

Flow	12.29 MGD
BOD5	18,314 lbs/day
TSS	18,344 lbs/day
Phosphorus	747 lbs/day

The above characteristics are the actual average for the twelve (12) months ending November of 2002. Any change of ten percent (10%) or more in any of these characteristics, based upon a twelve (12) month moving average, will constitute a change in scope.

Appendix D

INDUSTRIAL PRETREATMENT PROGRAM

- D.1
- a) Conduct a survey of the industrial user base 1 time per 3 years. Update, as required, the list of significant industrial users (SIUs) as described in Appendix D according to the definition of SIU in 40 CFR 403 or the definition in the approved pretreatment program (Program), whichever is more stringent.
 - b) Carry out inspection, surveillance, and monitoring procedures to determine if the SIUs are in compliance with the Pretreatment Standards and the approved Program. Each SIU shall be sampled and inspected at the frequency established in 40 CFR 403 or the approved Program, whichever is more stringent. Maintain adequate records.
 - c) Maintain the laboratory analysis program for each SIU as described in Appendix D. Results of all industrial sampling and testing shall be reported to Owner, as required, in a timely manner.
 - d) Implement the approved industrial permitting system. Prepare for renewal all necessary industrial user control mechanisms within 45 days of the expiration date or within 180 days after the industry has been determined to be an SIU.
 - e) Prepare notices of violation for noncompliance with 40 CFR 403 or the approved Program, whichever is more stringent, and initiate other enforcement actions by notifying Owner of the appropriate enforcement action according to the approved enforcement response plan.
 - f) Prepare for submission to the Approval Authority (EPA and/or the appropriate State agency) an annual report describing the Program activities over the previous Program year in accordance with 40 CFR 403 or the approved Program, whichever is more stringent. Assist Owner with annual public notice of dischargers in significant noncompliance as required by 40 CFR 403.
 - g). Advise Owner of changes in federal and State Pretreatment Standards and regulations and how the changes affect the local Program. Request approval from Owner and the Approval Authority prior to implementing significant changes to the approved Program in

accordance with 40 CFR 403.18(c).

- h) Local limits evaluation, if requested, may be provided as an out of scope service. The costs of such evaluation will be determined and negotiated at the time of the request.

D.2 Industrial Waste Dischargers and Monitoring Program City of Fayetteville

Industry	Parameters Analyzed
Ayrshire Electronics, LLC 1101 S. Beechwood Fayetteville, AR 72701 Mr. Tim Pearce 442-5356 ext. 2113	Cadmium, chromium, copper, lead, nickel, silver, zinc
Cooper Power Systems/Kearney Operation 3660 S. School Avenue Fayetteville, AR 72701 Mr. James Raynor 587-6335	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide
Elkhart Products Corporation PO Box 1129 Fayetteville, AR 72702 Mr. Jerry Whiteside 443-2367	Chromium, copper, lead, nickel, zinc, oil & grease
Hiland Dairy Company PO Box 3478 Fayetteville, AR 72702 Mr. Ray Arnold 521-1707	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Danaher Tool Group/K-D Tools 2900 City Lake Road Fayetteville, AR 72701 Mr. Dwight Canfield 442-7779 ext. 316	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide
Marshalltown Tools 2200 Industrial Drive Fayetteville, AR 72701 Mr. Jim Glass 521-4306 ext. 163	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide

Industry	Parameters Analyzed
Mexican Original (East) PO Box 1368 Fayetteville, AR 72702 Mr. Roy Foster 521-4306 ext. 321	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Pinnacle Foods Corporation PO Box G Fayetteville, AR 72702 Mr. Fred McLane 443-3451 ext. 216	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Superior Industries International, Inc. 1901 Borick Drive Fayetteville, AR 72701 Mr. Robert Bracy 443-7870	Cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide
Tyson Foods, Inc. 2615 S. School Fayetteville, AR 72701 Mr. Richard Stockton 521-0677	Biochemical oxygen demand, total suspended solids, phosphorus, pH, oil & grease
Waste Management PO Box 1310 Springdale, AR 72765-1310 Mr. Jimmy Hendrix 361-1111	Cadmium, chromium, copper, lead, nickel, zinc, pH

Appendix E

VEHICLE AND MOBILE EQUIPMENT DESCRIPTION

Unit #	Unit Description	Year
1092	Ford Explorer	2002
2009	Ford Ranger 4 X 4	1997
203	GMC Jimmy 4WD	1987
266	GMC V-Jimmy	1990
284	Ford Ranger 4 X 4	1992
310	Ford F-350 3-Way Dump	1990
320	Ford F-350 Crew Cab	1999
324	Ford F-350 w/crane	1999
339	Ford F-350 4 X 4	2002
539	Ford CM224 Mower	1994
550	Ford 5640 Tractor w/Loader	1995
551	Ford 3930 Tractor	1995
556	Ford/New Holland 8160 Tractor w/Loader	1997
562	New Holland 8160 Tractor	1999
563	New Holland Tractor	1999
564	New Holland Tractor w/Loader	1999
566	Ford LS55 Lawn Tractor	1999
570	New Holland 95 hp Tractor	2000
644	New Holland Backhoe/Loader	2000
701	Ford 8000 Dump	1983
712	Ford 8000 (Gooseneck)	1983
734	Freight Liner	1987
76	Caterpillar Articulated Tanker	1988
77	Caterpillar Articulated Tanker	1988
806	Case 1150G Bulldozer	1995
82	Sykes 6" Pump/Trailer	1995
900	Generator	1987
9002	New Holland 648 Round Baler	1999
9003	New Holland 1411 Mower	1999
9004	John Deere 348-C Square Baler	1999
9017	New Holland 1411 Mower	2000
9031	E-Z Go Workhorse	2001
9034	Yale Forklift	2001
9037	E-Z Go Workhorse	2002

910	16 Ft. Trailer N/C	1987
927	24' Parker Gooseneck Trailer	1991
959	Bush Hog 2620 Cutter	1995
966	18 Ft. Trailer	1996
968	Discbine	1996
969	Lo-Boy Trailer	1996
987	Hesston Large Square Baler	1998
988	Hesston Wheel Rake	1998
989	M & W Wheel Rake	1998
990	New Holland 1411 Mower	1998
991	Polaris 500 4 X 4	1998
992	Polaris 500 4 X 4	1998

Appendix H

THIRTY-DAY CHEMICAL INVENTORY

Chemical	Purpose	30-Day Supply
Liquid Alum	Phosphorus Removal	2,200 Gallons
Ferrous Sulfate	Lift Station Odor Control	10,000 Gallons
Sodium Hydroxide	Digester Odor Control	4,000 Gallons
Sodium Hypochlorite	Digester Odor Control	4,500 Gallons
Sulfuric Acid	Digester Odor Control	3,200 Gallons
Liquid Oxygen	Effluent Dissolved Oxygen	50,000 Cubic Ft

Appendix J
COST DETAIL

The proposed annual estimated costs for 2003 were calculated as follows:

	Projected 2002	Budgeted 2002	Proposed 2003
Direct Labor & Benefits	\$1,490,254	\$1,436,331	\$1,487,466
Labor Markup @ 35%	\$521,589	\$502,716	\$520,613
Electricity	\$714,716	\$744,000	\$780,000
Electrical Markup @ 5% (0% Markup for 2003)	\$35,736	\$37,200	\$0
Other Direct Costs	\$718,845	\$722,275	\$709,012
Other Direct Costs Markup @ 10%	\$71,885	\$72,227	\$70,901
Subtotal	\$3,553,025	\$3,514,749	\$3,567,992
Fixed Fee	\$91,128	\$91,128	\$92,509
Lift Station Odor Control	\$153,420	\$196,080	\$170,000
Total O & M Budget	\$3,797,573	\$3,801,957	\$3,830,501
SCADA Upgrade Project	\$0	\$44,000	\$44,000
Total Budget	\$3,797,573	\$3,845,957	\$3,874,501

The following are some of the major reasons for cost circumstances:

1. Projected electrical costs due to the experience of 2001 with full utilization of the second aeration basin, as well as the experience of enormous increases in 'fuel cost adjustments' to the electrical costs in 2001. The reoccurrence of this situation cannot be ruled out in 2003, even though this adjustment did not occur in 2002.
2. Continued increase in the cost of providing skilled professional labor in Northwest Arkansas' highly competitive job market, as well as a remarkable increase in the cost of benefits.
3. Projected decrease in spending to control odors in the collection system since the tanks, pumps, and controls installed in 2002 will be sufficient for 2003 as well.

Appendix K

SCADA UPGRADE - PHASE 3 - SCOPE OF WORK

The following SCADA upgrade tasks will be performed by OMI during the calendar year 2003.

1. Installation of SCADA monitoring equipment (purchased and constructed in 2000) at 15 remote valve sites in the water distribution system, specific sites to be determined by the City, to be compatible with the OMI-developed SCADA system. This work was originally scheduled to be performed in 2000, but was delayed due to delays in construction of the specific water distribution components that will be monitored. Note that this item specifically excludes responsibility for providing the actual sensing or control devices, any road boring or road cutting required for access, installation of electrical service, or purchase/installation of mechanical equipment at these locations.

STAFF REVIEW FORM

HANGAR COMPLEX
A. 10 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

Executive Hangar Complex
CO # 1 - Tomlinson AsphaltFor the Fayetteville City Council Meeting of: February 4, 2003

FROM:

Ray M. Boudreaux
Name

Aviation & Economic Development
Division

Airport
Department

ACTION REQUIRED: Review and City Council approval of Change Order #1 from Tomlinson Asphalt, Inc., comprising necessary or required changes to water/sewer infrastructure. Will increase the project cost \$67,19.85. Forward to the Mayor for signature.

COST TO CITY:

<u>\$67,197.85</u> Cost of this request	<u>\$ 677,829.00</u> Category/Project Budget	<u>South Hangar Apron Complex</u> Program Category / Project Name
<u>5550.3960.5804.00</u> Account Number	<u>\$ 238,393.00</u> Funds Used to Date	<u>Capital</u> Program / Project Category Name
<u>02131-1</u> Project Number	<u>\$ 439,436.00</u> Remaining Balance	<u>Airport</u> Fund Name

BUDGET REVIEW: Budgeted Item X Budget Adjustment Attached

<u>Budget Manager</u>	<u>Date</u>	<u>Administrative Services Director</u>	<u>Date</u>
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CONTRACT/GRANT/LEASE REVIEW:

<u>Accounting Manager</u>	<u>Date</u>	<u>Internal Auditor</u>	<u>Date</u>
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<u>City Attorney</u>	<u>Date</u>	<u>ADA Coordinator</u>	<u>Date</u>
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<u>Purchasing Manager</u>	<u>Date</u>	<u>Grant Coordinator</u>	<u>Date</u>
---------------------------	-------------	--------------------------	-------------

STAFF RECOMMENDATION: Staff recommends approval of Change Order #1 - Tomlinson Asphalt, Inc.

Division Head Date
Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes No XPrevious Ord/Res#: 163-02Orig. Contract Date 10/15/2002Orig. Contract Number 876

Description Change Order #1 Tomlinson Asphalt Meeting Date February 4, 2003
S. Exec Hangar Complex

Comments:

Budget Manager

Accounting Manager

City Attorney

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Reference Comments:

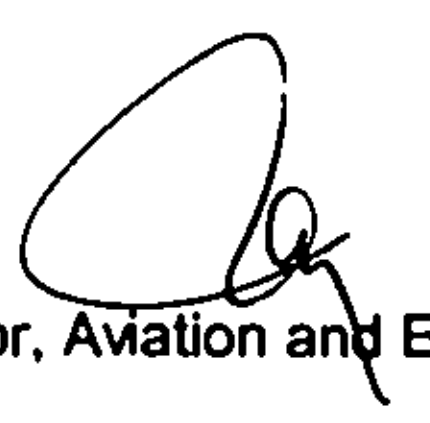
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

HANGAR COMPLEX
A. 10 Page 3

4500 School Ave., Suite F
Fayetteville, AR 72701
.....

TO: Dan Coody, Mayor
City Council Members
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: January 21, 2002
SUBJECT: Executive Ramp Development Project Change Order #1



Background: Attached please find an amendment to the project for utilities. OM asked that we change the sewer and route the pump station to a Greenland manhole rather than enter an adjacent force main. This increased the cost by \$24,150.25. They additionally asked us to study the possibility of running gravity sewer to the Greenland lift station. This option proved way too expensive. We did however, lower the sanitary sewer lines to be able to accept outflow from the current airport pump station should it ever require replacement. This increased the project cost by \$10,050.60. The project required the contractor to connect the water supply to a City main which was discovered to be bad and in dire need of replacement. It had leaked several times. That replacement cost to replace the Citywater main increased the cost by \$19,785.00. The final change is to place conduits under the pavement for the utilities. This increased the price by \$5,788.00.

Purpose: The purpose of this Change order is to fund the additional costs of the ramp development project.

Budget Considerations: Funds are available and a budget adjustment is included. Water Department will cover the cost of the water line replacement from the water line replacement fund. The remainder will be covered in the contingency fund of the project.

Requested Action: Staff recommends the City Council approve the change order, and authorize the Mayor to sign the documents.

Attachments: Change Order
Staff Review Form

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year 2003	Department: General Government Division: Aviation & Economic Development Program: Airport Capital	Date Requested 02/04/2003	Adjustment #
----------------------------	---	-------------------------------------	--------------

Project or Item Requested: \$67,198 in the Capital Program Building Costs account.	Project or Item Deleted: Increase \$67,198 in Use of Fund Balance account.
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Justification of this Increase: Will provide additional water/sewer infrastructure improvements in conjunction with the S. Executive Ramp pavement expansion project. The increase is necessitated by regulatory requirements, as well as the need to replace existing deteriorated materials while ground is open.	Justification of this Decrease: Sufficient funding remains in projects to meet 2003 objectives. Sufficient funding remains to comply with City policy.
---	--

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number				Project Number	
Building Costs	67,198	5550	3960	5804	00	02131	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number				Project Number	
Use of Fund Balance	67,198	5550	0955	4999	99		

Approval Signatures		Budget Office Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Date of Approval					
Department Director	Date	Posted to General Ledger					
Admin. Services Director	Date	Posted to Project Accounting					
Mayor	Date	Entered in Category Log					



P.O. Box 1229
Fayetteville, Arkansas 72702-1229
501-443-2377
FAX 501-443-9241

January 17, 2003

Mr. Ray Bourdeaux
Airport Department
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Executive Hangar Complex
Fayetteville Municipal Airport

Dear Mr. Boudreaux:

Enclosed please find four (4) copies of Change Order No.1 from Tomlinson Asphalt Co. for approval by the City. Please return one (1) signed copy to the Contractor and to our office.

The Change Order cost for the force main to the existing manhole on Parker St. in Greenland is \$24,150.25, the cost for the utility conduits for the Hangars under construction and the future hangars is \$5,788.00, the cost for the replacement water line is \$19,785.00 and the cost for the extra manholes and the additional depth of the sewer line is \$10,050.60.

If there are any questions regarding this project, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Change Order No. 1 (4 copies)

CHANGE ORDER

Order No. 1

Date: January 15, 2003

Agreement Date: October 15, 2002

NAME OF PROJECT: Executive Hangar Complex - Drake Field

OWNER: City of Fayetteville (Airport Department)

CONTRACTOR: Tomlinson Asphalt Company, Inc.

The following changes are hereby made to the CONTRACT DOCUMENTS:

1. Add Bid Item No. 50 for 4" Force Main from Pump Station to Manhole on Parker Street in Greenland including trenching, backfill, trace wire and stone backfill over the upper foot along Parker Street: 861 Linear Feet at \$13.80 per linear foot.
Add cost of \$ 11,881.00 to contract.
2. Add Bid Item No. 51 for 3 - 4-inch 45° bends in 4-inch force main: 3 Each at \$207.00 per each.
Add cost of \$ 621.00 to contract.
3. Add Bid Item No. 52 for Force Main Cleaning Pig launcher: 1 Each at \$4,200.00 per each. Add cost of \$ 4,200.00 to contract.
4. Add Bid Item No. 53 for Force Main connection to existing Manhole including valve box for trace wire termination:
1 Lump Sum at \$2,874 per lump sum. Add cost of \$ 2,874.00 to contract.
5. Add Bid Item No. 54 for 12-inch steel casing of force main under creek: 24 LF at \$ 72.00 per linear foot.
Add cost of \$ 1,728.00 to contract.
6. Add Bid Item No. 55 for Asphalt Street repair to Parker Street: 99 LF at \$ 28.75 per linear foot.
Add cost of \$ 2,846.25 to contract.
7. Add Bid Item No. 56 for 1 foot of Additional Sewer Line Trench Depth for Line 1: 562 LF at \$ 6.30 per linear foot.
Add cost of \$ 3,540.60 to contract.
8. Add Bid Item No. 57 for Additional depth of Sanitary Sewer Manholes: 6.0 VF at \$ 172.50 per Vertical foot.
Add cost of \$ 1,035.00 to contract.
9. Add Bid Item No. 58 for 2 - 3-inch Sch. 40 PVC Conduits for Telephone Cables: 720 LF at \$ 5.29 per linear foot.
Add cost of \$ 3,808.00 to contract.
10. Add Bid Item No. 59 for 2-inch Sch. 40 PVC Conduit for Cable TV: 720 LF at \$ 1.50 per linear foot.
Add cost of \$ 1,080.00 to contract.
11. Add Bid Item No. 60 for 4-inch Sch. 40 PVC Conduit for Gas Line: 200 LF at \$ 4.50 per linear foot.
Add cost of \$ 900.00 to contract.
12. Increase the quantity of Bid Item No. 27 for 8-inch C900 Water Line by 380 Linear Feet from 1025 LF to 1405 LF:
380 LF at \$ 28.75 per linear foot. Add cost of \$ 7,782.40 to contract
13. Increase the quantity of Bid Item No. 34 for Class 7 Trench Backfill by 1300 Tons from 450 Tons to 1750:
1300 Tons at \$ 14.50 per Ton. Add cost of \$18,850.00 to contract.
14. Increase the quantity of Bid Item No. 35 for Sanitary Sewer Manhole by 3 from 3 EA. to 6 EA.: 3 EA at \$ 1,825.00 Each.
Add cost of \$5,475.00 to contract
15. Increase the quantity of Bid Item No. 46 for "Contractor's General Condition" by \$575.00 from \$ 2,000.00 to \$ 2,575.00:
Add cost of \$ 575.00 to contract.

Justification:

- 1 thru 6. The connection of the new Pump Station force main to the existing 8-inch force main 70 feet away was not allowed and therefore the need to install a 4-inch Force Main along Parker St. in Greenland for a distance of 861 feet.
- 7 & 8. The sewer line along the east side of the development is deepened for the future capability to gravity flow the entire west side Airport Development to the new Pump Station and the removal of the old pump station north of the Terminal Building.
- 9 - 11. Add conduits for the installation of underground utilities for Electric, Telephone, Cable TV and Gas, as required by the Utility Companies.
12. Increase the amount of the new 8-inch PVC Water Line to replace the deteriorated existing 8-inch Ductile Iron Water Line.
13. Increase the amount of Class 7 Crushed Stone Trench Backfill for water and sewer line trench for the additional water line length and the additional depth of sewer line.
14. Increase the number of manholes as required by the Ark Dept of Health and to serve the future sewer connections.
15. Increase the General Conditions cost for Change Order No. 1 items.
16. Increase the time for the Contractor for minor weather delays and the delay of water and sewer approvals and for the possible sewer line rerouting to the Greenland Pump Station.

CONTRACT PRICE prior to this Change Order: \$ 616,207.70

Decrease in Contract Price: \$ 67,197.85

Revised CONTRACT PRICE Including this Change Order: \$ 683,405.55

Final Completion Time Prior to This Change Order: 150 Calendar Days

Net Time Change Resulting From This Change Order: 20 Calendar Days

Current Contract Completion Dates Including This Change Order:

Completion Date: March 17, 2003

Change to CONTRACT TIME:

The CONTRACT TIME will be (increased) (~~decreased~~) by 20 calendar days.

Approvals Required:

To be effective this Order must be approved by the Owner if it changes the scope or objective or the PROJECT, or as may otherwise be required by the GENERAL CONDITIONS.

Requested by:


Tomlinson Asphalt Company Inc.

1-15-03
Date

Recommended by:


McClelland Consulting Engineers, Inc.

1-15-03
Date

Approved by:

City of Fayetteville

Date

STAFF REVIEW FORM

FRISCO
B. 1 Page 1

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of November 19

FROM:

Hugh EarnestUrban Development

Name Division Department

ACTION REQUIRED: A resolution certifying to the tax collector of Washington County the costs of abating Unsightly and unsanitary conditions upon the property located at 922 North Frisco avenue in the city of Fayetteville, AR.

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 AttachedB. Earnest
Budget Manager
Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Marsha Fanning
Accounting Manager10/31/02
Date
ADA Coordinator
DateD. P. White
City Attorney10/31/02
DateNancy Smith
Internal Auditor10/31/02
DateP. Wise
Purchasing Officer11/1/02
Date

STAFF RECOMMENDATION: Approval of the Resolution and Budget Adjustment

Division Head

Date

Cross ReferenceHugh Earnest
Department Director10-30-02
Date

New Item: Yes No

Stephane
Administrative Services Director11-1-02
Date

Prev Ord/Res #:

Alan Coody11/04/02

Page 2

STAFF REVIEW FORM

Description _____ Meeting Date

Comments:

Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: October 30, 2002

To: The Mayor and Council

From: Hugh Earnest
Urban Development Director

Subject: Charles Jordan Property at 922 N. Frisco

Background

This particular piece of property has been an issue for code enforcement for some time. On April 3, 2002, City inspectors sent a letter requesting that the white goods and other discarded items be removed from the above referenced site. Despite the fact that a considerable amount of time over the date given in the letter was allowed, no attempt was made to remove any material. Rather, a good portion of the material on site was moved into the ditch in front of the referenced property. On July 25, 2002, City crews from Solid Waste removed the material at a cost to the City of \$1,177.57. Copies of all the correspondence are attached. In addition, we have photos which will be available at the Council meeting.

Current Situation

Following the clean up, a bill for the services rendered was sent via registered certified mail to the property owner. The letter was returned by the post office after three attempts to make delivery. In order to ensure delivery, an officer from the Police Department did make delivery to the property owner on August 28, 2002. The letter gave the owner 30 days from the date of delivery to make restitution for the clean up. The time given has long expired. As of the date of this memo, we have not had any formal response to our letter.

Recommendation

Our City Attorney advises that the action taken by City crews in cleaning up the site constitutes a lien against the property. While we remain hopeful that the situation can be resolved, the facts dictate that we recommend the following course of action by the Council. The City Council by resolution should remand to the Tax Collector the amount of the bill to be included as part of the tax bill on the property. The Council by resolution must verify the charge for services. This will make the City charge for services payable as part of the yearly assessment from the County. In addition, this will mandate that any sale of the property can not occur without a resolution of the outstanding charge by any purchaser. We will see that the current owner of the property is furnished this memo and we will make every effort to try to resolve this issue prior to any action by the Council.

RESOLUTION NO. _____

A RESOLUTION CERTIFYING TO THE TAX COLLECTOR OF WASHINGTON COUNTY THE COSTS OF ABATING UNSIGHTLY AND UNSANITARY CONDITIONS UPON THE PROPERTY LOCATED AT 922 NORTH FRISCO AVENUE IN THE CITY OF FAYETTEVILLE, ARKANSAS.

WHEREAS, pursuant to the provisions of §§ 95.01-95.03, Code of Fayetteville, as authorized by A.C.A. §14-54-901 et seq., the City of Fayetteville directed the owner of the property located at 922 North Frisco Avenue (WC Parcel #765-08496-000) to correct unsightly or unsanitary conditions on the property; and,

WHEREAS, Charles J. Jordon, record owner of the property, failed to correct the unsightly or unsanitary conditions on the property within the twenty (20) days allotted; and,

WHEREAS, the City of Fayetteville, in accordance with the above-cited ordinances and statutes, entered upon the property and corrected the unsightly or unsanitary conditions; and,

WHEREAS, by operation of law, the City is given a lien against this real property for the costs of correcting the unsightly or unsanitary conditions; and,

WHEREAS, the City Council of the City of Fayetteville, Arkansas, is required to determine the appropriate amount of the lien, and certify this amount to the Tax Collector of Washington County, Arkansas to be placed on the tax books as delinquent taxes.

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

Section 1. That, by the authority granted pursuant to §14-54-901 et seq., and in accordance with the provisions of §§ 95.01-95.03, Code of Fayetteville, the City Council of the City of Fayetteville, Arkansas, hereby determines the appropriate amount of the lien against the property located at 922 North Frisco Avenue (WC Parcel #765-08496-000) to be \$_____.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby certifies this amount to Mr. David Ruff, Tax Collector for Washington County, Arkansas, so that this amount, plus ten percent (10%) penalty for

collection, be placed on the tax books as delinquent taxes against the property located at 922 North Frisco Avenue (WC Parcel #765-08496-000).

PASSED and APPROVED this _____ day of _____, 2002.

APPROVED:

By: _____

DAN COODY Mayor

ATTEST:

By: _____

HEATHER WOODRUFF, City Clerk

DRAFT

STAFF REVIEW FORM

ENVIRON CONCERNS
C. 1 Page 1

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

FOR: COUNCIL MEETING OF FEB. 4, 2003 ~~January 21, 2002~~ MAYOR'S APPROVAL _____

FROM:

Brenda Thiel

Alderman

Name

Division

Department

ACTION REQUIRED An Ordinance Repealing Ordinance 3922 And Adopting A New
Ordinance Governing The Environmental Concerns Committee

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

Internal Auditor

Date

City Attorney

Date

ADA Coordinator

Date

Purchasing Officer

Date

STAFF RECOMMENDATION:

CROSS REFERENCE

Division Head

Date

New Item: Yes No

Department Director

Date

Previous Ordinance/Resolution No.: _____

Administrative Services Director

Date

Mayor

Date

ORDINANCE NO. _____

AN ORDINANCE REPEALING ORDINANCE 3922 AND
ADOPTING A NEW ORDINANCE GOVERNING THE
ENVIRONMENTAL CONCERNS COMMITTEE

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 Ordinance 3922.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby reestablishes the Environmental Concerns Committee originally established in Ordinance No. 3922 and sets forth the purposes, activities, and membership of this committee.

A. The purpose of the committee shall be as follows:

1. To address environmental concerns;
2. Promote a safe and healthy environment;
3. Maintain the natural beauty of the environment within the City.

B. The Environmental Concerns Committee shall make recommendations to other city committees and to the City Council on matters concerning the environment.

C. The Environmental Concerns Committee shall promulgate rules and regulations necessary for the conduct of committee meetings and other business.

D. Such committee membership shall be composed of the following:

- ◆ One (1) City Council Member
- ◆ One (1) Member from local industry
- ◆ One (1) Member from a science discipline
- ◆ Six (6) citizens-at-large

E. Terms of Membership

- ◆ The City Council member shall be appointed by the Mayor and shall serve until replaced.
- ◆ Terms of all other members shall be three years and shall be staggered so that each year either two or three of the members' terms shall be available for appointment by the Nominating Committee.
- ◆ Members of the Environmental Concerns Committee serving at the time of the adoption of this ordinance shall continue to serve their terms (or a shortened term) without needing to be reappointed by the Nominating Committee due to enactment of this ordinance.

PASSED and APPROVED this 21st day of January, 2003.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

THE CITY OF FAYETTEVILLE, ARKANSAS

Date: January 22, 2003
To: The Mayor and City Council
From: Hugh Earnest 
Chief Administrative Officer
Subject: Issuance of Public Facilities Bonds

Background

In September of 2001, a rezoning request for 19.39 acres located on the southwest corner of 15th Street and Beechwood Avenue was initiated by the agent of record on the project Mr. Bill McClard. The Planning Commission approved the rezoning request on September 24, 2001. The City Council, after considerable discussion with the then developer of the site, Mr. Tom Broyles, and several in-depth discussions with various neighborhood groups as to what the final design and layout would look like, approved the rezoning from I-1 Heavy Commercial-Light Industrial to R-2 Medium Density Residential on December 4, 2001. During several meetings with interested parties, Mr. Broyles presented a fairly detailed drawing of the proposed development and committed to a number of issues relative to stormwater retention, commitment of greenway and trail corridors and the number of apartments to be built. It was clearly understood in all the conversation before the Commission and Council that the underlying rationale behind these apartments was student housing.

Current Situation

There was little or no activity on this site until the last several months. What has occurred since this item was publicly discussed is the following. Mr. Tom Broyles is no longer a principal participant in this particular parcel. Rather, Ford Waters from the Memphis area, is now the developer of record. As part of that role, he has been discussing a much closer working arrangement with the University of Arkansas than was originally contemplated during the discussions in 2001. A key part of that working arrangement is an agreement in principle between the University and the developer that he will develop the complex for the University and that the University will have a third party issue the bonds for the construction. That third party is the Public Facilities Board of the City of Fayetteville.

Recommendation

In order for this important addition to the University's housing capacity to occur, it will be necessary for the Council to approve the issuance of tax exempt bonds by their Public Facilities Board. It will also be necessary for the City enabling ordinance to be amended to enable the Board to issue bonds for student housing. This particular financial arrangement is being requested by the parties because it is the best financing package available to the University. As with other bonds issued by the Public Facilities Board, there is no financial liability incurred by the City.

Mr. Jim McCord, who serves as Counsel to the Public Facilities Board, will be at the agenda meeting to answer any questions the Council may have. We have also asked Dr. Pederson from the University to attend the Council meeting on February 4th. The Council should also be aware that the ordinance as drafted clearly requires the developer to follow all City regulations and requirements in the construction of this large complex.

JAMES N. McCORD
Attorney at Law
11 N. WEST AVE.
SUITE #202
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 695-1135
jimmccordlaw@atttel.net

RECEIVED

JAN 21 2003

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

January 21, 2003

To: Hugh Earnest
Chief Administrative Officer
City of Fayetteville

From: James N. McCord *JNM*
Counsel to Fayetteville Public Facilities Board

Re: Response to Request for Background Information on Fayetteville Public
Facilities Board

The Fayetteville Public Facilities Board (the "Board") was established by a 1978 ordinance of the Fayetteville Board of Directors adopted pursuant to the Arkansas Public Facilities Boards Act, Ark. Code Ann Sec. 14-137-101 et seq. (the "Act"). The stated purpose of the Act is to provide an alternative method of financing:

- Decent, safe, and sanitary residential housing;
- Facilities for health care;
- Off-street parking facilities;
- Facilities for recreation and to develop tourism;
- Waterworks facilities;
- Sewer facilities
- Facilities for securing or developing industry;
- Energy facilities; and
- Hydroelectric power projects.

The Act authorizes a public facilities board to issue tax exempt bonds to finance any such facilities; but, the City's 1978 ordinance limited the authority of the Board to residential housing for persons of low and moderate income. The Board issued over \$16,000,000 in single family mortgage revenue bonds to make low interest rate home loans available through area lending institutions to persons of low and moderate income purchasing a home for the first time.

Subsequent amendments to the 1978 ordinance authorize the Board to finance health care facilities and residential housing, health care, and related

facilities to serve elderly persons. The Board has issued tax exempt bonds to finance construction of Charter Vista Hospital (now Vista Health) and Butterfield Trail Village.

The University of Arkansas is requesting the Board to issue tax exempt bonds to finance construction of a student apartment complex. In order for the Board to issue the bonds, the City Council would need to adopt an ordinance expanding the Board's authority. The current ordinance provides that "The Facilities Board's authority may vary as allowed by statute and as provided by further amending ordinances which may be passed by the City in the future."

The Board consists of five members who serve terms of five years. Successor members are nominated and elected by the Board. Current Board members are Dennis L. Smith, Chairman, Steve Adams, Phil Taylor, Tommy Deweese and Steve Cosby.

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE FAYETTEVILLE
PUBLIC FACILITIES BOARD TO DEVELOP STUDENT
HOUSING FACILITIES AND TO ISSUE REVENUE BONDS
FOR THE PURPOSE OF FINANCING STUDENT HOUSING
TO BE DEVELOPED IN COMPLIANCE WITH ALL CITY
DEVELOPMENT ORDINANCES

WHEREAS, the City of Fayetteville, Arkansas created the Fayetteville Public Facilities Board by Ordinance No. 2485 on November 21, 1978 and has passed further amending ordinances (2708, 2991 and 4021) pursuant to Title 14, Chapter 137 of the Arkansas Code Annotated; and

WHEREAS, the University of Arkansas is in need of additional housing to serve the students attending the Fayetteville campus of the University; and

WHEREAS, the Act empowers facilities boards organized thereunder to issue revenue bonds for the purpose of financing residential housing facilities and educational facilities; and

WHEREAS, the Ordinance No. 2485, as amended, does not presently authorize the Board to issue its bonds for such purpose;

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 finds that the development of housing to serve the students attending the Fayetteville campus of the University of Arkansas serves a substantial public purpose and that there is a significant need in the City for such facilities.

Section 2. In addition to the powers of the Facilities Board set forth in Ordinance No. 2485, as amended, the Facilities Board is hereby authorized to own, acquire, construct, reconstruct, extend, equipment, improve, operate, maintain, sell, lease, and contract concerning, or otherwise deal in or dispose of student housing facilities, including, without limitation, dormitories and apartments.

DRAFT

Section 3. The Facilities Board is hereby authorized to issue revenue bonds under the provisions of the Act for the purpose of financing student housing facilities, including, without limitation, dormitories and apartments, upon condition that the development of such facilities shall comply with all City zoning, land use, land development, impact fee and building construction ordinances.

Section 4. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this the 4th day of February, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE FAYETTEVILLE PUBLIC FACILITIES BOARD TO DEVELOP STUDENT HOUSING FACILITIES AND TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING THE SAME; AUTHORIZING AND PRESCRIBING OTHER MATTERS PERTAINING THERETO; AND DECLARING AN EMERGENCY.

WHEREAS, the City of Fayetteville, Arkansas (the "City") adopted Ordinance No. 2485, passed and approved on November 21, 1978, as amended by Ordinance No. 2708, passed and approved March 3, 1981, Ordinance No. 2991, passed and approved March 20, 1984, and Ordinance No. 4021, passed and approved February 18, 1997, which established The Fayetteville Public Facilities Board (the "Facilities Board") pursuant to the provisions of the Public Facilities Boards Act, Title 14, Chapter 137 of the Arkansas Code of 1987 Annotated (the "Act"); and

WHEREAS, the University of Arkansas is in need of additional housing to serve the students attending the Fayetteville campus of the University; and

WHEREAS, it is proposed that the Board issue its revenue bonds under the Act for the purpose of financing the cost of such housing; and

WHEREAS, the Act empowers public facilities boards organized thereunder to issue revenue bonds for the purpose of financing residential housing facilities and educational facilities; and

WHEREAS, Ordinance No. 2485, as amended, does not presently authorize the Board to issue its bonds for such purpose;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, Arkansas:

Section 1. The City Council hereby finds that the development of housing to serve the students attending the Fayetteville campus of the University of Arkansas serves a substantial public purpose and that there is a significant need in the City for such facilities.

Section 2. In addition to the powers of the Facilities Board set forth in Ordinance No. 2485, as amended, the Facilities Board is hereby authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, and contract concerning, or otherwise deal in or dispose of student housing facilities, including, without limitation, dormitories and apartments.

Section 3. The Facilities Board is hereby authorized to issue revenue bonds under the provisions of the Act for the purpose of financing student housing facilities, including, without limitation, dormitories and apartments.

Section 4. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Because of the shortage of student housing within the City, there is hereby found and declared to be an immediate need for the for the providing of student housing facilities, thereby benefitting the public health, safety and welfare of the City and the inhabitants thereof, and the powers authorized hereby are immediately necessary for the accomplishing of these public benefits and purposes. It is, therefore, declared that an emergency exists and this Ordinance being necessary for the preservation of the public peace, health and safety shall be in force and effect immediately upon and after its passage.

PASSED: _____, 2003.

ATTEST:

APPROVED:

Mayor

City Clerk

(SEAL)

AN ORDINANCE AMENDING ORDINANCE NO. 2485, AS AMENDED, TO MAKE EXPRESSLY CLEAR THAT THE FAYETTEVILLE PUBLIC FACILITIES BOARDS' AUTHORIZATION TO ISSUE REVENUE BONDS FOR THE PURPOSE OF FINANCING RESIDENTIAL HOUSING, HEALTH CARE, AND RELATED FACILITIES TO SERVE ELDERLY PERSONS IS IN ADDITION TO ANY OTHER AUTHORIZATION TO ISSUE BONDS CONTAINED ELSEWHERE IN THE ORDINANCE; TO DELETE SECTION 9 OF ORDINANCE NO. 2485 WHICH NAMED FRIDAY, ELDREDGE & CLARK AS BOND COUNSEL; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Directors of the City of Fayetteville, Arkansas, has established a public facilities board pursuant to Act No. 142 of the Acts of the General Assembly of the State of Arkansas for the year 1975 (the "Act"), as amended, for the purpose of financing residential housing facilities for low and moderate income families, for the purpose of financing health care facilities, and for the purpose of financing residential housing, health care, and related facilities to serve elderly persons; and,

WHEREAS, said board was established by Ordinance No. 2485 adopted and approved November 21, 1978, as amended by Ordinance No. 2708, adopted and approved March 3, 1981 and Ordinance No. 2991 adopted and approved March 20, 1984; and,

WHEREAS, the Fayetteville City Council wishes to make it expressly clear that the Public Facilities Board is authorized three separate and distinct powers by this and previous amendments - one; to finance residential housing facilities for low and moderate income families; - two, to finance health care facilities; and - three, to finance residential housing, health care, and related facilities to serve elderly persons; and,

WHEREAS, Section 9 of Ordinance No. 2485 providing for the appointment of the law firm of Friday, Eldredge & Clark as bond counsel was only for the issuance and sale of the residential housing facility bonds and, accordingly, should reflect that limited appointment.

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

Section 1. That Section (f) of Section 1 of Ordinance No. 2485 is hereby amended by deleting said Section (f) and replacing the same as follows:



Page 2

Ordinance No. 4021

(f) In addition to all other findings and public purposes stated in this ordinance, the development of housing, health care, and related facilities for elderly persons, regardless of income, serves a substantial public purpose and there is a significant need in the city for such facilities.

Section 2. That Section 2 of Ordinance No. 2485 is hereby amended by adding the following:

Additional authority has been granted the Facilities Board by Ordinance No. 2708 and Ordinance No. 2991 and the Facilities Boards' authority may vary as allowed by statute and as provided by further amending ordinances which may be passed by the City in the future.

Section 3. That Section 9 of Ordinance No. 2485 is hereby amended by adding the following:

Said appointment is only for the residential housing facilities bonds first authorized in Ordinance No. 2485 prior to the amendments thereto.

Section 4. As amended hereby, Ordinance No. 2485 as amended by Ordinance No. 2708 and Ordinance No. 2991, is hereby ratified and affirmed.

Section 5. All ordinances, or parts thereof, in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 6. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions or applications of this ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 7. It is hereby found and determined that there is an immediate and urgent need to finance and/or refinance a bond issue in order to provide residential housing, health care and related facilities to serve elderly persons and this ordinance is needed to allow the Public Facilities Board to proceed with such financing, any delay in which may cause harm to existing facilities and endanger the health, safety and welfare of those elderly persons benefiting from such financing. Therefore an emergency is declared to exist, and this ordinance being necessary for the public health, safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 18th day of February, 1997.



APPROVED:

By: *Fred Hanna*
Fred Hanna, Mayor

ATTEST:

By: *Traci Paul*
Traci Paul, City Clerk

CERTIFICATE OF RECORD

State of Arkansas }
City of Fayetteville } ss.

I, ^{Jane L. Heth} ~~Traci Paul~~, City Clerk/Treasurer for the City of Fayetteville, do hereby certify that the foregoing instrument is a true and correct copy of the original Ord. 4021 filed in my office on the 18th day of Feb, 1997. Witness my hand and seal this 18th day of April, 1997.

Jane L. Heth
~~Traci Paul~~, City Clerk/Treasurer
Jane L. Heth

JAMES N. McCORD
Attorney at Law
11 N. WEST AVE.
SUITE #202
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 695-1135
jimmccordlaw@attel.net

December 27, 2002

To: Fayetteville Public Facilities Board
From: James N. McCord, Board Counsel *JNM*
Re: Request by University of Arkansas for Public Facilities Board to
Issue Tax Exempt Bonds to Finance Student Apartment Project

Enclosed is a memorandum to the Fayetteville Public Facilities Board (the "Board") from Don Pederson, Vice Chancellor for Finance & Administration at the University of Arkansas (the "University") requesting the Board and the City of Fayetteville (the "City") to undertake the actions necessary for the Board to serve as a conduit issuer of tax-exempt bonds to finance construction of a student apartment project, University Terraces Apartments (the "Project"). Also enclosed is a resolution of intent drafted by University bond counsel for consideration by the Board.

The proposed financing is authorized by the Arkansas Public Facilities Boards Act. The Fayetteville City Council would need to amend the local enabling ordinance for the Board to issue the bonds. An ordinance for this purpose has been drafted by University bond counsel for submission to the City if the Board adopts the resolution of intent.

I will contact Board members soon to schedule a meeting for the University to present its proposal and for the Board to consider the resolution of intent.

pc: Don Pederson
Hon. Dan Coody, Mayor
Tom Leggett, Friday, Eldredge & Clark
Bill Blount, Blount Parrish & Company



Vice Chancellor for Finance and Administration

December 17, 2002

406 Administration Building
Fayetteville, Arkansas 72701
(501) 575-5828
Fax: (501) 575-5400

City of Fayetteville
Public Facilities Board
Attn: Mr. Jim McCord
11 N. West Avenue, Suite 202
Fayetteville, AR 72701

Re: University Terraces Apartment Project

Ladies and Gentlemen:

As you are all aware, the growth of the University of Arkansas depends, in part, on our ability to provide desirable and affordable on-campus and campus operated housing to our students. Over the past several months, the University has developed a plan under which the University would utilize a public-private partnership to complete a high quality, University-administered and managed apartment complex that would be in operation by fall of 2003. This project will mitigate our housing shortage and allow for the University's continued growth.

By way of this letter, we respectfully request that the City of Fayetteville (the "City") and the Public Facilities Board of the City of Fayetteville (the "Board") undertake the actions necessary to allow the Board to serve as a conduit issuer of tax-exempt bonds (the "Bonds") to finance the construction of University Terraces Apartments (the "Project"). When completed, the Project will consist of approximately 504 apartment units designed to house approximately 1,128 students.

Our working group has developed a full set of draft documents on this structure and we have already had discussions with attorneys for both the City and the Board. In summary, the Board will issue the Bonds in the amount of approximately \$42 million to acquire and construct the Project which will, in turn, be leased to the University. The Bonds will be secured by a lease agreement with the University. Upon completion, University Housing will have full management and leasing responsibility.

Under the proposed structure, the Board is being asked to serve merely as a conduit issuer. The Bonds will be special limited obligations of the Board secured only by the lease of the Project to the University. The Bonds will not obligate the Board or the City and neither the revenues nor the borrowing capacity of the Board or the City will be impacted by this issuance. The Board will hold title to the land and buildings until the Bonds are paid, at which time title will then be transferred to the University.

We appreciate very much your willingness to consider this request and welcome your questions and comments as they arise.

Sincerely,

Don Pederson
Vice Chancellor for Finance & Administration

RESOLUTION

**A RESOLUTION OF INTENT TO ISSUE REVENUE BONDS FOR
THE PURPOSE OF FINANCING CERTAIN STUDENT HOUSING
FACILITIES; AND PRESCRIBING OTHER MATTERS
RELATING THERETO.**

WHEREAS, The Fayetteville Public Facilities Board (the "Board") is a duly organized and existing public facilities board under the laws of the State of Arkansas and is authorized by the laws of the State of Arkansas, including particularly Title 14, Chapter 137 of the Arkansas Code of 1987 Annotated (the "Act"), to issue revenue bonds for the purpose of financing residential housing facilities and educational facilities; and

WHEREAS, the University of Arkansas (the "University") is in need of additional housing to serve the students attending the Fayetteville campus of the University; and

WHEREAS, it is proposed that the Board issue its revenue bonds under the Act for the purpose of financing the cost of such housing; and

WHEREAS, the ordinances under which the Board is organized do not presently authorize the Board to issue its bonds for such purpose; and

WHEREAS, the Board is otherwise willing to proceed with the issuance of such bonds as and when requested by the University, subject to compliance with all conditions set forth in the Act;

NOW, THEREFORE, BE IT RESOLVED by The Fayetteville Public Facilities Board:

Section 1. The Board hereby states its intention to assist in the financing proposed by the University and at such time as it may be properly called upon to do so to issue its revenue bonds, under the provisions of the Act, subject to the following:

(a) That the bonds will be special obligations only of the Board, and in no event will they constitute an indebtedness for which the faith and credit of the City of Fayetteville or any of its revenues are pledged;

(b) That the Board will not be called upon to pay any costs or expenses incurred in connection with the authorization and issuance of the bonds, and all such costs and expenses will be paid out of the proceeds of the bonds or by the University; and

(c) That the City Council of the City of Fayetteville authorize the Board to issue revenue bonds for the purpose of financing student housing facilities.

Section 2. The proposed issuance of bonds shall, subject to the conditions set forth herein, be considered for approval at a meeting called for that purpose at the request of the University. Upon advice of counsel, in the event a public hearing shall be required to be held prior to the approval of the issuance of the bonds by the Board, the publication of notice as may be required by law is hereby authorized.

Section 3. This Resolution is intended as official action or intent toward the issuance of the bonds as may be required by the Internal Revenue Code of 1986, as amended, and applicable rulings and regulations thereunder.

Section 4. This Resolution shall be effective immediately upon its adoption.

ADOPTED: January , 2003.

STUDENT HOUSING
C. 2 Page 15

APPROVED:

ATTEST:

Secretary

Chairman

(SEAL)

UA seeks housing help from developer

Complex geared to graduate students

BY TRACIE DUNGAN
ARKANSAS DEMOCRAT-GAZETTE

FAYETTEVILLE — The University of Arkansas is seeking approvals for its first public-private venture operating an off-campus apartment complex as part of its student housing program.

If the campus gets the go-ahead, the university and a private developer could construct an 1,128-bed complex, part of which could open this fall, university officials said.

In so doing, the UA would follow a national trend in which universities have been turning to privatized student housing since at least the mid-1990s.

The project would help the Fayetteville campus in two major areas.

It would give the UA a broader and more varied housing stock, particularly for graduate students, as it seeks to grow enrollment to 22,500 students by 2010, said University Housing Director William B. Smith.

Also, it would offer housing that wouldn't require university land and could be finished more quickly than UA's next student housing project, officials said. Construction of the Northwest Quadrant project is planned to wrap up in time for a fall 2004 opening.

The hybrid housing complex would be available to students for UA room fees, including most utilities.

The fully furnished apartments' amenities would include a swimming pool and clubhouse. The 29.5-acre Beechwood Avenue location also is near campus and the Tyson Track Center.

"We're looking at it as still having the support of the university, but the autonomy

See HOUSING, Page 6B

6B • WEDNESDAY, JANUARY 15, 2003 ▲ ▲

Housing

Continued from Page 1B
of feeling as though you're on your own," Smith said.

The project still needs two approvals, said UA's vice chancellor for finance and administration, Don Pederson.

UA trustees must approve an agreement in which the Fayetteville campus would lease the complex from Marlin Bisso Co. LLC of Tuscaloosa, Ala., Pederson said.

The Fayetteville Public Facilities Board approved the university's request to seek \$42 million in tax-exempt bonds last week, but the matter still must go before the Fayetteville City Council, Pederson said.

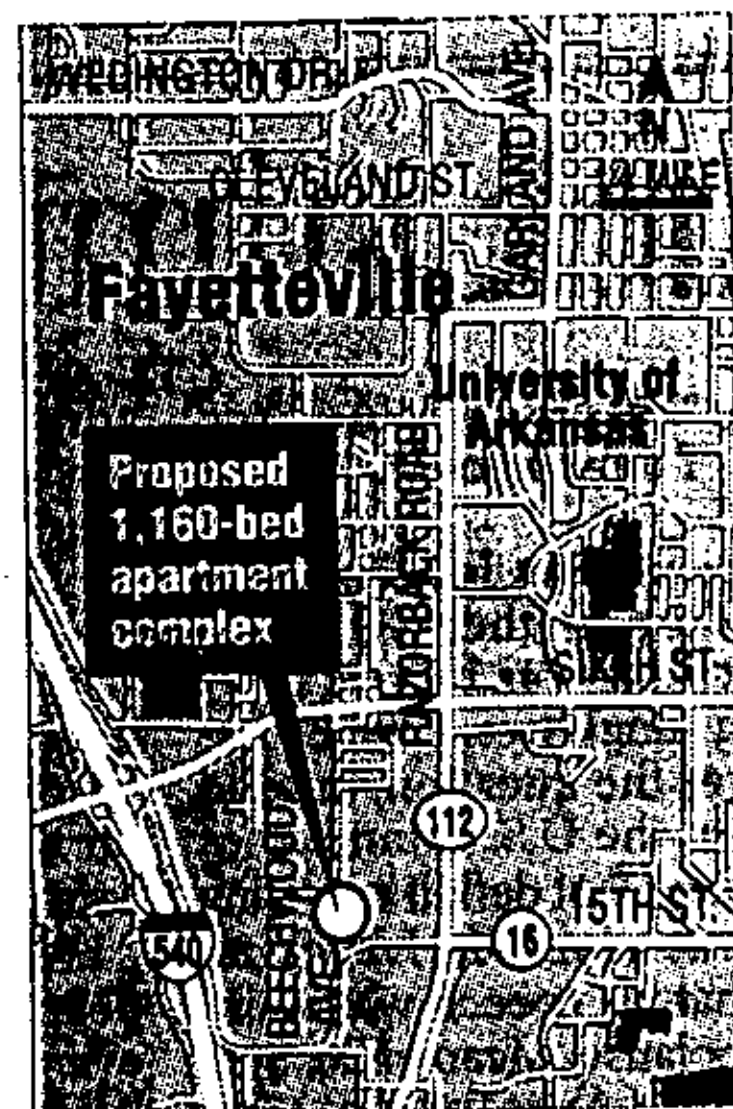
The university chose to ask the city for bond approval, rather than the state, so it could move the project forward more quickly, Pederson said.

The bond issue would cover an estimated maximum construction cost of \$37.7 million — including architect and engineering fees and contingencies — as well as bond costs, Pederson said.

Plans currently show 408 apartment units, 80 percent of which would have two bedrooms, Smith said. The remainder would be split between one- and four-bedroom units.

UA officials' goal is to open 456 beds to students this fall and the rest by fall 2004, Smith said.

The apartments would be available to graduate students and upperclassmen, officials said, noting that UA freshmen are required to live on campus.



Arkansas Democrat-Gazette

Student room fees would pay off the bonds, Pederson said.

As it stands now, the proposed rates would give students an incentive to take out 12-month leases as opposed to nine-month leases, Smith said.

The rental fees would average \$390-\$400 per person per month for a nine-month lease, but only \$360-\$370 per person per month for a year lease, he said. The rent would cover all utilities except electricity for the all-electric apartments, including water, garbage, telephone, expanded cable service and high-speed Internet.

Smith said he believes UA's lack of room to house graduate students has been impeding the university's enrollment growth and that the apartments will help with recruitment.

"It all fits together to make the university a much more attractive package for growth," Smith said.

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street, Fayetteville, Arkansas. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

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 Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 9-0-0 to recommend the vacation be approved by the City Council.

Division Head Date 1-17-03 Cross Reference
Department Director Date
Administrative Services Director Date 1-20-03 New Item: Yes No
Mayor Date Prev Ord/Res#: Orig Contract Date:

CC Meeting of February 4, 2003

FAYETTEVILLE

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

AMC Land Right of Way Vacation

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, City Planner, A.I.C.P.
DATE: January 17, 2003

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Background:

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 - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Current Status:

On January 13, 2003, the Planning Commission voted 9-0-0 to forward the Vacation to the City Council with a recommendation for approval.

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above.

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 03-1.00 TO VACATE AND ABANDON A SECTION OF 9TH STREET WEST OF SOUTH SCHOOL, NORTH OF BLOCK 17 AND SOUTH OF BLOCK 16, IN THE FERGUSON'S ADDITION AS DEPICTED 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 right of way 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 street right of way:

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 _____, 2003.

APPROVED:

DRAFT

By _____
Dan Coody, Mayor

ATTEST:

DRAFT

By _____
Heather Woodruff, City Clerk

EXHIBIT "A"
VAC 03-1.00

THE SOUTH HALF OF THE UNOPENED PORTION OF NINTH STREET WHICH IS WEST OF SOUTH SCHOOL AVENUE AND NORTH OF BLOCK 17 IN FERGUSON ADDITION TO THE CITY OF AYETTEVILLE, ARKANSAS, AS DESIGNATED UPON THE RECORDED PLAT OF SAID ADDITION.

Aviles: Welcome to the January 13, 2003 meeting of the Fayetteville Planning Commission. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call all nine commissioners were present.

Aviles: Thank you Renee. The first item of business would be the approval of the minutes from the previous Planning Commission meeting which was held on December 9th. Do I have a motion for approval of the minutes?

Ward: So moved.

Aviles: There is a motion by Commissioner Ward, is there a second?

Shackelford: Second.

Aviles: There is a second by Commissioner Shackelford. Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to approve the minutes was approved by a vote of 9-0-0.

VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Aviles: Thanks Renee. We have ten items on our agenda this evening. The first item is the only item which is on the consent agenda. It is VAC 03-1.00 which was submitted of Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately .32 acres. The request is to vacate 9th Street west of S. School and north of Block 17 and south of Block 16 in the Ferguson's Addition. Is there any member of the Commission that would like to remove this from the consent agenda? Is there any member of the audience that would like to speak to us on this item this evening? Seeing none, I will go ahead and entertain a motion for approval of the consent agenda.

Shackelford: I will make a motion that we approve the consent agenda.

Planning Commission
January 13, 2003
Page 4

Ward: Second.

Aviles: Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to approve the consent agenda was approved by a vote of 9-0-0.

PC Meeting of January 13, 2003

FAYETTEVILLE

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

AMC Land Right-of-Way Vacation

TO: Fayetteville Planning Commission Members
THRU: Tim Conklin, City Planner, A.I.C.P.
FROM: Sara Edwards, Associate Planner
Matt Casey P.E. Staff Engineer
DATE: November 9, 2002

Project: VAC 03-1.00: Vacation (AMC Land, pp 562) was submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of South School Avenue on 9th Street. The property is zoned C-2, Thoroughfare Commercial and I-1, Heavy Commercial/Light Industrial and contains approximately 0.32 acres. The request is to vacate 9th Street west of South School and north of Block 17 and south of Block 16 in the Ferguson's Addition.

Findings: See the attached maps and legal descriptions for the exact locations of the requested right-of-way 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 - NA

Arkansas Western Gas – No Objections, Retain 20' utility easement for existing gas line which was filed for record November 20, 2002 in Washington County.

SW Bell – No Objections, Requests a 20' utility easement along School Street through this existing right-of-way.

Cox Communications - No Objections

City of Fayetteville:

Water/Sewer – No Objections, Must maintain 30' wide easement centered on the existing sewer line but extending from the east to the west end of the property.

Street Department - No Objections

Solid Waste - No Objections

Engineering – No objections.

Planning Commission
January 13, 2003
VAC 03-1 AMC Land
Page 1.1

Recommendation: Approval of the proposed right-of-way vacation 03-1.00 subject to the applicant providing the easements requested above,

PLANNING COMMISSION ACTION: yes Required
 Approved Denied

Date: _____

Comments: _____

CITY COUNCIL ACTION: yes Required
 Approved Denied

Date: / /

**PETITION TO VACATE THE UNOPENED PORTION OF NINTH STREET
WHICH IS LOCATED EAST OF SOUTH SCHOOL STREET AND SOUTH OF
LOTS 2 AND 8 OF BLOCK 16 AND NORTH OF LOTS 1 AND 24 BLOCK 17 OF
THE FERGUSON ADDITION.**

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

We the undersigned, being all the owners of the real estate abutting the right-of-way hereinafter sought to be abandoned and vacated, lying east of South School Avenue and south of Lots 2 and 8 of Block 16 and north of Lots 1 and 24 of Block 17 of Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a right-of-way which is described as follows:

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the South line of Lot 2, Block 16, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due North of the Northeast corner of Lot 1, Block 17, Ferguson Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson Addition, thence West along the North line of said Block 17, Ferguson Addition to the point of beginning.

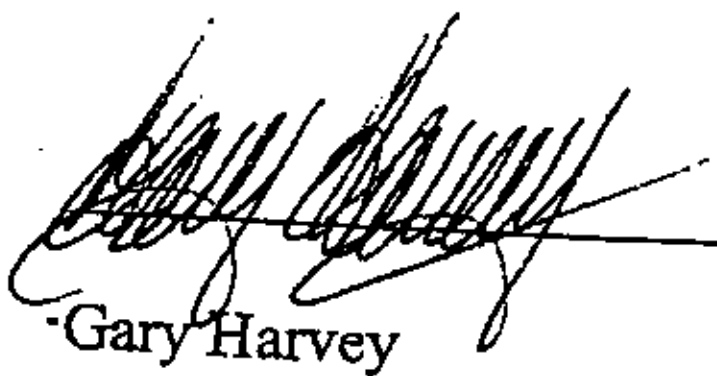
That the abutting real estate affected by said abandonment of the street right-of-way are Lots 2 and 8 of Block 16 of the Ferguson Addition and Lots 1 and 24 of Block 17 of the Ferguson Addition, City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the unopened portion of the above described street.

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.

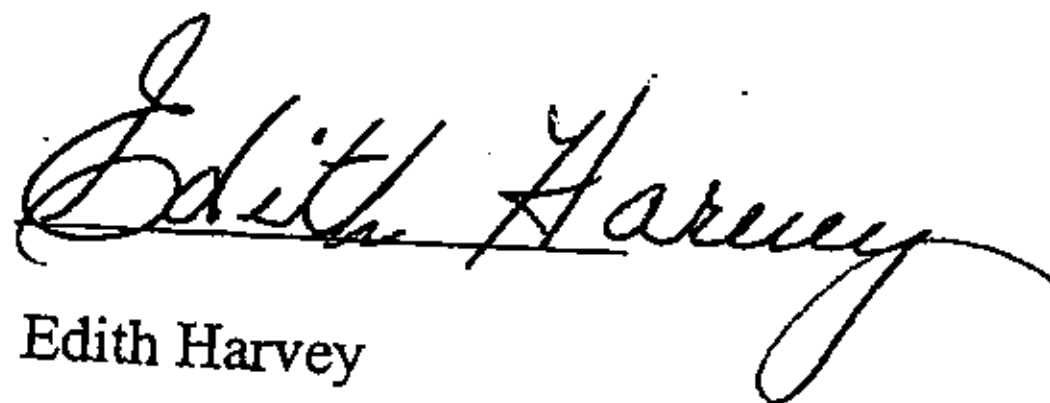
The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

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 easement of the public for the use of said street right-of-way.

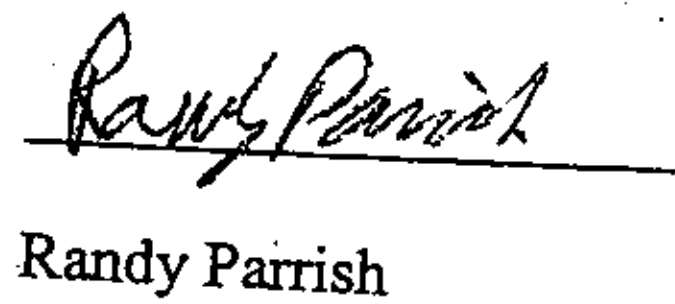
Dated this 12th day of December, 2002.



Gary Harvey



Edith Harvey



Randy Parrish



Raye Parish

LEGAL DESCRIPTION FOR STREET CLOSING PURPOSES

All that part of Ninth Street (unopened) that is described as follows.

Beginning at a point which is 16 feet East of the Northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less, to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence East to a point which is due north of the Northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence South 55 feet, more or less, to the Northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence West along the North line of said Block 17, Ferguson's Addition to the point of beginning.

CONDITIONAL CONCURRENCE

to

CLOSE A STREET

FILED FOR RECORD

2002 OCT 22 AM 9:50

NOTARY PUBLIC
STAMPS

BE IT KNOWN BY THESE PRESENTS that Southwestern Bell Telephone, L.P., a Texas limited partnership, hereby concurs in the closing of an unopened portion of a public street subject to stated conditions:

All that part of Ninth Street, beginning at a point which is sixteen feet east of the northwest corner of Lot 24, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence North 55 feet, more or less to the south line of Lot 2, Block 16, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence east to a point which is due north of the northeast corner of Lot 1, Block 17, Ferguson's Addition to the City of Fayetteville, Arkansas, and running thence south 55 feet, more or less, to the northeast corner of said Lot 1, Block 17, Ferguson's Addition, thence west along the north line of said Block 17, Ferguson's Addition to the point of beginning, SUBJECT TO AND CONDITION UPON the granting or provision of a twenty twenty foot (20') utility easement along the west side of School St. for the length of the Ninth Street right of way.

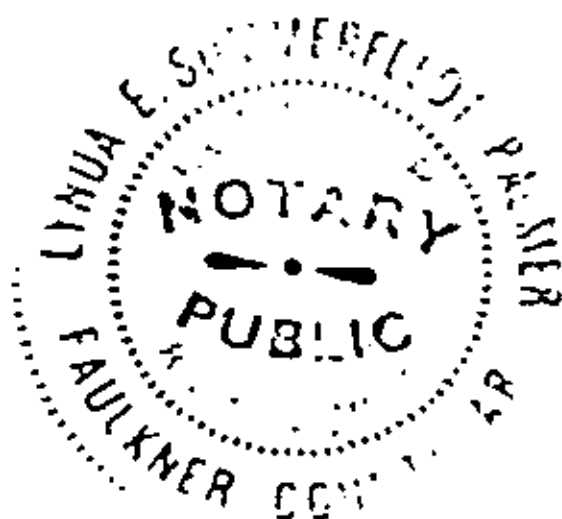
By: F. Jean Davis 10-1-02
Director-Eng / Const Date

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF WASHINGTON

On this the 1st day of October, 2002, before me, the undersigned authority, duly commissioned and qualified in and for the state and county set forth above, personally came and appeared F. Jean Davis, who, after being duly sworn, declared that he is the Director-Engineering/Construction for Southwestern Bell Telephone, L.P., a Texas limited partnership, and that he executed the foregoing instrument as the act and deed of said company of his own free will and for the purposes and considerations therein expressed and with due authority.

In witness whereof I hereunto set my hand and official stamp.



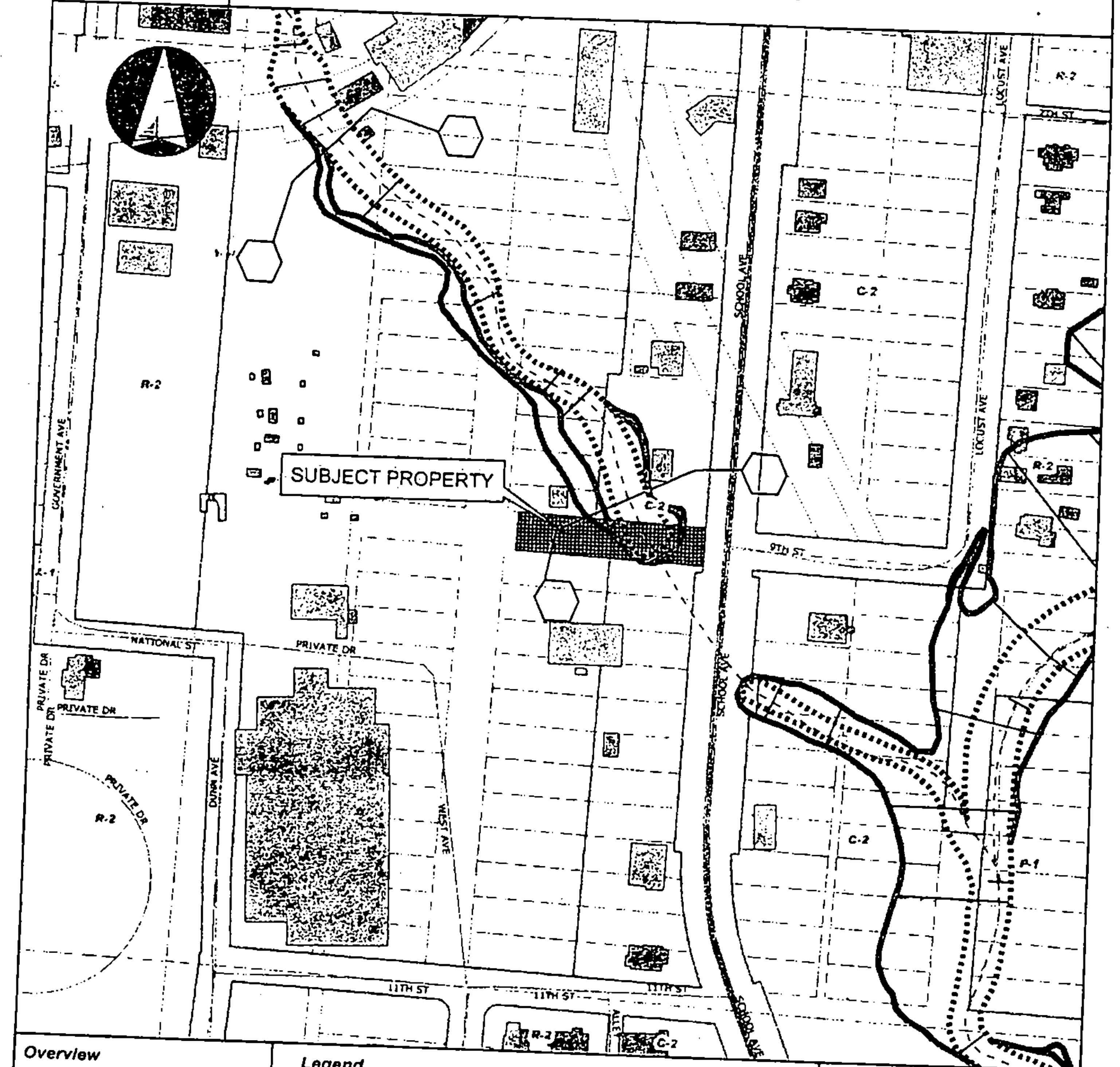
Lynda E. Sommerfeldt Palmer
Lynda E. Sommerfeldt Palmer
Notary Public
My commission expires August 10, 2011

2002158104

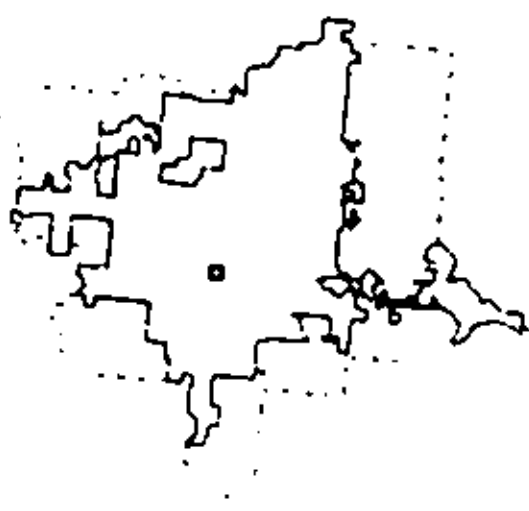
VAC03-1.00

Close Up View

AMC LAND



Overview



Legend
Subject Property

VAC03-1.00

Streets

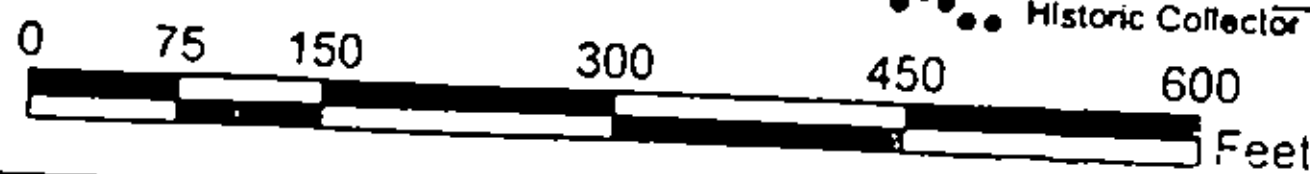
Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: _____
Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance annexing property described in annexation petition ANX 03-01.00 for a parcel containing 57.00 acres located at 3632 East Zion Road.

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 1-17-03 ADA Coordinator Date
City Attorney Date Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 8-0-1 to recommend that the City Council approve the requested annexation.

 1-12-03
Division Head Date

Cross Reference

Department Director Date
 1-20-03
Administrative Services Director Date

New Item: Yes No
Prev Ord/Res#: _____
Orig Contract Date: _____

Mayor Date

ETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

ANX 03-1.00: Annexation (Brandon/Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area and contains approximately 57.00 acres. The request is to annex into the City.

BACKGROUND:

The subject property is located west of George Anderson Rd. and north of Zion Rd. and is currently used for agricultural purposes. If the annexation is approved, the applicant would like to rezone the property to R-1, Low Density Residential. The rezoning, RZN 03-4 (Anderson) is an accompanying item to this annexation request.

The proposed rezoning could result in 228 units (57.01 acres x 4 du/acre). Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are both designated as Collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

The Engineering Division, Police Department and Fire Department have responded to the annexation request. They have not indicated that the property should not be annexed. However, the Police Department did comment on the increase in patrol responsibility due to the increase in area to cover.

Staff is recommending approval of the requested annexation. The property has access to utilities and can adequately be served by the city.

CURRENT STATUS:

On January 13, 2003, the Planning Commission voted 8-0-1 to recommend to the City Council approval of the requested annexation.

RECOMMENDATION:

Approval of the requested annexation.

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO
THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN
PROPERTY OWNED BY GEORGE AND SARALEE
ANDERSON.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of A-1, Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Three.

PASSED AND APPROVED this _____ day of _____, 2003.

APPROVED:

By: _____
Dan _____ Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"

A part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Nineteen (19) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Eighteen (18) Township Seventeen North (17) Range Twenty-nine (29) West in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Nineteen (19) run North 00°04'09" West - 1,309.72 feet along the East line of Copper Creek Subdivision to an iron pin at the Northeast Corner of said Subdivision and on the South Boundary Line of the Nooncaster tract as decreed in the Circuit Court Order of May 21, 2002; thence along said South Boundary Line of the Nooncaster tract South 89°42'42" East - 1.71 feet to the Southeast corner thereof; thence North 00°00'42" East 658.11 feet along the East Boundary Line of said Nooncaster tract to an iron pin; thence leaving the East Boundary line of said Nooncaster tract and running South 89°55'10" East - 659.56 feet; thence South 89°54'03" East - 659.48 feet; thence South 00°00'50" East - 662.20 feet; thence South 00°18'57" East 819.63 feet; thence North 89°30'01" West - 420.84 feet; thence South 01°34'41" West - 272.45 feet; thence South 89°01'36" East - 429.91 feet; thence South 00°18'57" East - 205.68 feet; thence South 89°54'04" West - 1,326.64 feet to the POINT OF BEGINNING, containing 57.00 acres, more or less.

Aviles: Our final items nine and ten are also companion items, they are an annexation and a rezoning of the same property. ANX 03-1.00 was submitted by Michele Herington of Herington, Miller, Neihouse and Krug on behalf of Gary Brandon of Gary Brandon Enterprises for property owned by George and Saralee Anderson and located at 3632 E. Zion Road. The property is in the Planning Area and contains approximately 57.01 acres. The request is to annex the property into the city and staff is recommending approval. Shelli?

Rushing: Yes Ma'am. This property is located west of George Anderson Road. It is east of the Copper Creek Subdivision. The applicant is requesting to annex into the city. I do want to let you know of some public comments that we have received on this request. The first is that we received a copy of an email from an adjacent property owner expressing concern over the legal descriptions that were submitted. Since we received that email we have spoken with the applicant's representative, they have provided us with a new legal description and you have maps in front of you showing the revised maps. The current legal description reduces the size of the property slightly. You will notice that there is not very much of a change of the boundaries of the property.

Aviles: What is the new size?

Conklin: There was approximately about a 3" discrepancy so you are not going to be able to really see it on the maps. It was a surveying error.

Rushing: We also received an email in regard to the signs posted out at the property. We did post a sign, the sign had fallen down. We did go out there and put the sign back up. We located the sign in a place that we hoped would be as visible by as many people as possible. It was located at the corner of Copper Creek and Zion Road to improve visibility for that sign. I just want to let you know that when property is annexed into the city it is annexed in as A-1 and so we do have an accompanying item to rezone the property to R-1 Residential. That is the next item on the agenda. The proposed rezoning could result in approximately 228 units on the property based on the maximum dwelling units per acre for this site. Using a persons per occupied unit of 2.21 from census information for the City of Fayetteville, we estimate a total population of 504 people. We used our trip generation software to determine the average weekday two way volume which was estimated at 2,182 trips. George Anderson and Zion Road both are designated as collectors on the Master Street Plan. Collector streets are designed for between 4,000 vehicles per day or 6,000 vehicles per day with a left turn bay. We did adopt an annexation policy in March of 2002. We used this policy to make findings on this request. Part of that involved a study of the request by the Engineering Division as

January 13, 2003

Page 47

well as Fire and Police. We did find that it appears that utilities, as well as public services, can be adequately provided at this location. I do want to point out that George Anderson and Zion Road both are gravel roads at this location. The site does have access to an existing 8" water line and an 8" sewer line that is located in the adjacent Copper Creek subdivision. There is also a 12" water main along Zion Road. The Fire Department estimates the response time to be between six and eight minutes and fire hydrants probably will be needed at the time of development. We are estimating approximately 228 units. After speaking with the Police Department, they did not have any objections with the annexation or the rezoning but did want to point out that the city needs to keep in mind that as the city annexes more and more land the Police Department's patrol responsibilities increase and as the city grows in area officers' crime deterrent patrols decrease simply due to the fact that there is more area to cover. I wanted to let you know of that comment. We do not feel that there is going to be a need in upgrading utilities at this location. The property will be required to go through the subdivision development review process and we find that the request is an acceptable size for an annexation. Therefore, we are recommending approval of the annexation.

Aviles: Thank you Shelli, is the applicant present?

Harrington: Good evening everyone, I am Mickey Harrington. I am representing the sellers, the Andersons and Mr. Brandon the buyer, Gary Brandon Enterprises. The engineer and Mr. Brandon are available to answer questions. I do believe that this is pretty straight forward. The discrepancy in the legal description, which has been corrected, amounted to a one, one hundredth of an acre change so instead of 57.01 it is 57.00 acres. That is the difference. It is a smaller piece due to a survey trying to avoid an obstacle and a few inches difference that has been corrected. I don't think that the number of houses out on this parcel is going to be anywhere near the number of units that were described in the report. I know that is the maximum allowed but just for your information, I know it is premature but it will be nowhere near that number. It will be essentially an extension of the Copper Creek development that is already out there and will look very similar if not the same type of development just heading to the east from the existing Copper Creek subdivision. I would be happy to answer questions.

Aviles: Thank you. Is there any member of the audience that would like to address us on this annexation request? Yes Sir, please come forward and tell us your name.

Clark: I am Arthur Clark, I live directly across Zion Road to the south. I have quite a bit of drainage as it stands as a farm. I am a little concerned about

what are they going to do with the drainage increase when we get streets and houses, etc. Also, what are they going to do with Zion Road. Is it going to be paved, is it going to be widened, which it needs to be? If so, all of the road comes south of the quarter section line. Am I going to be required to move a fence or something if the road is widened or will they go to the north into this subdivision?

Aviles: Tim or Shelli would you like to address that? Some of these may have to go to the applicant in terms of the drainage.

Conklin: With regard to the roads, we will be looking for street improvements to Zion Road and George Anderson Road at the time of development. We will have to take a look at exactly where the property lines are and where the road is with regard to where the road is built. There will be a process of development review, notification will be sent out and that will have to be worked through if this is annexed and rezoned by the City Council through that development review process. With regard to drainage, once again, at this time it is an annexation and rezoning. We do have a storm water ordinance and drainage will be considered as part of that development review process with regard to how to handle it. As a city policy storm water detention on site is almost always required in order to make sure that the pre-development flows and the post-development flows remain the same going off the site.

Aviles: Ok, thank you. Is there anybody else in the audience that would like to address us on this annexation? I will go ahead and bring discussion back to the Commission and to the applicant.

Estes: It will be necessary that I recuse on this annexation request and the companion rezoning request. The reason for my recusal is that I was involved as an attorney of record in litigation regarding the subject property within the last 12 months.

Aviles: Thank you Commissioner Estes, so noted. Commissioners?

Bunch: I will move that we recommend ANX 03-1.00 to the City Council.

Hoover: I will second.

Aviles: I have a motion by Commissioner Bunch and a second by Commissioner Hoover. I do have just one question for the applicant. You mentioned that this was going to be pretty much a mirror image of the Copper Creek adjacent to this, is that going to include the same types of densities?

Harrington: Yes.

- Aviles: Thank you very much. Is there additional discussion?
- Bunch: Madam Chair, I would like to make a couple of comments. One is that I know that this will be coming up during the development process but there is a one lane bridge on Zion not too far from this and I think that came up with the Copper Creek subdivision. Tim, could you enlighten us on what the city's position is on changing that one lane bridge?
- Conklin: That is something that we will have to take a look at when this comes through. I can get more information for you on that when that development comes through with regard to the improvements.
- Bunch: I just want to make sure that we keep it in the forefront because that is a question that has come up with the other developments in this area. In case we have any offsite improvements that are necessary to keep it in the fore front.
- Conklin: When Stonewood and Copper Creek were developed street stub outs were provided and of course they have utilized those street stub outs to connect both subdivisions together. Those street stub outs have been extended back to the east which would allow access for this subdivision also so it's main access wouldn't be directly on Zion Road. However, it would have access to Zion Road. That is something that we will look at. I have mentioned that to the engineer that is looking at this and that is something that staff is aware of with regard to that one lane bridge on Zion Road.
- Bunch: Also, for clarity on the issue since George Anderson Road and Zion Road will be in the city with the annexation should it pass are we going to have a situation where half the road is in the city and half is in the county and what do you foresee as the resolution to building these roads out?
- Conklin: We are going to require a road that can handle the traffic for the subdivision. In the past we have required street improvements to meet city standards on one side and street improvements on the other side, maybe not curb and gutter. It is something that we always look at and deal with. If you recall just a month ago with the Nelson Berna Funeral home at the intersection, we were trying to get street improvements on both sides and the property owner to the south didn't want to provide the right of way and lose the trees to provide that intersection. On that project we got 1/2 of the street for the entire length of that property. I guess what I am telling you is that it is kind of on a case by case basis. We do want to make sure that when the streets are built that they are built to handle the traffic.

Bunch: Just one other comment. This is a question for the City Attorney I guess. If this annexation goes through, it is an encroachment into existing agricultural pursuits with animal husbandry and farming and that sort of thing and I realize that there are poultry houses immediately across the street. In the winter time they may not be so odiferous but in the spring and summer when you take the curtains off and run the fans you need to be aware that as we build subdivisions into areas where there are agricultural pursuits that there are certain things that aren't quite like city life. Kit, could you tell us a little bit about what type of regulations we have to do not have concerning the encroachment into existing agricultural areas?

Williams: We don't really have any regulations that would stop adjoining areas from continuing with the agricultural pursuits that they have done for a long time. The city would have some potential power if there was something that was really bad going on through it's nuisance power even beyond the city limits. I don't think though that the City Council would ever want to affect established, ongoing long term businesses because we approach closer to them. I would think that anybody that would be buying a house in the subdivision should be, they should know what the are around there looks like and I am sure they can see chicken houses and things across the street there and would I think probably have some idea of what they might smell like and of course they could talk to their friends in the other subdivisions that are already being built next to these other chicken houses and probably find out that in the warmer months you can occasionally smell chickens.

Aviles: Thank you. Do you have any other questions Commissioner Bunch? Are there any other questions? Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to recommend approval of ANX 03-1.00 by the City Council was approved by a vote of 8-0-1 with Commissioner Estes abstaining.

Aviles: Thanks Renee. The motion carries on a vote of eight with one abstention.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: Jan. 9, 2003

ANX 03-1.00: Annexation (Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area and contains approximately 57.00 acres. The request is to annex into the City.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required

Date: Jan. 13, 2003

CITY COUNCIL ACTION: Required

Date: Feb. 4, 2003

Comments: _____

BACKGROUND:

Property Description: The subject property is located west of George Anderson Rd. and north of Zion Rd. It is 57.01 acres with agricultural uses.

Request: The applicant is requesting to annex into the city.

Public Comment: Staff has received a copy of an e-mail from an adjacent property owner to the applicant's representative. The e-mail indicates there may be a discrepancy in the legal description provided for this application. The discrepancy results in the subject property being slightly smaller than originally thought.

Related Issues: When property is annexed into the City, it is annexed as A-1 Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the property to R-1, Low Density Residential. The rezoning, RZN 03-4 (Anderson) is an accompanying item to this annexation request.

The proposed rezoning could result in 228 units (57.01 acres x 4 du/acre). Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are both designated as Collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

On March 19, 2002, with Resolution No. 50-02, the Fayetteville City Council adopted an annexation policy as part of General Plan 2020 – 2001 Revision. The annexation policy is to be used as a guide when evaluating annexation requests. The policy is used to make findings on this request.

Recommendation: Staff is recommending approval of the requested annexation. The property has access to utilities and can adequately be served by the city.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Vacant, Agricultural	No zoning – county
South	Vacant, Agricultural	No zoning – county
East	Vacant, Agricultural, Residential	No zoning – county
West	Vacant, Agricultural	R-1, Low Density Residential

INFRASTRUCTURE:

Streets: North: Albright Rd.
South: Zion Rd. (Collector)
East: George Anderson Rd. (Collector)
West: Copper Creek Drive

Water: Water line runs along the south side of the property.

Sewer: Sewer located to the west of the subject property.

LAND USE PLAN: General Plan 2020 designates this site as residential.

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The proposed annexation does not create an island or peninsula.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation is adjacent to the city limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The property is not yet developed but is owned by one property owner. One piece of property is missing in order to create a solid square-like piece for annexation.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: The boundaries for the annexation following existing property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Utilities and public services can adequately be provided to this location at this time.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: The property, at this time, is not considered to be environmentally sensitive.

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: *Engineering Division:* The proposed rezoning is located on the west side of George Anderson Road and on the north side of Zion Road. At this location George Anderson Rd. and Zion Rd. are both two lane gravel roads. Zion Rd. is

paved from Hwy. 265 to the southwest corner of this property.

The proposed rezoning from A-1 to R-1 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as information becomes available.

The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

The proposed rezoning and ultimate development may or may not 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.

- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: *Fire Department:* The response time is six to eight minutes and fire hydrants will be needed.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: The annexation and the rezoning of the subject property to R-1, Low Density Residential could result in approximately 228 residential units.

Police Department: The Police Department does not have an objection to this rezoning and annexation; however we must keep in mind as the city annexes more and more land, the Police Department's patrol responsibilities increase. As the city grows in area, officers' crime deterrent patrols decreases simply due to the fact there is more area to cover.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: The site has access to an existing 8" water line and 8" sewer line that is located

in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: The annexation does not appear to require an upgrading of utilities.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

- 11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned A-1, Agricultural. The applicant is requesting to rezone to R-1, Low Density Residential in accompanying item RZN03-04 (Anderson).

- 11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Public Works Department, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request. Responses to this request have been received and are included as part of this report.

- 11.6.q Development proposals require a separate review from the annexation proposals.

Finding: The development of the subject property will be required to go through the development review process.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display ad have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds that this request is of acceptable size.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

Trip Generation

Anderson
Summary of Trip Generation Calculation
For 228 Dwelling Units of Single Family Detached Housing
January 06, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	2182
7-9 AM Peak Hour Enter	0.19	0.00	1.00	43
7-9 AM Peak Hour Exit	0.56	0.00	1.00	128
7-9 AM Peak Hour Total	0.75	0.90	1.00	171
4-6 PM Peak Hour Enter	0.65	0.00	1.00	148
4-6 PM Peak Hour Exit	0.36	0.00	1.00	82
4-6 PM Peak Hour Total	1.01	1.05	1.00	230
Saturday 2-Way Volume	10.09	3.67	1.00	2301
Saturday Peak Hour Enter	0.51	0.00	1.00	116
Saturday Peak Hour Exit	0.43	0.00	1.00	98
Saturday Peak Hour Total	0.94	0.99	1.00	214

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

IN THE COUNTY COURT OF WASHINGTON COUNTY, ARKANSAS
FILED

IN THE MATTER OF:
ANNEXATION OF CERTAIN LANDS TO THE
CITY OF FAYETTEVILLE, ARKANSAS

*02 NOV 12 PM 1 34

MARILYN EDWARDS
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

Case No. CC 2002-12

DECREE OF ANNEXATION

Now on this 12th day of November, 2002, this cause comes on to be heard, the Petitioners, George E. Anderson and Saralee F. Anderson, husband and wife, represented by their attorneys, Harrington, Miller, Neihouse & Krug, P.A., of Springdale, Arkansas, announcing ready for a hearing of the cause and there being no protests or objections filed, whereupon, the matter is submitted to the Court upon the verified petition filed herein, and any oral and documentary evidence adduced, the Court being well and sufficiently advised of the facts and the law, doth hereby find, judge and decree as follows:

1. The Petition in this cause was filed on October 3, 2002, at which time this Court fixed Tuesday, November 12, 2002, at 1:30 p.m., as the date and time of hearing for said cause, and that a full thirty (30) days has passed since the filing of the Petition, and this Court has jurisdiction of the persons and subject matter of this cause of action, and venue is proper herein.

2. The Petition filed herein named Harrington, Miller, Neihouse & Krug, P.A. to act on behalf of Petitioners in filing and presenting the Petition to the Court and handling all matters connected with the Petition, as well the required notices, and this and any other hearings or annexation proceedings connected therewith.

3. Harrington, Miller, Neihouse & Krug, P.A. has given Notice of hearing on the Petition as required by law, and the proof of publication of said notice is now on file with the Clerk of this Court.

4. The Court is satisfied that the allegations of the Petition filed herein are sustained by the proof, and that a majority of the total number of real estate owners in the area affected by this Petition have signed said Petition, and that such majority owns more than one-half (1/2) of the acreage affected.

5. The land and territory sought to be annexed to the City of Fayetteville, Washington County, Arkansas, in this cause is described as follows:

A part of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Nineteen (19) and a part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section Eighteen (18) Township Seventeen North (17N) Range Twenty-nine West (29W) in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of said Section Nineteen (19) run North 00°04'09" West - 1,309.73 feet; thence north 00°09'38" East - 658.10 feet; thence South 89°55'10" East - 659.56 feet; thence South 89°54'03" East - 659.48 feet; thence South 00°00'50" East - 662.20 feet; thence South 00°18'57" East - 819.63 feet; thence North 89°30'01" West - 420.84 feet; thence South 01°34'41" West - 272.45 feet; thence South 89°01'36" East - 429.91 feet; thence South 00°18'57" East - 205.68 feet; thence South 89°54'04" West - 1,326.64 feet to the POINT OF BEGINNING, containing 57.01 acres, more or less.

and, the same is accurately described in the Petition filed herein.

6. Attached to and made a part of said Petition is an accurate map of the above-described territory that is sought to be annexed to the city of Fayetteville, Arkansas.

7. The above-described is property not unusually large and it is contiguous and adjacent to and adjoins the present boundaries of the City of Fayetteville, and this territory should be annexed to and made a part of the City of Fayetteville, Arkansas.

8. The prayer of the Petition filed herein is right and proper and should be granted.

IT IS THEREFORE, CONSIDERED, ORDERED AND ADJUDGED that the aforesaid real estate situated in Washington County, Arkansas, is hereby annexed to and made a part of the City of Fayetteville, Arkansas, in accordance with Act No. 1 of the acts of the Legislature of 1875 of the State of Arkansas and all acts amendatory thereto, particularly including Act 142 of the Acts of Arkansas for the year 1963, as codified in Ark. Code Ann. §14-40-601, et seq.

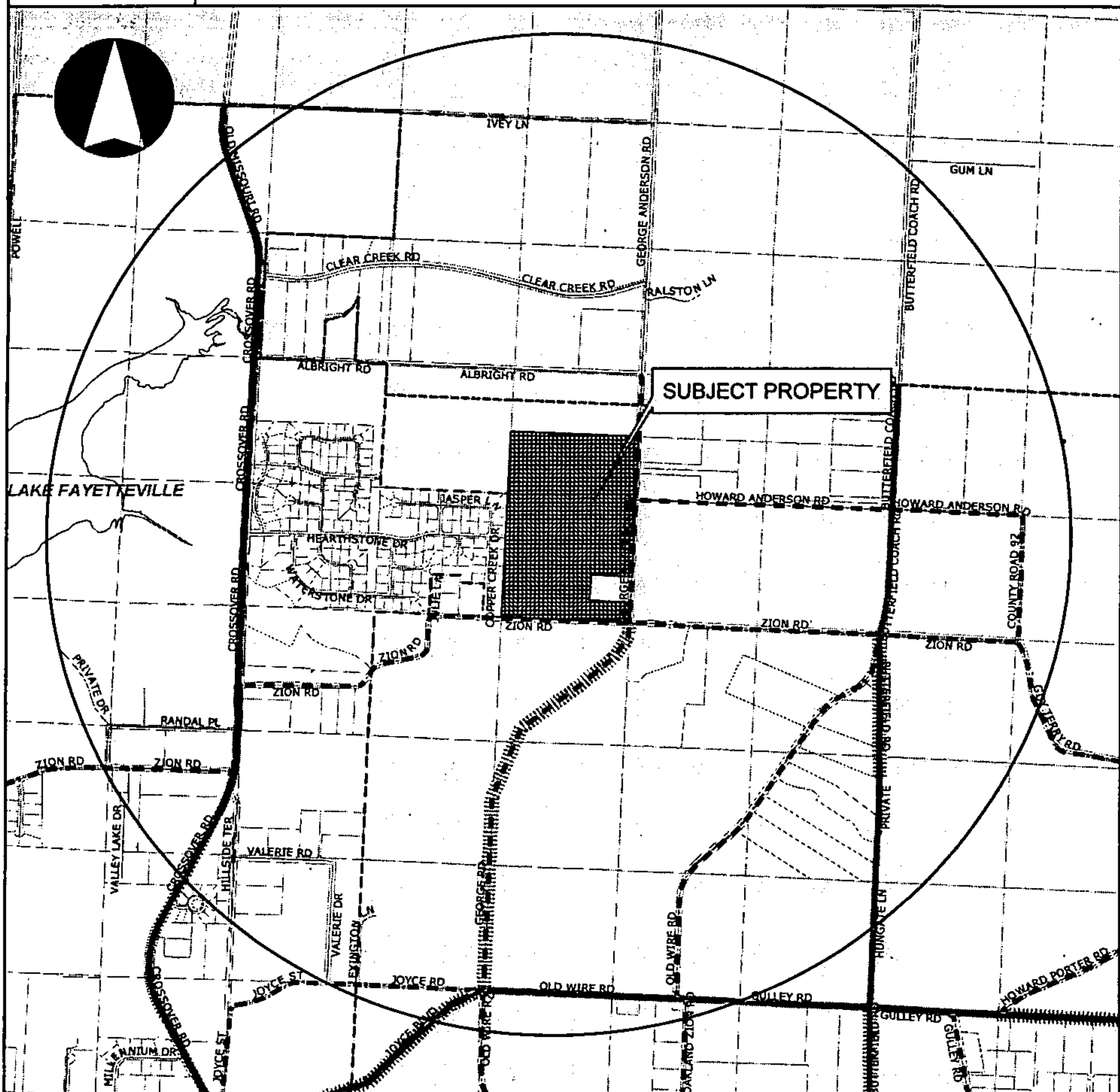
IT IS FURTHER CONSIDERED, ORDERED AND ADJUDGED that the original papers in this cause be delivered to the Clerk of Washington County, Arkansas, with the same to be properly recorded upon the records of Washington County, Arkansas, and the Clerk, after properly recording and filing the original papers, is directed to prepare certified transcripts of the same; that one of the certified transcripts shall be delivered to the City of Fayetteville, Arkansas, one copy to the Secretary of State, and one copy to the Director of the Tax Division of the Arkansas Public Service Commission.


JERRY HUNTON, County Judge

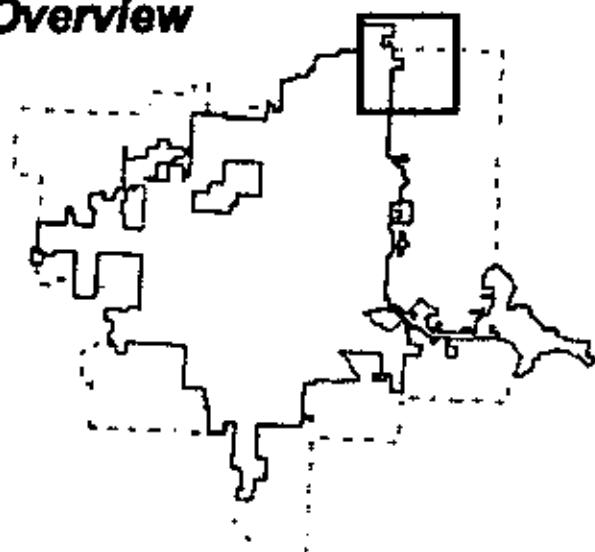
ANX03-1.00

One Mile View

ANDERSON



Overview



Legend

Subject Property

ANX03-1.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

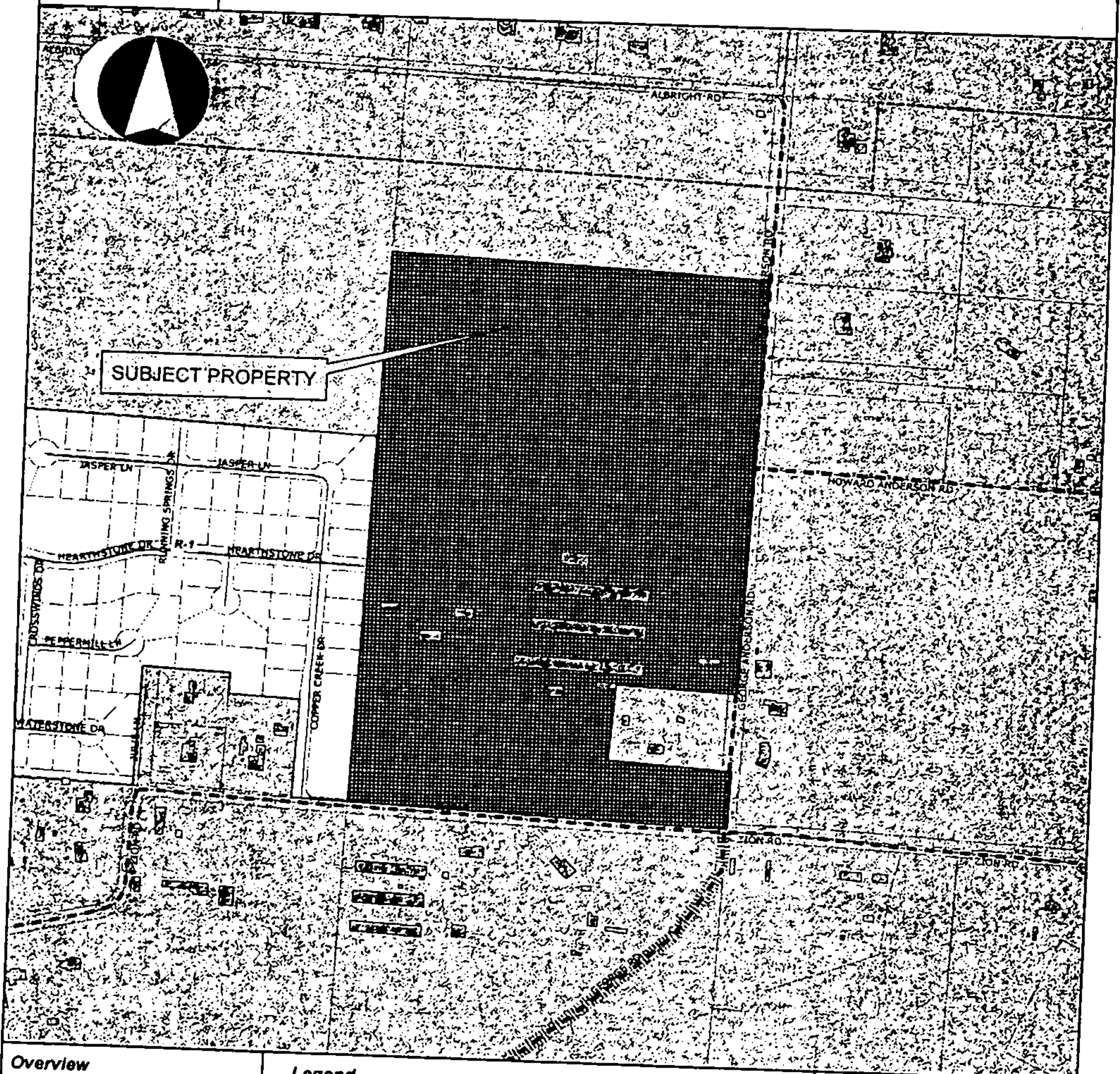
Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

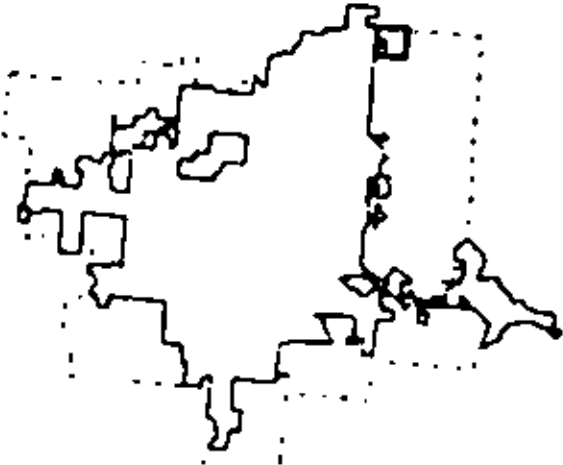
0 0.1 0.2 0.4 0.6 0.8 Miles

ANDERSON

Close Up View



Overview



Legend

Subject Property

ANX 03-1.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

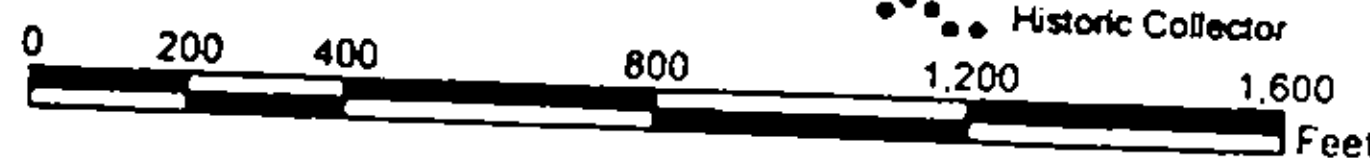
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

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 Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 8-0-1 to recommend that the City Council approve the requested rezoning.

Division Head 1-17-03 Date Cross Reference
Department Director Date New Item: Yes No
Administrative Services Director 1-20-03 Date Prev Ord/Res#:
Mayor Date Orig Contract Date:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (501) 575-8264**PLANNING DIVISION CORRESPONDENCE**

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

RZN 03-4.00: Rezoning (Brandon/Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

BACKGROUND:

The subject property is located west of George Anderson Rd. and north of Zion Rd. and currently used for agricultural purposes. The applicant proposes to construct single-family houses. The applicant is requesting that the subject property be annexed into the city. The annexation, ANX 03-1 (Anderson) is an accompanying item to this rezoning request.

The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. George Anderson and Zion are designated as collectors on the Master Street Plan. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

The Engineering Division, Police Department and Fire Department have responded to the rezoning request. There does not appear to be concern for providing adequate public facilities at this location for the requested zoning designation.

Staff is recommending approval of the requested zoning to R-1, Low Density Residential. The zoning is consistent with the Future Land Use Plan and compatible with surrounding land uses.

CURRENT STATUS:

At the January 13, 2003 Planning Commission, the Planning Commission voted 8-0-1 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Approval of the requested rezoning from A-1 to R-1.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-4.00 FOR A PARCEL
CONTAINING APPROXIMATELY 57.00 ACRES LOCATED AT 3632 E.
ZION ROAD, AS SUBMITTED BY MICHELE HARRINGTON OF
HARRINGTON, MILLER, NEIHOUSE & KRUG ON BEHALF OF GARY
BRANDON OF GARY BRANDON ENTERPRISES, INC. FOR PROPERTY
OWNED BY GEORGE AND SARA LEE ANDERSON.

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 A-1, Agricultural to R-1, Low Density Residential 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

DRAFT

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"**RZN 03-4.00**

A part of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of Section Nineteen (19) and a part of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section Eighteen (18) Township Seventeen North (17) Range Twenty-nine (29) West in Washington County, Arkansas, being more particularly described as follows, to-wit:

From a found iron pin being the Southwest Corner of the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section Nineteen (19) run North 00°04'09" West – 1,309.72 feet along the East line of Copper Creek Subdivision to an iron pin at the Northeast Corner of said Subdivision and on the South Boundary Line of the Nooncaster tract as decreed in the Circuit Court Order of May 21, 2002; thence along said South Boundary Line of the Nooncaster tract South 89°42'42" East – 1.71 feet to the Southeast corner thereof; thence North 00°00'42" East 658.11 feet along the East Boundary Line of said Nooncaster tract to an iron pin; thence leaving the East Boundary line of said Nooncaster tract and running South 89°55'10" East- 659.56 feet; thence South 89°54'03" East – 659.48 feet; thence South 00°00'50" East – 662.20 feet; thence South 00°18'57" East 819.63 feet; thence North 89°30'01" West – 420.84 feet; thence South 01°34'41" West – 272.45 feet; thence South 89°01'36" East – 429.91 feet; thence South 00°18'57" East – 205.68 feet; thence South 89°54'04" West – 1,326.64 feet to the POINT OF BEGINNING, containing 57.00 acres, more or less.

Aviles: Our last item tonight is the companion rezoning to this annexation, it is RZN 03-4.00 submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises for property owned by George and Saralee Anderson and located at 3632 E. Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. This request is to rezone to R-1, Low Density Residential. Staff is recommending approval. Shelli, could you enlighten us please?

Rushing: Yes. The applicant is proposing to construct single-family homes on the subject property. As we mentioned in the accompanying annexation request, the rezoning could result in 228 units as a maximum based on what is permitted in the R-1 district at four units per acre. The population could be a total of 504 persons. Using Trip Generation rates, the average weekday two-way volume would be approximately 2,182 with the Saturday volume being 2,301. Once again, both George Anderson and Zion are designated as collectors in this location. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay. General Plan 2020 designates this site residential. Police, Fire and Engineering had the same comments as they did for the Annexation that we just heard.

Aviles: Thanks Shelli. Is the applicant present?

Harrington: Mickey Harrington representing the owners, the Andersons and Gary Brandon, the developer. I am here to answer any questions that you may have.

Aviles: Is there any member of the audience that would like to comment on the requested rezoning? Seeing no one, I will bring it back to the applicant and Commission for further discussion, comments, or motions.

MOTION:

Hoover: I will make a motion to recommend approval of RZN 03-4.00 by the City Council.

Aviles: There is a motion by Commissioner Hoover, is there a second?

Bunch: I will second.

Aviles: There is a second by Commissioner Bunch, is there any further discussion? Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-4.00 by the City Council was approved by a vote of 8-0-1 with Commissioner Estes abstaining.

Aviles: Thank you. The motion carries by a vote of eight to zero with one abstention.

Meeting adjourned: 7:38 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

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: January 9, 2003

RZN 03-4.00: Rezoning (Anderson, pp 61/100) was submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on behalf of Gary Brandon of Gary Brandon Enterprises, Inc. for property owned by George & Saralee Anderson and located at 3632 East Zion Road. The property is in the Planning Area (requesting annexation to A-1, Agricultural) and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date:	Jan. 13, 2003
CITY COUNCIL ACTION:	Required <u>YES</u>
	☐ Approved ☐ Denied
Date:	Feb. 4, 2003

Comments: _____

BACKGROUND:

Property Description: The subject property is located west of George Anderson Rd. and north of Zion Rd. It is 57.00 acres with agricultural uses.

Proposal and Request: The applicant proposed to construct single-family homes. The applicant is requesting to rezone from A-1, Agricultural to R-1, Low Density Residential.

Related Issues: The applicant is requesting that the subject property be annexed into the city. When property is annexed into the City, it is annexed as A-1 Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the property to R-1, Low Density Residential. The annexation, ANX 03-1 (Anderson) is an accompanying item to this rezoning request.

The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

On March 19, 2002, with Resolution No. 50-02, the Fayetteville City Council adopted an annexation policy as part of General Plan 2020 – 2001 Revision. The annexation policy is to be used as a guide when evaluating annexation requests. The policy is used to make findings on this request.

Recommendation: Staff is recommending approval of the requested zoning to R-1, Low Density Residential. The zoning is consistent with the Future Land Use Plan and compatible with surrounding land uses.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Vacant, Agricultural	No zoning – county
South	Vacant, Agricultural	No zoning – county
East	Vacant, Agricultural, Residential	No zoning - county
West	Vacant, Agricultural	R-1, Low Density Residential

INFRASTRUCTURE:

Streets: North: Albright Rd.
 South: Zion Rd. (Collector)
 East: George Anderson Rd. (Collector)
 West: Copper Creek Drive

Water: The site has access to an existing 8" water line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

Sewer: The site has access to an existing 8" sewer line that is located in the adjacent Copper Creek Subdivision.

LAND USE PLAN: General Plan 2020 designates this site residential. Rezoning this property to R-1, Low Density Residential 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 zoning is for residential use and the Future Land Use Map shows the area as residential. The rezoning is consistent with 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: If the property is annexed, it is an appropriate time to seek rezoning.

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

Finding: *Planning Division:* The proposed rezoning could result in 228 units. Using Trip Generation rates, the average weekday two-way volume is 2,182. The Saturday two-way volume is 2,301. A collector is designed for 4,000 vehicles per day, or 6,000 vehicles per day with a left turn bay.

Engineering Division: The proposed rezoning is located on the west side of George Anderson Road and on the north side of Zion Road. At this location George Anderson Rd. and Zion Rd. are both two lane gravel roads. Zion Rd. is paved from Hwy. 265 to the southwest corner of this property.

The proposed rezoning from A-1 to R-1 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as 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 Division:* The proposed rezoning could result in 228 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 504 persons.

Engineering Division: The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Copper Creek Subdivision. There is also a 12" water main along Zion Road.

The proposed rezoning and ultimate development may or may not 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.

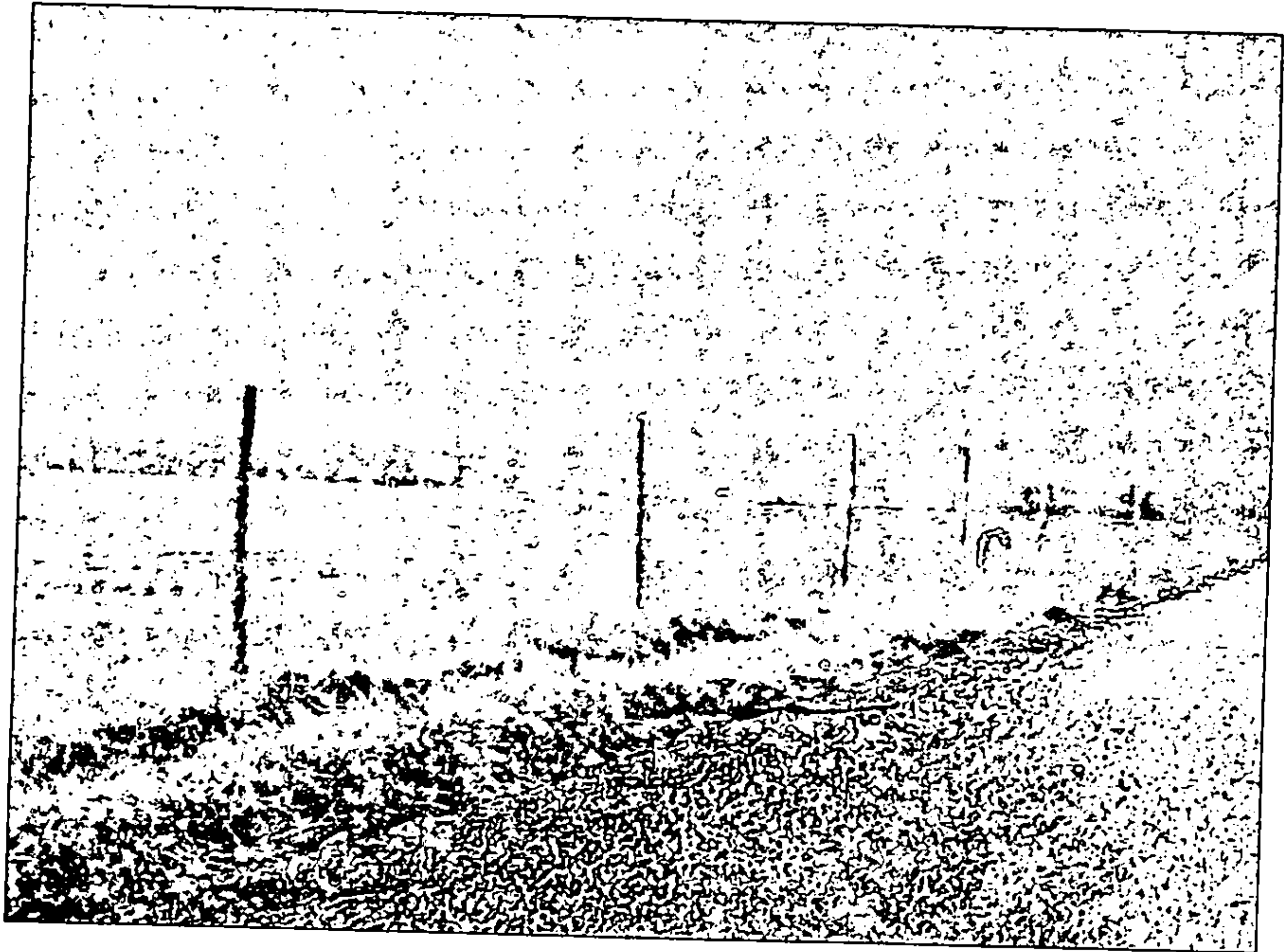
Fire Department: Response time is 7 to 8 minutes and fire hydrants would be needed.

Police Department: The Police Department does not have an objection to this rezoning and annexation; however we must keep in mind as the city annexes more and more land, the Police Department's patrol responsibilities increase. As the city grows in area, officers' crime deterrent patrols decrease simply due to the fact there is more area to cover.

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



Looking northwest at subject property.



Looking west at subject property.

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Current Zoning:

§161.03 DISTRICT A-1 AGRICULTURAL.

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
--------	--

Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum:	
Residential	2 acre
Nonresidential	2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(1); Ord. No. 1747, 6-29-89)

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Proposed Zoning:

§ 161.04 DISTRICT R-1: LOW DENSITY RESIDENTIAL.

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

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 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
4 or Less Families Per Acre	7 or Less Families Per Acre

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq. ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031)

Trip Generation

Anderson
Summary of Trip Generation Calculation
For 228 Dwelling Units of Single Family Detached Housing
January 06, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	2182
7-9 AM Peak Hour Enter	0.19	0.00	1.00	43
7-9 AM Peak Hour Exit	0.56	0.00	1.00	128
7-9 AM Peak Hour Total	0.75	0.90	1.00	171
4-6 PM Peak Hour Enter	0.65	0.00	1.00	148
4-6 PM Peak Hour Exit	0.36	0.00	1.00	82
4-6 PM Peak Hour Total	1.01	1.05	1.00	230
Saturday 2-Way Volume	10.09	3.67	1.00	2301
Saturday Peak Hour Enter	0.51	0.00	1.00	116
Saturday Peak Hour Exit	0.43	0.00	1.00	98
Saturday Peak Hour Total	0.94	0.99	1.00	214

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.

TRIP GENERATION BY MICROTRANS

Rezoning Application for George E. and Saralee Anderson / Gary Brandon Enterprises, Inc.

Item #6.

a. The proposed zoning change is from A-1 (the automatic zoning upon annexation) to R-1 for the purpose of building single family homes within the restrictions of the R-1 zone.

b. The reason for the requested zoning change is that a single family residence subdivision is not permitted in the A-1 zone.

c. (1) The development of this property into a single family residential subdivision will be the same type of use as the surrounding properties (similar residential development in the area);

(2) This development will not significantly increase traffic on East Zion Road; streets in the development will tie into Copper Creek I development to the west, and to George Anderson Road to the east, and East Zion Road to the south, so there will be at least three points of access;

(3) This development will be harmonious in appearance with the development in the area;

(4) The signage will involve only the subdivision sign.

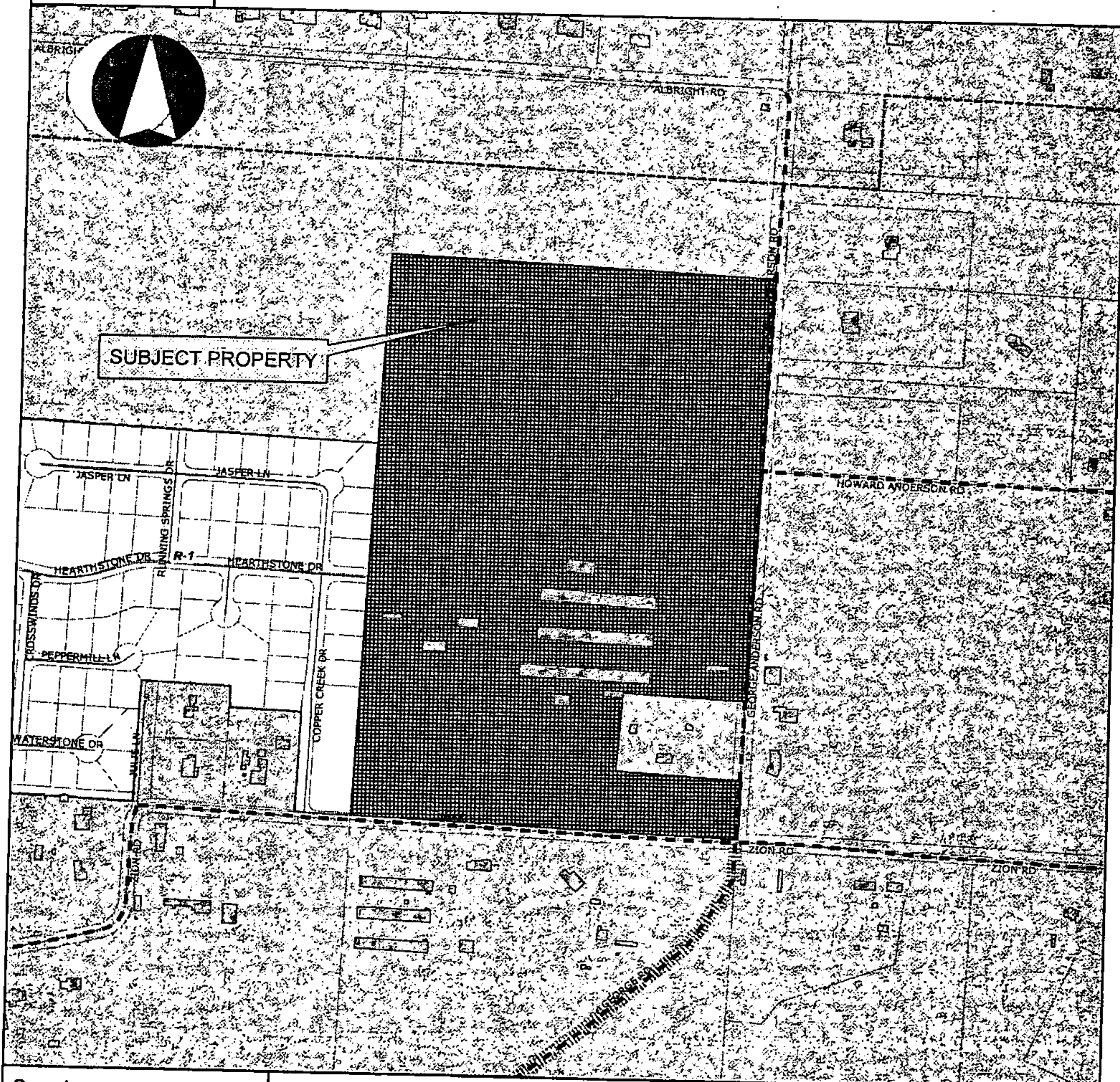
d. Water and sewer is available.

ANSWERS TO ITEM #7
APPLICATION FOR REZONING

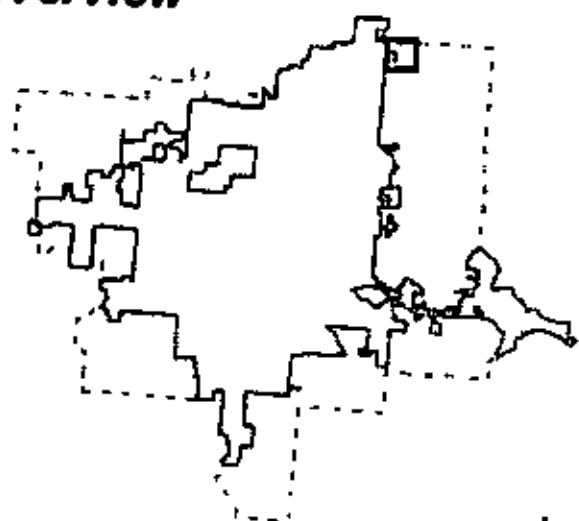
7. The Planning Commission is required to make specific findings with regard to this application. The following are the written statements of the applicant:
- a. The proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans, being a single family residential development in an area that has recently developed as R-1 single family, and the zoning plans for the city are not inconsistent with this zoning in this location.
 - b. The proposed zoning is justified and/or needed in order to develop this property into single family residential use.
 - c. The proposed zoning will not create or appreciably increase traffic danger and congestion; it will be dissipated through the various entries to the subdivision, which allow through access to Highway 265 through Copper Creek I and Mark Foster's subdivision, and access to Butterfield Coach Road, and access to Joyce St.
 - d. The proposed zoning will not appreciably alter the population density and thus is not anticipated to unduly increase the load on public services including schools, water, and sewer facilities.
 - e. It is impractical to use the land for any of the uses permitted under its existing zoning classification; agricultural uses in this area are no longer the highest and best use of this real estate which is now developing as suburban residential.

ANDERSON

Close Up View



Overview



Legend

Subject Property



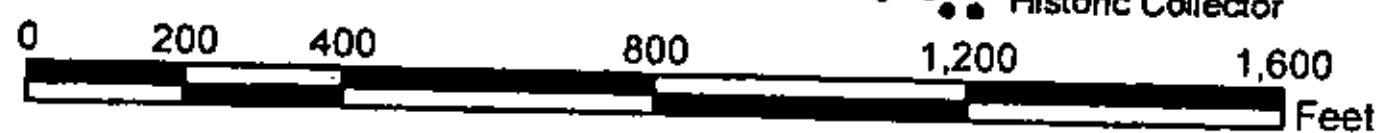
Streets



Boundary



Master Street Plan



RZN 03-4.00

Future Landuse

ANDERSON

ALBRIGHT



ALBRIGHT RD

SUBJECT PROPERTY

JASPER LN

JASPER LN

HOWARD ANDERSON RD

Residential

COPPER CREEK DR

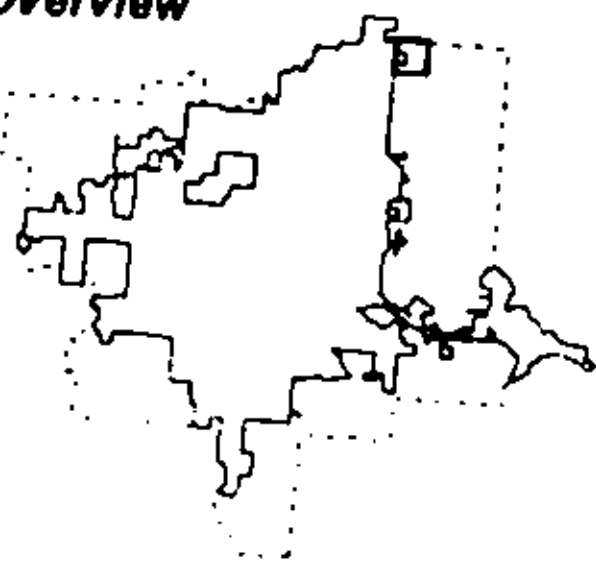
GEORGE ANDERSON RD

ZION RD

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property
 RZN 03-4.00

Streets
 Existing
 Planned

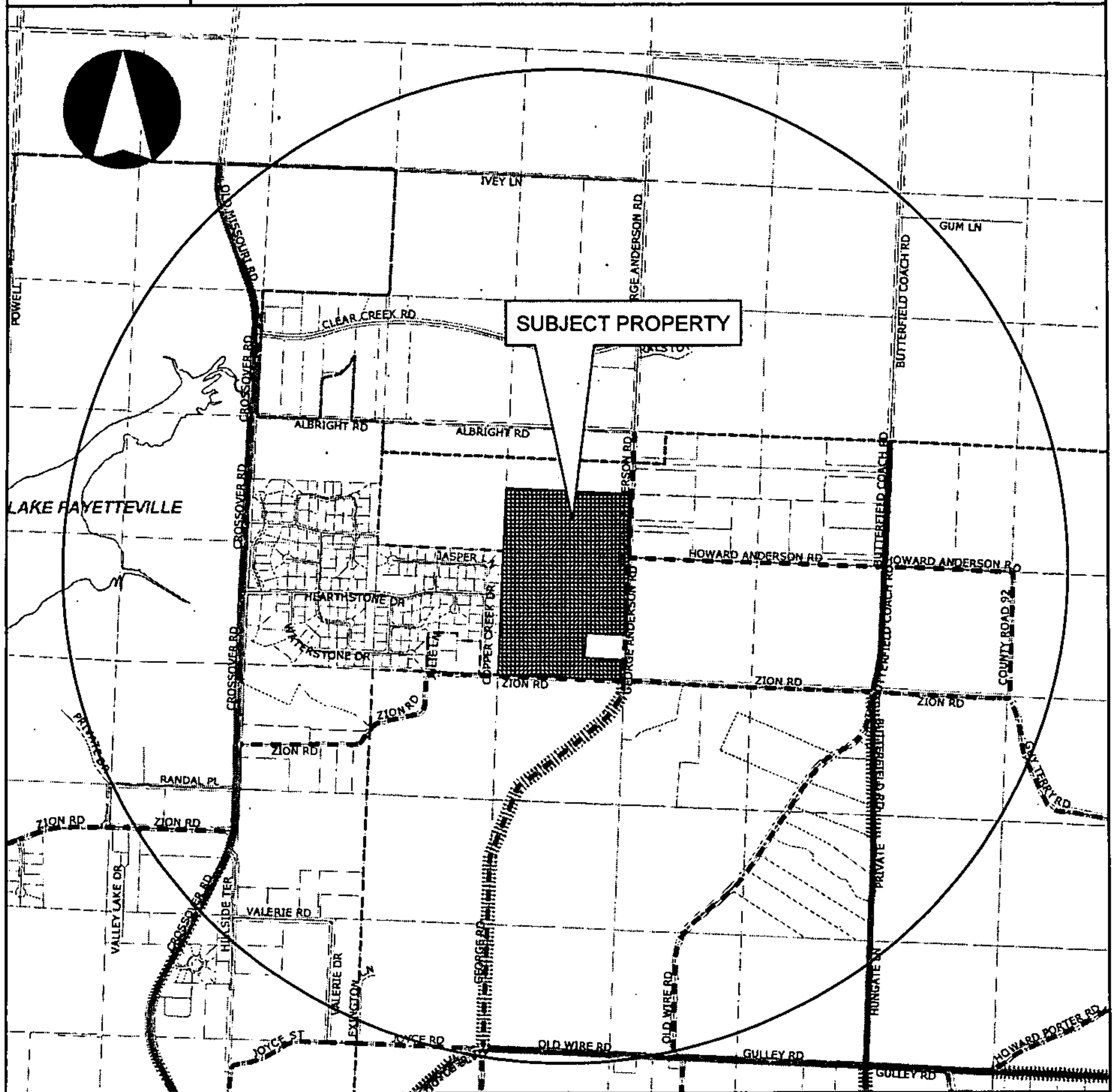
Boundary
 Planning Area
 Overlay District
 City Limits



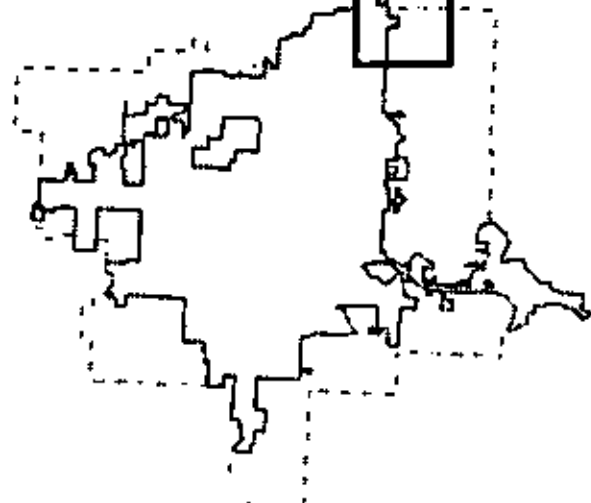
RZN03-4.00

One Mile View

ANDERSON



Overview



Legend

Subject Property

RZN03-4.00

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

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance rezoning property described in zoning petition RZN 02-14.00 for a parcel containing 3.12 acres located at the Northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.

COST TO CITY:

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

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:
Accounting Manager Date ADA Coordinator Date
City Attorney Date Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommends approval.

Division Head 1-17-03 Date Cross Reference

Department Director Date New Item: Yes No
Administrative Services Director 1-20-03 Date Prev Ord/Res#:
Director Date Orig Contract Date:
Mayor Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Dawn Warrick, AICP, Senior Planner
THRU: Tim Conklin, AICP, City Planner
DATE: January 17, 2003

RZN 02-14.00: Rezoning (Kesner, pp 99) was submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 3.12 acres. The request is to rezone to R-O, Residential Office.

BACKGROUND

This property was rezoned from A-1 to R-O at the June 18, 2002 City Council meeting. The intent of the rezoning was to rezone the entire tract to R-O with the exception of a small piece in which a crematorium was to be located. The large scale development was submitted and it was discovered that the area in which the crematorium was to be located did not fall within the remaining A-1 district.

An amended rezoning ordinance was processed and approved by City Council July 16, 2002. The manner in which the ordinance was drafted did not achieve the desired result of relocating the area of A-1, Agricultural zoning on the site for the proposed crematorium. It nullified the original rezoning ordinance resulting in the entire property reverting to A-1, Agricultural zoning.

CURRENT STATUS

Staff recommended the rezoning and the Planning Commission voted 5-0-1 to recommend the rezoning to the City Council.

City Council approved the original request with a vote of 7-0-0.

RECOMMENDATION

Staff and the Planning Commission recommend approval of the requested ordinance to rezone the subject property to R-O, Residential Office with the submitted legal description (exhibit A) which excludes the portion of the site to accommodate the crematorium (to remain A-1).

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 02-14.00 AS SUBMITTED BY RAYMOND
SMITH ON BEHALF OF JOHN AND JANET KESNER FOR A PARCEL
CONTAINING APPROXIMATELY 3.12 ACRES LOCATED AT THE
NORTHEAST CORNER OF CROSSOVER AND EAST OF ZION ROAD,
FAYETTEVILLE, ARKANSAS, FROM A-1, AGRICULTURAL TO R-O,
RESIDENTIAL OFFICE.

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 A-1, Agricultural to R-O, Residential Office 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 _____, 2003.

APPROVED:

By: **DRAFT**
DAN COODY, Mayor

ATTEST:

By: **DRAFT**
Heather Woodruff, City Clerk

EXHIBIT "A"

A PART OF THE SE ¼ OF THE NW ¼ AND A PART OF THE SW ¼ OF THE NW ¼ OF SECTION 19, T-17-N, R-29-W DESCRIBED AS COMMENCING AT THE NE CORNER OF SAID SE ¼ OF THE NW ¼; THENCE S0°21'03"W 687.76 FEET; THENCE ALONG AN AGREED BOUNDARY LINE, N 89°45'41"W 621.58 FEET TO A FOUND IRON PIN; THENCE S0°21'03"W 161.64 FEET; THENCE ALONG CENTERLINE OF EAST ZION ROAD, S88°03'31"W 544.62 FEET; THENCE S 86° 46'10"W 149.08 FEET; THENCE ALONG EAST RIGHT-OF-WAY OF ARKANSAS HIGHWAY NO. 265 N1°02'50"W 211.42 FEET TO A SET IRON PIN; THENCE S 89°45'41"E 698.15 FEET TO A SET IRON PIN; THENCE S 0°21'03"W 20.00 FEET, TO THE POINT OF BEGINNING, CONTAINING 3.12 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

SAID TRACT SUBJECT TO 35 FEET OF RIGHT OF WAY FOR EAST ZION ROAD ON THE SOUTH SIDE THEREOF.

LESS AND ACCEPT TO REMAIN A-1

A PART OF THE SE ¼ OF THE NW ¼ OF SECTION 19, TOWNSHIP 17 N, RANGE 29 W, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF THE SE ¼ OF THE NW ¼ OF SAID SECTION 19; THENCE SOUTH 00°21'03" WEST 687.76 FEET; THENCE NORTH 89°45' 41" WEST 621.58 FEET; THENCE NORTH 00°21'03" EAST 20.00 FEET; THENCE NORTH 89°45'41" WEST 499.26 FEET; THENCE SOUTH 11.19 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHERLY ALONG SAID LINE, A DISTANCE OF 22.25 FEET; THENCE WEST 9.33 FEET; THENCE NORTH 22.25 FEET; THENCE EAST 9.33 FEET TO THE POINT OF BEGINNING, CONTAINING 207.37 SQUARE FEET.

RZN 02-14.00: Rezoning (Kesner, pp 99) was submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Hoffman: Item four on our agenda is RZN 02-14.00, this is a rezoning for Kesner which was submitted by Raymond Smith, Attorney, on behalf of John and Janet Kesner for property located at the northeast corner of Crossover, Hwy. 265 and Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

Estes: It will be necessary that I recuse from this item.

Hoffman: Is the applicant present?

Smith: My name is Raymond Smith, I am the attorney representing the Kesners on this application.

Hoffman: Mr. Smith, do you have a presentation that you would like to make to us or do you just prefer to answer questions?

Smith: Briefly, this is to rezone approximately 2.8 acres. It is located at the corner of Hwy. 265, Crossover Road and E. Zion Road. The reason for the request to rezone this property is that it is under a contract from the Kesners with Scott Berna of Berna Nelson Funeral Home subject to the rezoning approval by the City to construct a new funeral home there at that location for the one that is presently located south of the mall. It will have a crematory in it which will remain A-1 and the remainder of the property will be rezoned to R-O, Residential property.

Hoffman: Thank you very much. We toured the site on our agenda session and I was wondering if staff had any background for this.

Conklin: This proposed site is immediately north of the Elks Lodge on Zion Road and Hwy. 265. The funeral home requires R-O and the crematory is required to be in A-1. They are requesting the R-O zoning to establish the funeral home.

Hoffman: I realize that we have a couple of Commissioners absent and I do believe that a rezoning does require five positive votes and there are five Commissioners here. Let me make you aware of that. Would you like to continue with this hearing or postpone it?

May 20, 2002

Page 7

Smith: We would request to continue this hearing.

Hoffman: I will take public comment. Is there anybody here that would like to address us on this rezoning? Seeing none, I will bring it back to the Planning Commission and to the applicant for further discussion.

Bunch: A question for staff. Tim, on the A-1 zoning, is that more or less a floating zoning to be determined where the crematory is built or how do we address that on the public record?

Conklin: They provided us a legal less and except that part where they are planning to build the crematorium. This is a little unusual because the zoning ordinance specifically states crematoriums in A-1, this property is A-1. Then the zoning ordinance specifically states funeral home in R-O. There is not much latitude to move around. It is very specific as to what can be in A-1 and R-O. That is why we are looking at rezoning this to R-O and leaving this area A-1, which allows for the crematory.

Allen: I wondered whether or not you have heard from any of those people that live in the surrounding area one way or the other?

Conklin: We have not heard from any of them.

Allen: Ok, thank you.

Hoffman: It is my understanding that the home adjacent to the property is the seller.

Smith: That is correct.

Hoover: Since we haven't had a funeral home come up since I've been on the Commission, usually where are they placed?

Conklin: The most recent one we have is the one on Happy Hollow and Huntsville Road, Beards Funeral Home, that is located in a C-2 zoning district. We have Moore's over here on Center Street and Nelson is out by the mall.

Hoover: It sounds like they are usually in a commercial zoning. I am just curious if a funeral home doesn't impair a residential subdivision from going in here.

Conklin: The Planning Commission did rezone the front portion of Stonewood Subdivision R-O just north of this site, a half mile up or so. R-O zoning has been established in that area along Hwy. 265. To answer your question, I am not sure what the most ideal location is. I have to question sometimes having one in a regional commercial shopping center in

Fayetteville. I know that was established a long time ago but whether or not that is the most appropriate use at that location.

Hoover: I guess I should consider that it will have to come back through large scale development correct?

Conklin: That is correct. At that time staff will address issues with onsite and offsite improvements and specifically with regard to Zion Road and curb cuts onto Zion Road and Hwy. 265 where improvements will be necessary in that location.

Motion:

Bunch: I move that we recommend RZN 02-14.00 for approval to the City Council.

Hoffman: We have a motion by Commissioner Bunch, I will go ahead and second. Is there any further discussion? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to forward RZN 02-14.00 was approved by a vote of 5-0-1 with Commissioner Estes abstaining.

Hoffman: The motion carries on a vote of five with one recusal. Thank you very much.

Smith: Thank you.

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: Dawn T. Warrick, Senior Planner
THRU: Tim Conklin, A.I.C.P., City Planner
DATE: May 22, 2002

RZN 02-14.00: Rezoning (Kesner, pp 99) was submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for property located at the northeast corner of Crossover (Hwy 265) and East Zion Road. The property is zoned A-1, Agricultural and contains approximately 2.80 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION: Required YES
☐ Approved ☐ Denied

Date: May 28, 2002

CITY COUNCIL ACTION: Required YES
☐ Approved ☐ Denied

Date: June 18, 2002 (1st reading – if recommended)

Comments: _____

BACKGROUND:

The subject property is located at the northeast corner of Zion Road and Crossover Road (Hwy 265). It is surrounded by single family homes on large tracts of property, all zoned A-1. The Elks Lodge is located across Zion Road to the south.

The applicant has requested this rezoning with the intention of developing a funeral home with a crematory. A funeral home is a use which is permitted by right within the R-O, Residential Office zoning district, however the crematory is only permitted within the A-1, Agricultural district. This request will rezone a portion of the property that the applicant intends to develop which will leave part of the property properly zoned for the crematory on the site.

SURROUNDING LAND USE AND ZONING

North:	Single family residence, A-1
South:	Elks Lodge, A-1
East:	Single family residence, A-1
West:	Vacant, A-1

INFRASTRUCTURE:

Access for this site is from Zion Rd. which is classified a collector on the City's Master Street Plan. This street is not currently constructed to the MSP standards. The condition of the street as well as the impact of any proposed development will have to be evaluated at the time of large scale development review. Crossover Rd. (Hwy 265), designated a principal arterial, also adjoins the site. Right of way dedication will be required in order for both adjoining streets to meet minimum requirements. Improvements to Zion Road and Crossover Road will be reviewed and determined at the time of development review.

An existing 12" water line is located along the south side of Zion Road. A 4" force main provides sewer service along the east side of Crossover Road adjacent to the site. These utilities will be reviewed at the time of any development proposal to determine whether upgrades, extensions or new lines will be required.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to R-O, Residential Office 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 zoning is consistent with land use planning objectives, principles, and policies. The adopted General Plan 2020 has designated this area Residential. The Residential Office district provides for both residential and limited professional office services which are appropriate in this area. The property is located at an intersection on a major north/south principal arterial which will become more prominent as additional property in the area develops. This zoning designation will allow for the establishment of uses which can serve the residential neighborhoods which have recently been developed and are beginning to build out north and east of the subject property. This zoning will also provide a transition between the principal arterial (Hwy 265) and the residential uses to the east.

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

Finding: While there is a limited amount of existing, undeveloped property within the R-O zoning district in this general area, none of the lots which have been created within the Millennium Place or Stonewood Subdivisions lends itself to the use proposed by the applicant. The use of this property for a funeral home with a crematory requires that adjoining property within the A-1 zoning district be available to accommodate the crematory which is not a permitted use in the R-O district.

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

Finding: The proposed zoning should not create or appreciably increase traffic danger and congestion. A large scale development project will be reviewed by staff and the Planning Commission to determine what improvements or assessments will be necessary to provide the infrastructure necessary to accommodate the proposed project. Improvements to Zion Rd., among other things, will certainly be discussed at that time.

4. A determination as to whether the proposed zoning would alter the population density

and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning will not alter population density.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: **N/A**

CURRENT OWNERSHIP INFORMATION AND ANY PROPOSED OR PENDING PROPERTY SALES

Assessor's Parcel Number 765-13211-000, P/O SE1/4,NW1/4, S19, T17N, R29W, (3.12 acres). Current owners are John & Janet Kesner. Pending Sale to Scott Berna, Nelson Berna Funeral Home and Crematory.

REASON FOR REQUESTED ZONING CHANGE

Parcel Number 765-13211-000, currently A-1, will be used to build a funeral home and crematory, with the parcel rezoned to R-O with the exception of the crematory which will remain zoned as A-1.

LAND DEVELOPMENT

The development of this parcel into a funeral home and crematory is consistent with the land use of the surrounding area in appearance, signage and minimum impact on traffic flow.

WATER/SEWER ACCESS

4" FORCED MAIN SEWER LINE ALONG EAST SIDE OF Highway 265(Crossover Road).

12" WATER LINE ALONG THE SOUTH SIDE OF East Zion Road.

**DEGREE TO WHICH PROPOSED ZONING IS CONSISTENT WITH
LAND USE PLANNING OBJECTIVES.**

Rezoning parcel 765-13211-000 from A-1 to R-O with the exception of the crematory is in harmony with and consistent with the Fayetteville Land Use Planning Objectives.

JUSTIFICATION FOR PROPOSED ZONING

Proposed zoning change to R-O is justified and needed in order to develop the parcel into a funeral home and crematory (part of the building).

TRAFFIC CONSIDERATIONS

The proposed zoning change will not create an appreciably increase in traffic danger and congestion along Crossover Road, and will help alleviate the traffic danger and congestion at the present location of the funeral home at North College Avenue and Joyce Boulevard.

POPULATION DENSITY CONSIDERATIONS

Population density will not be altered undesirably and minimal or no increase or impact on public services including school, water or sewer facilities.

USE OF LAND UNDER EXISTING ZONING CLASSIFICATION

Existing A-1 zoning classification severely restricts use of the land for further development and inconsistent with Land Use Planning Objectives.

RZNO2-14.00

Future Landuse

KESNER



SUBJECT PROPERTY

Residential

ZION RD

RANDAL PL

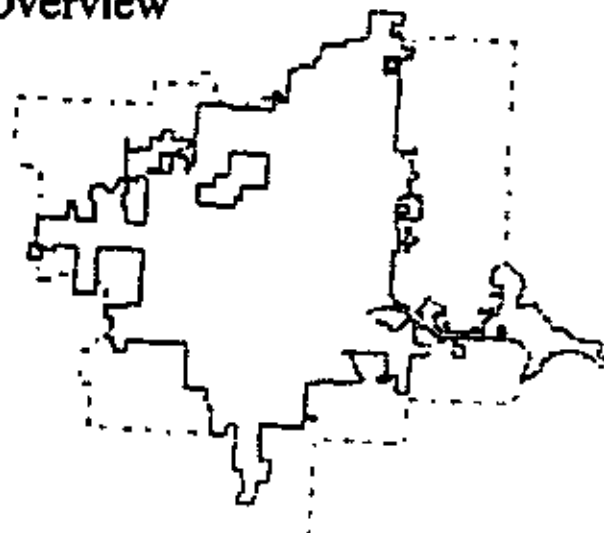
RANDAL PL

Community Commercial

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN02-14.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

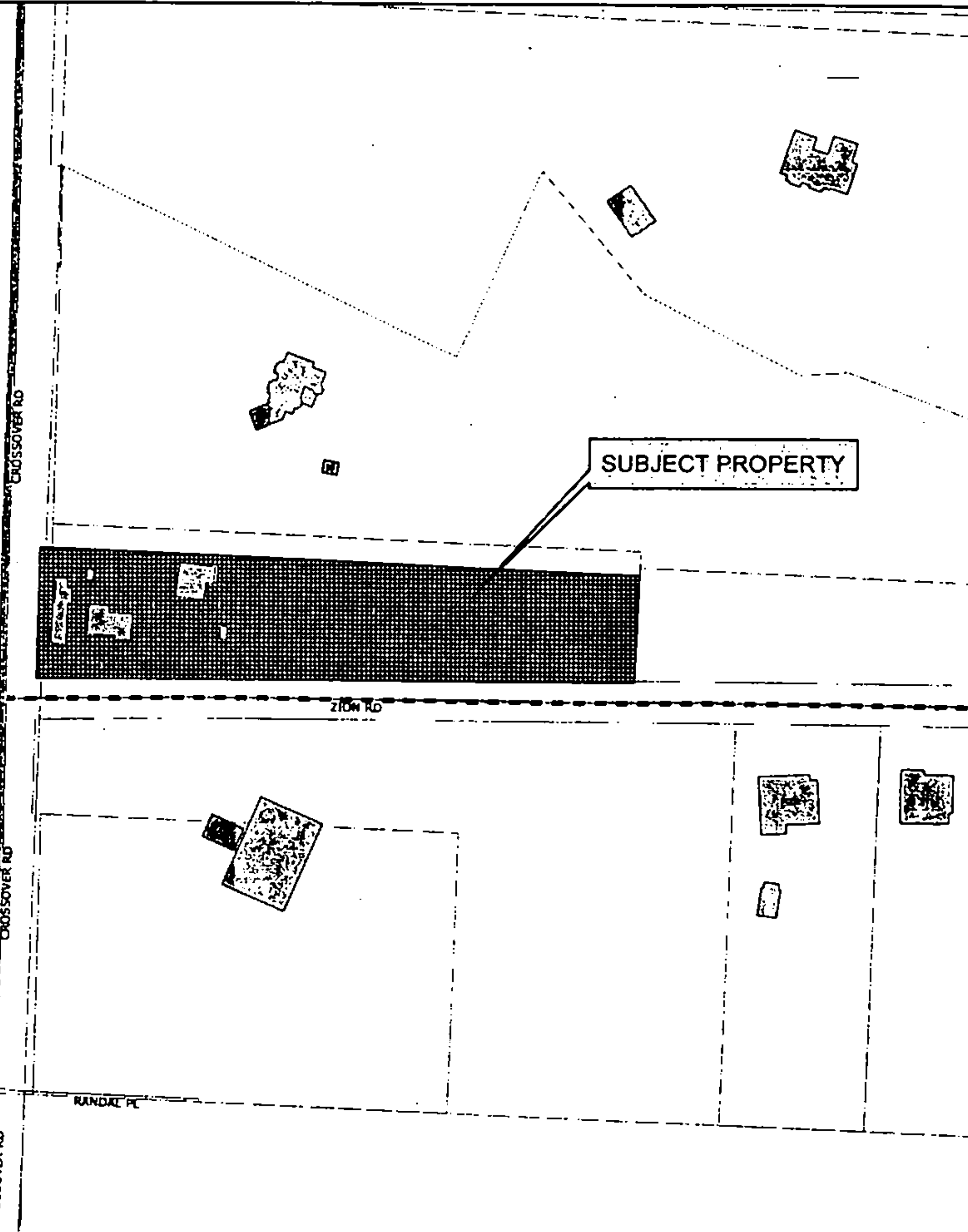
City Limits

0 75 150 300 450 600 Feet

RZN02-14.00

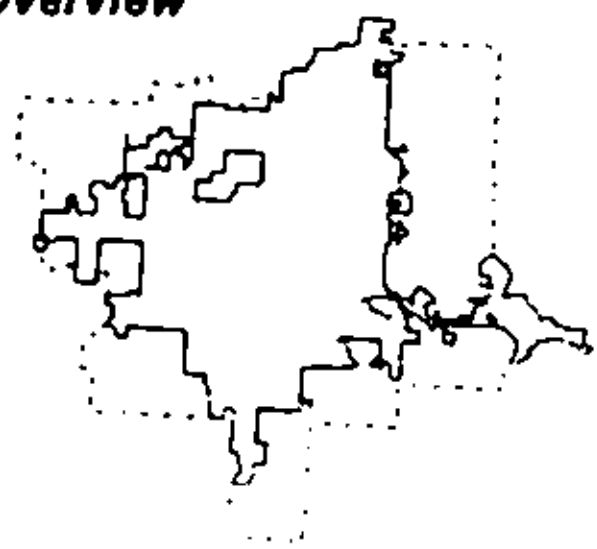
Close Up View

KESNER



SUBJECT PROPERTY

Overview



Legend

Subject Property

RZN02-14.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

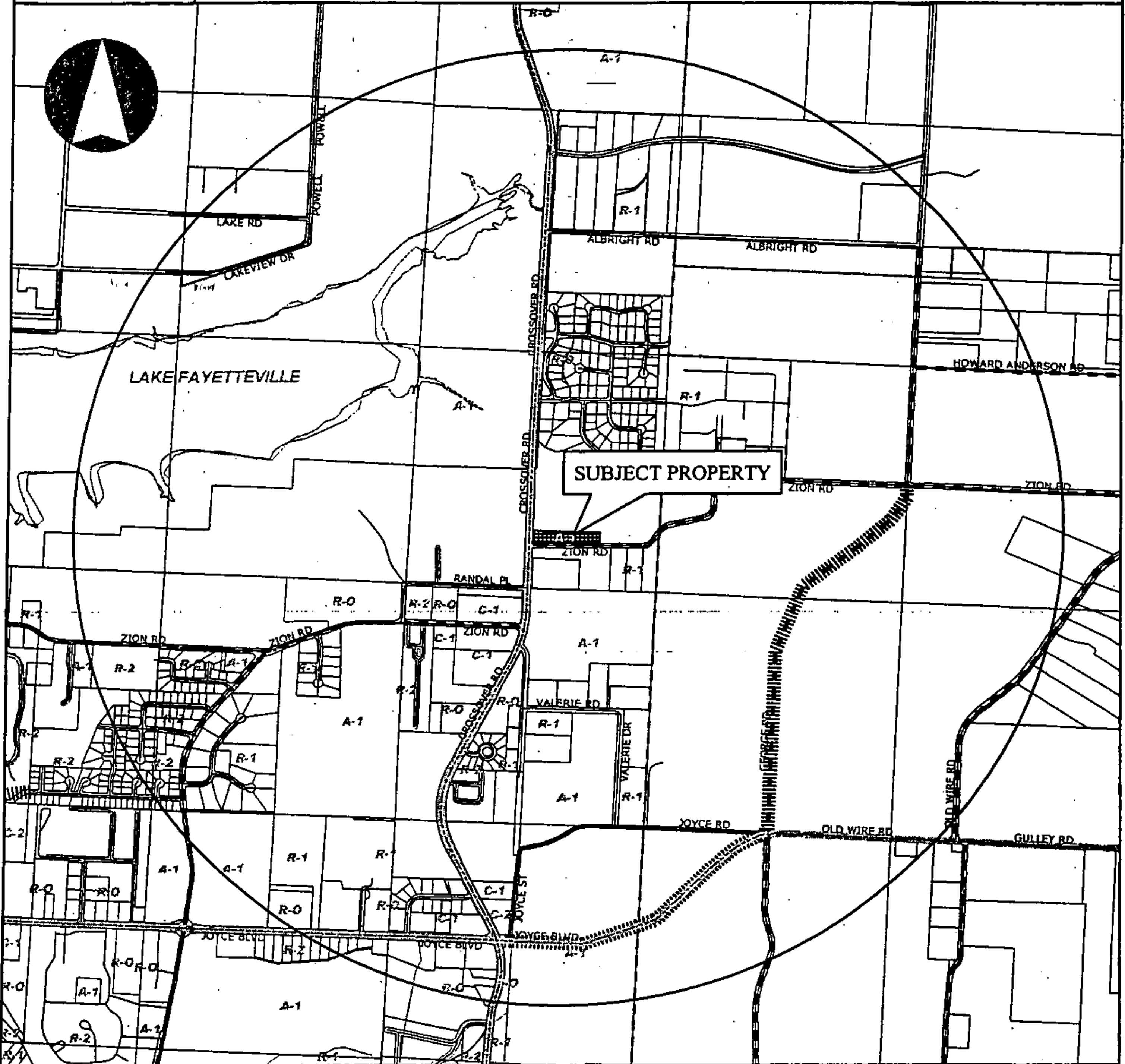
Historic Collector



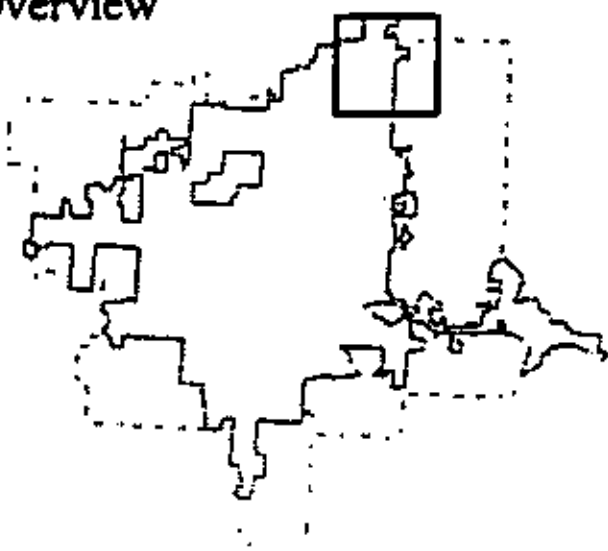
RZN02-14.00

One Mile View

KESNER



Overview



Legend

Subject Property

RZN02-14.00

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 0.125 0.25 0.5 0.75 1 Miles

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

COST TO CITY:

\$0

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

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached
Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY:
Accounting Manager Date ADA Coordinator Date
City Attorney Date Internal Auditor Date
Purchasing Officer Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 9-0-0 to recommend that the City Council approve the requested rezoning.

Division Head 1-17-03 Date
Department Director 1-17-03 Date
Administrative Services Director 1-20-03 Date
Mayor Date
Cross Reference
New Item: Yes No
Prev Ord/Res#:
Orig Contract Date:

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

RZN 03-1.00: Rezoning (McClinton, pp 484) was submitted by Laura Kelly of Robert Sharp Architect on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

BACKGROUND:

The subject property is located south of Dickson Street between Block Avenue and East Avenue. A two story office building (Hathcock Building) currently sits on the site. The applicant proposes to add to the site a three-story, 12-unit apartment building. The applicant is requesting C-3 zoning to allow for the location of the building in a similar fashion to that of the rest of Dickson Street, which is close to the street right-of-way. The C-3 zoning is also being requested to provide zoning consistent with other properties along Dickson Street.

The Engineering Division, Police Department and Fire Department have responded to the rezoning request. There does not appear to be concern for providing adequate public facilities at this location for the requested zoning designation.

The C-3, Central Commercial zoning designation is consistent with the Future Land Use Plan, which designates this site as historic commercial. It follows General Plan 2020 policies for historic commercial areas by promoting higher density residential in the central commercial areas. The zoning classification is compatible with surrounding zoning and land uses. Staff recommends approval of the requested rezoning.

CURRENT STATUS:

On January 13, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Approval of the requested rezoning from C-2 to C-3.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-1.00 FOR A PARCEL
CONTAINING APPROXIMATELY 1.08 ACRES LOCATED AT 240 BLOCK
AVENUE, FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY LAURA
KELLY OF ROB SHARP ARCHITECTS ON BEHALF OF DAVID
MCCLINTON

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 C-2, Thoroughfare Commercial to C-3, Central Commercial 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 _____, 2003.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 03-01.00

A PART OF BLOCK 2 OF THE ORIGINAL TOWN (NOW CITY) OF FAYETTEVILLE, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EXISTING N.E. CORNER OF SAID BLOCK 2, BEING THE S.W. CORNER OF THE INTERSECTION OF EAST AVENUE AND DICKSON STREET; THENCE S0°46'40"W ALONG THE WEST LINE OF EAST AVENUE 177.28 FEET; THENCE N89°02'05"W 98.42 FEET TO A POINT ON A ROCK WALL THAT IS 0.59 FEET WEST OF A FOUND IRON PIN; THENCE S0°46'40"W ALONG SAID ROCK WALL 76.65 FEET; THENCE N89°18'56"W 117.04 FEET TO A POINT ON THE EAST LINE OF BLOCK AVENUE THAT LIES S0°48'14"W 254.50 FEET FROM THE CORNER OF A ROCK WALL AT THE SOUTHEAST INTERSECTION OF DICKSON STREET AND BLOCK AVENUE; THENCE N0°48'14"E ALONG THE EAST LINE OF BLOCK AVENUE 254.50 FEET TO THE CORNER OF A ROCK WALL AT THE EXISTING N.W. CORNER OF SAID BLOCK 2; THENCE S89°02'05"E ALONG THE SOUTH LINE OF DICKSON STREET 215.34 FEET TO THE POINT OF BEGINNING, CONTAINING 1.08 ACRES, MORE OR LESS, SUBJECT TO ALL EXISTING EASEMENTS AND RIGHTS-OF-WAY.

Aviles: Sixth on our agenda is RZN 03-1.00 for McClinton which was submitted by Laura Kelly of Robert Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. This property is zoned C-2, Thoroughfare Commercial and contains approximately 0.92 acres. The request is to rezone to C-3, Central Commercial. Staff is recommending approval of the requested rezoning. Shelli, do you have the staff report?

Rushing: Yes Ma'am. This property is located south of Dickson Street between Block Avenue and East Avenue. Right now there is a two story office building located on this site. The applicant is proposing to add to the site a three story apartment building complex. This complex would have 12 units and 11,000 sq.ft. The applicant is proposing to place the building close to the street right of way of Dickson Street. In order to do that they would need the C-3 zoning, which does permit a smaller front setback for this property. They are requesting the C-3 zoning to allow for the building to be set closer to the street right of way for Dickson Street and second of all, for it to be more consistent with some of the other properties located on Dickson Street. This property is designated as historic commercial in the future land use plan. It also follows the General Plan 2020 policies for historic commercial areas. One of which is promoting higher density residential in the central commercial areas. We also find that the zoning classification is compatible with surrounding zoning as well as surrounding land uses. We have spoken with the fire department as well as the police department. The fire department indicates that the response time is three to four minutes at this location and that fire hydrants may be needed at the time of development and the police department does not believe that there is any adverse affects on this rezoning on the ability to provide public services to the site. Therefore, staff is recommending approval of the requested rezoning.

Aviles: Thank you very much Shelli. Is the applicant present?

Kelly: Good evening, I am Laura Kelly. My main points are very simple and short. This property is existing right now on Dickson Street right across the street from the post office, which has kind of a low scale along there, and one of the principals of making a really livable, friendly, walkable city is to develop streetscapes and Dickson Street is wonderful for that. You have streets right along, shop windows to look in and what the current property owner would like to do is put an apartment building on his vacant lot parking area. He can do that right now as it is zoned but he would have to put it 50' off the street, which would mean the parking would go out in front so as you are walking down Dickson Street you would see a lot of cars. That is good for Thoroughfare Commercial, good visibility for fast traffic but on Dickson Street it seems inappropriate and I would like to recommend that the Planning Commission approve this rezoning request

and allow a more pedestrian friendly Dickson Street environment and put the parking in the back. Thanks.

Aviles: Thank you Laura.

Rushing: I do want to point out that we have color elevations that are sitting in front of you that were provided to us today.

Aviles: Laura, could you tell us which is the existing building on this?

Kelly: The one on the right is the existing building. If that plan could proceed that will be the owner's house there on the top right.

Aviles: Do you plan any structured parking for later on?

Kelly: That is a dream, yes.

Aviles: Is there any member of the audience that would like to address us on this rezoning? Seeing no one, I will go ahead and bring discussion back to the Planning Commission and to the applicant for discussion or motions.

MOTION:

Allen: I think this is a real appropriate and attractive project for this area and for that reason I would like to move for approval of RZN 03-1.00.

Aviles: Thank you, I have a motion by Commissioner Allen, do I hear a second?

Hoover: I would like to second it and I would just like to comment also that this is a great project and I appreciate someone taking the time to change the zoning so that we could have the appropriate setbacks for the project.

Conklin: I do have to add that I think it is a wonderful project too. I just want to make sure that you are aware, and I know you are aware of this, but for the public, we currently don't have design guidelines or standards for residential multi-family. What they are showing you this evening is something that we cannot require. We are looking at the zoning with regard to the building setback footprint and not the three dimensional building and how it looks and materials. I do think it follows good principals of urban design and I think it is going to be a great asset down there on Dickson Street. Thank you.

Aviles: Thank you Mr. Conklin.

Bunch: I would like to echo the comments of the other Commissioners about the appropriateness of this project. At the same time, since this is less than an acre in size it will not come back before this body which means that there will not be additional public comment other than the rezoning request from the City Council. There is another issue that is attentive to this, maybe not directly involving it, but it is something that we need to look at in our long term planning. There will be a loss of parking places in this area that are currently being utilized by the religious community on Sundays. As we do one thing good sometimes we create other problems. Although I am going to vote for this project, I just want to keep this information in front because we have a problem in the Dickson Street and downtown area with parking and since there will not be any other public meetings on this I would like to generate some numbers and information for the City Council and for staff to be able to utilize when they do their administrative decisions on this. Laura, can you tell us how many parking places are currently in this area and what the reduction will be and what affect having it as personal parking rather than business parking will have on the Sunday situation.

Kelly: On the site right now according to the survey and counting of spaces and wheel stops, there are 49 spaces. However, it is very important for me to stress that some of these spaces are 11' deep and the cars are hanging 10' out. There is a space that is 45' wide and has a double loaded corridor, that is usually 65' by code. Even though there are 49 spaces. I did a quick calculation on AutoCAD and came up with 38 by code, I know that is cheating, there are 49 squeezing in there right now. Although some of them are never used because they are over crowns of roots and just dangerously close to streets and overhanging sidewalks and such. Our proposal includes 35 spaces, 2 of them are housed in a garage, which will be the McClinton's house so those don't really count so 33. Even though you are losing 16 actual spots, in my eyes if this parking lot were ever upgraded to meet code, you are only using 5 spaces.

Bunch: Ok, thank you. You are showing adding an additional storage to the existing building still be office space or will it be converted to residential also?

Kelly: The first floor and most of the second floor will remain office space. A little bit of the second floor will become the downstairs of the McClinton residence and that bit of third floor you see is only on Dickson Street. It will be the upstairs of the McClinton residence and the roof will be a rooftop garden. That is all the idea situation. Obviously, it may or may not happen that way.

- Bunch: Laura, do you know if there are any existing shared parking agreements in affect for this area?
- Kelly: I don't know that there are on this site.
- Rushing: Staff is not aware of any shared parking agreements at this location. We also are not aware of any type of shared parking agreement at this location as well as any kind of shuttle services or transportation services between the area churches and other parking areas. We were not able to identify any of those.
- Conklin: I would just like to add one thing. That is as we continue to increase the amount of residential in our downtown, the one objective here is that maybe people who live in this apartment or live down there, if they choose to go to church, will walk to church and not drive and will choose to walk to work. I think when you create that mixture of use with actually reducing parking, we may not need as much parking.
- Bunch: To me that is one the assets of having this type of infill development and it goes a long ways towards stemming the core decay. I think we have done a very good job in Fayetteville of avoiding that where other cities have had considerable problems. Combined with the change of the Heritage Place building from commercial or office space to residential, which eliminates some more parking places and the same thing with Southwestern Bell putting in the expanded generating station, we are losing somewhere in the neighborhood of 50 to 75 parking places that are available normally on Sundays for the four large churches within this immediate area, within two blocks of this area, to utilize. It is just one of the concerns that I have. Again, I am in favor of this type of infill project but at the same time we need to recognize that our downtown churches have members of their congregations that are coming in from all over town and from out in the growth area and beyond and would not be able to walk to church and we need to make sure we have parking for all of our various uses in the downtown area, whether it is government, business, residential or religious communities.
- Kelly: I just would like to add one quick comment. I guess it would be acceptable at this time with the C-2 zoning to develop that spot so in a way this is trying to make a more aesthetic approach to this.
- Bunch: I am not trying to minimize this project in any manner. I am just saying that as these types of projects come up when they have smaller than an acre and there is not a public hearing we need to remain mindful that we are losing parking in our downtown area and this is a problem that needs

to be addressed by the City Council and the administration. I just wanted to initiate dialogue so that it wouldn't be lost when it goes to them.

Aviles: Thanks Commissioner Bunch. That is an excellent point and parking downtown is certainly a major concern. Commissioners, is there further discussion before we vote on this item? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-1.00 by the City Council was approved by a vote of 9-0-0.

Aviles: The motion carries unanimously.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003113 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: January 9, 2003

RZN 03-1.00: Rezoning (McClinton, pp 484) was submitted by Laura Kelly of Robert Sharp Architect on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C-2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: Jan. 13, 2003			
CITY COUNCIL ACTION:	Required <u>YES</u>	☐ Approved	☐ Denied
Date: Feb. 4, 2003			

Comments: _____

BACKGROUND:

Property Description: The subject property is located south of Dickson Street between Block Avenue and East Avenue. A two story office building (Hathcock Building) currently sits on the site.

Proposal: The applicant proposes to add to the site a three-story apartment building complex with 12 units and 11,000 square feet. The proposed location of the building is close to Dickson St. with parking located behind the structure.

Request: The setback regulations of the C-2 zoning district will not permit the building to be located near the right-of-way. The applicant is requesting C-3 zoning to allow for the location of the building in a similar fashion to that of the rest of Dickson Street, which is close to the street right-of-way. The C-3 zoning is also being requested to provide zoning consistent with other properties along Dickson Street.

Recommendation: The staff recommends approval of the requested rezoning to C-3, Central Commercial. The proposed zoning is consistent with other zoning along Dickson Street and is compatible with surrounding land uses. It also allows for the implementation of General Plan 2020 policies regarding historic commercial areas.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Public (Post Office)	R-O, Residential Office
South	Office Building	R-O, Residential Office
East	Church	R-O, Residential Office
West	Retail (Clothing Store)	C-3, Central Commercial

INFRASTRUCTURE:

Streets: North: Dickson Street (Historic Collector)
South: Spring Street
East: East Avenue (Historic Collector)
West: Block Avenue (Historic Collector)

Water: There is a 12" water lines along Dickson and East and a 6" water line along Block Avenue.

Sewer: Eight inch sewer mains are located along Dickson, Block and East.

LAND USE PLAN: General Plan 2020 designates this site historic commercial. Rezoning this property to C-3, Central Commercial is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF:

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

Finding: The C-3, Central Commercial zoning designation is consistent with the Future Land Use Plan, which designates this site as historic commercial. It follows General Plan 2020 policies for historic commercial areas by promoting higher density residential in the central commercial areas. The zoning classification is compatible with surrounding zoning and land uses.

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

Finding: The proposed zoning is needed in order to build the structure close to the right-of-way, as proposed by the applicant.

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

Finding: *Planning Division:* The proposed zoning could result in a maximum of 37 residential units (.92 acres x 40 du/acre). The average weekday two-way volume for a 37 unit apartment complex is 245 trips. The proposal is for 12 residential units. The average weekday two-way volume for a 12 unit apartment complex is 80 trips. The property will be accessed from Dickson St., East Ave. and Block Ave., all three of which are designated as historic collectors on the Master Street Plan. A historic collector is to be designed for 4,000 vehicles per day or 6,000 vehicles per day with a left turn bay. There are no traffic counts at this location.

Engineering Division: The proposed rezoning is located on the south side of Dickson Street between Block Avenue and East Avenue. At this location Dickson Street is a two lane street. The proposed rezoning from C-2 to C-3 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as 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 Division:* The maximum of 37 residential units could result in a population of 82 people, using an average occupied housing unit count of 2.21 persons (Source: U.S. Census 2000, City of Fayetteville). The proposed 12 units could result in a population of 27 people.

Engineering Division: The site has access to existing 12" water lines along Dickson and East. There is also a 6" water line along Block Avenue. Eight inch sewer mains are located along Dickson, Block and East.

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.

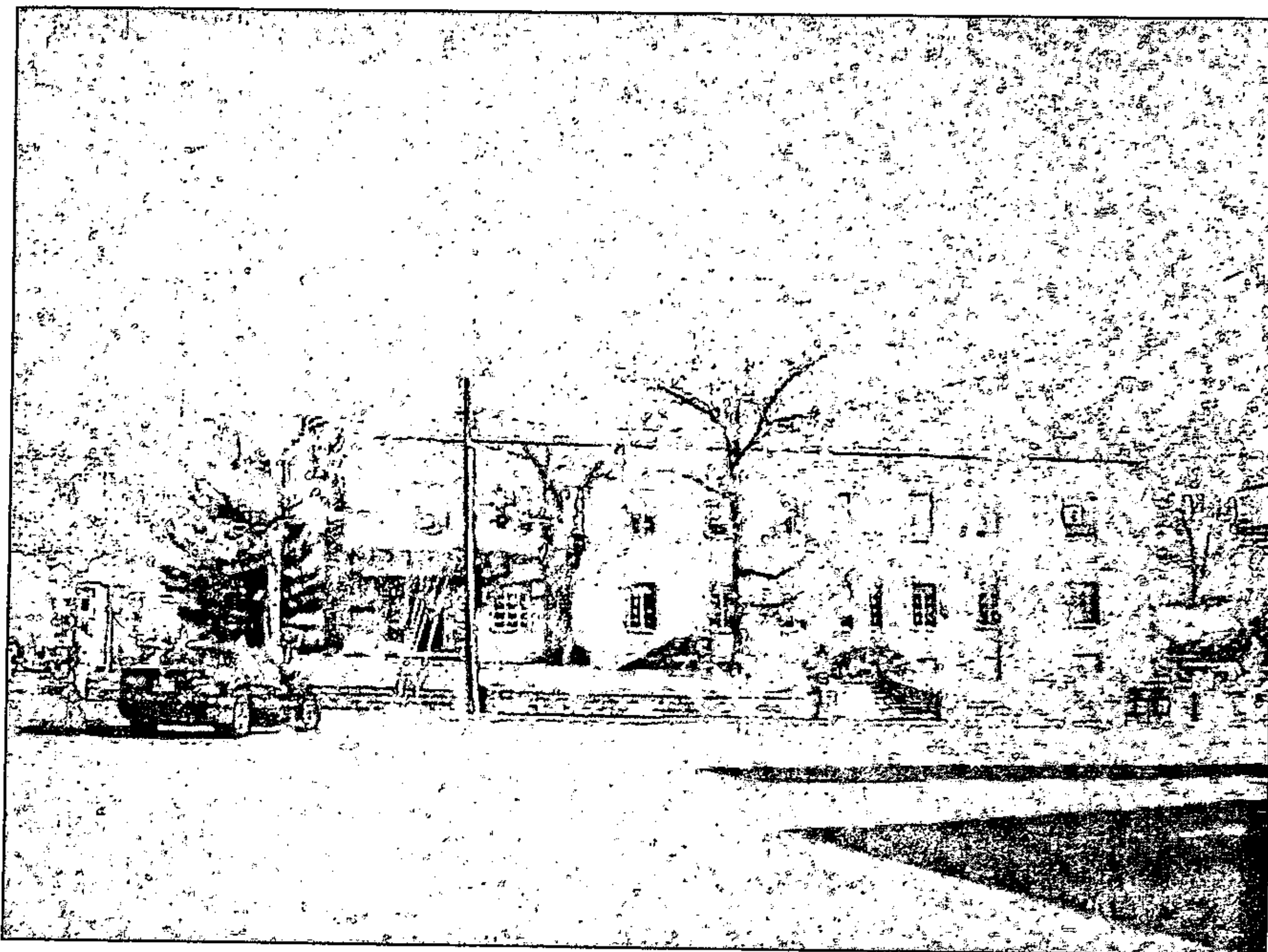
Fire Department: The response time is three to four minutes and fire hydrants may be needed.

Police Department: The Police Department does not believe there are any adverse effects to public safety should this property be rezoned as requested.

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



Looking east at subject property.

*From Chapter 161, Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Current Zoning:

**§161.14 DISTRICT C-2 THOROUGH-FARE
COMMERCIAL.**

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

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 17	Trades and Services
Unit 18	Gasoline Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 20	Commercial Recreation, Large Sites
Unit 24	Outdoor Advertising
Unit 33	Adult Live Entertainment Club or Bar
Unit 34	Liquor Store

2. Uses Permissible on Appeal to the Planning Commission.

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

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

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

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

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

(Code 1991, §160.036; Code 1965, App. A, Art. 5(VI); Ord. No. 1747, 6-29-89; Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 4034, §§3,4, 4-15-97)

*From Chapter 161, Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Proposed Zoning:

**§161.15 DISTRICT C-3 CENTRAL
COMMERCIAL.**

A. Purpose. The Central Commercial District is designed to accommodate the commercial and related uses commonly found in the central business district or regional shopping centers which provide a wide range of retail and personal service uses.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 4	Cultural and Recreational Facilities
Unit 5	Government Facilities
Unit 9	Multifamily Dwelling - Low Density
Unit 10	Multifamily- High Density
Unit 12	Offices, Studios and Related Services
Unit 13	Eating Places
Unit 14	Hotel, Motel and Amusement Facilities
Unit 15	Neighborhood Shopping Goods
Unit 16	Shopping Goods
Unit 18	Gas Service Stations and Drive-In Restaurants
Unit 19	Commercial Recreation
Unit 34	Liquor Store

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 19	Trades and Services
Unit 28	Center for Collecting Recyclable Materials

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

	Central Business District	Shopping Center
From Street ROW	5 ft.	25 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.	50 ft.
From Side Property Line	None	None
From Side Property Line When Contiguous to a Residential District	10 ft.	25 ft.
From Back Property Line Without Easement or Alley	15 ft.	25 ft.
From Centerline Line of a Public Alley	10 ft.	10 ft.

(Code 1991, §160.037; Code 1965, App. A, Art. 5(VII); Ord. No. 1747, 6-29-89; Ord. No. 2351, 6-21-77; Ord. No. 2603, 2-19-80)

TRIP GENERATION

Summary of Trip Generation Calculation
For 37 Dwelling Units of Apartments
January 08, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume 6.63		2.98	1.00	245
7-9 AM Peak Hour Enter	0.08	0.00	1.00	3
7-9 AM Peak Hour Exit	0.43	0.00	1.00	16
7-9 AM Peak Hour Total	0.51	0.73	1.00	19
4-6 PM Peak Hour Enter	0.42	0.00	1.00	16
4-6 PM Peak Hour Exit	0.20	0.00	1.00	7
4-6 PM Peak Hour Total	0.62	0.82	1.00	23
Saturday 2-Way Volume	6.39	2.99	1.00	236
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	19

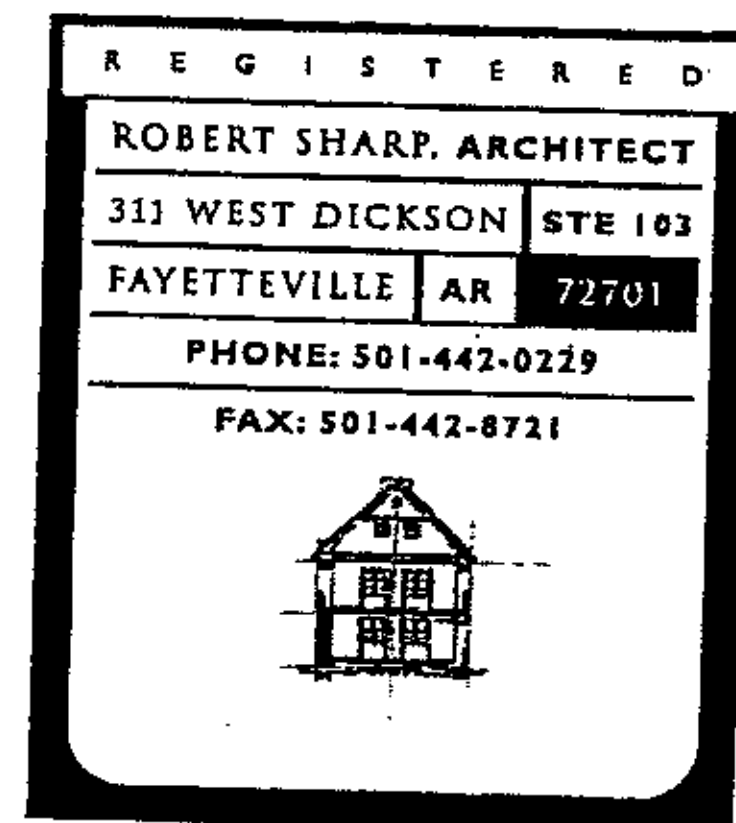
Summary of Trip Generation Calculation
For 12 Dwelling Units of Apartments
January 08, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume 6.63		2.98	1.00	80
7-9 AM Peak Hour Enter	0.08	0.00	1.00	1
7-9 AM Peak Hour Exit	0.43	0.00	1.00	5
7-9 AM Peak Hour Total	0.51	0.73	1.00	6
4-6 PM Peak Hour Enter	0.42	0.00	1.00	5
4-6 PM Peak Hour Exit	0.20	0.00	1.00	2
4-6 PM Peak Hour Total	0.62	0.82	1.00	7
Saturday 2-Way Volume	6.39	2.99	1.00	77
Saturday Peak Hour Enter	0.00	0.00	1.00	0
Saturday Peak Hour Exit	0.00	0.00	1.00	0
Saturday Peak Hour Total	0.52	0.74	1.00	6

November 20, 2002

To members of the Planning Commission
City of Fayetteville
311 West Mountain
Fayetteville, AR 72701

**RE: REZONING REQUEST FOR PROPERTY
SOUTH OF DICKSON STREET BETWEEN BLOCK
AND EAST AVENUE**



Members of the Planning Commission:

The attached zoning request includes property under and around the existing Hathcock Building on the south side of Dickson Street, between Block Avenue and East Avenue. The Hathcock building parcel has been under the same ownership since 1972.

The owner is requesting the zoning change from C2 to C3 to put his property in conformance with the surrounding Dickson Street properties, and to allow a future development of the property to be in conformance with the Dickson Street design patterns.

An apartment building project at the corner of East Avenue and Dickson Street is being considered. The preferred building location would be close to the Dickson Street right-of-way, with the parking concealed behind the structure, (see attached Site Plan and Elevation sketches). This design would fill in what is currently one of the parking lot voids of Dickson Street, and would add to the pedestrian interest and scale. The setback requirements of C2 would prohibit building close to the street, and would, by the nature of the setback limitations, require the parking lot to be along Dickson Street.

The apartment building design currently being considered is a three-story 12-plex of approximately 11,000 square feet. The space left available for parking behind the proposed building will be adequate for the twelve units and the existing office uses of the Hathcock building.

Water and sewer facilities, some of which have been recently upgraded with the Dickson Street Enhancement Project, run under every street surrounding the property.

Owner

McClinton Investments
P.O. Box 1367
Fayetteville, AR 72702

Parcels included in rezoning:

765-01654

765-01653

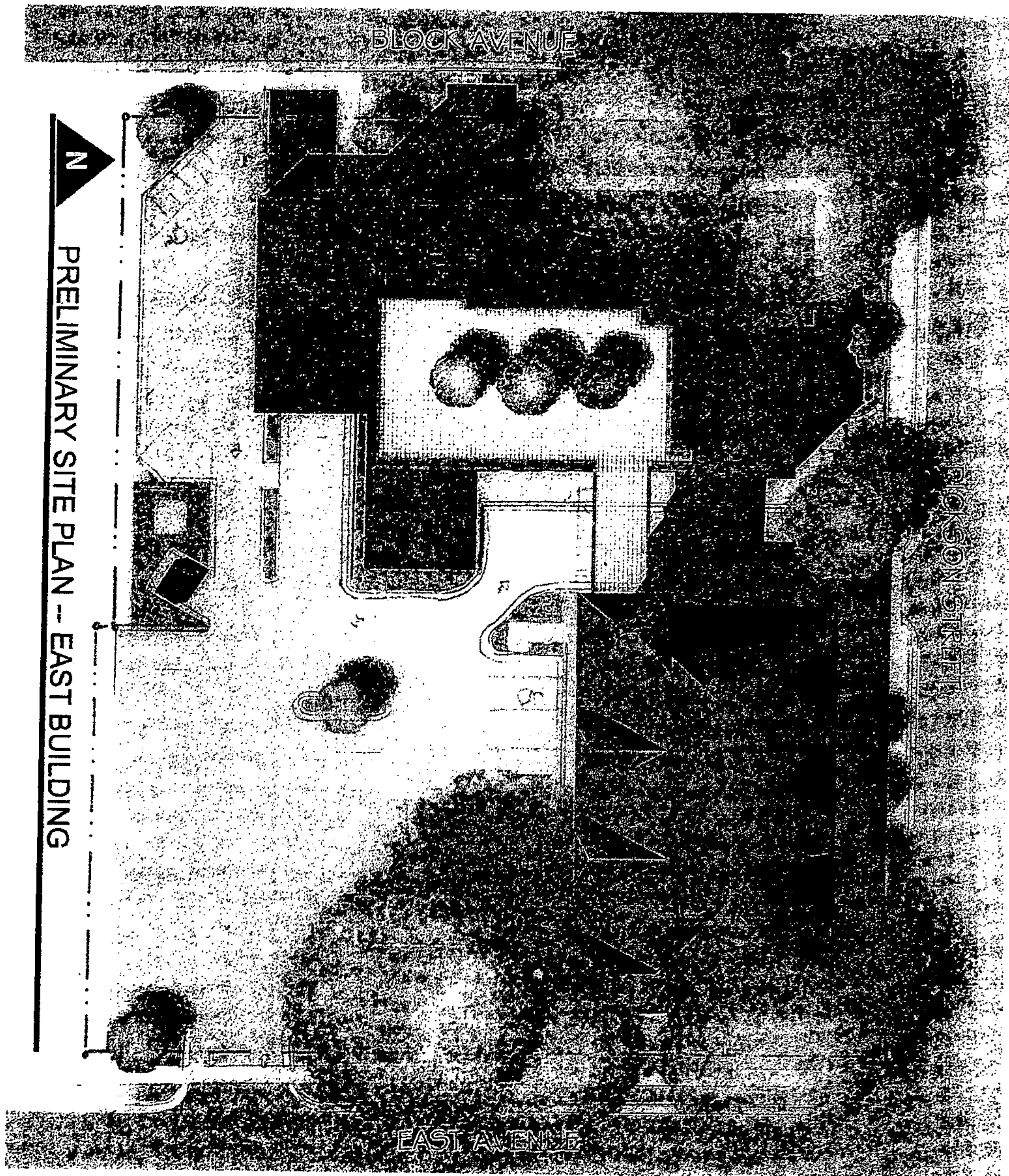
765-01655

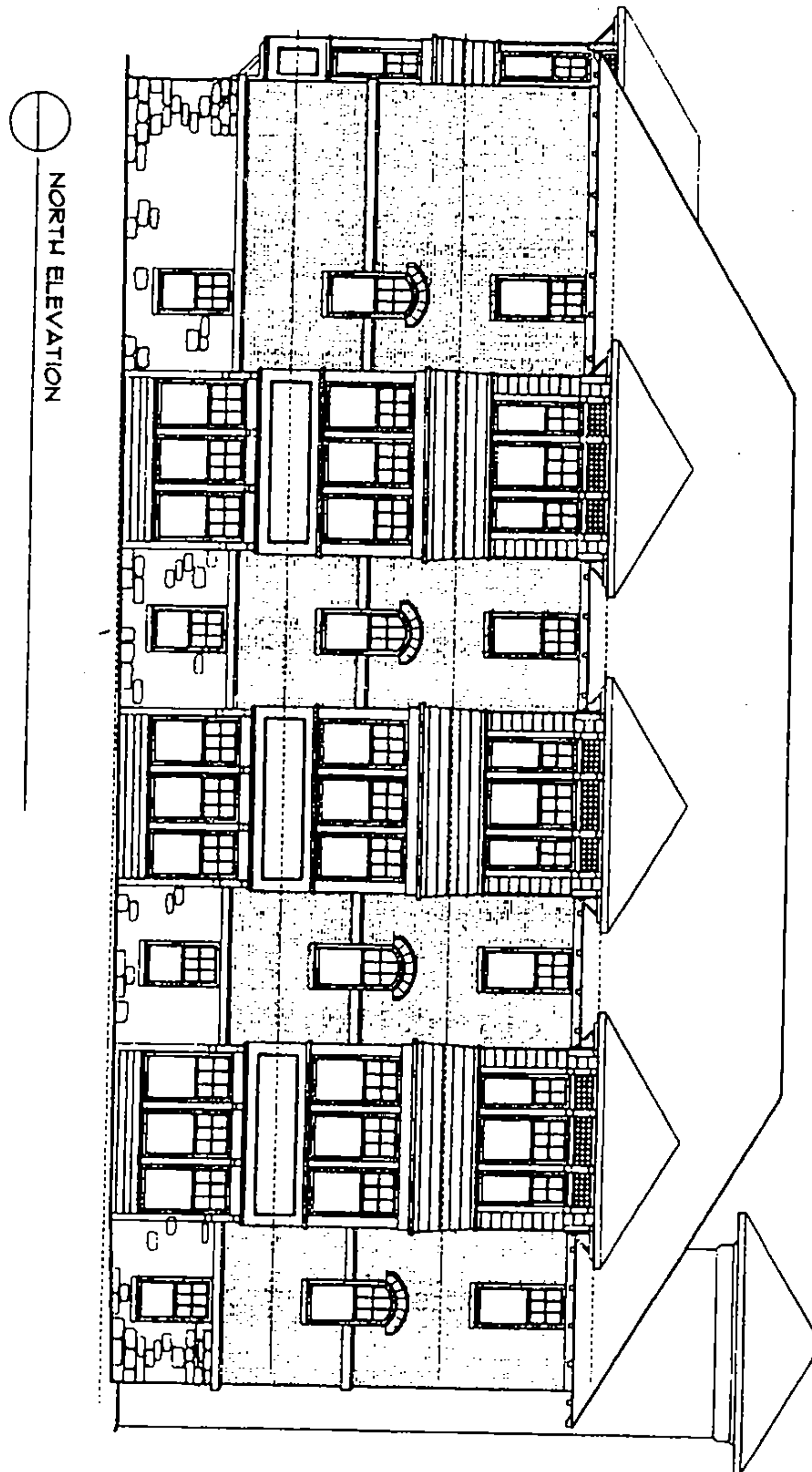
Legal Descriptions shown on Exhibit "A".

Sincerely,



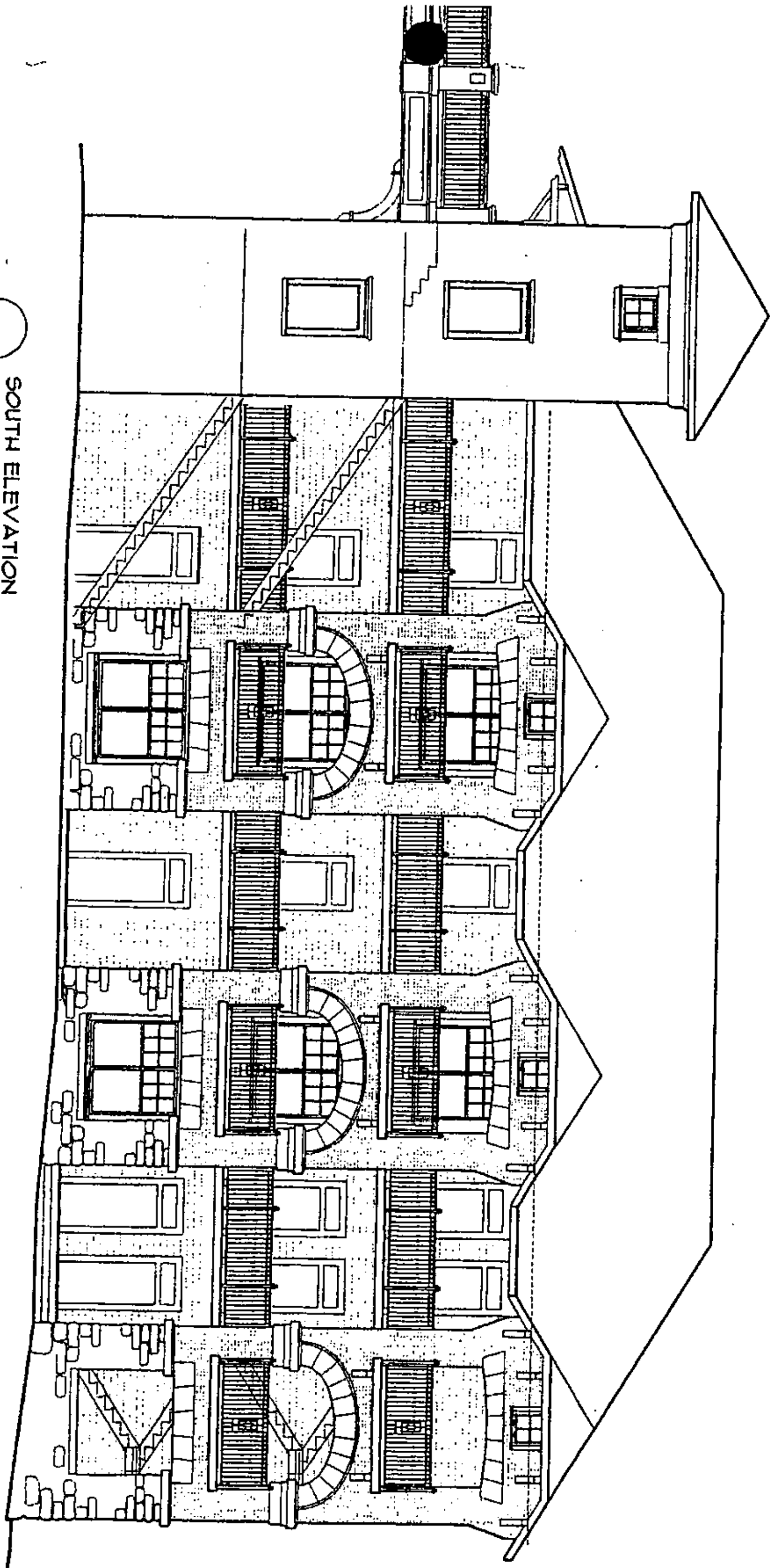
Laura Kelly
Robert Sharp, Architect



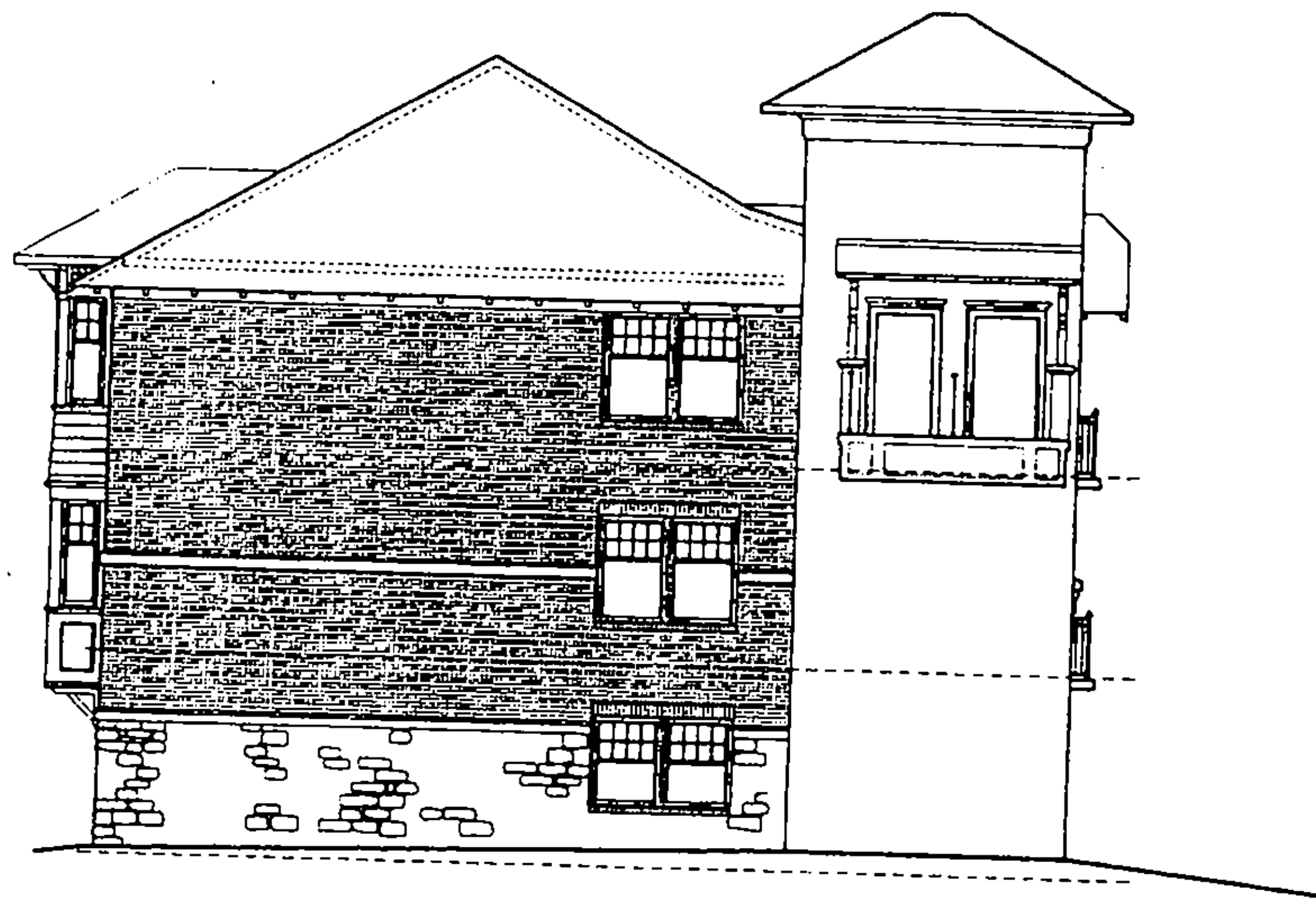


"EAST BUILDING" PROPOSED ELEVATION

SOUTH ELEVATION



"EAST BUILDING" PROPOSED
ELEVATION



WEST ELEVATION

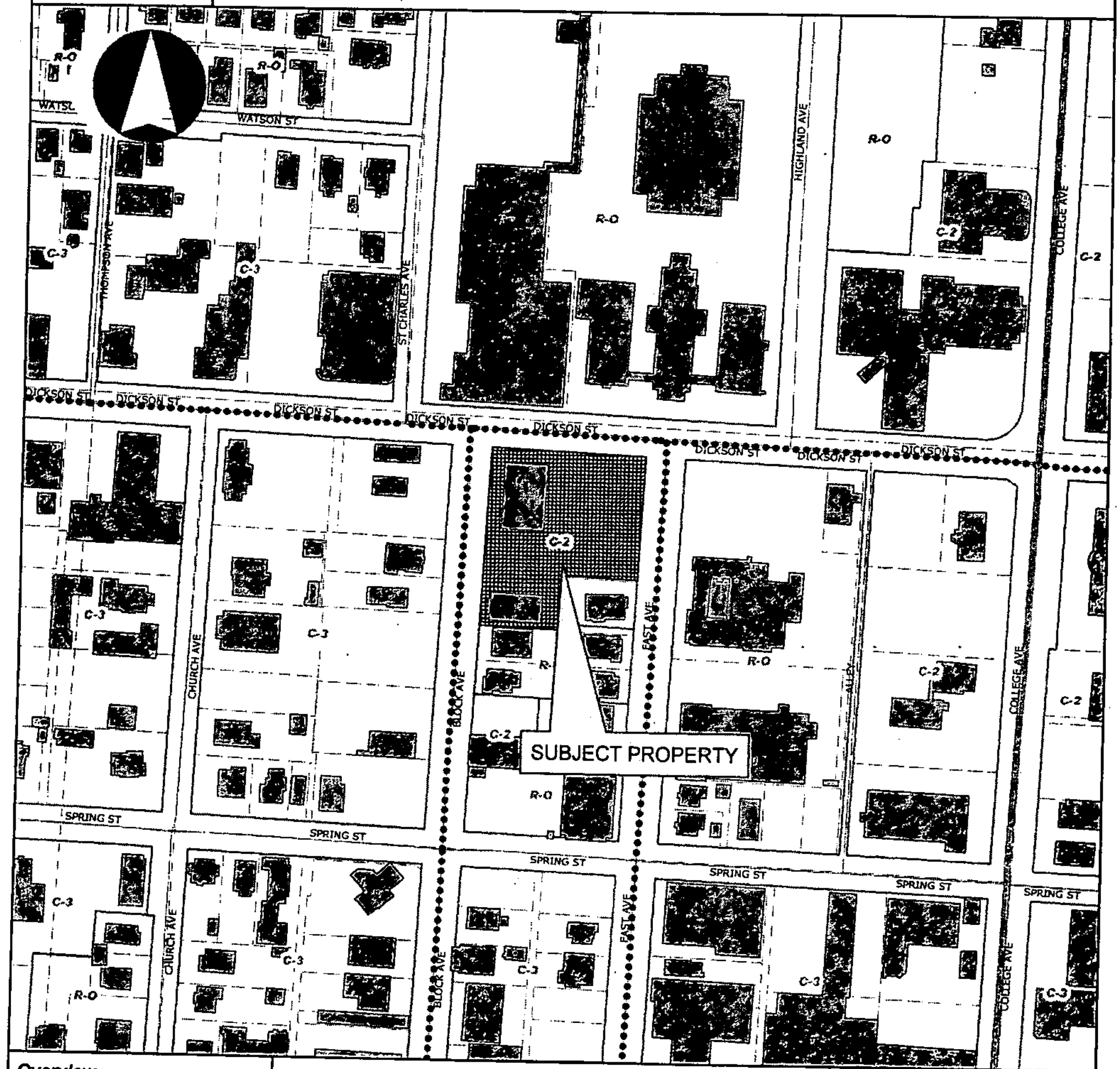


EAST ELEVATION

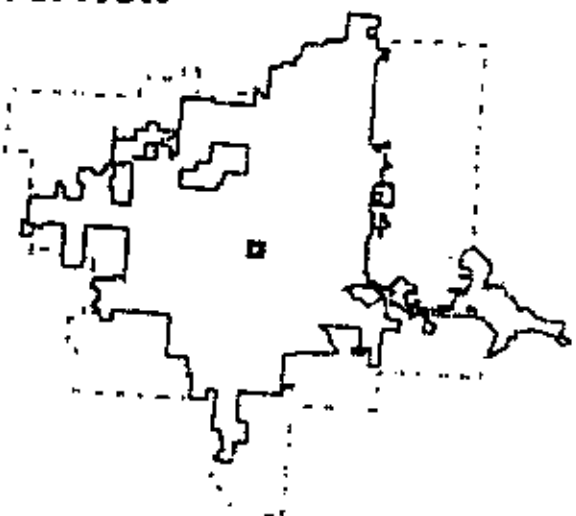
RZN03-1.00

Close Up View

McCLINTON



Overview



Legend

Subject Property

RZN03-1.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

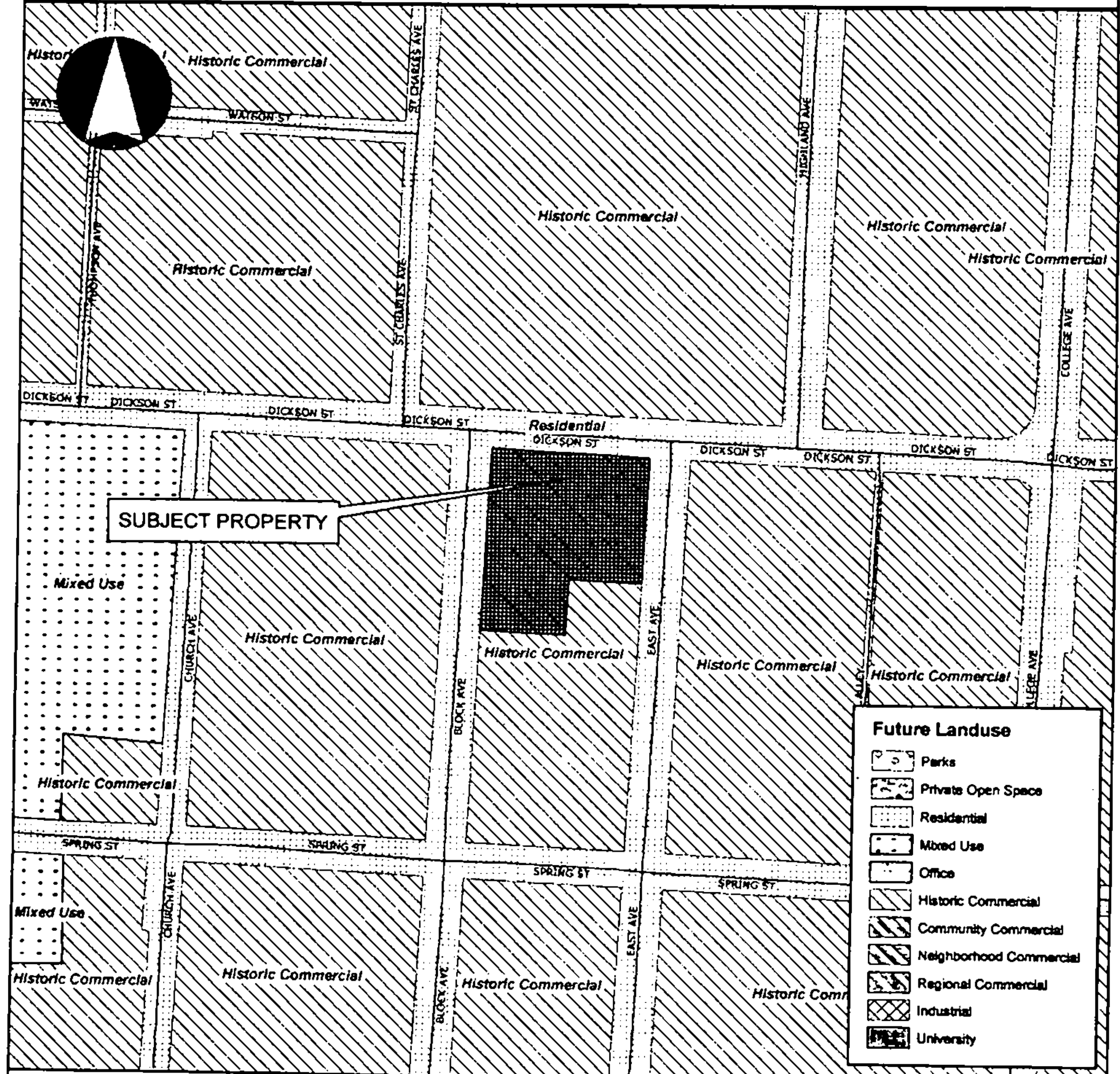
Historic Collector

0 75 150 300 450 600 Feet

RZN 03-1.00

Future Landuse

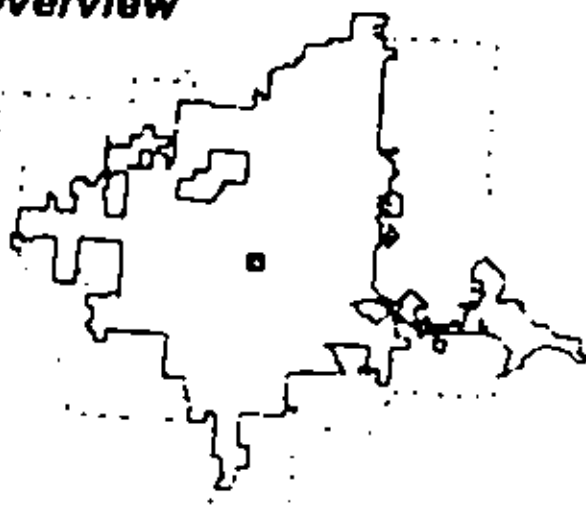
MCCLINTON



Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

RZN 03-1.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits

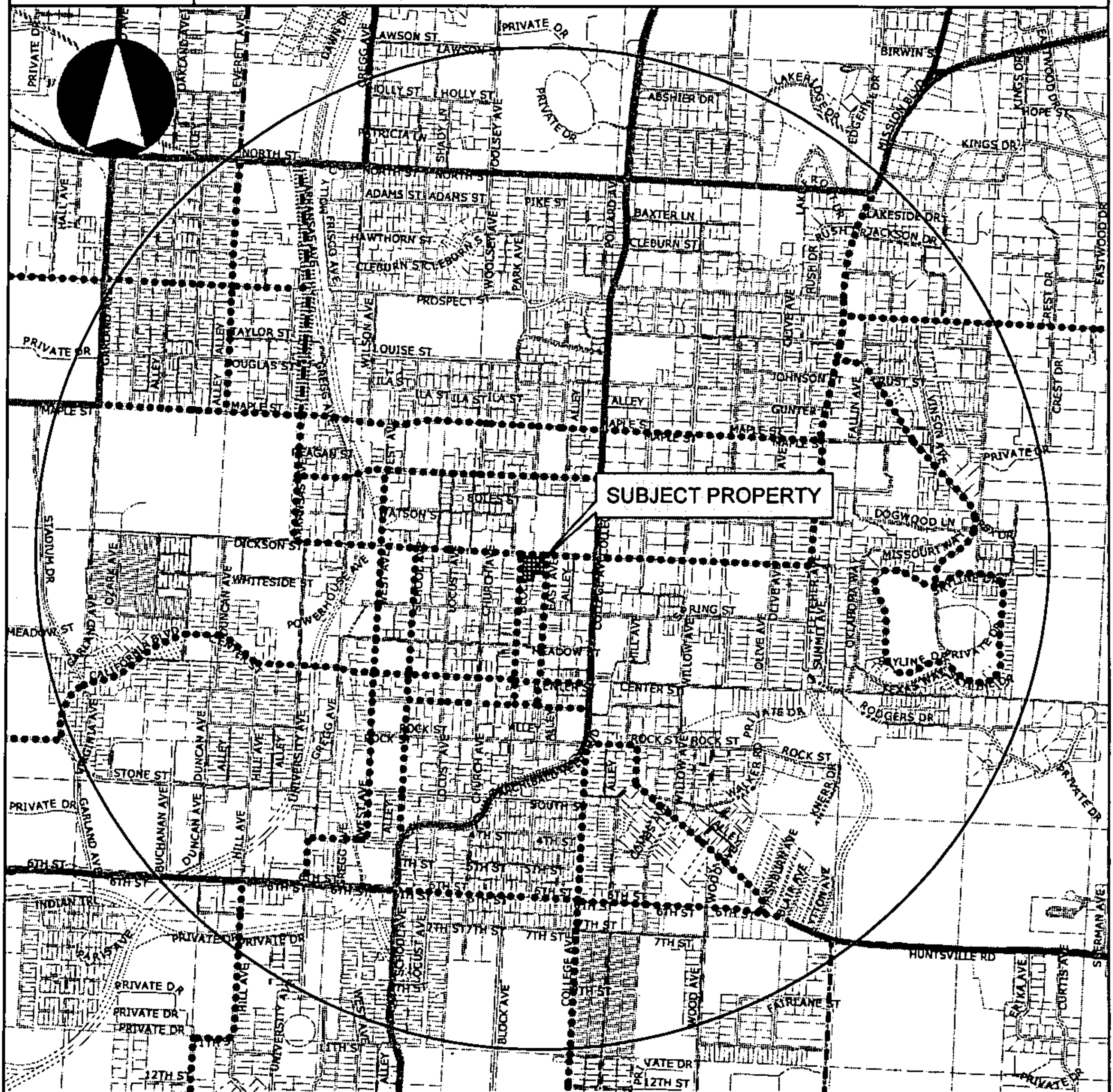
0 75 150 300 450 600 Feet

APPROVED FOR THE CITY OF MCCLINTON

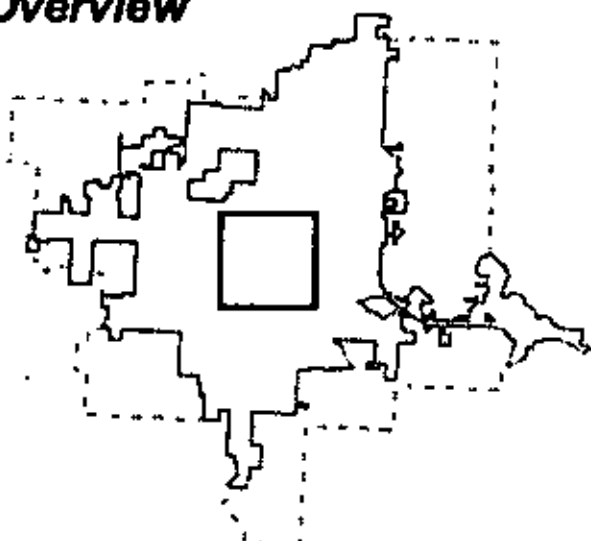
RZN03-1.00

One Mile View

McCLINTON



Overview



Legend

Subject Property

RZN03-1.00

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

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM: Tim Conklin Planning Urban Development
Name Division Department

ACTION REQUESTED: To approve an ordinance for RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

COST TO CITY:

\$0
Cost of this request Category/Project Budget Category/Project Name

Account Number Funds used to date Program Name

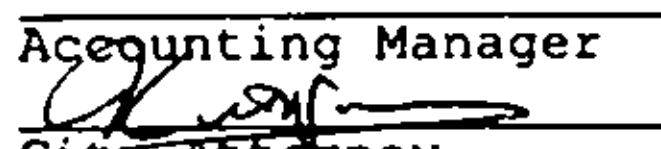
Project Number Remaining balance Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager	Date	ADA Coordinator	Date
	1-17-03		
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 9-0-0 to recommend that the City Council approve the requested rezoning.


Division Head

1-17-03
Date

Cross Reference

Department Director

Date

New Item: Yes No


Administrative Services Director

1-20-03
Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

RZN 03-3.00: Rezoning (Foster, pp 60) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

BACKGROUND:

The subject property is located south of Albright Rd. with access onto Crossover Rd. The property is immediately east of the property in RZN 03-2 (Foster) which is being requested to be rezoned to R-O, Residential Office. The property contains a single-family house and is divided into Tracts 2, 3, and 4. The applicant proposes to construct single-family houses on the subject property.

The Engineering Division, Police Department and Fire Department have responded to the rezoning request. There does not appear to be concern for providing adequate public facilities at this location for the requested zoning designation.

Staff is recommending approval of the requested rezoning. The Future Land Use Plan shows this area as residential. The R-1, Low Density Residential district is appropriate for this designation.

CURRENT STATUS:

On January 13, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Approval of the requested rezoning from A-1 to R-1.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-3.00 FOR A PARCEL
CONTAINING APPROXIMATELY 6.65 ACRES LOCATED AT THE
SOUTHEAST CORNER OF ALBRIGHT AND CROSSOVER ROAD,
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN
OF JORGENSEN & ASSOCIATES ON BEHALF OF MARK FOSTER

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 A-1, Agricultural to R-1, Low Density Residential 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

DRAFT

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 03-3.00

PART OF THE SE ¼, SW ¼ OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE ¼, SW ¼ THENCE N89°40'40"E 662.64 FEET, THENCE S00°11'28"E 659.99 FEET, THENCE S89°40'40"W 334.84 FEET, THENCE N00°26'02"W 231.35 FEET, THENCE N32°50'29"W 378.17 FEET, THENCE S89°33'58"W 122.33 FEET, THENCE N00°26'02"W 110.00 FEET TO THE POB CONTAINING 6.65 ACRES MORE OR LESS.

- Aviles: Item eight is RZN 03-3.00 submitted by Dave Jorgensen on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential. Staff is recommending approval. Shelli, could you give us the report please?
- Rushing: Yes Ma'am. This property is located immediately east of item seven, which we just heard. The property is split into tracts 2, 3, and 4 for purposes of the rezoning. On tract 4 is an existing single-family home, tracts 2 and 3 are vacant at this time. The applicant is proposing to construct single-family homes on the subject property and is requesting the R-1 zoning. The General Plan does designate this area as residential. We have spoken again, with Engineering, Fire and Police. Fire indicates a response time of seven to eight minutes indicating that there may be a need for fire hydrants at the time of development. The Police Department does not have concerns about this particular rezoning and the Engineering Division has not expressed any concerns about the rezoning.
- Aviles: Thank you Shelli, is the applicant present?
- Jorgensen: Yes. It seems like a pretty straight forward rezoning request and I am here to answer questions on it.
- Aviles: Thanks Dave. Is there any member of the audience that would like to discuss this rezoning? Seeing no one I will go ahead and bring the discussion back to the Planning Commissioners.
- Ward: Since this looks to be a companion item to the last rezoning I will go ahead and move for approval of RZN 03-3.00 for 6.65 acres to be rezoned to R-1.
- Aviles: Thank you Commissioner Ward, is there a second?
- Shackelford: I will second.
- Aviles: There is a second by Commissioner Shackelford. Is there additional discussion?
- Bunch: I have a question for the applicant. The water and sewer that are available, I know we have had some questions in this vicinity of whether they were Fayetteville water or Springdale water, is this one available from Fayetteville sources?

Page 45

Jorgensen: I am not sure. I think that it is Springdale water along Albright Road and Fayetteville water along the R-O property to the south. In fact, I know it is Fayetteville water to the south. As far as sewer service on the property to the south naturally it will go to the Fayetteville system. Sewer service to the north I don't think it is there to Springdale so it will have to be two septic systems on those two lots.

Bunch: Is this all one lot currently?

Jorgensen: Yes it is.

Bunch: So if there is sewer service available to it then it would have to be all served from that sewer since it is available?

Jorgensen: Currently the home that is there is on a septic system.

Bunch: I don't see Matt here but I think with the subdivisions and the R-O property to the south of it, do we know how far the Fayetteville city water and the city sewer extends?

Jorgensen: Sewer is right there on the south side of the lot and the water line, we are going to have to make a water line extension over to this property, that would be the City of Fayetteville system.

Bunch: Even though the rezoning request is for two different zones, it is still right now one piece of property isn't it. Tim, would that have any affect on extending water and sewer lines?

Conklin: Not at the time of rezoning but as it comes through our process we require that those extensions be made for Fayetteville water and sewer if available. That is something that will be looked at since it is being subdivided or split, it is something that will come through the process.

Aviles: Thanks Commissioner Bunch. Are there any other questions? Renee, call the roll please.

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-3.00 by the City Council was approved by a vote of 9-0-0.

Aviles: Thanks Renee. The motion carries unanimously.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

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: January 9, 2003

RZN 03-3.00: Rezoning (Foster, pp 60) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:		Required <u>YES</u>	☐ Approved	☐ Denied
Date: Jan. 13, 2003				
CITY COUNCIL ACTION:		Required <u>YES</u>	☐ Approved	☐ Denied
Date: Feb. 4, 2003				

Comments: _____

BACKGROUND:

Property Description: The subject property is located south of Albright Rd. with access onto Crossover Rd. The property is immediately east of the property in RZN 03-2 (Foster) which is being requested to be rezoned to R-O, Residential Office. The property contains a single-family house and is divided into Tracts 2, 3, and 4.

Proposal and Request: The applicant is proposing to construct single-family homes on the subject property. He is requesting a rezoning to R-1, Low Density Residential.

Related Issues: Tract 1 of this property, located west of the subject property, is being requested to be rezoned from A-1, Agricultural to R-O, Residential Office.

Recommendation: Staff is recommending approval of the requested rezoning from A-1, Agricultural to R-1, Low Density Residential. The zoning is consistent with the Future Land Use Plan and is compatible with surrounding land use and zoning.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Residential (single-family)	City of Springdale
South	Residential	R-1, Low Density Residential
East	Vacant	A-1, Agricultural
West	Vacant	A-1, Agricultural

INFRASTRUCTURE:

Streets: North: Albright Rd.
South: None
East: None
West: Crossover Rd. (Principal Arterial)

Water: The site has access to an existing 8" water line that is located in the adjacent Stonewood Subdivision.

Sewer: The site has access to an existing 8" sewer line that is located in the adjacent Stonewood Subdivision.

LAND USE PLAN: General Plan 2020 designates this site residential. Rezoning this property to R-1, Low Density Residential 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 zoning is consistent with the Future Land Use Plan. The Future Land Use Plan shows this area as residential. The R-1, Low Density Residential district is appropriate for this designation.

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

Finding: The proposed zoning will permit the applicant to proceed with a proposed development.

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

Finding: *Planning Division:* The average weekday two-way volume for 27 single-family dwelling units (6.65 acres x 4 du/acre) is 258 trips. Crossover Rd. is a Principal Arterial which is designed to accommodate 17,600 vehicles per day. The 2001 vehicles per day on Crossover are 14,000. The proposed zoning should not have a significant impact on the existing street system.

Engineering Division: The proposed rezoning is located on the east side of Crossover Rd. (Hwy. 265) and south of Albright Road. At this location Crossover Rd. (Hwy. 265) is a three lane highway. The proposed rezoning from A-1 to R-1 may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as 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 Division:* Assuming single-family structures, a total of 27 units could be constructed on this property. Using a figure of 2.21 persons per occupied unit (Source: U.S. Census 2000, City of Fayetteville), the total population would be approximately 60 persons.

Engineering Division: The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Stonewood Subdivision. The proposed rezoning and ultimate development may or may not 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: Response time is 7 to 8 minutes and fire hydrants would be needed.

Police Department: The Police Department does not believe there will be any adverse effects to public safety should this property be rezoned as requested.

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
City of Fayetteville Unified Development Ordinance*

Current Zoning:

§161.03 DISTRICT A-1 AGRICULTURAL.

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum:	
Residential	2 acre
Nonresidential	2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Proposed Zoning:

**§ 161.04 DISTRICT R-1: LOW DENSITY
RESIDENTIAL.**

A. Purpose. The Low Density Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 26	Single-Family Dwelling

**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 8	Single-Family and Two-Family Dwellings

C. Density.

SINGLE-FAMILY DWELLINGS	TWO FAMILY DWELLINGS
----------------------------	-------------------------

4 or Less Families Per Acre	7 or Less Families Per Acre
--------------------------------	--------------------------------

D. Bulk and Area Regulations.

	Single-Family	Two-Family
Lot Minimum Width	70 ft.	80 ft.
Lot Area Minimum	8,000 sq. ft.	12,000 sq. ft.
Land Area Per Dwelling Unit	8,000 sq. ft.	6,000 sq. ft.

E. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
25	8	20

F. Building Area. On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

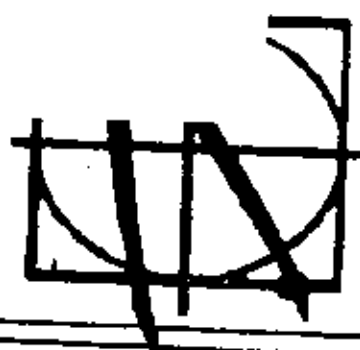
(Code 1991, §160.031)

Trip Generation

Foster
Summary of Trip Generation Calculation
For 27 Dwelling Units of Single Family Detached Housing
January 06, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	9.57	3.69	1.00	258
7-9 AM Peak Hour Enter	0.19	0.00	1.00	5
7-9 AM Peak Hour Exit	0.56	0.00	1.00	15
7-9 AM Peak Hour Total	0.75	0.90	1.00	20
4-6 PM Peak Hour Enter	0.65	0.00	1.00	18
4-6 PM Peak Hour Exit	0.36	0.00	1.00	10
4-6 PM Peak Hour Total	1.01	1.05	1.00	27
Saturday 2-Way Volume	10.09	3.67	1.00	272
Saturday Peak Hour Enter	0.51	0.00	1.00	14
Saturday Peak Hour Exit	0.43	0.00	1.00	12
Saturday Peak Hour Total	0.94	0.99	1.00	25

Note: A zero indicates no data available.
Source: Institute of Transportation Engineers
Trip Generation, 6th Edition, 1997.



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72702
Att: Planning Dept
Re: Rezoning for Mark Foster

11/14/02

Attached herewith please find the necessary documents pertaining to the rezoning of property for Mark Foster. This property is located at the SE corner of Albright Rd. and Hwy 265. If the property is rezoned then we will submit information for the lot split.

The request is to rezone Tract 1 from A-1 to R-0 (3.36 Ac). The remainder of the request is to rezone Tract 2,3 & 4 from A-1 to R-1 (6.65 Ac).

The property to the north is in Springdale and is zoned A-1. To the west is in Fayetteville and is A-1. To the east is Fayetteville and is A-1. To the south is in Fayetteville and is R-0 and R-1. The property to the south is Stonewood Subdivision.

Tract 1 has access along 265 and will be served by Fayetteville water. The reason for the request is to build offices for this zoning (insurance & cleaners).

The reason for this request to rezone Tract 2,3 & 4 from A-1 to R-1 is to allow single family construction on Tract 2 & 3. Tract 4 presently has a single family house on it. Access to Tract 2 and 3 will be from Albright Road and access to Tract 4 will continue to be from Hwy 265.

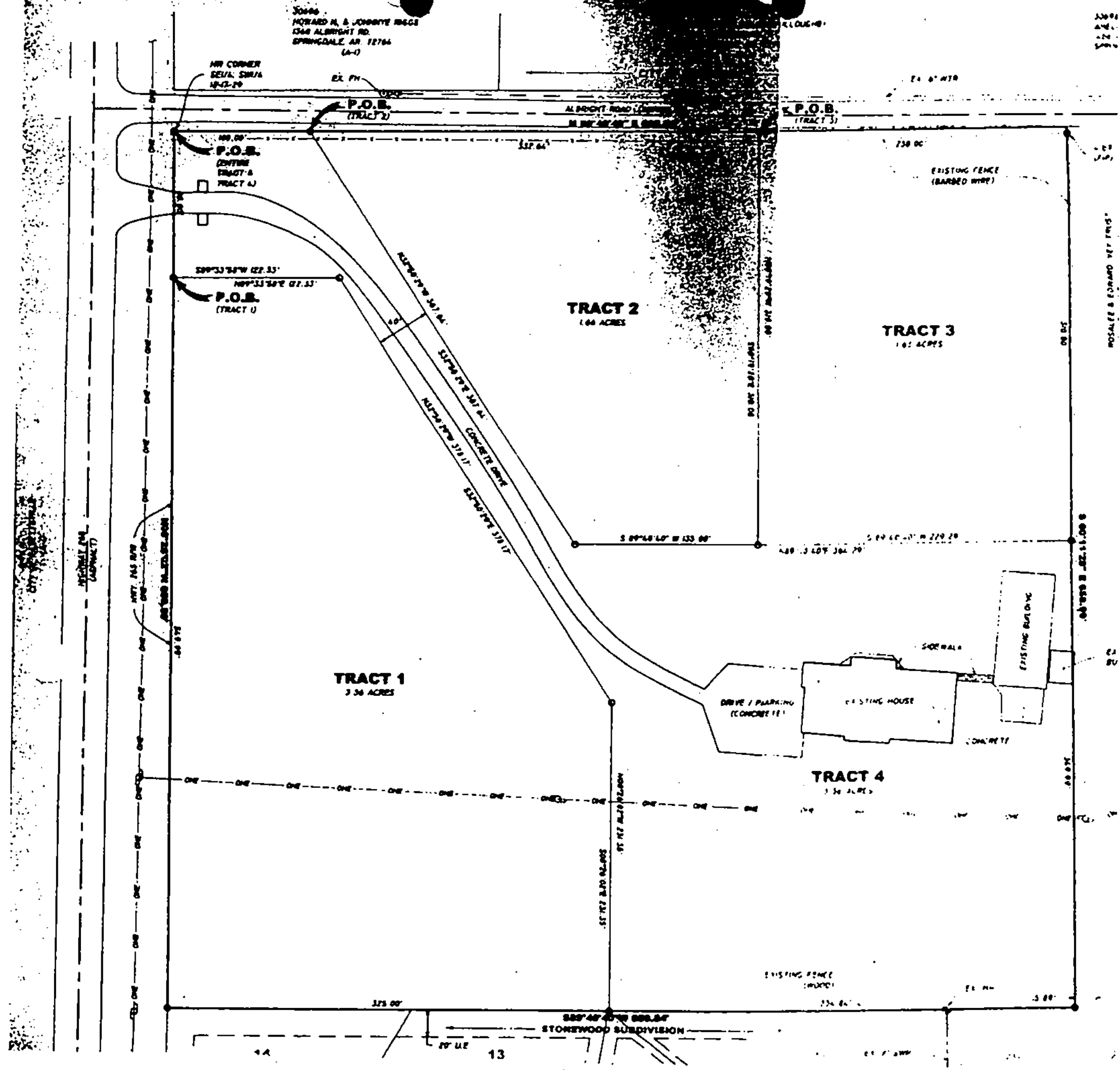
This request will not appreciably increase traffic on Hwy 265 and Albright Road.

Please review and call concerning any questions you may have.

Thank you.

Sincerely;

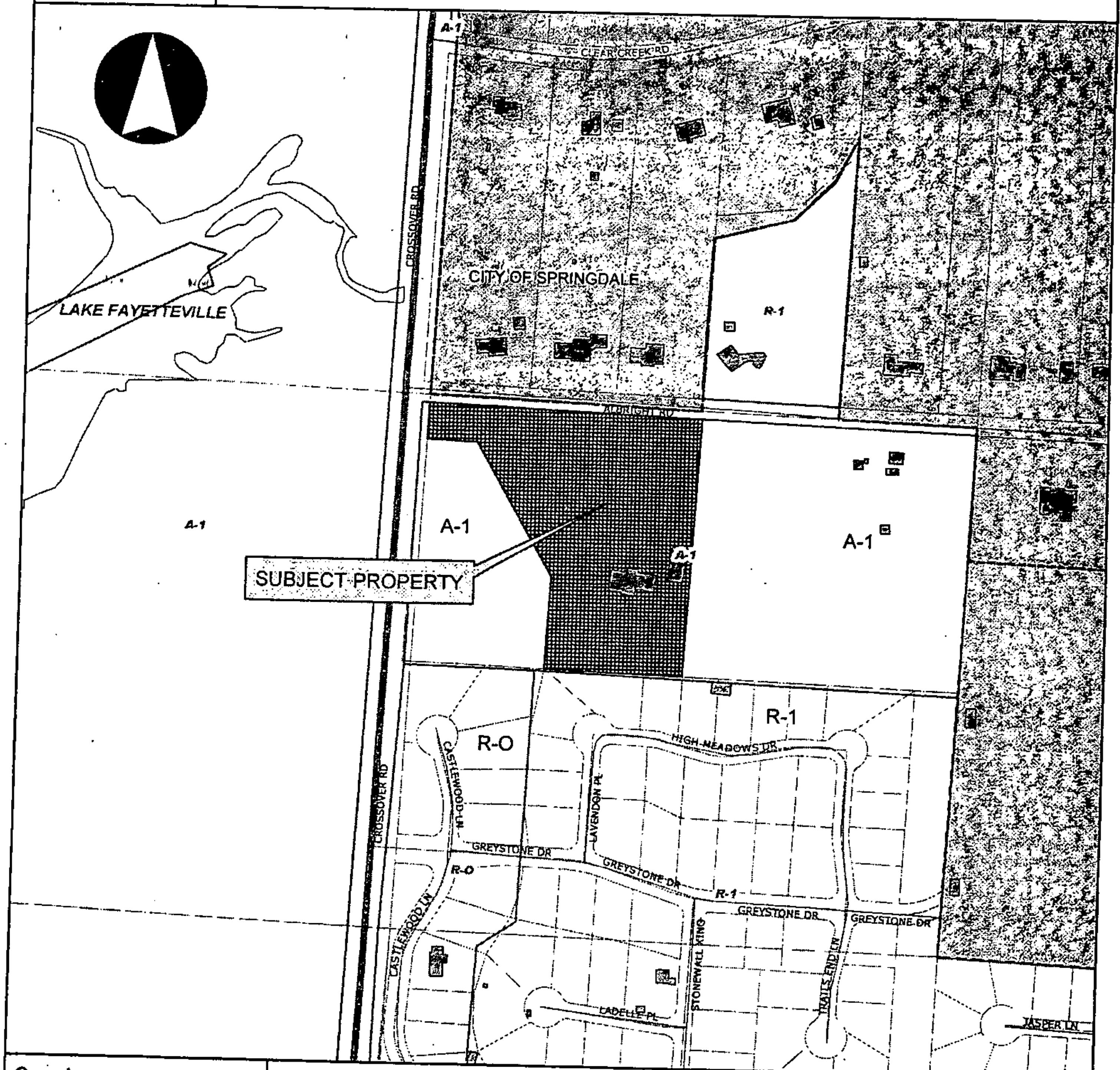

David L. Jorgensen, P.E.



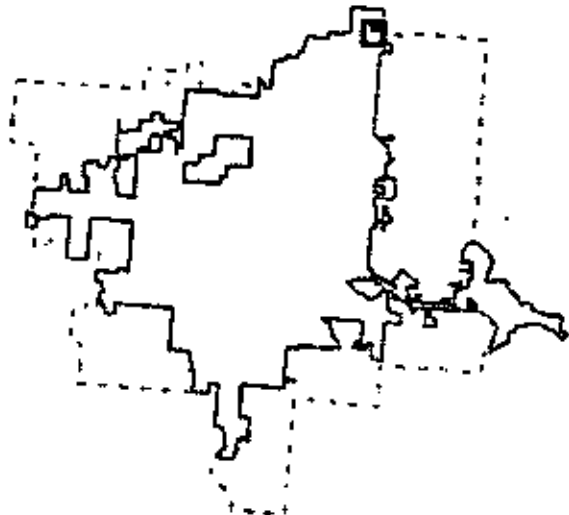
RZN 03-3.00

Close Up View

FOSTER



Overview



Legend

Subject Property

RZN 03-3.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 100 200 400 600 800 Feet

RZN 03-3.00

Future Landuse

FOSTER



LAKE FOYETTEVILLE

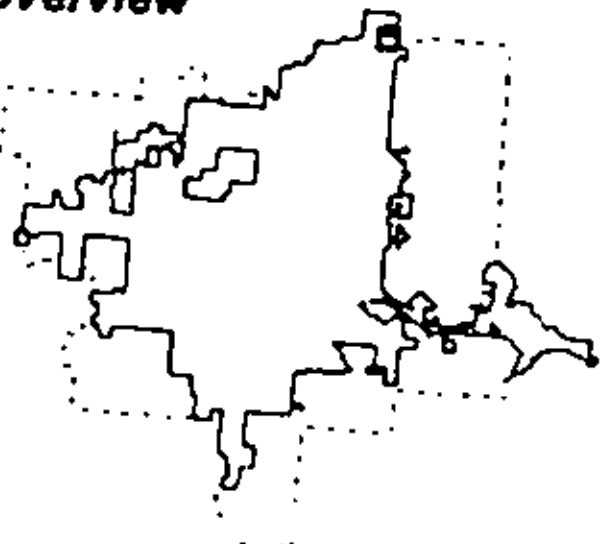
SUBJECT PROPERTY

Residential

Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

Overview



Legend

Subject Property

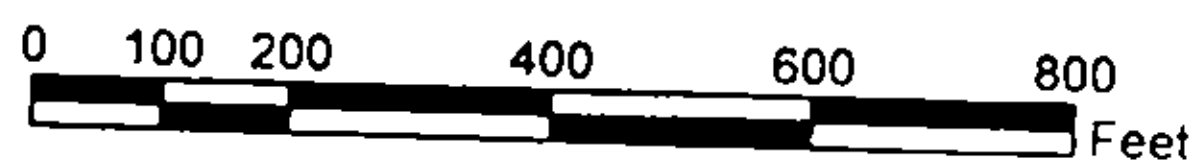
RZN 03-3.00

Streets

- Existing
- Planned

Boundary

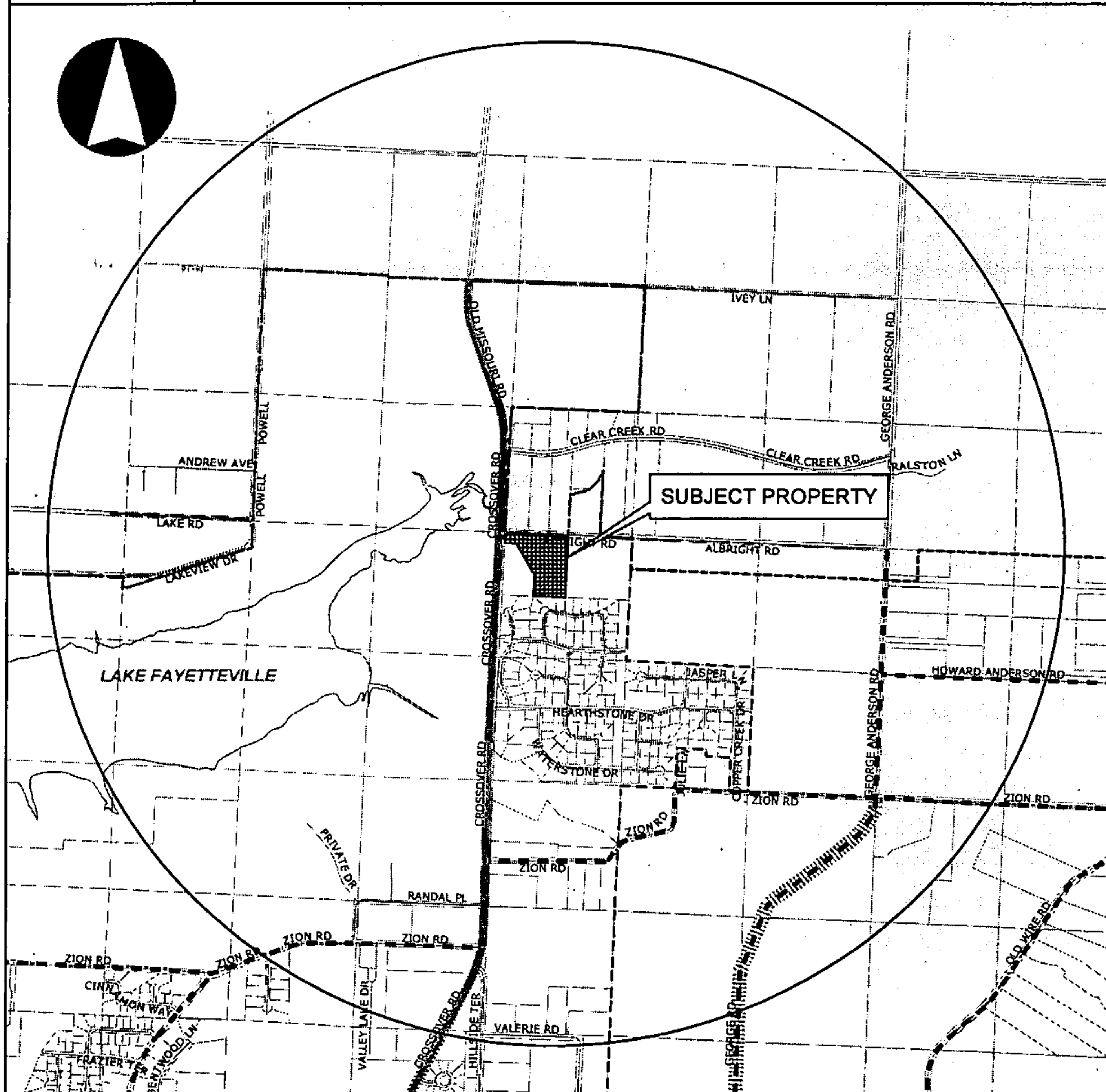
- Planning Area
- Overlay District
- City Limits



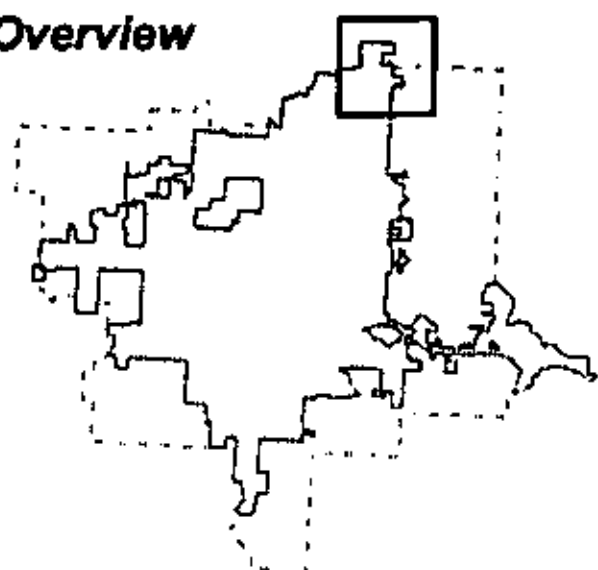
RZN03-3.00

One Mile View

FOSTER



Overview



Legend

Subject Property

RZN03-3.00

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

STAFF REVIEW FORM

☒ Agenda Request
☐ Contract Review
☐ Grant Review

For the Fayetteville City Council meeting of February 4, 2003.

FROM:

Tim Conklin

Planning

Urban Development

Name

Division

Department

ACTION REQUESTED: To approve an ordinance for RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-O, Residential-Office.

COST TO CITY:

\$0

Cost of this request Category/Project Budget Category/Project Name

Account Number

Funds used to date

Program Name

Project Number

Remaining balance

Fund

BUDGET REVIEW: Budgeted Item Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW:

GRANTING AGENCY:

Accounting Manager

Date

ADA Coordinator

Date

City Attorney

Date

Internal Auditor

Date

Purchasing Officer

Date

STAFF RECOMMENDATION: Staff recommended approval and on January 13, 2003 the Planning Commission voted 9-0-0 to recommend that the City Council approve the requested rezoning.

Division Head

1-17-03
Date

Cross Reference

Department Director

Date

New Item: Yes No

Administrative Services Director

Date

Prev Ord/Res#: _____

Mayor

Date

Orig Contract Date: _____

ETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council meeting of Feb. 4, 2003

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

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Shelli Rushing, AICP, Associate Planner
THRU: Tim Conklin, City Planner
DATE: January 17, 2003

RZN 03-2.00: Rezoning (Foster, pp 60) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-O, Residential Office.

BACKGROUND:

The subject property is located south of Albright Road and fronts on Crossover Rd. The property is just south of the city limits and the City of Springdale is to the north. Stonewood Subdivision is located immediately to the south of the subject property. It is Tract 1 of the whole property. The applicant is proposing to build offices on this tract.

The Engineering Division, Police Department and Fire Department have responded to the rezoning request. There does not appear to be concern for providing adequate public facilities at this location for the requested zoning designation.

The proposed zoning is consistent with the Future Land Use Plan, which identifies this area as residential. R-O, Residential Office includes residential uses. The area to the south of the subject property is shown as office on the Future Land Use Plan.

Staff recommends approval of the requested zoning. The subject property has adequate access for office uses with the frontage on Crossover Rd. The R-O zoning serves as a buffer between the proposed single-family residential to the east. The property to the south is zoned R-O, Residential Office.

CURRENT STATUS:

On January 13, 2003, the Planning Commission voted 8-0-0 to recommend to the City Council approval of the requested rezoning.

RECOMMENDATION:

Approval of the requested rezoning from A-1 to R-O.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 03-2.00 FOR A PARCEL
CONTAINING APPROXIMATELY 3.36 ACRES LOCATED AT THE
SOUTHEAST CORNER OF CROSSOVER ROAD AND ALBRIGHT ROAD,
FAYETTEVILLE, ARKANSAS, AS SUBMITTED BY DAVE JORGENSEN
OF JORGENSEN & ASSOCIATES ON BEHALF OF MARK FOSTER

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 A-1, Agricultural to R-O, Residential Office 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 _____, 2003.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

DRAFT

By: _____
Heather Woodruff, City Clerk

EXHIBIT "A"
RZN 03-2.00

PART OF THE SE ¼ OF THE SW ¼ OF SECTION 18, T17N, R29W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID SE ¼, SW ¼ THENCE S00°26'02"E 110.00 FEET TO THE P.O.B., THENCE N89°33'58"E 122.33 FEET, THENCE S32°50'29"E 378.17 FEET, THENCE S00°26'02"E 231.35 FEET, THENCE S89°40'40"W 325.00 FEET, THENCE N00°26'02"W 549.99 FEET TO THE P.O.B.; CONTAINING 3.36 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Aviles: Our seventh item this evening is a rezoning and it carries with it a companion item, seven and eight go together but they are two different rezoning requests. RZN 03-2.00 is a rezoning for Foster submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-O, Residential Office. Staff is recommending approval of the requested rezoning. Shelli, do you have the staff report?

Rushing: Yes Ma'am. This property is located south of Albright Road and fronts on Crossover Road. The property is just south of the city limits, the City of Springdale is to the north of this property. This property is also north of the Stonewood Subdivision, which is located immediately south. The two rezonings that you have before you tonight, seven and eight, seven is in regard to tract one, number eight is in regards to tracts 2, 3, and 4 as provided on the site plan. The applicant is proposing to build offices on tract one. In order to do so the applicant is requesting the Residential Office zoning district. This property is designated as Residential on the General Plan 2020. I do want to point out that the area to the south of the subject property is identified as office on the future land use plan. We have also spoken with the fire department, police department, and engineering. The fire department indicates a response time of seven to eight minutes and that fire hydrants would likely be needed at the time of development. The police department did not have any concerns about this requested rezoning and we feel that this property does have adequate access for office use with its frontage on Crossover Road. Also, it serves as a buffer between the proposed single-family in the next rezoning request, the property to the east and also the property to the south is zoned R-O, Residential Office. We are recommending approval. I do want to point out to you that prior to the meeting I handed out a map of other R-O zoning along Crossover Road. This was a question that was brought up at agenda session. The map shows you where some of the other residential property is along Crossover Road north of Joyce. Some of those properties you will see have been undeveloped. The ones that are developed are either under construction, we have a funeral home under construction in an R-O district at Zion Road and Crossover and then at Joyce and Crossover is the Millenium Development and right now they have a fairly low vacancy rate and some of the buildings are still under construction. We just provided this map to give you an idea of some of the other development as well as zoning along Crossover Road.

Aviles: Thank you Shelli. Is the applicant present?

Commission

January 13, 2003

Page 42

Jorgensen: I am Dave Jorgensen on behalf of the owner and developer on this I am here to answer questions and see if we can move this along.

Aviles: Thank you Dave. Is there any member of the audience that would like to address us on this rezoning request for R-O? Yes Sir, if you will come forward and say your name.

Nooncaster: My name is John Nooncaster. I have a question as far as clarification. I had a conversation with city staff today and it refers to tracts one, two, three, and four. Is this going to create lots that are actually going to go forward with this or is this just a rezoning of two different acreages?

Rushing: This is simply for the rezoning. This is not a subdivision at this time. This is simply split up to show how they would be bringing forward their rezoning request.

Aviles: There are two different areas. The one by Crossover is requested to be R-O, Residential Office. Behind and to the side of that is R-1, Residential. Should this go forward through the Planning Commission to City Council and be approved all that way then they would come back with a subdivision plat. Is there anyone else that would like to address us on this rezoning? Seeing no one, I will go ahead and bring it back to the Commission for discussion, motions, and to the applicant.

MOTION:

Ward: I will go ahead, I think this is appropriate to rezone this to R-O. I don't think having too much R-O along Hwy. 265 is a real concern at this time. I don't think there is much out there personally. I believe that I will move for approval of RZN 03-2.00 for this 3.36 acres.

Aviles: Thank you Commissioner Ward. I have a motion for approval.

Shackelford: I will second.

Aviles: There is a second by Commissioner Shackelford. Is there additional discussion?

Shackelford: I just want to make one quick comment. We saw the same type of development just south of this property and the R-O is proving to be a good buffer between the highway and the neighborhood behind so I think it is good that we see this structured, it will help us look at the project going forward so that is why I am supporting it at this point.

Aviles: I did have some concerns. I was the one that asked about the undeveloped R-O and I appreciate your bringing up the point about the buffer between the residential and the highway. I am somewhat concerned about the lack of development in the R-O spots but I think they are all fairly recent rezonings.

Ward: I feel like most of these are in front of new subdivisions like Stonewood and Copper Creek and as those subdivisions fill up then there will be a need for some office space out there.

Aviles: Thank you. Is there additional discussion or questions? Renee, would you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-2.00 by the City Council was approved by a vote of 9-0-0.

Aviles: The motion carries unanimously.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of Jan. 13, 2003

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: January 9, 2003

RZN 03-2.00: Rezoning (Foster, pp 60) was submitted by Dave Jorgensen of Jorgensen & Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-O, Residential Office.

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date: Jan. 13, 2003			
CITY COUNCIL ACTION:		Required	<u>YES</u>
		☐ Approved	☐ Denied
Date: Feb. 4, 2003			

Comments: _____

BACKGROUND:

Property Description: The subject property is located south of Albright Road and fronts on Crossover Rd. The property is just south of the city limits and the City of Springdale is to the north. Stonewood Subdivision is located immediately to the south of the subject property. It is Tract 1 of the whole property.

Proposal and Request: The applicant is proposing to build offices on Tract 1. He is proposing to construct single-family homes on Tracts 2, 3, and 4. He is requesting an R-O, Residential Office zoning to permit the construction of offices.

Recommendation: Staff is recommending approval of the requested zoning. The subject property has adequate access for office uses with the frontage on Crossover Rd. The R-O zoning serves as a buffer between the proposed single-family residential to the east. The property to the south is zoned R-O, Residential Office.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Residential (large-lot, single-family)	A-1, Agricultural (Springdale)
South	Residential (Stonewood Subdivision)	R-O, Residential Office
East	Residential (large-lot, single-family)	A-1, Agricultural
West	Vacant	A-1, Agricultural

INFRASTRUCTURE:

Streets: North: Albright Rd.
South: None
East: None
West: Crossover Rd. (Principal Arterial)

Water: The site has access to an existing 8" water line that is located in the adjacent Stonewood Subdivision.

Sewer: The site has access to an existing 8" sewer line that is located in the adjacent Stonewood Subdivision.

LAND USE PLAN: General Plan 2020 designates this site residential. Rezoning this property to R-O, Residential Office 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 zoning is consistent with the future land use plan. It is shown as residential on the future land use plan and R-O, Residential Office includes residential uses. The area to the south of the subject property is shown as office on 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 zoning is needed for the developer to construct an office building at this location.

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

Finding: *Planning Division:* The average weekday two-way volume for 3.36 acres of office buildings is 656. Crossover Road is a Principal Arterial which is designed for 17,600 vehicles per day. The 2001 vehicle trips per day on Crossover are 14,000. The proposed zoning should not significantly impact traffic at this location.

Engineering Division: The proposed rezoning is located on the east side of Crossover Rd. (Hwy. 265) and south of Albright Road. At this location Crossover Rd. (Hwy. 265) is a three lane highway. The proposed rezoning from A-1 to R-O may or may not result in additional traffic danger and congestion for this area. The access to the developed site and the circulation network within the development shall be reviewed in detail as part of the subdivision or large scale development process. The layout, connectivity, circulation plan, ingress and egress provisions will be reviewed in detail as 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 Division:* The maximum amount of permitted residential units for this site is approximately 23 dwelling units (3.36 acres/6500 sq. ft.). Using a persons per occupied unit of 2.21 (Source: U.S. Census 2000, City of Fayetteville), the total population would be 51 persons. The applicant is proposing an office building which would not alter population density.

Engineering Division: The site has access to an existing 8" water line and 8" sewer line that is located in the adjacent Stonewood Subdivision. The proposed rezoning and ultimate development may or may not 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: Response time is 7 to 8 minutes and fire hydrants would be needed.

Police Department: The Police Department does not believe there will be any adverse effects to public safety should this property be rezoned as requested.

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
City of Fayetteville Unified Development Ordinance*

Current Zoning:

§161.03 DISTRICT A-1 AGRICULTURAL.

A. Purposes. The regulations of the Agricultural District are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; prevent unsightly development, increase scenic attractiveness; and conserve open space.

B. Uses.

1. Permitted Uses.

Unit 1	City-Wide Uses by Right
Unit 3	Public Protection and Utility Facilities
Unit 6	Agriculture
Unit 7	Animal Husbandry
Unit 8	Single-Family and Two-Family Dwellings

2. Uses Permissible on Appeal to the Planning Commission.

Unit 2	City-Wide Uses by Conditional Use Permit
--------	--

Unit 4	Cultural and Recreational Facilities
Unit 20	Commercial Recreation; Large Sites

C. Bulk and Area Regulations.

Lot Width Minimum	200 ft.
Lot Area Minimum:	
Residential	2 acre
Nonresidential	2 acre
Lot Area Per Dwelling Unit	2 acre

D. Yard Requirements (feet).

FRONT YARD	SIDE YARD	REAR YARD
35	20	35

E. Height Requirements. There shall be no maximum height limits in the A-1 District, provided, however, that any building

which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required yard lines.

(Code 1991, §160.030; Code 1965, App. A, Art. 5(I); Ord. No. 1747, 6-29-89)

*From Chapter 161 Zoning Regulations
City of Fayetteville Unified Development Ordinance*

Proposed Zoning:

**§161.12 DISTRICT R-O RESIDENTIAL
OFFICE.**

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

B. Uses.

1. Uses Permitted.

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

2. Uses Permissible on Appeal to the Planning Commission.

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

C. Bulk and Area Regulations.

(Per Dwelling Unit for Residential Structures)

Lot Minimum Width:	Mobile Home Park	100 ft.
	Lot Within a Mobile Home Park	50 ft.
	One Family	60 ft.
	Two Family	60 ft.

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

D. Bulk and Area Regulations/ Setbacks.

Setback lines shall meet the following minimum requirements.

From Street ROW	30 ft.
From Street ROW if Parking is Allowed Between the ROW and the Building	50 ft.
From Side Property Line	10 ft.
From Side Property Line When Contiguous to a R-1, R-2 or R-3 District	15 ft.

From Back Property Line Without Easement or Alley	25 ft.
From Center Line of Public Alley	10 ft.

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

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

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

Foster
Summary of Trip Generation Calculation
For 3.36 Acres of Office Park
January 06, 2003

	Average Rate	Standard Deviation	Adjustment Factor	Driveway Volume
Avg. Weekday 2-Way Volume	195.11	77.46	1.00	656
7-9 AM Peak Hour Enter	23.60	0.00	1.00	79
7-9 AM Peak Hour Exit	2.05	0.00	1.00	7
7-9 AM Peak Hour Total	25.65	15.58	1.00	86
4-6 PM Peak Hour Enter	4.24	0.00	1.00	14
4-6 PM Peak Hour Exit	24.04	0.00	1.00	81
4-6 PM Peak Hour Total	28.28	20.57	1.00	95
Saturday 2-Way Volume	29.33	0.00	1.00	99
Saturday Peak Hour Enter	1.85	0.00	1.00	6
Saturday Peak Hour Exit	0.52	0.00	1.00	2
Saturday Peak Hour Total	2.37	0.00	1.00	8

Note: A zero indicates no data available.

Source: Institute of Transportation Engineers Trip Generation, 6th Edition, 1997.
TRIP GENERATION BY MICROTRANS



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807
DAVID L. JORGENSEN, P.E., P.L.S.
CHRISTOPHER B. BRACKETT, P.E.

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72702
Att: Planning Dept
Re: Rezoning for Mark Foster

11/14/02

Attached herewith please find the necessary documents pertaining to the rezoning of property for Mark Foster. This property is located at the SE corner of Albright Rd. and Hwy 265. If the property is rezoned then we will submit information for the lot split.

The request is to rezone Tract 1 from A-1 to R-0 (3.36 Ac). The remainder of the request is to rezone Tract 2,3 & 4 from A-1 to R-1 (6.65 Ac).

The property to the north is in Springdale and is zoned A-1. To the west is in Fayetteville and is A-1. To the east is Fayetteville and is A-1. To the south is in Fayetteville and is R-0 and R-1. The property to the south is Stonewood Subdivision.

Tract 1 has access along 265 and will be served by Fayetteville water. The reason for the request is to build offices for this zoning (insurance & cleaners).

The reason for this request to rezone Tract 2,3 & 4 from A-1 to R-1 is to allow single family construction on Tract 2 & 3. Tract 4 presently has a single family house on it. Access to Tract 2 and 3 will be from Albright Road and access to Tract 4 will continue to be from Hwy 265.

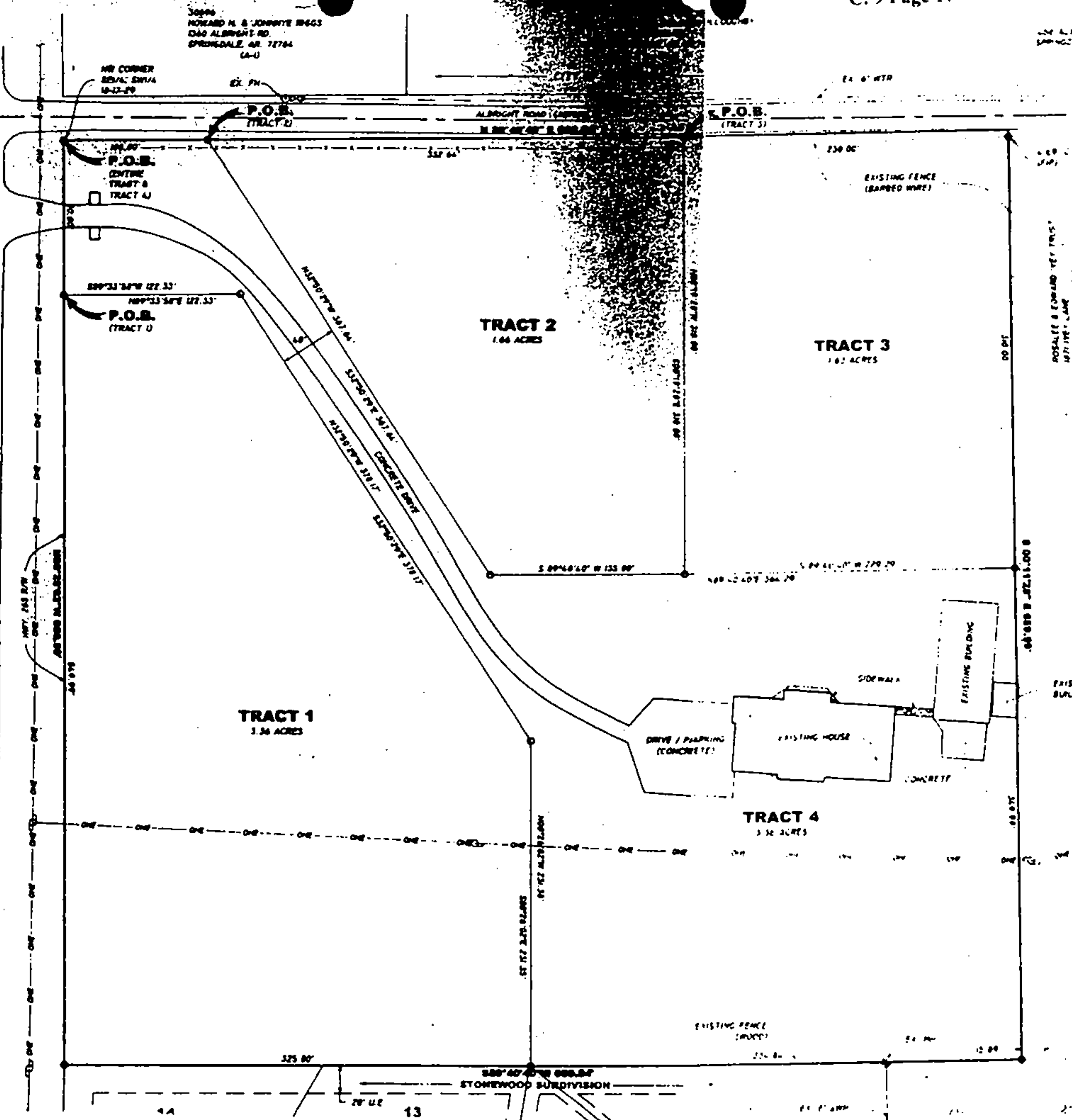
This request will not appreciably increase traffic on Hwy 265 and Albright Road.

Please review and call concerning any questions you may have.

Thank you.

Sincerely;

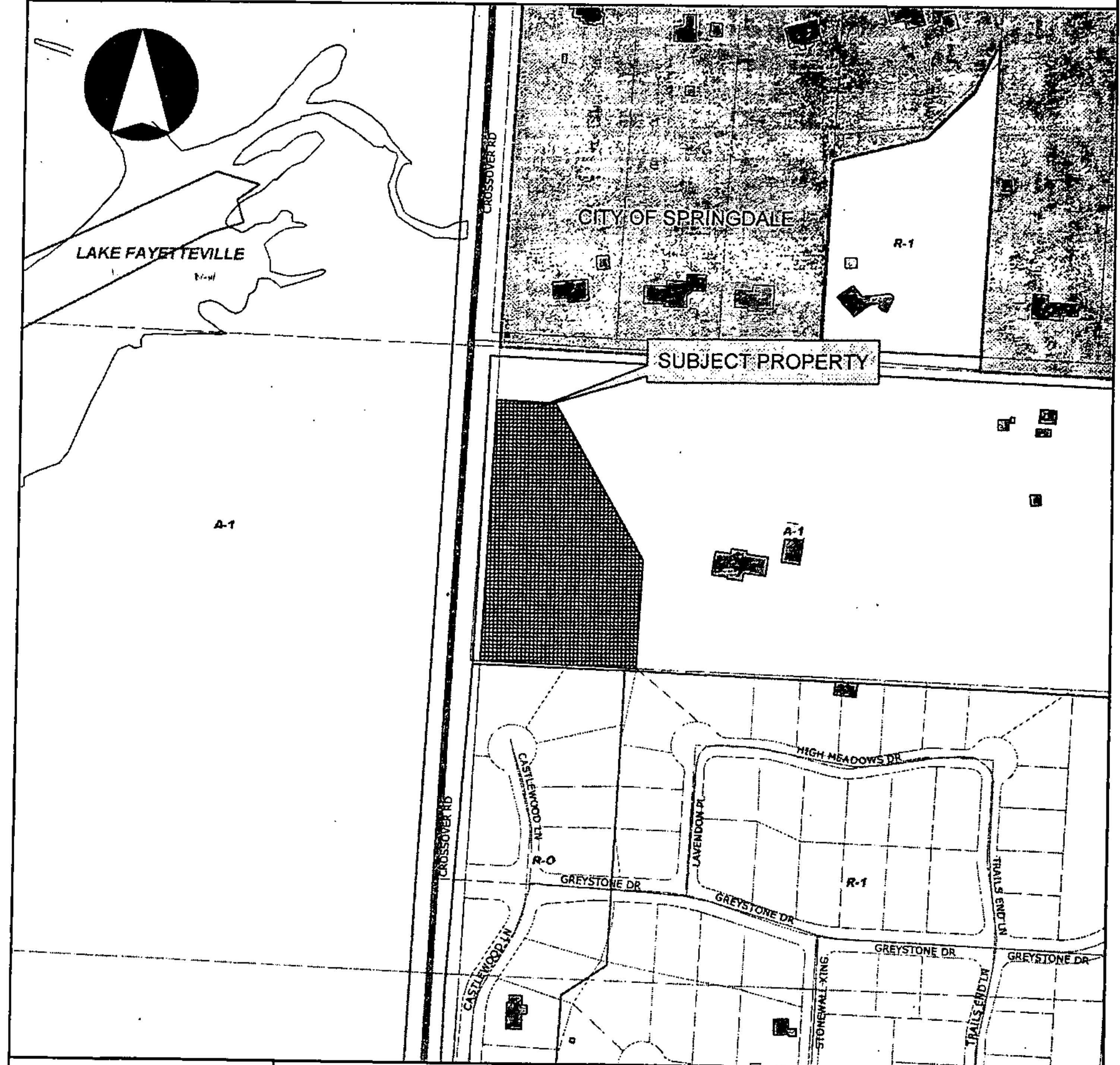

David L. Jorgensen, P.E.



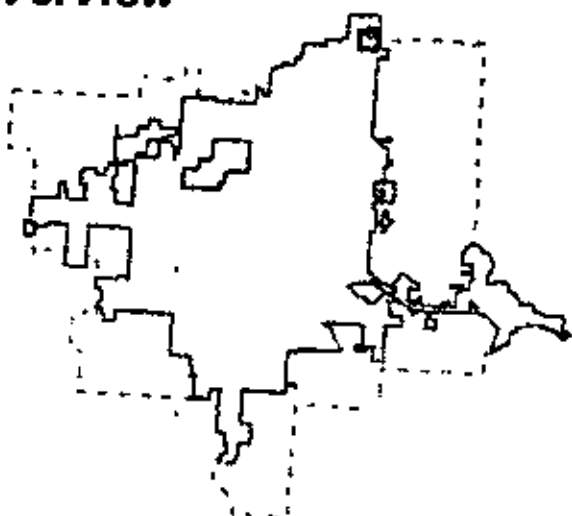
RZN 03-2.00

Close Up View

FOSTER



Overview



Legend

Subject Property

RZN 03-2.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

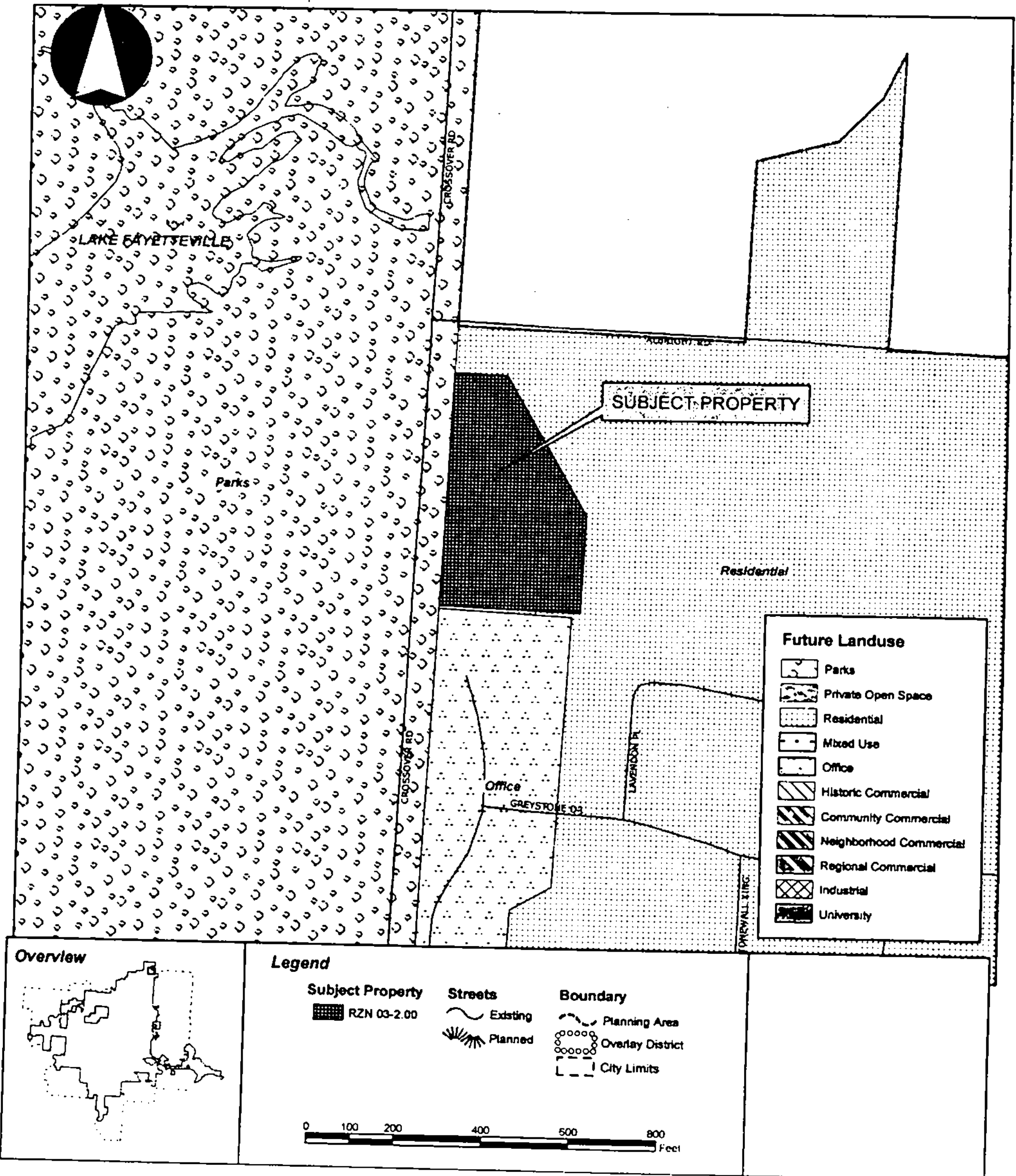
Historic Collector

0 100 200 400 600 800 Feet

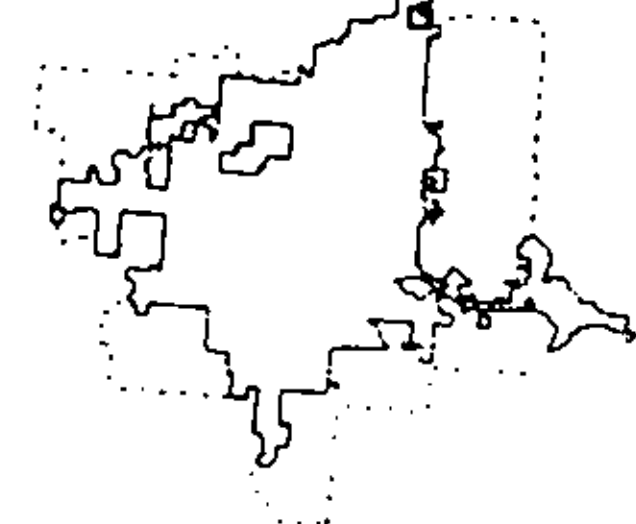
RZN 03-2.00

Future Landuse

FOSTER



Overview



Legend

Subject Property
RZN 03-2.00

Streets
Existing
Planned

Boundary
Planning Area
Overlay District
City Limits

0 100 200 400 500 800 Feet

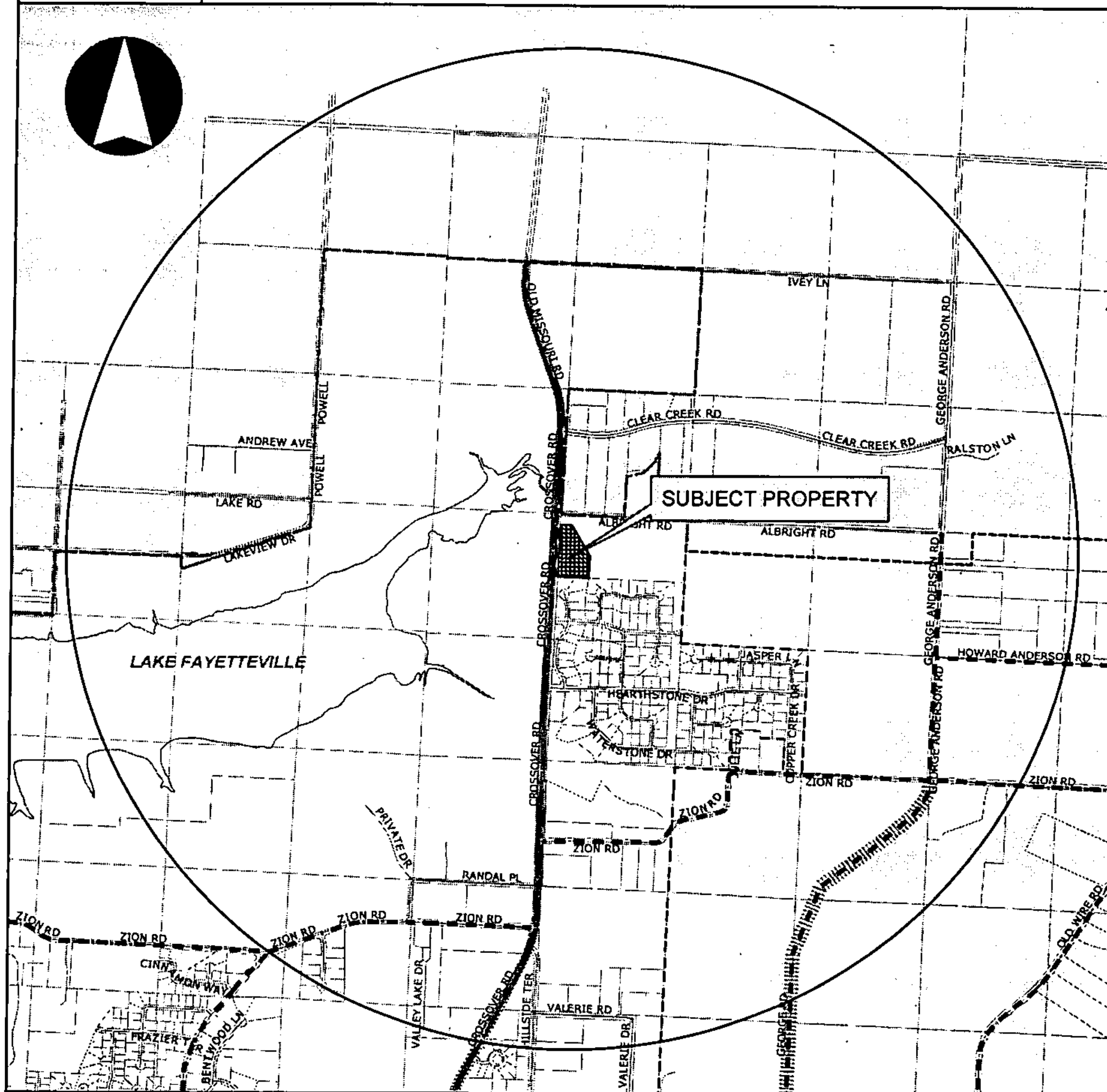
Future Landuse

- Parks
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- University

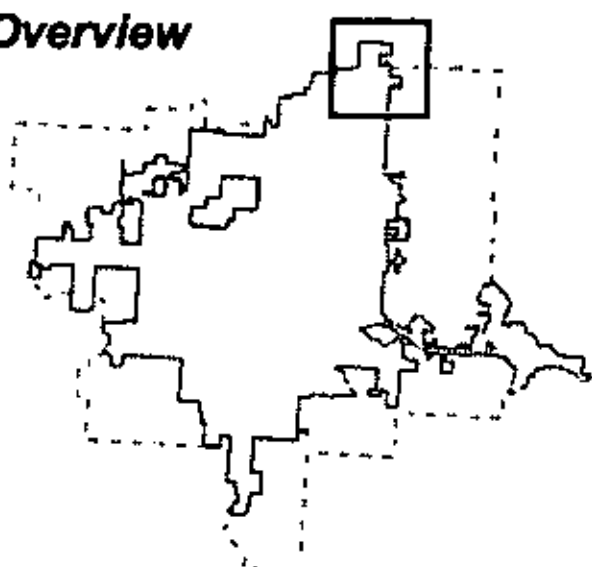
RZN03-2.00

One Mile View

FOSTER



Overview



Legend

Subject Property

RZN03-2.00

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

**FINAL AGENDA
CITY COUNCIL
FEBRUARY 4, 2003**

A meeting of the Fayetteville City Council will be held on February 4, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

RECOGNITION OF CITY CLERK

★ KAY SWANNER UNITED WAY RECOGNITION

STATE OF THE CITY ADDRESS

PRESENTATION BY OMI

A. CONSENT

1. **APPROVAL OF THE MINUTES:** Approval of the minutes from the January 21, 2003 City Council Meeting.
2. **RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
3. **AGREEMENT OF UNDERSTANDING:** A resolution to approve the Agreement of Understanding between the City of Fayetteville and Arkansas Highway and Transportation Department.
4. **FEDERAL-AID:** A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.
5. **POLICE CARS:** A resolution accepting the State of Arkansas contract award ST-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Option "IO" and modifications to "ee" with authorization to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

6. **BID 02-72:** A resolution awarding Bid 02-72 to the lowest qualified bidder, Arkansas Power Steering and Hydraulics, for the purchase of three Freightliner FL70 w/mounted SAC Recycle Body in the amount of \$432,681.00. Approval of a budget adjustment is also requested.
7. **BID 02-73:** A resolution awarding Bid 02-73 to the lowest qualified bidder, River City Hydraulics, Inc. for the purchase of a demonstrator self powered mobile vacuum with leaf mulcher attachment in the amount of \$35,930.00. Approval of a budget adjustment is also requested.
8. **OMI:** A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.
9. **HANGAR COMPLEX:** A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure. Approval of a budget adjustment is also requested.

B. OLD BUSINESS

- pull off per Kit*
1. ~~**FRISCO:** A resolution certifying to the tax collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 922 North Frisco Avenue in the City of Fayetteville, Arkansas. This resolution was tabled at the December 3, 2002 meeting.~~

C. NEW BUSINESS

1. **BROYLES ROAD:** A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.
2. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.
3. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

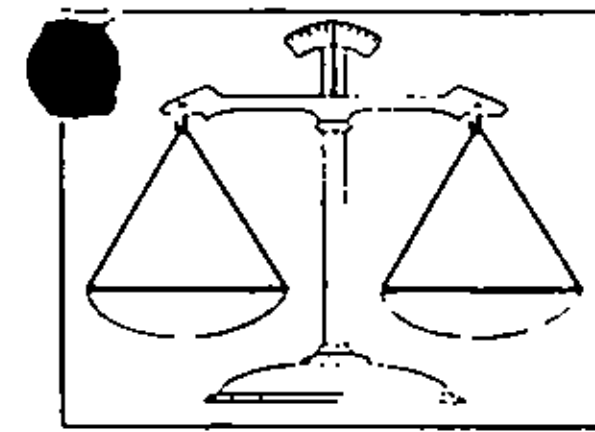
4. **ANX 03-01.00:** An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.
5. **RZN 03-4.00:** An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.
6. **RZN 02-14.00:** An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.
7. **RZN 03-1.00:** An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.
8. **RZN 03-3.00 LOW DENSITY:** An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.
9. **RZN 03-3.00 RESIDENTIAL OFFICE:** An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 3.36 acres. The request is to rezone to R-0, Residential -Office.
10. **ENVIRONMENTAL CONCERNS:** An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: Dan Coody, Mayor

THRU: Sondra Smith, City Clerk

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to be 'Kit Williams', written over a horizontal line.

DATE: February 5, 2003

RE: Passed Ordinances and Resolutions from City Council
meeting February 4, 2003

The following Ordinances and Resolutions were passed at the last City Council meeting and are ready for the mayor's signature.

Enclosed are:

- 14-03 1. **Razorback Road:** Resolution approving cost share in amount of \$17,500.00 w/U of A to fund preliminary engineering services for Razorback Road improvement;
- 15-03 2. **Agreement of Understanding:** Resolution approving Agreement of Understanding between City of Fayetteville and Arkansas Highway and Transportation Department for cost sharing for preliminary engineering work to widen Razorback Road;
- 16-03 3. **Federal-Aid:** Resolution expressing willingness of City of Fayetteville to utilize federal-aid monies for widening Highway 112 (Razorback Road) from Highway 180 (6th St.) to Garland Avenue;
- 17-03 4. **Police Cars:** Resolution to purchase nine 2003 Ford Crown Victoria Police Pursuit Sedans at a unit price of \$20,489.00;

- 18-03 5. **Bid 02-72:** Resolution awarding bid to Arkansas Power Steering and Hydraulics, Inc. and a contract for purchase of three Freightliner Recycling Trucks in amount of \$432,681.00;
- 19-03 6. **Bid 02-73:** Resolution awarding bid to River City Hydraulics, Inc. to purchase a self-powered, mobile vacuum with leaf mulcher attachment for \$35,930.00;
- 20-03 7. **OMI:** Resolution approving Amendment #8 of contract w/OMI to operate Fayetteville's Waste Water Treatment Plant and pump stations; to set annual operational estimated expense at \$3,874,501.00; and to approve a budget adjustment in amount of \$44,000.00;
- 21-03 8. **Hangar Complex:** Resolution approving change order #1 to Contract w/Tomlinson Asphalt, Inc. for increased water and sewer costs and a budget adjustment of \$67,198.00;
- 22-03 9. **Broyles Road:** Resolution expressing City Council's intent to extend Broyles Road north to Wedington Drive;
- 4458 10. **RZN 02-14.00:** Ordinance approving rezoning request as submitted by Raymond Smith for parcel containing 3.12 acres located at northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office;
- 4459 11. **RZN 03-1.00:** Ordinance approving rezoning request as submitted by Laura Kelly of Rob Sharp Architects for property located at 240 Block Avenue; property is zoned C2, Thoroughfare commercial and contains approximately 1.08 acres; request is to rezone to C3, Central Commercial;
- 4460 12. **RZN 03-3.00 Low Density:** Ordinance approving rezoning request as submitted by Dave Jorgensen for property located at southeast corner of crossover and Albright Road; property is zoned A-1, Agricultural and contains approximately 6.65 acres; request is to rezone to R-1, Low Density Residential;

- 1
- 4461
13. **RZN 03-2.00 Residential Office:** Ordinance approving rezoning request as submitted by Dave Jorgensen for property located at southeast corner of Crossover and Albright Road; property is zoned A-1, Agricultural and contains approximately 3.36 acres; request is to rezone to R-0, Residential Office;

- 4462
14. **Environmental Concerns:** Ordinance repealing ordinance 3922 and adopting new ordinance governing the Environmental Concerns Committee.

**TENTATIVE AGENDA
CITY COUNCIL
FEBRUARY 4, 2003**

A meeting of the Fayetteville City Council will be held on February 4, 2003 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:** Approval of the minutes from the January 21, 2003 City Council Meeting.
2. **RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
3. **AGREEMENT OF UNDERSTANDING:** A resolution to approve the Agreement of Understanding between the City of Fayetteville and Arkansas Highway and Transportation Department.
4. **FEDERAL-AID:** A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.

- #1 pull move to new business*
5. **BROYLES ROAD:** A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.

6. **POLICE CARS:** A resolution accepting the State of Arkansas contract award ST-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Option "IO" and modifications to "ee" with authorization to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

Leave in consent if contract is signed.

See note

7.

BID 02-72: A resolution awarding Bid 02-72 to the lowest qualified bidder, Arkansas Power Steering and Hydraulics, for the purchase of three Freightliner FL70 w/mounted SAC Recycle Body in the amount of \$432,681.00. And Budget Adjustment

See note

8.

BID 02-73: A resolution awarding Bid 02-73 to the lowest qualified bidder, River City Hydraulics, Inc. for the purchase of a demonstrator self powered mobile vacuum with leaf mulcher attachment in the amount of \$35,930.00. & budget adjustment

Mc. truck

9.

OMI: A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.

Below:
Last year's
Contract amount.
Contract through
2004

See note

10.

HANGAR COMPLEX: A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure.

And budget adjustment

B. OLD BUSINESS

We will put on first Council meeting after 30 days of being served.
Hugh will let us know when he has been served.

30 days before
next meeting

FRISCO: A resolution certifying to the tax collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 922 North Frisco Avenue in the City of Fayetteville, Arkansas. This resolution was tabled at the December 3, 2002 meeting.

Notice by
warrant
officer

Notice to determine what is the
proper amount to charge him for
the cleanup that was done

C. NEW BUSINESS

Move to the
end of new
business #10

1.

ENVIRONMENTAL CONCERNS: An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee. (4 Aldermen to 1 reducing citizens by 1)

2.

STUDENT HOUSING: An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances. TCY exempt revenue bonds.

3.

VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

Traffic Comt.

4. ANX 03-01.00: An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.

(Copper Creek)

5. RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

6. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.

7. RZN 03-1.00: An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

8. RZN 03-3.00 LOW DENSITY: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

9. RZN 03-3.00 RESIDENTIAL OFFICE: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-0, Residential Office.

ADD to front
of Agenda

~~D. INFORMATIONAL~~

~~1. PRESENTATION BY OMI~~

2. COUNCIL TOUR

Police = Call Load.
Urban Dev. - Tim
Conklin will do a
presentation.

- ① City Clerk - recogn. new City Clerk
② Kay Swamer - United Way recog.
State of the City Address
Dani presentation.

Ordinance review
Committee meeting.
Feb 11th Agenda
Session.

(Brumba - Bob - DON - Robert Rhoda)

3,36

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

Staff meeting

TENTATIVE AGENDA CITY COUNCIL FEBRUARY 4, 2003

A meeting of the Fayetteville City Council will be held on February 4, 2003 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:** Approval of the minutes from the January 21, 2003 City Council Meeting.

2. **RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. Total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.

*Approve
Cost share
Agreement*

3. **AGREEMENT OF UNDERSTANDING:** A resolution to approve the Agreement of Understanding between the City of Fayetteville and Arkansas Highway and Transportation Department.

*Approve Agreement of Understanding
Percent of
Payment - City 20%*

4. **FEDERAL-AID:** A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.

5. **BROYLES ROAD:** A resolution to express the City Council's intent to extend Broyles Road north to Wedington Drive.

*off consent
(maybe)*

6. **POLICE CARS:** A resolution accepting the State of Arkansas contract award ST-03-0033, Item #7, 2003 Ford Crown Victoria Police Pursuit Sedan including Option "IO" and modifications to "ee" with authorization to purchase nine units. The vendor for this purchase will be Landers Ford in Little Rock in the amount of \$184,401.00

okay with new resolution - Lig. Damages -

Add Budget
Comment Adj.

7. **BID 02-72:** A resolution awarding Bid 02-72 to the lowest qualified bidder, Arkansas Power Steering and Hydraulics, for the purchase of three Freightliner FL70 w/mounted SAC Recycle Body in the amount of \$432,681.00.

Add Budget
Comment Adj.

8. **BID 02-73:** A resolution awarding Bid 02-73 to the lowest qualified bidder, River City Hydraulics, Inc. for the purchase of a demonstrator self powered mobile vacuum with leaf mulcher attachment in the amount of \$35,930.00.

off
Consent
maybe

9. **OMI:** A resolution approving Amendment No. 8 to OMI'S contract for operation and maintenance of the Wastewater Treatment Facilities, the annual contract amount for 2003 being \$3,874,501.00, including a fixed fee of \$92,509.00, non-overwrite costs for odor control of \$170,000.00 and Phase IV SCADA upgrade of \$44,000.00. Approval of a budget adjustment is also requested.

Add Budget
Comment adj.

10. **HANGAR COMPLEX:** A resolution approving Change Order No. 1 to the contract with Tomlinson Asphalt, Inc. in the amount of \$67,197.85 for the required changes to water and sewer infrastructure.

B. OLD BUSINESS

See
Hugh
Look at
Decide to
pull or not,

1. **FRISCO:** A resolution certifying to the tax collector of Washington County the costs of abating unsightly and unsanitary conditions upon the property located at 922 North Frisco Avenue in the City of Fayetteville, Arkansas. This resolution was tabled at the December 3, 2002 meeting.

C. NEW BUSINESS

1. **ENVIRONMENTAL CONCERNS:** An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.
2. **STUDENT HOUSING:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.
3. **VA 03-1.00:** An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 9th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description.

- Copper Creek -

4. ANX 03-01.00: An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City.

- Branda* (5.) RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Miller, Neihouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential.

6. RZN 02-14.00: An ordinance approving rezoning request RZN 02-14.00 as submitted by Raymond Smith, Attorney on behalf of John & Janet Kesner for a parcel containing 3.12 acres located at the northeast corner of Crossover and East Zion Road from A-1, Agricultural to R-O, Residential Office.

7. RZN 03-1.00: An ordinance approving rezoning request RZN 03-1.00 as submitted by Laura Kelly of Rob Sharp Architects on behalf of David McClinton for property located at 240 Block Avenue. The property is zoned C2, Thoroughfare Commercial and contains approximately 1.08 acres. The request is to rezone to C-3, Central Commercial.

8. RZN 03-3.00 LOW DENSITY: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-1, Low Density Residential.

9. RZN 03-3.00 RESIDENTIAL OFFICE: An ordinance approving rezoning request RZN 03-3.00 as submitted by Dave Jorgensen of Jorgensen and Associates on behalf of Mark Foster for property located at the southeast corner of Crossover and Albright Road. The property is zoned A-1, Agricultural and contains approximately 6.65 acres. The request is to rezone to R-0, Residential -Office. (3.36)

D. INFORMATIONAL

~~1. PRESENTATION BY COUNCIL~~

2. COUNCIL TOUR

City Clerk

Reg Meeting

State of the

OMI

Presentation

Swaver - United Way
Recogn. Kay on United Way.

City
Agenda

**DRAFT TENTATIVE AGENDA
CITY COUNCIL
FEBRUARY 4, 2003**

A meeting of the Fayetteville City Council will be held on February 4, 2003 at 6:00 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

B. OLD BUSINESS

C. NEW BUSINESS

- 1. ENVIRONMENTAL CONCERNS:** An ordinance repealing Ordinance 3922 and adopting a new ordinance governing the Environmental Concerns Committee.
- 2. PUBLIC FACILITIES BOARD:** An ordinance authorizing the Fayetteville Public Facilities Board to develop student housing facilities and to issue revenue bonds for the purpose of financing student housing to be developed in compliance with all city development ordinances.
- 2.3 RAZORBACK ROAD:** A resolution to approve a cost share with the University of Arkansas to fund the preliminary engineering agreement with the Arkansas Highway and Transportation Department for preliminary engineering services relative to Razorback Road. total cost shall be \$35,000.00 with the City's share to be one-half totaling \$17,500.00.
- 2.4 AGREEMENT OF UNDERSTANDING:** A resolution to approve the Agreement of Understanding between the Arkansas Highway and Transportation Department.
- 4.5 FEDERAL-AID:** A resolution to approve the Federal-Aid Project resolution as submitted by the Arkansas Highway and Transportation Department.

5. **BROYLES ROAD:** A resolution in support of the extension of Broyles Road from Persimmon Street through the proposed Persimmon Place Subdivision to Wedington Drive.
6. **VEHICLE CONTRACT:**
7. **BID 02-72:**
8. **BID 02-73:**

HP OfficeJet
Personal Printer/Fax/Copier/Scanner

Fax History Report for
City Clerk's Ofc
501-718-7695
Jan 29 2003 3:00pm

Last Fax

<u>Date</u>	<u>Time</u>	<u>Type</u>	<u>Identification</u>	<u>Duration</u>	<u>Pages</u>	<u>Result</u>
Jan 29	3:00pm	Sent	95218995	0:00	0	Busy

* Recognizing Kty Swanner for
receiving the "Outstanding In-House
Worker" award from United Way.

NORTHWEST ARKANSAS EDITION Arkansas Democrat ~~Gazette~~ 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:

Ina O Aguda was inserted in the regular editions on
2-17-03.

** Publication Charge: \$ 187.52

Subscribed and sworn to before me this

17 day of Feb, 2003.

Tammy Allen
Notary Public

My Commission Expires

** Please pay from Affidavit.
An invoice will be sent.

RECEIVED

FEB 21 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FINAL AGENDA
CITY COUNCIL MEETING
FEBRUARY 18, 2003

A meeting of the Fayetteville City Council will be held on February 18, 2003 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas



NOMINATING COMMITTEE REPORT
AIRPORT 2002 ANNUAL REPORT
DRAINAGE STUDIES PRESENTATION BY USINFRASTRUCTURE, INC.
LIBRARY PRESENTATION

A. CONSENT

1. APPROVAL OF THE MINUTES: Approval of the minutes from the Special City Council meeting on January 27, 2003, City Council meeting February 4, 2003 and revision of the December 3, 2002 City Council meeting minutes.
2. PUBLIC ACCESS: A resolution accepting a contract for public access television services from March 1, 2003 thru December 31, 2003.
3. STORM WATER PHASE II: A resolution to authorizing the Mayor or his designee to submit the City of Fayetteville "Storm Water Phase II" permit application to the Arkansas Department of Environmental Quality (ADEQ). Such permit application shall be submitted no later than March 10, 2003. Compliance shall be phased over a time period of up to five years according to a schedule to be developed with ADEQ complying with all federal and state requirements.
4. PUBLIC LIBRARY: A resolution to approve naming the Fayetteville Public Library.

B. OLD BUSINESS

1. WATER TANK SITE: A resolution approving the sale of 3.0 acres of the City's Gully Rd. Water Tank site (12.0 ac) as requested by Ozark Electric Cooperative for the appraised price of \$105,000.00 including access to and from Gully Road, plus payment for specific City costs associated with the preparation of said property to be sold. The resolution was tabled at the December 17, 2002 City Council meeting.
2. VA 03-1.00: An ordinance approving vacation request VA 03-1.00 as submitted by Kim Scott of Mountain Mechanical Contractors on behalf of Gary Harvey of AMC Land Associates and Mountain Mechanical Contractors for property located west of S. School Avenue on 8th Street. The request is to vacate a section of the street right of way as shown and described on the attached map and legal description. The ordinance was left on first reading at the February 4, 2003 City Council meeting.
3. ANX 03-01.00: An ordinance approving annexation request ANX 03-01.00 for property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The parcel is in the Planning Area and contains 57.00 acres. The request is to annex into the City. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.
4. RZN 03-4.00: An ordinance approving rezoning request RZN 03-4.00 as submitted by Michele Harrington of Harrington, Mills, Weishouse & Krug on property owned by George and Sara Lee Anderson and located at 3632 East Zion Road. The property is currently in the Planning Area with a request to be annexed into the City of Fayetteville pending and contains approximately 57.00 acres. The request is to rezone to R-1, Low Density Residential. The ordinance was left on the first reading at the February 4, 2003 City Council meeting.
5. DICKSON ENHANCEMENT: A resolution approving Change Order #5 to the construction contract with Township Builders, Inc. for Dickson Street Enhancement Project. The resolution was tabled at the January 21, 2003 City Council meeting.

C. NEW BUSINESS

1. ADM 03-3.00: A resolution to approve amendments to the Bill of Assurance submitted with Ordinance No. 4411, passed and approved by the City Council on September 3, 2002.
2. OFFER & ACCEPTANCE: A resolution to approve the Offer and Acceptance Contract between the City of Fayetteville and the University of Arkansas for a price of \$370,000.00.
3. COMPOSTING SITE: A resolution authorizing staff to begin the purchasing process for a compost row turner and to solicit bids for a contractor to construct the compost pad.
4. COMPACTOR AND DROPBOX BUSINESS EXPANSION: A resolution approving a budget in the amount of one million one hundred seventy-three thousand two hundred eight dollars (\$1,173,208.00) to allow the Solid Waste and Recycling division to implement a new commercial roll-off program.
5. NEW COMMERCIAL ROLL-OFF EXPANSION: A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial roll-off program.
6. VA 03-2.00: An ordinance approving vacation request VA 03-2.00 as submitted by Gary Coover of McClelland Consulting Engineers on behalf of James Ezell of the University of Arkansas for property located north of Fairview Street on Harmon Avenue and alleys west of Harmon Avenue, Fayetteville, Arkansas. The request is to vacate Harmon Avenue between Fairview Street and William Street and the alleys west of Harmon Avenue.

D. INFORMATIONAL

1. COUNCIL TOUR: February 17, 2003 at 4:30 p.m.

RECEIVED

FEB 21 2003

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE