

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBER
MARCH 7, 2018
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Tyrone Williams (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); William J. L. Crisp (District 6); Larry O. Wright, Sr. (District 7); Theodore Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kristoff Bauer, Deputy City Manager
Jay Reinstein, Assistant City Manager
Gina Hawkins, Police Chief
Tracey Broyles, Budget and Evaluation Director
Kevin Arata, Corporate Communications Director
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:13 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Colvin and City Council.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda.

SECOND: Council Member Waddell

VOTE: UNANIMOUS (10-0)

5.0 ITEMS OF BUSINESS

5.01 Stadium Construction Manager at Risk ("CM@R") Contract with Barton Malow Third Amendment

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the Council has taken several steps along the path of constructing a minor league baseball stadium and entertainment venue including:

- The approval of a financing plan for stadium construction;
- The execution of a 30-year operating agreement with the Astros;
- The initiation of project design after selecting and contracting with the project architect;
- The adoption of capital project ordinance to support construction;
- The execution of a CM@R contract with Barton Malow; and
- The execution of a Downtown Development Agreement with PCH.

The Astros agreement requires the stadium to be completed in advance of the 2019 baseball season. The initial scope of work authorized in Barton Malow's contract is for the "pre-construction" phase of the project. This focuses on cost estimation, managing the schedule, subcontractor outreach, and bidding. Information developed during the "pre-construction" process typically culminates in the development and adoption of a GMP Amendment that will include a detailed budget, construction phase fee, and a final schedule. In this case, the design and bid work has been divided into two phases with the site work and concrete planned for the first phase in order to get construction started consisted with the desired schedule. Unfortunately, when the first bid package was issued, two significant work items did not receive desired "coverage:" that is three bids were not received for either the concrete or site work packages. Bids were not opened and the package was re-advertised. At the second bid opening, three bids were received for concrete, but only one for site work. Bids were opened. While steel and other areas came in below estimate, both of these areas came in significantly over estimate. The bidding process and outcome was reviewed with the Council's Baseball Subcommittee on November 13, 2017. Due to schedule constraints, the Committee agreed to move forward with all bid work with the exception of concrete as an initial work authorization. The design team was challenged with finding additional opportunities to reduce the cost of the concrete scope. The Council approved GMP amendment one on November 27, 2017. Since that time, a local contractor came forward and was awarded the site work package at a lower cost than the previous low bid. In addition, the fencing package was acquired through direct purchase by Barton Malow from a local fencing contractor. Council approved GMP Amendment 2 January 22, 2018, authorizing the award of the concrete work initially planned for the first phase of construction. The remaining bid packages have all been issued. Not all packages, however, received bid coverage. While additional time is needed to complete the GMP, initial authorizations need to be provided in order to keep the project on schedule. The Council has already executed the capital project ordinance authorizing the \$33 million stadium project development. The proposed contract amendment increases the construction authorization by \$300,000.00 to a total of \$11,824,061.00.

Discussion ensued.

MOTION: Council Member Arp moved to authorize the City Manager to execute the third contract amendment with Barton Malow substantially in the form attached to the agenda item.

SECOND: Council Member Crisp

VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Williams)

5.02 18-104 Prince Charles Holding ("PCH") Parking Lease, Set Public Hearing for March 19, 2018

Mr. Kristoff Bauer, Deputy City Manager, presented this item and stated the City has executed a Downtown Development Agreement ("DDA") with Prince Charles Holding, LLC ("PCH"), relating to the stadium, plaza, and garage/hotel developments, the Prince Charles Hotel redevelopment project and Festival Park Plaza sale. The execution of a lease between PCH and the City for parking in the new garage under development is a key element of that agreement. State law requires that any lease longer than ten years considered through the same process as a sale of land. This requires a public hearing after the terms have been advertised for ten days.

MOTION: Council Member Haire moved to call for a public hearing on the proposed parking lease with PCH, to be held on March 19, 2018.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

6.0 ADJOURNMENT

 There being no further business, the meeting adjourned at
5:30 p.m.

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