

**Final Agenda
City Council Meeting
April 6, 2004**

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

Earth Day Proclamation

Nominating Committee Report

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the March 16, 2004 meeting minutes.

APPROVED.

2. **Fire Department Uniform Purchase:** A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.

PASSED AND SHALL BE RECORDED AS RESOLUTION 43-04.

3. **Fire Department Fitness Equipment:** A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.

PASSED AND SHALL BE RECORDED AS RESOLUTION 44-04.

4. **Central Emergency Medical Services, Inc.:** A resolution approving renewal of the contract for services in the amount of \$156,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.

PULLED FROM CONSENT AGENDA.

5. **Springwoods Subdivision Revised Interceptor Sewer Alignment:** A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.

PASSED AND SHALL BE RECORDED AS RESOLUTION 45-04.

6. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION 46-04.

7. **Environmental Consulting Operations Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the environmental consulting contract with ECO, Inc. in the amount of \$5,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION 47-04.

8. **Selective Traffic Enforcement Grant:** A resolution accepting a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of \$32,000.00 for the purpose of paying overtime to officers engaged in DWI/DUI and Seatbelt Enforcement; and approving a budget adjustment.

PASSED AND SHALL BE RECORDED AS RESOLUTION 48-04.

9. **ADEQ Post Closure Trust Fund:** A resolution authorizing the City to accept \$40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study", approve a budget adjustment for the receipt of this \$40,500.00 and approve the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.

PASSED AND SHALL BE RECORDED AS RESOLUTION 49-04.

10. **Solid Waste Forklift Truck Purchase:** A resolution approving the purchase of a Nissan CL80LP Forklift Truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of \$36,208.75.

PASSED AND SHALL BE RECORDED AS RESOLUTION 50-04.

11. **McClelland Engineers Task Order #4 Taxiway:** A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

PASSED AND SHALL BE RECORDED AS RESOLUTION 51-04.

12. **Sweetser Construction, Center Prairie Multi-Use Trail Construction:** A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, Jerry D. Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of \$37,453.00 and approval of a budget adjustment of \$411,984.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION 52-04.

- 13. White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION 53-04.

Central Emergency Medical Services, Inc.: A resolution approving renewal of the contract for services in the amount of \$156,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.

TABLED UNTIL APRIL 20, 2004 MEETING.

B. OLD BUSINESS:

- 1. Rules of Order and Procedure, Public Notification and Participation:** A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.
This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

FAILED.

C. NEW BUSINESS:

- 1. Transportation Division Hiring 6 Full Time Employees:** A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of \$340,811.00 for same.

PASSED AND SHALL BE RECORDED AS RESOLUTION 54-04.

- 2. Fayetteville Library Building Purchase:** A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of \$1,200,000.00 and to approve a budget adjustment for \$1,220,000.00.

FAILED.

3. **Mobile Vision, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of 4 additional in-car video systems from Mobile-Vision, Inc. in the amount of \$15,940.90.

PASSED AND SHALL BE RECORDED AS ORDINANCE 4551.

4. **ANX 03-5.00 (Dunnerstock Development):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Dunnerstock Development, Inc. located on Ruppel Road north of Wedington Drive containing approximately 17.19 acres.

LEFT ON THE FIRST READING.

5. **RZN 03-33.00 (Dunnerstock):** An ordinance rezoning that property described in rezoning petition RZN 03-33.00 as submitted by James McCord on behalf of Dunnerstock Development, Inc. for property located on Ruppel Road north of Wedington Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

LEFT ON THE FIRST READING.

6. **ANX 03-06.00 (Hoskins/Schlegel):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres.

LEFT ON THE FIRST READING.

7. **RZN 03-34.00 (Hoskins/Schlegel):** An ordinance rezoning that property described in rezoning petition RZN 03-34.00 as submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

LEFT ON THE FIRST READING.

8. **RZN 04-2.00 (Chance & Tuggle):** An ordinance rezoning that property described in rezoning petition RZN 04-02.00 as submitted by Geoff Bates of Keystone Consultants on behalf of David Chance and John Tuggle for property located at West Tackett and Genevieve Avenue containing approximately 7.94 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

LEFT ON THE FIRST READING.

9. **RZN 04-3.00 (Fitzgerald):** An ordinance rezoning that property described in rezoning petition RZN 04-03.00 as submitted by James McCord on behalf of Donald and Frances Fitzgerald for property located at the northwest corner of Wedington Drive and 51st Avenue containing approximately 1.51 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

PASSED AND SHALL BE RECORDED AS ORDINANCE 4552.

10. **Amend Title 3, Purchase and Sale of City Property:** An ordinance to amend *Section 34.25 Sales* of the Code of Fayetteville to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of city assets with a fair market value of less than \$10,000.00.

PASSED AND SHALL BE RECORDED AS ORDINANCE 4553.

11. **Water and Sewer System Refunding Revenue Bond Issue:** An ordinance authorizing the issuance and sale of not to exceed \$6,365,000 of Water and Sewer System Refunding Bonds, Series 2004, by the City of Fayetteville, Arkansas for the purpose of refunding the City's outstanding Water and Sewer System Refunding Revenue Bonds, Series 1999; authorizing the execution and delivery of a First Supplemental Trust Indenture pursuant to which the Series 2004 Bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the Series 2004 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2004 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 1999 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

PASSED AND SHALL BE RECORDED AS ORDINANCE 4554.

D. INFORMATIONAL:

Council Tour: April 5, 2004

MEETING ADJOURNED AT 9:25 P.M.

Subject:	Roll 9:25				
Motion To:					
Motion By: Seconded:					
	Marr	absent during roll call only.			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody	✓			

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

pull item #4 from Consent.

Rest approved
Rec.
43-04
to
53-04



Subject:	Central Emergency Medical Services, Inc.				
Motion To:		Table			
Motion By:		Until the next City Council meeting.			
Seconded:		Jordan Marr			
#4 of Consent	Marr	✓			
	Rhoads	✓			
	Davis	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody	—			

Subject:	Rules of Order & Procedure Public Notification and Participation.				
Motion To:		Approve			
Motion By:		Reynolds			
Seconded:		Thiel			
B.I. Old Business failed 3/5	Marr	N			
	Rhoads	N			
	Davis	N			
	Lucas	N			
	Jordan	N			
	Reynolds	Y			
	Thiel	Y			
	Cook	Y			
	Mayor Coody	—			

Subject:	Transportation Division Hiring 6 full time employees				
Motion To:		Approve			
Motion By:		Davis			
Seconded:		Lucas			
C. 1. New Business Passed 54-04	Marr	✓			Randy Allen
	Rhoads	✓			Steve Davis
	Davis	✓			
	Lucas	✓			Rick McKinney
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody	—			

Subject:	Fayetteville Library Building Purchase				
Motion To:		Table until next Council meeting	Motion to Reconsider	Approve	
Motion By:		Cook	Thiel	Rhoads	
Seconded:		Marr	Jordan	Jordan	
C. 2. New Business 4/4 Table Mayor Coody yes panel	Marr	Y	N	N	
	Rhoads	N	Y	N	
	Davis	N	Y	N	
	Lucas	N	Y	N	
	Jordan	Y	Y	N	
	Reynolds	N	Y	N	
	Thiel	Y	Y	N	
	Cook	Y	N	Y	
	Mayor Coody	Y	—	—	

Reconsider
2/2 passed

Approve Resolution
1/7 failed

Subject:	Mobile Vision, Inc.				
Motion To:		2nd Read	3rd Read	Pass	
Motion By: Seconded:		<u>Davis</u> Jordan	<u>Davis</u> Jordan	Pass	
C. 3. New Business Passed 4551	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

Subject:	ANX 03-5.00 Dummerstock Dev.				
Motion To:					
Motion By: Seconded:					
C. 4. New Business Left on the First Reading	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Mayor Coody				

Subject:	RZN 03-33.00 (Dunnebrook)				
Motion To:					
Motion By:					
Seconded:					
C.5. New Business Left on the First Reading	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
Mayor Coody					

Subject:	ANX 03-6.00 (Hoskins/Schlegel)				
Motion To:					
Motion By:					
Seconded:					
C.6. New Business Left on the First Reading	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
Mayor Coody					

Subject:	RZN 03 - 34.00 (Hoskins / Schlegel)				
Motion To:					
Motion By:					
Seconded:					
	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Mayor Coody				

C.7.
New
Business
Left on
the
first
Reading

Subject:	RZN - 04 - 2.00 (Chance & Tuggle)				
Motion To:					
Motion By:					
Seconded:					
	Marr				
	Rhoads				
	Davis				
	Lucas				
	Jordan				
	Reynolds				
	Thiel				
	Cook				
	Mayor Coody				

C.8.
New
Business
Left on
the first
reading

Subject:	RZN 04-3.00 (Fitzgerald)				
Motion To:		2nd Read	3rd Read	Pass	
Motion By: Seconded:		Jordan Lucas	Jordan Reynolds		
C.9 New Business Passed 4552	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody	—	—	—	

Subject:	Amend Title 3, Purchase & Sale of City				
Motion To:		2nd read	3rd read	Pass	Property
Motion By: Seconded:		Jordan Davis	Jordan Davis		
C.10 New Business Passed 4553	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody	—	—	—	

Subject:	Water & Sewer System Refunding Revenue Bond				
Motion To:		2nd Read	3rd Read	Pass	Issue
Motion By: Seconded:		<u>Davis</u> Jordan	<u>Reynolds</u> Jordan		
C.I.I. New Business <u>passed</u> 4554	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Davis	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody	—	—	—	

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

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13. **White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.

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C. NEW BUSINESS:

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D. INFORMATIONAL:

Council Tour: April 5, 2004

**City Council
Meeting Minutes
March 16, 2004**

A meeting of the Fayetteville City Council was held on March 16, 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, Rhoads, Davis, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Cook and Alderman Marr.

The meeting was called to order by Mayor Coody.

Fire Department Certificates of Appreciation: Mayor Coody presented awards to the following fire fighters: David Mitchell, Landon Vanzant, James Luther, Robert Johnson and Gregg Riley.

Mayor Coody announced the need for volunteers to participate in the Great America Cleanup.

Nominating Committee Report: Alderman Lucas presented the Nominating Committee report. A copy of the report is attached.

Alderman Lucas moved to approve the Nominating Committee report. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

CONSENT:

Approval Of The Minutes: Approval of the March 2, 2004 meeting minutes. Approval of the April 30, 2002, June 6, 2002, June 11, 2002 and October 1, 2002 meeting minutes.

Construction Contract for Fire Station 7: A resolution to approve a construction contract with VEI General Contractors, Inc. to build the West Fayetteville Fire Station on Ruppel Road in the amount of \$1,340,100.00 with a contingency of \$38,000.00 and approval of a budget adjustment of \$274,637.00.

This resolution was tabled at the March 2, 2004 City Council meeting until the March 16, 2004 City Council meeting.

Resolution 36-04 as Recorded in the Office of the City Clerk.

MISSCO Corporation Contract: A resolution approving the purchase of shelving in the New Fayetteville Public Library from MISSCO Corporation in the amount of \$151,185.00; and approving a contingency in the amount of \$7,559.00.

Resolution 37-04 as Recorded in the Office of the City Clerk.

AEP/Swepco Contract for Utility Burial, School Avenue: A resolution to approve a contract with AEP/Swepco, Inc. to bury utility lines along School Avenue at the New Library for the amount of \$186,395.41 plus a contingency of \$6,000.00.

Resolution 38-04 as Recorded in the Office of the City Clerk.

Mayor Dan Coody and Stephen Davis Signatory Authority: A resolution delegating signatory authority in connection with State Revolving Loan Fund Assistance.

Resolution 39-04 as Recorded in the Office of the City Clerk.

Alderman Davis moved to approve the Consent Agenda. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

OLD BUSINESS:

Council on Aging, Inc.; Lease Senior Center, Walker Park: A resolution to approve a lease and agreement to provide services with the Council on Aging, Inc. for the Fayetteville Senior Activity Center in Walker Park.

This resolution was tabled at the January 6, 2004 City Council meeting until the January 20, 2004 City Council meeting.

This resolution was tabled at the January 20, 2004 City Council meeting until the March 2, 2004 City Council meeting.

This resolution was tabled at the March 2, 2004 City Council meeting until the March 16, 2004 City Council meeting.

Kit Williams: Pursuant to the request by the City Council I did amend the lease agreement so that this lease is only through June 30, 2004. This will give the city staff and the Council on Aging some time to work out a final agreement that they can present to the City Council.

Alderman Lucas moved to approve the resolution. Alderman Davis seconded. Upon roll call the resolution passed 6-0. Alderman Cook and Marr were absent.

Resolution 40-04 as Recorded in the Office of the City Clerk.

R-PZD 04-02.00 (Cross Keys): An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-02.00) located south of Wedington Drive at the corner of N. 46th and Persimmon Street containing 38.48 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 March 2, 2004 City Council meeting.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

Alderman Lucas: It does state that there is connectivity to the east?

Kit Williams: Section two was amended to state that Putting Green Drive shall be extended to the east as a local street.

A discussion followed on the street connection.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

Alderman Davis: What is the right-of-way area on 46th Street that connects onto Wedington Drive?

Dawn Warrick: I believe that the right-of-way is approximately 50 feet.

A discussion followed on the project.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Cook and Marr were absent.

Ordinance 4548 as Recorded in the Office of the City Clerk

R-PZD 04-05.00 (Hickory Park): An ordinance establishing a Residential Planned Zoning District titled (R-PZD 04-5.00) located north of 2730 E. Township Street, containing 4.429 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 March 2, 2004 City Council meeting.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Reynolds seconded. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

A discussion followed on the drainage system for the project.

Alderman Davis moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

Bob Sigafos voiced his concern on the drainage of this property. He suggested that the city hire an independent third party to access the engineering matters of this property.

Kathryn Sigafos voiced her concerns about the project. She read a letter from Tom McKinney of the Sierra Club that addressed their concerns of the removal of the trees on the site and the drainage of the property. He asked that the City Council request the subdivision as it is currently proposed and that it be sent back to be redesigned and correct the problems.

Susan Hemingway stated that she has walked the project and did not find a water problem. She thinks it is a good piece of property for a subdivision and that the owners have done a good job

Alderman Rhoads: At the Neighborhood Association meeting were the people that attended generally in favor?

Susan Hemingway. Yes.

Alderman Rhoads: Has there been a second Neighborhood Association meeting?

Susan Hemingway: No, we did not feel a need for it.

Mayor Coody: Gary Coover, have you had a chance to look at the drainage?

Gary Coover: I have not but a member of my staff has looked at the drainage. My staff did not have any concerns.

A discussion continued on the drainage issue and the removal of the trees on the property.

Tracy Hoskins the developer of the project said they have done everything they can possibly do to save as many trees as possible. He stated they have designed a subdivision that people can be proud of with the least amount of impact to the surrounding neighbors.

Alderman Rhoads: Did you receive a copy of this letter from the Sierra Club before the meeting?

Tracy Hoskins: No.

Doug Hemingway, President of St Johns Luther Church stated that he feels the developer is doing everything possible for all the adjoining land owners. He also stated the members of the church are very pleased with the design and the proposed use. He asked for the City Council approval of the project.

Karen Vaughn, a resident spoke of her concern with the drainage on the property.

Mel Milholland, engineer for the project stated they are obligated to stand by the city design criteria. He would like the record to show that some of these neighbors already have a problem with water and the drainage. We are not there to create a problem we would like to think we are going to enhance the neighborhood.

Alderman Davis: Are you doing anything to the north property line to alleviate some of the water that may be coming off the lots in that area.

Mel Milholland: There will be a small area on the property that will drain back onto the street. In the back of those lots we will try not to disturb that area.

A discussion followed on the drainage.

Tracy Hoskins: Our intention is to leave everything as natural as possible. Whatever water problems they have now, when we get done they should have less. I think we have covered about everything we can possibly cover on this sub-division and give them the best result.

Geary Lowery voiced his concern about the traffic that this new sub-division will create. He spoke of the drainage problem. He requested that the city's storm water engineer go to the property and do a study of the drainage.

Florence Smith stated she thinks this will be a beautiful sub-division and that it has been well thought out and planned. We are happy about the way it looks and I think it will be an asset to the City of Fayetteville.

Alderman Rhoads: Is it still the staff's recommendation to approve this subdivision?

Dawn Warrick: Yes sir, city staff as well as the Planning Commission has recommended approval of this project.

Alderman Rhoads: I have not had any calls on this project. I have heard two people speak against it tonight and I have heard a lot of folks speak for it. It appears to me that the city has done its job, the Planning Commission voted 9-0 in favor of it, and therefore I support this project.

Alderman Davis: I had one phone call concerning the drainage; their concern was that no one from the city has looked at the drainage. We have confirmed tonight that the city has had someone look at it and they are for the project. I have walked the land and I think it is doable.

Alderman Lucas: What is this property presently zoned?

Dawn Warrick: This property is currently zoned P-1 which is an institutional zoning. An institutional use such as a church or a school could be permitted on this property by going through the development approval.

Alderman Jordan: I do not want to create a situation that could actually be worse than what they already have. That is my concern.

Alderman Davis: This property is zoned P-1 at this time and since it could go to a school or the church could expand, if one of those things happen you are looking at having additional asphalt being laid and more than likely more of the trees being removed.

A discussion followed on the project.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Rhoads, Davis, Lucas, Reynolds and Thiel voting yes. Alderman Jordan voting no. Alderman Cook and Marr were absent.

Ordinance 4549 as Recorded in the Office of the City Clerk

NEW BUSINESS:

Fayetteville Senior Activity Center Additional Funds: A resolution to approve a budget adjustment in the amount of \$9,864.19 for additional expenses incurred by the Council on Aging, Inc. for operation of the New Fayetteville Senior Activity Center.

Hugh Earnest: I believe it was the intent of the full council that an additional \$40,000 be appropriated.

Alderman Lucas moved to amend the resolution to approve \$50,000 for additional expenses incurred by the Council on Aging, Inc. for the operation of the New Fayetteville Senior Activity Center. Alderman Thiel seconded the motion. Upon roll call the amendment to the resolution passed 5-0. Alderman Thiel was absent during the vote. Alderman Cook and Marr were absent.

Alderman Davis: How did we go from \$9,864.19 to \$50,000?

Hugh Earnest: The Center does not have enough funds to carry them through to June 30, 2004. This is the amount of money that the Center believes is necessary to allow for the operation of the center at full efficiency.

Alderman Reynolds moved to approve the resolution. Alderman Davis seconded. Upon roll call the resolution passed 5-0. Alderman Thiel was absent during the vote. Alderman Cook and Marr were absent.

Resolution 41-04 as Recorded in the Office of the City Clerk.

VAC 04-2.00 Rodgers Subdivision: An ordinance approving VAC 04-2.00 to vacate and abandon a 20' portion of a platted alley, retaining a utility easement within subject property as depicted on the attached map and legal description.

Mr. Williams read the ordinance.

Alderman Davis moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed 6-0. Mayor Coody voted yes. Alderman Lucas was absent during the vote. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Davis seconded. Upon roll call the motion passed 6-0. Alderman Cook and Marr were absent.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Cook and Marr were absent.

Ordinance 4550 as Recorded in the Office of the City Clerk.

McClinton Anchor Bulk Purchase Contract: A resolution approving a bulk purchase contract with APAC-Arkansas/McClinton Anchor in an amount not to exceed \$1,240,811.00 for asphalt and aggregate materials.

Alderman Reynolds moved to approve the resolution. Alderman Lucas seconded. Upon roll call the resolution passed 6-0. Alderman Cook and Marr were absent.

Resolution 42-04 as Recorded in the Office of the City Clerk.

Alderman Thiel thanked Terry Gulley and his department for the work that they have been doing on South School clearing off the sidewalks.

Rules of Order and Procedure, Public Notification and Participation: A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.

Alderman Reynolds: Mayor I brought this forward because several constituents have contacted me saying they don't think they should have to go to a Ward meeting. They also feel that sometimes their problems are heard by deaf ears. They would like to be able to come to the meeting and tell us their problems. I want them to have a chance to do that.

Alderman Thiel: Alderman Marr and Alderman Cook have requested this be tabled until the next City council meeting because they are not here tonight.

Kit Williams: I would like to read the proposed changes. These two statements would be added to the Rules of Procedure on Public Notification and Participation. *No statement shall exceed three minutes in duration unless the City Council by unanimous consent agrees to extend further time to the speaker.* This would limit speakers that are speaking on issues to three minutes. *After the last item on the agenda has been acted upon by the City Council, members of the public shall be accorded the right to address the City Council on any topic of the speakers choosing for a period of three minutes each not to excess 30 minutes total. Neither the Mayor nor any Alderman may respond or comment during this listening period.* Those are the two changes that have been proposed.

Alderman Reynolds: I would hope Mayor that if we go to this process that you will keep control of the meetings and that we do not get into political slamming.

Mayor Coody: If I can't respond, then I can't control it.

Alderman Thiel moved to table the resolution until the next City Council meeting. Alderman Rhoads seconded the motion.

Geary Lowery: I would like you to reconsider tabling this to give the people a chance to speak on this and then hold it until the other Alderman are present.

Mayor Coody asked shall the motion to table pass. Upon roll call the motion to table passed 6-0. Alderman Cook and Marr were absent.

Firemen's Pension and Relief Fund Board of Trustees Resolution 02-03, Increasing the DROP from Five to Ten Years: A resolution to approve the extension of the current five year Deferred Retirement Option Plan to a ten year Deferred Retirement Option Plan for all eligible employees of the Fayetteville Fire Department.

Chief Bosch Fire Chief: As the Fire Chief it's my duty to look out for the welfare of my entire organization. Often times I am required to look at an issue and make a decision on the best course of action while maintaining focus on creating the most good for the most people within my organization. Including myself and my organization I currently have 92 uniformed fire fighters and 3 civilian employees. These 92 uniform fire fighters participate in one of two separate retirement plans, the Firemen's Pension and Relief Fund, which represents nine of my uniformed members and the LOPFI retirement system which represents the remaining 83 uniform employees which includes me. The nine fire fighters under the Firemen's Pension and Relief Fund currently have a benefit plan that provides for a deferred retirement option.

The Deferred Retirement Option is a plan in which the fire fighters after a predetermined number of years, which in this case is 20, can elect or choose to sign up for this option. When the fire fighter elects to sign up for the option, he or she must make a commitment to retire within five years of the date of enrollment in the option. At this point for the next five years the employee and the city begin to place retirement contributions into an interest bearing escrow account for that employee. This account continues to grow in principle and interest over the five year period, at the end of this five year period, the fire fighter is required by contractual agreement to sever his or her service with the organization. When this service is severed the individual receives the retirement disbursement from the escrow account with interest which includes both principle and interest for the five year period. The employee can at that time elect to take a one time cash payment or they can roll these funds into an annuity account and continue to draw a disbursement over a period of years. To date of the nine individuals currently eligible for this retirement option only eight have opted to sign up. The ninth individual has requested a financial analysis of his benefits and is assessing his retirement options at this time.

The Deferred Retirement Option Plan provides these individuals with the ability to anticipate their retirement and beginning planning for their future after the fire service. The eight individuals currently signed up for this option plan willingly make a choice to retire under the current guidelines of the system. These people signed a contractual agreement with the city and both parties have agreed to live up to the terms of the original agreement. To date the city has remained consistent with the terms of this agreement and we have continued to live up to our terms.

The Deferred Retirement Option Plan also provides a direct benefit to the Fire Department by providing the organization of advanced knowledge of pending retirements. This advance knowledge also allows the fire fighters who would like to move into the organizations rank structure and promote through the system to begin preparing themselves for the leadership challenges that come with the department with higher rank.

I believe that the adoption of the proposed changes to the current Deferred Retirement Option Plan will create several impacts to the organization. I would like to list three of those for you this evening. In my memo which I presented to the Mayor and the Council approximately three weeks ago, I listed my viewpoint regarding future expansion of the organization. My memo focuses specifically on the quantitative issues that guide my decisions on this issue; however I truly believe that we have a duty to examine not only the quantitative impacts qualitative impacts of these changes. As the Fire Chief I believe that these three proposed changes will affect the entire department in three ways. These changes will indefinitely suspend 17 promotions for those 82 individuals that have been preparing themselves in anticipation of these voluntary retirements. These proposed changes will create a disruption in the high level of moral within the department which exists because of these anticipated promotional opportunities. These changes will send a clear and distinct message to the remaining 82 fire fighters in my organization who are anticipating this opportunity for upward mobility that their leadership potential and their ability to help to grow and learn and improve the department is not as important to the organization as the retirement benefits of those nine individuals who again willing signed up for this agreement. This message will directly contradict my staff's and my efforts and opportunity to encourage my people to prepare themselves for the leadership challenges that come with higher rank.

In closing I would like to say that approximately six months ago I sit in this council chamber during a debate of a very controversial issue. During the course of that debate I heard a City Councilman whom I look up to and respect make a comment regarding the qualities of leadership. Let me try to paraphrase what he said. *Leadership is not an easy task often times a leader must stand up and face difficult odds to make difficult decisions. A leader knows the way, a leader shows the way and a leader goes the way.* Unfortunately these proposed changes place you the City Council and the Mayor and myself in a difficult situation. Due to these proposed changes we must make a choice between the retirement benefit of one group of employees or the future growth and elevation of another group of employees. In this situation I believe it is important again to look at the utilitarian model for decision making and lean toward creating the most good for the most people in my organization which is my duty as the Fire Chief. Given the above listed facts of this situation and the statements I have made it is my recommendation that on behalf of the 82 uniform fire fighters who stand to suffer as a result of these changes, I request that you reject these proposed changes. This change and the following change as well. If you have any questions I will be happy to answer them for you.

Marion Doss a representative of the Pension Board: I serve on the old Firemen's Pension Relief Fund. When these gentlemen signed up for this five year DROP that was all that was allowed by State law, a five year DROP. Last year the law changed allowing a ten year DROP therefore some of our members, the nine the Chief referred to, requested to go to a ten year DROP and our Pension Board approved that. The local Pension Board had to approve of the change an actuarial study had to be completed stating that we could do this, and we had to send our resolution to the State Pension Review Board in Little Rock to get their approval. The final thing on this is approval of the City Council that approval is because it can affect the department.

We have done everything except for the City Council approval that is why we are before you. If you have any question I will be glad to try to answer them.

Alderman Jordan: Marion, so what you are saying is at the time they signed up on this, this was the best that they could get.

Marion Doss: Yes, it was a five year DROP by State law that was the max that was allowed at that time.

Alderman Jordan: So now that the law has changed basically what they are wanting is to renegotiate that.

Marion Doss: Some people want to extend, I don't think everyone will, I myself do not want to, but some people do want to extend. I think it is the very positive developments that the Chief talked about is the reason for that. They see growth in the city, change in the city, they see the Fire Department changing and growing and they are excited about being a part of that. That's the reason that some are wanting to stay longer I believe.

Alderman Jordan: Do you think that this will hurt the Firemen's Pension Fund?

Marion Doss: According to the actuary it won't. That is the reason you have to have the actuary done is to make sure that it doesn't. One thing too when they are on five year DROP their DROP amount is a percentage of their salary and it's their salary, their retirement is sealed when they sign up for DROP. If they elected to go to a ten year DROP after that first five years, it reduces their DROP amount by 15%; therefore there is not as much coming out of the fund. When they do finally retire it goes to the regular retirement amount.

Alderman Jordan: Are all the firemen besides the nine on a ten year DROP place from now on?

Marion Doss: They don't have to.

Alderman Jordan: But they could according to the new law?

Marion Doss: The nine and only the nine. This retirement plan was sealed in 1982; in 1983 they went to LOPFI. It is an old plan that is sealed and no one else can come on after that. Of the nine members eight have signed up for DROP and one hasn't signed up. Some may extend but some may not that is their option if this passes. Some people don't even work their five year DROP, they go ahead and retire before the five years is up.

Alderman Rhoads: How do you think it will impact the morale of the overall?

Marion Doss: I really don't know, if someone is looking forward to someone retiring I can see where it would. What I am thinking about is the morale of these individuals that are on it. I think everyone's morale in the Fire Department is good and I think that's the reason that some have decided that they may want to stay longer than five years. Things are looking up, new fire stations, new equipment; I think that's something positive for the Mayor and the Fire Chief both. The city is growing and everything looks positive.

Alderman Rhoads: I certainly understand it would impact in a positive way the nine people's morale but the other 83; you are closer to it than I would be.

Marion Doss: I think it would be better if some of those people were here, I can't really answer for them. I don't know what their feelings might be on the matter. I come to represent the members on this Board. Some of this board is elected members of retired and people that are still working. I am representing the members of the Firemen's Pension Relief Fund.

Alderman Jordan: What was the vote on the Board?

Marion Doss: The resolution with the Firemen's Pension and Relief Board passed, that is the reason we sent everything to the Pension Review Board.

Alderman Reynolds: How many members are on that Board?

Marion Doss: The Mayor, City Clerk and myself by state law and four elected members for a total of seven members.

Alderman Reynolds: When those nine members signed that DROP plan did they know what they were signing?

Marion Doss: Eight members. Yes, I am sure.

Alderman Reynolds: They knew what they were doing?

Marion Doss: Yes.

Alderman Reynolds: And now you have 17 firemen that have worked their heart out to get a promotion and if this goes through those 17 firemen are not going any where.

Marion Doss: The department is growing any way. We are building a new station and growing, there are promotions there. Some of the people on this plan are driver/operators and some are officers of the nine people you are referring to.

Alderman Reynolds: The thing that bothers me is the eight of them knew the agreement they were signing.

Marion Doss: Yes. We signed it with what the State law allowed at that time.

Alderman Davis: You all started this process December 18, 2003. This has been going on for four months and we just heard about it two weeks ago. Why the long delay?

Marion Doss: We had to do everything first. We had to approve it at our meeting, have an actuary ran because any benefit increase has to have an actuary done. It then has to go to the Pension Review Board in Little Rock and they have to approve it. It has just been a matter of time getting everything ready. I thought it was going to come up previously but was pulled off the agenda for more preparation.

Chief Bosch: I do have copies of the agreements that were signed if you care to see those.

Mayor Coody: I just want to make it clear that the only nine people eligible for the old plan are the only ones who can take advantage of this. That's why it's just these nine folks and the rest of the department is on a whole different retirement plan that doesn't have this DROP program.

David Williams, Vice President of Fayetteville Fire Fighters Association: It has been brought to our attention that the Council has received a letter on our letterhead. I am here to set the record straight that the Fire Fighters Association does not take a position in this matter.

Mayor Coody: The letter that you are referring to was sent to us here in the last couple of weeks wasn't it?

David Williams: Yes sir it was sent on the 6th.

Mayor Coody: So essentially the union did not take a position on this.

David Williams: That is correct.

Alderman Lucas: I could make a decision on this based on emotions because one of the men involved I have known for a long time, Pete. The other people that are involved I don't know personally but I am sure they are very good employees. I'm of the old school in that a contract that is signed without corrosion and obviously the benefit at that time was a good benefit. You make a decision as to whether you want to take this benefit then and you make your decision and you sign a contract. Obviously they felt like that was to their benefit. I kind of equate it to when I was a nurse, a new nurse in the hospital starts on the night shift; it's very rare to get a day position. The night people are always looking for those people on days to retire, quit or move on so that they can move to days. I know I spent six years on nights waiting for a day position. The hospital didn't have a DROP program or anything like that but if they had and there were some people on days that had signed up for this and some people on nights that wanted to move to days and they thought well this person is going to quit and then I can move to days or retire. Then the hospital changes the policy, it would have a bad effect on morale and I am sure there would be nurses that would change positions. I know I had nurses that changed from nights because maybe a day person or two would say in a year I am going to retire and they would think I can last a year more on nights and then this person would say I may hang on for another year. They would move on usually, I lost some good nurses that way, this may not be quite the same but that's the way I looked at this. What I am trying to say is when you sign a contract you need to honor it. I am not really in favor of changing.

Alderman Rhoads: This is one of these tough situations and I feel a lot like Alderperson Lucas, this is a situation where there is no bad guy they are all good guys and you wish you could please everybody. I tend to believe that you have to do what is best for the entire department.

Alderman Davis: My concern is you have 17 people according to the notes here that are looking at going on up the ladder in the Fire Department and should we go ahead and approve this this evening we may have greater turnover from those 17 and possibly other people in the Fire Department that may look at going elsewhere because they are not able to move up the ladder quite as quickly as what they had originally thought. That is a concern and something I have to think about before I vote.

Alderman Reynolds: The way I see it, it just goes back to the old school, a deal is a deal.

Alderman Jordan: Well except, there is a thing called seniority and there is a thing called loyalty. Now these nine I know they signed that contract, there is no way around that and I totally agree that that has been done. But, they have put in 15 and 20 years of their lives and I mean some of them have put their lives on the line. They jumped into buildings that are on fire and saved people's lives and they have been loyal to this city. My way of thinking is they signed up on this retirement and that was the best deal that they could get at the time and I grant you they want a better deal now. I think the question before us tonight is do we grant them the better deal or do we not and that's the bottom line. I assume by hearing the comments on the Council that this is going to fail but I still have to look at the seniority and I have to look at the people that have been loyal to this city and their years of service and that is how I have to make my decision. I will probably support this. I agree with Alderman Rhoads there is not a good guy there is not a bad guy, this is just a tough decision we have to make.

Mayor Coody: I think they are all good guys like Robert said. We do have a great department and we certainly do owe you guys and everyone in it a real debt of gratitude. This does put everyone in a difficult position because we always want to do everything we can to please everyone. In this situation no matter what we do somebody is not going to be unhappy.

Alderman Davis: Mayor, I guess I have one question and that is, it says in the first paragraph that staff recommends City Council denial of this proposal. Is this just Chief Bosch's opinion or is this the whole administration?

Mayor Coody: Well, I support the Chief in this and I will tell you why. The reason why I had the Chief do some research in this is because I was at the Pension meeting where the subject first came up and the first reactions from two of the board members were this will be bad for the department if this passes. It eventually got approved with a vote after some discussion about it. But when two of the five people there (and they were retired fire fighters) said they thought this would be bad for the department, red flags went up with me. I didn't want to walk into something knowing that this had a potential to do harm to the department which is when I asked the Chief to do a report for me. Since I support our Chief and our staff, certainly his recommendation carries a lot of weight with me and I support his recommendation.

Chief Bosch: The Mayor did ask me to take a look at this, unfortunately I do not sit on that board and he did ask me to take a look at it and give him my recommendation. Again the discussion was what are the impacts going to be to the fund, well in every decision that we make we have to look at impacts to both sides of the equations. If you do something on one side you have to do it on the other, it's going to have an impact on both sides so I felt the need to step in and look at that as well. That is my recommendation and my staff's recommendation.

Alderman Jordan moved to approve the resolution. Alderman Davis seconded. Upon roll call the resolution failed 1-5. Alderman Jordan voting yes. Alderman Rhoads, Davis, Lucas, Reynolds and Thiel voting no.

Firemen's Pension and Relief Fund Board of Trustees Resolution 04-03, Working after DROP: A resolution to make continuing employment available to all eligible employees of the Fayetteville Fire Department after their five or ten year Deferred Retirement Option Plan has been completed.

Chief Bosch: What this proposal is it would allow those fire fighters who would extended their DROP plan to stay indefinitely past that ten years and work for salary and benefits only without retirement. In essence again I stand opposed to this issue because I believe those individuals have the opportunity to go ahead and take advantage of their retirement and then as positions come open in the Fire Department, civilian positions they have the ability to apply for those as well. We do not discriminate against our applicants for those positions and if we had a fire fighter that would apply for a civilian employee in a support service agency in the department then we would more than willingly entertain their application and give them a favorable review on that. So, basically what I am saying they have that option without having to extend it.

Mayor Coody: So your recommendation is to?

Chief Bosch: Is to turn that change down as well.

Alderman Jordan: So they already have that option is that what you are saying?

Chief Bosch: Let me summarize it, they already have that option so there really doesn't need to be a change.

Kit Williams: They don't have the option to be a uniform.

Chief Bosch: No not a uniformed fire fighter, the option applies to a civilian employee.

Mayor Coody: They still have the option to work for the department but in a different capacity than where they had been.

Chief Bosch: Absolutely, as a Civilian employee rather than a uniform fire fighter.

Alderman Davis: So regardless if we vote this up or down they still have that opportunity?

Chief Bosch: If this is approved then they will have the ability to stay just like the five year DROP plan, just like the extension to go to the ten year DROP plan except there would be no ceiling.

Mayor Coody: They would stay in their current position.

Chief Bosch: Indefinitely, which basically causes the same problems that I referred to in my comments.

Mayor Coody: If this is not approved they would retire but they would have the option to come back and apply for a civilian position within the department.

Chief Bosch: It is not an easy issue but that summarizes it.

Mayor Coody: But that would free up that uniform position.

Alderman Thiel: Kit, wouldn't this be illegal, we can not discriminate against keeping an employee on past a certain age. Isn't that basically saying that this is a mandatory retirement?

Kit Williams: No this is not illegal because it is tied to the DROP plan. They agreed when they signed up for the five year DROP to retire, they are actually almost retired anyway, but to leave the service of the city after their five year DROP plan extinguishes. That was a voluntary agreement that they made. They didn't have to sign that they could have continued to work, if they had wished to. Since they choose to accept the DROP plan that was one of the conditions of the DROP plan that they would quit at the end of that five years.

Alderman Thiel: This just applies to those people that are in that plan?

Kit Williams: That's correct.

Marion Doss: Basically that's right that the employee would continue working after their five year DROP is up. As a Pension Board member, this is good for our plan because they can not take their money as long as they are still employed, their money stays in the plan and the plan uses the money for the good of the plan. As a Pension Board member that is the reason that we are for Working after DROP.

Alderman Jordan: So you think this is a good thing?

Marion Doss: For the pension plan because if an employee completes that five year DROP and they continue to work, they can not draw their money out, it stays in the plan, they are working just for salary and benefits.

Alderman Rhoads: But if they go to a civilian position they get their money don't they?

Marion Doss: Yes, that's no problem at all. It's just like any position it's just like a job, they have retired, and they draw their benefits and apply for another job.

Alderman Lucas: They can take it out or take it as an annuity.

Alderman Davis: Right.

Chief Bosch: I might also add that by approving that change again it will continue to stifle those 17 promotions and cause the morale issues that we would deal with if the other change had been approved.

Dean Matthews Captain Fayetteville Fire Department: I would like to know where these civilian positions are and at what date they will become available that we may have that decision to make to get another job.

Chief Bosch: As these individuals retire we will see some savings in our salary which as we grow we will begin to try to utilize those savings without any additional budget increases to add some civilian positions to our support agencies. Which will help us to become more effective on the proactive side of the Fire Department such as fire inspectors, code enforcement people within the department, additional support services like staff, secretaries and administrative assistants. We currently have three civilian employees within our agency. We have one operations assistant who serves as a secretary, one financial analysis who serves as our financial person and works with us on the budget and then we have Dennis Ledbetter who was our Fire Marshall and retired

and returned to the service as an evidence technician and is working in a civilian capacity. It is working very well for us, what that has done is that has helped us to turn our fire prevention from a very highly productive entity of the department to an unbelievably entity of the department, so it has been very beneficial for us.

Dean Matthews: I am trying to understand the situation here, if we are talking about losing promotions for fire fighters, why are we hiring civilians to do the job and we won't have promotions for them. It seems to me like we are using the stance that we want the fire fighters to promote in these positions if we turn around and hire these positions as civilians like fire inspectors and such that we have captains working in that position now. Unless we are planning on hiring a whole lot of fire inspectors or unless you are planning on letting the Fire Department have several more employees. I don't know if we are still in a freeze or if you guys are planning on letting us have a lot more employees and a lot more positions in the near future. I'm not aware of that, that it's just a question I wanted to ask.

Chief Bosch: As the Fire Chief we have made a commitment to try to work to improve the quality of service that the department provides, as these individuals retire we will replace them with uniform fire fighters within the system and promote through the system to fill some vacancies and we will realize a salary savings from that. That salary savings we will come back to the Council during the regular budgeting process, which is our responsibility as fire administration and establish that and recommend some additional staff positions without any additional budget cost that will help us to grow our department in those areas.

Alderman Jordan moved to approve the resolution. Alderman Reynolds seconded. Upon roll call the resolution failed 1-5. Alderman Jordan voting yes. Alderman Rhoads, Davis, Lucas, Reynolds and Thiel voting no.

Mayor Coody: Thank you all for this, this has been difficult for everyone up here but we all appreciate you very much.

Meeting Adjourned at 7:55 PM.

Sondra Smith

4-6-2004

Selective Traffic
Enforcement Grant
A. 8.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A CONTINUATION OF THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT (STEP) IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) FOR THE PURPOSE OF PAYING OVERTIME TO OFFICERS ENGAGED IN DWI/DUI AND SEATBELT ENFORCEMENT; AND APPROVING A BUDGET ADJUSTMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby accepts a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of Thirty-Two Thousand Dollars (\$32,000.00) for the purpose of paying overtime to officers engaged in DWI/DUI and seatbelt enforcement.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of Thirty-Two Thousand Dollars (\$32,000.00).

PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By:

DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

**City of Fayetteville, Arkansas
Budget Adjustment Form**

4-6-2004

A-8

Budget Year 2004	Department: Police Division: Police Program: Patrol	Date Requested 3/10/2004	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Requested: Accept the 2003/04 Selected Traffic Enforcement Program grant in the amount of \$32,000.00. \$30,000.00 of these funds will support officer overtime to work either seatbelt enforcement or DWI/DUI enforcement. \$2,000.00 will be used to purchase child safety seats to be distributed to the public at Child safety seat checkpoints.	Project or Item Deleted: None
---	----------------------------------

Justification of this Increase: Utilization of these funds help the Police Department better patrol areas known to be accident-prone or where complaints of speeding have been reported. This grant does not require any matching funds. It does require the Department provide information to the number of hours worked patrolling the city less the number of hours charged to the grant.	Justification of this Decrease: \$28,614 of the grant revenue was already budgeted in 2004.
---	--

Increase Expense (Decrease Revenue)						
Account Name	Account Number				Amount	Project Number
Overtime - Uniformed	1010	2940	5104	00	30,000	
Minor Equipment	1010	2940	5210	00	2,000	
Decrease Expense (Increase Revenue)						
Account Name	Account Number				Amount	Project Number
Federal Grant	1010	0001	4309	00	3,386	
Use of fund balance	1010	0001	4999	99	28,614	

Approval Signatures		Budget & Research Use Only					
Requested By	Date	Type:	A	B	C	D	E
Budget Manager	Date	Date of Approval				Date	Initial
Department Director	Date	Posted to General Ledger				Date	Initial
Finance & Internal Services Director	Date	Posted to Project Accounting				Date	Initial
Mayor	Date	Entered in Category Log				Date	Initial

STAFF REVIEW FORM - FINANCIAL OBLIGATION

4-6-2004
A.8.

AGENDA REQUEST
 CONTRACT REVIEW
 X GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Rick Hoyt

Police

Police

Name

Division

Department

ACTION REQUIRED: Council accept 2003 2004 Selective Traffic Enforcement Grant in the amount of \$32,000.00 and approval of a budget adjustment for \$32,000.

COST TO CITY:

\$32,000.00	\$ 5,272,269.00	Patrol salaries and supplies
Cost of this request	Category/Project Budget	Program Category / Project Name
1010.2940.5104.00		
1010.2940.5210.00	\$ 1,039,888.00	Police Patrol and Warrant
Account Number	Funds Used to Date	Program / Project Category Name
	\$ 4,232,381.00	General
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: 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

Received in Mayor's Office

Date

Department Director

Date

Cross Reference:

Finance & Internal Services Dir.

Date

Previous Ord/Res#:

Chief Administrative Officer

Date

Orig. Contract Date:

Orig. Contract Number:

Mayor

Date

New Item:

Yes

No

4-6-04
Solid Waste Forklift Truck
A-10

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Solid Waste Program: Recycling Date of Request: 3/8/2004

Acct.# Currently Charged: 5500-5060 Acct. # to be Charged: 5500-5060

Expansion or Replacement X Date Required: ASAP

Unit # for Vehicle being Replaced: 980 Unit # for Expansion/Replacement: 9058

Purchase Price of Exp./Replace Vehicle: 36,209.00 CIP Budget / Project # 9700.1920.5802 02080

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

Replacement: 131.00 Maintenance: 134.00 Overhead: 110.00

of Months Budgeted: 3.00 Total Budgeted: 1,125.00 + 10035.00 budgeted for new

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

Replacement: 674.00 Maintenance: 130.00 Overhead: 148.00

of Months to be in Service for Current Year: 5.00 Current Year Expense: NEW 4,760.00
OLD 2,625.00
7,385.00

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

Nissan CL80LP Forklift truck, with Cascade Bale clamp 50D-BCR-74B, less trade in on existing bale clamp only. LP gas powered, 8000 lb. capacity

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

The current forklift is undersized and is not capable of performing to the capacity needed. It is old and is past its useful life.

Approval Signatures:

[Signature]
Division Head

3/10/04
Date

[Signature]
Finance & Internal Services Dir.

3-22-04
Date

[Signature]
Fleet Operations Superintendent

3/10/04
Date

[Signature]
Chief Administrative Officer

3-23-04
Date

[Signature]
Budget Manager

3-22-04
Date

[Signature]
Mayor

3/22/04
Date

[Signature]
Department Director

3/22/04
Date

Please return original form to Fleet when signed by all.

4-6-04
Rules of Order &
Procedure, Public Notifcat.
B. 1.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE RULES OF ORDER
AND PROCEDURE FOR THE FAYETTEVILLE MAYOR/
CITY COUNCIL, SECTION A. CITY COUNCIL MEETINGS,
SUBSECTION 6. PUBLIC NOTIFICATION AND
PARTICIPATION

WHEREAS, citizens should have the right to address the City Council on any topic they choose after the last item on the Agenda has been acted upon by the City Council; and

WHEREAS, the City Council wishes to allow citizens desiring to speak concerning items of new business or late on the agenda to have a convenient opportunity to address the City Council during the early evening without having to wait too long; and

WHEREAS, the City Council believes a citizen wishing to address the City Council should in almost every case be able to explain his or her position, opinion or ideas within three minutes; and

WHEREAS, lengthy and repetitious comments during City Council have harmed other citizens' rights to speak and be heard by unnecessarily prolonging City Council meetings.

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 amends the Rules of Order and Procedure for the Fayetteville Mayor/City Council by adding the **bold** language to the second paragraph of A. 6. and adding a new third paragraph (as shown in **bold**).

"6. Public Notification and Participation

The City will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used will include advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, and agenda copies available at City Council meetings.

Members of the audience will be offered an opportunity to speak on all questions before the City Council. Any public member shall first state his or her name and address, followed

4-6-04
Rules of Order & Procedure
Public Notification
B.1.

by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. **No statement shall exceed three (3) minutes in duration unless the City Council, by unanimous consent, agrees to extend further time to the speaker.** All remarks shall be addressed to the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be asked an Alderman or city employee except through the Mayor."

"After the last item on the Agenda has been acted upon by the City Council, members of the public shall be accorded the right to address the City Council on any topic of the speaker's choosing for a period of (3) minutes each, not to exceed 30 minutes total."

All members of the public are requested to accord the utmost courtesy to members of the City Council, to other members of the public appearing before the City Council and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

PASSED and APPROVED this the ____ day of April, 2004

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

**Tentative Agenda
City Council Meeting
April 6, 2004**

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

Agenda Session: Don Spann Report - Study of the old Public Library.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the March 16, 2004 meeting minutes.
2. **Fire Department Uniform Purchase:** A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.
3. **Fire Department Fitness Equipment:** A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.
4. **Central Emergency Medical Services, Inc.:** A resolution approving renewal of the contract for services in the amount of \$156,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.
5. **Springwoods Subdivision Revised Interceptor Sewer Alignment:** A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.
6. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00
7. **Environmental Consulting Operations Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the environmental consulting contract with ECO, Inc. in the amount of \$5,000.00.
8. **Selective Traffic Enforcement Grant:** A resolution accepting a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of \$32,000.00 for the purpose of paying overtime to officers engaged in DWI/DUI and Seatbelt Enforcement.
9. **ADEQ Post Closure Trust Fund:** A resolution authorizing the City to accept \$40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study", approve a budget adjustment for the receipt of this

\$40,500.00 and approve the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.

10. **Solid Waste Forklift Truck Purchase:** A resolution approving the purchase of a Nissan CL80LP Forklift Truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of \$36,208.75
11. **McClelland Engineers Task Order #4 Taxiway:** A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

B. OLD BUSINESS:

1. **Rules of Order and Procedure, Public Notification and Participation:** A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.
This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

C. NEW BUSINESS:

1. **Sweeter Construction, Center Prairie Multi-Use Trail Construction:** A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, Jeremy S. Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of \$37,453.00 and approval of a budget adjustment of \$411,984.00.
2. **Transportation Division Hiring 6 Full Time Employees:** A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of \$340,811.00 for same.
3. **Fayetteville Library Building Purchase:** A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of \$1,200,000.00 and to approve a budget adjustment for \$1,220,000.00.
4. **Mobile Vision, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of 4 additional in-car video systems from the Mobile-Vision, Inc. in the amount of \$15,940.90.
5. **ANX 03-5.00 (Dunnerstock Development):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Dunnerstock Development, Inc. located on Ruppel Road north of Wedington Drive containing approximately 17.19 acres.
6. **ANX 03-06.00 (Schlegel):** An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres.

7. **RZN 03-33.00 (Dunnerstock):** An ordinance rezoning that property described in rezoning petition RZN 03-33.00 as submitted by James McCord on behalf of Dunnerstock Development, Inc. for property located on Ruppel Road north of Wedington Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.
8. **RZN 03-34.00 (Schlegel):** An ordinance rezoning that property described in rezoning petition RZN 03-34.00 as submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.
9. **RZN 04-2.00 (Chance & Tuggle):** An ordinance rezoning that property described in rezoning petition RZN 04-02.00 as submitted by Geoff Bates of Keystone Consultants on behalf of David Chance and John Tuggle for property located at West Tackett and Genevieve Avenue containing approximately 7.94 acres from R-a, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.
10. **RZN 04-3.00 (Fitzgerald):** An ordinance rezoning that property described in rezoning petition RZN 04-03.00 as submitted by James McCord on behalf of Donald and Frances Fitzgerald for property located at the northwest corner of Wedington Drive and 51st Avenue containing approximately 1.51 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.
11. **White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.
12. **Amend Title 3, Purchase and Sale of City Property:** An ordinance to amend *Section 34.25 Sales* of the Code of Fayetteville to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of city assets with a fair market value of less than \$10,000.00.
13. **Water and Sewer System Refunding Revenue Bond Issue:** An ordinance authorizing the issuance and sale of not to exceed \$6,365,000 of Water and Sewer System Refunding Bonds, Series 2004, by the City of Fayetteville, Arkansas for the purpose of refunding the City's outstanding Water and Sewer System Refunding Revenue Bonds, Series 1999; authorizing the execution and delivery of a First Supplemental Trust Indenture pursuant to which the Series 2004 Bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the Series 2004 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2004 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 1999 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

D. INFORMATIONAL:

Council Tour: April 5, 2004

City Council Meeting of April 6, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief (CB)

Date: March 9, 2004

Subject: A Resolution approving Bid number 04-18, establishing a 5-year purchase agreement with Cruse Uniform Company for the purchase of new Fire Department Uniforms.

RECOMMENDATION

The Fire Department recommends approval of Resolution 04-18, establishing a 5-year uniform purchase agreement with Cruse Uniform Company. The agreement will allow the Fire Department to maintain sufficient uniforms through the newly established Quartermaster System.

BACKGROUND

In 2003, the Fire Department changed the process for purchasing uniforms. At that time it was determined the Department could operate more efficiently and effectively by transitioning from a uniform allowance system to a Quarter Master System. The change to the Quarter Master System has provided the Department with a higher level of standardization regarding day to day uniforms and has proven to be more cost effective for the organization.

DISCUSSION

When the Quarter Master System was initiated the Fire Department accepted bids from various vendors, for a 5-year uniform purchase agreement. When the bid was awarded, the Department anticipated that it was receiving the best possible level of quality and service; however, after the first year we have determined that this vendor can not meet our expectations.

After several unsuccessful attempts to work with the previous vendor regarding the inadequate level of service, my Staff and I determined that we wanted to rebid this project. After the bids were opened we found that the overall price for this bid was approximately \$11,000 less than the successful bids from the previous year.

BUDGET IMPACT

This is a budgeted item and will have no significant impact on the Fire Department's overall Operational Budget.



RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #04-18 TO CRUSE UNIFORM COMPANY IN THE AMOUNT OF \$21,334.00 TO PROVIDE NEW UNIFORMS FOR FAYETTEVILLE FIRE DEPARTMENT PERSONNEL.

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 awards Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.

PASSED and APPROVED this 6th day of April 2004.

ATTEST:

By:

SONDRA SMITH, City Clerk

By:

DAN COODY, Mayor

Bid Tabulation Bid 04-18, FFD Uniforms

Bid: 04-18

Date: 2/17/04

Time: 2:00 PM

Bid Items	Bidders							
	Cintas		Cruise Uniforms and Equipment		ATC Uniforms Inc.		Ozark Cop Shop	
	Per Item	Total	Per Item	Total	Per Item	Total	Per Item	Total
Short Sleeve Shirt Quantity (200)								
S-XL	\$24.14	\$3,621.00	\$23.47	\$3,520.50	\$26.95	\$4,042.50	\$37.50	\$5,625.00
XXL	\$26.29	\$1,051.60	\$25.82	\$1,032.80	\$31.95	\$1,278.00	\$40.50	\$1,620.00
XXXL	\$28.43	\$284.30	\$28.17	\$281.70	\$37.95	\$379.50	\$42.75	\$427.50
Long Sleeve Shirt Quantity (200)								
S-XL	\$27.00	\$4,050.00	\$26.25	\$3,937.50	\$28.95	\$4,342.50	\$37.50	\$5,625.00
XXL	\$29.14	\$1,165.60	\$28.88	\$1,155.20	\$33.95	\$1,358.00	\$40.50	\$1,620.00
XXXL	\$31.29	\$312.90	\$31.50	\$315.00	\$39.95	\$399.50	\$42.75	\$427.50
BDU Pants Quantity (200)								
S-XL	\$27.00	\$4,050.00	\$25.20	\$3,780.00	\$28.95	\$4,342.50	\$37.50	\$5,625.00
XXL	\$29.14	\$1,311.30	\$27.72	\$1,247.40	\$33.95	\$1,527.75	\$40.50	\$1,822.50
XXXL	\$31.29	\$156.45	\$30.24	\$151.20	\$39.95	\$199.75	\$42.75	\$213.75
BDU Short Quantity (100)								
S-XL	\$24.14	\$4,224.50	\$22.53	\$3,942.75	\$26.95	\$4,716.25	\$30.00	\$5,250.00
XXL	\$25.57	\$639.25	\$24.79	\$619.75	\$31.95	\$798.75	\$32.50	\$812.50
Belt (Quantity 100)	\$9.99	\$999.00	\$21.75 Alternate Belt to be approved \$13.50	\$2,175.00	\$37.95	\$3,795.00	\$30.00	\$3,000.00
Patch Sewing	\$0.00		\$0.00		\$29.95		\$2.00	
Totals	\$21,865.90		\$22,158.80		\$27,180.00		\$32,068.75	

Purchasing Agent:

Witness:

City Council Meeting of April 6, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief 

Date: March 9, 2004

Subject: A Resolution approving Bid 04-24, in the amount of \$34,408 for the purchase of commercial grade physical fitness equipment for the Fire Department's recently established Wellness & Fitness Program. This program was established and funded under the 2003 Department of Homeland Security FIRE Act Grant.

RECOMMENDATION

The Fire Department recommends approval of a Resolution awarding Bid 04-24, for \$34,408 for the purchase of commercial grade physical fitness equipment for the Fire Department's recently established Wellness & Fitness Program.

BACKGROUND

During the 2003, FIRE Act Grant program the Fire Department submitted a request for \$132,000 to help establish a Wellness & Fitness Program within the Department. This grant was approved and awarded in December 2003.

Since that time, the Fire Department has worked closely with Dr. Barry Brown, from the University of Arkansas, to establish this program, which will help reduce the likelihood various health related issues, which continue to plague Fire Fighters. This program will also reduce the number of injuries to Fire Fighters and speed up the required recovery time for these persons when they experience unpreventable injuries.

DISCUSSION

As previously stated, the Fire Department is working diligently to establish this program in conjunction with Dr. Barry Brown, of the University of Arkansas. This program is one of the first comprehensive Wellness & Fitness initiatives for Fire Departments across the nation. It is also one of the first organized joint initiatives undertaken in partnership between a local Fire Department and a major University.

Once established, the U of A and the Fire Department plans to present this program at various national conferences in an effort to stimulate interest in other universities and Fire Departments. We believe we are establishing a new trend for Fire Department serving communities with university partners.

BUDGET IMPACT

This is a budgeted item.



RESOLUTION NO. _____

A RESOLUTION AWARDING BID #04-24 TO PUSH PEDAL PULL IN THE AMOUNT OF \$34,408.00 FOR THE PURCHASE OF COMMERCIAL GRADE FITNESS EQUIPMENT FOR USE IN THE FAYETTEVILLE FIRE DEPARTMENT'S WELLNESS PROGRAM.

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 awards Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.

PASSED and APPROVED this 6th day of April 2004.

ATTEST:

By: _____

SONDRA SMITH, City Clerk

By: _____

DAN COODY, Mayor

BID 04-24 - PHYSICAL FITNESS EQUIPMENT			DELIVERY TIME	QTY	PRICE	EXTENDED PRICE
ITEM	MAKE/MODEL	MDSE DESCRIPTION				
Recumbent Bicycles						
Push Pedal Pull	Sports Art 5150	CardioAdvisor heart rate system, 14 resistance levels, self-leveling pedals, self-generating power supply	2-8 Weeks	2	1,903.01	3,806.02
Treadmills						
Push Pedal Pull	Noramco Super Tuff ST-4600	Zero load motor, Force multiplier, Six point elevation system, "Natural stride response" system, Shock absorption systems, Dual pivot deck mounts front & rear, Steel hood, Flip up hand rails, Steel belt guards, Safety access code	2-8 Weeks	3	3,112.50	9,337.50
Freemotion Machines						
Push Pedal Pull	Paramount Functional Trainer-Model PFT 200	Internal cable system, Spring loaded pull pin assembly, Swivel pulley system, Adjustable arm, Dual weight stack design, spring loaded foot pedal, Heavy duty magnetic selectorized pins, Standar model, Weight stacks, Unique rotating column	2-8 Weeks	2	3,170.83	6,341.66
Elliptical Trainers						
Push Pedal Pull	Precor 546		2-8 Weeks	3	3,678.05	11,034.15
Dumbbell Sets						
Push Pedal Pull	Troy VTX	Rubber-encased w/ chrome contoured handles	2-8 Weeks	4	971.95	3,887.80
						\$34,407.13

STAFF REVIEW FORM

A.3
Fire Dept. Fitness Equipment
Page 4 of 4☒

AGENDA REQUEST

☐ CONTRACT REVIEW☐ GRANT REVIEW

For the Fayetteville City Council Meeting of:

April 6, 2004

FROM:

Chris BoschFire OperationsFire Department

Name

Division

Department

ACTION REQUIRED: Approve a resolution awarding bid 04-24 in the amount of \$34,408 to the company Push Pedal Pull. This equipment will be utilized in the Fire Department's grant funded Wellness Program.

COST TO CITY:

\$34,408.00	\$ 132,600.00	Fire EMS Training/Wellness Grant - FEMA
Cost of this request	Category/Project Budget	Program Category / Project Name
1010.3020.5210.00	\$ 12,522.00	Fire Operations
Account Number	Funds Used to Date	Program / Project Category Name
04003	\$ 120,078.00	General Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW:

☒

Budgeted Item

Budget Adjustment Attached

[Signature]
Budget Manager3/10/04
Date

CONTRACT/GRANT/LEASE REVIEW:

[Signature]
Accounting Manager3/10/04
Date[Signature]
Internal Auditor3/10/04
Date[Signature]
City Attorney3/10/04
Date[Signature]
Purchasing Manager3/10/04
Date

STAFF RECOMMENDATION:

Division Head

Date

[Signature]
Department Director3/9/04
Date[Signature]
Finance & Internal Services Dir.3-11-04
Date[Signature]
Chief Administrative Officer3-11-04
Date[Signature]
Mayor3/9/04
Date

Cross Reference

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

Previous Ord/Res#:

Orig. Contract Date

Orig. Contract Number

3/10/04
PA

City Council Meeting of April 6, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief

Date: March 4, 2004

Subject: Resolution approving a contract for ALS/Transport Ambulance Service with Central Emergency Medical Service, Inc. for \$156,000.

RECOMMENDATION

The Fire Department recommends approval of a Resolution awarding the annual contract for Advanced Life Support Ambulance Transport service to Central Emergency Medical Service, Inc. (CEMS) for \$156,000.

BACKGROUND

This agreement involves an annual contract for Advanced Life Support Ambulance Transport service between the City of Fayetteville and CEMS. This contract is awarded on an annual basis.

DISCUSSION

As you know, for the past several years the City of Fayetteville has contracted with CEMS to provide advanced life support transport ambulance service for the citizens of Fayetteville. Currently the Fire Department maintains a strong and effective working relationship with CEMS with both agencies working to provide the most efficient and effective emergency medical service in the region. Both agencies work collaboratively in a tiered emergency response system with the Fire Department providing Basic Life Support in conjunction with CEMS' providing Advanced Life Support and transport ambulance service. This tiered system of service ensures that the Citizens of Fayetteville receive care as quickly as possible.

Currently both agencies participate in ensuring efficient and effective care through an EMS oversight committee, which convenes on a monthly basis, to address any issues that may arise. This group has effectively worked together to improve the quality of service currently being offered to the community. Both agencies will continue to work together collaboratively to ensure the needs of the Citizens of Fayetteville are continually met.

BUDGET IMPACT

This is a budgeted item with an overall annual cost of \$156,000. This cost is paid out in twelve (12) equal installments with CEMS submitting monthly bills for service.

RESOLUTION NO. _____

A RESOLUTION APPROVING RENEWAL OF THE CONTRACT FOR SERVICES IN THE AMOUNT OF ONE HUNDRED FIFTY-SIX THOUSAND DOLLARS (\$156,000.00) BETWEEN THE CITY OF FAYETTEVILLE AND CENTRAL EMERGENCY MEDICAL SERVICES, INC. TO OPERATE AND MAINTAIN AN EMERGENCY AMBULANCE SERVICE TO SERVE THE RESIDENTS 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 approves renewal of the contract for services in the amount of One Hundred Fifty-Six Thousand Dollars (\$156,000.00) between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

PASSED and APPROVED this 6th day of April 2004.

APPROVED

DAN GOODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**CITY OF FAYETTEVILLE
CONTRACT FOR EMERGENCY MEDICAL TRANSPORT SERVICES**

This Agreement is entered into on this 1st day of, January 2004 between the City of Fayetteville, hereinafter known as the "City" and Central Emergency Medical Service, hereinafter known as "CEMS," an Arkansas not-for-profit corporation.

WHEREAS the City has determined that a public need exists for an emergency ambulance service that operates within the city limits of Fayetteville to serve Fayetteville residents,

WHEREAS CEMS has developed an emergency ambulance service that operates within the City limits and serves Fayetteville residents.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the City and CEMS agree as follows:

1. This Agreement will begin on the date first written above.
2. CEMS agrees to develop, operate, and maintain an Advanced Life Support (ALS) Emergency Ambulance Service that serves Fayetteville residents and responds to all emergency medical calls for service within the city limits of Fayetteville, Arkansas. This ALS service will be provided in conjunction with the Fayetteville Fire Department's emergency response units with the Fayetteville Fire Department agreeing to provide Basic Life Support (BLS) Non-Transport Emergency Response Service. The Fire Department shall maintain control over the use of Fire Apparatus as First Response Units and CEMS shall maintain control over the use of Ambulances.
3. The Fayetteville Fire Department agrees to operate according to the established patient treatment protocols, as identified by the CEMS' Medical Director, from the time patient contact is made until the time the patient is removed from the incident scene and transported, via ALS Ambulance, to a recognized medical treatment facility or hospital, or until CEMS personnel determine the call is a no-transport.
4. CEMS agrees to provide written quarterly and annual reports to the City's Project Coordinator, describing the activities undertaken during the preceding period and also to report on the following performance measures: Number of calls responded to, average response time for these calls, type of patient service provided for each response. (Whether the patient accepted or declined care). The parameters for calculating the average response time will be from the time the call is verified at the CEMS medical communications center until arrival at the incident location by the first arriving transporting Ambulance. "Time call is verified," shall be the moment the communications center personnel receive both sufficient location information to know where a response is required and sufficient information to determine the presumptive run priority designation. "Arrival at incident location," means the moment an ambulance crew notifies the medical communication center that it is fully stopped at the location where the ambulance shall be parked while the crew exits to approach

the patient. In situations where the ambulance has responded to a location other than the scene (e.g. staging areas for hazardous material/violent crime incidents or non-secured scenes), arrival at the scene shall be the time the ambulance arrives at the designated staging location. The quarterly reports are to be submitted to the Project Coordinator by April 10, July 10, October 10, and January 10 for the preceding calendar quarter. The data used to compile these reports will include only those calls for service within the corporate city limits of the City of Fayetteville, Arkansas and will be reported for the current quarter, current year-to-date, and prior year-to-date.

5. CEMS agrees to make both financial and response data records available for review by the Project Coordinator and the City's Internal Auditors as requested, and to provide the City with an annual audit performed by a certified public accountant licensed by the State of Arkansas. CEMS agrees to comply with the Arkansas Freedom of Information Act as applicable. Requests for records shall follow compliance requirements of the Health Insurance Portability and Accountability Act (HIPAA).
6. For the purposes of this Agreement, the Project Coordinator for the City will be the City Fire Chief or his/her designee. The Project Coordinator for CEMS will be CEMS Director Tony Hickerson or his successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and CEMS.
7. Terms of Performance. The term of performance for this agreement will expire December 31, 2004 and may be extended for an additional three years subject to approval of a budget containing funding for the service.
8. CEMS will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter in this Agreement.
9. Budget. The City agrees to pay and CEMS agrees to accept, as payment in full for its services, in 2004, \$156,000.00. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.
10. CEMS must provide and maintain in force, at all times during the term of the contract, insurance for worker's compensation as provided by state statute, commercial general liability, and vehicle liability. Such policies will be issued by companies authorized to do business in the State of Arkansas. Minimum amounts required for commercial general liability and vehicle liability are \$1,000,000.

For any work sublet, CEMS will require the subcontractor to provide similar worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under workers' compensation insurance, CEMS will provide and will cause each subcontractor to provide adequate employers' liability insurance for the protection of such of his employees as are not otherwise protected. A certificate of insurance

addressed to the City listing the above coverage's is to be submitted with contract approval. The premiums for all insurance required herein will be paid by CEMS.

11. Emergency Medical Services Workgroup. CEMS and the City agree to establish a standing Emergency Medical Service (EMS) Workgroup. This EMS Committee shall consist of three (3) representative from CEMS, three (3) representatives from the Fire Department and two (2) representatives from the Police Department's Central Dispatching Office. This group will meet to discuss the coordination of services, facilitate the exchange ideas to enhance the quality of service being provided and develop a problem solving mechanism for issues that may arise. This Committee will meet as requested by a member of the workgroup, least once every quarter during the calendar year.
12. The City agrees to compensate CEMS in the form of equal monthly installments with any remaining balances, for the calendar year, to be paid in December of the respective year.
13. Notices. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by certified mail, return receipt requested, with the notice becoming effective no less than three (3) days after deposit therein addressed to the following:

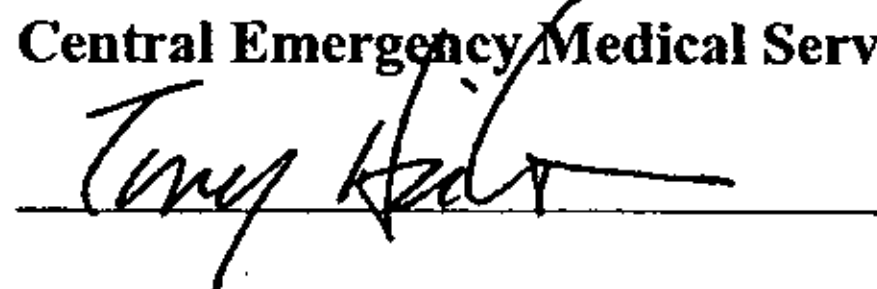
City of Fayetteville	Fayetteville Fire Dept.	CEMS
Dan Coody	Chris Bosch	Tony Hickerson
Mayor	Fire Chief,	Director
113 West Mountain St.	303 W. Center St.	645 S School Ave
Fayetteville, AR 72701	Fayetteville, AR 72701	Fayetteville, AR 72701
14. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other party. Nor shall this agreement be construed to bestow any rights or benefits upon anyone other than CEMS and the City.
15. A waiver by either party of any terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.
16. Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and CEMS.
17. Severability. 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 will remain in full force and effect.
18. Interpretation. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

19. Tax Exempt Status: Attached hereto and made part hereof is a copy of the correspondence from the Internal Revenue Service dated _____ confirming the 501(c)(3) tax exempt status of the Central Emergency Medical Service.

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

Central Emergency Medical Services, Inc.

City of Fayetteville



Tony Hickerson, Director



Dan Coody, Mayor

Attested By:

Attested By:

STAFF REVIEW FORM - FINANCIAL OBLIGATION

A. 4
Central Emergency Medical Services, Inc.
Page 7 of 8

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Chris BoschFire AdministrationFire

Name

Division

Department

ACTION REQUIRED: A resolution approving the renewal of the annual contract with Central Emergency Medical Services, Inc. for 2004 in the amount of \$156,000 for emergency ambulance transport service in the City of Fayetteville.

COST TO CITY:

<u>\$156,000.00</u>	<u>\$ 156,800.00</u>	<u>Transfer to CEMS</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>1010-6600-5705.00</u>	<u>\$ -</u>	<u>Emergency Medical Contract</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>Project Number</u>	<u>\$ 156,800.00</u>	<u>Sales Tax General</u>
	Remaining Balance	Fund Name

BUDGET REVIEW:

☒

Budgeted Item

Budget Adjustment Attached

Brian Lee
Budget Manager3/12/04
Date

CONTRACT/GRANT/LEASE REVIEW:

Maria Fathis
Accounting Manager3/11/04
DateDanny Smith
Internal Auditor3/12/04
DateD. J. Whit
City Attorney3/12/04
DateP. Ulico
Purchasing Manager3/12/04
Date

STAFF RECOMMENDATION: Staff recommends approval of this resolution.

Division Head

Date

C. Bosch
Department Director3/11/04
Date

Received in Mayor's Office

3/15/04
Date

P.A.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

☒ Yes☐ NoSteve Davis
Finance & Internal Services Dir.3-15-04
DateHugh Smith
Chief Administrative Officer3-16-04
DateDan Coady
Mayor3/16/04
Date

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer *HE*

From: Greg Boettcher, Water/Wastewater Director *Greg Boettcher*

Date: March 15, 2004

Subject: Resolution authorizing execution of an agreement with Legacy Project LLC (Mr. H. Colins Haynes) relating to an alternative interceptor sewer line route for Springwoods Subdivision

RECOMMENDATION

Fayetteville City Administration recommends approval of the agreement with Legacy Project LLC for realignment of the interceptor sewer line route..

BACKGROUND

The City of Fayetteville and Legacy Project LLC entered into a real estate purchase and sale contract on May 6, 2003 relating to the I-540 Business Park (now Springwoods Subdivision). Under the terms and conditions of this contract the City of Fayetteville reserved a specific utility corridor across this property for the future construction of an interceptor sewer line. As the developer finalized the development plan for this tract, the new layout and original interceptor sewer line route were found to be incompatible. This prompted the developer's request for a change in the interceptor sewer alignment across said tract, with the City of Fayetteville evaluating the feasibility of such change.

DISCUSSION

Analysis of an alternative interceptor sewer alignment across Springwoods Subdivision found the change to be a benefit in terms of environmental, operational and future accessibility factors. In terms of project costs, the revised alignment was found to create the following impacts upon the sewer line project's budget:

CONSTRUCTION COST INCREASE	\$115,000.00
ENGINEERING RE-DESIGN	4,000.00
ENVIRONMENTAL DELINEATION	5,000.00
MISCELLANEOUS ADMINISTRATIVE	3,000.00
SUB-TOTAL	\$127,000.00
CONTINGENCY	23,000.00
MAXIMUM PREDICTED COST	\$150,000.00

The predicted increased costs of \$150,000.00 were communicated to the developer with the understanding the developer will be responsible for actual costs, up to this amount, if the alignment is revised. In addition, the developer was informed that responsibility for replacement easements will also be his sole responsibility, including negotiations, procurements and payments. Verbal agreement with such arrangements was provided by the developer. A formal agreement setting forth the explicit terms and conditions was developed, reviewed by the City Attorney and executed by the developer.

This proposal was presented to the Fayetteville Water and Sewer Committee for consideration. Following review of the arrangements and a site visit, the committee recommended approval of the interceptor line change by the City Council. Initial concerns over environmental impacts have been resolved. All concerned parties have indicated the sewer alignment change to have positive benefits and support the planned realignment.

A formal agreement between the City of Fayetteville and Legacy Project LLC has been developed to set forth terms, conditions and each party's respective responsibilities. The agreement has been reviewed by the City Attorney and executed by Legacy Project LLC. A copy of the agreement titled "Interceptor Sewer Re-Alignment-Springwood Subdivision" and a location map are attached for reference.

BUDGET IMPACT

The \$150,000.00 of predicted additional costs will be initially paid from funds in the Program's Budget. Actual expenses, up to said amount, will be subsequently reimbursed to the City of Fayetteville by the developer (Legacy Project LLC) under the terms of the agreement.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT
WITH LEGACY PROJECT, LLC FOR INTERCEPTOR
SEWER REALIGNMENT FOR SPRINGWOODS
SUBDIVISION

WHEREAS, a new interceptor sewer needs to be constructed within the Springwoods Subdivision at a different location than originally planned because of Legacy Project, LLC's request.

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 approves the Interceptor Sewer Realignment for Springwood Subdivision agreement as attached as Exhibit A in which the City agrees to relocate the original site of the interceptor sewer in consideration of Legacy Project LLC's agreement to pay the City's relocation expenses up to the maximum projected cost of \$150,000.00.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION
Fayetteville, Arkansas

THIS AGREEMENT, made and entered into the _____ day of _____, 2004, by and between the **CITY OF FAYETTEVILLE**, County of Washington, State of Arkansas (hereafter called **FAYETTEVILLE**), and **LEGACY PROJECT, LLC**, an Arkansas limited liability company, and/or its assigns (hereafter called **LEGACY**) **WITNESSETH THAT:**

WHEREAS, Fayetteville by an agreement executed on May 6, 2003 agreed to convey and deed property as described in Exhibit "A" hereof and generally located on the north side of Interstate 540, situated in the City of Fayetteville, Washington County, Arkansas, containing approximately 289 acres of land, more or less, being subject to specific stated terms and conditions; and

WHEREAS, pursuant to the stated terms and conditions of said agreement; Item 16, the following provisions are made:

"Reservation of Public Streets, Right-of-Ways, Utility Easements and Temporary Construction Easements. A new waste water treatment facility project is currently in the preliminary stages of design and construction for the City of Fayetteville. As part of that project many new wastewater collection systems will be installed around the city and a large gravity main is planned for the north side of Clabber Creek across this property from East to West. It is therefore understood that, as part of this conveyance, Legacy Project will convey to the City of Fayetteville, at no cost to the city and on forms to be provided by the City of Fayetteville or their designee, a permanent Water/Sewer Easement of 40 foot width parallel to and south of the planned extension of Truckers Drive and any alignment adjustments as mutually agreed and a Temporary Construction Easement of 150 foot width south of the permanent easement, along with the right of ingress and egress across the property to facilitate construction. The Temporary Construction Easement shall terminate upon completion of the initial construction of the sewer main. The City of Fayetteville agrees to maintain a periodic consultation with Legacy Project as to the desirable and necessary design location of this proposed sewer main sewer line. Existing public streets, rights-of-way and easements shall remain public and be available for public use"; and

WHEREAS, Legacy has completed a development plan for the land that proposes an alternative reservation of public streets, right-of-ways, utility easements and temporary construction easements from that set forth in the aforementioned Section 16 of the May 6, 2003 agreement; and

WHEREAS, Fayetteville finds the modification of the original alignment of the proposed interceptor sewer line to be in the best public interest;

NOW THEREFORE, Fayetteville and Legacy agree to the following modified terms and conditions for Section 16 of the May 6, 2003 agreement:

1. Legacy shall grant to Fayetteville a 50-foot wide permanent utility easement along the north and west property lines of the previously described 289 acre tract, the extent of said easement to be generally described as follows: Beginning at the northeast corner of the tract, 2,885 and running thence westerly along the north property line a distance of approximately 2,885 feet to a property corner, thence

continue southerly along the west property line to a distance of approximately 1816.06 feet to a property corner, said property corner representing the end of said 50 foot wide permanent utility strip along the perimeter of said 289 acre tract of land. In addition to a 50-foot wide permanent utility easement, Legacy shall grant to Fayetteville a 100-foot wide temporary construction easement, said 100-foot to be in addition to and parallel with the previously described 50-foot permanent easement inside said property.

2. Legacy shall secure easement grants to the City of Fayetteville a 50-foot wide permanent utility easement and a minimum 50-foot wide temporary construction easement between the northeast corner of the 289 acre tract of land and the east right-of-way line of Arkansas State Highway 112, said easement being generally described as follows: Beginning at the northeast corner of the 289 tract of land, and running thence easterly parallel with the north property line as distance of approximately 1,117 feet to the west right-of-way of Arkansas State Highway 112, said intersection of the property line with the right-of-way line marking the end of said easement. This easement will provide a continuous and linear alignment for the proposed interceptor sewer line from the west right-of-way line of Arkansas State Highway 112 to the northwest corner of the 289 acre tract.
3. Fayetteville, upon receipt of all necessary easement documents from Legacy for the above-described continuous utility corridor, shall release Legacy from the right-of-way street, utility easement and temporary construction easement requirements set forth in Section 16 of the May 6, 2003 agreement. It is to be clearly recognized, acknowledged and agreed that the easement acquisition required of Legacy involves voluntary negotiations with other private interests whose participation is not assured. Should Legacy, through no fault of its own, be unable to secure a continuous easement corridor, the original agreement terms, set forth in Section 16 will remain valid.
4. Legacy agrees and covenants to fully compensate Fayetteville for any and all increased project costs associated with the re-alignment of the proposed interceptor sewer line from the originally proposed routing. Increased costs may include, but not be limited to; increased excavation costs, added rock removal costs, engineering costs, abandoned design costs, increased manhole depths, additional environmental analysis, expanded historical/cultured resource survey work and other costs directly attributed to changing the alignment of the interceptor sewer line from its originally approved routing. Legacy's financial obligations under this provision will be based upon actual increased costs; however, in no case shall the total financial obligation to Fayetteville exceed one-hundred fifty thousand dollars (\$150,000.00). The costs of right-of-way acquisitions by Legacy will be the sole cost of Legacy and are not a component of the \$150,000.00 financial obligation.
5. Legacy agrees to complete the off-site right-of-way acquisition in a prompt and expedient manner, with the necessary right-of-way documents to be delivered to Fayetteville within sixty (60) calendar days from the date of this agreement. If at the end of the 60-day period, Legacy has not produced the continuous right-of-way corridor, and Fayetteville has not granted a formal, written extension of time for such task, the approval of the re-alignment by Fayetteville shall become null and void, with the provisions of Section 16 in the May 6, 2003 agreement

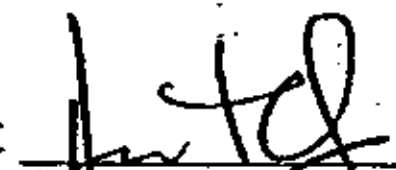
remaining in full force and effect. Furthermore, said default by Legacy shall obligate Legacy to fully reimburse Fayetteville for any and all costs incurred for the implementation of the new interceptor sewer line alignment, said stranded costs to have a ceiling of \$150,000.00 as noted in the previous section.

6. Upon execution of this agreement by Legacy and Fayetteville, it is mutually understood and agreed that Fayetteville shall proceed immediately with the planning and design of the proposed interceptor sewer based upon the re-alignment. Actions that Fayetteville shall take, and for which Legacy may become accountable under default may include; engineering, surveys, test borings, plan development, drawing revisions, historical/cultural assessments and other project actions that are specific to the new alignment requested by Legacy.
7. Fayetteville shall maintain accurate records of authorizations, transactions and costs relating to the new alignment of the interceptor sewer line. As these costs are incurred, Fayetteville shall from time to time, but more frequently than once per month, submit requests for reimbursement to Legacy for costs incurred. Legacy agrees and covenants to review, process and remit payments to Fayetteville within 30 calendar days after receipt of statement. Failure to pay amounts to Fayetteville in said 30-day window shall grant Fayetteville the right to claim a late payment penalty of 6% of the principal amount of the statement for all time the statement remains unpaid.
8. A sketch of the original interceptor sewer line route and the proposed interceptor re-alignment is attached hereto and made a part of this agreement. Fayetteville and Legacy agree that this exhibit generally depicts the character and scope of this matter.
9. Any party of any other agreement in conflict with this agreement are repealed and amended as noted herein. All other provisions, not affected by this agreement remain in full force and effect. The failure of Legacy to furnish the required right-of-way corridor within the specified time frame shall render Legacy in default, and void the terms of this agreement excepting these rights of cost recovery from Legacy granted to Fayetteville.

END OF AGREEMENT

EXECUTED ON THIS 5th DAY OF FEB., 2004 BY LEGACY PROJECT, LLC. LEGACY PROJECT, LLC., an ARKANSAS limited liability company.

By: 
H. COLIN HAYNES

Attest: 
Authorized Member

EXECUTED THIS _____ DAY OF _____, 2004 BY City OF FAYETTEVILLE, COUNTY OF WASHINGTON, STATE OF ARKANSAS, a municipal corporation.

By: _____
DAN COODY, Mayor

Attest: _____
SONDRA SMITH, City Clerk

File Number: 200300063089 1 of 2

Printed by: JES 1/28/2003
Printed by: JES 1/28/2003
Printed by: JES 1/28/2003
Printed by: JES 1/28/2003
Printed by: JES 1/28/2003

WARRANTY DEED MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

THAT the CITY OF FAYETTEVILLE, ARKANSAS, a municipal corporation, hereinafter called GRANTOR, for and in consideration of the sum of One-hundred Dollar (\$100.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Legacy Project, LLC, an Arkansas limited liability corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

Doc ID: 000700000000 Type: AM
Recorded: 12/18/2003 at 01:51:00 PM
Fee Amt: \$11.00 Page 1 of 2
Washington County, AR
Pette Homan Circuit Clerk
File: 2003-00063089

PROPERTY DESCRIPTION:

A part of Section 33, Township 17 North, Range 30 West, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Section 33; thence along the West line of said Section 33 South 02° 28' 11" West 1818.06 feet; thence South 87° 19' 24" East 330.00 feet; thence South 02° 28' 10" West 2480.00 feet; thence South 87° 21' 18" East 880.23 feet; thence South 02° 28' 45" West 329.99 feet; thence South 87° 21' 18" East 880.00 feet; thence North 02° 28' 51" East 329.80; thence South 02° 11' 53" East 831.88 feet to the westerly right of way line of U. S. Highway 71; thence Northerly along said westerly right of way line the following bearings and distances:

North 34° 27' 18" East	922.80 feet
North 38° 27' 58" East	150.78 feet
North 34° 22' 25" East	949.12 feet
North 27° 10' 08" East	171.37 feet
North 07° 15' 08" East	170.41 feet
North 08° 19' 10" West	230.77 feet
North 12° 48' 23" West	100.11 feet
North 18° 38' 58" West	57.87 feet
North 04° 18' 48" East	188.20 feet
North 18° 24' 53" East	128.58 feet
North 31° 34' 48" East	190.30 feet
North 30° 15' 38" East	191.34 feet
North 08° 53' 28" East	127.62 feet
North 75° 15' 02" East	117.54 feet
North 74° 58' 18" East	100.11 feet
North 28° 07' 08" East	74.14 feet

thence leaving said west right of way line and running North 87° 17' 26" West 1100.15 feet; thence North 02° 28' 17" East 1030.76 feet to the North line of Section 33; thence along the North line of Section 33 North 87° 14' 58" West 247.90 feet to the North quarter corner of Section 33; thence continuing along the North line of said Section 33 North 87° 19' 24" West 2837.40 feet to the Point of Beginning, containing 289.27 acres, more or less, being subject to rights of way and easements of record.

TO HAVE AND TO HOLD the said lands and appurtenances thereto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

File Number: 200300063061 2 of 2

Warranty Deed
City of Fayetteville - Legacy Project, LLC
Page 2 of 2

WITNESS the execution hereof on this 12th day of December, 2003



CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

Dan Coody
Dan Coody, Mayor

Sandra Smith
Sandra Smith, City Clerk

(Seal)

ACKNOWLEDGMENT

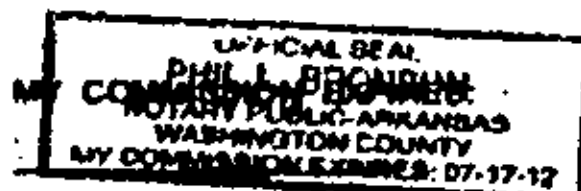
STATE OF ARKANSAS

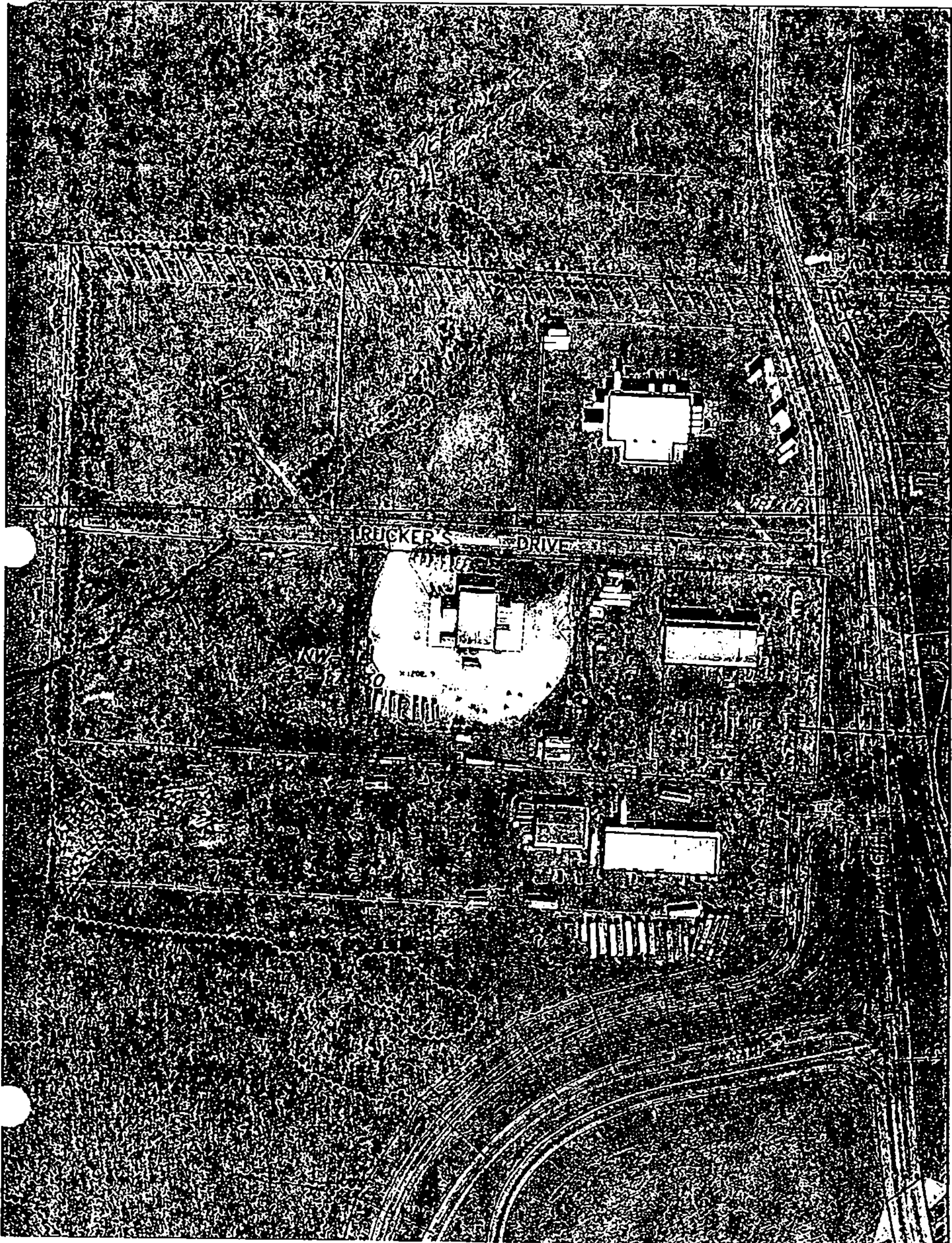
COUNTY OF WASHINGTON

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

WITNESS my hand and seal on this 12 day of December, 2003.

John L. Beaudry
Notary Public





STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>Greg Boettcher</u>	<u>Water and Wastewater</u>	<u>Water and Wastewater</u>
Name	Division	Department

ACTION REQUIRED: Approval of Agreement with Legacy Project (H. Colins Haynes) regarding developer's request for a revised interceptor sewer alignment across Springwoods Subdivision.

COST TO CITY: Agreement obligates Legacy Project LLC, the developer for Springwood Subdivision, to reimburse the City of Fayetteville for the costs of interceptor sewer realignment up to predicted cost of \$150,000.00

<u>\$150,000.00</u>	<u>\$ 121,534,980.00</u>	<u>Water/Wastewater</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5400.0940.4420.00</u>	<u>10459975.55</u>	<u>Wastewater System Improvements</u>
<u>4400.9480.5315.00</u>	<u>\$ 10,461,475.55</u>	Program / Project Category Name
Account Number	Funds Used to Date	<u>Sales Tax-Wastewater</u>
<u>02133-0302</u>	<u>111,075,004.45</u>	Fund Name
	<u>\$ 111,073,504.45</u>	
	Remaining Balance	

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

Brian Lee 3/16/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Maria Farthing</u>	<u>3/16/04</u>	<u>Nancy Smith</u>	<u>3/16/04</u>
Accounting Manager	Date	Internal Auditor	Date
<u>[Signature]</u>	<u>3/16/04</u>		
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

Division Head	Date	
<u>Gy Boettcher</u>	<u>4-16-04</u>	
Department Director	Date	
<u>Steve Davis</u>	<u>3-17-04</u>	
Finance & Internal Services Dir.	Date	
<u>Nigel Summitt</u>	<u>3-16-04</u>	
Chief Administrative Officer	Date	
<u>[Signature]</u>	<u>3/17/04</u>	
Mayor	Date	

Received in Mayor's Office 3/17/04
Date PH

Cross Reference:

Previous Ord/Res#:
Orig. Contract Date:
Orig. Contract Number:
New Item: Yes No



City Council Meeting of April 6, 2004

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer *HE*

From: Greg Boettcher, Water/Wastewater Director *Greg Boettcher*

Date: March 15, 2004

Subject: Resolution approving contract Amendment No. 1 with RJN Group for redesign of interceptor sewer line at Springwoods Subdivision

RECOMMENDATION

Fayetteville City Administration recommends approval of contract Amendment No. 1 in the amount of \$4,000.00 to the July 15, 2003 agreement with RJN Group, Inc of Dallas, Texas.

BACKGROUND

The City of Fayetteville and Legacy Project LLC entered into a real estate purchase and sale contract on May 6, 2003 relating to the I-540 Business Park (now Springwoods Subdivision). Under the terms and conditions of this contract the City of Fayetteville reserved a specific utility corridor across this property for the future construction of an interceptor sewer line. As the developer finalized the development plan for this tract, the new layout and original interceptor sewer line route were found to be incompatible. This prompted the developer's request for a change in the interceptor sewer alignment across said tract, with the City of Fayetteville evaluating the feasibility of such change.

DISCUSSION

Analysis of an alternative interceptor sewer alignment across Springwoods Subdivision found the change to be a benefit in terms of environmental, operational and future accessibility factors. In terms of project costs, the revised alignment was found to create the following impacts upon the sewer line project's budget:

CONSTRUCTION COST INCREASE	\$115,000.00
ENGINEERING RE-DESIGN	4,000.00
ENVIRONMENTAL DELINEATION	5,000.00
MISCELLANEOUS ADMINISTRATIVE	3,000.00
SUB-TOTAL	\$127,000.00
CONTINGENCY	23,000.00
MAXIMUM PREDICTED COST	\$150,000.00

City Council Meeting of April 6, 2004

The predicted increased costs of \$150,000.00 were communicated to the developer with the understanding the developer will be responsible for actual costs, up to this amount, if the alignment is revised. In addition, the developer was informed that responsibility for replacement easements will also be his sole responsibility, including negotiations, procurements and payments. Verbal agreement with such arrangements was provided by the developer. A formal agreement setting forth the explicit terms and conditions was developed, reviewed by the City Attorney and executed by the developer.

This proposal was presented to the Fayetteville Water and Sewer Committee for consideration. Following review of the arrangements and a site visit, the committee recommended approval of the interceptor line change by the City Council. Initial concerns over environmental impacts have been resolved. All concerned parties have indicated the sewer alignment change to have positive benefits and support the planned realignment.

Amendment no.1 for the RJN Group agreement is necessary for the new engineering design to be completed. A copy of RJN Group Amendment No. 1 is attached for reference.

BUDGET IMPACT

The \$4,000.00 in increased engineering design costs will be initially paid from funds in the Program's Budget. Actual expenses, up to said amount, will be subsequently reimbursed to the City of Fayetteville by the developer (Legacy Project LLC) under the terms of the agreement.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AMENDMENT NO. 1
TO THE ENGINEERING SERVICES CONTRACT WITH
RJN GROUP, INC. IN THE AMOUNT OF \$4,000.00

**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 Amendment No. 1 to the Agreement For Engineering Services with RJC Group,
Inc. in the amount of \$4,000.00 as attached as Exhibit A.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

**AMENDMENT NO. 1
TO
AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS
AND
RJN GROUP, INC., DALLAS, TEXAS**

WHEREAS, On July 15, 2003 the City of Fayetteville, Arkansas (**Fayetteville**) and RJN Group, Inc., of Dallas, Texas (**RJN**) entered into an agreement for engineering services in connection with the Wastewater System Improvement Project, and in particular the Westside Collection System Improvements (**Project**). The scope of these services included the final design and bidding phases, and

WHEREAS, **RJN** has proceeded with these services in accordance with the scope set forth in the agreement, and

WHEREAS, **Fayetteville** requests that the scope of **RJN**'s services be amended to accommodate a new interceptor sewer line alignment from the west right-of-way line of Highway 112 to the west limits of Springwoods Subdivision, said changes to conform with the arrangements set forth in "**INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION**"; and

WHEREAS, **RJN** agrees to provide the amended scope of services for a lump sum fee increase of \$4,000.00;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, **Fayetteville** and **RJN**, the parties hereto, stipulate and agree that the Agreement for Engineering Services dated July 15, 2003, is hereby amended in the following particulars:

SECTION 3-ADDITIONAL SERVICES OF ENGINEER

SECTION 3, 2.2.1-Revisions to drawings, specifications or other documents made necessary by adjustments in the City of Fayetteville's program, more specifically:

The redesign of the proposed interceptor sewer line, beginning at the west right-of-way line of Highway 112 and continuing across the north and west boundary of Springwoods Subdivision in the City of Fayetteville in accordance with the communications and agreements relating to said interceptor sewer alignment change, including the agreement titled "**INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION**", attached to and made a part of this amendment.

SECTION 6-PAYMENTS TO ENGINEER is amended to read as follows:

For the scope of services set forth in the final design phase described herein, plus the additional services set forth in Amendment No. 1 for \$4,000.00, Fayetteville shall pay RJN the amended lump sum amount of **TWO MILLION, THREE HUNDRED EIGHTY-SEVEN THOUSAND, FOUR HUNDRED SIXTY-THREE UNITED STATES DOLLARS (US \$2,387,463.00).**

All other provisions of the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this _____ day of _____, 2004.

CITY OF FAYETTEVILLE ARKANSAS

RJN GROUP, INC.

By: _____
Dan Coody
Mayor

By: _____
Hugh M. Kelso
Regional Vice President

ATTEST:

ATTEST:

Sondra Smith
City Clerk

INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION
Fayetteville, Arkansas

THIS AGREEMENT, made and entered into the _____ day of _____, 2004, by and between the CITY OF FAYETTEVILLE, County of Washington, State of Arkansas (hereafter called FAYETTEVILLE), and LEGACY PROJECT, LLC, an Arkansas limited liability company, and/or its assigns (hereafter called LEGACY) WITNESSETH THAT:

WHEREAS, Fayetteville by an agreement executed on May 6, 2003 agreed to convey and deed property as described in Exhibit "A" hereof and generally located on the north side of Interstate 540, situated in the City of Fayetteville, Washington County, Arkansas, containing approximately 289 acres of land, more or less, being subject to specific stated terms and conditions; and

WHEREAS, pursuant to the stated terms and conditions of said agreement; Item 16, the following provisions are made:

"Reservation of Public Streets, Right-of-Ways, Utility Easements and Temporary Construction Easements. A new waste water treatment facility project is currently in the preliminary stages of design and construction for the City of Fayetteville. As part of that project many new wastewater collection systems will be installed around the city and a large gravity main is planned for the north side of Clabber Creek across this property from East to West. It is therefore understood that, as part of this conveyance, Legacy Project will convey to the City of Fayetteville, at no cost to the city and on forms to be provided by the City of Fayetteville or their designee, a permanent Water/Sewer Easement of 40 foot width parallel to and south of the planned extension of Truckers Drive and any alignment adjustments as mutually agreed and a Temporary Construction Easement of 150 foot width south of the permanent easement, along with the right of ingress and egress across the property to facilitate construction. The Temporary Construction Easement shall terminate upon completion of the initial construction of the sewer main. The City of Fayetteville agrees to maintain a periodic consultation with Legacy Project as to the desirable and necessary design location of this proposed sewer main sewer line. Existing public streets, rights-of-way and easements shall remain public and be available for public use"; and

WHEREAS, Legacy has completed a development plan for the land that proposes an alternative reservation of public streets, right-of-ways, utility easements and temporary construction easements from that set forth in the aforementioned Section 16 of the May 6, 2003 agreement; and

WHEREAS, Fayetteville finds the modification of the original alignment of the proposed interceptor sewer line to be in the best public interest;

NOW THEREFORE, Fayetteville and Legacy agree to the following modified terms and conditions for Section 16 of the May 6, 2003 agreement:

1. Legacy shall grant to Fayetteville a 50-foot wide permanent utility easement along the north and west property lines of the previously described 289 acre tract, the extent of said easement to be generally described as follows: Beginning at the northeast corner of the tract, 2,885 and running thence westerly along the north property line a distance of approximately 2,885 feet to a property corner, thence

- continue southerly along the west property line to a distance of approximately 1816.06 feet to a property corner, said property corner representing the end of said 50 foot wide permanent utility strip along the perimeter of said 289 acre tract of land. In addition to a 50-foot wide permanent utility easement, Legacy shall grant to Fayetteville a 100-foot wide temporary construction easement, said 100-foot to be in addition to and parallel with the previously described 50-foot permanent easement inside said property.
2. Legacy shall secure easement grants to the City of Fayetteville a 50-foot wide permanent utility easement and a minimum 50-foot wide temporary construction easement between the northeast corner of the 289 acre tract of land and the east right-of-way line of Arkansas State Highway 112, said easement being generally described as follows: Beginning at the northeast corner of the 289 tract of land, and running thence easterly parallel with the north property line as distance of approximately 1,117 feet to the west right-of-way of Arkansas State Highway 112, said intersection of the property line with the right-of-way line marking the end of said easement. This easement will provide a continuous and linear alignment for the proposed interceptor sewer line from the west right-of-way line of Arkansas State Highway 112 to the northwest corner of the 289 acre tract.
 3. Fayetteville, upon receipt of all necessary easement documents from Legacy for the above-described continuous utility corridor, shall release Legacy from the right-of-way street, utility easement and temporary construction easement requirements set forth in Section 16 of the May 6, 2003 agreement. It is to be clearly recognized, acknowledged and agreed that the easement acquisition required of Legacy involves voluntary negotiations with other private interests whose participation is not assured. Should Legacy, through no fault of its own, be unable to secure a continuous easement corridor, the original agreement terms, set forth in Section 16 will remain valid.
 4. Legacy agrees and covenants to fully compensate Fayetteville for any and all increased project costs associated with the re-alignment of the proposed interceptor sewer line from the originally proposed routing. Increased costs may include, but not be limited to; increased excavation costs, added rock removal costs, engineering costs, abandoned design costs, increased manhole depths, additional environmental analysis, expanded historical/cultured resource survey work and other costs directly attributed to changing the alignment of the interceptor sewer line from its originally approved routing. Legacy's financial obligations under this provision will be based upon actual increased costs; however, in no case shall the total financial obligation to Fayetteville exceed one-hundred fifty thousand dollars (\$150,000.00). The costs of right-of-way acquisitions by Legacy will be the sole cost of Legacy and are not a component of the \$150,000.00 financial obligation.
 5. Legacy agrees to complete the off-site right-of-way acquisition in a prompt and expedient manner, with the necessary right-of-way documents to be delivered to Fayetteville within sixty (60) calendar days from the date of this agreement. If at the end of the 60-day period, Legacy has not produced the continuous right-of-way corridor, and Fayetteville has not granted a formal, written extension of time for such task, the approval of the re-alignment by Fayetteville shall become null and void, with the provisions of Section 16 in the May 6, 2003 agreement

remaining in full force and effect. Furthermore, said default by Legacy shall obligate Legacy to fully reimburse Fayetteville for any and all costs incurred for the implementation of the new interceptor sewer line alignment, said stranded costs to have a ceiling of \$150,000.00 as noted in the previous section.

6. Upon execution of this agreement by Legacy and Fayetteville, it is mutually understood and agreed that Fayetteville shall proceed immediately with the planning and design of the proposed interceptor sewer based upon the re-alignment. Actions that Fayetteville shall take, and for which Legacy may become accountable under default may include; engineering, surveys, test borings, plan development, drawing revisions, historical/cultural assessments and other project actions that are specific to the new alignment requested by Legacy.
7. Fayetteville shall maintain accurate records of authorizations, transactions and costs relating to the new alignment of the interceptor sewer line. As these costs are incurred, Fayetteville shall from time to time, but more frequently than once per month, submit requests for reimbursement to Legacy for costs incurred. Legacy agrees and covenants to review, process and remit payments to Fayetteville within 30 calendar days after receipt of statement. Failure to pay amounts to Fayetteville in said 30-day window shall grant Fayetteville the right to claim a late payment penalty of 6% of the principal amount of the statement for all time the statement remains unpaid.
8. A sketch of the original interceptor sewer line route and the proposed interceptor re-alignment is attached hereto and made a part of this agreement. Fayetteville and Legacy agree that this exhibit generally depicts the character and scope of this matter.
9. Any party of any other agreement in conflict with this agreement are repealed and amended as noted herein. All other provisions, not affected by this agreement remain in full force and effect. The failure of Legacy to furnish the required right-of-way corridor within the specified time frame shall render Legacy in default, and void the terms of this agreement excepting these rights of cost recovery from Legacy granted to Fayetteville.

END OF AGREEMENT

EXECUTED ON THIS 5th DAY OF FEB., 2004 BY LEGACY PROJECT, LLC. LEGACY PROJECT, LLC., an ARKANSAS limited liability company.

By: [Signature]
H. COLIN HAYNES

Attest: [Signature]
Authorized Member

EXECUTED THIS _____ DAY OF _____, 2004 BY City OF FAYETTEVILLE, COUNTY OF WASHINGTON, STATE OF ARKANSAS, a municipal corporation.

By: _____
DAN COODY, Mayor

Attest: _____
SONDRA SMITH, City Clerk

File Number: 200300063089 1 of 2

Printed On: 06/18/2003
Printed By: R/JN Group, Inc.
Printed For: R/JN Group, Inc.
Printed At: R/JN Group, Inc.
Printed In: R/JN Group, Inc.

WARRANTY DEED MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

THAT the CITY OF FAYETTEVILLE, ARKANSAS, a municipal corporation, hereinafter called GRANTOR, for and in consideration of the sum of One hundred Dollar (\$100.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Legacy Project, LLC, an Arkansas limited liability corporation, hereinafter called GRANTEE, and unto Grantor's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

Doc ID: 00078449000 Type: M
Recorded: 10/17/2003 at 01:51:20 PM
Fee Amt: \$11.00 Page 1 of 2
Washington County, AR
Notary Public: Clerk
File: 2003-00063089

PROPERTY DESCRIPTION:

A part of Section 33, Township 17 North, Range 30 West, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Section 33; thence along the West line of said Section 33 South 02° 28' 11" West 1010.05 feet; thence South 87° 18' 24" East 330.00 feet; thence South 02° 28' 10" West 2480.00 feet; thence South 87° 21' 18" East 880.23 feet; thence South 02° 28' 45" West 328.89 feet; thence South 87° 21' 18" East 880.00 feet; thence North 02° 28' 51" East 328.88; thence South 87° 11' 53" East 831.85 feet to the westerly right of way line of U. S. Highway 77; thence Northerly along said westerly right of way line the following bearings and distances:

North 34° 27' 18" East	922.00 feet
North 36° 27' 58" East	150.78 feet
North 34° 27' 25" East	848.12 feet
North 27° 10' 08" East	171.37 feet
North 07° 15' 06" East	170.41 feet
North 05° 18' 10" West	280.77 feet
North 12° 48' 23" West	100.11 feet
North 16° 38' 58" West	57.87 feet
North 04° 18' 48" East	188.28 feet
North 16° 24' 53" East	126.58 feet
North 31° 34' 48" East	180.36 feet
North 50° 13' 38" East	181.34 feet
North 08° 53' 28" East	127.82 feet
North 75° 15' 02" East	117.54 feet
North 74° 38' 18" East	100.11 feet
North 28° 01' 08" East	74.14 feet

thence leaving said west right of way line and running North 87° 17' 28" West 1100.15 feet; thence North 02° 28' 17" East 1030.78 feet to the North line of Section 33; thence along the North line of Section 33 North 87° 14' 58" West 247.30 feet to the North quarter corner of Section 33; thence continuing along the North line of said Section 33 North 87° 18' 24" West 2837.40 feet to the Point of Beginning, containing 288.27 acres, more or less, being subject to rights of way and easements of record.

TO HAVE AND TO HOLD the said lands and appurtenances thereto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

File Number: 200300063061 2 of 2

Warranty Deed
City of Fayetteville - Legacy Project, LLC
Page 2 of 2

WITNESS the execution hereof on this 12th day of December, 2003



CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

Dan Coady
Dan Coady, Mayor

Sandra Smith
Sandra Smith, City Clerk

(Seal)

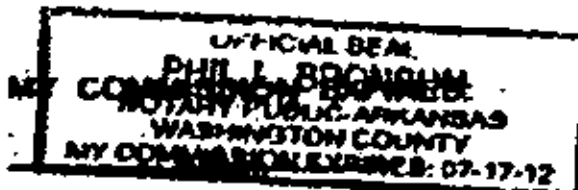
ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

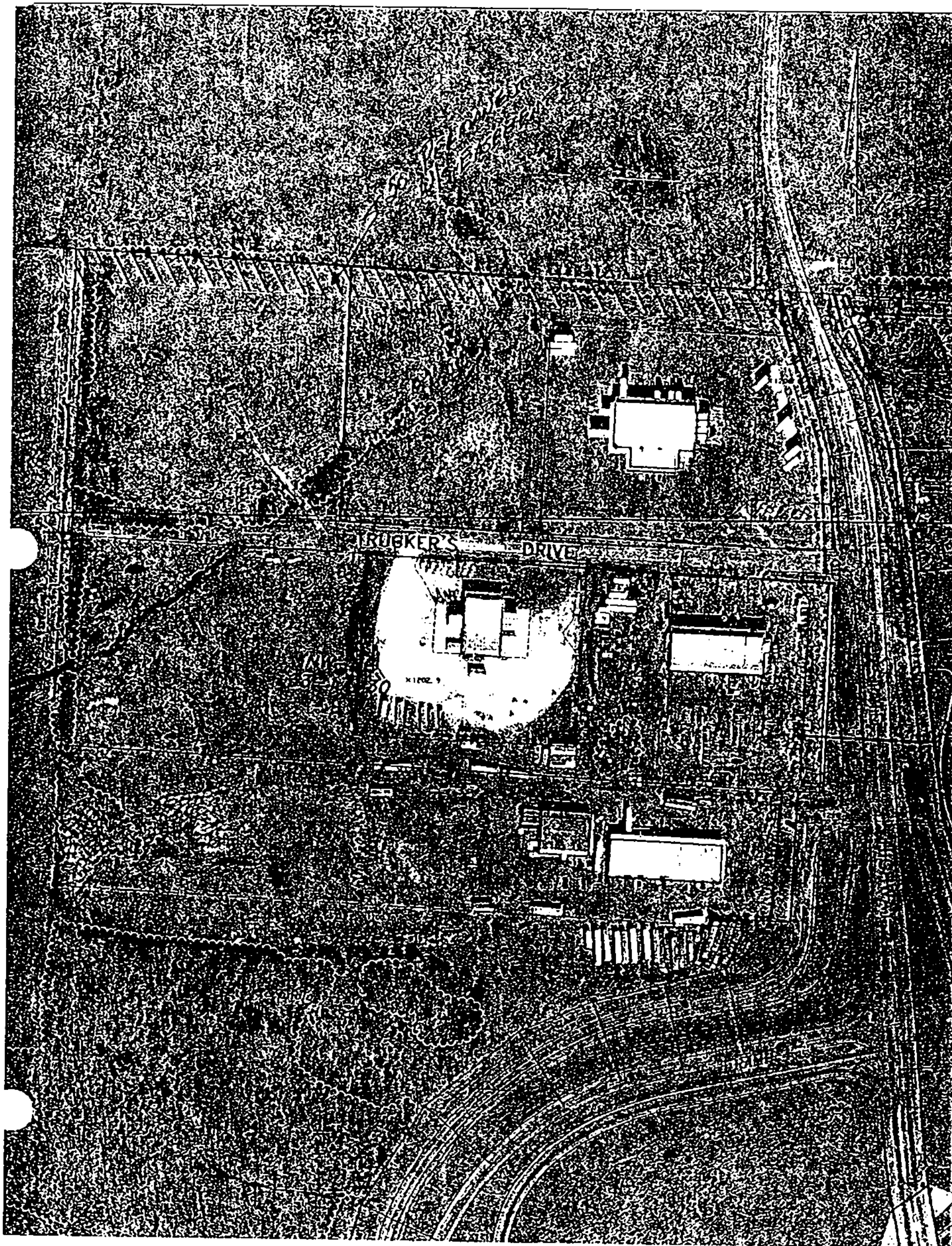
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Dan Coady and Sandra Smith, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they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

WITNESS my hand and seal on this 12 day of December, 2003.



Phil J. Boudreau

Notary Public



ENTERED
3/16/07
TCL

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Hugh Earnest, Chief Administrative Officer *HE*

From: Greg Boettcher, Water/Wastewater Director *Greg Boettcher*

Date: March 15, 2004

Subject: Resolution approving contract Amendment No. 1 with Environmental Consulting Operations for environmental analysis of alternative interceptor sewer line route for Springwoods Subdivision

RECOMMENDATION

Fayetteville City Administration recommends approval of contract Amendment No. 1 in the amount of \$5,000.00 to the September 16, 2003 agreement with Environmental Consulting Operations of Benton, Arkansas.

BACKGROUND

The City of Fayetteville and Legacy Project LLC entered into a real estate purchase and sale contract on May 6, 2003 relating to the I-540 Business Park (now Springwoods Subdivision). Under the terms and conditions of this contract the City of Fayetteville reserved a specific utility corridor across this property for the future construction of an interceptor sewer line. As the developer finalized the development plan for this tract, the new layout and original interceptor sewer line route were found to be incompatible. This prompted the developer's request for a change in the interceptor sewer alignment across said tract, with the City of Fayetteville evaluating the feasibility of such change.

DISCUSSION

Analysis of an alternative interceptor sewer alignment across Springwoods Subdivision found the change to be a benefit in terms of environmental, operational and future accessibility factors. In terms of project costs, the revised alignment was found to create the following impacts upon the sewer line project's budget:

CONSTRUCTION COST INCREASE	\$115,000.00
ENGINEERING RE-DESIGN	4,000.00
ENVIRONMENTAL DELINEATION	5,000.00
MISCELLANEOUS ADMINISTRATIVE	3,000.00
SUB-TOTAL	\$127,000.00
CONTINGENCY	23,000.00
MAXIMUM PREDICTED COST	\$150,000.00

City Council Meeting of April 6, 2004

The predicted increased costs of \$150,000.00 were communicated to the developer with the understanding the developer will be responsible for actual costs, up to this amount, if the alignment is revised. In addition, the developer was informed that responsibility for replacement easements will also be his sole responsibility, including negotiations, procurements and payments. Verbal agreement with such arrangements was provided by the developer. A formal agreement setting forth the explicit terms and conditions was developed, reviewed by the City Attorney and executed by the developer.

This proposal was presented to the Fayetteville Water and Sewer Committee for consideration. Following review of the arrangements and a site visit, the committee recommended approval of the interceptor line change by the City Council. Initial concerns over environmental impacts have been resolved. All concerned parties have indicated the sewer alignment change to have positive benefits and support the planned realignment.

Amendment No.1 for the Environmental Consulting Operation agreement is necessary for the environmental conditions to be delineated and the project permitting to be revised to reflect the alternative routing for the interceptor sewer line. A copy of Environmental Consulting Operations Amendment No. 1 is attached for reference.

BUDGET IMPACT

The \$5,000.00 in increased environmental consulting services costs will be initially paid from funds in the Program's Budget. Actual expenses, up to said amount, will be subsequently reimbursed to the City of Fayetteville by the developer (Legacy Project LLC) under the terms of the agreement.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AMENDMENT NO. 1
TO THE ENVIRONMENTAL CONSULTING CONTRACT
WITH ECO, INC. IN THE AMOUNT OF \$5,000.00

**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 Amendment No. 1 to the Agreement For Environmental Consulting with ECO,
Inc. in the amount of \$5,000.00 as attached as Exhibit A.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**AMENDMENT No. 1
TO
AGREEMENT FOR ENVIRONMENTAL CONSULTING
BETWEEN
CITY OF FAYETTEVILLE, ARKANSAS AND
ENVIRONMENTAL CONSULTING OPERATIONS,
BENTON, ARKANSAS**

WHEREAS, On September 16, 2003 the City of Fayetteville, Arkansas (**Fayetteville**) and Environmental Consulting Operations of Benton, Arkansas (**ECO**) entered into an agreement for environmental consulting services in connection with the Wastewater System Improvement Project, including as a part of the scope the West Side Collection System Improvements (**Project**). Scope of services being provided includes environmental consultant services related to various environmental permits, best management practices for construction and wetlands mitigation activities; and

WHEREAS, **ECO** has proceeded with these services in accordance with the scope set forth in the agreement, and

WHEREAS, **Fayetteville** requests that the scope of **ECO**'s services be amended to accommodate a new interceptor sewer line alignment from the west right-of-way line of Highway 112 to the west limits of Springwoods Subdivision, said changes to conform with the arrangements set forth in "**INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION**"; and

WHEREAS, **ECO** agrees to provide amended scope of services on an hourly rate basis with a not-to-exceed additional cost of \$5,000.00.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained, **Fayetteville** and **ECO**, the parties hereto, stipulate and agree that the Agreement for Environmental Consulting Services dated September 16, 2003, is hereby amended in the following particulars:

SECTION 3-ADDITIONAL SERVICES OF ECO

SECTION 3.2.2.1-Revisions to drawings, specifications or other documents made necessary by adjustments in the City of Fayetteville's program, more specifically:

The revised environmental evaluations and permitting modifications necessary to address revisions to the West Side Collection System Improvements, particularly that segment of interceptor sewer line beginning at the west right-of-way line of Highway 112 and continuing across the north and west boundary of Springwoods Subdivision in the City of Fayetteville in accordance with the communications and agreements relating to said interceptor sewer alignment change, including the agreement titled "**INTERCEPTOR**

SEWER RE-ALIGNMENT-SEPRINGWOODS SUBDIVISION", attached to and made a part of this amendment.

SECTION 6-PAYMENTS TO ECO is amended to read as follows:

For the scope of services set forth in the Final Design Phase Services of the original agreement, plus the additional services set forth in Amendment No. 1 for \$5,000.00; Section 6.1.1.3 is changed as follows:

The total payment for the Basic Scope of Services described in Appendix A and Amendment No. 1 are estimated to be, **THREE HUNDRED EIGHTY ONE THOUSAND FOUR HUNDRED NINE DOLLARS (\$381,409.00)**. All other provisions of the original agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be duly executed this _____ day of _____, 2004.

CITY OF FAYETTEVILLE, ARKANSAS

**ENVIRONMENTAL CONSULTING
OPERATIONS**

By: _____
Dan Coody, Mayor

By: _____
Bruce Shackleford, President

ATTEST

ATTEST

Sondra Smith, City Clerk

INTERCEPTOR SEWER RE-ALIGNMENT-SPRINGWOODS SUBDIVISION
Fayetteville, Arkansas

THIS AGREEMENT, made and entered into the _____ day of _____, 2004, by and between the CITY OF FAYETTEVILLE, County of Washington, State of Arkansas (hereafter called FAYETTEVILLE); and LEGACY PROJECT, LLC, an Arkansas limited liability company, and/or its assigns (hereafter called LEGACY) WITNESSETH THAT:

WHEREAS, Fayetteville by an agreement executed on May 6, 2003 agreed to convey and deed property as described in Exhibit "A" hereof and generally located on the north side of Interstate 540, situated in the City of Fayetteville, Washington County, Arkansas, containing approximately 289 acres of land, more or less, being subject to specific stated terms and conditions; and

WHEREAS, pursuant to the stated terms and conditions of said agreement; Item 16, the following provisions are made:

"Reservation of Public Streets, Right-of-Ways, Utility Easements and Temporary Construction Easements. A new waste water treatment facility project is currently in the preliminary stages of design and construction for the City of Fayetteville. As part of that project many new wastewater collection systems will be installed around the city and a large gravity main is planned for the north side of Clabber Creek across this property from East to West. It is therefore understood that, as part of this conveyance, Legacy Project will convey to the City of Fayetteville, at no cost to the city and on forms to be provided by the City of Fayetteville or their designee, a permanent Water/Sewer Easement of 40 foot width parallel to and south of the planned extension of Truckers Drive and any alignment adjustments as mutually agreed and a Temporary Construction Easement of 150 foot width south of the permanent easement, along with the right of ingress and egress across the property to facilitate construction. The Temporary Construction Easement shall terminate upon completion of the initial construction of the sewer main. The City of Fayetteville agrees to maintain a periodic consultation with Legacy Project as to the desirable and necessary design location of this proposed sewer main sewer line. Existing public streets, rights-of-way and easements shall remain public and be available for public use"; and

WHEREAS, Legacy has completed a development plan for the land that proposes an alternative reservation of public streets, right-of-ways, utility easements and temporary construction easements from that set forth in the aforementioned Section 16 of the May 6, 2003 agreement; and

WHEREAS, Fayetteville finds the modification of the original alignment of the proposed interceptor sewer line to be in the best public interest;

NOW THEREFORE, Fayetteville and Legacy agree to the following modified terms and conditions for Section 16 of the May 6, 2003 agreement:

1. Legacy shall grant to Fayetteville a 50-foot wide permanent utility easement along the north and west property lines of the previously described 289 acre tract, the extent of said easement to be generally described as follows: Beginning at the northeast corner of the tract, 2,885 and running thence westerly along the north property line a distance of approximately 2,885 feet to a property corner; thence

- continue southerly along the west property line to a distance of approximately 1816.06 feet to a property corner, said property corner representing the end of said 50 foot wide permanent utility strip along the perimeter of said 289 acre tract of land. In addition to a 50-foot wide permanent utility easement, Legacy shall grant to Fayetteville a 100-foot wide temporary construction easement, said 100-foot to be in addition to and parallel with the previously described 50-foot permanent easement inside said property.
2. Legacy shall secure easement grants to the City of Fayetteville a 50-foot wide permanent utility easement and a minimum 50-foot wide temporary construction easement between the northeast corner of the 289 acre tract of land and the east right-of-way line of Arkansas State Highway 112, said easement being generally described as follows: Beginning at the northeast corner of the 289 tract of land, and running thence easterly parallel with the north property line as distance of approximately 1,117 feet to the west right-of-way of Arkansas State Highway 112, said intersection of the property line with the right-of-way line marking the end of said easement. This easement will provide a continuous and linear alignment for the proposed interceptor sewer line from the west right-of-way line of Arkansas State Highway 112 to the northwest corner of the 289 acre tract.
 3. Fayetteville, upon receipt of all necessary easement documents from Legacy for the above-described continuous utility corridor, shall release Legacy from the right-of-way street, utility easement and temporary construction easement requirements set forth in Section 16 of the May 6, 2003 agreement. It is to be clearly recognized, acknowledged and agreed that the easement acquisition required of Legacy involves voluntary negotiations with other private interests whose participation is not assured. Should Legacy, through no fault of its own, be unable to secure a continuous easement corridor, the original agreement terms, set forth in Section 16 will remain valid.
 4. Legacy agrees and covenants to fully compensate Fayetteville for any and all increased project costs associated with the re-alignment of the proposed interceptor sewer line from the originally proposed routing. Increased costs may include, but not be limited to; increased excavation costs, added rock removal costs, engineering costs, abandoned design costs, increased manhole depths, additional environmental analysis, expanded historical/cultured resource survey work and other costs directly attributed to changing the alignment of the interceptor sewer line from its originally approved routing. Legacy's financial obligations under this provision will be based upon actual increased costs; however, in no case shall the total financial obligation to Fayetteville exceed one-hundred fifty thousand dollars (\$150,000.00). The costs of right-of-way acquisitions by Legacy will be the sole cost of Legacy and are not a component of the \$150,000.00 financial obligation.
 5. Legacy agrees to complete the off-site right-of-way acquisition in a prompt and expedient manner, with the necessary right-of-way documents to be delivered to Fayetteville within sixty (60) calendar days from the date of this agreement. If at the end of the 60-day period, Legacy has not produced the continuous right-of-way corridor, and Fayetteville has not granted a formal, written extension of time for such task, the approval of the re-alignment by Fayetteville shall become null and void, with the provisions of Section 16 in the May 6, 2003 agreement

remaining in full force and effect. Furthermore, said default by Legacy shall obligate Legacy to fully reimburse Fayetteville for any and all costs incurred for the implementation of the new interceptor sewer line alignment, said stranded costs to have a ceiling of \$150,000.00 as noted in the previous section.

6. Upon execution of this agreement by Legacy and Fayetteville, it is mutually understood and agreed that Fayetteville shall proceed immediately with the planning and design of the proposed interceptor sewer based upon the re-alignment. Actions that Fayetteville shall take, and for which Legacy may become accountable under default may include; engineering, surveys, test borings, plan development, drawing revisions, historical/cultural assessments and other project actions that are specific to the new alignment requested by Legacy.
7. Fayetteville shall maintain accurate records of authorizations, transactions and costs relating to the new alignment of the interceptor sewer line. As these costs are incurred, Fayetteville shall from time to time, but more frequently than once per month, submit requests for reimbursement to Legacy for costs incurred. Legacy agrees and covenants to review, process and remit payments to Fayetteville within 30 calendar days after receipt of statement. Failure to pay amounts to Fayetteville in said 30-day window shall grant Fayetteville the right to claim a late payment penalty of 6% of the principal amount of the statement for all time the statement remains unpaid.
8. A sketch of the original interceptor sewer line route and the proposed interceptor re-alignment is attached hereto and made a part of this agreement. Fayetteville and Legacy agree that this exhibit generally depicts the character and scope of this matter.
9. Any party of any other agreement in conflict with this agreement are repealed and amended as noted herein. All other provisions, not affected by this agreement remain in full force and effect. The failure of Legacy to furnish the required right-of-way corridor within the specified time frame shall render Legacy in default, and void the terms of this agreement excepting these rights of cost recovery from Legacy granted to Fayetteville.

END OF AGREEMENT

EXECUTED ON THIS 5th DAY OF FEB., 2004 BY LEGACY PROJECT, LLC. LEGACY PROJECT, LLC., an ARKANSAS limited liability company.

By: [Signature]
H. COLIN HAYNES

Attest: [Signature]
Authorized Member

EXECUTED THIS _____ DAY OF _____, 2004 BY City OF FAYETTEVILLE, COUNTY OF WASHINGTON, STATE OF ARKANSAS, a municipal corporation.

By: _____
DAN COODY, Mayor

Attest: _____
SONDRA SMITH, City Clerk

File Number: 200300063089 1 of 2

Form No. 700-100-000
Form No. 700-100-000
Form No. 700-100-000
Form No. 700-100-000
Form No. 700-100-000

WARRANTY DEED MUNICIPAL CORPORATION

BE IT KNOWN BY THESE PRESENTS:

THAT the CITY OF FAYETTEVILLE, ARKANSAS, a municipal corporation, hereinafter called GRANTOR, for and in consideration of the sum of One hundred Dollar (\$100.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Legacy Project, LLC, an Arkansas limited liability corporation, hereinafter called GRANTEE, and unto Grantee's successors and assigns, the following described land situated in the County of Washington, State of Arkansas, to-wit:

Doc ID: 200300063089 Type: 2003
Recorded: 12/15/2003 at 01:51:10 PM
Fee Amt: \$15.00 Page 1 of 2
Washington County, AR
Bette Blaine Circuit Clerk
File 2003-00063089

PROPERTY DESCRIPTION:

A part of Section 33, Township 17 North, Range 30 West, and being more particularly described as follows, to-wit:

Beginning at the Northwest corner of said Section 33; thence along the West line of said Section 33 South 02° 28' 11" West 1616.06 feet; thence South 87° 19' 24" East 330.00 feet; thence South 02° 28' 10" West 2480.00 feet; thence South 87° 21' 18" East 800.23 feet; thence South 02° 28' 45" West 329.89 feet; thence South 87° 21' 18" East 800.00 feet; thence North 02° 25' 51" East 329.89 feet; thence South 87° 11' 53" East 831.06 feet to the westerly right of way line of U. S. Highway 71; thence Northerly along said westerly right of way line the following bearings and distances:

North 34° 22' 18" East	972.80 feet
North 38° 27' 58" East	150.78 feet
North 34° 22' 25" East	949.12 feet
North 27° 10' 08" East	171.37 feet
North 07° 19' 08" East	170.61 feet
North 06° 19' 10" West	280.77 feet
North 12° 48' 23" West	100.11 feet
North 16° 36' 58" West	57.67 feet
North 04° 18' 48" East	198.28 feet
North 16° 24' 53" East	120.58 feet
North 31° 34' 48" East	190.38 feet
North 50° 17' 38" East	191.34 feet
North 68° 53' 28" East	127.82 feet
North 73° 15' 02" East	117.54 feet
North 74° 58' 18" East	100.11 feet
North 28° 01' 08" East	74.14 feet

thence leaving said west right of way line and running North 87° 17' 25" West 1100.15 feet; thence North 02° 28' 17" East 1000.78 feet to the North line of Section 33; thence along the North line of Section 33 North 87° 14' 08" West 247.30 feet to the North quarter corner of Section 33; thence continuing along the North line of said Section 33 North 87° 19' 24" West 2837.40 feet to the Point of Beginning, containing 288.27 acres, more or less, being subject to rights of way and easements of record.

TO HAVE AND TO HOLD the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's successors and assigns, forever. And the said Grantor, hereby covenants that it is lawfully seized of said lands and premises; that the same is unencumbered, and that the Grantor will forever warrant and defend the title to the said lands against all legal claims whatever.

File Number: 200300063081 2 of 2

Warranty Deed
City of Fayetteville - Legacy Project, LLC
Page 2 of 2

WITNESS the execution hereof on this 12th day of December, 2003



CITY OF FAYETTEVILLE, ARKANSAS,
a municipal corporation

BY:

Dan Coody
Dan Coody, Mayor

Sandra Smith
Sandra Smith, City Clerk

(Seal)

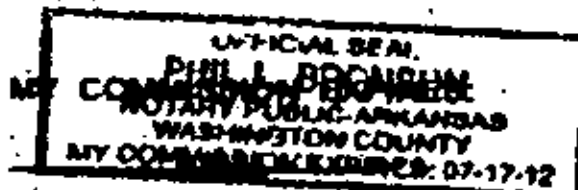
ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

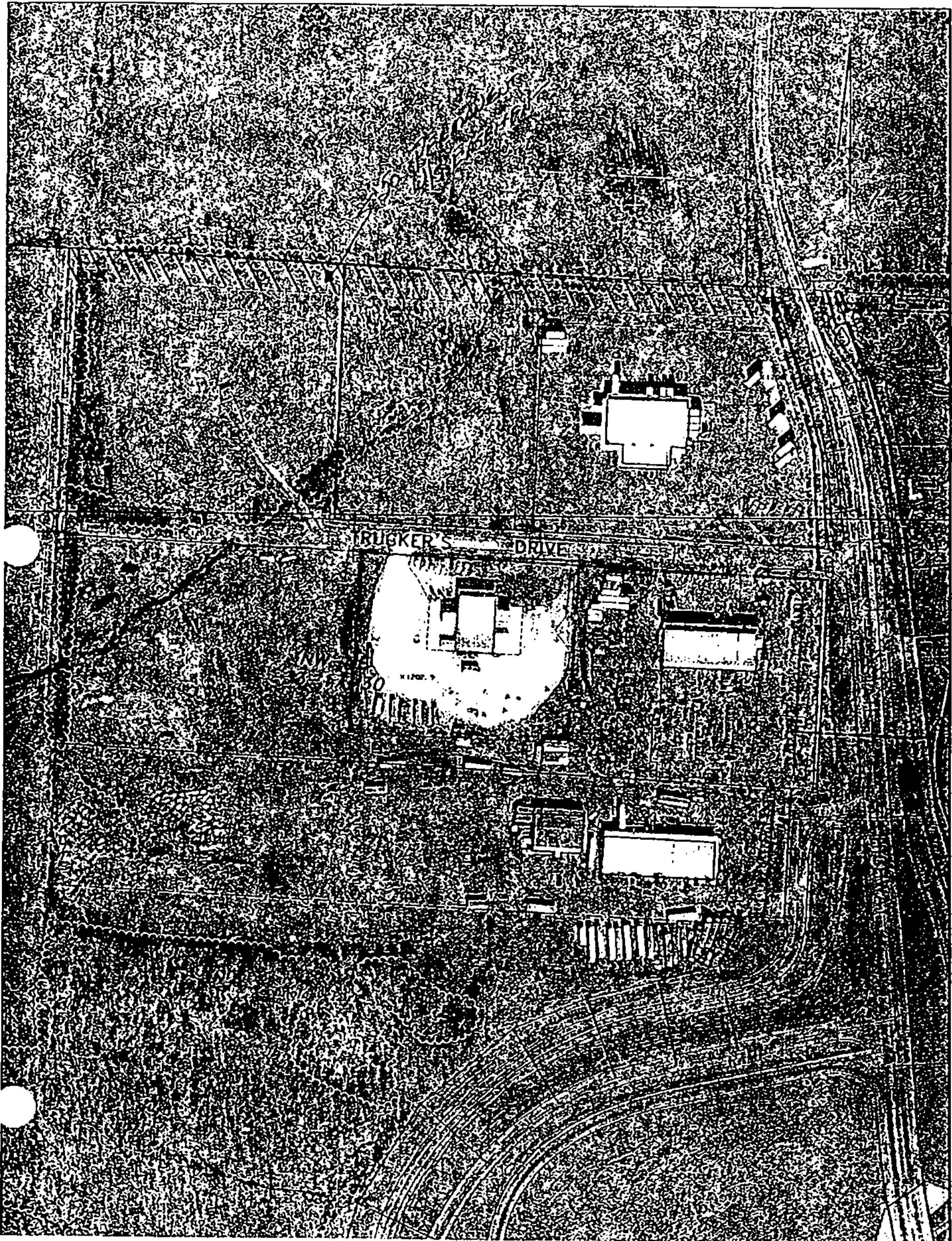
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Dan Coody and Sandra Smith, to me well known as the persons who executed the foregoing document, and who stated and acknowledged that they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

WITNESS my hand and seal on this 12 day of December, 2003.



Phil J. Boudreau

Notary Public



STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Greg Boettcher Water and Wastewater Water and Wastewater
Name Division Department

ACTION REQUIRED: Approval of Amendment No. 1 to the agreement of September 16, 2003 with Environmental Consulting Operations of Benton, Arkansas. Contract change relates to revised interceptor sewer alignment across Springwoods Subdivision.

COST TO CITY: Amendment of \$5,000.00 to be reimbursed by the developer of Springwoods Subdivision (Legacy Project LLC, H. Colins Haynes)

<u>\$5,000.00</u>	<u>\$ 121,534,980.00</u>	<u>Water/Wastewater</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5400.5700.5315.00</u>	<u>10,309,975.55</u>	
<u>4480.9480.5315.00</u>	<u>\$ 10,461,475.55</u>	<u>Wastewater System Improvements</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02133-0302</u>	<u>111,225,004.45</u>	<u>Sales Tax-Wastewater</u>
	<u>112,073,504.45</u>	Fund Name
	Remaining Balance	

BUDGET REVIEW: ☒ Budgeted Item ☐ Budget Adjustment Attached

Brian Free 3/16/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Maura Farthing 3/16/04
Accounting Manager Date

Mary Smith 3/16/04
Internal Auditor Date

Kurt 3/16/04
City Attorney Date

Purchasing Manager Date

STAFF RECOMMENDATION:

Greg Boettcher 3-16-04
Division Head Date
Department Director

Steph 3-16-04
Finance & Internal Services Dir. Date

Hugh 3-16-04
Chief Administrative Officer Date

Ken Coody 3/17/04
Mayor Date

Received in Mayor's Office 3/16/04
Date PH

Cross Reference:

Previous Ord/Res#: Ord 4515

Orig. Contract Date: 16-Sep-03

Orig. Contract Number: 932

New Item: Yes No



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Rick Hoyt, Chief of Police

DATE: March 10, 2004

SUBJECT: Accept Selective Traffic Enforcement Project (STEP) Grant

Recommendation: Council accepts the 2003/04 STEP grant and approves a budget adjustment recognizing the revenue.

Background: The Police Department has received STEP grants since 1990. These grants are used to cover officer overtime while working either seat belt enforcement or DWI/DUI enforcement. The officers must be designated to one of these tasks and cannot answer normal calls for service. This grant also includes \$2,000.00 for the purchase of child safety seats.

Discussion: The funds provided by this grant specifically support the Departments efforts in reducing traffic accidents. Officers can be assigned to a specific accident-prone area and enforce traffic laws which in turn reduce accidents.

Budget Impact: Accepting this grant will increase overtime for the Patrol Program by \$30,000.00 and Minor Equipment by \$2,000.00.

RESOLUTION NO. _____

A RESOLUTION ACCEPTING A CONTINUATION OF THE SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT (STEP) IN THE AMOUNT OF THIRTY-TWO THOUSAND DOLLARS (\$32,000.00) FOR THE PURPOSE OF PAYING OVERTIME TO OFFICERS ENGAGED IN DWI/DUI AND SEATBELT ENFORCEMENT.

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 a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of Thirty-Two Thousand Dollars (\$32,000.00) for the purpose of paying overtime to officers engaged in DWI/DUI and seatbelt enforcement.

PASSED and APPROVED this 6th day of April 2004.

APPROVED

By: DAN GOODY, Mayor

ATTEST

By:

SONDRA SMITH, City Clerk

DRAFT



Mike Huckabee
Governor

State of Arkansas

ARKANSAS STATE POLICE

1 State Police Plaza Drive · Little Rock, Arkansas 72209 · www.asp.state.ar.us



Don Melton
Director

HIGHWAY SAFETY SUBGRANT AGREEMENT ALCOHOL/OTHER DRUG COUNTERMEASURES PROGRAM

RECIPIENT

Fayetteville Police Department
P.O. Box 1988
Fayetteville, Arkansas 72702
Telephone: (501) 587-3500
FAX: (501) 587-3522

GOVERNMENTAL UNIT

City of Fayetteville
P.O. Box 1988
Fayetteville, AR 72702

PROJECT NO. AL-0401-1015

TYPE OF APPLICATION

Initial: _____
Revision: _____
Continuation: X

DOCUMENT NO. Fvllpd04.doc

PROJECT TITLE

Selective Traffic Enforcement Project

INITIAL PROJECT STARTING DATE

October 1, 1998

OPERATIONAL AREA OF PROJECT

City of Fayetteville

COST CATEGORY

AMOUNT FEDERAL STATE

Personal Services	\$30,000	
Equipment		
Maintenance & Operation		
Other Direct Costs		\$2,000
Indirect Costs		
Administrative Costs		
Total	<u>\$30,000</u>	<u>\$2,000</u>

PROJECT PERIOD

FUNDING PERIOD

From: <u>10-1-2003</u>	From: <u>10-1-2003</u>
To: <u>9-30-2004</u>	To: <u>9-30-2004</u>

SOURCE

FUNDING

<u>SOURCE</u>	<u>AMOUNT</u>
Federal	\$30,000
State	2,000
Local	-0-
Total	<u>\$32,000</u>

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

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AGREEMENT PREPARED BY: Susan Bunch
TITLE: Program Manager
ADDRESS: Arkansas State Police
Highway Safety Office
#1 State Police Plaza Dr.
Little Rock, AR 72209
PHONE: (501) 618-8137
FAX: (501) 618-8124

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

SCOPE OF WORK

PROJECT GOAL: To reduce traffic-related fatalities and injuries by conducting a selective traffic enforcement project in Fayetteville. The project's primary goal is to maintain alcohol-related crashes below ten percent of all traffic crashes and the secondary goal is to increase seat belt usage by two percentage points.

SUMMARY OF PROJECT OBJECTIVES: The project's primary objectives are to achieve an average of one DWI/DUI arrest per eight hours of alcohol enforcement and three vehicle stops per hour during traffic enforcement (with an emphasis on enforcement of speed and occupant restraint laws). A public information and education program will support these objectives.

METHOD OF EVALUATION BY ASP

ADMINISTRATIVE: X
IMPACT EVALUATION: X By achievement of performance standards.

REIMBURSEMENT - ACTUAL COST ONLY

 ASP will reimburse the recipient an amount equal to % of all eligible cost.

 X ASP will reimburse the recipient an amount equal to all eligible costs as identified in work statement.

REIMBURSEMENT LIMITS

1. Maximum amount eligible for reimbursement:
Federal Funds: \$30,000
State Funds: \$ 2,000
2. Only those orders placed and costs incurred during the following time period shall be eligible for reimbursement:
(Date) 10-1-2003 to (Date) 9-30-2004
3. The recipient must bear all costs not eligible for Federal reimbursement.

Federal and State regulations shall be the basis for determining eligibility of costs, as detailed in the General Provisions and Subgrant Agreement/Contract Terms.

This agreement may be amended only by written notice in advance and in accordance with ASP policy. (See Subgrant Agreement/Contract Term II.)

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

AUDIT REQUIREMENTS

The recipient will arrange for an organization-wide financial and compliance audit, as required by OMB Circular A-133, within the prescribed audit reporting cycle. The audit report must separately identify highway safety funds from other Federal funds. Two (2) copies of the report will be furnished to the Arkansas State Police within three months of the report date. Failure to furnish an acceptable audit as determined by the cognizant Federal audit agency may be a basis for denial and/or refunding of Federal funds. A copy of A-133 is available on request. The recipient has been made aware of audit requirements.

CERTIFICATION REGARDING FEDERAL LOBBYING:

The recipient certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, subgrants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

RESTRICTION ON STATE LOBBYING:

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

CERTIFICATION REGARDING DEBARMENT AND SUSPENSION:

In accordance with the provisions of 49 CFR Part 29, the State agrees that it shall not knowingly enter into any agreement under its Highway Safety Plan with a person or entity that is barred, suspended, declared ineligible, or voluntarily excluded from participation in the Section 402 program, unless otherwise authorized by NHTSA. The State further agrees that it will include the following clause and accompanying instruction, without modification, in all lower tier covered transactions, as provided by 49 CFR Part 29, and in all solicitations for lower tier covered transactions.

Instructions for Lower Tier Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction*, *debarred*, *suspended*, *ineligible*, *lower tier covered transaction*, *participant*, *person*, *primary covered transaction*, *principal*, *proposal*, and *voluntarily excluded*, as used in this clause, have the meanings set out in the Definition and Coverage sections of 49 CFR Part 29. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. (See below)
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR Part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Federal Procurement and Non-procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR Part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participants shall attach an explanation to this proposal.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

A. The recipient, Fayetteville Police Department, in exchange for consideration offered by the Arkansas State Police (ASP), and in the interest of improving traffic safety, hereby agrees to pursue the achievement of the following objectives:

1. Appoint a Project Coordinator to be a liaison between the recipient and the Highway Safety Office (HSO) and to be responsible for coordinating selective enforcement activities and financial transactions associated with this subgrant agreement. Herein, give signature authorization for the Project Coordinator to request reimbursement and contract change orders when applicable. Compensation for the Project Coordinator will be from local funds.
2. Ensure that the Project Coordinator, or designee, has successfully completed the Arkansas Highway Safety Office Project Management Course. This course will provide information and updates on State, Federal and Highway Safety Office policies and procedures. Travel, meals and lodging will be reimbursed for eligible participant. Participants will be notified of the specific dates and location of this course.
3. Implement a seat belt policy if one does not exist. If not previously submitted, provide a copy of the policy to the HSO no later than sixty days after the start of this project.
4. Conduct selective enforcement of the State's driving while intoxicated (DWI)/driving under the influence (DUI), seat belt, speed limit, child passenger protection and motorcycle helmet laws. Officers are to ensure compliance with the State's seat belt and child restraint laws during all vehicle stops. Enforcement should target locations where fatal/serious injury crashes are occurring.
5. DWI/DUI enforcement will start no earlier than 9:00 p.m. on Wednesdays, Fridays and Saturdays and end no later than 3:00 a.m. the following morning on Thursdays, Saturdays and Sundays. Enforcement may also be conducted on State and/or National holidays. The DWI/DUI enforcement hours may be revised if the recipient cannot achieve and/or maintain the project performance standard. At least sixty percent of all enforcement hours will be DWI/DUI enforcement. Seat belt enforcement (enforcement during daylight hours) will emphasize enforcement of seat belt, child restraint and speed limit laws. Officers working on the project are expected to enforce all the laws cited in this agreement during both DWI/DUI and seat belt enforcement.
6. Performance standards are as follows:

During DWI/DUI Enforcement
Average one DWI/DUI arrest
per eight hours of enforcement

During Seat Belt Enforcement
Average three vehicle stops
per hour of enforcement

Persons arrested for violation of Arkansas Code Annotated 5-65-103 and 5-56-205 shall be determined to be DWI arrests. Youthful offenders arrested for violation of Arkansas Code Annotated 5-65-303 shall be determined to be DUI arrests.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

7. Participate in two seat belt and one DWI/DUI national enforcement mobilizations during the project period. Will also participate in a summer campaign focusing on both impaired driving and seat belts. Must participate in the public information and education (PI&E) activities (press conferences/news releases) in conjunction with the mobilization activities. An informal seat belt survey conducted by the agency will also precede and follow seat belt mobilizations for evaluation purposes. Seat belt mobilizations will be conducted in November around the Thanksgiving holiday period and in May surrounding Buckle Up America Week and Memorial Day. The DWI/DUI mobilization will be conducted in December/January surrounding the Christmas and New Year holiday period. The summer campaign focusing on both seat belts and impaired driving will be conducted sometime between July 4 to Labor Day, exact dates to be determined. **Submit a mobilization report within 15 days after a mobilization period in accordance with format provided by the HSO.**
8. Conduct other PI&E activities to support the objectives of this project. These activities may include, but are not limited to, conducting news conferences, issuing press releases, having members of the media ride with officers during selective enforcement patrol, conducting child safety seat clinics, making presentations to schools and/or civic groups and distributing educational materials. At the beginning of the project period a press release must be issued and/or a press conference must be conducted to notify the community of the project activities.
9. The only costs eligible for reimbursement are selective enforcement (which includes officer pay and applicable benefits) and child safety seats. Officers may also be compensated at the selective enforcement rate for hours spent conducting seat belt surveys associated with mobilizations and time spent working at clinics associated with the proper installation of child safety seats. Hours spent conducting seat belt surveys or working at child safety seat clinics will not be used when calculating enforcement performance. The recipient will be reimbursed for officers working selective traffic enforcement at a rate that does not exceed one and one-half times the officer's regular hourly rate. Reimbursement is limited to one officer per patrol vehicle. Officers compensated through this agreement shall work strictly within the scope of this project while performing duties in connection with and being funded by this agreement. Hours worked on and compensated through this agreement must not supplant (be a substitute for) regular officer hours and pay. Routine patrol functions, including crash investigations, will be assigned to personnel on regular duty. Should a project officer become involved in routine patrol functions while conducting selective enforcement, the officer will be compensated from other funds. **No part-time personnel can be compensated through this agreement.**
10. Purchase and loan child safety seats in accordance with HSO policy. Seats must be purchased no later than March 29, 2004. All purchases must be approved in advance.

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

11. Ensure that all officers working on this project have successfully completed the National Highway Traffic Safety Administration's approved courses on occupant protection usage and enforcement (OPUE) or traffic occupant protection strategies (TOPS) training and standardized field sobriety testing (SFST) during the project period.
12. Ensure that all officers working on this project are familiar with Act 561 of 2001 (the ".08 BAC law"). Effective August 13, 2001, the per se level for intoxication changed from .10 BAC to .08 BAC.

Ensure that all officers working on this project are familiar with Act 470 of 2001 (the amended "Child Passenger Protection Act"). Effective August 13, 2001, all children under the age of fifteen (15) years must be restrained and any child under six (6) years of age and under sixty (60) pounds in weight must be restrained in a child safety seat. Violation of this Act is a primary offense, meaning that a vehicle may be stopped if there is probable cause to believe that the law is being violated.

13. Submit monthly reimbursement requests including copies of supporting documents (time sheets, payroll reports, invoices, etc.) and activity reports, including PI&E activities, along with a cover letter(s) by the 20th of the subsequent month in accordance with formats provided by the HSO. An Annual Project Activity Report will be submitted in accordance with the format provided by the HSO. **Include with the annual report a tabulation of local funds contributed (50% required) to this project.** This report and the final reimbursement request are due within 20 days following the end of the project period. Final reimbursement will not be made until a satisfactory annual report submitted.
14. Create a project file for maintaining the agreement and financial documents. The file will contain a copy of this agreement, agreement terms, related ASP policies and procedures, policies or procedures of the recipient related to this project's activities, copies of monthly activity reports and reimbursement requests, correspondence relating to the agreement, a copy of daily time sheets which reflect regular and selective enforcement hours worked and documentation of any public information activities. The file must be maintained in one location and is subject to review by State and Federal authorities responsible for oversight of this agreement. **Copies of all time sheets for all selective enforcement officers paid through this agreement must be kept in this file. All time sheets must have officer's and supervisor's signatures with attached supporting documents.**

**ARKANSAS STATE POLICE
HIGHWAY SAFETY SUBGRANT AGREEMENT**

WORK STATEMENT

B. The Arkansas State Police (ASP) hereby agrees to perform the following activities:

1. Reimburse the recipient for all eligible costs incurred in accordance with provisions stated in the Subgrant Agreement/Contract Terms. An analysis of reimbursable costs is provided in the attached Budget Details.
2. Provide reasonable consultative assistance to the recipient to aid in the achievement of project objectives.
3. Conduct administrative and/or on-site evaluations to assess the effectiveness of the project. Evaluations will include, but are not limited to, a review of activity reports examining progress toward objectives stated in the work statement, reimbursement requests, fiscal management and on-site monitoring visits.

BUDGET DETAILS

PROJECT NO.: AL-0401-1012 FEDERAL TAX ID: 71-6018462 FISCAL YEAR 2004

RECIPIENT Fayetteville Police Department SOURCE OF FUNDS

 P.O. Box 1988 FEDERAL X STATE LOCAL

 Fayetteville, AR 72702

PROJECT TITLE: Selective Traffic Enforcement Project

DOCUMENT NO.: Fvllpd04.xls

	A=ACTUAL EXPENDITURES											
	B=BUDGETED											
	1ST QUARTER		2ND QUARTER		3RD QUARTER		4TH QUARTER				TOTAL	
	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.
<u>PERSONAL SERVICES</u>												
Selective Enforcement	B 2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
	A											30,000
<u>TOTAL</u>	B 2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
	A											30,000

NOTE: All estimated items and percentages utilized in the budgeted items are subject to audit and only actual costs can be reimbursed.

BUDGET DETAILS

PROJECT NO.: AL-0401-1015 FEDERAL TAX ID: 71-6018462 FISCAL YEAR 2004

RECIPIENT Fayetteville Police Department
 P.O. Box 1988
 Fayetteville, AR 72702

SOURCE OF FUNDS

FEDERAL _____ STATE X LOCAL _____

Child Passenger Protection Fund

PROJECT TITLE: Selective Traffic Enforcement Project

DOCUMENT NO.: Fvllpd04-b.xls

		A=ACTUAL EXPENDITURES												TOTAL																	
		B=BUDGETED			2ND QUARTER			3RD QUARTER			4TH QUARTER			Y.T.D.																	
		1ST QUARTER			JAN.			FEB.			MAR.			APR.			MAY			JUNE			JULY			AUG.			SEPT.		
		OCT.			NOV.			DEC.																							

STAFF REVIEW FORM - FINANCIAL OBLIGATION

AGENDA REQUEST
CONTRACT REVIEW
X GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>Rick Hoyt</u>	<u>Police</u>	<u>Police</u>
Name	Division	Department

ACTION REQUIRED: Council accept 2003/2004 Selective Traffic Enforcement Grant in the amount of \$32,000.00; and approve the budget adjustment recognizing the revenue.

Done JFW

COST TO CITY:

<u>\$32,000.00</u>	<u>\$ 5,272,269.00</u>	<u>Patrol salaries and supplies</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>See attached BA</u>	<u>\$ 1,039,888.00</u>	<u>Police Patrol and Warrant</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u></u>	<u>\$ 4,232,381.00</u>	<u>General</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item 3 Budget Adjustment Attached

Babara Lee 3/12/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Maisha Farthing 3/12/04
Accounting Manager Date

Nancy Smith 3/12/04
Internal Auditor Date

D.P. Whit 3/12/04
City Attorney Date

Plisco 3/12/04
Purchasing Manager Date

STAFF RECOMMENDATION:

Rob Hoyt 3-11-04
Division Head Date
Department Director

Steph Davis 3-15-04
Finance & Internal Services Dir. Date

Mugh Samet 3-16-04
Chief Administrative Officer Date

Darr Cooley 3/19/04
Mayor Date

Received in Mayor's Office 3/15/04
Date *P.H.*

Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Public Works
Connie Edmonston, Parks and Recreation Superintendent

From: Rebecca Ohman, Park Planner

Date: March 16, 2004

Subject: Parks and Recreation recommends approval to accept award of the Post Closure Trust Fund in the amount of \$40,500.

RECOMMENDATION

Parks and Recreation recommends approval to accept award of the Post Closure Trust Fund in the amount of \$40,500.

BACKGROUND

On February 3, 2004, City Council approved application to the Post Closure Trust Fund, administered by the Arkansas Department of Environmental Quality (ADEQ), for funding of the Site Characterization Study of the Former C & L Landfill and potential remediation of the site.

The Post Closure Trust Fund was created in 1991 from disposal fees for landfill post-closure action, which is defined as any measures deemed necessary by the Director to prevent or abate contamination of the environment from any landfill which has been certified by the Department as no longer receiving waste. The Fund currently contains \$9 million dollars that has been earmarked by the Department for spending.

To qualify, the City must meet specific requirements such as expenditure of a minimum of \$10,000 toward corrective action or preliminary studies to confirm existence of suspected contamination and documentation that the landfill is no longer receiving waste. Parks and Recreation Staff submitted an application to ADEQ on February 17, 2004.

On March 2, 2004, City Council approved a professional services contract with Terracon Consultants, Inc. to conduct the Site Characterization Study of the Former C & L Landfill for \$49,000 (Resolution No. 31-04).

DISCUSSION

On March 12, 2004, Staff received notification of award in the form of a Draft Memorandum of Agreement. The Fund will provide \$40,500 to be applied to the total cost of the contract with Terracon, \$49,000. The City would be responsible for the remaining \$8,500, which when combined with the \$1,500 expended for the Work Plan

Agenda Item Number

will total the pre-requisite \$10,000. These funds are budgeted in the Parks and Recreation Community Park Development fund designated for the Community Park project.

As is written in the Agreement, the City will be acting as consultants or an extension of the State for the administration of the Fund and will be reimbursed for activities in the ADEQ approved Work Plan. In the event the "Site Characterization Study" confirms that corrective action is required, the Department reserves the right to amend this agreement providing additional funds and authorizing the City of Fayetteville to procure corrective action services.

Parks and Recreation Staff believes the Post Closure Trust Fund provides a wonderful opportunity to study and if necessary, remediate the C & L Landfill at minimum cost to the citizens of Fayetteville. Staff recommends City Council approval of the award of the Post Closure Trust Fund in the amount of \$40,500.

Attached is a Draft Memorandum of Agreement. A Final Memorandum of Agreement will be available after City of Fayetteville Staff Financial Staff Review and ADEQ approval of any proposed changes. The final agreement will be sent to the Mayor for execution and returned to ADEQ for final signatures.

If additional information is needed, please contact me at 444-3472.

BUDGET IMPACT

The City expenditure would total \$8,500. These funds are budgeted in the Parks and Recreation Community Park Development fund designated for the Community Park project.

Attachments:

Draft Memorandum of Agreement

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY TO ACCEPT \$40,500.00 IN FUNDS FROM THE LANDFILL POST-CLOSURE TRUST FUND FOR THE "SITE CHARACTERIZATION STUDY"; APPROVE A BUDGET ADJUSTMENT FOR THE RECEIPT OF THIS \$40,500.00 AND APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY AND THE CITY 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 City to accept \$40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study"; approves a budget adjustment for the receipt of this \$40,500.00, and approves the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 9
ADEQ Post Closure Trust Fund
Page 4 of 10

Budget Year 2004	Department: Operations Division: Parks & Recreation Program: Parks Development Capital	Date Requested 4/6/2004	Adjustment Number
----------------------------	---	-----------------------------------	-------------------

Project or Item Requested: \$40,500 in the State Grant revenue account.	Project or Item Deleted: None.
---	--

Justification of this Increase: Received notification from ADEQ of an award from the Post Closure Trust Fund.	Justification of this Decrease: City Council approved the Post Closure Trust Fund grant application on February 3.
---	--

Increase Budget (Decrease Revenue)							
Account Name	Account Number				Amount	Project Number	
Professional services	2250	9255	5314	00	40,500	02002	1

Decrease Budget (Increase Revenue)							
Account Name	Account Number				Amount	Project Number	
State grants	2250	0925	4302	00	40,500	02002	1

Approval Signatures		Budget Office Use Only	
Requested By	Date	Type:	A B C D E
<i>Babara Lee</i>	<i>3/18/04</i>	Date of Approval	
Budget Manager	Date	Initial	Date
Department Director	Date	Posted to General Ledger	Initial Date
Finance & Internal Services Director	Date	Posted to Project Accounting	Initial Date
Mayor	Date	Entered in Category Log	Initial Date

**MEMORANDUM OF AGREEMENT BETWEEN
The Arkansas Department of Environmental Quality and the City of Fayetteville**

AGREEMENT – This agreement is entered into between the Arkansas Department of Environmental Quality ("ADEQ" or "Department") and the City of Fayetteville ("Recipient").

PERIOD COVERED – The terms of this Agreement shall begin on March 8, 2004, and shall end on May 4, 2004. The terms and funding as described in this Agreement establish no precedent for any future Memorandum of Agreement.

DETERMINATION – The Director has determined that the C & L Landfill meets the corrective action requirements of Arkansas Code Annotated 8-6-1002 et al.

SCOPE AND OBJECTIVES – The objective of this agreement is to provide a "Site Characterization Study" on the closed C&L Landfill, located in Washington County, in order to determine the extent and nature of known impacts to groundwater for purposes of undertaking corrective action and to make recommendations for further studies and corrective action, and cost estimates for those corrections actions. This "Site Characterization Study" project will be accomplished in accordance with the Request Proposal dated February 17, 2004 submitted by the City of Fayetteville and approved by ADEQ and incorporated herein, as Attachment 1. In the event the "Site Characterization Study" confirms that corrective action is required, the Department reserves the right to amend this agreement providing additional funds and authorizing the City of Fayetteville to procure corrective action services.

TERMS OF AGREEMENT

ADEQ

1. ADEQ agrees to reimburse the City of Fayetteville from the Landfill Post-Closure Trust Fund for the "Site Characterization Study" project on the closed C&L Landfill.
2. ADEQ agrees to provide funds to the City of Fayetteville from the Landfill Post-Closure Trust Fund not to exceed the sum of **Forty-Thousand Five Hundred Dollars (\$40,500)** for corrective action services as outlined in the corrective action request package. Upon completion of the study and submission of the appropriate documents, the Department will review the submission for final approval. Upon Department approval, payment shall be made by State Warrant.

City of Fayetteville

The City of Fayetteville shall oversee the herein-described project in a timely manner and in accordance with the contract dated March 2, 2004, between the City of Fayetteville and Terracon Consultants, Inc. (included in Attachment 1).

The City of Fayetteville shall provide an initial contribution of **Ten Thousand Dollars (\$10,000)**, and provide proof thereof to ADEQ for use in the corrective action work named in this Memorandum of Agreement and supporting documents.

FISCAL CONTROL – The City of Fayetteville assures ADEQ that it will provide fiscal controls and fund accounting procedures necessary to assure the proper disbursement of and accounting for the Landfill Post-Closure Trust Funds disbursed. The City of Fayetteville will provide progress reports in accordance with condition nine at mid-point and at completion.

RECORDS – The City of Fayetteville assures ADEQ that it will maintain records that fully disclose documentation of expenditures in accordance with the attached General Conditions. Documentation of expenditures will be submitted on forms prescribed by ADEQ.

SIGNED:

Marcus C. Devine, Director
Arkansas Department of
Environmental Quality

DATE

Dan Coody, Mayor
The City of Fayetteville

DATE

**GENERAL CONDITIONS OF THE
LANDFILL POST-CLOSURE TRUST FUND PROGRAM
CORRECTION ACTION
MEMORANDUM OF AGREEMENT**

As specified in Arkansas Code Annotated §8-6-1001, et seq., it is the responsibility of the Arkansas Department of Environmental Quality to administer the Landfill Post-Closure Trust Fund. In order to meet legislative intent and requirements, these General Conditions are to be enforced.

The General Conditions include, but are not limited to, the following:

1. **Inter-local Agreements.** With the exception of Regional Solid Waste Management Boards acting under the provisions of A.C.A. §8-6-701 et seq., and Solid Waste Authorities incorporated under A.C.A. §14-233-101 et seq., no inter-local agreements shall be allowed unless approval has been received from the Department.
2. **Quotations and Bids.** Attach two quotations for each contracted or purchased item or service to be funded in excess of \$20,000. Quotations should reflect the cost of the item or service at the time of purchase. Applicable bidding and purchasing procedures should be followed.

INFLATED BID PROPOSALS:

The Department reserves the right to deny project funding in the event bids appear inflated, or if some other discrepancy is discovered in the bidding process.

CONTRACTOR HISTORY:

The Department reserves the right to deny project funding if the bid is awarded to a contractor who has a history of non-compliance with environmental statutes or regulations.

3. **Agent of the Fund Recipient Requirements:** Any Agent of the Recipient is to provide to the Recipient, prior to Contract approval, a Certificate of Insurance covering Workmen's Compensation Insurance and Automobile Insurance. And..... Any Agent of the Recipient is further to provide to the Recipient, prior to Contract approval, a Performance Bond in the amount of the Contract. Such bond is to be posted by a bonding company licensed to do business in the State of Arkansas and such bond is to be issued in the State of Arkansas. Or..... the Agent of the Recipient, in said Contract with the Recipient, agrees that any payment of said Contract shall be withheld until the project has received final inspection approval from the Department
4. **Signs.** Project sites must prominently display signs giving recognition to funds received through the *Arkansas Department of Environmental Quality, Solid Waste Management Division*.
5. **Compliance.** A Recipient must have all necessary environmental permits. Funded projects must maintain compliance with all local, State, or Federal laws, rules or regulations.
6. **Record Keeping.** The Department shall have the right of access to all records, books, papers, or documents related to the funded project. The Recipient shall establish a proper accounting system to document expenditures and revenues. Records shall be kept for a period of not less than 3 years following receipt of funds.
7. **Employee Records.** Records shall be maintained by a Recipient on an employee whose primary job duty is directly related to a funded project.
8. **Progress Reports.** A Recipient must provide a schedule which identifies activities performed when the project is at mid-point and at completion. A Recipient will give an accounting of expenditures requested to be reimbursed when the project is at mid-point and at completion on forms prescribed by ADEQ.
9. **Report Submittals and Check Requests.** The Recipient will submit requests for reimbursement upon forms developed by ADEQ, accompanied by supporting documentation of costs incurred.
10. **State Funds Disbursed.** Disbursements shall be subject to on-site approval and inspection by the Department. Upon Departmental review and approval of inspections and reports, a State of Arkansas warrant (check) will be issued for the amount approved as eligible project costs.
11. **Warrants Payable.** Warrants will be made payable and mailed to the Recipient.

12. The period covered by this Memorandum of Agreement shall not be extended, except upon the written approval of ADEQ.
13. The terms and conditions of this Memorandum of Agreement may not be modified, except upon the written agreement of the Recipient and ADEQ.
14. In the event the State of Arkansas fails to appropriate funds or make monies available for any biennial period covered by the term of this contract for the services to be provided by the contractor, this contract shall be terminated on the last day of the last biennial period for which funds were appropriated or monies made available for such purposes. This provision shall not be construed to abridge any other right of termination the agency may have.

This attachment, named General Conditions of Landfill Post-Closure Trust Fund Program, is hereby made a part of this Memorandum of Agreement.

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>Rebecca Ohman</u>	<u>Parks and Recreation</u>	<u>Public Works</u>
Name	Division	Department

ACTION REQUIRED: Resolution authorizing Parks and Recreation to accept award of the Arkansas Department of Environmental Quality Post Closure Trust Fund in the amount of \$40,500. and approval of a budget adjustment.

COST TO CITY:

<u>40,500.00</u>	<u>825,300.00</u>	
<u>68,500.00</u>	<u>\$ 359,300.00</u>	Community Park Development
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>2250.09 25.4302.00</u>	<u>\$ 49050.00</u>	<u>Sales Tax Capital</u>
<u>2250.9255 5314.00</u>		Parks Development Capitol
Account Number	Funds Used to Date	Program / Project Category Name
<u>02002-1</u>	<u>776,250.00</u>	<u>Sales Tax Capital</u>
	<u>\$ 359,300.00</u>	Parks Development
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: Budgeted Item ☒ Budget Adjustment Attached

Babara Bell 3/18/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u> </u>	<u>3/18/04</u>	<u>Nancy Smith</u>	<u>3/18/04</u>
Accounting Manager	Date	Internal Auditor	Date
<u> </u>	<u>3/18/04</u>	<u> </u>	<u> </u>
City Attorney	Date	Purchasing Manager	Date

STAFF RECOMMENDATION:

<u>Annunzio</u>	<u>3-16-04</u>	Received in Mayor's Office	<u>3/19/04</u>
Division Head	Date		Date <i>ft</i>
<u> </u>	<u>3-17-04</u>	Cross Reference:	
Department Director	Date	Previous Ord/Res#:	<u>Res 31-04</u>
Finance & Internal Services Dir.	Date	Orig. Contract Date:	<u>3/2/04</u>
<u> </u>	<u>3-20-04</u>	Orig. Contract Number:	<u> </u>
Chief Administrative Officer	Date	New Item:	☒ Yes ☐ No
<u> </u>	<u>3/22/04</u>		
Mayor	Date		

ENTERED
3/17/04
TLM

Description Post Closure Trust Fund AwardMeeting Date April 6, 2004

Comments:

Reference Comments:

Budget Manager

Accounting Manager

Does this contract obligate the City to procure corrective action services if we do not buy the property? Also there are ~~contractual~~ obligations if we buy a landfill to record a liability.

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

Scope and Objectives
define this project &
allow the ADEQ to
amend MOA by changing
scope & adding funding.
for the cleanup costs. Paragraph B
of General Conditions
requires both ADEQ &
City to approve any modification
to MOA. GI 3-22-04



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: March 18, 2004
Subject: Purchase of Replacement Fork Lift Truck

RECOMMENDATION: That City Council approve the purchase of a Nissan CL80LP Forklift Truck for use by Solid Waste Division from Lift Truck Service Center for the bid price of \$36,208.75.

BACKGROUND: Forklift unit #980 is in need of replacement. Two bids were received and opened on February 27, 2004. The lowest bid meets all specifications.

Funds for this purchase are available in 9700.1920.5802.00, Project #02080.

The purchase of this unit was approved by the Equipment Committee at the meeting of March 9, 2004.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF A NISSAN CL80LP FORKLIFT TRUCK BY THE SOLID WASTE & RECYCLING DIVISION FROM LIFT TRUCK SERVICE CENTER IN THE AMOUNT OF \$36,208.75.

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 Nissan CL80LP forklift truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of \$36,208.75.

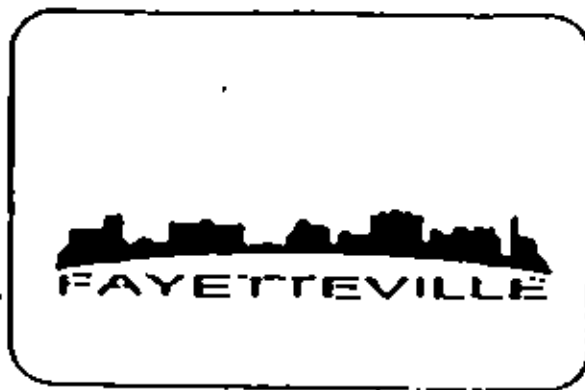
PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By _____
DAN COODY, Mayor

ATTEST:

By _____
SONDRA SMITH, City Clerk



CITY OF FAYETTEVILLE

FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville AR 72701

A. 10
Solid Waste Forklift Truck Purchase
Page 3 of 6

Interdepartmental Correspondence

To: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman *ABSENT*
Kyle Cook ✓
Lioneld Jordan ✓
Don Marr ✓
Billy Sweetser ✓

APPROVED
3/9/04
DRB

From: David Bragg, Fleet Operations Supt.

Date: March 8, 2004

Subject: Purchase of Replacement Fork Lift Truck

Bids were opened on February 27, 2004 for a forklift truck for use by Solid Waste Division.
Two bids were received:

Lift Truck Service Center, Inc. Springdale, AR

Item 1	Nissan CL80LP	\$25,976.75
Item 2	Cascade bale clamp 50D-BCR-74B	11,232.00
Item 3	Trade in existing bale clamp only	1,000.00
TOTAL		\$36,208.75

Hugg & Hall Equipment Springdale, AR

Item 1	Toyota 7FGCU35	\$29,695.00
Item 2	Cascade bale clamp 50D-BCR-74B	9,895.00
Item 3	Trade in existing bale clamp only	950.00
TOTAL		\$38,640.00

The lowest bid meets all specifications. I recommend acceptance of the lowest bid from Lift Truck Service Center, Inc. in the amount of \$36,208.75. This is a replacement for unit #980. Funds are available in Replacement Project Account 02080 for this purchase.

City Of Fayetteville

(Not a Purchase Order)

Vendor #

10657

Vendor Name:

LIFT TRUCK SERVICE CENTER

Address:

Fob Point:

City:

State:

Zip Code

Ship to code:

Division Head Approval

Quotes Attached

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 CL80LP NISSAN FORKLIFT TRUCK

1

EA

\$36,208.75

\$36,208.75

9700.1920.5802.00

02080.1

2 PER BID SPECIFICATIONS

EA

\$0.00

3

EA

\$0.00

4 TO BE UNIT #9058

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

~~\$420.00~~ 180

Special Instructions:

Subtotal:

36,328.75 36,328.75

Tax:

3,042.63

93.0

Total:

39,371.28

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: April 6, 2004

FROM:

<u>David Bragg</u>	<u>Fleet Operations</u>	<u>Operations</u>
Name	Division	Department

ACTION REQUIRED: Approval of purchase of Nissan CL80LP Forklift truck for use by Solid Waste Division from Lift Truck Service Center for the bid price of \$36,208.75.

COST TO CITY:

<u>\$36,209.00</u>	<u>\$ 583,325.00</u>	<u>Fleet - Other Vehicles/Equipment</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>9700.1920.5802.00</u>	<u>\$ 26,851.00</u>	<u>Vehicles and Equipment</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02080</u>	<u>\$ 556,474.00</u>	<u>Shop</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

Balane Deal 3/19/04
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Denise Grizzle for M. Harding</u> <u>3/19/04</u> Accounting Manager Date	<u>Nancy Smutek</u> <u>3/19/04</u> Internal Auditor Date
<u>D. J. White</u> <u>3/22/04</u> City Attorney Date	<u>P. Uike</u> <u>3/22/04</u> Purchasing Manager Date

STAFF RECOMMENDATION:

Jesse Baker 3-19-04
Division Head Date

Ray Duman 3-22-04
Department Director Date

Received in Mayor's Office 3/22/04
 Date P.H.

Finance & Internal Services Dir. _____ Date _____

Hugh Earnest 3-23-04
Chief Administrative Officer Date

Ken Cooley 3/24/04
Mayor Date

Cross Reference: _____

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item: Yes No



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS
DAN COODY, MAYOR

A. 11
McClelland Engineers Task Order #4 Taxiway
Page 1 of 12

MEMORANDUM

TO: Dan Coody, Mayor
THRU: Staff Contract Review Committee
FROM: Ray M. Boudreaux, Director, Aviation and Economic Development
DATE: March 19, 2004
SUBJECT: Approval of Task Order #4 with McClelland Consulting Engineers, Inc. for design and engineering services associated with Parallel Taxiway "A" extension and connecting Taxiway "E" construction.

Requested Action: Approve Task Order #4 with McClelland Consulting Engineers, Inc. in the amount of \$84,110.00 for the design, advertising, bid administration, construction oversight and contract administration for Taxiway "A" extension with Taxiway "E" connection pursuant to AIP#32 in the amount of \$84,110.00.

Discussion: Task Order #4 to McClelland Consulting Engineers, Inc. is to design and provide engineering services to the Fayetteville Municipal Airport, Drake Field for the extension of Taxiway "A" to the South to meet the new extension of Taxiway "E" east of the runway. The FAA has agreed to award a grant AIP #32 for this project.

Budget Considerations: This contract will be paid for with the proceeds of AIP #32 covering 95% of the project and the State of Arkansas Department grant for the remaining 5% of the project.

Attachments: Task Order #4
Staff Review Form

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

RESOLUTION NO. _____

A RESOLUTION APPROVING TASK ORDER NO. 4 WITH McCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$84,110.00 TO DESIGN AND PROVIDE ENGINEERING SERVICES FOR THE EXTENSION OF TAXIWAY "A" TO MEET THE EXTENSION OF TAXIWAY "E" AT THE FAYETTEVILLE MUNICIPAL AIRPORT.

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. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

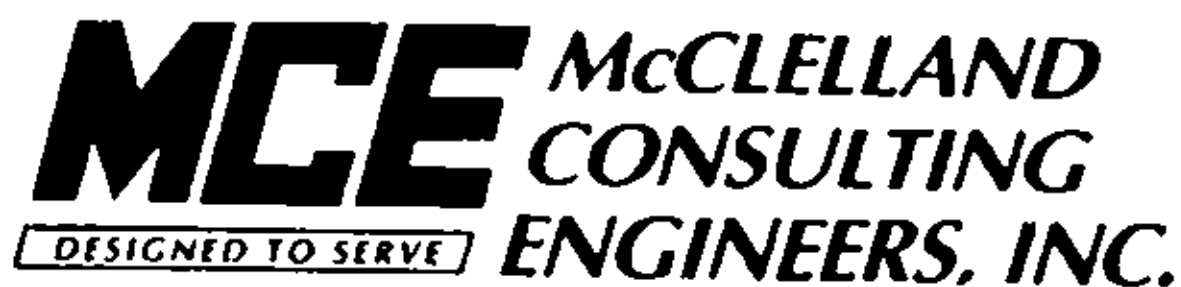
PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By _____
DAN COODY, Mayor

ATTEST:

By _____
SONDRA SMITH, City Clerk



P.O. Box 1229
Fayetteville, Arkansas 72702-1229
479-443-2377
FAX 479-443-9241

March 18, 2004

RECEIVED
MAR 18 2004
AIRPORT

Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: East Side Taxiway Extension
Fayetteville Municipal Airport

Dear Mr. Boudreaux:

In response to your request, please find three (3) copies of Task Order No. 4 for the above referenced project.

Please advise if you need further information regarding this Task Order. Thank you for this opportunity to extend our services.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Task Order No. 4 (3 copies)

TASK ORDER NO. 4

**PARALLEL TAXIWAY EXTENSION
and CONNECTING TAXIWAY
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 April 30, 2003. 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 (ENGINEER) sets forth the project description, project schedule, and engineering fees related to eastside parallel taxiway extension and connecting taxiway, Fayetteville Municipal Airport, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of: detailed design and construction of the phase II of development of the east parallel taxiway and connecting Taxiway "E" to the runway, a distance of approximately 950 feet (with a minimum paved width of 50 feet).

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), the ENGINEER will endeavor to execute the project within the following time periods:

<u>Task</u>	<u>Completion After NTP</u>
A. Detailed Design, Phase II	90 calendar days
B. Advertise for bids, Phase II	210 calendar days

SECTION III - SCOPE OF SERVICES

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

- A. Meeting with the City of Fayetteville to discuss sources of funding and an implementation schedule for each phase of construction.
- B. Performing the detailed design of the Phase II construction project as determined by the City of Fayetteville.
- C. Coordinating with the U.S. Forestry Service, Federal Aviation Administration and the Arkansas State Department of Aeronautics to secure their review of the proposed project.
- D. Advertising for competitive bids and recommending the award of a construction contract for Phase II.
- E. Construction administration and inspection for Phase II.
- F. Construction staking for a baseline for Phase II.
- G. Construction materials testing for Phase II.
- H. Providing a set of "Record Drawings" for Phase II 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 the Engineer as compensation for his services:

- A. Detailed Plans & Specs for Phase II: a lump sum of \$26,000.
- B. Coordination with Regulatory Agencies: hourly rates, estimated to be \$ 1,250.
- C. Bidding Service: a lump sum of \$ 2,640.
- D. Construction Administration & Inspection:
 - Const. Administration a lump sum of \$ 2,320.
 - Construction Observation hourly rates, estimated to be \$37,500.
 - Record Drawings: a lump sum of \$ 1,600.
- E. Construction Staking: a lump sum of \$ 550
- F. Construction materials testing: hourly rates & unit prices, estimated to be \$12,250.

Appendix A presents the basis of payments to the ENGINEER.

Appendix B presents hourly rates for personnel anticipated to be assigned to this project by the ENGINEER.

Appendix C presents the hourly rates and unit price basis of payments to the ENGINEER for Construction Materials Testing for this project.

SECTION 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.

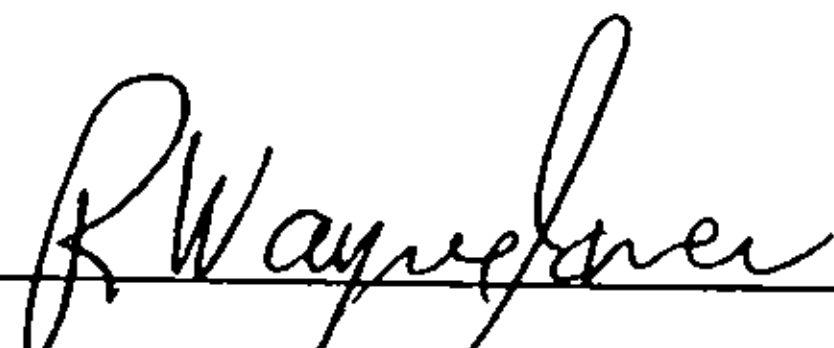
FOR THE CITY OF FAYETTEVILLE:

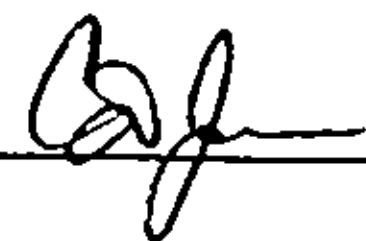
By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: 
Vice President

Attest: 

Date: 3-18-04

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
 TASK ORDER NO. 4
 TAXIWAY "A" EXTENSION AND CONNECTING TAXIWAY "E"
 FAYETTEVILLE MUNICIPAL AIRPORT

LINE	TASK DESCRIPTION	CLASSIFICATION HOURLY RATE	PROJECT DIRECTOR	PROJECT MGR/ENGR	PROJECT ENGINEER	ENGINEERING TECHNICIAN	CADD OPER. 1	CADD OPER. 2	CADD OPER. 3	LICENSED SURVEYOR	SURVEY CREW	CLERK TYPIST	INSPECTOR	MILEAGE	SUB-CONS. FEE	DIRECT EXPENSE	EXTENDED TOTAL
A	DETAILED DESIGN																
	COVER			1	2				2								\$345.00
	SITE PLAN FOR TAXIWAY			2	12		1	2	10								\$1,730.00
	GRADING PLAN FOR TAXIWAY		1	6	16		2	6	12								\$2,930.00
	DRAINAGE PLAN FOR TAXIWAY			4	12		1	2	10								\$1,940.00
	EROSION CONTROL PLAN			1	8		1	2	10								\$1,145.00
	PAVEMENT JOINTING PLAN		1	4	16		2	6	12								\$2,720.00
	PAVEMENT DETAILS		1	4	12		2	6	10								\$2,320.00
	STRIPING PLAN			1	4		1	2	8								\$905.00
	PREPARE CONSTR. MATERIALS TESTING PLAN		1	1	8												\$865.00
	SPECIFICATIONS		1	4	20							24				\$20.00	\$3,120.00
	FINAL QUANTITIES			4	12	12											\$2,076.00
	DETAILED COST ESTIMATE			1	6							2					\$665.00
	IN-HOUSE "QA" REVIEWS		2	2	4	8						2				\$50.00	\$1,364.00
	REVIEW MEETINGS WITH AIRPORT			3	3									50		\$30.00	\$602.50
	REVISIONS TO CONTRACT DOCUMENTS		1	4	8		6	12	20			6				\$78.50	\$3,258.50
	SUBTOTAL, DETAILED DESIGN PHASE		8	42	141	20	16	38	94	0	0	34	0	50	\$0.00	\$178.50	\$25,986.00
B	COORDINATION WITH REGULATORY AGENCIES			2	10							6					\$1,250.00
C	BIDDING			6	16							14				\$8.00	\$2,639.00
D	CONSTR. ADMIN. AND INSPECTION																
	CONSTR. ADMINISTRATION			6	20							2				\$10.00	\$2,320.00
	CONSTR. INSPECTION		2	8	40							6	650			\$42.50	\$35,782.50
	RECORD DRAWINGS			2	4		4	7	12							\$10.00	\$1,610.00
E	CONSTRUCTION STAKING					1				1	4					\$3.00	\$531.00
F	CONSTRUCTION MTL'S TESTING			1	8											\$11,500.00	\$12,245.00
	SUBTOTAL, CONSTRUCTION PHASE		2	17	72	1	4	7	12	1	4	8	650	0	\$0.00	\$11,555.50	\$52,468.50
	GRAND TOTAL, ENGINEERING SERVICES		10	59	213	21	20	45	106	1	4	42	650	50	0	11744	\$81,093.50

APPENDIX B

Hourly Rates for Personnel Drake Field, Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$105 to \$130
Project Manager	\$85 to \$105
Project Engineer	\$70 to \$85
Design Engineer II	\$50 to \$75
Design Engineer I	\$40 to \$55
Registered Surveyor	\$40 to \$55
Computer Technician	\$46 to \$55
Senior Engineering Technician/Observer	\$55 to \$70
Engineering Technician/Observer	\$40 to \$55
Junior Engineering Technician	\$30 to \$45
Survey Crew (2 man)	\$55 to \$68
Clerical Support	\$22 to \$38
CADD Technician III	\$50 to \$60
CADD Technician II	\$40 to \$50
CADD Technician I	\$25 to \$40
Soils Lab Supervisor	\$35 to \$45
Soils Technician II	\$30 to \$35
Soils Technician I	\$25 to \$30

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 4

GENERAL:

Laboratory Field Technician *	\$ 35.00 per hour
AHTD-Qualified Technician*	40.00 per hour
Engineering Technician *	48.00 per hour
Senior Engineering Technician	62.00 per hour
Lab Supervisor	45.00 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)	45.00 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)	45.00 per hour

* ACI Grade I Concrete Field Testing Technician

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 4

GENERAL:

Laboratory Field Technician *	\$ 35.00 per hour
AHTD-Qualified Technician*	40.00 per hour
Engineering Technician *	48.00 per hour
Senior Engineering Technician	62.00 per hour
Lab Supervisor	45.00 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)	45.00 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)	45.00 per hour

• ACI Grade I Concrete Field Testing Technician

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
X CONTRACT REVIEW
GRANT REVIEW

Task Order #4
McClelland Eng

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>Ray M. Boudreaux</u>	<u>Aviation & Economic Development</u>	<u>General Government</u>
Name	Division	Department

ACTION REQUIRED: Approval of Task Order #4 with McClelland Consulting Engineers, Inc., in the amount of \$84,110.00, for design, engineering and construction oversight services, Taxiway "A" Extension Phase II. Signature of the Mayor required.

COST TO CITY:

<u>\$84,110.00</u>	<u>\$ 1,320,000.00</u>	<u>Taxiway "A" Development Phase II</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>5550.3960.7820.32</u>	<u>\$ -</u>	<u>Airport Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>04025.1</u>	<u>\$ 1,320,000.00</u>	<u>General (Airport)</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item Budget Adjustment Attached

[Signature] 3-22-04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>[Signature]</u> <u>3/22/04</u>	<u>[Signature]</u> <u>3/22/04</u>
Accounting Manager Date	Internal Auditor Date
<u>[Signature]</u> <u>3/22/04</u>	<u>[Signature]</u> <u>3/22/04</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

<u>[Signature]</u> <u>3/22/04</u>	Received in Mayor's Office <u>3/22/04</u>
Division Head Date	Date P.H.
<u>[Signature]</u> <u>Mar 19, 2004</u>	Cross Reference:
Department Director Date	

<u>[Signature]</u> <u>3-23-04</u>	Previous Ord/Res#: <u> </u>
Finance & Internal Services Dir. Date	Orig. Contract Date: <u>4/30/2003</u>
<u>[Signature]</u> <u>3-23-04</u>	Orig. Contract Number: <u>917</u>
Chief Administrative Officer Date	
<u>[Signature]</u> <u>3/24/04</u>	New Item: <u>X</u> Yes <u> </u> No <u> </u>
Mayor Date	



ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF MARCH 16, 2004

FROM:

ALDERMAN ROBERT REYNOLDS

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution Amending The Rules Of Order And Procedure For The Fayetteville Mayor/City Council,
Section A. City Council Meetings, Subsection 6. Public Notification And Participation

APPROVED FOR AGENDA:

Alderman

Date



City Attorney (as to form)

3/1/04

Date

Tabled to Apr. 6, 2004 MTC

RESOLUTION NO. _____

A RESOLUTION AMENDING THE RULES OF ORDER
AND PROCEDURE FOR THE FAYETTEVILLE MAYOR/
CITY COUNCIL, SECTION A. CITY COUNCIL MEETINGS,
SUBSECTION 6. PUBLIC NOTIFICATION AND
PARTICIPATION

WHEREAS, citizens should have the right to address the City Council on any topic they choose after the last item on the Agenda has been acted upon by the City Council; and

WHEREAS, the City Council wishes to allow citizens desiring to speak concerning items of new business or late on the agenda to have a convenient opportunity to address the City Council during the early evening without having to wait too long; and

WHEREAS, the City Council believes a citizen wishing to address the City Council should in almost every case be able to explain his or her position, opinion or ideas within three minutes; and

WHEREAS, lengthy and repetitious comments during City Council have harmed other citizens' rights to speak and be heard by unnecessarily prolonging City Council meetings.

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 amends the Rules of Order and Procedure for the Fayetteville Mayor/City Council by adding the **bold** language to the second paragraph of A. 6. and adding a new third paragraph (as shown in **bold**).

"6. Public Notification and Participation

The City will, if necessary, go further than legally required in order to inform citizens of the items to be considered by the City Council. The means used will include advertisements in a local newspaper, special notice to citizens who have shown a direct interest in matters to be considered, and agenda copies available at City Council meetings.

Members of the audience will be offered an opportunity to speak on all questions before the City Council. Any public member shall first state his or her name and address, followed

by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. **No statement shall exceed three (3) minutes in duration unless the City Council, by unanimous consent, agrees to extend further time to the speaker.** All remarks shall be addressed to the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be asked an Alderman or city employee except through the Mayor."

"After the last item on the Agenda has been acted upon by the City Council, members of the public shall be accorded the right to address the City Council on any topic of the speaker's choosing for a period of (3) minutes each, not to exceed 30 minutes total. Neither the mayor nor any alderman may respond or comment during this listening period.."

) All members of the public are requested to accord the utmost courtesy to members of the City Council, to other members of the public appearing before the City Council and to city staff, and are asked to refrain at all times from rude or derogatory remarks, reflections as to integrity, abusive comments and statements as to motives and personalities.

PASSED and APPROVED this the 16th day of March, 2004

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

CITY COUNCIL AGENDA MEMO

To: Mayor Dan Coody and City Council Members
Thru Connie Edmonston, Director, Parks & Recreation Division
Gary Dumas, Director of Operations
From: Steve Hatfield, Park Landscape Architect,
Trails & Greenways Coordinator *Steve*
Date: March 17, 2004
Subject: Center Prairie Trail Construction Contract Award

RECOMMENDATION

Parks and Recreation staff recommends awarding the construction contract for Center Prairie Trail to Sweetser Construction in the amount of \$374,531 with a 10% project contingency of \$37,453 for a total project cost of \$411,984.

BACKGROUND

Center Prairie Trail is a proposed multi-use trail that follows an abandoned rail road right of way from Prairie Street to Center Street. This multi-use will include a spur trail that connects to the new library site. The construction contract will include a hard surfaced trail decorative lighting, crosswalks and benches. This Trail ranked in the top five Priorities in the Adopted Fayetteville Alternative Transportation and Trail Master Plan.

DISCUSSION

The project bids were opened on March 8th, 2004. There were three responsive bidders and the low bid was from Sweetser Construction in the amount of \$374,085 for the Base bid and Deductive Alternate #1 was \$15,500 and Deductive Alternate # 2 was \$15,750. The Landscape Architect's cost estimate was \$335,514.

BUDGET IMPACT

Currently the project has a budget of \$1,014,215. Funds used to date are \$725, leaving an available balance of \$1,013,490. Upon completion of the Center Prairie Trail Project, the remaining available funds for trails will be \$601,507.

Attachments: Construction Contract
Bid Tabulation

cc: files

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE AWARD OF THE
CONSTRUCTION CONTRACT FOR CENTER PRAIRIE
TRAIL TO THE LOW BIDDER, JEREMY D. SWEETSER,
INC. IN THE AMOUNT OF \$374,530.55 WITH A PROJECT
CONTINGENCY OF \$37,453.00 AND APPROVAL OF A
BUDGET ADJUSTMENT OF \$411,984.00

**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 award of the construction contract for Center Prairie Trail to the low bidder,
Jeremy D. Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of
\$37,453.00 and approval of a budget adjustment of \$411,984.00.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

Sweetser Construction, Center Prairie Multi-Use Trail Const.

Page 3 of 18

Entered in Category Log

City Of Fayetteville

(Not a Purchase Order)

Trail Const
Page 4 of 18

Requisition No.:
Date: 3/18/2004
Expected Delivery Date:

Vendor #: 70670 Vendor Name: Jerry D. Sweetser, Inc. Mail: Yes: No: Quotes Attached: No:

Address: Fob Point: Taxable: Yes: No: X Yes: No:

City: State: Zip Code: Ship to code: Division Head Approval: *[Signature]*

Requester: Rachel Weber Requester's Employee #: 2368 Extension: 406

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Contract for Center Prairie Trail				\$374,530.55	4470.9470.5814.00	04028 1		
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:

Subtotal: \$374,530.55
Tax: \$374,530.55
Total: \$374,530.55

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____

Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____

Dispatch Manager: _____ Utilities Manager: _____ Other: _____

Section 00500

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND JERRY D. SWEETSER, INC.

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2004 by and between the City of Fayetteville, Arkansas (hereinafter called CITY OF FAYETTEVILLE) and the Contractor (herein after called JERRY D. SWEETSER, INC.).

CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC., in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

JERRY D. SWEETSER, INC. shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of the construction of approx. 2,100 L.F. of 12' wide asphalt multi-use trail with base, associated earthwork and demolition for *Center Prairie Trail Construction*; and all items indicated in the Drawings and Specifications.

Article 2. ENGINEER.

The Project has been designed by

City of Fayetteville Parks and Recreation Division
1455 South Happy Hollow Road
Fayetteville, Arkansas 72701

Crafton Tull & Associates, Inc
901 N. 47th Street Suite 200
Rogers, Arkansas 72756

who is hereinafter called PARKS AND RECREATION DIVISION PROJECT MANAGER and who is to act as CITY OF FAYETTEVILLE's representative, assume all duties and responsibilities, and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract documents.

Article 3. CONTRACT TIME.

3.1. The Work for the Project shall be substantially completed within 120 consecutive calendar days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 150 consecutive calendar days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC. recognize that time is of the essence of the Agreement and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, City of Fayetteville and JERRY D. SWEETSER, INC. agree that as liquidated damages for delay (but not as a penalty) JERRY D. SWEETSER, INC. shall pay CITY OF FAYETTEVILLE **Two hundred and fifty dollars (\$250.00)** for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if JERRY D. SWEETSER, INC. shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, JERRY D. SWEETSER, INC. shall pay CITY OF FAYETTEVILLE **Two hundred and fifty dollars (\$250.00)** for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

CITY OF FAYETTEVILLE shall pay JERRY D. SWEETSER, INC. for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the following Schedule of Values pursuant to paragraphs 4.1 and 4.2 below:

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

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

PAYMENT ITEMS

ITEM	DESCRIPTION	UNITS	QUAN.	UNIT \$	ESTIMATE
1	MOBILIZATION	L.S.	1.0	2,500.00	2,500.00
2	STAKING	L.S.	1.0	4,800.00	4,800.00
3	CLEARING AND GRUBBING (2) (5) (8)	L.S.	1.0	18,000.00	18,000.00
4	MAINTENANCE OF TRAFFIC	LS	1.00	3,500.00	3,500.00
5	TREE PROTECTION FENCING (18)	LF	300.00	12.00	3,600.00
6	REMOVE AND DISPOSE OF CONCRETE CURB	LF	24.00	25.00	600.00
7	REMOVE AND DISPOSE OF EXISTING TIMBER PEDESTRIAN BRIDGE	L.S.	1.0	500.00	500.00
8	REMOVE AND DISPOSE OF EXISTING PIPE CULVERT	EACH	1.0	200.00	200.00
9	CULVERT CLEANOUT	EACH	1.0	500.00	500.00
10	EXCAVATION SAFETY	LS	1.00	2,500.00	2,500.00
11	UNCLASSIFIED EXCAVATION	CY	40.73	50.00	2,036.50
12	COMPACTED EMBANKMENT-SELECT HILLSIDE MATERIAL (BORROW) IN-PLACE	C.Y.	487.0	24.00	11,688.00
13	TEMPORARY BALE BARRIERS (10)	LF	200.0	10.00	2,000.00
14	TEMPORARY SILT FENCE (18)	L.F.	1000.0	8.00	8,000.00
15	SEED AND MULCH (15)	AC.	0.5	4,000.00	2,000.00
16	IMPORTED TOP SOIL (10)	CY	50.00	35.00	1,750.00
17	AGGREGATE BASE (CLASS 7)	C.Y.	685.7	29.00	19,885.30
18	PRIME COAT	GAL	343.8	3.50	1,203.30
19	PRIME COAT (LIBRARY TRAIL AREA)	GAL	48.4		0.00
20	ASPHALT CONCRETE TYPE "3"	TON	223.1	45.00	10,039.50
21	ASPHALT CONCRETE TYPE "3" (LIBRARY TRAIL AREA)	TON	25.7		0.00
22	CONCRETE TRAIL (LIBRARY TRAIL AREA)	S.Y.	345.0	55.00	18,975.00
23	CONCRETE TRAIL RAMP	EA	1.0	1,200.00	1,200.00
24	30" CMP Pipe (17)	LF	48.0	75.00	3,450.00
25	30 - inch FLARED END SECTION CS PIPE CLVT.	EA	2.0	700.00	1,400.00
26	PRECAST R.C. BOX CLVT. (5'X4')	LF	33.0	820.00	27,060.00
27	1.5' FIELD STONE GROUTED	SY	150.0	75.00	11,250.00
28	25' PRECAST CONCRETE INTERIOR BEAM	EA	3.0	6,700.00	20,100.00
29	CLASS S CONCRETE - ROADWAY, 3500 PSI	CY	6.6	800.00	5,280.00
30	REINFORCING STEEL - ROADWAY, 60KSI	LB	760.0	1.50	1,140.00
31	FLOWABLE SELECT MATERIAL	CY	6.0	150.00	900.00
32	RETAINING WALL	SF	1670.0	27.00	45,090.00
33	FENCE STYLE CLF (4' HIGH NOBAR) (8)	L.F.	450.0	18.50	8,325.00
34	PEDESTRIAN FLASHING LIGHT SYSTEM (19)	EA	1.0	34,650.00	34,650.00
35	ADDITIONAL RED OR YELLOW 8" SEALED LED LIGHT	EA	2.0	375.00	750.00
36	DECORATIVE TRAIL LIGHTING (20)	EA	10.0	3,100.00	31,000.00
37	DECORATIVE TRAIL LIGHTING (WITH HOUSE SIDE SHIELD) (20)	EA	10.0	3,150.00	31,500.00
38	1 1/2" SCHEDULE 40 ELECTRICAL CONDUIT TRENCHED IN-PLACE (21)	L.F.	2100.0	4.85	10,185.00
39	BENCH ON CONCRETE PAD (18)	EA	6.0	1,900.00	11,400.00
40	CEDAR SIGN POST INSTALLED (13)	L.F.	130.0	8.00	1,040.00
41	NON-REMOVABLE BOLLARD (9)	EA	6.0	500.00	3,000.00
42	REMOVABLE BOLLARD (9)	EA	3.0	750.00	2,250.00
43	SHEET ALUMINUM SIGNS (18)	S.F.	158.1	19.50	3,043.95
44	2 1/2" SQUARE TUBE POSTS (13)	L.F.	112.0	8.00	896.00
45	THERMO. PYMT. MARKING (WORDS)	EA	6.0	380.00	2,280.00
46	THERMO. PYMT. MARK. WHITE (24")	LF	98.0	23.00	2,208.00
47	TRAFFIC STRIPE (PAINT) (4" WIDE) (7)	L.F.	2300.0	0.85	1,955.00
48	DEDUCTIVE ALTERNATE (1) DECORATIVE TRAIL LIGHTING (20)	EA	5.0		-15,500.00
49	DEDUCTIVE ALTERNATE (2) DECORATIVE TRAIL LIGHTING (WITH HOUSE SIDE SHI	EA	5.0		-15,750.00
				SUBTOTAL	374,530.55
				TOTAL	\$374,530.55

Color denotes a discrepancy in quantity

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

Article 5. PAYMENT PROCEDURES

JERRY D. SWEETSER, INC. shall submit Applications for Payment in accordance with Article 14 of the General Conditions or as modified in the Supplementary Conditions. Applications for Payment will be processed by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in the General Conditions.

5.1. *Progress Payments.* CITY OF FAYETTEVILLE shall make progress payments on account of the Contract Price on the basis of JERRY D. SWEETSER, INC.'s Applications for Payment as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02 . All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

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

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

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

5.1.2. Upon Substantial Completion, in an amount sufficient to increase total payments to JERRY D. SWEETSER, INC. to 98 percent of the Contract Price (with the balance of 2 percent being retainage), less such amounts as PARKS AND RECREATION DIVISION PROJECT MANAGER shall determine, or CITY OF FAYETTEVILLE may withhold, in accordance with paragraphs 14.02.B.5 & 14.02.D of the General Conditions.

5.3 *Final Payment.* Upon final completion and acceptance of the Work in accordance with paragraphs 14.07.B & C of the General Conditions, CITY OF FAYETTEVILLE shall pay the remainder of the Contract Price as recommended by PARKS AND RECREATION DIVISION PROJECT MANAGER as provided in said paragraphs 14.07.B & C.

Article 6. JERRY D. SWEETSER, INC.'S REPRESENTATIONS.

In order to induce CITY OF FAYETTEVILLE to enter into this Agreement JERRY D. SWEETSER, INC. makes the following representations:

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

6.2. JERRY D. SWEETSER, INC. has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. JERRY D. SWEETSER, INC. is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. JERRY D. SWEETSER, INC. has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. JERRY D. SWEETSER, INC. accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which JERRY D. SWEETSER, INC. is entitled to rely as provided in paragraph 4.02 of the General Conditions.

JERRY D. SWEETSER, INC. acknowledges that such reports and drawings are not Contract Documents and may not be complete for JERRY D. SWEETSER, INC.'s purposes. JERRY D. SWEETSER, INC. acknowledges that CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. JERRY D. SWEETSER, INC. has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by JERRY D. SWEETSER, INC. and safety precautions and programs incident thereto. JERRY D. SWEETSER, INC. does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

6.5. JERRY D. SWEETSER, INC. is aware of the general nature of work to be performed by CITY OF FAYETTEVILLE and others at the site that relates to the Work as indicated in the Contract Documents.

6.6. JERRY D. SWEETSER, INC. has correlated the information known to JERRY D. SWEETSER, INC., information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations,

explorations, tests, studies, and data with the Contract Documents.

6.7. JERRY D. SWEETSER, INC. has given PARKS AND RECREATION DIVISION PROJECT MANAGER written notice of all conflicts, errors, ambiguities, or discrepancies that JERRY D. SWEETSER, INC. has discovered in the Contract Documents and the written resolution thereof by PARKS AND RECREATION DIVISION PROJECT MANAGER is acceptable to JERRY D. SWEETSER, INC. and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC. concerning the Work consist of the following:

- 7.1. This Agreement (pages 1 to 7, inclusive).
- 7.2. Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.3. Certificates of Insurance, (Exhibit C).
- 7.4. Documentation submitted by JERRY D. SWEETSER, INC. prior to Notice of Selection (Exhibit D).
- 7.5. General Conditions (pages 1 to 42, inclusive).
- 7.6. Supplementary Conditions (pages 1 to 13 inclusive).
- 7.9. Specifications consisting of Divisions 1 through 16 as listed in table of contents thereof.
- 7.10. Addenda numbers 1 through 4, inclusive.
- 7.11. One set of drawings (not attached hereto) consisting of: a cover sheet and additional sheets numbered two through twenty-eight with each sheet bearing the following general title: **Center Prairie Trail**
- 7.12. The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
 - 7.12.1. Notice to Proceed
 - 7.12.2. All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

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

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

Article 8. MISCELLANEOUS.

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

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

8.3. CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC. each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

8.5. 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.

8.6. Freedom of Information Act. City contract 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, JERRY D. SWEETSER, INC. 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.

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC. have signed this Agreement in quadruplicate. One counterpart each has been delivered to CITY OF FAYETTEVILLE and PARKS AND RECREATION DIVISION PROJECT MANAGER, and two counterparts have been delivered to JERRY D. SWEETSER, INC.. All portions of the Contract Documents have been signed, initialed, or identified by CITY OF FAYETTEVILLE and JERRY D. SWEETSER, INC. or identified by PARKS AND RECREATION DIVISION PROJECT MANAGER on their behalf.

This Agreement will be effective on _____, 2004 (which is the Effective Date of the Agreement).

CITY OF FAYETTEVILLE: City of Fayetteville
INC.:

JERRY D. SWEETSER,

By: _____
Mayor

By:

Title

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

* Attest

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

(If CITY OF FAYETTEVILLE is a public body, attach

License No.

evidence of authority to sign and
resolution or other documents
authorizing execution of Agreement.)

Agent for service of process:

(If JERRY D. SWEETSER, INC. is a corporation, attach
evidence of authority to sign)

City of Fayetteville

Page 00500-8

3/16/2004

Exhibit A

PERFORMANCE BOND

Exhibit B

PAYMENT BOND

Exhibit C

CERTIFICATES OF INSURANCE

NOTICE TO PROCEED

TO: _____

DATE: _____

PROJECT: *Center Prairie Trail*

You are hereby notified to commence WORK in accordance with the Contract dated _____ on or before _____, and you are to substantially complete the WORK within one hundred and twenty consecutive calendar days thereafter and have the Work complete and ready for final payment within thirty consecutive calendar days thereafter. The date for Substantial completion is therefore _____. The date for final completion is therefore _____.

CITY OF FAYETTEVILLE, ARKANSAS
City of Fayetteville

By _____
Trails and Greenways Coordinator

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE TO PROCEED is hereby acknowledged by
_____ this the _____ day of _____, 2004.

By

Title

BID TABULATION

C. 1
Use Trail Const.
Page 17 of 18

STAFF REVIEW FORM - FINANCIAL OBLIGATION

C. 1
Sweetser Construction, Center Prairie Multi-Use Trail Const.
Page 18 of 18

☒ AGENDA REQUEST
☒ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6th, 2004

FROM:

Steve HatfieldParks & RecreationOperations

Name

Division

Department

Action Required: Approval of contract to construct Center Prairie Multi-Use Trail with Sweetser Construction in the amount of \$374,530.55 with a 10% project contingency of \$37,453 for a total project cost of \$411,983.55 and approval of a budget adjustment.

COST TO CITY:

<u>\$411,983.55</u>	<u>\$ 1,014,215.00</u>	<u>Center Prairie Trail</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470.9470.5814.00</u>	<u>\$ 725.00</u>	<u>Sales Tax/Capitol</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02016</u>	<u>\$ 1,013,490.00</u>	<u>Sales Tax Capitol</u>
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ Budgeted Item ☒ Budget Adjustment Attached

Babara Felt 3/18/04
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Mausla Farthing 3/18/04
 Accounting Manager Date

Danny Smiter 3/18/04
 Internal Auditor Date

K. A. [Signature] 3/18/04
 City Attorney Date

[Signature]
 Purchasing Manager Date

STAFF RECOMMENDATION: Approval of contract

Connie [Signature] 3/17/04 Received in Mayor's Office 3/19/04
 Division Head Date Date pt

[Signature] 3/22/04
 Department Director Date

Cross Reference:

Previous Ord/Res#: Orig. Contract Date: Orig. Contract Number: New Item:

Yes

No

X

Financial Services Dir. Date

[Signature] 3-23-04
 Administrative Officer Date

[Signature] 3/24/04
 Date



City Council Agenda Item

To: Mayor and City Council
Thru: Gary Dumas, Director of Operations
From: Terry Gulley, Transportation Manager
Date: March 10, 2004
Subject: Authorization to increase staffing level within the Transportation Division in order to increase production within the street rehabilitation program.

Recommendation: The Transportation Division recommends the approval of authorization to increase the staffing level of the Division by six additional employees to staff asphalt preparation and patch crews, which will allow increased production within the street rehabilitation program.

Background: With approximately 260 miles of City maintained streets, each year approximately 17.3 miles should be rehabilitated. Following discussion by the City Council at the February 17th meeting, an evaluation of the street rehabilitation needs versus actual production was initiated.

In 2002 and earlier, the Transportation Division rehabilitated approximately 7 miles of City streets per year. In 2003, following the reorganization, 11.03 miles was rehabbed.

With a 15 year life expectancy, even with this increased efficiency the City was still over 6 miles per year behind the growing need. In 2004 the rehab program should be able to reclaim 13.2 miles, an additional 2 miles over last year's increased production.

Discussion: This increased production is still 4 miles below the amount that is necessary to properly maintain the City's streets.

The addition of these employees will result in the Transportation Division having the ability to expand the rehabilitation program to meet the minimum threshold of repairs needed in the future.

Implementation of this program will start a long range solution to diminish extensive road renovations, while reducing the current rehab cost per road mile from \$15.37 per linear foot to \$9.45 per linear foot. This reduction in rehabilitation costs will require a long term investment. Many of our City's streets are very old and in dire need of major work. It will take several years to reach this minimum rehab cost, but in present day costs this would result in a 38% savings. If the City is to realize those future savings, investment must be made to stop the growing backlog of streets in need of major repair.

Failure to address the issue of adequate preventative maintenance will allow the conditions of the past to continue until the City faces a backlog of deteriorated streets that will be too large to address with the long term 15 strategy proposed here.

City Council Agenda Item

Budget Impact: Additional funding for employees will be obtained from street fund reserves. The Budget Division has evaluated future needs through 2008 and the necessary funding is available.

Funding for material for the In-House Paving Program comes from the Capital Sales Tax Program. Additional material will be required to rehab this additional 4 miles. This funding would be from the Capital Sales Tax Program. In 2004, \$340,811.00 is needed to reach the goal of 17.47 miles of street renovation. In 2005 and beyond, funding of approximately \$726,500.00 per year will be required. Partial funding for 2004 is from funds not expended in 2002.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE HIRING OF SIX (6) FULL-TIME EMPLOYEES (PATCH AND ASPHALT PREPARATION CREWS) IN THE TRANSPORTATION DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$340,811.00 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 Six (6) full-time employees (Patch and Asphalt Preparation Crews) in the Transportation Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of \$340,811.00 for same.

PASSED and APPROVED this 16th day of March 2004

APPROVED:

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

DRAFT

City of Fayetteville, Arkansas

Street Fund

Street Fund Projections: Budget Years 2004-2008

	Actual Budgeted 2003	Budget 2004	Projected 2005	Projected 2006	Projected 2007	Projected 2008
Beginning Fund Balance	\$ 2,606,578	2,692,477	2,497,149	2,233,702	1,893,410	1,471,473
Resources						
Revenues:						
County Turnback	639,201	657,000	676,000	695,000	715,000	735,000
Intergovernmental	2,759,932	2,786,000	2,813,000	2,841,000	2,869,000	2,897,000
Charges for Services	132,275	100,000	100,000	100,000	100,000	100,000
Investment Earnings	75,106	89,000	75,000	64,000	51,000	34,000
Other	2,452	0	0	0	0	0
Total Revenue	3,608,966	3,632,000	3,664,000	3,700,000	3,735,000	3,766,000

Uses

Expenditures:

Operations & Administration
Right-of-Way Maintenance
Street Maintenance
Drainage Maintenance
Traffic Control & Maintenance
Sidewalks

1,190,763	912,234	937,320	963,097	989,582	1,016,795
222,907	431,153	443,010	455,192	467,710	480,572
1,220,831	982,306	1,009,319	1,037,076	1,065,595	1,094,899
386,366	550,895	566,045	581,611	597,605	614,039
123,854	372,400	382,641	393,164	403,976	415,085
378,346	355,340	365,112	375,152	385,469	396,070

Proposed New Crew
Equipment for New Crew

	142,000	199,000	210,000	222,000	234,000
	81,000	25,000	25,000	25,000	25,000

Total Expenditures

3,523,067	3,827,328	3,927,447	4,040,292	4,156,937	4,276,461
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Net Resources (Uses)

85,899	(195,328)	(263,447)	(340,292)	(421,937)	(510,461)
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Ending Fund Balance

\$ 2,692,477	2,497,149	2,233,702	1,893,410	1,471,473	961,012
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Recommended Fund Balance - 60 Days Reserves \$

579,000	629,000	646,000	664,000	683,000	703,000
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**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 2
Transportation Division Hiring 6 Full Time Emp.
Page 5 of 10

Budget Year 2004	Department: Operations Division: Transportation Program: Street Maintenance	Date Requested 3/17/2004	Adjustment Number
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Project or Item Requested:
\$211,559 is requested to increase staffing levels within the Transportation Division to increase production of the street rehabilitation program.

Project or Item Deleted:
No project is deleted. Excess reserves will fund this service expansion.

Justification of this Increase:
This increase is needed to bring production levels to minimum standards required to maintain city streets utilizing the most cost effective system.

Justification of this Decrease:
Use of reserve funds is required to expand street rehabilitation services in order to address immediate needs of the transportation system.

Increase Budget (Decrease Revenue)

Account Name	Account Number	Amount	Project Number
SEE ATTACHED		211,559	

Decrease Budget (Increase Revenue)

Account Name	Account Number	Amount	Project Number
Use of fund balance	2100 0910 4999 99	211,559	

Approval Signatures

<i>John Nelson</i>	<u>3/17/04</u>
Requested By	Date
<i>Barbara Lee</i>	<u>3/19/04</u>
Budget Manager	Date
<i>Gay Dumas</i>	<u>3/18/04</u>
Department Director	Date
<i>Steve Davis</i>	<u>3-18-04</u>
Finance & Internal Services Director	Date
<i>Don Coady</i>	<u>3/18/04</u>
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

Increase Expense (Decrease Revenue)						Project Number
Account Name	Account Number				Amount	
Salaries & wages	2100	4120	5100	00	81,784	
Overtime	2100	4120	5103	00	2,949	
FICA taxes	2100	4120	5105	00	6,525	
Life insurance	2100	4120	5107	00	307	
Health insurance	2100	4120	5108	00	16,662	
LTD insurance	2100	4120	5108	01	295	
ADD insurance	2100	4120	5108	02	66	
Retirement savings plan	2100	4120	5109	06	9,812	
Workers' comp insurance	2100	4100	5111	00	3,474	
Uniforms/personal equip	2100	4100	5302	00	3,000	
Motor pool charges	2100	4120	5331	00	4,200	
Replacement charges	2100	4120	5331	01	6,650	
Shop overhead charges	2100	4120	5331	02	1,960	
Vehicle & machine maint	2100	4120	5403	00	1,875	
Vehicles and equipment	2100	4120	5802	00	72,000	

Decrease Expense (Increase Revenue)						Project Number
Account Name	Account Number				Amount	
Use of fund balance	2100	0910	4999	99	211,559	

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 2
Transportation Division Hiring 6 Full Time Emp.
Page 7 of 10

Budget Year 2004	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 2/26/2004	Adjustment Number
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Project or Item Requested:
\$340,811 is requested in the Street Improvements account in the Sales Tax Capital Improvements program to increase production of the street rehabilitation program.

Project or Item Deleted:
Transfer \$340,811 from Use of Fund Balance.

Justification of this Increase:
This increase is needed to bring production levels to minimum standards required to maintain city streets utilizing the most cost effective system.

Justification of this Decrease:
Use of reserve funds is required to expand street rehabilitation services in order to address immediate needs of the transportation system.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	340,811	02052	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	340,811		

Approval Signatures

Way 2. Kelley 2-27-04
Requested By Date

[Signature] 2/27/04
Budget Manager Date

Department Director Date

Keith Dames 3-1-04
Finance & Internal Services Director Date

Don Carley 3/1/04
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

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

April 6

For the Fayetteville City Council Meeting of: ~~March 16, 2004~~

FROM:

<u>Terry Gulley</u>	<u>Transportation</u>	<u>Operations</u>
Name	Division	Department

ACTION REQUIRED: A resolution authorizing the hiring of six (6) full-time employees (patch & asphalt preparation crews) in the Transportation Division and approving a budget adjustment in the amount of \$223,000.00 for personnel and a budget adjustment in the amount of \$340,811.00 for materials.

COST TO CITY:		
\$340,811.00	\$ 1,491,202.00	In-House Pavement Improvements
\$223,000.00	\$ 982,036.00	Street Maintenance
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5809.00	\$ 49,349.00	Street Improvements
2100.4120.xxxx.xx	\$ 187,557.00	
Account Number	Funds Used to Date	Program / Project Category Name
02052.1	\$ 1,441,853.00	Sales Tax Capital Improvements
	\$ 794,479.00	Street
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

[Signature] 2/27/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u><i>Maisha Fawcett</i></u> <u>2/27/04</u>	<u><i>Nancy Smith</i></u> <u>2/27/04</u>
Accounting Manager Date	Internal Auditor Date
<u><i>D.D. Whit</i></u> <u>3/1/04</u>	<u><i>P. Uico</i></u> <u>2/27/04</u>
City Attorney Date	Purchasing Manager Date

STAFF RECOMMENDATION:

<u><i>Terry Gulley</i></u> <u>2-27-04</u>	
Division Head Date	
<u><i>[Signature]</i></u> <u>2-27-04</u>	
Department Director Date	
<u><i>[Signature]</i></u> <u>3-1-2004</u>	
Finance & Internal Services Dir. Date	
<u><i>Karl Gamm</i></u> <u>3-1-04</u>	
Chief Administrative Officer Date	
<u><i>Don Coady</i></u> <u>3/1/04</u>	
Mayor Date	

Received in Mayor's Office

3/1/04
Date *PH*

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item:

Yes

No

ENTERED
2-27-04
aw

STAFF REVIEW FORM - FINANCIAL OBLIGATION

☒ AGENDA REQUEST
☐ CONTRACT REVIEW
☐ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>Terry Gulley</u>	<u>Transportation</u>	<u>Operations</u>
Name	Division	Department

ACTION REQUIRED: A resolution authorizing the hiring of six (6) full-time employees (patch & asphalt preparation crews) in the Transportation Division and approving a budget adjustment in the amount of \$211,559.00 for personnel and a budget adjustment in the amount of \$340,811.00 for materials.

COST TO CITY:		
\$340,811.00	\$ 1,491,202.00	In-House Pavement Improvements
\$211,559.00	\$ 982,036.00	Street Maintenance
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5809.00	\$ 128,903.00	Street Improvements
2100.4120.xxxx.xx	\$ 187,557.00	
Account Number	Funds Used to Date	Program / Project Category Name
02052.1	\$ 1,362,299.00	Sales Tax Capital Improvements
	\$ 794,479.00	Street
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: ☒ 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

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

City Council Agenda April 6, 2004

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Fayetteville City Council

THROUGH: Hugh Earnest, Chief Administrative Officer 

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: March 19, 2004

SUBJECT: Purchase of 217 East Dickson for municipal uses

Recommendation

Staff does not recommend the purchase of 217 East Dickson (Fayetteville Library Building) from the Fayetteville Public Library Board of Trustees.

Background

In October 2003, staff issued a space needs report that identified space needs for the city divisions/departments located downtown. A copy of the report is attached for reference.

The report identified significant space needs for critical public safety functions (Police Department, District Court, City Prosecutor's Office, Fire Prevention and Fire Training office's and Fire Administration). Creation of adequate spaces for these city functions remains an unresolved problem, impacting the quality and efficiency of these services. Availability of the Library Building, with its approximate 24,000 square feet provides an opportunity to solve the space needs for District Court, the City Prosecutor's Office and the Fire Prevention and Training Offices.

Discussion

Staff is **not** recommending the purchase of 217 East Dickson, the current Library Building, for these municipal functions for three reasons:

- Incompatibility with the neighborhood – the Library Building is located in a residential district and border a historic district. Public safety and judicial activities would be in conflict with the neighborhood atmosphere.
- Remote site – the Library site is several blocks distant from the Police Department and Fire Administration. The public safety and judicial functions interact frequently and such a separation would impede timely, efficient and effective completion of daily tasks.
- High cost of complying with current building codes – the Library Building has a number of significant costs that will be required before any final renovation can begin for the ultimate use. A predicted cost to bring the building up-to-code will be presented at the March 30 agenda session.

The dilemma before the City, as consideration of future uses of 217 East Dickson continues is:

- Will continued public ownership of the building assist in promoting a vibrant downtown?
- Can the City afford the purchase and renovation cost that will be required if the building is retained for public uses?
- Should it be a City priority to retain significant public safety and judicial functions downtown and convenient to each other?
- Are there other uses for 217 East Dickson that are more compatible with the neighborhood and do not create an additional expectation of future City funding?

Budget Impact

Purchase of the Library Building at 217 East Dickson is not recommended for the reasons stated above. If City Council should find that other factors justify the acquisition of the old library building, City Council will need to adopt a resolution approving a budget adjustment and authorizing the Mayor to submit an offer to the Trustees of Fayetteville Library for the building. The budget adjustment is \$1,220,000 and is proposed to be funded with General Fund reserves.

Conclusion

City Staff will be present at the March 30, 2004 City Council Agenda setting session to discuss this item.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

MEMORANDUM

TO: Mayor Dan Coody
FROM: Coy Hurd, Project Manager
THRU: Stephen Davis, Director of Financial and Internal Services
RE: 101 West Mountain Building
DATE: February 18, 2004

I have been asked by the Space Needs Committee to make the following report.

The committee met on February 9th to discuss possible acquisition of the building adjacent to (and to the east of) Fayetteville's City Administration Building. After deliberation, we make the following recommendation:

The committee recommends that the City Administration purchase 101 West Mountain Street for use as a courtroom, Prosecutor's Office, and ancillary facilities. We recommend that a proposal be submitted to the City Council that includes both the funding for the purchase and for the renovation of the facility into the needed spaces. Toward that end, Staff further recommends an architect be hired to develop preliminary plans and renovation cost estimates.

In addition, the purchase of this facility and the subsequent relocation of the Court and Prosecutor will benefit the Police Department by vacating space in the building complex where they are now housed, allowing further time to more completely plan the next stage of development for the Twenty-first Century needs of Fayetteville's law enforcement agencies. In addition, the 101 West Mountain Building could house the Parks Administration and consolidate associated collections functions into one location.

It is the belief of the committee members that the purchase of this facility can address key issues of well maintained city infrastructure and facilities, the reputation as a safe community, and, a financially stainable city government providing top quality responsive services.

The purchase of 101 West Mountain Street would support each of these key issues by:

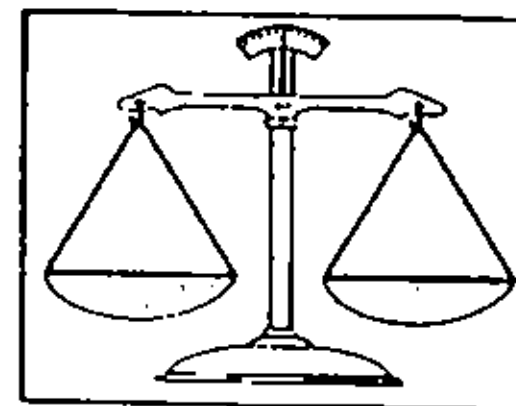
- * continuing of the City's presence downtown,

memorandum, page two

- * enabling district Court and the Prosecutors Office adequate space to enhance the execution of their mission, and,
- * ensuring fiscal responsibility (in that purchase and renovation of this building will be a substantially smaller investment than building a new facility).

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

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

**TO: Dan Coody, Mayor
City Council**

FROM: Kit Williams, City Attorney

A handwritten signature in black ink, appearing to be 'K Williams', with a long horizontal line extending to the right.

DATE: March 15, 2004

**RE: Decision On Whether To Purchase the
Fayetteville Public Library building and property**

At the Agenda Session, the City Council requested that I draft a Resolution to purchase the part of the Fayetteville Public Library owned by the Library Board of Trustees. I reviewed the appraisals and used the "Final Estimate of Market Value: \$1,200,000.00."

Attached is the Resolution as well as a budget adjustment in the amount of \$1,220,000.00. I included an extra \$20,000.00 to cover possible closing costs and related expenses.

This draft resolution does not reflect the recommendation of the City Administration nor my office, but the request of the City Council.

RESOLUTION NO. _____

A RESOLUTION TO PURCHASE THE FAYETTEVILLE PUBLIC LIBRARY BUILDING FROM THE LIBRARY BOARD OF TRUSTEES FOR AN APPRAISED VALUE OF ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00) AND TO APPROVE A BUDGET ADJUSTMENT FOR ONE MILLION TWO HUNDRED TWENTY THOUSAND DOLLARS (\$1,220,000.00)

WHEREAS, the City Council of the City of Fayetteville, Arkansas desires to purchase the Fayetteville Public Library for its appraised value of One Million Two Hundred Thousand Dollars (\$1,200,000.00).

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 authorizes Mayor Dan Coody to purchase the Fayetteville Public Library on Dickson Street for its appraised value of One Million Two Hundred Thousand Dollars (\$1,200,000.00) and approved a budget adjustment attached as Exhibit A in the amount of One Million Two Hundred Twenty Thousand Dollars (\$1,220,000.00) for this purchase.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earhart, Chief Administrative Officer *HE*

FROM: Stephen Davis, Finance & Internal Services Director *SD*

DATE: October 6, 2003

SUBJECT: Space Allocation Report

Attached is a report titled "Building Services' Omnibus Status Report." The report examines and describes space needs by various city divisions including the Fire Department, Police Department, City Prosecutor, District Court, Building Safety, Human Resources, Information Technology, and Billing & Collection divisions. Included in this report is an overall plan for utilization of existing space if a combined public safety command center is constructed.

This report is submitted to City Council for review and comment. Please contact Stephen Davis at 575-8330 if you have any questions concerning the attached report.

BUILDING SERVICES' OMNIBUS STATUS REPORT

Ongoing Initiatives in the City Administration Building

A Study of Public Safety Departments: Needs and Implications

Building Services' Overall Space Plan

CITY OF FAYETTEVILLE

Report prepared for Stephen Davis, Finance and Internal Services Director

September 2003

Coy Hurd, Ph.D.

Executive Summary

This omnibus report has been compiled (in part) for the purpose of researching the present and near future needs for operating space for Public Safety Divisions of city government. The research was accomplished by interviewing Heads of pertinent Divisions, and by referencing a space needs report completed in 1991. Supervisors were asked about current situations, then were further asked to project Division needs into the future. Divisions included in this report are City Prosecutor, Fire Department Administration, Fire Marshal, District Court, Police Department and Dispatch.

The study confirms that most of the Public Safety Divisions of city government are approaching an acute shortage of the facility space needed to effectively accomplish their important missions, and, that future growth will likely compound this problem. Calculations show that near a 30,000 square feet increase in space is needed to accommodate adequate operations of Public Safety Divisions seventeen years into the future. Some of these space needs have developed between 1991 and the present. The remainder of the additional space requirements is driven by future changes in staff and service delivery.

Building Services advocates a long-term approach to the overall question of space needs; an approach whose scope could extend into the late 2020s. This plan advocates the construction of a new facility to house the city's Public Safety Divisions, and further recommends that this complex be sited in the southern part of the city or in the North Garland area. Following the construction of the Joint Public Safety Command Center, a reallocation of space for the city offices remaining downtown could occur.

Ongoing Initiatives

Regardless of other remodeling efforts which occur, the strong probability exists that activity will take place in the City Administration Building in the near term. These likely events and projected costs are:

- a) automatic locking system for City Administration Building and TCA.....\$18,600
- b) floor tile replacement, south portion of First Floor..... 3,700
- c) recarpet building54,000
- d) work in the Business Office
 - 1. a pneumatic conveyance system for cash and checks.....17,200
 - 2. installation of bullet resistant glass.....6,500
 - 3. installation of camera and sound system.....5,500
 - 4. installation of additional electronic locks.....800
 - 5. ADA compliance issues regarding the counter.....3,500
 - 6. emergency generator for City Administration Building.....35,000

total: \$144,800

Public Safety Departments: Needs and Implications

Police Department and Dispatch

The greatest need for additional space appears to be the Fayetteville Police Department and the associated dispatch operation. The 155 current employees are housed in a 22,229 square foot facility. Not all of this area can be dedicated to the

ongoing operation, as support space (mechanical areas, janitorial closets, storage of evidence, freight elevator, other non assignable space such as hallways and holding cells) is included in this total. The current situation is one in which Police Department activities requiring privacy must take place adjacent to loud and bustling public areas.

The Dispatch area is extremely limited, including only where dispatch workers actually sit at consoles to complete their work. Combined support space and operations space in the Police facility amount to about 143 square feet per employee. The staff of this division is expected to grow in the future. The rate of growth for the Police Department and Central Dispatch is expected to be about twenty percent over a seventeen year period, from the 155 current positions to 186.

In 1991, City Administration commissioned Roth and Sheppard Architects of Denver, Colorado to study and project space needs for the operations of Police, Courts, and Prosecutor's Office. The study showed the projected need of the Fayetteville Police Department for year of 2002 to be 35,420 square feet. Projected into year of 2012, the need was estimated to be 38,637 square feet. From the information in the Roth study and from other sources, we can extrapolate the need in the year of 2020 to be in the 48,000 square feet range, 1.5 times the size of present quarters. The Roth Report projected a need in 2002 for 35,420 square feet; present conditions show a deficit of 13,191 square feet from this projection.

District Court

The District Court operates in an area of 2,848 square feet. This includes the Courtroom of 1,800 square feet. The Division has a total of eleven employees working in

this space (this averages to less than 100 square feet per employee if the courtroom is excluded).

Referencing the *Roth Report*, the need for 2002 was 4,456 square feet, and the need in 2012 will grow to 4,756 square feet. The extrapolation to 2020 is 15 employees (an increase from the present of thirty-six percent), increasing the need to near 5,000 square feet.

City Prosecutor

The City Prosecutor Division has a total of 13 employees utilizing 1,965 square feet of floor space (an average of about 150 per person). In 15 years, the Prosecutor expects that he will increase his operations to include 16 employees, and will need about 2,500 square feet.

Fire Department Administration and the Fire Marshals

The Fire Department Administration and the Fire Marshal component of the Fayetteville Fire Department Divisions would seem to be the areas of the Public Safety Divisions which have relatively small needs where expansion is concerned.

In the Fire Marshal component, at present, there are five employees utilizing 1,077 square feet. The seventeen year projection shows a likely sum of seven Marshals who will need about 1,500 square feet of space.

Currently the Fire Department Administration houses ten workers in an area of 2,617 square feet (about 260 square feet per). In seventeen years, the contingent will likely be twelve and the space need at 3,000 square feet. Leadership of this component

allows that this need could probably be met with more parsimonious use of the present space.

Overall Physical Space Plan

Building Services' action plan consists of two initiatives:

- 1) develop options for combined Joint Public Safety Command Center (Police, Central Dispatch, Fire Administration, Fire Marshals, and Fire Training);**
- 2) develop security enhancements for City Administration Building and City Maintenance Complex.**

The long-range alternative to this preferred plan is:

Combine Planning, Engineering, Building Safety, and Community Code Enforcement into one building;

With these Divisions in the same building (the TCA Complex), our customers will be able to "one stop shop;" the need for Fayetteville's citizens to trek from one building to the next for services will be lowered or eliminated. These Divisions (with congruent objectives and goals) will be able to more closely communicate and coordinate. This action would present the added benefit of freeing scarce space in the City Administration Building.

Site selection for a Joint Public Safety Command Center

Before a Joint Public Safety Command Center can be constructed, a matter of overriding importance will be strategic location. Major considerations include: ease of access (considering roadways and traffic patterns), efficiencies, location of ancillary services, and positive impacts (financial and social) to the community.

Consensus of opinion is that locating such a facility near downtown Fayetteville is not optimal due to difficult traffic patterns and lack of fast access to the interstate highway system. Areas of Fayetteville which have been tentatively identified as reasonable sites for such a complex are Sixth Street, Cato Springs Road, and, the North Garland area. All of these potential sites would provide the needed access to I 540. Locating around Sixth Street or Cato Springs could provide a needed social and economic impact for this part of Fayetteville. This envisioned facility would require approximately 80,000 square feet at a cost approaching sixteen million dollars.

The University has expressed a strong interest in a land swap that may provide an excellent site for consideration. Their proposed swap is one where the University would acquire Fire Station #2 (at the edge of campus on Garland Avenue). The City would thereby acquire acreage on the Experimental Farm adjacent to I 540.

When the Joint Public Safety Command Center is Completed: What's Next?

Once this long-range goal is met and the respective Divisions of Prosecutor, Court, Police, Dispatch, and Fire Department are located in a common command center, several opportunities then present themselves regarding space allocations for city administrative functions. The following is one likely scenario for an action plan:

- a) designated Divisions move into Command Center thereby freeing-up the present 27,000 square feet Police Building,
- b) Planning, Engineering, Building Safety and Community Code Enforcement Divisions relocate into the vacated building (the current Police and Courts Building. This will allow approximately 4,800 square feet for future growth),

- c) Cable Administration moves into the TCA Complex (currently the Planning, Engineering and Code Enforcement Building. This will provide approximately 8,000 square feet for future growth),
- d) The Ground and First Floor of the City Administration Building is remodeled to provide:
 - 1) a more secure and technologically up-to-date City Council Chamber Room,
 - 2) more space for Information Technology and Human Resources
 - 3) more efficient Business Office,
 - 4) increased meeting/conference rooms on the Second Floor.
- e) the two city-owned metal buildings (PEG Building and the adjacent "blue building") are razed, and a needed personnel parking lot is created,
- f) this parking lot then becomes a viable location for a potential building site when long-range future needs of City Administration become pronounced.

Fayetteville Vision 2020: Guiding Principles

The plan outlined in this report is congruent with at least five of the Guiding Principles adopted by the Fayetteville City Council.

#2. Well Maintained City Infrastructure and Facilities

A well designed and constructed complex to house Public Safety Divisions of the city will be more easily maintained in an efficient manner. The buildings now housing these Divisions are from another era of design, and were not constructed with energy efficiency and high-speed data transfer in mind.

#3. Diverse, Growing Local Economy

An efficient and very visible Public Safety component of local government could instill the confidence of present business owners and will encourage other interest to consider Fayetteville as the location for new enterprises.

#4. Financially Sustainable City Government Providing Top Quality, Responsive Services

A relocation of the Public Safety Divisions can place them in a more easily accessed position, thereby facilitating more responsive services.

#5. Revitalized South Fayetteville

The possibility of siting such a facility in the south part of Fayetteville could have a large impact on that area of the city in several respects. Refer to the above citing discussion.

#10. Reputation as a "Safe Community"

A highly visible public safety complex could have a tangible impact on the way citizens and visitors perceive our community, and on where the criminal elements of our society decide to operate.

SUMMARY OF SALIENT FACTS & CONCLUSIONS

Property Type: Institutional – Public Library

Date of the Appraisal: Opinions set forth in this report are stated as of November 17, 2003.
The subject property was inspected on October 16, 2003.
The effective date of the appraisal is date of inspection October 16, 2003.

Location: 217 E. Dickson Street, Fayetteville, AR

Zoning: Residential Office (R-O)

Site: Approximately 68,805± Square Feet or 1.58± Acre

Utilities: All Municipal Utilities Are Available

Improvements: Upper Level - Appx. 13,787± SF
Lower Level - Appx. 10,871± SF
Parking Areas - Appx. 29,500± SF plus related curbing/landscape islands
Sidewalks - Appx. 5,300± SF

Flood Data: The subject site does not lie within a FEMA identified flood zone,
per Map 05143C0092 C dated 07/21/99.

Highest and Best Use: Professional Office Building

Value Indications:

COST APPROACH	-	\$1,235,000
MARKET DATA APPROACH	-	\$1,205,000
INCOME APPROACH	-	\$1,185,000

FINAL ESTIMATE OF MARKET VALUE: \$1,200,000

Note: This appraisal report has been prepared for the exclusive benefit of the *Fayetteville Public Library and the City of Fayetteville*. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written permission, does so at their own risk. This report is considered a *Complete Self-Contained appraisal report*.

Library Sale Appraisal

SUMMARY OF SALIENT FACTS & CONCLUSIONS

Property Type: Current Use: Institutional – Public Library
Prior Use: Professional Office – Medical Clinic

Date of the Appraisal: Opinions set forth in this report are stated as of November 19, 2003.
The subject property was inspected on October 16, 2003.
The effective date of the appraisal is date of inspection October 16, 2003.

Location: 211 E. Dickson Street, Fayetteville, AR

Zoning: Residential Office (R-O)

Site: Approximately 44,809± Square Feet or 1.03± Acre

Utilities: All Municipal Utilities Are Available

Improvements: Main Level - 5,360± SF
Basement - 1,265± SF
Parking Areas - 20,465± SF plus related curbing/landscape islands
Sidewalks - 3,582± SF

Flood Data: The subject site does not lie within a FEMA identified flood zone, per Map 05143C0092 C dated 07/21/99.

Highest and Best Use: Professional Office Building

Value Indications:

COST APPROACH	\$555,000
MARKET DATA APPROACH	\$560,000
INCOME APPROACH	\$525,000

FINAL ESTIMATE OF MARKET VALUE: \$550,000

Note: This appraisal report has been prepared for the exclusive benefit of the *Fayetteville Public Library and the City of Fayetteville*. It may not be used or relied upon by any other party. Any party who uses or relies upon any information in this report, without the preparer's written permission, does so at their own risk. This report is considered a *Complete Self-Contained appraisal report*.

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 3
Fayetteville Library Building Purchase
Page 19 of 22

Budget Year 2004	Department: General Government Division: Miscellaneous Program: Miscellaneous	Date Requested 4/6/2004	Adjustment Number
--------------------------------	--	---------------------------------------	--------------------------

Project or Item Requested:
\$1,220,000 is requested in the building costs account.

Project or Item Deleted:
None. Use of fund balance is proposed.

Justification of this Increase:
Funds will be used for the purchase of an existing building for use by the City for a new District Court, Prosecutor's Office, Parks Administration, and other municipal uses.

Justification of this Decrease:
There is sufficient funding remaining to comply with City policies.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Building costs	1010	6600	5804	00	1,220,000	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of fund balance	1010	0001	4999	99	1,220,000	

Approval Signatures

Budget Office Use Only

Requested By	Date
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	Date
Mayor	Date

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			

CITY ATTORNEY AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF APRIL 6, 2004

FROM:

City Attorney Kit Williams

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Purchase The Fayetteville Public Library Building From The Library Board Of Trustees For An Appraised Value Of One Million Two Hundred Thousand Dollars (\$1,200,000.00) And To Approve A Budget Adjustment For One Million Two Hundred Twenty Thousand Dollars (\$1,220,000.00)

APPROVED FOR AGENDA:


City Attorney

3-15-04
Date



STAFF REVIEW FORM

C. 3
Fayetteville Library Building Purchase
Page 21 of 22

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Stephen Davis Finance & Internal Services Div. Finance & Internal Services
 Name Division Department

ACTION REQUIRED: City Council consideration of a proposal to purchase approximately 20,000 square feet of existing building(s) for use by the City for a new District Court and Prosecutor's Office facilities, Parks Administration Office and other municipal uses.

COST TO CITY:

# \$1,220,000.00	0	Building Purchase
Cost of this request		Program Category / Project Name
1010-6600-5804-00	\$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	\$ -	General Fund
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: Budgeted Item XX Budget Adjustment Attached

Barbara Bell 3/16/04
 Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

<u>Maria Fathin</u> <u>3/11/04</u> Accounting Manager Date	<u>Danney Smith</u> <u>3/11/04</u> Internal Auditor Date
<u>[Signature]</u> <u>3/15/04</u> City Attorney Date	_____ Purchasing Manager Date

STAFF RECOMMENDATION: Approval of resolution.

Division Head Date

Department Director Date

[Signature] 3-11-04
 Finance & Internal Services Dir. Date

[Signature] 3-20-04
 Chief Administrative Officer Date

[Signature] 3/22/04
 Mayor Date

CROSS Reference

New Item: Yes No

Previous Ord/Res#: _____

Orig. Contract Date _____

Orig. Contract Number _____



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Rick Hoyt, Chief of Police *RHoyt*

DATE: March 10, 2004

SUBJECT: Bid Waiver to purchase Mobile Vision In-car video systems

Recommendation: Council approves an ordinance waiving the bid process allowing the Fayetteville Police Department to purchase Mobile Vision in-car video systems and accessories. It is requested that the bid waiver remain in effect throughout the Police Department's use of the Mobile Vision Product.

Background: The Police Department researched and bid in-car video systems in April 2003. Mobile Vision, Inc. was the prevailing bidder. The Department placed an order for 17 complete systems at a cost of \$66,884.00. Fifteen of the seventeen units were placed in the Patrol fleet and two units were placed in the K-9 vehicles.

Discussion: The Department is requesting to purchase four additional in-car video units. These units will be placed in the vehicles driven by our School Resource Officers (SRO). These vehicles are parked at the Police Department at night and during the weekend and are used by Patrol as extra vehicles. It has become an issue since these vehicles do not have video capabilities; therefore the stops made using the SRO vehicles are not recorded.

The bid waiver is necessary to continue to purchase in-car video equipment and accessories from the same vendor. The Patrol officers are trained using the current equipment and Patrol Supervisors are trained on collecting the evidence from the videotape vault in the trunk of the Patrol cars. It would be difficult to maintain if equipment worked differently from patrol car to patrol car. The City's Fleet division is also trained on installing and troubleshooting these systems.

Budget Impact: The Police Department received a 2003 Local Law Enforcement Block Grant. This grant included \$20,000 to be used to purchase in-car video equipment. The cost of these four units with accessories will be slightly less than the \$20,000.00. Therefore, this is a budgeted item and the expense will be under budget.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF FOUR (4) ADDITIONAL IN-CAR VIDEO SYSTEMS FROM MOBILE-VISION, INC. IN THE AMOUNT OF FIFTEEN THOUSAND NINE HUNDRED FORTY DOLLARS AND NINETY CENTS (\$15,940.90).

WHEREAS, the Fayetteville Police Department has placed Mobile Vision in-car video systems in seventeen (17) police units; and,

WHEREAS, the four (4) units used by the School Resource Officers (SRO's) are used as extra patrol vehicles on weekends and are not presently equipped with in-car video systems; and,

WHEREAS, our police officers and Fleet maintenance personnel are already trained and proficient with the Mobile Vision systems.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding for as long as the Fayetteville Police Department uses Mobile Vision in-car video systems and approves the purchase of four (4) additional in-car video systems from Mobile-Vision, Inc. in the amount of Fifteen Thousand Nine Hundred Forty Dollars and Ninety Cents (\$15,940.90).

PASSED and APPROVED this 6th day of April 2004.

APPROVED:

By

DAN GOODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk



Tax ID# 22-2893537

Quotation

Fayetteville Police Department
PO Box 1988
Fayetteville, AR 72702-1988

March 9, 2004

Sales Rep: Ray Keller

Attn: Judy Cohea

P: 479-587-3555
F: 479-587-3570

Quote Number: 394-02JP

Qty	Model-P/N	Description	Unit Price	Extended Price
4	System-7 MV7-2	Mobile-Vision In-Car Video System with: • Color camera with a 16X Optical – 128X Digital power zoom lens and a 1 LUX sensitivity. • Choice of Overhead control console with a 3.5" Active Matrix Color LCD monitor or a Standalone Monitor with a Slim Line control panel. • VoiceLink Plus™ – Digital Spread Spectrum 900 MHz Wireless Microphone upgrade. • Covert back seat microphone. • Lockable, temperature controlled 14 gauge stainless steel trunk-mounted enclosure. • High performance solid state cooling module. • Tape Overwrite Protection Feature. • All mounts, cables, and hardware included. • A two-year parts and labor warranty. Note: The System-7 features a JVC VCR with "dual-channel audio" and 4 Video Heads. Note: Installation not included – typically \$200-250/sys.	\$3,489.00	\$13,956.00
4	Nite-Watch™ Camera	Nite-Watch™ high performance compact 144x zoom camera upgrade with enhanced night time performance (this price only available on new system orders).	\$249.00	\$996.00
Sub-Total:				\$14,952.00
Shipping via UPS Ground			Shipping:	No charge
State, County and Municipal Sales Tax			Sales Tax:	See note*
*Note: When placing an order you must include the taxable state, local and county tax along with the calculated tax amounts.				

Delivery: 30 Days or Less ARO
Quote valid for: 90 Days

Credit Terms: Net 30 days Sales Tax: As required
Shipping & Handling for Systems: Included in price

Please contact Jane Pinadella at (800) 336-8475 x121 if you have any questions regarding this quote.
Thank you for considering the purchase of a Mobile-Vision In-Car Video System for Police Patrol Vehicles.

Authorized By:

Jane A. Pinadella

Mobile-Vision Sales

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: March 18, 2004

Subject: Annexation for Dunnerstock Development (ANX 03-05.00)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation for Dunnerstock Development. This action will incorporate a 17.19 acre tract of land contiguous with the city limits into the City of Fayetteville. The request is to annex the subject property into the City of Fayetteville.

BACKGROUND

The subject property is 17.19 acres and located west of Ruppel Road and north of Wedington Drive. It is adjacent to the city limits along its western boundary where it abuts the Willow Springs subdivision. The north, east, and south boundaries are not contiguous to the City limits. Although the tract of land will result in the creation of a peninsula, it is currently located within an island of County property and identified by the General Plan 2020 to be desirable for annexation into the City. Connectivity and off-site improvements will be evaluated at the time of development.

Proposal: The applicant requests annexation into the City of Fayetteville, along with a companion rezoning request.

DISCUSSION

The proposal to annex was tabled by the Planning Commission on November 24, 2003, pending results from the wastewater capacity analysis. A report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development. On March 8, 2004, the Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation for approval with an accompanying rezoning request.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN PROPERTY OWNED BY DUNNERSTOCK DEVELOPMENT, INC, LOCATED ON RUPPLE ROAD NORTH OF WEDINGTON DRIVE CONTAINING APPROXIMATELY 17.19 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Four.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 03-05.00

A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWELVE (12), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S00°25'14"E ALONG THE EAST LINE OF SAID 40 ACRE TRACT 331.48 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING IN RUPPLE ROAD AND FROM WHICH A ½" IRON REBAR REFERENCE IRON SET ON THE WEST RIGHT OF WAY LINE OF SAID ROAD BEARS S89°11'31"W 25.77 FEET; THENCE LEAVING THE EAST LINE OF SAID 40 ACRE TRACT AND RUNNING ALONG AN EXISTING FENCE S89°11'31"W 350.00 FEET TO A SET ½" IRON REBAR; THENCE S00°25'14"E 257.72 FEET TO A SET ½" IRON REBAR; THENCE N89°59'00"W 39.39 FEET TO A SET ½" IRON REBAR; THENCE S00°50'38"W 123.76 FEET ALONG AN EXISTING FENCE TO A SET ½" IRON REBAR ON THE SOUTH LINE OF SAID 40 ACRE TRACT; THENCE N89°59'00"W 503.85 FEET ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT 503.85 FEET TO AN EXISTING IRON AT THE SOUTHEAST CORNER OF WILLOW SPRINGS SUBDIVISION; THENCE N00°06'36"W 994.45 FEET ALONG THE EAST LINE OF SAID SUBDIVISION TO A SET ½" IRON REBAR; THENCE LEAVING THE EAST LINE OF SAID SUBDIVISION S89°58'50"E 890.58 FEET TO THE POINT OF BEGINNING, CONTAINING 17.19 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 17.19 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF RUPPLE ROAD ALONG THE ENTIRE EAST BOUNDARY.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: March 1, 2004

ANX 03-05.00: Annexation (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The property is in the Planning Area and contains approximately 17.19 acres. The request is to annex the property into the City of Fayetteville. Planner: Suzanne Morgan

RECOMMENDATION:

Staff recommends approval of the requested annexation based on the findings included as part of this report with the following condition(s):

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date:	March 08, 2004	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date:	April 06, 2004 (first reading)	

BACKGROUND:

Property description: The subject property is 17.19 acres of vacant property located west of Ruppel Road (a Minor Arterial) and north of Wedington Drive (a Principal Arterial). Ruppel Road does not meet City street standards at this location. Single family residences are located to all cardinal directions from this property. The property is adjacent to the city limits along its western boundary where it abuts the Willow Springs subdivision from which connectivity will be provided to the west with the extension of Patrick Street, a local street on the Master Street Plan.

A report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development (see attached). The proposal to annex was tabled on November 24, 2003, pending results from the wastewater capacity analysis.

Proposal: The applicant proposes the annexation of property into the City of Fayetteville. A rezoning request has been submitted for this property.

Request: The request is to annex the subject property into the City of Fayetteville.

Recommendation: Staff recommends approval of the proposed annexation. The subject property is located within an island of County property within Fayetteville City limits. According to General Plan 2020, it is desirable for all property located within islands to be annexed into the City.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single-family	Planning Area
South	Single-family	Planning Area
East	Single-family	Planning Area
West	Single-family (Willow Springs Subdivision)	RT-12, Residential Two and Three-family

INFRASTRUCTURE:

Streets: Ruppel Road, which is where the development will be accessed from the east, is a paved roadway with no curb and gutter or storm drainage. Street improvements will be recommended to widen Ruppel Rd. to current City standards along the project frontage. A traffic signal is currently proposed by the City for the intersection of Ruppel Road and Wedington Dr. AHTD has approved the installation of the signal, and plans are currently underway to install the signal.

Surrounding Master Street Plan Streets:

North: Mount Comfort Rd. (Minor Arterial); approximately 0.6 miles
 South: Wedington Dr. (Principal Arterial); approximately 0.3 miles
 East: Patrick St. (Local)
 West: Ruppel Rd. (Minor Arterial)

Water: The property currently has access to a 6" water line along Ruppel Road and an 8" water line at Patrick Street. An extension of the water main will be required to provide water supply within any development on this property and creating a loop between Patrick and Ruppel.

Sewer: The site currently has access to 8" sewer mains in the adjacent subdivisions. Sewer will need to be extended within the development.

Fire: The subject property is located 0.7 miles from the future Fire Station #7. Normal driving time is 1 min. 2 seconds.

Police: It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and congestion in the area.

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

FINDINGS:

**11.6 ANNEXATION GUIDING POLICIES
BOUNDARIES**

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will create a peninsula. However, the property is located within an island of County property. The City's adopted policy for annexations identifies areas within current islands as those desirable for annexation.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent to the City Limits to the west.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: This area does not consist of defined subdivisions or neighborhoods; however, future development plans may include the extension of single family neighborhoods.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: Current conditions result in a response time of just over 1 minute for fire protection from the future Fire Station #7. The planned installation of a new fire station on Ruppel Road in the future will reduce response time. Any development in this area would necessitate installation of hydrants to provide for fire protection. Sewer service is currently available in this location. The wastewater study provided by RJN shows adequate services can be provided to a development on this property at this time. Future capacity will be determined as development plans for this property are submitted.

ENVIRONMENTALLY SENSITIVE AREAS

- 11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: N/A

EMERGENCY AND PUBLIC SERVICES

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: The police department reports that current levels of service would not be compromised and that coverage in this area can be provided. Fire station #7 will serve this area once it is completed. This improvement will result in a response time of 1 minute 2 seconds. Sewer shall be extended from the existing 8" sewer main accessible from adjacent subdivisions during the development of new subdivisions.

- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: With the pending installation of a new fire station in the general area, service will be able to be provided at a more appropriate level of service with a shorter response time than what can be provided to the site currently. Sewer improvements to the area are needed for future developments.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Water, fire and police protection are currently provided in this area.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: Improvements to sewer and street systems and installation of fire hydrants would be made necessary by the annexation should additional development occur on the subject property.

11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone to RSF-4, Residential single family, 4 units/acre. This zoning designation is compatible with the Residential classification of the area on the City's adopted Future Land Use Plan.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: Development of this property has not been proposed. At the time the applicant desires to develop the property, the applicant will be required to submit project plans for review and approval by the Planning Commission.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: This annexation includes three tracts of land of 17.19 acres owned by the applicants. The combined requests create a reasonable boundary avoiding the creation of unusual boundary lines.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

Table 6

**SUMMARY OF PRELIMINARY CAPACITY ASSESSMENT
WESTERN PORTION OF THE CITY**

Lift Station	Capacity ^{1/}		Number of Units				Projected Peak Hourly Wastewater Flow ^{2/} (gpd)	Percent Capacity Utilized	Remaining Capacity ^{3/} (gpd)	(units)
	(gpm)	(gpd)	Existing	Inactive	Not Occupied	Approved Not Built				
Crystal Springs	260	374,400	141	0	233	508	223,560	59.7	150,840	670
Hamestring	1,600	2,304,000	2,510	125	898	680	1,650,000 ^{4/}	71.6	654,000 ^{5/}	2,906 ^{5/}
Owl Creek	437	629,280	336	25	317	286	280,000	44.5	349,280	1,552
Total			2,987	150	1,448	1,474				

^{1/} Firm capacity requires verification by OMI, Inc.

^{2/} Wastewater flow projected utilizing 161 gpd/unit plus existing dry-weather infiltration x dry-weather peaking factor.

^{3/} Based on dry-weather flow only. Does not include allowance for wet-weather inflow or infiltration.

^{4/} Flow for Hamestring Lift Station includes flow from Crystal Springs, Hamestring, and Owl Creek Lift Stations.

^{5/} Total remaining flow and units include all areas tributary to Hamestring Lift Station.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of November 24, 2003

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 501-575-8202

ENGINEERING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Matt Casey, Staff Engineer
DATE: November 18, 2003

RZN 03-33.00: Rezoning (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre. Planner: Suzanne Morgan

ANX 03-05.00: Annexation (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The property is in the Planning Area and contains approximately 17.19 acres. The request is to annex the property into the City of Fayetteville. Planner: Suzanne Morgan

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

The property currently has access to a 6" water line along Ruppel Road and an 8" water line at Patrick Street. An extension of the water main will be required to provide water supply within any development on this property and creating a loop between Patrick and Ruppel.

The site currently has access to 8" sewer mains in the adjacent subdivisions. Sewer will need to be extended within the development.

Ruppel Road, which is where the development will be accessed from, is a paved roadway with no curb and gutter or storm drainage. Street improvements will be recommended to widen Ruppel to current City standards along the project frontage. A traffic signal is currently proposed by the City for the intersection of Ruppel Road and Wedington. AHTD has approved the installation of the signal, and the plans are currently underway to install the signal.

Name Matt Casey Department Engineering



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 5
ANX 03-5.00 (Dunnersstock Development)
Page 13 of 24

POLICE DEPARTMENT

November 18, 2003

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed Annexation ANX 03-05.00 (Rankin/Rankin/Bowen, pp 400) and Rezoning RZN 03-33.00 (Rankin/Rankin/Bowen, pp 400) submitted by James McCord for property located on Ruple Road, 0.5 miles north of Wedington Drive would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

Sincerely,


Lieutenant William Brown
Fayetteville Police Department



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

From: Fire Prevention Bureau

To: Planning Division

Date 11-12-03

REZONING X ANNEXATION X

REZONING # RZN 03-33.00 OWNER Rankin/Rankin/Bowen
ANNEXATION # ANX 03-05.00 OWNER " " "

LOCATION OF

PROPERTY on Ruppel Road 0.5 miles north of
Wedington

NEAREST FIRE STATION AND

LOCATION Fire Station #7 on Ruppel

RESPONSE TIME FROM FIRE STATION # 7 TO
LOCATION OF

PROPERTY 1 MINUTES 02 SECONDS.

TRAVEL MILES FROM FIRE STATION # 7 TO LOCATION OF
PROPERTY .7

COMMENTS ON FIRE DEPT.

ACCESS/ROADWAYS Access roads from complex will be
required

EXISTING FIRE HYDRANTS? IF SO

LOCATION Ø

WATER SUPPLY WITH HYDRANTS

NEEDED? yes - 250' MAX

ADDITIONAL
COMMENTS

D. Farrar

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

SUBSTATION
N.W.A. MALL
(501) 575-8271
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FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of November 24, 2003

113 W. Mountain St.
Fayetteville, AR 72701
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PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: November 20, 2003

ANX 03-05.00: Annexation (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The property is in the Planning Area and contains approximately 17.19 acres. The request is to annex the property into the City of Fayetteville. Planner: Suzanne Morgan

RZN 03-33.00: Rezoning (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre. Planner: Suzanne Morgan

RECOMMENDATION: Staff recommends the Annexation and Rezoning requests for Rankin/Rankin/Bowen be tabled pending the completion of a system-wide wastewater capacity study for the City of Fayetteville. The applicant has been notified and agrees to the recommendation (see attached letter). The request will be placed on the Planning Commission agenda once the study has been completed.

November 24, 2003
Planning Commission
ANX 03-05.00 (Rankin/Rankin/Bowen)
RZN 03-33.00 (Rankin/Rankin/Bowen)
Page 4,5.1

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C. 5
ANX 03-5.00 (Dunnerstock Development)
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November 19, 2003

To: Fayetteville Planning Commission
Re: Annexation and Rezoning Applications of Rankins
For Property on Ruppel Road
From: James N. McCord *JNM*
Attorney for Applicants

In view of the pending system-wide wastewater capacity study being prepared for the City of Fayetteville by RJN Group, Inc., Applicants request that their annexation and rezoning applications which were scheduled to be on the agenda for the November 24, 2003, Planning Commission meeting be tabled until completion of that study. Applicants understand from City staff that the study is expected to be completed in January, 2004. Please place the annexation and rezoning applications for the Rankin property on the agenda for the first Planning Commission meeting after the study is completed and submitted to the City.

ANX 03-05.00: Annexation (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The property is in the Planning Area and contains approximately 17.19 acres. The request is to annex the property into the City of Fayetteville.

Hoover: Item number four on the agenda is ANX 03-05.00 for property north of Wedington Drive. Suzanne, are we going to look at items four and five at the same time?

Morgan: Yes Ma'am.

Hoover: It will also be item five, RZN 03-33.00 for the same piece of property.

Morgan: The applicant has requested that 17.19 acres be annexed into the city and rezoned RSF-4. Staff recommends that the Annexation and Rezoning requests for Rankin, Rankin Bowen be tabled pending the completion of a system wide waste water capacity study for the City of Fayetteville. The applicant has been notified and agrees to this recommendation. The request will be placed on the Planning Commission agenda once the study has been completed.

Hoover: I guess if the applicant is in agreement do we need to go ahead and make a motion to table this?

Warrick: That's staff's recommendation.

Hoover: So we need a motion to table this.

Anthes: So moved.

Bunch: I would like to add one statement to the recommendation that once the study has been completed and reviewed by staff so that it does give time to look at the results of the study. If that is acceptable to the motioner I will second.

Anthes: Yes.

Hoover: There is a second by Commissioner Bunch, is there anymore discussion about this tabled item? Seeing none, Renee?

Roll Call: Upon the completion of roll call the motion to table ANX 03-05.00 was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

Planning Commission

March 8, 2004

Page 4

ANX 03-05.00: Annexation (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road north of Wedington Drive. The property is in the Planning Area and contains approximately 17.19 acres. The request is to annex the property into the City of Fayetteville.

RZN 03-33.00: Rezoning (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road north of Wedington Drive. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre

Hoover: Item number one on the agenda is ANX 03-05.00 for property located on Ruppel Road half a mile north of Wedington Drive. Suzanne?

Morgan: The subject property is 17.19 acres. It is a vacant piece of land located west of Ruppel Road, a minor arterial, and north of Wedington Drive which is a principal arterial. Single family residences are located at all cardinal directions from this property with the city limits along the western boundary of this tract of land where it abuts Willow Springs subdivision. This subdivision is zoned RT-12 in the city. This Annexation request was heard by the Planning Commission on November 24, 2003 at which time it was tabled pending results from a Waste Water Capacity Analysis. This report has been submitted and shows that there is adequate capacity in the basins which will serve this area for existing and proposed future development. That result has been attached with the staff report. There is currently access to water lines on Ruppel as well as Patrick Street as well as two water mains. Staff finds that the Annexation will create a peninsula, however, the property is located within an island of the county property and the city has adopted policy for annexation which identifies areas within current islands to be desirable for annexation. Additionally, this annexation and all annexations, are automatically rezoned R-A, Residential Agricultural and the applicant is requesting a rezone to RSF-4, Residential Single Family, Four units per acre. This zoning designation is compatible with the residential classification within the area on the city's adopted Future Land Use Plan. Police reports that rezoning this property to RSF-4 will not adversely affect the population density in a negative manner. As such, staff is in support and recommends approval of the requested Annexation and RZN 03-33.00 for Rankin, Rankin Bowen.

Hoover: We are going to look at the Annexation and Rezoning together?

Morgan: If that's ok with you.

Hoover: I just wanted to make sure. Would the applicant come forward?

McCord: Yes, Madam Chair and members of the Commission, I'm Jim McCord representing the applicants. The applicants respectfully appreciate the staff's recommendation and request the Planning Commission to follow it. I concur that it is an appropriate Annexation because it is within an island and the annexation policies of the city do provide for annexation within an island surrounded by corporate limits. The waste water capacity study did indicate that there is sufficient capacity for future growth in this area and as indicated in the staff report there is a traffic signal proposed for the intersection of Ruppel Road and Wedington Drive that has been proposed by the city and approved by the Arkansas Hwy. Department, which is presently in the process of being installed.

Hoover: Thank you. Is there any member of the audience that would like to address this ANX 03-05.00 or RZN 03-33.00 for this property? Yes Sir, come to the podium please and give us your name.

Atwood: I'm Dr. Dan Atwood, I just want to make a comment for the Commission, thank you for the opportunity to speak. I'm a land owner that lives across the road from this property and I have 20 acres with a home on that 20 acres and of course, Ruppel Road, as you know, is a very narrow road at the moment. My concern is that the density of housing that is requested is going to put a big strain on that road as it is. With the other houses that are along that road most are located on several acres and I think that density, again, is a little high for fitting in with what we already have existing along that road. My concern is with what it would do for the property values for the others of us that live in that area. Those are my comments. Does anyone have any questions for me regarding that situation?

Hoover: No, we will go ahead and take more public comment. Is there any other member of the public that would like to address this Annexation and Rezoning? Staff, could you answer those questions about the road? I see we have down here road improvements and density, both of those issues.

Warrick: Improvements to infrastructure are not addressed or placed on Annexation and Rezoning requests. We do look at that at the time of development proposals and we expect that in the future, probably the near future, we will be looking at a request for a Preliminary Plat approval on this property should it be annexed and zoned according to the applicant's requests. We do have concerns with regard to Ruppel Road. This section of Ruppel Road is in the county, it is not a city street and therefore, we have little control over what happens to Ruppel Road. Each piece of property that we are able to annex into the city limits adjoining Ruppel Road will improve the prospect and our ability to make improvements to that infrastructure. That's what we can do. If you will remember, we had a similar situation on Starr Drive on the northeast side of town a couple of

years ago and it was difficult to determine what types of improvements in what areas to apply when we were looking at a development proposal along that street because it was not in the control of the city. In this particular case this is a donut hold surrounded by corporate city limits. It is targeted in the city's adopted annexation policy as an area that is appropriate and prime for annexation because of these jurisdictional issues. We have police cars, fire and ambulance emergency response vehicles that travel this road everyday. We serve this area but we don't have the ability to make a whole lot of change with regard to the infrastructure unless it's within the city limits. This gets us one step closer to being able to make significant improvements. Those improvements are typically a requirement of development when it is proposed adjoining those streets.

Hoover: Would you address the traffic signal?

Warrick: My understanding is that there is a traffic signal that is being installed at the intersection of Ruppel and Wedington.

Hoover: Also, the density and why staff thinks this is the right density for this area.

Warrick: Staff believes this is an appropriate density, four units per acre is the standard zoning district for single family subdivisions. It is consistent with the majority of developed property within the city limits in this area. The property immediately adjoining it to the west is actually zoned for a higher density so the resulting development, should this be rezoned to RSF-4, would likely garner a lesser density than what is existing on the ground to the west of the subject property.

Hoover: Thank you. Commissioners, are there any comments?

Anthes: Consistent with city policy to annex islands I would move to recommend approval of ANX 03-05.00 and forward to the City Council.

Shackelford: I will second.

Hoover: We have a motion by Commissioner Anthes for the Annexation and a second by Commissioner Shackelford, is there more discussion? Seeing none, Renee?

Roll Call: Upon the completion of roll call the motion to recommend approval of ANX 03-05.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

Hoover: Onto the Rezoning.

Bunch: On the Rezoning and the traffic, it looks like Patrick Street is stubbed out to be able to serve this area which would give an alternate traffic pattern to Wedington Drive in addition to Ruppel Road and also, I think there have been or have been approved, may not be completed yet, some alterations to Ruppel Road at it's intersection with Mt. Comfort Road. I know it is not infrastructure that we need at this point in time but they are steps in the right direction. That being said, I will move for approval of RZN 03-33.00 recommending to the City Council our positive response to it.

Shackelford: I will second.

Hoover: We have a motion by Commissioner Bunch and a second by Commissioner Shackelford, is there more discussion on RZN 03-33.00? Rence?

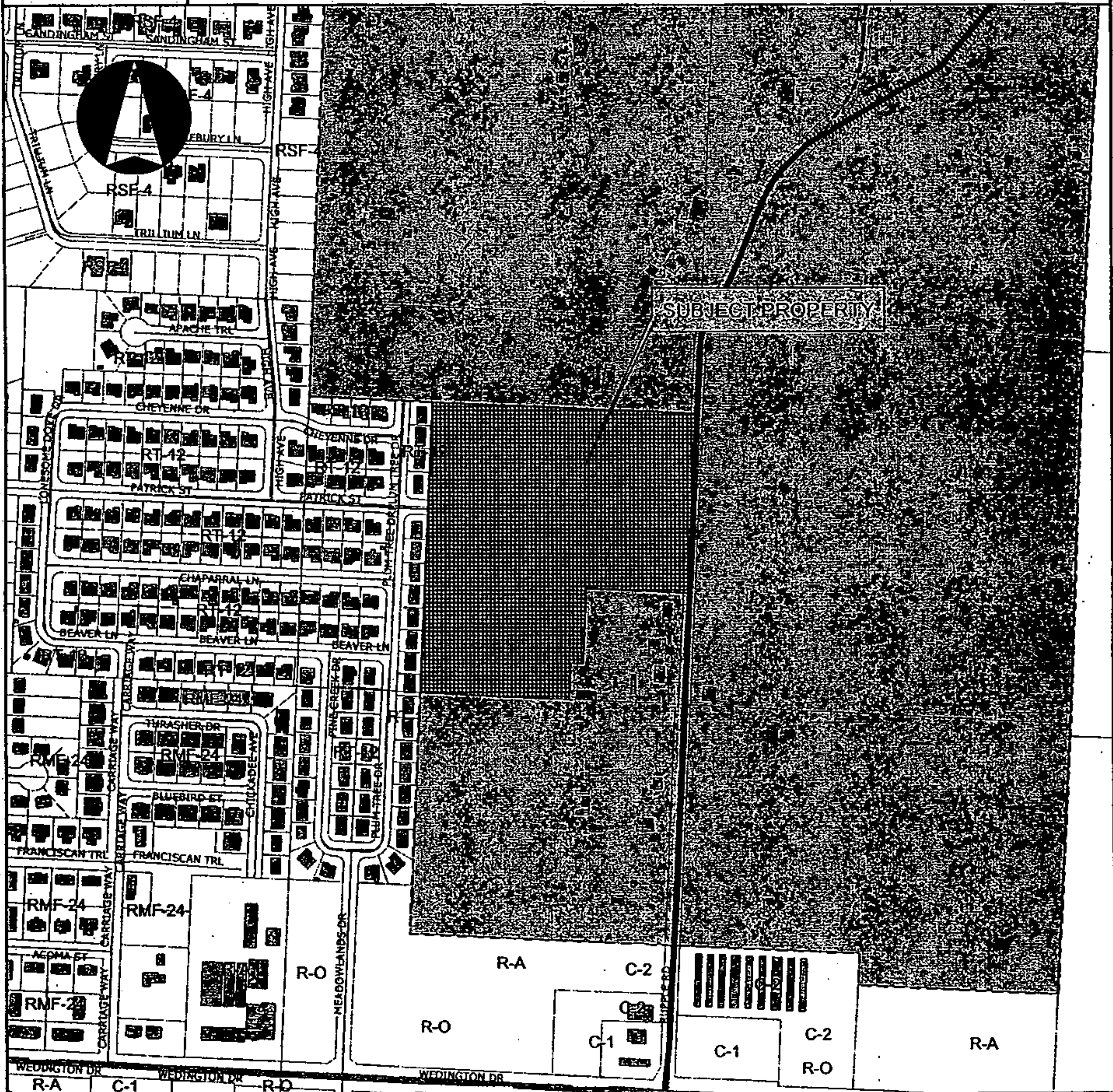
Roll Call: Upon the completion of roll call the motion to recommend for approval to the City Council RZN 03-33.00 was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

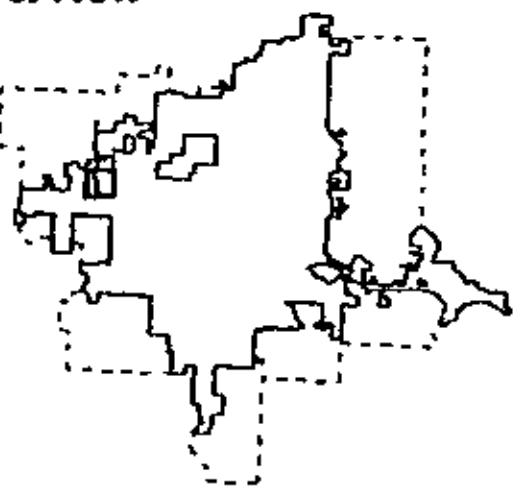
ANX03-05.00

Close Up View

RANKIN/ RANKIN/ BOWEN



Overview



Legend

Subject Property

ANX03-05.00

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 City Limits
 Outside City

Master Street Plan

Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 200 400 800 1,200 1,600 Feet

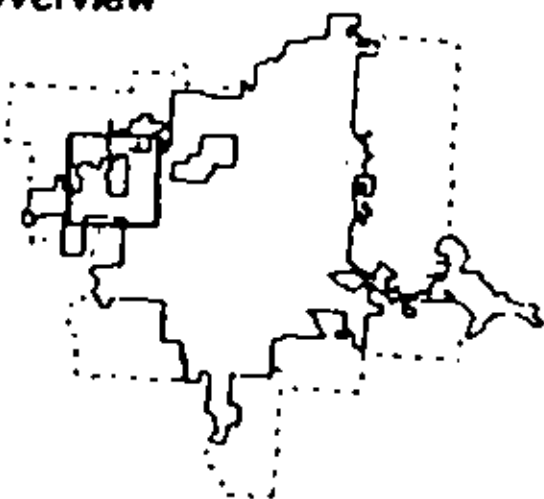
ANX03-05.00

RANKIN/ RANKIN/ BOWEN

One Mile View



Overview



Legend

Subject Property

ANX03-05.00

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

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 *DW*

Date: March 18, 2004

Subject: Annexation for Hoskins/Schlegel (ANX 03-06.00)

RECOMMENDATION

Planning Staff recommends approval of the requested annexation for Hoskins/Schlegel. This action will incorporate a 72.5-acre tract of land contiguous with the city limits into the City of Fayetteville. The request is to annex the subject property into the City of Fayetteville.

BACKGROUND

The subject 72.5 acre vacant tract of land is located west of Deane Solomon Road and south of Salem Road. Phase III of Crystal Springs Subdivision is directly south of the property. Annexation and rezoning requests for this tract of land have been requested since 2002. The initial request in 2002 was for annexation and rezoning of the property from R-A to RSF-7, Residential Single Family, seven units per acre. Staff recommended denial of this request, citing concerns with the density proposed and the inability of the city to provide adequate public services to this particular area. Specific concerns included both the fire response time and the capacity of the wastewater system. Fire Station #7 has recently been approved for development on Ruppel Road, and a system-wide wastewater capacity study identifies this area as having the capacity to serve existing and proposed development, both of which alleviates the concerns of staff and the Planning Commission. Additionally, the original application was withdrawn and submitted in its current format, an annexation and rezoning request from R-A to RSF-4. Development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

Proposal: The applicant requests annexation into the City of Fayetteville, along with the companion rezoning request.

DISCUSSION

On November 24, 2003, the Planning Commission tabled this item at the request of the staff. Staff was not recommending in favor of the annexation at that time. Staff's recommendation was later amended to reflect changed conditions (progress on the development of a new fire station to serve the west side of Fayetteville, review of the system-wide wastewater capacity study). On March 08, 2004, the Planning Commission

voted 9-0-0 to forward this item to the City Council with a recommendation for approval of the annexation with a companion rezoning request.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE CONFIRMING THE ANNEXATION TO THE CITY OF FAYETTEVILLE, ARKANSAS, OF CERTAIN PROPERTY LOCATED NORTH OF THE PROPOSED CRYSTAL SPRINGS PHASE III SUBDIVISION, WEST OF DEANE SOLOMON ROAD AND SOUTH OF SALEM ROAD CONTAINING APPROXIMATELY 72.50 ACRES.

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

Section 1. That the City Council hereby confirms the annexation to the City of Fayetteville, Arkansas, of that property described in Exhibit "A" attached hereto and made a part hereof.

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

Section 3. That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to assign the zoning designation of R-A, Residential Agricultural to the subject property.

Section 4. That the above-described property is hereby assigned to Ward No. Two.

PASSED AND APPROVED this ____ day of _____, 2004.

APPROVED:

By: _____
Dan Coody, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
ANX 03-06.00

THE NE ¼ OF THE NE ¼ OF SECTION 32 AND PART OF THE E ½ OF THE SE ¼ OF SECTION 29, ALL IN T-17-N, R-30-W, THAT PART BEING IN SECTION 29 IS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SE CORNER OF SAID SECTION 29, THENCE WEST 1320 FEET, MORE OR LESS, TO THE SW CORNER OF THE SE ¼ OF THE SE ¼ OF SAID SECTION 29; THENCE NORTH TO A POINT 384.25 FEET SOUTH OF THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF THE SAID SECTION 29; THENCE N83°22'18"E 1067.69 FEET; THENCE N02°35'14"E 357.47 FEET TO A POINT 35 FEET, MORE OR LESS SOUTH OF THE CENTERLINE OF COUNTY ROAD NO. 894; THENCE NORTHEASTERLY PARALLELING SAID CENTERLINE A DISTANCE OF 268.54 FEET, MORE OR LESS, TO THE EAST LINE OF THE E ½ OF THE SE ¼ OF SAID SECTION 29; THENCE SOUTH 1574 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 72.5 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 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, AICP, Zoning & Development Administrator
DATE: March 03, 2004

ANX 03-06.00: Annexation (Schlegel, pp 207/246) was submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III subdivision, west of Deane Solomon Road. The property is in the Planning Area and contains approximately 72.5 acres. The request is to annex the property into the City of Fayetteville.
Planner: Jeremy Pate

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required <u>YES</u>
Date: <u>March 08, 2004</u>	☒ Approved ☐ Denied
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>April 06, 2004</u>	☐ Approved ☐ Denied

BACKGROUND:

Property Characteristics: The subject property is 72.5 acres of vacant property located west of Deane Solomon Road and south of Salem Road. Salem Road at this location is a gravel road and does not meet city street standards. Deane Solomon Road also does not meet city street standards. Single family residences are located north of the subject property along Salem Road. Areas to the west and south are vacant. Crystal Springs Subdivision, Phase III is proposed south of the subject property. Gypsum Dr., a Collector Street, is shown on the Master Street Plan as an east and west connection through the subject property. A portion of Gypsum Dr. was constructed when the Crystal Springs, Phase I subdivision was developed.

An annexation and rezoning request was previously petitioned for the subject property in December of 2002. At the time, staff recommended denial for both the annexation and rezoning requests, citing

concerns for Fire response times and increased loading onto existing infrastructure, particularly the wastewater system. The recommendation for denial was based on the inability of the city to provide adequate services to this particular area. Actions are being taken to remedy both situations: The Large Scale Development for Fire Station #7, to be located on Ruppel Road, has been approved by Planning Commission and awaits final construction documents and permitting; a report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development (see attached). The proposal to annex was tabled in November, 2003, pending results from the wastewater capacity analysis.

Proposal: The applicant would like to develop a single family residential subdivision.

Request: The applicant is requesting to be annexed into the City.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 72.5 acres to RSF-4, Residential Single Family, 4 Units per Acre. The rezoning request, RZN 03-34.00, is an accompanying item to this annexation request.

Recommendation: Based on the information provided from the wastewater capacity study and the findings included in the staff report, staff recommends approval of the annexation request. Future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential	In county, no zoning.
South	Planned residential subdivision (Crystal Springs, Phase III)	RSF-4, Res. Single Family, 4 DU/Acre
East	Undeveloped - Springwoods C-PZD	C-PZD
West	Undeveloped	In county, no zoning

INFRASTRUCTURE:

Streets: North: East Salem Road (Collector) – Does not meet City street standards
South: Proposed connections through Crystal Springs II subdivision
East: Deane Solomon Road (Collector) – Does not meet City street standards
West: Master Street Plan shows Raven extended north (Collector)
Further west is Salem Road (Collector)

Gypsum Dr., a Collector, is shown on the Master Street Plan as an east and west connection through the subject property. A portion of Gypsum Dr. was constructed when the Crystal Springs, Phase I subdivision was developed.

At the time of development, Staff will recommend improvements to the roadway from the subject property to Deane Solomon Road, to City standards.

Water: The property currently has access to an 8" water line that will be stubbed out from the proposed Crystal Springs 3 subdivision. An extension of the water main will be required to provide water supply within any development on this property. The main will also have to be looped to the north to connect with the 2" line along East Salem Road to provide dual feed for the development.

Sewer: The site currently has access to an 8" sewer main that will be stubbed out from the proposed Crystal Springs III subdivision. Sewer will need to be extended within the development.

Fire: The subject property is located 3.5 miles from the proposed Fire Station #7 on Ruppel Road. Normal driving time is 5 min. 42 seconds. Water supply will be necessary for this property to develop. Access roads and street improvements to allow for necessary fire apparatus ingress/egress will also be required.

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

FINDINGS:

11.6 ANNEXATION GUIDING POLICIES

BOUNDARIES

11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.

Finding: The requested annexation will not create an island or peninsula.

11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.

Finding: The proposed annexation area is adjacent and contiguous to the western City Limits.

11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.

Finding: The proposed annexation is for an area proposed for residential development. Development plans will include the extension of single family neighborhoods into this area.

11.6.d Boundaries for annexed areas should follow natural corridors.

Finding: Proposed boundaries follow property lines or desired property lines.

11.6.e Timing of services within annexation areas should be considered.

Finding: The timing of the requested annexation is sufficient. Reports from a system-wide wastewater capacity analysis have been submitted, indicating that adequate capacity for development of the property is available. Additionally, the Fire response time provided by the Fire Marshal's Office (5 min. 42 sec.) is from the proposed Fire Station #7 on Ruppel Road, which has been approved for development.

ENVIRONMENTALLY SENSITIVE AREAS

11.6. f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Finding: N/A

EMERGENCY AND PUBLIC SERVICES

11.6.g Public services must be able to be provided efficiently in newly annexed areas.

Finding: *Fire Department:* Response time to this location could be as long as seven minutes from the current closest station. The Fire Department has provided response times of 5 min 42 sec from the proposed Fire Station #7 on Ruppel Road. Fire Station #7 has been approved for development by the Planning Commission and awaits submittal and approval of construction and permit documents. Water supply and fire hydrants will be required with development. Vehicle access will also be required with a twenty foot minimum wide access.

Police: Will not have a significant impact on police services, however the Police Dept. has expressed concerns regarding the West Salem Road access in its current, unimproved condition. Without improvements or the addition of alternate access, 290 potential units would create an appreciable increase in traffic danger and congestion in this location.

11.6.h Annexed areas should receive the same level of service of areas already in the city limits.

Finding: With the pending installation of a new fire station in the general area, service will be able to be provided at a more appropriate level of service with a shorter response time than what can be provided to the site currently. Sewer improvements to the area are needed for existing and already approved developments.

- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Finding: These factors were taken into consideration in the responses and recommendations included in this report.

INFRASTRUCTURE AND UTILITIES

- 11.6.j Areas currently served by utilities and other public services should be annexed.

Finding: Fire and police protection are currently provided in this area. Water and sewer lines are in the nearby vicinity, and are being extended with adjacent subdivision developments.

- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.

Finding: *Public Works:* The proposed annexation and ultimate development will increase the loading on the existing infrastructure systems. The City has had some recent capacity concerns with the sanitary sewer lift stations in this area, and recently completed a comprehensive wastewater capacity analysis. The completion of this study was required to prove the adequacy of the sewer downstream of this development. If the existing lift stations are not capable of handling the increase in flow, then improvements must be made to accommodate the additional loads.

Planning: The proposed annexation and potential rezoning could result in 290 units. Using 2.21 persons per occupied unit (2000 Census for Fayetteville), the total population of this rezoning could be 641 persons.

- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Finding: The proposed annexation is not part of a phased annexation initiated by the City.

INTERGOVERNMENTAL RELATIONS

- 11.6.m Promote long-range planning with adjacent jurisdictions.

Finding: N/A

- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Finding: N/A

ADMINISTRATION OF ANNEXATIONS

11.6.o Designate zoning districts for the property during the annexation process.

Finding: Annexations are automatically zoned R-A, Residential Agricultural. The applicant is requesting to rezone the 72.5 acres to RSF-4, Residential Single Family, 4 units per acre.

11.6.p An annexation study should be completed on all annexation proposals.

Finding: Planning staff has asked the Engineering Division, Fire Department and Police Department to study this annexation request to determine if facilities and services are available to serve this request. Responses are included in the staff report.

11.6.q Development proposals require a separate review from the annexation proposals.

Finding: The development of the subject property will be required to go through the development review process.

11.6.r Residents should be fully informed of annexation activities.

Finding: Adjoining neighbors have been notified of the annexation request. A legal ad and display have both been submitted with a local newspaper prior to the Planning Commission meeting for which this item is scheduled.

11.6.w Encourage larger annexations to create acceptable boundaries.

Finding: Staff finds that this request is of acceptable size. The request creates a reasonable boundary avoiding the creation of islands or peninsulas.

11.6.t Conduct a fiscal impact assessments on large annexations.

Finding: N/A

From Fayetteville General Plan 2020 – 2002 Revision

11.6 Annexation Guiding Policies

Boundaries

- 11.6.a Annex existing islands and peninsulas and do not annex areas that would create an island or peninsula.
- 11.6.b Proposed annexation area must be adjacent, or contiguous, to city limits.
- 11.6.c Areas should either include or exclude entire subdivisions or neighborhoods, not divide.
- 11.6.d Boundaries for annexed areas should follow natural corridors.
- 11.6.e Timing of services within annexation areas should be considered.

Environmentally Sensitive Areas

- 11.6.f Annex environmentally sensitive areas that could be impacted by development and utilize appropriate development regulations to protect those areas.

Emergency and Public Services

- 11.6.g Public services must be able to be provided efficiently in newly annexed areas.
- 11.6.h Annexed areas should receive the same level of service of areas already in the city limits.
- 11.6.i The ability to provide public services should be evaluated in terms of equipment, training of personnel, number of units and response time.

Infrastructure and Utilities

- 11.6.j Areas currently served by utilities and other public services should be annexed.
- 11.6.k Proposed annexation areas should not require the upgrading of utilities to meet the demands of development unless there is a threat to public safety.
- 11.6.l Phased annexation should be initiated by the City within active annexation areas based on planned service extensions or availability of services.

Intergovernmental Relations

- 11.6.m Promote long-range planning with adjacent jurisdictions.
- 11.6.n Establish agreements to address regional concerns, such as water, stormwater and sewer.

Administration of Annexations

- 11.6.o Designate zoning districts for the property during the annexation process.
- 11.6.p An annexation study should be completed on all annexation proposals.
- 11.6.q Development proposals require a separate review from the annexation proposals.
- 11.6.r Residents should be fully informed of annexation activities.
- 11.6.w Encourage larger annexations to create acceptable boundaries.
- 11.6.t Conduct a fiscal impact assessments on large annexations.

Table 6

**SUMMARY OF PRELIMINARY CAPACITY ASSESSMENT
WESTERN PORTION OF THE CITY**

Lift Station	Capacity ^{1/}		Number of Units				Projected Peak Hourly Wastewater Flow ^{2/} (gpd)	Percent Capacity Utilized	Remaining Capacity ^{3/} (gpd)	(units)
	(gpm)	(gpd)	Existing	Inactive	Not Occupied	Approved Not Built				
Crystal Springs	260	374,400	141	0	233	508	223,560	59.7	150,840	670
Hamestring	1,600	2,304,000	2,510	125	898	680	1,650,000 ^{4/}	71.6	654,000 ^{5/}	2,906 ^{5/}
Owl Creek	437	629,280	336	25	317	286	280,000	44.5	349,280	1,552
Total			2,987	150	1,448	1,474				

1/ Firm capacity requires verification by OMI, Inc.

2/ Wastewater flow projected utilizing 161 gpd/unit plus existing dry-weather infiltration x dry-weather peaking factor.

3/ Based on dry-weather flow only. Does not include allowance for wet-weather inflow or infiltration.

4/ Flow for Hamestring Lift Station includes flow from Crystal Springs, Hamestring, and Owl Creek Lift Stations.

5/ Total remaining flow and units include all areas tributary to Hamestring Lift Station.

Milholland Company

Engineering & Surveying
Melvin L. Milholland, PE, PLS

REGISTRATIONS:
PE: AR, MO
PLS: AR

November 3, 2003

Project No. E-689

FAYETTEVILLE

125 West Mountain Street
Fayetteville, Arkansas 72701

ATTN: Dawn Warrick, Planning Division
RE: Schlegel Property - Annexation and Zoning continuation

Dear Dawn:

Milholland Company (MCO), on behalf of our Client, Tracy Hoskins, and that of Schlegel, request the continuance of the referenced property for annexation into the City of Fayetteville.

Mel and Tracy, I believe, both have spoken with you on this matter.

Attached is correspondence received, dated October 31, 2003, and signed by both Sylvia and Ben, requesting that the previous submitted petition for annexation be continued. Please note the exception of need for a Lot Split assuming annexed zoning of RSF-4 (explanation herein). MCO has updated the attached plat to indicate current parcel numbers and changes in ownership.

In all cases, please change any reference or indication of Mark Marquess to:

Tracy Hoskins
3588 Buckingham Drive
Fayetteville, Arkansas 72703

Also attached with this request for continuance, are two (2) sets of mailing labels and other required items for placing the Schlegel property back into the processing schedule. The Decree, Order for Annexation, signed by The Honorable Jerry Hunton, Washington County Judge, is still valid at this time, in my understanding. I realize that public advertisement of the Annexation and Re-zoning will have to occur again, but am enclosing copy of the previously submitted data only for referencing and review.

I am assuming that all previously submitted applications (no Lot Split of the requested parcel for annexation will be required assuming that a zoning designation of RSF-4 is given), remains applicable and that no additional fees are required.

Miltholland Company

Engineering & Surveying

Melvin L. Miltholland, PE, PLS

REGISTRATIONS:

PE: AR, MO

PLS: AR

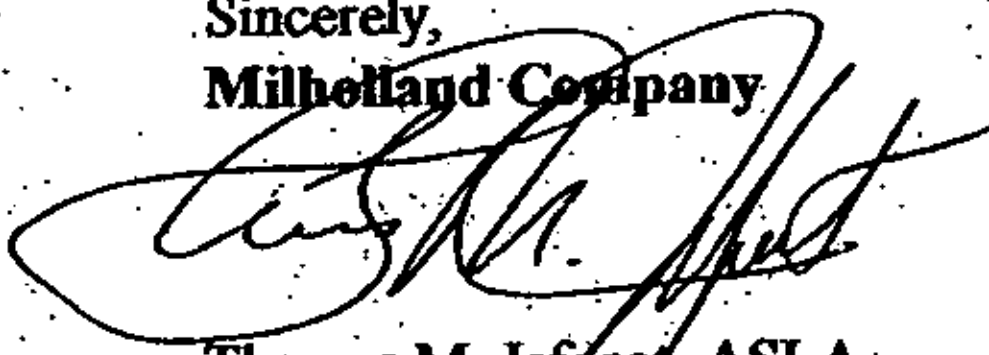
I was made aware of the Schlegel desire to continue the annexation and re-zoning process later Friday afternoon and have not fully reviewed current changes to the processing procedure, therefore, there may be the need for additional items than are attached. MCO will promptly provided any missing data.

It is my understanding that property annexed into the City now becomes zoned RSF-4, Single Family Residential at a density of 4 units per acre. If that is correct, it is our Client's intention and that of Schlegel for the property to be zoned RSF-4. I would like to follow-up this correspondence and submitted data by meeting with you to go over the processing schedule, present any missing data, and to review with you our Client's development intentions. Please advise of a convent time.

Should there be any question as to the purpose of this submitted request for continuance of the Annexation process or others, please call me.

As always your assistance and cooperation are appreciated, and in this matter are especially welcomed.

Sincerely,
Miltholland Company



Thomas M. Jefcoat, ASLA
Projects Manager

cc: Tracy Hoskins
Sylvia Schlegel

Ben F. Schlegel, Jr.
Sylvia Fellows Schlegel

722 Franklin
Fayetteville, AR 72701

C. 6
ANX 03-06.00 (Schlegel)
Page 15 of 40

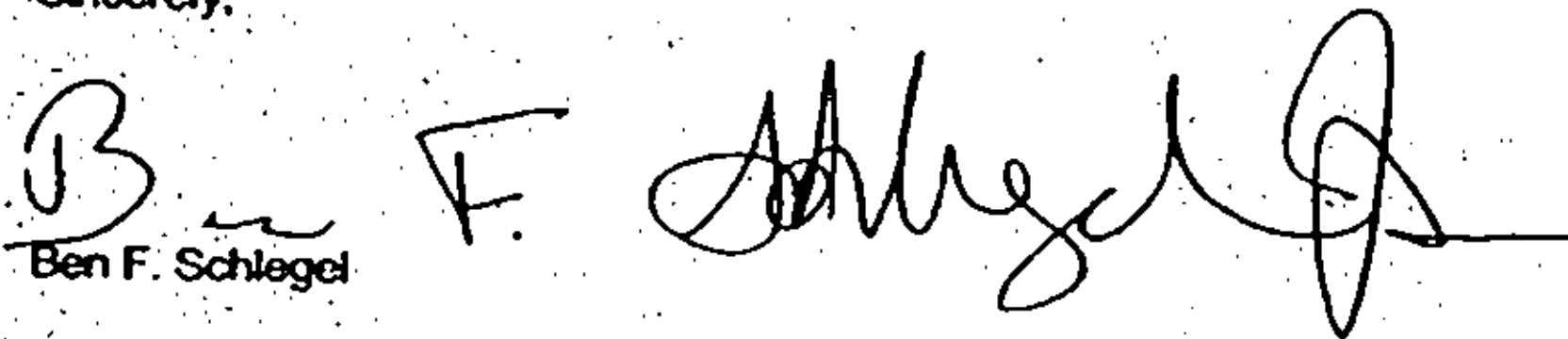
October 31, 2003

City of Fayetteville
Planning and Development

Dear Dawn Warrick:

Please be advised that we would like to continue our petition for annexation, lot split and rezoning, as described in "EXHIBIT A" attached. Please note; the Developer has been changed from Mark Marquess to Tracy K. Hoskins as our designated representative and proposed developer. Please be informed and make any necessary changes in the previous applications to reflect my representative from Mark Marquess to Tracy K Hoskins. All items will remain the same with the exception of the rezoning application amending proposed rezoning from "R1.5" to "RSF4".

Sincerely,


Ben F. Schlegel


Sylvia Fellows Schlegel

EXHIBIT A

TRACT B OF SCHLEGEL PROPERTY TO BE ANNEXED AND REZONED
BOUNDARY DESCRIPTION

THE NE 1/4 OF THE NE 1/4 OF SECTION 32 AND PART OF THE E 1/2 OF THE SE 1/4 OF SECTION 29, ALL IN T-17-N, R-30-W, THAT PART BEING IN SECTION 29 IS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SE CORNER OF SAID SECTION 29, THENCE WEST 1320 FEET, MORE OR LESS, TO THE SW CORNER OF THE SE 1/4 OF THE SE 1/4 OF SAID SECTION 29; THENCE NORTH TO A POINT 384.25 FEET SOUTH OF THE NW CORNER OF THE SE 1/4 OF THE SE 1/4 OF THE SAID SECTION 29; THENCE N83°22'18"E 1067.69 FEET; THENCE N02°35'14"E 357.47 FEET TO A POINT 35 FEET, MORE OR LESS SOUTH OF THE CENTERLINE OF COUNTY ROAD No. 894; THENCE NORTHEASTERLY PARALLELING SAID CENTERLINE A DISTANCE OF 268.54 FEET, MORE OR LESS, TO THE EAST LINE OF THE E 1/2 OF THE SE 1/4 OF SAID SECTION 29; THENCE SOUTH 1574 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 72.5 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS.

EXHIBIT "A"
PROPERTY TO BE REZONED
AS SUBMITTED BY THE APPLICANT

see attached
Applicant's Signature

Submitted For
ANX 03-06 &
RZN 03-34
11/7/2003
Jesse
Amos

MEMO TO FAYETTEVILLE PLANNING

November 21, 2003

"SCHLEGEL ANNEXATION & REZONING"

"PROPERTY DESCRIPTION"

REQUEST: ANNEXATION: "ANX 03-06.00"

REQUEST: REZONING: "RZN 03-34.00"

To: Dawn Warwick:

The "Metes & Bounds" description of the 72.50 acres, more or less, submitted for annexation and rezoning is reported by your staff as the reason to recommend "Tabling" this request. The staff's statement of reason is "Closure Errors", defined as "Discrepancies" in the description, which have to be resolved before further action

A large percentage of the previous annexations and rezonings of many cities are done so without the benefit of a boundary survey with computed bearings and distances to more particularly define the direction and distances along a property boundary line or lines called for in the deed or description. *Bearing and distances are not* the assurance needed to properly identify the boundaries of a deed, or a land description. Monuments identify the proper boundaries of a tract of land when described with "Metes & Bounds" calls. These monuments can be surveyed by an experienced Professional Surveyor. These monuments include descriptive items, as well as, physical items.

Descriptive items, which may be called out in the land description, are not always visible in the field by initial observation, but can be located by a experienced Professional Surveyor by proper surveying techniques & procedures.

Descriptive items are usually the strongest terms that define the boundaries of land, such as, "...the SE 1/4 of the SE 1/4, of Section 10, T-16-N, R-30-W of the fifth Principal Meridian....." or, "...the south east corner of the NW 1/4 of the NE 1/4....." or, "...the centerline (or south right-of-way) of County Road No.43, or, College Avenue....., or, "...beginning at a point on the 40 acre line 257.50 feet south of the North west corner of said 40 acre tract....", and, each of these type items can be located by a surveyor..

Physical items described in a "Metes & Bounds" land description may or may not be field located by the surveyor.

Some *physical items* defined in the land description may also be a descriptive item, and is a *principal monument*, such as, "...the centerline of a creek, or street or road, or the right-of-way of a road....", which are monuments and can be located by the surveyor.

Other items called for in a "Metes and Bounds" description, such as, iron pins, stones & fence corners, are not always monuments, but only physical evidence of a possible previous survey. The latter of the above are *secondary monuments* and must be proven if used by the surveyor to represent & identify the chain-of-title corners through a proper "Sectional-Breakdown".

The metes and bounds description of lands submitted for said annexation and rezoning is described by very strong "Descriptive calls", and can be surveyed by a Professional Surveyor, and the boundary of the tract of land in question will not be different than that submitted.

The error-of-closure in your staff report is a "MATHEMATICAL" problem, not a land line "BOUNDARY DESCRIPTION" closure problem. There are no "discrepancies" in the land description, it can be surveyed as described.

I, on behalf of my client, respectfully request the land description as submitted be used as land requested for said annexation and rezoning.

With over 31 years of Professional Surveying experience in Northwest Arkansas, it is my recommendation to continue to use descriptions defined in Sectional Breakdowns and/or Metes & Bounds in the future, and not give ALL the credibility to "Mathematical Closures" by computers, except when the land description is presented in a survey form by a Registered Professional Surveyor..

Respectfully submitted,

Melvin L. Mitholland, Arkansas P.L.S. No. 648.

Cc: Mr. Tracy Hoskins

RECEIVED

NOV 21 2003

PLANNING DIV.

Miltholland Company

Engineering & Surveying
Melvin L. Miltholland, PE, PLS

REGISTRATIONS:
PE: AR, OK, MO
PLS: AR, OK

October 4, 2002

City of Fayetteville
Mr. Tim Conklin, Planner
113 West Mountain Street
Fayetteville, Arkansas 72701

RE: SCHLEGEL REZONING
Project No. E-614

Dear Tim:

In response to the City of Fayetteville Application for Rezoning, the following is submitted:

- 5.a. *Current ownership and proposed/pending property sales:*
Ben F. Schlegel, Jr. & Sylvia Fellows Schlegel
722 Franklin Drive
Fayetteville, AR 72701

Proposed sale to Sierra R.E., LLC for Proposed "Schlegel Subdivision"
- 5.b. *Reason for requesting zoning change:*
Owner has offer to sell property for subdivision, based on approved Rezoning
- 5.c. *Surrounding properties: land use, traffic, appearance and signage:*
Undeveloped to the West, North and East; a Resident Subdivision planned for the South.
Traffic is presently low to moderate, except school traffic.
Appearance and signage is will be discussed during LSD Review.
- 5.d. *Water and sewer availability, line size:*
8" Water and 8" Sewer
- 6.a. *The degree to which the proposed zoning is consistent with the land use planning objectives, principles, and policies and with land use and zoning plans:*
Consistent with City Land Use and Zoning Plans
- 6.b. *Whether the proposed zoning is justified and/or needed at the time of the request:*
Yes, for Residential Use.

Milholland Company

Engineering & Surveying

Melvin L. Milholland, PE, PLS

REGISTRATIONS:

PE: AR, OK, MO

PLS: AR, OK

Schlegel Rezoning

October 4, 2002

Page Two (2)

- 6.c. *Whether the proposed zoning will create or appreciably increase traffic danger and congestion:*
Rezoning falls within the long range plans depicted on the Land Use Map and Master Street Plan.
- 6.d. *Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities:*
The zoning is in general compliance with the Land Use Map, and will not impact the City's long range plans for growth.
- 6.e. *Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification:*
A-1 does NOT permit practical, nor feasible options within City Limits.

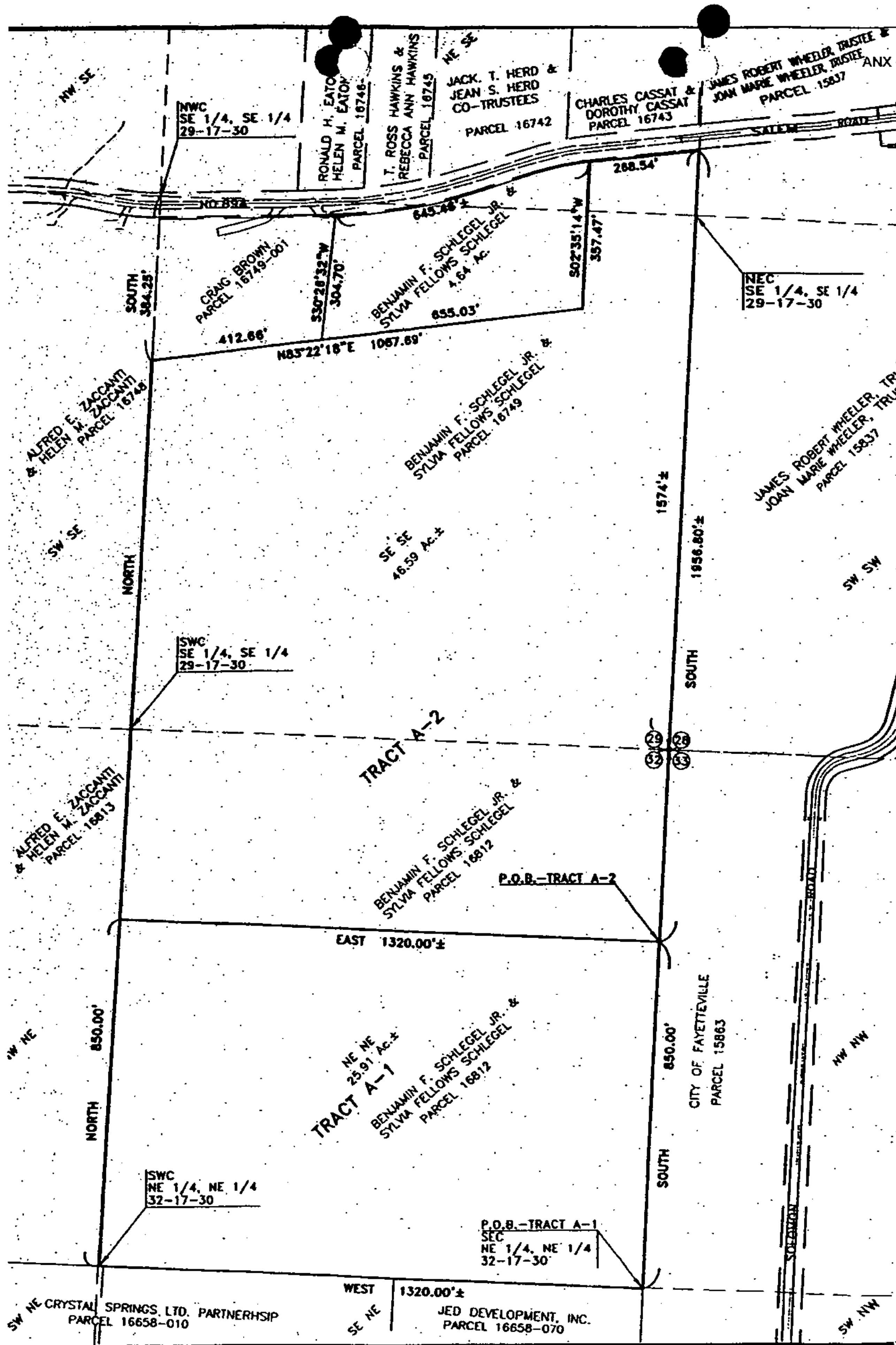
Your favorable review is appreciated!

Respectfully,

for 
Melvin L. Milholland, PE, PLS

cc: Schlegel
Sierra R.E., LLC
file

C:\My Files\FORMS\Fayetteville\Rezoning E-614 Schlegel Lr-Planning.wpd



RECEIVED

NOV 24 2003

PLANNING DIV.

November 23, 2003

To: Fayetteville Planning Commission

RE: Annexation 03-06.00 (Schlegel, pp 207/246)

and

RZN 03-34.00 (Schlegel, pp 207/246)

Dear Planning commission;

In adding comments to this proposed annexation and rezoning, I am assuming that the issues of building on a wetland, reduced quality of life for the surrounding property owners, and potential adverse affects on our livestock have already been studied or addressed by others. The concerns I wish to address in this letter have to do with access to the proposed residential area and traffic hazards that are already present and will increase with increased traffic. I have enclosed a map to help you understand where the areas are that I am concerned about.

1. **Dean Solomon Road is very narrow, has no curbs, no shoulders, crumbling edges and steeply angled ditches.** This is currently not much of a problem because there are rarely more than one or two cars on the road at one time. With more traffic there will be increased risk of meeting another car that is traveling over the centerline because of the narrowness of road.

2. **On large sections of Dean Solomon the paving is cracked and sinking.** This sinking is not a few "potholes" but large sections that suddenly shift your vehicle's weight toward the edges of the road. I have indicated the worst area on the enclosed map. This cracking and sinking will, of course, increase with increased traffic.

3. **The "Z" curve is so narrow relative to the sharpness of the curve, that it is almost impossible to drive through it without crossing the centerline.** If you don't cross the centerline, most full sized cars' inside rear wheel will go off the pavement on the inside of the curve. It is best that only one car at a time go through this "Z" curve.

As an example, on the morning of Nov. 20 (last week) I was traveling north and was between the first curve and the second curve of the "Z". An approaching large truck, traveling south, was clearly not going to wait for me and was already coming at me in my lane. I stopped, but even with that, it appeared that he was going to hit my car head on! He moved back into his lane and missed hitting my bumper by about 6 inches or less! The most important point of this incident is that he could not negotiate that curve without coming into my lane!

Currently, most of the accidents on this curve (and they occur on a fairly regular basis) involve only one car that drives off the end of the road (they are going too fast and don't make the turn). During the time that I-540 was being resurfaced, many people were using Dean Solomon to avoid the traffic problems on I-540. I helped with one young man who was run off the road in an incident just like I was facing. The result for him was that he rolled his car and hit a tree. The person who ran him off the road never stopped. With the increased traffic from a residential neighborhood the accidents on this curve will increase.

4. If this residential area will be using West Salem Road, there will have to be major changes since West Salem is not a two-lane road.

5. The left turn from Highway 112 onto Dean Solomon Road is a blind left turn. If you are in an average sized car traveling north on Highway 112 you cannot see over the crest of the hill before turning left onto Dean Solomon. This crest of the hill is about two "car lengths" away from you. With a speed limit of 45 M.P.H. (or even a slower one) this is not enough distance for you to safely turn left without knowing if any cars are coming south. I do not turn left at this intersection. I see people risking it and turning there, but again, this has not been much of a problem because of the low volume of traffic. If you add a residential area that has Dean Solomon as its main access road, more and more people will start turning left, even though they can't see far enough to do it safely, and there will be increased accidents.

In summary, I feel there are some major safety issues that must be resolved before approving a residential area on Dean Solomon Road, because of the increased traffic that will be caused by that residential area.

If the annexation and rezoning is approved, I assume one of two conditions is in effect:

A. You have studied Dean Solomon road and concluded that there really aren't any safety problems from increased traffic on Dean Solomon Road.

or

B. You already have a budget and timetable for fixing the problems on Dean Solomon Road before the residential neighborhood is built.

Should you approve the annexation and rezoning, I will be contacting you for a written copy of either (A) The study that shows no safety problems or (B) The budget and timetable for repairs on Dean Solomon Road.

Thank you,



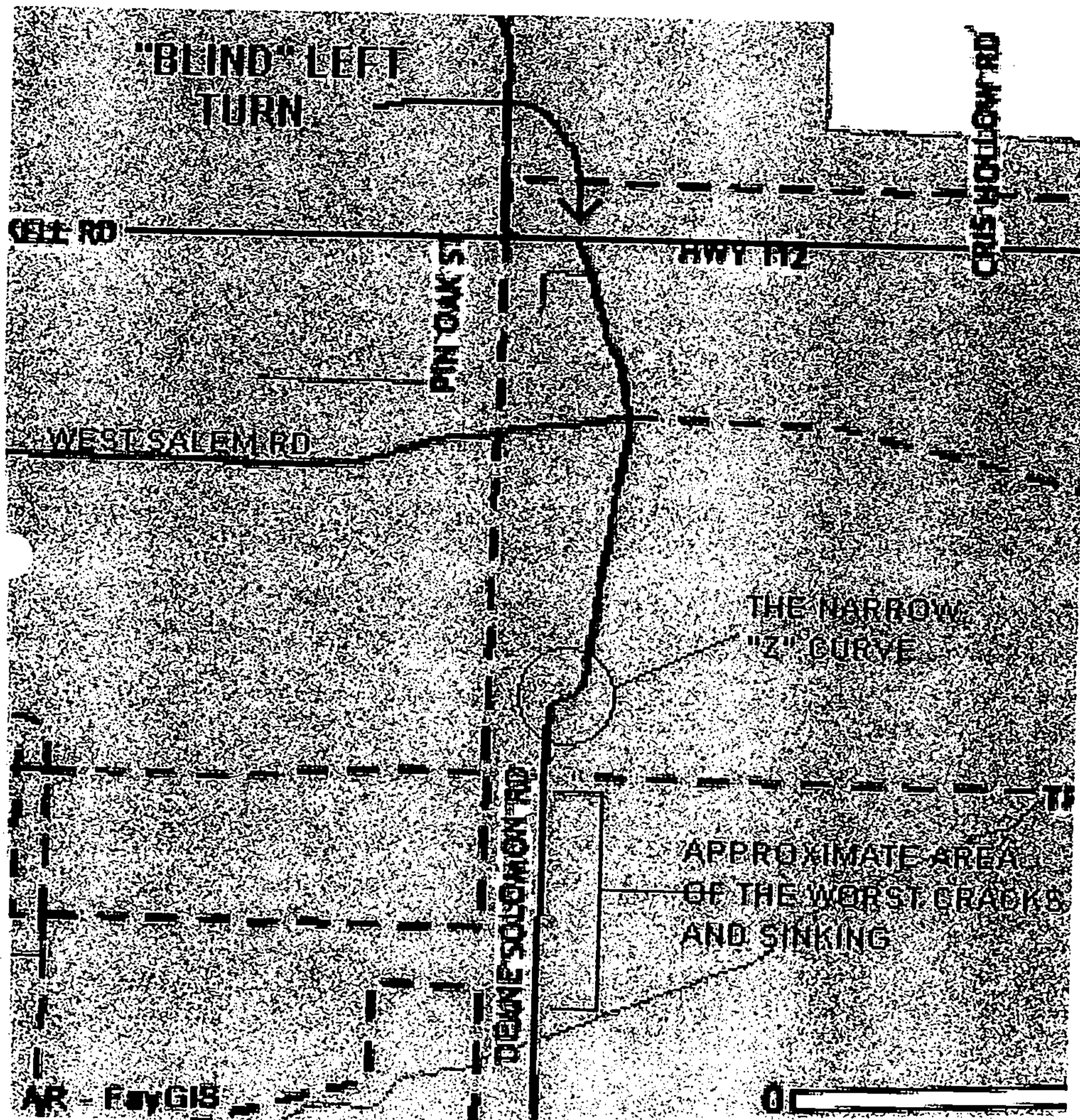
Patricia Brown

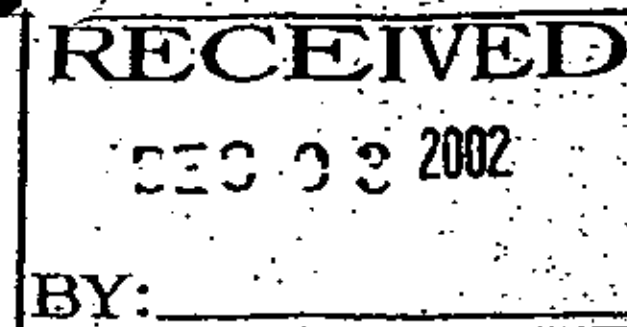
2733 West Salem Road

Fayetteville, AR

Phone: 443-4664

email: horseweaver@cox-internet.com





Perry L. Butcher
3481 Deane Solomon RD.
Fayetteville, AR 72704
479-636-3545

December 2, 2002

City of Fayetteville
Planning Division
113 W. Mountain
Fayetteville, AR 72701

Attention: Mrs. Janet Strain, Senior Planning Clerk

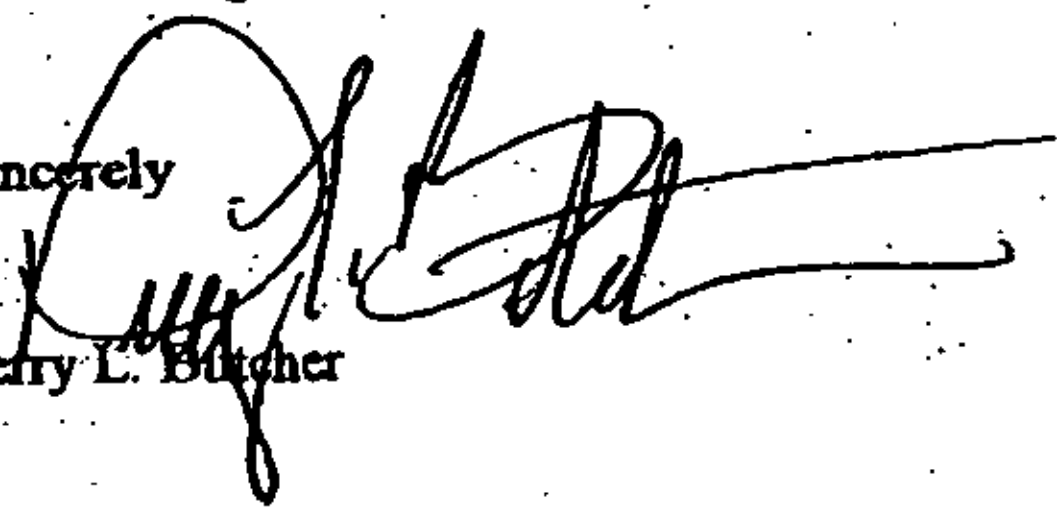
Re: Annex 022; Rezone 02-42
Marquess & Schlegal Property

Please allow this letter to express my concern and formally protest the annexation & rezoning of this property. Note the following reasons for my protest.

1. All of this general area has potential for wetlands. Reference being the Arkansas Business & Technology Park, as well as the surrounding area. The soil is probably hydric on this proposed site as is with the surrounding properties.
2. Potential density of this property will generate 6-8 vehicle trips/day. This could immediately generate from this area alone 400-500 ADT. Consequently demanding infrastructure improvements to Deane Solomon (Mt. Comfort to Highway 112) and to W. Salem Road. The Developer will probably not desire to carry the burden of this construction. Therefore, who will fund these improvements? Deane Solomon is an open ditch narrow road. This street will definitely require complete reconstruction.
3. Deane Solomon Rd. (Mt. Comfort to Highway 112), the street serving this proposed development, has hazardous/difficult intersections at both ends, also there is a large offset in the road alignment at about mid length.

In conclusion, these reasons propose problems that the City and area residents will have to consider and solve. Therefore, the best and really only solution is neither annexation nor rezoning.

Sincerely


Perry L. Butcher

Re: ARVX + P-1

RECEIVED

C. 6
ANX 03-06.00 (Schlegel)
Page 25 of 40

DEC 03 2002

PLANNING DIV.

Op Fred Strain

My late husband, Jim Bob Whalen bought 40 acres on Deer Island Road approximately 40 years ago. He built a beautiful home that overlooks the valley you are talking about rezoning. When he became handicapped and could no longer get around in that house we sold the house and developed the top part of the land. We made 1/2 to 1 acre plots and have homes from 3500 sq ft to 3500 sq ft. I live in that development.

I still have 25 acres that adjoins the Schlegel property that they have requested the RS zoning for. I'm not against progress, although I wish we could keep the valley just the way it is.

I am totally against the RS zoning because of what it will do to the value of our property, the congestion problems it would cause. My children would someday

like to build nice homes on
that land.

Please don't ruin our valley
by rezoning that land RS. If
the Schlegel's still lived on that
property, I know they wouldn't want
this next to them.

Thank you,
Joan Wheeler

RECEIVED

DEC 03 2002

PLANNING DIV.

C. 6
ANX 03-06.00 (Schlegel)
Page 27 of 40

Dear Ms. Schlegel

Dec. 02, 2002

I am writing in regard to the proposed development rezoning of the Schlegel property on Salem Road or Jesse Solomon Road. My family's property (the Wheeler property) is adjacent to this piece of land. It is also where I plan to someday build a very nice home. My husband & I have planned this since we were married, and we intend to build a larger 3-4,000 square foot house there.

We do not disagree about the development of this land, but we do have serious concerns about it being zoned RS. There are many nice pieces of property in that area & it is a truly beautiful valley. Much of the landscape out there has already been taken up by the Crystal Springs subdivision. Having an area of RS zoned land would impact our property value negatively as well as the property of our neighbors. We support development, just not this kind. Please consider our concerns about the negative effects of smaller homes being placed there. Larger lots with larger homes would be much more suitable for this area.

Sincerely, Kris Honey & Cameron Honey

2033 Arthur Hart Street

Ennis, WY 82401 407-4467



BASSETT MIX

AND ASSOCIATES, INC.

Tuesday, December 3, 2002

To: Members of the City of Fayetteville Planning Commission

From: The Al Zaccanti Family

Re: Re-Zoning of the Schlegel Property

We firmly oppose the Re-Zoning of the adjoining property to RS.

We support Re-Zoning of the adjoining property to R-1, single family residential, as long as the lot sizes are 1/4 Acre or larger.

We have lived and farmed on the 80 Acres which adjoins this subject property. Our home contains over 3500 square feet. Homes immediately to the North, East and West of our home and the subject property are all similar in size. We are not opposed to growth or to the development of this property. However RS, high density zoning, is in direct conflict with the land use (20-20 plan) and the sizes of homes surrounding this property.

We plan to attend the meeting on December 9th to express our opposition and concerns regarding the re-zoning.

Highest Personal Regards,

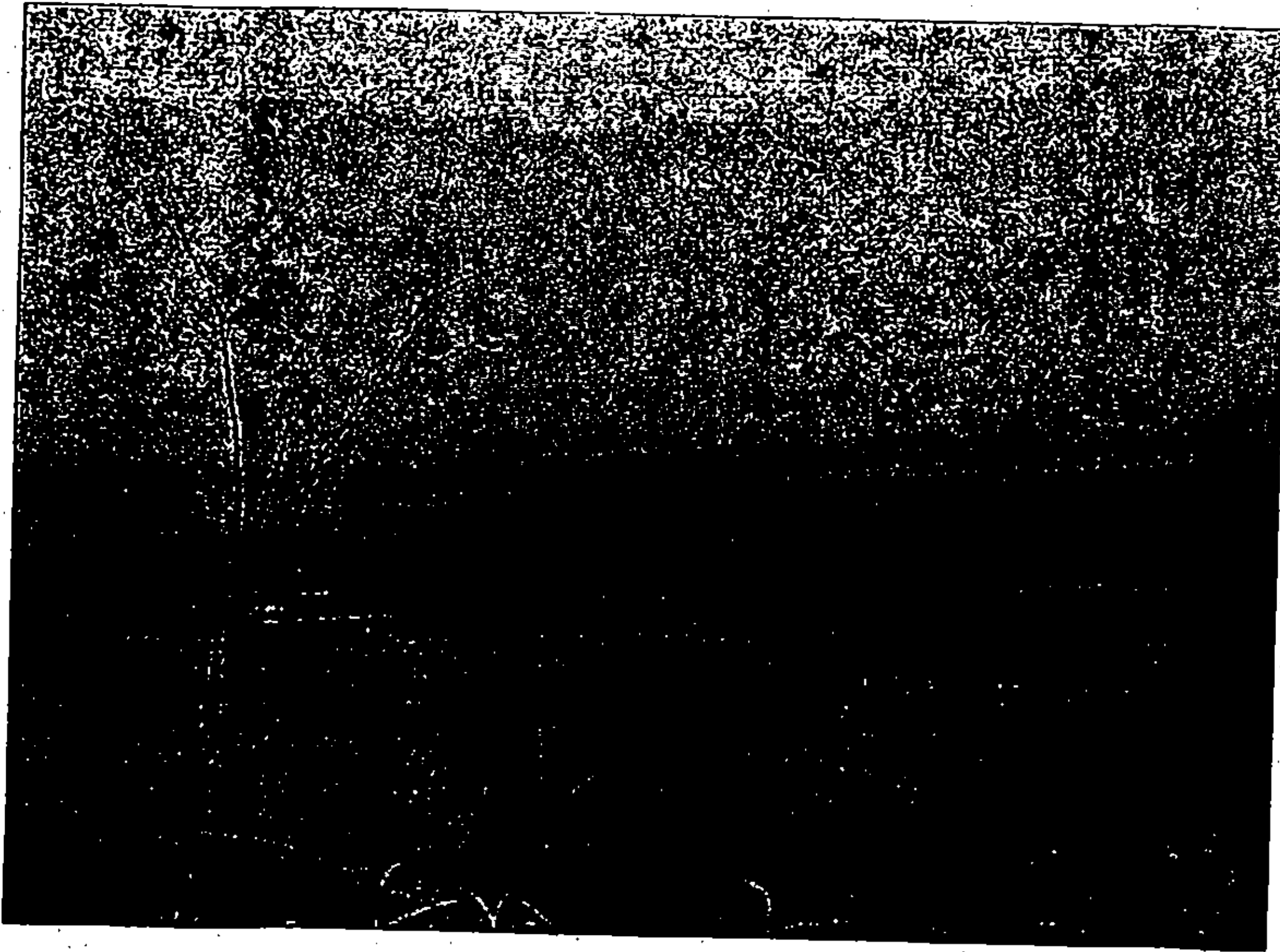
Al and Helen Zaccanti
3019 W. Salem Rd. WC 894
Fayetteville, AR 72704

Family Members: Mary Bassett, Al Zaccanti Jr., Jacqueline Calcagni and Ed Zaccanti

RESIDENTIAL, FARMS AND COMMERCIAL REAL ESTATE
3263 North College • Fayetteville, Arkansas 72703 • (479) 521-5600 • (479) 751-5900 • Fax (479) 521-5698
website: www.bassettmix.com

THE STANDARD OF EXCELLENCE
Working For You





From Salem Road looking south at subject property.

Planning Commission

March 8, 2004

Page 8

ANX 03-06.00: Annexation (Schlegel, pp 207/246) was submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III subdivision, west of Deane Solomon Road. The property is in the Planning Area and contains approximately 72.5 acres. The request is to annex the property into the City of Fayetteville.

RZN 03-34.00: Rezoning (Schlegel, pp 207/246) was submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III subdivision, west of Deane Solomon Road. The property is in the Planning Area and contains approximately 72.5 acres. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre.

Hoover: Item number three on the agenda is ANX 03-06.00 and RZN 03-34.00 for Crystal Springs Phase III subdivision west of Deane Solomon Road. Jeremy?

Pate: Thank-you Madam Chair. The subject property is 73.50 acres of vacant property located west of Deane Solomon Road south of Salem Road. Salem Road to the north of this location is a gravel road and does not meet city standards, nor does Deane Solomon. Single family residences are located north of the subject property along Salem Road and areas to the west and south are vacant, although, Crystal Springs Subdivision Phase III, as you mentioned, is proposed south of the subject property. Gypsum Drive, a collector street, is also shown on the Master Street Plan as an east/west connection to the subject property. Any development to be consistent with the Master Street Plan would most likely look at developing that street as part of it's circulation patterns. A portion of Gypsum Drive also was constructed with the Crystal Springs Phase I. As with the last two items, an Annexation and Rezoning request was previously petitioned and tabled in December, 2002. The two primary concerns for this site included fire response times and the waste water capacity study as mentioned. Again, the waste water capacity study has identified this area as an area that does have sufficient capacity for development. Additionally, fire station number seven which is a closer fire station than the ones that currently exist to serve this site has been approved and awaits construction plans. Staff's findings with regard to water and sewer, extension of water and sewer mains will be required although, they are available in the nearby vicinity. The proposed annexation and potential rezoning could result in 290 single family units as a maximum. Again, that has been identified as being within the capacity of the lift stations based on the waste water capacity study. With regard to the rezoning, this proposed rezoning is justified in order to ensure orderly and consistent development patterns making use of existing infrastructure. The rezoning is needed for the development of a single family residential subdivision as proposed by the applicant. Projects existing in this area already of course, do receive police services and the

rezoning will not substantially alter the population density. Again, I mentioned the fire department findings as well. Surrounding properties are similarly developed and zoned appropriately for this request and staff is recommending approval of both requested ANX 03-06.00 and RZN 03-34.00.

Hoover: Thank you. Would the applicant come forward?

Jefcoat: I'm Tom Jefcoat with Milholland Company.

Hoover: Do you have anything to add?

Jefcoat: We appreciate your consideration of this Annexation and Rezoning. We are aware of the street conditions, the infrastructure, water and sewer and those issues will be addressed during the planning and design development stage. Thank you.

Hoover: At this time we will open up this Annexation and Rezoning to public comment. This is for the Crystal Springs Phase III subdivision. ANX 03-06.00 and RZN 03-34.00. Is there any member of the public that would like to address these? Seeing none, I will bring it back to the Commission.

Bunch: I have a question for the applicant. I know this is a little premature because the Preliminary Plat is not before us but one of the concerns in this area has been traffic and access. What provisions do you think will be made on securing the right of way to extend Gypsum to Deane Solomon Road? Have you looked at that yet?

Jefcoat: Yes we have. We are aware that that road will be improved to the city limits. Excuse me, I was thinking about Salem Road. Gypsum Road we did not know what would occur to the west of us, nor to the east of us but during the design development we will provide connectivity to the east and west.

Bunch: Then also go ahead and tell us about Salem Road.

Jefcoat: We understand that staff is recommending that that be improved to the city limits from wherever we have access on Salem Road to the city limits.

Bunch: Where is the city limits, is that at Deane Solomon?

Jefcoat: Yes it is.

Bunch: You are aware that that would be part of the development process would be to extend Salem Road to city standards to Deane Solomon?

Jefcoat: Yes, that's what is in the recommendation, yes.

Bunch: A question for staff I guess. On Gypsum Road our packet does not show ownership of Gypsum. What process would there be as this comes forward for development to provide a second access on Gypsum that would be south of the "S" curve on Deane Solomon that would help avoid, from a traffic standpoint, avoid that bad spot on Deane Solomon.

Warrick: That is part of the springwoods project. That is one of the lots within the springwoods PZD east of this tract between this tract and Deane Solomon Road. We expect that property to come through the development process relatively soon as we have had the Final Plat for that subdivision submitted to our office this last week. With regard to when this comes through the development process, the subject property, we will be of course, looking for connectivity which is a policy of the city to require developments to have stub outs and/or to connect to existing stub outs. We will have to wait until we see what is on the ground existing compared to what the proposal is and how we can ensure that those existing stub outs match up to any new infrastructure and that if they don't if there is nothing to match up that new stub outs are in the proper location so that streets can be connected affectively.

Allen: I noticed that there were a number of letters in our packet from neighbors that are concerned, I wondered whether or not you have met with those neighbors and felt that problems had been resolved in some manner.

Jefcoat: Resolved in some manner, yes. I would say in some manner. We have talked with the adjoining neighbors over the past two and a half years in the process of developing this and we have some rapore with those people. When we do a development plan and begin to have a conceptual plan then the more detailed meeting process will occur with those residences.

Allen: Have you met with them since the last time this came before us?

Jefcoat: We have talked to some of them by phone, yes.

Allen: But not like a neighborhood association type meeting?

Jefcoat: No, we don't have a plan concept with which to talk to them about yet as far as layout. That's what they are most concerned about is how the layout adjoins their property. When we get to that point we will have a neighborhood association meeting.

Warrick: If I could just add, there are a few letters in this packet and we included everything that we had with regard to this property. The original request for this project came in November or December of 2002. At that time the

request for rezoning was to a more dense zoning district with smaller lots. The RSF-7 district now. Some of these comments are reflective of that as the proposal. The proposal now is for an RSF-4, Single Family four units per acre zoning district. While the substance hasn't really changed, it is a request to annex and zone. The density has changed that this applicant is requesting.

Allen: Thank you.

Shackelford: We looked at this previously if my memory is correct. The main two concerns we had at that point was based on fire coverage and sewer capacity, it seems like at this point those issues have been addressed. I think staff has done a good job on recommending approval of this project so based on this I am going to recommend we approve ANX 03-6.00 as presented.

Vaught: I will second.

Hoover: We have a motion by Commissioner Shackelford and a second by Commissioner Vaught, is there any other discussion?

Ostner: This is just a question for staff. I understand that the improvements to Deane Solomon aren't really relative at this point because it is just an annexation and rezoning. When it does come time to develop I'm noticing that this property does not adjoin Deane Solomon. Are we still talking about requesting the developer help improve Deane Solomon?

Warrick: Offsite improvements are at the discretion of the Planning Commission. We do not have a development plan to assess in order to determine whether or not there is a demand placed by that development that would cause a need for improvements on Deane Solomon. We are working with a different developer right now on the "S" curve in Deane Solomon and trying to establish a reasonable way of straightening that out some. We are progressing in making improvements on Deane Solomon and additional development is most likely going to be occurring in that general area in the near future so we will have to take it as it comes and determine those types of assessments or improvements based on the development plans when they are submitted.

Ostner: Thank you.

Hoover: Is there any other discussion? Renee, would you call the roll on the annexation?

Roll Call: Upon the completion of roll call the motion to approve ANX 03-06.00 was approved by a vote of 9-0-0.

Planning Commission
March 8, 2004
Page 12

Thomas: The motion carries nine to zero.

Hoover: The rezoning of this?

Shackelford: Based on the comments that I made earlier and the findings and the fact that I think this is consistent with surrounding use I will go ahead and make a motion that we recommend approval to the City Council of RZN 03-34.00.

Vaught: I will second.

Hoover: We have a motion by Commissioner Shackelford and a second by Commissioner Vaught for the rezoning, is there any discussion?

Anthes: I'm a little torn on this one. From what I'm reading here there seems to be quite an amount of wetlands in this area, is that true staff?

Warrick: We've not seen a development proposal, I believe that there is potential for some but we've not gotten to that point yet for analysis of that.

Anthes: Looking here where it adjoins the more dense zoning districts along the eastern boundary but as it goes north and west, I'm kind of surprised we haven't heard from more residents based on the numbers of letters that were in our packet. That is a beautiful open valley with a certain character to it. I'm just questioning if the density of RSF-4 might be a little high in that area based on what I think might be wetlands and geology and the view shed and then the surrounding property owner's letters.

Hoover: Staff, you might repeat why you thought the RSF-4 was appropriate perhaps.

Warrick: Based on the General Plan which calls this area out to be residential we felt that the RSF-4 district was appropriate with regard to the existing surrounding developments and the proposed developments to the south and to the east.

Anthes: It just seems like RSF-4 seems to be our default position on single family but we do have other district designations, an RSF .5, an RSF-1, an RSF-2 zonings available to us. The site, because it's got this differentiation where it adjoins a more dense zoning and then drops way in that valley, to me it is difficult to look at it as one piece because it might develop in such a way that development might be clustered more towards the front than another piece of property but without seeing that, it is hard for me to get behind a basic overall density of RSF-4 on that site.

Shackelford: This is presented as Phase III of an existing subdivision, Phase I and Phase II, are they RSF-4 as well?

Warrick: This is not Phase III of Crystal Springs. This is north of the proposed Crystal Springs Phase III. Phase III is zoned RSF-4, it is located immediately south of this and it has already been through the Preliminary Plat process. The Planning Commission has already approved the layout.

Shackelford: The property just south of this proposal will be RSF-4 as well?

Warrick: That's correct.

Thomas: If I could just add, I spoke with Mary Bassett earlier and she asked me to write you a letter but I didn't get to that. She is asking for larger lots as it goes up the hill and she will be here at the time of Preliminary Plat to talk to you about that.

Hoover: Thank you.

Vaught: I think she's the one in her letter that said they were against seven but they would be in support of four. I saw that in at least one or maybe two of the letters. I do think RSF-4 is a good fit for this area. It is still very close to I-540, it is an area that is rapidly developing and changing with a lot of RSF-4 around it. We have a lot of things coming before us in this area and a lot of them are RSF-4. Between that and it is a buffer I think between those larger homes to the west and things like Wilson springs where you even have a strip of RMF-24 abutting the property. I do think it is a good density. Just because it is zoned that doesn't necessarily mean they are going to do that. Like was said, Mary Bassett wished they would get larger as they would go up the hill. I believe she was here at the last meeting and said that exact same thing. I know the developer will have lots of comments with the neighbors through the development process.

Bunch: A question for staff and possibly the applicant, the property immediately to the south zoned RSF-4 is part of Crystal Springs Phase III?

Warrick: Yes.

Bunch: That is a piece of property that I know we have had a Preliminary Plat come through on that and there will be access to Deane Solomon on that but I cannot remember if there was access to the north. I think the same applicant had the same project, Tom, can you shed a little light on that?

Jefcoat: Yes we do have the same project and we do have a stub from Crystal Springs north into this property. I also may mention that yes, to our east there is RSF-4 zoning where we are talking about connectivity also, which

is Gypsum. It is our proposal and we have had communication with Mary Bassett and we talked earlier today also.

Bunch: We are looking at two potential connections to the east, one on Gypsum Drive and the other one on the extension of Crystal Springs?

Jefcoat: At least one through to the south on Crystal Springs. One to the north on Salem and at least one both directions east and west.

Bunch: With the Master Street Plan there is Gypsum Drive so that would give a minimum of three accesses east?

Jefcoat: A minimum of four, minimum.

Vaught: Gypsum Drive to the east of Deane Solomon has been vacated with the Wilson Springs PZD correct?

Warrick: Yes. It has been removed from the Master Street Plan as a collector. It doesn't mean that there couldn't still be some connectivity there. It is no longer classified as a collector street.

Hoover: Is there any other discussion? I believe we had a motion and a second. Renee, would you call the roll?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 03-34.00 to the City Council was approved by a vote of 8-1-0 with Commissioner Anthes voting no.

Thomas: The motion carries eight to one.

Hoover: Thank you.

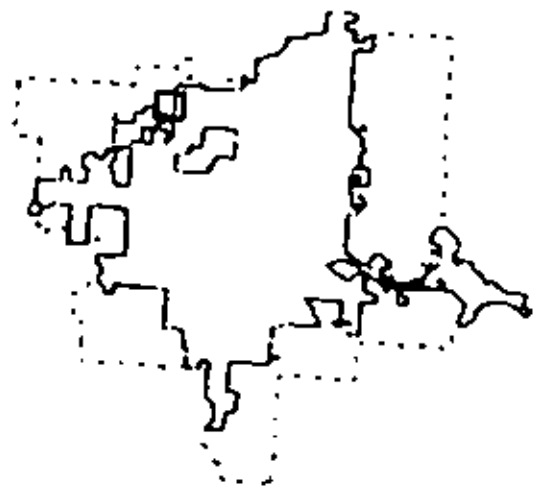
ANX 03-06.00

Close Up View

SCHLEGEL



Overview



Legend

Subject Property

RZN03-34.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

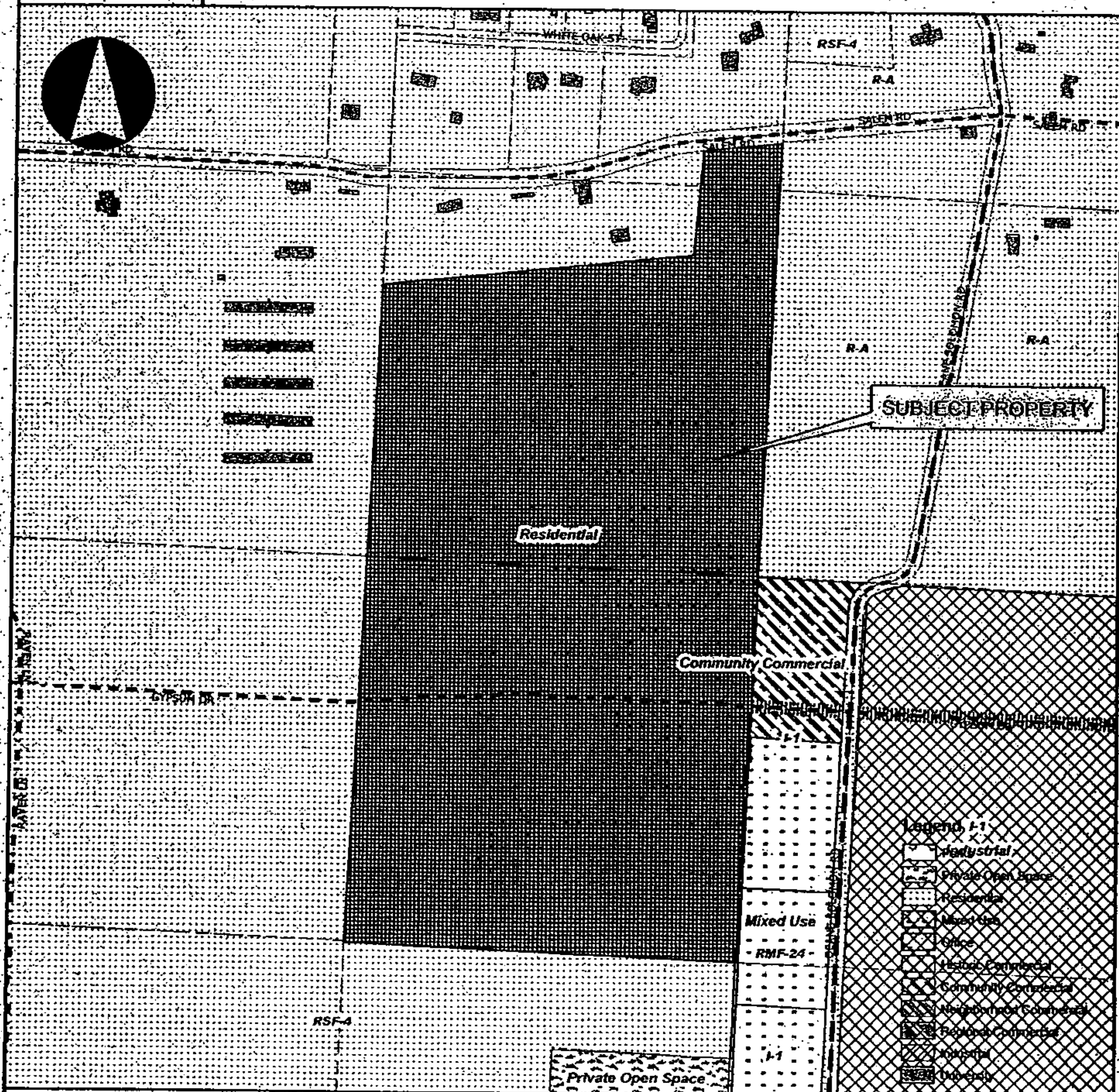
Historic Collector



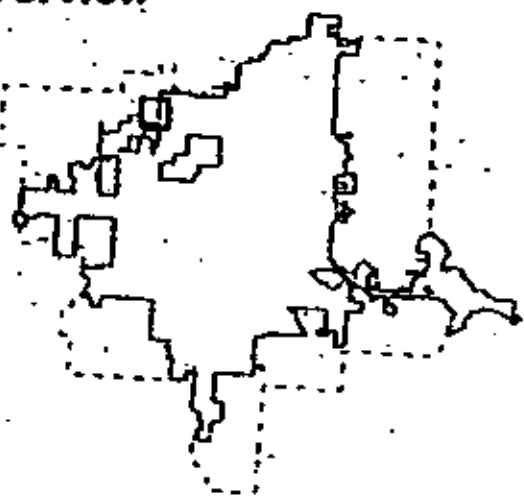
ANX 03-06.00

Future Land Use

SCHLEGEL



Overview



Legend

Subject Property



RZN03-34.00

Streets

Existing



Planned



Boundary

Planning Area



Overlay District



City Limits



Outside City



Master Street Plan

Freeway/Expressway



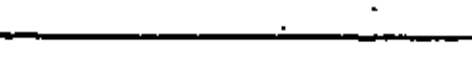
Principal Arterial



Minor Arterial



Collector



Historic Collector



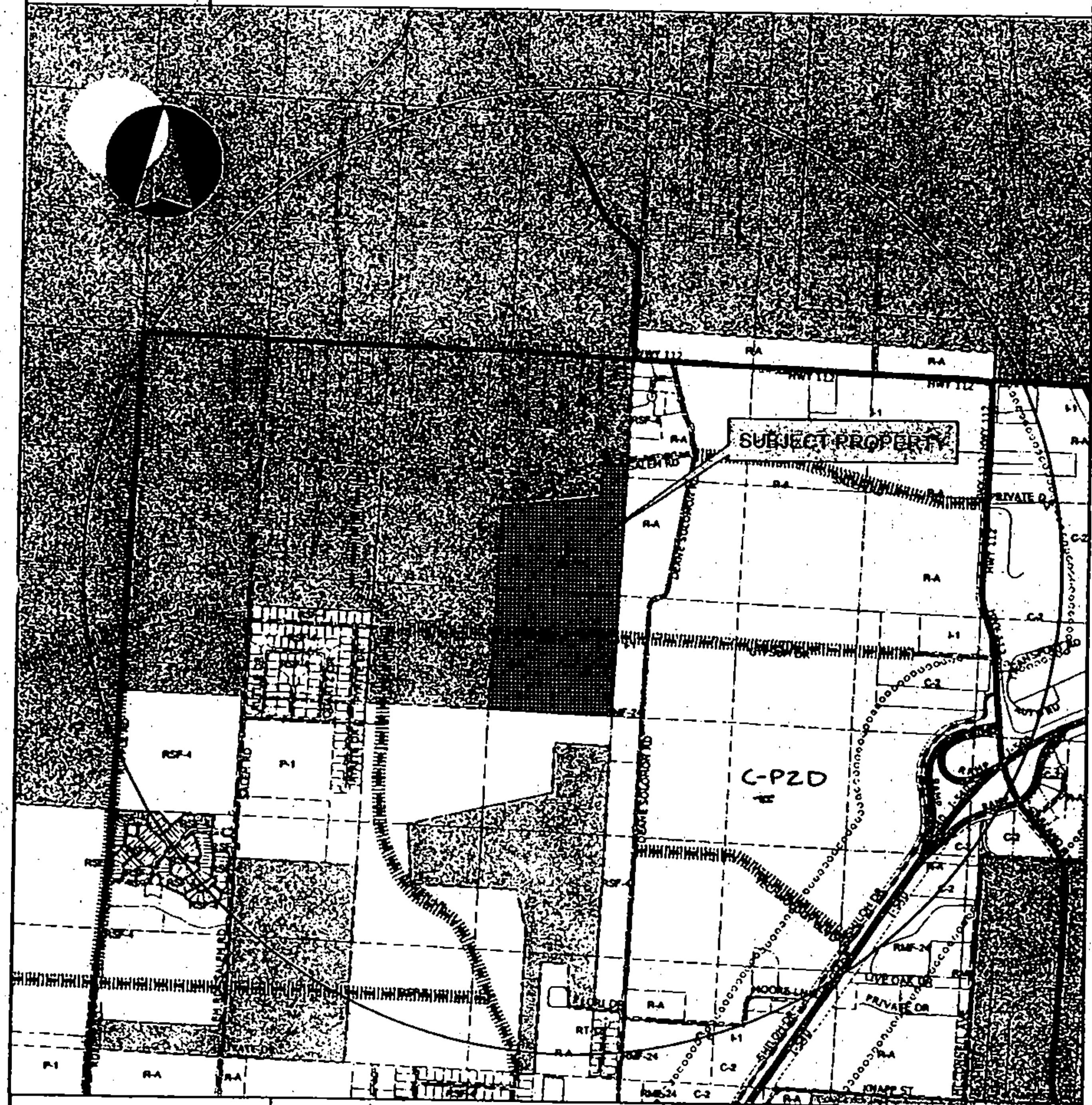
Legend 1-1

- Industrial
- Private Open Space
- Residential
- Mixed Use
- Office
- Historic Commercial
- Community Commercial
- Neighborhood Commercial
- Regional Commercial
- University

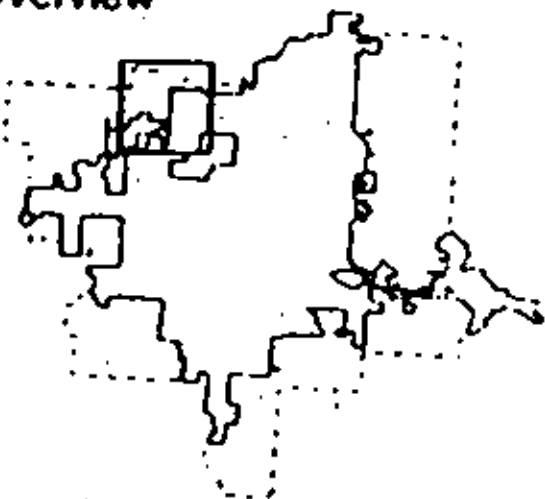
ANX 03-06.00

One Mile View

SCHLEGEL



Overview



Legend

Subject Property

RZN03-34.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 6
ANX 03-06.00 (Schlegel)
Page 40 of 40 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

April 6, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

ANX 03-06.00: Annexation (Schlegel, pp 207/246) was submitted by Milholland Company on behalf of Tracy Hoskins for property located west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres. The request is to approve an ordinance annexing the subject property into the city limits of the City of Fayetteville.

STAFF RECOMMENDATION: Approval.

Dawn Warrick
Division Head3/19/04
Date

Received in Mayor's Office

3/22/04
Date *p.h.**K. Smith*
City Attorney3/22/04
Date

Department Director

Date

Cross Reference:

Previous Ord/Res#: _____

Finance & Internal Services Dir.

Date

Orig. Contract Date: _____

Hugh Samat
Chief Administrative Officer3-23-04
Date

Orig. Contract Number: _____

Ken Coady
Mayor3/24/04
Date

New Item:

Yes

No



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: March 18, 2004

Subject: Rezoning request for Dunnerstock (RZN 03-33.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 17.19 acres of property from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 units per acre.

BACKGROUND

The subject property is 17.19 acres and located west of Ruppel Road and north of Wedington Drive. It is adjacent to the city limits along its western boundary where it abuts the Willow Springs subdivision. The north, east, and south boundaries are not contiguous to the City limits. Although the tract of land will result in the creation of a peninsula, it is currently located within an island of County property and identified by the General Plan 2020 to be desirable for annexation into the City. Connectivity and off-site improvements will be evaluated at the time of development.

Proposal: The applicant proposes to rezone the 17.19 acre tract in anticipation of the development of a single family residential subdivision. The requested zoning will provide for additional residential development at a maximum density of 4 units per acre.

DISCUSSION

The proposal to annex was tabled by the Planning Commission on November 24, 2003, pending results from the wastewater capacity analysis. A report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development. On March 8, 2004, the Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation for approval with an accompanying annexation request.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-33.00 AS SUBMITTED BY JAMES MCCORD ON BEHALF OF DUNNERSTOCK DEVELOPMENT, INC FOR PROPERTY LOCATED ON RUPPLE ROAD NORTH OF WEDINGTON DRIVE FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

ATTEST:

By: _____

Sondra Smith, City Clerk

EXHIBIT "A"
RZN 03-33.00

A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHEAST QUARTER (NE ¼) OF SECTION TWELVE (12), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY-ONE (31) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID 40 ACRE TRACT; THENCE S00°25'14"E ALONG THE EAST LINE OF SAID 40 ACRE TRACT 331.48 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING IN RUPPLE ROAD AND FROM WHICH A ½" IRON REBAR REFERENCE IRON SET ON THE WEST RIGHT OF WAY LINE OF SAID ROAD BEARS S89°11'31"W 25.77 FEET; THENCE LEAVING THE EAST LINE OF SAID 40 ACRE TRACT AND RUNNING ALONG AN EXISTING FENCE S89°11'31"W 350.00 FEET TO A SET ½" IRON REBAR; THENCE S00°25'14"E 257.72 FEET TO A SET ½" IRON REBAR; THENCE N89°59'00"W 39.39 FEET TO A SET ½" IRON REBAR; THENCE S00°50'38"W 123.76 FEET ALONG AN EXISTING FENCE TO A SET ½" IRON REBAR ON THE SOUTH LINE OF SAID 40 ACRE TRACT; THENCE N89°59'00"W 503.85 FEET ALONG THE SOUTH LINE OF SAID 40 ACRE TRACT 503.85 FEET TO AN EXISTING IRON AT THE SOUTHEAST CORNER OF WILLOW SPRINGS SUBDIVISION; THENCE N00°06'36"W 994.45 FEET ALONG THE EAST LINE OF SAID SUBDIVISION TO A SET ½" IRON REBAR; THENCE LEAVING THE EAST LINE OF SAID SUBDIVISION S89°58'50"E 890.58 FEET TO THE POINT OF BEGINNING, CONTAINING 17.19 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 17.19 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF RUPPLE ROAD ALONG THE ENTIRE EAST BOUNDARY.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: March 1, 2004

RZN 03-33.00: Rezoning (Rankin/Rankin/Bowen, pp 400) was submitted by James McCord on behalf of Wilbur Maurice Rankin, Mary Ellen Rankin, Raymond Rankin and Susan Bowen for property located on Ruppel Road, 0.5 miles north of Wedington Drive. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre. Planner: Suzanne Morgan

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date:	<u>March 04, 2004</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date:	<u>April 06, 2004</u>	

BACKGROUND: Please reference the associated ANX 03-06.00 staff report for additional background information.

Property description: The subject property is 17.19 acres of vacant property located west of Ruppel Road (a Minor Arterial) and north of Wedington Drive (a Principal Arterial). Ruppel Road does not meet City street standards at this location. Single family residences are located to all cardinal directions from this property. The property is adjacent to the city limits along its western boundary where it abuts the Willow Springs subdivision from which connectivity will be provided to the west with the extension of Patrick Street, a local street on the Master Street Plan.

A request for annexation and rezoning of this property was heard by the Planning Commission on November 24, 2003. At this time the Planning Commission tabled the request pending the completion and staff review of a system-wide wastewater capacity study for Fayetteville. A report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development (see attached).

Proposal: The applicant would like to develop a single family residential subdivision.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 dwelling units per acre, should the preceding Annexation request be approved.

When property is annexed into the City, it is annexed as R-A, Residential Agricultural. If annexation request ANX 03-05.00 is recommended for approval to City Council, the applicant would like to rezone the 17.19 acres to RSF-4, Residential Single-Family, 4 units per acre.

Recommendation: Staff recommends approval of the rezoning request based on the information provided from the wastewater capacity study and the findings included in the staff report. Future development on this site will be regulated by the City to ensure adequate services, infrastructure, connectivity and consistent development within the surrounding area.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single-family	Planning Area
South	Single-family	Planning Area
East	Single-family	Planning Area
West	Single-family (Willow Springs Subdivision)	RT-12, Residential Two and Three-family

INFRASTRUCTURE:

Streets: Ruppel Road, which is where the development will be accessed from the east, is a paved roadway with no curb and gutter or storm drainage. Street improvements will be recommended to widen Ruppel Rd. to current City standards along the project frontage. A traffic signal is currently proposed by the City for the intersection of Ruppel Road and Wedington Dr. AHTD has approved the installation of the signal, and plans are currently underway to install the signal.

Surrounding Master Street Plan Streets:

North: Mount Comfort Rd. (Minor Arterial); approximately 0.6 miles

South: Wedington Dr. (Principal Arterial); approximately 0.3 miles

East: Patrick St. (Local)

West: Ruppel Rd. (Minor Arterial)

Water: The property currently has access to a 6" water line along Ruppel Road and an 8" water line at Patrick Street. An extension of the water main will be required to provide water supply within any development on this property and creating a loop between Patrick and Ruppel.

- Sewer:** The site currently has access to 8" sewer mains in the adjacent subdivisions. Sewer will need to be extended within the development.
- Fire:** The subject property is located 0.7 miles from the future Fire Station #7. Normal driving time is 1 min. 2 seconds.
- Police:** It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning for a Single Family residential subdivision is compatible with the adjacent land use to the west. The proposed density of four units per acre is less than the property to the west zoned RT-12, Two and Three-family, at 12 units per acre. Adjacent property to the north, south, and east are within the Planning Area utilized for single family residential and agricultural uses. The general plan designates this area for residential uses, which is compatible with the proposed RSF-4 zoning. Access and provision of adequate services must be considered as this site is at the outskirts of the city and located on streets which need improvement.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. A higher density than the R-A zoning district allows for development of a subdivision with density appropriate in this area, and would provide compatibility with the adjoining development. In order to develop a residential subdivision on this property in a manner that is consistent with the future land use plan, a residential zoning district is needed.

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

Finding: The proposed zoning will provide additional traffic on Ruppel Road, Wedington Drive, extension of Patrick Street and other streets in the area. Off-site improvements would likely be necessary in order to provide safe access to this site.

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 increase population density. The 17.19 acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 8 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 68 dwelling units would be permitted. This increases the possible number of residential units substantially, but is consistent with land use and zoning in the immediate vicinity.

Engineering - Ruppel Road, which is where the development will be accessed from to the east, is a paved roadway with no curb and gutter or storm drainage. Street improvements will be recommended to widen Ruppel to current City standards along the project frontage. A traffic signal is currently proposed by the City for the intersection of Ruppel Road and Wedington. AHTD has approved the installation of the signal, and the plans are currently underway to install the signal.

The property currently has access to a 6" water line along Ruppel Road and an 8" water line at Patrick Street. An extension of the water main will be required to provide water supply within any development on this property and creating a loop between Patrick and Ruppel.

The site currently has access to 8" sewer mains in the adjacent subdivisions. Sewer will need to be extended within the development.

Fire - The subject property is located 0.7 miles from the future Fire Station #7. Normal driving time is 1 min. 2 seconds.

Police - It is the opinion of the Fayetteville Police Department that this annexation and rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or create and appreciable increase in traffic danger and congestion in the area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

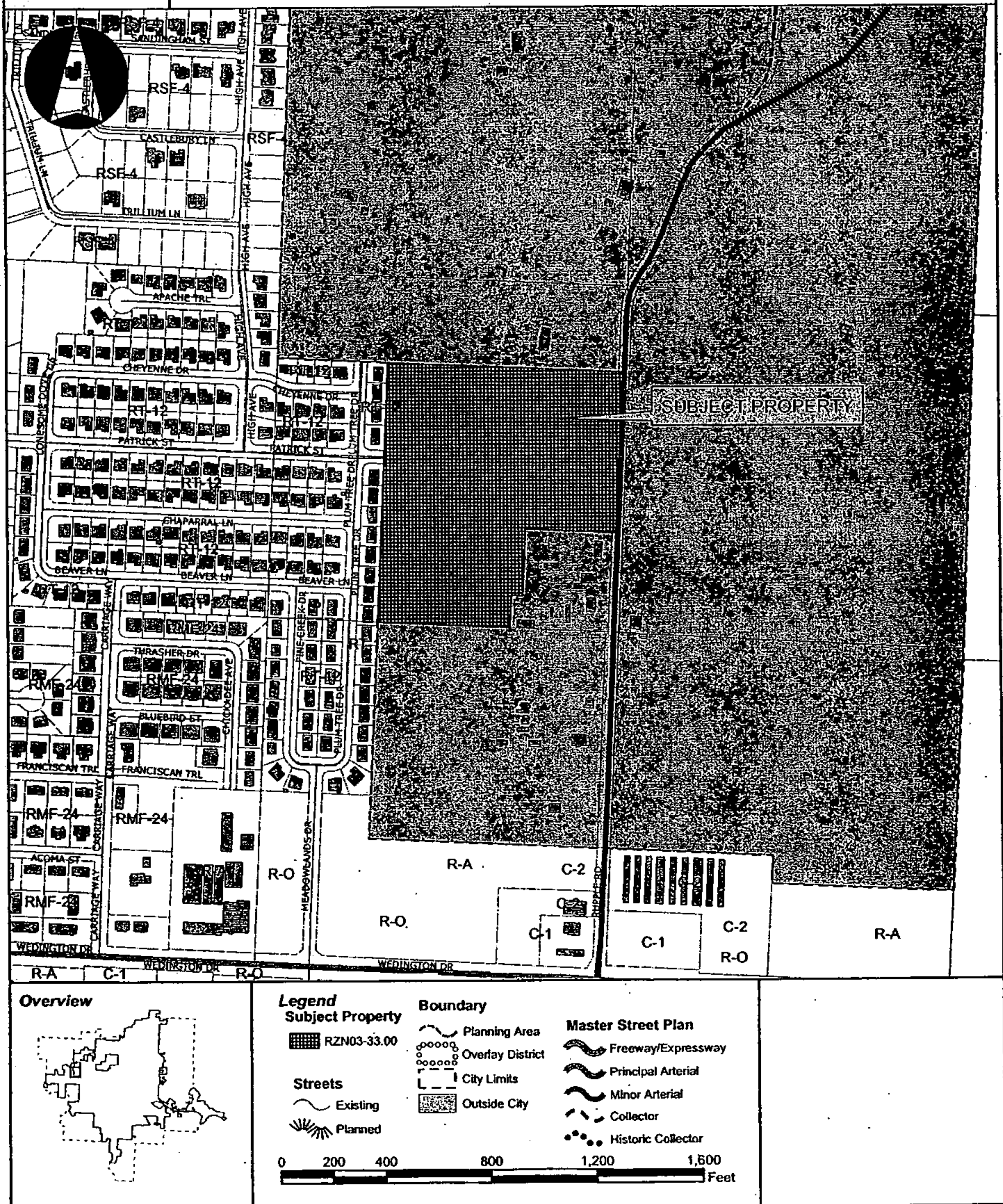
(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

RZN03-33.00

RANKIN/ RANKIN/ BOWEN

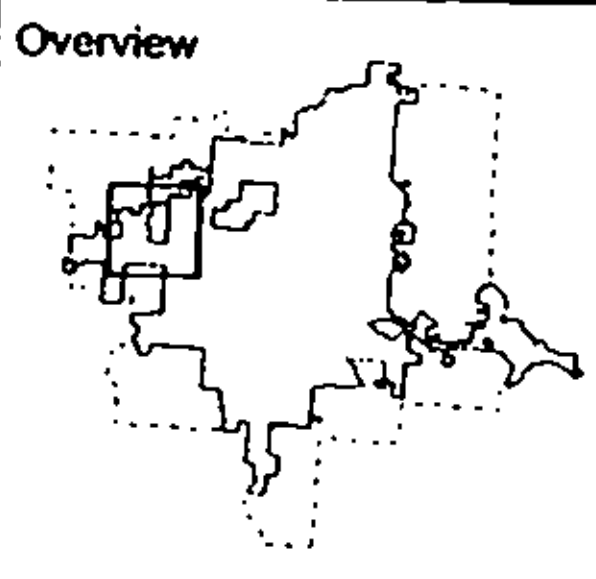
Close Up View



RZN03-33.00

One Mile View

RANKIN/ RANKIN/ BOWEN



Legend

Subject Property

RZN03-33.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

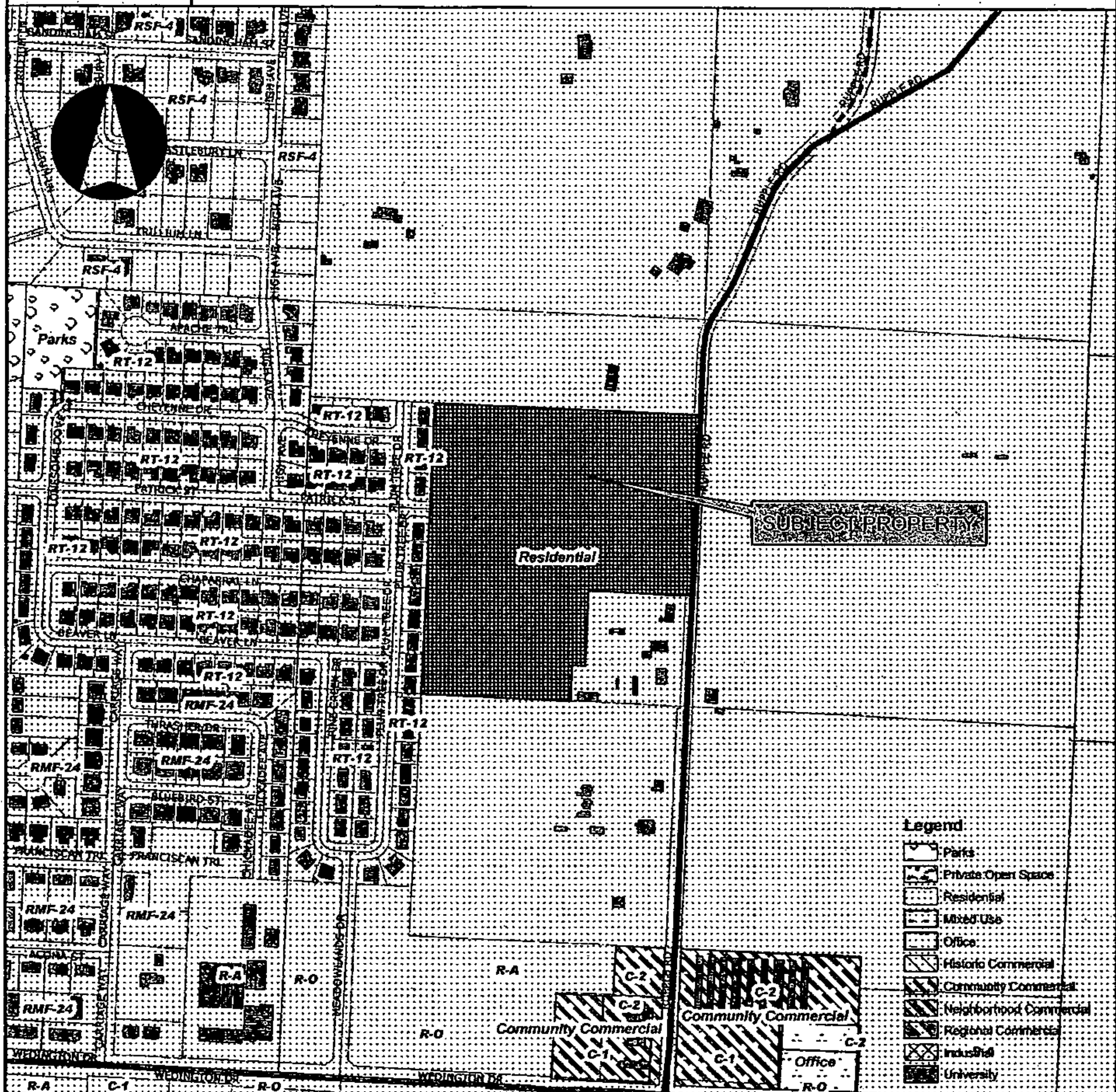
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

RZN03-33.00

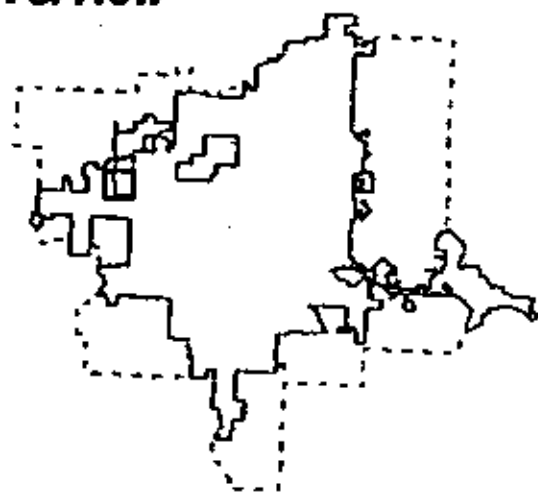
RANKIN/ RANKIN/ BOWEN

Future Land Use



- Legend**
- Parks
 - Private Open Space
 - Residential
 - Mixed Use
 - Office
 - Historic Commercial
 - Community Commercial
 - Neighborhood Commercial
 - Regional Commercial
 - Industrial
 - University

Overview



Legend

Subject Property

RZN03-33.00

Streets

- Existing
- Planned

Boundary

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

Master Street Plan

- Freeway/Expressway
- Principal Arterial
- Minor Arterial
- Collector
- Historic Collector

0 200 400 800 1,200 1,600 Feet

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: March 18, 2004

Subject: Rezoning request for Hoskins/Schlegel (RZN 03-34.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 72.5 acres of property from R-A, Residential Agricultural to RSF-4, Residential single family 4 units/acre.

BACKGROUND

The subject 72.5 acre vacant tract of land is located west of Deane Solomon Road and south of Salem Road. Phase III of Crystal Springs Subdivision is directly south of the property, within the city limits. The developer proposes a residential subdivision on the property, not to exceed 4 units per acre. Annexation and rezoning requests for this tract of land have been requested since 2002. The initial request in 2002 was for annexation and rezoning of the property from R-A to RSF-7, Residential Single Family, seven units per acre. Staff recommended denial of this request, citing concerns with the density proposed and the inability of the city to provide adequate public services to this particular area. Specific concerns included both the fire response time and the capacity of the wastewater system. Fire Station #7 has recently been approved for development on Ruppel Road, and a system-wide wastewater capacity study identifies this area as having the capacity to serve existing and proposed development, both of which alleviate the concerns of staff and the Planning Commission. Additionally, the original application was withdrawn and submitted in its current format, an annexation and rezoning request from R-A to RSF-4. If the associated annexation request is approved, development on this site will be regulated by the city allowing for a more uniform and consistent development pattern making better use of city infrastructure.

Proposal: The applicant proposes to rezone the 72.5 acre tract in anticipation of the development of a single family residential subdivision. The requested zoning will provide for additional residential development at a maximum density of 4 units per acre.

DISCUSSION

On November 24, 2003, the Planning Commission tabled this item at the request of staff. Staff was not recommending in favor of the annexation/rezoning at that time. Staff's recommendation was later amended to reflect changed conditions (request for less dense zoning district, progress on the development of a new fire station to serve the west side of

Fayetteville, review of the system-wide wastewater capacity study). On March 08, 2004, the Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation for approval of the annexation with a companion rezoning request.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 03-34.00 AS SUBMITTED BY MILHOLLAND COMPANY ON BEHALF OF TRACY HOSKINS FOR PROPERTY LOCATED NORTH OF THE PROPOSED CRYSTAL SPRINGS PHASE III SUBDIVISION, WEST OF DEANE SOLOMON ROAD AND SOUTH OF SALEM ROAD CONTAINING APPROXIMATELY 72.50 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 03-34.00

THE NE ¼ OF THE NE ¼ OF SECTION 32 AND PART OF THE E ½ OF THE SE ¼ OF SECTION 29, ALL IN T-17-N, R-30-W, THAT PART BEING IN SECTION 29 IS MORE PARTICULARLY DESCRIBED AS BEGINNING AT THE SE CORNER OF SAID SECTION 29, THENCE WEST 1320 FEET, MORE OR LESS, TO THE SW CORNER OF THE SE ¼ OF THE SE ¼ OF SAID SECTION 29; THENCE NORTH TO A POINT 384.25 FEET SOUTH OF THE NW CORNER OF THE SE ¼ OF THE SE ¼ OF THE SAID SECTION 29; THENCE N83°22'18"E 1067.69 FEET; THENCE N02°35'14"E 357.47 FEET TO A POINT 35 FEET, MORE OR LESS SOUTH OF THE CENTERLINE OF COUNTY ROAD NO. 894; THENCE NORTHEASTERLY PARALLELING SAID CENTERLINE A DISTANCE OF 268.54 FEET, MORE OR LESS, TO THE EAST LINE OF THE E ½ OF THE SE ¼ OF SAID SECTION 29; THENCE SOUTH 1574 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, CONTAINING 72.5 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 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, AICP, Zoning & Development Administrator
DATE: February 24, 2004

RZN 03-34.00: Rezoning (Schlegel, pp207/246) was submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III subdivision, west of Deane Solomon Road. The property is in the Planning Area and contains approximately 72.5 acres. The request is to rezone the property RSF-4, Residential Single-family, 4 units per acre. Planner: Jeremy Pate

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
Date: <u>March 04, 2004</u>	☒ Approved ☐ Denied
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>April 06, 2004</u>	☐ Approved ☐ Denied

BACKGROUND: Please reference the associated ANX 03-06.00 staff report for additional background information.

Property Characteristics: The subject property is 72.5 acres of vacant property located west of Deane Solomon Road and south of Salem Road. Salem Road at this location is a dirt road and does not meet city street standards. Deane Solomon Road also does not meet city street standards. Single family residences are located north of the subject property along Salem Road. Areas to the west and south are vacant. Crystal Springs Subdivision, Phase III is proposed south of the subject property. Gypsum Dr., a Collector Street, is shown on the Master Street Plan as an east and west connection through the subject property. A portion of Gypsum Dr. was constructed when the Crystal Springs, Phase I subdivision was developed.

An annexation and rezoning request was previously petitioned for the subject property in December of 2002. At the time, staff recommended denial for both the annexation and rezoning requests, citing

concerns for Fire response times and increased loading onto existing infrastructure, particularly the wastewater system. The recommendation for denial was based on the inability of the city to provide adequate services to this particular area. Actions are being taken to remedy both situations: The Large Scale Development for Fire Station #7, to be located on Ruppel Road, has been approved by Planning Commission and awaits final construction documents and permitting; a report from a system-wide wastewater study has been submitted and adequate capacity has been identified to serve this area for existing and proposed development (see attached). The proposal to rezone was tabled in November, 2003, pending results from the wastewater capacity analysis

Proposal: The applicant would like to develop a single family residential subdivision.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 Dwelling Units per Acre, should the preceding Annexation request be approved.

Related Issues: When property is annexed into the City, it is annexed as R-A Residential Agricultural. If the annexation is recommended for approval to City Council, the applicant would like to rezone the 72.5 acres to RSF-4, Residential Single Family, 4 Units per Acre. The annexation request, ANX 03-06.00, is an accompanying item to this rezoning request.

Recommendation: Based on the information provided from the wastewater capacity study and the findings included in the staff report, staff recommends approval of the rezoning request. Future changes or additional development on this site will be regulated by the city allowing for a more uniform and consistent development pattern.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential	In county, no zoning.
South	Planned residential subdivision (Crystal Springs, Phase III)	RSF-4, Res. Single Family, 4 DU/Acre
East	Undeveloped - Springwoods C-PZD	C-PZD
West	Undeveloped	In county, no zoning

INFRASTRUCTURE:

Streets:

- North: East Salem Road (Collector) – Does not meet City street standards
- South: Proposed connections through Crystal Springs II subdivision
- East: Deane Solomon Road (Collector) – Does not meet City street standards
- West: Master Street Plan shows Raven extended north (Collector)
Further west is Salem Road (Collector)

Gypsum Dr., a Collector, is shown on the Master Street Plan as an east and west

connection through the subject property. A portion of Gypsum Dr. was constructed when the Crystal Springs, Phase I subdivision was developed.

At the time of development, Staff will recommend improvements to the roadway from the subject property to Deane Solomon Road, to City standards, as well as other street improvements to serve the development.

Water: The property currently has access to an 8" water line that will be stubbed out from the proposed Crystal Springs 3 subdivision. An extension of the water main will be required to provide water supply within any development on this property. The main will also have to be looped to the north to connect with the 2" line along East Salem Road to provide dual feed for the development.

Sewer: The site currently has access to an 8" sewer main that will be stubbed out from the proposed Crystal Springs III subdivision. Sewer will need to be extended within the development.

Fire: The subject property is located 3.5 miles from the proposed Fire Station #7 on Ruppel Road. Normal driving time is 5 min. 42 seconds. Water supply will be necessary for this property to develop. Access roads and street improvements to allow for necessary fire apparatus ingress/egress will also be required.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning for a Single Family residential subdivision is compatible with adjacent and nearby single family residential and agricultural uses. The general plan designates this area for residential uses, which is compatible with the proposed RSF-4 zoning. Access and provision of adequate services must be considered as this site is at the outskirts of the city and located on streets which need improvement.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is needed for the development of a single family subdivision as proposed by the applicant. A subdivision with this density in the R-A district could not be

developed as it is currently zoned. A higher density than the R-A zoning district allows is appropriate in this area, and would provide compatibility with adjoining developments that are zoned and developed similarly. In order to develop a residential subdivision on this property in a manner that is consistent with the future land use plan, a residential zoning district is needed.

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

Finding: The proposed zoning will provide additional traffic on Salem Road, Dean Solomon Road and other streets in the area. Several of the streets in the area are unimproved and inadequate for emergency vehicle access, therefore off-site improvements would likely be necessary in order to provide safe access to this site.

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 increase population density. The 72.5 acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 36 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 290 dwelling units would be permitted. This increases the possible number of residential units substantially, but is consistent with land use and zoning in the immediate vicinity.

Engineering - The property currently has access to an 8" water line that will be stubbed out from the proposed Crystal Springs 3 subdivision. An extension of the water main will be required to provide water supply within any development on this property. The main will also have to be looped to the north to connect with the 2" line along East Salem Road to provide dual feed for the development.

The site currently has access to an 8" sewer main that will be stubbed out from the proposed Crystal Springs III subdivision. Sewer will need to be extended within the development.

Access will be provided through street connections to the south through the proposed Crystal Springs 2 subdivision. Access will also be provided at East Salem Road. East Salem Road at this location is an unimproved gravel road. At the time of development, it will be recommended that the roadway from the development to Deane Solomon Road be improved to current City standards.

Fire - Water supply with fire hydrants is needed to serve development on this site, as will

access roads. The new fire station on Ruppel Rd. will serve this site once it is constructed. Response time from the new station (#7) will be 5 minutes 42 seconds (3.5 miles).

Police - Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing city subdivisions in the vicinity. It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

The proposed access, however, is a concern. West Salem Road is unimproved at this location. This road is rough gravel and narrow. Without improvements or the addition of alternate access, 290 potential units would create an appreciable increase in traffic danger and congestion at this location.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

Table 6

**SUMMARY OF PRELIMINARY CAPACITY ASSESSMENT
WESTERN PORTION OF THE CITY**

Lift Station	Capacity ^{1/}		Number of Units			Projected Peak Hourly Wastewater Flow ^{2/} (gpd)	Percent Capacity Utilized	Remaining Capacity ^{3/}	
	(gpm)	(gpd)	Existing	Inactive	Not Occupied	Approved Not Built		(gpd)	(units)
Crystal Springs	260	374,400	141	0	233	508	59.7	150,840	670
Hamestring	1,600	2,304,000	2,510	125	898	680	71.6	654,000 ^{4/}	2,906 ^{5/}
Owl Creek	437	629,280	<u>336</u>	<u>25</u>	<u>317</u>	<u>286</u>	44.5	349,280	1,552
Total			2,987	150	1,448	1,474			

^{1/} Firm capacity requires verification by OMI, Inc.

^{2/} Wastewater flow projected utilizing 161 gpd/unit plus existing dry-weather infiltration x dry-weather peaking factor.

^{3/} Based on dry-weather flow only. Does not include allowance for wet-weather inflow or infiltration.

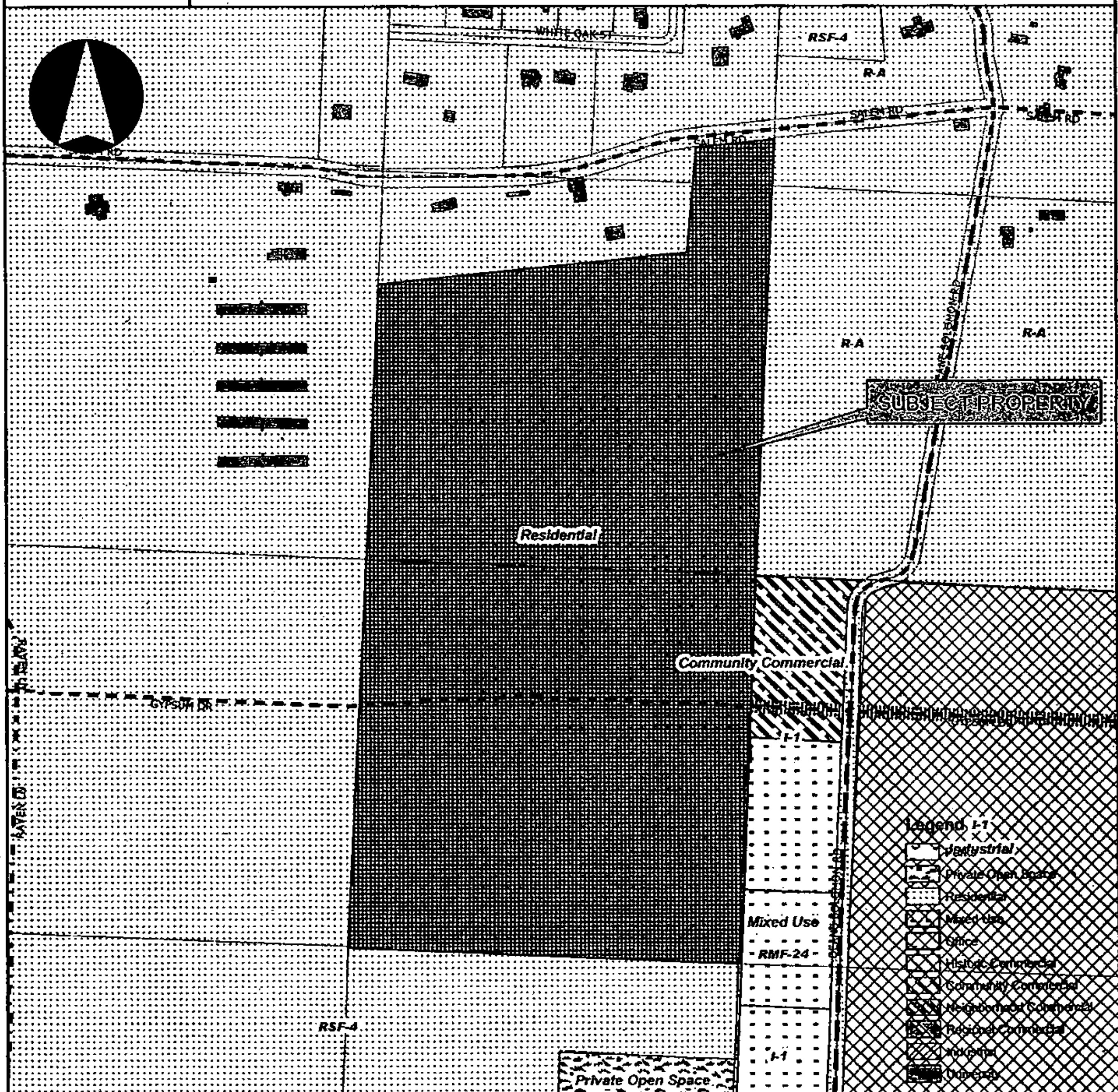
^{4/} Flow for Hamestring Lift Station includes flow from Crystal Springs, Hamestring, and Owl Creek Lift Stations.

^{5/} Total remaining flow and units include all areas tributary to Hamestring Lift Station.

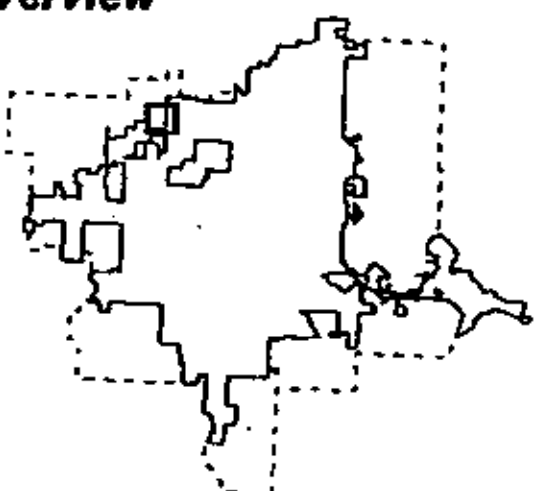
RZN03-34.00

Future Land Use

SCHLEGEL



Overview



Legend

Subject Property

RZN03-34.00

Streets

Existing
Planned

Boundary

Planning Area
Overlay District
City Limits
Outside City

Master Street Plan

Freeway/Expressway
Principal Arterial
Minor Arterial
Collector
Historic Collector

0 200 400 800 1,200 1,600 Feet

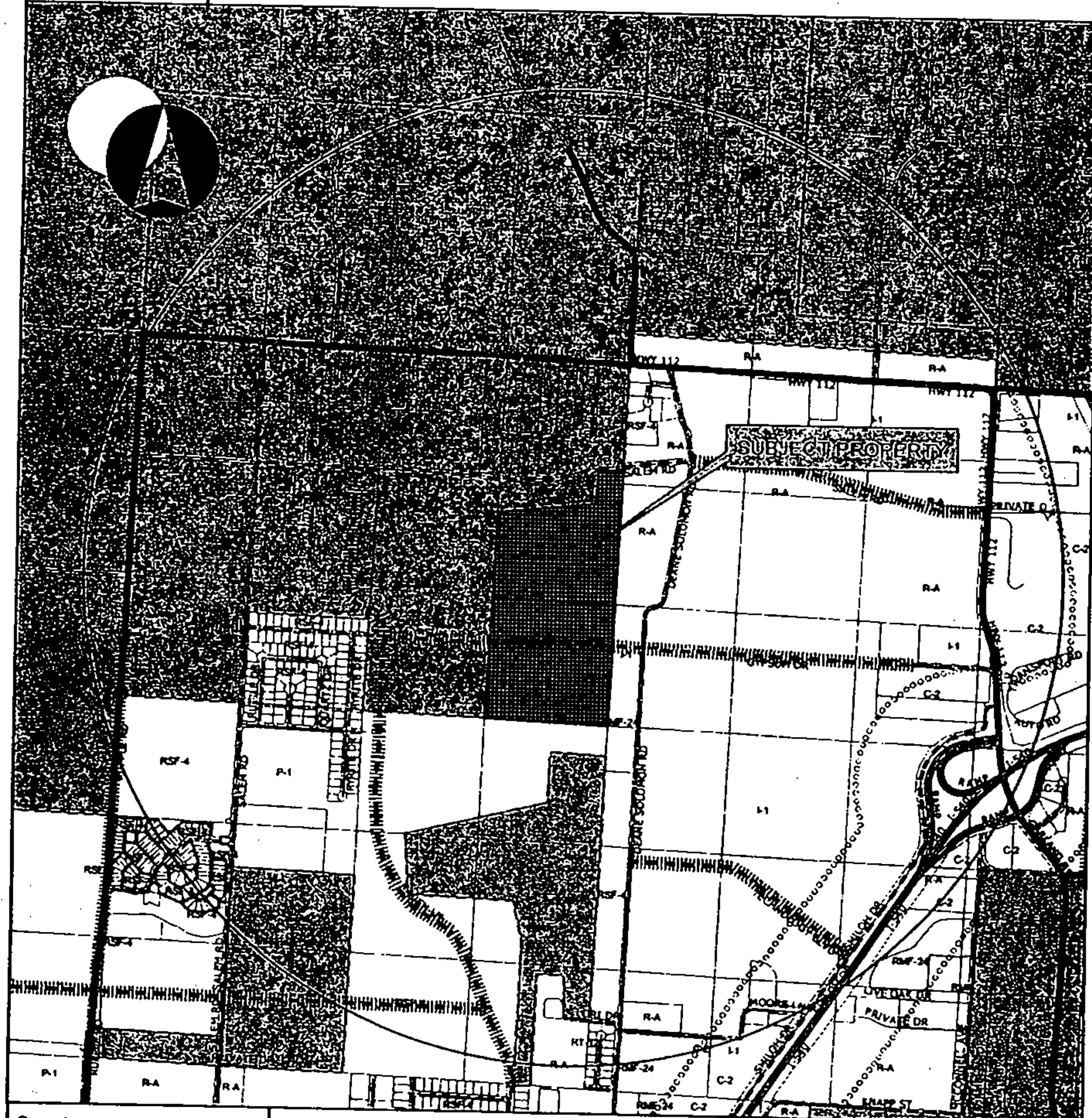
Legend I-1

Industrial
Private Open Space
Residential
Mixed Use
Office
Historic Commercial
Community Commercial
Neighborhood Commercial
Regional Commercial
Industrial
Diverse

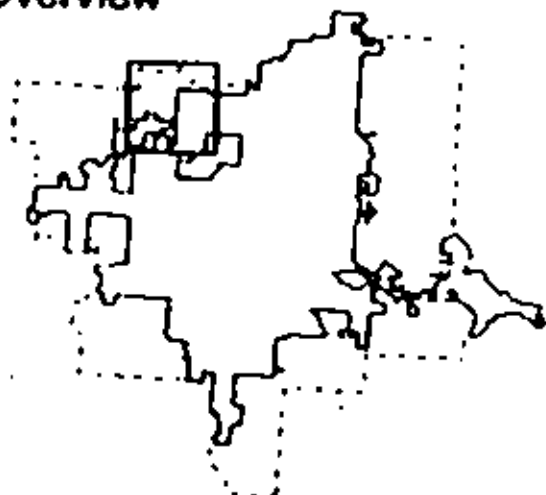
RZN03-34.00

One Mile View

SCHLEGEL



Overview



Legend

Subject Property
RZN03-34.00

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

SCHLEGEL

SUBJECT PROPERTY

RSF-4

$$-R_A$$

SALENTRE

R-A

R-A

11

• 11

RMF-24

. 1-1

Legend
Subject Property

 RZN03-34.00

Existing
Planned

 Planning Area
 Overlay District
 City Limits
 Outside City

 Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

1,200 Feet

CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator *DW*

Date: March 18, 2004

Subject: Rezoning request for Chance & Tuggle (RZN 04-02.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 7.94 acres of property from R-A, Residential Agricultural to RSF-4, Residential single family 4 units/acre.

BACKGROUND

Property description: The subject 7.94 acre vacant tract of land is located in west Fayetteville, at W. Tackett and Genevieve Avenue, west of 54th Street. The developer proposes a residential subdivision on the property, not to exceed 4 units per acre. The subject property has twice been before the Planning Commission for rezoning requests. Staff's recommendation on both requests, the first from R-A to RT-12 and the second from R-A to R-PZD 04-03.00 with 50 units on 25 lots, were for denial, based on incompatibility with surrounding land use and density. In both cases, the applicant withdrew the request. At this time, the developer is requesting a rezoning from R-A to RSF-4, a density that is far more suitable and compatible with surrounding neighborhoods than previous requests.

Proposal: The applicant proposes to rezone the 7.94 acre tract in anticipation of the development of a single family residential subdivision. The requested zoning will provide for additional residential development at a maximum density of 4 units per acre.

DISCUSSION

On November 24, 2003, the applicant withdrew a rezoning request from R-A to RT-12 based on a recommendation for denial by staff and Planning Commission concerns. The second application for rezoning was also withdrawn by the applicant, based on similar recommendations and comments made by the Subdivision Committee, on January 15, 2004. On March 08, 2004, the Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation for approval of the rezoning.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-02.00 AS SUBMITTED BY GEOFF BATES OF KEYSTONE CONSULTANTS ON BEHALF OF DAVID CHANCE AND JOHN TUGGLE FOR PROPERTY LOCATED AT WEST TACKETT AND GENEVIEVE AVENUE CONTAINING APPROXIMATELY 7.94 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-02.00

A PART OF THE E1/2 OF THE SW1/4 OF SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST OF THE FIFTH PRINCIPAL MERIDIAN, WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE FOUND AT THE SOUTHEAST CORNER OF THE SE1/4 OF THE SW1/4 OF SAID SECTION 11, TOWNSHIP 16 NORTH, RANGE 31 WEST; THENCE ALONG THE SOUTH LINE OF SAID SE1/4 OF THE SW1/4 N87°39'25"W 160.50 FEET; THENCE N02°20'35"E 642.21 FEET; THENCE N87°49'02"W 282.63 FEET TO THE POINT OF BEGINNING; THENCE N87°49'02"W 132.22 FEET TO A FOUND IRON PIN; THENCE S02°16'33"W 104.68 FEET TO A FOUND IRON PIN; THENCE N87°41'06"W 410.65 FEET TO A FOUND IRON PIN; THENCE N02°20'10"E 502.74 FEET; THENCE ALONG AN EXISTING FENCE S86°49'44"E 142.49 FEET; THENCE ALONG AN EXISTING FENCE N02°31'47"E 295.19 FEET TO THE CENTERLINE OF TACKETT ROAD; THENCE ALONG SAID CENTERLINE THE FOLLOWING FOUR (4) COURSES: S74°18'47"E 141.67 FEET; S62°35'47"E 116.78 FEET; S48°39'47"E 129.79 FEET; S61°06'47"E 62.08 FEET; THENCE DEPARTING SAID CENTERLINE S02°25'12"W 499.04 FEET TO THE POINT OF BEGINNING, CONTAINING 7.94 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 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, AICP, Zoning & Development Administrator
DATE: February 24, 2004

RZN 04-02.00: Rezoning (Chance & Tuggle, pp 436) was submitted by Geoffrey Bates of Keystone Consultants, Inc. on behalf of David Chance and John Tuggle for property located at W. Tackett and Genevieve Avenue. The property is zoned R- A, Residential Agricultural, and contains approximately 7.94 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre. Planner: Jeremy Pate

RECOMMENDATION:

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

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>March 08, 2004</u>	9-0-0	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☒ Approved	☐ Denied
Date: <u>April 06, 2004</u>		

BACKGROUND:

Property description: The subject property, located in west Fayetteville, is currently vacant. Immediate surrounding properties are all single family and agricultural in nature. Lot size/density for surrounding neighborhoods varies from 1 and 2 acre lots to larger, with the exception of the RMF-6 zoning .5 miles to the west and RT-12 zoning consisting of single family homes on small lots north of Wedington Drive.

Proposal: The applicant has indicated the intent to develop a single-family residential subdivision on the subject property consisting of approximately 25 residences (a density of 3.15 DU/Acre)

Request: The request is to rezone the property RSF-4, Residential Single family, 4 Units per

Acre.

History: The subject property has been before the Planning Commission twice before with rezoning requests. The first request, in November of 2003, was to rezone the property RT-12, for development of a two-family subdivision. This request was withdrawn at the Planning Commission meeting of November 24, with a motion to deny on the table. The applicant then submitted plans and applications to rezone the property to R-PZD 04-03.00, allowing for 50 units on 25 lots. Based on comments received at Subdivision Committee in January of 2004, and staff's recommendation of denial for the request, the applicant again withdrew the rezoning request, to meet with staff to determine a compatible land use for this area.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Single Family homes	RSF-4, Res. Single Family, 4 DU/Acre
South	Vacant / Agricultural	R-A, Residential Agricultural
East	Single Family homes	RSF-4, Res. Single Family, 4 DU/Acre R-A, Residential Agricultural
West	Single Family homes / Agricultural	R-A, Residential Agricultural

INFRASTRUCTURE:

Streets: Access and street frontage is along Tackett Drive to the north and Genevieve Avenue along a portion of the western boundary of the site. Both are classified as Local Streets on the Master Street Plan, but are not built to that standard.

At the time of development on this site, both Tackett Drive and Genevieve Avenue would need to be improved to City Standards including pavement, curb and gutter, storm drains and sidewalks.

Water: The property currently has access to a 2" waterline along Genevieve Avenue. An 8" water line exists along 54th Avenue, but is not contiguous to the subject site property boundaries.

An extension of the water main will be required to provide water supply with any development on this property. The development will have to loop between these two existing mains to provide dual feed for the development.

Sewer: A 6" sewer main is accessible along Genevieve Avenue.

Sewer will need to be extended to serve development on this site. Calculations may be required to show that there is adequate capacity in these 6" lines to handle the additional loading. If capacity is not available, offsite improvement will be required to provide capacity.

Fire: The subject property is located 1.7 miles from the proposed Fire Station #7 on Ruppel Road. Normal driving time is 3 min. 5 seconds. Water supply will be necessary for this property to develop. Street improvements to allow for necessary fire apparatus ingress/egress will also be required.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 is consistent with the land use plan and is compatible with surrounding single family land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning for a single family residential land use is compatible with adjacent and nearby single family residential and agricultural uses. The General Plan designates this area for residential uses, which is compatible with the proposed RSF-4 zoning. Access and provision of adequate services must be considered as this site is at the outskirts of the city and located on a street which needs improvement.

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

Finding: The proposed zoning is justified in order to promote orderly and consistent development patterns making use of existing infrastructure. The rezoning is needed for the development of a single family residential subdivision as proposed by the applicant. A subdivision with this density in the R-A district could not be developed as it is currently zoned. A higher density than the R-A zoning district allows is appropriate in this area, and the 4 units per acre allowed by the requested density would provide compatibility with adjoining developments.

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

Finding: The proposed zoning will potentially create additional traffic on Tackett Drive, Genevieve Avenue and other streets in the area. Several of the streets in the area are too narrow for emergency vehicle access, therefore off-site improvements would likely be necessary in order to provide safe access to this site.

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 increase population density. The 7.94 acre tract under an R-A, Residential Agricultural designation would allow for a maximum of 3 dwelling units (1 per 2 acres). With the proposed RSF-4 designation, 31 dwelling units would be permitted. This increases the possible number of residential units, however is in keeping with existing land uses and density in the surrounding area.

Engineering - The property currently has access to a 2" water line along Genevieve Avenue. An existing 8" water line is located along 54th Avenue to the east. An extension of the water mains will be required to provide water supply within any development on this property. The development will have to loop between these two existing mains to provide dual feed for the development.

The site currently has access to a 6" sewer main along 54th Avenue and a 6" sewer main along Genevieve Avenue. Sewer will need to be extended within the development. Calculations may be required to show that there is adequate capacity in these 6" lines to handle the additional loading. If there is not capacity, offsite improvement will be required to provide capacity.

Access will be provided along Genevieve, and Tackett. At the time of development, it will be recommended that these roadways be improved to current City of Fayetteville standards along the project frontage.

Fire - Water supply with fire hydrants is needed to serve development on this site. The new fire station on Ruppel Rd. will serve this site once it is constructed. Response time from the new station (#7) will be 3 minutes 05 seconds (1.7 miles).

Police - Projects existing in this area already receive police services. The same level of service will be provided to this site as is currently applied to the existing city subdivisions to the north and the west. No additional equipment or personnel is needed to provide service to this area.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning

even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.



January 28, 2004

Ms. Dawn Warrick, AICP
Zoning & Development Administrator
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Sundance Subdivision (Formerly Chance & Tuggle)

Dear Ms. Warrick,

This letter is to request that the property owned by Susan Todd be rezoned from R-A to RSF-4. Ms. Todd is planning on selling the property to David Chance and John Tuggle to develop the property into a single-family residential subdivision consisting of 25 homes. The rezoning will be similar to the RSF-4 zoning in the surrounding area. Also, both water and sewer are available to the site. However, an 8" water main will have to be extended along West Tacket to connect to the main along 54th Street.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc

Geoffrey H. Bates, P.E.
President / Partner

RECEIVED

JAN 29 2004

PLANNING DIV.

KEYSTONE
Consultants, Inc.
Civil Engineering, Planning & Design

January 28, 2004

Ms. Dawn Warrick, AICP
Zoning & Development Administrator
113 West Mountain
Fayetteville, AR 72701

RE: Sundance Subdivision (Formerly Chance and Tuggle)

Dear Ms. Warrick,

This letter is in response to item 6 on the rezoning application.

1. The proposed RSF-4 zoning is consistent with the proposed land use plan which displays residential zoning in the area and existing zoning in the area.
2. The zoning is needed in order to develop a single-family residential subdivision.
3. The current concept plan shows approximately 25 lots, therefore there will be a minor increase in traffic.
4. The proposed subdivision should not overload the existing schools in the area or place an undesirable increase on the water and sewer facilities due to the small size.
5. The property is currently zoned R-A. Therefore, the uses are very limited and it would be impractical for the developer to leave the property zoned R-A.

If you have any questions or require additional information, please feel free to call.

Sincerely

Keystone Consultants, Inc



Geoffrey H. Bates, P.E.
President / Partner

RE...

JAN 28

PLAN...

RZN 04-02.00: Rezoning (Chance & Tuggle, pp 436) was submitted by Geoffrey Bates of Keystone Consultants, Inc. on behalf of David Chance and John Tuggle for property located at W. Tackett and Genevieve Avenue. The property is zoned R-A, Residential Agricultural, and contains approximately 7.94 acres. The request is to rezone the subject property from R-A, Residential Agricultural, to RSF-4, Residential Single-family, 4 units per acre.

Hoover: Item number eleven is RZN 04-02.00 for property located at West Tackett and Genevieve Avenue.

Pate: The Commissioners may recognize this property has been before us several times in a couple of different requests. The current request is to rezone the subject 7.94 acres from R-A to RSF-4, Single Family Residential, four units per acre. Just as a reminder, the property is located in west Fayetteville. It is currently vacant. Surrounding neighborhood varies from one to two acre lots to larger with the exception of a couple of different zonings within the vicinity that is a little more dense, RMF-6 and RMF-12 north of Wedington Drive. The applicant has indicated the intent to develop a single family residential subdivision on the subject property. Again, the request is to rezone the property to RSF-4. The first request in November, 2003 was to rezone the property to RT-12. The second request was an R-PZD allowing for 50 units. Based on comments at Subdivision Committee at that time the applicant withdrew that request and has now submitted the current request. Access to the site is provided by 54th Avenue and Tackett Drive and Genevieve Avenue are surrounding streets. Both of which are substandard and will likely be recommended for improvements at the time of development of the subject parcel. Staff is recommending approval of this rezoning request. It is consistent with the land use plan in this area as a residential use and it is also more consistent with the existing surrounding land uses.

Hoover: Thank you Jeremy. Would the applicant come forward?

Bates: Good evening Commissioners, I'm Geoff Bates, an engineer with Keystone Consultants. As Jeremy pointed out, we have been before you about three times now. The first time was RT-12 and we still wanted 50 units, it would've been 25 duplex lots but RT-12 allowed for 90 and that made everybody uncomfortable. We went back with a PZD for 25 duplex lots which would've been 50 units and staff thought that was too much and none of the adjoining property owners wanted duplexes anywhere near them so we scrapped the duplex idea, we cut the project in half to 25 single family lots and hopefully we can move forward this time. We have met with staff, showed them our concept plan, we've met with adjoining property owners, showed them our concept plan and talked with them and here we are. If you have any questions I would be more than happy to answer them.

Hoover: Thank you. At this time we will open up this rezoning to public comment. Is there anyone who would like to address this one?

Wonnacott: Hi, my name is Melissa Wonnacott, I live at 655 Genevieve. Jeremy had said that 54th Street, Genevieve and Tackett would be improved. Do you know the time schedule on that? Right now one of my fellow neighbors went and measured the road and 54th Street is only 16', the narrowest spot is 16' so I was just curious as to when that might be upgraded. That is my biggest concern because right now people's kids come around on 54th Street to Tackett, they are only required to do their frontage which would not address the stop sign. There have been times when I've almost hit little children coming around the stop sign because it is kind of blind and it is all covered with canopy. I have no problems with single family homes, it is much better than their initial idea but until the city has a grand scheme of widening 54th Street I don't understand how anyone could see that it would be safe to do this. I don't have a problem with the subdivision as a whole but you're not looking at the whole scheme. You can't require them to fix 54th Street.

Hoover: Jeremy, can you respond to that?

Pate: At the time of development Engineering staff and Planning staff make a recommendation to the Planning Commission. Most likely we'll see a Preliminary Plat for a subdivision in this area. At that time offsite improvements are recommended to the Planning Commission who will ultimately make that determination. The person who just spoke is right. Typically those offsite improvements are adjacent to the property to allow for access. I believe the Engineering staff, with this rezoning we don't make recommendations for street improvements. However, there are basic requirements that we look at to ensure that there is access to the site. I believe there has been a recommendation that for instance we would look at an asphalt overlay or some type of improvement to get to 54th. Beyond that, I don't believe we've looked at anything else.

Hoover: Is there any other member of the public?

Hisell: I'm Don Hisell, I own two parcels of land that adjoins all of this development. If any of you all would like to see these pictures. That is the picture of the 54th that we see from Tackett Road right there looking north and we're trying to get out on the road. It is 16' at the narrowest part. If you get down to the bridge it is 30' wide and then it goes back to 18' all the way up to Hwy. 16. I've been there somewhere close to 15 years or better and my wife has been involved in two accidents on 54th. Both times she was hit. Cars cannot pull out on 54th from a side street and get on their side of the road but drivers seem to think they can. I don't

have too much problem at all with expanding. I, myself see that that is the coming future. I would also like to go to New York in a big limo rather than ride on a motorcycle. We've got acre to two acre lots. All the people that are living there have wide open spaces and it seems like we are kind of jammed up if we have this expansion done. The main thing I have in my mind is what's going to come in the future if we do this. I've got one picture that I'd like for you to look at and I don't think you really want to see it from too close up. It brings tears to my eyes. This is my son who was killed in 1992 hit by a car. This is the main thing we need to keep in mind. I've got an 11 year old boy. He rides his bicycle down that street. I have rode my bicycle down that street. You do not want to be caught in the middle between that bridge and Tackett Road. It puts you in harm's way.

Hoover: Thank you. Is there any other member of the public that would like to address this rezoning? Seeing none, I will bring it back to the Commission.

Ostner: Staff, I understand we're not requiring certain improvements at this time but on page 11.2 the staff report says "At the time of development on this site both Tackett and Genevieve would need to be improved to city standards." Is that the entire length of Genevieve or just the adjoining?

Warrick: That's not been determined. Again, we talk a lot about what will happen when a property develops when we are talking about zoning because we know that typically that is going to be the follow up request. That is what we are going to consider if the Council decides to change the land use available on a piece of property. What we also have to consider is that there are certain deficiencies existing in our community right now that we can't rely on one or two particular developments to cure. The Planning Commission is charged with placing the requirement for improvements on and off site for development projects but those improvements have to bear some sort of nexus or rough proportionality with the amount of impact that is being caused by that development. That is the balance that we always have to try and strike when we are dealing with new development verses existing conditions. Improvements upon existing conditions very well may be necessary and required because of additional development and additional impact but it has to bear a rational nexus to the amount of impact that's being caused by a particular development. We will review that. We do look at that very seriously when projects come into the development review cycle and we bring forward to you, the Planning Commission, our best recommendations for what we feel is appropriate for infrastructure improvements.

Ostner: Thank you.

Hoover: Are there other comments?

Bunch: This reminds me of a development that we saw not too long ago on Mt. Comfort Road where one of the conditions of approval for the development was the widening of several streets off site to bring them up to a minimum width. I think it had to do with Ruppel, Mt. Comfort intersection and considerable length of Mt. Comfort that I believe at that time it was bringing it up to a minimum 18' width. I know on this particular project we saw it before as a PZD so we had a greater amount of plans in front of us. This is just a rezoning. I will just remind the Commissioners that as this does come back we have in the recent past seen plans for considerable off site work that may have been quite a few linear feet but may not have been that much asphalt because we are looking at changing something from 16' to guaranteeing a minimum of 18'. That is the observation I wanted to bring forward at this time.

Hoover: Are there other comments?

Ostner: Madam Chair, the first time I saw this project the baby wasn't even here yet. I am ready to approve it. I would like to make a motion that we forward RZN 04-02.00 with a recommendation of approval to the City Council.

Bunch: Second.

Hoover: There is a motion by Commissioner Ostner and a second by Commissioner Bunch, is there more discussion? I guess I just want to make one comment just so the neighbors understand that when the Preliminary Plat comes through that's when they are going to discuss these improvements and we hope that you are involved then because you've made some good points. Right now we are just looking at density in general. Are there any other comments? Renee?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 04-02.00 to the City Council was approved by a vote of 9-0-0.

Thomas: The motion carries nine to zero.

Hoover: Thank you. We have an announcement.

Church: As of Friday I will be moving out of the city limits of Fayetteville so I will have to resign my position a couple of weeks early because of that.

Hoover: Thank you for your service.

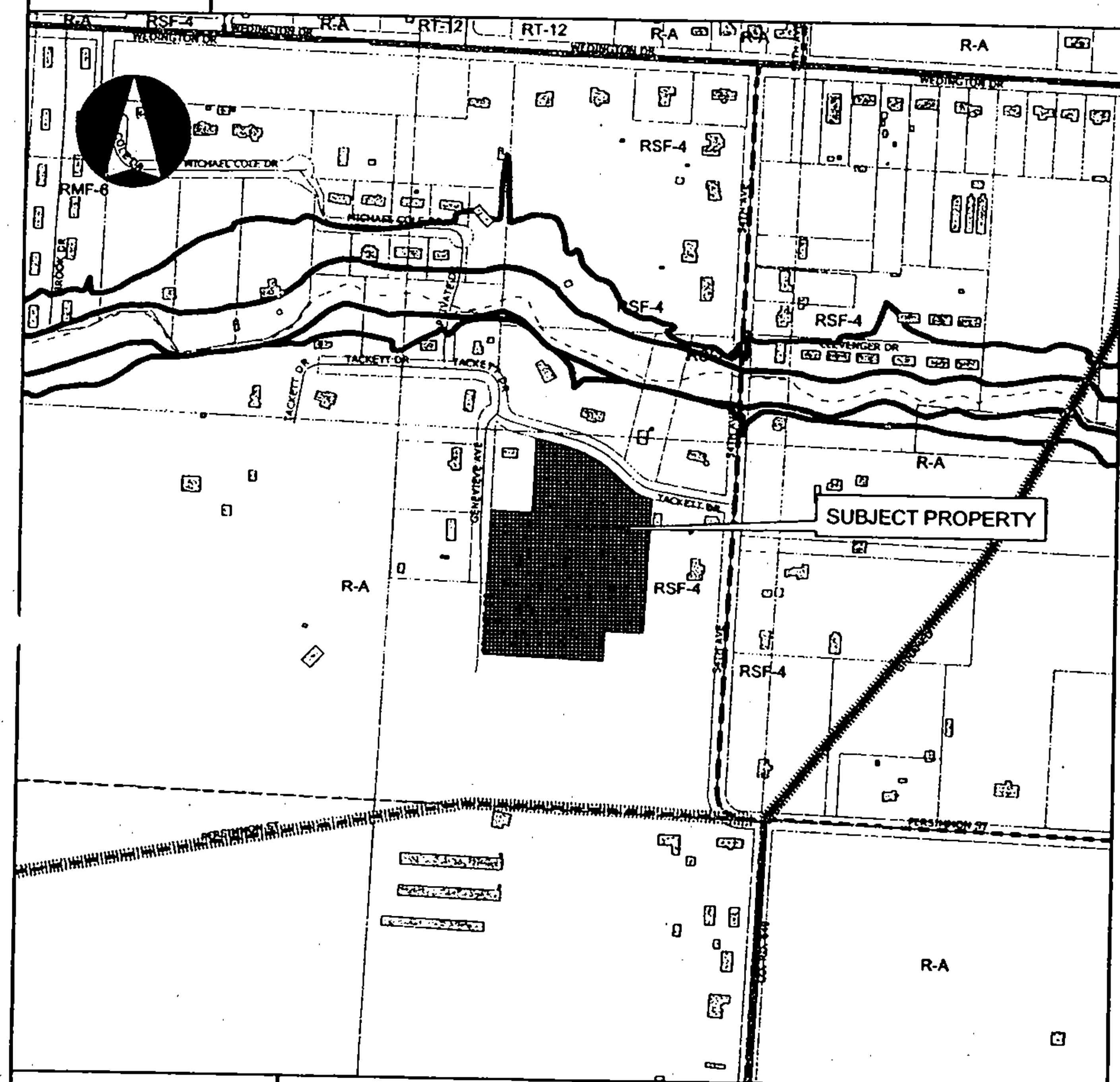
Announcements

RZN04-02.00

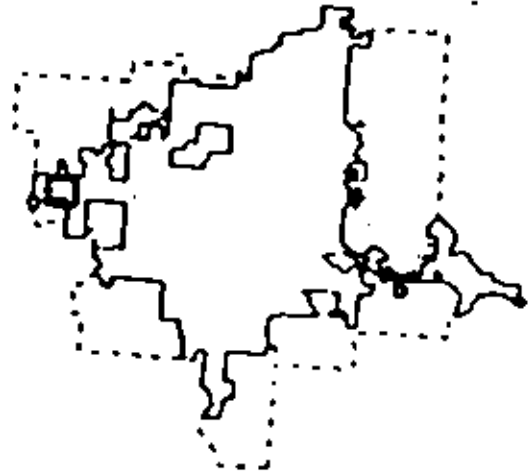
CHANCE & TUGGLE

RZN 04-2.00 (Chance & Tuggle)
Page 15 of 18

Close Up View



Overview



Legend

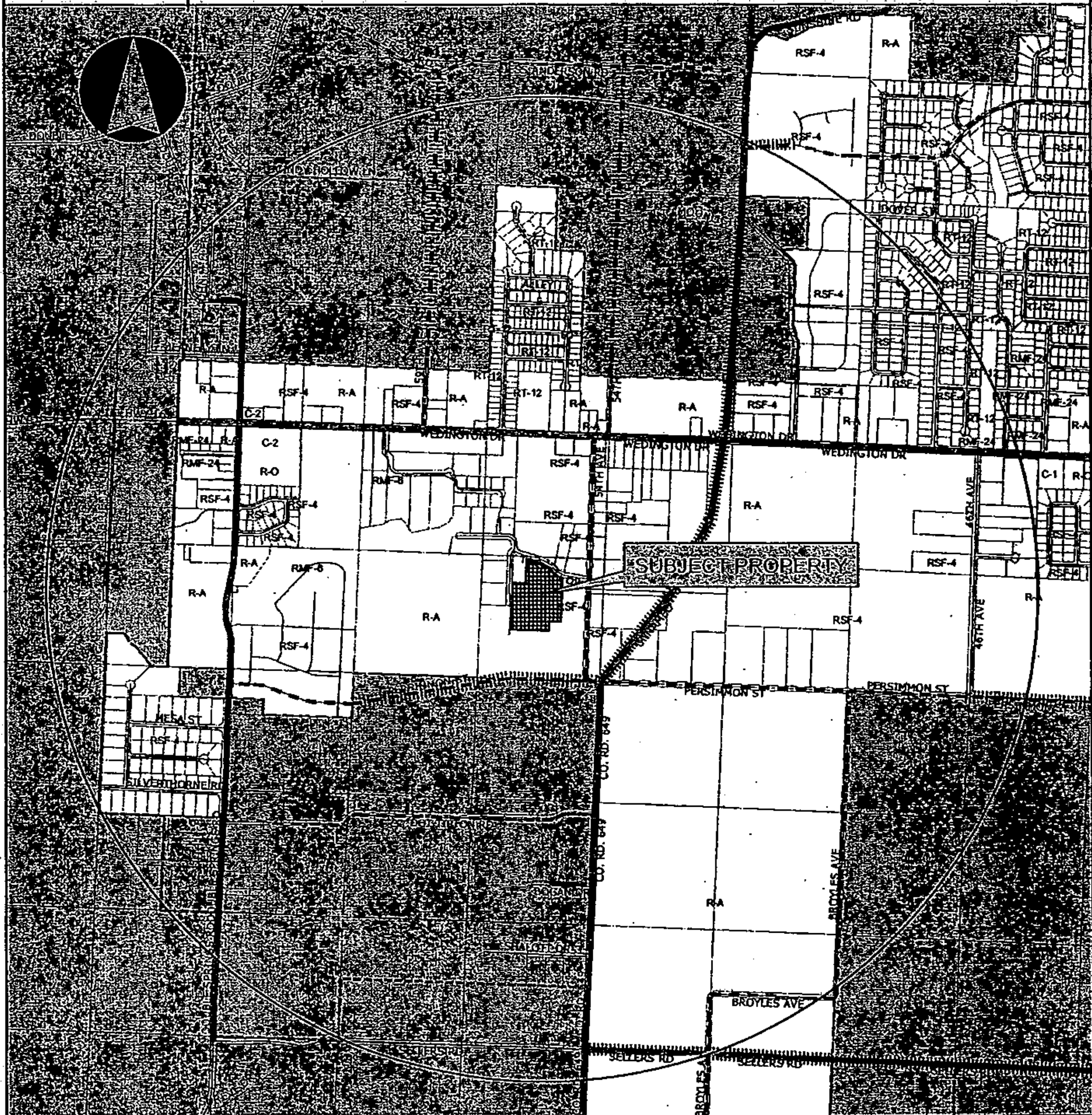
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|--------------------|--------------------|-------------------|
| RZN04-02.00 | Overlay District | FLOODWAY |
| Master Street Plan | 100 YEAR | 500 YEAR |
| Master Street Plan | LIMIT OF STUDY | Base Line Profile |
| Freeway/Expressway | Principal Arterial | Minor Arterial |
| Collector | Historic Collector | City Limits |
| Outside City | | |

0 200 400 800 1,200 1,600 Feet

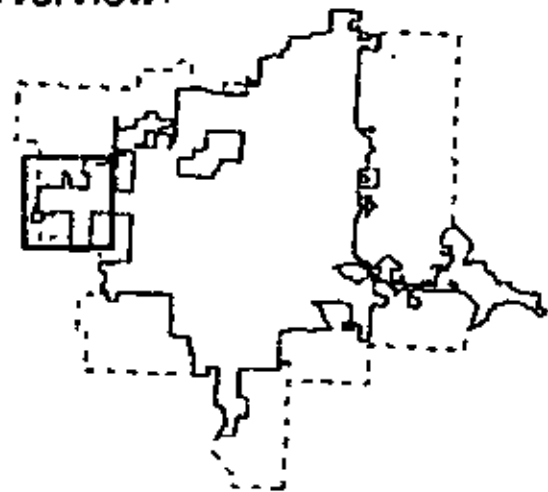
RZN04-02.00

One Mile View

CHANCE & TUGGLE



Overview.



Legend

Subject Property

RZN04-02.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

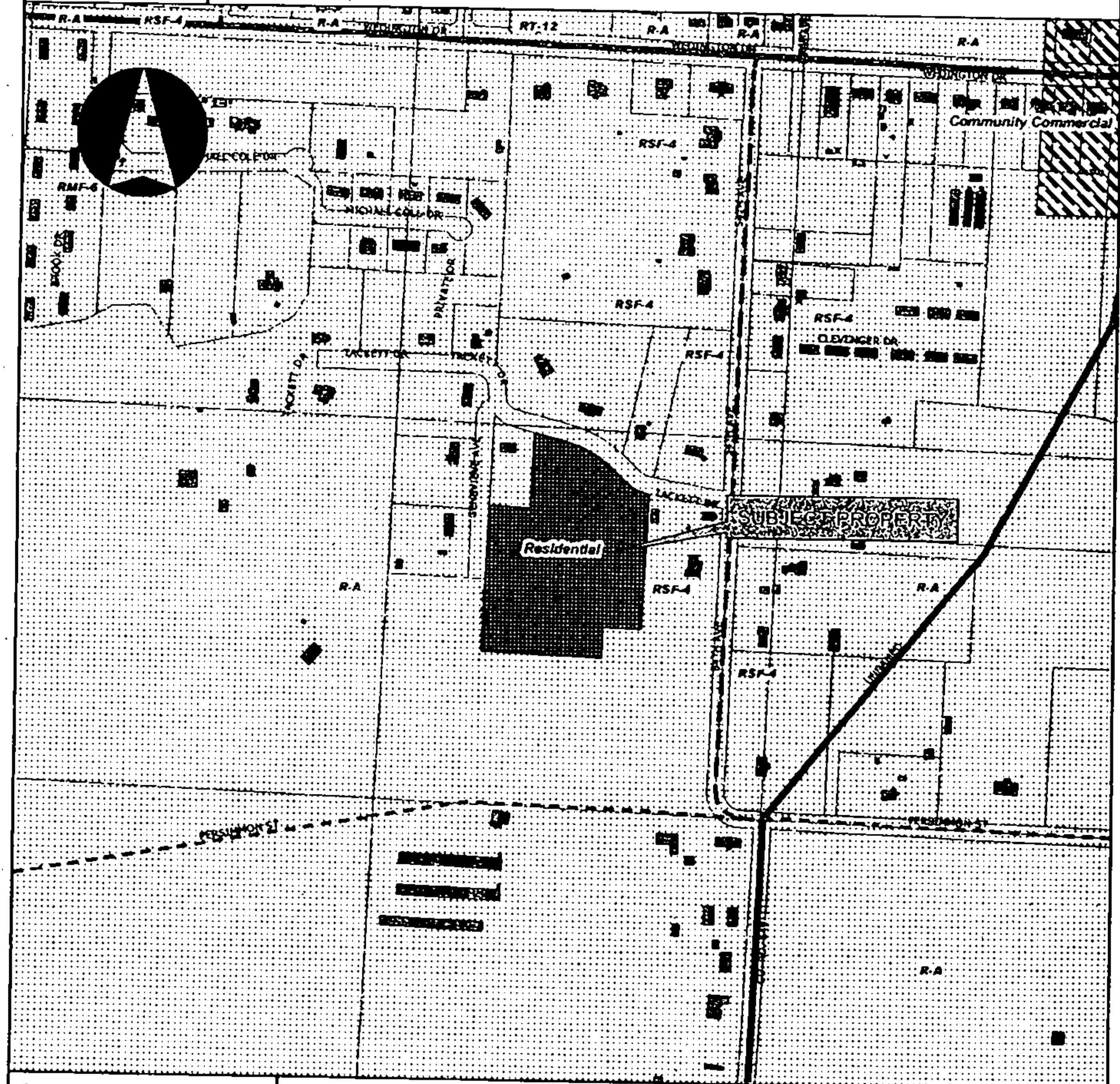
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

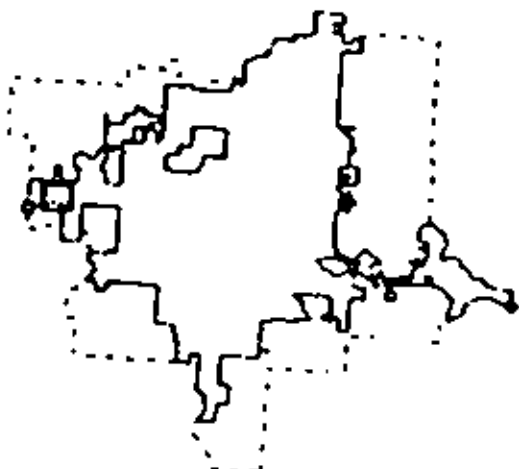
RZN04-02.00

Future Land Use

CHANCE & TUGGLE



Overview



Legend

Subject Property

RZN04-02.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

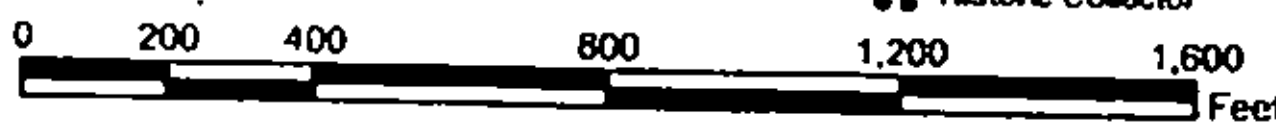
Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector



STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 9
RZN 04-2.00 (Chance & Tuggle)
Page 18 of 18 x AGENDA REQUEST

For the Fayetteville City Council Meeting of:

April 6, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-02.00: Rezoning (Chance & Tuggle, pp 436) was submitted by Geoff Bates of Keystone Consultants, Inc. for property located at W. Tackett and Genevieve Avenue containing approximately 7.94 acres. The request is to approve an ordinance rezoning the subject property from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Dawn I. Warrick 3/19/04
Division Head Date*[Signature]* 3/22/04
City Attorney Date_____
Department Director Date_____
Finance & Internal Services Dir. Date*Hugh Samuels* 3-23-04
Chief Administrative Officer Date*Ken Cooley* 3/24/04
Mayor Date

Received in Mayor's Office

3/22/04
Date *[Signature]*Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

Yes

No



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: March 18, 2004

Subject: Rezoning request for McCord/Fitzgerald (RZN 04-03.00)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 1.51 acres of property from R-A, Residential Agricultural to RSF-4, Residential Single-family, 4 units per acre.

BACKGROUND

The subject property is 1.51 acres of vacant property located north of Wedington Drive and west of 51st Street. Surrounding properties contain single family homes with a church located east of this site across 51st Street. Two new subdivisions are currently being constructed further north and east of this property which will contain single family residences and are zoned RSF-4. In recent actions the Planning Commission and City Council have approved rezoning requests for the two properties immediately north of this tract from R-A to RSF-4.

Proposal: The applicant proposes to rezone the 1.51 acre tract in anticipation of the development of three single family residential dwellings. The requested zoning will provide for additional residential development at a maximum density of 4 units per acre.

DISCUSSION

On March 8, 2004, the Planning Commission voted 9-0-0 to forward this item to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-03.00 AS SUBMITTED BY JAMES MCCORD ON BEHALF OF DONALD AND FRANCES FITZGERALD FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEDINGTON DRIVE AND 51ST AVENUE CONTAINING APPROXIMATELY 1.51 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, FOUR UNITS PER ACRE.

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

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

From R-A, Residential Agricultural to RSF-4, Residential Single-Family, 4 Units Per Acre as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-03.00

LOT NUMBERED TWELVE (12) IN HAMESTRING SOUTH ADDITION, AS PER
PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK
AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS

DRAFT

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of March 08, 2004

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Suzanne Morgan, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: March 1, 2004

RZN 04-03.00: Rezoning (McCord/Fitzgerald, pp 398) was submitted by James McCord, Attorney, on behalf of Donald and Frances Fitzgerald for property located at the northwest corner of Wedington Drive and 51st Avenue. The property is currently zoned R-A, Residential Agricultural, and contains 1.51 acres. The request is to rezone the property to RSF-4, Residential Single-family, 4 units per acre. Planner: Suzanne Morgan

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings herein.

PLANNING COMMISSION ACTION:	Required <u>YES</u>
Date: <u>March 08, 2004</u>	☒ Approved ☐ Denied
CITY COUNCIL ACTION:	Required <u>YES</u>
Date: <u>April 06, 2004</u>	☒ Approved ☐ Denied

BACKGROUND:

Property Characteristics: The subject property is 1.51 acres of vacant property located north of Wedington Drive (a Principal Arterial) and west of 51st Street (a local street). Surrounding properties contain single family homes with a church located east of this site across 51st Street. Two new subdivisions are currently being constructed further north and east of this property which will contain single family residences and are zoned RSF-4. In recent actions the Planning Commission has approved rezoning requests for the two properties immediately north of this tract from R-A to RSF-4.

Proposal: The applicant proposes to divide the subject property to provide for three single family lots.

Request: The applicant is requesting the property be rezoned from R-A, Residential Agricultural, to RSF-4, Residential Single Family, 4 dwelling units per acre.

Recommendation: Staff recommends approval of the rezoning request based on the findings included in the staff report.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single family residential	RSF-4, Residential single family, 4 units/acre
South	Single family residential	R-A, Residential Agricultural
East	Church	R-A, Residential Agricultural
West	Single family residential	R-A, Residential Agricultural

INFRASTRUCTURE:

Access to this property is available from Wedington Drive along the south boundary as well as 51st Street along the east boundary. Wedington Drive is classifieds as a principal arterial on the Master Street Plan and 51st Street as a local street. 51st Street north of the subject property is on the city limits line and has been improved adjacent to the new subdivision, Sage Meadows, which is under construction currently. Further north, 51st adjoins an additional subdivision (Fairfield) under construction and becomes Sunshine Road.

LAND USE PLAN: General Plan 2020 designates this site Residential. Rezoning this property to RSF-4 is consistent with the land use plan and compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

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

Finding: The proposed zoning is compatible with land use planning objectives and with the City's adopted Future Land Use map and General Plan 2020. This area is currently developed with single family dwellings and this request is consistent with the recent rezoning and development approvals.

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

Finding: The proposed zoning is justified in that it is consistent with adopted land use policies and it will promote orderly and consistent development patterns. In order to develop this property, a different zoning designation is necessary. In the R-A zoning district, only one single family home on a minimum of 2 acres can be permitted.

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

Finding: The proposed zoning will allow for development and provide additional traffic on Ruppel Road, Wedington Drive, Patrick Street when extended and other streets in the area. Off-site improvements would likely be necessary in order to provide safe access to this site.

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

Finding: The proposed zoning will not alter population density in any real way. Four single family dwelling is the most that could be developed without the creation of a subdivision and planning commission review which would include consideration of on and off-site improvements.

Engineering – The property currently has access to a 6" water line along 51st Avenue and an 8" water line along Wedington. This line should be sufficient to provide water service to the development of the site.

Sewer service is located along 51st Avenue as well. The 15" main should be sufficient to provide sewer service to the development of the site.

If development occurs on this site, 51st Avenue would need to be improved to a minimum of 14' from centerline including pavement, curb and gutter, storm drains and sidewalk.

Fire - Fire response time (actual drive time) from the new Station #7 is 1 minute 47 seconds, a one mile distance.

Police - It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services or substantially increase congestion in the area.

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

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.03 District R-A, Residential- Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any

boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A, Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

161.07 District RSF-4, Residential Single-Family – Four Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwelling

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two-family dwellings
Unit 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

	Single-family dwellings	Two-family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and area regulations.*

	Single-family dwellings	Two-family dwellings
Lot minimum width	70 ft.	80 ft.
Lot area minimum	8,000 sq. ft.	12,000 sq. ft.
Land area per dwelling unit	8,000 sq. ft.	6,000 sq. ft.

(E) *Setback requirements.*

Front	Side	Rear
25 ft.	8 ft.	20 ft.

(F) *Height.* None.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99)

STATEMENT IN SUPPORT OF FITZGERALD REZONING APPLICATION

LOT 12, HAMSTRING SOUTH ADDITION

5 (a) Current ownership information- Donald K. Fitzgerald and Frances L. Fitzgerald, husband and wife. There are no proposed or pending sales at this time.

(b) Reason (need) for requesting the zoning change- to construct and sell three single family residential dwellings, contingent on obtaining lot split approval.

(c) Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance, and signage- The proposed single family dwellings are consistent with the surrounding land use. Single family dwellings adjoin the property to the north and to the west; a church is adjacent to the east; and, a single family dwelling on several acres is adjacent to the south. Three single family dwellings will not significantly increase traffic on 51st Avenue and Wedington Drive. The appearance of the proposed dwellings will be compatible and harmonious with the surrounding uses. No signage is proposed.

(d) Availability of water and sewer- A 6" water line and a 15" sewer line are available on site.

6 (a) The degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans- RSF-4 zoning is consistent with the current zoning (R-A and RSF-4) in the area and complies with the City's General Plan 2020 (Future Land Use) which recommends residential use for the property.

(b) Whether the proposed zoning is justified and/or needed at the time of the request- The proposed RSF-4 zoning is justified by the current demand for single family residential housing in the area. It is needed because the site is approximately 1.51 acres and the current zoning of R-A requires a minimum size of 2 acres for a single family dwelling. The proposed density of three dwellings on 1.51 acres is less than the density allowed by RSF-4 zoning (4 dwellings per acre).

(c) Whether the proposed zoning will create or appreciably increase traffic danger and congestion- Traffic from three single family dwellings will not create or appreciably increase traffic danger and congestion.

(d) Whether the proposed zoning will alter the population density and thereby undesirably increase the load on public services including schools, water and sewer facilities- The proposed RSF-4 zoning and

proposed density of three single family dwellings on 1.51 acres will not undesirably increase the load on public services.

(e) Why it would be impractical to use the land for any of the uses permitted under its existing zoning classification- The current zoning classification is R-A which requires two acres for each single family dwelling. The site is only 1.51 acres. Agricultural uses are not practical on such a small site and would not be compatible with the adjacent residential and church properties.



FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

RECEIVED

MAR 03 2004

PLANNING DIV.

C. 10
RZN 04-3.00 (Fitzgerald)
Page 11 of 16

POLICE DEPARTMENT

March 2, 2004

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed zoning RZN 04-03.00: Rezoning (McCord/Fitzgerald, pp 398) for property located at the northwest corner of Wedington Drive and 51st Ave. would substantially alter the population density and thereby undesirably increase the load on public services or create and appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density and thereby undesirably increase the load on police services.

It is the opinion of the Fayetteville Police Department that this rezoning will not substantially increase traffic congestion in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Will B", with a long horizontal line extending to the right.

Lieutenant William Brown
Fayetteville Police Department



FAYETTEVILLE

FIRE MARSHAL'S OFFICE

THE CITY OF FAYETTEVILLE, ARKANSAS

From: Fire Prevention Bureau

To: Planning Division

Date 3-2-04

REZONING ☒ ANNEXATION ☐

REZONING # 04-03.00 OWNER Meared/FITZGERALD

ANNEXATION# OWNER

LOCATION OF
PROPERTY Wedington Drive & 51st Avenue.

NEAREST FIRE STATION AND
LOCATION STATION 7- Ruppel Rd.

RESPONSE TIME FROM FIRE STATION # 7 TO
LOCATION OF
PROPERTY 1 MINUTES 47 SECONDS.

TRAVEL MILES FROM FIRE STATION # 7 TO LOCATION OF
PROPERTY 1.1 mile.

COMMENTS ON FIRE DEPT.
ACCESS/ROADWAYS

EXISTING FIRE HYDRANTS? IF SO
LOCATION

WATER SUPPLY WITH HYDRANTS
NEEDED?

ADDITIONAL
COMMENTS

MAIN OFFICE
115 SOUTH CHURCH ST.
(501) 444-3448 / (501) 444-3449
FAX (501) 575-8272

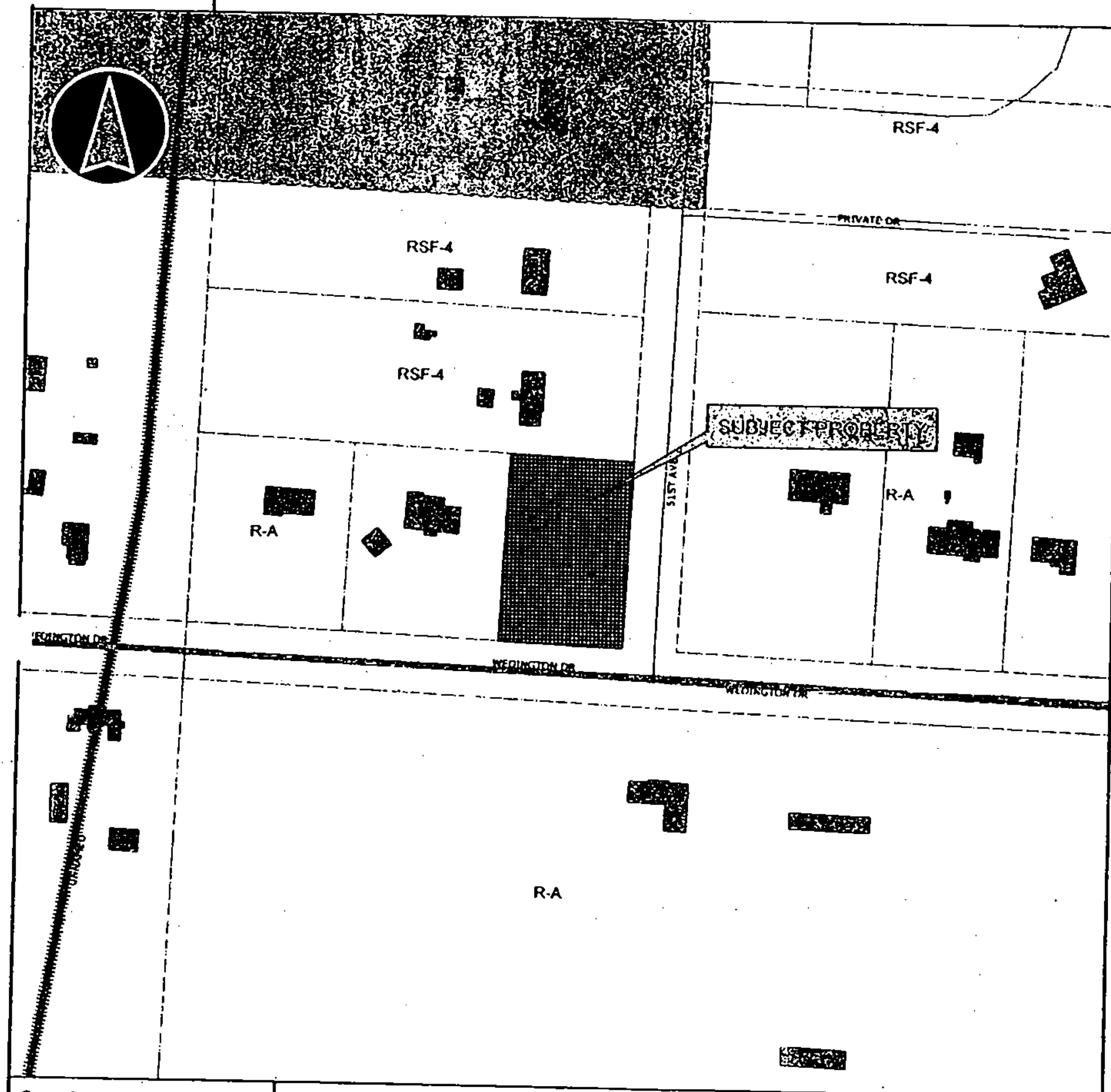
SUBSTATION
N.W.A. MALL
(501) 575-8271
FAX (501) 575-8272

RZN04-03.00

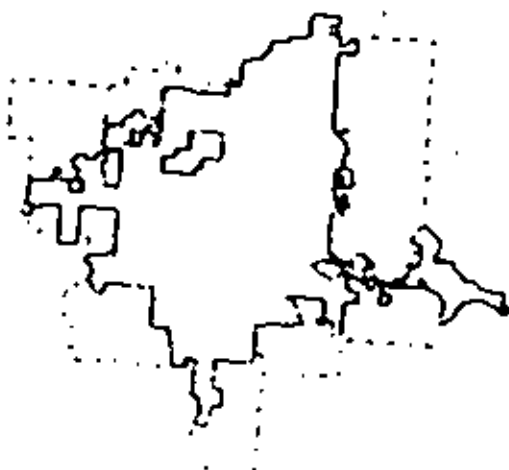
McCORD/ FITZGERALD

RZN 04-3.00 (Fitzgerald)
Page 13 of 16

Close Up View



Overview



Legend

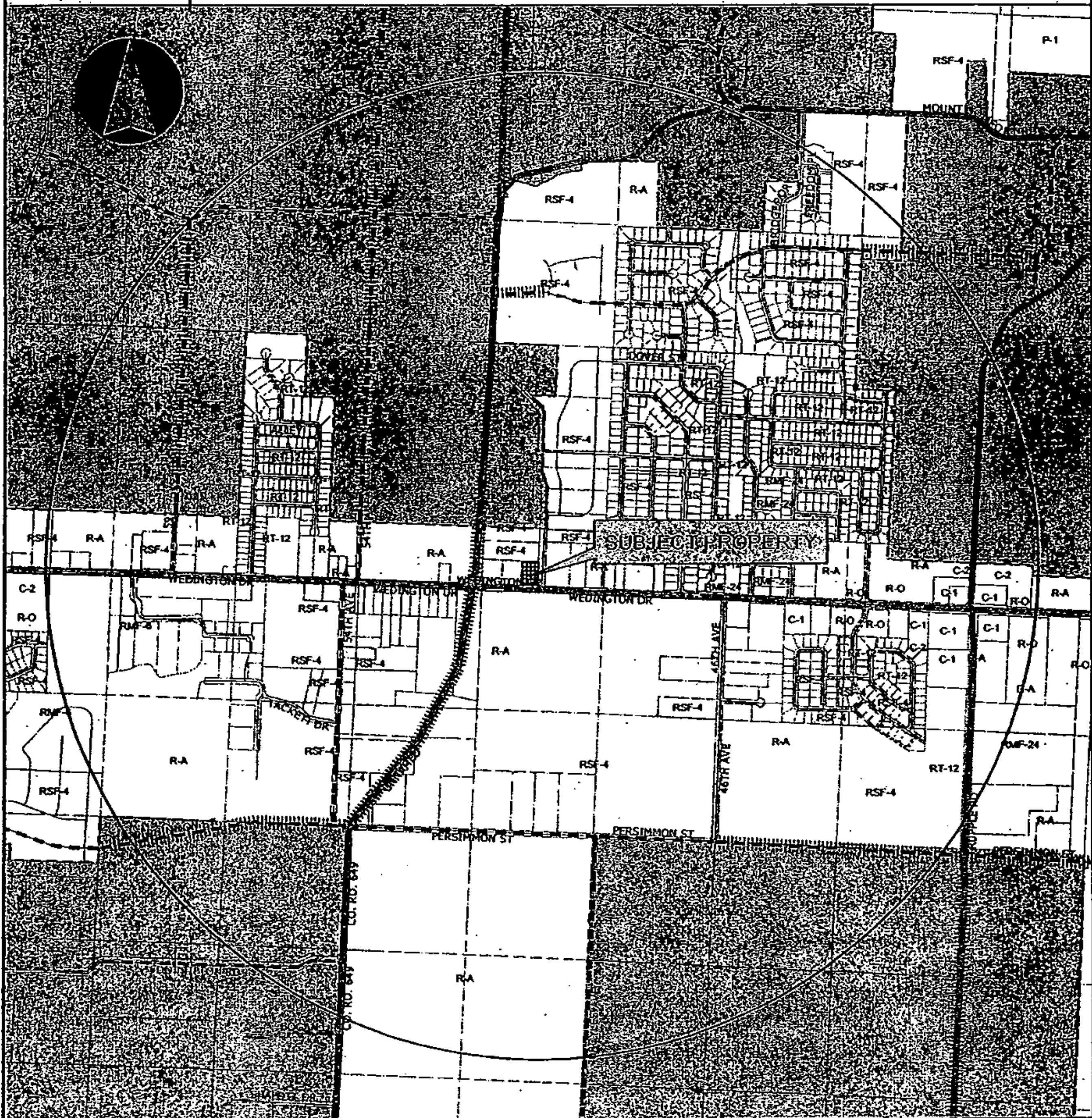
- | | | | |
|--------------------|--------------------|--------------------|------------------|
| RZN04-03.00 | Overlay District | Principal Arterial | FLOODWAY |
| Master Street Plan | Minor Arterial | Collector | 100 YEAR |
| Master Street Plan | Historic Collector | City Limits | 500 YEAR |
| Freeway/Expressway | Outside City | LIMIT OF STUDY | BaseLine Profile |

0 75 150 300 450 600 Feet

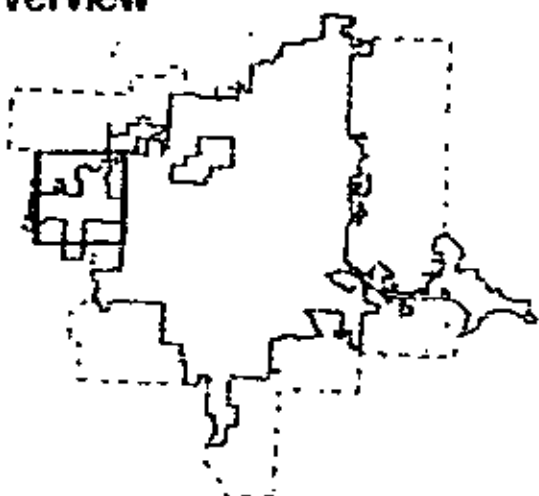
RZN04-03.00

One Mile View

MCCORD/ FITZGERALD



Overview



Legend

Subject Property

RZN04-03.00

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

City Limits

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

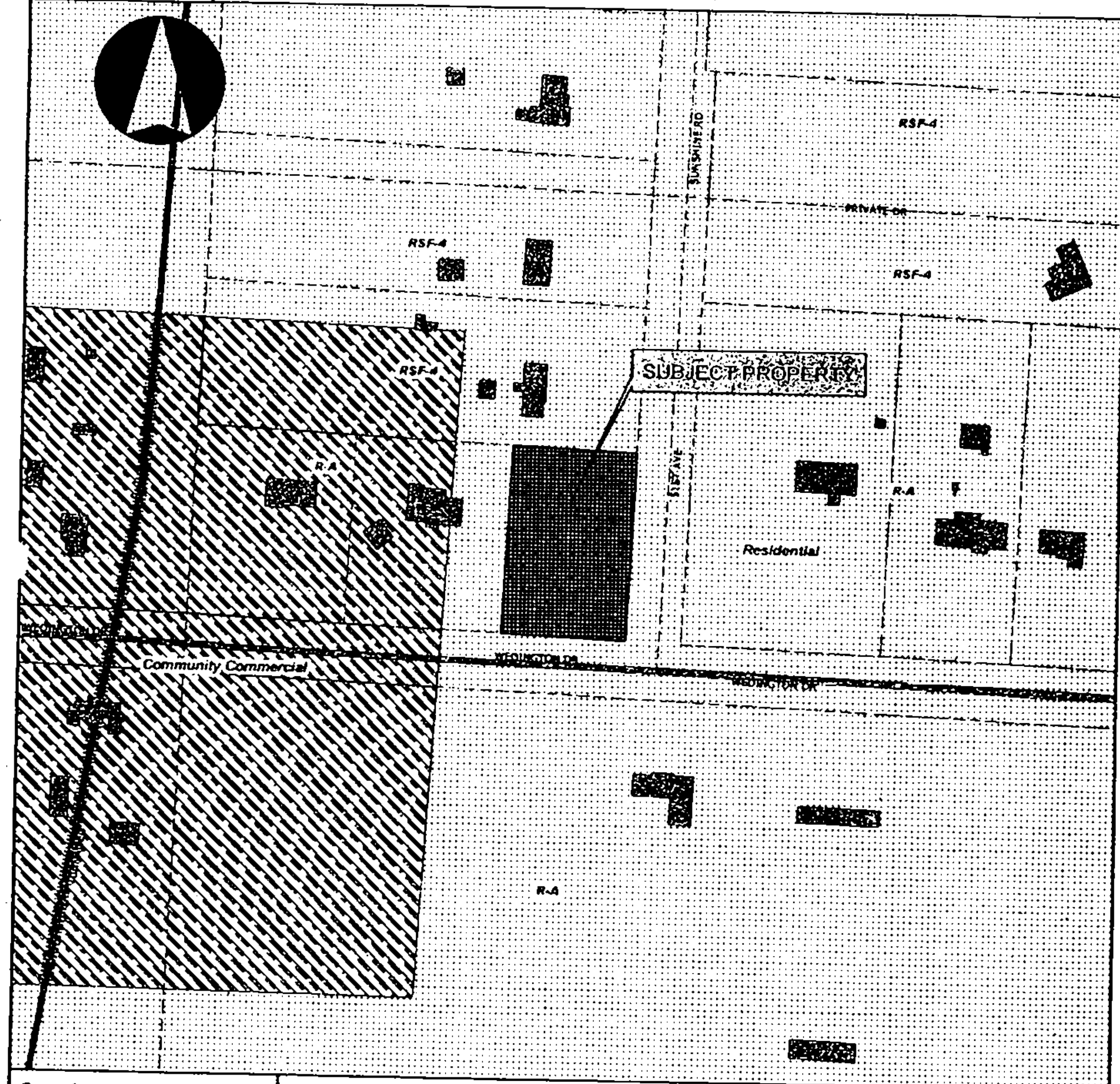
Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

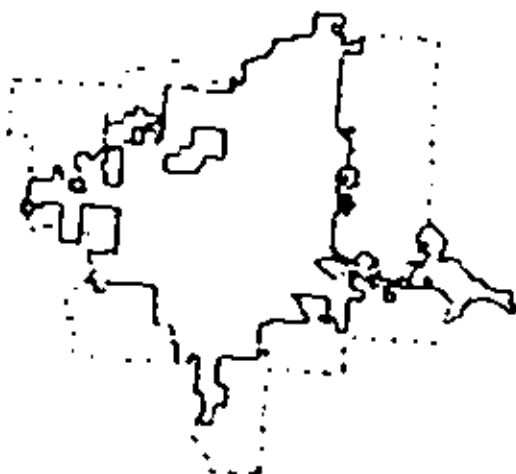
RZN04-03.00

Future Land Use

McCORD/ FITZGERALD



Overview



Legend

Subject Property

RZN04-03.00

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

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 10
RZN 04-3.00 (Fitzgerald)
Page 16 of 16 x AGENDA REQUESTFor the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Dawn WarrickPlanningCP&E

Name

Division

Department

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

RZN 04-03.00: Rezoning (Fitzgerald, pp 398) was submitted by Jim McCord on behalf of Donald and Frances Fitzgerald for property located at the northwest corner of Wedington Drive and 51st Avenue containing approximately 1.51 acres. The request is to approve an ordinance rezoning the subject property from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

STAFF RECOMMENDATION: Approval.

Dawn Warrick3/19/04

Division Head

Date

[Signature]3/22/04

City Attorney

Date

Received in Mayor's Office

3/22/04

Date

p.h.

Cross Reference:

Department Director

Date

Previous Ord/Res#:

Finance & Internal Services Dir.

Date

Orig. Contract Date:

Hugh Garrett3-23-04

Chief Administrative Officer

Date

Orig. Contract Number:

Don Coody3/24/04

Mayor

Date

New Item:

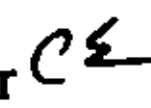
Yes

No



CITY COUNCIL AGENDA MEMO

To: Mayor Coody and City Council

Thru: Gary Dumas, Director of Operations 
Connie Edmonston, Parks and Recreation Director 

From: David Wright, Recreation Superintendent 

Date: March 17, 2004

Subject: Approval of Bid #02-44 and contract for White River Baseball Complex Lighting

RECOMMENDATION

Parks and Recreation Staff recommends awarding the White River Baseball Complex Lighting Project to Lillick Bossler, Inc. in the amount of \$250,000 with a 10% project contingency of \$25,000 for a total cost of \$275,000, and approval of a budget adjustment.

BACKGROUND

White River Baseball Complex is the home of baseball for children between the ages of 13 and 18. For several years, Parks and Recreation has been working to improve the quality of this facility. Fencing, a walking path and a new concession stand and restrooms have been built or replaced at this park. This lighting is an outdated system producing inadequate lighting and shadow areas. These were the original lights. For the past few years we have had a very difficult time maintaining the lights for play. On numerous occasions the lights have failed during ballgames creating considerable delays.

Green Anderson was hired to evaluate the current status of the electrical wiring of the park, designing the specification and supervision of the project construction. Mr. Green reviewed and approved the bids.

This project was bid on three different occasions. In the first bid, the project included lighting in the parking lot and batting cages. It also included catwalks that allow Parks and Recreation Staff to climb poles in order to change lights. However these amenities caused the price to come in at approximately \$388,000. Over the course of the next two bids, Parks and Recreation Staff and Green Anderson Engineers re-evaluated and adjustments made as deemed necessary to the project. Another cost saving measure was in the specification of the type of lighting. In the first two bids, Musco Lighting or equivalent was the requirement. In the third and final round of bidding, the specifications called for Universal and/or Hubbell standards or equivalent, provided they meet the required 50 footcandles in the infield and 30 footcandles in the outfield. This change alone, saved the City of Fayetteville approximately \$40,000.

DISCUSSION

The final process of the renovation of this facility is the sports lighting. National Safety Standards call for 50 vertical footcandles in an infield and 30 vertical footcandles in an outfield. This facility is well below both of these standards. These standards can not be met with the current electrical system in place at this facility. In order for these standards to be met; a new transformer, equipment, and lights must be installed.

BUDGET IMPACT

Bids were opened on March 12, 2004. Two bids were received with Lillich Bossler having the low bid for the project. Their bid amount was \$250,000. Parks and Recreation Staff request a project contingency of \$25,000 for a total of \$275,000.

The project cost is over budget. The original budget for this project was \$141,000. There are two factors causing this project to cost more than budgeted. First, the installation of the lights in this project is different than most sports field lighting projects. The two fields at this park are not configured where poles can be shared; meaning sixteen poles must be installed. There are trees and walking trail around the fields that required different setbacks and pole spacing.

Second, special lighting requirements were specified. Both Parks Staff and Mike Green of Green Anderson Engineers felt very strongly about keeping light trespass and spillage to a minimum. Although this park is in an industrial area, there are homes on the side of Mt. Sequoyah that face this ballpark. Staff wants to ensure residents will not be impacted from these lights. These fixtures not only reduce the amount of glare produced from the park to the neighborhoods, but by directing the lighting onto the field, will improve the quality of lighting for play.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A CONTRACT WITH THE LOW BIDDER, LILlich BOSSLER, INC. TO PROVIDE AND INSTALL NEW BALL FIELD LIGHTING AT THE WHITE RIVER BASEBALL COMPLEX FOR THE AMOUNT OF \$250,000.00 PLUS A CONTINGENCY OF \$25,000.00 AND TO APPROVE A BUDGET ADJUSTMENT OF \$67,955.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and approves a budget adjustment of \$67,955.00.

PASSED and APPROVED this the 6th day of April, 2004.

APPROVED:

By: _____
DAN GOODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Requisition No.: _____ Date: _____
 P.O. Number: **04-1014** Expected Delivery Date: _____

Vendor # **13612** Vendor Name **Lex Lighting** Mail Yes: ☒ No: ☐
 Address: _____ Fob Point: _____ Taxable Yes: ☐ No: ☐
 City: _____ State: _____ Quotes Attached Yes: ☐ No: ☐

Requester: _____ Zip Code: _____ Ship to code: **75** Division Head Approval: *Steve Kitchfield*
 David Wright Requester's Employee #: **707** Extension: **481**

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Installation of Lights at White River Baseball Park	1	Each	227,818.00	\$227,818.00	4470 9470.5806.00	02004-1		
3	Installation of Lights at White River Baseball Park	1	Each	22,162.00	\$22,162.00	2250 9255.5806.00	02004-1		
4									
5									
6									
7									
8									
9									
10									
	Shipping/Handling		Lot						

Special Instructions: _____

Subtotal: **\$250,000.00**
 Tax: _____
 Total: **\$250,000.00**

Approvals:

Mayor: _____ Department Director: _____
 Finance & Internal Services Director: _____ Budget Manager: _____
 Dispatch Manager: _____ Utilities Manager: _____
 Other: _____

**City of Fayetteville, Arkansas
Budget Adjustment Form**

C. 11
White River Baseball Complex Lighting
Page 5 of 14

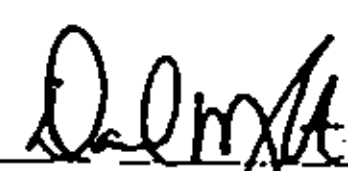
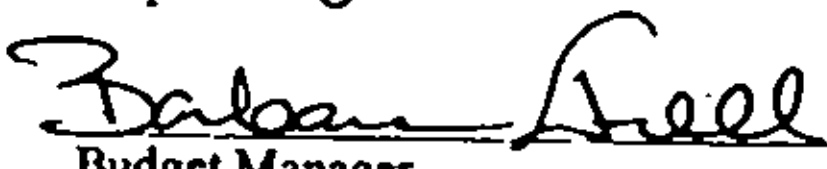
Budget Year 2004	Department: Sales Tax Capital Improvements Division: Program:	Date Requested 3/18/2003	Adjustment Number
-------------------------	---	---------------------------------	-------------------

Project or Item Requested: \$67,955 is requested in the White River Baseball Complex Improvements capital project.	Project or Item Deleted: To reduce the following projects: #02013 by \$16,642, #02001 by \$11,245, #02027 by \$20,546, and #02015 by \$19,522.
--	--

Justification of this Increase: These funds are necessary to complete White River Baseball Complex Improvements capital project.	Justification of this Decrease: This adjustment is administrative. Funds taken from #02015 are needed for project contingency.
--	--

Increase Budget (Decrease Revenue)			
Account Name	Account Number	Amount	Project Number
		See Attachment	

Decrease Budget (Increase Revenue)			
Account Name	Account Number	Amount	Project Number
		See Attachment	

Approval Signatures		Budget Office Use Only	
 Requested By	3-19-2004 Date	Type:	A B C D E
 Budget Manager	3/19/04 Date	Date of Approval	Initial Date
Department Director	Date	Posted to General Ledger	Initial Date
Finance & Internal Services Director	Date	Posted to Project Accounting	Initial Date
Mayor	Date	Entered in Category Log	Initial Date

City of Fayetteville, Arkansas
Budget Adjustment Attachment

C. 11
White River Baseball Complex Lighting
Page 6 of 14

Budget Year	Department: Sales Tax Capital Improvements	Date Requested	Adjustment Number
2004	Division: Program:	3/18/2004	

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
Park improvements	4470	9470	5806	00	\$ 45,773.00	02004
Park Improvements	2250	9255	5806	00	\$ 22,182.00	02004
					\$ 67,955.00	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Park Improvements	4470	9470	5806	00	\$ 16,642.00	02013
Park improvements	4470	9470	5210	00	\$ 9,609.00	02027
Park improvements	2250	9255	5806	00	\$ 10,937.00	02027
Park improvements	4470	9470	5806	00	\$ 19,522.00	02015
Contract Services	2250	9255	5315	00	\$ 11,245.00	02001
					\$ 67,955.00	

Section 00500

AGREEMENT

BETWEEN CITY OF FAYETTEVILLE AND CONTRACTOR

THIS AGREEMENT is dated as of the ____ day of _____ in the year 2004 by and between the City of Fayetteville, Arkansas and _____ (hereinafter called **CONTRACTOR**).

The City of Fayetteville and **CONTRACTOR**, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents.

The work generally consists of removal of existing light structures and providing and installing a new sports lighting system for White River Baseball Complex Lighting Project and all items indicated in the Drawings and Specifications for the project.

Article 2. ENGINEER.

The Project has been designed by

Green Anderson Engineers, Inc.
2233 N. Green Acres Rd.
Fayetteville, AR 72703

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

Article 3. CONTRACT TIME.

3.1. The Work shall be substantially completed within 40 working days after the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions, and completed and ready for final payment in accordance with paragraphs 14.07.B & C of the General Conditions within 50 working days after the date when the Contract Time commences to run.

3.2. *Liquidated Damages.* The City of Fayetteville and CONTRACTOR recognize that time is of the essence of the Agreement and that the City of Fayetteville will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus and extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by the City of Fayetteville if the Work is not completed on time. Accordingly, instead of requiring any such proof, the City of Fayetteville and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay the City of Fayetteville Two hundred dollars (\$200.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 3.1 for completion and readiness for final payment or any proper extension thereof granted by the City of Fayetteville, CONTRACTOR shall pay the City of Fayetteville Two hundred dollars (\$200.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

Article 4. CONTRACT PRICE.

The City of Fayetteville shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined from the Bid Form pursuant to paragraphs 4.1 and 4.2 below:

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

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

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

Article 5. PAYMENT PROCEDURES

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

5.1. *Progress Payments.* The City of Fayetteville shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, on or about the 1st day of each month during construction as provided in paragraphs 5.1.1 and 5.1.2 below and SC-14.02. All such payments will be measured by the schedule of values established in paragraph 2.07 of the General Conditions and based on the

number of units completed in the case of Unit Price Work or, in the event there is no schedule of values, as provided in the General Requirements.

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

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

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

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

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

Article 6. CONTRACTOR'S REPRESENTATIONS.

In order to induce the City of Fayetteville to enter into this Agreement CONTRACTOR makes the following representations:

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

6.2. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local, and site conditions that may affect cost, progress, performance, or furnishing of the Work.

6.3. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, performance, and furnishing of the Work.

6.4. CONTRACTOR has carefully studied all reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site which have been identified in the Supplementary Conditions as provided in paragraph 4.02.A of the General Conditions. CONTRACTOR accepts the determination set forth in paragraph SC-4.02 of the Supplementary Conditions of the extent of the "technical data" contained in such reports and drawings upon which CONTRACTOR is entitled to rely as provided in paragraph 4.02 of the General Conditions.

CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that the City of Fayetteville and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having done so) all such additional supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance, or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to the employed by CONTRACTOR and safety precautions and programs incident thereto. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies, or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

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

6.6. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

6.7. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR and the Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 7. CONTRACT DOCUMENTS

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

- 7.1 Advertisement for Bids
- 7.2 Instructions to Bidders
- 7.3 Bid Form
- 7.4 Notice of Selection
- 7.5 This Agreement (pages 1 to 7 inclusive).
- 7.6 Performance and Payment Bonds, (Exhibits A and B respectively).
- 7.7 Certificates of Insurance, (Exhibit C).
- 7.8 Notice to Proceed (00550)
- 7.9 General Conditions (pages 1 to 42, inclusive).
- 7.10 Supplementary Conditions (pages 1 to 12 inclusive).
- 7.11 Specifications as listed in the table of contents.
- 7.12 Addenda numbers 1 to 5, inclusive.
- 7.13 The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto:
- 7.14 All Written Amendments and other documents amending, modifying or supplementing the Contract Documents pursuant to paragraph 3.04 of the General Conditions.

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

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

Article 8. MISCELLANEOUS.

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

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

8.3. The City of Fayetteville and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

8.4. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken and all remaining provisions shall continue to be valid and binding upon stricken provision or part thereof with a valid and enforceable provision that comes as close as possible expressing the intention of the stricken provision.

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

This Agreement will be effective on _____, 2004 (which is the Effective Date of the Agreement).

OWNER: City of Fayetteville

CONTRACTOR: Lillich Bossler, Inc.

By: _____
Mayor

By: _____
President/Owner

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest: _____

*Attest: _____

* If a Corporation, attest by the Secretary.

Address for giving notices

Address for giving notices

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

License No. _____

Agent for service of process:

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

STAFF REVIEW FORM - FINANCIAL OBLIGATION

X AGENDA REQUEST
 CONTRACT REVIEW
 GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

<u>David Wright</u>	<u>Parks and Recreation</u>	<u>Operations</u>
Name	Division	Department

ACTION REQUIRED: Approval of Bid #4-22 to Lillich and Bossler for installation of new ballfield lighting at White River Baseball Complex, in the amount of \$250,000 with a project contingency amount of \$25,000 for a total cost of \$275,000. and approval of a budget adjustment.

COST TO CITY:

<u>\$275,000.00</u>	<u>\$ 209,050.00</u>	<u>White River Baseball Improvements</u>
Cost of this request	Category/Project Budget	Program Category / Project Name
<u>4470.2470.5806.00</u>		<u>Park Development Capital</u>
<u>2250.9255.5806.00</u>	<u>\$ 2,004.00</u>	<u>Sales Tax Capital</u>
Account Number	Funds Used to Date	Program / Project Category Name
<u>02004</u>	<u>\$ 207,046.00</u>	<u>Park Development Capital</u>
Project Number	Remaining Balance	<u>Sales Tax Capital</u>
		Fund Name

BUDGET REVIEW: Budgeted Item X Budget Adjustment Attached

Barbara Hall 3/19/04
Budget Manager Date

CONTRACT/GRANT/LEASE REVIEW:

Marsha Fackin 3/19/04
Accounting Manager Date

[Signature] 3/19/04
City Attorney Date

Nancy Smith 3/19/04
Internal Auditor Date

[Signature] 3-19-04
Purchasing Manager Date

STAFF RECOMMENDATION: Approve contract and budget adjustment

Steve Hatfield 3-19-04
Division Head Date

[Signature] 3/22/04
Department Director Date

Received in Mayor's Office 3/19/04
Date P.H.

Cross Reference:

Previous Ord/Res#:

Finance & Internal Services Dir. Date

[Signature] 3-23-04
Chief Administrative Officer Date

Orig. Contract Date:

Orig. Contract Number:

[Signature] 3/24/04
Mayor Date

New Item: Yes No

3-19-04
aw

City Council Meeting of April 6, 2004

Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Gary Dumas, Director of Operations 

Date: March 23, 2004

Subject: Amendment to Code of Ordinances Section 34.25 Sales (B)

RECOMMENDATION

Approve Ordinance amending **Code of Ordinances Section 34.25 Sales (B)**, to authorize the City Council to waive the public auction and competitive public bidding for sales below \$10,000 when in the best interests of the City.

BACKGROUND

Currently the City Code sets the procedure to purchase and dispose of public property. The Code permits a waiver by the City Council to the purchasing requirements when the City Council determines that such waiver is in the best interests of the City. No waiver provision is provided for the disposition of public property.

DISCUSSION

The Council Equipment Committee has recommended and the full Council has concurred that the City should dispose of the fleet of buses and vans that the City has historically provided to the Boys and Girls Club. The Boys and Girls Club wanted to retain one van. The City Fleet Division wanted to retain one van to replace an older unit that was ready for disposal. All excess equipment has been disposed of and the City has been working with the Boys and Girls Club to transfer ownership of the one van to them. This effort has been on-going for quite some time. The result has finally been that this transfer of public property can not occur under the current Code provisions.

The City Attorney has recommended and the Administration concurs that the Code should be amended to allow the City Council to waive the auction and competitive bidding process when it is in the best interest of the City.

The current Code reads: "...that the City Council may waive the requirements of competitive bidding ... in exceptional situations where such procedures are deemed not feasible nor practical." The amendment would read *"The City Council may waive the requirements for public auction or formal competitive bids for sales below \$10,000, in exceptional situations where such procedures are deemed not feasible nor practical."*

BUDGET IMPACT

None

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 34.25 SALES OF THE CODE OF FAYETTEVILLE TO ALLOW THE CITY COUNCIL TO WAIVE THE REQUIREMENTS FOR PUBLIC AUCTION OR FORMAL COMPETITIVE BIDDING FOR THE SALE OF CITY ASSETS WITH A FAIR MARKET VALUE OF LESS THAN \$10,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby repeals §34.25 (B) of the Fayetteville Code and enacts a new §34.25 (B) in its stead as shows below:

“§34.25 (B)

“Such supplies, equipment or materials which have a fair market value of \$600.00 or more may be sold by the purchasing agent by public auction or by contract sale after formal competitive bids for the purchase therefore have been solicited by advertisement and by other means and such bids have been received and opened. *The City Council may waive the requirements for public auction or formal competitive bids for sales below \$10,000.00 in exceptional situations where such procedures are deemed not feasible nor practical.*”

PASSED and APPROVED this the _____ day of _____, 2004.

APPROVED:

By: _____

DAN COODY, Mayor

DRAFT

ATTEST:

By: _____

SONDRA SMITH, City Clerk

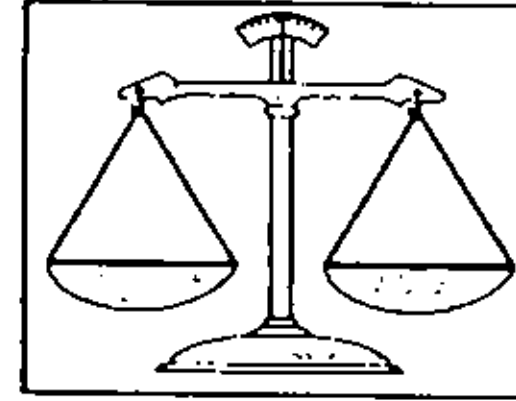
FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

C. 12
Amend Title 3, Purchase and Sale of City Property
Page 3 of 4



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council
Gary Dumas, Director of Operations

FROM: **Kit Williams, City Attorney**

DATE: **March 22, 2004**

RE: **Amending Fayetteville Code §34.25 Sales (B)**

I recommend the City Council amend §34.25 Sales subsection (B) to give the City Council express rights to waive competitive bidding or public auction for the sale of city property valued at under \$10,000.00. The current section does not include such a waiver provision so that the power of the City Council to waive the stated procedure is not clear.

I believe this waiver can be done by resolution as the state statutes do not require an ordinance waiving competitive bidding for the sale of city property like it does for the purchase of goods or services.

Once this code section is effective, the City Council can waive competitive bidding in the sale of items worth up to \$10,000.00. As always, the City must receive fair market value in forms of money or services for any item it may choose to sell.

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

C. 12
Amend Title 3, Purchase and Sale of City Property
Page 4 of 4XXXX AGENDA REQUESTFor the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Gary DumasOperations

Name

Division

Department

ACTION REQUIRED: Approve Ordinance to Amend Code of Ordinances Section 34.25 Sales, to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of City assets with a fair market value of less than \$10,000

SUMMARY EXPLANATION:

The City Attorney has recommended and the Administration concurs that the Code should be amended to allow the City Council to waive the auction and competitive bidding process when it is in the best interest of the City.

STAFF RECOMMENDATION:

Division Head

Date

City Attorney

Date

Department Director

23-Mar-04

Date

Finance & Internal Services Dir.

Date

Chief Administrative Officer

Date

Mayor

Date

Received in Mayor's Office

Date

3/23/04Cross Reference:

Previous Ord/Res#: _____

Orig. Contract Date: _____

Orig. Contract Number: _____

New Item:

☒ Yes☐ No

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

C. 13
Water and Sewer System Refunding Revenue Bond Issue
Page 1 of 8

City Council Agenda April 6, 2004

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville City Council

THROUGH: Dan Coody, Mayor
Hugh Earnest, Chief Administrative Officer

FROM: Stephen Davis, Finance & Internal Services Director 

DATE: March 11, 2004

SUBJECT: City of Fayetteville, Arkansas Water and Sewer System Refunding
Revenue Bonds, Series 1999

Recommendation

Staff recommends City Council approve an ordinance authorizing the issuance of Water and Sewer Refunding Revenue Bonds, Series 2004.

Background

The City issued water and sewer system revenue bonds in 1999 to refund portions of bond issues originally issued in 1992 and 1994. The City's bond underwriter, Stephen's Inc, has provided the City with an analysis that predicts a net present value benefit of \$250,000 if the 1999 bonds were to be re-financed.

Conclusion

City Staff and Dennis Hunt of Stephens, Inc will be present at the March 30, 2004 City Council Agenda setting session to discuss the bond refunding proposal.

KUTAK ROCK LLP

DRAFT 03/09/2004

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$6,365,000 OF WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 2004, BY THE CITY OF FAYETTEVILLE, ARKANSAS FOR THE PURPOSE OF REFUNDING THE CITY'S OUTSTANDING WATER AND SEWER SYSTEM REFUNDING REVENUE BONDS, SERIES 1999; AUTHORIZING THE EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL TRUST INDENTURE PURSUANT TO WHICH THE SERIES 2004 BONDS WILL BE ISSUED AND SECURED; AUTHORIZING THE EXECUTION AND DELIVERY OF AN OFFICIAL STATEMENT PURSUANT TO WHICH THE SERIES 2004 BONDS WILL BE OFFERED; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE SERIES 2004 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW DEPOSIT AGREEMENT PROVIDING FOR THE REDEMPTION OF THE SERIES 1999 BONDS; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; AND PRESCRIBING OTHER MATTERS RELATING THERETO.

WHEREAS, the City of Fayetteville, Arkansas (the "City"), a city of the first class, presently owns and operates a public water and sewer utility system (the "System") serving the residents of the City and its environs; and

WHEREAS, the City is authorized and empowered under the provisions of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution and Arkansas Code Annotated (1998 Repl. & 2003 Supp.) Sections 14-164-401 *et seq.*, Sections 14-234-201 *et seq.* and Sections 14-235-201 *et seq.* (collectively, and as from time to time amended, the "Act"), to issue and sell its water and sewer revenue bonds and to expend the proceeds thereof to finance the costs of acquisition, construction, equipping, improving, maintaining, operating and repairing the System, and to refund any bonds issued under the Act or any bonds issued under other applicable legislation payable from and secured by a pledge of revenues derived from the System; and

WHEREAS, pursuant to the provisions of Ordinance No. 4159 of the City, adopted and approved on April 20, 1999, the City has previously issued its Water and Sewer System Refunding Revenue Bonds, Series 1999 (the "Series 1999 Bonds"), in the original principal amount of \$8,365,000, for the purpose of refunding outstanding bonds of the City previously issued to finance and refinance the cost of improvements to the System; and

WHEREAS, pursuant to the provisions of Ordinance No. 4381 of the City, adopted and approved on March 19, 2002, the City has previously issued its Water and Sewer System Refunding Revenue Bonds, Series 2002A and Series 2002B (collectively, the "Series 2002 Bonds"), in the original principal amount of \$9,270,000, for the purpose of refunding outstanding bonds of the City previously issued to finance and refinance the cost of improvements to the System; and

WHEREAS, in accordance with the provisions of the Act, the City has determined to issue its Water and Sewer System Refunding Revenue Bonds, Series 2004 (the "Series 2004 Bonds"), in the aggregate principal amount of not to exceed \$6,365,000 for the purpose of refunding all of the outstanding Series 1999 Bonds, establishing a debt service reserve for the Series 2004 Bonds, and paying printing, underwriting, legal and other expenses incidental to the issuance of the Series 2004 Bonds; and

WHEREAS, the City has determined to issue and secure the Series 2004 Bonds on a parity basis with its outstanding Series 2002 Bonds pursuant to that certain Trust Indenture dated as of May 1, 2002 (the "Original Indenture"), by and between the City and the Bank of Oklahoma, N.A., Tulsa, Oklahoma, as trustee (the "Trustee"), as such Original Indenture may be amended and supplemented pursuant to a First Supplemental Trust Indenture (the "First Supplemental Indenture"), by and between the City and the Trustee, a form of which First Supplemental Indenture has been presented to and is before this meeting; and

WHEREAS, the City proposes to enter into a Bond Purchase Agreement (the "Bond Purchase Agreement") in substantially the form presented to and before this meeting, with Stephens Inc., Fayetteville, Arkansas (the "Underwriter"), providing for the sale of the Series 2004 Bonds.

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

Section 1. The City Council hereby finds and declares that the current refunding of the Series 1999 Bonds is in the best interests of the City and the customers of the System due to (i) the reduction of the interest expense on the Series 1999 Bonds, (ii) the securing of low interest rate long-term financing on the indebtedness represented by the Series 1999 Bonds, and (iii) the revision of rate covenants with respect to System services following such refunding.

Section 2. Under the authority of the Constitution and laws of the State of Arkansas, including particularly Amendment 65 to the Constitution of Arkansas and the Act, there is hereby authorized the issuance of bonds of the City to be designated as "Water and Sewer System Refunding Revenue Bonds, Series 2004" (the "Series 2004 Bonds"). The Series 2004 Bonds shall be issued in the original aggregate principal amount of not to exceed Six Million Three Hundred Sixty-Five Thousand Dollars (\$6,365,000), shall mature not later than December 31, 2012, and shall bear interest at the rates specified in the Bond Purchase Agreement. The average yield on the Series 2004 Bonds as a whole shall not exceed 4.00% per annum. The proceeds of the Series 2004 Bonds will be utilized, along with other available moneys, to current refund the outstanding Series 1999 Bonds, to establish a debt service reserve for the Series 2004 Bonds, to pay a premium for bond insurance, if deemed economically beneficial, and to pay printing, underwriting, legal and other expenses incidental to the issuance of the Series 2004 Bonds. The Series 2004 Bonds shall be issued in the forms and denominations, shall be dated, shall be numbered, shall mature, shall be subject to redemption prior to maturity, and shall contain such other terms, covenants and conditions, all as set forth in the Original Indenture, as amended and supplemented by the First Supplemental Indenture. The Series 2004 Bonds shall be issued and secured by net revenues of the System on a parity basis with the pledge of net revenues securing the outstanding Series 2002 Bonds.

The Mayor is hereby authorized and directed to execute and deliver the Series 2004 Bonds in substantially the form thereof contained in the First Supplemental Indenture submitted to this meeting, and the City Clerk is hereby authorized and directed to execute and deliver the Series 2004 Bonds and to affix the seal of the City thereto, and the Mayor and City Clerk are hereby authorized and directed to cause the Series 2004 Bonds to be accepted and authenticated by the Trustee. The Mayor is hereby authorized to confer with the Trustee, the Underwriter, and Kutak Rock LLP, Little Rock, Arkansas ("Bond Counsel"), in order to complete the Series 2004 Bonds in substantially the form contained in the First Supplemental Indenture submitted to this meeting, with such changes as shall be approved by such persons executing the Series 2004 Bonds, their execution to constitute conclusive evidence of such approval.

Section 3. To prescribe the terms and conditions upon which the Series 2004 Bonds are to be executed, authenticated, issued, accepted, held and secured, the Mayor is hereby authorized and directed to execute and acknowledge the First Supplemental Trust Indenture (the "First Supplemental Indenture"), by and between the City and the Trustee, and the City Clerk is hereby authorized and directed to execute and acknowledge the First Supplemental Indenture and to affix the seal of the City thereto, and the Mayor and the City Clerk are hereby authorized and directed to cause the First Supplemental Indenture to be accepted, executed and acknowledged by the Trustee. The First Supplemental Indenture is hereby approved in substantially the form submitted to this meeting, including, without limitation, the provisions thereof pertaining to the pledge of System net revenues to the Series 2004 Bonds and the terms of the Series 2004 Bonds. The Mayor is hereby authorized to confer with the Trustee, the Underwriter and Bond Counsel in order to complete the First Supplemental Indenture in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the First Supplemental Indenture, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the First Supplemental Indenture in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 4. There is hereby authorized and approved a Preliminary Official Statement of the City, including the cover page and appendices attached thereto, relating to the Series 2004 Bonds. The Preliminary Official Statement is hereby "deemed final" by the City within the meaning of U.S. Securities and Exchange Commission Rule 15c2-12. The distribution of the Preliminary Official Statement is hereby approved and ratified. The Preliminary Official Statement, as amended to conform to the terms of the Bond Purchase Agreement, including Exhibit A thereto, and with such other changes and amendments as are mutually agreed to by the City and the Underwriter, is herein referred to as the "Official Statement," and the Mayor is hereby authorized to execute the Official Statement for and on behalf of the City. The Official Statement is hereby approved in substantially the form of the Preliminary Official Statement submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriter and Bond Counsel in order to complete the Official Statement in substantially the form of the Preliminary Official Statement submitted to this meeting, with such changes as shall be approved by such persons, the Mayor's execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Preliminary Official Statement is on file with the City Clerk and is available for inspection by any interested person.)

Section 5. In order to prescribe the terms and conditions upon which the Series 2004 Bonds are to be sold to the Underwriter, the Mayor is hereby authorized and directed to execute a Bond Purchase Agreement on behalf of the City, to be dated as of the date of its execution (the "Bond Purchase Agreement"), by and between the City and the Underwriter, and the Bond Purchase Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Underwriter and Bond Counsel in order to complete the Bond Purchase Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Bond Purchase Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Bond Purchase Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 6. In order to provide for the redemption of the Series 1999 Bonds, the Mayor is hereby authorized and directed to execute an Escrow Deposit Agreement to be dated as of the date of its execution (the "Escrow Agreement"), by and between the City and Bank of Oklahoma, N.A., as escrow trustee (the "Escrow Trustee"), and the Mayor is hereby authorized and directed to cause the Escrow Agreement to be executed by the Escrow Trustee. The Escrow Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Underwriter, Escrow Trustee and Bond Counsel in order to complete the Escrow Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Escrow Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Escrow Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 7. In order to provide for continuing disclosure of certain financial and operating information with respect to the City and the System in compliance with the provisions of Rule 15c2-12 of the U. S. Securities and Exchange Commission, the Mayor is hereby authorized and directed to execute a Continuing Disclosure Agreement to be dated as of the date of its execution (the "Continuing Disclosure Agreement"), by and between the City and the Trustee, and the Mayor is hereby authorized and directed to cause the Continuing Disclosure Agreement to be executed by the Trustee. The Continuing Disclosure Agreement is hereby approved in substantially the form submitted to this meeting, and the Mayor is hereby authorized to confer with the Trustee, the Underwriter and Bond Counsel in order to complete the Continuing Disclosure Agreement in substantially the form submitted to this meeting, with such changes as shall be approved by such persons executing the Continuing Disclosure Agreement, their execution to constitute conclusive evidence of such approval.

(Advice is given that a copy of the Continuing Disclosure Agreement in substantially the form authorized to be executed is on file with the City Clerk and is available for inspection by any interested person.)

Section 8. The rates for System Water Services enacted pursuant to Ordinance No. 4530 and 4540, adopted and approved on December 2, 2003 and February 3, 2004, and the rates

for System Sewer Services enacted pursuant to Ordinance No. 4536, adopted and approved on December 30, 2003, are hereby ratified and confirmed.

Section 9. In order to secure lower interest rates on the Series 2004 Bonds, the Underwriter has proposed that the City consider the purchase of a policy of bond insurance with a portion of the proceeds of the Series 2004 Bonds, which policy would guarantee the payment of the principal of and interest on the Series 2004 Bonds when due. If deemed economically advantageous by the Mayor, upon the advice of the Underwriter, the Mayor is hereby authorized to execute an insurance commitment and to do any and all things necessary to accomplish the delivery of a bond insurance policy with respect to the Series 2004 Bonds.

Section 10. The Mayor and City Clerk, for and on behalf of the City, are hereby authorized and directed to do any and all things necessary to effect the issuance, sale, execution and delivery of the Series 2004 Bonds and to effect the execution and delivery of the First Supplemental Indenture, the Bond Purchase Agreement, the Official Statement, the Escrow Agreement, the Continuing Disclosure Agreement and a Tax Regulatory Agreement relating to the tax exemption of interest on the Series 2004 Bonds, and to perform all of the obligations of the City under and pursuant thereto. The Mayor and the City Clerk are further authorized and directed, for and on behalf of the City, to execute all papers, documents, certificates and other instruments that may be required for the carrying out of such authority or to evidence the exercise thereof.

Section 11. Kutak Rock LLP, Little Rock, Arkansas, is hereby appointed to act as Bond Counsel on behalf of the City in connection with the issuance and sale of the Series 2004 Bonds.

Section 12. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared to be illegal or invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Ordinance.

Section 13. All ordinances, resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

ADOPTED AND APPROVED THIS ____ DAY OF _____, 2004.

APPROVED:

Mayor

ATTEST:

City Clerk

(S E A L)

STAFF REVIEW FORM

Water and Sewer System Refunding Revenue Bond Issue
Page 7 of 8

C. 13

XX AGENDA REQUEST
 _____ CONTRACT REVIEW
 _____ GRANT REVIEW

For the Fayetteville City Council Meeting of: April 6, 2004

FROM:

Stephen Davis Finance & Internal Services Div. Finance & Internal Services
 Name Division Department

ACTION REQUIRED: Approval of an ordinance authorizing the issuance and sale of not to exceed \$6,365,000 of Water and Sewer System Refunding Revenue Bonds, Series 2004.

COST TO CITY:

Cost of issuance is deducted from bond proceeds
 Cost of this request

Program Category / Project Name

\$ -
 Account Number Funds Used to Date

Program / Project Category Name

\$ -
 Project Number Remaining Balance

Fund Name

BUDGET REVIEW: _____ Budgeted Item _____ Budget Adjustment Attached

Budget Manager _____ Date _____

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager _____ Date _____

Internal Auditor _____ Date _____

K. J. [Signature] 3-11-04
 City Attorney Date

Purchasing Manager _____ Date _____

STAFF RECOMMENDATION: Approval of ordinance.

Division Head _____ Date _____

Cross Reference

New Item: Yes No

Department Director _____ Date _____

Previous Ord/Res#: _____

[Signature] 3-11-04
 Finance & Internal Services Dir. Date

Orig. Contract Date _____

[Signature] 3-16-04
 Chief Administrative Officer Date

Orig. Contract Number _____

[Signature] 3/16/04
 Mayor Date



Description _____ Meeting Date _____

Comments:

Budget Manager

Reference Comments:

Accounting Manager

City Attorney

*Change needed as highlighted on
page 2,
Section 8 needs to be completed.*

*"To connect refund" appears to be a
term of art for the bonding industry.
Ordinance numbers have been added.*

Purchasing Manager

ADA Coordinator

Internal Auditor

Grants Coordinator

**Final Agenda
City Council Meeting
April 6, 2004**

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

Earth Day Proclamation

Nominating Committee Report

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the March 16, 2004 meeting minutes.
2. **Fire Department Uniform Purchase:** A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.
3. **Fire Department Fitness Equipment:** A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.
4. **Central Emergency Medical Services, Inc.:** A resolution approving renewal of the contract for services in the amount of \$156,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.
5. **Springwoods Subdivision Revised Interceptor Sewer Alignment:** A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.
6. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00
7. **Environmental Consulting Operations Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the environmental consulting contract with ECO, Inc. in the amount of \$5,000.00.

8. **Selective Traffic Enforcement Grant:** A resolution accepting a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of \$32,000.00 for the purpose of paying overtime to officers engaged in DWI/DUI and Seatbelt Enforcement; and approving a budget adjustment.
9. **ADEQ Post Closure Trust Fund:** A resolution authorizing the City to accept \$40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study", approve a budget adjustment for the receipt of this \$40,500.00 and approve the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.
10. **Solid Waste Forklift Truck Purchase:** A resolution approving the purchase of a Nissan CL80LP Forklift Truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of \$36,208.75
11. **McClelland Engineers Task Order #4 Taxiway:** A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.
12. **Sweetser Construction, Center Prairie Multi-Use Trail Construction:** A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, Jerry D. Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of \$37,453.00 and approval of a budget adjustment of \$411,984.00.
13. **White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.

B. OLD BUSINESS:

1. **Rules of Order and Procedure, Public Notification and Participation:** A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.
This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

C. NEW BUSINESS:

1. **Transportation Division Hiring 6 Full Time Employees:** A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of \$340,811.00 for same.
2. **Fayetteville Library Building Purchase:** A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of \$1,200,000.00 and to approve a budget adjustment for \$1,220,000.00.
3. **Mobile Vision, Inc.:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of 4 additional in-car video systems from Mobile-Vision, Inc. in the amount of \$15,940.90.
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10. **Amend Title 3, Purchase and Sale of City Property:** An ordinance to amend *Section 34.25 Sales* of the Code of Fayetteville to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of city assets with a fair market value of less than \$10,000.00.
11. **Water and Sewer System Refunding Revenue Bond Issue:** An ordinance authorizing the issuance and sale of not to exceed \$6,365,000 of Water and Sewer System Refunding Bonds, Series 2004, by the City of Fayetteville, Arkansas for the purpose of refunding the City's outstanding Water and Sewer System Refunding Revenue Bonds, Series 1999; authorizing the execution and delivery of a First Supplemental Trust Indenture pursuant to which the Series 2004 Bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the Series 2004 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2004 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 1999 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

D. INFORMATIONAL:

Council Tour: April 5, 2004

**Tentative Agenda
City Council Meeting
April 6, 2004**

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

Agenda Session: Don Spann Report - Study of the old Public Library.

A. CONSENT:

1. **Approval Of The Minutes:** Approval of the March 16, 2004 meeting minutes.
2. **Fire Department Uniform Purchase:** A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.
3. **Fire Department Fitness Equipment:** A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.
4. **Central Emergency Medical Services, Inc.:** A resolution approving renewal of the contract for services in the amount of \$156,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.
5. **Springwoods Subdivision Revised Interceptor Sewer Alignment:** A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.
6. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00
7. **Environmental Consulting Operations Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the environmental consulting contract with ECO, Inc. in the amount of \$5,000.00.
8. **Selective Traffic Enforcement Grant:** A resolution accepting a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of \$32,000.00 for the purpose of paying overtime to officers engaged in DWI/DUI and Seatbelt Enforcement.
9. **ADEQ Post Closure Trust Fund:** A resolution authorizing the City to accept \$40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study", approve a budget adjustment for the receipt of this

\$40,500.00 and approve the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.

10. Solid Waste Forklift Truck Purchase: A resolution approving the purchase of a Nissan CL80LP Forklift Truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of \$36,208.75

11. McClelland Engineers Task Order #4 Taxiway: A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

B. OLD BUSINESS:

1. Rules of Order and Procedure, Public Notification and Participation: A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.

This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

C. NEW BUSINESS:

1. Sweeter Construction, Center Prairie Multi-Use Trail Construction: A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, Jeremy S. Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of \$37,453.00 and approval of a budget adjustment of \$411,984.00.

2. Transportation Division Hiring 6 Full Time Employees: A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of \$340,811.00 for same.

3. Fayetteville Library Building Purchase: A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of \$1,200,000.00 and to approve a budget adjustment for \$1,220,000.00.

4. Mobile Vision, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of 4 additional in-car video systems from the Mobile-Vision, Inc. in the amount of \$15,940.90.

5. ANX 03-5.00 (Dunnerstock Development): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres.

6. ANX 03-06.00 (Schlegel): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Dunnerstock Development, Inc. located on Ruppel Road north of Wedington Drive containing approximately 17.19 acres.

Charge
Description

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11. **White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.
12. **Amend Title 3, Purchase and Sale of City Property:** An ordinance to amend *Section 34.25 Sales* of the Code of Fayetteville to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of city assets with a fair market value of less than \$10,000.00.
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D. INFORMATIONAL:

Council Tour: April 5, 2004

Ward 2
April 10th
Cleanup
7:00 - 2:00 PM

**Tentative Agenda
City Council Meeting
April 6, 2004**

City Council
Baseball
Game / Sunday
12:30
Bauer Stad.
Team
Building

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

Agenda Session: Don Spann Report - Study of the old Public Library.

A. CONSENT:

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6. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00
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11. McClelland Engineers Task Order #4 Taxiway: A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of \$84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

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This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

C. NEW BUSINESS:

Consent
Jerry D.
1. Sweetser Construction, Center Prairie Multi-Use Trail Construction: A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, ~~Jeremy S.~~ Sweetser, Inc. in the amount of \$374,530.55 with a project contingency of \$37,453.00 and approval of a budget adjustment of \$411,984.00.

2. Transportation Division Hiring 6 Full Time Employees: A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of \$340,811.00 for same.

3. Fayetteville Library Building Purchase: A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of \$1,200,000.00 and to approve a budget adjustment for \$1,220,000.00.

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R2N Dunnerstock Hoskins
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Consent
List of where funds are coming from → 11. **White River Baseball Complex Lighting:** A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of \$250,000.00 plus a contingency of \$25,000.00 and to approve a budget adjustment of \$67,955.00.

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Council Tour: April 5, 2004

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City Council Meeting
April 6, 2004**

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This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

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- Redo Description*
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 - ~~2. **Library Annex Sale:** A resolution to approve the sale of the Library Annex located at 211 E. Dickson.~~
 - Consent* 3. **Fire Department Uniform Purchase:** A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.
 - Consent* 4. **Fire Department Fitness Equipment:** A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of \$34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.
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*Last on
Agenda*

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Consent

8. **Springwoods Subdivision Revised Interceptor Sewer Alignment:** A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.

Consent

9. **RJN Group, Inc. Springwoods Amendment No. 1:** A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of \$4,000.00

Consent

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① ~~19. Sweeter Construction, Center Prairie Multi-Use Trail Construction:~~

Consent ~~20. ADEQ Post Closure Trust Fund:~~

Gary Dumas ~~21. 1997 Ford Club Wagon Sale:~~

Steve Davis ~~22. District Court and Precincts Building Purchase:~~

23. White River Baseball Complex Lighting:

Consent ~~24. Solid Waste Forklift Truck Purchase:~~

25. Amend Title 3, Purchase and Sale of City Property:

Consent ~~26. McClelland Engineers Task order #4 Taxiway:~~

D. INFORMATIONAL:

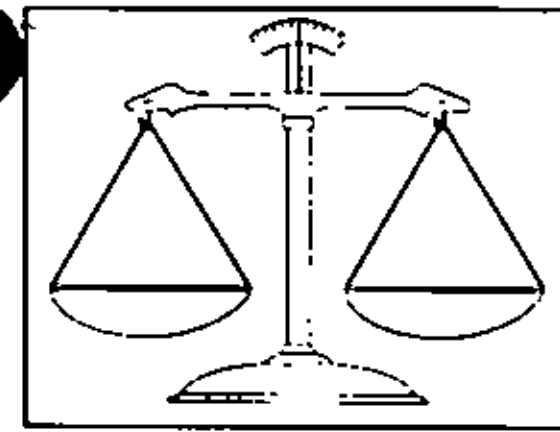
Council Tour: April 5, 2004

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

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal flourish extending to the right.

DATE: **April 7, 2004**

RE: **Passed Resolutions and Ordinances from City Council meeting of April 6, 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. **Fire Department Uniform Purchase:** Resolution awarding bid to Cruse Uniform Company in amount of \$21,334.00 to provide new uniforms for Fayetteville Fire Department Personnel;
2. **Fire Department Fitness Equipment:** Resolution awarding bid to Push Pedal Pull in amount of \$34,408.00 for purchase of commercial grade fitness equipment for use in Fayetteville Fire Department's Wellness Program;
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