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
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 8 and the February 15, 2005 City Council meeting minutes.

   APPROVED.

2. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 35-05.

3. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 36-05.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-05.

3. **IFWorld Maintenance Approval:** An ordinance waiving the requirements of formal competitive bidding and approving payments not to exceed $20,000.00 to IFWorld for maintenance and enhancement of the City website's Content Management System.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4681.

4. **Reappropriate Capital Improvement Funds:** A resolution approving a Budget Adjustment to reappropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-05.

5. **Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-05.

6. **Fayetteville Downtown Partners Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services with Fayetteville Downtown Partners in the amount of $150,000.00 to assist in the implementation of the Downtown Master Plan.

   PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 4682.

D. PUBLIC HEARINGS:

1. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-05.

2. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-05.

E. INFORMATIONAL:

Council Tour: NONE

MEETING ADJOURNED AT 7:25 P.M.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-05.

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   PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-05.

E. INFORMATIONAL:

Council Tour: NONE

MEETING ADJOURNED AT 7:25 P.M.

City Council Meeting March 1, 2005

Meeting Adjourned at 7:25 PM.

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

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

Passed
Res
35-05
to
39-05

City Council Meeting March 1, 2005

B.I. Unfinished

Tabled until March 15, 2005

Subject:		Highway 71 East Square Re-Development District			
Motion To:		Table			#1
Motion By:		Marr			Project
Seconded:		Jordan			Plan
	Cook	✓			Amendment
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

C.I. New Business

Passed

40-05

Subject:		Shake's Property Offer			
Motion To:					
Motion By:		Jordan			
Seconded:		Cook			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

City Council Meeting March 1, 2005

Subject:	SCB Communications Project Approval				
Motion To:					
Motion By:		Jordan			
Seconded:		Reynolds			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

C.2.

New Business

Passed

41-05

Subject:	IF World Maintenance Approval				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Jordan	Jordan		
Seconded:					
	Cook	✓	✓	✓	
	Marr	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	✓	
	Thiel	✓	✓	✓	
	Mayor Coody				

C.3.

New Business

4681

City Council Meeting March 1, 2005

Subject:		Reappropriate Capital Improvements Funds			
Motion To:		approve			
Motion By:		Rhoads			
Seconded:		Jordan			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

C.4.
New
Business

passed
42-05

Subject:		Ford Motor Company General Release &			
Motion To:		Approve			Waiver
Motion By:		Ferrell			
Seconded:		Lucas			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

C.5.
New
Business

passed
43-05

City Council Meeting March 1, 2005

Subject:	Fayetteville Downtown Partners Contract				
Motion To:		2nd read	3rd read	Pass	
Motion By:		Thiel	Cook		
Seconded:		Ferrell	Thiel		
	Cook	✓	✓	✓	
	Marr	recuse	recuse	recuse	
	Rhoads	recuse	recuse	recuse.	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	N	
	Jordan	✓	✓	✓	
	Reynolds	✓	✓	N	
	Thiel	✓	✓	✓	
	Mayor Coody			yes	

Passed
C.C.
New
Business
4682
4-2
Mayor
Coody
Voted
yes thus passing
the ordinance

I do think they need a substantial amount of money to kick this off.

Subject:	Brinkleys Limo Service; Certificate of Public Conv. & Necessity.				
Motion To:		approve			
Motion By:		Jordan			
Seconded:		Reynolds			
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

D.1.
Public
Hearing
passed
44-05

City Council Meeting March 1, 2005

Subject:	Jones Transportation Service; Certificate				
Motion To:		Approve			of Public
Motion By:		Jordan			Convenience
Seconded:					& Necessity.
	Cook	✓			
	Marr	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Reynolds	✓			
	Thiel	✓			
	Mayor Coody				

D.2.
Public Hearing.
Passed
45-05

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

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 7 and the February 15, 2005 City Council meeting minutes.

2. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

3. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

4. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.

D. PUBLIC HEARINGS:

1. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

2. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: NONE

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

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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

Special City Council
Meeting Minutes
January 25, 2005

A Special Meeting of the Fayetteville City Council was held on January 25, 2005 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

ABSENT: Alderman Marr

Pledge of Allegiance

Mayor Coody: The first order is New Business. Number one is the Highway 71 East Square Redevelopment District #1 boundary modification.

Public Hearing:

Highway 71 East Square Redevelopment District #1 Boundary Modification Adoption: An ordinance modifying the boundaries of the Highway 71 East Square Redevelopment District Number One pursuant to A.C.A. § 14-168-305 (f) and A.C.A. § 14-168-307(c) declaring an emergency.

Kit Williams: Let me read the ordinance Mayor.

The city attorney read the ordinance for the first time.

Mayor Coody: Alright thank you. The first order of business is to explain why we would need to increase the boundaries, modify the boundaries. Do you have any input on that for the public?

Kit Williams: Mayor I think that part of this would need to go also to the developers and they could probably respond to that. But as I mentioned to the City Council in a memo that I sent out last week, there are approximately four options in order for us to do tonight. One of them would be to increase the boundaries of this district so there could be enough money generated with the three mils that are not in dispute and the seven mils that would be purchased by the developers if they so choose and were willing to do that that this project could still go forward. If in fact we do not increase the boundaries of this district to include the Downtown Master Plan area also then I don't think there would be sufficient finances to be able to finance this project plan. And I don't know if the project of removing the blighted Mountain Inn could be accomplished.

Mayor: Alright. Do the developers, petitioners want to address us on this issue?

John Nock: Good evening Mr. Mayor and Aldermen and thank you for the opportunity to speak again on this project.

In regards to the boundaries themselves, all of you were furnished I believe with a copy of the revision feasibility study that the Walton College of Business has provided that was hired by the City of Fayetteville. In those there are a series of tables that outline the available yields that would be available to service the debt over the life of the TIF. Without breaking each one of those down they range anywhere from approximately two million to on the high side, six million depending on the projections which one you look at. Projections can always be looked at different ways and they can be shopped different ways. Certainly over the life of the 25 year period there certainly will be additional mils that could be utilized. As well as there is a possibility and some people believe the probability that there will be eventually a case to be weighed before the Arkansas Supreme Court, thereby testing the recent opinion the Attorney General has come out in regards to the 25 mils and other mils as it relates to the debt service for a Tax Increment Financing and Redevelopment District.

On Table 7 if you have that available I think the numbers are fairly self-explanatory. We begin to utilize both the East Square as commonly called in the downtown. Baseline scenario for the TIF, for the millage and if we utilize the 7.66 as Kit Williams, the city attorney has utilized that is a net present value of 15 million and change or total available over the life of the project at 27 million.

Alderman Cook: John. Does anybody else have an Economic Feasibility Study?

Mayor Coody: Did we get that today?

Kit Williams: Steve had 21 copies run off I thought they would have been given to the City Council. Do we have those?

John Nock: I just received mine a few minutes ago.

Mayor Coody: Steve still has them.

John Nock: Ultimately. Does everyone have a copy of this Kit?

Kit Williams: Yes. Yes they do.

John Nock: Okay. There is also a second document that is the removal of Phase Two from the existing project plan which was for additional development projects inside of the initial project plan in the East Square Redevelopment District. Basically to put it in very quick layman terms, by reducing the amount of mils there is certainly not enough project area to cover the debt that is going to be financed for any project let alone just the Mountain Inn project. Until that is decided and if you'll go back in your memory to last summer when we first started talking about TIF's and their boundaries I was one the people who stood up in front of you as a developer on this project saying that is too large of a project. If you have multiple projects in a project area because of its size, then sometimes it is more difficult to manage. I think most of you all will recall me saying that. However because of the current condition, at least the current opinion of the Attorney General on the way that is being reviewed on what note it can be used in the State then currently no project could be built and if any, there would be very minor projects. And so, then it comes back down to an economic viability and what could actually be utilized.

Our project, if you include the total area of the Downtown Master Plan as initially prescribed by Dover Kohl to the city in the Downtown Master Plan, it can still be accomplished. That was one of the options that works. I know this might be jumping a little bit ahead, Kit but in order to do that there is still some question about the additional mils and we'd be glad to explain what we will do and step up to make sure that this project doesn't get lost in a timing issue. Are there any questions about why we're stepping up.

Mayor Coody: What's the difference between petitioner and developer?

Kit Williams: Actually I have a couple of questions. I think that, when I proposed the options to the City Council, one of the options, Option 3 was were we would not be able to raise the $3.5 million dollars without expanding the boundary but we might be able to raise as much as $2.5 million or with your purchase of part of that $2.5 million because three mils would not raise very much at all. That would require you as the developers to put another $1 million into the project and that are the two options that would keep the project going. Either that option or then the second option would expand the boundaries as you just stated. I think you need to explain to the City Council what your position is on Option 3 if we did not expand the boundaries.

John Nock: Sure. Option 3, if you keep the boundary the same its obviously less dollars. There's a couple of issues. One, is there enough to pay back any additional liability that we take on. Obviously this project as we've talked about before because of its blighted condition, because of the state it is in that's why you've not had developer's clammering to do this project over the last perhaps ten years. The economic sense to just put in more money on a project downtown on the square rather than just doing a project of the same magnitude on the interstate just doesn't make sense. But in order to do this, this is why we petitioned the city under the TIF legislation to be able to set up a TIF, and so to put additional dollars on the budget its just not there. So our viewpoint was until all these numbers get resolved through the courts we would resolve to take that away, that issue away from the city by buying the additional bonds. But the only way that we would want to do that is if there was some certainty that there would be additional revenues to cover it. By taking the risk we'd like to know there's the chance over that

25 year period that subordinated bonds that we'll be buying will help with the project. When we say we that's not just the developers that will be investors in the project that would be taking those bonds but it will be off the direct liability of the TIF District they will be subordinated bonds. Yes.

Alderman Ferrell: I basically like the idea of what's going to happen here and I have a couple of questions. I'd like to see the city and the developers working to make this a better town and look forward to working with more other developers in the future like this for the good of the City. One of things that does bother me is the how fast this thing is going to go down looking at it for tonight. So if you could explain to me how important time is on this.

John Nock: Sure. We started this process a little over, I think it was the spring of last year when we first started the process of the TIF District. It has been approved in its current form which is the existing East Square Development boundaries alone and the current plan that goes with it has been approved actually twice by the City Council and as I recall both time by unanimous vote. There have been, if I recall, each time there has been three opportunities to six total opportunities for the public to weigh in and to talk about the various opportunities that this allows for the city. Each time that we've had to extent that for one reason or another once it was for publication issues, another time not all the project plan was complete but for whatever reason each extension has required us to go out and extend certain contracts. There are private people that own some of the property and there are other contracts such as construction contracts that we've had to work through as well as towards the end of the year one of our local banks here, Bank of Fayetteville, actually stood up regardless of this all being completely resolved because at that time we thought it was resolved and agreed to step up under the new market tax credit scenario. There's a lot more to this project for it to be economically feasible than just the TIF. In fact we didn't expect that this would be something that we would go through three iterations of. Although tonight is certainly a critical junction we have certain contracts that on the 28th of this month begin to expire and some of those elements are very key for the total project. We've had it approved. We've had it done. It's not anyone's fault but after awhile when you're starting to deal with private folks they start to say I'm not sure this is ever going to get done and they start to question not only if you are saying that it's really going to get done or if you really are going to have some sanity about staying with a project after four years. Nevertheless there's the sense of timing because we have real contracts that expire on the 28th of this month.

Kit Williams: You mean the 28th of February right?

John Nock: The 28th of February. The 28th of this month we have to notify them specifically that we're going to make them close or at that point in time we lose additional money. So it's certainly a real economic issue.

Mayor: Another reason that we have to make these changes in short order is because the Attorney General's opinion that just came out the other day kind of threw everybody up in the air all over Arkansas. Everybody is trying to resolve the issues that his opinion has rocked.

John Nock: I think that around the state after having read the press that we have received, I am talking about the City of Fayetteville and this project, this project has been considered by most, I think they've labeled it the poster child of what TIFs were intended for both in the spirit of the legislation as well as the letter of the law. After that Attorney General's opinion came out we had to sit down and really scratch our heads and say can this project still get done and how do we do it. It was after a series of meetings that we were able to come up with multiple options to present before the City Council and for the citizens to see if this is something that really does make sense. We thought that the best thing to do is to come back to the city with something that can in some ways really reduce your liability until all of these things are resolved.

Now lets talk a little bit about when you expand the district what that might do. Does that mean that Phases II, Phases III, Phases IV can not be done? No, it will still be just the same as it was before. If ultimately a ruling comes down from the Supreme Court or the law is changed and there's been some conformity out there then at that point in time you may have multiple projects in the same district. It's not like you are losing opportunities once that ruling would occur.

Secondly, until that time would occur you wouldn't be able to do other projects anyway of substance. You always want to do a project that has the largest economic impact because this is all based upon tax increment growth. If you're doing a very small project you would get very small increment versus a larger project that does the opposite.

Mayor Coody: Any other questions for Mr. Nock? Yes, sir.

Alderman Rhoads: Mr. Mayor I would like to make a suggestion I guess on our procedure tonight. As the champion of this, when we had our retreat I think we appointed champions for various things and this was one that fell in my lap. Of late I have been talking to a lot of people on all sides of the issues and I have a pretty good feel of what a lot of people think and overall I think it's perhaps the only way in the next three or four years that we're going to see something done with that site. With all that said though what I'd really like to do if it's alright with the rest of the Council and with you Mayor, is that I'd really like to hear, there's a whole lot of folks here for a special meeting and I'd really like to hear what's on their mind because I know after we hear them then there's probably going to a pretty lively conversation amongst us Council members. I think that might get us a better feel for some of the issues that are about to come up. If that's alright with you Mr. Mayor.

Mayor Coody: Oh sure that's fine. Mr. McGrady I think called earlier today would like to speak first. He has another engagement this evening. I might ask everyone that speaks tonight to please sign in so we can have that for the record.

David McGrady: Yes.

Mayor Coody: I might ask everyone to number one turn off cell phones and pagers. Number two keep your comments just distinct and brief as possible because I know that there will be a lot of people that would like to speak tonight and we would like to hear everyone.

Kit Williams: Mr. Mayor. I would also recommend that this also be considered the public hearing for the project plan at the same time. I think that you could probably have both of these. So if you'd open it up with the project plan also.

Mayor Coody: We will be opening up for both the district boundary modifications and the project plan and the public hearing for both of these concurrently. Thank you.

Public Hearing

Mayor Coody Opened the Public Hearing

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

David McGrady: Good evening ladies and gentlemen, Mr. Mayor and the city attorney. Thank you very much for giving me the opportunity to come to speak to you this evening. This evening I'm speaking to you as wearing one of my hats that of the general manager of the Radisson and a citizen of Fayetteville. I have been in Fayetteville for five years and I've had the unpleasant site everyday of looking at the dilapidated Mountain Inn. Although there isn't probably anybody in this room that would disagree that it needs to go away.

As I was sitting here earlier looking at the goals for 2008 in the guiding principles of Fayetteville we have planned and managed growth. We also have the natural beautiful city. That whole section of town takes away from it dramatically from anybody coming into town. I just drove back from Little Rock this afternoon and looking at it is unbearable to see from that direction. I don't see it from that direction that often. I get to see it from the hotel.

It's my firm belief if we were to incorporate another hotel of this magnitude in downtown Fayetteville with those additional hotel rooms in conjunction with the other hotels that we currently have in Fayetteville, one being the Radisson as well as the other surrounding hotel rooms. The Town Center, the CEC, the meeting space that is planned for the Mountain Inn, and the meeting space that is currently available at the Radisson, we will be able to attract on a regular basis large citywide convention business.

Currently we have challenges in being able to facilitate those needs because we don't have the hotel rooms available to house all the people that would like to come into Fayetteville. We have unfortunately lost some large groups that if we had the space we could bring in.

Obviously to the north we have the Convention Center in Springdale with another one being planned up in Rogers. To our benefit at this point in time we have the Randall Track Center which has given us the opportunity to really capture a lot of convention business for Fayetteville. The end result of being able to bring that business in, I don't have the numbers in front me, but I can tell you that it will be substantial as to the impact that it will have citywide not only on hotels, restaurants and retail and not just for the heart of downtown it will be covered throughout all of the City of Fayetteville. I think that it is a prudent decision at this point. I know it's a difficult decision for you all to make this evening. I encourage you to muster up the best that you possibility can. All I can offer in closing is to say let it begin with you. Bring Fayetteville back. Let it be in competition to the rest of the different parts of the state and allow this project to go through with the expansion of the TIF district. Thank you very much.

Mayor Coody: Thank you Mr. McGrady. Who else would like to address us tonight on this issue? How are you tonight Ron?

Ron Bumpass: Good evening Mayor. Ron Bumpass, citizen of Fayetteville. You know I am not sure exactly where all this fits in. I've just been looking at the paper but as you're looking for additional funding to expand this district doesn't seem to be a particular problem. It's probably prudent. But I'm wondering if, now I'm talking to the Council now if I can get you to step out of the box in thinking about some additional revenue. It seems that one possibility would be to create an enterprise fund from the parking revenues, from parking meters and from parking tickets all the way through the court system and perhaps the parking deck next to the Radisson. Perhaps if you could calculate what that revenue is on an annual basis and then make that part of the TIF financing that might give some additional revenue to this TIF district.

Secondly, and I don't know if this is a possibility or if legislation could be passed for this but if you could likewise take the current sales tax collections from within the same district and establish a similar cap on those taxes collected within the district and then get the increased sales tax collected within the district as a funding component for the TIF. Possibility, I don't know if it's legal or not. Talk to your attorney.

And thirdly, you know we've mentioned this as blight and I have been involved in the redevelopment of the square for over 32 years. I was there as an attorney clerk for the law firm that had all the condemnation authority for urban renewal projects. I went through these buildings that we tore down, measured them and compared them to the appraisals and that's how I got interested in the Old Post Office building and saving that as a landmark. But I've known all along that the HUD money that we receive and that ya'll have authority over can be used completely for blight. I think that's what seven or eight hundred thousands a year. Now I realize that would take change in current policy and perhaps a long standing policy as I know that money is typically used in refurbishing 10 or 15 homes. But you could just as well, if you really want this thing to work, you could just as well say look this is so important we're going to change that horse and we're going to use that money to fund this blighted area for years into the future. All of which if you would explore those, I would certainly prefer to raising any property tax millage. It seems like this thing had a real good feel about it when we were talking existing taxes, capping them and taking the increase in taxes from the redevelopment for the revenue strength. So for my two cents that's it.

Mayor Coody: I have a couple of quick questions. You're still in the parking district. Downtown Parking District Board. Are you still on that?

Ron Bumpass: No.

Mayor Coody: I think that's a good suggestion. As a matter of fact that's something, we're looking at all options and that's one of the things we've been kind of looking at.

Ron Bumpass: I just wanted to throw that on the table.

Mayor Coody: I think it's a good suggestion. As for the sales tax that would take State legislation to change. I think there are some legislatures looking to make some amendments. I'm not sure what's involved with that to see if that's feasible.

Ron Bumpass: If it can be computed I don't see any difference using the increase from sales tax as there is in using the increase of property tax values from the redevelopment of that particular spot. If this doesn't work out I think that building should be razed in any event. I think it's not only blight, it's dangerous. Even if we had to put a park there for awhile until we figured something out it would be better than what we have.

Mayor Coody: Thank you very much Mr. Bumpass.

Alderman Ferrell: Mr. Mayor. One of things that Mr. Bumpass mentioned was the parking revenue and the fines and associated fees does that go into the General Fund?

Mayor Coody: Yes it does and we are looking at some options to see if that might be something we might want to consider as a matter of fact. Hello, good evening.

Jim Boyd: Hello. I'm Jim Boyd, a resident of Fayetteville for thirty years and have clients that have property in this TIF District. I spoke on behalf of this earlier and I know I'm telling you things that you already know but since it's a public hearing maybe it needs to be repeated. That is in free enterprise which fickle and has many opportunities to invest its money in lots of different places but if they are willing to spend and invest on the Mountain Inn millions of dollars then the City of Fayetteville to the extent it can needs to assist them. As the first speaker alluded we might spend a million or so seed money to get this project going but the rewards that we will reap as a result of a big fine facility down there for the City of Fayetteville and the increased revenue from taxes and all the merchants, etc that will reap the benefits will far out weigh the little bit of money we put in here at the beginning. So I encourage you to use your imaginations and do whatever you have to do to let this project proceed and not let this free enterprise money go somewhere else. There are lots of other places that are willing to accept their proposals. Another thing that I mentioned earlier and you should remember is it's not like we're dealing with strangers here. We know John Nock and Richard Alexander and know what they can do and have done and they're citizens right here along with us. So we have a comfort level of dealing with those guys. That's all I had to say. Thank you.

Mayor Coody: Thank Mr. Boyd. Who else would like to address us tonight. The next person that would like to speak I might get them to kind of cue up behind the current speaker so that we can kind of move things along more quickly please.

Mr. Rust: Members of the City Council. On behalf of FEDC in the letter that we sent you we support all the TIFs that have been talked about and tonight we specifically support this one. I was at a breakfast meeting this morning with Dr. Jeff Collins and one of the thing you need to be concerned about is one of the things I was concerned about in terms of supporting this is what are the numbers behind it. How do they work and I think you need to be comfortable with it. We talked about expanding the TIF district to include the downtown area. That appears to be a very good idea and I think rather than me trying to explain that and so forth I'd like to ask Dr. Jeff Collins to come up and just run through those numbers. Because I think it's important that the public understands that this is doable.

Mayor Coody: Alright, thank you Mr. Rust.

Dr. Jeff Collins: More than anything I wanted to be able to answer whatever questions you had about our numbers. I think given the fact that you have a document that you just got and there

are a lot of different scenarios that are in the document it would probably be helpful if I just open it up and anything you want to ask me I'd be happy to answer.
Mayor Coody: First I'd like to recognize Dr. Jeff Collins here. I might get you to sign in too please so we can have that as a public record. Thank you. What questions do we have for Dr. Collins? Yes, ma'am.

Alderman Thiel: Since we are discussing the plan at this point I mean this has just been thrown on us. We are up here trying to read this and can't even listen to the speakers because we've not seen any of this. I would like to know what the project plan is. I'm not familiar with it anywhere because in your feasibility study it mentions the Mountain Inn, Terminella Project and the library renovation which are all far removed from the west side of this district that we are talking about. All of the sudden we've sifted completely over on the eastside of the original boundary and we're talking about adding this to the west to make this work. I think we all want to make this work but I want to know what the plan is.

Dr. Collins: That is difficult for me to speak to. However what I can speak to is the implement and the difficulty in getting sufficient revenues out of the east TIF if that's all you're looking at to support the investment, infrastructure investment. Given the AG's opinion which of course who knows what's actually going to happen which is also one of the reasons there are so many permutations of the scenarios within that document that was handed you. Simply because there are different millages that may or may not be available. We were asked to consider multiple scenarios about which projects would be included and which projects wouldn't be included. We wanted to really give you a range to make a decision from a very conservative low end range into what we consider to be, I wouldn't say this is overly optimistic, I think that when you're talking 7.66 mils that may be optimistic, I don't know. Whether or not these projects are simply going to occur may be optimistic but I think those are relatively reasonable.

One of the interesting things about the numbers and I think it's important to keep mind that the best data that we have available to us to predict the future is what's happened in the recent past. In fact the further back you go the less reliable that information is to predicting the near future. Certainly there are lots and lots of "what ifs" scenarios. There are lots of things that may or may not happen. Really the data from 2001 to 2004 is the best data we have to go on in terms of establishing growth rates for certain property types. Those growth rates of course have been impacted by recurring development within those districts and within the city. Obviously when we go out and re-estimate those growth rates there are a function of things that have been taking place over that three year period of time and Fayetteville is a growing place. Obviously there has been a lot of property value appreciation over that period of time.

Alderman Thiel: Actually, I guess my question is we are discussing the Mountain Inn that's blighted. We've all determined that, I think everyone here agrees, that needs to be fixed. But all of the sudden this plan now has gone from that to add two more projects.

Kit Williams: I think you're not understanding this. When we talk about projects the only project that the TIF would be doing is the Mountain Inn. What he's talking about when he says projects is should he include the value of other things that are being built. And I wish he wouldn't use projects.

Dr. Collins: I apologize I didn't know my vocabulary was confusing.

Kit Williams: He's talking about other buildings that will be built and if you include the value of these other buildings in the millage, what will that make the millage? The only project we're looking at, the only project that we can possibly afford is the Mountain Inn project as was originally approved by the City Council. If you look at the project plan amendment that I gave up, the first thing that we did is remove all of Phase II because there's simply not enough money for Phase II. The only project that is economically feasible at this point in time, if you make that finding, is the rehabilitation of the Mountain Inn. The purchase of that and the destruction of that.

Alderman Thiel: Thank you.

Dr. Collins: My apologies for my vocabulary. I should talk about projects versus developments. When we were going through the various scenarios there were certain developments which we knew were going to take place or were already in the process of taking place. But with that issue of how conservative to be, whether or not to include those which I think is a no brainer. It's only obvious that they should be. You just have to drive by and see dirt being turned or not to include them. I think that in order to provide you with as broad a spectrum as possible to be as reasonable as possible they were either not included or included incrementally into the overall estimation of what increment would be available to pay off the debts.

Alderman Thiel: Okay.

Dr. Collins: Does that make sense?

Mayor Coody: Yes. Any other questions for Dr. Collins?

Alderman Reynolds: At what point are we going to talk about the expansion this district?

Mayor Coody: We're discussing the boundaries and the plan at the same time concurrently right now. You can discuss that right now if you'd like to.

Alderman Reynolds: Okay. Archibald Yell Boulevard, when we talked about this before, I told the people that are east of Archibald Yell that they wouldn't be included in this. Fifth Street, Fourth Street and that district. I think I already told them that we got them back in there and we took them out the last time.

Dr. Collins: I would have to defer. We take our cues in terms of which parcels are to be included from the City. So I would have to defer that question to someone else.

Kit Williams: The only change in the boundaries was towards the west to include the Downtown Master Plan boundaries. That was the intent. The intent was not to move it toward the east whatsoever but only move it toward the west to include what had been presented as the Downtown Master Plan Redevelopment District.

Mayor Coody: Tim do you know if we accidentally used an old map that had excluded properties put them back in? Do you have a copy of the map in front you?

Tim Conklin: The original project plan that was approved is the same boundaries as what we're discussing this evening. It has not changed.

Alderman Thiel: Mayor, I think the problem is that this amendment is including the downtown plan as part of the amendment?

Mayor Coody: Yes. The Downtown Master Plan TIF.

Alderman Thiel: Yeah, the area on the west?

Mayor Coody: Yes.

Alderman Thiel: A lot of those people had contacted Alderman Reynolds and me that lived in Ward One, the Ward One portion map. I don't think they were aware that we were going to be discussing their property, their boundaries again because we had tabled indefinitely that project because of the announcement from the Attorney General's office.

Mayor Coody: Yes.

Alderman Thiel: I think the concern is this is moving so fast without them even being aware that this is being included now in this amendment.

Mayor Coody: I understand now.

Alderman Thiel: I don't think anything has changed it is just....

Mayor Coody: It's the west side not the east side.

Alderman Thiel: Right.

Mayor Coody: Right. Any other questions for Dr. Collins? Any more questions on the economic feasibility? Thank you very much. Stick around we might have more questions for you. Who else would like to address us on this? Hello John.

John Newman: I'm John Newman, citizen of Fayetteville. Maybe the answer to this is obvious but I have one question. It would seem like the Mountain Inn property is if there ever was a property that was appropriate for condemnation that would seem to be it. My question would be why don't we just condemn it, take it, knock it down and sell it whether that gets us a hotel or an office building?

Mayor Coody: I can answer that. I wish it were that simple but we can force condemnation on a building and have it torn down and we can put a lean on that property for the current property owner that owns it. With a lean on it we wouldn't own it. The current property owner would continue to own it even after we had poured money into tearing the building down and cleaning the site up.

Let's just use some random numbers. Let's say that we had $880,000.00 in the demolition removal of the building. We would condemn the building, demolish it. We'd have $880,000.00 or a million dollars in the removal of the building and then we'd put a million dollar lean on that piece of property. Then if someone wanted to buy it they would have to satisfy the million dollars lean and then it would still be owned by the current property owner. So we wouldn't have any control over what might go there. She could sell it to whoever she wanted to sell it too. So we wouldn't have any control over the future of the downtown area there if we just condemned it and destroyed it.

Kit Williams: Mr. Mayor that really is Option One that I presented to the City Council that they can in fact use General Fund money to attempt to raze and remove this building. I'm sure there would be litigation involved. I think the owner would say no it's not blight enough but I think we could prove our case. It would result in the kind of problems that the Mayor just spoke.

There is another option. The City Council under Option Two could issue enough bonds that they could possibly condemn the property through the TIF District. Then it would be disputed about how much we would have to buy the property for. I personally don't think it is worth much more than what it would cost to tear it down but that would decided by a jury not by us. If the jury decided on too high a figure then we couldn't afford to buy it and tear it down. So we might have to buy a property that would be our problem from then on. The City Council is not required to either enlarge the district or to do anything else. They can if they want to determine that, because of the Attorney General's opinion, there's not enough funds to do the project as conceived and they just will not want to go forward. Those are certainly options that the City Council will weigh. However both of those options have costs because if there is a blighted building there, I think there is some responsibility on the City to try to protect the buildings around it by condemning that property and that would be an expensive proposition.

John Newman: And so the issue is control over what happens.

Mayor Coody: That's one. We'd have a million dollars in piece of ground out there that we might not see again. We might never see anything become of it. It might become just a cleared site with nothing on it for years to come and we would have a million dollars in it.

John Newman: Versus what three and half million.

Mayor Coody: That would be coming out of the General Fund and it would go toward a twenty three million dollar hotel project and convention area in the downtown, right here in the downtown versus just a brown field site. That would be paid back as well you're right. Thank you. Mr. Andrews how are you tonight.

Michael Andrews: Good sir. My name is Michael Andrews, lifelong resident of Fayetteville. Although neither of my businesses that I own here in Fayetteville are in the current TIF District or the expansion that's proposed I can't see anything but good that would come to my businesses if this project were done. I've seen the plans. I've heard everything and read everything about it and think it would be a good project for not only the businesses here in Fayetteville but every citizen here in Fayetteville. So whatever we can do to make this project move forward, whatever it takes for the City of Fayetteville to get this project on the ground and running I think that's what we need to do. Thank you.

Mayor Coody: Thank you sir. Hi Mr. Butt.

Jack Butt: Good evening Mayor and Councilmen. My name is Jack Butt. I am, along with others, the owner of several properties literally across the street from the Mountain Inn. We are obviously here to see this blight resolved by the creative and diligence of Richard Alexander and John Nock and that group. Forgive me for being ignorant on this but I have been vaguely interested in other projects like the city incinerator, using sales tax to build schools, how rollback taxes apply to the county, and each case the county, the city, the schools trying forward thinking ideas, original creative ideas perhaps something like Mr. Bumpass suggested. I'm not suggesting his ideas are wrong but they try to find a creative way to go around a road block and every time we got our socks sued off. We lost four or five years, million of dollars in attorney's fees alone and tens of million of dollars in tax refunds. I don't mean to say there's any danger with this and I trust that Kit Williams is an excellent attorney, but if there's a safe way to do this, do it the safe way, do it the conservative way. Attorney General opinions aren't worth warm spit. In every one of those cases I told you about there were Attorney General opinion's that supported doing what was done and the Supreme Court overruled them. If there's any doubt about at all then forgive me. I don't know if there is any doubt if there's not that's great. If there's any doubt at all resolve it to a friendly suit. Don't get tangled up in five years of class litigation.

Mayor Coody: Thank you. I want to comment on your comments. We are all of the opinion that we want to avoid any kind of illegal tax, tax exaction, illegal exaction, and any kind of lawsuits. That's why we're being very cautious. Of course we're moving at light speed it seems but we are very concerned about doing things well. As matter of fact we're reacting very conservatively to the Attorney General's opinion. His opinion went against what we thought was approved by legal and we're taking that opinion very seriously instead of just relying on it and doing something. We're taking the other approach. We're relying on a very conservative opinion but our attorney, Kit Williams is very concerned. We're all very concerned about making sure we do things legally and well because none of us want to get sued. None of us want to lose money in a lawsuit.

One of the things in our plan which is, and I was going to bring this up in a little bit, is if we approve this tonight then we would be basically approving authorization of an injunctive or declaratory judgment suit versus Washington County Assessor. That is not the final word on what the Supreme Court is going to say even though the County Assessor is exceptionally good and we owe her a debt of gratitude for working so well with us and she's very good at what she does. We figure that we might have to force some kind of injunction just to have the judge or some jury tell her and us what we can do, what's legal because none of us really have the answers right now.

Kit Williams: I do want to say, you may call that to the Council's attention that you would be authorizing me to have a declaratory judgment or injunctive suit basically to protect the County Assessor about the proper disbursement of that. I think in that way hopefully we could avoid any possible illegal exaction suit because the tax will never be given improperly. Without such a suit, she would have to make an educated guess and as you know in the past sometimes those educated guesses have not come out right and that can result in substantial taxpayer losses. So I agree with you Jack, I think this is something we need to be very careful with.

Jack Butt: I perceive you're talking about a friendly suit and those were discussed and passed over on these prior tax disasters.

The second matter I'd like to follow up on John Newman's idea, and I don't dispute you Mayor Coody but I think if you take it to its logical conclusion, if the City were to spend more than a million dollars to cure this blight and even Mr. Alexander and Nock weren't out there, I think that's a great idea. I mean you've got a danger, an eye sore and impairment to the economy and something has to be done about that. Now if we've got some white knights on the horizon that can build us a five star hotel we're incredibly lucky but even if he doesn't I think the city needs to do something. So if we raze the building for a million dollars, I don't know if we can find that in the budget and we get a lean against the owner. Now the owner, if I understand it, and I guess I'm posing this as a hypothetical for Mr. Williams to comment on, if the owner doesn't pay the City the million dollars then we foreclose. We put that property, cleaned up slick as a hound's tooth ready to sell to a developer and put it on the market at the courthouse steps. That's what you do when you foreclose a lean. Then we're going to have people bidding on it and I suggest Mr. Alexander, Mr. Nock, Jim Lindsey, any number of investment groups from all over the state, the region and the United States, are going to be pretty interested in a slick acre or two in downtown Fayetteville that's clean and ready to go. Now if they only bring $200,000, the City is out net $800,000 because if $200,000 bided in, you're out $800,000 but you cleaned the site up. I don't think you're going to have chancey, iffy, patchy, uncertain buyers bidding on a site like that. I think you're going to get blue chip bidders. Whoever buys it, maybe they will put a hotel there, maybe they will put a huge suite of offices for rent or maybe they will put a high rise apartment building. That's free enterprise at work, the most the City can lose is $1 million and that's if nobody in the world steps up and buys it. I'll write you check tonight for $300,000 to buy that site and get it cleaned up, I'll do it. Now I imagine that there's plenty of people that can write a check for two or three million dollars to have that site cleaned up. I think the real risk to the City on razing that site is zero, the worst case, a million dollars. Somebody could step up and pay for a clean site in downtown Fayetteville across the street from two courthouses, down the street from the convention center, and we're the only convention center site in northwest Arkansas that has walk ability.

I put people up in the Embassy Suites and you can't walk anywhere from the Embassy Suites. You put them up at the Springdale Convention Center. They can't walk anywhere. If you put them up down there then they can walk to gardens and retail shops. We've got the pieces to go with it. Now I'm not arguing against the TIF but if that's a bridge too far I think the City ought to condemn the thing and raze it in a second and I bet you'll have your money back in a year. If you make any money over what it cost to raze then the owner would get the money and we're all happy. But I think, unless I'm wrong, the owner doesn't still control it. You can foreclose against her, sell it at auction and people will step up and bid on it.

Mayor Coody: That's one our options. If the TIF is a bridge too far then I think that will be our next logical option because we all want to see this situation resolved.

Jack Butt: I don't envy the hard decisions you have to make. Thank you for taking the time to do it.

Mayor Coody: Thanks for the suggestions. They're all good. Thanks Jack. Hey Rob.

Rob Sharp: My name is Rob Sharp. I'm the architect for the East Square Redevelopment Project and I'd just like to very quickly make two points. First of all I want to personally assure the Mayor and the City Council that everyone on the development and construction team is going to make every effort to design and construct a building that's going to be a credit to Fayetteville in every possible way. I know we just heard from the previous speaker about possible future projects that might happen in the next few years with possible future developers. I think we really ought to be careful that we don't lose what's taken years to put together on another second guessing of what's going on here. I think that the team you've got is a good team. I think you know we've got people that have been willing to renovate the Campbell-Bell building. Imagine the Fayetteville square without the Campbell-Bell building being renovated with the TV studio in the ground floor or imagine the University of Arkansas without Carnal Hall. I mean this is a team that can do it, put out projects that you can be proud of.

The second point is that this is a tough project. Before this current group I've worked with other developers and they couldn't make it work. I tried to get other out-of-state investors interested in it and they were of the opinion that you could give them that property and they could still lose money because of the condition of the building and difficulty of trying to make that work on that tight site. I just want to make those two points that if this TIF can be approved in the amended format we've got an excellent chance of having a great building.

Secondly no matter what happens this is a tough project and that's why it has taken as long as it has. Consider carefully before we close the door on this one.

Mayor Coody: Thank you very much Rob. I want to ask our attorney, Kit Williams a question referring back to Jack Butt's comments.

Let's just say the TIF doesn't work for some reason. What if we were to go to the raze and remove route, how long do you think it would take for us to have control of that piece of property if ever? What's your assessment?

Kit Williams: We could certainly have it eventually. One of the problems would be of course if you look at this particular project as being proposed and approved by the City Council in the past, it wasn't just the Mountain Inn. There were four different properties there including the Courts Building and two other buildings in order for not only the hotel to be built but a parking deck to serve the hotel and the condominiums also. We can't condemn the rest of that property. We can only condemn the one piece coming out of the middle. That would make the demolition more difficult and expensive I think because you would have buildings on both sides of the Mountain Inn. There would be some question about whether you could save the arcade section which I think they are planning on doing. The historic part by Center Street I think the current developers are intending to attempt to save that. If we condemn it I think we'd have to tear everything down. I don't think we can pick and choose and say well we'll tear everything down but the façade. Either the building needs to be razed and removed or doesn't. I don't think we really have the legal option of not doing it. I think eventually we would be able to gain control of the property through a tax lean or foreclosure as Mr. Butt explained and at that point in time if we didn't bid on the building or the land which I don't think we would have, we actually wouldn't control it. It would be whoever showed up on the courthouse steps and bid the most money. They would be the ones that would own that property. We would get some of our lean paid off but probably the rest of it would be discharged and so we would only get a portion of whatever money we have invested back.

That is certainly an option the City Council has. If you think that this TIF District is not feasible or if this is not the kind of project you feel like is still what you want to do then you certainly have the right not to go forward and not to enlarge the boundaries and to basically repeal the former project plan and at that point the City would have to look toward doing a condemnation action which I think would be successful. They could challenge it. They could say the parking deck is still fine, I mean people can still use the parking deck. They could say this shouldn't be razed and removed. I might disagree with them but they would probably have enough of an argument to go up to court.

So whatever we're going to do in this case I think one way or another unfortunately there's going to be more work for my office. I think we're going to end up in court regardless of any decisions you make tonight one way or the other.

Mayor Coody: Thank you. Hello Ms. Hoover.

Sharon Hoover: Hello. Sharon Hoover with Fayetteville Downtown Partners. I would just like to point out that our board met last week and we have a letter from the board in support of the Mountain Inn Redevelopment Project. I just wanted to make sure that you got that. Thank you.

I want to I guess address the two issues tonight one is the boundary. The boundary that is suggested now is exactly what's listed in our Downtown Master Plan that the community came up with. I guess I'm confused why anyone would have a problem with these boundaries. Is there something in Ward One that I'm not understanding.

Alderman Thiel: Uh huh.

Sharon Hoover: What is it?

Alderman Thiel: The people that live down there.

Sharon Hoover: Did they go to the master plan community sessions?

Alderman Thiel: Yeah they did. Actually some of the people did participate and they were going to be at the last meeting when we were going to discuss this area but they knew that it was tabled because of the Attorney General's opinion. They were not aware that tonight we were going to be discussing this expanded boundary.

So it's their interest I am concerned about. I have no way of contacting them. If we're going to be try to make a decision tonight I think we owe that to them to let them have their say about this.

Sharon Hoover: Were there particular issues? I'm just not aware. I'm trying to learn here.

Alderman Thiel: I think they have issues with being within the TIF.

Sharon Hoover: In general.

Alderman Thiel: In general.

Sharon Hoover: Okay.

Alderman Thiel: I think they at least want to have their say about it. I may try to amend this to exclude a portion of this. It's a very small portion but it would include the area of the people that are concerned. I'm not sure that they are here. They've contacted both of us and so that may be how we handle that part.

Sharon Hoover: Okay. Thank you. I will try to figure that one out. The other question I have on the project plan, is it possible to amend it at a later date?

Mayor Coody: Yes.

Sharon Hoover: To keep things moving?

Mayor Coody: Yes.

Sharon Hoover: Is it very easy to do? That could keep the developers on track and keep this going. I'm concerned also, we've got some great developers in line to do this project and I certainly wouldn't want to lose them even though Mr. Butt suggested some other good solutions. They certainly have a good track record for us in town and we certainly like to do everything we can for them.

Mayor Coody: Yes.

Sharon Hoover: So if that's a possibility I guess I'm not seeing any problem with the project plan at the moment. Thank you.

Mayor Coody: Alright, thank you Sharon. Who else would like to address us tonight. How are you Cyrus.

Cyrus Young: Just fine. I would like to talk about the millage again. That's what I talked about the last time. There's two scenarios there one with 3.16 mils and one with 7.66 mils. We're talking about the base here. What millage are those in the two scenarios.

Kit Williams: The smaller millage, the three point something millage is basically, I think, undisputed that could go into the TIF District according to everybody's best understanding.

Cyrus Young: What does it include in other words?

Kit Williams: That would include all the millage for the city library one mil, the police and fire pension plans both have a total of point four mils, and five mils from the county and then one point something mils on the county road tax.

Cyrus Young: That's the 7.66.

Kit Williams: That's the 7.66. To get down to the three mils the school district's interpretation of the debt service ad valorem rate is that whatever their debt service was in 2001, even if that's no longer millage supported by debt service, that they're still entitled to the tax increment for the amount that they had in 2001. I don't think that's proper. I think that would violate the constitutional provision that says a tax levied for one purpose cannot be used for another purpose. I don't think you can take the millage increment that was supposed to be for the library and transfer it to the schools.

I think Amendment 78 said that in the one circumstance when you create a TIF District you can divert millage that had been passed for one purpose and use it for the tax increment financing district but I don't see Amendment 78 as changing the constitution saying that a tax for the police and fire pension can be transferred to the school. So they are actually getting more millage then currently have been passed by the voters for them. That is the issue that would have to be decided by the courts and that's why I would attempt to get the case to the courts so that the judge could decide that issue.

Cyrus Young: So are you saying in the 7.66 mils there is some school millage?

Kit Williams: No, 7.66 mils is everything but the school millage.

Cyrus Young: So the 3.16 definitely doesn't have any.

Kit Williams: Right. The 3.16 would be if you use some of the tax increment increase and give to the schools even though they don't have a mil at this point voted in by the voters to entitle them to that.

Cyrus Young: Okay, now the other thing is the developers are talking about secondary bonds. What would pay those off, the 3.16, the 7.66, or either one depending on how the courts rule?

Kit Williams: The 3.16 would not support them. The 3.16 would only support the primary marketable bonds that we call in. Actually the marketable bonds would have all the tax increment financing pledged to them initially. The other bonds would be sub servant subordinate to those bonds without recourse against the City or the TIF District if they weren't paid off in the 25 years. They would be paid basically after the other bonds were paid.

Cyrus Young; Or if the courts ruled that the 7.66 is allowed.

Kit Williams: Yes. We could have a provision in there that if the courts do rule that the 7.66 is in there and there's sufficient debt service to support the original marketable bonds that the other bonds could begin to start being paid.

Cyrus Young: Thank you.

Mayor Coody: Anyone else who would like to address tonight please. How are you tonight?

Daniel Hintz: Doing well thank you. Thank you for allowing me to speak this evening. My name is Daniel Hintz. I'm a resident on the south side of Fayetteville. I think one of the important things about the Mountain Inn TIF we shared a lot being said that it is a gateway to the downtown district. I'd like to flip that around and say that it's also a gateway to the south side of Fayetteville. People coming in from the north to the south they see this blighted building, they come down to the south side and they also see some of the issues that we're dealing with on a daily basis on the south side. As a symbol for what is possible I think that the Mountain Inn project takes on a larger meaning than just economic development. We're talking about showing those of us on the south side that Fayetteville is committed to changing some of these blighted issues. Those of us who do live on the south side have talked about this. I was at a neighborhood meeting last night and this issue was talked about as an important potential development. I really see this even if we flip this around as a gateway to the south side that philosophically I think this is a very important project. This may open up a lot of different doors for those of us that live on the south side to implement projects. It's almost a domino effect is the way I see this Mountain Inn project. I really hope that as you go over the options that you actually are able to make a decision in a timely manner that will allow all of us who are working on both the grass roots level as well as those working on a larger level to be able to work together to not only help the downtown area but also the south side. So thank you very much.

Mayor Coody: Thank you for that prospective. Who else would like to address us tonight? How are you Mr. Ramsey?

Bill Ramsey: I'm good. How are you Mr. Mayor. Members of Council. I don't think probably any of us necessarily wanted to be here tonight. We thought when you passed this Mountain Inn TIF unanimously you had done your job. I think the only reason you're here tonight is because of the Attorney General's opinion. The only reason for enlarging the district is to make it feasible so that you can utilize this tool that we so badly need. I think you've got an opportunity and this may be an opportunity lost if it's not done. I think you heard Rob Sharp just say that if that's a bare piece of ground out there you're probably not going to be able to attract a developer that's going to put a hotel there.

I can tell you that we started working with these developers at the Chamber of Commerce way back. We're getting state people together, federal tax credits and they just told you tonight that there's some very time sensitive things that you're dealing with. Those opportunities are going to go away. Kit you know I don't understand the legal part of every thing. I probably should know about TIF but as far as impact to individual property owners I don't think there is any. You just freeze the rates at what they are and the increment is what helps pay off those bonds. That's the reason why you're talking about enlarging this district so that you can increase the increment and make it feasible. You wouldn't have to do that if we hadn't had the Attorney General's opinion. You know the track record of the developers they have worked hard and secured some tax credits. They have said publicly, they have said privately without that help they can't do this project. If we don't do this part and establish this TIF or at least come up with some way to assist them and if that help goes away the project is going to go away and we're all going to sit back one day and say hey we let an opportunity slip away from us. Let's not let that happen. Okay? Thank you.

Mayor Coody: Thank you sir.

Richard Alexander: Mayor. I'm one of the developers, Richard Alexander. I would like to address just a couple of the concerns that I heard tonight in addition to the comment. This is a very time sensitive project as Bill said there are federal tax credits involved if Bank of

Fayetteville was still here they would step forward and they would agree to fund those. That funding has to take place within twelve months. So we have to develop the plans, commit the money, get the firm commitments on the rest of the stuff, we started this three, four, five months ago. I thought the last time we passed it the second time 8 to nothing we were done and we were firming up our commitments and of course the Attorney General's opinion threw that on hold.

The plan is the same; it's the Mountain Inn plan. The only thing we're asking you to do here is to expand the district to make the reduced millage that we're left with sufficient to fund at least some of that original plan with the developers going out and finding additional investors to take up the slack. We're only talking about funding that part of the plan that is with that millage that is largely not in dispute as I understand it.

The consequence of not doing it tonight means that our contracts expire. We will be having a conversation with the Bank of Fayetteville first thing in the morning. So far they've been very gracious in staying in place and not panicking about their rather precarious position at this point. Because there's a significant fee that the bank will incur by way of funding the new market tax credits. That's a real issue for them and from our prospective it's absolutely imperative that we get an answer tonight. If we don't its going to be difficult to hold all of the pieces in place that's taken three years to put in place.

The real question here is with respect to the expansion of the district boundaries, I've been studying TIF now for probably longer than I wanted to. There is no down side to being in a TIF district. There's no down side whatsoever. There is a down side in being outside the TIF district in that should money become available to spend on subsequent projects that money may not be spent on property outside the district. Only property in the district can have money spent on it. So for instance, if a project is lighting trails, sidewalks or parking decks, you may not spend those monies on properties outside the district. You can spend right up to the district boundary. From my prospective I don't see the down side to being in a district, there's no additional tax but there is a down side to not being in the district. Again it is difficult for me to articulate why somebody wouldn't want to be in the district there is no tax and no down side to it. This is a twenty-two million, twenty-four million dollar project. I think we've shown the Council and shared with the Council estimates of revenues to be generated by this project are anywhere from thirty-five to forty million dollars. Whatever the investment is in the tax, by way of the tax increment financing, whether that's two million or three million or three and half million the return on that investment is ten plus fold in terms of revenues generated and that's in tax revenues generated. That's in addition to the revenues, the jobs and the increased property values for the properties adjacent to this.

The alternative to losing this project is the various scenarios, condemnation, whatever. Those are all alternatives, Kit has outlined them. The down side to that is that it will take years. The drag on those properties adjacent to this project will continue. If you'd look at this project, the Mountain Inn itself, I think I've seen estimates of approximately 100,000 square feet of hotel and commercial space that's been abandoned and blighted for years. In addition to that there is at least another one hundred to hundred and fifty thousand abandoned or under-rented, under-utilized space adjacent to the project. All you have to do is walk around down there and you can see the store fronts that are closed. The properties that are vacant are generating no revenue, they're generating no tax revenue, they're generating nothing.

If the concern is the schools, the schools aren't making any money off this project. The schools will make more money when this project is complete by virtue of the increase in that portion that they'll get to keep. I think its two hundred thousand a year, nine hundred thousand before the Attorney General's opinion. How much a year, one hundred thousand before the Attorney General's opinion, two hundred thousand now. The schools or the State of Arkansas wherever that money ends up, there will be an increase in that revenue between one hundred thousand and two hundred just on the project, and that's not counting the increase on the revenues that will be generated for property taxes and sales taxes on the properties around it.

Again, this is very time sensitive and I know it's not your fault. We appreciate your support before. You passed it 8 to 0 twice and we're very grateful. We were thrown a curve ball. We've worked for the last while with city staff and Kit to try to find a way that's legal, conservative and doesn't try to plow any new ground but really tries to accomplish what we thought we were doing before. Again with respect to the project it's the same project, it's just less millage. The expansion of the district makes up some of that not all of it.

Personally after spending three years on it we just weren't ready to throw the towel in but there comes a point that we can't just keep holding everybody off indefinitely. We'd sure like to try to make it work out and we're trying to figure out ways to take on the difference between what the expanded district can generate and what will be available. So thank you very much.

Mayor Coody: Please don't forget to sign in Richard. Do we have any questions for Mr. Alexander? Who else would like to address us on this issue? Hello Jeff.

Jeff Erf: Quick question which came to mind when Kit Williams was responding to Cyrus Young. I thought I would try to ask the question and maybe you can clarify something for me. Let's say hypothetically the citizens of Fayetteville voted to increase the library millage a couple of percent, a couple mils. Would all of that tax revenue that was collected based on that millage go to the library or would any of that be redistributed or directed to the TIF District?

Kit Williams: My understanding is that the base value of the property would still apply and so the new millage would be applied to the based value within the TIF District. The increment would then go to the TIF District with the based value continuing to go to the library and then everywhere outside the TIF District would get the full amount of the millage including the increment.

Jeff Erf: Alright so the properties that were on the inside of the TIF District the tax revenue there that was collected from the increment would not be going to the library.

Kit Williams: The increment of all the millage of local taxing entities except the indebtedness to the schools, would in fact go to the TIF District. The increment, not the actual millage itself, the base value millage would still go to the taxing entities.

Jeff Erf: Thank you very much.

Mayor Coody: Mr. Wright was that a fair assessment? Okay. Thank you. Are there questions or comments from anyone? I'm going to close the public hearing on this session.

Mayor Coody closed the Public Hearing

New Business:

Highway 71 East Square Redevelopment District #1 Boundary Modification Adoption: An ordinance modifying the boundaries of the Highway 71 East Square Redevelopment District Number One pursuant to A.C.A. § 14-168-305 (f) and A.C.A. § 14-168-307(c) declaring an emergency.

Kit Williams: Although I do think it might not or might be appropriate to have either now or later, when we are talking about the project plan, to have Mr. Wright and Mr. Wilbourn address us.

Mayor Coody: Alright, what question do we have for anyone? This is for the City Council now.

Kit Williams: This is back really to the ordinance for the boundaries.

Mayor Coody: Yes, ma'am.

Alderman Thiel: I understand that there is an urgency to pass this and I certainly support the project plan. As I said I am concerned about a very small portion of the extended boundary and only because those people have contacted us. They weren't notified of this. They did have concerns and I would not be supportive of passing the portion that includes their property. Is there anyway I can amend this to exclude a very small portion and I will try to define it.

Mayor Coody: Certainly.

Alderman Thiel: Although it actually does not follow streets.

Kit Williams: It is your determination as a City Council to determine the appropriate boundaries.

Alderman Thiel: Okay. Everyone follow with me here. Locate Putman Street down in the left corner there, actually it's Rock Street. It's Putman on the left-hand side and Rock on the eastside. Okay if you'll follow Putman and take it across Gregg Avenue.

Alderman Lucas: Which map are you looking at?

Alderman Thiel: I'm loooking at the TIF District map. Putman is lined up with Rock Street okay. Okay follow Rock Street over.

Alderman Thiel: If we take Putman from the west boundary of the district over and extend an imaginary line crossing Gregg Avenue to approximately where our new trail is or let's just say the creek, follow the creek down which is kind of along Gregg Avenue south of Prairie.

Kit Williams: All the way down to Prairie.

Alderman Thiel: That it all way down to Prairie where it would run into Gregg Avenue that runs into Prairie. Those will be straight lines that would be a straight rectangle and exclude that area.

Mayor Coody: How many is that?

Alderman Lucas: From Prairie you're going all the way down to Gregg Avenue.

Alderman Thiel: Go west on Prairie, back up Gregg, follow the boundary of the current TIF. So all you're excluding is Putman over from the west TIF line then follow Putman over to Lee Creek, go straight south to Prairie, follow Prairie back over to Gregg and then back up and just follow the TIF line.

Kit Williams: I don't think that would probably change any of the economic liability.

Alderman Thiel: I don't think so.

Kit Williams: Because there's probably a fairly small amount of property value in there.

Alderman Thiel: But there is a group of people there that have formed and are very concerned about this. They might not be opposed to it but if we pass this tonight which I am not opposed to doing I would feel I could not support passing this tonight without excluding this because they're not aware of it.

Alderman Rhoads; Brenda, I don't mean to meddle in your ward but I'm wondering might there also be people in that little area that you carved out or proposing to potentially carve out that might feel total the contrary and want to be in it.

Alderman Thiel: There might be but they're not here and they don't know about this. The people we've heard from are concerned. I'm not saying that they might not support it. They haven't had the opportunity, if we're going to pass this tonight, which I'm not opposed to doing because I understand the urgency. Now if we want to table this and discuss this a little later, we can forget this.

Alderman Rhoads: I'm trying to understand why people would have contacted you, this group of people that have contacted you, why did they not want to be in the TIF District?

Alderman Reynolds: Well it's a very low income area they don't want to be included in this.

Alderman Rhoads: Why? Did they say.

Alderman Thiel: Let me also add that I don't know if they wanted to be part of this meeting. They were not notified of this meeting.

Alderman Jordan: I think that's the point.

Alderman Thiel: That's the point Robert.

Alderman Rhoads: I thought the meeting had a 10 to 12 to 14 days notification.

Alderman Thiel: Of this new boundary?

Kit Williams: The notification was for the amendment to the project plan. There has been extensive media coverage talking about what the various options were. There was not a specific notification about the change in the boundary because one is not required in the ordinance or in the statute.

Alderman Thiel: Right.

Mayor Coody: How many people total have contacted you about this?

Alderman Thiel: Probably about five or six.

Mayor Coody: Okay.

Alderman Thiel: There's only about five or six houses in this area.

Kit Williams: I think this would be an insufficient change on the boundary and would not make any difference at all in the economic viability of the plan. I'd like to ask Jeff Collins if he wants to comment on that. I have my map drawn out; it's this one little section down here along Gregg Street.

Dr. Jeff Collins: Go to page 18. I want you to look at the difference between where it says the East Square, plus you can actually take any of these that you want the difference between the base line scenario and the bottom line scenario is three major projects it's million's of dollars. You've already heard how many millions of dollars. Look at the difference in the yield under those scenarios. We're talking about huge millions of dollars worth of projects. Under the most aggressive scenario which is the east square, if you combine the two TIF Districts and use the 7.66 mils you're only talking about a 3 million dollar difference on a base of twenty-seven million five hundred thousand. We're talking about the Terminella Project which is 2.5 or something like that and the Mountain Inn which is twenty-two million, to give you an idea of relative scales; this little piece that you're talking about is inconsequential.

Alderman Thiel: Okay.

Mayor Coody: Any other questions for Dr. Collins? Alright.

Kit Williams: Is that a motion?

Mayor Coody: Is that a motion to amend?

Alderman Thiel: Yeah, I'm making that motion to amend and there may be some people here that live within that district, I don't know, or in that area. But yes I'm making a motion to amend to remove that area.

Mayor Coody: Okay let me ask you this. In this part you carved out here, I'm sure it's very convenient drawn the way that it is, are these four or five people are they clustered together or are they spread throughout that district that you carved out?

Alderman Thiel: I think they are kind of spread out actually. I think some of them are to the north of that. One was very vocal at the last meeting.

Mayor Coody: Okay. Alright so you're making that motion to amend.

Alderman Thiel: Yes.

Mayor Coody: Is there a second?

Alderman Reynolds: Yes.

Alderman Thiel moved to amend the Project Plan Boundary. Alderman Reynolds seconded the motion.

Mayor Coody: We have a motion and a second to amend the master plan area to exclude the boundary previously described.

Kit Williams: This is amending the Exhibit A to that ordinance.

Mayor Coody: Is there any other further discussion on this amendment.

Alderman Rhoads: Yeah, I've got discussion. I'm desirous if this will help move the process along then I'm very much desirous to seeing that happen. However I'm trying to walk in the shoes of the twenty-five other houses that are in this other little carve out. Kit I don't want to be inventing something that may never happen but have those twenty-five other folks lost any sort of right by being carved out when at one time they were in.

Kit Williams: Actually I don't think so. One of the projects that is proposed in the amended plan and was also proposed in the downtown plan was the extension of the trail which runs very close to these houses but is on the other side of the creek. I don't think that they would actually lose anything and in fact the statute does allow work even outside the district. We're not proposing any of that but the statute does allow that under one of the provisions. No, I don't think they're losing any rights.

Alderman Rhoads: Thank you.

Mayor Coody: Alright, anyone from the public want to comment on this amendment? I'm going to close it to public comment and bring it back to the City Council. Oh there is somebody. How are you Jill?

Jill Anthes: Jill Anthes, 610 North Olive Avenue. I just wanted to comment that the part of the plan we're talking about excluding seems to be one of the most underserved parts in the district and in that area if there's money left over after the increment it might best be served by improvements. Also it is part of the Downtown Master Plan area that might be the most available to artist and for the culture arts district initiative. I'd urge you to think about leaving it within the boundary. Thanks.

Mayor Coody: Thank you. One of the things about this, for anybody that is viewing at home that might be confused about how this TIF District works. If somebody in a particular area is in the TIF District they see no additional expenses. They will see no extra money going out of their billfold or purse. They will see no additional expenses. What they would see is a portion of what they already paid being plowed back into their neighborhood and into the district that is not currently plowed into that district.

Jill I think your comments were right. I think that it would be an area that might benefit actually from being in the TIF area. But there are folks who don't have that same perception.

Alderman Cook: Mayor.

Mayor Coody: Yes sir.

Alderman Cook: Can I comment on that. I think those neighbors their problem is they don't feel like they are going to see any benefit from that. I think Mr. Robson made his point clear saying that I'm not going to see a new sidewalk, I'm not going to see street improvements in front of me, all I'm going to see is this Mountain Inn that's going to get fixed and what's that going to do for me directly. I think that's what their problem is with it. The ones that I've talked to there besides him. I think they have a valid point in some ways but does that mean that we should scuttle this. I don't know. I would not say that necessarily but I think a lot of people feel that way though.

Mayor Coody: Well my thinking is that and I want to rebut that, is that it's no cost to them. Not an extra additional cost or a penny to them. I think that all they see is to rebuilt Mountain Inn is plenty worth it right there to see the whole downtown of Fayetteville. I don't feel like I should just focus my prospective on just my number of square of feet that I live on, we all are a community and we do have to look out for what's best for Fayetteville. Although I know the amendment is going to pass, I do feel like that we do have to look at the city as a whole and look at the opportunity to rebuild the Mountain Inn, an eye sore and a liability into something that's really attractive and worthwhile is something worthy for all of us to get behind.

Alderman Cook: I don't think there's any argument against that. I mean what they are worried about is in some way if their tax money is going to be going towards this Mountain Inn and that they're not going to see the benefit, where otherwise if it did go to other tax entities they might see that benefit at some point in the future. But they think that they're not going to see the benefit that's all.

Alderman Thiel: Whenever we discussed the original TIF area, I said that if after I talked to constituents that were concerned about the area south of Archibald Yell, after I explained the things that you just said and the things that Robert has said, I think we all agree that being in a TIF is a good thing, if they still wanted out of it then we would amend that. We didn't do that. What I'm saying tonight is that the idea is to go ahead and pass this new additional area that's not really been publicly discussed other then right now, and there's an urgency to do that I'm supportive of that, if we were to leave this area in so that we do have a chance and opportunity to discuss it with the people that live in that area further. I would be supportive of just holding this off until we have that opportunity. I'm not saying that I disagree with what you're saying. I think you're right. I don't think that we've had the opportunity to get that point across. Let me put it that way, very bluntly.

Mayor Coody: You're exactly right.

Alderman Thiel: Because we are trying to pass this that's the only reason I'm trying to exclude this. I'm not saying that they will not benefit from it.

Mayor Coody: I understand. I understand that entirely.

Alderman Thiel: Okay.

Mayor Coody: Alright, any other questions or comments? Yes, sir.

Alderman Rhoads: One last comment. I'm really struggling with this issue because I'm very desirous of hopefully we'll be able to vote and get this whole TIF project moved forward. However, Ms. Anthes' comment is kind of weighing on me because I'm definitely in favor of having a very large culture district and having places for starving artists to be able to live and what have you. But what I think I also heard is that there's even the ability to do, let me take it one step further, I'm hoping that the Supreme Court will rule against what the Attorney General has proclaimed and therefore there'll be Phase II and Phase III in this TIF and there'll be money for something besides the Mountain Inn. I'm hopeful that will happen, if that does happen then people may see sidewalks, they may see lighting, they may see trails in all parts of this area. So that's why I don't want to really exclude anything. Hearing that there's a possibility that other things or benefits from the TIF money can go to things right outside of the district then I think I'm for it. If that's a true statement.

Kit Williams: Well the statute says, "each project plan shall include: 1) a statement listing the kind, number of locations of all proposed public works or improvements within the district, or to the extent provided outside the district." So I think we have authority.

Mayor Coody: Alright. So we have a motion and a second to amendment this map to exclude the area.

Alderman Thiel: Mayor. Can I ask just one quick question. Haven't you told us all along Kit that we can amend the areas at a future date, not the areas only the plan. The project plan.

Kit Williams: No, you can amend both. It says in the statute that the boundaries of the redevelopment district maybe modified from time to time by ordinance of the local government. That doesn't even require a special notice. Now if you're doing what you're proposing tonight and modifying a project plan that requires a 15 day notice, two publications in the newspaper, even more notice then to establish it. So both of those can be amended from time to time if that's the City Council's desire.

Alderman Thiel: So this amendment could be, we could add this back later.

Mayor Coody: That's an option. I don't think it would ever happen but it is an option.

Alderman Rhoads: Good questions Brenda. Thank you.

Mayor Coody: Alright, we have a motion and a second is there any other discussion on this item on the amendment? Hearing none shall the amendment pass?

Upon roll call the amendment to the Highway 71 East Square Redevelopment District No. 1 Project Plan Boundary passed 7-0. Alderman Marr was absent.

Mayor Coody: Thank you very much the amendment passes. Now then we will go to the ordinance itself.

Kit Williams: It's on the first reading.

Mayor Coody: You've already read it once Kit. We'll entertain a motion to suspend the rules and go to the second reading.

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

The ordinance was read by the city attorney for the second time.

Mayor Coody: Alright do you want to entertain a motion to suspend the rules and go to the third and final reading?

Alderman Lucas: Can I ask one question?

Mayor Coody: Yes, ma'am.

Alderman Lucas: I wanted to ask Kit, do you have any doubts at all with what we're doing tonight.

Kit Williams: I would say absolutely.

Alderman Cook: He's a lawyer Shirley.

Kit Williams: I think when this was first brought to the City back in May, I pointed out that this was a brand new amendment. Brand new law. Never tested before in the courts and as you see even as we're considering this there's a, I'm requesting the right to file a friendly lawsuit against the assessor. Actually to really protect her, to try to resolve some of the questions I have. So yes probably not in the boundaries. I don't have too much trouble with the boundaries. We get to the project plan and the financing certainly there are questions out there that I think only the Supreme Court can answer.

Alderman Lucas: Thank you.

Mayor Coody: In other words, we don't want to do anything without being certain after the court rules for us.

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

The ordinance was read by the city attorney for the third and final time.

Mayor Coody: Alright, any other questions or comments.

Alderman Cook: I'd like to comment real quick. One thing I want to say is that I hate making this decision tonight even though I know we need to but we literally just got this information so that's frustrating, but after talking to people in general about the Mountain Inn TIF since the last few weeks. It's been all across the board and there are people that are strongly against it for the reasons. There are people that are strongly in favor of it and there's some that just don't care to be honest.

Mayor Coody: That's probably a majority of them.

Alderman Cook: Some of them yeah. I've waffled back and forth because we have voted on this twice and I still waffle back and forth on it. There's no doubt we all support the downtown. I mean we've shown that with past actions and there's no doubt that we all want to get rid of the Mountain Inn. The question is, is this the right way to do it, is it perfect, no it's not perfect. I still have questions about the economic viability of this hotel to be honest. I really don't know if it will even fly or not. That's all opinion. I mean the numbers are all conjecture too. So we just have to make the best decision we can. All in all I think most people will agree that they just want to get rid of the Mountain Inn and I think what we've come up with is one way to do that. I hope that that's the right decision to make but I want to support this.

Mayor Coody: Thank you. You've expressed all of our sentiments. Alright, any other questions or comments? We're on the third and final reading. Shall the ordinance pass?

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

Ordinance 4673 as Recorded in the Office of the City Clerk.

Kit Williams: Your honor, because of the fact that this is a dangerous fire trap and the time sensitive nature there is an emergency clause to vote on also.

Mayor Coody: Alright, I entertain a motion and second approving the emergency clause.

Alderman Reynolds moved to approve the emergency clause. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Marr was absent.

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.

Mayor Coody: Alright, thank you very much. Now we'll move along to, we've already done the public hearing on both phases of this. So the new business of the project plan has been spoken to. So we would now bring this to the Council for discussion.

Kit Williams: I can read the ordinance here your honor.

The ordinance was read by the city attorney for the first time.

Kit Williams: As you are aware I've been attempting to work on this amendment for this project plan and its been a little of a moving target because we weren't sure for a long time exactly if there was any kind of financing that would work. It wasn't until the developers finally agreed to be able to step forward and to purchase the amount of bonds which would not be marketable that I was able to fully complete the project plan which I presented to you at 4:30 p.m. I'm sorry I gave it to you as quickly as I could get it which is not quickly enough and I apologize for that. Let me go over very briefly what the project plan says.

First it has to remove the Phase II of the current project. There is certainly not enough money to do Phase II which was the streetscape throughout the original district. We had very, fewer millage available at this point in time unless the court tells us differently and therefore the only thing we will be able to do initially is the project as you approve before. The project Phase I which is the purchase of the Mountain Inn and the three other structures and their demolition and then their sale to the developers for $300,000.00.

The Economic Feasibility Study was given to you also earlier tonight. You all have amended the boundaries of the district to make it financially feasible. The certification by the County Assessor was given for both the Downtown Master Plan TIF and the original plan that we have. She has not provided us a subsequent certification. That would be part of what I would do my suit is to require that certification by her about the debt service ad valorem rate and applicable ad valorem rate be determined by the court so that she would be protected and we would be protected. So that there would be no chance that the money, the tax money would go to a non-constitutional, non-statutory purpose. That is also in there so if you approve this project plan you are authorizing me to file suit on behalf of the City to get that kind of determination from the court.

The financing methods basically would have to be two types of bonds. The first one I will call the marketable bonds. They would be supported by the, pretty much everybody agreed to okay 3.16 mils. Those bonds even with this larger district won't be enough to finance this project. So that the developers have agreed to purchase or find an investor to purchase a note or bond that we're calling the subordinate bonds or notes. These would be paid only after the marketable bonds were paid. Because in order to make sure that the marketable bonds got paid. That would be what I think our bond counsel and our underwriter says we can market that much bonds. We can't market the bonds above for the 7.66 millage. So there would be two kinds of bonds. I want to call your attention to the bottom of page 4. Assuming we pass a bond ordinance for the 3.16 mils and something else for their bonds which should be followed with that recourse against the City of Fayetteville or the TIF District. So that means if they're not paid within the 25 year life span on this district it would be, they would simply not be paid and we would not owe any money on them.

At the bottom of page 4, I have stated that the subordinate bonds or notes must be sold with revenues received by the City prior to the city sales of its marketable bonds. The reason that I have that in there is that obviously we only want to market our bonds if we know the project is going to go forward. So we have to be assured by the developers that they have in fact raised the money to purchase the subordinate bonds and then we will go forward at that point with selling the marketable bonds and this project would go forward.

There were some project costs clarifications including specifying that the $300,000.00 that we will sell the property to the developers will be used to pay interest and principle on the marketable bonds. That should reduce our costs dramatically and make it more possible to obtain more money from the marketable bonds because we won't have to make such a large amount of capitalized interest into the entire debt.

The rest of the amendment just talks about what the total indebtedness would be. I'm using figures from Cruz & Associates who I would hope would come up and be able to explain their positions.

In the future options set forth are if in fact there are more mils available and both of the bonds can be paid. Both the marketable and subordinate bonds can be paid then we can look toward other projects for example the extension possibly of the Francisco Trail to the Skull Creek Trail, a parking deck, or some other sorts of improvements within this area or immediately next to the area if that's the choice of the City Council.

Beyond that I think that that pretty much covers what this amended project plan entails and I would try to answer any questions about it.

Mayor Coody: Any questions for our attorney on this?

Alderman Ferrell: I've got a question for Kit, not pertaining to this but its pertaining to the overall TIF development. Would you go through one more time with me, once again I'm all in favor of this. I remember the old Mountain Inn before we built this one. The eminent domain in a district like this, if anything is eminent domain it would come before the City Council?

Kit Williams: Yes. The project plan does not include us taking any property by eminent domain. The reason for that is that you can get virtually immediate possession with eminent domain. We've done that in having to expand roads or waterlines or something like that, but you don't get ownership until after the trial where the jury determines how much you should pay. Because of the time sensitive nature with this particular project we must go the purchase route so we can obtain clear title and convey clear title so that they can mortgage the property. Otherwise we would probably think about it.

Alderman Ferrell: I'm not talking about, what I'm really talking about is the TIF authority after this passed.

Kit Williams: There is TIF authority for eminent domain but if the City Council; just like in any eminent domain situation the City Council makes that decision.

Alderman Ferrell: It would be for common betterment.

Kit Williams: It would have to be to further project plan. So you would have to actually amend this particular plan in order to go forward with eminent domain.

Alderman Ferrell: Okay.

Mayor Coody: Any other questions. Yes, ma'am.

Alderman Thiel: On page 5, again stating and just for clarification, the City shall not pay more than. I'm trying to find out what the City is actually going to be paying that's not going to be reimbursed by the TIF District.

Kit Williams: Okay. When I'm saying the City, the funds come in and they are TIF funds the City is using them. The City in this particular project, just like it was before, is not actually going to be spending any of its general revenue. It will be spending TIF bond proceeds.

Alderman Thiel: Okay. Thank you.

Mayor Coody: Any other questions. Alright. I entertain a motion to suspend the rules and go the second reading.

Alderman Jordan: Aren't we going to go to public comment?

Mayor Coody: Oh, I thought we did the public hearing.

Kit Williams: Well they probably need to comment after.

Mayor Coody: Alright. Anyone want to make any public comments on the plan? It was a good try wasn't it? Going once. Going twice.

Kit Williams: Before we get to our second one let me ask maybe Mr. Wright or Mr. Wilbourn to make some comments about feasibility or legality or whatever they want to talk about.

Mr. Wright: Things have certainly changed since the last time we were before you since Beebe came out a couple of weeks ago. As you are going through all this and you've all stressed and understand that we need to move forward quickly on this. We've got some dates we've got to hit for the developers and make sure this project works.

Kit was just talking about the economic feasibility of the project. I think I told you early on we've got a history of underwriting numerous projects. I've got a history of doing hotel projects and have financed recently the Hilton Inn which was a shutdown hotel in Little Rock on 630 University with razor wire all over the place. It had been out of business and no developer is going to come in there refurbish the Hilton Inn in Little Rock until a tool became available that made it economically feasible for them to do so. In Little Rock an empowerment zone became available that allowed that project to go forward.

We were brought in and Rich can tell probably six, seven, maybe eight years ago when the current owner of the property was looking to do a project. We looked extensively at how can we get this same hotel, how can we get this thing refurbished, built, get this out of the blighted area, and there was no way, no economic feasible way to get that project done. We had to turn her down at that time and obviously it's been sitting here since then.

The tool which has presented itself, the TIF financing option, the developers are using that to make this economically feasible. We have looked at all the numbers. We have looked Dr. Collins' projections. I too just got his updated number version this afternoon so I have not had a chance to study that because I promised the Council

Mayor Coody: I think the reason that we all just got that is because they just got it finished up today and delivered at 4:30 this afternoon. So it's not like we were withholding anything. It's just that we all saw it at the same time when they brought it up.

Mr. Wright: As I was sitting next to him just a little bit ago I actually pinned him down and asked if I couldn't ask him a couple of questions after this to make sure. Because I've been taking his numbers and structuring in my own computer stress test models to be able to see what happens if the growth patterns aren't there. If the Terminella project or all these different projects come in or if they do not come in if the Mountain Inn works, etc. So I still have some studying to do. But as I promised the Council early on we're taking a very conservative approach towards making this project work and that's the only fair thing to do for the City of Fayetteville and for the citizens.

As the Mayor mentioned a little bit ago, you've got a history of some problems. It's been quite a while since you've had some defaulted issues. It's been awhile since you've had any of those issues pop up. You certainly don't want such a visible project as this TIF, this Mountain Inn for it to be any potential for it to have any failures in the future look bad on Fayetteville. That's what we're here for, to make sure that we're covering the City of Fayetteville for now and in the future. So everything that we're looking at, all the options that we're working with the staff of the City in presenting to them and presenting to the developers we're taking the cautious approach.

There are some other options out there that we've been working on. It's not pertinent tonight. Tonight we're talking about amending the project plan, making sure that it's economically feasible. We will be coming back when we put this all together. When we actually put the financing package together. The final package, we'll come back one more time and amend the project plan to put in here as the final structure because we're all looking at a crystal ball right now. This is what we think is going to happen. We think with 3.16 mils over 25 years we can generate approximately two million dollars in net available proceeds towards the project. One of the reasons we look to expand tonight into the Downtown Master Plan area is without that expansion we were only talking about a million dollars and that makes it back toward the nonfeasible economy of this project. So expanding into the Downtown Master Plan makes this a lot more of a workable plan. The developers are step up to agreeing to potentially purchase some subordinate debt. We're going to look at. We've got issues to look through and structure there.

Gordon Wilbourn, your bond counsel, we've got a lot of documentation and a lot of issue to work with Kit to make sure this all goes through and goes through quickly.

There is a lot of going on behind the scene. I've said it before, a lot going on behind the scenes. Many meetings and a lot of discussions that we're trying to flush out before we come in front of the Council. We even met 30 minutes this evening and 30 minutes on a conference call this morning on various options. So we're making sure that the City is covered from an economic feasibility standpoint. I think what we're looking at now, the cautious approach, we know the undisputed millage is 3.16. We'd go forward with that but we'd certainly put in provisions. The whole key to this program and any other options or programs we bring in front of you in the future is whether or not you agree or disagree with Attorney General Beebe's opinion a couple of weeks ago. I've certainly heard both sides of agree and disagree. We will leave in provisions and options that if the 7.6 mils is available we'd be able to do X with that.

As you were starting to talk about the amendment of the project plan and taking out Phase II, I jumped up and ran back and talked with Gordon Wilbourn to make sure we don't want to sell ourselves short either on that. Can we add that back in, the Phase II, the streets, all the other projects in the future in case the seven mils, in case the 25 mils comes back? I wanted to make sure that we didn't take to big of a step but as he has mentioned not a problem there.

So if Beebe's opinion or the Supreme Court rules that we can use the 25 mils we're back to what we originally were talking about and a much bigger project funding all these street improvements in a much bigger quicker pace. We can move forward cautious right now with what we know is available, the 3 mils and then put provisions ready in case anything changes.

A couple of the comments that were brought up regarding what the legislature is doing, what they're talking about and since I'm involved in just about every TIF in the state and I've talked to numerous attorneys, numerous legislators as far as what they can do.

The sales tax issue that keeps coming up makes a lot of sense. I think it's going to be looked at very long and hard. The one issue that just to keep in mind, the one issue that's going to be brought up is if they do allow us to use sales tax proceeds generated within the district, the City still needs to determine is that in their best interest but secondly, in the big issue with this, it still has to go to a vote of the citizens for Fayetteville to be able to use that. It's not a tax increase probably but it's the existing tax and the pledged of the debt. So even though it's a small TIF district, a small portion, and the legislature allows it my understanding in talking with counsel as well and Gordon might can expand on that. You still have to have the whole citizen, all the group to allow you to do that. So that is, those are still some of the issues that we still have to work through with getting back to where we were before hand.

But in summary, we're making sure that these plans brought to you are a conservative feasible plan. One that in every worst case scenario we look at there is nothing we see that could potentially hinder the City of Fayetteville in the future with this project. I'm glad that the Council has adopted these ordinances and passed this tonight. This is the tool and only tool that's become available to allow this project to move forward. Your developers are smart enough to jump on that and I applaud them for that. This is something we've got to move forward expeditiously to get the thing done for them; otherwise it's going to sit there like it has for years.

Mayor Coody: Let me ask you a quick question. If the legislature does approve the sales tax funded TIF, we would be able to come back and amend this plan to disassemble what we've done to confirm to a new funding mechanism wouldn't we?

Kit Williams: Well I don't know. We'd have to study the statute that they would pass and everything else. As Mr. Wright said there would have to be a vote of the people because when a sales tax was passed it was passed for specific purposes and one of the purposes was not to fund TIF district. So that would have to be back to the vote of people if they wanted to allow that as new purpose for the sales tax.

Mr. Wright: They talked about using income taxes toward a TIF. More power to them I can't imagine how they are going to get that done.

Mayor Coody: Some states use that method. I don't understand how they calculate that.

Mr. Wright: I don't either. I've only heard that they are talking about it. I know that myself and few of the attorneys and legislators are going to be sitting down soon to look at all the options and what is feasible. What are the other states doing. I've not seen any of the particulars on the income tax but I question how that's going to happen.

Mayor Coody: Any other questions for Mr. Wright? Thank you for your comments. Do we have questions?

Alderman Lucas: Do you need more time? You said something about you needed to look over these figures for what we're doing tonight do you need more time.

Mr. Wright: For what you're doing tonight no I don't because all along we have planned that it is a moving target even before Beebe's opinion came out. It was still a moving target as far as how we were going to structure the financing. What was the best and most efficient and feasible way. We're still looking at that and we look at it on a daily basis up until the point we structure and finalize the package. So the information I've got there is not need for any delays tonight. We're going to continue to move forward. It we run into any time constraints or if there are any issues that do arise that might slow this down I certainly hope that and I know the developers have some time frames, some very astringent time frames to get this thing done. May be the fact that if we are in the market and selling bonds in the third week of February but we can't close until March. Maybe that will allow them to overcome some of their hurdles once some of their other issues, they see the money is in place but it's just going to take an ordinance period, referendum period. But other than that like I said there's a lot to do and there's a lot for the bond counsel and Kit have to do in a short amount of time but that's what we're faced with.

Kit Williams: Let me ask you a question. You said you're going to want to have a second amendment to the project plan after you've gone over and looked at the economic feasibility report and done the entire bond sort of financing work? So that the City Council will actually then be able to look at the project plan again as its further refined in your amendment in order to see exactly what the financing is going to be. How it's going to be set up. So that's one final assurance for them that everything is financially feasible and ready to go forward at that point in time.

Mr. Wright: I think the Council would prefer that to have the final project plan. The final financial structure.

Kit Williams: Yes I would prefer to have that.

Mr. Wright: So I think that's a prudent step to take. I think knowing that in this next 30 to 40 day period as much as what's going to have to happen, we're probably going to call another special meeting to come back and say these are our findings. This is what we're thinking we're going to do as far as the financial package, the numbers, etc to give you one last review. We've been talking all in generalities all the way up until now because it has been a moving target but when we get real close to the point that we think this is the best way to do it we'll probably come back to the Council and say here it is let's answer your questions, your concerns at that point and then move forward with your approval.

Kit Williams: I know I would certainly appreciate that. I've been working hard to try to get a plan as complete and full and detailed as possible. I know it can be refined further and be much clearer on economic viability of this when they have the financing actually set forward. So I think that's a very good move. Keep in mind we have to give two weeks notice every time we amend it. So let us know so we can get all the letters out and publish it in the paper in plenty of time. That is the one problem with amending these plans that you have to have such a big lead time, but I certainly would think that would be a good thing. I did my best on this but I don't think this is good enough for the final one. So I'm glad to see that they are going to seek to have another one. I think that we do need to try past this tonight though in order to show that this is in fact the intent of what the City Council wants to do and then let them have a final look at it in future when you come back with a final plan.

Mayor Coody: Alright, thank you. Any questions for Mr. Wright. I want to thank you for all your hard work. It's been a long hard road and we appreciate it. Everybody on the staff has really worked hard to put together this TIF district and all the others. This has been quite an exercise. Everybody is ready to put this to bed so we can put a lot of other things on the front burner that need to be there.

Mr. Wright: Sure.

Mayor Coody: This has put a lot of other things on hold. Anyone from the public have any questions or comments on Mr. Wright's comments? Hearing none.

Kit Williams: Do you want to see if Gordon Wilbourn wants to have anything to add.

Mayor Coody: Gordon. You just want to hear people talk tonight don't you?

Kit Williams: They drove all the way from Little Rock and I relied upon Gordon many times for bond advice. I found him to be very knowledgeable

Mayor Coody: Yes, Kit, yes.

Kit Williams: And conservative, sometimes even more conservative then me which is shocking.

Mr. Wilbourn: Kit and I are the fellow legal sticks in the mud on this deal. And I just wanted to assure you that we're being, as Bob said that his financial model is been the conservation and we're being legally extremely conservative. I personally respectfully disagree with Attorney General Beebe's opinion but that doesn't really matter. We can't market bonds based on the 25 mils with that out there. So that's not what we're doing. Like Bob said you're going to get another shot at this if we amend the project plan and there will be bond ordinances that will have the exact precise terms of the deal and it is just a function of the statute. It's not set up very well. Its, I don't know how you could ever have a project plan that approves the feasibility of a deal before you have the terms of the bonds in front of you. That's just necessarily the way this is going to have to work. I'd be happy to answer any questions.

Mayor Coody: Any questions for Mr. Wilbourn? Alright and thank you for all your help too. You've done a very, very good job. I ask City Council to suspend the rules to go to the second reading.

Alderman Reynolds moved to go to the second reading. The motion failed for lack of a second.

Alderman Jordan: I want to make a comment.

Mayor Coody: I'm sorry.

Alderman Jordan: I want to make a comment.

Mayor Coody: Oh okay go ahead.

Alderman Jordan: First of all I want to say I do support the Downtown District. I do. I support the TIF. I think that the Mountain Inn is blight. What I do not like is being handed studies and handed documents before I've had time to absorb them. I do not feel comfortable passing stuff that I do not fully understand and for these reasons I cannot support passing the plan tonight. Maybe we can suspend the rules and go to some different readings even the third reading. But I need some time to absorb this or otherwise I cannot support this.

Mayor Coody: I understand.

Alderman Lucas: I feel somewhat the same way. It's always been my policy that I read everything before I vote on it. I support this too and I really think it's important. Is there anyway that we could have a very little, short agenda next Tuesday can we at least have a week to look at this and do it next Tuesday. Would that put things in jeopardy?

Mayor Coody: Let me ask a question.

Alderman Jordan: Can I say one more thing?

Mayor Coody: Okay, go ahead. Bob would you step forward again please.

Mr. Wright: I was just asking Gordon. It is truly the need to adoption the amendment to the project plan crucial tonight to continue moving forward. I certainly don't want to stop the process that's already started. Since we are planning on or at least that's the thinking is come back with a final adoption of the project plan with final numbers. Is it crucial that this passes tonight versus what you've already as far as creating the expanded district? I'll defer to the attorneys as far as their thoughts.

Mr. Wilbourn: Well I think what we were looking for was the will of the Council. How to proceed? What option that Kit presented that we were going to base our deal on and that's what we need to know. It's, we can't move forward without having at least some sense of what plan we're going with.

Mayor Coody: I'm sorry go ahead.

Alderman Rhoads: I would recommend that we maybe rename what we're about to vote on or perhaps not vote on and call it a proposed plan. What I mean is we're going to come back and amend it no matter what shortly and I'm of the same concern I'd kind of like to read things first and if we call it a proposed plan we will still achieve everything that we need to get done tonight and then we can come back and amend, adopt a final plan at a later date.

Kit Williams: I don't really think there, there is nothing in the statutes that say proposed plan. You either have a project plan or not. I guess you could pass the resolution you are in agreement with the project plan even if you are not going to pass it to let them know what you are thinking about. We either pass or do not pass the project plan. I don't think that you're not aware of, I don't think we can rename it and solve this particular situation. Keep in mind also that we had a public hearing and the public hearing was on the plan. Now if you don't want to pass it tonight, if that's going to be, I'd really have to defer to the developers and also to our underwriter and bond counsel about whether or not this is going to mean that the project will be able to still be done. The reason this meeting was scheduled for tonight was we backed up from the time we had to have the money and it takes time to do the bond ordinance and have the bond ordinance in effect. The bond ordinance has to be in effect before they can issue bonds and so we backed it up and this was basically the last possible night to get that done I thought but I could be wrong. I'll leave it up to you all and the developers to tell me is this the last night we can do this or do we have more time?

Mr. Wilbourn: No. Again I'll just reiterate what I said earlier. If, the understanding of the direction is a senior bond issue, a subordinate bond issue based on the 3.16 mils and that's the direction that we need to go and we can move forward. Kit I don't know what this does to you on the other authority for the declaratory or injunctive action. That will delay you from being able to do anything there. I don't know if that's important right now.

Kit Williams: I wasn't planning on filing anything before Tuesday anyway.

Mr. Wright: The only issue in the original plan as Kit was saying is we backed up from February 28th date. Tonight was going to be an adoption of a perimeter bond ordinance to get that 30 day referendum moving and that obviously that whole thought process died when Beebe's opinion came out. We've been back to how we can get this thing done. Gordon and I are going to talk with Kit as far as timing and if we have to hit a February 28th closing or if we have to hit a, and this part of the discussion with the developers a February 28th lock down of the financing. Even though we have a referendum period after that. Does it affect them. That's some of the issues we have to work through.

Kit Williams: Well I think that we need to have the developers up here. They're the ones that have told us that is the, that February 28th is the date that everything starts expiring.

John Nock: Well I think, we just heard a couple of things. We certainly have to have the bond ordinance before we can close on contracts on February 28th. So that certainly seems to be a requirement that no one in here can make happen. We're not prepared to have an ordinance for that any way this evening.

On the other hand I certainly understand the question proposed by Mr. Jordan and secondly by Mr. Rhoads. That if there are questions or comments that you would like to ask and comment on if I was in your shoes I would want to ask them as well. I would want to understand them as well. Also, this project has come so far with so many interations and we've worked through some many things. The last thing that we want to do as developers is to try to create such a sense of urgency, that is very real but that there would be a perception issue that we are trying to create it in a way that it would cause you the Aldermen discomfort.

On the other hand, we can't get beyond the fact that we have some real contracts. We run the risk, and this is a risk that we all would run based upon the decision that we make together. The contracts that we have under the project plan, I'm talking about real estate contracts will be actually passed through, under the project plan and would be purchased through TIF monies. And so therefore you would be recipients of those same contracts. So we keep saying that they're our contracts but in effect of the project plan those contracts become part involved or directly involved with the city's decisions. I see two things and I'm just thinking out loud here, if you don't have an ordinance already to allow the bonds to go forward you're already going to have to wait until at least the next meeting to have that. Then there again I don't know how you get around that quite frankly. I think that's the big issue. What we were looking for was and I think Mr. Wilbourn pointed out is the will of the Council. We can't do anything at all without the second piece of the puzzle which is in fact the bond ordinance passed, if I understand correctly from the underwriter that's been selected for the project that there's going to be a final project plan. So it seems like from our perspective nothing can occur until we know that we can go to the holders of Offer & Acceptance on the real estate, which we can't go to them and say a date certain away after tonight until that bond ordinance is passed. So in some ways, even validating the project plan tonight certainly would show one thing. It would show that will of the Council. In your preliminary direction of where to go and then it would give the ability of the next meeting I presume if the documents could be drafted in that amount of time that's sometimes a quick turn around to be able to give the bond documents. Even with that we would have to get some extensions on contracts. Those aren't our numbers. We've extended them, I don't know if the sellers will extend them again. I just don't know.

Kit Williams: I would ask that you do that and it might actually make the procedure easier if we did leave on the first reading and that way we could still modify this plan that's before the City Council. The public hearing has already been held and proper notification has been made. Until we adopt this plan you don't have to go through another former procedure to amend it because it's still before the City Council. Therefore we could read for the second time at the Tuesday meeting and it doesn't really make too much difference when we finally act on this until we have the bond ordinance ready to be read from my understanding. That's the key one that needs to be done in order to get the money.

John Nock: That's correct.

Kit Williams: So I guess indifference to the Aldermen's concerns which are quite real and my own in fact, I would not mind seeing this left on the first or second reading tonight so that our, maybe some motion from the City Council after you suspend the rules and allow it to become on the agenda, a resolution of support for the basic idea of the project plan as presented. The amended project plan as presented so that they would know in fact what the intent of the City Council was.

John Nock: Kit, that would help us in negotiating with contracts to be able to do that, look we're dealing with a timing issue not on a question as to whether its going to actually happen or not. We've gone to them before and extended contracts and we just want to make sure we have the will of the Council supporting that if we do that again.

Mayor Coody: The adoption of the boundaries and leaving it on the first reading with the intent to move forward with the final plan that wouldn't suffice as much as a document saying, stating intent?

John Nock: I think it would. I think it would. I don't know that anything beyond that would actually help us without the authorizing resolution for the bonds anyway.

Richard Alexander: Can I ask Kit a question?

Mayor Coody: Sure. Come on up.

Richard Alexander: As I understand it what were doing tonight is finding that the project plan is feasible but it's all subject to the passage of a bond ordinance. I mean if the bond ordinance that's where these guys are. You'll say yes its feasible and these guys will come back here and go okay yes it is and here's the money for it or no its not. So whatever you do tonight is subject to another hearing on the bond ordinance and at that point in time all of the questions should be answered. All of the numbers explained and the financing set out to the satisfaction of Council, bond underwriters, and city attorney. So it's a quirk in the statutes as I understand that you have to find that the plan is feasible in order to take the next steps which is go get the money. And you still have an opportunity to turn it all down if they come back and go it doesn't work, we can't raise the money.

Alderman Rhoads: Okay Richard what you're saying is that we then could still come back later and completely amend what we've passed tonight.

Richard Alexander: Or frankly you could say look it doesn't work, we won't do it. I mean you passed one before. You passed one before 8-0 and turned out we couldn't raise the money. That's why we're standing back here. It didn't cost us anything but it's a legal requirement to move the process forward. I think that you have to find that to take the next step. We are at exactly that position with no down side to the City. We passed it 8-0. These guys were about to come to you with the bond ordinance when the Attorney General wrote the opinion. So they said hey you know all bets are off and now we're back here again. So until you pass the bond ordinance it's really just an exercise in following the correct procedure as I understand it.

Kit Williams: Therefore I don't think we really lose anything if you don't actually pass the project plan ordinance tonight. I think you can leave it on the first reading but I do think it would be appropriate for the City Council to express itself about whether or not this is the direction that you are willing to go. What has been outlined in the project plan where the City would market as much bonds as it could on the three mils and the developers would buy enough of the remaining bonds so that we would have three and a half million dollars net be open to the project. I think that they need to know if that is in fact the will of the City Council. I think our bond counsel and our underwriter needs to know that also and then leave it on the first reading. Let's refine this plan some with the information that we're going to get from our bond counsel before you make a final decision on the ordinance.

Alderman Thiel: Mayor.

Mayor Coody: Yes ma'am.

Alderman Thiel: I personally think that we have voted on the district, the area, that is our comment and intent. I don't know why we need to verbalize, what good a verbalization of intent is other than that. I think we've all supported this district, the area and the boundary. We'll just wait until we get an actual……….

Richard Alexander: Here's a question for Kit. Right now, before tonight there was already a redevelopment plan and boundary. Tonight you have expanded the boundary of the existing TIF. So you actually already have a TIF plan that has been adopted and only tonight was amending that. So actually we already have a valid plan that has not yet been amended. We have already adopted a change in the boundary so actually we already have a TIF plan.

Mayor Coody: The plan that we have adopted won't work with……….

Kit Williams: We have an adopted but not valid plan.

Richard Alexander: That's right. It has not yet been amended but we do have a TIF plan.

Alderman Thiel: But that again shows the Council's commitment.

Richard Alexander: Oh yeah but we're just trying, well the main thing, I know the first thing we're going to have to do is go over to Bank of Fayetteville and meet with their guys and say hey we're going in the right direction. Don't panic just yet we're still on track and they'll want that comfort level to know that they can go forward and that they're doing the right thing in going forward. So I don't care how we accomplish that.

Mayor Coody: Lioneld.

Alderman Jordan: I don't intend to cause anybody any undue hardship here but my job as an alderman is to properly absorb the information that I've been given and make the best decision I know how to make. These documents I don't fully understand them until I have read them. So I cannot for good conscience sake make a decision on passing this without reading the information I've been given. Now I'm not trying to cause any problems here but that's just the way I do things. I do a lot of research and I do a lot of study and every time I seem to make a hurried decision on anything I seem to make mistakes. I just need the time. If we want to do this Tuesday that's fine. I think probably Alderman Marr would probably like to be here to comment on the plan as well.

Alderman Ferrell: Is there a motion on the floor?

Mayor Coody: No there's not.

Alderman Ferell: Well obviously we're headed that way but I mean I think it's appropriate for us to make some kind of resolution saying this is the way we're headed. I would make a motion that Kit gives me another word to submit there, that we just.........

Mayor Coody: First we'd have to suspend the rules to put this item on the agenda because it is not on the agenda tonight.

Alderman Ferrell: We actually wouldn't be voting though Lioneld.

Alderman Jordan: What I'm saying is haven't we already established that by creating the boundaries of the district.

Alderman Ferrell: I think so but I think what the fellows are talking about is moving forward with the marketability of the bonds. Trying to work them.

Mr. Wright: Just to clarify it I'm at a point now that I know what the intent of the Council is which is to get this project done. I'm comfortable with that. I also know that the Council is going to look to us and look to bond counsel to make sure that the final financing package is a secure and economic package. Whether or not it's even going to turn with senior and sub debt. I don't even know that yet until we get to the final marketing and present it to the Council, here's what it is. I know the intent is to move forward. I know the intent right now is, this is the structure. We think it's going to be senior and subordinate and we're going to move forward on that. I wasn't going to call the developers up here but the issue they've got to work through with their contracts and their February 28th date is would the adoption of the bond ordinance before February 28th allow them and allow them with whoever they have the contracts, does that get them over their hurdle? When the bond ordinance is adopted you know the money is coming in after a referendum period. It's a March closing, or do they have to have money in their hands by February 28th. That's their issue but.........

John Nock: I speak as from the developers. If I understand it correctly what Bob is saying at that point in time the developers are given assurance through BPA, a Bond Purchase Agreement. And at that point it's very much a liquid instrument that if we had to close prior to the maturity I guess is 30 days that's required then we could actually prefund that if need be. So I am not concerned about that that still meets our deadlines yes.

Kit Williams: Bob that makes a lot more sense than to leave this on this reading and have it again next Tuesday and then we need to schedule whenever you think you can get your bond ordinance done so we can have it on the City Council meeting whenever that's going to be.

Mr. Wilbourn: I think when we meet next Tuesday we could get the final bond ordinance and terms we'll have to offer the bonds. I mean that's going to be part of the process. So I think what we'll need next Tuesday also is an ordinance authorizing us to go forward doing these things and putting out a Preliminary Official Statement. A perimeters ordinance but I don't think we can do one that approves the documents in substantially the final form because there's no way of knowing that that's going to be what they look like. We'll have to have some authority to go out and offer bonds.

Kit Williams: Okay, we'll talk tomorrow about that.

Mayor Coody: Alright so the intent now. Do you have anything to add?

Alderman Thiel: Well I thought that there was concern that you hadn't studied the material given from Mr. Collins but you wanted to firm up the plan basically to make sure everything worked. Then we go on with that. I think that's what I'm concerned with is to make sure we are looking at a plan that you find is feasible and not necessarily issuing the bonds.

Mr. Wright: That's why I wasn't concerned with the adoption of the amendment of the plan tonight because the plan would come back one more time with the final financing package amending it one more time. If you can leave it open to where we don't have to have another 15 day notice if you can do that so that we can put the final numbers in. Then we don't have that issue and come back here are the numbers. Here's what we present to you. Adopt the Bond Ordinance. Adopt the Bond Purchase Agreement. Adopt the amendment to the plan and we're off and running. Hopefully it meets all their deadlines or pretty close to it.

Alderman Thiel: Right. Thank you.

John Nock: Let me just say one more time. That, I just went through it in my mind. That time frame will work. Okay.

Mayor Coody: So we're going to leave this on the first reading and we will put this on the agenda for next City Council meeting.

Kit Williams: Next Tuesday.

Mayor Coody: Next Tuesday night and we need to, we are going to make that a motion to suspend rules?

Kit Williams: I don't think that that's needed. They said they know were the City Council's going.

Mayor Coody: Mr. Shifty are you comfortable with this.

Mr. Shifty: I don't know how to answer that Mr. Mayor. I'm very concerned about the timing. The bank has made a loan and investment commitment to the new market tax credit program in a low income community. We have not made a commitment, legal commitment to this project but we feel very committed to it. This is where we want to make our investment but we have a severe time problem under the new market tax credit program that the money has to be out within twelve months. And if we think that that can't happen we're going to have to look somewhere else because we cannot have, there will not be a recapture under this program. So I have a big concern. I'm willing to take John's word that we can get this done and get it funded by the 28th and get underway but if there is going to be further delays we would probably be forced to look elsewhere. Thank you.

Mayor Coody: Alright, thank you very much. So I would just as soon go ahead and approve it tonight because you have to come back. This whole thing has to come back. I know it's not going to happen but I just think……….

Kit Williams: Since they want to amend the plan away it probably makes more sense to leave it where it is. So that because then you don't have that two week delay to approve the plan.

Mayor Coody: Right. Alright so there's going to be another delay here and that's going to work out just fine. So we have a motion, at least we're going to leave this on the first reading and you don't need any further motions or certificates of approval. Alright so are we finished with this business tonight then?

Alderman Rhoads: Let's adjourn.

Mayor Cook: There's a movement to adjourn and I agree so let's do just that. Let's adjourn the meeting. Thank you.

Meeting adjourned at 8:00 p.m.

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

Special City Council Meeting Minutes February 8, 2005

A Special Meeting of the Fayetteville City Council was held on February 8, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Vice Mayor Lioneld Jordan called the meeting to order.

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

ABSENT: Mayor Dan Coody

Pledge of Allegiance

Old Business:

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 the acquisition of an electric generating unit; 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. This item was tabled at the February 1, 2005 City Council meeting to a Special City Council meeting on February 8, 2005.***

Kit Williams: Amendment No.12 is the one that we hope you will approve tonight. I would suggest that you either table indefinitely this resolution Amendment No.11 (A) or you can amend it by deleting it and substituting the resolution approving Amendment No.12.

Alderman Rhoads moved to replace Amendment No. 11 (A) with Amendment No. 12. Alderman Cook seconded the motion.

Vice Mayor Jordan read Amendment No.12.

OMI Contract Amendment No. 12: A resolution approving Amendment No. 12 to the contract with Operations Management International (OMI); and approving a budget adjustment transferring $887,000.00 from Use of Fund Balance to the Wastewater Treatment Plant Generator Capital Project.

Matt Taylor: Amendment 12 is what we discussed last week. It has no extension of OMI's existing contract and is simply a purchase of the generator for the Noland plant. It will be paid for by the City over the course of this year. There will be no financing involved. The intent is to save money by reducing peak electrical use at the plant. Optimistic numbers in savings are $200,000 per year and I think safe realistic numbers are $150,000 per year that it should save in electrical cost out at Noland.

Kit Williams: This is needed for emergency purposes also in case the power goes out?

Matt Taylor: Correct. This will run much more of the processes out there in an emergency. The smaller generator that was proposed would run primary treatment processes and store water to be treated at a later date. This will allow the plant to continue essentially uninterrupted.

Alderman Ferrell: Would you explain to me exactly what this statement means: therefore the first years cost must adjust for this start up expense, the $76,693. Would you explain to me exactly what that start up expense of $76,693 is.

Matt Taylor: I think that $76,693 is from Amendment 11 (A).

Kit Williams: Yes that is correct.

Billy Ammons, OMI: The $76,693 has to due with the transfer from the current rate structure that we are under, the large power user structure, to the off peak rate structure that we will be able to go to once we get this particular generator in place. Any time you are under one of those particular rate structures you incur an obligation based on the demand that you set during a given demand setting period. The demand setting period that we are discussing here was set last year in 2004. There is a bit of a carry over of the obligation that we have because of the demand that we set in 2004 that will be paid out during this year.

Alderman Ferrell: That was my understanding. So the $76,693 goes to Ozarks Electric for last year.

Billy Ammons: Yes. We would incur that no matter when we decided to change.

Alderman Rhoads: That $76,693 is now folded into this $887,000 is that correct?

Billy Ammons: That is correct.

Vice Mayor Jordan asked shall the motion pass. Upon roll call the motion passed unanimously.

Alderman Ferrell moved to approve Amendment No. 12. Alderman Reynolds seconded the motion. Upon roll call the motion passed unanimously.

Resolution 21-05 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 6:10 PM.

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
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 15, 2005

A meeting of the Fayetteville City Council was 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.

Mayor Coody called the meeting to order.

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

Absent: Alderman Thiel and Alderman Rhoads.

Pledge of Allegiance

Mayor Coody: I have a couple of quick announcements. We have received the report on the Phase II environmental study for the Tyson Complex. It came back with what we expected to see with no surprises. We told Tyson today to go ahead and start the paper work on the closing procedure. So we are going to go ahead and move forward with it. Everything worked out exactly as we had hoped. Kit did a good job with his negotiating skills. He did a good job bringing home a contract that was good for us.

Kit Williams: It was a contract that complied with what the City Council told us they would agree to. We appreciate Tyson working with us because the kind of contract they normally deal with, with other cities was somewhat different than the contract that we agreed to.

Mayor Coody: We opened our first significant bid on the Wastewater Treatment System. The bid was on the overhaul of the east side Noland Plant. We certified $17.2 million to do the job. The three bids came in at $18 million, $17.1 million and $14.6 million. We came in very well on our first bid on the wastewater treatment system. Staff did a good job on that.

CONSENT:

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

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.

Resolution 22-05 as Recorded in the Office of the City Clerk.

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.

Resolution 23-05 as Recorded in the Office of the City Clerk.

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.

Resolution 24-05 as Recorded in the Office of the City Clerk.

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.

Resolution 25-05 as Recorded in the Office of the City Clerk.

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.

Resolution 26-05 as Recorded in the Office of the City Clerk.

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.

Resolution 27-05 as Recorded in the Office of the City Clerk.

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.

Resolution 28-05 as Recorded in the Office of the City Clerk.

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.

Resolution 29-05 as Recorded in the Office of the City Clerk.

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.

Resolution 30-05 as Recorded in the Office of the City Clerk.

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.

Resolution 31-05 as Recorded in the Office of the City Clerk.

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

UNFINISHED BUSINESS:

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.***

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel and Rhoads were absent.

Kit Williams: Before I read the ordinance I wanted to make sure the City Council knows that Exhibit D which was originally submitted as an easement to the City has been substituted with the General Utility and Access Easement which was handed out to you at the agenda session. That is a new Exhibit D that will be a part of this ordinance.

Mr. Williams read the ordinance.

Mayor Coody: Would you please explain what change Exhibit D represents.

Kit Williams: There was some concern about the original easement that it only provided for utilities, this easement talks about granting to the City of Fayetteville *the right of ingress and egress for vehicular and pedestrian traffic written as a permanent access easement over along and across the following described land.* This means the public shall have the right to use, walk and drive over this easement that has been granted to the City of Fayetteville.

Kevin Beaumont, McClelland Consulting Engineers: I have been working with the University on this issue over the last several months. To answer Kit Williams questions, yes the meaning behind that terminology is to provide pedestrian and vehicle assess for all citizens of Fayetteville and beyond. There is no limitation to that.

Mr. Beaumont gave a brief description of the project. At the time of the first reading the Council expressed concerns about off site improvements in particular the impact of traffic. The University commissioned an extensive transportation study that was undertaken with the cooperation of the City. This study is being carried out by Martin, Alexiou & Bryson transportation, planning and traffic engineer consultants.

George Alexiou with Martin, Alexiou & Bryson: We are undertaking a very comprehensive transportation study for the University working with your staff, the Regional Commission and the Highway Department. We are looking at street improvements and general transportation improvements. We are also looking at ways to reduce traffic and parking needs on the campus.

Mr. Alexiou explained the parking garage and the traffic flow from this facility. He stated this is not a net increase of 2,100 spaces on the campus. The intent is to replace parking that is being displaced by a project. The primary reason for this parking facility is to keep up with the parking on the campus and provide a little bit for growth. The traffic implications are going to be significantly less than if this was a totally new project on the campus.

He explained the study they are working on and what they are looking at in the study.

Alderman Marr: How many lots are being combined with this? Where are the lots that are being combined currently located?

Mr. Alexiou: Some have already been displaced, where the deck is and lots along Buchanan. He continued to explain other lots that will be eliminated over time.

Alderman Marr: The plan is to park them in this deck?

Mr. Alexiou: Like any University parking system everyone will be shuffled around but there will be a number of people that will move over into this facility.

Alderman Ferrell: You said the net new spaces will be 600 after you take the slack out for the ones that are being used. In the next five years do you forecast more net space?

Mr. Alexiou: As we look at the long term parking needs and the growth at the campus there is the potential need for another parking facility. We haven't concluded on that yet. One possibility is to do a shared arrangement with something on Dickson Street. We are also looking at a possible parking facility on north campus.

Alderman Marr: At agenda session the other day I think our concern was that we keep looking at this as two points of entry and you all keep saying five. What are the five roads they will be coming out onto?

Mr. Alexiou: I believe it's actually five entry points into the parking deck itself. There are two at different levels on Williams, there are two on Duncan, and there is one on Harmon.

Alderman Marr: So is it the plan that the northern exits would go from Duncan to Dickson Street?

Mr. Alexiou: Not necessarily, I guess it depends on where you are parked.

Alderman Marr: The reason for my questions are your comments that you feel the majority of the people will not access the southern pieces of the property but that there will be significant pieces that will go north. This raises two questions in my mind. One is the only exit is really Duncan to Dickson and Dickson really only goes east.

Mr. Alexiou: A significant amount of the traffic will go north. I don't want to under estimate the amount of traffic that comes from the south. There is a lot of traffic that will come from the south. We are looking at the whole road system around the campus and where we can make improvements for not only the traffic efficiency but more importantly for pedestrian safety as well. We will be looking beyond the immediate vicinity of that parking facility more intensely as we look at the whole campus as part of the master plan.

Mr. Beaumont: In light of what the transportation consultants just presented to you and the impact of traffic around the Harmon Avenue parking facility and the University's commitment to work with the City in looking at various ways that traffic flows can be improved, I am hoping that you can move forward with full support for the vacate documents as they have been presented to you and with the ordinance. I would like to request that you suspend the rules and move to the third and final reading of the ordinance. There are some important projects that the University is wanting to process forward with. I hope they have adequately demonstrated their willingness to work with you and that maybe these issues can move on and not cause any further delay to this vacate process. Thank you.

Alderman Ferrell asked Alderman Marr if he thinks a lot of people will leave the deck and head south.

Alderman Marr: I do think that will happen. I think my concerns have always been that we are taking dispersed lots and consecrating spaces in a tighter area that were maybe a little more spread out. I would rather have decks instead of tearing down neighborhoods in my ward to make surface parking. So I appreciate the effort the University is making on that side of it. The concerns I have though are those intersections. Safety is an important issue to me. I do think we are going to have a different dynamic when that deck opens. I was hoping that we would maybe control the northern exit out of the high school area or we would do something to protect that particular intersection and that we would have some commitment on record of the willingness to participate with the city in looking at these intersections because that is my concern. I am glad they are doing it in terms of the effort but I just worry about whether we are prepared for the volume.

Mike Johnson, Associate Vice Chancellor for Facilities at the University: I will make a verbal commitment to Alderman Marr that the University has committed and continues to commit that we will work with the City and the school district. Not only on that intersection of Center and Harmon but the other intersections of Center and California and Sixth and Garland. There are a number of them that we will have to look at.

He explained the lots that are being replaced. He stated 1,400 to 1,500 lots were in the immediate area around the deck. Those have been coming into that area and will continue to come in and go out. There will be some additional traffic.

He went on to explain the traffic and the peak times of the traffic. He explained some of the traffic issues they are working on and the things they have completed to improve pedestrian safety.

Alderman Marr: The information packet that was given to us and the school district did you get any response or feedback from the school district on that?

Mike Johnson: No, not at all. I have talked to the superintendent on a couple of occasions.

Alderman Jordan: I think a lot of these issues can be discussed tomorrow when we meet at facilities management with the University.

Alderman Marr: I don't want to hold it up any further obviously the thing is built, we have a commitment to work together to move forward and we have the change on the easement issue. I appreciate your openness to hearing our concerns.

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

Mr. Williams read the ordinance.

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

Ordinance 4675 as Recorded in the Office of the City Clerk.

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.***

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

Mr. Williams read the ordinance.

Kit Williams: Even though we have read it for the third and final reading we have not received all the information back from our bond counsel and our underwriter for this. They wanted to have all that in the project plan. Even though we can discuss it, I am not going to recommend that you approve it tonight. I would recommend that you table this.

Tim Conklin: I did talk to one of the developers of the Mountain Inn this afternoon and he understood that we were tabling this until the March 1, 2005 City Council meeting.

Alderman Marr moved to table the ordinance until the March 1, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0.

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.***

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

Mr. Williams read the ordinance.

Alderman Ferrell: Do I understand that Fayetteville is the only City that contributes money, not gifts in kind but money to this EMS?

Chris Bosch, Fire Chief: Yes that is correct, the County provides funding support to Central EMS, and the City of Fayetteville does as well. The City of Springdale provides its own ambulance service. The County provides that support on behalf of those smaller communities as well as the unincorporated areas of the County.

Alderman Ferrell: My understanding was the County uses Turn Back Funds from the State, but the County also gives Turn Back Funds to those cities.

Chief Bosch: I don't know how they deal with the Turn Back Funds at the County. Where the funding comes from or how they differentia I do not know.

Tony Hickerson, Administrator of Central EMS: I also do not know. Our contract just states that they will give us the money. We have never discussed where that funding comes from specifically.

We discussed at the last meeting the funding and the salaries of our employees. One of the points that I wanted to make is that our employees are our most important resource in providing the service and is naturally employee intensive. That is our largest cost as well. One of the other issues we discussed at the last meeting was response times and the differences between average response times and fractal response times. We want to go hopefully where this whole study is leading us. In large cities with large markets response times are usually 90% at some particular time interval. That time interval is often 8 minutes and 59 seconds or less for life threatening emergencies. Last year in Fayetteville for red lights and siren response, Central EMS's fractal response time for 8 minutes and 59 seconds or less was 83%. Which quite frankly is a pretty good response time for a small market that has competitors taking resources out of the market. So we are standing now with 83% and most type of systems look at 90% which is certainly achievable for us particularly if all the resources in the whole system, non-emergency and emergency are devoted to the emergency ambulance service.

Mayor Coody: I know the County has put a committee together to look at the MEMES Model for Central Arkansas. Is there any kind of a rough timeframe when they might conclude that meeting?

Tony Hickerson: I don't know for sure. I think their timeframe is 6–7 months. The RFQ is not let yet but will be probably be in the next couple days or so.

Mayor Coody: The RFQ would be exactly for what?

Tony Hickerson: For a consultant to help move the transition into what we envision would be a public utility model.

Alderman Ferrell: Is the City going to be involved in the funding for that?

Mayor Coody: Yes, I think there is a $5,000 cost and the City will provide half of that cost.

Alderman Reynolds: I understood that West Fork, Lincoln and Prairie Grove have their own ambulance service?

Tony Hickerson: No sir. We station an ambulance in West Fork, Lincoln and Prairie Grove. They provide the facilities for us to station an ambulance there. Those ambulances are part of the whole Central EMS system.

Alderman Reynolds: Do those cities pay for that service?

Tony Hickerson: Other than paying in kind for allowing us to stay at the fire stations no they do not.

Alderman Reynolds: The County pays that bill too?

Tony Hickerson: The individual cities do. In other words we stay rent free at those fire stations.

Mayor Coody: They contribute the facilities.

Tony Hickerson: Right.

Alderman Reynolds: So Goshen, Greenland, Farmington, Elkins and Johnson do not contribute?

Tony Hickerson: No.

Alderman Reynolds: Is there a reason why because we do.

Tony Hickerson: I'm sure that is one of the issues that will be addressed in this study, who should pay and what amount they should pay. Ideally the long term goal is to have a market large enough to help reduce both City and County assistance and depend more on fee for service. We are not at that point now because the market is not large enough.

Alderman Reynolds: It just seems that the City of Fayetteville is paying a lot of money and I think these other cities need to come up with some money.

Mayor Coody: I think that is the plan at looking at the public utility model for us to get to that position where we are not contributing out of the General Fund to support the ambulance service. We want it to be self supporting and self sustaining after that.

Alderman Reynolds: I have heard that for six years.

Mayor Coody: Well this year it is going to happen. At least I am assuming that it will. Do you want to fill us in on having a public utility model and making this work?

Tony Hickerson: I think the general thrust of this whole study is to move toward a public utility model. The primary focus of a public utility model is to look at clinical sophistication, clinical ability of your service, response time reliability, economic efficiency and customer satisfaction, all with external oversight. If a system is large enough and has enough call volume then they can theoretically be self supporting. That requires that all of the resources such as emergency and non-emergency business goes to the emergency provider rather than like we have now. Right now anyone that wants to can come into Fayetteville and start hauling patient's not only non-emergency but emergency patients. The whole system is to have a well defined public utility model that takes care of all aspects of the emergency system from first responders, dispatch all the way up through the care and transport of the patients.

Alderman Ferrell: The utility model that they are looking at, do they use firemen to dispatch or do they use a third party?

Tony Hickerson: The only public utility model I am aware of is in Little Rock. That is Metropolitan EMS or MEMES. They do their own dispatching. Most public utility ambulance services do their own dispatching.

Alderman Ferrell: But do they use City personnel firemen to dispatch in Little Rock?

Tony Hickerson: For first response. Using the Fire Department for first response followed up by an ambulance service is one of the most economic efficient models.

Chief Bosch: When an EMS call is received it goes to two points of contact, Central EMS and it also comes to the Fire Department. We can respond quicker because we are more strategically placed. We respond as a first responder in what we call a tiered system. All of our fire fighters are certified as EMT's. They are on the scene within 4-6 minutes. They begin patient assessment and help to stabilize the patient and they will begin to package the patient so that when Central EMS arrives we can transfer care from the basic life support to the advanced life support which is the paramedic level. We work together hand in hand.

Alderman Ferrell: Do you have any paramedics?

Chief Bosch: We do have some folks in the department that are paramedics. We do not have the authority in our organization to operate at the paramedic level at this time.

Alderman Marr: Is the City of Springdale's ambulatory service within the City? They don't contract any outside service?

Chief Bosch: Yes. They do some service outside the City as well.

Alderman Marr: What is their rationale for doing that within their city as opposed to contracting services?

Chief Bosch: From the conservations that I have had with them they want to guarantee their response time.

Alderman Jordan: On the campus of the University we have first responder teams on campus. If there is an accident on campus and there is someone that has been certified as a first responder on campus they will show up first even before the Fire Department gets there. That is something maybe we could explore City wide is that possible.

Chief Bosch: There are four levels to the system, first responder that supplies basic first aid.

Alderman Jordan: Do we have that within the City. I was thinking about citizen participation.

Chief Bosch: We can work on that. We can work in that direction if that is the Council's desire.

Alderman Jordan: I am just throwing that out. I know it has worked on campus.

Alderman Cook: How is the firm selected that ultimately provides who is the sole provider?

Chief Bosch: What we will do is hire a consultant to build an RFQ then we will put that out for bid.

Alderman Cook: How does the utility model work? Is it basically fee based? How do you collect your money?

Tony Hickerson: The sources of revenue are not based necessarily on the model. You can have any number of models providing the service and different structures for collecting the revenue for that model. A public utility model does not necessarily address the funding. It is an attempt to make the system more economically efficient as well as perform at a higher level.

Alderman Cook: What does Little Rock do?

Tony Hickerson: It is completely fee for service at this time.

Alderman Marr: What is their population number that they are working from?

Tony Hickerson: It is about one half a million. They run about 70,000 calls a year.

Alderman Lucas: How many ambulances do you have housed in Fayetteville?

Tony Hickerson: We have three.

Alderman Reynolds: You had a pretty good loss on your accounts receivable. Did that loss come from inside this City or from the County?

Tony Hickerson: We are working on that to determine that issue. Our bad debt last year for patient accounts was about 16%. In the ambulance business that is very good. We also had a large write off, the write off is Medicare and Medicaid charges that we can not bill the patients. That is something over which we have no control.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Cook, Marr, Lucas and Jordan voting yes. Alderman Ferrell and Reynolds voting no. Mayor Coody voted yes thus passing the ordinance. Alderman Thiel and Rhoads were absent.

Ordinance 4676 as Recorded in the Office of the City Clerk.

Mayor Coody: Alderman Ferrell what is your concern on this?

Alderman Ferrell: My concern is when I look at our budget and I see all these budget adjustments and going from $156,000 one year to $250,000 the next year. I will support fire, police and emergency service whenever I can. I am also concerned about who all is providing funding for this service throughout the County.

Tony Hickerson: I understand that it is a large jump looking at it this year but looking at the last ten years the average increase per year that the City has put into Central EMS has been 2%. In one year we had a reduction followed by two years with no increase at all. I think a 2% average increase over ten years overall is not bad it is kind of like we are catching up. Maybe we should have had higher increases in the previous years so this year's increase would not have been as large.

Mayor Coody: Alderman Reynolds is that essentially your concern as well?

Alderman Reynolds: Essentially. I hop this year we complete that study and try to get this corrected. I would be interested to know where the bad debt comes from the County or the City.

Mayor Coody: Could you complete a quick report on this?

Tony Hickerson: It will not be real difficult for us to find out by pick up location. The rest will have to be done manually. Ambulance rates for a base rate range from $414 to $575 for an emergency. On a $414 bill Medicare allows $204. They pay 80% of the allowable. The patient is responsible for the other 20% and the rest has to be written off. On the $575 bill Medicare allows $334.

NEW BUSINESS:

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.

Alderman Reynolds: Do we go to the cities to pick up animals?

Jill Hatfield: No we do not. They are brought to us by citizens or their animal control officers will bring them to the shelter.

Alderman Marr: How did you come up with the rates?

Jill Hatfield: What we are looking at is the sheltering program and the expenses involved in that. When you look at expenses for 2004 we are looking at about $385,000. This is just for sheltering it does not include the vet clinic or the emergency and patrol officers. When you look at the expenditures and you look at the animals we took in, in 2004 which was 5,091 animals the cost that we spent is $75 which is a five day hold. That is what we have contracted with the cities in the past and that is what we again are going to do. The City of Fayetteville's ordinance states that we hold stray animals for five days.

Alderman Reynolds: So we are averaging $75.74 per animal per year for up keep?

Jill Hatfield: Per five days.

Alderman Lucas: The City of Greenland pays an annual sheltering fee of $525 is that for the entire year?

Jill Hatfield: That is for the entire year because they are bringing in seven animals.

Alderman Lucas: So they are only going to be allowed seven animals?

Jill Hatfield: Correct. We base this on the previous year. That is what they brought in, in 2004 so that is what we bill for and contract for in 2005. The one increase that we have seen in animal intake is through the County.

Mayor Coody: Do we get reimbursed for the extra animals that we might collect in a given year?

Jill Hatfield: If they continue to contract with us, if they do longer contract with us we would be out those funds. We would get reimbursed for the overages in the next year.

Alderman Marr: If something happens and we have an increase in a cost we do a budget adjustment. I still struggle with why you don't look at a per animal basis so we get our money within the year and if they go over that they do a budget adjustment or they look at other programs that might drive that cost down. To me it doesn't really give them an incentive to manage the cost once it is locked in.

Jill Hatfield: I agree with you. I think that is something that we need to look at.

Mayor Coody: Would now be a good time to do that?

Jill Hatfield: I think we can do that, I think that is possible.

Alderman Lucas: If we turn this down are we losing money from last year?

Jill Hatfield: No.

Alderman Reynolds: I am in favor of changing these contracts so everyone pays the same fee that our residents pay.

Mayor Coody: What do our residents pay?

Jill Hatfield: It is comparable.

Alderman Marr: What is the down side of us not approving these contracts tonight?

Jill Hatfield: I don't think there is a down side necessarily. There is a little more work involved. I don't think anyone is not going to contract with us.

Alderman Marr: So if a person from one of those cities brings an animal to our shelter while we don't have a signed agreement we would continue to take the animal and they would pay under what rate? The old rate?

Jill Hatfield: No. That might be a legal question.

Kit Williams: Don't we already have an approved contract with the County?

Jill Hatfield: It is approved it has not come to the Council.

Kit Williams: I would be reluctant to say that the contract we have asked them to approve that we are not going to approve. That is certainly up to the City Council if you want to do that. These things can be redone. Keep in mind that you are creating additional paper work and billing requirements for the animal shelter if they have to start billing these cities every time they get an animal as opposed to doing a yearly contract and billing them once a year.

Alderman Lucas: Do you bill them every month?

Jill Hatfield: They are automatically billed. Accounting bills them through this contract on a monthly basis.

A discussion followed on the billing.

Alderman Cook: I think the Fayetteville Animal Shelter does a great job of trying to adopt animals out. I think if we go to the per animal fee I think that would produce an incentive but I also think there will be the opposite effect and they won't bring them in.

Alderman Marr: I really would like in the future to see us base this on current cost and to look at a per animal basis.

Jill Hatfield: I agree.

Alderman Reynolds: I think with the population growth that we have had in Washington County in the past year this number is probably going to two fold this year or worse.

Jill Hatfield: That is a possibility.

Alderman Lucas: I think you do a great job but I agree with Alderman Marr. Fayetteville a lot of time carries the load for everyone else and I think they should start carrying some of their own.

Steve Davis. Finance and Internal Services Director: Getting these contracts on a more current cost is a side benefit we hope to experience once we get the user fee policy adopted and get our user fees updated.

Alderman Cook moved to approve the Resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 32-05 as Recorded in the Office of the City Clerk.

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.

Alderman Jordan moved to approve the Resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 33-05 as Recorded in the Office of the City Clerk.

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.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4677 as Recorded in the Office of the City Clerk.

<u>RZN 04-1358 (Camillieri):</u> 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.

Mr. Williams read the ordinance.

Jeremy Pate: The Planning Staff and Planning Commission is recommending approval of this.

Alderman Marr: This is item that I referred to at agenda session about the timing in terms of the lease agreement. I request to have us look at all three readings tonight. This is in Ward II and we have received no negative comments on it.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4678 as Recorded in the Office of the City Clerk.

<u>Amend § 173.08(B): Unsafe Buildings:</u> An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

Mr. Williams read the ordinance.

Kit Williams: This is basically a house keeping procedure that was presented by staff to make sure our ordinances comply with what we are practicing.

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

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

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

Ordinance 4679 as Recorded in the Office of the City Clerk.

<u>Solid Waste and Recycling Bid Waiver:</u> 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.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Alderman Cook: How many boxes does that buy?

Brain Pugh: The cost is about $700 for a 2 to 8 yard container.

Alderman Jordan: What was the cost per container a year ago?

Brain Pugh: It has doubled since last year. I think you have that reversed the 2 to 8 yards are $40,000 and the roll-off is $20,000.

Alderman Reynolds moved to amend the ordinance. Alderman Jordan seconded the motion. Upon roll call the motion to amend passed 6-0.

Kit Williams: That amended the title, section II and section III.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

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

Ordinance 4680 as Recorded in the Office of the City Clerk.

Alderman Marr: I wanted to thank the management team from Solid Waste publicly. They have been working with us in Ward II on some trash issues that we have had. I wanted to thank Carol Hill and her team and Gary Dumas tonight. We appreciate your support.

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.

Kit Williams: I received by fax the back page of the contract that we had presented for their approval and it has been properly signed by all of the principles. This is the same contract that was handed out at agenda session.

Micki Harrington for CMN Properties: I would like to thank Mayor Coody who has been pushing on this for a very long time. We really appreciate the City being proactive on opening the street to the west. My clients could not have done it at this point in time. With the City's participation in moving this forward it is going to be good for everybody. I want to thank you all for this. Is there a contingency in these numbers?

Kit Williams: You would have to ask Mr. Petrie our City Engineer if there were any contingencies in his estimate.

Micki Harrington: Is a Phase III plat required in order to dedicate this road to be built? I think my clients will probably want to do that regardless because it will make sense but if there is some reason that it is not required we would like to know that.

Tim Conklin, Director of Planning and Development Management: There could be the possibility to do a lot split on this or a property line adjustment. We will need to get with Micki Harrington and her clients to determine the best way to do it.

Micki Harrington: We would like to see if there are ways to reduce the cost.

Alderman Cook: I still think Van Ashe needs to go all the way through to 112.

Mayor Coody: We are working on that.

Alderman Marr moved to approve the Resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 34-05 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 7:35 PM.

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: **February 18, 2005**

Subject: **Police Patrol Car Requirements**

Due to changes in fleet management practices involving extended life of Police vehicles and consequent skipping of Crown Victoria Police Interceptor order in the 2004 model year, it is imperative that 2005 model vehicles be ordered and received as soon as practical.

Rather than replace patrol cars at 65,000 miles and pass them down to administrative use, for almost two years we have been running them as long as they can be maintained in safe and serviceable condition at reasonable cost. The average retirement mileage now is approximately 120,000 miles.

The Police Department is currently operating without 3 patrol cars required to implement planned 2005 service expansions.

Barring any catastrophic accident losses, we project 3 cars to require replacement by June and 3 more between June and December 2005. Without replacement, we either pour money into major repairs and live with increased downtime caused by continuing failure of additional components or take the car out of service completely. Typical cost to rebuild major components: Engine - $4,300; Transmission - $2,500; Rear Axle - $1,100; Front suspension - $1,200.

Based upon original council approval, we anticipated delivery of vehicles in mid April, 2005. This would have allowed putting the expansions in service in the second quarter and having cars on hand to meet the expected June replacement requirements. Execution of the requested waiver on March 2 will move delivery to early June. Without execution of a waiver at this time there is no way to determine when cars could be delivered or at what cost. Delays from four months to over a year are possible.

Cc:
Frank Johnson

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Tim Conklin	Planning & Development Mgmt.	Operations
Submitted By	Division	Department

Action Required:

Approval of a contract and bid waiver for Fayetteville Downtown Partners in the amount of $150,000 to provide services to the City of Fayetteville with regard to implementing the Downtown Master Plan.

$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 ☐

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Department Director 2-11-05 Date

City Attorney 2-16-05 Date

Mayor Dan Coody 12/22/05 Date

Received in City Clerk's Office ENTERED 2/14/05

Received in Mayor's Office

Comments:

Fayetteville
ARKANSAS

THE CITY OF FAYETTEVILLE, ARKANSAS
PLANNING DIVISION CORRESPONDENCE

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

TO: Mayor Dan Coody
Fayetteville City Council
FROM: Tim Conklin, Director of Planning and Development Management
DATE: February 22, 2005
SUBJECT: **Approval of a Contract and Bid Waiver Ordinance for Fayetteville Downtown Partners in the Amount of $150,000**

RECOMMENDATION

Staff recommends approval of a contract and bid waiver ordinance for Fayetteville Downtown Partners in the amount of $150,000.

Fayetteville Downtown Partners (FDP) is uniquely qualified and capable to perform the identified contractual services for the City of Fayetteville. Fayetteville Downtown Partners, formally known as Downtown Dickson Street Enhancement Project (DDEP), recently reorganized with its primary mission to assist the City in the implementation of the Downtown Master Plan. This is the only organization that currently exists that represents the entire area that is included in the Downtown Master Plan.

BACKGROUND

The City Council approved a line item in the 2005 budget to contract with Fayetteville Downtown Partners. Downtown Partners has developed a three year interim business plan with the goal to become self sufficient within three years with reduced City funding over the next two years.

This funding request will be the primary source of funding for FDP to hire an executive director to carry out the scope of services that are included in the contract. Specifically, the Downtown Master Plan recommends that DDEP be transformed into a Business Improvement District.

FDP potential long term funding strategies include providing contract services to the City and others that would support FDP. FDP has already started the search for an executive director and anticipates filling this position by April, 2005.

BUDGET IMPACT

The City Council reviewed this request for funding in the 2005 budget process as part of the non-profit funding requests and approved it as a line item in the adopted 2005 budget.

CITY OF FAYETTEVILLE
CONTRACT FOR SERVICES

This agreement is entered into on this 1st day of March 2005, between the City of Fayetteville, hereinafter known as the City and Fayetteville Downtown Partners (currently operating under Downtown Dickson Enhancement Project, Inc., an Arkansas not-for-profit corporation) hereinafter known as FDP. This contract is for services to be provided during 2005.

Whereas; the City of Fayetteville has established goals and guiding principles supporting the downtown district by adoption of the Fayetteville Downtown Master Plan.

Whereas; the City has determined that a public need exists to assist the City in implementing the master plan in specific areas such as adopting new building design standards for the district, establishing funding mechanisms to assist property owners in implementing street building façade improvements, providing additional services to the district, creating a downtown strategic marketing plan, developing a downtown housing plan for all economic levels, supporting the sustainable growth of the downtown economy, establishing the creation of an Arts and Cultural District, among other goals and objectives that support the downtown area.

Whereas; FDP has developed a business plan and structure for the organization with the mission to ensure the vitality of a dynamic downtown area through economic development initiatives, capital improvements, and effective marketing of the district.

Whereas; FDP is uniquely qualified and capable of assisting the City in carrying out the objectives of the Downtown Master Plan.

Now, therefore, in consideration of the mutual covenants contained herein, the city and FDP agree as follows:

1. The agreement will begin on the date first written above.

2. FDP agrees to perform the following services for the City of Fayetteville.

   a. ***Develop funding mechanisms*** - FDP will continue to investigate and implement funding mechanisms to create a sustainable organization without sole reliance upon the City's General Fund by 2007. The mechanisms may include, but are not limited to, business improvement districts, grants from public and private sources, tax credits for private development, private donors and events.

   b1. **Identifying the feasibility of a Business Improvement District**– In 2005, FDP will initiate Phase I of a three-phase process to form a Business Improvement District. Phase I is anticipated to take 6-9 months. This includes:
   - Hiring a BID consultant for Phase 1 by April 1st to facilitate the necessary steps FDP will need to implement a successful and sustainable B.I.D.
   - Identifying the feasibility of creating a B.I.D. through the development of a Situation Analysis

- Developing an accurate database of property within the study area, including variables such as property ownership and assessed value, contact names for each parcel and current and future development plans
- Forming a 10-20 member Project Steering Committee that will include major stakeholders representing public and private property owners and key civic leaders
- Producing a Feasibility Report that will be prepared in partnership with the B.I.D. consultant, which will provide the steering committee the information needed to move forward on the creation of the B.I.D.
- Facilitation of Stakeholder Focus Groups, which will identify priorities for specific district services
- Facilitation of Public Sector Meetings
- Developing marketing and outreach materials to inform property owners about the process of forming a B.I.D. and the subsequent benefits

b2. ***Implementing a Business Improvement District plan*** – If formation of a B.I.D. is feasible, FDP will begin to execute a plan with the goal of full implementation by December 21st, 2006.

c. ***Festival coordination*** – FDP will continue as producer of the Fayetteville Fine Arts Festival (FAF), currently held the second weekend of September.

d. ***Development Resource Center (DRC)*** – With the assistance of the University of Arkansas MBA Spring Partnering Program, FDP will establish an in-house business resource database of information about the district. This center will include, but is not limited to, a current real estate inventory and economic demographics, as well as other items deemed necessary in order to recruit and maintain a healthy downtown business climate. FDP will provide this information in a written report by November 2005 and implementation of the DRC will begin by June 2005.

e. **Banners** – FDP will be responsible for coordinating the installation of banners on light poles and across Dickson Street. FDP will work with the city to develop a banner policy and the organization will implement that policy no later than April 2005.

f. ***Marketing*** – FDP will assist in developing a strategic marketing plan and image for the downtown district that is consistent with the overall image campaign for the City of Fayetteville and the Advertising and Promotion Commission. FDP will coordinate these efforts and provide a progress report during a City Council agenda session in November, 2005

g. ***Other Initiatives*** – FDP will continue to provide leadership in the following areas:
    - ***Economic coordination*** – FDP will work with Chamber of Commerce, the Fayetteville Economic Development Council, the University of Arkansas, the Advertising and Promotion Commission, city staff and elected officials, merchants, artists and business leaders to help ensure the continued growth of the downtown area and of Fayetteville.
    - ***Downtown master plan*** – FDP will provide assistance to the City planning department in the facilitation of public meetings and public relations in reference to items such as code and zoning changes. FDP

staff and/or board members will meet with City staff and/or elected officials at least once per month in order to coordinate efforts to implement the Downtown Master Plan.

- ***Cultural Arts District Initiative*** – FDP will take the lead in developing a strategic plan to organize and nurture a cultural arts district to advance the overall economic growth of Fayetteville and enhance the city's quality of life. This will include, but is not limited to, assisting in the formation of an artist association, identification of our cultural amenities, participation in the revision of the downtown codes, and the definition of the cultural boundary.
- ***Attainable Housing*** - FDP will continue to explore and identify viable projects that forward the city's goals regarding attainable housing in the downtown district including research, grassroots coordination and project management.

3. FDP will provide written documentation and offer a verbal presentation to the Mayor and City Council during an agenda session at the convenience of FDP three times a year in April, August and November to delineate accomplishments undertaken during the preceding period on the services pursuant to paragraph 2.

4. To make available all records for review by the City and City auditors as requested. FDP agrees to comply with the Arkansas Freedom of Information Act as applicable.

5. For the purpose of this agreement, the project coordinator for the city will be Tim Conklin. The project coordinator for FDP will be interim administrator Daniel Hintz until the permanent director is hired. Communications pertaining to this agreement will be through the respective project coordinators for the City and FDP.

6. FDP 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 of this agreement.

7. Budget – The City agrees to pay FDP up to a total of $150,000 and separated into two payments of $100,000 to be paid by April 1st and $50,000 to be paid by September 1st of 2005

8. FDP will render the City a request for payment as stated in this contract under line Item 7 and the City will pay the invoice within 30 days of receiving the invoice in the City's accounting division.

ORDINANCE NO.___________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT FOR SERVICES WITH FAYETTEVILLE DOWNTOWN PARTNERS IN THE AMOUNT OF $150,000.00 TO ASSIST IN THE IMPLEMENTATION OF THE DOWNTOWN MASTER PLAN.

WHEREAS, Fayetteville Downtown Partners is the only organization that currently exists that represents the entire area that is included in the Downtown Master Plan; and,

WHEREAS, Fayetteville Downtown Partners is therefore, uniquely qualified and capable of performing the identified contractual services for the City of Fayetteville.

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 hereby approves a contract for services with Fayetteville Downtown partners in the amount of $150,000.00 to assist in the implementation of The Downtown Master Plan. A copy of the contract for services is attached hereto marked Exhibit "A" and made a part hereof.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By:______________________
DAN COODY, Mayor

ATTEST:

By:______________________
SONDRA SMITH, City Clerk

City of Fayetteville

Application Form

REQUEST FOR PUBLIC FUNDS
FOR CALENDAR YEAR 2005

1. **Organization: Name, Address, Telephone & Fax:**

   Fayetteville Downtown Partners
   230 North Block Avenue
   P. O. Box 3573, Fayetteville, AR 72702-3573
   479-571-3337; fax 479-571-4169

   A. Is this a non-profit organization? Yes
   B. Tax-exempt status and Federal ID Number: 501 (c) (3) 71-0800252

2. **Project Director: Name, Address, Telephone & Fax**

   Eileen Roufa, Interim Administrator
   Sharon Hoover, President
   Leslie Belden, Vice President
   Steve Davis, treasurer
   Terri Trotter, secretary
   Same address, telephone and fax as above

3. **Title, Date, Goals and Brief Description of Project**

   Fayetteville Downtown Partners (FDP) is a non-profit organization spawned from Downtown Dickson Enhancement Project (DDEP) in May 2004. FDP is devoted to ensuring the vitality and healthy growth of downtown Fayetteville. Whereas DDEP facilitated the collaborative effort of non-profit, private and public entities to fund improvements on Dickson Street, Fayetteville Downtown Partners is poised to broaden those efforts while continuing to improve the value of Fayetteville's downtown assets.

   Fayetteville Downtown Partners will:

   1) Manage the Downtown Master Plan through identification of projects and promotion of guidelines set forth in the Downtown Master Plan;
   2) Investigate various funding mechanisms such as Tax Increment Financing districts, Business Improvement Districts, and grant monies for projects such as public infrastructure, street and landscape maintenance, and district-wide marketing efforts;
   3) Provide design assistance and infill strategies to meet the recommendations of the Downtown Master Plan, in particular along College Avenue, Archibald Yell Boulevard, and West Avenue;
   4) Advocate for high diversity housing developments;
   5) Develop a branding and image strategy for the district that utilizes our cultural assets and promotes downtown Fayetteville as the "experience" destination of Northwest Arkansas;
   6) Promote and produce events and festivals that meet our mission to promote downtown Fayetteville;
   7) Serve as district coordinator among various groups within the district such as the merchants' association, the neighborhood associations, and others to ensure that the downtown image and message are consistent;
   8) Maintain a current real estate inventory and data as we recruit and retain downtown businesses;
   9) Develop a Small Business Investment Corporation program to assist small businesses in their expansion and capital improvement projects by providing access to low-cost loans and financial incentives.
   10) Initiate an affordable housing project in the district
   11) Serve as the as the project coordinator for a parking facility in the district

4. Amount Of Funds Requested From The City Of Fayetteville: $198,000.
Value of Cash from Other Sources: $47,000.
Total Project Cost: $245,000.

(Value of In Kind Match from Other Sources: $25,000.)

5. **Proposed Funding Period (from)** January 1, 2005 **(to)** December 31, 2005.
Will project cross calendar years? X Yes

6. **Describe the mission and history of your organization, including current funding**

In early 2004, as the Dickson Street streetscape project was completed, DDEP dissolved in order that the new Fayetteville Downtown Partners could emerge and adopt the larger mission of managing the Dover Kohl Downtown Master Plan. FDP benefits from the knowledge gained in the successful implementation of the Dickson Street improvements while being tempered by the shortcomings of the former organization. FDP has redefined the mission to align itself with the Downtown Master Plan and the capacities of our downtown partnering entities and institutions, to include but not limited to the City of Fayetteville, the University of Arkansas, the Fayetteville Chamber of Commerce, the Council of Neighborhoods, the Fayetteville Economic Development Council, the Walton Arts Center, the newly forming Merchants' Association, the Fayetteville School District, the Fayetteville Public Library, the Fayetteville Housing Authority, developers and financial institutions.

Fayetteville Downtown Partners envisions a downtown district that is a lively, safe and unique area in which to live and work, as well as a compelling destination to visit. The FDP mission is to ensure the vitality of a dynamic downtown area through economic development initiatives, capital improvements, and effective marketing of the district. The FDP goals are:

a. To lead in the implementation of a comprehensive plan for shaping the infrastructure of the district to impart a compelling sense of place and identity;
b. To develop and apply a cohesive promotional strategy to establish the district as the prem cultural and entertainment destination in Northwest Arkansas;
c. To encourage mixed use development and adaptive reuse and promote historic preservation;
d. To support a healthy and diverse mix of businesses within the district;
e. To promote healthy and unique downtown living;
f. To promote and encourage the unique atmosphere of the district.

No City of Fayetteville funds were issued to FDP for the 2004 year. Funding of FDP through August 2004 was derived from two major sources: private donation and fund-raisers (Banners on Dickson Street; 2004 Northwest Arkansas Designer House; and Fayetteville Fine Arts Festival). Other funding sources in 2004 were the Fayetteville A&P Commission and in-kind donations.

7. **Describe the persons or groups who will benefit from your project, including the estimated number of people served.**

As Fayetteville's historic center continues to flourish, all citizens of and visitors to downtown Fayetteville will benefit. Public improvements, diverse housing projects, and other economic initiatives within the district will generate a return on investment through increased sales, HMR and ad valorem taxes far in excess of investment.

8. **Describe how your project will be evaluated.**

We expect to be evaluated each year by our funding entities. A strong active FDP Board meets to review progress, priorities and programs. A formal accounting audit will be completed annually by an outside local accounting firm.

BUDGET

2005 proposed budget

Expenses	
director search, director salary for 9 months,	$ 111,750.
Interim director (Jan – February),grant writer, consultants	$ 17,800.
Education / conferences	$ 5,000.
Rent /office	$ 6,400.
Equipment	$ 2,500.
Events	$ 4,950.
Utilities	$ 1,600.
Staff salary (festival coordinator, consultants –part of the year)	$ 80,000.
Miscellaneous	$ 15,000.
	$245,000.
Revenues	
Membership dues	$ 12,000.
Donations	$ 35,000.

In kind (accounting, WAC, printing, Misc-$25,000)

CERTIFICATIONS

- ***Applicant agrees to comply with all State and City purchasing policies and procedures. (available from City Purchasing Office.)***
- ***Applicant certifies that project will comply with all nondiscrimination statues and will be fully handicapped accessible***

Name of Applicant: Sharon Hoover **Date** 9/23/04

Signature of Applicant ____________________

Title: President ***Organization:*** Fayetteville Downtown Partners

DRAFT

INTERIM BUSINESS PLAN

Three Year Proposal

October 12, 2004

Fayetteville Downtown Partners

DRAFT

Three Year Proposal

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EXECUTIVE SUMMARY

Fayetteville Downtown Partners ("FDP") is a non-profit organization dedicated to maintaining the momentum of the successful Dickson Street project and the newly adopted Downtown Master Plan. The organization is set up to provide nimble and proactive administration of the master plan as a service to the community to ensure the growth of downtown Fayetteville and to enhance the quality of life for all of Fayetteville.

SERVICE OFFERING

Our services include facilitating the Downtown Master Plan, seeking out private/public development relationships for projects such as parking decks, offering design review assistance, creating attainable housing projects, developing a cultural arts district, producing and coordinating events and festivals in the district-- everything that enhances our downtown experience.

EXECUTIVE DIRECTOR AND STAFF

FDP is evolving into a full-time service business with a national search for a permanent Executive Director devoted to accomplishing the goals of the Master Plan and executing the mission of Fayetteville Downtown Partners. The director will have a competent staff including a marketing coordinator to manage a comprehensive marketing/events plan, a grant writer to seek funding opportunities, and an administrative assistant to ensure efficient and professional service to our partners, clients and members.

FUNDING REQUIREMENTS

To transition from a primarily volunteer organization to a full-time service organization, FDP will require funding from several short-term sources before long-term funding mechanisms are in place. Proposed funding requirements for the new staff and services offered are approximately $300,000 annually. Short-term funding will be derived from:

- **Fees & Donations** – Fees from member businesses and gifts from individual stakeholders in the downtown district.
- **Events & Programs** – Fundraising programs such as the Dickson Street banners; Events such as the Fine Arts Festival and Designer House.
- **City of Fayetteville** – Initial funds for the first three years are requested from the City to subsidize the startup costs of FDP and allow the City to avoid the long-term cost of in-house services and staff.
- **Grants** – FDP will research and apply for grants initially using a grant writing agency before hiring a permanent grant writer to seek funding for projects.
- **BID & Capital Projects** – FDP will explore alternative funding mechanisms available including, but not limited to, Business Improvement Districts and parking structure management.

SECTION ONE – BUSINESS CONCEPT

Fayetteville Downtown Partners is a nonprofit organization devoted to ensuring the vitality and healthy growth of Fayetteville's downtown district. Where the Downtown Dickson Enhancement Project, Inc. ("DDEP") initiated the collaborative effort of non-profit, private, and public entities to fund improvements on Dickson Street, Fayetteville Downtown Partners is set to expand those efforts and continue to enhance the value of Fayetteville's downtown assets in accordance with the accepted downtown master plan. In addition to streetscape improvements and special projects, FDP will provide coordinated marketing efforts, seek funding for enhanced services and activities, promote growth in residential neighborhoods and mixed-use development, and serve as leader for collaboration among entities serving the district.

In late 2003, having completed its enhancement project, DDEP dissolved, and the new Fayetteville Downtown Partners emerged and took on the larger mission of administering the Dover Kohl Downtown Master Plan. FDP benefits from the knowledge and lessons learned in the successful implementation of the Dickson Street improvements. FDP is tempered by the shortcomings of the former organization. FDP has redefined its mission in light of the Dover Kohl Master Plan and the capacities of our downtown partnering entities and institutions. Our partners include the City, the University of Arkansas, the Fayetteville Chamber of Commerce, the downtown neighborhood associations, the Fayetteville Economic Development Council, Inc., the Walton Arts Center, the downtown merchants' association, Fayetteville Public Schools, the Fayetteville Public Library, the Fayetteville Housing Authority, as well as the financial institutions and developers in the area. With these partners, FDP is poised to serve the community as the facilitator of the Downtown Master Plan.

In this interim business plan, we provide an overview of the new FDP organizational structure and our mission. We present our planned offerings for the downtown Fayetteville community as we move forward. We also present the challenges we face in implementing our vision. To these challenges, we provide an outline of the costs and resources necessary to fund our efforts and bring the Downtown Master Plan to fruition. This interim business plan serves as a roadmap for FDP's transition from an all-volunteer organization to a full-time non-profit business with the primary focus of serving the downtown area. As the organization navigates this transition, interim funding is required to accomplish startup tasks before long-term funding is established. We are seeking the funds necessary to seed our new organization and accomplish three major hurdles which include 1) maintaining current operating commitments, 2) searching for and hiring an executive director and permanent staff, and 3) funding the initial startup and operating costs through 2005.

In March the FDP Board of Directors ("Board") revised its mission to expand its scope to better reflect the direction proposed by the Downtown Master Plan and represent current vibrancy enjoyed by downtown Fayetteville. The former organization (DDEP) was mentioned by Dover Kohl in Chapter 5 as the group to address several issues in the implementation strategy plan

Three Year Proposal
Section One – Business Concept

OUR VISION

We envision a downtown district that is a lively, safe and unique area in which to live and work, as well as a compelling destination to visit.

OUR MISSION

Our mission is to ensure the vitality of a dynamic downtown area through economic development initiatives, capital improvements, and effective marketing of the district.

OUR GOALS

- *To lead in the implementation of a comprehensive plan for shaping the infrastructure of the district to impart a compelling sense of place and identity.*
- *To develop and apply a cohesive promotional strategy to establish the district as the premier cultural and entertainment destination in Northwest Arkansas.*
- *To encourage mixed-use development and adaptive reuse and promote historic preservation.*
- *To support a healthy and diverse mix of businesses within the district.*
- *To promote healthy and unique downtown living.*
- *To promote and encourage the unique atmosphere of the district.*

DOWNTOWN MASTER PLAN

In a retreat facilitated by non-profit strategist Bill Mitchell, the Board adopted a broadened scope and new name for the organization that more accurately reflects the needs of the district, and *Fayetteville Downtown Partners* was formed. The new organization identifies the key principles of the City-commissioned master plan by Dover Kohl as its new guiding principles.

- A Superbly Walkable Environment
- Downtown Living
- Smart Parking
- Special Places
- An Experience Economy

Three Year Proposal
Section One – Business Concept

OFFERINGS

In accordance with the mission and goals established by the 2004 Fayetteville Downtown Partners Board of Directors and with the recommendations in the Downtown Master Plan, FDP will provide the following services to the community:

- **FACILITATE the Downtown Master Plan** – As recommended in the Downtown Master Plan, FDP will assist the city in implementation of the Master Plan through identification of community projects and promotion of guidelines set forth in the Downtown Master Plan.
- **FUNDING** – FDP will hire consultants to investigate various funding mechanisms such as Tax Increment Financing districts, Business Improvement Districts, and grant monies for projects such as public infrastructure, streetscape and landscape maintenance, security, district-wide marketing, special projects, and operating expenses.
- **DESIGN ASSISTANCE** – Provide pro bono design assistance to small business owners and developers to help them achieve Master Plan design criteria. Assist the city in developing infill strategies for the district.
- **ATTAINABLE HOUSING** – Advocate high-diversity housing developments and develop an attainable housing project as a non-profit development. FDP will identify and create opportunities for high-diversity housing projects within the area. See *Appendix B* for more details.
- **CULTURAL DISTRICT DESIGNATION** – Hire a branding and image consultant to create a branding strategy for the district that utilizes our cultural assets and promotes downtown Fayetteville as the "experience" destination of Northwest Arkansas
- **FESTIVALS** – Promote and produce events and festivals that meet our mission to promote downtown Fayetteville. We will act as coordinators for other city-wide events to ensure merchants and residents are accommodated during the events.
- **DISTRICT COORDINATOR** – FDP will serve as district coordinator among the various groups within the district such as the merchants' association, the neighborhood associations, Advertising & Promotions Commission, the Chamber, FEDC, the UA, and others to ensure that the downtown image and message are consistent. In addition coordinate events or construction projects to ensure traffic controls meet the needs of the downtown community
- **REAL ESTATE INVENTORY** – Maintain a current real estate inventory and data as we recruit and retain downtown businesses. FDP will work with the Chamber, the Fayetteville Economic Development Council, the City, and the University to recruit new business to the district and will serve as a central resource for real estate inventory and data for the district.
- **SMALL BUSINESS CORPORATION** – Develop a Small Business Investment Corporation program to assist small businesses in their expansion and capital improvement projects by providing access to low-cost loans and financial incentives.

- **PARKING DECKS** – Serve as the project coordinator for a parking facility in the district and/or build and manage district parking.

POSSIBLE OFFERINGS/LONG-RANGE INITIATIVES

Our research into the offerings of similar downtown development groups led us to development consultant Paul Esterer. Paul is the CEO of the First Security Vanadis Capital, LLC and has extensive experience working with private and non-profit groups across the United States to shape their downtown redevelopment efforts. The combined results of our research and Paul's recommendations are a list of various less-than-traditional offerings for FDP to consider further. Some of these opportunities may require the formation of additional entities with different IRS designations in order to operate under the FDP umbrella but should be considered as potential offerings:

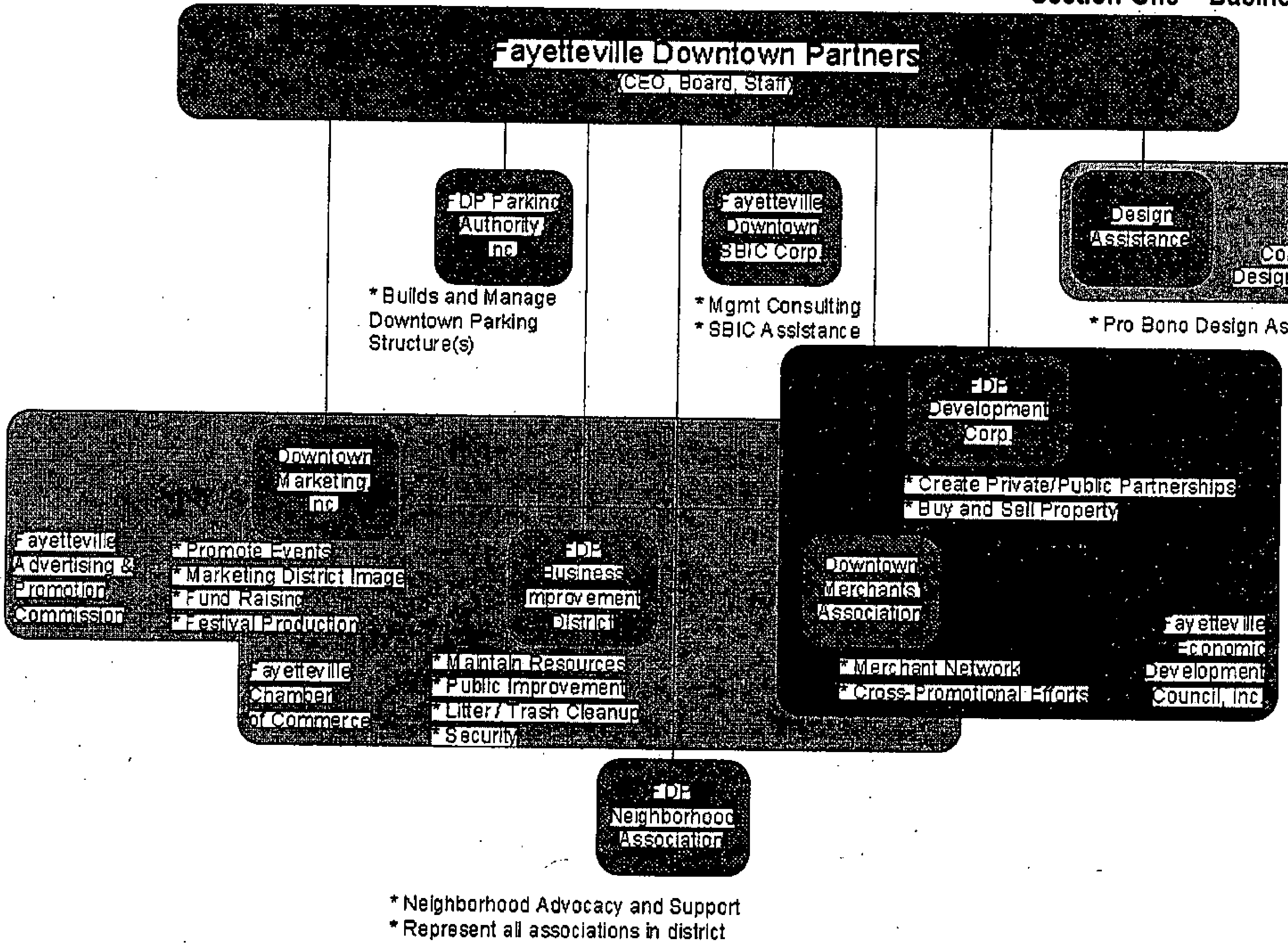
- Develop creative financial incentives for owners and developers
- Buy and sell property for redevelopment purposes
- Administer low interest loan programs
- Set up an authority to issue tax exempt and taxable bonds for downtown development projects
- Coordinate and set up an entity that will build and mange downtown public garages

POSSIBLE ORGANIZATIONAL STRUCTURE

Role models for these entities are included in Appendix B. One the following page we have included a mockup of a potential organizational structure for Fayetteville Downtown Partners. This represents the direction the Board would like for the new Executive Director to explore and does not indicate the actual form the new organization will take.

Recognizing that our vision and goals overlap with other economic development groups in the city, we are working to facilitate group meetings of all entities interested in furthering the downtown experience. Dialogues have begun with the FEDC, the A&P Commission, UA Community Design Center, and the Chamber of Commerce. Additional groups have expressed interest including the UA Small Business Development Center and UA Center for Business and Economic Research.

Three Year Proposal
Section One – Business Concept



SECTION TWO – EXPENSES AND FUNDING

Current fixed expenses are kept to a minimum each month due to the extensive contribution of time from volunteers and board members. Costs include the monthly salary for one staff member (Interim Administrator Eileen Roufa), an office space, and mailbox, and website maintenance fees. These expenses are covered through the end of 2004 by existing FDP funds.

ITEM	MONTHLY EXPENSE
Interim Administrator salary	$3,025.00
Unemployment tax	12.00
Office Lease	300.00
Phone	140.00
Website	75.00
Post office box	6.00
Liability insurance	42.00
Daily newspaper	9.00
Chamber membership	18.00
Total	*$3,627.00*
Annual Total	*$43,524.00*

To accomplish the goals and provide the services outlined in the previous section, FDP has developed a plan (*Section Four – Our Plan for the Future* of this document) to bring on a full-time executive director and staff. New employees will add to the annual expenses:

POSITION	ANNUAL GROSS SALARY
Executive Director*	$93,750.00
Grant Writer/consultants*	$56,250.00
Marketing Coordinator*	$56,250.00
Administrative Assistant*	$43,750.00
Annual Total	*$250,000.00*

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* Salaries include benefits

Three Year Proposal

Section Two – Expenses and Funding

As FDP transitions from the current organizational structure to the full-time executive director model, we will incur additional startup expenses in the first year including the cost of an interim executive director and outsourced grant research plus the cost of the executive director search and staff hiring:

TASK	EXPENSE
Interim Director/Grant Research	$35,600.00
Search for Executive Director	$25,000.00
Search for Staff	$1,500.00
First Year Interim Expenses	*$62,100.00*

PROJECTED EXPENSES

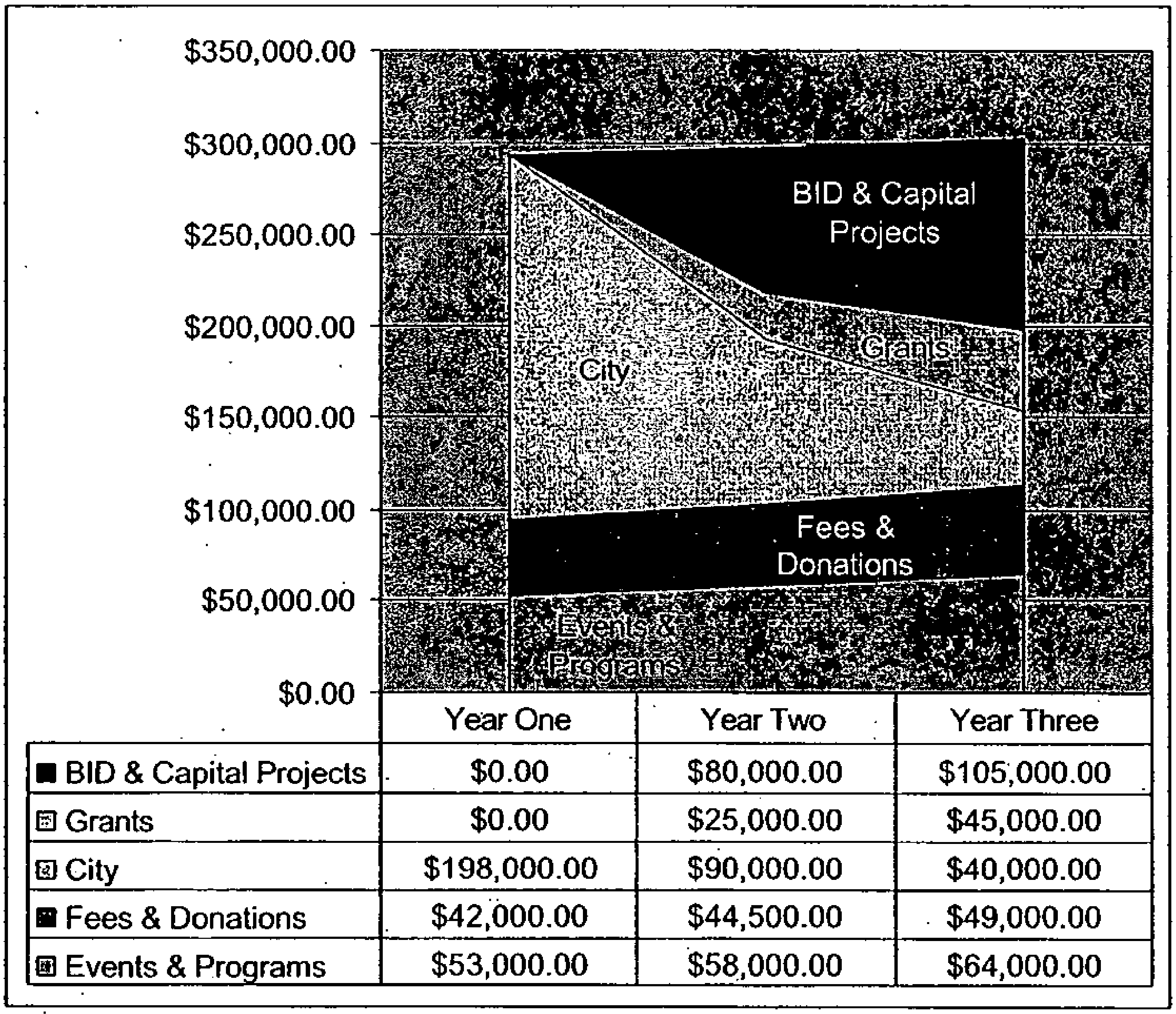
Over the next three years, FDP is projecting the following yearly expenses:

EXPENSES	YEAR 1	YEAR 2	YEAR 3
Monthly Expenses (10% increase per year)	$43,524.00	$47,876.40	$52,664.04
New Salaries (Exec. Dir. & 3 staff members)	$187,500.00	$250,000.00	$250,000.00
Interim Expenses (Interim Dir & Grant research)	$62,100.00	0.00	0.00
Totals	*$293,124.00*	*$297,876.40*	*$302,664.04*

FUNDING OPPORTUNITIES

The primary goal of FDP is to become self sufficient within three years through various short- and long-term revenue streams. Short-term funding includes 1) revenue from programs and events, 2) donations from private entities, and 3) seed money in the form of a grant from the City of Fayetteville. Long-term funding will reduce the amount of City funding required by increasing revenue from 4) state and federal grants and 5) other funding mechanisms such as Tax Increment Financing funds, Business Improvement Districts and other revenue generating ventures such as construction and management of parking structures or attainable housing projects.

The immediate need for funding will be achieved through private donations, fees and events, and public support from the City. As our new Executive Director and staff come on board, additional funding mechanisms will begin to replace those supplied by the City in the first year. Within a three- year time span, FDP intends to be self-sufficient with alternative funding mechanism listed below.



	Year One	Year Two	Year Three
■ BID & Capital Projects	$0.00	$80,000.00	$105,000.00
▤ Grants	$0.00	$25,000.00	$45,000.00
▨ City	$198,000.00	$90,000.00	$40,000.00
■ Fees & Donations	$42,000.00	$44,500.00	$49,000.00
▩ Events & Programs	$53,000.00	$58,000.00	$64,000.00

Short-Term Funding

Initial funding is provided through memberships and events, fund raising, and private donations. In the first year, funding is subsidized by the City of Fayetteville.

MEMBERSHIP FEES & DONATIONS

FDP is a membership organization, with a Board that is not only responsible to the City but is also specifically accountable to its membership. Membership fees are structured into two primary types, business and individual, with the two categories further delineated so that all businesses and individuals can be included as members.

As a 501-C-3 organization, contributions to Fayetteville Downtown Partners are tax deductible. FDP may receive donations of assets such as property, or other capital, for partnering in Public/Private/Non-profit endeavors. The "partnering" aspect of the organization allows for Fayetteville Downtown Partners to be the conduit through which substantial gifts may enrich the vitality of the downtown community.

FDP is currently campaigning businesses, individuals, investors, banking institutions, and developers that have benefited from the improved quality of life in downtown Fayetteville over the years. We see the positive impact the previous downtown enhancement project has had on the growth of the community and, to ensure this positive momentum is not lost, we are soliciting donations from private individuals to support our ongoing participation in this growth and improvement.

EVENTS & PROGRAMS

Events and Fundraisers such as the sponsorship of banners and other downtown amenities, the Designer House, the Fayetteville Fine Arts Festival, and other fairs and events are a minor but important component of the financial scheme. Through these activities the community as a whole is included in financing the downtown environment which is enjoyed by citizens and visitors alike.

CITY OF FAYETTEVILLE

To maintain the momentum to implement the Downtown Master Plan and to bridge the gap from now until long-term funding sources are in place, Fayetteville Downtown Partners will require transitional funding. The bulk of this transitional funding is projected to be needed through fiscal year 2005, until such time that the Executive Director and Board implement our long-term funding strategies. The City has a history of funding DDEP's operational expenses during the implementation of the Downtown/Dickson plans; however the City has not provided any funding to the organization in 2004.

Long-Term Funding

Within three years, FDP's dependence on public funds will be greatly reduced by alternate sources of income. These include state and federal grants and other funding mechanisms.

GRANTS

It is expected that grants will be a fourth component in the funding puzzle, providing revenue for specific projects as designated by the funding agent. Federal grants will provide part of the funding for improvements on College Avenue and Block Avenue in the near future, and similar funding may be available for other place-specific projects.

Attainable housing monies are available from Home Funds through ADFA ,CDBG Funds from the City of Fayetteville, low income Housing Tax Credits from the Arkansas Development Finance Authority, and the Federal Home Loan Bank. Our non-profit attainable housing consultant (Paul Esterer) and our grant writer will partner with other agencies and organizations to find revenues for projects within the area, whether those projects are public, private, non-profit, or a partnership among sectors.

FDP has contacted grant writer Mark Gieringer of Stone Ridge Publishing to work on a consulting basis at a rate of $45 per hour. Suggested entities to initially investigate monies are: the Winthrop Rockefeller Foundation, The Reynolds Foundation, Swepco, and federal programs.

BUSINESS IMPROVEMENT DISTRICT ("BID") AND CAPITAL PROJECTS

FDP will research the viability of a Business Improvement District for the downtown area. The funds from a yet-to-be-approved BID may be a primary piece of the revenue needed to fund the administrative costs of implementing Fayetteville's Downtown Master Plan. BIDs are consistently one of the primary revenue sources for other organizations on which Fayetteville Downtown Partners is modeling its financial structure. Business Improvement Districts draw revenue from within the boundaries of the district and provide a consistent source of revenue from which bonds could be issued for short-term financing of initial projects.

BID's can serve as a funding source for enhanced improvements, services, and activities such as security, cleaning and landscape maintenance in addition to those provided by local government. Our investigations have shown that most groups in Arkansas and around the country with our same goals have created BID's for permanent funding.

Steve Gibson of Urban Place Consulting (www.urbanplaceconsulting.com) has been contacted to work with the board and key property owners regarding the feasibility of a comprehensive improvement district. We are currently contracting with him to provide preliminary services.

SECTION THREE – FOUNDATIONS OF THE ORGANIZATION

By utilizing the existing by-laws, organizational structure, and 501(C)3 status of DDEP, FDP is able to seamlessly transition into the new organization. The existing structure includes a fifteen-member board overseeing a design committee, a marketing committee, various ad hoc event planning committees, and a newly forming merchants' association. The new FDP is ideally suited to usher in the recommendations of the Master Plan and promote the interest of the merchants and community of downtown Fayetteville.

BOARD OF DIRECTORS

While several board members from DDEP are continuing their involvement in the new organization, the majority of board members currently serving have joined Fayetteville Downtown Partners since 2003. The direction of FDP is guided by this diverse group of community representatives able to understand and articulate the needs of the downtown Fayetteville population. The key to the effectiveness of the board are its members, which include two City aldermen, the VP of communications at the Walton Arts Center, and various business leaders and real estate developers with a history of success within the community. All of the board members live in Fayetteville and several live within the downtown Fayetteville district.

FDP intends to utilize the current members of this board to smooth the transition to a full-time staff. However, with the appointment of a permanent Executive Director, and the evolution of the organization the City Council might be required to appoint board members to ensure that fair representation is met.

Executive Committee

- President: Sharon Hoover – Former Planning Commissioner; Architect, Allison Architects Inc. - shoover@allarch.com
- Vice President: Reverend Dr. Leslie Belden – Resident; Preservationist – lesliebeld@aol.com
- Secretary: Terri Trotter* – Vice President of Communications, Walton Arts Center – ttrotter@waltonartscenter.org
- Treasurer: Steve Davis – Property Owner; Business Owner, Smoothie King – davishealth@aol.com

Board Members

- Cathy Foraker – Director of External Affairs, SBC – cf9399@sbc.com
- Stephanie Parsons – Vice President, Signature Bank – sjparsons@cox-internet.com
- John Nock* – Investment Banker, American Municipal Securities – nock@amuni.com

- Robert Rhoads* – Ward 3 Alderman – rrhoads@hallestill.com
- Don Marr* – Ward 2 Alderman – donmarr@swbell.net
- Jill Anthes* – UA Campus Planner – jill222@verizon.net
- Bob Kohler* – Architect; Owner's Representative, Fayetteville Public Library – rck3@aol.com
- Cindy Kalke* – Corporate Project Manager; Resident – ckalke@fayetteville.com
- Amy White-Beard* – Business Owner, Something Urban; Attorney – moreismore84@hotmail.com
- Aaron Bleidt* - Former Quorum Court Judge; Business Owner, Citiscapes Metro Monthly – cedge@ipa.net

Ex-officio Members

- Dan Coody – Mayor, City of Fayetteville – dcoody@ci.fayetteville.ar.us
- Tim Conklin – Director of Planning & Engineering, City of Fayetteville – tconklin@ci.fayetteville.ar.us
- Hugh Earnest – CAO, City of Fayetteville – hearnest@ci.fayetteville.ar.us
- Kyle Cook – Alderman Ward 2 – jdseed@swbell.net

DESIGN COMMITTEE

The Design Committee consists of local design professionals with expertise in urban design and an understanding of the Fayetteville environment. This talented group of individuals has assisted in fostering the level of design now seen across the Downtown/Dickson Street district. This committee has taken on various roles including the advisor post for redesigning intersections and pedestrian networks. Most recently, the design committee assisted the City in the selection and placement of benches and waste-baskets in the Dickson Street Improvement District.

The current direction of the Design Committee involves proactive review of the new Downtown Master Plan, zoning, and architectural regulations. The 2005 initiative for the committee is to offer pro bono design assistance to small business owners.

- Chair: Jill Anthes – UA Campus Planning
- Katie Breshears – Intern Architect, Polk Stanley
- Sharon Hoover – Architect, Allison Architects Inc.
- Bob Kohler* – Architect; Owner's Representative, Fayetteville Public Library

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* New board member since 2003

- Alan Ostner – Chairman, Fayetteville Planning Commission; Landscape Architect
- Rob Sharp – Architect, Robert Sharp Architects

MARKETING COMMITTEE

Terri Trotter, Vice President of Communications at Walton Arts Center leads the Marketing Committee. The focus of the Marketing Committee within the new FDP structure is to promote and raise awareness of the downtown district, establishing the district as the cultural and entertainment center of Northwest Arkansas. The committee will focus on broad marketing issues including assessing and refining the brand for downtown Fayetteville. Solid brand marketing strategy will be employed to ensure consistency of message to engender top-of-mind awareness of the district as a major destination for cultural and entertainment activities. Members of the committee include marketing and advertising professionals, business owners, and representatives of major cultural and entertainment entities within the district. The committee may also seek the services of a communications professional who specializes in research and brand marketing to assist with the strategy development.

The Marketing Committee will also oversee the promotion and/or implementation of appropriate festivals to further raise awareness of the district and its unique character. Festivals endorsed by the FDP will be carefully scrutinized to ensure that they serve as a valuable marketing tool for the district. FDP will also liaison with other organizations within the FDP boundaries (such as the Historic Commission or neighborhood associations) to encourage and support festivals, events or activities that benefit the district.

(Note: In 2002 the Walton Arts Center began a long-term strategic plan to access and strengthen the cultural needs in Northwest Arkansas. The outcome was a Cultural Development Action Plan in which the primary recommendation was the creation of a cultural district in downtown Fayetteville. The 2003 Downtown Master Plan also calls for the establishment of such a district. FDP would like to champion this cause and make the cultural district a reality.)

FESTIVALS

FDP will serve as the district's coordinator for all festivals and events. Assistance to events not produced by FDP will include: non-profit status for financing, inventory of sponsorships and volunteers, assistance with street closure planning, notification of police, communications with businesses and residents in the area, list of infrastructure necessities for the events with contact information, vendor lists, and other planning. Events produced by FDP currently include the Fayetteville Fine Arts Festival and the Northwest Arkansas Designer House. Future events for FDP to consider for production are: First Night, Mardi-Gras, Springfest, Autumnfest. New events consistent with the FDP mission and goals will also be considered.

PROMOTIONS COMMITTEE

The Promotions Committee, led by Amy White-Beard, owner of Something Urban, meets to discuss and implement promotional ideas for new and existing downtown businesses. These activities may include seasonal or other time-specific promotions as well as business-specific activities. This committee also determines ways to cross-promote with other events and organizations, most notably, with the Walton Arts Center, the University, and festivals. As a result of the positive impact of this committee's efforts, the merchants have formed a grass-roots merchants' association.

MERCHANTS' ASSOCIATION

The Merchants' Association includes retail, restaurants, and bars in the district. Currently forming a board, mission statement, and financial structure, its primary purpose is to provide networking and support among business owners. FDP is encouraging this nascent group both through administrative and financial support. Two of the three organizers of the merchants' association serve on the FDP Board of Directors.

UNIVERSITY RESOURCES

FDP is currently working with the University of Arkansas on several levels, including involvement with the Master of Business Administration Program, the Center for Business and Economic Research, the UA Physical Plant, and the UA Community Design Center.

MBA Partnering Project

FDP is coördinating with the Sam M. Walton College of Business MBA program to host a partnering project in the spring of 2005. The program provides four to six MBA candidates in their final semester of study to work on a consulting project as outlined by the host organization. FDP has identified several potential projects for the MBA team of which one will be selected for their 10-week project:

- Feasibility and Structure of a Business Improvement District
- District Branding Campaign Strategy
- Detailed Business Plan
- Organizational Work Plan
- Attainable Housing Funding Research and Strategy

Center for Business and Economic Research

FPD is working with the executive director of the Center for Business and Economic Research, Jeff Collins, to research and document the economic and financial impact of the proposed Tax Increment Financing district. Jeff's team is leveraging their extensive collection of economic data on Arkansas and the surrounding region to formulate the future impacts of incremental property tax increases projected into the future. Jeff's team may also be utilized to investigate the financial impact of a Business Improvement District.

UA Facilities Management

Because of the proximity of downtown Fayetteville to the campus of the University of Arkansas, FDP maintains a close relationship with the Physical Plant. Currently, Mike Johnson, the Associate Vice Chancellor – Facilities, is participating on the Executive Director Search committee.

UA Community Design Center

The UA Community Design Center ("UA CDC") is an outreach center of the School of Architecture with the mission of advancing creative development in Arkansas and its communities. FDP maintains a close relationship with UA CDC in order to leverage the expertise of their designers and urban planners. The Community Design Center created the concept plan for the improvements that we now enjoy on Dickson Street.

SECTION FOUR – OUR PLAN FOR THE FUTURE

Fayetteville Downtown Partners, working with Brent Robinson, a Business Designer from Blue Frog Group, LLC, has created the following plan to transition FDP to the permanent organizational structure necessary to implement our goals and those stated in the Downtown Master Plan. The startup phase of this plan involves hiring a Interim Director to carry on the existing commitments of the organization and to facilitate the search for the Executive Director. In the second phase, the organization conducts a national search for a permanent Executive Director. In the third phase, the Executive Director details the business plan and hires the staff necessary to achieve the vision of FDP.

PHASE ONE – STARTUP

FDP is currently a volunteer organization with one Interim Administrator, Eileen Roufa, with a contract through December 2004. To achieve the organization's goals, a full-time staff is required beyond this date. The first step toward a permanent, full-time staff is contracting a Interim Director to implement the directives of the Board, build the foundations necessary for the permanent staff, and facilitate the search for a permanent Executive Director.

Interim Director

The purpose of the Interim Director is to have a person devoted full-time to managing the startup processes for the new organization. The Interim Director will focus on three primary areas: 1) Maintaining internal operations and 2) Facilitating the Executive Director search, and 3) Coordinating the grant research effort. The Interim Director will assume the day-to-day operating responsibilities from the Interim Administrator. This will include managing accounts and budgets, creating newsletters and organizational communications, and administering the FDP website. The Interim Director will also assist with the formation of the new Merchant's Associations.

The Interim Director will work with the Executive Director Search Committee to facilitate their efforts. Tasks will include advertising the position and coordinating the search. The Interim Director will also manage incoming candidate information, validate resumes and references, conduct initial phone screening interviews, send regret correspondence, and develop a short-list of candidates. In addition, the Interim Director will coordinate travel accommodations for the short-list candidates and interview schedules with the Search Committee members.

The Interim Director will posses the following skills and characteristics:

- High level of organization and project management skills
- Familiarity with business startup and non-profit organizations
- Experience conducting candidate searches and interviews
- Strong verbal and written communication skills

The term of the Interim Director will be limited to the time required to begin the startup processes, to conduct the Executive Director search (the search is likely to take from three to six months), and to transition operations over to the new Executive Director. The minimum engagement for this position is three months with a possible extension of up to six months.

We will contract this position to an outside consultant to avoid the administrative overhead of benefits and to accommodate the transitive nature of the position. The Interim Director will utilize the existing space. The compensation for the Interim Director position will be $5,000 per month.

Initiate Grant Research

FDP has identified possible grant opportunities to provide for some of the organization's funding and to fund new capital projects in the district. However, the grant process, beginning with research through preparation and submittal to the actual award is lengthy. This process needs to begin well before a full-time grant writer is onboard. To accomplish this, FDP will outsource initial grant research and preparation to a local grant-writing consultant. Grant writers typically charge $45/hour with a single project taking between 40 and 80 hours.

PHASE TWO – EXECUTIVE DIRECTOR SEARCH

Conducting a search for a full time Executive Director of the caliber necessary to implement the goals of FDP will require a national search effort, a committee of individuals to evaluate candidates, and travel expenses for short-listed candidates. The position requires an individual with the following characteristics and skills:

- Knowledge of grants, legalities, and realities of development/cultural districts
- Solid business background with an understanding of real estate
- Coalition building skills
- Energy to motivate business leaders
- Organizational skills to run a staff and board
- Political skills for working with City and government agencies

Because of this unique skill set, the compensation for this position should begin around $75k plus 25% benefits and should not exceed $100k plus 25% benefits.

Finding a suitable candidate for the full time Executive Directorship will require resources to conduct a national search. In addition to the salary requirements, the Executive Director search will require funds to advertise the position at the national level, travel expenses to bring short-list candidates to Fayetteville, and fees for executive employment search firms utilized in the narrowing of possible candidates.

Executive Director Search Committee

An Executive Director Search Committee, chaired by FDP Vice-President Leslie Belden, has been formed to determine the necessary skills for the position and to evaluate candidates. The volunteers were selected for their areas of expertise within the community and their willingness to give their time. For this reason, it is important to organize the search effort to effectively utilize the volunteers' time. The Search Committee has already met and is establishing candidate criteria and project milestones for the search. The volunteers working with Leslie include:

- Mike Johnson, Associate Vice Chancellor – Facilities Management, University of Arkansas
- Don Marr, Ward 2 Alderman
- Rob Merry-Ship, North College Development
- Terri Trotter, Vice President-Communications, Walton Arts Center
- Craig Underwood, Underwood Jewelers
- Cathy Bass, Dickson Street Neighborhood Association
- Dan Coody, Mayor of Fayetteville
- Representative of FEDC, A&P Committee, Fayetteville Chamber of Commerce

PHASE THREE – FDP AS AN ONGOING CONCERN

The new Executive Director will need to accomplish several organizational goals. The first objective of the new Executive Director will be to translate the goals of the organization into an actionable business plan. Second, s/he will need to build the staff necessary to effectively implement that plan. The staff requirements will actually be determined by the new Executive Director; however the Board of Directors is researching similar downtown development organizations and believes the staff will likely include the following positions:

Grant Writer

On-staff Grant Writer (annual base salary $45k plus 25% benefits) – Grant research and writing to seek out funds for non-profit, public/private, and government projects and partnerships.

- Excellent writing skills
- Proficiency with non-profit budgeting
- Proficiency in using PC computers and software including Windows, Microsoft Excel and Microsoft Word
- Organized, friendly and professional

Marketing Coordinator

Marketing Coordinator (annual base salary $45k plus 25% benefits) – Coordinate marketing efforts and organize events for the district, including district events, the merchants' association, and regional branding efforts.

- Excellent marketing, communication and writing skills
- Project management and multi-tasking ability
- Proficiency in using PC computers and software including Windows, Microsoft Excel and Microsoft Word
- Organized, friendly and professional

Administrative Assistant

Administrative Assistant (annual base salary $35k plus 25% benefits) – Provide direct support to the Executive Director and supplemental support to the remaining staff, including document preparation and contact management.

- Excellent writing skills
- Proficiency in using PC computers and software including Windows, Microsoft Excel and Microsoft Word
- Professional and outgoing

Three Year Proposal
Section Four – Our Plan for the Future

COSTS AND FEES ESTIMATE

Based on the interim business plan phases outline above, the costs for implementing the plan are estimated in the table below:

ITEM	COST ESTIMATES	
	LOW	HIGH
Phase One - Startup		
Hire Interim Director (3 to 6 months)	$15,000.00	$30,000.00
Outsource Grant Research (40 to 80 hours)	$2,800.00	$5,600.00
Phase One Subtotal	*$17,800.00*	*$35,600.00*
Phase Two - Executive Director Search		
Advertising and Search (national)	$15,000.00	$20,000.00
Travel & Expenses (3 candidates)	$3,000.00	$5,000.00
Hire new Executive Director	$93,750.00	$125,000.00
Phase Two Subtotal	*$111,750.00*	*$150,000.00*
Phase Three - Ongoing Concern		
Advertising (regional)	$1,000.00	$1,500.00
Hire Staff (3 positions)	$156,250.00	$156,250.00
Phase Three Subtotal	*$157,250.00*	*$157,750.00*
Year 1 Total	***$286,800.00***	***$343,350.00***

APPENDIX A – DOWNTOWN DEVELOPMENT ORGANIZATIONS

The Board has researched a number of organizations with similar focus to the FDP and designated several as exceptional examples of urban development stewardship.

INTERNATIONAL DOWNTOWN ASSOCIATION

The International Downtown Association is a world leader and champion for vital and livable urban centers. Through its network of committed individuals, its rich body of knowledge, and its unique capacity to nurture community-building partnerships, IDA is a guiding force in creating healthy and dynamic centers that anchor the well-being of towns, cities and regions throughout the world.

http://www.ida-downtown.org/km/DesktopDefault.aspx

EXAMPLE ONE – CENTER CITY COMMISSION – MEMPHIS, TENNESSEE

One organization of note is the Center City Commission in Memphis. Center City Commission is the BID manager for the downtown of Memphis as defined by the Memphis Business Improvement District. Its mission is simply:

> To improve the economy of Memphis and Shelby County by coordinating an aggressive public/private partnership to promote the redevelopment and economic growth of the central business district.

Website: http://www.downtownmemphis.com/

The structure of the Center City Commission is:

- Center City Commission – governmentally created organization with a volunteer board of 20- employs the CCC's president, approves the operating budget, acts as a general policy forum for downtown issues
- Center City Development Corporation – 501-c-3 with 9 board members--- buys and sells property for development purposes and administers a low interest loan program
- Center City Revenue Finance Corporation- state chartered industrial development board with the power to grant city and county tax freezes in the downtown area without legislative oversight and issues tax exempt and taxable bonds for downtown projects
- Downtown Parking Authority—builds and manages the public garages
- Design Review Board – 7 member board – design professionals who administer the City's special downtown sign ordinance, reviews exterior design of all public and private development projects receiving incentives from any CCC entities

Three Year Proposal

Appendix A – Downtown Development Organizations

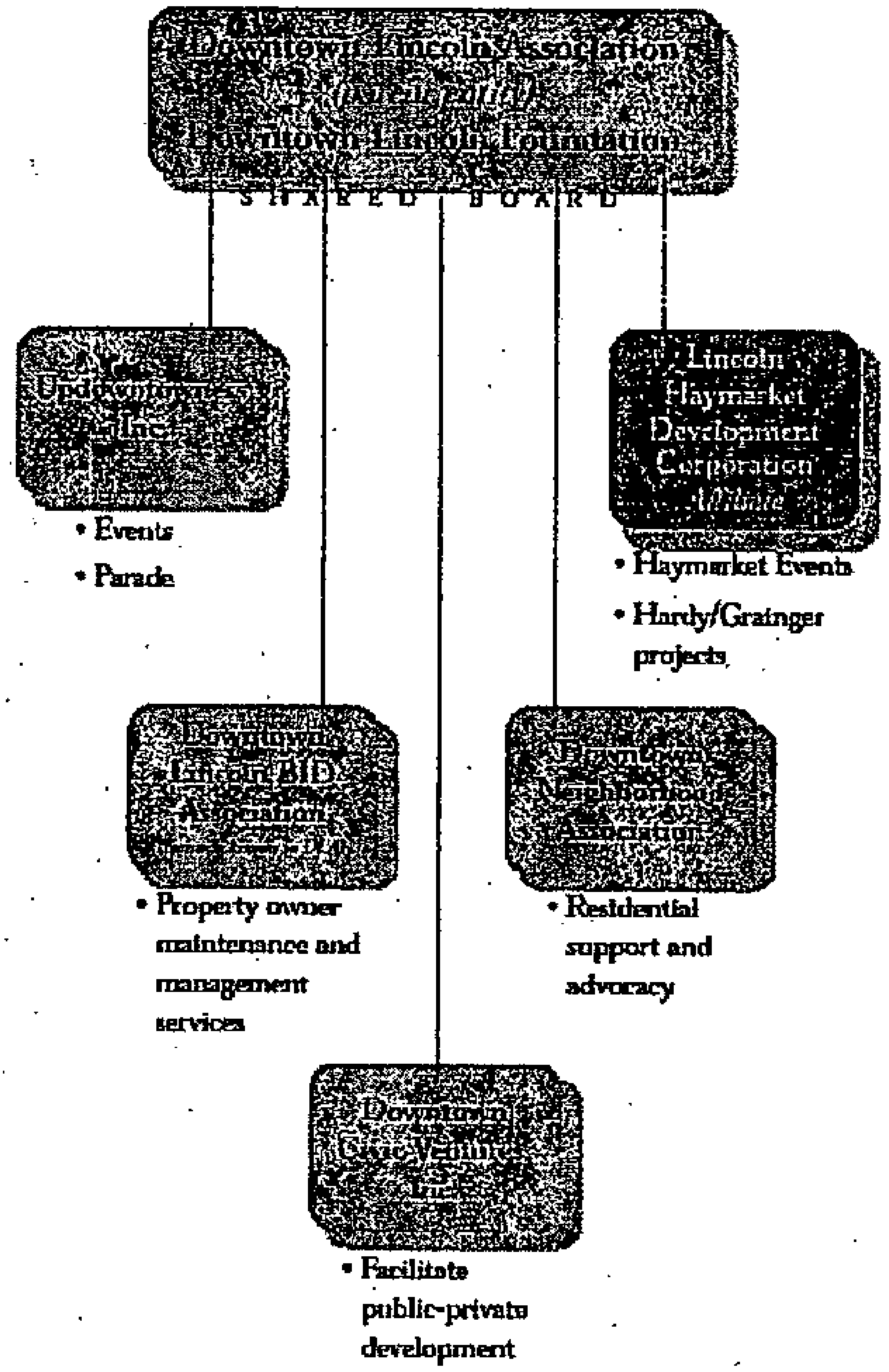
EXAMPLE TWO – DOWNTOWN LINCOLN ASSOCIATION – LINCOLN, NEBRASKA

The FDP sees the Downtown Lincoln Association as a model downtown development organization for its innovative use of various sub-organizational types to facilitate development. The DLA mission is:

> The Downtown Lincoln Association serves its downtown constituents and the Lincoln community by providing leadership, marketing, management, economic development services and events to ensure a vibrant, inviting downtown.

Website: http://www.downtownlincoln.org/

The structure is described below and different sub-organizations have different IRS designations to ensure the correct level of transparency is maintained.



Appendix A – Downtown Development Organizations

EXAMPLE THREE – CAPITAL CITY DEVELOPMENT CORPORATION – BOISE, IDAHO

In our research, we contacted the Capital City Development Corporation and received excellent feedback on their internal staff searches. Their organization is of similar size and scope to the FDP.

The CCDC describes itself as:

> The Capital City Development Corporation is a public agency that administers urban redevelopment projects for the City of Boise, Idaho. Urban redevelopment projects can include planning and facilitating the development of retail, residential, office, hotel, cultural and educational projects and public improvement projects under the guidance of adopted urban renewal plans. CCDC is legally and financially separate from the City of Boise. CCDC has an eight-member Board of Commissioners appointed and confirmed by the Mayor of Boise and the Boise City Council.

Website: http://www.ccdcboise.com/index.htm

The structure of the CCDC structure is governed by an eight-member Board of Commissioners. Commissioners are selected by the Mayor and confirmed by the City Council for five-year terms.

EXAMPLE FOUR – DOWNTOWN PARTNERSHIP – LITTLE ROCK, ARKANSAS

DP is a non-profit, membership-based organization led by a 40 member board. They manage a 47 block Metrocenter Improvement District that provides a clean and safe program for the business core.

Website: http://www.downtownlr.com

APPENDIX B – POSSIBLE PROJECTS – ATTAINABLE HOUSING

The following is an outline prepared by Paul Esterer of First Security Vanadis highlighting the steps a non-profit organization must consider for attainable housing projects.

FUNDING SOURCES

- Low Income Housing Tax Credits – Arkansas Development Finance Authority
- HOME Funds – ADFA
- CDBG Funds – City of Fayetteville
- Federal Home Loan Bank

GENERAL SCHEDULE

- Meet with owner and prepare preliminary project structure
  - Sponsor
  - Number of Units; type of units
  - General feasibility of project
- Obtain market study and other predevelopment documentation
- Assemble documentation for ADFA application and submit
- If approved, close before year end

ADFA SCHEDULE

- February 11, 2005 – application deadline
- April 22, 2005 – deficiencies and scoring notification
- April 29, 2005 – cure period
- May 2, 2005 – final scoring notification
- May 19, 2005 – successful applicants notification
- May 26, 2005 – reservation letters mailed

THINGS TO CONSIDER

- Site for Project
  - Cost
  - Zoning

  - Environmental
- Predevelopment funds/financing
- Support from Community
  - Highest elected official
  - Legislators
- Consultant
- Architect/Engineer
- Contractor

PRE-DEVELOPMENT EXPENSES

• Post-ADFA Application	
• Environmental	$5,000 approx.
• Survey	$4,000 approx.
• Legal Services	$5,000 approx.
• Loan Fees	$5,000 approx.
• Architect's Fees	$30,000 approx.
• Market Study	$5,000 approx.
• Appraisal	$4,000 approx.
• Tract Search	$ 250 approx.
• ADFA Fees	$ 300 approx.
• Miscellaneous	$5,000 approx.

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
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 7 and the February 15, 2005 City Council meeting minutes.

2. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

3. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

4. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.

5. **Garver Engineers, LLC Contract:** A resolution approving a letter contract in the amount of $19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street Widening Project.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

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.

2. **SBC Communications Project Approval:** A resolution approving a project with SBC Communications in the amount of $61,227.86 to provide for the implementation of redundant wired data link to all of the City's remote sites.

3. **IFWorld Maintenance Approval:** An ordinance waiving the requirements of formal competitive bidding and approving payments not to exceed $20,000.00 to IFWorld for maintenance and enhancement of the City website's Content Management System.

4. **Reappropriate Capital Improvement Funds:** A resolution approving a Budget Adjustment to reappropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements.

5. **Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

6. **Rotochopper, Inc. Compost/Mulch Bagger:** A resolution approving the purchase of one (1) Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc. in the amount of $39,971.00 for use by Solid Waste and Recycling Division; and approving a Budget Adjustment in the amount of $48,000.00.

D. PUBLIC HEARINGS:

1. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

2. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: February 28, 2005 – 4:30 pm

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Yolanda Fields, CRCC Director

Date: February 9, 2005

Subject: Approval of Contract for Rehabilitation

RECOMMENDATION

Staff recommends approval of contract to rehabilitate home.

BACKGROUND

Home belongs to elderly mother, daughter and daughter's son who are on SSI and disablity benefits. In the past CDBG did an upgrade on electrical with a cost of $1575.00, Installation of HVAC with a cost of $4760.00, Lead Base Paint inspection with cost of $350.00, and most recently a repair of fireplace with cost of $390.00 and installation of wheelchair ramp with cost of $3250.00. The home is still in need of new windows, vinyl siding, and rain gutters to complete the rehabilitation and make the home energy efficient and clear of any lead base paint. We have received bids on this project, low bid being $14,274.00. The total cost for this project would be $24,599.00 with contingency amount of $1,000.00.

DISCUSSION

There is a need in this home to make it energy efficient and free of lead base paint.

BUDGET IMPACT

The City of Fayetteville's Rehabilitation Program under CDBG would pay the contractor the sum of $14,274.00 to complete this project with contingency of $1000.00.

RESOLUTION NO. ______

A RESOLUTION AWARDING A BID IN THE AMOUNT OF $14,274.00.00 TO PREMIER HOME SERVICES FOR REHABILITATION OF THE RESIDENCE AT 443 WEST NORTH STREET; AND APPROVING A CONTINGENCY IN THE AMOUNT OF $1,000.00.

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 awards a bid in the amount of $14,274.00.00 to Premier Home Services for rehabilitation of the residence at 443 West North Street.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a contingency in the amount of $1,000.00.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

FAX

Premier Siding & Windows

TO: Deidre Uselton

FROM: Jim Debbrecht

DATE: 2-8-05

PAGES: 1

Deidre,

On the Ledbetter project #02123-0502

We could install new windows without replacing the inside casing & trim which would reduce our bid price by $1500.00. Plus in addition to that, the homeowner could do the interior painting of the window trim which would reduce our bid by an additional 350.00. Resulting in our bid being reduced to $14,274.00

Thanks

Jim Debbrecht

P.O. Box 1193 Farmington, AR 72730
Telephone: (479) 267-0295 Fax: (479) 267-0278

City of Fayetteville
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

STANDARD BID PROPOSAL FORM

PROJECT NUMBER: 02123-0502 **DATE ISSUED:** January 4, 2005

DATE AND TIME OF OPENING: Sunday, January 9, 2005

OWNER'S NAME: Vesta Ledbetter

PROJECT ADDRESS: 443 W. North St., Fayetteville, Arkansas 72701

Windows	5625.00
Interior Window Trim	1500.00
Vinyl Siding	7912.00
Painting & Caulking	350.00
Rain Gutters	587.00
Clean-up	150.00

MY TOTAL BID PRICE FOR THIS PROJECT IS $ 16,124.00

Upon signing this Bid, the bidder certifies that they have viewed the property, read and agree to the requirements set forth in this bid proposal, including specifications, terms and standard conditions, and pertinent information regarding the articles being bid on, and agree to furnish these articles at the prices stated.

Complete Business Address:

Name of Firm: Premier Home Services Phone # 479-267-0295
Street address or P O Box # PO Box 1193
City / State/ Zip Code Farmington, AR 72730

"Helping to Build a Better Community"

STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

YES AGENDA REQUEST

For the Fayetteville City Council Meeting of: March 1, 2005

FROM:

Deidre Uselton	Com Res & Code Com	Com Plan & Engr Services
Name	Division	Department

Action Required: Approval of contract with Premier Home Services for Rehabilitation of residence at 443 W. North St. Total cost of project $14,274 with contingency amount of $1,000.00.

Action Required:
See attached Memo

STAFF RECOMMENDATION: Approval of the contract.

	2-9-05
Division Head	Date
	2/11/05
City Attorney	Date
	2-11-05
Department Director	Date
	2-13-05
Finance & Internal Services Dir.	Date
Chief Administrative Officer	Date
Dan Coody	2/14/05
Mayor	Date

Received in Mayor's Office 2/11/05 P.H.
Date

ENTERED 2/11/05

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

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

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police FJ

DATE: February 10, 2005

RE: Application to Arkansans for Drug Free Youth Grant

Recommendation:

It is recommended City Council approve the acceptance of funding to enforce underage drinking laws and approve a budget adjustment recognizing the grant.

Background:

The Fayetteville Police Department has worked closely with the Arkansans for Drug Free Youth organization for several years. This organization has provided three other grants, which supported out efforts to eliminate underage drinking. The Department received reimbursement for officer's salaries and overtime to perform special patrols checking liquor stores and bars for compliance by not serving underage persons. We have also received funds to cover training for our officers and supplies to provide training for local merchants.

Discussion:

Without this special funding the police department will only be able to monitor underage drinking during normal patrol. The funds provided by this grant will allow additional officers to be assigned this task as well.

RESOLUTION NO. ______

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO ACCEPT AN ARKANSANS FOR DRUG FREE YOUTH GRANT IN THE AMOUNT OF $20,000.00 TO FUND TRAINING AND OVERTIME FOR OFFICERS PERFORMING UNDERAGE DRINKING PATROL, COMPLIANCE CHECKS OF MERCHANTS SELLING ALCOHOL AND COMMUNITY PRESENTATIONS; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000.00 to fund training and overtime for officers performing Underage Drinking Patrol, compliance checks of merchants selling alcohol and community presentations.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing said grant revenue.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year		Date Requested	Adjustment Number
2005	Department: Police Division: Police Program: Patrol	2/9/2005	

Project or Item Requested:
Accept Arkansans For Drug Free Youth grant in the amount of $20,000.00

Project or Item Deleted:
None

Justification of this Increase:
This is a continuation grant utilized for training and overtime for officers preforming Underage Drinking Patrol, compliance checks of merchants selling alcohol and community presentations.

Justification of this Decrease:

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Travel & training	1010	2940	5304	00	4,000		
Overtime-uniformed	1010	2940	5104	00	16,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	1010	0001	4302	00	20,000		

Approval Signatures

Requested By	Date
Budget Manager	Date
Department Director	Date
Finance & Internal Services Director	2-13-05 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

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Frank Johnson		Police
Submitted By	Division	Department

Action Required:

Accept Arkansans for Drug Free Youth grant in the amount of $20,000 and approve a budget adjustment. This is a continuation grant utilized for training and overtime for officers performing Underage Drinking Patrol, compliance checks of merchants selling alcohol and community presentations.

$16,000	$6,037,878	Personnel Services
$4,000	$708,669	Service and Charges
Cost of this request	Category/Project Budget	Program Category / Project Name
1010.2940.5104.00	$693,425.67	Saleries/Wages - Uniform
1010.2900.2940.00	$15,469.70	Travel & Training
Account Number	Funds Used to Date	Program / Project Category Name
	$5,344,452.33	
N/A	$693,199.70	General Fund
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached XXX

Department Director 2/11/05 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

City Attorney 2/11/05

Received in City Clerk's Office

ENTERED 2/11/05

Finance and Internal Service Director 2-13-05 Date

Received in Mayor's Office

2/11/05 P.H.

Mayor 2/14/05 Date

Comments:

City Council Meeting of March 1, 2005

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

From: Chris Bosch, Fire Chief

Date: February 7, 2005

Subject: A Resolution providing the Fire Department with Council approval to submit a request for, and accept, funding from, the Department of Homeland Security through the Federal Emergency Management Agency's 2005 FIRE Act Grant program.

RECOMMENDATION

Approval of the above mentioned Resolution.

BACKGROUND

Over the past three years the Fire Department has submitted funding requests to the Department of Homeland Security, through the FIRE Act, in an attempt to acquire funding for three distinct projects; replacement of fire fighter turnout gear, development of a Fire Fighter Wellness & Fitness Program and the acquisition of a fire training simulator. We were successful in our attempts during the 2002 and 2003 funding cycles and have utilized the funds received to improve the level of safety and health for our personnel.

DISCUSSION

During the 2005 grant program we plan on submitting a request for approximately $200,000 to help fund several technology upgrades related to our CAD/RMS system and purchase several pieces of hardware that will enhance our communication capability and bring the Fire Department in line with the recent upgrades undertaken by the Police Department. We also plan on submitting a supplemental request for additional training equipment to assist the Department in its efforts to improve the quality of service we currently provide to the community.

BUDGET IMPACT

Under the new guidelines for the FIRE Act Program matching fund requirements for cities with populations > 50,000 has been reduced to 20% of the original request. The Fire Department's matching portion of this grant, which is $40,000, will come from our Act 833 funds for 2005. These funds are received on a quarterly basis and in 2004 the Fire Department received in excess of $50,000 from this program.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE FIRE DEPARTMENT TO APPLY FOR AND ACCEPT A DEPARTMENT OF HOMELAND SECURITY FIRE GRANT FOR APPROXIMATELY $200,000.00 TO UPGRADE THE COMPUTER AIDED DISPATCH SYSTEM AND PROCURE ADDITIONAL TRAINING EQUIPMENT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Fire Department to apply for and accept a Department of Homeland Security FIRE Grant for approximately $200,000.00 to upgrade the Computer Aided Dispatch System and procure additional training equipment.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: __________________________
DAN COODY, Mayor

ATTEST:

By: __________________________
SONDRA SMITH, City Clerk

PROPOPSED GIS FIRE GRANT OVERVIEW

The Fayetteville Fire Department is applying for this grant to fund a formal fire risk analysis system in the form of a Geographic Information System (GIS) with 17 rugged Tablet PCs in command vehicles and all fire apparatus. This system will have basic street layout, parcels with 911 address and hydrant locations for our primary response area as the base map.

The Fayetteville Fire Department would like to utilize GIS technology as part of our risk management and operational response tool. Central Dispatch already has much of the Geo-data in their New World Systems Public Safety – Cad Mapping program needed to implement much of this program (The Fayetteville Police Department has recently been approved to equip 29 vehicles with this laptop and software to aid in their dispatching).
The mobile computers in command units will serve as work stations and become an integral component of future communication and information system. This GIS will enable us to put multiple databases in the hands of fire management for making sound judgments. Officers in charge of the incident (Incident Commanders) can also use the data for managing the incident. Assigning response units, potential exposures, potential staging areas, evacuation shelters and other data can assist the Incident Commander in overall Incident Management.

Under this Computer Aided Dispatching (CAD) the department will be able to access:

- CAD Messaging
    - Allows units to talk directly to dispatcher without tying up radio traffic. Also allows for no voice response and arrival at incident.
- Call Scheduling
    - Allows to schedule calls for a later date (parades, events)
- Call Stacking
    - Prioritizes calls when calls become backed up
- Unit Recommendations
    - Recommends which units are closest and available for the call
- GEO-File Verification
    - Verifies address and locations when a call is received
- Hydrant Tracking
    - Determines location of nearest hydrants to the incident
- Hazard and Location Alerts
    - Locates hazards throughout the city as noted in our pre-fire plans and any other repeat calls made from that location
- Interface to Aegis/MSP Fire Records
    - Allows officers to retrieve information straight from NFIRS reports and allows them to add data on the scene
- Note Pads
    - Allows for unit to unit conversation without tying up radio traffic and to keep records until information is logged
- Cad Mapping
    - Allows for Street Maps and quickest route from inside the cab

- Automatic Vehicle Location (AVL)
    - Allows for dispatching of unit closest to the call and tracking of all fire department units

Fire Department personnel have spent hundreds of hours compiling information on businesses and public buildings but have no way to cross reference info, timely retrieval of info, and many times have had to research the same material over. Keeping records tied to a geographic location allows multiple queries by clicking a mouse and configuring layers of info to view. The data stays consistent and improves with regular updates.
The type of information and data that could be important to these responders to access first and fast includes but is not limited to the following types of primary data:

1. Standpipe and Sprinkler connections
2. Utilities:
    a. Overhead electric wires
    b. Underground gas etc lines
    c. Connections/boxes
3. Building occupancy types
4. Building construction
5. Exposures
6. Floor Plans
7. Hospitals
8. Schools
9. Parks
10. Churches

GIS is a valuable tool for investigating and analyzing sites to locate and relocate fire stations. Response time allocation, future population projections, development patterns, and data from existing 911 calls are analyzed in the GIS to identify fire station locations that would provide the best coverage to this growing city. Built upon this geography, we will be able to create layers of information (or geo-code) from past fire locations, by time and cause, from our current New World incident reporting software.

The GIS equipment will include one plotter and one color printer for publishing maps for analysis, incident command, public meetings, prevention initiatives, etc. Training for our GIS technician will also be funded through this grant and will be conducted in hands-on live training sessions. Certificates of completion are provided upon completion of the class

The Fire Department sees GIS as a tool they can use to make Fayetteville a safer community and to make their jobs as fire fighters safer as well. The more information a fire fighter has en route to a fire and when he enters a burning building, the better the chances are that there will be no loss of lives and less fire damage to the structure

SPECIFICATIONS FOR

A LIVE FIRE TRAINING/SIMULATOR STRUCTURE

WHP Trainingtowers

1.0 PURPOSE:

1.0.1 This building shall be used to provide training for firefighters in a controlled simulated environment, which is commensurate with actual fire conditions.

These specifications shall be used in conjunction with the drawings for dimensions, features, and exact configuration of the training structure.

General:

1.0.2 The complete simulator unit shall consist of varying sections, connected, each having different roof heights, and different quantities of window and door openings. **The primary structural and seismic design shall be in accordance with the building code governing over the project site.** Due to the nature of the intended use, egress and fire code requirements are not expected to satisfy the code criteria for buildings intended to accommodate public occupancy; however, **it shall conform to NFPA and OSHA standards and structural building code requirements where applicable.**

1.0.3 Concrete foundation for the structure shall be designed for linear loading with 8" stem walls and spread footings. The foundation design and installation shall be covered in other sections of this specification and drawings. Foundation and concrete are not part of this section and are supplied by others.

1.0.4 Drawings shall be a part of this package and will indicate the size and layout of the simulator. The number of doors, windows, stairs, and specific items to be part of this bid package shall be indicated on the drawings.

2.0 SUPPLIER QUALIFICATIONS:

2.0.1 Supplier shall submit with proposal a listing of projects showing location of completed structures, and type of structure supplied.

2.0.2 Supplier shall have a minimum of ten years experience in the fire training simulator industry.

3.0 SHOP AND EQUIPMENT DRAWINGS:

3.0.1 Supplier will submit two (2) sets of drawings detailing anchor bolt locations and typical foundation layout within 4 weeks following receipt of order.

3.0.2 Supplier shall submit two (2) sets of assembly drawings and two (2) sets of general drawings concurrent with shipment of materials.

3.0.3 All component structural parts shall have an identification number on the part, which corresponds with the same part number on the assembly drawings.

4.0 ITEMS TO BE INCLUDED IN PROPOSALS:

4.0.1 INSERT SPECIFIC BUILDING INFORMATION

4.0.2 Supplier shall provide all building components (i.e., floor decks, stairs with railings, roof guard rails, windows with closures, doors, hardware, reinforced hollow metal door frames, tower roof hatch, vertical ladder to roof hatch, high temperature insulation for burn rooms, or other miscellaneous materials) to provide a complete structure.

4.0.3 Supplier shall provide structural design drawings and structural calculations certified by a licensed engineer as well as layout drawings showing plan layouts indicating component locations, structure dimensions, (front, rear, left and right side elevations), miscellaneous details relating to doors, windows, hatches, guard rails and burn room details.

5.0 ITEMS NOT TO BE INCLUDED IN PROPOSALS:

5.0.1 Taxes, fees of any kind, special insurance requirements, and permits.

5.0.2 Mass site work, anchor bolts, foundation design/installation, slab on grade, and fill on decks.

5.0.3 Site infrastructure (i.e., waterlines, hydrants, sewer lines, electric service lines, gas lines, plumbing, paving, sidewalks, etc.).

6.0 STRUCTURAL INTEGRITY:

6.0.1 General Requirements:
Structural components shall be designed to withstand the superimposed live loads and wind loads as required by these specifications in accordance with the applicable design criteria and local codes. **The structure shall be designed with an integral structural panel with no interior columns or beams.** A framework of structural "C's" and exterior panels shall provide structural support.

6.0.2 Design Requirements:
The building shall be designed for wind loads for the local jurisdiction. Floor and roof loading shall be designed for 100 PSF live load with a deflection factor of l/240. The building shall be capable of supporting a 1500-pound point load at any point on the exterior wall of the structure.

6.0.3 Material:
All material shall be new and shall conform to applicable ASTM specifications.
All material used in the structure 10-gauge or less in thickness, whether exposed or not to the elements, shall be G90 galvanized. Any exposed materials, which are not galvanized, shall be given a coat of shop primer paint. Cold formed steel less than 3/16" shall be designed in accordance with the latest edition of Steel Construction Manual as published by the AISI.

6.0.4 Bolts and Nuts:
All bolts utilized with galvanized steel panels on building exterior and all bolts not exposed to the elements shall be **electro-galvanized**. Where required to make this structure **weather tight**, bolts shall be furnished with a contained nylon washer under the head for sealing. Anchor bolts shall be furnished by the concrete contractor, unpainted, and of the size specified on the anchor bolt plan.

6.0.5 Weather Sealing:
All exterior wall panels and vertical seams, which are metal-to-metal laps, shall be sealed with a continuous strip of sealer. The sealer shall not run, separate, or deteriorate with age. The footing channel for the building shall be placed over two sponge rubber strips, which shall seal the footing channel to the concrete foundation. **All sealer shall be applied according to assembly drawings to form a weather tight structure.** The structural panel walls and structural panel roof system shall be weather tight upon completion.

6.0.6 Roof Systems:

6.0.6.1 Structural Roof System:
The flat roof structure shall be a structural single panel roof system and shall consist of all metal panels, which are prefabricated, marked, and ready for assembly. The roof shall be constructed of **not less than 14-gauge galvanized steel**, roll formed into 7 1/2" deep compound corrugations, sealed with approved sealer, and connected together with **3/8" diameter bolts, spaced not more than 6" apart for a weather tight seal, which forms a continuous draining system.** Splices shall be completely capable of developing the entire bending moment capability of the panel.

6.0.6.2 "Safe Deck" Roof System:
Flat roof surfaces designated as working decks shall be a galvanized bar grate system. The "Safe Deck" roof system shall be **designed for 100 PSF live load.** When specified, 19W-4, 1" x 1/8" galvanized bar grate shall be provided with a 14-gauge galvanized support channel system and all required fasteners and anchoring devices. "Safe Deck" shall be applied over the structural panel system, which forms a continuous draining roof system.

6.0.6.3 Parapet Roof System:
Flat roof surfaces designated as a parapet roof shall be a concrete working deck. Concrete roof decks shall be **designed for 100 PSF live load.** The decks shall be a composite metal deck designed for concrete fill. The deck shall be supported on structural "C's" placed 12" on center. The deck gauge shall be as designated by the deck manufacturer, **not less than 22-gauge, hot-dipped galvanized**, to achieve the design loads. A **minimum of 3" of concrete** shall be installed on the deck to provide a smooth working surface. The concrete shall be reinforced with chopped strands of fiberglass to form a matrix to reinforce the concrete and protect from shrinkage and temperature cracking. The concrete mix design shall be developed by the owner's structural engineer to meet local code requirements and conditions. The concrete shall be pitched toward roof scuppers though the parapet walls.

6.0.6.4 Gabled Roof System:
Gabled roof structures shall be constructed utilizing structural steel truss, structural plywood deck, and composition shingle roof covering. The composition shingles shall be 25-year single tab seal down as manufactured by Owens-Corning Fiberglas Corp., Tamko Roofing Products, Inc., Certain-Teed Corp., or similar quality shingles. **This granular surface meets OSHA requirements for slip resistance.** The deck shall be minimum ¾" nominal T & G plywood with exterior glued laminates. 15 lb. felt underlayment shall be installed on the deck. Roof chop-outs shall be replaceable and **flush with roof to prevent a tripping hazard.** Gable end of roof shall be louvered to provide proper ventilation. Roof shall have minimum18-gauge painted fascia and soffit trim.

6.0.6.5 Sloped Roof System:
Single sloped roof structures shall be constructed utilizing structural steel "C's" placed 12" on center, structural plywood deck, and composition shingle roof covering. The composition shingles shall be 25-year single tab seal down as manufactured by Owens-Corning Fiberglas Corp., Tamko Roofing Products, Inc., Certain-Teed Corp., or similar quality shingles. **This granular surface meets OSHA requirements for slip resistance.** The deck shall be minimum ¾" nominal T & G plywood with exterior glued laminates. 15 lb. felt underlayment shall be installed on the deck. Roof chop-outs shall be replaceable and **flush with roof to prevent a tripping hazard.** Roof shall have minimum 18-gauge painted fascia and soffit trim.

6.0.7 Wall Panel Construction:
6.0.7.1 **The structural steel panel shall be G90 hot-dipped galvanized, painted one side, steel,** conforming to the appropriate ASTM specification. The panels shall be roll formed from flat steel and shall have a minimum corrugation depth of 4 1/2", and shall be joined at their seams, which **shall lap a minimum of 1/2" and shall be held together with 3/8" bolts spaced not more than 6" center-to-center.** All connection holes in the panels shall be pre-punched prior to painting. Self-tapping fasteners are not acceptable. The vertical seams shall be sealed with a sealer. The wall panels of the building shall have sufficient shear resisting capabilities to give the building structural stability when vertical and horizontal loads are applied.

6.0.7.2 **Framing for walls shall be a minimum of 12-gauge, hot-dipped, G90 galvanized "C's" placed 3'-5" center-to-center** or 3"x4"x1/4" prime painted structural tubing. All mounting plates at the bottom of each vertical shall be attached to the building foundation using the foundation's anchor bolts.

6.0.7.3 Interior non-load bearing walls shall be framed with 4 1/2", 18-gauge minimum, galvanized studs spaced a minimum of 24" on center. The face of the wall shall be minimum 18-gauge **galvanized sheeting on both faces of wall to conceal stud framing.**

6.0.8 Floor Construction:

6.0.8.1 Floor shall be supported on structural "C's" **placed 12" on center**. The
"C's" shall be a minimum of 14-gauge or heavier as designed by the building engineer. "C's" shall be a minimum of 10" in depth nominally and G90 hot-dipped galvanized. There shall be weeps in the bottom of the "C's" for drainage of water. **Headroom shall not be reduced with the use of structural beams and shall have a minimum floor to ceiling height of 8'-9".**

6.0.8.2 Concrete floor decks, if specified, shall be **designed for 100 PSF live load.** The decks shall be a composite metal deck designed for concrete fill. The deck shall be supported on structural "C's." The deck gauge shall be as designated by the deck manufacturer, **not less than 22-gauge, hot-dipped galvanized**, to achieve the design loads. **A minimum of 3" of concrete** shall be installed on the deck to provide a smooth working surface. The concrete shall be reinforced with chopped strands of fiberglass to form a matrix to reinforce the concrete and protect from shrinkage and temperature cracking. The concrete mix design shall be developed by the owner's structural engineer to meet local code requirements and conditions.

6.0.8.3 Metal floor decks, if specified, shall be **designed for 100 PSF live load.** The floor deck shall be manufactured by

Vulcraft, Wheeling-Pittsburgh Steel Corp., or equal. The **decks shall be 18-gauge minimum, hot-dipped galvanized steel** with a profile of 1 ½" in depth with a 1" by 1 ½" deep corrugation which shall be 6" center-to-center. The decking shall be supplied in 36" wide sheets and secured to the structural "C's" with #10 Tek screws-self tapping.

7.0 INSERT SPECIFIC BUILDING INFORMATION

8.0 ACCESS OPENINGS:

8.0.1 Steel Doors:
Double skin hollow metal doors shall be constructed with double skins of 18-gauge hot-dipped galvanized steel with 0.7 mil shop prime coat conforming to ASTM A526 or A624 and A525. The doors shall have reinforcements of **at least 7-gauge plate at all hardware-mounting points.** Vertical center seams shall be welded full height of door. Top and bottom shall be **reinforced with a continuous steel channel not less than 16-gauge and welded to both face sheets.** Stiffeners shall be welded 6" apart inside the door with fiberglass insulation between them. Burn room doors shall be of similar design with application of a protective layer of Padgenite on the burn room side. All doors shall be painted in one of ten standard colors as specified by the owner.

8.0.2 Hollow Metal Frames:
Hollow metal frames shall be constructed in 16-gauge hot-dipped galvanized coated steel with 0.7 mil shop prime coat conforming to ASTM A525 and A526. The frames shall be of knock down design. The frame shall be a full frame with head and jambs the same profile. **Partial frames will not be acceptable.** The frame shall be reinforced for the installation of hardware. Specialty anchors shall be provided as required. All frames shall be painted in one of ten standard colors as specified by the owner.

8.0.3 Door Hardware:
Hardware shall be Schlage A series or equal passage or lock sets meeting ANSI A156.2, 1996 series 4000 grade 2. Locksets shall have a six-pin tumbler C keyway and all doors shall be keyed alike. Hinges shall be a 4 1/2" x 4 1/2" heavy-duty, ball bearing, stainless steel hinge. Burn room doors shall have Bommer spring returns on the exterior face of door and stainless steel pulls. Each door shall have a high temperature hose sweep attached at the bottom. The sweep shall be made of a high temperature fabric cut into 1 ½" strips and attached to the door by a mounting bar. The strips shall be sufficient in number to minimize the amount of light entering the training compartment but allow a 3" fire hose to be advanced through the door without the door being open.

8.0.4 Window Shutters:
All window-framed openings shall receive 12-gauge hot-dipped galvanized coated steel, single leaf closures. All shutters shall have an operating lever latch with handles on the inside and outside of the shutter. All burn room shutters shall have 1" of Padgenite material and mounting channels in addition to the standard shutter including the operating lever latch. All shutters accessible from the ground shall have a key lock lever. **Window closures shall be constructed with a recessed lip perimeter and welded construction. The windows shall be designed to provide an overlap to the interior or exterior to minimize outside light. Stainless steel hinges** shall be welded to the shutters and pre-drilled for mounting. Window shutters shall be pre-finished in one of ten standard colors.

9.0 STAIRWAYS AND GUARDRAILS:

9.0.1 Stair stringers, handrails, and guardrails shall be of **welded steel design.**

9.0.2 Stairs shall conform to NFPA and OSHA guidelines pertaining to fire escapes and private residential stairs.

9.0.3 The handrails shall be constructed from structural steel tube. The tube shall be 1 ½" x 1 ½" nominal outside dimension. The railing shall be welded construction and designed to withstand a concentrated load of 200 lbs. in any direction in an arc 180 degrees centered over the top of the rail. All intersections shall be welded and ground smooth to create a continuous surface. Toe board and kick plates shall be structural steel angle 4" x 6" x ¼" welded to the railings and bolted through the deck and structural "C's." All rails and stringers shall be furnished prime painted.

9.0.4 Treads shall be constructed of 19W-4, 1" x 3/16" bar grate, hot-dipped galvanized steel with checker plate nosing. Intermediate stair landings, where used, are to be identical to stair treads in design. The stair treads shall be bolted to the stringer to allow for ease of replacement of damaged treads. All landings on stairs shall be of the same surface as the surrounding floors. Open grating at the landings on floors is not permitted to minimize debris and water falling on personnel using the stairs.

10.0 FINISH:

10.0.1 **The components of the structural wall and roof shall be G-90 hot-dipped galvanized interior and exterior for durability and corrosion resistance. All exterior structural wall or roof surfaces shall have a minimum paint thickness of 1.2 mils. and shall be painted one of ten standard colors.** Other interior structural members shall be either galvanized or prime painted. All traffic bearing interior surfaces shall be hot-dipped galvanized.

10.0.2 Interior structural members shall be either galvanized or prime painted.

10.0.3 **All interior deck surfaces shall be concrete, or 18-gauge hot-dipped galvanized decking.**

10.0.4 All doors, fames, and window closures shall be galvanized and painted with a two-part epoxy paint process.

10.0.5 All stair stringers, railing, ladders, roof hatches, and platform frames shall be prime painted.

10.0.6 All treads, access covers, rappelling rings, and bar grate shall be hot-dipped galvanized steel.

11.0 INSULATING PANELS AND ACCESSORIES:

11.0.1 High temperature insulating panels and attachment materials shall be provided for the interior walls, ceiling, doors, and windows of the burn rooms as specified.

11.0.2 Panels in burn rooms shall be **supported by a system of 18-gauge galvanized mounting channels mounted both horizontally and vertically and fastened to the building steel wall verticals** using proper Tek screws. The horizontal mounting channels shall be 48" center-to-center and the vertical mounting channels shall be 24 inches center-to-center. Mounting channels shall be a nominal 6" in width and 1" in depth.

11.0.3 Panels shall be pre-cut to size and shall be 1" thick. Panels shall be pre-treated with a two part chemical system to be water resistant/repellent. Panels shall allow for live fires in temperature ranges of 1200 to 2000 degree F maximum depending on type of panel specified. Seams and joints shall be backed with 1" thick battens of similar material. Panels shall be fastened by 3" Tek screws with ¼" x 1 ¼" washers through oversized 5/16"diameter field drilled holes, six per 2' x 4' panel. Use of **"speed clips," insulating clips or building insulation washers is prohibited.** Panels shall be installed with a ½" gap between panels and the panel perimeter shall be screwed to the channels. Fasteners shall be left with the washers being able to be turned with moderate pressure on the board.

11.0.4 INSERT PADGENITE I, II, OR SUPER PADGENITE SPECIFICATION

11.0.5 Accessories shall be furnished and installed for temperature sensing and indicating system and shall include two thermocouples for each burn room with high temperature wire to a pyrometer. A weatherproof box shall be mounted to building. One portable pyrometer for temperature monitoring (ranges of -199 to +1999 degree F with, LED display with battery power), a minimum of ten receptacles with male plugs, and a selector switch for ten circuit monitoring shall be included. Thermocouples shall be mounted at two different elevations within the burn rooms with wire from each run to box location. Boxes shall be mounted per the direction of the owner.

11.0.6 Complete layout drawings shall show all elevations, views, and details the location of the mounting channels, battens, and cut pieces of panels.

12.0 DELIVERY:

12.0.1 All components and accessories necessary for the assembly of the simulator including interior stairs and decks and insulating material for burn rooms shall arrive at the project site by over-the-road trailer. Other small items of fasteners, instruments, and instrumentation shall be delivered separately.

13.0 ERECTION/ASSEMBLY:

13.0.1 All components of the above-described building shall be erected/assembled on concrete foundation and slabs provided by others. Proposer shall provide a "Turn Key" service for assembly and material supply work.

13.0.2 Installation, if specified, shall include field supervision, labor, tools, equipment, insurance, all materials, and freight for delivery and construction of training structure. Erector of the structure shall have seven years of experience and a minimum of twelve installations of similar structures to the above-specified structures and shall be certified by the manufacturer to install this structure.

14.0 WARRANTY:

14.0.1 **All materials shall be guaranteed for a period of one (1) year following completion**, which is intended to mean: "Following substantial completion, the Owner and Contractor will inspect all work, during which inspection, any improper or uncompleted items shall be noted on a listing known as a Punch List. Contractor shall make correction of all items listed and request a final inspection. When all items are approved by the Owner's representative, the project is then complete and guarantee shall be in effect for one (1) year."
14.0.2 A 20-year extended life warranty shall be supplied to the owner, covering all wall panel and roof panel paint finishes.

END OF SPECIFICATION

WHP1010F 07/04

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STAFF REVIEW FORM - NON-FINANCIAL OBLIGATION

X AGENDA REQUEST

For the Fayetteville City Council Meeting of: March 1, 2005

FROM:

Chris Bosch, Fire Chief	Fire Administration	Fire
Name	Division	Department

ACTION REQUIRED: Approval of a Resolution providing with Fire Department with the authority to submit a request for, and accept funding from, the Department of Homeland Security through the Federal Emergency Management Agency's 2005 FIRE Act grant program.

SUMMARY EXPLANATION: See the Attached Memo.

STAFF RECOMMENDATION:

Division Head — Date

City Attorney — Date 2/8/05

Department Director — Date 2/7/2005

Finance & Internal Services Dir. — Date 2-8-05

Chief Administrative Officer — Date

Mayor — Date 2/8/05

Received in Mayor's Office 2/8/05 Date P.A.

Cross Reference:

Previous Ord/Res#:

Orig. Contract Date:

Orig. Contract Number:

New Item: ☒ Yes No

ENTERED 2/7/05

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 14, 2005

Subject: Approval of a resolution awarding a professional services contract in the amount of $19,300.00 with Garver Engineers for a design topographic survey of Township Road.

RECOMMENDATION

Staff recommends approval of the resolution awarding a professional services contract in the amount of $19,300.00 with Garver Engineers for a design topographic survey of Township Road.

BACKGROUND

The widening of Township Road is listed in the 2004 - 2008 Capital Improvements Program as the number one priority for years 2005 & 2006. It is urgent that topographic survey work begin now, so that in-house road design services will not be delayed. Since the City Surveyor position is currently vacant, the Engineering Selection Committee met on January 26th and chose the local firm of Garver Engineering to provide these services. Garver has successfully provided these services to the City on other CIP projects.

DISCUSSION

The professional services contract has allotted 45 working days after the Notice to Proceed to complete the survey work. Therefore it is imperative to initiate and complete this survey work so that the road design process may begin for developing construction plans for the widening of Township Road.

BUDGET IMPACT

Funds of $1,030,000 are available from FY 2004 & FY 2005 as this project was budgeted as part of the 2004 - 2008 Capital Improvement Program. Additional funds of $1,050,000 are programmed for FY 2006.

RESOLUTION NO. _____

A RESOLUTION APPROVING A LETTER CONTRACT IN THE AMOUNT OF $19,300.00 WITH GARVER ENGINEERS, LLC FOR PROFESSIONAL SURVEYING SERVICES FOR THE TOWNSHIP STREET WIDENING PROJECT.

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 Letter Contract in the amount of $19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street widening project. A copy of the Letter Contract, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

Garver Engineers, LLC

3810 Front Street, Suite 10
Fayetteville, Arkansas 72703

(479) 527-9100
FAX (479) 527-9101

www.garverengineers.com

GARVER|ENGINEERS

February 8, 2005

Paul Libertini, PE
Staff Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Letter Contract for On-Call Professional Surveying Services

Dear Paul:

With this letter contract, we are pleased to propose on-call surveying services. This letter will describe our proposed scope of services, performance schedule, and payment terms.

Scope of Services

We understand that you currently want us to provide field work for design surveys for the proposed Township Road improvements, consisting of:

DESIGN SURVEYS

- Topographic survey of all items located within 100' of existing road centerline starting 150' west of Gregg Avenue and extending to a point 300' east of College Avenue.
- Topographic survey of all items located within 75' of existing centerline of Green Acres Road extending 300 feet south of Township Road.
- Topographic survey 50' each side of the centerline of existing creek extending 300' upstream and downstream from centerline of existing road.
- Locate the front footprint of all existing buildings along Township located within 150' of existing road centerline.
- Locate existing visible or marked underground utilities via ARKUPS.
- Remove manhole lids and obtain elevations of existing utilities, e.g. sanitary sewer, storm sewer, telephone, cable TV, etc.
- Locate and identify the size and species of existing trees.
- Establish a minimum of 4 temporary benchmarks along the project corridor.
- Tie survey to a City of Fayetteville survey monument and a section corner.
- Survey shall be submitted in the City of Fayetteville coordinate system.
- Utilize the City of Fayetteville Eagle Point coding library.
- Tie survey to AHTD control for Gregg Avenue widening project so that the City's design plans will match the AHTD plans.

ADDITIONAL SURVEYS

- Recover and locate existing right-of-way pins and property corners along the right-of-way.

We understand you will provide and/or accomplish the following:

1. Right of entry to the property.
2. Obtain AHTD plans for Gregg Avenue.
3. Contact and coordinate with ARKUPS for utility locates and pay ARKUPS required fees.
4. Previous available surveys, reports, etc.

For clarification, our proposed scope of services for this survey does not include the following:

1. Wetlands identification or mitigation design or other work related to environmentally or historically (culturally) significant items.
2. Acquisition documents for new right-of-way or easements.
3. Flood Zone Designation.

Consistent with the terms of this agreement, any of these or other services can be added with your written direction.

Schedule

We will accomplish the work within forty-five working days of receipt of notice to proceed.

Payment Terms

City of Fayetteville agrees to pay Garver Engineers the lump sum fee of $16,300.00 for DESIGN SURVEYS as described in this agreement. If required, the City of Fayetteville agrees to pay Garver Engineers an additional lump sum fee of $3,000.00 for ADDITIONAL SURVEYS as described in this agreement. City of Fayetteville will pay Garver Engineers' monthly statements, based on the proportion of the total scope of services accomplished, within 60 days of receipt of the statement.

Please indicate your acceptance of this proposed contract and authorization to proceed by signing in the space provided below. Please return one signed original of this contract to us for our records. As always, we appreciate the opportunity to provide our services to you.

Sincerely,

GARVER ENGINEERS, LLC

Brock Hoskins, PE
Vice President

Accepted for City of Fayetteville by:
Dan Coody

Title: Mayor

Date: 2/24/05

Garver Engineers, LLC

3810 Front Street, Suite 10
Fayetteville, Arkansas 72703

(479) 527-9100
FAX (479) 527-9101

www.garverengineers.com

GARVER|ENGINEERS

February 8, 2005

Paul Libertini, PE
Staff Engineer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Re: Letter Contract for On-Call Professional Surveying Services

Dear Paul:

With this letter contract, we are pleased to propose on-call surveying services. This letter will describe our proposed scope of services, performance schedule, and payment terms.

Scope of Services

We understand that you currently want us to provide field work for design surveys for the proposed Township Road improvements, consisting of:

DESIGN SURVEYS

- Topographic survey of all items located within 100' of existing road centerline starting 150' west of Gregg Avenue and extending to a point 300' east of College Avenue.
- Topographic survey of all items located within 75' of existing centerline of Green Acres Road extending 300 feet south of Township Road.
- Topographic survey 50' each side of the centerline of existing creek extending 300' upstream and downstream from centerline of existing road.
- Locate the front footprint of all existing buildings along Township located within 150' of existing road centerline.
- Locate existing visible or marked underground utilities via ARKUPS.
- Remove manhole lids and obtain elevations of existing utilities, e.g. sanitary sewer, storm sewer, telephone, cable TV, etc.
- Locate and identify the size and species of existing trees.
- Establish a minimum of 4 temporary benchmarks along the project corridor.
- Tie survey to a City of Fayetteville survey monument and a section corner.
- Survey shall be submitted in the City of Fayetteville coordinate system.
- Utilize the City of Fayetteville Eagle Point coding library.
- Tie survey to AHTD control for Gregg Avenue widening project so that the City's design plans will match the AHTD plans.

ADDITIONAL SURVEYS

- Recover and locate existing right-of-way pins and property corners along the right-of-way.

We understand you will provide and/or accomplish the following:

1. Right of entry to the property.
2. Obtain AHTD plans for Gregg Avenue.
3. Contact and coordinate with ARKUPS for utility locates and pay ARKUPS required fees.
4. Previous available surveys, reports, etc.

For clarification, our proposed scope of services for this survey does not include the following:

1. Wetlands identification or mitigation design or other work related to environmentally or historically (culturally) significant items.
2. Acquisition documents for new right-of-way or easements.
3. Flood Zone Designation.

Consistent with the terms of this agreement, any of these or other services can be added with your written direction.

Schedule

We will accomplish the work within forty-five working days of receipt of notice to proceed.

Payment Terms

City of Fayetteville agrees to pay Garver Engineers the lump sum fee of $16,300.00 for DESIGN SURVEYS as described in this agreement. If required, the City of Fayetteville agrees to pay Garver Engineers an additional lump sum fee of $3,000.00 for ADDITIONAL SURVEYS as described in this agreement. City of Fayetteville will pay Garver Engineers' monthly statements, based on the proportion of the total scope of services accomplished, within 60 days of receipt of the statement.

Please indicate your acceptance of this proposed contract and authorization to proceed by signing in the space provided below. Please return one signed original of this contract to us for our records. As always, we appreciate the opportunity to provide our services to you.

Sincerely,

GARVER ENGINEERS, LLC

Brock Hoskins, PE
Vice President

Accepted for City of Fayetteville by:
Dan Coody
Title: Mayor
Date: 2/24/05

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

~~N/A - Mayor's Signature Only~~ March 1, 2005
City Council Meeting Date

Paul Libertini PL	Engineering	Operations
Submitted By	Division	Department

Action Required:

Approval of the Letter Contract with Garver Engineers, LLC for $19,300.00 for professional surveying services for the Township Road Widening Project.

$19,300.00	$ ~~1,300,000.00~~ 1,130,000	Township Widening
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
04017	$ ~~1,300,000.00~~ 1,030,000	Sales Tax
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

Department Director 2-1-05
Date

City Attorney 2/11/05

Finance and Internal Service Director 2/14/05
Date

Dan Coody
Mayor 2/15/05
Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 2/11/05

Received in Mayor's Office
2/11/05 P.H.

Comments:

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

Tabled to 3/1/05 on 2/15/05
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.

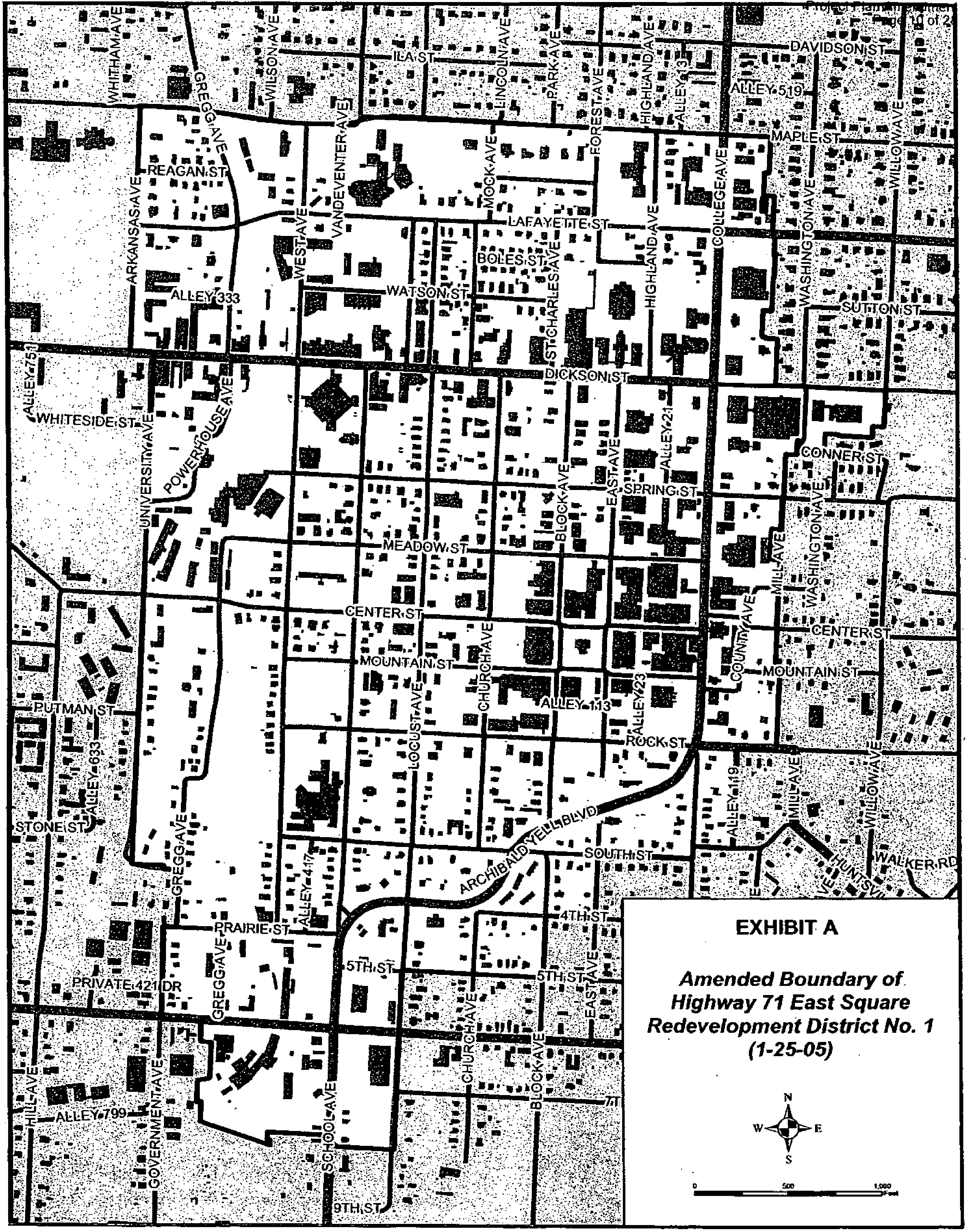
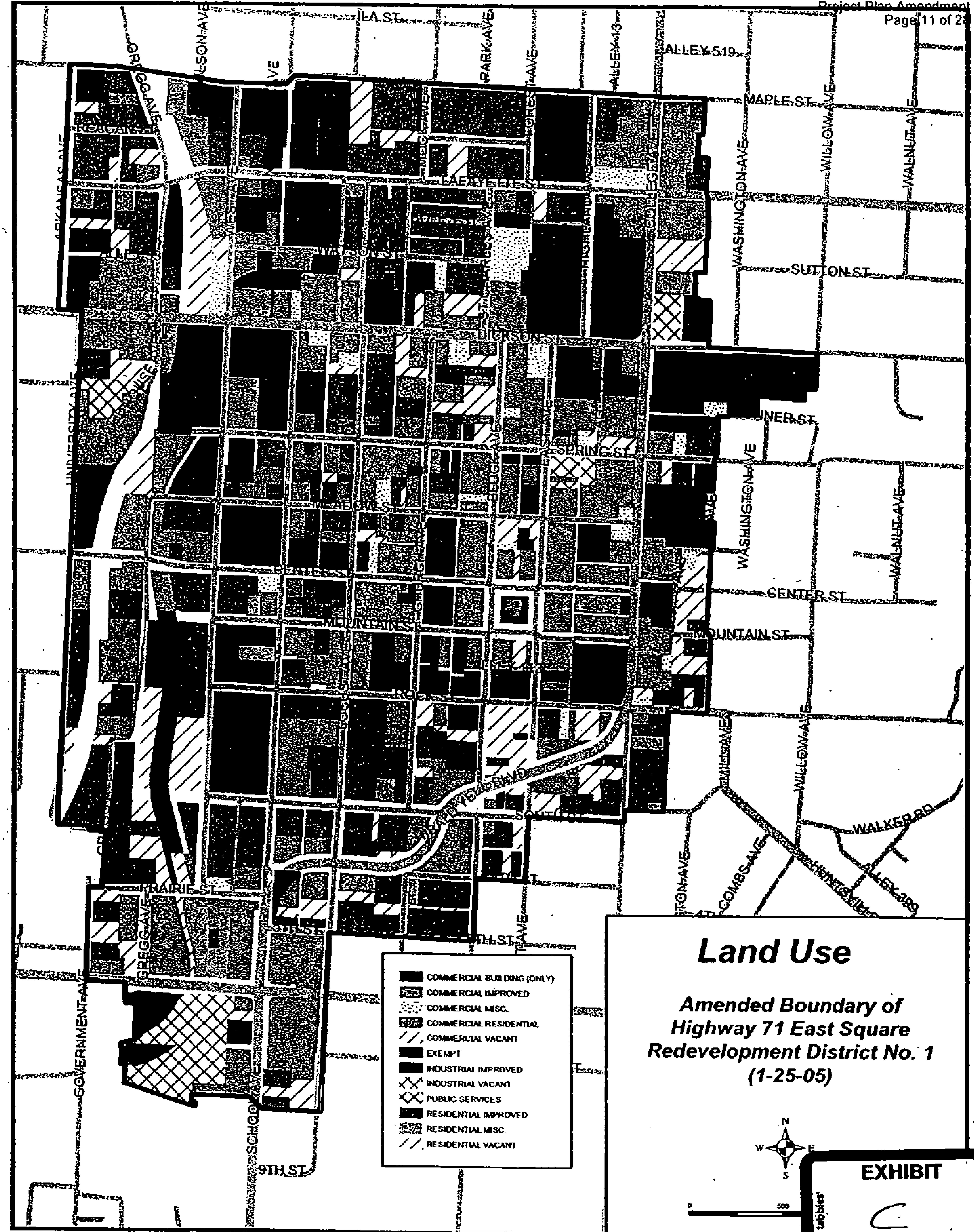


EXHIBIT A

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)

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

EXHIBIT
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 ELEMENTION 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 indebtness. 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

H

EXHIBIT
tabbies
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	298,550	27,957
765-01685-000	CI	254,200	49,477
765-01686-000	CV	116,150	7,951
765-01687-000	CV	21,100	1,444
765-01688-000	CI	337,950	44,200
765-01690-000	CV	58,000	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	55,567
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
765-01745-002	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	49,671
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	9,798
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	26,727
765-01858-000	RI	187,750	27,955
765-01859-000	CI	118,200	15,378
765-01860-000	RI	73,100	12,197
765-01861-000	RI	64,400	8,030
765-01862-000	CM	76,550	12,325
765-01863-000	RI	171,850	25,333
765-01864-000	CM	68,550	11,484
765-01865-000	CI	482,350	49,325
765-01866-000	CI	290,200	49,940
765-01867-000	CI	123,500	12,727
765-01868-000	RI	154,700	23,924
765-01869-000	ET	0	0
765-01870-000	ET	0	0
765-01871-000	ET	0	0
765-01872-000	ET	0	0
765-01873-000	EX	0	0
765-01874-000	CI	46,050	7,865
765-01875-000	CI	41,850	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	163,450	17,139

Parcel ID	Type	Total Appraised	Total Assessed
765-01882-000	CR	276,150	45,624
765-01882-001	CI	445,900	89,160
765-01883-000	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	7,538
765-01891-000	RI	86,500	14,850
765-01892-000	RI	107,000	17,586
765-01893-000	RI	100,500	13,002
765-01894-000	RI	86,000	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
765-01901-000	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	29,835
765-01996-000	EX	0	0
765-01997-000	EX	0	0
765-01998-000	EX	0	0
765-01999-000	CI	208,650	41,173
765-01999-001	CI	141,000	20,933
765-02000-000	CI	340,350	47,018
765-02001-000	CI	285,650	40,865
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	87,700	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	50,500	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	17,606
765-02049-000	RI	68,600	7,401
765-02050-000	RI	66,250	7,052
765-02051-000	RI	66,150	10,826
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	163,050	26,933
765-02064-001	RI	88,150	7,744
765-02065-000	RI	112,900	11,182
765-02066-000	RI	111,300	9,560
765-02067-000	RI	58,100	5,952
765-02068-000	RI	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	10,842
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	38,556
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	26,183
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	106,450	16,145
765-04375-000	CI	830,250	105,770
765-04376-000	CI	256,000	37,336
765-04376-000	CI	255,000	37,336
765-04378-000	VP	0	0
765-04378-001	CI	280,300	43,618
765-04379-000	CI	510,150	57,537
765-04380-000	ET	0	0
765-04381-000	ET	0	0
765-04382-000	ET	0	0
765-04384-000	ET	0	0
765-04385-000	ET	0	0
765-04388-000	ET	0	0
765-04389-000	ET	0	0
765-04390-000	ET	0	0
765-04391-000	CI	341,500	68,300
765-04392-000	RI	58,400	8,525
765-04393-000	RI	57,650	9,648
765-04394-000	RI	114,450	14,297
765-04395-000	RI	83,800	10,534
765-04396-000	RI	97,550	15,021
765-04397-000	CV	54,000	9,900
765-04398-000	CI	926,000	185,200
765-04399-000	CI	547,650	93,093
765-04400-000	CI	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	9,596
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
755-04447-000	EX	0	0
765-04513-000	RI	96,800	14,144
765-04514-000	RI	88,150	15,279
765-04515-000	RI	99,250	17,003
765-04516-000	RI	97,050	14,359
765-04517-000	CI	782,150	136,798
765-04518-000	CV	155,250	12,584
765-05462-000	RI	24,300	4,179
765-05462-001	CR	87,850	16,643
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	8,561
765-05476-000	RI	55,300	7,993
765-05477-000	RI	52,700	9,744
765-05483-000	RI	43,350	8,173
765-05484-000	RI	51,050	8,723
765-05485-000	RI	31,450	5,786
765-05486-000	RI	62,650	12,497
765-05506-002	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
765-05527-000	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	2,860
765-05538-000	RI	42,100	7,493
765-05539-000	RV	6,400	1,100
765-05541-000	CI	42,950	5,205
765-05541-001	EX	0	0
765-05572-010	CI	338,350	58,344
765-05573-000	ET	0	0
765-05574-000	ET	0	0
765-05575-000	ET	0	0
765-05576-000	ET	0	0
765-05577-000	ET	0	0
765-05578-000	RI	59,850	9,416
765-05579-000	ET	0	0
765-05580-000	ET	0	0
765-05581-000	ET	0	0
765-05582-000	ET	0	0
765-05583-000	ET	0	0
765-05584-000	RI	60,600	9,395
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	12,899
765-06029-000	RI	64,500	11,968
765-06030-000	RI	254,000	48,710
765-06031-000	RI	271,850	51,939
765-06032-000	RI	347.150	64,271
765-06033-000	RI	92,700	17.910
765-06034-000	RM	24,800	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	7,506
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	11,766
765-06145-000	RI	49,500	7,921
765-06147-000	RI	227,450	45,490
765-07123-000	RI	72,450	8,100
765-07124-000	RI	50,500	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	44,459
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	11,579
765-11926-000	RI	67,750	11,364
765-11927-000	RI	100,300	16,491
765-11928-000	RI	94,300	17,951
765-11929-000	RI	61,550	12,310
765-11930-000	RI	61,500	10,141
765-11931-000	RI	74,600	13,101
765-11932-000	RI	77,300	11,410
765-11933-000	RI	122,800	20,108

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	13,699
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	130,650	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	586,650	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
765-12956-000	RI	45,950	5,324

Parcel ID	Type	Total Appraised	Total Assessed
765-12956-000	RI	60,650	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	55,088
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	23,826
765-22053-000	RI	132,642	26,521
765-22054-000	RI	132,642	26,521
765-22055-000	RI	288,691	57,695
765-22056-000	RI	202,864	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	38,536
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
765-22656-000	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	32,695
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
765-01666-000	CI	128,450	19,734
765-01665-000	CI	128,450	19,734
765-01666-000	CI	251,450	27,189
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

January 4, 2004
City Council Meeting of ~~November 16, 2004~~
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

Feb 8, 2005

TO: Fayetteville City Council Members

FROM: Stephen L. Davis (cell 283-7530)

RE: BID ACCEPTANCE – SHAKE'S PROPERTY

Could you please move the Shake's bid acceptance from 2/15/05 to the next scheduled council meeting.

Last Friday, 2/4/05, I received approval from Smoothie King's New Orleans headquarters to relocate to the 6th St location. I had previously provided them with as-built plans, demographics, photos, aerial views, etc.

Their Design & Construction Dept is now working on plans and projections that should result in a cost estimate for interior and exterior improvements they will require. Unless these costs are much higher than I anticipate, we plan to move forward.

My sincere thanks for your patience concerning this process.

Steve Davis

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 #)

Shakes

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
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.**

______________________________ 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)

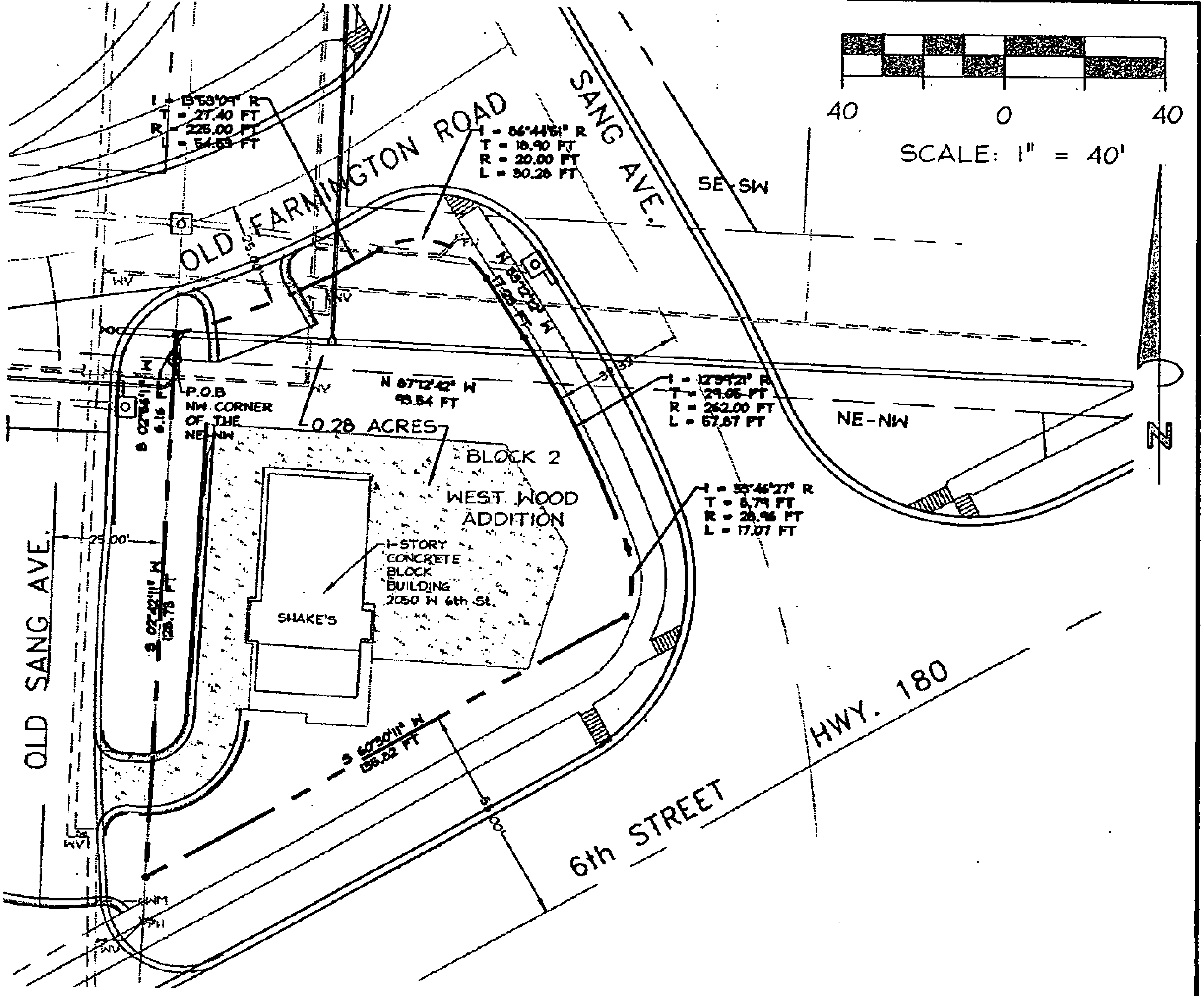
BE IT REMEMBERED, that on this date, before the undersigned, a duly commissioned and acting Notary Public within and for said County and State, personally appeared **Dan Coody** and **Sondra Smith**, to me well known as the persons who executed the foregoing document, and who stated and acknowledged 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:

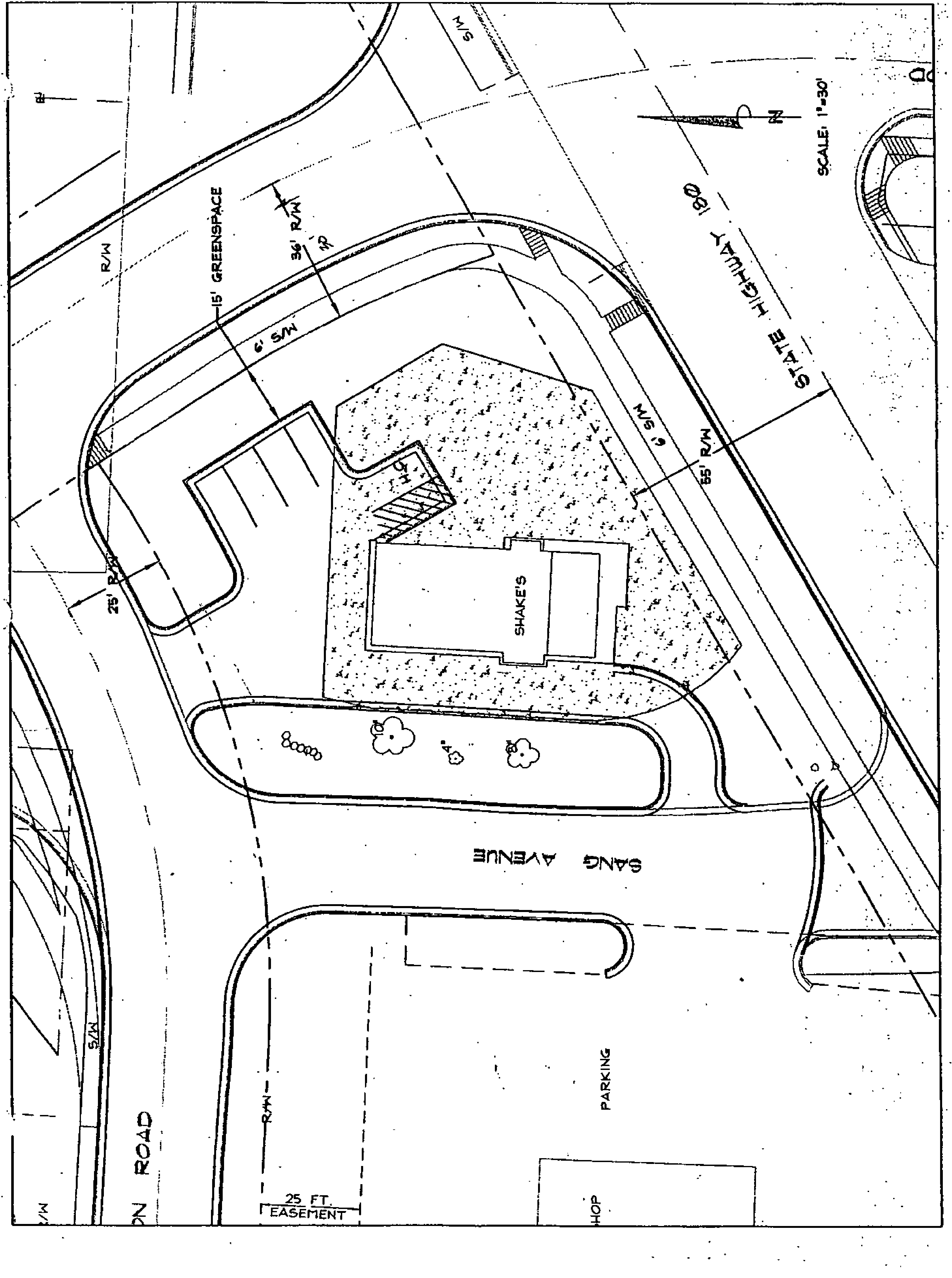
____



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.


STATE HIGHWAY 180
SCALE: 1"=30'
N
S/W
R/W
36' R/W
15' GREENSPACE
6' S/W
6' S/W
55' R/W
25' R/W
H.C.
SHAKE'S
10"
4"
8"
SANG AVENUE
S/W
ROAD
R/W
PARKING
25 FT. EASEMENT
HOP

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

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

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:	
Hugh Earnest Chief Administrative Officer	10-31-04 Date	Orig. Contract Number:	
Dan Coody Mayor	11/04/04 Date	New Item:	Yes No

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>

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

SBC Wireless Redundancy Contract
T1's Multiplexed thru DS3

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

THRU: Steve Davis, Internal Services Director

FROM: Chris Doughty, Network Engineer

DATE: February 15, 2005

SUBJECT: Approval of SBC Redundancy Project

RECOMMENDATION

Staff recommends approving a project to provide a redundant wired data link to all remote sites.

BACKGROUND

The City's remote buildings have been connected wirelessly for the last 3 years. Over that time, outages have occurred costing the city considerable money in lost productivity in both employees at those sites and IT staff. User productivity at remote sites is also hindered by the speed of the wireless connections back to server resources at City Hall.

DISCUSSION

The purpose of this project is to give each of the City's currently wirelessly connected remote sites a redundant connection back to City Hall. This is accomplished by taking a channelized DS3 and separating it into 28 channels that will be mapped through the phone company's central office (138 N. East Street) to individual T1's at remote sites. This would provide at least an additional 1.544 Mbps of bandwidth to each site as well as provide sole connectivity should any part of the wireless system fail. Implementation of this project will have a profound impact on both the integrity and speed of our Metropolitan Area Network. It will also pave the way for future technologies like Voice over IP, high availability data-sharing applications, and video streaming/conferencing.

New sites can be added for an additional $97/month. Several of the locations are clustered together near 1851 Happy Hollow Road (Mexican Original Plant). We have asked for a 36 month contract on those locations since the Mexican Original site will most likely have a fiber connection to City Hall which could be used in place of this solution.

Another alternative is using cable modems with VPN connectivity. This option is less secure as it requires our data traffic to pass over an unsecured network. The minimal cost savings associated with using cable modems do not warrant the security and integrity risks that they imply. Leasing fiber from Cox is another option. It is very expensive and there is still the risk of allowing our traffic to traverse a network that we do not have control over. In summary, the SBC solution offers us the most value.

BUDGET IMPACT

The hardware and management software costs for this project are roughly $60,000 coming out of sales tax capital improvement fund, and there will be an annual line charge of $41,000 which will be distributed among divisions that will benefit.

RESOLUTION NO. ______

A RESOLUTION APPROVING A PROJECT WITH SBC COMMUNICATIONS IN THE AMOUNT OF $61,227.86 TO PROVIDE FOR THE IMPLEMENTATION OF A REDUNDANT WIRED DATA LINK TO ALL OF THE CITY'S REMOTE SITES.

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 project with SBC Communications in the amount of $61,227.86 to provide for the implementation of a redundant wired data link to all of the City's remote sites.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

City Of Fayetteville

(Not a Purchase Order)

Vendor #: 13107	Vendor Name: SBC S	Mail Yes:__ No:____	
Address: P.O. Box 5069	Fob Point:	Taxable Yes:_ No:____	Quotes Attached Yes:_____ No:_____
City: Saginaw	State: MI	Zip Code: 48605-5069	Ship to code: 30
Requester: Chris Doughty	Requester's Employee #:	Extension: 306	

Requisition No.:

Date:

P.O Number:

Expected Delivery Date:

Divison Head Approval:

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	Cisco 7200 Router Chassis Part # CISCO7204VXR	1	EA	3,300.00	$3,300.00	4470 9470 5801 00	05004		
2	Cisco 7200 I/O Controller Part # C7200-I/O-2FE/E	1	EA	1,870.00	$1,870.00	4479 9470 5801 00	05004		
3	Cisco 10 foot ATM Cable Part # CAB-ATM-DS3/E3	1	EA	55.00	$55.00	4479 9470 5801 00	05004		
4	Cisco 7200VXR NPE-400 Part # NPE-400	1	EA	4,125.00	$4,125.00	4479 9470 5801 00	05004		
5	1 Port Multichannel T3 Mod Part # PA-MC-T3	1	EA	9,625.00	$9,625.00	4479 9470 5801 00	05004		
6	Cisco 7200 Redundant pwr Part # PWR-7200/2	1	EA	1,650.00	$1,650.00	4479 9470 5801 00	05004		
7	Cisco 2811 ISR Router Part # CISCO2811	3	EA	1,372.25	$4,116.75	4479 9470 5801 00	05004		
8	Cisco 2801 ISR Router Part # CISCO2801	13	EA	1,097.25	$14,264.25	4479 9470 5801 00	05004		
9	Cisco 1 Port T1 CSU/DSU Part # WIC-1DSU-T1-V2	19	EA	550.00	$10,450.00	4479 9470 5801 00	05004		
10	Ciscoworks WAN mgmt SW Part # CWRW-1.3-K9	1	EA	8,247.25	$8,247.25	4479 9470 5801 00	05004		
	Shipping/Handling		Lot		$0.00				

Special Instructions: ________________________________

Subtotal: $57,703.25

Tax: $3,524.61

Total: $61,227.86

Approvals:

Mayor: ____________

Department Director: ____________

Purchasing Manager: ____________

Finance & Internal Services Director: ____________

Budget Manager: ____________

IT Manager: ____________

Dispatch Manager: ____________

Utilities Manager: ____________

Other: ____________

Revised 6/17/03

SBC Arkansas Digital Link
DS3 Confirmation of Service Order

This Confirmation of Service Order ("Order") serves as a confirmation of Customer's agreement to purchase DS3 Service ("Service") under a term plan according to prices, quantities, terms and conditions set forth herein and in the applicable SBC Arkansas tariffs or catalogs.

Rates Monthly Charges are based on term plan rates in effect at the time Service is ordered, and are set forth on Page 2. During the term, rate decreases, as applicable, will automatically be applied to the Monthly Charges. Rates will not increase above Monthly Charges set forth on Page 2 for Service between the locations listed in this Order. Monthly Charges may change if a Service location is moved. "*Administrative Charge*," "*Design and Central Office Connection Charge*" and "*Customer Connection Charge*" will be waived if Customer selects a 36-month or greater term plan in this Order.

Term and Expiration The Service term is the term plan selected by Customer on Page 2. Upon expiration of the Service term, the Monthly Charges will revert to the then-prevailing month-to-month rates - unless Customer provides notification of renewal or cancellation 30 days prior to completion of the Service term. Upon renewal new Monthly Charges will be applied based on rates in effect at that time.

Term Plan Change Prior to the completion of the selected Service term plan, Customer may renew or change to a different term plan without incurring early termination charges, provided the new term plan (i) is for an equal or greater number of circuits than the number ordered herein and (ii) is greater in length than the months remaining on the Service term plan ordered herein. Monthly Charges for the new term plan will be based on rates in effect at the time the new plan is ordered.

Service Upgrade Customer may upgrade Service to a higher speed Service (the "Upgraded Service") without incurring early termination charges; provided that the Upgraded Service is (i) under a term plan that is equal to or greater in length than the number of months remaining in the term plan ordered herein and (ii) is installed between the locations herein. Non-recurring charges may apply to the Upgraded Service.

Move During the term plan, the customer may move one Local Distribution Channel of a circuit to another location in the same LATA and keep the term plan in effect. Certain NRCs will apply for circuit redesign, central office testing, and customer connection. New mileage charges will be applied if the new location is served out of a different central office. If Customer moves both ends of the service concurrently, Customer will be liable for an early termination charge.

Termination for Convenience: In the event Customer terminates the Service in whole or in part prior to the expiration of the term plan (except as otherwise permitted in this Order), Customer will be liable for an early termination charge, which will be equal to 50 percent (50%) of all recurring charges for the remaining months of the Customer's term plus any unpaid Special Construction or nonrecurring charges (excluding any waived charges).

Assignment Customer shall not assign or otherwise transfer any rights or obligations under this Order without prior written consent of SBC Arkansas, which consent shall not be unreasonably withheld or delayed. Any such assignment without prior written consent of SBC Arkansas shall be void.

Liability The liability of SBC Arkansas, its affiliates, successors, agents or "assigns" for damages from Service interruptions or defects shall not exceed the pro rata amount of Monthly Charges for the time Service was affected.

Tariffs In the event of conflict or discrepancy between provisions of this Order and provisions of the applicable tariff, the provisions of the tariff will prevail. This Order and the applicable tariffs are the complete agreement of the parties and supersede any discussions, representation, or proposals, written or oral, concerning the Service.

Jurisdiction Based on FCC Rules and Regulations, the attached pricing is offered via the respective SBC Arkansas state tariff and is based on customer acknowledgement and certification to the company that total interstate traffic on the circuit(s) constitutes 10% or less of the total traffic on the service.

SBC Arkansas Digital Link
DS3 Confirmation of Service Order

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒

Rates in Effect Date: 12/1/2004

Requested Installation Date: 5/1/2005

Monthly Charges: $1550.00

Non Recurring Charges: $0.00

Circuit Quantity: 1

Service Location No. 1: 113 W Mountain, Fayetteville, AR 72701

Service Location No. 2: **Fayetteville Hillcrest Central Office**

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order

CITY OF FAYETTEVILLE

By: ____________________

Printed Name: [____________________

Title:]____________________

Date: ____________________

Company Name: City of Fayetteville]

Billing Address: 113 W. Mountain

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ____________________

Customer Contact Phone Number: ____________________

Existing Billing Account Number (if applicable):

SBC ARKANSAS

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

SBC ARKANSAS CONTACT INFO

Sales Representative Name: ____________________

Sales Code: ____________________

Company: ____________________

Street Address: 138 N. East St]

City, State, Zip: Fayetteville, Ar 72701

Phone Number: ____________________

Fax Number: ____________________

End of Document

CONFIDENTIAL INFORMATION

This Confirmation is for use by authorized employees of the parties hereto only and is not for general distribution within or outside their companies.

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

This Confirmation of Service Order ("Order") serves as a confirmation of Customer's agreement to purchase DS1 Service ("Service") under a Term Pricing Plan (TPP) according to prices, quantities, terms and conditions set forth herein and in the applicable SBC tariffs or catalogs.

Rates: Monthly TPP Charges are based on TPP rates in effect at the time Service is ordered, and are set forth on Page 2. During the term, rate decreases, as applicable, will automatically be applied to the Monthly Charges. Rates will not increase above Monthly Charges set forth on Page 2 for Service between the locations listed in this Order. Monthly Charges may change if a Service location is moved.

Renewal: In the event that the Customer elects to renew their TPP, it may be renewed at the then-current rates. If customer elects not to renew the TPP or does not notify SWBT of its intent to establish a new TPP, Customer will automatically be billed under the tariffed monthly rates in effect at the time the TPP expires.

Term and Expiration: The Service term is the TPP selected by Customer on Page 2. Upon expiration of the Service term, the Monthly Charges will revert to the prevailing month-to-month rates unless Customer renews the TPP or terminates Service prior to completion of the Service term. Upon renewal new Monthly Charges will be applied based on rates in effect at that time.

Upgrade Clause: During the term of Customer's TPP, conversion may be made to a new term of the same or different length or to a higher speed service if the expiration date for the new service or term is beyond the end of the original term.

Move: During the term plan, the Customer may move one Local Distribution of a circuit to another location in the same LATA and keep the term plan in effect. Certain NRCs will apply for circuit redesign, central office testing, and Customer connection. New mileage charges will be applied if the new location is served out of a different central office. If the customer moves both ends of the service concurrently, Customer will be liable for an early termination charge.

TPP Change: Prior to the completion of the selected Service TPP, Customer may renew or change to a different TPP without incurring early termination charges. Monthly Charges for the new TPP will be based on rates in effect at the time the new plan is ordered and must be of equal or greater duration than the existing TPP.

Termination for Convenience: In the event Customer terminates the Service in whole or in part prior to the expiration of the term plan (except as otherwise permitted in this Order), Customer will be liable for an early termination charge, which will be equal to 50 percent (50%) of all recurring charges for the remaining months of the Customer's term plus any unpaid Special Construction or nonrecurring charges (excluding any waived charges).

Assignment: Customer shall not assign or otherwise transfer any rights or obligations under this Order without prior written consent of SBC, which consent shall not be unreasonably withheld or delayed. Any such assignment without prior written consent of SBC shall be void.

Liability: The liability of SBC, its affiliates, successors, agents or "assigns" for damages from Service interruptions or defects shall not exceed the prorata amount of Monthly Charges for the time Service was affected.

Tariffs: In the event of conflict or discrepancy between provisions of this Order and provisions of the applicable tariff or catalog, the provisions of the tariff or catalog will prevail. This Order and the applicable tariffs or catalogs are the complete agreement of the parties and supersede any discussions, representation, or proposals, written or oral, concerning the Service.

Jurisdiction: Based on FCC Rules and Regulations, the attached pricing is offered via the respective SBC state tariff and is based on Customer acknowledgement and certification to the company that total interstate traffic on the circuit(s) constitutes 10% or less of the total traffic on the service.

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☒	60 Mo. ☐	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $204.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 2

Service Location No. 1: 1455 S Happy Hollow Rd Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______

Printed Name: ______

Title: ______

Date: ______

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______

Customer Contact Phone Number: ______

Existing Billing Account Number (if applicable): ______

SBC

By: ______

Printed Name: ______

Title: ______

Date: ______

Sales Representative Name: ______

Sales Code: ______

Company: ______

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: ______

Fax Number: ______

END OF DOCUMENT

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☒	60 Mo. ☐	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $204.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 2

Service Location No. 1: 1523 S. Happy Hollow Rd Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ____________________

Customer Contact Phone Number: ____________________

Existing Billing Account Number (if applicable): _____

SBC

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Sales Representative Name: ____________________

Sales Code: ____________________

Company: ____________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: ____________________

Fax Number: ____________________

END OF DOCUMENT

CONFIDENTIAL INFORMATION

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐
Existing Contract No:					**Existing Circuit ID:**			
TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☒	60 Mo. ☐	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005		
Monthly Charges: $102.00					**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1		
Service Location No. 1: 1560 S. Happy Hollow Rd Fayetteville					**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)			

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______________________

Printed Name: ______________________

Title: ______________________

Date: ______________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______________________

Customer Contact Phone Number: ______________________

Existing Billing Account Number (if applicable): _____

SBC

By: ______________________

Printed Name: ______________________

Title: ______________________

Date: ______________________

Sales Representative Name: ______________________

Sales Code: ______________________

Company: ______________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 727011

Phone Number: ______________________

Fax Number: ______________________

END OF DOCUMENT

CONFIDENTIAL INFORMATION

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☒	60 Mo. ☐	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $102.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 1644 S Armstrong Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ____________________

Customer Contact Phone Number: ____________________

Existing Billing Account Number (if applicable): _____

SBC

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Sales Representative Name: ____________________

Sales Code: ____________________

Company: ____________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: ____________________

Fax Number: ____________________

END OF DOCUMENT

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☒	60 Mo. ☐	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $102.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 2435 S. Industrial Dr. Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______

Printed Name: ______

Title: ______

Date: ______

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______

Customer Contact Phone Number: ______

Existing Billing Account Number (if applicable): ______

SBC

By: ______

Printed Name: ______

Title: ______

Date: ______

Sales Representative Name: ______

Sales Code: ______

Company: ______

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 727011

Phone Number: ______

Fax Number: ______

END OF DOCUMENT

CONFIDENTIAL INFORMATION

This Confirmation is for use by authorized employees of the parties hereto only and is not for general distribution within or outside their companies.

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $194.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 2

Service Location No. 1: 1170 E. Skyline Dr. Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______

Printed Name: ______

Title: ______

Date: ______

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______

Customer Contact Phone Number: ______

Existing Billing Account Number (if applicable): ______

SBC

By: ______

Printed Name: ______

Title: ______

Date: ______

Sales Representative Name: ______

Sales Code: ______

Company: ______

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: ______

Fax Number: ______

END OF DOCUMENT

CONFIDENTIAL INFORMATION

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00

Non Recurring Charges: $0.00

Circuit Quantity: 1

Service Location No. 1: 4500 S. School Av Fayetteville

Service Location No. 2: 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: __________________

Printed Name: __________________

Title: __________________

Date: __________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: __________________

Customer Contact Phone Number: __________________

Existing Billing Account Number (if applicable): ______

SBC

By: __________________

Printed Name: __________________

Title: __________________

Date: __________________

Sales Representative Name: __________________

Sales Code: __________________

Company: __________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: __________________

Fax Number: __________________

END OF DOCUMENT

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00

Non Recurring Charges: $0.00

Circuit Quantity: 1

Service Location No. 1: 101 W. Rock Av Fayetteville

Service Location No. 2: 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: __________

Printed Name: __________

Title: __________

Date: __________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: __________

Customer Contact Phone Number: __________

Existing Billing Account Number (if applicable): _____

SBC

By: __________

Printed Name: __________

Title: __________

Date: __________

Sales Representative Name: __________

Sales Code: __________

Company: __________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: __________

Fax Number: __________

END OF DOCUMENT

CONFIDENTIAL INFORMATION

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP: 12 Mo. ☐ 24 Mo. ☐ 36 Mo. ☐ 60 Mo. ☒

Rates in Effect Date: 01/18/2005

Requested Installation Date: 05/01/2005

Monthly Charges: $97.00

Non Recurring Charges: $0.00

Circuit Quantity: 1

Service Location No. 1: 303 W. Center St. Fayetteville

Service Location No. 2: 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______

Printed Name: ______

Title: ______

Date: ______

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______

Customer Contact Phone Number: ______

Existing Billing Account Number (if applicable): ______

SBC

By: ______

Printed Name: ______

Title: ______

Date: ______

Sales Representative Name: ______

Sales Code: ______

Company: ______

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 727011

Phone Number: ______

Fax Number: ______

END OF DOCUMENT

CONFIDENTIAL INFORMATION

This Confirmation is for use by authorized employees of the parties hereto only and is not for general distribution within or outside their companies.

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates In Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 708 N Garland Av Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE	**SBC**
By:	**By:**
Printed Name:	**Printed Name:**
Title:	**Title:**
Date:	**Date:**
Company Name: City of Fayetteville	**Sales Representative Name:**
Billing Address: 113 W. Mountain St	**Sales Code:**
City, State, Zip: Fayetteville, Ar 72701	**Company:**
Customer Contact:	**Street Address:** 138 N. East St
Customer Contact Phone Number:	**City, State, Zip:** Fayetteville, Ar 72701]
Existing Billing Account Number (if applicable):	**Phone Number:**
	Fax Number:

END OF DOCUMENT

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Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 385 W. Ernest Lancaster Dr. Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ____________________

Customer Contact Phone Number: ____________________

Existing Billing Account Number (if applicable): ______

SBC

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Sales Representative Name: ____________________

Sales Code: ____________________

Company: ____________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 727011

Phone Number: ____________________

Fax Number: ____________________

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐
Existing Contract No:					**Existing Circuit ID:**			
TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005		**Requested Installation Date:** 05/01/2005	
Monthly Charges: $97.00					**Non Recurring Charges:** $0.00		**Circuit Quantity:** 1	
Service Location No. 1: 3385 N. Plainview Av Fayetteville					**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)			

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE	**SBC**
By: ______	**By:** ______
Printed Name: ______	**Printed Name:** ______
Title: ______	**Title:** ______
Date: ______	**Date:** ______
Company Name: City of Fayetteville	**Sales Representative Name:** ______
Billing Address: 113 W. Mountain St	**Sales Code:** ______
City, State, Zip: Fayetteville, Ar 72701	**Company:** ______
Customer Contact: ______	**Street Address:** 138 N. East St
Customer Contact Phone Number: ______	**City, State, Zip:** Fayetteville, Ar 72701]
Existing Billing Account Number (if applicable): ______	**Phone Number:** ______
	Fax Number: ______

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐
Existing Contract No:					**Existing Circuit ID:**			
TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005		
Monthly Charges: $97.00					**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1		
Service Location No. 1: 833 N. Crossover Fayetteville					**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)			

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE	**SBC**
By: ____	**By:** ____
Printed Name: ____	**Printed Name:** ____
Title: ____	**Title:** ____
Date: ____	**Date:** ____
Company Name: City of Fayetteville	**Sales Representative Name:** ____
Billing Address: 113 W. Mountain St	**Sales Code:** ____
City, State, Zip: Fayetteville, Ar 72701	**Company:** ____
Customer Contact: ____	**Street Address:** 138 N. East St
Customer Contact Phone Number: ____	**City, State, Zip:** Fayetteville, Ar 727011
Existing Billing Account Number (if applicable): ____	**Phone Number:** ____
	Fax Number: ____

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:

Existing Circuit ID:

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00

Non Recurring Charges: $0.00

Circuit Quantity: 1

Service Location No. 1: 900 S. Hollywood Fayetteville

Service Location No. 2: 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ____________________

Customer Contact Phone Number: ____________________

Existing Billing Account Number (if applicable): ______

SBC

By: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________

Sales Representative Name: ____________________

Sales Code: ____________________

Company: ____________________

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 72701]

Phone Number: ____________________

Fax Number: ____________________

END OF DOCUMENT

Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 835 N. Ruple Rd Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE

By: ______

Printed Name: ______

Title: ______

Date: ______

Company Name: City of Fayetteville

Billing Address: 113 W. Mountain St

City, State, Zip: Fayetteville, Ar 72701

Customer Contact: ______

Customer Contact Phone Number: ______

Existing Billing Account Number (if applicable): ______

SBC

By: ______

Printed Name: ______

Title: ______

Date: ______

Sales Representative Name: ______

Sales Code: ______

Company: ______

Street Address: 138 N. East St

City, State, Zip: Fayetteville, Ar 727011

Phone Number: ______

Fax Number: ______

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Arkansas Exchange Tariff Confirmation of Service Order
Digital Link Service – MegaLink 1.5 (DS1)

Order Type:	New: ☒	Renewal: ☐	Change: ☐	Move: ☐	Add: ☐	Remove: ☐	Upgrade: ☐	Disconnect: ☐

Existing Contract No:	**Existing Circuit ID:**

TPP:	12 Mo. ☐	24 Mo. ☐	36 Mo. ☐	60 Mo. ☒	**Rates in Effect Date:** 01/18/2005	**Requested Installation Date:** 05/01/2005

Monthly Charges: $97.00	**Non Recurring Charges:** $0.00	**Circuit Quantity:** 1

Service Location No. 1: 4201 N. Shiloh Dr. Fayetteville	**Service Location No. 2:** 138 N East St (Fayetteville Hillcrest CO)

Your signature acknowledges that you understand and accept the terms and conditions on Pages 1 and 2 and that you are authorized to make the commitments under this Order.

CITY OF FAYETTEVILLE	**SBC**
By:	**By:**
Printed Name:	**Printed Name:**
Title:	**Title:**
Date:	**Date:**
Company Name: City of Fayetteville	**Sales Representative Name:**
Billing Address: 113 W. Mountain St	**Sales Code:**
City, State, Zip: Fayetteville, Ar 72701	**Company:**
Customer Contact:	**Street Address:** 138 N. East St
Customer Contact Phone Number:	**City, State, Zip:** Fayetteville, Ar 72701]
Existing Billing Account Number (if applicable):	**Phone Number:**
	Fax Number:

END OF DOCUMENT

CONFIDENTIAL INFORMATION

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City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Chris Doughty	Information Technology	Finance and Internal Services
Submitted By	Division	Department

Action Required:

Approval of SBC Internet

$ 61,227.86 60,000.00	$ 60,000.00	Redudant WAN
Cost of this request	Category/Project Budget	Program Category / Project Name
4470 9470 5801 00	0	Other Capital Improvements
Account Number	Funds Used to Date	Program / Project Category Name
05004	$ 60,000.00	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒ Budget Adjustment Attached ☐

Department Director — Date 2-14-05

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

City Attorney — 2/14/05

Received in City Clerk's Office
ENTERED 2/11/05

Finance and Internal Service Director — Date 2-14-05

Received in Mayor's Office
2/14/05 T.H.

Dan Coody
Mayor — Date 2/14/05

Comments:

City of Fayetteville, Arkansas
SBC Communications Contract

City Council - March 1, 2005

Service Location	Months of Service	Cost Per Month	Contract Period Cost	Full Year Cost	**2005 Partial Year Cost**
113 West Mountain Street	60	$ 1,550	$ 93,000	$ 18,600	**13,950**
1455 South Happy Hollow	36	$ 204	$ 7,344	$ 2,448	**1,836**
1523 South Happy Hollow	36	$ 204	$ 7,344	$ 2,448	**1,836**
1644 South Armstrong	36	$ 102	$ 3,672	$ 1,224	**918**
1560 South Happy Hollow	36	$ 102	$ 3,672	$ 1,224	**918**
1170 East Skyline	60	$ 194	$ 11,640	$ 2,328	**1,746**
2435 South Industrial	36	$ 102	$ 3,672	$ 1,224	**918**
4500 South School	60	$ 97	$ 5,820	$ 1,164	**873**
101 West Rock	60	$ 97	$ 5,820	$ 1,164	**873**
303 West Center Street	60	$ 97	$ 5,820	$ 1,164	**873**
708 North Garland	60	$ 97	$ 5,820	$ 1,164	**873**
385 West Earnest Lancaster	60	$ 97	$ 5,820	$ 1,164	**873**
3385 North Plainview	60	$ 97	$ 5,820	$ 1,164	**873**
900 South Hollywood	60	$ 97	$ 5,820	$ 1,164	**873**
833 North Crossover	60	$ 97	$ 5,820	$ 1,164	**873**
4201 North Shiloh	60	$ 97	$ 5,820	$ 1,164	**873**
835 North Rupple	60	$ 97	$ 5,820	$ 1,164	**873**
Total			$ 188,544	$ 41,136	**$ 30,852**

Sales tax is added each month

J:\City Council\SBC_Expense

City of Fayetteville
113 W Mountain
Fayetteville, AR 72701
479-575-8320
www.accessfayetteville.com

City Council Agenda Meeting

To: **Mayor and City Council**

Thru: **Steve Davis, Finance and Internal Services Director**

From: **Scott Huddleston, Information Technology Manager**

Date: **February 2, 2005**

Subject: **IFWorld Sole Source**

RECOMMENDATION

The Information Technology Division would like to recommend the approval of the sole source justification for IF World Inc.

BACKGROUND

On March 5, 2002 a resolution (39-02) was approved to contract with IF World Inc. for web-site design and construction for $99,000.00.

DISCUSSION

Resolution 39-02 Section 1, Paragraph 14 states "(14) CLIENT agrees and acknowledges that IFWORLD retains the exclusive rights of title and ownership over all IFWORLD Proprietary Software which includes all PHP Coding, Java Script and Database Structure utilized in the building, operation, maintenance of the website and remains the exclusive right of title and ownership of IFWORLD."

AccessFayetteville.org went live November 27, 2002. Sole Source Justification is needed for enhancements and maintenance.

BUDGET IMPACT

Enhancements and maintenance for the year 2005 will not exceed $20,000.

ORDINANCE NO.__________

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING PAYMENTS NOT TO EXCEED $20,000.00 TO IFWORLD FOR MAINTENANCE AND ENHANCEMENT OF THE CITY WEBSITE'S CONTENT MANAGEMENT SYSTEM.

WHEREAS, the City of Fayetteville chose IFWorld by competitive bid #01-10 to design and construct the City's website; and,

WHEREAS, the Content Management System for the website is proprietary and not open source code; and,

WHEREAS, IFWorld is the sole source for enhancements and maintenance for their proprietary Content Management System.

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 maintenance and enhancement of the City website's Content Management System and approves payments not to exceed $20,000.00 to IFWorld for same.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By:______________________
DAN COODY, Mayor

ATTEST:

By:______________________
SONDRA SMITH, City Clerk

RESOLUTION NO. 39-02

MICROFILMED

A RESOLUTION TO APPROVE A CONTRACT WITH IFWORLD, INC. FOR WEB-SITE DESIGN AND CONSTRUCTION FOR $99,000.00

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 approves the Contract with IFWORLD, Inc. in the amount of $85,680.00 with a contingent amount of $13,320.00 and authorizes the Mayor to sign this Contract attached as Exhibit A.

PASSED and **APPROVED** this the 5th day of March, 2002.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

By: Heather Woodruff
Heather Woodruff, City Clerk

(11) The IFWORLD Proprietary Software as set forth in paragraph 14 is and shall remain the property of IFWORLD. IFWORLD grants to CLIENT a perpetual, irrevocable, non-exclusive, license for CLIENT or its agents to use and copy for backup purposes the IFWORLD Proprietary Software in conjunction with the operation and maintenance of the CLIENT Site.

(12) CLIENT represents and covenants that it is the owner, assignee, or licensee of all elements of the web site supplied by it to IFWORLD, including text, graphics, photos, designs, trademarks, or other artwork or materials, or has otherwise been granted permission to utilize the same by the owner or owners thereof, and agrees to indemnify and hold harmless IFWORLD from any and all claims or suits arising from the use of such elements furnished by the CLIENT, such to include reasonable attorney fees incurred by IFWORLD in defending itself and pursuing performance of this provision from CLIENT.

(13) IFWORLD agrees and acknowledges that CLIENT retains exclusive rights of title and ownership over all copyrights, trademarks, or other proprietary rights associated with, pertaining or referring to, or otherwise representative of THE CITY OF FAYETTEVILLE, its committees, departments, divisions, governing body, or other officials; including but not limited to any and all color schemes, diagrams, drawings, graphic designs, insignia, letter or number fonts, logos, mottos, photographs, seals, sketches, etc., which might be or are subject to the intellectual property rights of CLIENT. If so requested, IFWORLD will include such mutually agreed upon forms of notice on the website to protect copyrights, trademarks and other proprietary information.

(14) CLIENT agrees and acknowledges that IFWORLD retains the exclusive rights of title and ownership over all IFWORLD Proprietary Software which includes all PHP Coding, Java Script and Database Structure utilized in the building, operation, maintenance of the website and remains the exclusive rights of title and ownership of IFWORLD.

(15) Except for the express warranty provided to the City of Fayetteville in paragraph (17), IFWORLD makes no further warranties, express or implied. IFWORLD Inc. makes NO WARRANTY OF MERCHANTABILITY and NO WARRANTY OF FITNESS.

(16) If IFWORLD Inc. is found liable for breaching its warranty in paragraph (17), the damages awarded against IFWORLD Inc. may not exceed the total amount paid by the City of Fayetteville to IFWORLD Inc. pursuant to this contract.

(17) The Warranty covers the following terms and conditions for a period of one year from the time the web site is published live. IFWORLD Inc. (Warrantor) warrants to the City of Fayetteville (Warrantee) that the products and services provided to the Warrantee pursuant to any agreement for the City of Fayetteville Web Site, to include all programming code, and software, shall be free of defects for the type of goods and services provided. In the event of a defect, malfunction, or other failure of the product not caused by any misuse or damage to the product while in the possession of the Warrantee, or not caused by changes to software, database structure, technical configuration or operations of the Warrantee, Warrantor shall repair or replace such product within a reasonable time of notice of such problem, all at Warrantor's sole

SOLE SOURCE JUSTIFICATION

PURPOSE:
This form, with one or more categories completed, must accompany purchase requisitions for the sole source procurement of equipment or supplies exceeding $500.00 (purchases from State Contract vendors excepted). The purpose of the sole source justification is to show that competitive bidding is impractical because only one product or service provider can meet a specific need. Therefore, an equitable evaluation of comparable products or services must be made and documented by the requestor which shows that rejection of other products or services is based solely on their failure to meet that need. In cases where no other comparable source can be identified, a technical description of the product requested and a listing of those companies which were considered as alternate sources must be provided. Sole source justification cannot be based on quality or price. Quality can be a subjective evaluation based upon opinion. Municipal (public) procurement law requires price considerations be evaluated via competitive quoting or bidding.

While all sole source justifications are subject to review, sole source justified purchases of $5,000.00 or more must be publicly bid. During this time other suppliers will have the opportunity to review the request and submit a quotation for an equivalent source. Therefore, justifications must contain clear, in-depth, and accurate information in order to avoid protests and the possibility of delaying the procurement.

INSTRUCTIONS:

1.) Please type or print legibly in ink.

2.) Complete all categories and sections that apply.

3.) Provide full explanation, complete descriptions, and/or list all relevant reasons where space has been provided. Sole Source Justification forms lacking sufficient detail cannot be approved.

4.) Sign (in ink) and date the form in the space provided for "signature".

5.) Improperly completed, and/or unsigned forms will be returned to the sender.

TO: Purchasing Division DATE: 01/25/2005

FROM: Scott Huddleston DEPT: IT
Names of Requisitioner and Dept. Head

SUBJECT: Sole Source Justification
Purchase Requisition 39-02 (attached)
Proposed Vendor IF World
Product Description Website

STATEMENT

I am aware that Arkansas State Municipal Law mandates that the procurement of services, material, equipment, and supplies be via competitive bidding whenever the amount is over $500.00. However, I am requesting sole source procurement based on the following criteria. (Attach additional sheets as necessary):

1. The requested product is an integral repair part of accessory compatible with existing equipment. (please state the manufacturer and model number of existing equipment);

2. The requested product has special design/performance features which are essential to my needs. Both A and B portions of this category must be completed.
   a. These features are:

The CMS (Content Management System) is PHP and not open source code. To maintenance or enhance the CMS we are required to use IF World.

   b. In addition to the product requested, I have contacted other suppliers and considered their product of similar capabilities. I find their product unacceptable for the following reasons (identify companies contacted, individuals contacted, model number and specific technical deficiency).

IF World was selected March 5, 2002 through RFP 01-10 ending with Resolution Number 39-02.

3. The requested product/service is essential in maintaining instructional or administrative continuity.

_________ Requested product is being used in continuing instructional experiments and require it for comparability of results.

____✓____ I have standardized the requested product/service; the use of another would require considerable time and money to evaluate.

Explain:

After using the CMS for approximately two and a half years we are finding there are enhancements we can make to speed up the site maintenance process.

4. The requested product is one which I (or my staff) have specialized training and /or extensive experience. Retraining would incur substantial cost in money and/or time.

We would have to retrain approximately 135 users in approximately 45 groups.

5. Please consider sole source approval for this reason(s) (e.g. trade-in allowance; availability of service, parts and maintenance; product is a prototype; etc.):

The CMS is not open source code. The only way to have enhancements or additions done to the CMS is through IF World.

AUTHORIZATION:

Full Name and Title of Requisitioner: **Scott Huddleston**
(type or printed in ink)

Signature ______________________________

Date: ______________________________

Full Name of Department Head and Title: **Steve Davis**
(type or printed in ink)

Signature ______________________________

Date: ______________________________

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Lesa Brosch	Information Technology	Finance and Internal Services
Submitted By	Division	Department

Action Required:

Approval of Sole Source Justification for IF World

Not to exceed $20,000	$20,000	accessfayetteville Tech Improv.
Cost of this request	Category/Project Budget	Program Category / Project Name
4470-9470-5315-00	$ -	Other Capital Improvements
Account Number	Funds Used to Date	Program / Project Category Name
04047	$ -	Sales Tax Capital Improvement
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Previous Ordinance or Resolution # 39-02

Original Contract Date: 3/5/2002

Original Contract Number: ____

Department Director ____ Date ____

D. f. Whit 2/14/05
City Attorney Date

2/14/05
Finance and Internal Service Director Date

Dan Coody 2/14/05
Mayor Date

Received in City Clerk's Office
ENTERED

Received in Mayor's Office
2/14/05 PH

Comments:

Fayetteville
ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Stephen Davis, Finance & Internal Services Director

FROM: Kevin Springer, Budget Manager

DATE: February 15, 2005

SUBJECT: **2004 Re-Budgeting Request**

Recommendation

Because of the need for project continuation, staff recommends approval of the re-authorization request at the March 1, 2005 City Council meeting. In addition, staff is recommending approval of any changes to this request that may arise due to finalizing the 2004 year end. Any administrative changes will not increase the use of fund balance for 2004 and 2005.

City Council is requested to amend the 2005 Adopted Budget by re-authorizing $130,334,454 for on-going capital improvements.

Background

At the close of each budget year, City Staff routinely requests re-authorization of on-going capital projects and re-authorization of some operational funding that was not committed during the prior budget year.

Discussion

This request retains project funding for identified and scheduled capital improvements for the current fiscal year. Currently, all uncommitted capital projects are placed on hold until City Council can re-authorize the unexpended funds into 2005.

For 2004, no operational funds were included in this re-authorization proposal. Please find attached a schedule of capital projects by Improvement Type which were included in the 2004 Budget but did not incur a financial obligation during the 2004 fiscal year. The 2004 estimated unreserved fund balance/retained earnings for the respective funds reflect the cost of the requested re-budgets. Therefore approval for these items, to be made part of the 2005 authorization, **will not impact** the City's budgeted financial position.

The re-authorization of prior year's appropriated projects and items is a normal operating procedure and is generally for one-time expenses. Approval of this request will allow the 2005 Budget to be increased to reflect the attached information. Several of the requested re-authorizations include revenue offset in the form of grant revenues.

Total requested re-budgets for all funds are $130,334,454 as reflected in the following worksheet. These amounts will require City Council action. For your information, a summary by Funding Source and Improvement Type is included in the table below.

Funding Source	2004 Rebudgets
General	$ 54,739
Off-Street Parking	213,059
Parks Development	365,298
Impact Fee	28,050
Library Construction	1,270,909
Sales Tax Capital Improvements	7,230,661
Wastewater System Improvement Project	110,892,005
Water & Sewer	8,365,784
Solid Waste	208,261
Airport	226,057
Shop	1,479,631
	$ 130,334,454

Improvement Type	2004 Rebudgets
Aviation & Economic Development Improvements	32,457
Bridge & Drainage Improvements	880,691
Fire Improvements	169,391
Information Technology Improvements	164,139
Library Improvements	1,303,946
Other Capital Improvements	421,769
Parks & Recreation Improvements	1,387,141
Police Improvements	1,226,744
Solid Waste Improvements	208,261
Street Improvements	2,603,817
Transportation Improvements	1,110,637
Vehicles & Equipment Improvements	1,441,284
Wastewater Treatment Improvements	110,979,341
Water & Sewer Improvements	8,034,405
Water & Sewer Services Improvements	370,431
	$ 130,334,454

Of the $130,334,454 being asked to be re-authorized, $771,317 is being added to capital projects that came from budget savings in other capital projects. The projects being increased are:

Projects	Amount Increased	Amount Decreased
Mount Comfort Road - Widening & Turn Lane	$ 250,000	$ -
Old Missouri - Joyce to Mud Creek	-	132,354
Gregg & Poplar Intersection/Signalization	-	117,646
Garland Avenue - Water/Sewer Relocations		109,306
Fire Station #7 - W/S Improvements		30,479
Operations Center Furnishings	161,317	
Rodgers Drive Water Tank		5,431
Water & Sewer Remaining Operational Funds		16,101
Fleet - Police/Passenger Vehicles	-	360,000
Fleet - Sanitation Vehicles/Equipment	360,000	-
	$ 771,317	$ 771,317

Below is a table that shows the past history of re-appropriations for the last five years. Not including major projects such as the New Library and Wastewater Treatment Plant Construction, this request is approximately $3,442,312 lower than in 2003.

	2000	2001	2002	2003	2004
Operational	$ 732,572	$ 2,100,384	$ 908,919	$ 88,515	$ -
Capital	20,016,277	20,196,507	23,967,361	21,591,695	18,149,383
New Library Project	-	-	1,872,626	2,316,012	1,293,066
Wastewater Project	-	-	13,200,000	34,575,984	110,892,005
Total	$ 20,748,849	$ 22,296,891	$ 39,948,906	$ 58,572,206	$ 130,334,454

Budget Impact & Closing

All of the funds requested in this re-authorization come from unexpended funds. They do not increase the use of reserves over what was approved in the 2004 Annual Budget. This request just simply retains project funding for identified and scheduled capital improvements for the current fiscal year.

If you have any questions concerning the attachment or the procedure, please feel free to contact either Kevin Springer (575-8226) or Stephen Davis (575-8330) Thank you for your attention to this request.

RESOLUTION NO. ______

A RESOLUTION APPROVING A BUDGET ADJUSTMENT TO REAPPROPRIATE $130,334,454.00 IN ORDER TO RETAIN CURRENT FISCAL YEAR PROJECT FUNDING FOR IDENTIFIED AND SCHEDULED CAPITAL IMPROVEMENTS.

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 budget adjustment to re-appropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled Capital Improvements.

PASSED and **APPROVED** this 1st day of March 2006.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

Project Accounting Summary - 2004 Re-budgeted Projects

Aviation & Economic Development Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
8 Bay T-Hangars	Ten unit T-hangar building. This project is now modified to an eight-unit twin-sized T-hangar building. The project has been re-named in the project accounting module as: "8 Bay T-Hangars"	City Council Resolution No. 102-04 awarded a contract for construction to Architectural Contractors, Inc. on July 20, 2004. A Notice to Proceed was issued to the contractor August 3, 2004. Change Order #1 submitted for approval, extends completion 45 days. The building components are delivered to the site. Foundation piers are installed. Overlay of asphalt floor for grading purpose is underway. Project Start: 8/4/04. Scheduled Completion: 2/2/05.	359,695	344,353	15,342	15,342
8 Bay T-Hangars (Grant)			(50,000)	-	(50,000)	(50,000)
East Corporate Hangars - Phases II, III, & IV	Phases II, III, and IV are for the design and construction of two-unit "mini-corporate" hangar buildings, each unit being 60' X 60'. The project is a continuation of the 2003 project currently in design/engineering. Phases II and III are identical to Phase I in style and location. The structures will be built adjacent to and be accessible from, Lancaster Road at the new East T-Hangar ramp expansion area. Phases II and III will go forward contingent upon commitments for leasing by companies or individuals with a need for this type of aircraft hangar facility. A waiting list currently exists for the Phase I units.	Not currently scheduled as building the facilities is contingent on outside commitments for long term leases. No change as of 9/30/2004, 12/31/04.	300,000	-	300,000	300,000
East Corporate Hangars - Phases II, III, & IV (Grant)			(100,000)	-	(100,000)	(100,000)
Economic Development Grant Matches	The funds are needed to assist in retaining and attracting expansion of the job market.	Ongoing. Complete.	25,000	-	25,000	25,000
Lights of the Ozarks	Lights of the Ozarks is a display of more than 400,000 lights on the downtown square that runs from Thanksgiving until New Years.		82,517	62,151	20,366	20,366
Lights of the Ozarks (Grant)			(20,000)	-	(20,000)	(20,000)
New Airport Entrance	Reconfigure the entrance to the airport from Highway 71. The project entails moving the drive entrance 150' north of the existing entrance in order to provide a straight road access to the airport corporate hangars and terminal building. Although the existing entrance is sufficiently accessible, the entrance turns sharply in front of the new corporate hangar complex causing some difficulty for larger vehicles.	Not currently scheduled. The project may be expanded to include further pavement development for large hangars on the West-side North of the Terminal building. As of 1/14/05 Airport management has received verbal feedback from the FAA Project Manager that the project is currently viewed favorably for funding in 2005.	100,000	-	100,000	100,000
New Airport Entrance (Grants)			(50,000)	-	(50,000)	(50,000)
Roof Maintenance Program	Airport buildings are in need of roof repair and/or replacement. Many of the buildings are aging and require continual roof maintenance. Typical repairs are costly (more than $10,000) due to the size of the structures.	Quotes were solicited to install an elastomeric coating at the hangar building 4158 / 4166 S. School. Scheduled start: 10/15/04. Scheduled completion: 10/29/04	20,000	9,285	10,715	10,715
U of A Hanger Construction	The project is to construct a 120' X 80' corporate hangar for the U of A for storage of two corporate aircraft.	The project is nearly complete. Minor punch list items remain. Lease to begin 11/1/04. Change Order #2 was approved 12/14/04, and adds 75 days to the completion time. A third Change order, requested by management, is anticipated in January '05. Project start: 12/11/03. Scheduled completion: 02/04/05	582,364	537,510	24,854	24,854
U of A Hanger Construction (Grant)			(243,820)	-	(243,820)	(243,820)

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Bridge & Drainage Improvements						
AHTD Bridge Cost Sharing Program	AHTD bridge replacement program. The City's share is 20% of the cost. The Garland Avenue bridge at Town Branch has been selected by the Street Committee.	AHTD started the project and began environmental surveys during the fourth quarter of 2003. AHTD estimates the design could be complete by the second quarter of 2005 with construction complete by the second quarter of 2006. AHTD estimates the design could be complete by the second quarter of 2005. If so, construction could be complete by the second quarter of 2006.	343,000	-	343,000	343,000
Amber Drive Drainage Improvements	This project was not included in the original CIP but was added by City Council this year. The project involves replacing approximately 150 feet of 15-inch and 18-inch corrugated metal pipe with larger concrete arch pipe and adding additional inlet capacity along Amber Drive.	Project is currently under construction. Project should be complete by the end of the first quarter of 2005.	100,000	72,123	27,877	27,877
Drainage Study/Master Plan	This project consists of numerous separate smaller projects that address the need for watershed drainage studies and compliance with the EPA's NPDES Phase II Stormwater Regulations.	Coordination with the Northwest Arkansas Regional Planning Commission and the University of Arkansas Cooperative Extension Service to obtain ADEQ approval to address certain permit requirements. NOI was submitted to ADEQ on May 1. The first year permit activities have already begun, including drainage system mapping and the creation of a Stormwater Technical Advisory Committee. On going project. Drainage studies are performed as needed. The EPA Phase II stormwater permit is a five-year process.	399,205	235,747	163,458	163,458
Holly & Vista Dr. Drainage Improvements	Study and engineering design to alleviate localized flooding in the Upper Hamestring Basin (Asbell area and Sang/Berry area).	The project is currently under construction is approximately 90% complete. Construction should be complete by the end of the first quarter of 2005.	900,618	787,478	113,140	113,140
Other Drainage Improvements	Drainage Improvements and cost shares as needed.	There were no drainage projects or cost shares this quarter. On going project and the schedule varies with projects.	161,171	137,036	24,135	24,135
Shenandoah Drainage Improvements	A study and design to alleviate localized flooding in the Shenandoah Trailer Park area.	The study phase is complete. Final design plans are 90% complete and are being reviewed and revised by the design consultant and City staff due to the presence of wetlands in the project area. Engineering plans should be complete by the first quarter of 2005 with construction completed as early as the second quarter of 2005.	232,501	23,420	209,081	209,081
Fire Improvements						
Arkansas Forestry Commission FireWise Grant	A Forestry Commission Grant to hire a contractor to perform a survey to help identity and educate homeowners on the potential risk of wildfires in this area.		56,000	-	56,000	56,000
Arkansas Forestry Commission FireWise Grant (Grant)			(56,000)	-	(56,000)	(56,000)
Fire Apparatus Purchase Leasing Program	Purchase of apparatus and miscellaneous equipment.	The apparatus purchase for 2005 has been approved and encumbered. The rebudget of $113,515 will go towards this purchase. The apparatus purchase for 2005 has been approved and encumbered. The rebudget of $113,515 will go towards this purchase.	2,526,082	2,505,567	20,515	20,515
Fire Apparatus Lease Payments - BoA	Long-term purchasing agreement for fire apparatus.	Payments are for the financing of 2003, 2004, and 2005 apparatus purchases and will contine through July 2008. August 1, 2003 - July 31, 2008.	475,531	384,821	90,710	90,710
Fire EMS Training/Wellness Grant	Through a 2003 Assistance To Firefighters grant award, the Fire Department will develop, implement, and maintain a wellness and fitness program for department personnel.	The project will continue to next year, but the grant funded portion is complete. The $9,088 needs to be moved to project 03047 for other Act 833 purchases. The remaining portion of the project is for certifying internal trainers. These costs will be offset by revenues generated from fees for outside participation in these classes from the University of Arkansas. The project will continue to next year, but the grant funded portion is complete. The $9,088 needs to be moved to project 03047 for other Act 833 purchases. The remaining portion of the project is for certifying internal trainers. These costs will be offset by revenues generated from fees for outside participation in these classes from the University of Arkansas.	132,600	103,356	29,244	29,244
Fire EMS Training/Wellness Grant (Grant)			(132,600)	(103,080)	(29,520)	(29,520)

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Fire Station #7 - Construction	This facility is required to provide fire, EMS, and rescue protection to a growing area of the community.	The construction portion of this project is 78% complete. The rebudget for 2005 will be for the completion of the construction costs. Projected completion and in service date is March 2005.	1,431,622	1,373,180	58,442	58,442

Information Technology Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Document Imaging System	This project is for a document management system to provide digital storage and retrieval of the City's official documents. Currently, the City's documents are stored on film, which has a single point for access and retrieval. The document management system will provide management of the City's documents and multiple access points for input and retrieval including lookup and view access for citizens from the City's web site.	The RFP was created and sent out for proposals. A selection committee was formed and is in the process of evaluating the proposals. Vendor to be selected and a contract approval through City Council is scheduled for fourth quarter of 2004. RFP projected to go out in third quarter 2004	88,188	-	88,188	88,188
Microcomputer Replacements	To keep user PC hardware up with standards.	Purchased 12 new PC's during the quarter. Project completion is December 2004.	48,308	44,867	3,441	3,441
Municipal Management System	This project provided a single vendor solution of a Municipal Management System. The system provides management solutions for the City's infrastructure, such as streets, water and sewer lines, vehicles, buildings, etc. and solutions for managing the City's customer/citizen requests, building inspections, and planning processes.	Continued migration of Water & Sewer assets from AutoCAD/GIS to Hansen. Continued migration of street segments and developing Integration with GIS and AS/400. The modules implemented for 2002 include: customer service, Code Enforcement, Inspections and permitting, and Planning applications. Various asset modules have come online through out this period. Asset completions and work order implementation is scheduled for February 2005.	68,596	32,484	36,112	36,111
New World Systems Supplemental Software	These add-on software modules to the City's New World Systems software help leverage the investment in existing software by giving added functionality.	Began the migration and testing of the financial update. Modules for 2003 include: position control, financial systems upgrade, and utility billing upgrade. All of these modules have been installed. Remaining balance reserved for additional training.	30,380	11,844	18,536	18,536
Printer Replacements	This is an ongoing project to purchase system and network printers. Several system and network printers have exceeded their expected life. These printers are essential for daily operations. This project ensures that replacement printers can be purchased when needed.	No significant activity during the quarter. Two AS/400 system printers and five network printers were replaced.	31,834	13,971	17,863	17,863

Library Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Library Material - Business Resources	To help support Fayetteville's growing economic engine, the library proposes to develop a set of resources to facilitate businesses and prospective employees in their quest for financial success, achievement, and advancement. The service goals of the project include: 1) providing career information to citizens seeking jobs, changing careers, or advancing in their careers; 2) providing resources to small businesses and entrepreneurs; 3) providing access to the best investment-related information to everyone in the community; and 4) providing the best test and college information to students of all levels -- from the myriad of patrons seeking G.E.D.s to information on graduate and professional schools.	This purchase was 80% complete by the end of 2004. The final $10,800 has been committed, but the publications will not arrive until 2005. This purchase was 80% complete by the end of 2004. The final $10,800 has been committed, but the publications will not arrive until 2005.	50,000	39,120	10,880	10,880
New Central Library Building	This project funds approximately 80% of the new 88,000 square foot main library and 212 car parking garage at 401 W. Mountain. The remainder is funded with private donations.	Although the building is complete, punchlist items and landscape are not yet complete. Completion is expected late in the second quarter of 2005. Although the building is complete, punchlist items and landscape are not yet complete. Completion is expected late in the second quarter of 2005.	9,010,917	7,717,851	1,293,066	1,293,066

Project Accounting Summary - 2004 Re-budgeted Projects

Other Capital Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Automated Field Inspection System	To replace field units that were not Y2K compliant and to provide for the purchase of the Hansen Internet Portal and/or other features to improve customer service. Replacement was delayed until the Hansen project was implemented so compatible hardware/software could be determined and bid.	Approved by City Council. The software vendor, Mobilehwy, is currently configuring software to match the Hansen system. Requirement documents have been completed and signed. Mobilehwy staff is working with IT to configure system. Testing is scheduled to begin during November. Approved by City Council. The software vendor, Mobilehwy, is currently configuring software to match the Hansen system. Requirement documents have been completed and signed. Mobilehwy staff is working with IT to configure system. Testing is scheduled to begin during November.	96,700	46,230	50,470	50,470
Building Improvements	Repair and maintain roofs, HVAC, plumbing, and other systems.	During the quarter, work was done on the boiler system in the City Administration Building. This project is to meet contingencies and fund preventive maintenance to address the issues of the day-to-day facility operation. This work will be on going through the year.	280,488	168,148	112,340	112,043
Building Improvements - Leased Buildings	This project addresses unforeseen issues for leased buildings, repair and maintenance of roofs, HVAC, and other major building systems.	No contingency items arose during the quarter. This project is to meet contingencies and fund preventive maintenance to address the issues of the day-to-day facility operation of major building systems in leased buildings. The work is on going through the year.	18,430	13,434	4,996	4,996
Copier Purchase Replacements	This project purchases several copier replacements for use in City divisions.	The will be reimbursed for a copier purchased for the Library. The Water & Sewer Division's copier ($9,500) will be ordered when the Operations Center is complete. The City Prosecutor and Building Services divisions' color copiers ($14,600 and $9,500) will be ordered in January. The existing copier at the City Prosecutor's Division will be moved to the Fleet Operations Division and Fleet Operation Division's existing copier will be moved to the PEG Access Center. Updates for the GIS and Planning division's color copiers ($4,500) will be ordered in January. City Administration is requesting a color copier or printer $15,000. New faxes ($4,500) are needed for Administration and the first floor.	127,710	45,264	82,446	82,446
Land Sales/Sewer Improvements Park	Construction of a sewer main to a portion of Parcel No. 15 in the South Industrial Park, pursuant to the sale of the property.	Closing pending. (1/14/05: No expenses, Ray check w/Ed Connell for current status of sale) 0	33,432	-	33,432	33,432
P.E.G. Television Center - Equipment	Replace equipment up to 11 years old and add expansion of equipment; add two editing systems, editing room construction, field cameras, studio cameras, cable casting equipment, character generation equipment, lighting system, VCR replacement, DVD equipment, monitors, and computers.	A field camera and two tripods were replaced and DVD cable casting equipment was added. This is an on going project. About half of the original funding request has been granted. At the present funding rate, worn equipment replacement uses most of the yearly funding with some upgrading possible. The room remodeling for four additional editing bays was completed in the first quarter of 2004. A new nonlinear editing system, wireless port and monitor was added. More configuration planning and design work will be required, new editing systems, a cable casting system upgrade, new message board systems, additional DVD capability, monitor and camera replacements and possibly a lighting system upgrade will be completed and installed in 2005.	95,082	22,801	72,281	72,281
Shelter Quarantine Upgrade	A new exhaust ventilation system is needed for the cat quarantine, the cat adoption room, and the dog room area of the shelter. The exhaust fan system will be placed low to the floor, assisting the flow of air out of the designated areas. The system will assist in preventing upper respiratory infection and kennel cough along with other airborne diseases.	The exhaust fans were ordered, the labor for the cat room sink and window have been bid, and the euthanasia room and clinic sink are in the bidding process. The exhaust fan installation is expected to be complete in March 2005, the sinks and cat room window are expected to be complete in April 2005, and the skylights in the dog room and kennel building are expected to be complete by July 2005.	24,250	6,927	17,323	17,323
TIF District Feasibility Cost Study			20,000	12,554	7,446	7,446

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Telecommunication System Upgrades	This is a telecommunications system upgrade for the Transportation and Parks facilities. (The City currently has 13 telecommunications systems located throughout various facilities. Five of those systems are outdated and are no longer supported by Nortel Technologies. Upgrades to these systems are essential to ensure no "down time" due to failing software and/or hardware. If any of these systems fail, these facilities will be without telephones until a new system can be acquired and installed. The systems affected by this upgrade are located at the Shop/Park facilities, Engineering and Planning Building, Central Fire Station, Airport, and the Animal Shelter.)	This project is complete. This project began in June and was completed in December 2004.	28,000	25,015	2,985	2,985
Wash Bay & Covered Storage Improvements	Installation of an additional drive-thru wash bay and a storage shed at Fleet Operations.	The RFP for an automated wash system has been evaluated in the fourth quarter and the committee is finalizing a contract with the selected vendor. A contract for an automated wash system is expected in the first quarter of 2005 with installation to follow. The design and implementation of a prewash bay will follow in the second quarter of 2005.	38,416	69	38,347	38,347

Parks & Recreation Improvements

Community Park Development	Purchase and develop a multi-purpose Community Park according to the Parks and Recreation Master Plan.	SouthPass Development will host a Design Workshop January 12 - 14 for City Officials, City Staff, and public input. Project is on going.	865,800	53,816	811,984	811,984
Center Prairie Trail	To construct the Center Pairie Trail.	Testing and punch list items are to be completed in 2005. Grand Opening is scheduled for January 19, 2005. Remaining funds after the project is complete is to forward back to Trail Development Project # 02016 for on-going trail projects.	411,984	376,578	35,406	35,405
Fayetteville Multi Use Trail	Multi Use Trail along Mud Creek.	Construction is complete. Construction is complete. Move remaining funds to #02016	95,702	-	95,702	95,702
Forestry Program	Funds will be used for the Arbor Day tree give-away, a tree inventory, the Neighborwoods program, and grants. A chipper and box truck were purchased with the Transportation Division for the urban forestry program.	The Community Tree Planting Innitiative Program, which replaces the Neighborwoods Program, is currently in the planning stages. Trees for this program will be purchased from this fund in 2005. A Skidsteer request has been approved and submitted to Fleet Operations. Bid deadline is February 8, 2005. Trees for the 2005 Arbor Day Celebration have been reserved. Rebudget 2005 Arbor Day Tree project is complete. Chipper is complete. Aerial Bucket Truck is complete. Trees for the fall planting will be ordered in early fall. Arbor Day Trees have been ordered for Spring 2005. This is an ongoing project. 2005 new funding of $45,000 from the Sales Tax Fund will be added to this project. Rebudget 2005.	113,239	25,445	87,794	87,793
Gary Hampton Softball Complex	Improvements include the planting of trees inside and outside of the complex for screening and shade and to enhance the flowerbeds and beautification efforts of the park. This project included installation of a storage building.	To complete this project, a driveway was to be constructed to the storage building during the fourth quarter. Due to the cost of constructing a driveway, the project scope changed to storage bins in November 2004. Storage bins for ballfield maintenance materials will be constructed in the first quarter of 2005. Storage bins are scheduled to be complete in February of 2005.	8,354	5,774	2,580	2,579
Gordon Long/Red Oak Improvements	Trail and drainage improvements are needed at Red Oak and Gordon Long Parks. Water runoff from adjoining subdivisions discharges into the lower valley of Red Oak Park creating an erosion problem for the park trail, tree root erosion, and various park amenities. Gordon Long Park has two low water bridges that need to be renovated to improve safety and usability. The trail at Gordon Long also needs improvements since it is built on a steep hillside.	Gordon Long bridge project to be determined after plans for Gregg Street are identified. The extension of the road may divide the park. The project is being reviewed by City engineers. The completion date has not been determined pending upon the corrective methods chosen. Red Oak Plans will be finalized in the first quarter of 2005. Gordon Long bridge project to be determined after plans for Gregg Street are identified. Projects is being reviewed by City Engineers. Completion date has not been determined pending upon the corrective methods chosen.	145,954	-	145,954	145,954
Lake Fayetteville Trails	Funding is to match the existing AHTD recreational trails grants for signage and trail improvements (Kiosk) at Lake Fayetteville Trail.	The signage and a kiosk were designed and the project came in over bid on September 14. It has been determined that the signage and project components will be bid separately. Bids were received in December. Purchase Orders have been written for the manufacture of the Kiosk structures and signage panels. Staff will install the structures in the first quarter pf 2005. 2002 grants waiting for change in scope approval from AR Highway and Transportation Division - Recreational Trails. Project completion in May 2005.	101,247	20,069	81,178	81,177
Lake Fayetteville Trails (Grants)			(40,000)	-	(40,000)	(40,000)

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Lake Fayetteville/Sequoyah Improvements	To build a pedestrian bridge over the spillway at Lake Fayetteville. Park Land Dedication Funds from the NE Park District were approved for the Lake Fayetteville Spillway Bridge project. The Lake Sequoyah boat docks are being evaluated for replacement/renovation.	The contract for the Lake Fayettteville bridge and trail to Mobley Consruction in the amount of $877,709.20 was approved by City Council on July 20, 2004. The Lake Fayetteville project is 45% complete. Staff and the Lake Sequoyah boat dock operator have been evaluating the needs and status of the existing boat docks. Evaluation of the Lake Sequoyah project is scheduled to begin in the first quarter of 2005. Bids were opened on June 23, 2004. Low bidder was Mobley Construction. Evaluation of Lake Sequoyah is scheduled to begin in the first quarter of 2005.	927,316	890,391	36,925	36,924
Lake Fayetteville/Sequoyah Improvements (Grants)			(287,217)	(226,851)	(60,366)	(60,366)
Neighborhood Park Development	Funds are used to develop new neighborhood parks.	Staff applied for an Arkansas Parks and Toursim Outdoor Recreation Grant to develop Braden Park. Project will begin after the grant approval process. Staff received notification of the $40,000 matching grant award. The project will begin in the first quarter of 2005. Project design was completed in the third quarter. Staff applied for an Arkansas Parks and Toursim Outdoor Recreation Grant to develop Braden Park. A resolution authorizing staff to apply for the 50/50 matching grant fund was approved at the July 20 City Council meeting. The Covington POA signed an agreement with the City to maintain a 200 square foot community garden, donate $10,000 for the installation of irrigation and $1,000 for plant materials, and to maintain the utilities for watering. The Braden Park Master Plan was approved by PRAB at the August 2 regular PRAB meeting. Staff received notification of the $40,000 matching grant award. The project will begin in the first quarter of 2005.	40,000	38	39,962	39,962
Other Park & Safety Improvements	ADA improvements to include Walker Park sidewalks and ramps, Wilson Park east bridge, Veterans Memorial playground access, and a softball scoreboard.	The current funds will be used to build a bridge at Wilson Park on the east side by the swimming pool on Park Street. Site evaluation and design has been rescheduled to begin in the first quarter 2005. Wilson Park bridge evaluation/design is scheduled to begin during the first quarter and contruction to begin in the second quarter.	22,525	-	22,525	22,525
Park Beautifications	Additional flowerbeds were requested at several of the Parks and Recreation Master Plan public meetings.	Bids were opened in November 29 and the apparent low bidder was Dixon Construction with the bid in the amount of $92,640. Remaining funds will be used to develop a new flower bed at Gulley Park. Upon Administration's recommendation, this project has been placed on hold until first quarter of 2005. Project was re-bid in the fourth quarter. Upon Administration's recommendation, this project has been placed on hold until first quarter of 2005.	139,972	7,080	132,892	132,891
Park Beautifications (Grants)			(39,000)	(1,349)	(37,651)	(37,651)
Playground & Picnic Improvements	Replacement of old equipment at playgrounds and picnic areas.	City Council approved $10,937 for this project be transferred to the White River Baseball Complex Project, which is a higher priority project, at the April 6 City Council meeting. Due to limited funds, staff is evaluating Sweetbriar, Finger, and Wilson Park's playground replacements for projects. Additional funding from Parkland Dedication will be researched. The project will begin in 2005. Rebudget 2005. Project will start in the first quarter of 2005. Rebudget 2005.	33,229	26,529	6,700	6,700
Playground & Picnic Improvements (Grant)			(13,250)	(6,550)	(6,700)	(6,700)
Skate Park	The skate park was requested by the citizens initially through the Juvenile Concerns Committee.	Reimbursement of the $100,000 grant award from Arkansas Parks and Tourism Outdoor Grant has been received. Landscaping of the berm was required by the Planning Commission to complete the project. Berm landscaping and irrigation design to be bid and completed in the Spring of 2005. Berm landscaping to be designed and completed in the Spring of 2005.	23,831	-	23,831	23,831
Tennis/Basketball Surface Renovation	Renovation of Wilson and Walker Park Tennis and Basketball Courts. The resurfacing of the basketball courts at Wilson Park are complete. In 2005, staff will complete the walkway from the parking lot so it will be reconstructed to ADA compliance. Benches will also be added.	The project will be complete in the Spring of 2005. There are items on the punch list in relation to the court surfacing that cannot be fixed until warmer weather in the spring of 2005. Staff will complete the walkway and benches in the spring of 2005. Bids were opened on June 21, 2004 with only one bid received by Tomlinson Asphalt Company in the amount of $32,977. The contract was approved at the City Council meeting on July 20, 2004.	45,070	34,553	10,517	10,517

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Tennis/Basketball Surface Renovation (Grant)			(16,190)	(1,153)	(15,037)	(15,038)
Trail/Park Land Acquisition/Development	Funding is needed for trails and/or for the purchase of additional park land according to the Parks and Recreation Master Plan and the Alternative Transportation and Trails Plan.	As new trail project contracts are approved by City Council, funding is taken from this project to a new project number in order to track the new trail. Upon completion of the trail, the funding is transferred back to this project to be held in one account. This is an on going project.	277,863	778	277,085	277,085
Walker Park Senior Complex	This project is for the new senior center at Walker Park. Construction is complete and the center is open.	The work completed during the quarter included the installation of reflective film on four windows and the replacement of automatic door closers at the main entrance. As the funds were dedicated by a vote of the citizens, the remaining funds must be used on the senior center.	106,314	80,148	25,166	25,166
Park Multi-Use Trails (Walker/Combs)	Construct multi-use trails at Walker Park and the Walker Senior Center.	Project is complete. Transfer remaining funds back to project # 02016.	217,301	190,939	26,362	26,362
West Mud Creek Trail Expansion	Construct West Mud Creek Trail from Steele Boulevard to Front Street along Mud Creek.	Construction is complete. West Mud Creek is complete. A change order to cover final adjusted quanities will be processed in 2005.	621,924	424,469	197,455	197,455
West Mud Creek Trail Expansion (Grants)			(634,743)	(116,027)	(518,716)	(518,716)
White River Baseball Complex Improvement	Replace ball field lights on two fields at the White River Baseball Complex. These are the original lights installed at the complex. The lights do not meet current standards for recreational or competitive play, which creates a hazard for players, coaches, and umpires.	The project started at the end of the leagues in August. Construction is to be complete in January 2005. Project started at the end of the leagues in August. Project to be completed in January 2005.	277,768	274,050	3,718	3,717
Wilson Pool Improvements	To replace the Wilson Park Swimming Pool edge lip, resurfacing restroom flooring, and restripe parking lot.	The pool edge is 100% complete. The project scope was changed to add floor resurfacing and parking lot restriping. The Pool Pump will be installed 1st Quarter 2005 and other plumbing fixture replacements will be complete by April 2005. The punch list will be completed in 2005. Lip edge project was completed in April. The new scope is complete. A punch list will be completed in 2005.	30,000	28,116	1,884	1,883

Police Improvements

Joint Public Safety Command Center	The funds are to purchase a minimum of five acres of property to construct an 80,000 square foot Public Safety facility to house Police, Fire Administration, Dispatch, District Courts, and the Prosecutor's Office. The City has allocated $1.1 million to purchase a site for this project. The City and Tyson Foods have a tentative agreement for 1851 East Huntsville Road. Obtaining this site will avoid spending approximately $200,000 on the Huntsville and Happy Hollow Intersection Improvement project.		1,100,000	15,250	1,084,750	1,084,750
Mobile Data Systems	Replacement and additions to the Mobile Data and In-Car Video Systems in police vehicles. This will include additional laptops, modems, and radios. As this equipment is upgraded, it will enhance the car-to-car messaging and the dispatch-to-car messaging system by adding the ability to pass photographs. Also, an 802.11 network to provide hot spots for downloading/uploading of information to the laptops will be installed.	In December 2004, the Police Department entered into contracts with Smith Communications and New World Systems to upgrade the Mobile Data system. The new system will support automatic vehicle location and will be displayed on a map within the dispatch center. This is an on-going project. In December 2004, the Police Department entered into contracts with Smith Communications and New World Systems to upgrade the Mobile Data system. This project is scheduled for the first quarter of 2005. Any remaining funds will be used to support and/or expand the new system. One possible expansion will be hand held units for bicycle/motorcycle officers.	249,849	170,917	78,932	78,932
Mobile Data Systems (Grants)			(11,512)	-	(11,512)	(11,512)

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Police Building Improvements	This project includes the following: the addition of electrical service residing on the emergency generator; making the front entrance handicap accessable and replacing exterior locks; and the improvement of the flooring. The floor tiles have become loose, cracked and uneven causing unsafe conditions.	Green Anderson Engineering completed the evaluation and prepared a bid specification to replace the HVAC for the second floor of the Police Department. The bids were opened on November 23, 2004 and City Council will be requested to approve a contract with Air Works Inc, a division of Multi Craft. The expense of this contract will be charged to City Building Improvements project. Also during December, Building Maintenance constructed an office within the Administration Section of the Police Department. This is an on going budget. This project's budget will include new sign on the front of the building; the addition of proximity locks on doors leading to the secure area of the building, and handicap access added to the front entrance. The tile floor will be repaired or replaced during 2005 and office space upgrades.	41,088	22,820	18,268	18,268
Public Safety Computer System Replacement	This project has several elements. It includes an upgrade to the ISeries AS400 storage and processor; replacement of the mobile data radio frequency backbone and the laptops utilized in the vehicles; improvements to the network to meet state mandated rules for access to the Arkansas Crime Information Center; and document imaging storage.	The Police Department has purchased and installed a small IP phone system to be used by the Juvenile Division. Also, a wireless backbone was established between the Courthouse and the Department. This is an on going budget. Ruggedized laptops have been received and installed. The wireless access point for uploading information from the police cars is purchased and is complete. Wiring for access to ACIC has been completed. The upgrade for storage A5 on the ISeries AS400 is complete. These funds will be used to complete the wireless video arraignment system located between the court and the County Jail.	98,594	42,288	56,306	56,306
Solid Waste Improvements						
Collection Bins - Curbside Recycling	Eighteen gallon plastic bins with molded lids are used for the curbside recycling program. The bins are required to have at least 50% post consumer recycled content. Lids are molded to ensure more capacity and provide protection from the weather for the recycled commodities.	No purchases were made in the fourth quarter. The program is on going with no end date. These containers are purchased when needed and are necessary for the continuance of the recycling program. Bids for the next purchase are scheduled for June 05 with purchases made in July 05.	22,807	13,828	8,979	8,979
Composting Site Improvements	A new concrete pad for processing and storage of yardwaste is needed to improve operations at the site.	Due to the wet weather construction of the new pad for processing and storage has been halted. The work will be performed in-house by the Transportation Division when the site dries. The projected should be completed in the first or second quarters of 2005.	135,670	6,651	129,019	129,019
Recycling Improvements	The SAC recycling trucks need modifications to the storage bins located on the truck body. These design improvements will enable employees to more efficiently handle and process the growing volume of recyclable materials generated through the weekly curbside service.	All recycling trucks have had work done to improve the collection of plastic from curbside routes. Additional work for modifications could occur in the future. The modifications are on going.	40,000	17,379	22,621	22,620
Residential Carts - Volume Based Program	The Pay-As-You-Throw automated residential refuse collection program uses three different size carts with corresponding rate charges for weekly service to residential customers which must be stored and ready for distribution. Carts are purchased when inventories are low to handle customer requests.	There were 576 96 gallon carts purchased in the fourth quarter. Carts are purchased as needed. This program is on going with no end date. Purchase of carts is based on the demand by customers.	144,131	103,382	40,749	40,749
Roll-Off Containers	Drop box containers are used in conjunction with the neighborhood clean-ups and the commercial sector. These containers are utilized to store, handle, and transport bulky and commercial waste for disposal. The implementation and expansion of neighborhood clean-ups and the commercial drop box program requires that an adequate supply of these containers are available for use.	There were no purchases of drop boxes during the quarter. This program is on going. Purchase of the roll-off containers are based on demand by customers.	6,894	-	6,894	6,894
Roll-Off Recycling Boxes ADEQ Grant	Grant funding to purchase roll-off recycling boxes.		18,000	6,035	11,965	11,965
Roll-Off Recycling Boxes ADEQ Grant			(18,000)	(6,035)	(11,965)	(11,965)

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Street Improvements						
Cleveland Street Imp - Leverett to Hall	Street widening and improvements including curbs, gutters, underground drainage, retaining walls, fences, and sidewalks.	Cleveland Street is open to traffic and the construction contract has been closed out. Two additional issues have come up concerning the sidewalk along the UA Northwest Quad construction entrance and a small amount of additional safety railing in front of one residence. The project should be totally complete by the end of the first quarter of 2006. Project should be completely closed out by the end of the first quarter of 2005.	105,190	57,529	47,661	20,000
Gregg Ave - Highway 71 to Mud Creek Bridge	Street widening from two to four lanes from Fulbright Expressway to Mud Creek. Sidewalks will be added on the east side only. The City will provide for all utility relocations. This is a Federal aid cost share project administered by the AHTD. The City is to provide all funds over $1 million.	The project is under construction and should be complete by the end of the first quarter of 2006. The notice to proceed was issued in December 2003. The project should be complete by the end of the first quarter of 2005.	511,545	-	511,545	511,545
Huntsville & Happy Hollow - Intersection	This project is for intersection improvements at Huntsville Road and Happy Hollow Road, including reconfiguration of the intersection and the installation of a traffic signal. This project is recommended by the citywide traffic study.	The final engineering design of the project is currently at 80%. The project is scheduled to be bid in late February 2005 and the construction completed in October 2005.	650,000	-	650,000	650,000
Millsap & North College - Intersection	This project is for lengthening the eastbound right turn lane on Millsap Road at North College Avenue to better accommodate traffic from the Medical Center turning south onto North College Avenue.	The construction is complete with the exception of some additional modifications to be made to the traffic signals that will be using in-house crews. The construction is complete with the exception of some additional modifications to be made to the traffic signals that will be using in-house crews in the first quarter of 2005.	100,000	88,122	11,878	11,878
Mission & Maple - Signalization	This project is for the signalization of the Mission Boulevard and Maple Street intersection per the citywide traffic study.	The AHTD has denied the use of a traffic signal at this location. This project has been placed on hold by the Street Committee until further traffic studies can be performed in the first quarter of 2006. Project is currently on hold until further traffic studies can be performed in the first quarter of 2005.	150,000	-	150,000	150,000
Mount Comfort Road - Widening & Turn Lane	This project will widen Mount Comfort Road from Rupple Road to Salem Road and from Shiloh Drive to Futrall Drive from two to three lanes.	The Street Committee approved concepts for this project on July 26. This project scope was increased to approximately $350,000. The Street Committee recommended that the remaining funds from the Gregg & Poplar - Intersection/Signalization (Project No. 04009) be utilized for the additional work. This project was placed on hold until the future Transportation Improvement Plan can be reviewed by the City Council in the first quarter of 2005. The Street Committee approved concepts for this project on July 26. This project scope was increased to approximately $350,000. The Street Committee recommended that the $117,342.50 in remaining funds from the Gregg & Poplar - Intersection/Signalization, Project 04009 and $132,657.50 in funds from the Old Missouri - Rolling Hills to Old Wire, Project 03007 be utilized for the additional work.	100,000	-	100,000	350,000
Old Missouri - Rolling Hills to Old Wire	Phase 3 of Old Missouri Road includes minor widening and improvements to Old Wire Road from Rolling Hills to Old Wire Road.	The City Council approved the construction contract at the June 15 meeting for Phases 3 & 4. Construction for Phase 3 complete. Phase 4 is approximately 40% complete. The Notice-To-Proceed on the contract was issued for July 7, 2004 and the project is scheduled to be complete on February 1, 2005. The funding in Project 03008, Old Missouri - Joyce to Mud Creek, was combined with this project. Funding in the amount of $132,657.50 is being requested for the Mount Comfort Road - Widening & Turn Lane, Project 04014.	1,052,000	787,149	264,851	132,497
Shiloh, Gregg, & Fulbright - Turn Lanes	This project is for the widening of Shiloh Drive between Gregg Avenue and Northwood Avenue and to provide additional turn lanes onto Fulbright Expressway and Gregg Avenue.	Construction began on July 19, 2004 and has been completed with the exception of the street light installation by AEP-SWEPCO. The street light installation should be completed in the second quarter of 2006.	400,000	188,621	211,379	211,379
Street ROW / Intersection / Cost Sharing	Street ROW, Intersection projects, and cost shares with private development as needed.	There were no cost shares this quarter. On going project and the schedule varies with projects.	459,702	125,254	334,448	334,448
Township Widening - Gregg to North College	This project will expand Township Road from two lanes to three lanes for approximately 2,400 feet between Gregg Avenue and North College Avenue and includes anticipated right-of-way acquisition and the expansion/replacement of the crossing over Sublet Creek.	This project will be designed in-house. Design is scheduled to begin on preliminary concepts in the first quarter of 2005. This is a multi-year project that is scheduled to begin in the first quarter of 2005. The project is scheduled to be bid in January 2006 when all the necessary funds become available. Construction is scheduled to begin in March 2006 and be completed in November 2006.	200,000	-	200,000	200,000

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
West Avenue & Maple Street - Signalization	This project is for the signalization of the West Avenue and Maple Street intersection per the citywide traffic study.	Construction is approximately 90% complete. The project is scheduled to be complete in the first quarter of 2005.	100,000	67,930	32,070	32,070

Transportation Improvements

In-House Pavement Improvements	Overlay and street improvements needed to preserve the infrastructure.	Milling and overlay are preceeding throughout the City with several concurrent projects under way. In the fourth quarter 2.12 miles of street improvements were completed (Spring St., Sang Ave., and Huntsville Rd. and are examples of these projects). In 2004, 12.42 miles of street overlay projects have been completed. Project is on going.	1,832,013	1,360,085	471,928	471,929
M.U.T.C.D. Sign Material	These funds are used to purchase reflective sheeting and aluminum sign blanks used to make traffic control signs and street markers in-house.	The overhead block numbering project at signalized intersections has now been completed. 20 block numbering signs were installed in the 4th quarter of 2004, 260 signs were installed in 2004. Project is on going. Staff will work on arterial intersection street numbering in 2005.	49,770	26,740	23,030	23,030
Parking Deck Rehabilitation	Rehab on the municipal parking deck located on the east side of the Radisson Hotel.	In October 2004, a contract was approved in the amount of $29,190.00 with Walker Parking Consultants for engineering services related to the rehabilitation and repair of the municipal parking deck. The contract will be fulfilled in the first quarter of 2005 and bids will go out for the actual rehab work to be performed. This rehab project should be completed by the end of 2005. Bids for the actual rehab work to be performed will go out in the first quarter of 2005. The entire rehab project should be completed by the end of 2005.	217,814	38,065	179,749	179,749
Parking Garage(s)	City participation in Parking Improvement District plans.	This project will be launched in conjunction with the Downtown Master Plan. In November 2004, a resolution was approved for a cost-sharing agreement with the University of Arkansas to participate in the Campus Transportation Study; these project funds will be used for this purpose.	30,000	-	30,000	30,000
Parking Management System	This project is to purchase, install, and implement a new parking management software system and new handheld citation equipment.	The interface is scheduled for completion during the first quarter of 2005. The Parking Management System was requisitioned in January 2004. The first quarter was utilized to set up the database information for the parking system software; the new designs were also completed for the new citations, payment envelopes, and parking permits. The system installation and training was completed in April 2004. During the third quarter, testing began on the New World software to interface the two systems together. The interface is scheduled for completion during the first quarter of 2005.	37,793	34,483	3,310	3,310
Sidewalk Improvements	To continue to provide sidewalk connectivity throughout the City.	In the fourth quarter, the Sidewalk Program had completed 7,290 linear feet of sidewalk, 7,650 square feet of driveway approaches, 10,490 linear feet of curb, and 17 ADA access ramps. Huntsville Rd. and Winwood Dr. are some examples of areas where new sidewalks were constructed. Project is on going.	816,223	430,225	385,998	385,996
Traffic Signal Improvements	Two M.U.T.C.D. signal installations per year and a project to install battery back up systems and overhead video detection at critical intersections.	Five battery backup units were installed in existing signals in the fourth quarter. The new signal installation was completed at the intersection of West Ave. and Maple St. in December. Five traffic signals and 8 battery backup units were installed in 2004. Project is on going.	144,092	127,270	16,822	16,623

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Vehicles & Equipment Improvements						
Fleet - Back Hoe/Loaders	Replace existing backhoes and front end loaders according to expected life cycle and replacement evaluation criteria.	Three replacement backhoes were received in March 2004. Performance of these backhoes was evaluated and specifications reviewed based on performance prior to the issue of new bid specifications. New bids will go out in 2005 for more backhoes. Two replacement backhoe purchases are scheduled for the first quarter 2005.	340,495	159,525	180,970	180,970
Fleet - Construction Equipment	Replacement of existing contruction equipment according to expected lifecycle and replacement evaluation criteria.	Specifications were developed during the fourth quarter for the replacement of one asphalt roller (unit #66). Staff is evaluating the need for replacement of additional equipment (i.e. roller #65). A request for bids on the roller was sent out this quarter. Roller purchase was delayed pending equipment demonstrations. A compactor was budgeted to replace unit #66 in 2004. A request for bid was sent out and roller bids will be opened in January 2005. An asphalt patch truck was also budgeted for purchase in 2004 (cost $98,600 estimate). This was put on hold in the fourth quarter of 2004 and should be purchased in 2005 following evaluation.	189,000	-	189,000	189,000
Fleet - Light/Medium Utility Vehicles	Replace existing light duty and medium duty trucks and utility vehicles according to expected life cycle and replacement evaluation criteria.	Specifications were prepared in the fourth quarter for seven trucks. Four trucks that were budgeted for in 2003 (units 279, 252, 2024 and 431), one budgeted for in 2004 (unit 2003), as well as unit 2043 which was wrecked earlier in the year, and unit 269 which is no longer reliable. Three dump trucks were received in December 2004 - one for Parks and two for Transportation. Some of these funds were rebudgeted from prior years. Bids on seven units were delayed until the fourth quarter and will be opened January 11, 2005. The trucks will be ordered shortly thereafter.	745,639	504,143	241,496	93,195
Fleet - Medium/Heavy Utility Vehicles	Replace existing heavy duty dump trucks according to expected life cycle and replacement evaluation criteria.	One dump truck was ordered in the fourth quarter and is expect to arrive in mid-April. Fleet plans to use the rebudgeted funds towards the purchase of units that will need to be replaced, but were unfunded in the CIP process.	191,835	84,553	107,282	107,282
Fleet - Other Vehicles/Equipment	Replace existing sweepers and other specialized street and utility maintenance equipment according to expected life cycle and replacement evaluation criteria.	Specifications were developed for the purchase of four skid steer loadersand will go to bid in the first quarter of 2005. The Sewer TV Inspection van was ordered and received at the end of December. Skid steer loaders will go out to bid in the first quarter of 2005.	699,325	605,920	93,405	93,403
Fleet - Police/Passenger Vehicles	Replace existing passenger and police vehicles in accordance with expected life cycle and replacement evaluation criteria.	Two replacement Motorcycles for Police were ordered and staff began the process for eight replacement patrol units. Funds were rebudgeted from previous years. The decision to keep police vehicles in service longer delayed the purchase of replacements. Fleet would like to move $360,000 from this project to project #02082 to purchase two front load trash trucks that were unfunded for purchase in 2004. Units 443 and 445 need to be replaced.	751,279	177,692	573,587	213,587
Fleet - Sanitation Vehicles/Equipment	Replace existing solid waste collection vehicles in accordance with expected life cycle and replacement evaluation criteria.	Three front load refuse trucks were ordered in December 2004. Two front load refuse trucks were not replaced due to insufficient funds (units 443 and 445). Equipment delivery of the three new trucks and payment for same is expected in March 2005. Fleet is requesting to rebudget $360,000 from project #02081 to this project to purchase replacments for #443 and #445. Fleet and Solid Waste will do an evaluation in approximately six months on the three units that were ordered in December 2004 before ordering two more replacements.	540,000	526,680	13,320	373,320
Fleet - Tractor/Mower	Replace existing tractors and mowers according to expected life cycle and replacement evaluation criteria.	Complete for 2004. The evaluation of units needing replacement with remaining funds is on going. Unit 9003 Mower at OMI and #526 Tractor at Parks were due for replacement this year, but purchase was postponed until next year. Tractor #556 at OMI needs to be replaced, but shows as unfunded in the CIP. Fleet would like to rebudget these funds to cover these purchases.	338,556	235,550	103,006	103,005
Fleet Operations Maintenance System	Upgrade the work order system and parts tracking.	The RFP evaluation is complete and the contractor has been selected. This went to the Equipment Committee in October and will go back to the Equipment Committe on January 25, 2005. This will go back to the Equipment Committe on January 25, and if approved, will go to Council on February 15. Once approved by Council, CCG should receive notice to proceed in late February. The system review and acceptance usually takes place 15 - 40 weeks following installation.	70,659	-	70,659	70,609

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Fuel Storage Improvements - Replacement	Upgrades and repairs to fuel pumps and equipment.	Project is on hold while a re-evaluation of the entire fuel delivery process is conducted. Project is on hold while a reevaluation of the entire fuel delivery process is conducted. Consideration is being given to installing an above ground fuel tank at the Fleet Operations location.	16,913	-	16,913	16,913

Wastewater Treatment Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Plant Pumps and Equipment - W.W.T.P.	To purchase and/or repair aerator motors and aerator gear boxes. The equipment is essential for the treatment process.	Purchased a hydraulic pump for the digester cleaning project, critical spare parts for the headwork pump station, and a new motor for one of the pump at the effluent pump station. 0	245,337	207,709	37,628	37,628
Upgrade/Replace Lift Stations - W.W.T.P.	Repair, replacement and improvement of pumps and equipment for lift stations.	Replaced pumps at lift stations #11, #12, #14, and one pump at lift station #6. Purchased a portable power generator to be used at lift stations that do not have back up emergency power. 0	221,967	172,259	49,708	49,708
W.W.T.P. Land Sale 35 Acres			8,000	6,345	1,655	1,655
Wastewater System Improvements Project	WSIP Project - Sales Tax Funded.	Design is complete on eleven of the 16 construction contracts. Permit applications have been filed with the various authorities with public comment periods having closed on the Corps of Engineers Permits. With the issuance of additional private placement bonds, it is anticipated that the bidding of the first construction contract will begin in late October or early November of 2004. Water quality modeling of the receiving streams has been completed and submitted to State and Federal authorities. Progess on all activities is monitored by the program manager. Construction of the first contract should begin in early 2005, along with the bidding of additional contracts. Engineering consultants continue to meet contract schedules, the drawings/contract documents for the critical west side treatment plant being now under review by state agencies. Project Schedule maintained by Program Manager.	121,543,980	10,651,974	110,892,006	110,892,005

Water & Sewer Improvements

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
36" Water Line Replacement & Protection	Analysis of the corrosion problems on the main 36-inch water supply line from Beaver Water District including the recommendation and construction of appropriate action and corrective measures.	The study by Black and Veatch and McClelland Consulting Engineers is complete. Staff is currently reviewing the final report. The study by Black and Veatch and McClelland Consulting Engineers is complete. Staff is currently studying various alternatives for future construction, no dates yet.	1,024,824	70,578	954,246	954,246
Broyles Road Extension Improvements	The widening and improvement of Broyles Road from Persimmon to Sellers Trail to comply with Fayetteville development requirements and to provide a suitable access to the west side wastewater treatment plant.	Construction drawings are complete and with possible cost saving opportunities being explored. Power line relocation agreements, offsite easements, and other administrative details are being arranged and acquired. The construction timing is being driven by environmental permitting issues. The permit public notice process has been completed with no significant comments being received. Inquiries continue to be made with the Corps of Engineers as to the status and probable issuance date. Project design is substantially completed, the power line relocation agreement is being prepared for city council consideration, the right-of-way issues with private/county interests are being addressed and project environmental permitting applications are nearly completed. The bidding/construction of the road improvements cannot proceed until the entire wastewater environmental permitting process is completed, the permit release date being predicted in the first quarter of 2005. Once west side permit requirements are satisfied, this will be one of the first contracts to be advertised.	487,511	403,339	84,172	84,172
Farmington Sewer Rehabilitation	Initial contracts and priority one manhole repairs as designated by the settlement agreement with the City of Farmington.		350,000	175,000	175,000	175,000
Gregg Ave Waterline Relocation	The relocations and improvements of a 12" and an 18" water main along Gregg Avenue between Sycamore Street and Van Asche Boulevard, including a new interconnection underneath the Fulbright Expressway between the CMN Business Park and the Medical Center. Phase I is from Van Asche to Futrall. Phase II is from Futrall to Sycamore.	The construction project for Phase I has been completed and the contract has been closed out. Phase II is currently being redesigned per the latest AHTD roadway plans. Phase II design should be complete by the end of the first quarter of 2005. Construction should be complete by the fourth quarter of 2005.	984,209	232,686	751,523	751,523

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Mount Sequoyah Pressure Plane Improvements	Water distribution improvement project to correct deficiencies in the Mount Sequoyah Pressure Plane. Private development activities will install water piping with the City to address the pumping and storage needs of this subsystem.	McClelland Consulting Engineers was awarded a contract in October of 2004 to develop the preliminary design, implement a public coordination program, design the facilities, and solicit bids for construction. A detailed project schedule has been developed as part of the engineering services contract with a targeted completion date of May 2006.	271,427	142,310	129,117	129,117
Mount Sequoyah W&S System Upgrade	A study and design project to replace numerous leaking and outdated water and sanitary sewer mains on Mount Sequoyah, in particular those currently under houses and outside known easements and to ensure that existing residences have legal service connections.	The draft engineering report has been delivered and is currently under review. City staff comments are being submitted. The first phase design could be complete as early as the end of the second quarter of 2005 and the first phase of construction could be complete as early as the end of the fourth quarter of 2006.	1,994,738	68,300	1,926,438	1,926,438
North College Waterline - Maple to North	Relocations and improvements of the water mains along North College Avenue and the adjoining neighborhoods between Maple Street and North Street.	Design and appraisals for easement acquisition have been completed. Staff is currently in the process of obtaining the twenty-nine easements necessary for this project. Construction will probably begin in the second quarter of 2005 depending on the time required for easement acquisition. The construction will probably start in the second quarter of 2005 and be completed by the end of the fourth quarter of 2005.	1,284,454	190,514	1,093,940	1,093,940
S.C.A.D.A. System Upgrade	To improve controls on the City's water transmission lines.	The draft report has been completed and the design/construction scope is being developed at this time. Once the review comments are resolved and the final scope is determined, a summary report and recommendation will be provided for City Council consideration. Black and Veatch has completed the evaluation of the 36" transmission main. A design contract is expected to be awarded to them in the first quarter f 2005 to execute the improvement strategy addressing the highest priority actions. It is anticipated an element of the improvement work will include SCADA on major valves.	13,925	-	13,925	13,925
Sanitary Sewer Rehabilitation	This project reduces sanitary sewer overflows and reduces wastewater flows to the treatment plant. The work being done in this project will not be abandoned when the new plant goes on line. This is an on going multi-year project.	The study and design for the current area (the north-central portion of Fayetteville) is complete. Manhole rehabilitation and the first two terms of the cured-in-place line replacements are complete. One major construction project will be bid in mid year 2005, using a combination of funds from this project and a State and Tribal Assistance Grant (STAG). Another term of the cured-in-place lining contract is scheduled for City Council approval on 18 January 2005. Per the negotiated agreement with Farmington, sewer rehabilitation in Farmington has been added to this project, with the first contract for manhole rehabilitation bidding in the first quarter, 2005. This project is ongoing. $338,250 will be obligated in January, 2005 for cured-in-place lining under the existing term contract. The RJN Group has been selected as the designing engineer for the modified design that will meet all requirements for the STAG grant funds that will be available this summer. This will include some field study for minisystem 2 (the southern portion of downtown). Roughly $3 million, some of which is the EPA grant funds, will be o	4,318,199	708,139	3,610,060	3,610,060
Sanitary Sewer Rehabilitation (Grants)			(1,060,500)	-	(1,060,500)	(1,060,500)
Water and Sewer Cost Sharing	Cost shares, as needed, associated with private developments.	There were no cost shares this quarter. On going project. The schedule varies depending on projects.	192,097	92,869	99,228	99,228
Water Impact Fee Cost Sharing Projects	Cost-share projects involving the upsizing and upgrading of water mains as required by increased development.	Three cost shares were agreed to in the fourth quarter of 2004. Two are along Persimmon Street and one is along Howard Porter Road. All three are currently under construction. The three cost shares agreed to in the fourth quarter of 2004 are currently under construction and the City will be invoiced for the cost share portion upon completion, estimated to be by the end of first quarter 2005.	215,047	186,997	28,050	28,050
Waterline Projects as Needed	This will provide funding for relatively small projects and improvements that will be identified on an as needed basis. Projects that will be selected are those that exceed the in-house staff's ability to repair, but meet an immediate need based on the frequency of leaks, looping requirements, and relatively small location work requiring contractor capabilities. Once defined, each project will be submitted to the Mayor for approval.	Staff is waiting on identification of projects from the Water & Sewer Division. Staff is waiting on identification of projects from the Water & Sewer Division.	143,000	500	142,500	142,500

Project Accounting Summary - 2004 Re-budgeted Projects

Project Title	Project Description	Current Status/Completion Date	2004 Budget	2004 Obligated	Remaining	2004 Re-Budgeted
Water System Master Plan Study	Update of the City's Master Water Study Plan and computer model by McGoodwin, Williams & Yates.	The update and expansion of the computer model is complete. City staff is currently reviewing the draft final report. The update and expansion of the computer model is complete. City staff is currently reviewing the draft final report. Study should be complete by the second quarter of 2005.	114,849	95,702	19,147	19,147
Waterline Replacement - Accelerated	For the accelerated replacement of leaking water mains.	Task 1 includes lines along Mashburn, Blair, Lytton, Huntsville, Baxter, Cleburn, Fritz, Prospect, and Rush streets and construction is complete. Task 2 includes the lines on South College and Lewis Avenue and is currently under construction. Task 1 has been completed. Task 2, which includes the lines on South College and Lewis Avenue, is currently under construction and should be complete by the end of the first quarter of 2005.	1,157,562	1,091,658	65,904	65,904
Water & Sewer Services Improvements						
Backflow Prevention Assemblies	This project is for installation or replacement of backflow prevention assemblies on City facilities to meet a backflow prevention mandate order by the Arkansas Department of Health.	Staff has finished installing these assemblies at facilities where they are needed. The annual inspection, testing, and maintenance of all backflow preventers currently installed at City facilities has begun and will continue throughout the remainder of the year. This project is on going.	19,676	9,641	10,035	10,035
Business Office Improvements	This project involves upgrades to the Business Office to improve customer service.	No significant activity occurred during the fourth quarter of 2004. If approval is given for relocation of the Call Center to the former breakroom in 2005 this money will be used for that improvement and furnishings. It is anticipated that this project will be completed in 2005	49,261	-	49,261	49,261
Operations Center Furnishings	This project is to purchase equipment and furnishings for the new Water & Sewer Operations Center building.	Currently, personnel in the Meter Operations Division are working on equipment specifications, layouts, and costs so that the equipment can be purchased, received, and installed by the time the new center is completed. The process of obtaining equipment specs, designing equipment layouts, and calculating equipment cost started in August of 2004. The process of purchasing, receiving, and installing this equipment should be completed in early 2005. $109,306 in remaining funding has been added to this project from the Garland Avenue - Water/Sewer Relocations capital project.	85,000	6,317	78,683	240,000
Water & Sewer Rate/Operations Study	A rate study is needed to comply with Federal EPA standards due to the City's participation in the SWCC Revolving Loan Program for financing the Wastewater System Improvements Project.	The new water and sewer rates are in effect and the OM&R notification has been published. The remaining moneys encumbered are for continuing services that may be needed as the City continues discussions with outside city customer groups and/or SWCC. During the quarter, the City utilized Black & Veatch to respond to rate methodology questions from Elkins. The Water & Sewer Rate Study has been completed, presented to the City Council along with several customer groups and new rates have been implemented.	27,535	24,966	2,569	2,569
Water Meters	Automation of meter reading is driven by the need for increased efficiency in managing a large number of accounts with a minimum of administrative costs. The meter replacement program also enhances revenues by minimizing unaccounted for (unbilled) water amounts.	The electronic read system in-field testing is complete, all hardware/software coordination issues have been resolved, and full-scale application has been implemented. This is an on going project. This is an on going project. Full scale application has been implemented.	392,320	323,753	68,567	68,566
			179,343,287	44,566,847	134,776,433	130,334,454

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

3/1/2005
City Council Meeting Date

Kevin Springer KS	Budget & Research	Finance & Internal Services
Submitted By	Division	Department

Action Required:

City Council is requested to approve a budget adjustment which will allow for the rebudget of all projects appropriated in the 2004 Budget. The items which are approved will become part of the 2005 budget.

See Attached	See Attached	See Attached
Cost of this request	Category/Project Budget (2005)	Program Category / Project Name
See Attached	See Attached	See Attached
Account Number	Funds Used to Date	Program / Project Category Name
See Attached	See Attached	See Attached
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☒

Department Director
Date 2-11-05

City Attorney
Date 2/16/05

Mayor
Date

Previous Ordinance or Resolution # ____

Original Contract Date: ____

Original Contract Number: ____

Received in City Clerk's Office
ENTERED

Received in Mayor's Office

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: **February 10, 2005**

Subject: **Execution of Release and Waiver to Ford Motor Co.**

RECOMMENDATION: That City Council approve the execution of a General Release and Waiver form as prescribed by Ford Motor Co. as a condition of acceptance of orders for 2005 Crown Victoria Police Interceptors.

BACKGROUND: On January 18, 2005, the City Council approved the purchase of thirteen Ford Crown Victoria Police Interceptors from North Point Ford. Due to an investigation initiated by the Arkansas Attorney General, Ford has suspended order acceptance or delivery of these vehicles until the investigation issue is resolved or until the ordering agency agrees to a waiver in a form provided by Ford, of "all claims arising from Ford Motor Company's advertising of the 2005 Model Year Crown Victoria Police Interceptor ..."

Contact with Jim Depriest of the office of the Attorney General indicates:

- There is little chance of resolution in time to receive vehicles in the 2005 model year.
- Investigation is not a result of any complaint or request from an Arkansas law enforcement agency or fleet.

Due to changes in fleet management practices involving extended life of Police vehicles and consequent skipping of CVPI order in the 2004 model year, it is imperative that 2005 model vehicles be ordered and received as scheduled and approved by the Council. Waiting for resolution of this investigation will cause a shortage of serviceable Police vehicles to sustain current service levels and substantially delay implementation of planned service expansions.

Fleet and Police staff are unaware of any complaints or allegations from the law enforcement fleet community regarding Ford's delivery of product that does not satisfy the expectations of the enforcement agency or its fleet managers. Posting on a national e-mail bulletin board for public fleet managers has revealed no concern or affirmation of issues under investigation. The City of Fayetteville has run Ford police cars exclusively for years and is well satisfied with the product. The other certified pursuit sedan, the Chevrolet Impala, does not have sufficient interior space to equip and operate in the manner that FPD currently operates its patrol units.

The Equipment Committee on January 31, recommended execution of the waiver provided that there is no waiver of future warranty or product liability claims. The City Attorney has reviewed the waiver and his comments are attached.

RESOLUTION NO. ______

A RESOLUTION TO APPROVE THE GENERAL RELEASE AND WAIVER FROM FORD MOTOR COMPANY AND TO AUTHORIZE THE MAYOR TO SIGN THE GENERAL RELEASE AND WAIVER

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 General Release and Waiver from Ford Motor Company (attached as Exhibit "A") and authorizes the Mayor to sign the General Release and Waiver.

PASSED and **APPROVED** this 1st day of March, 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

GENERAL RELEASE AND WAIVER

For good and valuable consideration, the receipt of which is hereby acknowledged, _____ (insert name of law enforcement entity) on behalf of itself and on behalf of its past, present or future beneficiaries, employees, agents, partners, administrators, executors, assigns ("the Releasing Parties"), hereby releases and forever waives all claims arising from Ford Motor Company's (i) advertising of the 2005 Model Year Crown Victoria Police Interceptor and (ii) sale to the Releasing Parties of the 2005 Model Year Crown Victoria Police Interceptor – as well as any of Ford's past, present and future parent and subsidiary corporations, divisions, affiliates, partners, dealers, joint venturers, stockholders, predecessors, successors, assigns, officers, directors, employees, agents, representatives, administrators, trustees, fiduciaries and any other person, firm, entity, association, or corporation with whom they may now or hereafter be affiliated – and each of them (collectively, the "the Released Parties"), from any and all claims, demands, obligations, losses, elements of damage, causes of action, costs, expenses, attorneys' fees, liabilities, restitution, and indemnities of any nature whatsoever, whether based on contract, tort, statute, or other legal or equitable theory of recovery, whether known or unknown, which as of the date of this Agreement ____________ (insert date of agreement) formerly had, now has, or claims to have against the Released Parties, arising out of or in any way connected with the advertising or sale of the 2005 Model Crown Victoria Police Interceptors. This release and waiver does not and is not intended to limit warranty coverage or to waive any product liability claims unrelated to false advertising.

On behalf of the Releasing Parties, _________(insert name of signatory) expressly waives any right or claim of right to assert hereafter that any claim, demand, obligation, and/or cause of action has, through ignorance, oversight, or error, been omitted from the terms of this Agreement, and further expressly waives any right or claim of right that he may have under the law of any jurisdiction that provides that releases such as this Agreement do not apply to unknown or unstated claims. It is the express intent of __________ (insert name of signatory), on behalf of the Releasing Parties, to waive any and all claims described in this Agreement, including any that presently are unknown, unsuspected, unanticipated or undisclosed.

_____________ (insert name of signatory), on behalf of the Releasing Parties, acknowledges that there is a risk that, subsequent to the execution of this Agreement, it or another Releasing Party may incur damage or loss that one or more of the Releasing Parties deems in some way attributable to the Released Parties' conduct relating to the advertising or sale of 2005 Model Crown Victoria Police Interceptors, but that is unknown and unanticipated at the time this Agreement is executed. On behalf of the Releasing Parties, __________ (insert name of signatory) acknowledges and assumes such risk that damages presently known may become more progressive, greater or more serious than is now known, expected or anticipated.

____
Print name and title of Authorized Signatory

____
Signature and title of Authorized Signatory

____
Date

Fayetteville
ARKANSAS

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

Interdepartmental Correspondence

TO: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT

DATE: JANUARY 26, 2005

SUBJECT: WAIVER FOR PURCHASE OF FORD POLICE INTERCEPTORS

Attached is letter and copy of waiver form from North Point Ford explaining Ford's position on acceptance of orders for police interceptors.

As discussed in this morning's staff meeting, the best case scenario if the AG concludes his investigation and finds no fault with Ford, we could expect delivery of 2006 production vehicles sometime in September. We will be hard pressed to keep the present fleet numbers on the street until that time. Without replacements, at best we will spend money to make repairs that are not economically justifiable. Implementation of 2005 program expansions will be delayed until receipt of new order vehicles.

I do not know the specifics of the AG's investigation, however, I am unaware of any complaints or allegations from the law enforcement fleet community regarding Ford's delivery of product that does not satisfy the expectations of the enforcement agency or its fleet managers. The City of Fayetteville has run Ford police cars exclusively for years and is well satisfied with the product. The other certified pursuit sedan, the Chevrolet Impala, does not have sufficient interior space to equip and operate in the manner that FPD currently operates its patrol units.

According to the stated intent of the attached waiver, I request that City officials provide the requested waiver to Ford in order to receive our approved order as soon as possible. I do have an Adobe copy of the waiver if it will facilitate preparation of the waiver document.

APPROVED –
EQUIPMENT COMMITTEE
1/31/05

NORTH POINT
FORD | LINCOLN-MERCURY
Simply The Best

January 26, 2005

Mr. David R. Bragg
City of Fayetteville
1525 S. Happy Hollow Road
Fayetteville, AR 72701 FAX 479-444-3425

Dear Mr. Bragg:

I want to take this time to thank the City of Fayetteville for the order of thirteen 2005 Ford Crown Victoria Police Interceptors. I also need to inform you and the City of Fayetteville of the decision made by Ford Motor Company in light of the ongoing investigation of the 1994 – 2004 CVPI by the Arkansas Attorney General. This decision is to allow the sale of 2005 Crown Victoria Police Interceptors to Arkansas Municipalities provided they agree to sign a Ford Motor Company issued waiver. This waiver has been set in place to protect Ford Motor Company against the possibility of another costly accusation for the 2005 model CVPI. **This waiver does not and is not intended to limit warranty coverage or to waive any product liability claims unrelated to false advertising. So the bottom line is that the City, its law enforcement officers and their families are protected.** Please sign and return this waiver to allow me to release your order.

Sincerely,

Jerry Smith
Fleet Mgr
North Point Ford

4400 Landers Road • P.O. Box 16090 • North Little Rock, AR 72231 • (501) 945-1200
www.northpointcars.com

Tony Gratson
Government Sales Manager
North American Fleet, Lease & Remarketing Operations

16800 Executive Plaza Drive
Regent Court Bldg. MD 6NE-2A
Dearborn, MI 48126

January 4, 2005

To: All Ford Dealers in the State of Arkansas

Subject: Update - Crown Victoria Police Interceptor Investigation by the Arkansas Attorney General

Purpose

The purpose of this letter is to both update you regarding the status of the Attorney General's Police Interceptor investigation, and provide you with a waiver form that will enable Ford to resume sales of Police Interceptors to interested law enforcement agencies.

Status--Hoist Review

A hoist review of a Police Interceptor and civilian Crown Victoria, with representatives from the Attorney General's office, was conducted on December 22, 2004 in Little Rock. Ford believes that Company engineers clearly established the physical and engineering attributes of the Police Interceptor that form the basis of the "heavy duty" advertising claims. While Ford had hoped that the hoist review would lead to a rapid conclusion of the investigation, the Attorney General has instead indicated that Ford must provide voluminous written documents before the investigation will conclude. The identification, collection and production of the requested documents will take hundreds of person-hours, and then the Attorney General's office will then take weeks to review them. Consequently, we believe that the investigation will continue for at least two months.

Resume Sales--Waiver

Ford and its dealers have been contacted by dozens of law enforcement agencies that have indicated that they do not support or wish to be aligned with the Attorney General's investigation, and instead wish to continue to purchase Police Interceptors. The attached waiver is provided in recognition of this position, and is intended to enable any law enforcement department in Arkansas to determine its own policy with regard to litigation with Ford. If your law enforcement customer indicates an interest in purchasing Police Interceptors, then you should take the below steps:

- Provide the attached waiver to the law enforcement customer
- Fax the completed waiver, along with the account name and FIN code, to Ford's Patrick McGrath at the Fleet Customer Information Center (FCIC) at 1-866-823-5508
- Once Ford receives the waiver, Ford will re-activate the FIN code so dealerships can accept CVPI orders

The contact for the State of Arkansas Attorney General:

The Arkansas consumer hotline for complaints and inquiries is 800-482-8982.

If you have any questions for Ford Fleet Sales

Please contact the Fleet Customer Information Center at 1-800-34-FLEET, Option #2.

Sincerely,

Tony Gratson

ARKANSAS

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

Interdepartmental Correspondence

TO: KIT WILLIAMS, CITY ATTORNEY
VIA: GARY DUMAS, DIRECTOR OF OPERATIONS
FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT
DATE: FEBRUARY 1, 2005
SUBJECT: WAIVER FOR PURCHASE OF FORD POLICE INTERCEPTORS

At the regular meeting of the Equipment Committee, January 31, 2005, the committee voted unanimously to recommend providing the attached waiver form to Ford Motor Company to expedite release of our previously approved order for thirteen Crown Victoria Police Interceptors, provided that the release language does not waive product liability rights as is stated by Ford in letter communication accompanying the release form.

The attached documents provided to the committee explain the pressing need to achieve the timely delivery of these vehicles and Ford's position on this matter.

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **David Bragg**, Fleet Operations Superintendent
Gary Dumas, Director of Operations
Dan Coody, Mayor
City Council

FROM: **Kit Williams**, City Attorney

DATE: **February 8, 2005**

RE: **Ford's Waiver request**

Thank you for your memo with a copy of the General Release and Waiver proposed by Ford Motor Company. I believe that it is legally permissible for the City to waive and release its rights to a vendor.

I do not recommend undercutting Arkansas Attorney General Mike Beebe who is investigating whether Ford may have falsely advertised or represented the capabilities of their Crown Victoria Police Interceptor. It is certainly unusual for a person, business or city to have to agree to waive and release false advertising claims before being allowed to purchase a product. If no false advertising has occurred, why is such a waiver being required by Ford?

The document we are being required to sign in order to obtain 2005 models is entitled **"General Release and Waiver"**. It is drafted by Ford and is two pages of a very broad ("General") waiver and release of the City of Fayetteville's rights versus Ford Motor Company.

Fayetteville "hereby releases and forever waives **all claims** arising from Ford Motor Company's (i) **advertising** of the 2005 Model Year Crown

Victoria Police Interceptor and (ii) **sale** (to Fayetteville) of the 2005 Model Year Crown Victoria Police Interceptor …." (emphasis added)

This "General Release and Waiver" forever waives and releases any present or future claims "**of any nature whatsoever** … arising out of or in any way connected with the **advertising or sale** of the 2005 Model Year Crown Victoria Police Interceptors." (emphasis added) This sounds like an all encompassing general release and waiver of all of our rights to make any claim against Ford.

This general release and waiver language is somewhat modified by the following language: "This release and waiver does not and is not intended to limit warranty coverage or to waive any product liability claims unrelated to false advertising." This seems to conflict with the earlier general release language waiving any claims arising not only from false advertising, but also from the "**sale**" of the vehicle.

As Ford drafted this "General Release and Waiver", uncertainty and ambiguity in its choice of language should be construed against Ford, but exactly how a Court would interpret this "general" release is not certain. If it was meant to be a "**Limited** Release and Waiver" so that Fayetteville would only be waiving claims related to false advertising (such as fraud) as stated in Ford's letter to Mr. Bragg, why is it entitled a "**General** Release and Waiver"? Why are all claims related not only to false advertising, but also to the **sale** of the cars waived?

I cannot answer those questions. It is up to the City Council and Administration to determine if it is in our citizens' best interests to sign this General Release and Waiver. I repeat that I do not know of any legal impediment to the City Council's decision to waive and release possible claims against the car seller. I would imagine every business dealing with us would like us to waive and release any claims "of any nature whatsoever" against them, or even just potential false advertising (misrepresentation, fraud, etc.) claims.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

David Bragg	Fleet Operations	Operations
Submitted By	Division	Department

Action Required:

Action Required: Approval of the execution of a General Release and Waiver form as prescribed by Ford Motor Company as a condition of acceptance of orders for 2005 Crown Victoria Police Interceptors.

$0.00		
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 N/A

Budget Adjustment Attached ☐

Department Director — Date: 2-10-05

For City Council Approval
City Attorney — Date: 2/11/05

Mayor — Date: 2/14/05

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office

ENTERED 2/10/05

Received in Mayor's Office
2/11/05 P.H.

Comments:

City Council Agenda Item

To:	Mayor and City Council
Thru:	Gary Dumas, Director of Operations
From:	Brian Pugh, Waste Reduction Coordinator
Date:	February 9, 2005
Subject:	A resolution approving the purchase of a compost/mulch bagger and plastic bags by the Solid Waste & Recycling Division from Rotochopper, Inc. in the amount of $39,971.00 and approval of a budget adjustment to rebudget funds.

Recommendation: Approve bid 05-04 from Rotochopper, Inc. in the amount of $33,336.00 along with the purchase of 2 cu. ft. plastic bags in the amount of $6,636.00.

Background: City Council approved Resolution 142-04 in September 2004 for the Solid Waste and Recycling Division to accept a grant from the Arkansas Department of Environmental Quality (A.D.E.Q.) through the Tri-County Solid Waste District for $40,000 for the purchase of a compost/mulch bagger for bagging materials at the City composting facility. The City solicited bid 05-04 and received two bids. The bids received were from Rotochopper, Inc. in the amount of $33,336.00 and Morbark, Inc. in the amount of $28,286.00

Discussion: The bid from Morbark, Inc. did not meet all specifications of the bid and was not considered. Staff presented the recommendation to purchase the bagger from Rotochopper, Inc. to the Equipment Committee on January 31, 2005. The committee unanimously approved the purchase request. Along with the purchase of the bagger, staff has requested from Tri-County Solid Waste District that the remainder of funds from the grant be used to purchase 2 cu. ft. bags to begin the bagging program. Tri-County Solid Waste District approved the request to use the excess funds for the bags.

Included in the terms of the grant is for the City of Fayetteville to share the use of the bagger with the City of Bentonville. A shared use agreement was drafted and signed by Mayors of both cities. A copy of the agreement is included with this request. The City of Bentonville will pay half the cost of maintaining the bagger and will receive use of the machine for half the year.

Budget Impact: This request has no impact on fund balance. The funds for this project will come from a grant from the Arkansas Department of Environmental Quality through the Tri-County Solid Waste District.

RESOLUTION NO. ______

A RESOLUTION APPROVING THE PURCHASE OF ONE (1) GO-BAGGER 250 PORTABLE AUTOMATIC BAG FILLER AND BAGS FROM ROTOCHOPPER. INC. IN THE AMOUNT OF $39,971.00 FOR USE BY THE SOLID WASTE & RECYCLING DIVISION; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF $48,000.00.

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 the purchase of one (1) Go-Bagger 250 Portable Automatic Bag Filler and bags from Rotochopper. Inc. in the amount of $39,971.00 for use by the Solid Waste & Recycling Division.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment in the amount of $48,000.00.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ________________________
DAN COODY, Mayor

ATTEST:

By: ________________________
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year	Department: Operations Division: Solid Waste & Recycling Program: Recycling	Date Requested	Adjustment Number
2005		12/31/2004	

Project or Item Requested:

$40,000 is requested for a compost/mulch bagger and $8,000 for storage trailers for plastic commodity bales.

Project or Item Deleted:

None.

Justification of this Increase:

To enhance the compost program and provide better service and products to the citizenry.

Justification of this Decrease:

Two grants were received from the Arkansas Department of Environmental Quality in the amount of $48,000.

This award was originally approved by City Council in November 2004. The funds are being rebudgeted with this request.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	5500	5070	5801	00	40,000	04052	1
Minor equipment	5500	5070	5210	00	8,000	04052	1

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	5500	0950	4302	00	48,000	04052	1

Approval Signatures

John Nelson 2/8/2005
Requested By Date

Budget Manager Date

2/10.05
Department Director Date

2-13-05
Finance & Internal Services Director Date

Mayor Date

Budget Office Use Only

Type: A B C [✓ D] E

Date of Approval Initial Date

Posted to General Ledger Initial Date

Posted to Project Accounting Initial Date

Entered in Category Log Initial Date

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS
City Clerk Division

RECEIVED
NOV 17 2004
CITY OF FAYETTEVILLE
MAYOR'S OFFICE

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: 718-7695
city_clerk@ci.fayetteville.ar.us

DEPARTMENTAL CORRESPONDENCE

To: Gary Dumas
Operations Director

From: Clarice Buffalohead-Pearman
City Clerk Division

Date: November 16, 2004

Re: **Resolution No. 142-04**

The City Council passed the above resolution September 21, 2004, authorizing the acceptance of two grants from A.D.E.Q. through the Tri-County Solid Waste District and approval of a budget adjustment. I have attached a copy of the resolution and budget adjustment accepting said funds.

The resolution will be recorded in the city clerk's office and microfilmed. If anything else is needed please let the clerk's office know.

/cbp

attachments

cc: Nancy Smith, Internal Auditor
Barbara Fell, Budget & Research

RESOLUTION NO. 142-04

A RESOLUTION AUTHORIZING THE FAYETTEVILLE SOLID WASTE AND RECYCLING DIVISION TO ACCEPT TWO (2) GRANTS IN THE AMOUNT OF $48,000,00 FROM THE ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) THROUGH THE TRI-COUNTY SOLID WASTE DISTRICT FOR THE PURCHASE OF A COMPOST/MULCH BAGGER AND STORAGE TRAILERS FOR PLASTIC COMMODITY BALES; AND APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Solid Waste and Recycling Division to accept two (2) grants in the amount of $48,000,00 from the Arkansas Department of Environmental Quality (ADEQ) through the Tri-County Solid Waste District for the purchase of a compost/mulch bagger and storage trailers for plastic commodity bales.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment to recognize the grant revenue.

PASSED and APPROVED this 21st day of September 2004.

APPROVED:

By: Dan Coody
DAN COODY, Mayor

ATTEST:

By: Sondra Smith
SONDRA SMITH, City Clerk

City of Fayetteville, Arkansas
Budget Adjustment Form

Budget Year		Date Requested	Adjustment Number
2004	Department: Operations Division: Solid Waste & Recycling Program: Composting	9/2/2004	

Project or Item Requested:

$40,000 is requested for a compost/mulch bagger and $8,000 for storage trailers for plastic commodity bales.

Project or Item Deleted:

None.

Justification of this Increase:

To enhance the compost program and provide better service and products to the citizenry.

Justification of this Decrease:

Two grants were received from the Arkansas Department of Environmental Quality in the amount of $48,000.

Increase Budget (Decrease Revenue)

Account Name	Account Number				Amount	Project Number	
Fixed assets	5500	5070	5801	00	40,000		
Minor equipment	5500	5070	5210	00	8,000		

Decrease Budget (Increase Revenue)

Account Name	Account Number				Amount	Project Number	
State grants	5500	0950	4302	00	48,000		

Approval Signatures

Requested By — Date

Budget Manager — Date

Department Director — Date

9-2-04

Finance & Internal Services Director — Date

Dan Coody 11/02/04

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval — Initial — Date

Posted to General Ledger — Initial — Date

Posted to Project Accounting — Initial — Date

Entered in Category Log — Initial — Date

Bagger Shared Use Agreement

The City of Fayetteville, Arkansas has applied for a grant through the Tri-County Solid Waste District to purchase bagging equipment for use in bagging compost and mulch products from the city composting operations. The use of this bagger will be shared with the City of Bentonville. In order to set forth their mutual agreements on the use and maintenance of the bagger, they have entered into this Shared Use Agreement.

1. The City of Fayetteville will hold title to the bagger and will be responsible for scheduling use of the machine, collecting and holding use fees as set out below, and arranging for repair and maintenance of the machine.
2. The City of Bentonville shall be entitled to have the machine for six (6) months every year for routine use.
3. The City of Bentonville shall pay a use fee of $3,228 per year for use of the machine. These funds shall be paid by December 31st of every year to the City of Fayetteville. The City of Fayetteville shall keep these funds for exclusive use towards the repair, maintenance and replenishment of the bagger.
4. The City of Bentonville shall be responsible for the fuel needed to run the machine during their use.
5. The City of Bentonville agrees that in the event that repairs exceed the funds available in the bagger fund, they will come to a mutual agreement to contribute the additional funds needed to make the repairs.
6. All service and repair will be performed by Fayetteville Fleet Operations. Bentonville Fleet Operations may perform minor corrective repair with prior approval of Fayetteville Fleet Operations.
7. Any repairs required due to improper use or abuse of machine would be direct billed to the using department.
8. The terms of this agreement may be modified by the mutual agreement of the parties to effectuate revised allocations of use and payment.

9. The bagging equipment may not be sold, traded or modified without the express consent of the Tri-County Solid Waste District and the Arkansas Department of Environmental Quality.

Dan Coody
City of Fayetteville

10/29/04
Date

Terry Coberly - Mayor
City of Bentonville

10-7-04
Date

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**

Approved unanimously at committee meeting 1-31-05. BP

FROM: **Brian Pugh, Waste Reduction Coordinator**

DATE: **January 18, 2005**

SUBJECT: **Award of Compost / Mulch Bagger Bid**

Bid #05-04 was opened on January 12, 2005 for one Compost / Mulch Bagger for use by Solid Waste and Recycling Division. Two bids were received:

Morbark, Inc	Winn, MI	Multibagger	$26,295.00
Rotochopper	St. Martin, MN	Go-Bagger 250	$33,335.00

The bid from Rotochopper of St. Martin, MN met all specifications.

I recommend acceptance of the bid from Rotochopper in the amount of $33,335.00.

The Morbark lower bid was deficient as follows:

		Specified	Morbark
3.2, a.	Hopper capacity	2.5	2 (with spill shield 2.5)
3.2, b.	Hopper width	9'6"	8'(with spill shield 9'6")
3.2, c.	Hopper discharge conveyor belt	yes	no conveyor belt
3.3, a.	13000 Watt generator	yes	no generator
3.3, b	110 & 220 volt single phase	yes	no generator
3.3, c	Air compressor	yes	no compressor
3.3, d	3 HP electric motor	yes	no motor
3.4, a	Air operated bagging head	yes	no bagging head
3.4, c	Air timer for timed bag fills	yes	no timer
3.4, d	Electric bag sealer	yes	yes but need ext. cord

This is a grant award from the Arkansas Department of Environmental Quality and passed through the Tri-County solid Waste District. This equipment will be shared with the Bentonville Compost facility to bag their compost also.

Funds for this purchase will be passed through 2005 State Grants 5500.0950.4302.00.

Cc:
Gary Dumas

ROTOCHOPPER Inc.
Made in The USA

QUOTATION
10994
09/07/04

Rotochopper Inc.
Box 295; St. Martin, MN 56376
(320) 548-3586, Fax (320) 548-3372
Sales Office, Coon Valley, WI
(608) 452-3651, Fax (608) 452-3031

For: Brian Pugh
City of Fayetteville
1560 Happy Hollow Road
Fayetteville AR 72701
Phone 479-718-7685
Fax 479-444-3478

Sales Rep: Murray McIntyre
Est. Shipping Date: 30 days
Terms: Purchase order - net 30 days

Go-Bagger 250 (Mobile) - Portable Automatic Bag Filler

- 20 HP Honda 13,000 Watt gas powered NorthStar generator & 2 HP Dewalt air compressor package
- 2.5 cubic yard hopper with removable side panel
- 16" V-cleat feed conveyor belt
- Hopper agitator
- 24" impulse plastic bag sealer with foot pedal control
- 16" Easy Glide gravity bag conveyor
- 3,500 lb TorFlex axle with DOT Lighting
- 2 5/16 adjustable ball coupler or pintle hitch
- 24" air operated bagging head with foot pedal control
- 3HP electric motor drive with air clutch
- Attached retractable bag tray with cup holders
- Electronic scale, 150 lb / 60 kg capacity, .2 lb / .1 kg increments

Sub Total	$32,195.00
Delivery: St. Martin, MN to Fayetteville, AR 760 miles@$1.50 / mile	$1,140.00
80 boxes of bags @ 300 bags / box	$6,636.00
TOTAL	**$39,971.00**

- This quotation is valid for 30 days. State and local taxes are the responsibility of the buyer.
- Burlap / Paper bag sewer available - ask for current pricing
- Quoted By: Murray McIntyre Accepted By:________________ Date:________

ROTOCHOPPER Inc.
Made In The USA

Rotochopper, Inc.
P.O. Box 295
217 West Street
St. Martin, MN 56376
Phone: (320) 548-3586 Fax: (320) 548-3372
Sales Office
Murray McIntyre
P.O. Box 309
Burns Flat, OK 736240309
Phone: 8005546294 Fax: 5805624628

DATE: 02/02/2005 Page 1 of 1

ATTENTION: Brian Pugh

COMPANY NAME: City of Fayetteville

FAX NUMBER: 479-444-3478

FROM: Murray McIntyre

MESSAGE:

Dear Brian:

I simply added bags to the end of your original quote from September. It was for $33,335.00 that your bid was based upon.

In an attempt to make everything come out right, We will be shipping eighty boxes of bags. This will be an even 24,000, which will figure out slightly less than $.28 / bag.

Thanks for you business, and Preston and I will see you next week.

Sincerely yours,
Murray McIntyre
Murray McIntyre
Regional Sales Manager
Rotochopper, Inc.

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Brian Pugh	Solid Waste & Recycling	Operations
Submitted By	Division	Department

Action Required:

A resolution approving the purchase of a Go-Bagger 250 Portable Automatic Bag Filler and bags by the Solid Waste & Recycling Division from Rotochopper, Inc. in the amount of $39,971.00 and approval of a budget adjustment to rebudget funds.

$ 39,971.00	$ 48,000.00	Composter/Mulcher ADEQ Grant
Cost of this request	Category/Project Budget	Program Category / Project Name
5500.5070.5801.00	$ -	Composting
Account Number	Funds Used to Date	Program / Project Category Name
04052-1	$ 48,000.00	Solid Waste
Project Number	Remaining Balance	Fund Name

Budgeted Item ☐ Budget Adjustment Attached ☒

Department Director 2-9-05 Date

Finance & Internal Services Director 2-13-05 Date

City Attorney 2/10/05 Date

Mayor 2/14/05 Date

Previous Ordinance or Resolution # ______

Original Contract Date: ______

Original Contract Number: ______

Received in City Clerk's Office
ENTERED 2/10/05

Received in Mayor's Office
2/10/05 P.A.

Comments:

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police

DATE: February 8, 2005

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Brinkley's Limo Service

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Brinkley's Limo Service.

Background:

The council recently passed a new ordinance governing taxi and limousine companies in Fayetteville. There have been meetings with city staff, the police department and the fleet division to determine the procedure that will be used to implement the new ordinance. All Certificates of Public Convenience and Necessity expired on December 31, 2004.

Discussion:

Attached are copies of Mr. Brinkley's application for his certificate, insurance policy and financial statement.

Mr. Brinkley is making this request for 4 Lincoln Limos and 1 Ford Excursion.

ENTERED
2/7/05

RESOLUTION NO. ______

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO BRINKLEY'S LIMO SERVICE FOR THE OPERATION OF FIVE (5) LIMOUSINES WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS

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 grants a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of Five (5) limousines within the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________________
DAN COODY, Mayor

ATTEST:

By: ______________________________
SONDRA SMITH, City Clerk

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

Thomas G. Brinkley 5576 E.Robinson Springdale AR 72764 (479) 756-9046
Applicant Name **Address** **Phone Number**

Brinkley's Limo Service (479) 751-6929
Name of Business **Phone Number**

1128 W. Sunset Ave, Springdale, AR, 72764
Business Location

Same
Mailing Address

Sole Proprietor
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

Thomas G. Brinkley 5576 E.Robinson Springdale AR 72764

Name of person to whom complaints should be directed:

Thomas G. Brinkley

Financial status of applicant (Attach financial statement or profit and loss statement)

Attached

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

None

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

8 years as owner and operator of Limousine Business

Give any facts you believe tend to prove the necessity of granting a certificate:

City Ordinance 4661 Requires this For Limousines to load any passengers in Fayetteville. I transport people from sorrounding Area to the Bar's in Fayetteville & I need to provide them with Return transportation.

List the number of vehicles that will be under your operation or control: 10

Minimum and Maximum number of vehicles to be permitted: 2 **Minimum** 5 **Maximum**

List the location of proposed depots and terminals:

1128 W. Sunset Ave. Springdale AR 72764

Describe the color scheme or insignia to be used to designate your vehicle:

"Brinkley's Limo Service" on Rear Bumper

List your days and hours of operation:

Every day, 24 Hours As Reqaested by Customers

List any days you do not propose to provide taxicab service to the general public:

No Taxicab Service

List your proposed passenger rate schedule:

Hourly Rates Vari Per ~~Each~~ Vehicle. $\$65^{00}$ to $\$100^{00}$ Per hour

Police Department Representative

2/5/05
Date

SCHEDULE C
(Form 1040)

Department of the Treasury
Internal Revenue Service (99)

Profit or Loss From Business

(Sole Proprietorship)

▶ **Partnerships, joint ventures, etc., must file Form 1065 or Form 1065-B.**
▶ **Attach to Form 1040 or Form 1041.** ▶ **See Instructions for Schedule C (Form 1040).**

OMB No. 1545-0074
2003
Attachment Sequence No. **09**

Name of proprietor: THOMAS G BRINKLEY
Social security number (SSN): 553-72-6096

A Principal business or profession, including product or service (see page C-2 of the instructions): LIMO SERVICE
B Enter code from pages C-7, 8 & 9 ▶ 485300

C Business name. If no separate business name, leave blank.: BRINKLEY LIMOUSINE SERVICE
D Employer ID number (EIN), if any:

E Business address (including suite or room no.) ▶ 120 D NORTH THOMPSON
City, town or post office, state, and ZIP code: SPRINGDALE AR 72764

F Accounting method: (1) ☒ Cash (2) ☐ Accrual (3) ☐ Other (specify) ▶

G Did you "materially participate" in the operation of this business during 2003? If "No," see page C-3 for limit on losses . . . ☒ Yes ☐ No

H If you started or acquired this business during 2003, check here . . . ▶ ☐

Part I Income

1 Gross receipts or sales. **Caution.** If this income was reported to you on Form W-2 and the "Statutory employee" box on that form was checked, see page C-3 and check here . . . ▶ ☐	1	37,098
2 Returns and allowances	2	
3 Subtract line 2 from line 1	3	37,098
4 Cost of goods sold (from line 42 on page 2)	4	
5 **Gross profit.** Subtract line 4 from line 3	5	37,098
6 Other income, including Federal and state gasoline or fuel tax credit or refund (see page C-3)	6	
7 **Gross income.** Add lines 5 and 6 . . . ▶	7	37,098

Part II Expenses. Enter expenses for business use of your home **only** on line 30.

8 Advertising	8		**19** Pension and profit-sharing plans	19	
9 Car and truck expenses (see page C-3)	9		**20** Rent or lease (see page C-5):		
10 Commissions and fees	10		**a** Vehicles, machinery, and equipment	20a	
11 Contract labor (see page C-4)	11	2,488	**b** Other business property	20b	
12 Depletion	12		**21** Repairs and maintenance	21	444
13 Depreciation and section 179 expense deduction (not included in Part III) (see page C-4)	13	1,890	**22** Supplies (not included in Part III)	22	1,886
14 Employee benefit programs (other than on line 19)	14		**23** Taxes and licenses	23	419
15 Insurance (other than health)	15	1,955	**24** Travel, meals, and entertainment:		
16 Interest:			**a** Travel	24a	2
a Mortgage (paid to banks, etc.)	16a		**b** Meals and entertainment 10		
b Other	16b		**c** Enter nondeductible amount included on line 24b (see page C-5) 5		
17 Legal and professional services	17	84	**d** Subtract line 24c from line 24b	24d	5
18 Office expense	18	404	**25** Utilities	25	
			26 Wages (less employment credits)	26	
			27 Other expenses (from line 48 on page 2)	27	8,700

28 **Total expenses** before expenses for business use of home. Add lines 8 through 27 in columns . . . ▶	28	18,277
29 Tentative profit (loss). Subtract line 28 from line 7	29	18,821
30 Expenses for business use of your home. Attach **Form 8829**	30	
31 **Net profit or (loss).** Subtract line 30 from line 29. • If a profit, enter on **Form 1040, line 12,** and also on **Schedule SE, line 2** (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3. • If a loss, you **must** go to line 32.	31	18,821

32 If you have a loss, check the box that describes your investment in this activity (see page C-6).
• If you checked 32a, enter the loss on **Form 1040, line 12,** and also on **Schedule SE, line 2** (statutory employees, see page C-6). Estates and trusts, enter on Form 1041, line 3.
• If you checked 32b, you **must** attach **Form 6198.**

32a ☐ All investment is at risk.
32b ☐ Some investment is not at risk.

Schedule C (Form 1040) 2003 LIMO SERVICE 485300 Page 2

Name(s): THOMAS G BRINKLEY

SSN: 553-72-6096

Part III Cost of Goods Sold (see page C-6)

33 Method(s) used to value closing inventory: a ☐ Cost b ☐ Lower of cost or market c ☐ Other (attach explanation)

34 Was there any change in determining quantities, costs, or valuations between opening and closing inventory? If "Yes," attach explanation ☐ Yes ☐ No

35	Inventory at beginning of year. If different from last year's closing inventory, attach explanation	35	
36	Purchases less cost of items withdrawn for personal use	36	
37	Cost of labor. Do not include any amounts paid to yourself	37	
38	Materials and supplies	38	
39	Other costs	39	
40	Add lines 35 through 39	40	
41	Inventory at end of year	41	
42	**Cost of goods sold.** Subtract line 41 from line 40. Enter the result here and on page 1, line 4	42	

Part IV Information on Your Vehicle. Complete this part **only** if you are claiming car or truck expenses on line 9 and are not required to file Form 4562 for this business. See the instructions for line 13 on page C-4 to find out if you must file Form 4562.

43 When did you place your vehicle in service for business purposes? (year, month, day) ▶ ______

44 Of the total number of miles you drove your vehicle during 2003, enter the number of miles you used your vehicle for:

a Business ______ b Commuting ______ c Other ______

45 Do you (or your spouse) have another vehicle available for personal use? ☐ Yes ☐ No

46 Was your vehicle available for personal use during off-duty hours? ☐ Yes ☐ No

47 a Do you have evidence to support your deduction? ☐ Yes ☐ No

b If "Yes," is the evidence written? ☐ Yes ☐ No

Part V Other Expenses. List below business expenses not included on lines 8-26 or line 30.

LIMO EXPENSES	5,627
FABRIC CARE	11
TELEPHONE	277
CREDIT CARD FEES	927
DAMAGES (Wrecked Car 11-03 - Cost of Repair Pd Cash	50
MISC	1,698
TOWING	110
48 **Total other expenses.** Enter here and on page 1, line 27 — 48	8,700

ARKANSAS IDENTIFICATION CARD

National Liability & Fire Insurance Company
has issued Policy No.: 73 APN 303814 NAIC No.: 031-20052

Effective Date: 06/12/2004 12:01 AM
Expiration Date: 06/12/2005 12:01 AM

To: BRINKLEY ENTERPRISES, INC

Address: 1132 W SUNSET
SPRINGDALE, AR 72764

Year	Make	V.I. Number
2001	FORD EXURSION	1FMNL140L31EB8865

Agent Name:
M J Kelly Company of Arkansas
P.O. Box 25540
Little Rock, AR 72221-5440
Agent Phone No.: (501) 945-3159

Insured/Producer Copy - AR 2.4.6 07/09/2004 D

VERY IMPORTANT - Please Read

In the event of accident, be sure to secure license number of the other vehicle, also full names and addresses of all other persons in the accident.

Also, write down full names and addresses of all witnesses. Report at once full details of accidents to your insurance company's **Claims Department, 4016 Farnam Street, Omaha, Nebraska 68131 - Toll Free 1-800-356-5750.**

(This identification card should be kept in your vehicle)

M-5042a Arkansas (10/2003)

ARKANSAS IDENTIFICATION CARD

National Liability & Fire Insurance Company
has issued Policy No.: 73 APN 303814 NAIC No.: 031-20052

Effective Date: 06/12/2004 12:01 AM
Expiration Date: 06/12/2005 12:01 AM

To: BRINKLEY ENTERPRISES, INC

Address: 1132 W SUNSET
SPRINGDALE, AR 72764

Year	Make	V.I. Number
1995	LINCOLN LIMO	1LNLM81W2SY709497

Agent Name: M J Kelly Company of Arkansas
P.O. Box 25540
Little Rock, AR 72221-5440
Agent Phone No.: (501) 945-3159

Insured/Producer Copy - AR 2.4.6 07/09/2004 D

VERY IMPORTANT - Please Read

In the event of accident, be sure to secure license number of the other vehicle, also full names and addresses of all other persons in the accident.

Also, write down full names and addresses of all witnesses. Report at once full details of accidents to your insurance company's **Claims Department, 4016 Farnam Street, Omaha, Nebraska 68131 - Toll Free 1-800-356-5750.**

(This identification card should be kept in your vehicle)

M-5042a Arkansas (10/2003)

ARKANSAS IDENTIFICATION CARD

National Liability & Fire Insurance Company
has issued Policy No.: 73 APN 303814 NAIC No.: 031-20052

Effective Date: 06/12/2004 12:01 AM
Expiration Date: 06/12/2005 12:01 AM

To: BRINKLEY ENTERPRISES, INC

Address: 1132 W SUNSET
SPRINGDALE, AR 72764

Year	Make	V.I. Number
1998	LINCOLN LIMO	1L1FM81W2WY614023

Agent Name: M J Kelly Company of Arkansas
P.O. Box 25540
Little Rock, AR 72221-5440
Agent Phone No.: (501) 945-3159

Insured/Producer Copy - AR 2.4.6 07/09/2004 D

VERY IMPORTANT - Please Read

In the event of accident, be sure to secure license number of the other vehicle, also full names and addresses of all other persons in the accident.

Also, write down full names and addresses of all witnesses. Report at once full details of accidents to your insurance company's **Claims Department, 4016 Farnam Street, Omaha, Nebraska 68131 - Toll Free 1-800-356-5750.**

(This identification card should be kept in your vehicle)

M-5042a Arkansas (10/2003)

ARKANSAS IDENTIFICATION CARD

National Liability & Fire Insurance Company
has issued Policy No.: 73 APN 303814 NAIC No.: 031-20052

Effective Date: 06/12/2004 12:01 AM
Expiration Date: 06/12/2005 12:01 AM

To: BRINKLEY ENTERPRISES, INC

Address: 1132 W SUNSET
SPRINGDALE, AR 72764

Year	Make	V.I. Number
1996	LINCOLN LIMO	1LNLM81WXTY632461

Agent Name: M J Kelly Company of Arkansas
P.O. Box 25540
Little Rock, AR 72221-5440
Agent Phone No.: (501) 945-3159

Insured/Producer Copy - AR 2.4.6 07/09/2004 D

VERY IMPORTANT - Please Read

In the event of accident, be sure to secure license number of the other vehicle, also full names and addresses of all other persons in the accident.

Also, write down full names and addresses of all witnesses. Report at once full details of accidents to your insurance company's **Claims Department, 4016 Farnam Street, Omaha, Nebraska 68131 - Toll Free 1-800-356-5750.**

(This identification card should be kept in your vehicle)

M-5042a Arkansas (10/2003)

ARKANSAS IDENTIFICATION CARD

National Liability & Fire Insurance Company
has issued Policy No.: 73 APN 303814 NAIC No.: 031-20052

Effective Date: 06/12/2004 12:01 AM
Expiration Date: 06/12/2005 12:01 AM

To: BRINKLEY ENTERPRISES, INC

Address: 1132 W SUNSET
SPRINGDALE, AR 72764

Year	Make	V.I. Number
1994	LINCOLN LIMO	1LNLM81WXRY751748

Agent Name: M J Kelly Company of Arkansas
P.O. Box 25540
Little Rock, AR 72221-5440
Agent Phone No.: (501) 945-3159

Insured/Producer Copy - AR 2.4.6 07/09/2004 D

VERY IMPORTANT - Please Read

In the event of accident, be sure to secure license number of the other vehicle, also full names and addresses of all other persons in the accident.

Also, write down full names and addresses of all witnesses. Report at once full details of accidents to your insurance company's Claims Department, 4016 Farnam Street, Omaha, Nebraska 68131 - Toll Free 1-800-356-5750.

(This identification card should be kept in your vehicle)

M-5042a Arkansas (10/2003)

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Frank Johnson		Police
Submitted By	Division	Department

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Brinkley's Limo Service

N/A	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 2/8/05 Date

City Attorney 2/9/05

Finance and Internal Service Director 2-9-05 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 2/9/05 P.H.

Comments:

FAYETTEVILLE
THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Members of the City Council

FROM: Frank Johnson, Chief of Police

DATE: February 8, 2005

RE: Request for Public Hearing on a Certificate of Public Convenience and Necessity for Jones Transportation Service

Recommendation:

The council should schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Jones Transportation Service.

Background:

The council recently passed a new ordinance governing taxi and limousine companies in Fayetteville. There have been meetings with city staff, the police department and the fleet division to determine the procedure that will be used to implement the new ordinance. All Certificates of Public Convenience and Necessity expired on December 31, 2004.

Discussion:

Attached are copies of Mr. Jones' application for his certificate, insurance policy and financial statement.

Mr. Jones is making this request for 2 Lincoln Towncars and 2 busses.

ENTERED
2/9/05

RESOLUTION NO. _____

A RESOLUTION GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO JONES TRANSPORTATION SERVICE FOR THE OPERATION OF FOUR (4) LIMOUSINES WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS

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 grants a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of Four (4) limousines within the City of Fayetteville, Arkansas, in accordance with Chapter 117, Fayetteville Code of Ordinances.

PASSED and **APPROVED** this 1st day of March 2005.

APPROVED:

By: ______________________
DAN COODY, Mayor

ATTEST:

By: ______________________
SONDRA SMITH, City Clerk

Certificate of Public Convenience & Necessity Application/Renewal

As required to comply with Chapter 117 of the Fayetteville Code of Ordinances

David Jones — 1617 Ramsey — 479-443-6646
Applicant Name — **Address** — **Phone Number**

Jones Transportation Service — 479-435-1512
Name of Business — **Phone Number**

1617 Ramsey Fayetteville Ar. 72703
Business Location

Same
Mailing Address

Incorperated
Type of Business (Sole Proprietor, Corporation, LLC)

Name and address of all owners, officers and stockholders:

David Jones; President and General Manager; 1617 Ramsey
Harold Jones; C.E.O.; 366 Paradise Island Dr.
DeFuniak SPrings FL. 32433

Name of person to whom complaints should be directed:

David Jones

Financial status of applicant (Attach financial statement or profit and loss statement)

List any unpaid judgments against any of the owners, officers and stockholders and the nature or acts giving rise to said judgments:

- NONE -

Describe the experience of all owners, officers and stockholders in the transportation of passengers:

Owned and Operated Limousine Company for 13yrs. also Operated Trolly's for the City of Fayetteville, 3yrs.

Give any facts you believe tend to prove the necessity of granting a certificate:

Jones Transportation has been in this bussines for 13 yrs., We ARE Proffesonal, our cars are Clean and in great Shape.

List the number of vehicles that will be under your operation or control: 4

Minimum and Maximum number of vehicles to be permitted: 3 **Minimum** 5 **Maximum**

List the location of proposed depots and terminals:

1617 Ramsey & Southside Fina
2950 OlD Farmington Rd.

Describe the color scheme or insignia to be used to designate your vehicle:

2-Buses will have Name and Phone Number on Sides + Rear of Bus; Town Cars will have Tags on Front

List your days and hours of operation:

24 hrs. 7 Days a week 365 Days yr.

List any days you do not propose to provide taxicab service to the general public:

N/A

List your proposed passenger rate schedule:

Hourly Rate

Police Department Representative

Date

JONES TRANSPORTATION SERVICES, INC
Balance Sheet

December 31, 2003

Assets		
Assets		
CASH IN BANK	661.00	
Total Assets		661.00
Fixed Assets		
DEPRECIABLE ASSETS	111,406.00	
ACCUM DEPRECIATION	(103,606.00)	
Total Fixed Assets		7,800.00
Total Assets		8,461.00
Liabilities		
ACCOUNTS PAYABLE	0.00	
BOF-LOAN	13,600.00	
BOF-LOC	0.00	
STOCKHOLDER LOAN	70,696.89	
Total Liabilities		84,296.89
Capital		
CURRENT EARNINGS	(3,085.52)	
COMMON STOCK	300.00	
RETAINED EARNINGS	(73,050.37)	
Total Capital		(75,835.89)
Total Liabilities and Capital		8,461.00

03/20/01

JONES TRANSPORTATION SERVICES, INC
Income Statement
YTD Actual
12 Period(s) Ended December 31, 2003

Income	
UNC	0.26
BANK OF FAY	0.00
LOAN HWJ	0.00
LUNDSFORD RENT	1,388.59
OTHER INCOME	581.51
VAN BUREN LEASE PURCHASE	4,195.75
VAN BUREN RENT	450.20
INVOICES	135,717.69
LESS: REFUNDS	(186.88)
Total Income	142,147.12
Cost of Sales	
CONTRACT SERVICES	36,973.63
BUS RENTAL	11,218.00
CAR	10,814.30
BUS INSURANCE	350.00
LICENSE AND PERMITS	3,066.02
MEALS	260.62
MISC	2,990.24
MISC, BUS	70.02
PARTS	100.00
REPAIRS	13,030.51
TRAVEL	2,036.65
Total Cost of Sales	80,909.99
Gross Profit (Loss)	61,237.13
Expenses	
ADVERTISING	2,498.93
AUTO	19,898.38
BANK CHARGE	3,997.23
BONUS	900.00
ACCOUNTING	0.00
CELL PHONE	48.76
CLEAN UP	574.00
UNIFORMS	97.02
DUES AND SUBSCRIPTIONS	769.59
EMPLOYEE BENEFITS	439.24
EQUIPMENT	2,140.36
FEES AND CREDIT CARDS	818.15
REPAIR	1,588.36
HWJ	0.00
INSURANCE	2,978.92
LEGAL-PROF FEES	77.92
LOAN LUNSFORD	0.00

JONES TRANSPORTATION SERVICES, INC
Income Statement
YTD Actual
12 Period(s) Ended December 31, 2003

LOAN PMT	0.00
LOAN CC	0.00
LOAN FREEDOM	0.00
RENT RAMSEY	0.00
LOAN VAN BUREN	0.00
INSURANCE	738.50
REAL ESTATE TAXES	306.50
REPAIRS	274.84
OFFICE	2,533.82
OFFICE REPAIR	3,965.90
PENALTY	100.00
PERSONAL LOAN	0.00
POSTAGE	435.55
PURCHASE CAR	0.00
INSURANCE	571.50
RENT	241.00
SUBSCRIPTIONS	69.00
SUPPLIES	2,360.60
TAXES	0.00
UTILITIES	9,894.58
INSURANCE	653.00
DEPRECIATION	5,351.00
Total Expenses	64,322.65
Operating Income (Loss)	(3,085.52)
Other Income	
Other Expenses	
Net Income (Loss)	(3,085.52)

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID JONES-1 DATE (MM/DD/YY) 01/12/05

PRODUCER

Walker Bros. Insurance, Inc.
P.O. Box 7570
Springdale AR 72766-7570
Phone: 479-306-4077 Fax: 479-306-5110

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Jones Transportation Service, Inc.
1617 Ramsey
Fayetteville AR 72703

INSURERS AFFORDING COVERAGE		NAIC #
INSURER A:	Cincinnati Insurance Co.	10677
INSURER B:	National Indemnity	
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	ADD'L INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A		GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☐ ☐ GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☐ PRO-JECT ☐ LOC	BOP2080385	11/02/04	11/02/05	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1000000 $ 1000000 $ 5000 $ 2000000 $ 2000000 $ 1000000
B		AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☐ HIRED AUTOS ☐ NON-OWNED AUTOS ☐	73APN271590	06/22/04	06/22/05	COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ 100000 $ $ $
		GARAGE LIABILITY ☐ ANY AUTO ☐				AUTO ONLY - EA ACCIDENT OTHER THAN AUTO ONLY: EA ACC AGG	$ $ $
		EXCESS/UMBRELLA LIABILITY ☐ OCCUR ☐ CLAIMS MADE ☐ DEDUCTIBLE RETENTION $				EACH OCCURRENCE AGGREGATE	$ $ $ $ $
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below				WC STATU-TORY LIMITS / OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	 $ $ $
		OTHER					

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

See attached vehicle list

CERTIFICATE HOLDER

ARKH057

Arkansas State Highway &
Transportation Department
Permit Section
P.O. Box 2261
Little Rock AR 72203

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

ACORD 25 (2001/08)

Commercial Auto Coverage Summary

for

Jones Transportation Service,
1617 Ramsey
Fayetteville, AR 72703

ar, Make & Model	VIN	Liab	PIP	Med	UM	UIM	Comp	SP	Coll
3 Ford Mini Bus	1FDKE37H1PHA35564	X		X	X	X		X	500
2 Ford Hawk	1FDKE37H2NHA17281	X		X	X	X		X	500
6 Lincoln Towncar	1LNLM82W8TY810084	X		X	X	X		X	500
2 Lincoln Towncar	1LNLM83W6NY746358	X		X	X	X		X	500

City of Fayetteville
Staff Review Form
City Council Agenda Items
Contracts

1-Mar-05
City Council Meeting Date

Frank Johnson		Police
Submitted By	Division	Department

Action Required:

Schedule a public hearing to determine if a Certificate of Public Convenience and Necessity should be issued to Jones Transportation Service

N/A	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 ☐

2/8/05
Department Director Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

D. J. White 2/9/05
City Attorney

2/9/05
Finance and Internal Service Director Date

Dan Coody 2/11/05
Mayor Date

Received in City Clerk's Office

Received in Mayor's Office
2/9/05 P.H.

Comments:

Agenda Session

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
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 7 and the February 15, 2005 City Council meeting minutes.

2. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

3. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

4. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.

5. **Garver Engineers, LLC Contract:** A resolution approving a letter contract in the amount of $19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street Widening Project.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

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.

2. **SBC Communications Project Approval:** A resolution approving a project with SBC Communications in the amount of $61,227.86 to provide for the implementation of redundant wired data link to all of the City's remote sites.

3. **IFWorld Maintenance Approval:** An ordinance waiving the requirements of formal competitive bidding and approving payments not to exceed $20,000.00 to IFWorld for maintenance and enhancement of the City website's Content Management System.

4. **Reappropriate Capital Improvement Funds:** A resolution approving a Budget Adjustment to reappropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements.

5. **Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

6. **Rotochopper, Inc. Compost/Mulch Bagger:** A resolution approving the purchase of one (1) Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc. in the amount of $39,971.00 for use by Solid Waste and Recycling Division; and approving a Budget Adjustment in the amount of $48,000.00.

Consent

add; Fayetteville Downtown Partners Contract

D. PUBLIC HEARINGS:

1. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

2. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: ~~February 28, 2005 4:30 pm~~ NONE

Agenda Setting

Wednesday Meeting

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
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 7 and the February 15, 2005 City Council meeting minutes.

New Business

2. **Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

3. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

4. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

5. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.

New Business

6. **Rotochopper, Inc. Compost/Mulch Bagger:** A resolution approving the purchase of one (1) Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc. in the amount of $39,971.00 for use by Solid Waste and Recycling Division; and approving a Budget Adjustment in the amount of $48,000.00.

7. **Garver Engineers, LLC Contract:** A resolution approving a letter contract in the amount of $19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street Widening Project.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting.***

C. NEW BUSINESS:

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.

Next meeting

2. **CCG Systems; Fleet Management Software Purchase:** A resolution approving the purchase of faster fleet management software from CCG Systems in the amount of $96,174.00; and approving a Budget Adjustment in the amount of $25,565.00.

3. **SBC Communications Project Approval:** A resolution approving a project with SBC Communications in the amount of $61,227.86 to provide for the implementation of redundant wired data link to all of the City's remote sites.

4. **IFWorld Maintenance Approval:** An ordinance waiving the requirements of formal competitive bidding and approving payments not to exceed $20,000.00 to IFWorld for maintenance and enhancement of the City website's Content Management System.

Next meeting Resolution changing

5. **Dynamic Information Solutions Company, Inc. Sales Agreement:** A resolution approving a sales agreement in the amount of $284,000.00 with Dynamic Information Solutions Company, Inc. for the purchase and implementation of an Electronic Document Management System.

6. **Project Budget Adjustment:** A resolution approving a Budget Adjustment to reappropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements.

7. ~~**Youth Soccer Uniforms Bid Waiver:** Connie Edmonston, No Info.~~

D. PUBLIC HEARINGS:

1. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for the operation of five (5) limousines within the City of Fayetteville, Arkansas.

2. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** A resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for the operation of four (4) Limousines within the City of Fayetteville, Arkansas.

E. INFORMATIONAL:

Council Tour: February 28, 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: **March 2, 2005**

RE: **Passed Resolutions and Ordinances from City Council meeting of March 1, 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. **Premier Home Service Bid Award:** Resolution awarding bid in amount of $14,274.00 to Premier Home Services for rehabilitation of residence at 443 W. North Street; and approving contingency amount of $1,000.00;

2. **Arkansas For Drug Free Youth Grant:** Resolution authorizing Fayetteville Police Dept. to accept Arkansans for Drug Free Youth grant in amount of $20,000.00 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving budge adjustment recognizing grant revenue;

3. **Dept. of Homeland Security Fire Grant:** Resolution authorizing Fayetteville Fire Dept. to apply for and accept Dept. of Homeland Security Fire Grant for approximately $200,000.00 to upgrade computer aided dispatch system and procure additional training equipment;

4. **Garver Engineers, LLC Contract:** Resolution approving letter contract in amount of $19,300.00 w/Garver Engineers, LLC for professional surveying services for Township Street widening project;

5. **Rotochopper, Inc. Compost/Mulch Bagger:** Resolution approving purchase of one Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc in amount of $39,971.00 for use by Solid Waste and Recycling Division; and approving budget adjustment in amount of $48,000.00;

6. **Shake's Property Offer:** Resolution accepting offer from Stephen L. Davis to purchase remainder of former Shake's property and building for $178,555.00;

7. **SBC Communications Project Approval:** Resolution approving project w/SBC Communications in amount of $61,227.86 to provide for implementation of redundant wired data link to all of the City's remote sites;

8. **IFWorld Maintenance Approval:** Ordinance waiving requirements of formal competitive bidding and approving payments not to exceed $20,000.00 to IFWorld for maintenance and enhancement of City website's Content Management System;

9. **Reappropriate Capital Improvement Funds:** Resolution approving budget adjustment to reappropriate $130,334,454.00 in order to retain current fiscal year project funding for identified and scheduled capital improvements;

10. **Ford Motor Co. General Release & Waiver:** Resolution approving General Release and Waiver from Ford Motor Company and to authorize Mayor to sign release and waiver;

11. **Fayetteville Downtown Partners Contract:** Ordinance waiving requirements of formal competitive bidding and approving contract for services w/Fayetteville downtown Partners in amount of $150,000.00 to assist in implementation of Downtown Master Plan;

12. **Brinkley's Limo Service; Certificate of Public Convenience and Necessity:** Resolution granting a Certificate of Public Convenience and Necessity to Brinkley's Limo Service for operation of five limousines within City of Fayetteville;

13. **Jones Transportation Service; Certificate of Public Convenience and Necessity:** Resolution granting a Certificate of Public Convenience and Necessity to Jones Transportation Service for operation of four limousines within City of Fayetteville.

5. **Garver Engineers, LLC Contract:** A resolution approving a letter contract in the amount of $19,300.00 with Garver Engineers, LLC for professional surveying services for the Township Street Widening Project.

6. **Rotochopper, Inc. Compost/Mulch Bagger:** A resolution approving the purchase of one (1) Go-Bagger 250 portable automatic bag filler and bags from Rotochopper, Inc. in the amount of $39,971.00 for use by Solid Waste and Recycling Division; and approving a Budget Adjustment in the amount of $48,000.00.

B. UNFINISHED BUSINESS:

1. **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. This ordinance was left on the third reading at the February 15, 2005 City Council Meeting and tabled to the March 1, 2005 City Council Meeting.***

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5. **Ford Motor Company General Release and Waiver:** A resolution to approve the General Release and Waiver from Ford Motor Company and to authorize the Mayor to sign the General Release and Waiver.

6. **Fayetteville Downtown Partners Contract:** An ordinance waiving the requirements of formal competitive bidding and approving a contract for services with Fayetteville Downtown Partners in the amount of $150,000.00 to assist in the implementation of the Downtown Master Plan.

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
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Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 1, 2005

A meeting of the Fayetteville City Council will be held on March 1, 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 January 25, February 7 and the February 15, 2005 City Council meeting minutes.

2. **Premier Home Services Bid Award:** A resolution awarding a bid in the amount of $14,274.00 to Premier Home Services for the rehabilitation of the residence at 443 West North Street; and approving a contingency in the amount of $1,000.00.

3. **Arkansans For Drug Free Youth Grant:** A resolution authorizing the Fayetteville Police Department to accept an Arkansans For Drug Free Youth Grant in the amount of $20,000 to fund training and overtime for officers performing underage drinking patrol, compliance checks of merchants selling alcohol and community presentations; and approving a Budget Adjustment recognizing the grant revenue.

4. **Department of Homeland Security Fire Grant:** A resolution authorizing the Fayetteville Fire Department to apply for and accept a Department of Homeland Security Fire Grant for approximately $200,000.00 to upgrade the computer aided dispatch system and procure additional training equipment.