

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Bobby Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 18, 2005**

A meeting of the Fayetteville City Council will be held on January 18, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

State of the City Address – Mayor Dan Coody

Election of the Vice Mayor: City Council appointed Lioneld Jordan.

**Board Appointments by the Fayetteville Housing Authority Board: Robin Ross
Deborah Olsen**

A. CONSENT:

1. **Approval of the Minutes:** Approval of the December 7, 2004, December 28, 2004, January 4, 2005, and January 6, 2005 City Council meeting minutes.

APPROVED DECEMBER 7 AND DECEMBER 28, 2004 MINUTES. THE MINUTES FOR JANUARY 4 AND JANUARY 6, 2005 WERE PULLED FROM AGENDA.

2. **ESRI, Inc. Annual Maintenance Agreement:** A resolution approving the annual maintenance agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 09-05.

3. **Hansen Technology, Inc. Purchase Request:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,086.88 for 2005 service and maintenance fees.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 10-05.

4. **Pumping Unit Purchase:** A resolution approving the purchase of one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump and Manufacturing Co., Inc. in the amount of \$24,431.50.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 11-05

5. **McClelland Consulting Engineers, Inc. Contract (Wedington Drive):** A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$54,000.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Wedington Drive.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 12-05.

6. **McClelland Consulting Engineers, Inc. Contract (Razorback Road):** A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$22,800.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Razorback Road.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 13-05.

7. **Police Vehicle Purchase:** A resolution authorizing the purchase of thirteen (13) Ford Crown Victoria Police Interceptors from the North Point Ford of Little Rock at a total cost of \$261,989.00.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 14-05.

8. **Insituform Technologies, Inc. Contract Renewal:** A resolution approving a contract renewal with Insituform Technologies, Inc.; and authorizing the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 15-05.

9. **South Fayetteville Community Development Corporation Fee Waiver:** A resolution to waive the building permit fee and other developmental fees for homes to be constructed by the South Fayetteville Community Development Corporation.

APPROVED AND SHALL BE RECORDED AS RESOLUTION NO. 16-05.

B. UNFINISHED BUSINESS

1. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4671.

2. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting*

APPROVED AND SHALL BE RECORDED AS ORDINANCE NO. 4672.

3. **Downtown Master Plan Redevelopment District Number Two Adoption:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. *This ordinance was left on the first reading at the January 4, 2005 City Council Meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

4. **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District, and finding the plan is economically feasible. *This ordinance was tabled at the January 4, 2005 City Council Meeting to the January 18, 2005 City Council Meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

5. **I-540 Redevelopment District #3 Adoption:** An ordinance forming the I-540 Redevelopment District Number Three pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. *This ordinance was left on the first reading at the January 6, 2005 City Council Meeting.*

THIS ITEM WAS TABLED INDEFINITELY.

C. NEW BUSINESS:

1. **Planning Commission Appeal (Crystal Goedereis):** An appeal filed by Crystal Goedereis regarding Planning Commission's denial of RZN 04-1333 (J.B. Hays) for property located at 1882 Starr Drive as submitted by Crystal Goedereis.

THIS ITEM WAS TABLED TO FEBRUARY 1, 2005 MEETING.

2. **OMI Contract Amendment No. 11 (A):** A resolution approving amendment No. 11 (A) to the contract with Operations Management International (OMI) in the amount of \$76,693.10 for extending the term of the agreement for operations, maintenance and management services and additional five (5) years; and approving a budget adjustment transferring \$76,693.00 from Use of Fund Balance to PCP Operation Contract Fund.

THIS ITEM WAS TABLED INDEFINITELY.

D. INFORMATIONAL:

Council Tour: None

MEETING ADJOURNED AT 7:25 P.M.

Meeting adjourned
at 7:25 PM.

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

Subject:	Vice Mayor Election (Appt. of				
Motion To:		Lucas		Lionel Jordan)	
Motion By:		Marr			
Seconded:					
	Ferrell	Jordan			
	Lucas	Jordan			
	Jordan	Jordan			
	Reynolds	Jordan			
	Thiel	Jordan			
	Cook	Jordan			
	Marr	Jordan			
	Rhoads	Jordan			
	Mayor Coody				

Lionel Jordan
Appointed

Subject:	Nominating Committee Report				
Motion To:		Marr			
Motion By:		Lucas			
Seconded:					
Approved	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	Consent with Jan 4 & Jan 6				
Motion To:				Minutes pulled	
Motion By:					
Seconded:					
Pull Jan. 4-6 Minutes. Res 09-05 to 16-05	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	RZN-04-1330 Dannerstock				
Motion To:		3rd read	Pass		
Motion By:		Lucas			
Seconded:		Jordan			
B.1. Unfinished passed 7-9 Ord. 4671	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	✓	absent during the vote.		
	Mayor Coody				

Subject:	3rd read R-PZD-04-1307 (Open Ridge)				
Motion To:		Ferrell	Pass		
Motion By:		Reynolds			
Seconded:					
B.2. Unfinished 7-0 passed Ord. 4672	Ferrell	✓	✓		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	✓		
	Thiel	✓	✓		
	Cook	✓	Recuse		
	Marr	✓	✓		
	Rhoads	✓	✓		
	Mayor Coody				

Subject:	Downtown Master Plan Redevelopment			
Motion To:		Tabled Indef.		District Number
Motion By:		Jordan		Two Adoption.
Seconded:		Marr		
	Ferrell	Absent during the vote.		
	Lucas	✓		
	Jordan	✓		
	Reynolds	✓		
	Thiel	Absent during the vote.		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Mayor Coody			

B.3.
Unfinished
6-0
Table
Indef

Subject:	Downtown Master Plan			
Motion To:		Marr		Redevelopment District
Motion By:		Jordan		Project Plan.
Seconded:				
	Ferrell	✓		
	Lucas	✓		
	Jordan	✓		
	Reynolds	✓		
	Thiel	✓		
	Cook	✓		
	Marr	✓		
	Rhoads	✓		
	Mayor Coody			

Table
Indef
B.4.
8-0
Table
Indef

Subject:	Table 1-540 Redevelopment District				
Motion To:	Indef.	Jordan		#3	Adoption
Motion By:		Marr			
Seconded:					
B.5. Table Indef. 8-0	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	Planning Commission Appeal Crystal				
Motion To:		Table until the first meeting in December			
Motion By:		I		February.	
Seconded:					
C.1. New Business Tabled	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Mayor Coody				

Subject:	OMI Contract Amendment No- 11(A)				
Motion To:		Table indef. first meeting in Feb.			
Motion By:		Jordan			
Seconded:		Ferrell			
C. 2.	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
Mayor Coody					

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

Fayetteville

ARKANSAS

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D. INFORMATIONAL:

Council Tour: None

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Pledge of Allegiance

State of the City Address – Mayor Dan Coody

Lioneld Jordan
Election of the Vice Mayor

Approved
**Board Appointments by the Fayetteville Housing Authority Board: Robin Ross
Deborah Olsen**

A. CONSENT:

- Jan. 4 =
to the minutes
removed.*
- 1. Approval of the Minutes:** Approval of the December 7, 2004, December 28, 2004, January 4, 2005, and January 6, 2005 City Council meeting minutes.
 - 2. ESRI, Inc. Annual Maintenance Agreement:** A resolution approving the annual maintenance agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
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D. INFORMATIONAL:

Council Tour: None

~~Ward 3 Meeting~~

Remove
Equipment
Committee Meeting
from Jan. 25.
Contact
Bragg.
David

Ward 4 Meeting. Jan 24th
Room 111
7:00

Ordinance Review
Thursday

STATE OF THE CITY 2005

The City of Fayetteville is continuing to grow and prosper. We will further define the future of our City with the decisions we make this year.

I want us to look toward the future tonight at what we expect to achieve as a Council, as a City, and as a Community.

But first we need to take a brief look at what we have accomplished in 2004.

In our Development Engineering and Engineering Design Services Divisions

- The final section of Old Missouri Road between Old Wire road and Joyce Blvd is nearing completion, and will improve safety for our drivers and our pedestrians.
- The rewrite of UDC Chapter 170 - Stormwater Management, Pollution Prevention and Erosion Control has been completed and is ready for Ordinance Review.
- A contractual relationship has been developed for a biological stream assessment in conjunction with UA.
- Designed 10 Capital Improvement Projects that are currently either under construction or completed in 2004 such Shiloh Drive Widening, Broyles Road Extension, School/Archibald Yell Intersection Improvements, Milsap/College Intersection Improvements
- Provided engineering & surveying assistance for other City Divisions for 10 additional Capital Improvement Projects such as Gregg/Poplar & West/Maple Signalization, School Street Improvements, Amber Drainage Improvements, Ruppel Road Waterline Extension, Mount Sequoyah Land Purchase

- Performed 16 Preliminary Studies & Concept Plans for future Capital Improvement Projects and for other City Divisions such as the City Transportation Improvement Plan, Red Oak Park Drainage Improvements, Downtown One-Way Street Conversions, Highway 71B East Square Redevelopment TIF Plan for Public Improvements, I-540 TIF Plan for Public Improvements, Airport Entrance Improvements

In our Fleet Division

- The time required to ready a Police car for street utilization has been streamlined with development of a wiring harness for lights, siren, cameras, computer etc. by a Fayetteville manufacturer. At \$795, this is a relatively low cost item, but it indicates the initiative and creativity of our staff to work with a local manufacturer to develop a product which reduces the labor and time necessary to install all the various intricate components found in today's police cars. This effort has reduced the time necessary to ready an individual car from 128 hours to 54 hours, a savings of 74 hours or a monetary savings, less all material costs of about \$3,000 per car. The savings in 2005 from this creativity will be over \$40,000 with the 13 police vehicles being purchased this year.

In our Parks Division

- The Community/Regional Park acquisition and development is well underway in the first-of-its-kind program for Fayetteville which includes large-scale planning for a mixed-use development fully integrated with 233 acres of active and passive public spaces, trails, and natural conservation areas.
- The community involvement necessary for another 1st place award in the "America in Bloom" National Competition was successfully undertaken.

- West Mud Creek Trail, Walker Park Trail, Walker Park Senior Trail and Frisco Park Trail all completed in 2004. The Frisco Trail opening ceremony is tomorrow, January 19, 2005.

In our Transportation Division

- We improved winter weather driving safety with the initiation of the salt brine program for the prevention and removal of snow and ice from our City streets.
- 12.5 miles of deteriorated streets were rehabilitated.
- 17,500 linear feet of sidewalk were built or replaced.
- 72.5 tons of litter were removed with the use of work release trustees from our Police Department
- Traffic Signals at Gregg & Poplar and Maple & West were installed.

In our Parking and Telecommunications Division

- Installation of major electrical service in the Dickson Street Area for use by festivals and various special events was installed

In our Building Safety Division

- 6,280 permits were approved and over 34,000 inspections were performed.
- A policy requiring trash containers and portable toilets at construction sites was implemented and most citizen complaints have been eliminated.

In our Community Resources & Code Compliance Division

- 11 rehab projects were completed. This included, among other things, replacement of windows, doors, plumbing,

electrical wiring, roofs, floors, insulation and heating.
Maximum cost per project is \$20,000.00.

- 32 emergency repair projects were completed. These repair projects are limited to a cap of \$5,000.00 and include repairs relating to electrical hazards, roofs, heating, water leaks and sewer problems.

In our Solid Waste and Recycling Division

- The Curb the Clutter program grew to 62 areas being sponsored with approximately 10 tons of litter collected during 2004.
- The Great American Clean-up was sponsored with Keep Arkansas Beautiful. The efforts resulted in 130 volunteers dedicating 408 hours, collecting 2.2 tons of litter off city streets, removing almost one ton of trash from Lake Fayetteville, collecting over 29 tons of bulky trash and scrap metal from South Fayetteville and almost 2 tons during the trails clean up.
- City Ward Clean ups, various creek clean ups, and the annual Bulky Waste Round-up resulted in 6.6 tons of brush collected, 188 tons of trash was disposed of, and 100 tons of scrap metal recycled.
- We saw a 200% increase in tonnage collected from bulky waste curbside service from 151 tons in 2003 to 462 tons in 2004.
- We sent to recycling markets 5,200 tons of materials from the curbside, drop off and in house programs. This represents a 6% increase over 2003 totals. This included recycling 80 tons through the In-House program (Government offices and Schools) and 20 tons through the commercial igloo program.

- We collected and processed 1,600 tons of yard waste curbside in 2004. In comparison 1,400 tons were collected in 2003, this realizes a 14% increase in tonnage collected.

In our Planning Division

- 441 subdivision/development/land use applications were accepted and processed
- 643 Planning Reports were prepared in 2004 compared to 462 reports in 2003.
- Staff planned for the implementation of a Downtown Master Plan, coordinating assistance from the planning/architecture firm of Dover, Kohl and Partners. The City Council adopted the Downtown Master Plan in 2004, and staff continues efforts to implement various aspects of the Plan, including adoption of the zoning codes.
- Long-Range Planning activities centered on the topic of annexation in 2004, providing for the city-wide Island Annexation ordinances adopted by Council in July.
- Staff developed an "Attainable Housing Element" for the 2020 General Plan for presentation to the Planning Commission and City Council.

In our Billing and Collection Division

- We refunded 15,181 Utility Deposits for a total in excess of \$535,000. This refunding was authorized by City Council for customers who had been on the utility system for more than one year and paid on-time. Completed 1st year of web/telephone billing payments receiving \$253,685 from 4,465 payments with a goal of increasing payments made with this method by 20% this year

In our Accounting Division and Budget and Research Division

- We converted the city's financial statement presentation to GASB34 Standard which requires government financial reports to look more like business financial statements.
- We were awarded the GFOA Distinguished Budget Presentation Award in 2004 and Certificate of Achievement for Excellence In Financial Reporting for the 2003 Financial Reports.

In our Building Services Division

- Construction of Fire Station 7 was initiated during 2004 with completion slated for the 1st Quarter 2005.
- Construction of a replacement Water & Sewer Operations Facility was initiated during 2004 and is scheduled for completion in the 2nd Quarter 2005. This facility was originally scheduled for construction in 1989.
- We are on target to purchase the Tyson Complex at Happy Hollow and Huntsville Road. This new public facility will house a new fire station number 3 and address our space needs for next 10 to 15 years.

In our Information Technology Division

- The City's Website averaged 850,000 successful hits per month during 2004 with an average of 24,000 individuals accessing information monthly.

Here's what the library accomplished in 2004:

- FPL and the City sold the Roberta Fulbright building and annex for \$1.7M.
- On October 9, the FPL opened the \$23.3M 88,000 square foot Blair Library on time and on budget.

- The community reached out to help the library in unprecedented numbers. Nearly 15,000 volunteer hours were donated-a 40% increase over previous years.
- FPL implemented the first RFID (radio frequency identification) library project and the first book conveyance and sorting system with automatic check-in in Arkansas.
- Library check-outs increased 40% in the months after opening to over 70,000 items checked-out.
- The number of people registering for new library cards rose by 800% in the first two months after Blair Library opened.
- The Library received \$50,000 grant for children's literacy and basic workforce skills resources from the Area Wal-Mart Stores.
- FPL Foundation received a \$250,000 gift to the capital campaign from the Area Wal-Mart Stores and Sam's Clubs.
- The Library created the Center for Writers at FPL with a grant from the Arkansas Arts Council. Bob Ford is the first author-in-residence.

Here are a few items from the Police Department:

- We have appointed a new Police Chief, Frank Johnson, another of our police officers who progressed through the ranks of the Fayetteville Police Department to rise to the rank of Chief.
- Detective Gary Crews was named the 2004 police officer of the year by Attorney General Mike Beebe
- A contract was negotiated with Washington County that will allow for the closure of the Fayetteville City Jail.

- The department conducted the first Citizens Police Academy. It was attended by 12 Neighborhood Assn members.
- The department started a Crisis Intervention Unit to deal with domestic violence and mental health cases.

During 2004 the Fire Department set and achieved several goals, which will help the organization in its effort to improve the quality and level of service it provides to the citizens of Fayetteville.

- The most important success achieved by the Department in 2004 is the completion and distribution of the comprehensive Fire Station Concept and Deployment Plan.
- Fire Station 7 - We began construction of the Department's first expansion fire station in 26 years. Construction of Fire Station 7 began during later part of the spring of 2004 with the anticipation this facility will be complete during the first quarter of 2005.
- Fire Safety Trailer - The Fire Department also liquidated several capital assets which were gathering dust and utilized the proceeds from those items to fund the purchase of a new Fire Safety Education Trailer.
- Firewise Program - We worked closely with the Arkansas Department of Forestry to begin the process of establishing a Firewise Board. The Firewise program was established by the US Department of Forestry in an effort to assist in the mitigation of wildland-urban interface fires.
- Wellness & Fitness Program - We initiated our Wellness and Fitness program for fire fighters, in conjunction with the University of Arkansas.

In our Water and Sewer Department

- The new Westside Sewer Plant is on target to have construction completed by the end of 2006, with the crossover of service beginning immediately with full operation underway in the Spring of 2007.
- Water/Sewer Maintenance employees designed and installed 8,498 feet of water main line from 2 inch to 12 inches in diameter, and installed or repaired 132 fire hydrants.
- Water mains were installed and/or replaced on Lafayette (in coordination with the AHTD repaving project), South School (in coordination with the Blair Library opening), Ruppel Road (supporting the new Fire Station), and in other areas of the City.
- Water/Sewer Division employees also designed and installed 5,658 feet of sewer main line from 6 inch to 12 inches in diameter throughout the City including Hotz, Mountain, Highway 265, Prospect, Lakeridge, Strawberry, and other locations.
- We also washed a record 184 miles of sewer lines, televised a record fifteen miles of sewer lines in 2004.
- All of these accomplishments came in a year when the division reduced overtime by over 2,800 hours from 2003.

What should Fayetteville achieve this year and perhaps for the next 2, 3 or 4 years?

We are having or will have discussions with others that should lead to positive results which include:

- Coordination with other governmental entities within Washington County concerning emergency ambulance services on how this service can be improved and funded in a

manner that meets Citizen expectations while reducing financial pressure on the City of Fayetteville, Washington County and the other participating jurisdictions in the County.

- The City and Fayetteville School district concerning contract negotiations regarding the school resource officer program. The goal is to have a mutually beneficial agreement developed and presented to each governing body by the end of the 1st Quarter 2005.
- A Consolidated Strategic Plan for our new Library as it relates to the need for a stable revenue stream for library operations while providing more flexibility in the City's General Fund.
- Exploring franchises with private security firms to reduce the number of false alarms that the City's Police and Fire departments currently respond to.
- Creating Annual or Biennial adjustment to all "user fees" based on the rate of inflation.

As leaders of Fayetteville, we each have our individual goals, objectives and visions of what we desire our Community to achieve and become during the next few years and beyond. Through our combined efforts coupled with public discourse we will form the agenda for our Community to create the Fayetteville of 2006, 2010 and beyond. For the last four years we have worked diligently to increase our efficiency and try and keep pace with the daily needs of our citizens during a period of unprecedented growth. But, very importantly, we have also been planning for our future and preparing to implement those initiatives that will help us be competitive in the marketplace with an outstanding quality of life and sense of place that other cities can only wish for. Examples of our efforts include the Transportation Planning

process which outlined transportation safety and travel needs of our City, our Downtown Design Process that gave form to our collective vision of our entire downtown area, indeed, the very heart of our city. We have created a Tax Increment Finance District that even in the legislative and legal turmoil of TIF legislation is one method the City has to enable us to remove of the derelict Mountain Inn building, to be replaced with a much-needed upscale hotel.

Our past decisions have followed the Council's goals and objectives that we have framed behind the Council. The decisions we will make concerning our Capital Improvements Program, our Street Maintenance Program, our Transportation Improvement Program, our Parks and Trails Program will create the Fayetteville that we will leave to our successors and our community's children and grandchildren.

2005 brings exciting opportunities for improvement that will have a fundamental, long-lasting impact on our city. I want to outline the top five projects we will see real progress on this year.

- We will update the City's Comprehensive Plan. This plan will assist us, the Council, the Parks and Recreation Advisory Board, and the Planning Commission in decision-making on land use issues. In the near future I will be putting together a work session between this Council, the Planning Commission, business leaders, engineers, architects, developers, and builders to fully discuss ways we can improve our reputation as a place to do business while committing to an attractive, well-planned future for our city that will enhance our quality of life and of place. This is one on my personal high priority items for 2005.
- Everyone knows traffic congestion is our primary concern. But I would also note that, while we are the third largest city in the State, we have better traffic flow than other, smaller

cities because of our traffic management and planning efforts. But we need to solve existing problems as well as prepare for the future. The Street Committee is currently reviewing a comprehensive list of street improvements that will greatly aid traffic safety and accessibility throughout our City. Review and adjustments to that list are welcome and should be fully discussed by the Street Committee and by the full City Council. However, this street improvement program is of critical importance to the citizens of Fayetteville and should move forward with an objective of establishing a final project list by the end of February. When this list is final, the Engineering staff will update the cost estimates and we will prepare for a public vote on a bond issue for serious traffic improvements. This is probably the most important issue facing our community today. Our current efforts are not keeping pace with our needs and we must address those needs or face traffic safety and congestion issues that we will all find unacceptable.

- Access improvement to the Northwest Regional Mall, CMN Business Park and Washington Regional Hospital is critical in the coming year. It is unlikely that significant improvements can be accomplished this year, but we need to develop a functional plan to improve access to this important retail/office/healthcare area. Some improvements may necessitate coordination with the City of Johnson and other local governmental agencies.
- We must secure the redevelopment on the Mountain Inn property. We have to use whatever tools are available to us to remove this dangerous eyesore. At this time, we have a development group willing and able to place their money into a new, high-quality development that will greatly aid in the reinvestment in Downtown Fayetteville. This private reinvestment will begin to build synergy for other private

investments. This project is important for our community. Even if the current project cannot come to fruition, one way or another, the Mountain Inn must be removed. We must have the vision and the will to move forward to get this ruined building torn down.

- We are on the cusp of obtaining the land and beginning the development of a new community park in Southwest Fayetteville. This is a project that is being brought forward only because of a innovative approach and a development group willing to take a chance on the viability of housing development in this area of the City. This is another of those opportunities that cannot be passed up. We must commit to a quality community park and an improvement schedule that will see this park begin construction in 2005. This fully-planned, 800 acre mixed-use development built around a 233 acre regional park is the first of its kind for Northwest Arkansas and perhaps the State. This public/private partnership makes it possible for Fayetteville to finally have the one-of-a-kind park we have long needed while saving our citizens about \$3 million.

But as we work to resolve these defining issues we have to do it in the context of maintaining our core services. We cannot continue to have record growth year after year and expect Fayetteville's city staff to handle it with no additional help. We have increased efficiencies and levels of productivity unlike any time in our past but we must realize any organization that becomes too overburdened for too long will fail. None of us want to increase taxes yet all of us want to maintain our high level of city services. We can't continue to dance to opposing fiddlers. We have done all we can to provide the best possible product for the lowest possible cost to our citizens, but we have come to the inevitable decision point. We have suffered unavoidable increases in our costs of doing business such as

insurance, construction materials, fuel, wage pressures, and inflation to name a few, set against the backdrop of the need to expand core services that do not pay for themselves, such as fire, police, and transportation. At the same time Fayetteville has maintained the lowest tax rate by far in Northwest Arkansas. If we simply tied the next lowest tax rate in the corridor, which would be Rogers', we would catch up with our needs for the foreseeable future and probably beyond. If we choose to live with our existing rate then we will have to make serious cuts to services. This year we will have to make those hard decisions we have been putting off.

But the news for Fayetteville is astoundingly good. We live in one of the most liveable cities in America, one of the best places to retire, build a career, raise a family, spend time outdoors, take in the arts, and find fulfillment. In short, Fayetteville is an excellent place to simply enjoy your life. That is why we have been discovered, and all of our decisions must be measured to protect and enhance this immeasurable, intangible, irreplaceable quality.

I look forward to our work together in this effort to continue creating new and unique opportunities, setting the stage for bold ideas and thoughtful action, and, at the end of the day, finding satisfaction in a job well done.

From: <fayettevilleha@moregti.net>
To: <awood@ci.fayetteville.ar.us>
Date: 12/31/04 3:27PM
Subject: Confirmations of elected Hous Auth Commissioners

Amber:

Please find attached a copy of the letter which is being mailed to the Mayors office requesting the two newly elected Housing Board Members be confirmed by the Mayor and the Fayetteville City Council.

Please let me know when this will be added to the City Council's Meeting Agenda so that we can announce it at our next Board Meeting.

Thank you in advance for taking care of this issue for us.

Also, please find attached a new Fayetteville Housing Board of Directors listing.

Thank you

Fredia Sawin

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.
Fayetteville, AR 72701
Phone# 479-521-3850 Fax # 479-442-6771
Email: fayettevilleha@moregti.net

December 31, 2004

RECEIVED

JAN 03 2005

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

Mayor Dan Coody &
Fayetteville City Council Members
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Dan Coody & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority Board has elected two Commissioners at its December 21st, 2004's Regular Meeting.

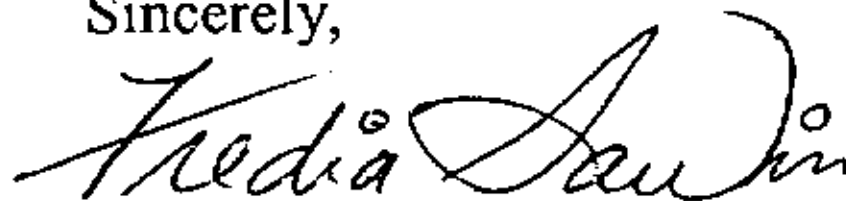
The two elected Commissioners are as follows:

1. Robin Ross was reappointed to serve a five year term from 12/28/04 to 12/28/09
2. Deborah Olsen was elected as the new Resident Board Commissioner which will complete the term from the previous Resident Board Commissioner from 12/21/04 to 12/28/08.

The Fayetteville Housing Authority Board requests that Mayor Dan Coody & the Fayetteville City Council Members place these two elected Commissioners on their next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions pertaining to this matter please feel free to call or e-mail the Fayetteville Housing Authority's Executive Director.

Sincerely,



Fredia Sawin
Executive Director

fs

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.
Fayetteville, AR 72701
Phone# 479-521-3850 Fax # 479-442-6771
Email: fayettevilleha@moregti.net

December 31, 2004

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Fayetteville City Council Members
113 West Mountain
Fayetteville, AR 72701

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If you have any questions pertaining to this matter please feel free to call or e-mail the Fayetteville Housing Authority's Executive Director.

Sincerely,

Fredia Sawin
Executive Director

fs

BOARD OF DIRECTORS
HOUSING AUTHORITY OF THE CITY OF
FAYETTEVILLE, ARKANSAS

<u>COMMISSIONERS</u>		<u>TERM STARTS</u>	<u>TERM EXPIRES</u>
ROBIN ROSS 125 West Boles Fayetteville, AR 72701 Phone #443-6779 E-Mail robinross@sbc-internet.com	OZARK GUIDANCE DR	12/21/04	12/28/09
DEBORAH OLSEN 434 East 12th Place Fayetteville, AR 72701 Phone #587-0132 E-Mail	RESIDENT COMMISSIONER	12/21/04	12/28/08
RICHARD ROYAL 430 North Highland Ave. Fayetteville, AR 72701 Phone # 841-8857 E-Mail rroyal@arsources.org	SOURCES	09/07/04	12/28/07
JANET RICHARDSON 1712 Greenvally Ave. Fayetteville, AR 72703 Phone # 521-1655 E-Mail janetlee@ipa.net	RETIRED	12/28/01	12/28/06
BETTY TURNER 4315 Mission Blvd. Fayetteville, AR 72703 Phone # 442-4507 E-Mail clbgt@sbcglobal.net	RETIRED	08/17/04	12/28/05

CHAIRPERSON (CHAIRMANSHIP EXP. JANUARY 2005) DATE OF ELECTION

ROBIN ROSS 10/19/04

VICE CHAIRPERSON

BETTY TURNER 10/19/04

**City of Fayetteville
Application Form
For appointment to City Boards, Commissions, and Committees**

Deborah Olsen _____
Name _____ Spouse name (if applicable) _____
541/82/2306
Social Security _____
434 E. 12th PL
Resident Street Address _____
Fayetteville AR
City State _____
11 11
Zip Code _____
11
Mailing Address _____
(479) 587-0132
Home phone # Business phone _____
Fayetteville Housing Authority Tenant Council
Choice of Committee _____
Occupation/Employer Name _____
How did you find out about opening(s) _____

1. What are your qualifications for serving on this committee, including education and expertise in the subject matter?

I am our Tenant Council Secretary
and attend our monthly meetings every
month I go Door to Door every month At all
three housing projects handing out flyers / motivating
2. Why would you like to be considered for appointment to this committee?
I am more involved with the neighborhood residents
than any one else I know
People to get involved in their neighborhoods

References:

Raymond Donaldson 27 E Appleby RD.
Name Address _____ Phone 442-4408
Tamara Reynolds 436 E. 12th PL.
Name Address _____ Phone 587-0704

Name Address _____ Phone _____

Please fill out application COMPLETELY and return to:

Nominating Committee
Fayetteville Housing Authority
#1 N. School Street
Fayetteville, AR 72703.

Office Use Only:

Terminate _____

Appointed _____

Term Expires _____

Replaced _____

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



**City Council
Meeting Minutes
December 7, 2004**

A meeting of the Fayetteville City Council was held on December 7, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Mayor Coody presented a plaque to Dawn Warrick, Planning Department for her nine years of service to the City.

Tim Conklin, Planning thanked Dawn for her hard work in the Planning Department.

Airport Board Annual Report: Doc Wallace of the Airport Board gave the 2004 annual report on the airport. He introduced the current Airport Board members to the City Council. He also thanked the staff for their efforts.

Mayor Coody thanked Doc Wallace for his leadership and participation on the Airport Board. He stated he is very pleased with the direction that Drake Field is headed.

CONSENT:

Approval of the Minutes: Approval of the November 16, 2004 City Council meeting minutes.

Fire Safety House Purchase: A resolution awarding Bid #04-79 to Surrey Fire Safety House on the amount of \$23,845.00 to provide a new fire safety house to the Fayetteville Fire Department; and approving a budget adjustment in the amount of \$25,287.00 for same.

Resolution 186-04 as Recorded in the Office of the City Clerk.

OMI Contract Amendment No. 10: A resolution approving amendment No. 10 (A) to the contract with Operations Management International (OMI) in the amount of \$16,416.00 to fund out-of-scope flood emergency expenses incurred during Spring 2004; and approving a budget adjustment in the amount of \$16,416.00.

Resolution 187-04 as Recorded in the Office of the City Clerk.

OMI Contract Amendment No. 11: A resolution approving amendment No. 11 to the contract with Operations Management International (OMI) in the amount of \$4,484,325.00 for the operation and management of the Fayetteville Wastewater Treatment Plant for 2005.

Resolution 188-04 as Recorded in the Office of the City Clerk.

Garver Engineers Contract Amendment: A resolution to approve contract amendment No. 4 with Garver Engineers, LLC for additional design, bidding and construction phase services for the Gregg Street waterline relocation in the lump sum amount of \$121,500.00.

Resolution 189-04 as Recorded in the Office of the City Clerk.

Aspen Ridge Development Park Land Dedication Requirement: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept approximately 1.24 acres of land and approximately \$93,425.00 Cash in Lieu of the Required Park Land Dedication (less Credit for the Developer's cost to construct Indian Trail) for Aspen Ridge Development.

Resolution 190-04 as Recorded in the Office of the City Clerk.

Riggins-Stonebridge Development Park Land Dedication Requirement: A resolution accepting the Parks and Recreation Advisory Board's recommendation to accept \$64,935.00 cash in lieu of the required Park Land Dedication for Riggins-Stonebridge Development.

Resolution 191-04 as Recorded in the Office of the City Clerk.

Transportation Division Dump Truck Purchase: A resolution approving the purchase of one (1) 15 yard dump truck for the Transportation Division from Diamond International in the amount of \$84,426.47.

Resolution 192-04 as Recorded in the Office of the City Clerk.

Animal Services Van Purchase: A resolution approving the purchase of one (1) Dodge Sprinter 3500 van for the Animal Services Division from the Breeden Dodge of Fort Smith in the amount of \$43,360.00.

Resolution 193-04 as Recorded in the Office of the City Clerk.

Police Pursuit Motorcycle Purchase: A resolution approving the purchase of two (2) police pursuit motorcycles from Denny's Harley Davidson of Fort Smith in the amount of \$37,700.00.

Resolution 194-04 as Recorded in the Office of the City Clerk.

Mid-South Sales Contract: A resolution approving a contract with Mid South Sales of Fayetteville to provide engine oil and lubricants for the Fleet Operations Division.

Resolution 195-04 as Recorded in the Office of the City Clerk.

New World Systems Contract: A resolution approving a contract with New World Systems in the amount of \$67,700.00 to provide CAD Mapping and Automatic Vehicle Locator (AVL) Software and support to the Fayetteville Police Department.

Resolution 196-04 as Recorded in the Office of the City Clerk.

Smith Communications, LLC Bid Award: A resolution awarding Bid #04-85 to Smith Communications, LLC in the amount of \$164,361.00 to provide IP Mobilenet Equipment and Tower Site Upgrade to the Fayetteville Police Department; and approving a budget adjustment in the amount of \$159,849.00.

Resolution 197-04 as Recorded in the Office of the City Clerk.

Sage House Replacement Lease: A resolution to end the current lease of City property to Sage House and approve a replacement lease of City property to Sage House.

Resolution 198-04 as Recorded in the Office of the City Clerk.

Seven Hills Homeless Center, Inc. Lease: A resolution to approve a lease of City property to Seven Hills Homeless Center, Inc.

Resolution 199-04 as Recorded in the Office of the City Clerk.

Solid Waste and Recycling Division Commercial Collection Vehicle Purchase: A resolution approving the purchase of three (3) front-load commercial collection vehicles for the Solid Waste and Recycling Division from Downing Sales and Service in the amount of \$526,709.61.

Resolution 200-04 as Recorded in the Office of the City Clerk.

AVFUEL Corporation Contract: A resolution approving a fuel services contract with AVFUEL Corporation to provide aviation fuel, refueler trucks, and other services to the Fayetteville Municipal Airport.

Resolution 201-04 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS

RZN 04-1243 (Medley): An ordinance rezoning that property described in rezoning petition RZN 04-1243 as submitted by Ronald Dean Medley for property located at 3507 W. 6th Street containing approximately 1.03 acres from R-A, Residential Agricultural to C-1, Neighborhood Commercial. *This ordinance was left on the First Reading at the November 16, 2004 City Council meeting.*

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

Mr. Williams read the ordinance.

Alderman Jordan: I would like to know why staff denied this.

Dawn Warrick, Planning: Staff believed that the request which was originally to zone the property C-2 Thoroughfare Commercial was not consistent with our adopted General Plan which identifies this area as Mixed Use. We had concerns with regard to future development of the site in addition to the inconsistency with the Land Use Plan; this property has a lot of environmental obstacles. We were concerned as well about the potential maximum development under a C-2 designation.

Alderman Thiel: This ordinance is C-1 not C-2 zoning. The applicant wanted C-2 but staff recommended C-1 therefore that is what we are deciding.

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

Mr. Williams read the ordinance.

Alderman Jordan: Dawn would you tell us the difference between C-1 and C-2 for the public please.

Dawn Warrick: The intensity of uses in a C-2 zoning district is greater. C-1 is more retail and neighborhood shopping type uses. C-2 is categorized as trades and services and it allows such things as used car lots and other more intense commercial, thoroughfare commercial. It is basically what you see up and down North College Avenue.

Alderman Lucas: Is there any way for this to be zoned R-O.

Dawn Warrick: The Planning Commission was concerned about a C-2 zoning district which was the original request. They did ask staff if we could support any type of designation aside from the Residential Agriculture that is the current zoning for the property. Staff was not

comfortable with the commercial designation. However we did state that R-O would appropriately fit within the mixed use category which is identified on the Land Use Plan and we could support an R-O designation.

Alderman Lucas: Can we as a body change it to R-O or do we have to vote on it as it is.

Dawn Warrick: I believe you have that ability to make an amendment to the ordinance that is in front of you.

Alderman Marr: This particular area would not constitute a commercial node in the staff's opinion?

Dawn Warrick: No sir.

Alderman Marr: It is for that reason that I think it is inconsistent with our 2020 Plan, I don't think it has commercial nodes. I think we are creating College Avenue on Sixth Street. Therefore I am not going to support the zoning.

Alderman Lucas: I feel the same way.

Alderman Jordan: I agree, I think we are creating a potential North College again and I don't think that fits. I can't support this either.

Mayor Coody: It looks like the Council is headed against this, do you have another zoning in mind or do you want to leave it Residential Agricultural?

Alderman Jordan: I would not have a problem with it being R-O.

Mayor Coody: If the rest of the Council feels like this, there should be a motion to amend this to change the zoning.

Kit Williams: Yes, the City Council does have the right to not follow the advice of the Planning Commission or the request of the petitioner. You can if you want change the ordinance.

Mayor Coody: The City Council may be thinking of rezoning this to R-O Residential Office.

Dawn Warrick: The uses permitted by right include single family, two family dwellings and professional offices.

Mayor Coody: With two family dwellings, multi family how many units per acre are allowed in R-O?

Dawn Warrick: I believe the maximum is seven; I would have to double check that.

Mayor Coody: I don't know what your plans are for this acre but it looks as if the City Council does not want to go with the full commercial use that you would like to see it developed to.

Dean Medley: I only have one problem with this, when you have a piece of property that is isolated and this piece of property would be isolated, it is surrounded by C-1 and C-2 that leaves

me R-O. If I understand R-O, you can live on the property and you can work out of the property. My understanding of R-O will not benefit me at all. I am having a problem understanding why, if the Planning Commission was okay with C-1 why the City Council is not okay with C-1.

Mayor Coody: I think the reason, that has been expressed tonight, is they do not want to see a repeat of the development on College Avenue which is basically a long commercial strip development. Our 2020 Plan has more commercial node development with buffers between commercial nodes. From what I am reading from the Council this would be contrary to that plan. Dawn am I missing something.

Dawn Warrick: No sir that is correct.

Mayor Coody: Is that roughly right Council?

Alderman Jordan: Yes.

Alderman Marr: On page 18 of 30, I do think there are significantly other tracts of land that are RSF-4, RMF-24, and R-O that show abutting to this property.

Mayor Coody: The road frontage may be C-2.

Alderman Marr: We are not talking about just rezoning the road frontage.

Mayor Coody: I know but that is probably Mr. Medley's perspective.

Alderman Thiel asked exactly where the property was on the chart. She asked if the rest of the R-A property that surrounds this property will eventually come before the City Council for rezoning.

Dawn Warrick responded that the property immediately west of this has been submitted to the Planning Commission for consideration.

Mayor Coody: What is the zoning request on that?

Dawn Warrick: C-2.

Alderman Thiel: It kind of bothers me to single out this one small piece of property and say that it is limited use.

Mayor Coody: It looks to me that C-2 is also further to the west. The property adjoining to the west is C-2.

Dawn Warrick: Not immediately adjoining but the next one over. There are three warehouses immediately west and then 62 Auto Salvage.

Mayor Coody: This is situated between two C-2 parcels. So even though the Council might not want to see commercial development up Sixth Street whether this piece of property is rezoned R-O or left R-A, we are still going to see commercial development even beyond this piece is that right?

Dawn Warrick: There will likely be additional commercial development on Highway 62. The property that is east of the subject tract is a property that is combined it's not just C-2 it incorporated a portion of this RMF-24 to the rear. We have spoken to that applicant about a Planned Zoning District. There are very strict covenants on that particular property because it was originally part of the tract that was sold when the Lowe's project developed. Therefore I don't know for sure that we are going to see a standard C-2 development on the property to the east.

Mr. Medley: If you look at the map half of the Advance Floor Company building is C-2, the other half is R-A. Does that mean that they can only work in part of that building as commercial and the other part has to be agricultural? I am not trying to create a problem here. There is a problem if you don't rezone this property C-1 or C-2. I do not want an undesirable business on my parent's property but I do want it to become something that can be used. If it can't be used then it is a valueless piece of property.

A discussion followed on the type of businesses that would be allowed in a C-1 and C-2 zoning.

Alderman Reynolds: I would not vote for C-2 but I think at this time C-1 would be adequate.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 4-4. **Alderman Reynolds, Thiel, Rhoads, Odom,** voting yes. **Alderman Cook, Marr, Lucas and Jordan** voting no. **Mayor Coody** voted yes thus breaking the tie.

Ordinance 4645 as Recorded in the Office of the City Clerk

2005 Proposed Annual Budget and Work Program Adoption: A resolution adopting the proposed 2005 Annual Budget and Work Program. *This resolution was tabled at the November 16, 2004 City Council meeting until the December 7, 2004 City Council meeting.*

Geary Lowery a resident asked if the budget still included the \$150,000 for the Dickson Street Partners.

Kevin Springer, Budget and Research stated yes it did.

Geary Lowery voiced his concern about the money that is being spent on Dickson Street. He spoke of his concerns regarding curb and gutter, sidewalks and street in the city.

Jeff Erf, a resident asked about a chart that was in the budget documents in the past that shows the General Fund expenditures and revenues over the past several years. He stated that he did not see it in this year's budget. He asked if our expenditures were still exceeding revenues and if those expenditures were still increasing at a higher rate than our revenues.

Kevin Springer: The graft that Jeff was referring to was not included in the 2005 proposed budget document however we did include it as part of the mid year budget briefing that we had in August. At that time the trend was still expenditures over revenues. The recommendation was that we needed to do something to get those trends together.

Jeff Erf: I tried to figure out how much General Fund expenditures per person the city spends. I compared the year 2000 to 2005. In 2000 the city was spending \$361 per person based on population, dividing the total expenditures by the population, in 2005 that number is \$474 per person. It is alarming to see it jump like that, inflation accounts for some of that. My concern is if the trend continues, it seems the more people that move here it is costing the city more to provide services. It sounds like the solution might be to raise taxes.

Alderman Marr: The calculation that you did was it off of 2004 population or projected 2005 population?

Jeff Erf: I used the population served for 2000 and 2005.

Alderman Marr: So your source is population served?

Jeff Erf: Yes.

Alderman Marr: I would like to see that source.

Kevin Springer: It is on Page 179 of the main budget document.

Mayor Coody: There are a lot of factors that have to be considered. Some of these things are fuel and wages that are beyond our control.

Kevin Springer: We go by the Northwest Arkansas Planning Commission projections. When you look at the population served you have to look at where they served well. Did we have enough fire protection? We have added 12 fire fighters since last year and we are building a new fire station. We have been running behind for years and we are trying to catch up.

Mayor Coody: That accounts for more sidewalks, street paving, curb and gutter, water and sewer lines.

Kevin Springer: If you look at the city wide budget yes. If you look at the General Fund the majority of the General Fund is Public Safety, Police and Fire.

Jeff Erf: I guess my point was that we are also adding people and apparently the growth isn't paying for itself. The alternate to taxes is increasing our user fees and adding impact fees.

Alderman Marr: Kevin can you get us the Northwest Arkansas Regional Planning Commission population number.

Alderman Thiel: I would like the information that Jeff just gave us, the population in 2000 versus the 2005 population cost per person served.

Kevin Springer: Compare the population amounts to what was adopted in that years budget?

Alderman Thiel: Yes.

Alderman Marr: I would like to see the population number you are using.

Alderman Jordan: I asked for this and was told how to calculate this. I would like to know how much these individuals pay versus how much it cost to serve them.

Mayor Coody: We collect the lowest sales tax of any city in Northwest Arkansas, 1.75 cents instead of the 2 cents that Rogers, Springdale and Bentonville charges. We also do not collect any millage for property tax for operations. Springdale charges 5.7, Bentonville 5.5, Rogers 3.9. and Fayetteville charges zero. We can't continue to expand services. Mayor Coody explained the increase in cost that the city has had this past year in products and services.

Geary Lowery stated he could show the City Council a way to get all the roads in the city repaired.

Mayor Coody asked him to send him a letter.

Alderman Reynolds moved to table the resolution until the December 21, 2004 City Council meeting. **Alderman Odom** seconded the motion. Upon roll call the motion to table passed unanimously.

The Resolution was tabled until the December 21, 2004 City Council meeting.

Highway 71 East Square Redevelopment District Project Plan Adoption: An ordinance adopting the Project plan for the Highway 71 East Square Redevelopment District, finding the Plan is economically feasible and authorizing the issuance of Tax Increment Financing Bonds to fund the improvements outlined in the plan. *This ordinance was left on the First Reading at the November 30, 2004 City Council meeting.*

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

Mr. Williams read the ordinance.

Sharon Davidson a resident voiced her concerns on this TIF consuming the time of city employees. She is also voiced her concern about TIF's taking money and resources from various public tax paying entities such as schools and city services. She continued to speak on TIF's in other cities.

Mayor Coody: I might just get you to focus on the Highway 71 East Square TIF.

Sharon Davidson: Excuse me sir this is all relative. I have not been here for a long time and I see no time limit.

Mayor Coody asked if Chief Johnson was at the meeting.

Sharon Davidson left the podium.

Cyrus Young: What you are doing tonight is forming a TIF District is that correct?

Kit Williams: The TIF District has already been formed. Tonight we are approving the Project Plan for the TIF District that was formed previously.

Cyrus Young: The District is formed and that means the base is set for the property taxes right?

Kit Williams: Yes that is part of the Project Plan. The County Assessor fixes the base.

Cyrus Young: Any natural increase in the property taxes over a period of time that goes toward the project is that correct?

Kit Williams: If the project is approved that is correct.

Cyrus Young: You talked about the city buying the property and tearing part of it down so the TIF District would pay the city to do all of this.

Kit Williams: Actually the City would not be doing that the City would be using the TIF bond proceeds to do that. The District is really not separate from the City Council. The City Council controls the TIF District, its funds and the Project Plan, so they make that determination.

Cyrus Young: So this Council will be the Boards of the TIF is that correct?

Kit Williams: That is my understanding, they will control it, I don't know if they are officially a board but they will be controlling the TIF District. The City Council remains in control it is not under control of any other entity.

Cyrus Young: Who will issue the bonds?

Kit Williams: The TIF District will. The bonds are specifically designed by statute as only to be supported by the obligation of the tax increment difference not by the general revenues of the city. The bonds must state on them that they are not a bond that is a debt of the City but is only supported by the tax incremental financing not by the general revenues of the City.

Cyrus Young: The TIF will issue the bonds and the Council is the TIF?

Kit Williams: They control the TIF.

Cyrus Young: They are either the TIF or they aren't. In other words if they are not going to be the TIF than who is going to be the Board of the TIF?

Kit Williams: The statute does not set forth a Board for the TIF District. It does say that the TIF District is controlled by the City Council, they have to do it by ordinance, and they can modify the TIF District borders or the Plan in the future after having public hearings so the City Council remains control over the project but they are not a special TIF District Board.

Cyrus Young: That's the same set up as the incinerator. What happens if no one buys the bonds?

Kit Williams: Then there would be no money in order to do the project.

Cyrus Young: Then would you dissolve the TIF?

Kit Williams: It would be up to the City Council to decide what to do. The legislation indicates that selling bonds is only one of the options, there can be a pay as you go using the tax increment even without bonds.

Alderman Thiel: The city is not going to purchase this property until the bonds are issued, we are not going to purchase this prior to those bonds being issued are we?

Kit Williams: That's correct, in fact I think not only would the bonds have to be issued so that we would have sufficient funds on hand to be able to purchase these buildings and do the demolition. I would also recommend that that we have a very strong contract with the proposed developers to buy the property back from us at fair market value. They would also have to agree to build the project. The primary reason behind this TIF District is to not only to clear this blight but to have something good to replace it with. I don't know if the City would want to buy all these properties if in fact the project was not going to go forward. I would expect to be able to present to you the contract with the developers where they would be contracting and agreeing to buy the property back and to have the project built as part of the whole process.

Alderman Thiel: There is concern about the appraised value of this property after the buildings have been razed and removed. The value is considerably less than the purchase price of the buildings. Would the Council look at a fair market value not necessarily the appraisal the developers obtained for this project.

Kit Williams: I think that's correct. The Project itself does talk about the real property assessment cost and it has those all laid out. It also states *upon completion of removal of the blight the developer will purchase the raw land of the project site at the established appraised fair market value.* We have been offered the appraised fair market value by the appraiser who has been working for the developers. I don't think the City Council is necessarily bound to take that. Keep in mind the reason this project is being proposed is that without some financial help from the tax payers this project would probably not go forward. This building has been sitting there for a long time deteriorating. When we got into this project, it was always assumed that we would lose money on this project by paying more for the cost to acquire and demolish the buildings than we would ever get back from selling the property. However we still want to make sure that you are happy with the appraisals and that you feel like that is in fact a fair market value.

Alderman Thiel: I think the public would need to be assured that ultimately we are getting a value back in the entire area as far as property values going up, enhancing this area and bringing in more tax dollars, all the things this TIF is supposed to do. To assure the public we would be recovering our cost over time. I think the public needs to be reminded again that only the area that's in this TIF is the only area that will be affected as far as taxes.

Kit Williams: The taxes won't be any different for the people that are actually paying them it will just simply be that the TIF District will be allowed to take the amount in excess of the taxes paid each year and use that money for this project. The people paying the taxes won't have to pay anymore with the exception that when property gets more valuable all over the city then the tax payers will be paying a little bit more because their property has gone up in value.

There will be another time that I would want to present a contract to the Council with the developers. I have not begun any type of contractual negotiations with them at this point in time.

At that point in time you will need to weigh in on what you believe is the fair market value and whether or not you approve the contract the city might have with the developers.

John Nock: The statue does allow for the opportunity to purchase and sell back land at a deficit for economic returns. Based upon our calculations the sales tax of approximately \$153,000 annually will be collected just from the project alone of the hotel, not the surrounding developments that are being improved as well. HMR taxes the first year is expected to be \$60,000 with inflation over the next 25 years you are looking at over \$5 million coming in from sales tax and over \$2 million coming in from HMR taxes. The property values currently are approximately \$6,000 in property taxes. Just that project being revitalized will begin to throw off an increase of property taxes to a tune of over \$8 million. On a conservative basis there will be just from the property alone \$15.4 million in tax collections. In addition to that the jobs created from the project and the economic incentive should also be a concern for the city. The mid range job will pay \$30,000 to \$35,000.

Alderman Cook: Where did the demolition and abatement numbers that were included in our plan, where did those numbers come from?

John Nock: We got three separate bids from three separate contractors.

Alderman Marr: What was the spread between the three?

John Nock: Almost a half million dollars. A lot of that was because of the land fill requirements. One of the bidders could satisfy that with a Class IV landfill themselves, the other bidders were assuming they would use the same that the city is using right now which is the only landfill in the area.

Alderman Cook: Are the offer and acceptances on the other pieces of property, are those prices set?

John Nock: TIF's in other parts of the country have utilized condemnation, we went with the notion that condemnation was not going to be something that the City of Fayetteville wanted to utilize so we negotiated what we thought was the appropriate price.

Alderman Cook: What happens if the \$3.5 million is not enough for the initial Phase I, demolition, abatement and assembling the property?

John Nock: As you know the total project is in excess of \$22.5 million. All of the private purposes of the project are being funded by private dollars. The statue is very clear that if you utilize those dollars that are collected through Tax Increment Financing for private purposes the bonds themselves could no longer be tax exempt so we have been very careful of that to market the bonds. We could ask for more money but this is what it would take to get economically the response that we need to get the project done. If there is more that is required then we would pay for it from the private side.

Alderman Cook: Where does the initial investment come from? Is it taxpayers putting the money up or is it the bond proceeds. I think Kit answered that it is the bond proceeds initially.

John Nock: The dollars that we are talking about spending are all coming from bond proceeds that are coming from taxes from property; they are not coming out of the city's General Fund. In fact none of it is coming directly per say from the City of Fayetteville but instead the statue is set up from the state side to reallocate tax dollars as they are already sitting there. They are dollars that are sent back to the City as the governing body for those dollars. They are dollars that otherwise the City would have no control over and would not receive any of those dollars under the current system of collection of taxes.

Kit Williams: As long as the city doesn't have any millage that would be correct.

Alderman Cook: What happens to those bond proceeds if the project goes in the can?

John Nock: Bonds always carry risks that is why they get a favorable or higher interest rate depending on what the project is. In this particular case the bond holder takes the risk, this is not a good faith in credit of the city it is strictly based upon the revenues, therefore the risk goes to the bond holder. There is no consideration, lending or any other good faith from the City of Fayetteville to the bonds.

Alderman Cook: The plan speaks of estimated project and non-project cost, Phase I is the project cost where there any non-project cost that weren't included in this plan.

John Nock: The cost that could occur in projects that are considered no-project cost would be the financing cost and project cost in excess of the \$3.5 million. Those paid professionals the city engages to satisfy that their risk is truly assessed, such as investment bankers, bond counsels and other professionals that need to give you the appropriate comfort level to go forward with the project. The other thing is the feasibility study that was done by the University of Arkansas that is a non-project cost but required by the statue. Cost that are required because this is a TIF project.

Alderman Cook: Are the non-project cost rolled into the TIF bonds?

John Nock: Yes, all project and non-project cost would be rolled into the bond and would not be a secondary cost to the City.

Alderman Cook: Do we have an agreement with the developers that basically says if we buy these properties and prepare them for construction, do we have a contract that states that they will build what they state they will build. I don't want to do all this and then they decide they can't finance this and they want to do something else with it.

Kit Williams: We don't have that in hand yet. That is what I want to protect the city.

John Nock: It has always been our assumption that would be appropriate and we are certainly willing on our side.

Alderman Thiel: Have the bonds been secured, have you found someone that will fund the bonding for this project? Who is required to get the bonding for this the city or the developer?

John Nock: This is not a city backed debt but it is in fact going to be a tax exempt municipal bond. Bonds can not be issued or marketed until they are approved by the Council. I think your

advisor said he was 100% confident that the \$3.5 million was doable. The rest of it they still needed to study and look at those improvements and over time how quickly dollars generated from revenues collected would be satisfactory to cover additional improvements.

Kit Williams: I think that is correct, he wanted this to be in two phases to do the streetscape and Phase II a couple of years down the line after he has seen these projects actually get built and get on line which will make a significant difference in the tax increment. At that point he could come back before the City Council and recommend further bond issuance. This was our financial advisor, Kruse and Associates that spoke to the City Council.

Alderman Reynolds: This map indicates this has a lot of City, County, State and Federal property involved in this District, how is that going to affect the income in this District?

John Nock: Because those properties are tax exempt by nature they don't pay any property tax currently. However some of those properties may sale and become private properties and then they would increase from a zero tax base to a current tax base.

Richard Alexander: This is a four piece puzzle it is not doable without any one of the pieces. The pieces are the TIF District, new market tax credits, sales tax rebates from the State level and private financing. We have to have some idea what the purchase price back to the project is so we can put the funding in place, that's why we got the appraisal. We instructed the appraiser to look at the property as raw dirt in a blighted area, not raw dirt with a \$22 million hotel on it. That came out to about \$6.00 per foot. We purchased recently from the City the old library, that property was appraised pursuant to the city's appraiser at \$6.00 per foot and that is not in a blighted area and had a perfectly nice building on it.

Mr. Alexander spoke of other properties in the area and their value. He stated they are ready, willing and able to do the project.

Alderman Cook: Regarding Phase II our Bond Counsel basically said that the public improvements was up in the air, it depends on how well the TIF goes whether that will be funded and at what level it will be funded. Is that piece of the plan still up for debate? If we vote on this plan as it is what's mentioned in that \$6.5 million is that what's going to be done. If we vote on this plan in front of us is that Phase II spelled out?

Mayor Coody: No, that wouldn't be Phase II spelled out at all.

Kit Williams: Well it is spelled out but the City Council has the right to amend a Project Plan in the future.

Alderman Cook: We have talked about changes to Highway 71 but we have to get approval from AHTD first and they might not agree with that, so we might not be able to do that part of the project. For some people that might not even be their priority, to me this is the carrot for the taxpayers, the public improvements that we can get out of this project. There is no guarantee it will happen.

Mayor Coody: There are a couple of carrots one is the public improvements the other is the removal of the Mountain Inn and the building of a new facility there. We do want to do some public improvements down there but with the ultra conservative approach of the Bond Counsel.

Alderman Thiel: One thing that has concerned me about Phase II of the project is that we have already made a request for funds from the federal government for basically the same project that we are talking about in this. I would be concerned that by doing that through the TIF we would jeopardize getting the federal grant for improvements on College.

Mayor Coody: The appropriations bill will be reviewed by the new congress. There is no guarantee that we will see a penny of that although they are going to be working very hard to keep that appropriation in the bill. The \$4 million that is ear marked currently wouldn't cover the entire project. I don't see these conflicting as much as complementing each other. If there were the funds raised for the public improvement of the TIF, that wouldn't be just for College Avenue that would be for all the areas within the TIF. It would take supplemental funds that the TIF would provide to really finish the job.

Alderman Jordan: The thing I look at when I see this TIF District is we are talking about cleaning blight in an area. We are looking to make things better. If I live near North College and my property taxes are going to be increased, what's in it for me? What can this TIF money be used for.

Alderman Odom: You are only going to be paying higher property taxes because the value of your home is going to be greater.

Alderman Rhoads: If it's your nest egg then you will have a bigger nest egg and better retirement probabilities.

Alderman Marr: To me the other event for the home owner is their ability to go out and do an appraisal at a higher value and borrow money and do more to their home if they want to because they now have a higher basis.

Mayor Coody: Increases for property taxes are capped anyway.

Alderman Jordan: The perception is they are raising my property taxes and building a new hotel and what am I getting out of it.

Alderman Odom: This doesn't actually raise the property taxes. The increase in the value increases your taxes and that's what is going to pay off the TIF bonds.

Kit Williams: The millage rate doesn't change.

Mayor Coody: Property taxes on that same house have been increasing over the years without any improvements. Probably just as quickly as they would with improvements.

Alderman Jordan: I do want us to remember that hopefully some of these funds can be used to improve the District.

Mayor Coody: Yes. Anything in the public domain directly affects that homeowner.

Alderman Jordan: Can any of the funds be used for affordable housing.

Kit Williams: I don't see that as part of the powers in here.

John Nock: The Project Plan states the purposes that you can do. You could do public housing however keep in mind in order to do public housing you must be able to generate an economic model to do so.

Alderman Marr: I whole heartily supported the District when we established it and the Project Plan. When we were setting this District our finding was the blighted area that needed to be done and generation of jobs that was the purpose of why we wanted to do this. I don't think it can be argued at all that we currently have a piece of property that is in need of renovation and redevelopment. It is the closest thing to blight in NW Arkansas that I think we probably have in terms of property value that once was an economic item and today we don't collect any significant value from it. I have had citizens say to me that you are going to buy this and then sell it for fair market value which is something less than that. That is the intent of this legislation.

Alderman Marr read part of the Plan that stated, *which is less than its cost to the local government*, he stated that says to him that in the creation of this the government is going to take care of this item, otherwise you don't need it. If you can get the financing yourself why would you come and ask us. The reason we would want to remove this is for safer conditions. The two issues that citizens have talked about when they came to the podium was we don't want such regeneration that we can't continue to live in Fayetteville and don't condemn my property. I don't think we want to condemn the property. I think in our prior discussions the District decided we didn't want to condemn the property, which meant you need to negotiate in good faith, set contract values and that is what it is going to be to tear it down and redo it. The other finding in the Plan says we are suppose to do is *contain a finding that the plan is economically feasible*.

I heard men stand in front of us at the last meeting and tell us that \$3.5 million could be financed if this project didn't even exist. The model that this financial economic thing is built on is the most conservative. In the worst case scenario if it didn't get built, then the issue is that you are limited to collect that amount money in 25 years. The termination clause of this says *the District can't be existence for a period of longer than 25 years unless the bonds that have been issued would not be fully paid until which the date 25 years from the date of creation*. Worst case scenario would be if you didn't have enough increment and you got to the 25th year then you would keep going because you still have outstanding debt until that debt is retired. I don't see the risk, we are not raising taxes, we are only using the proceeds from the increment to finance it, we are getting rid of blight, we are creating jobs, and we are prospering downtown. When people look at new areas they look at vibrant areas downtown and the re-development of downtown. That is why we invest in downtown and Dickson Street because businesses look at what your downtown area is to decide whether or not they are going to relocate there. Because if downtown is crap then the rest of your town is, that is the assumption. I think it is important to keep your core solid. I think this is a major step to do that. I haven't heard anything tonight that says this plan isn't economically feasible and that there is risk being taken on by the City to a degree that we can't handle it in 25 years. This is the only finding that I have found in this section other than the detail that Kit has talked about that we as a Council are suppose to do in the Project Plan. If we didn't think that we needed to redevelop this then we should have never set a boundary which is the first action we took. I think got great answers on the questions that citizens have asked. I think the bottom line is, is it economically feasible. I think we have heard it is and it is without the project ever being built. I think someone in the future is going to be

sitting here trying to figure out how to spend the money that I believe this project is going to generate.

Mayor Coody: One of the things the TIF regulation was put together for was to introduce a tool to redevelop blighted areas where private money won't go because there is no private incentive and no private motive. Private people are going to stay away from something like this because there is no way to make any money at it so it continues to stay blighted. This tool was set up to allow governments and private businesses to be able to take care of blighted areas. This helps provide an incentive for private folks to come in and invest their money, whereas there would be no incentive otherwise. That is the entire intent of the legislation. As far as condemnation goes we did talk about not wanting to condemn. My impression was the Council did not want to remove people from their homes. I think the conversation for the next TIF District, if we want to do one, shouldn't be that we have a history of not condemning property but if there is someone that has a derelict commercial property then the city can come in and condemn that property, not removing someone from their home but making a TIF project work. That's why condemnation in some cases might be appropriate.

Alderman Marr: Luckily we don't have that in this scenario.

Kit Williams: When I drafted this ordinance I said under Subsection K *that no non-project costs are anticipated to be paid out of the TIF proceeds*. There is a resolution that will be coming before you stating your intent to pay the city back for the cost that is incurred for economic forecasting and the bond proceeds. We probably need to amend Subsection K to say that non-project cost include financial advise, bond cost, economic forecasting, etc. rather than non are anticipated. If that is what the Council would like to do.

Alderman Reynolds: In the TIF District at what point are we going to put the utility lines underground?

Mayor Coody: I don't know.

Alderman Reynolds: To me that is part of the blight of the old hotel.

Mayor Coody: You are right. If we redevelop College Avenue one of the things that we will want to do is move the utility lines off the main thoroughfare. That will take a lot of planning with the utility companies to get that done. That is a goal that we would have but we do not have a timeline or direct cost for that.

Alderman Rhoads: This Council or future Council's will have their hands on the controls.

Alderman Lucas: I am very much in support of this. Even without the hotel being built the revenue is there to pay off the bonds for Phase I the demolition of the Mountain Inn. This is getting rid of a terrible blight that we have in the city.

Alderman Marr moved to amend Section K of the ordinance to include non-project cost. Alderman Lucas seconded the motion. Upon roll call the motion to amend the ordinance passed unanimously.

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

Mr. Williams read the ordinance.

Alderman Cook: You are still going to negotiate with them as far as the final price? Us voting on this doesn't change that?

Kit Williams: It does not change the fact that I will be coming back to you with a proposed contract for the sell of what we will acquire back to them and them building the project if we go forward and buy it and demolish it. The contract will come back before you.

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

Ordinance 4646 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

R-PZD 04-1154 (Cliffside): An ordinance establishing a residential planned zoning district titles R-PZD 04-1154, Cliffside located east of Happy Hollow Road, South of the Cliffs Apartments, planned unit development, containing approximately 26.114 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and adopting the associated residential development plan as approved by the Planning Commission.

Mr. Williams read the ordinance.

Dawn Warrick gave a brief description of the project.

Alderman Lucas: I noticed this is going to be reduced, is it still going to be four lanes?

Dawn Warrick: A collector street is typically a three lane street which provides for two travel lanes and a turning lane.

Alderman Lucas: So we are going to reduce the width of the street then.

Dawn Warrick: Happy Hollow is over built at the further north end, there is not an opportunity for it to go further north because of slope and development that is existing. It will transition to some degree at the northwest corner of this property.

Alderman Lucas: I noticed that part of that says no dead end. When you have a turn around or circle is that a dead end?

Dawn Warrick: My understanding of that is the cul-de-sac's in this case are not considered dead ends. The stub out to the east is not a street that someone would have to drive on in order to get to any of the lots within this development therefore it does not prove as a stopping point for traffic flow within the development. Traffic can flow on all the streets without coming to a point that it is a traditional type dead end with no outlet.

Alderman Lucas: I am very glad to see that a sidewalk will be built on Ray Avenue to allow children a place to walk to school. I think that is a great idea, we need sidewalks around our schools that is so important.

Dawn Warrick: The applicant will be improving Ray Avenue from 4th Street north which is adjacent to Happy Hollow School. The school right now parks along Ray Avenue and the applicant will be providing some on street parking to accommodate the loss that they will have. They will still have parking on the street; it will be a curb and guttered street with sidewalk and storm drain.

Alderman Lucas: Great. Where is the street going to come into the school?

Dawn Warrick showed the Council the access to the school.

Mayor Coody: I don't see how on earth there could ever be enough traffic on Happy Hollow Road to justify a continuous turn lane even if it were fully developed residentially as densely as it could be. I don't see the need to have that road designated a collector street.

Dawn Warrick: The initial construction that will be done adjacent to this project boundary will be solely to provide curb, gutter, storm drain and 14 foot pavement which is a traditional 28 foot street. What we typically require of a development is what we believe to be equivalent to the impact on traffic that they are bringing to that particular street or area. What we have sited for a condition is that a 14 foot from center line street improvement with curb, gutter, storm drain and sidewalk will be accessed.

Mayor Coody: How does that square with this being a collector.

Dawn Warrick: It will be located at the appropriate point so that the right of way is available for it to be expanded to a collector if necessary.

Alderman Lucas: It goes down to that intersection that we are going to straighten out.

Dawn Warrick: It will provide for turning lanes should they be necessary. A collector street does not have to have a continuous turn lane; the right of way is there in case it is necessary.

Alderman Thiel: I really like this project. I appreciate that staff encouraged the smaller lots and reduced set backs to hopefully provide affordable housing and also encourage the developer to make these attached town houses rather than duplexes so that they would also be sold as affordable. I also appreciate the existing tree canopy preservation on this property. I know there are concerns about the traffic but I think there are certainly ways in and out of this project.

Alderman Reynolds: One of the parents was worried about having bike lanes from this project to the school.

Dawn Warrick: We have not made a recommendation for bike lanes specifically. Bicycles are permitted on the public street. What we were more concerned about were pedestrian connections to insure that there was a walking trail and sidewalk connection.

Alderman Thiel: They are improving Ray Avenue with adding sidewalks.

Alderman Jordan: What about the drainage how will that affect the neighborhood down below?

Dawn Warrick: City ordinance does not permit post-development to be an increased amount than pre-development.

Brian Scott with Project Design Consultants described the drainage plan and the work involved in saving a large amount of trees.

Mayor Coody: Do you plan on using a detention pond?

Brian Scott: There are detention ponds on site and we meet all of the city requirements.

Jeff Erf a resident expressed his concern about creating more chaos in this area and if a traffic engineer had studied this.

Dawn Warrick: In conversation with the school district representatives, they understand that they may need to have a new plan of attach with regard to drop off and pick up with Happy Hollow because of the changed street configurations. In staff's opinion this is a solution as opposed to a problem because it allows people to go two different directions as opposed to funneling everyone up and down Ray Avenue only, which is currently the only option in this location. We feel this offers them a new opportunity and the developer is aware that this may funnel additional traffic into his development.

Seth Kaffka representing the developer stated they did give this proposed site plan to the teachers. They presented it to the teacher and the parents at the PTA meeting and they were very excited at the proposed relief in their traffic, the off street parking and allowing for two ways of getting out of the proposed addition.

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

Mr. Williams read the ordinance.

Alderman Lucas: Have the numbers on the lots been corrected.

Dawn Warrick: Yes, I believe we have gotten new numbering.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Reynolds, Thiel, Cook, Marr, Rhoads, Odom, and Lucas voting yes. Alderman Jordan voting no.

Ordinance 4647 as Recorded in the Office of the City Clerk

Ecological Engineering Group Contract: An ordinance to waive the requirements of competitive bidding and to approve a proposed contract with the Ecological Engineering Group in the amount of \$129,989.00 for a four year Physical and Biological Stream Assessment and Monitoring Program.

Mr. Williams read the ordinance.

Gary Coover, City Engineer: We are in the first year of a five year program as part of the national pollutant discharge elimination system Phase II permit program to insure we have clean streams and clean storm water. At the end of the five years the EPA will measure and see how well we have done.

Mr. Coover explained what has been done so far in this program and why they need this company to assess our streams.

Marty Matlock with Ecological Engineering Group explained to the Council what they will be doing under this contract if approved. He stated to protect the streams ecological system they have to measure what works and what doesn't work and modify according. He stated they will be monitoring 38-40 stream site segments.

Alderman Thiel: Dr. Matlock gave an extensive presentation to the Environmental Concern Committee and they were all very supportive of the City Council supporting this.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4648 as Recorded in the Office of the City Clerk

Youth Center Inc. Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center Inc. in the amount of \$250,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2005.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4649 as Recorded in the Office of the City Clerk

Council on Aging Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Council on Aging in the amount of \$50,000.00 to provide public recreation services for the senior citizens of Fayetteville for 2005.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4650 as Recorded in the Office of the City Clerk

Legislative Packet Approval: A resolution to recommend the approval of the Legislative Packet of the City of Fayetteville.

Mayor Coody: This is a series of recommendations made by our City Attorney to send to Little Rock to clean up legislation that is ambiguous or confusing.

Kit Williams: I spoke with Steve Davis and other members of the city staff to come up with some of these recommendations. I would hope you would pass this resolution so that we can hopefully before the legislation session meets, we can meet with our legislators and encourage them to pass these bills and any other bill you might be interested in.

Alderman Thiel: I support everything you have proposed here and I think it is a good step that we are drafting a resolution and taking it forward.

Alderman Thiel moved to approve the resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 202-04 as Recorded in the Office of the City Clerk.

§34.27 "Sale of Municipally Owned Real Estate" Amendment: An ordinance to amend §34.27 Sale of Municipally Owned Real Estate to add an exemption for lands acquired pursuant to approved redevelopment Project Plans.

Mr. Williams read the ordinance.

Kit Williams: I brought this forward because if you did not exempt the property that you voted to acquire in the Project Plan tonight it would be an extremely long process to sell it.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4651 as Recorded in the Office of the City Clerk

Sign Appeal Process Clarification: An ordinance clarifying and streamlining the process of appealing administrative decisions or interpretations regarding signs and granting of variances from the requirements of Chapter 174, Signs, Unified Development Code.

Mr. Williams read the ordinance.

Kit Williams: About a year or so ago we amended the sign ordinance to make it in conformance with the Federal Judges decision in a case that involved the City of Fayetteville. However there were several other sections that dealt with the sign ordinance that were not affected. It was our opinion that we should make these changes so that the City Planner makes the decision and any appeal from that decision would go to court rather than through the Board of Adjustments and City Council.

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

Mr. Williams read the ordinance.

Alderman Thiel: I just want to commend our City Attorney for looking into this situation and following through with it. He continues to do things like this which is beneficial to our city.

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

Mr. Williams read the ordinance.

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

Ordinance 4652 as Recorded in the Office of the City Clerk

Scull Creek Trail Corridor Development: A resolution to consider spending as much as \$1,000,000.00 of the proceeds from the sale of the Wilson Springs Property in the development of the Scull Creek Trail Corridor.

Alderman Cook: I brought this forward because I believe trail construction in the City of Fayetteville is good in a lot of ways.

Mayor Coody: I just passed out the recommendation that I made back in June of this year regarding the Wilson Springs proceeds and the way we could spend the money. There has been some concern that we might piece meal this Wilson Spring's money and wind up not having done with it everything that we could have. The trail system here is a home run hit with the citizens. There are a lot of folks that don't use them, don't understand them, don't need them, don't want them and think it is a waste of money. The people that use the trails and have seen what we have done at Mud Creek understand what a trail system can do for this community. It is very important that we continue trails throughout town. We need to support the trail system as much as we can.

Alderman Jordan: Alderman Cook said spending as much as up to \$1 million. Mayor you said \$500,000 for this project. Are you saying to spend up to \$500,000 Mayor? Is there a limit on what you want to spend?

Mayor Coody: I'm just saying earmark \$500,000 for the Scull Creek Trail construction.

Alderman Cook: I asked for \$1 million because our rough estimates to complete this trail are around \$4 million including this \$1 million. We have an opportunity for matching grants and other matching money that would potentially help us do this corridor with this \$1 million. This corridor is important for many different reasons. A lot of people feel that trails are for recreation; I don't feel that way at all. I think they are transportation related; they get more cars off the road especially this corridor because it runs through the middle of town and connects a lot of people to some of the destination points in Fayetteville. In a lot of ways this is a backbone to our trail system. This is good for environmental reasons and will give us an opportunity to clean up Scull Creek. It is a great north south connector. We spent time and money putting together the Fayetteville Alternate Transportation and Trails Plan, this trail is one of the top five in that. We need another project we can work on. We spent time and money doing Mud Creek, it is a

great trail and we are getting ready to finish Frisco Trail this will connect those. We are starting to see the overall loop that people want to see, that's trail connectivity and that is when we really do see the transportation element of that. There are safety reasons, this is an option to get people off the street because a lot of people don't want to ride their bikes or walk because they have to walk in the street. This is an opportunity to provide off street transportation also. Those are some of my reasons why I support the \$1 million.

Alderman Jordan: So you are saying for \$1 million we can get a \$4 million trail, in your estimation.

Alderman Cook: In my estimation. Steve can speak to some of the grand opportunities that are out there and other ways that we can use this money.

Alderman Jordan: Mayor do you think with the \$500,000 we can complete the trail?

Mayor Coody: Oh no. We couldn't build the entire trail for \$500,000.

Alderman Jordan: I was talking about the grants.

Mayor Coody: If we have been having millions of dollars available for grants, there is no reason why we shouldn't have been getting those grants as of today. An additional million dollars should not put us in any ball park that we haven't already been in. The letter from the Secretary of Environment's office in Oklahoma, I asked them to write that to us and to their Senator that is on the appropriations committee in Washington D.C. We asked that appropriations committee for \$1 million to go toward the Scull Creek Trail corridor because of the Illinois River connection with Oklahoma. We didn't get it this year that doesn't mean we are not going to keep trying for federal appropriations for this corridor.

Steve Hatfield: The match is not a direct 4-1 match. What I think Alderman Cook is referring to is there is a multitude of grants that would be available and a lot of them are targeted to an urban stream situation, not just a stand alone trail. To get this project detail designed enough to where we were ready to do the whole project at once so that we could go after multiple grants at the same time and have time to put that entire package together. Stream restoration is a big thing, Illinois River is another big component and the other big component as far as the trail part is that our most residential and employment densities are along that trail corridor. The potential of U of A students that live along there and a lot of apartment dwellers could use that trail to get to work, school and shopping areas.

Mayor Coody: I don't think you will need to talk us into the concept of the trails especially Skull Creek Trail which has been my top priority for a long time now, I was hoping we could have started on that before now. The question is the grants and the appropriations of monies. How much money aside from Wilson Spring's funds do we have budgeted for 2005?

Steve Hatfield: \$350,000.

Mayor Coody: Which is a good start but we need to add more to it. The question is do we add \$500,000 or \$1million to this \$350,000 and if so what would we not get for the remaining \$500,000 of the Wilson Springs money.

Steve Hatfield gave a presentation on the trail plan.

Alderman Thiel: Why is Indian Trail prioritized number one, we are not moving on that instead we are considering moving on priority number three. How do we get to these priorities in the first place and why are we not dealing with them 1, 2, 3, 4?

Steve Hatfield: We are dealing with them in some sort of rational order, we created a trail matrix through the committee that evaluated the right of way that is available, and how many are served, how many employers are served and the scenic quality. There were about eight different criteria that we used to look at each trail. Indian Trail is not being left alone it is currently being worked on. There is one development in that part of town that we are already in the process of securing that piece of the corridor. So we are actively pursuing that corridor as well. It is all a matter of trying to package these as a complete project and be able to get the support for those projects. We will be working on two or three trails parallel at the same time.

Alderman Lucas: You said you had budgeted \$350,000, is that in the parks fund.

Steve Hatfield: Yes, and that is not specifically for Scull Creek Trail.

Alderman Lucas: But it is for trails.

Steve Hatfield: Yes, trail development.

Alderman Lucas: How do you figure how much to budget for trails in your park finances? We have finances from the HRM taxes for parks and then we get money in lieu of land for parks. Can that not be used for trails also? How do you prioritize how much you are going to budget for trails?

Connie Edmondson, Parks Director: We look at all of our needs when we look at budgeting for trails or any other project. Trails were one of the number one items as well as neighborhood parks and the community park from our Park Master Plan. We get from the Budget Department how much money is available and then we sit down with our Parks and Recreation Advisory Board and determine the priorities. The \$350,000 is out of sales tax for trail development. Most of the parks development money for this year went towards the community park.

Alderman Lucas: Towards the community park? So you are putting it aside for the community park?

Connie Edmonston: Yes. We are working on several projects at one time; we can't just work on trails only.

Alderman Lucas: How much did you set aside for the community park?

Gary Dumas: Approximately \$1 million.

Connie Edmonston: I don't have those figures with me. Part of that was out of parks development and part of it was out of sales tax. We had money in there for Braden Park development and funding in there for Lake Sequoyah and Gulley Park.

Alderman Lucas: How much have you spent on trails this year?

Steve Hatfield: I don't have a final number but it will be over \$450,000.

Alderman Lucas: Is that counting the completion of the Lake Fayetteville Trail?

Mayor Coody: No, that was almost \$1 million by itself.

Steve Hatfield: The completion of the Mud Creek Trail, Walker Trail, Walker Senior Trail and Frisco Trail. Some of the completion will be covered by a grant.

Alderman Thiel: We are looking for trails as transportation is any funding for the trails coming from the Transportation Division Enterprise Fund. That would not come out of the General Fund at all.

Gary Dumas: That is the Street Fund and I suppose if you would rather allocate funding for trails instead of street overlay and sidewalks you could. When we do sidewalks depending on the location if it coincides with the Trail Master Plan we do widen those sidewalks to accommodate the trail system. There is some money that is available to the Street Division from the General Fund if you chose to reallocate that toward any activity that is a Council prerogative. It is just a question of priorities, we have a multitude of priorities that we try to address in the city, and we have several projects and limited dollars to address the projects.

Alderman Thiel: I am trying to emphasize that we are talking about transportation trails we are not talking about walking trails through parks. If the grants were available we would be looking at federal transportation grant money.

Gary Dumas: Through 2000 there was money available through various transportation bills. Whether that will be in the next transportation bill is unknown.

Alderman Reynolds: I don't have a problem with trails; I walk every day at the Walker Park Trail. The people that have talked to me are really interested in drainage, streets and sidewalks. They would like to see the main priority things done in this town. I am not sure about this million dollars right now for this project.

Alderman Lucas: I kind of feel the same way, the people that have talked to me feel that way. When you look at what we have spent this year. The million for the bridge, the \$400,000 on trails and then we also bought Sequoyah Woods. I am all for trails and Scull Creek but I think we need to slow down a little bit and work it in as we can. Asbell has begged for a park for several years. I think we need to look at some of the other things like street and sidewalks.

Alderman Cook: The reason I asked for this money from Wilson Spring's money is because we set that money aside for special projects. When Wilson Springs was sold there was a lot of comments from citizens that we should use that money to buy green assets within the city. The money we spent on the bridge that money was already encumbered within the parks fund that they had already designated for that bridge. We are stumbling for our next step in trails, we have \$350,000 budgeted for next year and that will not go very far. We are looking for the next step in our trails system, to me this is it because it is the backbone there is a lot of connectivity with

this one piece of trail, it is an urban corridor and there is a stream that we need to protect also. It has many other reasons to support it other than trail building.

Mayor Coody: We aren't looking for our next trail corridor, Scull Creek should be it. We also need to look at a connection between getting the bridge on Front Street fixed up to where that connects to east and west Mud Creek Trail. It is a physical connection now but it is not a physiological connection because it feels dangerous and confusing. We also need to connect East Mud Creek Trail and West Mud Creek Trail to the sidewalk that we are building on Gregg Street so that will connect up to Scull. Scull Creek needs to be our next corridor along these other connections, so we are not looking for our next project, it is in the cue and it is prioritized to where we need to be focusing on that. The question is, is this the best funding mechanism for it.

Gary Dumas: I would hate for this issue that is being discussed at the Council level now to be a decrease in the level of effort we are putting towards trails. As the citizen survey said quality of life is an important element of what makes Fayetteville, Fayetteville. There has to be a balancing act between the needs of asphalt for the streets and what some might call lesser amenities. I don't think trails are a lesser amenity. It is a balancing act in how we use the resources that we have. I think the proposal that the Mayor has is a reasonable proposal that keeps us moving forward fairly aggressively with the trail program along with funds for the street program and economic development. If we are successful in getting a grant we can always come back to the City Council or if we have an opportunity to submit a grant we have to come to the Council and ask the Council to approve that. I don't think we have ever hesitated to come forward if we had a grant opportunity.

Geary Lowery a resident spoke of wants and needs. He said I know Alderman Cook wants this trail but do we need it. He stated the trails are not used 24/7 like we use the roads because of the darkness, safety and weather. He said we need to spend our money on what we need and not on what we don't need. He said most of the trails are in Ward 2 and Ward 3. He feels we need the money for storm drainage. He suggested we prioritize and get the residents input on spending this money. He stated that most of the people in this city drive to where they need to go. He stated he thinks the citizens would say the first priority of this city would be streets, roads, curbs, gutters and sidewalks.

Pete Heinzelman a resident spoke of Scull Creek and it being Fayetteville's major water way running south to north. He said Scull Creek has two major assets a major non-motorized transportation route and it links every other trail system that we have. He said it is also along a very potentially beautiful creek way. He is very much in favor of the development of this trail way. He said he thinks it is a very important thing for this community to be working on because it is going to have a lot of advantages.

Wade Coldwell, Chairman of the Parks and Recreation Advisory Board stated the number one form of recreation in this country is walking; it is also the cheapest form of recreation. He stated we had meetings and planning sessions to prioritize the goals for our park system. The number one goal was a community park and the number two item was trails. He has had tremendous comments on the Mud Creek Trail. He discussed the trails that are lighted. He stated a trail system like this promotes and encourages people to recreate. He said it is not just a commuting corridor but a social corridor. He feels this should have been done many years ago and that we are playing catch up.

Cynthia Kalke, Sidewalks and Trails Task Force asked the Council to commit up to \$1 million towards this trail. She stated if there is the opportunity to get matching grants we need to take them.

Sam Lafoy, Sidewalks and Trails Task Force spoke of how much faster it is on the trails to get from one point to another. She spoke of how interconnected Fayetteville can be with the trail system and how quickly you can get around using the trail system.

Len Shaper, a resident: I think you should consider this resolution. The trail is part of our economic development and I think it is appropriate to use Wilson Spring's money for the Scull Creek Trail.

Alderman Lucas: I think the Scull Creek Trail is very important but I think we need to do a balancing act. Sometimes we put so much emphasis on one area and we forget other areas, that is what I am talking about. We have resources that come in for parks and trails and I think we need to utilize those funds for a while and attend to some of our other areas of concern. There are some schools that do not have adequate sidewalks.

Duane Woltjen a resident stated the paved trails are a great asset to senior citizens. He stated if you have a plan and haven't funded the plan you have a much harder time of getting funding in the future. He said if you allocate this money now it gives you a stronger hand when you apply for a grant. It gives you leverage when you apply for those grants.

Mayor Coody: It sounds like we are being misunderstood; no one is saying we don't want to build Scull Creek Trail. If grants are available we should have been going after it long before now. We have money allocated and we have other money available. The question is how much do we want to earmark for this project. I don't think the difference between what we have available versus this resolution has stopped us from getting grant money.

Steve Hatfield: No.

Alderman Thiel: I think there needs to be a compromise. I think your proposal of \$500,000 might be more acceptable to some members of the Council than the full million.

Alderman Thiel moved to amend the resolution to consider spending up to \$500,000 from the Wilson Springs proceeds on the development of the Scull Creek Trail Corridor. Alderman Jordan seconded the motion.

Alderman Rhoads: On you list we have \$1.8 million for economic development, \$2 million for street improvements, \$750,000 for Botanical Gardens, \$500,000 for Scull Creek and \$250,000 for the Master Plan. I don't recall what has been committed of these amounts except for the \$750,000 for the Botanical Gardens.

Mayor Coody: None of the other recommendations have been acted upon by the Council.

Alderman Cook: Fayetteville Downtown Partners \$150,000 out of economic development.

Alderman Rhoads: Have your recommendations changed at all?

Mayor Coody: No, I am still satisfied with it.

Alderman Marr: I support building the Scull Creek Trail corridor. I think it is important to specify funding. I think this is a critical backbone to our trail system because of linkage. Most trails are in Ward 1 or Ward 3. You have to think of your pedestrian network like you would in a transportation network system. You have an interstate and your local roads, your trails are your interstates in your pedestrian corridor and your sidewalks are your local roads. I think we have to have the interstate piece. In Ward 2 other than road repair what I heard a lot was pedestrian friendliness, connection to the university in a pedestrian aspect to get cars off that area. I hope the next item is how we plan to allocate all of the Wilson Springs funds instead of bringing these in one at a time.

Mayor Coody: If there is a desire to earmark this money once and for all we could make a recommendation to adopt my recommendation.

Alderman Rhoads: This list has been discussed and so far I have not heard that the list is bad or wrong, we know the money is not going to be spent without our approval. It gives us the flexibility to make decisions as we go along.

Alderman Marr: I think what I am hearing is when are roads going to be a debate. I would encourage our Street Committee to talk about what those projects might be so they can bring some ideas forward. The longer the money sits there it begins to cost more to build things and the value of the funds begins to diminish. It is important to get a plan in place and to use the money at present day value so that we don't lose the value.

Alderman Jordan: The Street Committee is planning on meeting within the next couple of weeks to do that very thing. Probably within a few weeks we will have a plan. I am tired of chewing on this list I am ready to approve something.

Upon roll call the motion to amend the resolution passed 6-2. Alderman Thiel, Cook, Marr, Rhoads, Odom and Jordan voting yes. Alderman Reynolds and Lucas voting no.

Alderman Cook moved to approve the resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-2. Alderman Thiel, Cook, Marr, Rhoads, Odom and Jordan voting yes. Alderman Reynolds and Lucas voting no.

Resolution 203-04 as Recorded in the Office of the City Clerk.

2004 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2004 fixing the rate thereof at 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund, 1.0 mil for the Fayetteville City Library, and certifying the same to the County Clerk of Washington County, Arkansas.

Mr. Williams read the ordinance.

Mayor Coody: This is the millage that we have been charging for years now. There is a need to hire more firemen and policemen. I have asked the City Council to consider raising our

discretionary millage 2.5 mills so we can hire 12 firemen and 12 policemen. The 12 firemen would be used to staff the new fire station at the Tyson building. The 12 firemen would be brought on in 2005. We wouldn't see any money from the millage increase until October 2005. Same as the police personnel. We have been talking about our low tax rate in Fayetteville, the need to expand services and the need to expand revenues for months. The one thing I really don't like about this besides the fact that we need to increase revenue to fund more fire and police is the fact that we had to wait until the County told us what our millage roll back was going to be. We just found that out within the last couple of weeks and we thought we had more time to make our recommendation to the Quorum Court but the County Clerk informed us they need the information tomorrow.

Alderman Rhoads: Could you explain the roll back process from with the County how that works, please.

Steve Davis: A roll back situation occurs when in our case Fayetteville city limits experienced an increase of property values in excess of 10%. Amendment 59 to the Arkansas Constitution limits the growth from year to year to no more than 10% overall for the taxing unit for property. Since 2004 was a re-assessment year for the County it includes re-assessment for existing properties as well as new construction. Because of those two events in 2004 we had an approximate increase of 12% in real estate values. Once the city went over the 10% threshold the County Assessor determined we had a potential rollback. If we had a roll back we would have to reduce our millage to ensure that the city received no more than 10% revenue off of the increased values. Because of the formulas we could have a 12% increase in property values and not have a roll back situation. The County Assessor made that determination and we received notification from the County Assessor on November 22, that after her calculations we did not have a roll back even though we did have a 12% increase in real estate values.

Mayor Coody: So we did not know exactly what this 1.8% was going to be until we got the notification of the roll back. We didn't know what to give the County until we got the roll back that is why we asked for an extension.

Steve Davis: We asked for a 60 day extension in October that expires December 8th.

Kit Williams: Steve did you have a conversation with the County that if we passed the 2.5 millage levy tonight as suggested whether that would affect the roll back with us?

Steve Davis: Yes sir I did have that conversation with her and she said it would not impact our roll back situation.

Mayor Coody: These 12 policemen that we would hire would they be patrolmen?

Chief Johnson: Yes.

Mayor Coody: How many patrolmen do we have at any given time in Fayetteville?

Chief Johnson: Scheduled through the three shifts?

Mayor Coody: Yes

Chief Johnson: Depends on the week, we can average between 7 and 10.

Mayor Coody: If we hired 12 more patrolmen what would that number turn into?

Chief Johnson: That depends; we would schedule the officers to work when we have the highest volume for calls for services.

Mayor Coody: That would be quite a boost of the percentage increase of the number of police on the street is that right?

Chief Johnson: Yes sir, the number of officers on the street in addition to our overall ability to answer calls for services and our investigative services also. It still has a significant benefit to the entire organization.

Mayor Coody: It will help with the Code Zero calls as well? I am willing to take the heat to ask for the increase in property taxes. Since we don't collect any and haven't for a long time we are at an extreme disadvantage, even if we do boost this 2.5 mills from zero. We would still be by far the lowest city property taxing entity in the corridor and this would allow us to take care of a lot of catching up on the fire and police personnel. For the assessed value of a \$100,000 home would be a total tax increase of about \$50 per year.

Alderman Marr: The very original budget done by the Police Department in an ideal world based on our current population and growth would have had how many officers requested in the increase. The very initial submission.

Chief Johnson: I believe there were 23 officers. That budget proposal also included positions for detectives and a variety of personnel.

Alderman Marr: Of those 23 positions how many are in our budget without this property millage in the current budget that we are set to address at the next meeting?

Chief Johnson: Our target budget allows for two new officers.

Alderman Marr: 21 less than what you originally requested?

Chief Johnson: Just for clarity, when I asked for those officers I did it with the understanding that it would put tremendous pressure on the General Fund with really no expectation that I would realize all those gains in this budget cycle.

Alderman Marr: What did you hope to get?

Chief Johnson: I hoped to get whatever was affordable considering the budgetary constraints.

Alderman Marr: Are you confident to be able to say to the citizens of Fayetteville that the police portion of this 2.5 discretionary millage it is your full intention that this is needed and that this is not an extra.

Chief Johnson: Yes, definitely. I have plenty of justifications for that.

Alderman Marr: Are there any programs that you cut in the current budget not counting this 2.5 that would not have to be cut in order to get officers on the street.

Chief Johnson: There are no programs that would have to be eliminated.

Alderman Marr: So the bike patrol will continue and the resources officers in the schools.

Chief Johnson: Yes. I still reserve the right and the responsibility to make those programs be more efficient than they currently are but there are no plans to totally eliminate those programs.

Alderman Marr: What about car unlocks?

Chief Johnson: That is an efficiency issue; there is a certain cinergy that exists between those non-enforcement activities. I am just not sure it is in the police Departments or the citizen's best interest to have that level of expertise, talent, salary and cars out unlocking vehicles doing a private sector business. We can continue to do it in emergency situations but as a public service it is questionable. It is something I believe the Mayor intents on the Council addressing at some point.

Alderman Marr: Does the current budget allow for that.

Chief Johnson: It is not a budgetary issue. We unlock about 5,000 cars a year. It takes a lot of time and gas. It is one of those services that have been identified as a non-core service.

Mayor Coody: One factor that I think needs to be brought up is with these new high technology doors, side air bags, curtain airbags and high tech unlocks we could do damage to the vehicle.

Alderman Thiel: Why does the Council have to address locking and unlocking cars? Isn't that just a policy decision? We received notice that you were going to start that policy some time ago. I assumed it had been stopped.

Mayor Coody: I had too frankly but apparently it has been going on and the City Council does have a real interest in this, we didn't want to do anything the Council didn't want.

Alderman Thiel: My interest is to stop it. Can we vote on this right now?

Chief Johnson: We have reduced the number of unlocks significantly by creating a list of vehicles we simply can't unlock. We will continue to unlock cars in emergency situations. If it is the Mayor's desire at this point that we totally eliminate it we will do it. That is something we can talk about as an operational issue later on.

Mayor Coody: This came up in the zero based budgeting conservation about a year ago, there was no clear direction so I guess there was no clear action.

Alderman Lucas: I think in emergency's we should always do it other than that we have lock smiths.

Alderman Marr: It came up in the budget work section about why we needed to bring on firemen in 2005 for a station that would not be completed until 2006. You answered that in

terms of the training cycle. By bringing those individuals on do we get any savings like we had this year as it relates to overtime?

Chief Bosch: We will phase those in over the year, three at the beginning of every quarter which will allow us to utilize some of our overtime budget cost to pay those salaries. It will reduce our overtime and give us the staffing necessary to maintain out staffing levels.

Alderman Marr: Can that program be done in less time than a 12 month period?

Chief Bosch: We could do that; we could hire 4 in January, April and July and basically see the same type of savings that we saw in 2004. We were trying to stretch it out for as long of a period as we can so we can see some additional savings if possible.

Alderman Marr: The basis of my question is from June to June rather than January to December.

Chief Bosch: We can do that, what we will see is if we hire part of them in June we will still see some overtime at the beginning of the year.

Alderman Marr: If that fire fighter program of 12 fire fighters instead of being transitioned over a 12 month period. Would it allow us to do something less than the 2.5 mills?

Steve Davis: If you phase the fire fighters in beginning July 2005 for example?

Alderman Marr: Yes.

Steve Davis: Yes.

Alderman Marr: Do you know roughly what that would reduce these 2.5 mills to?

Steve Davis: One half years cost for the firefighters would be about \$300,000.

Mayor Coody: So it would be about ½ of a mill.

Steve Davis: It would be close to ½ of a mill.

Mayor Coody: Since we wouldn't be collecting this until the end of 2005 anyway we would be phasing in firefighters before we really had the money to pay for them.

Steve Davis: That's true.

Alderman Marr: If I understood you right at the budget session we would start collecting the millage in October of that year. So if we brought them on in July we would have from July to October.

Steve Davis: We would have from July to October and then the full year cost would be in 2006.

Mayor Coody: Then we would have to boost the millage in 2006 to cover the full year cost.

Alderman Marr: This millage can not according to our City Attorney be dedicated to police and fire because it is a general purpose discretionary millage. If we get to budget year 2006 and someone decides we are not going to put it to police and fire will we as the Council have an opportunity to revisit and either reduce or do away with that millage if it goes towards something that we don't agree with.

Kit Williams: The millage has to be adopted every year. The City Council has the right to adopt up to five discretionary mills for the general government and then you also have the right to budget. You can budget as you please with that general revenue that comes in.

Alderman Marr: Or choose not to continue it?

Kit Williams: Yes.

Mayor Coody: I give my personal assurance that if we pass this millage for fire and police personnel you will get for that millage fire and police personnel.

Alderman Odom: This 2.5 millage proposal has not been a part of our budget talks until today. I quite frankly haven't had enough time. I understand we are under some type of deadline but this is pretty important.

Mayor Coody: We have been talking about having to increase the revenue stream for months. Whenever I brought up how we can increase our revenue to fund more fire and police, I have said it in such a way hoping the conservation would start and it never started so I thought there was no support for it by the Council. I did not want to bring something forward because I felt there was no support from the Council. I was not being assertive enough.

Alderman Cook: I agree with Conrad. I think we need time to get comments from the citizens. I would then most likely support it because I think the fire, police and the roads are the three biggest priorities that we have in the City. I don't deny that we need the millage or that we need the extra personnel in fire and police, I certainly hope that we discuss that along with the street proposal. I think we should bring those all together at once so people can see exactly what they are paying for.

Alderman Thiel: It is my understanding that if a millage is put before the voters it can be designated for a certain use.

Kit Williams: The Library millage has a specific place in the constitution that authorizes it as well as the police and fire pension plans. I would have to research and see if there is specific millage that the voters could vote in. We would have to find the authority to give us the right to make that kind of tax.

Alderman Thiel: The voter's can't vote in a millage?

Mayor Coody: You are talking about the difference between dedicated millage and discretionary millage.

Alderman Thiel: Right. I am also uncomfortable about voting on this tonight. I think this is going to be something that will be controversial. We have been putting a lot of things on the back burner that might factor into our revenue stream for next year.

Alderman Reynolds: I am going to support this for one reason we need a fire station in south Fayetteville and we have to have the employees to man it.

Alderman Lucas: Is there any other way that we can fund these policemen and firemen?

Steve Davis: There are limited sources; if we had capital expenditures that were in the General Fund that we could move to another funding location we might be able to free money up that way. Our total capital expenditures in General Fund are about \$50,000 so that is really not an opinion. We could generate some increased revenues through user fees; I think that would be limited to around \$200,000. My expectation is that as we go through the budget, there is millage and there is approximately \$800,000 we could raise by increasing the franchise on the electric, gas and telephone utilities. It will have more of an impact on those folks that are on a fixed income. I don't think there is any other real source of money to fund 12 firemen or 12 additional policemen.

Alderman Lucas: Would voting in a millage affect the TIF?

Kit Williams: No, it would not affect the TIF.

Alderman Rhoads: It would affect the amount of money that you would realize from the millage right?

Kit Williams: In the future.

Alderman Rhoads: If you did another TIF District in Fayetteville you would continue to cut into that?

Kit Williams: The city would not be seeing increases. Once you pass it and issue bonds then it is going to be in existence until the bonds are paid off. The millage must be decided and passed every year by the City Council.

Alderman Marr: It is not easy leadership but it shows leadership to bring forward something that is not popular. We have talked about diversifying our revenue during the three years that I have been on the Council. We continue to be dependent upon sales tax totally, we continue to annex land and don't get the benefit of the property value piece of that, our school systems do. Citizens look at their total tax bill and they don't really care what goes where, they look at their total bill. We run our city without the use of a revenue stream. A revenue stream is important and necessary to be diversified. I think it is very smart to bring it forward. I think we are fighting with fire when we continue to bypass the discussion of looking at this as a revenue stream. I don't think Fayetteville is going to fall apart and every thing is going to move north because I think we have a great quality of life, a great University and amenities in this city. We do stand at risk at losing retail business and new malls coming in and our sales tax going somewhere else and having nothing to look at and being a year behind to be able to talk about this. I will take responsibility too.

Alderman Jordan: We are running \$1.7 in deficit is that Correct?

Steve Davis: That is correct.

Alderman Jordan: Will the increase help us with the deficit not this year but the following year?

Steve Davis: My expectation is if we can move Central Emergency Medical Services from tax payer funded to a public utility model and if the library moves to their own independent millage, we have an opportunity to balance the General Fund budget in 2007.

Alderman Lucas: I struggle with the fact that we have not had enough input from the citizens, but we have had input from the citizens that they want police and fire safety. I don't feel uncomfortable supporting this because of that.

Alderman Cook: My problem is the short timing. I would support the full 5 mills if we had a plan for police, fire and roads. I do support the general idea I am just uncomfortable at this eleventh hour.

Mayor Coody: If we don't do it we will be a year out and again strapped with too few patrolmen and too few firemen and we will have to live with this situation for another year. We have been talking about this for the four years that I have been in office.

Alderman Thiel: This is a less regressive tax than sales tax and some of the other forms of revenue sources that we might have.

Mayor Coody: Do the senior citizens of a particular income bracket have their property tax rates fixed?

Steve Davis: I believe the appraised value is capped for those that are 65 and older and I believe there are other provisions for those that are disabled. Every property owner for their home occupied house has a homestead credit also of \$300.

Brice Curry, a resident stated for a business owner we still pay property taxes that a home owner no longer has to pay. When you enact this tax you will really be increasing the tax a business owner will have to pay.

Mayor Coody: Do we collect millage on personal property?

Steve Davis: The ordinance states real and personal property.

Mayor Coody: Is there a cap on what I pay the City of Fayetteville on property taxes?

Steve Davis: Not on property, there is on the sales tax when you buy it but not on property.

Mayor Coody: We wouldn't be doing this just for the police, we are doing this for ourselves, we are paying for the benefit for living here in town.

We had to wait until we got the word from the County about our roll back number because that would affect whatever millage that we would pass for 2005. We just got those numbers back

two weeks ago. We spoke to the County yesterday and they stated they needed our millage rate passed and given to them tomorrow. We were not expecting that, we thought we would have more time. This is unfortunate and I hate it but if we don't pass something tonight we will not be able to until this time next year. We will continue to be dramatically short of manpower in our police force and we will not be able to staff the new fire station we want to build on the southeast side of town. If we implement this millage we would still be far below what every city in the corridor has been charging for years.

Geary Lowery stated that we need more policemen and firemen. If your property goes up in appraised value then your taxes go up we should expect that. He asked if your homes and lives are worth 20 cents per day. When it comes to the needs of the community, this community needs more policemen and firemen. This is not something we want it is something we need and we need to increase our taxes to get them.

Alderman Marr: Are we absolutely positive that there is no way that Washington County can extend by longer than one day our submittal of this. Did we ask is there any way possible under any law to extend this further?

Mayor Coody: Sondra did you ask that question?

Sondra Smith, City Clerk: I did not ask if there was any way possible under any law that we could extend the deadline. I did send them a letter on October 8, 2004 asking for a 60 day extension. December 8, 2004 would be the end of the 60 day extension. The County Clerk told me she absolutely had to have this first thing in the morning. I assumed she knew what she was talking about and I did not go into detail as to why she absolutely had to have it by Wednesday morning. She did tell me the Quorum Court meets Thursday. I did not ask for another extension or what else we could do to extend this deadline.

Mayor Coody: What I can do if this gets voted down is call Jerry Hunton and ask him by the mercy of the court if they could give us another two weeks or so to figure this out.

Kit Williams: I would recommend that you pass some ordinance tonight. I would not recommend that you not pass a millage assessment ordinance because we might find out that we can't extend this.

Mayor Coody: We would need to pass at least the 1.8 mills tonight.

Alderman Rhoads: I think I would be more apt to vote for the 1.8 mills. I was looking over the third quarter performance reports from all of the different departments and on the Fire and Police Departments. As I look at their reports they both have had good years. Response time is down for the Fire Department, if you look at some of the things that they use for their performance measures, over time they are down drastically for the police. There are a number of things that indicate that yes we do need more police, we want to maintain the reputation that we have. Maybe with 1.8 and what I am reading here we might be able to make it work by completely cutting out unlocks and things like that. Just maybe do it the old fashion way where you tighten your belt here, you quit doing some things here and eliminate some jobs that aren't core or necessity. I support the 1.8 and then hopefully we could get some mercy from Judge Hutton and we could then perhaps change our mind and up it two weeks from now.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4653 as Recorded in the Office of the City Clerk

A discussion followed on when to have a city council meeting to revisit the millage if another extension is granted.

PUBLIC HEARINGS:

Mayor Coody opened the Public Hearing.

Cardinal Cab Company; Certificate of Public Convenience and Necessity: A resolution granting a Certificate of Public Convenience and Necessity to Cardinal Cab Company for the operation of a taxicab service within the City of Fayetteville, Arkansas.

Greg Tabor, Police Department: Currently we have two cab or limo companies operating legally inside the City of Fayetteville; it appears we also have several operating illegally. We will be making attempts over the next few weeks to address those people that are not operating in compliance with the ordinance.

Mayor Coody: Who has been operating illegally?

Greg Tabor: There are several, I believe Mr. Curry operates a limo service and he does not have a certificate. CTS does not have a certificate even though they have applied for one we put them off because this ordinance was in the process of being changed. There are some more since this has come to the forefront. We are trying to watch the streets for cars and limo signs because there are people out there that we have never heard of.

Last Tuesday the Council asked us to make some recommendations on the number of cabs that we need in the City of Fayetteville. We have failed on that. It seems that most of the information out there on cabs is based on the city's voucher program. The Community Resource Division runs a program to where they give coupons to citizens for taxi service. In 2002 and 2003 they gave approximately 11,000 of those coupons out. In both years 65% of those coupons went to Tony C's and 35% to Cardinal. That is the two cab company's that are currently operating legal inside the city limits. We talked to both of these companies about their call volume. Tony C's averages between 1,500 and 1,600 calls per month, Cardinal around 1,400 so there are approximately 3,000 cab trips in the City of Fayetteville every month. The average

response time for Tony C's is 25 minutes and the average response time for Cardinal is 37 minutes. I might add that when I spoke with Judy at Community Resources she said it is very common for them to get complaints about people waiting two hours on taxi cabs. The average trip distance for Tony C's is 3.5 miles the average trip distance for Cardinal is 2.8 miles.

Mayor Coody: Why would it take two hours to get a cab?

Greg Tabor: I don't know the answer to that unless there are so few that they are all busy.

I might point out the question Alderman Reynolds had about for hire tags. It is the opinion of our City Prosecutor that any vehicle for hire must have for hire tags whether it be a cab or a limo, if the car is for hire it must have for hire tags on it.

Cardinal Cab has completed the necessary paperwork for a certificate; he has also provided a copy of his insurance to me. Cardinal has requested a minimum of two cabs be permitted and a maximum of three. They have two cars insured through their insurance policy. The policy is vehicle specific, he can not trade out if one of his vehicles if it breaks down, he can not bring another one in.

Alderman Lucas: So there are two cars insured?

Greg Tabor: That is correct, according to his agent.

Alderman Reynolds: So will we decide what two cars pass inspection for the decals and that is all he will be allowed to operate?

Greg Tabor: He only has two insured; it is a requirement to have them insured so those two are the only ones possible that he could bring to be inspected.

Alderman Marr: To your knowledge have there been any complaints on this cab company.

Greg Tabor: Not that I am aware of, but I don't know if those would come to the Police Department. The only complaint that I heard was from the Community Resource Division and that was the lengthily wait time.

Curly Prim, Owner of Cardinal Cab stated they do the best they can with what they have. They try to get there as quickly as they can but the way the traffic is anymore the response time is hindered by the traffic. We are in the process of updating our cars; we try to treat the people right. I have for hire tags and insurance. I try to do things by the law.

Mayor Coody: Where is your shop that you dispatch out of?

Curly Prim: I am out of Springdale.

Mayor Coody: So that is why it takes 2 hours?

Curly Prim: A lot of times they will call you and say it took two hours to get to them but if you will look at our records it will show you the time we pick up and drop off. We have meters in our vehicles.

Alderman Reynolds: Do you run Fayetteville and Springdale.

Curly Prim: We usually try to have one cab in Fayetteville and one in Springdale.

Alderman Reynolds: You heard the Police Department say that you have two cars insured and that is the only two that you will be able to use if they pass our inspection?

Curly Prim: Yes. They will pass your inspection.

Kit Williams: What the City Council is doing here is finding that a taxi cab service is required by the Public Convenience and Necessity and that the applicant is fit, willing and able to do it. If you determine that then in fact you should pass this resolution.

Alderman Rhoads: If we felt we needed two cabs or two hundred cabs we could approve as many as we feel we need to.

Kit Williams: Yes you can, as long as you believe there is a public need for it you can approve it.

Robbie Robertson, General Manager of Cardinal: What I understood about the insurance is that we are only allowed those two cars; if one went down we could only insure those two. If we lost one I can call and have one taken off and another one put on. So we can always have two on at all times. I always have a third backup, it takes me 24 hours to get one switched for insurance.

Kit Williams: As long as the vehicle has been inspected and is properly insured and you are authorized to then you would be able to have two. It would have to meet all of the requirements.

Robbie Robertson: Regarding response times sometimes those long waits are during the peak times when people are going to and from work. We have people that make time calls to go to work or a doctor's appointment; they call us and let us know what time they need us. If we get six calls at 9:00 we take them as we get them.

Alderman Lucas: Do you let them know that it is going to take that long.

Robbie Robertson: Usually it doesn't take that long, but if we have a lot of them if they ask how long it is going to be and we know we will tell them. If it is an emergency we will try to work them in quicker or have them call emergency services. I have even called Tony C's myself to see if he had one available to pick them up.

Alderman Reynolds: If you use a third car, a backup car, it has to have a decal on it.

Robbie Robertson: I have it painted and decaled. It wouldn't take me long to get it down here, get it inspected and put it on line. I could probably do that within 24 hours. I will already have it sitting there if we need it.

Alderman Rhoads: Could I clarify the process, Kit are we trying to determine who the finest cab operator in the world is or are we trying to determine just what the need is?

Kit Williams: Just whether there is a need and if there is a need for taxi cab service is this person capable, willing and able to perform that.

Alderman Rhoads: I don't want to usurp the police's function of screening them and determining who is qualified. We are to make that decision as well?

Kit Williams: Well, yes it says that *the City Council will find whether the applicant is fit, willing and able to perform such public transportation and to conform with the provisions within this subchapter.* You will rely upon what the Police Department has said and the Fleet Department to properly inspect the vehicle.

Alderman Rhoads: And what we hear tonight?

Kit Williams: Yes.

Alderman Rhoads: Does this give them a license for a year?.

Mayor Coody: Is this an annual license?

Kit Williams: No. I think that once they get it as long as they comply with our ordinance they will maintain that certificate. You can probably revisit it and revoke it if there is a problem.

Alderman Rhoads: Can the Police revoke it on their own if they don't have insurance.

Kit Williams: That vehicle would be disqualified whether they have a certificate of insurance or not they still have to have a qualified vehicle.

Alderman Rhoads: Can the Police revoke it themselves without having to come to us.

Greg Tabor: I believe the ordinance says that the Police Chief or his designee can suspend and then it would come back to the City Council.

Alderman Reynolds moved to approve the resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 204-04 as Recorded in the Office of the City Clerk.

Alderman Rhoads moved to add amending Chapter 117 to the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

CTS Airport Shuttle and Limousine Service; Certificate of Public Convenience and Necessity: A resolution granting a certificate of Public Convenience and necessity to CTS Airport Shuttle and Limousine Service for the operation of a limousine service within the City of Fayetteville, Arkansas.

Greg Tabor: CTS is only asking for a limo and airport shuttle certificate, they are not asking for a taxi cab. Mr. Huddleston has provided an application for the certificate, two insurance policies and seven vehicles to be on his certificate. I checked with his insurance agent and he does have seven vehicles with both of those policies insured. I think you have over the last week or two some correspondence from the City Attorney describing what his opinion of a limousine is and what it would take to operate as a limousine according to this ordinance. Mr. Huddleston is one company that was operating illegally. He does not have a certificate. He did apply for one and we held him off until this procedure could be ironed out. I believe prior to that time he had been issued some citations by the Police Department for operating his company or his drivers outside the ordinance. We have also received several complaints; I believe mostly from other cab companies about CTS. I believe their complaint was that he has a scanner in his vehicle or office; he would hear their calls for service and would call his drivers and jump on their calls.

Alderman Reynolds: Does Mr. Huddleston have for hire tags on his limos?

Greg Tabor: I do not know the answer to that but according to the prosecutor he will be required to do that.

Alderman Marr: Can you refresh my memory on the memo? What is the major difference between a taxicab service and a limo service?

Kit Williams: You would initially look at the ordinance which defines the terms. According to our ordinance it defines a limousine *as transportation service over the streets of the city in a type of automobile commonly referred to as a limousine and having a manufactured seating capacity of at least eight persons including the driver, this definition excludes taxicabs.* You would either have taxicabs or limousines. Probably the first rule in interpreting an ordinance or a statute is to construe it just as it reads. I looked up the definition in a dictionary. There were two definitions for limousines. A limousine is either a *large luxurious often chuffer driven sedan that sometimes has a glass partition separating the drivers seat from the passengers compartment.* So it is either a large sedan or a large vehicle for transporting passengers to and from an airport. A lot of times it is going to be a van it is not going to be a sedan. If it is to and from an airport then it still qualifies as a limousine. If it is just going to drive around town it would have to be a large sedan, according to our definition with a seating capacity of eight people which is a large sedan, a large stretch sort of vehicle I think.

Geoff Huddleston, CTS: Basically what our company does is go to and from hotels and to the airport and back. We also have a stretch limousine, it is a 120 stretch, it is one that we don't normally use because a lot of our business in Northwest Arkansas doesn't require a stretch. We have a Mercedes sedan, a suburban, a navigator and an expedition that we use. That is about 90% of our business, about 10% of our limousine business is with a stretch and that is all over Northwest Arkansas. The stretch business isn't a really good business it's there, it is a part of it but it is not our core business. Our core business is when corporate executives come in to see Wal-Mart, Tyson's, J.B. Hunt or the University. We also do a lot of hotel business. We have two large buses which are designed specifically for airport shuttle; they have the capacity of holding 12 passengers and their luggage. We have vans that we use that are 8 passenger Chevy astro vans. We do have airport cars that work out at the Northwest Arkansas Regional Airport that come into town. Those cars will not be used in the City of Fayetteville to pick up a passenger for any reason. We are not going to go and sit on Dickson Street and try to pick up

passengers, that is not what we are looking for, that is not what we want to do. We are basically wanting to run our corporate business, stretch business and our shuttle business to and from the airport.

As far as the tickets, yes one of my drivers was ticketed in the City of Fayetteville and we have paid those fines. We did take care of that. We do have for hire tags on the vans that work in Fayetteville; they will be on every car that we work in Fayetteville. We do have insurance.

Alderman Reynolds: So you are a limo and you are not a taxi service.

Geoff Huddleston, CTS: No sir, we are not. We are basically a limo and an airport shuttle service. We are not going to go to someone's house pick them up and take them to the grocery store or the doctor's office. We don't do that. As far as having a scanner, I don't own a scanner and no one in my company owns a scanner. The only time we pick up from the hotels from someone else's calls is when they don't show up when they are suppose to and the hotel calls us. We will then go pick up the passenger and take them to the airport. That is basically what we do?

Alderman Reynolds: Who ran the operation that is called rides for tips or tips for rides?

Geoff Huddleston, CTS: I have no idea I have nothing to do with that, I have no idea who that gentleman was.

Alderman Reynolds: You weren't involved in it?

Geoff Huddleston, CTS: No sir.

Alderman Reynolds: As long as you are a limo service and not a taxicab business. If the police find you picking up passengers elsewhere then you will be ticketed under this new ordinance. We are trying to clean it up, you understand that.

Geoff Huddleston, CTS: We do have passengers in our sedans that we do take out to dinner, but we are not going to be soliciting any business other than to and from the airport and the shuttles. You are not going to see one of my shuttle vans sitting on Dickson Street trying to pick up people because I don't want to pay the fine. I just paid one fine; I am not going to do it again.

Alderman Reynolds: I believe you and I think you will live up to it, if not the Police Department will take care of you.

Geoff Huddleston, CTS: Yes, and I don't want to deal with that again. Once was enough for me.

Kit Williams: Do all of your limos have a manufactured seating capacity of eight people?

Geoff Huddleston, CTS: All of our stretch.

Kit Williams: I am talking about all of the vehicles you have.

Geoff Huddleston, CTS: The suburban, expedition and navigator have it. The Mercedes does not have it, it is a six passenger.

Kit Williams: Unless the City Council sees fit to amend the definition of limousine then that would not qualify.

Alderman Rhoads: So there are only four that you are going to use in Fayetteville.

Geoff Huddleston, CTS: We have the two 12 passenger vehicles that we will be using from the airport and then the 8 passenger astro van.

Alderman Rhoads: Seven vehicles, but not any vehicle that is less than eight passengers.

Geoff Huddleston, CTS: No sir, no vehicle that is under eight passengers.

Kit Williams: You at one time said you would take your clients to a restaurant. Where would you pick them up from to take them to the restaurant?

Geoff Huddleston, CTS: They may come from their hotel; they may hire us for the night from their home.

Kit Williams: So this is the limos not the airport shuttles.

Geoff Huddleston, CTS: The two buses and the van will do nothing but to and from the airport. They will not go anywhere else and pick up anywhere else. Limousines are hired by the hour. We may pick them up from the airport and take them to a restaurant and then take them back to the airport.

Alderman Reynolds: You named seven vehicles that you are going to use in Fayetteville, correct?

Geoff Huddleston, CTS: Correct.

Alderman Reynolds: According to the insurance company you have seven vehicles insured. What about the other car that you said you are not going to use in Fayetteville?

Geoff Huddleston, CTS: It doesn't have the same insurance on it for the City of Fayetteville.

Alderman Reynolds: So you are not going to use it in Fayetteville?

Geoff Huddleston, CTS: No sir.

Alderman Reynolds: Just the seven.

Geoff Huddleston, CTS: Yes.

Alderman Marr: Often I will go out of town and will have a car there to drive me where I am going for the day and at the end of the day pick me up. I consider that a for hire driver, I do not consider it a taxicab. We don't allow for hire driving unless it is an eight passenger vehicle?

Kit Williams: That is the way the definition is now. Certainly you are entitled to alter that definition and not have the requirement for an eight passenger vehicle.

Geoff Huddleston, CTS: When I originally read the ordinance it said six passengers including the driver. That was the original ordinance.

Alderman Reynolds: We are just trying to define between a taxi and a limo.

Alderman Marr: I think it is a real situation where you give people who do for hire driving, that's what I call it I don't know what it is called in the industry.

Geoff Huddleston, CTS: We call it sedan service.

Alderman Marr: Some car service that picks you up takes you where you are going and comes back and gets you. You have reserved the car and it is not running around.

Alderman Reynolds: He is allowed to do that.

Alderman Marr: We will revisit the ordinance later.

Tony Catroppa, Tony C Cab Company: Mr. Marr I would like to answer your question. You asked what is the difference between a taxi and a limo, a taxi is \$7,000 per year to insure and a limo is under \$1,000 that's the difference.

Brice Curry a resident: I am here because I do have a limousine service in this town. I have had my limousine service in this town for probably three to four years. I do not have a license and did not know that there was a license required. That is my fault because I do own a business and I have licenses from the state, but I did not know there was a city license. I run four limousines in this town, two of them are stretch limousines and then I have what is called limousine coaches, these are customized buses; they are built by limousine companies. The limousine coaches that are buses, one of mine seats 22 people and the other one seats 15. They are built by limousine companies, they have the interior of a limousine and they look like a limousine so we consider those limos. Almost any limousine company that is out there runs what they call their limos but then they also have sedans. The reason for these sedans is corporate business so they don't have to worry about a shuttle. Every company that is out there that is a reputable good limousine company run sedans.

You are getting into what is a taxicab and what is a limousine, sometimes in this town there are a few cars that are driven around that look like what we call our sedans. Maybe you need to look and see what you really want a taxicab to be in this town. A limousine is a totally different thing you have a different driver. That is pretty much what we do when we run our sedans. I have applied for my license through the Fayetteville Police Department and all my cars are insured. I don't pay a \$1,000 per year for insurance on my limousines. Every one of my limousines are anywhere from \$3,000 to \$4,000 to insure because they are not \$5,000 cars. All my cars are expensive you are welcome to come out and look at them, they are state of the art cars and I keep them up. They are nice, if I get a dent in one it's repaired, if I have a bad tire I put a new tire on. They are serviced constantly. I consider myself a very excellent and experienced limousine company.

Alderman Reynolds: I looked at his vehicles and he has a nice fleet.

Alderman Thiel: Are they eight passengers?

Alderman Reynolds: They are more than eight passengers which classifies them as a limo.

Tony Catroppa: I am sorry but a taxi is a taxi and a limo is limo. I am the largest taxi service; the reason being is liquor liability because I have eight clubs. I want to make sure my clients get home safely, if they crash and burn then I have a lawsuit. Liquor liability is almost prohibited. If these people are going to use these cars as taxis. If I quit there is not going to be a taxi business on account of the insurance factor. I have 27 cars, I am self insured, I have a \$5 million financial statement or I couldn't do it. If you have to have taxi's that have to pay \$7,000 a year in insurance then you are not going to have any taxis. I worked with you to try to tell you what is going on here. If you let these people tell you that these limos are not taxi's and let them bring them in then there is not going to be a taxi business, mark my words, there will not be one.

Curly Prim: What kind of license does a limo driver have to have to operate a limo? On a taxicab you have to have P for passengers anything over 15 passengers you have to have a different qualification. State of Arkansas law states that anyone hauling people for passengers for hire has to have for hire tags on their vehicles, it doesn't make any difference what it is. I have seen a lot of these limos out there that do not have them. Integrity and honesty should be one of the main factors in granting a permit to someone. He ran his cars even after the City Council told him not to run his cars in Fayetteville he continued to do it. Is integrity any part of our business or not.

Geoff Huddleston, CTS: You have to have a passenger endorsement for anything under 13 passengers plus the driver. Anything above that you have to have a CDL, it doesn't matter if you are a limousine, a taxi or whatever.

Alderman Rhoads: Would it be beneficial to hear the other resolution at the same time and then after we hear everything decide?

Mayor Coody: You mean the next resolution Tony C's?

Kit Williams: You could continue the public hearing and open it for the final company.

Alderman Marr: What would be the basis for that?

Alderman Rhoads: It sounds like there is competing interest, as opposed to deciding on one and then hearing different factors that may have an influence on this one that we are talking about now. I would rather not make that decision until it is all said and done.

Mayor Coody: Is that the Council's wish? We will go ahead and change the conservation now to the Tony' C's taxi and limo service Certificate of Public Convenience and Necessity.

Greg Tabor: To go back to CTS for just a second, the City Attorney and I had some conversation earlier this week about Alderman Marr's question. I think when we did the ordinance our initial thought was if a four passenger sedan could be a limo or a car for hire you

are not going to know that it is a limo or a car for hire at first look. Whereas if it was just a taxicab you would know it has to be operating as a taxicab when you see it on the road, I think that was what we were thinking when we did that. I believe that Kit feels like you, that maybe the ordinance needs to be changed and that any vehicle going to and from the airport should be classified in the limousine status.

Kit Williams: I think it would make it easier to enforce this ordinance to ensure that limousines were not operating as taxicabs if you kept the definition of a large sedan or a seating capacity of eight. It makes it more obvious if they see a limousine acting as a taxicab as opposed to a limousine. If they are driving a small vehicle or a vehicle that would normally be a taxicab, which is seven persons or less, and going around to a restaurant and it is not a taxicab but is licensed as a limousine it is pretty easy to see it. If they are the same vehicle and we don't have a requirement that changes the difference in seating capacity it makes it much more difficult for the police to be able to enforce the law and ensure that limousines are operating as limousines and taxicabs are operating as taxicabs.

Alderman Marr: But doing that would limit the fact that in Fayetteville you could not have a sedan car for hire like Mr. Curry's business, not bus limos or limos, but the traditional car that picks you up is that what I am hearing.

Kit Williams: Not in this particular ordinance. That is an enforcement issue.

Alderman Marr: I guarantee it is happening every week.

Greg Tabor: I believe the way the ordinance was written you could come from the airport into Fayetteville and be dropped off in a four door vehicle and not be in violation of the ordinance. It is only if they came to the motel the next morning and picked you up that they would be in violation of the ordinance.

Kit Williams: No, I don't think that is correct. I think the definition of a limousine says a large vehicle from the airport.

Alderman Marr: Just the fact that we've had this discussion come up in all three of these, I believe this needs to be further defined because I think it happens. I have watched it happen. People coming to Fayetteville from Bentonville and not having an office in each town. I myself use a service when I go out of town. I don't know that we want to limit that if we are going to be where the world's number one retailer is. One of the largest vendors to that retailer is housed in Fayetteville.

Alderman Thiel: I agree, when you go to New York you get a yellow cap or a sedan and they are very easy to identify, the sedans all look just a like. Maybe that is what we need to do make a uniform color on everything. The ideal of the stretch limo being the only sedan, I think we need to readdress that issue.

Kit Williams: That is certainly your prerogative.

Mayor Coody: We just need to define limo then.

Alderman Rhoads: Can we do it here and now and try to knock this thing out so these people don't have to come back? If we need to distinguish them for enforcement, then Kit would color code work?

Kit Williams: There are things to identify them in the ordinance, designation of vehicle by insignia or the like, Section 117.42.

Alderman Rhoads: Is there enough significant stuff so they can enforce it properly?

Greg Tabor: It has a light on top.

Alderman Rhoads: That is easy enough. Then all we have to do is eliminate the eight passengers and take it down to a driver and five passengers for limos and therefore you could have the car for hire.

Kit Williams: You could just change the eight to 6 or 5.

Alderman Thiel: Do we have to designate the number of passengers?

Kit Williams: You can just say commonly known as limousines and leave it at that if you want to.

Alderman Lucas: How would you identify if it was a limousine or a taxi?

Greg Tabor: In the ordinance a cab has to have a light on top.

Kit Williams: If you didn't have the eight passengers in the ordinance it would just be a large luxurious sedan and so a town car would probably fit that.

Mayor Coody: Do we need to amend the ordinance.

Kit Williams: Yes.

Alderman Rhoads moved to amend the ordinance to delete the language that requires eight passengers. Alderman Marr seconded the motion. This motion was not voted upon by the Council. The Council had to Suspend the Rules to add this discussion to the agenda before a motion to amend the ordinance could be made.

Kit Williams: The amendment would read *limousine service will be defined as transportation service over the streets of the city in a type of automobile commonly referred to as a limousine. This definition expressly excludes taxicabs.*

Alderman Lucas: Where does it identify that a limousine service is going to be to the airport?

Kit Williams: You would have two kinds as I quoted the dictionary before, if you don't have it specifically designated in here then you go to the dictionary and the dictionary says a *large vehicle from the airport or a luxurious sedan*. That is your definition that the police could use.

Greg Tabor: Is it my understanding then on a five person one it could only come and go from the airport? Is that the way the ordinance is now?

Kit Williams: No it could be a large vehicle from the airport, it would not have to be a sedan, it could be a bus or a van or something like that from the airport. The limo itself would be a large luxurious sedan.

Greg Tabor: There is no way you can do a car for hire except from the airport?

Alderman Rhoads: They can go to the airport; they can drop people off at a restaurant and so forth.

Kit Williams: In addition to that you can have vans and buses from the airport which would not qualify as an in town vehicle.

Mayor Coody: Is everyone clear?

Council: No.

Greg Tabor: I think you see why this has been avoided for so many years.

Mayor Coody: We have a motion and a second to amend but is everyone comfortable with the amendment?

Alderman Reynolds: We have had a lot of meetings and have been a year to trying to get it this far. What we are trying to do is to get it where everyone is not using scanners or whatever and picking up calls from cab companies and taking people places. We are trying to define it to where everyone is running legal and the Police Department can watch that and take care of that law. I think that us changing this will put us back where we where.

Alderman Lucas: Maybe they all should be taxicabs.

Kit Williams: Before you can consider this you will have to suspend the rules, because this is not on the agenda to change this and place the amendment of this section of the code on the agenda.

Alderman Thiel: I do not understand why if it is an eight passenger stretch limo or a sedan for five passengers makes this such a big change. I don't understand that part.

Alderman Reynolds: Well maybe you need to be on the taxi committee so you can help work this out.

Alderman Thiel: Ok, so as long as it is a stretch or a long limousine then?

Kit Williams: What I would recommend is that we go ahead and complete the public hearings that we have already scheduled tonight and then if this needs to be changed again, Alderman Thiel is on the Ordinance Review Committee and we can make whatever changes that needs to be made at that committee.

Alderman Rhoads: Except we have everyone here that we need, we have all the taxi companies; we have the Alderman, the police folks and the finest City Attorney.

Mayor Coody: Kit you have read your amendment to the ordinance; we need to suspend the rules to put this on the agenda if we want to resolve this.

Kit Williams: Yes you would have to.

Greg Tabor: The way the ordinance is right now it would be impossible for Alderman Marr to hire a car to go from his office in Fayetteville to go to his office in Bentonville. Because it is not a stretch limo commonly driven by a chafer or it is not coming to or from an airport. He would have to use a taxi for that purpose.

Mayor Coody: Unless we amend it.

Greg Tabor: Even with it amended I believe.

Kit Williams: No, I think if it was amended it would be alright because it doesn't have to be a stretch limo, it has to be a luxurious sedan.

Mayor Coody: Because we are deleting the passenger requirement.

Alderman Marr: I actually realize that we want to get this thing done put I think that we are at a point where it isn't going to happen. We are better off looking at cities from the definition standpoint because this is not a problem that is unique to Fayetteville. Anywhere that has a business center and an airport uses for hire drivers and taxicabs and limos. I think we are missing an avenue in all these definitions that is used in our city. If we can't do it now then we are better off to do it at another meeting.

Mayor Coody: Is it your intent that we go through the public hearing and determine the Certificate of Necessity and then amend the ordinance to define passenger capacity later.

Alderman Reynolds: We could sit here and work it out.

Mayor Coody: I think there is a motion and second.

Kit Williams: The motion was to suspend the rules and add this to the agenda was that the motion.

Sondra Smith: No the motion was to amend the ordinance.

Mayor Coody: That is not a valid motion. Is there a motion to suspend the rules and a second to put this on the agenda?

Alderman Rhoads moved to suspend the rules and add amending the ordinance to the agenda. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Kit Williams: We are talking about Section 117.60 Definition of Limousine Service.

Mayor Coody: Kit you have a good head on your shoulders and you have been hearing what has been going on, what recommendation would you make to this Council that you think might make everybody as happy as they can be.

Kit Williams: I think if you simply strike *and having a manufactured seating capacity of at least eight persons including the driver* the situation that Don is concerned about will go away. We will be relying totally upon the normal definition of a limousine which is either a luxurious sedan or a large vehicle that serves an airport.

Alderman Rhoads: We will still be able to define a taxicab by a flashing light on top.

Kit Williams: Yes and the rest of that definition is that *this definition expressly excludes taxicabs.*

Alderman Rhoads moved to amend the ordinance to strike *and having a manufactured seating capacity of at least eight persons including the driver.* Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Alderman Marr moved to approve the Certificate of Public Convenience and Necessity for CTS Airport Shuttle and Limousine Service. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-1. Alderman Thiel, Cook, Marr, Rhoads, Odom, Lucas and Jordan voting yes. Alderman Reynolds voting no.

Resolution 205-04 as Recorded in the Office of the City Clerk.

Tony-C Taxi & Limo Service; Certificate of Public Convenience and Necessity: A resolution granting a Certificate of Public Convenience and Necessity to Tony-C Taxi & Limo Co., LLC for the operation of a taxicab and limousine service within the City of Fayetteville, Arkansas.

Greg Tabor: Mr. Catroppa has applied for both a taxi and a limo. He has filled out the application for a certificate. He is asking for a minimum of six vehicles and a maximum of 12. He did provide a copy of a letter from the Arkansas Department of Finance and Administration that he is self insured. I think Kit was looking into that to see if that is in compliance with the ordinance.

Kit Williams: The ordinance states that you will provide a policy it doesn't say you can be self insured. Even if you have a number of vehicles within the State and you fulfill whatever the State requires. The state allows you to be self insured, but that is not what your ordinance says.

Alderman Rhoads: If you are self insured, you can issue yourself a policy?

Kit Williams: No, you have to fulfill some financial stipulations with the insurance commissioner I think. I am not an expert on this; you have to have a certain number of vehicles and try to show that you are financially sound enough to pay. I had experience with that and sued a trucking company that was self insured and they did not pay.

Alderman Rhoads: Does the applicant have excess or umbrella insurance or any thing above the initial self insured?

Greg Tabor: All he provided me was a letter of self insurance.

Mayor Coody: The letter was from whom?

Greg Tabor: The Department of Finance and Administration.

Alderman Rhoads: Mr. Captronna: Do you have any kind of insurance above your self insured retention?

Tony Captronna: I just did what the State required. I gave them my financial statement put up property and then they self insured me. That was all that was required.

Alderman Rhoads: I am not suggesting that you go out and buy a bunch more insurance, I am just wondering if you already have insurance in place above what your self insured retention might be then they could issue a policy and then you would meet the requirements of the ordinance.

Tony Captronna: I don't believe so. All I have is what was required by the State. It is quite an ordeal to get that, I worked on it a year and a half to get that self insured certificate.

Mayor Coody: It looks like the two options are that we have to turn down Mr. Captroppa or amend the ordinance.

Alderman Marr: It is on State letterhead, it's approved by the State, and it was good enough to get recognition at a State level, a higher governing body than we are. It is probably stronger in some cases than the ability to pay a premium. I am curious why we have it listed as an insurance policy and not coverage.

Tony Captronna: I have \$5 million in land and assets up that if anything happens they take them. I was a year and a half in the process of doing it so I don't understand.

Mayor Coody: Do we need to amend our ordinance to allow this?

Kit Williams: Yes, you would have to and it will be a more difficult than the last amendment.

Mayor Coody: Do we need to add this to the agenda as well?

Alderman Marr: Do you think it is something that could be solved tonight?

Kit Williams: I would recommend if you want to do this that you grant him a stay of grace until the City Council can meet again and allow us to actually draft the language.

Alderman Rhoads: Is it not just as simple as the applicant must produce some form of coverage versus a policy?

Kit Williams: I wouldn't want to say some form of coverage. That is not very good language.

Alderman Rhoads: You are absolutely right.

Alderman Marr: There is a number on this form. I would say this is a self insured policy with a policy number.

Kit Williams: But that does not fit the ordinance. The ordinance states the insurance shall be maintained with an insurance company authorized to do business in the State.

Mayor Coody: We could add or proof of self insurance as shown by the State of Arkansas. Do we have to add this to the agenda as well?

Kit Williams: Yes. I still do not recommend amending the Code of Fayetteville at midnight.

Greg Tabor: He has until December 31, 2004 to get us a certificate of insurance.

Mayor Coody: So we can hammer this out in the next couple of weeks and make the amendment at the next City Council meeting?

Kit Williams: I would recommend that you ask him any questions that you might have at this point in time and therefore he will not have to return.

Mayor Coody: Do we need to vote on his certificate tonight.

Kit Williams: You can go ahead and vote on it and if it passes it will be on condition of him meeting our ordinance.

Alderman Marr moved to approve the Certificate of Public Convenience and Necessity for Tony-C Taxi & Limo Service. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

Resolution 206-04 as Recorded in the Office of the City Clerk.

Mayor Coody: We will revisit the insurance issue at our next meeting.

Alderman Marr thanked everyone that helped on the homeless vigil.

Meeting Adjourned at 12:05 AM

Sondra Smith, City Clerk

Dan Coody, Mayor

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Conrad Odom
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**Special City Council
Meeting Minutes
December 28, 2004**

A Special Meeting of the Fayetteville City Council was held on December 28, 2004 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

Pledge of Allegiance

Mayor Coody Opened the Public Hearing

Highway 71 East Square Redevelopment District #1 Creation: A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on forming the Highway 71 East Square Redevelopment District Number One.

Mayor Coody: Kit do we need to do anything from your perspective?

Kit Williams: Basically this has already been discussed a few times before the City Council, it was a proposal that was approved earlier with minor notification problems. We decided to run through the process again but nothing has changed within the district. The borders are still the same and so is the project plan.

Alderman Thiel: I realize this has already been discussed thoroughly but I have had some recent concerns on this and have been requested that I ask some questions. We have had the discussion about reimbursement to the city for cost related to the TIF. Does that deal with adding additional staff to the City? At some point I would think there would have to be staff

hired to facilitate and coordinate. Would that be reimbursed from the proceeds of the TIF? If so how would that be divided among the various TIF's?

Kit Williams: I don't. I don't think there has been any discussion about adding new staff. The kind of cost I think the resolution was talking about is for the bond counsel, financial advisor, underwriter and the economic forecast that the University did for us. I think those are the costs that were anticipated to be paid for with the TIF proceeds if the bonds are in fact passed.

Alderman Thiel: No one thinks there needs to be any type of management of these TIF's except for the City Council?

Kit Williams: That would be up to the Mayor and the Administration I don't decide on personnel.

Alderman Thiel: My question again is if at some point we see the need to hire someone rather than contract our services would that be reimbursed?

Mayor Coody: I would think that it would be a reimbursable expense would it not?

Kit Williams: I don't know if it would be or not.

Mayor Coody: We have not had discussions about hiring any more staff for this.

Alderman Thiel: I think a lot of people are concerned about that. There are a lot of things that haven't been discussed and that is one of them.

Mayor Coody: It is an intense short spurt of activity and then by the time it is all approved everyone goes back to their normal routine. So it is not an ongoing day to day operation.

Steve Davis: The ongoing day to day monitoring and management of the TIF data actually falls to the County Assessors office. The County Assessor has the ability to charge each TIF for their potential share of increased operational cost.

Alderman Thiel: Can charge each TIF. Okay, very good.

Steve Davis: The City doesn't necessarily have any management oversight.

Alderman Thiel: There seems to be concern about the appraised cost of the purchase of the Mountain Inn and why the City or the people that have been working on this project didn't look closer at the idea of just condemning that property. Maybe Mr. Nock or whoever has been working on this project could explain why it was just set up with an offer of \$2.5 million to purchase this.

John Nock: I will try to answer that the best I can. The process to acquire the land was a multi month even year process to get the necessary property to do the project. One of the resounding comments that we heard both from public input as well as from the Council was that the interest in using condemnation was just not there. We certainly did what a private side would do and negotiate the very best possible prices for those parcels. In addition the statute clearly states that one of the specific items allowed and I will quote from that, this is the Arkansas Statutes for TIF's refers to real property assembly cost meaning any deficit incurred resulting from the sale

or lease as lessor by the local government of real or personal property within a re-development district for consideration which is less than it's cost to local government. It was certainly, in the intention of doing a TIF, the ability to remove the blight and also to assemble the necessary property. We could certainly just remove one building and remove the blight but then you could not carry forth the necessary items to do the whole project. Could it have been condemned, certainly. You can condemn anything the City Council has that power. It is also specifically granted under the TIF legislation it is my understanding. We did not approach that and we said early on that it was not our idea or scenario to be involved in a condemnation procedure. Having worked with the Dover Kohl Downtown Master Plan it was very auditable during that process that condemnation rather than re-development was not what was wanted it was the other way around and we certainly tried to stick with the spirit of that.

Alderman Thiel: I think there is a difference between eminent domain and condemnation. Whenever a property is to the point of being condemned, I see a difference there. I think what I heard in the early conversations of this TIF was using eminent domain and there is a difference. I guess I am alright with that and that is what I have explained to people that have asked me. I said I think that was the original intent and it was explained back to me they are two different things and they are.

John Nock: That is a good point. Let me go on if I may and go to another scenario. The idea behind a tax increment financing or a re-development district is a short term investment in under utilized blighted or under developed areas depending upon how you define the legislation whereby money is spent so additional dollars come back. This project doesn't make sense on its own privately and the only way it makes sense to have any public dollars come in and help with remediation of the building, removal of the blight and assembly of the project is if it is going to return economic dollars back to the project area in the re-development district. So, one has to say what is the cost for assembly, demolition and then what does this return. In your boxes this week there was a number that was supplied from HMR taxes, property taxes as well as other sales taxes just from this project alone. If my calculations were right it was in excess of \$40 million dollars over the same 25 year period. So the real test of a TIF is money spent short term what does it give us as a long term result. You are exactly right you could go in and do the same process by condemnation but what you end up with is a much different process.

Mayor Coody: Does that answer your question at all?

Alderman Thiel: Not entirely. Not as far as the difference between buying it and condemning it and that really is for the Mountain Inn property and I understand the whole project encompasses more than just that.

John Nock: We as developers had no interest in petitioning you as the City Council to do condemnation. That has not been Richard Alexander's history of doing projects in downtown; I think he's been quite successful with that. It's also been an adopted measure on my part that instead of going in and utilizing, where there's condemnation or eminent domain, that was not a part of our program. Maybe another developer would submit that, but that was not a part of our program and it was clearly allowed under the statute for TIF's. We complied with what was out there and also tried to follow that spirit of the law.

Alderman Thiel: Okay.

Mayor Coody: All right. Anyone else? Yes, Ma'am.

Alderman Lucas: Maybe a better question would be, why did the City not, before even the TIF's were, you know, available, why did the City – there must have been reasons why the City did not condemn the hotel, because it was a blighted building and everything and dangerous. I was just curious what the thinking was that the City did not approach it that way. Maybe we didn't have the laws – maybe we have better code enforcement now that we can do it or something like that...

Mayor Coody: No. The reason we didn't condemn it, we thought about condemnation but the developers asked us to please stay away from that because that probably would have screwed the deal up that they were trying to accommodate with Stella Mogel, is that right? So we discussed this...

John Nock: Well, there's more than one owner certainly involved, but it was never our plan to go through condemnation. We certainly – you certainly could do that.

Alderman Thiel: Yeah. I think what I – I think you've made a good point. I mean, why didn't we deal with this before the TIF discussion? I mean, in fact I think there had been some discussion of it a couple of years ago, before you even came forward with this idea of, you know, in other words I guess we all kind of feel like why are we compensating Stella for not doing something with that property.

Mayor Coody: Yes, sir.

Alderman Odom: My only comment about that is that condemnation isn't as simple as it sounds. I mean, it's a – it can be a very long, protracted legal battle when you've been in condemnation proceedings and you can't just go in and condemn property without good reason or you end up in a very long, protracted legal battle. An area can be blighted without the necessity of condemning it. And if – and I think it kind of goes to what is the City going to take as a policy stance. Is it gonna – just going to go in and start condemning property because it doesn't like what it sees? And I understood that the Council was sort of against that sort of philosophy. And so I think that's the reason it wasn't looked at sooner. I mean, yeah, it was a potentially harmful to, you know, vagrants and so forth to go into that area but those, you know, it was boarded up at certain points in time, the roof was maybe fixed at certain points in time, so – yeah – I think it's a dangerous thing for a City to just – at first – to go in and say, "we need to look at condemnation". I think that's a theory or a way of last resort. Much as a tourniquet is – if someone is bleeding, the first thing that you want to do is apply pressure. The last thing in the world you want to do is come in and put a tourniquet on. So I don't – while I think that the area was blighted, I don't know that it was to the point of where the City needed to come in and actually condemn the property. That'd be my thought on it.

John Nock: If I could add one more thing...

Alderman Thiel: We have a Raze and Removal on the end of our agenda of this next - on Tuesday's Council meeting. So...

Alderman Odom: I'm not saying – I'm not saying that there aren't certain times where things shouldn't be condemned...

Alderman Thiel: Yeah.

Alderman Odom: ...there certainly are. I'm just saying I'm not sure that this project was actually to that point. It sure was close.

Alderman Thiel: Yeah.

John Nock: There's an economic story behind that, too. We have three different bids coming in on the demolition of the project. And those range, at the minimum of half a million dollars and at the high side, close to nine hundred thousand dollars. So, again, I don't know the complete process but I do know if you condemn and if you do tear it down, the City, the taxpayers would then absorb that cost, and then if I understand the process after that, you would then attempt to try to sell the land. Uh, having been recently involved in the purchase of the library, where we paid full market value, in fact a little bit more than that, than what your appraisal came up with – an independent appraisal analysis on the old library building, that was actually \$6 a foot - with a nice building in a nice historical area. Whereas the Mountain Inn, the appraisal on it came in, believe it or not, at the same area – right at \$6 a foot. But it's also blighted and is not in the historical area, but it has potential to turn around. So, uh, the valuation of how we'd be purchasing it, versus where it is, it's worth much more with the buildings gone, believe it or not. Because of the liability of – let's call it a half a million to three-quarters of a million dollars is a number that the taxpayers would then immediately absorb. If you can sell it for that, great, otherwise it would be a deficit thereafter. Whereas, a redevelopment project such as this – and as you've seen on the spread sheet that's been prepared, \$3.5 million comes back in many different ways – through HMR, other sales tax as well, that otherwise would not come, even if it was just a razed building with an empty parking lot.

Mayor Coody: All right.

Alderman Jordan: You know, it seems to me that we did have some discussion of condemnation on this property because I remember Alderman Marr saying something like that nobody on this Council wants to condemn property. Is this the same – was this the same issue? Do you remember, Don?

Alderman Marr: Yeah. Actually it was a gentleman who lived down off of Rock Street I think it was who was talking about a home. It wasn't this particular building. But there – the people who actually commented were concerned about eminent domain and...

Alderman Jordan: Okay.

Alderman Marr: ...condemning their property for economic growth, if you will and I – I made a joke that night that, you know, the best way to do that is to reelect the people up here who didn't want to do that. And, so – I also think that – I mean I wasn't aware the history of why we didn't proceed with, you know, code enforcement on the property but I think at this point, since it wasn't and there's been negotiations, I think you open – a point to consider is we open ourselves up now for commitments that have probably verbally been made or contractually made about purchasing it versus changing in mid stream. So that would - now my concern would be that you'd have higher litigation on the end of going that route.

Mayor Coody: Well, if I remember right, we certainly sent letters to ask to please secure the place. Kit, I think, did you have a hand in that? I believe we sent letters to Moga saying that they needed to secure the place, clean it up ...

Kit Williams: I didn't have a hand in that but I was aware, I know we had our fire marshal go into the building and he was very concerned.

Alderman Thiel: And again, I wasn't to emphasize the difference between eminent domain and condemnation. There is -- I mean, there is a difference as far as, I mean because the condemnation that we're doing -- the raze and removal we're doing -- we're going to be discussing at the next meeting, is for a different reason. I mean, eminent domain is taking property for streets or whatever. And I do think this Council was very committed to not using eminent domain. As far as -- I mean I'm sure we'll -- we'll have properties pop up down South College again that need to be razed and removed. I mean, so we're not opposed necessarily to razing and removing and condemning property whenever it's necessary. And -- and I really don't -- the reason I'm bringing this up is just these are questions that people wanted me to try to get fleshed out so that they have a better understanding of this TIF. I think there's more concern about this one now in a way because we're looking at other ones. And, so anyway that's really the reason I'm -- I agree with you, there's already been a lot of commitments made and I'm not, you know, going to back pedal on my support of this particular one. I just want to make sure plenty of questions are asked and so...

Mayor Coody: All right...yes, sir.

Kit Williams: Mayor, we probably should restrict most of the discussion actually to the boundaries of the TIF and the creation of this TIF rather than talking about the project plan at this point in time. And we need to make sure that we let the public comment since this is the public hearing portion.

Mayor Coody: Oh, yeah. That was the next thing is public comment. Where it says here, present views on forming the 71 East Square Redevelopment District #1, I was thinking that that's what Brenda was doing, was presenting her views on that. All right, anyone from the public want to comment on this? Yes sir, please step forward. Please introduce yourself for the record.

Don Bright: Yeah, my name's Don Bright. I've got three questions that I'll try to get over with real quick and then let whomever up there wants to discuss them. Number 1 -- and we've been talking about this -- do you plan to use to condemn property and use eminent domain on the non-blighted areas. I think we all know that the vast majority of this district is not blight so would you ever use eminent domain to remove a person from a non-blighted building. Two

Mayor Coody: Let me answer these one at a time. Then I think the first answer we can pretty much certainly say no.

Don Bright: Okay. Do you have a definition of blight that you can include in this or would you consider that?

Mayor Coody: With TIF legislation I believe that if...is there no....?

Don Bright: I've read the Act and it – well it covers it but it doesn't specifically – when you say "underused" as part of blight, you know, a person that travels a lot is not using their house a lot so its – it leaves a lot of open gaps, I think.

Mayor Coody: Well, I think that when we've used the word "blighted areas", when we look at the Mountain Inn, pretty much everyone agrees that qualifies.

Don Bright: Definitely I agree there. But if someone's living in a – in a private home for instance that's not very well kept, you can't call that blighted....

Mayor Coody: True.

Don Bright: ...is my point. And the other one – and this is, you may not have to discuss this, it may sound silly. Is there – or have you considered taking bids on the development of these TIF areas and seeing if another developer might come and do it without the City having to put out as much money. Thank you.

Mayor Coody: Thank you very much. As far as taking bids go, no, we haven't because, Steve, where – is Steve Davis back there? Our finance guy? These folks came up with a plan to put a 14-story hotel here and do a lot of things we needed to have done in the downtown area. If we were to just put it out to bid, there's no telling exactly what we would get, I believe. Do you have an answer for Mr. Bright's question about going out to bid with random access folks to see if they – what they would do with the building?

Steve Davis: I'm not sure it would be in the City's – the City would be in a position to put anything out for bid. Until the property is acquired and demolished, there's nothing there to – for us to bid out. It's been a vacant building for many, many years and it's been – there's been a number of items in the press about who the owners were, so any – any developer that wanted to try to put together a viable development plan had the opportunity to do that. These developers did take that opportunity and did show the initiative.

Mayor Coody: All right. Thank you. How are you tonight, Jeff?

Jeff Erf: Okay, thanks. My name's Jeff Erf, a Fayetteville resident. I live outside the proposed TIF district. Uh, the Northwest Arkansas Times has this special section on their website devoted to explaining this specific TIF district and some of the other proposed ones and I just wanted to read a couple of statements here and find out whether or not they are true. And this is in regards to the Mountain Inn TIF district, is what they are calling it, that's what is before you tonight. "A redevelopment district will not raise tax rates for anyone." Then there's another statement, "anyone with property outside the district is unaffected". Would that be a true – are those true statements?

Mayor Coody: I certainly believe so, yes.

Jeff Erf: Because about three weeks ago, there was a discussion about raising millage rates for fire and police protection. I believe you had thrown out maybe 2.5 mils additional tax. And there was a comment and some discussion made about that since the millage rates would be frozen to be a base rate in the TIF districts, that that increase in millage for fire and police protection that would cover the rest of the city and would go into the general fund for fire and

police protection, that additional collected tax would actually have to stay in the TIF district and be used for that TIF development plan.

Mayor Coody: I'm not sure that – does that apply to new millages, Kit? Or is that just existing millages?

Kit Williams: I think there is a base value established and that will cover it even if there's going to be a new millage. But it doesn't raise anybody's tax rate. Now, it might affect where that tax is going – inside the TIF district it would go to the County Assessor and she would send the increment back to the TIF district itself to pay the bonds or whatever. And the money from outside the TIF district would all go into the City for general purposes. So it wouldn't raise anybody's taxes but not all the taxes collected would go to the City. Some would go to the TIF district.

Jeff Erf: Well, there was an article in the paper, I think a week ago, that the library had requested the attorney general for an opinion. Their concern is that if they were to raise library millage, the way I understand it anyway, that that millage – the tax increases that would be collected inside of a TIF would stay in the TIF and could not be used for – their concern is that it wouldn't be available for the library's use. And, reading between the lines, if they can't collect that additional money from the TIF district, then they have to raise millage in the areas of the City that aren't included in a TIF.

Kit Williams: I think the only thing a TIF does is put a base of property value – not a base of taxes – a base of property value that can be raised – that you can apply millage to in a TIF district. So it's not that the new millage might not – the new millage would be applied uniformly I think, throughout the entire city, but the base value of the property in the TIF district will not be raised because - the increase in property value will go to the TIF district but the base value will stay with the other taxes entities, whether they're the schools, the library, the County or the City.

Jeff Erf: Okay. Let me re – I thought you discussed this already, so let me try again. If you would, for example, raise the millage for fire and police 2% and it - and for the entire City including the TIF district. And you're collecting that additional two mils from every property in the City. Does all the property in the City – does all that money go to the City's general fund or does the property that's inside the TIF district – that money has to be directed and allocated – redispersed – to the plan – to the projects only inside that area – that TIF district?

Kit Williams: My understanding is it's a mixture in the TIF district. The base value goes to the City for the general purposes. The increment – the amount above the base value, the amount the property has increased in value in the TIF district, that would be separated by the County Assessor and that would go back to the TIF district. But the millage would be applied uniformly, there would be no difference in tax rates, whether you're in the TIF district or out of the TIF district.

Jeff Erf: I'm not concerned about the difference in the tax rate, I'm concerned about the money – where the money comes that's collected in the TIF district, if it – if there's an additional two mils property tax increase in the district, does it increase the base rate by two mils or does that – or is it considered part of the increment, which goes into the...

Kit Williams: My understanding is – it's not part of the increment.

Jeff Erf: It's not? Okay. That's what you're saying.

Kit Williams: That's my understanding. No, only the increase in value of the property – that is the increment. Not a change in the millage rate itself. Only the property's value. The property goes from \$100,000 to \$120,000. So that \$20,000 – the millage on that \$20,000 goes to the tax increment financing district. The \$100,000 still goes to the taxing entity.

Alderman Rhoads: So, so to answer Jeff's question, if you – if you raise – if you put a new millage in, then the – the benefactor – I'm sorry, the beneficiary of that new millage wouldn't get that additional millage on the \$20,000. Is that right?

Kit Williams: I'm not – I'm not sure if there's a new millage – I think the new millage would be applied at the base value, that is established right now....

Alderman Rhoads: So with your example, you'd get the millage on that \$100,000 and then that additional twenty would go ...

Kit Williams: ...would go to the tax increment financing district, I think.

Jeff Erf: But, okay, but then over twenty five years that could be a significant amount.

Kit Williams: That's correct.

Jeff Erf: So, okay. Thank you very much.

Mayor Coody: Thanks, Jeff. Anyone else want to address us on this? Yes, sir. John, how are you tonight.

John Newman: I'm good. I'm John Newman, Fayetteville resident. I guess I'm coming into this late, but I just wanted to state my opposition to this TIF and certainly to the others that I've heard just a little bit about. And I'm opposed for two reasons. Opposed to this TIF. One, I think my reading of the law it talks about blighted areas. When I think of a blighted areas I think of something where, you know, there's no private investment going in, that sort of things. And I'd certainly agree that the Mountain Inn is a blighted property. But the Mountain Inn lot of course is a very small part of this district. And then when I look around at what's in the district, I see the Town Center, I don't think that's a blighted property. I see the whole square and I see new development, I think on Spring and College there's something going up and we've got the Mill District, a new Walgreens. So, it doesn't seem to me like a blighted area I guess. Maybe I'm reading the law wrong.

Mayor Coody: I don't – now just - all the land inside the boundary doesn't have to be blighted. This intent of this legislation is to able to put private investment where it won't go without some kind of a mechanism or a tool like this to make it happen. So, we wouldn't be considering the Town Center, for example, a blighted area. Well, that's a bad example since it's off the tax roles anyway. Let's just use new development over at Spring and College. That – that's going to be a brand new building – it certainly won't be blighted, but the increase in the property value there, that increase will go toward the removal of blight within the district, which means the Mountain Inn and its environs. It doesn't mean that the entire district is blighted. But it means there – that's the reason the boundary is drawn the way it is, is to capture enough of an increase – and

believe me even as big of an area as that is it doesn't generate as much money as one might think. So the reason the map was drawn like that is to be able to capture enough of an increase to make – an increment to make the redevelopment of the Mountain Inn viable and without something of that size, it wasn't – it's not viable. Does that make sense at all?

John Newman: Yeah. I mean, it makes sense. And I guess that's a good reason why you would want to draw the district large. But I don't think the district at large in general is blighted. There's maybe, you'd call a low rent district, or even parts of it are not that, the square certainly isn't...

Mayor Coody: No. We – I think we would all agree with that assessment. The whole district is not blighted.

John Newman: Okay. Well, my reading of the law, it seems like an abuse of – if not the letter of the law, the spirit of it. I guess the – the number one reason I'm opposed to it – opposed to TIFs in general, is they sort of sound too good to be true. And in a way it goes back for me to twenty-five years ago when I was getting my accounting degree up on the hill and I had a teacher, maybe some of you know Leonard White, best college teacher I ever had for economics. And he was so good because he distilled economics down to a few basic concepts and one of his basic rules of economics was that there is no free lunch. No free lunch for society. He said now, he said, "Dan, you may buy me lunch and I get a free lunch, but that's only because you're paying. And that somebody's always paying for everything. And – and yet I'm hearing this being promoted – the TIF concept, like a free lunch. And that's really what got me interested in it in the first place. I'm reading these articles and initially not understanding them and finally really dug into it a lot wanting to – wanting to answer this question. Well, who's paying for this? And, the only answer that I could come up with is that it's – it's our school districts, school district, and anybody else that gets these taxes. And I understand that this is just – it's just on the increase in value but when you're talking twenty five years, especially in an area like Fayetteville where real estate is appreciating fairly rapidly, you know, you get out there twenty, twenty-five years and the increment in value is likely much, much larger than the base value that you started with at the beginning of the period. I studied the, you know, the plan that's on the website and read through it to further, to answer this question and I poured over the numbers and the projections that Jeff Collins at the U of A did, which by the way there's a few significant mistakes in there, but be that as it may, those projections don't speak to my question at all. All they do is project how much money will be generated by this and is it enough to do whatever we want to do. Kind of what you were talking about earlier, Dan. So I guess my question is, do we have projections that say, "here's what the schools and others would get if we didn't do a TIF, and here's what they'll get with the TIF in place." Because without that, we're just shooting in the dark.

Mayor Coody: While we do have some projects, I'm not sure – at the level of detail you're asking, I'm sure we do have several projections out there that you're welcome to. But one of the things is, that without some kind of tool for redevelopment, the Mountain Inn is going to stay just like it is for the next twenty years. And we won't see those property values increased. I mean, it's been like this for, I don't know, twenty years already. We don't see much hope for a really good redevelopment, especially the kind that we really need downtown without a tool like this to make it happen. If there were an easier way to do it, we would have done it years ago.

John Newman: And let me just say, I think the idea of, you know, helping to put a hotel on that property, doing something with it is a wonderful idea. I just think, I'm really uncomfortable with

TIFs because of this idea that we go into it without any clear understanding of who's paying. And yeah, if I can get a copy of those projections, I'd like that. Thank you.

Mayor Coody: All right. Thank you. Anyone else want to make a comment on this tonight?

Phil Ralston: Good evening. I'm Phil Ralston. I'm from Fayetteville. Are we talking about the plan or the district at this point?

Kit Williams: We're supposed to be talking about the – about the borders and creating the district.

Mayor Coody: Yes.

Phil Ralston: So, when are we going to talk about the plan again?

Mayor Coody: That's going to be...

Kit Williams: Later on tonight.

Mayor Coody: Yes.

Phil Ralston: Later tonight. I'll wait then.

Mayor Coody: All right. Thank you. Anyone else want to talk - address us on this topic. See none...oh...go ahead.

Carol Tarving: Good evening. I'm with the Green Party of Washington County and the Green Party of Arkansas. And when I was visiting Little Rock recently to visit the Clinton Library, I picked up the Arkansas Times that had an article called, "More TIF Madness" by Max Brantley. And I'd like to offer you some copies of that article. The first thing I'd like to know is if you find anything inaccurate in this. Kit, I know you were quoted quite a bit in this article and I'd like to know, you know, if there's anything that was a misquote in that article.

Kit Williams: Well, actually I won't argue on the quotations but often he started off with a comment that I would make at the start of a paragraph and then he would fill in his thoughts the rest of the paragraph, making it sound like those are what I said, when in fact, that is what he said.

Carol Tarving: Well, this is what, I would like to use this opportunity to clarify what those comments are. They were different than anything I've heard – heard or read in our local media concerning this. But it does raise the issue of the legalities – and you've mentioned that if you, it quotes you as saying, if you were in private practice you would question some of the legalities of this TIF plan.

Kit Williams: No. He didn't go – actually go that far. He said if Williams were a lawyer in private practice, he said he'd be inclined to look at the legality of some TIF's being completed in a rush. And that's not the Mountain Inn TIF, which is not being completed in a rush and in fact, fully complies with the law in my opinion. There have been some others that I've read about in the paper that have caused me to wonder about them, but I don't want to comment on any of the other TIF's.

Carol Tarvin: I agree. And, and you know that's, part of our concern is that this is a template. This is a precedent setting TIF in Northwest Arkansas. And so, how we conduct this one, it seems to me, is going to make a difference in how other – I've noticed that Lowell has designated 47% of its whole town now as a TIF district, you know. That's a – that's a concern. That the Community College in Rogers is concerned about the losses that it's going to incur due to lost property taxes that go to the school programs. This quotes you as saying that the schools say it's great, their bond millage is protected, the State Treasury is going to make up the loss, is that correct?

Kit Williams: Well, that's actually not correct. Their bond millage is absolutely protected because the TIF increment financing specifically excludes millage that's required to make their bond payments. However, even their operational payments, I think are protected because of the Act that the legislature did in the last session saying basically that they would hold school districts harmless from the affects of a TIF. We had the Finance Director for the Fayetteville Public Schools come and address us this summer when we were considering this TIF district and she said this is fine, this is no problem for the schools, they're financially held harmless and so I'm inclined to believe the school people know more than I do about the school finances.

Carol Tarvin: And I'd like to ask, are there any people from the school board here tonight to speak to that.

Mayor Coody: I'm sorry. Can you, you need to address us, please.

Carol Tarvin: Okay. Well, I thought it was a public hearing, but anyway ...

Mayor Coody: It is.

Carol Tarvin: ...uh, so I am concerned about what, you know, the effects on the State Treasury that you raised. Or are credited with having raised in this article. It's saying that the schools like this because we've got a new State law and program and funding that will pay per pupil if – in case – they're kind of the insurers if this thing goes belly up, the schools will not lose their funding because the State Treasury, a bottom line, will make sure that all of the school funding is provided through the State, is that correct?

Kit Williams: Well, I think the Act is not concerned about whether a TIF district goes belly up. But, just the fact that the schools would be losing a portion of the increased taxes and I think that the new Act that the legislature passed last session makes this difference up. That's what I understand from the presentation of Dr. Lisa Morstad from the school district when she came to us and said this is fine with the Fayetteville Public Schools and she supported the creation of this district.

Carol Tarving: Based on that....

Kit Williams: Based on that State law.

Carol Tarving: ...using those State funds.

Kit Williams: Yes.

Carol Tarving: Right. Well, their comment here is that the – the TIF's are possible only in the most prosperous areas, making the subsidy doubly cruel for the people in the Delta and elsewhere paying the cost of a better Fayetteville. Our concern is that State monies will, when you – when this gentleman asked about who is going to ultimately pay, I thought that was a great question. And that there's a risk that if schools – and what's difficult and I know it's a complex issue here, we've got school boards and property taxes, we've got State fundings, we've got City, you know, trying to, you know, just find the one right body to talk to about the multiple concerns – I'm a citizen of each one of those entities. As a State citizen, I'm concerned about the State Treasury being used to underwrite a plan that is going to help develop Fayetteville. And there was – there was, is it – is this an accurate quote here that says, "Williams wondered if any State legislature realized how much money this is going to cost the State Treasury. In the beginning years, the amount will be relatively small, but as the new projects come on line in the big TIF districts in booming Northwest Arkansas, the local property tax loss to the schools will increase dramatically, all to made up by the State in future years" and the quote attributed to you was that it's going to be phenomenal.

Kit Williams: That could very well be. I could have said it's phenomenal because it will be if the law remains unchanged, obviously, and if there are a lot of TIF districts established, especially large ones like in Rogers, there will be a tremendous amount of money from the State Treasury to make up to the school districts the amount of TIF district money coming from that district.

Carol Tarving: Okay. And so, our concern isn't just with this particular project, it's...

Mayor Coody: Carol, Carol, I'm getting a lot of heat up there – the discussion is supposed to be limited to the boundaries of the district itself. I know that ...

Carol Tarving: Well, we – our request would be that you take time, possibly postpone any vote on this, it seems to me that there's a lot of different questions being asked and that we get more answers before we make any decisions or sign our names to anything that the legislature could be changing as it meets this spring.

Mayor Coody: Thank you very much. Anyone else want to address us on the boundaries? All right, I'm going to close this part of the public hearing.

A. New Business:

1. Highway 71 East Square Redevelopment District #1 Adoption: An ordinance forming the Highway 71 East Square Redevelopment District Number One pursuant to Amendment 78 of the Arkansas Constitution, authorizing the preparation of a Project Plan, repealing Ordinance No. 4608 and declaring an emergency.

Mr. Williams read the ordinance.

Kit Williams: And I should note that actually we already have an ordinance in effect right now, that's Ordinance 46-08, which was passed, I guess almost this summer, it's been a long time ago. That ordinance is in effect. This ordinance would in fact just repeal that and replace it with one that is identical. The only reason for this was a very minor technical notification problem that probably wouldn't have affected that ordinance. It's probably 99.5% safe as it is. But since there was a very minor notification problem, I thought it was wise for us to have another special

meeting in order to re-pass these ordinances and – which would repeal the initial ordinance which is currently in effect.

Mayor Coody: All right. Thank you. Any questions or comments on the ordinance?

Alderman Marr: Just got a – since this re-notification, has there been anyone, school superintendent, school board member, or Lisa Morstad, the CFO of the school district, or Judge Hunton who have expressed concerns about the development of this TIF since that last notice?

Mayor Coody: I haven't heard a word.

Kit Williams: I've heard nothing.

Alderman Marr: So no change in position from their original?

Mayor Coody: None.

Alderman Marr: Thank you.

Mayor Coody: All right. Is there any comment on the ordinance that we've read? I would entertain a motion to suspend the rules and go to the second reading.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody: All right. Any further questions or comments from the Council? And once again, to restate this, this ordinance or one extremely similar to this was passed several – or a few months ago anyway, only except for notification of some particular school board members that we thought were notified but weren't. We're just redoing this to make sure that we get all of our T's crossed and our I's dotted.

Kit Williams: And in fact, the school board members did receive notice from Superintendent New, I think, Mr. Conklin talked to Superintendent New – so they actually received notice. The statute said we're supposed to send them letters and so we did not send letters out. It's a very technical problem. I don't think it would have been a real problem but if we can make it 100% right, I'd rather do it 100% right.

Mayor Coody: That's why we're going through the public hearing process again. All right.

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

Kit Williams: We need a separate vote on the emergency clause.

Mayor Coody: We do have an emergency clause, which does require a separate vote. Is there a motion to accept the emergency clause? We have a move and a second to approve the emergency clause. Shall the motion pass?

Alderman Marr moved to approve the emergency clause. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Mayor Coody: Thank you. Now, we'll move along to project plan part of the public hearing. Most of which we've already heard about this evening.

B. Public Hearing:

1. **Highway 71 East Square Redevelopment District Proposed Project Plan:** A Public Hearing to allow all members of the public and representatives of taxing entities to present their views on the Proposed Project Plan for the Highway 71 East Square Redevelopment District Number One.

Mayor Coody: Is there anyone who hasn't spoken tonight that would like to?

Phil Ralston: Good evening. My name is Phil Ralston. I'm from Fayetteville. And I'm glad that you guys had to go through this again because I wasn't able to make the first meeting and you went through three readings of this plan in one meeting. And I wasn't able to attend that.

Alderman Thiel: No, we didn't.

Mayor Coody: I think we did it over a couple of – two or three-week periods – I forget exactly the length but we didn't do it in one meeting.

Kit Williams: I think there was two meetings.

Mayor Coody: Two meetings over a two-week period.

Phil Ralston: Is this the project plan that we're talking about – dated 11/10/2004...

Kit Williams: Yes, I think that's correct.

Phil Ralston: ...that I picked up down at the City? Okay. I wanted to make sure that was right before – before I go further because there are things in this plan that I think don't meet the law requirements, specifically in five different ways. First, in the law, which is included in the plan, it says that the – each project plan shall include – and I know, Kit, that 'shall' means different than 'may' include, which means it has to be there – it shall include ...am I right?

Kit Williams: Shall is mandatory.

Phil Ralston: Shall is mandatory. It shall include a detailed list of estimated project costs. A detailed list I don't see in here. I see an overall big picture, but I don't see any details. And it's kind of hard to see the detailed costs are going to come out to \$3.5 million. I – it could happen but probably not. And on page 10 under other costs, it includes providing replacement parking and it doesn't say what that's going to cost. That would be a detail that's not there. The question I have is – are we responsible for – for parking for whoever this parking is for. If we buy the

building and we say you don't have parking here, are we responsible for re – for providing them parking. I don't think we would be but that's for you to decide. The second thing in the 'shalls' is number 4, which – which at the end says that the description of the methods of financing and the time and the costs or monetary obligations related thereto are to be incurred. You know, I see up here we're going to have a three and half million dollar bond and then we've got other costs on the phase two but it doesn't say anything about when or what it's going to cost us to do that, so I don't think that meets the – meets the requirement of having that in there. The next thing is item 6 on the 'shalls' – the type and amount of any other revenues. One thing that we've talked about for – any other revenues that are going into this TIF fund should include what are we getting when we sell the property. That's not in the plan. I don't think that at the meeting I've watched on television, it was discussed but it was going to be determined at some point in the future. You can't pass a plan with details that aren't in there and then expect it to be a valid plan, I don't think. And also it says it shall have a list of estimated non-project costs and I don't see any non-project costs. Are there not going to be any non-project costs that are paid for out of this fund?

Mayor Coody: The non – I don't know of any non-project costs - the costs that we would have in here would be associated with the project itself. The project or the public infrastructure investment within the district. Is that what, non-project costs, would there be anything outside that, Kit?

Kit Williams: I don't think so. I think that, I believe the plan does comply with the statute, but go ahead.

Phil Ralston: Okay. In addition to these reasons, you know, that I don't think it follows the law because it doesn't have all the details in it, I don't understand why we're paying the full-market price on this property and I'm wondering who negotiated for the Mountain Inn? Was it the developer who negotiated with the seller and we're taking their price? Could we not have negotiated a better price by threatening, whether we used it or not, condemnation and reduced our costs? Even with the same district that would have made more money available for other plans – other project items that – I don't think we addressed that.

Mayor Coody: The Mountain Inn, I think we're having to use appraised values.

Phil Ralston: We have to use appraised values?

Mayor Coody: We are. I think that the County has an assessment on there and appraised values and values that we're using are on a funding formula.

Phil Ralston: Okay. The other three buildings that we're buying aren't blighted, you know. Why are we buying them at full market price and selling them for – for blank space price? If the developer wants that as part of their project, you would think that they would be able to pay for at least the amount that they're – the cost of the buildings. I mean, we're building – we're buying them at fair market value and we're tearing them down and we're giving them to them for dirt price. I just don't think that – that that's a reasonable way to do things. On page 18 of the plan, under the economic feasibility study, it mentions that the TIF's in Tulsa, most of those had difficulty meeting their projected increases. So what are the chances we're going to meet our projected increases? I mean, we're projected 10% - 9.9% growth for 25 years. You know, if we – if you have that kind of growth, that means every 8 years your property is going to double in value. So if you have a \$100,000 house now, in 8 years or less it'll be \$200,000. In 16 years

it'll be \$400,000. And in 24 years, by the time this plan is done, it'll be \$800,000. And I don't – I don't know that property is going up that fast around here.

Mayor Coody: With the Crews & Associates assessment of the situation, they made the statement that even if we didn't building the hotel there with the expected increase in the values, even if the hotel weren't built, even if we just had bare dirt there, that we would still be able to meet our obligations. That was very conservative...

Phil Ralston: You mean, which obligations, for the \$3.5 million?

Mayor Coody: Yes.

Phil Ralston: But not for anything beyond that.

Mayor Coody: That's all we're worried about right now.

Phil Ralston: Well why is there phase two in here for this other....

Mayor Coody: We can always amend the plan later on. Once we see how this phase one goes, we can always amend the plan and have more public hearings and see if we want to do a phase two, and if so, what it would include.

Phil Ralston: But phase two is in the plan. I mean, it's not – it's not something you would amend to put in there because it's already here. Although there's no detail in it.

Mayor Coody: The detail's what I'm talking about.

Kit Williams: Well, what you – what you would do is actually – phase two as you say is in the plan right now. However there is not a request at this point, or anticipation to try to use TIF bonding to do phase two at this point in time. Our financial advisor recommended we wait several years and make sure that the increments are as predicted by the economic expert before we look at doing phase two. And so phase two is here – we wouldn't necessarily have to amend the plan but there would have to be another ordinance for a bond ordinance if we wanted to go forward - or when we want to go forward with phase two.

Phil Ralston: So phase two is here with no detail but that – that qualifies for what the law says to have the detailed costs? On page 7 it indicates that a national flagship hotel is being planned. And originally they had talked about a Holiday Inn Crown Plaza and I understand that that's not the case. Do we have any idea what kind of hotel we're going to have at this point? I know I've heard it will be a good one. But I don't know what that means. It's in the plan, I'm just trying to figure out what the plan says.

Mayor Coody: Yeah. I don't know exactly who the hotelier would be right at this point. We'll ask that of the developer.

Phil Ralston: The cost for creating the plan. Who's paying for that? And for the feasibility study? Is that coming out of the TIF?

Mayor Coody: Yes, TIF proceeds.

Phil Ralston: Do we have any idea what it costs? And why aren't those details in there? I mean, that's a – that's another plan cost that should be known at this point and should be included.

Alderman Thiel: Didn't we pass a resolution last week that dealt with some of that?

Kit Williams: Yes, it did express the City Council's determination that they would apply the costs of preparing the plans and the TIF district and recover that money back from the TIF district itself, or all TIF districts that we might adopt.

Phil Ralston: But it's not in the plan what that costs or anything like that. So those are my concerns that it really doesn't meet the law because it doesn't have the detail and it looks like a good starting point for a plan but it doesn't look like a plan for a redevelopment. It looks like a plan for \$3.5 million to the developers to me. Thank you.

Mayor Coody: Thank you very much for your comments.

John Nock: I'll address a couple of those items I think you directed toward the developers. First of all, about the flagship, it does state in the project plan that we are using a national flagship – a couple of things that we have probably failed to mention in these meetings – let me go ahead and point that out. When Stella Moga originally tried to do this project in 2000 – 1999 and 2000 – and on before 9/11 occurred she had gone through negotiations both – she had architectural plans, engineering plan, as well as a franchise agreement secured through Crown Plaza. Part of our negotiations for that project and part of the value that the TIF actually will receive because it's going to be a flagship hotel, is we have inherited that franchise agreement. We certainly have to pay for it but it – it saves about a year's worth of process to be able to do that. What we have elected to do, however, is allow the hotelier who will be running this – this is a real estate project based primarily with the hotel in it that will be run by a hotelier. We are certainly leaving that option to the hotelier who currently has two different types of flagships – one of which has been previously in Fayetteville. It did not have a good life to it and it's now gone from Fayetteville. And so we're leaving some of those details about what the hotel chain will be up to the hotelier and what best fits. And also, keep in mind, we don't do this just on 'hey, we want this type of hotel or that one', it's based upon demographics, feasibility studies and other scenarios that we have to look at. And so we inherit a Crown Plaza franchise agreement, which we certainly have to keep alive and renew that fee, but that is one of the intrinsic values that comes with the project. Whether it ends up being a Crown Plaza or whether it becomes another flagship, that has been our commitment that it will be a nationally recognized flagship. It was not our intent – and the reason why that's in there that way, it's not our intent to do another home-grown, boutique hotel. It did not work there before and there are many reasons why those don't work for most cases in these type of metropolitan areas. Primarily because the traveler today – they're hooked in with national chains or hooked in with national reservation systems and so we've allowed that to be a decision that the hotelier – the management arm who comes in and runs the hotel business – to make that decision. All franchise agreements charge anywhere between 9 and 15% of revenues and so you certainly look at that as a better name should bring in better revenues, but also you want – you need a name that's going to be complimentary to the Fayetteville market. There's certain names you're not going to put here. You don't need a Ritz. Fayetteville market wouldn't cater to that. But you need something that's going to fit the demographic of the traveler and the overnight businessperson as well. That's one of the questions. I think one of the other questions was about – I believe it's spoken of as non-project costs. The way I understand those defined, Mr. Williams, is those pertinent and

necessary to the issuance of the bonds and those would come directly from bond proceeds. And that relates back to your earlier question about can the City be reimbursed for those non-project expenditures and I think the statute says you may pay them yourself or you may elect to allow the TIF district to pay for it through bond proceeds. So, those kind of – two questions with one answer. Were there any other questions that you wanted me to answer?

Mayor Coody: Any other questions for the petitioner?

Alderman Thiel: I wonder if he answered everything...

Kit Williams: Well, let me respond to one. They talked about a detailed list of estimated project costs. And I guess the devil's in the details, when you say 'detailed', how detailed do you want to be. If I look on page 9, I see the real property assembly costs, I see our demolition and site preparation costs to total up the initial \$3.5 million that is supposed to be invested. If you look on page 13, you see six streets listed that are supposed to be improved – each one of those has an estimated cost figure for the improvement. Obviously, before you do engineering work, it is impossible to get perfectly detailed plans. I think that the – this statute needs to be read with some degree of reasonableness. How far are – would a City be required to go to make their project plan before they even know whether or not the City Council's going to approve it and there's going to be any tax increment financing to finance everything. I think what the State legislature wanted to do is say don't just say you want money. You've got to tell the citizens what are they going to do. What are you going to use this money for. Well, according to this plan, we're going to use the money to buy four buildings, they have them all listed out, how much it's going to be and then the rest can be for demolition and site preparation, which includes resolution of access issues, resolution of utilities as needed, water/sewer system upgrades as required, layout and engineering, asbestos and other environmental remediation. So I think that, depending on how this would be interpreted, I think that is a fairly detailed list and I think we've met the statutory requirements. This is a new law, it's never been interpreted by the Supreme Court, so how they will interpret detail if it's ever challenged - I wonder, but I also wonder if any other cities have gone into any more detail than what we have.

John Nock: If I might add one thing, because that was a question that I guess was addressed partly to us having been involved in this phase one of the project plan – and as you notice, it does come into a tidy number of \$3.5 million. We started this process looking at all of the public aspects of the project for the TIF. None of the dollars that are used here will be spent on private – on building of the private hotel, building of condominiums or even the parking deck. All of the expenditures that will come through the TIF bond proceeds will go directly, as the statute outlines, for public purpose. There is expenditure numbers that are – expenditures number greater than \$3.5 million that are for public purpose. But you can only service so much debt based upon the size of the district and based upon the increment as found through the feasibility study. So, could it have been larger? Certainly. But the reason why it's dropped to \$3.5 million is that is the most that it can service in its early years, certainly in later years it will be much more but that's being utilized for phase two of the project. Secondly, the other thing is that I think the engineering issue is – is a good one. We already know from our preliminary estimates that we're going to be in excess of \$4.5 million from public purpose items. We also know that we couldn't pay for it through the TIF and so we're paying that through the private development.

Kit Williams: The only other issue I think was brought up was parking. And, part of this project is to build a large parking deck. That's not being done by the City buy by the private developers, but there is a – how many car parking deck are you planning?

John Nock: We are anticipating 350 parking spaces on the deck. And those will certainly be available not only to the hotel user, but also to adjoining businesses and even those who will be coming in for conventions and that type of things. Were there any other questions on that?

Mayor Coody: I think not. Thank you very much.

Phil Ralston: There were just a couple that he didn't answer yet. The project plan provides for temporary replacement of twenty-five parking spaces. Whose parking spaces are we replacing? And how are we doing that?

Mayor Coody: Do you have an answer for that, please.

John Nock: One of the aspects in the TIF legislation certainly allows for displacement of people or businesses or I guess it could even go as far as parking. It certainly is in the statute and the idea there is that during the construction phase, there may be in fact people that are dislocated that – keep in mind there are people that park in the parking deck of the current Mountain Inn and the only way into that parking deck is underneath the existing Mountain Inn. Even before we contemplated and finally decided on tearing down the existing parking structure, you would have had no access point into the parking deck because the existing hotel would have been torn down, there would have been no access into the parking deck. At that point we looked at it and we said, okay what about the people that are running businesses – Taste of Thai, now the Hoffbrau has opened back up, and other people that are barely hanging on at Center Street, how do you allow them a place to park to where they're not run out of business during a twelve-month construction period. And so our – the option there is to look at either fair market value of parking, which is certainly in the area, City parking but those dollars will be generated out of the TIF bond proceeds and could be – certainly if the City supplied the parking, it would be reimbursable items. And if it came from private individuals, which the City could negotiate under the project plan, then it also could be reimbursed through TIF proceeds as well.

Mayor Coody: Thank you.

Phil Ralston: The one last item that wasn't addressed, I guess, since it says the project plan shall include the type and amount of any other revenues – are we to assume that we're not going to get any other revenues put into this fund since it's not in the plan?

Mayor Coody: There will be a...

Kit Williams: It's actually in the ordinance. I guess they didn't put it in the plan because there wasn't any other revenues they were anticipating putting in there. But one of the subsections of the ordinance says, "no other funds are expected to be deposited into the special funds". So yes, the City will not use other revenues to go into the project plan.

Phil Ralston: So when they buy this property from us, where does that money go? Or are they not going to buy this property from us?

Kit Williams: No, they're going to agree to purchase this property from us for \$300,000 and the proceeds of that should be used within the TIF district, probably for sidewalk enhancement and streetscape.

Phil Ralston: But won't that have to go into the fund? That's what I'm saying. That's part of the plan is to get money for selling this property to them and it needs to show that it's going in there somewhere. And we need to know the amount. You've said \$300,000, which is quite a deal for them, I think, but it's not in the plan.

Mayor Coody: Thank you very much.

Jill Nock: Do I need to state my name?

Mayor Coody: Yes, please.

Jill Nock: My name's Jill Nock. I'm married to the gel-haired city slicker that everybody talks so much about. My only intention tonight is to try to talk on some of the fears that people have and I would just like them to know about my husband. I challenge you to find a man with more integrity and a better father and a better husband. We chose to live in Fayetteville. We would never do anything that would other than benefit the City of Fayetteville. We care about the environment. We care about our friends. We care about our child's school. We chose to send him to public school and I just – I think that – I understand the fear that people have with builders and developers and people in the financial world, because we've seen both sides of it. And I just would like for you to know, from my perspective and my point of view that I challenge you to find a man like my husband. He is – he is a man of integrity. That's all I have to say.

Mayor Coody: Thanks, Jill. Congratulations on the new addition to your family. Anyone else have anything to add?

Kit Williams: Mr. Mayor, I didn't author this plan. This plan was created primarily by Hugh Earnest and the two developers. But I will note on page 10, it says upon the completionfair market value of about \$219,000. Since then the developers and I have agreed that they would increase that amount to \$300,000. There will be a contract before the City Council for that amount.

Mayor Coody: Thanks, Kit, for that clarification. Anyone else have any questions or comments for us tonight? All right, we'll move along to the D in New Business, which is the Highway 71 East Square Redevelopment Project Plan adoption.

C. New Business:

1. Highway 71 East Square Redevelopment District Project Plan Adoption: An ordinance adopting the Project Plan for the Highway 71 East Square Redevelopment District, finding the Plan is economically feasible, repealing Ordinance 4646 and declaring an emergency.

Kit Williams read the ordinance.

Mayor Coody: All right, I'll entertain a motion and second to suspend the rules and go to the second reading.

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

Kit Williams read the ordinance.

Alderman Cook: Mayor, can I ask a couple of questions, please?

Mayor Coody: Sure

Alderman Cook: That I didn't get a chance to ask earlier because I was thinking about something else. John, could I ask you a question about your numbers, please? A lot of the assumptions in here are on an occupancy rate of let's just say above 60%. And the going rates – and I know this data is dated, but most of the going rates are in – around 51%. And I'm curious what made that leap from 51 to in the 60's.

John Nock: I don't know where you reference 51 – it may be from the dated feasibility study...

Alderman Cook: In the two different studies that were in here for the...

John Nock: Yeah. I know that there was an updated study that was done and it was here recently – I want to say it was early spring of this year when the newspapers came out and did a survey of all the hotels. And this was after the new hotel, the Embassy Suites, was built – John Q. Hammons' hotel had been opened up. And the interesting part of that story is that they were at 75% occupancy because of the type of establishment that it was. Even the Clarion, if I recall correctly, there was some discussions about how he had had his best years back, I want to say in either '98 or '99, when it was still hovering in that 65 to 70% camp. This study, I can't speak for the professionals on why they came back with those numbers, but my memory was or is that it was based upon the type of product that is not being served currently in the Fayetteville market. I think – I think all of you for a minute, if something happened at your home and you had to go and stay at a hotel for your family, where would you go? And that recently happened to us. About two weeks ago we were doing some construction at our house and decided it was best to be outside of the house and we started looking at what Fayetteville had to offer. And it is really interesting. It was an eye-opener for me. Here I am working on a project and I started thinking about it because I never had to hotel need here before. So those numbers were based upon someone from the outside looking in. IHA is one of the leading international hospitality advisers. I'm sorry, they're one of the leading feasibility experts and their numbers were – as I recall right after 9/11 or within six months thereafter, when there was a tremendous drop in hospitality revenues and occupancy rates across the country, in fact some areas of the country in the coastal region were in the 30 to 40% at that point in time. And so I believe they looked at it, first of all – twelve to fifteen month construction period, and they also looked at the type of market this was going to be serving and based it also upon what was currently existing in the downtown area and what choice that would give.

Alderman Cook: Okay. So this – this list right here – the analysis, did you guys come up with this one or is this - the analysis of potential taxes generated...

John Nock: Yes.

Alderman Cook: You guys did this one.

John Nock: That's correct. And we passed a copy on to Steve Davis. And I think there's a disclaimer on there that certainly should be reviewed and looked at – I don't know if during the holidays if Steve was able to look at it or not, but this is simply based upon our projections on

the pro forma and then just taking the straight, across the board sales taxes and HMR taxes that would be generated under any other scenario. So we took our same numbers and applied it to this.

Alderman Cook: So that's - like the room taxes, that's based on the occupancy rate of - from of those other studies? Or you used...

John Nock: Yes. It's based upon - basically we too our pro forma, which came to us through the feasibility study and then just applied to it straight across the board the tax rates that we have here in the City of Fayetteville for both food and beverage, room tax and additional to that, the HMR tax.

Alderman Cook: Okay. Do you have all the necessary funding in place right now to do this project?

John Nock: Yes. We have recently just supplied to the City an update on that - I ...that was dated December 21. The actual hotel portion - and I can't hardly express enough how difficult the hotel portion is compared to basically everything else. There's such a demand for parking and the condominium - I wish Richard was here to talk about their success stories, he and his partners on condominium projects in the hotel market. And so those were never really the concerns. The concern was a hotel first and foremost in the downtown area. It's much easier to get financing for something along Interstate 540. Trust me on that because of just the traffic flows. And so we were working about a - for a two year process securing through the new market tax program, which is a Federal tax program whereby both banks or private investors invest in a project such as this - the hotel portion of it. And for so doing, there are Federal tax credits for this type of project, that has nothing to do with it being a blighted project, it has nothing to do with anything other than it's a new market, it fits a demographic and this project was deemed through these third party reviews that it would not only be successful but it would be a prime candidate for this. And so we received for that enough sufficiently to build the hotel portion of it, which we have addressed a letter from Heartland Renaissance Fund with their commitment for that and also the Bank of Fayetteville's involvement in that, which we greatly appreciate their involvement on the local level. In addition to that, we have all the remaining financing, some of that is obviously subject to what is approved here tonight, because certainly they are anxious and were very anxious the day that it came out in the newspaper that what we thought was an ordinance ended up being in question. And uh, but regardless of that, assuming that gets done, all the financing is there, including additional equity for any cost overruns that may occur. So we have three different components - we have the tax credits which come in - this is irrespective of the TIF proceeds - we have the tax credits which come in for the hotel portion of the project, and secondly we have the private equity and we have a secondary loan which goes on just the condo portion of that. Let me explain why that is. I've put that in the letter but since a lot of people from the public are not aware of that, this Federal new market tax program does not allow for the prepayment of principle during a seven year period because they want it to be an economic success that we just don't build it and walk away from it. So we're tied to it. We can't transfer it, we can't do lots of things for that seven year period. So obviously the nature of doing condominiums does not work that way. If you sell condos to people, they immediately want collateral for what they pay for it. And so we have a secondary source of debt financing for that project. But that one, as I mentioned before, was the easiest portion of them all.

Alderman Cook: And – I don't know if you can answer this – Kit, somebody, I'm – and I believe when you say you have the financing together, but just worst case scenario – the financing fell through. What would happen if we approve this plan, worst case scenario their financing fell through.

Kit Williams: According to Crews and Associates, when they did their evaluation of it as they reported to you the night that we approved the project plan, their evaluation included not the improved valuation of this project, nor the improved valuation of the Terminella project which is currently under construction on Spring Street, nor the old library becoming private and generating tax revenue. So even without this project being built, without the Terminella project, which is currently being built, and without the library, we are still supposed to easily finance the bonds, the \$3.5 million bonds that we're talking about issuing. So if this, we will have an agreement with these developers concerning if – to require them to build the project and – and with conditions of what will happen if the project is not built within a certain period of time or some major project, so that I think that we can be assured that if we go forward with this \$3.5 million bond issue that there's going to be something besides a hole in the ground there.

Alderman Cook: Well, I mean, I guess my comment is if it did fall through and they can't build it – they can't build it no matter what our agreement says. So, I mean what happens to that property then, is my question. Because, technically we're assembling the property and then we're selling it to them. So does that mean it's the City's property? Does that mean it's the district's property?

Kit Williams: It will be – it will be the City's property even if it's bought with TIF district funds. And so we are going to own it and then we will sell it to them. But we'll sell it to them on the condition that they do this and if they fail to do the project, then the property would have to return to us and of course we would then look for some other developer, I think. But it's much better to have one that already has a project plan in hand and substantial financing.

John Nock: And, Kyle, if I could add just a couple of points. The feasibility study done by the University Economic Research Department outlined in there a \$35 million available yield. That is not in the present value because you would not net present value on a bond issue because certainly a bond issue is already assuming the annual cash flows. So, that's a \$35 million but it's important to point out, and I'm sure the feasibility expert would – would also talk about what is in the study – that it does not include, as you said, these three properties. I know that Mr. Terminella is already in the midst of doing his construction. I can tell you that the financing not only is in place but we have also begun the gutting, the demolition of the interior of the library building and we anticipate a ten to twelve month construction period on the inside of that project. I can also tell you that based upon preliminary appraisals, that building, once it's all complete – we're putting in a substantial amount of reinvestment dollars and that should be appraising somewhere around \$4.5 million for the library building once it's completely redeveloped. I don't know the exact number for Mr. Terminella's project but I've been told it's somewhere in the \$4 million camp. So assuming that, that's another \$9 million and change, we also know that this hotel itself, just alone, is \$22 million. It actually has gone up because keep in mind we have increased the parking deck from its current capacity of about 85 spaces to now 350. That means that we have incurred more project costs, which are also in that financing package, as well as we have increased the value of the total project. So, what we did is we took some very simple numbers. We used the same growth factors that the feasibility study said and we also put those other three projects in there. And it's interesting to note, and I'll be glad to provide you with this information, simply a calculation in an Excel spreadsheet, it increases the available yield over the

twenty-five year period from \$35,466,000 to \$52,849,000. And so those three projects have a tremendous impact upon the numbers. They certainly do. Now one could certainly make the case that the millage that's collected could drop – not the mills but the actual collection from the mills - could drop. You have not seen that happen in the last several years. In fact, if I understand correctly, Amendment 79 puts us actually at a cap and because of that we have a residual every year because they only look back every three years. Not to get a long complicated story out of that. We currently have a surplus in this project and in the TIF district for three years because we're – by statute cannot do more than 5% on residential and 10% on commercial. So therefore that 9.9, although it might seem large, every time you have a major impact like a \$22 million project, it caps you out and that means you have a surplus for several years to come unless they change the Arkansas Constitution, which I haven't heard any rumblings of that yet. So, it may seem like it would be a hard number to reach, but we never really catch up in the State of Arkansas because of the way our tax model is.

Alderman Cook: One more question and I'll quit. And I've had citizens ask me this also. If we're going to put up \$3.5 million initially, bond issue, at what year would that bond issue be paid off, based on your projections?

John Nock: Let me just – I think this might help. The State statute says that it may not go beyond 25 years for a TIF, therefore you don't structure the debt longer than the life of the district. The only reason that debt would ever go beyond that is if there was a problem and you had to extend out the life. How quickly you pay it off is less of a factor of retiring the existing debt that would be on the Mountain Inn, the \$3.5 million, as much as it a factor of debt service coverage. Typically in economic circles, financial circles, they use a 125. So that means for every dollar that you would be paying for this bond you usually have to have a test of \$1.25. Once that's met additional bonds can be issued. Now your financial advisor would be best to advise you but that's usually what they look at. And so once you've met an additional bonds capacity test, then you don't have to wait for the whole issue to be retired, but you are able to issue parity bonds for additional projects based upon additional revenues being generated. So it's not an all or nothing scenario. You don't have to wait ten years, twelve years, four years, whatever the time would be, you have to simply wait until there's enough coverage to justify – and at a conservative ratio because you wouldn't want to just do it the first year, you want to make sure that you have – in fact most bond parity tests usually call for two year consecutive or three year consecutive reviews. And so it gives you enough time to make sure that it is not just a blip and then it falls back down and then you end up having a problem doing a phase two or phase three or phase four, whatever the time would allow.

Alderman Cook: I'm following you. So basically, you're saying, you're going to finance that \$3.5 million for 25 years and then as your revenue or your increments start getting bigger then you can think about financing other projects within that time frame.

John Nock: That's correct. And it also depends very greatly on how you finance the project. If you use typical financing plans, you're going to have principle and interest every year. You can set it up under different programs or do different things but I think the way your advisor mentioned the other night, they are most comfortable in saying – and correct me if I'm wrong, Kit – that the project for the 3.5 was, they were certain, quite certain they wanted to see – some time to see these expenditures come on and for them to generate additional taxes. Remember the whole nature of a TIF is that it is supposed to generate your money. Otherwise you should not do it. That article that was talked about earlier, the author of that article in the Little Rock paper said it would take eons for the Mountain Inn to pay for itself. Actually, eons is only three years

in this case because that's the time that you look back, remember the City – we have to build it, then the County, not the City, the County has to then reassess the property from its blighted condition to its now built condition and that takes three years. At that point in time the project will be valued at least the \$22 million that we've talked about, which should generate somewhere around \$200,000 in new taxes. It currently is paying \$5,000 in taxes in its current state, so it's a \$195,000 increase. That services a great deal of bonds.

Kit Williams: But how long it would last is also up to future councils. They can choose to, once the bonds are paid off, not issue any more bonds and end the TIF district if that is their choice or they can choose to issue new bonds if the debt service will allow it. It is capped at twenty-five years, but it is not required to be open for twenty-five years. It's really – the ball's in the City Council's chamber. It's you all's decision and your successors, a decision on how long you want to go forward with the TIF district.

Mayor Coody: Does that answer all your questions, Kyle?

Alderman Cook: Yep. Thank you.

Mayor Coody: Brenda.

Alderman Thiel: Well, you've brought up a good point. So, in other words, the twenty-five years is not necess...I mean that does not have to be the life of this.

Kit Williams: That's the maximum life.

Alderman Thiel: That's the maximum life of it. That's a – that's a good point. Okay.

Mayor Coody: We could – from what I understand we could pay off the \$3.5 million as soon as possible and dissolve the district at that point essentially or we could borrow other low interest money to do the other infrastructure work we talked about, streetscapes, lighting, tree planting, sidewalks...

Alderman Jordan: In other words we would go to phase two then – or not.

Mayor Coody: Phase two. Yeah.

John Nock: And the interesting thing is that, obviously because of the nature of incremental growth, all of your dollars generated are in the later years. So, you're going to get much larger benefits in years twenty than you are in years five.

Mayor Coody: Any other questions? Any other comments on this particular item? I would entertain a motion to suspend the rules and go to the third and final reading.

Alderman Rhoads moved to suspend the rules and go to the third and final reading.
Alderman Marr seconded the motion. Upon role call the motion passed unanimously.

Kit Williams read the ordinance.

Mayor Coody: All right any other questions or comments? Yes, sir.

Alderman Marr: I just have one question. Do we have everything at this point that we're suppose to have in order to move forward with this project? Proper notice, all the items from the developer from the City staff's perspective, is there anything else that we're waiting on?

Kit Williams: Not that I know of.

Alderman Marr: Steve, is there anything else that we're waiting on?

Steve Davis: I believe we have everything we need at this point.

Alderman Marr: Thank you.

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

Mayor Coody: I would entertain a motion to approve the emergency clause.

Alderman Jordan moved to approve the emergency clause. **Alderman Reynolds** seconded the motion. Upon roll call the motion passed unanimously.

Mayor Coody: All right. Thank you all very much. We will conclude the public hearing and thank you, Conrad, for your service.

Meeting Adjourned at 7:15 PM.

Sondra Smith, City Clerk

Dan Coody, Mayor

January 18, 2004 Agenda Session

DEPARTMENTAL CORRESPONDENCE

December 28, 2004

TO: Mayor Coody

THRU: Steve Davis, Finance and Internal Services Director

FROM: Scott Huddleston, Information Technology Manager *SH*

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO HANSEN INFORMATION TECHNOLOGIES AND ESRI FOR 2004 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase requests to Hansen Information Technologies and ESRI for 2005 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep our software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from Hansen and ESRI are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

January 15, 2002, City Council approved a resolution (7-02) contracting with Hansen Information Technologies for purchase of software and professional services for installation and training. Installation began in March of 2002, and the first module went live in April of 2002. Installation of all modules was completed by year end 2002. The Hansen software provides modules and applications utilized by the City for many daily operations. Hansen applications include Building Permits and Inspections, Code Enforcement, Planning, Customer Service, Asset Management, Work Orders, and Citizen Requests for Service processed from the web. To date the system has been used to process over 16,350 Customer Service Requests, approximately 1,900 Code Enforcement Cases, approximately 13,000 Building Applications, 585 Use Applications, and over 47,000 Inspections. In addition, over 45,400 city maintained assets have been entered into the system.

The City began using ESRI software products in 1996. ESRI provides software utilized for the development, analysis and utilization of the City's Geographic Information System data. All maps and analysis of the City's geographic information are stored and produced through the utilization of ESRI software products.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE ANNUAL MAINTENANCE AGREEMENT IN THE AMOUNT OF \$28,124.72 WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE MAINTENANCE AND UPGRADES.

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 Annual Maintenance Agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

PASSED and APPROVED this 18th day of January 2005.

APPROVED

By: _____

DAN GOODY, Mayor

ATTEST

By: _____

SONDRA SMITH, City Clerk

RESOLUTION NO. 33-02

A RESOLUTION APPROVING THE ANNUAL STANDARD SOFTWARE MAINTENANCE AGREEMENT IN THE AMOUNT OF TWENTY-TWO THOUSAND SIX HUNDRED NINETY-SEVEN DOLLARS AND NINETY CENTS (\$22,697.90) WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE MAINTENANCE AND UPGRADES.

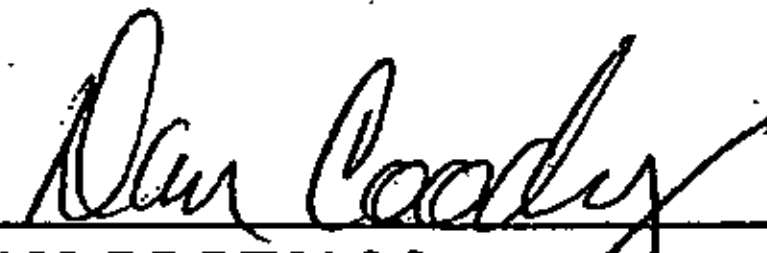
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council hereby approves the Annual Standard Software Maintenance Agreement in the amount of Twenty-Two Thousand Six Hundred Ninety-Seven Dollars and Ninety Cents (\$22,697.90) with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.

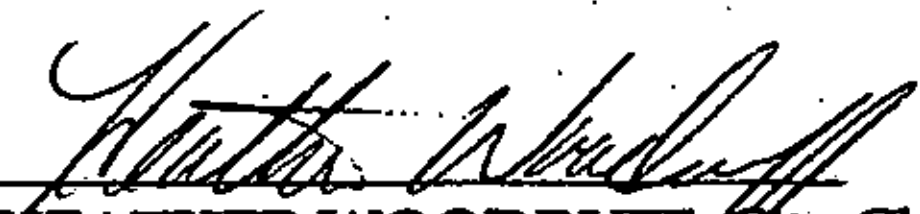
Section 2. That the City Council hereby authorizes the Mayor or his duly authorized representative to sign such a contract with ESRI, Inc.

PASSED and APPROVED this 5th day of March, 2002.

APPROVED:

By: 
DAN COODY, Mayor

ATTEST:

By: 
HEATHER WOODRUFF, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Vendor # 5221		Vendor Name ESRI		Fob Point:		Requisition No.:		Date: 12/28/2004	
Address:		City: Los Angeles		State: CA		P.O Number:		Expected Delivery Date:	
File #54630		Zip Code: 90074-4630		Ship to code: 030		Mail Yes: No: X		Quoted Attached Yes: No:	
Requester: Scott Huddleston		Requester's Employee # 331		Account Numbers 1010-1710-5416.00		Division Head Approval: <i>[Signature]</i>		Extension: 320	
Item Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Project/Subproject #	Inventory #	Fixed Asset #		
1 Annual Maintenance Fees	1	EA	26,462.00	\$26,462.00					
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:					\$26,462.00				
Tax:					\$1,662.72				
Total:					\$28,124.72				

ESRI, Inc. Annual Maintenance Agreement
Page 4 of 6

Revised 6/2/03

Approvals:

Mayor: _____

Department Director: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Purchasing Manager: _____

IT Manager: _____

Other: _____



ESRI Inc
380 New York Street
REDLANDS CA 92373

SUBJECT: MAINTENANCE QUOTE

DATE: 12/17/2004
TO: John Goddard
ORGANIZATION: CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
FAX #: 479-575-8316 **PHONE #:** 479-575-8219

FROM: Avidahn Buckner
FAX #: 909-307-3083 **PHONE #:** 888-377-4575 Ext. 2596
EMAIL: abuckner@esri.com

Number of pages transmitted
(including this cover sheet): 5

QUOTATION #25137257

Please find the attached quotation for your forthcoming software maintenance term. As you know, keeping your maintenance current entitles you to exclusive benefits that may include technical support, software upgrades, and User Conference registrations. If you choose to discontinue your maintenance, you will become ineligible for maintenance benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date.

Customers who have multiple copies of some ESRI products may have the option of supporting some of their licenses with secondary maintenance. Secondary maintenance entitles users to software upgrades and technical support through a primary license. Users must support at least one primary license for every ten copies of each version of a product (e.g., ArcView 3.x licensing is regarded as separate from ArcView 9.x). Please contact Customer Service to find out more about the availability of secondary maintenance.

If you are using some ESRI products that are at previous versions, or if you have additional software that is not currently covered by one of our programs, please contact us for information about the different options that are available to you.

Do you need training? You can get affordable ESRI software training for your entire organization with a subscription to ESRI Virtual Campus. To find out how, visit the campus: <http://campus.esri.com/campus/catalog/subscriptions>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575.



380 New York Street
REDLANDS, CA 92373
Phone: 888-377-4575/2596
Fax #: 909-307-3083

Quotation

Date: 12/17/2004

Quotation Number: 25137257

John Goddard
CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
113 W MOUNTAIN
FAYETTEVILLE AR 72701
Attn: John Goddard

Customer Number: 23472

Send Purchase Orders To:

ESRI, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Avidahn Buckner

**Please include the following
remittance address on your
Purchase Order:**

ESRI Inc.
File #54630
Los Angeles, CA 90074-4630

Item	Qty	Product#	Description	Unit Price	Extended Price
IF YOU HAVE ANY QUESTIONS REGARDING YOUR MAINTENANCE QUOTATION, PLEASE CONTACT CUSTOMER SERVICE AT 888-377-4575					
10	1	52384	MAINT, PRIM, AI, FL ArcInfo Floating Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	3,000.00	3,000.00
20	2	52385	MAINT, SCNDRY, AI, FL ArcInfo Floating Secondary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	1,200.00	2,400.00
30	1	52390	MAINT, PRIM, NET, FL Network Floating Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	500.00	500.00
40	1	52396	MAINT, PRIM, COGO, FL ArcCOGO Floating Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	500.00	500.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner Ext: 2596

[BUCKNERA]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752596
Fax #: 909-307-3083

Quotation

Page 2

Date: 12/17/2004

Quotation Number: 25137257

Item	Qty	Product#	Description	Unit Price	Extended Price
50	1	52397	MAINT,SCNDRY,COGO,FL ArcCOGO Floating Secondary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	200.00	200.00
60	1	64820	MAINT,AG APRS,CU ArcPress for ArcGIS Concurrent Use Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	200.00	200.00
70	4	87192	MAINT,PRIM,AV,SU ArcView Single Use Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006 Hardware Platform: GENERIC DESKTOP	400.00	1,600.00
80	32	87193	MAINT,SCNDRY,AV,SU ArcView Single Use Secondary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006 Hardware Platform: GENERIC DESKTOP	300.00	9,600.00
90	1	87198	MAINT,PRIM,AG 3D,CU ArcGIS 3D Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006 Hardware Platform: WINDOWS NT-INTEL	500.00	500.00
100	1	87213	MAINT,DSG,ASDE,SRVR,2CPU ArcSDE Developer Support Group Maintenance for 1 Server 2 CPUs and 5 Read and Write Connections Start Date: 01/16/2005 End Date: 01/15/2006	3,000.00	3,000.00

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Issued By: Avidahn Buckner

Ext: 2596

[BUCKNERA]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752596
Fax #: 909-307-3083

Quotation

Page 3

Date: 12/17/2004

Quotation Number: 25137257

Item	Qty	Product#	Description	Unit Price	Extended Price
110	1	87232	MAINT,PRIM,AG SA,CU ArcGIS Spatial Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006 Hardware Platform: WINDOWS NT-INTEL	500.00	500.00
120	1	97534	MAINT,AIMS,1SRVR,2CPU ArcIMS 1 Server 2 CPUs Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	2,000.00	2,000.00
130	1	98696	MAINT,PRIM,AG PUB,CU ArcGIS Publisher Concurrent Use Primary Maintenance Start Date: 01/16/2005 End Date: 01/15/2006	500.00	500.00
				Subtotal	24,500.00
				Shipping & Handling	0.00
				Estimated Taxes	1,962.00
				Total	\$ 26,462.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Avidahn Buckner Ext: 2596

[BUCKNERA]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 2
ESRI, Inc. Annual Maintenance Agreement
Page 9 of 10

18-Jan-05
City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance and Internal Services

Department

Action Required:

Approve payment for 2005 ESRI Software Maintenance Fees.

\$28,124.72

Cost of this request

1010-1710-5416.00

Account Number

-

Project Number

\$ 175,980.00

Category/Project Budget

\$ -

Funds Used to Date

\$ 175,980.00

Remaining Balance

Maintenance

Program Category / Project Name

Program / Project Category Name

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

A. K. Davis
Department Director

12/28/04
Date

Previous Ordinance or Resolution # 33-02

Original Contract Date: 3/5/2002

Original Contract Number: _____

D. J. Whit
City Attorney

12/29/04

Received in City Clerk's Office

Stephen Davis
Finance and Internal Service Director

12/28/04
Date

Received in Mayor's Office

Don Coody
Mayor

12/29/04
Date

12/29/04 P.H.

Comments:



January 18, 2004 Agenda Session

DEPARTMENTAL CORRESPONDENCE

December 28, 2004

TO: Mayor Coody

THRU: Steve Davis, Finance and Internal Services Director

FROM: Scott Huddleston, Information Technology Manager *SH*

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO HANSEN INFORMATION TECHNOLOGIES AND ESRI FOR 2004 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase requests to Hansen Information Technologies and ESRI for 2005 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep our software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from Hansen and ESRI are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

January 15, 2002, City Council approved a resolution (7-02) contracting with Hansen Information Technologies for purchase of software and professional services for installation and training. Installation began in March of 2002, and the first module went live in April of 2002. Installation of all modules was completed by year end 2002. The Hansen software provides modules and applications utilized by the City for many daily operations. Hansen applications include Building Permits and Inspections, Code Enforcement, Planning, Customer Service, Asset Management, Work Orders, and Citizen Requests for Service processed from the web. To date the system has been used to process over 16,350 Customer Service Requests, approximately 1,900 Code Enforcement Cases, approximately 13,000 Building Applications, 585 Use Applications, and over 47,000 Inspections. In addition, over 45,400 city maintained assets have been entered into the system.

The City began using ESRI software products in 1996. ESRI provides software utilized for the development, analysis and utilization of the City's Geographic Information System data. All maps and analysis of the City's geographic information are stored and produced through the utilization of ESRI software products.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PURCHASE REQUEST TO
HANSEN TECHNOLOGY, INC. IN THE AMOUNT OF \$55,086.88
FOR 2005 SERVICE AND MAINTENANCE FEES.

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 Purchase Request to Hansen Technology, Inc. in the amount
of \$55,086.88 for 2005 service and maintenance fees.

PASSED and APPROVED this 18th day of January 2005.

APPROVED

By

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

RESOLUTION NO. 7-02

MICROFILMED

A RESOLUTION APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE AND HANSEN TECHNOLOGY, INC. IN THE AMOUNT OF FOUR HUNDRED EIGHTY-SEVEN THOUSAND SIX HUNDRED DOLLARS (\$487,600.00) FOR SOFTWARE AND IMPLEMENTATION SERVICES FOR A CITY WORKORDER SYSTEM; AND A BUDGET ADJUSTMENT IN THE AMOUNT OF TWO HUNDRED NINETY-THREE THOUSAND EIGHT HUNDRED DOLLARS (\$293,800.00) FOR SAME.

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

Section 1. That the City Council hereby approves a contract between the City of Fayetteville and Hansen Technology, Inc. in the amount of Four Hundred Eighty-Seven Thousand Six Hundred Dollars (\$487,600.00) for software and implementation services for a City Workorder System.

Section 2. That the City Council hereby authorizes the Mayor or his duly authorized representative to sign such a contract with Hansen Technology, Inc.

Section 3. That the City Council hereby approves a Budget Adjustment in the amount of Two Hundred Ninety-Three Thousand Eight Hundred Dollars (\$293,800.00) for same.

PASSED and APPROVED this 15th day of January, 2002.

APPROVED:

By: 

DAN COODY, Mayor

ATTEST:

By: 

HEATHER WOODRUFF, City Clerk



City Of Fayetteville
(Not a Purchase Order)

Vendor # 11273				Vendor Name Hansen Information Technologies				Requisition No.:				Date: 12/28/2004			
Address:				Fob Point:				P.O Number:				Expected Delivery Date:			
1745 Markstron Road															
City: Sacramento				State: CA				Mail Yes:				No: X			
Requester: Scott Huddleston				Zip Code: 95825				Ship to code: 030				Quotes Attached Yes:			
				Requester's Employee #: 331				Division Head Approval: 				No:			
				Account Numbers 1010-1710-5416.00				Extension: 320				Fixed Asset #			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #						
1	Annual Maintenance Fees	1	EA	\$51,898.00	\$51,898.00	1010-1710-5416.00									
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: \$51,898.00 Tax: \$3,188.88 Total: \$55,086.88															

Approvals:

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

Invoice	SMAR100924
Date	10/25/2004
Page	1

FAYETTEVILLE, CITY OF
SCOTT HUDDLESTON
113 WEST MOUNTAIN STREET
FAYETTEVILLE AR 72701

Invoice Type		Purchase Order/Contract No		Payment Terms	
SMAR		PLEASE ISSUE PO/CK		Net 00	
Item	Unit Price	Qty Ordered	Amount		
SMA-CS-LAI	Service and Maintenance for Land Products \$10,131.00 1.00 V7.x Land Management: Customer Service (9), Building (22), Code Enforcement (9), and Licensing (5)		\$10,131.00		
SMA-CS-AS	Service and Maintenance for Asset Products \$36,396.00 1.00 V7.x Assets: Customer Service (13), Bldg (1), Complex (3), Park (3), Plant (12), Sewer (3), Storm (4), Street (4), Water (6), Pvmnt, Adv. Asset Insp., VRM, and Tab Editor		\$36,396.00		
SMA-CS-DYI	Service and Maintenance for Dynamic Portal \$1,861.00 1.00 Dynamic Portal for Customer Service		\$1,861.00		
SMA-CS-GIS	Service and Maintenance for GIS Products \$3,510.00 1.00 V7.x GIS (7): GeoAdministrator (1) w/IMV (5) and GeoAssistant (1)		\$3,510.00		
Due on or before January 1, 2005, for Coverage Term: 1/1/2005 - 12/31/2005. This invoice includes an incremental increase of 2%. Questions: Diane Eames [x3002]. Thank you!			Subtotal		\$51,898.00
					\$0.00
			Tax		\$0.00
			Total		\$51,898.00

AUCKLAND • LONDON • MELBOURNE • SACRAMENTO • SYDNEY • TORONTO

Corporate Headquarters: 1745 Markston Road • Sacramento, CA, USA 95825
Phone: 800.821.9316 • 916.921.0883 • Fax: 916.921.6620 • www.hansen.com

Invoice:	SMAR100924
Date:	10/25/2004
Page:	1

FAYETTEVILLE, CITY OF
SCOTT HUDDLESTON
113 WEST MOUNTAIN STREET
FAYETTEVILLE AR 72701

Invoice Type		Purchase Order/Contract No.		Payment Terms
SMAR		PLEASE ISSUE PO/CK		Net.00
Item	Unit Price	Qty. Ordered	Amount	
SMA-CS-LAN	Service and Maintenance for Land Products \$10,131.00	1.00	\$10,131.00	
	V7.x Land Management: Customer Service (9), Building (22), Code Enforcement (9), and Licensing (5)			
SMA-CS-AS	Service and Maintenance for Asset Products \$36,396.00	1.00	\$36,396.00	
	V7.x Assets: Customer Service (13), Bldg (1), Complex (3), Park (3), Plant (12), Sewer (3), Storm (4), Street (4), Water (6), Pvmnt, Adv. Asset Insp., VRM, and Tab Editor			
SMA-CS-DYI	Service and Maintenance for Dynamic Portal \$1,861.00	1.00	\$1,861.00	
	Dynamic Portal for Customer Service			
SMA-CS-GIS	Service and Maintenance for GIS Products \$3,510.00	1.00	\$3,510.00	
	V7.x GIS (7): GeoAdministrator (1) w/IMV (5) and GeoAssistant (1)			
Due on or before January 1, 2005, for Coverage Term: 1/1/2005 - 12/31/2005. This invoice includes an incremental increase of 2%. Questions: Diane Eames [x3002]. Thank you!			Subtotal	\$51,898.00
				\$0.00
			Tax	\$0.00
			Total	\$51,898.00

AUCKLAND • LONDON • MELBOURNE • SACRAMENTO • SYDNEY • TORONTO

Corporate Headquarters: 1745 Markston Road • Sacramento, CA, USA 95825
Phone: 800.821.9316 • 916.921.0883 • Fax: 916.921.6620 • www.hansen.com

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

A. 3
Hansen Technology, Inc. Purchase Request
Page 7 of 8

18-Jan-05
City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance and Internal Services

Department

Action Required:

Approve payment for 2005 Hansen Software Maintenance Fees.

\$55,086.88

Cost of this request

1010-1710-5416.00

Account Number

Project Number

\$ 175,980.00

Category/Project Budget

\$ 28,125.00

Funds Used to Date

147,855.00
\$ 175,980.00

Remaining Balance

Maintenance

Program Category / Project Name

Program / Project Category Name

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached


Department Director

Date

Previous Ordinance or Resolution # 07-02

Original Contract Date:

1/15/2002

Original Contract Number:


City Attorney

12/29/04

Received in City Clerk's Office

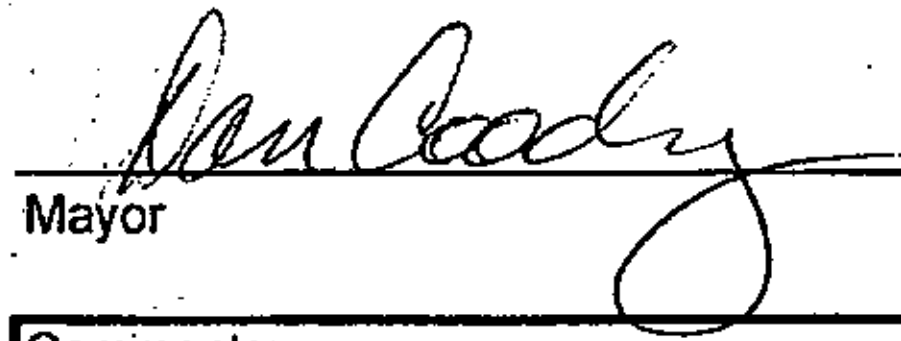



Finance and Internal Service Director

Date

12/28/04

Received in Mayor's Office


Mayor

Date

12/28/04

12/29/04 P.H.

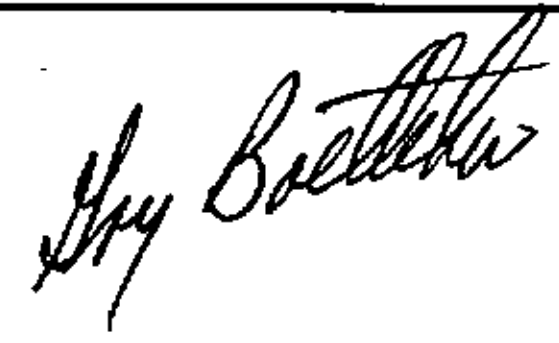
Comments:

Fayetteville

City Council Meeting of January 18, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Greg Boettcher, Water/Wastewater Director 

Date: December 22, 2004

Subject: Resolution approving Amendment Number 11 (A) with Operations Management International, Inc. authorizing acquisition of an electric generation unit for the Noland Wastewater Plant and extension of the operating agreement for 5 years. A budget adjustment of \$76,693.10 is included for residual electric rate impacts for calendar year 2005 only, funds to come from use of fund balance and to be added to Wastewater Treatment Plant Program/Services and Charges.

RECOMMENDATION

Fayetteville City Administration recommends approval of "Amendment No. 11 (A) to the Agreement for Operations, Maintenance and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant." This contract amendment increases the 2005 contract value by \$76,693.10 to cover the residual electric rate effects for calendar year 2005. This amendment increases the 2005 contract to a total of \$4,561,018.10.

BACKGROUND

Final design of the Noland Wastewater Plant Improvements includes the installation of a second standby electric generating unit at a cost of approximately \$350,000.00 to handle the increased needs of the facility. An opportunity has been discovered whereby the City can acquire a larger backup electric generation unit that enables lowered electric costs by nature of load management capabilities. Energy cost savings are such that the City can recover the principal and interest payments from energy cost savings provided that the equipment is financed over a five year term. At the end of this five-year payback period; all energy costs savings will be captured by the City of Fayetteville plus the City shall have acquired a self-funded equipment asset. This concept has multiple applications within the Fayetteville Wastewater System Improvements Project, as standby electric generating units have been designed for both the new West Side Wastewater Treatment Plant and for the new Hamestrung Lift Station. The Noland Plant's application is simply the first to be released for bids; hence the current desire to move forward with this activity. In order to minimize the electric generation system costs, coordinate load management practices, secure buy-in from plant operations and meet tight time schedules; it is proposed to use a contract amendment with OMI to secure the financing, planning, installation and operation of the Noland Generator Project.

While the Noland Generator Project will be self-funding once the new rates are in effect; there is a residual energy cost impact that represents a one-time, up front project expenditure. This initiation cost is due to the fact that electric load management in 2005 will not impact electric charges until the start of 2006, therefore, the first year costs must

Fayetteville

City Council Meeting of January 18, 2005

adjust for this startup expense. This rate residual impact is predicted at \$76,693.10 for 2005; hence the increase in OMI's contract value and the associated budget adjustment.

DISCUSSION

Fayetteville has a narrow window of opportunity to simultaneously capture capital cost savings and operating cost savings. The acquisition of load management electric generating equipment for its wastewater treatment facilities has predicted capital cost savings of \$1.75 million (\$350,000 at Noland, \$1,000,000 at West Plant and \$400,000 at Hamstring). The use of OMI contract amendments to acquire, finance and repay such costs provides Fayetteville with the ability to capture the energy costs savings at the end of the 5-year repayment period, equating to reduced operating costs over time.

With the Noland Wastewater Project's Contract EP-2 scheduled for a bid opening on February 15, 2005; it is desirable to finalize this decision to enable issuance of an addendum deleting the proposed smaller standby power system.

BUDGET IMPACT

The contract amendment increases the OMI contract value by \$76,693.10 in 2005 and will require a budget adjustment to transfer said amount from use of water and sewer fund balance. This one-time implementation expense offers an immediate capital cost savings of \$350,000.00 plus operating costs savings after retiring the 5-year equipment financing.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT NO. 11 (A) TO THE CONTRACT WITH OPERATIONS MANAGEMENT INTERNATIONAL (OMI) IN THE AMOUNT OF \$76,693.10 FOR THE ACQUISITION OF AN ELECTRIC GENERATING UNIT; EXTENDING THE TERM OF THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES AN ADDITIONAL FIVE (5) YEARS; AND APPROVING A BUDGET ADJUSTMENT TRANSFERRING \$76,693.00 FROM USE OF FUND BALANCE TO PCP OPERATION CONTRACT FUND.

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. 11 (A) to the contract with Operations Management International (OMI) in the amount of \$76,693.10. A copy of Amendment No. 11 (A), marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby agrees to extend the Agreement for Operations, Maintenance and Management Services an additional five (5) years.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment transferring \$76,693.00 from Use of Fund Balance to PCP Operation Contract Fund.

PASSED and APPROVED this 18th day of January 2005.

DRAFT

APPROVED

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

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

A. 4
OMI Contract Amendment No. 11 (A)
Page 4 of 12

Budget Year 2004	Department: Water & Wastewater Division: Wastewater Treatment Program: Wastewater Treatment Plant	Date Requested 12/22/2004	Adjustment Number
----------------------------	---	-------------------------------------	-------------------

Project or Item Requested:
Adjust wastewater plant operations budget by \$76,693.10 for amendment 11(A) relating to the acquisition and financing of a generator system for the Noland Wastewater Plant. Adjustment is for the one-time residual electric rate impacts in calendar year 2005

Project or Item Deleted:
\$76,693.10 will be the Use of Fund Balance.

Justification of this Increase:
This expenditure is the upfront expense to initiate a self-funding equipment acquisition that has benefits of \$350,000 capital project cost savings, 5-year financing thru electric energy savings and direct energy cost savings to City after 5-year repayment period.

Justification of this Decrease:
This investment in equipment and future savings is a cost-effective use of water and sewer funds. Sufficient funding remains to comply with City Policy.

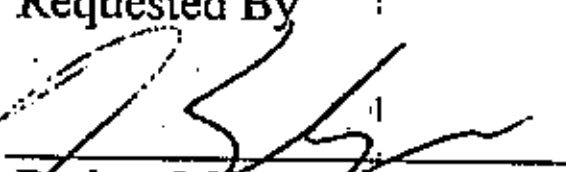
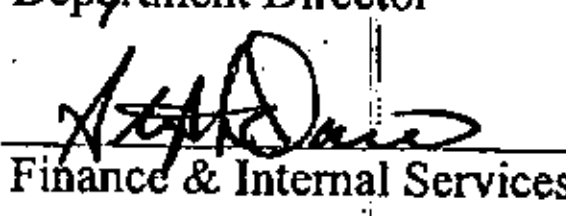
Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number
PCP operation contract	5400	5100	5328	00	76,693	

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number
Use of fund balance	5400	0940	4999	99	76,693	

Approval Signatures

Requested By	Date
	12-22-04
Budget Manager	Date
	12-20-04
Department Director	Date
	12-21-04
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type:	A	B	C	<u>D</u>	E
Date of Approval					
	Initial	Date			
Posted to General Ledger					
	Initial	Date			
Posted to Project Accounting					
	Initial	Date			
Entered in Category Log					
	Initial	Date			

AMENDMENT NO. 11(A)
TO
AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES
FOR THE CITY OF FAYETTEVILLE, ARKANSAS WASTEWATER TREATMENT PLANT

THIS AMENDMENT NO. 11(A) to the Agreement for Operations, Maintenance and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant dated September 1, 1994 (the "Agreement"), made effective on the 1st day of January, 2005, by and between the City of Fayetteville, Arkansas, whose address for any formal notice is 113 W. Mountain St, Fayetteville, Arkansas 72701 (hereinafter the "City") and Operations Management International, Inc., with offices at 9193 S. Jamaica Street, Suite 400, Englewood, Colorado 80112 (hereinafter "OMI") is made and entered into for purposes of amending certain provisions of the Agreement, to prevent the facilities covered by the Agreement from being deemed to be used in the trade or business of OMI pursuant to Section 141 (b) of the Internal Revenue Code of 1986, as amended.

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

1. Article 4.3 is hereby deleted in its entirety and replaced with the following Article 4.3:
 - 4.3 OMI estimates the cost for services for calendar year 2005 shall be Four Million Five Hundred Sixty One Thousand Eighteen Dollars (\$4,561,018.00). Details of said cost are shown in Appendix J. The base fee shall be negotiated each year in September for the upcoming calendar year. Should the City and OMI fail to agree, the base fee will be determined by the application of the base fee adjustment formula shown in Appendix F. Should the actual expenditures exceed estimated expenditures by more than Twenty Thousand Dollars (\$20,000), in any year of this Agreement, specific approval will be obtained from the City prior to OMI incurring additional costs.
2. Article 7.1 is hereby deleted in its entirety and replaced with the following Article 7.1:
 - 7.1 This initial term of this Agreement shall be five (5) years and four (4) months commencing on September 1, 1994 and ending on December 31, 1999, followed by two (2) successive five (5) year options, each renewable at the sole discretion of OMI. The City has exercised its options to extend through December 31, 2008. In consideration of OMI's agreement to fund the Power Generator Project at the Noland WWTP, described in Appendix L, the City is hereby extending this Agreement through and including December 31, 2013.
3. A new Appendix L is added in the form attached hereto.

This Amendment No. 11(A) together with the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

**OPERATIONS MANAGEMENT
INTERNATIONAL, INC.**

CITY OF FAYETTEVILLE

Roger B. Quayle
Senior Vice President
Date: _____

Dan Coody
Mayor
Date: _____

Appendix J

COST DETAIL

The annualized estimated costs for calendar year 2005 are as follows:

Description	Existing 2005 Estimated Costs	Amended 2005 Estimated Costs
Direct Labor & Benefits	\$ 1,671,071.00	\$ 1,671,071.00
Labor Markup	\$ 501,321.00	\$ 501,321.00
Electricity	\$ 642,720.00	\$ 588,480.00
Electrical Markup	\$ -	\$ -
Other Direct Costs	\$ 1,288,073.00	\$ 1,304,771.00
Other Direct Costs Markup	\$ 128,807.00	\$ 130,477.10
Subtotal	\$ 4,231,992.00	\$ 4,196,120.10
Fixed Fee	\$ 82,349.00	\$ 81,651.00
Lift Station Odor Control	\$ 69,362.00	\$ 69,362.00
Capital Item Amortization	\$ 100,622.00	\$ 100,622.00
Power Generator Project		
Equipment Amortization	\$ -	\$ 113,263.00
Total Est. O & M Budget	\$ 4,484,325.00	\$ 4,561,018.10
 Total Est. Annualized Budget	 \$ 4,484,325.00	 \$ 4,561,018.10
Estimated Increase		\$ 76,693.10

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

1. Continued increase in the efficient use of technological automation and job-sharing within the OMI network.
2. Continued upward pressure on the cost of fuel and vehicle expenses.
3. Ever increasing cost to maintain community-expected high level of performance with many pieces of equipment nearing the end of their life cycle and destined to be replaced or upgraded as part of the ongoing Wastewater Improvement Project.
4. Continued population growth causing a related increase in sludge production and ultimate sludge disposal costs.
5. Additional costs for maintenance of 4-5 new sewage lift stations during the next year.
6. Potentially less expensive sludge disposal alternatives continue to be evaluated, which may or may not become feasible within the next 12 months.
7. Addition of the Power Generator Project as described in Appendix L hereto.

Appendix L

POWER GENERATOR PROJECT - SCOPE OF WORK

Due to significantly increased emphasis on preventing all possible wastewater overflows and/or interruptions in wastewater treatment capability by the Arkansas Department of Environmental Quality and the United States Environmental Protection Agency, as well as currently available favorable electrical rate structures it has become necessary for the City to install full-backup power generation equipment at the Paul R. Noland wastewater treatment plant (WWTP). In addition, the City anticipates installing full-backup power generation equipment at the new Westside WWTP facility and at the expanded Hamestring sewer lift station facility in accordance with the respective construction sequencing as these facilities are constructed.

The cost of the power generation equipment (the "Equipment") to effect the implementation of the power generation system at the Noland WWTP is \$715,000.

OMI hereby agrees to locate, procure and finance the cost of the Equipment at an annual interest rate of seven percent over the course of sixty (60) months on behalf of the City in accordance with the amortization schedule set forth in Attachment 1 to this Appendix L and the City hereby agrees that it will purchase the Equipment from OMI over the course of such sixty (60) month period (the "Amortization Period"). The City's first payment to OMI will be due in the month following the installation complete date, currently estimated to be May 15, 2005. The City may elect to complete purchase of the Equipment at any time during the Amortization Period without incurring any early payment penalties.

Copies of purchase orders, bills of sale or invoices evidencing OMI's purchase will be furnished to the City upon request.

Title and risk of loss to the Equipment will remain with OMI at all times during the Amortization Period. At the end of the Amortization Period, title and risk of loss for and to the Equipment will transfer to the City.

If for any reason the Agreement is terminated by either party prior to the end of the Amortization Period, the City will pay to OMI the remaining balance due, in full, within thirty (30) days following termination. In the event the City refuses to or fails to make payment within thirty (30) days following termination OMI may exercise all rights available to it, including but not limited to, removal of the Equipment from the Noland WWTP.

OMI may sell or assign this Amendment 11(A) and the Equipment to a third party in its sole discretion at any time during the Amortization Period.

Costs for diesel fuel will be provided directly by the City of Fayetteville as described in Article 3.8 of this Agreement. Costs for natural gas, applicable taxes, insurance, maintenance, and monitoring fees will be included in the actual cost of services as shown in Appendix J, and costs for these items in subsequent years during the Term will be provided to the City in accordance with the provisions of the Agreement.

The parties agree that they intend to install power generation systems at the new Westside WWTP and the expanded Hamestring sewer lift station at the appropriate time during the construction sequencing for each of these facilities, and that they intend to amortize the cost of each of these systems over a five year period. The parties will amend this Appendix L as necessary to address the terms and conditions agreed upon with respect to the power generation systems to be installed at the Westside WWTP and the Hamestring sewer lift station.

Attachment 1 to Appendix L
AMORTIZATION SCHEDULE

Data

LOAN DATA

Loan amount: 715,000.00
Annual interest rate: 7.00%
Term in years: 5
Payments per year: 12
First payment due: 5/1/2005

TABLE DATA

Table starts at date:
or at payment number: 1

PERIODIC PAYMENT

Entered payment:
Calculated payment: \$14,157.86

CALCULATIONS

Use payment of: \$14,157.86
1st payment in table: 1
Beginning balance at payment 1: \$715,000.00
Cumulative interest prior to payment 1: \$0.00

Table

No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
1	5/1/2005	715,000.00	4,170.83	9,987.02	705,012.98	4,170.83
2	6/1/2005	705,012.98	4,112.58	10,045.28	694,967.70	8,283.41
3	7/1/2005	694,967.70	4,053.98	10,103.88	684,863.82	12,337.39
4	8/1/2005	684,863.82	3,995.04	10,162.82	674,701.00	16,332.43
5	9/1/2005	674,701.00	3,935.76	10,222.10	664,478.90	20,268.18
6	10/1/2005	664,478.90	3,876.13	10,281.73	654,197.17	24,144.31
7	11/1/2005	654,197.17	3,816.15	10,341.71	643,855.46	27,960.46
8	12/1/2005	643,855.46	3,755.82	10,402.03	633,453.43	31,716.28
9	1/1/2006	633,453.43	3,695.14	10,462.71	622,990.71	35,411.43
10	2/1/2006	622,990.71	3,634.11	10,523.74	612,466.97	39,045.54
11	3/1/2006	612,466.97	3,572.72	10,585.13	601,881.84	42,618.26
12	4/1/2006	601,881.84	3,510.98	10,646.88	591,234.96	46,129.24
13	5/1/2006	591,234.96	3,448.87	10,708.99	580,525.97	49,578.11
14	6/1/2006	580,525.97	3,386.40	10,771.46	569,754.52	52,964.51
15	7/1/2006	569,754.52	3,323.57	10,834.29	558,920.23	56,288.08
16	8/1/2006	558,920.23	3,260.37	10,897.49	548,022.74	59,548.45
17	9/1/2006	548,022.74	3,196.80	10,961.06	537,061.68	62,745.25
18	10/1/2006	537,061.68	3,132.86	11,025.00	526,036.68	65,878.11
19	11/1/2006	526,036.68	3,068.55	11,089.31	514,947.37	68,946.66
20	12/1/2006	514,947.37	3,003.86	11,154.00	503,793.38	71,950.52
21	1/1/2007	503,793.38	2,938.79	11,219.06	492,574.31	74,889.31
22	2/1/2007	492,574.31	2,873.35	11,284.51	481,289.81	77,762.66
23	3/1/2007	481,289.81	2,807.52	11,350.33	469,939.47	80,570.18
24	4/1/2007	469,939.47	2,741.31	11,416.54	458,522.93	83,311.50

25	5/1/2007	458,522.93	2,674.72	11,483.14	447,039.79	85,986.22
26	6/1/2007	447,039.79	2,607.73	11,550.12	435,489.67	88,593.95
27	7/1/2007	435,489.67	2,540.36	11,617.50	423,872.17	91,134.30
28	8/1/2007	423,872.17	2,472.59	11,685.27	412,186.90	93,606.89
29	9/1/2007	412,186.90	2,404.42	11,753.43	400,433.46	96,011.31
30	10/1/2007	400,433.46	2,335.86	11,822.00	388,611.47	98,347.18
31	11/1/2007	388,611.47	2,266.90	11,890.96	376,720.51	100,614.08
32	12/1/2007	376,720.51	2,197.54	11,960.32	364,760.19	102,811.61
33	1/1/2008	364,760.19	2,127.77	12,030.09	352,730.10	104,939.38
34	2/1/2008	352,730.10	2,057.59	12,100.26	340,629.84	106,996.97
35	3/1/2008	340,629.84	1,987.01	12,170.85	328,458.99	108,983.98
36	4/1/2008	328,458.99	1,916.01	12,241.85	316,217.14	110,899.99
37	5/1/2008	316,217.14	1,844.60	12,313.26	303,903.88	112,744.59
38	6/1/2008	303,903.88	1,772.77	12,385.08	291,518.80	114,517.36
39	7/1/2008	291,518.80	1,700.53	12,457.33	279,061.47	116,217.89
40	8/1/2008	279,061.47	1,627.86	12,530.00	266,531.47	117,845.75
41	9/1/2008	266,531.47	1,554.77	12,603.09	253,928.38	119,400.52
42	10/1/2008	253,928.38	1,481.25	12,676.61	241,251.77	120,881.76
43	11/1/2008	241,251.77	1,407.30	12,750.55	228,501.22	122,289.07
44	12/1/2008	228,501.22	1,332.92	12,824.93	215,676.28	123,621.99
45	1/1/2009	215,676.28	1,258.11	12,899.75	202,776.54	124,880.10
46	2/1/2009	202,776.54	1,182.86	12,974.99	189,801.55	126,062.97
47	3/1/2009	189,801.55	1,107.18	13,050.68	176,750.86	127,170.14
48	4/1/2009	176,750.86	1,031.05	13,126.81	163,624.05	128,201.19
49	5/1/2009	163,624.05	954.47	13,203.38	150,420.67	129,155.66
50	6/1/2009	150,420.67	877.45	13,280.40	137,140.27	130,033.12
51	7/1/2009	137,140.27	799.98	13,357.87	123,782.40	130,833.10
52	8/1/2009	123,782.40	722.06	13,435.79	110,346.60	131,555.16
53	9/1/2009	110,346.60	643.69	13,514.17	96,832.43	132,198.85
54	10/1/2009	96,832.43	564.86	13,593.00	83,239.43	132,763.71
55	11/1/2009	83,239.43	485.56	13,672.29	69,567.14	133,249.27
56	12/1/2009	69,567.14	405.81	13,752.05	55,815.09	133,655.08
57	1/1/2010	55,815.09	325.59	13,832.27	41,982.82	133,980.67
58	2/1/2010	41,982.82	244.90	13,912.96	28,069.86	134,225.57
59	3/1/2010	28,069.86	163.74	13,994.12	14,075.75	134,389.31
60	4/1/2010	14,075.75	82.11	14,075.75	0.00	134,471.42

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05
City Council Meeting Date

Greg Boettcher

Submitted By

Wastewater Treatment

Division

Water and Wastewater

Department

Action Required:

Resolution approving Amendment Number 11 (A) with Operations Management International, Inc. authorizing acquisition of an electric generation unit for the Noland Wastewater Plant and extension of the operating agreement for 5 years. A budget adjustment of \$76,693.10 is included for residual electric rate impacts for calendar year 2005 only, funds to come from use of fund balance and be added to Services and Charges.

\$76,693.10

Cost of this request

5100,5328.00

5400-0940-4999-99

Account Number

Category/Project Budget

\$

Funds Used to Date

\$

Remaining Balance

Water Treatment Plant/Services and C

Program Category / Project Name

Use of Fund Reserves

Program / Project Category Name

Water and Sewer

Fund Name

Budgeted Item

X

Budget Adjustment Attached

X

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

1-Sep-94

City Attorney

Date

Original Contract Number:

Chief Administrative Officer

Finance & Internal Services

Date

Received in Mayor's Office

12/21/04

PH

Mayor

Date

Received in City Clerk's Office

12-20-04



Comments:

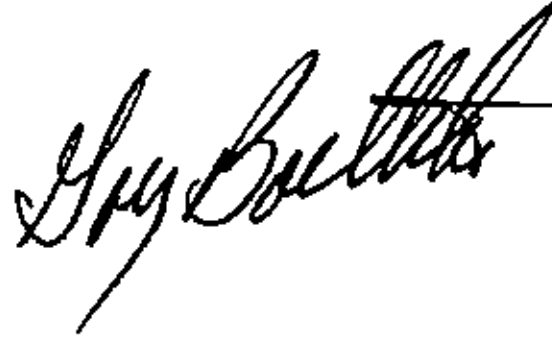
Fayetteville

City Council Meeting of January 18, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Greg Boettcher
Water/Wastewater Director



Date: December 22, 2004

Subject: Resolution authorizing purchase of a portable hydraulic-powered centrifugal pumping unit from the sole bidder, Thompson Pump and Manufacturing Company.

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution authorizing the purchase of one portable, hydraulic-powered centrifugal pumping unit from the sole bidder Thompson Pump and Manufacturing Company for \$24,431.50 (bid opening December 14, 2004).

BACKGROUND

In 2003 Fayetteville voluntarily ceased the application of liquid sludge on the City's sludge management site, opting to dewater and landfill the wastewater residuals from the Noland Wastewater plant. This changed sludge management plan eliminated the use of the high-energy sludge digestion units, required for land application of wastewater sludge. During the latter months of 2003, wastewater plant operations completed the transition process, landing applying all liquid sludge that was in the various tanks as of July 1, 2003. The lower levels of material in the existing tanks is composed of inert grit materials that could not be land applied, but require proper disposal. After evaluating available options, it has been decided that the most economical means of grit disposal for the sludge digestion basins is to blend small amounts of the grit material with the dewatered sludge, allowing the grit to be disposed of at the sanitary landfill. Were the City to simply contract out the grit removal and disposal to a private contractor, Black and Veatch estimated the cost to be \$180,000.00. To avoid this large disposal cost, OMI has agreed to perform this activity as part of normal operations, provided that the city purchase this portable pumping unit to transfer grit from the digester to the sludge truck's trailer. The net costs to the city by utilizing OMI to dispose of the digester grit is predicted at \$97,500.00 (\$24,500 for the pump, \$9,000.00 in labor and \$64,000 in landfill tipping charges). The labor and landfill charges are expected to be absorbed by the 2005 treatment plant operating budget; therefore the only additional costs to Fayetteville is the purchase of the portable pumping unit at \$24,431.50. Since funds had been set aside in 2004 for this pump's purchase and the residual balance is to be rebudgeted in 2005; this activity has no real budget impact.

DISCUSSION

The plan for disposal of the sludge digester grit is an effective and economical alternative.

BUDGET IMPACT

The purchase of this equipment was budgeted for 2004 and could not be completed by the end of the fiscal year. Necessary funds are proposed for re-budget in 2005.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) PORTABLE, HYDRAULIC-POWERED CENTRIFUGAL PUMPING UNIT FROM THOMPSON PUMP AND MANUFACTURING CO., INC. IN THE AMOUNT OF \$24,431.50.

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 one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump and Manufacturing Co., Inc. in the amount of \$24,431.50.

PASSED and APPROVED this 18th day of January 2005

APPROVED:

B

DAN COODY, Mayor

ATTEST:

By

SONDRA SMITH, City Clerk

The Bidder understands the Owner reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Bidder agrees that this bid shall be good and may not be withdrawn for a period of sixty (60) calendar days after the scheduled closing time for receiving bids.

TOTAL BID: \$24,431.⁵⁰

COMPANY NAME

Thompson Pump + Mfg.

CONTACT PERSON

Jim Templeton

TITLE

Sales Representative

ADDRESS

P.O. Box 769
Florence, MS 39073

TELEPHONE

601-932-4916 FAX 601-932-4918

E-Mail

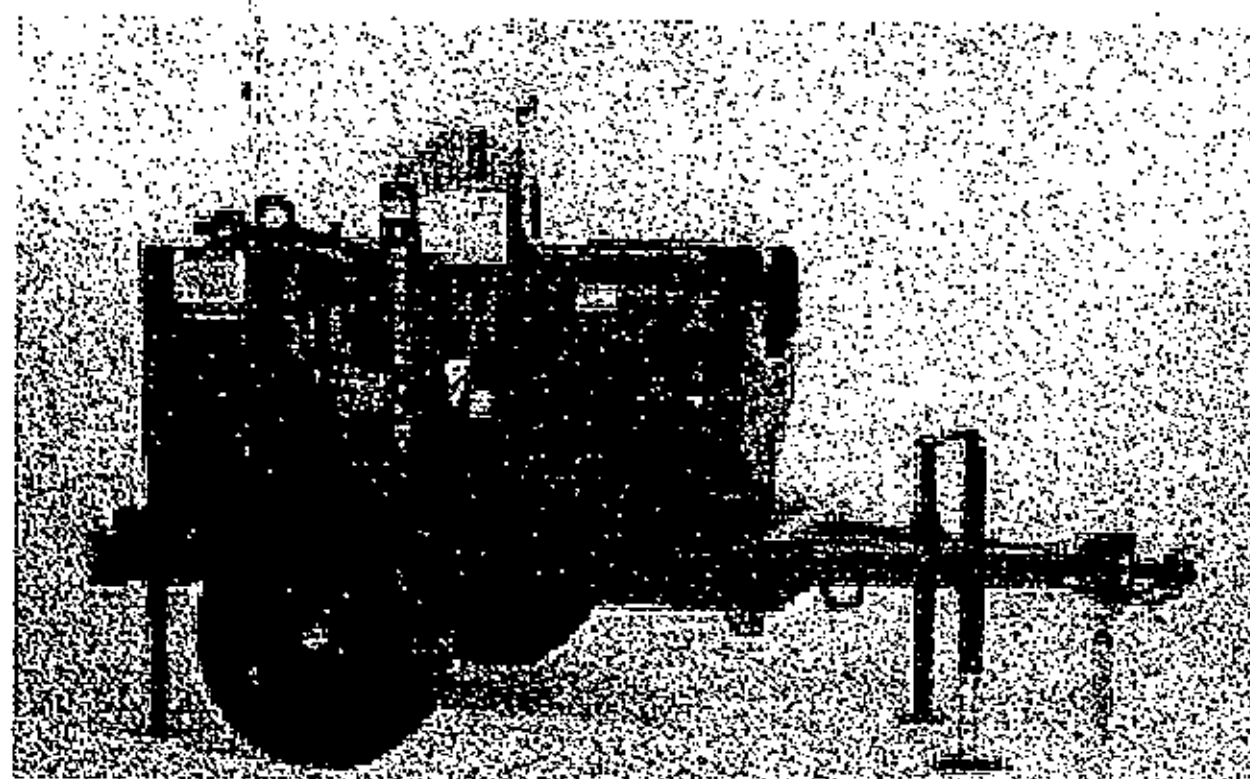
JBritt@ThompsonPump.Com

SIGNATURE:

Jim Templeton

All inclusive bids must be submitted no later than December 14th, 2004 at or before 2:00 PM, to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "Bld 04-89, Hydraulic Driven Submersible Pump and Hydraulic Power Unit". Each bidder will be required to meet or exceed the specifications. Any deviation must be noted with specifications attached to bid. Questions on specification clarification should be directed to Stanley Williams OMI Construction Coordinator. 1400 N. Fox Hunter Rd, Fayetteville, AR 72701. Phone: (479)443-3292, Fax (479)443-5613, Cell (479) 530-2074

HYDRAULIC POWER UNIT 32HPU-DJDST-4045D



MODEL SHOWN: 32HPU-DJDST-4045D

Engine Specifications

Model: John Deere 4045D

Type: 4-cylinder, in-line, 4-cycle, water cooled, naturally aspirated direct-injected diesel engine.

Displacement: 230 cubic inches.

Governor: Mechanical

Air Cleaner: Dry-Type

Starting: Electric 12V

Manufacturers Performance:

Continuous HP: 62-hp @ 1,800-rpm

Standard Equipment: Alternator • Exhaust stack with rain protection • Instrument Panel with key switch, throttle-control, tachometer, hourmeter, voltmeter, low oil pressure shutdown gauge and high coolant temperature shutdown gauge.

Pump Specifications

Model: Hydraulic Power Unit

Hydraulic Pump: Model P350-15, positive displacement, external gear type, 3.72-cubic inch displacement

Control Valve: Needle type

Relief Valve: Pump mounted, internally pilot operated, pressure compensated with vent

provision and pressure gauge for system diagnostics.

Reservoir: 60-US Gallons. Fabricated steel, with internal baffles, large access port, drain plug, sight level gauge, filler cap, air vent, sump strainer and shutoff valve to prevent spillage during field maintenance.

Sump Strainer: 100-mesh spin-on type

Return Filter: 60-GPM @ 5-psi backpressure rating, 25-micron, in-tank mounted with internal bypass @ 25-psi and integral filler/breather.

Hydraulic Fluid: Drydene Carelube HTG#4077 biodegradable, environmentally friendly, vegetable based ISO32 HVI hydraulic fluid. 65-gallons provided with unit.

Hydraulic Couplings: All couplings are Snap-Tite 75 Series quick disconnects with dust plugs.

Delivery: 1" female

Return: 1 1/4" female

Bypass: 1/2" female

Hydraulic Oil Flow:

- 1,600-rpm – 24-GPM
- 1,800-rpm – 28-GPM
- 2,000-rpm – 31-GPM
- 2,200-rpm – 34-GPM

Fuel Tank Capacity: 35-U.S. Gallons 120

Operating Time: 26-hours at 2,200-rpm 40 hrs.

Approximate Weight: 4,600-lbs

Approx. Trailer Size: 138" L x 65" W x 68" H

Trailer: Trailer with lifting provision • Leaf spring suspension • Four ASTM A-36 steel hose racks • One top-wind, 5000# capacity, retractable height jack stand • Three stabilizing jack stands.

Optional Trailer Equipment: DOT Light Package • Fenders

Standard Equipment: One set of hydraulic hoses 50' each to connect hydraulic submersible to power unit.

In the interest of product improvement, we reserve the right to change specifications without incurring any obligation for equipment previously or subsequently sold. Capacity, Head and Curve for comparative purposes. Consult engineering data for exact capabilities.

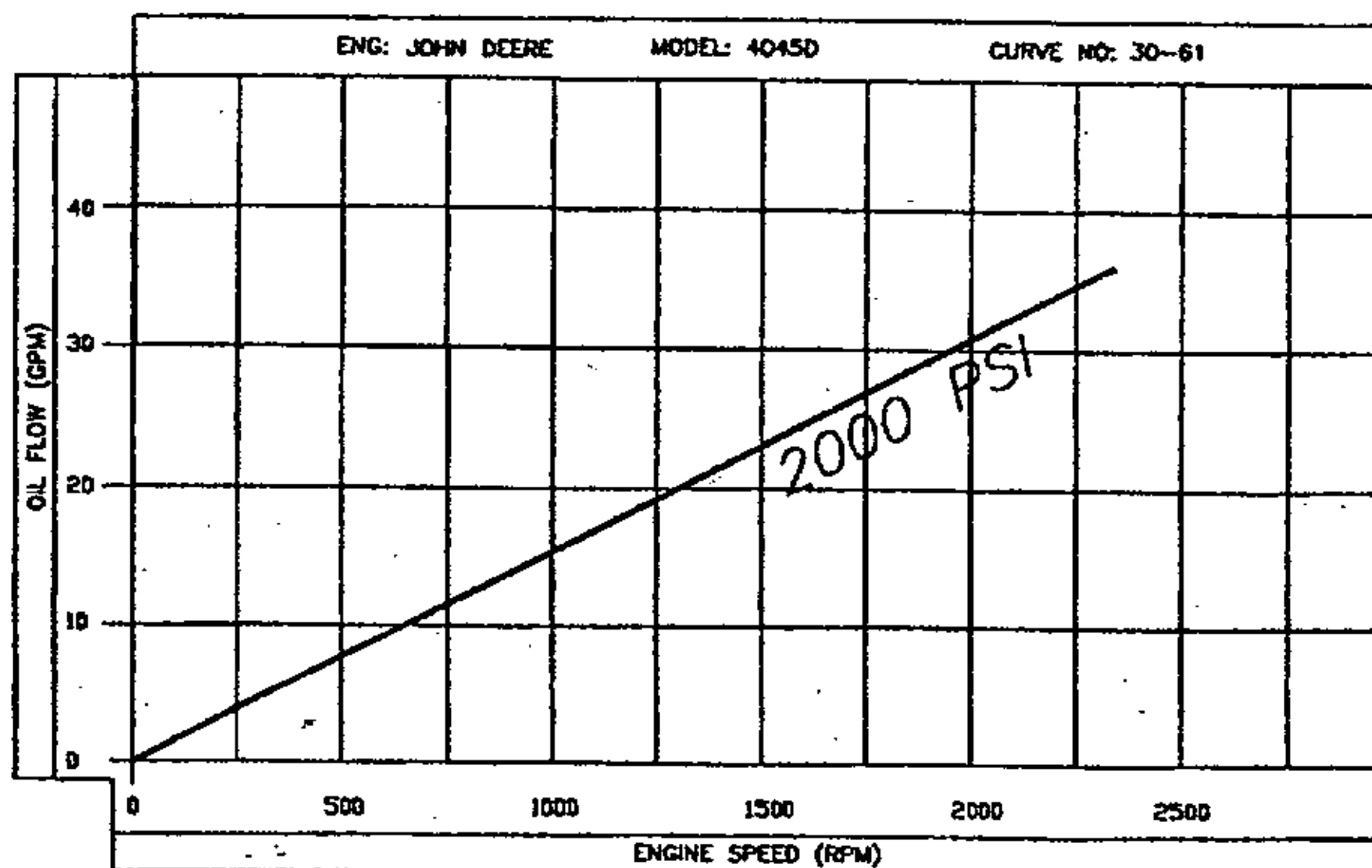
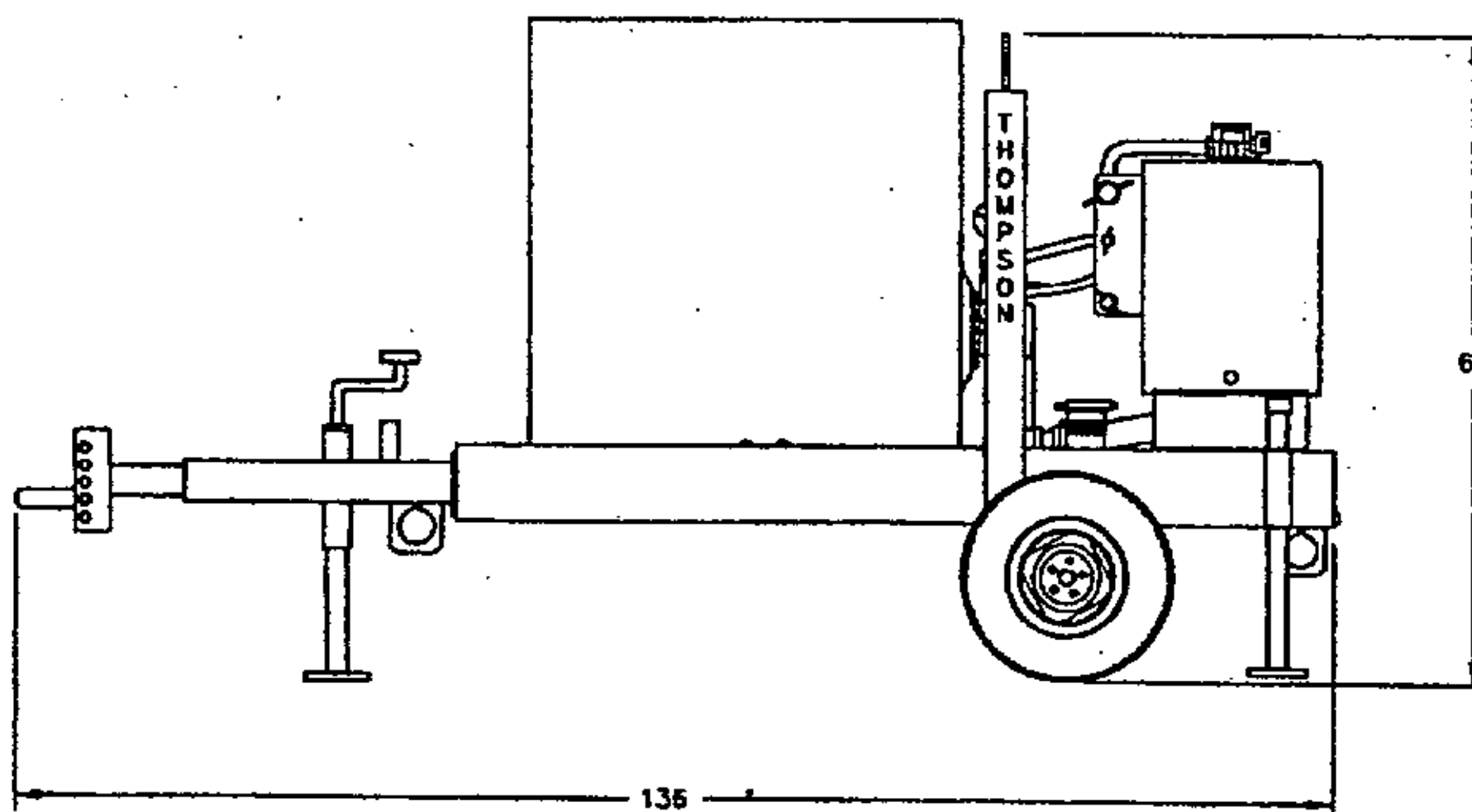
Thompson Pump & Manufacturing Co., Inc. 4620 City Center Drive Port Orange, Florida, USA 32119
Phone (800) 767-7310 • Fax (386) 761-0362 • www.thompsonpump.com

HYDRAULIC POWER UNIT 32HPU-DJDST-4045D



A. 5
Pumping Unit Purchase
Page 5 of 16

Dimensional Drawing



In the interest of product improvement, we reserve the right to change specifications without incurring any obligation for equipment previously or subsequently sold. Capacity, Head and Curve for comparative purposes. Consult engineering data for exact capabilities.

Thompson Pump & Manufacturing Co., Inc. 4620 City Center Drive Port Orange, Florida, USA 32119
Phone (800) 767-7310 • Fax (386) 761-0362 • www.thompsonpump.com

P.O. Box 291370 * Port Orange, Florida 32129-1370 * (800) 767-7310 * Fax (386) 761-0362

4-inch Hydraulic Submersible Pump MODEL: 40HST

VOLUTE: Rugged, heavy-duty class 40 cast iron.

CUTWATER: Replaceable, 316 stainless steel.

SHAFT: Constructed of 416 stainless steel and fitted with a renewable SAE 51420 stainless steel shaft sleeve.

IMPELLER: Dynamically balanced, non-clogging, semi-open, three-vane, class 40 cast iron, with rear-equalizing vanes to reduce axial loading and prolong seal and bearing life. Keyed and locked to shaft for anti-rotation protection by bolt and washer.

IMPELLER DIAMETER: 8.5"

SOLIDS CAPACITY: 3" spherical

SEAL: Equipped with run-dry oil lubricated mechanical seal with Tungsten Carbide rotating and stationary seal faces. Single outside-mounted non-pusher type with self-adjusting elastomeric bellows. All other seal components are 304 stainless steel and viton.

ADAPTER PLATE: Heavy-duty class 40 cast iron.

BEARINGS: Heavy-duty oil lubricated bearings to carry both axial and radial loads.

BEARING HOUSING: Heavy-duty class 30 cast iron for rigid support of shaft/bearing assembly.

WEAR PLATE: Replaceable, A36 steel.

LIFTING BAIL: Top center-point and side mount, A36 steel.

STRAINER: Large, round hole, 2 1/2" diameter openings, A36 steel.

ROCK SCREEN: Removable, small-hole wrap-around, A36 steel.

GASKETS: Neoprene

FASTENERS: 316 stainless steel

DISCHARGE FITTING: 4" MNPT & 4" male aluminum cam & groove quick coupler. Optional Bauer style fittings available.

HYDRAULIC MOTOR: High efficiency, external gear type, 3.72 cubic inch displacement, with SAE 2B splined output.

SEAL PROTECTION: Equipped with automatic over-pressure protection system.

HYDRAULIC COUPLINGS:

Delivery: 1" male Snap-Tite 75 series quick disconnect with dust cap

Return: 1-1/4" male Snap-Tite 75 series quick disconnect with dust cap

Bypass: 1/2" male Snap-Tite 75 series quick disconnect with dust cap

HYDRAULIC HOSE PROTECTION:
Equipped with whip hoses and nitrile rubber sleeves.

HYDRAULIC REQUIREMENTS:

Oil Flow: 15 to 34 GPM

Pressure: 500-2000 PSI

DIMENSIONS: Dia.-17-3/4", Height-36-7/8"

WEIGHT: 240 lbs.

In the interest of product improvement, Thompson Pump & Manufacturing reserves the right to change specifications.

Pump Curves

Hydraulic



Pump End: 40HST

Used on Models: 40HST

Pump Speed Ratings:

Maximum Impeller Speed: 2,500 rpm

Maximum Oil Flow: 40 gpm

Test Conditions:

Fluid: Water

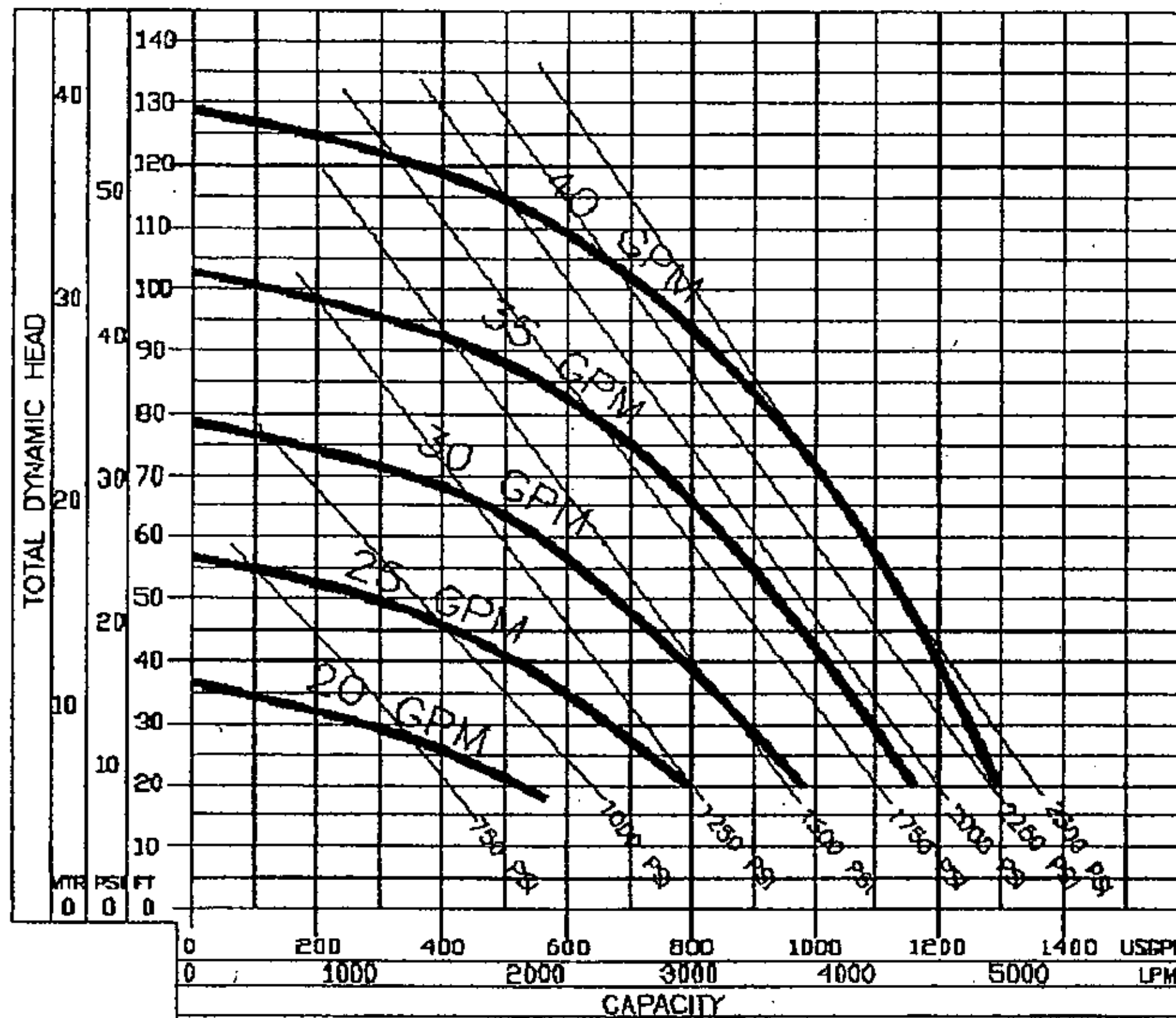
S.G.: 1.0

Temperature: 68°F (20°C)

Altitude: Sea Level (1 Atmosphere)

Viscosity: 31.5 SSU

Impeller Dia.	Style	No. Vanes	Solids Dia.	Discharge	Weight	Hyd. Motor	Displ.
8.5"	SEMI-OPEN	3	3"	4"	240 lbs	HDM30.61	3.72 IN ³ /REV



Notes: Refer to Thompson Unit Specification Sheets for maximum and minimum operating speeds for the particular driver.
These curves can be used to size the submersible pump to various power units.
Tests were conducted according to Hydraulic Institute ANSI/HI 1.6-1994 standards.

In the interest of product improvement, we reserve the right to change specifications without incurring any obligation for equipment previously or subsequently sold.
Capacity and Head are shown for comparative purposes. Consult engineering data for exact capabilities.

Thompson Pump & Manufacturing Co., Inc. 4620 City Center Drive, Port Orange, Florida, USA 32119
Phone (800) 767-7310 • Fax (386) 761-0362 • www.thompsonpump.com

List of items to be supplied for Bid Number 04-89, Hydraulic Driven Submersible Pump and Hydraulic Power Unit, factory filled with biodegradable hydraulic fluid.

- (1) Thompson Pump Model: 32HPU-DJDST-4045D, Diesel Engine Driven, Trailer Mounted Hydraulic Power Unit.
- (1) Thompson Pump Model: 40HST, 4" Hydraulically Driven Submersible Trash Pump.
- (2) 50' Hydraulic Hose Sets, factory filled with biodegradable hydraulic fluid.
- (1) Owners Manual

SPECIFICATION COMPARISON

SPEC NUMBER

H-1 Impeller Type, our impeller is dynamically balanced, non-clogging, semi-open, three-vane, class 40 cast iron, with rear equalizing vanes to reduce axial loading and prolong seal and bearing life. Keyed and locked to the shaft for anti-rotation protection by bolt and washer. 8.5" diameter, capable of passing 3" spherical solids.

Seal, our seal is a run dry oil lubricated mechanical seal with Tungsten Carbide rotating and stationary faces. All other components are stainless steel and Viton.

Hydraulic Motor, our hydraulic motor is a Casapa High Efficiency, external gear type, 3.72 cubic inch displacement.

P-1 Hydraulic Reservoir Level, our hydraulic reservoir capacity is 60 gallons with 25 micron cartridge type filter.

Hydraulic Pump, our hydraulic pump is a Casapa positive displacement external gear type, 3.72 cubic inch displacement.

Heat exchanger, our hydraulic power unit does not require a heat exchanger.

P-2 Engine Specification
Model: John Deere Model: 4045D.
Type: 4 Cylinder, 4 Stroke, Naturally Aspirated, Liquid Cooled Engine.
Displacement: 4.5 Liter.
Governor: Mechanical.
Lubrication: Forced Circulation.
Air Cleaner: Dry Type with replacement element.
Fuel Tank: 120 Gallon Capacity (#2 Diesel Fuel)
Full Load Operating Time: 40 Hours at maximum operating speed.



Limited Warranty CONDITIONS OF SALE

This **LIMITED WARRANTY** is extended only to the original consumer/purchaser of products manufactured by Thompson Pump & Mfg., Co., Inc., P.O. Box 291370, Port Orange, Florida, 32129-1370. Telephone number: 386-767-7310.

Thompson Pump & Mfg., Co., Inc. hereinafter referred to as "Thompson", warrants the products it manufactures to be free of defects in materials and workmanship. The warranty extends only to the original consumer/purchaser, hereinafter referred to as "Consumer", and commences on the date of sale to said Consumer and remains in effect for a period of twelve (12) months.

THIS WARRANTY DOES NOT COVER:

- a. Adjustment or replacement of maintenance items and wear parts, such as but not limited to, seals, bearings, lubrication and filters.
- b. Any work performed to correct malfunction caused by misuse, negligence or disregard of Thompson's written instructions concerning installation, operation and maintenance of its products.
- c. Additional service work performed above that which is required to satisfy warranty requirements.
- d. Transportation charges, haul-out, travel time, loss of use, or other consequential charge or damage.
- e. Any damage caused by sand or abrasive materials, chemical deposits, corrosion, hazardous waste or material, acts of God or other outside forces beyond the control of Thompson.
- f. Engines, electric motors and other items not of our manufacture. Warranty on those items, if any, is the warranty of the manufacturer of such items.
- g. Repairs or replacement made without authorization from Thompson or repairs made other than at a service facility designated by Thompson.
- h. Delivery schedules are not covered by any warranty terms, and all dates given are approximate and subject to change without notice.

In the event of any breach of the warranty, the original Consumer must deliver or ship the defective unit or parts, freight prepaid, to the factory or any of the Thompson authorized parts and service centers, providing prior permission is obtained from the factory. Thompson agrees that it will replace or repair (at our option) any such unit or parts where the defect results from a breach of its warranty without charge to the original Consumer, provided said defect occurred within the warranty period. Thompson or the authorized service repair centers will not be responsible for the cost of the units or parts and the shipment of said unit or parts to or from Thompson's plant or service centers.

Thompson's warranty obligation with regard to equipment not of its own manufacture is limited to the warranty actually extended to Thompson by its suppliers. Should a failure of such motor or engine occur during the warranty period, the original Consumer must notify Thompson Pump & Mfg., Co., Inc., Port Orange, Florida and follow the instructions given. **THIS WARRANTY DOES NOT COVER REPAIRS OR REPLACEMENT MADE WITHOUT NOTIFICATION TO THOMPSON PUMP & MFG., CO., INC.**

THIS WARRANTY IS EXPRESSLY IN LIEU OF ANY OTHER EXPRESS OR IMPLIED WARRANTIES INCLUDING ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE AND OF ANY OTHER OBLIGATION ON THE PART OF THE SELLER. NO AGENT, EMPLOYEE OR REPRESENTATIVE OF THE SELLER HAS ANY AUTHORITY TO BIND THE SELLER TO ANY AFFIRMATIONS, REPRESENTATION OR WARRANTY CONCERNING THE PRODUCT SOLD UNDER THIS WARRANTY. THERE ARE NO WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. IMPLIED WARRANTIES, WHEN APPLICABLE, SHALL COMMENCE UPON THE SAME DATE AS THE EXPRESS WARRANTY ABOVE AND SHALL, EXCEPT FOR WARRANTIES OF TITLE, EXTEND ONLY FOR THE DURATION OF THE WARRANTY.

Some states do not allow limitations on how long the implied warranty lasts, so the above limitations may not apply to you. The only remedy provided to you under an applicable implied warranty or the express warranty shall be the remedy provided under the express warranty, subject to the terms and conditions contained therein.

Thompson Pump & Mfg., Co., Inc., shall not be liable for incidental or consequential losses and damages under the express warranty, any applicable implied warranty or claim for negligence, except to the extent that this limitation is found to unenforceable under applicable state law.

Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation or exclusion may not apply to you.

This warranty gives you specific legal rights, and you may also have other rights, which vary from state to state.

WARR-001

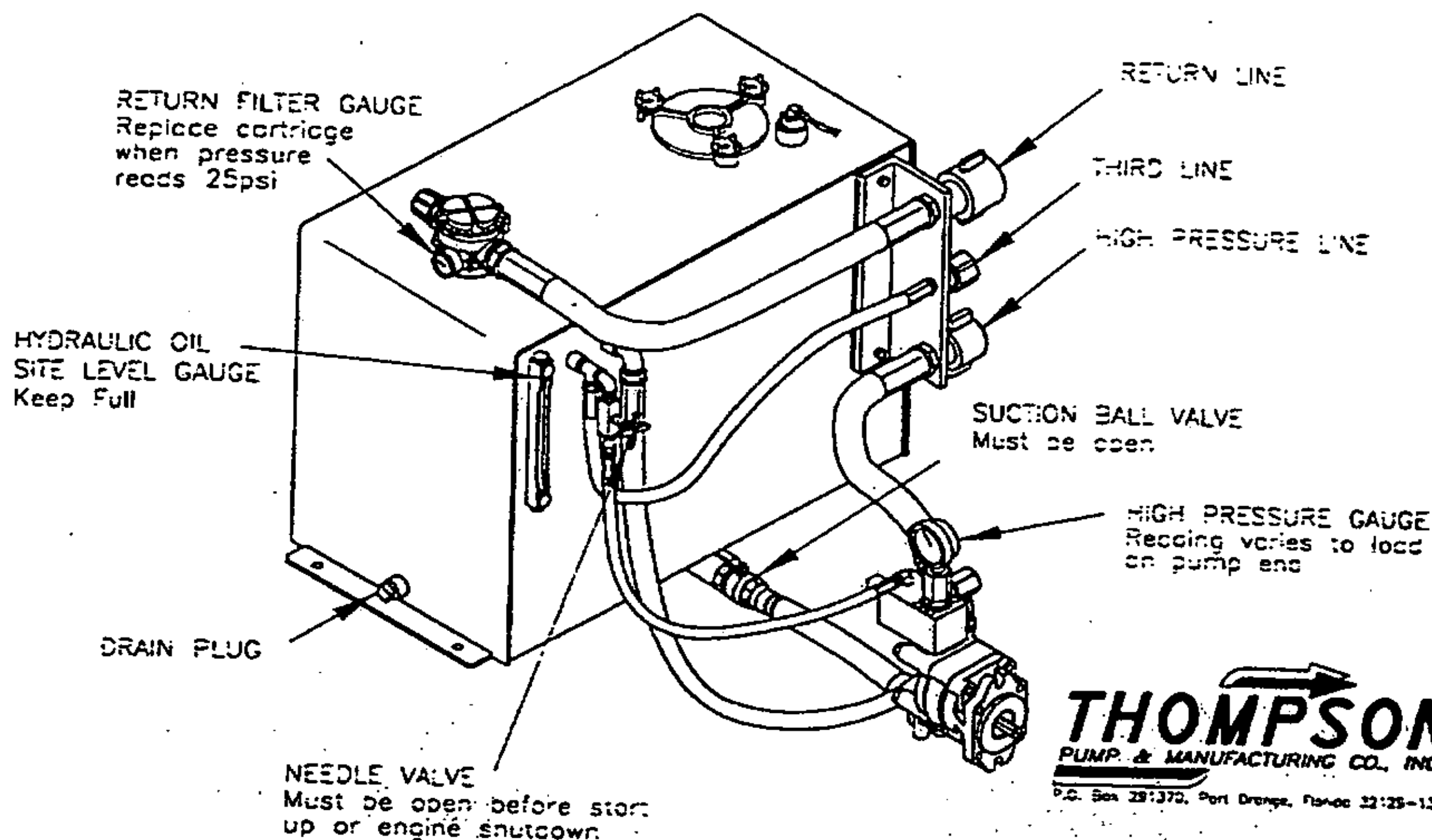
Rev. 11.02jif



Contact For installation assistance

52 HYDRAULIC POWER UNIT OPERATION

WARNING: DO NOT CONNECT OR DISCONNECT HYDRAULIC HOSES WHILE SYSTEM IS IN OPERATION



START UP

- * SUCTION BALL VALVE OPEN
- * NEEDLE VALVE OPEN
- * QUICK DISCONNECTS CLEANED
- * HYDRAULIC HOSES CONNECTED TIGHT TO PUMP END AND POWER UNIT (USE WRENCH, DO NOT HAND-TIGHTEN FITTINGS)
- * SIMULTANEOUSLY TURN THE IGNITION KEY AND PUSH THE SHUT-DOWN/BY-PASS BUTTON
- * CLOSE THE NEEDLE VALVE SLOWLY ALL THE WAY TO PRESSURIZE
- * PULL ENGINE THROTTLE HANDLE TO REQUIRED PUMP END CAPACITY AND HEAD
- * TO SHUT DOWN, REVERSE PROCEDURE
- * NOTE: RUN ENGINE FOR 15 MINUTES BEFORE PRESSURIZING

DO:

- DONT:**

- ## MAINTENANCE SCHEDULE

PUMP HEAD:

- POWER UNIT:**

- Check water discharge hose for debris or Clogging.
- Inspect all hoses and fittings.
- Check hydraulic oil level.
- Check hydraulic hoses for kinks or cuts
- Check return filter gauge. Should be less than 25PSI after warm-up.
- Check hydraulic oil temperature gauge (set at 180°F, Max.).
- Replace return filter element.
- Check needle valve (pressurized system).
- Check relief valve setting.
- Send hydraulic oil sample to oil supplier for analysis.
- Remove, clean and attach magnetic straps to sump filter.
- Inspect quick disconnects.

ENGINE:

- Refer to Thompson form no. FM746:
- Maintenance Schedule for Diesel Engines

TROUBLE-SHOOTING GUIDE HYDRAULIC SUBMERSIBLE PUMPS AND POWER UNITS

PROBABLE CAUSE AND REMEDIES

PROBLEM	Follow maintenance schedule	Quick disconnects not fully seated. Tighten with wrench.	Suction ball valve is closed. Open it.	Discharge hose clogged, kinked or air-locked. Remove strainer and clean.	Obstruction in impeller area. Remove strainer and clean.	Pump end not fully submerged.	Discharge head too high.	Slurry being pumped is too viscous, too heavy, or both.	Strainer clogged. Clean out.	Engine running too slowly.	Power unit needle valve not fully closed or worn-out. Adjust or replace.	Discharge hose too long or of incorrect size. Replace.	Hydraulic hoses kinked, flattened or damaged. Replace.	Power unit pressure relief valve malfunction, jam nut loose, or incorrect setting. Adjust.	Impeller, cutwater or wearplate worn. Replace.	Internal damage to hydraulic pump. Replace.	Internal damage to hydraulic motor. Replace.	Air in hydraulic system. Run system without load for five min. Shut down and top-off.	Low hydraulic oil level in power unit. Warm-up system.	Hydraulic oil viscosity too low. Refer to Thompson form no. FW748: Trouble-shooting Guide for Diesel Engines.	Hydraulic oil viscosity too high (cold).
Not pumping water (power unit problems)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Not pumping water (pump end problems)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Low water volume	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Pump head motor noisy	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
High hydraulic oil temp. (over 180°F)	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Engine problems	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Hydraulic oil leaks	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Automatic shutdown failure	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•
Power unit return filler gauge over 25psi	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•

STEP NUMBER ONE: (To find out if problem is in power unit or pump head)
A. Shut off system using proper procedure (see decal on unit).
B. Disconnect high pressure hose.
C. Start engine and regulate to operating speed.
D. Pressurize unit for a few seconds. If pressure increases to operating PSI, the problem is with the submersible pump end or hydraulic lines.
E. De-pressurize system. Shut down system and proceed with trouble shooting, above.

If remedies above fail to produce satisfactory results, contact Thompson Pump Service Dept., Port Orange, FL 800-787-7310

THOMPSON
PUMP & MANUFACTURING CO., INC.
P.O. Box 791310, Port Orange, Florida 32179 1310

EFFECTIVE DATE: 2/10/00

SUPersedes DATE: 11/25/97

FM731

City Of Fayetteville

(Not a Purchase Order)

Requestion No.:		Date:	
P.O Number:		Expected Delivery Date:	
Vendor #	Vendor Name	Mail Yes:	No:
14308	Thompson Pump and Manufacturing	Taxable	No:
Address:		Quotes Attached	
P. O. Box 769		X	
City:	State:	Division Head Approval:	
Florence	MS		
Requester:	Requester's Employee #	Extension	302
Wastewater Treatment Plant	2001	Project/Subproject #	
Item	Description	Quantity	Unit Cost
1			
2	Hydraulic Pump as per Bid of December 14, 2004	1	24,431.50
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:		\$24,431.50	
Tax:		\$1,547.14	
Total:		\$25,978.64	

Approvals: _____
 Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____
 Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____
 Purchasing Manager: _____
 IT Manager: _____
 Other: _____

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05
City Council Meeting Date

Greg Boettcher

Submitted By

Wastewater Treatment

Division

Water and Wastewater

Department

Action Required:

Resolution authorizing purchase of a portable hydraulic-powered centrifugal pumping unit from the sole bidder, Thompson Pump and Manufacturing Company.

\$24,431.50

Cost of this request

\$

90,000.00

Category/Project Budget

Plant, Pumps & Equipment

Program Category / Project Name

5400.5800.5414.00

Account Number

\$

-

Funds Used to Date

Wastewater Treatment Improvements

Program / Project Category Name

02069.1

Project Number

\$

90,000.00

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached


Department Director

12-20-04
Date

Previous Ordinance or Resolution #

Original Contract Date:

N/A

Original Contract Number:


City Attorney

12/21/04
Date

Received in Mayor's Office

12/21/04 T.H.

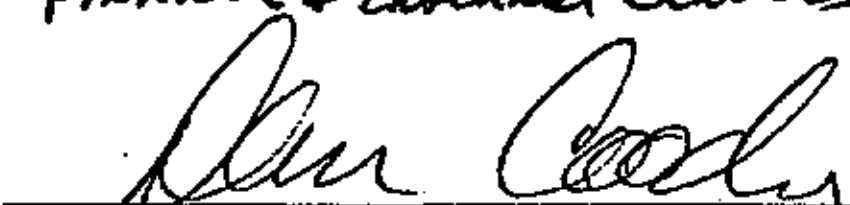

Chief Administrative Officer
Finance & Internal Services

12/21/04
Date

Received in City Clerk's Office

12-20-04




Mayor

12/28/04
Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Greg Boettcher *GB*
Water/Wastewater Director

Date: December 20, 2004

Subject: Resolution approving a contract with McClelland Consulting Engineers, Inc. for surveys and preliminary design services for water and sewer relocation for Razorback Road highway improvements project by AHTD.

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling \$22,800.00, said amount being the face value of a proposed contract with McClelland Consulting Engineers of Fayetteville, Arkansas.

BACKGROUND

The Arkansas Highway and Transportation Department has informed the City of Fayetteville of its plan to widen and improve State Highway 112 (Razorback Road) beginning at the Sixth Street intersection and continuing south to the Fifteenth Street intersection. AHTD's project is identified by Job No. 040399 and is slated for bidding in 2005. Fayetteville owns water and sanitary sewer infrastructure that parallels and crosses the existing highway; and may be required to relocate various water and sewer facilities in conflict with the planned highway construction. The financial responsibility for the relocation costs will be allocated according to the City's right of occupancy. For example, if the existing pipeline is in a dedicated easement outside the AHTD right-of-way, AHTD will bear all costs for that pipeline's relocation (engineering and construction). It is expected that this project will involve blended financial responsibilities between AHTD and the City of Fayetteville. With the planned 2005 bidding of the highway improvements and the need to relocate the utilities prior to highway construction, this work must proceed on a tight schedule. A selection committee meeting on November 5, 2004 selected McClelland Consulting Engineers to provide the field surveys and preliminary planning for this utility relocation project (see attached letter of November 8, 2004). A contract has been negotiated with McClelland Consulting Engineers (copy attached) wherein the services will be provided for a not-to-exceed cost of \$22,800.00.

DISCUSSION

This preliminary planning cost is in the 2005 budget. Due to staffing vacancies and existing workloads, the utility relocation surveys and preliminary planning cannot be managed by existing engineering staff without compromising progress on other capital improvement projects. With the short timeline for completion and the need to continue progress on programmed capital projects, this relocation project must be outsourced to



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
From: Greg Boettcher
Water/Wastewater Director
Date: December 20, 2004

A handwritten signature in black ink, appearing to read "Greg Boettcher", written over the printed name.

Subject: Resolution approving a contract with McClelland Consulting Engineers, Inc. for surveys and preliminary design services for water and sewer relocation for Wedington Drive highway improvements project by AHTD.

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling \$54,000.00, said amount being the face value of a proposed contract with McClelland Consulting Engineers of Fayetteville, Arkansas.

BACKGROUND

The Arkansas Highway and Transportation Department has informed the City of Fayetteville of its plan to widen and improve State Highway 16 (Wedington Drive) beginning at the Meadowlands intersection and continuing west to the Double Springs intersection. AHTD's project is identified by Job No. 040423 and is slated for bidding in 2005. Fayetteville owns water and sanitary sewer infrastructure that parallels and crosses the existing highway; and may be required to relocate various water and sewer facilities in conflict with the planned highway construction. The financial responsibility for the relocation costs will be allocated according to the City's right of occupancy. For example, if the existing pipeline is in a dedicated easement outside the AHTD right-of-way, AHTD will bear all costs for that pipeline's relocation (engineering and construction). It is expected that this project will involve blended financial responsibilities between AHTD and the City of Fayetteville. With the planned 2005 bidding of the highway improvements and the need to relocate the utilities prior to highway construction, this work must proceed on a tight schedule. A selection committee meeting on November 5, 2004 selected McClelland Consulting Engineers to provide the field surveys and preliminary planning for this utility relocation project (see attached letter of November 8, 2004). A contract has been negotiated with McClelland Consulting Engineers (copy attached) wherein the services will be provided for a not-to-exceed cost of \$54,000.00.

DISCUSSION

This preliminary planning cost is in the 2005 budget. Due to staffing vacancies and existing workloads, the utility relocation surveys and preliminary planning cannot be managed by existing engineering staff without compromising progress on other capital improvement projects. With the short timeline for completion and the need to continue progress on programmed capital projects, this relocation project must be outsourced to



private consultants. The scope of the work is detailed in the proposed agreement, but may be summarized as follows:

- field surveys to confirm right-of-ways and utility locations
- preliminary engineering plan for the water line relocation work
- project cost estimate with AHTD and Fayetteville shares predicted
- project right-of-way needs
- project schedule
- schematic engineering design

As the project scope and costs become defined, the proposed contract will need to be modified to address the detailed engineering design (engineering drawings, contract documents, specifications, bidding phase services, construction phase services, project inspection services and as-built record drawings); or the city may find that it is able to complete the final design using inhouse resources. These future services cannot be defined at this early stage of the project, necessitating this later evaluation. The current scope of services will allow the critical design information to be compiled while the City evaluates alternatives for completion of the final design. This preliminary planning activity allows the project to advance without delays.

BUDGET IMPACT

The \$54,000.00 in initial engineering costs are included in the 2005 budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH McCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$54,000.00 FOR SURVEY AND PRELIMINARY DESIGN SERVICES FOR WATER AND SEWER RELOCATION FOR HIGHWAY IMPROVEMENTS TO WEDINGTON DRIVE.

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 McClelland Consulting Engineers, Inc. in an amount not to exceed \$54,000.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Wedington Drive. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 18th day of January 2005.

APPROVED:

By: DAN COODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

Washington and Benton Counties

Proposed Statewide Transportation and Improvement Program 2005-2007

Note - This is a proposed list; changes may occur before final approval by the Federal Highway Administration which is anticipated in January 2005.

State and Federal Assistance Projects

FISCAL YEAR 2005

FED FY	Job No.	County	RTE	SECTN	LENGTH (MILES)	JOB NAME	TYPE WORK	TYPE FUNDS	FED-AID (x \$1,000)	TOTAL (x \$1,000)
2005	009834	BENTON	112	3	1.47	HWY. 71B HWY. 102 (BENTONVILLE) (S)	MAJOR WIDENING	STATE	0	5,500
2005	040397	WASHINGTON	62	1	0.00	LINCOLN-PRAIRIE GROVE STRS. & APPRS. (S)	STR. & APPRS.	BR - SH	1,600	2,000
2005	040399	WASHINGTON	112	0	0.45	NORTH OF HWY. 16 HWY. 180 (S)	MAJOR WIDENING	STP - SH	1,600	2,000
2005	040411	WASHINGTON	62	0	0.00	PRAIRIE GROVE BYPASS (ROW) (S)	PERIGHT-OF-WAY	STP - SH	1,200	1,500
2005	040420	WASHINGTON	180	2	1.11	TOWNSHIP RD. FUTRAL DR. (GREGG AVE.-FAYETTEVILLE) (S)	MAJOR WIDENING	STATE	0	6,000
2005	040423	WASHINGTON	16	2	1.73	HWY. 16 WIDENING (FAYETTEVILLE) (S)	MAJOR WIDENING	STP - SH	5,200	6,500
2005	090059	BENTON			0.00	NORTHWEST ARKANSAS REGIONAL AIRPORT ACCESS (F)	NEW LOCATION	HPP	11,176	35,042
2005	090099	BENTON	CS		0.80	HWY. 43-SOUTH (PROGRESS AVE.-SILOAM SPRINGS) (S)	NEW LOCATION	STP - CITY	1,440	1,800
2005	090147	BENTON	43	0	2.50	HWY. 59-WEST (SILOAM SPRINGS) (S)	REHABILITATION	STATE	0	2,500
2005	090148	BENTON	59	1	3.00	HWY. 412-NORTH (S)	MAJOR WIDENING	STP - SH	5,600	7,000
2005	090155	BENTON	412		0.00	HWY. 412 BYPASS (SILOAM SPRINGS) (F)	RIGHT OF WAY	NHS	1,800	2,250
2005	090156	BENTON	279	1	0.00	HWY. 279-STRINGER LANE INTERS. IMPVTS. (BELLA VISTA) (S)	SAFETY & TRAF ENG	STP - SH	400	500
2005	090171	BENTON	71	198	0.00	HWY. 71NB OFF-RAMP HWY. 72 SIGNAL (BENTONVILLE) (S)	SAFETY & TRAF ENG	STP - CITY	64	80
2005	090180	BENTON	540	5	0.00	I-540-PERRY RD. INTERCHANGE (ROGERS) (S)	INTERCHANGE	SPECIAL	4,600	16,000
2005	R40082	WASHINGTON	62	1	4.67	ILLINOIS RIVER HWY. 170 (S)	MAJOR WIDENING	STP - SH	9,680	12,100
WASHINGTON &										
2005	040FTA	BENTON	NA	NA	0.00	NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION: PLANNING	TRANSIT	FTA - 5303	180	225
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5307	250	500
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5307	29	36
2005	040FTA	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5307	499	998
2005	040FTA	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5307	5	6
2005	040FTA	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - CAPITAL ASSISTANCE - ROLLING STOCK	TRANSIT	FTA - 5309	50	63
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - ROLLING STOCK	TRANSIT	FTA - 5309	209	261
2005	040FTA	WASHINGTON	NA	NA	0.00	ELDERLY & DISABLED VAN PURCHASES - VARIOUS AGENCIES	TRANSIT	FTA - 5310	102	128
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - ADMINISTRATIVE ASSISTANCE	TRANSIT	FTA - 5311	155	194
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5311	159	261
2005	040FTA	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5311	230	460
2005	V200592	BENTON	VARIOUS		0.00	NARTS AREA INTERSECTION SIGNALIZATION	SAFETY & TRAF ENG	STP - CITY	100	125
WASHINGTON &										
2005	V200594	BENTON	VARIOUS		0.00	NARTS AREA RAILROAD PROTECTIVE DEVICES	SAFETY & TRAF ENG	STP - SAF	100	125
FY 2005 IMPROVEMENT TOTALS									46,428	104,154

State and Federal Assistance Projects

FISCAL YEAR 2006

FED FY	Job No.	County	RTE	SECTN	LENGTH (MILES)	JOB NAME	TYPE WORK	TYPE FUNDS	FED-AID (x \$1,000)	TOTAL (x \$1,000)
2006	001966	WASHINGTON	412		20.00	SPRINGDALE BYPASS (DESIGN & PH. I ROW) (S)	NEW LOCATION	SPECIAL	3,379	4,224
BENTON &										
2006	001966	WASHINGTON	412		20.00	SPRINGDALE BYPASS (DESIGN & PH. I ROW) (S)	NEW LOCATION	STP - SH	16,000	20,000
2006	040938	WASHINGTON	71	16	0.00	WEST FORK-SOUTH (BRS. & APPRS.) (S)	STR. & APPRS.	BR - SH	2,320	2,900
2006	040405	WASHINGTON	CS		0.00	TOWN BRANCH STR. & APPRS. (SOUTH GARLAND AVE.) (FAYETTEVILLE) (S)	STR. & APPRS.	BR - CITY	880	1,100
2006	090024	BENTON	412	1	1.00	HWY. 412 IMPROVEMENTS (SILOAM SPRINGS) (S)	MINOR WIDENING	NHS	960	1,200
2006	090065	BENTON	62	2	6.43	AVOCA-NORTH GARFIELD (S)	MAJOR WIDENING	STP - SH	16,800	21,000
2006	090153	BENTON	72	3	0.00	LITTLE SUGAR CREEK STR. & APPRS. (S)	STR. & APPRS.	BR - SH	1,368	1,710

November 8, 2004

Mr. Robert White, P.E.
McClelland Consulting Engineers, Inc.
PO Box 1229
Fayetteville, Arkansas 72702

RE: Municipal Utility Relocation Plan
AHTD Highway Improvement
Wedington Drive and Razorback Road

Dear Mr. White:

On Friday, November 5, 2004 an engineering selection committee approved McClelland Consulting Engineers as the consultant for water and sanitary sewer relocation planning in connection with upcoming Arkansas Highway and Transportation Department road improvements. The specific AHTD projects for which services are being considered include:

Wedington Drive-Meadowlands to Double Springs
Razorback Road-15th to 6th Streets

The anticipated scope of services will include the following elements:

1. Perform preliminary field surveys of project locations to define the current rights-of-way limits, existing municipal utility easements, spot locations of existing water and sanitary sewer facilities and develop preliminary schematic plan of current facilities and rights-of-ways.
2. Analyze preliminary AHTD concept plans and identify municipal water and sewer facilities that require location.
3. Evaluate water and sewer facility relocation activities with respect to the entity that will have financial responsibility for utility relocation, (City of Fayetteville and /or AHTD).
4. Correlate water and sanitary sewer relocation activities with Fayetteville's master utility plans and with staff opinions. From such correlation it will be determined which pipelines will need to be upsized when relocated and the recommended size for the new facilities. Incorporate all upsizing costs into the financial analysis, noting portion of cost to be assigned to Fayetteville for betterments.

5. Prepare schematic relocation plan for impacted water and sewer facilities showing new routes, sizes, and inter-connects.
6. Develop a project schedule, integrated with the anticipated AHTD project schedules, showing key tasks and timelines. A separate schedule is to be prepared for each relocation project.
7. Consolidate the above concept plans, analysis, schedules, improvement layouts, cost predictions and cost allocations into a concise "Phase 1-Relocation Plan Report for the Wedington/Razorback Highway Projects". This report will be presented to the Fayetteville Sewer Committee and then the City Council for information, budget adjustment and authorization to proceed. At least 20 copies of this final bound report, will be required. Upon city approval, copies will also be distributed to AHTD.
8. Develop a contract proposal, complete with a not-to-exceed cost, a description of services, a schedule and the means of compensation (lump sum, hourly or cost plus fixed fee). The City of Fayetteville's standard agreement shall be used for contacting such services. A copy of the form can be furnished, if needed.

Please be advised that this selection committee recommendation does not constitute any authorization to incur costs and does not guarantee approval of a professional services contract with the City of Fayetteville. Final decision and authorization rests solely with the Fayetteville City Council. Should this letter not fully detail the current needs of the City with respect to this project, we will be most happy to meet with representatives of McClelland Consulting Engineers to address questions and clarify the scope. It is to be noted that the approval of the Phase 1 scope of services does not constitute a commitment by the City of Fayetteville to authorize further services, to proceed with the project(s) or commit the City to any actions outside the scope set forth in the approved agreement for professional services.

Congratulations on being selected to provide engineering services for the City of Fayetteville. Should this scope of work not be of interest, or should McClelland not be able to complete these services in a timely manner, please promptly advise me of such decision. Otherwise I will look forward to hearing from you regarding this matter.

Sincerely,
City of Fayetteville

Greg Boettcher, P.E.
Water and Wastewater Director

cc: Hugh Earnest, Tim Conklin, David Jurgens, Ron Petrie, Peggy Vice

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
MCCLELLAND CONSULTING ENGINEERS, INC.
FAYETTEVILLE, ARKANSAS

THIS AGREEMENT is made as of _____, 2004, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in Fayetteville, Arkansas (hereinafter called McClelland).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the planning, design, permitting, construction, operation, maintenance, management, and financing of the Fayetteville Highway 16 (Wedington Drive) Water and Sewer Main Relocation Project and in particular, relocation of water and sewer mains, beginning at the intersection of Highway 16 and Meadowlands, proceeding westerly along Highway 16 to the intersection of Highway 16 and Double Springs Road, said work to correspond to the scope of highway improvements being planned by the Arkansas Highway and Transportation Department, Job No. 040423, (The "Project"). Therefore, CITY OF FAYETTEVILLE and McClelland in consideration of their mutual covenants agree as follows:

McClelland shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of McClelland's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by McClelland under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of McClelland.

- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of McClelland.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF MCCLELLAND

- 2.1 General
 - 2.1.1 Perform professional design services in connection with the Project as hereinafter stated, which shall include normal civil, structural, mechanical, and electrical engineering services and normal architectural design services incidental thereto.
 - 2.1.1.1 The Scope of Services to be furnished by McClelland during the Preliminary Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.
 - 2.1.1.2 The Scope of Services to be furnished by McClelland during the Final Design Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
 - 2.1.1.3 The Scope of Services to be furnished by McClelland during the Bidding Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
 - 2.1.1.4 The Scope of Services to be furnished by McClelland during the Construction Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
 - 2.1.1.5 The preliminary Scope of Services to be furnished by McClelland for Resident Services during Construction, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.

2.2 Preliminary Design Phase

2.2.1 The Preliminary Design Phase will consist of an engineering feasibility study on the water and sewer line relocation strategy for the Project, the evaluation of alternatives, the development of a comprehensive project cost estimate, the establishment of financial responsibility for utility relocation (CITY OF FAYETTEVILLE and/or AHTD), the creation of a project schedule, the correlation of water and sewer preliminary plans with the CITY OF FAYETTEVILLE's master utility plans, the acquisition of approvals from CITY OF FAYETTEVILLE for the preliminary design, the completion of detailed surveys for engineering design, the development of right-of-way procurement needs, leading up to the commencement of final design for the Project.

2.3 Final Design Phase

2.3.1 Prepare for incorporation in the Contract Documents detailed drawings to show the character and scope of the Work to be performed by contractors on the Project (hereinafter called the "Contract Drawings"), and Invitation to Bid, Instructions to Bidders, Bid Form, Agreement and Bond forms, General Conditions, and Specifications (all of which, together with the Contract Drawings, are hereinafter called the "Bid Documents") for review and approval by CITY OF FAYETTEVILLE, its legal counsel, and other advisors as appropriate, and assist CITY OF FAYETTEVILLE in the preparation of other related documents.

2.3.1.1 Bid documents shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate CITY OF FAYETTEVILLE's standard general conditions and forms. Bid documents shall include required forms for the Arkansas Highway and Transportation Department. Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word version 2000 software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. McClelland may use their normal software for the preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2002.

2.3.1.2 Develop and include in Appendix A of this Agreement for approval by CITY OF FAYETTEVILLE, a project preliminary design schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of this preliminary design. This Schedule shall include reasonable allowances for review and approval times required by CITY OF

FAYETTEVILLE, and review and approval times required by public authorities having jurisdiction over the Project. This schedule shall be equitably adjusted as the Project progresses, allowing for changes in scope, character or size of the Project requested by CITY OF FAYETTEVILLE, or for delays or other causes beyond McClelland's reasonable control. Nonconformance with this schedule by McClelland and its subconsultants may result in the assessment of damages payable by McClelland to the CITY OF FAYETTEVILLE for costs and damages incurred. The maximum cost liability of McClelland shall be limited to the total gross amount payable to or through the Consultant authorized under this agreement, including amendments thereto.

2.3.1.3 When requested by the CITY OF FAYETTEVILLE's Water and Wastewater Director, prepare for and attend up to two City Council meetings to provide periodic updates on the progress of the design.

2.3.1.4 If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates, and the alternates shall be developed and described in accordance with Title 22, Article 9-203 of the Arkansas Code.

2.3.2 Prepare technical criteria, written descriptions, design data, and applications necessary for filing applications for permits from or approvals of the following applicable governmental authorities having jurisdiction to review or approve the final design of the Project and assist in securing approvals. Approval letters and permits shall be furnished to the Arkansas Highway and Transportation Department, including the written approval from the Arkansas Department of Health. Actual Filing and Permit Fees will be paid by the CITY OF FAYETTEVILLE. Assist CITY OF FAYETTEVILLE in consultations with appropriate authorities.

2.3.2.1 Arkansas Highway and Transportation Department (AHTD)

2.3.2.2 Arkansas Department of Health (ADH)

2.3.3 Advise CITY OF FAYETTEVILLE of adjustments in excess of five percent of the cost opinion for the Project caused by changes in scope, design requirements, or construction costs and furnish a revised cost opinion for the Project based on the final Bid Documents.

2.3.4 Advise CITY OF FAYETTEVILLE of final Opinion of Probable Project Costs, including, but not limited to, construction, inspection, testing and close out.

- 2.3.5 **Furnish CITY OF FAYETTEVILLE with 5 copies of the final Bid Documents.**
- 2.3.6 **Determine land and easement requirements and provide consultation and assistance on property procurement and easement preparation as related to professional engineering services being performed.**
- 2.3.7 **Provide appropriate professional interpretations of data, geotechnical investigations, core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests, and inspections of samples, materials and equipment obtained through subcontract services for authorized Project services including property, boundary, easement, right-of-way, topographic, and utility surveys; noting zoning and deed restrictions.**
- 2.3.8 **Fully disclose all subcontract agreements including the name and address of the subconsultant, the scope of services to be provided and the value of the subcontract**
- 2.4 **Bidding Phase**
- 2.4.1 **McClelland will follow City of Fayetteville's bidding protocol for capital improvement projects and be coordinated with the Arkansas Highway and Transportation Department.**
- 2.4.2 **Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of CITY OF FAYETTEVILLE. The legal notice to be placed in legal notices section of a local newspaper(s) of countywide and statewide circulation and shall be coordinated with CITY OF FAYETTEVILLE purchasing agent and an affidavit of publication secured.**
- 2.4.3 **Prepare addenda for drawings and Bid Documents as required and submit to CITY OF FAYETTEVILLE in timely manner such that addenda can be issued by McClelland in accordance with Construction Contract General Conditions. All bidding protocols shall conform to statutory requirements with all addenda being approved by CITY OF FAYETTEVILLE prior to issuance.**
- 2.4.4 **Secure updated applicable wage rate decisions and incorporate into the Bid Documents. Update wage rate decision by addendum if necessary.**
- 2.4.4.1 **Assist CITY OF FAYETTEVILLE by issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect**

from prospective bidders an appropriate non-refundable fee to offset cost of reproducing and distributing Bidding Documents.

- 2.4.5 Assist CITY OF FAYETTEVILLE in obtaining and evaluating bids and preparing construction contracts. McClelland shall prepare and submit bid certification documents to CITY OF FAYETTEVILLE for review.
- 2.4.6 Consult with and advise CITY OF FAYETTEVILLE as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.
- 2.4.7 Make recommendations regarding award of construction contracts.
- 2.4.8 Attend Water and Sewer Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.
- 2.4.9 Develop and include in Appendix B of this Agreement, a bidding services schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of the bidding services. The bidding services schedule shall consist of a bar chart schedule depicting the duration of the bidding period of each sub-project and the discrete milestone activities which make up the sub-projects. Separate line items and durations may be shown for costs that apply to the Project as a whole, including, but not limited to, Project Management and Administration, and Insurance. McClelland shall assign to each schedule activity of the bidding services schedule a corresponding cost value which shall include a monthly allocation for labor, expenses, overhead, and profit. The sum of all cost values assigned shall equal the Lump Sum Amount shown in Section 6.1.2. of this Agreement.
- 2.4.10 See Attachment A for additional services or clarification of services to be provided by McClelland.
- 2.5 Construction Phase
- 2.5.1 The scope of Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.

2.6 Post-Construction Phase

2.6.1 The scope of Post-Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.

2.7 Resident Services During Construction

2.7.1 The scope of Resident Services During Construction, if any, will be negotiated following completion of Design Phase Services.

SECTION 3 - ADDITIONAL SERVICES OF MCCLELLAND

3.1 General

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by McClelland, McClelland shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Grant and Loan Assistance

Prepare applications and supporting documents for governmental grants, loans, or advances.

3.1.2 Financial Consultation

Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.

3.1.3 Administrative Assistance

Provide Contract and Project administration to the degree authorized by CITY OF FAYETTEVILLE.

3.1.4 Furnishing renderings or models of the Project for CITY OF FAYETTEVILLE's use.

3.1.5 Miscellaneous Studies

Investigations involving detailed consideration of operations, maintenance, and overhead expenses, and the preparation of rate schedules, earnings, and expense statements; feasibility studies; appraisals and valuations; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by CITY OF FAYETTEVILLE.

3.1.6 Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

3.1.7 Extra Services

3.1.7.1 Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond McClelland's control, McClelland shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to McClelland. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, McClelland shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of McClelland.

4.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.

4.2 Assist McClelland by placing at McClelland's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

4.3 Guarantee access to and make all provisions for McClelland to enter upon public and private property as required for McClelland to perform his services under this Agreement.

- 4.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by McClelland and render in writing decisions pertaining thereto.
- 4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 4.6 Designate in writing a person to act as CITY OF FAYETTEVILLE's representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 4.7 Give prompt written notice to McClelland whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.
- 4.8 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.
- 4.9 Pay for placement of legal notices and advertisements in newspapers or other publications required by program requirements of the Highway 16 Water and Sewer Main Relocation Project.
- 4.10 Furnish, or direct McClelland to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.
- 4.11 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for McClelland's use in coordinating the Contract Drawings and Specifications.
- 4.12 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to McClelland in a timely manner.

SECTION 5 - PERIOD OF SERVICE

- 5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

- 5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. McClelland will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

SECTION 6 - PAYMENTS TO MCCLELLAND

6.1 Compensation

6.1.1 Preliminary Design Phase Services

For the Scope of Services during the Preliminary Design Phase described herein, CITY OF FAYETTEVILLE authorizes fifty-four thousand dollars (\$54,000.00) as compensation for the scope of work set forth in Attachment A. Engineer will be compensated based upon cost reimbursement, plus profit, the current rates for cost reimbursement being attached to and made a part of this agreement (Attachment B). The costs and basis for compensation include all preliminary design costs, including labor, overhead, direct expenses, subcontracts and fees. The total contract amount authorized for the preliminary design phase services is fifty-four thousand dollars (\$54,000.00).

- 6.1.1.1 Subject to the City Council approval, adjustment of the contract amount may be made should McClelland establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

- 6.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Design services consistent with McClelland's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by McClelland and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project design schedule as the basis for determining the value earned as the work is accomplished. Final payment for Design

services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Design phase for the Project.

6.1.2 Final Design Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.3 Bidding Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.4 Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.5 Post-Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.6 Resident Services During Construction

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.7 Additional Services

For authorized Additional engineering services under Section 3, "Additional Services", compensation to McClelland shall be negotiated at the time Additional services are authorized.

6.2 Statements

Statements and updated progress schedule for each calendar month will be submitted to CITY OF FAYETTEVILLE by signed original document. Statements will be based on McClelland's actual costs incurred and justified by hours expended, hourly rates and other applicable costs in accordance with Attachment B.

6.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of McClelland's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise McClelland in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, McClelland shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by McClelland to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against McClelland or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, McClelland will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

McClelland will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) Owner's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured and McClelland as additional insureds, or, to endorse CITY OF FAYETTEVILLE, and McClelland as additional insureds on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to CITY OF FAYETTEVILLE, and McClelland. All contract insurance carriers shall be required to list CITY OF FAYETTEVILLE as certificate holder, furnishing copies of the contractor's insurance certificate to each party

7.1.3 CITY OF FAYETTEVILLE and McClelland waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of McClelland's services. If the services result in a Construction Phase, a provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE and McClelland for damage or liability covered by any construction Contractor's policy of insurance.

7.2 Professional Responsibility

7.2.1 McClelland will exercise reasonable skill, care, and diligence in the performance of McClelland's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to McClelland any defects or suspected defects in McClelland's services of which CITY OF FAYETTEVILLE becomes aware, so that McClelland can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE and McClelland further agree to impose a similar notification requirement on all construction contractors in the Bid Documents and shall require all subcontracts at any level to contain a like requirement. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of McClelland.

7.2.2 In addition McClelland will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered

by McClelland's Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.3 Cost Opinions and Projections

Cost opinions and projections prepared by McClelland relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on McClelland's experience, qualifications, and judgment as a design professional. Since McClelland has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, McClelland does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by McClelland.

7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of McClelland's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the President of McClelland.

7.5 Termination

7.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.1.2 An opportunity for consultation with the terminating party prior to termination.

- 7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that McClelland is given:
- 7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 7.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 7.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 7.5.3.2 Any payment due to McClelland at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of McClelland's default.
- 7.5.4 If termination for default is effected by McClelland, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to McClelland for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by McClelland relating to commitments which had become firm prior to the termination.
- 7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, McClelland shall:
- 7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 7.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by McClelland in performing this Agreement, whether completed or in process.
- 7.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 7.5.7 If, after termination for failure of McClelland to fulfill contractual obligations, it is determined that McClelland had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such

event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

7.6 Delays

In the event the services of McClelland are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond McClelland's reasonable control, McClelland shall be entitled to additional compensation and time for reasonable costs incurred by McClelland in temporarily closing down or delaying the Project.

7.7 Rights and Benefits

McClelland's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

7.8 Dispute Resolution

7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and McClelland which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or McClelland in the performance of this Agreement, and disputes concerning payment.

7.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.

7.8.3 Notice of Dispute

7.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

7.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give McClelland written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature

and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.8.4 **Negotiation:** Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and McClelland shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of McClelland and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to McClelland for services rendered by McClelland.

7.10 **Publications**

Recognizing the importance of professional development on the part of McClelland's employees and the importance of McClelland's public relations, McClelland may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to McClelland's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to McClelland. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of McClelland's activities pertaining to any such publication shall be for McClelland's account.

7.11 **Indemnification**

7.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE, and McClelland from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.12 **Computer Models**

McClelland may use or modify McClelland's proprietary computer models in service of CITY OF FAYETTEVILLE under this Agreement, or McClelland may develop computer models during McClelland's service to CITY OF FAYETTEVILLE under this Agreement. Such use, modification, or

development by McClelland does not constitute a license to CITY OF FAYETTEVILLE to use or modify McClelland's computer models. Said proprietary computer models shall remain the sole property of the McClelland. CITY OF FAYETTEVILLE and McClelland will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use McClelland's computer models.

7.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. McClelland may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by McClelland as part of the Services shall become the property of CITY OF FAYETTEVILLE when McClelland has been compensated for all Services rendered, provided, however, that McClelland shall have the unrestricted right to their use. McClelland shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of McClelland.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. McClelland makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

McClelland's address:

McClelland Consulting Engineers, Inc.
P.O. Box 1229/1810 N. College
Fayetteville, AR 72702

7.15 Successor and Assigns

CITY OF FAYETTEVILLE and McClelland each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor McClelland shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.17 Entire Agreement

This Agreement represents the entire Agreement between McClelland and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to McClelland a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by McClelland, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of McClelland:

8.1.1 CITY OF FAYETTEVILLE's or the Arkansas Highway and Transportation Department's (AHTD's) review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve McClelland of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's nor AHTD's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

8.1.2 McClelland shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by McClelland's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

8.1.3 McClelland's obligations under this clause are in addition to McClelland's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against McClelland for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and McClelland arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 McClelland shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. McClelland shall also maintain the financial information and data used by McClelland in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. The Arkansas Highway and Transportation Department, the United States Department of Labor, CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. McClelland will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of McClelland;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

McClelland warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by McClelland for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

8.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that McClelland or any of McClelland's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, or the State in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to McClelland terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against McClelland as it could pursue in the event of a breach of the Agreement by McClelland. As a penalty, in addition to any other

damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs McClelland incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, McClelland 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.

8.7 Debarment And Suspension

I certify that to the best of my knowledge and belief that the company that I represent and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a

false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

**DEBARMENT CERTIFICATION
AUTHORIZED REPRESENTATIVE**

COMPANY NAME: McClelland Consulting Engineers, Inc.

SIGNATURE:  DATE: 12-2-04

PRINTED NAME: John C. Quinn, P.E. TITLE: President

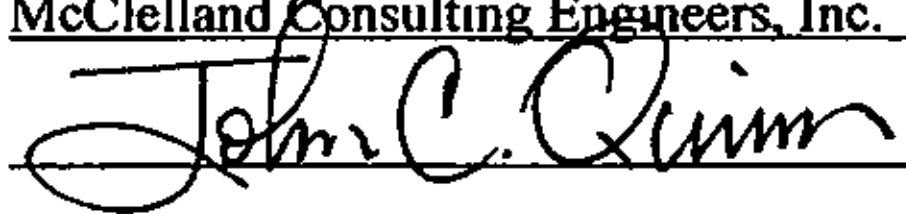
IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and McClelland, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

McClelland Consulting Engineers, Inc.
By: 
Title: President

Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

Attachment A
Scope of Service for Preliminary Design Phase
Water and Sewer Line Relocation Project-Wedington Drive
Arkansas Highway and Transportation Department Highway 16 Improvements,
AHTD Job No. 040423

Project Background

The City of Fayetteville owns the water and sanitary sewer networks serving the Wedington Drive area and is responsible for their operation, maintenance and improvement. The Arkansas Highway and Transportation Department programmed Highway 16 for widening, beginning at the intersection of Highway 16 and Meadowlands Drive proceeding westerly along Highway 16 to Double Springs Road. The proposed AHTD project area contains water and sewer mains owned by the City of Fayetteville, such lines forming the backbone of the piping network servicing this area. Due to the interconnections of other distribution lines and the critical nature of the current pipelines new parallel lines (out of the highway construction areas) must be planned. It has been recently learned from the AHTD that the highway construction contract is to be awarded in August 2005, therefore, Fayetteville must proceed immediately with the planning, design and construction of the water and sewer line relocation project. Due to the unforeseen project urgency, the short timeline for completion of this project and the workload of the city's engineering department; the City of Fayetteville will contract the engineering services to a private consultant. The immediate needs relate to completion of a preliminary design for the project and the commencement of final design surveys.

Scope of Work for Preliminary Design Services

The preliminary design services shall define the scope, nature, extent, costs and schedule for the project; therefore, this initial phase will be performed on an hourly rate basis. Due to the schedule challenges for this project, the preliminary design includes allowances for the commencement of certain final design elements; avoiding delays while negotiation of the final design phase services are being completed. The activities being authorized under the contact amount include:

Preliminary Engineering Report-A written report will detail the project's need, scope and outcomes. This report will include a description of existing facilities, evaluation of feasible alternatives, economic justification of recommended improvements, project cost prediction, project schedule, project right-of-way needs and summation of recommendations. The report shall define the project in sound economic and engineering terms, citing the specific benefits that will be realized.

Engineering Field Surveys-Detailed engineering surveys shall be commenced under this scope of services. These surveys shall include topographic and level surveys, utility location verification, correlation of surveys with planned Highway 16 improvements by the Arkansas Highway and Transportation Department and schematic development of the construction drawings.

Project Right-of-Way Requirements-Upon approval of the preliminary engineer's report and confirmation of new utility easement needs (permanent and temporary), the preliminary design services will advise Fayetteville of needed procurements.

Final Design Phase/Bidding Phase/Construction Phase/Inspection Services-Once the scope of the project is defined, a detailed breakdown of additional engineering services needed to complete the project shall be developed for review, approval and inclusion in a contract amendment. Final design shall include the creation of necessary easement documents.

ATTACHMENT B

FEE PROPOSAL

**PLANNING AND PRELIMINARY DESIGN SERVICES
AS DEFINED IN ATTACHMENT A FOR WATER AND SEWER SYSTEM
RELOCATIONS IN CONJUNCTION WITH ARKANSAS**

HIGHWAY 16 WIDENING

AHTD JOB NO. 040423

CITY OF FAYETTEVILLE WATER AND SEWER MAINS ALONG WEDINGTON DRIVE

<u>LABOR CLASSIFICATION</u>	<u>TIME</u>	<u>ACTUAL LABOR RATE</u>	<u>EXTENDED</u>
Principal Engineer	12 hrs	\$41.11/hr	\$493.32
Project Manager	180 hrs	\$37.50/hr	\$6,750.00
Project Engineer	24 hrs	\$26.44/hr	\$634.56
Senior Engineering Tech	16 hrs	\$21.50/hr	\$344.00
Engineering Tech	20 hrs	\$14.75/hr	\$295.00
Chief Draftsman	40 hrs	\$17.60/hr	\$704.00
Junior Draftsman	142 hrs	\$13.40/hr	\$1,902.80
Survey Supervisor	36 hrs	\$19.00/hr	\$684.00
Survey Crew (2 man)	110 hrs	\$26.50/hr	\$2,915.00
Computer Tech	56 hrs	\$18.25/hr	\$1,022.00
Clerical Support	48 hrs	\$12.60/hr	\$604.80
Direct Labor			\$16,349.48
Payroll Expenses (34.23%)			<u>\$5,596.43</u>
Subtotal, Direct Payroll			\$21,945.91
Travel 120 miles @ \$0.34/mi			\$40.80
Reproduction			\$500.00
Materials and Supplies			<u>\$174.13</u>
Subtotal, Direct Cost			\$22,660.84
Indirect Costs (112.79%)			<u>\$25,559.16</u>
Subtotal, Direct and Indirect			\$48,220.00
Profit			<u>\$5,780.00</u>
Total Planning and Preliminary Design Cost			\$54,000.00

Note: Actual labor rates for billing purposes will match the rates paid to the employee performing the services and shall be subject to annual labor rate increases.

ATTACHMENT C

During the performance of this contract, McClelland Consulting Engineers, Inc., for itself, its assignees and successors in interest hereinafter referred to as "McClelland" agrees as follows:

1. Compliance with Regulations: McClelland shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: McClelland, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, national origin, or handicap, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. McClelland shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by McClelland for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by McClelland of McClelland's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, or handicap.
4. Information and Reports: McClelland shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of McClelland is in the exclusive possession of another who fails or refuses to furnish this information, McClelland shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of McClelland's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but no limited to:
- a) withholding of payments to McClelland under the contract until the contractor complies, and/or
 - b) cancellation, termination or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: McClelland shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. McClelland shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that in the event McClelland becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, McClelland may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, McClelland may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX A
PRELIMINARY DESIGN SCHEDULE
WATER AND SEWER MAIN RELOCATION PROJECT
AHTD JOB NO. 040423
FAYETTEVILLE'S WATER AND SEWER MAINS ALONG WEDINGTON DRIVE

<u>Activity</u>	<u>Completion Time</u>	<u>Estimated Completion Date</u>
Engineering Field Survey	Four weeks from authorization to Proceed	February 14, 2005
Preliminary Engineering Report	Six weeks	March 28, 2005
Project Right-of-way Requirements	Three weeks	April 18, 2005
Initiate Final Design Phase*	Upon authorization by The City of Fayetteville	Unknown, Depends on scope defined in Preliminary Engineering Report

Note*: Final Design could start in March, following approval of the Preliminary Engineering Report and subsequent authorization by the City of Fayetteville.

**APPENDIX B
BIDDING SERVICES SCHEDULE
WATER AND SEWER MAIN RELOCATION PROJECT
AHTD JOB NO. 040423
FAYETTEVILLE'S WATER AND SEWER MAINS ALONG WEDINGTON DRIVE**

This schedule will be developed, if required, as part of the Final Design Phase Services, if they are so authorized.

City Of Fayetteville

(Not a Purchase Order)

Vendor #	7480	Vendor Name	McClelland Consulting Engineers
Address:	P. O. Box 34087		
City:	Little Rock	State:	AR
Requester:	Greg Boettcher/Ron Patton		
Zip Code:	72203-4087	Ship to code:	
Fob Point:	Fayetteville	Requester's Employee #	2001
Account Numbers	5400 5600 5808 00		

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Requester's Employee #	Project/Subproject #	Inventory #	Fixed Asset #
1	Utility Relocation Survey/Plan for Wedington	1	1	\$54,000.00	\$54,000.00	5400 5600 5808 00	2001	302		
2				\$0.00	\$0.00					
3				\$0.00	\$0.00					
4				\$0.00	\$0.00					
5				\$0.00	\$0.00					
6				\$0.00	\$0.00					
7				\$0.00	\$0.00					
8				\$0.00	\$0.00					
9				\$0.00	\$0.00					
10				\$0.00	\$0.00					
	Shipping/Handling		Lot		\$0.00					

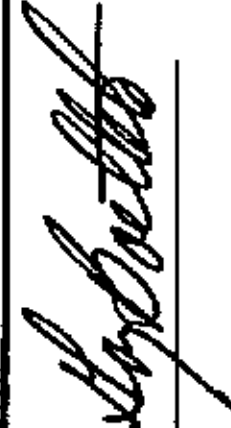
Special Instructions:

Subtotal: \$54,000.00

Tax: \$3,321.25

Total: \$57,321.25

Approvals:

Mayor: 

Department Director: _____

Budget Manager: _____

Utilities Manager: _____

Finance & Internal Services Director: _____

Dispatch Manager: _____

Purchasing Manager: _____

IT Manager: _____

Other: _____

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05

City Council Meeting Date

Greg Boettcher

Submitted By

Water and Wastewater/Capital

Division

Water and Wastewater

Department

Action Required:

Resolution approving a contract with McClelland Consulting Engineers, Inc. for surveys and preliminary design services for water and sewer relocation for Wedington Drive highway improvements project by AHTD.

\$54,000.00

Cost of this request

\$

54,000.00

Category/Project Budget

Water and Sewer Capital/Wedington

Program Category / Project Name

5400.5600 - 5808.00

Account Number

\$

-

Funds Used to Date

Capital Projects

Program / Project Category Name

05015-1

Project Number

\$

54,000.00

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached


Department Director

12-20-04

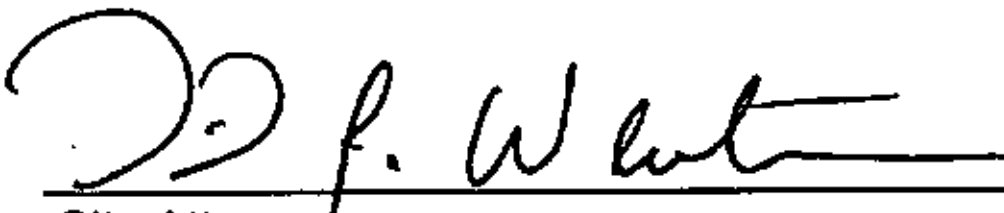
Date

Previous Ordinance or Resolution #

Original Contract Date:

N/A

Original Contract Number:

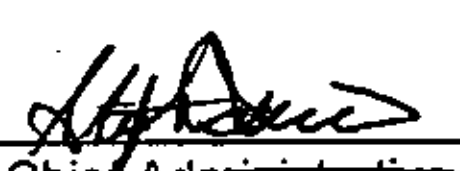

City Attorney

12/21/04

Date

Received in Mayor's Office

12/21/04 AH


Chief Administrative Officer

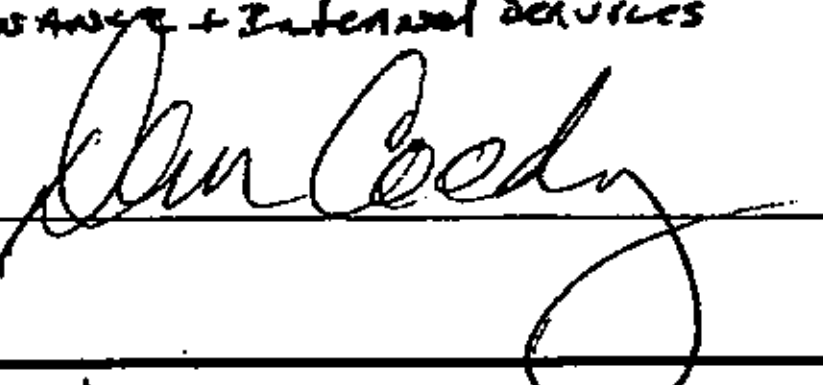
12-20-04

Date

Received in City Clerk's Office

12-20-04

Mayor


Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
From: Greg Boettcher
Water/Wastewater Director

A handwritten signature in dark ink, appearing to read "Greg Boettcher", written over the "From:" line.

Date: December 20, 2004

Subject: Resolution approving a contract with McClelland Consulting Engineers, Inc. for surveys and preliminary design services for water and sewer relocation for Razorback Road highway improvements project by AHTD.

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling \$22,800.00, said amount being the face value of a proposed contract with McClelland Consulting Engineers of Fayetteville, Arkansas.

BACKGROUND

The Arkansas Highway and Transportation Department has informed the City of Fayetteville of its plan to widen and improve State Highway 112 (Razorback Road) beginning at the Sixth Street intersection and continuing south to the Fifteenth Street intersection. AHTD's project is identified by Job No. 040399 and is slated for bidding in 2005. Fayetteville owns water and sanitary sewer infrastructure that parallels and crosses the existing highway; and may be required to relocate various water and sewer facilities in conflict with the planned highway construction. The financial responsibility for the relocation costs will be allocated according to the City's right of occupancy. For example, if the existing pipeline is in a dedicated easement outside the AHTD right-of-way, AHTD will bear all costs for that pipeline's relocation (engineering and construction). It is expected that this project will involve blended financial responsibilities between AHTD and the City of Fayetteville. With the planned 2005 bidding of the highway improvements and the need to relocate the utilities prior to highway construction, this work must proceed on a tight schedule. A selection committee meeting on November 5, 2004 selected McClelland Consulting Engineers to provide the field surveys and preliminary planning for this utility relocation project (see attached letter of November 8, 2004). A contract has been negotiated with McClelland Consulting Engineers (copy attached) wherein the services will be provided for a not-to-exceed cost of \$54,000.00.

DISCUSSION

This preliminary planning cost is in the 2005 budget. Due to staffing vacancies and existing workloads, the utility relocation surveys and preliminary planning cannot be managed by existing engineering staff without compromising progress on other capital improvement projects. With the short timeline for completion and the need to continue progress on programmed capital projects, this relocation project must be outsourced to



private consultants. The scope of the work is detailed in the proposed agreement, but may be summarized as follows:

- field surveys to confirm right-of-ways and utility locations
- preliminary engineering plan for the water line relocation work
- project cost estimate with AHTD and Fayetteville shares predicted
- project right-of-way needs
- project schedule
- schematic engineering design

As the project scope and costs become defined, the proposed contract will need to be modified to address the detailed engineering design (engineering drawings, contract documents, specifications, bidding phase services, construction phase services, project inspection services and as-built record drawings); or the city may find that it is able to complete the final design using inhouse resources. These future services cannot be defined at this early stage of the project, necessitating this later evaluation. The current scope of services will allow the critical design information to be compiled while the City evaluates alternatives for completion of the final design. This preliminary planning activity allows the project to advance without delays.

BUDGET IMPACT

The \$22,800.00 in initial engineering costs are included in the 2005 budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT WITH McCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$22,800.00 FOR SURVEY AND PRELIMINARY DESIGN SERVICES FOR WATER AND SEWER RELOCATION FOR HIGHWAY IMPROVEMENTS TO RAZORBACK ROAD.

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 McClelland Consulting Engineers, Inc. in an amount not to exceed \$22,800.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Razorback Road. A copy of the contract, marked Exhibit "A" is attached hereto, and made a part hereof.

PASSED and APPROVED this 18th day of January 2005.

APPROVED:

By: DAN GOODY, Mayor

ATTEST:

By: SONDRA SMITH, City Clerk

DRAFT

Washington and Benton Counties

Proposed Statewide Transportation and Improvement Program 2005-2007

Note - This is a proposed list; changes may occur before final approval by the Federal Highway Administration which is anticipated in January 2005.

FISCAL YEAR 2005									
FED FY	Job No.	County	RTE	SECTN	LENGTH (MILES)	JOB NAME	TYPE WORK	TYPE FUNDS	TOTAL (x \$1,000)
2005	009834	BENTON	112	3	1.47	HWY. 71B-HWY. 102 (BENTONVILLE) (S)	MAJOR WIDENING	STATE	5,500
2005	040397	WASHINGTON	62	1	0.00	LINCOLN-PRAIRIE GROVE STRS. & APPRS. (S)	STR. & APPRS.	BR - SH	2,000
2005	040398	WASHINGTON	112	0	0.45	NORTH OF HWY. 16-HWY. 180 (S)	MAJOR WIDENING	STP - SH	2,000
2005	040411	WASHINGTON	62	0	0.00	PRAIRIE GROVE BYPASS (ROW) (S)	PERIGHT-OF-WAY	STP - SH	1,500
2005	040420	WASHINGTON	180	2	1.11	TOWNSHIP RD.-FUTRALL DR. (GREGG AVE.-FAYETTEVILLE) (S)	MAJOR WIDENING	STATE	5,000
2005	040423	WASHINGTON	16	2	1.73	HWY. 16 WIDENING (FAYETTEVILLE) (S)	MAJOR WIDENING	STP - SH	5,500
2005	040429	BENTON			0.00	NORTHWEST ARKANSAS REGIONAL AIRPORT ACCESS (F)	NEW LOCATION	HPP	11,176
2005	040439	BENTON	CS		0.80	HWY. 43 SOUTH (PROGRESS AVE.-SILOAM SPRINGS) (S)	NEW LOCATION	STP - CITY	1,440
2005	040447	BENTON	43	0	2.50	HWY. 59-WEST (SILOAM SPRINGS) (S)	REHABILITATION	STATE	0
2005	040448	BENTON	59	1	3.00	HWY. 412-NORTH (S)	MAJOR WIDENING	STP - SH	7,000
2005	040455	BENTON	412		0.00	HWY. 412 BYPASS (SILOAM SPRINGS) (F)	RIGHT OF WAY	NHS	1,800
2005	040456	BENTON	279	1	0.00	HWY. 279/6 TRINGER LANE INTERS. IMPVTS. (BELLA VISTA) (S)	SAFETY & TRAF ENG	STP - SH	400
2005	040471	BENTON	71	198	0.00	HWY. 71NB OFF-RAMP/HWY. 72 SIGNAL (BENTONVILLE) (S)	SAFETY & TRAF ENG	STP - CITY	80
2005	040480	BENTON	540	5	0.00	I-540-PERRY RD. INTERCHANGE (ROGERS) (S)	INTERCHANGE	SPECIAL	4,600
2005	R40082	WASHINGTON	62	1	4.67	ILLINOIS RIVER-HWY. 170 (S)	MAJOR WIDENING	STP - SH	9,680
2005	04047A	BENTON	NA	NA	0.00	NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION; PLANNING	TRANSIT	FTA - 5303	180
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5307	250
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5307	29
2005	04047A	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5307	499
2005	04047A	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5307	5
2005	04047A	WASHINGTON	NA	NA	0.00	RAZORBACK TRANSIT - CAPITAL ASSISTANCE - ROLLING STOCK	TRANSIT	FTA - 5309	50
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - ROLLING STOCK	TRANSIT	FTA - 5309	209
2005	04047A	WASHINGTON	NA	NA	0.00	ELDERLY & DISABLED VAN PURCHASES - VARIOUS AGENCIES	TRANSIT	FTA - 5310	102
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - ADMINISTRATIVE ASSISTANCE	TRANSIT	FTA - 5311	155
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - CAPITAL ASSISTANCE - MISCELLANEOUS	TRANSIT	FTA - 5311	159
2005	04047A	WASHINGTON	NA	NA	0.00	OZARK REGIONAL TRANSIT - OPERATING ASSISTANCE	TRANSIT	FTA - 5311	230
2005	V200592	BENTON	VARIOUS		0.00	NARTS AREA INTERSECTION SIGNALIZATION	SAFETY & TRAF ENG	STP - CITY	100
2005	V200594	BENTON	VARIOUS		0.00	NARTS AREA RAILROAD PROTECTIVE DEVICES	SAFETY & TRAF ENG	STP - SAF	100
FY 2005 IMPROVEMENT TOTALS									46,428
									104,754

FISCAL YEAR 2006									
FED FY	Job No.	County	RTE	SECTN	LENGTH (MILES)	JOB NAME	TYPE WORK	TYPE FUNDS	TOTAL (x \$1,000)
2006	001966	WASHINGTON	412		20.00	SPRINGDALE BYPASS (DESIGN & PH. I ROW) (S)	NEW LOCATION	SPECIAL	3,379
2006	001966	WASHINGTON	412		20.00	SPRINGDALE BYPASS (DESIGN & PH. I ROW) (S)	NEW LOCATION	STP - SH	16,000
2006	004938	WASHINGTON	71	16	0.00	WEST FORK-SOUTH (BRS. & APPRS.) (S)	STR. & APPRS.	BR - SH	2,320
2006	040405	WASHINGTON	CS		0.00	TOWN BRANCH STR. & APPRS. (SOUTH GARLAND AVE.) (FAYETTEVILLE) (S)	STR. & APPRS.	BR - CITY	880
2006	090024	BENTON	412	1	1.00	HWY. 412 IMPROVEMENTS (SILOAM SPRINGS) (S)	MINOR WIDENING	NHS	960
2006	090065	BENTON	62	2	6.43	AVOCANORTH GARFIELD (S)	MAJOR WIDENING	STP - SH	16,800
2006	090153	BENTON	72	3	0.00	LITTLE SUGAR CREEK STR. & APPRS. (S)	STR. & APPRS.	BR - SH	1,368
									1,710

November 8, 2004

Mr. Robert White, P.E.
McClelland Consulting Engineers, Inc.
PO Box 1229
Fayetteville, Arkansas 72702

RE: Municipal Utility Relocation Plan
AHTD Highway Improvement
Wedington Drive and Razorback Road

Dear Mr. White:

On Friday, November 5, 2004 an engineering selection committee approved McClelland Consulting Engineers as the consultant for water and sanitary sewer relocation planning in connection with upcoming Arkansas Highway and Transportation Department road improvements. The specific AHTD projects for which services are being considered include:

***Wedington Drive-Meadowlands to Double Springs
Razorback Road-15th to 6th Streets***

The anticipated scope of services will include the following elements:

1. Perform preliminary field surveys of project locations to define the current rights-of-way limits, existing municipal utility easements, spot locations of existing water and sanitary sewer facilities and develop preliminary schematic plan of current facilities and rights-of-ways.
2. Analyze preliminary AHTD concept plans and identify municipal water and sewer facilities that require location.
3. Evaluate water and sewer facility relocation activities with respect to the entity that will have financial responsibility for utility relocation, (City of Fayetteville and /or AHTD).
4. Correlate water and sanitary sewer relocation activities with Fayetteville's master utility plans and with staff opinions. From such correlation it will be determined which pipelines will need to be upsized when relocated and the recommended size for the new facilities. Incorporate all upsizing costs into the financial analysis, noting portion of cost to be assigned to Fayetteville for betterments.

5. Prepare schematic relocation plan for impacted water and sewer facilities showing new routes, sizes, and inter-connects.
6. Develop a project schedule, integrated with the anticipated AHTD project schedules, showing key tasks and timelines. A separate schedule is to be prepared for each relocation project.
7. Consolidate the above concept plans, analysis, schedules, improvement layouts, cost predictions and cost allocations into a concise "Phase 1-Relocation Plan Report for the Wedington/Razorback Highway Projects". This report will be presented to the Fayetteville Sewer Committee and then the City Council for information, budget adjustment and authorization to proceed. At least 20 copies of this final bound report, will be required. Upon city approval, copies will also be distributed to AHTD.
8. Develop a contract proposal, complete with a not-to-exceed cost, a description of services, a schedule and the means of compensation (lump sum, hourly or cost plus fixed fee). The City of Fayetteville's standard agreement shall be used for contacting such services. A copy of the form can be furnished, if needed.

Please be advised that this selection committee recommendation does not constitute any authorization to incur costs and does not guarantee approval of a professional services contract with the City of Fayetteville. Final decision and authorization rests solely with the Fayetteville City Council. Should this letter not fully detail the current needs of the City with respect to this project, we will be most happy to meet with representatives of McClelland Consulting Engineers to address questions and clarify the scope. It is to be noted that the approval of the Phase 1 scope of services does not constitute a commitment by the City of Fayetteville to authorize further services, to proceed with the project(s) or commit the City to any actions outside the scope set forth in the approved agreement for professional services.

Congratulations on being selected to provide engineering services for the City of Fayetteville. Should this scope of work not be of interest, or should McClelland not be able to complete these services in a timely manner, please promptly advise me of such decision. Otherwise I will look forward to hearing from you regarding this matter.

Sincerely,
City of Fayetteville

Greg Boettcher, P.E.
Water and Wastewater Director

cc: Hugh Earnest, Tim Conklin, David Jurgens, Ron Petrie, Peggy Vice.

AGREEMENT
For
PROFESSIONAL ENGINEERING SERVICES
Between
CITY OF FAYETTEVILLE, ARKANSAS
And
MCCLELLAND CONSULTING ENGINEERS, INC.
FAYETTEVILLE, ARKANSAS

THIS AGREEMENT is made as of _____, 2004, by and between City of Fayetteville, Arkansas, acting by and through its Mayor (hereinafter called CITY OF FAYETTEVILLE) and McClelland Consulting Engineers, Inc. with offices located in Fayetteville, Arkansas (hereinafter called McClelland).

CITY OF FAYETTEVILLE from time to time requires professional engineering services in connection with the planning, design, permitting, construction, operation, maintenance, management, and financing of the Fayetteville Highway 112 (Razorback Road) Water and Sewer Main Relocation Project and in particular, relocation of water and sewer mains beginning at the intersection of Highway 112 and 15th Street, proceeding north along Highway 112 to the intersection of Highway 112 and 6th Street, said work to correspond to the scope of highway improvements being planned by the Arkansas Highway and Transportation Department, Job No. 040399 (The "Project"). Therefore, CITY OF FAYETTEVILLE and McClelland in consideration of their mutual covenants agree as follows:

McClelland shall serve as CITY OF FAYETTEVILLE's professional engineering consultant in those assignments to which this Agreement applies, and shall give consultation and advice to CITY OF FAYETTEVILLE during the performance of McClelland's services. All services shall be performed under the direction of a professional engineer registered in the State of Arkansas and qualified in the particular field. If Construction Phase Services are to be provided by McClelland under this Agreement, the construction shall be executed under the observation of a professional engineer registered in the State of Arkansas in accordance with Arkansas Code Amended §22-9-101.

SECTION 1 - AUTHORIZATION OF SERVICES

- 1.1 Services on any assignment shall be undertaken only upon written Authorization of CITY OF FAYETTEVILLE and agreement of McClelland.

- 1.2 Assignments may include services described hereafter as Basic Services or as Additional Services of McClelland.
- 1.3 Changes, modifications or amendments in scope, price or fees to this contract shall **not** be allowed without a formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, costs, fees, or delivery schedule.

SECTION 2 - BASIC SERVICES OF MCCLELLAND

- 2.1 General
- 2.1.1 Perform professional design services in connection with the Project as hereinafter stated, which shall include normal civil, structural, mechanical, and electrical engineering services and normal architectural design services incidental thereto.
- 2.1.1.1 The Scope of Services to be furnished by McClelland during the Preliminary Design Phase is included in Section 2.2 hereafter and in Appendix A attached hereto and made part of this Agreement.
- 2.1.1.2 The Scope of Services to be furnished by McClelland during the Final Design Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
- 2.1.1.3 The Scope of Services to be furnished by McClelland during the Bidding Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
- 2.1.1.4 The Scope of Services to be furnished by McClelland during the Construction Phase, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.
- 2.1.1.5 The preliminary Scope of Services to be furnished by McClelland for Resident Services during Construction, if any, will be finalized and contained in an amendment to this Agreement after Preliminary Design is completed.

2.2 Preliminary Design Phase

2.2.1 The Preliminary Design Phase will consist of an engineering feasibility study on the water line relocation strategy for the Project, the evaluation of alternatives, the development of a comprehensive project cost estimate, the establishment of financial responsibilities for utility relocation (CITY OF FAYETTEVILLE and/or AHTD), the creation of a project schedule, the correlation of water and sewer preliminary plans with the CITY OF FAYETTEVILLE's master utility plans, the acquisition of approvals from CITY OF FAYETTEVILLE for the preliminary design, the completion of detailed surveys for engineering design, the development of right-of-way procurement needs, leading up to the commencement of final design for the Project.

2.3 Final Design Phase

2.3.1 Prepare for incorporation in the Contract Documents detailed drawings to show the character and scope of the Work to be performed by contractors on the Project (hereinafter called the "Contract Drawings"), and Invitation to Bid, Instructions to Bidders, Bid Form, Agreement and Bond forms, General Conditions, and Specifications (all of which, together with the Contract Drawings, are hereinafter called the "Bid Documents") for review and approval by CITY OF FAYETTEVILLE, its legal counsel, and other advisors as appropriate, and assist CITY OF FAYETTEVILLE in the preparation of other related documents.

2.3.1.1 Bid documents shall be based on Construction Specifications Institute (CSI) Master Format and Section Format and shall incorporate CITY OF FAYETTEVILLE's standard general conditions and forms. Bid documents shall include required forms for the Arkansas Highway and Transportation Department. Text documents shall be provided to CITY OF FAYETTEVILLE in Microsoft® Word version 2000 software. Contract drawings shall be prepared using standard borders, sheet sizes, title blocks and CADD standards provided by CITY OF FAYETTEVILLE. McClelland may use their normal software for the preparation of drawings but the final product shall be provided to CITY OF FAYETTEVILLE in Autodesk AutoCAD version 2002.

2.3.1.2 Develop and include in Appendix A of this Agreement for approval by CITY OF FAYETTEVILLE, a project preliminary design schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of this preliminary design. This Schedule shall include reasonable allowances for review and approval times required by CITY OF

FAYETTEVILLE, and review and approval times required by public authorities having jurisdiction over the Project. This schedule shall be equitably adjusted as the Project progresses, allowing for changes in scope, character or size of the Project requested by CITY OF FAYETTEVILLE, or for delays or other causes beyond McClelland's reasonable control. Nonconformance with this schedule by McClelland and its subconsultants may result in the assessment of damages payable by McClelland to the CITY OF FAYETTEVILLE for costs and damages incurred. The maximum cost liability of McClelland shall be limited to the total gross amount payable to or through the Consultant authorized under this agreement, including amendments thereto.

2.3.1.3 When requested by the CITY OF FAYETTEVILLE's Water and Wastewater Director, prepare for and attend up to two City Council meetings to provide periodic updates on the progress of the design.

2.3.1.4 If the plans and specifications for the project require bids on alternates in addition to a base bid, there shall be no more than three (3) alternates, and the alternates shall be developed and described in accordance with Title 22, Article 9-203 of the Arkansas Code.

2.3.2 Prepare technical criteria, written descriptions, design data, and applications necessary for filing applications for permits from or approvals of the following applicable governmental authorities having jurisdiction to review or approve the final design of the Project and assist in securing approvals. Approval letters and permits shall be furnished to the Arkansas Highway and Transportation Department, including the written approval from the Arkansas Department of Health. Actual Filing and Permit Fees will be paid by the CITY OF FAYETTEVILLE. Assist CITY OF FAYETTEVILLE in consultations with appropriate authorities.

2.3.2.1 Arkansas Highway and Transportation Department (AHTD)

2.3.2.2 Arkansas Department of Health (ADH)

2.3.3 Advise CITY OF FAYETTEVILLE of adjustments in excess of five percent of the cost opinion for the Project caused by changes in scope, design requirements, or construction costs and furnish a revised cost opinion for the Project based on the final Bid Documents.

2.3.4 Advise CITY OF FAYETTEVILLE of final Opinion of Probable Project Costs, including, but not limited to, construction, inspection, testing and close out.

- 2.3.5 **Furnish CITY OF FAYETTEVILLE with 5 copies of the final Bid Documents.**
- 2.3.6 **Determine land and easement requirements and provide consultation and assistance on property procurement and easement preparation as related to professional engineering services being performed.**
- 2.3.7 **Provide appropriate professional interpretations of data, geotechnical investigations, core borings, probings and subsurface explorations, hydrographic surveys, laboratory tests, and inspections of samples, materials and equipment obtained through subcontract services for authorized Project services including property, boundary, easement, right-of-way, topographic, and utility surveys; noting zoning and deed restrictions.**
- 2.3.8 **Fully disclose all subcontract agreements including the name and address of the subconsultant, the scope of services to be provided and the value of the subcontract**
- 2.4 **Bidding Phase**
- 2.4.1 **McClelland will follow City of Fayetteville's bidding protocol for capital improvement projects and be coordinated with the Arkansas Highway and Transportation Department.**
- 2.4.2 **Arrange for bidding notices to be sent to contractors publishing services and direct mailing to contractors of record. Notices shall comply with requirements of CITY OF FAYETTEVILLE. The legal notice to be placed in legal notices section of a local newspaper(s) of countywide and statewide circulation and shall be coordinated with CITY OF FAYETTEVILLE purchasing agent and an affidavit of publication secured.**
- 2.4.3 **Prepare addenda for drawings and Bid Documents as required and submit to CITY OF FAYETTEVILLE in timely manner such that addenda can be issued by McClelland in accordance with Construction Contract General Conditions. All bidding protocols shall conform to statutory requirements with all addenda being approved by CITY OF FAYETTEVILLE prior to issuance.**
- 2.4.4 **Secure updated applicable wage rate decisions and incorporate into the Bid Documents. Update wage rate decision by addendum if necessary.**
- 2.4.4.1 **Assist CITY OF FAYETTEVILLE by issuing and tracking Bid Documents, addenda and communications during bidding and maintain list of plan holders. Print and distribute copies of plans and specifications for all prospective bidders and plan rooms. Collect**

from prospective bidders an appropriate non-refundable fee to offset cost of reproducing and distributing Bidding Documents.

- 2.4.5 Assist CITY OF FAYETTEVILLE in obtaining and evaluating bids and preparing construction contracts. McClelland shall prepare and submit bid certification documents to CITY OF FAYETTEVILLE for review.
- 2.4.6 Consult with and advise CITY OF FAYETTEVILLE as to the acceptability of subcontractors and other persons and organizations proposed by the prime construction contractor(s), hereinafter called "Contractor(s)," for those portions of the work as to which such acceptability is required by the Bid Documents.
- 2.4.7 Make recommendations regarding award of construction contracts.
- 2.4.8 Attend Water and Sewer Committee meeting and the ensuing City Council meeting to recommend action by the respective bodies. Prepare and present a recommendation complete with such supporting information as necessary for the bodies to make an informed decision on the action recommended.
- 2.4.9 Develop and include in Appendix B of this Agreement, a bidding services schedule in which McClelland shall include, in an acceptable level of detail, the steps and milestone dates to be undertaken by McClelland in the completion of the bidding services. The bidding services schedule shall consist of a bar chart schedule depicting the duration of the bidding period of each sub-project and the discrete milestone activities which make up the sub-projects. Separate line items and durations may be shown for costs that apply to the Project as a whole, including, but not limited to, Project Management and Administration, and Insurance. McClelland shall assign to each schedule activity of the bidding services schedule a corresponding cost value which shall include a monthly allocation for labor, expenses, overhead, and profit. The sum of all cost values assigned shall equal the Lump Sum Amount shown in Section 6.1.2. of this Agreement.
- 2.4.10 See Attachment A for additional services or clarification of services to be provided by McClelland.
- 2.5 Construction Phase
 - 2.5.1 The scope of Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.

2.6 Post-Construction Phase

2.6.1 The scope of Post-Construction Phase Services, if any, will be negotiated following completion of Design Phase Services.

2.7 Resident Services During Construction

2.7.1 The scope of Resident Services During Construction, if any, will be negotiated following completion of Design Phase Services.

SECTION 3 - ADDITIONAL SERVICES OF MCCLELLAND

3.1 General

If authorized in writing by the CITY OF FAYETTEVILLE Mayor and the City Council and agreed to in writing by McClelland, McClelland shall furnish or obtain from others Additional Services of the following types that are not considered normal or customary Basic Services. The scope of Additional Services may include:

3.1.1 Grant and Loan Assistance

Prepare applications and supporting documents for governmental grants, loans, or advances.

3.1.2 Financial Consultation

Consult with CITY OF FAYETTEVILLE's fiscal agents and bond attorneys and provide such engineering data as required for any bond prospectus or other financing requirements.

3.1.3 Administrative Assistance

Provide Contract and Project administration to the degree authorized by CITY OF FAYETTEVILLE.

3.1.4 Furnishing renderings or models of the Project for CITY OF FAYETTEVILLE's use.

3.1.5 Miscellaneous Studies

Investigations involving detailed consideration of operations, maintenance, and overhead expenses, and the preparation of rate schedules, earnings, and expense statements; feasibility studies; appraisals and valuations; detailed quantity surveys of material, equipment, and labor; and audits or inventories required in connection with construction performed by CITY OF FAYETTEVILLE.

3.1.6 Preparing to serve or serving as a witness for CITY OF FAYETTEVILLE in any litigation or other proceeding involving the Project.

3.1.7 Extra Services

3.1.7.1 Services not specifically defined heretofore that may be authorized by CITY OF FAYETTEVILLE.

3.2 Contingent Additional Services

3.2.1 If services described under Contingent Additional Services in Paragraph 3.2 are required due to circumstances beyond McClelland's control, McClelland shall notify CITY OF FAYETTEVILLE and request a formal contract amendment approved by the Mayor and the City Council prior to commencing such services. If CITY OF FAYETTEVILLE deems that such services described in 3.2 are not required, CITY OF FAYETTEVILLE shall give prompt written notice to McClelland. If CITY OF FAYETTEVILLE indicates in writing that all or parts of such Contingent Additional Services are not required, McClelland shall have no obligation to provide those services.

3.2.2 Making revisions in Drawings, Specifications, or other documents when such revisions are:

3.2.2.1 Required because of inconsistent approvals or instructions previously given by CITY OF FAYETTEVILLE, including revisions made necessary by adjustments in CITY OF FAYETTEVILLE's program or Project Budget.

3.2.2.2 Required by the enactment or revision of codes, laws, or regulations subsequent to the preparation of such documents.

SECTION 4 - RESPONSIBILITIES OF CITY OF FAYETTEVILLE

CITY OF FAYETTEVILLE shall, within a reasonable time, so as not to delay the services of McClelland.

4.1 Provide full information as to CITY OF FAYETTEVILLE's requirements for the Project.

4.2 Assist McClelland by placing at McClelland's disposal all available information pertinent to the assignment including previous reports and any other data relative thereto.

4.3 Guarantee access to and make all provisions for McClelland to enter upon public and private property as required for McClelland to perform his services under this Agreement.

- 4.4 Examine all studies, reports, sketches, cost opinions, Bid Documents, Drawings, proposals, and other documents presented by McClelland and render in writing decisions pertaining thereto.
- 4.5 Provide such professional legal, accounting, financial, and insurance counseling services as may be required for the Project.
- 4.6 Designate in writing a person to act as CITY OF FAYETTEVILLE's representative with respect to the services to be performed under this Agreement. Such person shall have complete authority to transmit instructions, receive information, interpret and define CITY OF FAYETTEVILLE's policies and decisions with respect to materials, equipment, elements and systems to be used in the Project, and other matters pertinent to the services covered by this Agreement.
- 4.7 Give prompt written notice to McClelland whenever CITY OF FAYETTEVILLE observes or otherwise becomes aware of any defect in the Project.
- 4.8 Furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project. Pay directly to the governmental authorities the actual filing and permit fees.
- 4.9 Pay for placement of legal notices and advertisements in newspapers or other publications required by program requirements of the Highway 112 Water and Sewer Main Relocation Project.
- 4.10 Furnish, or direct McClelland to provide, necessary Additional Services as stipulated in Section 3 of this Agreement or other services as required.
- 4.11 If CITY OF FAYETTEVILLE's standard bidding requirements, Agreement forms and General Conditions are to be used, CITY OF FAYETTEVILLE shall provide copies of such documents for McClelland's use in coordinating the Contract Drawings and Specifications.
- 4.12 CITY OF FAYETTEVILLE and/or its representative will review all documents and provide written comments to McClelland in a timely manner.

SECTION 5 - PERIOD OF SERVICE

- 5.1 This Agreement will become effective upon the first written notice by CITY OF FAYETTEVILLE authorizing services hereunder.

- 5.2 The provisions of this Agreement have been agreed to in anticipation of the orderly progress of the Project through completion of the services stated in the Agreement. McClelland will proceed with providing the authorized services immediately upon receipt of written authorization from CITY OF FAYETTEVILLE. Said authorization shall include the scope of the services authorized and the time in which the services are to be completed.

SECTION 6 - PAYMENTS TO MCCLELLAND

6.1 Compensation

6.1.1 Preliminary Design Phase Services

For the Scope of Services during the Preliminary Design Phase described herein, CITY OF FAYETTEVILLE authorizes twenty-two thousand eight hundred dollars (\$22,800.00) as compensation for the scope of work set forth in Attachment A. Engineer will be compensated based upon cost reimbursement, plus profit, the current rates for cost reimbursement being attached to and made a part of this agreement (Attachment B). The costs and basis for compensation include all preliminary design costs, including labor, overhead, direct expenses, subcontracts and fees. The total contract amount authorized for the preliminary design phase services is twenty-two thousand eight hundred dollars (\$22,800.00).

- 6.1.1.1 Subject to the City Council approval, adjustment of the contract amount may be made should McClelland establish and CITY OF FAYETTEVILLE agree that there has been or is to be a significant change in scope, complexity or character of the services to be performed; or if CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment. Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

- 6.1.1.2 Monthly statements for each calendar month shall be submitted to CITY OF FAYETTEVILLE or such parties as CITY OF FAYETTEVILLE may designate for Design services consistent with McClelland's normal billing schedule. Once established, the billing schedule shall be maintained throughout the duration of the Project. Applications for payment shall be made in accordance with a format to be developed by McClelland and approved by CITY OF FAYETTEVILLE. Applications for payment shall be accompanied each month by the updated project design schedule as the basis for

determining the value earned as the work is accomplished. Final payment for Design services shall be made upon CITY OF FAYETTEVILLE's approval and acceptance with the satisfactory completion of the Design phase for the Project.

6.1.2 Final Design Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.3 Bidding Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.4 Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.5 Post-Construction Phase Services

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.6 Resident Services During Construction

This section is reserved for future details concerning this phase, if any. This Agreement shall be amended to include payment conditions following the completion of Preliminary Phase Services.

6.1.7 Additional Services

For authorized Additional engineering services under Section 3, "Additional Services", compensation to McClelland shall be negotiated at the time Additional services are authorized.

6.2 Statements

Statements and updated progress schedule for each calendar month will be submitted to CITY OF FAYETTEVILLE by signed original document. Statements will be based on McClelland's actual costs incurred and justified by hours expended, hourly rates and other applicable costs in accordance with Attachment B.

6.3 Payments

All statements are payable upon receipt and due within thirty (30) days. If a portion of McClelland's statement is disputed by CITY OF FAYETTEVILLE, the undisputed portion shall be paid by CITY OF FAYETTEVILLE by the due date. CITY OF FAYETTEVILLE shall advise McClelland in writing of the basis for any disputed portion of any statement. CITY OF FAYETTEVILLE will make reasonable effort to pay invoices within 30 days of date the invoice is approved, however, payment within 30 days is not guaranteed.

6.4 Final Payment

Upon satisfactory completion of the work performed under this Agreement, as a condition before final payment under this Agreement, or as a termination settlement under this Agreement, McClelland shall execute and deliver to CITY OF FAYETTEVILLE a release of all claims against CITY OF FAYETTEVILLE arising under or by virtue of this Agreement, except claims which are specifically exempted by McClelland to be set forth therein. Unless otherwise provided in this Agreement or by State law or otherwise expressly agreed to by the parties to this Agreement, final payment under this Agreement or settlement upon termination of this Agreement shall not constitute a waiver of CITY OF FAYETTEVILLE's claims against McClelland or his sureties under this Agreement or applicable performance and payment bonds, if any.

SECTION 7 - GENERAL CONSIDERATIONS

7.1 Insurance

7.1.1 During the course of performance of these services, McClelland will maintain (in United States Dollars) the following minimum insurance coverages:

<u>Type of Coverage</u>	<u>Limits of Liability</u>
Workers' Compensation Employers' Liability	Statutory \$500,000 Each Accident
Commercial General Liability Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Automobile Liability: Bodily Injury and Property Damage	\$1,000,000 Combined Single Limit
Professional Liability Insurance	\$1,000,000 Each Claim

McClelland will provide to CITY OF FAYETTEVILLE certificates as evidence of the specified insurance within ten days of the date of this Agreement and upon each renewal of coverage.

- 7.1.2 Construction Contractors shall be required to provide (or CITY OF FAYETTEVILLE may provide) Owner's Protective Liability Insurance naming CITY OF FAYETTEVILLE as a Named Insured and McClelland as additional insureds, or, to endorse CITY OF FAYETTEVILLE, and McClelland as additional insureds on construction Contractor's liability insurance policies covering claims for personal injuries and property damage. Construction Contractors shall be required to provide certificates evidencing such insurance to CITY OF FAYETTEVILLE, and McClelland. All contract insurance carriers shall be required to list CITY OF FAYETTEVILLE as certificate holder, furnishing copies of the contractor's insurance certificate to each party
- 7.1.3 CITY OF FAYETTEVILLE and McClelland waive all rights against each other and their officers, directors, agents, or employees for damage covered by property insurance during and after the completion of McClelland's services. If the services result in a Construction Phase, a provision similar to this shall be incorporated into all Construction Contracts entered into by CITY OF FAYETTEVILLE, and all construction Contractors shall be required to provide waivers of subrogation in favor of CITY OF FAYETTEVILLE and McClelland for damage or liability covered by any construction Contractor's policy of insurance.
- 7.2 Professional Responsibility
- 7.2.1 McClelland will exercise reasonable skill, care, and diligence in the performance of McClelland's services and will carry out its responsibilities in accordance with customarily accepted professional engineering practices. CITY OF FAYETTEVILLE will promptly report to McClelland any defects or suspected defects in McClelland's services of which CITY OF FAYETTEVILLE becomes aware, so that McClelland can take measures to minimize the consequences of such a defect. CITY OF FAYETTEVILLE and McClelland further agree to impose a similar notification requirement on all construction contractors in the Bid Documents and shall require all subcontracts at any level to contain a like requirement. CITY OF FAYETTEVILLE retains all remedies to recover for its damages caused by any negligence of McClelland.
- 7.2.2 In addition McClelland will be responsible to CITY OF FAYETTEVILLE for damages caused by its negligent conduct during its activities at the Project Site to the extent covered

by McClelland's Commercial General Liability and Automobile Liability Insurance policies as specified in Paragraph 7.1.1.

7.3 Cost Opinions and Projections

Cost opinions and projections prepared by McClelland relating to construction costs and schedules, operation and maintenance costs, equipment characteristics and performance, and operating results are based on McClelland's experience, qualifications, and judgment as a design professional. Since McClelland has no control over weather, cost and availability of labor, material and equipment, labor productivity, construction Contractors' procedures and methods, unavoidable delays, construction Contractors' methods of determining prices, economic conditions, competitive bidding or market conditions, and other factors affecting such cost opinions or projections, McClelland does not guarantee that actual rates, costs, performance, schedules, and related items will not vary from cost opinions and projections prepared by McClelland.

7.4 Changes

CITY OF FAYETTEVILLE shall have the right to make changes within the general scope of McClelland's services, with an appropriate change in compensation and schedule only after Fayetteville City Council approval of such proposed changes and, upon execution of a mutually acceptable amendment or change order signed by the Mayor of the CITY OF FAYETTEVILLE and the President of McClelland.

7.5 Termination

7.5.1 This Agreement may be terminated in whole or in part in writing by either party in the event of substantial failure by the other party to fulfill its obligations under this Agreement through no fault of the terminating party, provided that no termination may be effected unless the other party is given:

7.5.1.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,

7.5.1.2 An opportunity for consultation with the terminating party prior to termination.

- 7.5.2 This Agreement may be terminated in whole or in part in writing by CITY OF FAYETTEVILLE for its convenience, provided that McClelland is given:
- 7.5.2.1 Not less than ten (10) calendar days written notice (delivered by certified mail, return receipt requested) of intent to terminate,
- 7.5.2.2 An opportunity for consultation with the terminating party prior to termination.
- 7.5.3 If termination for default is effected by CITY OF FAYETTEVILLE, an equitable adjustment in the price provided for in this Agreement shall be made, but
- 7.5.3.1 No amount shall be allowed for anticipated profit on unperformed services or other work,
- 7.5.3.2 Any payment due to McClelland at the time of termination may be adjusted to cover any additional costs to CITY OF FAYETTEVILLE because of McClelland's default.
- 7.5.4 If termination for default is effected by McClelland, or if termination for convenience is effected by CITY OF FAYETTEVILLE, the equitable adjustment shall include a reasonable profit for services or other work performed. The equitable adjustment for any termination shall provide for payment to McClelland for services rendered and expenses incurred prior to the termination, in addition to termination settlement costs reasonably incurred by McClelland relating to commitments which had become firm prior to the termination.
- 7.5.5 Upon receipt of a termination action under Paragraphs 7.5.1 or 7.5.2 above, McClelland shall:
- 7.5.5.1 Promptly discontinue all affected work (unless the notice directs otherwise),
- 7.5.5.2 Deliver or otherwise make available to CITY OF FAYETTEVILLE all data, drawings, specifications, reports, estimates, summaries and such other information and materials as may have been accumulated by McClelland in performing this Agreement, whether completed or in process.
- 7.5.6 Upon termination under Paragraphs 7.5.1 or 7.5.2 above CITY OF FAYETTEVILLE may take over the work and may award another party an agreement to complete the work under this Agreement.
- 7.5.7 If, after termination for failure of McClelland to fulfill contractual obligations, it is determined that McClelland had not failed to fulfill contractual obligations, the termination shall be deemed to have been for the convenience of CITY OF FAYETTEVILLE. In such

event, adjustments of the agreement price shall be made as provided in Paragraph 7.5.4 of this clause.

7.6 Delays

In the event the services of McClelland are suspended or delayed by CITY OF FAYETTEVILLE or by other events beyond McClelland's reasonable control, McClelland shall be entitled to additional compensation and time for reasonable costs incurred by McClelland in temporarily closing down or delaying the Project.

7.7 Rights and Benefits

McClelland's services will be performed solely for the benefit of CITY OF FAYETTEVILLE and not for the benefit of any other persons or entities.

7.8 Dispute Resolution

7.8.1 Scope of Paragraph: The procedures of this Paragraph shall apply to any and all disputes between CITY OF FAYETTEVILLE and McClelland which arise from, or in any way are related to, this Agreement, including, but not limited to the interpretation of this Agreement, the enforcement of its terms, any acts, errors, or omissions of CITY OF FAYETTEVILLE or McClelland in the performance of this Agreement, and disputes concerning payment.

7.8.2 Exhaustion of Remedies Required: No action may be filed unless the parties first negotiate. If timely Notice is given under Paragraph 7.8.3, but an action is initiated prior to exhaustion of these procedures, such action shall be stayed, upon application by either party to a court of proper jurisdiction, until the procedures in Paragraphs 7.8.3 and 7.8.4 have been complied with.

7.8.3 Notice of Dispute

7.8.3.1 For disputes arising prior to the making of final payment promptly after the occurrence of any incident, action, or failure to act upon which a claim is based, the party seeking relief shall serve the other party with a written Notice;

7.8.3.2 For disputes arising within one year after the making of final payment, CITY OF FAYETTEVILLE shall give McClelland written Notice at the address listed in Paragraph 7.14 within thirty (30) days after occurrence of any incident, accident, or first observance of defect or damage. In both instances, the Notice shall specify the nature

and amount of relief sought, the reason relief should be granted, and the appropriate portions of this Agreement that authorize the relief requested.

7.8.4 Negotiation: Within seven days of receipt of the Notice, the Project Managers for CITY OF FAYETTEVILLE and McClelland shall confer in an effort to resolve the dispute. If the dispute cannot be resolved at that level, then, upon written request of either side, the matter shall be referred to the President of McClelland and the Mayor of CITY OF FAYETTEVILLE or his designee. These officers shall meet at the Project Site or such other location as is agreed upon within 30 days of the written request to resolve the dispute.

7.9 CITY OF FAYETTEVILLE represents that it has sufficient funds or the means of obtaining funds to remit payment to McClelland for services rendered by McClelland.

7.10 Publications

Recognizing the importance of professional development on the part of McClelland's employees and the importance of McClelland's public relations, McClelland may prepare publications, such as technical papers, articles for periodicals, and press releases, pertaining to McClelland's services for the Project. Such publications will be provided to CITY OF FAYETTEVILLE in draft form for CITY OF FAYETTEVILLE's advance review. CITY OF FAYETTEVILLE shall review such drafts promptly and provide CITY OF FAYETTEVILLE's comments to McClelland. CITY OF FAYETTEVILLE may require deletion of proprietary data or confidential information from such publications, but otherwise CITY OF FAYETTEVILLE will not unreasonably withhold approval. The cost of McClelland's activities pertaining to any such publication shall be for McClelland's account.

7.11 Indemnification

7.11.1 CITY OF FAYETTEVILLE agrees that it will require all construction Contractors to indemnify, defend, and hold harmless CITY OF FAYETTEVILLE, and McClelland from and against any and all loss where loss is caused or incurred or alleged to be caused or incurred in whole or in part as a result of the negligence or other actionable fault of the Contractors, or their employees, agents, Subcontractors, and Suppliers.

7.12 Computer Models

McClelland may use or modify McClelland's proprietary computer models in service of CITY OF FAYETTEVILLE under this Agreement, or McClelland may develop computer models during McClelland's service to CITY OF FAYETTEVILLE under this Agreement. Such use, modification, or

development by McClelland does not constitute a license to CITY OF FAYETTEVILLE to use or modify McClelland's computer models. Said proprietary computer models shall remain the sole property of the McClelland. CITY OF FAYETTEVILLE and McClelland will enter into a separate license agreement if CITY OF FAYETTEVILLE wishes to use McClelland's computer models.

7.13 Ownership of Documents

All documents provided by CITY OF FAYETTEVILLE including original drawings, disks of CADD drawings and cross sections, estimates, specification field notes, and data are and remain the property of CITY OF FAYETTEVILLE. McClelland may retain reproduced copies of drawings and copies of other documents.

Engineering documents, drawings, and specifications prepared by McClelland as part of the Services shall become the property of CITY OF FAYETTEVILLE when McClelland has been compensated for all Services rendered, provided, however, that McClelland shall have the unrestricted right to their use. McClelland shall, however, retain its rights in its standard drawings details, specifications, databases, computer software, and other proprietary property. Rights to intellectual property developed, utilized, or modified in the performance of the Services shall remain the property of McClelland.

Any files delivered in electronic medium may not work on systems and software different than those with which they were originally produced. McClelland makes no warranty as to the compatibility of these files with any other system or software. Because of the potential degradation of electronic medium over time, in the event of a conflict between the sealed original drawings/hard copies and the electronic files, the sealed drawings/hard copies will govern.

7.14 Notices

Any Notice required under this Agreement will be in writing, addressed to the appropriate party at the following addresses:

CITY OF FAYETTEVILLE's address:

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

McClelland's address:

McClelland Consulting Engineers, Inc.
P.O. Box 1229/1810 N. College
Fayetteville, AR 72702

7.15 Successor and Assigns

CITY OF FAYETTEVILLE and McClelland each binds himself and his successors, executors, administrators, and assigns to the other party of this Agreement and to the successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, neither CITY OF FAYETTEVILLE nor McClelland shall assign, sublet, or transfer his interest in the Agreement without the written consent of the other.

7.16 Controlling Law

This Agreement shall be subject to, interpreted and enforced according to the laws of the State of Arkansas without regard to any conflicts of law provisions.

7.17 Entire Agreement

This Agreement represents the entire Agreement between McClelland and CITY OF FAYETTEVILLE relative to the Scope of Services herein. Since terms contained in purchase orders do not generally apply to professional services, in the event CITY OF FAYETTEVILLE issues to McClelland a purchase order, no preprinted terms thereon shall become a part of this Agreement. Said purchase order document, whether or not signed by McClelland, shall be considered as a document for CITY OF FAYETTEVILLE's internal management of its operations.

SECTION 8 - SPECIAL CONDITIONS

8.1 Additional Responsibilities of McClelland:

8.1.1 CITY OF FAYETTEVILLE's or the Arkansas Highway and Transportation Department's (AHTD's) review, approval, or acceptance of design drawings, specifications, reports and other services furnished hereunder shall not in any way relieve McClelland of responsibility for the technical adequacy of the work. Neither CITY OF FAYETTEVILLE's nor AHTD's review, approval or acceptance of, nor payment for any of the services shall be construed as a waiver of any rights under this Agreement or of any cause of action arising out of the performance of this Agreement.

8.1.2 McClelland shall be and shall remain liable, in accordance with applicable law, for all damages to CITY OF FAYETTEVILLE caused by McClelland's negligent performance of any of the services furnished under this Agreement except for errors, omissions or other deficiencies to the extent attributable to CITY OF FAYETTEVILLE or CITY OF FAYETTEVILLE-furnished data.

8.1.3 McClelland's obligations under this clause are in addition to McClelland's other express or implied assurances under this Agreement or State law and in no way diminish any other rights that CITY OF FAYETTEVILLE may have against McClelland for faulty materials, equipment, or work.

8.2 Remedies

Except as may be otherwise provided in this Agreement, all claims, counter-claims, disputes and other matters in question between CITY OF FAYETTEVILLE and McClelland arising out of or relating to this Agreement or the breach thereof will be decided in a court of competent jurisdiction within Arkansas.

8.3 Audit: Access to Records

8.3.1 McClelland shall maintain books, records, documents and other evidence directly pertinent to performance on work under this Agreement in accordance with generally accepted accounting principles and practices consistently applied in effect on the date of execution of this Agreement. McClelland shall also maintain the financial information and data used by McClelland in the preparation of support of the cost submission required for any negotiated agreement or change order and send to CITY OF FAYETTEVILLE a copy of the cost summary submitted. The Arkansas Highway and Transportation Department, the United States Department of Labor, CITY OF FAYETTEVILLE, the State or any of their authorized representatives shall have access to all such books, records, documents and other evidence for the purpose of inspection, audit and copying during normal business hours. McClelland will provide proper facilities for such access and inspection.

8.3.2 Records under Paragraph 8.3.1 above, shall be maintained and made available during performance on assisted work under this Agreement and until three years from the date of final payment for the project. In addition, those records which relate to any controversy arising out of such performance, or to costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.

8.3.3 This right of access clause (with respect to financial records) applies to:

8.3.3.1 Negotiated prime agreements:

8.3.3.2 Negotiated change orders or agreement amendments in excess of \$10,000 affecting the price of any formally advertised, competitively awarded, fixed price agreement:

8.3.3.3 Agreements or purchase orders under any agreement other than a formally advertised, competitively awarded, fixed price agreement. However, this right of access does not apply to a prime agreement, lower tier subagreement or purchase order awarded after effective price competition, except:

8.3.3.3.1 With respect to record pertaining directly to subagreement performance, excluding any financial records of McClelland;

8.3.3.3.2 If there is any indication that fraud, gross abuse or corrupt practices may be involved;

8.3.3.3.3 If the subagreement is terminated for default or for convenience.

8.4 Covenant Against Contingent Fees

McClelland warrants that no person or selling agency has been employed or retained to solicit or secure this Agreement upon an agreement of understanding for a commission, percentage, brokerage or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by McClelland for the purpose of securing business. For breach or violation of this warranty, CITY OF FAYETTEVILLE shall have the right to annul this Agreement without liability or at its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

8.5 Gratuities

8.5.1 If CITY OF FAYETTEVILLE finds after a notice and hearing that McClelland or any of McClelland's agents or representatives, offered or gave gratuities (in the form of entertainment, gifts or otherwise) to any official, employee or agent of CITY OF FAYETTEVILLE, or the State in an attempt to secure an agreement or favorable treatment in awarding, amending or making any determinations related to the performance of this Agreement, CITY OF FAYETTEVILLE may, by written notice to McClelland terminate this Agreement. CITY OF FAYETTEVILLE may also pursue other rights and remedies that the law or this Agreement provides. However, the existence of the facts on which CITY OF FAYETTEVILLE bases such finding shall be in issue and may be reviewed in proceedings under the Remedies clause of this Agreement.

8.5.2 In the event this Agreement is terminated as provided in Paragraph 8.5.1, CITY OF FAYETTEVILLE may pursue the same remedies against McClelland as it could pursue in the event of a breach of the Agreement by McClelland. As a penalty, in addition to any other

damages to which it may be entitled by law, CITY OF FAYETTEVILLE may pursue exemplary damages in an amount (as determined by CITY OF FAYETTEVILLE) which shall be not less than three nor more than ten times the costs McClelland incurs in providing any such gratuities to any such officer or employee.

8.6 Arkansas Freedom of Information Act

City contracts and documents, including internal documents and documents of subcontractors and sub-consultants, prepared while performing City contractual work are subject to the Arkansas Freedom of Information Act (FOIA). If a Freedom of Information Act request is presented to the CITY OF FAYETTEVILLE, McClelland 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.

8.7 Debarment And Suspension

I certify that to the best of my knowledge and belief that the company that I represent and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
- (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

I understand that a false statement on this certification regarding debarment and suspension may be grounds for rejection of this proposal or termination of the award. In addition, under 18 USC Sec. 1001, a

false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both. I further certify that I will obtain a similar certification for each subcontract awarded in excess of \$25,000.

**DEBARMENT CERTIFICATION
AUTHORIZED REPRESENTATIVE**

COMPANY NAME: McClelland Consulting Engineers, Inc.

SIGNATURE: John C. Quinn DATE: 12-2-04

PRINTED NAME: John C. Quinn, P.E.

TITLE: President

IN WITNESS WHEREOF, CITY OF FAYETTEVILLE, ARKANSAS by and through its Mayor, and McClelland, by its authorized officer have made and executed this Agreement as of the day and year first above written.

CITY OF FAYETTEVILLE, ARKANSAS

By: _____
Mayor

ATTEST:

By: _____
City Clerk

McClelland Consulting Engineers, Inc.
By: John C. Quinn
Title: President

Changes, modifications or amendments in scope, price or fees to this Contract shall not be allowed without formal contract amendment approved by the Mayor and the City Council in advance of the change in scope, cost, fees, or delivery schedule.

END OF AGREEMENT FOR PROFESSIONAL ENGINEERING SERVICES

Attachment A
Scope of Service for Preliminary Design Phase
Water and Sewer Line Relocation Project-Razorback Road
Arkansas Highway and Transportation Department Highway 112 Improvements,
AHTD Job No. 040399

Project Background

The City of Fayetteville owns the water and sanitary sewer networks serving the Razorback Road area and is responsible for their operation, maintenance and improvement. The Arkansas Highway and Transportation Department programmed Highway 112 for widening, beginning at the intersection of Highway 112 and 15th Street proceeding north along Highway 112 to 6th Street. The proposed AHTD project area contains water and sewer mains owned by the City of Fayetteville, such lines forming the backbone of the piping network servicing this area. Due to the interconnections of other distribution lines and the critical nature of the current pipelines; new parallel lines (out of the highway construction areas) must be planned. Due to the short timeline for completion of this project and the workload of the city's engineering department; the City of Fayetteville will contract the engineering services to a private consultant. The immediate needs relate to completion of a preliminary design for the project and the commencement of final design surveys.

Scope of Work for Preliminary Design Services

The preliminary design services shall define the scope, nature, extent, costs and schedule for the project; therefore, this initial phase will be performed on an hourly rate basis. Due to the schedule challenges for this project, the preliminary design includes allowances for the commencement of certain final design elements; avoiding delays while negotiation of the final design phase services are being completed. The activities being authorized under the contact amount include:

Preliminary Engineering Report-A written report will detail the project's need, scope and outcomes. This report will include a description of existing facilities, evaluation of feasible alternatives, economic justification of recommended improvements, project cost prediction, project schedule, project right-of-way needs and summation of recommendations. The report shall define the project in sound economic and engineering terms, citing the specific benefits that will be realized.

Engineering Field Surveys- Detailed engineering surveys shall be commenced under this scope of services. These surveys shall include topographic and level surveys, utility location verification, correlation of surveys with planned Highway 112 improvements by the Arkansas Highway and Transportation Department and schematic development of the construction drawings.

Project Right-of-Way Requirements-Upon approval of the preliminary engineer's report and confirmation of new utility easement needs (permanent and temporary), the preliminary design services will advise Fayetteville of needed procurements.

Final Design Phase/Bidding Phase/Construction Phase/Inspection Services-Once the scope of the project is defined, a detailed breakdown of additional engineering services needed to complete the project shall be developed for review, approval and inclusion in a contract amendment. Final design shall include the creation of necessary easement documents.

ATTACHMENT B

FEE PROPOSAL

**PLANNING AND PRELIMINARY DESIGN SERVICES
AS DEFINED IN ATTACHMENT A FOR WATER AND SEWER SYSTEM
RELOCATIONS IN CONJUNCTION WITH ARKANSAS
HIGHWAY 112 WIDENING**

AHTD JOB NO. 040399

CITY OF FAYETTEVILLE WATER AND SEWER MAINS ALONG RAZORBACK ROAD

<u>LABOR CLASSIFICATION</u>	<u>TIME</u>	<u>ACTUAL LABOR RATE</u>	<u>EXTENDED</u>
Principal Engineer	6 hrs	\$41.11/hr	\$246.66
Project Manager	74 hrs	\$37.50/hr	\$2,775.00
Project Engineer	10 hrs	\$26.44/hr	\$264.40
Senior Engineering Tech	8 hrs	\$21.50/hr	\$172.00
Engineering Tech	10 hrs	\$14.75/hr	\$147.50
Chief Draftsman	18 hrs	\$17.60/hr	\$316.80
Junior Draftsman	60 hrs	\$13.40/hr	\$804.00
Survey Supervisor	12 hrs	\$19.00/hr	\$228.00
Survey Crew (2 man)	48 hrs	\$26.50/hr	\$1,272.00
Computer Tech	22 hrs	\$18.25/hr	\$401.50
Clerical Support	20 hrs	\$12.60/hr	\$252.00
Direct Labor			\$6,879.86
Payroll Expenses (34.23%)			\$2,354.98
Subtotal, Direct Payroll			\$9,234.84
Travel 60 miles @ \$0.34/mi			\$20.40
Reproduction			\$250.00
Materials and Supplies			\$65.00
Subtotal, Direct Cost			\$9,570.24
Indirect Costs (112.79%)			\$10,794.27
Subtotal, Direct and Indirect			\$20,364.51
Profit			\$2,435.49
Total Planning and Preliminary Design Cost			\$22,800.00

Note: Actual labor rates for billing purposes will match the rates paid to the employee performing the services and shall be subject to annual labor rate increases.

ATTACHMENT C

During the performance of this contract, McClelland Consulting Engineers, Inc., for itself, its assignees and successors in interest hereinafter referred to as "McClelland" agrees as follows:

1. Compliance with Regulations: McClelland shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: McClelland, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, sex, national origin, or handicap, in the selection and retention of subcontractors, including procurements of materials and leases of equipment. McClelland shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by McClelland for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by McClelland of McClelland's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, sex, national origin, or handicap.
4. Information and Reports: McClelland shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State Highway Department or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of McClelland is in the exclusive possession of another who fails or refuses to furnish this information, McClelland shall so certify to the State Highway Department, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance: In the event of McClelland's noncompliance with the nondiscrimination provisions of this contract, the State Highway Department shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
- a) withholding of payments to McClelland under the contract until the contractor complies, and/or
 - b) cancellation, termination or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: McClelland shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. McClelland shall take such action with respect to any subcontract or procurement as the State Highway Department or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that in the event McClelland becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, McClelland may request the State Highway Department to enter into such litigation to protect the interests of the State, and, in addition, McClelland may request the United States to enter into such litigation to protect the interest of the United States.

APPENDIX A
PRELIMINARY DESIGN SCHEDULE
WATER MAIN RELOCATION PROJECT
AHTD JOB NO. 040399
FAYETTEVILLE'S WATER AND SEWER MAINS ALONG RAZORBACK ROAD

<u>Activity</u>	<u>Completion Time</u>	<u>Estimated Completion Date</u>
Engineering Field Survey	Four weeks from authorization to Proceed	February 21, 2005*
Preliminary Engineering Report	Five weeks	March 28, 2005
Project Right-of-way Requirements	Three weeks	April 18, 2005
Initiate Final Design Phase	Upon authorization by The City of Fayetteville	Unknown, Depends on scope defined in Preliminary Engineering Report

Note*: The estimated completion schedule is contingent on the AHTD Plans being available prior to January 21, 2005.

**APPENDIX B
BIDDING SERVICES SCHEDULE
WATER AND SEWER MAIN RELOCATION PROJECT
AHTD JOB NO. 040399
FAYETTEVILLE'S WATER AND SEWER MAINS ALONG RAZORBACK ROAD**

This schedule will be developed, if required, as part of the Final Design Phase Services, if they are so authorized.

(Not a Purchase Order)

Subtotal:	\$22,800.00
Tax:	\$1,449.25
Total:	\$24,249.25

Other:

Revised 6/17/03

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05

City Council Meeting Date

Greg Boettcher

Submitted By

Water and Wastewater/Capital

Division

Water and Wastewater

Department

Action Required:

Resolution approving a contract with McClelland Consulting Engineers, Inc. for surveys and preliminary design services for water and sewer relocation for Razorback Road highway improvements project by AHTD.

\$22,800.00

Cost of this request

\$

22,800.00

Category/Project Budget

Water and Sewer Capital/Razorback

Program Category / Project Name

5400.5600, 5808.00

Account Number

\$

-

Funds Used to Date

Capital Projects

Program / Project Category Name

05014, 1

Project Number

\$

22,800.00

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

N/A

Original Contract Number:

Chief Administrative Officer

Date

Received in Mayor's Office

12/21/04 FH

Received in City Clerk's Office

12-20-04

ENTERED
12/20/04

Comments:



A. 8
Police Vehicle Purchase
Page 1 of 10

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: December 29, 2004

Subject: Purchase of Crown Vic Police Interceptors from State of Arkansas Purchase contract

RECOMMENDATION: That City Council approve the purchase of 13 Crown Vic Police Interceptors for the Police Department from the State Contract prices through North Point Ford.

BACKGROUND: This is for eight replacement units, and five expansion units that were approved by Council in the budget process. The replacement units will be replacing police patrol cars with over 120,000 miles or units that have been wrecked and totaled. The State contract price on the cars is \$20,153.00 each, for a total of \$261,989.00.

Funds for this purchase are available in 9700.1920.5802.00, Project #02081.1.

The purchase of the eight replacement units was approved by letter by the Equipment Committee due to time constraints, and the need to order the police cars during January. The five expansion units were approved by Council during the budget approval process.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PURCHASE OF THIRTEEN (13) FORD CROWN VICTORIA POLICE INTERCEPTORS FROM NORTH POINT FORD OF LITTLE ROCK AT A TOTAL COST OF \$261,989.00.

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 authorizes the purchase of THIRTEEN (13) Ford Crown Victoria police interceptors from North Point Ford of Little Rock at a total cost of \$261,989.00.

PASSED and APPROVED this 18th day of January, 2005

APPROVED:

By _____
DAN COODY, Mayor

ATTEST:

By _____
SONDRA SMITH, City Clerk



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

A. 8
Police Vehicle Purchase
Page 3 of 10

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: December 8, 2004

SUBJECT: Purchase of Ford Police Interceptors from State Contract

Due to extended replacement policy for Police patrol sedans, no Crown Victoria Police Interceptors were purchased in the 2004 model year. Analysis of projected mileage data and wreck history dictates a need for 8 additional replacement vehicles between March and December 31, 2005. Three additional units are requested in the 2005 budget. Orders must be placed no later than January, 2005 to insure production and delivery in the 2005 model year.

Vehicles meeting City of Fayetteville specifications are available through the State vehicle purchase contract from North Point Ford of North Little Rock at a cost of \$20,153.00.

I request approval of the Equipment Committee to place this purchase on the agenda for the January 18, 2005 Council meeting. The agenda request will be for 8 replacement Police Interceptors plus the number of additional units authorized in the 2005 budget when approved. The purchase will be via the State contract from North Point Ford in the amount of \$20,153.00 per unit. Funds for the 8 replacement units are available in 2004 Special Project Account 02081 - Police/Passenger Vehicles.

Since the next scheduled meeting of the Equipment Committee is not until January 25, and you are all busy with end of year issues, I would appreciate your approval of this purchase by return endorsement of this letter. Please reply as soon as possible (no later than December 22). Please call me at 444-3494 if you have any individual questions.

APPROVED: 
Committee Member Signature

DATE: 12-10-04

Cc:
Gary Dumas



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: December 8, 2004

SUBJECT: Purchase of Ford Police Interceptors from State Contract

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APPROVED: 
Committee Member Signature

DATE: 12-11-04

WILLIAM G. SWEETSER

Cc:
Gary Dumas



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook
Lioneld Jordan
Don Marr
Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: December 8, 2004

SUBJECT: Purchase of Ford Police Interceptors from State Contract

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Since the next scheduled meeting of the Equipment Committee is not until January 25, and you are all busy with end of year issues, I would appreciate your approval of this purchase by return endorsement of this letter. Please reply as soon as possible (no later than December 22). Please call me at 444-3494 if you have any individual questions.

APPROVED:


Committee Member Signature

DATE: 12/26/04

Cc:
Gary Dumas

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Police Program: Patrol Date of Request: 12/29/2004

Acct.# Currently Charged: 1010.2940. Acct. # to be Charged: 1010.2940.

Expansion 5 or Replacement 8 Date Required: _____

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

Purchase Price of Exp./Replace Vehicle: 20,153.00 CIP Budget / Project # 9700.1920.5802.00 02081.1

Monthly Motor Pool Charges for Current Vehicle/Equipment:

Replacement: 368.00 Maintenance: 302.00 Overhead: 88.00
of Months Budgeted: 12.00 Total Budgeted: 9,096.00

Monthly Motor Pool Charges for New Exp/Repl. Vehicle/Equipment:

Replacement: 405.00 Maintenance: 355.00 Overhead: 40.00
of Months to be in Service for 2005 Year: 10.00
2005 Year Expense, Exp: 40,000.00
2005 Year Expense, Repl: 72,768.00
Total 2005 Year Expense: 112,768.00

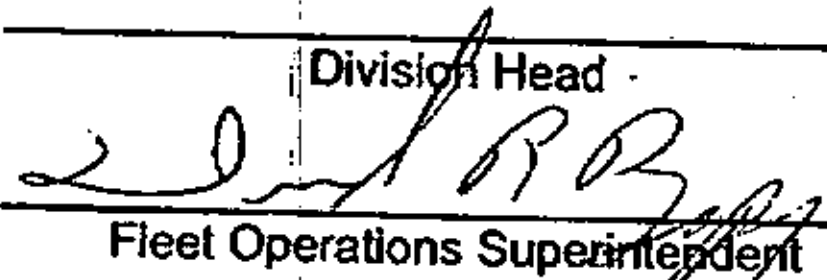
Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

2005 Crown Vic Interceptor Police cars. Eight replacement units, Five expansion units as approved by Council in the budget process.

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

Replacement units will replace Police Patrol cars with over 120,000 miles that are no longer fit for service. Expansion vehicles were approved by Council during the 2005 budget process.

Approval Signatures:

Division Head	Date	Finance & Internal Services Dir.	Date
	<u>12/29/04</u>		
Fleet Operations Superintendent	Date	Chief Administrative Officer	Date
Budget Manager	Date	Mayor	Date
Department Director	Date		

Please return original form to Fleet when signed by all.

City Of Fayetteville

(Not a Purchase Order)

Vendor # 6481

Vendor Name: North Point Ford

Mail Yes: No: XX

Expected Delivery Date: 12/29/2004

Address:

State:

Fob Point:

Taxable Yes: XX No:

Quoties Attached Yes: No:

City:

Zip Code

Ship to code: 050

Division Head Approval

Yes: No:

Requester

BARBARA OLSEN

Requester's Employee # 1940

Extension: 495

Project/Subproject #

Inventory #

Fixed Asset #

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

02081.1

Inventory #

Fixed Asset #

1 White Police Crown Interceptors

13

EA

\$20,153.00

\$261,989.00

9700.1920.5802.00

02081.1

Inventory #

Fixed Asset #

2 Dark Charcoal Interiors, bucket seats

EA

\$0.00

Inventory #

Fixed Asset #

3 rubber floor covering, left side spot

EA

\$0.00

Inventory #

Fixed Asset #

4 light, limited slip rear axle, body side

EA

\$0.00

Inventory #

Fixed Asset #

5 molding installed, full wheel covers

EA

\$0.00

Inventory #

Fixed Asset #

6 To be 8 replacement units, and 5

EA

\$0.00

Inventory #

Fixed Asset #

7 expansion units.

EA

\$0.00

Inventory #

Fixed Asset #

8 EA

\$0.00

Inventory #

Fixed Asset #

9 EA

\$0.00

Inventory #

Fixed Asset #

10 EA

\$0.00

Inventory #

Fixed Asset #

Shipping/Handling Lot

Lot

\$0.00

Inventory #

Fixed Asset #

Special Instructions:

Subtotal: 261,989.00

Tax:

Inventory #

Fixed Asset #

Approvals:

Total: 261,989.00

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Utilities Manager:

City of Fayetteville, Arkansas

Request for Expansion/Replacement Equipment

Division: Police Program: Patrol Date of Request: 12/29/2004

Acct.# Currently Charged: 1010.2940. Acct. # to be Charged: 1010.2940.

Expansion 5 or Replacement 8 Date Required: _____

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2005 Year Expense, Repl: 72,768.00

Total 2005 Year Expense: 112,768.00

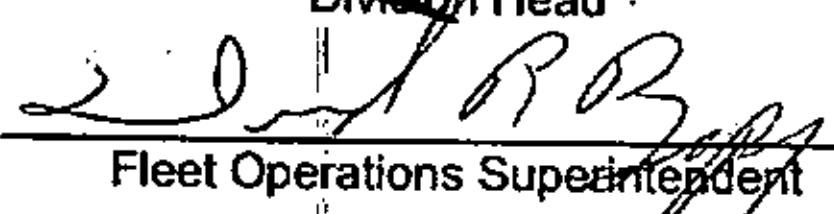
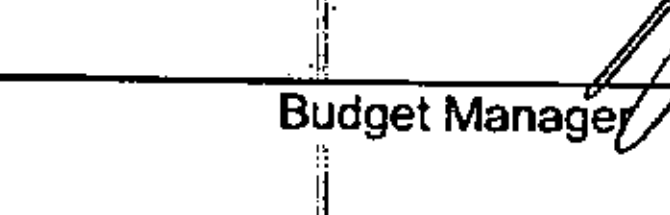
Description of equipment to be purchased/transferred: (Attach Additional Sheets if Necessary)

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Approval Signatures:

	<u>12-30-04</u>	Finance & Internal Services Dir.	_____
Division Head	Date		Date
	<u>12/29/04</u>	Chief Administrative Officer	_____
Fleet Operations Superintendent	Date		Date
	_____	Mayor	_____
Budget Manager	Date		Date
_____	_____		_____
Department Director	Date		

Please return original form to Fleet when signed by all.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05
City Council Meeting Date

David Bragg
Submitted By

Fleet Operations
Division

Operations
Department

Action Required:

Action Required: Approval of purchase of 13 Crown Vic Police Interceptors from North Point Ford of North Little Rock, AR, for the state contract price of \$20,153 each.

\$261,989.00
Cost of this request
9700.1920.5802.00
Account Number
02081.1
Project Number

\$ 751,279.00
Category/Project Budget
\$ 169,810.00
Funds Used to Date
\$ 581,469.00
Remaining Balance

Police/Passenger Vehicles
Program Category / Project Name
Vehicles and Equipment
Program / Project Category Name
Shop Fund
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐


Department Director

12-30-04
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

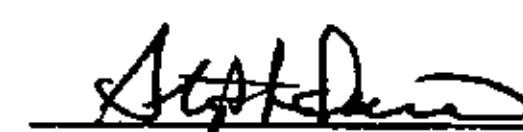
Original Contract Number: _____


City Attorney

12/30/04
Date

Received in City Clerk's Office

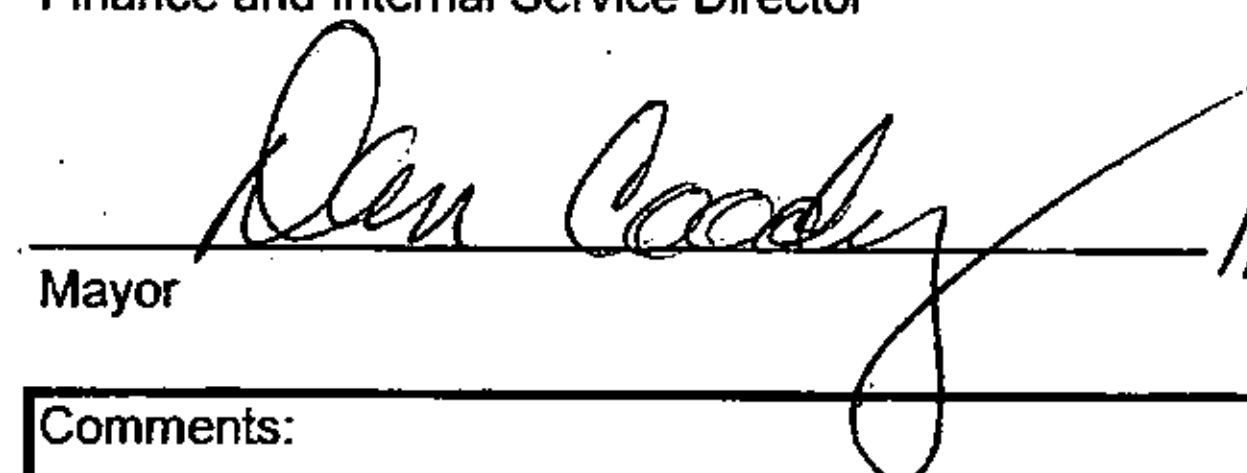



Finance and Internal Service Director

12/30/04
Date

Received in Mayor's Office

12/30/04 P.H.


Mayor

1/3/05
Date

Comments:

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF JANUARY 18, 2005

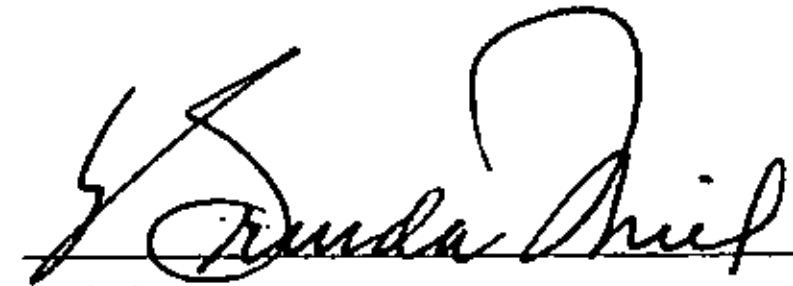
FROM:

BRENDA THIEL, ALDERMAN

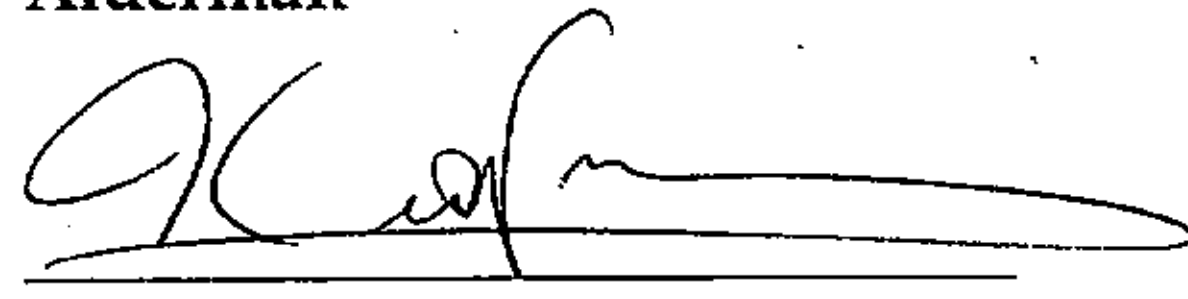
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Waive The Building Permit Fee And Other Developmental Fees
For Homes To Be Constructed By The South Fayetteville Community
Development Corporation

APPROVED FOR AGENDA:


Alderman

1-7-05
Date


Kit Williams
City Attorney (as to form)

1-6-05
Date

RESOLUTION NO. _____

**A RESOLUTION TO WAIVE THE BUILDING PERMIT
FEE AND OTHER DEVELOPMENTAL FEES FOR HOMES
TO BE CONSTRUCTED BY THE SOUTH FAYETTEVILLE
COMMUNITY DEVELOPMENT CORPORATION**

WHEREAS, the South Fayetteville Community Development Corporation is a non-profit organization dedicated to assisting lower income people to own their own affordable homes; and

WHEREAS, it serves the public interest and is beneficial to the City as a whole that the South Fayetteville Community Development Corporation helps provide such affordable housing in Fayetteville.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas finds that waiving the building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the South Fayetteville Community Development Corporation home construction projects serves the public interest and is beneficial to the City as a whole.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby waives the normal building permit fee and all other developmental fees normally required by the Unified Development Ordinance for the South Fayetteville Community Development Corporation home construction projects located in Fayetteville, Arkansas during the year 2005.

PASSED and APPROVED this the 18th day of January, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Heather Woodruff, City Clerk

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Interim Zoning and Development Administrator *JP*

Date: December 15, 2004

Subject: Rezoning for Dunnerstock Development (RZN 04-1330)

RECOMMENDATION

Planning Staff recommends approval of an ordinance rezoning approximately 19.88 acres of property from RSF-1, Residential Single Family, 1 unit per acre to RSF-4, Residential Single Family, 4 units per acre.

BACKGROUND

Property description: The subject property consists of approximately 19.88 acres that was annexed in August, 2004 as part of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. This specific property is located east of Bridgeport S/D and Willow Springs S/D, west of existing large residential lots that front onto Ruppel Road. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, as single residential homes. Bridgeport S/D Phases 7 & 8 are north and west of the property and the adjacent tract to the west was very recently rezoned from RSF-1 to RSF-4 in a similar manner (Hoskins).

Proposal: The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

Request: The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

DISCUSSION

This item was heard at the regular Planning Commission on December 13, 2004. Public comment included the anticipated increase in traffic, Ruppel Road improvements with development at a future date, retention of perimeter trees and the establishment of a POA and protective covenants. Off-site street improvements are to be evaluated at the time of

Left on 2nd reading 1/4/05

development, however staff feels that off-site street improvements to potentially include a proportionate bridge improvement assessment on Ruppel Road is warranted should full build-out of this property occur in the future. The Planning Commission voted 8-0-0 to recommend approval of the rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1330 FOR PROPERTY LOCATED ON THE WEST SIDE OF RUPPLE ROAD CONTAINING APPROXIMATELY 19.84 ACRES FROM RSF-1, RESIDENTIAL SINGLE FAMILY, ONE UNIT PER ACRE 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 RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, four 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 04-1330

PART OF THE NW ¼ OF THE NE ¼ OF SECTION 12 IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NW ¼, NE ¼ THENCE N89°59'33"E 1297.93 FEET, THENCE ALONG A CURVE TO THE LEFT 110.81 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET AND A CHORD BEARING OF S09°57'40"W 110.24 FEET, THENCE S00°07'01"E 223.90 FEET, THENCE N89°56'56"W 852.75 FEET, THENCE S00°06'35"E 2.76 FEET, THENCE N89°58'56"W 421.61 FEET, THENCE N00°51'04"W 334.22 FEET TO THE P.O.B. CONTAINING 9.77 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

Also:

PART OF THE SW ¼ OF THE SE ¼ OF SECTION 1, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW ¼, SE ¼ THENCE N89°59'33"E 423.06 FEET, THENCE N00°02'15"W 60.00 FEET TO THE P.O.B., THENCE N00°02'15"W 642.37 FEET, THENCE N89°57'15"E 700.30 FEET, THENCE S00°00'04"W 253.08 FEET, THENCE N89°56'58"W 28.39 FEET, THENCE S00°01'11"W 389.78 FEET, THENCE S89°59'33"W 671.35 FEET TO THE P.O.B.; CONTAINING 10.07 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Matt Casey, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: December 09, 2004

RZN 04-1330: (DUNNERSTOCK DEVELOPMENT, INC., 361/400): Submitted by DAVE JORGENSEN for property located at THE W SIDE OF RUPPLE ROAD, N OF WEDINGTON DRIVE. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 19.88 acres. The request is to rezone the subject properties to RSF-4, Residential Single-family, 4 units per acre.

Property Owner: MARK FOSTER DUNNERSTOCK DEVELOPMENT,
Property Owner: O.E. LUTTRELL 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>
Date: <u>December 13, 2004</u>	☒ Approved	☐ Denied	
	F.H.C.C. 8-0-0		
CITY COUNCIL ACTION:		Required	<u>YES</u>
	☐ Approved	☐ Denied	
Date: <u>January 04, 2005 (1st reading if recommended)</u>			

Comments: _____

BACKGROUND:

Property description: The subject property consists of remnant agricultural fields, a significant drainage tributary with stand of large trees and a few residential and accessory structures. The two tracts were recently annexed as part of the City Council's decision to annex all unincorporated areas surrounded by city limits (islands). The subject property was part of a 254-acre unincorporated area along Ruppel Road, north and south of Mt. Comfort Road. At the time of annexation, this area was zoned primarily to RSF-1, Residential Single Family, 1 DU/Acre, the ordinance citing that the highest and best use of the lands in question were not for agricultural or horticultural purposes. A smaller portion of the island was zoned to R-A, Residential Agricultural, primarily that which is still utilized for cattle grazing and other agricultural purposes. This specific property is located east of Bridgeport S/D and Willow Springs S/D, west of existing large residential lots fronting onto Ruppel Road. Surrounding properties are zoned RSF-4 and RSF-1 and are developed, or being developed, with single family residential homes. Bridgeport S/D Phases 7 & 8 are north and west of the property and the adjacent tract to the west was very recently zoned from RSF-1 to RSF-4 in a similar manner (Hoskins).

Proposal: The applicant proposes a rezoning of the subject property to facilitate the future development of a single family subdivision at a higher density than that allowed within the RSF-1 zoning district.

Request: The request is to rezone the subject property from RSF-1, Residential Single Family, 1 DU/Acre to RSF-4, Residential Single Family, 4 units per acre.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Agricultural land, single family homes	RSF-1, Res. Single Family, 1 DU/acre
South	Vacant Single family homes	RSF-4, Res. Single Family, 4 DU/acre RT-12, Res. 2 & 3 Family, 12 Du/acre
East	Single family homes, large lots	RSF-1, Res. Single Family, 1 DU/acre
West	Bridgeport S/D (SF homes) Willow Springs S/D (SF homes)	RSF-4, Res. Single Family, 4 DU/acre RT-12, Res. 2 & 3 Family, 12 Du/acre

INFRASTRUCTURE:

Streets: Currently the site has access to Ruppel Road and a stub-out of Plum Tree Drive, from Willow Springs S/D. An existing 60-foot access easement allows for access west from Ruppel Road into the interior of the property. At the time of development, Ruppel Road will need to be brought up to current standards along the property frontage, and adequate access into the development will be required. The bulk of the property does not have actual street frontage, thus the amount of improvements typically required along the frontage will likely not offset those

needed to facilitate the impact of the proposed development, if developed at its maximum proposed density. Should the development proposed necessitate other off-site street improvements as required by city code along Ruppel Road, a sub-standard street, recommendations will be made at that time. Depending upon the development proposed, a traffic study may be required.

- Water:** The property has access to an 8" water main in the Willow Springs S/D to the south and a 6" main along Ruppel Road to the east. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.
- Sewer:** The site currently has access to an 8" sewer line along Plum Tree Drive to the south. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted to verify line/lift station capacity before the extension will be allowed.
- Fire:** The subject property is located 0.8 miles from Fire Station #7 on Ruppel Road. Fire response time is approximately 3 minutes.
- 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.

LAND USE PLAN: The Future Land Use Plan designates this site for Residential use. Rezoning this property to RSF-4 is consistent with the land use plan and is compatible with surrounding land uses in the area.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed rezoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans. Surrounding properties are residential and agricultural in nature, and development of new subdivisions is occurring to the north and west, along with existing developed single family homes to the west, southwest and east. Bordering the southern tract to the west are the backs of lots that within the same zoning district as that requested, creating a compatible and harmonious land use.

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 and needed in order to allow for a similar density and lot configuration as those single family residential neighborhoods developed to the south, west and northwest.

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

Finding: The site currently has access to Ruppel Road, and a street connection to this arterial will be required for development of the subject property to allow for adequate access. Additionally, a stub-out from Willow Springs S/D to the south allows for another access point for this property. Connectivity in the form of street stub-outs will be expected in all cardinal directions, where deemed necessary and practical to ensure a safe and adequate means of access, allowing for traffic to disperse in a maximum number of ways. A traffic study may be required with future development.

Police – It is the opinion of the Fayetteville Police department that an appreciable increase and traffic danger and congestion will not be created by this rezoning request, as reviewed with the adjacent rezoning request.

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 alter the population density in the area, though not in such a way as to undesirable affect public services with proper development regulations in place. With the proposed density, a maximum of 79 dwellings units would be permitted, with a projected total of 205 future residents in the area, should the property be developed at its maximum capacity. Future development on the site will require off-site street improvements and shall conform to zoning and development standards of the Unified Development Code. Public service providers have responded accordingly:

Police – Individually, this rezoning will not substantially alter the population density thereby undesirably increasing the load on police services. Cumulatively, development in this area of the City continues to have an increased demand on police services and traffic congestion.

Fire – Response time to the subject property (actual drive time) is approximately 3 minutes (approx. 0.8 miles) from station #7 on Ruppel Road.

Engineering - Currently the site has access to Ruppel Road and Plum Tree Drive. Off-site improvements at minimum will be required along the frontage of the property. Due to the unique nature of this site, with a large portion of the property lacking frontage onto a public street, additional off-site improvements to Ruppel Road will likely be required, based on the development proposed. A traffic study may also be required to determine the potential impact on surrounding public streets.

The property has access to an 8" water main in the Willow Springs S/D to the south and a 6" main along Ruppel Road to the east. This main should be sufficient to provide service to most developments that could occur on the site. An extension of the water main will be required to provide water supply and fire protection within any development on this property.

The site currently has access to an 8" sewer line along Plum Tree Drive to the south. A sewer main extension will need to be constructed to provide service to any development on this site. A capacity analysis may need to be conducted prior to development to verify line/lift station capacity before the extension will be allowed.

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

161.05 District Rsf-1, Residential Single-Family – One Unit Per Acre

(A) *Purpose.* A district having single-family detached residences on lots with a minimum size of one unit per acre. The district is designed to permit and encourage the development of very 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 dwellings

(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 24	Home occupations
Unit 36	Wireless communications facilities

(C) *Density.*

Units per acre	1
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(D) *Bulk and area regulations.*

Lot width minimum	150 ft.
Lot area minimum	43,560 sq. ft. (1 acre)
Land area per dwelling unit	43,560 sq. ft. (1 acre)

(E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height regulations.*

Maximum building height	35 ft.
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(G) *Building area.* None.

(Code 1965, §160.44; Ord. No. 3792, §4, 5-17-94; Ord. No. 4100, §2 (Ex. A), 6-16-98)

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.

Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
R-Pzd 04-1307	Aspen Ridge			S-1	.9 Miles	2 - 3 Minutes	2 - 3 Minutes	50	20	30 *220 units
ANX 04-1334	Aspen Ridge			S-1	.9 miles	2 - 3 Minutes	2-3 Minutes	152	60	93 *24 Units/acre
RZN 04-1355	Harper/Teater	ANX 04-1334	60	S-4	4.1 miles	11 - 12 minutes	11 - 12 Minutes	0	0	0
RZN 04-1329	Harper/Teater			S-4	4.1 miles	11 - 12 minutes	11 - 12 Minutes	54	21	33
RZN 04-1330	Hogeye, inc		3.35	S-6	2.0 miles	3-4 minutes	3 - 4 Minutes	0	0	0
RZN 04-1331	Dunnerstock			S-7	.9 miles	2 - 3 minutes	2 - 3 Minutes	18	7	11
RZN 04-1332	Bale		0.8	S-6	1.4 miles	2 - 3 minutes	2 - 3 Minutes	0	0	0
RZN 04-1333	JB Hayes			S-5	2.4 miles	7 minutes	7 - 8 Minutes	16	6	10
	JB Hayes		3.04	S-5	1.7 miles	4 - 5 minutes	4 - 5 Minutes	0	0	0

N. COORDINATES
- 646015.1900
557007.3300

ENGINEER

JORGENSEN & ASSOCIATES
CONSULTING ENGINEERS, INC.
124 WEST SUNBRIDGE SUITE 5
FAYETTEVILLE, AR. 72703
(479) 442-9127

OWNER

MARK FOSTER (DUNNERSTOCK)
P.O. BOX 9087
FAYETTEVILLE, AR 72702

RZN 04-

☒	CALCULATE
☐	BOUNDARY
☐	CENTERLINE
☐	EXISTING 8" S
☐	EXISTING W.

OAD WC 876
AR. 72704
(-1)

HOME INC.
IER

114

LEGAL DESCRIPTION (TRACT 1):

PART OF THE NW1/4 OF THE NE1/4 OF SECTION 12 IN T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID NW1/4, NE1/4 THENCE N89°59'33"E 1297.93 FEET, THENCE ALONG A CURVE TO THE LEFT 110.81 FEET, SAID CURVE HAVING A RADIUS OF 315.00 FEET AND A CHORD BEARING OF S09°57'40"W 110.24 FEET, THENCE S00°07'01"E 223.90 FEET, THENCE N89°56'56"W 852.75 FEET, THENCE S00°06'35"E 2.76 FEET, THENCE N89°58'56"W 421.61 FEET, THENCE N00°51'04"W 334.22 FEET TO THE P.O.B.; CONTAINING 9.77 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

LEGAL DESCRIPTION (TRACT 2):

PART OF THE SW1/4 OF THE SE1/4 OF SECTION 1, T16N, R31W IN WASHINGTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF SAID SW1/4, SE1/4 THENCE N89°59'33"E 423.06 FEET, THENCE N00°02'15"W 60.00 FEET TO THE P.O.B., THENCE N00°02'15"W 642.37 FEET, THENCE N89°57'15"E 700.30 FEET, THENCE S00°00'04"W 253.08 FEET, THENCE N89°56'58"W 28.39 FEET, THENCE S00°01'11"W 389.78 FEET, THENCE S89°59'33"W 671.35 FEET TO THE P.O.B.; CONTAINING 10.07 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.

SURROUNDING PROPERTY OWNER TABLE

20077	-	BI & LAREAM HALEY - 1630 PLUM TREE LN. - FAYETTEVILLE, AR. 72704
20076	-	GEORGE J. & MARY F. ZEILER - 12107 RED OAK DR. - FAYETTEVILLE, AR. 72704
20079	-	GEORGE J. & MARY F. ZEILER - 12107 RED OAK DR. - FAYETTEVILLE, AR. 72704
20080	-	MATTHEW T. & REBECCA J. MASON - 4266 CHEYENNE DR. - FAYETTEVILLE, AR. 72704
20081	-	RICK & PAMELA JONES - 12796 MINERAL SPRINGS - WEST FORK, AR. 72774
20082	-	JOHNNY RAY STOUT - 4294 CHEYENNE DR. - FAYETTEVILLE, AR. 72704
20083	-	LARRY J. THOMAS - 1648 N. HIGH AVE. - FAYETTEVILLE, AR. 72704
20084	-	WANDA C. PROCTOR - 1662 HIGH AVE. - FAYETTEVILLE, AR. 72704
20085	-	ASHLEY M. & DAYLA MARTIN - 1676 HIGH AVE. - FAYETTEVILLE, AR. 72704
20086	-	ROBERT RYAN RUSSELL - 12391 SHAMROCK RD. - FARMINGTON, AR. 72730
20087	-	ROBERT & ANDREA M. TAYLOR - 1694 HIGH AVE. - FAYETTEVILLE, AR. 72704
20361	-	JAMES NEIL & SONDRA E. SMITH - P.O. BOX 9211 - FAYETTEVILLE, AR. 72703
20360	-	JEFFREY & TAMARA WILLIAMS - 1748 N. HIGH AVE. - FAYETTEVILLE, AR. 72704
20359	-	WILLIAM D. COMPTON - 1786 N. HIGH AVE. - FAYETTEVILLE, AR. 72704
20358	-	JERRY DON HUDSON - 1808 N. HIGH AVE. - FAYETTEVILLE, AR. 72704
20357	-	JOSEPH J. MARSHKY - 1821 N. HIGH AVE. - FAYETTEVILLE, AR. 72704

L=110.81'
R=315.00'

11756
TRADITIONAL INVESTMENT
P.O. BOX 8157
FAYETTEVILLE, AR. 72703
(RSF-1)

S 00°07'01"E 22



JORGENSEN & ASSOCIATES

CIVIL ENGINEERS • SURVEYORS

124 WEST SUNBRIDGE, SUITE 5 • FAYETTEVILLE, ARKANSAS 72703 • (479) 442-9127 • FAX (479) 582-4807

DAVID L. JORGENSEN, P.E., P.L.S.

CHRISTOPHER B. BRACKETT, P.E.

B. 1
RZN 04-1330 (Dunnerstock)
Page 13 of 18

10-25-04

City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701
ATT: Planning Dept.
Re: Rezoning Request on Ruppel Road

Attached herewith please find a plat which shows property to be rezoned. Existing zoning is RSF-1 and we would like to zone to RSF-4. This property was recently annexed and rezoned to RSF-1. The surrounding zoning is as follows; South=RSF-4, East=RSF-1, West=RT-10 & RSF-4, North=RSF-4 & 1. Water is available on Ruppel Road and to the west in Willow Springs Subdivision. Sewer is available to the west and north. Access will be from Ruppel Road to the East and future connections will be provided to the north, west and south.

We believe the request to rezone to RSF-4 will conform to surrounding zoning.

Please call concerning any questions you may have.

Thank you.

Sincerely;


David L. Jorgensen, P.E.

TRACY MOSKINS
2229 N. COLLEGE AVE.
PAYETTEVILLE, AR 72701
(503-647-0000)

O.E. COTTRELL PROPERTY (TRACT 2)
4480 W. COTTRELL LANE
PATTEVILLE, AR 72704
(25P-4)

REQUEST TO REZONE THIS PROPERTY
FROM RSF-1 TO RSF-43

L.E. DEWITT
NEW ARCADE ROOMS INC 878
FAIRFEEVILLE, AR, 71604
(501-4)

009° 55' 58" W
20.39'

FETTERMOST CHILDRENS HOME INC.
REV. ROBERT A. REIGHER
1942 S. FILLMORE
LITTLE ROCK, AR, 72716
(501-421-1111)

LEGAL DES

PART OF THE
WASHINGTON
FOLLOWS: BE
N89°59'33"
EAD CURVE 1
S09°51'40"
N89°56'56"
N89°58'66"
CONTAINING
WAY OF FEE

LEGAL DES

PART OF THE
COUNTY, AND
COMMENCING
423.06 FFE,
N00°02'15" N
S00°00'06" E
S00°01'11" W
CONTAINING
WAY OF RED

70017 - BOB B
 70018 - BLOOM
 70019 - CROOK
 70020 - DILLON
 70021 - ROSS S
 70022 - JOHNSON
 70023 - LARBY
 70024 - WARDEN
 70025 - ALLEN
 70026 - ROOPER
 70027 - ROBERTA
 70028 - JAMES S
 70029 - RYFFLE
 70030 - WYLLIE
 70031 - RYAN
 70032 - RYSE
 70033 - MANN
 70034 - ROBIN B
 70035 - OLIVER
 70036 - JAMES J
 70037 - RYFFLE
 70038 - FLANN
 70039 - JAMES S
 70040 - ROBERT B

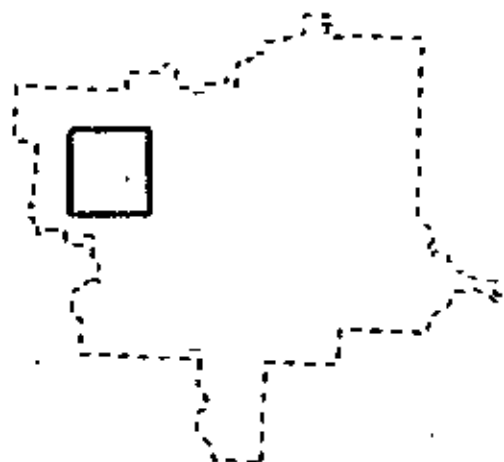
RZN04-1330

One Mile View

DUNNERSTOCK



Overview



Legend

Subject Property

RZN04-1330

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

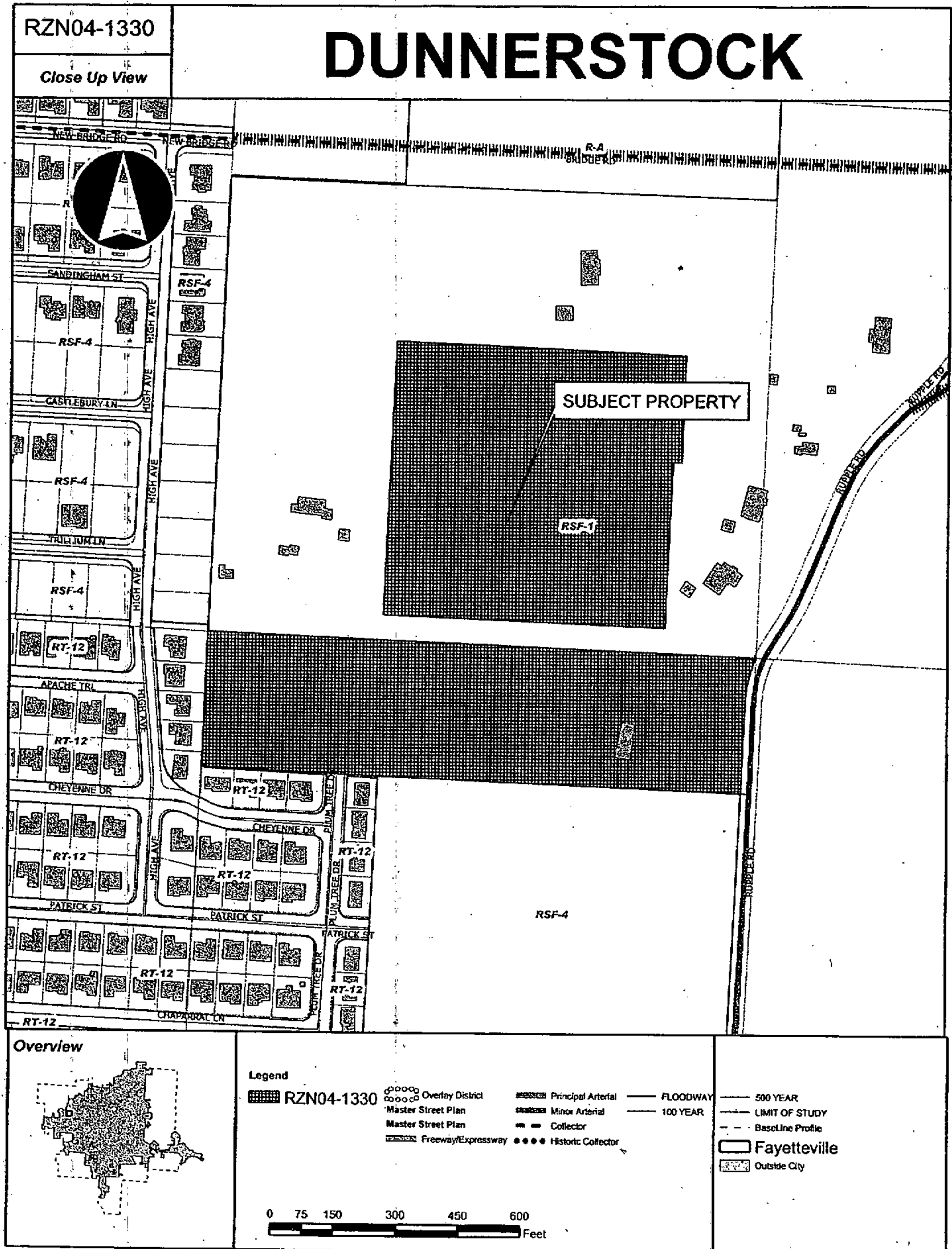
Minor Arterial

Collector

Historic Collector

0.05 0.1 0.2 0.3 0.4

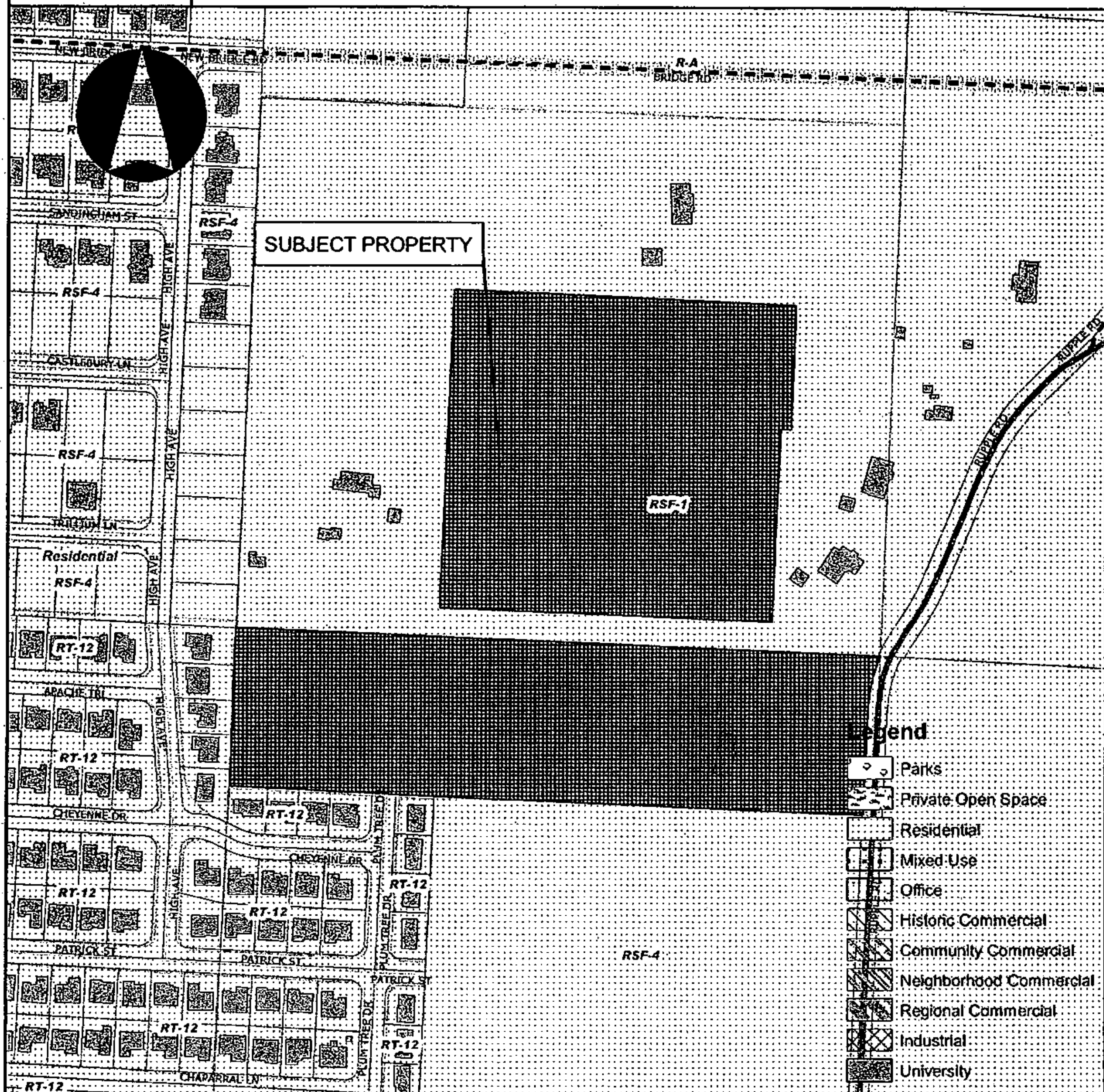
Miles



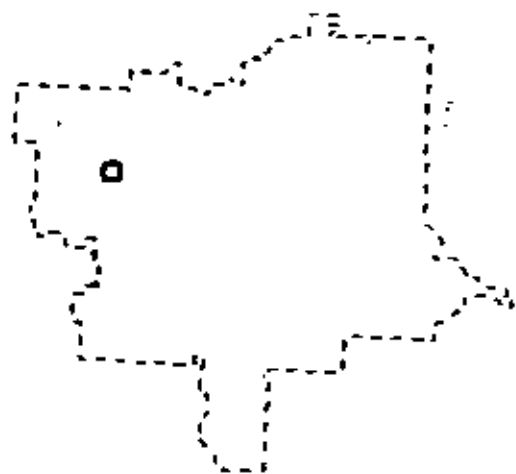
RZN04-1330

Future Land Use

DUNNERSTOCK



Overview



Legend

Subject Property

RZN04-1330

Streets

Existing
 Planned

Boundary

Planning Area
 Overlay District
 Outside City

Master Street Plan

Freeway/Expressway
 Principal Arterial
 Minor Arterial
 Collector
 Historic Collector

0 75 150 300 450 600
Feet

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

4-Jan-05
City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving RZN 04-1330 submitted by Dave Jorgensen for property located on the west side of Ruppel Road north of Wedington, containing approximately 19.88 acres, from RSF-1, Residential Single Family, One Unit Per Acre to RSF-4, Residential Single Family, four units per acre.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

City Attorney

Date

Received in City Clerk's Office

Mayor

Date

Received in Mayor's Office

12/20/04 P.H.

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Interim Zoning and Development Administrator JP

Date: December 15, 2004

Subject: Residential Planned Zoning District for Aspen Ridge (R-PZD 04-1307)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Aspen Ridge. This action will establish a unique zoning district for a residential condominium infill development on a 27.969-acre tract located in south Fayetteville, near the intersection of Hill Avenue and 6th Street. The proposal consists of 220 condominium units in two phases.

BACKGROUND

Property Description: The property consists of a total of 27.979 acres located in south Fayetteville, with access onto 6th Street, Hill Avenue, 11th/Duncan and 12th Streets proposed. The site formerly accommodated approximately 49 mobile homes and 6 single family homes, which have been removed in the past two years by the applicant. The property is bisected by Town Branch Creek, and is located in the midst of single family homes, industrial property, and commercial properties. A large percentage of tree canopy existing on-site has been evaluated by a professional arborist and deemed to be in poor condition, due to years of abuse, fill and debris. A majority of the tree canopy preserved and mitigation required is along the creek corridor and along the western portion of the trail, to aid in the rehabilitation of Town Branch Creek.

Proposal: The applicant requests a rezoning and large scale development approval for a residential condominium development within a unique R-PZD zoning district. The proposed use of the site is for single family attached residential dwelling units consisting of 220 units, with a total density of 7.87 DU/acre. A 0.86-acre public park is proposed, as well as the dedication of 0.36 acres of land and construction of a public trail through an old railroad corridor. A large tree preservation area and deed restricted wetland protection area along the floodplain of the creek is also proposed. Two pedestrian crossings are proposed across the creek to allow for connectivity to the public trail and surrounding neighborhoods. Improvements to surrounding streets include curb and gutter on 11th Street, a turn lane at Hill and 6th Street, repair of pavement on Duncan, and construction of Brooks Avenue as a secondary means of access.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on Monday, December 13, 2004. Approval of a planned zoning district requires City Council approval as it includes zoning (land use) as well as development approval (large scale development). Recommended conditions were approved by the Planning Commission, which are reflected in the attached staff report.

Public discussion included current drainage and flooding along Town Branch Creek, traffic flow in the area, wetland areas and affordable housing.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 04-1307, ASPEN RIDGE LOCATED SOUTH OF 6TH STREET, WEST OF HILL AVENUE, NORTHEAST OF 11TH STREET ALONG TOWN BRANCH CREEK CONTAINING APPROXIMATELY 27.969 ACRES, MORE OR LESS; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE AND ADOPTING THE ASSOCIATED RESIDENTIAL DEVELOPMENT PLAN AS APPROVED BY THE PLANNING COMMISSION.

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

Section 1: That the zone classification of the following described property is hereby changed as follows:

From RMF-24, Residential Multi Family, 24 units per acre, to R-PZD 04-1307 as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. That the change in zoning classification is based upon the approved master development plan and development standards as shown on the plat and approved by the Planning Commission on December 13, 2004.

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the development plan have been met.

Section 4. That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED AND APPROVED this _____ day of _____, 2004.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

EXHIBIT "A"
R-PZD 04-1307

PART OF THE SOUTH $\frac{1}{2}$ OF THE SW $\frac{1}{4}$ OF SECTION 16, AND A PART OF THE NORTH $\frac{1}{2}$ OF THE NW $\frac{1}{4}$ OF SECTION 21, T-16-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21, SAID POINT BEING AN EXISTING IRON PIPE; THENCE S87°04'09"E ALONG THE NORTH LINE OF THE NORTHEAST $\frac{1}{4}$ OF THE NORTHWEST $\frac{1}{4}$ OF SAID SECTION 21 A DISTANCE OF 5.92 FEET TO THE POINT OF BEGINNING; THENCE S87°04'09"E 418.49 FEET; THENCE S02°49'04"W 514.14 FEET; THENCE N87°04'09"W 424.40 FEET TO A SET $\frac{1}{2}$ " REBAR; THENCE S02°49'04"W 204.82 FEET; THENCE SOUTH 87°04'09"E 139.00 FEET; THENCE S02°48'48"W 293.00 FEET TO A SET $\frac{1}{2}$ " IRON REBAR; THENCE N87°05'54"W 183.58 FEET TO AN EXISTING IRON; THENCE S02°48'00"W 181.27 FEET; THENCE S87°04'02"E 84.31 FEET; THENCE S02°40'05"W 79.86 FEET; THENCE S37°07'40"E 39.06 FEET THENCE S07°40'05"W 15.00 FEET; THENCE N87°18'29"W 65.13 FEET THENCE S02°40'17"W 13.01 FEET; THENCE N87°13'13"W 222.57 FEET; THENCE N02°39'07"E 98.08 FEET; THENCE N87°11'50"W 222.77 FEET; THENCE N87°13'26"W 514.88 FEET TO AN EXISTING IRON ON THE EAST RIGHT OF WAY LINE OF THE BURLINGTON NORTHERN RAILROAD; THENCE ALONG THE EAST RIGHT OF WAY LINE OF SAID RAILROAD N35°29'31"E 52.81 FEET; THENCE N32°17'21"E 103.24 FEET; THENCE N28°25'22"E 103.51 FEET; THENCE N24°16'00"E 103.08 FEET; THENCE N21°19'30"E 102.24 FEET; THENCE N18°44'44"E 102.31 FEET; THENCE N17°42'23"E 150.90 FEET; THENCE N19°09'44"E 46.21 FEET; THENCE N19°55'12"E 130.59 FEET; THENCE N24°20'10"E 111.27 FEET; THENCE N28°56'24"E 112.03 FEET; THENCE N33°22'01"E 73.14 FEET; THENCE N36°27'09"E 61.08 FEET; THENCE N40°40'51"E 107.01 FEET; THENCE S86°14'53"E 62.45 FEET TO AN EXISTING IRON ON A 1381.79 FOOT RADIUS CURVE TO THE RIGHT; THENCE NORTHEASTERLY ALONG SAID RIGHT OF WAY AND CURVE 417.54 FEET, THE CHORD FOR WHICH BEING N51°38'45"E 415.96 FEET, TO AN EXISTING ARKANSAS HIGHWAY COMMISSION RIGHT OF WAY MONUMENT ON THE SOUTH LINE OF ARKANSAS HIGHWAY 180 (WEST 6TH STREET); THENCE ALONG THE SOUTH RIGHT OF WAY LINE OF SAID HIGHWAY S87°41'42"E 40.98 FEET TO AN EXISTING AHC MONUMENT; THENCE S87°40'49"E 26.16 FEET TO AN EXISTING AHC MONUMENT; THENCE S88°18'0"E 3.15 FEET; THENCE LEAVING SAID RIGHT OF WAY S01°44'50"W 153.30 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 315.50 FEET AND A DISTANCE OF 81.06 FEET; THENCE S16°28'1"W 8.54 FEET; THENCE ON A CURVE TO THE RIGHT WITH A RADIUS OF 215.50 FEET A DISTANCE OF 40.68 FEET TO THE POINT OF BEGINNING, CONTAINING 27.969 ACRES, MORE OR LESS, FAYETTEVILLE, ARKANSAS. THE ABOVE DESCRIBED 27.969 ACRE TRACT BEING SUBJECT TO THE RIGHT OF WAY OF DUNCAN AVENUE, ANDERSON PLACE, HILL AVENUE AND ALL EASEMENTS AND/OR RIGHTS OF WAY OF RECORD.



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jeremy Pate, Senior Planner
Brent O'Neal, Staff Engineer
THRU: Dawn Warrick, A.I.C.P., Zoning & Development Administrator
DATE: December 08, 2004 Revised 12-16-04

R-PZD 04-1307: Planned Zoning District (ASPEN RIDGE, 522/561): Submitted by MATT CRAFTON CRAFTON, TULL & ASSOC. for property located at THE SW CORNER OF HWY 62, S ON HILL AVENUE AND BORDERED BY 11TH STREET AND THE BURLINGTON NORTHERN RR. The property is zoned RMF-24, MULTI FAMILY - 24 UNITS/ACRE and contains approximately 27.969 acres. The request is to approve a Residential Planned Zoning District with 220 condominiums in two phases proposed.

Property Owner: HANK BROYLES

Planner: JEREMY PATE

PLANNING COMMISSION ACTION:		Required	<u>YES</u>
Date: <u>December 13, 2004</u>	☒ Approved	☐ Denied	
	8-0-0		
CITY COUNCIL ACTION:		Required	<u>YES</u>
Date: <u>January 04, 2005 (1st reading if recommended)</u>	☐ Approved	☐ Denied	

Findings:

Property Description: The property consists of a total of 27.969 acres located in south Fayetteville, south of Hwy 62 (6th Street), west of Hill Avenue, east of the Railroad, along Town Branch Creek. The property previously was inhabited by a mobile home park, which was recently removed by the applicant. Several tons of trash, debris, tires, etc. were separated and removed from this property, beginning the cleaning up process. A total of 49 mobile homes and 6 single family homes were removed in an effort to combine the property for development. The applicant has contributed much time and money in an effort to clean this particular site, which is not readily recognized in the development review process. Approximately half of the site is underneath tree canopy, the majority of which is located along College Branch Creek, a stream

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that bisects the site north and south. This stream, and associated runoff from surrounding development, has been the source of many neighborhood concerns in past years, due to high water, flooding and debris being washed into and down the creek during heavy rainfalls. There are existing wetlands in the area, as well, much of which the developer is proposing to retain or enhance.

Existing Development: The site is currently vacant, with remnants of the previous mobile home park development evident.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	Hwy 62 – 6 th Street, busy arterial	RMF-24, C-2
South	Pinnacle Foods, Single Family homes, approved MF development	I-2, RMF-24
East	SF homes, Coors, Brenda's Burgers	RMF-24, I-1
West	Burlington-Northern Railroad	RMF-24

Proposal: The applicant requests a rezoning and large scale development approval for a residential development within a unique R-PZD zoning district. The proposed use of the site is for a condominium-style development consisting of 220 attached residential dwelling units. Two separate phases are identified. Phase I consists of 113 units on the east side of College Branch Creek, and Phase II consists of 107 units on the west side of the creek. A future Phase III consisting of mixed-use office/retail/commercial is indicated on the site plans at the corner of 6th Street and Hill Avenue, but is not the subject of this request.

Process: Currently, the project proposal is submitted as one large tract of land, consisting of 27.969 acres. There are several independent parcels that create this tract, all of which are being combined into one for the purposes of development. Plans consist of all proposed buildings, parking, driveways, public and private streets, landscaping, tree preservation and mitigation, wetland mitigation, parkland dedication, trail construction, public utility extensions, etc., typically reviewed with a Large Scale Development. The developer intends to construct the project much as a typical multi-family development, with all structures, public infrastructure and utilities being constructed simultaneously. Though the process by which the request is being reviewed is a Large Scale Development consisting of 220 *condominiums*, the intent is to sell each of the 220 *townhomes* as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field.

To clarify, a condominium and townhome are distinct from one another: **Condo unit owners own the inside of their units. Townhouse owners own the complete unit, including exterior surfaces and the land on which the unit is built.**

Condominium: a multiple-unit complex, the units of which are individually owned, with each owner receiving a deed to the unit purchased . . . and sharing in joint ownership of any common grounds, passageways, etc. (through an established POA/HOA) (*paraphrased from Webster's*

College Dictionary, 1991). This type of dwelling unit typically does not have land attached to its deed, it is merely the unit alone, inside the walls of the structure.

Townhome: a row house on a small lot, which has exterior limits common to other similar units. Title to the unit and its lot is vested in the individual owner with a fractional interest in common areas, if any. (Source: *mortgagewarehousemb.com*) A **townhouse** is a home that is attached to one or more other houses, but which sits directly on a parcel of land that you also own (if you don't own the land, it is a **condominium**).

In order to plat individual lots for the townhomes in the future, an amended Planned Zoning District plat will have to be processed and approved by the Planning Commission and City Council, at that time. This will likely take the form of a Concurrent Plat, if it meets the appropriate criteria. Otherwise, a Preliminary and Final Plat process will be required.

Proposed Land Uses:

- Use Unit 1: City-wide Uses by Right
- Use Unit 8: Single Family Dwellings
- Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.

The total proposed number dwelling units on the 27.969-acre site is 220, therefore the proposed density for the R-PZD is 7.87 DU/acre. The project site is currently zoned RMF-24, allowing for a much higher density of development as a traditional multi-family complex. The potential for a townhouse-style division of land, the inclusion of the public trail system, a public park, a large Tree Preservation and riparian corridor protection area, the challenges presented by existing natural conditions (drainage, slope and railway); all of these contribute to the need to process a Planned Zoning District in order for the best project to result for both the applicant and the city.

Building Setbacks: Building setbacks are proposed as indicated on the plat. Most setbacks are 8' or 10', with an exception at the 6th Street frontage (20 feet) and Duncan/11th Street frontage (25 feet).

Building Height: Maximum building height shall be 40 feet.

Greenspace: 51.6% Impervious (greenspace), 48.4% pervious (streets, buildings, trail, parking)

Wetlands: A small percentage of wetlands on the property are being filled and mitigated for in the riparian corridor along Town Branch Creek. As part of the Corps of Engineers permit to do so, a buffer area is to be deed-restricted for protection from future development. A portion of this area will also serve as the Tree Preservation and mitigation area.

Water & Sewer: Water and sewer lines are being extended to serve the development. The applicant is extending public lines to service each unit individually, in order to legally subdivide the property in the future.

Access: Access is from several streets in the area:

North: 6th Street (one-way entrance and exit, with a right-turn only allowed when exiting)

South: Phase I has no access across the creek.

Phase II : 11th and Duncan

: Brooks Avenue and 12th Street. This separate access point is recommended to provide a safe means of access into Phase II and alleviate potential congestion at the intersection of 11th and Duncan.

East: Phase I access east to Hill Avenue.

Phase II access south and east onto Duncan/11th/12th Streets.

West: No access is available over the railroad.

The ingress/egress to the proposed 113 units in Phase I is from 6th Street and Hill Avenue. Based on a traffic study prepared for this project, a turn lane and widening of the intersection is warranted at Hill and 6th Street due to the increase in number of vehicle trips per day, and plans by the developer have been prepared accordingly. Ingress and egress to Phase II is more difficult, due to the lack of frontage for this particular parcel. Staff has recommended, and the developer consented, to constructing an additional means of access within platted right-of-way known as Brooks Avenue, to connect to the portion of 12th Street that is constructed. The other entrance to this phase is at the corner of 11th and Duncan, which has been reviewed and determined to be satisfactory by the Engineering Division.

Interior to the project, public streets are being provided within a varying right-of-way, with sidewalks on both sides in most cases. Staff recommends that where possible, the sidewalk be located at the right-of-way line, with a minimum distance of six feet from the curb, to meet Master Street Plan requirements.

Adjacent Master Street Plan Streets: 6th Street (Principal Arterial), Hill Avenue, 11th Street, Duncan Avenue (Historic Collector)

Street Improvements: Staff recommends street improvements to surrounding streets to bring them to a safe and adequate level of service for the additional units proposed in this area. A significant number of units are being added to this area, and much of the property being developed has no direct frontage onto adjacent right-of-way. The following are staff's street improvement recommendations for the developer to meet ordinance requirements for this development's proportionate share:

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this stretch of street.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing

signal system. (Recommended in traffic study)

- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. The Master Street Plan calls for a 28-foot wide street in this location, based on the platted right-of-way and number of vehicle trips per day to be generated. The applicant disagrees with this recommendation, stating the Traffic Study indicates only 4% of all traffic from Phase II will utilize Brooks Avenue. Based on this same report, the following is applicable:
 - Phase II will generate approximately 627 vehicle trips per day.
 - Figure 3 of the Traffic Report indicates slightly more vehicles will travel south from Phase II than north (358 vs. 303) in a 24 hour period.

A 24-foot wide Residential Street is designed to serve a range of 300-500 vehicles per day, maximum. Should ½ of the traffic within Phase II of the development travel south, many of them will utilize the Brooks Avenue access. Typical traffic calculations by the City of Fayetteville, when two access points are provided, are based on ½ of the traffic potentially traveling in either direction. This would result in approximately 313 vehicles trips per day accessing the Brooks Avenue access. Additionally, the street to be constructed to provide the only secondary means of access to this site also fronts onto other properties that are vacant and have the potential to develop in the future, thereby increasing their volume. A Local Street, by contrast, is developed with a 28-foot width and can support up to 4,000 vehicles per day, per the Master Street Plan. Staff recommends a 28-foot wide street be constructed, to transition to the existing 31-foot wide 12th Street. This is based on providing a safe and adequate means of access to the proposed development, planning for this development along with potential other developments in the area that may access the street, and Master Street Plan requirements.

<i>Tree Preservation:</i>	Existing:	52.5%
	Preserved:	15.1%
	Mitigation:	On-site mitigation, to 25% minimum

Parks: The Parks and Recreation board recommends a combination of money, land and services to meet park land dedication requirements. This will include 0.36 acres of land on which a 12-foot public trail is to be constructed by the developer, per the City of Fayetteville specifications. In addition, approximately 0.86 acres of land on the southern edge of the property is to be dedicated as a public park. *Credit will be applied to the developer to account for 55 existing inhabited homes that were removed from the property.* If remaining fees are due above and beyond the requirements herein, they will be applied to amenities for the park.

Temporary Office Space: The applicant proposes to operate one (1) temporary office within the development specifically for the purpose of selling townhomes for Aspen Ridge. One of the constructed units in the Phase I area will be used as the location of the sales office, with office hours of Monday through Friday, 8 am to 8 pm, Saturday and Sunday 10:00 am to 6:00 pm.

Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

Neighborhood Involvement: The applicant has met several times with adjoining property owners and neighbors on Duncan, both in groups and individually. Much concern has been voiced regarding the drainage and flooding problems associated with the Town Branch Creek. Many of the homes that are adjacent to this creek are within the 100-year floodplain or floodway. The developer has been involved with his engineers from the beginning of the process to best address these concerns, and others voiced by the neighborhood. Though not all are pleased with all aspects of the proposal, staff has received numerous calls from residents in this area pleased with the clean-up effort, removal of the mobile home park and the efforts to better the drainage situation, along with the proposal for single family attached units, rather than typical multi-family units that are allowed by right on the property.

A draft of the future plat of lots, as well as the applicant's response to the Planned Zoning District requirements and description of the project have been submitted and are included in the staff report.

Recommendation: Staff recommends the Planning Commission forward R-PZD 04-1307 to the City Council with a recommendation of approval for the requested rezoning and associated development plans, with the following conditions of approval:

Conditions of Approval:

1. Allowed uses in this R-PZD shall be restricted to Use Unit 1: City-wide Uses by Right, Use Unit 8: Single Family Dwellings and Use Unit 26: Multi-family Dwellings – Townhouse development, more than three attached units.
2. Planning Commission recommendation for future vacation of portions of existing Duncan Avenue and Anderson Place rights-of-way to facilitate the proposed development. *Staff recommends approval of the vacation of these platted rights-of-way, due to the changes in circulation proposed with the submitted site plans. The connection these two streets make will be in an improved configuration, with a boulevard section that enters into this neighborhood.* PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED FUTURE VACATIONS.
3. No structure shall be permitted that falls into existing platted right-of-way. Formal vacation requests for Duncan Avenue and Anderson Place shall be submitted prior to permitting of affected buildings.
4. Planning Commission determination of the applicant's request for a temporary sales office. *Staff recommends approval, with the following conditions: One (1) dwelling unit shall be permitted to house a temporary sales office for the sole purpose of selling dwelling units within the Aspen Ridge Planned Zoning District. The sales office shall appear in all manners as a dwelling unit, and shall cease operation and revert to its intended use as a single family residence once the remaining units have been sold.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE REQUESTED OFFICE.

5. Planning Commission determination of appropriate off-site street improvements. *Staff recommends the following improvements for this development:*

- Repair the broken pavement on 11th Street, directly south of the proposed intersection at the corner of 11th and Duncan, as part of the improvements to this street being utilized for primary ingress and egress, to the satisfaction of the Engineering Division.
- Continue the existing sidewalk on the north side of 11th street to connect the proposed sidewalk on Greystone Drive (approximately 20 feet).
- Complete the curb and gutter on the south side of 11th street from the bridge west to the constructed curb/gutter. Minimum street width should be 24 feet, face of curb to face of curb (approximately 240 feet in length).
- Widen the intersection at Hill Avenue and 6th Street, including a turn lane, the cost of relocating traffic signals and any necessary costs to add a left-turn signal to the existing signal system. (Recommended in traffic study)
- Improve that portion of Hill Avenue adjacent to the subject property where necessary, to conform to City specifications. A six-foot sidewalk is required, at the right-of-way line.
- Relocate the sidewalk along 6th Street to transition from the railroad bridge to the Master Street Plan right-of-way line along the frontage of this project.
- Construct a secondary means of access to Phase II; *The applicant proposes to construct a 24-foot wide public street within existing platted right-of-way of Brooks Avenue and turning south to connect to 12th Street. Staff recommends a 28-foot street to meet Master Street Plan requirements for the vehicle trips per day generated by this development.*

PLANNING COMMISSION DETERMINED IN FAVOR OF THE RECOMMENDED STREET IMPROVEMENTS, WITH A 24-FOOT WIDE STREET FOR BROOKS AVENUE.

6. Atypical interior street widths, sidewalk location, etc. shall be reviewed and approved by the Engineering Division at the time of more detailed construction plan review, to ensure emergency service vehicles, public service providers, solid waste, etc. is able to access the proposed development.
7. A combination of land, money and services shall be contributed by the developer to meet parkland dedication requirements, including 0.36 acres for a public trail, construction of said 12-foot wide trail, 0.86 acres land dedication for a park and all remaining fees due in excess of the above requirements for 220 units to be utilized for park amenities. *Credit in the amount of \$30,525 (55 units * \$555/unit) will be applied to the developer to account for 55 existing homes that were removed from the property prior to development.* All fees and deeds for land shall be submitted prior to building permit.

8. The developer shall mitigate for the removal of 115,440 sf of tree canopy to meet Tree

Preservation ordinance requirements. On-site mitigation shall consist of a minimum of 420 trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.

9. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.
10. The property line adjustments to create the described 27.969-acre parcel shall be processed, approved and recorded prior to this item appearing before the City Council for consideration.
11. Staff recommends a second pedestrian path be constructed from approximately between buildings 35 and 36 in Phase II to connect to the public trail through an existing creek crossing (see plat). A hard-surface (concrete or asphalt) path is desired. However, at minimum, the path shall be constructed of a 4" minimum depth shredded mulch (or equal) with appropriate edging on both sides. Trail slope, width, location through existing tree canopy and specifications shall be approved by the City prior to construction.
12. Signage for the development shall be limited to one (1) monument sign at each of the three primary entrances to the development. Sign size, location, height, etc. shall be limited to the monument sign restrictions in an RMF zoning district, per city code. (Maximum 16 square feet display surface area, six feet in height, 10 feet from the property line).
13. All dumpsters shall be enclosed on a minimum of three sides with access not visible from the street. Landscape screening as shown shall be required.
14. No structures shall be constructed over public utility easements, per city ordinance (including, but not limited to, trash enclosures).
15. Should the applicant desire to subdivide the land to create townhomes, an amended Planned Zoning District will be required. The development review process will likely be a Concurrent Plat, if all criteria are met. If not, a standard Preliminary and Final Plat will be required to subdivide the property.
16. All comments as itemized in the attached memo from the City Floodplain Administrator shall be addressed at the appropriate time and are considered, by reference, a part of the official Conditions of Approval (see attached).
17. The maximum separation for fire hydrants shall be 500 feet in distance.
18. Entrances into the subject property shall utilize a minimum width of 20 feet clear, to allow for the passage of emergency vehicles.

19. Maximum spacing for public street lights shall be 300 feet, along the proposed and existing public streets.

Standard Conditions of Approval:

20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications)
21. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
22. Planned Zoning District approval shall be valid for one calendar year, per city ordinance.
23. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
24. Prior to the issuance of a building permit the following is required:
- a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - b. Separate easement plat for this project that shall include the tree preservation area.
 - c. Project Disk with all final revisions
 - d. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by §158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

PLANNING COMMISSION ACTION: yes Required
✓ Approved Denied
8-0-0

Date: December 13, 2004

The "CONDITIONS OF APPROVAL", stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Date _____

Findings associated with R-PZD 04-1307

Sec. 166.06. Planned Zoning Districts (PZD).

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The proposed Planned Zoning District has been reviewed in light of all applicable development and zoning ordinances. The development achieves compatibility with adjoining properties and enhances the surrounding neighborhood by creating buffers, utilizing a density of 7.87 dwelling units per acre (as opposed to the 24 allowed), preserving and enhancing the drainage associated with Town Branch Creek and by the overall improvement to the property by the removal of refuse, abandoned structures, automobiles, etc. Emphasis on appropriate tree preservation has been placed with the development proposal, and appropriate routing of utilities, streets, and protective easements has been achieved. Much of the tree preservation area is located along Town Branch Creek, along with mitigation efforts to increase healthy canopy coverage in this area. Town Branch Creek is being treated as a natural site amenity, to be retained as protected wetlands and concentrated Tree Preservation area. Additionally, the development is situated to ensure maximum protection of the watercourse from erosion and siltation. The proposed density yield is 16 units per acre less than that which is allowed with the current zoning district, which is a common zoning on surrounding properties. A public park is provided, along with land and construction of a 12-foot wide public trail along the Indian Trail corridor. No large parking areas are proposed, as the units are for all intents and purposes to act as single family homes, on separate lots. Landscaping, tree preservation, the design proposed and overall public amenities required of the developer furthers the health, safety, amenity and welfare of the community as a whole and enhances this neighborhood a great deal.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to

the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is required as a part of this development to buffer adjacent properties from those area viewed as less desirable, specifically the "back" of buildings with their associated drive and parking areas. At the request of the Landscape Administrator, screening has been added in the appropriate locations. A conceptual street tree planting plan has been presented, along with a plan indicating mitigation trees. A detailed tree planting plan is required prior to building permit, and may require some changes to best locate mitigation trees in those areas along the creek that would benefit the overall canopy coverage.

(3) *Traffic circulation.* The following traffic circulation guidelines shall apply:

- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
- (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: The internal street for Phase I is a public loop within varying right-of-way width, due to the proposed landscape medians. The loop connects 6th Street to Hill Avenue. An extension of this street serves an additional 16 units to the west of the loop. No vehicular access is provided across Town Branch Creek. For Phase II, an entrance is proposed at 11th and Duncan, with a secondary access from 12th Street to serve the proposed 107 units. The second access is a public street connection along Brooks Avenue right-of-way, proposed to be 24 feet in width. Phase II internal drives are private, looping through the development without a dead-end.

A left-turn lane, traffic signal improvements and curve radii improvements are to be provided at the intersection of Hwy 62 and Hill Avenue to improve this intersection. Sidewalks are required on all sides of public streets within the development, at the right-of-way line in most cases. Various improvements are also recommended for 11th Street, including curb and gutter on the south side, pavement improvements and connection of existing sidewalks in the neighborhood, per the comments detailed above.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Standard parking ratios for single family units is enforced. Garages are provided for all units, with pull-in space behind also allowing for visitor parking.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The development meets all open space and park land requirements.

- (6) *Sidewalks.* As required by §166.03.

FINDING: Four-foot sidewalks are to be constructed on both sides of all interior public streets, with the exception of that area in which the 12-foot wide trail is to be constructed. Six-foot sidewalks are required along Hill Avenue and 6th Street.

- (7) *Street Lights.* As required by §166.03.

FINDING: All street lights installed shall be pursuant to the above-referenced code section, with a maximum of 300 feet spacing.

- (8) *Water.* As required by §166.03.

FINDING: Public water is being provided to the project site, pursuant to city code.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer is being provided to the project site, pursuant to city code.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to

the following conditions:

- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.
- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public streets for the proposed development are to be constructed according to the adopted standards of the City. Interior, or private, drives to each of the units shall also be constructed to adopted City Standards, as reflected herein. Private drives shall be maintained by the developer or a POA; the method and maintenance shall be set forth through the PZD covenants or other such language.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: N/A

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: The applicant proposes a large contiguous preservation area along Town Branch Creek, coinciding with the deed-restricted wetland area and riparian corridor.

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These trees are in the best health of the trees on-site, as many of the large trees on the property have suffered from years of abuse from pre-existing development. The applicant proposes to retain 15.1% of the tree canopy on-site, and to utilize on-site mitigation in an effort to create a larger, healthier canopy coverage in this area. Primary areas of emphasis for the mitigation trees are along the creek corridor and within the established Tree Preservation area. Other mitigation trees will be combined with required landscaping trees both along the perimeter and interior to the site.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: N/A

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

(a) *Building permit.* If no building permit has been issued within the time allowed.

(b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.

(c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or

revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.

- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property.

FINDING: The applicant shall comply with the above requirements, as part of the Planned Zoning District ordinance.

Sec. 161.25 Planned Zoning District

- (A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.
 - (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
 - (2) Compatibility. Providing for compatibility with the surrounding land uses.
 - (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
 - (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
 - (5) No negative impact. Does not have a negative effect upon the future development of the area;
 - (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
 - (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
 - (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
 - (9) General Plan. Comprehensive and innovative planning and design of mixed use yet

harmonious developments consistent with the guiding policies of the General Plan.

(10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The proposal meets many of the guidelines set out by the Planned Zoning District ordinance. It is flexible, in that it allows for new single family home ownership within the established community of South Fayetteville, at a density that is very comparable and compatible to surrounding properties. No negative impact is anticipated; rather, a positive impact has already been achieved, based on several comments received from neighbors both in the Planning offices and through public meetings. Though attached, these single family dwellings are developed with many amenities enjoyed by single family detached owners, including proposed lakes, creek frontage, tree preservation and planting areas, a neighborhood park and public trail, all of which will also benefit the surrounding community. A community at harmony with its surrounding neighborhood is being proposed. Natural features are being protected along the creek, which provides the existing neighborhood with a unique character that will be protected with the proposed PZD. Parkland, lakes, open space, and a public trail are all proposed components of the overall plan, as well. The proposal is consistent with many of the guiding policies of the General Plan 2020 including:

Residential Areas:

9.8.a Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.

9.8.f Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.

Environmental Resources:

9.16.a Identify areas of environmental concern and protect and preserve environmental resources.

9.16.b Define and protect areas of significant floodplains, hillsides, trees and other environmental resources through cluster development provisions, density controls, protective easements and other new and existing development standards and regulations.

9.16.c Establish community-wide greenways which incorporate the protection of floodways and floodplains, and areas determined to be of environmental concern.

Community Character:

9.19.i Promote higher density development and mixed used development within the City limits to provide for more efficient development, create traditional neighborhoods, and preserve open space.

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council

in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The subject described real property is proposed to be rezoned to R-PZD 04-1307. The development standards and plan approved shall be adopted with the rezoning.

(C) R - PZD, Residential Planned Zoning District.

(1) Purpose and intent. The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:

- (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's General Plan and the orderly development of the city.
- (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
- (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
- (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: The proposed Residential Planned Zoning District allows single-family attached residential uses in a clustered pattern, allowing for more usable common open space and greater preservation of natural amenities. A general rezoning would not allow the type of development the applicant is pursuing, based on the bulk and area requirements of typical zoning districts, therefore a Planned Zoning District is more appropriate for the proposed development. The applicant intends on subdividing the property in the future to create townhomes, whereby each unit owner would also own the land underneath the unit. The proposed development allows for a density and land use that is compatible with adjacent properties, yet also allows for a flexible site plan and layout. A harmonious relationship with surrounding developments is achieved, while allowing for a very different style and type of development for South Fayetteville. Public improvements provided with the

development will ensure safe and adequate traffic movement continues, as well as provide an increase in pedestrian ways.

(2) Permitted uses.

- Unit 1 City-wide uses by right
- ~~Unit 2 City-wide uses by conditional use permit~~
- ~~Unit 3 Public protection and utility facilities~~
- ~~Unit 4 Cultural and recreational facilities~~
- ~~Unit 5 Government facilities~~
- Unit 8 Single-family dwellings
- ~~Unit 9 Two-family dwellings~~
- ~~Unit 10 Three-family dwellings~~
- ~~Unit 12 Offices, studios and related services~~
- ~~Unit 13 Eating places~~
- ~~Unit 15 Neighborhood shopping~~
- ~~Unit 19 Commercial recreation, small sites~~
- ~~Unit 24 Home occupations~~
- ~~Unit 25 Professional offices~~
- Unit 26 Multi-family dwellings

FINDING: The highlighted uses above that are proposed are permitted uses within a Residential Planned Zoning District. All other ancillary uses (parks, trails, etc.) are allowed by right.

(3) Condition. In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The proposed PZD proposed is entirely residential in use.

*Required Findings for Rezoning Request.

RECOMMENDATION: Staff recommends approval of the rezoning request from RMF-24, Residential Multi-Family, 24 units per acre, to R-PZD 04-1307, with the adoption of the associated development plans.

LAND USE PLAN: The General Plan 2020 Future Land Use Plan designates this site as a Residential Area. Rezoning this property to R-PZD 04-1307, with the associated development plans, is consistent with the land use plan and compatible with surrounding land uses in the general vicinity.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The proposed rezoning of the existing RMF-24 property to the proposed PZD development with attached single-family use at a density of 7.87 units per acre is consistent with the General Plan 2020 that identifies this area for residential use. The proposed land use is unique to the area with regard to site layout and organization, meeting many of the objectives and principles of the land use plan and the Fayetteville Vision 2020 Guiding Principles to begin an establishment of a revitalized South Fayetteville.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The proposed zoning is needed in order to develop this property in the manner indicated. Though a multi-family development could potentially be achieved at a density of 24 units per acre on the property without rezoning, the intent of the developer to create a townhouse-style, attached single family owner neighborhood in this manner is not currently available through existing zoning ordinances.

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

Finding: An base increase of 220 town homes in this area without additional access points would substantially alter the population density and create an appreciable increase in traffic danger and congestion, based on the opinion of the Fayetteville Police Department. Currently there is limited access to this location. A four-lane highway and a two lane residential street border this property. There is no way to currently funnel this traffic onto a collector street before it impacts the road system in that area. However, the traffic study provided, development plans that are presented with two means of access to each Phase, and the improvements recommended by staff alleviate most, if not all, of the concerns for traffic safety. A total of 1,283 vehicle trips per day is projected for both phases, which are easily accommodated by surrounding streets, with improved access points from 11th, 12th/Brooks Avenue, 6th Street, and Hill Avenue. Additionally, improvements to widen and create a left-turn lane at the intersection of Hill and 6th, add curb and gutter to 11th street and work to improve the pavement sections on 11th currently in disrepair are all off-site improvements to which the developer is committing as part of the overall project.

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: It is the opinion of the Fayetteville Police Department that this rezoning will substantially alter the population density in this area. The development

proposed would create, on average, 572 future residents in this area, thereby altering the population density in the immediate vicinity. However, by right, a total of 671 units yielding 1,744 future residents is allowed with the current underlying zoning. Based on findings from public service providers, as outlined below, an undesirable increase in load on public services would not be created.

Fire - Water supply with fire hydrants is needed to serve development on this site. Fire station #1, approximately 0.9 miles away, will serve this site once it is constructed. Fire response time to the site is approximately 2-3 minutes.

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 surrounding development. It is the opinion of the Fayetteville Police Department that this Planned Zoning District will substantially alter the population density and thereby undesirably create an appreciable increase in traffic danger and congestion in the area, without improved access to the site.

Engineering - The proposed subdivision has been reviewed for access to public utilities, including water and sewer, and will not undesirably increase the load on public services.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

FAYETTEVILLE

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

ENGINEERING DIVISION CORRESPONDENCE

479-575-8208

To: Matt Crafton

Thru: Jeremy Pate, Development Coordinator

From: Mike Rozelle P.E., Staff Engineer

Date: December 3, 2004

Re: Subdivision Committee comments (3 December 2004 Subdivision Committee Meeting)

Development: PZD 04-1307:Aspen Ridge,pp 522/561

1. The floodway needs to be shown on the grading plan and Site Plan.
2. Label the proposed minimum finished floor on the site plan for all buildings within or adjacent to the flood hazard zone AE.
3. The proposed finished floor must be 2 feet above the highest adjacent base flood elevation.
4. Provide a benchmark on the site plan and grading plan indicating datum used for topo.

It appears it is necessary to fill designated flood plain areas, the following criteria must be met prior to issuance of a building permit:

1. Submittal of a flood plain development permit and plans designed by a licensed engineer, architect or landscape architect in accordance with the Flood Damage Prevention Code.
2. For structures, bridges, fill or changes to the water course within the regulatory floodway, a certification from a registered professional engineer must be provided stating that the encroachments shall not result in any increase in flood levels.
3. For structures, fill or changes to the water course that will increase the base flood elevations, applicant must apply for a conditional letter of map amendment through FEMA prior to issuance of a permit, and the applicant must apply for a floodway revision through FEMA once the project is complete.

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-444-3469

TO: Jeremy Pate, Senior Planner
FROM: Alison Jumper, Park Planner
DATE: November 29, 2004
SUBJECT: Parks & Recreation Subdivision Committee Comments

Meeting Date: December 3, 2004
Item: PZD 04-1307 Aspen Ridge, 522-561
Park District: SW
Zoned: RMF-24
Billing Name & Address: BHA Construction 3607 Clabber Creek Blvd. Fayetteville, AR 72704

	<u>Land Dedication Requirement</u>	<u>Money in Lieu</u>
Single Family	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Multi Family	@ .017 acre per unit = _____ acres	@ \$393 per unit = \$ _____
Mobile Home	@ .024 acre per unit = _____ acres	@ \$555 per unit = \$ _____
Lot Split		@ \$555 per unit = \$ _____

COMMENTS:

- On November 8, 2004 Parks and Recreation Advisory Board made a recommendation of a combination of money, land, and services to meet the park land dedication requirements. The following is a summary of the land dedication, services to be provided, and money in lieu:

Approximately .36 acres of land for the trail will be dedicated. The developer will construct approximately 856 l.f. of 12' trail. All trail layout, design and construction shall be approved by park staff. Trail shall be constructed per City standard construction details for an asphalt trail. The trail construction will be bid

by the developer and the actual cost for the trail will be applied to the remaining fees due.

In addition, approximately .86 acres, located on the southern edge of the development, will be dedicated.

Credit will be applied to account for existing inhabited homes that were removed from the property.

Any remaining fees due will be applied to amenities for the park. Park design will be coordinated with residents and Parks staff.

- Fees and a deed to dedicated park land and trail corridor are due before building permits.



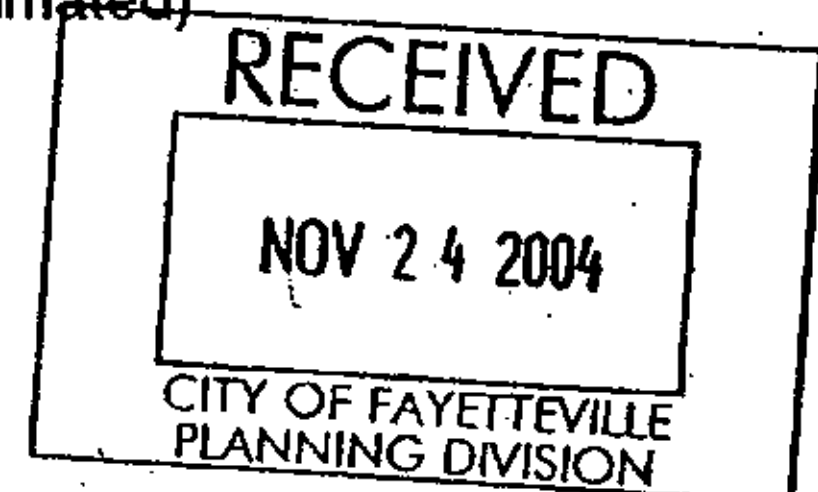
Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200 Rogers, AR 72756
479.636.4838 Fax: 479.631.6224 www.crafttull.com

Architects, Engineers & Surveyors

**Aspen Ridge
Park Land Dedication Computation**

Proposed use:	Single Family Homes
Total acreage:	27.969 acres
Proposed units:	220 units
City of Fayetteville Park Land Ordinance Formula:	0.024 acres/unit \$555 /unit
Park Land Required by Formula:	5.28 acres
Proposed 16' Trail Dedication:	0.358 acres
Proposed Park Land Dedication:	0.860 acres
Balance:	4.062 acres 169 units
Cash Required:	\$93,795
Value of 856' of Trail Grading & Paving:	\$43,137 Based on CTA's detailed cost estimate
Value of Trail Engineering:	\$4,314 10% of Construction
Value of Playground Equipment:	\$60,618
Less value of 504'x5' of Sidewalk Land:	(\$1,338) (\$23,125/acre)
Less value of 504'x5' of Sidewalk Construction	(\$12,936) (\$25/LF estimated)
Cash Due from Developer:	(\$0)



Fayetteville Fire Department Service Delivery Impact: Zoning Review November 30, 2004

Item	Subdivision	Annexation	Acres	Closest Fire Station	Distance from Fire Station	Response Time to Proposal area	Projected Response Time to Proposal Area at Maximum Build Out	Projected Calls for Service at Maximum Build Out per year	Projected Fire/Other Calls for Service at Maximum Build Out per year	Projected EMS Calls for Service at Maximum Build Out per year
* R-Pzd 04-1307	Aspen Ridge			S-1	.9 Miles	2 - 3 Minutes	2 - 3 Minutes	50	20	30 *220 units
ANX 04-1334	Aspen Ridge			S-1	.9 miles	2 - 3 Minutes	2-3 Minutes	152	60	93 *24 Units/acre
RZN 04-1355	Harper/Teater	ANX 04-1334	60	S-4	4.1 miles	11 - 12 minutes	11 - 12 Minutes	0	0	0
RZN 04-1329	Harper/Teater			S-4	4.1 miles	11 - 12 minutes	11 - 12 Minutes	54	21	33
RZN 04-1330	Hogeye, inc		3.35	S-6	2.0 miles	3-4 minutes	3 - 4 Minutes	0	0	0
RZN 04-1331	Dunnerstock			S-7	.9 miles	2 - 3 minutes	2 - 3 Minutes	18	7	11
RZN 04-1332	Bale		0.8	S-6	1.4 miles	2 - 3 minutes	2 - 3 Minutes	0	0	0
RZN 04-1333	JB Hayes			S-5	2.4 miles	7 minutes	7 - 8 Minutes	16	6	10
	JB Hayes		3.04	S-5	1.7 miles	4 - 5 minutes	4 - 5 Minutes	0	0	0



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Planning Commission
From: Jeremy Pate, Landscape Administrator
Date: December 008, 2004

ITEM #: R-PZD 04-1307 (ASPEN RIDGE)

Requirements Submitted:

✓	Initial Review with the Landscape Administrator
✓	Site Analysis Map Submitted
✓	Site Analysis Written Report Submitted
✓	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area:	
acres	26.751
square feet	1,165,274
Existing Tree Canopy:	
acres	14.05
square feet	612,208
percent of site area	52.5%
Existing Tree Canopy Preserved:	
acres	4.04
square feet	175,880
percent of total site area	15.1%
Percent Minimum Canopy Required:	25%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- The desirability of preserving those trees indicated along College Branch Creek is very high, due to their location, size, and species. Many of these trees are in the best health of those on the property, which contains many significant trees that have been abused and are in poor condition.

Whether the design incorporates the required Tree Preservation Priorities.

- The design of the Aspen Ridge community does incorporate the required Tree Preservation Priorities. Though the minimum percentage (25%) of preserved canopy is not being met, many of the trees proposed for removal are in poor condition, in both my opinion and as evaluated by an independent urban forestry consultant/certified arborist. The mobile home park that existed in this location prior to the development did little to protect the integrity and health of the large trees, especially on the Phase I side of the creek. Due to this fact, and limiting factors with regards to grading of the site, the desired preservation area for continued and permanent tree protection is along the riparian corridor.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- Degradation to the trees that are being removed has occurred for many years as a result of the abuse and neglect received from prior development on the property. Paving, debris, etc. have been piled upon and under trees, especially on the east side of the creek. Significant environmental degradation would occur if the trees along the creek were removed, for they retain the slope and hold the bank from eroding completely along this stretch of the creek. The root systems help retain the soil, and canopy coverage helps to reduce the temperature of the stream run-off from adjacent impervious surfaces.

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- The greatest impact in tree cover reduction would to the properties to the east. However, existing canopy continues onto these properties, as well, so a significant reduction may not be realized. Additionally, as part of the mitigation efforts, screening and buffering will be required to protect the surrounding single family homes.

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- Though no alternative construction methods are proposed, the developer is choosing to utilize the PZD process to develop a unique develop in south Fayetteville. By right, the property owner can develop up to 24 units per acre in a conventional multifamily development pattern. However, an alternative townhouse style is desired for this area, and the Planned Zoning Districts allows for this process to occur.

Whether the size or shape of the lot reduces the flexibility of the design.

- The shape and size of the overall property does much to inhibit the design flexibility. There is little frontage onto public streets, a creek corridor with associated wetlands dividing the property, an old railroad bed that dictates much of the grading that has to occur in order to utilize it for the proposed trail corridor, and an existing railroad that limits access to the west.

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- Actually, the general health of trees on this site is poor. The site has been developed around, graded in years past, filled with debris and generally abused. Several tons of trash was removed in the past year from this site, much of which was located underneath canopy on the east side of the creek. An arborist was retained to evaluate the condition of the trees on-site and determined, based on his criteria, which were significant. In conjunction with the applicant, I then evaluated the other trees and classified them based on size, location, type, and health, among other criteria in the City of Fayetteville ordinance.

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- Utilities will not encroach upon the trees preserved.

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- Additional trees will not be removed to install or maintain public utilities.

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- Much of the grading to construct roads and pads for the units for this development was dictated by the existing elevations of the railroad corridor to be used for the trail and the creek, along with off-site elevations. Existing topography, therefore, has been utilized for design of the roads and utilities and routed, where possible, to avoid canopy.

Construction requirements for On-Site and Off-Site Alternatives.

- N/A

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- On-site mitigation will increase the canopy on the subject property, and is located appropriately in the Tree Preservation area where it will survive in perpetuity.

The effect other chapters of the UDO, and departmental regulations have on the development design.

- Few, if any, other division regulations have an effect on the design to preserve trees.

The extent to which development of the site and the enforcement of this chapter are impacted by

state and federal regulations:

- **Wetland mitigation is enforced by the Corps of Engineers.**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the Tree Preservation Plan, with mitigation required.**

Recommendation: Approval of the Tree Preservation Plan associated with R-PZD 04-1307, with the following conditions:

Conditions of Approval:

1. The applicant shall mitigate for the removal of 115,440 SF of tree canopy with on-site mitigation, to consist of a minimum of (420) 2-inch caliper trees. If all trees can not be planted on-site, the balance shall be contributed into the Tree Fund, as determined by the Landscape Administrator.
2. Specific location of the on-site mitigation trees shall be coordinated with the Landscape Administrator for approval. Several sites exist on the property where mitigation trees could benefit the overall development and enhance the creek corridor, currently not indicated on the plans.



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200 Rogers, AR 72756
479.636.4838 Fax: 479.631.6224 www.crafttull.com

Architects, Engineers & Surveyors

Aspen Ridge Tree Preservation Computation

Total acreage:	27.969	acres
Less Park Land Dedication:	1.218	acres
Net area for calc.	26.751	acres

% Area Required for Preservation (PZD):	25.0%
Area Required for Preservation:	6.688 acres
	291,320 sq. ft.

	SQ. FT.	Acres	%
Existing Canopy	612,208	14.054	52.5%
Total Canopy to be Preserved:	175,880	4.038	15.1%
Total Canopy to be Removed:	439,524	10.090	37.7%
Mitigation Canopy Required:	115,440	2.650	9.9%
Mitigation Canopy Proposed:	115,440	2.650	9.9%
Total Proposed Tree Area:	291,320	6.688	25.0%

Tree Mitigation Calculation:

1. Mitigation Canopy Required:	115,440	s.f.
2. Priority Type:	Medium	
3. Proposed Tree Caliper:	2"	
4. Density Factor Required:	290	s.f.
5. Number of Mitigation Trees Required:	398	each
6. Number of Trees to Meet City Landscape Requirements:	133	each
7. Number of Trees Provided for Landscaping:	244	each
8. Net Number of Mitigation Trees Required:	287	each

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NOV 24 2004



PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Jeremy Pate, Landscape Administrator

Date: December 13, 2004

ITEM #: R-PZD 04-1307 (ASPEN RIDGE)

Applicable Requirements:

✓	Off Street Parking
	Commercial Design Standards
	Buffers and Screening
✓	I-540 Design Overlay

Plan Checklist:

- ✓ submitted by applicant
- ✗ requested

Preliminary Submittal	Final Submittal	
		Off-Street Parking and Loading
	✓	wheel stops / curbs
	✓	irrigation
	✓	edged landscape beds indicated
	✓	species of plant material identified
	✓	size of plant material at time of installation indicated
	✓	interior landscaping narrow tree lawn (8' min. width, 17' min. length / 1 tree per 15 spaces) tree island (10' min. width / 1 tree per 12 spaces)
	✓	perimeter landscaping side and rear property lines (5' landscaped) adjacent to street R.O.W (15' greenspace exclusive for landscaping / 1 street tree every 30 L.F., a continuous planting of shrubs and ground cover - 50% evergreen)
	✓	soil amendments notes include that soil is amended and sod removed
	✓	mulching notes indicate mulching around trees and within landscape beds.
	✓	planting details according to Fayetteville's Landscape Manual

Preliminary Submittal	Final Submittal	Commercial Design Standards
		greenspace adjacent to street R.O.W. (15' wide)
		street trees planted every 30' L.F. along R.O.W.
		outdoor storage screened with landscaping
		Buffer Strips and Screening
		landscaped area (12' min.)
		fence required
		outdoor storage screened with landscaping
		non-residential landscape screen when adjacent to residential zones
		landscape requirement for setback reduction
		Overlay District Requirements
		greenspace adjacent to street R.O.W. (25' wide)
		street trees planted every 30' L.F. along R.O.W.
		25% of total site area left in greenspace (80% landscaped)
		parking lots and outdoor storage screened with landscaping

Recommendation: Staff recommends approval of the Landscape Plan associated with LSD 04-1288, with the following conditions:

Conditions of Approval:

1. All required landscaping shall be guaranteed pursuant to City ordinance, prior to building permit.
2. Detailed landscape plans shall be submitted at the time of building permit.



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

December 13, 2004

Mr. Jeremy Pate
Senior Planner
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Planned Zoning District Plan
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Pate:

We received a copy the city staff's recommendation to the Planning Commission regarding the above referenced project. On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, the following comments are in reference to the city staff's recommendations:

1. The property owners are Mr. Hal Forsyth and Mr. Hank Broyles
2. Regarding the proposed width of Brooks Avenue, we have discussed the traffic report with Peters & Associates Engineers, Inc., and they have confirmed that they estimate only 4% of the Phase II traffic will use Brooks Avenue, or approximately 25 vehicles per day. We disagree with the assumption that 50% of the Phase II traffic will use Brooks Avenue. In addition, the potential for future development appears to be limited due to the current plat design and the adjacent industrial plant. Thus, we recommend that Brooks Avenue remain as originally proposed at 24 feet wide.
3. The hours of operation for the temporary sales office within the development should be Monday through Friday 8:00 a.m. to 8:00 p.m. and Saturday and Sunday 10:00 a.m. to 6:00 p.m.
4. For the repair of the broken pavement directly south of the proposed intersection at the corner of 11th Street and Duncan Avenue, the developers propose to reconstruct approximately 2240 square feet of the pavement in front of this intersection.
5. Regarding park land dedication, the developers request that the dollar amount of \$30,525 (55 units * \$555/unit) for the credit for the 55 existing homes be included in the recommendation to the city council.

6. For the additional pedestrian connection between Phases I and II, the developers propose to construct a 5-foot wide x 4" deep shredded mulch trail with landscape timbers for the edging.

We sincerely appreciate all of the staff's time and efforts to make this a successful project for the city and the developers. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.



Matt Crafton, P.E.
Chief Operating Officer



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

B. 2
R_PZD 04-1307 (Aspen Ridge)
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December 7, 2004

Mr. Tim Conklin
Director of Community Planning and Engineering
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Planned Zoning District Plan
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Conklin:

On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the revised Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit townhome complex in south Fayetteville. Please consider this letter along with the previous letters we submitted on November 4, 2004 and November 24, 2004 as our explanation of the project.

Mr. Broyles and Mr. Forsyth have agreed to all of the conditions listed in the city staff's letter to the Subdivision Committee with one exception. The city staff recommends that Brooks Avenue, which will be constructed by the developers, be 28 feet wide rather than the 24 feet currently shown in the plans. According to the traffic report for this project, only 4% of the traffic generated by Phase II, or approximately 25 vehicles per day, is projected to use Brooks Avenue for the entrance and exit to the site. This traffic volume is easily served by the city's typical 24-foot residential street.

Included with this submittal are the following to comply with City requirements:

1. Twenty-five (25) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, and front, rear and side elevations of the town homes.
3. An updated traffic report. Some of the text in the report has been corrected, but none of the actual traffic projections have changed.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.

A handwritten signature in dark ink, appearing to read "Matt Crafton". The signature is fluid and cursive, with a large initial "M" and a stylized "C".

Matt Crafton, P.E.
Chief Operating Officer



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.crafttull.com

B. 2
R_PZD 04-1307 (Aspen Ridge)
Page 43 of 86

November 24, 2004

Mr. Tim Conklin
Director of Community Planning and Engineering
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Planned Zoning District Plan
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Conklin:

On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the revised Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit townhome complex in south Fayetteville. Please consider this letter along with the previous letter we submitted on November 4, 2004 as our explanation of the project.

The developers propose to provide an exceptional development to the City of Fayetteville. As shown on the color elevations and the overall development plan provided herein, the townhomes will be brick multi-story units with garages in the rear and porches that front the street, lakes or green space. Portions of the streets to be dedicated as public rights-of-way will have landscaped medians and brick pavers at the entrances to the development. Mr. Broyles and Mr. Forsyth have met with adjoining property owners several times and received favorable comments on the proposed development.

The proposed development will assist the city in meeting one of the goals of the *General Plan 2020: Enhancing and revitalizing older urban areas*. It will also help meet one of the goals listed in the city's *2003 Survey of Citizens: Development of south Fayetteville*. The proposed site for development formerly consisted of approximately 49 mobile homes and six single-family homes. The area formerly had a high degree of vagrancy and crime. Mr. Broyles and Mr. Forsyth have purchased the land, removed all of the former homes and cleaned up the site at considerable personal expense, with the city and adjoining property owners already receiving the benefit of this clean up.

The entire acreage is currently zoned RMF-24, and a PZD is proposed due to the complex and unique nature of the development. Specifically, this PZD will meet the following goals of Section 161.25 of the city's PZD ordinance:

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& CITY OF FAYETTEVILLE
PLANNING DIVISION

1. Flexibility: to enhance the uniqueness and aesthetic appeal of the project, the developers propose to construct non-standard streets with landscaped medians and brick pavers at the entrances to the development.
2. No negative impact: this PZD should have the positive effect of encouraging additional investment in south Fayetteville.
3. Coordination: the PZD will allow the city and the developers to cooperate in the renewal of an area of the city that was deteriorating.
4. Natural Features: College Branch creeks runs through the site. The developers propose to keep the area surrounding the creek in pristine condition, with only a pedestrian bridge to be constructed over the creek. Approximately 3.6 acres of this land will be deed restricted against future development.

To accomplish the proposed project, Mr. Broyles and Mr. Forsyth have purchased several parcels of land. As part of the PZD, the developers propose to combine several existing parcels into one 27.969-acre parcel. In addition, the developers propose to combine the parcels at the northeast corner of the site into one parcel that is proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building. These lot line adjustments will be completed prior to the city council meeting on January 4, 2005. The development is currently being treated as a Large Scale Development, however the intent is to sell each townhome as a single-family residence and plat each townhome as a separate lot once the infrastructure has been constructed and the exact locations of the buildings are set in the field. A concurrent plat will be submitted to the city for approval at that time, and a draft version of the concurrent plat is attached herein for information purposes.

At the Technical Plat Review, the city staff expressed concern that the developers did not have complete access to 11th Street to construct the proposed entrance to the development at that location. Mr. Broyles and Mr. Forsyth have entered into a contract with the adjacent property owner, Mr. Hoodenpyle, to ensure they have enough land to construct the entrance road. In exchange for a portion of Mr. Hoodenpyle's property along 11th Street, the developers will give Mr. Hoodenpyle a strip of land along the north side of his current property line. They expect to close on this land swap within the next two weeks. A lot line adjustment will be submitted to the city and filed with the county prior to the city council meeting on January 4, 2005.

The total tree canopy to be preserved is approximately 18% of the site. The existing topography of the site necessitates a significant amount of cutting and filling to produce a site on which the townhomes and streets can be built. We have attempted to preserve as many of the significant trees as possible, including large oak trees at the northern and southern entrances to the site. On-site mitigation is proposed to make up the balance of the 25% required canopy.

The developers propose to operate a single temporary office within the development specifically for the purpose of selling townhomes within the development. One of the townhome units in the Phase I area will be used as the location of the sales office. Hours of operation for the sales office will be Tuesday through Friday from 8 a.m. to 6 p.m. Once all of the units in the development are sold, the sales office will be closed and sold as a single-family residence.

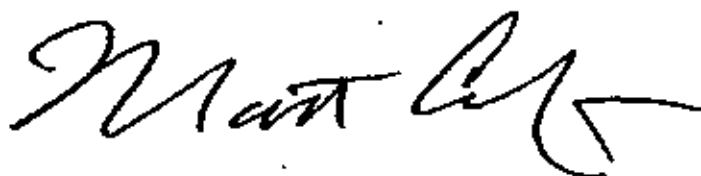
Included with this submittal are the following to comply with City requirements:

1. Twenty-five (25) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, and front, rear and side elevations of the town homes.
3. Receipts for the certified mailings notifying adjoining property owners of the public meetings at which this project will be considered.
4. Working drawings of the tree preservation plan for use by the city's Landscape Administrator.
5. Park Land and Tree Preservation computations.
6. Draft copy of the proposed Concurrent Plat.
7. Revised legal description for the Phase I and Phase II area and revised legal description for the future Phase III area.
8. Copy of the real estate contract between the developers and Mr. Hoodenpyle.
9. Compact disk with AutoCAD drawings of the plans included in this submittal.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.



Matt Crafton, P.E.
Chief Operating Officer



Crafton, Tull & Associates, Inc.

901 N. 47th Street, Suite 200, Rogers, AR 72756 479.636.4838 Fax: 479.631.6224 www.craftull.com

B. 2
R_PZD 04-1307 (Aspen Ridge)
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November 4, 2004

Mr. Tim Conklin
Director of Community Planning and Engineering
City of Fayetteville
125 West Mountain Street
Fayetteville, AR 72701

RE: Planned Zoning District Plan
Aspen Ridge
CTA Job No. 021111-00

Dear Mr. Conklin:

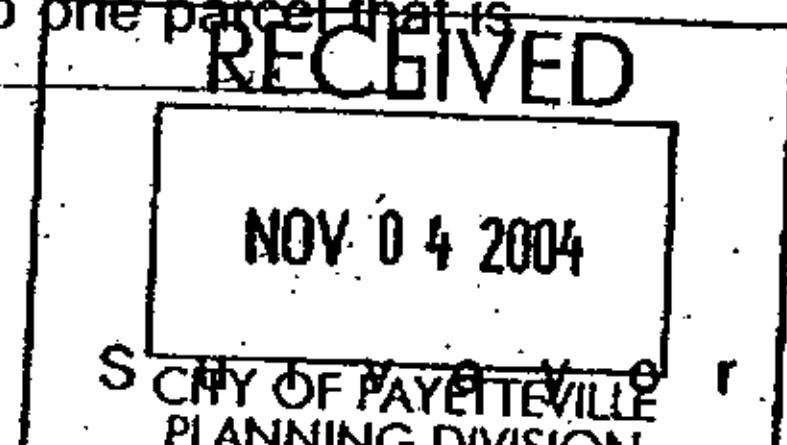
On behalf of Mr. Hank Broyles and Mr. Hal Forsyth, attached are the Planned Zoning District (PZD) plans and documents to support the proposed construction of a 220-unit town home complex in south Fayetteville. The project site is bounded by 6th Street on the north, Hill Avenue on the east, 11th Street on the south and the Burlington-Northern railroad on the west. The entire acreage is currently zoned RMF-24. A PZD is proposed due to the complex and unique nature of the development.

The developers propose to provide an exceptional development to the City of Fayetteville. As shown on the color elevations and the overall development plan provided herein, the town homes will be brick multi-story units with garages in the rear and porches that front the street, lakes or green space. Portions of the streets to be dedicated as public rights-of-way will have landscaped medians and brick pavers at the entrances to the development. Mr. Broyles and Mr. Forsyth have met with adjoining property owners several times and received favorable comments on the proposed development.

The proposed site for development formerly consisted of approximately 49 mobile homes and six single-family homes. The area formerly had a high degree of vagrancy and crime. Mr. Broyles and Mr. Forsyth have purchased the land, removed all of the former homes and cleaned up the site at considerable personal expense, with the city and adjoining property owners receiving the benefit of this clean up.

To accomplish the proposed project, the developers have purchased several parcels of land. As part of the PZD, the developers propose to combine several existing parcels into one 28.015-acre parcel. In addition, the developers propose to combine the parcels at the northeast corner of the site into one parcel that is

A r c h i t e c t s , E n g i n e e r s &



proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building.

A Parks Board determination is not available at this date due to the postponement of the Parks Board meeting to November 8, 2004. However, the developers have met with the Parks staff several times and reached a verbal agreement on the land dedication and cash in-lieu requirements. A 16-foot wide trail easement will be dedicated from the east property line to the west property line. In addition, the developers will construct the grading and paving for this trail from the east property line to the east end of the old railroad bridge at the western side of the site. An assessment report for this bridge will be donated to the City. The developers will also dedicate 0.881 acres of land to the City along the south property line, which is contiguous to land the City is purchasing for a park. The developers will donate park equipment to meet the balance of the park land dedication requirement.

A traffic study has been completed for the proposed development. The proposed development is not estimated to cause any significant traffic problems, especially considering that the site was a previously developed residential area. The developers propose to construct a left turn lane on Hill Avenue at the intersection with 6th Street. In addition, to provide additional access to the southern portion of the site, the developers propose to construct Brooks Avenue from their south property line to 12th Street. Brooks Avenue is a platted right-of-way, although the street has never been constructed.

A Corps of Engineers Nationwide Permit was previously granted for this development under a different site concept than is currently proposed. This development will involve filling in a small amount of existing wetlands, and as mitigation, approximately four acres along Town Branch Creek will be deed restricted against any further development in the future. An amendment to the Nationwide Permit is being sought from the Corps, and the Corps staff has given verbal confirmation that this amended proposal will be approved.

Water and sanitary sewer services are available for the site. The City's Wastewater System Capacity Assessment shows that the 12-inch/15-inch sewer line that runs through the site is only at 9% to 13% of its capacity. 6-inch water lines are adjacent to the site along 6th Street, Hill Avenue and 11th Street.

Included with this submittal are the following to comply with City requirements:

1. Twenty-eight (28) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, 3-D rendering of the town homes, and front, rear and side elevations of the town homes.

3. \$1,445 check for the PZD (\$1,125), Grading & Drainage (\$200) and Tree Preservation (\$120) review fees.
4. Preliminary Drainage Report.
5. Two sets of typed mailing labels for adjacent property owners.
6. Receipts for the certified mailings notifying adjoining property owners of the public meetings at which this project will be considered.
7. Park Land and Tree Preservation computations.
8. A copy of the deeds for the various parcels in this project.
9. A copy of the survey completed for this project.
10. A copy of the traffic study completed for this project.
11. A copy of the county assessor's maps showing the parcel numbers.
12. Compact disk with AutoCAD drawings of the plans included in this submittal.
13. Completed application forms for the LSDP, Grading & Drainage, Tree Mitigation Form, Landscape Review Form and Floodplain Development Permit.

Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Crafton, Tull & Associates, Inc.



Matt Crafton, P.E.
Chief Operating Officer

EXHIBIT "A"

**ASPEN RIDGE PLANNED ZONING DISTRICT
SURVEY DESCRIPTION**

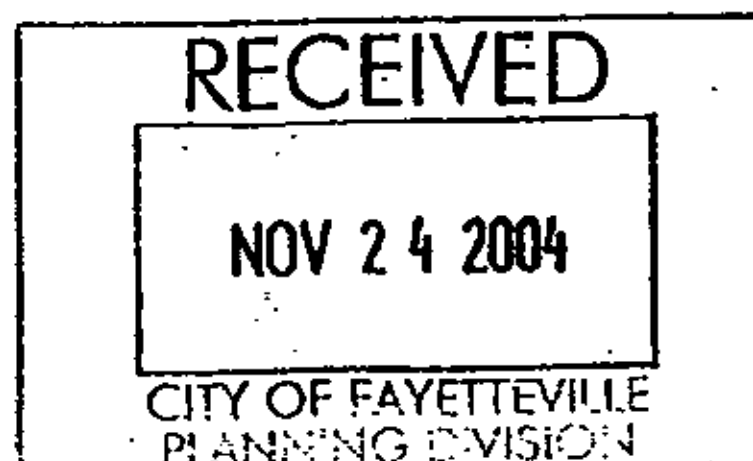
**(PARCEL 1 – COMBINES ALL PARCELS FOR THE AREA CURRENTLY PROPOSED
FOR DEVELOPMENT - PHASES 1 & 2)**

Part of the South 1/2 of the SW 1/4 of Section 16, and a part of the North 1/2 of the NW 1/4 of Section 21, T-16-N, R-30-W, Washington County, Arkansas, being more particularly described as:

Commencing at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of said Section 21, said point being an existing iron pipe; thence S87°04'09"E along the North line of the Northeast 1/4 of the Northwest 1/4 of said Section 21 a distance of 5.92 feet to the Point of Beginning; thence S87°04'09"E 418.49 feet; thence S02°49'04"W 514.14 feet; thence N87°04'09"W 424.40 feet to a set 1/2" rebar; thence S02°49'04"W 204.82 feet; thence S87°04'09"E 139.00 feet; thence S02°48'48"W 293.00 feet to a set 1/2" iron rebar; thence N87°05'54"W 183.58 feet to an existing iron; thence S02°48'00"W 181.27 feet; thence S87°04'02"E 84.31 feet; thence S02°40'05"W 79.86 feet; thence S37°07'40"E 39.06 feet; thence S07°40'05"W 15.00 feet; thence N87°18'29"W 65.13 feet; thence S02°40'17"W 13.01 feet; thence N87°13'13"W 222.57 feet; thence N02°39'07"E 98.08 feet; thence N87°11'50"W 222.77 feet; thence N87°13'26"W 514.88 feet to an existing iron on the east right-of-way line of the Burlington-Northern Railroad; thence along the east right-of-way line of said railroad N35°29'31"E 52.81 feet; thence N32°17'21"E 103.24 feet; thence N28°25'22"E 103.51 feet; thence N24°16'00"E 103.08 feet; thence N21°19'30"E 102.24 feet; thence N18°44'44"E 102.31 feet; thence N17°42'23"E 150.90 feet; thence N19°09'44"E 46.21 feet; thence N19°55'12"E 130.59 feet; thence N24°20'10"E 111.27 feet; thence N28°56'24"E 112.03 feet; thence N33°22'01"E 78.14 feet; thence N36°27'09"E 61.08 feet; thence N40°40'51"E 107.01 feet; thence S86°14'53"E 62.45 feet to an existing iron on a 1381.79 foot radius curve to the right; thence Northeasterly along said right-of-way and curve 417.54 feet, the chord for which being N51°38'45"E 415.96 feet, to an existing Arkansas Highway Commission right-of-way monument on the South line of Arkansas Highway 180 (West 6th street); thence along the South right-of-way line of said highway S87°41'42"E 40.98 feet to an existing AHC monument; thence S87°40'49"E 26.16 feet to an existing AHC monument; thence S88°18'0"E 3.15 feet; thence leaving said right-of-way S01°44'50"W 153.30 feet; thence on a curve to the right with a radius of 315.50 feet and a distance of 81.06 feet; thence S16°28'1"W 8.54 feet; thence on a curve to the right with a radius of 215.50 feet a distance of 40.68 feet to the Point of Beginning, containing 27.969 acres, more or less, Fayetteville, Arkansas. The above described 27.969 Acre tract being subject to the right-of-way of Duncan Avenue, Anderson Place, Hill Avenue and all easements and/or rights-of-way of record.

Crafton, Tull & Associates, Inc.


Matt Crafton, P.E.
Project Manager

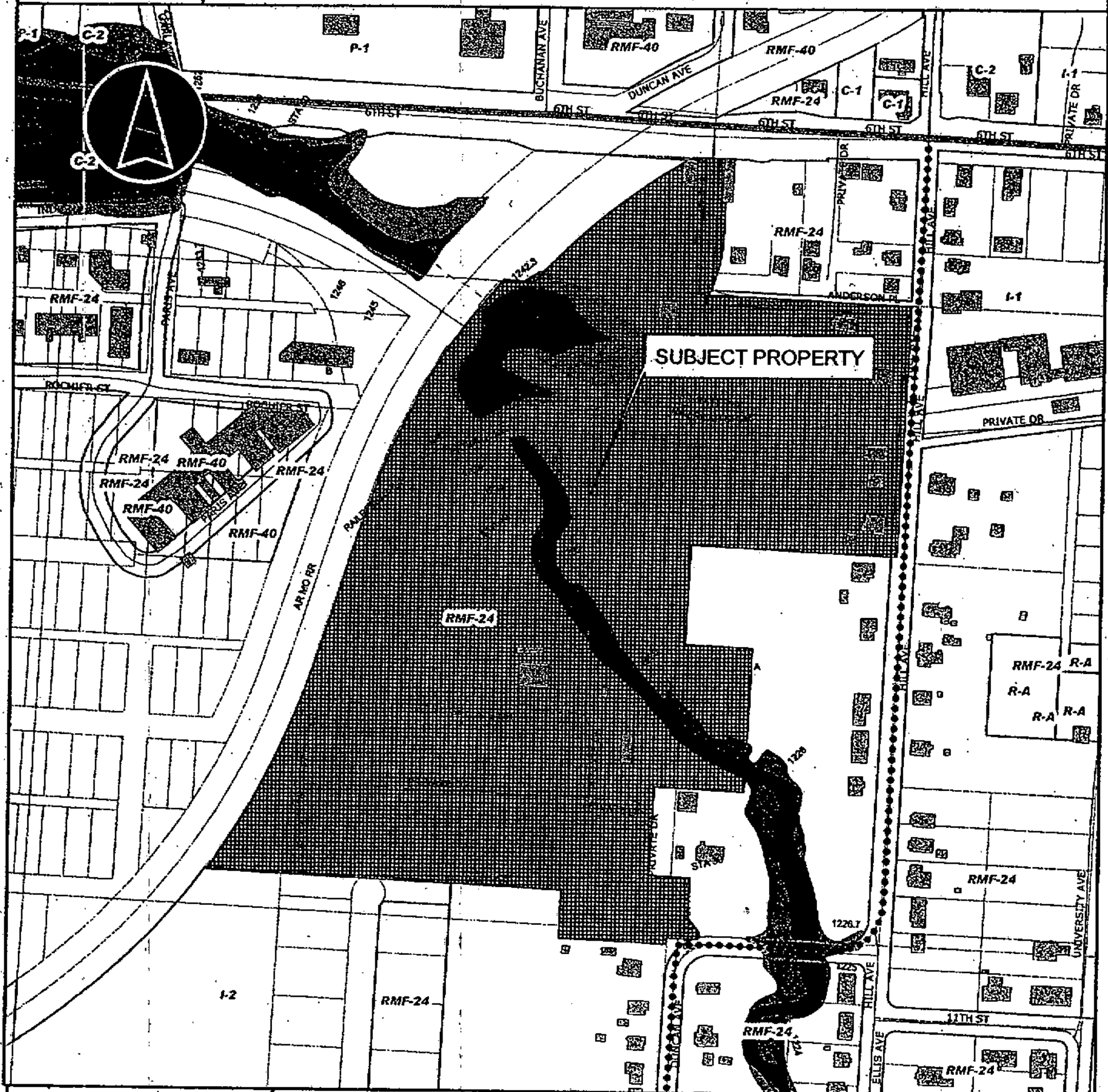


*Submission #2
RPZD 04-1307
12/1/2004*

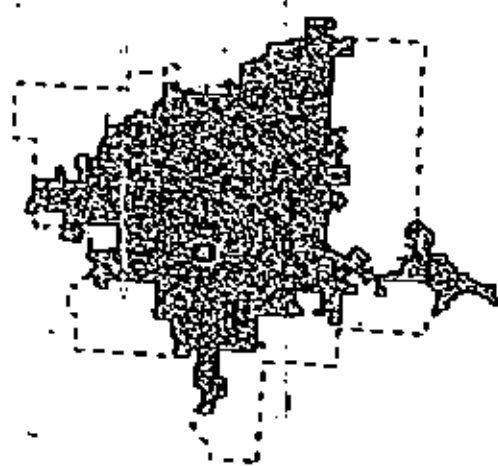
RPZD04-1307

Close Up View

ASPEN RIDGE



Overview



Legend

RPZD04-1307

Overlay District

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

Base Line Profile

Fayetteville

Outside City

0 75 150 300 450 600 Feet

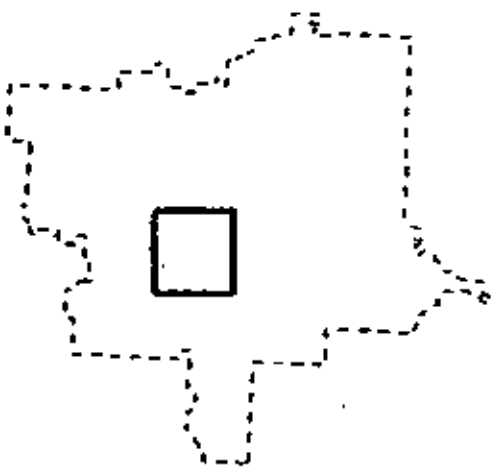
R-PZD04-1307

ASPEN RIDGE

One Mile View



Overview



Legend

Subject Property
R-PZD04-1307

Boundary

Planning Area
Overlay District
Outside City

Master Street Plan

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

0.051 0.2 0.3 0.4

Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

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R_PZD 04-1307 (Aspen Ridge)
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4-Jan-05

City Council Meeting Date

Jeremy Pate

Submitted By

Planning

Division

Operations

Department

Action Required:

An ordinance approving R-PZD 04-1307, Aspen Ridge, submitted by Crafton, Tull & Associates for property located between 6th Street, Hill Avenue and 11th Street. Approving a rezoning from RMF-24, Residential Multi Family, 24 units per acre to R-PZD 04-1307 and adopting the associated residential development plan.

\$0.00

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

Project Number

n/a

Remaining Balance

n/a

Fund Name

Budgeted Item

Budget Adjustment Attached

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director

Date

12-20-04

City Attorney

Date

12-17-04

Received in City Clerk's Office

Mayor

Date

12/20/04

Received in Mayor's Office

12/20/04
PH

ENTERED
12-12-04

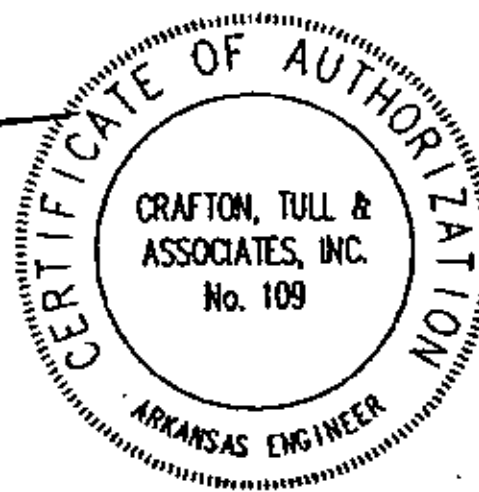
Comments:

Preliminary Drainage Design Computations For Aspen Ridge Planned Zoning District Fayetteville, Arkansas

CTA No. 021111-00
December 9, 2004

Submitted to:

Mr. Matt Casey, P.E.
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701



Prepared by:

Crafton, Tull & Associates, Inc.
Architects, Engineers & Surveyors

901 North 47th Street, Suite 200
Rogers, Arkansas 72756
(479) 636-4838 / FAX (479) 631-6224
Internet: <http://www.craftull.com>

RECEIVED

12-9-04 Eng.

PROJECT OWNER AND DEVELOPER:

BHA Construction
3607 Clabber Creek Blvd
Fayetteville, AR 72704
(479) 527-3996

PROJECT TITLE:

Aspen Ridge Subdivision, a Planned Zoning District

PROJECT LOCATION:

The project is located on 27.97 acres of land at the southwest intersection of 6th Street and Hill Avenue. Please see the attached vicinity map for details.

PROJECT DESCRIPTION:

The proposed 27.97-acre Planned Zoning District consists of 220 single-family town homes that will be constructed in two phases. A future third phase is planned for a mixed-use development. The drainage system design of Phases I and II takes into account the anticipated impact of Phase III on the watershed. See the attached Site Plan for details.

EXISTING SITE DRAINAGE:

This project is a small part of a large drainage basin that flows into College Branch Creek. The majority of existing land in Phases I and III flows to the southwest and into College Branch Creek at slopes ranging from 3 to 8 percent. Approximately half of the existing Phase II property flows eastward into College Branch Creek, while the remainder sheet flows off the property to the south, eventually ending up in College Branch Creek. The existing slope of Phase II varies widely from 1.5 to 16 percent.

This property is in Flood Zone "A" (base flood elevations estimated) and is in the 100-year floodplain as shown on the National Flood Insurance Program's Firm Panel Number 05143C0092D, effective date July 21, 1999. A floodplain boundary with estimated 100-year flood elevations for College Branch Creek is shown on the attached Drainage Area Map. The estimated 100-yr base flood elevations are based on the flood study conducted by the Corps of Engineers for the City of Fayetteville.

The drainage area for this site consists of approximately 35.28 acres (4.65 acres offsite and 30.63 acres onsite). Approximately 22.08 acres within the property (Drainage Areas 2 and 3) currently flows directly into College Branch Creek before leaving the site. Another 1.18 acres flows onto Hill Avenue (drainage areas 4 and 5). The remainder of existing runoff flows off the south end of the site and eventually into a downstream portion of College Branch Creek. It is at this point of College Branch Creek where drainage areas 1, 2 and 3 are all contributing to the waterway. The Aspen Ridge drainage system has been modeled so as not to increase the pre-development flow of the creek at this point. Also, close attention has been paid so as not to increase the concentrated flow of storm water across property lines.

Drainage Areas OS-1, 2 and 3 were determined to cross the Aspen Ridge property and have been included in this drainage study.

Please see the Existing Conditions Drainage Area Map for details.

STORM DRAINAGE DESIGN:

The post-development runoff will be collected in a series of four ponds built in Phases I and II. Detention requirements for Phase III, which is to be constructed after the completion of Phase II, have been accounted for in the design of these ponds.

The total post-developed runoff exits the site via three separate routes:

1. Through 1 of the 4 detention ponds and into College Branch Creek (1a-k, 2a-p, 3a-h, 4a-t)
2. Sheet flow into College Branch Creek (BY-1, 2, 3 and 4)
3. Sheet flow on to Hill Avenue (BY-5)

The combined allowable release from the four detention ponds has been calculated as the difference between the pre-developed runoff into College Branch (drainage areas 1, 2 and 3 and OS-1, 2 and 3) and the post-developed area that is leaving the site without being detained (BY-1, 2, 3 and 4).

Runoff amounts shown on the Proposed Conditions Drainage Area Map are peak flows based on the minimum time of concentration. It should be noted that the peak flows shown in the Pond Pack calculations were based on the storm durations that would require the greatest amount of storage area. Again, the peak flows shown on the Proposed Drainage Map are merely the peak flows that are contributing to each pond and do not necessarily represent the flows used for storage calculations.

The east edge of the property flowing directly on to Hill Avenue was modeled separately. The pre-developed runoff from drainage areas 4 and 5 will not be increased following construction of the site. The majority of Phase III will be routed to the west and through a Phase I detention pond. Only a small portion of the Phase I frontage (drainage area BY-5) will drain towards Hill Avenue. As a result, drainage areas 4 and 5 were not included in calculations for allowable release from the post-developed site.

Composite runoff coefficients for the existing and proposed onsite and offsite drainage areas were calculated based on soil type, slope, and impervious cover in the area. Please see the attached drainage calculation spreadsheets for the computation of the existing flows and the Pond Pack output data for the proposed runoff from the detention pond.

Stormwater will be retained in all four ponds to form permanent lakes. In the Pond Pack calculations, discharge orifices were set at a desired normal pool elevation; this elevation was then modeled as the bottom of each proposed detention pond. Peak release rates are shown for the 100-year event below, and ponds were designed with a foot of freeboard during these events.

SUMMARY OF RUNOFF/DETENTION:

See the attached worksheets for a summary of the runoff and detailed information on the detention pond. The Modified Rational Method was used in the Pond Pack software to analyze and design the proposed detention pond. The total post development flow will not be greater than the total pre-development flow. Please see below:

100-YEAR RUNOFF SUMMARY

Pre-developed Area	Q 100 (cfs)	Post-Development Discharge Point	Q released (cfs)
1	21.14	Pond 1	19.96
2	32.69	Pond 2	12.38
3	21.26	Pond 3	8.60
OS-1	3.93	Pond 4	17.50
OS-2	14.02	BY-1	2.52
OS-3	5.89	BY-2	6.41
4*	1.13	BY-3	16.15
5*	3.95	BY-4	14.19
		BY-5*	1.55

* Pre-developed Areas 4 & 5 and Post-developed Area BY-5 drain to Hill Avenue

100-YEAR RELEASE RATE SUMMARY

Total Pre-developed flow contributing to College Branch Creek		Total Post-developed flow contributing to College Branch Creek	
Areas 1-3, OS-1, 2, 3	<u>98.93 cfs</u>	Ponds 1, 2, 3, 4 & BY-1, 2, 3, 4	<u>97.71 cfs</u>
Total Pre-developed flow contributing to Hill Avenue		Total Post-developed flow contributing to Hill Avenue Creek	
Areas 4 and 5	5.08 cfs	Area BY-5	1.55 cfs

EROSION AND SEDIMENT CONTROL

Erosion and sediment control will be achieved by silt fences and straw bales.

CONCLUSION:

The proposed site improvements will not increase runoff from this project due a system comprised of four storm water detention areas. For this preliminary submittal, design calculations for the proposed detention ponds have been based on the drainage sub-areas shown on the Proposed Drainage Area Map. Inlet and storm sewer calculations will be completed in the Final Design Phase. All drainage design and computations were performed in accordance with the City of Fayetteville's Drainage Criteria Manual. The grading for the site was designed to convey the runoff from the 100-year frequency storm event per City of Fayetteville ordinance requirements. See the grading plans for details.

Should you have any questions or require any additional information, please feel free to contact us at your convenience.

CERTIFICATION:

I, Robert M. Crafton, Registered Professional Engineer No. 9080 in the State of Arkansas, hereby certify that the drainage studies, reports, calculations, designs, and specifications contained in this report have been prepared in accordance with the requirements of the City of Fayetteville. Further, I hereby acknowledge that the review of the drainage studies, reports, calculations, designs, and specifications by the City of Fayetteville or its representatives cannot and does not relieve me from any professional responsibility or liability.

Sincerely,

Crafton, Tull & Associates, Inc.



Robert M. Crafton, P.E.
Project Manager

OPERATION AND MAINTENANCE PLAN

Erosion and sediment control will be achieved through the use of hay bale ditch checks and silt fences. The engineer or qualified representative will inspect the erosion control measures once a week, until the project is complete.

Sincerely,

Crafton, Tull & Associates, Inc.



Robert M. Crafton, P.E.
Project Manager

C10 PAGE 47 of 52 CITY COUNCIL AGENDA
WETLAND INFORMATION

proposed as a future mixed-use development possibly consisting of residences, retail and offices in one building.

A Parks Board determination is not available at this date due to the postponement of the Parks Board meeting to November 8, 2004. However, the developers have met with the Parks staff several times and reached a verbal agreement on the land dedication and cash in-lieu requirements. A 16-foot wide trail easement will be dedicated from the east property line to the west property line. In addition, the developers will construct the grading and paving for this trail from the east property line to the east end of the old railroad bridge at the western side of the site. An assessment report for this bridge will be donated to the City. The developers will also dedicate 0.881 acres of land to the City along the south property line, which is contiguous to land the City is purchasing for a park. The developers will donate park equipment to meet the balance of the park land dedication requirement.

A traffic study has been completed for the proposed development. The proposed development is not estimated to cause any significant traffic problems, especially considering that the site was a previously developed residential area. The developers propose to construct a left turn lane on Hill Avenue at the intersection with 6th Street. In addition, to provide additional access to the southern portion of the site, the developers propose to construct Brooks Avenue from their south property line to 12th Street. Brooks Avenue is a platted right-of-way, although the street has never been constructed.

* A Corps of Engineers Nationwide Permit was previously granted for this development under a different site concept than is currently proposed. This development will involve filling in a small amount of existing wetlands, and as mitigation, approximately four acres along Town Branch Creek will be deed restricted against any further development in the future. An amendment to the Nationwide Permit is being sought from the Corps, and the Corps staff has given verbal confirmation that this amended proposal will be approved.

Water and sanitary sewer services are available for the site. The City's Wastewater System Capacity Assessment shows that the 12-inch/15-inch sewer line that runs through the site is only at 9% to 13% of its capacity. 6-inch water lines are adjacent to the site along 6th Street, Hill Avenue and 11th Street.

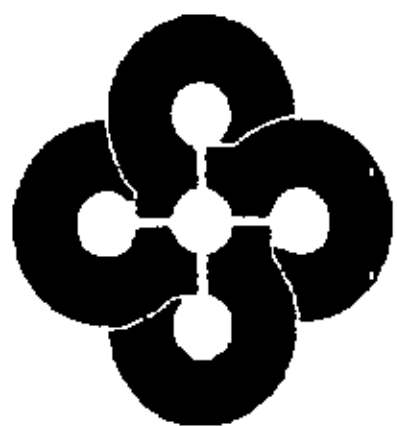
Included with this submittal are the following to comply with City requirements:

1. Twenty-eight (28) sets of the PZD plans for the proposed improvements.
2. Twelve (12) 11"x17" color sets of the overall proposed development plan, 3-D rendering of the town homes, and front, rear and side elevations of the town homes.

Traffic Study

ASPEN RIDGE DEVELOPMENT

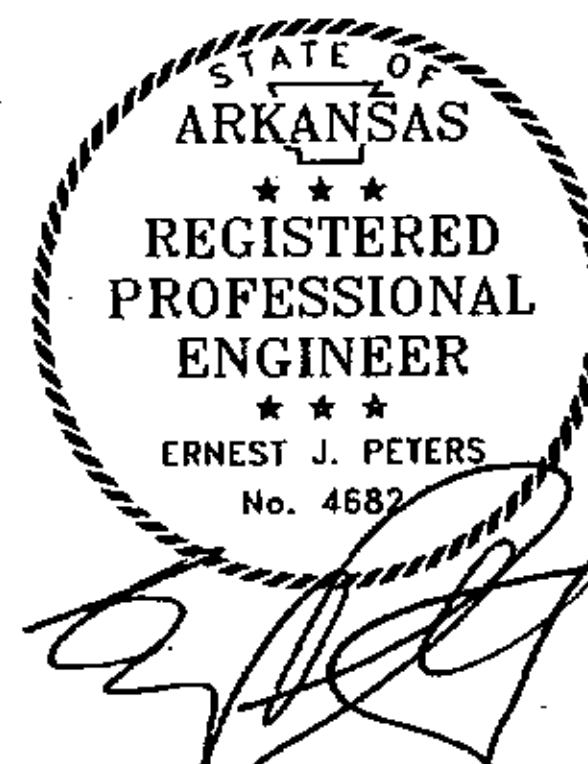
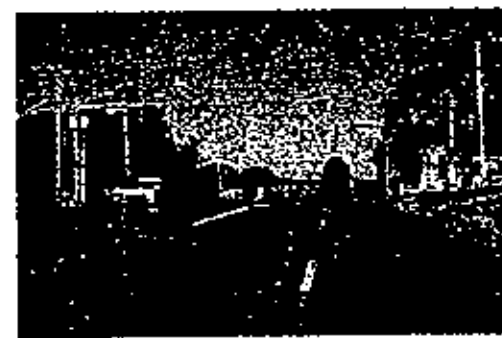
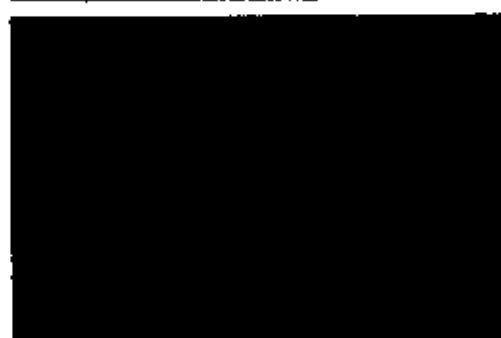
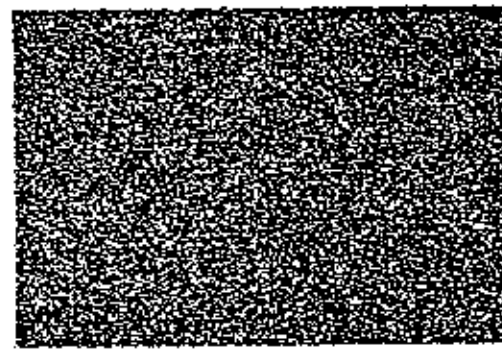
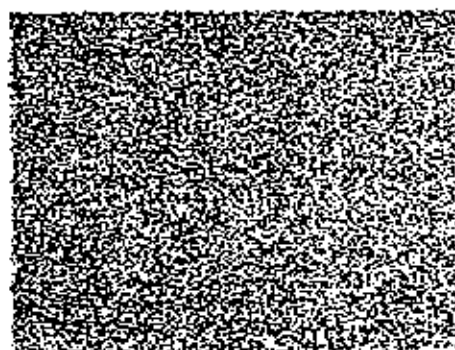
prepared for:



**Crafton, Tull &
Associates, Inc.**

**6th Street
and
Hill Avenue**

Fayetteville, Arkansas



**PETERS & ASSOCIATES
ENGINEERS, INC**

• CIVIL & TRAFFIC ENGINEERING •
P.O. BOX 21638 (501) 225-0500
LITTLE ROCK, ARKANSAS 72221

Project No.: P-1051

November 2, 2004

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Traffic Study

EXECUTIVE SUMMARY

Peters & Associates Engineers, Inc. conducted a traffic impact study for a proposed residential apartment complex and mixed-use development (Aspen Ridge Development) located on the south side of 6th Street and on the west side of Hill Avenue in Fayetteville, Arkansas. The site is just north of 11th Street. Full build-out of the site is proposed to consist of approximately 219 townhouse units, approximately 12 apartment units and approximately 15,000 square feet of retail use. A reduced copy of the site plan is included in the Appendix for reference.

The site is proposed to consist of three development phases described as follows:

- o **Phase 1** - 112 single family townhouse units.
- o **Phase 2** - An additional 107 single family townhouse units.
- o **Phase 3** - Mixed-use area consisting of retail and an additional 12 apartment units.

Traffic operational analysis of proposed access was conducted for existing vehicle traffic volumes plus traffic volumes projected to be generated as a part of the development for the following:

- o Phase 1
- o Phase 1 and 2
- o Phase 1, 2 and 3.

Existing 24-hour traffic counts were gathered on Hill Avenue in the vicinity of the site and on 11th Street, just east of Duncan Avenue. All traffic count data was gathered while local schools were in session. Existing vehicle turning movement count data were gathered for the intersection of 6th Street and Hill Avenue by this consultant as a part of this study.

Projected traffic volumes for each phase of analysis of the proposed development were calculated. These projected vehicle trips for each study phase were added to the ex-

Traffic Study

isting traffic volumes, which resulted in total projected traffic volumes at the completion of each phase of development.

There are no planned transportation improvements by the City of Fayetteville or Arkansas State Highway and Transportation Department (AHTD) in the vicinity of the site.

Capacity and LOS analysis for existing traffic conditions for the intersection of 6th Street and Hill Avenue and projected traffic operations at the same intersection and the access drive intersections with 6th Street, Hill Avenue and 11th Street proposed to serve the development were analyzed for each phase of development for the AM and PM peak hours. All vehicle movements at the study intersections for existing traffic conditions and for projected traffic conditions for all three development phases (Phase 1, 2 and 3) either currently operate or are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Recommendations of this study are summarized as follows:

- It is recommended that the access drives proposed to serve the site be constructed as follows:
 - Access Drive A (Phase 1) as a two lane median divided roadway, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a outbound right-turn only lane.
 - Access Drive B (Phase 1) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
 - Access Drive C (Phase 2) constructed as a three-lane roadway consisting of an outbound right-turn lane, an outbound left-turn lane and an inbound receiving lane.

Traffic Study

- Access Drive D (Phase 3) as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a outbound right-turn only lane.
- Access Drive E (Phase 3) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
- It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.
- It is recommended that radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.
- It is recommended to modify the existing traffic signal at the intersection of 6th Street and Hill Avenue as necessary to accommodate street widening and intersection radii improvements.
- Traffic signal and roadway improvements designs along 6th Street will require approval and must conform to design standards of the City of Fayetteville and AHTD.
- Roadway design to the site access drives intersecting Hill Avenue and intersecting 11th Street will require approval and must conform to the design standards of the City of Fayetteville.

Traffic Study

INTRODUCTION

Peters & Associates Engineers, Inc. conducted a traffic impact study for a proposed residential apartment complex and mixed-use development (Aspen Ridge Development) located on the south side of 6th Street and on the west side of Hill Avenue in Fayetteville, Arkansas. The site is just north of 11th Street. Full build-out of the site is proposed to consist of approximately 219 townhouse units, approximately 12 apartment units and approximately 15,000 square feet of retail use. A reduced copy of the site plan is included in the Appendix for reference.

The site is proposed to consist of three development phases described as follows:

- o **Phase 1** - 112 single family townhouse units.
- o **Phase 2** - An additional 107 single family townhouse units.
- o **Phase 3** - Mixed-use area consisting of retail and an additional 12 apartment units.

This is a report of methodology and findings relating to a traffic engineering study undertaken to:

- Ascertain projected traffic operating conditions at 6th Street and Hill Avenue and the access drive intersections proposed to serve each phase of the site.
- Identify the effects on traffic operations resulting from existing traffic in combination with site-generated traffic associated with the development.
- Evaluate proposed access to the site and make recommendations for mitigative improvements which may be necessary and appropriate to ensure minimum impact and acceptable traffic operations.

In the following sections of this report there are presented traffic data, study methods, findings and recommendations of this traffic engineering investigation. The traffic engineering study is technical in nature. Analysis tech-

Traffic Study

niques employed are those most commonly used in the traffic engineering profession for traffic impact analysis. Certain data and calculations relative to traffic operational analysis are referenced in the report. Complete calculations and data are included in the Appendix of the report.

THE SITE

The location of the development is within the City of Fayetteville in Washington County, Arkansas. The site is located on the south side of 6th Street and on the west side of Hill Avenue (and just north of 11th Street). The proposed development site location and vicinity are shown on Figures 1 and 2, which follow.

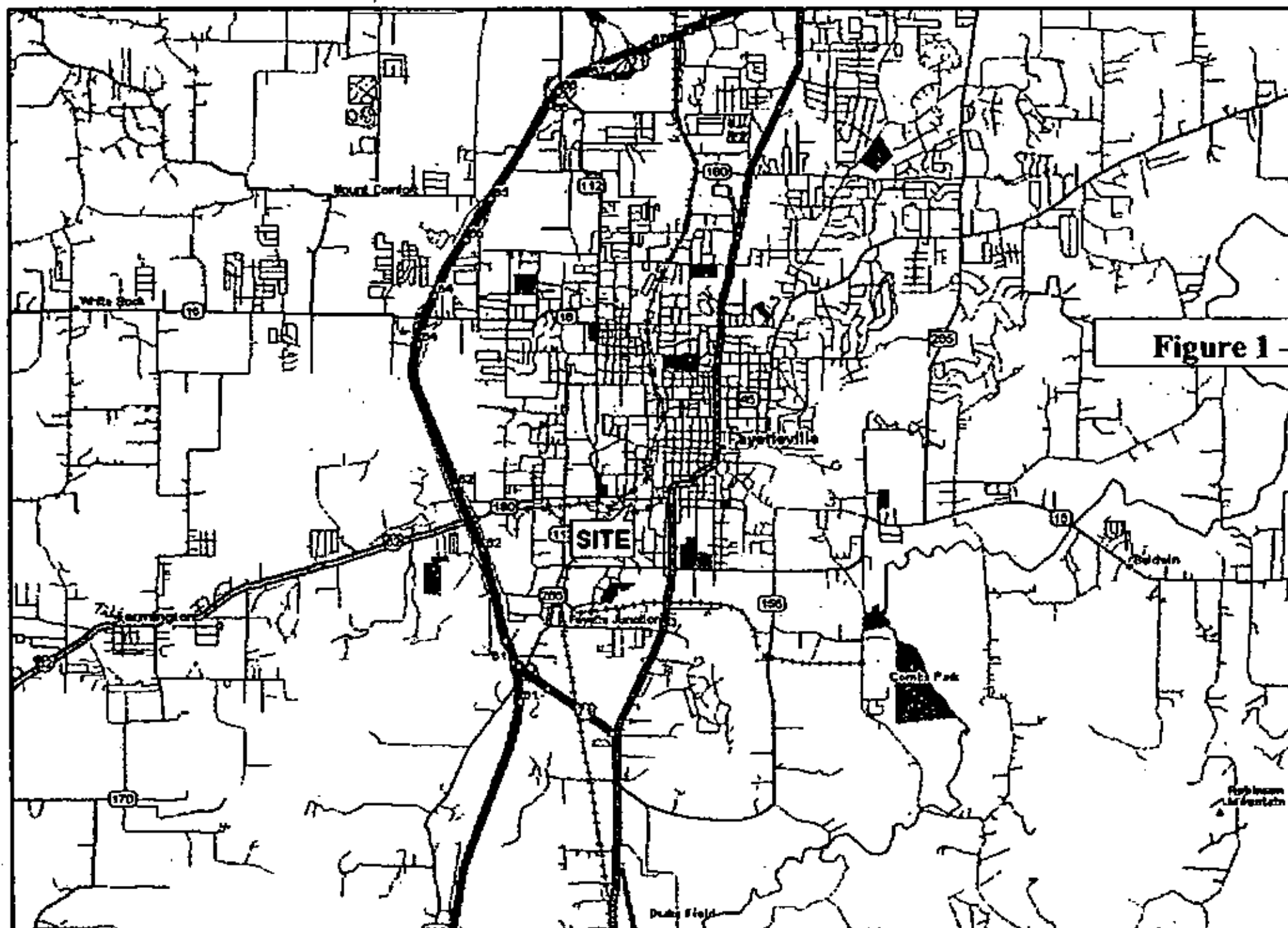


Figure 1 - Vicinity Map



PETERS & ASSOCIATES
ENGINEERS, INC.

This is a detailed street map of a neighborhood in Fayetteville, Arkansas. The map shows a grid of streets including Leroy Pond Dr, Razorback, Venus, W 6th St, Indian Tr, Rose Ave, Rochester, W 11th St, 12th Ave, 13th Ave, 14th Ave, 15th St, and 16th St. A shaded area labeled 'SITE' is located near the intersection of W 11th St and 12th Ave. Other landmarks include Fayetteville High School, Bates School, and Walker Park. The map also shows the location of the 'Branch' and 'Main' streets.

Phase 3 (two points of access) - One access drive (Drive D) is proposed to intersect 6th Street along the north edge of the Phase 3 of the site and serve right-in / right-out vehicle movements only. The other access drive (Drive E) is proposed to intersect Hill Avenue and serve full access to Phase 3 (right and left-turn vehicle movements entering and exiting the site).

Traffic Study

The site development plan calls for the construction of several buildings, plus associated parking, landscaping, and access drives. The site plan shows the proposed building locations and the approximate location of access drives, parking and other proposed facilities.

STREET SYSTEM

6th Street, also Highway 180, consists of two 11-foot eastbound lanes, two 11-foot westbound lanes and a 12-foot bi-directional center left-turn lane and is constructed with curbs and gutters in the vicinity of the site. There are sidewalks and the speed limit is 35 miles per hour in the vicinity of the site. 6th Street is constructed with asphalt.

Hill Avenue, is a 25-foot wide roadway consisting of two lanes and is constructed with curbs and gutters at the site. The speed limit is 25 miles per hour in the vicinity of the site. 6th Street is constructed with asphalt and sidewalks are along the west side of the road.

11th Street, at Duncan Avenue, is a 25-foot wide roadway consisting of two lanes and is constructed with shoulders and drainage ditches along the south side of the street and curbs and gutters along the north side. The speed limit is 25 miles per hour in the vicinity of the site. 11th Street is constructed with asphalt and sidewalks are along the north side of the street.

There is one existing traffic signal in the immediate vicinity of the at intersection of 6th Street and Hill Avenue. This is a two-phase traffic signal with signal indications mounted on mast arms. The controller is located on the northeast corner.

The following photos show the general layout of 6th Street, Hill Avenue, 11th Street / Duncan Avenue and surrounding uses in the vicinity of the site. These were taken at locations as indicated in the photo captions.

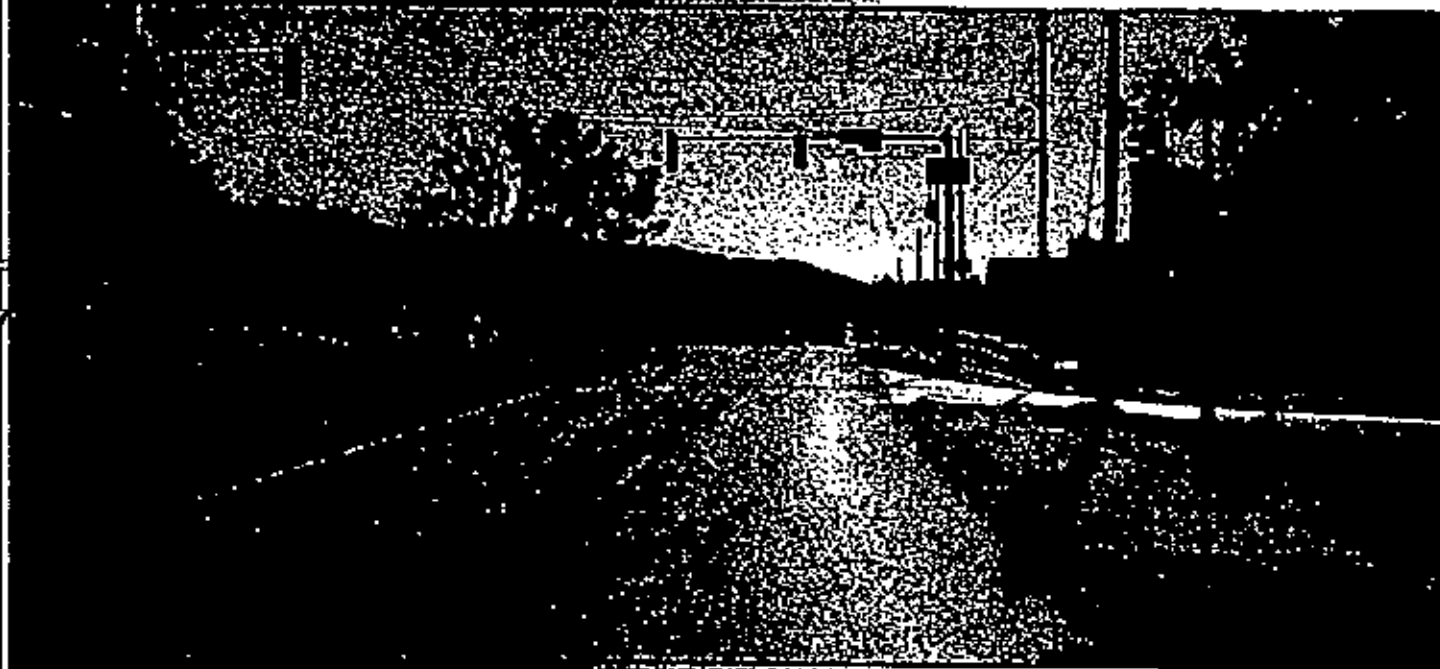


Traffic Study



6th Street

Looking north on Hill Avenue
toward 6th Street.



Hill Avenue

Looking east on 6th Street
toward Hill Avenue.



Hill Avenue

Looking west on 6th Street
toward Hill Avenue.



Hill Avenue

Looking east on 11th Street
toward Hill Avenue.

Traffic Study

EXISTING TRAFFIC CONDITIONS

Hourly, 24-hour traffic counts were made on at the following locations in the vicinity of the site by this consultant as a part of this study. All traffic count data was gathered while local schools were in session.

STREET	24-HOUR TWO-WAY VOLUME	TABLE & CHART
Hill Avenue, Just South of 6th Street	1,460	Table 1/Chart 1.
11th Street, Just East of Duncan Avenue	661	Table 2/Chart 2.

Hourly 24-hour traffic count data for Hill Avenue, just south of 6th Street and 11th Street, just east of Duncan Avenue are summarized on Table 1 and Chart 1, "24-Hour Traffic Counts – Hill Avenue, Just South of 6th Street," and Table and Chart 2, "24-Hour Counts - 11th Street, Just East of Duncan Avenue."

Other traffic count data collected as a part of this study includes AM and PM peak hour vehicle turning movement counts at the intersection of 6th Street and Hill Avenue. The AM and PM peak hour turning movement count data at this intersection are summarized on the following Charts 3 and 4 and are presented in detail in the Appendix of this report.

24-hour volume count data and AM and PM peak hour vehicle turning movement counts made as a part of this study are shown on Figure 3, "Existing Traffic Volumes."

Traffic Study

TIME	Hill Avenue, Just South of 6th Street		
	Northbound	Southbound	NB + SB
01:00 PM	51	46	97
02:00 PM	37	36	73
03:00 PM	51	51	102
04:00 PM	47	45	92
05:00 PM	40	56	96
06:00 PM	49	53	102
07:00 PM	39	42	81
08:00 PM	36	29	65
09:00 PM	25	19	44
10:00 PM	10	21	31
11:00 PM	11	12	23
12:00 AM	13	11	24
01:00 AM	2	2	4
02:00 AM	2	1	3
03:00 AM	4	2	6
04:00 AM	7	1	8
05:00 AM	1	9	10
06:00 AM	22	27	49
07:00 AM	53	23	76
08:00 AM	57	38	95
09:00 AM	56	39	95
10:00 AM	37	39	76
11:00 AM	56	40	96
12:00 PM	53	59	112
24-Hour Total:	759	701	1460

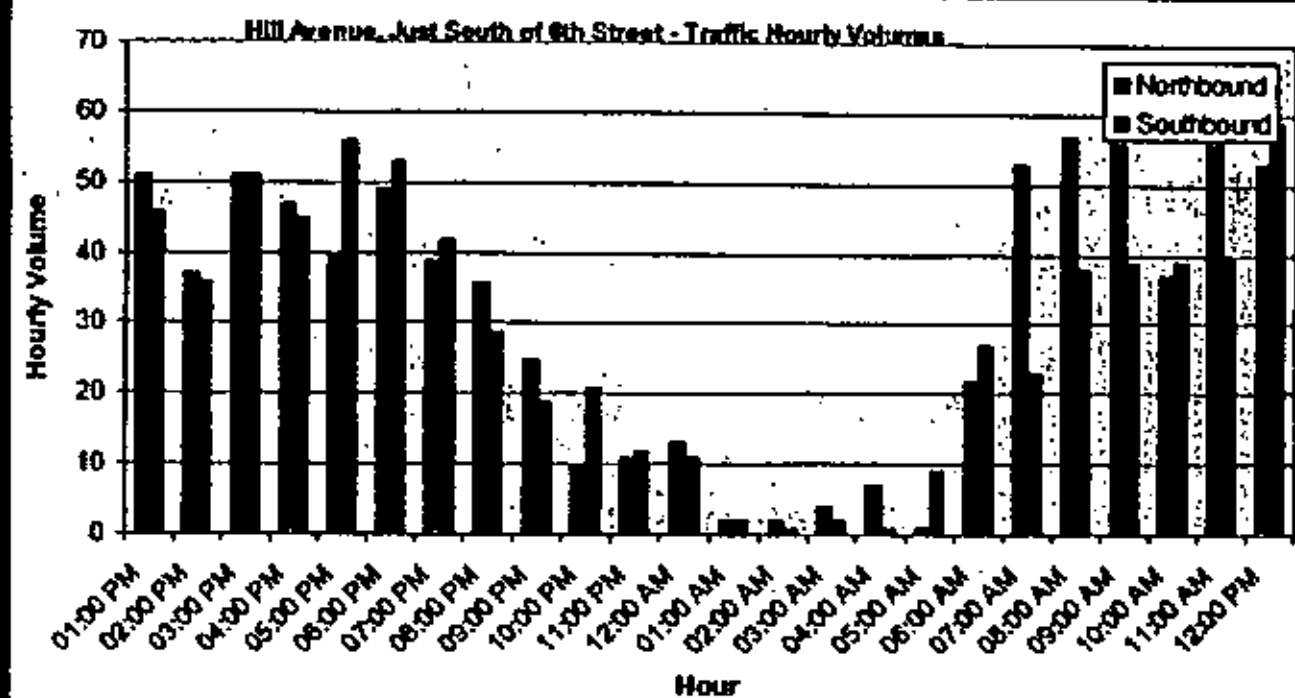
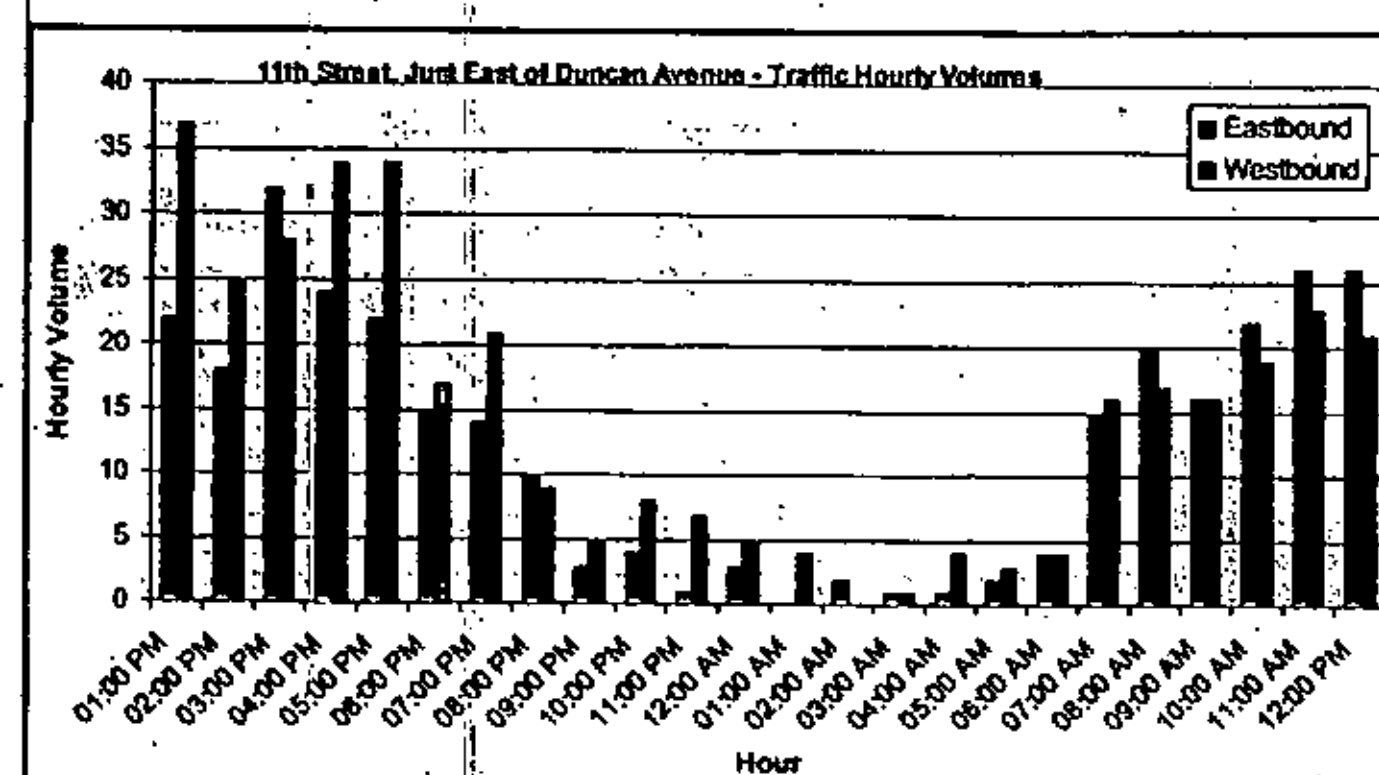


Table 1—Chart 1 24-Hour Traffic Counts
Hill Avenue, Just South of 6th Street.

Table 2—Chart 2 24-Hour Traffic Counts
11th Street, Just East of Duncan Avenue.



TIME	11th Street, Just East of Duncan Avenue		
	Eastbound	Westbound	EB + WB
01:00 PM	22	37	59
02:00 PM	18	25	43
03:00 PM	32	28	60
04:00 PM	24	34	58
05:00 PM	22	34	56
06:00 PM	15	17	32
07:00 PM	14	21	35
08:00 PM	10	9	19
09:00 PM	3	5	8
10:00 PM	4	8	12
11:00 PM	1	7	8
12:00 AM	3	5	8
01:00 AM	0	4	4
02:00 AM	2	0	2
03:00 AM	1	1	2
04:00 AM	1	4	5
05:00 AM	2	3	5
06:00 AM	4	4	8
07:00 AM	15	16	31
08:00 AM	20	17	37
09:00 AM	16	16	32
10:00 AM	22	19	41
11:00 AM	26	23	49
12:00 PM	26	21	47
24-Hour Total:	303	358	661

Traffic Study

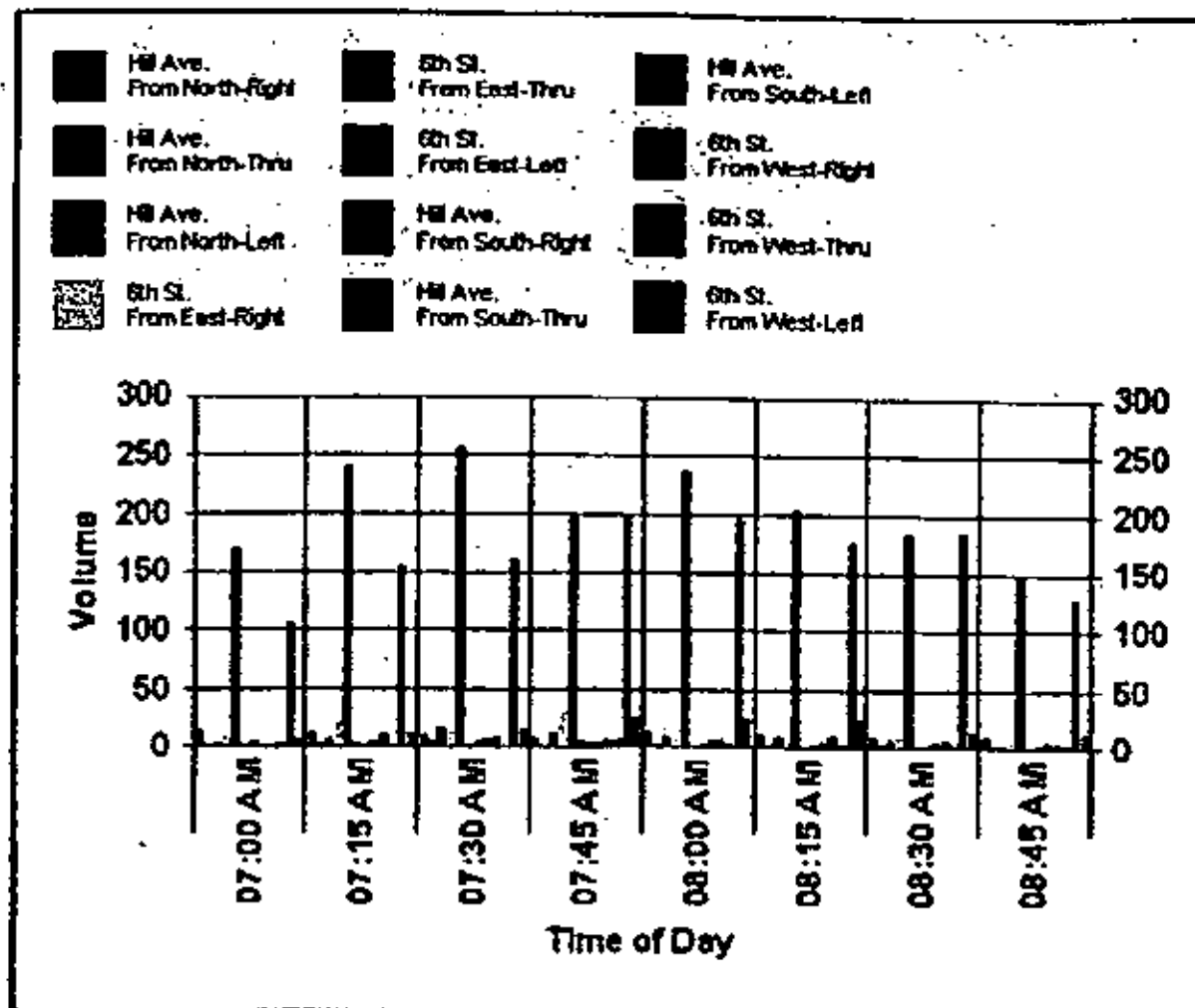


Chart 3
AM Peak Hours Turning Movement Count Data
6th Street and Hill Avenue.

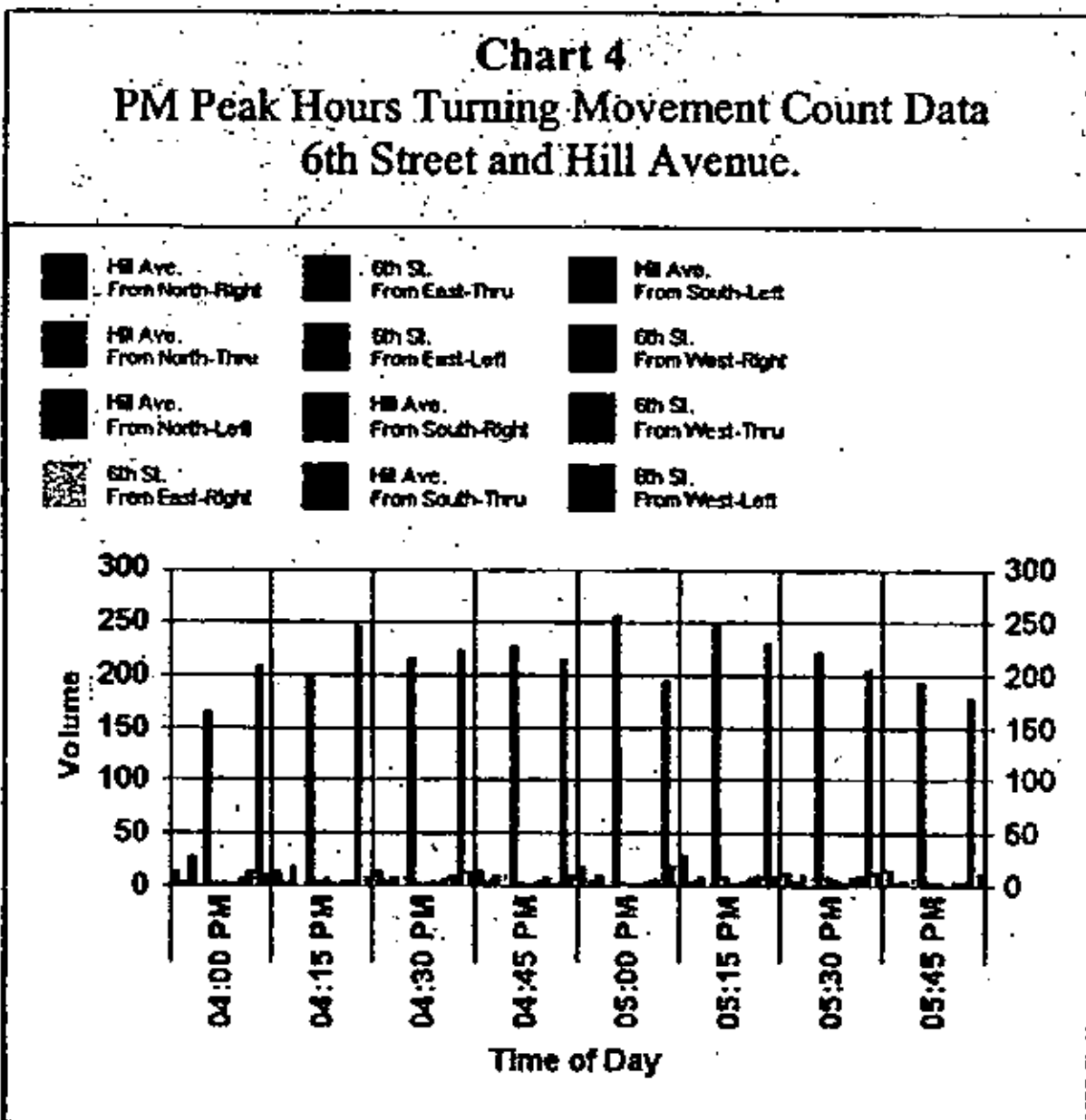
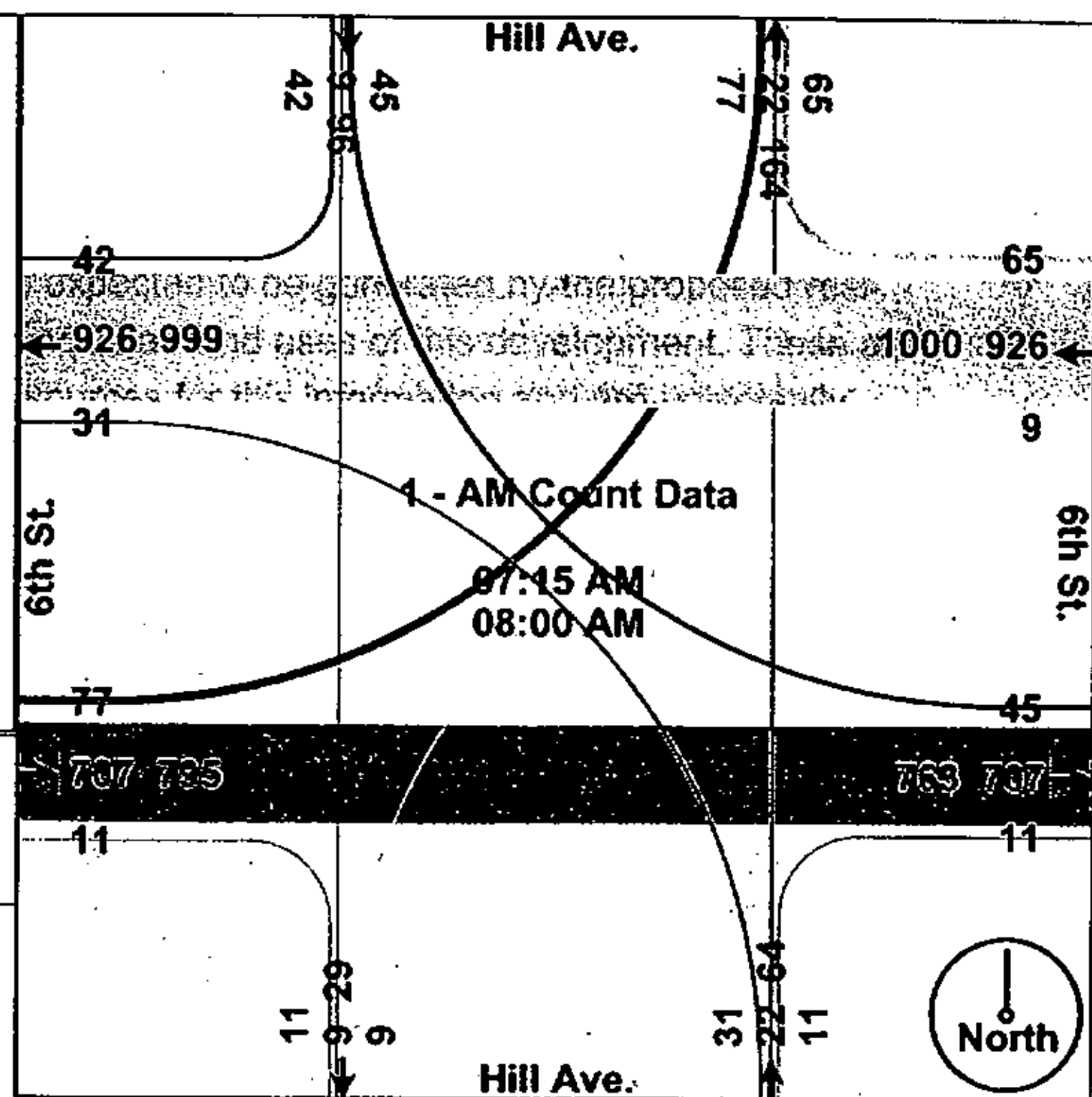
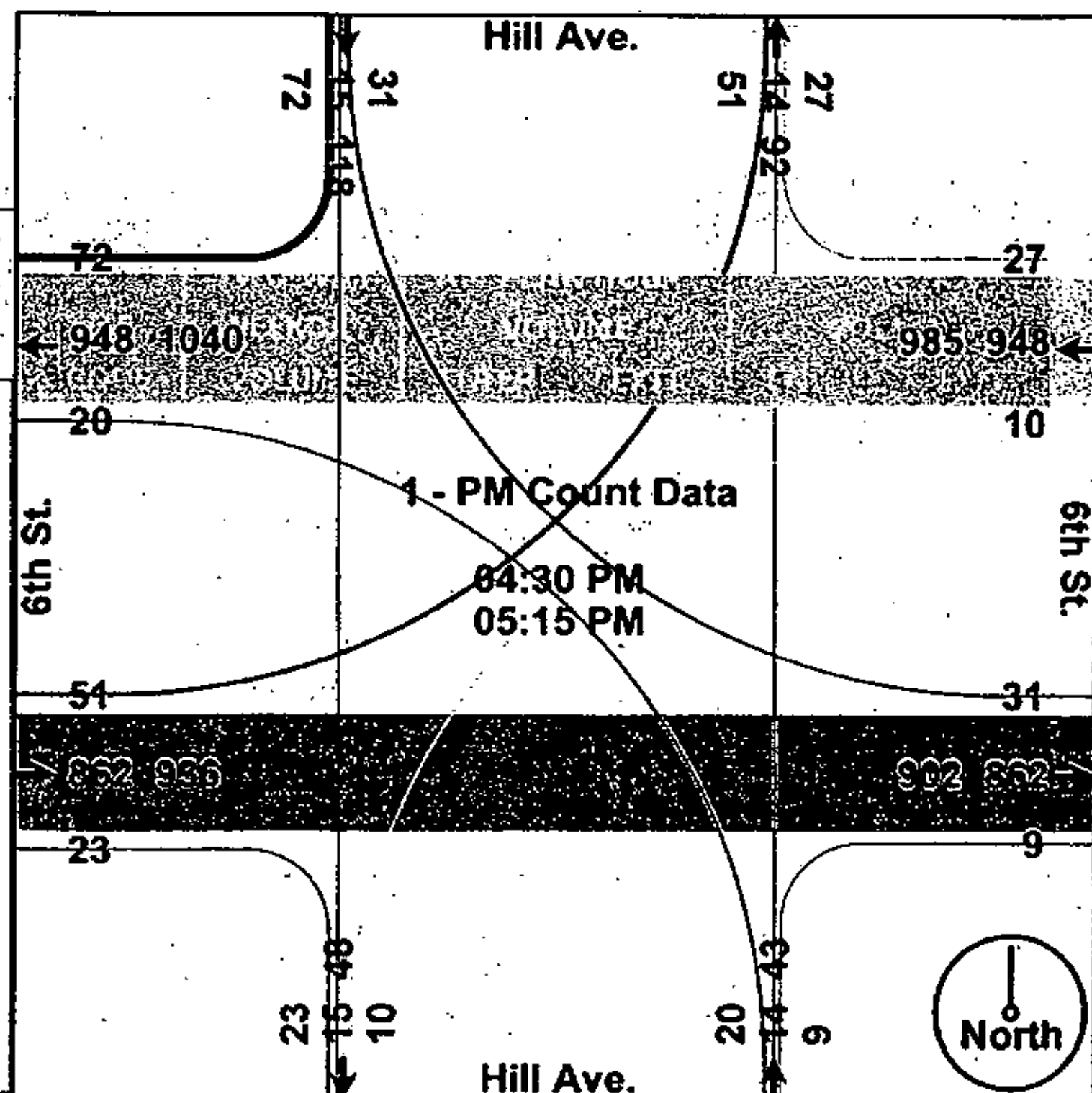


Chart 4
PM Peak Hours Turning Movement Count Data
6th Street and Hill Avenue.



Traffic Study

TRIP GENERATION and SITE TRAFFIC PROJECTIONS

The Trip Generation, an Informational Report, 2003, published by the Institute of Transportation Engineers (ITE) and The Trip Generation Software (Version 5 by Micro-trans), were utilized in calculating the magnitude of traffic volumes expected to be generated by the proposed residential and retail land uses of this development. These are reliable sources for this information and are universally used in the traffic engineering profession.

Using the selected trip generation rates, calculations were made as a part of this study to provide a reliable estimate of traffic volumes that can be expected to be associated with each phase of the development as proposed. Applying the appropriate trip generation rates to the land uses proposed for the development makes these calculations. Results of this calculation are summarized on Table 3, "Summary of Trip Generation," below.

These calculations indicate the vehicle trips (combined in and out) per average weekday projected to be generated by the proposed residential and retail land uses on this site for each phase of development. Of this total, vehicle trips estimated during the traffic conditions of the adjacent

PROPOSED LAND USE	APPROXIMATE SIZE	ITE CODE	24-HOUR TWO-WAY WEEKDAY VOLUME	AM PEAK HOUR VOLUME ENTER EXIT	PM PEAK HOUR VOLUME ENTER EXIT
PHASE 1					
Residential Townhouses	112 Units	230	656	8 41	39 19
PHASE 2					
Residential Townhouses	112 Units	230	627	7 40	37 18
PHASE 1 PLUS PHASE 2 SUB-TOTALS:			1,283	15 81	76 37
PHASE 3					
Residential Apartments	19 Units	220	128	2 8	8 4
Retail	15,000 Sq. Ft.	820	644	9 6	27 29
PHASE 3 SUB-TOTALS:			772	11 14	35 33
FULL BUILD-OUT TOTALS:			2,055	26 95	111 70
TOTAL FULL BUILD-OUT ENTERING + EXITING				121	181

Table 3 - Trip Generation Summary



PETERS & ASSOCIATES
ENGINEERS, INC.

Traffic Study

street AM peak hour and PM peak hour are also indicated on Table 3 for each phase of development.

These data have not been adjusted for "pass-by" trips (i.e. that portion of the site-destined traffic likely to come from the existing adjacent street traffic stream) due to the land uses and location of the site. The majority of the vehicle trips destined for the site is not expected to be in the existing traffic volumes.

Residential land-use, as will be associated with this site, ordinarily does contribute to the adjacent street traffic conditions during the on street AM peak traffic hour and the PM peak traffic hour. Accordingly, both the AM and PM peak traffic periods of the adjacent streets in the immediate vicinity of the site are the traffic operating conditions which have warranted primary traffic analysis as a part of this study.

TRAFFIC VOLUME ASSIGNMENTS

Once projected traffic was estimated for the site, directional distributions were made to reflect the percent of left and right turns at the study intersections. Directional distribution percentages used in this report are shown on Figure 4, "Directional Distribution - Site Traffic."

The directional distribution percentages for site traffic have been equated to percentage turns for each movement at study intersections. These values are shown on:

- o Figure 5-A, "Phase 1 Entering Traffic Percentage Turns"
- o Figure 5-B, "Phase 2 Entering Traffic Percentage Turns"
- o Figure 5-C, "Phase 3 Entering Traffic Percentage Turns"
- o Figure 6-A, "Phase 1 Exiting Traffic Percentage Turns"
- o Figure 6-B, "Phase 2 Exiting Traffic Percentage Turns"
- o Figure 6-C, "Phase 3 Exiting Traffic Percentage Turns."



Traffic Study

The projected traffic volumes result from applying the percentages shown on Figures 5-A, 5-B, 5-C, 6-A, 6-B and 6-C to the corresponding projected site-generated traffic for each phase of development summarized on Table 3, "Trip Generation Summary." The projected site-generated traffic volumes are shown on the following figures:

- o Figure 7-A, "Phase 1 Generated Traffic Volumes - AM and PM Peak Hours"
- o Figure 7-B, "Phases 1 and 2 Generated Traffic Volumes - AM and PM Peak Hours"
- o Figure 7-C, "Full Build Site-Generated Traffic Volumes - AM and PM Peak Hours" (Includes Phases 1, 2 and 3).

Values shown on Figure 3, "Existing Traffic Volumes," have been combined with the site development projected traffic volumes shown on Figures 7-A, 7-B and 7-C and the results are depicted on the following figures:

- o Figure 8-A, "Phase 1 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours"
- o Figure 8-B, "Phases 1 and 2 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours"
- o Figure 8-C, "Full Build Site-Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours" (Includes Phase 1, 2 and 3).

Traffic volumes shown on Figures 8-A, 8-B and 8-C are the values used in traffic volume assignments and capacity and level of service (LOS) calculations conducted as a part of this study. The effect of existing background traffic (i.e. the adjacent street non-site traffic which exists) has thus been accounted for in this analysis.



Traffic Study

CAPACITY and LEVEL OF SERVICE

Generally, the "capacity" of a street is a measure of its ability to accommodate a certain magnitude of moving vehicles. It is a rate as opposed to a quantity, measured in terms of vehicles per hour. More specifically, street capacity refers to the maximum number of vehicles that a street element (e.g. an intersection) can be expected to accommodate in a given time period under the prevailing roadway and traffic conditions.

Level of Service (LOS) ordinarily has a letter designation relative to the various operating characteristics, ranging from "A" as the highest quality to "F" representing considerable delay. The various Levels of Service are generally described as follows:

SIGNALIZED INTERSECTIONS		
LOS	Avg. Total Delay (sec./veh.)	Description
A	≤ 10	This LOS is a free flow condition, with vehicles acting nearly independently to one another. There is little or no delay.
B	> 10 and ≤ 20	This LOS is slightly restrictive condition with short traffic delays. The presence of other vehicles is noticeable by the driver.
C	> 20 and ≤ 35	This LOS is the design level that engineers strive for during the service life of the facility. LOS C results from an average delay. The traffic flow is stable, but more restrictive.
D	> 35 and ≤ 55	This LOS is noticeably more restrictive, and there are long traffic delays. This LOS results in poor driver comfort and in greater accident probabilities.
E	> 55 and ≤ 80	At this LOS, the intersection is operating at capacity with little or no gaps. There are very long traffic delays and unstable intersection operation.
F	> 80	At this LOS, there are more vehicles arriving at the approach than can be discharged. Extreme delays will be encountered.
LOS values that are reported for signalized intersections are based on overall control delay for the intersection.		



Traffic Study

LOS	UNSIGNALIZED INTERSECTIONS	
	Avg. Total Delay (Sec/Veh)	Description
A	≤ 10	This LOS is a free-flow condition, with vehicles acting nearly independently to one another. There is little or no delay.
B	>10 and <15	This LOS is slightly restrictive condition with short traffic delays. The presence of other vehicles is noticeable by the driver.
C	>15 and <25	This LOS is the design level that engineers strive for during the service life of the facility. LOS C results from an average delay. The traffic flow is stable, but more restrictive.
D	>25 and <35	This LOS is noticeably more restrictive, and there are long traffic delays. This LOS results in poor driver comfort and in greater accident probabilities.
E	>35 and <50	At this LOS, the intersection is operating at capacity with little or no gaps. There are very long traffic delays and unstable intersection operation.
F	>50	At this LOS, there are more vehicles arriving at the approach than can be discharged. Extreme delays will be encountered.

Traffic operational calculations were performed as a part of this study for traffic operating conditions of projected traffic. This analysis was performed using Synchro Version 6, 2003. This computer program has been proven to be reliable when used to analyze capacity and levels of traffic service under various operating conditions. Detailed calculations for all capacity calculations are included in the Appendix. The adjacent street AM and PM peak traffic periods were used for these calculations. Factors included in the analysis are as follows:

- Existing traffic patterns.
- Directional distribution of projected traffic volumes.
- Existing and proposed intersection geometry (including elements such as turn lanes, curb radii, etc.).
- Existing background traffic volumes and projected site-generated volumes.
- Existing and proposed traffic control.

Traffic Study

EXISTING TRAFFIC CONDITIONS		Traffic Control	EB LT	EB TH	EB RT	WB LT	WB TH	WB RT	Overall Intersection
INTERSECTION									
PEAK HR		PEAK HOUR - LEVEL OF SERVICE							
AM	6th Street and Hill Avenue	SIGNAL	A	A	A	A	C	C	A
PM			A	A	A	A	C	C	A

Table 4 - Level of Service Summary - Existing Traffic Conditions

CAPACITY ANALYSIS

Results and Level of Service Analysis -

Existing Traffic Conditions

Capacity and level of service analysis were performed for existing traffic conditions for the worst-case adjacent street PM peak hour for the intersection of 6th Street and Hill Avenue. As indicated in Table 4, "Level of Service Summary - Existing Traffic Conditions," currently all existing vehicle movements at the intersection of 6th Street and Hill Avenue presently operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours for existing traffic conditions. Traffic volumes used for this analysis are shown on Figure 3, "Existing Traffic Volumes."

Results and Level of Service Analysis -

Phase 1 Projected Traffic Conditions

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B.

For Phase 1 projected traffic conditions, analysis was conducted with the following roadway conditions:

- o The addition of a northbound left-turn lane on Hill Avenue at 6th Street.
- o Access Drive A as a two lane median divided road-

Traffic Study

- way, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a outbound right-turn only lane.
- o Access Drive B as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the study intersections for Phase 1 projected traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for Phase 1 projected traffic conditions are shown on Figure 8-A, "Phase 1 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours."

Results and Level of Service Analysis - Phases 1 and 2 Projected Traffic Conditions

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B
- o 11th Street and Drive C.

For Phases 1 and 2 projected traffic conditions, analysis was conducted with the same roadway conditions as in Phase 1 projected traffic conditions plus Access Drive C constructed as a three-lane roadway consisting of an outbound right-turn lane, an outbound left-turn lane and an inbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the



Traffic Study

study intersections for Phases 1 and 2 projected traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for Phases 1 and 2 projected traffic conditions are shown on Figure 8-B, "Phases 1 and 2 Generated Traffic Plus Existing Traffic Volumes - AM and PM Peak Hours."

Results and Level of Service Analysis - Full Build Projected Traffic Conditions (Includes Phases 1, 2, and 3)

Capacity and LOS analysis was performed for the projected traffic conditions for the AM and PM peak hours. This analysis was performed for the following intersections:

- o 6th Street and Hill Avenue
- o 6th Street and Drive A
- o Hill Avenue and Drive B
- o 11th Street and Drive C
- o 6th Street and Drive D
- o Hill Avenue and Drive E.

For full build projected traffic conditions, analysis was conducted with the same roadway conditions as in Phase 1 and 2 plus the following:

- o Access Drive D as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a out-bound right-turn only lane.
- o Access Drive E as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.

As indicated in Table 5, "Level of Service Summary - Projected Traffic Conditions," all vehicle movements at the study intersections for full build-out of the site projected



Traffic Study

PHASE 1 PROJECTED TRAFFIC CONDITIONS		Traffic Control										Overall Intersection
PEAK HR	INTERSECTION		PEAK HOUR - LEVEL OF SERVICE									
AM	6th Street and Hill Avenue	SIGNAL	A	A	A	A	C	C	C	C	A	
PM			A	A	A	A	C	C	C	C	A	
AM	6th Street and Drive A	SIGN		A	A	A		B			n/a	
PM				A	B	A		B			n/a	
AM	Hill Avenue and Drive B	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	

PHASE 2 PROJECTED TRAFFIC CONDITIONS		Traffic Control										Overall Intersection
PEAK HR	INTERSECTION		PEAK HOUR - LEVEL OF SERVICE									
AM	6th Street and Hill Avenue	SIGNAL	A	A	A	A	C	C	C	C	A	
PM			A	A	A	A	C	C	C	C	A	
AM	6th Street and Drive A	SIGN		A	A	A		B			n/a	
PM				A	B	A		B			n/a	
AM	Hill Avenue and Drive B	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	
AM	11th Street and Drive C	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	

FULL BUILD PROJECTED TRAFFIC CONDITIONS (Includes Phases 1, 2 and 3)		Traffic Control										Overall Intersection
PEAK HR	INTERSECTION		PEAK HOUR - LEVEL OF SERVICE									
AM	6th Street and Hill Avenue	SIGNAL	A	A	A	A	C	C	C	C	A	
PM			A	A	A	A	C	C	C	C	A	
AM	6th Street and Drive A	SIGN		A	A	A		B			n/a	
PM				A	B	A		B			n/a	
AM	Hill Avenue and Drive B	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	
AM	11th Street and Drive C	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	
AM	6th Street and Drive D	SIGN		A		A		B			n/a	
PM				A		A		B			n/a	
AM	11th Street and Drive E	SIGN	A		A		A		A		n/a	
PM			A		A		A		A		n/a	

Table 5 - Level of Service Summary - Projected Traffic Conditions											
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Table 5 - Level of Service Summary - Projected Traffic Conditions



Traffic Study

traffic conditions are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Traffic volumes used for full build projected traffic conditions are shown on Figure 8-B, "Full Build Site-Generated Traffic Plus Existing Traffic Volumes – AM and PM Peak Hours."

It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.

Additionally, radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.

FINDINGS AND RECOMMENDATIONS

Findings of this study are summarized as follows:

- Traffic volumes projected to be generated by the site at each phase of development are the following vehicle trips (combined in and out) per average weekday:
 - Phase 1 - Approximately 656 vehicle trips.
 - Phase 2 - Approximately 627 vehicle trips.
 - Phase 3 - Approximately 772 vehicle trips.
 - *Total - Approximately 2,055 vehicle trips.*
- The AM peak hour of the adjacent street (7:15 AM – 8:15 AM) and the PM peak hour of the adjacent street (4:30 PM – 5:30 PM) have been determined to be the two hours of highest traffic volumes in the vicinity.
- Capacity and LOS analysis for existing traffic conditions for the intersection of 6th Street and Hill Avenue and projected traffic operations at the same intersec-

Traffic Study

tion and the access drive intersections with 6th Street, Hill Avenue and 11th Street proposed to serve the development were analyzed for each phase of development for the AM and PM peak hours. All vehicle movements at the study intersections for existing traffic conditions and for projected traffic conditions for all three development phases (Phase 1, 2 and 3) either currently operate or are projected to operate at what calculates as an acceptable LOS "C" or better for the AM and PM peak hours.

Recommendations of this study are summarized as follows:

- It is recommended that the access drives proposed to serve the site be constructed as follows:
 - Access Drive A (Phase 1) as a two lane median divided roadway, consisting of an inbound lane (receiving lane for eastbound right-turn and westbound left-turn vehicle movements from 6th Street to Drive A) and a outbound right-turn only lane.
 - Access Drive B (Phase 1) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.
 - Access Drive C (Phase 2) constructed as a three-lane roadway consisting of an outbound right-turn lane, an outbound left-turn lane and an inbound receiving lane.
 - Access Drive D (Phase 3) as a two lane roadway, consisting of an inbound lane (receiving lane for westbound right-turn vehicle movements on 6th Street) and a outbound right-turn only lane.
 - Access Drive E (Phase 3) as a three-lane roadway consisting of an eastbound right-turn lane, an eastbound left-turn lane and a westbound receiving lane.



Traffic Study

- It is recommended that a minimum 120-foot northbound left-turn lane plus taper be constructed on Hill Avenue at 6th Street coincident with the development of Phase 1. The alignment of the lanes for north / south vehicle movements at this intersection must be addressed in the design of intersection improvements.
- It is recommended that radii on the southeast and southwest corner of the intersection of 6th Street and Hill Avenue should be increased as a part of the intersection improvements.
- It is recommended to modify the existing traffic signal at the intersection of 6th Street and Hill Avenue as necessary to accommodate street widening and intersection radii improvements.
- Traffic signal and roadway improvements designs along 6th Street will require approval and must conform to design standards of the City of Fayetteville and AHTD.
- Roadway design to the site access drives intersecting Hill Avenue and intersecting 11th Street will require approval and must conform to the design standards of the City of Fayetteville.



FILED FOR RECORD

ORDINANCE NO. 3666 '93 JAN 27 AM 11 01

AN ORDINANCE VACATING AND ABANDONING AN CO AR
PORTION OF THE STREET RIGHT-OF-WAY FOR PROPERTY MEYER
LOCATED IN THE 1300 and 1400 BLOCKS OF BROOKS
AVE., NORTH OF 15TH STREET, AS SUBMITTED BY
CAMPBELL SOUP COMPANY.

WHEREAS, the City Council has the authority under Ark. Code Ann. §14-54-104 to vacate portions of streets which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portion of the street right-of-way for the property located in the 1300 and 1400 blocks of Brooks Ave., and North of 15th Street, as submitted by Campbell Soup Company, is a platted but unopened street which is not required for corporate purposes.

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

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

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

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

PASSED AND APPROVED this 15th day of December, 1992.

APPROVED:

By:

Fred Hanna
Fred Hanna, Mayor

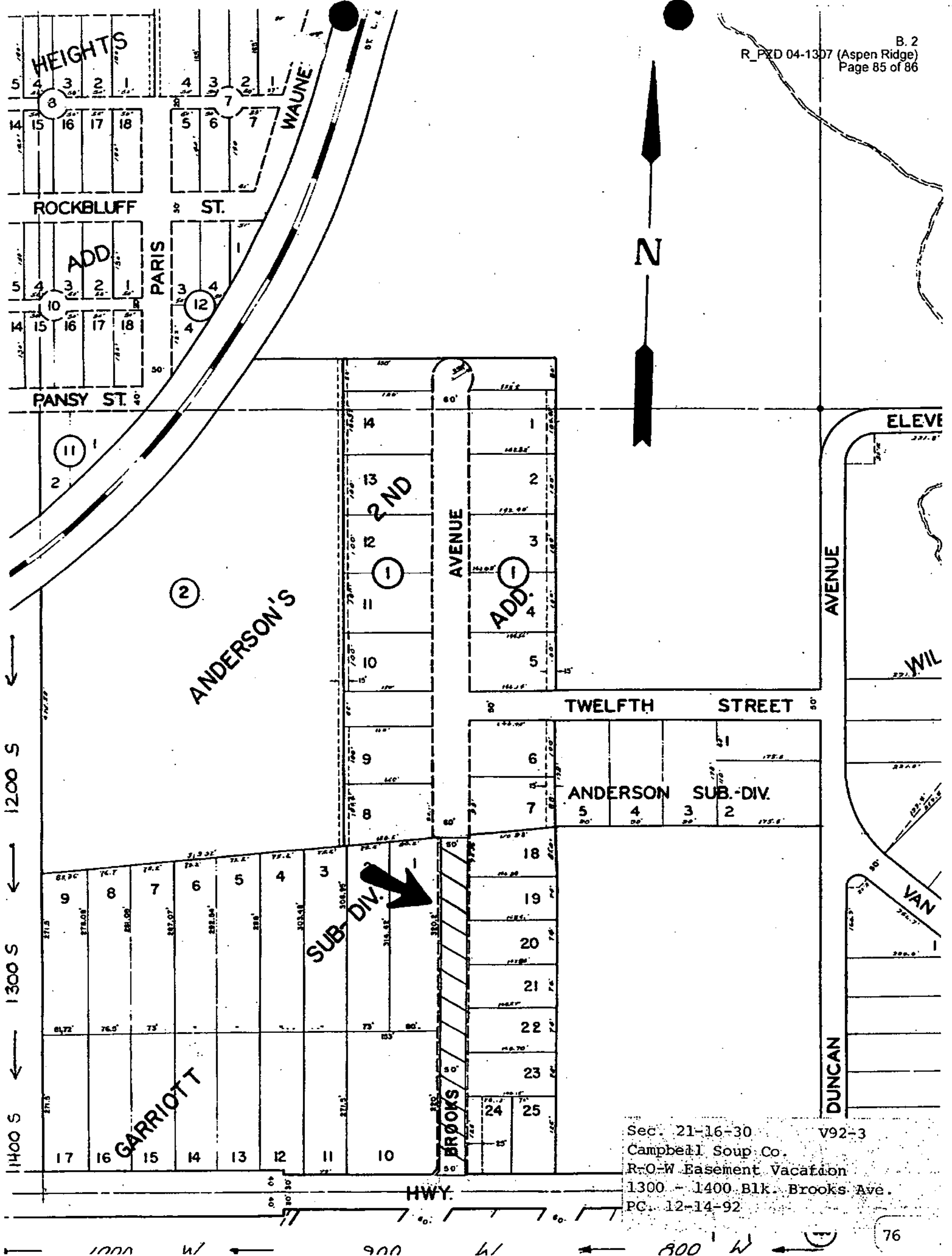
ATTEST:

By:

Sherry L. Thomas
Sherry L. Thomas, City Clerk



93 04733



Sec. 21-16-30 V92-3
Campbell Soup Co.
R-O-W Easement Vacation
1300 - 1400 Blk. Brooks Ave.
PC. 12-14-92

DEPARTMENTAL CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: City Engineer *[Signature]*
SUBJECT: Proposed Street Closing
Brooks Avenue, Garriott Subdivision
North of 15th Street, Campbell Soup
DATE: December 9, 1992

The Campbell Soup Company is petitioning the City to close a portion of Brooks Avenue located in the Garriott Subdivision to the City of Fayetteville. The un-opened street is located just north of 15th Street at the Campbell Soup plant.

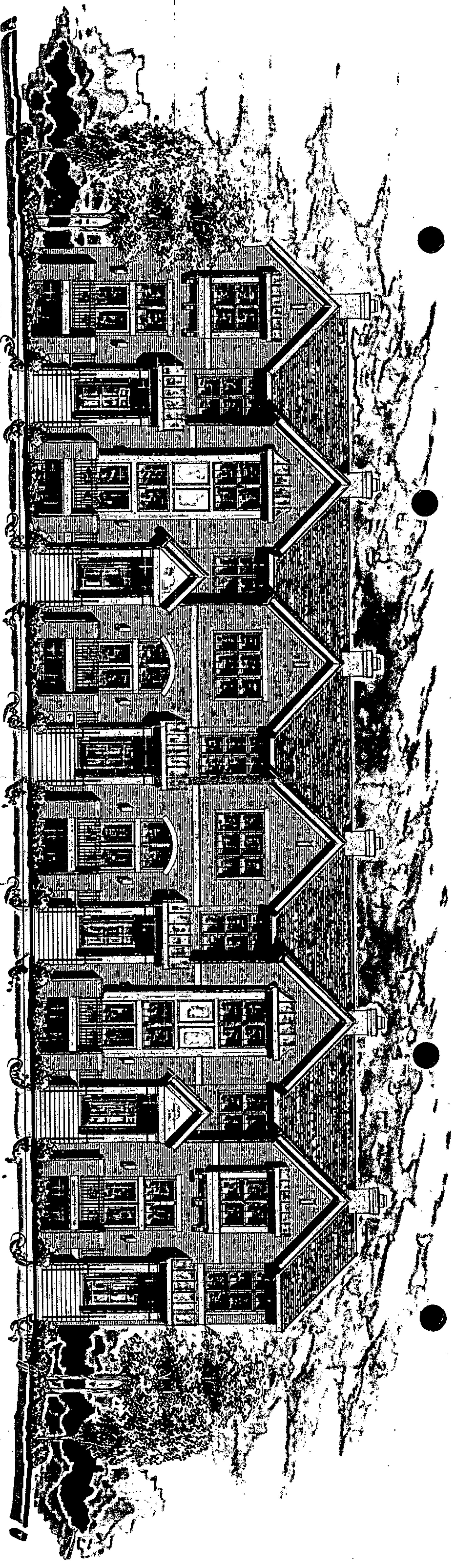
All of the public utilities have indicated no objections to the closing as requested by Campbell Soup. The City has no utilities or other facilities located within the proposed street closing area and have no plans to place facilities there in the future.

It is the recommendation of the Staff that the un-opened portion of Brooks Avenue north of 15th Street be closed as requested by Campbell Soup.



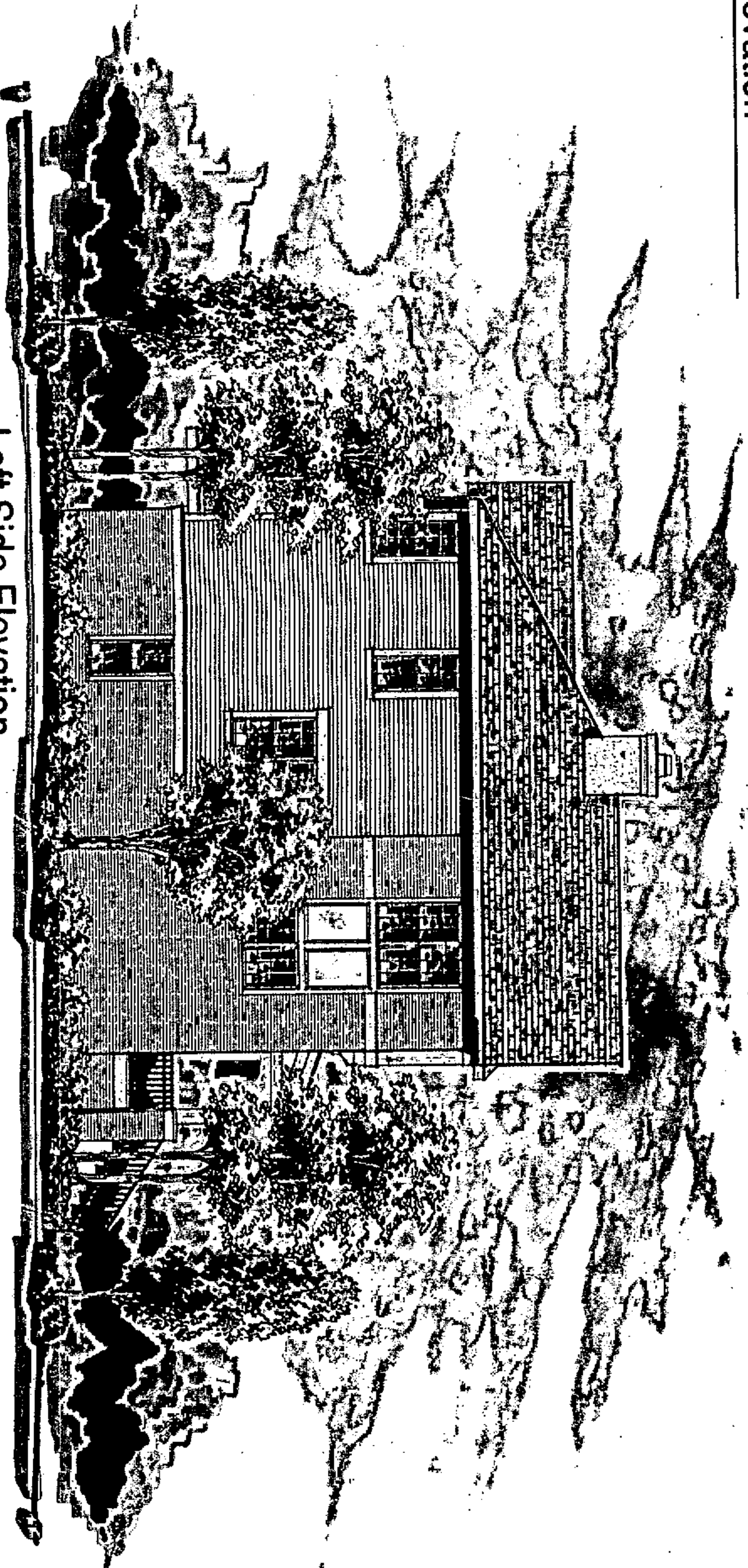
Sheet Number

DEC 2004



Front Elevation

3/16" = 1'-0"

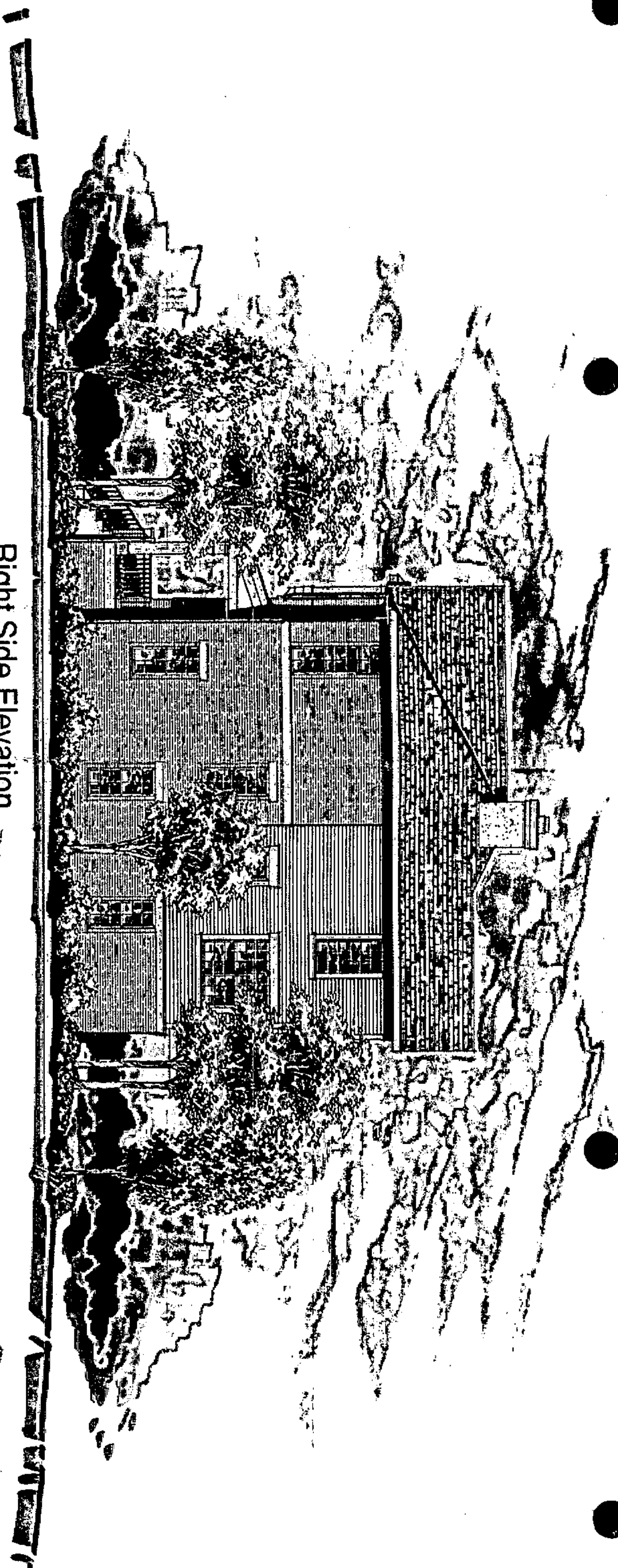


Left Side Elevation

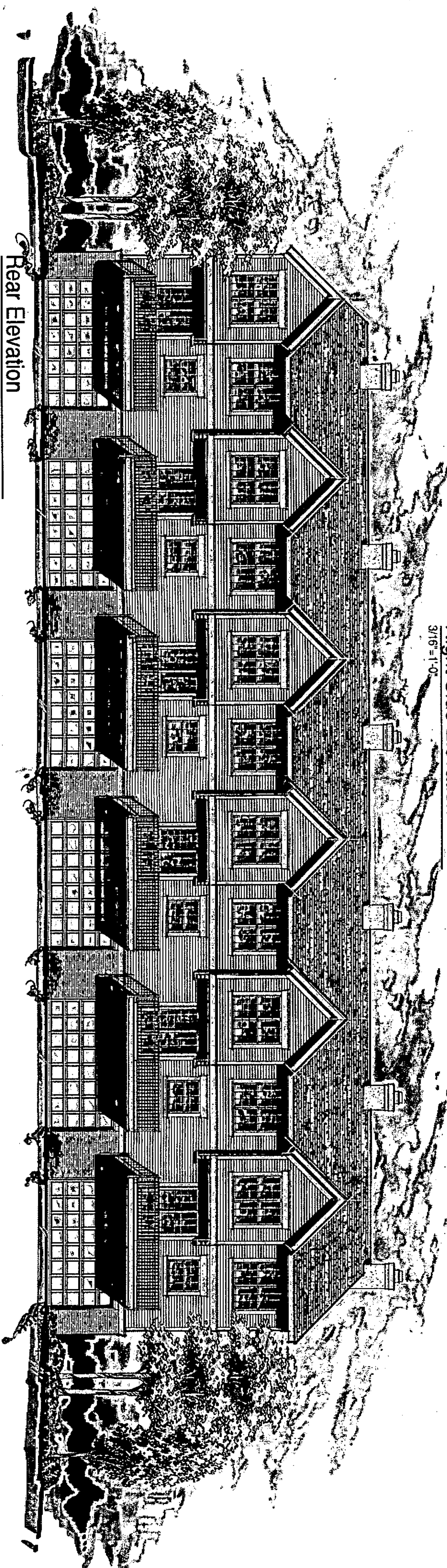
3/16" = 1'-0"

Town Creek
Construction & Development, L.L.C.

Aspen Ridge
Fayetteville, AR



Right Side Elevation
3/16" = 1'-0"



Rear Elevation
3/16" = 1'-0"

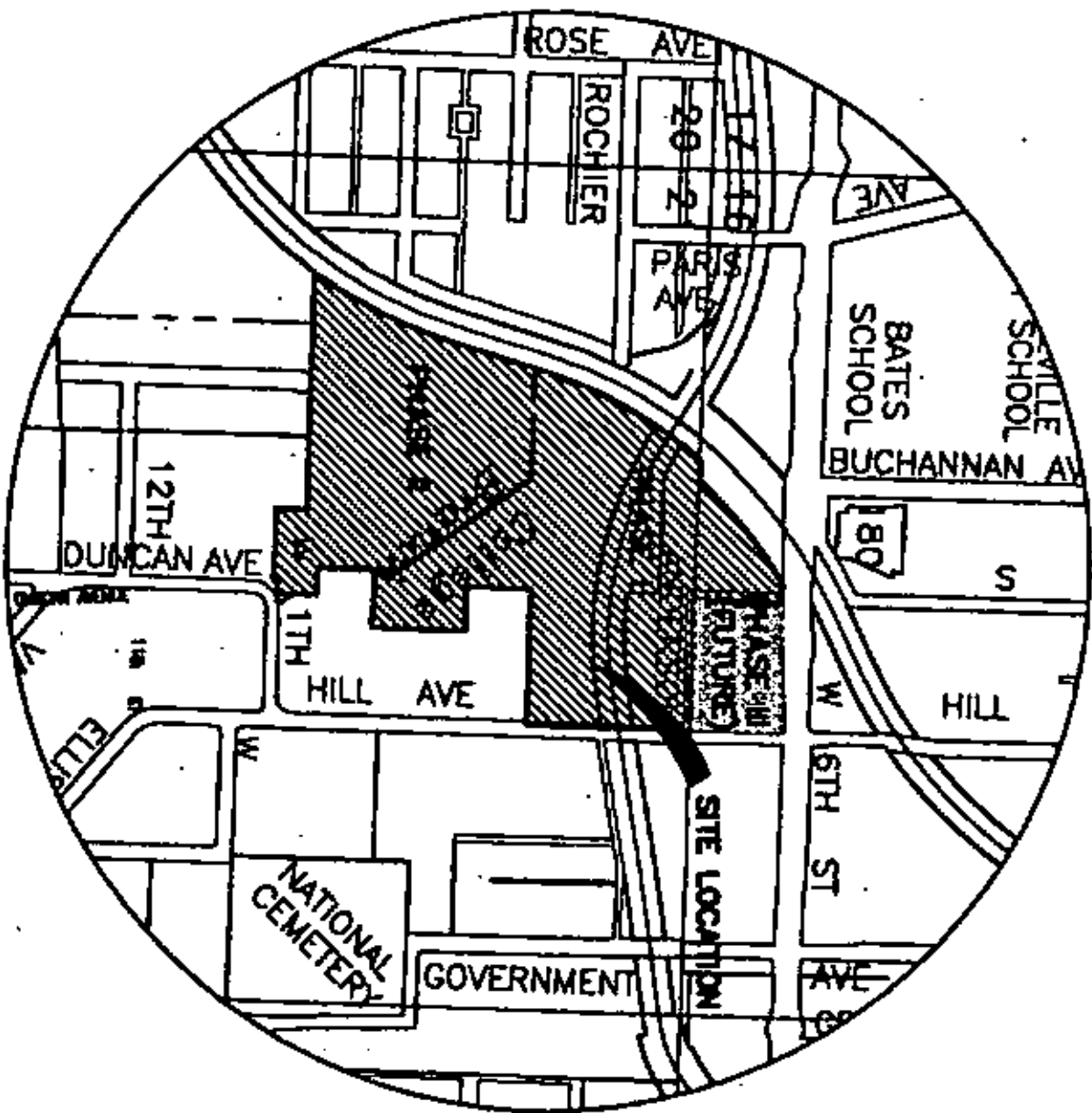
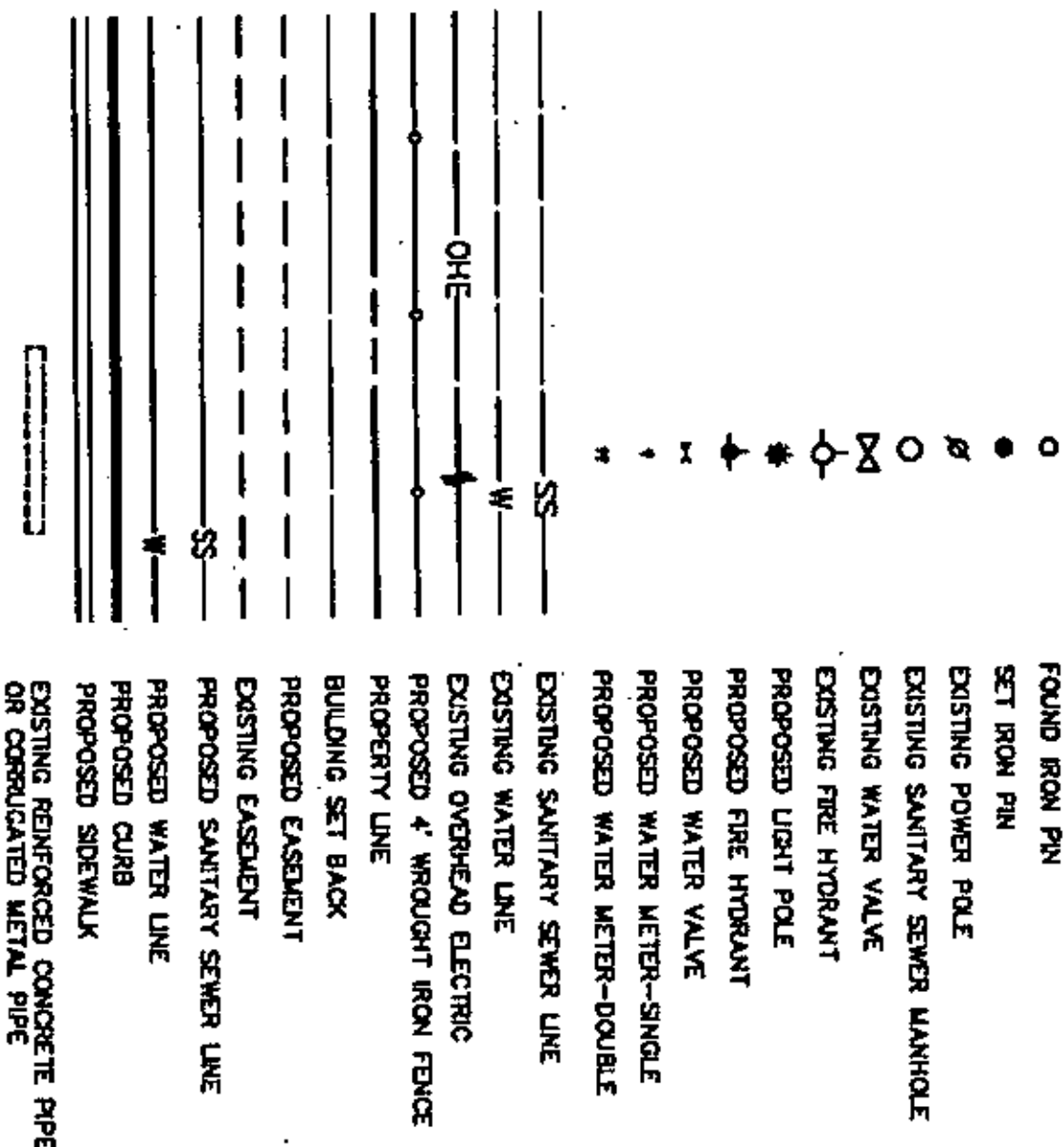
Town Creek
Construction & Development, L.L.C.

Aspen Ridge
Fayetteville, AR

PLANNED ZONING DISTRICT ASPEN RIDGE FAYETTEVILLE, ARKANSAS

27.97 ac.

LEGEND



VICINITY MAP

not to scale

INDEX OF BUILDINGS

NO. UNITS	DENSITY
PHASE I	119
PHASE II	117
OVERALL	236

BUILDING USAGE:
PHASE I - 113 SINGLE FAMILY
TOWN HOMES
PHASE II - 117 SINGLE FAMILY
TOWN HOMES

ZONE CLASSIFICATION:
PLANNED ZONING DISTRICT
ALLOWABLE USE UNIT:
UNIT 1
UNIT 2
UNIT 28

FAYETTEVILLE WATER & SEWER
1475 WEST CAYO SPRING ROAD
FAYETTEVILLE, AR 72701
Phone: (479) 631-5588

SOUTHWESTERN BELL
1480-351-7221
FAYETTEVILLE, AR 72701
Phone: (479) 631-0367

ARKANSAS WESTERN GAS
1001 Sam
FAYETTEVILLE, AR
Phone: (479) 521-5330

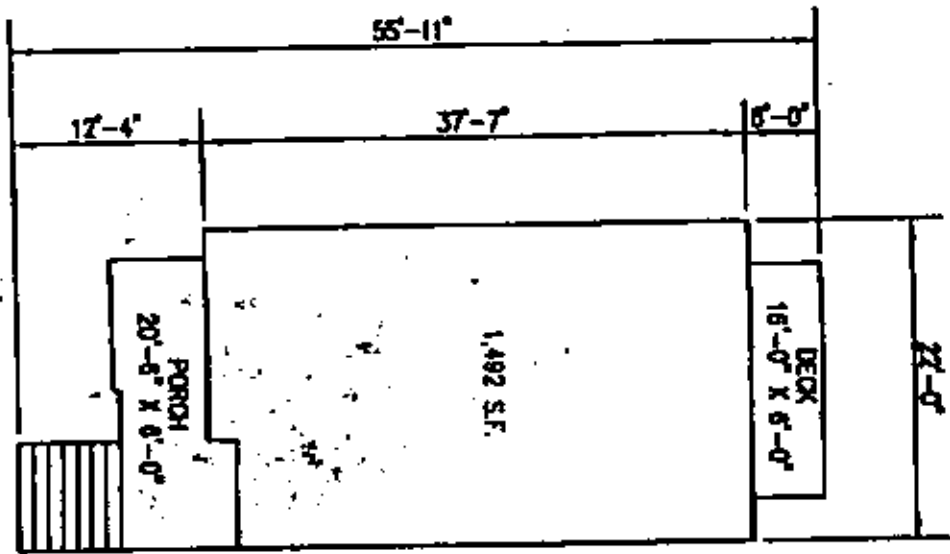
COX COMMUNICATIONS
LARRY GIBSON
4801 S. 48TH ST.
SPRINGDALE, AR
Phone: (479)

FLOOD STATEMENT

THIS PROPERTY IS WITHIN A SPECIAL FLOOD ZONE AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAPS FOR WASHINGTON COUNTY, ARKANSAS, MAP NUMBER 0514000020, EFFECTIVE DATE JULY 21, 1989.

ENGINEER/SURVEYOR:
Crafton, Tull & Associates, Inc.
801 N. 47th Street, Suite 200
Fayetteville, AR 72704
(479) 638-4838

OWNER/DEVELOPER:
BHA CONSTRUCTION
3807 CLARKER CREEK BLVD
Fayetteville, AR 72704
(479) 527-3998



MAIN FLOOR PLAN

INDEX OF DRAWINGS

- 1 COVER SHEET
- 2 SITE PLAN
- 3 TREE PRESERVATION PLAN
- 4-7 GRADING PLANS
- 8-11 UTILITY PLANS
- 12 LANDSCAPE PLAN
- 13 BROOKS AVENUE PLAN AND PROFILE
- 14 6TH STREET & HILL AVENUE INTERSECTION WIDENING
- 15 11TH STREET IMPROVEMENTS
- 16 STREET TYPICAL SECTIONS



SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH ARKANSAS ACT 1000, THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.

OWNERSHIP OF DOCUMENTS

THE DOCUMENT, AND THE DATA AND DESIGN THEREON, ARE THE PROPERTY OF CRAFTON, TULL & ASSOCIATES, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CRAFTON, TULL & ASSOCIATES, INC.

ENGINEER'S NOTICE TO CONTRACTOR

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES.

**ASPEN RIDGE
PLANNED ZONING
DISTRICT**

FAYETTEVILLE, ARKANSAS

Crafton, Tull & Associates, Inc.
2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4262
918.584.0347 FAX: 918.584.3783 www.crafton.com

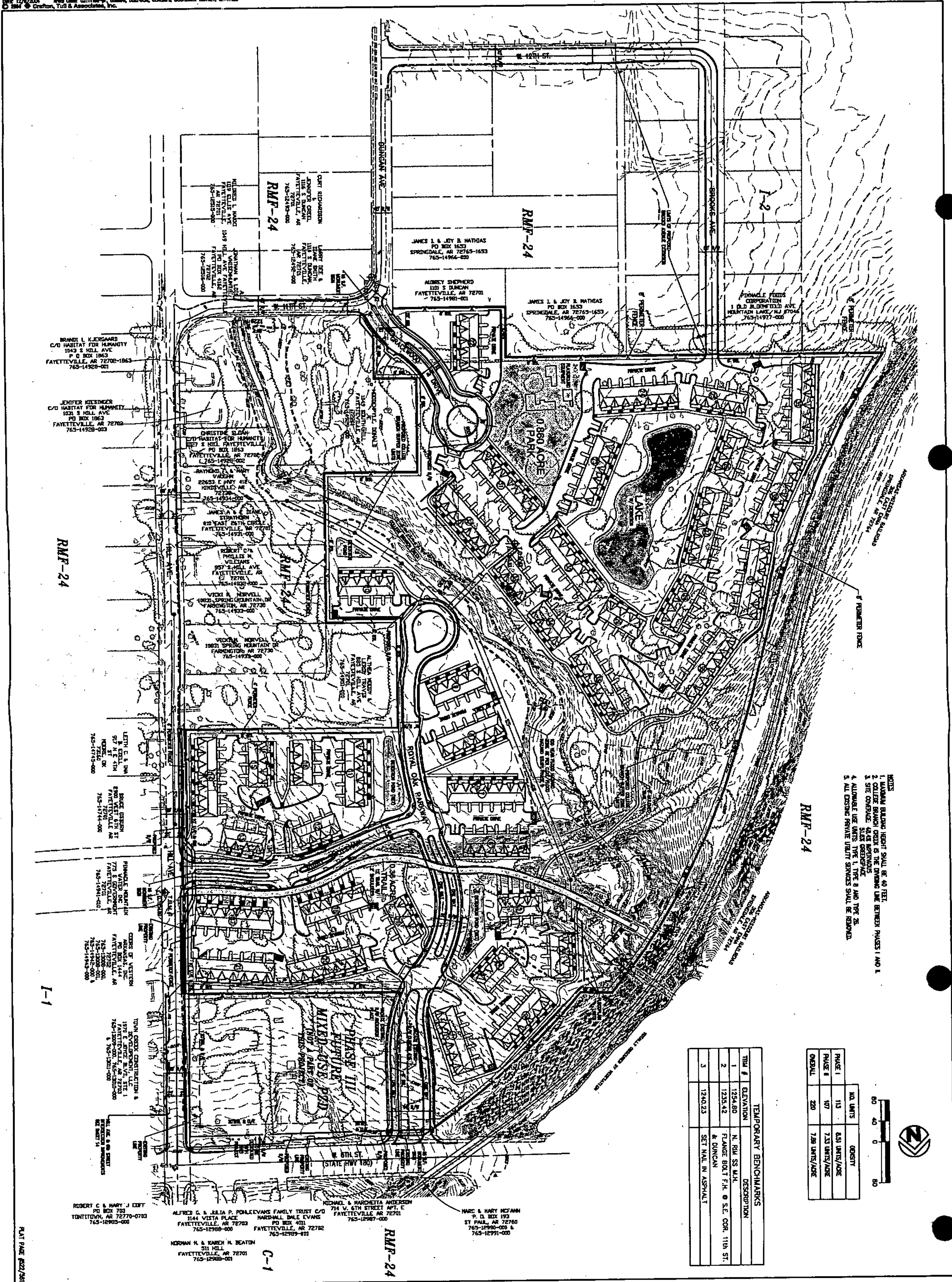
Engineers & Surveyors

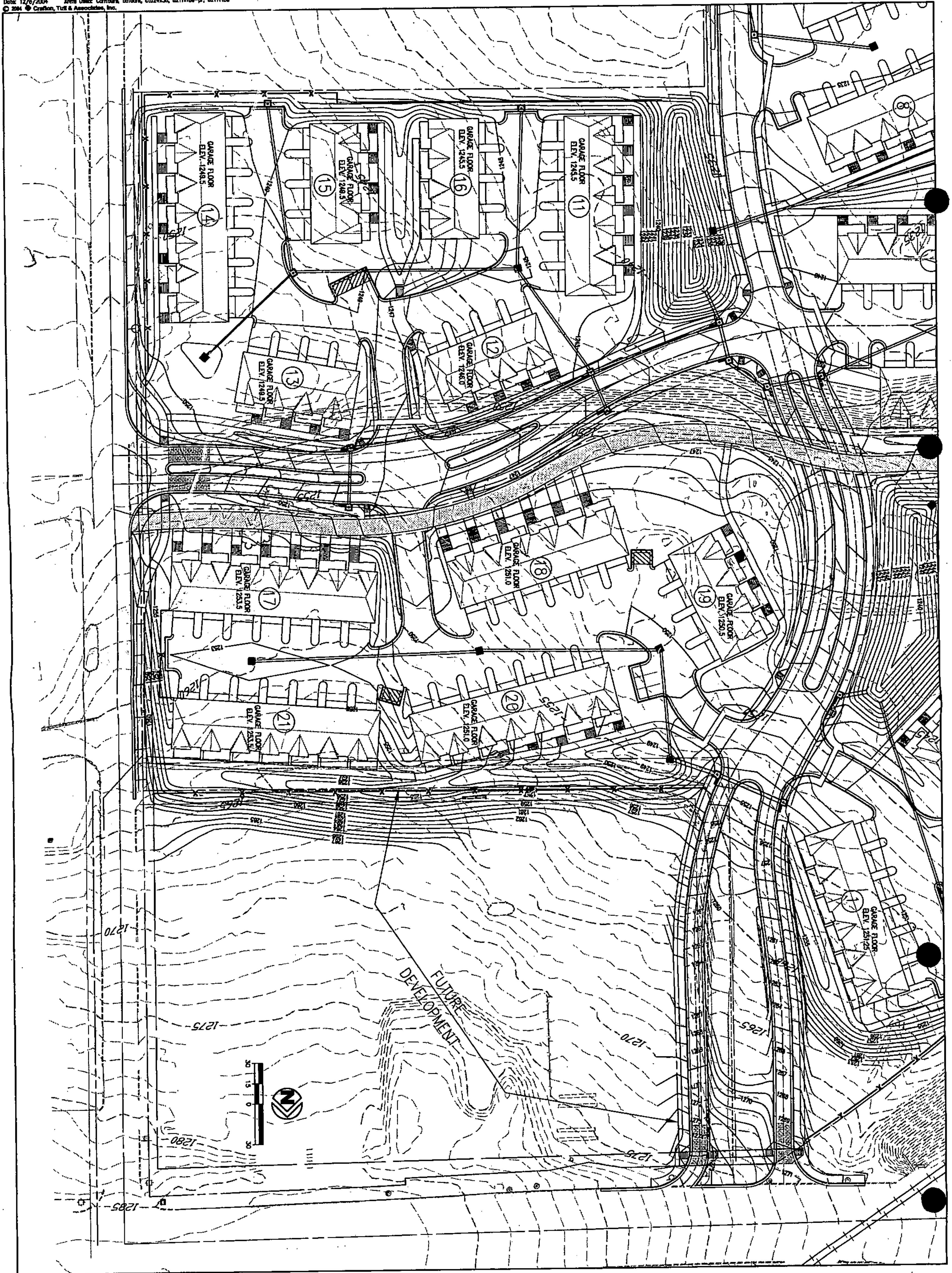
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Checked by: M. CRAFTON

Lab Number: 021111-00
Contact Person: M. CRAFTON

Date: 12/07/04

Sheet Number: 1





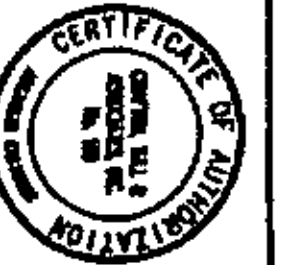
**ASPEN RIDGE
PLANNED ZONING
DISTRICT**

FAYETTEVILLE, ARKANSAS



Crafton, Tull & Associates, Inc.
2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4282
918.584.0347 FAX: 918.584.3783 www.crafttull.com

Engineers & Surveyors



GRADING PLAN - 1

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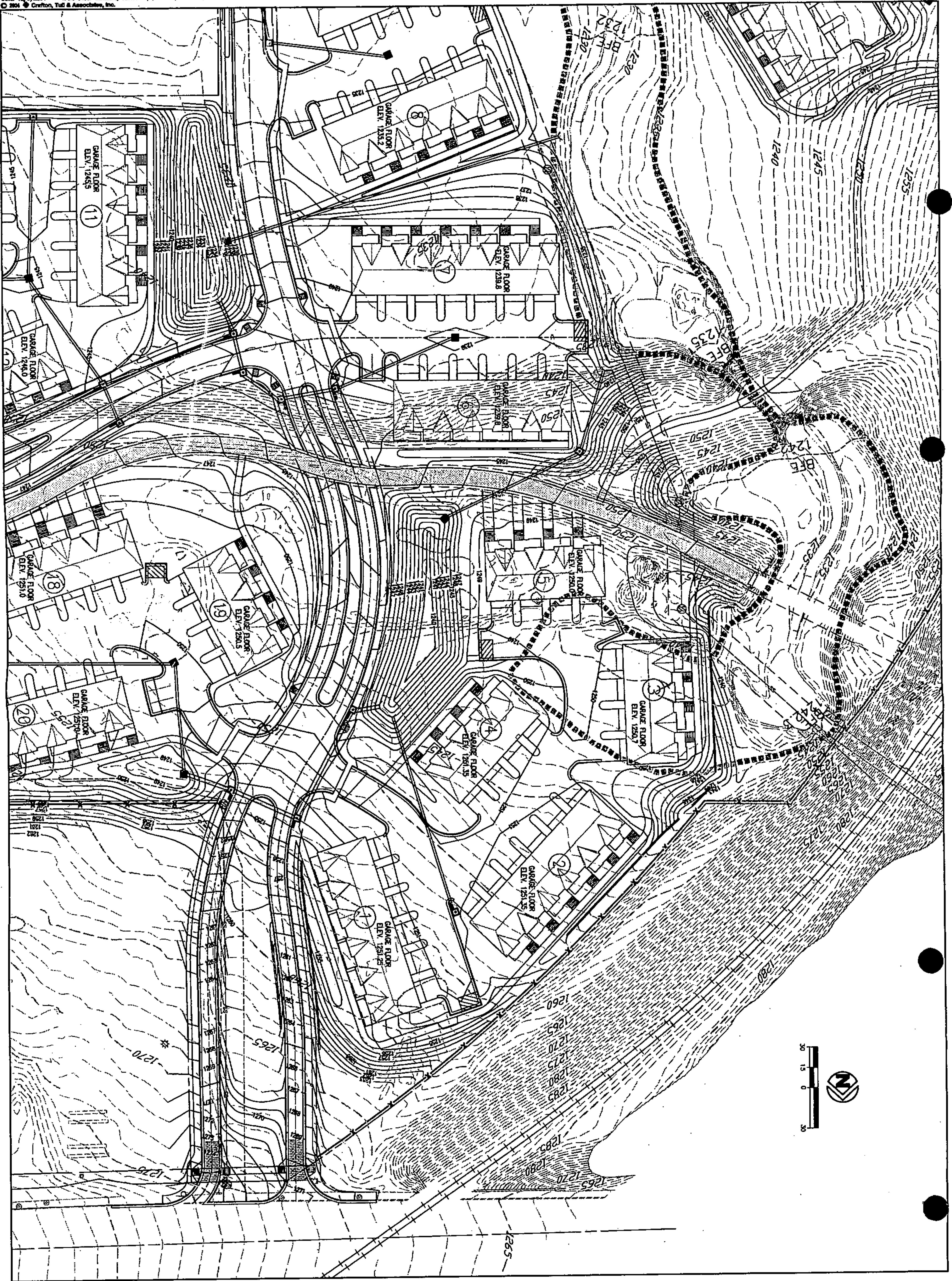
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Contact Person
M. CRAFTON

Date _____

Sheet Number

12/07/04

4



12/07/04	5
Drawn by S.J.A.	Job Number 021111-00
Created by M. CRAFTON	Contact Person M. CRAFTON

Grading Plan - 2

ASPEN RIDGE
PLANNED ZONING
DISTRICT

FAYETTEVILLE, ARKANSAS

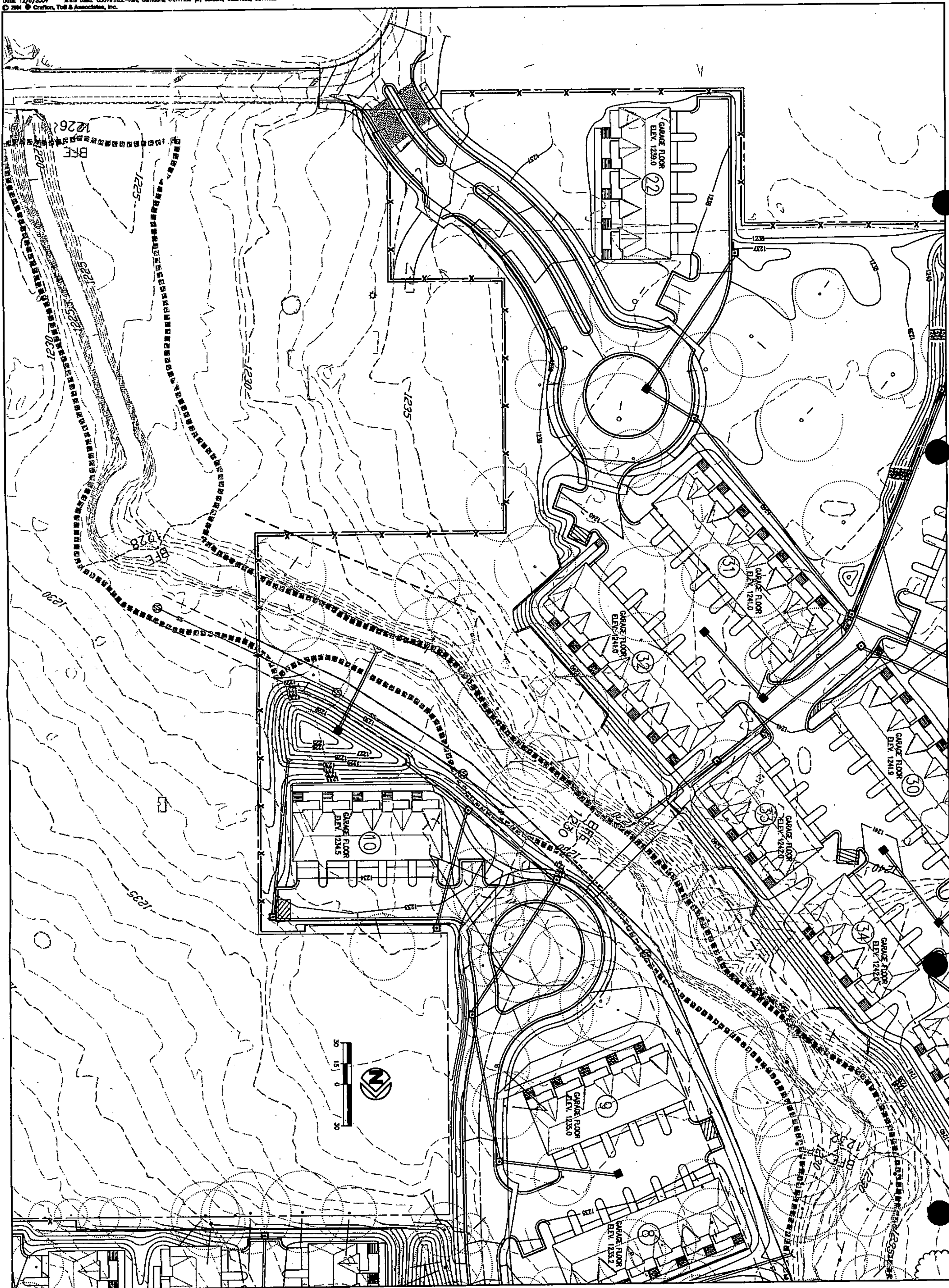


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Date: 1-30 (P5)
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User: C3079\TREC-Rm, Contours, C21111b-pr, color: c24x36, C21111b
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**ASPEN RIDGE
PLANNED ZONING
DISTRICT**

FAYETTEVILLE, ARKANSAS



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GRADING PLAN - 3

Drawn by
S.J.A.
Checked by

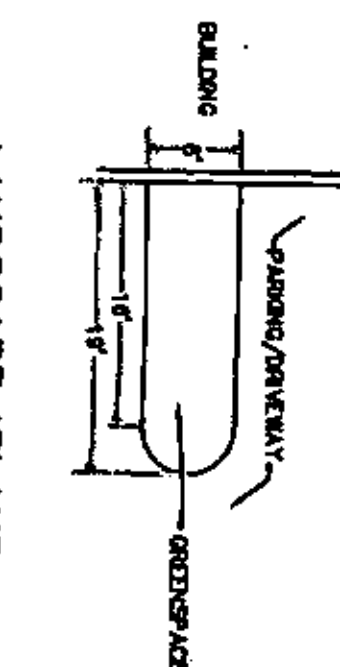
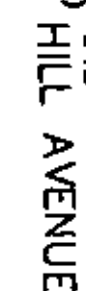
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Contact Person

Date _____

Short Murders

12/07/04

or

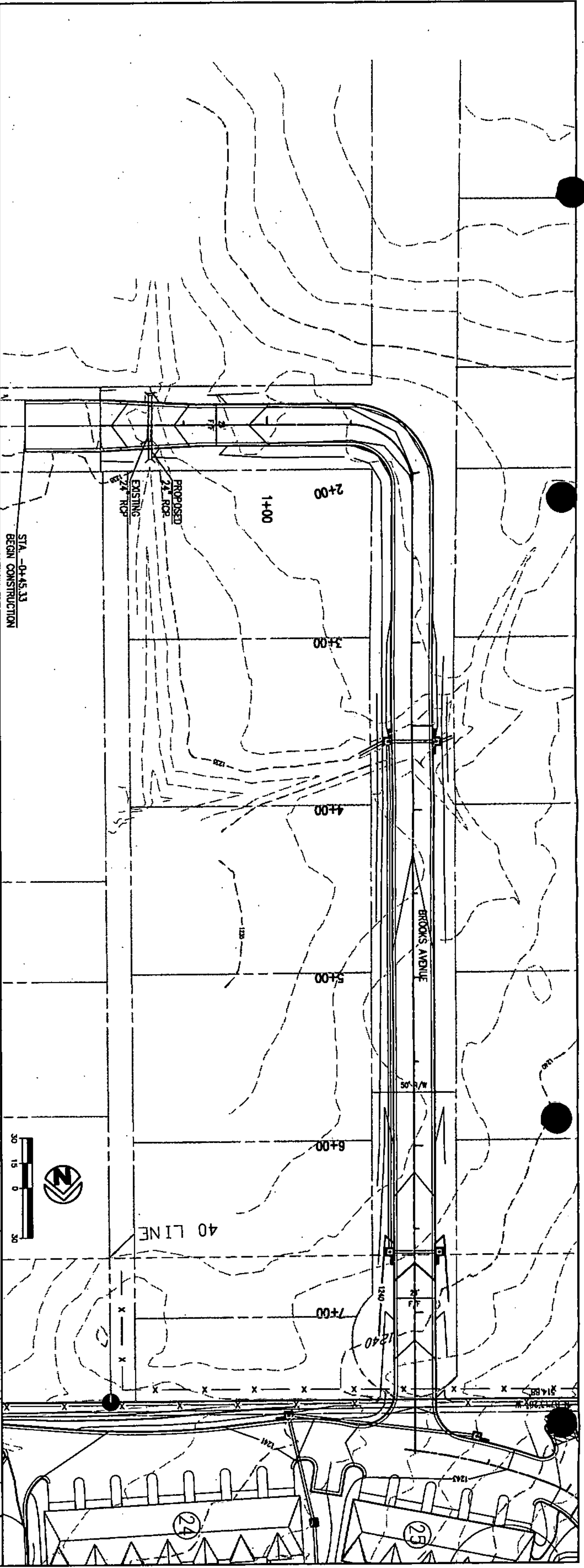
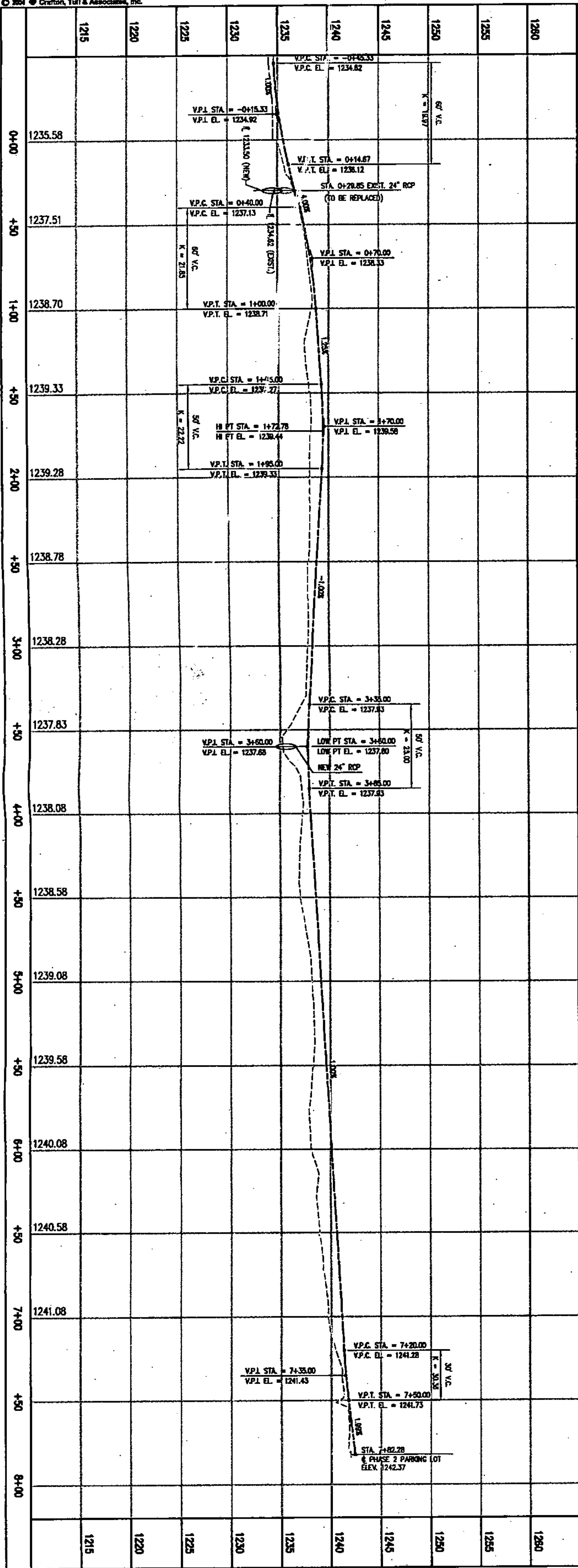


① TREES WITH THIS SYMBOL ARE REQUIRED FOR ROW PLANTING.

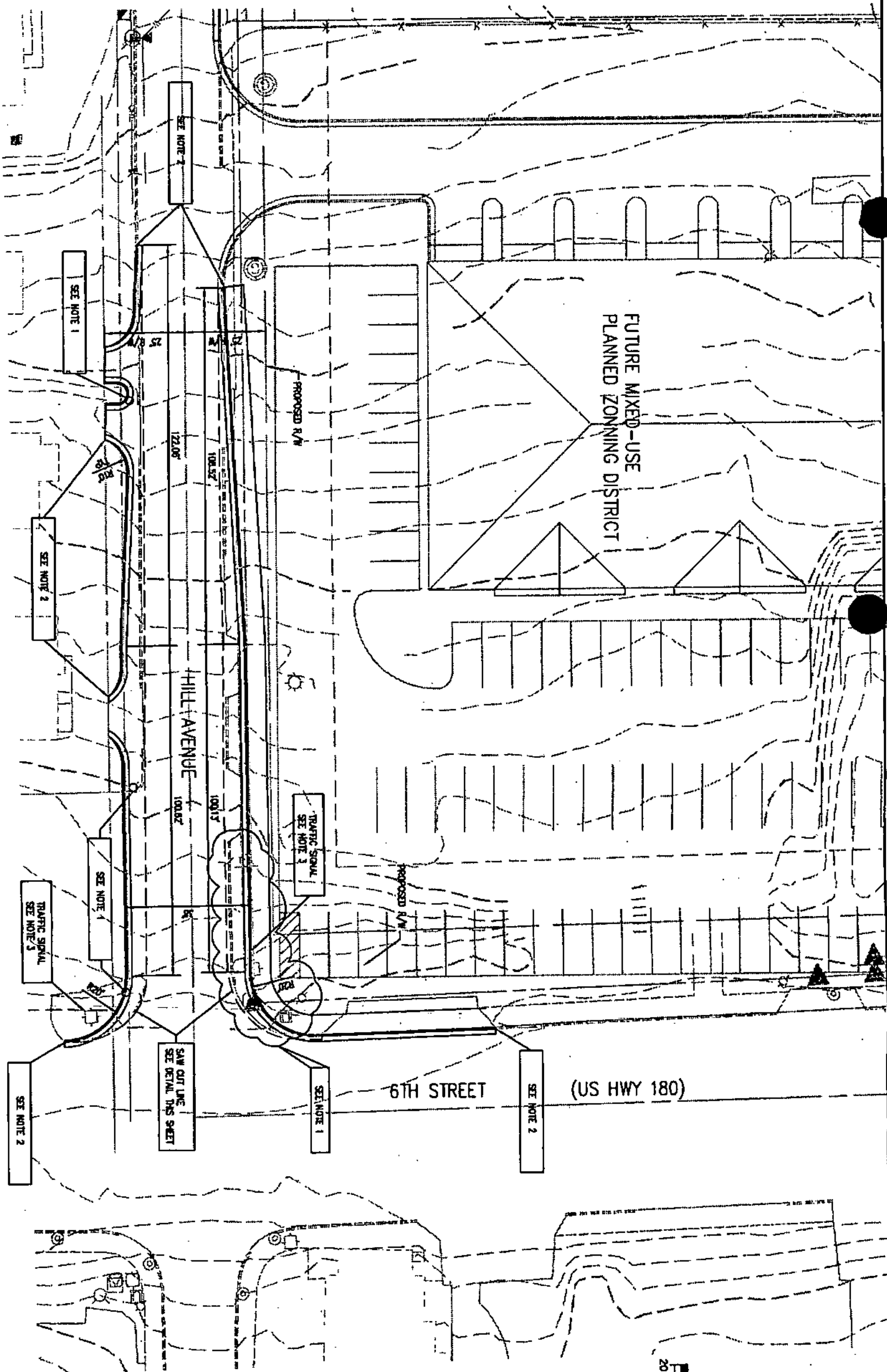
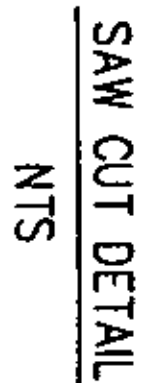
② PROPOSED 2" CALIPER MITIGATION TREE, SPECIES VARIES.

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Date: 12/8/2004
Drawing Name: 021111-00/ENG/000/BROOKS AVE EXTENSION.dwg (s444)
Refs Used: BOUNDARY SURVEY, Contours, 021111ba-pr, rpr007, outwork, etc:14a36
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Date 12/07/04	Drawn by TSM	Checked by M. CRAFTON	Job Number 021111-00	City FAYETTEVILLE, ARKANSAS	Engineers & Surveyors	Crafton, Tull & Associates, Inc. 2448 E. 81st Street, Suite 1700 Tulsa, OK 74137-4282 918.584.0347 FAX: 918.584.3783 www.crafttull.com	CERTIFICATE OF ACCREDITATION
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GENERAL NOTES:

1. STRUCTURES AND RELOCATION OF EXISTING STAKE, FIRE HYDRANTS, UTILITY POLES AND ANY OTHER STRUCTURES IS TO BE COORDINATED WITH THE CITY OF FAIRFAXVILLE, NC. (SEE NOTE 3 FOR MATCH) GRADE AT EXISTING STAKEWAYS, OVERLAYS AND ROADWAYS.

2. MATCH GRADE AT EXISTING STAKEWAYS, OVERLAYS AND ROADWAYS.

3. TRAFFIC SIGNALIZATION FOR ERM ST. & HILLMAN INTERSECTION SHALL BE SUBJECT TO TRAFFIC STUDY REPORT PRIOR TO RELOCATION OF ANY SIGNAL POLES OR CONTROL BOXES. COORDINATE WITH THE CITY OF FAIRFAXVILLE, NC.

LEON

SANJOSE LINE
R/W LINE
PROPOSED CURB AND GUTTER
FUTURE CURB AND GUTTER
EXISTING CURB

**ASPEN RIDGE
PLANNED ZONING
DISTRICT**

FAYETTEVILLE, ARKANSAS



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918.584.0347 FAX: 918.584.3783 www.crafttull.com

Engineers & Surveyors



6th & HILL INTERSECTION WIDENING PLAN

Drown by
TSM
Checked by

Job Number
021111-00
Contact Person
M. CRAFTON

Data

12/07/04

Sheet Number

4



THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Director of Planning and Development Management
DATE: December 3, 2004
SUBJECT: Public hearing and approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan

RECOMMENDATION

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

BACKGROUND

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan
2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan
3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan
4. The location and construction of necessary infrastructure to support the Cultural and Arts District

Left on the second reading 1/4/05

ORDINANCE NO. _____

**AN ORDINANCE FORMING THE DOWNTOWN
MASTER PLAN REDEVELOPMENT DISTRICT
NUMBER TWO PURSUANT TO AMENDMENT 78
OF THE ARKANSAS CONSTITUTION AND
AUTHORIZING THE PREPARATION OF A PROJECT
PLAN**

WHEREAS, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas and its proposed boundaries; and

WHEREAS, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas; and

WHEREAS, the City Council has designated the boundaries of the proposed Downtown Master Plan Redevelopment District Number Two, of Fayetteville, Arkansas.

**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 establishes the boundaries of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby creates the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas as of the effective date of this ordinance.

Section 4: That the City Council hereby finds that the real property within the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the

development or spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project.

PASSED and APPROVED this 4th day of January, 2005.

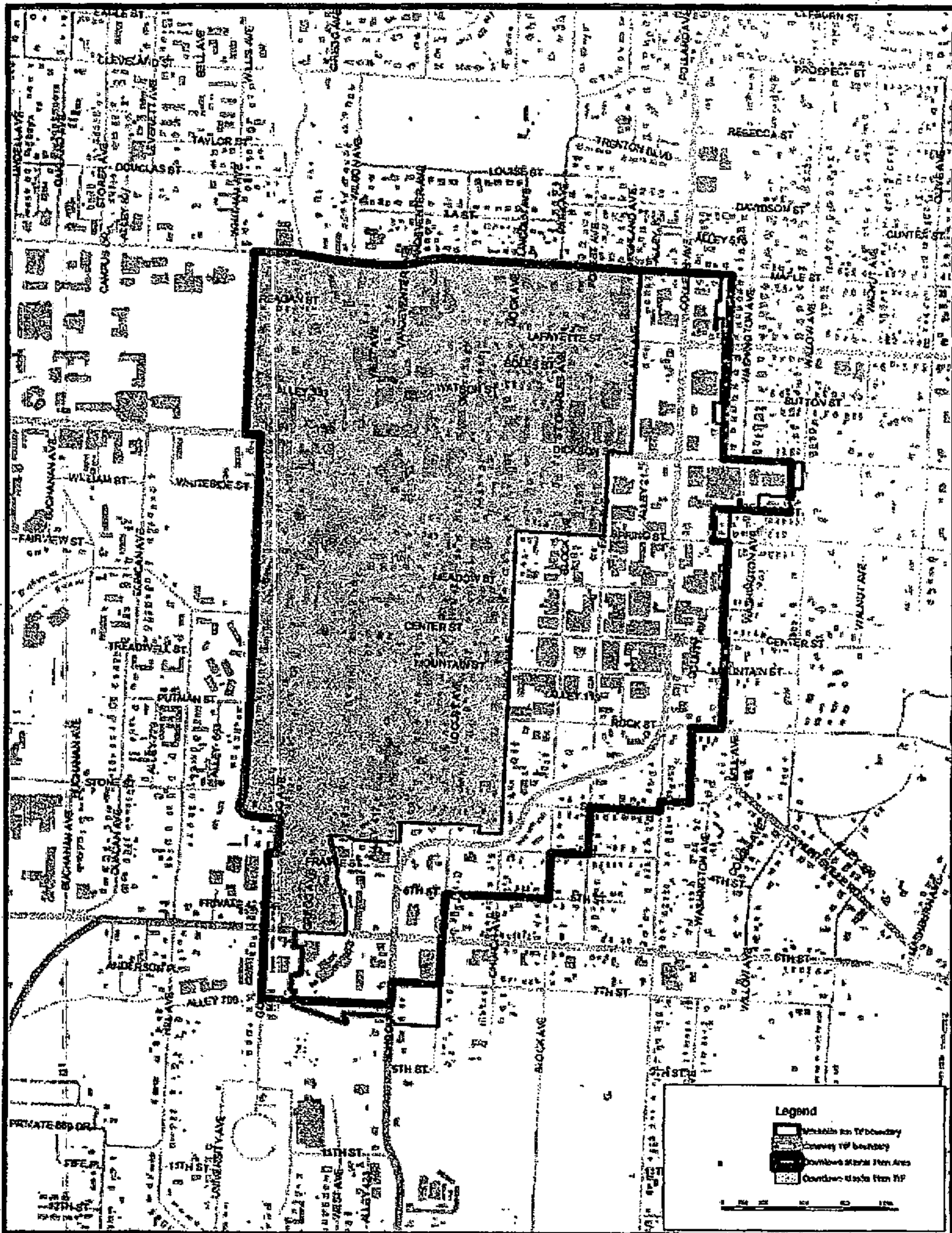
APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk



City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

12-21-04
City Council Meeting Date

Tim Conklin Planning and Development Mgmt. Operations
Submitted By Division Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

<u>n/a</u> Cost of this request	<u>n/a</u> Category/Project Budget	<u>n/a</u> Program Category / Project Name
 Account Number	 Funds Used to Date	 Program / Project Category Name
 Project Number	 Remaining Balance	 Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

[Signature] 12-7-04
Department Director Date

Previous Ordinance or Resolution # n/a
Original Contract Date: n/a
Original Contract Number: n/a

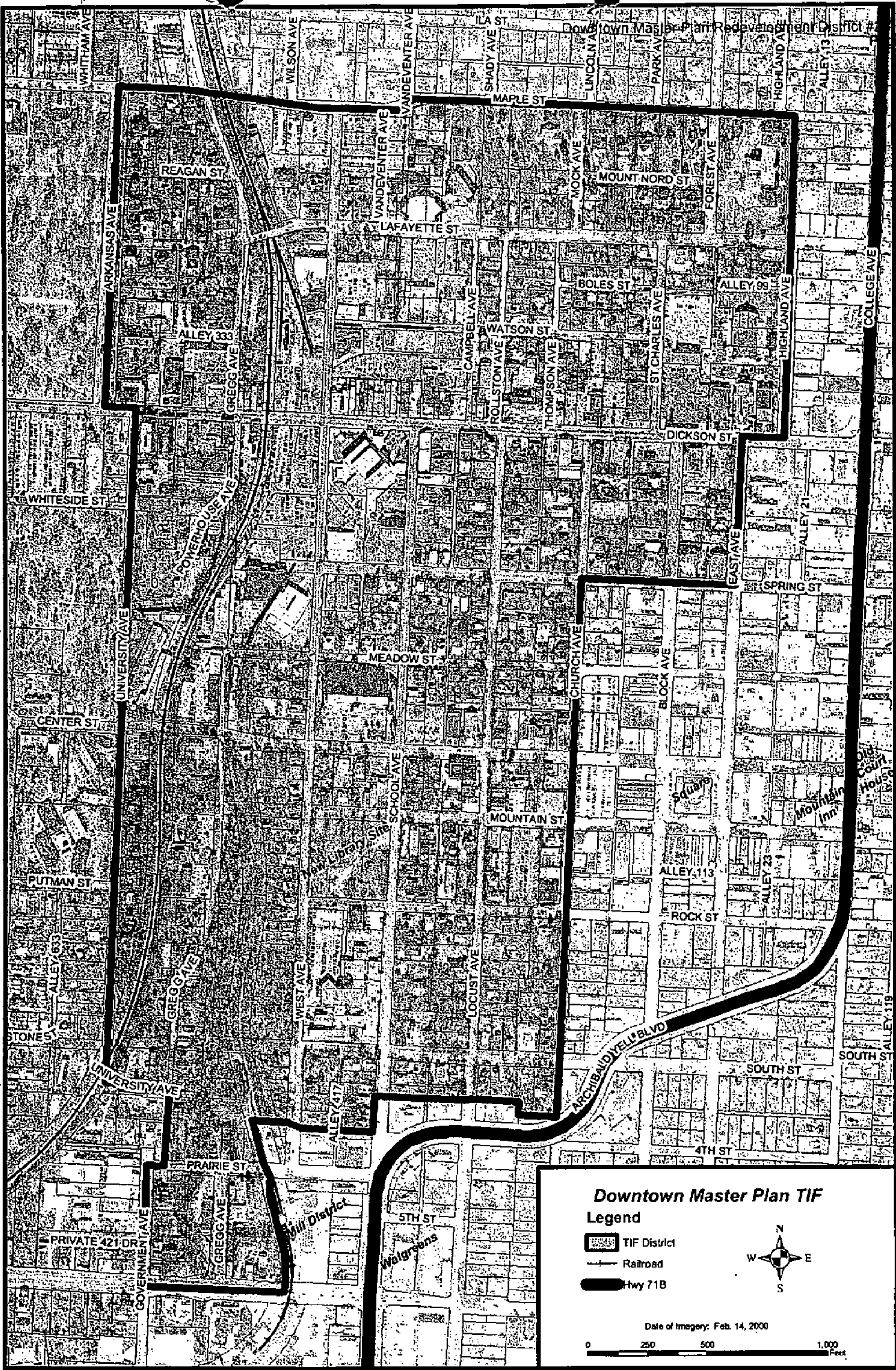
[Signature] 12-8-04
City Attorney Date

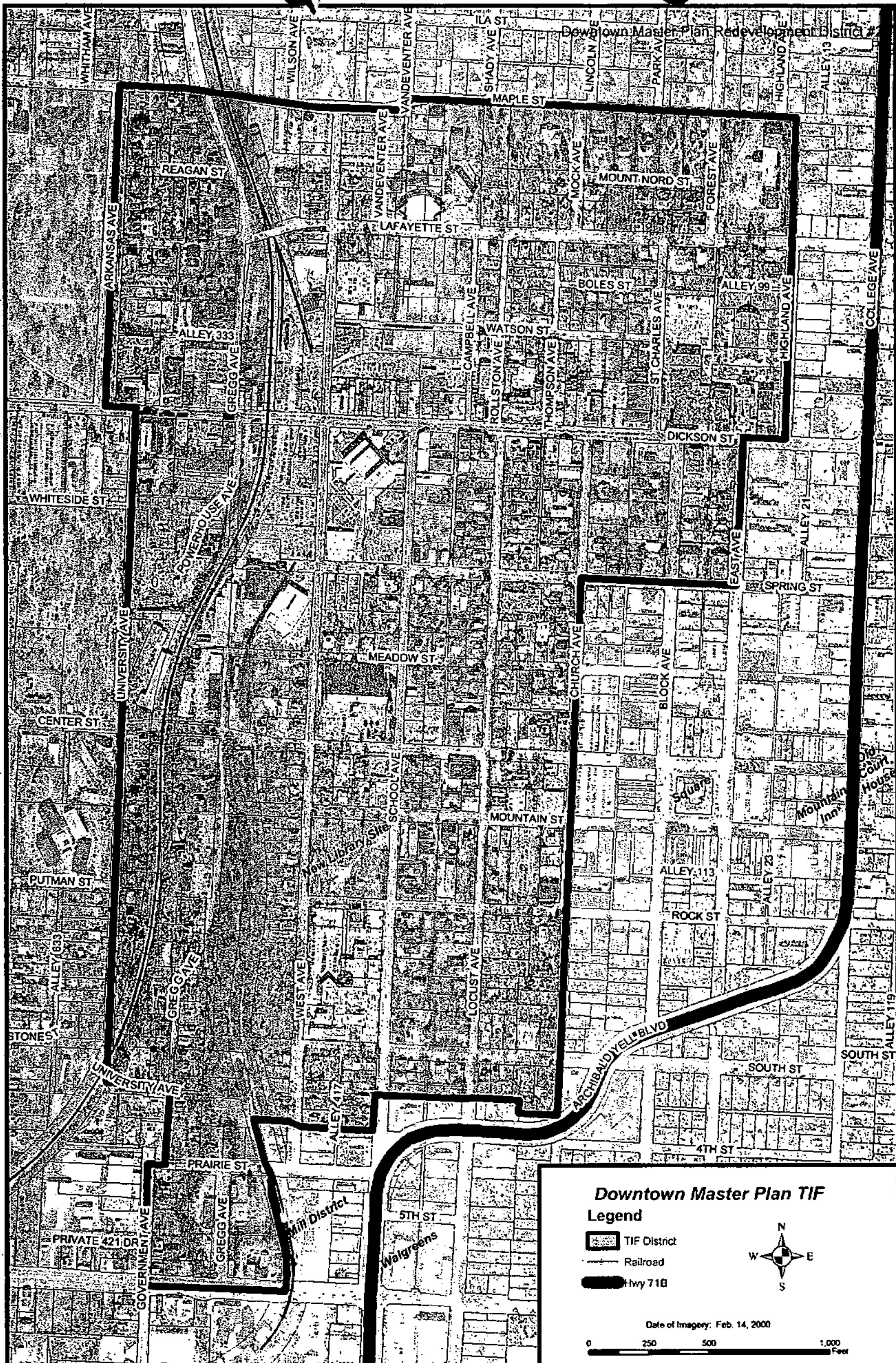
Received in City Clerk's Office

[Signature] 12/8/04
Mayor Date

Received in Mayor's Office

Comments: 







THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Director of Planning and Development Management
DATE: December 3, 2004
SUBJECT: Public hearing and approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan

RECOMMENDATION

Staff recommends approval of the Downtown Master Plan Redevelopment District Boundary and Project Plan following the required public hearing on the proposed boundary and project plan (Please see attached Project Plan and District Boundary).

BACKGROUND

The proposed boundary of the Downtown Master Plan Redevelopment District includes the remaining area of the Downtown Master Plan boundary excluding the area that is within the Highway 71/East Square Redevelopment District No. 1 and a small portion located within the proposed South Fayetteville TIF. The district contains approximately 227 acres and is west of the Highway 71/East Square Redevelopment District.

The proposed project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas as shown in the adopted Downtown Master Plan
2. Improvements to the streetscape in the target area based upon the conceptual street cross sections in the adopted Downtown Master Plan
3. Continuation of trail corridors and development of the trail system based on the Fayetteville Alternative Transportation Plan
4. The location and construction of necessary infrastructure to support the Cultural and Arts District

Tabled to 1/18/05 mtg

ORDINANCE NO. _____

**AN ORDINANCE ADOPTING THE PROJECT PLAN FOR THE
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT,
AND FINDING THE PLAN IS ECONOMICALLY FEASIBLE**

WHEREAS, on January 4, 2005, the Fayetteville City Council held a Public Hearing concerning the creation of the Downtown Master Plan Redevelopment District; and

WHEREAS, on January 4, 2005, the City Council passed an ordinance creating the Downtown Master Plan Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

WHEREAS, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed Project Plan of the Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas and its economic feasibility; and

WHEREAS, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed Downtown Master Plan Redevelopment District Number Two of Fayetteville, Arkansas; and

WHEREAS, the City has prepared a proposed Project Plan attached as Exhibit "A";
and

WHEREAS, the Project Plan includes:

- (a) The kind, number and location of all public works or improvements within the district including acquisition of real estate, construction of parking facilities, improvements to streetscape, roads, trails and other necessary infrastructure;
- (b) an economic feasibility study;
- (c) a detailed list of estimated project costs;
- (d) a description of financing including tax increment bonds;
- (e) a certification of the county tax assessor of the base value, ad valorem rate, debt service ad valorem rate, and ad valorem rate for the redevelopment district;
- (f) no other funds are expected to be deposited into the special funds;

- (g) a map showing existing uses and conditions of real property in the district;
- (h) a map of proposed improvements and uses in the district;
- (i) no zoning changes are anticipated;
- (j) reference to the Downtown Master Plan;
- (k) non-project costs include financial advice, bond costs, economic forecasting;
- (l) no persons are anticipated to be displaced; but the City retains the right to condemn property to accomplish the Project Plan if necessary;
- (m) the amount of TIF indebtedness;;
- (n) the amount of tax increment estimated to be generated by the project;
- (o) no other revenues are anticipated to be used to secure the tax increment financing.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby finds that the Project Plan for the Downtown Master Plan Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Project Plan for the Downtown Master Plan Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

PASSED and APPROVED this 4th day of January, 2005

APPROVED:

By: _____

DRAFT
DAN COODY, Mayor

ATTEST:

By: _____

SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

our vision **our future**

April 2004

December 3, 2004

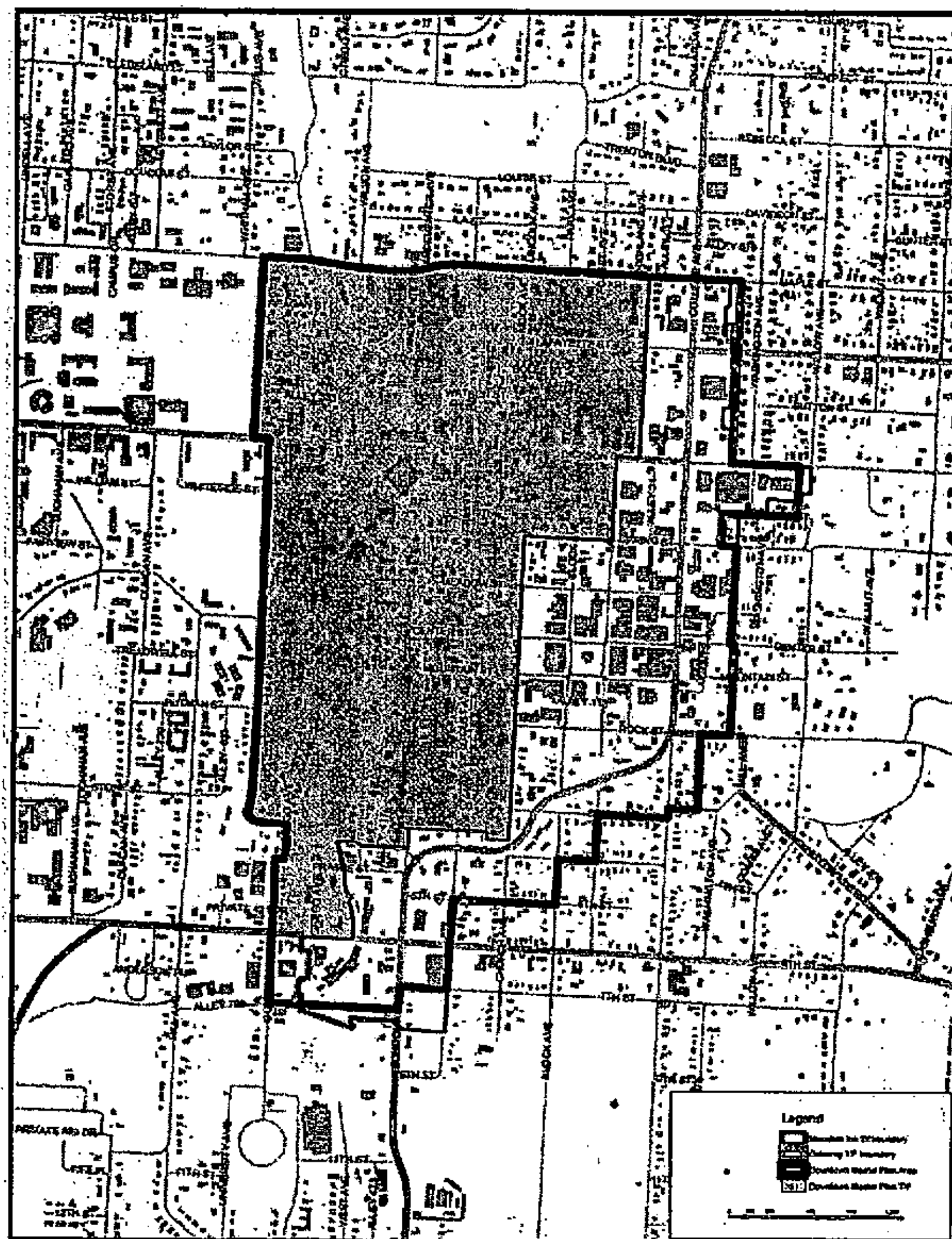
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DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

Plan documents have been prepared that relate to proposed redevelopment public infrastructure improvements of certain areas contained within the designated Downtown Master Plan TIF. The intent of the project plan is to implement a series of recommendations made as part of the Downtown Master Plan that was adopted by the City Council on September 7, 2004 by Resolution No. 04-140. The Council, in adopting the plan, intends to use the recommendations contained in the plan as a guide to redevelopment of this crucially important component of the Downtown Master Plan area.

The boundaries of this area are illustrated below:



**LEGAL DESCRIPTION
DOWNTOWN MASTER PLAN TIF**

A part of Section 16, Township 16 North, Range 30 West, Washington County, Arkansas, being more particularly described as follows: Commencing at the Southeast corner of the Southeast Quarter (SE¼) of the Northwest Quarter (NW¼) of said Section 16, thence within the South line of said SE-NW-16-16-30, North 86° 45' 03" West 408.46 feet, to the Point of Beginning; thence within the right-of-way of University Avenue, North 02° 49' 02" East 1,331.51 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 127.82 feet; thence within the right-of-way of Arkansas Avenue, North 02° 46' 47" East 1,321.67 feet; thence within the right-of-way of Maple Street the following calls: South 87° 03' 24" East 265.41 feet, South 82° 03' 00" East 573.12 feet, South 88° 14' 40" East 338.91 feet, North 44° 56' 56" East 64.72 feet, South 87° 29' 08" East 637.21 feet, South 87° 02' 57" East 966.16 feet; thence within the right-of-way of Highland Avenue, South 02° 09' 20" West 1,325.31 feet; thence within the right-of-way of Dickson Street, North 87° 10' 57" West 176.50 feet; thence within the right-of-way of East Avenue, South 02° 52' 38" West 612.61 feet; thence within the right-of-way of Spring Street, North 87° 13' 07" West 643.98 feet; thence within the right-of-way of Church Avenue, South 02° 40' 32" West 2,032.40 feet; thence leaving said right-of-way, South 02° 41' 29" West 198.84 feet; thence South 60° 25' 38" West 2.16 feet; thence North 87° 10' 14" West 158.73 feet; thence North 02° 41' 10" East 54.44 feet; thence North 86° 50' 30" West 179.43 feet; thence South 87° 37' 43" West 60.38 feet; thence North 87° 10' 13" West 363.67 feet; thence South 03° 20' 12" West 150.00 feet; thence North 87° 10' 16" West 296.60 feet; thence North 66° 13' 32" West 64.31 feet; thence North 86° 59' 13" West 143.35 feet; thence South 14° 03' 07" East 181.25 feet; thence South 27° 04' 27" East 69.22 feet; thence South 02° 26' 40" West 76.27 feet; thence South 14° 04' 43" East 212.04 feet; thence South 12° 38' 47" East 22.41 feet; thence South 09° 29' 19" East 26.02 feet; thence South 06° 29' 25" East 21.60 feet; thence South 03° 15' 37" East 27.95 feet; thence South 00° 52' 39" West 36.63 feet; thence South 04° 28' 30" West 66.00 feet; thence within the right-of-way of Sixth Street, North 87° 29' 25" West 584.00 feet; thence the right-of-way of Government Avenue, North 01° 10' 03" East 505.85 feet; thence within the right-of-way of Prairie Street, South 89° 07' 07" East 72.61 feet; thence within the right-of-way of Gregg Avenue, North 03° 56' 17" East 309.01 feet; thence within the right-of-way of University Avenue the following calls: North 85° 52' 21" West 90.06 feet, North 03° 44' 49" East 19.44 feet, North 87° 12' 27" West 175.00 feet, North 02° 27' 00" East 1,466.22 feet, to the Point of Beginning and containing 226.578 acres, more or less.

The project plan will address several key components of the recommendations contained in the adopted Downtown Master Plan and will include the improvement of blighted properties and public infrastructure. They are as follows:

1. The location and construction of parking decks to service downtown and the University of Arkansas
2. Improvements to the streetscape in the target area
3. Continuation of trail corridors and development of the trail system
4. The location and construction of necessary infrastructure to support the Cultural and Arts District

The project plan doesn't propose to displace or relocate persons within the district. The adopted Downtown Master Plan does recommend new zoning districts within the project boundary which will be brought forward in 2005.



DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

(Summarized from the Fayetteville Downtown Master Plan, Adopted September, 7 2004)

LOCATION AND CONSTRUCTION OF PARKING DECKS

When planning for the future of Downtown, the City must plan for an adequate supply of parking to accommodate future growth and development. Appropriate management of parking is necessary and must be handled differently in a downtown. Downtown is not a mall, strip shopping center, office park, or apartment complex. Downtown is a unique center of activity where parking, while important, is not the most important feature. In fact, **inappropriately designed surface parking lots and ill-fitting garages can blight the very character that is Downtown's calling card.** A downtown must have parking, but the City must handle parking in smart ways so that it does not dominate the entire environment.

An efficient method for handling parking Downtown is through the coordinated use of *shared parking decks*. Office uses may be able to use certain parking spaces during the day while these same spaces are then used by residents at night. Shared parking works in a mixed-use, park-once, pedestrian-friendly environment, all of which are key elements in the Downtown Master Plan.

Due to continued growth and redevelopment Downtown, **structured parking facilities will gradually need to be provided as part of public infrastructure.**



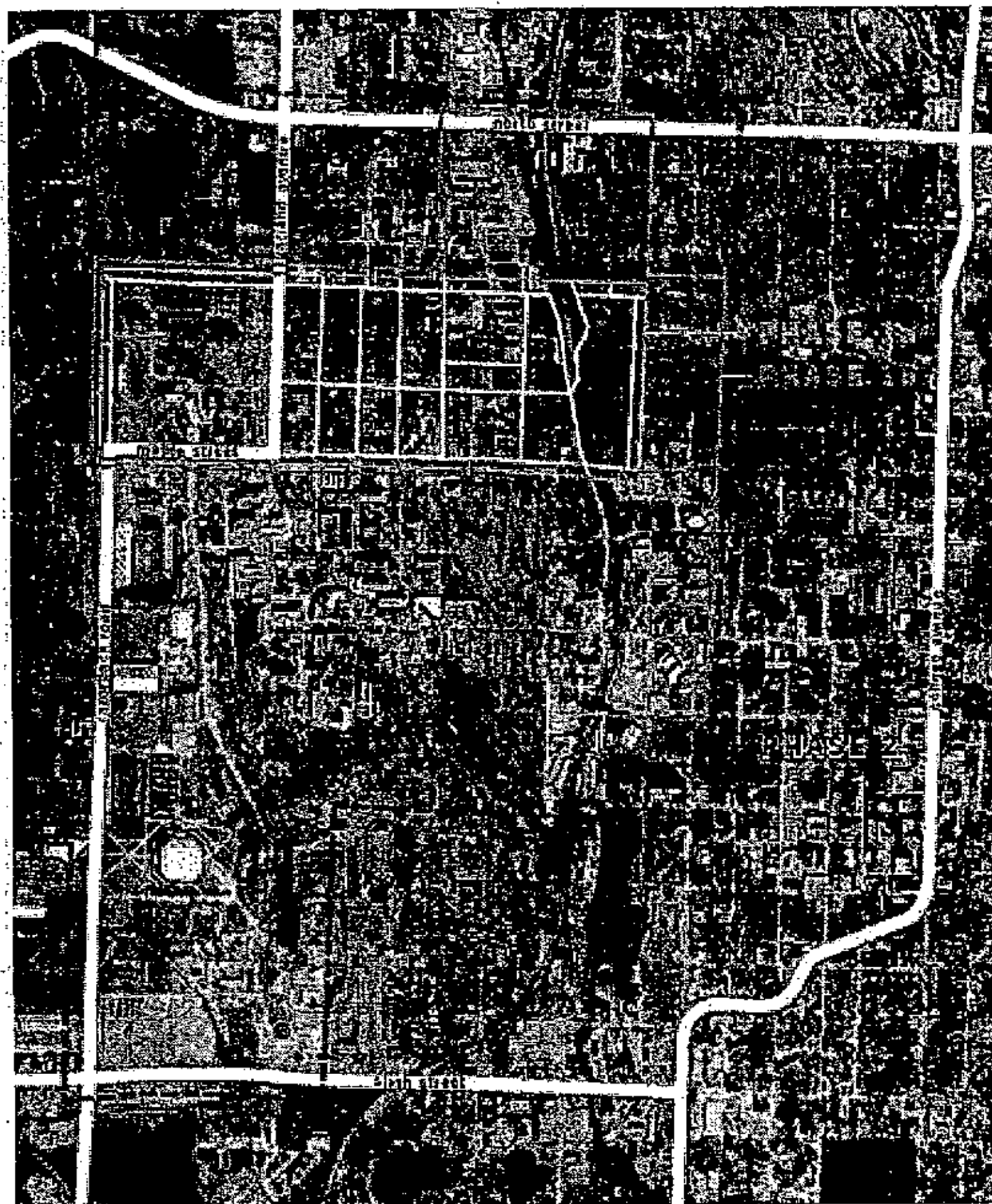
FAYETTEVILLE DOWNTOWN MASTER PLAN

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

PARKING DECKS

The University of Arkansas and City of Fayetteville are currently studying the feasibility of parking structures in downtown Fayetteville to serve student and merchant parking needs during the day. These decks would also be used in the evening and weekends by visitors and residents, including the Walton Arts Center and future housing. Planning for these parking structures is a cooperative effort between the University of Arkansas and the City of Fayetteville, and is based on the recommendations in the Fayetteville Downtown Master Plan.

UNIVERSITY OF ARKANSAS / CITY OF FAYETTEVILLE PARKING STUDY PHASE 1B STUDY AREA



US TRANSPORTATION STUDY
project boundaries

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

STREETSCAPE IMPROVEMENTS

This project plan provides recommendations for public streetscape improvements that would be a part of the Downtown Master Plan Redevelopment TIF District. These proposed recommendations were developed using the Downtown Master Plan and the Downtown Dickson Street Enhancement Project as a guide.

Transportation facilities and systems provide excellent tools to support the future vision for Downtown Fayetteville, as set by the community. Many components of the urban fabric, including transportation, combine to yield that special "sense of place" – that qualitative sense of comfort and value one feels in a given urban setting. The street is central to this experience as it forms the public realm within which we move, live and play out our daily lives. Pedestrians are especially sensitive to the quality of public space, since they move through it without the usual protection afforded by home or auto. This protection/separation from the outdoor environment, experienced by auto occupants, is often viewed as the safe mode of travel – an antidote to the gamble of experiencing the frequently harsh urban environment. The downside is the limited potential for healthy exercise, interaction with friends, enjoyment of nature, freedom from parking and other benefits central to the pedestrian experience. Travelers with a choice of riding or walking therefore must have an excellent "street" experience to encourage them to venture forth from modern automotive comfort.

The following prioritized features listed in reverse order contribute to an excellent pedestrian experience:

10. Narrower Streets
9. Street Trees
8. Lower Traffic Volumes
7. Sidewalks
6. Interconnected Streets
5. On-street Parking
4. Lower Traffic Speeds
3. Mixed Land Use
2. Buildings Fronting the Street
1. Small Block Size

These parameters have proven themselves successful in the field. When a majority of these are combined in one location, pedestrians are routinely seen. Fayetteville's walkable streets are no exception to this experience. Therefore, these concepts are applied to support walkability

Downtown.

SIDEWALKS, STREET TREES, AND STREET LIGHTING

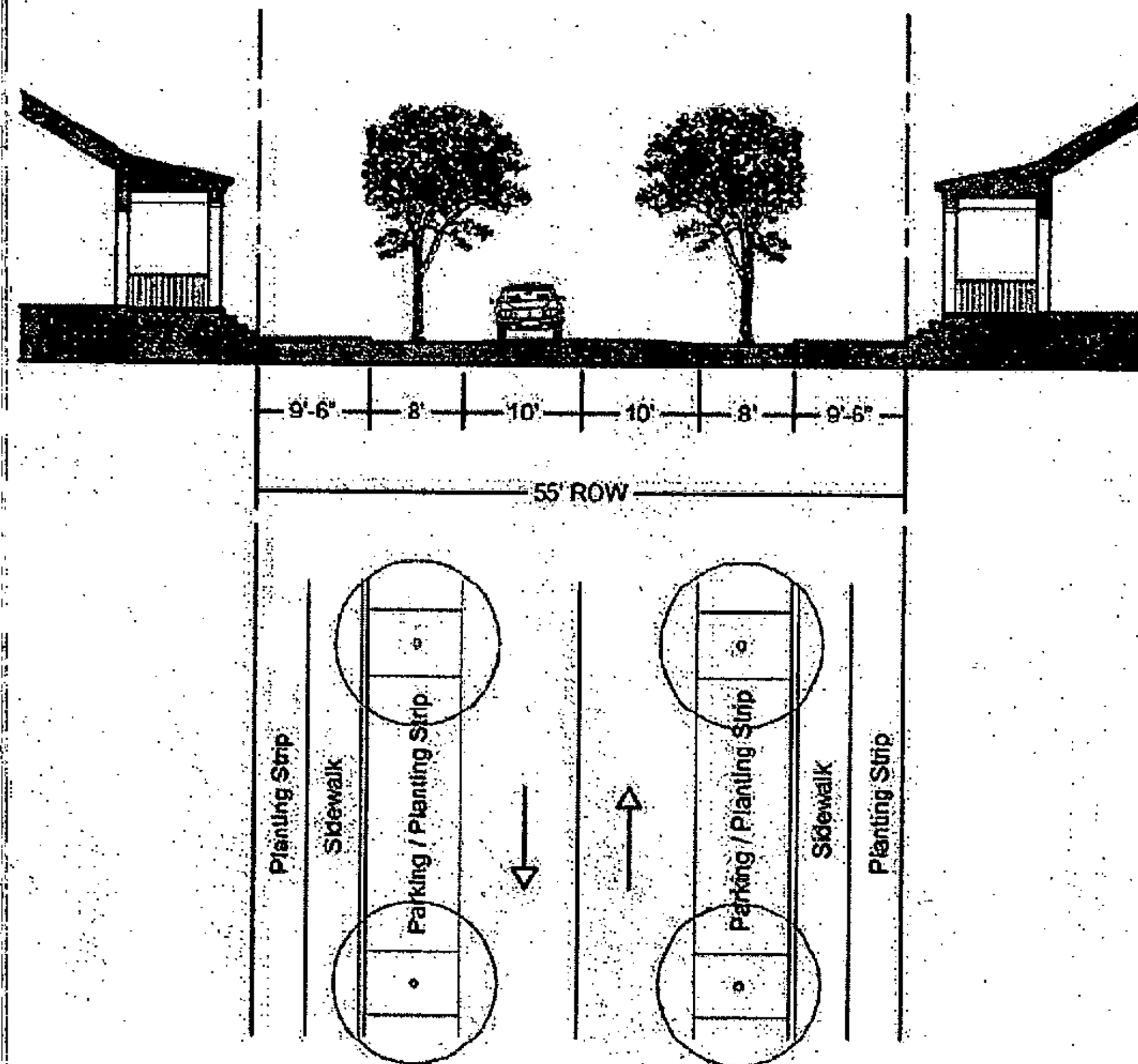
Sidewalks and their width must be effectively controlled through municipal codes and ordinances to achieve high quality walkability. Within the Downtown Master Plan Redevelopment District, sidewalks on both sides of each street (excluding Alleys and Lanes) should be the default. Justification should be submitted for an exception if absolutely necessary. Sidewalk width should vary by transect zone with wider sidewalks at the Regional Core and narrower sidewalks in the Neighborhood Conservation zone. Larger dimensions are specified to manage higher pedestrian volumes; eventually for two persons, side by side, to pass others walking in the opposite direction. A clear path dimension is required to avoid street furniture, utility poles and other objects placed within the sidewalk.

Street trees and lighting are two of the critical elements found in great street designs. They should not be viewed as "amenities" that may or may not be added, like accessories on a new car. For walkable streets, pedestrian comfort is essential, thus, these features must be included and should be in the design budgets. Similarly, street lighting should be comforting to pedestrians. Lighting should be decorative, and not exceeding 15 feet in height except in Core zones. Lighting should be designed so as to minimize glare and overhead sky glow. For example, typical "Cobra Lights" found on arterial roadsides are not appropriate for pedestrian friendly streets.



Dickson Street Before And After Sidewalk And Streetscape Improvements

PROPOSED CONCEPT SECTIONS:



The following is a summary of improvements for the typical section that will be applied to identified streets within the Downtown Master Plan Redevelopment District:

- Replacement of existing sidewalks that would meet ADA requirements and the transect zone recommendations for width.
- Replacement of existing curb & gutter with historic type "stand-up" curb.
- Installation of trees at intervals of 30 feet including underground irrigation where appropriate.
- Installation of decorative street lights at intervals of 120 feet with underground electrical supply.

- Provide a minimum of two inch asphalt overlay.
- Replace existing drainage structures and storm pipes as necessary.



DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT IMPROVEMENT RECOMMENDATIONS

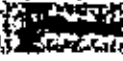
CONTINUATION OF TRAIL CORRIDORS

In addition to Downtown streets and sidewalks, there is also a trail system which connects the Downtown to other areas of the City. The existing trails system is expanded in the 2003 *Fayetteville Alternative Transportation and Trail Master Plan*. Additional trails will further enhance the pedestrian connections throughout Downtown. On-street linkages are proposed for every major street in Downtown. Specific trail heads are identified along each trail, allowing easy access, managed parking (as necessary), and recreation facilities. The trail linkages further connect pedestrians with various Downtown activities.

As part of the the trail projects, sidewalk and pedestrian safety improvements along the active rail line will be included in the project. The implementation of the *Fayetteville Alternative Transportation and Trail Master Plan* is an important link in Fayetteville's trail network and the overall walkability strategy for Downtown.



2. Center Prairie Trail

-  Proposed Trails
(Fayetteville Alternative Transportation and Trail Plan)
-  Existing and Proposed Buildings
-  Green spaces



CULTURAL AND ARTS DISTRICT

Fayetteville has some things that many cities have lost — real downtown character and real downtown things to do. Through the course of change in the 20th Century and the rise of suburban sprawl, many residents and businesses vacated downtowns. While the economic engine of Downtown Fayetteville has evolved over time, however, there remains a solid constituency of residents and businesses. What draws people to downtown? It is the *experience* —the high quality of life associated with living and working and being entertained in a downtown environment with so much to offer, including arts, culture, and fun. Therefore the City should continue to nurture these anchor functions. Downtown Fayetteville has already become Northwest Arkansas' premier home for the performing arts and cultural activity. Dickson Street has long been a marvel among college-town main streets, a hub for food, music and informal celebrating. These two phenomena should be recognized and embraced as vital parts of the modern Downtown's economic makeup, part of the lure of Downtown for the next generation of residents and investors.

Today the recognizable center of the arts district is roughly at the intersection of West Avenue and Dickson Street, anchored by the Walton Arts Center; other outposts of the arts such as the Nadine Baum Studios and galleries are located nearby, but these are separated by parking lots, vacant parcels, and assorted businesses. The entertainment scene is more tightly clustered and primarily linear, along Dickson Street, with some activity (including bars and restaurants) in the mid block areas and along perpendicular streets. This area lends itself to **expanded cultural facilities, vibrant evening activities, and efficiently-provided shared parking**. The Illustrative Master Plan depicts how a **2500-seat performance hall** can be added to the Walton Arts Center's south side, and how a **community parking facility** with "liners" of entertainment businesses and artist housing can be developed on the West Avenue parcel.

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT

ESTIMATED PROJECT COSTS

The Project scope for this redevelopment effort focuses on three elements which were identified in the recently adopted Downtown Master Plan. While it will be necessary to complete detailed engineering plans to address the actual cost of these elements, there is sufficient information available from similar projects to estimate total project costs.

PARKING DECKS

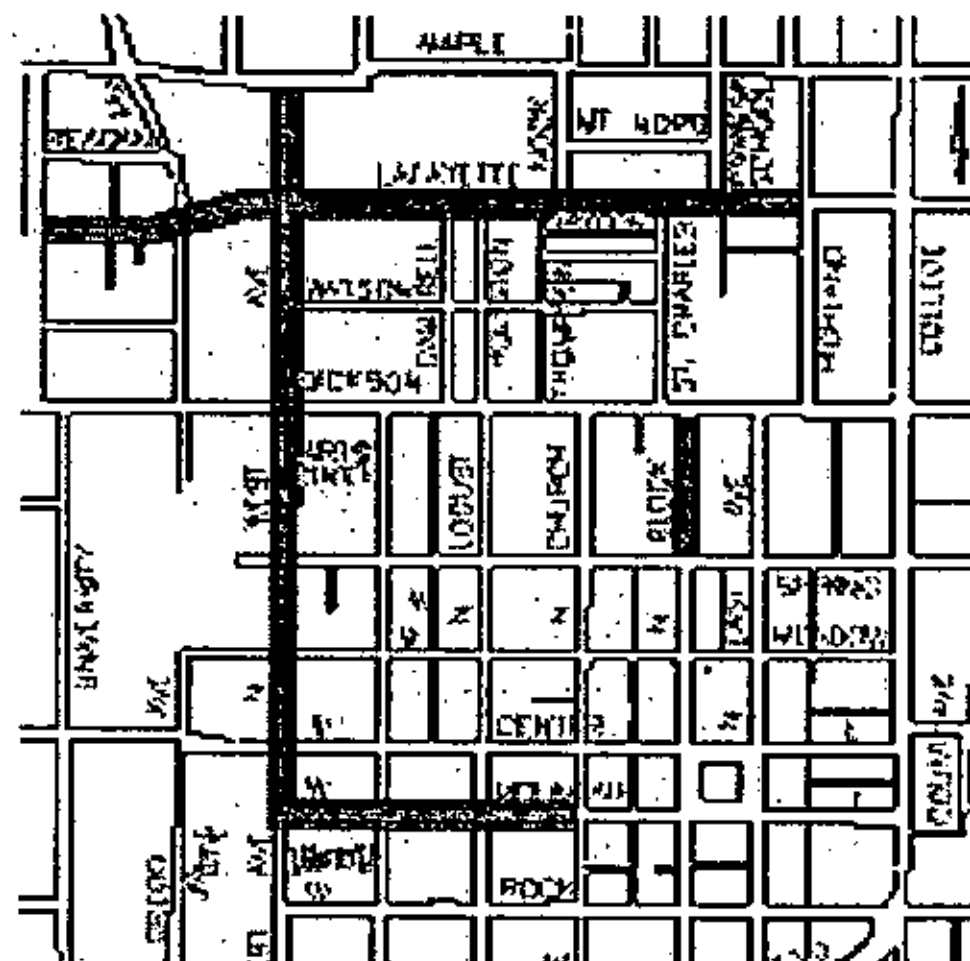
The project plan identifies a number of locations for the construction of decks. Over the past several years, the community has developed a consensus that the highest priority location for parking decks should be in an area that allows service to both the downtown and the University Campus.

The cost estimate for a 650 space deck is approximately \$7,800,000. This number is derived from an industry average of \$12,000 per space. As stated earlier, this number will be confirmed as part of the engineering work to be done as the first phase of this project.

STREETSCAPE

The adopted Downtown Master Plan recommends the installation of street and streetscape improvements as one of the key action items that is necessary to insure that this area remains a destination point for the region and state. The map as shown proposes improvements for some 1.4 miles of streets in the target area. The cost for this phase is estimated at \$6,635,000. This figure is derived from the actual costs per linear foot incurred in the recently completed Dickson Street improvements. The streets identified as first priority are as follows:

- Lafayette Street
- West Avenue
- Mountain Street
- Block Avenue



TRAILS

The Fayetteville Alternative Transportation and Trail Plan includes a series of recommendations for a North/South Trail Corridor. The Downtown Master Plan Redevelopment District Project Plan proposes the construction of a trail beginning at the Nadine Baum studio and continuing to the project boundary at Maple Street. The cost for this 2,200 foot segment is estimated at \$600,000. In addition, the engineering work will develop a strategy to incorporate "Silent Crossings" in the rail corridor through this area. Silent rail crossings enables trains to travel across public streets without having to utilize extremely loud air horns. The installation of crossing controls at principal intersections and the construction of fencing to protect the rail corridor itself will enhance pedestrian safety. The feasibility of grade separations of the trail itself at principal intersections will also be evaluated as part of the first phase engineering component.

Cost summary

Parking Deck	650 space deck	\$7,800,000
Street streetscape improvements	1.4 miles	\$6,635,000
Trails	2,200 feet	\$600,000
Project overhead first year Engineering, legal, administration		\$200,000
		\$15,235,000

City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

our vision our future

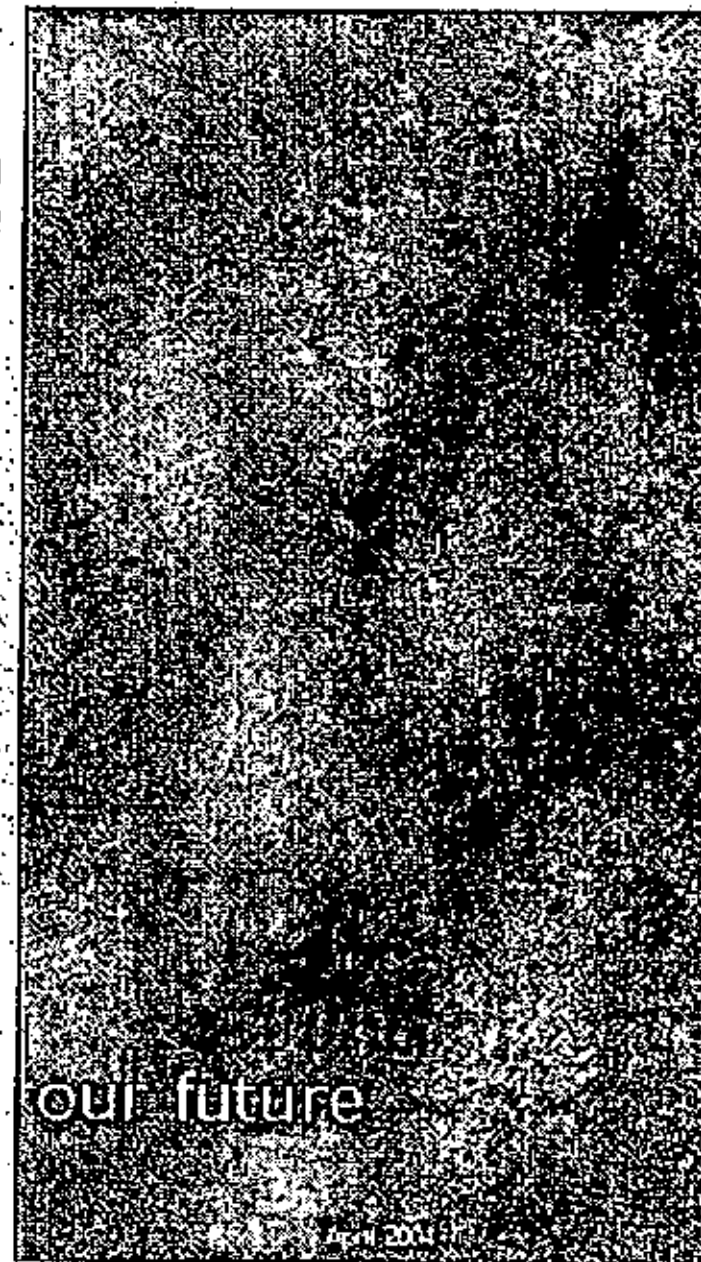


EXHIBIT No.1

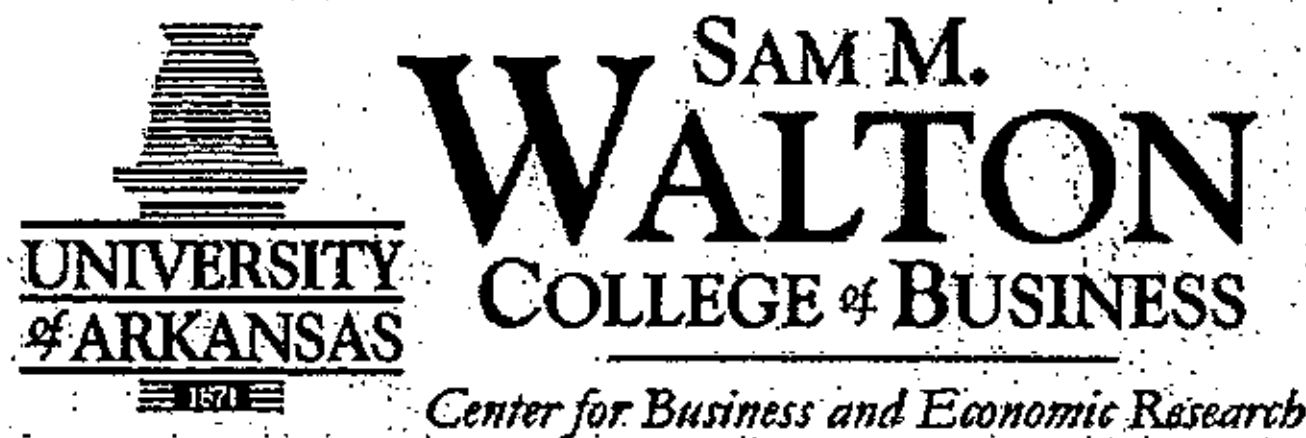
Economic Feasibility Study

City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

An Economic Forecast of Assessment Values in the Downtown Master Plan Redevelopment District

An Economic Forecast of Assessment Values in the Fayetteville Downtown Master Plan Tax Increment Financing District

Produced for the City of Fayetteville, Arkansas



Center for Business and Economic Research
Reynolds Center Building 217
Sam M. Walton College of Business
1 University of Arkansas
Fayetteville, Arkansas 72701-1201
(479) 575-4151
Contact: Dr. Jeffery T. Collins, Director
December 2004

The purpose of this study is to estimate the cash flows that will accrue to the Fayetteville Downtown Master Plan Tax Increment Financing District (FDMPD) as a result of the tax increment financing project that has the implementation of the Dover Kohl-produced Master Plan as its centerpiece. The FDMPD encompasses 672 parcels in the central part of Fayetteville, running from Maple Street in the north to 6th Street in the south and from Arkansas Avenue in the west to Highland Avenue in the east. The east and south boundaries of the FDMPD abut the East Square/Highway 71 Redevelopment District. The FDMPD contains most of the current Dickson Street entertainment venues, the Walton Arts Center, and the west side of the Fayetteville Square. The formation of the FDMPD was spurred by the desire to finance the infrastructure that will facilitate the implementation of the Downtown Master plan. Redevelopment of the area is seen as key to improving local property values and fostering economic activity in the central corridor of the city. Tax increment financing (TIF) was chosen as the appropriate tool for this private/public partnership.

Researchers at the Center for Business and Economic Research (CBER) in the Sam M. Walton College of Business at the University of Arkansas were asked to project the revenues that tax increment financing will provide for the FDMPD. The methodology employed was as follows. First, a copy of the property ownership report for the FDMPD was obtained from city of Fayetteville staff. This report included the identification of and 2004 assessed valuation numbers for the 672 parcels included in the Highway 71 East Square Redevelopment District. Supplementing this information, CBER researchers used the Washington County Assessor's online property search database to obtain the 2001-2003 assessment values for the same 672 parcels.

The collected data show that 286 of the parcels in the FDMPD are classified as Residential Improved, 173 of the parcels are classified as Commercial Improved, 70 of the parcels are exempt from property taxes (either as local or federal government properties or churches), and the remaining 140 parcels are a mix of commercial and residential vacant properties, public services, and miscellaneous usages. A total of 549 of the identified parcels had non-zero assessment values in 2004.

In 2004, the total assessed value of the parcels in the FDMPD was \$15,083,761. In 2004, the year-on-year growth rate of the assessed value was 12.9 percent, while the median assessment growth rate was 10 percent. Of the 536 parcels with nonzero assessed values in both 2003 and 2004, 119 parcels had assessment growth rates of less than 10 percent, 269 had assessed values that grew at 10 percent, and 148 parcels had assessment growth rates of more than 10 percent. Only 13 parcels in the FDMPD had lower assessments in 2004 than in 2003.

Based on all of the previous information, CBER researchers have developed plausible revenue scenario for the FDMPD with and without the investments that would result from the creation of a TIF district. The first scenario is the most conservative and takes into consideration that owner-occupied residential property assessment growth is capped at 5 percent, that properties owned and occupied by residents over the age of 65 have frozen property assessments, and that all other property assessment growth is capped at 10 percent. In order to provide a conservative

estimate of the revenue that would be generated without a TIF district, a projection is made of the growth in assessed property values without any newly assessed properties. These revenue estimates do not capture the growth in assessments that will result from new construction, and as such, likely underestimate the true revenues that are likely to accrue to the district. Table 1 presents the revenue estimates by year for this conservative scenario without new construction.

Table 1 shows estimates of what the increment would be in each year. The total increment over 25 years is \$1.1 trillion. A millage rate of 27.66 is applied to the increment to illustrate what the yield to a TIF district would be. The total yield under this scenario is almost \$31 million. That yield is also discounted back for expected 3 percent annual inflation for a present value calculation. The present value is almost \$18 million under these assumptions.

The estimates shown in Table 1 project out average growth rates that are lower than those that have been experienced in the past three years for the parcels in the FDMPD. In 2002, the growth rate in assessed valuation was 9.2 percent. The years 2003 and 2004 saw higher growth rates in assessed valuations at 18.9 and 12.9 percent, respectively. The three year average growth rate for these properties is 13.9 percent, but that number is heavily influenced by the extraordinary growth in 2003. It seems unlikely that such large increases in assessment values are likely to continue without significant investments in the infrastructure of the area. Therefore, an alternative scenario is presented that takes into account property value increases due to the investments that would be made using tax increment financing.

Table 2 presents these results. Years 2005 through 2007 have estimates identical to those in Table 1, as the assumption is that it would take three years for investments in the district to be made. In 2008, a 2.5 percent premium (amounting to a 12.0 percent growth rate) is added to account for new assessments. That premium is applied through 2017. From 2018 through the remaining life of the TIF district, growth rates are estimated to be 9.5 percent, approximating the estimates in Table 1. Again, a millage rate of 27.66 is applied to the increment to calculate the yield and annual inflation is assumed to be 3 percent.

Under the second scenario, the total increment is \$1.45 trillion over 25 years. The available yield for the FDMPD is just over \$40 million and the present value of that yield is \$23.2 million.

Table 1: Estimates of Growth in FDMPD Assessed Valuations without TIF Investments

Weighted Estimates by Property Taxation Classification					
Total Available Increment: \$1,119,146,735					
Total Available Yield: \$30,955,599					
Net Present Value of Total Available Yield: \$17,953,951					
Year	2005	2006	2007	2008	2009
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$16,461,934	\$17,973,791	\$19,632,493	\$21,452,509	\$23,449,742
Assessment Growth Rate	9.14%	9.18%	9.23%	9.27%	9.31%
Increment	\$1,378,173	\$2,890,030	\$4,548,732	\$6,368,748	\$8,365,981
Available Yield	\$38,120	\$79,938	\$125,818	\$176,160	\$231,403
PV of Available Yield	\$37,010	\$75,349	\$115,141	\$156,516	\$199,610
Year	2010	2011	2012	2013	2014
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$25,641,675	\$28,047,526	\$30,688,422	\$33,587,593	\$36,770,574
Assessment Growth Rate	9.35%	9.38%	9.42%	9.45%	9.48%
Increment	\$10,557,914	\$12,963,765	\$15,604,661	\$18,503,832	\$21,686,813
Available Yield	\$292,032	\$358,578	\$431,625	\$511,816	\$599,857
PV of Available Yield	\$244,572	\$291,557	\$340,729	\$392,264	\$446,350
Year	2015	2016	2017	2018	2019
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$40,265,441	\$44,103,063	\$48,317,378	\$52,945,701	\$58,029,063
Assessment Growth Rate	9.50%	9.53%	9.56%	9.58%	9.60%
Increment	\$25,181,680	\$29,019,302	\$33,233,617	\$37,861,940	\$42,945,302
Available Yield	\$696,525	\$802,674	\$919,242	\$1,047,261	\$1,187,867
PV of Available Yield	\$503,185	\$562,979	\$625,959	\$692,363	\$762,447
Year	2020	2021	2022	2023	2024
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$63,612,578	\$69,745,851	\$76,483,430	\$83,885,294	\$92,017,397
Assessment Growth Rate	9.62%	9.64%	9.66%	9.68%	9.69%
Increment	\$48,528,817	\$54,662,090	\$61,399,669	\$68,801,533	\$76,933,636
Available Yield	\$1,342,307	\$1,511,953	\$1,698,315	\$1,903,050	\$2,127,984
PV of Available Yield	\$836,481	\$914,757	\$997,581	\$1,085,283	\$1,178,213
Year	2025	2026	2027	2028	2029
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$100,952,265	\$110,769,654	\$121,557,267	\$133,411,551	\$146,438,568
Assessment Growth Rate	9.71%	9.72%	9.74%	9.75%	9.76%
Increment	\$85,868,504	\$95,685,893	\$106,473,506	\$118,327,790	\$131,354,807
Available Yield	\$2,375,123	\$2,646,672	\$2,945,057	\$3,272,947	\$3,633,274
PV of Available Yield	\$1,276,746	\$1,381,278	\$1,492,236	\$1,610,073	\$1,735,272

Table 2: Estimates of Growth in FDMPD Assessed Valuations with TIF Investments

Weighted Estimates by Property Taxation Classification					
Total Available Increment: \$1,448,463,219					
Total Available Yield: \$40,064,493					
Net Present Value of Total Available Yield: \$23,226,059					
Year	2005	2006	2007	2008	2009
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$16,461,934	\$17,973,791	\$19,632,493	\$21,988,822	\$24,627,480
Assessment Growth Rate	9.14%	9.18%	9.23%	12.00%	12.00%
Increment	\$1,378,173	\$2,890,030	\$4,548,732	\$6,905,061	\$9,543,719
Available Yield	\$38,120	\$79,938	\$125,818	\$190,994	\$263,979
PV of Available Yield	\$37,010	\$75,349	\$115,141	\$169,696	\$227,711
Year	2010	2011	2012	2013	2014
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$27,582,778	\$30,892,711	\$34,599,837	\$38,751,817	\$43,402,035
Assessment Growth Rate	12.00%	12.00%	12.00%	12.00%	12.00%
Increment	\$12,499,017	\$15,808,950	\$19,516,076	\$23,668,056	\$28,318,274
Available Yield	\$345,723	\$437,276	\$539,815	\$654,658	\$783,283
PV of Available Yield	\$289,537	\$355,545	\$426,135	\$501,741	\$582,836
Year	2015	2016	2017	2018	2019
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$48,610,279	\$54,443,513	\$60,976,734	\$66,769,524	\$73,112,629
Assessment Growth Rate	12.00%	12.00%	12.00%	9.50%	9.50%
Increment	\$33,526,518	\$39,359,752	\$45,892,973	\$51,685,763	\$58,028,868
Available Yield	\$927,343	\$1,088,691	\$1,269,400	\$1,429,628	\$1,605,078
PV of Available Yield	\$669,933	\$763,586	\$864,399	\$945,153	\$1,030,239
Year	2020	2021	2022	2023	2024
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$80,058,329	\$87,663,870	\$95,991,938	\$105,111,172	\$115,096,733
Assessment Growth Rate	9.50%	9.50%	9.50%	9.50%	9.50%
Increment	\$64,974,568	\$72,580,109	\$80,908,177	\$90,027,411	\$100,012,972
Available Yield	\$1,797,197	\$2,007,566	\$2,237,920	\$2,490,158	\$2,766,359
PV of Available Yield	\$1,119,953	\$1,214,610	\$1,314,542	\$1,420,102	\$1,531,666
Year	2025	2026	2027	2028	2029
Frozen Assessment	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761	\$15,083,761
Total Assessment	\$126,030,923	\$138,003,860	\$151,114,227	\$165,470,079	\$181,189,736
Assessment Growth Rate	9.50%	9.50%	9.50%	9.50%	9.50%
Increment	\$110,947,162	\$122,920,099	\$136,030,466	\$150,386,318	\$166,105,975
Available Yield	\$3,068,798	\$3,399,970	\$3,762,603	\$4,159,686	\$4,594,491
PV of Available Yield	\$1,649,630	\$1,774,419	\$1,906,480	\$2,046,290	\$2,194,355

City of Fayetteville, Arkansas

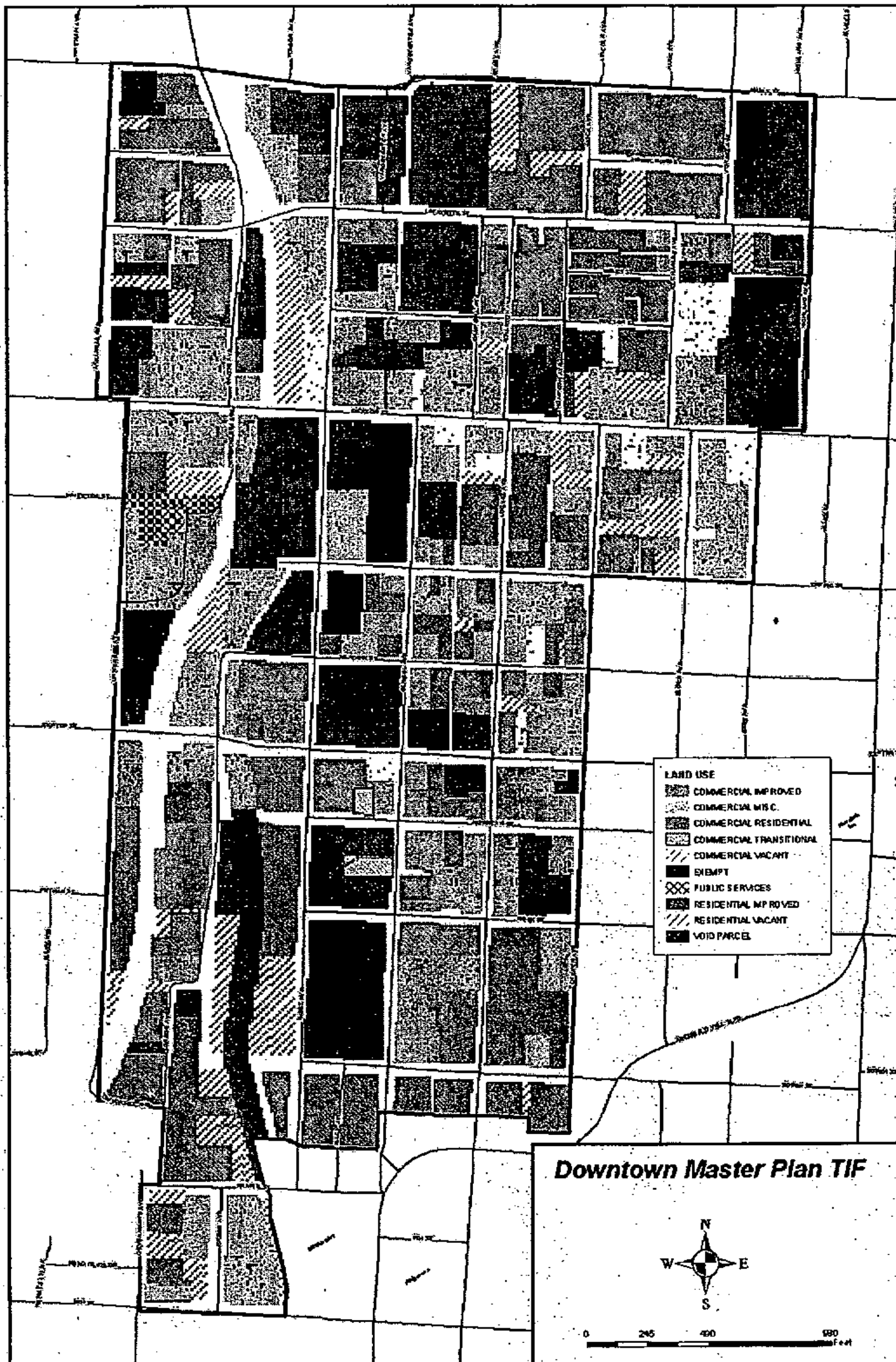
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

our vision our future

EXHIBIT No.2

Existing Uses and Conditions Map



City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

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EXHIBIT No.3

Assessor's Certification



LEE ANN KIZZAR
COUNTY ASSESSOR

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College - Suite 250
Fayetteville, Arkansas 72701

TELEPHONE
479/444-1500

November 20, 2004

Mr. Hugh Earnest
City of Fayetteville
113 W. Mountain
Fayetteville AR 72701

Dear Mr. Earnest,

Please accept this letter and its attachments as the assessor's certification required by ACA 14-168-306(b)(5) for the approval of the Downtown Master Plan Redevelopment District Project Plan.

The assessed value of all real property within the redevelopment district subject to ad valorem taxation, also known as the Base Value as of January 1, 2004, is:
15,083,761.

The rolled back total millage rate of Washington County, the Fayetteville School District, and the City of Fayetteville, also known as the Total Ad Valorem Rate, is:
51.91.

The portion of the total ad valorem rate that was, at January 1, 2001, pledged to the payment of debt service by the Fayetteville School District, also known as the Debt Service Ad Valorem Rate, is:
23.7.

The total rolled back ad valorem rate less the debt service ad valorem rate, also known as the Applicable Ad Valorem Rate, is:
28.21.

Attached is the certification from the Fayetteville School District of the debt service ad valorem rate, a copy of the most recent millage ordinance detailing levied ad valorem millage rates for all taxing entities in Washington County with the pertinent items marked with an asterisk, and a report from the assessor's database detailing the appraised and assessed value of each parcel in the redevelopment district along with totals for the entire district. Also included is a copy of the rollback forms for Washington County and the Fayetteville School District to show the rolled back millages.

Sincerely,

Lee Ann Kizzar

ORDINANCE NO. 2003-53

APPROPRIATION ORDINANCE:

BE IT ENACTED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:

AN ORDINANCE LEVYING THE COUNTY, MUNICIPAL AND
SCHOOL DISTRICT TAXES FOR THE YEAR 2003.

WHEREAS, Article 7, Section 30, of the Constitution of the State of
Arkansas requires the Justices of the Peace of each county to "sit with and assist the
County Judge in levying the county taxes"; and,

WHEREAS, A.C.A. 14-14-804 provides that "The Quorum Court, at
its regular meeting in November of each year, shall levy the county, municipal, and school
taxes for the current year."

NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM COURT
OF WASHINGTON COUNTY, ARKANSAS:

ARTICLE 1. The following taxes are hereby levied for the Year 2003
for Washington County, Arkansas:

REAL ESTATE/
PERSONAL PROPERTY

- | | |
|--------------------|--------------|
| (A) County General | 5.0 mills * |
| (B) County Road | 1.16 mills * |
| (C) County Library | 1.0 mills* |

* To be collected throughout the County except for property
within the City Limits of Fayetteville.

ARTICLE 2. The following taxes are hereby levied for the Year 2003
for the respective municipalities within Washington County, Arkansas:

REAL ESTATE/
PERSONAL PROPERTY

- | | |
|------------------|---------------|
| (A) Fayetteville | 1.8 mills** * |
| (B) Springdale | 5.7 mills |
| (C) Elkins | 5.0 mills |
| (D) Greenland | 2.9 mills |
| (E) West Fork | 5.0 mills |
| (F) Winslow | 3.0 mills |
| (G) Farmington | 5.0 mills |

FILED
03 NOV 17 PM 4:10
KAREN COMBS PRITCHARD
CO. CLERK
WASHINGTON CO. ARK.

ORDINANCE NO. 2003-53
PAGE 2

(H) Tontitown	2.0 mills
(I) Elm Springs	5.0 mills
(J) Johnson	5.0 mills
(K) Prairie Grove	9.5 mills
(L) Lincoln	6.5 mills
(M) Goshen	0.0 mills

** 1.0 mill is a library millage and is to be collected only inside the City Limits of Fayetteville; .8 mill is for all other legal purposes.

ARTICLE 3. The following taxes are hereby levied for the Year 2003 for the respective school districts within Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY		
	Debt	M & O	Total
(A) Fayetteville, #1	20.0 mills	25.0 mills	45.0 mills*
(B) Farmington, #6	16.35 mills	25.0 mills	41.35 mills
(C) Elkins, #10	15.5 mills	25.0 mills	40.5 mills
(D) Winslow, #20	8.0 mills	25.0 mills	33.0 mills
(E) Prairie Grove, #23	13.2 mills	25.0 mills	38.2 mills
(F) Lincoln, #48	10.0 mills	25.0 mills	35.0 mills
(G) Springdale, #50	15.0 mills	25.0 mills	40.0 mills
(H) Greenland, #95	13.0 mills	25.0 mills	38.0 mills
(I) West Fork, #141	14.0 mills	25.0 mills	39.0 mills
(J) Benton County, #21	7.7 mills	25.0 mills	32.7 mills

ARTICLE 4. The levy of taxes for 2003 is in accordance with certifications of the municipalities and school districts filed in the Office of the Washington County Clerk.

Jerry H. Hinton
JERRY HUNTON, County Judge

11-17-03
DATE

Karen Combs Pritchard
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson
Date of Passage: November 13, 2003
Votes For: 11 Votes Against: 1
Abstentions: 0 Absent: 1

CERTIFICATE
I CERTIFY THAT THIS INSTRUMENT IS A TRUE COPY OF THE Ordinance ON FILE IN THIS OFFICE. DATE 9-29-04
Karen Combs Pritchard
Karen Combs Pritchard - County Clerk
D.C.



CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

September 21, 2004

Ms. Lee Ann Kizzar
County Assessor
Washington County Courthouse
280 North College - Suite 360
Fayetteville, AR 72701

Dear Ms. Kizzar:

Please be informed that the Fayetteville School Districts millage structure at January 1, 2001 was as follows:

19.3 mills General Maintenance & Operation
23.7 mills Debt Service
1.0 mill Capital Outlay
44.0 mills

I have attached the school ballot from that election for your reference. Please call me if you have any questions.

Thank you,


Lisa Z. Morstad

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

City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

ANNUAL SCHOOL ELECTION BALLOT

A FAYETTEVILLE SCHOOL	B WASHINGTON COUNTY	C SEPTEMBER 19, 2000
DISTRICT NO. 1 INSTRUCTIONS TO VOTER 1. To vote you must blacken the Oval () completely next to the candidate of your choice. 2. Use only the pencil provided. 3. After voting, deposit ballot in ballot box. School Board Director - 3yr. Pos 2 ☐ Howard Hamilton (Unopposed) School Board Director - 3yr. Pos 6 ☐ Pam Grondin (Unopposed)	School Tax 44.0 MILLS The total rate proposed above includes the uniform rate of 25.0 mills (the Statewide Uniform Rate) to be collected on all taxable property in the State and remitted to the State Treasurer pursuant to Amendment No. 74 to the Arkansas Constitution to be used solely for maintenance and operation of schools in the State. As provided in Amendment No. 74, the Statewide Uniform Rate replaces a portion of the existing rate of tax levied by this school District and available for maintenance and operation of the schools in this District. The total proposed school tax levy of 44.0 mills includes 19.3 mills for general maintenance and operation, 1.0 mill for current expenditures, dedicated maintenance and operation expenditures dedicated specifically for the purposes of purchasing school buses, purchasing furniture and equipment, purchasing computer software and renovating and repairing existing facilities, and 23.7 mills for debt service as a continuing levy pledged for the retirement of existing bonded indebtedness. The 23.7 debt service mills are allocated as follows: 3.0 mills is a continuing levy dedicated exclusively to the retirement of the District's Bonds dated November 1, 1997 and May 1, 1998, and 20.7 mills is a continuing levy pledged for the retirement of all other existing bonded indebtedness. The surplus revenues produced by the 20.7 debt service mills may be used by the District for other school purposes. If the proposed school tax levy is approved by the electors, then the total school tax rate shall be 44.0 mills (this being the effect of such approval notwithstanding the results of the litigation referred to below). If the proposed school tax levy is not approved by the electors, then the total school tax rate shall be a lower rate determined in accordance with pending litigation in the Circuit Court of Washington County, Arkansas (the "Court") involving the rollback provisions of Amendment No. 69 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 69 have been triggered (the "Rollback Millage Rate"). The total proposed tax levy of 44.0 mills represents an increase in total mills equal to the difference between the proposed levy of the 44.0 mills and the lower Rollback Millage Rate. ☐ FOR TAX ☐ AGAINST TAX	

Fayetteville Downtown Master Plan TIF district

Parcel ID	Type	Total Appraised	Total Assessed
765-01653-000	CM	188,850	25,926
765-01654-000	CI	995,300	148,334
765-01677-000	CV	160,000	11,440
765-01678-000	RI	85,950	14,459
765-01679-000	CV	80,000	10,450
765-01680-000	CI	182,000	30,007
765-01681-000	CV	180,000	29,700
765-01682-000	RI	168,650	24,151
765-01683-000	CI	138,800	25,333
765-01684-000	CI	298,550	27,957
765-01685-000	CI	254,200	49,477
765-01686-000	CV	116,150	7,951
765-01687-000	CV	21,100	1,444
765-01688-000	CI	337,950	44,200
765-01690-000	CV	58,000	8,163
765-01691-000	RI	112,250	17,760
765-01692-000	RI	157,050	27,317
765-01693-000	RI	122,450	14,813
765-01694-000	RI	87,150	13,900
765-01695-000	CI	478,400	69,155
765-01696-000	RI	134,650	15,044
765-01697-000	RI	65,850	10,053
765-01698-000	RI	57,050	7,402
765-01699-000	RI	86,650	12,740
765-01700-000	CR	102,400	12,601
765-01701-000	RI	76,950	12,572
765-01702-000	CR	287,950	62,426
765-01703-000	CM	90,150	11,341
765-01704-000	CR	239,500	36,594
765-01705-000	CI	207,750	26,984
765-01706-000	CI	458,850	74,419
765-01707-000	CI	634,200	92,444
765-01708-000	CM	71,800	12,177
765-01709-000	CI	270,550	24,574
765-01710-000	CT	69,000	7,445
765-01711-000	CV	50,400	8,129
765-01712-000	RI	78,800	9,621
765-01713-000	EX	0	0
765-01714-000	RI	92,550	13,566
765-01715-000	RI	163,750	20,203
765-01716-000	EX	0	0
765-01717-000	CR	134,600	16,130
765-01718-000	RI	58,250	8,850
765-01719-000	RI	199,550	31,021
765-01721-000	RI	169,450	28,940
765-01726-000	EX	0	0
765-01733-000	EX	0	0
765-01736-000	CI	805,300	127,523
765-01739-000	EX	0	0
765-01740-000	EX	0	0
765-01741-000	CI	504,900	55,587
765-01742-000	EX	0	0
765-01743-000	CI	1,356,950	231,535
765-01743-002	EX	0	0
765-01743-003	EX	0	0
765-01744-000	ET	0	0
765-01745-000	PS	0	0
765-01745-001	EX	0	0
765-01745-002	EX	0	0

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Parcel ID	Type	Total Appraised	Total Assessed
765-01746-000	EX	0	0
765-01747-000	CR	213,300	38,223
765-01748-000	RI	155,950	16,052
765-01749-000	RI	87,700	16,403
765-01750-000	ET	0	0
765-01751-000	ET	0	0
765-01752-000	ET	0	0
765-01753-000	EX	0	0
765-01754-000	RI	133,500	20,861
765-01755-000	CI	146,000	23,724
765-01756-000	CR	351,850	29,284
765-01757-000	CR	95,600	13,327
765-01758-000	RI	128,400	19,900
765-01759-000	RI	87,150	15,530
765-01760-000	CI	93,350	12,999
765-01761-000	CR	197,600	39,520
765-01762-000	CI	179,650	24,123
765-01763-000	RI	118,100	14,629
765-01764-000	CI	153,700	28,754
765-01765-000	CI	151,800	27,092
765-01766-000	RI	259,400	47,488
765-01767-000	CR	269,800	48,671
765-01768-000	RI	107,700	15,101
765-01769-000	RV	20,000	2,816
765-01770-000	RI	90,650	8,990
765-01771-000	RI	74,650	10,167
765-01772-000	CR	174,550	32,742
765-01773-000	RI	71,300	9,796
765-01774-000	CI	671,000	134,200
765-01774-001	CM	63,500	12,111
765-01775-000	CI	139,050	27,137
765-01776-000	RI	192,300	22,618
765-01777-000	CV	18,150	2,189
765-01777-001	RI	90,900	14,257
765-01778-000	CR	286,400	41,598
765-01779-000	CI	100,050	17,646
765-01856-000	CI	412,450	68,990
765-01857-000	CI	161,850	26,727
765-01858-000	RI	187,750	27,955
765-01859-000	CI	118,200	15,378
765-01860-000	RI	73,100	12,197
765-01861-000	RI	64,400	6,030
765-01862-000	CM	76,550	12,325
765-01863-000	RI	171,850	25,333
765-01864-000	CM	66,550	11,484
765-01865-000	CI	482,350	49,325
765-01866-000	CI	290,200	49,940
765-01867-000	CI	123,500	12,727
765-01868-000	RI	154,700	23,924
765-01869-000	ET	0	0
765-01870-000	ET	0	0
765-01871-000	ET	0	0
765-01872-000	ET	0	0
765-01873-000	EX	0	0
765-01874-000	CI	46,050	7,865
765-01875-000	CI	41,650	7,021
765-01876-000	RI	76,550	13,695
765-01877-000	RI	437,050	85,102
765-01878-000	CI	106,850	19,118
765-01879-000	EX	0	0
765-01880-000	RI	112,000	16,103
765-01881-000	RI	163,450	17,139

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Parcel ID	Type	Total Appraised	Total Assessed
765-01882-000	CR	276,150	45,824
765-01882-001	CI	445,900	89,180
765-01883-000	CR	231,000	48,200
765-01884-000	RI	75,350	12,735
765-01885-000	RV	500	100
765-01886-000	CI	75,700	9,482
765-01887-000	CI	88,050	7,894
765-01888-000	RI	54,950	9,324
765-01889-000	RI	62,650	8,451
765-01890-000	RI	47,050	7,536
765-01891-000	RI	86,500	14,850
765-01892-000	RI	107,000	17,586
765-01893-000	RI	100,500	13,002
765-01894-000	RI	88,000	15,389
765-01895-000	CM	135,200	12,588
765-01896-000	RI	100,850	15,766
765-01897-000	RI	137,650	18,690
765-01898-000	RI	137,350	17,593
765-01899-000	RI	79,760	7,899
765-01900-000	CV	58,400	3,080
765-01901-000	CI	55,460	6,907
765-01902-000	RI	85,450	9,162
765-01903-000	CI	209,500	28,929
765-01904-000	RI	438,350	55,159
765-01905-000	CR	246,900	27,478
765-01906-000	CR	228,650	22,765
765-01907-000	RI	174,150	31,856
765-01908-000	RI	125,650	17,576
765-01909-000	EX	0	0
765-01910-000	RI	55,350	7,136
765-01911-000	EX	0	0
765-01912-000	RI	52,760	10,550
765-01913-000	CI	112,650	12,627
765-01914-000	ET	0	0
765-01915-000	CI	95,400	17,578
765-01916-000	CI	382,450	37,752
765-01917-000	CI	435,500	60,380
765-01994-000	CI	294,300	52,613
765-01995-000	CI	218,100	29,835
765-01996-000	EX	0	0
765-01997-000	EX	0	0
765-01998-000	EX	0	0
765-01999-000	CI	208,650	41,173
765-01999-001	CI	141,000	20,933
765-02000-000	CI	340,350	47,018
765-02001-000	CI	285,650	40,885
765-02002-000	RI	471,650	78,977
765-02003-000	CI	341,350	58,049
765-02004-000	CI	334,350	39,344
765-02005-000	CI	324,800	60,665
765-02006-000	RI	72,600	7,305
765-02007-000	CR	185,800	37,120
765-02008-000	RI	67,700	10,978
765-02010-000	CT	148,050	26,950
765-02020-000	RI	98,700	10,915
765-02021-000	EX	0	0
765-02022-000	RI	49,400	4,730
765-02023-000	RI	79,850	10,608
765-02024-000	RI	65,550	7,635
765-02025-000	RI	80,500	15,149
765-02026-000	EX	0	0
765-02027-000	RI	46,550	7,908

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Parcel ID	Type	Total Appraised	Total Assessed
765-02028-000	RI	46,800	7,207
765-02029-000	RI	96,650	15,133
765-02030-000	EX	0	0
765-02031-000	RI	82,150	8,735
765-02032-000	RI	44,000	8,393
765-02033-000	EX	0	0
765-02034-000	RM	22,300	4,460
765-02035-000	RV	50,500	8,668
765-02036-000	EX	0	0
765-02037-000	EX	0	0
765-02038-000	EX	0	0
765-02039-000	EX	0	0
765-02040-000	EX	0	0
765-02041-000	EX	0	0
765-02041-000	EX	0	0
765-02042-000	EX	0	0
765-02043-000	CI	222,950	30,901
765-02044-000	RI	91,800	10,011
765-02045-000	RI	78,550	9,515
765-02046-000	CI	160,660	25,464
765-02047-000	CR	216,050	34,939
765-02048-000	RI	111,700	17,606
765-02049-000	RI	68,600	7,401
765-02050-000	RI	68,250	7,052
765-02051-000	RI	88,150	10,925
765-02052-000	RI	77,350	8,827
765-02053-000	CI	299,400	42,056
765-02054-000	RI	79,450	7,624
765-02055-000	RI	75,350	8,100
765-02056-000	RI	65,650	7,317
765-02057-000	RI	50,850	6,635
765-02058-000	RI	65,950	8,041
765-02059-000	RI	52,200	6,364
765-02060-000	RI	54,000	6,635
765-02061-000	RI	76,100	7,362
765-02062-000	RI	104,900	13,033
765-02063-000	RI	68,100	9,482
765-02064-000	CI	183,050	26,933
765-02064-001	RI	88,150	7,744
765-02065-000	RI	112,900	11,182
765-02066-000	RI	111,300	9,560
765-02067-000	RI	58,100	5,952
765-02068-000	RI	58,050	5,630
765-02069-000	CI	160,350	26,169
765-04326-000	ET	0	0
765-04327-000	RV	23,400	2,860
765-04328-000	ET	0	0
765-04329-000	ET	0	0
765-04330-000	ET	0	0
765-04332-000	ET	0	0
765-04333-000	ET	0	0
765-04334-000	ET	0	0
765-04335-000	ET	0	0
765-04336-000	ET	0	0
765-04337-000	RI	152,350	19,625
765-04338-000	RV	20,650	2,840
765-04339-000	RI	99,700	14,300
765-04340-000	RI	93,650	10,642
765-04341-000	RI	133,500	20,270
765-04342-000	RI	186,100	22,803
765-04343-000	RI	70,200	14,040
765-04344-000	CI	63,750	10,750

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Parcel ID	Type	Total Appraised	Total Assessed
765-04345-000	RI	30,150	4,114
765-04346-000	ET	0	0
765-04347-000	RI	58,300	10,410
765-04348-000	RI	68,550	10,054
765-04349-000	RI	78,250	11,682
765-04350-000	CI	301,850	50,736
765-04350-001	CI	223,400	39,556
765-04351-000	ET	0	0
765-04352-000	ET	0	0
765-04353-000	ET	0	0
765-04354-000	ET	0	0
765-04355-000	RI	55,250	7,465
765-04356-000	RI	56,650	7,679
765-04357-000	CR	119,750	14,915
765-04357-100	EX	0	0
765-04358-000	CI	54,000	10,800
765-04359-000	CI	81,350	14,377
765-04360-000	CI	70,350	12,033
765-04361-000	CI	1,072,400	185,001
765-04362-000	CI	393,700	64,625
765-04362-001	EX	0	0
765-04363-000	CM	168,800	5,420
765-04363-001	EX	0	0
765-04364-000	CI	1,225,100	177,117
765-04365-000	CI	265,350	42,400
765-04366-000	CI	85,550	11,703
765-04367-000	CI	110,200	9,626
765-04368-000	CI	97,650	11,005
765-04369-000	CI	242,500	39,039
765-04370-000	CI	257,850	28,183
765-04371-000	CI	134,500	18,805
765-04372-000	CI	152,400	20,878
765-04373-000	CI	247,550	22,542
765-04374-000	CM	108,450	16,145
765-04375-000	CI	830,250	105,770
765-04376-000	CI	255,000	37,336
765-04376-000	CI	255,000	37,336
765-04378-000	VP	0	0
765-04378-001	CI	280,300	43,618
765-04379-000	CI	510,150	57,537
765-04380-000	ET	0	0
765-04381-000	ET	0	0
765-04382-000	ET	0	0
765-04384-000	ET	0	0
765-04385-000	ET	0	0
765-04388-000	ET	0	0
765-04389-000	ET	0	0
765-04390-000	ET	0	0
765-04391-000	CI	341,500	68,300
765-04392-000	RI	58,400	8,525
765-04393-000	RI	57,650	9,648
765-04394-000	RI	114,450	14,297
765-04395-000	RI	83,800	10,534
765-04396-000	RI	97,550	15,021
765-04397-000	CV	54,000	9,900
765-04398-000	CI	926,000	185,200
765-04399-000	CI	547,650	93,093
765-04400-000	CI	187,600	20,578
765-04401-000	CI	304,650	26,984
765-04402-000	CI	210,850	19,133
765-04403-000	RI	78,100	14,628
765-04404-000	RI	41,400	6,280

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Parcel ID	Type	Total Appraised	Total Assessed
765-04405-000	RI	85,550	12,793
765-04406-000	CR	84,500	14,784
765-04407-000	RI	43,250	8,650
765-04408-000	RI	59,100	9,109
765-04409-000	CR	145,100	18,620
765-04410-000	RI	88,300	10,455
765-04411-000	RI	69,150	11,087
765-04412-000	RI	119,400	23,880
765-04413-000	RI	86,650	9,298
765-04414-000	RI	75,350	15,070
765-04415-000	RI	120,200	14,012
765-04416-000	RI	129,400	16,881
765-04417-000	RI	112,100	16,228
765-04418-000	RI	129,100	13,490
765-04419-000	RI	99,700	9,696
765-04421-000	RI	194,050	28,820
765-04424-000	RM	25,850	5,190
765-04427-000	RI	52,600	5,639
765-04428-000	RI	53,750	6,364
765-04430-000	RI	54,150	6,964
765-04431-000	CV	100,000	14,300
765-04432-000	RI	388,550	39,674
765-04433-000	CM	45,100	9,020
765-04434-000	CI	643,250	104,621
765-04435-000	EX	0	0
765-04436-000	EX	0	0
765-04437-000	EX	0	0
765-04438-000	RI	143,700	22,583
765-04439-000	EX	0	0
765-04440-000	EX	0	0
765-04441-000	EX	0	0
765-04442-000	CM	207,100	41,420
765-04443-000	CI	2,092,250	274,283
765-04444-000	EX	0	0
765-04445-000	EX	0	0
765-04446-000	EX	0	0
765-04447-000	EX	0	0
765-04513-000	RI	96,900	14,144
765-04514-000	RI	88,150	15,279
765-04515-000	RI	99,260	17,003
765-04516-000	RI	97,050	14,359
765-04517-000	CI	782,150	136,798
765-04518-000	CV	166,250	12,584
765-05462-000	RI	24,300	4,179
765-05462-001	CR	87,850	16,643
765-05463-000	RV	18,000	3,200
765-05469-000	RI	51,400	9,286
765-05470-000	RI	48,900	7,670
765-05471-000	RI	59,600	10,982
765-05472-000	RI	135,150	20,678
765-05473-000	RI	42,200	5,020
765-05474-000	RI	37,700	6,678
765-05475-000	RI	55,850	8,561
765-05476-000	RI	55,300	7,993
765-05477-000	RI	52,700	9,744
765-05483-000	RI	43,350	8,173
765-05484-000	RI	51,050	8,723
765-05485-000	RI	31,450	5,786
765-05486-000	RI	62,650	12,497
765-05508-002	EX	0	0
765-05520-000	CI	74,500	11,561
765-05520-000	CI	74,500	11,561

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Parcel ID	Type	Total Appraised	Total Assessed
765-05521-000	CI	120,050	19,524
765-05524-000	CI	40,100	5,764
765-05525-000	EX	0	0
765-05526-000	RI	34,150	6,314
765-05527-000	RI	37,050	6,875
765-05528-000	RI	54,450	9,938
765-05530-000	RI	31,700	5,660
765-05532-000	RI	42,150	8,291
765-05533-000	CI	253,600	45,912
765-05534-000	CV	15,000	2,233
765-05535-000	RI	37,200	6,897
765-05536-000	RV	15,200	2,618
765-05537-000	RV	25,600	2,860
765-05538-000	RI	42,100	7,493
765-05539-000	RV	6,400	1,100
765-05541-000	CI	42,950	5,205
765-05541-001	EX	0	0
765-05572-010	CI	338,350	58,344
765-05573-000	ET	0	0
765-05574-000	ET	0	0
765-05575-000	ET	0	0
765-05576-000	ET	0	0
765-05577-000	ET	0	0
765-05578-000	RI	59,850	9,416
765-05579-000	ET	0	0
765-05580-000	ET	0	0
765-05581-000	ET	0	0
765-05582-000	ET	0	0
765-05583-000	ET	0	0
765-05584-000	RI	60,600	9,385
765-05585-000	ET	0	0
765-05586-000	ET	0	0
765-05587-000	ET	0	0
765-05588-000	ET	0	0
765-05589-000	ET	0	0
765-06024-000	RI	124,450	22,825
765-06025-000	CV	52,850	9,009
765-06026-000	RI	218,500	41,635
765-06027-000	CI	748,650	147,180
765-06028-000	RI	80,800	12,999
765-06029-000	RI	64,500	11,968
765-06030-000	RI	254,000	48,710
765-06031-000	RI	271,650	51,939
765-06032-000	RI	347,150	54,271
765-06033-000	RI	92,700	17,910
765-06034-000	RM	24,600	3,818
765-06035-000	RI	125,200	23,892
765-06036-000	CI	185,400	28,328
765-06037-000	EX	0	0
765-06038-000	EX	0	0
765-06039-000	RI	328,900	41,400
765-06040-000	CI	291,100	49,478
765-06139-000	RI	50,600	8,714
765-06140-000	RI	48,750	7,508
765-06141-000	RI	40,300	7,040
765-06142-000	EX	0	0
765-06143-000	CV	16,300	2,508
765-06144-000	RI	71,450	11,755
765-06145-000	RI	49,500	7,921
765-06147-000	RI	227,450	45,490
765-07123-000	RI	72,450	8,100
765-07124-000	RI	50,600	8,492

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Parcel ID	Type	Total Appraised	Total Assessed
765-08241-000	RV	8,750	1,375
765-08242-000	RI	64,000	8,633
765-08243-000	RI	82,900	12,119
765-08539-000	RI	691,000	80,600
765-08540-000	RI	635,000	78,741
765-08541-000	RI	481,500	60,091
765-08542-000	RI	357,000	44,459
765-08543-000	RI	376,800	54,926
765-08544-000	RI	749,700	93,626
765-08545-000	RV	52,500	3,432
765-08546-000	RI	263,600	28,432
765-08547-000	RI	354,950	37,040
765-08548-000	RI	122,700	14,443
765-08549-000	RI	218,450	32,604
765-08550-000	RI	315,100	38,124
765-08551-000	RI	299,450	36,281
765-08552-000	RI	113,250	11,101
765-08553-000	RV	100,000	5,577
765-08554-000	RI	120,550	13,542
765-08555-000	RI	109,100	12,037
765-08556-000	RI	298,350	34,172
765-09759-000	EX	0	0
765-09760-000	EX	0	0
765-09761-000	EX	0	0
765-09762-000	EX	0	0
765-09763-000	CR	126,450	25,290
765-09764-000	RV	27,500	3,300
765-09765-000	RV	27,500	3,300
765-09766-000	PS	1,500	300
765-09767-000	EX	0	0
765-09768-000	EX	0	0
765-09769-000	EX	0	0
765-09770-000	EX	0	0
765-09914-000	CI	357,650	54,726
765-09915-000	CI	406,650	59,000
765-09917-000	CI	318,100	51,022
765-09918-000	ET	0	0
765-09919-000	EX	0	0
765-09920-000	CI	767,550	99,843
765-09921-000	RI	169,950	30,308
765-09922-000	RI	127,150	24,588
765-09923-000	RV	22,000	3,300
765-09924-000	RV	22,000	3,300
765-09925-000	EX	0	0
765-09926-000	EX	0	0
765-11917-000	RI	151,850	20,455
765-11918-000	RI	387,650	77,530
765-11919-000	CR	74,250	12,935
765-11920-000	RI	107,750	19,763
765-11921-000	RI	70,250	9,850
765-11922-000	RI	52,300	8,505
765-11923-000	RI	82,050	16,410
765-11924-000	RI	60,550	10,362
765-11925-000	RI	77,250	11,579
765-11926-000	RI	67,750	11,364
765-11927-000	RI	100,300	16,491
765-11928-000	RI	94,300	17,951
765-11929-000	RI	61,550	12,310
765-11930-000	RI	61,500	10,141
765-11931-000	RI	74,600	13,101
765-11932-000	RI	77,300	11,410
765-11933-000	RI	122,800	20,108

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Parcel ID	Type	Total Appraised	Total Assessed
765-11934-000	RI	81,550	14,973
765-11935-000	RI	90,850	10,774
765-11936-000	RI	86,150	13,924
765-12867-000	CV	180,000	18,036
765-12868-000	CI	675,500	83,484
765-12888-001	CI	216,250	27,196
765-12889-000	RI	114,250	15,909
765-12870-000	RI	110,350	14,863
765-12871-000	CI	132,150	18,994
765-12872-000	CI	89,300	12,141
765-12873-000	CI	93,450	12,012
765-12874-000	CI	122,050	15,316
765-12875-000	CM	76,950	11,782
765-12875-003	EX	0	0
765-12876-000	CV	117,800	13,599
765-12877-000	CI	82,050	9,209
765-12878-000	EX	0	0
765-12879-000	RI	87,750	12,799
765-12880-000	RI	109,900	18,090
765-12881-000	EX	0	0
765-12882-000	RI	216,750	33,178
765-12883-000	RI	139,300	15,094
765-12884-000	RV	22,000	3,520
765-12885-000	RI	281,300	46,404
765-12886-000	EX	0	0
765-12887-000	EX	0	0
765-12888-000	RI	86,150	11,197
765-12889-000	RI	130,550	23,109
765-12894-000	CI	524,350	49,484
765-12899-000	CV	142,000	8,237
765-12900-000	RI	174,000	20,778
765-12901-000	CV	50,000	2,959
765-12904-000	CI	776,450	74,474
765-12905-000	CI	636,600	102,828
765-12906-000	CM	259,900	37,186
765-12907-000	CI	333,000	42,843
765-12908-000	CI	337,850	37,199
765-12932-000	PS	940,650	188,130
765-12932-001	CI	585,650	74,143
765-12933-000	EX	0	0
765-12934-000	CI	190,650	29,172
765-12935-000	CV	46,550	8,538
765-12936-000	RV	11,000	772
765-12937-000	RV	16,500	2,640
765-12938-000	RI	47,600	7,048
765-12939-000	RI	84,900	15,029
765-12940-000	RV	13,200	2,420
765-12941-000	RI	32,000	5,071
765-12942-000	RV	15,400	2,484
765-12943-000	CI	420,850	66,584
765-12944-000	CI	224,950	33,173
765-12945-000	RI	69,600	7,645
765-12946-000	CR	680,400	109,340
765-12947-000	RV	15,400	2,145
765-12948-000	RI	49,600	8,037
765-12949-000	RI	49,850	6,635
765-12950-000	RI	68,650	8,984
765-12951-000	RI	55,900	6,956
765-12952-000	RV	4,000	660
765-12953-000	RV	3,000	600
765-12954-000	CI	238,550	45,934
765-12955-000	RI	45,950	5,324

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Parcel ID	Type	Total Appraised	Total Assessed
765-12956-000	RI	60,850	7,965
765-12957-000	RI	50,000	6,035
765-12958-000	RI	91,600	14,421
765-12959-000	RI	60,850	5,750
765-12960-000	RI	52,450	7,136
765-12961-000	CI	221,500	44,300
765-12962-000	RI	46,500	6,783
765-12964-000	RI	49,850	5,131
765-12967-000	RI	336,800	55,088
765-12970-000	RI	66,200	6,163
765-12971-000	RI	51,500	5,828
765-12972-000	RI	87,050	8,637
765-12973-000	RI	55,600	8,107
765-13020-000	CI	44,300	5,749
765-13020-001	EX	0	0
765-22041-000	CI	304,296	60,819
765-22042-000	CI	616,394	123,200
765-22043-000	CI	366,715	73,293
765-22044-000	CI	312,098	62,381
765-22045-000	CI	397,925	79,552
765-22046-000	CI	827,080	165,319
765-22047-000	CI	795,850	159,083
765-22048-000	CI	226,271	45,221
765-22049-000	CI	210,666	42,119
765-22050-000	RI	148,247	29,645
765-22051-000	RI	124,839	24,959
765-22052-000	RI	124,839	23,826
765-22053-000	RI	132,642	26,521
765-22054-000	RI	132,642	26,521
765-22055-000	RI	288,691	57,695
765-22056-000	RI	202,884	40,557
765-22057-000	RI	413,530	82,676
765-22058-000	RI	234,074	46,783
765-22059-000	RI	163,851	32,747
765-22060-000	RI	163,851	32,747
765-22061-000	RI	273,086	52,112
765-22062-000	CI	109,234	21,824
765-22063-000	CI	444,740	88,902
765-22064-000	CI	249,678	49,907
765-22065-000	CI	187,259	37,433
765-22068-000	CI	117,037	23,397
765-22067-000	CI	117,037	23,397
765-22068-000	CI	117,037	23,397
765-22367-000	RI	206,100	40,370
765-22368-000	RI	208,950	40,370
765-22369-000	RI	208,350	38,535
765-22370-000	RI	224,450	44,000
765-22371-000	RI	209,950	40,370
765-22372-000	RI	225,400	44,000
765-22373-000	RI	208,350	40,370
765-22374-000	RI	225,050	42,000
765-22375-000	RI	209,950	40,370
765-22376-000	RI	225,050	44,000
765-22377-000	RI	208,350	38,535
765-22378-000	RI	224,050	44,000
765-22379-000	RI	308,300	60,500
765-22380-000	RI	322,800	59,850
765-22381-000	CI	206,200	41,240
765-22382-000	CI	135,050	27,010
765-22383-000	CI	963,750	192,750
765-22384-000	CI	0	0
765-22549-000	CI	97,400	9,009

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Parcel ID	Type	Total Appraised	Total Assessed
765-22550-000	CI	97,400	9,009
765-22551-000	CI	97,400	9,009
765-22552-000	CI	97,400	9,009
765-22553-000	CI	97,400	9,009
765-22554-000	CI	97,400	9,009
765-22555-000	CI	97,400	9,009
765-22556-000	CI	97,400	9,009
765-22557-000	CI	97,400	9,009
765-22558-000	CI	97,400	9,009
765-22559-000	CI	97,400	9,009
765-22560-000	CI	97,400	9,009
765-22561-000	CI	97,400	9,009
765-22562-000	CI	97,400	9,009
765-22563-000	CI	0	0
765-22564-000	CI	274,147	50,204
765-22565-000	CI	273,053	49,995
765-22566-000	CI	0	0
765-01887-002	EX	0	0
765-23362-000	RI	234,000	45,800
765-23363-000	RI	214,600	42,920
765-23364-000	RI	225,900	45,180
765-23365-000	RI	306,600	51,320
765-23366-000	RI	337,250	67,450
765-23367-000	RI	321,650	64,330
765-23368-000	CI	0	0
765-23413-000	RI	85,450	17,090
765-23414-000	RI	65,100	13,020
765-23415-000	RI	78,900	15,380
765-23416-000	RI	134,950	26,990
765-23417-000	RI	81,700	16,340
765-23418-000	RI	303,700	60,740
765-23419-000	GR	0	0
765-01655-000	CI	249,300	42,743
765-01656-000	CI	194,000	32,895
765-01657-000	CI	230,400	30,778
765-01658-000	CI	170,100	30,602
765-01659-000	CI	202,350	32,340
765-01660-000	CI	124,050	16,701
765-01661-000	CI	210,900	38,988
765-01663-000	CM	80,150	10,687
765-01663-000	CM	80,150	10,687
765-01664-000	CI	130,200	10,802
765-01664-000	CI	130,200	10,802
765-01665-000	CI	128,450	19,734
765-01665-000	CI	128,450	19,734
765-01666-000	CI	251,450	27,199
765-01667-000	CV	130,000	25,080
765-01668-000	CM	168,750	24,138
765-01669-000	CI	338,850	52,124
765-01670-000	RI	165,250	27,367
765-01671-000	CI	114,100	18,590
765-01672-000	CV	27,200	4,400
765-01673-000	RI	131,500	18,682
765-01674-000	CR	155,050	27,311
765-01675-000	RI	89,450	10,090
765-01676-000	CI	74,900	7,794
		97,820,053	15,083,761

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City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

our vision our future

April 2011

EXHIBIT No.4

TIF Financing Strategies

EXHIBIT No.4

City of Fayetteville
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT
PROJECT PLAN

TIF Financing Strategies

General Tax Increment Financing Information

Tax increment finance ("TIF") is a type of public finance that the Arkansas General Assembly added to the powers of municipalities and counties by Amendment 78 to the Arkansas Constitution. Amendment 78 empowers municipalities and counties to create "redevelopment districts" that can issue bonds the repayment of which is secured by ad valorem tax payments made by owners of taxable real property in the district.

The real property within the district receives an increased assessed value due to the public improvements and private reinvestment. Public improvements are financed by the proceeds of the bonds issued and sold by the district. The district pledges to the payment of its bonds that portion of the ad valorem tax that is otherwise levied by the city or county that formed the district (the amount of which is increased by the value of the public and private improvements within the district). That is, the district pledges the tax on the increment in value of the real property within its boundaries before and after the improvements. TIF bonds are secured by the existing municipal and county tax levied against the increase in assessed value. There is no new tax levied.

TIF's are generally used as a tool for economic development available to municipalities to promote industry and redevelopment of real property, and to eliminate blight. Projects are funded by using taxes collected in the district itself, without raising the taxes of residents outside the district. This concept is referred to as "redevelopment from within." A TIF financing raises funds for redevelopment and acts to stimulate revitalization without using general revenues of a municipality.

TIF uses tax-exempt financing to encourage growth and redevelopment within the district, which in turn stimulates economic growth outside the district. TIF captures, during its life, the increased tax revenue that results when private investment is stimulated. These tax receipts are called the "tax increment." As private investment adds to the tax base within the district, the increment is directed back to pay for the public investment projects. When the bonds are paid off, the tax receipts generated by the tax increment goes back into the general tax revenues or can be dedicated to additional projects within the district.

Financing of Estimated Project Costs

The proposed project costs for improvements within the Downtown Master Plan Redevelopment District are as follows:

Financing Time Table

Phase I	Potential Bond Funding	\$15,235,000	2005-2030
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District Indebtedness

It is anticipated that tax-exempt bonds will be issued by the Downtown Master Plan Redevelopment

District due to the public nature and purposes of the proposed improvements.

Other Costs

Other costs relating to the issuance of bonds may include, among other things, reserve funds, capitalized interest, feasibility studies, accounting, financial advisory, legal and underwriting fees. Any initial bonds and subsequent financings will be subject to allowable financing parameters as determined by bond underwriting requirements, debt service coverage ratios, projections of incremental growth in assessed values, interest rates and other requirements of the capital markets.

Professional Services

In accordance with Arkansas Code Annotated 14-168-304 (see Exhibit No. 7). Powers Generally, a district may "(3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them; (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter; and (19) Do all things necessary or convenient to carry out the powers granted in this subchapter". The district may engage as may be necessary professional advisors, consultants, attorneys and other TIF specialists to carry out the project plan and related financings. The Mayor of the City of Fayetteville or others as may be assigned by the Mayor may engage professionals to specifically meet the desired results of the Project Plan.

Application of District Revenues

All tax increment collected for the established twenty-five year period will be used to cover district indebtedness and/or other direct district expenses including initial bonded debt and additional bonds that may be issued as district revenues permit. Excess revenues shall retire the district's indebtedness or fund additional projects as may be approved by the City Council in accordance with bond covenants and obligations.

Interest Earnings

All interest earnings will be used towards debt service obligations on issued Tax Increment Financing bonds/notes. Earnings may be applied to the payment of Capitalized Interest and any prepayment of debt obligations as may be permitted.

City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

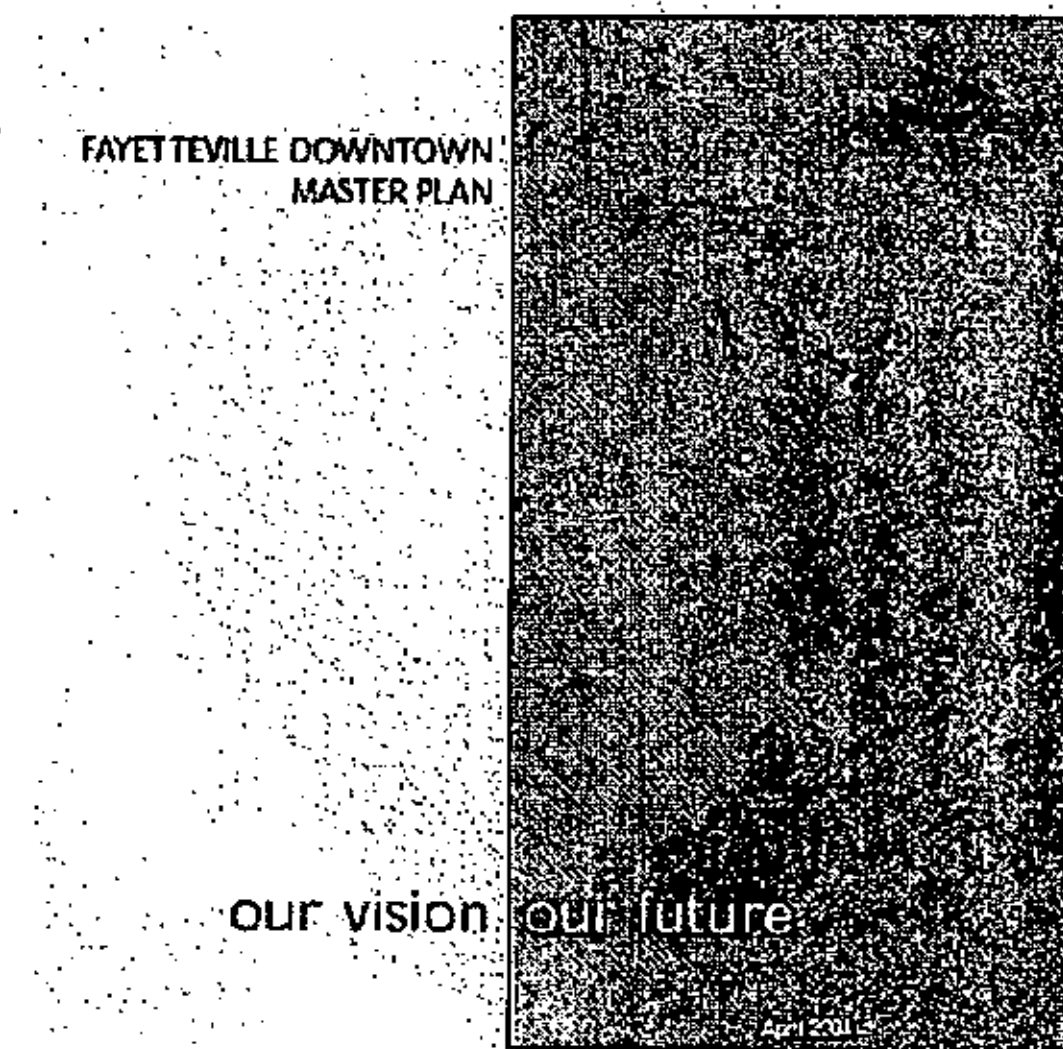


EXHIBIT No.5

**Arkansas Code Annotated
14-168-301 through 14-168-323**

EXHIBIT No.5

Arkansas Code Annotated 14-168-301 through 14-168-323

Redevelopment District

Chapter 168

Community Redevelopment Generally

Subchapter 3

Community redevelopment — Creation and procedures

14-168-301. Definitions.

As used in this act subchapter, unless the context otherwise requires:

- (1) "Applicable ad valorem rate" means the total ad valorem rate less the debt service ad valorem rate;
- (2) "Base value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment preceding the formation of the redevelopment district;
- (3)(A) "Blighted area" means an area in which the structures, buildings, or improvements, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for access, ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding or the existence of conditions which endanger life or property, are detrimental to the public health, safety, morals, or welfare.

(B) "Blighted area" includes any area which, by reason of the presence of a substantial number of substandard, slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax on special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a city, retards the provision of housing accommodations, or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use, or any area which is predominantly open and which because of lack of accessibility, obsolete platting, diversity of ownership, deterioration of structures or of site improvements, or otherwise, substantially impairs or arrests the sound growth of the community;
- (4) "Current value" means the assessed value of all property within a redevelopment district subject to ad valorem taxation, as of the most recent assessment after the formation of the redevelopment district;
- (5) "Debt service ad valorem rate" means that portion of the total ad valorem rate that has been, at January 1, 2001, pledged to the payment of debt service on bonds issued by any taxing unit in which all or any part of the redevelopment district is located;
- (6)(A) "Incremental value", for any redevelopment district, means the difference between the base value and the current value.

(B) The incremental value will be positive if the current value exceeds the base value, and the incremental value will be negative if the current value is less than the base value;
- (7) "Local governing body" means the city council, city board of directors, county quorum court, or any other

legislative body governing a local government in the State of Arkansas;

(8) "Local government" means any city or county in the State of Arkansas;

(9)(A) "Project costs" means expenditures made in preparation of the project plan and made, or estimated to be made, or monetary obligations incurred, or estimated to be incurred, by the local government, which are listed in the project plan as costs of public works or improvements within a redevelopment project district, plus any costs incidental thereto.

(B) Project costs include, but are not limited to:

(i) Capital costs, including, but not limited to, the actual costs of the construction of public works or improvements, new buildings, structures, and fixtures, the demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures, environmental remediation, parking and landscaping, the acquisition of equipment, and site clearing, grading, and preparation;

(ii) Financing costs, including, but not limited to, all interest paid to holders of evidences of indebtedness issued to pay for project costs, all costs of issuance, and any redemption premiums, credit enhancement, or other related costs;

(iii) Real property assembly costs, meaning any deficit incurred resulting from the sale or lease as lessor by the local government of real or personal property within a redevelopment district for consideration which is less than its cost to the local government;

(iv) Professional service costs, including, but not limited to, those costs incurred for architectural, planning, engineering, and legal advice and services;

(v) Imputed administrative costs, including, but not limited to, reasonable charges for the time spent by local government employees in connection with the implementation of a project plan;

(vi) Relocation costs, including, but not limited to, those relocation payments made following condemnation and job training and retraining;

(vii) Organizational costs, including, but not limited to, the costs of conducting environmental impact and other studies, and the costs of informing the public with respect to the creation of redevelopment project areas and the implementation of project plans;

(viii) The amount of any contributions made in connection with the implementation of the project plan;

(ix) Payments made, in the discretion of the local governing body, which are found to be necessary or convenient to the creation of redevelopment areas or the implementation of project plans; and

(x) That portion of costs related to the construction of environmental protection devices, storm or sanitary sewer lines, water lines, or amenities or streets or the rebuilding or expansion of streets, the construction, alteration, rebuilding, or expansion of which is necessitated by the project plan for a district, whether or not the construction, alteration, rebuilding, or expansion is within the area;

(10) "Project plan" means the plan which shall be adopted by a local governing body for a redevelopment project as described in § 14-168-308;

(11) "Real property" means all lands, including improvements and fixtures on them and property of any nature appurtenant to them or used in connection with them and every estate, interest, and right, legal or equitable, in them, including terms for years and liens by way of judgment, mortgage, or otherwise, and the indebtedness secured by the liens;

(12) "Redevelopment district" means a contiguous geographic area within a city or county in which a redevelopment

project will be undertaken, as defined and created by ordinance of the local governing body;

(13)(A) "Redevelopment project" means an undertaking for eliminating or preventing the development or spread of slums or deteriorated, deteriorating, or blighted areas, for discouraging the loss of commerce, industry, or employment, or for increasing employment, or any combination thereof.

(B) A redevelopment project may include one (1) or more of the following:

(i) The acquisition of land and improvements, if any, within the redevelopment district and clearance of the land so acquired; or

(ii) The development, redevelopment, revitalization, or conservation of the project area whenever necessary to provide land for needed public facilities, public housing, or industrial or commercial development or revitalization, to eliminate unhealthful, unsanitary, or unsafe conditions, to lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or otherwise remove or prevent the spread of blight or deterioration; or

(C) The financial or other assistance in the relocation of persons and organizations displaced as a result of carrying out the redevelopment project and other improvements necessary for carrying out the project plan, together with such site improvements as are necessary for the preparation of any sites and making any land or improvements acquired in the project area available, by sale or by lease, for public housing or for development, redevelopment, or rehabilitation by private enterprise for commercial or industrial uses in accordance with the plan;

(D) The construction of capital improvements within a redevelopment district designed to alleviate deteriorating conditions or a blighted area or designed to increase or enhance the development of commerce, industry, or housing within the redevelopment district; or

(E) Any other projects the local governing body deems appropriate to carry out the purposes of this subchapter;

(14) "Special fund" means a separate fund for a redevelopment district established by the local government into which all tax increment revenues and other pledged revenues are deposited and from which all project costs are paid;

(15) "Tax increment" means the incremental value of a redevelopment district multiplied by the applicable ad valorem rate;

(16) "Taxing unit" means any city, county, school district, or community college district; and

(17) "Total ad valorem rate" means the total millage rate of all county, city, school, or other local general property taxes levied on all taxable property within a redevelopment district in a year. History. Acts 2001, No. 1197, § 2.

14-168-302. Construction.

The General Assembly declares that this subchapter is necessary for the welfare of this state and its inhabitants, and it is the intent of the General Assembly that it is to be broadly construed to effect its purpose. History. Acts 2001, No. 1197, § 3.

14-168-303. Powers supplemental.

The powers conferred by this subchapter are in addition and supplemental to the powers conferred upon local governments and improvement districts by the General Assembly relating to the issuance of bonds. History. Acts 2001, No. 1197, § 4.

14-168-304. Powers generally.

In addition to any other powers conferred by law, a local government may exercise any powers necessary and

convenient to carry out the purpose of this subchapter, including the power to:

- (1) Create redevelopment districts and to define the boundaries of redevelopment districts;
- (2) Cause project plans to be prepared, to approve the project plans, and to implement the provisions and effectuate the purposes of the project plans;
- (3) Issue redevelopment bonds and notes and to pledge tax increments and other redevelopment revenues for repayment of them;
- (4) Deposit moneys into the special fund for any redevelopment project district;
- (5) Enter into any contracts or agreements, including agreements with bondholders, determined by the local governing body to be necessary or convenient to implement the provisions and effectuate the purposes of project plans;
- (6) Receive from the federal government or the state loans and grants for, or in aid of, a redevelopment project and to receive contributions from any other source to defray project costs;
- (7)(A) Exercise the right of eminent domain to condemn property for the purposes of implementing the project plan.
(B) The rules and procedures set forth in §§ 18-15-301 - 18-15-307 shall govern all condemnation proceedings authorized in this subchapter;
- (8) Make relocation payments to such persons, businesses, or organizations as may be displaced as a result of carrying out the redevelopment project;
- (9) Clear and improve property acquired by it pursuant to the project plan and construct public facilities on it or contract for the construction, development, redevelopment, rehabilitation, remodeling, alteration, or repair of the property;
- (10) Cause parks, playgrounds, or water, sewer, or drainage facilities, or any other public improvements, including, but not limited to, fire stations, community centers, and other public buildings, which it is otherwise authorized to undertake, to be laid out, constructed, or furnished in connection with the redevelopment project;
- (11) Lay out and construct, alter, relocate, change the grade of, make specific repairs upon, or discontinue public ways and construct sidewalks in, or adjacent to, the redevelopment project;
- (12) Cause private ways, sidewalks, ways for vehicular travel, playgrounds, or water, sewer, or drainage facilities and similar improvements to be constructed within the redevelopment project for the particular use of the redevelopment district or those dwelling or working in it;
- (13) Construct any capital improvements of a public nature, as such term is defined in § 14-164-303(a)(2), as now or hereafter amended;
- (14) Construct capital improvements to be leased or sold to private entities in connection with the goals of the redevelopment project;
- (15) Designate one (1) or more official or employee of the local government to make decisions and handle the affairs of redevelopment districts created pursuant to this subchapter;
- (16) Adopt ordinances or bylaws or repeal or modify such ordinances or bylaws or establish exceptions to existing ordinances and bylaws regulating the design, construction, and use of buildings within the redevelopment district;
- (17) Sell, mortgage, lease, transfer, or dispose of any property, or interest therein, acquired by it pursuant to the project plan for development, redevelopment, or rehabilitation in accordance with the project plan;
- (18) Invest project revenues as provided in this subchapter; and

(19) Do all things necessary or convenient to carry out the powers granted in this subchapter. History. Acts 2001, No. 1197, § 5.

14-168-305. Creation of district.

(a) The local governing body, upon its own initiative or upon request of affected property owners or upon request of the city or county planning commission, may designate the boundaries of a proposed redevelopment district.

(b)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed creation of a redevelopment district and its proposed boundaries.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(c) The local governing body shall adopt an ordinance which:

(1) Describes the boundaries of a redevelopment district sufficiently definite to identify with ordinary and reasonable certainty the territory included in, which boundaries may create a contiguous or noncontiguous district;

(2) Creates the redevelopment district as of a date provided in it;

(3)(A) Assigns a name to the redevelopment district for identification purposes.

(B) The name may include a geographic or other designation, shall identify the city or county authorizing the district, and shall be assigned a number, beginning with the number one (1).

(C) Each subsequently created district shall be assigned the next consecutive number; and

(4) Contains findings that the real property within the redevelopment district will be benefitted by eliminating or preventing the development or spread of slums or blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce, industry, or employment, or increasing employment, or any combination thereof.

(d)(1) No county shall establish a redevelopment district, any portion of which is within the boundaries of a city.

(2) Provided, however, that one (1) or more local governments through interlocal agreement may join in the creation of a district, the boundaries of which lie in one (1) or more local governments.

(e)(1) The ordinance shall establish a special fund as a separate fund into which all tax increment revenues and other revenues designated by the local government for the benefit of the redevelopment district shall be deposited, and from which all project costs shall be paid.

(2) Such special fund may be assigned to and held by a trustee for the benefit of bondholders if tax increment financing is used.

(f)(1) The boundaries of the redevelopment district may be modified from time to time by ordinance of the local government.

(2) Provided, however, that in the event any bonds, notes or other obligations are outstanding with respect to the redevelopment district, any change in the boundaries shall not reduce the amount of tax increment available to secure

such tax increment financing. History. Acts 2001, No. 1197, § 6.

14-168-306. Project plan - Approval.

(a)(1) Upon the creation of the redevelopment district, the local governing body shall cause the preparation of a project plan for each redevelopment district, and such project plan shall be adopted by ordinance of the local governing body.

(2) This process shall conform to the procedures set forth in this section.

(b) Each project plan shall include:

(1) A statement listing the kind, number, and location of all proposed public works or improvements within the district or, to the extent provided, outside the district;

(2) An economic feasibility study;

(3) A detailed list of estimated project costs;

(4) A description of the methods of financing all estimated project costs, including the issuance of tax increment bonds, and the time when the costs or monetary obligations related thereto are to be incurred;

(5) A certification by the county tax assessor of the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district;

(6) The type and amount of any other revenues that are expected to be deposited to the special fund of the redevelopment district;

(7) A map showing existing uses and conditions of real property in the district;

(8) A map of proposed improvements and uses in the district;

(9) Proposed changes of zoning ordinances;

(10) Appropriate cross-references to any master plan, map, building codes, and city ordinances affected by the project plan;

(11) A list of estimated nonproject costs; and

(12) A statement of the proposed method for the relocation of any persons to be displaced.

(c) If the project plan is to include tax increment financing, the tax increment financing portion of the plan shall set forth:

(1) The amount of indebtedness to be incurred pursuant to this subchapter;

(2) An estimate of the tax increment to be generated as a result of the project;

(3) The method for calculating the tax increment, which shall be in conformance with the provisions of this subchapter, together with any provision for adjustment of the method of calculation;

(4) Any other revenues, such as payment-in-lieu-of-taxes revenues, to be used to secure the tax increment financing; and

(5) Any other provisions as may be deemed necessary in order to carry out any tax increment financing to be used for the redevelopment project.

(d) If less than all of the tax increment is to be used to fund a redevelopment project or to pay project costs or retire tax increment financing, the project plan shall set forth the portion of the tax increment to be deposited in the special

fund of the redevelopment district, and provide for the distribution of the remaining portion of the tax increment to the taxing units in which the district lies.

(e)(1) The local governing body shall hold a public hearing at which interested parties are afforded a reasonable opportunity to express their views on the proposed project plan.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county at least fifteen (15) days prior to the hearing.

(B) Prior to this publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed redevelopment district and to the school board of any school district which includes property located within the proposed redevelopment district.

(3) The hearing may be held in conjunction with the hearing set forth in § 14-168-305(b)(1).

(4) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed redevelopment district.

(f)(1) Approval by the local governing body of a project plan must be within one (1) year after the date of the county assessor's certification required by subdivision (b)(5) of this section.

(2) The approval shall be by ordinance which contains a finding that the plan is economically feasible. History. Acts 2001, No. 1197, § 7.

14-168-307. Project plan - Amendment.

(a) The local governing body may adopt by ordinance an amendment to a project plan.

(b)(1) Adoption of an amendment to a project plan shall be preceded by a public hearing held by the local governing body as provided in § 14-168-306(e)(1), at which interested parties shall be afforded a reasonable opportunity to express their views on the amendment.

(2)(A) Notice of the hearing shall be published in a newspaper of general circulation in the city or county once a week for two (2) consecutive weeks. The first such publication shall be fifteen (15) days prior to the hearing.

(B) Prior to publication, a copy of the notice shall be sent by first-class mail to the chief executive officer of all local governments or entities having the power to levy taxes on property within the district and to the school board of any school district which includes property located within the proposed district.

(c)(1) One (1) or more existing redevelopment districts may be combined pursuant to lawfully adopted amendments to the original plans for each district.

(2) Provided that the local governing body finds that the combination of the districts will not impair the security for any bonds previously issued pursuant to this subchapter. History. Acts 2001, No. 1197, § 8.

14-168-308. Termination of districts.

(a) No redevelopment district may be in existence for a period longer than twenty-five (25) years, unless, pursuant to amendment of the redevelopment plan, additional bonds have been issued and would not be fully paid until after the date which is twenty-five (25) years from the date of creation of the district.

(b) The local governing body may set a shorter period for the existence of the district, and may also provide that no bonds shall have a final maturity on a date later than the termination date of the district.

(c) Upon termination of the district, no further ad valorem tax revenues shall be distributed to the special fund of the district.

(d)(1) The local governing body shall adopt, upon the expiration of the time periods set forth in this section, an ordinance terminating the redevelopment district.

(2) Provided, however, that no district shall be terminated so long as bonds with respect to the district remain outstanding. History. Acts 2001, No. 1197, § 9.

14-168-309. Costs of formation.

(a) The local government may pay, but shall have no obligation to pay, the costs of preparing the project plan or forming the redevelopment district.

(b) If the local government elects not to incur those costs, they shall be made project costs of the district and reimbursed from bond proceeds or other financing, or may be paid by developers, property owners, or other persons interested in the success of the redevelopment project. History. Acts 2001, No. 1197, § 10.

14-168-310. Overlapping districts.

The boundaries of any redevelopment districts shall not overlap with any other redevelopment district. History. Acts 2001, No. 1197, § 11.

14-168-311. Valuation of real property.

(a)(1) Upon and after the effective date of the creation of a redevelopment project district, the county assessor of the county in which the district is located shall transmit to the county clerk, upon the request of the local governing body, the base value, total ad valorem rate, debt service ad valorem rate, and applicable ad valorem rate for the redevelopment district and shall certify to it.

(2)(A) The assessor shall undertake, upon request of the local governing body, an investigation, examination, and inspection of the taxable real property in the district and shall reaffirm or revalue the base value for assessment of the property in accordance with the findings of the investigation, examination, and inspection.

(B) The assessor shall determine, according to his or her best judgment from all sources available to him or her, the full aggregate value of the taxable property in the district, which aggregate valuation, upon certification thereof by the assessor to the clerk, constitutes the base value of the area.

(b)(1)(A)(i) The assessor shall give notice annually to the designated finance officer of each taxing unit having the power to levy taxes on property within each district of the current value and the incremental value of the property in the redevelopment district.

(ii) The assessor shall also determine the tax increment by applying the applicable ad valorem rate to the incremental value.

(B) The notice shall also explain that the entire amount of the tax increment allocable to property within the redevelopment district will be paid to the special fund of the redevelopment district.

(2) The assessor shall identify upon the assessment roll those parcels of property which are within each existing district specifying on it the name of each district. History. Acts 2001, No. 1197, § 12.

14-168-312. Division of ad valorem real property tax revenue.

(a) For so long as the redevelopment district exists, the tax assessor shall divide the ad valorem tax revenue collected, with respect to taxable property in the district, as follows:

(1) The assessor shall determine for each tax year:

(A) The amount of total ad valorem tax revenue which should be generated by multiplying the total ad valorem rate times the current value;

(B) The amount of ad valorem tax revenue which should be generated by multiplying the applicable ad valorem rate times the base value;

(C) The amount of ad valorem tax revenue which should be generated by multiplying the debt service ad valorem rate times the current value; and

(D) The amount of ad valorem revenue which should be generated by multiplying the applicable ad valorem rate times the incremental value;

(2) The assessor shall determine from the calculations set forth in subdivision (a)(1) of this section the percentage share of total ad valorem revenue for each according to subdivisions (a)(1)(B) - (D) of this section, by dividing each of such amounts by the total ad valorem revenue figure determined by the calculation in subdivision (a)(1)(A) of this section; and

(3) On each date on which ad valorem tax revenue is to be distributed to taxing units, such revenue shall be distributed by:

(A) Applying the percentage share determined according to subdivision (a)(1)(B) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution pursuant to current law;

(B) Applying the percentage share determined according to subdivision (a)(1)(C) of this section to the revenues received and distributing such share to the taxing entities entitled to such distribution by reason of having bonds outstanding; and

(C) Applying the percentage share determined according to subdivision (a)(1)(D) of this section to the revenues received and distributing such share to the special fund of the redevelopment district.

(b) In each year for which there is a positive tax increment, the county treasurer shall remit to the special fund of the redevelopment district that portion of the ad valorem taxes that consists of the tax increment.

(c) Any additional moneys appropriated to the redevelopment district pursuant to an appropriation by the local governing body and any additional moneys dedicated to the fund from other sources shall be deposited to the redevelopment district fund by the treasurer of the local government.

(d) Any funds so deposited into the special fund of the redevelopment district may be used to pay project costs, principal and interest on bonds, and to pay for any other improvements of the redevelopment district deemed proper by the local governing body.

(e) Unless otherwise directed pursuant to any agreement with bondholders, moneys in the fund may be temporarily invested in the same manner as other municipal funds.

(f) If less than all of the tax increment is to be used for project costs or pledged to secure tax increment financing as provided in the plan for the redevelopment project, the assessor shall account for such fact in distributing the ad valorem tax revenues. History. Acts 2001, No. 1197, § 13.

14-168-313. Payments in lieu of taxes and other revenues.

- (a) The local governing body may elect to deposit in the special fund of the redevelopment district all or any portion of the local government's share of payments in lieu of taxes on property within the redevelopment district.
- (b) Other revenues to be derived from the redevelopment project may also be deposited in the special fund at the direction of the local governing body. History. Acts 2001, No. 1197, § 14.

14-168-314. Bonds generally.

- (a)(1) Bonds may be issued for project costs which may include interest prior to and during the carrying out of a project and for a reasonable time thereafter, with such reserves as may be required by any agreement securing the bonds and all other expenses incidental to planning, carrying out, and financing the project.
- (2) The proceeds of bonds may also be used to reimburse the costs of any interim financing entered on behalf of the redevelopment district.
- (b) Bonds issued under this subchapter shall be payable solely from the tax increment or other revenues deposited to the credit of the special fund of the redevelopment district and shall not be deemed to be a pledge of the faith and credit of the local government.
- (c) Every bond issued under this subchapter shall recite on its face that it is a special obligation bond payable solely from the tax increment and other revenues pledged for its repayment. History. Acts 2001, No. 1197, § 15.

14-168-315. Redevelopment bonds or notes - Authority to issue.

For the purpose of paying project costs or of refunding notes issued under this subchapter for the purpose of paying project costs, the local governing body may issue redevelopment bonds or notes payable out of positive tax increments and other revenues deposited to the special fund of the redevelopment district. History. Acts 2001, No. 1197, § 16.

14-168-316. Redevelopment bonds or notes - Authorizing resolution.

- (a) Redevelopment bonds and notes shall be authorized by ordinance of the local governing body.
- (b)(1) The ordinance shall state the name of the redevelopment project district, the amount of bonds or notes authorized, and the interest rate to be borne by the bonds or notes.
- (2) The ordinance may prescribe the terms, form, and content of the bonds or notes and such other matters as the local governing body deems useful, or it may include by reference the terms and conditions set forth in a trust indenture or other document securing the redevelopment bonds. History. Acts 2001, No. 1197, § 17.

14-168-317. Redevelopment bonds or notes - Terms, conditions, etc.

- (a)(1) Redevelopment bonds or notes may not be issued in an amount exceeding the estimated aggregate project costs, including all costs of issuance of the bonds or notes.
- (2) The redevelopment bonds and notes shall not be included in the computation of the constitutional debt limitation of a local government.
- (b)(1) The bonds or notes shall mature over a period not exceeding twenty-five (25) years from their date of issuance or a period terminating with the date of termination of the redevelopment district, whichever period terminates earlier.
- (2) The bonds or notes may contain a provision authorizing their redemption, in whole or in part, at stipulated prices, at the option of the local government on any interest payment date and, if so, shall provide the method of selecting the bonds or notes to be redeemed.

(3) The principal and interest on the bonds and notes may be payable at any place set forth in the resolution, trust indenture, or other document governing the bonds.

(4) The bonds or notes shall be issued in registered form.

(5) The bonds or notes may be in any denominations.

(6) Each such bond or note is declared to be a negotiable instrument.

(c) The bonds or notes may be sold at public or private sale.

(d) Insofar as they are consistent with subdivision (a)(1) and subsections (b) and (c) of this section, the provisions of §§ 14-169-220 and 14-169-221 relating to procedures for issuance, form, contents, execution, negotiation, and registration of municipal bonds and notes are incorporated by reference therein.

(e)(1) The bonds may be refunded or refinanced and refunding bonds may be issued in any principal amount.

(2) Provided, that the last maturity of the refunding bonds shall not be later than the last maturity of the bonds being refunded. History. Acts 2001, No. 1197, § 18.

14-168-318. Redevelopment bonds or notes - Security - Marketability.

To increase the security and marketability of redevelopment bonds or notes, the local government may:

(1) Create a lien for the benefit of the bondholders upon any public improvements or public works financed by the bonds; or

(2) Make such covenants and do any and all such actions, not inconsistent with the Arkansas Constitution, which may be necessary or convenient or desirable in order to additionally secure the bonds or notes, or which tend to make

the bonds or notes more marketable according to the best judgment of the local governing body. History. Acts 2001, No. 1197, § 19.

14-168-319. Redevelopment bonds or notes - Special fund for repayment.

(a) Redevelopment bonds and notes are payable out of the special fund created for each redevelopment district under this subchapter.

(b)(1) The local governing body shall irrevocably pledge all or part of the special fund to the payment of the bonds or notes.

(2) The special fund, or the designated part thereof, may thereafter be used only for the payment of the bonds or notes and their interest until they have been fully paid.

(c) A holder of the bonds or notes shall have a lien against the special fund for payment of the bonds or notes and interest on them and may bring suit, either at law or in equity, to enforce the lien. History. Acts 2001, No. 1197, § 20.

14-168-320. Redevelopment bonds or notes - Tax exemption.

Bonds and notes issued under this subchapter, together with the interest and income therefrom, shall be exempt from all state, county, and municipal income taxes. History. Acts 2001, No. 1197, § 21.

14-168-321. Excess funds.

(a) Moneys received in the special fund of the district in excess of amounts needed to pay project costs may be used by the local governing body for other purposes of the district or for any other lawful purpose of the local governing body.

(b) Upon termination of the district, all amounts in the special fund of the district may be used by the local governing body for any lawful purpose. History. Acts 2001, No. 1197, § 22.

14-168-322. Impact reports.

The Assessment Coordination Department, in cooperation with other state agencies and local governments, shall make a comprehensive impact report to the Governor and to the General Assembly at the beginning of each biennium as to the economic, social, and financial effect and impact of community redevelopment financing projects. History. Acts 2001, No. 1197, § 23.

14-168-323. Value of assessed property in a redevelopment district.

(a) If state funding to a school district is calculated with regard to the value of assessed property located in the school district, the incremental value of real property within a redevelopment district shall not be included in the assessed value of the real property within the school district for purposes of computing school district funding if the real property is located within the redevelopment district and within the school district and the assessed value of the real property increases above the base value.

(b) Subsection (a) of this section shall apply for each school year during which the tax increment for real property within the redevelopment district is distributed pursuant to § 14-168-312. History. Acts 2003 (2nd Ex. Sess.), No. 43, § 1.

City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

our vision our future



EXHIBIT No.6

Local Demographics

EXHIBIT No. 6

Local Demographics Summary

Economic strength continues to be the mainstay of the Northwest Arkansas MSA. Recently named as the top ranking MSA in the country by the Milken Institute, NWA is now gathering much attention for its regional economy. Fayetteville continues to experience robust growth along with the rest of Northwest Arkansas. Fayetteville is still considered the city of choice for living mainly because of its reputation for offering a superb quality of life. One highlight Fayetteville offers are the attractions associated with the University of Arkansas including sporting events and cultural activities. Fayetteville also is known in the region for its entertainment district located primarily along Dickson Street which connects the historic areas of town and the university campus. There has been a tremendous surge in demand for downtown/urban style living in Fayetteville near the heartbeat of culture for northwest Arkansas.

Economic impact from the University of Arkansas in Fayetteville continues to be a major factor. Beginning in 1871 when the University of Arkansas was created with a major land-grant under the Morrill Land-Grant College Act the campus population has been ever increasing. On April 11, 2002 the University of Arkansas announced that it had been the recipient of the largest gift in the history of American public higher education. The Walton Family Charitable Support Foundation of Bentonville, AR committed \$300 million to establish and endow an undergraduate honors college and endow the graduate school. \$177 million will be targeted towards students, \$82 million towards faculty, and \$41 million towards library, technology, and other support areas. At the time, the University was in the midst of a six-year campaign targeting to raise \$500 million. As a result of the Walton's gift, the University decided to revise its parameters, upping the goal to raising \$900 million by June 2005. As of Fall, 2003 the campaign had raised \$770 million. Chancellor John White said in his annual State of the University address in September 2002 that over the next decade the University would spend \$642 million on building construction and improvement. Many of these facilities and projects are necessary to the University's vision, as they have stated a goal of having 22,500 students by the year 2010. Current enrollment is just over 16,000.

The Fayetteville-Springdale-Rogers corridor gained notoriety when the 2000 Census indicated that the area was the sixth fastest growing MSA in the country over the last 10 years. The population jumped from approximately 211,000 to 311,000. Most notably during that time Wal-Mart Stores, whose headquarters are in Bentonville, a sister city and north of Fayetteville, increased their sales from \$26 billion to \$191 billion. Besides Wal-Mart, two other corporate giants call Northwest Arkansas home. Tyson Foods, which had been a \$7 billion sales giant, increased to \$23 billion in sales in 2002 with the takeover of IBP. JB Hunt Trucking, also headquartered in the MSA, has annual sales in the \$2-2.5 billion range. All three of these companies had phenomenal success during the 1990s and are significant factor in the growth of the area. This bustling corner of the state's saga has not escaped the media's attention as it has received write-ups in several national publications thus aiding growth in yet another way.

Economic Overview of the Fayetteville-Springdale-Rogers MSA

Overview

The two-county area of Northwest Arkansas has experienced unprecedented economic and population growth since the 1990's. A dominant driver behind the growth has been the success of Wal-Mart, as it grew to become the world's largest retailer. Along the way, Wal-Mart has encouraged its vendors to be accessible to the company which directly translated into the opening of offices within Benton or Washington County for Fortune 500 and other companies. The resulting high quality job creation has spawned a boom in the commercial real estate market, as the demand for office space has increased and as the population growth has created the need for more retail shops, restaurants, entertainment facilities and service providers. A corresponding escalation has occurred in the construction of residential housing.

Wal-Mart has not been the only driver of growth in Northwest Arkansas. Tyson Foods has also grown rapidly during the same period, becoming the world's largest "protein" company. The Northwest Arkansas area has long been the home base of several large trucking companies. JB Hunt has become one of the largest providers of logistics services in North America and Willis Shaw Express is a major provider of transportation of refrigerated and frozen food products.

Fayetteville is also home to the University of Arkansas, a major research university, which is steadily improving its national rankings. Some academic areas have reached the top tier nationally. In 2002, the University of Arkansas was the recipient of a \$300 million challenge grant from the Wal-Mart Foundation, the largest grant ever given to a public university in the U.S. The university has accelerated its quest for excellence and at the same time is pursuing a goal of increasing its enrollment, to a total of 22,500 students by 2010.

The following pages provide some economic highlights of the Fayetteville-Springdale-Rogers MSA.

National Perspective

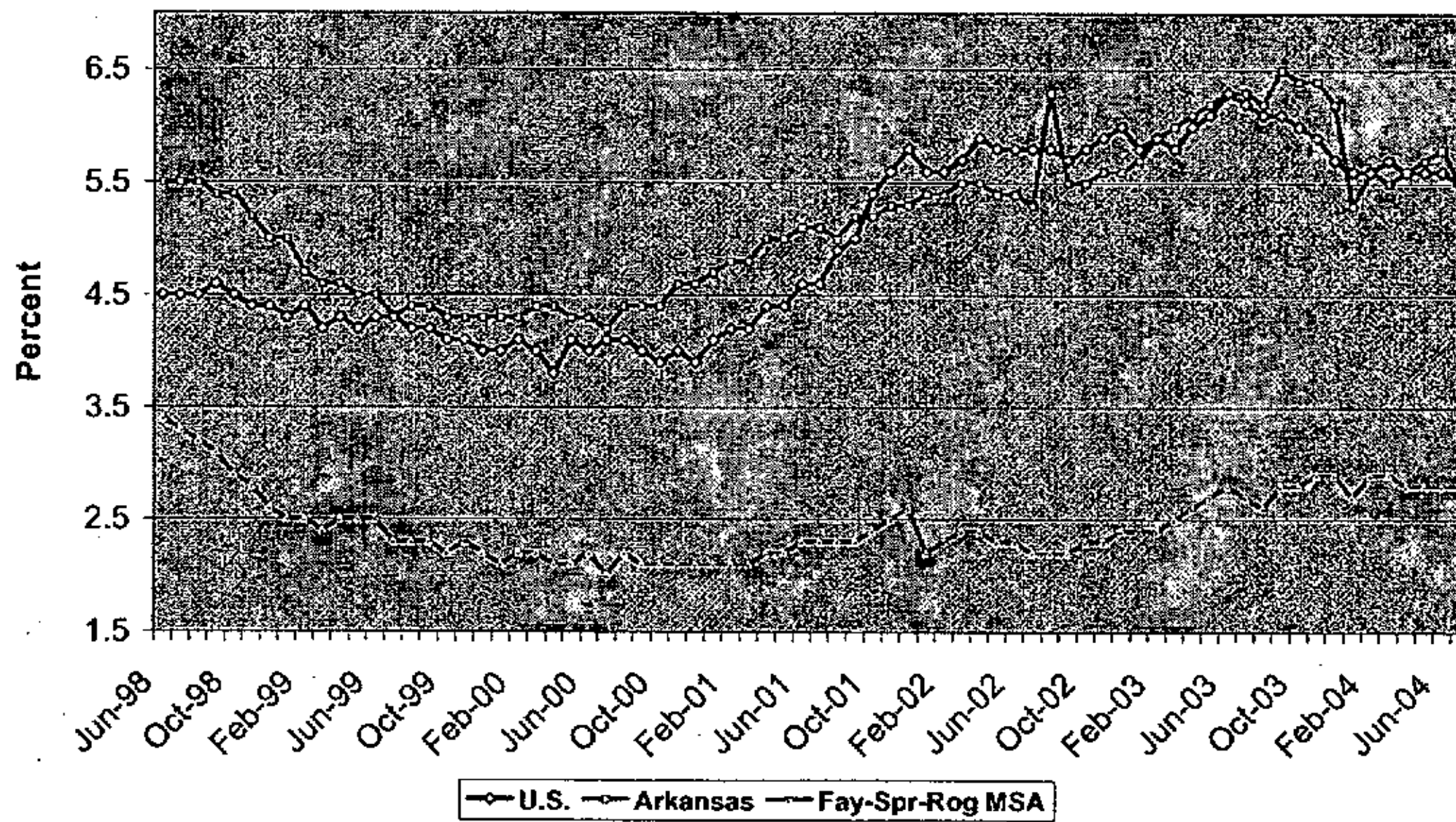
In November of 2004, the Milken Institute released an update of its "Best Performing Cities" rankings, which is intended to rank U.S. cities on two counts: leading the nation in economic performance overall and in job creation. The components of the index include job, wage and salary and technology growth. Using these criteria, the Fayetteville-Springdale-Rogers MSA ranked as the 7th regional economy in the United States.

1. Fort Myers-Cape Coral, FL (3)
2. Las Vegas, NV (2)
3. Phoenix-Mesa, AZ (43)
4. West Palm Beach-Boca Raton, FL (4)
5. Daytona Beach, FL (116)
6. Sarasota-Bradenton, FL (41)
7. **Fayetteville-Springdale-Rogers, Ark. (1)**
8. Riverside-San Bernardino, CA (20)
9. Fort Lauderdale, FL (29)
10. Monmouth-Ocean, NJ (10)

Unemployment Rate

The unemployment rates for the U.S. and for the state of Arkansas have followed the same general trend and the levels have been fairly close. The unemployment rate for the Fayetteville-Springdale-Rogers MSA has consistently been significantly lower than both. It has been at the three percent or under level since the second half of 1998.

Unemployment Rates, Seasonally Adjusted

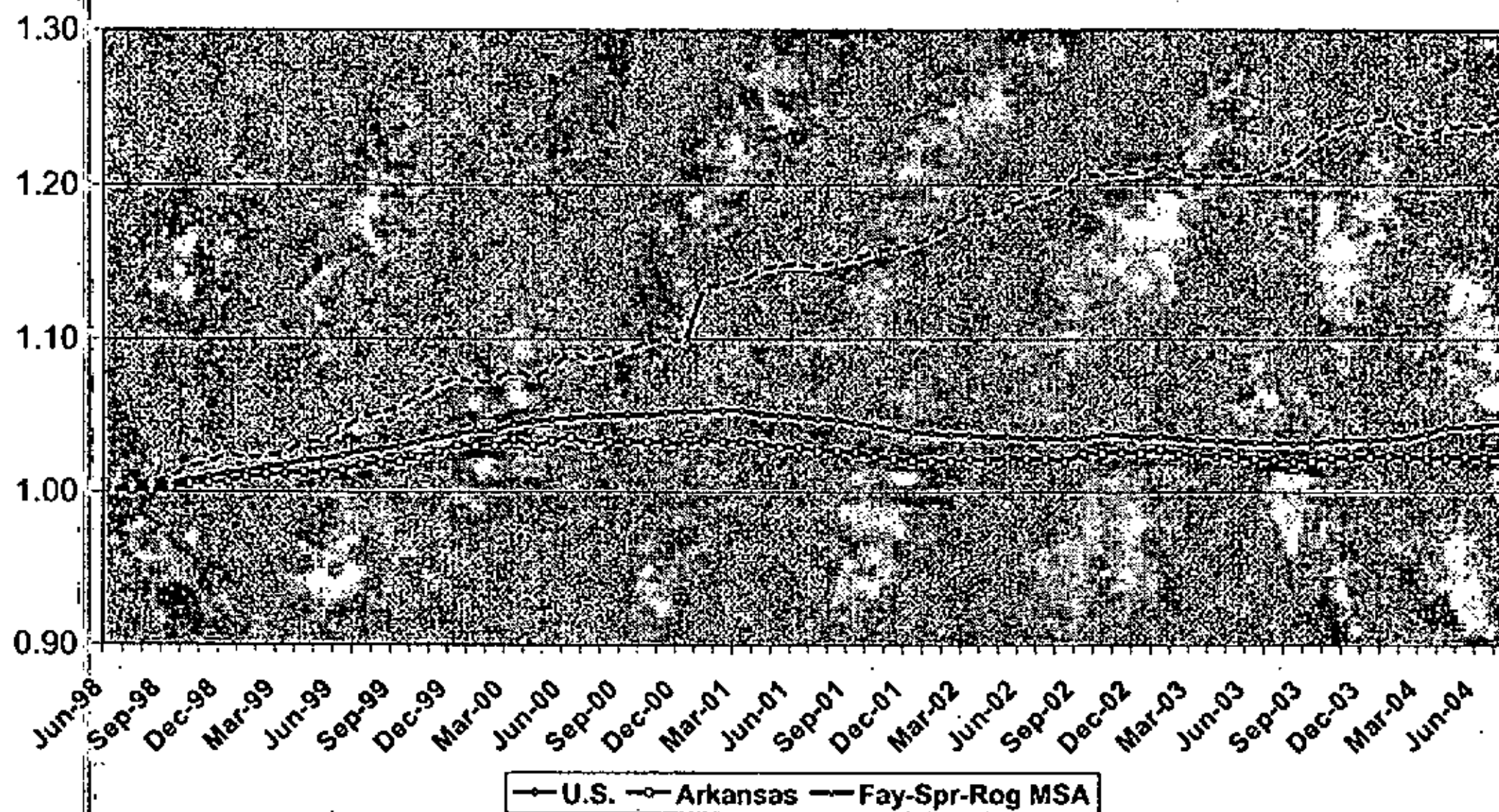


Source: Bureau of Labor Statistics, Seasonal Adjustment By
UA Center for Business and Economic Research

Non-Farm Employment

The monthly establishment-based employment survey conducted by the Bureau of Labor Statistics shows that, on a seasonally adjusted basis, total non-farm employment in both the U.S. and Arkansas are at levels about 105 percent of the level in June of 1998. The Fayetteville-Springdale-Rogers MSA has experienced a noticeably larger increase in employment. Currently, the level is just about 125 percent of the level of June 1998.

Non-Farm Employment Relative to June 1998
Seasonally Adjusted

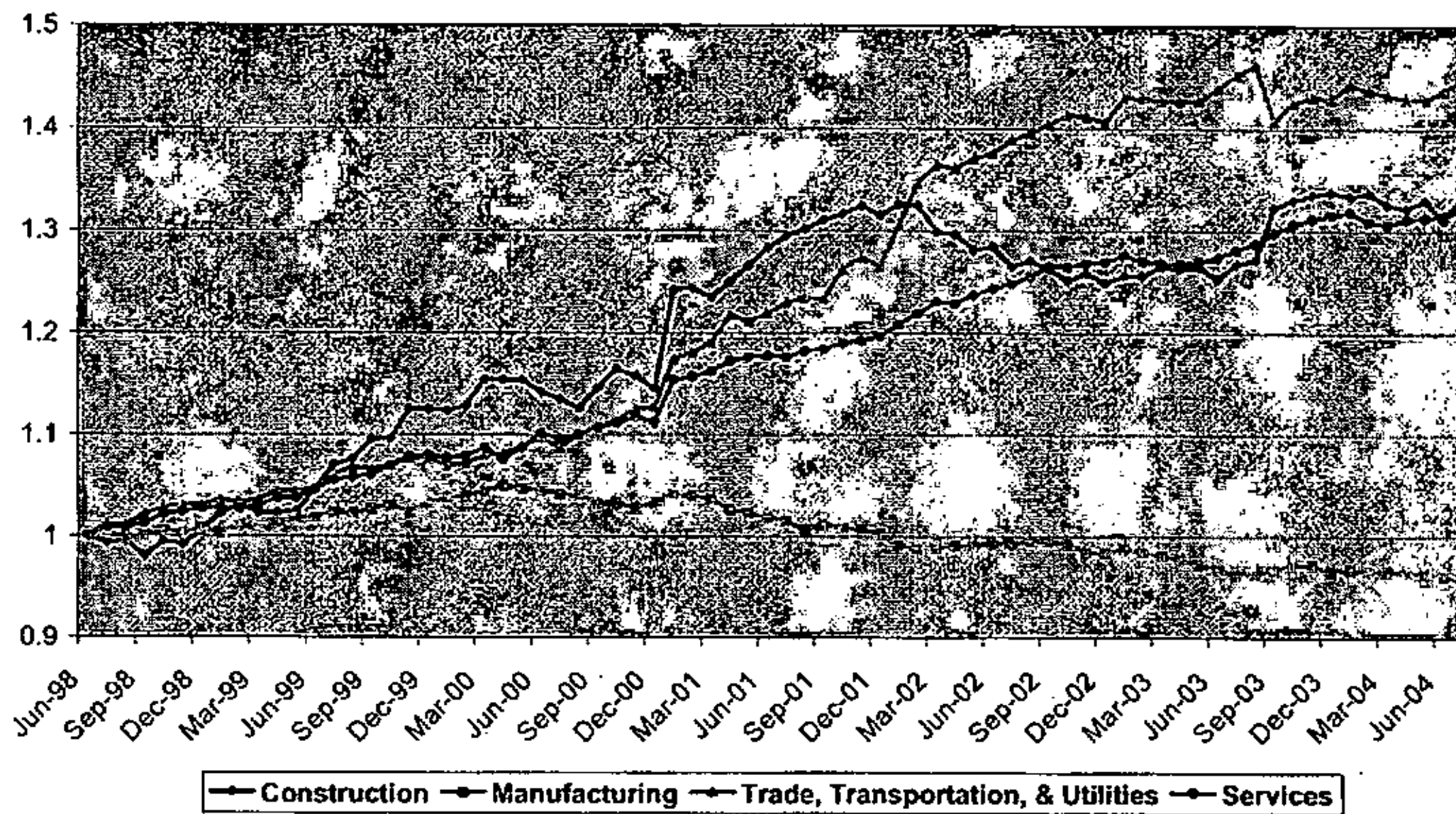


Source: Bureau of Labor Statistics, Seasonal Adjustment by
UA Center for Business and Economic Research

Sector Employment

Sector employment in the region has shown varying trends. Manufacturing employment has declined since 1998, but by a lesser amount than nationally or in the state. Construction, trade-transportation-utilities and services have shown significant gains in the past six years.

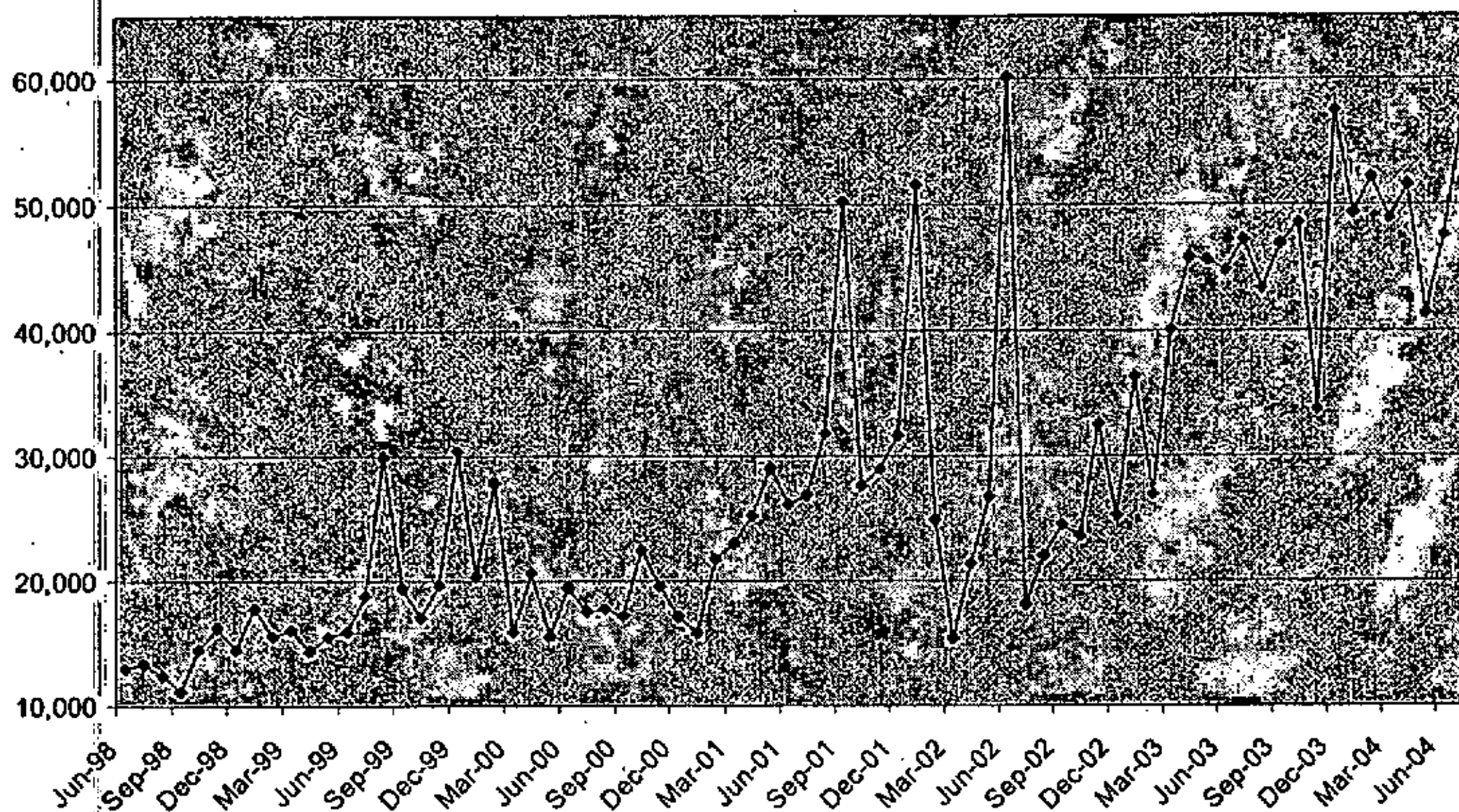
Fayetteville-Springdale-Rogers MSA Sector Employment Relative to June 1998,
Seasonally Adjusted



Building Permits

While there is some monthly volatility in the monthly data compiled by the United States Census Bureau, the strong upward trend in the value of building permits in Northwest Arkansas since the Fall of 1998 is evident. Over the last two years, this growth trend has accelerated. In fact, the value of residential building permits in the area has equaled or exceeded the value of those in the Little Rock metropolitan area, an area that currently has a population almost double that of the Fayetteville-Springdale-Rogers MSA.

**Fayetteville-Springdale-Rogers MSA Residential Building Permits, Seasonally
Adjusted Value in \$ Millions,**

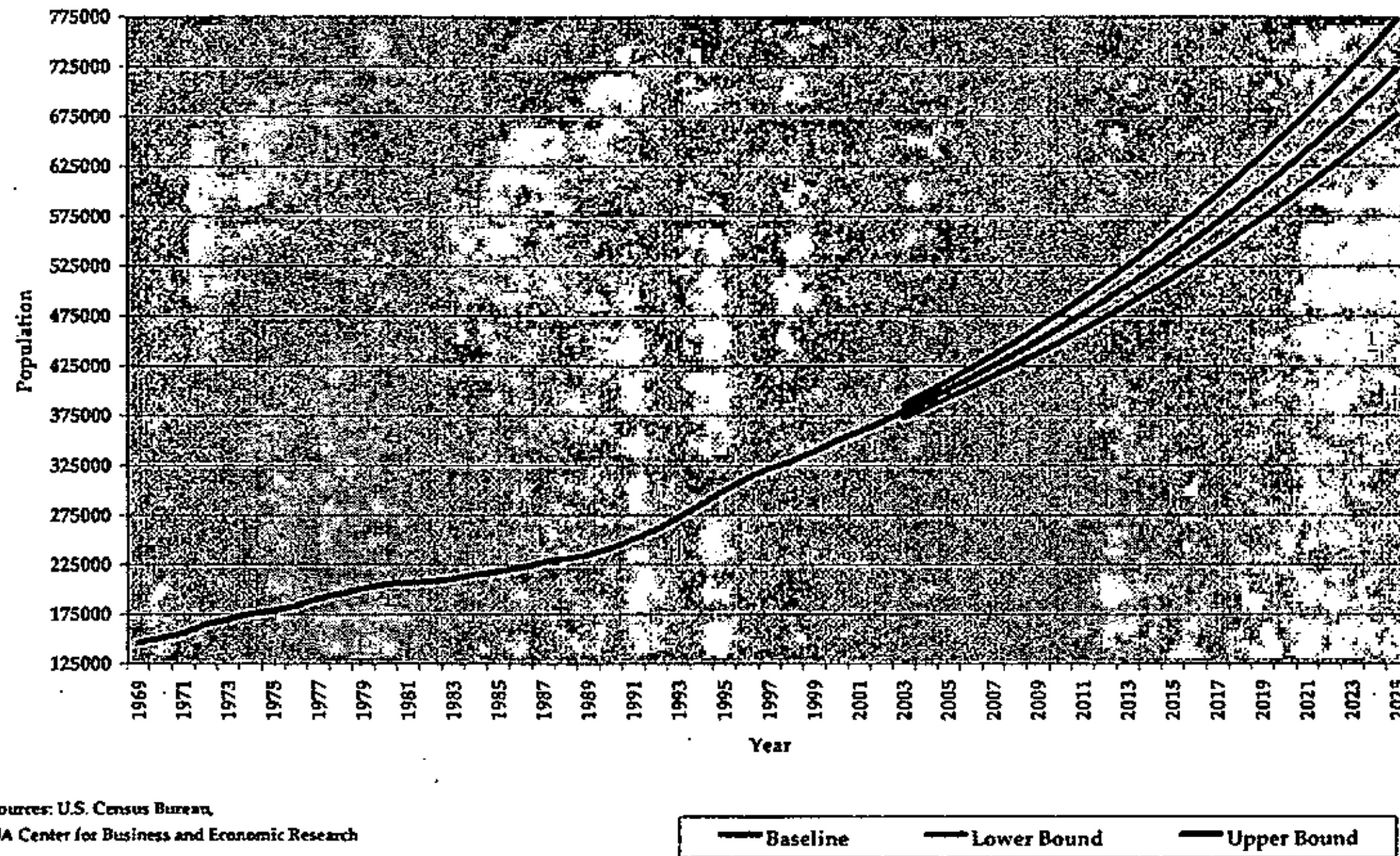


Source: Bureau of the Census, Seasonal Adjustment by UA Center for Business and Economic Research

Population Projections

In June of 2003, the Center for Business and Economic Research released updated population projections for Arkansas, its counties and its metropolitan areas. The Fayetteville-Springdale-Rogers MSA is projected to experience a doubling of its population by the year 2025.

Population Projections for Fayetteville-Springdale-Rogers MSA



City of Fayetteville, Arkansas

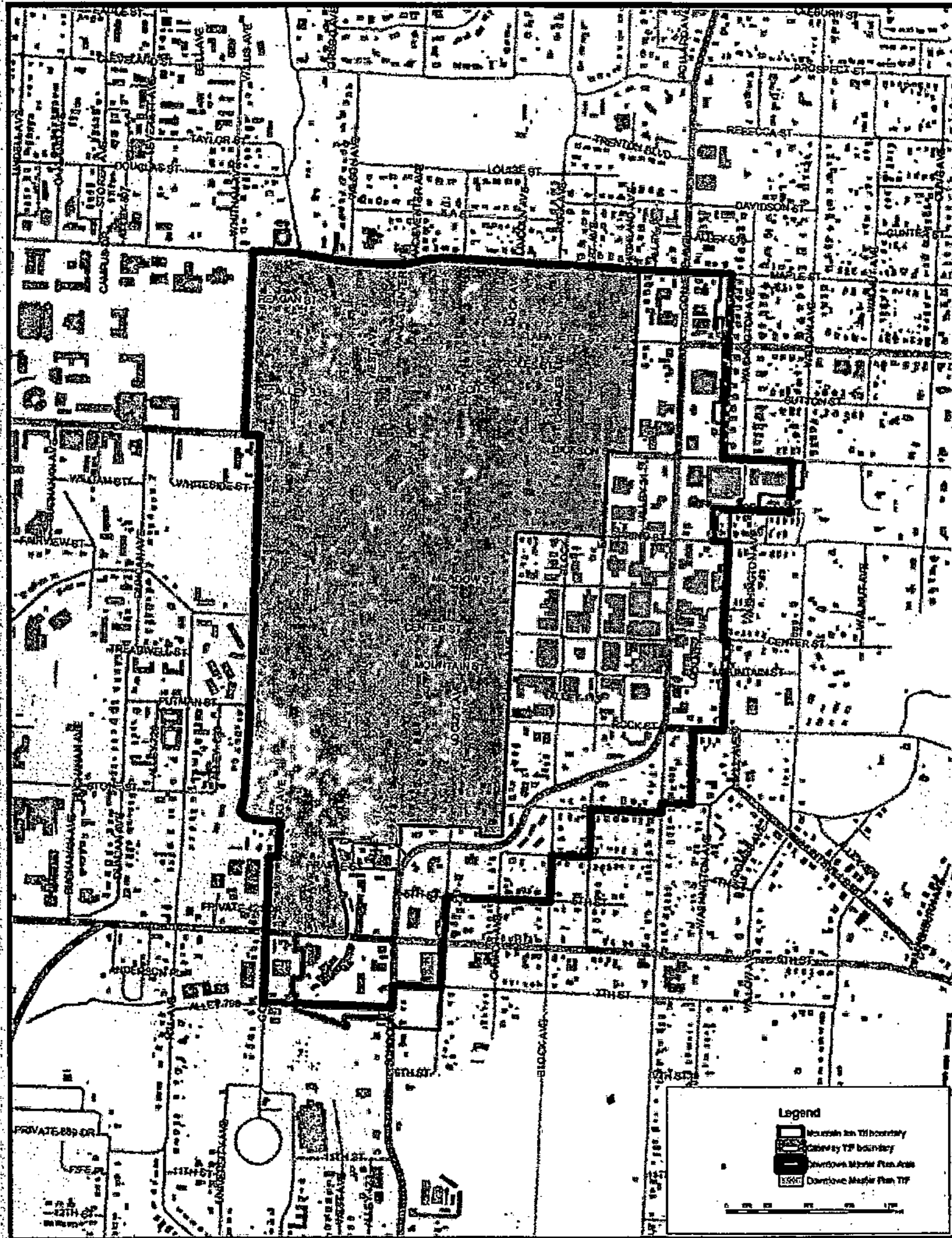
DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

FAYETTEVILLE DOWNTOWN
MASTER PLAN

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EXHIBIT No.7

District Map



City of Fayetteville, Arkansas

DOWNTOWN MASTER PLAN REDEVELOPMENT DISTRICT PROJECT PLAN

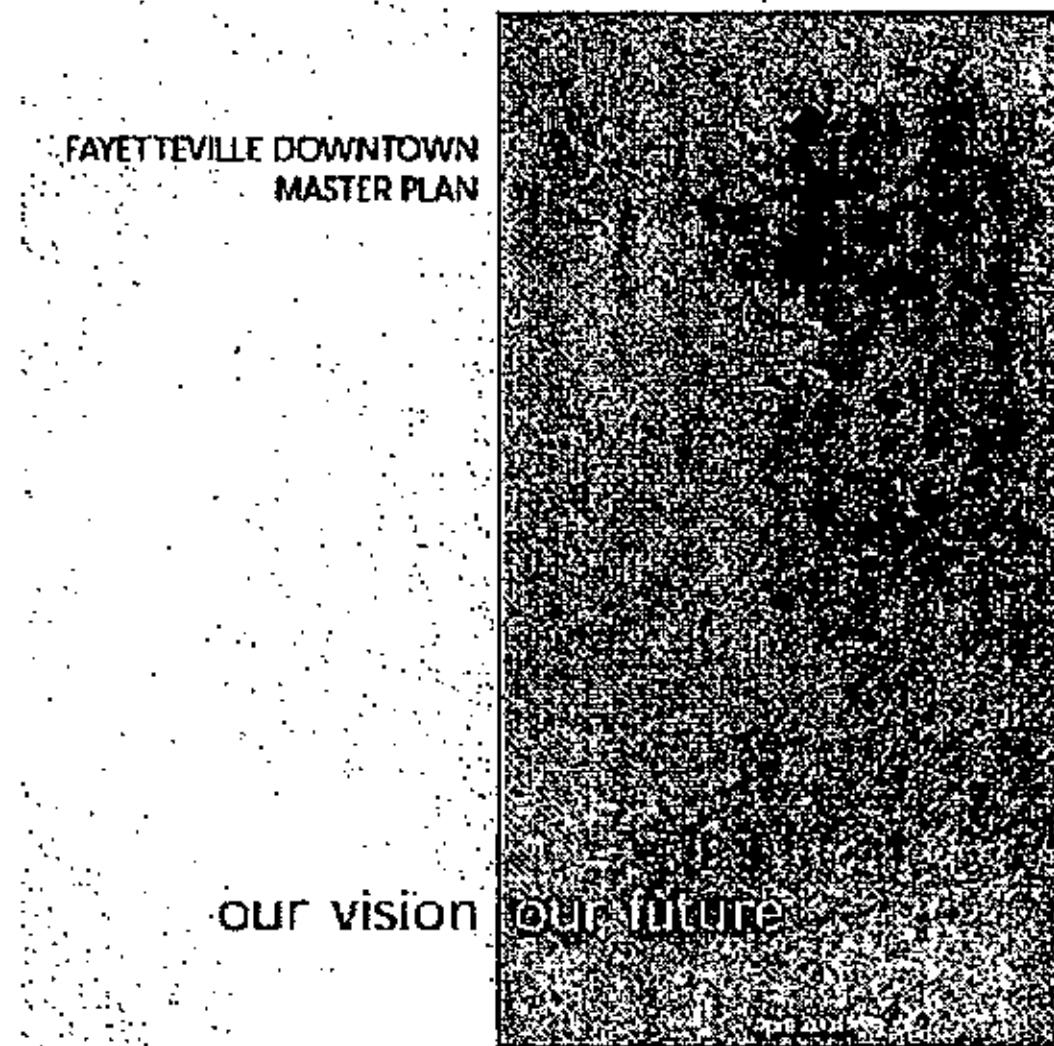


EXHIBIT No.8

Resolution Adopting the Downtown Master Plan

RESOLUTION NO. 140-04

MICROFILMED

A RESOLUTION TO ADOPT THE DOWNTOWN MASTER
PLAN COMPLETED BY DOVER, KOHL & PARTNERS

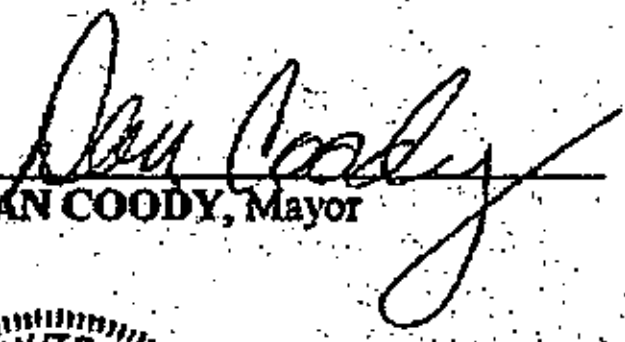
**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby
adopts the Downtown Master Plan completed by Dover, Kohl & Partners and requests
that implementing ordinances be prepared.

PASSED and APPROVED this 7th day of September, 2004.

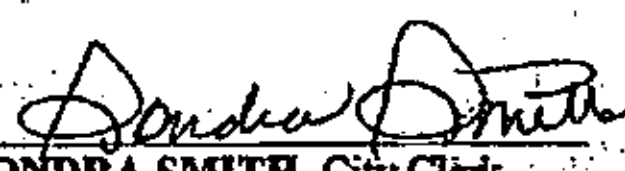
APPROVED:

By:


DAN COODY, Mayor

ATTEST:

By:


SONDRA SMITH, City Clerk



City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

12-21-04
City Council Meeting Date

Tim Conklin

Submitted By

Planning and Development Mgmt.

Division

Operations

Department

Action Required:

Downtown Master Plan Redevelopment District Project Boundary and Project Plan public hearing and adoption of the ordinance approving the project plan and boundary.

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐



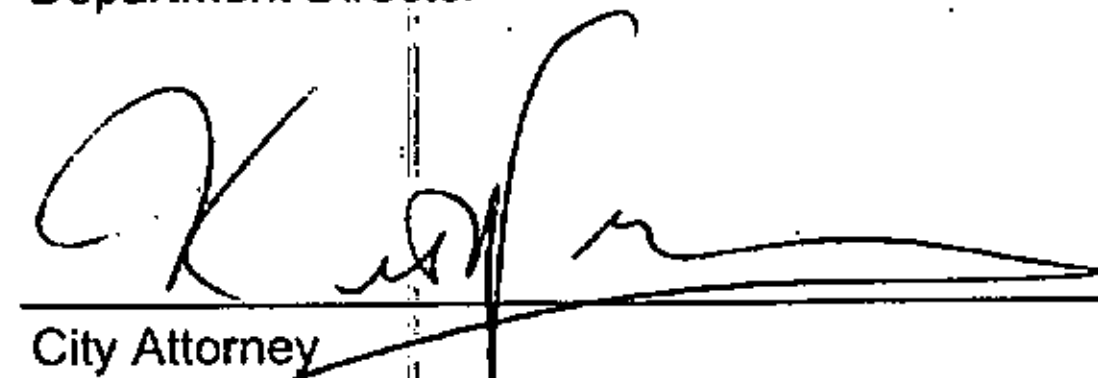
Department Director

12-7-04
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

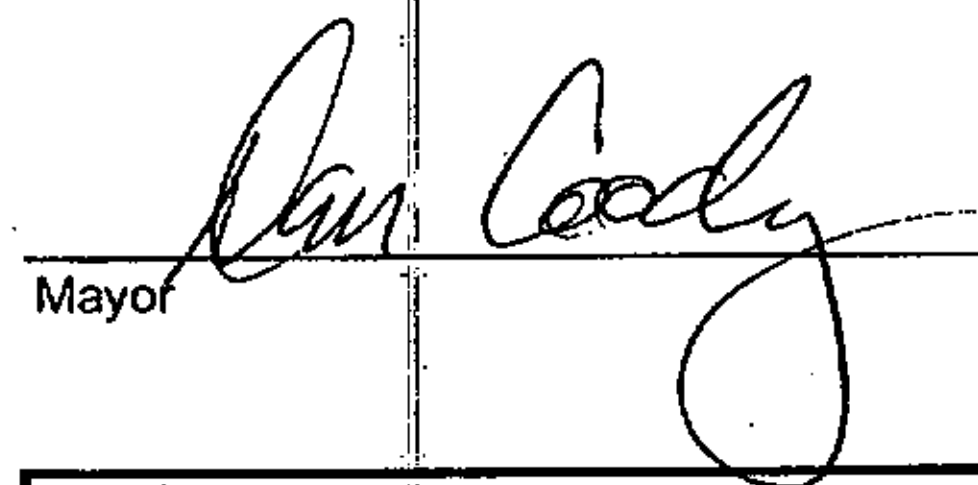
Original Contract Number: n/a



City Attorney

12-8-04
Date

Received in City Clerk's Office



Mayor

12/8/04
Date

Received in Mayor's Office

Comments:



ORDINANCE NO. _____

AN ORDINANCE FORMING THE I-540
REDEVELOPMENT DISTRICT NUMBER THREE
PURSUANT TO AMENDMENT 78 OF THE
ARKANSAS CONSTITUTION AND AUTHORIZING
THE PREPARATION OF A PROJECT PLAN

WHEREAS, the City Council after 15 day published notice has held a public hearing at which all interested parties were given the opportunity to express their views on the proposed creation of the I-540 Redevelopment District Number Three of Fayetteville, Arkansas and its proposed boundaries; and

WHEREAS, prior to publication, a copy of said notice was sent by first-class mail to the chief executive officer of all local governmental and taxing entities having the power to levy taxes on property located within the proposed I-540 Redevelopment District Number Three of Fayetteville, Arkansas, and to the school board of any school district which includes property located within the proposed I-540 Redevelopment District Number Three of Fayetteville, Arkansas; and

WHEREAS, the City Council has designated the boundaries of the proposed I-540 Redevelopment District Number Three, of Fayetteville, Arkansas.

**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 establishes the boundaries of the I-540 Redevelopment District Number Three of Fayetteville, Arkansas as set forth on the map attached hereto as Exhibit "A" and incorporated herein.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby names the District the following name for identification purposes: I-540 Redevelopment District Number Three of Fayetteville, Arkansas.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby creates the I-540 Redevelopment District Number Three of Fayetteville, Arkansas as of the effective date of this ordinance.

Section 4: That the City Council hereby finds that the real property within the I-540 Redevelopment District Number Three of Fayetteville, Arkansas, will be benefited by the redevelopment project by eliminating or preventing the development or

LEFT ON 1st reading on 1/6/05

spread of blighted, deteriorated, or deteriorating areas, or discouraging the loss of commerce or employment, or increasing employment, or any combination thereof.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby creates a separate and special fund into which shall be deposited all tax increment revenues, and all other revenues designated by the City for the benefit of the I-540 Redevelopment District Number Three of Fayetteville, Arkansas. All project costs shall be paid from this fund. This fund shall be known as the I-540 Redevelopment District Number Three of Fayetteville, Arkansas.

Section 6: That the City Council of the City of Fayetteville, Arkansas hereby authorizes the preparation of a Redevelopment Project Plan.

PASSED and APPROVED this 6th day of January, 2005.

APPROVED:

By:

DRAFT

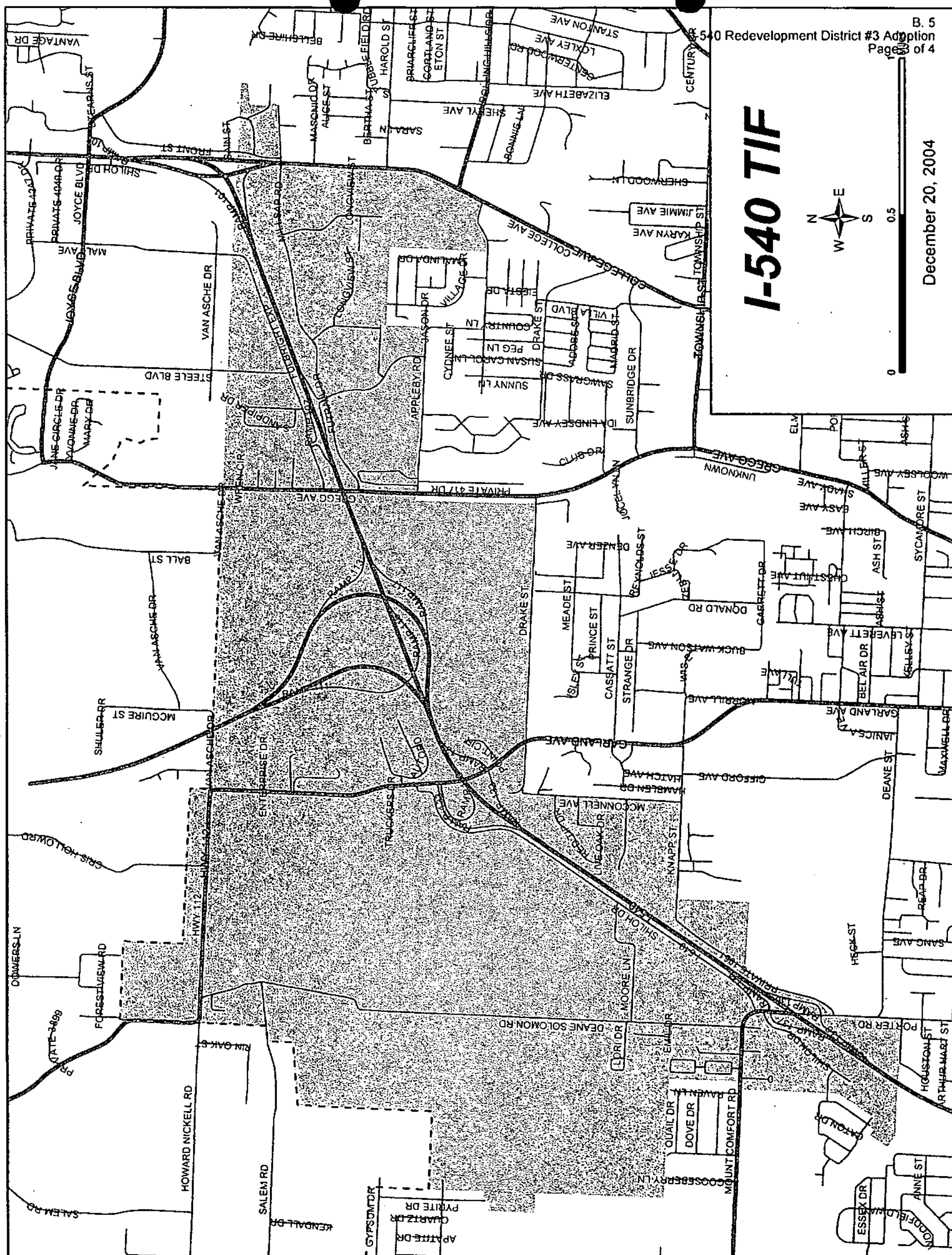
DAN COODY, Mayor

ATTEST:

By:

SONDRA SMITH, City Clerk

I-540 TIF



ORDINANCE NO. _____

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED
IN REZONING PETITION RZN 04-1333 FOR PROPERTY
LOCATED AT 1882 STARR DRIVE CONTAINING
APPROXIMATELY 5.73 ACRES FROM RSF-1, RESIDENTIAL
SINGLE FAMILY, ONE UNIT PER ACRE TO R-O,
RESIDENTIAL OFFICE.

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

Section 1: That the zone classification of the following described
property is hereby changed as follows:

From RSF-1, Residential Single Family One Unit Per Acre to R-O, Residential
Office as shown in Exhibit "A" attached hereto and made a part hereof.

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

PASSED AND APPROVED this _____ day of _____, 2005.

APPROVED:

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1333

A PART OF THE W $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SECTION 1, TOWNSHIP 16 NORTH, RANGE 30 WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS NORTH 872.72 FEET FROM THE SOUTHWEST CORNER OF THE W $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SAID SECTION 1, SAID POINT OF BEGINNING LOCATED ON THE WEST LINE OF SAID 80 ACRE TRACT, AND RUNNING THENCE NORTH 624.24 FEET ALONG SAID WEST LINE; THENCE LEAVING SAID WEST LINE AND RUNNING N89°40'42"E 400.0 FEET ALONG THE SOUTH LINE OF THE MADISON AVENUE SUBDIVISION, PHASE 1, THENCE LEAVING SAID SOUTH LINE AND RUNNING SOUTH 624.24 FEET, THENCE S89°40'42"W 400.0 FEET TO THE POINT OF BEGINNING, CONTAINING 5.73 ACRES, MORE OR LESS, WASHINGTON COUNTY, ARKANSAS. SUBJECT TO THE JOE FRED STARR RIGHT OF WAY ALONG THE WEST LINE AND ANY OTHER EASEMENTS AND/OR RIGHT OF WAYS OF RECORD.

DRAFT



WATER AND WASTEWATER DIVISION
DEPARTMENTAL CORRESPONDENCE

TO: Mayor and City Council

FROM: Matt Taylor, P.E. *MT*
Burns & McDonnell

DATE: January 11, 2005

RE: Revised Copy of Amendment 11A
OMI's Contract

Attached is a slightly revised copy of Amendment 11A to OMI's contract with the City. The primary changes are listed below with a brief explanation of each.

1. The total contract amount for calendar year 2005 has been increased approximately \$8,400 (0.18% of total) to \$4,569,412.89 due primarily to corrections to sales tax estimates and the addition of an extended warranty for the generator proposed at the Noland Treatment Facility.
2. The interest rate has not changed, but it is described in the revised contract in terms of the prime rate plus 2%.
3. Sales tax and the four-year extended warranty (5 years total) are addressed in the revised contract text.
4. OMI removed text that gave them the right to sell or assign the work included in Amendment 11A.

The revisions to Amendment 11A are appropriate and reflect OMI's efforts to be as accurate as possible. My recommendation is to approve the revised contract amendment as submitted.

AMENDMENT NO. 11(A)
TO
AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES
FOR THE CITY OF FAYETTEVILLE, ARKANSAS WASTEWATER TREATMENT PLANT

THIS AMENDMENT NO. 11(A) to the Agreement for Operations, Maintenance and Management Services for the City of Fayetteville, Arkansas Wastewater Treatment Plant dated September 1, 1994 (the "Agreement"), made effective on the 1st day of January, 2005, by and between the City of Fayetteville, Arkansas, whose address for any formal notice is 113 W. Mountain St, Fayetteville, Arkansas 72701 (hereinafter the "City") and Operations Management International, Inc., with offices at 9193 S. Jamaica Street, Suite 400, Englewood, Colorado 80112 (hereinafter "OMI") is made and entered into for purposes of amending certain provisions of the Agreement, to prevent the facilities covered by the Agreement from being deemed to be used in the trade or business of OMI pursuant to Section 141 (b) of the Internal Revenue Code of 1986, as amended.

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

1. Article 4.3 is hereby deleted in its entirety and replaced with the following Article 4.3:

4.3 OMI estimates the cost for services for calendar year 2005 shall be Four Million Five Hundred Sixty Nine Thousand Four Hundred Twelve Dollars and Eighty-Nine Cents (\$4,569,412.89). Details of said cost are shown in Appendix J. The base fee shall be negotiated each year in September for the upcoming calendar year. Should the City and OMI fail to agree, the base fee will be determined by the application of the base fee adjustment formula shown in Appendix F. Should the actual expenditures exceed estimated expenditures by more than Twenty Thousand Dollars (\$20,000), in any year of this Agreement, specific approval will be obtained from the City prior to OMI incurring additional costs.
2. Article 7.1 is hereby deleted in its entirety and replaced with the following Article 7.1:

7.1 This initial term of this Agreement shall be five (5) years and four (4) months commencing on September 1, 1994 and ending on December 31, 1999, followed by two (2) successive five (5) year options, each renewable at the sole discretion of OMI. The City has exercised its options to extend through December 31, 2008. In consideration of OMI's agreement to fund the Power Generator Project at the Noland WWTP, described in Appendix L, the City is hereby extending this Agreement through and including December 31, 2013.
3. A new Appendix L is added in the form attached hereto.

This Amendment No. 11(A) together with the Agreement constitutes the entire agreement between the Parties and supersedes all prior oral and written understandings with respect to the subject matter set forth herein. Unless specifically stated all other terms and conditions of the Agreement shall remain in full force and effect. Neither this Amendment nor the Agreement may be modified except in writing signed by an authorized representative of the Parties.

The Parties, intending to be legally bound, indicate their approval of the Amendment by their signatures below.

**OPERATIONS MANAGEMENT
INTERNATIONAL, INC.**

CITY OF FAYETTEVILLE

Roger B. Quayle
Senior Vice President
Date: _____

Dan Coody
Mayor
Date: _____

Appendix J

COST DETAIL

The annualized estimated costs for calendar year 2005 are as follows:

Description	Existing 2005 Estimated Costs	Amended 2005 Estimated Costs
Direct Labor & Benefits	\$ 1,671,071.00	\$ 1,671,071.00
Labor Markup	\$ 501,321.00	\$ 501,321.00
Electricity	\$ 642,720.00	\$ 588,480.00
Electrical Markup	\$ -	\$ -
Other Direct Costs	\$ 1,288,073.00	\$ 1,305,526.74
Other Direct Costs Markup	\$ 128,807.00	\$ 130,552.67
Subtotal	\$ 4,231,992.00	\$ 4,196,951.41
Fixed Fee	\$ 82,349.00	\$ 81,667.16
Lift Station Odor Control	\$ 69,362.00	\$ 69,362.00
Capital Item Amortization	\$ 100,622.00	\$ 100,622.00
Power Generator Project		
Equipment Amortization	\$ -	\$ 120,810.32
Total Est. O & M Budget	\$ 4,484,325.00	\$ 4,569,412.89
 Total Est. Annualized Budget	 \$ 4,484,325.00	 \$ 4,569,412.89
Estimated Increase		\$ 85,087.89

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

1. Continued increase in the efficient use of technological automation and job-sharing within the OMI network.
2. Continued upward pressure on the cost of fuel and vehicle expenses.
3. Ever increasing cost to maintain community-expected high level of performance with many pieces of equipment nearing the end of their life cycle and destined to be replaced or upgraded as part of the ongoing Wastewater Improvement Project.
4. Continued population growth causing a related increase in sludge production and ultimate sludge disposal costs.
5. Additional costs for maintenance of 4-5 new sewage lift stations during the next year.
6. Potentially less expensive sludge disposal alternatives continue to be evaluated, which may or may not become feasible within the next 12 months.
7. Addition of the Power Generator Project as described in Appendix L hereto.

Appendix L

POWER GENERATOR PROJECT - SCOPE OF WORK

Due to significantly increased emphasis on preventing all possible wastewater overflows and/or interruptions in wastewater treatment capability by the Arkansas Department of Environmental Quality and the United States Environmental Protection Agency, as well as currently available favorable electrical rate structures it has become necessary for the City to install full-backup power generation equipment at the Paul R. Noland wastewater treatment plant (WWTP). In addition, the City anticipates installing full-backup power generation equipment at the new Westside WWTP facility and at the expanded Hamestring sewer lift station facility in accordance with the respective construction sequencing as these facilities are constructed.

The City has reviewed available options and has determined that it desires to install a power generation system manufactured by PowerSecure, Inc. The cost of the power generation equipment (the "Equipment") to effect the implementation of the power generation system at the Noland WWTP, including applicable sales taxes and a four-year extended warranty, is estimated to be \$762,645.00.

OMI hereby agrees to procure and finance the cost of the Equipment at an annual interest rate of prime plus two percent (2%), currently seven percent (7%) over the course of sixty (60) months on behalf of the City in accordance with the amortization schedule set forth in Attachment 1 to this Appendix L and the City hereby agrees that it will purchase the Equipment from OMI over the course of such sixty (60) month period (the "Amortization Period"). The City's first payment to OMI will be due in the month following the installation complete date, currently estimated to be May 15, 2005. The City may elect to complete purchase of the Equipment at any time during the Amortization Period without incurring any early payment penalties. OMI makes no representations or warranties to the City with respect to the Equipment nor does it make any representations with respect to the savings the City may realize following installation of the Equipment. OMI shall pass through to the City any warranties provided by PowerSecure, but shall have no other responsibility for the manufactured quality of the generators.

Copies of purchase orders, bills of sale or invoices evidencing OMI's purchase will be furnished to the City upon request.

Title and risk of loss to the Equipment will remain with OMI at all times during the Amortization Period. At the end of the Amortization Period, title and risk of loss for and to the Equipment will transfer to the City.

If for any reason the Agreement is terminated by either party prior to the end of the Amortization Period, the City will pay to OMI the remaining balance due, in full, within thirty (30) days following termination. In the event the City refuses to or fails to make payment within thirty (30) days following termination OMI may exercise all rights available to it, including but not limited to, removal of the Equipment from the Noland WWTP.

OMI may sell or assign this equipment purchase to a third party in its sole discretion at any time during the Amortization Period.

Costs for diesel fuel will be provided directly by the City of Fayetteville as described in Article 3.8 of this Agreement. Costs for natural gas, applicable taxes, insurance, maintenance, and monitoring fees will be included in the actual cost of services as shown in Appendix J, and costs for these items in subsequent years during the Term will be provided to the City in accordance with the provisions of the Agreement.

The parties agree that they intend to install power generation systems at the new Westside WWTP and the expanded Hamestring sewer lift station at the appropriate time during the construction sequencing for each of these facilities, and that they intend to amortize the cost of each of these systems over a five year period. The parties will amend this Appendix L as necessary to address the terms and conditions agreed upon with respect to the power generation systems to be installed at the Westside WWTP and the Hamestring sewer lift station.

Attachment 1 to Appendix L

ESTIMATED AMORTIZATION SCHEDULE

Amortization Table						
LOAN DATA			TABLE DATA			
Loan amount:	762,645.00		Table starts at date:		1	
Annual interest rate:	7.00%		or at payment number:		1	
Term in years:	5					
Payments per year:	12					
First payment due:	5/1/2005					
PERIODIC PAYMENT						
Entered payment:						
Calculated payment:	\$15,101.29					
CALCULATIONS						
Use payment of:	\$15,101.29		Beginning balance at payment 1:		\$762,645.00	
1st payment in table:	1		Cumulative interest prior to payment 1:		\$0.00	
Table						
No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
1	5/1/2005	762,645.00	4,448.76	10,652.52	751,992.48	4,448.76
2	6/1/2005	751,992.48	4,386.62	10,714.66	741,277.82	8,835.39
3	7/1/2005	741,277.82	4,324.12	10,777.16	730,500.65	13,159.51
4	8/1/2005	730,500.65	4,261.25	10,840.03	719,660.62	17,420.76
5	9/1/2005	719,660.62	4,198.02	10,903.26	708,757.35	21,618.78
6	10/1/2005	708,757.35	4,134.42	10,966.87	697,790.49	25,753.20
7	11/1/2005	697,790.49	4,070.44	11,030.84	686,759.65	29,823.64
8	12/1/2005	686,759.65	4,006.10	11,095.19	675,664.46	33,829.74
9	1/1/2006	675,664.46	3,941.38	11,159.91	664,504.55	37,771.12
10	2/1/2006	664,504.55	3,876.28	11,225.01	653,279.54	41,647.39
11	3/1/2006	653,279.54	3,810.80	11,290.49	641,989.05	45,458.19
12	4/1/2006	641,989.05	3,744.94	11,356.35	630,632.71	49,203.13
13	5/1/2006	630,632.71	3,678.69	11,422.59	619,210.11	52,881.82
14	6/1/2006	619,210.11	3,612.06	11,489.23	607,720.89	56,493.88
15	7/1/2006	607,720.89	3,545.04	11,556.25	596,164.64	60,038.91
16	8/1/2006	596,164.64	3,477.63	11,623.66	584,540.98	63,516.54
17	9/1/2006	584,540.98	3,409.82	11,691.46	572,849.52	66,926.36
18	10/1/2006	572,849.52	3,341.62	11,759.66	561,089.86	70,267.99
19	11/1/2006	561,089.86	3,273.02	11,828.26	549,261.59	73,541.01
20	12/1/2006	549,261.59	3,204.03	11,897.26	537,364.34	76,745.04
21	1/1/2007	537,364.34	3,134.63	11,966.66	525,397.68	79,879.66
22	2/1/2007	525,397.68	3,064.82	12,036.47	513,361.21	82,944.48
23	3/1/2007	513,361.21	2,994.61	12,106.68	501,254.53	85,939.09
24	4/1/2007	501,254.53	2,923.98	12,177.30	489,077.23	88,863.07
25	5/1/2007	489,077.23	2,852.95	12,248.33	476,828.90	91,716.02
26	6/1/2007	476,828.90	2,781.50	12,319.78	464,509.11	94,497.53
27	7/1/2007	464,509.11	2,709.64	12,391.65	452,117.47	97,207.16
28	8/1/2007	452,117.47	2,637.35	12,463.93	439,653.53	99,844.51
29	9/1/2007	439,653.53	2,564.65	12,536.64	427,116.89	102,409.16
30	10/1/2007	427,116.89	2,491.52	12,609.77	414,507.12	104,900.67

Amortization Table

LOAN DATA

Loan amount: **762,645.00**
Annual interest rate: **7.00%**
Term in years: **5**
Payments per year: **12**
First payment due: **5/1/2005**

TABLE DATA

Table starts at date: **5/1/2005**
or at payment number: **1**

PERIODIC PAYMENT

Entered payment: **\$15,101.29**
Calculated payment: **\$15,101.29**

CALCULATIONS

Use payment of: **\$15,101.29** Beginning balance at payment 1: **\$762,645.00**
1st payment in table: **1** Cumulative interest prior to payment 1: **\$0.00**

No.	Payment Date	Beginning Balance	Interest	Principal	Ending Balance	Cumulative Interest
31	11/1/2007	414,507.12	2,417.96	12,683.33	401,823.80	107,318.63
32	12/1/2007	401,823.80	2,343.97	12,757.31	389,066.48	109,662.61
33	1/1/2008	389,066.48	2,269.55	12,831.73	376,234.75	111,932.16
34	2/1/2008	376,234.75	2,194.70	12,906.58	363,328.17	114,126.86
35	3/1/2008	363,328.17	2,119.41	12,981.87	350,346.30	116,246.28
36	4/1/2008	350,346.30	2,043.69	13,057.60	337,288.70	118,289.96
37	5/1/2008	337,288.70	1,967.52	13,133.77	324,154.93	120,257.48
38	6/1/2008	324,154.93	1,890.90	13,210.38	310,944.55	122,148.38
39	7/1/2008	310,944.55	1,813.84	13,287.44	297,657.11	123,962.23
40	8/1/2008	297,657.11	1,736.33	13,364.95	284,292.16	125,698.56
41	9/1/2008	284,292.16	1,658.37	13,442.91	270,849.24	127,356.93
42	10/1/2008	270,849.24	1,579.95	13,521.33	257,327.91	128,936.89
43	11/1/2008	257,327.91	1,501.08	13,600.21	243,727.71	130,437.97
44	12/1/2008	243,727.71	1,421.74	13,679.54	230,048.17	131,859.71
45	1/1/2009	230,048.17	1,341.95	13,759.34	216,288.83	133,201.66
46	2/1/2009	216,288.83	1,261.68	13,839.60	202,449.23	134,463.34
47	3/1/2009	202,449.23	1,180.95	13,920.33	188,528.90	135,644.30
48	4/1/2009	188,528.90	1,099.75	14,001.53	174,527.37	136,744.05
49	5/1/2009	174,527.37	1,018.08	14,083.21	160,444.16	137,762.12
50	6/1/2009	160,444.16	935.92	14,165.36	146,278.80	138,698.05
51	7/1/2009	146,278.80	853.29	14,247.99	132,030.80	139,551.34
52	8/1/2009	132,030.80	770.18	14,331.11	117,699.70	140,321.52
53	9/1/2009	117,699.70	686.58	14,414.70	103,285.00	141,008.10
54	10/1/2009	103,285.00	602.50	14,498.79	88,786.21	141,610.60
55	11/1/2009	88,786.21	517.92	14,583.37	74,202.84	142,128.52
56	12/1/2009	74,202.84	432.85	14,668.44	59,534.41	142,561.37
57	1/1/2010	59,534.41	347.28	14,754.00	44,780.40	142,908.65
58	2/1/2010	44,780.40	261.22	14,840.07	29,940.34	143,169.87
59	3/1/2010	29,940.34	174.65	14,926.63	15,013.71	143,344.52
60	4/1/2010	15,013.71	87.58	15,013.71	0.00	143,432.10

Acct #	Month	kWh	Off Peak Demand	Peak kW	Fuel Cost	Debt Cost	Usage Cost	std Rate	\$ Off Peak (best case)	\$ Off Peak (worse case)
86778-001	Oct-04	967,200.00	1,920.00	0.00	-0.000057	0.003750		41,687.60	\$26,629.20	\$49,669.20
86778-001	Sep-04	1,033,200.00	1,920.00	0.00	0.000367	0.002520		43,568.60	\$28,147.20	\$51,187.20
86778-001	Aug-04	1,119,600.00	1,968.00	0.00	0.000750	0.002520		46,377.56	\$30,239.04	\$53,855.04
86778-001	Jul-04	1,024,800.00	2,160.00	0.00	0.001464	0.002520		45,062.00	\$28,477.20	\$54,397.20
86778-001	Jun-04	1,051,200.00	2,160.00	0.00	0.003093	0.003720		45,814.40	\$29,084.40	\$55,004.40
86778-001	May-04	898,800.00	2,160.00	0.00	0.003636	0.00114		41,471.00	\$25,579.20	\$51,499.20
86778-001	Apr-04	1,140,000.00	2,160.00	0.00	0.001515	0.00114		48,345.20	\$31,126.80	\$57,046.80
86778-001	Mar-04	834,000.00	2,160.00	0.00	-0.002168	0.00075		39,624.20	\$24,088.80	\$50,008.80
86778-001	Feb-04	1,095,600.00	2,160.00	0.00	0.001774	0.00075		47,079.80	\$30,105.60	\$56,025.60
86778-001	Jan-04	868,800.00	2,160.00	0.00	0.002606	0.00075		40,616.00	\$24,889.20	\$50,809.20
86778-001	Dec-03	1,066,800.00	2,160.00	0.00	-0.003987	0.00156		46,259.00	\$29,443.20	\$55,363.20
86778-001	Nov-03	1,074,000.00	2,160.00	0.00	-0.001582	0.00156		46,464.20	\$29,608.80	\$55,528.80
Total		12,174,000.00			0.007411	0.022680		\$532,369.56	\$337,418.64	\$640,394.64

The figures above are directly from Ozarks Electric and reflect the absolute 'best case' scenario for potential savings. There will be costs to operate and maintain the generation equipment, which will directly offset the potential savings in a given year, as well as the very real potential that we may miss one or more of the coincidental peak demand periods and end up 'saving' something less than is described by these figures. One other thing of importance to note is that these figures are based on a 'fully loaded' Noland treatment plant, and the potential savings will be less when the West Side plant comes on line. The current estimation of a five year period during which the potential savings should come close to equaling the actual costs is considered to be as accurate as can be determined at this point in time.

Schedule of action items related to installation of power generation equipment at the Paul R. Noland wastewater treatment facility by Power Secure in 2005.

Action	Date
Agreement Signing	1/18/05
Receipt of IDG® System Submittal	2/18/05
Equipment Shipping Date to Site	5/16/05
Substantial Completion of Installation	5/23/05
Final Commissioning/Start-up	6/1/05



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council
From: Greg Boettcher
Water/Wastewater Director

A handwritten signature in black ink, appearing to read "Greg Boettcher", written over the "From:" line.

Date: December 20, 2004

Subject: Resolution approving a second contract extension with Insituform Technologies, Inc. for cured-in-place sanitary sewer linings.

RECOMMENDATION

Fayetteville City Administration recommends approval of an authorization totalling \$338,250.00, said amount being the maximum authorized amount for sanitary sewer lining services by Insituform Technologies, Inc. in fiscal year 2005.

BACKGROUND

On October 30, 2002 the City of Fayetteville accepted sealed competitive bids for sanitary sewer main line and service lateral lining services with Insituform Technologies submitting the successful bid proposal (see attached materials). The bid schedule includes specific unit prices for various items of work; with the sanitary sewer rehabilitation program then using the pricing to complete the annual rehabilitation program. The exact needs of each rehabilitation activity cannot be explicitly defined until the final design is completed, hence the unit price bid schedule to correlate costs to project scopes. This contract includes a provision allowing for annual extensions for up to four years, the extensions to use the original 2002 pricing. Sanitary sewer rehabilitation activities since 2002 have depleted the original \$677,644.00 authorization; necessitating the fiscal year 2005 authorization.

DISCUSSION

The direct contracting with Insituform Technologies allows the City of Fayetteville to execute its sanitary sewer rehabilitation program effectively and efficiently. It is effective as the administrative delays and costs are minimized due to the annual contract and pre-established pricing. The rehabilitation program is efficient as there is a minimum of engineering and administrative costs; coupled with the economy of the City directly contracting with the the specialty contractor avoiding general contractor overwrite. Sanitary sewer rehabilitation has become part of the city's ongoing program to manage asset condition, with the use of cured-in-place linings being the lowest cost strategy for selected applications.

BUDGET IMPACT

The \$338,250.00 of contract extension costs are included in the 2005 budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING A CONTRACT RENEWAL WITH INSITUFORM TECHNOLOGIES, INC.; AND AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$338,250.00 FOR SANITARY SEWER LINING SERVICES.

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 renewal with Insituform Technologies, Inc. A copy of the original contract, marked Exhibit "A" is attached hereto, and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

PASSED and APPROVED this 18th day of January 2005.

APPROVED:

By _____
DAN COODY, Mayor

ATTEST:

By _____
SONDRA SMITH, City Clerk

5.0 CONTRACT AND BOND DOCUMENTS

5.1 AGREEMENT

TERM MAINTENANCE CONTRACT FOR SEWER MAINLINE REHABILITATION

THIS AGREEMENT, made this 4th day of December, 2002, by and between the City of Fayetteville, Arkansas, and

Insituform Technologies, Inc.

doing business as a Corporation, hereinafter called "Contractor",

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned:

1. The Contractor will commence and complete the projects selected for rehabilitation under this Term Maintenance Contract at the City of Fayetteville, Arkansas and all incidental and ancillary work in accordance with the conditions and at the prices stated in the Bid Proposal which are a part of these Contract Documents attached hereto and made a part hereof.
2. The Contractor will furnish all materials, supplies, tools, equipment, labor, and other services necessary for the construction and completion of the projects selected for rehabilitation.
3. The Contractor will commence the work required under this term maintenance contract for the rehabilitation of sanitary sewer mainlines throughout Fayetteville, Arkansas in a timely manner as projects are selected. The Contractor shall furnish City of Fayetteville a timeline for each project as preparation for the work begins.
4. The timeline for this contract shall end December 31, 2003. Upon approval of the City of Fayetteville, the contract may be extended on a yearly basis for up to four years.
5. The Contractor shall be entitled to receive up to Two Hundred Thousand Dollars (\$200,000). City of Fayetteville is under no obligation to purchase a minimum amount of any item awarded and City of Fayetteville may choose to purchase more, less, or none of the rehabilitation, depending upon its needs. This contract is generally for miscellaneous and unidentified rehabilitation of sanitary sewer mains and service connections using the cured-in-place pipe method. The City of Fayetteville will pay the Contractor in the manner and at such times as set forth in the General Conditions such amounts, as required by the Contract Documents.
6. The Contractor agrees to perform the work described in the Contract Documents and comply with the terms therein for the amounts shown in the Bid Proposal.
7. The term "Contract Documents" means and includes the Advertisement for Bids, Information for Bidders, Technical Specifications, Bid Proposal, Agreement, General Conditions, Performance Bond, Payment Bond, Notice of Award, Notice to Proceed, Change Orders and Addenda prepared or issued by the City of Fayetteville.
8. This Agreement shall be binding upon all parties hereto and their respective heirs, executors, administrators, successors, and assigns.
9. It is mutually agreed that should it appear to the City of Fayetteville or to the Authorized Agent in charge, at any time during the existence of this Contract, that the sureties on the Contractor's bond have become insolvent, bankrupt, or otherwise financially unable to protect the City of Fayetteville under the terms of the Contract, the City of Fayetteville may demand the Contractor furnish additional security in some approved surety company satisfactory to the City of Fayetteville. The acts of the City of Fayetteville or the Agent with reference to demanding new or additional security shall never be construed to relieve the original sureties of their obligations under the contract, or to relieve the Contractor. The City of Fayetteville may stop performance under the Contract until additional security has been furnished by the Contractor,

and the City of Fayetteville shall in no case be liable to the Contractor on account thereof. In the event of the refusal or failure of the Contractor to comply with the demands of the City of Fayetteville with reference to furnishing additional security, the City of Fayetteville may exercise its right as provided herein to stop all payments under the Contract and to arrange for completion of the Contract requirements obligating the Contractor for any and all additional expenses incurred.

10. 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.
11. City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the (contractor) 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, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in five (5) counterparts, each of which shall be deemed an original on the date first above written.

THE CITY OF FAYETTEVILLE

By: *Dan Cordy*
Title: Mayor
113 West Mountain Street
Fayetteville, AR 72701

Attest: _____
Title: _____

CONTRACTOR:

By: *Gerald Addington*
Title: Vice President-Project Management
Company Insituform Technologies, Inc.
Address 702 Spirit 40 Park Drive
Chesterfield, MO 63005

*Attest: *Joann Smith*
Title: Contracting & Attesting Officer
(Corporate Seal)

*If a corporation, the Secretary of the Corporation should Attest.

5.2 PERFORMANCE BOND

Bond No. 103960089
SS8313

TERM MAINTENANCE CONTRACT FOR 2002 SANITARY SEWER MAINLINE REHABILITATION

We, Insituform Technologies, Inc.

hereinafter called "PRINCIPAL", and Travelers Casualty & Surety Company of America / St. Paul Fire & Marine Insurance Company, as Surety, hereinafter called "Surety", are held and firmly bound unto the City of Fayetteville, Arkansas as obligee, in the amount of \$ Three hundred eight thousand two hundred fifty dollars and no/100 Dollars (\$ 308,250.00), for payment whereof the PRINCIPAL and Surety bind themselves, their heirs, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

The PRINCIPAL has by written Agreement dated December 4, 2002, entered into a contract with the City of Fayetteville to make rehabilitation improvements to sanitary sewer mainlines to be selected by the City of Fayetteville, which Contract is by reference made a part hereof and is hereinafter referred to as the Contract.

WHEREAS, this bond is given pursuant to the Arkansas Government Code;

NOW, THEREFORE, if the PRINCIPAL shall well, truly and faithfully perform its duties; all of the undertakings, covenants, terms, conditions and agreements of the Contract; shall satisfy all claims and demands incurred under the Contract; shall fully indemnify and hold the City of Fayetteville harmless; shall reimburse and repay City of Fayetteville for any outlay or expense which City of Fayetteville may incur in making good any default, and shall promptly make payment to all persons, firms, subcontractors and Cities who may furnish materials or labor under the Contract, then this obligation shall be void; otherwise to remain in full force and effect. The obligations of CONTRACTOR and SURETY under this bond apply both to the original Contract and to any extension or modification of the Contract and SURETY agrees that no change, extension of time, addition, expansion or other modification of the Contract, the work to be done under the Contract, or the plans and specifications which are a part of the Contract shall in any manner affect the obligations of SURETY under this bond, and SURETY waives notice of any such change, extension of time, addition, expansion or other modification. The obligations of CONTRACTOR and SURETY under this bond are performable and payable in Washington County, Arkansas such that exclusive venue for any legal action pertaining to this bond shall lie in Washington County, Arkansas. By their signatures below, the persons signing this bond warrant and represent that they are, respectively, duly authorized to sign on behalf of CONTRACTOR and SURETY.

PROVIDED, FURTHER, that no final settlement between the City of Fayetteville and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts, each of which shall be deemed and original.

EXECUTED this the 4 day of December, 2002

CONTRACTOR:

PRINCIPAL

Insituform Technologies, Inc.

By Gerald Addington

Gerald Addington
Vice President-Project Management

Name/Title

Address 702 Spirit 40 Park Drive

Chesterfield, MO 63005

SURETY:

Travelers Casualty & Surety Company of America / St. Paul Fire & Marine Insurance Company

By Kathleen A. Petchulat

Kathleen A. Petchulat, Attorney-in-fact
Name/Attorney-in-Fact:

Address 955 Executive Parkway, Suite 100

Creve Coeur, MO 63141

Countersigned By: Janice A. Butler
Janice A. Butler, For Smith, AR

Notes: This Bond Form is mandatory; no other form will be acceptable. The date of the bond must not be prior to the date of the Contract. If Contractor is a Partnership, all Partners must execute this Bond. This Bond must be issued in triplicate with the Issuing agent's Power of Attorney attached to each copy. SURETY companies executing Bonds must appear on the U.S. Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in the State of Arkansas.

Bond No. 103960089
SS8313

5.3 PAYMENT BOND

TERM MAINTENANCE CONTRACT FOR 2002 SANITARY SEWER MAINLINE REHABILITATION

We, Insituform Technologies, Inc.

hereinafter called "PRINCIPAL", and Travelers Casualty & Surety Company of America / St. Paul Fire & Marine Insurance Company, as SURETY, in the amount of \$ Three hundred eight thousand two hundred fifty dollars and no/100 Dollars (\$ 308,250.00), for payment where of the PRINCIPAL and SURETY bind themselves, their heirs, personal representatives, successors and assigns, jointly and severally, firmly by these presents.

The PRINCIPAL has by written Agreement dated December 4, 2002, entered into a contract with the City of Fayetteville to make rehabilitation improvements to sanitary sewer mainlines to be selected by the City of Fayetteville, which Contract is by reference made a part hereof and is hereinafter referred to as the Contract.

WHEREAS, this bond is given pursuant to the Arkansas Government Code:

NOW, THEREFORE, if the PRINCIPAL shall promptly make payment to all persons, firms, Subcontractors and corporations furnishing materials for or performing labor in the prosecution of the Work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, fuels, repairs on machinery, equipment and tools consumed or used in connection with the construction of such Work, and all insurance premiums on said Work and for all Labor, performed in such Work whether by Subcontractor or otherwise, this obligation shall be void; otherwise, to remain in full force and effect. The obligations of PRINCIPAL and SURETY under this bond are performable and payable in Washington County, Arkansas such that exclusive venue for any legal action pertaining to this bond shall lie in Washington County, Arkansas. By their signatures below, the persons signing this bond warrant and represent that they are, respectively, duly authorized to sign on behalf of PRINCIPAL and SURETY.

PROVIDED, FURTHER, that no final settlement between the City of Fayetteville and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts, each of which shall be deemed and original.

EXECUTED this the 4 day of December, 2002

CONTRACTOR:

PRINCIPAL
Insituform Technologies, Inc.

By: Gerald Addington
Gerald Addington
Vice President-Project Management
Name/Title

Address 702 Spirit 40 Park Drive
Chesterfield, MO 63005

SURETY:

Travelers Casualty & Surety Company of America / St. Paul Fire & Marine Insurance Company

By: Kathleen A. Petchulat
Kathleen A. Petchulat, Attorney-in-fact
Name/Attorney-in-Fact:

Address 955 Executive Parkway, Suite 100
Creve Coeur, MO 63141

Countersigned By: Jahlice A. Butler
Jahlice A. Butler, Fort Smith, AR

Note: This Bond Form is mandatory; no other form will be acceptable. The date of the Bond must not be prior to the date of the Contract. If Contractor is a Partnership, all Partners must execute this Bond. This Bond must be issued in quintuplicate with the issuing agent's Power of Attorney attached to each copy. SURETY companies executing Bonds must appear on the U.S. Treasury Department's most current list (circular 570 as amended) and, be authorized to transact business in the State of Arkansas

Bond No. 103960089
SS8313

5.4 MAINTENANCE BOND

TERM MAINTENANCE CONTRACT FOR 2002 SANITARY SEWER MAINLINE REHABILITATION

We, Insituform Technologies, Inc.

Travelers Casualty & Surety Company of America /
hereinafter called "PRINCIPAL", and St. Paul Fire & Marine Insurance Company as SURETY, hereinafter
called "SURETY", are held and firmly bound unto the City of Fayetteville, Arkansas as obligee, hereinafter called
"City of Fayetteville", in the amount of
\$ Three hundred eight thousand two hundred fifty dollars and no/100 Dollars (\$ 308,250.00), for
payment whereof the PRINCIPAL and SURETY bind themselves, their heirs, personal representatives, successors and
assigns, jointly and severally, firmly by these presents.

The PRINCIPAL has by written Agreement dated December 4, 2002, entered into a contract with the City
of Fayetteville to make rehabilitation improvements to sanitary sewer mainlines to be selected by the City of
Fayetteville, which Contract is by reference made a part hereof and is hereinafter referred to as the Contract.

WHEREAS, this bond is given pursuant to the Arkansas Government Code;

WHEREAS, under the Contract it is provided that the PRINCIPAL will maintain and keep in good repair all work to be
performed and done under the Contract for a period of two (2) years from the date of acceptance of the
completed work by CITY OF FAYETTEVILLE, and to do and perform all necessary work and repair any defective
condition, it being understood that the purpose of this maintenance bond is to insure all warranties, express or
implied, made or given by the PRINCIPAL to CITY OF FAYETTEVILLE and to cover all defective, inadequate or non-
conforming conditions arising by reason of any materials or labor installed, provided, constructed or performed by
the PRINCIPAL and in case the PRINCIPAL shall fail to correct any such conditions it is agreed that CITY OF
FAYETTEVILLE may make such corrections and charge the cost of making those corrections against the PRINCIPAL
and the SURETY on this obligation, and the PRINCIPAL and SURETY shall be subject to the liquidated damages
provided in the contract, the plans and the specifications for each day's failure on its part to comply with the
terms and provisions of the Contract;

NOW, THEREFORE, if the PRINCIPAL shall keep and perform its obligation to maintain the work and keep the work in
repair for the full maintenance period of two (2) years as herein provided, then these presents shall be null and
void and have no further effect, but if default shall be made by PRINCIPAL in the performance of its obligations,
then these presents shall have full force and effect, and CITY OF FAYETTEVILLE shall have and recover from the
PRINCIPAL and its SURETY damages in the premises as provided and it is further understood and agreed that this
obligation shall be a continuing one against the PRINCIPAL and the SURETY and that successive recoveries may be
had hereon for successive breaches until the full amount of this bond shall have been exhausted; and it is further
understood that the obligation under this bond to maintain the work shall continue throughout the maintenance
period and shall not be changed, diminished, or in any other manner affected during the term of this bond. The
obligations of PRINCIPAL and SURETY under this bond apply both to the original Contract and to any extension or
modification of the Contract and SURETY agrees that no change, extension of time, addition, expansion or other
modification of the Contract, the work to be done under the Contract, or the plans and specifications which are a
part of the Contract shall in any manner affect the obligations of SURETY under this bond, and SURETY waives
notice of any such change, extension of time, addition, expansion or other modification. The obligations of
PRINCIPAL and SURETY under this bond are performable and payable in Washington County, Arkansas such that
exclusive venue for any legal action pertaining to this bond shall lie in Washington County, Arkansas. By their
signatures below, the persons signing this bond warrant and represent that they are, respectively, duly authorized
to sign on behalf of PRINCIPAL and SURETY.

PROVIDED, FURTHER, that no final settlement between the City of Fayetteville and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

IN WITNESS WHEREOF, this instrument is executed in five (5) counterparts, each of which shall be deemed and original.

EXECUTED this the 4 day of December, 2002

CONTRACTOR:

PRINCIPAL Insituform Technologies, Inc.

By: Gerald Addington
Gerald Addington
Vice President-Project Management
Name/Title

Address 702 Spirit 40 Park Drive

Chesterfield, MO 63005

SURETY:

Travelers Casualty & Surety Company of America /
SURETY St. Paul Fire & Marine Insurance Company

By: Kathleen A. Petchulat
Kathleen A. Petchulat, Attorney-in-fact
Name/Attorney-in-Fact:

Address 955 Executive Parkway, Suite 100

Creve Coeur, MO 63141

Countersigned By: Janice A. Butler Janice A. Butler, Fort Smith, AR

Note: This Bond Form is mandatory; no other form will be acceptable. The date of the Bond must not be prior to the date of the Contract. If Contractor is a Partnership, all Partners must execute this Bond. This Bond must be issued in quintuplicate with the issuing agent's Power of Attorney attached to each copy. SURETY companies executing Bonds must appear on the U.S. Treasury Department's most current list (circular 570 or amended) and be authorized to transact business in the State of Missouri.

Insituform Technologies, Inc. Contract Renewal

City of Fayetteville Contract for 2002 Sanitary Sewer Main Line and Service Lateral Lining

Cured in Place Pipe Method

30-Oct-02

Bid Tab

Item No.	Description	Unit	Quantity	Bidder		Insituform		Suncoast		Engineer's Estimate	
				Unit	Line Item	Unit	Line Item	Unit	Line Item	Unit	Line Item
1	6" CIPP lining	LF	3500	42.00	\$147,000.00	34.00	\$119,000.00	83.00	\$115,500.00	44.00	\$154,000.00
2	8" CIPP lining	LF	1500	48.00	\$60,000.00	36.00	\$54,000.00	38.00	\$45,000.00	40.00	\$60,000.00
3	10" CIPP lining	LF	500	48.00	\$22,000.00	40.00	\$20,000.00	30.00	\$15,000.00	50.00	\$25,000.00
4	12" CIPP lining	LF	500	61.00	\$80,500.00	42.50	\$21,250.00	32.00	\$16,000.00	55.00	\$27,500.00
5	15" CIPP lining	LF	100	70.00	\$7,000.00	55.00	\$5,500.00	44.00	\$4,400.00	60.00	\$6,000.00
6	18" CIPP lining	LF	100	82.00	\$8,200.00	70.00	\$7,000.00	55.00	\$5,500.00	70.00	\$7,000.00
7	Internal Lateral Reinstatement	EA	60	325.00	\$19,500.00	100.00	\$6,000.00	150.00	\$9,000.00	300.00	\$18,000.00
8	4" CIPP Svc Lateral Lining	EA	30	2,437.50	\$73,125.00	2,000.00	\$60,000.00	1,800.00	\$54,000.00	3,000.00	\$90,000.00
9	Standard Mobilization	EA	2	17,182.50	\$34,365.00	1,500.00	\$3,000.00	500.00	\$1,000.00	1,500.00	\$3,000.00
10	Emergency Mobilization	EA	1	17,182.50	\$17,182.50	2,500.00	\$2,500.00	3,500.00	\$3,500.00	5,000.00	\$5,000.00
11	CIPP Point Repair	EA	5	2,274.27	\$11,371.35	2,000.00	\$10,000.00	3,200.00	\$16,000.00	4,000.00	\$20,000.00
Total Bid					\$432,243.85		\$308,250.00		\$284,900.00		\$415,500.00

G:\1123Data\CIPP 2002 Bid Tab

Specification Experience Requirements by Contractor
2002 Sanitary Sewer Main Line and Service Lateral Lining, Cured in Place Pipe Method

Specification Item	Specification Requirement	Suncoast Experience	Insituform Experience	BRH Garver/ Experience
4" Service Pipes Lined by Contractor	250	0	Yes	Yes *
Internal Taps on 6" main by Contractor	250	177	Yes	Yes *
Ft of 6" Pipe Lined by Contractor	25,000	13,777	Yes	Yes
Ft of Pipe Lined for Product in USA	1,000,000	536,371	Yes	Yes
Ft of Pipe Lined for Product in Arkansas	50,000	16,178	Yes	Yes
ISO 9000 Certification	Yes	No	Yes	Yes
Office In Arkansas	Yes	No	Yes	Yes

* Based on a very quick check, BRH Garver appears to meet these experience requirements. I did not research their qualifications in more detail as there was a lower qualified bidder.

City Of Fayetteville (Not a Purchase Order)		Requisition No.: _____	Date: _____
P.O. Number: _____		Expected Delivery Date: _____	

Vendor Name: _____	Mail Yes: ☐ No: ☐	Quotes Attached Yes: ☐ No: ☐
Address: _____	Taxable Yes: ☐ No: ☐	

P O Box 842359 City: _____ State: TX Zip Code: 75284-2359	Fob Point: Fayetteville Ship to code: 75284-2359	Division Head Approval: _____
---	---	-------------------------------

Requester: David Jurgens/Greg Boettcher/Water & Wastewater	Requester's Employee #: 2001	Extension: _____
--	------------------------------	------------------

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Sewer Rolling Services for Fiscal Year 2005	1	1	###	\$338,250.00	5400.5700.5815.00			
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: \$338,250.00 Tax: \$20,376.25 Total: \$358,626.25
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Approvals: _____ Mayor: _____ Department Director: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Budget Manager: _____ Utilities Manager: _____ Other: _____	Purchasing Manager: _____ IT Manager: _____
---	--

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

18-Jan-05
City Council Meeting Date

Greg Boettcher

Submitted By

Water and Wastewater Operations

Division

Water and Wastewater

Department

Action Required:

Fayetteville City Administration recommends approval of an authorization totalling \$338,250.00, said amount being the maximum authorized amount for sanitary sewer lining services by Insituform Technologies, Inc. in fiscal year 2005.

\$338,250.00

Cost of this request

\$ 1,500,000.00

Category/Project Budget

Sanitary Sewer Rehabilitation

Program Category / Project Name

5400.5700.5815.00

Account Number

\$ -

Funds Used to Date

Sewer Mains Construction

Program / Project Category Name

02017

Project Number

\$ 1,500,000.00

Remaining Balance

Water and Sewer

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

Previous Ordinance or Resolution #

Original Contract Date:

4-Dec-02

Original Contract Number:

Received in Mayor's Office

12/21/04 PH

Received in City Clerk's Office

12-20-04



Greg Boettcher
Department Director

12-20-04
Date

D. F. Went
City Attorney

12/21/04
Date

Stephen D...
Chief Administrative Officer
Finance & Internal Services

12/21/04
Date

Alan Coody
Mayor

12/28/04
Date

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: December 3, 2004

SUBJECT: Van Asche construction project from Steele Crossing to Gregg St. and cost share agreement between the City of Fayetteville, NANCHAR, Inc. and MSB Properties, Inc.

RECOMMENDATION: Approve Supplemental Agreement between the City of Fayetteville and NANCHAR, Inc. and MSB Properties, LLC (Owners/Developers of CMN Business Park) for Cost Share of Construction of Van Asche, whereby the City will effect the design and construction of Van Asche Blvd. from Steele Blvd. to Gregg Avenue and the Owners/Developers will pay their share of the cost share when CMN Business Park II, Phase I reaches 75% sold to private developers or at the end of five years whichever comes first. Direct the Mayor and Staff to design, advertise, receive bids and construct Van Asche Blvd. from Steele Blvd. to Gregg Blvd. at its own cost and expense pending the sale of properties or at the end of five years whichever comes first.

BACKGROUND: As retail and commercial development surrounding the Northwest Arkansas mall continues to grow, the need for more street connectivity increases. Many solutions have been considered to improve the conditions. Recent improvements to the Shiloh Dr./Fulbright Expressway on ramp, near Target, was completed in an effort to ease congestion. Another access road to the retail district is essential. Van Asche through CMN Phase II is that access road and satisfies that need. An agreement has been negotiated among the parties and once approved along with the construction concept will result in the new Van Asche Blvd., a new four land approach to the Fayetteville retail district.

DISCUSSION: In an effort to preserve the growth of our retail sector through infrastructure development, it is essential that the access to the retail district be improved. There is continuing research into the problem and many concepts have been developed and reviewed. Long range fixes will require coordination and approval of AHTD as Fulbright Expressway is currently a State Highway and most of the long term solutions involve Fulbright. Potential development along Fulbright will eventually allow the expressway to be converted into a major City arterial street where it would then be possible to design and build direct accesses into the Medical and Retail districts which would provide connectivity from I-540 and between the medical and retail districts. This project to improve Van Asche from Steele to Gregg continues to improve the current situation as an interim and much needed step in the right direction.

BUDGET IMPACT: The total cost of the project including engineering is estimated to be \$1,982,788.00. The total would be paid from City funds with 50% being paid back to the City IAW the provisions of the cost share agreement. Agreement allows for 50/50 cost share of actual costs incurred.

Attachments: Staff Review Form
Cost Share Agreement

RESOLUTION NO. _____

A RESOLUTION TO APPROVE A SUPPLEMENTAL AGREEMENT FOR COST SHARE OF EARLY CONSTRUCTION OF VAN ASCHE BOULEVARD WITH NANCHAR, INC., AND MSB PROPERTIES LLC AND TO APPROVE A BUDGET ADJUSTMENT OF \$1,982,788.00

WHEREAS, the owners/developers of the CMN Business Park (NANCHAR, Inc. and MSB Properties LLC) agreed On October 6, 1998 pursuant to the City Council approval of the Preliminary Plat of CMN Business Park II, Phase I, that once 75% of the CMN Business Park II, Phase I had been sold to private developers that: "The Developer shall construct at the Developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the Developer, at the Developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the Bridge"; and

WHEREAS, the City of Fayetteville and NANCHAR, Inc. and MSB Properties LLC agree that Van Asche should be built as soon as possible and that the developers/owners will reimburse the City for their agreed cost share of its construction as soon as 75% of the land in CMN Business Park II, Phase I is sold or within five (5) years of the completion of Van Asche (whichever is sooner); and

WHEREAS, the cost estimate of construction of Van Asche as agreed with all sidewalks, bridges, turnouts and intersections is \$1,770,348.00 and the cost of engineering, inspection and construction management is estimated to be \$212,440.00. Thus, the total estimated cost for this project is \$1,982,788.00.

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 approves the Supplemental Agreement for Cost Share Of Early Construction of Van Asche Boulevard with NANCHAR, Inc. and MSB Properties LLC. (Attached as Exhibit 1)

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment of \$1,982,788.00 as estimated engineering and construction costs for the Van Asche Boulevard Project east of Gregg Avenue.

PASSED and APPROVED this 4th day of January, 2005.

APPROVED:

DRAFT

By: _____
DAN COODY, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

SUPPLEMENTAL AGREEMENT FOR COST SHARE OF EARLY CONSTRUCTION OF VAN ASCHE BOULEVARD

The City of Fayetteville and the owners/developers of CMN Business Park (NANCHAR, INC. and MSB PROPERTIES LLC) agree as follows:

WHEREAS, the owners/developers of the CMN Business Park (NANCHAR, Inc. and MSB Properties LLC) agreed On October 6, 1998 pursuant to the City Council approval of the Preliminary Plat of CMN Business Park II, Phase I, that once 75% of the CMN Business Park II, Phase I had been sold to private developers that: "The Developer shall construct at the Developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the Developer, at the Developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the Bridge."

WHEREAS, NANCHAR, Inc. and MSB Properties LLC agree that Van Asche should be built as soon as possible and that they will reimburse the City for their agreed cost share of its construction as soon as 75% of the land in CMN Business Park II, Phase I is sold or within five (5) years of the completion of Van Asche (whichever is sooner); and

WHEREAS, the cost estimate of construction of Van Asche as agreed with all sidewalks, bridges, turnouts and intersections is \$1,770,348.00 and the cost of engineering, inspection and construction management is estimated to be \$212,440.00. Thus, the total estimated cost for this project is \$1,982,788.00.

NOW, THEREFORE, in consideration of the above premises and the mutual promises stated below, the City of Fayetteville and NANCHAR, Inc. and MSB Properties, LLC agree as follows:

1. The City of Fayetteville shall promptly cause the construction of Van Asche as shown on the Final Plat of CMN Business Park II as further delineated on Exhibit "A" to this agreement. Both the City of Fayetteville and the owner/developers (NANCHAR, Inc. and MSB Properties LLC) must agree in writing to the construction contract to build the Van Asche Boulevard Project before this construction contract can become effective.

2. NANCHAR, Inc. and MSB Properties, LLC shall reimburse the City of Fayetteville pursuant to the requirements of the 2001 Final Plat for its cost share.

The City of Fayetteville, NANCHAR, Inc. and MSB Properties LLC agree that all land necessary for the boulevard (110 foot wide right-of-way), intersections, etc. has been or shall be dedicated to the City without charge and that the total costs for engineering, inspection, construction management and construction shall be shared equally between the City and the Developers (NANCHAR, Inc. and MSB Properties LLC).

3. The Developers' 50% share of the project's total cost shall inflate at the Consumers Price Index as published in the Bureau of Labor Statistics from the date the Van Asche Boulevard Project east of Gregg Avenue is completed until the Developers pay their 50% cost share.

4. NANCHAR, Inc. and MSB Properties LLC shall pay their reimbursable cost share amount as soon as 75% of CMN Business Park II, Phase I has been sold or within five years of the date of this contract, whichever is earlier. Developers/owners have a right to pay their 50% cost share at any time earlier than required.

5. The Large Scale Development and Final Plat of CMN Business Park II approved in 2001 and Exhibit "A" shall be considered a part of this Contract.

6. If either party does not agree to the construction contract for the Van Asche Boulevard Project east of Gregg Avenue by December 31, 2005, this Supplemental Agreement For Cost Share Of Early Construction Of Van Asche Boulevard is terminated, null and void.

In Agreement With All The Terms And Conditions Above And In Witness Whereof the parties hereto have set their hands and seals this ____ day of December, 2004.

By: _____
DAN COODY
Mayor

By: _____
NANCY RUBECK,
NANCHAR, INC

Attest: _____
Sondra Smith, City Clerk

By: _____
CHARLOTTE STEEL,
NANCHAR, INC

By: _____
MARJORIE S. BROOKS
MSB Properties, LLC

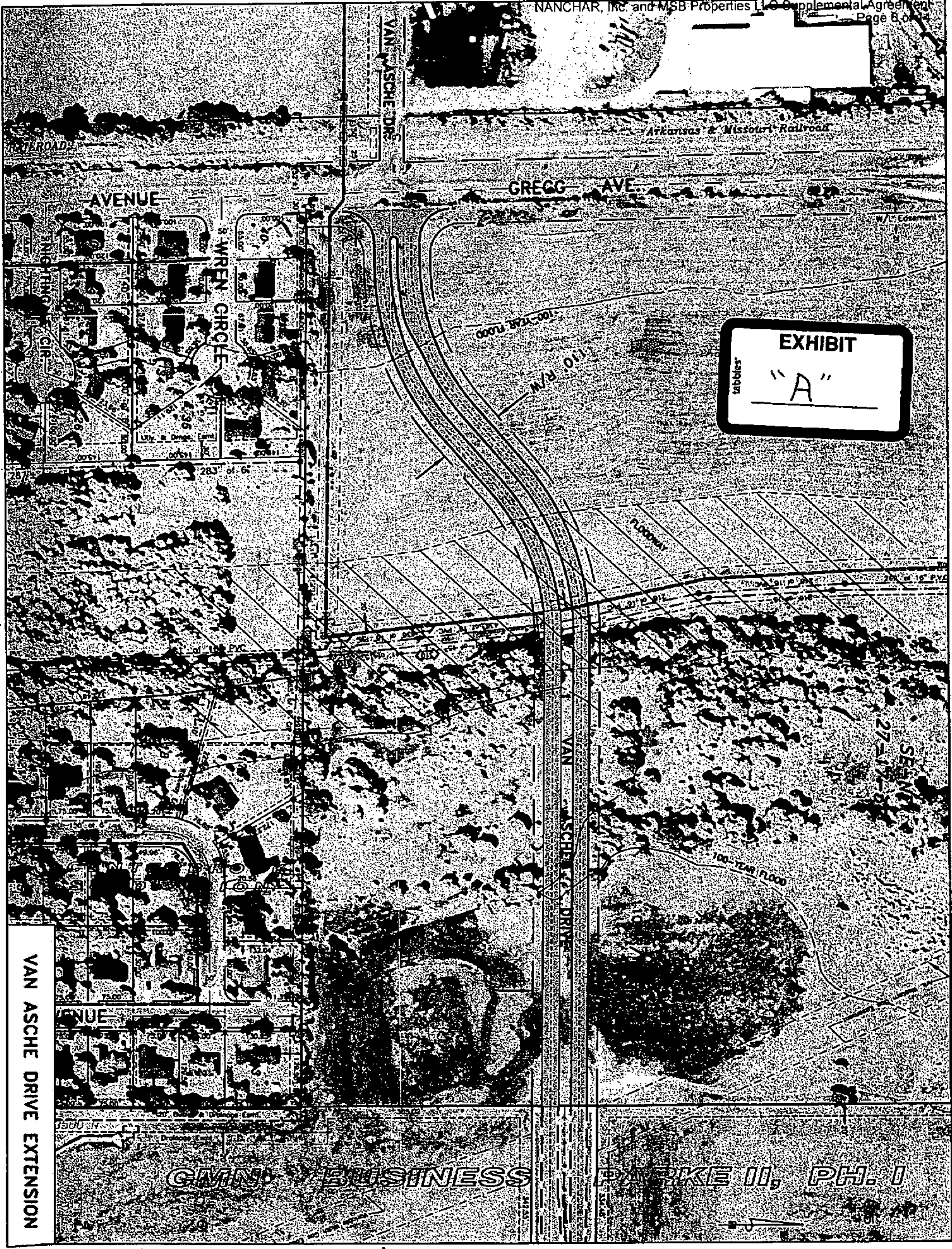


EXHIBIT
"A"

VAN ASCHE DRIVE EXTENSION

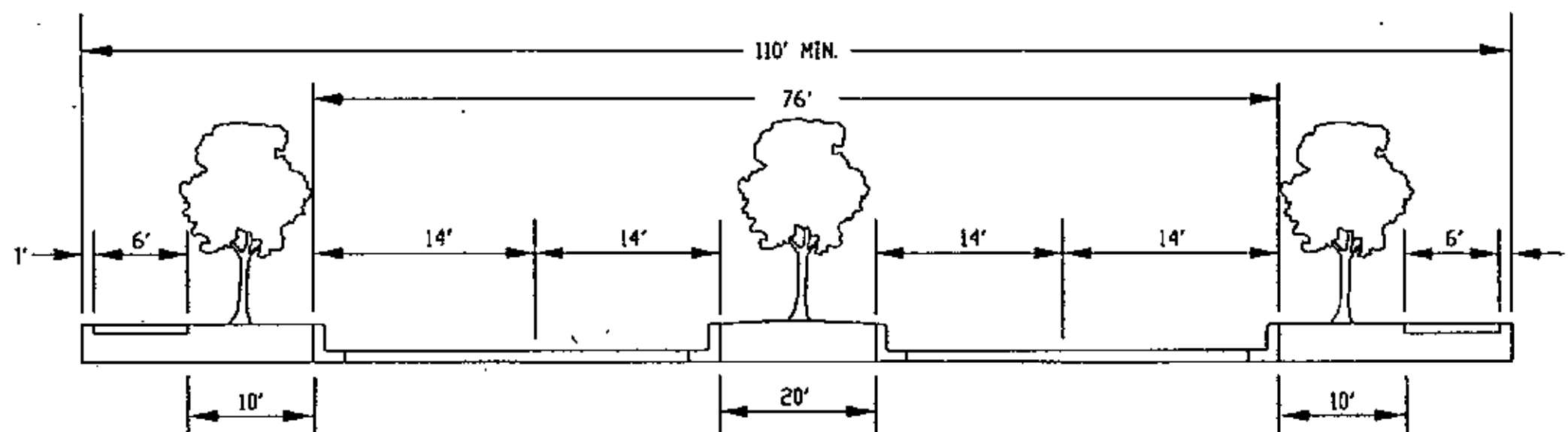
GWINN BUSINESS PARK II, PH. I

VAN ASCHE EXTENSION CONCEPT STUDY

The purpose of this study is to develop concept drawings and to determine the costs to extend Van Asche Boulevard from its existing terminus point located in CMN Business Park II, Phase I to Highway 112.

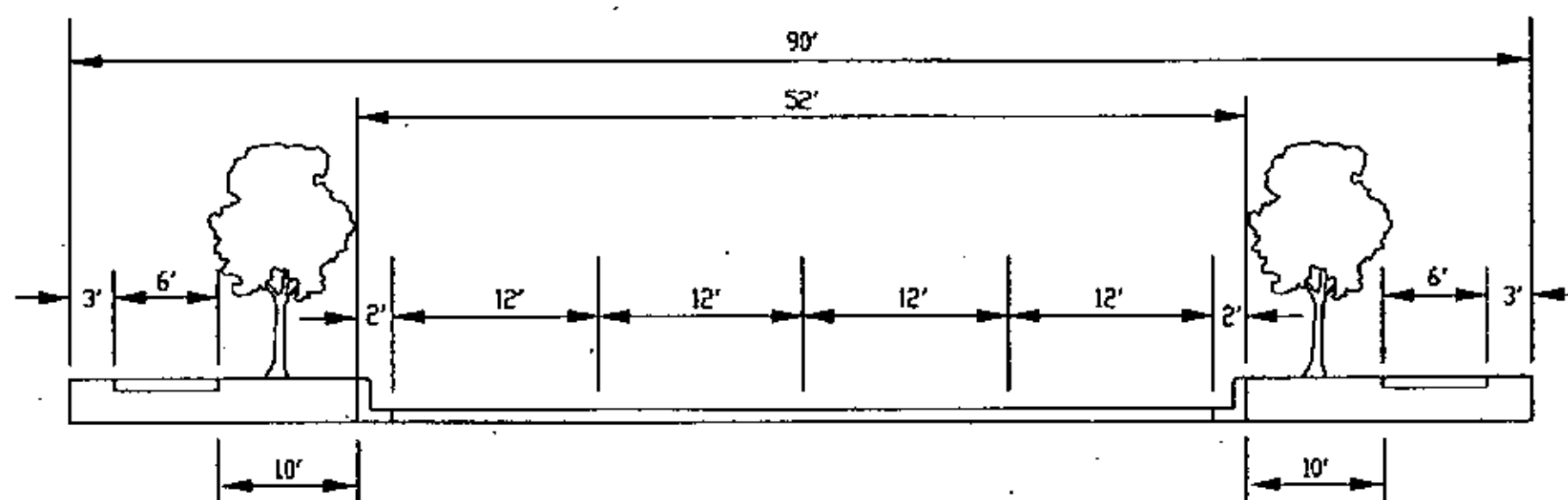
PROPOSED STREET SECTIONS:

It is recommended that a Boulevard Section that matches the Steele and Van Asche Boulevards in the CMN Business Park II and the City Master Street Plan be utilized for this proposed extension where ever possible.



PROPOSED BOULEVARD SECTION

Due to the obstructions such as the I-540 overpass, existing businesses and residents, and large utility facilities, a different street section will be necessary for portions of this extension. This area is located from Highway 112 to the east under the I-540 overpass to approximately the intersection with McGuire Street. The recommended section would match the City Minor Arterial street section as contained in the Master Street Plan.



PROPOSED 4-LANE SECTION

ESTIMATED PROJECT COSTS:

Estimated unit costs were developed from the actual construction costs of the boulevards in the CMN Business Park II with a 15% inflation factor and from the Arkansas Highway & Transportation Department's list of 2004 construction costs. These unit costs were utilized to determine the estimated construction costs. The street extension costs were examined separately west of Gregg Avenue and East of Gregg Avenue in a future phase of the CMN Business Park.

WEST OF GREGG AVENUE: This portion of the Van Asche Boulevard Extension extends from Gregg Avenue to the west to the intersection with Arkansas Highway No. 112. The following is the summary of the estimated project costs:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL
Boulevard Section (West of Gregg St.)	3,520	L.F.	\$740.05	\$2,604,976.00
4 - Lane Section (near I-540 and Hwy 112)	1,550	L.F.	\$610.00	\$945,500.00
TOTAL ESTIMATED CONSTRUCTION COST				\$3,550,476.00
Engineering, Inspection, & Construction Management (12%)				\$426,057.00
TOTAL PROJECT COSTS (WEST OF GREGG AVE.)				\$3,976,533.00

EAST OF GREGG AVENUE: This portion of the Van Asche Boulevard Extension extends from Gregg Avenue to the east to the existing portion of Van Asche Boulevard located in the CMN Business Park II. This portion will be located entirely within a future phase of the CMN Business Park. The following is the summary of the estimated project costs:

ITEM	QUANTITY	UNIT	UNIT COST	TOTAL
Boulevard Section (East of Gregg St.)	1,410	L.F.	\$740.05	\$1,043,470.50
Scull Creek Bridge	150	L.F.	\$4,845.85	\$726,877.50
TOTAL ESTIMATED CONSTRUCTION COST				\$1,770,348.00
Engineering, Inspection, & Construction Management (12%)				\$212,440.00
TOTAL PROJECT COSTS (EAST OF GREGG AVE.)				\$1,982,788.00

This portion of the street extension located to the east of Gregg Avenue is subject to an agreement with the developer's of the CMN Business Park II. This agreement was recorded with the final plat of the subdivision which states:

The Developer shall construct the connection from Van Asche to Gregg Street with the completion of the sale of 75% of the property in Phase I, as follows:

- A. This portion of Van Asche Drive is classified as a principle arterial which requires a right-of-way width in the amount of 110' to be dedicated to the City.*
- B. Pursuant to the October 6, 1998 City Council approval of the preliminary plat for CMN II, Phase I, "The developer shall construct at the developer's expense, two of the proposed four lanes for the Steele and Van Asche Boulevards. If the City Council is unable, or unwilling to participate in the cost-share for the construction of any street or bridge that the developer, at the developer's expense provide a minimum 36 ft. street for all sections of Steele, Van Asche and the bridge.*

For Phase I of the boulevard construction of Steele and Van Asche Boulevards, the City paid for 50% of the construction costs and the CMN developer's paid for 50% of the construction costs and 100% of the engineering, inspection & construction management. If this same agreement is utilized for the Van Asche extension to the East of Gregg Street, the following will be the estimated amounts for the City and the CMN developers:

CMN DEVELOPER'S SHARE:

Construction Cost (50%)	\$885,174.00
Engineering, Inspection & Construction Management (100%)	\$212,440.00
CMN DEVELOPER'S SHARE OF ESTIMATED COSTS	\$1,097,614.00

CITY'S SHARE:

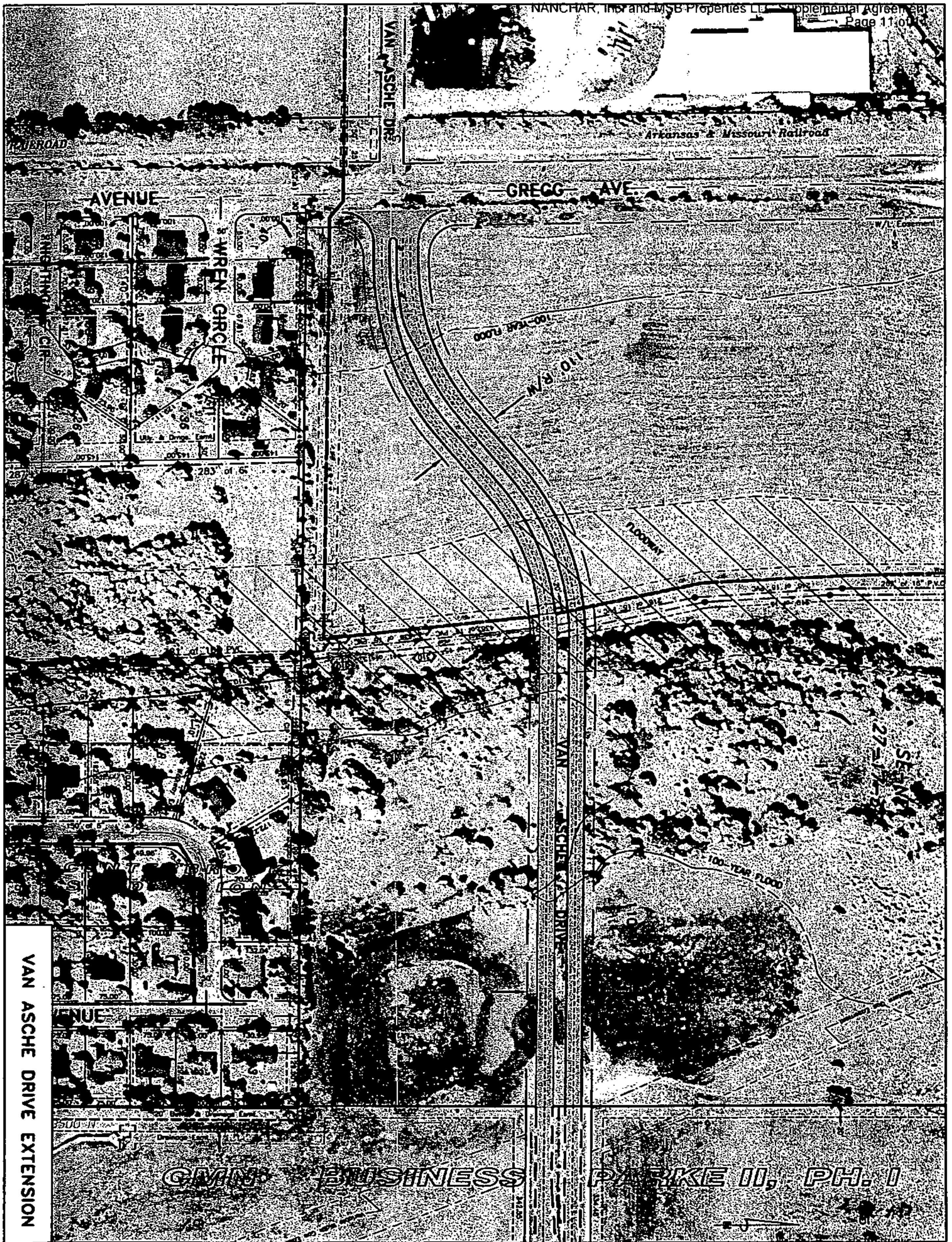
Construction Cost (50%)	\$885,174.00
CITY'S SHARE OF ESTIMATED COSTS	\$885,174.00

SUMMARY OF PROJECT COSTS:

The following is a summary of the project costs for the entire Van Asche Boulevard extension from the existing portion located in the CMN Business Park II to Arkansas Highway 112:

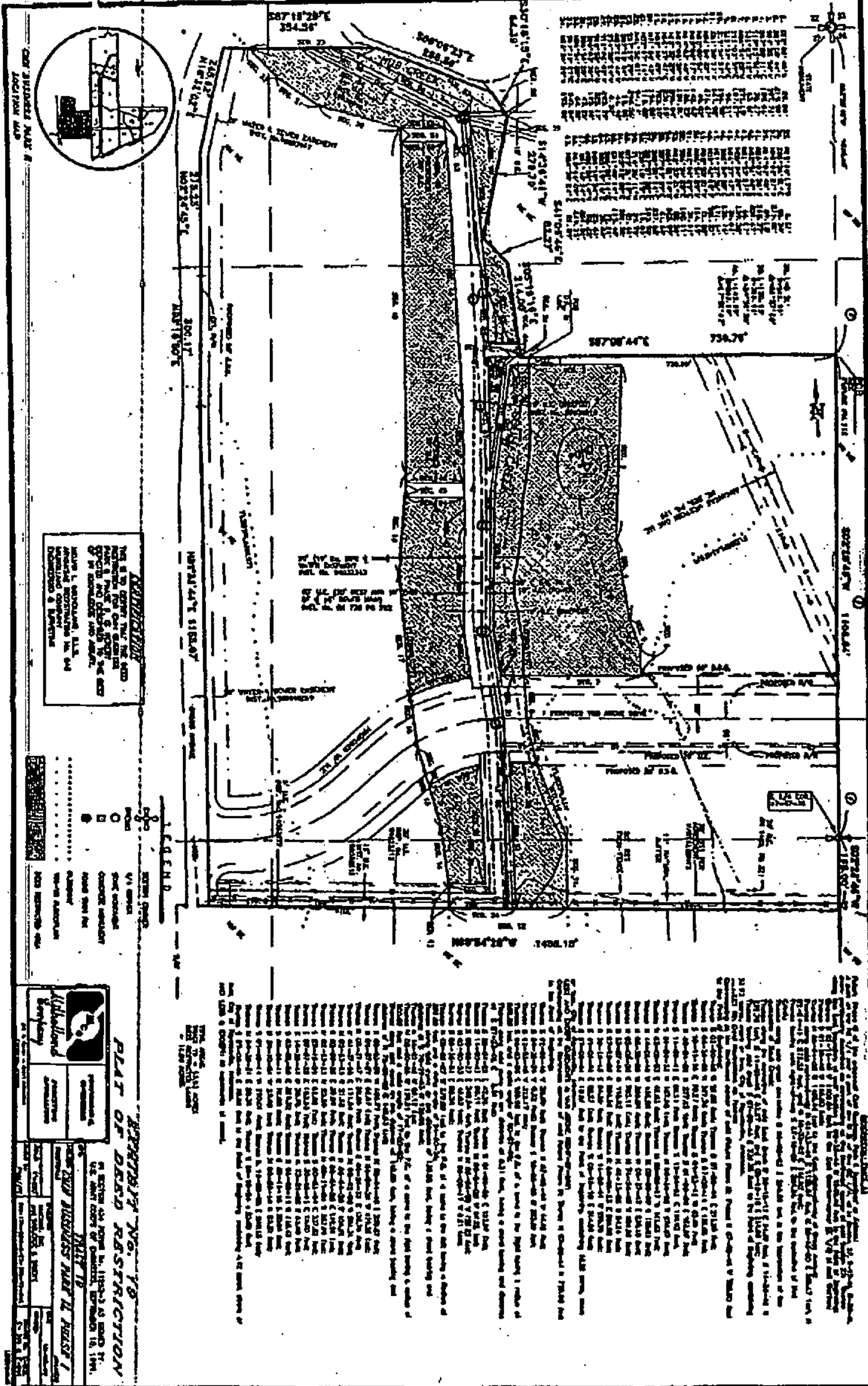
CMN Developer's portion in future phase of development	\$1,097,614.00
City's Portion East of Gregg Street	\$885,174.00
Estimated Costs West of Gregg Street	\$3,976,533.00
TOTAL ESTIMATED PROJECT COSTS	\$5,959,323.00

A concept drawing that depicts the scope of the Van Asche Extension project and the areas in which the boulevard street section can be utilized is attached on the following sheet. Please note that at the Scull Creek crossing, the street may need to be narrowed to a four lane section if a bridge is utilized for the crossing or in order to reduce construction costs.



VAN ASCHE DRIVE EXTENSION

BUSINESS PARKWAY II, PH. I



City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

4-Jan-05
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation and Economic Development
Division

Economic Development
Department

Action Required:

Approve Cost share agreement, design and construction of Van Asche Blvd. from Steele Blvd. to Gregg Ave.

\$1,982,788.00

Cost of this request

Category/Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Program / Project Category Name

Project Number

\$ -

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

X



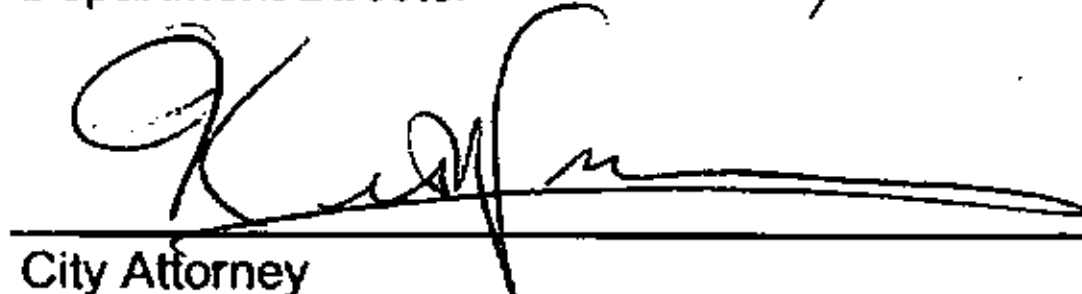
Department Director

12/17/04
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:



City Attorney

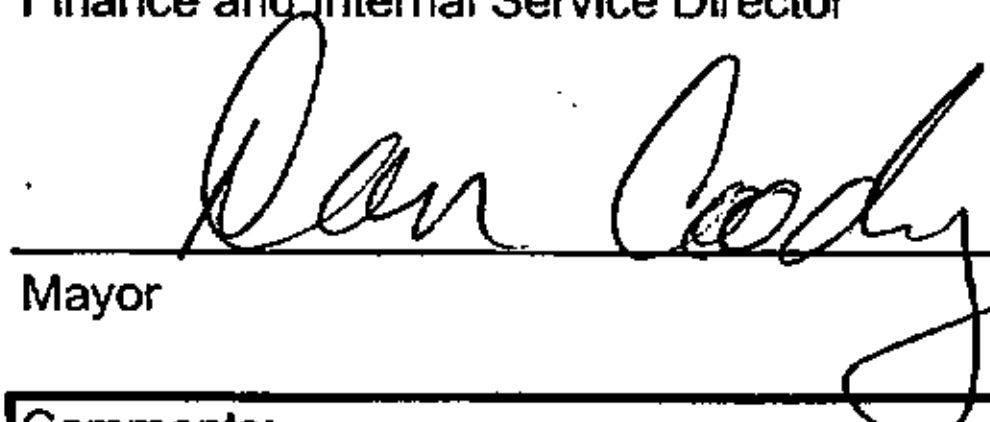
12-17-04



Finance and Internal Service Director

12-20-04
Date

Received in City Clerk's Office



Mayor

12/22/04
Date

Received in Mayor's Office

12/21/04 P.H.

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy Pate, Interim Zoning and Development Administrator

Date: January 5, 2005

Subject: Rezoning for Hays (RZN 04-1333)

RECOMMENDATION

Planning Staff recommends denial of an appeal to rezone approximately 5.73 acres of property from RSF-1, Residential Single Family 1 unit/acre, to R-O, Residential/Office.

BACKGROUND

The subject property currently is developed with a dental office on approximately 1.59 of a 5.73-acre tract located on Starr Dr. The property is bordered to the north by the Barrington Park subdivision, which is zoned RSF-4, Residential Single Family 4 units/acre. To the west, the property was developed as a Planned Unit Development with primarily single and two-family homes. To the south of this property is the St. Joseph's School. The subject property was annexed by the City in July of 2004 as part of the "island annexations", and was zoned RSF-1 at that time.

The applicant requested to rezone the subject property from RSF-1, Residential Single Family 1 unit/acre to R-O, Residential Office. Planning Staff originally supported this request, finding general compatibility of surrounding properties. The Planning Commission voted 5-3 for denial of the requested zoning change, with Commissioners Shackleford, Vaught, and Myres voting in favor.

DISCUSSION

Planning Commission discussion regarding the proposed rezoning to R-O included compatibility and the amount of property being requested for rezoning. In general, the Planning Commission found that the amount of acreage that is being requested would not be in harmony with the surrounding development, and not compatible with land use objectives and policies of the General Plan 2020.

BUDGET IMPACT

None.

December 28, 2004

To: City Clerk
From: Crystal Goedereis
Re: 1882 Starr Rezoning RZN-04-1333 J.B. Hays

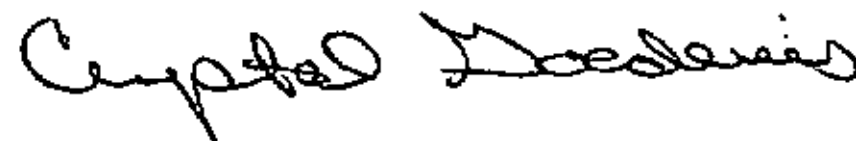
Dear City Clerk,

My name is Crystal Goedereis and I live at 1760 Starr Drive. I am the representative for J.B. Hays on this matter. We are asking for an appeal to be filed objecting to the planning commissions decision based on these findings;

- 1) Planning Staff recommended that this rezoning be passed.
- 2) That we were forcibly annexed and was reassured by the City Council that our zoning issues would be heard even though we objected to the annexation without proper zoning at the time. The Council stated, "We need to bring everyone in and then rezone because that is the only way to be fair." FAIR TO WHOM!!!!
- 3) There are several issues with this piece of property due to Starr being designated as a 70 foot collector street on the future street map such as, street set backs, parking set backs, sewer setbacks and drainage. We did not make the decision to have Starr designated as a collector nor to be annexed.
- 4) Due to the annexation it is hard to have proper insurance due to the fact that it is a non-conforming use and if the structure was to ever be destroyed i.e. fire, wind etc. it currently could not be rebuilt. The annexation has also changed the borrowing base because the property must be viewed as what it is zoned as.

In closing I would also like to say that we want and appreciate our chance to be heard at Council.

Sincerely,





PC Meeting of December 13, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Leif Olson, Associate Planner
THRU: Dawn Warrick, AICP, Zoning & Development Administrator
DATE: December 7, 2004

RZN 04-1333: (J.B. HAYS, 373): Submitted by CRYSTAL GOEDEREIS for property located at 1882 STARR DR. The property is zoned RSF-1, RESIDENTIAL SINGLE-FAMILY 1 UNIT / ACRE. The request is to rezone the subject property to R-O, RESIDENTIAL OFFICE. Property Owner: J.B. HAYS Planner: LEIF OLSON

RECOMMENDATION:

Staff recommends to approve the request to rezone the property R-O, Residential Office based on the findings herein.

BACKGROUND:

PLANNING COMMISSION ACTION:	Required	<u>YES</u>
	☐ Approved	☐ Denied
Date:	<u>December 13, 2004</u>	
CITY COUNCIL ACTION:	Required	<u>YES</u>
	☐ Approved	☐ Denied

Property description: The approximately 3.35 acres of property is located east of Starr Dr. and south of Mission Blvd (State Highway 45). This property was annexed by the City Council as part of the "island annexation" in the summer of 2004. At that time of annexation the property was zoned RSF-1, Residential Single-Family 1 unit per acre. At this time, the property contains a structure that is currently used as a dental office.

Background: The City's General Plan 2020 recommended the annexation of unincorporated islands surrounded by the city limits. This parcel was identified in the Plan as a candidate for annexation by the City. In the spring of 2004 Staff was directed to begin the process of identifying, mapping, and notifying the property owners that would be impacted. The subject property officially came into the city limits on July 20, 2004.

Public Comment: Staff has received comments and concerns with the requested rezoning from surrounding property owners. Concerns raised by property owners in the area include the type of use allowed with zoning request, possible future expansion of the current facility, access and parking, and buffering and screening.

Proposal: Crystal Goederie's, the applicant's representative, has conveyed in the attached letter the owner's (J.B. Hays) intent to retain the existing professional office building on the subject property. The applicant states that the reason for the zone change is so that the zoning designation will conform to the land use.

Request: The applicant is requesting the property be rezoned from RSF-1, Residential Single Family 1 unit/acre, to R-O, Residential Office.

Recommendation: Staff recommends approval of the requested R-O zoning based on the findings herein.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Single-family residential	RSF-4, Residential Single-family 4 units/acre
South	Vacant	R-A, Residential Agricultural
East	Single and two family residential	RSF-4, Residential Single-family 4 units/acre
West	Single family residential	R-A, Residential Agricultural

INFRASTRUCTURE:

Streets: Currently the site has access to Starr Drive. At the time of any future development, this street will need to be brought up to current standards along the property frontage. These improvements may include right-of-way dedication, pavement, curb and gutter, storm drainage and sidewalks.

Adjacent Master Street Plan Street:
West: Starr Rd. (Collector)

Water: The site currently does have access to public water. The nearest water main is an 8" main to the west along Star Drive. Water service will need to be extended within the property at the time of development. Additional connections may be required to complete looped systems.

Sewer: The site currently has access to a 6" sewer line located along Starr Dr. There also is a 24" sewer line located in a utility easement on the subject property to the north. Sewer service will need to be extended within the property at the time of development.

Fire: No response at this time.

Police: It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density nor will it create an undesirable increase on police services. Access to this property is a concern because of the road system on Starr Road. The speed and road type are of concern to the Fayetteville Police Department due to the potential for accidents but we do not believe this should prohibit the rezoning request.

LAND USE PLAN: General Plan 2020 designates this site **Residential**. Rezoning this property to R-O 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 property is currently used as a dental office and is surrounded by vacant property and residential single- and two-family dwellings. An R-O zoning designation currently exists north of the subject property at the corner of Starr Dr. and Mission Blvd. A Residential Office zoning designation allows for the development of residential dwellings, office buildings, and limited eating places with the approval of a conditional use. Rezoning the property R-O will allow for a mixed development compatible with the surrounding residential uses, as well as bring the existing use into conformity.

The proposed rezoning is consistent with future land use planning objectives, principles, and policies for residential areas. In the Guiding Policies for residential areas, Ch. 9.8d it states: "Manage non-residential development within and adjoining residential neighborhoods to minimize nuisances". Additionally, Ch. 9.8e states: "encourage mixed uses in new developments to promote better community design, maintain human scale, and enhance pedestrian activity".

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. The applicant has stated the intent is to have the land use conforming to the zoning in order to allow this use to become conforming in nature.

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

Finding: Because the property is currently used for a professional office (dentist) the

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rezoning would not appreciably increase traffic danger or congestion. Additionally, any future expansion of this use would require compliance with all applicable city ordinances.

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 not substantially alter the population density in the area, based on the R-O zoning requested.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

161.15 District R-O, Residential Office

(A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 25	Professional offices

(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 13	Eating places
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities

(C) *Bulk and area regulations.*

(Per dwelling unit for residential structures)

(1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	80 ft.

(2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses: Development	10,000 sq. ft.

Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

(3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	1,000 sq. ft.
No bedroom	1,000 sq. ft.
One bedroom	1,200 sq. ft.
Two or more bedrooms	
Fraternity or Sorority	500 sq. ft. per resident

(D) *Density.*

Units per acre	4 to 24
----------------	---------

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in R-O Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back with any boundary line of any RSF or RMF District an additional distance of one foot for each foot of height in excess of 20 feet.

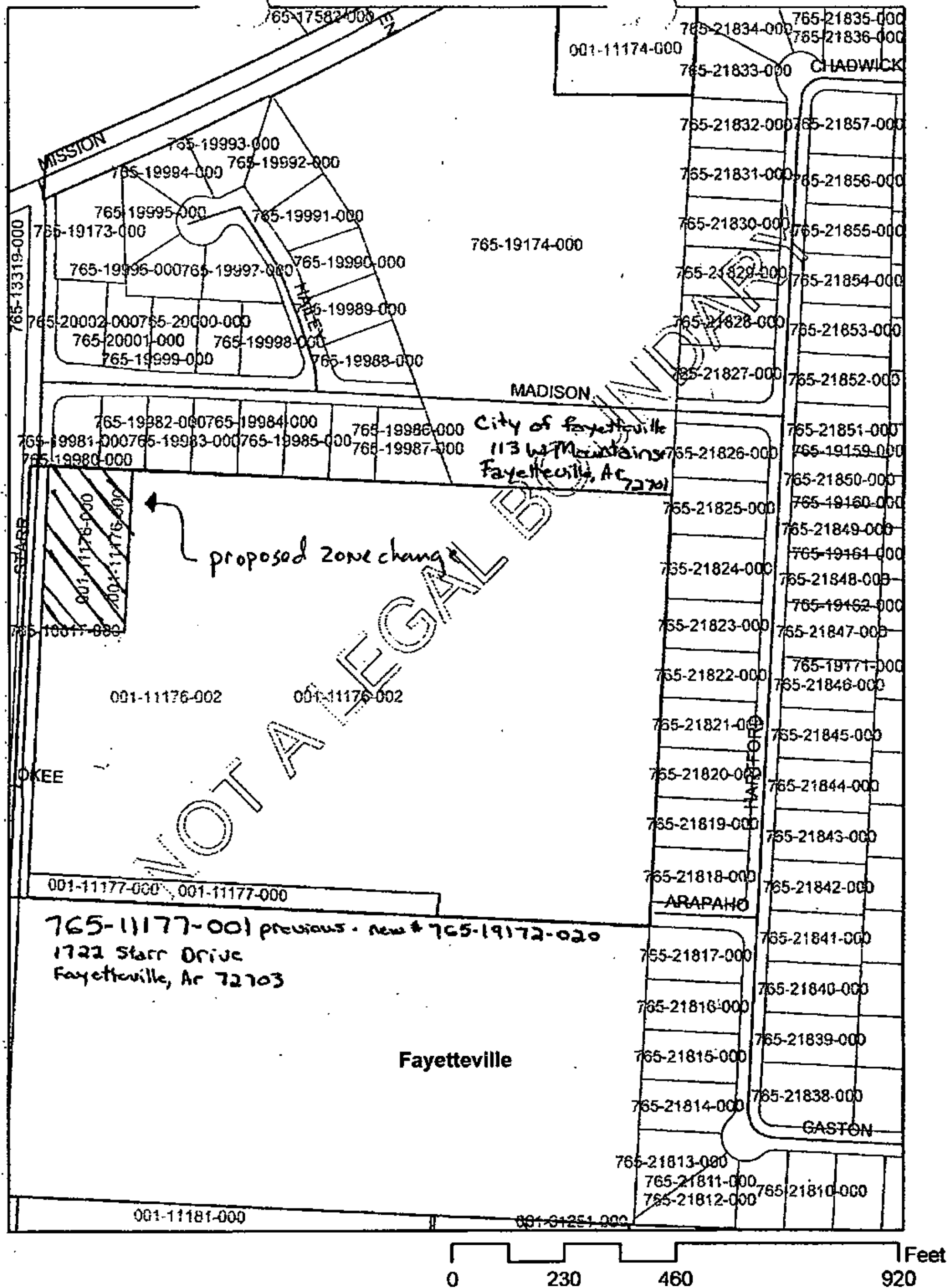
(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

To: City Planning Commission

Re: In response to questions 6&7 on application

- 6
 - a) J. B. Hays- no plans to change at this time.
 - b) This has always been an office and it should be maintained as one.
 - c) The property relates well to surrounding uses. There is R-O on Starr, Highway 45 and Highway 265.
 - d) See map. This location is currently served by city water and sewer.

- 7
 - a) The land use planning objectives is to keep the area maintained as is, that is what we are proposing.
 - b) The zoning is needed to protect the property in case of a fire that the office could be rebuilt.
 - c) It has always been an office since it was built and is one now therefore no increase in traffic would occur.
 - d) The office will not alter the population density and as I have previously noted it already has city water and sewer.
 - e) When we were forcibly annexed the city council bought this piece in as RSF-1 It has never been RSF-1 and therefore should be zoned what it has always been used for.

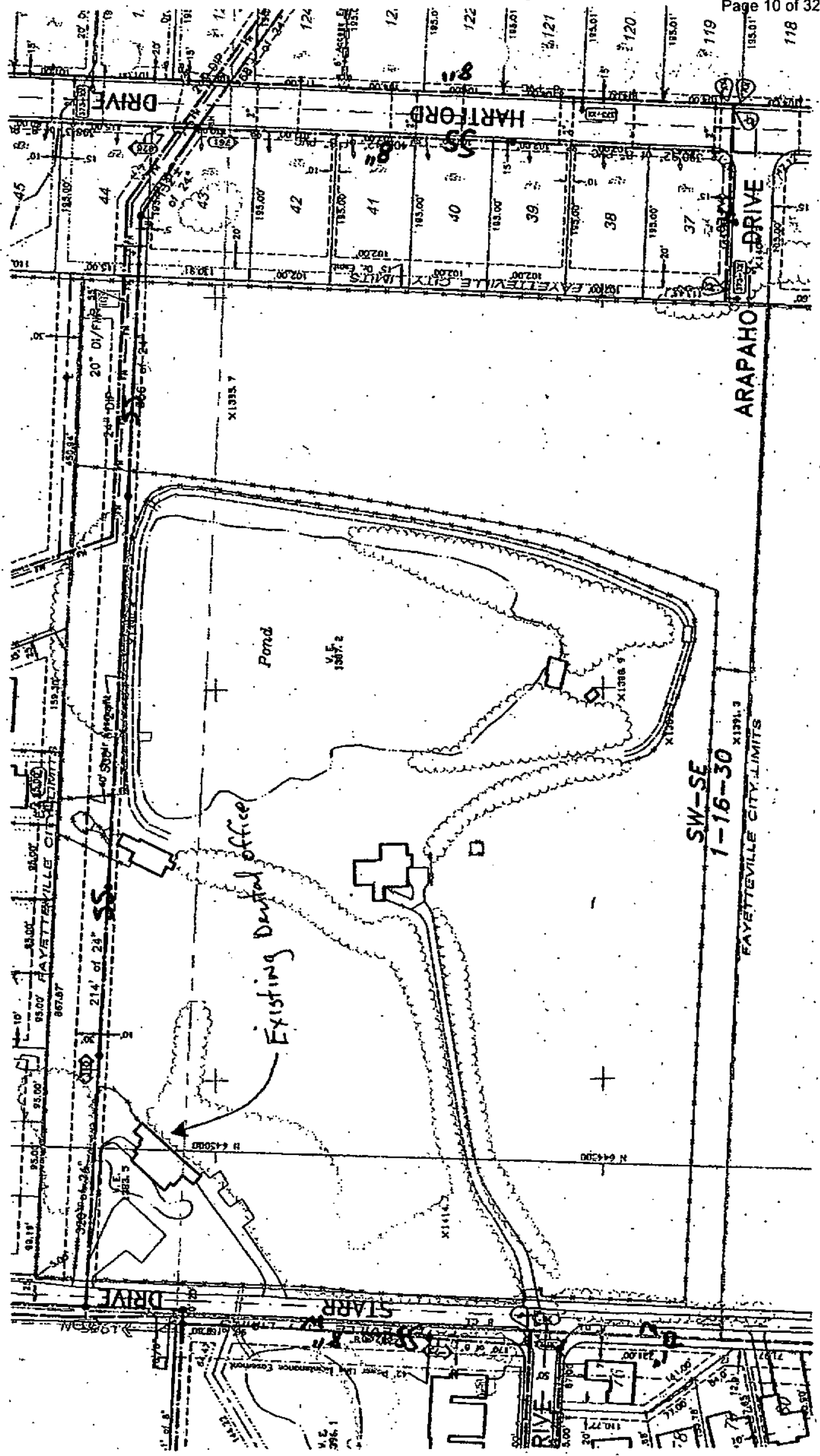


County Disclaimer:

This map was created by the Washington County Assessor's office and in accordance with Arkansas Code 15-21-502 (2) (B), which states "The digital cadastre manages and provides access to cadastral information. Digital cadastre does not represent legal property boundary descriptions, nor is it suitable for boundary determination of the individual parcels included in the cadastre," and Arkansas Code 15-21-502 (6) which indicates that "Digital cadastre" means the storage and manipulation of computerized representations of parcel maps and linked databases."

This map has been developed from the best available sources. No guarantee of accuracy is granted, nor is any responsibility for reliance thereon assumed. In no event shall said Assessor's office be liable for direct, indirect, incidental, consequential or special damages of any kind, including, but not limited to, loss of anticipated profits or benefits arising out of use of or reliance on the map.

The parcel lines shown are considered a graphical representation of the actual boundaries. The Assessor's office is in no way responsible for or liable for any misrepresentation or re-use of this map. Distribution of this map is intended for informational purposes and should not be considered authoritative for engineering, legal and other site-specific uses.



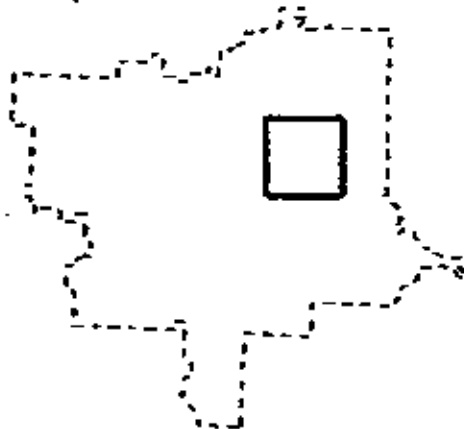
RZN04-1333

One Mile View

J.B. HAYS



Overview



Legend

Subject Property

RZN04-1333

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

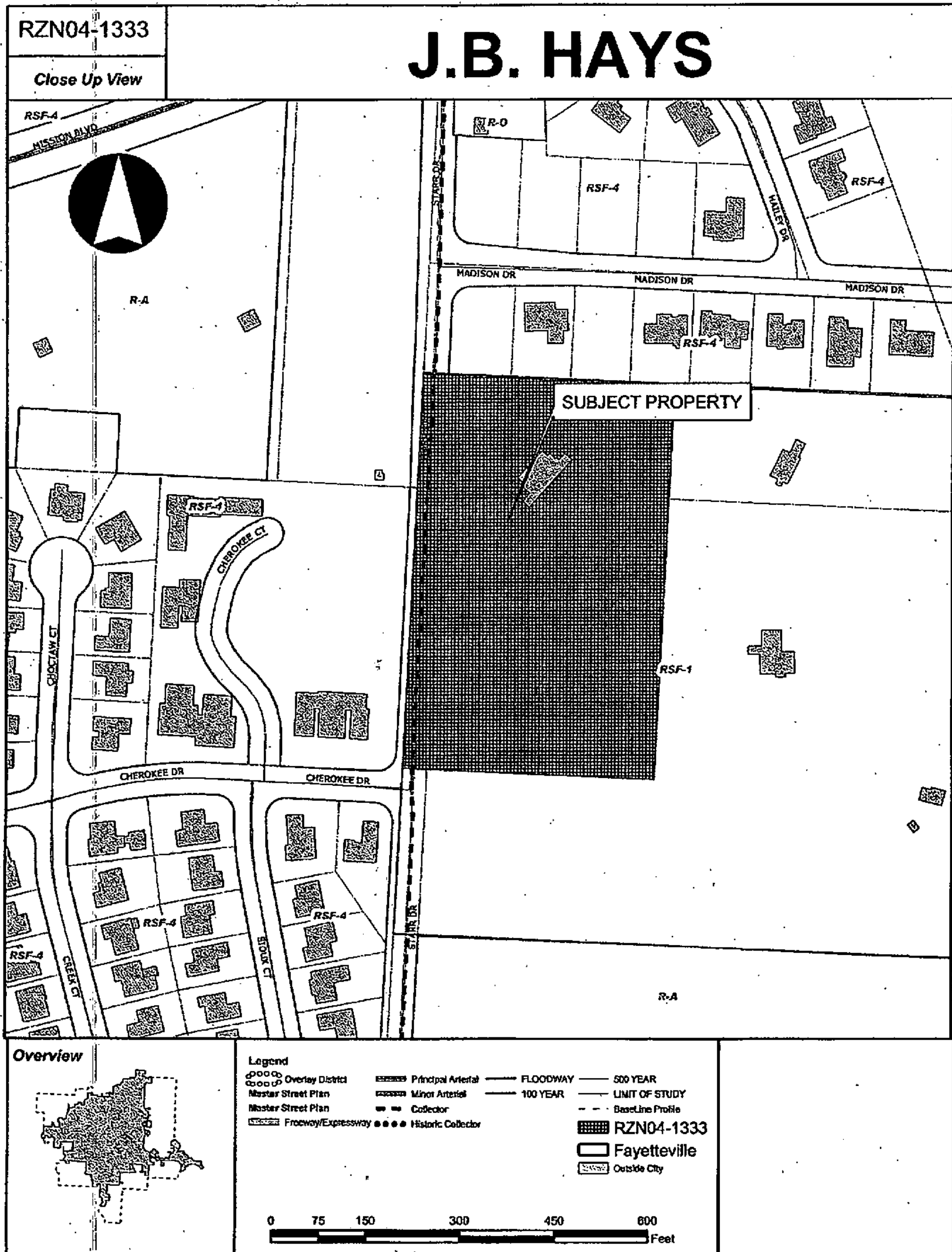
Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8
Miles



Planning Commission

December 13, 2004

Page 72

RZN 04-1333: Rezoning (J.B. HAYS, 373): Submitted by CRYSTAL GOEDEREIS for property located at 1882 N STARR DRIVE. The property is zoned RSF-1, SINGLE FAMILY - 1 UNIT/ACRE and contains approximately 5.73 acres. The request is to rezone the subject property to R-O, Residential Office.

Ostner: The last item on our agenda is RZN 04-1333 for JB Hays.

Olson: This is another portion of the same property that was brought in with the island annexation. This property is zoned RSF-1, it is located at 1882 Starr Drive. It is approximately 3.35 acres and currently there is a dental office that exists on this piece of property. It is an existing non-conforming use right now with the RSF-1 designation. The applicant is requesting a zone change to R-O, Residential Office to bring this dental office into conformity. Staff has received some comments and concerns from surrounding property owners. Most of these include the type of use allowed with the zoning request. The possible future expansion of the current facilities, access with the parking, buffering and screening and things of that nature. The surrounding land use again, is primarily RSF-4 and R-A. However, at the corner of Mission and Starr Drive there is an R-O designation with an existing bank facility there. This site has access to Starr Drive. At the time of any future new development this street would need to be brought up to current standards along the property frontage. It does have access to public water. It has access to public sewer. The police department is of the opinion that this rezoning will not substantially alter the population density nor create an undesirable increase in police services. For this rezoning request staff does recommend approval for the R-O designation.

Goodereis: My name is Crystal Goodereis again. This is a little bit of a different nature of a beast. What we are dealing with here is we were forcibly annexed. The dental clinic has existed for over 16 years. It has always been there. What we have done is we have segregated that part out and said we needed to make it R-O. I live at 1760 Starr, which is probably two stones throw away from the dental clinic. Currently right now we have our animals out in the front pasture. The ground is not going to change, the use or anything else. What we are doing is protecting our rights, if it went vacant, as you just heard a discussion, for six months or so that we could still use it as a dental clinic or whatever we deem necessary in that space. Starr is also slated to be a collector road, which means that it is going to be a 70' wide road. In doing so, it would take out a lot of the parking for the front. Therefore, that is why the R-O designation for further up for parking for the dental clinic is necessary. We don't see any problems with it. We are not planning on changing that as long as I live at that property there will be nothing developed in the front of it. All we are going is bringing a non-compliant into compliance which we were forcibly

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annexed to do so. If you have any questions I would be glad to answer them.

Ostner: I will open it to the public. Would anyone like to speak to this rezoning request?

Long: My name is Larry Long, I am the president of the Starr Drive association. We are a long standing association of about 60 homes that obviously, go along and around Starr Drive. I did not bring all of the letters and emails but my neighborhood association has met both face to face and electronically and I guess all of us can be very thankful that I didn't bring all of those tonight to read to you. In fact, I will try to be brief. I can give you the essence and you are just going to have to trust me that I'm an honest person. They were strongly and uniformly opposed to any type of development in our neighborhood that is inconsistent with the character of the neighborhood. We felt that both of these proposals on this property were indeed inconsistent with the character of our neighborhood. Our association was honored to come before this body about 10 years ago on another proposed development in our area. You were kind enough to listen to us for almost an hour and a half as we made presentation after presentation and engineering studies. It all came down to does this property fit? Is it compatible with the other homes and the properties in the area? The commissioners voted overwhelmingly that it was indeed, not. It was denied. The truth be known, either one of these proposals tonight are far less compatible than this one that was denied 10 years ago by this body overwhelmingly. However, we are not against the RSF-4. We think that is fine and we are happy to invite that type of development. We expect it. Our primary concern is with the R-O designation. To expand anything that is commercial smack dab in the middle of a residential, almost rural neighborhood, for those of you who may or may not have visited our location, is probably inappropriate. Driving by there the other day I saw 12 cars in front of the dental clinic. To be honest with you, I was unaware that it was a dental clinic. I thought it was a facility that manufactured dental apparatus so I would like some clarity on that and what is allowed in the R-O designation. I think it is our opinion that if you are going to have this type of property and expand it, this would be a two, almost three fold expansion of a property that already has 12 cars working in an apparently light manufacturing type of environment. Are we talking about 50, 60 or 100 cars in the near future? These of course, are our fears. Would there be another location in Fayetteville somewhere, a light industrial area, an empty mini mall that might be more appropriate for this kind of an activity. We understand that there was a dental office, Dr. Stanberry did operate there for many years but that was a dental office with one, or for a short while, two dentists were there. It was very, very light activity. Perhaps this whole discussion is premature. It invites a

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PZD: We certainly want to know what is going to happen before anything transpires. Thank you very much.

Ostner: Thank you Mr. Long. Is there further comment about this rezoning issue?

Hopmann: My name is Cheryl Hopmann, I live at 3551 Madison Drive. I have a question about two concrete structures that were started that are directly behind my house, about 10' from my fence and go the entire width of my property and onto the properties on both sides of me. My question is just how do the zoning decisions that you are going to make tonight, how do they affect those structures? Will they be completed or will they be left as they are? That is my question.

Ostner: I will try to get to that when we close the discussion.

Marx: My name is Ronnie Marx, I live in the 1600 block of Starr Drive with my family, which is barely two blocks from this proposed change. We believe that this thing is properly zoned single family one and should remain that way. The dental office did not pose an issue for us when it was a dental office. I don't know what it has transpired into today since it has new ownership but in the past as a family dental thing it has not been an issue. I don't see why a family dental place can't continue to exist with this zoning. We believe that this is correct. It is right smack in the middle of single family and we are very concerned with R-O and what it could bring in the future with new ownership of the property or even this ownership of the property. People change their minds. As you mentioned earlier, things change. That is what we are concerned about. Almost seven years ago we were drawn to this area because of large lots with the houses. We had a little breathing room, a place for our kids to play baseball in the front yard and things like that and we believe it should remain that way and ask that you please tonight let this remain the way it is. Thank you very much.

Yang: We live at 3437 E. Madison Drive, right behind the dental office. We are glad that the dental office was eventually annexed into the city because in March when they first moved in there was a lot of noise. We found out there was nothing that we could do at that time because it was in the county. They wanted to build an internal driveway coming up north of the house which comes against our property. For some reason they abandoned it because I think the water storage kind of cut it off. This summer when they annexed, we had a lot of concerns, the same as Larry mentioned. Once we rezone that into R-O it kind of opens up a new avenue for a lot of things. The irony of that, if we don't approve that, if we oppose it what difference does it make? They are grandfathered in as a dental office so it doesn't matter if you approve or disapprove. I do not know. This is a fundamental question I have regarding what we can do

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into making a difference. I guess that would be a fundamental issue for the development. Also, I think if we have no commercial development at all and no office expansion particularly coming towards the north, which is our property because there is not much room there anymore. Also, I would like to find out what they are going to do with the north part of the internal driveway. I hope that they can simply abandon that because it is coming up real close to the property and they have plenty of space south going down Starr Drive to expand. That would be our concern also is how they reuse the land and what will happen with this property.

Taylor: My name is John Taylor, I'm a member of the Starr Drive association. I am here to tell you that Larry Long didn't lie. There is a large group of people that are opposed to this application. I am one of them. That area, as you all know, is a residential area. It is best as a single family home area. Those that have bought homes in the area and continue to live there believe that. I believe it as well. The staff did mention that there is R-O on the corner of Mission and Starr, that is almost 1/2 mile away to the north and it is on Mission, it only happens to be partly on Starr. Starr Road, as you all know, is primarily single family dwellings or agriculture. I request respectfully that you maintain our single family neighborhood and reject the R-O application.

Ostner: Thank you. Is there further comment from the public?

West: I am Steve West and I live on Madison Drive. We bought our house a year and a half or two years ago. I know that there is an empty field behind us and I'm not fool enough to think that it is going to be like that forever. We were told that that is zoned for residential and so we rolled the dice on that. We thought that if they were to build something we expected houses. I never envisioned that there is a possibility that I might be looking back at an Appleby's or an insurance office. That is what really bothers me about this. It was zoned for residential and I would expect that it be kept as residential.

Ostner: Is there further public comment?

Seaton: I'm Tonya Seaton, I live at 1132 Huntington Drive. Our property is just south of the Starr Drive property that we are talking about tonight. I agree with everyone else here but I just wanted to be heard that this property has no business being zoned R-O. It is strictly residential. My concern, I don't know if anyone else mentioned this tonight, that is a scary road that we live on, Starr Drive. There is a hill right there where that property is if you have ever been out there. As you top that hill if there is some kind of office with lots of cars there, there are going to be some accidents. We need to consider that road there. We don't need anymore cars on it than what are already there. We have a school there now and I pray every day

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that there is not an accident. Cars just fly through there. The police are right. They can't control it enough and they can't handle anymore businesses out there. They have no business to be in there. We just like it the way it is. Thank you.

Ostner: Would anyone else like to speak? I am going to close it to the public and talk to the Commissioners. I have a question for staff. These reports got a little mixed up at this point. Is this the report that I'm supposed to be reading where you all are recommending R-O?

Pate: Yes.

Ostner: If you could just shortly explain that.

<Laughter in Public Forum>

Pate: Staff's recommendation for this property, speaking with the applicant, it was annexed as an island and the City Council voted that the future land use plan does show this specific area to be residential. North of this is to be mixed use. Approximately 350' based on the scale of this plan is R-O property. Directly to the west of this property, adjacent to it was a property that was developed as a P.U.D. several years ago in the 90's as a two family residential development. South of this property is the St. Joseph's school that was recently constructed. There is an existing mixture of uses in the surrounding area. Granted, directly to the west there are single family residences. To the east, on this property proper there is an agricultural type of use. The other requested rezoning and Barrington Park subdivision to the east. Staff feels that the use is consistent with our General Plan and the Future Land Use Plan. Those the impotence for this request is to bring the use into compliance, obviously, we have to look at it further than just the use as we looked at the other request tonight. We believe that this use is compatible with this area. A Residential Office use does not necessarily dictate it has to be an office type of use. It can be purely residential, it can be single family residential, two family residential and we have gone over the other uses that would be allowed by right within the R-O zoning district. Just to reiterate, they would include single family dwellings, two family dwellings, office, studios, related services and professional offices.

Allen: I would like to know if the applicant has met with the neighborhood association and tried to way lay any of their concerns in any manner.

Goedereis: Mrs. Allen, I have lived on that road for a year and two months and I never knew they existed. I have redecorated, re-landscaped and everything else. We met with Barrington because we knew they were there. Honest as I stand here I did not know a Starr Drive association was

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there. I met with the neighbors on Cherokee because I did know some of them so we have talked with some of them. As far as it goes with alleviating some of their fears, we are not planning on doing anything. First of all, Starr is on the future street use as a 70' collector. Before anything was done out there you would have to go ahead and improve the streets, as you have pointed out all night long. It is not feasible to do that. All we are trying to do is to bring a non-conforming use into a conforming use. I understand some of their concerns and I too share them.

Allen: I think so often just conversation can take care of things and I just wondered if those efforts have been made.

Goedereis: I did post my phone number at a friends house for anyone who had any concerns. Nobody called me. I did not know that there was an organized person nor did I know Larry Long or I assure you that Dr. Hays and I would have met with them the same as we did with the people at Barrington. We are not here trying to hide anything or say anything, we are doing it just exactly by the book as we were told that we needed to do it. We are certainly not afraid to hear comments or concerns just as we did with Barrington and we came up with what we think is an admirable solution to that situation.

Allen: That wasn't my indignation. I just think that so often people's concerns can be tended to with some face to face conversation.

Goedereis: I agree whole heartedly but I'm telling you standing here living for a year and two months at 1760 Starr Road I never even knew there was one that existed.

Allen: Then I wanted to ask staff if this rezoning were pulled and they had a Conditional Use could you have a dental office there?

Pate: Not in the RSF-1 zoning district.

Vaught: What about the RSF-4?

Pate: A dental clinic is located under Use Unit 12, Offices, Studios and related services, which is not a Conditional Use in either one of those zoning districts.

Ostner: The compromise to me would seem to be a PZD which is not really being proposed. That is the juggling area between the residential and commercial that more angles are scrutinized.

Goedereis: I agree completely with you Mr. Chair. Unfortunately, you don't have a non-development PZD. We are not developing any of it. Therefore, we

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cannot defray the cost on something we are not developing. That is why we couldn't go with a PZD. We waited around and tried to wait, Jeremy knows I waited three months to submit this, but it is hard for us to even get insurance with a non-complying in a situation since we have been forcibly annexed into either the dental lab or anything. Insurance companies do not want to insure you when they are not sure that you are going to be able to rebuild. All of these issues have hit us head on too. The PZD, we would love to go with a PZD but we can't. We are not developing it. We can't do a conceptual PZD. We have to do an actual one. There is probably approximately 17 acres of this ground that is not going to be touched from RSF-1 because we want to maintain our grandfatheringship and be allowed to have our R-A there. If we change the zoning and go with a PZD we could get into a technical situation with that.

Ostner: This is extremely difficult because I completely agree with the residents that the flavor is purely residential. I can also see staff's saying that there is a mixed use in the area. There really is. Starr Drive is a collector but it doesn't have to be expanded or built upon without a development proposal, not a rezoning proposal.

Anthes: As we learned earlier this evening, as long as this business remains in operation without a six month lag in time in this zoning are they allowed to continue a business as this dental office or a similar use as long as the building is maintained and rented continuously?

Williams: As long as they are continuing to use it, yes. However, this is the same sort of situation that Jeff Collins faced when he asked for a rezoning because he had built a structure that was a non-conforming use because we had made a mistake and did not have the land labeled properly. He has insurance problems, refinancing problems and things like that. That would remain although his business, as long as it continued, did not have a six month gap, could continue to operate and be grand fathered in as a non-conforming use.

Anthes: I guess I don't see it the same as the Collins property because number one, this wasn't a zoning mistake and number two, I don't think it has the same sort of adjacency as that property. However, we do have a school that is right by there that has a large parking lot and a lot of activity and people coming back and forth. It is not absurd to think of neighborhood commercial centers around schools and that kind of thing developing as we have in other parts of town. I am kind of alarmed however, that whenever I look at this I see that it is nearly six acres of property. I think about how much development that would be allowed by right on nearly six acres if we rezoned out of hand. As staff pointed out, the R-O designation doesn't necessarily mean offices will develop but it would allow multi-family and right on the same piece of property we just stepped down a

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request for multi-family zoning and said that was inappropriate, it needs to be single family.

Vaught: I think it is only 3.35 acres, is there a typo in the report?

Anthes: The report says 5.73 acres.

Graves: It got corrected.

Shackelford: Is it 3.35 or is it 5.73 acres?

Olson: What has happened is the legal description that we were given earlier actually split the dental office and so the applicant came back with a new property description, which we have the right maps however, the acreage at the beginning is not accurate.

Pate: It should be 5.73 acres. Just to clarify, Use Unit 26 is not an allowed right in this zoning district.

Anthes: Duplexes or a mobile home park would be by right.

Allen: If the applicant has no plans to build and the business stays exactly the same and is grand fathered in then I don't see the need to rezone.

Goedereis: I guess Ms. Allen, the only reason that we have the need to rezone is our insurance issues and our assurance that if the clinic burned down we could rebuild it because right now under present zoning it couldn't be rebuilt. As Brenda Thiel pointed out, when we were forcibly annexed in we asked to not be annexed, to leave us alone. They couldn't do that. Then we asked that we please address these issues right then and there. The City Attorney may remember back, they would not do that for us because they said they needed to bring all of the bodies in as one zoning but if I had any problems I could always go through the zoning to get it rezoned and they assured me that that would be no problem because it is a non-conforming use because it has been there for 16 or 17 years. That is the reason. If it burned down tomorrow we could not rebuild, not even under the grand fathering clause if anything happened to it. We are just trying to bring it into the way that the city brought us in to be conforming with the property use. The reason that someone had a question about the 5.73. Dr. Stanberry owned both pieces of property, he did not acquire them from the same person. When he went to build his clinic the legal for the first piece of ground, the little bitty corner, the 1.59 that he had gotten, he just acquired that so that he could build his clinic. What he did is he built it right on the property line. It divided that dental clinic, as staff pointed out, exactly in half. All we did was make it a triangle. One of the reasons that we did that was to protect the parking. When Starr, not if, but when Starr

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becomes a collector street that is on the future road map we will need the extra space up above for parking because you will alleviate our parking lot. There will be no place to go. We just took a rectangle. I believe staff included a map in that so that you can see exactly what we are proposing and how we are proposing it. When Starr moves out to that 70' collector it will take and cut almost all of the parking lot out so the parking will be forced towards the school.

Shackelford: This map that shows the specific triangle that we are rezoning, I'm confused between 3.35 and 5.73 acres, what we are being asked to rezone. Here is where I'm coming down on this. I am in somewhat agreement that this is comparable to the situation we had in west Fayetteville where we had a zoning mistake. It is not a zoning mistake on this but there is a forced annexation. As I look at this property is it purely residential, probably not. Is it mixed use? It is getting to be that. Will Starr look significantly different in the future? Absolutely. It is designated to be a collector and this area of town is going to change. My concern is are we rezoning more of a node here to R-O than what we need to rezone? That is what I'm wanting to look at. Specifically what tract, this triangle that I'm talking about, I'm confused. Can you point me to a page?

Trumbo: I see rectangles, I haven't seen any triangles.

Goedereis: The confusion that you are having is coming from asking if it is going to the full boundary. No it is not. The boundary that it is set for is if you can see on the aerial pictures, where Cherokee is, what Mr. Jenkins surveyed out was a direct rectangle starting right approximately at the Cherokee line and heading north towards the end of our property. That makes a direct rectangle. It only goes back into the property approximately 200' and that just encompasses the back of the dam off of that part. It is just a plain rectangle.

Allen: Could you just rezone an acre of it?

Goedereis: An acre wouldn't encompass the dental clinic. It was on 1.59 acres. There you go again, we will still have the issue of the parking. That is why we did what we did. When Starr becomes a collector, as you can see from that aerial, Starr right there is narrow. When it becomes a collector it will take out our parking. We went straight up to Cherokee and made a straight rectangle and back down.

Anthes: I'm looking at this and it looks like if we come out Cherokee Drive and come out straight and make a rectangle that Crystal is talking about the access to the existing house will go through this new tract of land. Would there then be an access easement through the property? Are we splitting that? I'm confused. How do we rezone just a piece of it?

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Shackelford: By legal description. There are two legal descriptions associated.

Goedereis: We are not wanting to change the rest of it because we will not get rid of the animals. We were forcibly annexed in. Therefore, we are keeping the animals. As I said before, the PZD is not an option.

Trumbo: My question is why are you asking for over five acres to rezone just a small dental office?

Goedereis: The dental office isn't so small. If you could actually see it you would understand. It is situated on the piece of ground in a pie shape, I don't know how else to better describe it. Therefore, it takes out a huge chunk right there. The almost three acres that it sat on before, that was divided completely in half. Therefore, we had to extend the boundary back further and go up. All we are trying to do is do this one time in order to get our driveways and everything in there for when Starr becomes a collector. We know that it is going to. We just don't know when. I can stand here as sure as I'm standing here and tell you there is no future development planned for that.

Anthes: We understand that. You have to understand though that these land use rights convey with the property. You can sell this tomorrow and somebody else could have a very different idea. We have to look at that.

Goedereis: I agree totally but you asked why we asked for that and that's why. When we went to get it surveyed we didn't want to pay for a survey. We were satisfied with just doing it with the property the way that it was, that wasn't an option because staff called me up and said hey, it is going right through the middle of the dental clinic, we can't divide a structure. That's when we had to pay a surveyor to come out and resurvey it and that is why the easiest option was to go with a rectangle. We had 24 hours to do that.

Pate: Mr. Williams, I know that it is not appropriate for the Planning Commission nor the staff to require or request a Bill of Assurance limiting develop on this property. However, we would be happy to speak with the applicant to see if that is something that she would like to offer limiting development on this property.

Williams: I wouldn't even want to suggest it. It is something that has to be totally voluntarily given. You just need to make a decision as the Planning Commission on what has been presented tonight by the applicant. Although you can change a rezoning request to a different rezoning you can't make it smaller. You can't do a lot split for them and say we will do part of it but not all of it. Keep in mind too that obviously, the City Council is going to make a final decision on this. You are just giving a

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recommendation to the City Council and they will get to listen to the citizens again one way or the other and also Dr. Hays and Crystal also. I would encourage you, since it is almost midnight, to go ahead and make a decision on the request that has been requested tonight and if the applicant wants to change something in the interim by talking to the Planning Division they can certainly do that. I don't think we can do any changing for them.

Anthes: I took a note here when one of the neighbors was speaking and there was something here about some additional structures that were under construction that were left incomplete. Is that on this property?

Goedereis: Yes, it is on the property that is not being addressed. That is going to be a garage. It complied with and confirmed with the county at the time. We were told being as we were annexed in, that would not stop us from building.

Anthes: That is not on this property?

Goedereis: No.

Anthes: That is what I was confirming.

Shackelford: Based on the City Attorney's opinion and the fact that anything we do is a recommendation to an elected board that will make a final decision I am going to make a motion. As I stated earlier, this was a forced annexation that brought this property into the city. Also, as I stated earlier, I don't think rezoning is the responsibility of fixing non-conforming property. I think a rezoning is more towards the future land use of the property. The big question is is this a mixed use area or is this a purely residential area? There is basic argument for both sides to be made. Where I am going to come down is that the property has been used as a Residential Office in the past. There is mixed use in this area and it is on a road that is designated to be a pretty significant road in the future. With that being said, I am going to make a motion that we recommend approval of RZN 04-1333 with the specific designation of R-O.

Vaught: I will second. Thank you for the citizens who turned out and held in there through a very long meeting. My encouragement would be to me this is in a way another policy decision we talked about earlier. Please contact your council members and let them know your feelings. This will all be addressed at that level as well. I would encourage the applicant to continue to meet with the neighbors and maybe find other ways to help alleviate some of the fears of what could happen on this property. I think there are other means necessary.

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Allen: You certainly know that there is a neighborhood association available now.

Shackelford: I would also like to add for the record that part of the reason I'm making this recommendation, the property has a pretty significant easement through the middle of it to meet the existing house and there obviously, would be a lot of off site improvements that would be required. I think that if this property were to develop prior to Starr Drive being improved it is going to be somewhat cost prohibitive. I think we are somewhat lucky by the situation that the infrastructure or lack thereof is in such dire need that likely if any development happens on this property it will be years down the road when I think that this part of town is going to look significantly different.

Allen: Commissioner Shackelford, I wondered other than the school, where you are seeing this mixed use from driving out there I am not aware of where it is.

Shackelford: The P.U.D. across the street, the multi-family uses, obviously, the school.

Ostner: The P.U.D. is not across the street, it is further down.

Shackelford: I think the school is primarily.

Vaught: The P.U.D. is directly across the street, look at the map and also the R-O on the corner of Mission and Starr.

Trumbo: I am going to vote against this based on Use Unit 11. This is significant acreage to me and Use Unit 11 allows manufactured home parks and even though I don't believe there is anything planned here and there is nothing underhanded, that is not an appropriate place for that use and for that reason I am going to vote against this and let the aldermen fight it out.

Ostner: I am going to fall on the nay side of this. I don't think R-O is quite appropriate here. I know we have a P.U.D. across the street. It looks like a residential P.U.D. to me. Just because it is a P.U.D. to me does not make it mixed use enough to warrant the uses that come with this R-O zoning district in this particular space so I am going to vote no. We have a motion and a second. Is there further discussion? Could you call the roll please?

Roll Call: Upon the completion of roll call the motion to recommend approval of RZN 04-1333 failed by a vote of 3-5 with Commissioners Graves, Trumbo, Allen, Anthes and Ostner voting no.

Thomas: The motion is denied.

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Ostner: With a rezoning request I have seen the option for a different zoning.

Williams: The petitioner can appeal to the City Council or look at a different zone.

Ostner: Are there any announcements? We stand adjourned.

Meeting adjourned: 12:10 a.m.

Received 35 of
this petition

December 06, 2004

I am a homeowner and would like to protest RZN 04-1332: (J.B. HAY, 373); Submitted by CRYSTAL GOEDEREIS for property located at 1760 STARR DRIVE. The property is zoned RSF-1, SINGLE FAMILY-1 UNIT/ACRE and contains approximately 5.99 acres. The request is to rezone the subject property to RMF-12, Residential Multi-family, 12 units per acre.

Property Owner: JB HAYS

Planner: LEIF OLSON

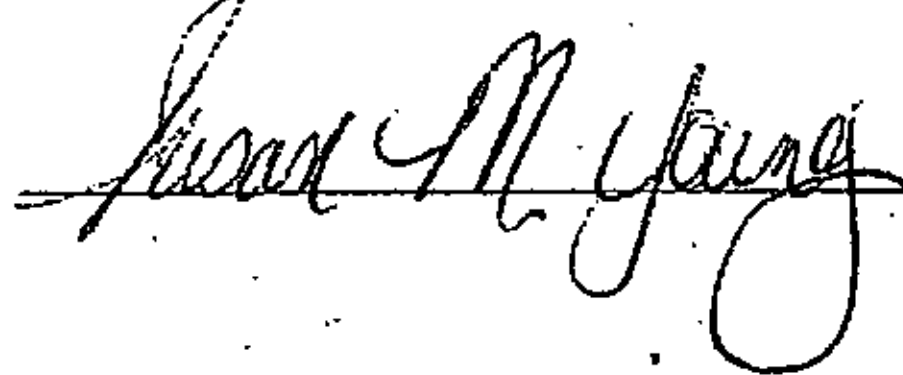
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Property Owner: JBHAYES

Planner: LEIF OLSON

I AM AGAINST ANY ZONING CHANGE FROM SINGLE FAMILY TO MULTI-FAMILY FOR THESE PROPERTIES.

Signed:



December 06, 2004

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Property Owner: JB HAYS

Planner: LEIF OLSON

I would also like to protest RZN 04-1333: (J.B. HAYS, 373): Submitted by CRYSTAL GOEDEREIS for property at 1882 N STARR DRIVE. The property is zoned RSF-1, SINGLE FAMILY-1 UNIT/ACRE and contains approximately 3.04 acres. The request is to rezone the subject property to R-O, Residential Office.

Property Owner: JBHAYES

Planner: LEIF OLSON

I AM AGAINST ANY ZONING CHANGE FROM SINGLE FAMILY TO MULTI-FAMILY FOR THESE PROPERTIES.

Signed: Ran & Marie Schroeder
2082 Hailey Drive

We are against rezoning of this property due to following concerns:

- 1) Most importantly are property values of our homes that we take much pride in. It is an investment to us. This complex would no doubt impact our resale value.
- 2) Starr Road CAN NOT handle the increased traffic flow. St. John's school has already made the traffic flow heavier esp. in Am. My children cross Starr Rd. to go to Vandergriff. I'm concerned about their safety with even more traffic in that area!

JERRY D SWEETSER
1907 STARR DRIVE
FAYETTEVILLE AR 72701

DECEMBER 15, 2004

CITY OF FAYETTEVILLE
PLANNING COMMISSION
113 WEST MOUNTAIN
FAYETTEVILLE AR 72701-6083

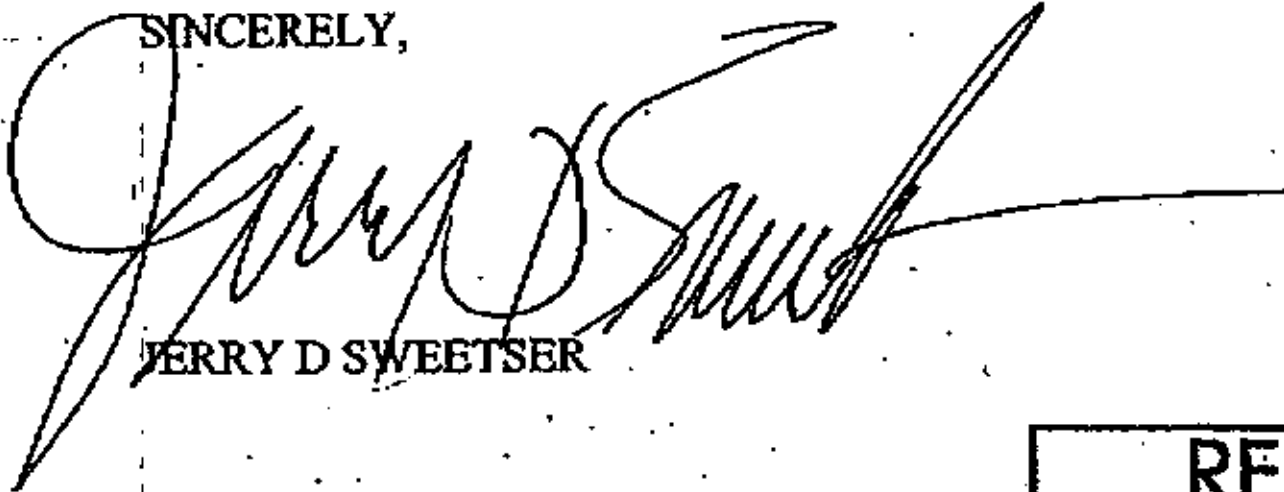
RE: REZONING MEETING
DECEMBER 13

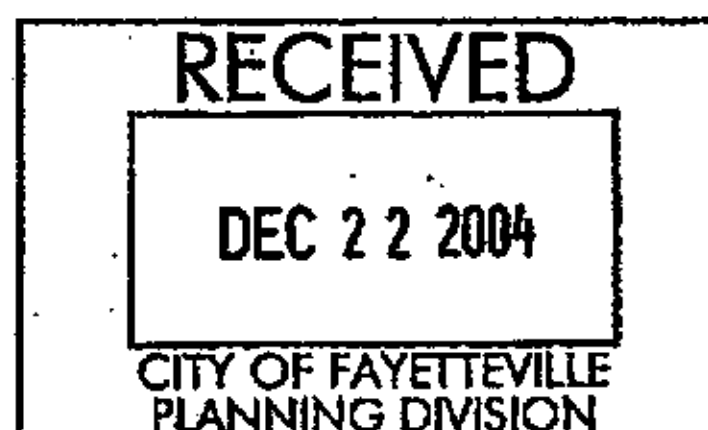
TO WHOM IT MAY CONCERN:

WE HAVE NO OBJECTION TO THE REZONING OF RZN 04-1332 & RZN 04-1333 LOCATED AT STARR DRIVE. HOWEVER, WE ARE CONCERNED ABOUT THE FOLLOWING ISSUES:

1. SITE DISTANCE ON STARR DRIVE AT "DIP" AREA
2. AMOUNT OF TRAFFIC FLOW COMING FROM THE SCHOOL, CHURCH, AND NEIGHBORHOODS TO THE SOUTH ARE MAKING IT EXTREMELY DIFFICULT TO ENTER HIGHWAY 45. WE WOULD LIKE TO SUGGEST INSTALLING A STOP LIGHT AT STARR DRIVE & HIGHWAY 45 BEFORE ADDING MORE TRAFFIC TO THIS ALREADY HEAVILY CONGESTED AREA.
3. NO SIDEWALK RUNNING NORTH TO SOUTH FROM THE SCHOOL TO HIGHWAY 45. THE SCHOOL CHILDREN ARE CUTTING ACROSS OUR PROPERTY DUE TO NOT HAVING A SIDEWALK IN THIS AREA. AS YOU CAN IMAGINE, OLDER PEOPLE AND CHILDREN ON SKATE BOARDS DO NOT MIX WELL. WE WOULD LIKE TO SEE A SIDEWALK INSTALLED TO PREVENT ACCIDENTS. WE WOULD HAVE NO OBJECTION TO THE SIDEWALK BEING INSTALLED ON THE WEST SIDE OF STARR DRIVE ALONG OUR PROPERTY LINE.

SINCERELY,


JERRY D SWEETSER



12/13/2004 11:33 14795756734

COMMUNICATION

PAGE 01

December 13, 2004

City of Fayetteville Planning Commission
Ref: RZN 04-1332
12/13/04 Meeting

Dear Members of the City of Fayetteville Planning Commission,

I am writing to voice my opposition to the rezoning request submitted by Dr. J.B. Hays, (RZN 04-1332). This request is to rezone the 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

I have been a resident of Fayetteville since 1979 and my family is in the process of purchasing a home at 1819 Hartford from Jim and Robin Shaddox (Shaddox Construction). This will be the fourth home I have owned since moving to Fayetteville. While I am not opposed to growth and development, I firmly believe that a rezoning of the property on Starr Drive would be a mistake and negatively impact the Barrington and surrounding neighborhoods in numerous ways.

In particular, a rezoning of the Starr Drive property would significantly change the overall character of the general area due to the RMF-12 zoning, property values would be eroded, neighborhood traffic would be well beyond the capacity of any of the available roadways, and the safety of pedestrians and automobiles would be certainly jeopardized.

While very opposed to this rezoning, we not opposed to new development in property owned by Dr. Hays. The development of single-family residential property that is in keeping with the integrity of our neighborhood and those that surround us would be welcomed.

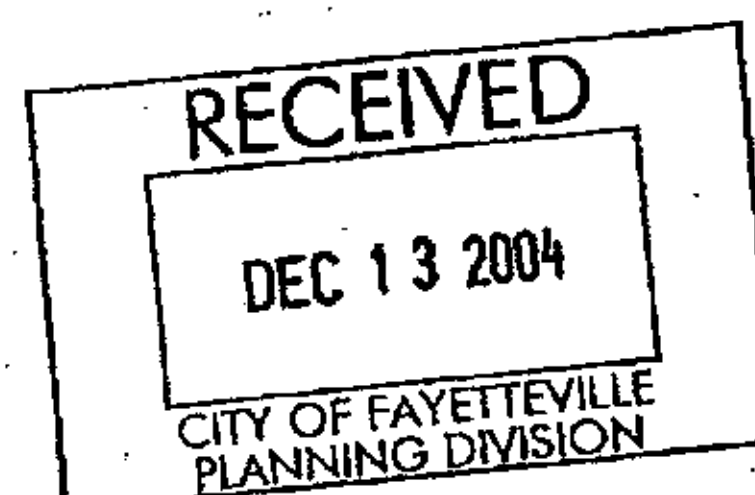
In closing, we ask that you please denying Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. Please do not allow Mr. Hays' proposal to pass!

Thank you for your consideration. We appreciate your time and attention to this matter.

Sincerely,



Robert and Laurie Brady
1819 Hartford
(currently living at 265 Rebecca Street)
442-0812



December 8, 2004

James & Rhonda Kinnally

1862 N. Buckley Dr.

Fayetteville, AR 72701

Ref: RZN 04-1332

Members of the City of Fayetteville Planning Commission,

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

I firmly believe that rezoning would negatively impact our neighborhood in many ways.

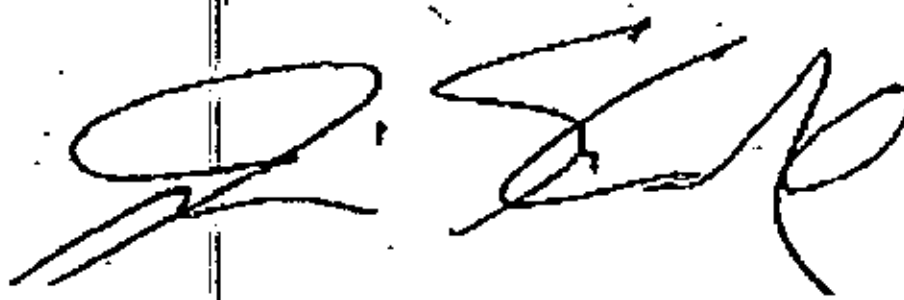
- 1) No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning. To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
- 2) Our property values will be financially eroded. Adjacent multifamily housing, no matter how upscale or attractive, will decrease marketability of existing homes.
- 3) The addition of a potentially large number of children will continue to overload our neighborhood schools. (McNair Middle School is already overpopulated and Vandergriff is almost at full capacity). 4) NO further multifamily units are currently needed for Fayetteville, as there is an abundance of vacant rentals currently for lease by management companies. There are currently around 4500 apartments in the city of Fayetteville under the management of Lindsey Management Co. According to figures provided by Lindsey Management, 10% or approximately 450 of these units are currently vacant, with the upscale units (such as the Cliffs Townhouses) having the highest vacancy rate.
- 5) **TRAFFIC.** This pretty much speaks for itself, as we all know how extremely difficult it is to turn from Starr Road onto Hwy 45, especially in the morning. The congestion from St. Joseph's, as well as the surrounding neighborhoods is already more than the street can handle.
- 6) There is a safety issue at hand due to the lake on this property. Multifamily housing will inevitably bring many children, and this is a dangerous place for children to play. Several other area multifamily complexes have had drowning deaths in bodies of water much smaller than this one.

I could continue with further reasons to deny this rezoning request, but for sake of brevity, please consider that there are many reasons we are opposed to this rezoning. We would, however, like to make it known that we are absolutely not opposed to development in our backyards and neighborhoods. In fact, we are very receptive to single-family residential development that is in keeping with the integrity of our neighborhood and those that surround us.

In closing, I ask that you please deny Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Please do not allow Mr. Hays' proposal to pass!

Sincerely,



From: ADMINISTRATION

5248002

12/10/2004 14:25 #071 P.001/002

December 7, 2004

Ref: RZN 04-1332

Members of the City of Fayetteville Planning Commission:

I am sending this letter to you because I would like to voice my opposition to the rezoning request submitted by J.B. Hays, (RZN 04-1332). This request is to rezone the subject property 5.99 acres located at 1760 Starr Drive from RSF-1, single family to RMF-12, multi-family.

I believe that rezoning would negatively impact our neighborhood in many ways.

1. No other properties adjacent to or in close proximity to the subject property currently carry an RMF-12 zoning. To allow this rezoning would significantly change the overall character of the general area and affect the makeup of our neighborhood.
2. Our property values will be financially eroded. Adjacent multifamily housing, no matter how upscale or attractive, will decrease marketability of existing homes.
3. The addition of a potentially large number of children will continue to overload our neighborhood schools. McNair Middle School is already overpopulated and Vandergriff Elementary School is almost at full capacity.
4. No further multifamily units are currently needed for Fayetteville, as there is an abundance of vacant rentals currently for lease by management companies. There are currently around 4500 apartments in the city of Fayetteville under the management of Lindsey Management Co. According to figures provided by Lindsey Management, 10% or approximately 450 of these units are currently vacant, with the upscale units (such as the Cliffs Townhouses) having the highest vacancy rate.
5. The traffic situation pretty much speaks for itself, as we all know how extremely difficult it is to turn from Starr Road onto Highway 45, especially in the morning. The congestion from St. Joseph Catholic Church and School as well as the surrounding neighborhoods is already more than the street can handle.
6. There is a safety issue at hand due to the lake on this property. Multifamily housing will inevitably bring many children, and this is a dangerous place for children to play. Several other area multifamily complexes have had drowning deaths in bodies of water much smaller than this one.

I could continue with further reasons to deny this rezoning request, but for the sake of brevity, please consider that there are many reasons we are opposed to this rezoning. We

From: ADMINISTRATION

5248002

12/10/2004 14:26 #071 P.002/002

would, however, like to make it known that we are absolutely not opposed to development in our backyards and neighborhoods. In fact, we are very receptive to single-family residential development that is in keeping with the integrity of our neighborhood and those that surround us.

In closing, I ask that you please deny Dr. J.B. Hays' request for the rezoning of this parcel to RMF-12. I appreciate your time and attention to this matter.

Sincerely,



Kent Raymick
2019 North Barrington Drive
Fayetteville, AR 72701
479-444-6718

Agenda Session
1/11/2005

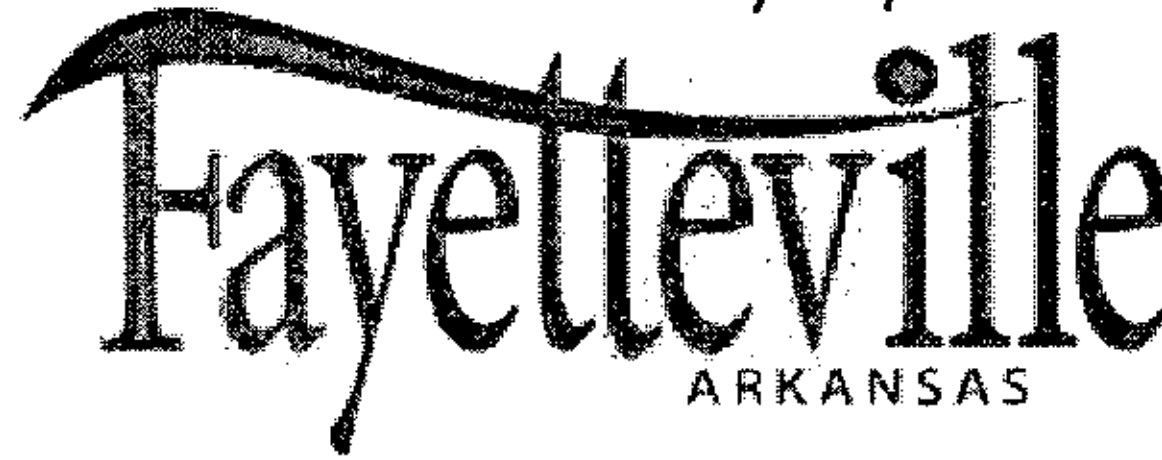
Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 - Bobby Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 18, 2005**

A meeting of the Fayetteville City Council will be held on January 18, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

~~**U of A - Sales Tax Study/Economic Impact Presentation - Agenda Session Only**~~

State of the City Address - Mayor Dan Coody

Appointment of Vice Mayor

Board Appointments by the Fayetteville Housing Authority Board: **Robin Ross**
Deborah Olsen

A. CONSENT:

- 1. Approval of the Minutes:** Approval of the December 7, 2004, December 28, 2004, January 4, 2005, and January 6, 2005 City Council meeting minutes.
- 2. ESRI, Inc. Annual Maintenance Agreement:** A resolution approving the annual maintenance agreement in the amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades.
- 3. Hansen Technology, Inc. Purchase Request:** A resolution approving a purchase request to Hansen Technology, Inc. in the amount of \$55,086.88 for 2005 service and maintenance fees.

Moved to
New Business
2

OMI Contract Amendment No. 11 (A): A resolution approving amendment No. 11 (A) to the contract with Operations Management International (OMI) in the amount of \$76,693.10 for extending the term of the agreement for operations, maintenance and management services and additional five (5) years; and approving a budget adjustment transferring \$76,693.00 from Use of Fund Balance to PCP Operation Contract Fund.

5. **Pumping Unit Purchase:** A resolution approving the purchase of one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump and Manufacturing Co., Inc. in the amount of \$24,431.50.
6. **McClelland Consulting Engineers, Inc. Contract (Wedington Drive):** A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$54,000.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Wedington Drive.
7. **McClelland Consulting Engineers, Inc. Contract (Razorback Road):** A resolution approving a contract with McClelland Consulting Engineers, Inc. in an amount not to exceed \$22,800.00 for survey and preliminary design services for water and sewer relocation for highway improvements to Razorback Road.
8. **Police Vehicle Purchase:** A resolution authorizing the purchase of thirteen (13) Ford Crown Victoria Police Interceptors from the North Point Ford of Little Rock at a total cost of \$261,989.00.

South Fayetteville Community Development Fee Waiver.

B. UNFINISHED BUSINESS

1. **RZN 04-1330 (Dunnerstock):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1330 for property located on the west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Four Units per Acre. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*
2. **R-PZD 04-1307 (Aspen Ridge):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 04-1307, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th Street along Town Branch Creek containing approximately 27.969 acres, more or less; amending the Official Zoning Map of the City of Fayetteville; and Development Plan as approved by the Planning Commission. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*
3. **Downtown Master Plan Redevelopment District Number Two Adoption:** An ordinance forming the Downtown Master Plan Redevelopment District Number Two pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. *This ordinance was left on the second reading at the January 4, 2005 City Council Meeting.*
4. **Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District, and finding the plan is economically feasible. *This ordinance was tabled at the January 4, 2005 City Council Meeting to the January 18, 2005 City Council Meeting.*

Check
reading
this was
left on.

Add I-540 District to old business

113 West Mountain 72701 (479) 521-7700 (479) 575-8257 (Fax)

accessfayetteville.org

1-6-04 meeting

C. NEW BUSINESS:

- Consent*
1. **Insituform Technologies, Inc. Contract Renewal:** A resolution approving a contract renewal with Insituform Technologies, Inc.; and authorizing the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

- Removed from Agenda until put back on.*
2. **NANCHAR, Inc. and MSB Properties LLC Supplemental Agreement:** A resolution to approve a Supplemental Agreement for cost share of early construction of Van Asche Boulevard with NANCHAR, Inc. and MSB Properties, LLC and to approve a budget adjustment of \$1,982,788.00.

3. **Planning Commission Appeal (Crystal Goedereis):** An appeal filed by Crystal Goedereis regarding Planning Commission's denial of RZN 04-1333 (J.B. Hays) for property located at 1882 Starr Drive as submitted by Crystal Goedereis.

D. INFORMATIONAL:

Council Tour: January 17, 2005 – 4:30 pm

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
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Mayor Dan Coody
City Attorney Kit Williams
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City Council Meeting
January 18, 2005**

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Call to Order

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U of A - Sales Tax Study/Economic Impact Presentation – Agenda Session Only

State of the City Address – Mayor Dan Coody

— Appointment of Vice Mayor.

Board Appointments by the Fayetteville Housing Authority Board:

**Robin Ross
Deborah Olsen**

*ask
Shirley to
do it.*

A. CONSENT:

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4. **OMI Contract Amendment No 11 (A):** A resolution approving amendment No. 11 (A) to the contract with Operations Management International (OMI) in the amount of \$76,693.10 for extending the term of the agreement for operations, maintenance and management services and additional five (5) years; and approving a budget adjustment transferring \$76,693.00 from Use of Fund Balance to PCP Operation Contract Fund.
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C. NEW BUSINESS:

1. **Insituform Technologies, Inc. Contract Renewal:** A resolution approving a contract renewal with Insituform Technologies, Inc.; and authorizing the expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services.

Consent

2. **Police Vehicle Purchase:** A resolution authorizing the purchase of thirteen (13) Ford Crown Victoria Police Interceptors from the North Point Ford of Little Rock at a total cost of \$261,989.00.

*Pulled
Tabled
Indef.*

3. **NANCHAR, Inc. and MSB Properties LLC Supplemental Agreement:** A resolution to approve a Supplemental Agreement for cost share of early construction of Van Asche Boulevard with NANCHAR, Inc. and MSB Properties, LLC and to approve a budget adjustment of \$1,982,788.00.

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D. INFORMATIONAL:

Council Tour: January 17, 2005 – 4:30 pm

Get an ordinance from planning

From: Kevin Springer
To: Smith, Sondra
Date: 1/4/05 11:12AM
Subject: Re: Informational Presentation - UofA January 11

Thanks a lot. You can label the item:

"University of Arkansas - Sales Tax Study/Economic Impact Presentation"

Thanks,
Kevin

Kevin Springer
Budget Manager

City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8226
(479) 575-8225 - Fax
kspringer@ci.fayetteville.ar.us

>>> Sondra Smith 01/04/05 10:55AM >>>

You do not need to prepare an agenda item. We will put it at the beginning of the Tentative Agenda for Agenda Session only.
Have a great day!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
479-575-8323
ssmith@ci.fayetteville.ar.us

>>> Kevin Springer 01/03/05 11:37AM >>>
Sondra/Amber,

As per City Council's request, I'm having the University of Arkansas give a quick presentation concerning the sales tax study that was recently conducted. This informational item will be conducted at the beginning of the January 11th agenda session.

Since this item is only for the agenda session and not the actual council meeting, do I need to prepare an agenda item for this? Please advise.

Thanks,
Kevin

Kevin Springer
Budget Manager

From: Sondra Smith
To: Springer, Kevin
Date: 1/4/05 10:55AM
Subject: Re: Informational Presentation - UofA January 11

You do not need to prepare an agenda item. We will put it at the beginning of the Tentative Agenda for Agenda Session only.
Have a great day!

Sondra Smith
City Clerk
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
479-575-8323
ssmith@ci.fayetteville.ar.us

>>> Kevin Springer 01/03/05 11:37AM >>>
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Kevin

Kevin Springer
Budget Manager

City of Fayetteville, Arkansas
113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8226
(479) 575-8225 - Fax
kspringer@ci.fayetteville.ar.us

CC: Wood, Amber

"Northwest Arkansas' Most Widely Read Newspaper"

AFFIDAVIT OF PUBLICATION

I, Gill R. Scott, do solemnly swear that I am the Legal Clerk of the Arkansas Democrat-Gazette/Northwest Arkansas Times newspaper, printed and published in Lowell, Arkansas, and that from my own personal knowledge and reference to the files of said publication, that advertisement of:

Final Agenda was inserted in the regular editions on January 17, 2005.

PO# _____

** Publication Charge: \$ 252.96

Subscribed and sworn to before me this

17th day of January, 2005.

Sharlene D. Williams

Notary Public

My Commission Expires: Sharlene D. Williams
Notary Public
State of Arkansas
My Commission Expires
October 18, 2014

** Please do not pay from Affidavit.
An invoice will be sent.

RECEIVED

JAN 20 2005

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 18, 2005**

Fayetteville
ARKANSAS

A meeting of the Fayetteville City Council will be held on January 18, 2005 at 6:00 p.m. in Room 209 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

State of the City Address - Mayor Dan Coody

Election of the Vice Mayor

Board Appointments by the Fayetteville Housing Authority Board: Robin Ross, Deborah Olsen

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- 9. South Fayetteville Community Development Corporation Fee Waiver:** A resolution to waive the building permit fee and other developmental fees for homes to be constructed by the South Fayetteville Community Development Corporation.

B. UNFINISHED BUSINESS

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- 4. Downtown Master Plan Redevelopment District Project Plan:** An ordinance adopting the Project Plan for the Downtown Master Plan Redevelopment District, and finding the plan is economically feasible. This ordinance was tabled at the January 4, 2005 City Council Meeting to the January 18, 2005 City Council Meeting.
- 5. I-540 Redevelopment District #3 Adoption:** An ordinance forming the I-540 Redevelopment District Number Three pursuant to Amendment 78 of the Arkansas Constitution and authorizing the preparation of a project plan. This ordinance was left on the first reading at the January 6, 2005 City Council Meeting.

C. NEW BUSINESS:

- 1. Planning Commission Appeal (Crystal Goederels):** An appeal filed by Crystal Goederels regarding Planning Commission's denial of RZN 04-1333 (J.B. Hays) for property located at 1882 Starr Drive as submitted by Crystal Goederels.
- 2. OMI Contract Amendment No. 11 (A):** A resolution approving amendment No. 11 (A) to the contract with Operations Management International (OMI) in the amount of \$76,693.10 for extending the term of the agreement for operations, maintenance and management services and additional five (5) years; and approving a budget adjustment transferring \$76,693.00 from Use of Fund Balance to PCP Operation Contract Fund.

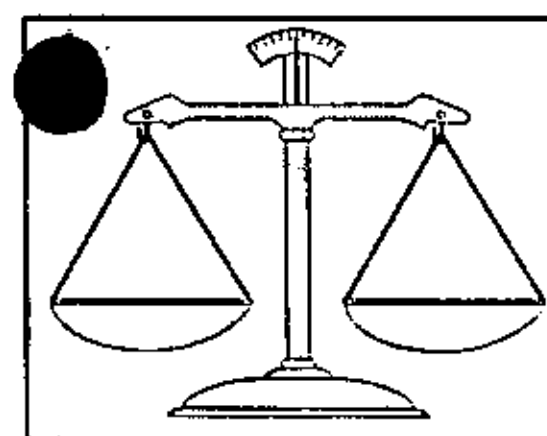
**D. INFORMATIONAL:
Council Tour: None**

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **January 19, 2005**

RE: **Passed Resolutions and Ordinances from City Council meeting of
January 18, 2005**

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. **ESRI, Inc. Annual Maintenance Agreement:** Resolution approving annual maintenance agreement in amount of \$28,124.72 with ESRI, Inc. for Geographic Information System (GIS) software maintenance and upgrades;
2. **Hansen Technology, Inc. Purchase Request:** Resolution approving purchase request to Hansen Technology, Inc. in amount of \$55,086.00 for 2005 service and maintenance fees;
3. **Pumping Unit Purchase:** Resolution approving purchase of one (1) portable, hydraulic-powered centrifugal pumping unit from Thompson Pump & Manufacturing Co., Inc. in amount of \$24,431.50;
4. **McClelland Consulting Engineers, Inc. Contract (Wedington Dr.):** Resolution approving contract w/McClelland Consulting Engineers, Inc. in amount not to exceed \$54,000.00 for survey and preliminary design services for water & sewer relocation for highway improvements to Wedington Dr.;

5. **McClelland Consulting Engineers, Inc. Contract (Razorback Rd.):** Resolution approving contract w/McClelland Consulting Engineers, Inc. in amount not to exceed \$22,800.00 for survey and preliminary design services for water & sewer relocation for highway improvements to Razorback Rd.;

6. **Police Vehicle Purchase:** Resolution authorizing purchase of thirteen Ford Crown Victoria Police Interceptors from North Point Ford of Little Rock at a total cost of \$261,989.00;

7. **Insituform Technologies, Inc. Contract Renewal:** Resolution approving contract w/Insituform Technologies, Inc. and authorizing expenditure of an amount not to exceed \$338,250.00 for sanitary sewer lining services;

8. **South Fayetteville Community Development Corporation Fee Waiver:** Resolution waiving building permit fee and other developmental fees for homes to be constructed by South Fayetteville Community Development Corporation;

9. **RZN 04-1330:** Ordinance rezoning that property described in rezoning petition for property located on west side of Ruppel Road containing approximately 19.84 acres from RSF-1, Residential Single Family, One Unit per Acre to RSF-4, Residential Single Family, Residential Single Family, Four Units per Acre;

10. **R-PZD 04-1307:** Ordinance establishing Residential Planned Zoning District, Aspen Ridge located south of 6th Street, west of Hill Avenue, northeast of 11th St. along Town Branch Creek containing approximately 27.969 acres, more or less; amending Official Zoning Map of City and the Development Plan as approved by Planning Commission.