

RESOLUTION NO. 238-12

A RESOLUTION TO SELECT THE SITE OF THE ENTERTAINMENT DISTRICT PARKING DECK AND TO EXPRESS THE CITY COUNCIL'S INTENT TO REPLACE ADMINISTRATIVE OFFICE AND PARKING SPACES LOST THROUGH THIS PROJECT

WHEREAS, the City Administration and its engineering consultant have studied three possible sites for the Entertainment District Parking Deck near the Walton Arts Center performing arts theater which include:

- a) Within the block which contains the Walton Arts Center performing arts theater;
- b) On a portion of the city parking lot known as the Walton Arts Center parking lot; and
- c) On the city parking lot east of School Avenue across from the Walton Arts Center administration office; and

WHEREAS, the City Council has carefully studied the benefits and drawbacks of each site and listened to extensive public comments about these possible sites.

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 Entertainment District Parking Deck shall be built within the block which contains the Walton Arts Center Performing Arts Theater because such site offers the preferred option for the Citizens and City of Fayetteville, the Walton Arts Center, the Entertainment District businesses and patrons, and the residents near one or more of the proposed sites.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby expresses its intent:

- 1. To build comparable replacement offices in a liner building along the parking deck for the Walton Arts Center Administration because of the necessary removal of the current administration building;
- 2. To provide thirty-five (35) complimentary parking spaces for the Walton Arts Center Administration's exclusive use 24 hours a day, 365 days a year in the parking deck or School Street lot to replace the

twenty-eight (28) spaces of uncovered parking that will be lost because of this project;

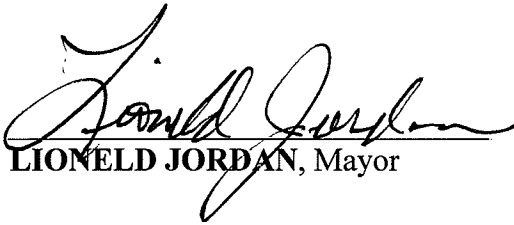
3. To provide necessary and reasonable rent and moving expenses for Walton Arts Center administrative personnel dislocated because of the construction of this project;
4. To excavate and shell out about 4,500 square feet of space beneath the office building with connection to the current backstage for the Walton Arts Center to finish out and complete its backstage expansion project; and
5. To work cooperatively with the Walton Arts Center Administration to facilitate the joint construction projects in an attempt to minimize any adverse effect upon the Walton Arts Center operations.

PASSED and **APPROVED** this 4th day of December, 2012.

APPROVED:

ATTEST:

By:


LIONELD JORDAN, Mayor

By:


SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville Staff Review Form

**City Council Agenda Items
and
Contracts, Leases or Agreements**

12/4/2012

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Parking
Division

Utilities
Department

Action Required:

City Council select the site for the entertainment district parking deck.

\$ -	Category / Project Budget	Entertainment District Parking Facility
Cost of this request		Program Category / Project Name
Account Number	\$ -	Entertainment District Parking Facility
11028.1201	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Site Selection
	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

<u><i>[Signature]</i></u> Department Director	<u>14 Nov 12</u> Date	Previous Ordinance or Resolution # <u>5457, 42-12</u>
<u><i>[Signature]</i></u> City Attorney	<u>11-15-12</u> Date	Original Contract Date: <u>2/21/2012</u>
<u><i>Paul a. Behn</i></u> Finance and Internal Services Director	<u>11-15-2012</u> Date	Original Contract Number: _____
<u><i>[Signature]</i></u> Chief of Staff	<u>11-15-12</u> Date	<div data-bbox="885 1438 1485 1575" data-label="Text"> <p>Received in City Clerk's Office 11-14-12 P03:18 RCVD <i>[Signature]</i></p> </div> <div data-bbox="885 1606 1485 1743" data-label="Text"> <p>Received in Mayor's Office ENTERED 11/15/12 BEP</p> </div>
<u><i>[Signature]</i></u> Mayor	<u>11/16/12</u> Date	

Comments:

Handed out at the City Council
Meeting on 12-4-12



Departmental Correspondence



LEGAL
DEPARTMENT

www.accessfayetteville.org

TO: Mayor Jordan
City Council
David Jurgens, Utilities Director

Kit Williams
City Attorney
Jason B. Kelley
Assistant City Attorney

FROM: Kit Williams, City Attorney

DATE: December 4, 2012

RE: Amendment of Resolution to select Entertainment District Parking Deck Site

The Walton Arts Center Administration requested that the City agree to do several things if the parking deck is to be built on the block on which the Auditorium sits. This land is owned as cotenants by the University and the City and leased to the Walton Arts Center, Inc. (an agent for both the City and U of A). Pursuant to the Administration's request, I have placed these requests within Section 2 of the Resolution for your approval. Someone will need to move to amend the Resolution in your packet to this enlarged Resolution.

The Walton Arts Center has requested that the City pay for, construct, or provide the following:

- (1) A **replacement office building** for its administrative staff for its current administration building which must be demolished to build the parking deck.
- (2) **Provide 35 free parking spaces** within the parking deck (with some possibly in the School Street parking lot) for the Walton Arts Center Administration's exclusive use 24 hours a day, 365 days a year **to replace the 28** uncovered parking spaces in its two small parking lots by its current administration building.
- (3) **Excavation** (including possible blasting) so that the Walton Arts Center can expand its backstage area.
- (4) **Construct a shell** (walls and doorway) next to the Walton Arts Center in its excavated area to assist in the Walton Art Center's backstage expansion.
- (5) Reasonable **rent and moving expenses** for Walton Arts Center Administrative staff displaced by the construction to the deck and their replacement building.

The law requires that bond proceeds must be used solely for the purposes stated within the bond ordinance and notice to investors. These express purposes are for construction of a public parking deck. Therefore, the City probably cannot use bond proceeds for some of the items requested by the Walton Arts Center.

I do not believe that the additional excavation and the construction of a shell building to be used for the expansion of the Walton Arts Center backstage area (not for the parking deck) can be paid for with bond proceeds. Our Bond Counsel Gordon Wilbourn shares this opinion. We are also somewhat concerned about the year or so of office rent and moving expenses (in and out) for the Walton Arts Center administrative staff. If the City Council wants to supply these items to the Walton Arts Center, it should not use bond proceeds, but other city revenue or reserves to pay for these requests.

Gordon and I believe that replacing the existing administrative building which must be demolished to build the parking deck is probably within the purposes of the bonds and thus could be paid out of bond proceeds. This replacement building should be just that, **a replacement not a larger or improved building**. If the Walton Arts Center wants an enlarged or improved building, it should pay for the increased costs. The City could pay for these increased costs, but it could not use bond proceeds.

I am somewhat concerned that the Walton Arts Center wants us to dedicate to its exclusive use more parking spaces than it is losing. Our bonds are to pay for a **public** parking deck, not a private parking deck for the Walton Arts Center Administration. If the City Council wants to provide 25% more exclusive parking to the Walton Arts Center Administration than the construction of the deck is removing, I believe the City should invest **funds other than bond funds for the cost of these seven additional spaces**. When we look at the entire cost of this project and divide it by the number of parking spaces created, a per space figure can be ascertained. Multiply that by seven and that is the amount that needs to come from a revenue source other than the bonds. If we agreed only to provide the same number (28) of parking spaces lost to the construction of the parking deck, then there would be no need for this other funds payment.

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WHEREAS, the City Council has carefully studied the benefits and drawbacks of each site and listened to extensive public comments about these possible sites.

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PASSED and **APPROVED** this 4th day of December, 2012.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

From: David Jurgens, Utilities Director



Date: November 14, 2012

Subject: Downtown Municipal Parking Deck Location Selection

RECOMMENDATION

City Staff and consultant parking deck team request the City Council select the site for the entertainment district parking deck.

BACKGROUND

The combined staff and consultant parking deck team have been working for several months to develop the information required to allow the City Council to choose the site for the entertainment district parking deck. As part of the process, the team also worked closely with Boora Architects, who developed the Walton Arts Center (WAC) short and mid range expansion plans. These plans include two alternatives - one including a parking deck on the block which contains the WAC, and the other with no deck included on the same block.

DISCUSSION

A presentation of location alternatives for the downtown municipal parking deck is proposed to be given on Tuesday, November 27, 2012 at the Agenda Session meeting. The consultant's detailed report will be provided at that time. The presentation and report will provide background information and a matrix comparing the three primary lots being considered - the WAC lot (the large parking lot west of West Avenue), the Theater lot (the southeast corner of the block on which the Walton Arts Center is located), and the East lot (the existing parking lot east of South School Avenue across from the Walton Arts Center administration offices). On Tuesday, December 4, 2012 at the City Council meeting, Council will be requested to decide on a site location for the proposed parking deck.

BUDGET IMPACT

No direct appropriation will be approved with this decision. When this decision is made, staff will bring forward a contract for final design of the facility on the chosen lot.

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A RESOLUTION TO SELECT THE SITE OF THE ENTERTAINMENT DISTRICT PARKING DECK

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