Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 15, 2005

A meeting of the Fayetteville City Council will be held on February 15, 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

A. CONSENT:

1. **Approval of the Minutes:** Approval of the February 1, 2005 City Council meeting minutes.

   APPROVED

2. **CapitalSoft.net, LLC Contract:** A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 22-05

3. **Motorola Radio Purchase:** A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 23-05

4. **North Point Ford Vehicle Purchase (A):** A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 24-05

5. **North Point Ford Vehicle Purchase (B):** A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 25-05

6. **Landers Honda Vehicle Purchase:** A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 26-05

7. **Landers Ford Vehicle Purchase:** A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

PASSED AND SHALL BE RECORDED AS RESOLTUION NO. 27-05

8. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 28-05

9. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS RESOLTUION NO. 29-05

10. **AHTD Reimbursement:** A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 30-05

11. **West Mud Creek Trail Project Change Order:** A resolution approving Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail Project.

PASSED AND SHALL BE RECORDED AS RESOLTUION NO. 31-05

B. UNFINISHED BUSINESS

1. **VAC 04-1136 (U of A Parking Garage, 483):** An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as

described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4675

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

   TABLED TO THE MARCH 1, 2005 CITY COUNCIL MEETING

3. **Central Emergency Medical Services, Inc. Contract Renewal:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4676

C. **NEW BUSINESS:**

1. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 32-05

2. **City of Greenland Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005.

   PASSED AND SHALL BE RECORDED AS RESOLTUION NO. 33-05

3. **Motorola Laptop Purchase:** An ordinance waiving the requirements of formal competitive bidding until December 31, 2007; approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4677

4. **RZN 04-1358 (Camillieri):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4678

5. **Amend § 173.08(B): Unsafe Buildings:** An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4679

6. **Solid Waste and Recycling Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4680

7. **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.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 34-05

D. INFORMATIONAL:

Council Tour: No Tour

City Council Meeting February 15, 2005

Meeting Adjourned 7:35 pm.

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

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

Passed

22-05 –
31-05

City Council Meeting February 15, 2005

Subject:	VAC - 04-1136 U of A Parking Garage			
Motion To:	2nd read	3rd read	Pass	
Motion By:	Ferrell	Marr		
Seconded:	Marr	Jordan		
Thiel	absent	absent	absent	
Cook	✓	✓	✓	
Marr	✓	✓	✓	
Rhoads	absent	absent	absent	
Ferrell	✓	✓	✓	
Lucas	✓	✓	✓	
Jordan	✓	✓	✓	
Reynolds	✓	✓	✓	
Mayor Coody				

B.1. Unfinished Business passed 6-0

4675

Subject:	Highway 71 East Redevelopment District #1 Project Plan Amendment			
Motion To:	3rd read	Pass	Table until March 1	
Motion By:	Jordan		Marr	
Seconded:	Cook		Jordan	
Thiel	absent		—	
Cook	✓		✓	
Marr	✓		✓	
Rhoads	absent		—	
Ferrell	✓		✓	
Lucas	✓		✓	
Jordan	✓		✓	
Reynolds	✓		✓	
Mayor Coody				

Tabled

B.2. Unfinished Business Tabled until March 1, 2005

City Council Meeting   February 15, 2005

Subject:		Central Emergency Services, Inc. Contract Renewal			
Motion To:		3rd read	Pass		
Motion By:		Marr			
Seconded:		Jordan			
	Thiel	absent	absent		
	Cook	✓	✓		
	Marr	✓	✓		
	Rhoads	absent	absent		
	Ferrell	✓	N		
	Lucas	✓	✓		
	Jordan	✓	✓		
	Reynolds	✓	N		
	Mayor Coody		yes		

B.3. 4676 Passed 4-2 Mayor yes passed

Mayor Coody voted yes to pass the ordinance.

Subject:		City of Elm Springs Inter-Local Agreement.			
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Marr			
	Thiel	—			
	Cook	✓			
	Marr	✓			
	Rhoads	—			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

C.1. New Business passed 6-0 32-05

City Council Meeting February 15, 2005

Subject:	City of Greenland Inter-Local Agreement			
Motion To:	Approve			
Motion By:	~~Cook~~	Jordan		
Seconded:	~~Marr~~	Cook		
Thiel	~~absent~~			
Cook	✓			
Marr	✓			
Rhoads	absent			
Ferrell	✓			
Lucas	✓			
Jordan	✓			
Reynolds	✓			
Mayor Coody				

C.2. New Business passed 6-0 33-05

Subject:	Motorola Laptop Purchase			
Motion To:	2nd read	3rd read	Pass	
Motion By:	Cook	Jordan		
Seconded:	Jordan	Cook		
Thiel	~~Absent~~	absent	absent	
Cook	✓	✓	✓	
Marr	✓	✓	✓	
Rhoads	~~absent~~	absent	absent	
Ferrell	✓	✓	✓	
Lucas	✓	✓	✓	
Jordan	✓	✓	✓	
Reynolds	✓	✓	✓	
Mayor Coody				

C.3. New Business passed 6-0 4677

City Council Meeting February 15, 2005

Camillieri

C.4. New Business passed 6-0 4678

Subject:		RZN 04-1358 (Camillieri)			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Marr	Marr		
Seconded:		Ferrell	Reynolds		
	Thiel	absent	absent	absent	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.5. New Business passed 6-0 4679

Subject:		Amend 173.08 (B): Unsafe Buildings.			
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Marr	Reynolds		
	Thiel	absent	absent		
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	absent	absent		
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

City Council Meeting February 15, 2005

Subject:		Solid Waste & Recycling Bid Waiver			
Motion To:		2nd read	3rd read		
Motion By:		Reynolds	Jordan		
Seconded:		Marr	Ferrell		
	Thiel	absent	absent	absent	
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	absent	absent	absent	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Mayor Coody				

C.6 New Business passed 6-0 4680

Subject:		Amend Ordinance - Solid Waste & Recycling Bid Waiver			
Motion To:		Amend Ordinance			
Motion By:		Reynolds			
Seconded:		Jordan			
	Thiel				
	Cook	✓			
	Marr	✓			
	Rhoads				
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

C.6. passed 6-0. 4680

City Council Meeting   February 15, 2005

C.7.
New Business
Passed
6-0
34-05

Subject:	NANCHAR, Inc. and MSB Properties				
Motion To:		Approve			
Motion By:		Marr			
Seconded:		Jordan			
	Thiel	absent			
	Cook	✓			
	Marr	✓			
	Rhoads	absent			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Mayor Coody				

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
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Ward 3 Position 1 - Robert K. Rhoads
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Final Agenda
City of Fayetteville Arkansas
City Council Meeting
February 15, 2005

A meeting of the Fayetteville City Council will be held on February 15, 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

A. CONSENT:

1. **Approval of the Minutes:** Approval of the February 1, 2005 City Council meeting minutes.

2. **CapitalSoft.net, LLC Contract:** A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

3. **Motorola Radio Purchase:** A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

4. **North Point Ford Vehicle Purchase (A):** A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

5. **North Point Ford Vehicle Purchase (B):** A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

6. **Landers Honda Vehicle Purchase:** A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

7. **Landers Ford Vehicle Purchase:** A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

8. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

9. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

10. **AHTD Reimbursement:** A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00.

11. **West Mud Creek Trail Project Change Order:** A resolution approving Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail Project.

B. UNFINISHED BUSINESS

1. **VAC 04-1136 (U of A Parking Garage, 483):** An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

3. **Central Emergency Medical Services, Inc. Contract Renewal:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

1. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

2. **City of Greenland Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005.

3. **Motorola Laptop Purchase:** An ordinance waiving the requirements of formal competitive bidding until December 31, 2007; approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

4. **RZN 04-1358 (Camillieri):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

5. **Amend § 173.08(B): Unsafe Buildings:** An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

6. **Solid Waste and Recycling Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00.

7. **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.

D. INFORMATIONAL:

Council Tour: No Tour

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

Fayetteville
ARKANSAS

City Council
Meeting Minutes
February 1, 2005

A meeting of the Fayetteville City Council was held on February 1, 2005 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, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Marr was absent until 6:05 pm.

Pledge of Allegiance

<u>CONSENT:</u>

<u>Approval of the Minutes:</u> Approval of the January 4, 2005, January 6, 2005, and January 18, 2005 City Council meeting minutes.

<u>Appointment of Building Official:</u> A resolution appointing a building official for the City of Fayetteville in accordance with A.C.A. § 14-56-202(2).

Resolution 17-05 as Recorded in the Office of the City Clerk.

<u>McClelland Consulting Engineers, Inc. Contract Amendment #1:</u> A resolution to approve amendment #1 of the contract with McClelland Consulting Engineers, Inc. in the amount of $25,100.00 for the Farmington Waterline Replacement Project.

Resolution 18-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent during the vote.

UNFINISHED BUSINESS:

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 at the January 18, 2005 City Council Meeting to the February 1, 2005 City Council Meeting.***

Alderman Reynolds moved to table the appeal indefinitely. Alderman Cook seconded the motion. Upon roll call the motion to table indefinitely passed unanimously.

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 resolution was tabled at the January 18, 2005 City Council Meeting to the February 1, 2005 City Council Meeting.***

Mayor Coody: We have new information that was handed out to us just before the meeting tonight. The reason that we received this tonight is that it has taken two weeks to get all this information put together from what I understand. We just received the last information from Burns & McDonnell this afternoon.

Kit Williams: I don't think anyone is expecting the Council to take action on it tonight.

Matt Taylor with Burns & McDonnell: This is a revision of the Contract Amendment No. 11 (A) that was questioned at the Agenda Session about three weeks ago. The initial question was whether or no the contract for OMI can be extended five years. Kit worked on that and it turned out that it couldn't be because it is already out to 2008. The original contract started in 1994 I believe. We talked to OMI about what our other options might be to expedite this and still keep it economical. OMI came back with a proposal for an amendment to their contract for 2005. Without an extension they will procure, administer, inspect construction and put this new generator into service. The new amount is $877,000 turn key.

I asked our electrical estimator to validate or qualify that number and make sure that it was a reasonable cost because we weren't going to be doing any advertising and competitive bidding. We wanted to make sure what OMI had was competitive and in the best interest of the City. I received that information back today. In the package there is an explanation why the generator out there is appropriate and the savings that it will generate over the next 10–15 years. The generator really has almost an indefinite life, I used 15 years just to show that there is little doubt that it will pay for itself rapidly.

In the packet is a memo from OMI that explains what steps they went through to try to get the best pricing or to find out what the best alternative was. The next several pages list out in general the scope. The $877,000 is I think a good number that is cheaper than what we really would get is we tried to design it, advertise it, take bids, get a contractor and pay an inspector. I think we would be significantly longer in time and ultimately we would probably spend more money doing it that approach anyway.

The idea is that this generator can be used during peak periods to keep the treatment plant from having to pay peak rates at any time during the year. That will ultimately happen on the other treatment at the west plant and the hamstring pump station that has 2,000 horsepower's of pumps. As long as this generator is in service and operable on June 1, 2005, the June, July and August months are the peak months for the plant. The rates paid for 2006 for electricity will be based on their peak usage during that three month period, so if it is in service by June 1, 2005 then the savings will be reflected starting January, 2006. If it comes on after June 1, 2005 then it will be 2007 before the savings will be reflected. That is the reason that it is kind of critical that this be expedited. OMI had initially said that a drop dead date for them to be able to get this in service is an approval in their hands by February 15, 2005.

Mayor Coody: If we get this in place by June 1, 2005 then the savings are estimated to be about $150,000 per year. It shouldn't take but six years or so for it to pay for itself and then we would still have the generator for another 10-20 years on top of that.

Matt Taylor: That assumes stable electrical rates. Obviously if electricity goes up the savings will be higher. I don't see any reason to think they are going to go down.

Alderman Thiel: It sounds like the way to go certainly. I think the question remains about adding on the 5 years.

Matt Taylor: There is no extension at all at this point.

Mayor Coody: The $800,000 would have been absorbed had we had a long extension but since we are only doing a one year extension and bringing them into compliance with our previous lease this is the way that they can justify doing this and the cost is essentially ours at this point. We won't have a five year extension with OMI.

Alderman Lucas: We will pay for it.

Mayor Coody: And reap the savings over time, yes.

Alderman Marr: Is there any type of guarantee that if we approve this by the 15th of February that we will for sure hit the installation date and if not what lead way has been built into the schedule to allow for the unexpected?

Matt Taylor: I don't believe there is any absolute guarantee just because there is a generator supplier involved, a switch gear supplier and several different parties involved.

Billy Ammons, OMI: We will do our best.

Matt Taylor: It was a realistic but aggressive schedule that went from the June 1, 2005 drop dead date and backed us up to February 15, 2005. So, there is no absolute guarantee but when that schedule was put together, everyone involved felt as long as things didn't go catastrophic that it should be workable.

Dave Jurgens, Water and Sewer Maintenance Superintendent: We wouldn't expect you to approve this tonight by any means because you just saw this information. What we would like to request is a brief Special City Council meeting immediately following the agenda session next week. That will give us one more week. We are at a time point where each week might be an issue if there are any glitches at all in the process of getting this put in with that firm June 1, 2005 date. That would be the expedite request that we would ask of you to consider this as a final item next Tuesday night after you have had time to look over it and ask any other questions.

Mayor Coody: Would that be acceptable to the Council?

Alderman Ferrell: Is there any place in our geographic area that has a system that has this installed that is comparable to our size and can you illustrate the savings?

Matt Taylor: I can't personally, there is some material that Mr. Boettcher had that I believe came form Ozarks Electric and electrical records that OMI had. I can get that and get out to everyone tomorrow.

Mayor Coody: I know that Rogers does this and I don't know who else, I have seen theirs in operation.

Dave Jurgens: Rogers, Carroll Boone Water, Beaver Water is procuring and in the process of constructing it as we speak, this is a pretty common large electrical user process that people are going through or have already done. Some of them have been in place for a long time. I think Rogers and Carroll Boone have been in place for quite a while and Beaver Water has been working on it for a while.

Alderman Ferrell: Are they realizing comparable savings?

Dave Jurgens: Yes sir. The savings that was estimated was a very realistic number.

Mayor Coody: When I saw Roger's system four years ago they were saving $60,000 with a smaller generator and a smaller plant.

Matt Taylor: The $150,000 is actually I think a pretty conservative estimate because the original spreadsheets showed a maximum likely savings of upwards of $220,000 or $230,000 per year. We backed that off because usage will decrease at the plant somewhat when the west plant comes on line and the flows are somewhat lower. We didn't want to make it overly optimistic and then have anyone feel like they were mislead, so we backed it off about a third from the numbers that Ozarks put together.

Dave Jurgens: We have to have backup power at the large lift stations and at the wastewater plants anyway so it is not as if we are installing the power generators where we wouldn't have one. We are simply putting in a larger one to allow us to carry that peak electrical load. If we have an electrical outage for any reason then the backup power is required to keep the plant in operation anyway. It is not that we are putting generators where we would not need them; it is just that we are getting a little larger generator to take the place of the one that we have to have as a minimum.

Mayor Coody: I don't know if I introduced Matt Taylor, he is with Burns & McDonnell and is working here until we replace Gregg Boettcher. He is basically making sure that our wastewater system stays on time and on budget.

Alderman Jordan moved to table the resolution until a Special City Council meeting on February 8, 2005. Alderman Cook seconded the motion. Upon roll call the motion to table passed unanimously.

Highway 71 East Square Redevelopment District #1 Project Plan Amendment: An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting.***

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.

Kit Williams: There is another resolution that is tied to this. It is a resolution that we will ask the City Council to place on the agenda. It is basically a resolution that authorizes the bond council and the underwriters to start working up the documents that we will need. It does not commit the City to issue bonds or anything like that. I would ask that after we get finished with the project plan that we place that on the agenda.

Alderman Jordan: I have questions constitutions have asked me. Why don't we go back and re-bid it and open it to other people.

Kit Williams: This project was actually brought to us by the developers and they requested us to do a TIF District in order to support the redevelopment of the Mountain Inn. It was never given out to bid. We do not own the Mountain Inn. Basically the only thing that is really before the Council is the Project Plan that was approved last year a couple of times. That had to do with removing the blighted Mountain Inn, purchasing the four properties, demolishing them and selling those properties for $300,000 to the developers and then hopefully having them build their hotel, parking deck, condominiums and convention facility. So you can go back to square one by not doing anything or you could do a raze and removal or something like that. That still remains an option if in fact you do not feel the plan is feasible or that you do not want to go forward with it.

Alderman Jordan: Would you explain the paragraph that states: *The City shall pay not more than $887,000 for demolition and site preparation work as shown on page 9. If this work does not require the full $887,000 the remainder shall be used to pay debt service on the primary TIF Bonds.*

Kit Williams: As you know there is a budget that was set forth in the Project Plan, about $2.6 million was for acquiring the four different properties, including the Mountain Inn, the Court Building, the vacant Niblock law office and the vacant Red Bird Café. That left $887,000 for the demolition and site preparation work. I think Mr. Nock said if the $887,000 was not enough to demolish and clear the site that the developers would then take over and still buy the property from us at the stated price. That is why there is this not to exceed $887,000 in there because that is all the money that we will have and that is all the money that we can pay. Maybe we will be lucky and the demolition and the site preparation will not cost as much, therefore if there is money leftover when land is ready to be sold this Council should determine what should be done with that money. By adopting this Project Plan that money would be used to help pay down the interest rather that for any other purpose.

Alderman Jordan: Professional Services on page 7, who pays for that.

Kit Williams: If the District engages then the District would pay, put there is not a lot of money in the District so we will not be paying very much. The bond counsel and underwriter will be paid out of the bond proceeds. This happens in virtually every bond issue that we do. This is just giving us authority.

Alderman Jordan: The economic feasibility study on page three states: *Arkansas Amendment 79 caps the growth of the assessed values of existing properties at 5% for owner occupied houses and 0% for homeowners over the age of 65 and disabled people and 10% for other properties. However when the new improvements are made the full appraised value of these properties is assessed in their first year and then in subsequent years these properties become subject to amendment 79 caps on in assessed value.* Would you explain that?

Kit Williams: Amendment 79 has to do with existing buildings basically. So if there is an existing building that is appraised at a certain amount, if it is a commercial building it can not go up more than 10% a year in taxes on that value. However, if there is a new structure that is appraised on what the new building is actually worth, that is captured immediately and is not subject to the 10% or 5% limitation that existing buildings are.

Alderman Jordan: So this does not indicate that taxes will go up in that area?

Kit Williams: Amendment 79 is a limitation on how taxes can go up.

Alderman Jordan: Page 4 states the Mountain Inn is assumed to come on the tax rolls in 2007 with an appraised value of $20 million and an assessed value of $4 million. What is that now?

Kit Williams: I am not sure exactly.

Mayor Coody: I think the tax receipts a few years ago were $10,000 a year and lately it has been $6,000 a year. So it is deteriorating in value.

Kit Williams: I would certainly think it would be under a million dollars at this point and it is being replaced by something that is 20 million plus. I think it is going to be a significant increase in property tax revenue.

We are not asking you to adopt the Project Plan tonight because it is going to be modified. We are waiting on some additional information. This week we did get a certification from the County Assessor so that the entire District now is being assessed as one. That is something that we absolutely had to have for this project plan. I would like to thank the County Assessor for her hard work in getting that completed and to us.

Joe Robson a citizen voiced his concern about the hiring of the consulting firm that conducted the charrettes. He stated out of 186 responses there were 2 regarding the Mountain Inn. He wanted to know how that is justified. He stated this could be viewed as a diverting of public funds which will eventually become a private use. There is a parking deck already there. Parking decks require $12,000 per individual space and we are going to tear one down and build another one.

Mayor Coody: On the Dover, Kohl plan it is not that one person thought the Mountain Inn needed to be replaced. It was made clear in the Downtown Master Plan that it needs to be dealt with. In the plan itself it pointed out that the Mountain Inn is the anchor that is holding the revitalization of Downtown Fayetteville back. For the first time in 20–30 years a group has come forward with a plan and the interest to do something with this. No one has ever come up before with a plan to do something with this. That is what has generated the interest. If these private developers had not stepped up to the plate and said they wanted to make a $20 million investment in that property, we would not be having these discussions and it would stay like it is. We would have to go through the raze and removal process which generates another set of problems until itself. The Mountain Inn is not only an eyesore it is an absolute danger to the Downtown area. Dover, Kohl pointed out what a problem this property is and based on the discussions around that, some innovative private people have come up with a plan to make a huge investment downtown. This is important to everyone in town.

The initial thought was to use that existing parking deck and add to it but upon further inspection they couldn't make the poor design and construction of that parking deck to work with the new design. Their thinking was it would be easier to remove it and build a new one with a better design, more convenient, a safer parking deck and larger to have more capacity.

We don't have any other options. Our options are to leave it alone which is the least favorable option, do a raze and removal or work to turn this into a really first class development for downtown. The third option is the one that I think is the best.

Joe Robson spoke of other projects that were listed as the most important issues to citizens to be completed. I would recommend that someone else would step up and handle this situation in a totally private way to where there are no legal issues.

Mayor Coody: We had $4 million in last year's transportation bill and the whole bill was scuttled so I am going to Washington to ask that be reinstated so we can do improvements to College Avenue and Yell.

Joe Robson spoke of another building that has been remodeled in Fayetteville.

Mayor Coody stated that public money went into that project too.

Joe Robson stated it was not TIF money.

The Ordinance was Left on the Second Reading.

NEW BUSINESS:

Alderman Jordan moved to add Highway 71 East Redevelopment District Financing Cost to the agenda. Alderman Reynolds seconded the motion. Upon roll the motion to add Highway 71 East Redevelopment District Financing Cost to the agenda passed unanimously.

Highway 71 East Square Redevelopment District Financing Cost: A resolution authorizing the preparation of certain documentation for the subsequent approval of the City Council related to the proposed issuance by the City of Fayetteville Tax Increment Bonds (Highway 71 East Square Redevelopment District Project), Series 2005, in a form and amount to provide a Project Fund of $3,500,000.00 (The "Bonds") for the purpose of financing the costs of acquisition and demolition of certain real property located within the District; and prescribing other matters relating thereto.

Steve Davis: This resolution is an inducement resolution that authorizes the development of a financing proposal that will enable the City to have a $3.5 million project fund to acquire the property and fund the demolition of the Mountain Inn site so that it can then be sold.

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

Resolution 19-05 as Recorded in the Office of the City Clerk.

Central Emergency Medical Services, Inc. Contract Renewal: An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville.

Mr. Williams read the ordinance.

Chief Bosch: In the 2005 budgeting process we discussed the need for increased funding for Central EMS. This is the same basic contract with the same basic reporting and response requirements, those have not changed. The only thing that has significantly changed is the cost. These funds will help Central EMS to more effectively retain their employees and to stabilize a lot of the issues they are dealing with. We at the Fire Department are committed to working the Central EMS to maintain the best quality EMS system in the community and in the area. We are working with the County on the development of a public utility model. We believe this process will help us to build an even better system and enhance our service delivery on all levels. We anticipate 6-8 months to have that process complete. This contract is the next step for us in moving forward with that. The $250,000 for this contract does not include the cost of the consultant that we discussed. We set that aside separately in the budgeting process.

Alderman Rhoads: How did we come up with the $250,000?

Chief Bosch: That was a request from Central EMS.

Alderman Rhoads: How do we know if that is a good number?

Chief Bosch: We depend on Mr. Hickerson to let us know what his needs are for the year.

Tony Hickerson, Central EMS: We arrived at that by determining what we thought we might get from the County, the City and the charge to the users and collection of those charges.

Alderman Rhoads: Is there a profit margin that you put into the equation?

Tony Hickerson: We are looking at a possible gain of about $20,000 for the year but we don't have all the figures that we require to actually finalize that. We don't know what Medicare is going to reimburse us on all of our rates yet. Medicare changes their rates based on a number of issues. We don't know right know what Medicare will reimburse us for the patients that we bill them for.

Alderman Reynolds: You get money from the City of Fayetteville and the County, what about the other small towns. Do they pay to help you operate because you do service them from this area?

Tony Hickerson: We actually service them from several areas. The only additional assistance that we get is assistance in kind from Prairie Grove, Lincoln and West Fork that allows us to operate out of their fire stations.

Alderman Ferrell: When they have the need for an ambulance run are the rates charged there and the rates charged in Fayetteville comparable?

Tony Hickerson: All the rates are the same for the particular type of service. Their rates are a little higher because there is a mileage charge.

Alderman Marr: This contract appears to be almost identical to the one we did last year. What are the increased costs? Where is the new expense going to?

Tony Hickerson: Most of it is going to salary. That is something we have talked about in the past. Our employees are making considerably less than area fire department personnel are making and we were having a drain of our people to other area fire departments. That makes it difficult to attract and retain high quality people.

Alderman Marr: Do you conduct salary surveys to determine market to your pay?

Tony Hickerson: Yes.

Alderman Marr: Who did you use to do that this year?

Tony Hickerson: Rogers, Springdale, Bentonville and Fayetteville fire departments.

Alderman Marr: Their pay ranges?

Tony Hickerson: Yes and we are still under what they make. We didn't expect to match most of those but we expected to become closer. A lot of the people that come to work for an ambulance service are the same sort of people that would like to work at the fire department. Some people just felt that they couldn't stay at Central EMS as long as they would like to if they could move up the road and make an extra $10,000 per year.

Alderman Marr: Do you have a ball park about what percent of this increase is salaries?

Tony Hickerson: Probably 80%.

Alderman Thiel: What percentage of revenue that you generate comes from the fees that are charged?

Tony Hickerson: Our budget last year was about $4 million and we will take a loss on last year. Patient fee charges were close to $3.5 million. I don't have the exact figure on what we collected on that. Last year we collected a total of about 56% of our charges. Part of that is mandatory write off of Medicare and Medicaid patients which we have no control of. The rest of it is bad debt. Mandatory right offs were over $1 million and bad debt was about $700,000.

Alderman Thiel: I have a problem digesting servicing these small cities around us and them not contributing. The County is contributing how much?

Tony Hickerson: $497,000

Alderman Thiel: They are contributing for those small cities basically?

Tony Hickerson: In the past we did receive some funding from Prairie Grove and Goshen. That is something we have been discussing about whether or not we should pursue collecting from them. We thought we would leave that until the study has been completed, to see if it suggests a different type of mix or funding.

Alderman Thiel: The study is the consultant that we are hiring. Is the City of Fayetteville bearing all of that cost?

Tony Hickerson: You are sharing the cost with the County.

Alderman Marr: What was the contract amount last year?

Chief Bosch: $156,000.

A discussion followed on the different funding models they are looking at.

Mayor Coody: Basically what they are looking at is sole sourcing if this program is adopted and at that point it would be able to sustain itself without any dip into the General Fund.

Tony Hickerson: That is the long term goal and again a lot depends on the market size. We are looking at a model that would allow us to capture the non-emergency service that we do not get now. That would allow us to reduce that subsidy. We still will not have the market size that others have for total population which is important.

Alderman Ferrell: The non-emergency stuff would probably be the highest margin end of it?

Tony Hickerson: Yes. They can make a living at it. We get a lot of the phone calls after they have been called for patients that do not have insurance and we usually end up doing those calls.

Alderman Jordan: I don't feel real comfortable passing this tonight I would like to do a little more research if that is alright with the Council.

Mayor Coody: This was approved when we approved all the non-profit expenses in December. Although this is the next best time to ask questions, the best time would have been in December.

Alderman Marr: I don't have a problem with the number. Part of the issue is the amount of service and my concerns that we have transport trips that lengthen times. I won't be happy until we get away from average response time. I don't think an eight minute average response time is what you need in an emergency medical system. Last year we went to this and the Chief told us the average response time part of the discussion was going to be if we increase funding we might have an increase in services. It appears the majority of this is going towards payroll with the same service, which I don't disagree with. When you are having a heart attack an average eight minute response is not acceptable.

Tony Hickerson: We agree but the only way anybody has done that is with sole sourcing. You can't expect an ambulance service to provide a high level of service and a low response time if you allow other vendors to come in and take the resources out of the system that would allow you to have that response time. That is why we are looking at the study. The ambulance services that have what is called a fractile response time, which we have discussed and we agree is the appropriate way to measure response time, have no competition in their market. That's the way they can do that because of those resources that are now being taken out of the market. Hundreds of thousands of dollars per year is leaving the emergency market to go to a non-emergency side. Those dollars could be used to add the resources to improve the response time. That is our whole goal in this. We don't believe that we can be held to that higher level without being given the resources to meet those performance standards. Those resources are going to other for-profit ambulance services not to enhance emergency response.

Alderman Rhoads: What is fractile?

Tony Hickerson: That is measuring the response time by a certain percentage of calls within a certain time limit. Usually it is 90% of your calls. No system will ever be able to match 100%. The higher you go above 90% the much more expensive it gets for every percent.

Mr. Hickerson continued to explain different response times and how the response times are used.

Alderman Rhoads: Is there a since of emergency in approving this tonight?

Tony Hickerson: Well we are pretty thin on our margin and we are counting on that money to help us operate. If it means getting our funding yes.

Alderman Rhoads: If we don't approve it tonight and it gets approved two weeks from now what will be the consequence of that?

Tony Hickerson: We will probably have to borrow a little more money to get through that time period.

Alderman Lucas: We discussed this when we went through he budget. I am comfortable with it myself. I am looking forward to the study that is going to be completed. I would like to see the time not an average of eight minutes but no more than eight minutes and less if possible.

Alderman Lucas moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-3. Alderman Thiel, Cook, Marr, Rhoads, Lucas and Mayor Coody voting yes. Alderman Jordan, Reynolds and Ferrell voting no.

Mr. Williams read the ordinance.

The Ordinance was Left on the Second Reading.

Dychem International Contract Extension: An ordinance to waive competitive bidding and award an extension of a contract with Dychem International through the end of 2005.

Mr. Williams read the ordinance.

Alderman Thiel: In the memo it states the Equipment Committee requested further information on the cost of the systems at their meeting in November. Why can't we go out for competitive bidding on this?

Gary Dumas, Operations Director: Early last year we begin researching other alternative wash techniques. None of them satisfied the requirements that we had. The main requirement was to get the vehicles clean including the tops of the vehicles. We are still trying to find a system that is affordable that will accommodate not just the dump trucks but the front load sanitation trucks. We have not been able to find one yet. We have not been able to find an appropriate vender.

Alderman Reynolds: They brought us a system to the Equipment Committee and the Equipment Committee asked them to go back to the drawing table and make sure this new system would do small vehicles. The one that we have now does not do that. The package that was brought to us was quite expensive and we didn't accept it. We hope you are still hunting for something that will work. Meanwhile we will keep the system we have until we find what we need.

Alderman Thiel: This is for another year.

Alderman Reynolds: Yes, for the current system.

Gary Dumas: If we find a system prior to that we will bring it to the Council. This has a termination clause in it also.

Mayor Coody: 30 day back out?

Gary Dumas: Yes.

Alderman Rhoads: Is it $72,000 for the full year?

Gary Dumas: All we are doing is buying the chemicals; we own the system already I believe.

Alderman Thiel: This is just for the chemicals?

Alderman Rhoads: Is that the estimated cost of the chemicals for a full year, $72,000?

Gary Dumas: Yes.

Alderman Marr: The other issue that the Equipment Committee has was that while the per wash cost looked to be lower it had a much longer term equipment lease option on it that we weren't comfortable signing for that long of a period.

Alderman Rhoads 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 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 4674 as Recorded in the Office of the City Clerk.

PUBLIC HEARINGS:

Mayor Coody opened the Public Hearing

First Class Car Service Certificate of Public Convenience & Necessity: A resolution granting a Certificate of Public Convenience and Necessity to First Class Car Service for the operation of two (2) limousines within the city of Fayetteville, Arkansas.

Captain Brown, Police Department: They have been in business since July, 2004 and they are also licensed in Rogers. Their application states they will service Northwest Regional Airport and the hotels. They have asked for up to four vehicles however right now they only have two showing on their insurance. I do have their application, insurance and financial statement.

Alderman Rhoads: What do we currently have as far as approved in this category?

Captain Brown: Five cars.

Alderman Rhoads: One company, five cars?

Captain Brown: I think one company right now, yes sir.

Alderman Reynolds: I think one company has had four approved and one other operator has had one approved.

Captain Brown: I don't have the exact number with me. This would add two to it.

Alderman Rhoads: Do you believe that we need more?

Captain Brown: I don't know if we need more or not.

Mayor Coody: I think that is our policy decision. They just inspect and report back to us.

Alderman Ferrell: It would seem like if you only had four and you had an applicant with a couple of more it's going to add a few more and with a city of 60,000 people you would think that you could use a few more. I would think if he has passed inspection I would be in favor of it.

Alderman Marr: I would agree with Alderman Ferrell also. Unless you have a reason not to approve it to me it seems that free market should win.

Alderman Rhoads: Why don't we let the Police Department do the entire thing and cut us out of the picture?

Alderman Marr: I would support that amendment to our code.

Alderman Rhoads: We don't want to redo the code.

Kit Williams: Actually State law means that unless you form a new Board that would do this you are the Board that will grant the Certificate of Public Convenience and Necessity.

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

Resolution 20-05 as Recorded in the Office of the City Clerk.

Mayor Coody closed the Public Hearing.

Meeting Adjourned at 7:15 PM.

____
Dan Coody, Mayor

____
Sondra Smith, City Clerk

UAC.04-1136
U of A Parking Garage

2/18/05 Handed out at Agenda Session

MARTIN
ALEXIOU
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RALEIGH, NORTH CAROLINA, 27607
PHONE: 919-881-1243
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TRANSPORTATION PLANNING
TRAFFIC ENGINEERING

MEMORANDUM

To:	Kevin Santos, University of Arkansas
From:	George Alexiou, P.E.
Date:	February 7, 2005
Subject:	Harmon Avenue Parking Facility (HAPF) Traffic Analysis

Introduction

The University of Arkansas is implementing both its 1998 Campus Master Plan and the 2010 Commission goals to accommodate academic growth and improve the physical campus. As a result, in the past couple of years and over the next few years, existing surface parking facilities have been or will be displaced by buildings or open space projects. The lost parking and the additional parking needed to support growth will be, primarily, provided in new parking facilities, which is a common trend on campuses across the nation. The Harmon Avenue Parking Facility (HAPF) construction, which is nearly complete, is being constructed for this purpose.

This memo summarizes the findings of the traffic analysis undertaken to determine the impacts of the HAPF and associated campus parking changes on the surrounding road network. The years 2006 and 2010 were selected as intermediate milestones as the University continues to expand its facilities. An ongoing Transportation Master Plan will more fully address transportation needs beyond these intermediate years, once completed.

Campus Parking Changes

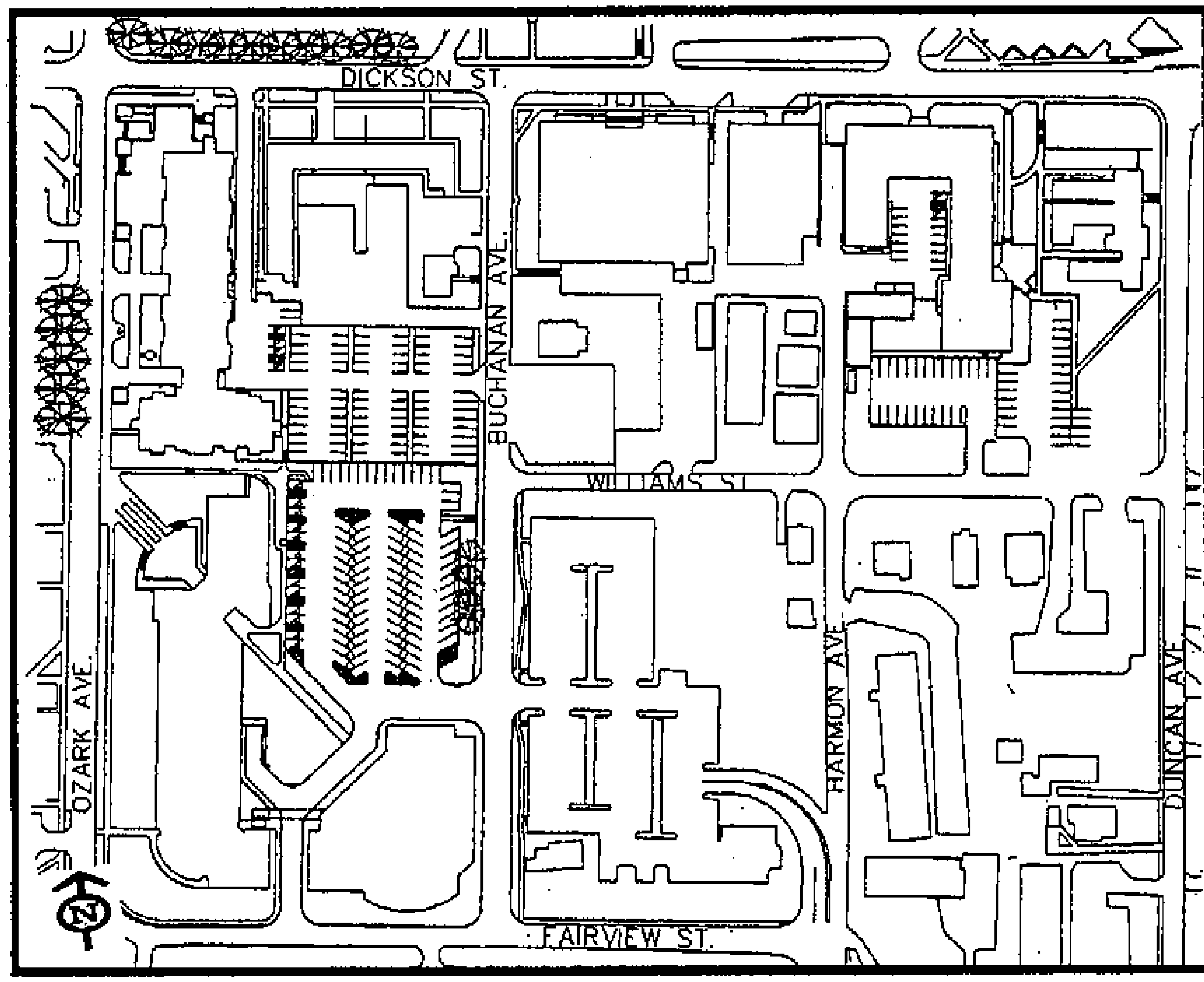
The HAPF, currently under construction and scheduled for completion by the start of the 2005/2006 school year, consists of 2,149 parking spaces. As shown in Figure 1, the HAPF is being constructed on a portion of campus that previously housed surface parking lots and miscellaneous University buildings. In addition, with the HAPF construction, the roadway network has changed slightly; a portion of Harmon Avenue was relocated and now intersects Buchanan Avenue near Williams Street. There is also additional future construction for the Willard J. Walker Hall (WJWH) and Center for Academic Excellence Building (CAEB) in the area once the HAPF is completed, also shown in Figure 1.

By 2006, two-thirds of the deck (1,418 spaces) is expected to be occupied, with 100 percent occupancy anticipated by 2007/2008. Access to the HAPF will be provided via five driveways: two on Williams Street, one on Harmon Avenue, and two on Duncan Avenue (one-way enter and one-way exit only). Refer to Figure 2 for access and deck layout.

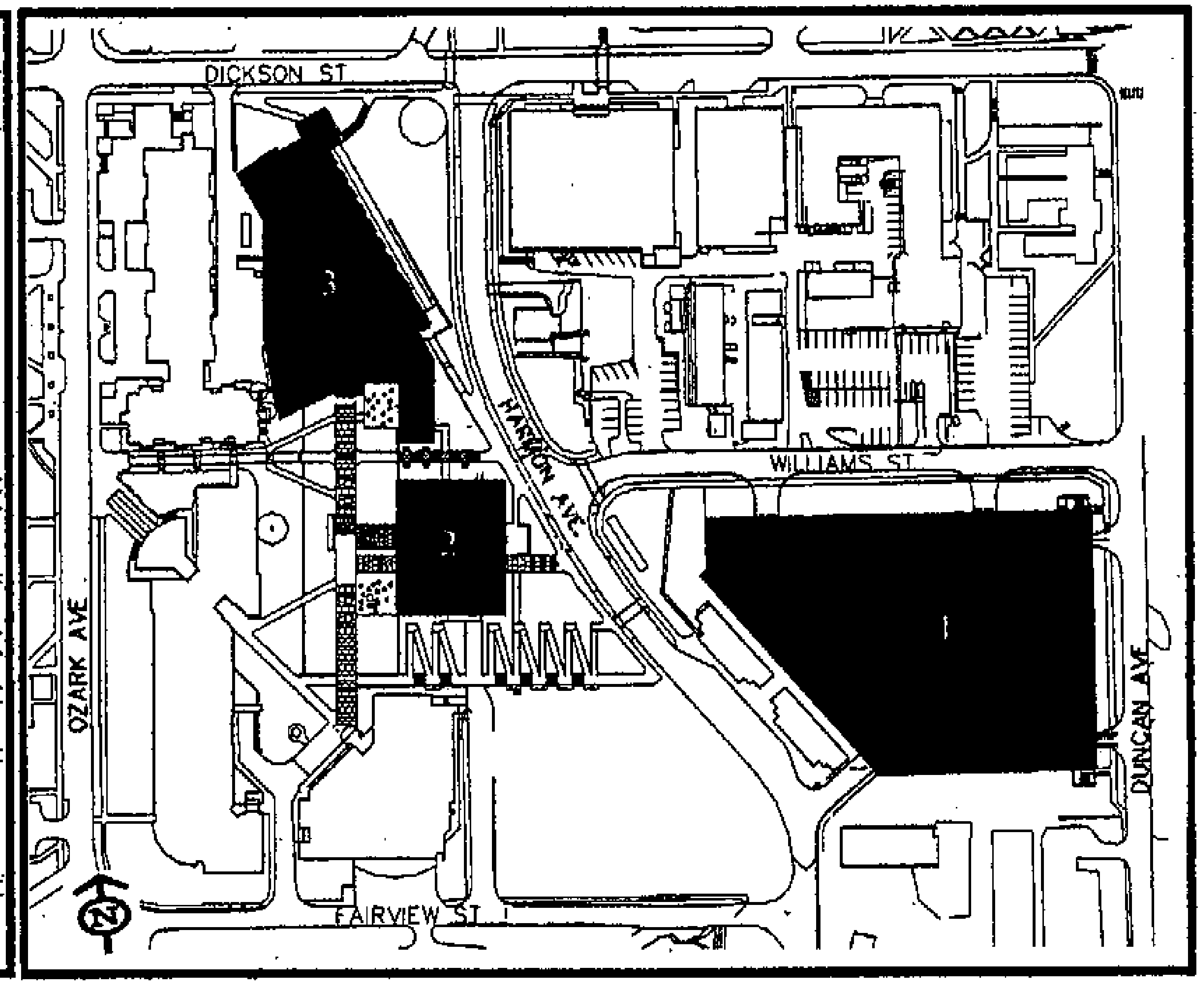
A number of parking space losses and gains are also planned as part of campus growth. With the HAPF construction approximately 197 spaces were lost previously, however the turning movement counts used in this analysis were collected in November, 2004, after these spaces were lost. By analysis year 2006, it was assumed that there would be a net increase of 1,130 parking spaces on the entire main campus and an additional increase of 438 spaces by 2010. The planned changes for the analysis are detailed in Table 1. It should be noted however, that by 2015 an additional 1,044 spaces are projected to be lost due to construction on the main campus. This results in a relatively small change (+327) in total parking over the campus through year 2015. Therefore, the results of the 2010 analysis actually may be similar to traffic congestion on campus beyond 2010 as these additional parking losses come online.

Figure 1 – South Campus Construction

Prior to HAPF Construction



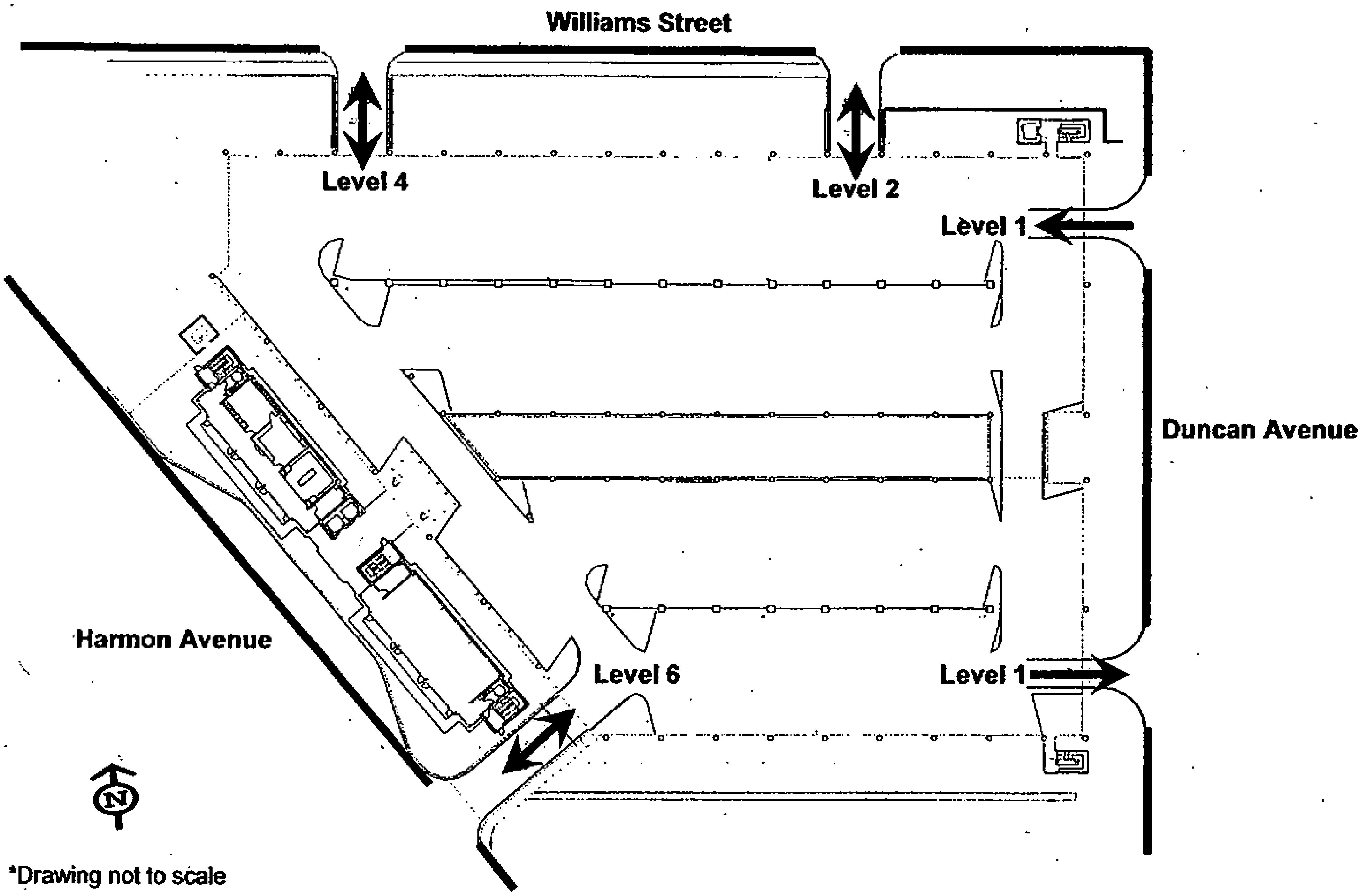
Future Construction (HAPF, WJWH & CAEB)



Drawings not to scale

(1) HAPF – Harmon Avenue Parking Facility
(2) WJWH - Willard J. Walker Hall
(3) CAEB - Center for Academic Excellence Building

Figure 2 – Harmon Avenue Parking Facility (HAPF)



*Drawing not to scale

Table 1 – Parking Analysis Assumptions (Campus-wide)*

Location	Analysis Year	Net Change in Spaces
Lost Surface Parking	2006	- 283
HAPF (partially occupied)	2006	+1,418
Total net change between 2004 and 2006		**+1,130**

Location	Analysis Year	Net Change in Spaces
Lost Surface Parking	2010	- 293
HAPF (fully occupied)	2010	+731
Total net change between 2006 and 2010		**+438**

*Note: Net change of parking totals on campus from prior to HAPF construction to year 2015 is projected to be approximately 327 spaces, due to 197 spaces lost due to HAPF construction and an additional 1,044 spaces projected to be lost between 2010 & 2015.

Traffic Analysis Study Area

The following intersections were identified for inclusion in this analysis for existing (2004) and future (2006 and 2010) conditions in the south main campus:

- Markham Road at Razorback Road (unsignalized)
- Dickson Street at Buchanan Avenue (unsignalized)
- Dickson Street at Duncan Avenue (unsignalized)
- Meadow Street at Razorback Road (unsignalized)
- California Boulevard at Stadium Drive/Virginia Street (unsignalized four-way stop)
- Center Street at Harmon Avenue (unsignalized)
- Center Street at Duncan Avenue (signalized)
- Center Street at University Avenue (unsignalized)
- Leroy Pond Road at Razorback Road (unsignalized)
- California Boulevard at Virginia Avenue/Garland Avenue (unsignalized)
- 6th Street at Razorback Road (signalized)
- 6th Street at Garland Avenue (unsignalized)
- Meadow Street at Stadium Drive (unsignalized)
- Leroy Pond Road at California Boulevard (unsignalized)

Site Trips and Distribution

Site trips entering and exiting the surface lots and HAPF were estimated based on the net change in parking spaces for both the 2006 and 2010 build years presented in Table 1. The trip rates that were used in the trip generation calculations were average rates based on previous studies for the University of Arkansas and other universities in the US. These rates are presented in Table 2.

Table 2 – Parking Trip Generation

	AM In (trips/space)	AM Out (trips/space)	PM In (trips/space)	PM Out (trips/space)
Average Rates	0.45	0.11	0.27	0.42

Site trips were distributed based on existing traffic patterns, employee and student addresses, and the results of an online survey of University students and employees. The distribution that resulted is similar to patterns observed by previous studies. The trip distribution used in the analysis is as follows:

- 37% from the East
- 18% from the West
- 37% from the North
- 8% from the South

Traffic Analysis Scenarios Results

Analysis was performed under four scenarios:

- Existing conditions (2004),
- Build (2006 with the HAPF and associated parking changes to the campus parking system),
- No-Build (2010 without the HAPF or any other changes in the campus parking system), and
- Build (2010) conditions.

The Existing (2004) scenario includes A.M. and P.M. peak hour analyses using turning movement count data collected in November, 2004.

The Build (2006) scenario includes existing traffic grown by 2.25% per annum from 2004 to 2006, as well as site trips generated by the net change in parking spaces (the annual growth rate was determined in conjunction with City of Fayetteville, Regional Planning Commission, and Arkansas Highways and Transportation Department staff). The Build (2010) scenario includes existing traffic grown by 2.25% per annum from 2006 to 2010, as well as site trips generated by the net change in parking spaces.

The analyses results are typically determined by the reported peak hour level of service (LOS). Peak hour level of service measures the adequacy of the intersection geometrics and traffic controls of a particular intersection or approach for the given turning movement volumes. Levels of service range from A through F, based on the average control delay experienced by vehicles traveling through the intersection during the peak hour. Control delay represents the portion of total delay attributed to traffic control devices (e.g., signals or stop signs). Table 3 provides a general description of the various level of service categories and delay ranges.

Table 3 – Level of Service Descriptions for Intersections

Level of Service	Description	Signalized Intersection	Unsignalized Intersection
A	Little or no delay	<= 10 sec.	<= 10 sec.
B	Short traffic delay	10-20 sec.	10-15 sec.
C	Average traffic delay	20-35 sec.	15-25 sec.
D	Long traffic delay	35-55 sec.	25-35 sec.
E	Very long traffic delay	55-80 sec.	35-50 sec.
F	Unacceptable delay	> 80 sec.	> 50 sec.

The engineering profession generally accepts LOS D as an acceptable operating condition for signalized intersections in urban areas and LOS C for rural areas. At unsignalized intersections, a LOS E is generally considered acceptable only if the side street encounters delay. Nevertheless, side streets typically function at LOS F during peak traffic periods, because the traffic volumes often do not warrant a traffic signal to assist side street traffic.

Regardless, even if an intersection "fails" by the above standards, it is often unreasonable to make the improvements that would be needed to bring the intersection up to an "acceptable" level of service. Reasons or constraints to making improvements, particularly in an older, build-out urban area, include environmental impacts, impacts on adjacent land uses, excessive costs, longer-term transportation improvements or changes that may reduce or redistribute traffic, or simply the concern that capacity improvements may encourage more traffic to use that route.

Existing (2004) Conditions

The Existing (2004) conditions analysis revealed one intersection within the south main campus area that is currently experiencing congestion problems (LOS E/F) during the P.M. peak hour. The problematic approach is also highlighted next to the intersection in parenthesis:

- Leroy Pond Road at Razorback Road (unsignalized WB approach in P.M. peak hour)

Build (2006) Conditions

In addition to the intersections listed above, the Build (2006) conditions analysis revealed some further intersections within the south main campus area that are projected to experience congestion problems (LOS E/F) during either the A.M. or P.M. peak hour. These results are based on the continued growth in background traffic (between 2004 and 2006), as well as the HAPF being approximately two-thirds (2/3) full and the other parking losses detailed in Table 1. The problematic approach is also highlighted next to the intersection in parenthesis. These locations include:

- Dickson Street at Duncan Avenue (unsignalized NB approach in P.M. peak hour)
- California Boulevard at Stadium Drive/Virginia Street (unsignalized SB approach in P.M. peak hour)
- Center Street at Harmon Avenue (unsignalized SB approach in P.M. peak hour)
- California Boulevard at Garland Avenue/Virginia Street (unsignalized NB approach during both peak hours)

No-Build (2010) Conditions

In addition to the intersections listed under the Existing (2004) condition results, the No-Build (2010) analysis revealed another intersection within the south main campus area that is projected to experience congestion problems (LOS E/F) during both the A.M. and P.M. peak hour. These results are based solely on the continued growth in background traffic (between 2004 and 2010). This location includes:

- 6th Street at Garland Avenue (unsignalized NB and SB approaches during both peak hours)

Build (2010) Conditions

In addition to the intersections listed above, the Build (2010) conditions analysis revealed some further intersections within the south main campus area that are projected to experience congestion problems (LOS E/F) during either the A.M. or P.M. peak hour. These results are based on the continued growth in background traffic (between 2006 and 2010), as well as the HAPF being full and the other parking losses detailed in Table 1. The problematic approach is also highlighted next to the intersection in parenthesis. These locations include:

- Center Street at Duncan Avenue (signalized EB approach during both peak hours)
- Center Street at University Avenue (unsignalized NB and SB approaches during both peak hours)
- Meadow Street at Stadium Drive (unsignalized EB approach in P.M. peak hour)

Recommendations

As listed previously, there are numerous locations in the study area that are projected to operate at a poor level of service in the future with or without the proposed parking changes. Some of these traffic problems are a consequence of the projected growth in background traffic in the Fayetteville area. In addition, it must also be noted that the majority of these locations are unsignalized approaches that will only experience delays during one or two hours of the day, and will not warrant signalization. This is typical for urban areas, for which the cost and impact of improvements would far outweigh benefits to the intersection operation. There are also safety problems at some locations due to sight distance restrictions arising from the horizontal and vertical alignments of the area roadways.

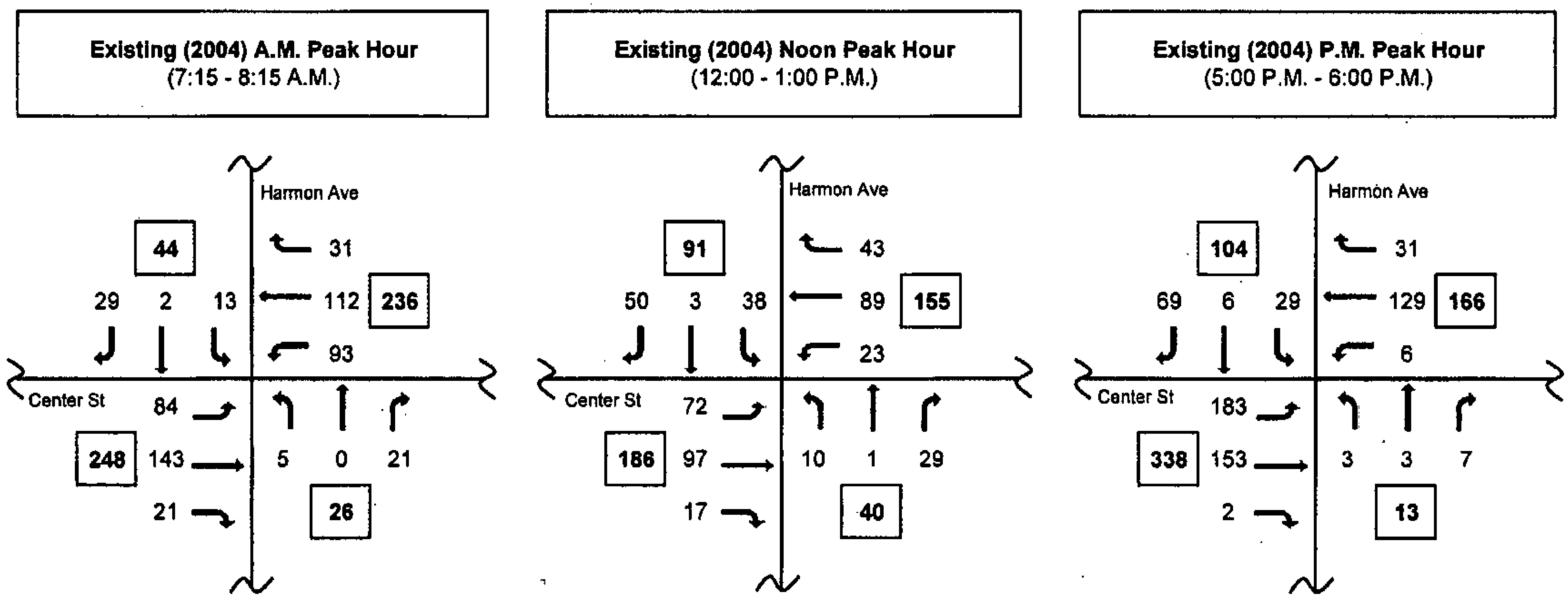
To accommodate the traffic generated by the HAPF, there are some improvements that should be considered in the study area in the near-term. There are also some network improvements that will be addressed in more detail in the Transportation Master Plan, and are considered longer-term improvements.

Near-Term (next 5 years)

- Center Street at Harmon Avenue – Currently an unsignalized intersection that will serve the HAPF from the south and currently serves the Fayetteville High School from the north. Grades and sight distance are problematic on all approaches to the intersection. By 2006, the SB approach is projected to experience some delay problems, but not too severe. As traffic volumes continue to increase in the area during the next 5 years, modifications needed to improve traffic operations and safety include: WB and EB left-turn lanes along Center Street and a SB right-turn lane along Harmon Avenue. For future considerations, if high school traffic were prohibited from using this intersection, the intersection could be converted to a T-intersection, and a significant reduction in A.M. peak hour traffic volumes would improve operations.
- Center Street at Duncan Avenue – Currently a signalized intersection operating with antiquated signal equipment that does not currently meet Manual of Uniform Traffic Control Devices (MUTCD) guidelines. This intersection suffers from poor sight distance on several approaches. Year 2006 LOS results were found to be acceptable; however by 2010 the intersection LOS degrades, mainly due to the signal timing. Signal operates pre-timed on a fairly short cycle length (50 seconds); therefore it is recommended that the signal be upgraded as soon as possible to provide actuated control with at least two signal heads per approach. Additional modifications recommended to improve traffic operations and safety at this location during the next five years include WB and EB left-turn lanes along Center Street and a SB right-turn lane along Duncan Avenue.
- 6th Street at Garland Avenue – Currently an unsignalized intersection that serves the University as well as the majority of Fayetteville High School traffic. Hazardous pedestrian crossing across 6th Street at this location, mainly used by high school students during the midday peak hours. SB and NB approaches degrade to poor conditions by 2006 and continue to worsen by 2010. Recommendations at this location include lengthening the SB right-turn lane on the Garland Avenue approach and signalizing the intersection after conducting a formal signal warrants study.
- California Boulevard at Stadium Drive/Virginia Street – Currently a four-way stop, this intersection is projected to experience congestion problems by 2006. Improvement options for this location would include the following:
  - signalization should be considered after conducting a formal signal warrants study
  - construct turn lanes on the SB, WB, and EB approaches.

  The Transportation Master Plan will also study the possibility of eliminating one leg of the intersection to form a three-leg intersection to provide a more direct connection to the south from Stadium Drive to Garland Avenue. This intersection modification will also address the sight distance and delays at the California Boulevard at Garland Avenue/Virginia Street unsignalized intersection.

- Razorback Road Improvements – The Transportation Master Plan is investigating improvements for Razorback Road between Maple Street and 6th Street. The Master Plan recommendations will specifically address congestion problems projected at the following locations:
    - Meadow Street at Razorback Road
    - Leroy Pond Road at Razorback Road
    - Cleveland Street at Razorback Road
    - Maple Street at Razorback Road
    - Markham Road at Razorback Road



LEGEND	
XX	Peak Hour Turning Movement Volume (vehicles)
$\boxed{XX}$	Approach Total (vehicles)

MARTIN
ALEXIOU
BRYSON

Existing (2004) Turning Movement Volumes
Harmon Avenue and Center Street Intersection

University of Arkansas
Harmon Avenue
Parking Facility (HAPF)
Traffic Analysis

Revised
2-8-05
Motorola Laptop
Purchase

ORDINANCE NO.__________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING UNTIL DECEMBER 31, 2007; APPROVING THE PURCHASE OF SEVEN (7) ADDITIONAL LAPTOP COMPUTERS AND DOCKING STATIONS IN THE AMOUNT OF $39,772.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $54,594.00.

WHEREAS, the Fayetteville Police Department placed Motorola ML900 ruggedized laptop computers in its police units in 2003; and,

WHEREAS, Police officers and Fleet maintenance personnel are already trained and proficient in the use and maintenance of the Motorola ML900 ruggedized laptop computers; and,

WHEREAS, maintaining uniform computer equipment in new units will result in both increased operational and fiscal efficiencies.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding for ruggedized laptop computers until December 31, 2007.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $54,594.00.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
SONDRA SMITH, City Clerk

Handed out at Agenda Session 2/8/05 - Nanchar, Inc.

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** (hereinafter referred to as "CMN Properties") agree as follows:

WHEREAS, CMN Properties 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." "At 75% sale of property (Phase I), Boulevard connection from Van Asche west to Gregg Avenue shall be made. At the time that Van Asche is extended to Gregg Avenue, the normal process of right-of-way and easement dedications shall be made and depicted on the final plat of Phase III. And 50/50 cost sharing with the City shall be the same as with Steele and Van Asche Boulevards in Phase I."

WHEREAS, CMN Properties agrees that Van Asche west to Gregg Avenue ("Van Asche Boulevard") should be built as soon as possible and that they will reimburse the City for their agreed cost share of its engineering and construction as soon as 75% of the land in CMN Business Park II, Phase I is sold or within five (5) years of the date that the construction contract for Van Asche Boulevard is entered into by all parties (whichever is sooner); and

WHEREAS, the cost estimate of construction of Van Asche Boulevard, with all sidewalks, bridges, turnouts and intersection sis **$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 effect the engineering and construction of Van Asche Boulevard 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 CMN Properties must agree in writing to the Engineering Contract and later to the Construction Contract to engineer and then to build Van Asche Boulevard before those contracts will become effective.

2. The City will provide copies of bids received for the Construction Contract to CMN Properties for review and evaluation prior to acceptance, as well as engineering contracts to any outside engineering firms. CMN reserves the right to reject any and all bids if such are determined to be priced higher than commercially reasonable rates. The City also agrees to provide copies of reports of construction progress and change orders as CMN Properties may request, and a final accounting of the Total Costs for approval, prior to the required date of reimbursement.

3. The City, through the retained engineering firm (paid jointly by both parties), shall be responsible for supervising the bid process, all engineering, inspection and construction management, and all construction of Van Asche Boulevard, and for ensuring the work is performed to City standards.

4. CMN Properties shall reimburse the City of Fayetteville pursuant to the requirements of the 2001 Final Plat for its cost share. The City of Fayetteville and CMN Properties agree that all land necessary for Van Asche 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 CMN Properties.

5. CMN Properties' 50% share of the project's total cost shall inflate at 3% per year, from the date the Construction Contracts are entered into by all parties until the Developers pay the City their 50% cost share.

6. CMN Properties 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 the Construction Contract is entered into by all parties, whichever is earlier. CMN Properties have the right to pay their 50% cost share at any time earlier than required.

7. The Large Scale Development and Final Plat of CMN Business Park II, Phase I, approved in 2001 and Exhibit "A" shall be considered a part of this Supplemental Agreement.

8. If either party does not agree to the Construction Contract for Van Asche Boulevard by May 1, 2006, this Supplemental Agreement For Cost Share Of Early Construction Of Van Asche Boulevard is terminated, null and void, except that CMN Properties shall immediately pay one-half of the costs of the approved engineering contract incurred by the City up to that point.

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 February, 2005.

CITY OF FAYETTEVILLE

By: ____________________
DAN COODY
Mayor

Attest: ____________________
Sondra Smith, City Clerk

NANCHAR, INC and
MSB PROPERTIES, LLC

By: ____________________
NANCY RUBECK,
NANCHAR, INC

By: ____________________
CHARLOTTE STEELE,
NANCHAR, INC

By: ____________________
MARJORIE S. BROOKS
MSB Properties, LLC

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 15, 2005

A meeting of the Fayetteville City Council will be held on February 15, 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

A. CONSENT:

1. **Approval of the Minutes:** Approval of the February 1, 2005 City Council meeting minutes.

2. **CapitalSoft.net, LLC Contract:** A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

3. **Motorola Radio Purchase:** A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

4. **North Point Ford Vehicle Purchase (A):** A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

5. **North Point Ford Vehicle Purchase (B):** A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

6. **Landers Honda Vehicle Purchase:** A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

7. **Landers Ford Vehicle Purchase:** A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

8. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

9. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

10. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

11. **City of Greenland Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005.

B. UNFINISHED BUSINESS

1. **VAC 04-1136 (U of A Parking Garage, 483):** An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

3. **Central Emergency Medical Services, Inc. Contract Renewal:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

1. **Motorola Laptop Purchase:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

2. **Shake's Property Offer:** A resolution to accept an offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for $178,555.00.

3. **RZN 04-1358 (Camillieri):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

4. **Amend § 173.08(B): Unsafe Buildings:** An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

5. **AHTD Reimbursement:** A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00.

6. **West Mud Creek Trail Project Change Order:** A resolution approving Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail Project.

7. **Solid Waste and Recycling Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00.

8. **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.

D. INFORMATIONAL:

Council Tour: February 14, 2005 – 4:30 pm

Fayetteville
ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and the Fayetteville City Council

FROM: Stephen Davis, Finance & Internal Services Director
Rainy Laycox, Billing & Collections Manager

DATE: January 25, 2005

SUBJECT: **Utility Rate Calculation Software**

Recommendation
Staff recommends award of a contract for Utility Rate Calculation Software to CapitalSoft.net, LLC.

Background
In mid-2004, City staff developed a Request-for-Proposal (RFP) seeking a utility rate software module that Fayetteville could utilize to monitor water and sewer rates by customer class as well as by jurisdiction. With this type of software package, City staff would be in a position to better monitor cost shifts between customer classes.

The need for Fayetteville to have this type of capability in-house was very evident during the rate adjustment public hearings from August 2003 through December 2003. The alternative to the City of Fayetteville owning this type of software package would be to contract with a rate consultant more frequently for formal rate studies. The last rate study cost approximately $50,000.

Budget Impact
The purchase of Utility Rate Calculation Software was budgeted in 2004 for $15,000. The 2004 budget amount was not re-budgeted to 2005. The increased cost over the 2004 budget is a result of purchasing the software with unlimited licensing that allows for multiple users. The 2004 budgeted amount went back to fund balance. There is sufficient fund balance to cover the 2005 acquisition.

Discussion
CapitalSoft.net, LLC is the only responsive bidder to the RFP. Staff has reviewed the software and is proposing the City enter into a contract to purchase the software.

The software will be utilized by City staff to assist with the planning of operating budgets, capital projects, major system repairs and rehabilitation, and debt service to determine the likely impact on existing water and sewer rates.

Planning for the future and adaptability to changing mandated requirements will be the key to maintaining a financially strong water and wastewater utility. Acquisition of this software package provides an additional tool to meet those challenges.

Staff proposes to use this software to:

- Monitor existing water and sewer rates to detect cost shifts between customer groups in a more timely manner.
- Monitor existing capital improvement programs and debt issuance plans to ensure sufficient cashflow to operations and debt service coverage tests.
- Develop multiple rate impact solutions that address mandated and/or necessary capital improvements while complying with bond indenture requirements concerning minimum revenue coverage tests.
- Enable compliance with the Fayetteville Code of Ordinances chapter 51.137 4(a) Annual review by city; revision of rates –"The city shall review the charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the cost of operation, maintenance, and replacement and that the system continues to provide for the proportional distribution of operation, maintenance, and replacement costs among users and user classes."
- Provides multi-year forecasting for each utility.
- Provide reports that include: Current vs. cost of service rates; baseline utility revenues with current rates; utility baseline cash flows; debt service coverage ratios; five-year projected cash flow requirements; and financial plans for capital improvement project requirements.
- Provide utility rate calculations for multiple jurisdictions.
- Supports utility basis for rate design as defined by the American Water Works Association.
- Capability to calculate utility rates for water, sewer, sanitation, and storm water utilities.

Finally, this software can be used to calculate water and sewer rates instead of contracting the rate making effort. The City is still required to have an independent engineer evaluate the water and sewer utility and issue a professional opinion that examines the utility system from an operational point-of-view. The Operations Study is required to be completed every three years by a qualified engineer and the report must contain an engineering evaluation, a financial analysis by utility, and a report on compliance with bond indentures.

RESOLUTION NO. ______

A RESOLUTION APPROVING A CONTRACT IN THE AMOUNT OF $31,575.00 WITH CAPITALSOFT.NET, LLC FOR THE PURCHASE OF UTILITY RATE & FINANCIAL PLANNER SOFTWARE.

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 in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of Utility Rate & Financial Planner software. A copy of the contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

CONTRACT

This contract executed this ____ day of January, 2005, between the City of Fayetteville, Arkansas, a municipal corporation, and CapitalSoft.net, LLC, 956A Beachland Blvd., Suite 11 Vero Beach, Florida.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. CapitalSoft.net, LLC at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid #04-14 as stated in CapitalSoft.net, LLC's bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid #04-14, all included herein as if spelled out word for word.

2. The City of Fayetteville shall pay a one-time license fee of $25,000.00 for products based on prices indicated in CapitalSoft.net, LLC's bid proposal, and an Annual Maintenance fee of $5,000.00. Payments will be made only after submission of invoice. Payments will be made approximately 30 days after receipt of invoice.

3. The Contract documents which comprise the contract between the City of Fayetteville and CapitalSoft.net, LLC consist of this Contract and the following documents attached hereto, and made a part hereof:

   A. Bid form identified as Invitation to Bid #04-14 with the specifications and conditions typed thereon.

   B. CapitalSoft.net, LLC's bid proposal.

   C. The Notice to Prospective Bidders and the Bid Tabulation.

4. These Contract documents constitute the entire agreement between the City of Fayetteville and CapitalSoft.net, LLC and may be modified only by a duly executed written instrument signed by the City of Fayetteville and CapitalSoft.net, LLC.

5. CapitalSoft.net, LLC shall not delegate it's duties under the terms of this agreement.

6. CapitalSoft.net, LLC agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from CapitalSoft.net, LLC's performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.

7. CapitalSoft.net, LLC shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that it carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, CapitalSoft.net, LLC shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

<u>Workmen's Compensation</u>	Statutory Amount
<u>Comprehensive General & Automobile Insurance</u>	
Bodily Injury Liability	$250,000 for each person injured.
	$500,000 for each accident.
Property Damage Liability	$100,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by CapitalSoft.net, LLC.

8. CapitalSoft.net, LLC to furnish proof of licensure as required by all local and state agencies.

9. This contract may be terminated by the City of Fayetteville or CapitalSoft.net, LLC with 30 days written notice.

10. <u>Freedom of Information Act:</u> City of Fayetteville 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, CapitalSoft.net, LLC 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 photo copying costs pursuant to the FOIA may be assessed for this compliance.

WITNESS our hands this _______ day of January 2005.

CITY OF FAYETTEVILLE

BY_______________________
DAN COODY, Mayor

ATTEST:

____
SONDRA SMITH, City Clerk

CAPITALSOFT.NET, LLC

BY Harry Asher, COO

Harry Asher, COO/Secretary
PRINTED NAME AND TITLE

ATTEST:

Harry Asher
COMPANY SECRETARY

956A Beachland Blvd - Suite 11 - Vero Beach, FL 32963
BUSINESS ADDRESS

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2005	Department: Water & Wastewater Division: Meter Operations Program: Meter Capital	1/11/2004	

Project or Item Requested:

$26,575 is needed in the Utility Rate & Financial Planning software capital project.

$5,000 is needed in the Software Maintenance operational account.

Project or Item Deleted:

None. $31,575 from the Water & Sewer Fund Use of Fund Balance account.

Justification of this Increase:

The funding is needed for the purchase of a utility rate and financial planning software packet and the annual maintenance fee.

Justification of this Decrease:

There is sufficient fund balance remaining in the Water & Sewer Fund to comply with City Policy and to meet 2005 objectives.

In 2004, there was $15,000 budgeted for the purchase of the software that will go back to fund balance.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	5400	1840	5801	00	26,575	04045	1
Software maintenance	5400	1810	5416	00	5,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	5400	0001	4999	99	31,575		

Approval Signatures

Requested By ______ Date

Budget Manager ______ Date 12-30 04

Department Director ______ Date

Finance & Internal Services Director ______ Date

Mayor ______ Date

Budget Office Use Only

Type: A B C D E

Date of Approval ______ Initial ______ Date

Posted to General Ledger ______ Initial ______ Date

Posted to Project Accounting ______ Initial ______ Date

Entered in Category Log ______ Initial ______ Date

REQUEST FOR PROPOSAL
04-16
UTILIY RATE CALCULATION AND PLANNING SOFTWARE
FOR
THE CITY OF FAYETTEVILLE, ARKANSAS

The City of Fayetteville, Arkansas is requesting proposals from experienced and qualified firms to purchase **Utility Rate Calculation Software.**

To be considered for evaluation, written proposals must be received by **August 30th, 2004 at 4:00 p.m.** in the format set forth in the accompanying documents. A non-responsive or incomplete proposal will not be considered. Proposals received after this deadline will not be considered. Eight (8) copies of the proposal shall be mailed or hand delivered to the following address:

Ms. Peggy Vice
Purchasing Manager
City of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701
Telephone: (479) 575-8289
Fax: (479) 575-8241

The outside of the envelope must be clearly marked "RFP 04-16" Request for Proposal-Utility Rate Calculation Software.

1. It shall be clearly understood that any costs incurred by the respondent in responding to this request for proposal is at the respondent's own risk and expense as a cost of doing business, and the City is not liable for reimbursement to the respondent for any expense so incurred, regardless of whether or not the proposal is accepted.

2. Any inquiries or requests for explanation in regard to the City's requirements should be made promptly in writing by fax to the above listed number. No oral interpretation or clarifications will be given as to the meaning of any part of this request for proposal. All questions, clarifications, and requests, together with answers, if any, will be provided to all firms that have indicated an interest or intention to submit proposals, but the names of any firms submitting any questions, clarifications, or requests will not be disclosed until after the deadline for submitting proposals.

3. Any conditions or expectation on the part of the respondent for performance by the City must be set forth in the proposal. The City is not obligated to consider the respondent's post submittal terms and conditions.

4. At the discretion of the City, one or more firms may be asked for more detailed information before final ranking of the firms, which may also include oral interviews.

5. The City will not be responsible for misdirected proposals. Respondent should call the Purchasing Office at (479) 575-8289 to insure receipt of their proposal documents prior to opening time and date listed above.

REQUEST FOR PROPOSAL
04-16
UTILITY RATE CALCULATION SOFTWARE

FOR

THE CITY OF FAYETTEVILLE, ARKANSAS

1.0 Purpose

The City of Fayetteville, Arkansas, hereinafter referred to as "the City", seeks proposals in response to this Request for Utility Rate Calculation and Financial Planning software (primarily water and sewer rates) to be utilized to assist City management, City Council and Citizens in making informed decisions regarding:

a) capital projects

b) rehabilitation

c) repair

d) debt issues

e) operating budgets

2.0 Functional Requirements

a) The utility basis for rate design as defined by the American Water Works Association.

b) The cash basis for rate design as defined by the American Water Works Association.

c) Multiple customer groups.

d) Multiple cost classification options.

e) Multiple cost classification methods.

f) Multiple rate design options.

g) Unlimited sales/rates/cash flow scenarios.

h) Must be capable of calculating utility rates for water, sewer, sanitation and storm water utilities.

i) Must support utility rate calculations for multiple jurisdictions.

j) Must support rate of return based on assets employed.

k) Must provide method to calculate based on "what if" scenarios by utility.

l) Must provide multi year forecasting by utility.

m) Must provide at minimum the following reports: Current vs. cost of service rates, Baseline utility revenues with current rates, Utility baseline cash flows, Debt service coverage ratios, Five year projected cash flow requirements, and a financial plan capital improvement project requirements.

3.0 Software Requirements

The software should produce auditable schedules that provide information on the impact each of the elements listed above have on the utility's cash flow sufficiency and current rates.

The software proposed shall:

a) Allow import of cost data from Microsoft Excel.

b) Must provide Multi-user access utilizing Microsoft Sequel or Access DBMS.

4.0 System Requirements

a) List minimum hardware requirements, ram, processor speed, etc.

5.0 Training

a) List training provided with software, number of people, number of days trained. Training will be considered in evaluation.

6.0 Demo required of selected vendor before purchase

a) Demonstrate all capabilities before payment.

7.0 Annual update costs and annual software license cost per year.

a) Number of concurrent user licenses.

8.0 List current customers. Give reference name and phone number.

9.0 Verify current accounting/customer data format will work with software.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2/15/2005
City Council Meeting Date

Submitted By	Division	Department
Rainy Laycox	Meter - Capital Exp/Billing & Coll.	Finance & Internal Services

Action Required:

A Resolution approving the contract with CapitalSoft.net,LLC for the purchase of Utility Rate and Financial Planner Software which meets requirements detailed in Request For Proposal 04-14. The contract consists of a one-time license fee of $25,000.00 and an annual maintenance fee of $5,000.00 plus $1,575.00 for use taxes.

Cost of this request	Category/Project Budget	Program Category / Project Name
$31,575.00	$31,575	Utility Rate and Financial Planner Software

Account Number	Funds Used to Date	Program / Project Category Name
5400-1840-5801-00	$0	Other Improvements
5400-1810-5416-00	$0	

Project Number	Remaining Balance	Fund Name
04045	$31,575	Water and Sewer

Budgeted Item [ ]   Budget Adjustment Attached [x]

Department Director — 1/26/05 Date

City Attorney — 1/28/05

Finance and Internal Service Director — 1/26/05 Date

Mayor — 1/31/05 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office — ENTERED 1-26-05

Received in Mayor's Office — 1/28/05 P.H

Comments: Use Tax obligation not included in contract but is an obligation of the City of Fayetteville

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police

DATE: January 28, 2005 FJ

SUBJECT: Approval to Purchase Motorola Radio Equipment

RECOMMENDATION:

Council authorize Mayor Coody to issue a purchase order to Motorola in the amount of $55,155.78 to purchase eleven portable radios and 2 mobile radios as specified for the Fayetteville Police Department.

BACKGROUND:

The City of Fayetteville radio system is a Motorola 800 MHz Motorola trunking system and in March of 2001 the City Council adopted Ordinance # 4300 waiving competitive bidding for additional radio equipment.

DISCUSSION:

This purchase includes portable radios for the additional officers authorized by the 2005 budget and mobile radios for the additional marked police cars. These radios are like the ones currently on the system.

BUDGET IMPACT:

The total cost of $55,155.78 for this project is included in the Patrol Division Minor Equipment account within the General Fund. This procurement followed the existing City purchasing policies.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE PURCHASE OF ELEVEN (11) PORTABLE RADIOS WITH ACCESSORIES AND TWO (2) MOBILE RADIOS FROM MOTOROLA AT A TOTAL COST OF $55,155.78.

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 eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

ORDINANCE NO. 4300

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF SPECIALIZED RADIO EQUIPMENT FROM MOTOROLA INCORPORATED.

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

Section 1. The City Council hereby waives the requirement of competitive bidding for the purchase of specialized radio equipment from Motorola Incorporated for the reason that an exceptional situation exists making such procedure not feasible as follows:

(a) Motorola Incorporated is the sole source supplier of the equipment which is compatible with the 800 MHz Motorola trunking system utilized by the city.

Section 2. Such bid waiver shall continue in effect, subject to any needed budget or contract approval, until such time as the City of Fayetteville discontinues operation of the 800 MHz Motorola trunking system.

Section 3. The City Council hereby determines that the City of Fayetteville is in immediate need of additional radio equipment and hereby determines that the immediate passage of this ordinance is necessary for the purchase of such equipment. Therefore, an emergency is declared to exist and this ordinance being necessary for the public safety and welfare shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 20 day of March, 2001.

APPROVED:

BY: Dan Coody

DAN COODY, Mayor

ATTEST:

By: Heather Woodruff

Heather Woodruff, City Clerk

A. 3 Motorola Radio Purchase

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 1/14/2004

P.O Number:

Expected Delivery Date:

Vendor #: 27860

Vendor Name: Motorola

Mail Yes: No: X

Address: 2212 W. Nashville St

Fob Point:

Taxable Yes: X No:

Quotes Attached Yes: No: X

City: Broken Arrow

State: OK

Zip Code: 74012

Ship to code:

Divison Head Approval:

Requester: K. Stocker/per Judy Cohea

Requester's Employee #: 93

Extension: 561

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	XTS5000 w/ battery and flex antenna	11	ea	3,157.00	$34,727.00	1010-2940-5210.00			
2	Speaker Mic	11	ea	78.00	$858.00	1010-2940-5210.00			
3	NTN1873 Charger	11	ea	132.00	$1,452.00	1010-2940-5210.00			
4	Battery HNN9031B	11	ea	63.00	$693.00	1010-2940-5210.00			
5	Leather Carrying Case	11	ea	48.00	$528.00	1010-2940-5210.00			
6	DVP_XL Encryption	11	ea	520.00	$5,720.00	1010-2940-5210.00			
7					$0.00				
8	XTL5000 Mobile Dashmount	2	ea	3,328.00	$6,656.00	1010-2940-5210.00			
9	DVP-XL encryption	2	ea	532.00	$1,064.00	1010-2940-5210.00			
10					$0.00				
	Shipping/Handling	1	Lot	265.00	$265.00				

Special Instructions:

Bid waiver Ord # 4300

Subtotal: $51,963.00

Tax: $3,192.78

Total: $55,155.78

Approvals:

Mayor: ____________ Department Director: ____________ Purchasing Manager: ____________

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

Dispatch Manager: ____________ Utilities Manager: ____________ Other: ____________

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2/15/2005
City Council Meeting Date

Frank Johnson	Police	Police
Submitted By	Division	Department

Action Required:

Approve the purchase of 11 Motorola portable radios with accessories and two mobile radios in the amount of $55,155.78. A bid wavier is currently on file at the City Clerk's office.

$55,155.78	$ 135,443.00	Patrol
Cost of this request	Category/Project Budget	Program Category / Project Name
1010-2940-5210.00	$ 8,340.06	Materials & Supplies
Account Number	Funds Used to Date	Program / Project Category Name
	$ 127,102.94	General
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director   Date 1/28/05

City Attorney   1/28/05

Finance and Internal Service Director   Date 1/31/05

Mayor   Date 2/1/05

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 1/28/05

Received in Mayor's Office
JW 1-28-05

Comments:

Fayetteville
ARKANSAS

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** DB

Date: **January 24, 2005**

Subject: **Purchase of three trucks from State of Arkansas Purchase Contract**

RECOMMENDATION: That City Council approve the purchase of three trucks from North Point Ford from the State of Arkansas vehicle Purchase Contract for use by Solid Waste, Parks, and Transportation Divisions.

BACKGROUND: These three trucks are to replace for Solid Waste Division #2024, a 1999 Ford F250 with 112,000 miles; to replace for Parks #431, a 1991 Ford F350 with 98,000 miles, and to replace for Transportation a 1997 Ford Crown Victoria, former police car with 112,000 miles. A Crew cab truck will better suit the needs of Transportation Division. The three old units are no longer dependable and it is not economically feasible to repair them.

Funds are available for the purchase of these units in Project 02078 – Light/Medium trucks.

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE PURCHASE OF THREE (3) ¾ TON 4x4 PICKUP TRUCKS FROM NORTH POINT FORD OF LITTLE ROCK AT A TOTAL COST OF $77,862.00 FOR USE BY THE SOLID WASTE, PARKS, AND TRANSPORTATION DIVISIONS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $21,500.00.

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 three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $21,500.00.

PASSED and **APPROVED** this 15th day of February, 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

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

FROM: **David Bragg, Fleet Operations Supt**

DATE: **January 18, 2005**

SUBJECT: **State Contract Purchases**

The following fleet vehicle expansion and replacement requirements are available from the State of Arkansas vehicle purchase contract. Due to the volume of the State contract, we cannot expect fleet incentives provided from the manufacturers for a City of Fayetteville bid to approach those available on the State contract.

I recommend purchase of the following vehicles from the State of Arkansas contract:

	Vehicle Type	Qty.	Make/Model	Vendor	Price Each	Total
1.	Mid Size Sedan	4	Ford Taurus	Landers	$12,270.00	$49,080.00
2.	1/2T Reg. Cab Pickup	2	Chevrolet Silv	Bale Chev	$12,028.68	$24,057.36
3.	1/2T Ext. Cab Pickup	1	Chevrolet Silv	Bale Chev	$14,918.50	$14,918.50
4.	1/2T Reg. Cab 4X4 PU	1	Chevrolet Silv	Bale Chev	$14,877.05	$14,877.05
5.	1/2T Ext. Cab 4X4 PU	2	Chevrolet Silv	Bale Chev	$17,867.60	$35,735.20
6.	3/4T Ext. Cab 4X4 PU	1	Ford F-250	North Point	$25,066.00	$25,066.00
7.	3/4T Crew Cab 4X4 PU	2	Ford F-250	North Point	$26,398.00	$52,796.00
8.	1T Cab & Chassis	1	Chevrolet Silv	Bale Chev	$21,810.25	$21,810.25
9.	1T Cab & Chassis 4X4	1	Chevrolet Silv	Bale Chev	$24,874.25	$24,874.25
	TOTAL					**$263,214.61**

Item

1: Planning; Replace unit #147, a 1996 Ford Crown Victoria, former police car with 115,000 miles.
Police: 2 Expansion units approved in 2005 budget
Building Safety: 1 Expansion unit approved in 2005 budget

2: Parks: Replace unit #252, a 1988 GMC pickup with 100,000 miles; replace unit #2003, a 1997 Ford Ranger with 120,000 miles that is out of service and uneconomically repairable.

3: Code Enforcement: Replace unit #1010, a 1997 Ford Crown Victoria, former police car with 109,000 miles.

4: Parks: 1 Expansion unit approved in 2005 budget

5: Fire: Replace unit #1049. a 1999 Ford Explorer with 63,000 miles that will be reassigned to Building Services to replace a 1990 Ford Aerostar van.
Water and Sewer: Expansion unit to be funded by transfer from W&S funds.

6: Solid Waste: Replace unit #2024, a 1999 Ford F-250 with 112,000 miles.

7: Parks: Replace unit #431, a 1991 Ford F-350 with 98,000 miles
Transportation: Replace unit #1005, a 1997 Ford Crown Victoria, former police car with 112,000 miles.

8: Parks: Replace unit #269, a 1990 Ford F-350 Utility with 130,000 miles.

9. Fleet: Replace unit #278, a 1991 Ford F-350 Utility 4X2 with 142,000 miles. Fleet service truck needs 4X4 capability for off road service of heavy equipment and inclement weather response. Existing service body and crane will be refurbished and remounted.

Funds for these purchases are available in 2005 Special Project accounts 2078 – Light/Medium Utility Vehicles, and 2081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 1/25/2005

P.O Number:

Expected Delivery Date:

Vendor #: 6481

Vendor Name: NORTH POINT FORD

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:___

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: 2HB

Quotes Attached Yes:_____ No:_____

Requester: BARBARA OLSEN BO

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	3/4 TON FORD F250 EXTENDED CAB	1	EA	$25,066.00	$25,066.00	9700.1920.5802.00	02078.1		
2	4 X 4, PICKUP, TO BE UNIT		EA		$0.00				
3	#2081, FIXED ASSET #702081		EA		$0.00				
4	3/4 TON FORD F250 CREW CAB	2	EA	$26,398.00	$52,796.00	9700.1920.5802.00	02078.1		
5	4 X 4, PICKUP, TO BE UNIT		EA		$0.00				
6	#2082, FIXED ASSET #702082		EA		$0.00				
7	#2083, FIXED ASSET #702083		EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
			EA		$0.00				

Special Instructions:

Subtotal: 77,862.00

Tax: _EXEMPT

Total: 77,862.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Fleet Operations Program: Capital Expenditures	Date Requested	Adjustment Number
2005		1/27/2005	

Project or Item Requested:
$21,500 is requested in the Fleet - Light/Medium trucks capital project (#02078) in the Shop Fund.

Project or Item Deleted:
$21,500 is to be deleted from the Police/Passendger Vehicle capital project (#02081) in the shop fund.

Justification of this Increase:
Fleet had budgeted to purchase a Honda Element from the Passenger car project for Transportation. Transportation has decided that a 3/4 ton crew cab truck will better serve their needs. The funds need to be moved from the Passenger car project to the truck project to purchase this truck.

Justification of this Decrease:
There is sufficient funding available to meet City policy and 2005 objectives.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	21,500	02078	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	21,500	02081	1

Approval Signatures

	Date
Requested By	
Budget Manager	1-28-05
Department Director	
Finance & Internal Services Director	
Mayor	

Budget Office Use Only

Type: A B C D E

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of purchase of three 3/4 ton Pickups, 4 x 4 from North Point Ford from the State of Arkansas vehicle purchase contract for use by Solid Waste, Parks, and Transportation.

	'04 $	
$77,862.00	$ 745,639.00	Light/Medium Trucks
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 613,983.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.1	$ 131,656.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [X]

Department Director — Date: 1-28-05

City Attorney — Date: 1/28/05

Finance and Internal Service Director — Date: 2-1-05

Mayor — Date: 2/1/05

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED 1/23/05

Received in Mayor's Office
JW 1-28-05

Comments:

Fayetteville ARKANSAS

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** DRB

Date: **January 24, 2005**

Subject: **Purchase of six compact extended cab 4 x 4 pickup trucks**

RECOMMENDATION: That City Council approve the purchase of six extended cab 4 x 4 pickup trucks for use by Meter Division and Building Safety Division from North Point Ford.

BACKGROUND: Unit #2043 (Building Safety) was destroyed in a recent accident. Insurance settlement of $15,375 was received. Meter Division is authorized one expansion unit in the 2005 budget. Also, Meter Division has four units (#279, 2008, 2014, and 2016) which will be reassigned to replace older units in other divisions with lower utilization. These four trucks are 1996 – 1999 models with 70,000 to 100,000 miles.

Three bids were received. North Point Ford in North Little Rock has the lowest bid and meets all specifications for the amount of $17,890 each. I recommend acceptance of the lowest bid from North Point Ford in the amount of $107,340 for six units.

Funds are available for the purchase of these trucks in Project 02078 – Light/Medium Trucks.

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE PURCHASE OF SIX (6) COMPACT EXTENDED CAB 4x4 PICKUP TRUCKS FROM NORTH POINT FORD OF LITTLE ROCK AT A TOTAL COST OF $107,340.00 FOR USE BY THE METER DIVISION AND BUILDING SAFETY DIVISION.

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 six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________

DAN COODY, Mayor

ATTEST:

By: ______________________

SONDRA SMITH, City Clerk

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental 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: **January 25, 2005**

Subject: **Equipment Committee Meeting – January 31**

Bid #05-02 was opened on January 11, 2005 for one Double Drum Vibratory Asphalt Roller for use by Transportation Division. Four bids were received:

Scott Construction Equip.	Springdale, AR	Case DV204	$38,341.00
Clark Machinery Co.	Fort Smith, AR	Ingersoll Rand DD-30	$38,424.71
Riggs Tractor Co.	Springdale, AR	Caterpillar CB-334E	$38,800.00
Diamond Rental & Sales	Johnson, AR	Ingersoll Rand DD-30	$40,519.88

The third lowest bid from Riggs Tractor Co. of Springdale all specifications.

I recommend acceptance of the bid from Riggs in the amount of $38,800.00.

The two lower bids are deficient as follows:

		Specified	Scott	Clark
3.1, b.	Engine horsepower	42	38	
3.5, f.	Drum vibration frequency (VPM)	4,000	3720	
3.8, b.	Sun canopy	Yes		No
3.10, a.	Operating Weight	8,500 #	7,720#	6,900#

This is a replacement for unit #65, a 1993 Ferguson static drum roller. This roller has reached an age that it is not dependable for daily use. Current vibratory technology produces a superior asphalt surface. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02077 – Construction Equipment.

Bid #05-03 was opened on January 11, 2005 for six compact extended cab 4X4 pickup trucks for use by Meter Division and Building Safety Division. Three bids were received:

North Point Ford	N. Little Rock, AR	Ford Ranger	$17,890.00
Lewis Ford	Fayetteville	Ford Ranger	$20,560.00
Landers-McClarty Ford	Bentonville, AR	Ford Ranger	$20,861.00

The lowest bid from North Point Ford meets all specifications.

I recommend acceptance of the lowest bid from North Point Ford in the amount of $107,340.00 for six units.

Building Safety, Unit 2043, was destroyed in a recent accident. Insurance settlement of $15,375 was received.
Meter Division is authorized one expansion unit in the 2005 budget.
Meter Division, Units 279, 2008, 2014, 2016 will be reassigned to replace older units in other divisions with lower utilization. These are 1996 – 1999 models with 70-100,000 miles. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #05-05 was opened on January 11, 2005 for one compact 4X4 utility vehicle to be used by Engineering Division. Three bids were received:

Landers Honda	Fayetteville	2004 Honda Element	$18,021.02
Landers Honda	Fayetteville	2005 Honda Element	$18,869.16
Bale Honda	Little Rock, AR	2005 Honda Element	$20,165.00
Lewis Ford	Fayetteville	2005 Ford Escape	$22,311.00

The 2005 model bid from Landers Honda meets all specifications.

I recommend acceptance of the bid from Landers Honda in the amount of $18,869.16 for one 2005 Honda Element. Since the 2004 model bid was for an inventory unit, Landers cannot guarantee availability by the time we receive approval to purchase. Specifications do call for the latest production model.

This is a replacement for unit #151, a 1996 Ford Crown Victoria former police car with 108,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:

Date: 1/25/2006

P.O Number:

Expected Delivery Date:

Vendor #: 6481

Vendor Name: NORTH POINT FORD

Mail Yes:__ No:_XX_

Address:

Fob Point:

Taxable Yes:_XX_ No:___

City:

State:

Zip Code:

Ship to code: 050

Divison Head Approval: 2KB

Quotes Attached Yes:____ No:____

Requester: BARBARA OLSEN BO

Requester's Employee #: 1940

Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 FORD RANGER EXTENDED	6	EA	$17,890.00	$107,340.00	9700.1920.5802.00	02078.1		
2	CAB 4 X 4 PICKUP TRUCKS PER		EA		$0.00				
3	BID #05-03, TO BE UNITS:		EA		$0.00				
4	#2068, FIXED ASSET #702068		EA		$0.00				
5	#2069, FIXED ASSET #702069		EA		$0.00				
6	#2070, FIXED ASSET #702070		EA		$0.00				
7	#2071, FIXED ASSET #702071		EA		$0.00				
8	#2072, FIXED ASSET #702072		EA		$0.00				
9	#2073, FIXED ASSET #702073		EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 107,340.00

Tax: _EXEMPT

Total: 107,340.00

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Submitted By	Division	Department
David Bragg	Fleet Operations	Operations

Action Required:

Action Required: Approval of purchase of six compact extended cab 4 x 4 pickup trucks from North Point Ford for use by Meter Division and Building Safety Division.

Cost of this request	Category/Project Budget	Program Category / Project Name
$107,340.00	04 $ $ 745,639.00	Light/Medium Trucks

Account Number	Funds Used to Date	Program / Project Category Name
9700.1920.5802.00	$ 506,643.00	Vehicles and Equipment

Project Number	Remaining Balance	Fund Name
02078.1	$ 238,996.00	Shop

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director — Date: 1-28-05

City Attorney — Date: 1/28/05

Finance and Internal Service Director — Date: 2-1-05

Mayor — Date: 2/1/05

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office
ENTERED 1/26/05

Received in Mayor's Office
1/28/05 PH.

Comments:

Fayetteville
ARKANSAS

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** DB

Date: **January 24, 2005**

Subject: **Purchase of 2005 Honda Element for Engineering Division**

RECOMMENDATION: That City Council approve the purchase of one 2005 Honda Element from Landers Honda for the Engineering Division.

BACKGROUND: In the 2005 budget, a replacement was approved for #151. This unit is a 1996 Ford Crown Victoria, former police car with 108,000 miles that is no longer dependable or economical for regular daily use. Three bids were received. I recommend acceptance of the low bid from Landers Honda in the amount of $18,869.16 for one 2005 Honda Element.

Funds are available for the purchase of this unit in Project 02081 – Police/Passenger Vehicles

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) 2005 HONDA ELEMENT FROM LANDERS HONDA IN THE AMOUNT OF $18,869.00 FOR USE BY THE ENGINEERING DIVISION.

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) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ____________________________
DAN COODY, Mayor

ATTEST:

By: ____________________________
SONDRA SMITH, City Clerk

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental 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: **January 25, 2005**

Subject: **Equipment Committee Meeting – January 31**

Bid #05-02 was opened on January 11, 2005 for one Double Drum Vibratory Asphalt Roller for use by Transportation Division. Four bids were received:

Scott Construction Equip.	Springdale, AR	Case DV204	$38,341.00
Clark Machinery Co.	Fort Smith, AR	Ingersoll Rand DD-30	$38,424.71
Riggs Tractor Co.	Springdale, AR	Caterpillar CB-334E	$38,800.00
Diamond Rental & Sales	Johnson, AR	Ingersoll Rand DD-30	$40,519.88

The third lowest bid from Riggs Tractor Co. of Springdale all specifications.

I recommend acceptance of the bid from Riggs in the amount of $38,800.00.

The two lower bids are deficient as follows:

		Specified	Scott	Clark
3.1, b.	Engine horsepower	42	38	
3.5, f.	Drum vibration frequency (VPM)	4,000	3720	
3.8, b.	Sun canopy	Yes		No
3.10, a.	Operating Weight	8,500 #	7,720#	6,900#

This is a replacement for unit #65, a 1993 Ferguson static drum roller. This roller has reached an age that it is not dependable for daily use. Current vibratory technology produces a superior asphalt surface. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02077 – Construction Equipment.

Bid #05-03 was opened on January 11, 2005 for six compact extended cab 4X4 pickup trucks for use by Meter Division and Building Safety Division. Three bids were received:

North Point Ford	N. Little Rock, AR	Ford Ranger	$17,890.00
Lewis Ford	Fayetteville	Ford Ranger	$20,560.00
Landers-McClarty Ford	Bentonville, AR	Ford Ranger	$20,861.00

The lowest bid from North Point Ford meets all specifications.

I recommend acceptance of the lowest bid from North Point Ford in the amount of $107,340.00 for six units.

Building Safety, Unit 2043, was destroyed in a recent accident. Insurance settlement of $15,375 was received.
Meter Division is authorized one expansion unit in the 2005 budget.
Meter Division, Units 279, 2008, 2014, 2016 will be reassigned to replace older units in other divisions with lower utilization. These are 1996 – 1999 models with 70-100,000 miles. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #05-05 was opened on January 11, 2005 for one compact 4X4 utility vehicle to be used by Engineering Division. Three bids were received:

Landers Honda	Fayetteville	2004 Honda Element	$18,021.02
Landers Honda	Fayetteville	2005 Honda Element	$18,869.16
Bale Honda	Little Rock, AR	2005 Honda Element	$20,165.00
Lewis Ford	Fayetteville	2005 Ford Escape	$22,311.00

The 2005 model bid from Landers Honda meets all specifications.

I recommend acceptance of the bid from Landers Honda in the amount of $18,869.16 for one 2005 Honda Element. Since the 2004 model bid was for an inventory unit, Landers cannot guarantee availability by the time we receive approval to purchase. Specifications do call for the latest production model.

This is a replacement for unit #151, a 1996 Ford Crown Victoria former police car with 108,000 miles that is no longer dependable or economical for regular daily use. Funds for this purchase are available in 2005 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 1/25/2005
P.O Number:
Expected Delivery Date:

Vendor #: 12603
Vendor Name: LANDER'S HONDA
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval: JMB
Quotes Attached Yes:_____ No:_____
Requester: BARBARA OLSEN BO
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 HONDA ELEMENT, 4 X 4	1	EA	$18,869.16	$18,869.16	9700.1920.5802.00	02081.1		
2	UTILITY VEHICLE, PER BID #05-05		EA		$0.00				
3	TO BE UNIT #1128, FIXED ASSET		EA		$0.00				
4	#701128		EA		$0.00				
5			EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 18,869.16
Tax: 1,698.22
Total: 20,567.38

Approvals:

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of purchase of one compact 4 x 4 utility vehicle to be used by Engineering Division from Landers Honda.

$18,869.00	$ 751,279.00	Police/Passenger Vehicles
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 227,772.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02081.1	$ 523,507.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director — Date 1-28-05

City Attorney — 1/28/05

Finance and Internal Service Director — Date 2-1-05

Mayor — Date 2/1/05

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 1/26/0?

Received in Mayor's Office
1/28/05 P.H.

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

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

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

Date: **January 24, 2005**

Subject: **Purchase of mid size sedans from State of Arkansas Purchase Contract**

RECOMMENDATION: That City Council approve the purchase of four mid size sedans from the State of Arkansas Purchase Contract from Landers Ford for $12,270.00 each, a total of $49,080.00 Due to the volume of the State contract, we cannot expect fleet incentives provided from the manufacturers for a City of Fayetteville bid to approach prices available on the State contract.

BACKGROUND: In the 2005 budget, replacement sedans for unit #147 and 106 were approved. #147 is a 1996 Ford Crown Victoria, a former police car with 115,000 miles that is no longer reliable. #106 is a 1993 Ford Crown Victoria, a former police car with 105,000 miles that is out of service and is not economically feasible to repair Also approved in the 2005 budget were two expansion units for Police.

Funds are available for the purchase of these mid size sedans in the Police/Passenger Project #02081.

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE PURCHASE OF FOUR (4) MID-SIZE SEDANS FROM LANDERS FORD AT A TOTAL COST OF $49,080.00 FOR USE BY PLANNING, POLICE, AND BUILDING SAFETY DIVISIONS.

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 four (4) mid-size sedans from Landers Ford at a total cost of $49,080.00 for use by Planning, Police, and Building Safety Divisions.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

Fayetteville ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook — Don Marr
Lioneld Jordan — Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: January 18, 2005

SUBJECT: State Contract Purchases

The following fleet vehicle expansion and replacement requirements are available from the State of Arkansas vehicle purchase contract. Due to the volume of the State contract, we cannot expect fleet incentives provided from the manufacturers for a City of Fayetteville bid to approach those available on the State contract.

I recommend purchase of the following vehicles from the State of Arkansas contract:

	Vehicle Type	Qty.	Make/Model	Vendor	Price Each	Total
1.	Mid Size Sedan	4	Ford Taurus	Landers	$12,270.00	$49,080.00
2.	1/2T Reg. Cab Pickup	2	Chevrolet Silv	Bale Chev	$12,028.68	$24,057.36
3.	1/2T Ext. Cab Pickup	1	Chevrolet Silv	Bale Chev	$14,918.50	$14,918.50
4.	1/2T Reg. Cab 4X4 PU	1	Chevrolet Silv	Bale Chev	$14,877.05	$14,877.05
5.	1/2T Ext. Cab 4X4 PU	2	Chevrolet Silv	Bale Chev	$17,867.60	$35,735.20
6.	3/4T Ext. Cab 4X4 PU	1	Ford F-250	North Point	$25,066.00	$25,066.00
7.	3/4T Crew Cab 4X4 PU	2	Ford F-250	North Point	$26,398.00	$52,796.00
8.	1T Cab & Chassis	1	Chevrolet Silv	Bale Chev	$21,810.25	$21,810.25
9.	1T Cab & Chassis 4X4	1	Chevrolet Silv	Bale Chev	$24,874.25	$24,874.25
	TOTAL					**$263,214.61**

Item

1: Planning; Replace unit #147, a 1996 Ford Crown Victoria, former police car with 115,000 miles.
Police: 2 Expansion units approved in 2005 budget
Building Safety: 1 Expansion unit approved in 2005 budget
2: Parks: Replace unit #252, a 1988 GMC pickup with 100,000 miles; replace unit #2003, a 1997 Ford Ranger with 120,000 miles that is out of service and uneconomically repairable.
3: Code Enforcement: Replace unit #1010, a 1997 Ford Crown Victoria, former police car with 109,000 miles.
4: Parks: 1 Expansion unit approved in 2005 budget
5: Fire: Replace unit #1049. a 1999 Ford Explorer with 63,000 miles that will be reassigned to Building Services to replace a 1990 Ford Aerostar van.
Water and Sewer: Expansion unit to be funded by transfer from W&S funds.
6: Solid Waste: Replace unit #2024, a 1999 Ford F-250 with 112,000 miles.
7: Parks: Replace unit #431, a 1991 Ford F-350 with 98,000 miles
Transportation: Replace unit #1005, a 1997 Ford Crown Victoria, former police car with 112,000 miles.
8: Parks: Replace unit #269, a 1990 Ford F-350 Utility with 130,000 miles.
9. Fleet: Replace unit #278, a 1991 Ford F-350 Utility 4X2 with 142,000 miles. Fleet service truck needs 4X4 capability for off road service of heavy equipment and inclement weather response. Existing service body and crane will be refurbished and remounted.

Funds for these purchases are available in 2005 Special Project accounts 2078 – Light/Medium Utility Vehicles, and 2081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Requisition No.:
Date: 1/24/2005
P.O Number:
Expected Delivery Date:

Vendor #: 7582
Vendor Name: LANDERS FORD
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval: [signature]
Quotes Attached Yes:____ No:____
Requester: BARBARA OLSEN BO
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 Ford Taurus Sedans, per	4	EA	$12,270.00	$49,080.00	9700.1920.5802.00	02081.1		
2	State Contract price, To be units:		EA		$0.00				
3	Unit 1124, Fix.Asset #701124		EA		$0.00				
4	Unit 1125, Fixed asset #701125		EA		$0.00				
5	Unit 1126, Fixed Asset #701126		EA		$0.00				
6	Unit 1127, Fixed Asset #701127		EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 49,080.00
Tax: Exempt
Total: 49,080.00

Approvals:

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of purchase of 4 mid size sedans which were approved in the 2005 budget: one is to replace unit 147 in Planning, two expansion units for Police, and one replacement for unit #106 for Building Safety.

$49,080.00	$ 751,279.00	Police/Passenger Vehicles
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ 178,692.00	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02081.1	$ 572,587.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director — Date: 1·28·05

City Attorney — 1/28/05

Finance and Internal Service Director — Date: 2-1-05

Mayor — Date: 2/1/05

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 1/26/05

Received in Mayor's Office
1/28/05 P.H

Comments:

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Interdepartmental Correspondence

To: **Mayor/City Council**

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

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

Date: **January 24, 2005**

Subject: **Purchase of nine trucks from State of Arkansas Purchase Contract**

RECOMMENDATION: That City Council approve the purchase of nine trucks from Bale Chevrolet from the State of Arkansas vehicle Purchase Contract for use by Parks, Code Enforcement, Fire, Fleet and Building Safety Divisions.

BACKGROUND: ***½ ton Pickups, 4 x 2:***
Parks needs a replacement for #252, a 1988 GMC pickup with 100,000 miles
Parks needs a replacement for #2003, a 1997 Ford Ranger with 120,000 miles that is out of service and uneconomically repairable.
Building Safety needs an expansion unit, approved in the 2005 budget.
Code Enforcement needs a replacement for #1010, a 1997 Ford Crown Victoria, former police car with 109,000 miles that is no longer dependable and not economical to repair. A Pickup truck will better suit their needs.

½ ton Pickups, 4 x 4
Parks had one Expansion unit approved in the 2005 budget
Fire wants to replace #1049, a 1999 Ford Explorer with 63,000 miles. #1049 will be reassigned to Building Services to replace a 1990 Ford Aerostar van.
Water & Sewer needs an expansion unit, to be funded by transfer from W&S funds

1 ton Cab and Chassis:
Parks needs a replacement for #269, a 1990 Ford F350 Utility truck with 130,000 miles
Fleet needs a replacement for #278, a 1991 Ford F350 4 x 2 Utility truck with 142,000 miles. The Fleet service truck needs 4 x 4 capability for off road service of heavy equipment and inclement weather response. The existing service body and crane will be refurbished and remounted.

Funds are available for the purchase of these units in Project 02078 – Light/Medium trucks

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE PURCHASE OF NINE (9) TRUCKS FROM BALE CHEVROLET AT A TOTAL COST OF $148,301.00 FOR USE BY PARKS, CODE ENFORCEMENT, FIRE, FLEET, AND BUILDING SAFETY DIVISIONS; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $148,301.00.

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 nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $148,301.00.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department / Division / Program	Date Requested	Adjustment Number
2005	Department: Operations Division: Fleet Operations Program: Capital Expenditures	2/15/2005	

Project or Item Requested:
$148,301 is needed in the Fleet - Light/Medium Utility Vehicles capital project.

Project or Item Deleted:
None. $148,301 from the Shop Fund Use of Fund Balance account.

Justification of this Increase:
The funding is needed for the purchase of nine trucks from Bale Chevrolet.

Justification of this Decrease:
The $148,301 comes from project funds remaining in 2004. This adjustment is in advance of the normal re-budgeting process that will be before City Council on March 1, 2005.

The funds budgeted in 2004 will go back to the Use of Fund Balance.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Vehicles and equipment	9700	1920	5802	00	148,301	02078	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	9700	0970	4999	99	148,301		

Approval Signatures

	Date
Requested By	
Budget Manager	
Department Director	
Finance & Internal Services Director	2-1-05
Mayor	

Budget Office Use Only

Type: A B C D E

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

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Robert Reynolds, Chairman
Kyle Cook — Don Marr
Lioneld Jordan — Billy Sweetser

FROM: David Bragg, Fleet Operations Supt

DATE: January 18, 2005

SUBJECT: State Contract Purchases

The following fleet vehicle expansion and replacement requirements are available from the State of Arkansas vehicle purchase contract. Due to the volume of the State contract, we cannot expect fleet incentives provided from the manufacturers for a City of Fayetteville bid to approach those available on the State contract.

I recommend purchase of the following vehicles from the State of Arkansas contract:

	Vehicle Type	Qty.	Make/Model	Vendor	Price Each	Total
1.	Mid Size Sedan	4	Ford Taurus	Landers	$12,270.00	$49,080.00
2.	1/2T Reg. Cab Pickup	3	Chevrolet Silv	Bale Chev	$12,028.68	$24,057.36
3.	1/2T Ext. Cab Pickup	1	Chevrolet Silv	Bale Chev	$14,918.50	$14,918.50
4.	1/2T Reg. Cab 4X4 PU	1	Chevrolet Silv	Bale Chev	$14,877.05	$14,877.05
5.	1/2T Ext. Cab 4X4 PU	2	Chevrolet Silv	Bale Chev	$17,867.60	$35,735.20
6.	3/4T Ext. Cab 4X4 PU	1	Ford F-250	North Point	$25,066.00	$25,066.00
7.	3/4T Crew Cab 4X4 PU	2	Ford F-250	North Point	$26,398.00	$52,796.00
8.	1T Cab & Chassis	1	Chevrolet Silv	Bale Chev	$21,810.25	$21,810.25
9.	1T Cab & Chassis 4X4	1	Chevrolet Silv	Bale Chev	$24,874.25	$24,874.25
	TOTAL					**$263,214.61**

Item

1: Planning; Replace unit #147, a 1996 Ford Crown Victoria, former police car with 115,000 miles.
Police: 2 Expansion units approved in 2005 budget
Building Safety: 1 Expansion unit approved in 2005 budget
2: Parks: Replace unit #252, a 1988 GMC pickup with 100,000 miles; replace unit #2003, a 1997 Ford Ranger with 120,000 miles that is out of service and uneconomically repairable.
3: Code Enforcement: Replace unit #1010, a 1997 Ford Crown Victoria, former police car with 109,000 miles.
4: Parks: 1 Expansion unit approved in 2005 budget
5: Fire: Replace unit #1049. a 1999 Ford Explorer with 63,000 miles that will be reassigned to Building Services to replace a 1990 Ford Aerostar van.
Water and Sewer: Expansion unit to be funded by transfer from W&S funds.
6: Solid Waste: Replace unit #2024, a 1999 Ford F-250 with 112,000 miles.
7: Parks: Replace unit #431, a 1991 Ford F-350 with 98,000 miles
Transportation: Replace unit #1005, a 1997 Ford Crown Victoria, former police car with 112,000 miles.
8: Parks: Replace unit #269, a 1990 Ford F-350 Utility with 130,000 miles.
9. Fleet: Replace unit #278, a 1991 Ford F-350 Utility 4X2 with 142,000 miles. Fleet service truck needs 4X4 capability for off road service of heavy equipment and inclement weather response. Existing service body and crane will be refurbished and remounted.

Funds for these purchases are available in 2005 Special Project accounts 2078 – Light/Medium Utility Vehicles, and 2081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville PAGE 1

(Not a Purchase Order)

Requisition No.:
Date: 1/25/2005
P.O Number:
Expected Delivery Date:

Vendor #: 13292
Vendor Name: BALE CHEVROLET
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval: [signature]
Quotes Attached Yes:_____ No:_____
Requester: BARBARA OLSEN
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	1/2 TON REGULAR CAB PICKUPS	3	EA	$12,028.68	$36,086.04	9700.1920.5802.00	02078.1		
2	CHEVROLET SILVERADO, TO BE:		EA		$0.00				
3	#2074, FIXED ASSET #702074		EA		$0.00				
4	#2075, FIXED ASSET #702075		EA		$0.00				
5	#2076, FIXED ASSET #702076		EA		$0.00				
6	1/2 TON EXTENDED CAB PICKUP	1	EA	$14,918.50	$14,918.50	9700.1920.5802.00	02078.1		
7	CHEVROLET SILVERADO, TO BE:		EA		$0.00				
8	#2077, FIXED ASSET #702077		EA		$0.00				
9	1/2 TON REG. CAB PICKUP, 4 X 4	1	EA	$14,877.05	$14,877.05	9700.1920.5802.00	02078.1		
10	CHEV. SILVERADO, TO BE UNIT		EA		$0.00				
	#2078, FIXED ASSET #702078		Lot		$0.00				

Special Instructions:

Subtotal: 65,881.59
Tax: _EXEMPT
Total:

Approvals:

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

City Of Fayetteville PAGE 2

(Not a Purchase Order)

Requisition No.:
Date: 1/25/2005
P.O Number:
Expected Delivery Date:

Vendor #: 13292
Vendor Name: BALE CHEVROLET
Mail Yes:__ No:_XX_
Address:
Fob Point:
Taxable Yes:_XX_ No:____
City:
State:
Zip Code:
Ship to code: 050
Divison Head Approval:
Quotes Attached Yes:_____ No:_____
Requester: BARBARA OLSEN BO
Requester's Employee #: 1940
Extension: 495

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	1/2 TON EXT.CAB PICKUP,4 X 4	2	EA	$17,867.60	$35,735.20	9700.1920.5802.00	02078.1		
2	CHEVROLET SILVERADO, TO BE:		EA		$0.00				
3	#2079 FIXED ASSET #702079		EA		$0.00				
4	#2080 FIXED ASSET #702080		EA		$0.00				
5	1 TON CAB & CHASSIS, CHEV.	1	EA	$21,810.25	$21,810.25	9700.1920.5802.00	02078.1		
6	SILVERADO, TO BE UNIT:		EA		$0.00				
7	#352, FIXED ASSET #700352		EA		$0.00				
8	1 TON CAB & CHASSIS, CHEV.	1	EA	$24,874.25	$24,874.25	9700.1920.5802.00	02078.1		
9	SILVERADO, 4 X 4, TO BE UNIT		EA		$0.00				
10	#351 FIXED ASSET #700351		EA		$0.00				
	SUBTOTAL FROM PAGE 1	1	EA	$65,881.59	$65,881.59				

Special Instructions: ______________________________

Subtotal: ________ 148,301.29
Tax: _EXEMPT__________
Total: ________ 148,301.29

Approvals:

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of purchase of nine trucks from Bale Chevrolet from the State of Arkansas vehicle purchase contract for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions.

	05 $	
$148,301.00	$ 172,000.00	Light/Medium Trucks
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02078.1	$ 172,000.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director — Date: 1-28-05

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney — 1/28/05

Received in City Clerk's Office — ENTERED 1/24/05

Finance and Internal Service Director — Date: 2-1-05

Received in Mayor's Office — 1/28/05 p.H.

Mayor — Date: 2/1/05

Comments:

Fayetteville
ARKANSAS

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 DB

Date: January 24, 2005

Subject: Purchase of double drum Vibratory Roller for Transportation

RECOMMENDATION: That City Council approve the purchase of one double drum Vibratory Roller for Transportation Division from J.A. Riggs Tractor Co. of Springdale.

BACKGROUND: This is a replacement for #65, a1993 Ferguson static drum roller. This roller has reached an age that it is not dependable for daily use. Current vibratory technology produces a superior asphalt surface. Four bids were received. The bid from Riggs Tractor was the third lowest. The two lower bids were deficient as described in the attached letter to the Equipment Committee. I recommend acceptance of the bid from Riggs Tractor Co. in the amount of $38,800.

Funds are available for the purchase of this roller in Shop Replacement Construction Equipment, Project #02077.1

The Equipment Committee meeting was rescheduled from January 25, 2005 to January 31, 2005. We anticipate approval of this request by the Equipment Committee at that meeting.

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) DOUBLE DRUM VIBRATORY ASPHALT ROLLER FROM J. A. RIGGS TRACTOR CO. IN THE AMOUNT OF $38,800.00 FOR USE BY THE TRANSPORTATION DIVISION.

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) double drum Vibratory Asphalt Roller from J. A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ________________________
DAN COODY, Mayor

ATTEST:

By: ________________________
SONDRA SMITH, City Clerk

Fayetteville
ARKANSAS

FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701

Equipment Committee Correspondence

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

FROM: **David Bragg, Fleet Operations Supt**

DATE: **January 18, 2005**

SUBJECT: **Award of Equipment Bids**

Bid #05-02 was opened on January 11, 2005 for one Double Drum Vibratory Asphalt Roller for use by Transportation Division. Four bids were received:

Scott Construction Equip.	Springdale, AR	Case DV204	$38,341.00
Clark Machinery Co.	Fort Smith, AR	Ingersoll Rand DD-30	$38,424.71
Riggs Tractor Co.	Springdale, AR	Caterpillar CB-334E	$38,800.00
Diamond Rental & Sales	Johnson, AR	Ingersoll Rand DD-30	$40,519.88

The third lowest bid from Riggs Tractor Co. of Springdale all specifications.

I recommend acceptance of the bid from Riggs in the amount of $38,800.00.

The two lower bids are deficient as follows:

		Specified	Scott	Clark
3.1, b.	Engine horsepower	42	38	
3.5, f.	Drum vibration frequency (VPM)	4,000	3720	
3.8, b.	Sun canopy	Yes		No
3.10, a.	Operating Weight	8,500 #	7,720#	6,900#

This is a replacement for unit #65, a 1993 Ferguson static drum roller. This roller has reached an age that it is not dependable for daily use. Current vibratory technology produces a superior asphalt surface.

Funds for this purchase are available in 2005 Fleet Replacement Project Account 02077 – Construction Equipment.

Bid #05-03 was opened on January 11, 2005 for six compact extended cab 4X4 pickup trucks for use by Meter Division and Building Safety Division. Three bids were received:

North Point Ford	N. Little Rock, AR	Ford Ranger	$17,890.00
Lewis Ford	Fayetteville	Ford Ranger	$20,560.00
Landers-McClarty Ford	Bentonville, AR	Ford Ranger	$20,861.00

The lowest bid from North Point Ford meets all specifications.

I recommend acceptance of the lowest bid from North Point Ford in the amount of $125,169.20 for six units.

Building Safety, Unit 2043, was destroyed in a recent accident. Insurance settlement of $15,375 was received. Meter Division is authorized one expansion unit in the 2005 budget.
Meter Division, Units 279, 2008, 2014, 2016 will be reassigned to replace older units in other divisions with lower utilization. These are 1996 – 1999 models with 70-100,000 miles.

Funds for this purchase are available in 2005 Fleet Replacement Project Account 02078 – Light/Medium trucks.

Bid #05-05 was opened on January 11, 2005 for one compact 4X4 utility vehicle to be used by Engineering Division. Three bids were received:

Landers Honda	Fayetteville	2004 Honda Element	$18,021.02
Landers Honda	Fayetteville	2005 Honda Element	$18,869.16
Bale Honda	Little Rock, AR	2005 Honda Element	$20,165.00
Lewis Ford	Fayetteville	2005 Ford Escape	$22,311.00

The lowest bid from Landers Honda meets all specifications.

I recommend acceptance of the lowest bid from Landers Honda in the amount of $18,021.02 for one 2004 Honda Element. Honda is currently making the model year change on this product and there is no noticeable difference. Delivery will be approximately 45 days sooner on the 2004.

This is a replacement for unit #151, a 1996 Ford Crown Victoria former police car with 108,000 miles that is no longer dependable or economical for regular daily use.

Funds for this purchase are available in 2005 Fleet Replacement Project Account 02081 – Police/Passenger Vehicles.

Cc:
Gary Dumas

City Of Fayetteville

(Not a Purchase Order)

Requisition No.		Date: 1/25/2005	
P.O Number		Expected Delivery Date:	
Vendor # 11700	Vendor Name: JA RIGGS TRACTOR CO	Mail Yes:__ No:_XX_	
Address:	Fob Point:	Taxable Yes:_XX_ No:___	
City:	State:	Zip Code	Ship to code: 050
Divison Head Approval: [signature]	Quotes Attached Yes:____ No:____		
Requester BARBARA OLSEN BO	Requester's Employee # 1940	Extension: 495	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2005 CATERPILLAR CB-334E	1	EA	$38,800.00	$38,800.00	9700.1920.5802.00	02077.1		
2	DOUBLE DRUM VIBRATORY		EA		$0.00				
3	ROLLER, TO BE UNIT # 9072		EA		$0.00				
4	FIXED ASSET #709072		EA		$0.00				
5	Per BID 05-02		EA		$0.00				
6			EA		$0.00				
7			EA		$0.00				
8			EA		$0.00				
9			EA		$0.00				
10			EA		$0.00				
	Shipping/Handling		Lot		$0.00				

Special Instructions:

Subtotal: 38,800.00

Tax: EXEMPT

Total: 38,800.00

Approvals:

Mayor: ____________ Department Director: ____________ Purchasing Manager: ____________

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

Dispatch Manager: ____________ Utilities Manager: ____________

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of purchase of one double drum Vibratory Asphalt Roller for use by Transportation Division

$38,800.00	$ 189,000.00	Construction Equipment
Cost of this request	Category/Project Budget	Program Category / Project Name
9700.1920.5802.00	$ -	Vehicles and Equipment
Account Number	Funds Used to Date	Program / Project Category Name
02077.1	$ 189,000.00	Shop
Project Number	Remaining Balance	Fund Name

Budgeted Item [X]   Budget Adjustment Attached [ ]

Department Director   Date 1-28-05

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

City Attorney   Date 1/28/05

Received in City Clerk's Office   ENTERED 1/26/05

Finance and Internal Service Director   Date 2-1-05

Received in Mayor's Office 1/28/05 P.H.

Mayor   Date

Comments:

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Jill Hatfield	Animal Services	Police
Submitted By	Division	Department

Action Required:

Approve resolution for Animal Sheltering contract with the City of Elm Springs for 2005. See attached contract.

Cost of this request	Category/Project Budget	Program Category / Project Name
Account Number	Funds Used to Date	Program / Project Category Name
Project Number	$ -	Fund Name
	Remaining Balance	

Budgeted Item ☐ Budget Adjustment Attached ☐

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Department Director 1/24/05 Date

City Attorney 1/25/05

Finance and Internal Service Director 1-26-05 Date

Mayor 1/25/05 Date

Received in City Clerk's Office ENTERED 1/25/05

Received in Mayor's Office 1/25/05 PH

Comments:

RESOLUTION NO. ______

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF ELM SPRINGS, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF ELM SPRINGS FOR 2005.

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 an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005. A copy of the agreement, 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 Mayor and City Clerk to execute the Inter-Local Agreement with the City of Elm Springs, Arkansas.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF ELM SPRINGS, ARKANSAS

THIS AGREEMENT is entered into this 17th day of January, 20 05, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF ELM SPRINGS, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Elm Springs; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Elm Springs.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Elm Springs citizens and designated animal control officers.

Article II

The City of Elm Springs agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Elm Springs agrees to pay an annual sheltering services fee of Six Hundred dollars ($600) to the City of Fayetteville in the form of twelve (12) monthly payments of Fifty dollars ($50). Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Elm Springs citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2005.

Article V

The City of Fayetteville agrees to provide assistance to the City of Elm Springs in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Elm Springs enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

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

Article X

The City of Elm Springs shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Elm Springs under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Elm Springs have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

____
DAN COODY, Mayor

ATTEST:

____
SONDRA SMITH, City Clerk

CITY OF ELM SPRINGS, ARKANSAS

Jane Waters
JANE WATERS, Mayor

ATTEST:
Glenda Pettus
GLENDA PETTUS, City Clerk

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF ELM SPRINGS, ARKANSAS

THIS AGREEMENT is entered into this 17th day of January, 2005, by and between the **CITY OF FAYETTEVILLE**, and the **CITY OF ELM SPRINGS, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Elm Springs; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Elm Springs.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Elm Springs citizens and designated animal control officers.

Article II

The City of Elm Springs agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Elm Springs agrees to pay an annual sheltering services fee of Six Hundred dollars ($600) to the City of Fayetteville in the form of twelve (12) monthly payments of Fifty dollars ($50). Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Elm Springs citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2005.

Article V

The City of Fayetteville agrees to provide assistance to the City of Elm Springs in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Elm Springs enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

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

Article X

The City of Elm Springs shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Elm Springs under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Elm Springs have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

____
DAN COODY, Mayor

ATTEST:

____
SONDRA SMITH, City Clerk

CITY OF ELM SPRINGS, ARKANSAS

Jane Waters
____
JANE WATERS, Mayor

ATTEST:

Glenda Pettus
____
GLENDA PETTUS, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Jill Hatfield	Animal Services	Police
Submitted By	Division	Department

Action Required:

Approve resolution for Animal Sheltering contract with the City of Greenland for 2005. See attached resolution and contract.

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 ☐

Frank Johnson 1/24/05
Department Director Date

Previous Ordinance or Resolution # ____
Original Contract Date: ____
Original Contract Number: ____

[signature] 1/25/05
City Attorney

Received in City Clerk's Office
ENTERED 1/25/05

[signature] 1-26-05
Finance and Internal Service Director Date

Received in Mayor's Office
1/25/05 P.H.

Dan Coody 1/26/05
Mayor Date

Comments:

RESOLUTION NO. ______

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF GREENLAND, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERVICES TO THE CITY OF GREENLAND FOR 2005.

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 an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005. A copy of the agreement, 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 Mayor and City Clerk to execute the Inter-Local Agreement with the City of Greenland, Arkansas.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City of Greenland

Telephone (479) 521-5760
Fax (479) 521-7780

8 Ross St.
PO Box 67
Greenland, AR 72737

RESOLUTION NO 1-10-05 A

A RESOLUTION APPROVING AN INTER-LOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE CITY OF GREENLAND, ARKANSAS TO PROVIDE ANIMAL SHELTERING SERIVCES TO THE CITY OF GREENLAND FOR THE YEAR 2005

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENLAND :

Section 1 : That the City Council of the City of Greenland hereby approves an inter-local agreement between the city of Fayetteville and the city of Greenland to provide animal sheltering services to the city of Greenland for the year 2005. A copy of the agreement, marked Exhibit "A" is attached hereto, and made part hereof.

Section 2. That the City Council of the City of Greenland hereby authorizes the Mayor and Recorder / Treasurer to execute the Inter-Local Agreement with the City of Fayetteville.

Approved:

BY: William Yoes
William Yoes, Mayor

ATTEST:

By : Donna Cheevers
Donna Cheevers, Recorder / Treasurer

Exhibit A

INTERLOCAL AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CITY OF GREENLAND, ARKANSAS

THIS AGREEMENT is entered into this _______ day of __________, 20______, by and between the **CITY OF FAYETTEVILLE,** and the **CITY OF GREENLAND, ARKANSAS,** concerning the provision of animal sheltering services;

WHEREAS, A.C.A. § 25-20-108, Interlocal Cooperation Act, authorizes public entities to enter into agreements to provide governmental services to the mutual benefit of each entity; and

WHEREAS, effective animal control is of mutual interest to the City of Fayetteville and City of Greenland; and

WHEREAS, the City of Fayetteville possesses the necessary facilities to provide animal sheltering services to City of Greenland.

NOW, THEREFORE, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

Article I

The City of Fayetteville agrees to provide sheltering services for animals delivered to its shelter, located at 1640 Armstrong Avenue, in the City of Fayetteville, by Greenland citizens and designated animal control officers.

Article II

The City of Greenland agrees to comply with the Fayetteville Animal Shelter's Operating Policy during the term of this Agreement, and understands that the City of Fayetteville may terminate this agreement for noncompliance.

Article III

The City of Greenland agrees to pay an annual sheltering services fee of Five Hundred and Twenty-Five dollars ($525) to the City of Fayetteville in the form of twelve (12) monthly payments of Forty-Three dollars and Seventy-Five cents ($43.75). Payment shall be due on or before the first day of each month. The annual sheltering services fee shall be based upon the total number of animals delivered to the shelter by Greenland citizens and designated animal control officers during the previous year.

Article IV

This agreement shall remain in effect until midnight December 31, 2005.

Article V

The City of Fayetteville agrees to provide assistance to the City of Greenland in the form of minor medical treatment while a shelter veterinarian is on staff, the drafting of animal control ordinances, educational programming, professional consultation regarding animal control matters, and in all other areas necessary and proper to effectuate the highest level of cooperation between the two cities.

Article VI

Both Cities acknowledge the existence of a county wide animals sheltering agreement between the City of Fayetteville and Washington County, but which currently excludes the corporate boundaries of any incorporated cities. The Cities agree that this Agreement shall automatically terminate in the event that the City of Greenland enters into an animal sheltering services agreement with Washington County, Arkansas. In any event, either City shall have the right to terminate this Agreement upon Thirty (30) days written notice to the other.

Article VII

Neither City may assign any of its rights or delegate any of its obligations under this Agreement, without the express written consent of the other.

Article VIII

This Agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

Article IX

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

Article X

The City of Greenland shall hold harmless the City of Fayetteville from any and all claims or liabilities arising from the performance of this Agreement, provided that nothing in this Agreement shall be construed to alter, limit or otherwise compromise that immunity afforded the City of Fayetteville or the City of Greenland under the Constitution and Statutes of the State of Arkansas.

Article XI

It is agreed that the failure of any party to invoke any of the available remedies under this Agreement or under law in the event of one or more breaches or defaults by any party under the Agreement shall not be construed as a waiver of such provisions and conditions and shall not prevent the parties from invoking such remedies in the event of any future breach or default.

Article XII

This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this Agreement shall be valid unless made in writing and signed by the duly authorized agents of the parties, after an affirmative vote of a majority of each city's governing body.

IN WITNESS WHEREOF, the City of Fayetteville and the City of Greenland have executed this Agreement on or as of the date first written above.

CITY OF FAYETTEVILLE, ARKANSAS

____
DAN COODY, Mayor

ATTEST:

____
SONDRA SMITH, City Clerk

CITY OF GREENLAND, ARKANSAS

____
WILLIAM YOES, Mayor

ATTEST:

Donna Cheevers
DONNA CHEEVERS, Recorder/Treasurer

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Tim Conklin, Community Planning and Engineering Services Director

From: Dawn T. Warrick, AICP, Zoning and Development Administrator DW

Date: July 27, 2004

Subject: Right-of-way Vacation for U of A Parking Garage (VAC 04-1136)

RECOMMENDATION

Planning Staff recommends approval of an ordinance vacating portions of right-of-way for William Street, Buchanan Avenue and two (2) 15-foot wide alleys, as described and depicted herein.

BACKGROUND

The University of Arkansas is in the process of constructing a new multi-level parking facility in the southern portion of campus. A new street, Harmon Avenue, is planned for construction, as well, to service adjoining streets in the area. The street will connect California Blvd/Center Street to Dickson Street and incorporate the southern portion of "existing" Harmon Avenue as well as the northern portion of "existing" Buchanan Avenue. The University also proposes construction of two or more new buildings over the existing alignment of Buchanan Avenue in the near future.

Request: The applicant requests to vacate approximately 637 LF of William Street between Duncan Avenue and Buchanan Avenue, 823 LF of Buchanan Avenue between Fairview Street and Dickson Street, and two 15 ft. wide alleys within the old platted Shreve's Addition, of 305 LF and 358 LF respectively.

DISCUSSION

Notification was provided to all utility representatives and adjoining property owners. No objections were submitted. Conditions are included in the attached staff report for the dedication of additional utility easements, responsibilty for existing utilities, and public rights of ingress/egress to the newly constructed street.

The Planning Commission voted 5-0-2, Commissioners Ostner and Anthes abstaining, to forward this item to the City Council with a recommendation for approval at the regular meeting of July 26, 2004.

BUDGET IMPACT

None.

Tabled to Feb. 15, 2005 mtg 11/16/04
Tabled to Nov. 16, 2004 mtg 8/17/04

ORDINANCE NO. _____

AN ORDINANCE APPROVING VAC 04-1136 TO VACATE AND ABANDON A PORTION OF RIGHT OF WAY FOR WILLIAM STREET, BUCHANAN AVENUE AND TWO FIFTEEN FOOT ALLEYS LOCATEDBETWEEN WILLIAM STREET AND DICKSON STREET AS DESCRIBED ON THE ATTACHED MAP AND LEGAL DESCRIPTION; ALSO, ACCEPTING THE DEDICATION OF EASEMENTS FOR SOUTHWESTERN BELL, THE CITY OF FAYETTEVILLE, AND THE PUBLIC IN GENERAL, DESCRIBED IN THE ATTACHED EASEMENT DOCUMENTS LABELED AS EXHIBITS HERETO

WHEREAS, the City Council has the authority under A.C.A. §14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes, and

WHEREAS, the City Council has determined that the following described streets and alleys are 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 streets and alleys:

See Exhibit "A" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "B" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That the City of Fayetteville hereby accepts the dedication of the easements described in the easement documents attached hereto and labeled Exhibits "C" through "F".

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

APPROVED: DRAFT

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

EXHIBIT "A"

SIX HUNDRED THIRTY SEVEN FEET OF WILLIAM STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF WILLIAMS STREET LYING EAST OF BUCHANAN AVENUE AND WEST OF DUNCAN AVENUE, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT.

ALSO:

EIGHT HUNDRED TWENTY THREE FEET OF BUCHANAN AVENUE MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF BUCHANAN AVENUE LYING SOUTH OF DICKSON STREET AND NORTH OF FAIRVIEW STREET.

ALSO:

ALL OF A 15' ALLEY LYING EAST OF LOT 1 AND LOT 12 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILLE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.

ALSO:

ALL OF A 15' ALLEY LYING SOUTH OF LOTS 1, 2, 3, 4, 5&6 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO THE RESERVATION OF THE AREA OF ALLEY WAY SOUTH OF LOTS 1 & 2 AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.

VAC04-1136	U OF A PARKING GARAGE
Close Up View	

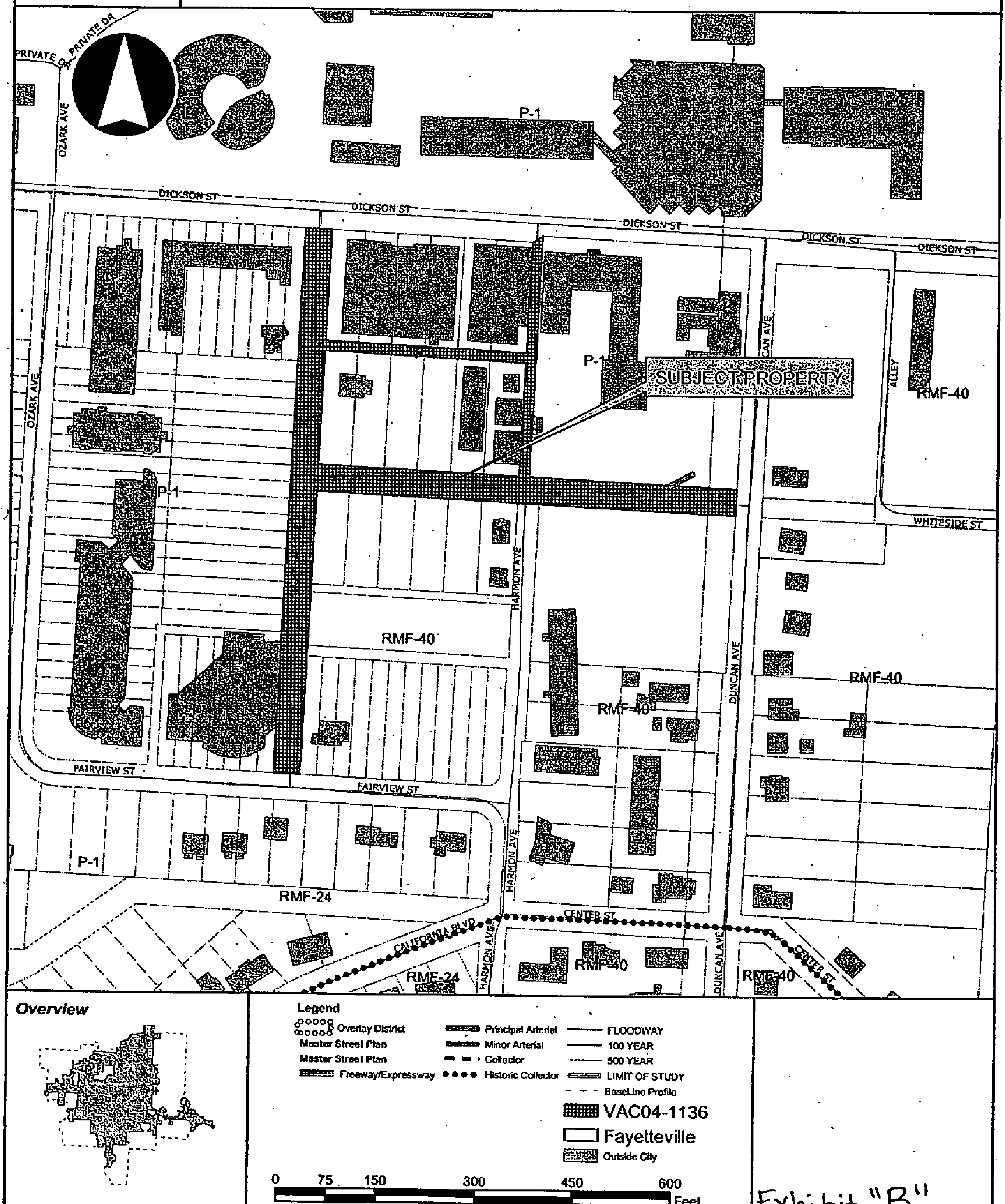


Exhibit "B"

University of Arkansas, Fayetteville
SBC Easement
Dickson to Fairview Streets

SOUTHWESTERN BELL COMPANY UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **Board of Trustees of the University of Arkansas,** hereinafter styled GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby, SELL and CONVEY unto the **Southwestern Bell Company,** hereinafter called GRANTEE, and unto Grantee's successors and assigns, an easement to construct, lay, remove, relay, inspect, enlarge and/or operate a utility line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of Shreve's Addition and Block 3 of J.H. McIlroy's University Subdivision to the City of Fayetteville as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 728-114, 728-440 and 729-124 of the Records of the Circuit Clerk, Washington County, Arkansas.

EASEMENT DESCRIPTION:

An easement 20 feet of equal and uniform width. The centerline of said easement beginning at a point on the South Right-of-Way line of Dickson Street and 3.7 feet Westerly of the Northwest corner of Lot 6 of said Shreve's Addition, thence South 2°50' West along an existing overhead electrical utility line a distance of 823 feet, more or less, to a point on the North Right of Way line of Fairview Street, said point being 7.6 feet Westerly of the Southwest corner of Lot 1 in Block 3 of said J.H. McIlroys University Subdivision. This easement contains 0.38 acres, more or less. Said easement shall remain in effect until such time as an alternative routing for Grantee's utility line is determined and executed, together with removal of existing overhead electrical utility line, thereby ensuring continued service to Grantee's existing customers located along Fairview Street and Buchanan Avenue who are serviced via said utility line, whereupon this utility easement shall become null and void.

together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water, and to pay any damages which may arise to growing crops or fences from the construction, maintenance and operation as determined by three disinterested persons; one thereof to be appointed by the said Grantor; one by the said Grantee; and the third by the two so appointed as aforesaid, and the written award of such three persons shall be final and conclusive.

It is expressly understood that the above easement shall exclude any permanent structure located within said easement area at the time of the execution of this document.

The Grantor agrees not to erect any buildings or structures in said easement other than fences and said fences shall not exceed six (6) feet in height.

Exhibit "C" page 1 of 2

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 11th day of June, 2004.

Board of Trustees of the University of Arkansas

Approved by Resolution adopted by the Board of Trustees of the University of Arkansas on the 4th day of June, 2004.

By:

Gary George

Gary George, Chairman

Attest:

Jane Rogers

Jane Rogers, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Gary George and Jane Rogers, to me well known, who stated that they are the Chairman and Secretary of the Board of Trustees of the University of Arkansas, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said institution, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 11th day of June, 2004.

Gwen Ward

Notary Public

MY COMMISSION EXPIRES:

3-19-2008

"OFFICIAL SEAL"
GWEN WARD
Notary Public, State of Arkansas
County of Pulaski
My Commission Exp. 03/19/2008

Exhibit "C" page 2 of 2

University of Arkansas, Fayetteville
General Utility Easement
Dickson to Fairview Streets

GENERAL UTILITY EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **Board of Trustees of the University of Arkansas**, hereinafter styled GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, all public utility companies, hereinafter called GRANTEE, and unto Grantee's successors and assigns, a permanent easement to construct, lay, remove, relay, inspect, enlarge and/or operate a utility line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of the Shreve's Addition and Block 3 of J.H. McIlroy's University Subdivision to the City of Fayetteville, Arkansas, as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 1007-630, 709-223 and 708-404 of the Records of the Circuit Clerk, Washington County, Arkansas.

PERMANENT EASEMENT DESCRIPTION:

A permanent general utility Easement 40 feet in equal and uniform width, the centerline of said easement beginning at a point on the South right of way line of Dickson Street as of the date hereof, and 18.07 feet Westerly of the Northwest corner of Lot 6 of said Shreve's Addition; thence South 02° 47' 13" West - 174.66 feet to the start of a curve; thence Southwesterly along a curve concave to the Northeast a distance of 175.07 feet, said curve having a radius of 350.00 feet and the chord bears South 110 32' 35" East - 173.25 feet; thence South 250 52' 23" East - 115.82 feet to the start of a curve; thence Southeasterly along a curve concave to the Northeast a distance of 148.30 feet, said curve having a radius of 700.00 feet and the chord of said curve bears South 310 56' 32" East - 148.02 feet; thence South 38° 00' 40" East - 168.47 feet to the start of a curve; thence Southeasterly along a curve concave to the Southwest a distance of 69.70 feet, said centerline there terminating at a point 31.53 feet Westerly of the Northwest corner of Lot 10 of block 3 in I. W. Duncan's Addition to the City of Fayetteville, said easement containing 0.78 acres, more or less. The sidelines of said easement are to be prolonged or shortened to terminate at the South right of way line of Dickson Street and the North line of Lot 10 of I.W. Duncan's Addition if extended in a Westerly direction,

together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water, and to pay any damages which may arise to growing crops Or fences from the construction, maintenance and operation as determined by three disinterested persons; one thereof to be appointed by the said Grantor; one by the said Grantee; and the third by the two so appointed as aforesaid, and the written award of such three persons shall be final and conclusive.

It is expressly understood that the above easement shall exclude any permanent structure located within said easement area at the time of the execution of this document.

The Grantor agrees not to erect any buildings or structures in said permanent easement other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 11th day of June, 2004.

Board of Trustees of the University of Arkansas

Approved by Resolution adopted by the Board of Trustees of the University of Arkansas on the 4th day of June, 2004.

By:

Gary George

Gary George, Chairman

Attest:

Jane Rogers

Jane Rogers, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Gary George and Jane Rogers, to me well known, who stated that they are the Chairman and Secretary of the Board of Trustees of the University of Arkansas, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said institution, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 11th day of June, 2004.

Gwen Ward

Notary Public

MY COMMISSION EXPIRES:

3-19-2008

"OFFICIAL SEAL"
GWEN WARD
Notary Public, State of Arkansas
County of Pulaski
My Commission Exp. 03/19/2008

Exhibit "D" page 2 of 2

University of Arkansas, Fayetteville
Utility Easement
Dickson to Fairview Streets

WATER LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **Board of Trustees of the University of Arkansas**, hereinafter styled GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation**, hereinafter called GRANTEE, and unto Grantee's successors and assigns, an easement to construct, lay, remove, relay, inspect, enlarge and/or operate a utility line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of the Shreve's Addition and Block 3 of J.H. McIlroy's University Subdivision to the City of Fayetteville, Arkansas, as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 1007-630, 709-223 and 708-404 of the Records of the Circuit Clerk, Washington County, Arkansas.

EASEMENT DESCRIPTION:

A water line easement 20 feet of equal and uniform width. The centerline of said easement being the centerline of an existing six (6) inch waterline as constructed within the existing Right of Way of Buchanan Avenue between Fairview Street and Dickson Street. This easement shall begin at the North Right of Way line of Fairview Street and extend North 823 feet, more or less, to the South Right of Way line of Backus Street. This easement contains 16,460 sq. ft. (0.38 acres), more or less. Said easement shall remain in effect until such time as Grantee's utility line is rerouted and placed in service whereupon said waterline shall be taken out of service and abandoned and this utility easement shall become null and void. Such action will ensure continued service to Grantee's existing customers located along Buchanan Avenue who are serviced via said utility line.

together with the rights, easements, and privileges in or to said lands which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water, and to pay any damages which may arise to growing crops Or fences from the construction, maintenance and operation as determined by three disinterested persons; one thereof to be appointed by the said Grantor; one by the said Grantee; and the third by the two so appointed as aforesaid, and the written award of such three persons shall be final and conclusive.

It is expressly understood that the above easement shall exclude any permanent structure located within said easement area at the time of the execution of this document.

The Grantor agrees not to erect any buildings or structures in said easement other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

Exhibit "F" page 1 of 2

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 11th day of June, 2004.

Board of Trustees of the University of Arkansas

Approved by Resolution adopted by the Board of Trustees of the University of Arkansas on the 4th day of June, 2004.

By:

Gary George

Gary George, Chairman

Attest:

Jane Rogers

Jane Rogers, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Gary George and Jane Rogers, to me well known, who stated that they are the Chairman and Secretary of the Board of Trustees of the University of Arkansas, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said institution, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 11th day of June, 2004.

Gwen Ward

Notary Public

MY COMMISSION EXPIRES:

3-19-2008

"OFFICIAL SEAL"
GWEN WARD
Notary Public, State of Arkansas
County of Pulaski
My Commission Exp. 03/19/2008

Exhibit "E" page 2 of 2

University of Arkansas, Fayetteville
Utility Easement
Dickson to Fairview Streets

WATER LINE EASEMENT

BE IT KNOWN BY THESE PRESENTS:

THAT the **Board of Trustees of the University of Arkansas,** hereinafter styled GRANTOR, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, do hereby GRANT, SELL and CONVEY unto the **City of Fayetteville, Arkansas, a municipal corporation,** hereinafter called GRANTEE, and unto Grantee's successors and assigns, an easement to construct, lay, remove, relay, inspect, enlarge and/or operate a utility line or lines, manholes, and appurtenances thereto, on, over, across, and under the following described land situated in the County of Washington, State of Arkansas, to-wit:

PROPERTY DESCRIPTION:

A part of the Shreve's Addition and Block 3 of J.H. McIlroy's University Subdivision to the City of Fayetteville, Arkansas, as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 1007-630, 709-223 and 708-404 of the Records of the Circuit Clerk, Washington County, Arkansas.

EASEMENT DESCRIPTION:

A water line easement 20 feet of equal and uniform width. The centerline of said easement being the centerline of an existing two (2) inch waterline as constructed within the existing Right of Way of Buchanan Avenue between Fairview Street and Dickson Street. This easement shall begin at the North Right of Way line of Fairview Street and extend North 280 feet, more or less, to the end of said existing two (2) inch water line. This easement contains 5,600 sq. ft. (0.13 acres), more or less. Said easement shall remain in effect until such time as Grantee's utility line is taken out of service and abandoned whereupon this utility easement shall become null and void, thereby ensuring continued service to Grantee's existing customers located along Buchanan Avenue who are serviced via said utility line.

together with the rights, easements, and privileges in or to said lands, which may be required for the full enjoyment of the rights herein granted.

TO HAVE AND TO HOLD unto said Grantee, its successors and assigns, so long as such pipe line or lines, manholes and/or appurtenances thereto shall be maintained, together with free ingress to and egress from the real estate first hereinabove described for the uses and purposes hereinabove set forth.

The said Grantor is to fully use and enjoy the said premises except for the purposes hereinbefore granted to the said Grantee, which hereby agrees to bury all pipes, where feasible, to a sufficient depth so as not to interfere with cultivation of soil, and that manholes will be constructed flush with the surface of the ground except in bottom lands where they shall be at a height above high water, and to pay any damages which may arise to growing crops Or fences from the construction, maintenance and operation as determined by three disinterested persons; one thereof to be appointed by the said Grantor; one by the said Grantee; and the third by the two so appointed as aforesaid, and the written award of such three persons shall be final and conclusive.

It is expressly understood that the above easement shall exclude any permanent structure located within said easement area at the time of the execution of this document.

The Grantor agrees not to erect any buildings or structures in said easement other than fences and said fences shall not exceed six (6) feet in height.

The Grantee shall have the right to construct additional pipe lines upon the above described easement at any time in the future and agrees to pay any damages as a result of such future construction as set out in this easement.

Exhibit "F" page 1 of 2

The consideration first above recited as being paid to Grantor by Grantee is in full satisfaction of every right hereby granted. All covenants and agreements herein contained shall extend to and be binding upon the respective heirs, legal representatives, successors and assigns of the parties hereto.

It is hereby understood and agreed that the party securing this document in behalf of the Grantee is without authority to make any covenant or agreement not herein expressed.

WITNESS the execution hereof on this the 11th day of June, 2004.

Board of Trustees of the University of Arkansas

Approved by Resolution adopted by the Board of Trustees of the University of Arkansas on the 4th day of June, 2004.

By:

Gary George

Gary George, Chairman

Attest:

Jane Rogers

Jane Rogers, Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) ss.
COUNTY OF PULASKI)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared Gary George and Jane Rogers, to me well known, who stated that they are the Chairman and Secretary of the Board of Trustees of the University of Arkansas, and are duly authorized in their respective capacities to execute the foregoing instrument for and in the name and behalf of said institution, and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 11th day of June, 2004.

Gwen Ward

Notary Public

MY COMMISSION EXPIRES:

3-19-2008

"OFFICIAL SEAL"
GWEN WARD
Notary Public, State of Arkansas
County of Pulaski
My Commission Exp. 03/19/2008

Exhibit "F" page 2 of 2

VAC 04-1136: Vacation (U OF A PARKING GARAGE, 483): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at S OF DICKSON STREET, ON HARMON AVE, BUCHANAN AVENUE AND WILLIAM STREET. The property is zoned P-1, INSTITUTIONAL and RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and contains approximately 1.57 acres. The request is to vacate portions of 2 streets, 2 alleys and a utility easement.

Ostner: The next item on our agenda under new business is VAC 04-1136 for the U of A Parking Garage.

Anthes: As I am involved in planning at the University of Arkansas I will recuse from this item.

Ostner: I too am going to recuse from this. I will hand it over to Commissioner Allen.

Allen: This is VAC 04-1136 for the University of Arkansas Parking Garage. Jeremy, can we have your report please?

Pate: Our first item is a request for vacation of two rights of way and two allies. Buchanan Avenue and Harmon Avenue, as well as the two allies I just mentioned. The University of Arkansas is in the process of constructing a new street, Harmon Avenue, along with the parking garage that is currently under construction to service adjoining streets in the area as well as a multi-level parking facility on the southern portion of the campus. The street will connect California Blvd., which is also Center Street, to Dickson Street and will incorporate the southern portion of the existing Harmon Avenue as well as the northern portion of the existing Buchanan Avenue. The University proposes construction of two or more new buildings over this existing alignment of Buchanan Avenue in the near future. I believe the applicants have brought a proposed site plan for their future development. The request tonight is to vacate approximately 637 linear feet of Williams Street. 823 linear feet of Buchanan Avenue and two 15' wide allies within the old Shreve's Addition. We have received utility responses. There are no objections. There are several conditions of approval. Staff is recommending approval of the proposed right of way and alley vacations with those six conditions of approval. I will read over those for you. Item one, all water and sewer lines must be properly replaced, capped, abandoned, etc. prior to approval of this vacation. This includes a 2" water line running north from Fairview on Buchanan. 2) All sewer mains upstream from the manhole in the Williams/Duncan intersection shall become ownership of the University of Arkansas. 3) All new water and (City owned) sewer lines shall have at least a 20' wide easement centered on the pipe. 4) Retain the existing easement south of lots 1 and 2 for the existing gas line. 5) Dedication of the requested easements for AEP/Swepco and Southwestern Bell Telephone. 6) The

40-foot general utility easement as indicated on the enclosed exhibit to be dedicated to the City of Fayetteville shall include rights of ingress/egress for public vehicular and pedestrian traffic.

Allen: Thank you Jeremy. Do we have signed conditions of approval?

Pate: We do not at this time.

Allen: Thank you. Is the applicant present? Please come forward and give us your presentation.

Beaumont: Good evening. I'm Kevin Beaumont with McClelland Consulting Engineers. We were hired on behalf of the University to request this issue to you. You have copies of the Vacation Plat and the Utility Easement Plat Exhibit "A". I have large copies if that will help you.

Allen: If you have something new for us you can step forward and give your presentation.

Beaumont: I don't have any additional information to what you already have but I can outline to you.

Allen: No, we have that. Thank you.

Beaumont: The question as far as do we have signed documents, as far as utilities are concerned they have signed off on everything approving to vacate subject to some easements being put into place by the University. We have four of those five easements in here today for Fayetteville Water and Sewer and for SBC and we have the general 40' utility easement down Harmon Avenue that has also been signed on behalf of the University. The only one that is missing is the one for SWEPCO. That is in the process of being forwarded here today.

Beagle: I'm Bob Beagle from the University, I'm just here in case you have any questions.

Allen: Thank you Bob. Is there anyone from the public who would like to speak to this issue? Seeing no one, I will bring it back to the Planning Commission for discussion.

Graves: I take it from the response by the petitioner that you have read the conditions of approval and that you don't have any objections or problems or issues with any of them?

Beaumont: No, there is no problem at all with satisfying all of those.

MOTION:

Graves: I would move to approve VAC 04-1136 for the U of A Parking Garage.

Clark: Second.

Allen: We have a motion by Commissioner Graves and a second by Commissioner Clark. Would you call the roll please Renee?

Roll Call: Upon the completion of roll call the motion to recommend approval of VAC 04-1136 to the City Council was approved by a vote of 5-0-2 with Commissioners Anthes and Ostner recusing.

Thomas: The motion carries.

FAYETTEVILLE

PC Meeting of July 26, 2004

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: 479-575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	**Fayetteville Planning Commission**
FROM:	**Jeremy Pate, Senior Planner**
	Matt Casey P.E. Staff Engineer
THRU:	**Dawn Warrick, AICP, Zoning & Development Administrator**
DATE:	**June 30, 2004**

VAC 04-1136: Vacation (U OF A PARKING GARAGE, 483): Submitted by MCCLELLAND CONSULTING ENGINEERS for property located at S OF DICKSON STREET, ON HARMON AVE, BUCHANAN AVENUE AND WILLIAM STREET. The property is zoned P-1, INSTITUTIONAL and RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE, and contains approximately 1.57 acres. The request is to vacate portions of 2 streets, 2 alleys and a utility easement.

Property Owner: UNIVERSITY OF ARKANSAS Planner: JEREMY PATE

Findings: See the attached maps and legal descriptions for the exact locations of the requested utility easement vacation.

Background: The University of Arkansas is in the process of constructing a new street, Harmon Avenue, to service adjoining streets in the area as well as a new multi-level parking facility in the southern portion of campus. The street will connect California Blvd/Center Street to Dickson Street and will incorporate the southern portion of "existing" Harmon Avenue as well as the northern portion of "existing" Buchanan Avenue. The University proposes construction of two or more new buildings over the existing alignment of Buchanan Avenue in the near future.

Request: The applicant requests to vacate approximately 637 LF of William Street between Duncan Avenue and Buchanan Avenue, 823 LF of Buchanan Avenue between Fairview Street and Dickson Street, and two 15 ft. wide alleys within the old platted Shreve's Addition, of 305 LF and 358 LF respectively.

The applicant has submitted the required notification forms to the utility companies and to the City. The results are as follows:

UTILITIES	RESPONSE
Ozarks Electric	No Objections
Cox Communications	No Objections
AEP/SWEPCO	See Conditions of Approval

Arkansas Western Gas	See Conditions of Approval
SW Bell	No Objections
CITY OF FAYETTEVILLE:	**RESPONSE**
Water/Sewer	See Conditions of Approval
Transportation	No Objections
Solid Waste	No Objections
Engineering	See Conditions of Approval

Recommendation: Staff recommends approval of the proposed ROW and alley vacations **04-1136** with the following conditions:

Conditions of Approval:

1. All water and sewer lines must be properly replaced, capped, abandoned, etc., prior to approval of the vacations. This includes the 2" water line running north from Fairview on Buchanan.
2. All sewer mains upstream from the manhole in the Williams/Duncan intersection shall become ownership of the University of Arkansas.
3. All new water and (City owned) sewer lines shall have at least a 20' wide easement centered on the pipe.
4. Retain the existing easement south of lots 1 and 2 for the existing gas line.
5. Dedication of the requested easements for AEP/Swepco and Southwestern Bell Telephone.
6. The 40-foot general utility easement as indicated on the enclosed exhibit to be dedicated to the City of Fayetteville shall include rights of ingress/egress for public vehicular and pedestrian traffic.

PLANNING COMMISSION ACTION: __yes__ **Required**
__√__ **Approved** ______ **Denied**

Date: __July 26, 2004__

F TO CITY COUNCIL

Comments:____

The "CONDITIONS OF APPROVAL", beginning on page two of this report, are accepted in total without exception by the entity requesting approval of this development item.

____

By

____

Title

____

Date

CITY COUNCIL ACTION: __yes__ **Required**

________ **Approved** ______ **Denied**

Date: August 17, 2004

STREET AND ALLEY VACATION REQUEST

2-15' Alleys, 637' William Street, 823' Buchanan Avenue
FAYETTEVILLE, ARKANSAS

The University of Arkansas is in the process of constructing a new street, Harmon Avenue to service adjoining streets in the area as well as a new multi-level parking facility in the southern portion of the campus. The street will connect California Blvd/ Center Street to Dickson Street and will incorporate the southern portion of "existing" Harmon Avenue as well as the northern portion of "existing" Buchanan Avenue. It will also connect to the west end of William Street that currently intersects with Buchanan Avenue. The University proposes construction of two or more new buildings over the existing alignment of Buchanan Avenue in the near future.

To enable construction of the parking deck, approval has already been granted for vacating a 356 LF portion of Harmon Avenue immediately south of William Street, and also two unused alleys within the old platted Shreve's Addition and Block 3 of McIlroy's Subdivision.

The University is requesting street vacations as follows:

1. William Street (637 LF), between Duncan Avenue and Buchanan Avenue.
2. Buchanan Avenue (823 LF), between Fairview Street and Dickson Street.

The University is also requesting vacation of two (2) 15 ft wide alleys within the old platted Shreve's Addition, of 305 LF and 358 LF respectively.

The University intends to complete construction of Harmon Avenue by April 2005. It will extend from Fairview Street to Dickson Street and, the northern most section (300 LF approx) will be on the same alignment as the existing Buchanan Avenue. The southern section (500 LF approx) of Buchanan Avenue is to be vacated to make way for future development.

The University currently owns all of the property on both sides of Buchanan Avenue and William Street that it is proposed be vacated.

There are not any property owners adjoining the proposed street vacation areas that need to be notified regarding the vacation of these portions of street or alleys.

The existing utilities within William Street will remain undisturbed. The existing water and sanitary sewer utilities within Buchanan Avenue will be abandoned, all overhead utilities will be rerouted. A new 12" water line will be constructed along Harmon Avenue to improve water distribution in the area. A new 8" sanitary sewer will be constructed along a section of Harmon Avenue to service future University buildings in the area.

Based on the above the University is requesting street and alley vacations as shown on the attached Vacation Plat.

PETITION

PETITION TO VACATE TWO STREETS AND TWO ALLEYS; A STREET LOCATED EAST OF BUCHANAN AVENUE AND WEST OF DUNCAN AVENUE, A STREET LOCATED SOUTH OF DICKSON STREET AND NORTH OF FAIRVIEW STREET, AND TWO ALLEYS LOCATED IN SHREVE'S ADDITION, CITY OF FAYETTEVILLE, ARKANSAS

TO: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the street and alleys hereinafter sought to be abandoned and vacated, lying east of Buchanan Avenue and west of Duncan Avenue, lying south of Dickson Street and north of Fairview Street and two alleys adjacent to Lots 1 through 12, Shreves Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate two streets and two alleys which are described as follows:

SIX HUNDRED THIRTY SEVEN FEET OF WILLIAMS STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF WILLIAMS STREET LYING EAST OF BUCHANAN AVENUE AND WEST OF DUNCAN AVENUE, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT.

ALSO:
EIGHT HUNDRED TWENTY THREE FEET OF BUCHANAN AVENUE MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF BUCHANAN AVENUE LYING SOUTH OF DICKSON STREET AND NORTH OF FAIRVIEW STREET.

ALSO:
ALL OF A 15' ALLEY LYING EAST OF LOT 1 AND LOT 12 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILLE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.

ALSO:
ALL OF A 15' ALLEY LYING SOUTH OF LOTS 1,2,3,4.5&6 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILLE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO THE RESERVATION OF THE AREA OF ALLEY WAY SOUTH OF LOTS 1 &.2 AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.
(See attached drawing).

That the abutting real estate affected by said abandonment of the streets and alleys are numerous lots within Block 1 and Block 3, McIlroy's Subdivision, Lots 1 through 19, Shreve's Addition and Fayetteville Outlots north and south of William Street (per attached Vacation Plat), City of Fayetteville, used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described streets and alleys.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above-described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said easement.

Date this 14 day of June, 2004.

James Ezell

Printed name

Signature

Printed name

Signature

STREET, ALLEY & UTILITY EASEMENT VACATION PLAT

CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS

REQUESTED BY:
UNIVERSITY OF ARKANSAS

DESCRIPTION OF STREETS, ALLEYS & UTILITY EASEMENTS TO BE VACATED

SIX HUNDRED THIRTY SEVEN FEET OF WILLIAMS STREET BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF WILLIAMS STREET LYING EAST OF BUCHANAN AVENUE AND WEST OF DUNCAN AVENUE, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT.

ALSO:
EIGHT HUNDRED TWENTY THREE FEET OF BUCHANAN AVENUE MORE PARTICULARLY DESCRIBED AS FOLLOWS: ALL OF BUCHANAN AVENUE LYING SOUTH OF DICKSON STREET AND NORTH OF FAIRVIEW STREET.

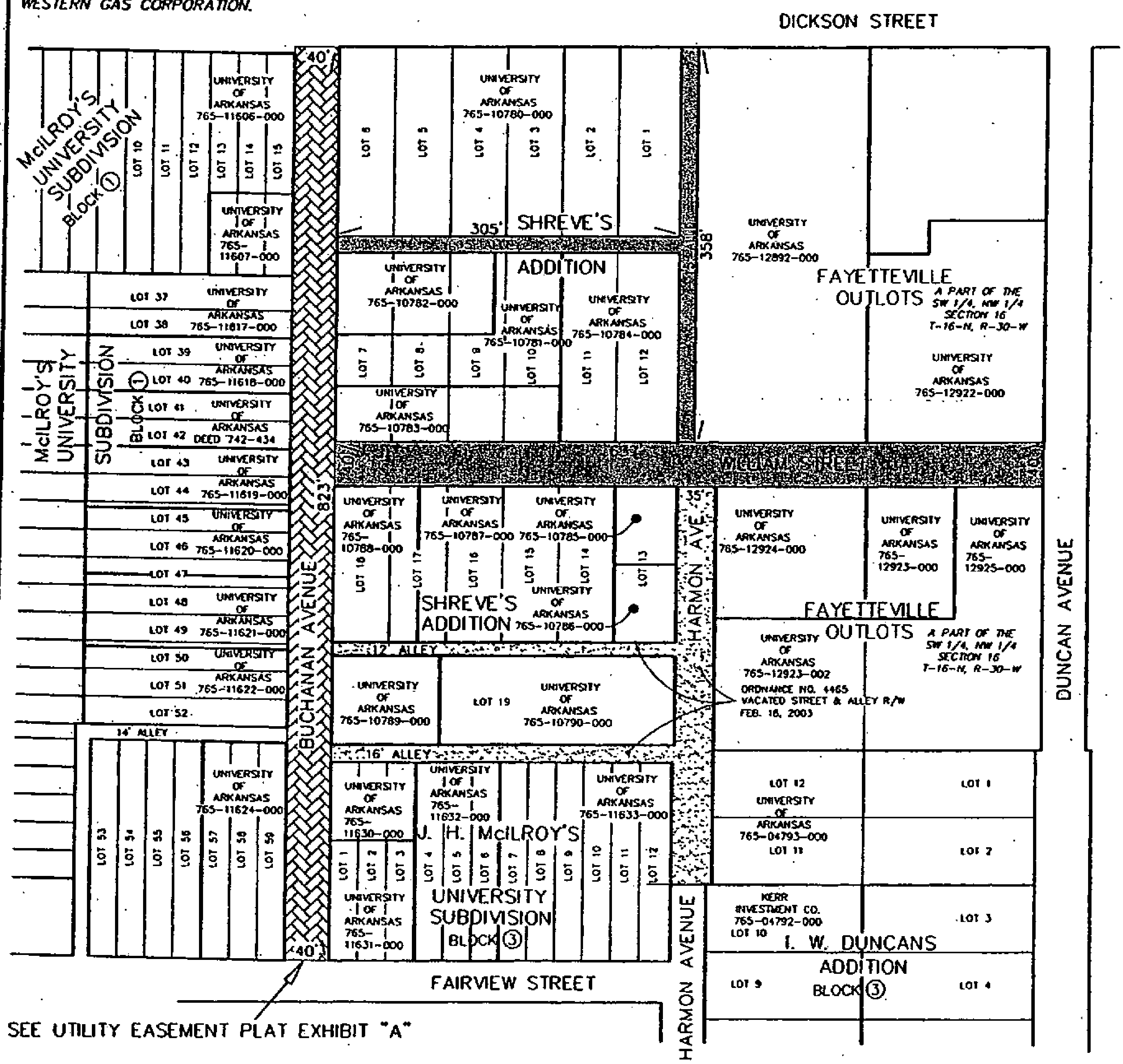
ALSO:
ALL OF A 15' ALLEY LYING EAST OF LOT 1 AND LOT 12 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILLE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO ITS RESERVATION AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.

ALSO:
ALL OF A 15' ALLEY LYING SOUTH OF LOTS 1,2,3,4,5&6 OF SHREVE'S ADDITION TO THE CITY OF FAYETTEVILLE, AS RECORDED IN THE RECORDS OF THE CIRCUIT CLERK OF WASHINGTON COUNTY, ARKANSAS, SUBJECT TO THE RESERVATION OF THE AREA OF ALLEY WAY SOUTH OF LOTS 1 & 2 AS A UTILITY EASEMENT TO ARKANSAS WESTERN GAS CORPORATION.

LEGEND

1" = 140'

- STREET AND ALLEY TO BE VACATED
- STREET AND ALLEY PREVIOUSLY VACATED
- STREET AND UTILITY EASEMENT TO BE VACATED



SEE UTILITY EASEMENT PLAT EXHIBIT "A"

UTILITY EASEMENT PLAT - EXHIBIT 'A'

1" = 140'

BASIS OF BEARINGS:
CITY OF FAYETTEVILLE
GPS COORDINATE
SYSTEM

GENERAL UTILITY EASEMENT DESCRIPTION

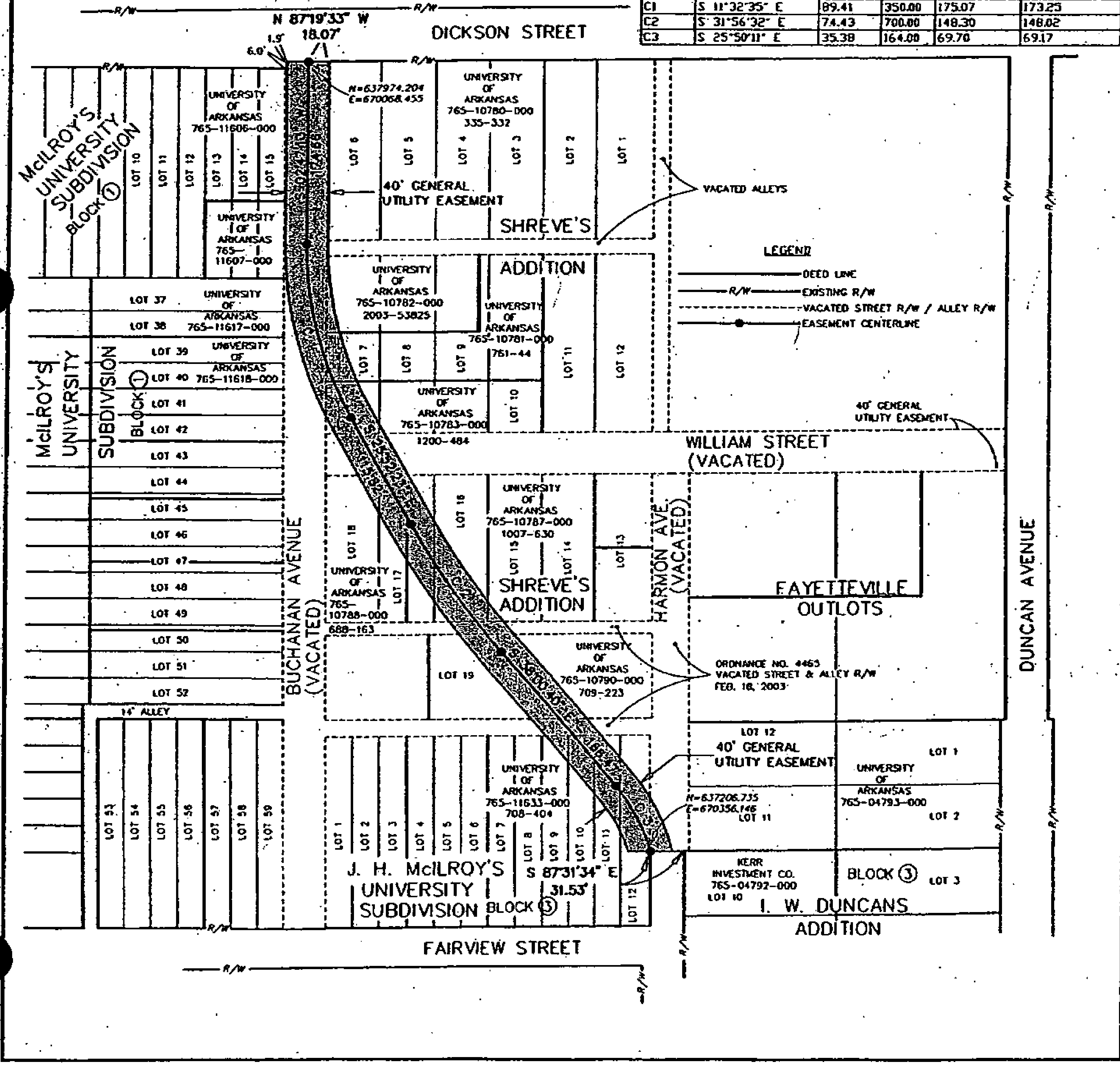
A part of Shreve's Addition and Block 3 of J.H. McIlroy's University Subdivision to the City of Fayetteville as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 1007-630, 709-223, and 708-404 of the Records of the Circuit Clerk, Washington County, Arkansas.

A permanent easement 40 feet of equal and uniform width. The centerline of said easement beginning at a point on the South right-of-way line of Dickson Street and 18.07 feet Westerly of the Northwest corner of Lot 6 of said Shreve's Addition; thence South 2°47'13" West - 174.66 feet to the start of a curve; thence Southeasterly along a curve concave to the Northeast a distance of 175.07 feet, said curve having a radius of 350.00 feet and the chord of said curve bears South 11°32'35" East - 173.25 feet; thence South 25°52'23" East - 115.82 feet to the start of a curve; thence Southeasterly along a curve concave to the Northeast a distance of 148.30 feet, said curve having a radius of 700.00 feet and the chord of said curve bears South 31°56'32" East - 148.02 feet; thence South 38°00'40" East - 168.47 feet to the start of the curve; thence Southeasterly along a curve concave to the Southwest a distance of 69.70 feet, said curve having a radius of 164.00 feet and the chord of said curve bears South 25°50'11" East - 69.17 feet, said centerline their terminating at a point 31.53 feet Westerly of the Northwest corner of Lot 10 of Block 3 in I. W. Duncan's Addition to the City of Fayetteville. This permanent easement contains 0.78 acres, more or less.

The sidelines of said easement are to be prolonged or shortened to terminate at the South right-of-way line of Dickson Street and the North line of said Lot 10 if extended in a Westerly direction.

CURVE TABLE

NUMBER	CHORD DIRECTION	TANGENT	RADIUS	ARC LENGTH	CHORD LENGTH
C1	S 11°32'35" E	89.41	350.00	175.07	173.25
C2	S 31°56'32" E	74.43	700.00	148.30	148.02
C3	S 25°50'11" E	35.38	164.00	69.70	69.17



Street, Alley and Utility Easement Vacation; General Comments/ Clarification ref Application

Owing to the complexity of several proposed projects by the University of Arkansas and their associated construction phasing within the area of Buchanan Avenue, Harmon Avenue and William Street there will be a need to provide localized easements to some of the public utility companies until such time as:

- the utility is relocated.
- the utility is abandoned.

Those public utility companies affected are:

- City of Fayetteville's Water Department; requiring 2 (two) easement documents to provide access to a 2" and 6" water line.
- SWEPCO; requiring a single easement.
- SBC; requiring a single easement.

A General Utility Easement document together with an associated Plat "Exhibit A" is also included for information purposes for the proposed Harmon Avenue, this will be utilized by any of the utilities as required.

It is anticipated that relocation or abandonment will have been undertaken for each of the affected utilities within the next 12 to 18 months.

Subject to approval of the vacation process, there is a need to provide access for maintenance of these utilities during the interim period. Accordingly easement documentation is included for all those entities affected.

The easements have yet to be signed off by the University Board of Trustees, however resolutions for each are included. As soon as the easements have been approved signed copies will be provided as part of this application.

UofA
UNIVERSITY OF ARKANSAS SYSTEM

Office of the President

May 26, 2004

TO MEMBERS OF THE BUILDINGS
AND GROUNDS COMMITTEE:
Dr. Carl L. Johnson, Chair
Mr. James E. Lindsey
Mrs. Jane Rogers
Mr. John E. Anthony
Mr. Gary C. George, Ex-Officio

Dear Committee Members:

Chancellor John A. White at the University of Arkansas, Fayetteville, requests approval to grant a right of way easement to Southwestern Electric Power Company.

A resolution is attached for your consideration. I recommend its approval.

Sincerely,

B. Alan Sugg
President

Attachment

2404 North University Avenue / Little Rock, Arkansas 72207-3608 / 501-686-2505 / Fax 501-686-2506

RESOLUTION

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS THAT the Chairman and the Secretary shall be, and hereby are, authorized to execute and deliver to Southwestern Electric Power Company a right of way easement over, across and through a part of the following described property in Washington County, Arkansas:

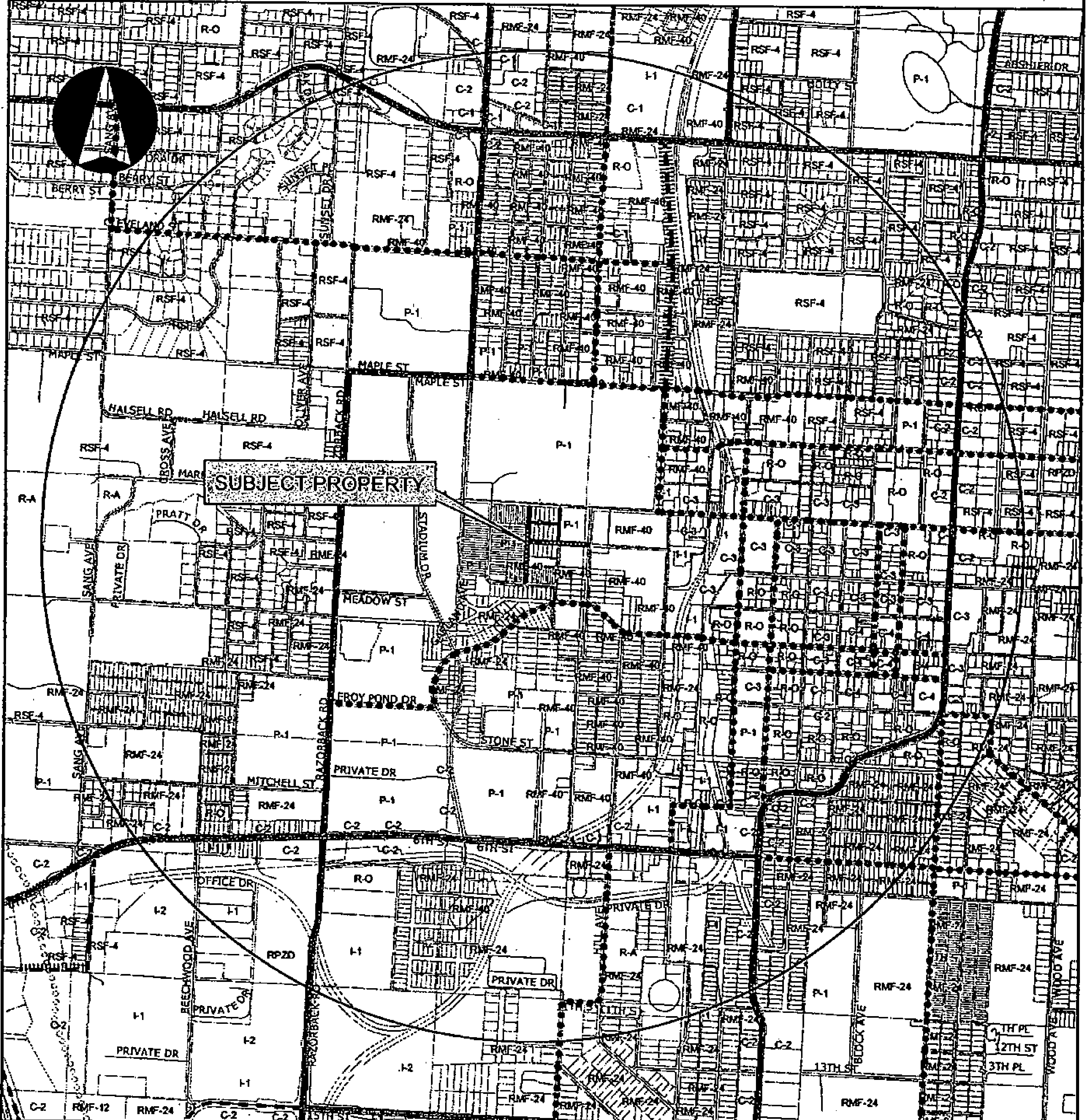
> An easement 20 feet of equal and uniform width, the centerline of said easement beginning at a point on the South right-of-way line of Dickson Street and 3.7 feet Westerly of the Northwest corner of Lot 6 of said Shreve's Addition; thence S2°50'W along an existing overhead electrical utility line a distance of 823 feet, more or less, to a point on the North right-of-way line of Fairview Street, said point being 7.6 feet Westerly of the Southwest corner of Lot 1 in Block 3 of said J.H. McIlroy's University Subdivision.

BE IT FURTHER RESOLVED THAT the right-of-way and easement shall be in a form and content approved by the General Counsel.

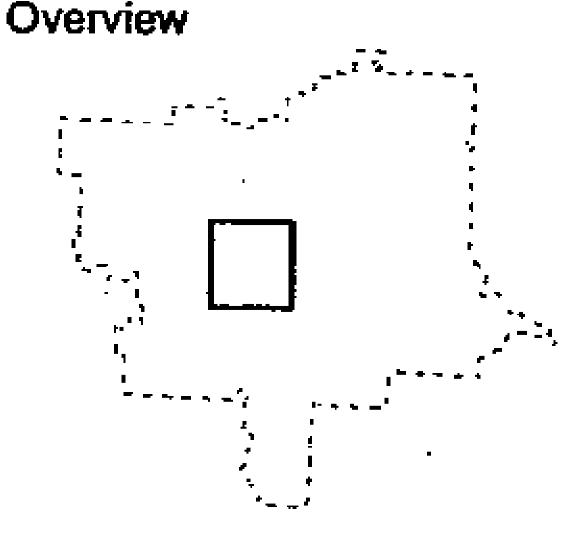
VAC04-1136

One Mile View

U OF A PARKING GARAGE



Overview



Legend

Subject Property

VAC04-1136

Streets

Existing

Planned

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.1 0.2 0.4 0.6 0.8 Miles

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

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

FROM:

Name	Division	Department
Dawn Warrick	Planning	CP&E

ACTION REQUIRED: Ordinance approval.

SUMMARY EXPLANATION:

VAC 04-1136: Vacation (U of A Parking Garage, 483): Submitted by McClelland Consulting Engineers for property located south of Dickson Street on Harmon Avenue, Buchanan Avenue and William Street. The property is zoned P-1, Institutional and RMF-24, Residential Multi-Family, 24 units per acre, and contains approximately 1.57 acres. The request is to vacate portions of two streets, two alleys and a utility easement.

STAFF RECOMMENDATION: Approval.

Dawn T. Warrick — 7/30/04
Division Head — Date

Received in Mayor's Office 8/2/04 P.H.
Date

[signature] — 8/2/04 (as modified)
City Attorney — Date

Department Director — Date

Finance & Internal Services Dir. — Date

Hugh Earnest — 8-3-04
Chief Administrative Officer — Date

Dan Coody — 8/3/04
Mayor — Date

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: Yes No

ENTERED 7-30-04 TH

8/17/04 VAC 04-1136 U of A Parking Garage

AR 04 00 ______

RIGHT OF WAY AND EASEMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

GRANTOR(S): Board of Trustees of the University of Arkansas
2404 North University Avenue
Little Rock, AR 72207

in consideration of one dollar, paid, and other good and valuable considerations, receipt of which is acknowledged, have and by these presents do grant and convey unto GRANTEE, SOUTHWESTERN ELECTRIC POWER COMPANY, its associated and allied companies and their respective successors and assigns, herein referred to as GRANTEE, a perpetual right of way and easement over and through a part of the following described property:

> A part of Shreve's Addition and Block 3 of J. H. McIlroy's University Subdivision to the City of Fayetteville as described in Deed Records 335-332, 2003-53825, 761-44, 1200-484, 688-163, 728-114, 728-440 and 729-124 of the Records of the Circuit Clerk, Washington County, Arkansas.

Said right of way and easement is described as follows:

> An easement 20 feet of equal and uniform width, the centerline of said easement beginning at a point on the South right-of-way line of Dickson Street and 3.7 feet Westerly of the Northwest corner of Lot 6 of said Shreve's Addition; thence S2°50'W along an existing overhead electrical utility line a distance of 823 feet, more or less, to a point on the North right-of-way line of Fairview Street, said point being 7.6 feet Westerly of the Southwest corner of Lot 1 in Block 3 of said J.H. McIlroy's University Subdivision.

With the right to construct, reconstruct, repair, replace, change the size and capacity of, modify, operate, maintain, inspect, remove a line or lines of underground and/or overhead facilities, including, but not limited to, poles, structures, wires cables, conduits, guys, anchors, and other fixtures and equipment as the GRANTEE may from time to time require for the distribution of electric current, and other forms of energy, and for the transmission or communication of data, audio and video information. Together with the right of ingress and egress to said right of way and easement at all times with equipment and personnel across GRANTOR'S lands for the purpose of constructing, operating and maintaining said lines and related facilities and making all necessary repairs, alterations or removal of any of its property placed thereon, provided that GRANTEE shall repair, replace, or pay for actual damages which may be the result of construction, maintenance and operation of its facilities. GRANTOR shall not construct nor permit to be constructed, any structure or building of any type or nature, including swimming pools, on or adjacent to the said easement right of way that would prevent the use or endanger the said facilities or that would cause a violation of the National Electric Safety Code. In addition, the GRANTEE may trim, treat, cut down, or remove any trees, growth and vegetation without incurring damages (within the right of way or which could grow into the right of way) which may interfere with GRANTEE'S lines and other facilities.

Said easement shall remain in effect until such time as an alternative routing for GRANTEE'S utility line is determined and agreed upon by GRANTEE and executed together with removal of existing overhead electrical utility line, thereby ensuring continued service to GRANTEE'S existing customers located along Fairview Street and Buchanan Avenue who are serviced via said utility line, whereupon this utility easement shall become null and void.

To have and hold the above described easement and rights unto the GRANTEE, its successors and assigns, forever or until said right of way and easement is finally abandoned.

SIGNED AND DATED, this 10th day of August, 2004.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ARKANSAS

Seal

ATTEST:

Stanley E Reed
By: Stanley E. Reed
Title: Vice Chairman

Jane Rogers
By: Jane Rogers
Title: Secretary

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF PULASKI

On this 10 day of August, 2004, before me, the undersigned notary public, personally appeared Stanley E. Reed and Jane Rogers, Vice Chairman and Secretary, respectively, to me well known as the duly authorized officers of the Board of Trustees of the University of Arkansas, who executed the foregoing document, and who stated and acknowledged that they have so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this 10 day of August, 2004.

Tiffany L. Smith
NOTARY PUBLIC

My Commission Expires: 9/12/2013

Tiffany L. Smith
County Of Pulaski
Notary Public - Arkansas
My Commission Exp. 09/12/2013

Tabled until November 16, 2004

8/17/04 C-3 - U of A Parking Garage
VAC 04-1136 (U of A Parking Garage)
VAC 04-1136

8/17/04

MARTIN
ALEXIOU
BRYSON

TRANSPORTATION PLANNING
TRAFFIC ENGINEERING

2414 WYCLIFF ROAD
SUITE 101
RALEIGH, NORTH CAROLINA, 27607
PHONE: 919-881-1243
FAX: 919-881-8081

July 12, 2004

University of Arkansas
UA Facilities Management
521 S. Razorback Road
Fayetteville, AR 72701

RE: Scope of Work and Cost Estimate
Transportation Master Plan
University of Arkansas - Fayetteville

Dear Mr. Huneycutt:

Martin/Alexiou/Bryson, PLLC (M/A/B) is pleased to submit a scope of work and cost estimate in response to the Request for Proposal (RFP) dated June 28, 2004. The attached document includes the following sections (in this order):

- Project Understanding and Goals
- Stakeholder Involvement
- A Scope of Services for each phase (Phases1A, Phase 1B, and Phase2), including
  - Project Purpose
  - Stakeholder Involvement
  - Work Products
- Obligations of the University and City
- Project Timeline
- Basis of Compensation (all phases)

The scopes for all three phases are very comprehensive, representing our general approach and methodologies, and generally reflecting the RFP. However, the finalization of the scope and associated costs requires more detailed discussions on each item with the University (and City for some tasks). Therefore, this scope and cost estimate must be considered preliminary and subject to change. If the cost exceeds the University's budget, there are several areas of scope (and cost) that could be reduced without compromising the project objectives.

We have added to out team ***Cloud Gehshan Associates (CGA)***, a leader in developing wayfinding and sign programs. CGA was included in our original team, and the firm's qualifications were submitted to you by Fedex last week.

Please do not hesitate contact to me at (919) 881-1243 or georgealexiou@mabtrans.com if you need additional information or have any questions.

Sincerely yours,
MARTIN/ALEXIOU/BRYSON, PLLC

G. Alexiou

George Alexiou, PE, Principal

UNIVERSITY OF ARKANSAS

Proposal to Undertake

CAMPUS TRANSPORTATION STUDY

PROJECT UNDERSTANDING AND GOALS

The University of Arkansas, located in Fayetteville and the flagship campus of the University of Arkansas system, is experiencing significant growth which is anticipated to continue into the foreseeable future. This growth brings with it pressure on limited land resources and the transportation infrastructure serving the campus. This is further compounded by the campus being located within a region that is expected to almost double its population over the next 20 years, placing unprecedented demands on the region's transportation system and necessitating new approaches to addressing future transportation needs.

The anticipated growth of the flagship campus requires the preparation of a Transportation Master Plan. This will accompany the update of the 1998 Campus Master Plan that will be concurrently undertaken by University staff. The development of the Transportation Master Plan must be undertaken within the context of regional transportation issues, goals, and plans, as well as Campus Master Plan goals. The City's recent *Traffic and Transportation Study*, which outlines the City's transportation needs and priorities for the next 20 years, identifies traffic congestion as the highest priority but stresses solutions which increasingly emphasize reducing vehicular traffic, multi-modalism, and smart growth. It also identifies the University as a major travel generator, and highlights the need for close cooperation in developing solutions.

The Transportation Master Plan also must reflect the University's commitment to sustainability principles, and enhancing the pedestrian environment and aesthetics of the campus (a common theme among the major campuses we are assisting). The University is seeking forward-thinking, sustainable transportation solutions that not only address mobility but also contribute to the University's mission and vision.

One early manifestation of the University's growth is the need for more buildings and more parking. One parking deck is under construction and another planned for the North Campus. The impacts of these must be addressed early in the study (Phase 1A of the overall transportation study). The planning and impacts of another deck proposed in the *Downtown Master Plan* to jointly serve businesses in the Dickson Street corridor and University students, will be the focus of a second study (Phase 1B) which will be an extension of the Phase I study.

The overall Transportation Master Plan (the Phase 2 study) will begin at the same time as the Phase 1A study. Work undertaken for both Phase 1 studies, and in particular the development of a traffic simulation model, will feed into and be expanded on in the overall study. The 1998 *Campus Master Plan* provides a starting point for the Transportation Master Plan. It identified a number of transportation problems and issues, proposed design principles to guide circulation and parking, and offered recommendations, many of which may still be valid today. Several improvements recommended in that plan have been implemented.

STAKEHOLDER INVOLVEMENT

A critical element of all three studies is stakeholder involvement to ensure all possible information is factored into the study, all concerns and desires are heard, and the best possible solutions and plan results. All these in turn will help build support and consensus for the transportation plan and recommendations of each study phase. Stakeholders include segments of the University population, the community (neighborhoods, businesses, organizations and groups, and individuals), and City regional and State governments agencies. To ensure a successful outcome, our team will take a proactive and "hands-on" approach to involving stakeholders.

Some of the projects that may be proposed by the University have implications for the surrounding neighborhoods and the traveling public, in addition to fulfilling the University's mission. The legitimate concerns of all these stakeholders, and potentially groups within the University, must be addressed. Community and neighborhood groups have made it clear that they want to be heard and actively participate. The University recognizes that broader participation will help identify and avoid unacceptable impacts, and develop effective mitigation strategies that balance the benefits and impacts of the projects. Moreover, by conducting studies in an open forum, consensus can be reached step-by-step to ensure broad buy-in of the findings and recommendations by all stakeholders.

Agreement on key issues and factors at the appropriate step in any study will avoid surprises later in the study. Therefore, meetings must be thoughtfully structured to carefully explain issues and options, and make group decisions. The emphasis of our approach is on making clear decisions that keep a study moving forward. Each phase of a study must conclude with a clear direction. Therefore, the opinions and concerns of all interested parties must be aggressively sought out early so that they can be factored into the technical work and addressed in the conclusions and recommendations.

The senior members of our team are very accustomed and skilled at working with stakeholders in a variety of settings. Many of our campus projects have involved multiple committees, both within and outside the campus. Typical committee membership has included mayors and councilpersons/commissioners, public agency staff, departments of transportation, individual neighborhoods, community groups, the university president/chancellor, top administrators, faculty, staff and students. Many projects have involved separate presentations or workshops with neighborhoods to examine and resolve specific issues. Other projects have entailed tiered technical committees and policy committees as a means of ensuring buy-in on all technical assumptions, methodologies, and results at every step of the process, and acting on key findings to make recommendations. We have earned the respect of many of transportation, political, and business leaders for our professional expertise, broad understanding of issues, ability to get decisions made, and ability to communicate information. We believe in being respectful and responsive, but with the goal of reaching closure.

SCOPE OF SERVICES

Following is a proposed scope of services for achieving the project goals. A separate scope of services is provide for each study phase, however it is assumed that Phase 1 and Phase 2 will run concurrently. The scopes will be refined based on feedback from the steering committee.

PHASE 1A – LEVERETT NEIGHBORHOOD/HARMON AND NORTH CAMPUS DECK

PURPOSE

This Phase 1A study will provide an assessment of the Harmon Avenue deck that is scheduled to open in April 2005, and a planned deck on the north side of the campus (in the vicinity of Douglas and Leverett Streets. The study will be structured to capture and understand the cumulative impacts of both decks.

The Phase 1A study will be undertaken concurrently with the Transportation Master Plan. Because counts cannot be collected until at least one week after school reopens (i.e., one week after August 23), the study will be completed in late November.

STAKEHOLDER INVOLVEMENT

At the outset of the entire study, an overall stakeholder involvement strategy and program will be developed in consultation with the University. At a minimum this will include regular meetings with all stakeholders (groups and individuals), more formal meetings (with presentations), workshops (including charrettes), and an interactive website (to be provided by the University).

Phase 1A stakeholder involvement will focus on the communities bordering the northern, eastern, and southern edges of the campus as these have the greatest potential of being impacted by the projects. Two meetings are proposed for this purpose (included as tasks below). In addition, less formal meetings will be held with individuals or smaller groups as needed. M/A/B also will provide all material for placement on the University's website.

M/A/B will prepare all meeting notices, background materials, and follow-up documentation of the meeting, and make the presentations. The University will organize the venues and equipment, and publicize meetings.

TASKS

(Note: The initial tasks of the Phase 2 Transportation Master Plan will be undertaken concurrent with the Phase 1A tasks. These tasks provide a necessary framework for the Phase 1A and 1B studies. The overlap of tasks for the various phases is shown on the project timeline.)

1A-1 Review Potential Deck Sites for North Campus Deck

Potential sites for a North Campus deck will be identified and evaluated (criteria for this task are detailed under Phase 2). This also is the kick-off trip for the project.

1A-2 Collect Intersection, Roadway and Traffic Data

A study area will be defined to address the potential combined impacts of the Harmon and North Campus decks. The study area will be the area bordered by Center Street, Garland Avenue, Cleveland Street, and Arkansas and Whitham Avenues.

Information to be collected for streets includes:

- Widths
- Number of lanes
- Posted speed
- Parking
- Bike lanes
- Grades
- Sight distance limitations
- Sidewalk characteristics
- Daily (24-hour) traffic counts

Information to be collected for Intersections:

- Number and type of lanes on each approach
- Lane widths
- Length of storage
- Type of control
- Signal phasing/timing data
- Pedestrian crossings

It is anticipated that up to 30 intersections may be encompassed by the study area. The following is a preliminary list of intersections that may be included (this list will be reviewed and finalized with the University and City):

1. Center and University
2. Center and Duncan
3. California and Harmon
4. California and Virginia
5. Dickson and University
6. Dickson and Arkansas
7. Dickson and Duncan
8. Dickson and Buchanan
9. Dickson and Ozark
10. Maple and Arkansas
11. Maple and Whitham
12. Maple and Leverett
13. Maple and Storer
14. Maple and Oakland
15. Maple and Lindell
16. Maple and Garland

17. Douglas and Whitham
18. Douglas and Leverett
19. Douglas and Storer
20. Douglas and Oakland
21. Douglas and Lindell
22. Douglas and Garland
23. Cleveland and Whitham
24. Cleveland and Leverett
25. Cleveland and Storer
26. Cleveland and Oakland
27. Cleveland and Lindell
28. Cleveland and Garland

Counts will be collected for the two A.M. and P.M peak periods (two hours in each period). It is assumed new counts will be required at half the intersections. The counts will include pedestrians, cyclists, and trucks/buses. These counts will provide an assessment of current conditions, including traffic for all existing parking facilities (including the Garland parking deck).

For costing purposes it is assumed that new counts will be required at a total of 25 intersection and 20 mid-block locations for the entire transportation study.

1A-3 Develop Traffic Simulation Model

The development of a campus-wide Synchro/SimTraffic simulation model that includes the above streets and intersections will be commenced in this task. This model will be expanded and enhanced in the subsequent study phases.

The model will be built on the City's existing model. Additional street network will be entered, including existing geometric and timing/phasing data. Where appropriate, signalized intersections will be grouped according to the City's signal system zones, and timing splits will be optimized within these zones using cycle lengths provided by the City.

1A-4 Conduct Existing Conditions Traffic Analysis

The model will be applied to assess existing conditions for the A.M. and P.M. peak periods. This will include level-of-service (LOS) for intersections and specific movements, delays, and queuing. Existing problems will be identified and mapped.

1A-5 Conduct No-Build Conditions Traffic Analysis

The model then will be applied to assess future conditions for the year both planned decks would be open, but without the decks or other changes in campus parking. This provides an assessment of future conditions that can be expected even if the University does not grow or add parking. Background growth factors will be based on historic growth rates and other information the City may provide. Anticipated problems and constraints will be identified and mapped.

In addition, changes in midblock traffic also will be calculated (daily and peak hour) so that residents on particular streets can understand how much traffic will grow because of regional growth.

1A-6 Present Findings to University and City

A meeting will be held with University and City staff to present the findings to date. The University and City will be asked to review these findings prior to the first community meeting. Information will be distributed beforehand, so that the community meeting can be held on the following day (or possibly the same evening).

1A-7 Conduct Community Meeting #1

The background information will be presented at the first community meeting. The purpose of this meeting will be to introduce the community to the overall transportation study, and the study process and schedule. The Phase I study will be outlined, and the background information from the preceding tasks presented in powerpoint and displays. Attendees will be asked to mark maps and fill out a questionnaire to identify existing concerns and issues, and anticipated issues related to the parking decks. This may include traffic, pedestrian circulation, transit needs, other University impacts, and opposition to any decks north of Maple Street.

1A-8 Determine Parking Supply Changes

In preparation for analyzing the traffic impacts of the planned decks, all potential parking losses and gains within the study area between now and the time the North Campus parking deck opens will be estimated. Any other potential changes in trip generation also will be identified.

1A-9 Determine Vehicular Trip Generation

Peak hour and daily trip generation rates will be developed for the two decks based on surveys and projected users. The campus will be divided into zones for the purpose of trip generation of new decks, other changes in the parking supply, and changes in trip generators.

1A-10 Determine Vehicular Trip Distribution

Traffic will be distributed and assigned to the street network based on the geocoding results (see Phase 2), existing traffic counts, and any available regional data. The distribution of trips will be based on the zones described above. This traffic will be added to the no-build traffic.

1A-11 Conduct Build Conditions Traffic Analysis

The simulation model then will be applied to assess future conditions with both planned decks open. Anticipated problems will be identified and mapped. In addition, changes in midblock traffic also will be calculated (daily and peak hour) so that residents on particular streets have measure of how traffic will change on their street.

Options for capacity and safety improvements will be identified and shown on drawings and other graphics for presentation to the community at the second meeting. These will be reviewed with the University and City beforehand. In addition to possible intersection improvements, potential traffic calming techniques to control the speed and or volume of traffic on a particular street will be identified. Order-of-magnitude costs will be developed for the North Campus deck and all street improvements. (While it would be possible to assess each deck separately, this would entail additional cost.)

In the event that there is consensus by the University and City that the proposed size of the North Campus deck cannot be accommodated by the street system, the deck size will be reduced and the traffic analysis redone.

1A-12 Identify Additional Needs and Improvements

The final destinations of the deck users will be projected, and the preferred mode of travel determined (walking, transit, or cycling). Deficiencies in existing facilities or services for each mode will be identified, and improvements proposed. Particular attention will be given to pedestrian safety. Order-of-magnitude costs will be developed for improvements.

1A-13 Present Findings to University and City

A meeting will be held with University and City staff to present the findings to date. The University and City will be asked to review these findings prior to the second community meeting. Information will be distributed beforehand, so that the community meeting can be held on the following day (or possibly the same evening).

1A-14 Conduct Community Meeting #2

The findings will be presented at a second community meeting. Following a presentation, attendees will be asked to break into groups and mark up maps showing the preferred improvements and identifying any other issues that should be addressed.

If required, perspectives of the North Campus deck can be prepared (not included in the cost estimate).

1A-15 Develop Wayfinding and Visitors Center

Recommendations for wayfinding for the two decks will be developed by team member Cloud Gehshan Associates (CGA). Their methodology for developing a wayfinding plan is described under Phase 2. It is important that the Phase 2 wayfinding study and plan development precede the recommendations for wayfinding for the individual decks. Therefore, it recommended that as the overall wayfinding plan is being prepared (and after initial concepts are agreed on), CGA should design temporary signs for the Harmon deck that can function for its opening in April 2005, and have included that as a separate work product. Because this needs to happen quickly, before the entire sign system can be designed, the signs can test out some of the concepts outlined in the Wayfinding Master Plan in advance of the design process. Other wayfinding recommendations, such as pedestrian directionals at the garages or visitor information centers, will be included in the Master Plan and will not be part of the Phase 1 efforts, as the Phase 1 decks would not open until well after completion of the Master Plan.

1A-16 Finalize Plan and Prepare Report

Following a meeting with the University and City to review comments from the second community meeting, a draft and final report will be prepared. A single report will be prepared for both decks. The report will document the study and all recommendations for mitigating impacts and serving users of the decks. The total order-of-magnitude cost will be finalized.

The study does not preclude the possibility that no decks be located on the north side of Maple Street. In that event, alternative sites will be identified as part of the Transportation Master Plan study (Phase 2).

WORK PRODUCTS

The Phase 1A study will produce:

- A report documenting the study, including diagrams depicting existing, no-build and build traffic conditions, and any recommendations for transportation improvements or changes.
- An executive summary of the report.
- Temporary wayfinding signs for signs for the Harmon deck.
- All documents in a pdf format suitable for posting on the University's website.

PHASE 1B – DOWNTOWN DISTRICT AND WEST AVE./DICKSON ST. DECK

PURPOSE

The draft Downtown Master Plan identifies a need for a 1,200-space parking deck at the southwest corner of Dickson Street and West Avenue to serve merchants, Walton Arts Center patrons, and students. The Phase 1B study will provide an assessment of this deck. The study will be structured to capture and understand the cumulative impacts of this and both decks studied in Phase 1A.

The Phase 1B study will follow the completion of the Phase IA, but will be undertaken concurrently with the Transportation Master Plan. It will be completed within approximately four months.

STAKEHOLDER INVOLVEMENT

Phase 1B stakeholder involvement will include two meetings (as in Phase IA) focusing on businesses and communities along and around Dickson Street. In addition, less formal meetings will be held with individuals or smaller groups as needed. M/A/B also will provide all material for placement on the University's website.

One difference to the Phase I meetings will be that following the presentation at the second meeting, attendees will be asked to break into groups and mark up maps showing the preferred improvements and identifying any other issues that should be addressed.

TASKS

(Note – where these tasks are similar to 1A tasks, the detailed task descriptions are not repeated).

1B-1 Review Background Information

M/A/B will review the Downtown Master Plan findings and recommendations, and meet with City and University officials to confirm the need, location, target size, and shared use arrangements of the proposed deck. M/A/B will visit the site and identify any locational or access issues prior to the meeting.

1B-2 Meet with Local Businesses

M/A/B will meet with local businesses to discuss their needs and obtain any input for the study (one meeting to be organized by University/City).

1B-3 Develop Initial Concept Plan

A concept plan(s) for the parking deck will be prepared, taking into account site constraints, height limitations, City regulations (setbacks, landscaping, etc.), access, sidewalks needs. The plan(s) will include the footprint, typical floor layout, ramp configurations, and vehicular and pedestrian access. The opportunity to integrate other uses (e.g., retail, police substation) into the street level faces of the deck also will be explored. (A fuller list of criteria for this task are detailed under Phase 2).

The development of a concept plan will allow:

- The feasibility of deck on this site to be assessed,
- The actual number of spaces to be determined,
- The integration of other land uses into the site to be studied, and
- Site issues to be identified.

The initial plans will be presented to the City and University for review and comments. The final number of spaces will be used in the traffic study.

1B-4 Collect Intersection, Roadway and Traffic Data

A study area will be defined to address the potential combined impacts of the decks. The streets and intersections within this study area will be added to the traffic simulation model developed for the Harmon and North Campus decks analysis.

It is anticipated that up to 10 intersections along Dickson Street, Center Street, and possibly LaFayette Street will be added to the model (bringing the total number of intersections in the model to approximately 40). The following is a preliminary list of intersections that may be included (this list will be reviewed and finalized with the University and City):

- Dickson and West
- Dickson and School
- Dickson and Locust
- Dickson and Church
- Dickson and Block
- Dickson and Highland
- Dickson and College
- Lafayette and West
- Maple and West

Counts will be collected for the A.M. and P.M peak periods (two hours in each period). It is assumed new counts will be required at half the intersections. The counts will include pedestrians, cyclists, and trucks/buses.

1B-5 Expand Traffic Simulation Model

The Synchro/SimTraffic simulation model developed in Phase 1A will be expanded to included the above streets and intersections.

1B-6 Conduct Existing Conditions Traffic Analysis

The model will be applied to assess existing conditions for the A.M. and P.M. peak periods. This will include level-of-service (LOS) for intersections and specific movements, delays, and queuing. Existing problems will be identified and mapped.

1B-7 Conduct No-Build Conditions Traffic Analysis

The model then will be applied to assess future conditions for the year the deck is projected to open, but without the deck. Anticipated problems and constraints will be identified and mapped.

1B-8 Present Findings to University and City

A meeting will be held with University and City staff to present the findings to date. The University and City will be asked to verify these findings prior to meeting with the community. Information will be distributed beforehand, so that the community meeting can be held on the following day (or possibly the same evening).

1B-9 Conduct Community Meeting #1

The background information will be presented at the first community meeting that will include local businesses and residents. The purpose of this meeting will be to introduce the community to the project, and the study process and schedule. The study will be outlined, and the background information from the preceding tasks presented in powerpoint and displays. Attendees will be asked to mark maps and fill out a questionnaire to identify existing concerns and issues, and anticipated issues related to the parking decks. This may include traffic, pedestrian circulation, transit needs, and any other issues.

1B-10 Identify Other Changes in Area

Other planned projects that may affect traffic patterns within the study area will be identified for inclusion in the simulation model.

1B-11 Determine Vehicular Trip Generation

Peak hour and daily trip generation rates will be developed for the decks based on surveys and projected users. The campus will be divided into zones for the purpose of trip generation of new decks, other changes in the parking supply, and changes in trip generators.

1B-12 Determine Vehicular Trip Distribution

Traffic will be distributed and assigned to the street network based on existing traffic patterns and any available regional data. This traffic will be added to the no-build traffic.

1B-13 Conduct Build Conditions Traffic Analysis

The simulation model then will be applied to assess future conditions with the deck. Anticipated problems will be identified and mapped.

Options for capacity and safety improvements will be identified and shown on drawings and other graphics for presentation to the community at the second meeting. These will be reviewed with the University and City beforehand. In addition to possible intersection improvements, potential traffic calming techniques to control the speed and or volume of traffic on any affected residential streets will be identified. Order-of-magnitude costs will be developed for the deck and all street improvements.

1B-14 Identify Additional Needs and Improvements

The final destinations of the deck users will be projected, and the preferred mode of travel determined. Deficiencies in existing facilities or services for each mode will be identified, and improvements proposed. Particular attention will be given to pedestrian and transit connections to the campus. Order-of-magnitude costs will be developed for improvements.

1B-15 Present Findings to University and City

A meeting will be held with University and City staff to present the findings to date. The University and City will be asked to review these findings prior to the second community meeting. Information will be distributed beforehand, so that the community meeting can be held on the following day (or possibly the same evening).

1B-16 Conduct Community Meeting #2

The findings will be presented at a second community meeting. Following a presentation, attendees will be asked to break into groups and mark up maps showing the preferred improvements and identifying any other issues that should be addressed.

If required, perspectives of the deck can be prepared (not included in the cost estimate).

1B-17 Identify Potential Funding

The relative benefit to the University and City will be assessed, and potential funding options and management arrangements proposed.

1B-18 Wayfinding and Visitors Center

Wayfinding for this deck will be included in Phase 2, as the deck would not open until well after completion of the Master Plan. However, wayfinding issues and options will be considered as part of the Phase 1B study, for which approximately 60 hours of assistance has been allocated.

1B-19 Finalize Plan and Prepare Report

Following a meeting with the University and City to review comments from the second community meeting, a draft and final report will be prepared. The report will document the study and all recommendations for mitigating impacts and serving users of the decks. The total order-of-magnitude cost will be finalized.

WORK PRODUCTS

The Phase 1B study will produce:

- A report documenting the study, including diagrams depicting existing, no-build and build traffic conditions, and any recommendations for transportation improvements or changes.
- An executive summary of the report.
- All documents in a pdf format suitable for posting on the University's website.

PHASE 2 – TRANSPORTATION MASTER PLAN

PURPOSE

The development of the Transportation Master Plan will be undertaken concurrently and interactively with the Master Plan update being undertaken by the University. The Transportation Plan will be multi-modal and holistic, with an emphasis on state-of-the-art sustainable options and solutions which reflect the University's vision and mission. The Plan also will respect adjacent neighborhoods, and consider regional trends. This is the approach M/A/B applies to all its master planning projects.

Following is an outline of the key tasks that will be required to be develop the Transportation Plan. While task are described by mode below, all of the transportation elements (both physical and policy) are clearly interrelated, and no single issue or mode is studied and addressed in isolation. Moreover, because of this interrelationship, the development of the Plan is dynamic in that the development of a particular transportation element evolves as other elements are progressed and refined. For example, any changes considered for the street system must consider bicycle and transit circulation goals and needs. While the description of the tasks is sequential, the reality is that the planning process is far from sequential. This should be kept in mind as one reads the task descriptions. Ultimately, what results is a package of transportation improvements and policies that is internally consistent, reflective of the vision and priorities, and implementable. In that respect, the Master Plan update also will provide an essential framework for the transportation study and decisions.

STAKEHOLDER INVOLVEMENT

Unlike the Phase I studies, Phase 2 stakeholder involvement will be more ongoing and more closely related to the process for updating the Master Plan. This will include:

- Meetings with the Master Plan team at least once every two months.
- Presentations and workshops with the University community (administrators, faculty, staff, students).
- Two charrettes:
  - Near beginning of the study to present project goals and objectives, background information, etc., for the purpose of soliciting input on problems, concerns, and desires.
  - Near completion of transportation concepts to solicit comments of the draft findings and recommendations.

  The proposed timing of these charrettes is shown on the project timeline.
- Providing ongoing information for the University's website.

The charrettes may be stand-alone (i.e., for the transportation plan only), or combined with charrettes that the may undertaken for the Campus Master Plan update. Each charrette will occur over one to two days.

M/A/B will be responsible for handout materials, conducting the meetings, presentations, and minutes. The University will provide and organize the venues and send out meeting notices.

TASKS

2-1 Review Available Traffic and Parking Data

The purpose of this major task is to establish an overview and assessment of existing and projected transportation conditions and issues. It also will provide a preliminary framework for the Phase I studies.

All existing transportation data will be collected from the University, City of Fayetteville, Northwest Arkansas Regional Planning Commission, Arkansas Department of Transportation, and field observations. This will be reviewed and summarized, and missing data that will be necessary for the study identified.

Transportation data will include roadway and intersection inventory, daily and peak period traffic counts and projections, University parking data (inventory, occupancy, turnover rates, trip generation rates, permit allocation, policies, etc), and accident statistics (the collection and review of transit services, bicycle facilities, trip reduction measures, etc., will begin here but are addressed under separate tasks). No surveys to collect missing or additional data are included in the fee.

This task will include a half-day tour of the campus to view field conditions and specific locations of interest or concern.

2-2 Review Relevant Planning Documents and Processes

All planning and transportation reports for the regions will be reviewed to understand existing and projected transportation issues and problems, and regional/City plans, goals and priorities. In addition, City, regional, and State transportation officials will be interviewed.

Planned transportation improvements that may impact the University will be obtained and reviewed. Outside agencies will be contacted to determine the current status of projects that may be included in the region's long-range transportation plans or transportation improvement programs. Proposals will be marked on a base map, and key features and issues summarized.

M/A/B also will review the City, regional and State transportation planning and budgeting processes to determine the requirements and deadlines for applying for funding for projects that may emerge as part of the Campus Transportation Plan.

2-3 Undertake Transportation Surveys

Two surveys are proposed to gather more detailed information regarding travel patterns and behavior:

1. Geocoding with GIS employee and student addresses to map where they live. This provides invaluable information for:

- Refining transit services at the City and regional level.
- Identifying park-and-ride, vanpooling and carpooling potential at the regional level.
- Refining transit services in the area around the University where students and employees area living.
- Determining the approach directions to the campus.

2. Undertaking a survey of the university community via an email questionnaire regarding their parking and transportation patterns. A survey email service, Zoomerang, will be utilized to collect and tabulate the data. Information collected will include:

- Parking characteristics and needs (including where parked, on or off-campus)
- Daily trip origin and campus destination(s)
- Arrival and departure times
- Travel during the day
- Mode of travel (typically and occasionally)
- Interest in using alternatives
- Reasons for not using alternative modes
- General comments on transportation concerns, issues, ideas, etc.

This information will be mapped and summarized in tables and graphs. The fee assumes a total of 2,000 completed surveys.

2-4 Undertake Peer Review

M/A/B will collect transportation data from peer institutions to be identified by the University (M/A/B already has data from many universities). Data listed in the Request for Proposal will be included, as well as strategies being used to reduce parking and traffic. The data will be summarized in text, tables and graphs.

2-5 Forecast Parking Needs (Initial Estimates)

A parking needs assessment will be undertaken in two phases:

- An initial assessment based on maintaining existing parking ratios as the University grows (described below). The results of this initial analysis will be used to check or confirm the parking needs for the Phase I studies and decks, and to provide a baseline for parking and alternative mode decisions.

- A final needs assessment based on changes in policies, enhancement of alternative modes, and measures to encourage use of those modes (described in later task).

Parking maps and data will be obtained from the University. Based on this data, interviews with staff, and the results of the survey, M/A/B will determine the extent of any current parking shortfall or surplus, and other parking issues or problems.

Following is an outline of the steps that will be undertaken to project future needs:

- The approximate potential parking losses and gains that may result from the Campus Master Plan will be estimated (this estimate will be revised as the Master Plan study progresses). Gains will include the Harmon deck.

- The future estimated parking demand based on (a) potential build-out of the Master Plan (or other measures of potential growth), and (b) current ratios of parking to employees and students will be determined. This estimate also will be continually updated as the Campus Master Plan study progresses, and several growth scenarios may be considered. Future demand will be estimated by user type, and will include special events needs to the extent these exceed typical weekday demands.

- This increase in demand will be added to the parking losses to project the hypothetical future parking need based on current parking ratios.

The cost of providing this parking will be estimated (capital and ongoing operating and maintenance), and translated into permit price increases. In addition, the amount of land needed and the net increases in traffic, will be estimated so that the University understands the implications of continuing current policies.

2-6 Establish Principles, Goals and Objectives

Based on the preceding tasks, and the initial Campus Master Plan tasks, a set of guiding principles will be established for the Transportation Master Plan. These then will be translated into goals and objectives, and priorities, which the University will be asked to adopt.

2-7 Assess Potential for Travel Demand Management

This task will focus on identifying or refining existing and potential travel demand management (TDM) measures, and estimating their impact on parking demand. Potential measures to be studied for improvement or implementation include:

- Improved bus transit (service and facilities)
- Campus shuttles
- Para-transit
- Bus pass programs (UPASS)
- Park-and-ride
- Car and van-pools
- Flex parking systems
- Parking pricing/incentives for using alternatives
- Pedestrian facilities and conditions
- Bicycling facilities
- SAFE programs for walking, cycling, buses
- Other motorized and non-motorized modes
- Telecommuting
- Variable/flexible work hours
- Car sharing
- Emergency ride home

- Campus housing

Specific tasks include:

1. Reviewing existing TDM measures being implemented by the University and the City. As part of analyzing future TDM options, it will be critical to evaluate the existing TDM plan. Historical data also may provide a baseline for the University's success with and responsiveness to specific TDM measures that have been implemented or tried over time. Any past transportation surveys may also provide insights into the effectiveness of various measures, as well identifying opportunities for improvements. Discussions with staff and other members of the University community will shed light not only on perceptions of effectiveness, but the overall receptiveness to new measures.

2. Reviewing measures and strategies being implemented at other universities that are leaders in TDM (from a previous task). These include the University of Washington in Seattle, the University of Wisconsin in Madison, and the University of North Carolina at Chapel Hill.

3. Evaluating the findings of the survey (from a previous task) to gain insights into interest in and obstacles to using alternatives.

4. Identifying improvements and enhancements to existing measures, identifying additional measures, and estimating their role and effectiveness in reducing parking needs and contributing to other campus objectives. The baseline data from Step 1, coupled with an analysis of programs at similar universities, will provide the inputs for an analysis of possible additional TDM measures.

In addition to more traditional qualitative evaluation measures, a number of quantitative systems are available for predicting the outcomes (at an order-of-magnitude scale) of various measures. M/A/B will utilize a model it is currently developing for another large state flagship university to analyze a number of TDM scenarios and develop meaningful results that can provide a quantitative input for estimating future parking demands. The regional travel forecasting model being developed may also provide more direct results for improvements that may already be included in that model (e.g., bus transit).

Potential parking reductions from TDM measures will be estimated and a menu of options and their impacts presented to the University. Target reductions will established based on University feedback. These may be adjusted based as the impacts of growth on the street network are assessed and decisions are made about the level of desired growth and how to accommodate the associated transportation demands.

The TDM measures that are ultimately selected for the Transportation Plan will be detailed along with an implementation plan.

2-8 Develop Parking Plan

The preliminary estimates of potential parking reductions resulting from TDM measures will be used to adjust future parking needs. This may be undertaken for various growth scenarios, by campus precinct, and user type (with particular emphasis on visitors and special event needs). The results will be compared with parking ratios at similar universities.

In conjunction with the Campus Master Plan team, potential sites for additional parking to satisfy the projected parking needs will be identified and evaluated. Criteria for selecting and ranking sites will include:

- Proximity to major destinations (within 5 to 10 minute walk)
- Which users can be served
- Site capacity (number of spaces)
- Topography
- City regulations (height, setbacks, landscaping, etc.)
- Overall cost and cost per net space
- Vehicular access
- Street capacity and suitability
- Pedestrian and transit access
- Potential to serve special events
- Compatibility with adjacent land uses
- Potential to integrate other uses
- Visual impacts
- Community impacts

The initial selected locations will be tested in the traffic simulation model, and adjustments made if necessary (in size, access, or even completely eliminating a site if traffic impacts are unacceptable and cannot be mitigated).

Recommendations will be made for parking allocation and pricing, based on a review of current policies and practices at peer institutions.

2-9 Complete and Apply Traffic Simulation Model

The simulation model developed and described in Phase 1 will be expanded to included additional streets and intersections, particularly along the western edge of the campus. The initial study area (from Phase 1) will be expanded to encompass the impacts of other potential campus projects, as well as include current major or problematic intersections.

It is anticipated that counts will be required at up to 10 additional intersections along Dickson Street, Center Street, and possibly LaFayette Street (bringing the total number of intersections in the model to approximately 50). The following is a preliminary list of intersections that may be included (this list will be reviewed and finalized with the University and City):

- Razorback and State Highway 62
- Razorback and Leroy Pond
- Razorback and Meadow
- Razorback and Markham
- Razorback and Maple
- Razorback and Clevelend
- Garland and State Highway 62

- Maple and Stadium

The data described in Phase I will be collected for these intersections. It is assumed new counts will be required at half the intersections.

The model will be applied to assess existing conditions for the A.M. and P.M. peak periods. This will include level-of-service (LOS) for intersections and specific movements, delays, and queuing. Existing problems will be identified and mapped.

(The Request for Proposals identifies other periods that may need to be analyzed. While this could be undertaken, the cost to collect the data and develop the simulation model for those periods would be significant and is not included in this proposal. It is recommended that a sample of full day counts first be collected and analyzed to determine the need for analyzing additional periods.)

The model then will be applied to assess conditions for a number of future year horizons in 5-year increments to 2030. Background growth will be added to existing traffic counts using growth rates to be determined with the City (based on regional growth projections or initial findings from the TransCAD model the City is developing. Regardless, M/A/B has extensive experience using a variety of both manual and model techniques for forecasting growth, including the use of TransCAD models which we are developing for several clients).

(While developing a model to test 5-year growth increments is desirable, it has significant cost implications. There may be alternative, more cost-effective methods for determining the timing of needed improvements.)

As in Phase 1, trip generation rates will be developed for new growth, projects and decks, based on surveys and projected users. The campus will be divided into zones for the purpose of trip generation.

As in Phase 1, traffic will be distributed and assigned to the street network based on the geocoding results, existing traffic counts, and any available regional data. The distribution of trips will be based on the zones.

The results of the modeling will identify congestion points and other traffic problems. These will be described in text, charts, and maps. The improvements that would be needed to provide acceptable level-of-service will be identified, along with their impact on the pedestrian environment (safety and comfort), streetscape, adjacent land uses, etc.

The threshold levels of traffic that trigger intersection failure and improvements at specific locations will be estimated and related to specific Campus Master Plan initiatives which may be revisited (this will entail an iterative loop between the Master Plan and Transportation Master Plan where the simulation model tests and provides feedback on Master Plan projects and other proposals – see below).

At the completion of the study, following final decisions on the level and location of growth, the amount of parking being added, preferred street improvements and changes, etc, the traffic simulation model will be rerun model to finalize the transportation plan and improvements. In addition, the final growth plan will be converted into socio-economic projections in a format that can be directly imported into TransCAD.

2-10 Assess Growth Impacts and Implications

This task is a continuation of the preceding task. Exceeding the street network capacity (existing or future with whatever improvement are feasible) must not necessarily imply that future campus growth must be constrained by this limitation (although it is certainly cannot be ignored). If growth is desirable for other reasons, then the focus must turn to reducing traffic, in addition to modifying the Campus Master Plan. It is probably at this stage of the study where interaction between the two teams will be the most intense (and creative), for the decisions made at this point will shape the future image of the campus.

It is at this stage that the potential for alternative modes to reduce parking and traffic will reviewed and balanced (in addition for the potential for broader City improvements to divert through traffic away from campus streets). It is also at this point that the University must make fundamental decisions about the type of campus environment it wants to create (walkable versus auto-oriented, urban versus suburban, the amount of on-campus housing, etc.).

The outcome of this interaction will provide the final direction for the Transportation Master Plan, including the amount and location of future parking, parking policies, street modifications (capacity improvements and traffic calming), transit service enhancements, bicycle improvements, and final TDM measures).

2-11 Develop Street Plans

Based on the outcome of the preceding tasks, recommendations will be made for changes to the street network. Capacity and safety improvements will be identified and shown on plans and other graphics. In addition to possible intersection improvements, potential traffic calming techniques to control the speed and or volume of traffic on particular streets will be identified. Recommendations on street design and characteristics that are emerging from joint efforts of transportation engineering organizations and the Congress for The New Urbanism will be applied where appropriate.

2-12 Identify Transit Service Improvements

Transit changes will be developed in close consultation with all agencies providing services. These agencies will be interviewed to better understand current and anticipated deficiencies and goals. Existing services will be reviewed, including routing, ridership data, and costs. Transit routes serving the campus will be mapped in GIS. Any plans for regional expansion also will be reviewed. The address data obtained from the geocoding will be overlaid in the transit routes to identify services changes for the Razorback Transit and the City system. These changes will consider changing needs as the campus (and region) grows, and meeting the goals of the overall Transportation Plan. The efficiency of transit circulation will be considered in any changes to the street network.

Policies and programs to encourage use of transit will be considered under the heading of TDM

2-13 Identify Bicycle Improvements

A bicycle committee will be formed, consisting of University staff, City transportation planning staff, and individual cyclists and cycling groups. Bicycle usage and plans, and other information available from the University, and from observations, will be described and presented. City plans and programs for cyclists will be reviewed and summarized.

Conflicts and deficiencies will be documented and marked on maps. The committee will assist M/A/B identify desire lines (i.e., the key origin and destinations of cyclists (existing and prospective). Findings from the email survey also will be considered.

Based on this information, M/A/B will identify and recommend improvements for cyclists. On and off-street improvements will be identified. Recommendations will be shown on maps and described in text and tables, along with standards, typical sections, photos, costs, priorities, phasing, and responsibilities).

M/A/B also will recommend education, enforcement and other policies to support cyclists (e.g., bicycle storage lockers, equipment storage lockers, showers, signage, safety programs, etc.)

It is anticipated that up to four meetings will be held with the bicycle committee.

2-14 Identify Pedestrian Improvements

In conjunction with the Campus Master Plan update team, M/A/B will identify major pedestrian flows, and facility deficiencies. Major pedestrian flows will be mapped, and any available accident data, conflicts and deficiencies will be documented and marked on maps. Recommendations will be made for improving street crossings and sidewalks.

2-15 Develop Wayfinding Plan

During the programming phase of the Campus Master Plan, team member Cloud Gehshan Associates (CGA) will conduct a thorough investigation of the campus and conduct interviews with staff, faculty and students. CGA will then analyze the results and prepare a report, showing a visual audit of the campus relevant to existing signage, observations about current wayfinding, and an assessment of problems and opportunities. The recommendations report includes wayfinding recommendations (system logic, information sequence, sample journeys, viewpoint on visitor's centers, non-sign wayfinding devices and terminology) and signage recommendations (campus image, sign types needed, examples of sign types from other campuses, use of identity, use of fonts/colors/symbols, need for specialty items such as interpretive and banners, maintenance strategy). M/A/B will assist CGA by providing information on arrival and circulation patterns, etc.

The overall design methodology for the developing the wayfinding plan is described below. We understand that the objective is to improve wayfinding on the campus and its surrounding neighborhoods. More specifically, the challenge is to create a reliable and helpful sign system that supports self-navigation. We understand that the broader goal is to have enthusiastic students, faculty and visitors who are pleased with their experience while on campus.

For the program to be successful over the long term, we believe the development process must include the following components:

Stakeholder Involvement
The creation of a representative Stakeholder Group is critical to the success of a project. We find that active and sustained participation by those that have a vested interest in the project's success fosters a true "sense of ownership" in the resulting products. It is also extremely important to involve all those that are critical to the project's approval or implementation. This group should include representatives from the University, Arkansas DOT, and City.

Mission Statement
Creating a standardized, attractive and visually cohesive visitor wayfinding system is a major undertaking in which many people (sometimes with differing opinions) will be involved. Having clear agreements on the goals and implementation priorities of the project is essential as concepts are developed and scrutinized by the stakeholders committee.

Design Excellence
Signs must be especially designed for the vehicular environment, where drivers have very limited time to read them. Messages and symbols must have maximum legibility. Selected colors must have sufficient contrast and be fade-resistant. Posts must be detailed with breakaway joints acceptable to the state highway department. Signs must be vandal and theft-resistant. Fabrication costs must be reasonable. CGA tests design concepts in the field with full-size mockups to confirm both their effectiveness and appearance.

Communication of Identity
Signs carry tangible messages – information and direction; they also send intangible messages about the character and spirit of the place. When signage projects a positive and clear identity it also helps orient visitors and lets them know they have "arrived." Signs are often the only continuous thread in an extended "neighborhood" like this with a broad range of architectural styles, landscape, lighting and street furniture. For this project, it is important that the sign system will help create a unifying and distinctive character for the University of Arkansas while it solves wayfinding problems.

Plan for Ongoing Inventory and Maintenance
Though not requested as part of this project, planning for the maintenance and updating of the sign system is a future imperative. It is important to set up administration of the sign system to handle the eventualities of outdated information, physical wear and tear, highway re-routing, etc. If an operational system is put in place to address each of these situations, the initial investment in the sign program will continue to pay dividends.

Marketing Coordination
Many visitors begin their visit at home with brochures, advertisements or websites. The wayfinding components of this "pre-visit" information, such as directions and maps, must be coordinated with the sign system to give maximum assistance to visitors. Names for places and other terminology must be exactly the same in print, signage and electronic

applications. Symbols used on signs, or images of the signs themselves, might be shown to visitors before they arrive. As an optional service, we can assist the client with this coordination.

Cloud Gehshan Associates is a leader in developing wayfinding and sign programs for complex facilities, including many colleges and universities. CGA has designed sign programs for the Ohio State University, University of Texas at Austin, Drexel University, Bryn Mawr College and the University of Maryland. They have also distinguished themselves in designing sign programs for cities and towns, including the City of Richmond, Virginia, where practical wayfinding is blended with placemaking and identity development. M/A/B and CGA have collaborated on several planning projects

2-16 Provide Assistance to Campus Master Plan Details

This ongoing phase entails working closely with all those involved in developing plan details for the campus (the Campus Master Plan and the landscaping plan in particular). M/A/B will advise and respond to transportation details arising from the development of the district or precinct plans. Transportation elements that will be addressed include roadways, site access, parking needs, allowance for potential transit and access, bus circulation, bicycle routes, pedestrian routes, etc.

2-17 Finalize Improvements

In this task the various components of the Transportation Master Plan will be optimized and finalized. Final adjustments will be made to ensure all elements are fully compatible with and supportive of each other, and account for the final decisions on growth and the finalized Campus Master Plan. Order-of-magnitude costs will be developed for improvements.

2-18 Compile Plan

The final task will be compilation and documentation of the Transportation Master Plan. This will include a report with supporting maps, graphics, tables, and charts, and an executive summary to be incorporated into the Campus Master Plan.

2-19 Project Management

This task applies to internal management as well as communication with the Client. The project manager will maintain regular communication with team members via meetings, memos, emails, phone calls, and conference calls. At all times, every team member will be aware of the status of the project, findings developed by other team members, and upcoming products and deadlines.

The project manager will inform the University in a timely way of the technical progress and fiscal status of the project via the following methods:

- Detailed Progress Reports that will accompany each monthly invoice, including work completed in the past month, the amount of budget expended by task during the invoice period, the total amount of budget expended, and the amount of budget remaining.

- Issues memorandums/emails as needed, identifying critical ongoing or upcoming issues that could affect the schedule, budget or outcome of the project, and options and recommendations for addressing them.

- Regular phone calls (or meetings) to review issues and upcoming tasks and events.

We wish to highlight two elements of our management approach.

Commitment
M/A/B is proud of its demonstrated commitment to meeting clients' needs. At both the company and individual levels, we are committed to partnering with our clients to achieve their goals and mission. We approach every assignment with this commitment uppermost in our minds, and it guides every decision we make during a project. This commitment translates into providing our clients the best possible outcomes, recommendations, and products, delivered on time, and respectful of agreed-upon budgets. It also translates into implementable and credible solutions, derived from solid, state-of-the art technical methods and analyses, and a decision-based, inclusive study process that welcomes input and participation by stakeholders.

Critical to the success of even the smallest campus project is understanding how it fits into and supports the vision for the institution, and how it relates to the other projects or initiatives. Our team understands the complexities of universities, their missions, and the challenges they face at multiple levels. We truly understand the "big picture". Our experience at the University of North Carolina at Chapel Hill is a good example of this. M/A/B was intimately involved in the preparation of the Master Plan for the main campus. Subsequently, M/A/B staff have been assisting the University obtain approvals for its 6 million SF, 8-year Development Plan. Transportation is a major issue in the Town of Chapel Hill, and M/A/B, under an on-call services contract through 2008, has the responsibility to advise and guide the University, and prepare and update a Transportation Impact Analysis report every two years. Finally, at the project level, we are involved in detailed studies and the design of individual projects. At every step of the way, regardless of at which level we are working, we are cognizant of how individual projects contribute to the University's mission and Master Plan principles, and how the legal requirements of the Town-approved Development Plan affect project details. In Chapel Hill, the Town staff and elected officials we have worked with have come to respect our technical expertise, our professionalism and integrity, and our commitment to contributing towards good, sustainable transportation systems.

Decision-making
The study process is critical to the success of any project, and must provide the information and build the understanding and consensus necessary for making effective decisions. It includes how information is presented, how stakeholders are engaged, how meetings are structured, how decisions are made, etc. The process starts with agreeing on a format for making decisions, followed by establishing and agreeing on project objectives. From these are derived evaluation criteria and measures. All options and choices are then evaluated against these criteria. In this way each decision becomes a solid building block for moving forward. Agreement on key issues and factors at the appropriate step in any study will avoid surprises later in the study. Therefore, meetings must be thoughtfully structured to carefully explain issues and options, and make group decisions.

We wish to highlight two aspects of our general management approach:

- A focus on technical information that is key to assessing feasibility and consequences and making decisions in each phase. This implies always keeping the study objectives in mind, and collecting data or undertaking analysis that contribute to that goal.

- A focus on making clear decisions that keep the study moving forward. Each step of a study must conclude with a clear direction. Therefore, the opinions and concerns of all interested parties must be aggressively sought out early so that they can be factored into the technical work and addressed.

We strongly believe it is the role and responsibility of the consulting team, and specifically the project manager, to lead the study. Effective project management is the key to a successful project. Leadership means understanding and anticipating the variety of issues that typically arise in these studies, finding practical ways to address them, and presenting them to the decision-makers and stakeholders in such a way that options and decisions are clear.

WORK PRODUCTS

The Phase 2 study will produce:

- Technical memorandums at the end of individual studies (TDM, bicycle, transit, etc.)
- Draft and final reports (stand alone documents)
- An executive summary of the report
- All maps, figures and diagrams to illustrate the recommendations
- All documents in a pdf format suitable for posting on the University's website
- Maps and descriptions of proposed street changes
- A parking plan and policies
- A TDM implementation plan and policies
- A bike plan and policies
- A transit plan and policies
- Pedestrian improvements and policies
- Standards and guidelines, typical sections, blow-ups and photos to better illustrate proposed designs
- A wayfinding plan (as described under the wayfinding task)

OBLIGATIONS OF UNIVERSITY AND CITY

The roles and obligations of the University of Arkansas for the study shall include:

- Providing all available parking and transit data (as described in the relevant tasks)
- Providing up-to-date electronic aerials and site plans of the campus and any other pertinent areas, including sidewalks and rights-of-way
- Providing approved nomenclature for all buildings and destinations
- Providing any University regulations pertaining to signage
- Providing all data for estimating current and future special event needs by location
- Providing all Master Plan information
- Assisting in coordinating the Campus Master Plan update with the Transportation Master Plan
- Identifying all groups and individuals to be involved in the study
- Organizing meeting venues and notifying participants (groups and individuals)
- Establishing an interactive website

The roles and obligations of the City of Fayetteville for the study shall include:

- Providing existing Synchro/SimTraffic files
- Providing the University socio-economic growth data for the TransCAD model
- Providing mapping in electronic format
- Providing signal plans for signalized intersections
- Providing all existing traffic counts
- Providing growth rates for traffic counts
- Reviewing and approving the methodologies for undertaking the traffic analyses
- Reviewing the simulation model
- Providing the latest city, county or state regulations pertaining to signage

PROJECT TIMELINE

An estimated project timeline is included on the following page. The following should be noted:

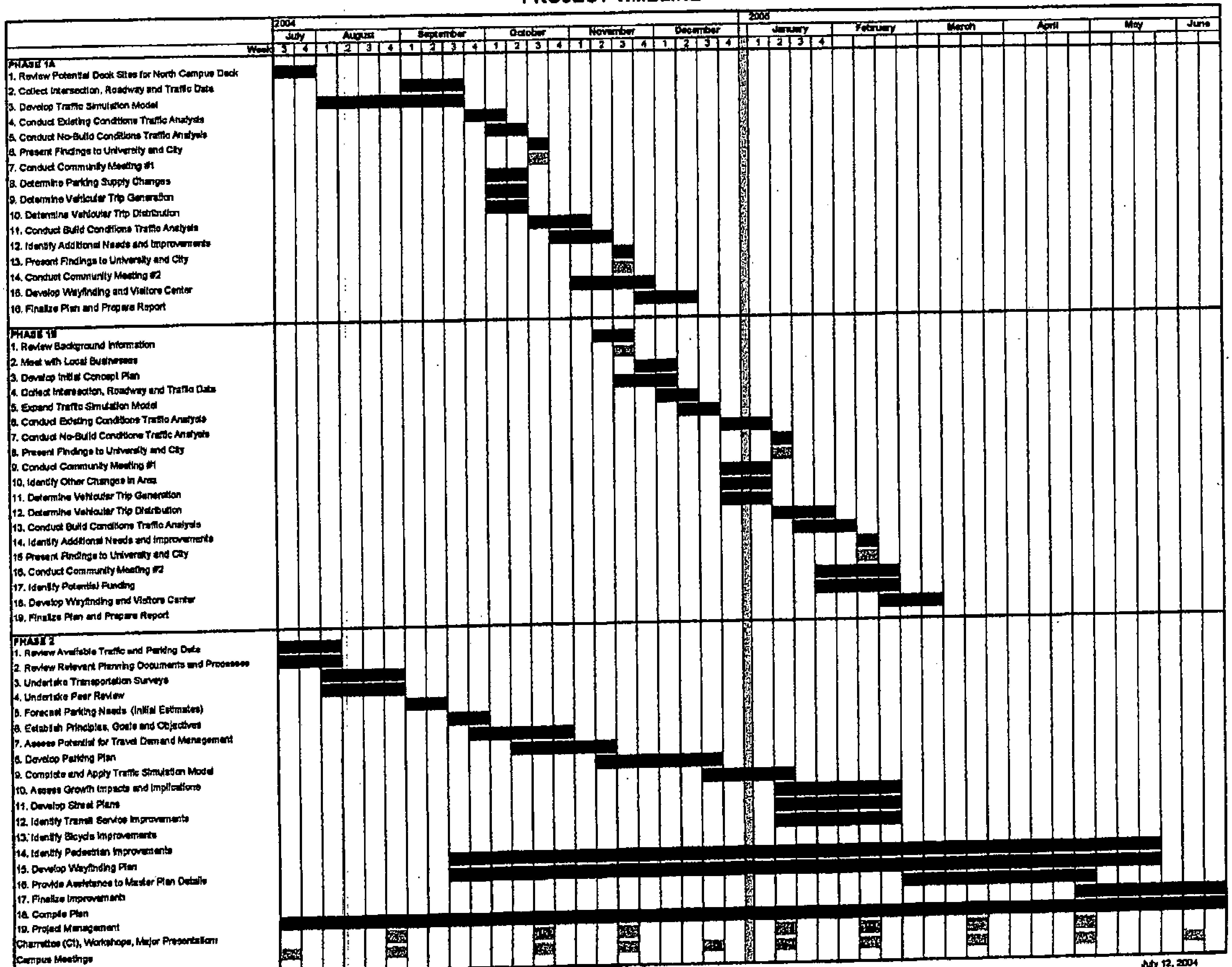
- The timeline assumes a certain process and schedule for the Campus Master Plan update. This timeline is very flexible, and any necessary adjustments can be made to ensure the two studies are complementary.

- The Phase 1A and 1B studies will be undertaken concurrently with the Transportation Master Plan.

- While there is an urgency regarding the Phase 1A study, counts cannot be collected until at least one week after school reopens. Therefore, the study will be completed in late November. If all the counts are available (which is most unlikely), Phase 1A can be completed earlier.

- Trips and meetings for Phases 1 and 2 coincide. Where they are required for Phases 1A and 1B, the hours (and cost) are included in those phases.

University of Arkansas Transportation Study
PROJECT TIMELINE



MARTIN/ALEXIOU/BRYSON, PLLC

PHASES 1A & IB

University of Arkansas
Transportation Study
Hours by Task by Person

	Project Manager	Trans. Planner	Sn. Traffic Engineer	Traffic Engineer	CADD/ Graph.	Admin	Total
Phase 1A							
1. Review Potential Deck Sites for North Campus Deck	16	0	16	0	8	0	40
2. Collect Intersection, Roadway and Traffic Data	8	0	16	8	6	0	38
3. Develop Traffic Simulation Model	4	0	32	48	8	0	92
4. Conduct Existing Conditions Traffic Analysis	4	0	8	24	2	0	38
5. Conduct No-Build Conditions Traffic Analysis	4	0	8	16	0	0	28
6. Present Findings to University and City	8	0	8	0	4	0	20
7. Conduct Community Meeting #1	12	0	12	0	12	0	36
8. Determine Parking Supply Changes	4	0	8	8	4	0	24
9. Determine Vehicular Trip Generation	2	0	8	2	0	0	12
10. Determine Vehicular Trip Distribution	4	0	8	16	0	0	28
11. Conduct Build Conditions Traffic Analysis	4	0	8	24	4	0	40
12. Identify Additional Needs and Improvements	16	8	24	24	24	0	96
13. Present Findings to University and City	8	0	8	0	4	0	20
14. Conduct Community Meeting #2	12	0	12	0	12	0	36
15. Develop Wayfinding and Visitors Center (M/A/B)	4	0	4	0	0	0	8
CGA - see attached cost sheet							221
16. Finalize Plan and Prepare Report	12	12	24	32	32	6	118
Subtotal	***122***	***20***	***204***	***202***	***120***	***6***	***895***
Phase 1B							
1. Review Background Information	4	0	4	0	0	0	8
2. Meet with Local Businesses	4	0	4	0	0	0	8
3. Develop Initial Concept Plan	8	8	4	0	8	0	28
4. Collect Intersection, Roadway and Traffic Data	2	0	8	8	4	0	22
5. Expand Traffic Simulation Model	2	0	16	24	2	0	44
6. Conduct Existing Conditions Traffic Analysis	2	0	8	16	2	0	28
7. Conduct No-Build Conditions Traffic Analysis	2	0	8	16	0	0	26
8. Present Findings to University and City	4	0	4	0	4	0	12
9. Conduct Community Meeting #1	12	0	12	0	12	0	36
10. Identify Other Changes in Area	2	0	6	6	2	0	16
11. Determine Vehicular Trip Generation	2	0	4	2	0	0	8
12. Determine Vehicular Trip Distribution	0	0	6	16	0	0	22
13. Conduct Build Conditions Traffic Analysis	4	0	8	16	0	0	28
14. Identify Additional Needs and Improvements	8	8	24	20	8	0	68
15 Present Findings to University and City	4	0	4	0	4	0	12
16. Conduct Community Meeting #2	12	0	12	0	12	0	36
17. Identify Potential Funding	16	16	0	0	0	0	32
18. Develop Wayfinding and Visitors Center (M/A/B)	4	0	4	0	0	0	8
CGA - see attached cost sheet							60
19. Finalize Plan and Prepare Report	12	12	20	28	24	6	102
Subtotal	***100***	***44***	***152***	***152***	***82***	***6***	***596***

Total IA and IB Transportation	**1,210**
Total IA and 1B Wayfinding	**281**

University of Arkansas **PHASE 2**

Transportation Study

Hours by Task by Person

		Project Manager	Trans. Planner	Sn. Traffic Engineer	Traffic Engineer	CADD/ Graph.	Admin	Total
Phase 2								
	1. Review Available Traffic and Parking Data	16	16	16	0	0	0	48
	2. Review Relevant Planning Documents and Processes	8	8	0	0	0	0	16
	3. Undertake Transportation Surveys	40	112	24	0	12	12	200
	4. Undertake Peer Review	12	24	0	0	0	0	36
	5. Forecast Parking Needs (Initial Estimates)	8	12	0	0	0	0	20
	6. Establish Principles, Goals and Objectives	8	8	0	0	0	0	16
	7. Assess Potential for Travel Demand Management	36	60	0	0	0	0	96
	8. Develop Parking Plan	48	32	32	0	8	0	120
	9. Complete and Apply Traffic Simulation Model	24	0	40	80	16	0	160
	10. Assess Growth Impacts and Implications	24	24	32	24	0	0	104
	11. Develop Street Plans	24	12	36	36	36	0	144
	12. Identify Transit Service Improvements	36	24	8	4	8	0	80
	13. Identify Bicycle Improvements	36	24	8	4	16	0	88
	14. Identify Pedestrian Improvements	24	16	16	4	12	0	72
	15. Develop Wayfinding Plan (M/A/B)	8	0	16	8	8	0	40
	CGA - see attached cost sheet							978
	16. Provide Assistance to Master Plan Details	36	24	36	24	16	0	136
	17. Finalize Improvements	36	36	36	36	36	0	180
	18. Compile Plan	40	40	32	40	54	12	218
	19. Project Management	48	0	0	0	0	16	64
	Charrettes, Workshops, Major Presentations	60	60	80	0	60	12	292
	Campus Meetings	80	32	60	0	24	12	208
	Subtotal	672	564	472	260	306	64	3316

Transportation Plan	2,338
Wayfinding Plan	978

ORDINANCE NO. _______

AN ORDINANCE AMENDING THE PROJECT PLAN FOR THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NUMBER ONE, FINDING THE PLAN IS ECONOMICALLY FEASIBLE, AND DECLARING AN EMERGENCY

WHEREAS, on July 27, 2004, the Fayetteville City Council held a Public Hearing concerning the creation of the Highway 71 East Square Redevelopment District; and

WHEREAS, on August 17, 2004, the City Council passed Ordinance No. 4608 creating the Highway 71 East Square Redevelopment District and authorized preparation of a Redevelopment Project Plan; and

WHEREAS, the City with input from the proposed redevelopers of a Twenty-Two Million Dollar hotel project to be constructed after removal of the blighted Mountain Inn has prepared a proposed Project Plan; and

WHEREAS, on November 30, 2004, the City held a Public Hearing on this initial Project Plan proposed for the Redevelopment District; and

WHEREAS, on December 7, 2004, the City had a further public hearing on this Project Plan and passed Ordinance 4646 adopting the Project Plan; and

WHEREAS, because of a minor, technical notification discrepancy, the City determined the need to renotify all statutorily required officials and republish notice of the public hearings for the Redevelopment District; and

WHEREAS, the City Council after 15 day published notice held another public hearing on December 28, 2004 at which all interested parties were given the opportunity to express their views on the proposed adoption of the Project Plan for the Highway 71 East Square Redevelopment District Number One of Fayetteville, Arkansas; and

WHEREAS, the City Council adopted this Project Plan on December 28, 2004 by Ordinance No. 4663; and

WHEREAS, the Arkansas Attorney General in January 2005 has opined that the 25 mills required by Amendment 74 to be sent to the State may not be used for tax incremental financing; and

WHEREAS, removing the 25 mills from the tax increment requires amendment of the Project Plan; and

Left on the 2nd reading 2/1/05
Left on the 1st reading 1/25/05

WHEREAS, the required fifteen day statutory notification of taxing entities and two publications of notice of the intent to amend the Project Plan have been accomplished prior to the public hearing for the Amendment to the Project Plan on January 25, 2005; and

WHEREAS, the Amendment to the Project Plan complies with all statutory requirements of A.C.A. §14-168-306 and 307.

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 Amended Project Plan for the Highway 71 East Square Redevelopment District (attached as Exhibit A) is economically feasible.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby adopts the Amended Project Plan for the Highway 71 East Square Redevelopment District and determines it has complied with all requirements set forth in A.C.A. §14-168-306.

Section 3: Emergency Clause. If this ordinance is not immediately effective, the goal of the Redevelopment District and its Amended Project Plan to remove a dangerous, dilapidated firetrap could fail due to lack of time-sensitive funding. The City Council, therefore, determines and declares an emergency exists which would imperil the public peace, health or safety, and consequently this ordinance shall be in full force and effect from the date of its passage and approval.

PASSED and **APPROVED** this 25th day of January, 2005.

APPROVED: DRAFT

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

PROJECT PLAN AMENDMENT NO. 1
OF
THE HIGHWAY 71 EAST SQUARE REDEVELOPMENT DISTRICT NO. ONE OF FAYETTEVILLE, ARKANSAS

(January 25, 2005)

REMOVAL OF PHASE II

In light of the probable reduction in the amount of millage that can be included for incremental financing of the Project Plan envisioned for the Highway 71 East Square Redevelopment District, that plan must be amended so that only Phase One of the Project Plan can go forward and be financed at this time. Therefore, the Project Plan is hereby amended to delete pages 11, 12, 13, and 14 and all references to Phase II within the Project Plan. Furthermore, the map of the district's boundaries on page 3 is amended to reflect the borders approved by the City Council on January 25, 2005, reflecting the entire Downtown Master Planning Area. (See attached map as Exhibit "A")

ECONOMIC FEASIBILITY STUDY

Exhibit No. 1 (Economic Feasibility Study) is to be amended and replaced by an updated Economic Feasibility Study by the U of A Center for Business and Economic Research dated January 25, 2005. (Attached as Exhibit "B")

USES AND CONDITIONS OF PROPERTY

Exhibit No. 2 is to be supplemented by the Exhibit to the proposed Downtown Master Plan Redevelopment District Existing Uses and Conditions Map, which are now combined as Exhibit "C".

ORDINANCE AMENDING BOUNDARIES OF DISTRICT

Exhibit No. 3 is to be deleted and replaced with the ordinance passed January 25, 2005 (Exhibit "D") amending the borders of the Redevelopment District as shown on Exhibit "A".

CERTIFICATION OF COUNTY ASSESSOR

Exhibit No. 4 is to be amended to reflect the Arkansas Attorney General's Opinion that the 25 mills required by Amendment 74 shall not be included in the total ad valorem rate so that the applicable ad valorem rate available for TIF financing shown on Exhibit 4 is reduced by those 25 mills. However, the debt service ad valorem rate shall be adjusted so that the tax increment from the increase in property valuation (not including the 25 mills) shall be paid (if not securing debt) only to the TIF district and not transferred to another taxing entity. This should yield at least 7.66 mills as the "applicable ad valorem rate" if all of the school mills above the 25 state mandated mills are exempted from inclusion into TIF millage "by reason of having bonds outstanding." A.C.A. §14-168-312 (a)(3)(B). Thus, the debt service ad valorem rate should be no more than 19.2 mills for debt pursuant to County Ordinance No. 2004-68 (Exhibit "E") levying such millage.

Exhibit No. 4 is also supplemented by the Washington County Assessor's Certification by letter dated November 20, 2004 (Exhibit "F") for the proposed Downtown Master Plan Redevelopment District including Washington County Ordinance No. 2004-68 the letter of September 21, 2004 from Lisa Z. Morstad of the Fayetteville Public School System (Exhibit "G"), copy of ballot (Exhibit "H"), and parcel appraisals (Exhibit "I"). Again the County Assessor's Certification for Debt Service Ad Valorem Rate should be no more than 19.2 mills and the Applicable Ad Valorem Rate should be at least 7.66 mills.

AUTHORIZATION OF INJUNCTIVE OR DECLARATORY JUDGMENT SUIT VERSUS WASHINGTON COUNTY ASSESSOR

Passage of the ordinance to adopt this Amended Project Plan necessitates a suit be filed requesting that the Circuit Court require the Assessor to issue a Certification of the "debt service ad valorem" rate and the "applicable ad valorem rate" for the enlarged district in accordance with Constitutional mandates. Therefore passage of this Amended Project Plan authorizes the City Attorney to file such declaratory judgment or injunctive suit so the statutory and constitutional issues regarding appropriate ad valorem rates can be decided by the Court.

FINANCING METHODS

The methods of financing all estimated project costs shall be by the issuance of two types of TIF bonds or notes. The "**marketable bonds**" (secured by a pledge of all TIF revenues of which at least 3.16 are of unchallenged legality) shall be made as soon as possible in order to secure sufficient financing to purchase all the property by February 28, 2005. The other, "**subordinate bonds or notes**" shall be secured, (subordinately to the other TIF bonds) all of the tax increment legally available to pay tax incremental financing bonds within the district after after full payment of the "**marketable bonds.**" As these TIF bonds may not be "marketable" until the Courts resolve the issue of what are the proper debt service and applicable ad valorem rates, the developers have agreed to purchase these bonds at their risk so that if there are not sufficient tax increment financing revenues within the 25 year life of this district, they will not receive full payment and have no recourse against the City or TIF district. The "**subordinate bonds or notes**" must be sold with revenues reeeived by the City **prior** to the City's sale of its "**marketable bonds.**"

PROJECT COST CLARIFICATIONS

The City shall pay not more than $887,000.00 for demolition and site preparation work as shown on page 9. If this work does not require the full $887,000.00, the remainder shall be used to pay debt service on the primary TIF bonds.

After demolition of the properties purchased by the TIF district pursuant to the Project Plan, the property cleared by the City shall be sold to the developers for Three Hundred Thousand Dollars ($300,000.00) which shall be used to pay the interest and reduce the debt of the primary, **"marketable bonds"**.

The developers have agreed to purchase and the City shall issue sufficient bonds or notes above the amount of marketable bonds so that the City through TIF bonds and notes **will receive $3.5 million net so as to be able to finance the Project.**

ZONING ORDINANCES AND OTHER PROJECT COSTS

The project does not require or propose any changes of zoning ordinances. The Downtown Master Plan calls for the removal of the Mountain Inn blighted area as a top priority. Apart from economic analysis, bond counsel and underwriting costs and because of lack of sufficient TIF revenue, no other "non-project costs" are anticipated to be paid by TIF financing.

NO RELOCATIONS REQUIRED

No persons should have to be relocated as all buildings sought to be demolished are vacant.

TOTAL INDEBTEDNESS

The total amount of indebtedness to be incurred is $3.5 million, plus the costs of issuance and any capitalized interest payments. The total tax increment for the 25 year life of this project based upon 7.66 mills is estimated to be $20,351,684.00. The method for calculating this increment was using the economic forecast by Crews and Associates of 8.3% property value growth until 2009 and 6% thereafter and applying 7.66 mills to this valuation growth.

No other revenues are anticipated to be used to secure the tax incremental financing.

FUTURE OPTIONS

If tax incremental financing revenues exceeds the projections because more millage is or becomes legally available to the Redevelopment District or property valuation growth exceeds the economic forecast, a project in the western part of the district such as the extension of the Frisco Trail to the

Scull Creek Trail or a cooperative parking deck may be undertaken by the City Council then serving.

PROFESSIONAL SERVICES

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.

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.

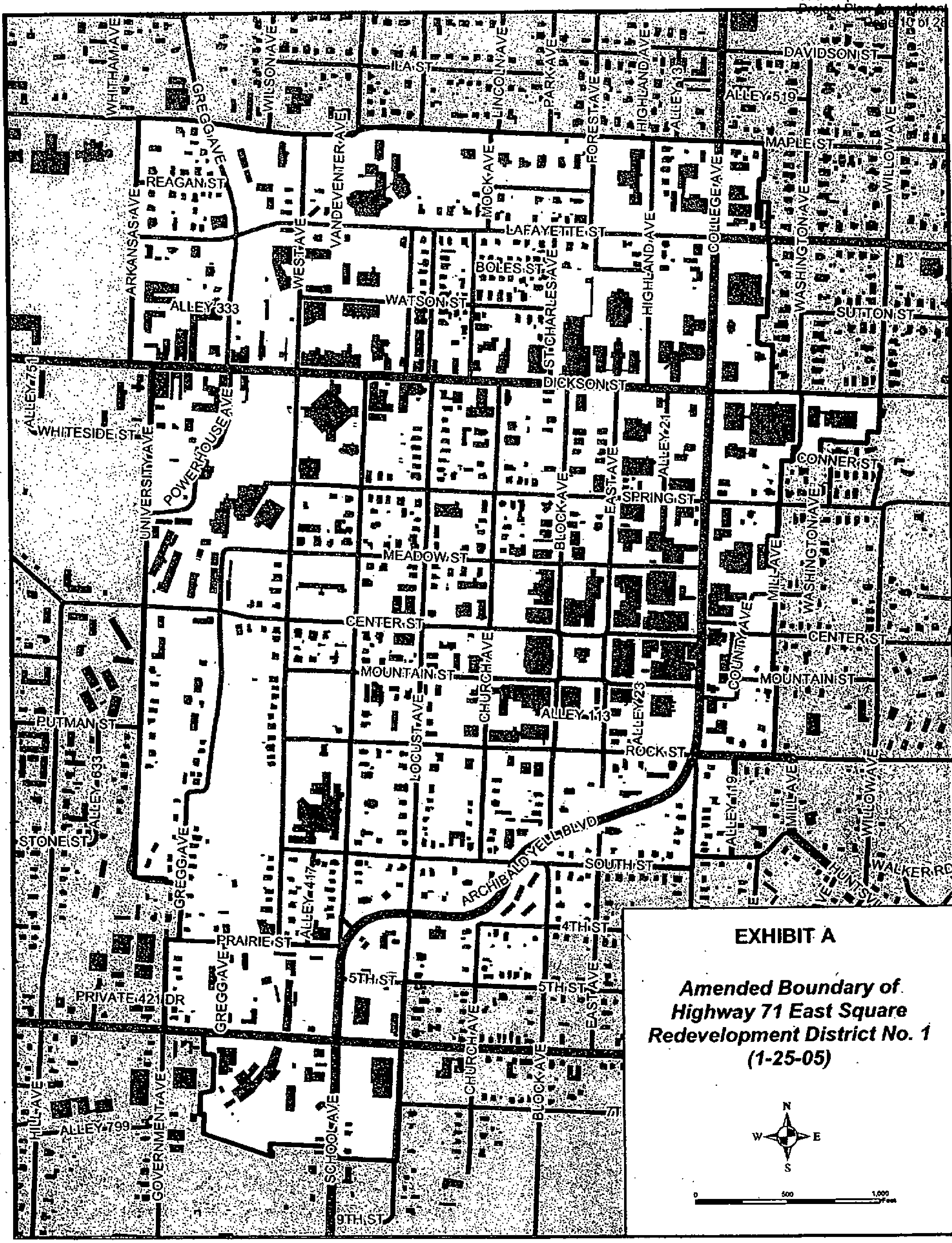
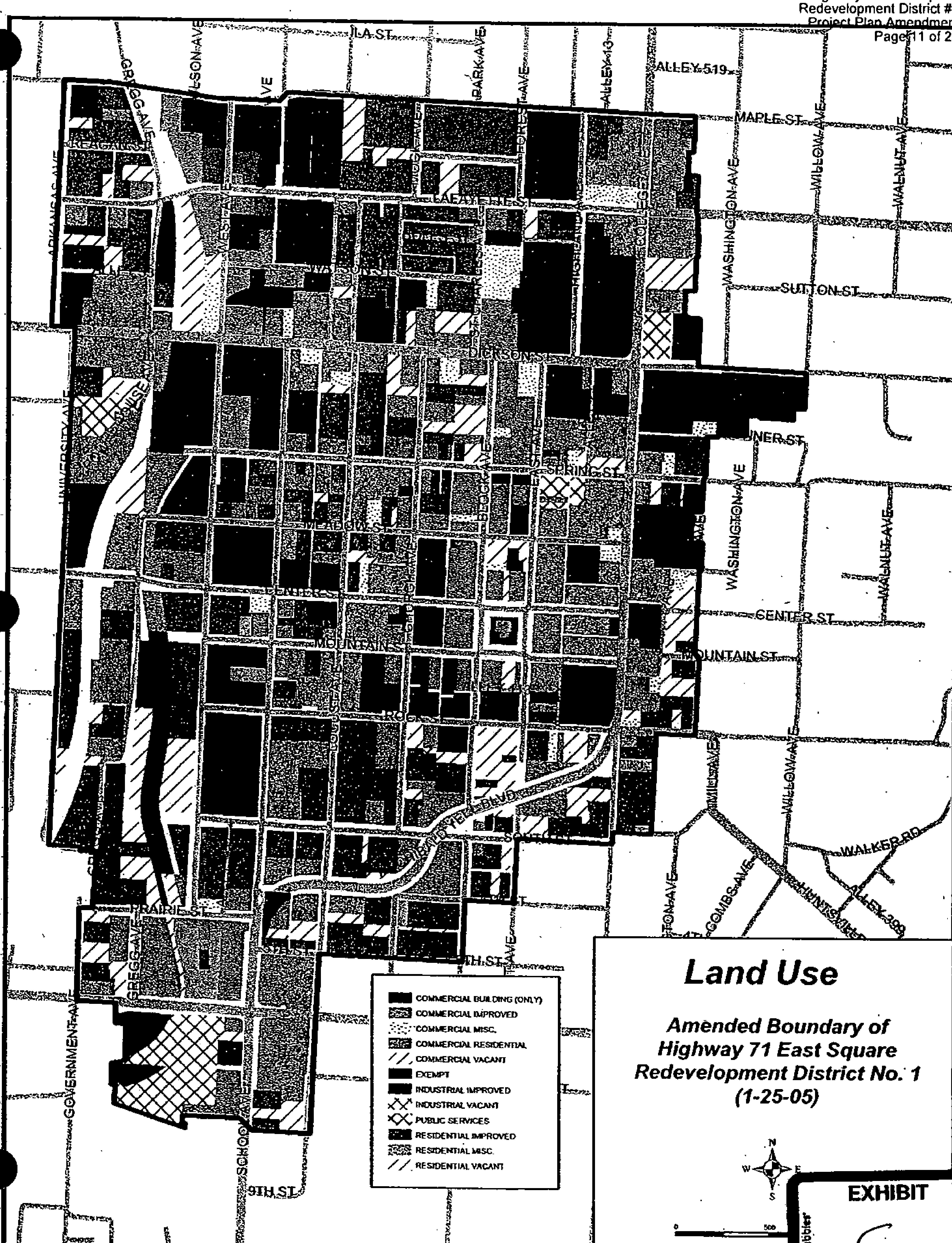


EXHIBIT A

Amended Boundary of Highway 71 East Square Redevelopment District No. 1 (1-25-05)


Land Use
Amended Boundary of
Highway 71 East Square
Redevelopment District No. 1
(1-25-05)
COMMERCIAL BUILDING (ONLY)
COMMERCIAL IMPROVED
COMMERCIAL MISC.
COMMERCIAL RESIDENTIAL
COMMERCIAL VACANT
EXEMPT
INDUSTRIAL IMPROVED
INDUSTRIAL VACANT
PUBLIC SERVICES
RESIDENTIAL IMPROVED
RESIDENTIAL MISC.
RESIDENTIAL VACANT
N
W
E
S
0
500
MAPLE ST
SUTTON ST
CENTER ST
MOUNTAIN ST
SPRING ST
WASHINGTON AVE
WILLOW AVE
WALNUT AVE
UNIVERSITY AVE
GOVERNMENT AVE
GREGG AVE
PRAIRIE ST
9TH ST
WALKER RD
ALLEY 519
ALLEY 13
ALLEY 399
ARKANSAS AVE
GOMBS AVE

EXHIBIT

C

ORDINANCE NO. 2004-68

FILED
'04 DEC 13 PM 2 48
KAREN COMBS PRITCHARD
CO. & PROBATE CLERK
WASHINGTON CO. ARK.

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 2004.

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. 14-14-904 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 2004 for Washington County, Arkansas:

EXHIBIT
E

	REAL ESTATE/ PERSONAL PROPERTY
(A) County General	4.75 mills
(B) County Road	1.11 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 2004 for the respective municipalities within Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY
(A) Fayetteville	1.8 mills**
(B) Springdale	5.6 mills
(C) Elkins	5.0 mills
(D) Greenland	2.9 mills
(E) West Fork	5.0 mills

ORDINANCE NO. 2004-68
PAGE 2

(F) Winslow	3.0 mills
(G) Farmington	4.9 mills
(H) Tontitown	2.0 mills
(I) Elm Springs	5.0 mills
(J) Johnson	4.8 mills
(K) Prairie Grove	9.4 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 2004 for the respective school districts within Washington County, Arkansas:

	REAL ESTATE/ PERSONAL PROPERTY		
	Debt	M & 0	Total
(A) Fayetteville, #1	19.2 mills	25.0 mills	44.2 mills
(B) Farmington, #6	15.7 mills	25.0 mills	40.7 mills
(C) Elkins, #10	15.2 mills	25.0 mills	40.2 mills
(D) Winslow, #20	8.0 mills	25.0 mills	33.0 mills
(E) Prairie Grove, #23	12.9 mills	25.0 mills	37.9 mills
(F) Lincoln, #48	14.8 mills	25.0 mills	39.8 mills
(G) Springdale, #50	14.5 mills	25.0 mills	39.5 mills
(H) Greenland, #95	12.9 mills	25.0 mills	37.9 mills
(I) West Fork, #141	14.0 mills	25.0 mills	39.0 mills
(J) Benton County, #21	15.0 mills	25.0 mills	40.0 mills

ARTICLE 4. The levy of taxes for 2004 is in accordance with State law.

Jerry Hunton
JERRY HUNTON, County Judge

12-13-04
DATE

Karen Combs Pritchard
KAREN COMBS PRITCHARD, County Clerk

Sponsor: Kurt Anderson
Date of Passage: December 9, 2004
Votes For: 12 Votes Against: 0
Abstentions: 0 Absent: 1

WASHINGTON COUNTY
STATE OF ARKANSAS
Washington County Courthouse
280 North College – Suite 250
Fayetteville, Arkansas 72701

LEE ANN KIZZAR
COUNTY ASSESSOR

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

Lee Ann Kizzar

EXHIBIT
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F

Fayetteville Public Schools

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

Lisa Z. Morstad

EXHIBIT
G

1000 West Stone Street PO Box 849 Fayetteville, Arkansas 72702 (501) 444-3000

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 not withstanding 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. 59 to the Arkansas Constitution, in which the Court has ruled that the rollback provisions of Amendment No. 59 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

EXHIBIT

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H

EXHIBIT
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I

Fayetteville Downtown Master Plan TIF district

Parcel ID	Type	Total Appraised	Total Assessed
765-01653-000	CM	186,850	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	158,650	24,151
765-01683-000	CI	138,800	25,333
765-01684-000	CI	296,550	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	6,163
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	476,400	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	52,426
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	458,650	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	56,567
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
765-01746-002	EX	0	0

11/20/2004

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	116,100	14,629
765-01764-000	CI	153,700	28,754
765-01765-000	CI	151,800	27,092
765-01766-000	RI	259,400	47,498
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	8,890
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	161,860	28,727
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	8,030
765-01862-000	CM	76,650	12,325
765-01863-000	RI	171,850	25,333
765-01864-000	CM	66,550	11,484
765-01865-000	CI	482,350	49,326
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	78,550	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	183,450	17,139

Parcel ID	Type	Total Appraised	Total Assessed
765-01882-000	CR	276,150	45,624
765-01882-001	CI	445,900	89,180
766-01883-000	CR	231,000	46,200
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
766-01892-000	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	136,200	12,598
765-01896-000	RI	100,950	15,766
765-01897-000	RI	137,550	18,690
765-01898-000	RI	137,350	17,593
765-01899-000	RI	79,750	7,899
765-01900-000	CV	58,400	3,080
766-01901-000	CI	55,450	6,907
765-01902-000	RI	65,450	9,162
765-01903-000	CI	209,500	28,929
765-01904-000	RI	436,350	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	52,750	10,550
765-01913-000	CI	112,650	12,627
765-01914-000	ET	0	0
765-01915-000	CI	95,400	17,678
765-01916-000	CI	362,450	37,752
765-01917-000	CI	435,500	60,380
765-01994-000	CI	294,300	52,613
765-01995-000	CI	218,100	29,836
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	40,865
765-02002-000	RI	471,650	78,977
765-02003-000	CI	341,350	56,049
765-02004-000	CI	334,350	39,344
765-02005-000	CI	324,800	60,665
765-02006-000	RI	72,500	7,305
765-02007-000	CR	185,600	37,120
765-02008-000	RI	67,700	10,978
765-02010-000	CT	146,050	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

Parcel ID	Type	Total Appraised	Total Assessed
765-02028-000	RI	46,600	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	50,600	8,666
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	160,650	25,464
765-02047-000	CR	216,050	34,939
765-02048-000	RI	111,700	17,608
765-02049-000	RI	68,600	7,401
765-02050-000	RI	66,250	7,052
765-02051-000	RI	86,150	10,926
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	6,100
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	9,462
765-02064-000	CI	183,050	26,933
765-02064-001	RI	86,150	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	56,050	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	53,750	10,750

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	168,900	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
765-04378-000	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	9,848
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	167,600	20,578
765-04401-000	CI	304,650	26,984
765-04402-000	CI	210,850	19,133
765-04403-000	RI	78,100	14,626
765-04404-000	RI	41,400	8,280

Parcel ID	Type	Total Appraised	Total Assessed
765-04405-000	RI	85,550	12,793
765-04406-000	CR	84,600	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	10,465
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	18,881
765-04417-000	RI	112,100	16,228
765-04418-000	RI	129,100	13,490
765-04419-000	RI	99,700	9,506
765-04421-000	RI	194,050	28,820
765-04424-000	RM	25,950	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	99,250	17,003
765-04516-000	RI	97,050	14,369
765-04517-000	CI	782,150	136,798
765-04518-000	CV	165,250	12,684
765-05462-000	RI	24,300	4,179
765-05462-001	CR	87,850	16,843
765-05463-000	RV	16,000	3,200
765-05469-000	RI	51,400	9,285
765-05470-000	RI	46,900	7,570
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	8,661
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	31,460	5,788
765-05486-000	RI	62,650	12,497
765-05506-002	EX	0	0
765-05520-000	CI	74,500	11,561
765-05520-000	CI	74,500	11,561

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
765-05627-000	RI	37,050	6,875
765-05529-000	RI	54,450	9,938
765-05530-000	RI	31,700	5,660
765-05532-000	RI	42,150	6,291
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	2,880
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	9,395
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	11,868
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	329,900	41,400
765-06040-000	CI	291,100	49,478
765-06139-000	RI	50,600	6,714
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	18,300	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	6,100
765-07124-000	RI	50,500	8,492

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	44,469
765-08543-000	RI	376,600	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	36,261
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	12,936
765-11920-000	RI	107,750	19,763
765-11921-000	RI	70,250	9,650
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	11,679
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

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
765-12868-001	CI	216,250	27,196
765-12869-000	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	15,315
765-12875-000	CM	76,950	11,782
765-12875-003	EX	0	0
765-12876-000	CV	117,900	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	33,176
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	49,464
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	37,166
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	46,650	8,536
765-12936-000	RV	11,000	772
765-12937-000	RV	16,500	2,640
765-12938-000	RI	47,600	7,046
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	2,464
765-12943-000	CI	420,650	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	6,955
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

Parcel ID	Type	Total Appraised	Total Assessed
765-12956-000	RI	80,650	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	6,793
765-12964-000	RI	49,850	5,131
765-12967-000	RI	336,800	65,088
765-12970-000	RI	66,200	6,163
765-12971-000	RI	51,500	5,928
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	827,060	165,319
765-22047-000	CI	795,850	159,093
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	23,825
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	202,864	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
765-22066-000	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

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	
765-23362-000	RI	234,000	46,800
765-23363-000	RI	214,600	42,920
765-23364-000	RI	225,900	45,180
765-23365-000	RI	306,600	61,320
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	76,900	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	CR	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	18,690
765-01672-000	CV	27,200	4,400
765-01673-000	RI	131,600	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**

City Council Meeting of February 1, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief CB

Date: January 10, 2005

Subject: Resolution approving a contract for ALS/Transport Ambulance Service with CEMS in the amount of $250,000.

RECOMMENDATION

The Fire Department recommends approval of a Resolution awarding the annual contract for Advanced Life Support Ambulance Transport service to Central Emergency Medical Service, Inc. (CEMS) in the amount of $250,000.

BACKGROUND

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

DISCUSSION

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

During 2004 the City of Fayetteville conducted a research project focused on finding methods of improving the emergency medical system in Fayetteville. This study resulted in a joint recommendation from the City Research Team and representatives from Washington County to share the expense of contracting with a consultant in an effort to begin developing an improved EMS response system for the City of Fayetteville and Washington County. It is anticipated this study will begin after the first of the year with the selection of a consultant who will develop and present his/her recommendations once completed.

BUDGET IMPACT

This is a budgeted item with an overall annual cost of $250,000. This cost is paid out in twelve (12) equal installments with CEMS submitting monthly bills for service.

Left on the second reading 2/1/05

ORDINANCE NO. ______

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT FOR SERVICES IN THE AMOUNT OF $250,000.00 BETWEEN THE CITY OF FAYETTEVILLE AND CENTRAL EMERGENCY MEDICAL SERVICES, INC. TO OPERATE AND MAINTAIN AN EMERGENCY AMBULANCE SERVICE TO SERVE THE RESIDENTS OF FAYETTEVILLE.

WHEREAS, providing high-quality, reliable emergency ambulance service to the citizens of our community is of great importance to the City of Fayetteville, and;

WHEREAS, Central Emergency Medical Services, Inc. is the only provider of emergency ambulance services in reasonable proximity to the City of Fayetteville, and;

WHEREAS, were it not for the services offered by the Central Emergency Medical Services, Inc., the City of Fayetteville would be required to assume the duty of providing emergency ambulance service to its citizens.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding and approves a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. A copy of the agreement is attached hereto marked Exhibit "A" and made a part hereof.

PASSED and **APPROVED** this 1st day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

CITY OF FAYETTEVILLE
CONTRACT FOR EMERGENCY MEDICAL TRANSPORT SERVICES

This Agreement is entered into on this **1st** day of, **February 2005** between the City of Fayetteville, hereinafter known as the "City" and Central Emergency Medical Service, hereinafter known as "CEMS, "an Arkansas not-for-profit corporation.

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

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

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

1. This Agreement will begin on the date first written above.

2. CEMS agrees to develop, operate, and maintain an Advanced Life Support (ALS) Emergency Ambulance Service that serves Fayetteville residents and responds to all emergency medical calls for service within the city limits of Fayetteville, Arkansas. This ALS service will be provided in conjunction with the Fayetteville Fire Department's emergency response units with the Fayetteville Fire Department agreeing to provide Basic Life Support (BLS) Non-Transport Emergency Response Service. The Fire Department shall maintain control over the use of Fire Apparatus as First Response Units and CEMS shall maintain control over the use of Ambulances.

3. The Fayetteville Fire Department agrees to operate according to the established patient treatment protocols, as identified by the CEMS' Medical Director, from the time patient contact is made until the time the patient is removed from the incident scene and transported, via ALS Ambulance, to a recognized medical treatment facility or hospital, or until CEMS personnel determine the call is a no-transport.

4. CEMS agrees to provide written quarterly and annual reports to the City's Project Coordinator, describing the activities undertaken during the preceding period and also to report on the following performance measures: Number of calls responded to, average response time for these calls, type of patient service provided for each response. (Whether the patient accepted or declined care). The parameters for calculating the average response time will be from the time the call is verified at the CEMS medical communications center until arrival at the incident location by the first arriving transporting Ambulance. "Time call is verified," shall be the moment the communications center personnel receive both sufficient location information to know where a response is required and sufficient information to determine the presumptive run priority designation. "Arrival at incident location," means the

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

5. CEMS commits to maintaining an **average response time not to exceed (8) minutes** within the City of Fayetteville's corporate limits for the duration of this contract.

6. CEMS agrees to make both financial and response data records available for review by the Project Coordinator and the City's Internal Auditors as requested, and to provide the City with an annual audit performed by a certified public accountant licensed by the State of Arkansas. CEMS agrees to comply with the Arkansas Freedom of Information Act as applicable. Requests for records shall follow compliance requirements of the Health Insurance Portability and Accountability Act (HIPAA)

7. For the purposes of this Agreement, the Project Coordinator for the City will be the City Fire Chief or his/her designee. The Project Coordinator for CEMS will be CEMS Director Tony Hickerson or his successor or designee. Communications pertaining to this agreement will be through the respective Project Coordinators for the City and CEMS.

8. Terms of Performance. The term of performance for this agreement will expire December 31, 2005 and may be extended for an additional three years subject to approval of a budget containing funding for the service.*CEMS will hold harmless, defend, and indemnify the City, from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the performance or nonperformance of the services or subject matter in this Agreement.

9. Budget. The City agrees to pay and CEMS agrees to accept, as payment in full for its services, during 2005 the amount of **$250,000.00**. The amounts to be paid for services in future budget years are dependent on the amounts appropriated by City Council for each budget year.

10. CEMS must provide and maintain in force, at all times during the term of the contract, insurance for worker's compensation as provided by state statute, commercial general liability, and vehicle liability. Such policies will be issued by companies authorized to do business in the State of Arkansas. Minimum amounts required for commercial general liability and vehicle liability are $1,000,000.

11. For any work sublet, CEMS will require the subcontractor to provide similar worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under workers' compensation insurance, CEMS will provide and will cause each subcontractor to provide adequate employers' liability insurance for the protection of such of his employees as are not otherwise protected. A certificate of insurance addressed to the City listing the above coverage's is to be submitted with contract approval. The premiums for all insurance required herein will be paid by CEMS.*Emergency Medical Services Workgroup. CEMS and the City agree to establish a standing Emergency Medical Service (EMS) Workgroup. This EMS Committee shall consist of three (3) representative from CEMS, three (3) representatives from the Fire Department and two (2) representatives from the Police Department's Central Dispatching Office. This group will meet to discuss the coordination of services, facilitate the exchange ideas to enhance the quality of service being provided and develop a problem solving mechanism for issues that may arise. This Committee will meet as requested by a member of the workgroup, least once every quarter during the calendar year.

12. The City agrees to compensate CEMS in the form of equal monthly installments with any remaining balances, for the calendar year, to be paid in December of the respective year.

13. Notices. All notices required or permitted under this agreement will be submitted in writing to the other party in this agreement by certified mail, return receipt requested, with the notice becoming effective no less than three (3) days after deposit therein addressed to the following:

City of Fayetteville	Fayetteville Fire Dept.	CEMS
Dan Coody	Chris Bosch	Tony Hickerson
Mayor	Fire Chief,	Director
113 West Mountain St.	303 W. Center St.	645 S School Ave
Fayetteville, AR 72701	Fayetteville, AR 72701	Fayetteville, AR 72701

14. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other party. Nor shall this agreement be construed to bestow any rights or benefits upon anyone other than CEMS and the City.

15. A waiver by either party of any terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.

16. Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and CEMS.

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

18. Interpretation. This agreement shall be interpreted according to and enforced under the laws of the State of Arkansas.

19. Tax Exempt Status: Attached hereto and made part hereof is a copy of the correspondence from the Internal Revenue Service dated 5-27-83 confirming the 501(c)(3) tax exempt status of the Central Emergency Medical Service.

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

Central Emergency Medical Services, Inc.	**City of Fayetteville**
Tony Hickerson, Director	Dan Coody, Mayor
Attested By:	Attested By:

STAFF REVIEW FORM - FINANCIAL OBLIGATION

___ AGENDA REQUEST
X CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council Meeting of: **February 1, 2005**

FROM:

Chris Bosch	**Fire Administration**	**Fire**
Name	Division	Department

ACTION REQUIRED: ~~A resolution~~ An Ordinance waiving formal competitive Bidding and approving ~~the renewal of the annual~~ contract with Central Emergency Medical Servcies, Inc. for 2005 in the amount of $250,000 for emergency ambulance transport service in the City of Fayetteville.

COST TO CITY:

$250,000.00	$ 250,000.00	Transfer to CEMS
Cost of this request	Category/Project Budget	Program Category / Project Name
1010-6600-5705.00	$ -	Emergency Medical Contract
Account Number	Funds Used to Date	Program / Project Category Name
	$ 250,000.00	Sales Tax General
Project Number	Remaining Balance	Fund Name

BUDGET REVIEW: X Budgeted Item ___ Budget Adjustment Attached

Budget Manager — Date

CONTRACT/GRANT/LEASE REVIEW:

Accounting Manager — Date | Internal Auditor — Date

City Attorney — Date 1/12/05 | Purchasing Manager — Date

STAFF RECOMMENDATION:

Division Head — Date

Received in Mayor's Office 1/12/05 P.H.
Date

Department Director — Date 1/11/05

Cross Reference:

Previous Ord/Res#:

ENTERED 1/11/05

Finance & Internal Services Dir. — Date 1-14-05

Orig. Contract Date:

Orig. Contract Number:

Chief Administrative Officer — Date

New Item: **Yes** No

Mayor — Date 1/12/05

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police FJ

DATE: January 28, 2005

SUBJECT: Approval of Bid Wavier and Purchase of Motorola ML900 Laptops

RECOMMENDATION:

Council adopts an ordinance waving competitive bidding of Motorola ML900 Ruggedized Laptops and high-tier docking stations. Also approves the purchase of 7 additional laptops with docking stations.

BACKGROUND:

The City of Fayetteville began using the ML900 laptop in 2003. Officers check information from the police records system, Arkansas Crime Information Center and receive documentation of the address where they are dispatched using these laptops. Officers are accustomed to the set-up of the keyboard and would cause confusion if different set-ups were in different Patrol vehicles. Upon installing the new Mobile Backbone system, seven additional vehicles will be added and will need laptops and docking stations. These include the vehicles driven by Warrants Officer, School Resource Officers and spare vehicles.

DISCUSSION:

The addition of these laptops will allow all marked units to be dispatched in the same manner when assigned to patrol duties. The new Mobile Backbone system includes GPS devices so dispatch can utilize the closest unit to the call not just an assigned area. By purchasing the same laptops any officer will be familiar with the layout of the keyboard and the connection in the vehicle. Also, by utilizing the same set-up the City Shop will only need one extra as a change out unit. This will save money and time training staff for the use of different models.

BUDGET IMPACT:

The total cost of $39,772.80 for this project is included in the capital project Public Safety Computer System 03004 within the Sales Tax Capital Improvement Fund. This procurement follows the existing City purchasing policies.

ORDINANCE NO._______________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING THE PURCHASE OF SEVEN (7) ADDITIONAL LAPTOP COMPUTERS AND DOCKING STATIONS IN THE AMOUNT OF $39,772.00 FOR USE BY THE FAYETTEVILLE POLICE DEPARTMENT; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $54,594.00.

WHEREAS, the Fayetteville Police Department placed Motorola ML900 ruggedized laptop computers in its police units in 2003; and,

WHEREAS, Police officers and Fleet maintenance personnel are already trained and proficient in the use and maintenance of the Motorola ML900 ruggedized laptop computers; and,

WHEREAS, maintaining uniform computer equipment in new units will result in both increased operational and fiscal efficiencies.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and waives the requirements of formal competitive bidding for as long as the Fayetteville Police Department uses Motorola ML900 ruggedized laptop computers, and approves the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $54,594.00.

PASSED and APPROVED this 15th day of February 2005.

APPROVED:

By:____________________________
DAN COODY, Mayor

ATTEST:

By:____________________________
SONDRA SMITH, City Clerk

City Of Fayetteville
(Not a Purchase Order)

Requisition No.:

Date: 1/28/2005

P.O Number:

Expected Delivery Date:

Vendor #: 27860

Vendor Name: Motorola

Mail Yes:__ No:____

Address: 2212 W. Nashville ST

Fob Point:

Taxable Yes:__ No:____

Quotes Attached Yes:____ No:____

City: Broken Arror

State: OK

Zip Code: 74012

Ship to code: 21

Divison Head Approval: Stan Cohea

Requestor: Judy Cohea

Requestor's Employee number: 75

581

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	ML900 Ruggedized Laptop	7	EA	4,521.00	$31,647.00	4470-9470-5210.00	03004 1		
2	High tier Docking station	7	EA	819.00	$5,733.00	4470-9470-5210.00	03004 1		
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:

Per bid 03-35 per Steve Kumrow Motorola will honor price.

Subtotal: $37,380.00

Tax: $2,392.80

Total: $39,772.80

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2005		2/15/2005	

Project or Item Requested:	Project or Item Deleted:
$54,594 is needed in the Public Safety Computer System Replacement capital project.	None. $54,594 from the Sales Tax Capital Improvements Fund Use of Fund Balance account.

Justification of this Increase:	Justification of this Decrease:
The funding is needed for the purchase of seven Motorola ML900 Ruggedized Laptops.	The $54,594 comes from project funds remaining in 2004. This adjustment is in advance of the normal re-budgeting process that will be before City Council on March 1, 2005. The funds budgeted in 2004 will go back to the Use of Fund Balance.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Minor equipment	4470	9470	5210	00	54,594	03004	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	54,594		

Approval Signatures

Requested By — Date

Budget Manager — Date

Department Director — Date

Finance & Internal Services Director — Date 2-1-05

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

2/15/2005
City Council Meeting Date

Frank Johnson	Police	Police
Submitted By	Division	Department

Action Required:

Approve an ordinance waving competative bid for Motorola ML900 Ruggedized Laptop computers with docking stations and allowing the purchase of 7 additional laptops and docking stations.

$39,772.80	$ 79,594.00	Public Safety Computer System
Cost of this request	Category/Project Budget	Program Category / Project Name
1010-2940-5210.00	$ -	Minor Equipment
Account Number	Funds Used to Date	Program / Project Category Name
03004 1	$ 79,594.00	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Frank Johnson 1/28/05
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. P. White 1/28/05
City Attorney

2-1-05
Finance and Internal Service Director Date

Received in City Clerk's Office

Dan Coody 2/1/05
Mayor Date

Received in Mayor's Office
JW 1-28-05

Comments:

ENTERED 1-28-05
aw

City Council Meeting of ~~November 16, 2004~~ January 4, 2005
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Tim Conklin, Community Planning and Engineering Services Director

Date: October 26, 2004

Subject: Approval of an offer and acceptance contract in the amount of $178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

RECOMMENDATION

Staff recommends approval of a resolution accepting the offer and acceptance contract in the amount of $178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

BACKGROUND

Parcel No. 765-12164-000 (Shake's Frozen Custard) was acquired in its entirety as part of the realignment and signalization of the Hollywood/Sang/6th Street Intersection. Last June, the City Council passed Resolution No. 95-40 authorizing City staff to begin the process to sell this parcel and building. Last August, the City Council passed Resolution No. 126-04 setting the minimum bid price at $178,000 based on the higher appraised value from the two required appraisals.

The sale of the property was advertised in the commercial real estate and legal sections of the Northwest Arkansas Times, "For Sale" signs were posted, notice was placed on the city's web site, and notice was sent out by e-mail approximately 30 days prior to the bid deadline of October 11, 2004.

The City received one offer and acceptance bid for this property by Stephen L. Davis.

BUDGET IMPACT

Sale of the property will result in an additional $178,555 in revenue to the Street Fund.

RESOLUTION NO. ______

A RESOLUTION TO ACCEPT AN OFFER FROM STEPHEN L. DAVIS TO PURCHASE THE REMAINDER OF THE FORMER SHAKE'S PROPERTY AND BUILDING FOR $178,555.00

WHEREAS, Mr. Stephen L. Davis properly submitted a sealed bid in excess of the minimum amount authorized by the City Council for the sale of city property at 2050 West Sixth Street ($178,000.00); and

WHEREAS, this bid of $178,555.00 was the only bid tendered for this property.

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 accepts the bid of Stephen L. Davis in the amount of $178,555.00 for the land and former Shake's building located at 2050 West Sixth Street, Fayetteville, AR.

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby sells this property at 2050 West Sixth Street to Stephen L. Davis for $178,555.00 and authorizes Mayor Coody to execute a deed and any other necessary papers to effect a transfer of ownership of this property to Stephen L. Davis.

PASSED and **APPROVED** this 16th day of November, 2004.

APPROVED:

DRAFT

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

Subj:	**Agenda Change**
Date:	**11/30/2004 3:56:12 PM Central Standard Time**
From:	DavisHealth
To:	cssmith@ci.fayetteville.ar.us

ATTN: Sonya Smith, City Clerk

Request for Change of Agenda Date from 12-07-04 to 1-04-05. (Bid on Shakes's Property on 6th Street.)

Reason for Request: More time is needed to iron out approvals and obtain construction costs. (Now moving out of Dickson St location.)

- Need approval from Smoothie King Franchises to relocate to 6th St location and cost of improvements required by the corporation.

-Still working on design work and construction estimates.

-Financing institution has questions about value that an updated appraisal, with projected improvements, should answer.

Thank you for your consideration.

Stephen L. Davis
283-7530 (cell #)

Shake's

718-7695

BID PROPOSAL

Proposed By: Stephen L. Davis (contact person)
756 N. Washington Ave.
Fayetteville, AR 72701

Email: davishealth@aol.com
Fax: 443-9500
Phone: 443-5850
Cell: 283-7530

Property: Former Shake's Building, 2050 W. Sixth Street, Fayetteville, AR

Description of Proposed Use: -Retail store with food service
-Limited inside and patio seating
-One drive-through lane

Offer Price: $178,555.00

Terms: As City Requires

Authorized Signature ______________
Stephen L. Davis

Attachment: Engineer's drawing of property and possible parking arrangement showing entrance to parking and drive-through at north side from Old Farmingron Road.

OFFER AND ACCEPTANCE CONTRACT

1. Stephen L. Davis offers to buy, subject to the terms and conditions set forth herein, the following described property:

SEE ATTACHED EXHIBIT "A"
FOR PROPERTY DESCRIPTION

2. **Purchase Price**: Subject to the following conditions, Stephen L. Davis ~~178,555~~ shall pay for the property at closing, the total and cash payment of $ 178,555.00.

3. **Contingent Earnest Money Deposit**: Stephen L. Davis ~~1,000.00~~ herewith tenders a check for $ 1,000 to the City of Fayetteville, as earnest money, which shall apply on the purchase price. This sale is contingent upon approval of the City Council of the City of Fayetteville, Arkansas, and, if they do not so approve, the earnest money deposit will be returned to ________________ by the City of Fayetteville. If title requirements are not fulfilled or the City of Fayetteville fail(s) to fulfill any obligations under this contract, the earnest money shall be promptly refunded to the seller. If the buyer fails to fulfill their obligations under this contract or, after all conditions have been met, the buyer fails to close this transaction, the earnest money may, at the option of City of Fayetteville, become liquidated damages to the City of Fayetteville.

4. Conveyance will be made to the buyer by general Warranty Deed, except it shall be subject to recorded instruments and easements, if any, which do not materially affect the value of the property. Such conveyance shall include mineral rights owned by the City of Fayetteville.

5. City of Fayetteville shall furnish a policy of title insurance in the amount of the purchase price from a title insurance company as selected by the buyer. The buyer and City of Fayetteville shall share equally in the cost of the title insurance.

6. City of Fayetteville agree(s) to allow the Buyer, if the buyer so desires, at the buyers expense, to survey the property. The City of Fayetteville agree(s) to cure any title problems which may result from any differences between the recorded legal descriptions of the property and the survey description. Said title problems, if any, must be solved prior to closing to the satisfaction of the Buyer.

7. Taxes and special assessments due on or before closing shall be paid by the City of Fayetteville. Insurance, general taxes, ad valorem taxes, special assessments and rental payments shall be prorated as of closing.

8. The closing date shall be within ________ (___) days after approval of this offer by the City Council. If such date of closing falls on a weekend or holiday, it will be held the following working day.

9. Possession of the property shall be delivered to the buyer on the date of closing.

10. City of Fayetteville hereby grant(s) permission for the buyer or its employees or designates to enter the above described property and improvements for the purpose of inspection and/or surveying.

11. All fixtures, improvements and attached equipment are included in the purchase price.

12. Risk of loss or damage to the property by fire or other casualty occurring up to the time of closing is assumed by the City of Fayetteville.

13. City of Fayetteville shall disclose to the buyer any and all environmental hazards of which the City of Fayetteville has/have actual knowledge. Upon acceptance of all conditions and terms of this Offer and Acceptance, the buyer and the City of Fayetteville shall share equally the costs of any and all testing for the existence of environmental hazards. Should the existence of environmental hazards be known or determined, the City of Fayetteville shall cure such, at their expense; or, in the alternative, at the buyers discretion, the buyer may cure such environmental hazard, and the City of Fayetteville shall indemnify the buyer for all costs associated with said cure.

14. This agreement shall be governed by the laws of the State of Arkansas.

15. This agreement, when executed by both the buyer and City of Fayetteville shall contain the entire understanding and agreement of the parties with respect to the matters referred to herein and shall supersede all price or contemporaneous agreements, representations and understanding with respect to such matters, and no oral representations or statements shall be considered a part hereof.

16. This contract expires, if not accepted by the City of Fayetteville on or before the __________ day of __________, 2004.

17. The buyer shall submit this fully executed Offer and Acceptance Contract to the City Council for their approval within __________ (____) days of acceptance by the City of Fayetteville.

18. **NOTICE:** **THE BUYER ASSERTS AND CITY OF FAYETTEVILLE HEREBY ACKNOWLEDGES THAT THIS OFFER IS EXPRESSLY CONTINGENT UPON THE APPROVAL OF THIS SALE OFFER BY THE CITY COUNCIL OF FAYETTEVILLE AND THAT THE FAILURE OF THE COUNCIL TO SO APPROVE WILL MAKE ALL PORTIONS OF THIS OFFER NULL AND VOID, INCLUDING, BUT NOT LIMITED TO, THE RETURN TO THE BUYER OF THE $__________ EARNEST MONEY DEPOSIT.**

Stephen L. [signature] Date: 10-11-04

______________________________ Date: __________

AGENT OR WITNESS:

______________________________ Date: __________

City of Fayetteville, Arkansas,
A municipal corporation

______________________________ Date: __________
Dan Coody, Mayor

______________________________ Date: __________
Sondra Smith, City Clerk

EXHIBIT "A"
PROPERTY DESCRIPTION

REFER TO APPRASIAL PERFORMED FOR THE CITY OF FAYETTEVILLE

SIGNED FOR IDENTIFICATION:

______________________________ Date:______________

______________________________ Date:______________

______________________________ Date:______________
Dan Coody, Mayor

______________________________ Date:______________
Sondra Smith, City Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS
) ss.
COUNTY OF WASHINGTON)

BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared _______, to me well known as the person(s) who executed the foregoing document, and who stated and acknowledged that he/she/they is/are ________________________________ of __________ and is/are duly authorized to execute the foregoing instrument for and in the name and behalf of said ________________________________, and further stated and acknowledged that he/she/they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

WITNESS my hand and seal on this ______ day of _________________, 2003.

____
Notary Public

MY COMMISSION EXPIRES:

____

ACKNOWLEDGMENT

STATE OF ARKANSAS
) ss.
COUNTY OF WASHINGTON)

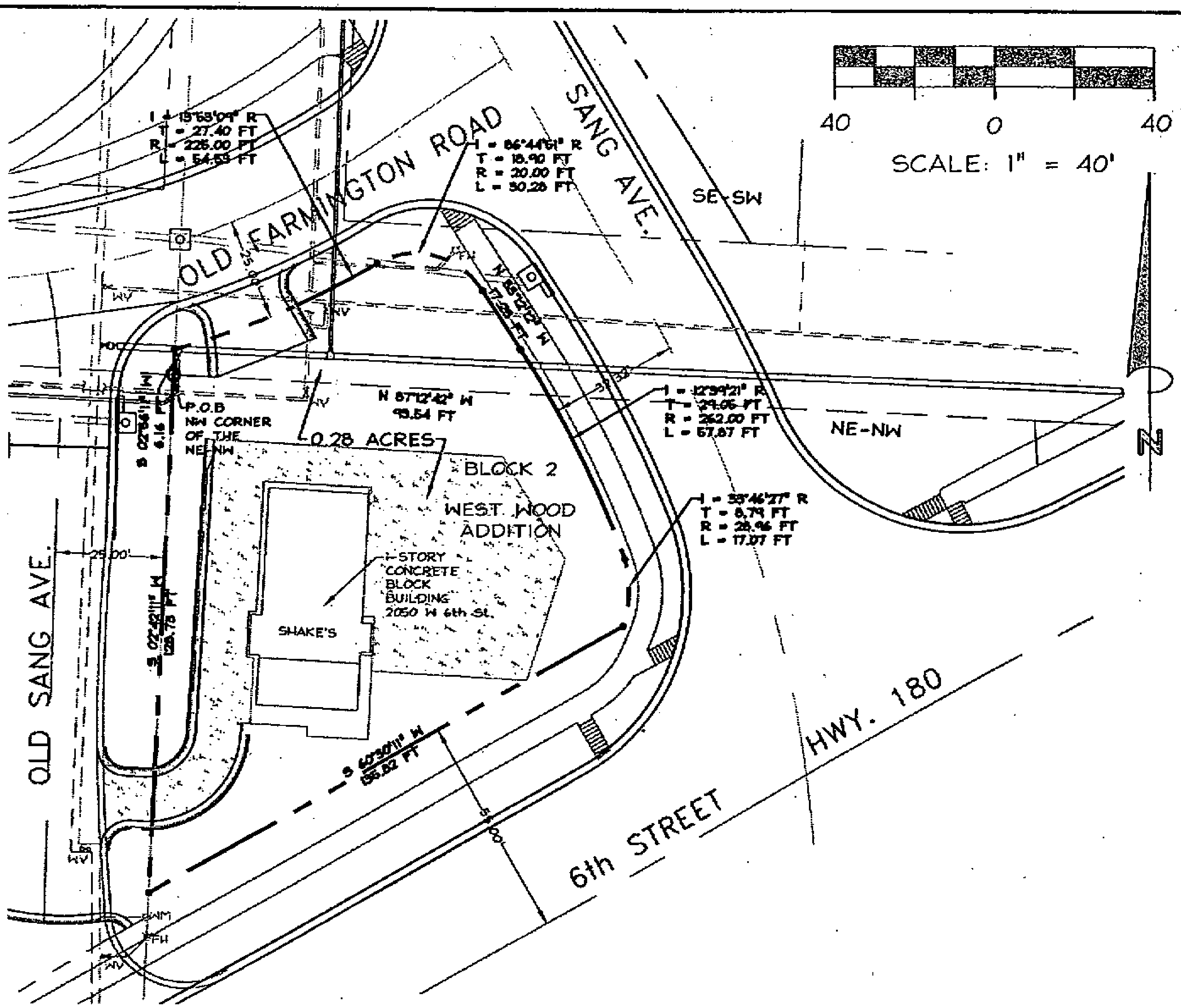
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged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

WITNESS my hand and seal on this _______ day of ________________, 2003.

____
Notary Public

MY COMMISSION EXPIRES:

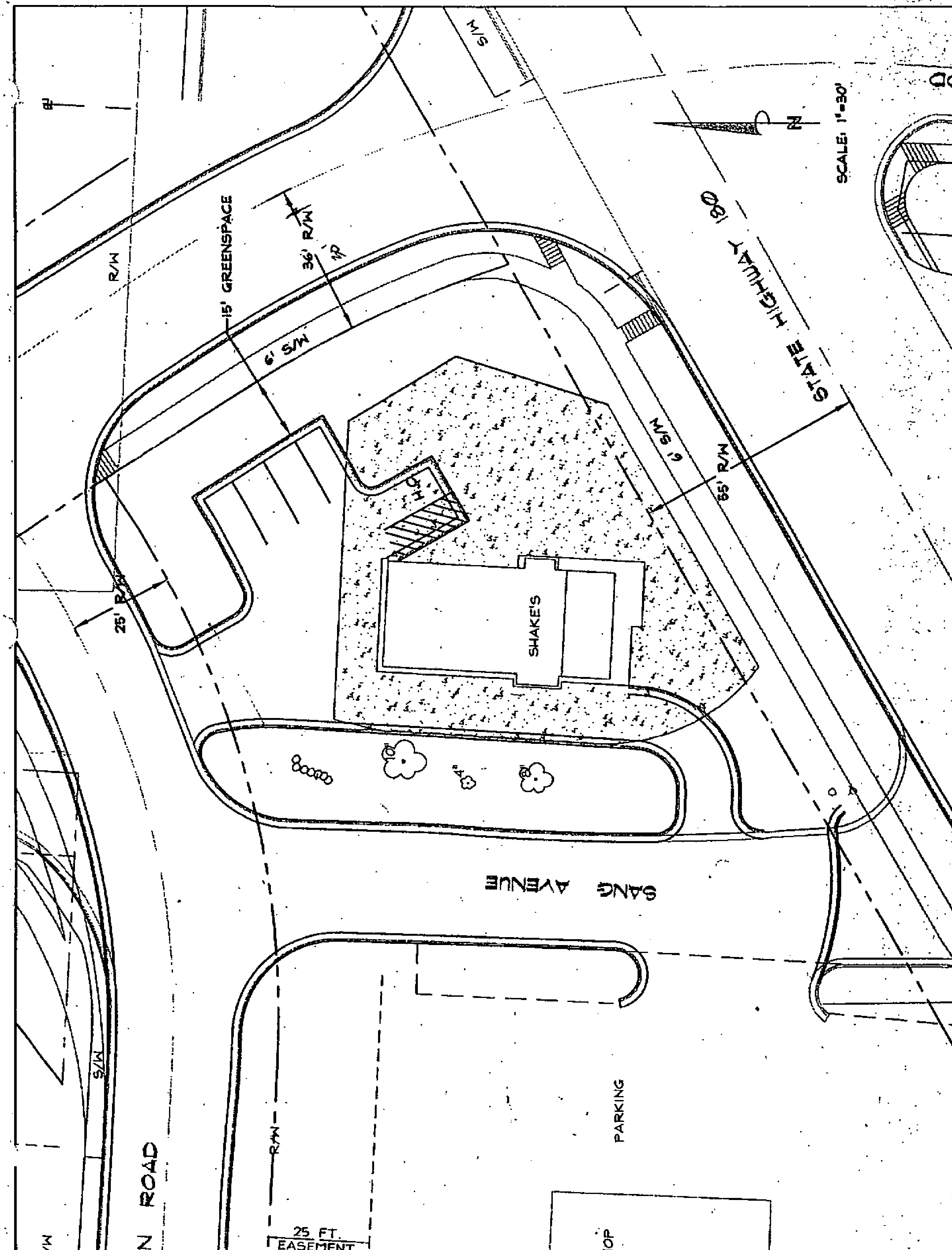
____



LEGAL DESCRIPTION

All that certain tract or parcel of land being a part of the SE ¼ of the SW1/4, and part of the NE ¼ of the NW 1/4of Section 17, Township 16 North, Range 30 West, Washington County, Arkansas. And being more particularly described by metes and bounds as follows:

Beginning at the SW Corner of the SE ¼ of the SW ¼ of Section 17, Township 16 North, Range 30 West, Washington County, Arkansas. Said point being the NW Corner of Block 2 of Westwood Addition to the City of Fayetteville, Arkansas.
THENCE - North 02° 56' 11" East 6.16' to the south right-of-way line of Old Farmington Road;
THENCE - with said right-of-way through the following calls:
THENCE -through a curve to the left with a radius of 225.00', a central angle of 25° 27' 53", arc length of 54.53', a cord bearing of North 66° 59' 31" East for a distance of 54.40';
THENCE - through a curve to the right with a radius of 20.00', a central angle of 286° 28' 44", arc length of 30.28', a cord bearing of South 76° 34' 38" East for a distance of 27.47';
THENCE - South 33° 12' 12" East 17.23';
THENCE - through a curve to the right with a radius of 262.00', a central angle of 21° 52' 07", arc length of 57.87', a cord bearing of South 26° 52' 32" East for a distance of 57.75';
THENCE - through a curve to the right with a radius of 28.96', a central angle of 33° 46' 27", arc length of 17.07', a cord bearing of South 01° 38' 09" East for a distance of 16.83' to the north right-of-way of State Highway No. 62;
THENCE - South 60° 30' 11" West 135.82' with said right-of-way to a set 5/8" I.Pin;
THENCE - North 02° 42' 11" West 134.89' to the POINT OF BEGINNING. The above described property having been surveyed by Bart L.Petray contains 0.28 acres of land more or less.


SCALE: 1"=30'
N
STATE HIGHWAY 80
55' R/W
6' S/W
36' R/W
15' GREENSPACE
6' S/W
R/W
H.C.
SHAKE'S
25' R/W
SANG AVENUE
PARKING
ROAD
R/W
S/W
25 FT.
EASEMENT
SHOP

RESOLUTION NO. 126-04

A RESOLUTION TO GRANT APPROVAL TO SOLICIT SEALED BIDS FROM THE PUBLIC TO PURCHASE THE PORTION OF CITY PROPERTY (FORMERLY SHAKE'S FROZEN CUSTARD) NOT USED FOR THE INTERSECTION IMPROVEMENT ON SIXTH STREET

WHEREAS, the City Council of the City of Fayetteville, Arkansas has already passed a resolution to offer this property for sale as required by Fayetteville Code §34.27 (A); and

WHEREAS, two simultaneous and independent appraisals of the real property have been obtained and provided to the City Council pursuant to Fayetteville Code §34.27 (C); and

WHEREAS, public notification including at least four newspaper publications, certified mail to all adjacent property owners and signs, prominently displayed at all approaches to the property, have been accomplished pursuant to Fayetteville Code §34.27 (D); and

WHEREAS, Fayetteville Code §34.27 (E) provides "Upon an affirmative vote of the City Council, the city shall solicit sealed bids, at a minimum price set by the City Council from all interested parties. Bids must equal or exceed the minimum price set by the City Council and the appraised value of the property."

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 directs the staff to solicit sealed bids at a minimum price of $178,000.00 for the city owned property at 2050 W. 6th Street.

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

APPROVED:

By: Dan Coody
DAN COODY, Mayor

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

RESOLUTION NO. 95-04 **MICROFILMED**

A RESOLUTION OF INTENT TO SELL MUNICIPALLY OWNED PROPERTY AT THE CORNER OF SANG AVENUE AND SIXTH STREET (A PORTION OF THE FORMER SHAKE'S FROZEN CUSTARD LOT AND BUILDING)

WHEREAS, Ordinance No. 4358 requires municipally owned real estate to be offered for sale only after an express authorization, by resolution, of the City Council, and numerous other requirements.

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 determines that the remainder of Parcel No. 765-12164-000 (Shake's Frozen Custard former lot and building at the corner of Sang Avenue and Sixth Street) no longer serves a municipal service, should not be rezoned and should be sold pursuant to Ordinance No. 4358.

PASSED and **APPROVED** this 1st day of June, 2004.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

CITY CLERK/TREASURER
CITY OF
FAYETTEVILLE
ARKANSAS
WASHINGTON COUNTY

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

x AGENDA REQUEST

For the Fayetteville City Council Meeting of: November 16, 2004

FROM:

Tim Conklin, AICP	Comm. Planning & Engineering	CP&E
Name	Division	Department

ACTION REQUIRED: Resolution Approval.

SUMMARY EXPLANATION:

Approval of a resolution accepting an offer and acceptance contract in the amount of $178,555 with Stephen L. Davis to purchase the former Shake's Building located at 2050 W. Sixth Street.

STAFF RECOMMENDATION: Approval.

Division Head	Date	Received in Mayor's Office	Date
City Attorney	10-30-04		
Department Director	10-26-04	Cross Reference:	
		Previous Ord/Res#:	
Finance & Internal Services Dir.	Date	Orig. Contract Date:	
Chief Administrative Officer	10-31-04	Orig. Contract Number:	
Mayor	11/04/04	New Item:	Yes No

ENTERED 10/16/0

From: <DavisHealth@aol.com>
To: <city_clerk@ci.fayetteville.ar.us>
Date: Mon, Dec 27, 2004 2:43 PM
Subject: Shake's Property, 6th Street

ATTN: Sonya Smith

On 11/30/04 I wrote requesting that the bid acceptance for this property be extended until the 1/4/05 City Council meeting.

I still intend to proceed with the purchase but have encountered a serious obstacle which requires that I ask for another extension. Therefore, I request that the bid acceptance be moved to Feb 1st or, if possible, Feb 15th.

We closed our Smoothie King store on 11/21/04, moved the contents into storage, and completed vacating the Dickson Street building on 12/8/04. I had not been feeling well, had lost some weight, and was sick on several days during the move. However, I attributed it to overwork and stress. When my symptoms continued to get worse, I saw Dr. Abernathy on 12/13, and he admitted me to the hospital the same day. On 12/17 the surgeon, Dr. Eck, operated on my large intestine. The surgery went well, and my long-term prognosis appears to be very good. I am now recuperating at home, although it will be 3-5 more weeks until I'm supposed to resume normal activity.

On 1/20/05 I have an appointment with the oncologist, Dr. Hayward, to review results of an upcoming PET scan and to discuss any possibly-needed treatment plan. Unless he finds something unexpected, no chemotherapy will be required. By that time, I am hopeful that my strength will return and I can get back to a normal work routine.

I recall that there were statements in both appraisals that a six-to-twelve-month sales period was normal for a property of this type. We will be well within this guideline, and my use of the property will be a positive and appropriate addition to the "neighborhood."

Thank you for your continued help and consideration during this difficult period. I will address the related issues just as soon as I am able to do so.

Sincerely,

Stephen Lewis Davis

Copy to Kit Williams, Fayetteville City Attorney

CC: <city_attorney@ci.fayetteville.ar.us>

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 25, 2005

Subject: Rezoning for Marietta Camillieri (RZN 05-1358)

RECOMMENDATION

Planning Staff recommends approval of the requested rezoning for Marietta Camillieri, a 0.24-acre tract located at 1208 N. Garland Ave. This action will rezone the property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial.

BACKGROUND

The subject property is located at the northeast corner of North St. and Garland Ave., in what is commonly known as the Oak Plaza Shopping Center. There are a variety of zoning designations located in this area including C-1, C-2, R-O and RMF-24. The property to the east is zoned RMF-24 with single family homes currently existing. Several different businesses are located within this shopping center including a book store, a restaurant and a general retail store, among others.

The applicant requests rezoning the property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial to allow for uses more compatible and similar to the uses located within the shopping center.

Staff recommends approval of the proposed rezoning. The subject property is physically attached and shares parking with other commercial structures to the north and south which are zoned C-2, Thoroughfare Commercial and thus, this zoning would be in harmony with adjoining uses.

DISCUSSION

This item was heard at the regular Planning Commission meeting of January 24, 2005. The Planning Commission voted 9-0 in favor of the rezoning request.

BUDGET IMPACT None.

ORDINANCE NO. ______

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 04-1358 FOR PROPERTY LOCATED AT 1208 N. GARLAND AVENUE CONTAINING APPROXIMATELY 0.24 ACRES FROM C-1, NEIGHBORHOOD COMMERCIAL TO C-2, THOROUGHFARE COMMERCIAL

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

Section 1: **That the zone classification of the following described property is hereby changed as follows:**

From C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial as shown in Exhibit "A" attached hereto and made a part hereof.

Section 2. **That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.**

PASSED AND APPROVED this ______ day of __________, 2005.

APPROVED:

By:____________________
DAN COODY, Mayor

ATTEST:

By: ____________________
Sondra Smith, City Clerk

EXHIBIT "A"
RZN 04-1358

PART OF THE SOUTHWEST QUARTER (SW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION NINE (9), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH LIES 320 FEET EAST AND 870.37 FEET SOUTH OF THE NORTHWEST CORNER OF SAID FORTY (40) ACRE TRACT AND RUNNING THENCE SOUTH 89°44'36"EAST 208 FEET; THENCE SOUTH 51.23 FEET; THENCE NORTH 89°44'36"WEST 208 FEET; THENCE NORTH 51.23 FEET TO THE POINT OF BEGINNING, CONTAINING 10,658 SQUARE FEET OR 0.244 ACRES, MORE OR LESS, CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS.

TOGETHER WITH ALL APPURTENANCES THERETO, INCLUDING BUT NOT LIMITED TO, ALL RIGHTS REFLECTED IN THAT REAL ESTATE CONTRACT DATED JUNE 13, 1964, BETWEEN J. AUSTIN PARISH AND ETHEL R. PARISH, AS SELLERS, AND SUPER MARKET DEVELOPERS, INC., AS BUYER, WHICH REAL ESTATE CONTRACT IS RECORDED IN RECORD BOOK 622 AT PAGE 46 AND FOLLOWING IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER FOR WASHINGTON COUNTY, ARKANSAS.

Fayetteville
ARKANSAS
THE CITY OF FAYETTEVILLE, ARKANSAS

PC Meeting of January 24, 2005

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission
FROM:	Leif Olson, Associate Planner
THRU:	Jeremy C. Pate, Zoning & Development Administrator
DATE:	January 19, 2005

RZN 05-1538: Rezoning (CAMILLIERI, 450): Submitted by MARIETTA CAMILLIERI for property located at 1208 N. GARLAND AVENUE. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 0.24 acres. The request is to rezone the subject property from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial.
Property Owner: PHIL COLWELL Planner: LEIF OLSON

RECOMMENDATION:

Staff recommends approval of the requested rezoning based on the findings included as part of this report.

PLANNING COMMISSION ACTION:	**Required**	**YES**
Date: January 24, 2005	**O Approved**	**O Denied**
CITY COUNCIL ACTION:	**Required**	**YES**
Date: February 15, 2005 (1st reading if recommended)	**O Approved**	**O Denied**

Comments: ______________________________

BACKGROUND:

Property description: The subject property is located at the northeast corner of the intersection of North St. and Garland Ave., in the area commonly know as the Oak Plaza Shopping Center. The site/store is currently vacant and is zoned C-1, Neighborhood Commercial. Surrounding properties are zoned C-1, C-2, RMF-24, and R-O and are developed with a variety of residential and commercial uses. The primary use established in this area is commercial in nature.

The applicant proposes to operate a business on the subject property that is allowable in a C-2 zoning district, but not within a C-1 zoning district.

Background: The property containing the shopping center was originally rezoned from R-2 to C-1 in 1967. In subsequent years the parcel has been subdivided and rezoned several times. Currently the subject property is located in between two larger parcels that exist within a C-2 zoning district, and are physically connected as structures. Businesses located in the shopping plaza include Movie Gallery, Book Circus, Rock Bottom Comics, Hogs Breath Eatery, and a Dollar General store. The structure on the lot is physically attached to other commercial structures to the north and south, developed as part of the overall shopping center. It shares parking with other commercial lots in the center zoned C-2.

The intersection of Garland Ave. (State Hwy 112) and North St. serves as a large commercial node with an assortment of residential, shopping, banking, restaurant, grocery, and assorted convenience commercial uses located in close proximity to each other, serving the surrounding community.

Proposal: The applicant proposes a rezoning of the subject property to C-2, Thoroughfare Commercial, to allow for uses more compatible and similar to the uses that surround the parcel.

SURROUNDING LAND USE AND ZONING

Direction	Land Use	Zoning
North	Restaurant – Hogs Breath Eatery	C-2, Thoroughfare Commercial
South	Retail – Book Circus	C-2, Thoroughfare Commercial
East	Residential	RMF-24
West	Parking Lot	C-2, Thoroughfare Commercial

INFRASTRUCTURE:

Streets: Access to the site is provided by Garland Ave., a minor arterial, and Mt. Comfort Rd., a local street, as identified in the Master Street Plan.

Water: The property currently has access to a 1" water line located at the rear of the property.

Sewer: The site has access to a 6" sewer main located at the rear of the property.

Fire: The Fayetteville Fire Department has reviewed the request and has estimated that the response time from Fire Station #2 to the site would be approximately 1 minute for a distance of 0.3 miles.

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 Community Commercial. Rezoning this property to C-2, Thoroughfare Commercial, is consistent with the land use plan for a commercial use and is compatible with surrounding properties that are similarly zoned C-2.

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 current land use planning objectives and policies and is compatible with adjacent properties in the same district. Surrounding properties are primarily commercial in nature, and largely function within a C-2 district. The property in question lies between two parcels that are zoned C-2, while physically attached with common walls. Rezoning the property to a C-2 district is desirable, in order to promote a consistent, orderly land use and zoning plan.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The proposed zoning is justified in order to promote orderly and consistent development patterns. The General Plan 2020 identifies the Guiding Policies for Community Commercial areas as: "centers that are accessible and compatible with adjacent residential development" and "uses within community commercial areas [that] primarily serve residents of Fayetteville." The shopping center in which this parcel is located does serve the community at large, and a consistent zoning district enables a sound approach to redevelopment and reuse of existing structures.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **Future development with the proposed zoning would not potentially increase traffic accessing onto Mt. Comfort Rd. or Garland Ave.**

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.**

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. Public service providers have responded accordingly:**

Police – **This rezoning will not substantially alter the population density thereby undesirably increasing the load on police services.**

Fire – **This rezoning is in close proximity to Fire Station #2 and has an adequate response time of 1 minute.**

Engineering - **The property currently has access to a 1" water main and a 6" sewer main located at the rear of the property. These mains will be sufficient to supply water and sewer service for the site.**

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**

161.16 District C-1, Neighborhood Commercial

(A) *Purpose.* The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping
Unit 18	Gasoline service stations and drive-in restaurants
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 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	10 ft.
Rear	20 ft.

(F) *Height regulations.* There shall be no maximum height limits in C-1 District, provided, however, that any building which exceeds the height of 10 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 10 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot.

161.17 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities

(C) *Density.* None.
(D) *Bulk and area regulations.* None.
(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

To the City of Fayetteville

#6.

A. Philip J. ~~Coldwell~~ Colwell is the owner and to my knowledge that there are no plans to sell .

B. I wish to put in a shop that requires a C2 zoning status .

C. The store will attract potential customer for the other shops and vise versa . This in not a high volume shop . Maybe at most 6 cars for customers at a time . Most times 1 or 2 cars . The store front already has a sign installed . I will replace the plastic cover with the store's name . Very low impact .

D. 6"sewer line located outside of the building in back on the east side .

#7.

A. 1206 and 1210 , the two joining store fronts are zoned as C2.

B. At one time 1206 and 1208 (the space I desire) were the same store . There is a wall dividing the space to make 2 stores . They share the same water meter and the bathroom for 1206 is in the far back on the side of 1208 .Yet 1206 is zoned C2 , 1208 is zoned C1 .

C. I don't see how .

D. I don't believe so .

E. The present zoning is limiting .

Fayetteville Fire Department Service Delivery Impact: Zoning Review January 10, 2005

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
RZN 04-1358	Camillieri 405			S2	.3 miles	1 minute	1 minute	n/a	n/a	n/a

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

January 13, 2005

RECEIVED
JAN 1 8 2004
PLANNING DIV.

Dawn Warrick
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Warrick,

This document is in response to the request for a determination of whether the proposed **RZN 05-1358 Rezoning (Camillieri, 405)** submitted by Marietta Camillieri for property located at 1208 N. Garland would substantially alter the population density and thereby undesirably increase the load on public services or create an appreciable increase in traffic danger and traffic congestion.

It is the opinion of the Fayetteville Police Department that this Rezoning **will not** substantially alter the population density and thereby undesirably increase the load on police services or create an appreciable increase in traffic danger and traffic congestion.

Sincerely,

Lieutenant William Brown
Fayetteville Police Department

ADJACENT PROPERTY / BLDG

ORDINANCE NO. 3592

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION R92-3 FOR A PARCEL LOCATED ON THE EAST SIDE OF GARLAND AVENUE AND NORTH OF MT. COMFORT ROAD (IN OAK PLAZA SHOPPING CENTER) AT 1220 N. GARLAND.

BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the zone classification of the following described property is hereby changed as follows:

R92-3 for the real property described in Exhibit "A" attached hereto and made a part hereof.

From C-1, Neighborhood Commercial District, to C-2, Thoroughfare Commercial District.

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 4th day of February, 1992.

APPROVED:

By: Fred S Vorsanger
Mayor

ATTEST:

By: Sherry L. Thomas
City Clerk

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Planning Commission

FROM: Alett S. Little, Planning Management Director

DATE: January 7, 1992

SUBJECT: Petition by Richard Osborne, representing Thomas F. James and subsequently Sterling Anders, for rezoning of property at 1220 N. Garland

---

Request: Rezoning from C-1, Neighborhood Commercial, to C-2, Thoroughfare Commercial

Location:

This property is located in an area commonly known and referred to as Oak Plaza Shopping Center, an established shopping area. The parcel under consideration is the building formerly occupied by the Dillon's Food Store at 1220 N. Garland. The property abuts and has 536' of frontage along Mt. Comfort Road, a collector street to two streets designated on the master street plan as major arterials.

Land Use and Zoning:

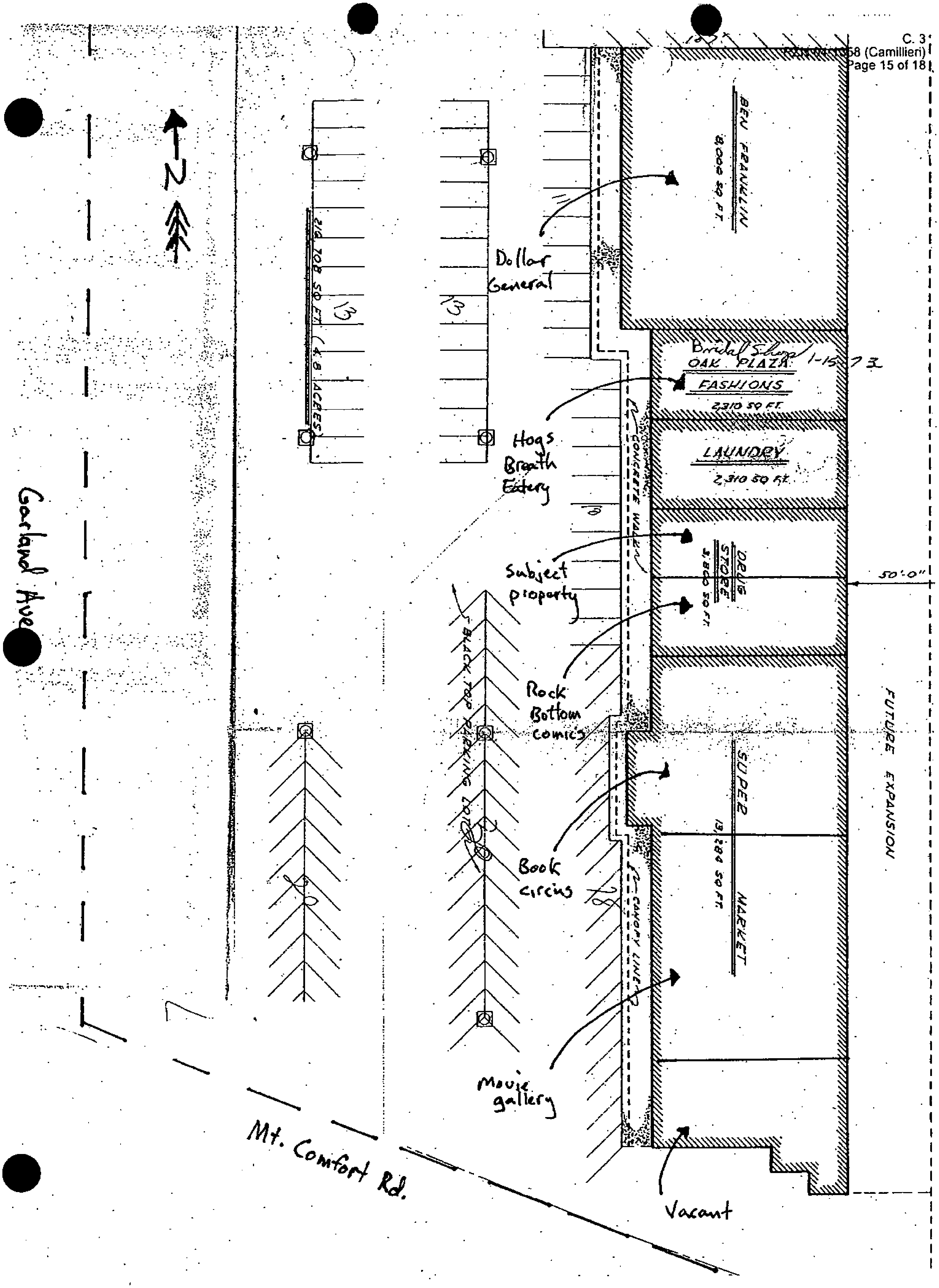
Current zoning on this parcel is C-1. Zoning to the north is C-2, to the east is R-0, and to the south is C-1. Zoning to the west is C-1 and C-2. Zoning for the parcel located southwest of the intersection of Garland and Wedington (Parson's property) is under appeal, however it will probably be either R-1 or C-1 depending on the outcome of the appeal. The structure on the lot is physically attached to other commercial property to the north and shares parking with other commercial lots zoned C-2. Existing businesses are, to the north, Oak Plaza Pharmacy, Oak Plaza Laundry, Hog's Breath Eatery, Triangle Arts Store, Donut Shop, and DJ's Hair Factory. Mr. Burger, a fast-food restaurant, is located to the south with access through the parking lot. To the west in connected buildings are three businesses: Tans & Trims, Life of Georgia, and a Barber Shop.

Petitioner has requested rezoning for two reasons:
1. To accomodate a prospective purchaser
2. To achieve zoning consistent with other similar shopping centers

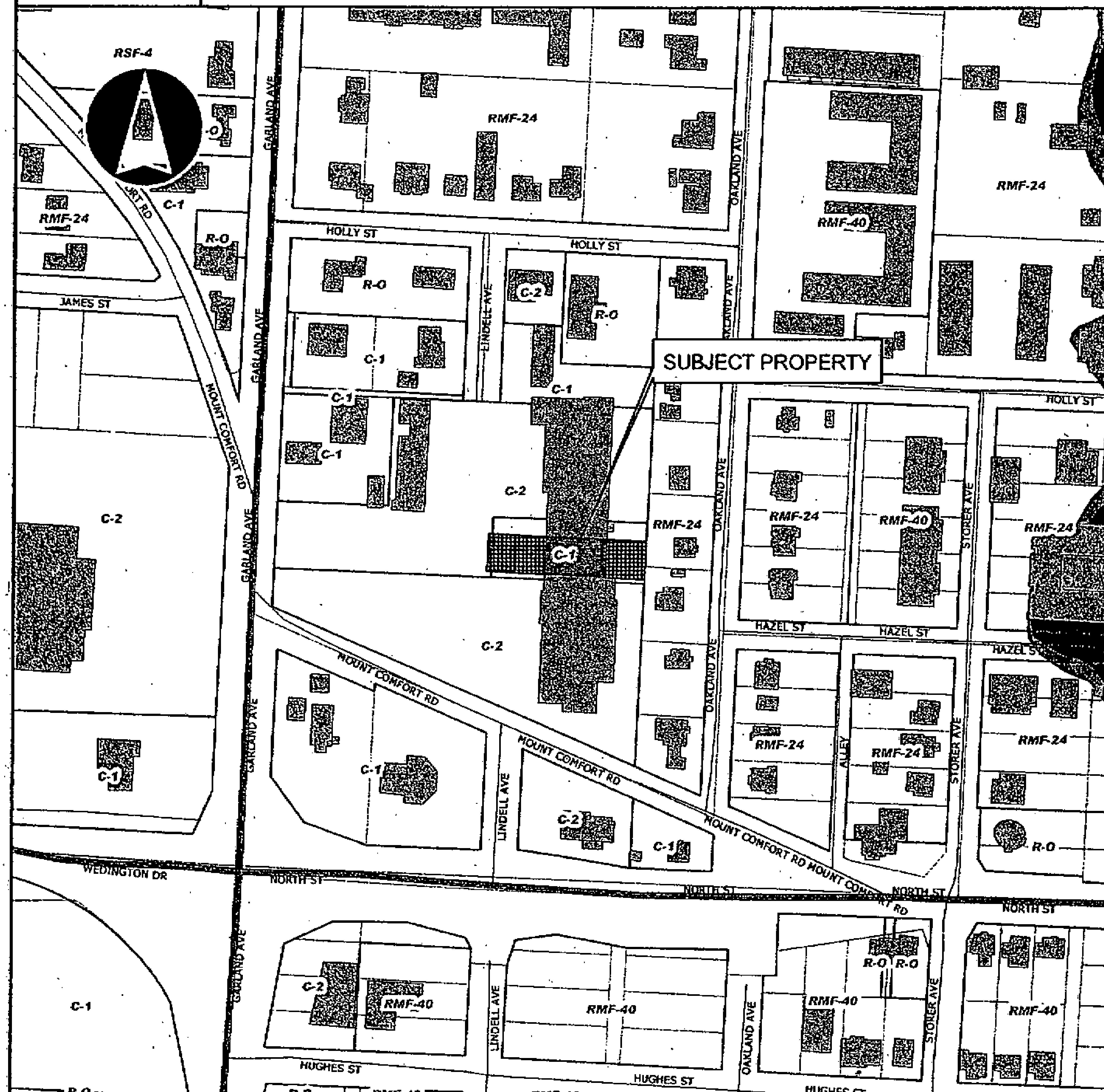
Staff Recommendation:

Staff recommends that subject property be rezoned C-2.

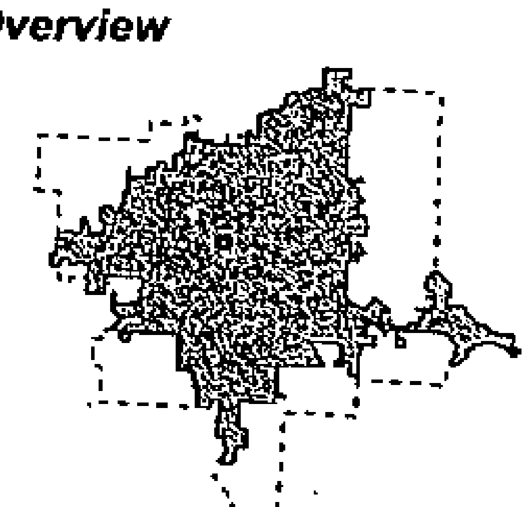
C-1 zoning is primarily to serve neighborhood commercial needs, while C-2 zoning is primarily to serve areas along highways. Mt. Comfort is a collector street which connects North Street with Garland (Hwy 112). This area is shown to be commercial (C-1, C-2, C-3, or C-4) on the land use plan prepared for the 1970 general plan. This parcel is located in a recognized shopping area and has extensive frontage on Mt. Comfort, a collector street to two streets designated on the master street plan as major arterials. An additional factor in favor of rezoning subject parcel is that the buildings which adjoin the former Dillon's Store to the north are currently zoned C-2. Rezoning of subject parcel should not substantially affect the amount or flow of area traffic.


N
Garland Ave
Mt. Comfort Rd.
BEN FRANKLIN
8,000 SQ. FT.
Dollar General
210,708 SQ. FT. (4.8 ACRES)
13
13
Bridal Shop
OAK PLAZA
1-15-73
FASHIONS
2,310 SQ. FT.
Hogs Breath Eatery
LAUNDRY
2,310 SQ. FT.
CONCRETE WALK
DRUG STORE
3,800 SQ. FT.
Subject property
50'-0"
BLACK TOP PARKING LOT
Rock Bottom comics
SUPER MARKET
13,284 SQ. FT.
FUTURE EXPANSION
Book circus
CANOPY LINE
28
28
Movie gallery
Vacant

RZN 05-1358	CAMILLIERI
Close Up View	



Overview



Legend

RZN 05-1358

Overlay District

Master Street Plan

Master Street Plan

Principal Arterial

Minor Arterial

Collector

Freeway/Expressway

Historic Collector

FLOODWAY

100 YEAR

500 YEAR

LIMIT OF STUDY

BaseLine Profile

Fayetteville

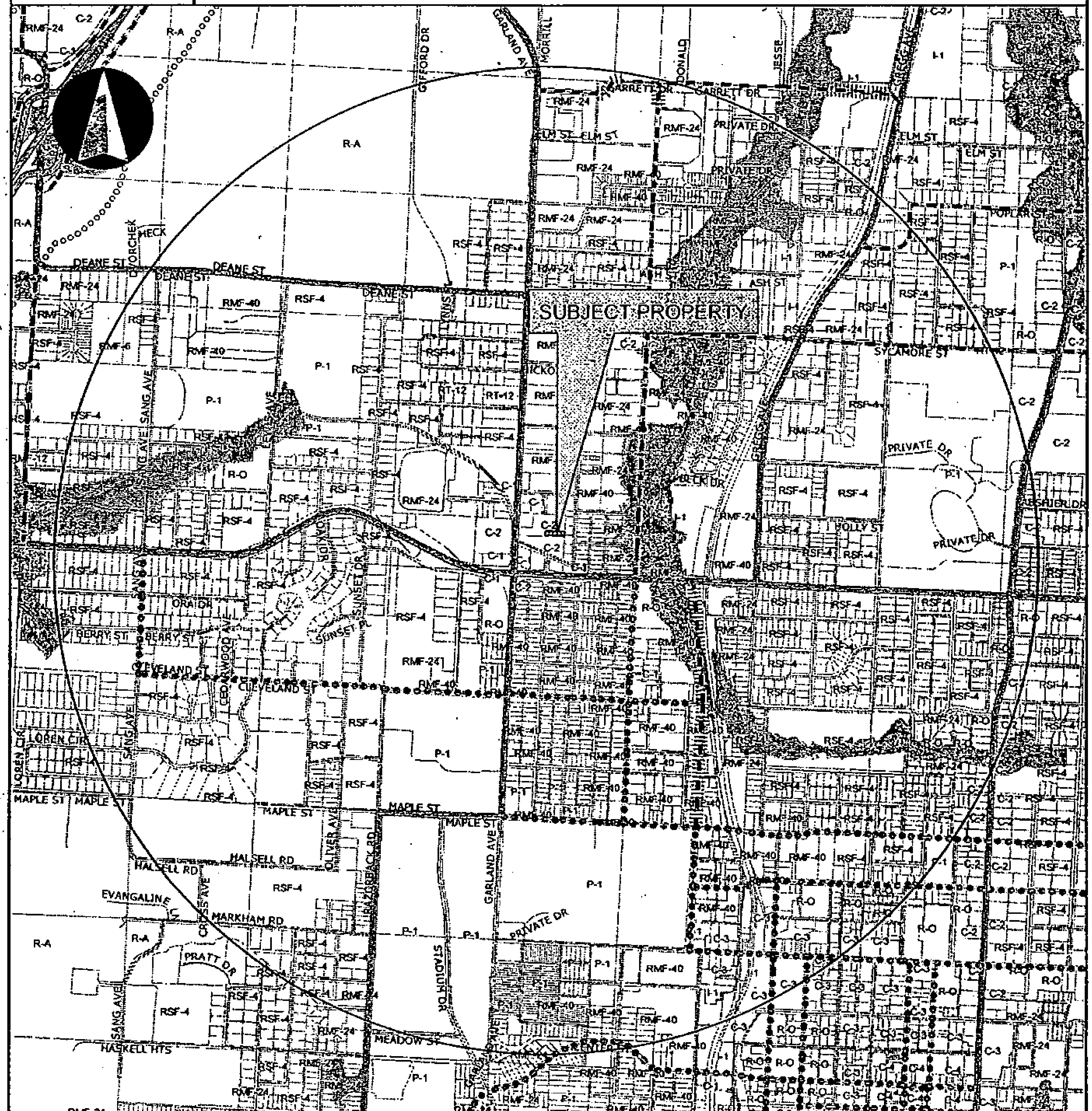
Outside City

0 75 150 300 450 600 Feet

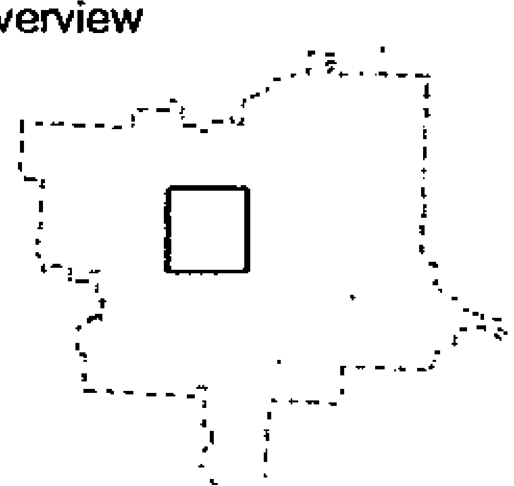
RZN 05-1358

One Mile View

CAMILLIERI



Overview



Legend

Subject Property

RZN 05-1358

Boundary

Planning Area

Overlay District

Outside City

Master Street Plan

Master Street Plan

Freeway/Expressway

Principal Arterial

Minor Arterial

Collector

Historic Collector

0 0.05 0.1 0.2 0.3 0.4

Miles

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Jeremy Pate JP	Planning	Operations
Submitted By	Division	Department

Action Required:

RZN 04-1358: (CAMILLIERI, 405): Submitted by MARIETTA CAMILLIERI for property located at 1208 N. Garland Avenue. The property is zoned C-1, Neighborhood Commercial and contains approximately 0.24 acres. The request is to rezone the subject property to C-2, Thoroughfare Commercial. .

$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director ________ Date 1-28-05

City Attorney ________ Date 2/2/05

Mayor ________ Date ________

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office ENTERED

Received in Mayor's Office

Comments:

Fayetteville
ARKANSAS

The City of Fayetteville, Arkansas

BUILDING SAFETY DIVISION

DEPARTMENTAL CORRESPONDENCE

TO: Kit Williams, City Attorney

FROM: Steve Cattaneo, Building Safety Director

DATE: January 20, 2005

RE: Ordinance change

This change merely clarifies what has been in practice since enforcement was transferred to the Code Compliance Division. I have spoken with Yolanda and she agrees that this section need to be up-dated.

173.08 Unsafe Buildings

(A) No person or persons, partnership, corporation or association, hereinafter referred to as "owner", shall keep or maintain any house or building within the corporate limits of the city which has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

(B) *Abatement procedure.*
Resolution. The rules and procedures of the ~~inspection department~~ **Code Compliance Division** for cleanup, raze and removal of property shall be followed. If the results of such efforts are unsatisfactory, the ~~Building Safety~~ **Code Compliance** Division Director may forward the matter to the City Council for consideration. The City Council may by resolution make the following determinations and issue the following order:

(1) *Determination of condition.* The City Council may by resolution determine that a building or house has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.
(2) *Order of raze and removal.* If it is determined that a building or house has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare, the City Council may order the house or structure razed and removed.

(Code 1991, §151.51, 151.52(A)(1)(2); Ord. No. 3948, 02-20-96; Ord. No. 4100, §2 (Ex. A), 6-16-98)

State law reference(s)—Removal or razing of buildings, A.C.A. §14-56-203.

ORDINANCE NO. _____

AN ORDINANCE CLARIFYING RESPONSIBILITY FOR ENFORCEMENT OF § 173.08(B), UNIFIED DEVELOPMENT CODE: UNSAFE BUILDINGS.

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

<u>Section 1</u>. That § 173.08(B), Unified Development Code, City of Fayetteville Code of Ordinances is hereby repealed, and the following is inserted in its stead:

(B) *Abatement procedure.*

Resolution. The rules and procedures of the Code Compliance Division for cleanup, raze and removal of property shall be followed. If the results of such efforts are unsatisfactory, the Code Compliance Division Director may forward the matter to the City Council for consideration. The City Council may by resolution make the following determinations and issue the following order:

(1) *Determination of condition.* The City Council may by resolution determine that a building or house has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare.

(2) *Order of raze and removal.* If it is determined that a building or house has become dilapidated, unsafe, unsanitary, or detrimental to the public welfare, the City Council may order the house or structure razed and removed.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ________________________
DAN COODY, Mayor

ATTEST:

By: ________________________
SONDRA SMITH, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items

Feb. 15, 2005
City Council Meeting Date

Steve Cattaneo	Building Safety	Operations
Submitted By	Division	Department

Action Required:

Edit Ordinance 173.08 "Unsafe Buildings" to reflect that the responsibility for raze and removal has been transferred to the Code Enforcement Division.

Please see attached memo.

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 ☐

Department Director	1-28-05 Date	Previous Ordinance or Resolution #
City Attorney	1/28/05	Original Contract Date:
Finance and Internal Service Director	1/31/05 Date	Original Contract Number:
Mayor	2/1/05 Date	

Received in City Clerk's Office
ENTERED 1/31/05

Received in Mayor's Office
1/28/05 PH.

Comments: Code Enforcement took on this responsibility when the Division was created a couple of years ago. This Ordinance change merely clarifies what has been in practice. The Code Enforcement Director supports this action.

City Council Meeting of Febuary 15, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Operations Director

From: Gary Coover, Staff Engineer

Date: January 27, 2005

Subject: Approval of a payment to the Arkansas Highway and Transportation Department for right-of-way acquisitions and utility adjustments in the amount of $330,000 for the widening of Gregg Avenue between Township Street and Fulbright Expressway.

RECOMMENDATION

The staff recommends that the City Council approve a payment of $330,000 to AHTD for land acquisition and utility relocations for the Gregg Avenue widening project between Township Street and Fulbright Expressway.

BACKGROUND

The City has adopted a resolution with the Arkansas Highway and Transportation Department to enter into an agreement for the widening of Gregg Avenue between Township Street and Fulbright Expressway. AHTD will construct the new roadway at their cost in exchange for the City reimbursing AHTD for right-of-way acquisitions and utility relocations. Once the project is complete, the City will accept for future maintenance the entire section of Highway 180 from N. College to the Fulbright Expressway, which includes Township Street between N. College and Gregg Avenue, and Gregg Avenue from Township Street to the Fulbright Expressway. Any improvements to Township Street will be the responsibility of the City.

DISCUSSION

The City's cost share portion of this project has already been budgeted for in two separate 2004 CIP projects: 02129 (Gregg Avenue Waterline Relocation) and 04010 (Gregg Avenue Right-of-Way). The waterline design is already well underway by contract with Garver Engineers, and the right-of-way costs are addressed in this current agenda request.

BUDGET IMPACT

This $330,000 expenditure has been budgeted in the 2004 CIP as Project #04010 (Gregg – Fulbright to Township ROW). The entire 2004 budget of $360,000 has been carried forward to 2005 and is available for this payment to AHTD.

# # #

RESOLUTION NO. ______

A RESOLUTION APPROVING A PAYMENT TO REIMBURSE THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD) IN THE AMOUNT OF $330,000.00 FOR RIGHT-OF-WAY ACQUISITION FOR THE WIDENING OF GREGG AVENUE BETWEEN TOWNSHIP STREET AND THE FULBRIGHT EXPRESSWAY; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $360,000.00.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $360,000.00.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400

P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

January 26, 2005

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

Re: Job 040420
Township Rd.-Futrall Dr.
(Gregg Ave.-Fayetteville) (S)
Washington County

Dear Mayor Coody:

Reference is made to my December 21, 2004 letter regarding right of way acquisitions and utility adjustments for the subject project. The amount requested in this letter inadvertently included funds for the relocation of the City's water facilities. Relocation of the water facilities will be handled by the City at no cost to the Department.

The amount due for utility adjustments has been revised to $185,000. The cost estimate for right-of-way acquisitions remains unchanged at $145,000. As previously agreed, the City is responsible for all costs relative to right-of-way and eligible utilities. In order for the Department to proceed, please submit a check in the amount of $330,000 (made payable to the Arkansas State Highway and Transportation Department) to this office.

If you have any questions, please contact Kay Crutchfield in our Right of Way Administrative Section at (501) 569-2333 or Ralph Williams in our Utilities Section at (501) 569-2146.

Yours truly,

Robert L. Walters
Chief Engineer

c: Assistant to the Director
Programs and Contracts
Planning and Research
Right of Way (2 copies)
District 4 Engineer
Fiscal Services (2 copies)
Job 040420 "C" File

Post-it® Fax Note 7671	Date 1/26/05 # of pages ▶ 1
To Ron Petrie	From Steve Morgan
Co./Dept. City of Fayetteville	Co. AHTD
Phone # (479) 575-8206	Phone # (501) 569-2261
Fax # (479) 575-8202	Fax #

RESOLUTION NO. 110-01

A RESOLUTION SUPPORTING THE WIDENING OF ARKANSAS HIGHWAY 180 (GREGG STREET) BETWEEN U.S. HIGHWAY I-540 (BYPASS) AND TOWNSHIP STREET, URGING THE HIGHWAY COMMISSION TO AUTHORIZE SAID WIDENING, AND FOR OTHER PURPOSES

WHEREAS, the portion of State Highway 180 (Gregg Street) between U.S. Highway I-540 (Bypass) and Township Street is an arterial thoroughfare in Fayetteville; and

WHEREAS, State Highway 180 was omitted from the Highway Improvement Program of 2001-2003 leaving any improvements to said highway years in the future; and

WHEREAS, the City of Fayetteville, recognizing this significance of this highway to the economic well-being of the new Washington Regional Medical Center, Medical Park, and north area of Fayetteville, believes that innovative approaches should be taken immediately to ensure essential improvements are made to this highway; and

WHEREAS, the Street Committee of the City Council of the City of Fayetteville, Arkansas unanimously recommends that the City agree to purchase right-of-way for the widening of Gregg Street and agree to assume maintenance of Gregg Street after its widening by the Arkansas Highway Department.

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

Section 1. State Highway Commissioner Jonathan Barnett is hereby authorized to ask the Arkansas Highway Commission to pursue a Minute Order seeking immediate assistance for the widening to four lanes with turn lanes at important intersections between U.S. Highway I-540 (Bypass) and Township Street pursuant to the following conditions:

a. The City of Fayetteville will agree to acquire the necessary right-of-way; and

b. The City of Fayetteville assumes responsibility for the relocation of all utilities; and

c. The City of Fayetteville agrees to accept the highway as a City street when completed.

PASSED and **APPROVED** this the 7th day of August, 2001.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Gina Roberts
~~Heather Woodruff~~, City Clerk
Deputy

URB

ARKANSAS STATE HIGHWAY COMMISSION

MINUTE ORDER

District: Four
County: Washington
Category: Improvement Project

WHEREAS, IN WASHINGTON COUNTY, on Highway 180, Section 2, (Gregg Avenue) from Township Road to Futrall Drive, the City of Fayetteville has requested that an improvement project be programmed; and

WHEREAS, the City of Fayetteville has adopted a resolution agreeing to the following conditions:

1. The City will reimburse the Department for right-of-way acquisition and relocation of all utilities.

2. The City agrees to accept the entire section of Highway 180 Section 2 from Highway 71B Section 16 to Shiloh as a city street upon completion of the improvements. This will include the portion of Highway 180 (Township Road) between Highway 71B Section 16 (College Avenue) and Gregg Avenue.

NOW THEREFORE, the Director is authorized to proceed with surveys, plans and construction as funds become available.

FURTHERMORE, it is ordered that upon completion of this project, Highway 180, Section 2, along Township Road and Gregg Avenue from Highway 71B Section 16 to Shiloh, will no longer be a part of the State Highway System. This change will become effective upon notification from the Chief Engineer.

040420 - Township Rd.-Futrall Dr. (Gregg Ave.-Fayetteville) (S)

Approved:

Chairman

Vice-Chairman

Member

Member

Member

Submitted By:

Assistant to the Director for Program Management

PNW

Approved:

Director

Minute Order No. **2003 080**

Date Passed **MAY 21 2003**

P&C:PA:KAH:05-14-03

Form 19-456
Rev. 6/9/2000

COPY TO: ADPM, ACE-Planning, P&C, PA, PD, Env., P&R, R/W, Rdwy., Surveys, Traffic Safety, Dist. 4, "C" File

18

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Sales Tax Capital Improvements Division: Program:	Date Requested	Adjustment Number
2005		2/15/2005	-

Project or Item Requested:
$360,000 is needed in the Gregg-Fulbright to Township ROW capital project.

Project or Item Deleted:
None. $360,000 from the Sales Tax Capital Improvements Fund Use of Fund Balance account.

Justification of this Increase:
The funding is needed for the payment to the AHTD for ROW.

Justification of this Decrease:
The $360,000 comes from project funds remaining in 2004. This adjustment is in advance of the normal re-budgeting process that will be before City Council on March 1, 2005.

The funds budgeted in 2004 will go back to the Use of Fund Balance.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Street improvements	4470	9470	5809	00	360,000	04010	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
Use of fund balance	4470	0947	4999	99	360,000		

Approval Signatures

	Date
Requested By	
Budget Manager	2-1-05
Department Director	
Finance & Internal Services Director	2-1-05
Mayor	

Budget Office Use Only

Type: A B C D E

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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Gary R. Coover	Engineering	Operations
Submitted By	Division	Department

Action Required:

Approval of payment to AHTD for utility relocation and right-of-way acquisition for widening of Gregg Avenue between Township Street and Fulbright Expressway.

$330,000.00	$ 360,000.00	Gregg - Fulbright to Township ROW
Cost of this request	Category/Project Budget	Program Category / Project Name
4470.9470.5809.00	$ -	Street Improvements
Account Number	Funds Used to Date	Program / Project Category Name
04010	$ 360,000.00	Sales Tax
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [X]

Department Director 1-28-05 Date

City Attorney 1/28/05

Finance and Internal Service Director 2-1-05 Date

Mayor 2/1/05 Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office

Received in Mayor's Office
Jim 1-28-05

Comments:

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

Date: 1/31/05

To: Mayor Dan Coody

Thru Gary Dumas, Director of Operations
Connie Edmonston, Parks and Recreation Director

From: Steve Hatfield, Park Landscape Architect, Trails & Greenways Coordinator Steve

Reference: West Mud Creek Multi-use Trail

Subject: Final Payment and approval of final quantity reconciliations

Background:
West Mud Creek Trail is a wonderful multi-use trail that follows Mud creek from Front Street to Steele Blvd. This project was originally designed by Milholland Engineering and sent out to bid in October of 2002. There were four bids with the low bid in the amount $1,153,681.00. It was determined at that time to not award the contract and redesign the project in-house. With assistance from Engineering for drainage design, we looked at all design issues and implemented many cost reducing changes as well as improvements to the trail experience.

Current Status:
The re-designed project bids were opened and the low bid was from Sweetser Construction in the amount of $ 426,936.03. This amount is a 63% reduction in cost from the original bid. The final quantities reconciliation is complete and the project is over in some pay items. Please see attached change order for a listing of quantities. The estimated quantities used in project were based on the Geotechnical Engineer's recommendation of building the trail in the dry part of the year. Many factors out of our control prevented this from happening, such as an extremely wet spring and summer and the publics desire to complete the trail project in a timely fashion.

Recommendation:
Parks and Recreation staff recommends approving Change Order #3 which includes all final quantity reconciliations. This project currently has the funds needed to cover this expenditure.

cc: files

City of Fayetteville
Parks and Recreation Division
113 W. Mountain Street, Fayetteville, Arkansas 72701
Telephone: 501-718-7688 E-mail: shatfield@ci.fayetteville.ar.us

FAYETTEVILLE
PARKS & RECREATION

MEMORANDUM

Date:	1/27/05
To:	Mayor Dan Coody and City Council Members
Thru	Gary Dumas, Director of Operations Connie Edmonston, Parks and Recreation Director
From:	Steve Hatfield, Park Landscape Architect, Trails & Greenways Coordinator Steve
Reference:	West Mud Creek Multi-use Trail
Subject:	Final Payment and approval of additional funds

Background:
West Mud Creek Trail is a wonderful multi-use trail that follows Mud creek from Front Street to Steele Blvd. This project was originally designed by Milholland Engineering and sent out to bid in October of 2002. There were four bids with the low bid in the amount $1,153,681.00. It was determined at that time to not award the contract and redesign the project in-house. With assistance from Engineering for drainage design, we looked at all design issues and implemented many cost reducing changes as well as improvements to the trail experience.

In 2002, the Parks and Recreation Division applied and was awarded a $200,000 dollar 80/20 matching grant from the Arkansas State Highway and Transportation Department for this project. The city also has an outstanding 80/20 matching grant from previous trail projects that can be applied to West Mud Creek Trail.

Current Status:
The re-designed project bids were opened and the low bid was from Sweetser Construction in the amount of $ 426,936.03. This amount is a 63% reduction in cost from the original bid. The final quantities reconciliation is complete and the project is over in some pay items. The estimated quantities used in project were based on the Geotechnical Engineer's recommendation of building the trail in the dry part of the year. Many factors out of our control prevented this from happening, such as an extremely wet spring and summer and the publics desire to complete the trail project in a timely fashion.

Recommendation:
Parks and Recreation staff recommends approving an additional expenditure of $14,488.38 above the current contract price including the project contingency. This project currently has the funds needed to cover this expenditure.

cc: files

City of Fayetteville
Parks and Recreation Division
113 W. Mountain Street, Fayetteville, Arkansas 72701
Telephone: 501-718-7688
E-mail: shatfield@ci.fayetteville.ar.us

RESOLUTION NO. ______

A RESOLUTION APPROVING CHANGE ORDER #3 TO THE CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF $59,295.43 AS FINAL RECONCILIATION OF THE WEST MUD CREEK MULTI-USE TRAILPROJECT.

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 Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail project.

PASSED and **APPROVED** this 15th day of February, 2005.

APPROVED:

By: ________________________

DAN COODY, Mayor

ATTEST:

By: ________________________

SONDRA SMITH, City Clerk

CHANGE ORDER NO. ___3________Cost Plus _____Pre-Agreed Unit Price ___X_____

Project Name and Number: West Mud Creek Trail Construction

Name of Contractor: Jerry D. Sweetser Construction, Inc

Address of Contractor: 590 West Poplar, Fayetteville, AR 72703

Date of Contract: August 12, 2003

Original Amount of Contract: $ $426,936.03

Total Amount of All Previous Change Orders: $ $19,930.00

Subject and Reason For This Change Order: Final pay request reconciliation Actual quantities have been submitted for final payment.

Additional Time Requested: ___0__ Calendar Days
Total Cost of All Materials, Labor and profit $ __59,295.43__ (Attach Itemization With Unit and Total Costs)

Total Amount of This Change Order: $ $59,295.43
Dated this __1th_ day of __December, 2004

ITEM	DESCRIPTION	UNITS	QUAN Actual	QUAN Estimate	UNIT	Total Cost Estimate	Total Cost Actual
5	TREE PROTECTION FENCING (18)	LF	0.00	500.00	5.00	2,500.00	0.00
10	UNDERCUT AND BACKFILL (10)	C.Y.	1115.00	500.0	16.00	8,000.00	17,840.00
11	TEMPORARY BALE BARRIERS (10)	L.F.	75.99	200.0	5.00	1,000.00	379.95
12	TEMPORARY SILT FENCE	L.F.	5725.00	4935.0	4.00	19,740.00	22,900.00
14	IMPORTED TOP SOIL (10)	CY	0.00	200.00	24.00	4,800.00	0.00
15	GRASSED SWALE	LS	0.00	1.00	2,500.00	2,500.00	0.00
16	CONCRETE SWALE (10' WIDE, 2' DEEP)	LF	0.00	20.00	75.00	1,500.00	0.00
17	AGGREGATE BASE (CLASS 7)	C.Y.	2248.14	1485.0	28.00	41,580.00	62,947.92
19	CONCRETE TRAIL	SY	1101.33	1133.3	32.00	36,265.60	35,242.56
20	ASPHALT CONCRETE TYPE "3" (14)	TON	741.60	593.8	42.00	24,939.60	31,147.20
22	14" x 23" ELLIPTICAL CONCRETE PIPE (17)	LF	84.00	54.0	66.00	3,564.00	5,544.00
23	29" x 45" ELLIPTICAL CONCRETE PIPE (17)	LF	56.00	60.0	148.75	8,925.00	8,330.00
24	18" Reinforced Concrete Pipe (17)	LF	160.00	140.0	40.00	5,600.00	6,400.00
25	24" Corrugated Metal Pipe (17)	LF	185.00	182.0	41.50	7,553.00	7,677.50
26	24" Reinforced Concrete Pipe (17)	LF	328.00	254.0	59.50	15,113.00	19,516.00
29	48" Reinforced Concrete Pipe	LF	32.00	30.0	225.00	6,750.00	7,200.00
30	18 - inch Concrete Flared End Section	EA	3.00	2.0	1,000.00	2,000.00	3,000.00
31	14 - inch x 23 - inch Concrete Flared End Section	EA	4.00	3.0	1,050.00	3,150.00	4,200.00
32	24 - inch Concrete Flared End Section	EA	15.00	16.0	1,150.00	18,400.00	17,250.00
34	48 - inch Concrete Flared End Section	EA	1.00	2.0	2,950.00	5,900.00	2,950.00
37	12' X 3' BOX CULVERT W/ WINGWALLS & CONC. APRONS	LF	36.50	36.0	850.00	30,600.00	31,025.00
38	4 Ft. x 4 Ft. Junction Box	EA	1.00	1.0	1,800.00	1,800.00	1,800.00
39	4 Ft. x 4 Ft. Box w/ Area Inlet (12 - inch x 4 Ft)	EA	1.00	1.0	2,500.00	2,500.00	2,500.00
40	4 Ft. x 6 Ft. Box w/ Area Inlet (6 - inch x 6 Ft)	EA	1.00	1.0	2,100.00	2,100.00	2,100.00
41	12 Ft. x 5 Ft. Box w/ Area Inlet (9 - inch x 10 Ft)	EA	1.00	1.0	7,000.00	7,000.00	7,000.00
42	GEOCOIR/DeKOWE 700 EROSION CONTROL FABRIC	SY	0.00	430.0	2.50	1,075.00	0.00
43	MIRAMAT TM8 EROSION CONTROL FABRIC	SY	370.61	350.0	5.00	1,750.00	1,853.05
44	RIP-RAP (MAXIMUM 18")	TON	343.19	200.0	55.00	11,000.00	18,875.45
45	FENCE STYLE CLF (4' HIGH NOBAR) (8)	L.F.	550.00	591.0	12.00	7,092.00	6,600.00
46	AHTD TYPE (D) FENCE (10)	L.F.	0.00	85.0	10.00	850.00	0.00
48	CEDAR SIGN POST INSTALLED (13)	L.F.	330.00	260.0	12.60	3,276.00	4,158.00
51	SHEET ALUMINUM SIGNS (16)	S.F.	139.00	146.8	18.50	2,715.80	2,571.50
52	2 1/2" SQUARE TUBE POSTS (13)	L.F.	84.00	158.0	13.65	2,156.70	1,146.60
53	TRAFFIC STRIPE (PAINT) (4" WIDE) (7)	L.F.	2187.33	5500.0	0.30	1,650.00	656.20
54	Compacted Embankment-Select Hillside Material (Borrow)) In-Place	CY	2783.02	600.0	10.00	6,000.00	27,830.20
55	UNDERCUT		594.66	0.0	6.00	0.00	3,567.96
56	B Stone		847.94	0.0	18.00	0.00	15,262.92
	(#) Denotes construction notes on sheet 4			SUB-TOTAL		301,345.70	360,641.13
				TOTAL Change Order # 3			$59,295.43

CHANGE ORDER NO. ___3_

CITY OF FAYETTEVILLE

Parks & Recreation Division

By: Steve Hatfield
Parks Landscape Architect

Jerry D. Sweetser Construction Inc
Contractor

By:
Title: PRESIDENT
ATTEST: Seth Napier

CITY OF FAYETTEVILLE

By:______________________
Mayor
ATTEST:

____

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

~~NA~~ Feb. 15, 2005
City Council Meeting Date

Steve Hatfield	Parks & Recreation	Operations
Submitted By	Division	Department

Action Required:

Approve Change Order #3 (see attached) to Jerry D. Sweetser Construction, Inc. in the amount of $59,295.43 for the construction of the West Mud Creek Multi-use trail.

$ 59,295.43	$ 621,924.00	West Mud Creek Trail
$ -	$ -	
Cost of this request	Category/Project Budget	Program Category / Project Name
	$ 397,350.41	Parks Development Capital
2250.9255.5814.00	$ -	
Account Number	Funds Used to Date	Program / Project Category Name
	$ 224,573.59	
03028.1	$ -	Parks Development
Project Number	Remaining Balance	Fund Name

Budgeted Item [X] Budget Adjustment Attached [ ]

Previous Ordinance or Resolution # 118-03
Original Contract Date:
Original Contract Number: 920

[signature] 2-1-05
Department Director Date

[signature] 2/1/05
City Attorney Date

Mayor Date

Received in City Clerk's Office

Received in Mayor's Office

Comments:

ENTERED 2/1/05

City Council Agenda Item

To:	Mayor and City Council
From:	Gary Dumas
Date:	January 21th, 2005
Subject:	Bid waiver to purchase roll off style boxes, receiver boxes and 2 to 8 yard dumpsters for Solid Waste and Recycling in lieu of bid award.

Recommendation: Staff requests approving a bid waiver to allow the Solid Waste and Recycling Division to solicit quotes from manufacturers in order to receive the best prices possible for the purchase of roll off style boxes, receiver boxes, and 2 to 8 yard dumpsters for commercial collection.

Background: Traditionally the Solid Waste and Recycling Division requests yearly bids for the purchase of these items. However, recently manufacturers have indicated to staff the uncertainty of honoring bids due to the uncertainty of steel prices related to the production of containers. Manufacturer prices quoted in January could be subject to increases in costs throughout the year and any bids received by the City would be accompanied with letters from the manufacturers detailing the possibility for increases should they occur. Due to the possibility of volatile pricing, staff believes the best prices for these containers can be obtained by receiving quotes before a purchase is made.

Discussion: Since containers are purchased on an as-needed basis, a bid waiver would be required to make purchases in lieu of not having a bid award in place for the year. Manufacturers have told staff that yearly bids are not practical during these times as steel prices continue to rise and production costs are unstable. Two bid waivers were granted in 2004 for purchases of these containers as a result of similar circumstances.

Bids 03-80 and 03-79 were awarded to Wastequip May Fab Inc. and Best-Pac Inc. for the purchases of 2 to 8 yard dumpsters and roll-off style and receiver boxes respectively. Resolutions 14-04 and 15-04 granted authority to award these bids. On May 18th, 2004 and August 3rd, 2004 ordinances 4575 and 4601 were passed to provide waiving competitive bidding requirements for purchases of these containers due to bidders not able to honor bids resulting from an unanticipated jump in steel prices and a volatile steel market.

The 2004 budget for 2 to 8 yard dumpster budget was set at $63,000.00. The 2004 budget for roll-off style boxes and receiver boxes budget was set at $85,859.00. All purchases made during 2004 were within these budgeted amounts.

Staff hopes to avoid another similar situation by waiving bids altogether at the beginning of 2005 to allow for purchases of these containers. Again purchases would be made as needed from the best quotes available at the time of purchase.

The increase in business requests for the drop box program and a continued need for dumpsters is prompting the need for purchases of these containers.

City Council Agenda Item

Budget Impact: These containers are anticipated and budgeted into Solid Waste's Commercial Collection program and Commercial Drop Box Program within the container costs account, 5500.5010.5870.00 and 5500.5030.5870.00. The budget for 2005 for these purchases is $40,000 and $20,000 respectively.

ORDINANCE NO. ______

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING DURING 2005 FOR THE PURCHASE OF 2 TO 8 YARD DUMPSTERS, ROLL-OFF STYLE BOXES AND RECEIVER BOXES AND TO APPROVE THE PURCHASE OF 2 TO 8 YARD DUMPSTERS IN AN AMOUNT NOT TO EXCEED $20,000.00; AND TO APPROVE THE PURCHASE OF ROLL-OFF STYLE BOXES AND RECEIVER BOXES IN AN AMOUNT NOT TO EXCEED $40,000.00.

WHEREAS, previous bids were awarded to WasteEquip May Fab, Inc. and Best-Pac, Inc., but could not be honored by the bidders due to extreme price volatility in the steel market; and,

WHEREAS, because of this volatility (and hence the price of steel 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes), normal competitive bidding procedures are unworkable, impractical and not feasible; and,

WHEREAS, the Solid Waste & Recycling Division proposes to obtain telephone or fax bids by direct solicitation of the suppliers who previously bid during the formal process and accept the lowest bid in this abbreviated process.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby finds that such circumstances constitute an exceptional situation where competitive bidding is not feasible or practical, and therefore waives the requirements of formal competitive bidding for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes for 2005, but requires that the Solid Waste & Recycling Division solicit fax bids from at least three suppliers and award the bid to the lowest bid submitted.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00.

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of roll-off style boxes and receiver boxes in an amount not to exceed $40,000.00.

PASSED and **APPROVED** this 15th day of February 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

15-Feb-05
City Council Meeting Date

Submitted By	Division	Department
Brian Pugh	Solid Waste and Recycling	Operations

Action Required:

Approve Bid Waiver to purchase roll off style boxes, receiver boxes and 2 to 8 yard dumpsters for Solid Waste and Recycling in lieu of bid award.

Cost of this request	Category/Project Budget	Program Category / Project Name
$40,000.00	$40,000	Container Costs
$20,000.00	$20,000	Container Costs

Account Number	Funds Used to Date	Program / Project Category Name
5500-5010-5870-00	$ -	Not applicable
5500-5030-5870-00	$ -	Not applicable

Project Number	Remaining Balance	Fund Name
Not applicable	$ 40,000.00	Solid Waste
Not applicable	$ 20,000.00	Solid Waste

Budgeted Item [x] Budget Adjustment Attached [ ]

Department Director 1-21-05 Date

City Attorney 1/24/05

Finance and Internal Service Director 1-26-05 Date

Mayor 1/26/05 Date

Previous Ordinance or Resolution # 4575 & 4601

Original Contract Date:

Original Contract Number:

Received in City Clerk's Office ENTERED 1/21/05

Received in Mayor's Office 1/25/05 P.H.

Comments: Purchases for dumpsters, drop boxes and compactors are only on an as-basis.

City Council Meeting of: ~~January 4~~, 2005
Agenda Item Number:

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

Pulled at Agenda Session - Kit Said to put on 2/15/05

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.

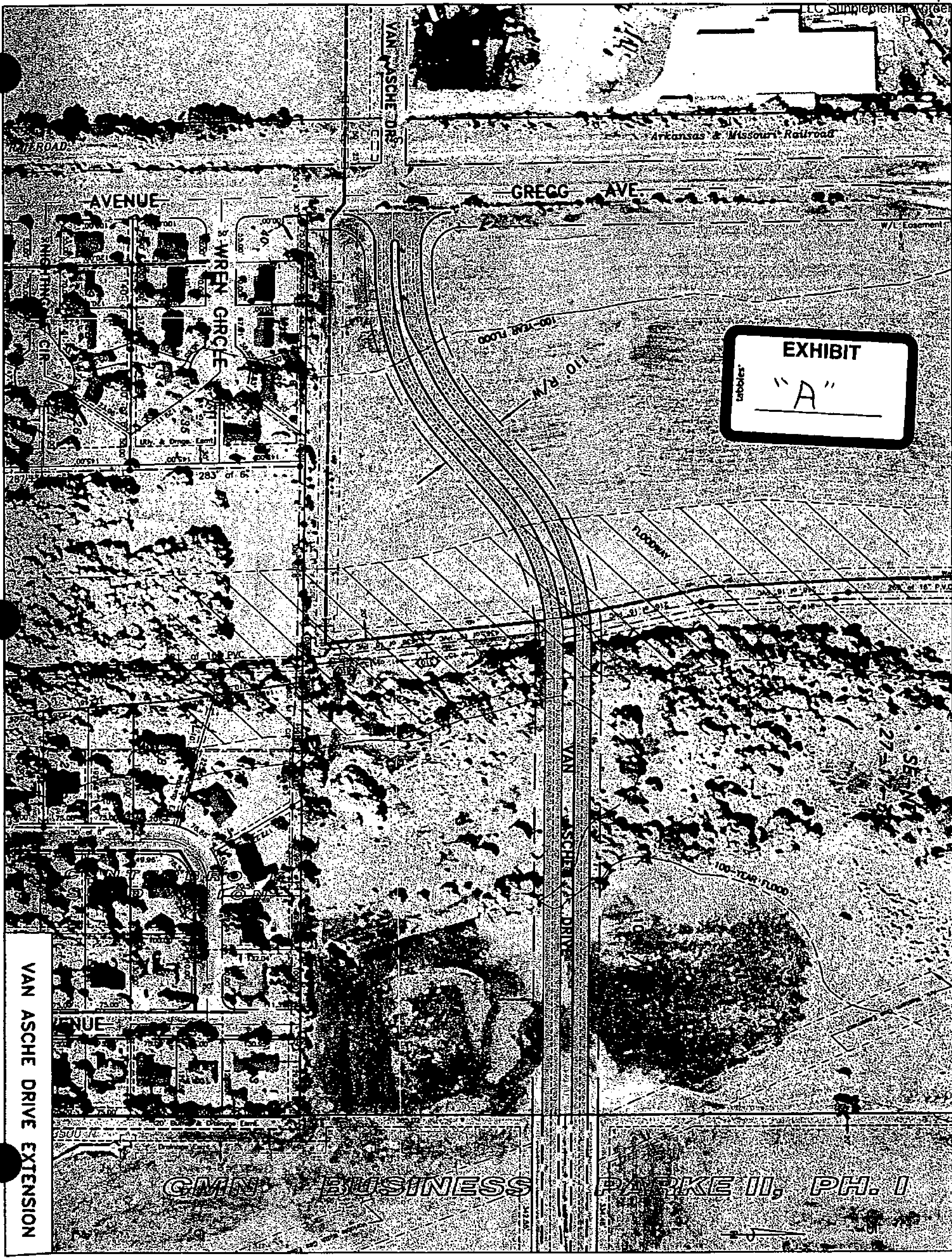
By: ______________________
DAN COODY
Mayor

By: ______________________
NANCY RUBECK,
NANCHAR, INC

Attest: ______________________
Sondra Smith, City Clerk

By: ______________________
CHARLOTTE STEEL,
NANCHAR, INC

By: ______________________
MARJORIE S. BROOKS
MSB Properties, LLC

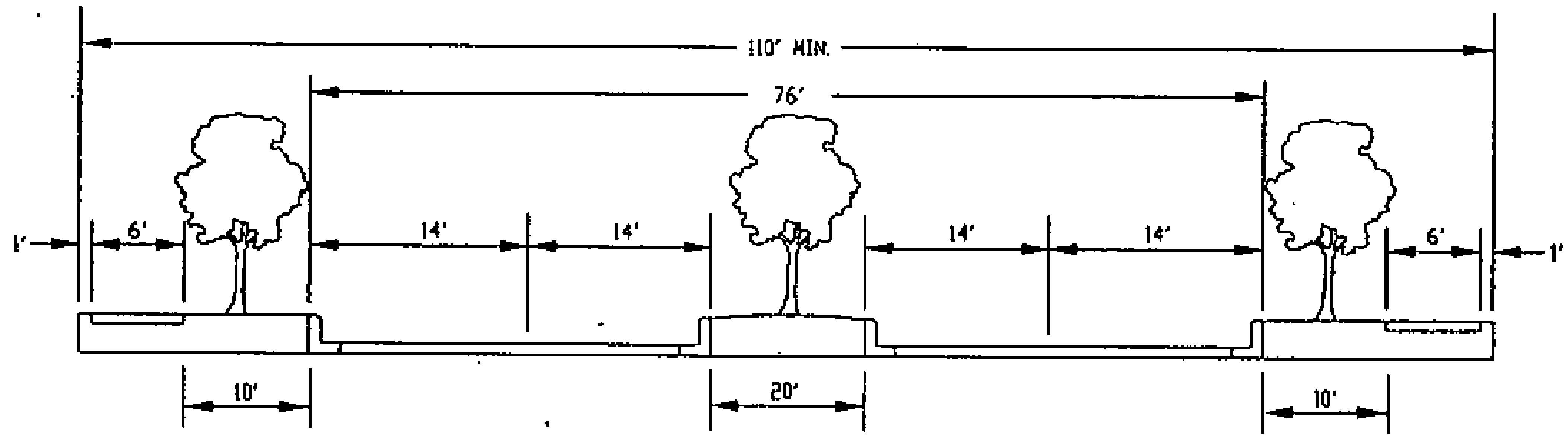

VAN ASCHE DRS
Arkansas & Missouri Railroad
GREGG AVE
AVENUE
WREN CIRCLE
EXHIBIT
"A"
100-YEAR FLOOD
110' R/W
FLOODWAY
VAN ASCHE DRIVE
100-YEAR FLOOD
GMN BUSINESS PARKE II, PH. I
VAN ASCHE DRIVE EXTENSION

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.

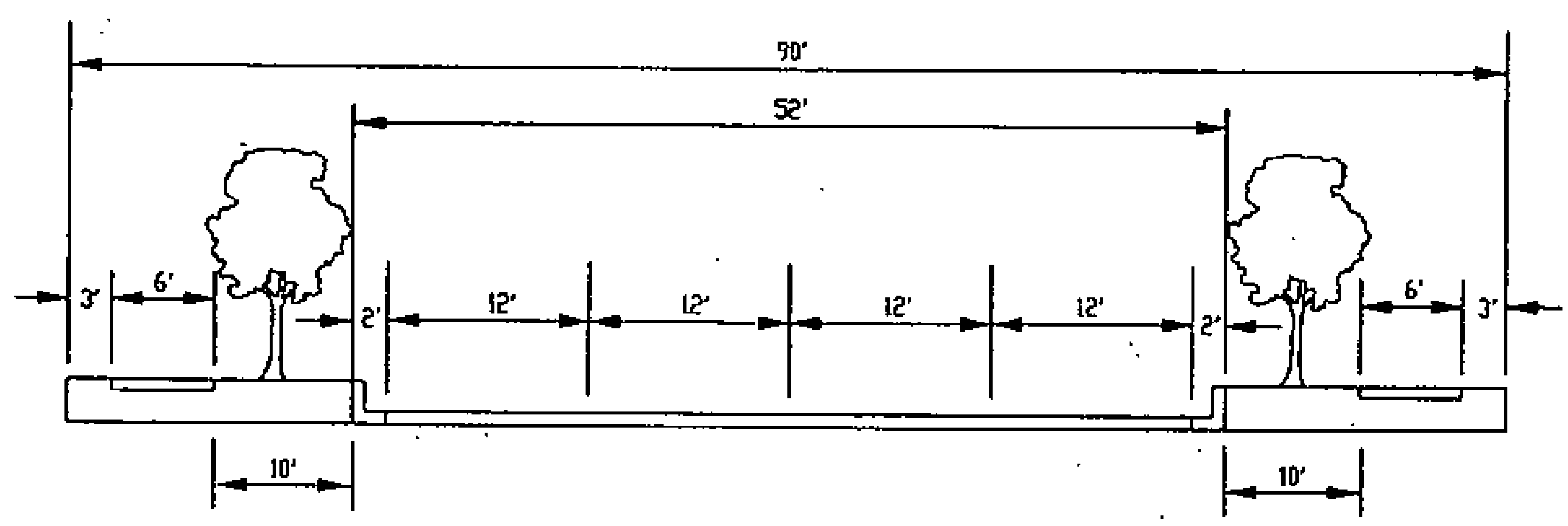
PROPOSED STREET SECTIONS:

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:

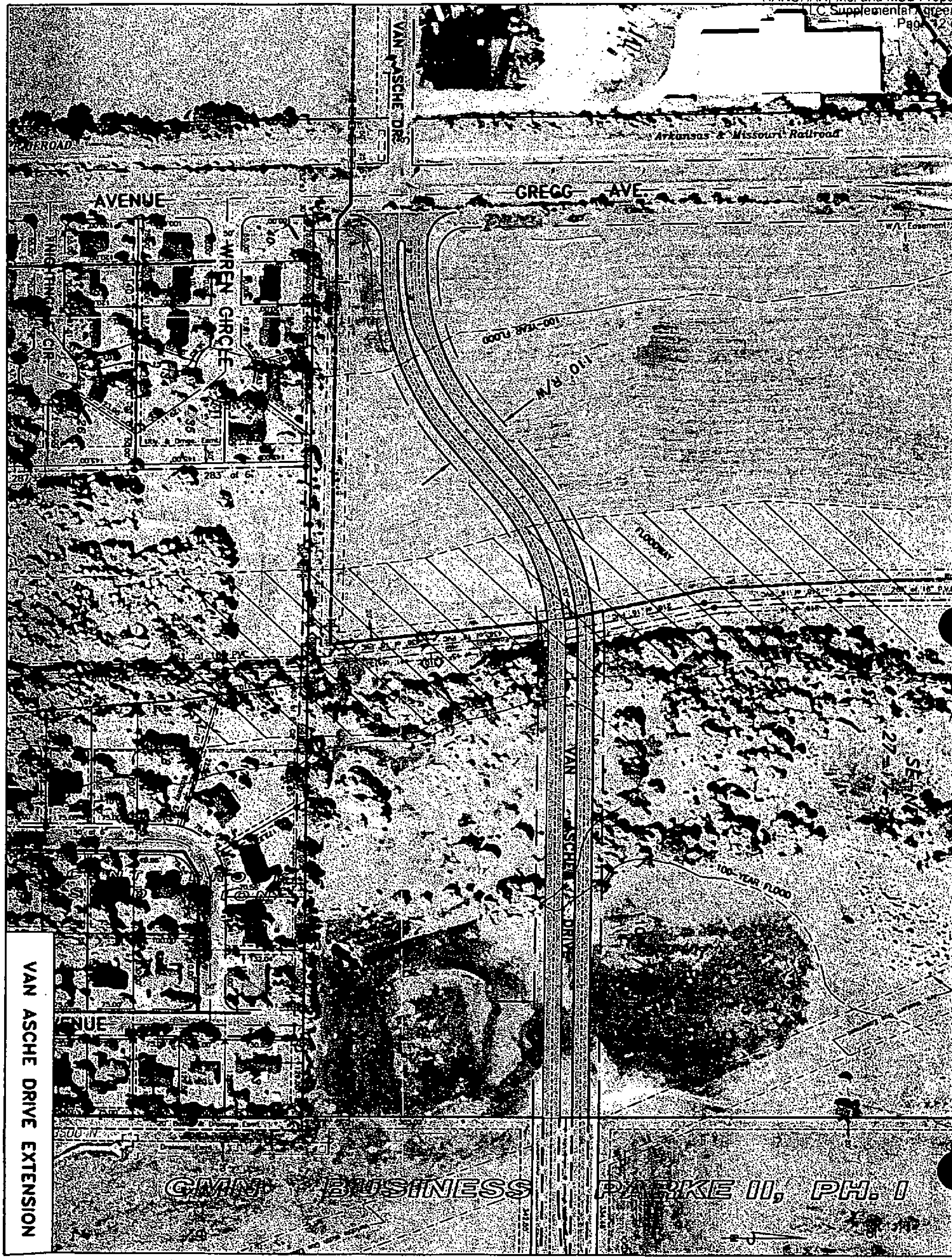
Construction Cost (50%)	$885,174.00
CITY'S SHARE OF ESTIMATED COSTS	**$885,174.00**

<u>SUMMARY OF PROJECT COSTS</u>:

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

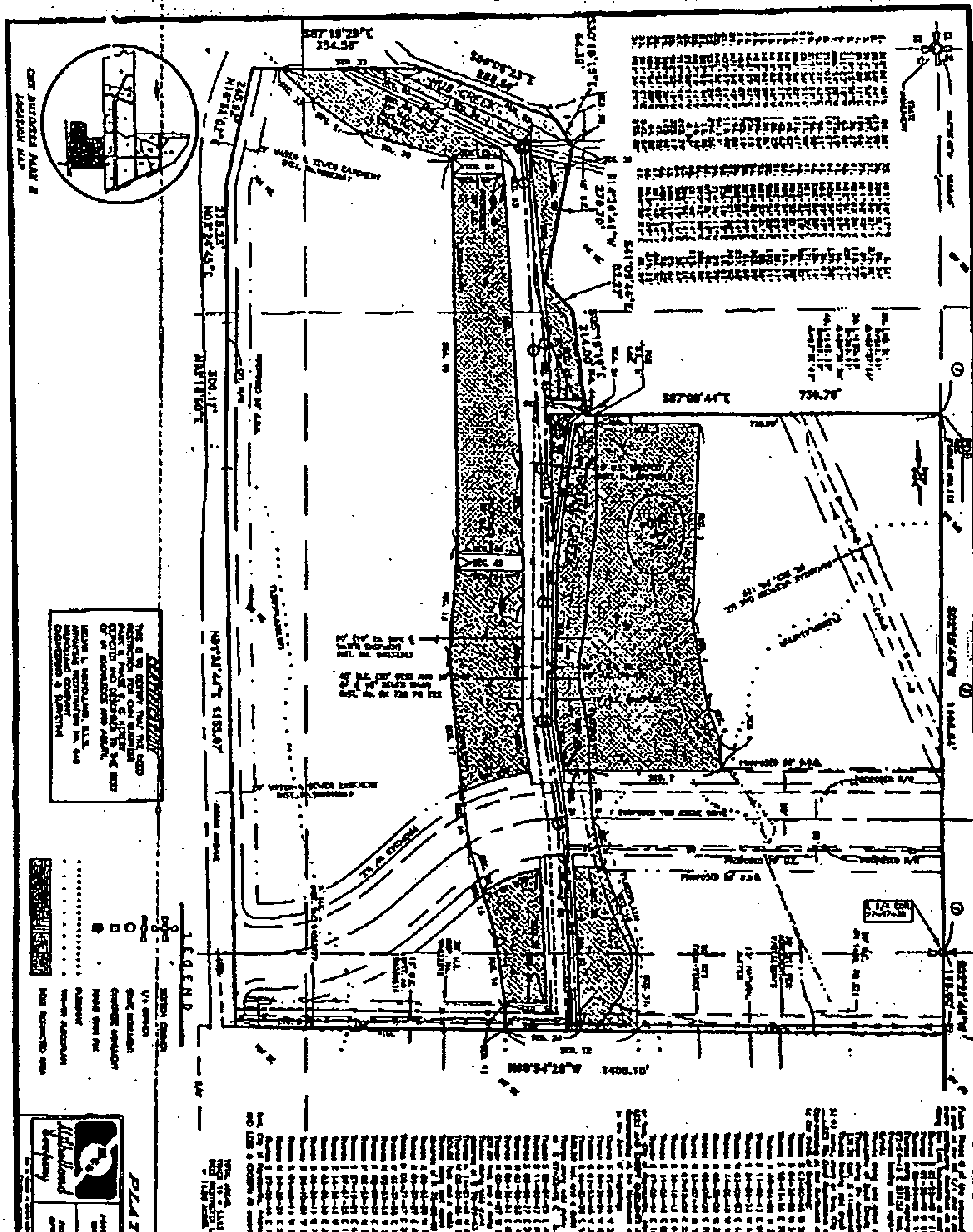


EXHIBIT No. "Y"
PLAT OF DEED RESTRICTION
LEGEND
CMF BUSINESS PARK II LOCATION MAP
S87°08'44"E 734.78'
N88°54'28"W 1406.10'
N89°38'44"E 1153.67'

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

4-Jan-05
City Council Meeting Date

Ray M. Boudreaux	Aviation and Economic Developmen	Economic Development
Submitted By	Division	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]

[signature] 12/17/04
Department Director — Date

[signature] 12-17-04
City Attorney

[signature] 12-20-04
Finance and Internal Service Director — Date

[signature] 12/22/04
Mayor — Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office

Received in Mayor's Office
12/21/04 P.H.

Comments:

ENTERED 12-17-04

Agenda Session
2/8/05

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 15, 2005

A meeting of the Fayetteville City Council will be held on February 15, 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

A. CONSENT:

1. **Approval of the Minutes:** Approval of the February 1, 2005 City Council meeting minutes.

2. **CapitalSoft.net, LLC Contract:** A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

3. **Motorola Radio Purchase:** A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

4. **North Point Ford Vehicle Purchase (A):** A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

5. **North Point Ford Vehicle Purchase (B):** A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

6. **Landers Honda Vehicle Purchase:** A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

7. **Landers Ford Vehicle Purchase:** A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

8. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

9. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

Moved to New Business (1)

10. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

Moved to New Business (2)

11. **City of Greenland Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005.

B. UNFINISHED BUSINESS

1. **VAC 04-1136 (U of A Parking Garage, 483):** An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

3. **Central Emergency Medical Services, Inc. Contract Renewal:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

1. **Motorola Laptop Purchase:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

Remove from agenda put on next meeting March 1, 2005

2. **Shake's Property Offer:** A resolution to accept an offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for $178,555.00.

3. **RZN 04-1358 (Camillieri):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

4. **Amend § 173.08(B): Unsafe Buildings:** An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

Consent

5. **AHTD Reimbursement:** A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00.

Consent

6. **West Mud Creek Trail Project Change Order:** A resolution approving Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail Project.

7. **Solid Waste and Recycling Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00.

8. **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.

D. INFORMATIONAL:

Council Tour: ~~February 14, 2005 – 4:30 pm~~

NO Tour

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
February 15, 2005

A meeting of the Fayetteville City Council will be held on February 15, 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

A. CONSENT:

1. **Approval of the Minutes:** Approval of the February 1, 2005 City Council meeting minutes.

2. **CapitalSoft.net, LLC Contract:** A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

3. **Motorola Radio Purchase:** A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

New Business

4. **Motorola Laptop Purchase:** An ordinance waiving the requirements of formal competitive bidding and approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

5. **North Point Ford Vehicle Purchase (A):** A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

6. **North Point Ford Vehicle Purchase (B):** A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

7. **Landers Honda Vehicle Purchase:** A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

8. **Landers Ford Vehicle Purchase:** A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

9. **Bale Chevrolet Vehicle Purchase:** A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

10. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for us by the Transportation Division.
e

11. **City of Elm Springs Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

12. **City of Greenland Inter-Local Agreement:** A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide ~~A~~nimal ~~S~~heltering ~~S~~ervices to the City of Greenland for 2005.
a s s

B. UNFINISHED BUSINESS

1. **VAC 04-1136 (U of A Parking Garage, 483):** An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

2. **Highway 71 East Square Redevelopment District #1 Project Plan Amendment:** An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.*** ~~(KIT SAYS THIS ORDINANCE IS NOT READY PER JUDY 2-1-05)~~

ordinance is Okay - Plan is not ready does not need to be included in agenda
per Kit.

3. **Central Emergency Medical Services, Inc. Contract Renewal:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

Call Steve Davis

1. **Shake's Property Offer:** A resolution to accept an offer from Stephen L. Davis to purchase the remainder of the former Shake's property and building for $178,555.00. P

2. **Amend § 173.08(B): Unsafe Buildings:** An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings. I

3. **AHTD Reimbursement:** A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00. E

4. **Solid Waste and Recycling Bid Waiver:** An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00. Davis

5. **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. Ray

Leave on

6. **RZN 04-1358 (Camillieri):** An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

D. INFORMATIONAL:

Council Tour: February 14, 2005 – 4:30 pm

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

LEGAL DEPARTMENT

DEPARTMENTAL CORRESPONDENCE

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

DATE: **February 16, 2005**

RE: **Passed Resolutions and Ordinances from City Council meeting of February 15, 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. **CapitalSoft.net, LLC Contract:** Resolution approving contract in amount of $31,575.00 w/CapitalSoft.net, LLC for purchase of utility rate and financial planner software;

2. **Motorola Radio Purchase:** Resolution authorizing purchase of eleven portable radios w/accessories and two mobile radios at a total cost of $55,155.78;

3. **North Point Ford Purchase (A):** Resolution authorizing purchase of three ¾-ton 4x4 pickup trucks from North Point Ford at total cost of $77,862.00 for use by Solid Waste, Parks, and Transportation Divisions and approving budget adjustment in amount of $21,500.00;

4. **North Point Ford Purchase (B):** Resolution authorizing purchase of six compact extended cab pickup trucks from North Point Ford at total cost of $107,340.00 for use by Meter Division and Building Safety Division;

5. **Landers Honda Purchase:** Resolution approving purchase of one 2005 Honda Element from Landers Honda in amount of $18,869.00 for use by Engineering Division;

6. **Landers Honda Purchase:** Resolution approving purchase of four mid-size sedans from Landers Honda at total cost of $49,080.00 for use by Planning, Police and Building Safety Divisions;

7. **Bale Chevrolet Purchase:** Resolution authorizing purchase of nine trucks from Bale Chevrolet at total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet and Building Safety Divisions; and approving budget adjustment in amount of $148,301.00;

8. **J.A. Riggs Tractor Co. Asphalt Roller Purchase:** Resolution approving purchase of one double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in amount of $38,800.00 for use by Transportation Division;

9. **AHTD Reimbursement:** Resolution approving payment to reimburse Arkansas Highway and Transportation Department in amount of $330,000.00 for right-of-way acquisition for widening of Gregg Avenue between township Street and Fulbright Expressway; and approving budget adjustment in amount of $360,000.00;

10. **West Mud Creek Trail Project Change Order:** Resolution approving Change Order #3 to contract w/Sweetser Construction, Inc. in amount of $59,295.43 as final reconciliation of West Mud Creek Multi-Use Trail Project;

11. **VAC 04-1136:** Ordinance approving VAC 04-1136 to vacate and abandon portion of right-of-way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on attached map and legal description. Also accepting dedication of easements for Southwestern Bell, City of Fayetteville, and public in general described in attached easement documents labeled as exhibits hereto;

12. **CEMS Contract Renewal:** Ordinance waiving requirements of formal competitive bidding and approving contract for services in amount of $250,000.00 between City of Fayetteville and CEMS, Inc. to operate and maintain emergency ambulance service to serve residents of Fayetteville;

13. **Elm Springs Agreement:** Resolution approving Inter-Local Agreement between City of Fayetteville and City of Elm Springs to provide animal sheltering services to Elm Springs for 2005;

14. **Greenland Agreement:** Resolution approving Inter-Local Agreement between City of Fayetteville and City of Greenland to provide animal sheltering services to Greenland for 2005;

15. **Motorola Laptop Purchase:** Ordinance waiving competitive bidding until December 31, 2007; approving purchase of seven additional laptop computers and docking stations in amount of $39,772.00 for use by Fayetteville Police Department; and approving budget adjustment in amount of $54,595.00;

16. **RZN 04-1358:** Ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately .24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial;

17. **Amend §173.08 (B) Unsafe Buildings:** Ordinance clarifying responsibility for enforcement of §173.08 (B), Unified Development Code: Unsafe Buildings;

18. **Solid Waste & Recycling Bid Waiver:** Ordinance waiving formal competitive bidding during 2005 for purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve purchase of 2 to 8 yard dumpsters in amount not to exceed $40,000.00; and to approve purchase of roll-off style boxes and receiver boxes in amount not to exceed $20,000.00;

19. **NANCHAR, Inc. & MSB Properties LLC Supplemental Agreement:** Resolution approving Supplemental Agreement for cost share of early construction of Van Asche Boulevard w/NANCHAR, Inc. and MSB Properties, LLC and to approve budget adjustment of $1,982,788.00.

Void Per David Whitaker

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

Feb. 15, 2005
City Council Meeting Date

Submitted By	Division	Department
Steve Hatfield	Parks and Recreation	Operations

Action Required:

Approve a additional project cost of $14,488.38 to cover reconciliation of final quantities.
This project has run over the project Contengency by $14,488.38

Cost of this request	Category/Project Budget	Program Category / Project Name
	$ 621,924.00	West Mud Creek Trail

Account Number	Funds Used to Date	Program / Project Category Name
14,488.38	$ 518,715.59	Parks Development Capital

Project Number	Remaining Balance	Fund Name
2250.9255.5814.00 03028.1	$ 103,208.41	Parks Development

Budgeted Item ☐ Budget Adjustment Attached ☐

Department Director: [signature] Date: 1-31-05

Previous Ordinance or Resolution # 118-03

Original Contract Date: ______

Original Contract Number: 920

City Attorney ______ Date ______

Received in City Clerk's Office

Finance and Internal Service Director ______ Date ______

Received in Mayor's Office

Mayor ______ Date ______

Comments:

ENTERED 2/1/05