Final Agenda
City Council Meeting
February 17, 2004

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the February 3, 2004 meeting minutes.

   APPROVED.

2. **Waste Hauler Contracts:** A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville.

   PULLED FROM CONSENT AGENDA FOR DISCUSSION.

3. **Tennant Power Sweeper Purchase:** A resolution to approve the purchase of a street sweeper for the Parking Division in the amount of $26,708.12 and a budget adjustment in the amount of $26,709.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 23-04.

4. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.

   PULLED FROM CONSENT AGENDA FOR DISCUSSION.

5. **Arkansas Department of Aeronautics T-Hangar Construction Grant:** A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 24-04.

6. **McClelland Engineers 8-Bay T-Hangar:** A resolution approving Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-Bay T-Hangar.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 25-04.

7. **Waive Building Permit Fees for South Fayetteville Community Development Corporation:** A resolution to waive the building permit fee and other developmental fees for South Fayetteville Community Development Corporation.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 26-04.

ITEMS PULLED FROM CONSENT:

1. **Waste Hauler Contracts:** A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville.

   TABLED TO MARCH 2, 2004 MEETING.

2. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 27-04.

B. OLD BUSINESS:

1. **Impact Fees for Road, Police and Fire Improvements:** An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $19,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $21,390.00.
   This Ordinance was left on the Second Reading at the February 3, 2004 City Council meeting.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4541.

2. **WIV-Fayetteville Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.

This ordinance was left on the third reading at the February 3, 2004 City Council meeting.
This Ordinance was tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4542.

3. **R-PZD 04-1.00 – Southern View II:** An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official Zoning Map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
   This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4543.

4. **Southern View Phase II, Money in Lieu of Land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.
   This Ordinance was Tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-04.

5. **Attendance Requirements for Planning Commissioners and Parks and Recreation Advisory Board Members:** An ordinance to repeal §33.111 of the Fayetteville Code and enacting a replacement §33.111 attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission.
   This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4544.

C. NEW BUSINESS:

1. **Hiring of a Building Services Full Time Employee:** A resolution authorizing the hiring of one (1) full-time employee (janitor) in the Building Services Division; and approving a budget adjustment in the amount of 25,732.00 for same.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 29-04.

2. **Amend Chapter 166 of the UDC:** An ordinance amending the Unified Development Code (UDC), Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4545.

D. INFORMATIONAL:

Presidents Day Holiday: February 16, 2004
Meeting adjourned at 8:09 p.m.

Adjourned 8:10 pm.

Fayetteville City Council Meeting of February 17, 2004

State of the City Address

Subject:	Roll			
Motion To:				
Motion By: Seconded:				
Reynolds	✓			
Thiel	✓			
Cook	✓			
Marr	✓			
Rhoads	✓			
Davis	✓			
Lucas	✓			
Jordan	✓			
Mayor Coody	✓			

Subject:	Consent	Approved with items A.2 Waste Hauler Contract & A.4. Bucket Truck & Brush		
Motion To:	Approve	Chipper Consent	purchase pulled from	
Motion By: Seconded:	Davis / Jordan			
Reynolds	✓			
Thiel	✓			
Cook	✓			
Marr	✓			
Rhoads	✓			
Davis ✓	✓			
Lucas	✓			
Jordan ✓	✓			
Mayor Coody	—			

A.2. Waste Hauler Contracts was pulled from Consent

A.4. Bucket Truck and Brush Chipper Purchase pulled from Consent.

Res. 23-04 to 26-04

✓

Items Pulled From Consent Agenda

Fayetteville City Council Meeting of February 17, 2004

Subject:	Waste Hauler Contract (Pulled from Consent)				
Motion To:		Tabled			
Motion By: **Seconded:**		Jordan / Davis			
Reynolds		✓			Mr. Smith Roll off
Thiel		✓			Gary Dumas
Cook		✓			
Marr		✓			
Rhoads		✓			
Davis	✓	✓			
Lucas		✓			
Jordan	✓	✓			
Mayor Coody		—			

Pulled from Consent

Tabled until March 2, 2004. City Council meeting

Subject:	Bucket Truck & Brush Chipper Purchase (Pulled from Consent)				
Motion To:					
Motion By: **Seconded:**		Marr / Jordan		Gary Dumas, Perry Franklin	
Reynolds		✓		Connie Edmondson	
Thiel		✓			
Cook		✓		Sales Tax Capital	
Marr	✓	✓		Fund - (To be	
Rhoads		✓		paid from this	
Davis		✓		fund)	
Lucas		✓			
Jordan	✓	✓			
Mayor Coody		—			

Pulled from Consent

Passed

Res. 27-04

Fayetteville City Council Meeting of February 17, 2004

Old Business #1

Passed 4541

Subject:	Impact Fees for Road, Police & Fire				
Motion To:		Amend	3rd read		
Motion By: Seconded:		Jordan / Lucas	Lucas / Jordan	Pass	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas ✓	✓	✓	✓	
	Jordan ✓	✓	✓	✓	
	Mayor Coody	—	—	—	

Old Business #2

Passed 4542

Subject:	WIV Fayetteville Cost-Share				
Motion To:					
Motion By: Seconded:		Pass			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Jordan	✓			
	Mayor Coody	—			

Fayetteville City Council Meeting of February 17, 2004

Subject:	R - PZD 04-1.00 Southern View II			
Motion To:	2nd read	3rd read		
Motion By: Seconded:	Marr / Jordan	Jordan / Davis	Pass	
Reynolds	✓	✓	✓	Jerry Kelso
Thiel	✓	✓	✓	Kim Fugitt
Cook	✓	✓	✓	
Marr ✓	✓	✓	✓	
Rhoads	✓	✓	✓	
Davis	absent during the vote	✓	✓	
Lucas	✓	✓	✓	
Jordan ✓	✓	✓	✓	
Mayor Coody	—	—	—	

old Business #3 Passed

4543

Subject:	Southern View Phase II Money in Lieu of Land			
Motion To:				
Motion By: Seconded:	Marr / Thiel			
Reynolds	✓			
Thiel	✓			
Cook	✓			
Marr	✓			
Rhoads	✓			
Davis	✓			
Lucas	✓			
Jordan	✓			
Mayor Coody	—			

old Business #4 Passed

28-04

Fayetteville City Council Meeting of February 17, 2004

Subject:	Attendance Requirements for Planning Commissioners & Parks & Rec.			
Motion To:		2nd read	3rd read		
Motion By: Seconded:		Marr / Davis	Marr / Cook	Pass	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody	—	—	—	

Old Business #5

Passed 4544

Subject:	Hiring Full-time Employee			
Motion To:		Amend to Make this a Perm. position		Approve Resolution	
Motion By: Seconded:		Rhoads / Jordan			
	Reynolds	✓		✓	
	Thiel	✓		✓	
	Cook	✓		✓	
	Marr	✓		✓	
	Rhoads ✓	✓		✓	
	Davis	✓		✓	
	Lucas	✓		✓	
	Jordan ✓	✓		✓	
	Mayor Coody	—		—	

New Business #1

29-04

Fayetteville City Council Meeting of February 17, 2004

Subject:	Amend Chapter 166 of the UDC.				
Motion To:		2nd read	3rd read		
Motion By: Seconded:		Marr / Davis	Davis / Jordan	Pass	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Mayor Coody	—	—	—	

#2 New Business 4545

Subject:					
Motion To:					
Motion By: Seconded:					
	Reynolds				
	Thiel				
	Cook				
	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Mayor Coody				

STATE OF THE CITY, 2004

"Getting Things Done"

Dan Coody, Mayor

February 17, 2004

The year 2003 was another very busy year for Fayetteville. We accomplished many high-priority projects and began others, further increased productivity and efficiency, and improved service to our citizens. We have resolved several outstanding issues, addressed the immediate needs of the present, and focused on what we want to become, and where we need to improve in the future.

We have made progress with a commitment to quality and balance. We have improved many development processes, and we are seeing better, more innovative projects that enhance our built environment. We are working with our business and development community to help their projects become more profitable and more attractive. At the same time we have secured over 250 acres of land with significant features and important view sheds to protect our natural environment for future generations. We are strengthening our economic health by using the energy of growth to enhance Fayetteville's livability.

We are achieving unprecedented productivity while our sales tax revenue grows at only 3% and our employee base grows at half the rate of the population. We have been able to increase efficiency to this extent for two reasons. The first is new management that adheres to the philosophy that the citizens of Fayetteville deserve swift action, respect, and fiscal responsibility. The second is the organizational restructuring we put in place a year ago. We combined related departments, built new working groups, and recognized the necessity for government to operate as a cohesive team.

I would like to share with you some of the successes in our more high-profile departments, followed by a discussion of our tax structure, our local and regional economy, the General Fund balance, Fayetteville's role in the state, recognition of Fayetteville by national, state, and local organizations, and our prospects for 2004 and beyond.

Program Improvements by Department

- Library
- Parks
- Transportation
- Fleet
- Planning, Engineering, and Code Compliance
- Fire
- Police
- Water and Wastewater
- Solid Waste
- Airport
- City Attorney's Office

The Fayetteville Public Library continues to see sharp increases in the number of visitors, cardholders, program attendees, and in circulation. The opening of the new Fayetteville Public Library this fall will be an enormous event for our city. Our new library is the first "Leading Energy Efficient Design" certified building in the state.

The Parks Department has also had a very busy year.

- Parks staff reviewed 345 plats, received over $405,000 in parkland dedication fees and acquired 54 acres of new park land.
- The parks system was awarded over $71,000 in grants from the state Highway and Transportation Department and Urban Forestry Commission.
- The Forestry grant helped us distribute and plant over 1,700 trees.
- We opened the Fayetteville Senior Center at Walker Park and it has been embraced warmly as a great place to visit, exercise, eat, and take classes.
- The spectacular Fayetteville Boys and Girls Club opened and has been an enormous success. All the partners that helped make this facility possible are very pleased with the outcome.
- We opened the Grinder's Skate Park, the largest and best park of its kind in the state.
- In conjunction with the University of Arkansas, the Bryce Davis Wetlands Observation Deck opened with the honoring of the father and family of Alderman Bob Davis. We had ribbon-cuttings for several major park improvements at Bundrick Park, Bayarri Park, Walker Park North, and Veteran's Park.
- The Alternative Transportation and Trail Master Plan was completed and adopted.
- When the West Mud Creek Trail construction bid came in at $1.1 million, we canceled the years-old contract with the outside engineer and redesigned it in-house. The new bid came in at about $400,000. The $700.000 savings will be used to build other trails in the area. West Mud Creek Trail and the Walker Park Trail are under construction. Center/Prairie Trail will be underway this spring.
- Working with a private owner we secured almost 40 acres of Clabber Creek and trail corridor at no cost to the taxpayers.
- Thanks to the Tree and Trails Task Force we acquired the wooded 22 acre "Gateway" property helping preserve the visual beauty of Fayetteville as drivers on I-540 approach from the south.
- With help from the Fayetteville Natural Heritage Association, we were able to acquire and protect the famed Mt. Sequoyah woods. This important purchase demonstrates what is possible when the community and its leadership work together toward a common goal.

The Transportation Department has had a remarkable year also, thanks to new management and our reorganization.

- Working toward a "clean and green" Fayetteville, we initiated an anti-litter program and collected 58 tons of litter from roadsides and public areas, but we still have a very long way to go.
- In an effort to improve the appearance of our city we trimmed and mowed over 1,500 miles of right-of-way.
- We saw a 24% improvement in the street overlay program increasing paving from 8.9 miles in 2002, to over 11 miles in 2003. With new paving equipment and better training, we also saw a marked increase in the quality of workmanship, equipment care, and maintenance.

- We had a dramatic increase in sidewalk construction. Focusing on the routes of school children, we increased productivity from 3,174 linear feet of new and repaired sidewalk in 2002 to 14,218 feet in 2003, a whopping 348% increase. This year we expect to build 20,000 linear feet of new and repaired sidewalk.

The Fleet Division has seen improvements in both city-wide service and internal management.

- To sell obsolete equipment, we converted from sealed bids to a professional public auction process resulting in an increase from ten bidders in 2002 to more than two hundred bidders in 2003, and an average equipment sale price increase of 57%.
- We received $268,000 from one sale and reduced staff time by 50%.
- Despite an aging fleet, our repair backlog was reduced significantly, resulting in much better equipment availability.
- We have standardized specification and bidding processes and increased use of standing state government contracts to save time and money in our fleet program.

The Planning and Engineering Services Department continues to perform under increasing pressure. In 2003, we broke all previous records for building activity in Fayetteville.

- In my opinion, the most important project undertaken by this administration and planning staff was initiating the Downtown Master Plan process. The firm of Dover, Kohl and Associates did an outstanding job of giving form to our future. And just as I knew would happen, Fayetteville impressed Dover/Kohl as much as they impressed us. Here are some reasons that planning for our future is crucial for Fayetteville.
- We almost doubled the number of new dwelling units approved this year with an increase from 1,039 new units in 2002 to 1,870 units in 2003.
- We set a new record with 611 Single Family Homes (an increase of 156% over 2002).
- We added 124 new apartment buildings and 31 new commercial buildings.
- We issued 8,500 construction permits (a 30% increase over 2002), and added over $300 million of public and private building value to Fayetteville.
- After decades of struggling with an outdated zoning map, we officially adopted an up-to-date, accurate zoning map.
- We amended our Code to give code enforcement officers citation authority and cut red tape to solve long-standing problems in our city.
- We developed and implemented impact fees for water and wastewater so growth can begin to help pay for itself.
- We completed Rupple Road south to the Boys and Girls Club, as well as Cleveland Street improvements.
- Completion of Dickson Street improvements was welcomed by all, especially Ron Petrie in Engineering and the Dickson Street merchants.
- The improvements on Old Missouri Road and Sang/Hollywood are scheduled for completion in the next two months.
- We designed in-house and bid out improvements to Broyles road.

Code Compliance and Raze and Remove efforts are paying off.

- We have begun moving aggressively to improve blighted areas. Pictured here are some of the examples of the buildings that we have had removed to safeguard and clean up our City. While none of us like having to make people remove dangerous, dilapidated, and unsightly buildings, we know that it is important to the community to do so.
- Our Compliance Program received almost 1,300 requests for code enforcement assistance in 2003 and successfully resolved more than 90% of the complaints.

Our Fire Department continues to improve its operations.

- The new Comprehensive Apparatus Replacement Program allows the department to maintain an up-to-date, uniform fleet while saving money. We have added good business principles in the improvement of our fire safety program by financing the equipment at 2.7% interest while collecting 4.5% interest on the City's investments.
- We will be adding the first new additional station to the system in 27 years and we are phasing in 12 new fire fighters to man the new station within the existing 2004 budget. While the west side station # 7 is under construction, we will start the evaluation process for locating the next station on the east side.
- We received a $132,000 Fire Act grant to enhance fire fighter health and safety.

Our Police Department is the most progressive and highly respected in the state. As our reputation grows, we are seeing more highly qualified candidates apply for positions in the department.

- We established a Problem Oriented Policing unit that works with neighborhood organizations and other citizens to solve problems early on.
- The department has taken a lead role in our in a multi-faceted approach to litter enforcement.
- We began using the new paperless automated case entry system that allows officers to file reports from the field, saving time and increasing police presence in key areas.
- We have organized an employee-driven awards and recognition program.
- We have graduated officers from the FBI National Academy and the state School of Law Enforcement Supervision.
- Two officers, Sgt. Tim Franklin and Officer Travis Lee, received state-wide recognition for outstanding performance.
- And, very importantly, we used a Federal grant to help install Mobile Video Recording units in our patrol cars, making sure that all interactions with the public are recorded for everyone's benefit.

Our Water and Wastewater Department is also making significant strides.

- The new Water and Wastewater Operations Center due for completion this fall will replace the inadequate facility at Razorback and Cato Springs Road and free up about 20 acres for more appropriate redevelopment near the new Research and Technology Park.
- For environmental reasons, we have ceased applying sludge to the land at the Noland Wastewater plant. The cessation was scheduled for 2006 but we enacted it in 2003 to protect the quality of the White River.

- We have prioritized and accelerated the $1.5 million Water Main Replacement Program to more quickly repair our deteriorating water supply infrastructure. Because of our aging water system and corrosive soils, we had been seeing steady increases in lost water percentages. With our accelerated repair program we began to see improvements in 2003. In 2002 we saw a 22.6% loss, in 2003 we reduced losses to 19.5% and we expect further reductions.
- We awarded a $933,000 contract to continue the rehabilitation of our aging sewer lines to reduce wet weather infiltration and sewer overflows.
- In 2003 the department repaired 696 water line leaks, cleaned 162 miles of sanitary sewer lines and built 10,461 feet of new water and sewer mains.
- Our new wastewater treatment system is moving along. We will approve 12 contracts with a value of $66 million this year. The new plant is due to be complete in the fall of 2006.
- By rethinking our plans for construction of Broyles Road to access our new wastewater treatment plant and coordinating with private developers we should save about $1.4 million.
- We concluded the Facilities Planning phase which revealed the possibility of a $3.2 million savings by eliminating an outfall line.
- Working with our Washington, D.C. delegation, we secured almost $1.1 million in EPA funds for our sewer rehab work.
- Between rethinking the Broyles Road plan, re-examining the outfall line plan, and acquiring Federal appropriations, we should see a $5.7 million benefit to Fayetteville's taxpayers. We will continue to look for ways to accomplish our goals and save money at the same time.

The Solid Waste Department has expanded its service to customers and increased its productivity.

- The most significant action was the conversion to the Pay-As-You-Throw Automated Cart program.
- New management and improved morale has dramatically reduced our employee turnover rate from an incredible 93% in 1999 to 8% in 2003. This fact, combined with our new safety program, has reduced accidents in both number and severity.
- We conducted 14 Ward and Creek Clean-ups collecting 911 tons of waste and recycling113 tons of scrap metal.
- Updating the Curb-The-Clutter program, we added nine new participating groups and collected of over 25 tons of trash from city streets.
- We collected 11,400 tons of waste in our residential program and 4,907 tons of recyclable material.
- We collected 27,500 tons of commercial waste. Our drop box program revenue grew from $113,000 in 2002 to $211,000 in 2003, an increase of 63%.
- Our composting program was expanded and improved. With our subscription-free paper bag program in place we are handling much more green waste. Using new screening equipment we now remove foreign material and produce a finer, much more consistent product. Our compost is certified by the Rodale Organic Gardening Institute.

Fayetteville's Municipal Airport continues to take off.

- For the last three years our operations and fuel sales have grown steadily as these graphs show.
- We have added new hangars for commercial and private use, and we have waiting lists for more space.
- We saw the groundbreaking of the U.S. Forest Service tanker base.
- The very successful Airfest of 2003 brought record numbers of visitors to the airport and air museum and we opened the military museum.

Our City Attorney's Office continues to successfully defend the City when necessary.

- The City of Fayetteville suffered no civil litigation defeats and has not had to pay anything to settle any litigation in 2002 or 2003.

Now I want to discuss our city's regional status as it relates to our tax structure, the local economy, and our general fund balance.

Fayetteville's Tax Structure

Looking at the tax structure for Fayetteville, here are some important facts to remember. In 2001 we lowered our sales tax rate from 2% to 1.75%. The other cities of NWA collect 2%. Our property tax rate is 1.8 mils, all going to fire and police pensions and library with none to city operations. The next lowest property tax rate is 4.8 mils collected by Rogers. These rates make Fayetteville's general tax burden (except for restaurants) the lowest of any city in Northwest Arkansas. We have had fair growth in our city sales tax revenue, but our expenses have grown due to the higher costs of things such as materials and insurance and our efforts to provide our employees with competitive wages and benefits.

In light of the fact Fayetteville has the lowest general tax burden, it is gratifying to see increased productivity, improved citizen services, better responsiveness, improved employee morale and workmanship. While most local and state governments are facing financial crises because of rising costs and tightening revenue, Fayetteville is doing better than projected.

Local and Regional Economy

The last few years were difficult economic times for our state and our nation. Northwest Arkansas, on the other hand, has seen steady growth because of the phenomenal success of the world's largest companies in their fields, J.B. Hunt, Tyson Foods, and Wal-Mart, all headquartered in our sister cities to the north. The economic impact of these companies and the relocation of the Regional Airport to Benton County in 1999 has positioned our neighbors to have a serious impact on our sales tax base. Until the late 1990's, Northwest Arkansas shopped in Fayetteville. The citizens of Fayetteville were subsidized by out of town shoppers pouring revenue into our general fund. This allowed Fayetteville to rely on sales tax to fund our operations and needed improvements. With the coming of age of our sister cities and the increase of shopping opportunities available there, we are losing that advantage. It is imperative that we strengthen our economic foundation.

If we are going to hold our own in the marketplace with the other cities in Northwest Arkansas, especially when they all collect higher general sales and property taxes than Fayetteville collects, then we must be more entrepreneurial in our thinking about how we do the public's business. If we are to compete, we need to apply sound, basic business principles for the benefit of our citizens whenever we can. But again, it is vitally important to have balance in our progress. Every financial decision we make must be measured by its effect on Fayetteville's quality of life, which is our most important asset.

Our General Fund Balance

Now for the bottom line. In 2001 we charted a course to achieve a "good-government" rule-of-thumb fund balance of about 20% of the annual general fund expenses, or about $4 million. In 2002 the Council made a formal budget policy decision to maintain this balance.

Because of very good financial management, at the end of 2004 we would have had $5.7 million in the general fund, not just $4 million. But with an increase of revenue of $650,000, operational savings of $800,000, and the proceeds from the sale of Wilson Springs at $5.2 million, we should see a fund balance at the end of 2004 of about $12.3 million instead of the $4 million we anticipated January 2001.

With good asset management and an entrepreneurial approach to the city's business, we will continue to see increased productivity, solid economic growth, and enhanced quality of life for Fayetteville.

Fayetteville's Role in the State

It is important to note that we are working not only within our borders to improve our place in the world. Fayetteville is helping influence state issues that directly affect us as well as other Arkansas cities.

We played an important role in resolving the decades-old dispute between Arkansas and Oklahoma concerning point and non-point source effluent standards. Our efforts resulted in an agreement that kept the two states from returning to federal court thereby avoiding serious complications with our permitting process for our new wastewater system project.

We initiated discussions with the Arkansas Municipal League, state agencies, and state-wide, non-profit organizations, and introduced legislation to reduce litter on our highways and roadsides, making our city and the entire state more appealing. Our efforts have led to the organization of a group appointed by the Director of the Arkansas Highway and Transportation Department, Dan Flowers, consisting of several state agencies with one city, Fayetteville, at the table representing all the major cities of Northwest Arkansas.

We sponsored new legislation that allows Arkansas cities to take advantage of the Design/Build/Operate concept for major infrastructure facilities. It was too late for Fayetteville to be able to use the program, but other Arkansas cities and regions will be able to save significant time and money on their most expensive projects.

National, State, and Local Recognition

Fayetteville was recognized with many state and national awards in 2003, such as:

- The Milken Institute recognition of the Fayetteville MSA as the best place in the United States for career and job growth.
- Sports Illustrated "Top Sports Town" in Arkansas for our parks programs.
- The U.S. Specialty Sports Association's "Top Sports Complex" award for a six state region.
- The American Cancer Society "Community of Excellence" award.
- The Arkansas Business Journal recognized our AccessFayetteville site as the "Best Government and Politics Web Site" in the state.
- AARP crowned us the 5th best place in the U.S. to re-invent your life.
- Fayetteville was recognized as one of "America's Most Livable Cities" by the Partners for Livable Communities.
- We received the "Government Recycler of the Year" award from the Arkansas Recycling Coalition.
- The Fayetteville Natural Heritage Association honored us their first "Golden Acorn" award for preserving unique and threatened woodlands for future generations.
- Fayetteville Public Library was given the Altrusa International Environmental Award for the new Blair Library building

This Year's Prospects

This year will bring significant improvements to our community.

- The opening of the new Public Library will be a once-in-a-lifetime event for Fayetteville, adding to the city's profile in many ways.
- We will be inspired by the Dover/Kohl Downtown Master Plan when they return with a completed urban design program. This citizen-driven plan will guide our growth and help Fayetteville achieve outstanding economic and quality of life success. With a plan for development as a livable, pedestrian-friendly community, we can use the free market, the increasing momentum of high-quality growth, and our community's vitality to help us achieve our enormous potential.
- The opening of the Innovations Center and additions to the Genesis campus will improve our viability in our quest to form a technology and research center for Arkansas.
- The additions of the Springwoods and Southern View mixed-use developments, a stadium-seating theatre, and an Audubon Nature Center will be examples of the improvements we look forward to.
- The expansion and construction programs of the university will help drive our economy and elevate our status as a great university city.

As we continue to accomplish our goals, we need to look for ways to do better. I will touch on some points we need to consider this year.

To enhance our quality of life and stimulate our local economy, we need to look into an effective, self-funding events and cultural tourism program for Fayetteville. While we have the Advertising and Promotion Commission, the Convention and Visitor's Bureau, the University of Arkansas, the Chamber of Commerce, Downtown/Dickson

Enhancement group, the City of Fayetteville, the Center for Continuing Education, and community volunteers all putting out various levels of effort, real success remains elusive. We need to focus aggressively on our development as the weekend destination that we should be, adding to the revenues of our local businesses and providing entertainment opportunities for our citizens that are unavailable today.

In 2004 we will be able to focus more on affordable housing. Too much of our housing market is priced out of reach for many of our residents. Our city has taken the lead in sponsoring the Fayetteville Attainable Housing Partnership. Representatives from all interested parties have been attending organizational meetings and we look forward to bringing a comprehensive program forward this year.

One crucial need is improved access into our commercial business center, CMN Business Park. While existing businesses are doing well and new businesses are on the way, we need to solve this long-standing problem. We must remove impediments to traffic flow into and through this district that is so important to our economic base. We have asked our Federal delegation and the Arkansas Highway Department for assistance in this area.

Another issue we must address is our need for a large, multi-use community park. We have scattered, heavily-used sports fields for our softball, baseball, and soccer programs but we need a park that will provide a central location for many activities at once, including appropriate outdoor music events. A major sports complex would serve our community very well and become an important economic tool. For example, over a four day period the Snickers Soccer competition brought an estimated $8 million to North Little Rock. We are investigating a location on the south side of town. The purchase and development of such a park becomes much more realistic when considering the benefits of a public-private partnership.

We have to consider refurbishing the Fayetteville Square. The years have taken their toll and our city's crown jewel needs a plan for repair. This year we will see much-needed improvements to parts of College Avenue with anticipation of more improvements to come.

Our Future

We are just now seeing the benefits of the changes we have made in Fayetteville's government. We will continue implementing improvements to provide superior municipal services for our citizens. This would not be possible without our excellent staff and the involvement of each member of the City Council. The year 2003 has been the best year yet for getting a lot of work done on behalf of our citizens. 2004 looks even better.

The more thoughtful we are in our dialogue, the more balance we use in our approach, the more creatively we address our challenges, the better the city we will build. I look forward with enthusiasm to the year at hand and working with everyone to make Fayetteville the best city it can be.

City Council
Meeting Minutes
February 3, 2004

A meeting of the Fayetteville City Council was held on February 3, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Davis, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

Alderman Davis was absent until 8:00 PM

The meeting was called to order by Mayor Coody.

Mayor Coody: Before we start the Consent Agenda, I would ask that we add a change in the Fayetteville Water Rate Schedule to the agenda.

Alderman Cook moved to add the Fayetteville Water Rate Schedule, Customer Service Charge Revision to the agenda. Alderman Jordan seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

CONSENT:

Approval Of The Minutes: Approval of the January 20, 2004 meeting minutes.

Telecommunications Task Force: A resolution to establish a Task Force to recommend a plan and an implementation strategy for a Telecommunications Policy and Infrastructure Development.

Resolution 12-04 as Recorded in the Office of the City Clerk.

ADEA Post Closure Trust Fund: A resolution authorizing the Fayetteville Parks & Recreation Division to apply for a Post Closure Trust Fund Grant from the Arkansas Department of Environmental Quality (ADEQ) for the C & L Landfill study and remediation.

Resolution 13-04 as Recorded in the Office of the City Clerk.

Wastequip May Fab Bid Award: A resolution approving the purchase of 2 to 8 yard trash containers from Wastequip in an amount not to exceed $63,000.00 to service multi-family and commercial solid waste customers.

Resolution 14-04 as Recorded in the Office of the City Clerk.

Bes-Pac Bid Award: A resolution approving the purchase of trash compactors and roll-off container/compactors in an amount not to exceed $85,859.00 from Bes-Pac, Inc., and Downing Sales, Inc.

Resolution 15-04 as Recorded in the Office of the City Clerk.

ESRI 2004 Service and Maintenance Fees: A resolution approving the annual maintenance agreement in the amount of $20,692.30 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

Resolution 16-04 as Recorded in the Office of the City Clerk.

Hansen 2004 Service and Maintenance Fees: A resolution approving a purchase request to Hansen Technology, Inc. in the amount of $44,852.10 for software service and maintenance fees.

Resolution 17-04 as Recorded in the Office of the City Clerk.

Van Scoyoc Associates: A resolution approving a memorandum of agreement with Van Scoyoc Associates and a budget adjustment in the amount of $85,000.00 to provide consulting legislative services in the amount of $75,000.00, plus expenses up to $10,000.00.

Removed from the Consent Agenda and moved to New Business, Item Number 1.

Rules of Order and Procedure - Handbook Arkansas Municipal Officials: A resolution to clarify that the Rules of Order and Procedure of the Fayetteville Mayor/City Council should follow the "Procedural Rules for Municipal Officials" by the Arkansas Municipal League.

Resolution 18-04 as Recorded in the Office of the City Clerk.

Rules of Order and Procedure – Voting: A resolution to modify Section B.4. Voting on the Rules of Order and Procedure of the Fayetteville Mayor/City Council.

Resolution 19-04 as Recorded in the Office of the City Clerk.

Alderman Lucas asked that item number 8, Van Scoyoc Associates be pulled from the Consent Agenda and added to new business.

Alderman Jordan moved to approve the consent as read with Consent Item Number 8 Van Scoyoc Associates removed. Alderman Marr seconded. Upon roll call the motion to approve the consent passed 7-0. Alderman Davis was absent.

Mayor Coody: Do we need to wait and discuss the item pulled from consent or can we discuss it now?

Kit Williams: We can discuss it now if you want to.

Alderman Lucas: I noticed on the memorandum of agreement that it says they agree to expenses exclusive of out of town travel. What we received from the city states the travel will be included in the $10,000. Will it be $10,000 or $10,000 plus travel?

Mayor Coody: I see the conflict there. We have a university representative here that can probably give us insight. The university has never spent that much including travel.

Alderman Marr: Mayor, I have a Point of Order question. Has this been pulled from the consent agenda or are we answering questions to see if it stays on consent and if it has been pulled from consent is it going under New Business, Old Business or before either New or Old Business?

Mayor Coody: It was pulled from the Consent Agenda.

Kit Williams: It is at your pleasure, if you want to put it in New Business, you can certainly do that.

Alderman Marr: So we can place it anywhere on the agenda?

Kit Williams: Basically it is your agenda. Procedurally it is normally moved to New Business, if there was just a question or two sometimes you handle that without formally moving it, but if the City Council wants to put it in New Business then we should wait and put it at the end of New Business.

Alderman Lucas: Let's put it in New Business then.

Alderman Marr: I am not opposed to it if we have someone waiting, my point is what we do in these occurrences, then we have people throw those up in the future when we pull things off consent and why do we put some pulled items at the end and some at the beginning. I would just like us to be consistent.

The Consent item that was pulled was moved to New Business, Item 1.

OLD BUSINESS:

Impact Fees for Road, Police and Fire Improvements: An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $25,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $27,390.00.
This Ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This Ordinance was tabled at the January 6, 2004 City Council meeting until the February 3, 2004 City Council meeting.

Staff asked to table this to the February 17, 2004 City Council meeting.

Kit Williams: I might suggest that we put it on the second reading and then not advance it if that is what staff wants, there is no reason to table it, it will come up automatically on the next agenda.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

The Ordinance was left on the Second Reading.

R-PZD 03-6.00; Benton Ridge, Long, LLC: An ordinance establishing a Residential Planned Zoning District titled (R-PZD 03-6.00) located on the east side of Crossover Road north of Huntsville Road and south of Wyman Road containing 8.34 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This ordinance was left on the second reading at the January 20, 2004 City Council meeting.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: For the record would the developer state the changes. The people that are concerned about this I want to reassure them that this is the way that it will be, according to the changes.

Julie Zimmerman, Crafton, Tull and Associates: I would like to hand out a drawing showing the changes. Originally there were 43 units proposed, lots 1 and 2 were multi-family which limited two units per lot and then lots 3-20 were two family and lots 21-33 were single family. January 26, 2004 a meeting was held with the adjacent property owners, since that meeting the following changes were made: lots 7, 8, 9 and 10 were changed to single family lots, lot 13 was changed to a single story duplex, and lot 22 was changed to a duplex lot. These changes brought us down to 40 units which lowered the density to 4.8 units per acre. We put single family next to existing single family lots which was a concern and we put single story units next to the property owners that were concerned about having two story units next to their property.

Alderman Thiel: I am really pleased that we were able to get back with the neighborhood and pretty much satisfy them. I will approve this now.

Alderman Reynolds: You all were great to work with and I want to thank you very much for showing up at the Ward I meeting and for helping to solve the problems associated with this development.

Kit Williams: I would recommend that we do an amendment to the ordinance to add in the title as amended by the City Council with agreement of the applicant and on Section II where it says as approved by the Planning Commission on December 8, 2003 and further amended by the City Council on February 3, 2004.

Alderman Thiel moved to amend the ordinance to add as amended by the City Council in the title and in Section II add and further amended by the City Council on February 3,

2004. Alderman Reynolds seconded. Upon roll call the amendment to the ordinance passed 7-0. Alderman Davis was absent.

Alderman Cook: I appreciate Alderman Thiel and Reynolds work and the developers desire to meet the goals of the neighborhood. I am still struggling with the density and the fact that the people that live around this neighborhood have bought into these houses and expect a single family neighborhood. I struggle with the fact that we are dropping in some multi-family in there. While I am for infill and higher density within our city boundaries and I appreciate their desire to create more green space within this area but the density issue, while it is better I still struggle with that. There have been other examples within the City of Fayetteville where we put higher density within single family and to me it doesn't work very well. You put that in an urban environment and it works, I don't have a problem with that but out here on the edges where it is expected to be single family I have a problem with that. I have trouble supporting this. While I appreciate the efforts that have been done up to this point I still struggle with the density issue.

Alderman Lucas: I feel the same way that Alderman Cook does; I appreciate all the work that you did. There are two things we are doing here, we are waiving on the length of the cul-de-sac and we are also rezoning from a single family to a multi-family.

Alderman Thiel: I did question Tim about this on the council tour, if these lots that have been changed now to single family, if those lots would always be single family even though we are zoning this as a PZD and Tim assured me that they would.

Alderman Cook: I have supported higher density in certain areas of town. This is a RSF-4, R-1 by right and to me that changes my attitude with what this project is.

Alderman Marr: Did the changes that were made truly satisfy the existing residents. Do they consider this to now be compatible with their neighborhood?

Alderman Reynolds: At the Ward I meeting after we talked with the developer I asked for a show of hands and the neighborhood all raised their hands that they were satisfied with this final package. We told them when we left there that we were going to vote for this and they said that was fine. There is not anyone here tonight from that neighborhood, I think they are very satisfied with this.

Alderman Marr: Do you mind sharing with us how many people were at your meeting.

Alderman Thiel: All the people that live along the east side of this property.

Mayor Coody asked shall the amended ordinance pass. Upon roll call the amended ordinance passed 5-2. Alderman Jordan, Reynolds, Thiel, Marr, Rhoads voting yes. Alderman Cook and Lucas voting no. Alderman Davis was absent.

R-PZD 03-7.00; Brophy Condominiums, Ralph Brophy: An ordinance establishing a Residential Planned Zoning District titled (R-PZD 03-7.00) located east of College Avenue, north of Township on Brophy Circle containing 6.01 acres, more or less; amending the official

zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This ordinance was left on the second reading at the January 20, 2004 City Council meeting.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: I would like to ask our landscape administrator a couple of questions. In this planting schedule that we have been given, do any of these coniferous trees replace the existing residous trees?

Craig Carnagey, Landscape Administrator: No madam, I think what you are looking at the applicant has essentially provided a blanket of an evergreen screen. I think we should understand this to be more of intent to provide whatever screen is necessary on the site; however a degree of ground trooping is going to be required to find the exact location of where these trees need to be planted. There is a 15 to 20 foot buffer of deciduous trees mixed with other coniferous in there and in order to find where this screen is going to go I think the applicant needs to be out there and determine exactly where those trees will be planted. I would propose that I be there when the applicant actually does that and we can determine the best spaces for these trees.

Alderman Thiel: Is this going to actually screen that much, has he got enough room there to plant enough trees?

Craig Carnagey: That is a subjective judgment call, my answer to that, I went out to the site today, I looked at the screen, and I think the individual impact to the sight would be no greater than what you see currently at Brophy Circle, the development to the south of this proposal.

Alderman Thiel: From down on North College?

Craig Carnagey: Right.

Alderman Thiel: Except this goes further on up the hill.

Craig Carnagey: Actually further on up the hill there is more of kind of a buffer, the majority of that is a tree preservation area. The area of concern is on that western edge and I believe that Brophy Condominiums actually has a larger buffer of deciduous trees, plus with this evergreen screen that they are proposing there will actually be more of a buffer than what is existing currently at that development directly to the south. Plus the grade is a little bit lower than that development to the south so my assessment is that the visual impact will be no greater than what currently exists as far as the homes you see off of College right now.

Mayor Coody: When I look at this map, the tree buffer on the west side, I know some of that is utility easement, how much, there is no tree planting shown in the utility easement.

Craig Carnagey: No sir, no tree planting in the easement, the buffer that I am referring to is outside of the easement. The map that you have in front of you, the scale is a little bit deceiving, it does not show that actual buffer being there but I do have the large scale drawings and I think if you take a look there, I measured it this afternoon, this smallest sliver of tree buffer that exists is approximately 15 feet and it is well treed. There are gaps in there where I can see some evergreen trees being placed, both within the buffer and right adjacent to the buffer on either side east or west. There are a lot of young trees in there and I think in the summer time you won't see much of this development at all. During the leaf off period, you may see some of the roof lines from the other buildings.

Mayor Coody: Does that say 30 foot spacing or 30 inch spacing?

Craig Carnagey: 30 foot, however like I said I would request that there be some ground trooping to this plan. I think it needs to be walked and those spaces need to be identified, even staked out within that buffer. Right now he's just showing a blanket, we are going to put whatever trees you want wherever you want them on this western edge is essentially what he is saying with this plan. I think you have, along with that plan plus the Bill of Assurance, I think you have a pretty good guarantee that we will get a screen there one way or another. Plus their mitigation dollars that the applicant is submitting certainly can go back in that area if you find some problem areas and fill in those holes with those mitigation dollars.

Alderman Thiel: I want to really be clear that this Phase III is already pretty much buffered, the upper part.

Craig Carnagey: Right.

Alderman Jordan: On the street, does the city maintain that street or does the owner maintain that street?

Bill Rudasill with WBR Engineering: Which street, are we talking about the existing one that is currently there?

Alderman Jordan: Yes.

Bill Rudasill: No that is currently a private drive. The owner, Mr. Brophy maintains that street.

Alderman Jordan: I also noticed that there is a five foot easement around each of the buildings is that correct?

Bill Rudasill: Yes.

Alderman Jordan: That basically means the ground will not be disturbed within the five feet?

Bill Rudasill: Outside those five feet the ground will not be disturbed. That's for digging the basement, porches coming off the back of the building and stuff like that.

Alderman Jordan: If part of the tree canopy gets into that five foot buffer will that tree be preserved.

Bill Rudasill: No, it has not been counted as preserved. Let me qualify that statement, if you do not disturb more than 20% of the canopy a tree can be counted as preserved, if it is more than 20% it cannot be counted as preserved.

Mayor Coody: There was a question earlier about fill to bring these lots up to a level to build on is there a concern about that, is there a problem with grade?

Alderman Cook: Especially unit 15,16, 27 and 28, you have given us these cross sections of driveways and there is a big gully through there and it has been filled in to the development up to this point, but you are talking about filling in more to finish this development too and I certainly have some concerns with that. If you go out there now and you see what's been built, these houses are built into the hillside and it's either you cut into it or you fill it up to be able to build in this space. My personal opinion in the long run is that is not good, that is just the way I see it and I struggle with that.

Bill Rudasill: The intent here is to dig into the hill, build a basement into the hill, a lower level into the hill. Where we are on the up hill side of the down slope the fronts will be brought to the front of the building and then a retaining wall will be placed and it will go back down to natural grade for the stem wall and footing system around the building. The ground past the front of the building will not be disturbed other than to dig the footing and put the building in place and it will stay within that five foot region that we have shown around each one of those buildings.

Alderman Jordan: How tall will your tallest retaining wall be?

Bill Rudasill: The tallest retaining wall between the buildings I am not actually sure exactly the height but the majority of them will be three to four feet tall at the front and then it will go down to ground. The building heights on those specific buildings there should be nothing more than six foot below the first floor, four to six feet is what they typically are.

Alderman Jordan: So that would give us a finish out at the peak at about 27 feet.

Bill Rudasill: Somewhere in that neighborhood. That is from the first floor up.

Alderman Jordan: That's right and that doesn't include the retaining wall right?

Bill Rudasill: Right.

Alderman Lucas: I am concerned about the way it is going to look when you look up and the green space. I still have the struggle with the traffic going down that private drive and then trying to get on College and then the increased traffic on Township. I just worry about traffic safety there. I don't know how that can be addressed; it is really going to throw a lot out on Township.

Kit Williams: I wanted to ask the developer, do you now have a signed Bill of Assurance.

Bill Rudasill: Yes sir.

Alderman Jordan: I have some concerns about this development. There are three things that I have a problem with, one is the traffic I think that is going to be too much traffic being put down on North College, there is no way you can make a left turn down there. That is a real concern of mine. The way it looks from the road, if you have a building that is 27 feet tall that is one thing but when you put a four feet retaining wall and you are driving below and looking up it actually looks taller than what it is so you will really pick those up from the road. I also have a concern about the existing sewer lines that we have in there when we bring in a lot of heavy machinery and things there is a good possibly we will damage a lot of those sewer lines and I do not know to what extent it could but we certainly could. I have some problems with this development; I will be honest with you. I agree with Alderman Cook's comments that we have all kinds of development all over town that is slipping off into the canyon because we built on the sides of hills and being in the building profession I do have problems with that. That's my concern.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 1-6. Alderman Rhoads voting yes. Alderman Jordan, Reynolds, Thiel, Cook, Marr, and Lucas voting no. Alderman Davis was absent.

The Ordinance Failed.

WIV-Fayetteville Cost-Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
This ordinance was left on the second reading at the January 20, 2004 city Council meeting.

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: Did staff get an opportunity to speak to the mall about cost sharing?

Tim Conklin, Planning: I have had several conversations with Alice Church, the mall manager. She has been in contact with her corporate offices; I still do not have a definite answer whether or not they will participate in this project. At this time I do not have a definite answer yes or no.

Mayor Coody: One thing that I might add is once that I found out that Mrs. Church had not had much luck, I found out the gentleman that she has been contacting and I left a voice mail for him this afternoon, he was out of the office but I fully expect to hear from him or the president of the company tomorrow, I will be talking to them, so if this is approved I will still be asking them to contribute if they can. I didn't realize that Alice Church had not had any luck talking with the mall people until this afternoon.

Alderman Thiel: If we approve this there will be no point in them bothering.

Mayor Coody: There is some merit to that argument.

Alderman Thiel: I kind of regret that this was not discussed with them before hand really.

Alderman Rhoads: Is there an urgency to approve it tonight.

Tim Conklin: I don't believe two additional weeks is going to be a problem. I would like to say that as a policy we do try to create these looped systems and have redundancy in our system. There are other property owners and other cost shares that we have done where we haven't tried to recoup the cost based on existing development. The mall was built in 1972, went through a major expansion in the mid 90's, this is something we are trying to complete as part of our water system to have reliable service. I am hopeful there is an opportunity to have them participate even if they don't participate it is something that we should do to make sure we do have a very good reliable water system in probably one of the most important regional commercial areas in the City of Fayetteville.

Alderman Lucas: How much are we talking about that they would possibly cost share with us?

Tim Conklin: The discussions I've had with Alice Church are a 50/50 cost share.

Mayor Coody: It would be about $15,000. If it is not an emergency, I was asked to let them try to go through their channels. I just found out today that that was not working very well, so if you would like to postpone this until the next meeting, I will get more involved and start from the top down and not try to wait on the channels from the bottom up.

Alderman Thiel: I would appreciate that, Mayor.

Alderman Reynolds: I would like to see it happen.

Alderman Rhoads moved to table the ordinance until the next City Council meeting. Alderman Jordan seconded. Upon roll call the motion to table passed 7-0. Alderman Davis was absent.

The Ordinance was tabled until the February 17, 2004 City Council meeting.

Mount Sequoyah Woods Conservation Easement: A resolution to reaffirm its commitment to sell most of its development rights to the Fayetteville Natural Heritage Association, Inc. on the 67 acres of Mount Sequoyah Woods purchased by the City of Fayetteville pursuant to Resolution No. 46-03.
This resolution was tabled at the January 20, 2004 City Council meeting.

Alderman Jordan moved to remove the resolution from the table. Alderman Thiel seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Kit Williams: There have been some proposed changes to the resolution that was presented at the earlier meeting. I think there are members of the Fayetteville Natural Heritage Association here; they prefer the version that might be amended tonight by the City Council.

Alderman Thiel moved to amend the resolution. Alderman Reynolds seconded.

Alderman Jordan: So we are voting on the amendment right?

Mayor Coody: On the amended version.

Pete Heinzelmann, Fayetteville Natural Heritage Association: The changes that we made, we included the dollar figure for the purchase of the conservation easement. This helps us when we seek contributions for the easement because the city has already agreed to purchase the property. The easement will ensure that the property will always remain as a natural park and not be changed to something else 25-50 years from now by another city administration. That was your intent when you purchased the property. That's the main change in what the original wording was.

Kit Williams: It might be a good idea for you to read section one which is the operative section just so everyone will know what we are voting on.

Mayor Coody read Section I.

Alderman Marr: If something happens to the Fayetteville Natural Heritage Association is this land still protected?

Pete Heinzelmann: Yes, our assets if the organization is dissolved would go to a similar 501-C3 organization.

Mayor Coody: Is that worked out in your Bylaws to who it would go?

Pete Heinzelmann: Not the exact entity but it would go to an organization that would fit with the mission of our organization, a conservation organization.

Kit Williams: This is not the actual sale of that, this is the agreement to sell so when it comes back to the City Council after they have raised the $300,000 those details can be worked out.

Upon roll call the amended resolution passed 7-0. Alderman Davis was absent.

Resolution 20-04 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Van Scoyoc Associates: A resolution approving a memorandum of agreement with Van Scoyoc Associates and a budget adjustment in the amount of $85,000.00 to provide consulting legislative services in the amount of $75,000.00, plus expenses up to $10,000.00.

Alderman Lucas: Is the travel included in this $10,000 or would that be over and above the $10,000.

Collis Garran, Dean of Graduate School for the U of A: The travel is included in the $10,000, the local travel they are referring to is in D.C., in the three years we have used them they have never used their $10,000 total allowed amount.

Alderman Lucas: So their travel back and forth to Fayetteville is included in that amount.

Collis Garran: Yes.

Alderman Lucas: I think this is great and I am counting on them to do us a lot of good.

Alderman Marr moved to approve the resolution. Alderman Lucas seconded. Upon roll call the resolution passed 7-0. Alderman Davis was absent.

Resolution 21-04 as Recorded in the Office of the City Clerk.

R-PZD 04-1.00 – Southern View II: An ordinance establishing a residential planned zoning district titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the associated residential development plan as approved by the Planning Commission.

Mr. Williams read the ordinance.

Jerry Kelso, Crafton, Tull and Associates gave a brief presentation on the project. This is a mixed used development with commercial on the bottom floor and residential units on the second and third floor. The total proposed residential units is 113, the total square feet of commercial is roughly 42,000 square feet.

Kim Fugitt, Project Architect gave a brief description of the exterior of the buildings and the project. There will be six of the buildings on the six acres; each building will have 19 apartment units and approximately 7,000 square feet of commercial space on the ground floor. There are twelve two bedroom apartments and seven one bedroom apartments; one apartment is on the ground floor to provide any kind of accessible living units for those that may be unable to reach the second and third floor.

A discussion followed on the ground level apartment and the apartments to the north of this proposed project.

Alderman Thiel: Did this go through the commercial design standard process?

Dawn Warrick: Any Planned Zoning District which has commercial components is required to be review for commercial design standards and it was approved by the Planning Commission for those standards.

A discussion followed on the project.

Jim Lindsey spoke about the project.

Mayor Coody: I want to thank you and your staff for being willing to try something that is way outside your box.

A discussion followed on the project.

Alderman Cook: As a PZD is that locked in that the first floor must remain as commercial or at some point in the future could that be turned into apartment space or what ever?

Tim Conklin: What has been shown and proposed is to lock in the first floor excluding the one assessable unit as commercial.

Alderman Reynolds: I want to thank you for jumping into this venture. I really like it, I think it will cheer up the neighborhood out there and that new traffic light alignment will help you.

Alderman Jordan: Traffic Count?

Dawn Warrick handed out the traffic counts that were taken by the city's Transportation Division.

Alderman Thiel: There are 114 new apartment units in this project.

Tim Conklin: There is 6,733 square feet of retail per building for a total of 40,398 square feet of retail.

Alderman Thiel: How many units did we add whenever the property north of there, which was commercially zoned, was rezoned multi-family, how many units are in that complex?

Tim Conklin: 300 units.

Alderman Thiel: I am concerned about the amount of apartments we are adding right now when construction has not even started on the new treatment plant. I think this a great effort on Mr. Lindsey's part. I feel 540 has a lot of apartments and that is the front door into this city, I would like to see more of it developed commercially. Even though this is mixed and it does have the commercial, it still adds 114 more units. I have reservations about how this is going to look from 540.

Alderman Marr: What is your current occupancy of the 300 apartments that you have recently built?

Mr. Lindsey: Companywide in Fayetteville we are at 97%. That project is new and it was built after the kids came back to school and we have just finished the last building in the last few weeks. That project is right now at 50%. I would say by May we would be in the 80% to 85% and by next August that project will be 100% rented.

Alderman Marr discussed housing for students and housing close to the university. He spoke about the continued same look of apartments at every intersection. There is a lot about this project that he likes, that we are having a major developer in our area try something new that is a very different look. He thinks it is very hard to argue for urban infill and mixed use and not be willing to step out and have someone who is willing to take a little bit of risk with you do that.

I appreciate that very much, I like the concept. Part of the appeal to me is the fact that it may visually hide some of the things that are repetitive on 540 when this development gets built. I am excited about some commercial in this area.

This Ordinance was left on the First Reading.

Southern View Phase II, Money in Lieu of Land: A resolution accepting the parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.

Alderman Jordan moved to table the Resolution until the February 17, 2004 City Council meeting. Alderman Cook seconded. Upon roll call the motion to table passed 7-0. Alderman Davis was absent.

Re-budget 2003 Budget Items: A resolution approving a budget adjustment to re-appropriate $58,605,226.00 in order to retain project funding for identified and scheduled capital improvements and fund increased workers compensation premiums.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded. Upon roll call the resolution passed 7-0. Alderman Davis was absent.

Resolution 22-04 as Recorded in the Office of the City Clerk.

ADM 03-29.00 – Chapter 167 Tree Preservation Amendment: An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide amendments to and clarification of various provisions concerning tree preservation and protection.

Mr. Williams read the ordinance.

Alderman Thiel: Is the Tree and Landscape Committee in favor of this?

Audience: They have reviewed this for several months, they have reviewed this amendment and they are in full support.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Davis was absent.

Ordinance 4539 as Recorded in the Office of the City Clerk.

Attendance Requirements for Planning Commissioners: An ordinance to repeal §33.111 removal of Planning Commissioners and enacting §33.300 attendance requirement for all members of citizen committees, boards and commissions.

Mr. Williams read the ordinance.

Alderman Cook: While this is a commission of citizens and they volunteer their time for this position and it is a very time consuming position it makes it difficult to find every day citizens that can afford the time and the money to be on this commission. My experience at other committees is if we put someone on this committee we certainly expect them to take this seriously. Showing up for meetings and agenda sessions also in the Planning Commissions case is a very important process. My experience on the Parks Board we had a couple of instances where we didn't have a quorum so we couldn't vote on issues. My intent was to try to add a little more authority to the fact that we want people to show up to the meetings, it is very important that people take it seriously and go to the meetings and stay informed. It is not an easy task.

Alderman Thiel: There has never been a lack of people applying for the Planning Commission. I don't think we would have trouble finding people that are interested in serving on the Planning Commission even if a requirement like this was approved.

Alderman Marr: I want to think Alderman Cook for bringing this forward. When I ran for office I was standing in front of this Council with a peer Planning Commissioner who was being denied reappointment because of one of the reasons being attendance. We decided at that time to evaluate everyone's attendance. When there were no attendance requirements to any percentage it was very hard to determine what counted in attendance. There also was difficulty as to who could sit on Sub-division. We need to address what the standard expectation is and put it in the requirement and before we reappoint someone we need to see if they have been attending meetings. I think there is a big importance on agenda session and I think that is missing in this, we should be talking about a 50% attendance requirement for agenda sessions that are scheduled or some number, but I think we need to address it. If we want people to volunteer, let's not make the meetings the length of the Council meetings, how you do that is you get things on agenda session to allow you to have questions. One issue I have is that we have talked about three consecutive meetings and we have not talked about a percentage.

I would like to see us make the changes only relative to the Planning Commission and the Parks Board and not every city committee. I do think there is a difference. I think when you apply you are making a conscious decision on the time commitment if you apply for Planning Commission and Parks. Commissioner Allen made a statement that I love she said "I never want the Planning Commission to be so exclusionary because of work problems, but I do think that commissioners need to know up front what's expected of them so they can make a decision about whether or not they have time to apply". I think that is a valid statement, they need to know that it's more of a commitment just like when you run for Council it is more of a commitment.

I would like to amend this to add 70% attendance requirement as opposed to three meetings in a twelve month and that the Planning Commissioner has to serve 12 months on the Sub-division Committee meeting during their three year term. It would be broken up during the three years.

We have three appointments coming up in March for the Planning Commission. We do not have one single commissioner who is reapplying because they have served their term. This is a great opportunity to make these changes when we have new people coming on. If you look at the attendance you will find the problem is not with many of our commissioners, it is very concentrated.

Alderman Reynolds: The Planning Commissions job is tough; they give us a lot of their time. I agree with Don on the 70% of the meetings.

Alderman Lucas: Is that 70% of the regular meetings and not the agenda sessions?

Alderman Marr: I would like some requirement on agenda but I do think it should be less because some people serve on Sub-division. Maybe 70% for attendance at regular or special Planning Commission meetings and 50% attendance at tour and agenda session and 12 months of service on Sub-division.

Alderman Reynolds: We need to make sure that every commissioner serves on that Sub-division committee that rolls over yearly because it is unfair for someone to serve two, three or four years on that committee.

Alderman Marr: I really would like us to change this from being for all committees to being for the Planning Commission and the Parks Board because I think they are the majority of where we are talking about development process.

Sharon Hoover, Planning Commission: We did establish a By Laws Committee. Sub-division committee was lacking a commissioner and I could not find anyone who would volunteer, this is when we started this discussion about coming to meetings. The By Laws Committee met several times and I believe you have the minutes of the summary of what was discussed in that meeting, it is along the line of the proposal that you have made.

She spoke about the PZD ordinance, the amount of work involved in a PZD and that this is causing Sub-division meetings to last longer.

Alderman Marr: Was there consensus on the commission about the agenda session?

Nancy Allen, Planning Commission: We got to consensus on attending the regular Planning meetings on Monday nights and the six month stance on Sub-division but we could not reach a consensus on attending agenda and tour.

Sharon Hoover: We discussed if the time frame changed and it wasn't at 3:30 in the afternoon and the time slot moved that that would be more agreeable to people and make that more available. We asked staff to look and see if there was another time slot that would work and we came up with the problem with because we do agenda and then we go on tour at the same time, it was getting dark. We discussed splitting agenda and tour and doing them on separate days but that got into the process of getting the material early enough to review and we came back to where we are now. There was consensus if it could be at a time that was after work hours or near the end of the day.

Alderman Marr: Does the majority of the commission attend agenda session. Do you think there is value in having an attendance requirement related to agenda session?

Nancy Allen: I think there is strong value in that. An average of five commissioners goes each time.

A discussion followed on attending Planning Commission tours.

Alderman Reynolds: The tours on the Planning Commission are very important if you don't do them you are cheating someone. The Sub-division committee you must be a second or third year commissioner to serve on the Sub-division committee.

Dawn Warrick: That is usually the standard that the more seasoned commissioners will serve as Sub-division member, it is the desecration of the chair.

A discussion followed on the Sub-division committee and serving on this committee.

Alderman Cook: I think the 70% rule for regular and special meetings and leave out the 3 consecutive meetings is okay. I agree with serving 12 months within a term on the Sub-division. Parks and Planning are the ones that are definitely most important on this.

A discussion followed on the attendance and the percentage.

Alderman Marr: The amendment would be any member of the Planning Commission or Parks Board appointed by the Mayor and City Council shall immediately tender his or her resignation if the citizen's attendance falls below 70% for the regularly scheduled or special scheduled commission or board meeting within the twelve month period. Tour and Agenda would be a 60% attendance requirement and add that a Planning Commissioner would serve a 12 month term within their three year term on Sub-division broken into increments as set by the commission itself.

Alderman Rhoads: If this is passed is it effective for the existing member?

Kit Williams: Yes, it would go into effect 31 days after you pass it.

Alderman Cook: It is important to be informed, to know the issues and to attend the meetings. I just want people if they get appointed to serve their term properly.

This Ordinance was left on the First Reading

Water Rate Schedule, Customer Service Charge Revision: This was added to the agenda at this City Council meeting.

Mr. Williams read the ordinance.

Mayor Coody: I want to thank Geary Lowery for looking into this and discovering this for us.

Alderman Lucas: I want to thank him for calling us. It is very important that citizens help us out and we listen. I appreciate Geary Lowery for calling us about this.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance

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

Mayor Coody asked shall the Emergency Clause Pass. Upon roll call the Emergency Clause passed unanimously.

Meeting Adjourned at 8:09 P.M.

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Sondra Smith
City Clerk

Final Agenda
City Council Meeting
February 17, 2004

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. **CONSENT:**

1. **Approval Of The Minutes:** Approval of the February 3, 2004 meeting minutes.

2. **Waste Hauler Contracts:** A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville.

3. **Tennant Power Sweeper Purchase:** A resolution to approve the purchase of a street sweeper for the Parking Division in the amount of $26,708.12 and a budget adjustment in the amount of $26,709.00.

4. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.

5. **Arkansas Department of Aeronautics T-Hangar Construction Grant:** A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

6. **McClelland Engineers 8-Bay T-Hangar:** A resolution approving Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-Bay T-Hangar.

7. **Waive Building Permit Fees for South Fayetteville Community Development Corporation:** A resolution to waive the building permit fee and other developmental fees for South Fayetteville Community Development Corporation.

B. OLD BUSINESS:

1. **Impact Fees for Road, Police and Fire Improvements:** An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $19,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $21,390.00.
   This Ordinance was left on the Second Reading at the February 3, 2004 City Council meeting.

2. **WIV-Fayetteville Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
   This ordinance was left on the third reading at the February 3, 2004 City Council meeting.
   This Ordinance was tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

3. **R-PZD 04-1.00 – Southern View II:** An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official Zoning Map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
   This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

4. **Southern View Phase II, Money in Lieu of Land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.
   This Ordinance was Tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

5. **Attendance Requirements for Planning Commissioners and Parks and Recreation Advisory Board Members:** An ordinance to repeal §33.111 of the Fayetteville Code and enacting a replacement §33.111 attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission.
   This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

C. NEW BUSINESS:

1. **Hiring of a Building Services Full Time Employee:** A resolution authorizing the hiring of one (1) full-time employee (janitor) in the Building Services Division; and approving a budget adjustment in the amount of 25,732.00 for same.

2. **Amend Chapter 166 of the UDC:** An ordinance amending the Unified Development Code (UDC), Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

D. INFORMATIONAL:

Presidents Day Holiday: February 16, 2004

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE HIRING OF ONE (1) FULL-TIME EMPLOYEE (JANITOR) IN THE BUILDING SERVICES DIVISION FOR ONE (1) YEAR; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $25,732.00 FOR SAME.

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 authorizes the hiring of one (1) full-time employee (Janitor) in the Building Services Division for one (1) year.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $25,732.00 for same.

PASSED and **APPROVED** this 17th day of February 2004.

APPROVED:

By: ________________________

DAN COODY, Mayor

ATTEST:

By: ________________________

SONDRA SMITH, City Clerk

City Council
Meeting Minutes
February 3, 2004

A meeting of the Fayetteville City Council was held on February 3, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Davis, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

Alderman Davis was absent until 8:00 PM

The meeting was called to order by Mayor Coody.

Mayor Coody: Before we start the Consent Agenda, I would ask that we add a change in the Fayetteville Water Rate Schedule to the agenda.

Alderman Cook moved to add the Fayetteville Water Rate Schedule, Customer Service Charge Revision to the agenda. Alderman Jordan seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

CONSENT:

Approval Of The Minutes: Approval of the January 20, 2004 meeting minutes.

Telecommunications Task Force: A resolution to establish a Task Force to recommend a plan and an implementation strategy for a Telecommunications Policy and Infrastructure Development.

Resolution 12-04 as Recorded in the Office of the City Clerk.

ADEA Post Closure Trust Fund: A resolution authorizing the Fayetteville Parks & Recreation Division to apply for a Post Closure Trust Fund Grant from the Arkansas Department of Environmental Quality (ADEQ) for the C & L Landfill study and remediation.

Resolution 13-04 as Recorded in the Office of the City Clerk.

Wastequip May Fab Bid Award: A resolution approving the purchase of 2 to 8 yard trash containers from Wastequip in an amount not to exceed $63,000.00 to service multi-family and commercial solid waste customers.

Resolution 14-04 as Recorded in the Office of the City Clerk.

Bes-Pac Bid Award: A resolution approving the purchase of trash compactors and roll-off container/compactors in an amount not to exceed $85,859.00 from Bes-Pac, Inc., and Downing Sales, Inc.

Resolution 15-04 as Recorded in the Office of the City Clerk.

ESRI 2004 Service and Maintenance Fees: A resolution approving the annual maintenance agreement in the amount of $20,692.30 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

Resolution 16-04 as Recorded in the Office of the City Clerk.

Hansen 2004 Service and Maintenance Fees: A resolution approving a purchase request to Hansen Technology, Inc. in the amount of $44,852.10 for software service and maintenance fees.

Resolution 17-04 as Recorded in the Office of the City Clerk.

Van Scoyoc Associates: A resolution approving a memorandum of agreement with Van Scoyoc Associates and a budget adjustment in the amount of $85,000.00 to provide consulting legislative services in the amount of $75,000.00, plus expenses up to $10,000.00.

Removed from the Consent Agenda and moved to New Business, Item Number 1.

Rules of Order and Procedure - Handbook Arkansas Municipal Officials: A resolution to clarify that the Rules of Order and Procedure of the Fayetteville Mayor/City Council should follow the "Procedural Rules for Municipal Officials" by the Arkansas Municipal League.

Resolution 18-04 as Recorded in the Office of the City Clerk.

Rules of Order and Procedure – Voting: A resolution to modify Section B.4. Voting on the Rules of Order and Procedure of the Fayetteville Mayor/City Council.

Resolution 19-04 as Recorded in the Office of the City Clerk.

Alderman Lucas asked that item number 8, Van Scoyoc Associates be pulled from the Consent Agenda and added to new business.

Alderman Jordan moved to approve the consent as read with Consent Item Number 8 Van Scoyoc Associates removed. Alderman Marr seconded. Upon roll call the motion to approve the consent passed 7-0. Alderman Davis was absent.

Mayor Coody: Do we need to wait and discuss the item pulled from consent or can we discuss it now?

Kit Williams: We can discuss it now if you want to.

Alderman Lucas: I noticed on the memorandum of agreement that it says they agree to expenses exclusive of out of town travel. What we received from the city states the travel will be included in the $10,000. Will it be $10,000 or $10,000 plus travel?

Mayor Coody: I see the conflict there. We have a university representative here that can probably give us insight. The university has never spent that much including travel.

Alderman Marr: Mayor, I have a Point of Order question. Has this been pulled from the consent agenda or are we answering questions to see if it stays on consent and if it has been pulled from consent is it going under New Business, Old Business or before either New or Old Business?

Mayor Coody: It was pulled from the Consent Agenda.

Kit Williams: It is at your pleasure, if you want to put it in New Business, you can certainly do that.

Alderman Marr: So we can place it anywhere on the agenda?

Kit Williams: Basically it is your agenda. Procedurally it is normally moved to New Business, if there was just a question or two sometimes you handle that without formally moving it, but if the City Council wants to put it in New Business then we should wait and put it at the end of New Business.

Alderman Lucas: Let's put it in New Business then.

Alderman Marr: I am not opposed to it if we have someone waiting, my point is what we do in these occurrences, then we have people throw those up in the future when we pull things off consent and why do we put some pulled items at the end and some at the beginning. I would just like us to be consistent.

The Consent item that was pulled was moved to New Business, Item 1.

OLD BUSINESS:

Impact Fees for Road, Police and Fire Improvements: An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $25,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $27,390.00.
This Ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This Ordinance was tabled at the January 6, 2004 City Council meeting until the February 3, 2004 City Council meeting.

Staff asked to table this to the February 17, 2004 City Council meeting.

Kit Williams: I might suggest that we put it on the second reading and then not advance it if that is what staff wants, there is no reason to table it, it will come up automatically on the next agenda.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Cook seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

The Ordinance was left on the Second Reading.

R-PZD 03-6.00; Benton Ridge, Long, LLC: An ordinance establishing a Residential Planned Zoning District titled (R-PZD 03-6.00) located on the east side of Crossover Road north of Huntsville Road and south of Wyman Road containing 8.34 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This ordinance was left on the second reading at the January 20, 2004 City Council meeting.

Alderman Reynolds moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: For the record would the developer state the changes. The people that are concerned about this I want to reassure them that this is the way that it will be, according to the changes.

Julie Zimmerman, Crafton, Tull and Associates: I would like to hand out a drawing showing the changes. Originally there were 43 units proposed, lots 1 and 2 were multi-family which limited two units per lot and then lots 3-20 were two family and lots 21-33 were single family. January 26, 2004 a meeting was held with the adjacent property owners, since that meeting the following changes were made: lots 7, 8, 9 and 10 were changed to single family lots, lot 13 was changed to a single story duplex, and lot 22 was changed to a duplex lot. These changes brought us down to 40 units which lowered the density to 4.8 units per acre. We put single family next to existing single family lots which was a concern and we put single story units next to the property owners that were concerned about having two story units next to their property.

Alderman Thiel: I am really pleased that we were able to get back with the neighborhood and pretty much satisfy them. I will approve this now.

Alderman Reynolds: You all were great to work with and I want to thank you very much for showing up at the Ward 1 meeting and for helping to solve the problems associated with this development.

Kit Williams: I would recommend that we do an amendment to the ordinance to add in the title as amended by the City Council with agreement of the applicant and on Section II where it says as approved by the Planning Commission on December 8, 2003 and further amended by the City Council on February 3, 2004.

Alderman Thiel moved to amend the ordinance to add as amended by the City Council in the title and in Section II add and further amended by the City Council on February 3,

2004. Alderman Reynolds seconded. Upon roll call the amendment to the ordinance passed 7-0. Alderman Davis was absent.

Alderman Cook: I appreciate Alderman Thiel and Reynolds work and the developers desire to meet the goals of the neighborhood. I am still struggling with the density and the fact that the people that live around this neighborhood have bought into these houses and expect a single family neighborhood. I struggle with the fact that we are dropping in some multi-family in there. While I am for infill and higher density within our city boundaries and I appreciate their desire to create more green space within this area but the density issue, while it is better I still struggle with that. There have been other examples within the City of Fayetteville where we put higher density within single family and to me it doesn't work very well. You put that in an urban environment and it works, I don't have a problem with that but out here on the edges where it is expected to be single family I have a problem with that. I have trouble supporting this. While I appreciate the efforts that have been done up to this point I still struggle with the density issue.

Alderman Lucas: I feel the same way that Alderman Cook does; I appreciate all the work that you did. There are two things we are doing here, we are waiving on the length of the cul-de-sac and we are also rezoning from a single family to a multi-family.

Alderman Thiel: I did question Tim about this on the council tour, if these lots that have been changed now to single family, if those lots would always be single family even though we are zoning this as a PZD and Tim assured me that they would.

Alderman Cook: I have supported higher density in certain areas of town. This is a RSF-4, R-1 by right and to me that changes my attitude with what this project is.

Alderman Marr: Did the changes that were made truly satisfy the existing residents. Do they consider this to now be compatible with their neighborhood?

Alderman Reynolds: At the Ward I meeting after we talked with the developer I asked for a show of hands and the neighborhood all raised their hands that they were satisfied with this final package. We told them when we left there that we were going to vote for this and they said that was fine. There is not anyone here tonight from that neighborhood, I think they are very satisfied with this.

Alderman Marr: Do you mind sharing with us how many people were at your meeting.

Alderman Thiel: All the people that live along the east side of this property.

Mayor Coody asked shall the amended ordinance pass. Upon roll call the amended ordinance passed 5-2. Alderman Jordan, Reynolds, Thiel, Marr, Rhoads voting yes. Alderman Cook and Lucas voting no. Alderman Davis was absent.

R-PZD 03-7.00; Brophy Condominiums, Ralph Brophy: An ordinance establishing a Residential Planned Zoning District titled (R-PZD 03-7.00) located east of College Avenue, north of Township on Brophy Circle containing 6.01 acres, more or less; amending the official

zoning map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This ordinance was left on the first reading at the January 6, 2004 City Council meeting.
This ordinance was left on the second reading at the January 20, 2004 City Council meeting.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: I would like to ask our landscape administrator a couple of questions. In this planting schedule that we have been given, do any of these coniferous trees replace the existing residous trees?

Craig Carnagey, Landscape Administrator: No madam, I think what you are looking at the applicant has essentially provided a blanket of an evergreen screen. I think we should understand this to be more of intent to provide whatever screen is necessary on the site; however a degree of ground trooping is going to be required to find the exact location of where these trees need to be planted. There is a 15 to 20 foot buffer of deciduous trees mixed with other coniferous in there and in order to find where this screen is going to go I think the applicant needs to be out there and determine exactly where those trees will be planted. I would propose that I be there when the applicant actually does that and we can determine the best spaces for these trees.

Alderman Thiel: Is this going to actually screen that much, has he got enough room there to plant enough trees?

Craig Carnagey: That is a subjective judgment call, my answer to that, I went out to the site today, I looked at the screen, and I think the individual impact to the sight would be no greater than what you see currently at Brophy Circle, the development to the south of this proposal.

Alderman Thiel: From down on North College?

Craig Carnagey: Right.

Alderman Thiel: Except this goes further on up the hill.

Craig Carnagey: Actually further on up the hill there is more of kind of a buffer, the majority of that is a tree preservation area. The area of concern is on that western edge and I believe that Brophy Condominiums actually has a larger buffer of deciduous trees, plus with this evergreen screen that they are proposing there will actually be more of a buffer than what is existing currently at that development directly to the south. Plus the grade is a little bit lower than that development to the south so my assessment is that the visual impact will be no greater than what currently exists as far as the homes you see off of College right now.

Mayor Coody: When I look at this map, the tree buffer on the west side, I know some of that is utility easement, how much, there is no tree planting shown in the utility easement.

Craig Carnagey: No sir, no tree planting in the easement, the buffer that I am referring to is outside of the easement. The map that you have in front of you, the scale is a little bit deceiving, it does not show that actual buffer being there but I do have the large scale drawings and I think if you take a look there, I measured it this afternoon, this smallest sliver of tree buffer that exists is approximately 15 feet and it is well treed. There are gaps in there where I can see some evergreen trees being placed, both within the buffer and right adjacent to the buffer on either side east or west. There are a lot of young trees in there and I think in the summer time you won't see much of this development at all. During the leaf off period, you may see some of the roof lines from the other buildings.

Mayor Coody: Does that say 30 foot spacing or 30 inch spacing?

Craig Carnagey: 30 foot, however like I said I would request that there be some ground trooping to this plan. I think it needs to be walked and those spaces need to be identified, even staked out within that buffer. Right now he's just showing a blanket, we are going to put whatever trees you want wherever you want them on this western edge is essentially what he is saying with this plan. I think you have, along with that plan plus the Bill of Assurance, I think you have a pretty good guarantee that we will get a screen there one way or another. Plus their mitigation dollars that the applicant is submitting certainly can go back in that area if you find some problem areas and fill in those holes with those mitigation dollars.

Alderman Thiel: I want to really be clear that this Phase III is already pretty much buffered, the upper part.

Craig Carnagey: Right.

Alderman Jordan: On the street, does the city maintain that street or does the owner maintain that street?

Bill Rudasill with WBR Engineering: Which street, are we talking about the existing one that is currently there?

Alderman Jordan: Yes.

Bill Rudasill: No that is currently a private drive. The owner, Mr. Brophy maintains that street.

Alderman Jordan: I also noticed that there is a five foot easement around each of the buildings is that correct?

Bill Rudasill: Yes.

Alderman Jordan: That basically means the ground will not be disturbed within the five feet?

Bill Rudasill: Outside those five feet the ground will not be disturbed. That's for digging the basement, porches coming off the back of the building and stuff like that.

Alderman Jordan: If part of the tree canopy gets into that five foot buffer will that tree be preserved.

Bill Rudasill: No, it has not been counted as preserved. Let me qualify that statement, if you do not disturb more than 20% of the canopy a tree can be counted as preserved, if it is more than 20% it cannot be counted as preserved.

Mayor Coody: There was a question earlier about fill to bring these lots up to a level to build on is there a concern about that, is there a problem with grade?

Alderman Cook: Especially unit 15,16, 27 and 28, you have given us these cross sections of driveways and there is a big gully through there and it has been filled in to the development up to this point, but you are talking about filling in more to finish this development too and I certainly have some concerns with that. If you go out there now and you see what's been built, these houses are built into the hillside and it's either you cut into it or you fill it up to be able to build in this space. My personal opinion in the long run is that is not good, that is just the way I see it and I struggle with that.

Bill Rudasill: The intent here is to dig into the hill, build a basement into the hill, a lower level into the hill. Where we are on the up hill side of the down slope the fronts will be brought to the front of the building and then a retaining wall will be placed and it will go back down to natural grade for the stem wall and footing system around the building. The ground past the front of the building will not be disturbed other than to dig the footing and put the building in place and it will stay within that five foot region that we have shown around each one of those buildings.

Alderman Jordan: How tall will your tallest retaining wall be?

Bill Rudasill: The tallest retaining wall between the buildings I am not actually sure exactly the height but the majority of them will be three to four feet tall at the front and then it will go down to ground. The building heights on those specific buildings there should be nothing more than six foot below the first floor, four to six feet is what they typically are.

Alderman Jordan: So that would give us a finish out at the peak at about 27 feet.

Bill Rudasill: Somewhere in that neighborhood. That is from the first floor up.

Alderman Jordan: That's right and that doesn't include the retaining wall right?

Bill Rudasill: Right.

Alderman Lucas: I am concerned about the way it is going to look when you look up and the green space. I still have the struggle with the traffic going down that private drive and then trying to get on College and then the increased traffic on Township. I just worry about traffic safety there. I don't know how that can be addressed; it is really going to throw a lot out on Township.

Kit Williams: I wanted to ask the developer, do you now have a signed Bill of Assurance.

Bill Rudasill: Yes sir.

Alderman Jordan: I have some concerns about this development. There are three things that I have a problem with, one is the traffic I think that is going to be too much traffic being put down on North College, there is no way you can make a left turn down there. That is a real concern of mine. The way it looks from the road, if you have a building that is 27 feet tall that is one thing but when you put a four feet retaining wall and you are driving below and looking up it actually looks taller than what it is so you will really pick those up from the road. I also have a concern about the existing sewer lines that we have in there when we bring in a lot of heavy machinery and things there is a good possibly we will damage a lot of those sewer lines and I do not know to what extent it could but we certainly could. I have some problems with this development; I will be honest with you. I agree with Alderman Cook's comments that we have all kinds of development all over town that is slipping off into the canyon because we built on the sides of hills and being in the building profession I do have problems with that. That's my concern.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 1-6. Alderman Rhoads voting yes. Alderman Jordan, Reynolds, Thiel, Cook, Marr, and Lucas voting no. Alderman Davis was absent.

The Ordinance Failed.

WIV-Fayetteville Cost-Share: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
This ordinance was left on the second reading at the January 20, 2004 city Council meeting.

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Thiel: Did staff get an opportunity to speak to the mall about cost sharing?

Tim Conklin, Planning: I have had several conversations with Alice Church, the mall manager. She has been in contact with her corporate offices; I still do not have a definite answer whether or not they will participate in this project. At this time I do not have a definite answer yes or no.

Mayor Coody: One thing that I might add is once that I found out that Mrs. Church had not had much luck, I found out the gentleman that she has been contacting and I left a voice mail for him this afternoon, he was out of the office but I fully expect to hear from him or the president of the company tomorrow, I will be talking to them, so if this is approved I will still be asking them to contribute if they can. I didn't realize that Alice Church had not had any luck talking with the mall people until this afternoon.

Alderman Thiel: If we approve this there will be no point in them bothering.

Mayor Coody: There is some merit to that argument.

Alderman Thiel: I kind of regret that this was not discussed with them before hand really.

Alderman Rhoads: Is there an urgency to approve it tonight.

Tim Conklin: I don't believe two additional weeks is going to be a problem. I would like to say that as a policy we do try to create these looped systems and have redundancy in our system. There are other property owners and other cost shares that we have done where we haven't tried to recoup the cost based on existing development. The mall was built in 1972, went through a major expansion in the mid 90's, this is something we are trying to complete as part of our water system to have reliable service. I am hopeful there is an opportunity to have them participate even if they don't participate it is something that we should do to make sure we do have a very good reliable water system in probably one of the most important regional commercial areas in the City of Fayetteville.

Alderman Lucas: How much are we talking about that they would possibly cost share with us?

Tim Conklin: The discussions I've had with Alice Church are a 50/50 cost share.

Mayor Coody: It would be about $15,000. If it is not an emergency, I was asked to let them try to go through their channels. I just found out today that that was not working very well, so if you would like to postpone this until the next meeting, I will get more involved and start from the top down and not try to wait on the channels from the bottom up.

Alderman Thiel: I would appreciate that, Mayor.

Alderman Reynolds: I would like to see it happen.

Alderman Rhoads moved to table the ordinance until the next City Council meeting. Alderman Jordan seconded. Upon roll call the motion to table passed 7-0. Alderman Davis was absent.

The Ordinance was tabled until the February 17, 2004 City Council meeting.

Mount Sequoyah Woods Conservation Easement: A resolution to reaffirm its commitment to sell most of its development rights to the Fayetteville Natural Heritage Association, Inc. on the 67 acres of Mount Sequoyah Woods purchased by the City of Fayetteville pursuant to Resolution No. 46-03.
This resolution was tabled at the January 20, 2004 City Council meeting.

Alderman Jordan moved to remove the resolution from the table. Alderman Thiel seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Kit Williams: There have been some proposed changes to the resolution that was presented at the earlier meeting. I think there are members of the Fayetteville Natural Heritage Association here; they prefer the version that might be amended tonight by the City Council.

Alderman Thiel moved to amend the resolution. Alderman Reynolds seconded.

Alderman Jordan: So we are voting on the amendment right?

Mayor Coody: On the amended version.

Pete Heinzelmann, Fayetteville Natural Heritage Association: The changes that we made, we included the dollar figure for the purchase of the conservation easement. This helps us when we seek contributions for the easement because the city has already agreed to purchase the property. The easement will ensure that the property will always remain as a natural park and not be changed to something else 25-50 years from now by another city administration. That was your intent when you purchased the property. That's the main change in what the original wording was.

Kit Williams: It might be a good idea for you to read section one which is the operative section just so everyone will know what we are voting on.

Mayor Coody read Section I.

Alderman Marr: If something happens to the Fayetteville Natural Heritage Association is this land still protected?

Pete Heinzelmann: Yes, our assets if the organization is dissolved would go to a similar 501-C3 organization.

Mayor Coody: Is that worked out in your Bylaws to who it would go?

Pete Heinzelmann: Not the exact entity but it would go to an organization that would fit with the mission of our organization, a conservation organization.

Kit Williams: This is not the actual sale of that, this is the agreement to sell so when it comes back to the City Council after they have raised the $300,000 those details can be worked out.

Upon roll call the amended resolution passed 7-0. Alderman Davis was absent.

Resolution 20-04 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Van Scoyoc Associates: A resolution approving a memorandum of agreement with Van Scoyoc Associates and a budget adjustment in the amount of $85,000.00 to provide consulting legislative services in the amount of $75,000.00, plus expenses up to $10,000.00.

Alderman Lucas: Is the travel included in this $10,000 or would that be over and above the $10,000.

Collis Garran, Dean of Graduate School for the U of A: The travel is included in the $10,000, the local travel they are referring to is in D.C., in the three years we have used them they have never used their $10,000 total allowed amount.

Alderman Lucas: So their travel back and forth to Fayetteville is included in that amount.

Collis Garran: Yes.

Alderman Lucas: I think this is great and I am counting on them to do us a lot of good.

Alderman Marr moved to approve the resolution. Alderman Lucas seconded. Upon roll call the resolution passed 7-0. Alderman Davis was absent.

Resolution 21-04 as Recorded in the Office of the City Clerk.

R-PZD 04-1.00 – Southern View II: An ordinance establishing a residential planned zoning district titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the associated residential development plan as approved by the Planning Commission.

Mr. Williams read the ordinance.

Jerry Kelso, Crafton, Tull and Associates gave a brief presentation on the project. This is a mixed used development with commercial on the bottom floor and residential units on the second and third floor. The total proposed residential units is 113, the total square feet of commercial is roughly 42,000 square feet.

Kim Fugitt, Project Architect gave a brief description of the exterior of the buildings and the project. There will be six of the buildings on the six acres; each building will have 19 apartment units and approximately 7,000 square feet of commercial space on the ground floor. There are twelve two bedroom apartments and seven one bedroom apartments; one apartment is on the ground floor to provide any kind of accessible living units for those that may be unable to reach the second and third floor.

A discussion followed on the ground level apartment and the apartments to the north of this proposed project.

Alderman Thiel: Did this go through the commercial design standard process?

Dawn Warrick: Any Planned Zoning District which has commercial components is required to be review for commercial design standards and it was approved by the Planning Commission for those standards.

A discussion followed on the project.

Jim Lindsey spoke about the project.

Mayor Coody: I want to thank you and your staff for being willing to try something that is way outside your box.

A discussion followed on the project.

Alderman Cook: As a PZD is that locked in that the first floor must remain as commercial or at some point in the future could that be turned into apartment space or what ever?

Tim Conklin: What has been shown and proposed is to lock in the first floor excluding the one assessable unit as commercial.

Alderman Reynolds: I want to thank you for jumping into this venture. I really like it, I think it will cheer up the neighborhood out there and that new traffic light alignment will help you.

Alderman Jordan: Traffic Count?

Dawn Warrick handed out the traffic counts that were taken by the city's Transportation Division.

Alderman Thiel: There are 114 new apartment units in this project.

Tim Conklin: There is 6,733 square feet of retail per building for a total of 40,398 square feet of retail.

Alderman Thiel: How many units did we add whenever the property north of there, which was commercially zoned, was rezoned multi-family, how many units are in that complex?

Tim Conklin: 300 units.

Alderman Thiel: I am concerned about the amount of apartments we are adding right now when construction has not even started on the new treatment plant. I think this a great effort on Mr. Lindsey's part. I feel 540 has a lot of apartments and that is the front door into this city, I would like to see more of it developed commercially. Even though this is mixed and it does have the commercial, it still adds 114 more units. I have reservations about how this is going to look from 540.

Alderman Marr: What is your current occupancy of the 300 apartments that you have recently built?

Mr. Lindsey: Companywide in Fayetteville we are at 97%. That project is new and it was built after the kids came back to school and we have just finished the last building in the last few weeks. That project is right now at 50%. I would say by May we would be in the 80% to 85% and by next August that project will be 100% rented.

Alderman Marr discussed housing for students and housing close to the university. He spoke about the continued same look of apartments at every intersection. There is a lot about this project that he likes, that we are having a major developer in our area try something new that is a very different look. He thinks it is very hard to argue for urban infill and mixed use and not be willing to step out and have someone who is willing to take a little bit of risk with you do that.

I appreciate that very much, I like the concept. Part of the appeal to me is the fact that it may visually hide some of the things that are repetitive on 540 when this development gets built. I am excited about some commercial in this area.

This Ordinance was left on the First Reading.

Southern View Phase II, Money in Lieu of Land: A resolution accepting the parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.

Alderman Jordan moved to table the Resolution until the February 17, 2004 City Council meeting. Alderman Cook seconded. Upon roll call the motion to table passed 7-0. Alderman Davis was absent.

Re-budget 2003 Budget Items: A resolution approving a budget adjustment to re-appropriate $58,605,226.00 in order to retain project funding for identified and scheduled capital improvements and fund increased workers compensation premiums.

Alderman Jordan moved to approve the resolution. Alderman Cook seconded. Upon roll call the resolution passed 7-0. Alderman Davis was absent.

Resolution 22-04 as Recorded in the Office of the City Clerk.

ADM 03-29.00 – Chapter 167 Tree Preservation Amendment: An ordinance amending Title XV: Unified Development Code, of the Code of Fayetteville, to provide amendments to and clarification of various provisions concerning tree preservation and protection.

Mr. Williams read the ordinance.

Alderman Thiel: Is the Tree and Landscape Committee in favor of this?

Audience: They have reviewed this for several months, they have reviewed this amendment and they are in full support.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded. Upon roll call the motion passed 7-0. Alderman Davis was absent.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Davis was absent.

Ordinance 4539 as Recorded in the Office of the City Clerk.

Attendance Requirements for Planning Commissioners: An ordinance to repeal §33.111 removal of Planning Commissioners and enacting §33.300 attendance requirement for all members of citizen committees, boards and commissions.

Mr. Williams read the ordinance.

Alderman Cook: While this is a commission of citizens and they volunteer their time for this position and it is a very time consuming position it makes it difficult to find every day citizens that can afford the time and the money to be on this commission. My experience at other committees is if we put someone on this committee we certainly expect them to take this seriously. Showing up for meetings and agenda sessions also in the Planning Commissions case is a very important process. My experience on the Parks Board we had a couple of instances where we didn't have a quorum so we couldn't vote on issues. My intent was to try to add a little more authority to the fact that we want people to show up to the meetings, it is very important that people take it seriously and go to the meetings and stay informed. It is not an easy task.

Alderman Thiel: There has never been a lack of people applying for the Planning Commission. I don't think we would have trouble finding people that are interested in serving on the Planning Commission even if a requirement like this was approved.

Alderman Marr: I want to think Alderman Cook for bringing this forward. When I ran for office I was standing in front of this Council with a peer Planning Commissioner who was being denied reappointment because of one of the reasons being attendance. We decided at that time to evaluate everyone's attendance. When there were no attendance requirements to any percentage it was very hard to determine what counted in attendance. There also was difficulty as to who could sit on Sub-division. We need to address what the standard expectation is and put it in the requirement and before we reappoint someone we need to see if they have been attending meetings. I think there is a big importance on agenda session and I think that is missing in this, we should be talking about a 50% attendance requirement for agenda sessions that are scheduled or some number, but I think we need to address it. If we want people to volunteer, let's not make the meetings the length of the Council meetings, how you do that is you get things on agenda session to allow you to have questions. One issue I have is that we have talked about three consecutive meetings and we have not talked about a percentage.

I would like to see us make the changes only relative to the Planning Commission and the Parks Board and not every city committee. I do think there is a difference. I think when you apply you are making a conscious decision on the time commitment if you apply for Planning Commission and Parks. Commissioner Allen made a statement that I love she said "I never want the Planning Commission to be so exclusionary because of work problems, but I do think that commissioners need to know up front what's expected of them so they can make a decision about whether or not they have time to apply". I think that is a valid statement, they need to know that it's more of a commitment just like when you run for Council it is more of a commitment.

I would like to amend this to add 70% attendance requirement as opposed to three meetings in a twelve month and that the Planning Commissioner has to serve 12 months on the Sub-division Committee meeting during their three year term. It would be broken up during the three years.

We have three appointments coming up in March for the Planning Commission. We do not have one single commissioner who is reapplying because they have served their term. This is a great opportunity to make these changes when we have new people coming on. If you look at the attendance you will find the problem is not with many of our commissioners, it is very concentrated.

Alderman Reynolds: The Planning Commissions job is tough; they give us a lot of their time. I agree with Don on the 70% of the meetings.

Alderman Lucas: Is that 70% of the regular meetings and not the agenda sessions?

Alderman Marr: I would like some requirement on agenda but I do think it should be less because some people serve on Sub-division. Maybe 70% for attendance at regular or special Planning Commission meetings and 50% attendance at tour and agenda session and 12 months of service on Sub-division.

Alderman Reynolds: We need to make sure that every commissioner serves on that Sub-division committee that rolls over yearly because it is unfair for someone to serve two, three or four years on that committee.

Alderman Marr: I really would like us to change this from being for all committees to being for the Planning Commission and the Parks Board because I think they are the majority of where we are talking about development process.

Sharon Hoover, Planning Commission: We did establish a By Laws Committee. Sub-division committee was lacking a commissioner and I could not find anyone who would volunteer, this is when we started this discussion about coming to meetings. The By Laws Committee met several times and I believe you have the minutes of the summary of what was discussed in that meeting, it is along the line of the proposal that you have made.

She spoke about the PZD ordinance, the amount of work involved in a PZD and that this is causing Sub-division meetings to last longer.

Alderman Marr: Was there consensus on the commission about the agenda session?

Nancy Allen, Planning Commission: We got to consensus on attending the regular Planning meetings on Monday nights and the six month stance on Sub-division but we could not reach a consensus on attending agenda and tour.

Sharon Hoover: We discussed if the time frame changed and it wasn't at 3:30 in the afternoon and the time slot moved that that would be more agreeable to people and make that more available. We asked staff to look and see if there was another time slot that would work and we came up with the problem with because we do agenda and then we go on tour at the same time, it was getting dark. We discussed splitting agenda and tour and doing them on separate days but that got into the process of getting the material early enough to review and we came back to where we are now. There was consensus if it could be at a time that was after work hours or near the end of the day.

Alderman Marr: Does the majority of the commission attend agenda session. Do you think there is value in having an attendance requirement related to agenda session?

Nancy Allen: I think there is strong value in that. An average of five commissioners goes each time.

A discussion followed on attending Planning Commission tours.

Alderman Reynolds: The tours on the Planning Commission are very important if you don't do them you are cheating someone. The Sub-division committee you must be a second or third year commissioner to serve on the Sub-division committee.

Dawn Warrick: That is usually the standard that the more seasoned commissioners will serve as Sub-division member, it is the desecration of the chair.

A discussion followed on the Sub-division committee and serving on this committee.

Alderman Cook: I think the 70% rule for regular and special meetings and leave out the 3 consecutive meetings is okay. I agree with serving 12 months within a term on the Sub-division. Parks and Planning are the ones that are definitely most important on this.

A discussion followed on the attendance and the percentage.

Alderman Marr: The amendment would be any member of the Planning Commission or Parks Board appointed by the Mayor and City Council shall immediately tender his or her resignation if the citizen's attendance falls below 70% for the regularly scheduled or special scheduled commission or board meeting within the twelve month period. Tour and Agenda would be a 60% attendance requirement and add that a Planning Commissioner would serve a 12 month term within their three year term on Sub-division broken into increments as set by the commission itself.

Alderman Rhoads: If this is passed is it effective for the existing member?

Kit Williams: Yes, it would go into effect 31 days after you pass it.

Alderman Cook: It is important to be informed, to know the issues and to attend the meetings. I just want people if they get appointed to serve their term properly.

This Ordinance was left on the First Reading

Water Rate Schedule, Customer Service Charge Revision: This was added to the agenda at this City Council meeting.

Mr. Williams read the ordinance.

Mayor Coody: I want to thank Geary Lowery for looking into this and discovering this for us.

Alderman Lucas: I want to thank him for calling us. It is very important that citizens help us out and we listen. I appreciate Geary Lowery for calling us about this.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Mayor Coody asked shall the Emergency Clause Pass. Upon roll call the Emergency Clause passed unanimously.

Meeting Adjourned at 8:09 P.M.

Sondra Smith
City Clerk

Tentative Agenda
City Council Meeting
February 17, 2004

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. **CONSENT:**

1. **Approval Of The Minutes:** Approval of the February 3, 2004 meeting minutes.

2. **Waste Hauler Contracts:** A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville.

3. **Tennant Power Sweeper Purchase:** A resolution to approve the purchase of a street sweeper for the Parking Division in the amount of $26,708.12 and a budget adjustment in the amount of $26,709.00.

4. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.

5. **Arkansas Department of Aeronautics T-Hangar Construction Grant:** A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

6. **McClelland Engineers 8-Bay T-Hangar:** A resolution approving Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-Bay T-Hangar.

7. **Waive Building Permit Fees for South Fayetteville Community Development Corporation:** A resolution to waive the building permit fee and other developmental fees for South Fayetteville Community Development Corporation.

B. OLD BUSINESS:

1. **Impact Fees for Road, Police and Fire Improvements:** An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $19,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $21,390.00.
This Ordinance was left on the Second Reading at the February 3, 2004 City Council meeting.

2. **WIV-Fayetteville Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
This ordinance was left on the third reading at the February 3, 2004 City Council meeting.
This Ordinance was tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

3. **R-PZD 04-1.00 – Southern View II:** An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official Zoning Map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

4. **Southern View Phase II, Money in Lieu of Land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.
This Ordinance was Tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

5. **Attendance Requirements for Planning Commissioners:** An ordinance to repeal §33.111 of the Fayetteville Code and enacting a replacement §33.111 attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

C. NEW BUSINESS:

1. **Hiring of a Building Services Full Time Employee:** A resolution authorizing the hiring of one (1) full-time employee (janitor) in the Building Services Division; and approving a budget adjustment in the amount of 25,732.00 for same.

2. **Amend Chapter 166 of the UDC:** An ordinance amending the Unified Development Code (UDC), Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

3. **Water and Wastewater Operations Center:** A resolution to approve a contract with ______________ in the amount of __________ for the construction of a new Water and Wastewater Operations Center at Industrial Drive.
Bids will be opened on this item on February 10, 2004. The information regarding the contractor and the contract amount will be included in the Final Agenda.

D. INFORMATIONAL:

Presidents Day Holiday: February 16, 2004

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas Gary Dumas

Date: January 5, 2004

Subject: Waste Hauler Contracts

Recommendation:

Approve Resolution authorizing the Mayor to execute the attached non-exclusive franchise contract with

Waste Management of Arkansas,
Roll Off Service Inc.,
Ozark Sanitation

Background:

As the Council directed, the staff has been in negotiation with Waste Management of Arkansas and Roll Off Service, Inc. since last spring in an effort to develop a contract which would allow them and other waste haulers to provide specific services within the corporate limits of Fayetteville.

These negotiations begin first with meeting with Waste Management of Arkansas, Roll Off Service, Inc. and HMI, Inc. HMI, Inc. has since ceased operation with Fayetteville.

At the conclusion of these negotiations a contract was forwarded on July 25, 2003 for execution by the Haulers. Roll Off Service, Inc. executed and returned their copy, while Waste Management of Arkansas forwarded their copy to their attorneys who requested numerous changes and additional negotiations. Some of the changes requested by Waste Management of Arkansas were incorporated into a second contract. These changes benefited all waste providers and did not impose any additional regulation, only clarified the rules and reduced the bureaucratic red tape. This second contract was again sent on November 18, 2003 to Roll Off Service, Inc. and Waste Management of Arkansas for execution.

Discussion:

All other waste hauling providers known to have service available within the City of Fayetteville have been contacted concerning this required franchise. Only those listed within the Recommendation have executed and returned their contract.

Any waste hauler providing service within the City of Fayetteville not having a fully executed contract will be subject to any and all legal and equitable remedies available to the City and will not be permitted to provide service to any Fayetteville customer.

Implementation of the Franchise and all related existing Ordinances will begin at the beginning of the month. That start date is anticipated to be February 1, 2004.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE CONTRACTS WITH WASTE MANAGEMENT OF ARKANSAS, OZARK SANITATION, AND ROLL-OFF SERVICES, INC., TO COLLECT AND TRANSPORT SPECIFIC TYPES OF SOLID WASTE WITHIN THE CITY LIMITS OF FAYETTEVILLE.

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 authorizes the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc., to collect and transport specific types of solid waste within the city limits of Fayetteville. Copies of the contracts marked Exhibit "A" are attached hereto and made a part hereof.

PASSED and **APPROVED** this 17th day of February 2004.

APPROVED:

By: ________________________
DAN COODY, Mayor

ATTEST:

By: ________________________
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **City Council**

FROM: **Kit Williams**, City Attorney

DATE: **January 30, 2004**

RE: **Agreement to Haul and Dispose of Waste**

Attached please see what I have recommended for our Agreement to Haul and Dispose of Solid Waste. As you can see, it tracks very closely to the proposed contract in your packet. The primary difference is paragraph 12 which has been completely rewritten to ensure that the waste hauler agrees that this is a voluntary contractual agreement as opposed to a franchise imposed by city ordinance.

The City can legally impose a franchise on license requirement by city ordinance (especially if we have trouble arriving at an agreed voluntary contract), but that imposed franchise by ordinance would have to be differently structured and probably more difficult to administer for both the waste hauler and the City. That is why the contracts negotiated by Gary Dumas with Waste Management and Roll Off (with only the minor changes I proposed) are the preferable ways to authorize commercial waste hauling in Fayetteville.

CITY OF FAYETTEVILLE

Agreement to Haul and Dispose of Solid Waste

This Agreement ("the Agreement"), is entered into on this ________ day of February, 2004, between the **City of Fayetteville, Arkansas**, a municipal corporation (the "City"), and **Waste Management of Arkansas** (the "Hauler"), and shall be in full force and effect on the date first written above. City and the Hauler agree as follows:

1. Hauler agrees that from and after the original date of this Agreement, all customer service Agreements for facilities within the corporate limits of the City entered into before or after the effective date of this Agreement, or renewed shall have terms of no more than two (2) years and any subsequent extensions shall be for terms of no more than one (1) year.

2. The terms of this Agreement shall be for three (3) years, unless otherwise terminated pursuant to the terms hereof.

3. Hauler agrees and understands that it may only collect and haul Solid Waste using the type equipment commonly referred to as open-top roll-off style containers with capacities of twenty (20) cubic yards or greater, containing waste generated from industrial, large commercial or construction/demolition activities, or which is classified as Special Waste, Hazardous Waste, grease or any other type Solid Waste which requires special handling or disposal. Hauler shall not collect any Class 1 or Class 4 material collected in other containers. No cardboard, loose or prebaled, or recyclables, including scrap metal shall be hauled whatsoever from any customer within the corporate limits of the City of Fayetteville.

4. Hauler agrees and understands that it shall utilize the City's transfer station for all Class 1 waste collected pursuant to this Agreement and shall deliver all Class 4 waste to the Tontitown Landfill. Hauler shall pay all transfer station fees to the transfer station operator and all Class 4 landfill fees to the landfill operator, as they may be established and amended, from time to time.

5. Hauler shall pay all fees due hereunder, along with the required supporting information, on or before the 15th of each calendar month for the immediately preceding calendar month. Payments of the fees received after the due date shall be assessed a 2% penalty per month. If Hauler failed to pay the fees within forty-five (45) days of the due date, the City may revoke this Agreement upon delivery of written notice to the Hauler. The supporting information shall be sufficient to demonstrate the accuracy of the fee calculation, and shall include the following information: (i) Hauler's worksheet calculating the fees remitted; (ii) a blind list of payments received from customers within the City; (iii) such list shall clearly indicate whether each payment was from a permanent or temporary customer, and (iv) the fee shall be based upon all activity from each customer account within the City, and shall include the normal billing charges for all free or discounted services (excluding those pull charges, disposal charges, transportation charges, final pull charges, and return charges. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter at hauler's expense. During such audit, the City may review certain trade secret information, including rates, frequency of service, customer lists, and other customer information provided that such trade secret information may not be copied or removed by the City.

Nor shall such information be divulged to any third party by the City, its employees, officers, or elected officials without the express written consent of the Hauler.

6. Hauler agrees and understands that it shall submit to the City on an annual basis a list of all commercial vehicles used to provide services in the City, proof of appropriate vehicle registration, and proof of the insurance required under Section 16.

7. Hauler agrees and understands that it shall provide a list of vehicle operators collecting and hauling waste in the City of Fayetteville, along with proof of their valid and appropriate commercial drivers' licenses issued by the State of Arkansas. The Hauler shall also provide, maintain, and implement a plan to ensure that the vehicle operators maintain their commercial driver's licenses in accordance with applicable federal and state laws.

8. Hauler agrees that it shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters related to providing solid waste collection services under this Agreement.

9. In consideration of the right to provide the services described under this Agreement, Hauler agrees and understands that it shall be required to pay a monthly fee of ten (10%) percent (the Fee) of the gross revenue received for all services provided under this Agreement. Upon execution of this Agreement, a deposit shall be paid in advance to the City. This deposit shall be equal to one-half of the total fees that were or would have been paid by the Hauler within to the City during the previous twelve (12) months. Such deposit shall be reviewed on an annual basis. Any disagreement in estimated gross revenue will be decided in the favor of the City. The deposit shall be refunded, less any unpaid fees, when the Hauler ceases operation within the City.

10. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.

11. Hauler agrees and understands that it shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator and the Tontitown Landfill operator. Hauler agrees that it shall comply with all practices, policies and procedures as established by the transfer station operator from time to time. Any tipping fee deposits required by the transfer station or landfill operators shall be refunded, less any unpaid tipping fees, when the Hauler ceases hauling activities governed by this Agreement.

12. This Agreement has been entered into freely and voluntarily by Waste Management of Arkansas which agrees to abide by all of the terms and conditions as a matter of contractual obligation and not under any other legal duty or because of any city ordinance. This is a contractual Agreement and is not intended to be part of or related in any way to any license or ordinance created pursuant to A.C.A. §26-77-102.

13. Neither this Agreement, nor any rights or obligations hereunder may be assigned or transferred to any third party or affiliate.

14. For the purposes of this contract, the Point of Contact of the City of Fayetteville shall be Gary Dumas or his successor. The Point of Contact for the Hauler shall be Kevin

Gardner. Communications pertaining to day-to-day aspects of this contract shall be through these individuals. Either party may change its designated Point of Contact upon ten (10) days prior written notice to the other party.

15. Hauler agrees to protect, indemnify, defend and save harmless the City, its officials, officers, employees, agents, subcontractors, representatives and assigns from any loss, claim, liability, penalty, fine, forfeiture, demand, cause of action, suit and costs and expenses incidental thereto (including cost of defense, settlement and reasonable attorneys' fees), to the extent caused by (i) Haulers breach of any term, condition, covenant or warranty contained in this Agreement, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station or the Tontitown Landfill.

16. Insurance: Hauler shall maintain the following insurance coverage during the term of this Agreement:

(a) Hauler shall provide and maintain, during the term of this Agreement, comprehensive general liability insurance, to protect against all claims arising out of the performance of its services hereunder that result in bodily injury, death or property damage. The policy or policies shall contain a clause that the insurer will not cancel or decrease the insurance coverage without first giving the City sixty (60) days notice in writing.

(b) Upon written request, Hauler shall furnish the City with evidence that the insurance required of it is in force.

(c) The types of coverage and limits of liability of all insurance required herein shall be as follows:

COVERAGE	LIMITS OF LIABILITY
Workmen's Compensation	Statutory
Employer's Liability	$500,000
Bodily Injury Liability except Automobile	$1,000,000 each occurrence
Property Damage Liability Except Automobile	$1,000,000 each aggregate
Automobile Bodily Injury	$1,000,000 each person
Comprehensive General Liability	$1,000,000 each occurrence
Automobile Property Damage Liability	$1,000,000 each occurrence

Excess Umbrella Liability	$1,000,000 each occurrence

17. Termination:

(a) Except as otherwise provided herein, if Hauler breaches this Agreement or defaults in the performance of any of the requirements or conditions contained herein, and such breach continues for fifteen (15) days after the City has given the Hauler written notice of such breach or default, the City may: (i) terminate this Agreement fifteen (15) days after the fifteen (15) days in which to cure; or (ii) cure the breach or default at the expense of the Hauler; and (iii) have recourse to any other right or remedy to which it may be entitled by law.

(b) The City may terminate this Agreement upon written notice to the Hauler if the Hauler makes an assignment for the benefit of creditors, or files a voluntary petition in bankruptcy, receivership or insolvency, or files an answer in any involuntary proceeding of that nature admitting the material allegations of the petition, or if a proceeding in bankruptcy, receivership or insolvency shall be instituted against the offending and such proceeding is not dismissed within sixty (60) days.

(c) In the event that this Agreement is terminated for any reason, any amounts payable to the City by Hauler for services rendered for any reason whatsoever shall become immediately due and payable as of the date of such termination.

18. All notices required or permitted under this contract shall be submitted in writing to the other party to this contract, by certified mail, return receipt requested, which notice shall be effective three (3) days after deposit therein addressed to the following:

City of Fayetteville
Dan Coody, Mayor
113 West Mountain Street
Fayetteville, AR 72701

Waste Management of Arkansas
Attn: Mr. George Wheatley
2900 West 68th Street
Little Rock, AR 72209

19. Hauler agrees and understands that this Agreement and documents submitted to the City pursuant hereto are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville requesting such documents, Hauler will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et seq.). Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

20. This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas. Capitalized terms herein shall have the same meaning as set forth in ADEQ Reg. No. 22.

21. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of either party's right to seek appropriate remedies for any other breaches by either party.

22. Each paragraph of this Agreement is severable from all other paragraphs. In the event any court of competent jurisdiction determines that any paragraph or subparagraph is invalid or unenforceable for any reason, all remaining paragraphs and subparagraphs shall remain in full force and effect.

23. This contract constitutes the entire understanding of the parities and no modification or variation of the terms of this contract shall be valid unless made in writing and signed by the duly authorized agents of the City of Fayetteville and the Hauler.

24. Each of the undersigned warrants that he or she has the full right, power, and authority to execute this contract on behalf of the party indicated for the purposes herein contained.

25. To the extent a definition or a specific term is not provided herein but is nonetheless required by the context, it is the intention of the parties to incorporate herein the definitions contained in applicable law and regulation in effect as the date hereof, except to the extent subsequent law or regulation shall expressly or implicitly mandate a revised definition.

26. The obligations of the parties to this Agreement, which by their nature would continue beyond the termination, cancellation or expiration of this Agreement, shall survive the termination (for any reason), cancellation or expiration of this Agreement.

IN WITNESS WHEREOF, we have hereunto set our hands on the date first written above.

CITY OF FAYETTEVILLE

By: ______________________________
DAN COODY, as Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

WASTE MANAGEMENT OF ARKANSAS

By: ______________________________
As: ______________________________

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas Gary Dumas

Date: January 8, 2004

Subject: Non-Exclusive Franchise Contracts

The following are the highlights of the non-exclusive franchise contracts.

1. Haulers agree that they may only collect and haul Solid Waste using roll-off style containers with capacities of twenty (20) cubic yards or greater. No cardboard, loose or pre-baled, or recyclables, including scrap metal shall be hauled whatsoever from any customer within the corporate limits of the City of Fayetteville

2. Haulers agree that they shall utilize the City's transfer station for all Class 1 waste collected pursuant to this Franchise and shall deliver all Class 4 waste to the Tontitown Landfill.

3. The City shall have the right to conduct an audit of Hauler's customer files and records for all customers located within the City, provided that such audit privilege shall be limited to once per calendar quarter at hauler's expense.

4. Haulers agree that they shall submit to the City on an annual basis a list of all commercial vehicles used to provide services in the City, proof of appropriate vehicle registration, and proof of the insurance.

5. Haulers agree that they shall provide a list of vehicle operators collecting and hauling waste along with proof of their valid and appropriate commercial drivers' licenses issued by the State of Arkansas.

6. Haulers agree that they shall comply with all federal, state and local laws applicable to the safety, environmental and transportation matters.

7. Haulers agree that they shall be required to pay a monthly franchise fee of ten (10%) percent of the gross revenue received for all services provided under this Franchise conducted within the City.

8. The City reserves the right to inspect all vehicles and containers to ensure that the vehicles are safe and well-maintained and that all containers are well-maintained and water tight, if necessary.

9. Haulers agree that they shall be required to establish an individual credit or service relationship with the City of Fayetteville transfer station operator and the Tontitown Landfill operator.

10. Haulers agree that any vehicle operator emptying or hauling waste or any waste hauler operating without a valid Franchise shall be subject to any and all legal and equitable remedies available to the City of Fayetteville, and shall be responsible for paying all costs associated therewith, including reasonable attorney's fees.

11. Hauler agrees to protect, indemnify, defend and save harmless the City to the extent caused by (i) Hauler's breach of any term, condition, covenant or warranty contained in this Franchise, or (ii) Hauler's negligent act or omission or willful misconduct related to the delivery of waste to the City transfer station.

12. Hauler shall maintain insurance coverage during the term of this Franchise:

STAFF REVIEW FORM - FINANCIAL OBLIGATION

XXX AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: February 3, 2004

FROM:

Gary Dumas		Operations Department
Name	Division	Department

ACTION REQUIRED: Approve resolution authorizing the Mayor to execute non-exclusive franchise contract(s) for the collection and transporting of specific types of trash and waste.

COST TO CITY:

~($200,000)	$ -	Solid Waste
Cost of this request	Category/Project Budget	Program Category / Project Name
5500-0955-4105-07 5500-0955-4105-08 5500-0955-4105-09	$	Franchise from Waste Management Franchise from Roll Off Service Franchise from Ozark Sanitation
Account Number	Funds Used to Date	Program / Project Category Name
	$ -	Solid Waste
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ___ Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date 1-8-04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing — Accounting Manager — Date 1/8/04
Nancy Smith — Internal Auditor — Date 1/8/04
City Attorney — Date 1/9/04
Purchasing Manager — Date 1/9/04

STAFF RECOMMENDATION:

Division Head — Date

Gary Dumas — Department Director — Date 1-8-04

Finance & Internal Services Dir. — Date 1-9-04

Chief Administrative Officer — Date 1-13-04

Dan Coody — Mayor — Date 1/14/04

Received in Mayor's Office 1/9/04 Date P.H

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

Deleted from 2/3/04 added to 2/17/04 agenda.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Mayor and City Council

From: Gary Dumas Gary Dumas

Date: January 26, 2004

Subject: Waste Hauler Contracts – Delete from Agenda

Negotiations between the City and the waste haulers and their legal representatives culminated in December with the signed contracts currently in the Council packet. After several months and numerous contract versions with the City Attorney's Office authoring all contract documents, executed copies were returned from Waste Management and Roll Off Service.

On Friday January 23, the City Attorney contacted the Administration with numerous revisions.

Revised contracts have been forwarded to all haulers and should be returned quickly.

CITY OF FAYETTEVILLE

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville AR 72701

Interdepartmental Correspondence

To: Mayor/City Council

Thru: Gary Dumas, Director of Operations

From: David Bragg, Fleet Operations Superintendent

Date: January 28, 2004

Subject: Purchase of Riding Sweeper for Parking Division

RECOMMENDATION: That City Council approve the purchase of one mid-size ride-on Sweeper for the Parking Division from Tennant Sales and Service Company. Their bid for the 6650XP meets all specifications.

BACKGROUND: This unit will be used to sweep/clean parking lots, parking decks, sidewalks, streets and alleys in the Downtown Square and Dickson Street cultural district. This unit is the same model that was demonstrated to staff and members of the Equipment Committee and it completely met performance requirements. Delivery is quoted as six weeks after receipt of order.

A Budget Adjustment (attached) will be needed for the purchase of the sweeper in the amount of $26,709. The funds will come from the Off-Street Parking Use of Fund Balance account. In 2003, there was $195,313 in budgeted funds for Parking Deck Maintenance that was not re-budgeted in 2004. The funds went back to fund balance for other future uses. The Off-Street Parking Fund has sufficient funds available to comply with City Policy.

The purchase of this unit was approved by the Equipment Committee at the meeting of January 27, 2004.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE THE PURCHASE OF A STREET SWEEPER FOR THE PARKING DIVISION IN THE AMOUNT OF $26,708.12 AND A BUDGET ADJUSTMENT IN THE AMOUNT OF $26,709.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of a 6650XP Ride-On Sweeper for $26,708.12 for use of the parking division and a budget adjustment attached as Exhibit A in the amount of $26,709.00.

PASSED and **APPROVED** this the 17th day of February, 2004.

APPROVED:

By: DRAFT ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Telecommunications & Parking Program: Off Street Parking Exp	Date Requested	Adjustment Number
2004		2/17/2003	

Project or Item Requested:
$26,709 is being requested in the Fleet - Other Vehicles and Equipment capital project.

Project or Item Deleted:
None. $26,709 from the Off-Street Parking Use of Fund Balance.

Justification of this Increase:
The additional funds are needed for the purchase of a sweeper to be used in the downtown area.

Justification of this Decrease:
In 2003, there was $195,313 in budgeted funds for Parking Deck Maintenance that was not re-budgeted in 2004. The funds went back to fund balance for other future uses.

The Off-Street Parking Fund has sufficient funds available to comply with City Policy.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	2130	9130	5802	00	26,709	02080	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	2130	0913	4999	99	26,709		

Approval Signatures

Shaun Crossn — 1-28-04
Requested By — Date

2-25-04
Budget Manager — Date

Department Director — Date

2-2004
Finance & Internal Services Director — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

FAYETTEVILLE

CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee

From: David Bragg, Fleet Operations Supt.

Date: January 23, 2004

Subject: Purchase of Riding Sweeper for Parking Division

Bids were received on January 12, 2004 for one Mid-size ride on sweeper for the Parking Division. One bid and one no bid were received.

The bid received from Tennant Sales and Service Company meets all specifications. The model 6650 Tennant sweeper bid is the same model that was demonstrated to Staff and members of the Equipment Committee and completely met performance requirements. Delivery is quoted as 6 weeks after receipt of order.

I recommend acceptance of the bid of $26,708.12 for 1 model 6650 Tennant sweeper from Tennant Sales and Service Company.

Funds are available in Project #0285 (Parking Deck Rehab) for this purchase.

APPROVED
1/27/04
[illegible]

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 1/29/2004
P.O Number:
Expected Delivery Date:

Vendor #:
Vendor Name: TENNANT SALES & SERVICE COMPANY
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 060
Divison Head Approval: S Olsen
Quotes Attached Yes:____ No:____
Requester: BARBARA OLSEN
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	6650XP RIDE-ON SWEEPER	1	EA	$26,708.12	$26,708.12	2130.9130.5802.00	02080		
2	PER SPECIFICATIONS IN BID		EA		$0.00				
3	UNIT # WILL BE #9056		EA		$0.00				
4	FIXED ASSET #709056		EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

TAX EXEMPT

Subtotal: ________ 26,708.12
Tax: ________________
Total: ________ 26,708.12

Approvals:

Mayor: ____________________
Department Director: ________________
Purchasing Manager: ________________
Finance & Internal Services Director: ________________
Budget Manager: ________________
IT Manager: ________________
Dispatch Manager: ________________
Utilities Manager: ________________

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Parking Management   Program: Parking Management   Date of Request: 10/24/03

Acct.# Currently Charged: n/a   Acct. # to be Charged: 2130-9130

Expansion x or Replacement ___   Date Required: ASAP

Unit # for Vehicle being Replaced: ________   Unit # for Expansion/Replacement: ________

Purchase Price of Exp./Replace Vehicle: $30,000   CIP Budget / Project # ________

Monthly Motor Pool Charges for Current and/or Replacement Vehicle/Equipment:

Replacement: ________ Maintenance: ________ Overhead: ________

# of Months Budgeted: ________ Total Budgeted: ________

Expansion/Replacement Monthly Motor Pool Charges for New Vehicle/Equipment:

Replacement: $424 Maintenance: $75 Overhead: $109

# of Months to be in Service for Current Year: 1 (Dec 2003)   Current Year Expense: ________

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

Tennant Power Sweeper - Model 6650XP
- Double curb brooms (left & right sides)
- ~~Hard cab with doors~~ (height 80" or less)
- Side light to shine on right curb broom path
- ~~Cab heating & A/C~~
Foot Heater

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

Use funds from Project #02085 (Parking Deck Rehab $232,000)

To sweep/clean parking lots, parking decks, sidewalks, streets, and alleys in the Downtown Square and Dickson Street cultural district. Sweeper will also be utilized by other divisions such as Parks and Recreation, Street, etc.

Approval Signatures:

Sharon Crosson	10-24-03	[signature]	
Division Head	Date	Finance & Internal Services Dir.	Date
[signature]	1/30/04	Hugh Earnest	1-29-04
Fleet Operations Superintendent	Date	Chief Administrative Officer	Date
[signature]	1-28-04		
Budget Manager	Date	Mayor	Date
[signature]	1-28-04		

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Parking Management Program: Parking Management Date of Request 10/24/03

Acct.# Currently Charged: n/a Acct. # to be Charged: 2130-9130

Expansion x or Replacement ___ Date Required: ASAP

Unit # for Vehicle being Replaced: ___ Unit # for Expansion/Replacement ___

Purchase Price of Exp./Replace Vehicle: $30,000 CIP Budget / Project # ___

Monthly Motor Pool Charges for Current and/or Replacement Vehicle/Equipment

Replacement ___ Maintenance: ___ Overhead: ___

# of Months Budgeted: ___ Total Budgeted: ___

Expansion/Replacement Monthly Motor Pool Charges for New Vehicle/Equipment:

Replacement $424 Maintenance: $75 Overhead: $109

# of Months to be in Service for Current Year: 1 (Dec 2003) Current Year Expense: ___

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

Tennant Power Sweeper - Model 6650XP
- Double curb brooms (left & right sides)
- ~~Hard cab with doors~~ (height 80" or less)
- Side light to shine on right curb broom path
- ~~Cab heating & A/C~~

Foot Heater

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

Use funds from Project #02085 (Parking Deck Rehab $232,000)

To sweep/clean parking lots, parking decks, sidewalks, streets, and alleys in the Downtown Square and Dickson Street cultural district. Sweeper will also be utilized by other divisions such as Parks and Recreation, Street, etc.

Approval Signatures:

Sharon Crossn 10-24-03
Division Head Date

[signature]
Finance & Internal Services Dir. Date

Dan Coody 1/30/04
MAYOR
Date

Hugh Earnest 1-29-04
Chief Administrative Officer Date

[signature] 1-28-04
Budget Manager Date

[signature] 1/30/04
FLEET OPS. SUPERINTENDENT Date

[signature] 1-28-04

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of Tennant Power Sweeper Model 6650XP from Tennant Sales and Service Company.

COST TO CITY:

$26,709.00	$0.00	Other Vehicles and Equipment
Cost of this request	Category/Project Budget	Program Category / Project Name
2130.9130.5802.00	$0.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02080	$0.00	Off Street Parking
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Manager 1-30-04 Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager 1/30/04 Date — Internal Auditor 1/30/04 Date

City Attorney 1/30/04 Date — Purchasing Manager Date

STAFF RECOMMENDATION:

Division Head 1/29/04 Date

Department Director 2/2/04 Date

Finance & Internal Services Dir. 2-2-04 Date

Chief Administrative Officer 1-29-04 Date

Mayor 2/3/04 Date

Received in Mayor's Office 2/2/04 Date RH

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

ENTERED 1-30-04 aw

FAYETTEVILLE

CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

Thru: **Gary Dumas, Director of Operations**

From: **David Bragg, Fleet Operations Superintendent**

Date: **January 28, 2004**

Subject: **Purchase of Aerial Bucket Truck and Brush Chipper for Parks and Transportation Divisions**

RECOMMENDATION: That City Council approve the purchase of one 60 foot aerial bucket truck and one trailer mounted brush chipper.

BACKGROUND: These units will be used to expand Urban Forestry operations in the Parks and Transportation Divisions. The Vermeer chipper meets all specifications; delivery is quoted as 14 days after receipt of order. The bid price of this chipper is $20,568.88.

The Aerial Bucket Truck bid from Altec Industries meets all specifications. Altec provided the lowest bid of $86,900.00. Delivery is quoted as 120 – 150 days after receipt of order and this is comparable to delivery quoted by other bidders.

A Budget Adjustment in the amount of $108,602 will be needed for the Bucket Truck-Transportation/Parks & Recreation capital project. $54,301 in funding will come from the In-House Pavement Improvements capital project and $34,301 in funding will come from the Forestry Program capital project, both of which are funded with Sales Tax Capital Improvements Funds. There is sufficient funding available in both the In-House Pavement Improvements and Forestry Program capital projects to meet 2004 objectives.

An additional $20,000 will be received in State Grant revenue which was approved by City Council as part of Resolution 70-03 on 5/20/2003 for the purchase of a chipper/box truck.

The purchase of this equipment was approved by the Equipment Committee at the meeting of January 27, 2004.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE THE PURCHASE OF A 60 FOOT AERIAL BUCKET TRUCK FROM ALTEC INDUSTRIES IN THE AMOUNT OF $86,900.00 AND A BRUSH CHIPPER FROM VERMEER SALES AND SERVICE IN THE AMOUNT OF $20,566.88 AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF $108,602.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $108,602.00 to pay for the above equipment purchases.

PASSED and **APPROVED** this the 17th day of February, 2004.

APPROVED:

DRAFT

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2003	Department: Operations Division: Transportation / Parks & Recreation Program: Sales Tax Capital Improvements	10/7/2003	

Project or Item Requested:

$108,602 for the Bucket Truck - Transportation/Parks & Recreation capital project.

Project or Item Deleted:

$54,301 From the In-House Pavement Improvements capital project.

$34,301 From the Forestry Program capital project.

To recognize $20,000 In State Grant revenue.

Justification of this Increase:

The project is needed to purchase a Bucket Truck for the expansion of the Urban Forestry program by the Parks & Recreation Division and for use by the Transportation Division in removing dead trees.

Justification of this Decrease:

There is sufficient funding available in the both the In-House Pavement Improvements and Forestry Program capital projects to meet 2004 objectives.

The $20,000 was approved by City Council as part of Resolution 70-03 On 5/20/2003 For the purchase of a chipper/box truck.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	4470	9470	5802	00	108,602	03031	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	54,301	02052	1
State grants	4470	0947	4302	00	20,000	03031	1
Park improvements	4470	9470	5806	00	34,301	02045	1

Approval Signatures

	Date
Requested By	
Budget Manager	1-30-04
Department Director	
Finance & Internal Services Director	2-2-04
Mayor	

Budget Office Use Only

Type: A B C D E

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

FAYETTEVILLE

CITY OF FAYETTEVILLE

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville AR 72701

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee

From: David Bragg, Fleet Operations Supt.

Date: January 27, 2004

Subject: Purchase of Brush Chipper for Parks and Transportation Divisions

Bids were received on January 26, 2004 for one trailer mounted brush chipper to expand urban forestry operations in Parks and Transportation Divisions. Four bids were received:

Bidder	Chipper	Bid Price
Vermeer Sales & Service	Vermeer	$20,566.88
Downing Sales & Service	Morbark	$20,785.00
Henard Utility Products	Bandit	$21,272.00
Henard Utility Products	Bandit*	$19,900.00

The lowest bid* received from Henard Utility Products is for a disc style chipper and does not meet specifications. The next lowest bid from Vermeer Sales & Service meets all specifications. Delivery is quoted as 14 days after receipt of order.

I recommend acceptance of the bid of $20,566.88 from Vermeer Sales & Service of Springdale, AR.

Funds are available for this purchase from an Arkansas Forestry Commission grant of $20,000 and Project #4470-9470-5802.00.

APPROVED
1/27/04
[illegible]

FAYETTEVILLE

CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee

From: David Bragg, Fleet Operations Supt.

Date: January 27, 2004

Subject: Purchase of Aerial Bucket Truck for Parks and Transportation Divisions

Bids were received on January 26, 2004 for one 60 foot aerial bucket truck with forestry body to expand urban forestry operations in Parks and Transportation Divisions. Five bids were received:

Bidder	Aerial	Chassis	Bid Price
Altec Industries	Altec	Ford	$86,900.00
Bale Chevrolet	Hi-Ranger	Chevrolet	$87,655.00
Altec Industries	Altec	GMC	$89.391.00
Barloworld	Altec	Freightliner	$93,077.00
Landers Chevrolet	Aerial Lift	Chevrolet	$116,900.00

The lowest bid received from Altec Industries meets all specifications. Delivery is quoted as 120-150 days after receipt of order and is comparable to delivery quoted by other bidders.

I recommend acceptance of the bid of $86,900.00 from Altec Industries, Inc. of Birmingham, AL.

Funds are available in Project #4470-9470-5802.00 for this purchase.

APPROVED
1/27/04
DRB

City of Fayetteville, Arkansas
Request for Expansion/Replacement Equipment

Division: Transportation   Program: ______   Date of Request: 8/21/2003

Acct.# Currently Charged: ______   Acct. # to be Charged: 50% 200, 50% 4110/1010-5260

Expansion √ or Replacement ___   Date Required: ASAP

Unit # for Vehicle being Replaced: ______   Unit # for Expansion/Replacement: 9XX2

Purchase Price of Exp./Replace Vehicle: $85,000.00   CIP Budget / Project # 4470-9470-5802.00 '03031.1

Monthly Motor Pool Charges for Current and/or Replacement Vehicle/Equipment:

Replacement: ______   Maintenance: ______   Overhead: ______

# of Months Budgeted: ______   Total Budgeted: 0.00

Expansion/Replacement Monthly Motor Pool Charges for New Vehicle/Equipment:

Replacement: $810.00   Maintenance: $200.00   Overhead: $184.00

# of Months to be in Service for Current Year: ______   Current Year Expense: 0.00

Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

The Parks and Recreation and Transportation Divisions request the purchase of an aerial bucket truck. Two outriggers, cab guard, and sixty foot boom height capability provide the needed components for this vehicle. In addition to the aerial bucket truck, a chipper with the following minimum features: an 85 hp diesel power plant, 12 inch class capacity, and auto feed/reverse capacity would be purchased with an Urban Forestry grant awarded for $20,000.00.

Justification for expansion/replacement: (Attach Additional Sheets if Necessary)

This vehicle provides these divisions with the necessary tools to expand the Urban Forestry programs, currently started in both Divisions. This vehicle also provides the match portion of a grant that will provide us with $20,000.00 towards the purchase of a chipper for use in this program.

Approval Signatures:

Terry J. Gulley	9-12-03		
Division Head	Date	Finance & Internal Services Dir.	Date
[signature]	9/12/03	Hugh Earnest	9-16-03
Fleet Operations Superintendent	Date	Chief Administrative Officer	Date
[signature]	9-12-03	Dan Coody	9/16/03
Budget Manager	Date	Mayor	Date
[signature]	9-15-03		
Department Director	Date		

Please return original form to ~~Fleet~~ when signed by all.

STATE OF ARKANSAS
OFFICE OF THE GOVERNOR
State Capitol
Little Rock 72201

Mike Huckabee
Governor

July 7, 2003

Kim Hesse
Fayetteville Parks & Recreation
113 West Mountain
Fayetteville, AR 72701

Dear Ms. Hesse:

I am very pleased to award a grant for $20,000.00 to the Fayetteville Parks and Recreation after a detailed review of the Urban & Community Forestry Assistance Grant applications. The Arkansas Forestry Commission has assigned this project the number UCF03-11.

Your vision will help to encourage forest stewardship within our communities and promote the many benefits our trees provide. With eighty percent of our citizens living in urban areas it is important that we keep our communities healthy through the proper planning and management of our community forest.

Thank you for your dedication in furthering the importance of Arkansas' natural resources.

Sincerely yours,

Mike Huckabee

Mike Huckebee

MH:pe

State Capitol Building, Suite 250 • Little Rock, AR 72201 • mike.huckabee@state.ar.us
501-682-2345 • Fax 501-682-1382 • TDD 501-682-7515

RESOLUTION NO. 70-03

A RESOLUTION AUTHORIZING THE FAYETTEVILLE PARKS AND RECREATION DIVISION TO APPLY FOR AN URBAN FORESTRY ASSISTANCE GRANT IN THE AMOUNT OF TWENTY THOUSAND DOLLARS ($20,000.00) THROUGH THE ARKANSAS FORESTRY COMMISSION.

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 authorizes the Fayetteville Parks and Recreation Division to apply for an Urban Forestry Assistance Grant in the amount of Twenty Thousand Dollars ($20,000.00) through the Arkansas Forestry Commission.

PASSED and APPROVED this 20th day of May, 2003.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

CITY OF FAYETTEVILLE, ARK. WASHINGTON CO.

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

SERVICE EXPANSION/NEW SERVICE
(BUDFORM SE)

Program Number. :	4110				
Department. . . :	Operations				
Fund. . . . . . . :	Street				
Division. . . . :	Transportation				
Program . . . . . :	Right-of-Way Maintenance				
Prepared By . . :	Terry Gulley				
Account Number 1:	2100	4110	5331	00	$ 1,200
Account Number 2:	2100	4110	5331	01	$ 4,860
Account Number 3:	2100	4110	5331	02	$ 1,104
Account Number 4:	2100	4110	5403	00	$ 1,500
Total Cost. . . :					$ 8,664
Priority. . . . :	1				

Description of Request

50% of operating cost for new bucket truck. (This is a cost share with the Parks & Recreation Division)

Justification of Request

Through a joint effort by the Parks and Recreation and Transportation Division an urban Forestry Program is being established. This vehicle in conjuction with a matching forestry grant will result in the city procuring a boom lift truck and chipper, which will provide the tools for this program

SERVICE EXPANSION/NEW SERVICE
(BUDFORM SE)

Program Number. :	5260				
Department. . . :	Operations				
Fund. . . . . . :	General				
Division. . . . :	Parks & Recreation				
Program . . . . :	Parks Maintenance				
Prepared By . . :	John Nelson				
Account Number 1:	1010	5260	5331	00	$ 1,200
Account Number 2:	1010	5260	5331	01	$ 4,860
Account Number 3:	1010	5260	5331	02	$ 1,104
Account Number 4:	1010	5260	5403	00	$ 1,500
Total Cost. . . :					$ 8,664
Priority. . . . :	4				

Description of Request

Motor Pool Charges, Replacement Charges, & Shop Overhead Charges for Aerial Bucket Truck

Justification of Request

Additional fleet charges will be needed for this motor pool expansion item

City Of Fayetteville
(Not a Purchase Order)

Requisition No.	
Date:	1/29/2004
P.O Number	
Expected Delivery Date:	
Vendor #:	2655
Vendor Name:	VERMEER SALES & SERVICE
Mail	Yes:__ No:_XX_
Address:	
Fob Point:	
Taxable	Yes:_XX_ No:____
City:	
State:	
Zip Code	
Ship to code:	050
Division Head Approval:	[signature]
Quotes Attached	Yes:____ No:____
Requester	BARBARA OLSEN [signature]
Requester's Employee #	1940
Extension:	495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	VERMEER TRAILER MOUNTED	1	EA	$20,566.88	$20,566.88	4470.9470.5802.00	03031.1		
2	BRUSH CHIPPER PER SPECIFICA-		EA		$0.00				
3	TIONS ON BID 04-11, CHIPPER		EA		$0.00				
4	WILL BE UNIT #9055, FIXED		EA		$0.00				
5	ASSET #709055		EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 20,566.88
Tax: 1,135.31
Total: 21,702.19

Approvals:

Mayor: ____________
Department Director: ____________
Purchasing Manager: ____________
Finance & Internal Services Director: ____________
Budget Manager: ____________
IT Manager: ____________
Dispatch Manager: ____________
Utilities Manager: ____________

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 1/29/2004

P.O Number:

Expected Delivery Date:

Vendor #:

Vendor Name: ALTEC INDUSTRIES

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:____

City:

State:

Zip Code:

Ship to code: 050

Division Head Approval: [signature]

Quotes Attached Yes:_____ No:_____

Requester: BARBARA OLSEN BO

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	FORD BUCKET TRUCK WITH	1	EA	$86,900.00	$86,900.00	4470.9470.5802.00	03031.1		
2	ALTEC AERIAL LIFT, PER		EA		$0.00				
3	SPECIFICATION ON BID 04-12		EA		$0.00				
4	WILL BE UNIT #742		EA		$0.00				
5	FIXED ASSET #700742		EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

TAX EXEMPT.

Subtotal: ________ 86,900.00

Tax: ____________________

Total: ________ 86,900.00

Approvals:

Mayor: ____________________

Department Director: ____________________

Purchasing Manager: ____________________

Finance & Internal Services Director: ____________________

Budget Manager: ____________________

IT Manager: ____________________

Dispatch Manager: ____________________

Utilities Manager: ____________________

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

David Bragg	Fleet Operations	Operations
Name	Division	Department

ACTION REQUIRED: Approval of purchase of a Vermeer Trailer mounted brush chipper and a 60 foot aerial bucket truck. The chipper is to be purchased from Vermeer Sales and Service, and the Aerial Bucket truck from Altec Industries.

COST TO CITY:

$108,602.00 ($20,000.00)	$0.00	Vehicles and Equipment
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5802.00	$0.00	Bucket Truck/Transportation-Parks
Account Number	Funds Used to Date	Program / Project Category Name
03031.1	$0.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item X Budget Adjustment Attached

Budget Manager 1-30-04 Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager 1/30/04 Date — Internal Auditor 1/30/04 Date

City Attorney 1/30/04 Date — Purchasing Manager Date

STAFF RECOMMENDATION:

Division Head 1/29/04 Date — **Received in Mayor's Office** Date

Department Director 2/2/04 Date

Cross Reference:

Finance & Internal Services Dir. 2-2-04 Date — Previous Ord/Res#:

Chief Administrative Officer 1-30-04 Date — Orig. Contract Date:

Mayor 2/3/04 Date — Orig. Contract Number:

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

ENTERED 1-30-04 aw

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO:	Dan Coody, Mayor Members of the City Council
THRU:	Staff Review Committee
FROM:	Ray M. Boudreaux, Director, Aviation and Economic Development
DATE:	January 30, 2004
SUBJECT:	T Hangar "F" project State Aeronautics Grant approval

---

Requested Action: Approve application and acceptance of a Department of Aeronautics Grant for construction of a new T Hangar at Fayetteville Municipal Airport, Drake Field.

Discussion: T Hangar "F" will be the eighth T hangar building constructed at the airport. Currently there are 11 individuals on the waiting list for a hangar. The new building will have 8 individual hangars. The airport board approved this capital project in the five year capital plan and the project is funded for FY 2004. The project will continue only with award of the Department of Aeronautics Grant.

Budget Considerations: Funds are available and in the FY 2004 Capital Program

Attachments: Staff Review Form
Grant Request

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

ENTERED
1-30-04
aw

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE FAYETTEVILLE MUNICIPAL AIRPORT STAFF TO APPLY FOR AND ACCEPT A GRANT IN THE AMOUNT OF $100,000.00 FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS FOR THE CONSTRUCTION OF A NEW T-HANGAR.

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 authorizes the Fayetteville Municipal Airport staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

PASSED and **APPROVED** this 17th day of February 2004.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

FAYETTEVILLE

AIRPORT ADMINISTRATION OFFICE
THE CITY OF FAYETTEVILLE, ARKANSAS

January 30, 2004

John Knight, Director
Arkansas Department of Aeronautics
One Airport Drive, 3rd Floor
Little Rock, Arkansas 72202

Dear Director Knight:

The City of Fayetteville requests support for the construction of a new T Hangar building to be constructed in the East T Hangar area of Fayetteville Municipal Airport, Drake Field. The new hangar is required to accommodate the waiting list which currently has 11 individuals listed.

The new hangar will be a small twin size hangar exactly the same as the last two hangars constructed and will use the same plans and specifications. I have attached the engineering estimates for your information and use. Please note that the design price includes only minor changes and the amount charged reflects that cost. MCE will provide construction management and oversight.

Thank you for your continued support of the conversion of Fayetteville Drake from commercial service to general aviation service. Your help has made it possible to continue revenue growth and operations and sales increases. Revenue was up 30.8% when comparing 2003 to 2002. Operations and sales recorded similar increases. Additional hangars are necessary to house new tenants. New tenants increase operations and sales figures making it possible for the airport to stand on its own as an economic contributor to the City and the region.

Thank you again for your past support and your support in the future.

Sincerely,

Ray M. Boudreaux, Director
Aviation and Economic Development Office

4500 SOUTH SCHOOL AVENUE, SUITE F • AIRPORT TERMINAL BUILDING • FAYETTEVILLE, AR 72701
PHONE 501-718-7640 Ext. 5 • FAX 501-718-7646

ARKANSAS DEPARTMENT OF AERONAUTICS

APPLICATION FOR STATE AIRPORT AID

The City/~~County~~ of **Fayetteville**, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the City of **Fayetteville**, Arkansas, **Washington** County.

Date of Request: **January 30, 2004**

Name of Airport: **Fayetteville Municipal Airport / Drake Field (FYV)**

Name and address of City/County Commission sponsoring request:

City of Fayetteville	Person to contact about project:
113 West Mountain St.	**Ray M. Boudreaux, Director**
Fayetteville, AR 72701	**4500 S School Ave, Suite F**
Phone/~~Fax~~ Number: **479-718-7642**	~~Phone~~/Fax Number: **479-718-7646**

Name and address of Engineering Firm (If Applicable):

McClelland Consulting Engineers Contact Person: **Wayne Jones**

Phone/Fax Number: **479.443.2377 / 479.443.9241**

Describe the work to be accomplished: **Construction of an 8 Unit T Hangar building in the T Hangar area.**

State and Local Project Costs:
Please indicate: x 50-50% Match
___ 75-25% Match
___ 90-10% Match

Federal AIP Projects:

Total Cost of Project	**$273,600.00**	Total Cost of Project	$
Local Share/Funds	173,600.00	Federal Share (90%)	$
Local Share/In-Kind	-0-	Local Share (5%)	$
State Share	100,000.00	State Share (5%)	$

State Airport Aid Application
Page Two

Provide the information listed below as it applies to your project:

FUNDS:

Source of Funds:

State Funding: Arkansas State Department of Aeronautics

Local Funding: Fayetteville Municipal Funds, Airport Div

Source of In-Kind Services **N/A**

Estimate starting date of project: **April 2004**

Estimate completion date of project: **August 2004**

Project will be for: New Airport ________ Existing Airport **XX**

Is land to be leased or purchased? **NO**

Description of land and cost per acre:

Provide the Federal AIP Grant Number (AIP Projects Only) ______________

State Representatives for your area:

State Senator **Sue Madison**

State Representative **Bill Pritchard**

The Sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480.1, Notice of Landing Area Proposal, must be approved by FAA before review for grant can be made by the state.

No land purchased with State Grant Funds may be sold or disposed of without State Commission approval. All requests for sale or disposal of property will be considered on an individual case basis.

No airport accepting State Grant funding may issue an Exclusive Rights Lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA application.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc., shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County and City Laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued. All grant applicants must submit with their applications a completed Contract and Grant Disclosure and Certification Form. (Form F-1-Pages 1&2).

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void.

It is also agreed that this project, except FAA funded projects, shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

Funds will be disbursed according to Department procedures and final inspection of completed project. (See Instruction Page).

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this 30th day of January, 2004.

City of Fayetteville
Name of Sponsor

Authorized Signature

Ray M. Boudreaux, Director
Title

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
CONTRACT REVIEW
X GRANT REVIEW

State Aeronautics Grant
T-Hangar

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

Name	Division	Department
Ray M. Boudreaux	Aviation & Economic Development	General Government

ACTION REQUIRED: A Resolution to approve the submission of a grant application to the Arkansas Department of Aeronautics in the amount of $100,000 to construct an 8-Bay T-hangar. Approve acceptance of the Grant Award contingent on approval of Arkansas Department of Aeronautics.

COST TO CITY:

$100,000 Revenue	$ 350,000.00	10-Bay T-Hangar
Cost of this request	Category/Project Budget	Program Category / Project Name
5550.0955.6805.00	$ -	Capital
Account Number	Funds Used to Date	Program / Project Category Name
03013-1	$ 350,000.00	Airport
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date 1-30-04

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing	1/30/04	Nancy Smith	1/30/04
Accounting Manager	Date	Internal Auditor	Date
D. White	2/2/4	P. Vice	2/2/04
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

Division Head — Date

Boudreaux — 1/30/04
Department Director — Date

2-2-04
Finance & Internal Services Dir. — Date

Hugh Earnest — 2-3-04
Chief Administrative Officer — Date

Dan Coody — 2/3/04
Mayor — Date

Received in Mayor's Office 2/2/04
Date p/k

Cross Reference:

Previous Ord/Res#: ______

Orig. Contract Date: ______

Orig. Contract Number: ______

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

ENTERED 1-30-04 aw

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

MEMORANDUM

TO: Dan Coody, Mayor
Members of the City Council
THRU: Staff Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: January 30, 2004
SUBJECT: T Hangar "F" project Task Order #3 approval

Requested Action: Approve Task Order #3 with McClelland Consulting Engineers for construction of a new T Hangar at Fayetteville Municipal Airport, Drake Field.

Discussion: T Hangar "F" will be the eighth T hangar building constructed at the airport. Currently there are 11 individuals on the waiting list for a hangar. The new building will have 8 individual hangars. The airport board approved this capital project in the five year capital plan and the project is funded for FY 2004. Project award and acceptance of bids will be presented to Council for approval in separate action following receipt of bids.

Budget Considerations: Funds are available and in the FY 2004 Capital Program

Attachments: Staff Review Form
Task Order #3 with McClelland Consulting Engineers

Aviation and Economic Development Department
Fayetteville Municipal Airport, Drake Field
4500 South School Avenue, Suite F
Fayetteville, Arkansas 72701
Ray M. Boudreaux, Director

ENTERED
1-30-04
aw

RESOLUTION NO. ______

A RESOLUTION APPROVING TASK ORDER NO. 3 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF $29,500.00 FOR ENGINEERING DESIGN AND CONSTRUCTION OVERSITE FOR THE CONSTRUCTION OF AN 8-BAY T-HANGAR.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-bay T-Hangar.

PASSED and **APPROVED** this 17th day of February 2004.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

TASK ORDER NO. 3

AIRCRAFT T-HANGAR BUILDING

FAYETTEVILLE MUNICIPAL AIRPORT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 6, 2003, as amended. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees related to hangar improvements at the Fayetteville Municipal Airport.

SECTION I - PROJECT DESCRIPTION

The project is to consist of: assistance in applying for state funding for the project; the preliminary and final engineering design for a 60' by 200' 8-Bay Aircraft T-Hangar Building on the east side of the Airport; preliminary and final cost estimates; meetings with the City's Airport Department to review various aspects of the project; and engineering services associated with detailed design and construction.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), MCE will endeavor to execute the project as expeditiously as possible to enable the City of Fayetteville to solicit competitive bids for construction as soon as possible in March or April 2004.

SECTION III - SCOPE OF SERVICES

MCE shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, this project is likely to include:

A. Assisting the City of Fayetteville in making application for a grant from the Arkansas Department of Aeronautics.

B. Topographic Surveying.

C. Formulating preliminary and final construction cost estimates.

D. Meeting with the City of Fayetteville and their Tenant to discuss design criteria, desired features, and schedule.

E. Performing the detailed design of the construction project as determined by the City of Fayetteville and their Tenet.

G. Advertising for competitive bids and recommending the award of a construction contract.

H. Construction administration and inspection.

I. Construction staking for a baseline and benchmark.

J. Construction materials testing.

K. Providing a set of "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to MCE as compensation for his services:

A.	Application to State:	a lump sum of		$600.
B.	Topographic Survey :	a lump sum of		$1,100.
C.	Engineering Detailed Design:	a lump sum of		$3,500.
E.	Bidding Service: :	a lump sum of		$1,200.
F.	Construction Administration & Inspection:	hourly rates,	estimated to be	$21,700.
G.	Construction Staking:	a lump sum of		$650.
H.	Construction materials testing:	hourly rates & unit prices,	estimated to be	$ 750.

Appendices A, B, & C presents hourly rates for personnel anticipated to be assigned to this project and the unit prices as well as the basis of payments to be made to MCE.

SECTON V - BASIC AGREEMENT IN EFFECT:

Except as amended specifically herein, the basic AGREEMENT FOR ENGINEERING SERVICES shall remain in full force as originally approved and executed.

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

FOR THE CITY OF FAYETTEVILLE:

By: ______________________________

Mayor

Attest: ______________________________

Date: ______________________________

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: John C. Quinn

President

Attest: R. Wayne Jones

Vice President

APPENDIX "A"

BASIS FOR PAYMENTS TO THE ENGINEER

TASK ORDER NO. 3
60' BY 200' T-HANGAR
FAYETTEVILLE MUNICIPAL AIRPORT

LINE	CLASSIFICATION / HOURLY RATE / TASK DESCRIPTION	PROJECT DIRECTOR $105.00	PROJECT MGR./ENGR. $90.00	PROJECT ENGINEER $80.00	ENGINEERING TECHNICIAN $57.00	CADD OPER. 1 $59.00	CADD OPER. 2 $49.00	CADD OPER. 3 $34.00	LICENSED SURVEYOR $60.00	SURVEY CREW $95.00	CLERK TYPIST $35.00	INSPECTOR $43.00	MILEAGE $0.35	SUB.-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
A	APPLICATION TO STATE FOR FUNDING		3	1	0.5	0	2	0	0	0	3	0	0	$0.00	$20.00	$601.50
B	SURVEYING															
	TOPOGRAPHIC SURVEY		0.5		3				2	7			60		$75	$1,097
C	DETAILED ENGINEERING															
	SCOPING MEETING		1													$90.00
	HANGAR LAYOUT		0.5	1				1								$159.00
	DETAIL DES.: DRAWING ORGANIZATION			0.5				1								$74.00
	DETAIL DES.: GRADING PLAN & DETAILS		0.5	1	1			2								$250.00
	DETAIL DES.: DRAINAGE PLAN & DETAILS			1				2								$148.00
	DETAIL DES.: UTILITY PLAN & DETAILS		0.5	1				2								$193.00
	DETAIL DES.: HANGAR PLAN & DETAILS			1			1	3								$231.00
	DETAIL DES.: FLOOR/FOUNDATION PLAN		0.5	1			1	2								$242.00
	DETAIL DES.: AIRSIDE ACCESS PLAN DETAILS			1			1	1								$163.00
	DETAIL DES.: LANDSIDE ACCESS PLAN DETAILS			1			1									$129.00
	DETAIL DES.: ELECTRICAL PLAN & DETAILS		0.5													$585.00
	SPECIFICATIONS		1	2							4			$540.00		$390.00
	IN-HOUSE REVIEWS			1	2											$194.00
	FINAL COST ESTIMATE			2												$160.00
	REVIEW MEETING WITH OWNER		1													$90.00
	REVISIONS TO PLANS & SPECS		0.5	2			4									$431.00
	SUBTOTAL, DETAILED ENGINEERING	0	6	15.5	3	0	8	14	0	0	4	0	0	540	0	$3,499.00
F	BIDDING	0	4	6	2	0	0	0	0	0	1	0	30	$150.00	$50.00	$1,199.50
G	CONSTR. ADMIN. AND INSPECTION															
	CONSTR. ADMINISTRATION	1	10	30							6					$3,615.00
	CONSTR. INSPECTION											400	650	$650.00		$18,077.50
	SUBTOTAL, CONSTRUCTION PHASE	1	10	30	0	0	0	0	0	0	6	400	650	$650.00	$0.00	$21,692.50
H	CONSTRUCTION STAKING	0	0	0.5	0	0	0	0	0.5	6	0	0	10	$0.00	$15.00	$658.50
I	CONSTRUCTION MTL'S TESTING (Estimated To Be)	0	0	1	0	0	0	0	0	0	0	0	0	$0.00	$670.00	$750.00
	GRAND TOTAL, ENGINEERING SERVICES	1	23	54	5.5	0	10	14	0.5	6	14	400	690	$1,340.00	$755.00	$29,498.00

APPENDIX B
TASK ORDER NO. 3
Hourly Rates for Personnel
Fayetteville Municipal Airport

CATEGORY	BILLABLE HOURLY RATE RANGE
Project Director	$105 to $130
Project Manager	$95 to $105
Engineer III	$75 to $95
Engineer II	$55 to $75
Engineer I	$45 to $55
Registered Surveyor	$50 to $70
Computer Technician	$46 to $60
Senior Engineering Technician	$55 to $65
Engineering Technician	$45 to $60
Survey Crew (2 man)	$80 to $105
Clerical Support	$30 to $45
CADD Technician III	$50 to $60
CADD Technician II	$40 to $50
CADD Technician I	$25 to $40
Soils Lab Supervisor	$35 to $50
Soils Technician II	$35 to $40
Soils Technician I	$25 to $35

APPENDIX C
CONSTRUCTION MATERIALS LABORATORY
FEE SCHEDULE
TASK ORDER NO. 3

GENERAL:

Laboratory Field Technician *	$ 35.00 per hour
AHTD-Qualified Technician*	40.00 per hour
Engineering Technician *	50.00 per hour
Senior Engineering Technician	62.00 per hour
Lab Supervisor	50.00 per hour
Consultation:	
Lab Supervisor	45.00 per hour
Field Engineer	75.00 per hour
Project Engineer	85.00 per hour
Project Manager	105.00 per hour
Principal Engineer	120.00 per hour
Lab Report Preparation	35.00 per hour

SOILS:

AHTD-Qualified Field Technician	40.00 per hour
Soils Field Technician (1-hour minimum)	35.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922	
Sample Pickup	
Nuclear Density Gauge Fee (per project, per day)	20.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	50.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	35.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	90.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Unified or AASHTO ASTM D 2487 or AASHTO M 145	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	120.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	135.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	50.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Lab Supervisor)	45.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician * (1-hour minimum): [For any of the following 6 items:]	35.00 per hour
• Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138	
• Concrete Cylinder or Beam Molding ASTM C 31	
• Concrete Cylinder or Beam Pickup	
• Concrete Slump Test ASTM C 143	
• Concrete Air Content Test ASTM C 231 or C 173	
• Cement Mortar or Group Sampling	
AHTD-Qualified Concrete Technician: [For any of the foregoing 6 items:]	40.00 per hour
Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap)	15.00 each
Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped)	20.00 each
Spare Cylinders Specimens Processed but not Tested	10.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	50.00 per hour

* ACI Grade I Concrete Field Testing Technician

APPENDIX C
CONSTRUCTION MATERIALS LABORATORY
FEE SCHEDULE
TASK ORDER NO. 3

CONCRETE (Continued):

Flexural Strength of Concrete Beams ASTM C 78 or C 293	30.00 each
Spare Beam Specimens Processed but not Tested	25.00 each
Compressive Strength of Grout Cubes	25.00 each
Compressive Strength of Cement Mortar Cubes	20.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician	65.00 per hour
Additional Lab Technician, as required	35.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	30.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	35.00 each
Fineness Modules	25.00 each
Decantation	35.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	85.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	60.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	300.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design	Price on Request
Review Asphalt Mix Design (Lab Supervisor)	50.00 per hour
Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	35.00 per hour
Sample Pickup	35.00 per hour
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids, Percent Voids in Mineral Aggregate (3 specimens per test)	300.00 each
Extraction including percent Bitumen and Aggregate Gradation	200.00 each
Laboratory Density of Cored Plugs including Depth Measurement	25.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician	60.00 per hour
Additional Lab Technician, if required	35.00 per hour
Sample Pickup	35.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling (actual time required for Lab Technicians)	35.00 per hour/Tech.
Report Preparation (Lab Supervisor)	50.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Lab Technician(s)	35.00 per hour
Field Engineer	75.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
Visual Weld Inspection Field Engineer	75.00 per hour

Services not Listed are Available on Request

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

Task Ord #3
McClelland Eng.

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

Name	Division	Department
Ray M. Boudreaux	Aviation & Economic Development	Airport

ACTION REQUIRED: A Resolution to approve Task Order # 3 to McClelland Consulting Engineers, Inc., for engineering design and construction oversite to construct an 8-Bay T-hangar.

Signature of the Mayor required.

COST TO CITY:

$29,500.00 Cost of this request	$ 350,000.00 Category/Project Budget	10 Bay T-Hangar Program Category / Project Name
5550.3960.5314.00 Account Number	$ - Funds Used to Date	Capital Program / Project Category Name
03013-1 Project Number	$ 350,000.00 Remaining Balance	Airport Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date 1-30-04

CONTRACT/GRANT/LEASE REVIEW:

Marla Tushiz — Accounting Manager — Date 1/30/04
Nancy Smith — Internal Auditor — Date 1/30/04
City Attorney — Date 2/2/04
Purchasing Manager — Date 2/2/04

STAFF RECOMMENDATION: Staff recommends approval

Division Head — Date

Department Director — Date 1/30/04

Finance & Internal Services Dir. — Date 2/2/04

Chief Administrative Officer — Date 2-3-04

Mayor — Date 2/3/04

Received in Mayor's Office 2/2/04 Date

Cross Reference:

Previous Ord/Res#: ____

Orig. Contract Date: ____

Orig. Contract Number: 917

New Item: Yes X No

ENTERED 1-30-04
aw

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF FEBRUARY 17, 2004

FROM:

ALDERMAN BRENDA THIEL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Waive The Building Permit Fee And Other Developmental Fees For South Fayetteville Community Development Corporation

APPROVED FOR AGENDA:

Brenda Thiel 1/30/04
Alderman Date

1/29/04
City Attorney (as to form) Date

RESOLUTION NO. ______

A RESOLUTION TO WAIVE THE BUILDING PERMIT FEE AND OTHER DEVELOPMENTAL FEES FOR SOUTH FAYETTEVILLE COMMUNITY DEVELOPMENT CORPORATION

WHEREAS, South Fayetteville Community Development Corporation is a non-profit organization dedicated to assisting lower income people to build and own their own affordable homes; and

WHEREAS, it serves the public interest and is beneficial to the City as a whole that South Fayetteville Community Development Corporation helps to provide such affordable housing in Fayetteville.

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 finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Code for the South Fayetteville Community Development Corporation home construction project serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Code for the South Fayetteville Community Development Corporation home construction projects located in Fayetteville, Arkansas during the year 2004.

PASSED and **APPROVED** this the 17th day of February, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

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

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Brenda Thiel**, Alderman

CC: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **January 29, 2004**

RE: **Waiver of building permit fees, etc. for South Fayetteville Community Development Corporation**

Attached is the proposed Resolution you requested to waive the developmental fees for SFCDC for 2004. If satisfactory, please sign the attached Alderman Agenda Request Form and give to Sondra to be placed on the Agenda.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

From: Hugh Earnest, Chief Administrative Officer HE
Tim Conklin, Community Planning and Engineering Services Director

Date: January 30, 2004

Subject: Approval of a bid waiver ordinance and approval of a contract and budget adjustment in the amount of $21,390 for Duncan and Associates to prepare road, fire, and police impact fee's.

RECOMMENDATION

Staff recommends approval of a bid waiver ordinance and approval of a contract and budget adjustment for Duncan and Associates to update the road impact fee completed in 2002 and to prepare fire and police impact fees.

BACKGROUND

The City Council on November 18, 2003 passed Resolution No. 167-03 requesting staff to bring forward information on the feasibility of adopting impact fees for roads, police, and fire.

Staff is recommending that competitive biding be waived and approval of a bid waiver and budget adjustment in order to contract with Duncan and Associates. Approval of the Bid Waiver would allow Duncan and Associates to update the road impact fee developed in 2002 (calculated based on a consumption methodology) and develop the methodology and calculate the fire and police impact fees. After additional discussion with the consultant, the recommended methodolgy for road impact fees is the consumption based approach. Use of this methodolgy has enabled us to reduce the original cost estimate by $6,000.

Staff has received the following estimate for this work:

Cost to Update and Calculate Impact Fees

	Proposed Cost (Fayetteville)	**Comparison Cost (other cities)**
Roads (2002 Update)	$ 8,890	$25,000 +/- Conway
Fire	$ 4,750	$ 8,200 Bentonville
Police	$ 4,750	$ 8,600 Bentonville
One trip to Fayetteville	$ 1,500	
Cost to City	**$19,890**	
Contingency	$ 1,500	
Total Cost	**$21,390**	

DISCUSSION

The City Council in October of 2000 hired Duncan and Associates to study impact fees. The contract was subsequently amended to include preparation of impact fee ordinances for water and sewer. These were adopted on December 17, 2002. Duncan and Associates is very familiar with Fayetteville and has already completed the methodology and calculation for a "consumption based" road impact fee in 2002. Because of their past work and performance on developing the existing impact fees, Staff is recommending contracting with Duncan and Associates to prepare the new impact fees.

We are aware of the concern expressed by the city attorney over certain aspects of this project. However, we believe that his concerns can be satisfactorily addressed as the report from the consultant is prepared. We have attached a letter from the consultant that clearly spells out possible uses of the monies secured from police and fire impact fees.

BUDGET IMPACT

A budget adjustment in the amount of $21,390 is required to fund this project. Funding is available from the identified remaining 2003 CIP Street/ROW/Intersections project.

ORDINANCE NO. ______

AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND APPROVING A CONTRACT WITH DUNCAN AND ASSOCIATES TO CALCULATE IMPACT FEES FOR ROAD, POLICE AND FIRE IMPROVEMENTS IN THE AMOUNT OF $19,890.00 WITH A CONTINGENCY AMOUNT OF $1,500.00 AND APPROVING A BUDGET ADJUSTMENT OF $21,390.00

WHEREAS, Duncan and Associates were selected in 2000 to calculate impact fees for water, sewers, parks and roads and presented their impact fee to the City Council in 2001; and

WHEREAS, the City Council adopted the impact fees for water and for sewer presented by Duncan and Associates in late 2002 by implementing ordinance; and

WHEREAS, Duncan and Associates can use their prior expertise gained from these earlier studies to provide a more cost effective analysis and report concerning potential impact fees for roads, police and fire in conformity with the state's new impact fee statute

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 determines an exceptional situation exists in which competitive bidding is deemed not feasible or practical and therefore waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and Duncan and Associated in the amount of $19,890.00, plus a contingency of $1,500.00 to provide impact fee studies for roads, police and fire. This contract is attached as Exhibit "A".

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the budget adjustment in the amount of $21,390.00 attached as Exhibit "B".

PASSED and **APPROVED** this the 17th day of February, 2004.

APPROVED:

DRAFT

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council
Through: Hugh Earnest, Chief Administrative Officer
From: Tim Conklin, Community Planning and Engineering Services Director T.C.
Date: December 18, 2003
Subject: Approval of a bid waiver ordinance and approval of a contract and budget adjustment in the amount of $27,390 for Duncan and Associates to prepare road, fire, and police impact fee's.

RECOMMENDATION

Staff recommends approval of a bid waiver ordinance and approval of a contract and budget adjustment for Duncan and Associates to prepare road, fire, and police impact fee's.

BACKGROUND

The City Council on November 18, 2003 passed Resolution No. 167-03 requesting staff to bring forward information on the feasibility of adopting impact fee's for roads police, and fire.

Staff is recommending that competitive biding be waived and approval of a bid waiver and budget adjustment in order to contract with Duncan and Associates. Approval of the Bid Waiver would allow Duncan and Associates to develop the methodology and calculate the road impact fee based on an "improvements based" methodology and also develop the methodology and calculate the fire and police impact fees. This work will result in two methodologies and two sets of potential fees for roads along with fire and police impact fees. Staff has received the following estimate for this work:

Cost to Develop Methodology and Calculate Impact Fees

	Proposed Cost	**Comparison Cost**
Roads (Improvement Based) (Citywide)	$14,890	$25,000 +/- Conway ($44,000 for Roads and Parks, includes Ord.)
Fire (Optional)	$4,750	$8,200 Bentonville
Police (Optional)	$4,750	$8,600 Bentonville
One trip to Fayetteville	$1,500	
Cost to City	**$25,890**	
Contingency (Extra Trip)	$1,500	
Total Cost	**$27,390**	

Tabled to 2/3/04 mtg
Left on 2nd Reading 2/3/04

DISCUSSION

The City Council in October of 2000 hired Duncan and Associates to study impact fees and subsequently amended their contract to prepare impact fee ordinances for water and sewer which were adopted on December 17, 2002. Duncan and Associates is very familiar with Fayetteville and has already completed the methodology and calculation for a "consumption based" road impact fee. Because of their past work and performance on developing the existing impact fees, Staff is recommending contracting with Duncan and Associates to prepare the new impact fees.

BUDGET IMPACT

A budget adjustment in the amount of $27,390 is required to fund this project. Funding is available from the identified remaining 2003 CIP Street/ROW/Intersections project.

PROFESSIONAL SERVICES AGREEMENT
BETWEEN
CITY OF FAYETTEVILLE AND DUNCAN ASSOCIATES

This Professional Services Agreement is made by and between the City of Fayetteville, a political subdivision of the State of Arkansas (City) and James Duncan and Associates, Inc., a professional corporation doing business as Duncan Associates located in Austin, Texas.

WHEREAS, City desires to engage Duncan Associates to perform certain services relating to the development of impact fees for roads, fire and police facilities.

NOW, THEREFORE, in consideration of the mutual covenants and conditions hereinafter provided, City and Duncan Associates agree as follows.

1. Scope of Agreement. Duncan Associate's relationship to City shall be that of independent contractor; at all times this relationship shall be governed by and be in strict compliance with the terms of this Professional Services Agreement.

2. Professional Services. Duncan Associates shall furnish services to City as set forth in Exhibit "A," which is attached hereto and incorporated herein by reference.

3. Deliverables and Schedule. Duncan Associates shall begin its services promptly after receipt of an executed copy of this Agreement and will complete the services and deliverables pursuant to the schedule as set forth in Exhibit "B." Times for performance shall be extended for periods of delay resulting from circumstances over which Duncan Associates has no control.

4. Compensation and Hourly Rates. For services provided by Duncan Associates as described in Exhibit "A," City shall compensate Duncan Associates monthly based upon the percent completion of individual tasks and in accordance with the fee schedule outlined in Exhibit "C." Payment of each such invoice shall be due to Duncan Associates within thirty (30) days of receipt by City.

5. Subcontracting. Any subcontractor relationships must first be approved by the City.

6. Conflict of Interest. Duncan Associates agrees that it has no interest and shall acquire no interest, direct or indirect, that would conflict in any manner with the performance of the services hereunder. Duncan Associates further agrees that, in the performance of this Agreement, no person having any such interest shall be employed.

7. Termination. The obligation to provide further services under this Agreement may be terminated by either party upon written notice to the other party. In the event of any termination, Duncan Associates will be paid for all services rendered to date of such termination.

8. Ownership of Documents. All documents prepared in the performance of this Agreement shall be delivered to City and become the property of the City before final payment is made to Duncan Associates.

9. Amendments. No amendments or modifications of this Agreement shall be valid unless in writing and signed by each of the parties to the Agreement.

10. Venue. The laws of the State of Arkansas shall govern the construction and interpretation of this agreement.

11. Severability. Any provision in this Agreement that is prohibited or unenforceable under state or federal law shall be ineffective to the extent of such prohibitions or unenforceability, without invalidating the remaining provisions hereof. Also, the non-enforcement of any provision by either party to this Agreement shall not constitute a waiver of that provision nor shall it effect the enforceability of that provision or the remainder of this Agreement.

12. Freedom of Information Act. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, Duncan Associates will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. §25-19-101 et.seq.) Only legally authorized photocopying costs pursuant to the FOIA may be assessed for this compliance.

13. Changes in Scope or Price. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost or fees.

IN WITNESS WHEREOF, City and Consultant have caused this instrument to be signed by their respective duly authorized officers.

EXECUTED on this, the 29th day of January, 2004.

JAMES DUNCAN AND ASSOCIATES, INC.

By: ______________________

James B. Duncan, President

EXECUTED on this, the _____ day of______________, 2004, by City of Fayetteville.

CITY OF FAYETTEVILLE, A Municipal Corporation

By: ______________________

Dan Coody, Mayor

Witness: ______________________

Sondra Smith
Fayetteville City Clerk

Exhibit A
SCOPE OF SERVICES

Task 1: Road Impact Fee Study Update

The Consultant will update and bring into compliance with the Arkansas Development Impact Fees Act (§14-56-102, Arkansas Code) the consumption-based road impact fee study provided in the previous April 2002 draft. The City will provide additional readily-available data needed by the Consultant to complete the update at no charge. A key component will be an agreed-upon set of capacity-expanding road improvements to be funded wholly or partially with the impact fees. Two drafts of the road impact fee study will be prepared. A preliminary draft will be provided for staff review. The final draft will incorporate staff comments on the preliminary draft. The final draft will be delivered in digital format, accompanied by supporting spreadsheets.

DELIVERABLES: PRELIMINARY DRAFT ROAD IMPACT FEE STUDY
FINAL DRAFT ROAD IMPACT FEE STUDY
SUPPORTING SPREADSHEETS

Task 2: Fire and Police Impact Fee Studies

The Consultant will include in the same documents as the preliminary and final road impact fee studies an analysis of police and/or fire impact fees. The analyses will be based on the existing levels of service for those facilities. The City will provide the Consultant, at no charge, all information needed to prepare the analyses, including, but not limited to, existing city-wide land use data (residential units by housing type and nonresidential building floor area by land use type), an inventory of existing police and fire facilities (land area, building square footage, capital equipment), insured values and fixed asset listings for police and fire buildings and equipment, current replacement costs based on recent acquisitions or improvements where available, capital improvement plans, history of recent capital grants, and outstanding debt and debt service schedules for police and fire facilities.

DELIVERABLES: PRELIMINARY DRAFT POLICE IMPACT FEE STUDY
PRELIMINARY DRAFT FIRE IMPACT FEE STUDY
FINAL DRAFT POLICE IMPACT FEE STUDY
FINAL DRAFT FIRE IMPACT FEE STUDY
SUPPORTING SPREADSHEETS

Task 3: Public Presentation

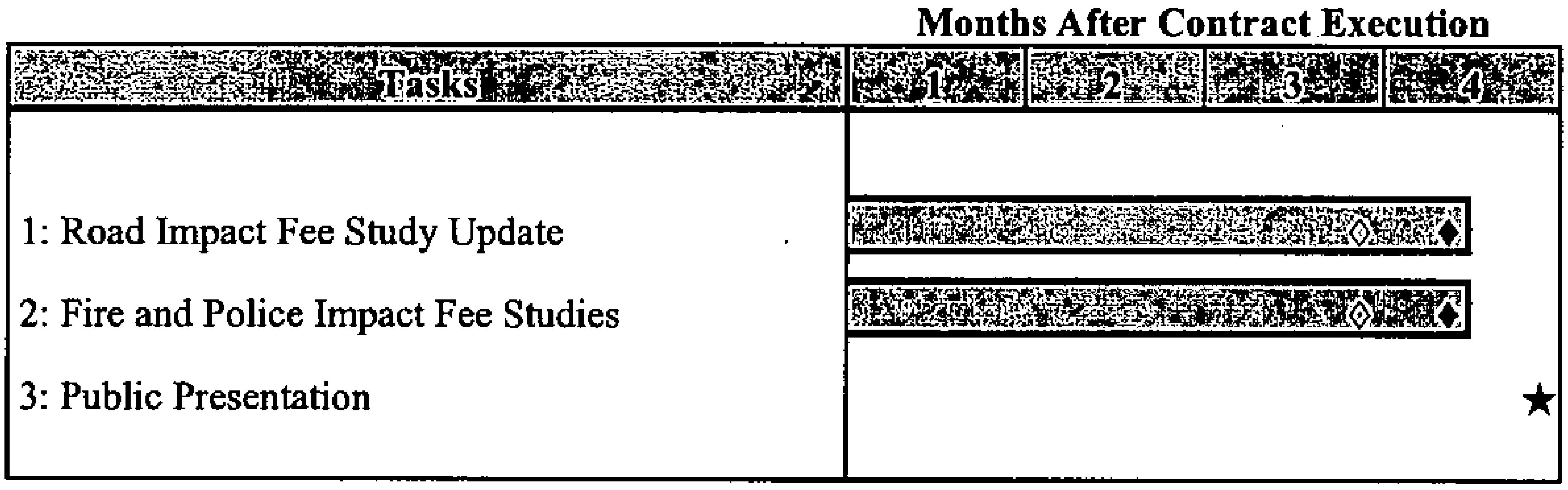
Jim Duncan or Clancy Mullen will present the study at a public meeting in Fayetteville. Additional trips to attend meetings will be provided at an additional cost.

DELIVERABLE: PUBLIC MEETINGS (ONE PERSON-DAY)

Exhibit B

PROJECT SCHEDULE

The schedule for the tasks outlined in the Scope of Services is illustrated in the following project schedule.



◇ = draft deliverable ◆ = final deliverable ★ = meeting/presentation

Exhibit C

CONSULTANT COMPENSATION

The total cost of the professional services described in the accompanying Scope of Services is $19,890. This lump-sum budget includes all direct and indirect expenses incurred by the consultant team in performing the services. The breakdown of project cost by task is presented below. The City will be billed monthly based on percent completion of individual tasks.

Task	Amount
Task 1: Road Impact Fee Study	$8,890
Task 2: Fire and Police Impact Fee Studies	$9,500
Subtotal, Tasks 1 and 2	$18,390
Task 3: Public Presentation (1 person-day)	$1,500
Total Project	$19,890

Additional trips shall be provided at $1,500 per person-day. Other additional services beyond those specified in the accompanying Scope of Services may be negotiated or billed on a time and expense basis at the following hourly rates. The only expense not included in the lump-sum price per person-day for travel or in the hourly rates is overnight mail, which will be billed separately.

Principal (Jim Duncan)	$150
Land Use Attorney	$175
Project Director (Clancy Mullen)	$135
Associates	$95

duncan associates

land development regulations
growth management
impact fees

January 29, 2004

Tim Conklin
City of Fayetteville Planning Director
113 W. Mountain St.
Fayetteville, AR 72701

RE: Impact Fees

Dear Tim:

Attached per your request are two signed copies of a proposed contract to have us prepare impact fee studies for roads, fire and police facilities.

As you know, we prepared a road impact fee study for the City in April 2002. Since that time, the State legislature passed an impact fee enabling act. One of the requirements of that act is that the impact fees be based on a capital improvements plan. In addition, the City recently completed work on a transportation master plan. Finally, the Institute for Transportation Engineers (ITE) has also recently come out with a revised edition of their Trip Generation manual. These are all reasons to update the road impact fee study, which is already almost two years old.

At your request, the proposed scope of services also includes preparation of impact fee studies for police and fire facilities. As you know, impact fees can only be used for capital improvements, and not for salaries or operating expenses. Consequently, police and fire impact fees would need to be earmarked for new buildings or expansions to existing fire and police stations, net additions (not replacements) to the fleet of vehicles and fire-fighting apparatus, or similar major capital expenditures that expand the capacity of police and fire facilities and equipment to accommodate future growth.

Let me know if there is anything more I can do to assist you in this matter.

Very truly yours,
DUNCAN ASSOCIATES

James B. Duncan, FAICP
President

13276 research blvd ■ suite 208 ■ austin tx 78750 ■ phone 512 258 7347 ■ fax 512 258 9994 ■ email firm@duncanplan.com

E-Mail's From Duncan and Associates – November 25, 2003

Tim,

Per your request, I have reviewed the City's new Traffic and Transportation Study and developed a proposed budget to develop an improvements-driven or plan-based road impact fee. I have also developed costs to prepare fire and police impact fee studies. As we discussed, the fire and police fees may have to be based on the existing level of service, unless the City has facility master plans for those services.

The road study could be provided for $14,890. This is significantly less that what we would normally charge, but we are able to offer you a reduced price because of the quality of the BRW study and the fact that we will be able to build on the background analysis we did in the original road impact fee study. The fire and police studies would cost $4,750 each, for a grand total of $24,390. The road impact fee study could be stand-alone, but the prices for the other two assume they are in addition to the road impact fee study.

The price quoted above includes the preparation of a staff review draft and a final report. It does not include preparation of an implementing ordinance. The price does not include any trips to Fayetteville to attend meetings, which we would be happy to provide at an additional cost of $1,500 per person-day.

The City would be responsible for providing all necessary data, including the current CIP and TIP (and RTP if changed), residential building permits issued by housing type for 2002 and 2003 to date, nonresidential square footage by land use type from Washington County Assessor, inventory of fire and police station building square footage and site acres, inventory of major police and fire capital equipment, cost data (including recent land acquisitions and building construction, insured value listings, asset listings, and current equipment replacement values), history of police and fire capital grant funding,
etc.

I would be happy to prepare a formal scope of services and budget if desired. Let me know how you would like to proceed.

Clancy

Clancy Mullen, AICP
Duncan Associates
13276 Research Blvd., Suite 208
Austin, TX 78750
512.258.7347 ext 204
512.258.9994 (fax)

Tim,

I should probably clarify that the price I quoted for the road impact fee study is to calculate a city-wide plan-based fee. The transportation plan appears to recommend that a financing mechanism such as impact fees would be computed for multiple Priority Growth Areas. However, the transportation plan does not provide sufficient information to determine the future cost attributable to subareas of the city (improvements physically located in a subarea could serve growth in adjacent subareas as well). To do this, additional modeling work like what we had done for Cary, NC would be required.

Clancy

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2003		1/6/2004	

Project or Item Requested:
$27,390 is requested for a Street/Fire/Police Impact Fee study.

Project or Item Deleted:
The Street ROW/Intersection/Cost Sharing project is being reduced by $27,390.

Justification of this Increase:
Resolution #167-03 was approved by City Council on November 18, 2003 requesting the study.

Justification of this Decrease:
Sufficient funding remains to comply with City Policy and with project completion.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Professional services	4470	9470	5314	00	27,390	04001	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	27,390	02116	1

Approval Signatures

Requested By — Date

Budget Manager — Date 12/19/03

Department Director — Date 12-19-03

Finance & Internal Services Director — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

RESOLUTION NO. 167-03

A RESOLUTION TO REQUEST CITY STAFF TO STUDY THE FEASIBILITY AND ADVISABILITY OF NEW IMPACT FEES IN THE AREAS OF STREET CONSTRUCTION, FIRE FIGHTER OPERATIONS, POLICE OPERATIONS AND CAPITAL COSTS

WHEREAS, the City of Fayetteville is facing a long term stagnation of its sales tax revenue despite a rapidly growing population; and

WHEREAS, the population growth is creating a need for street construction and improvements, increased police and fire personnel and facilities and support staff; and

WHEREAS, the City cannot afford to increase spending for road construction, or increased personnel for police, fire and other services without increasing revenue from property taxes or impact fees on new development; and

WHEREAS, it is only fair that the increasing population in new development that is causing a need for new roads and increased fire, police and other staff pay its fair share of the costs for these additional services and roads.

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 requests city staff to study the feasibility and advisability of additional impact fees on new development in the areas of road construction, police operations and capital costs and fire operations and capital costs.

PASSED and **APPROVED** this the 18th day of November, 2003.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

CITY OF FAYETTEVILLE ARKANSAS WASHINGTON COUNTY

STAFF REVIEW FORM - FINANCIAL OBLIGATION

___ AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: January 6, 2004

FROM:

Tim Conklin, AICP	Comm. Planning & Eng. Svcs.	Comm. Planning & Eng. Svcs.
Name	Division	Department

ACTION REQUIRED: Approval of a bid waiver ordinance and approval of a contract with Duncan and Associates in the amount of $25,890 with a project contingency of $1,500 for a total project amount of $27,390 and approval of a budget adjustment.

COST TO CITY:

$27,390.00	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
4470 9470 5314 00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
04001.1	$ -	
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ___ Budgeted Item x Budget Adjustment Attached

B. Fell 12/19/03
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing 12/19/03 — Accounting Manager, Date
Nancy Smith 12/19/03 — Internal Auditor, Date
City Attorney 12/19/03 — Date
Purchasing Manager 12/19/03 — Date

STAFF RECOMMENDATION:

Division Head ___ Date ___

Department Director 12-19-03 Date

Finance & Internal Services Dir. 12.19.03 Date

Chief Administrative Officer ___ Date ___

Dan Coody 12/19/03
Mayor Date

Received in Mayor's Office ___ Date

Cross Reference:

Previous Ord/Res#: ___

Orig. Contract Date: ___

Orig. Contract Number: ___

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

ENTERED 12-19-03

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Tim Conklin, Community Planning and Engineering Services Director T.C.

Date: December 22, 2003

Subject: Proposed Walgreen's Cost Share in the amount of $25,512.00 with a contingency of $3,826.00 with WIV-Fayetteville, LLC for the installation of approximately 350 feet of 8" water main.

RECOMMENDATION

Staff recommends that the City cost-share with WIV-Fayetteville, LLC the developer, to construct approximately 350 feet of 8" water main. By participating in the construction of these improvements, the City will be creating a loop in the water main system in this area and eliminating the gap in the system.

BACKGROUND

On November 7, 2002, the Planning Commission approved the Large Scale Development for Walgreen's. The proposed development is located at the northwest corner of Joyce Blvd. and Shiloh Dr. As a part of this development, the developer will be constructing a water main extension to provide service and fire protection to the site. The site grading and water and sewer extensions have been approved for the site and construction is underway.

DISCUSSION

There is existing water main along Joyce Blvd. There is also a system of mains that serves the Northwest Arkansas Mall and several other businesses in this area. This network of mains is fed from one point of connection at the intersection of Highway 71B and Zion Road. In the event of a water main break on this connecting line, the Mall and many of the surrounding businesses would be without water. It would benefit the City of Fayetteville to have this gap in the water main system eliminated and to further loop the system in this area.

Left on 2nd reading 1/20/04
Tabled to 2/17/04 mtg

Construction bids have been provided to the City for these improvements by WIV-Fayetteville, LLC.as follows:

Developer's Share	**$ 37,920.00**
City's Share	**$ 25,512.00**
15% Contingency(City's Share)	**$ 3,826.00**
Total	**$ 67,258.00**

BUDGET IMPACT

Based upon the information provided by the Budget & Research Division, there is a proposed budget of $150,000.00 in the Water and Sewer Cost Sharing Account for 2004. The final costs to the City will be based upon actual costs as documented by WIV-Fayetteville, LLC. subject to review by the City and may, or may not exceed the submitted estimate. However, the City's share will not exceed the estimate without additional authorization.

ORDINANCE NO. ______

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A COST-SHARE AGREEMENT WITH WIV-FAYETTEVILLE, LLC IN AN AMOUNT OF $25,512.00 PLUS A CONTINGENCY OF $3,826.00 FOR A TOTAL OF $29,338.00 FOR THE CONSTRUCTION OF 350 FEET OF 8-INCH WATER MAIN

WHEREAS, the Fayetteville Planning Commission has approved a Large Scale Development for Walgreen's on Joyce Boulevard which calls for the construction of a water main extension; and

WHEREAS, it will be of great benefit to the City and businesses in the Mall area to construct a water main loop extension in this area; and

WHEREAS, entering into a cost-share agreement with WIV-Fayetteville LLC and utilizing their engineer and contractor will avoid the added cost and unnecessary duplication of effort which would arise from the formal competitive bidding process; and

WHEREAS, the City Council finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical.

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 waives the requirements of formal competitive bidding and approves a cost-share agreement with WIV-Fayetteville LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of about 350 feet of 8-inch water main to further the water main loop system near the Northwest Arkansas Mall.

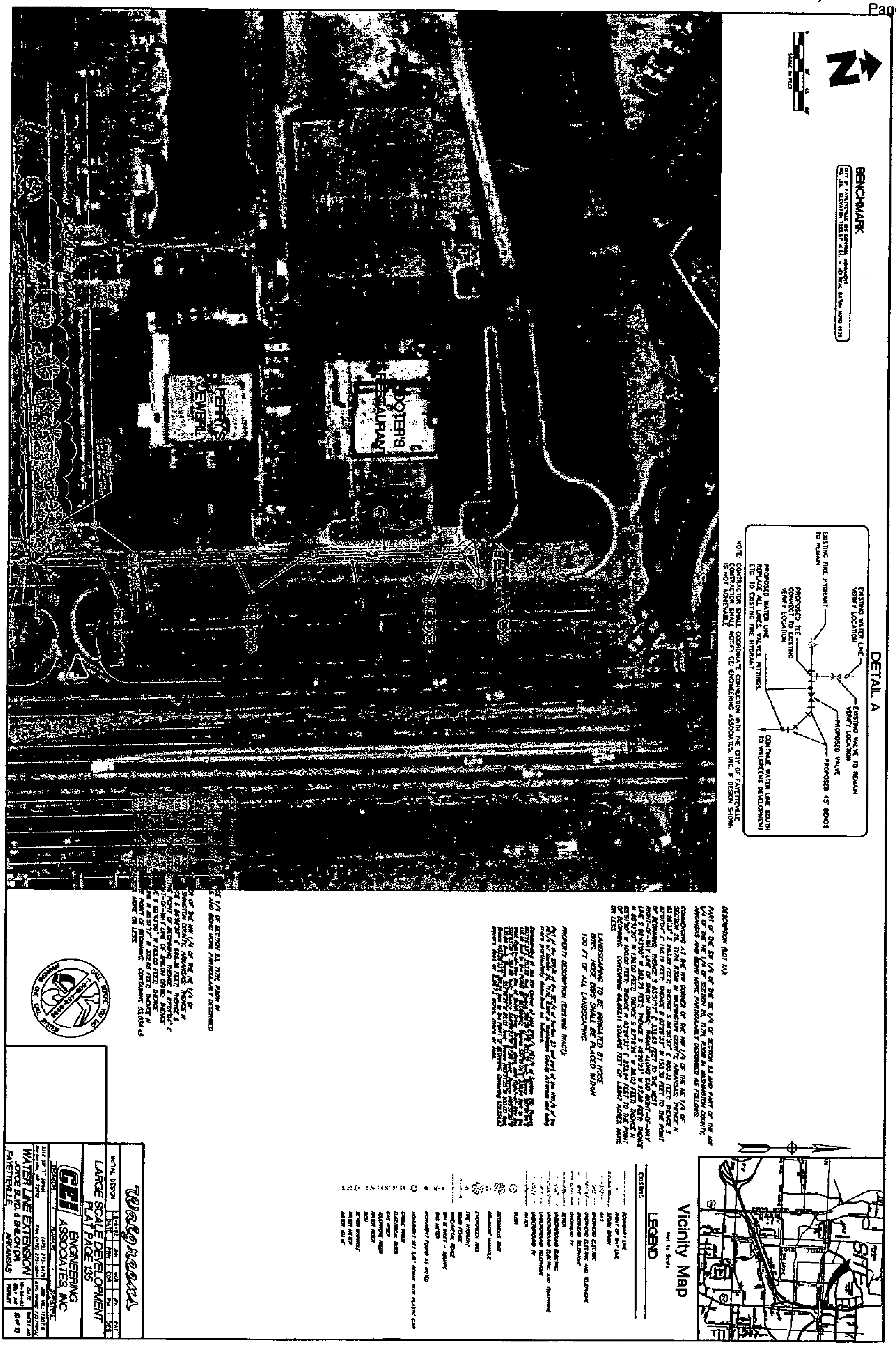
PASSED and **APPROVED** this the 20th day of January, 2004.

APPROVED:

By: DRAFT
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk


BENCHMARK
DETAIL A
EXISTING WATER LINE VERIFY LOCATION
EXISTING VALVE TO REMAIN VERIFY LOCATION
PROPOSED VALVE
PROPOSED 45° BENDS
EXISTING FIRE HYDRANT TO REMAIN
PROPOSED TEE CONNECT TO EXISTING VERIFY LOCATION
PROPOSED WATER LINE REPLACE ALL LINES, VALVES, FITTINGS, ETC. TO EXISTING FIRE HYDRANT
CONTINUE WATER LINE SOUTH TO WALGREENS DEVELOPMENT
NOTE: CONTRACTOR SHALL COORDINATE CONNECTION WITH THE CITY OF FAYETTEVILLE. CONTRACTOR SHALL NOTIFY CEI ENGINEERING ASSOCIATES, INC. IF DESIGN SHOWN IS NOT ACHIEVABLE.
HOOTER'S RESTAURANT
PERRY'S JEWELRY
LANDSCAPING TO BE IRRIGATED BY HOSE BIBS. HOSE BIBS SHALL BE PLACED WITHIN 100 FT OF ALL LANDSCAPING.
Vicinity Map
SITE
LEGEND
Walgreens
LARGE SCALE DEVELOPMENT PLAT PAGE 135
CEI ENGINEERING ASSOCIATES, INC
WATER LINE EXTENSION
JOYCE BLVD. & SHILOH DR.
FAYETTEVILLE ARKANSAS

Harman & Son Construction, Inc.

1633 Rogers Rd. Fort Worth, TX 76107
817-336-5780 Fax 817-336-5797
www.harmanandson.com

11/8/03 (Revised)

Mr. James Koch
CEI Engineering Associates, Inc.
3317 SW I Street
Bentonville, AR 72712

RE: Water Line Extension Shiloh & Joyce

Dear, Mr. Koch:

See below cost for the offsite water line extension for the referenced project. If you should have any questions please don't hesitate to call.

Description	Qty	Cost	Total
1. 8" C-900	365 LF	$24	$8,760
2. 8" x 8" MJ Tee	1	$800	$800
3. 8" MJ Gate Valve	1	$800	$800
4. 8" MJ 45 degree bend	2	$500	$1,000
5. Connect to fire hydrant	1	$1100	$1,100
6. Asphalt repair/patch	1	$7500	$7,500
7. Gravel bedding	100 tons	$13	$1,300
OH &P			$4,252
Total			$25,512

Sincerely,

Gabe Harman
Project Manager
Harman & Son Construction, Inc.

Harman & Son Construction, Inc.

1633 Rogers Rd. Fort Worth, TX 76107
817-336-5780 Fax 817-336-5797
www.harmanandson.com

11/14/03 (Revised)

Mr. James Koch
CEI Engineering Associates, Inc.
3317 SW I Street
Bentonville, AR 72712

RE: Water Line Extension Shiloh & Joyce

Dear, Mr. Koch:

See below cost for the total water line extension for the referenced project. If you should have any questions please don't hesitate to call.

Description	Qty	Cost	Total	
(OFFSITE)				
8" C-900	365LF	$24	$8,760	
8"x 8" MJ Tee	1	$800	$800	
8" MJ Gate Valve	1	$800	$800	
8" MJ 45 Degree Bend	2	$500	$1,000	
Connect to Fire Hydrant	1	$1,100	$1,100	
Asphalt Repair/Patch	1	$7,500	$7,500	
Gravel Bedding	100 Tons	$13	$1,300	
Sub-Total				$21,260 + OH & P $4,252
(ONSITE)				
8" C-900	535LF	$24	$12,840	
6" C-900	80LF	$22	$1,760	
8"x 8" MJ Tee	1	$800	$800	
8"MJ Gate Valve	9	$800	$7,200	
8"MJ 45 Degree Bend	2	$500	$1,000	
Gravel Bedding	60 Tons	$13	$780	
8"x 8" Tapping Sleeve & Valve	1	$2,600	$2,600	
8 x 6" Tee	1	$600	$600	
6" MJ Gate Valve	3	$630	$1,890	
8" x 8" MJ Cross	1	$800	$800	
8" MJ Ring	1	$400	$400	
Fire Hydrant Assembly	2	$2090	$4,180	
6" MJ Cap	1	$400	$400	
8" x 6" Reducer	1	$450	$450	
Gravel Class 7 Base	140	$13	$1,820	
Concrete Blocking	4	$100	$400	
Sub-Total				$37,920
Total				$59,180

Sincerely,

Gaby Harman,
Project Manager
Harman & Son Construction, Inc.

CONTRACTUAL AGREEMENT

This Agreement, made and entered into this ____________________, by and between the City of Fayetteville, Arkansas and WIV-Fayetteville, LLC, Witnesseth:

WHEREAS, WIV-Fayetteville, LLC, will be hiring a contractor for the construction of a Walgreen's at the northwest corner of Joyce Blvd. and Shiloh Dr.; and

WHEREAS, there is an existing 8" water line on the west side of this site that connects to the 8" main along Joyce Blvd. The developer will be extending this 8" main through the project site to provide service and fire protection to the Walgreen's development; and

WHEREAS, there is an existing system of water mains that serves the entire Northwest Arkansas Mall complex and several businesses in this area. The mains end approximately 350 feet north of the Walgreen's development. This entire network of mains has only one point of connection that crosses Highway 71B at Zion Road; and

WHEREAS, it will benefit the City of Fayetteville to extend this 8" water main to connect to the existing main north of the development at the same time by the same contractor. This extension will create a loop in this area and prevent numerous businesses, including the Mall, from having the water shut off in case of a water main break.

NOW, THEREFORE, the City of Fayetteville and WIV-Fayetteville, LLC agree as follows:

1. Upon the City Council and/or the Mayor approving the Water Main Cost-Share, the City of Fayetteville agrees to:

   A. Pay for 100% of the actual documented construction costs & inspection costs for the 8" water main along Shiloh Drive from Georgetown Square Road to connect with the existing water main approximately 350 feet to the north.

   B. Pay a maximum-not-to-exceed cost of $29,338.00 for the afore mentioned water main construction as was provided by WIV-Fayetteville, LLC contractor and made a part of this agreement.

   C. Reconsider the costs if the future and actual construction & inspection prices exceed the maximum-not-to-exceed amount that was furnished by WIV-Fayetteville, LLC. The contractual agreement shall be required to be reevaluated and re-approved by the Mayor and/or City Council as appropriate prior to proceeding with construction.

   D. Make all efforts to provide payment to WIV-Fayetteville, LLC within thirty (30) days after receipt of the invoice(s) but cannot guarantee the thirty day schedule.

2. WIV-Fayetteville, LLC agrees to:

   A. Provide the necessary and normal project management, inspection, and testing as necessary for a complete and acceptable water main installation.

   B. Provide a copy of the invoice(s) from the Contractor and a completed lien waiver executed by the Contractor upon acceptance of the water main installation.

   C. Not proceed with the proposed construction unless/until the proposed contractual agreement is approved by the City Council and/or the Mayor.

3. It is further understood that the contract for construction is between WIV-Fayetteville, LLC and his Contractor and that the City has no contractual obligation with either the Contractor or the Engineer. The City's only obligation shall be to participate in a contractual agreement with a not-to-exceed amount of $29,338.00 for the water main installation.

IN AGREEMENT WITH ALL THE TERMS AND CONDITIONS ABOVE, WE SIGN BELOW:

CITY OF FAYETTEVILLE	WIV-Fayetteville, LLC
By:____________________	By: [signature]
DAN COODY, Mayor	

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:			Date: 12/23/2003	
P.O Number:			Expected Delivery Date:	
Vendor #: New	Vendor Name: WIV-Fayetteville, LLC		Mail Yes:__ No:__	
Address: 541 North Fairbanks Court, Suite 1890		Fob Point:	Taxable Yes:_ No:__	Quotes Attached Yes:__ No:__
City: Chicago	State: IL	Zip Code: 60611	Ship to code: 090	Divison Head Approval
Requester: Matt Casey - Engineering		Requester's Employee #: 2119	Extension: 429	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Cost Share for Walgreens on Joyce Blvd. - 350 Feet of Waterline Extension				$29,338.00	5400.5600.5808	02067-20		
2					$0.00				
3					$0.00				
4					$0.00				
5					$0.00				
6					$0.00				
7					$0.00				
8					$0.00				
9					$0.00				
10					$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Return to Matt Casey

Subtotal: $29,338.00

Tax: ____

Total: $29,338.00

Approvals:

Mayor: ____ Department Director: ____ Purchasing Manager: ____

Finance & Internal Services Director: ____ Budget Manager: ____ IT Manager: ____

Dispatch Manager: ____ Utilities Manager: ____ Other: ____

REQUEST FOR VENDOR FILE MAINTENANCE

(CHECK ALL AVAILABLE RESOURCES, VENDOR LIST, ACCESS SYSTEM PRIOR TO SUBMISSION OF THIS REQUEST)

DATE OF REQUEST: 12/29/03 REQUESTED BY: Matt Casey

DEPT./DIVISION: Engineering EFFECTIVE DATE: ASAP

TELEPHONE EXTENSION: 429

NEW VENDOR: ✔ VENDOR CHANGE: ☐ VENDOR RE-ENTRY: ☐

VENDOR #: VENDOR #:

VENDOR NAME: WIV-Fayetteville, LLC

STREET OR P.O. BOX: 541 North Fairbanks Court, Suite 1890

CITY: Chicago STATE: IL ZIP CODE: 60611

ATT : PHONE: 312-645-0722

E-Mail Fax #

REMITTANCE ADDRESS IF DIFFERENT FROM ABOVE:

NAME:

ADDRESS:

CITY, ST, ZIP:

FEDERAL ID 82-0565492

OR

SOCIAL

TYPE OF ORGANIZATION

CORPORATION	(100):	✔
PARTNERSHIP	(200):	
INDIVIDUAL	(300):	
EMPLOYEE	(400):	
PENSION	(500):	
NON-PROFIT	(600):	

PURCHASING OFFICE USE ONLY

NEW VENDOR: ENTERED BY:

VENDOR CHANGES: DATE:

VENDOR RE-ENTRY: G. L. FILE:

W-9 FORM MAILED: INVENTORY FILE:

STAFF REVIEW FORM - FINANCIAL OBLIGATION

x AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: January 20, 2004

FROM:

Name	Division	Department
Matt Casey	Engineering	Community Planning & Engineering

ACTION REQUIRED: Approval of a cost-share and bid waiver in the amount of $25,512.00 with a contingency of $3,826.00 with WIV-Fayetteville, LLC. for the construction of approximately 350' of 8" water main.

COST TO CITY:

$29,338.00	$ 150,000.00	Water & Sewer Cost Sharing
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5808.00	$ -	Water & Sewer Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02067	$ 150,000.00	Water & Sewer Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Budget Manager — Date: 12-29-03

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date: 12/29/03
Internal Auditor — Date: 12/29/03
City Attorney — Date: 12/30/03
Purchasing Manager — Date: 12/31/03

STAFF RECOMMENDATION: Staff recommends approval of the cost share and bid waiver.

Division Head — Date:
Department Director — Date: 12-29-03
Finance & Internal Services Dir. — Date: 12-31-03
Chief Administrative Officer — Date: 01-01-04
Mayor — Date: 1/2/04

Received in Mayor's Office Date

Cross Reference:

Previous Ord/Res#:
Orig. Contract Date:
Orig. Contract Number:
New Item: **Yes** **No**

ENTERED 12-29-03

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director T. C.

From: Dawn T. Warrick, AICP, Zoning and Development Administrator DTW

Date: January 13, 2004

Subject: Residential Planned Zoning District for Southern View Phase II (R-PZD 04-01.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating the Residential Planned Zoning District (R-PZD) for Southern View Phase II. This action will establish a unique zoning district for development of a 6.71 acre tract located north of Old Farmington Road and east of Futrall Drive, immediately south of the Southern View Phase I apartment development.

BACKGROUND

The proposal is for a mixed use development. Six structures with varying façades contain a mixture of residential and commercial activities. The land use will be comprised of at least 51% residential use with the remaining use areas to be commercial. Each three story structure is proposed to contain 6,733 s.f. of commercial area on the ground floor with 19 apartment units (31 bedrooms) on the upper two floors. The total commercial area proposed is 40,398 s.f., with a total number of residential units at 114 (186 bedrooms). The applicant has provided 302 parking spaces on-site to accommodate this project. Eight interchangeable building elevations have been proposed for the front and rear sections of the buildings. The Planning Commission did require that these elevations be mixed throughout the development, providing that the tower feature be applied no more than three times, and that no two identical façades would be installed side by side or directly across from each other.

DISCUSSION

The Planning Commission voted 6-1-0 in favor of this request on Monday, January 12, 2004. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (large scale development). Recommended conditions included in the attached staff report were approved by the Planning Commission.

BUDGET IMPACT

None.

Left on 1st reading 2/3/04

ORDINANCE NO. ______

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED (R-PZD 04-01.00) LOCATED ON FUTRALL DRIVE AND OLD FARMINGTON ROAD EAST OF I-540 CONTAINING 6.713 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION.

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

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

From C-2, Thoroughfare Commercial to R-PZD 04-01.00 as shown in Exhibit "A" attached hereto and made a part hereof.

<u>Section 2.</u> That the change in zoning classification is based upon the approved master development plan and development standards as shown on the plat and approved by the Planning Commission on January 12, 2004.

<u>Section 3.</u> That this ordinance shall take affect and be in full force at such time as all of the requirements of the development plan have been met.

<u>Section 4.</u> 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 ___________, 2004.

APPROVED:

By:______________________
DAN COODY, Mayor

By: ___________________________
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 04-01.00

PART OF THE SE1/4 OF THE SE1/4 AND PART OF THE S1/2 OF THE S1/2 OF THE NE1/4 OF THE SE1/4 OF SECTION 18, T-16-N, R-30-W, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT AT THE SE CORNER OF THE SE1/4 OF SECTION 18, T-16-N, R-30-W, SAID POINT BEING A FOUND IRON PIN; THENCE N 87°11'35" W 225.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF HIGHWAY 71 BYPASS (NOW INTERSTATE 540); THENCE ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING FIVE COURSES: N 10°43'38" W 44.34 FEET; THENCE N 67°02'38" W 42.40 FEET; THENCE N 41°41'38" W 74.30 FEET; THENCE N 29°10'38" W 402.99 FEET; THENCE N 20°18'34" W 214.21 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE S 87°06'32" E 624.58 FEET; THENCE S 02°47'10" W 648.61 FEET TO THE POINT OF BEGINNING, CONTAINING 6.713 ACRES, MORE OR LESS, BEING SUBJECT TO ANY AND ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD OR OF FACT.

BASIS OF BEARINGS ARE BASED ON CITY OF FAYETTEVILLE GPS COORDINATE SYSTEM.

FAYETTEVILLE

PC Meeting of January 12, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Jeremy Pate, Associate Planner Matt Casey, Staff Engineer
THRU:	Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE:	January 06, 2004

R-PZD 04-01.00: Residential Planned Zoning District (Southern View II, pp 519) was submitted by Crafton, Tull & Associates on behalf of Lindsey Management Co. for property located at Futrall Drive and Old Farmington Road, east of I-540. The property is currently zoned C-2, Thoroughfare Commercial and contains approximately 6.713 acres. The request is to rezone the property to a Residential Planned Zoning District to allow for a mixed use development comprised of 114 dwelling units and 40,398 SF of commercial space proposed. Planner: Jeremy Pate

Proposal: The request is for a Residential Planned Zoning District on 6.71 acres currently zoned C-2, Thoroughfare Commercial, directly south of the constructed Southern View Phase I multi-family development. The applicant requests a rezoning and Large Scale Development approval for a mixed use development consisting of six buildings. Each of the proposed buildings will contain 6,733 SF of retail space, 14 2-Bedroom dwelling units and 3 1-Bedroom units.

Proposed Development:
R-PZD, Residential Planned Zoning District

	Land Use	Square Feet	# of Units	# of Bedrooms	Parking Required
Bldgs 1-6	Commercial/Retail	6,733 SF	N/A	N/A	27 spaces
Bldgs 1-6	Multi-Family Residential 2 -Bedroom	N/A	12	24	24 spaces
Bldgs 1-6	Multi-Family Residential 1 -Bedroom	N/A	7	7	7 spaces
Individual Total	**Mixed-Use Retail/Multi-family Residential**	**6.733 SF Retail**	**19**	**31**	**58 spaces**
TOTAL (x 6 Bldgs)	**Mixed-Use Retail/Multi-family Residential**	**40,398 SF Retail**	**114**	**186**	**348***

**The applicant proposes 302 parking spaces, which is within the 30% +/- ordinance requirement.*

Total proposed dwelling units on the 6.71 acres numbers 114, therefore the proposed density for the R-PZD is **16.9 DU/acre.**

Access: The development is proposed to have four means of access, two from Old Farmington Road, one from Futrall Drive and one from the existing Southern View Phase I development to the north. A pedestrian access has been added from the existing Southern View I apartments, pursuant to Subdivision Committee discussion. A formal waiver request for the Design Overlay District requirement of 250 feet between an intersection and a curb cut has been submitted by the developer. Staff is in support of the request for the proposed curb cuts along Old Farmington Road. The two entrances fulfill the intent of providing an enhanced "Main Street" streetscape, along with providing needed parking in the "rear" to meet ordinance requirements. Access on both sides of the building is desirable for fire protection and emergency vehicles.

Buildings and parking in the development have been situated to create a desirable, pedestrian-oriented streetscape along the two primary entrances east from Futrall Drive and north from Old Farmington Road. Parallel parking and 10-foot wide sidewalks are incorporated with the primary interior streets, and the majority of parking is located to the rear of the structures. Additionally, a landscape buffer is proposed along Futrall Drive to ameliorate the impacts of proposed parking lots.

Elevations of the proposed structures have been submitted for Planning Commission review. The development is proposed to be under single ownership, with dwelling units rented and retail space leased. All interior streets, landscaping, common areas and buildings will be maintained by the developer.

Existing Development: The site is currently vacant.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Southern View Phase I Multi-family dwellings	RMF-18, Res. Multifamily, 18 DU/acre
South	Sines AutoBody Shop	C-2, Thoroughfare Commercial
East	Fayetteville Public Schools	P-1, Institutional
West	Futrall Drive, I-540	N/A

Water & Sewer: Water and sewer lines are available to the site.

Phasing: Phase lines are shown in bold on the site plan, dividing the project construction into two phases, the first of which will incorporate all street infrastructure, landscaping, sidewalks and buildings 2 and 5.

Street Improvements Proposed: Improvements to Old Farmington Road a minimum of 14' from centerline including curb & gutter, pavement etc. Six-foot sidewalks are required to be constructed along both Futrall Drive and Old Farmington Road.

Adjacent Master Street Plan Streets: Futrall Drive (Collector), minimum of 35 feet from centerline; Old Farmington Road (Local), minimum of 25 feet from centerline

Tree Preservation: There are no existing trees on-site.

Design Overlay District:

- **Greenspace**: The applicant has complied with the 25'greenspace requirement along the rights-of-way.
- **Signage**: *Monument Sign:* The applicant is indicating one (1) monument sign along Old Farmington Road, to be compliance with DOD requirements. All sign illumination is to utilize indirect lighting.

  Wall Sign: Wall signage is to be determined by tenant occupancy of the leased Commercial/Retail space. Two wall signs may be installed per business (two right-of-way frontages), not to exceed 20% of that wall area or 200 SF, whichever is less.
- **Curb Cuts:** **The applicant requests a waiver of the 250 feet required from an intersection to a curb cut.** The original lot configuration does not have adequate depth to satisfy the DOD requirement. Staff is in support of this request.
- **Lighting:** The applicant shall comply with the requirement for 35-foot maximum height, utilizing full cut-off lighting fixtures that are shielded and directed downward to the parking lot and light spread not to reflect into the adjacent properties.
- **Exterior appearance:** Elevations have been submitted for all four sides of the building. Planning Commission determination of architectural treatment of fronts, along with Commercial Design Standards, is required.
- **Building Material:** Materials samples have been submitted, indicating the proposed brick colors, etc.
- **Site Coverage:** Approximately 31% of the site has been left in open space.
- **Fencing:** Fencing is not proposed with this development.
- **Outdoor Storage:** N/A
- **Access:** Pedestrian access is being provided with new 6-foot sidewalks along Futrall Drive and Old Farmington Road. Bicycle racks are being provided within the development, as are 10-foot sidewalks along buildings to allow for spillover and outdoor shopping space.

Background: The proposal was first heard at Technical Plat Review on May 28, 2003 and in subsequent meetings tabled by staff due to concerns with site development plans. The proposal was resubmitted and heard at Technical Plat Review on December 17, 2003. The revisions produced from that meeting and a subsequent meeting with staff were presented before the Subdivision Committee on December 30, 2003. Discussion at that meeting included breezeways between buildings, "placemaking" on the empty corner between Blds 3&4, trees along the "Main Street", pedestrian access to Southern View I, and graphic treatment of the building elevations.

Recommendation:
Forward to the City Council with a recommendation for approval of the requested rezoning to R-PZD 04-01.00.

Planning Commission approval of the proposed Large Scale Development plan R-PZD 04-01.00 subject to the following conditions:

Conditions of Approval:

1. Planning Commission recommendation to the City Council regarding the rezoning of the subject property to the unique district **R-PZD 04-01.00** with all conditions of approval as determined by the Planning Commission.

2. An ordinance creating this R-PZD shall be approved by City Council.

3. Planning Commission determination of Commercial Design Standards. *Staff finds the structures fully meet all aspects of Commercial Design Standards. *Addition to Condition w/Planning Commission approval: No two facades shall be constructed next to or across from one another. The end facades shall be addressed to more fully comply with Commercial Design Standards. The tower element shall not be used more than three times within the development.*

4. Planning Commission determination of a waiver request for the proposed building within the 100-foot setback of the 100-year water surface elevation of the proposed retention pond. *Staff is in support of this request.*

5. Planning Commission determination of a waiver request for the Design Overlay District requirement of 250 feet between an intersection and a curb cut, along Old Farmington Road. Approximately 110 feet is the proposed distance from the Futrall Drive intersection to the first entrance curb cut along Old Farmington Road. *Staff is in support of the waiver request.*

6. All setbacks, protective easements, and designated uses are binding with the approval of the R-PZD. Submitted building elevations are likewise binding to the project.

7. An AHTD permit is required for any work done within the Highway Department right-of-

way.

8. Street improvements to Old Farmington Road shall include 14 feet from centerline including curb, gutter, pavement and 6-foot sidewalks. Six-foot sidewalks are also required along Futrall Drive, at the right-of-way line.

9. No fences shall be allowed within the utility easements along Futrall Drive and Old Farmington Road.

10. All parking lot lights are to be shielded, directed downward and away from adjacent properties utilizing full cut-off sodium lighting fixtures.

11. All signage shall comply with Design Overlay District requirements.

12. All trash enclosures shall be screened from view with materials that are compatible with and complementary to the proposed buildings.

13. All utilities shall be screened with materials complementary to the proposed buildings.

14. Each building shall be constructed to provide a mixture of facades as viewed from surrounding drives and streets.

15. The building permit process for Phase II of the current proposal shall begin within one (1) year from the final Certificate of Occupancy issued for Phase I.

Standard Conditions of Approval:

16. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)

17. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

18. Payment of parks fees in the amount of **$40,086** shall be required prior to building permit. Prior to R-PZD approval, this amount shall be considered and approved by City Council to meet ordinance requirements for over 100 residential units *(scheduled for the February 03, 2004 meeting).*

19. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

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

Date: **January 12, 2004**

Comments:

The "CONDITIONS OF APPROVAL", beginning on page one of this report, are accepted in total without exception by the entity requesting approval of this development item.

____
By

____
Title

____
Date

Findings associated with R-PZD 04-01.00

Sec. 166.06. Planned Zoning Districts (PZD).

(B) *Development standards, conditions and review guidelines*

(1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed mixed-use development proposes both residential and commercial uses, thereby increasing desired commercial activity in this area and providing a variety in housing types. The project density (16.9 DU/Acre) is compatible with surrounding uses. Buildings have been located to create a streetscape environment, utilizing pedestrian connections, larger sidewalks, street furniture and landscaping, parking located behind the buildings, and more appropriate horizontal to vertical ratios for pedestrian use. Parallel parking is proposed along the "Main Street" corridors, to enhance the visual sense of a town streetscape. For those parking lots visible from Futrall Drive and I-540, a vegetative screen has been provided to enhance the viewshed and contribute to the amenity of the community.

(2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening in the form of landscaping along Futrall Drive to buffer proposed parking areas from the right-of-way is proposed by the applicant. All landscaping shall comply with City Code with regard to street frontage, Design Overlay District requirements and parking lot standards.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

(a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.

(b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.

(c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.

(d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.

(e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.

(f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The internal street system proposed by the development provides adequate and necessary means of access to the proposed structures, especially with regard to emergency vehicles. Vehicular and pedestrian connections are being provided to the north, west and south, allowing for an efficient flow of traffic, helping to mitigate the potential effects of Futrall Drive as a one-way street.

(4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: The applicant has complied with these requirements.

(5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The proposed development is comprised of approximately 31% open space, which is compliant with Design Overlay District requirements of a minimum 25%. The applicant has proposed a vegetative screen to alleviate the impacts of the proposed parking areas along Futrall Drive.

(6) *Sidewalks.* As required by §166.03.

FINDING: Six-foot sidewalks are required to be constructed along Old Farmington Road and Futrall Drive, at the right-of-way line. Additionally, the developer is proposing ten-foot sidewalks along the interior streets, and a pedestrian connection north to the existing apartment complex.

(7) *Street Lights.* As required by §166.03.

FINDING: Street lights shall be installed pursuant to city code.

(8) *Water.* As required by §166.03.

FINDING: An 8" water line is available along Old Farmington Road; 8' lines are to be extended to serve the development.

(9) *Sewer.* As required by §166.03.

FINDING: Adequate sewer service is available to the site.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

(ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.

(x) There shall be no minimum building setback requirement from a private street.

(xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All interior streets and parking areas are to be maintained by a management company formed by the owner of the property.

(11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

(12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: There are no existing trees on the site.

(13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has submitted elevations of all four sides of the structures to ensure compliance with Commercial Design Standards and Design Overlay District requirements. Material samples have also been submitted.

(14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: N/A

(E) *Revocation.*

(1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

FINDING: Phase II of the proposal shall begin the permitting process not more than one (1) year after final Certificates of Occupancy are issued for the Phase I buildings, to ensure no cause for revocation of the proposed Planned Zoning District.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and

maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

(a) The homeowner's association must be legally established before building permits are granted.
(b) Membership and fees must be mandatory for each home buyer and successive buyer.

(c) The open space restrictions must be permanent, rather than for a period of years.

(d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

(e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: All common space is to be maintained by a private management company formed by the property owner.

Sec. 161.25 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

(1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.

(2) Compatibility. Providing for compatibility with the surrounding land uses.

(3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(5) No negative impact. Does not have a negative effect upon the future development of the area;

(6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The applicant's proposed development introduces flexible land use in this area, allowing for residential and commercial uses to coincide. Commercial uses are highly desired in this area, and the 40,398 SF proposed will serve both residents living immediately adjacent to and citizens visiting the area. The mixed-use development promotes a harmony of residential and retail, in the traditional sense of neighborhood development. The housing type proposed will provide a variety from Southern View I, to the north, and will not have a negative impact future development in the area.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policies for Residential Areas which are:

> **9.8a Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.**
> **9.8.e Utilize more intense development patterns downtown, where appropriate, and encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity.**
> **9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.**

The proposal is consistent with the General Plan 2020 in which it meets the guiding policies for Community Commercial areas which are:

9.10.a Provide centers that are accessible and compatible with adjacent residential development.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policy for Mixed Use Areas which is:

9.14.a Allow mixing of uses and integration of design through the planning process.

The proposal is consistent with the General Plan 2020 in which it meets the guiding policy for Community Character which is:

9.19.f Allow compatible commercial development within and adjacent to residential development.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: Staff has reviewed the proposed development with regard to findings necessary for rezoning requests. Those findings are attached to this report. An ordinance will be drafted in order to create this Planned Zoning District which will incorporate all conditions placed on the project by the Planning Commission. This ordinance will be forwarded to the City Council for approval.*

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

(c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.

(d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

(e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The R-PZD proposed is consistent with the City's General Plan for mixed-use development, and allows a more flexible means of development to better accommodate the need for commercial and residential land use. The harmonious relationship of different land uses and activities in a single development is promoted by the City's General Plan. Land use incompatibility is minimized, and public infrastructure improvements will benefit the City.

(2) Permitted uses.

Unit 1	City-wide uses by right	
Unit 2	City-wide uses by conditional use permit	
Unit 3	Public protection and utility facilities	
Unit 4	Cultural and recreational facilities	
Unit 5	Government facilities	
~~Unit 8~~	~~Single-family dwellings~~	**REMOVED BY APPLICANT**
~~Unit 9~~	~~Two-family dwellings~~	**REMOVED BY APPLICANT**
~~Unit 10~~	~~Three-family dwellings~~	**REMOVED BY APPLICANT**
Unit 12	Offices, studios and related services	
Unit 13	Eating places	
Unit 15	Neighborhood shopping	
Unit 19	Commercial recreation, small sites	
Unit 24	Home occupations	
Unit 25	Professional offices	
Unit 26	Multi-family dwellings	

FINDING: The applicant is proposing to retain the use of all Use Units associated with the R-PZD, with the exception of Use Units 8, 9, and 10.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: Commercial area totals 40,398 SF; residential units comprise two floors of each building, for a total of 114 units.

***Required Findings for Rezoning Request.**

RECOMMENDATION:

LAND USE PLAN: General Plan 2020 designates this site Regional Commercial. Rezoning this property to R-PZD 04-01.00 is 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: **This area is designated Regional Commercial on the Future Land Use Map. That designation is reflective of the current zoning of the site which is C-2, Thoroughfare Commercial. The property to the north, Southern View I, was rezoned and developed as multi-family residential in 2002-03. Concerns cited by the Planning Commission at the time regarding the loss of prime commercial space are included in the minutes of the Rezoning request (see attached). The R-PZD proposal helps alleviate some of those concerns by providing needed commercial space along a major corridor, with a residential component, which historically provides potential for safer neighborhood shopping and longer business hours. Connectivity of pedestrian and vehicular access routes will satisfy the City's policies of connectivity and providing mixed use areas in appropriate areas.**

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

Finding: **A desire for commercial land use in this area has been expressed by Planning Commission and City Council, specifically with the Rezoning request of the northern property in 2002. In order to facilitate a development that fulfills the objectives of the city and the needs of the developer, a rezoning request to utilize mixed use development in an R-PZD is justified.**

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

Finding: **The proposed zoning will increase traffic in the area. The streets surrounding the property are classified as a Collector (Futrall) and a Local (Old Farmington). A Collector Street is designed to carry between 4,000 and 6,000 vehicles per day. A Local Street should carry up to approximately 4,000 vpd. Development on this particular site should help traffic circulation to and from the area, enabling vehicles to travel east along Old Farmington in an effort to get south (Futrall is one-way north) to 6th Street. The proposal will not appreciably increase traffic danger and congestion.**

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

Finding: **The proposed zoning would slightly alter the population density in this area. It should not, however, undesirably increase the load on public services.**

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**

(C) ***R – PZD, Residential Planned Zoning District.***

(1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

(a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.

(b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.

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(e) To encourage the efficient use of those public facilities required in connection with new residential development.

(2) *Permitted uses.*

Unit 1	City-wide uses by right
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Unit 5	Government facilities
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Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

(3) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: February 3, 2004

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

R-PZD 04-01.00: Residential Planned Zoning District (Southern View II, pp 519) was submitted by Crafton, Tull & Associates on behalf of Lindsey Management Company for property located on Futrall Drive and Old Farmington Road east of I-540. The property is currently zoned C-2, Thoroughfare Commercial and contains approximately 6.713 acres. The request is to rezone the property to R-PZD 04-01.00 to allow for a mixed use development comprised of 114 dwelling units and 40,398 sq.ft. of commercial space.

STAFF RECOMMENDATION: Approval.

Dawn T. Warrick 1/14/04
Division Head Date

Received in Mayor's Office 1/15/04
Date RH

1/15/04
City Attorney Date

1-20-04
Department Director Date

Cross Reference:

1-16-2004
Finance & Internal Services Dir. Date

Previous Ord/Res#: ______

Hugh Earnest 1-16-04
Chief Administrative Officer Date

Orig. Contract Date: ______

Orig. Contract Number: ______

New Item: Yes No

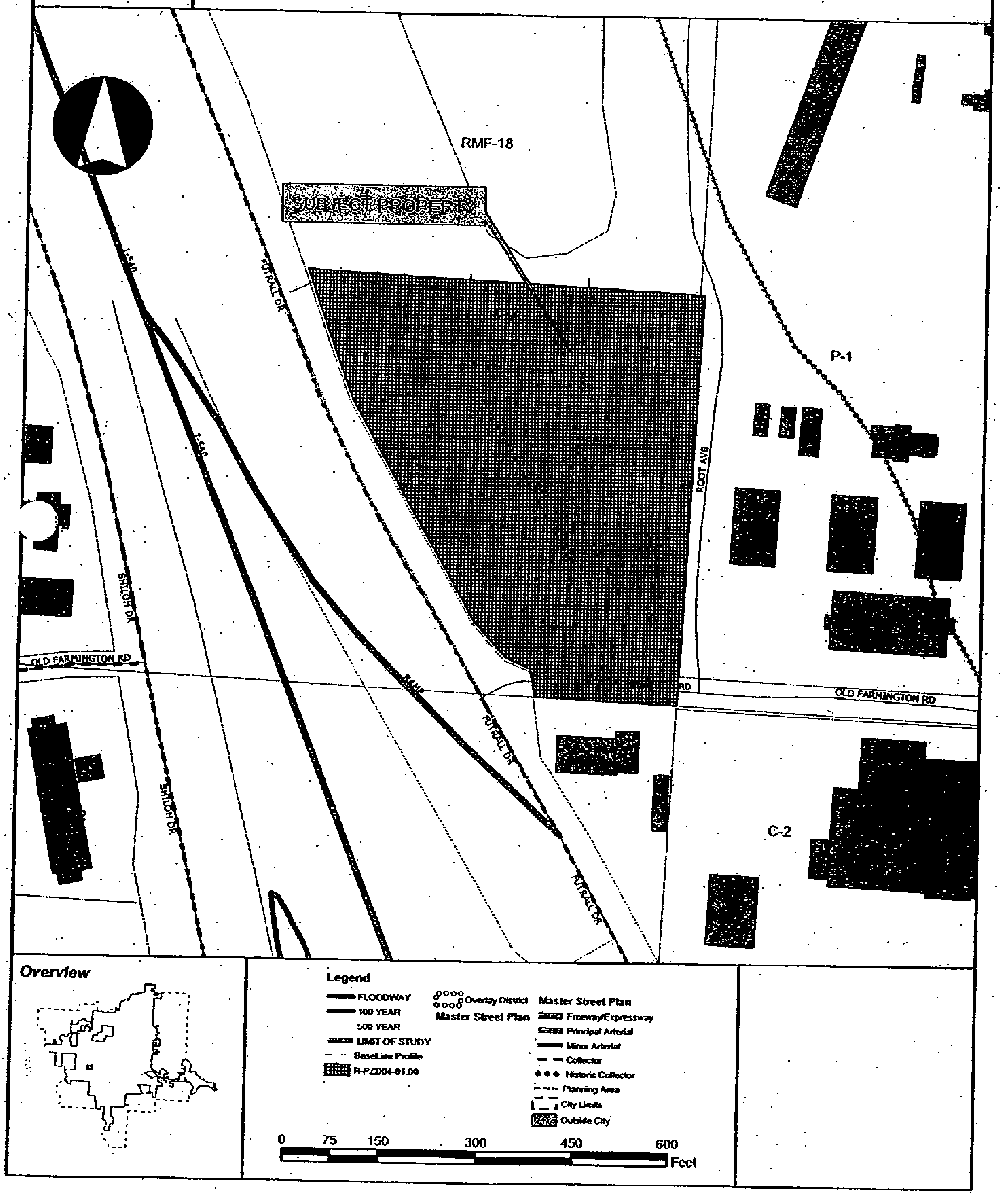
Mayor Date

ENTERED 1-15-04

R-PZD04-01.00

Close Up View

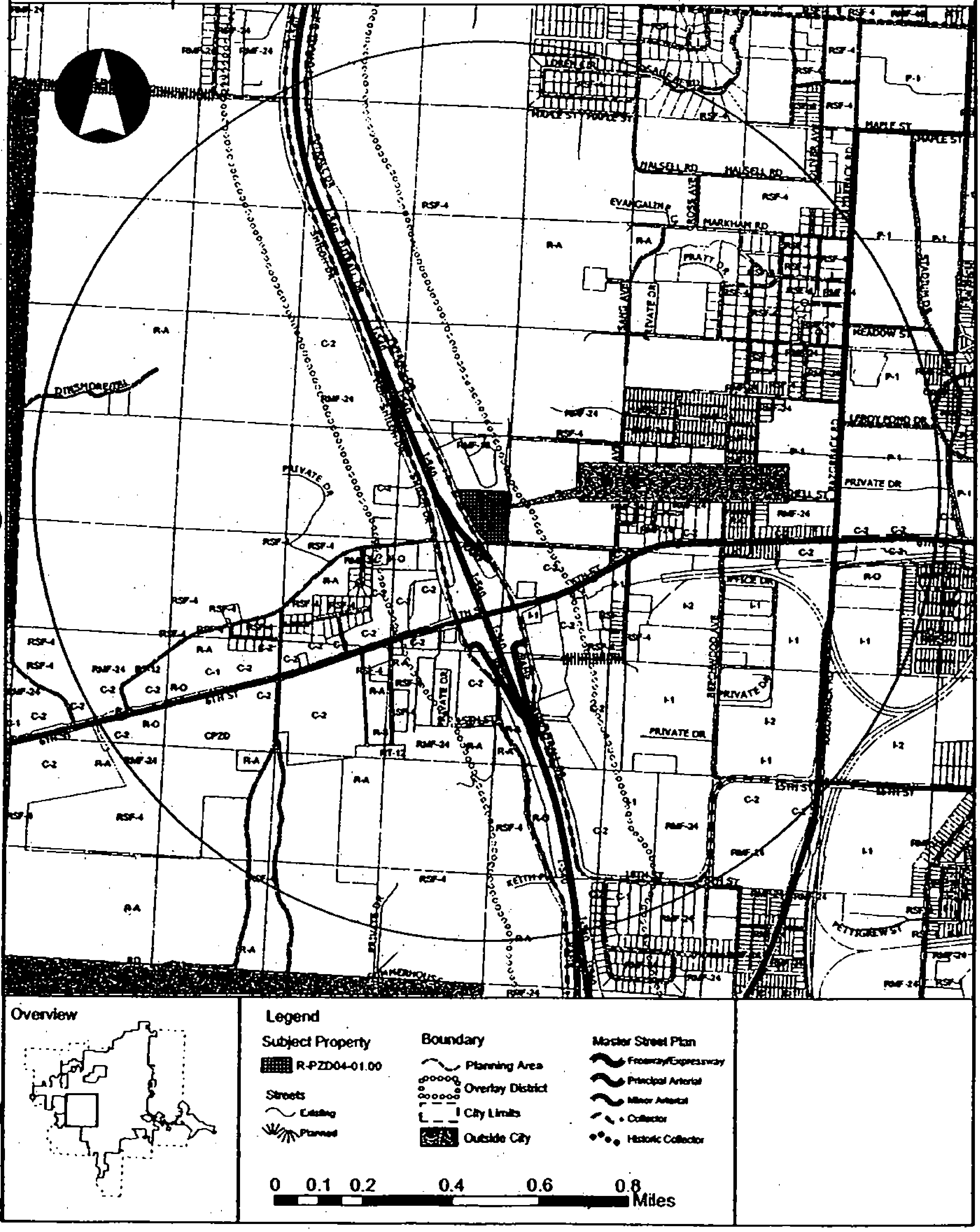
SOUTHERN VIEW II



R-PZD04-01.00

One Mile View

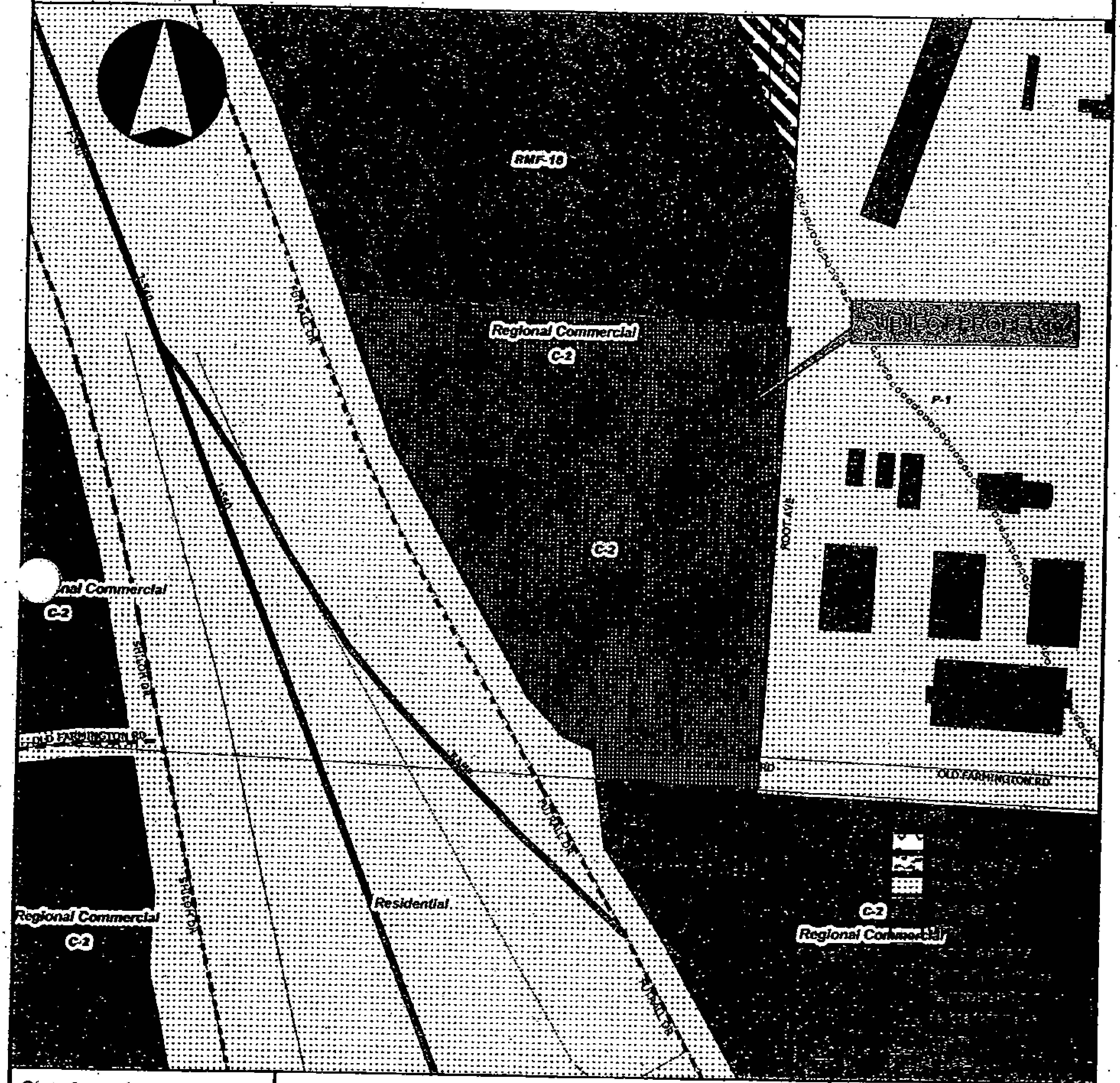
SOUTHERN VIEW II



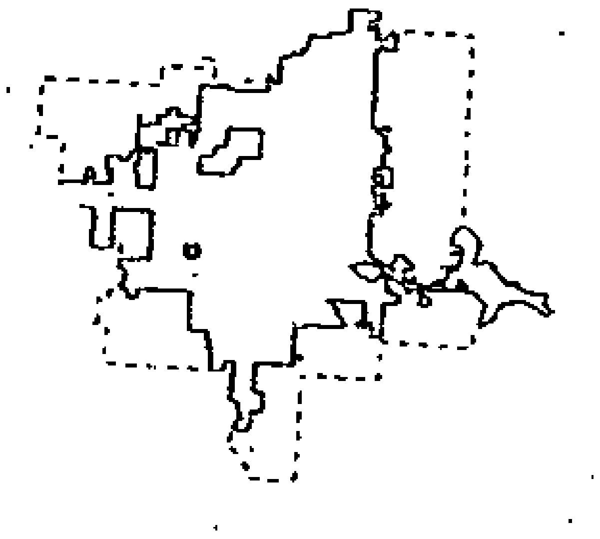
R-PZD04-01.00

Future Land Use

SOUTHERN VIEW II



Overview



Legend

Subject Property

R-PZD04-01.00

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

MetroCount Traffic Executive
Vehicle Counts

R-PZD 04-1.00
SOUTHERN VIEW II

VehicleCount-85

DATASETS:

Site: [old farmington] old farmington e of futrall
Direction: 8 - East bound A>B, West bound B>A., Lane: 0
Survey Duration: 00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004
File: C:\Program Files\MetroCount v225\User\Data\old farmington\2004\FEB\e of futrall\old farmington03FEB2004.EC0 (Plus)
Identifier: L393JYGV MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 6 - 99 mph.
Direction: East, West (bound)
Headway: All
Scheme: ARX
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: 2100 Vehicles ← TOTAL VEHICLE COUNT

* **Sat 31 Jan 2004 - Total=466, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
1	**5**	**6**	**3**	**2**	**19**	**11**	**13**	**6**	**14**	**20**	**38**	**50**	**28**	**27**	**30**	**34**	**88**	**24**	**14**	**12**	**10**	**8**	**3**	
0	3	0	2	0	0	5	0	1	3	6	5	18	6	8	4	5	15	10	4	3	1	2	1	1
0	0	5	0	0	3	1	1	0	3	1	7	11	11	4	13	7	30	2	5	4	3	4	1	2
0	1	1	0	1	15	1	6	3	3	6	18	13	2	10	4	12	35	6	4	1	2	0	1	0
1	1	0	1	1	1	4	6	2	5	7	8	8	9	5	9	10	8	6	1	4	4	2	0	1

AM PkHr 11:30 to 12:30 (n=55), AM PHF=0.76 PM PkHr 16:45 to 17:45 (n=90), PM PHF=0.64

* **Sun 01 Feb 2004 - Total=276, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
4	**3**	**4**	**4**	**1**	**16**	**4**	**3**	**4**	**14**	**6**	**12**	**21**	**16**	**18**	**21**	**22**	**73**	**5**	**4**	**3**	**6**	**6**	**6**	
1	0	1	2	0	1	1	1	0	4	2	4	4	8	8	2	3	17	1	2	2	1	4	1	1
2	1	2	0	0	1	1	0	0	3	1	1	7	1	3	10	1	23	1	0	1	3	0	1	0
0	1	1	2	1	12	1	1	2	1	2	5	5	6	2	7	4	26	0	1	0	0	1	0	0
1	1	0	0	0	2	1	1	2	6	1	2	5	1	5	2	14	7	3	1	0	2	1	4	1

AM PkHr 11:30 to 12:30 (n=18), AM PHF=0.64 PM PkHr 16:45 to 17:45 (n=80), PM PHF=0.77

* **Mon 02 Feb 2004 - Total=1235, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
2	**1**	**0**	**3**	**2**	**16**	**15**	**93**	**161**	**67**	**63**	**62**	**125**	**73**	**79**	**160**	**131**	**115**	**16**	**24**	**13**	**2**	**7**	**5**	
1	0	0	0	0	0	6	12	43	23	22	5	42	9	27	12	45	40	7	5	5	0	1	3	1
0	1	0	2	0	3	3	10	43	21	13	10	28	30	12	22	21	29	2	9	1	1	1	0	0
0	0	0	0	1	12	2	34	51	12	13	15	33	18	21	38	37	33	3	4	4	1	4	1	0
1	0	0	1	1	1	4	37	24	11	15	32	22	16	19	88	28	13	4	6	3	0	1	1	0

AM PkHr 07:45 to 08:45 (n=174), AM PHF=0.85 PM PkHr 15:15 to 16:15 (n=193), PM PHF=0.55

* **Tue 03 Feb 2004 - Total=123(incomplete) , 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
1	**0**	**2**	**0**	**0**	**20**	**26**	**74**	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1	0	0	0	0	1	4	8	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	1	0	0	1	5	18	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	1	0	0	10	8	28	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	0	0	0	8	9	20	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MetroCount Traffic Executive
Vehicle Counts

VehicleCount-87

DATASETS:

Site: **[old farmington] old farmington e of futrall**
Direction: 8 - East bound A>B, West bound B>A., Lane: 0
Survey Duration: 00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004
File: C:\Program Files\MetroCount v225\User\Data\old farmington\2004\FEB\e of futrall\old farmington03FEB2004.EC0 (Plus)
Identifier: L393JYGV MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 6 - 99 mph.
Direction: West (bound)
Headway: All
Scheme: ARX
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: 4002 Vehicles

← TOTAL WEST BOUND

(2)

* Sat 31 Jan 2004 - Total=334, 15 minute drops,

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
0	5	5	2	2	11	7	6	4	13	15	25	40	23	27	22	22	49	21	10	10	7	6	2	
0	3	0	1	0	0	3	0	0	2	4	3	17	5	8	3	4	5	9	2	2	1	2	1	1
0	0	4	0	0	0	1	1	0	3	1	5	5	10	4	9	5	10	1	5	4	2	3	0	1
0	1	1	0	1	10	1	3	2	3	5	12	12	2	10	4	10	27	5	2	1	1	0	1	0
0	1	0	1	1	1	2	2	2	5	5	5	6	6	5	6	3	7	6	1	3	3	1	0	1

AM PkHr 11:15 to 12:15 (n=39), AM PHF=0.57 PM PkHr 17:15 to 18:15 (n=53), PM PHF=0.49

* Sun 01 Feb 2004 - Total=194, 15 minute drops,

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
3	2	2	4	0	10	4	3	3	12	6	9	17	12	15	18	14	37	4	3	2	5	5	4	
1	0	0	2	0	1	1	1	0	3	2	2	4	7	7	2	3	5	1	1	2	1	3	1	0
1	1	1	0	0	0	1	0	0	3	1	1	7	0	2	8.	1.	5	1	0	0	2	0	0	0
0	1	1	2	0	8	1	1	2	1	2	4	3	4	2	6	2	21	0	1	0	0	1	0	0
1	0	0	0	0	1	1	1	1	5	1	2	3	1	4	2	8	6	2	1	0	2	1	3	0

AM PkHr 11:30 to 12:30 (n=17), AM PHF=0.61 PM PkHr 16:45 to 17:45 (n=39), PM PHF=0.46

* Mon 02 Feb 2004 - Total=793, 15 minute drops,

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
0	0	0	2	1	10	4	50	73	38	41	40	85	45	59	118	105	70	12	17	10	2	6	5	
0	0	0	0	0	0	2	7	22	14	13	4	35	5	21	9	37	20	4	5	4	0	1	3	1
0	0	0	2	0	1	1	1	22	11	7	8	17	20	9	12	21	16	2	5	1	1	1	0	0
0	0	0	0	1	8	0	20	19	6	10	10	19	9	14	26	31	25	2	4	3	1	3	1	0
0	0	0	0	0	1	1	22	10	7	11	18	14	11	15	71	16	9	4	3	2	0	1	1	0

AM PkHr 11:45 to 12:45 (n=89), AM PHF=0.64 PM PkHr 15:45 to 16:45 (n=160), PM PHF=0.56

* Tue 03 Feb 2004 - Total=61(incomplete) , 15 minute drops,

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
1	0	1	0	0	12	10	37	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
1	0	0	0	0	1	1	3	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	0	0	0	0	3	7	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	1	0	0	6	3	16	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
0	0	0	0	0	5	3	11	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

MetroCount Traffic Executive
Vehicle Counts

VehicleCount-86

DATASETS:

Site: **[old farmington] old farmington e of futrall**
Direction: 8 - East bound A>B, West bound B>A., Lane: 0
Survey Duration: 00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004
File: C:\Program Files\MetroCount v225\User\Data\old farmington\2004\FEB\e of futrall\old farmington03FEB2004.EC0 (Plus)
Identifier: L393JYGV MC56-6 [MC55] (c)Microcom 02/03/01
Algorithm: Factory default

PROFILE:

Filter time: **00:00 Sat 31 Jan 2004 to 08:21 Tue 03 Feb 2004**
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 6 - 99 mph.
Direction: East (bound)
Headway: All
Scheme: ARX
Name: Factory default profile
Method: Vehicle classification
Units: Non-Metric (ft, mi, f/s, mph, lb, ton)
In profile: [illegible] Vehicles

TOTAL EASTBOUND

5

* **Sat 31 Jan 2004 - Total=132, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
1	0	1	1	0	8	4	7	2	1	5	13	10	5	0	8	12	39	3	4	2	3	2	1	
0	0	0	1	0	0	2	0	1	1	2	2	1	1	0	1	1	10	1	2	1	0	0	0	0
0	0	1	0	0	3	0	0	0	0	0	2	6	1	0	4	2	20	1	0	0	1	1	1	1
0	0	0	0	0	5	0	3	1	0	1	6	1	0	0	0	2	8	1	2	0	1	0	0	0
1	0	0	0	0	0	2	4	0	0	2	3	2	3	0	3	7	1	0	0	1	1	1	0	0

AM PkHr 11:30 to 12:30 (n=16), AM PHF=0.67 PM PkHr 16:45 to 17:45 (n=45), PM PHF=0.56

* **Sun 01 Feb 2004 - Total=82, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
1	1	2	0	1	6	0	0	1	2	0	3	4	4	3	3	8	36	1	1	1	1	1	2	
0	0	1	0	0	0	0	0	0	1	0	2	0	1	1	0	0	12	0	1	0	0	1	0	1
1	0	1	0	0	1	0	0	0	0	0	0	0	1	1	2	0	18	0	0	1	1	0	1	0
0	0	0	0	1	4	0	0	0	0	0	1	2	2	0	1	2	5	0	0	0	0	0	0	0
0	1	0	0	0	1	0	0	1	1	0	0	2	0	1	0	6	1	1	0	0	0	0	1	1

AM PkHr 05:00 to 06:00 (n=6), AM PHF=0.38 PM PkHr 16:45 to 17:45 (n=41), PM PHF=0.57

* **Mon 02 Feb 2004 - Total=442, 15 minute drops,**

0000	0100	0200	0300	0400	0500	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200	2300	
2	1	0	1	1	6	11	43	88	29	22	22	40	28	20	42	26	45	4	7	3	0	1	0	
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0	0	0	0	0	4	2	14	32	6	3	5	14	9	7	12	6	8	1	0	1	0	1	0	0
1	0	0	1	1	0	3	15	14	4	4	14	8	5	4	17	12	4	0	3	1	0	0	0	0

AM PkHr 07:45 to 08:45 (n=89), AM PHF=0.70 PM PkHr 16:45 to 17:45 (n=63), PM PHF=0.66

* **Tue 03 Feb 2004 - Total=62(incomplete) , 15 minute drops,**

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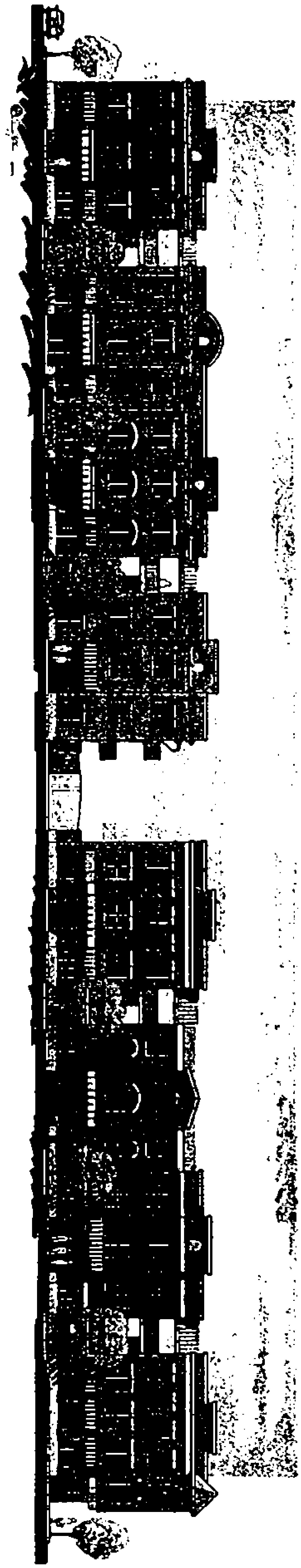


R-PZD 04-1.00
Southern View
Phase II

City Council Meeting of February 3, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations Gary Dumas
C.E.
Connie Edmonston, Director of Parks and Recreation

From: Rebecca Ohman RO.

Date: January 13, 2004

Subject: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Board to accept money in lieu of land for the Park Land Dedication Requirement of Southern View Phase II.

RECOMMENDATION

Fayetteville Parks and Recreation Advisory Board (PRAB) and Parks and Recreation Staff recommend money in lieu of land as the Park Land Dedication requirement for Southern View Phase II.

BACKGROUND

The Southern View Phase II development is located at the intersection of Old Farmington Road and Futrall Drive. The owner is Lindsay/Management Co., Inc and the engineering firm is Crafton, Tull & Associates. The development contains 102 multi-family units on 6.7 acres. The requirement for park land is 1.73 acres and money in lieu is $40,086. Ramay Junior High is located within a half-mile of this development.

The Park Land Dedication Ordinance states if a major development is over 40 acres or 100 units, the requirement is land.

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

Tabled to 2/17/04 mtg

Parks and Recreation Staff met with Jerry Kelso of Crafton, Tull & Associates to evaluate the site. The development was presented to the Parks and Recreation Advisory Board on January 5, 2004.

DISCUSSION

The Parks and Recreation Staff and PRAB recommend money-in-lieu of land in the amount of $40,086 for the Park Land Dedication requirement. This decision is based upon the developer's plan to provide green space and park amenities such as sidewalks and gazebo within the development. The money-in-lieu contribution will be used for park improvements in the southwest park district. If you have any questions, please call me at 444-3472.

Attachments;

Southern View Phase II Concept Plan
Location Map
PRAB January 5, 2004 Meeting Minutes

RESOLUTION NO. ______

A RESOLUTION ACCEPTING THE PARKS AND RECREATION ADVISORY BOARD'S RECOMMENDATION TO ACCEPT $40,086.00 CASH IN LIEU OF THE REQUIRED PARK LAND DEDICATION FOR SOUTHERN VIEW PHASE II.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts the Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required Park Land Dedication for Southern View Phase II.

PASSED and **APPROVED** this 3rd day of February, 2004.

APPROVED:

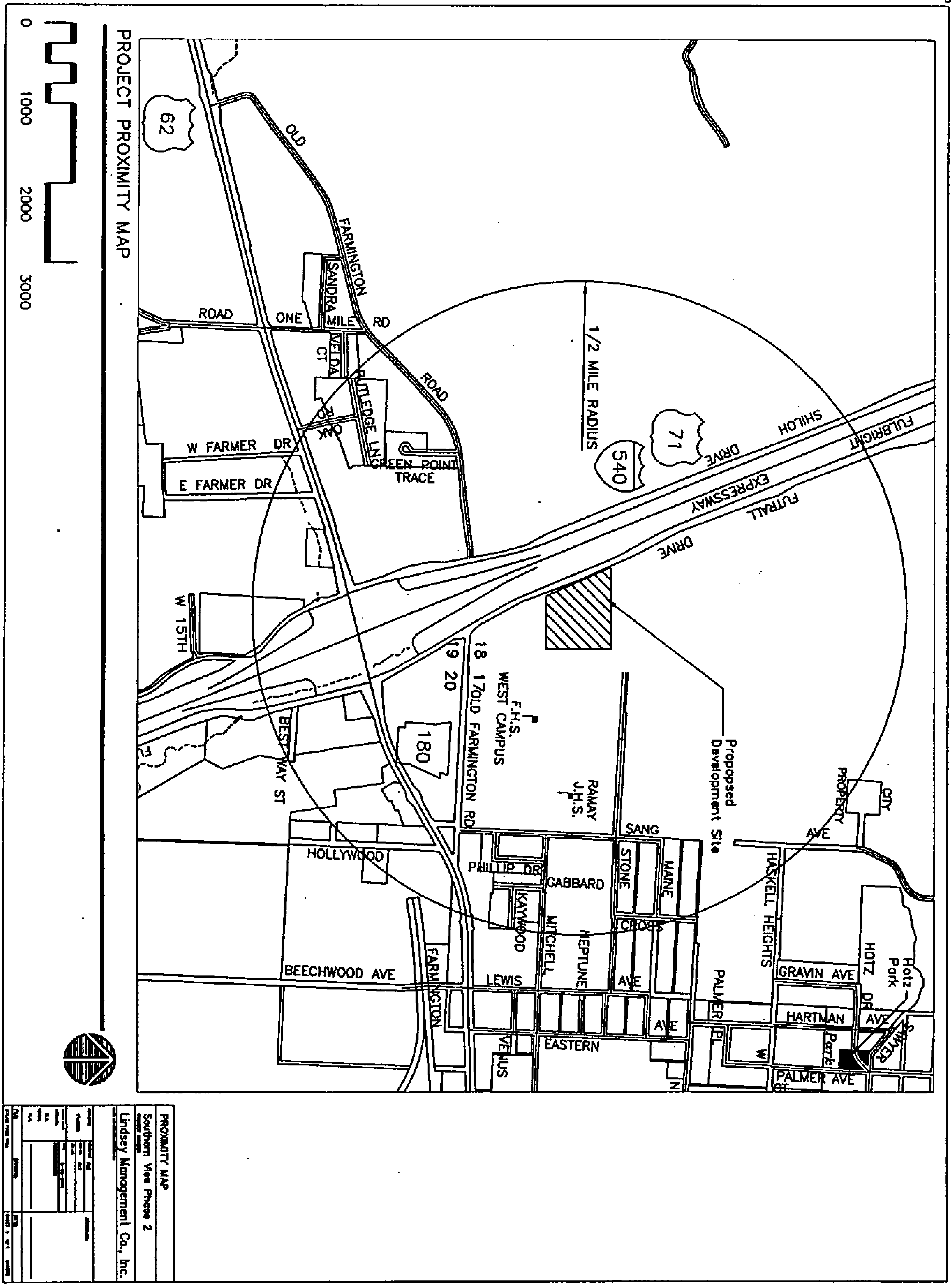
By: ____________________

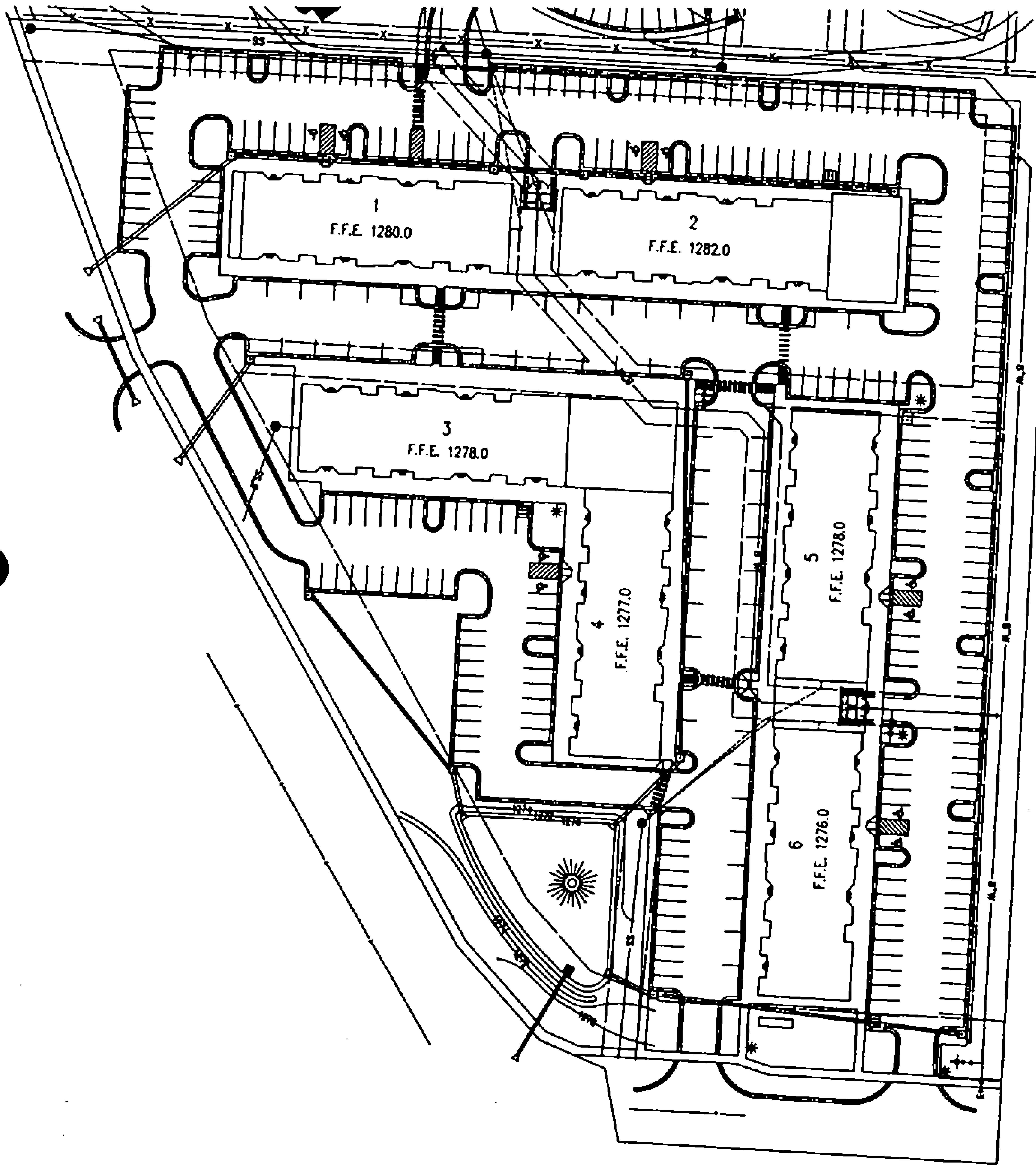
DAN COODY, Mayor

ATTEST:

By: ____________________

SONDRA SMITH, City Clerk


PROJECT PROXIMITY MAP
0
1000
2000
3000
62
71
540
180
OLD FARMINGTON ROAD
ROAD ONE MILE RD
SANDRA
VELDA CT
RUTLEDGE LN
OAK DR
GREEN POINT TRACE
W FARMER DR
E FARMER DR
W 15TH
1/2 MILE RADIUS
SHILOH DRIVE
FULBRIGHT EXPRESSWAY
FUTRALL DRIVE
Proposed Development Site
CITY PROPERTY
AVE
19 20
18 17OLD FARMINGTON RD
F.H.S. WEST CAMPUS
RAMAY J.H.S.
BEST WAY ST
HOLLYWOOD
SANG
PHILLIP DR
GABBARD
STONE
MAINE
HASKELL HEIGHTS
KAYWOOD
MITCHELL
NEPTUNE
CROSS
BEECHWOOD AVE
FARMINGTON
LEWIS
AVE
PALMER PL
GRAVIN AVE
HOTZ DR
Hotz Park
HARTMAN AVE
SAWYER
Park
W
EASTERN
VENUS
PALMER AVE
CT
PROXIMITY MAP
Southern View Phase 2
Lindsey Management Co., Inc.


1
F.F.E. 1280.0
2
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3
F.F.E. 1278.0
4
F.F.E. 1277.0
5
F.F.E. 1278.0
6
F.F.E. 1276.0

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

_____ AGENDA REQUEST

For the Fayetteville City Council Meeting of: February 3, 2004

FROM:

Rebecca Ohman	Parks and Recreation	Public Works
Name	Division	Department

ACTION REQUIRED: Resolution to accept the recommendation of the Fayetteville Parks and Recreation Advisory Borad to accept money in lieu of land for the Park Land Dedication Requirement of Southern View Phase II.

SUMMARY EXPLANATION: See attached.

STAFF RECOMMENDATION:

Connie Edmonston — 1-13-04
Division Head — Date

Received in Mayor's Office 1/15/04
Date
P.H.

1/14/04
City Attorney — Date

1-14-04
Department Director — Date

1-15-04
Finance & Internal Services Dir. — Date

Hugh Earnest — 1-16-04
Chief Administrative Officer — Date

Dan Coody — 1/16/04
Mayor — Date

Cross Reference:

Previous Ord/Res#: ______

Orig. Contract Date: ______

Orig. Contract Number: ______

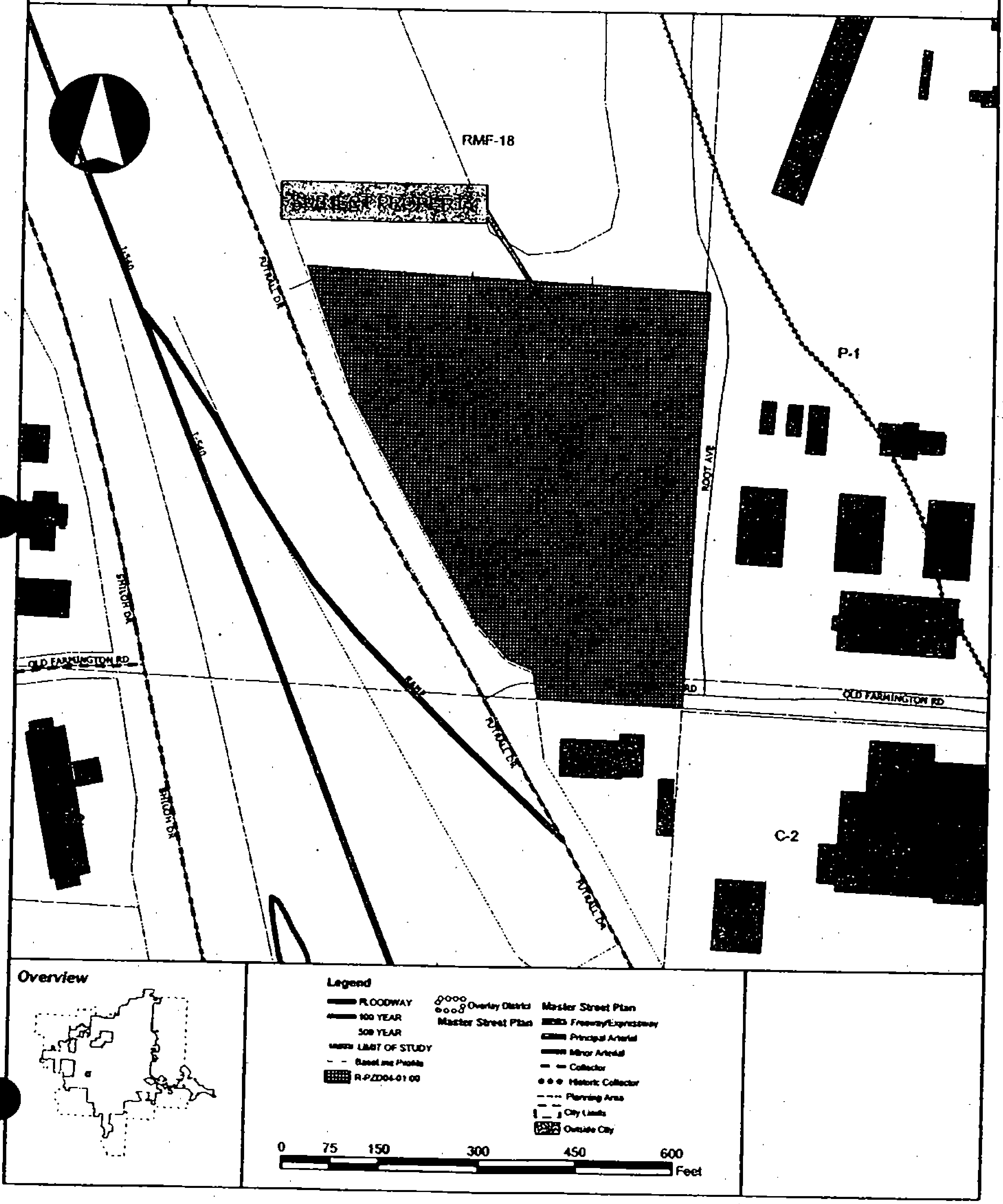
New Item: **Yes** **No**

ENTERED 1-14-04

R-PZD04-01.00

Close Up View

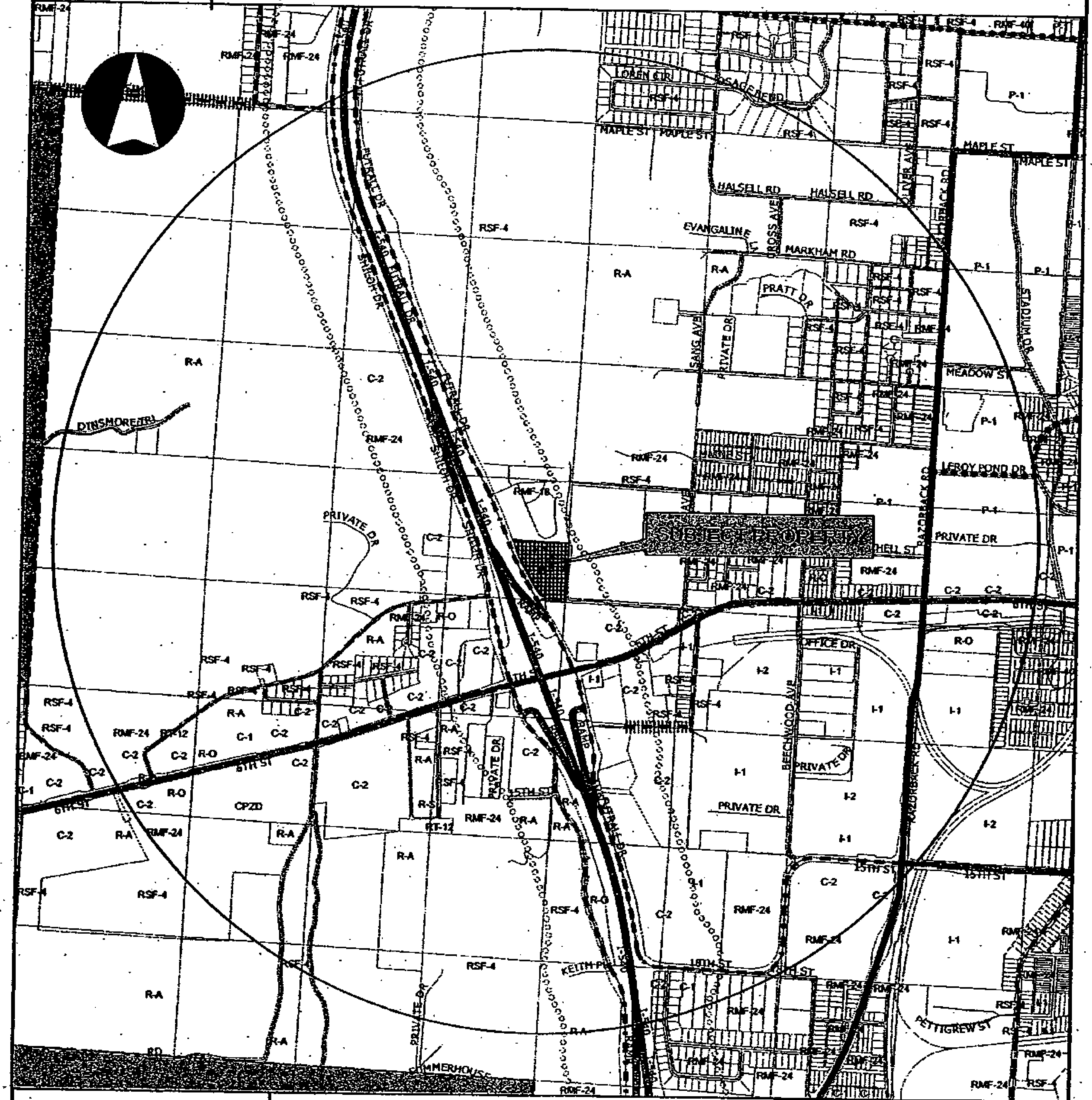
SOUTHERN VIEW II



R-PZD04-01.00

One Mile View

SOUTHERN VIEW II



Overview

Legend

Subject Property

R-PZD04-01.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

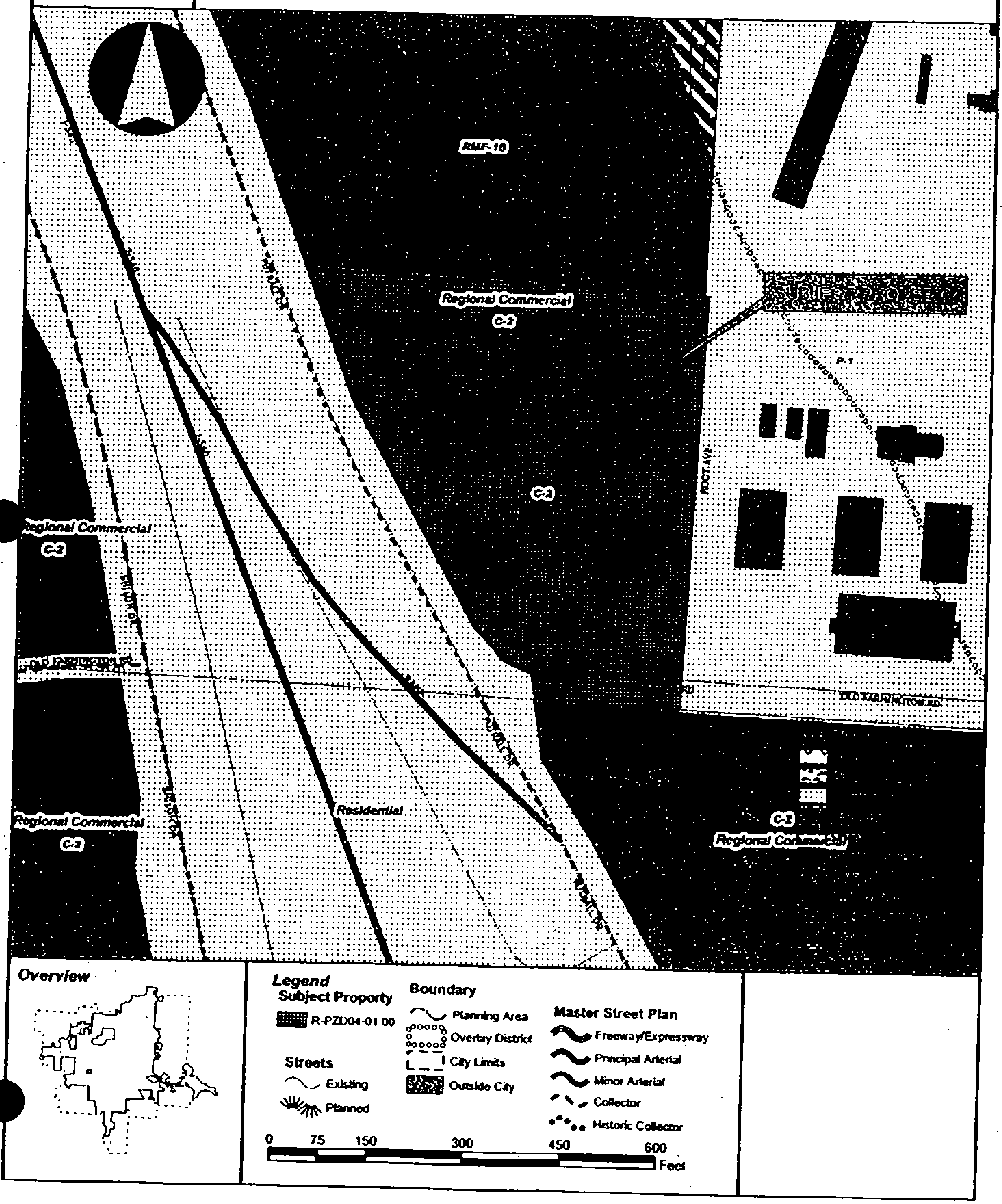
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

R-PZD04-01.00

Future Land Use

SOUTHERN VIEW II



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF FEBRUARY 3, 2004

FROM:

ALDERMAN KYLE COOK

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Repeal §33.111 Removal Of Planning Commissioners And Enacting §33.300 Attendance Requirement For All Members Of Citizen Committees, Boards And Commissions

APPROVED FOR AGENDA:

1/21/04

Alderman Date

1-20-04

City Attorney (as to form) Date

Left on 1st Reading 2/3/02

ENTERED 1-20-04

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 5, 2004**

RE: **Attendance Requirements for Planning Commission and Parks and Recreation Committee**

In your Agenda packet, you should find what I believe is the way you amended the first proposal from Alderman Cook. If any further changes are believed appropriate, or if these changes need some modification, please contact me immediately so I can have time to redraft appropriate language for all the aldermen to consider before the City Council meeting.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL §33.111 OF THE FAYETTEVILLE CODE AND ENACTING A REPLACEMENT §33.111 ATTENDANCE REQUIREMENT FOR MEMBERS OF THE PARKS AND RECREATION ADVISORY BOARD AND PLANNING COMMISSION

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 **§33.111** of the Fayetteville Code, **Removal of planning commissioners**, and enacts a replacement **§33.111 Attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission** as shown below:

"**§33.300 Attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission**

"(A) Any member of the Parks and Recreation Advisory Board or the Planning Commission who fails to attend at least 70% of all meetings (regularly scheduled and specially called) within the member's yearly periods of service shall immediately tender his or her letter of resignation and that position shall be deemed vacant.

"(B) Any board or commission member who has been required to tender a letter of resignation may present extenuating circumstances within the letter of resignation and request that the resignation not be accepted by the City Council. If the letter of resignation is not accepted by the City Council, the position shall not be deemed vacant and the member shall be reinstated to complete the normal term of appointment.

"(C) Planning Commissioners must attend at least 60% of Agenda setting sessions and tours unless that commissioner is currently on the Subdivision Committee. If job requirements do not permit a member to attend agenda meetings or tours prior to 5:00 P.M., the meetings and tours will be scheduled for after normal working hours or such member shall be excused from the requirements of attending the agenda meetings and tours.

"(D) Planning Commissioners shall serve for six month periods on the Subdivision Committee in their second and third year of service on the Planning Commission when requested by the Chairman of the Planning Commission."

PASSED and **APPROVED** this the 17th day of February, 2004.

APPROVED:

DRAFT

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

February 17, 2004 City Council Meeting

TO: Mayor Dan Coody and the Fayetteville City Council

THROUGH: Stephen Davis, Director of Financial and Internal Services

FROM: Coy Hurd, Building Services Director

DATE: February 3, 2004

SUBJECT: A resolution approving the hiring of an additional full-time employee as a janitor in the Building Services Division, and a budget adjustment to accommodate this action

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Recommendation: Staff recommends approval of an additional full-time equivalent position to be located in the Building Services Division and the needed budget adjustment.

Background: Additional staff is needed to maintain service to current city buildings, and to meet the needs presented by a newly constructed building soon to come on-line.

Discussion: Because of recent events, the Building Services Division is in need of additional personnel for the City's Janitorial Program. Two employees of the Building Services Division are at present convalescing from medical treatment resulting from serious illnesses. Both will be unable to work for a prolonged period of time. Due to circumstances, the absence of both of these employees affects our Janitorial Program; one absent employee works as a janitor, the other ailing employee (while employed through the General Maintenance Program) is temporarily replaced in that capacity by a janitor.

Our circumstances are exacerbated by the fact that the City is poised to bid the construction of the Water and Sewer Operations Center. When this facility comes on-line in a few months, the Building Services Division will have the responsibility of the janitorial services and maintenance (excluding one-year warranty issues) there.

The manpower shortages are currently being covered on an overtime pay basis by other employees of the Division. While this solution will work in the short run, it is not a long-term solution.

Budget Impact: The overall cost of adding a FTE position to the program is $25,732 (reflecting the salary and fringe for one full-time equivalent position), and a budgetary adjustment will be necessary. Information regarding this adjustment is attached.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE HIRING OF ONE (1) FULL-TIME EMPLOYEE (JANITOR) IN THE BUILDING SERVICES DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $25,732.00 FOR SAME.

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 authorizes the hiring of one (1) full-time employee (Janitor) in the Building Services Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $25,732.00 for same.

PASSED and **APPROVED** this 17th day of February 2004.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Finance & Internal Services	Date Requested	Adjustment Number
2004	Division: Building Services Program: Janitorial	2/17/2004	

Project or Item Requested:
$25,732 is requested for Personnel Services.

Project or Item Deleted:
None. Use of fund balance is proposed.

Justification of this Increase:
A new custodian is being requested for the new W&S Operations Center. Due to illness, the Building Services Division will be shorthanded for a minimum of three months. Hiring this person, before the construction is complete, will alleviate the overtime being worked by the remaining personnel.

Justification of this Decrease:
Sufficient funding remains to comply with City policies.

Once the W&S Operations Center is built, the new custodian will be cost allocated to W&S.

Increase Budget (Decrease Revenue)

Account Name	Account Number	Amount	Project Number
		See Attached	

Decrease Budget (Increase Revenue)

Account Name	Account Number	Amount	Project Number
		See Attached	

Approval Signatures

	Date
Requested By: [signature]	2-3-04
Budget Manager: B Fell	2/4/04
Department Director	
Finance & Internal Services Director: [signature]	2-4-04
Mayor	

Budget Office Use Only

Type: A B C D E

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

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Salaries & Wages	1010	1420	5100	00	16,790	
FICA Taxes	1010	1420	5105	00	1,293	
Life Insurance	1010	1420	5107	00	63	
Health Insurance	1010	1420	5108		4,905	
LTD Insurance	1010	1420	5108	01	60	
ADD Insurance	1010	1420	5108	02	18	
Retirement Savings Plan	1010	1420	5109	06	2,015	
Worker's Comp	1010	1210	5111	00	588	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of Fund Balance	1010	0001	4999	99	25,732	

STAFF REVIEW FORM - FINANCIAL OBLIGATION

xx AGENDA REQUEST
CONTRACT REVIEW
GRANT REVIEW

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

Coy Hurd	Building Services	Finance and Internal Services
Name	Division	Department

ACTION REQUIRED: A resolution approving the hiring of an additional full-time employee as a janitor in the Building Services Division, and a budget adjustment to accommodate this action

COST TO CITY:

$25,732.00	$ 151,423.00	Janitorial Program
Cost of this request	Category/Project Budget	Program Category / Project Name
personnel serv.various	$ 11,444.37	Building Services
Account Number	Funds Used to Date	Program / Project Category Name
n/a	$ 139,978.63	General
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ____ Budgeted Item xx Budget Adjustment Attached

B Fell 3/4/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Farthing 2/4/04
Accounting Manager Date

Nancy Smith 2/4/04
Internal Auditor Date

[signature] 2/4/04
City Attorney Date

[signature] 2/4/04
Purchasing Manager Date

STAFF RECOMMENDATION:

C Hurd 2-3-04
Division Head Date

Received in Mayor's Office ____ Date

Department Director Date

Cross Reference:

Stephen Davis 2-4-04
Finance & Internal Services Dir. Date

Previous Ord/Res#: ____

Orig. Contract Date: ____

Hugh Earnest 2-4-04
Chief Administrative Officer Date

Orig. Contract Number: ____

Dan Coody 2/4/04
Mayor Date

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

ENTERED 2-4-04

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator

Date: January 30, 2004

Subject: Administrative Item for Park Land Zoning Exemption (ADM 04-05.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance amending the Unified Development Code to exempt lots created for the purposes of park land dedication from meeting the bulk and area requirements of the zoning ordinance.

BACKGROUND

Park land that is currently dedicated to the City of Fayetteville to meet development criteria is required to meet the bulk and area requirements of Ch. 161: Zoning Regulations. Oftentimes the tracts found desirable by the Parks and Recreation Advisory Board do not have adequate frontage onto an improved street with sufficient right-of-way, nor do they meet the requirements for development within each respective zoning district. The result is a variance request from the Board of Adjustment or a Conditional Use request for a tandem lot from Planning Commission. It is the intent of the proposed ordinance amendment to allow for the legal creation of these desirable park land tracts by exempting said tracts from the bulk and area requirements of the zoning ordinance.

DISCUSSION

The Planning Commission voted 8-0 in favor of this request on Monday, January 26, 2004.

BUDGET IMPACT

None.

ORDINANCE NO. ______

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE (UDC), CHAPTER 166: DEVELOPMENT, CODE OF FAYETTEVILLE TO EXEMPT LOTS DEDICATED AS PARK LAND FROM THE BULK/AREA REQUIREMENTS OF THE ZONING ORDINANCE.

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

Section 1. That the following language be inserted at §166.03(K)(4), with subsequent sections to be renumbered accordingly:

(4) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district.

PASSED and **APPROVED** this 17^{th} day of February 2004.

APPROVED:

By: ____________________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
SONDRA SMITH, City Clerk

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

Date: January 26, 2004
To: City of Fayetteville Planning Commission
Thru: Connie Edmonston, Parks and Recreation Director
From: Rebecca Ohman, Park Planner
Subject: Amendments to the Park Land Dedication Ordinance

Parks and Recreation Staff maintains as a guiding principle for park land and trail corridor acquisition to meet the needs of the natural environment and surrounding communities. In our review, these lands are often located along stream and river corridors, wetlands, and areas that provide valuable connections between neighborhoods. We have found these sites rarely configure to the dimensions of a typical lot, thus justifying Parks and Recreation's request to amend the Unified Development Code (UDC), Ch. 166: Development. We believe this amendment will assist in acquiring lands that complete our trail corridors and provide appropriate park land for our community in the most efficient manner.

Therefore, Parks and Recreation Staff concurs with the proposed amendment to exempt lots dedicated as park land from the bulk/area requirements to the zoning ordinance.

City of Fayetteville
PARKS AND RECREATION DIVISION
113 W. Mountain Street
Fayetteville, Arkansas 72701
Telephone: 479-444-3472
E-mail: rohman@ci.fayetteville.ar.us

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of January 26, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Jeremy Pate, Associate Planner
THRU:	Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE:	January 21, 2004

ADM 04-05.00: Administrative (Park Land Zoning Exemption) was submitted by the Fayetteville Planning Division requesting an ordinance amendment to the Unified Development Code (UDC), Ch. 166: Development, to exempt lots dedicated as park land from the bulk/area requirements of the zoning ordinance. Planner: Jeremy Pate

RECOMMENDATION:
Staff recommends the Planning Commission forward the ordinance amendment to Chapter 166 with a recommendation of approval for adoption by the City Council.

PLANNING COMMISSION ACTION:	**Required**	**YES**
	O Approved	**O Denied**
Date: January 26, 2004		
CITY COUNCIL ACTION:	**Required**	**YES**
	O Approved	**O Denied**
Date: February 17, 2004		

BACKGROUND

Pursuant to §166.03 (k), a developer is required to dedicate land or money-in-lieu of land, as recommended by the Parks and Recreation Advisory Board and approved by Planning Commission, in order to fulfill the requirements of the Park land dedication ordinance. Currently those parcels of land recommended by the Parks and Recreation Advisory Board and Parks Staff to be valuable within the City of Fayetteville Parks Master Plan and/or Alternative Trails and Transportation Plan are required to meet the bulk and area requirements of the zoning district in which they are located. The intent for dedication of said land is for parks and recreation purposes, and does not allow for construction of additional dwelling units, businesses, etc.

In many cases, park land dedication is along tributaries and creeks within the City of Fayetteville, thereby preserving valuable tree canopy, stream corridors and wildlife habitat, or in areas where frontage onto a street and/or right-of-way would be intrusive as an element of a trail system, greenway corridor or parkland. In other cases, land recommended for park land or trail corridors is situated behind existing and/or proposed lots, and the bulk and area requirements of each respective zoning district can not be met without processing variance requests from the Board of Adjustment or obtaining Planning Commission approval for a Tandem Lot. It is the intent of the proposed ordinance amendment to allow for park land tracts to be legally created by exempting them from meeting the bulk and area requirements in any zoning district. Appropriate access to park land shall be determined with each development proposal.

The current park land dedication ordinance reads as follows, with the proposed amendment underlined:

166.03 Required On-Site Improvements – Subdivisions In City Limits

(K) *Park land dedication.*

(1) *Subdivision.*

(a) *Dedication or fee-in lieu.* When a proposed subdivision does not provide an area or areas for a public park based on the Fayetteville Parks and Recreation Plan, the developer shall be required to make a reasonable dedication of land for public park facilities, or to make a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition and development of park land that serves the subdivision or development.

(b) *Parks and Recreation Advisory Board.* Prior to the submittal of a preliminary plat or large scale development plan, the developer shall submit to the Parks and Recreation Advisory Board a concept plat or plan.

(c) *Planning Commission.* The developer and the Parks and Recreation Advisory Board shall make a joint recommendation to the Planning Commission as to the land dedication or contribution in lieu of dedication. In the event that they are unable to agree, the developer and advisory board shall make separate recommendations to the Planning Commission who shall determine the issue.

(d) *Decision.* The Planning Commission shall determine if the developer will dedicate land or contribute money in lieu of dedication. No land dedication will be accepted as a public park unless it is determined by the Planning Commission, after consultation with the Parks and Recreation Advisory Board, that the physical characteristics of the site, and its surroundings make the site suitable for park purposes and the proposed dedication is consistent with the Fayetteville Parks and Recreation Plan.

(e) *Approval.* The Planning Commission's decision must be incorporated into the developer's preliminary plat or large scale development plan prior to plat or plan approval.

(f) *Dedication ratios.* Land shall be dedicated at a ratio of .024 acre of land for each single-family dwelling unit, .017 acre of land for each multi-family dwelling unit, and .024 acre of land for each mobile home dwelling unit permitted under Zoning, Chapters 160-165.

(g) *Fee-in-lieu formulas.* A contribution in lieu of land dedication shall be made according to the following formula:

$555 for each single-family unit,
$393 for each multi-family unit,
and
$555 for each manufactured home

unit

permitted under the City's zoning regulations. The Parks Department shall review the contribution formula every two (2) years and make recommendations to the City Council following such review.

(h) *Less than maximum density.* If the developer legally restricts the number of dwelling units to be constructed to less than the maximum density permitted by zoning, Chapters 160 through 165, required land dedication or cash contribution in lieu thereof shall be based upon actual density.

(i) *Dedication in excess.* If a developer dedicates park land which exceeds the requirement of this subsection, the Planning Commission may grant the developer a credit equivalent to said excess. Said credit shall be applied toward the developer's obligation under this subsection for any subsequent development located in the same park quadrant.

(2) *Timing of dedication and/or contribution.* All dedications of land must be made before final plat approval or large scale development approval. A final plat shall not be released for recordation until the deed for a land dedication is received. Deeded land is dedicated public park land and not subject to any right of reversion or refund. A cash contribution in lieu of required land development shall be payable within 30 days of final plat approval or large scale development approval. With the approval of the Planning Commission a developer may pay such contribution in three equal installments to be paid in full within one year of final plat approval. If a developer makes a cash contribution in lieu of land dedication, the developer shall be entitled to a pro rata refund, together with the accrued interest therefrom, in the event actual density is less than the density used as the basis for the developer's contribution; provided, no refund shall be made unless application therefore is made in writing to the Zoning and Development Administrator within one year from the date of final plat approval. In the event actual density is more than the density used as the basis for a dedication of land or case contribution the developer must make an additional land dedication or contribution in lieu of dedication.

(3) *Applicability.* The requirements of this subsection shall apply to lot splits, replats of subdivisions and large scale developments; provided, said requirements shall not apply to a lot split or replat which does not create one or more vacant lots on which a structure could be erected under the city's zoning regulations.

(4) *Zoning Requirements.* Lots created for the purpose of park land dedication shall not be required to meet the standards for lot size, bulk and area within any zoning district.

(5) *Fee-in-lieu allocation.* All money received under this subsection shall be deposited in an interest bearing account. Said money together with the interest, shall be expended within three calendar years of the last date of the calendar year in which it was received for the acquisition and development of park land that services the subdivision for which a contribution in lieu of dedication has been made. If said money has not been expended within the three-year period, said money, together with the interest thereon, shall be refunded to the developer who made the contribution.

(6) *Exemption.* The requirements of this subsection shall not apply to any development where the subdivision plat was filed of record after September 12, 1960, and before January 20, 1981.

(7) *Major development.*

(a) *Process.* In addition to the procedure provided herein and other requirements found in the *Code of Fayetteville*, a developer of a major development shall include on his/her concept plan, preliminary plat and final plat a proposed neighborhood or subdivision park in which the required dedication of land for public park facilities pursuant to (K)(1) through (d) above has been incorporated. The plat with the neighborhood or subdivision park shall be submitted to the Parks and Recreation Advisory Board for its approval. The approval shall then be included in all plats presented to the Planning Commission. Any modification by the Planning Commission of the subdivision or neighborhood park shall be referred back to the Parks and Recreation Advisory Board for its approval.

(b) *Requirements.* The Parks and Recreation Advisory Board shall ensure that the neighborhood park meets these requirements.

(i) The physical characteristics of the designated land are suitable for park purposes.

(ii) The proposed park areas and any included recreational facilities are sufficient to adequately serve the residents of the development/ neighborhood.

(iii) Adequate sidewalks, trails, and/or bikeways shall provide access for all residents of the subdivision/ neighborhood to the park, but no vehicle parking shall be required.

(c) *Fee-in-lieu.* The developer does not have the discretion to pay a cash contribution in lieu of the dedication of land for the establishment of this neighborhood or subdivision park. However, if the Parks and Recreational Advisory Board determines that a neighborhood park is not feasible or advisable, it may recommend to the City Council that a cash contribution pursuant to ordinance be accepted in lieu of land dedication. The City Council will either accept the recommendation for a cash contribution or return the subdivision plat to the Parks and Recreation Advisory Board with instructions or for further study.

(d) *Coordination with adjacent properties.* When it appears to the Planning Commission that one or more adjoining subdivisions or large scale developments are being developed, planned, or in the near future will probably be developed so that the total area or housing units meet the requirements of a major development, the Planning Commission may notify the owners/developers that their subdivision or developments shall be considered a major development and require coordination among the owners/ developers to develop a neighborhood park pursuant to this section.

(Code 1965, App. C., Art. III, §A(1); Ord. No. 2695, 1-20-81; Ord. No. 3080, 4-2-85; Ord. No. 3201, 8-5-86; Ord. No. 3315, 11-17-87; Code 1991, §§159.05, 159.30k; Ord. No. 3578, 11-19-91; Ord. No. 3615, §1, 6-2-92; Ord. No. 3738, §1, 11-16-93; Ord. No. 3793, §1, 5-17-94; Ord. No. 3797, §1, 5-17-94; Ord. No. 4068, §1, 11-4-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4199, 11-2-99; Ord. No.4454, 01-07-03

Cross reference(s)--Variance, Ch. 156; Appeals, Ch. 155; Bonds and Guarantees, Ch. 158.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

Dawn Warrick	Planning	CP&E
Name	Division	Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

ADM 04-05.00: To amend the Unified Development Code Chapter 166: Development, exempting lots dedicated as park land from the bulk and area requirements of the zoning ordinance.

STAFF RECOMMENDATION: Approval.

Dawn T. Warrick — Division Head	1/30/04 — Date	Received in Mayor's Office	2/2/04 — Date P.H.
City Attorney	2/2/4 — Date		
Department Director	1-30-04 — Date	Cross Reference:	
		Previous Ord/Res#:	
Finance & Internal Services Dir.	2-2-04 — Date	Orig. Contract Date:	
		Orig. Contract Number:	
Hugh Earnest — Chief Administrative Officer	2-3-04 — Date		
Dan Coody — Mayor	2/3/04 — Date	New Item:	Yes No

ENTERED 2-2-04

City Council Meeting of February 17, 2004
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer

From: Greg Boettcher, Water/Wastewater Director

Date: January 30, 2004

Subject: Resolution approving a contract with _____________ for Water and Wastewater Operations Center at Industrial Drive

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RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling $_____________, said amount including a contract with ______________ of _______________ in the amount of $_______________ plus a 5% contingency in the amount of $_______________.

BACKGROUND

On April 23, 2003 the Fayetteville City Council approved a $237,490.00 contract with Cromwell Architects Engineers, Inc. for architectural services related to the design and construction of a new Fayetteville Water and Wastewater Operations Center. This approval included a 9.5% contingency of $22,510.00 bringing the total funding to $260,000.00. As of this date, the services have not utilized any of the contingency funds and has realized a $_____underrun of predicted reimbursable expenses. Through the bidding phase of this project the professional services component of this project is below the approved contract amount; the consultant also meeting the contract's schedule requirements.

This design relates to a new operations center on approximately 61 acres, said land being located at the end of Industrial Drive in the South Industrial Park. The architect submitted this development plan under a large scale development review process, securing approval from the Planning Division on November 13, 2003. Final costruction drawings, contract documents and specifications were furnished to the City of Fayetteville on January 5, 2004 in conformance with the schedule in the architectural services agreement. The project has been released for competitive sealed construction bids with a bid opening date of February 10, 2004.

DISCUSSION

The City of Fayetteville received ___ bids for the construction of the Water and Wastewater Operations Center, a copy of the architect's bid tabulation being attached hereto. Review of the bids, bidder qualifications, bid alternatives and bid prices, has been performed by Cromwell Architects Engineers Inc, with the firm providing a formal contract award recommedation, a copy of which is attached hereto.

1-27-04

It is recommended that the contract be awarded to _____________ of _____________ in the amount of $_____________. The time for completion of the work is _____________ calendar days after the Notice to proceed.

BUDGET IMPACT

The $_____________ fiancial commitment for the new Water and Wastewater Operations Center is consistent with the predicted project costs set forth in early 2003 of $3 million. The current budget for this project, including fund transfers proposed in 2004 is $3,000,016.29, which is adequate to cover the project construction costs. The remaining budget amount is reserved for office furnishing costs, warehouse shelving, cabling by Fayetteville's Telecommunicaitons Division, and other related expenses to render the building fully functional.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: February 17, 2004

FROM:

Greg Boettcher	Water/Sewer/Meter	Water and Wastwater
Name	Division	Department

ACTION REQUIRED: Resolution approving award of the Water and Sewer Operations Center construction contract to ___ .

COST TO CITY: A net financial authorization of $ consisting of a construction contract v

$	$3,500,016.29	Water/Wastewater Operations Center
Cost of this request	Category/Project Budget	Program Category / Project Name
5400.5600.5804.00	$0.00	Water and Wastewater Department
Account Number	Funds Used to Date	Program / Project Category Name
98076	$ 3,500,016.29	Water/Wastewater Capital Improveme
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager Date Internal Auditor Date

City Attorney Date Purchasing Manager Date

STAFF RECOMMENDATION:

Division Head Date

Department Director Date

Finance & Internal Services Dir. Date

Chief Administrative Officer Date

Mayor Date

Received in Mayor's Office

Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

Final Agenda
City Council Meeting
February 17, 2004

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. **CONSENT:**

Approved 1. **Approval Of The Minutes:** Approval of the February 3, 2004 meeting minutes.

2. **Waste Hauler Contracts:** A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville. Pulled from Consent agenda.

23-04 3. **Tennant Power Sweeper Purchase:** A resolution to approve the purchase of a street sweeper for the Parking Division in the amount of $26,708.12 and a budget adjustment in the amount of $26,709.00.

4. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.
Pulled from Consent agenda.

24-04 5. **Arkansas Department of Aeronautics T-Hangar Construction Grant:** A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

25-04 6. **McClelland Engineers 8-Bay T-Hangar:** A resolution approving Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-Bay T-Hangar.

26-04 7. **Waive Building Permit Fees for South Fayetteville Community Development Corporation:** A resolution to waive the building permit fee and other developmental fees for South Fayetteville Community Development Corporation.

Items Pulled From Consent:
#2 Tabled to March 2, 2004

#4 Res. 27-04

B. OLD BUSINESS:

4541 1. **Impact Fees for Road, Police and Fire Improvements:** An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $19,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $21,390.00.
This Ordinance was left on the Second Reading at the February 3, 2004 City Council meeting.

4542 2. **WIV-Fayetteville Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
This ordinance was left on the third reading at the February 3, 2004 City Council meeting.
This Ordinance was tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

4543 3. **R-PZD 04-1.00 – Southern View II:** An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official Zoning Map of the City of Fayetteville; and adopting the Associated Residential Development Plan as approved by the Planning Commission.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

28-04 4. **Southern View Phase II, Money in Lieu of Land:** A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.
This Ordinance was Tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

4544 5. **Attendance Requirements for Planning Commissioners and Parks and Recreation Advisory Board Members:** An ordinance to repeal §33.111 of the Fayetteville Code and enacting a replacement §33.111 attendance requirement for members of the Parks and Recreation Advisory Board and Planning Commission.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

C. NEW BUSINESS:

29-04 1. **Hiring of a Building Services Full Time Employee:** A resolution authorizing the hiring of one (1) full-time employee (janitor) in the Building Services Division; and approving a budget adjustment in the amount of 25,732.00 for same.

4545 2. **Amend Chapter 166 of the UDC:** An ordinance amending the Unified Development Code (UDC), Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

D. INFORMATIONAL:

Presidents Day Holiday: February 16, 2004

Tentative Agenda
City Council Meeting
February 17, 2004

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. **CONSENT:**

1. **Approval Of The Minutes:** Approval of the February 3, 2004 meeting minutes.

B. **OLD BUSINESS:**

1. **Impact Fees for Road, Police and Fire Improvements:** An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $25,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $27,390.00.
   ~~This Ordinance was left on the first reading at the January 6, 2004 City Council meeting.~~
   ~~This Ordinance was tabled at the January 6, 2004 City Council meeting until the February 3, 2004 City Council meeting.~~
   This Ordinance was left on the Second Reading at the February 3, 2004 City Council meeting.

2. **WIV-Fayetteville Cost-Share:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with WIV-Fayetteville, LLC in an amount of $25,512.00 plus a contingency of $3,826.00 for a total of $29,338.00 for the construction of 350 feet of 8-inch water main.
   ~~This ordinance was left on the second reading at the January 20, 2004 City Council meeting.~~
   ~~This ordinance was left on the third reading at the February 3, 2004 City Council meeting.~~
   This Ordinance was tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

3. **R-PZD 04-1.00 – Southern View II:** An ordinance establishing a residential planned zoning district titled (R-PZD 04-1.00) located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending the official zoning map of the City of Fayetteville; and adopting the associated residential development plan as approved by the Planning Commission.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

4. **Southern View Phase II, Money in Lieu of Land:** A resolution accepting the parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of the required park land dedication for Southern View Phase II.
This Ordinance was Tabled at the February 3, 2004 City Council meeting until the February 17, 2004 City Council meeting.

5. **Attendance Requirements for Planning Commissioners:** An ordinance to repeal §33.111 removal of Planning Commissioners and enacting §33.300 attendance requirement for all members of citizen committees, boards and commissions.
This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

C. NEW BUSINESS:

Consent #1

1. **Hiring of a Building Services Full Time Employee:** A resolution approving the hiring of an additional full-time employee as a janitor in the Building Services Division and approving a budget adjustment in the amount of ?????? for same.

Kit took to write a new resolution

2. **Non-Exclusive ~~Franchise~~ Wastehauler Contracts:** A resolution authorizing the Mayor to execute non-exclusive ~~franchise~~ wastehauler contracts with Waste Management of Arkansas and Roll-Off Services, Inc., to collect and transport specific types of solid waste within the city limits of Fayetteville.

~~3. **Compost and Mulch Rates:** A resolution to set rates for the purchase of the City's compost and mulch.~~

#2 Consent

4. **Tennant Power Sweeper Purchase:** A resolution to approve the purchase of a street sweeper for the Parking Division in the amount of $26,708.12 and a budget adjustment in the amount of $26,709.00.

New #3 Consent Memo

5. **Bucket Truck and Brush Chipper Purchase:** A resolution to approve the purchase of a 60 foot aerial bucket truck from Altec Industries in the amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in the amount of $20,566.88 and to approve a budget adjustment in the amount of $108,602.00.

#5 Consent

6. **McClelland Engineers 8-Bay T-Hangar:** A resolution approving Task Order No. 3 with McClelland Consulting Engineers in the amount of $29,500.00 for engineering design and construction oversight for the construction of an 8-Bay T-Hangar.

Below Hangar #8

7. **Amend Chapter 166 of the UDC:** An ordinance amending the Unified Development Code (UDC), Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

#4 Consent

Bold

8. **Arkansas Department of Aeronautics T-Hangar Construction Grant:** A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.

#6 Consent

9. **Waive Building Permit Fees for South Fayetteville Community Development Corporation:** A resolution to waive the building permit fee and other developmental fees for South Fayetteville Community Development Corporation.

10. **Water and Wastewater Operations Center:** A resolution to approve a contract with [redacted]. in the amount of [redacted] for the construction of a new Water and Wastewater Operations Center at Industrial Drive.

D. INFORMATIONAL:

Council Tour: February 16, 2004

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

DATE: **February 18, 2004**

RE: **Passed Resolutions and Ordinances from City Council meeting of February 17, 2004**

The following Resolutions and Ordinances were passed at last night's regular City Council meeting and are ready for the mayor's signature.

Enclosed are:

1. **Tennant Power Sweeper Purchase:** Resolution approving purchase of a street sweeper for the Parking Division in amount of $26,708.12 and budget adjustment in amount of $26,709.00;

2. **Bucket Truck & Brush Chipper Purchase:** Resolution approving purchase of 60 foot aerial bucket truck from Altec Industries in amount of $86,900.00 and a brush chipper from Vermeer Sales and Service in amount of $20,566.88 and approving budget adjustment in amount of $108,602.00;

3. **AR Dept. of Aeronautics T-Hangar Construction Grant:** Resolution authorizing Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from Arkansas Dept. of Aeronautics for construction of a new T-Hangar;

4. **McClelland Engineers 8-Bay T-Hangar:** Resolution approving Task Order No. 3 w/McClelland Consulting Engineers in amount of $29,500.00 for engineering design and construction oversight of construction of 8-Bay T-Hangar;

5. **Waiver of Building Permit fees for SFCDC:** Resolution waiving building permit fee and other developmental fees for South Fayetteville Community Development Corporation;

6. **Impact Fees for Road, Police & Fire Improvements:** Ordinance waiving requirements of competitive bidding and approving contract w/Duncan & Associates to calculate Impact Fees for Road, Police & Fire Improvements in amount of $19,890.00 with contingency amount of $1,500.00 and approving budget adjustment of $21,390.00;

7. **WIV-Fayetteville Cost-Share:** Ordinance waiving requirements of formal competitive bidding and approving cost-share agreement w/WIV-Fayetteville, LLC in amount of $25,512.00 plus contingency of $3,826.00 for total of $29,338.00 for construction of 350 feet of 8-inch water main;

8. **R-PZD 04-01.00:** Ordinance establishing Residential Planned Zoning District located on Futrall Drive and Old Farmington Road east of I-540 containing 6.713 acres, more or less; amending official zoning map of City of Fayetteville and adopting Associated Residential Development Plan as approved by the Planning Commission;

9. **Southern View, Phase II – Money in Lieu of Land:** Resolution accepting Parks and Recreation Advisory Board's recommendation to accept $40,086.00 cash in lieu of required park land dedication for Southern View Phase II;

10. **Attendance Requirements for Planning Commissioners & Parks & Recreation Advisory Board Members:** Ordinance repealing §33.111 of Fayetteville Code and enacting replacement §33.111 attendance requirement for members of Parks & Recreation Advisory Board and Planning Commission;

11. **Hiring Full Time Employee for Building Services:** Resolution authorizing hiring of one full time employee (janitor) in Building Services Division and approving budget adjustment in amount of $25,732.00 for same;

12. **Amendment of Chapter 166 of UDC:** Ordinance amending Unified Development Code, Chapter 166: Development, Code of Fayetteville to exempt lots dedicated as park land from bulk/area requirements of the zoning ordinance.

NORTHWEST ARKANSAS EDITION
Arkansas Democrat Gazette

AFFIDAVIT OF PUBLICATION

I, Diane Williams, do solemnly swear that I am Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Final Agenda was inserted in the regular editions on 2-16-04.

PO# 04-386

** Publication Charge: $ 200.34

Subscribed and sworn to before me this

16 day of February, 2004.

Sean-Michael Argo
Notary Public

My Commission Expires: 07/25/2013

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED
FEB 18 2004
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Official Seal
SEAN-MICHAEL ARGO
Notary Public-Arkansas
WASHINGTON COUNTY
My Commission Expires 07-25-2013

Final Agenda
City Council Meeting
February 17, 2004

City of Fayetteville

A meeting of the Fayetteville City Council will be held on February 17, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

State of the City Address – Mayor Coody

A. CONSENT:

1. Approval Of The Minutes: Approval of the February 3, 2004 meeting minutes.
2. Waste Hauler Contracts: A resolution authorizing the Mayor to execute contracts with Waste Management of Arkansas, Ozark Sanitation, and Roll-Off Services, Inc. to collect and transport specific types of solid waste within the city limits of Fayetteville.
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5. Arkansas Department of Aeronautics T-Hangar Construction Grant: A resolution authorizing the Fayetteville Municipal Airport Staff to apply for and accept a grant in the amount of $100,000.00 from the Arkansas Department of Aeronautics for the construction of a new T-Hangar.
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B. OLD BUSINESS:

1. Impact Fees for Road, Police and Fire Improvements: An ordinance waiving the requirements of competitive bidding and approving a contract with Duncan and Associates to calculate Impact Fees for Road, Police and Fire Improvements in the amount of $19,890.00 with a contingency amount of $1,500.00 and approving a Budget Adjustment of $21,390.00.
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This Ordinance was Left on the First Reading at the February 3, 2004 City Council meeting.

C. NEW BUSINESS:

1. Hiring of a Building Services Full Time Employee: A resolution authorizing the hiring of one (1) full-time employee (janitor) in the Building Services Division; and approving a budget adjustment in the amount of 25,732.00 for same.
2. Amend Chapter 166 of the UDC: An ordinance amending the Unified Development Code (UDC), Chapter 166. Development, Code of Fayetteville to exempt lots dedicated as Park Land from the bulk/area requirements of the Zoning Ordinance.

D. INFORMATIONAL:

Presidents Day Holiday: February 16, 2004