FAYETTEVILLE

FINAL AGENDA
FAYETTEVILLE CITY COUNCIL
JULY 20, 1999

A meeting of the Fayetteville City Council will be held on July 20, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

The following items will be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the July 6, 1999 City Council meeting.

2. **BID 99-8:** A resolution awarding Bid 99-8 for Wilson Park Tot Playground to TNT in the amount of $46,179, plus a project contingency of $3,000 for a total of $49,179.

3. **BID 99-9:** A resolution awarding Bid 99-9 for the Root School Playground Project to Midland Construction Company, Inc. in the amount of $43,909.

4. **INTERNET SITE:** REMOVED FROM CONSENT AGENDA AND PLACED UNDER NEW BUSINESS, ITEM C.5.

5. **TERMINAL APRON REHABILITATION:** A resolution awarding the contract for the Terminal Apron Rehabilitation Project to Pavement Specialist, Inc. in the amount of $281,547.83 and a project contingency of $31,552.00; and $6,000.00 for materials testing. And approval of a budget adjustment to cover the project contingency and increased cost over the original project estimate.

6. **T-HANGAR BID:** A resolution approving a construction contract for an eight-bay T-hangar to be awarded to Gray Construction, Inc. for a bid amount of $264,364.50; a project contingency (10%) of $26,436.00; materials testing amount of $1,000.00; plus approval of a budget adjustment.

B. OLD BUSINESS

1. **WASHINGTON SCHOOL GYM:** Discussion of additional funding for a brick facade for the Washington School gymnasium. THIS ITEM WILL BE POSTPONED UNTIL FURTHER NOTICE FROM THE FAYETTEVILLE SCHOOL BOARD.

2. **TOWN CENTER REPORT:** Discussion of suggested cost reduction items to reduce bid amount made by Nabholz Construction Co. for the building of the Fayetteville Town Center. Bids on this project are binding on the apparent low bidder for 90 days; therefore, August 4th is the last date to complete a contract with Nabholz. $792,541 in proposed cost reductions have been identified in the project to arrive at a current cost of $7,569,292 -- leaving the bid $219,292 from the budget.

C. NEW BUSINESS

1. **RZ 98-22:** An ordinance approving rezoning request RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

2. **EXTERNAL DEFIBRILATORS:** An ordinance approving a Bid Waiver and purchase of ten Lifepak 500 Automatic External Defibrilators from Med Tronic Physio-Control Corporation of Redmond, Washington.

Manager memo for Cable.

3. **CABLE TRANSFER:** A public hearing and consideration of an ordinance approving the application for Franchise Authority Consent to assignment or transfer of Control of Cable Television Franchise submitted by TCA Cable Television, Inc. and Cox Classic Cable, Inc.

4. **T-HANGAR BID:** REMOVED FROM NEW BUSINESS AND PLACED UNDER CONSENT AGENDA, ITEM A.6.

5. **INTERNET SITE:** A resolution endorsing the creation of Fayetteville.com, an internet site by Interface Computer Center. Interface Computer is the first company to commit to locate in the Arkansas Research and Technology Park and the internet site is a private commercial venture which will link to the City's and Chamber of Commerce's internet sites. The site is set to launch August 1, 1999.

July 20, 1999

	ROLL				
AUSTIN	late	7:00			
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
MAYOR HANNA	✓				
	HP BD CONSENT				
AUSTIN	ABSENT.				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	✓				
MAYOR HANNA					
	7-0-0				
AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
MAYOR HANNA					

	Twn Cat.				
7:00pm arrived AUSTIN					
DAVIS					
TRUMBO					
DANIEL	NO ACTION				
SANTOS	RESOLUTION				
YOUNG	NEXT MTG.				
RUSSELL					
REYNOLDS					
MAYOR HANNA					

	RA HD: 2ND RZ 98-22				
AUSTIN	✓				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓	left on			
SANTOS	N.	2ND			
YOUNG	✓	reading			
RUSSELL	N.				
REYNOLDS	✓				
MAYOR HANNA					

	~~BD~~ BD 2ND RR EXT. DEFIB	KR 3RD. RR.	PASSED		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	✓	✓		
MAYOR HANNA					
			8-0-		

DENNIS YOKHAM.

	KS 2ND KP CABLE	3RD # KS 7-FER	PASS.		
AUSTIN	✓	✓	✓		
DAVIS	✓	✓	✓		
TRUMBO	✓	✓	✓		
DANIEL	✓	✓	✓		
SANTOS	✓	✓	✓		
YOUNG	✓	✓	✓		
RUSSELL	✓	✓	✓		
REYNOLDS	✓	N	N		
MAYOR HANNA					
	8-0-0 ~~[illegible]~~	7-0-0.	7-0-0.		

AUSTIN					
DAVIS					
TRUMBO					
DANIEL					
SANTOS					
YOUNG					
RUSSELL					
REYNOLDS					
MAYOR HANNA					

	# KS INTERNET SITE.				
AUSTIN	N				
DAVIS	✓				
TRUMBO	✓				
DANIEL	✓				
SANTOS	✓				
YOUNG	✓				
RUSSELL	✓				
REYNOLDS	N				
MAYOR HANNA					
	6-2-0.				

adj 9:30 pm.

MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL
JULY 6, 1999

A meeting of the Fayetteville City Council was held on July 6, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, and Young; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; and Audience.

ABSENT: Alderman Russell.

ITEM	**ACTION TAKEN**	
Nominating Report	Approved	
Approval of the Minutes	Approved	
Arkansas Avenue Sidewalk Reconstruction	Approved	Res. 84-99
Land Purchase for Extension of Sixth Street	Approved	Res. 85-99
Easement Acquisition for placement of sign on Hwy. 45	Approved	Res. 86-99
Sanitary Sewer Rehabilitation	Approved	Res. 87-99
Telephone Upgrade/Y2K Compliance	Approved	Res. 88-99
Steele Boulevard/Van Asche: Cost-Share Increase	Approved	Res. 89-99
Steele Boulevard Bridge	Approved	Res. 90-99
Washington School Gym	No action	
RZ 98-22	Moved to 7/20/99 agenda	
Water/Sewer Relocation Hwy 265	Passed	Ord. 4172
Poplar Street Improvements / Construction	Approved	Res. 91-99
Poplar Street Improvements / Engineering	Approved	Res. 92-99
Fayetteville Youth Center Funding	Approved	Res. 93-99
Fox Hunter Road Paving	Approved	Res. 94-99
Wastewater Treatment Plant Discussion	No Action	

MINUTES OF A MEETING
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PRESENT: Mayor Hanna; Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, and Young; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; and Audience.

ABSENT: Alderman Russell.

NOMINATING REPORT

Alderman Daniel moved to appoint David Bruce Hawkins to the Cable Board. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

CONSENT AGENDA

APPROVAL OF THE MINUTES

Approval of the minutes from the June 15, 1999 meeting. Minutes were approved with corrections.

ARKANSAS AVENUE SIDEWALK

A resolution approving a construction contract with APAC-Arkansas, Inc., McClinton-Anchor Division for Arkansas Avenue Sidewalk Reconstruction in the amount of $54,654.35; a project contingency in the amount of $13,488.15; materials testing funding in the amount of $2,000.00; and a budget adjustment to fully fund the project.

RESOLUTION 84-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LAND PURCHASE

A resolution authorizing the city to purchase 0.22 acres of land, including an improvement (old service station) from Jerry L. Sciacca for $46,565.00 plus closing costs in association with the extension of Sixth Street from Wood Avenue to East Huntsville Road.

RESOLUTION 85-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

EASEMENT ACQUISITION

A resolution approving the acquisition of an easement from Mr. Jerry Sweetser for the placement of a city sign on Hwy 45. Further, approving the conveyance of a portion of right-of-way (old 24th Street curve) to Mr. Sweetser as consideration for the above acquisition.

RESOLUTION 86-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

SANITARY SEWER REHABILITATION
A resolution approving an engineering agreement with The RJN Group, Inc., in the amount of $498,879, and a 10% contingency of $49,888, for engineering design and construction inspection for Sanitary Sewer Rehabilitation, Illinois River Basins 6-9 and 16, and White River Minisystem 9.

RESOLUTION 87-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TELEPHONE UPGRADE / Y2K COMPLIANCE
A resolution approving Bid Award 99-56 for the telephone upgrade/ Y2K compliance project to Midwestern Telephone, Inc. in the amount of $53,228.13, plus a project contingency of $29,000.00 for a total project cost of $82,228.13.

RESOLUTION 88-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

STEELE BOULEVARD / VAN ASCHE
A resolution approving a proposed cost-share increase with NANCHAR, INC. and Marjorie S. Brooks (CMN) in the amount of $116,291.00 for the earthwork, grading and subgrade work on the sections of Steele Boulevard and Van Asche for which the City has previously agreed to cost-share.

RESOLUTION 89-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

STEELE BOULEVARD BRIDGE
A resolution approving a 50/50 cost share for the actual construction costs of the Steele Boulevard Bridge over Mud Creek with NANCHAR, Inc. and Marjorie S. Brooks (CMN); and approval of a budget adjustment in the amount of $48,217.

RESOLUTION 90-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Austin moved to approve the consent agenda. Alderman Davis seconded the motion. Upon roll call the motion carried by a vote of 6-1-0, Young abstaining.

OLD BUSINESS

WASHINGTON SCHOOL GYM
A discussion of additional funding for a brick facade for the Washington School Gymnasium. No representative from the school was present. Item was moved to the next agenda.

NEW BUSINESS

RZ 98-22
An ordinance for RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. This item was postponed until the July 20, 1999 City Council meeting at the request of the applicant.

WATER / SEWER RELOCATION - HIGHWAY 265
An ordinance approving a bid waiver for a local company, Field Services Company, to provide immediate easement preparation and field negotiations assistance to city staff for water / sewer relocation on Highway 265; upset cost limit of $23,100.00.

Mr. Rose read the ordinance for the first time.

Alderman Trumbo moved to suspend the rules and go to the second reading. Alderman Young seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the second time.

Alderman Davis moved to suspend the rules and move to the third and final reading. Alderman Trumbo seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4172 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POPLAR STREET IMPROVEMENTS - CONSTRUCTION
A resolution approving:

A. A construction contract with Sweetser Construction in the amount of $845,815.50 for the Poplar Street project.
B. A project contingency in the amount of $126,872.33 (15%) for use as needed for testing, quantity variations, utility relocations, changes.
C. Approval for the Mayor to expend the full project contingency as the mayor deems necessary for the completion of the Poplar Street project.
D. Budget adjustment for the project in the amount of $160,142.83

Alderman Davis asked if there was a possibility of a future stop light.

Mr. Venable replied they could add a conduit at Gregg Street while the contract was going on. He thought it could be done and that it was a good idea.

Alderman Daniel moved to approve the resolution. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 91-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POPLAR STREET IMPROVEMENTS - ENGINEERING

A resolution approving a contract amendment for engineering services with Milholland Company to add bidding and construction management for the Poplar Street Improvements in the amount of $71,601.00.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 92-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FAYETTEVILLE YOUTH CENTER FUNDING

A resolution approving a supplemental transfer to the Fayetteville Youth Center to provide funding for facility repairs and a budget adjustment.

Alderman Trumbo stated Mr. Kevin Renner had been working on the capital improvements and the proposed facility if the council had any questions. He added the money would be used for repairs on the roof and other things.

Alderman Daniel asked if there was a budget for repairs at the Youth Center.

Mr. Renner replied they did have some capital improvement funds for things like this, but those monies came from an endowment which was set aside. The endowment was a key part of their grant application. To have money drawn from the endowment might affect their chances in receiving the grant.

Alderman Daniel asked how long they would be in their current building.

Mr. Renner replied if everything went as planned, they would be in the building for another three to four years.

Alderman Trumbo moved to approve the resolution. Alderman Daniel seconded the

motion. Upon roll call the motion carried unanimously.

RESOLUTION 93-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

FOX HUNTER ROAD

A resolution approving the expenditure of $25,000 toward the cost of paving a portion of Fox Hunter Road and a budget adjustment.

Mayor Hanna explained this was the portion of the road in front of the wastewater treatment plant. The county had already done most of the work. What they were asking for was to help pave the road.

Alderman Trumbo added the road was mostly used by the city.

In response to questions, Mayor Hanna stated the county would be doing the paving. It would only be a transfer of funds.

Alderman Daniel asked how many residents were in the area.

Mr. Venable replied there were very few houses out in that area. He stated this would be a big help in getting in and out of our facility.

Alderman Austin moved to approve the resolution. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 94-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TREATMENT PLANT

Discussion of current status report on the wastewater treatment plant.

Mr. Don Bunn reported the land purchases had been approved. He felt all the property would be acquired by September. The permit applications had been applied for both discharge in the White River and in the Goose Creek Illinois River Area. They expected the application to be submitted to the Department of Environmental Quality sometime during the first two weeks of August. They were in the process of getting statements of qualifications from engineering firms to do the engineering work for the new plant and the line work. They had advertised in the *Engineering News Record, the Arkansas Democrat Gazette, Morning News*, and the *Northwest Arkansas Times.* They should receive the statements of the qualifications on July 16, 1999. They were expecting between fifteen and twenty statements to be submitted. They would ask the firms on their short list to submit detailed proposals to them for the engineering work. They were expecting to divide the work into three to four individual contracts. The new plant, work at the old plant, and the line work and pump stations would be two contracts. They were planning to negotiate contracts this fall and to have a contract for approval in January of 2000. A new plant would not be on line until 2004 or 2005.

Alderman Young asked if the permit was submitted in August when they would receive approval.

Mr. Bunn replied they thought it would take six to eight months to get a permit approved. There would be a public hearing in connection with the permit.

Alderman Young asked when the design would begin.

Mr. Bunn replied they were hoping to get the engineering contracts approved at the same time the permit was issued. The permit would determine the amount of treatment that would be required at each location. If the permit was delayed they would continue with the work they could do without knowing what the limits of the permit was. The delay would limit the amount of work they could do.

Alderman Young questioned the amount of design work that would be done before the bonds were voted on.

Mr. Bunn replied there would have to be enough design work done to get a handle on how much the cost was going to be. They will have to know what the cost would be before they could vote on the bonds.

Alderman Young asked if the people voted down the bonds, would there be a clause in the contract which would stop the engineering work and payment.

Mr. Venable replied there would be a termination clause in the contract.

The meeting adjourned at 7:00 p.m.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

TENTATIVE AGENDA
FAYETTEVILLE CITY COUNCIL
JULY 20, 1999

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A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the July 6, 1999 City Council meeting.

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3. **BID 99-9:** A resolution awarding Bid 99-9 for the Root School Playground Project to Midland Construction Company, Inc. in the amount of $43,909.

4. **INTERNET SITE:** A resolution endorsing the creation of Fayetteville.com, an internet site by Interface Computer Center. Interface Computer is the first company to commit to locate in the Arkansas Research and Technology Park and the internet site is a private commercial venture which will link to the City's and Chamber of Commerce's internet sites. The site is set to launch August 1, 1999.

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113 WEST MOUNTAIN 72701 501 521-7700
FAX 501 575-8257

B. OLD BUSINESS

1. **WASHINGTON SCHOOL GYM:** Discussion of additional funding for a brick facade for the Washington School gymnasium.

C. NEW BUSINESS

1. **RZ 98-22:** An ordinance approving rezoning request RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

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4. **T-HANGAR BID:** A resolution approving a construction contract for an eight-bay T-hangar to be awarded to Gray Construction, Inc. for a bid amount of $264,364.50; a project contingency (10%) of $26,436.00; materials testing amount of $1,000.00; plus approval of a budget adjustment.

BID 99-8
A.2.1

RECEIVED
JUL 2 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

STAFF REVIEW FORM

X AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of July 20, 1999

FROM:

Connie Edmonston	Parks & Recreation	Public Works Division
Name	Division	Department

ACTION REQUIRED:

Approval of Bid #99-8 for the Wilson Park Tot Playground to TNT in the amount of $46,179, plus a project contingency of $3,000 for a total of $49,179.

COST TO CITY:

$49,179	$82,938	Playground Renovations
Cost of this Request	Category/Project Budget	Category/Project Name
2250-9250-5806-00	$18,773	
Account Number	Funds Used To Date	Program Name
98008	$64,165	Parks Development
Project Number	Remaining Balance	Fund

BUDGET REVIEW: __x__ Budgeted Item ____ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ____

Accounting Manager	Date 7-1-99	Internal Auditor	Date 7-1-99
City Attorney	Date 7-1-99	ADA Coordinator	Date
Purchasing Officer	Date 7-2-99		

STAFF RECOMMENDATION:

Approval of Bid #99-8.

Division Head	Date 6-30-99
Department Director	Date 7-2-99
Administrative Services Director	Date 2 JUL 99
Mayor	Date 7/2/99

Cross Reference

New Item: Yes No

Prev Ord/Res #: __

Orig Contract Date: _

Orig Contract Number: ____

STAFF REVIEW FORM

Description Wilson Park Tot Playground ____________________ Meeting Date July 20, 1999

Comments: Reference Comments:

Budget Coordinator

Accounting Manager

City Attorney

Purchasing Officer

ADA Coordinator

Internal Auditor

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director

FROM: Connie Edmonston, Parks & Recreation Superintendent C.E.

DATE: June 30, 1999

RE: Award of Bid #99-8: Wilson Park Tot Playground

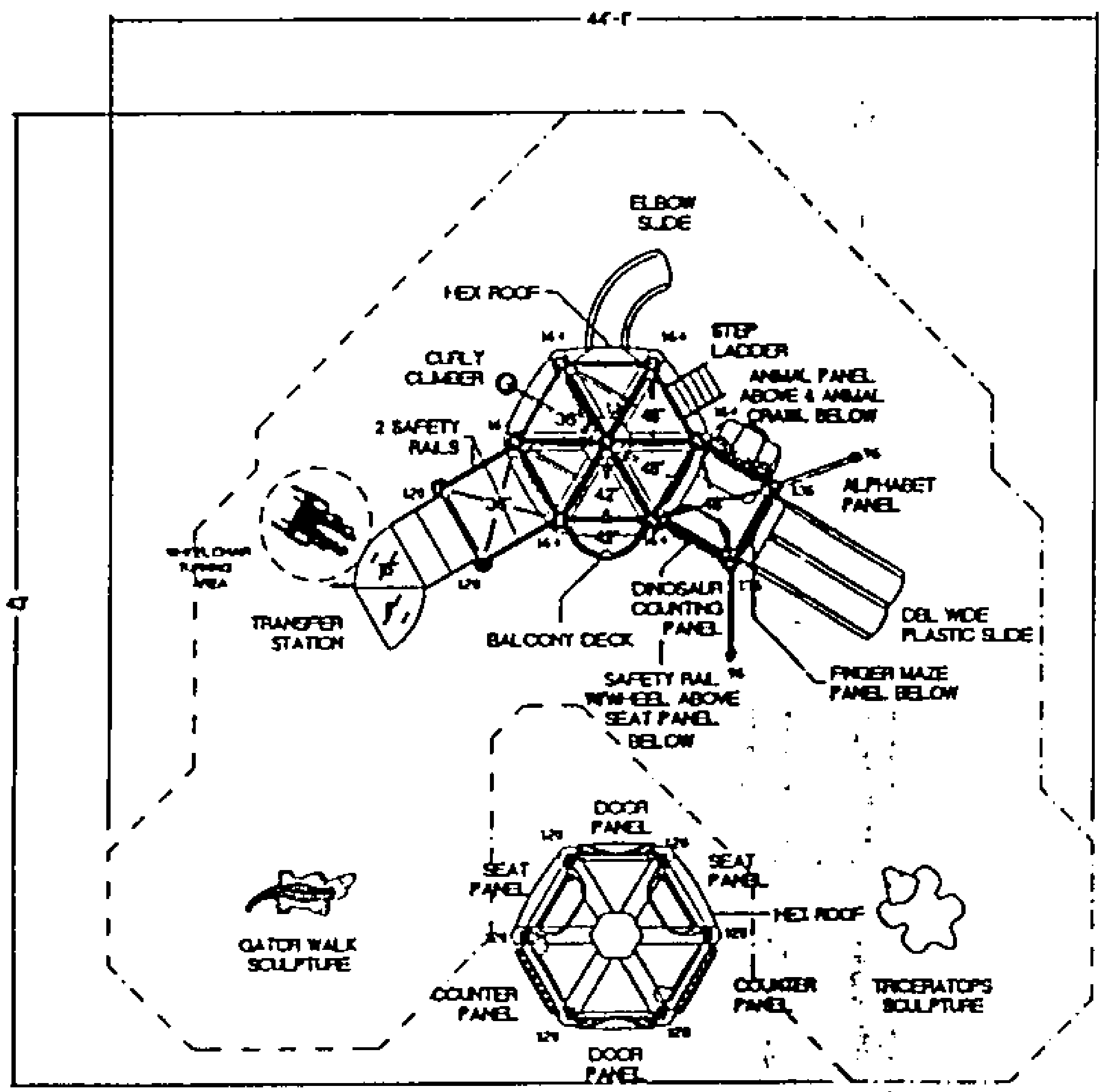
Parks staff requests award of bid #99-8 for Wilson Park Tot Playground Project to TNT in the amount of $46,179, plus a project contingency of $3,000 for a total of $49,179. This playground would replace the existing tot playground apparatus built in 1987 by Park staff which does not meet current playground safety standards. Wilson Park is located near the center of our city and is convenient for many citizens to utilize. In addition, Wilson is our oldest city park. It attracts many people because it contains a variety of facilities including a swimming pool, softball field, asphalt track, castle area, 5 tennis courts, basketball court, sand volleyball court, restroom, pavilion, playground equipment, and picnic sites. There is a playground for older children, but there is need for a playground structure to serve tots ages 2 to 5 years old.

This project was awarded according to the request for proposal procedure in which playground companies submitted a design based upon specifications provided and a budget of $50,000. The proposal was to include cost and installation of the equipment and ground play surface. Members serving on the professional services committee included Bob Davis - City Council, Charlie Venable - Administration, Peggy Vice - Purchasing Manager, Yolanda Fields - Internal Auditor, Terry Gulley - Parks, Eric Schuldt - Parks, Bob Braswell - Parks, and myself. Four designs were submitted by Midland Construction Company, Inc., TNT, and Arkoma Playground and Supply (submitted 2 options). Evaluated on a criteria including aesthetic, durability, and play value, TNT was chosen by the committee.

Attached is a layout of the proposed playground apparatus. The play surface is the rubberized poured-in-place system that is very durable and has a high shock absorbency for falls. Park staff will remove the existing apparatus. Please call me at 444-3473 if you have any questions on this request.

Attachment:
Playground layout

BID 99-8
A.2.5



Minimal recommended fallzone
Area 1223 sq. feet
Perimeter 168 feet

little tikes®
commercial play systems

Project: Wilson Park LTCPS rep: Kim Kyle Diversified Recreation 501-228 9191
Kid Builders: Post Material: Galvanized Post Color: Forest Green Accent Color: Tan Panel Color: Tan Slide Color: Deep Red Roof Color: Tan-Forest Green Mounting: 1.5 " GC
Kid Riders: Mounting Type: Concrete
Drawn by: Elizabeth Nash Date: 06/15/99 DWG Name: QT79139 Scale: 1"=8' Approved by: DF 6/15/99
LTCPS - Farmington One Iron Mountain Drive Farmington, Missouri 63640 Voice: 1-800-325-8828 Fax: 573-756-0319

GENERAL NOTES

1. The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.
2. For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.
3. Although a particular playground design may not meet the proposed Access Board Regulations in regards to the appropriate number of ground level events, the actual playground may be in compliance when considering existing play components.
4. All deck heights are measured from top of ground cover.
5. Fall absorbing ground cover is required under and around all play equipment.
6. The minimum recommended fall zone around the entire playstructure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border material, etc.)
7. This playstructure(s) meets the performance and safety requirements of ASTM for children 2-12 years old. Not all equipment may be appropriate for all children. Supervision is required.
8. All post lengths are identified by text showing the post lengths, i.e. 96 represents a 96 inch post.
9. Deck-to-deck enclosure panel locations are marked by an asterisk. The height of each panel may be found by subtracting the lowest deck from the highest deck to which the deck-to-deck enclosure panel mounts.

7 5 7 5

Playground Layout Compliance:
☑This playground design meets the proposed Access Board Regulations.
☑CPSC Handbook for Public Playground Safety
☑ASTM F1487 - Playground Equipment for Public Use.

BID 99-8
A.2.7

commercial play systems

Wilson Park
6/16/99
QT79139

Diversified Recreation
Kim Edwards Kyle
501-362-9966

Proudly Designed for You
at
Little Tikes
Commercial Play Systems

Formington, Missouri

Rubbermaid.

BID 99-9
A. 3. 1

STAFF REVIEW FORM

RECEIVED
JUL 2 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

x ___ AGENDA REQUEST
___ CONTRACT REVIEW
___ GRANT REVIEW

For the Fayetteville City Council meeting of July 20, 1999

FROM:

Connie Edmonston	Parks & Recreation	Public Works
Name	Division	Department

ACTION REQUIRED:

Approval of Bid #99-9 for the Root School Playground Project to Midland Construction Company, Inc. in the amount of $43,909.

COST TO CITY:
43,909 - total
- Root School

$$30,000 - net	$99,938	Playground Renovations
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5806-00 2250-9250-5806-00	$67,952	
Account Number	Funds Used To Date	Program Name
98008-1	$31,986	Parks Development
Project Number	Remaining Balance	Fund

BUDGET REVIEW: x Budgeted Item
___ Budget Adjustment Attached

Budget Manager

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ___

Accounting Manager 7-1-99 Date

Internal Auditor 7-1-99 Date

City Attorney 7-1-99 Date

ADA Coordinator ___ Date

Purchasing Officer 7-2-99 Date

STAFF RECOMMENDATION:

Approval of Bid #99-9.

Division Head 6-30-99 Date

Department Director 7-2-99 Date

Administrative Services Director 2 JUL 99 Date

Mayor 7/2/99 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: ___

Orig Contract Date: ___

Orig Contract Number: ___

BID 99-9
A. 3.2

TEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Hanna and City Council

THRU: Charlie Venable, Public Works Director

FROM: Connie Edmonston, Parks & Recreation Superintendent C.E.

DATE: June 30, 1999

RE: Award of Bid #99-0: Root School Park Playground

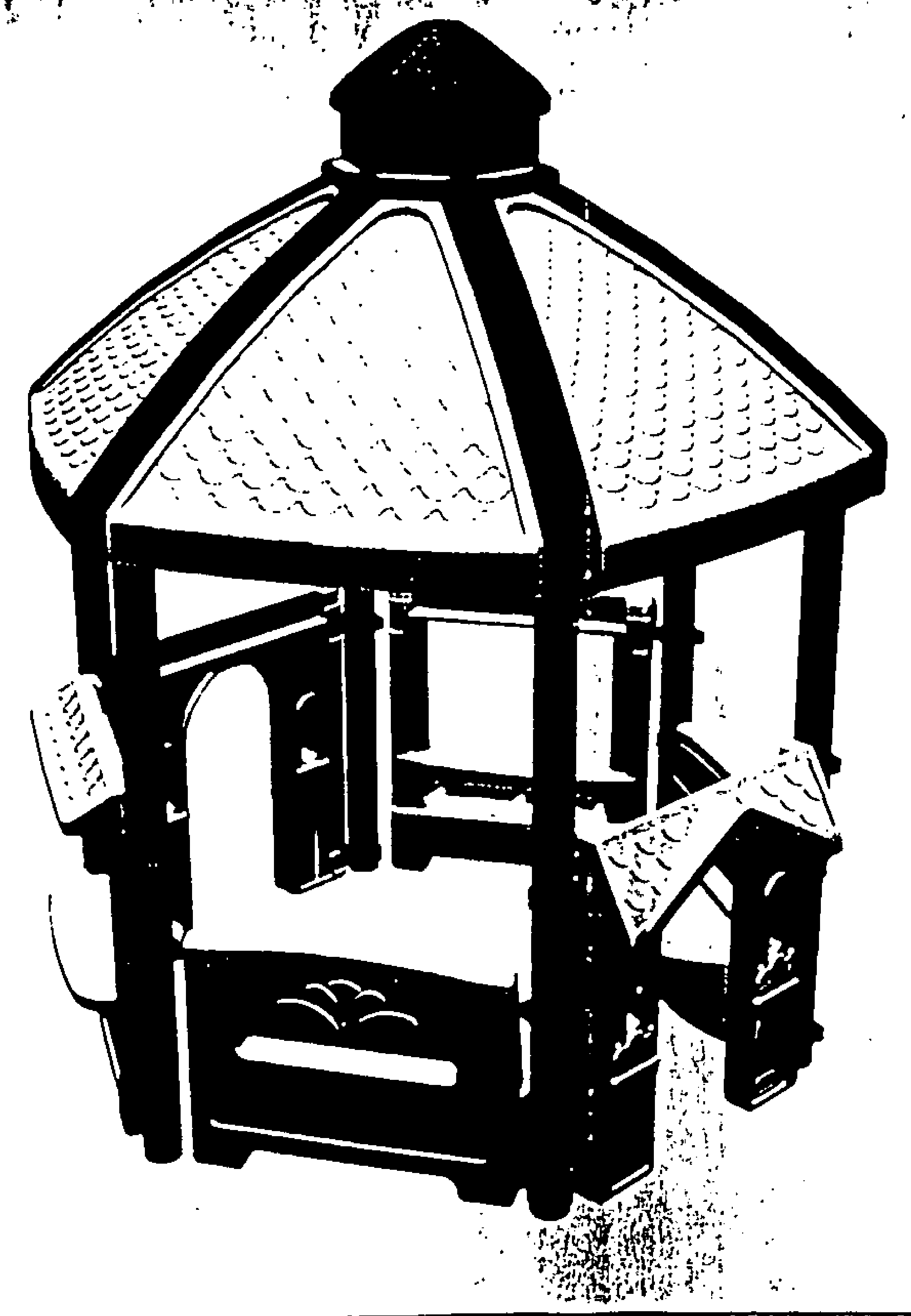
Parks staff requests award of bid #99-9 for Root School Park Playground Project to Midland Construction Company in the amount of $43,909. Root PTO requested $30,000 from the Parks Division to assist in purchasing a playground apparatus for Root Elementary School. The PTO would provide $15,000 and school maintenance would install the equipment. In addition, the PTO and school maintenance would make further improvements to Root School Park as outlined in their request. (See attached request.) The request was presented to the Parks and Recreation Advisory Board on March 1, 1999. The board approved the expenditure of $30,000. Playground projects between the City, school, and PTO's have been very beneficial to the community throughout the years by sharing costs to provide a playground for both school and community usage.

This project was awarded according to the request for proposal procedure in which playground companies submitted a design based upon specifications provided and a budget of $50,000. The proposal was to include cost and installation of the equipment and ground play surface. Members serving on the professional services committee included Bob Davis - City Council, Charlie Venable - Administration, Jennifer Wagner - Root PTO, Fred Terrentine - School Buildings and Grounds Maintenance, Peggy Vice - Purchasing Manager, Yolanda Fields - Internal Auditor, Terry Gulley - Parks, Eric Schuldt - Parks, Bob Braswell - Parks, and myself. Four designs were submitted by Midland Construction Company, Inc., TNT, and Arkoma Playground and Supply (submitted 2 options). Evaluated on a criteria including aesthetic, durability, and play value, Midland Construction was chosen by the committee.

Attached is a layout of the proposed playground apparatus. Please call me at 444-3473 if you have any questions on this request.

Attachment:
PRAB meeting minutes
Playground layout
Letter from Root PTO
Letter from Fayetteville Public Schools

BID 99-8
A.2.9



little tikes
commercial play systems

Wilson Park
6/16/99
QT79139

Diversified Recreation
Kim Edwards Kyle
501-362-9966

Proudly Designed for You
at
Little Tikes
Commercial Play Systems

Farmington, Missouri

Rubbermaid

civil rights actions are not covered under tort immunity.

Mr. Alexander cited an example: The Parks and Advisory Board approves the construction of a tower and someone falls Mr. Rose said if the injury resulted from the lack of a fence or other amenity not in place it would be a typical negligence scenario and normally the City would probably be immune from a damage suit. Private practice might allege the case an intentional tort Mr. Rose encouraged PRAB to not think about the legalities but to concentrate on safety.

Mr. Rose said park property could be sold. He stated several statutes on the subject. A general authority passed in 1961 reads "any municipality in this state is authorized to own, acquire, construct, reconstruct, extend, equip, improve, operate, maintain, sell, lease, or contract concerning or otherwise deal in or expose of any land, buildings, improvements, or facilities of any or every nature whatever necessary or desirable for the developing and providing of public parks." Money received from land acquired from a developer must be spent in the quadrant received for park purposes. Procedures are set for selling property. City Council must first approve the sell and disposition of funds. Additionally, any sell must be advertised in the newspaper for a period of one time a week for four weeks. The advertisement shall describe the property, state the manner of disposition to be made, specify the time and place of the disposition, and state any other requirements stipulated by the disposing instrumentality of government including an award to the highest responsible bidder subject to certain provisions.

Mr. Charboneau asked if land could be sold outright to a property owners association. Mr. Rose said it would have to be advertised for bid. However, monetary consideration is not the only consideration being given for the value of the land itself. Mr. Rose cited maintenance by the property owners association could be worth a certain amount of money and could be taken into account.

3. **Root School Park Proposal: Jennifer Hansen, Root PTO:**

The Root School PTO and School Maintenance are requesting Parks to assist with Root School Park's playground renovation project in the amount of $30,000. The total estimated cost of the project is $60,062.
Staff Recommendation: To assist Root School PTO and School Maintenance in funding the renovation project in the amount of $30,000 from the Parks Development Fund.

Jennifer Hansen said Root School was envisioning addressing two parts of its play area. The Mission Street playground needs replacing to meet current playground standards. The other area is open and would accommodate a soccer field and track. The existing basketball court would be resurfaced Root School requested assistance in funding the replacement of four picnic tables, a play pavilion, a water fountain, and a Little Tykes "Big Toy" with fall media.

Mr. Ackerman asked which items were planned for construction for $60,000 and if the School System had agreed to funding $30,000 of the request. Ms. Hansen said it was her understanding that Parks and Recreation provided 50 percent of the funding, the School System provided 25 percent of the

BID 99-9
A. 3.4

funding, and the PTO provided the remaining 25 percent of the funding. The first phase of the improvements included the playground equipment, benches, pavilion, and water fountain. The School System would provide additional funding for the track and soccer field construction upon completion of the first phase, and the PTO would raise funds for the other half.

Mr. Ackerman asked if staff had been presented with a complete layout of the design for the first phase. Ms. Hansen said a list with preliminary quotes from five separate companies had been presented. An actual design had not been completed because the School System did not have a map of the area. The University of Arkansas Community Design Center is willing to prepare a design free of charge for Root Elementary School. Ms. Edmonston said she had met with Roy Karr and Fred Turentine and the cost estimates were reasonable. School maintenance personnel would install the equipment.

Funding would be allocated from the Parks Development Fund. Last year there was $50,000 budgeted for playground renovation which was going to be used for Hotz Park. Due to the design for Hotz playground, there is funding available for Root School's request.

<u>**MOTION: ALEXANDER/LUTTRELL**</u>
Mr. Alexander moved to approve the staff recommendation to fund the Root School Elementary request not to exceed $30,000 from the Parks Development fund.

The motion was approved, 7-0-0.

4. **Park Land Dedication Ordinance:**

Development:	Razorback Estates
Engineer:	Crafton, Tull & Associates
Owner:	Lindsey & Associates
Location:	McConnell Avenue & 71 Bypass
Park District:	Northwest
Park Priority:	None
Total Acres:	+/- 22.5 Acres
Units:	228 Multi Units
Land Dedication Requirements.	4.56 Acres
Money in Lieu:	$68,400
Existing Parks:	Asbell (10 acres), Lewis (27 acres), Crystal Springs (15 acres), Holcomb (7 acres), Salem Village (4 acres), Horseshoe (.4 acres), Gordon Long (4 acres), U of A Agri Park (+/- 5.0 acres), Washington County Fairgrounds (47.4 acres).
Facilities at Razorback Estates:	Playground, Clubhouse, Pool, Tennis Court, Two Lakes, AAO (Arkansas Athlete Outreach) Clubhouse with Patio Area, AAO Basketball Arena, AAO Football Field, Outdoor Volleyball Court, Outdoor Basketball Court

PROPOSAL FOR RENOVATION OF PLAYGROUND AND PLAYING FIELD OF ROOT ELEMENTARY SCHOOL

February 19, 1999

Connie Edmonston, Superintendent
Fayetteville Parks and Recreation Division
113 W. Mountain St.
Fayetteville, AR 72701

Dear Ms. Edmonston,

Thank you so much for your interest in our project. Root Elementary School's parents, administration and teachers are hopeful we can partner with the Fayetteville Parks and Recreation Division and the Fayetteville School District to make needed improvements to our neighborhood school.

Root is one of the older elementary schools in the district and, frankly, one of the most dated. Recent physical improvements by the school district have done much to increase our school spirit and give us all renewed pride in being part of the Root community. We are asking for your help in taking this one step further — by updating our playground and playing field.

We are requesting $30,000 from the Parks and Recreation Department to complete additions and improvements this summer. Currently, we have a group of determined, enthusiastic parents who are eager to tackle fundraising for this project. We believe we can raise at least one-quarter to half of whatever you grant us, and then some more to cover additional items to which you cannot contribute. Your support will give us the go-ahead, as well as a solid foundation of support on which to build our fundraising drive.

Following is a description of proposed improvements to the Root Elementary School playing field and playground. The extent of what we are able to accomplish will depend on the funds available to us. Without a confirmed budget, we have only sought preliminary estimates on costs.

1. We would like to replace the existing "Big Toy" with a newer, more varied and safer model. One we are considering is made by Little Tykes. With modifications, its approximate cost will be $28,000. The required surrounding fall medium could cost an estimated $14,000.
Total cost: $42,000.

2. We would like to purchase several additional pieces of equipment. At this time we're considering two balance beams ($800 combined from Little Tykes) and a three-way basketball hoop for the first and second grades ($562 from Little Tykes).
Total cost: $1,362.

3. We plan to re-landscape the open playground area and would like to add eight benches at $250 each, including bases, and two trash cans, at $150 each. This is a fairly standard cost from several distributors.
Total cost: $2,300.

Playing Field

Items which we hope to fund with the Fayetteville School District include a soccer field, estimated cost $5,500, a track around the circumference of the field, we are putting its cost at about $5,000, (This is probably the single most effective way to increase community use of Root Park), and refurbishing the baseball diamond in the corner of the field, about $3,000.

We would like your help with:

1. Replacing the four picnic tables which used to be on the playground at an estimated cost of $350 each, including bases. These would be wonderful community-minded additions to Root Park.
Total cost for four picnic tables: $1,400.

2. Purchasing or erecting a play pavilion that represents Root's "pirate" theme. This will be available for outdoor presentations, gatherings and outdoor classrooms. The cost is difficult to estimate at this time but we are budgeting $10,000.
Total cost: $10,000.

3. Installing a much-needed water fountain on the playground. Since the playground is across the driveway, this will reduce the number of times children have to cross the drive to get a drink of water. We are estimating about $3,000.

Total cost: $3,000.

The combined estimated cost for our project is $60,062.

Again, we currently have a group of moms who are ready to launch a fundraising campaign. Since we have such a team in place now but may not have these people available to us in the future, we're hoping to get our project off the ground as soon as possible.

Thank you so much for your time and consideration of this request. Please let me know if there is any more information I can provide.

Sincerely,

Jennifer Hansen

Jennifer Hansen, landscape chairman, Root PTO

BID 99-9
A. 3.8

Fayetteville Public Schools

CELEBRATING THE PAST WHILE EMBRACING THE FUTURE

TO: CONNIE EDMONSTON

FROM: FRED TURRENTINE

DATE: JULY 2, 1999

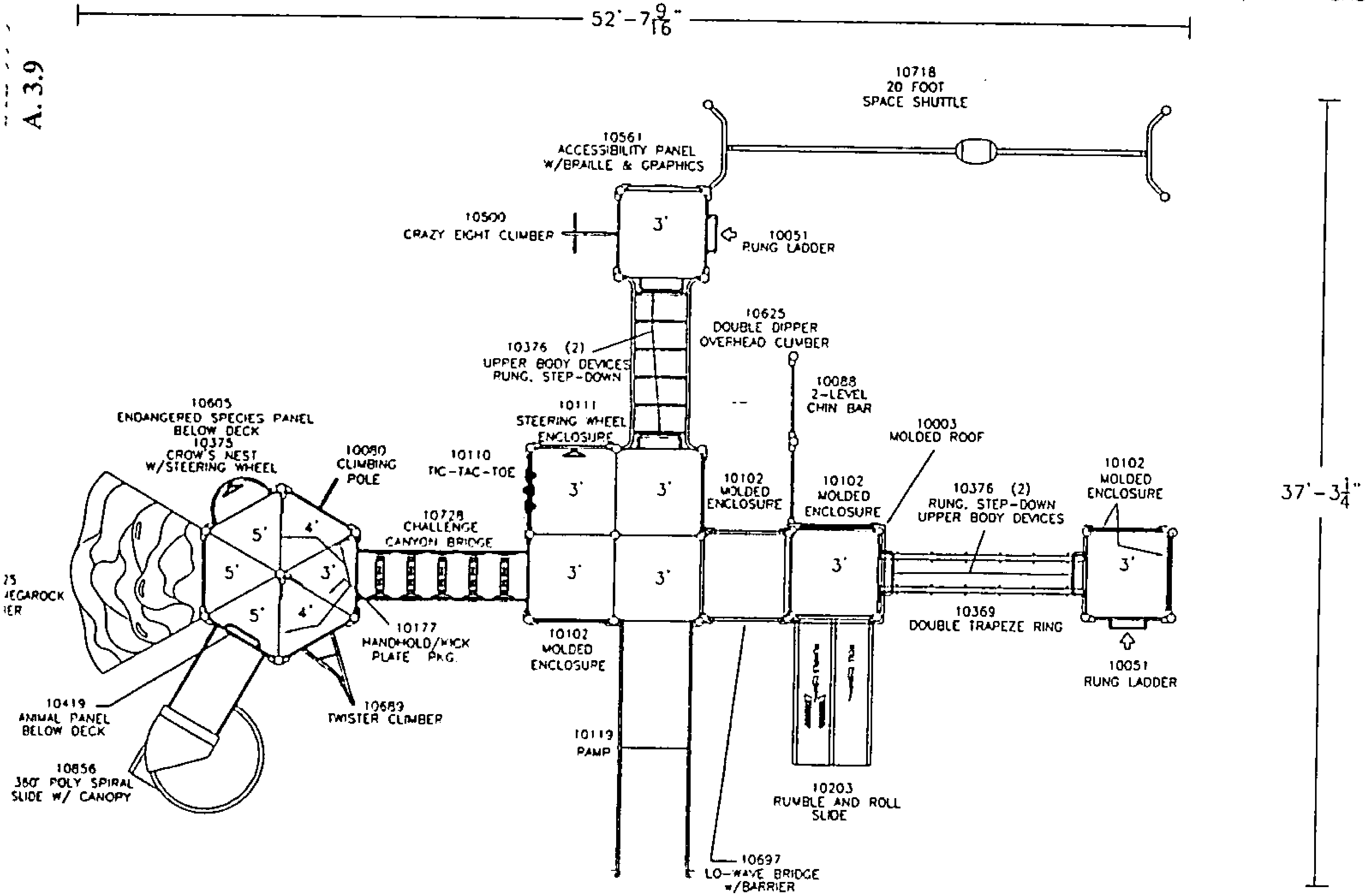
SUBJECT: BIG TOY – ROOT ELEMENTARY

Fayetteville Public School District #1 maintenance employees will install all playground equipment at Root Elementary. Installation will include ADA compliant sidewalk from parking lot to the big toy.

INSTALL AND MAINTAIN PROTECTIVE SURFACING WITHIN THE USE ZONE OF ALL
IPLY WITH ASTM F1292. EQUIPMENT USE ZONES SHALL COMPLY WITH ASTM F1487.

ROOT SCHOOL PARK

FAYETTEVILLE, ARKANSAS 72701



AFRSP199

6/22/99 cm

:CREATION EQUIPMENT, INC.

Sales Associate

GameTime

Enriching Childhood Through Play

STAFF REVIEW FORM

Agenda Request
FOR THE FAYETTEVILLE CITY COUNCIL MEETING OF July 20, 1999.

FROM:
Alett Little **Economic Development Department**

ACTION REQUESTED: Approval of a resolution endorsing the creation of Fayetteville.com, an internet site. The site is set to launch August 1, 1999.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds Used to Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: _______Budgeted Item _______Budget Adjustment Attached

Budget Coordinator Administrative Services Director

CONTRACT/GRANT/LEASE/REVIEW: **GRANTING AGENCY:**__________

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Approval of the resolution of endorsement as a gesture of good will, after hearing the presentation by Tate Wolf of Interface Computer Center. Interface Computer is the first company to commit to locate in the Arkansas Research and Technology Park and the internet site is a private commercial venture which will link to the City's internet site providing additional marketing for industrial and commercial development. A link will also be provided to the Chamber of Commerce internet site.

Alett Little 7.6.99
Economic Development Director Date

Cross Reference:
New Item: Yes No

Administrative Services Director Date

Previous Ord/Res#: ______

City Attorney Date

Mayor Date

Orig Contract Date:______

INTERNET SITE
A. 4. 2

Fayetteville.com
AR

INTER...
COMPUTER CENTER, L.L.C.

Leaders of Tomorrow's Technology

530 North College Avenue, Building C
Fayetteville, AR 72701
Telephone: 501-582-5100
Facsimile: 501-582-5599

- Objectives

Interface Computer Center would like to help Fayetteville have a useful and professional web site that will represent the Fayetteville community. Our goal is to develop an official Fayetteville Web Site that will be an attractive, useful and interactive site that benefits residents and consumers of Fayetteville, AR. www.Fayetteville.com will serve as a resource for residents and citizens of Fayetteville, and many people beyond our community. We would like to make the site fun, informative and entertaining. Accomplishing this will encourage return visits to the site, allowing the city to promote not only Fayetteville, but also community events and activities.

INTERFACE
COMPUTER CENTER, L.L.C.

Leaders of Tomorrow's Technology

530 North College Avenue, Building C
Fayetteville, AR 72701
Telephone: 501-582-5100
Facsimile: 501-582-5599

- Need/Benefits

www.Fayetteville.com will provide a way for the entire world to access information about Fayetteville. The web site we envision will place Fayetteville, AR alongside other cities that have already designed and built their own community web sites. This will help attract workers and businesses to the area and boost area tourism. *For example, visitors from Little Rock will be able to check the web site to see what activities will be going on this weekend while they are here for the Razorback game.*

A large percentage of our target audience will be Fayetteville residents and consumers who will come to the site to find information about but not limited to:

- Local News
- Real Estate
- Education
- Health Care
- Community Profile
- City Services
- Financial Institutions
- Things to See and Do
- Places to Stay
- Places to Dine
- Weather
- City Map
- News Headlines
- Local Links
- Useful Links

We would like to include several other activities to keep interest peaked in www.Fayetteville.com. Among things we would like to do if funding allows:

- Fantasy Sports – Pigskin Pick'em – This will allow users to pick who will win football games, with winners receiving prizes from sponsors.
- Recipes – create a section that will allow users to post their recipes.
- Fantasy Stock Portfolio – allow users to create their own imaginary portfolio. They can make changes as they wish and then at the end of a certain time period, the winner will get a prize from a sponsor.

www.Fayetteville.com will be designed and programmed in a way that allows adjustments as the users of the community dictates. If we receive suggestions for things that are not included in the web site, these will be considered and we will adjust the web site to provide what Fayetteville is looking for in its web site.

INTER
COMPUTER CENTER, L.L.C.

Leaders of Tomorrow's Technology

530 North College Avenue, Building C
Fayetteville, AR 72701
Telephone: 501-582-5100
Facsimile: 501-582-5599

- Methods

Two employees were needed for www.Fayetteville.com, graphic designer/web developer and ad coordinator/content manager. We felt that we were best suited to take on the technical aspect of creating www.Fayetteville.com (Graphic Design / Web Design) from in house personnel, and we added an Ad Coordinator / Content Manager.

Interface Computer Center, L.L.C. Responsibilities
(Graphic Design / Web Development):

- HTML Programming
- Web Site Design
- Creative Integration
- Banner Creation / Design
- Project Management
- CGI and Other High End Automation
- Web Storage
- Domain Name Fees
- Internet Bandwidth
- Server Maintenance
- Data Backups
- Billing Customers

Other responsibilities needed to create www.Fayetteville.com
(Ad Coordination / Content Management)

- Selling Banners
- Marketing
- Press Releases
- Media Gatherings
- Copy Writing and Content for Web Site (On Disk)

Interface Computer Center will be using its knowledge and resources to let the community know about www.Fayetteville.com. Promotion of a web site is one of the most important factors in creating a successful web site. We will ask the community to help in any way they can to help create awareness that Fayetteville now has a new resource on the internet, www.Fayetteville.com.

Fayetteville.com

AR

Welcome to Fayetteville.com - Microsoft Internet Explorer

File Edit View Favorites Tools Help

July 19, 10:40 a.m. CDT

Fayetteville.com AR

INTERACTIVE
THE SCENE
WEB DIRECTORY
NEW RESIDENTS

Click your way home

YOUR MONEY
SPORTS
NEWS & FEATURES
VISITORS GUIDE

INTERACTIVE

Online AutoPlex

Shop online for your auto and insurance. **GO!**

Northwest Real Estate

Looking for homes or commercial property? **GO!**

Pigskin Prophets

Pick results of high school, college, pro games and win! **GO!**

Local Music
MP3 radio streams area songs and live concerts **GO!**

E-Reminders
Sign up for email/pager reminders of big dates. **GO!**

WEATHER
E-STOCK
MORE!

ABOVE THE FOLD

One Month to go

In less than one month the face of community websites will be changed forever, or so says one guy at Interface Interactive who thinks he's important.

Aug. 17, at the NWA Business Expo, Fayetteville.com will officially launch.

FULL STORY

THE SCENE

What's going on here?

Find out! Check out all the content from Kaleidescope in an easy-to navigate, searchable database. We are also shining the spotlight on the live music scene.

GO TO THE SCENE

SPORTS

From youth and rec sports to Hogs and the pros, we've got it

The Arkansas track and field team won an unprecedented fifth triple crown after winning the 1999 NCAA Outdoor Track and Field Championships in Boise, Idaho. The Hogs won the cross country, indoor and outdoor titles to complete the sweep.

TOP STORIES:

Northwest Arkansas TIMES

Legislators listen to Physical Plant workers during campus meeting

Pharmacist sues VA, alleges 10 years of racial discrimination

Accused Wilson Park predator positively identified, police say

Area firefighters train for difficult rescue situations

READ NEWS CAPSULES

OUR PARTNERS:

kaleidoscope

Fayetteville.com
Presentation Purpose

- To Gain a **Non-Exclusive** Endorsement from the City of Fayetteville for Fayetteville.com
- To gain access to the City of Fayetteville's Statistical Data

Fayetteville.com
Site Overview

- Available to all Sectors of the Community
- Central Site for all efforts put forth on Internet Development in Fayetteville
  - Chamber, University, City, Corporate, Non-Proft, A & P Commission
- Fun, Informative and Useful
- Fully Interactive Site vs. a Link Based Site

Fayetteville.com Sponsors

- Bank of Fayetteville
- Nelms Auto Stores
- Cumulus Broadcasting
- Northwest Arkansas Times
- Liquor World
- Interface Interactive

Fayetteville.com Technical Experience

- Saltmine
  - www.pgatour.com
  - Microsoft
  - British Petroleum
- Starwave
  - www.abcnews.com
  - www.espn.com
  - www.nba.com

- Interface Interactive
  - Houndstooth Clothing
  - Houses's Inc.
  - Daisy, Inc.
  - Ozark's Electric Co-op
  - Café Santa Fe Franchise Group
  - Springdale.com
  - biotech.uams.edu

APRON REHAB.
A. 5. 1

STAFF REVIEW FORM

RECEIVED
JUL 2 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

XX AGENDA REQUEST
XX CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of July 20, 1999

FROM:

Name	Division	Department
Dale Frederick	Airport	General GMT.

ACTION REQUIRED: Airport staff requests approval of the contract for the Terminal Apron Rehabilitation Project with Pavement Specialist, Inc. for a negotiated low bid amount of $281,547.83. When the Airport is officially notified of the FAA's approval and grant award, the Mayor's signature is requested on the contract. The grant is date sensitive, and staff requests that the Mayor be given the authority to accept and sign the FAA grant upon its arrival. This project will be funded with a 90% FAA Grant; a 5% request from the State Aeronautics Board; and 5% reimbursement through previously collected Airport Passenger Facility Charges. A project contingency of approxiamately 11% ($31,552.00) to cover unforeseen project expenditure and $6,000.00 for materials testing is requested. A budget adjustment to cover the project contingency and increased cost over the original project estimate is requested.

COST TO CITY:

$ 319,100.00	$ 286,000.00	Terminal Ramp Rehab.
Cost of this Request	Category/Project Budget	Category/Project Name
5550-3960-7820.27	$ 713.00	Fixed Assets
Account Number	Funds used to date	Program Name
99044	$ 285,287.00	Airport
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Coordinator — Administrative Services Director 1JUL99

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ________

Accounting Manager — Date 6-29-99
City Attorney — Date 6-30-99
Purchasing Officer — Date 6-30-99

ADA Coordinator — Date
Internal Auditor — Date 7-1-99

STAFF RECOMMENDATION: Airport staff recommends approval.

Division Head — Dale Frederick by BJM — Date 6/29/99

Department Director — Date
Administrative Services Director — Date 1JUL99
Mayor — Date 7/2/99

Cross Reference

New Item: Yes No
Prev. Ord/Res#: ________
Orig Cont. Date: ________

APRON REHAB.
A. 5. 2

[TEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor

FROM: Dale Frederick, Airport Manager DF by BJM

DATE: JUNE 28, 1999

SUBJECT: CONTRACT APPROVAL WITH PAVEMENT SPECIALISTS, INC. FOR THE TERMINAL APRON REHABILITATION

The Airport staff requests approval of the contract for the Terminal Apron Rehabilitation Project with Pavement Specialist, Inc. for a negotiated low bid amount of $281,548.00. When the Airport is officially notified of the FAA's approval and grant award, the Airport will request the Mayor's signature on the contract. The Airport Board recommended the award of this contract at their meeting on June 3, 1999.

The grant is date sensitive, and the Airport Staff requests that the Mayor be given the authority to accept and sign the FAA grant upon its arrival. This is an Airport Improvement Project and will be funded 90% with FAA Grant #27; 5% request from the State Aeronautics Board; and 5% reimbursement through previously collected Airport Passenger Facility Charges.

A project contingency of 10% and a budget adjustment is requested. The project contingency will cover any unforeseen project expenditures, and the budget adjustment will cover the project contingency and the increased cost over the original project estimate.

DF/bjm

Attachments: Contract Review Form
Specifications and Contract Documents
Bid Tabulation
Budget Adjustment

APRON REHAB.
A. 5. 3

U.S. Department of Transportation
Federal Aviation Administration

Southwest Region
Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Fort Worth, Texas 76193-0000

RECEIVED
JUN 28 1998
AIRPORT

June 23, 1999

The Honorable Fred Hanna
Mayor of Fayetteville
113 West Mountain
Fayetteville, AR 72701

Dear Mayor Hanna:

Your request for assistance under the Airport Improvement Program, as authorized by Title 49 United States Code, for Drake Field has been approved for Fiscal Year 1999. The allocation is as follows:

Federal Funds:	$400,000
Project No.:	3-05-0020-27-99
Development:	Rehabilitate Terminal Apron

This allocation may be used only for the development described above and you are expected to proceed without delay. Our Airports Division representative, Mr. Donald Harris, will contact you within 7 days to provide any assistance you may need and to work with you to establish a project schedule. This schedule will include a timely grant offer being made based on bids. This allocation is tentative and will remain valid so long as the project formulation is proceeding on the schedule. Failure to meet the schedule will jeopardize project funding and could lead to withdrawal of the tentative allocation.

We look forward to working with you and your staff toward the successful completion of this project.

Sincerely,

Original Signed By:
Donald C. Harris

Edward N. Agnew
Manager, Arkansas/Oklahoma
Airports Development Office

FAYETTEVILLE MUNICIPAL AIRPORT
AIP 3-05-0020-26-99
TERMINAL APRON REHABILITATION

BID TABULATION
June 2, 1999

				ENGINEER'S ESTIMATE		PAVEMENT SPECIALISTS, INC.		JERRY D. SWEETSER, INC.	
Item No.	Description	Unit	Estimated Quantity	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
SP-2-4.1	Site Preparation	L.S.	100%	$25,000.00	$25,000.00	$27,000.00	$27,000.00	$25,000.00	$25,000.00
SP-3-4.1a	Concrete Pavement Removal	S.Y.	400	$30.00	$12,000.00	$38.31	$15,324.00	$40.00	$16,000.00
SP-3-4.1b	Undercut Excavation	C.Y.	20	$25.00	$500.00	$153.14	$3,062.80	$250.00	$5,000.00
SP-4-5.1	Concrete Spall Repair	S.F.	2,800	$44.00	$123,200.00	$53.29	$149,212.00	$32.00	$89,600.00
SP-5-5.1a	Joint Cleaning and Sealing in PCC Pavement	L.F.	22,000	$3.50	$77,000.00	$1.99	$43,780.00	$10.00	$220,000.00
SP-5-5.1b	Crack Cleaning and Sealing in PCC Pavement	L.F.	500	$6.00	$3,000.00	$2.89	$1,445.00	$10.00	$5,000.00
P-306-5.1	6" Econocrete Base Course	S.Y.	400	$25.00	$10,000.00	$27.00	$10,800.00	$65.00	$26,000.00
P-501-8.1	14" PCC Pavement	S.Y.	400	$75.00	$30,000.00	$72.69	$29,076.00	$85.00	$34,000.00
P-620-5.1	Runway and Taxiway Painting	S.F.	150	$4.00	$600.00	$9.43	$1,414.50	$20.00	$3,000.00
SC-04	Third Party Insurance	L.S.	100%	$250.00	$250.00	$500.00	$500.00	$4,500.00	$4,500.00
	TOTAL CONSTRUCTION AMOUNT				$281,550.00		$281,614.30		$428,100.00

City of Fayetteville, Arkansas
Budget Adjustment Form

APRON REHAB.
A. 5. 5

Budget Year	Department: General Government	Date Requested	Adjustment #
1999	Division: Airport	06/28/99	
	Program: Airport Capital		

Project or Item Requested:
Additional funding is requested for the Terminal Apron Rehabilitation Project.

Project or Item Deleted:
None. Use of fund balance is proposed for this a adjustment.

Justification of this Increase:
The funds are needed to provide sufficient budget to fully fund the bid, project contingency, and testing expenses associated with the project. The additional funds will allow the necessary maintenance work to be performed and preserve the apron in a more usable condition.

Justification of this Decrease:
Sufficient cash & investments exist to fund this request and comply with City policy.

Increase Expense (Decrease Revenue)

Account Name	Amount	Account Number					Project Number	
Terminal Ramp Rehabilitation	33,813	5550	3960		7820	27	99044	1

Decrease Expense (Increase Revenue)

Account Name	Amount	Account Number					Project Number	
Use of Fund Balance	33,813	5550	0955		4999	99		

Approval Signatures

Requested By — Date

Budget Manager — Date June 28, 1999

Department Director — Date

Admin. Services Director — Date

Mayor — Date

Budget Office Use Only

Type: A B C D E

Date of Approval

Posted to General Ledger

Posted to Project Accounting

Entered in Category Log

Blue Copy: Budget & Research / Yellow Copy: Requester

D:\DATA\99BUDGET\BUDGTADJ\TERM_1

CONTRACT

THIS AGREEMENT made this _____ day of ___________, 19___, by and between the City of Fayetteville, Arkansas, acting through its duly authorized representatives, party of the first part, hereinafter called the "OWNER", and:

Pavement Specialists, Inc.

party of the second part, hereinafter called "CONTRACTOR".

WITNESSETH:

That for and in consideration of the payment hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR hereby agrees with the OWNER to commence and complete "Terminal Apron Rehabilitation", AIP No. 3-05-0020-27-99 (corrected AIP number), City of Fayetteville, Fayetteville Municipal Airport.

The CONTRACTOR agrees to perform the work in accordance with the Plans, Specifications and all provisions attached hereto and made a part hereof as though copied in full herein, for and at the prices bid in the Proposal.

The OWNER agrees to pay, and the CONTRACTOR agrees to accept, as full and final compensation for all work done under this agreement, the amount based on the unit prices bid in the Proposal which is hereto attached, for the actual amount accomplished under each pay item, said payments to be made in lawful money of the United States at the time and in the manner set forth in the Specifications. **The contract amount is herein revised to $281,547.83 by reducing the contract quantity of item SP-5-5.1b Crack Cleaning and Sealing in PCC Pavement from 500 to 477 linear feet.**

For the consideration above expressed, the CONTRACTOR agrees to begin work within ten (10) calendar days, after direction from the OWNER, and complete the work within one hundred and twenty (120) calendar days. If the CONTRACTOR shall fail to complete the work in the time specified, he shall pay to the OWNER, as liquidated damages, ascertained and agreed, and not in the nature of a penalty, the amount referenced in the Proposal and specified in SPECIAL CONDITIONS for each day delayed; which shall be deducted from the final payment to be paid under this Contract; provided that extensions of time with waiver of liquidated damages may be granted as provided for in the Specifications.

The CONTRACTOR agrees to furnish a Performance Bond and a Payment Bond with an approved Surety thereon guaranteeing the performance of this Contract as required by the law of the State of Arkansas, in the principal amount not less than one hundred (100) percent of the amount of this Contract. Said bonds shall be conditioned upon full and complete performance of the Contract and for the payment of all labor, tools, equipment and materials furnished by the CONTRACTOR entering into or incidental to the work and shall guarantee the work against faulty workmanship or materials for a period of one (1) year after completion.

The Surety on said bonds shall be a Surety Company of financial resources satisfactory to the OWNER and authorized to do business in the State of Arkansas.

During the performance of this Contract, the CONTRACTOR for itself, its assignees and successors in interest (hereinafter referred to as the "Contractor") agrees as follows:

1. Compliance with Regulations. The Contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this Contract.

2. Nondiscrimination. The Contractor, with regard to the work performed by it during the Contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of Subcontractors, including procurements of materials and leases of equipment. The Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the Contractor covers a program set forth in Appendix B of the Regulations.

3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment. In all solicitations either by competitive bidding or negotiation made by the Contractor for work to be performed under a Subcontract, including procurements of materials or leases of equipment, each potential Subcontractor or supplier shall be notified by the Contractor of the Contractor's obligations under this Contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

4. Information and Reports. The Contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Owner or the Federal Aviation Administration to be pertinent to ascertain compliance with such regulations, orders, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish this information, the Contractor shall so certify to the Owner or the Federal Aviation Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

5. Sanctions for Noncompliance. In the event of the Contractor's noncompliance with the nondiscrimination provisions of this Contract, the Owner shall impose such Contract sanctions as it or the Federal Aviation Administration may determine to be appropriate, including, but not limited to:

(a) Withholding of payments to the Contractor under the Contract until the Contractor complies, and/or

(b) Cancellation, termination, or suspension of the Contract in whole or in part.

6. Incorporation of Provisions. The Contractor shall include the provisions of paragraphs 1 through 5 in every Subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The Contractor shall take such action with respect to any Subcontract or procurement as the Owner or the Federal Aviation Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, however, that in the event a Contractor becomes involved in, or is threatened with, litigation with a Subcontractor or supplier as a result of such direction, the Contractor may request the Owner to enter into such litigation to protect the interests of the Owner and, in addition, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

BUY AMERICAN - STEEL AND MANUFACTURED PRODUCTS FOR CONSTRUCTION CONTRACTS (JAN 1991)

(a) The Contractor agrees that only domestic steel and manufactured products will be used by the Contractor, subcontractors, materialmen, and suppliers in the performance of this contract, as defined in (b) below.

(b) The following terms apply to this clause:

1. Steel and manufactured products. As used in this clause, steel and manufactured products include (1) those produced in the United States or (2) a manufactured product produced in the United States, if the cost of its components mined, produced or manufactured in the United States exceeds 60 percent of the cost of all its components and final assembly has taken place in the United States.

2. Components. As used in this clause, components means those articles, materials, and supplies incorporated directly into steel and manufactured products.

3. Cost of Components. This means the costs for production of the components, exclusive of final assembly labor costs.

IN WITNESS WHEREOF, the parties of these presents have executed this Contract in six (6) counterparts, each of which shall be deemed an original on the day and year first above written.

CITY OF FAYETTEVILLE
FAYETTEVILLE, ARKANSAS

ATTEST:

____

By______________________________
(Party of the First Part)

Title ______________________________

***PAVEMENT SPECIALISTS INC.

ATTEST: [signature]
ASST CORPORATE SECRETARY

By [signature]
(Party of the Second Part)

Title Vice President

SEAL (If a Corporation)

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
____ GRANT REVIEW
For the Fayetteville City Council meeting of July 20, 1999

FROM:

Dale Frederick	Airport	General Govt.
Name	Division	Department

ACTION REQUIRED: Airport staff requests approval of the contract for the construction of an Eight-Bay T-Hangar with Gray Construction, Inc. for a bid amount of $264,364.50. A project contingency of 10% ($26,436.00) to cover unforeseen project expenditures and $1,000.00 for materials testing is requested. A budget adjustment is requested to cover the project contingency and the increased cost over the original project estimate. Garver Engineers, the engineers for this project, have recommended the award of this project to Gray Construction, Inc.

COST TO CITY:

$ 291,801.00	$ 223,000.00	Eight-Bay T-Hangar
Cost of this Request	Category/Project Budget	Category/Project Name
5550-3960-5804.00	$ 26,695.00	Fixed Assets
Account Number	Funds used to date	Program Name
98056	$ 196,305.00	Airport
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

______________________ Budget Coordinator
______________________ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ____________

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Airport staff recommends approval.

Dale Frederick
Division Head Date

Department Director Date

Administrative Services Director Date

Mayor Date

Cross Reference

New Item: Yes No
Prev. Ord/Res#: ____________
Orig Cont. Date: ____________

T-HANGAR BID
C. 4. 2

FAYETTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor

FROM: Dale Frederick, Airport Manager

DATE: July 6, 1999

SUBJECT: CONTRACT APPROVAL WITH GRAY CONSTRUCTION, INC. FOR AN 8-BAY T-HANGAR CONSTRUCTION

Airport staff requests approval of the contract for the construction of an Eight-Bay T-Hangar with Gray Construction, Inc. for a bid amount of $264,365.00. A project contingency of 10% ($26,436.00) to cover unforeseen project expenditures and $1,000.00 for materials testing is requested. A Budget Adjustment is requested to cover the project contingency and the increased cost over the original project estimate.

This project will be funded with Airport funds but will generate revenue for the airport. The demand from general aviation for this project is apparent by the waiting list for hangar space kept by Airport Administration.

Garver Engineers, the engineers for this project, have recommended the award of this project to Gray Construction, Inc. who was the second lowest bidder. The lowest bidder, Phase I Turnkey, Inc., did not sign or complete their proposal and was not recommended by the engineers. The Airport Board at their July 1, 1999, meeting did recommend that the award go to the second lowest bidder, if the lowest bidder did not qualify.

DF/bjm

Attachments: Contract Review Form
Letter of Recommendation
Specifications and Contract Documents
Bid Tabulation
Budget Adjustment

T-HANGAR BID
C. 4. 3

Garver, Inc.
[illegible]

[illegible]
[illegible] AR [illegible]

[illegible]
FAX [illegible]

[illegible]

GARVER | ENGINEERS

July 2, 1999

Mr. Dale Frederick
Airport Manager
Fayetteville Municipal Airport
4500 S. School Avenue, Suite F
Airport Terminal Building
Fayetteville, AR 72701

Re: Fayetteville Municipal Airport
8-Bay T-Hangar Construction
Recommendation of Contract Award

Dear Dale:

Four bids for the "8-Bay T-Hangar Construction" project were received on June 29, 1999. The low bid was from Phase 1 Turnkey, Inc. in the amount of $256,708.00. However, Phase 1 Turnkey, Inc. did not sign the Proposal or complete the Proposal ~~forms~~. They also did not complete the "Statement of Bidder's Qualifications" section. For these reasons, according to Peggy Vice, Phase 1 Turnkey's bid is disqualified.

The second lowest bid was from Gray Construction, Inc. in the amount of $264,364.50. This amount is less than the City's Certified Funding Amount and the Engineer's Estimate. We believe the amount bid by Gray Construction represents a good value to the airport and recommend that the City award the contract to Gray Construction, Inc.

If you have any questions, please call me.

Sincerely yours,

GARVER | ENGINEERS

Brock E. Hoskins, P.E.
Vice President / Project Manager

BEH/kf

Cc: Rick McKinney
Alett Little

J:\Projects\[illegible]\Admin\[illegible]\recommend-ltr-02.doc

T-HANGAR BID
C. 4.4

FAYETTEVILLE MUNICIPAL AIRPORT - DRAKE FIELD
FAYETTEVILLE, ARKANSAS
8 BAY T-HANGAR

[illegible]

Bid Tabulation

ITEM	DESCRIPTION	UNIT	ENGINEER'S ESTIMATE ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST	BUILDINGS ESTIMATED COST	HARRISON DAVIS ESTIMATED COST	GRAY ESTIMATED COST	PHASE I TURN. ESTIMATI COST
SP-2-10.1	Site Preparation	L.S.	100%	$12,275.00	$12,275.00	$4,800.00	$10,600.00	$5,900.00	$2,5
SP-3-4.1	Trench and Excavation Safety Systems	L.S.	100%	$1,200.00	$1,200.00	$100.00	$1,500.00	$1,180.00	$500.00
SP-4-20.1	6" D.I. Pipe, Installed	L.F.	525	$21.00	$11,025.00	$13,000.00	$11,500.00	$10,089.00	$9,752.00
SP-4-20.2	6" x 6" Tapping Sleeve and Valve	Each	1	$2,300.00	$2,300.00	$2,700.00	$2,000.00	$4,484.00	$918.00
SP-4-20.3	Fire Hydrant and Valve Assembly	Each	2	$2,400.00	$4,800.00	$4,550.00	$4,000.00	$5,428.00	$4,275.00
SP-5-3.1	8 Bay T-Hangar Construction (Foundation, Building & Erection, Electrical)	Each	1	$230,000.00	$230,000.00	$261,536.00	$248,115.00	$233,684.50	$233,769.00
SP-6-5.1	Pavement Removal and Repair	S.Y.	6.0	$300.00	$1,800.00	$800.00	$1,200.00	$1,888.00	$600.00
P-620-5.1a	Taxiway Paint Removal	S.F.	375	$2.00	$750.00	$800.00	$1,325.00	$708.00	$375.00
P-620-5.1b	Taxiway Painting	S.F.	175	$2.00	$350.00	$800.00	$525.00	$413.00	$350.00
SC-04	Third Party Insurance	L.S.	100%	$500.00	$500.00	$500.00	$300.00	$590.00	$3,669.00
	TOTAL ESTIMATED CONSTRUCTION AMOUNT				$265,000.00	$289,586.00	$281,065.00	$264,364.50	$256,708.00

T-HANGAR BID
C. 4. 5

Garver, Inc.
Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

501-527-9100
FAX 501-527-9101

www.garverinc.com

GARVER|ENGINEERS

July 7, 1999

Ric Gray, President
Gray Construction, Inc.
2271 Dawn Hill Road
Siloam Springs, AR 72761

Re: Fayetteville Municipal Airport (Drake Field)
8-Bay T-Hangar

Dear Mr. Gray:

The Fayetteville Municipal Airport Board has approved a recommendation for the City Council to award the construction contract for the "8-Bay T-Hangar" project at Drake Field to your company. Award is subject to approval by the Fayettteville City Council.

Four sets of "Specifications and Contract Documents" are hereby submitted with the proper information included. In each of the four (4) sets of "Specifications and Contract Documents," please execute the contract on Page C-4. Do not enter any dates on the contract.

Also, please provide separate performance and payment bonds (either using the forms on Pages PEB-1, -2, and PAB-1, -2, or forms provided by your surety) with a power-of-attorney for surety's attorney-in-fact for each of the two bonds. Do not enter dates on the bonds or power-of-attorney certifications.

Please provide General Liability and Third Party Insurance coverage in accordance with the specifications (reference Page SC-2, Section SC-04, "Insurance").

Please return all four sets of the "Specifications and Contract Documents" to me on or before July 13, 1999. If you have any questions, please call me. Thank you for your cooperation.

Sincerely yours,

GARVER|ENGINEERS

Brock Hoskins

Brock Hoskins, P.E.
Vice President / Project Manager

Enclosures

cc: Dale Frederick

98-6230

a.c.
7/20/99

ADD. INFO
TOWN CENTER

City of Fayetteville, Arkansas
Town Center Funding Schedule

Funding Available

Cash & Investments - Town Center Bonds	6,475,570	
Cash & Investments - Transfer from A & P	1,029,153	
Projected additional investment earnings	125,000	
Estimated Cash & Investments - Town Center Fund		7,629,723
Off Street Parking		386,600
General Fund Fund Balance (additional sales tax collections above budget)		328,000
Total Funding Available		8,344,323

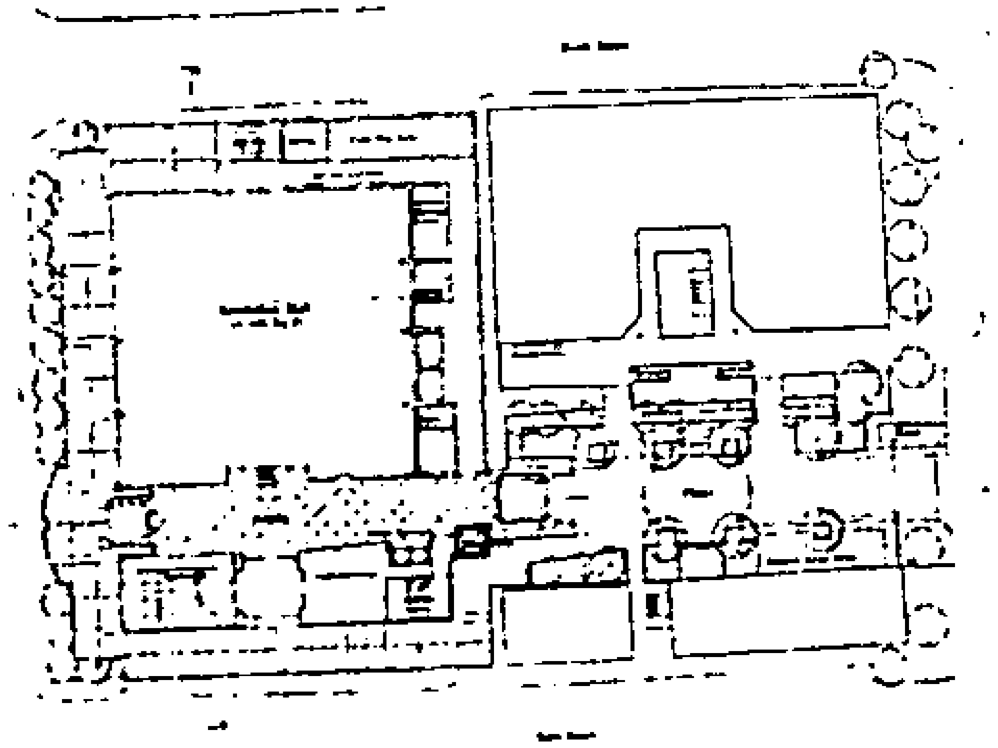
Funds Required

Town Center Bid - negotiated amount		7,569,292	
Add Back - Lower parking level		386,600	
Additional possible add backs			
	Elevators	129,934	
	Operable Partitions	88,091	
	Contingency	170,000	
Total Funds Required			8,343,917

Vote FOR
Town Center/
Exhibit Hall
Bond Issuance

The proposed Town Center / Exhibit Hall will provide much-needed exhibit space to attract various conventions and generate new income to Fayetteville businesses. The facility will be paid for by re-allocating existing tax revenues - NO NEW TAXES will be required.

The Town Center project will add new life to the Fayetteville downtown area for years to come and provide public meeting spaces that local residents will enjoy well into the 21st century.



Vote FOR
Town Center/
Exhibit Hall
Bond Issuance

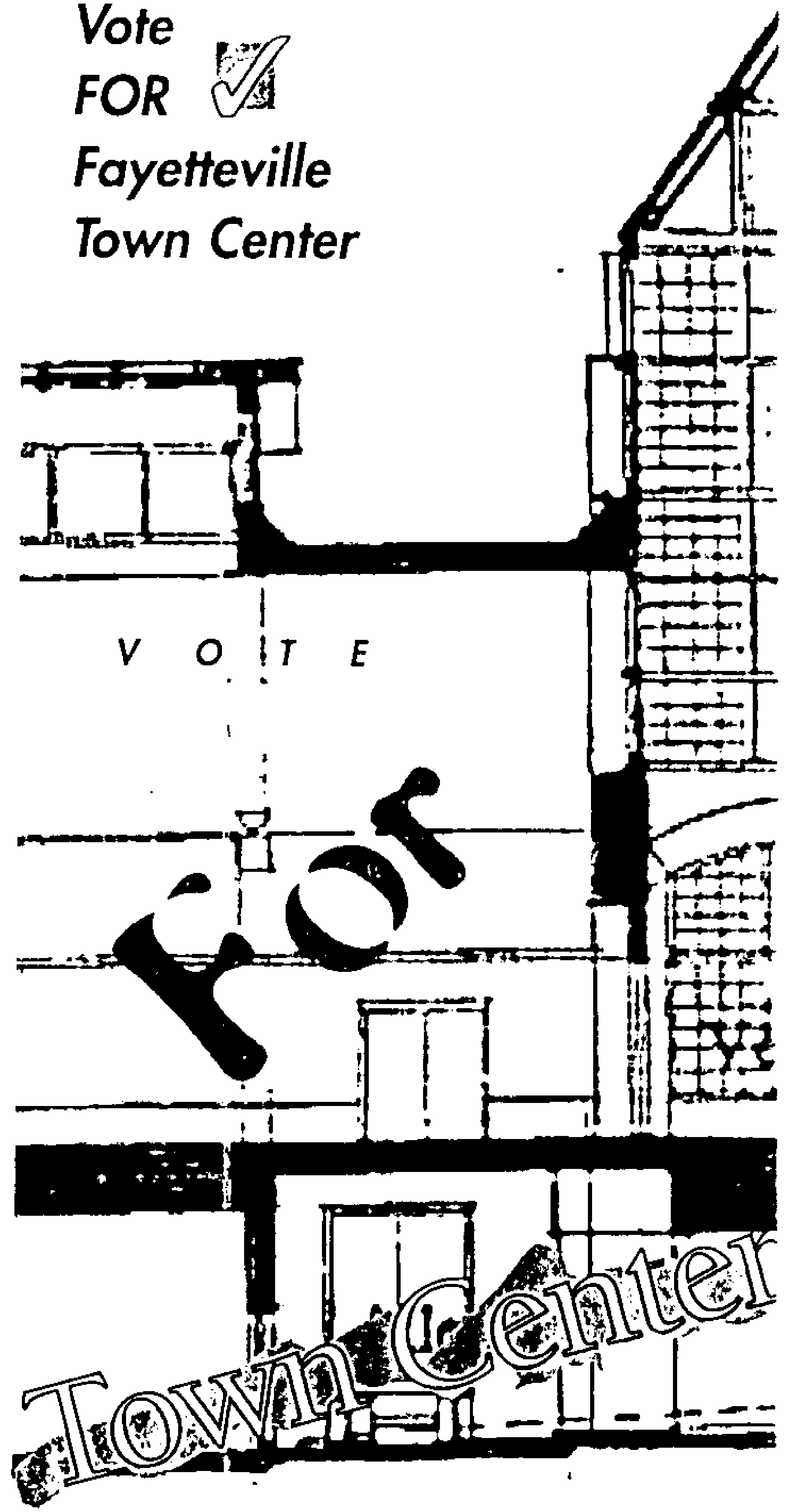
What Will The Town Center Be Used For?
The proposed Town Center will provide a much-needed exhibit area for conventions, expanding the capabilities of the Center for Continuing Education, located on the northeast corner of the Square, and area hotels. Meeting and exhibit space will also be available to local groups and provide a setting for such events as civic and private receptions, school activities, community meetings, banquets, job fairs, University of Arkansas events and other activities.

Is It Okay To Use The HMR Tax Funds?
The uses of funds collected by the special city-wide Hotel-Motel-Restaurant tax, which has been in effect since approval by Fayetteville voters nearly two decades ago, are limited by state law. The HMR funds may be applied toward advertising and promotion activities, construction of convention centers, tourist-oriented facilities and related projects, and payments on bonds used to finance such projects.

HMR tax funds may NOT be used for general capital improvements, such as streets, jails or sewer system upkeep; costs associated with the general operations of the city; or for civic groups or the Chamber of Commerce.

ON AUGUST 5TH

Vote FOR Fayetteville Town Center



Vote FOR Fayetteville Town Center on August 5, 1997

The Town Center/ Exhibit Hall Decision

On August 5, 1997 an election will be held in Fayetteville to determine public support for a bond issue to construct a Town Center / Exhibit Hall on the south side of the downtown Square. Citizens are being asked to approve the issuance of $6,950,000 in bonds to finance the new facility.

The bonds will be paid over a maximum of 22 years using the revenues from the existing Hotel-Motel-Restaurant (HMR) 1% tax, a significant portion of which comes from out-of-town visitors. No new taxes will be imposed. The city's Advertising and Promotion Commission has pledged a million dollars of the already-collected HMR funds toward the project. HMR tax funds earmarked for Fayetteville parks will NOT be affected by this proposal.

Why a Town Center / Exhibit Hall?

Economics - Preliminary feasibility studies indicate the Town Center will generate approximately $1.6 million in new direct annual spending at local businesses and have an area-wide economic impact of as much as $3.5 million per year.

On a national level, the meeting/convention and trade show industry generates significant economic activity. In 1993, total meeting expenditures reached a reported $40 billion. During that same year, 84.5 million people attended conventions, off-site corporate meetings and association meetings. Overall industry growth is estimated at 3 - 5% per year.

Fayetteville is losing significant meetings to other cities in Arkansas and to Tulsa because of the lack of exhibit space, although adequate meeting and banquet space, as well as hotel accommodations, are available.

Revitalization of the Square and downtown area - The Town Center is a key element in the long-term planning for the economic viability of the Fayetteville Square and downtown area. The facility will act as a 'people generator' to keep public activity on the Square and support the unique mix of dining, shopping and business facilities and other amenities available to visitors as well as local Town Center users. Just as Walton Arts Center has revitalized Dickson Street, the Town Center will stimulate downtown development.

Facts and Figures

- *No new taxes* will be imposed.
- $1 million in reserve HMR tax funds has been pledged toward the project.
- Future collections of the HMR tax will be used for bond payment.
- A conceptual design has been developed for the Town Center.
- The proposed facility will be aesthetically pleasing and architecturally compatible with the downtown Square area.
- Detailed design with public input will be done after voter approval of bonds.
- The Town Center will have 14,000 square feet of assembly floor space, and 20,000 total square feet.
- The assembly area will be able to accommodate banquets of up to 1,000 people at a sit-down dinner.
- 8,000 square feet of outdoor decks with a view to the south are planned.
- 12,000 square feet of new plaza and landscape areas will expand the Square gardens and provide public use areas.
- 230 parking spaces will be provided.

C.C. 7/20/99
TOWN CENTER

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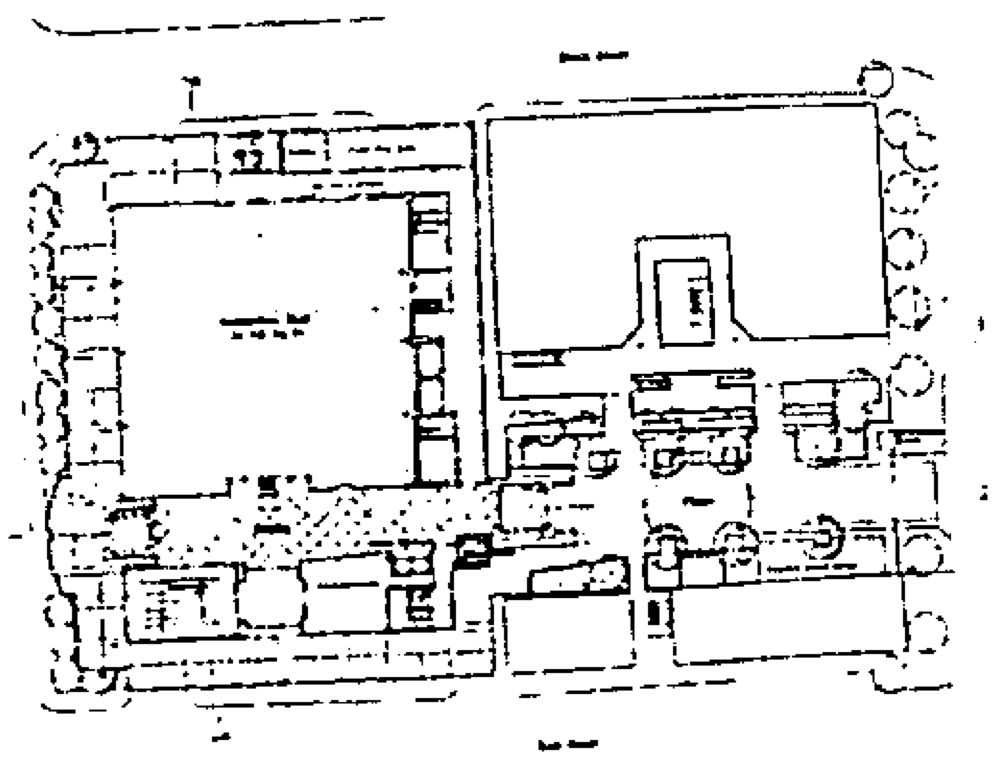

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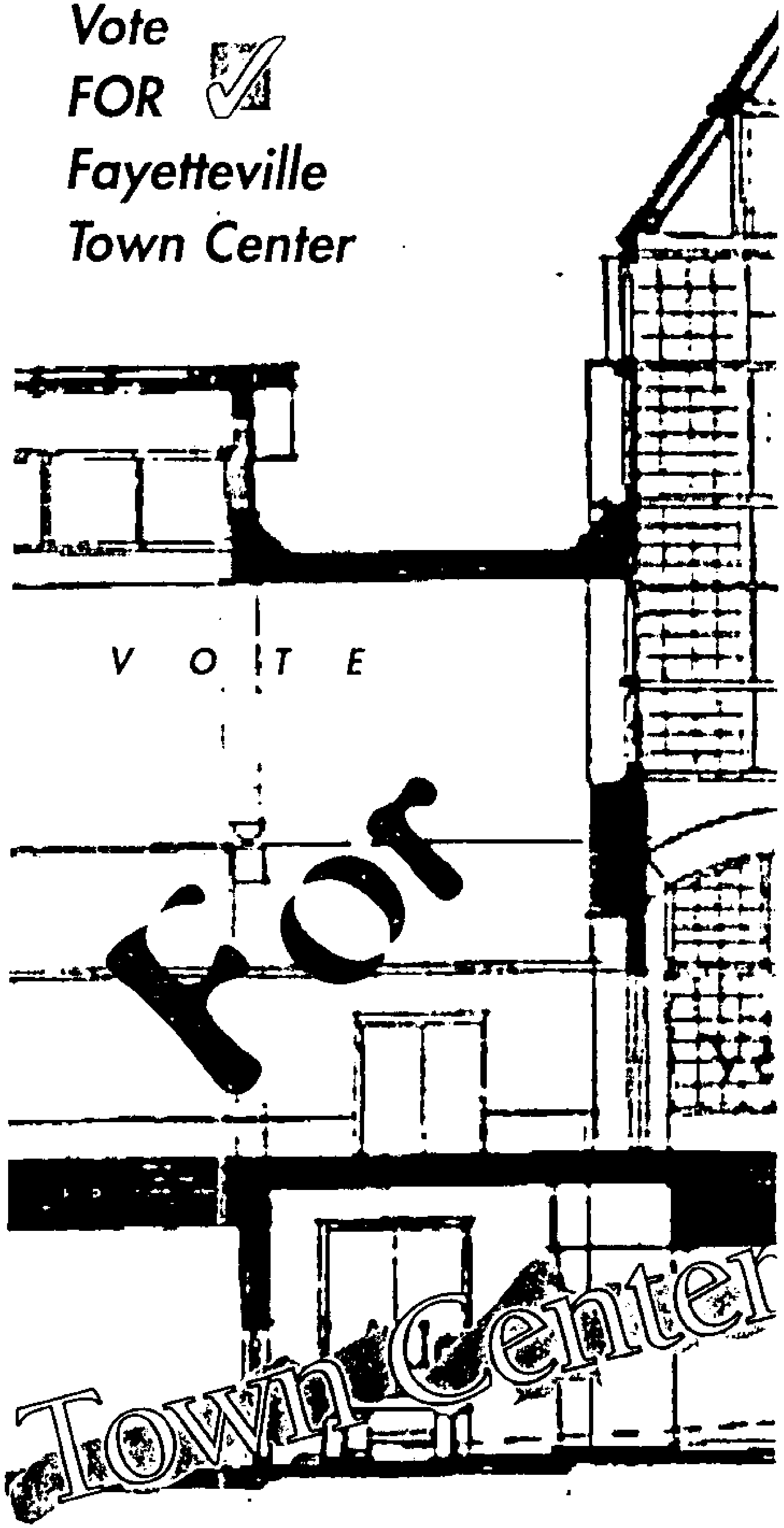
ON AUGUST 5TH

Vote FOR Fayetteville Town Center



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- 8,000 square feet of outdoor decks with a view to the south are planned.
- 12,000 square feet of new plaza and landscape areas will expand the Square gardens and provide public use areas.
- 230 parking spaces will be provided.

RZ 98-22
C. 1. 1

STAFF REVIEW FORM

X Agenda Request
___ Contract Review
___ Grant Review

For the Fayetteville City Council meeting of July ~~6~~ 20, 1999.

FROM:

Alett Little	Planning	Public Works
Name	Division	Department

ACTION REQUESTED: To approve an ordinance for RZ98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximatley 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

COST TO CITY:

$0		
Cost of this request	Category/Project Budget	Category/Project Name
Account Number	Funds used to date	Program Name
Project Number	Remaining balance	Fund

BUDGET REVIEW: ___ Budgeted Item ___ Budget Adjustment Attached

Budget Coordinator   Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ___

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	6-17-99 Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Staff did not recommend approval. Planning Commission approved RZ98-22 at the regular meeting of January 11, 1999, with a vote of 5-4-0. Mr. Forney, Ms. Hoover, Ms. Johnson, and Mr. Tucker voted against the motion.

Division Head	6-11-99 Date	**Cross Reference**
Department Director	6-18-99 Date	New Item: Yes No
Administrative Services Director	21JUN99 Date	Prev Ord/Res#: ___
Mayor	6/21/99 Date	Orig Contract Date: ___

RZ 98-22
C. 1. 2

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone:
501-575-8264

PLANNING DIVISION CORRESPONDENCE

TO:	Fayetteville Planning Commission Members
THRU:	Alett S. Little, City Planner
FROM:	Brent Vinson, Associate Planner
DATE:	January 11, 1999

RZ 98-22.00: Rezoning (Littlefield Investment Co., pp 565) was submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

RECOMMENDED MOTION:

Staff does not recommend approval of the requested rezoning from C-1 to C-2 because there are adequate vacant C-2 parcels in the city to accomodate the proposed use. The Land Use Plan shows the area to be Community Commercial, therefore the rezoning proposed is not consistent with the land use planning objectives, principles, and policies of the land use and zoning plans.

PLANNING COMMISSION ACTION: YES Required

_____Approved _____Denied

Date: January 11, 1999

Comments: The rezoning to C-2 passed with a condition that a bill of assurance be submitted that the property be used as a used car lot only and that if it is not used as such the property will convert back to a C-1 zoning.

CITY COUNCIL ACTION: YES Required

_____Approved _____Denied

Date: __/__/__

BACKGROUND :

The applicant desires to rezone the property from C-1 (Neighborhood Commercial) to C-2 (Thoroughfare Commercial). The applicant desires to lease the property to USA Cars for use as a retail used car lot. Automotive sales is an included use of Unit 17 (Trades and Services) under C-2 (Thoroughfare Commercial) zoning.

According to the applicant, the use will not conflict with other uses in the area and will improve the property. The property is on the northwest corner of the intersection of Huntsville Road and Happy Hollow Road and was formerly used as a gas station. Gas stations are allowed in the current C-1 zone. Development plans recently submitted will require that Happy Hollow Road to connected to Cliffs Blvd. which will connect to Hwy 265. As Hwy 265 will be under construction this access will provide alternate access for residents of The Cliffs Apartments (Phase II) and traffic should significantly increase.

The building on the property is now vacant, and USA Cars plans to upgrade the building, and to meet the City's requirements for landscaping. Utility service is available at the site.

ADJACENT LAND USE AND ZONING

North:	Single family residential, zoned R-1
South:	Beard's Funeral Chapel and a vacant lot, zoned C-1, Mexican Original, zoned C-2, is southeast of the site.
East:	Kathryn's Closet (retail specialty store), zoned C-1, a vacant lot and a Ridgeview Baptist Church exist east of Kathryn's.
West:	Brophy's Accountant Office, zoned R-O

INFRASTRUCTURE:

Streets:	The property is located at the intersection of Happy Hollow and Hwy. 16 East.
Water:	An 8" waterline exists along the southern border of the property and a 6" waterline exists along the east border.
Sewer:	A 6" sewer line exists along the southern border of the property and a 6" sewer line exists along the east border.

LAND USE PLAN:

General Plan 2020 shows this area as Community Commercial.

§161.13 DISTRICT C-1: NEIGHBORHOOD COMMERCIAL.

A. **Purpose.** The Neighborhood Commercial District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas.

§161.14 DISTRICT C-2: THOROUGHFARE COMMERCIAL.

A. **Purpose.** The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

RZ 98.00-21.00 FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: **The rezoning proposed is not consistent with the land use planning objectives; principles, and policies of the land use and zoning plans.**

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: **The zoning is not justified or needed at this time to meet the goals of General Plan 2020 and there are adequate parcels of land currently zoned for this use within the city.**

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: **The proposed zoning would not create or appreciably increase traffic danger and congestion.**

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: **The proposed zoning would not alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.**

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed

zoning is justified and/or necessitated by peculiar circumstances such as:

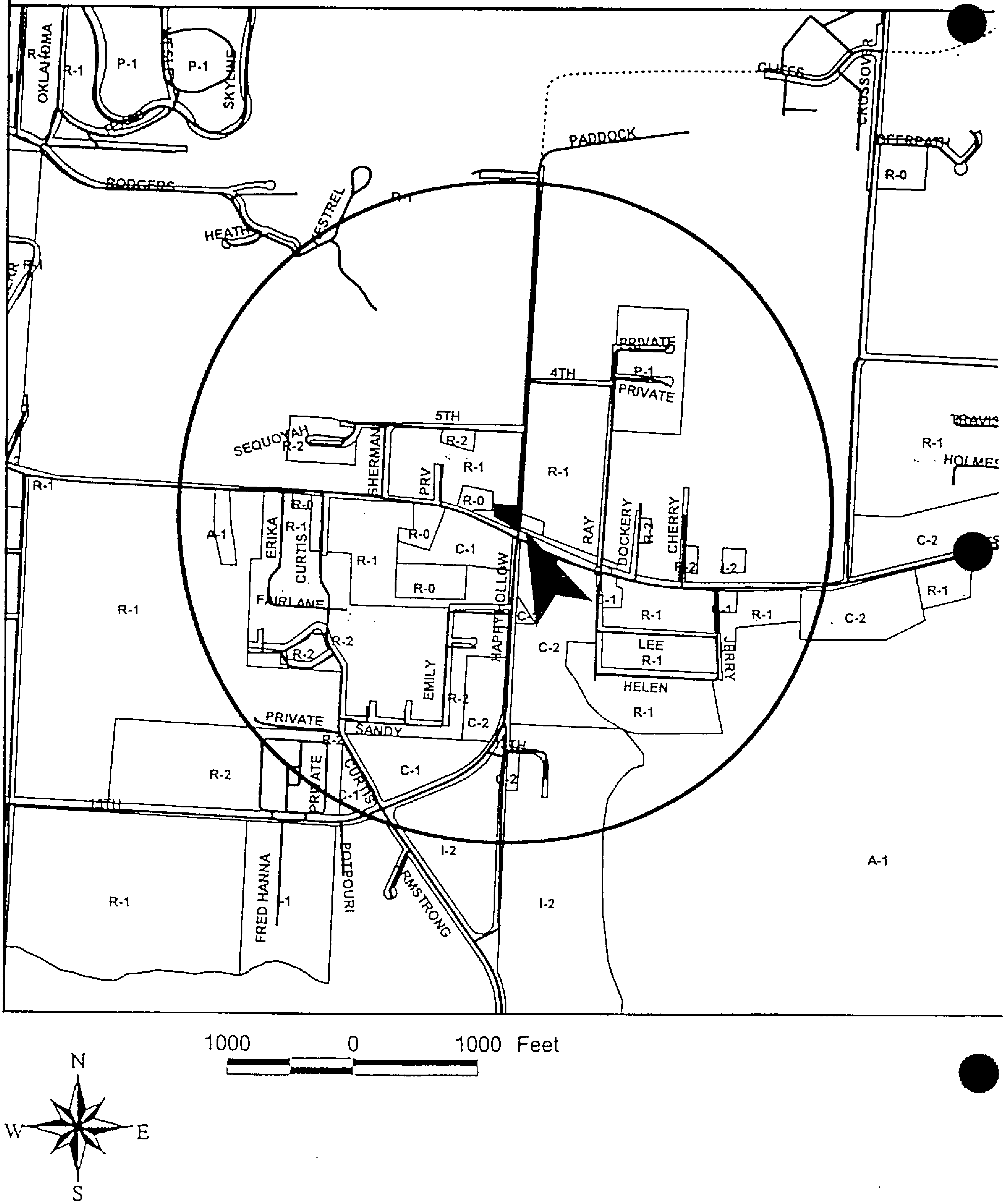
a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: **It is not impractical to use the land for the uses permitted under its existing zoning classification.**

b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

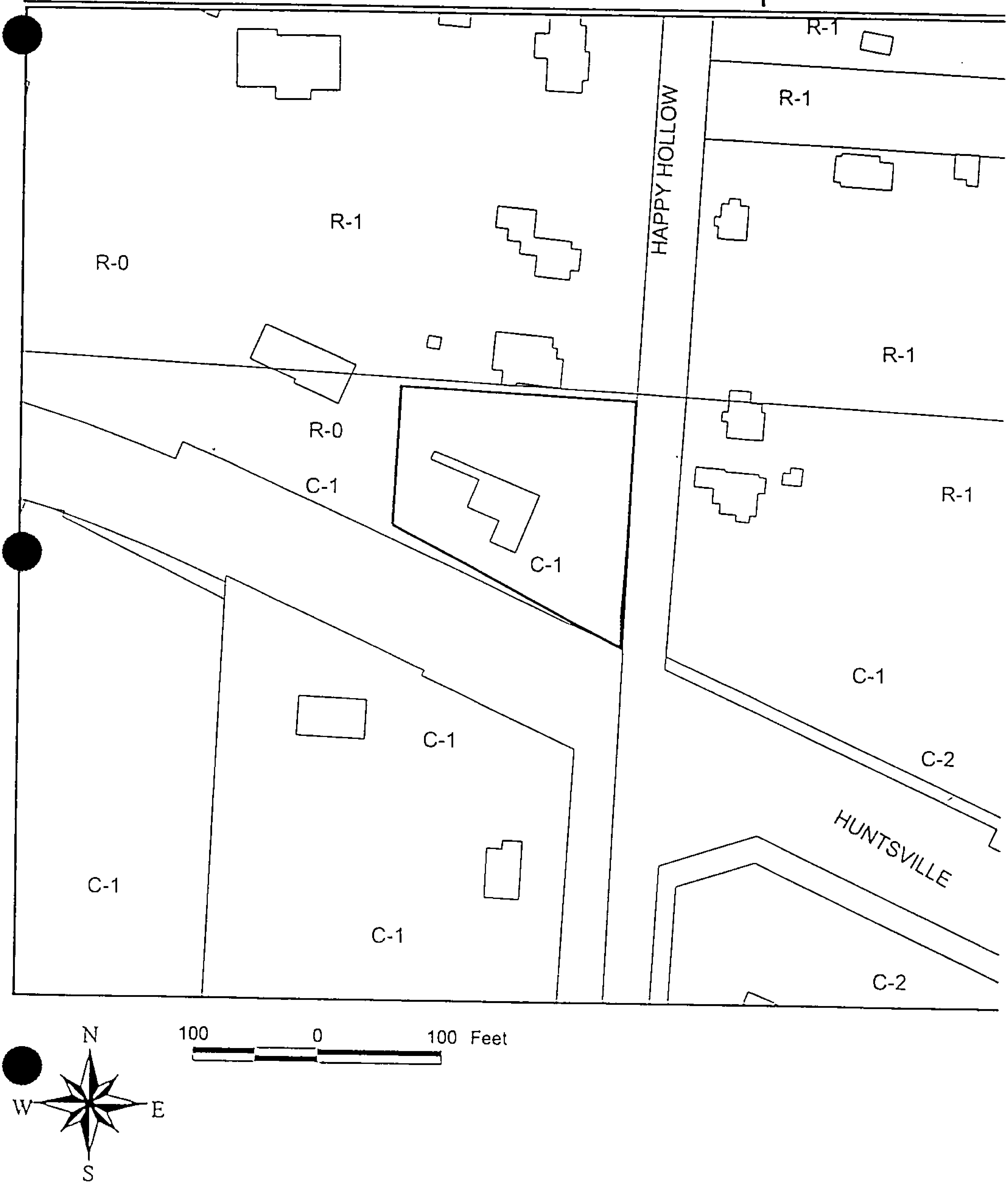
Finding: N/A

RZ98.00-22.00 - Littlefield - One Mile Radius



RZ 98-22
C. 1. 7

RZ98.00-22.00 - Littlefield - Close Up



RZ98-22: REZONING
LITTLEFIELD INVESTMENT CO, PP 565

This request was submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.54 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

Staff does not recommend the approval of the requested rezoning from C-1 to C-2 because there are adequate vacant C-2 parcels in the city to accommodate the proposed use. The Land Use Plan shows the area to be Community Commercial, therefore, the rezoning proposed is not consistent with the land use planning objective, principles, and policies of the land use and zoning plans.

Richard Osborne and Conway Massey were present on behalf of the project.

Commission Discussion

Osborne: I would like to address the items one and two that the land use planning objective, principles, and polices are not consistent with the General Plan 2020. There is C-2 in the area. It is across the street. It is the Mexican Original Plant. Other than that, there is C-2 in the City that is appropriate but not in that part of the city. We have had three inquiries in the past two years. One was for a small appliance repair which we did not feel would be appropriate there. The other was a flea market. We felt the used car lot is a better use for that area which we cannot do without C-2 zoning. I have a loose view of the General Plan. It is not sculpted in granite and therefore it can be altered. I feel this would an appropriate use in that area. This has not been the finest part of Fayetteville and it is upgrading and I think this will be a continuation of the upgrade. It's ugly now and we'd like to do something nice and progressive there. This would not increase the frequency of traffic or increase of population density. We would appreciate your fair consideration and the opportunity to improve the property. There is only one other used car lot in that area which is west of the what was formerly Watson's Super Market. I have the platted survey for staff.

Little: Thank you.

Public Discussion

None.

Further Commission Discussion

Odom: Car lots are only allowed in C-2 Is that correct?

Little: That is correct.

Odom: Would we be able to grant a rezoning contingent upon it being for one particular use.

Little: No. That would not be advisable unless offered by the applicant.

Osborne: We will offer a Bill of Assurance that it will only be rezoned for a used car lot. If something else were to occur we would simply come back.

Hoffman: Is there not any way to grant a conditional use?

Little: No.

Forney: Rezonings are a really important part of our work and we need to exercise a lot of care. I think the General Land Use Plan should be our proper guide and I appreciate the staff's report. I appreciate the applicant's view that this area is not being used to it's full potential. I am optimistic about the future of that intersection given the increased development north of there. Since this property is for lease, I think rezoning to accommodate a rental opportunity seems contingent and short sighted. Rezoning should be a long term decision.

Odom: I wasn't originally going to support this but since the offer of the Bill of Assurance, I'm not as concerned about it.

Forney: How does this work? What would happen to the zoning on the site after the lease expires?

Little: It would be C-1 or it could be used again for another used car lot.

MOTION

Mr. Odom made a motion to approve 98-22 to rezone the property from C-1 to C-2 with a Bill of Assurance that this will be used for a used car lot only and the zoning will revert to C-1 at the expiration of the lease or change in use.

Mr. Ward seconded the motion.

Further Discussion

Little: This will be limited to one use.

Forney: How often do we do this?

Little: Limiting to one use is unusual. It says it is not appropriate for that zone except for that one use. It is not generally advisable to do that. I think at the City Council level the City Attorney will caution the Council against that.

Forney: Have we done this before?

Little: Not just for one use.

Forney: We have a mechanism and it may not address the specific cases as we think it should. We are putting ourselves in an awkward position. I think we'll see a lot of people come in here to rezone for just one use. That is not a good way to treat our land use plan. If we don't like the way our regulations are we should revise the regulations.

Odom: This would not be allowed as conditional use in C-1.

Upon Roll Call

Upon roll call, the motion passed with a vote of 5-4-0. Mr. Forney, Ms. Hoover, Ms. Johnson, and Mr. Tucker voted against the motion.

BILL OF ASSURANCE

This declaration of a Bill of Assurance is made this 1ST day of January, 1999, by Littlefield Investment Co., owner of real property located in Fayetteville, Washington County, Arkansas, more particularly described as follows, to wit:

> A part of the Northwest Quarter (NW¼) of the Northwest Quarter (NW¼) of Section Twenty-three (23), Township Sixteen (16) North, Range Thirty (30) West, being more particularly described as follows: Beginning at the Northeast corner of said 40 acre tract, said point being an existing railroad spike in Happy Hollow Road; thence S89°59'01"W along the north line of said 40 acre tract 190.80 feet; thence S00°22'50"E 141.99 feet to a chiseled 'X' in a concrete drive on the north right-of-way of State Highway 16E (Huntsville Road); thence S68°26'03"E along said right-of-way 205.70 feet to a set cotton spindle in Happy Hollow Road on the east line of said 40 acre tract; thence N00°22'50"W 217.66 feet to the point of beginning, containing 0.788 acres, more or less, Fayetteville, Washington County, Arkansas. The above described 0.788 acre tract being subject to the right-of-way of Happy Hollow Road along the entire east boundary.

WHEREAS, Littlefield Investment Co. has applied to the City of Fayetteville for a re-zoning of the above described real property from C-1 to C-2; and

WHEREAS, Littlefield Investment Co. desires to restrict the use of the property described hereinabove to a "used car lot" in the event the City Council accepts the recommendation of the Planning Commission passes an ordinance re-zoning said real property C-2.

NOW, THEREFORE, Littlefield Investment Co. hereby declares that the real property described herein shall be held, developed, transferred, sold, conveyed, and occupied subject to the restriction that if it is zoned C-2 by the City Council of the City of Fayetteville the use thereof shall be restricted to a "used car lot". In the event that said property ceases to be used as a used car lot for one year, said property shall revert to C-1 zoning.

Nothing contained herein shall prohibit Littlefield Investment Co. from petitioning the City of Fayetteville for the removal of this Bill of Assurance or seeking a different zoning classification.

Executed this 1st day of January, 1999.

LITTLEFIELD INVESTMENT CO.

By Conway Massey
Conway Massey, Chairman

STATE OF ARKANSAS }
}ss:
COUNTY OF WASHINGTON }

BE IT REMEMBERED that on this day came before the undersigned, a Notary Public, duly qualified, commissioned and acting within and for the aforesaid State and County, Conway Massey, Chairman of the Board of Directors of Littlefield Investment Co., and stated that he had executed the same on behalf of the corporation.

Witness my hand and said as such Notary Public this 1st day of January, 1999.

RICHARD P. OSBORNE, Notary Public

My Commission Expires:

____

RICHARD P. OSBORNE, NOTARY PUBLIC
WASHINGTON COUNTY, ARKANSAS
MY COMMISSION EXPIRES 03-03-03

01991310

EXTERNAL DEFIB
C. 2. 1

AGENDA REQUEST

For the Fayetteville City Council meeting of JULY 20, 1999

RECEIVED
JUL 2 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

FROM:

MICKEY JACKSON		FIRE DEPARTMENT
Name	Division	Department

COUNCIL ACTION REQUIRED:

APPROVAL OF A BID WAIVER ORDINANCE AND PURCHASE OF TEN (10) LIFEPAK 500 AUTOMATIC EXTERNAL DEFIBRILATORS FROM MED TRONIC PHYSIO-CONTROL CORPORATION OF REDMOND, WASHINGTON

COST TO CITY:

$29,400.00	$45,000.00	AUTOMATIC EXTERNAL DEFIBRILLATOR
Cost of this Request	Category/Project Budget	Category/Project Name
4470-9470-5801-00	-0-	FIRE IMPROVEMENTS
Account Number	Funds Used To Date	Program Name
99011	$45,000.00	SALES TAX/CAPITAL IMPROVEMENTS
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item ____ Budget Adjustment Attached

Ken Bean for SV
Budget Coordinator

Administrative Services Director

CONTRACT/LEASE REVIEW

Marilyn J. Cramer — 6-30-99
Accounting Manager — Date

[signature] — 6-30-99
City Attorney — Date

P Vice — 7-1-99
Purchasing Officer — Date

Yolanda Fields — 6-30-99
Internal Auditor — Date

GRANT APPLICATION REVIEW

Internal Auditor — Date

STAFF RECOMMENDATION

mf — 6-30-99
Division Head — Date

Mickey Jackson — 6-30-99
Department Director — Date

[signature] — 1 JUL 99
Administrative Services Director — Date

[signature] — 7/1/99
Mayor — Date

EXTERNAL DEFIB
C. 2. 2

TEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

Thru: Fred Hanna, Mayor

From: Mickey Jackson, Fire Chief MJ

Date: June 30, 1999

RE: **Approval of Bid Waiver and Purchase Of Automatic External Defibrillators**

The Fire Department seeks your approval of the purchase of ten (10) Lifepak 500 Automatic External Defibrillators (AED's) at a quoted price of $28,000 ($2,800 each) plus tax ($1,345) and shipping (estimated $55.00), from Medtronic Physio-Control of Redmond, Washington.

This is the culmination of an approximately two year old plan to place these devices on our fire companies when the timing seemed most right. This project is funded through our CIP Budget.

The reason we need to order the AED's from a sole source vendor is that it is essential that these be compatible and interchangeable with the defribillators already being used by Central EMS. This will enable them to make a quick change to their equipment which is required by their medical control upon their arrival at an incident. They can make this change by unplugging one connector and re-plugging their unit into it. If another brand or model of AED is used by us, they would have to remove our equipment and replace it with theirs, causing a delay we can't afford in a serious cardiac emergency.

The attached copy of the quote we received from Physio-Central should explain their willingness to work with us in getting these life saving devices on our apparatus. If you have questions or comments about this project, please do not hesitate to give me a call at 575-8365 (city ext. 365). Thank you for your consideration of this request.

MJ/ca
attachment

EXTERNAL DEFIB
C. 2. 3

Medtronic PHYSIO CONTROL

Medtronic Physio-Control Corp.
11811 Willows Road NE
Post Office Box 97023
Redmond, WA 98073-9723 USA
Tel: 800.442.1142
Fax: 425.867.4140
Internet: www.physiocontrol.com
Internet: www.medtronic.com

Quotation #: SVC7613503-A

To: Mickey Jackson
Fayetteville Fire Department
303 Center
Fayetteville,

PHONE: 501-575-8365
FAX: 501-575-0471

Page #: 1
Quote Date: 6/25/1999
Sales Representative: Harry Anderson CARL RAWE X2205
800-442-1142 x2384

FOB: Redmond, WA
Shipping: 15-30
Terms: Net 30 Days

This quote is firm until: ~~8~~ 7/29/1999

	Part #	Description	Qty	Unit Price	Discount	Total
1.	LP500MONO	LIFEPAK® 500 automated external defibrillator	1	$3,075.00	$275.00	$2,800.00

ALL PHYSIO-CONTROL PRODUCTS ON ABOVE QUOTE ARE YEAR 2000 COMPLIANT.

FOLLOWING PRICING VALID ONLY WHEN QUOTE IS PURCHASED IN ITS ENTIRETY (OPTIONAL PRODUCTS NOT REQUIRED).

Monophasic waveform.
Includes one pair QUIK-COMBO® pacing/defibrillation/ECG electrodes with REDI-PAK® preconnect system, operating instructions, inservice video. Note: batteries and other accessories must be ordered separately. Available in 2-button or 3-button operation (please specify at time of order). One set of setup instructions included with each order.

5 years warranty on parts and labor.

	Part #	Description	Qty	Unit Price	Discount	Total
2.	3005330	Lithium battery pak LIFEPAK 500 nonrechargeable lithium battery pak. For use with the LIFEPAK 500 automated external defibrillator.	1	$199.00	$199.00	No Charge
3.	3005343	Complete carrying case	1	$105.00	$105.00	No Charge

Continued next page...

EXTERNAL DEFIB
C. 2. 4

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PHYSIO CONTROL

Medtronic Physio-Control Corp.
11811 Willows Road NE
Post Office Box 97023
Redmond, WA 98073-9723 USA
Tel: 800.442.1142
Fax: 425 867.4146
Internet: www.physiocontrol.com
Internet: www.medtronic.com

Quotation #: SVC7613503-A

To: Mickey Jackson
Fayetteville Fire Department
303 Center
Fayetteville,

PHONE: 501-575-8365
FAX: 501-575-0471

Page #: 2
Quote Date: 6/25/1999
Sales Representative: Harry Anderson
800-442-1142 x2384

FOB: Redmond, WA
Shipping: 15-30
Terms: Net 30 Days

This quote is firm until: ~~6~~ 7/29/1999

Part #	Description	Qty	Unit Price	Discount	Total
	Continued...				
4. 3005332	DATA TRANSFER™ 500 DATA TRANSFER™ 500 information management program PC software that allows LIFEPAK 500 defibrillator to connect to PC (minimum 386/25, Windows® 3.1 or higher). Functions include: case download, add patient data, save to disk, print reports, fax reports, modem to another PC running QUIK-VIEW 500 data review program.	1	$195.00	$195.00	No Charge
5. 3005381-000	LIFEPAK 500 AED-to-PC cable For use with the DATA TRANSFER 500 or QUIK-VIEW 500 programs.	1	$45.00	$45.00	No Charge
6. 3008497*	QUIK-COMBO with REDI-PAK QUIK-COMBO® pacing defibrillation/ECG electrodes with REDI-PAK® preconnect system. REDI-PAK system has 3.5 foot (1.1m) lead wire with connector extending outside of package, allowing electrode to be preconnected to defibrillator. Pricing for 1-9 sets purchased. Price per set.	1	$37.00	$37.00	No Charge
7. 3011019-002	AED Challenge: An interactive computer training tool PC training tool that provides a computer simulated environment for practicing AED skills. Runs on IBM® - PC compatible computers using the Microsoft Windows® operating system (version 3.1 NT or Windows 95) with a minimum of 4 megabytes (MB) of RAM (486 CPU with 8 MB of RAM recommended) and requires approximately 2 MB of hard disk storage space.	1	$89.00	$89.00	No Charge

Continued next page...

Quotation #: SVC7613503-A

To: Mickey Jackson
Fayetteville Fire Department
303 Center
Fayetteville,

PHONE: 501-575-8365
FAX: 501-575-0471

Page #: 3
Quote Date: 6/25/1999
Sales Representative: Harry Anderson
800-442-1142 x2384

FOB: Redmond, WA
Shipping: 15-30
Terms: Net 30 Days

This quote is firm until: 6/29/1999

	Part #	Description	Qty	Unit Price	Discount	Total
		Continued...				
8.	3011020-000	**LP500 Training Guide** Training Guide for the LIFEPAK® 500 automated external defibrillator	1	$66.00	$66.00	No Charge

TOTAL THIS QUOTE **$2,800.00**

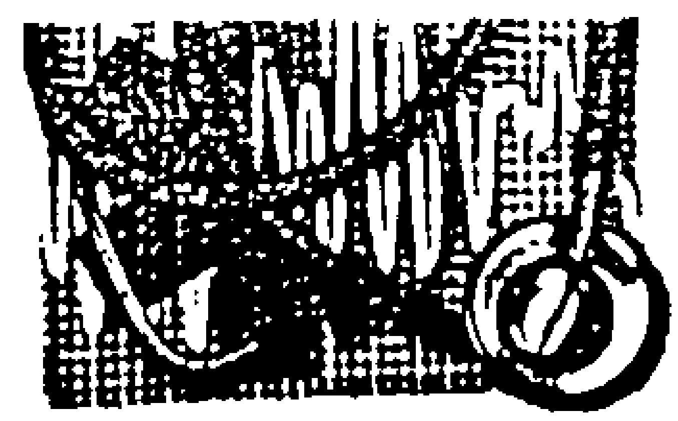
Discounts:

Discount $1,011.00

Notes:

ONE LIFEPAK 500 TRAINING GUIDE AT NO CHARGE WITH EACH ORDER.

EXTERNAL DEFIB
C. 2. 6



RESEARCH REVIEW

By Elizabeth Criss, RN, MEd

Optimizing BLS-Defibrillation Improves Patient Outcome

Stiell IG, Wells GA, Field BJ, et al: "Improved out-of-hospital cardiac arrest survival through the inexpensive optimization of an existing defibrillation program: OPALS study phase II." *JAMA*. 281(13):1175-1181, 1999.

We are all familiar with the chain-of-survival concept, which places emphasis on early defibrillation and early advanced cardiac life support (ACLS) intervention. But what happens when a community can't afford ACLS-level responders? Because the role of each link in the chain is unknown, we cannot discount the possibility of an increase in cardiac arrest saves if basic life support (BLS) defibrillation capability improves. This latest report from the Ontario Prehospital Advanced Life Support (OPALS) study provides important information about the role of BLS-defibrillation responders.

In this study the authors compared the cardiac arrest survival rate from Phase I (introduction of the BLS-defibrillation program) with Phase II (improving response time so the first arriving unit reaches the patient in eight minutes or less, 90 percent of the time). Optimization included reduction of dispatch intervals, better ambulance deployment schemes and inclusion of firefighters in the defibrillation program.

All aspects of survival were improved in Phase II of the program, particularly survival to hospital discharge—up 33 percent after system optimization. Improved survival related directly to defibrillation response of eight minutes or less. The authors estimated initial program costs per life saved at $46,900, which is equivalent to many current medical procedures, such as $62,500 for a bone marrow transplant, $44,000 for a liver transplant and $27,200 for a heart transplant. Ongoing costs of system operation were estimated at $2,400 per life saved, significantly less than $8,800 per life saved for paramedic-equipped vehicles. This certainly provides interesting options for many communities.

Capillary Refill in Pediatrics

Tibby SM, Hatherill M, Murdoch IA: "Capillary refill and core-peripheral temperature gap as indicators of haemodynamic status in paediatric intensive care patients." *Archives of Diseases in Childhood*. 80(3):163-166, 1999.

Questions about the ability of capillary refill to detect hypovolemic status in adults prompted Champion to remove it from the Trauma Score in the late 1980s, but it remains a rapid and accurate assessment tool for children. Using invasively monitored children in a pediatric ICU setting, these authors tested the reliability of capillary refill to compare hemodynamic instability against the gold standard of core monitoring. Study patients were divided into two groups: post-cardiac surgery patients and children with general medical/surgical problems, which included septic shock, multi-organ failure and trauma.

The data revealed that for the cardiac surgical patients, capillary refill time correlated po... However, the study found a... ical/surgical patients betwee... of hemodynamic stability. ... around the traditional cutof... that this value may be too c... that in critically ill general ... ence of a mildly prolonged ... equal to six seconds, may ... hemodynamic status.

Do Babies Exhibit *Normal* Bru...

Carpenter RF: "The prevalence ... *Archives of Diseases in Childhood*. 8...

With the medical communi... identifying child abuse, i... providers can expect patter... While bruising in soft sites... gest abuse, little is docum... abusive bruises. This author... found on 175 babies less th... seen in a clinic. To verify ... parents were questioned ab...

The author found that i... found on the forehead and ... shins. In all cases the bruise... always on the front of the b... with increasing attempts at... have more bruises than gir... only a single bruised site. ... to help in the evaluation of...

Are Forearm Blood Pressu...

Singer AJ, Kahn SR, Thode HC... arm blood pressures." *Prehospit*...

Blood pressure (BP) is am... patient status, but what ... isn't accessible? For years ... on the forearm—placing ... and elbow and ausculta... discouraged. Medical au... would produce falsely ele...

These authors compare... sures in an effort to bette... be used to predict upper ... uated, the authors found ... ence in the upper and lo...

CABLE T-FER
F C. 3. 1

JUL 1 1999

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

STAFF REVIEW FORM

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

FOR: COUNCIL MEETING OF July 20, 1999 ~~MAYOR'S APPROVAL~~

FROM:

Jerry E. Rose	City Attorney	Legal
Name	Division	Department

ACTION REQUIRED: Public Hearing and consideration of an ordinance approving the Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television Franchise submitted by TCA Cable TV, Inc. and Cox Classic Cable, Inc.

COST TO CITY:

$0		
Cost of this Request	Category/Project Budget	Category/Project Name
Account Number	Funds Used to Date	Program Name
Project Number	Remaining Balance	Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ____

Accounting Manager	Date	Internal Auditor	Date
City Attorney	Date 6-30-99	ADA Coordinator	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION:
The Cable Board will meet July 15, 1999 and their recommendation will be provided.

Division Head	Date 6-30-99
Department Director	Date 1 JUL 99
Administrative Services Director	Date 7/1/99
Mayor	Date

CROSS REFERENCE

New Item: Yes No

Previous Ordinance/Resolution No.: ____

Original Contract Date: ____

CABLE 1-1 ...
C.3.2

FAYETTEVILLE

LEGAL DEPARTMENT
CITY ATTORNEY DIVISION

JERRY E. ROSE, CITY ATTORNEY
LAGAYLE D. MCCARTY, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

To: Fayetteville City Council

From: LaGayle D. McCarty, Assistant City Attorney LM

Date: June 30, 1999

Re: Transfer of Control of the Cable Television Franchise

Attached please find the following documents:

- Letter dated June 17, 1999 from TCA Cable TV.
- Section XII, Franchise Transfer, Franchise Agreement between the City of Fayetteville, Arkansas and Warner Cable Communications, Inc.
- Application for Franchise Authority Consent to Assignment or Transfer of Control of Cable Television franchise.

The following documents are available for review in the City Attorney's Office:

- Agreement and Plan of Merger, Dated as of May 11, 1999, by and among Cox Communications, Inc., Cox Classic Cable, Inc. and TCA Cable TV, Inc.
- United States Securities and Exchange Commission, Form 10K
- Cox Enterprises, Inc., 1998 Annual Report
- Cox Communications, 1998 Summary Annual Report

Mayor Hanna has requested the Cable Board's review and recommendation regarding the merger of TCA Cable TV, Inc. with Cox Communications, Inc. The Cable Board is scheduled to hear this item on their July 15, 1999 agenda. Their recommendation will be provided for your consideration at the July 20, 1999 City Council meeting.

As you know, this is not a renegotiation of the franchise agreement. Section XII, Franchise Transfer, Franchise Agreement between the City of Fayetteville, Arkansas and Warner Cable Communication, Inc., sets forth the criteria by which the merger is to be reviewed.

CABLE TV

CABLE T-FER
C. 3. 3

SPRINGDALE, AR 72762
(501) 872-1200
FAX: (501) 756-1081

June 17, 1999

VIA HAND DELIVERY

Honorable Mayor Fred Hanna
City of Fayetteville, Arkansas
113 West Moutain
Fayetteville, Arkansas 72702

Re: **TCA Cable TV, Inc. Merger with Cox Communications, Inc.**
Request for Consent to Change of Control

Fayetteville, Arkansas Cable Television Franchise

Dear Mayor Hanna:

We are writing to you about an important development for TCA Cable Partners and to formally request any consent from you that may be required by the franchise or applicable law.

On May 11, 1999, TCA Cable TV, Inc. ("TCA"), the ultimate parent corporation of TCA Cable Partners, the partnership that holds the franchise with your community, entered into a merger agreement with Cox Communications, Inc. ("Cox"). As a result of this merger, Cox will become the ultimate parent company of TCA and will be one of the largest cable television operators in the country, serving approximately five million subscribers. Additional information about Cox is provided in the attached documents. Both TCA and Cox are excited about the merger. We believe that the combined expertise and initiative of TCA and Cox will bring out customers superior and expanded choices in products and services.

Our records indicate that the terms of our franchise with your community may require that we obtain consent to this change of control. To provide you with all of the information necessary to grant consent to this merger we have enclosed three copies of the Federal Communications Commission ("FCC") Form 394. According to the FCC, the Form 394 provides a franchising authority with all of the information necessary to assess the financial, legal and technical qualifications of the proposed new controlling entity. In considering this information, it is important to note that the standard of review for a franchise transfer, in this case a change in control, is different from the standard used to renew a franchise. The issues to be reviewed in the transfer process involve only whether or not the transferee, in this case Cox, possesses the legal, technical and financial qualifications to serve as the parent company of the franchisee.

For your convenience, we have attached a draft resolution which can be used as a model for granting consent. We would hope that you could place this resolution on the agenda for your next meeting. To the extent you desire to change the form resolution, we would appreciate being involved in that process to ensure that the final language of the resolution you adopt will meet the requirements of the TCA/Cox Agreement.

We hope you will find the prospect of the TCA/Cox merger as exciting as we do. Please keep in mind that even after the transaction is completed, the franchise will continue to be held by the same franchisee, and there will be no change in local management. The franchisee will continue to be bound by all of the terms and conditions of its franchise agreement with you, and the only change will be that the franchise will have a new parent.

We would be happy to discuss the proposed transfer in more detail and to answer any questions you may have. Please feel free to contact me at (501)751-2000 or our general counsel, Jeff Brown at (903)579-3183 or the individual at Cox listed in the enclosed Form 394. We would appreciate, however, that if you respond in writing to this submission, please forward a copy of your correspondence to both our general counsel and me. We look forward to continuing to serve the cable needs of your community.

Sincerely,

Russell B. Rogers

Russell Rogers
Regional Manager

RECEIVED:

By: Lana Broyles
Print Name: LANA BROYLES
Title: Exec Sec to Mayor

6-18-99
Date

Fayetteville

SECTION XII

FRANCHISE TRANSFER

No rights or obligations of the Grantee pursuant to this Franchise or in the Broadband Telecommunications Network shall be assigned, transferred, pledged, leased, sublet, or mortgaged in any manner, in whole or in part, to any person, nor shall title thereto, either legal or equitable, or any right of interest therein, pass to or vest in any person, nor shall any change in control of the Grantee occur, either by act of the Grantee, by operation of law, or otherwise, without the prior consent of the Board; such consent not to be unreasonably withheld. Any such action completed without the prior consent of the Board shall be null and void. The grant or waiver of any one or more of such consents shall not render unnecessary any subsequent consent or consents, nor shall the grant of any such consent constitute a waiver of any other rights of the City. In the event that the Grantee shall desire to transfer or assign the franchise or any of the rights, privileges, or immunities contained therein, to any existing operator of a telecommunications network, in the City, the Board expressly reserves the right to disapprove such transfer or assignment on any grounds stated elsewhere herein, and also the Board may consider the impact which said transfer would have upon the availability of modern cable communications facilities to subscribers generally within the City, as well as the impact of such transfer would have upon competition.

The Grantee shall promptly notify the City Manager of any proposed action requiring the consent of the Board pursuant to this section, by submitting to the City Manager, with a copy to the City Attorney, a petition requesting the approval of the Board. The petition shall fully describe the proposed action and shall be accompanied by a justification for the action and such additional supporting information as the City Manager, the Board, or the City Attorney may require in order to review and evaluate the proposed action. Upon review of the petition, the City Manager shall submit the petition to the Board together with a recommendation for action on the petition.

After receipt of the petition for consent, the Board shall schedule a public hearing on the petition. For the purpose of determining whether it shall grant its consent, the Board may inquire into: (i) the qualifications of each person involved; and (ii) all matters relevant to whether said person will adhere to all applicable provisions of this Franchise, and (iii) all other relevant matters. The Grantee shall provide all requested assistance to the Board in connection with any such inquiry and, as appropriate, shall secure the cooperation and assistance of all persons involved in said action. If the Board does not act upon the transfer within (90) days of the date of the Grantee's notification to the City Manager, the transfer shall be deemed to have been approved.

As a condition to the granting of any consent required hereby, the Board may require that each person involved shall execute an agreement, in a form and containing such conditions as may be specified by the Board, providing that said person assumes and agrees to be bound by all applicable provisions of this ordinance. The execution of said agreement by said person shall in no way relieve the Grantee or any other transferor involved in any action described herein, of its obligations under this ordinance without the consent of the Board.

Nothing in this section shall be deemed to prohibit any assignment, pledge, lease, sublease, mortgage, or other transfer of all or any part of the Broadband Telecommunications Network, or any right or interest therein, for financing purposes, provided that each such assignment, pledge, lease, sublease, mortgage, or other transfer shall be subject and subordinate to the rights of the City pursuant to this Franchise and other applicable law. The restrictions against assignment and transfers shall not apply when the assignment or transfer is to an entity under the same ultimate control as the Grantee.

SECTION XIII

FRANCHISE RENEWAL

Subject to Section 626 of the Cable Act, the City reserves the absolute right to grant or refuse to grant any renewal of the franchise following the expiration of the initial term of the

CABLE T-FER
C. 3. 8

...unications Commission
Washington, DC 20554

Approved By OMB
3060-0573

FCC 394

APPLICATION FOR FRANCHISE AUTHORITY CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

FOR FRANCHISE AUTHORITY USE ONLY

SECTION I. GENERAL INFORMATION

DATE June 14, 1999	1. Community Unit Identification Number: AR0037

2. Application for: ☐ Assignment of Franchise ☒ Transfer of Control

3. Franchising Authority: Fayetteville, Arkansas	
4. Identify community where the system/franchise that is the subject of the assignment or transfer of control is located: Fayetteville, Arkansas	
5. Date system was acquired or (for system's constructed by the transferor/assignor) the date on which service was provided to the first subscriber in the franchise area:	May 15, 1995
6. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to transferee/assignee:	October 12, 1999

7. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise as required to be provided to the franchising authority when requesting its approval of the type of transaction that is the subject of this application.

Exhibit No. 1

PART I - TRANSFEROR/ASSIGNOR

1. Indicate the name, mailing address, and telephone number of the transferor/assignor.

Legal name of Transferor/Assignor (if individual, list last name first): TCA Cable TV, Inc.			
Assumed name used for doing business (if any): TCA Cable TV			
Mailing street address or P.O. Box: 3015 SSE Loop 323			
City: Tyler	State: TX	ZIP Code: 75701	Telephone No. (include area code): (903) 595-3701

2.(a) Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

Exhibit No. 2

(b) Does the contract submitted in response to (a) above embody the full and complete agreement between the transferor/assignor and the transferee/assignee?

☒ Yes ☐ No

If No, explain in an Exhibit.

Exhibit No.

City Clerk 1
C.C. 7-20-99 C.3
Cable transfer

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first)			
Cox Classic Cable, Inc.			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box			
3015 SSE Loop 323			
City	State	ZIP Code	Telephone No. (include area code)
Tyler	**TX**	**75701**	**(903) 595-3701**

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first)			
James A. Hatcher			
Firm or company name (if any)			
Cox Communications, Inc.			
Mailing street address or P.O. Box			
1400 Lake Hearn Drive			
City	State	ZIP Code	Telephone No. (include area code)
Atlanta	**GA**	**30319**	**(404) 843-5838**

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any.

Exhibit No.

(d) Indicate the address where the system's records will be maintained.

Street address		
3015 SSE Loop 323		
City	State	ZIP Code
Tyler	**TX**	**75701**

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

Exhibit No.

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

[X]	Corporation	a. Jurisdiction of incorporation: **Delaware**	d. Name and address of registered agent in jurisdiction: **Corporation Service Company** **120 East Fourth Street** **Little Rock, AR 72201**
		b. Date of incorporation: **5/10/99**	
		c. For profit or not-for-profit: **For Profit**	
[ ]	Limited Partnership	a. Jurisdiction in which formed:	c. Name and address of registered agent in jurisdiction:
		b. Date of formation:	
[ ]	General Partnership	a. Jurisdiction whose laws govern formation:	b. Date of formation:
[ ]	Individual		
[ ]	Other. Describe in an Exhibit.		Exhibit No.

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one column for each individual or entity. Attach additional pages if necessary. (Read carefully - the lettered items below refer to corresponding lines in the following table.)

(a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.
(b) Citizenship.
(c) Relationship to the transferee/assignee (e.g., officer, director, etc.).
(d) Number of shares or nature of partnersihp interest.
(e) Number of votes.
(f) Percentage of votes.

(See Exhibit 3 Attached)

(a)		
(b)		
(c)		
(d)		
(e)		
(f)		

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates?

[X] Yes [ ] No

If the answer is No, explain in an Exhibit.

Exhibit No.

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority?

[ ] Yes [X] No

If the answer is Yes, describe circumstances in an Exhibit.

Exhibit No.

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination?

[ ] Yes [X] No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding.

Exhibit No.

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)?

[ ] Yes [X] No

If Yes, provide particulars in an Exhibit.

7. Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained?

[ ] Yes [X] No

If No, attach as an Exhibit a full explanation.

Exhibit No. 4

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months.

[X] Yes [ ] No

2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principals, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.

Exhibit No. 5

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS

Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated.

Exhibit No. 6

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature Fred R Nichols
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name Fred R. Nichols

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title): Chairman, Chief Executive Officer and President
- [ ] Other. Explain:

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

(a) Has a current copy of the FCC's Rules governing cable television systems.

(b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.

(c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature James A Hatcher
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name James A. Hatcher

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title): Vice-President
- [ ] Other. Explain:

Exhibit 3
FCC Form 394
Date: June 14, 1999

List of Transferee Officers, Directors and Shareholders

Entity: Cox Classic Cable TV, Inc.

Name/Residence Occupation/Place of Business	Citizenship	Officer/Director	# Shares	# Votes	% Votes
Cox Classic Cable, Inc. 1400 Lake Hearn Drive Atlanta, Georgia 30319	---	---	1,000	1,000	1,000
James O. Robbins 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and President	---	---	---
Jimmy W. Hayes 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
James A. Hatcher 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
Preston B. Barnett 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Margaret A. Bellville 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
John M. Dyer 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Andrew A. Merdek 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Secretary	---	---	---
Shauna J. Sullivan 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Assistant Secretary	---	---	---
Dallas S. Clement 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Treasurer	---	---	---

Federal Communications Commission
Washington, DC 20554

Approved By OMB
3060-0573

FCC 394

APPLICATION FOR FRANCHISE AUTHORITY CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

FOR FRANCHISE AUTHORITY USE ONLY

SECTION I. GENERAL INFORMATION

DATE June 14, 1999	1. Community Unit Identification Number: AR0037

2. Application for: ☐ Assignment of Franchise [X] Transfer of Control

3. Franchising Authority: Fayetteville, Arkansas	
4. Identify community where the system/franchise that is the subject of the assignment or transfer of control is located: Fayetteville, Arkansas	
5. Date system was acquired or (for system's constructed by the transferor/assignor) the date on which service was provided to the first subscriber in the franchise area:	May 15, 1995
6. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to transferee/assignee:	October 12, 1999

7. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise as required to be provided to the franchising authority when requesting its approval of the type of transaction that is the subject of this application.

Exhibit No. 1

PART I - TRANSFEROR/ASSIGNOR

1. Indicate the name, mailing address, and telephone number of the transferor/assignor.

Legal name of Transferor/Assignor (if individual, list last name first): TCA Cable TV, Inc.			
Assumed name used for doing business (if any): TCA Cable TV			
Mailing street address or P.O. Box: 3015 SSE Loop 323			
City: Tyler	State: TX	ZIP Code: 75701	Telephone No. (include area code): (903) 595-3701

2.(a) Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

Exhibit No. 2

(b) Does the contract submitted in response to (a) above embody the full and complete agreement between the transferor/assignor and the transferee/assignee?

[X] Yes ☐ No

If No, explain in an Exhibit.

Exhibit No.

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first)			
Cox Classic Cable, Inc.			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box: 3015 SSE Loop 323			
City: Tyler	State: TX	ZIP Code: 75701	Telephone No. (include area code): (903) 595-3701

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first)			
James A. Hatcher			
Firm or company name (if any): Cox Communications, Inc.			
Mailing street address or P.O. Box: 1400 Lake Hearn Drive			
City: Atlanta	State: GA	ZIP Code: 30319	Telephone No. (include area code): (404) 843-5838

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any.

Exhibit No.

(d) Indicate the address where the system's records will be maintained.

Street address		
3015 SSE Loop 323		
City: Tyler	State: TX	ZIP Code: 75701

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

Exhibit No.

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

[X]	Corporation	a. Jurisdiction of incorporation: Delaware b. Date of incorporation: 5/10/99 c. For profit or not-for-profit: For Profit	d. Name and address of registered agent in jurisdiction: Corporation Service Company 120 East Fourth Street Little Rock, AR 72201
[ ]	Limited Partnership	a. Jurisdiction in which formed: b. Date of formation:	c. Name and address of registered agent in jurisdiction:
[ ]	General Partnership	a. Jurisdiction whose laws govern formation:	b. Date of formation:
[ ]	Individual		
[ ]	Other. Describe in an Exhibit.		Exhibit No.

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one column for each individual or entity. Attach additional pages if necessary. (Read carefully - the lettered items below refer to corresponding lines in the following table.)

(a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.
(b) Citizenship.
(c) Relationship to the transferee/assignee (e.g., officer, director, etc.).
(d) Number of shares or nature of partnersihp interest.
(e) Number of votes.
(f) Percentage of votes.

(See Exhibit 3 Attached)

(a)		
(b)		
(c)		
(d)		
(e)		
(f)		

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates? [X] Yes [ ] No

If the answer is No, explain in an Exhibit. Exhibit No. ____

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority? [ ] Yes [X] No

If the answer is Yes, describe circumstances in an Exhibit. Exhibit No. ____

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination? [ ] Yes [X] No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding. Exhibit No. ____

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)? [ ] Yes [X] No

If Yes, provide particulars in an Exhibit.

7. Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained? [ ] Yes [X] No

If No, attach as an Exhibit a full explanation. Exhibit No. 4

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months. [X] Yes [ ] No

2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principals, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law. Exhibit No. 5

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS

Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated. Exhibit No. 6

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature Fred R Nichols
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name Fred R. Nichols

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title): Chairman, Chief Executive Officer and President
- [ ] Other. Explain:

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

(a) Has a current copy of the FCC's Rules governing cable television systems.

(b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.

(c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature James A Hatcher
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name James A. Hatcher

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title): Vice-President
- [ ] Other. Explain:

Exhibit 1
FCC Form 394
Date: June 14, 1999

Schedule of Additional Franchise Required Information

The City of Fayetteville requirements relative to transfer of ownership or control are contained in Section XII of the Franchise Agreement. A copy of this section is attached. No additional information is required

Exhibit 2
FCC Form 394
Date: June 14, 1999

Contract or Agreement

On May 11, 1999, the parties entered into a Purchase Agreement attached hereto as Exhibit 2.

Exhibit 4
FCC Form 394
Date: June 14, 1999

There appears to be a typographical error in the Form, which should call for an Exhibit only if the answer to Question 7, Part II is "Yes." Nonetheless, there are no documents, instruments, etc. for the pledge of stock of the transferee, as security for loans or contractual performance.

Exhibit 5
FCC Form 394
Date: June 14, 1999

Transferee's Financial Qualifications

Cox Classic Cable, Inc., is a wholly-owned subsidiary of Cox Communications, Inc. which is charged with operating the cable communications properties of that company. A copy of the most recent Cox Enterprises Annual Report (1998), Cox Communications Annual Report (1998) and Form 10K for the year ending 1998 are enclosed.

Exhibit 3
FCC Form 394
Date: June 14, 1999

List of Transferee Officers, Directors and Shareholders

Entity: Cox Classic Cable TV, Inc.

Name/Residence Occupation/Place of Business	Citizenship	Officer/Director	# Shares	# Votes	% Votes
Cox Classic Cable, Inc. 1400 Lake Hearn Drive Atlanta, Georgia 30319	---	---	1,000	1,000	1,000
James O. Robbins 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and President	---	---	---
Jimmy W. Hayes 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
James A. Hatcher 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
Preston B. Barnett 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Margaret A. Bellville 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
John M. Dyer 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Andrew A. Merdek 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Secretary	---	---	---
Shauna J. Sullivan 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Assistant Secretary	---	---	---
Dallas S. Clement 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Treasurer	---	---	---

Exhibit 6
FCC Form 394
Date: June 14, 1999

Section IV Technical Qualifications

List of Cable Systems Currently Operated

System	Basic Customers 12/31/98
Phoenix	601,126
San Diego	501,174
New England	428,018
Hampton Roads	393,693
Las Vegas	298,432
Louisiana	268,323
Orange County/Palos Verdes	255,223
Omaha	171,080
Pensacola/Ft. Walton*	153,592
Tucson	124,722
Oklahoma City	121,668
Bakersfield/Santa Barbara	92,858
Gainesville/Ocala	88,157
West Texas	80,111
Cleveland	73,989
Middle Georgia	71,529
Roanoke	57,385
Humboldt	31,741
Grand Total	**3,812,821**

*Includes the Ft. Walton Beach, FL system which is managed as part of Cox's Pensacola cluster. The system is 50% owned by Cox through a partnership with Time Warner. This partnership also owns a system in Staten Island, NY which is managed by Time Warner.

Exhibit 6
FCC Form 394
Date: June 14, 1999

Section IV Technical Qualifications - Corporate Personnel

Cox Communications, Inc.'s Corporate Engineering Department consists of 120 people who reside in Atlanta. The Department is organized to provide assistance to our cable systems in all areas of technology including: Hybrid Fiber Coax (HFC) design, construction, and operation; wireline telephony (business and residential); high speed data services (business and residential); digital TV; and purchasing/materials management.

The Corporate Engineering management team consists of seven senior individuals whose combined experience includes 175 years in their respective areas of technological focus as well as 84 years with Cox Communications, Inc. This group of engineers sets the overall strategic technical direction for the cable division plus management of work teams offering specific subject matter expertise in each of the technical disciplines stated above.

Reporting to the above group are 17 engineering/operations/materials management professionals who respond to the needs of the operating systems. This group collectively has: 146 years of HFC experience, 74 years of telephony experience, 39 years of data services experience, and 45 years of materials management experience as well as 142 years of service with Cox Communications, Inc.

For the past 10 years, we have aggressively upgraded our networks by deploying more than 9,000 route miles of fiber optic cable and installing state of the art amplifier technology. These network upgrades have allowed Cox to make good on the promise of delivery of new services through their broadband infrastructure.

Adhering to our present schedule, more than 95% of our system miles (60,000) will offer 550 MHz of bandwidth or greater by the end of the year 2000 and fiber will be deployed down to serving areas averaging approximately 800 homes.

Transferee's Technical Qualifications

- Cable Systems Currently Owned/Operated
- Corporate Personnel
- Local System Management

Section IV Technical Qualifications - Local System Management

Local System Management

The existing personnel, including Mr. Fred R. Nichols, Chairman, Chief Executive Officer and President of TCA Cable TV, Inc. will continue in their present positions upon finalization of the acquisition by Cox. This organization will report directly to Mr. James O. Robbins, President and Chief Executive Officer of Cox Communications, Inc. Mr. Robbins is located in Atlanta and in addition to the TCA Cable TV system acquisition is responsible for all of Cox Communications cable systems. As in any ongoing organization, Cox will continuously evaluate all of its personnel and may make changes where necessary.

City clerk 2
C.C. 7-20-99 C.3
Cable transfer

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first)			
Cox Classic Cable, Inc.			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box			
3015 SSE Loop 323			
City	State	ZIP Code	Telephone No. (include area code)
Tyler	TX	75701	(903) 595-3701

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first)			
James A. Hatcher			
Firm or company name (if any)			
Cox Communications, Inc.			
Mailing street address or P.O. Box			
1400 Lake Hearn Drive			
City	State	ZIP Code	Telephone No. (include area code)
Atlanta	GA	30319	(404) 843-5838

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any. — Exhibit No.

(d) Indicate the address where the system's records will be maintained.

Street address		
3015 SSE Loop 323		
City	State	ZIP Code
Tyler	TX	75701

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought. — Exhibit No.

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

[X] Corporation

a. Jurisdiction of incorporation: **Delaware**	d. Name and address of registered agent in jurisdiction: **Corporation Service Company 120 East Fourth Street Little Rock, AR 72201**
b. Date of incorporation: **5/10/99**	
c. For profit or not-for-profit: **For Profit**	

[ ] Limited Partnership

a. Jurisdiction in which formed:	c. Name and address of registered agent in jurisdiction:
b. Date of formation:	

[ ] General Partnership

a. Jurisdiction whose laws govern formation:	b. Date of formation:

[ ] Individual

[ ] Other. Describe in an Exhibit.

Exhibit No.

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one column for each individual or entity. Attach additional pages if necessary. (Read carefully - the lettered items below refer to corresponding lines in the following table.)

(a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.
(b) Citizenship.
(c) Relationship to the transferee/assignee (e.g., officer, director, etc.).
(d) Number of shares or nature of partnersihp interest.
(e) Number of votes.
(f) Percentage of votes.

(See Exhibit 3 Attached)

(a)		
(b)		
(c)		
(d)		
(e)		
(f)		

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates? [X] Yes [ ] No

If the answer is No, explain in an Exhibit.

Exhibit No.

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority? [ ] Yes [X] No

If the answer is Yes, describe circumstances in an Exhibit.

Exhibit No.

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination? [ ] Yes [X] No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding.

Exhibit No.

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)? [ ] Yes [X] No

If Yes, provide particulars in an Exhibit.

7. Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained? [ ] Yes [X] No

If No, attach as an Exhibit a full explanation.

Exhibit No. 4

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months. [X] Yes [ ] No

2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principals, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.

Exhibit No. 5

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS

Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated.

Exhibit No. 6

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature Fred R Nichols
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date **June 14, 1999** Print full name **Fred R. Nichols**

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [x] Corporate Officer (Indicate Title) **Chairman, Chief Executive Officer and President**
- [ ] Other. Explain:

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

(a) Has a current copy of the FCC's Rules governing cable television systems.

(b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.

(c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature James A Hatcher
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date **June 14, 1999** Print full name **James A. Hatcher**

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [x] Corporate Officer (Indicate Title) **Vice-President**
- [ ] Other. Explain:

Exhibit 3
FCC Form 394
Date: June 14, 1999

List of Transferee Officers, Directors and Shareholders

Entity: Cox Classic Cable TV, Inc.

Name/Residence Occupation/Place of Business	Citizenship	Officer/Director	# Shares	# Votes	% Votes
Cox Classic Cable, Inc. 1400 Lake Hearn Drive Atlanta, Georgia 30319	---	---	1,000	1,000	1,000
James O. Robbins 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and President	---	---	---
Jimmy W. Hayes 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
James A. Hatcher 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
Preston B. Barnett 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Margaret A. Bellville 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
John M. Dyer 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Andrew A. Merdek 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Secretary	---	---	---
Shauna J. Sullivan 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Assistant Secretary	---	---	---
Dallas S. Clement 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Treasurer	---	---	---

FCC 394

APPLICATION FOR FRANCHISE AUTHORITY CONSENT TO ASSIGNMENT OR TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE

FOR FRANCHISE AUTHORITY USE ONLY

SECTION I. GENERAL INFORMATION

DATE June 14, 1999	1. Community Unit Identification Number: AR0037

2. Application for: [ ] Assignment of Franchise [X] Transfer of Control

3. Franchising Authority: Fayetteville, Arkansas	
4. Identify community where the system/franchise that is the subject of the assignment or transfer of control is located: Fayetteville, Arkansas	
5. Date system was acquired or (for system's constructed by the transferor/assignor) the date on which service was provided to the first subscriber in the franchise area:	May 15, 1995
6. Proposed effective date of closing of the transaction assigning or transferring ownership of the system to transferee/assignee:	October 12, 1999

7. Attach as an Exhibit a schedule of any and all additional information or material filed with this application that is identified in the franchise as required to be provided to the franchising authority when requesting its approval of the type of transaction that is the subject of this application.

Exhibit No. 1

PART I - TRANSFEROR/ASSIGNOR

1. Indicate the name, mailing address, and telephone number of the transferor/assignor.

Legal name of Transferor/Assignor (if individual, list last name first): TCA Cable TV, Inc.			
Assumed name used for doing business (if any): TCA Cable TV			
Mailing street address or P.O. Box: 3015 SSE Loop 323			
City: Tyler	State: TX	ZIP Code: 75701	Telephone No. (include area code): (903) 595-3701

2.(a) Attach as an Exhibit a copy of the contract or agreement that provides for the assignment or transfer of control (including any exhibits or schedules thereto necessary in order to understand the terms thereof). If there is only an oral agreement, reduce the terms to writing and attach. (Confidential trade, business, pricing or marketing information, or other information not otherwise publicly available, may be redacted).

Exhibit No. 2

(b) Does the contract submitted in response to (a) above embody the full and complete agreement between the transferor/assignor and the transferee/assignee? [X] Yes [ ] No

If No, explain in an Exhibit.

Exhibit No.

PART II - TRANSFEREE/ASSIGNEE

1.(a) Indicate the name, mailing address, and telephone number of the transferee/assignee.

Legal name of Transferee/Assignee (if individual, list last name first) Cox Classic Cable, Inc.			
Assumed name used for doing business (if any)			
Mailing street address or P.O. Box 3015 SSE Loop 323			
City Tyler	State TX	ZIP Code 75701	Telephone No. (include area code) (903) 595-3701

(b) Indicate the name, mailing address, and telephone number of person to contact, if other than transferee/assignee.

Name of contact person (list last name first) James A. Hatcher			
Firm or company name (if any) Cox Communications, Inc.			
Mailing street address or P.O. Box 1400 Lake Hearn Drive			
City Atlanta	State GA	ZIP Code 30319	Telephone No. (include area code) (404) 843-5838

(c) Attach as an Exhibit the name, mailing address, and telephone number of each additional person who should be contacted, if any.

Exhibit No.

(d) Indicate the address where the system's records will be maintained.

Street address 3015 SSE Loop 323		
City Tyler	State TX	ZIP Code 75701

2. Indicate on an attached exhibit any plans to change the current terms and conditions of service and operations of the system as a consequence of the transaction for which approval is sought.

Exhibit No.

SECTION II. TRANSFEREE'S/ASSIGNEE'S LEGAL QUALIFICATIONS

1. Transferee/Assignee is:

[X] Corporation	a. Jurisdiction of incorporation: Delaware	d. Name and address of registered agent in jurisdiction: Corporation Service Company, 120 East Fourth Street, Little Rock, AR 72201
	b. Date of incorporation: 5/10/99	
	c. For profit or not-for-profit: For Profit	
[ ] Limited Partnership	a. Jurisdiction in which formed:	c. Name and address of registered agent in jurisdiction:
	b. Date of formation:	
[ ] General Partnership	a. Jurisdiction whose laws govern formation:	b. Date of formation:
[ ] Individual		
[ ] Other. Describe in an Exhibit.		Exhibit No.

2. List the transferee/assignee, and, if the transferee/assignee is not a natural person, each of its officers, directors, stockholders beneficially holding more than 5% of the outstanding voting shares, general partners, and limited partners holding an equity interest of more than 5%. Use only one column for each individual or entity. Attach additional pages if necessary. (Read carefully - the lettered items below refer to corresponding lines in the following table.)

(a) Name, residence, occupation or principal business, and principal place of business. (If other than an individual, also show name, address and citizenship of natural person authorized to vote the voting securities of the applicant that it holds.) List the applicant first, officers, next, then directors and, thereafter, remaining stockholders and/or partners.
(b) Citizenship.
(c) Relationship to the transferee/assignee (e.g., officer, director, etc.).
(d) Number of shares or nature of partnersihp interest.
(e) Number of votes.
(f) Percentage of votes.

(See Exhibit 3 Attached)

(a)		
(b)		
(c)		
(d)		
(e)		
(f)		

3. If the applicant is a corporation or a limited partnership, is the transferee/assignee formed under the laws of, or duly qualified to transact business in, the State or other jurisdiction in which the system operates? [X] Yes [ ] No

If the answer is No, explain in an Exhibit.

Exhibit No.

4. Has the transferee/assignee had any interest in or in connection with an applicant which has been dismissed or denied by any franchise authority? [ ] Yes [X] No

If the answer is Yes, describe circumstances in an Exhibit.

Exhibit No.

5. Has an adverse finding been made or an adverse final action been taken by any court or administrative body with respect to the transferee/assignee in a civil, criminal or administrative proceeding, brought under the provisions of any law or regulation related to the following: any felony; revocation, suspension or involuntary transfer of any authorization (including cable franchises) to provide video programming services; mass media related antitrust or unfair competition; fraudulent statements to another government unit; or employment discrimination? [ ] Yes [X] No

If the answer is Yes, attach as an Exhibit a full description of the persons and matter(s) involved, including an identification of any court or administrative body and any proceeding (by dates and file numbers, if applicable), and the disposition of such proceeding.

Exhibit No.

6. Are there any documents, instruments, contracts or understandings relating to ownership or future ownership rights with respect to any attributable interest as described in Question 2 (including, but not limited to, non-voting stock interests, beneficial stock ownership interests, options, warrants, debentures)? [ ] Yes [X] No

If Yes, provide particulars in an Exhibit.

7. Do documents, instruments, agreements or understandings for the pledge of stock of the transferee/assignee, as security for loans or contractual performance, provide that: (a) voting rights will remain with the applicant, even in the event of default on the obligation; (b) in the event of default, there will be either a private or public sale of the stock; and (c) prior to the exercise of any ownership rights by a purchaser at a sale described in (b), any prior consent of the FCC and/or of the franchising authority, if required pursuant to federal, state or local law or pursuant to the terms of the franchise agreement will be obtained? [ ] Yes [X] No

If No, attach as an Exhibit a full explanation.

Exhibit No. 4

SECTION III. TRANSFEREE'S/ASSIGNEE'S FINANCIAL QUALIFICATIONS

1. The transferee/assignee certifies that it has sufficient net liquid assets on hand or available from committed resources to consummate the transaction and operate the facilities for three months. [X] Yes [ ] No

2. Attach as an Exhibit the most recent financial statements, prepared in accordance with generally accepted accounting principals, including a balance sheet and income statement for at least one full year, for the transferee/assignee or parent entity that has been prepared in the ordinary course of business, if any such financial statements are routinely prepared. Such statements, if not otherwise publicly available, may be marked CONFIDENTIAL and will be maintained as confidential by the franchise authority and its agents to the extent permissible under local law.

Exhibit No. 5

SECTION IV. TRANSFEREE'S/ASSIGNEE'S TECHNICAL QUALIFICATIONS

Set forth in an Exhibit a narrative account of the transferee's/assignee's technical qualifications, experience and expertise regarding cable television systems, including, but not limited to, summary information about appropriate management personnel that will be involved in the system's management and operations. The transferee/assignee may, but need not, list a representative sample of cable systems currently or formerly owned or operated.

Exhibit No. 6

SECTION V - CERTIFICATIONS

Part I - Transferor/Assignor

All the statements made in the application and attached exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature Fred R Nichols
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name Fred R. Nichols

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title)
- [ ] Other. Explain:

Chairman, Chief Executive Officer and President

Part II - Transferee/Assignee

All the statements made in the application and attached Exhibits are considered material representations, and all the Exhibits are a material part hereof and are incorporated herein as if set out in full in the application.

The transferee/assignee certifies that he/she:

(a) Has a current copy of the FCC's Rules governing cable television systems.

(b) Has a current copy of the franchise that is the subject of this application, and of any applicable state laws or local ordinances and related regulations.

(c) Will use its best efforts to comply with the terms of the franchise and applicable state laws or local ordinances and related regulations, and to effect changes, as promptly as practicable, in the operation system, if any changes are necessary to cure any violations thereof or defaults thereunder presently in effect or ongoing.

I CERTIFY that the statements in this application are true, complete and correct to the best of my knowledge and belief and are made in good faith.	Signature James A Hatcher
WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND/OR IMPRISONMENT. U.S. CODE, TITLE 18, SECTION 1001.	Date June 14, 1999 Print full name James A. Hatcher

Check appropriate classification:

- [ ] Individual
- [ ] General Partner
- [X] Corporate Officer (Indicate Title)
- [ ] Other. Explain:

Vice-President

Exhibit 1
FCC Form 394
Date: June 14, 1999

Schedule of Additional Franchise Required Information

The City of Fayetteville requirements relative to transfer of ownership or control are contained in Section XII of the Franchise Agreement. A copy of this section is attached. No additional information is required

Exhibit 2
FCC Form 394
Date: June 14, 1999

Contract or Agreement

On May 11, 1999, the parties entered into a Purchase Agreement attached hereto as Exhibit 2.

Exhibit 4
FCC Form 394
Date: June 14, 1999

There appears to be a typographical error in the Form, which should call for an Exhibit only if the answer to Question 7, Part II is "Yes." Nonetheless, there are no documents, instruments, etc. for the pledge of stock of the transferee, as security for loans or contractual performance.

Exhibit 5
FCC Form 394
Date: June 14, 1999

Transferee's Financial Qualifications

Cox Classic Cable, Inc., is a wholly-owned subsidiary of Cox Communications, Inc. which is charged with operating the cable communications properties of that company. A copy of the most recent Cox Enterprises Annual Report (1998), Cox Communications Annual Report (1998) and Form 10K for the year ending 1998 are enclosed.

Exhibit 3
FCC Form 394
Date: June 14, 1999

List of Transferee Officers, Directors and Shareholders

Entity: Cox Classic Cable TV, Inc.

Name/Residence Occupation/Place of Business	Citizenship	Officer/Director	# Shares	# Votes	% Votes
Cox Classic Cable, Inc. 1400 Lake Hearn Drive Atlanta, Georgia 30319	---	---	1,000	1,000	1,000
James O. Robbins 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and President	---	---	---
Jimmy W. Hayes 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
James A. Hatcher 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Director and Vice President	---	---	---
Preston B. Barnett 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Margaret A. Bellville 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
John M. Dyer 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Vice President	---	---	---
Andrew A. Merdek 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Secretary	---	---	---
Shauna J. Sullivan 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Assistant Secretary	---	---	---
Dallas S. Clement 1400 Lake Hearn Drive Atlanta, Georgia 30319	USA	Treasurer	---	---	---

Exhibit 6
FCC Form 394
Date: June 14, 1999

Section IV Technical Qualifications

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*Includes the Ft. Walton Beach, FL system which is managed as part of Cox's Pensacola cluster. The system is 50% owned by Cox through a partnership with Time Warner. This partnership also owns a system in Staten Island, NY which is managed by Time Warner.

Exhibit 6
FCC Form 394
Date: June 14, 1999

Section IV Technical Qualifications - Corporate Personnel

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For the past 10 years, we have aggressively upgraded our networks by deploying more than 9,000 route miles of fiber optic cable and installing state of the art amplifier technology. These network upgrades have allowed Cox to make good on the promise of delivery of new services through their broadband infrastructure.

Adhering to our present schedule, more than 95% of our system miles (60,000) will offer 550 MHz of bandwidth or greater by the end of the year 2000 and fiber will be deployed down to serving areas averaging approximately 800 homes.

Exhibit 6
FCC Form 394
Date: June 14, 1999

Transferee's Technical Qualifications

- Cable Systems Currently Owned/Operated
- Corporate Personnel
- Local System Management

Exhibit 6
FCC Form 394
Date: June 14, 1999

Section IV Technical Qualifications - Local System Management

Local System Management

The existing personnel, including Mr. Fred R. Nichols, Chairman, Chief Executive Officer and President of TCA Cable TV, Inc. will continue in their present positions upon finalization of the acquisition by Cox. This organization will report directly to Mr. James O. Robbins, President and Chief Executive Officer of Cox Communications, Inc. Mr. Robbins is located in Atlanta and in addition to the TCA Cable TV system acquisition is responsible for all of Cox Communications cable systems. As in any ongoing organization, Cox will continuously evaluate all of its personnel and may make changes where necessary.

T-HANGAR BID
C. 4. 1

STAFF REVIEW FORM

XX AGENDA REQUEST
XX CONTRACT REVIEW
____ GRANT REVIEW
For the Fayetteville City Council meeting of July 20, 1999

FROM:

Dale Frederick	Airport	General Govt.
Name	Division	Department

ACTION REQUIRED: Airport staff requests approval of the contract for the construction of an Eight-Bay T-Hangar with Gray Construction, Inc. for a bid amount of $264,364.50. A project contingency of 10% ($26,436.00) to cover unforeseen project expenditures and $1,000.00 for materials testing is requested. A budget adjustment is requested to cover the project contingency and the increased cost over the original project estimate. Garver Engineers, the engineers for this project, have recommended the award of this project to Gray Construction, Inc.

COST TO CITY:

$ 291,801.00	$ 223,000.00	Eight-Bay T-Hangar
Cost of this Request	Category/Project Budget	Category/Project Name
5550-3960-5804.00	$ 26,695.00	Fixed Assets
Account Number	Funds used to date	Program Name
98056	$ 196,305.00	Airport
Project Number	Remaining Balance	Fund

BUDGET REVIEW: X Budgeted Item X Budget Adjustment Attached

Budget Coordinator

Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: **GRANTING AGENCY:** ____________

Accounting Manager	Date	ADA Coordinator	Date
City Attorney	Date	Internal Auditor	Date
Purchasing Officer	Date		

STAFF RECOMMENDATION: Airport staff recommends approval.

Dale Fredrick

Division Head	Date
Department Director	Date
Administrative Services Director	Date
Mayor	Date

Cross Reference

New Item: Yes No
Prev. Ord/Res#: ____________
Orig Cont. Date: ____________

T-HANGAR BID
C. 4. 2

...TTEVILLE

AIRPORT DEPARTMENT
THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Fayetteville City Council

THRU: Fred Hanna, Mayor

FROM: Dale Frederick, Airport Manager

DATE: July 6, 1999

SUBJECT: CONTRACT APPROVAL WITH GRAY CONSTRUCTION, INC. FOR AN 8-BAY T-HANGAR CONSTRUCTION

Airport staff requests approval of the contract for the construction of an Eight-Bay T-Hangar with Gray Construction, Inc. for a bid amount of $264,365.00. A project contingency of 10% ($26,436.00) to cover unforeseen project expenditures and $1,000.00 for materials testing is requested. A Budget Adjustment is requested to cover the project contingency and the increased cost over the original project estimate.

This project will be funded with Airport funds but will generate revenue for the airport. The demand from general aviation for this project is apparent by the waiting list for hangar space kept by Airport Administration.

Garver Engineers, the engineers for this project, have recommended the award of this project to Gray Construction, Inc. who was the second lowest bidder. The lowest bidder, Phase I Turnkey, Inc., did not sign or complete their proposal and was not recommended by the engineers. The Airport Board at their July 1, 1999, meeting did recommend that the award go to the second lowest bidder, if the lowest bidder did not qualify.

DF/bjm

Attachments: Contract Review Form
Letter of Recommendation
Specifications and Contract Documents
Bid Tabulation
Budget Adjustment

4500 SOUTH SCHOOL AVENUE, SUITE F · AIRPORT TERMINAL BUILDING · FAYETTEVILLE, AR 72701
PHONE 501-521-4750 Ext. 6 · FAX 501-521-1735

Garver, Inc.
Engineers

GARVER|ENGINEERS

July 2, 1999

Mr. Dale Frederick
Airport Manager
Fayetteville Municipal Airport
4500 S. School Avenue, Suite F
Airport Terminal Building
Fayetteville, AR 72701

Re: Fayetteville Municipal Airport
8-Bay T-Hangar Construction
Recommendation of Contract Award

Dear Dale:

Four bids for the "8-Bay T-Hangar Construction" project were received on June 29, 1999. The low bid was from Phase 1 Turnkey, Inc. in the amount of $256,708.00. However, Phase 1 Turnkey, Inc. did not sign the Proposal or complete the Proposal ~~forms~~. They also did not complete the "Statement of Bidder's Qualifications" section. For these reasons, according to Peggy Vice, Phase 1 Turnkey's bid is disqualified.

The second lowest bid was from Gray Construction, Inc. in the amount of $264,364.50. This amount is less than the City's Certified Funding Amount and the Engineer's Estimate. We believe the amount bid by Gray Construction represents a good value to the airport and recommend that the City award the contract to Gray Construction, Inc.

If you have any questions, please call me.

Sincerely yours,

GARVER | ENGINEERS

Brock E. Hoskins, P.E.
Vice President / Project Manager

BEH/kf

Cc: Rick McKinney
Alett Little

J:\Projects\1998\986230\Admin\corresp\recommend-ltr-02.doc

T-HANGAR BID
C. 4. 4

FAYETTEVILLE MUNICIPAL AIRPORT - DRAKE FIELD
FAYETTEVILLE, ARKANSAS
8 BAY T-HANGAR

[illegible]

Bid Tabulation

ITEM	DESCRIPTION	UNIT	ENGINEER'S ESTIMATE ESTIMATED QUANTITY	ENGINEER'S ESTIMATE UNIT PRICE	ENGINEER'S ESTIMATE ESTIMATED COST	BUILDINGS ESTIMATED COST	HARRISON DAVIS ESTIMATED COST	CRAY ESTIMATED COST	PHASE I TURN. ESTIMATI COST
SP-2-10.1	Site Preparation	L.S.	100%	$12,275.00	$12,275.00	$4,800.00	$10,600.00	$5,900.00	$2,5
SP-3-4.1	Trench and Excavation Safety Systems	L.S.	100%	$1,200.00	$1,200.00	$100.00	$1,500.00	$1,180.00	$500.00
SP-4-20.1	6" D.I. Pipe, Installed	L.F.	525	$21.00	$11,025.00	$13,000.00	$11,500.00	$10,089.00	$9,752.00
SP-4-20.2	6" x 6" Tapping Sleeve and Valve	Each	1	$2,300.00	$2,300.00	$2,700.00	$2,000.00	$4,484.00	$918.00
SP-4-20.3	Fire Hydrant and Valve Assembly	Each	2	$2,400.00	$4,800.00	$4,550.00	$4,000.00	$5,428.00	$4,275.00
SP-5-3.1	8 Bay T-Hangar Construction (Foundation, Building & Erection, Electrical)	Each	1	$230,000.00	$230,000.00	$261,536.00	$248,115.00	$233,684.50	$233,769.00
SP-6-5.1	Pavement Removal and Repair	S.Y.	6.0	$300.00	$1,800.00	$800.00	$1,200.00	$1,888.00	$600.00
P-620-5.1a	Taxiway Paint Removal	S.F.	375	$2.00	$750.00	$800.00	$1,325.00	$708.00	$375.00
P-620-5.1b	Taxiway Painting	S.F.	175	$2.00	$350.00	$800.00	$525.00	$413.00	$350.00
SC-04	Third Party Insurance	L.S.	100%	$500.00	$500.00	$500.00	$300.00	$590.00	$3,669.00
	TOTAL ESTIMATED CONSTRUCTION AMOUNT				$265,000.00	$289,586.00	$281,065.00	$264,364.50	$256,708.00

T-HANGAR BID
C. 4. 5

Garver, Inc.
Engineers

3810 Front Street, Suite 10
Fayetteville, AR 72703

501-527-9100
FAX 501-527-9101

www.garverinc.com

GARVER|ENGINEERS

July 7, 1999

Ric Gray, President
Gray Construction, Inc.
2271 Dawn Hill Road
Siloam Springs, AR 72761

Re: Fayetteville Municipal Airport (Drake Field)
8-Bay T-Hangar

Dear Mr. Gray:

The Fayetteville Municipal Airport Board has approved a recommendation for the City Council to award the construction contract for the "8-Bay T-Hangar" project at Drake Field to your company. Award is subject to approval by the Fayettteville City Council.

Four sets of "Specifications and Contract Documents" are hereby submitted with the proper information included. In each of the four (4) sets of "Specifications and Contract Documents," please execute the contract on Page C-4. Do not enter any dates on the contract.

Also, please provide separate performance and payment bonds (either using the forms on Pages PEB-1, -2, and PAB-1, -2, or forms provided by your surety) with a power-of-attorney for surety's attorney-in-fact for each of the two bonds. Do not enter dates on the bonds or power-of-attorney certifications.

Please provide General Liability and Third Party Insurance coverage in accordance with the specifications (reference Page SC-2, Section SC-04, "Insurance").

Please return all four sets of the "Specifications and Contract Documents" to me on or before July 13, 1999. If you have any questions, please call me. Thank you for your cooperation.

Sincerely yours,

GARVER| ENGINEERS

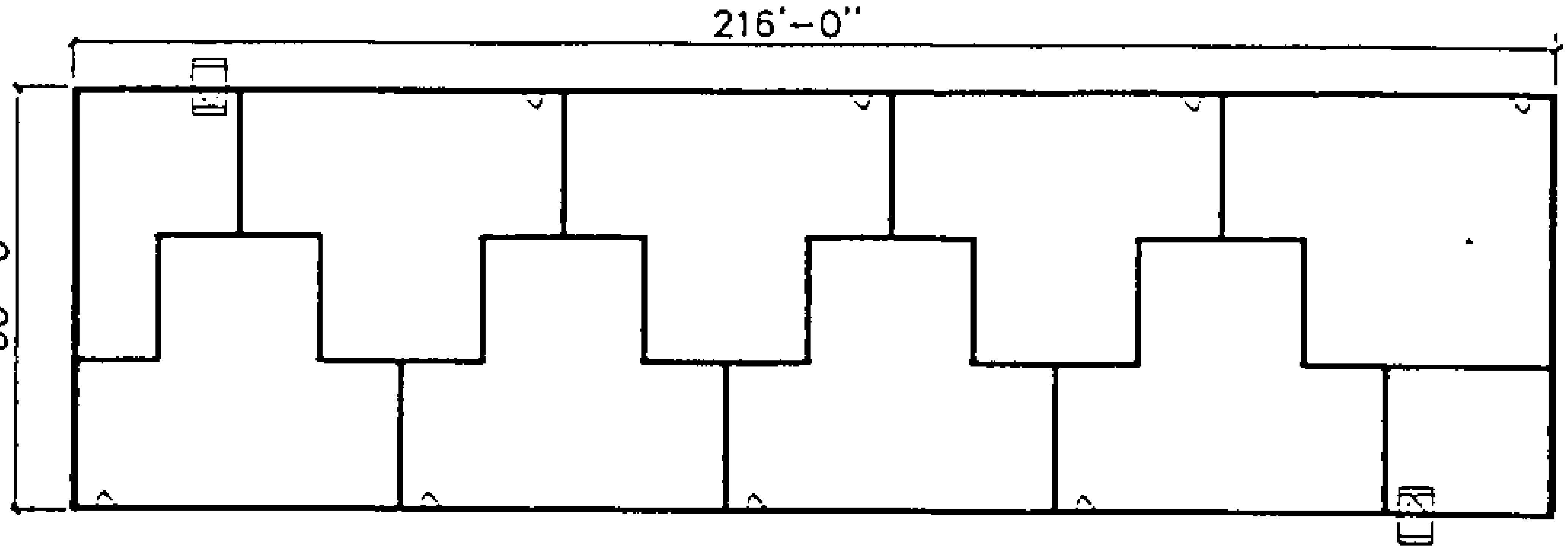
Brock Hoskins

Brock Hoskins, P.E.
Vice President / Project Manager

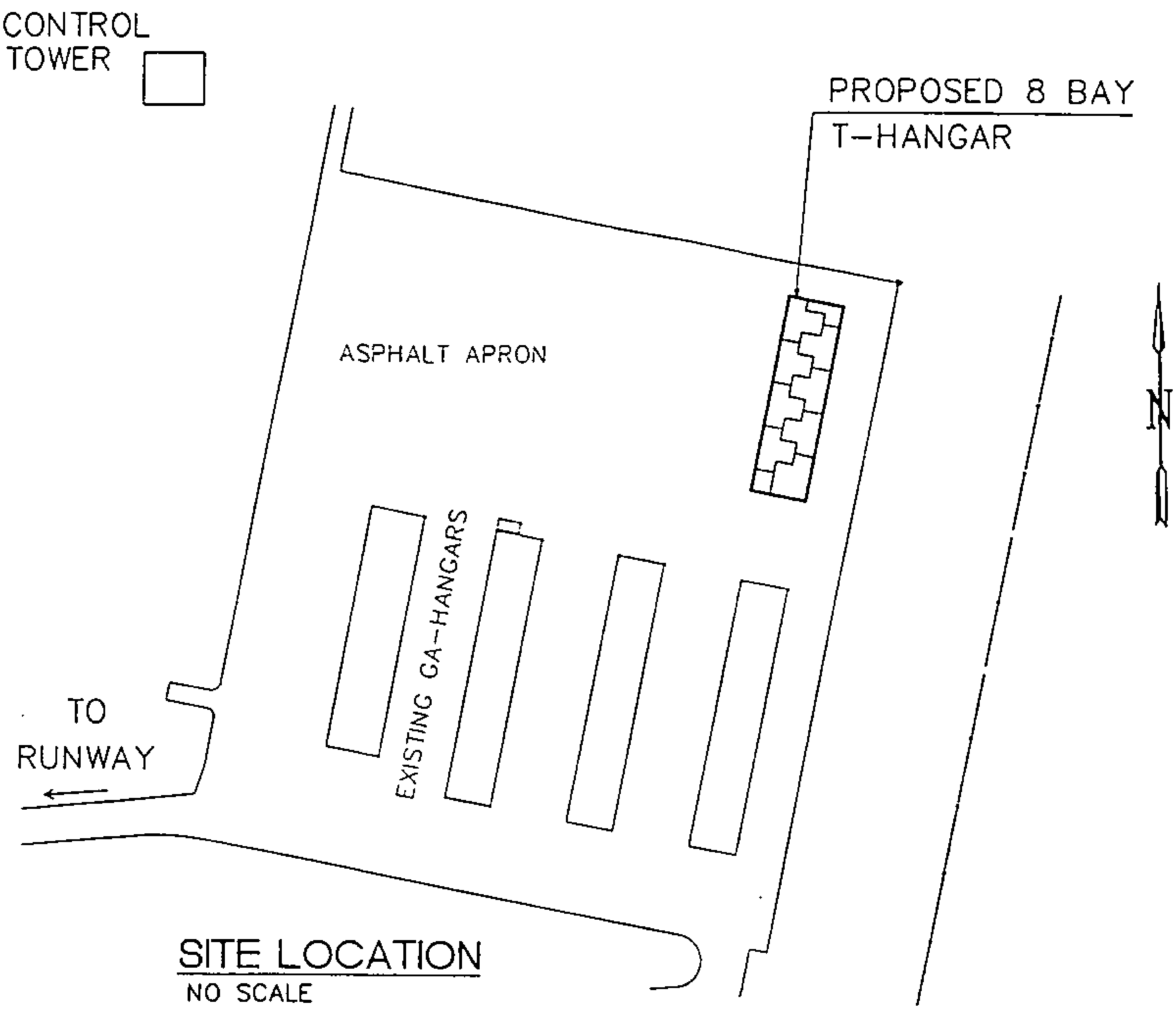
Enclosures

cc: Dale Frederick

98-6230



8 BAY T-HANGAR PLAN
NO SCALE

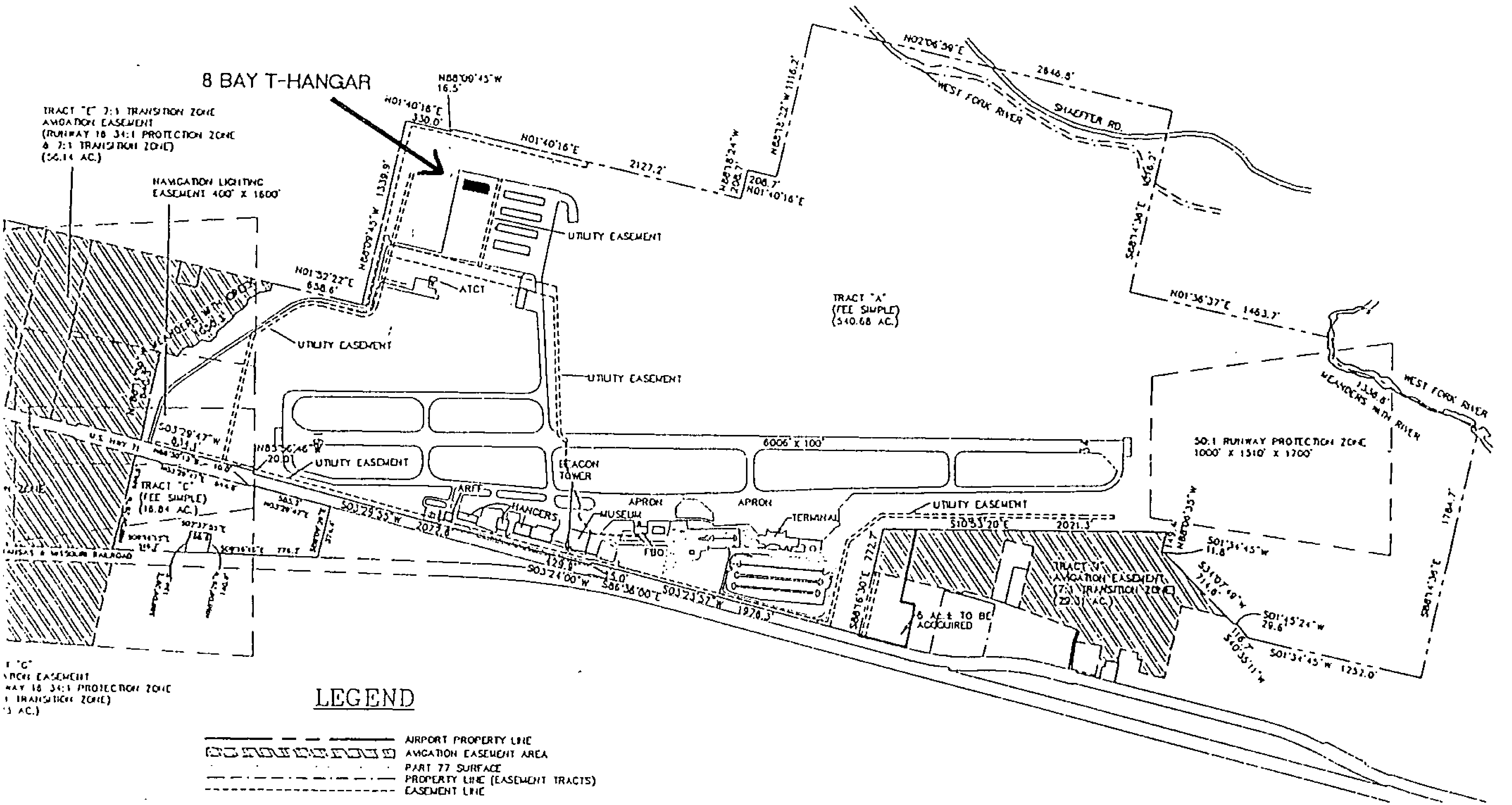


SITE LOCATION
NO SCALE

FAYETTEVILLE MUNICIPAL AIRPORT
FAYETTEVILLE, ARKANSAS

FAYETTEVILLE
DRAKE FIELD
8 BAY T-HANGAR

GARVER | ENGINEERS
FAYETTEVILLE, ARKANSAS



FAYETTEVILLE MUNICIPAL AIRPORT
FAYETTEVILLE, ARKANSAS

FAYETTEVILLE
DRAKE FIELD
8 BAY T-HANGAR

STAFF REVIEW FORM

RECEIVED
JUN 23 1999
CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

X AGENDA REQUEST
____ CONTRACT REVIEW
____ GRANT REVIEW

For the Fayetteville City Council meeting of July 20, 1999

FROM:

Name	Division	Department
Mike McKimmey Property Inspector	Inspection	Public Works

ACTION REQUIRED: Council consideration of approval for raze and removal of structure at 1414 S. Washington Ave. as per ordinance 3948

COST TO CITY:

$ ____ Cost of this Request
$ ____ Category/Project Budget
____ Category/Project Name

____ Account Number
$ ____ Funds Used To Date
____ Program Name

____ Project Number
$ ____ Remaining Balance
____ Fund

BUDGET REVIEW: ____ Budgeted Item ____ Budget Adjustment Attached

____ Budget Coordinator
____ Administrative Services Director

CONTRACT/GRANT/LEASE REVIEW: GRANTING AGENCY: ____

____ Accounting Manager ____ Date
____ ADA Coordinator ____ Date

[signature] City Attorney 6-16-99 Date
____ Internal Auditor ____ Date

____ Purchasing Officer ____ Date

STAFF RECOMMENDATION:

Approval

[signature] Division Head 6-15-99 Date

[signature] Department Director 6-15-99 Date

[signature] Administrative Services Director 21JUN99 Date

[signature] Mayor 6/23/99 Date

Cross Reference

New Item: Yes No

Prev Ord/Res #: ____

Orig Contract Date: ____

BUILDING PERMIT ISSUED

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

DEPARTMENTAL CORRESPONDENCE

TO: **Fayetteville City Council**

THRU: **Don Bunn, Assistant Public Works Director**
Bert Rakes, Inspection Division Director BR

FROM: **Mike McKimmey, Property Inspector** MM

DATE: **June 22, 1999**

RE: **Raze and Removal Request for house @ 1414 S. Washington**

The Inspections Division is requesting council consideration of a resolution to raze and remove a fire damaged house 1414 S. Washington Ave.

This house was damaged by a fire in January 1996. The property was and continues to be in poor condition. The building has deteriorated and needs to be repaired to code or razed and removed.This has been requested of the owners. The requests for maintenance were complied with, only after violations were issued. In terms of time, great latitude was given to the owners to allow them to resolve the situation. In the view the Inspections Division, all avenues which might resolve this problem have been exhausted.

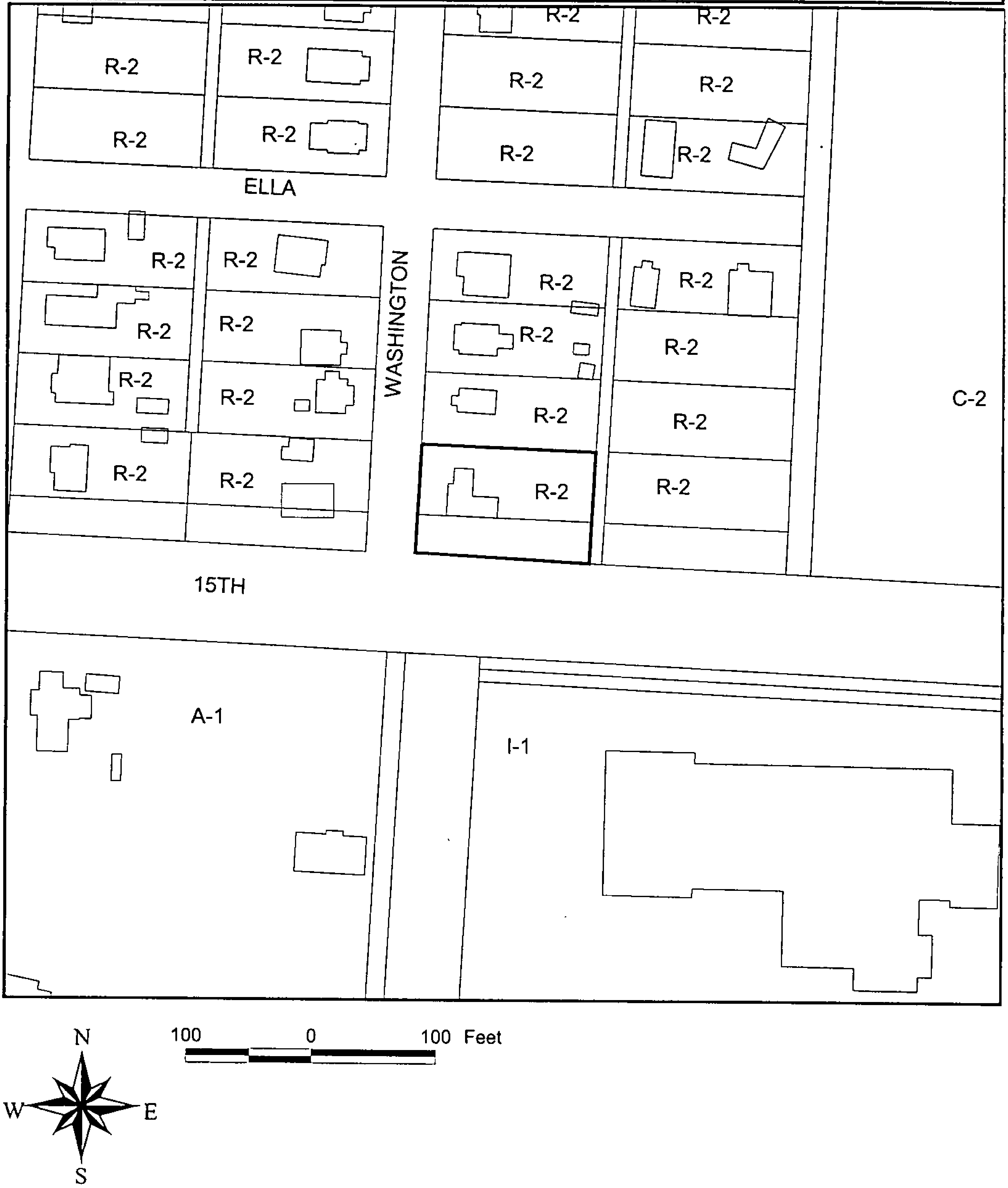
1414 S. Washington

DATE	REMARKS
11-21 95	Visited Site: took (4) photos w/John Starky Spoke to female streetside she advised she was moving soon. Complaintant: owners see attached sheet.
01/04	House VACANT & Windows Out - Owner Notified. PMM called Donald Lee - Response - will be there to secure house at earliest convenience. "Thanks"
1-4 96	Fire Call after midnight see report (Fire Marshal Received on 1-17-96
4-2	Called Mr. Lee Not home Owner Returned call - Family Illness promises results June. ok?
6-6	Called Mr. Lee & Mrs. Bailey left messages.
6-13	will give untill next monday if no prog send viol.
11-5	No change 2nd letter Sent (20 days) reg mail.
12-9	R/I No change. 12-10 called will have plan and vendor in next couple of days.
1996 12-16	Inspect: Work proceeding RI 12-30
4-10	prop boarded up. yard cleaned up. can accept waiting at this point untill resolution of problem.
9-5	Prop same as before yards grown up. no change on house.
9-5 97	Sent viol. Notice Reg. cert mail P 315 735 205
9-15	Property has some of the weeds cut down - R/I 1 week 9/23 Mrs Bailey called promised to mow and wants to sell.
8/3 1998	- Called Mrs Baily - she will clean up prop. weekend. Have given her till next month to resolve problem - of what to do about house. 8/10 RI Grass 9/14 contact owner to get firm commitment on plans.

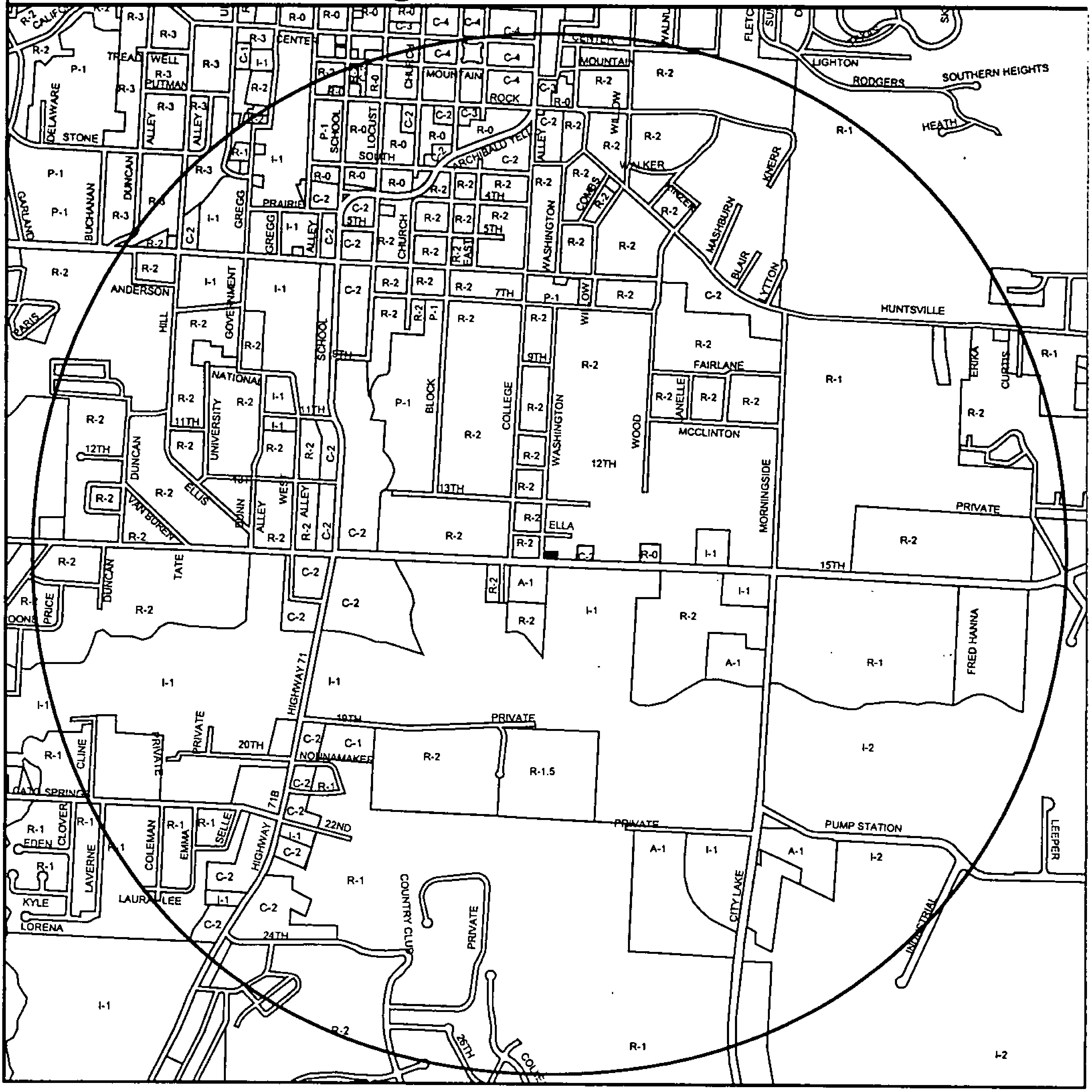
1414 S. Washington

DATE	REMARKS
6/3/99	Inspected prop - more complaints - tall grass no
	improvement since last worked Late 1998
	House still vacant neglected dilapidated. Took 5 photographs
	File Names. 6-3-99a — e printed and included in folder.
⇒	WCCH - Ownership papers (no change) current copies.
	Sent Reg. Letter to owner viol of Ord. 3948
6-10-99	Return Receipt arrived dated 6-8-99 ⇒ 30 day expires 7/8

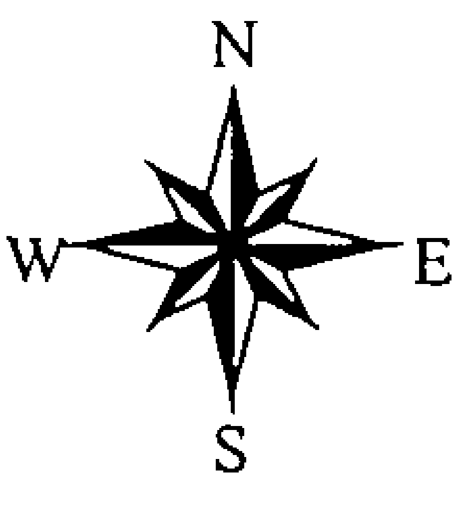
1414 S. Washington Close Up

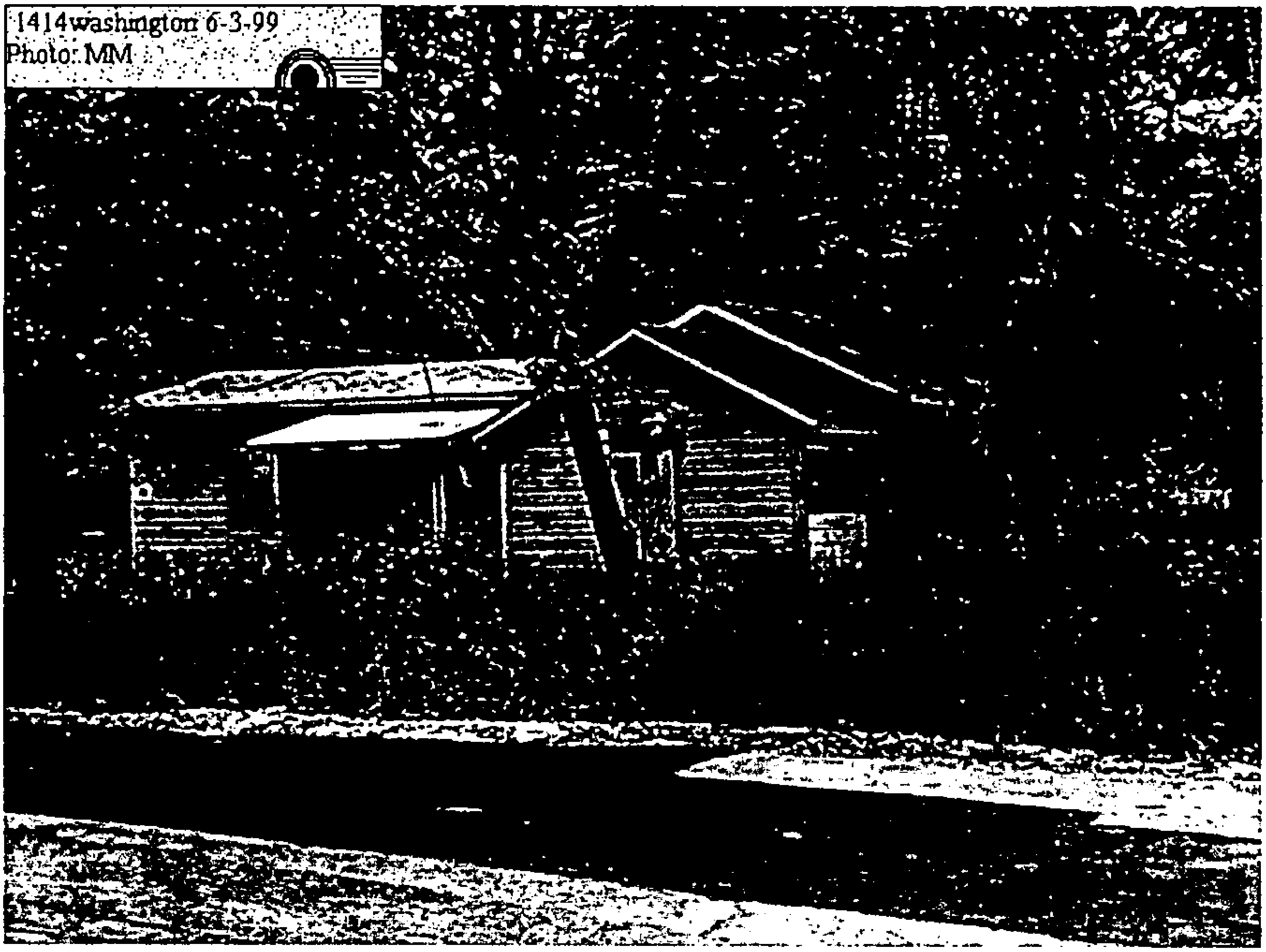


1414 S. Washington - One Mile Diameter

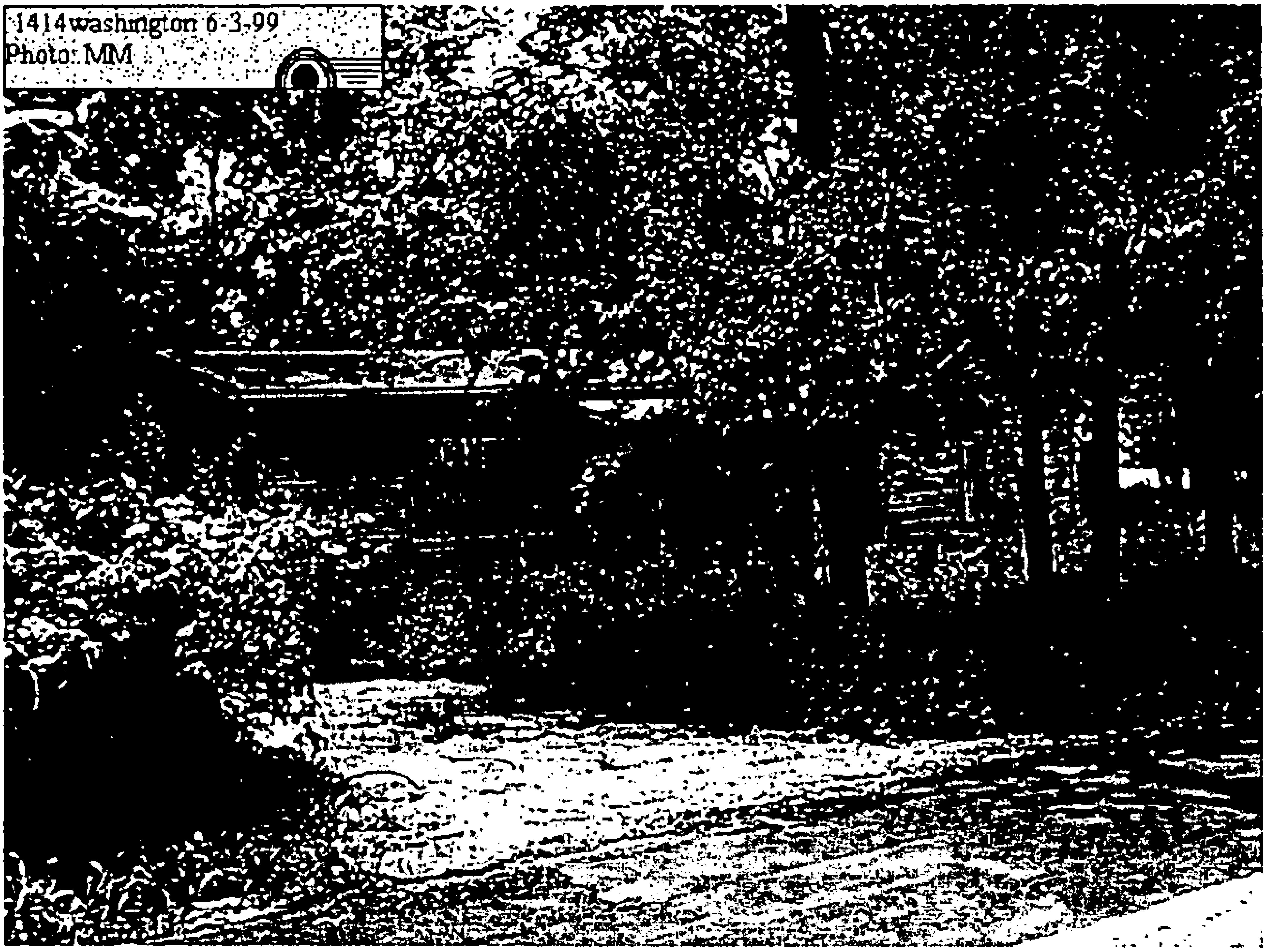


1400 0 1400 Feet



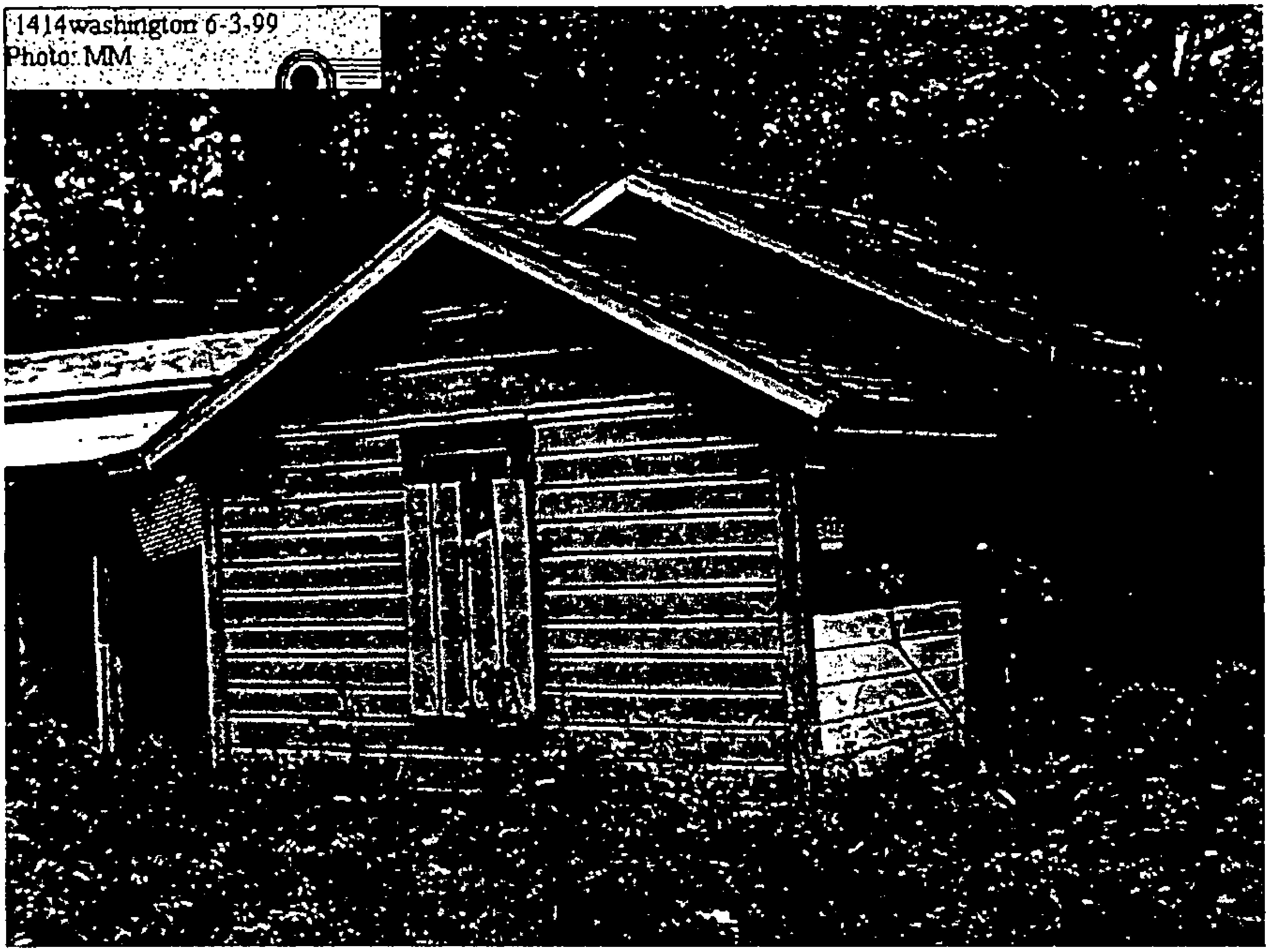


From Southwest ① Front

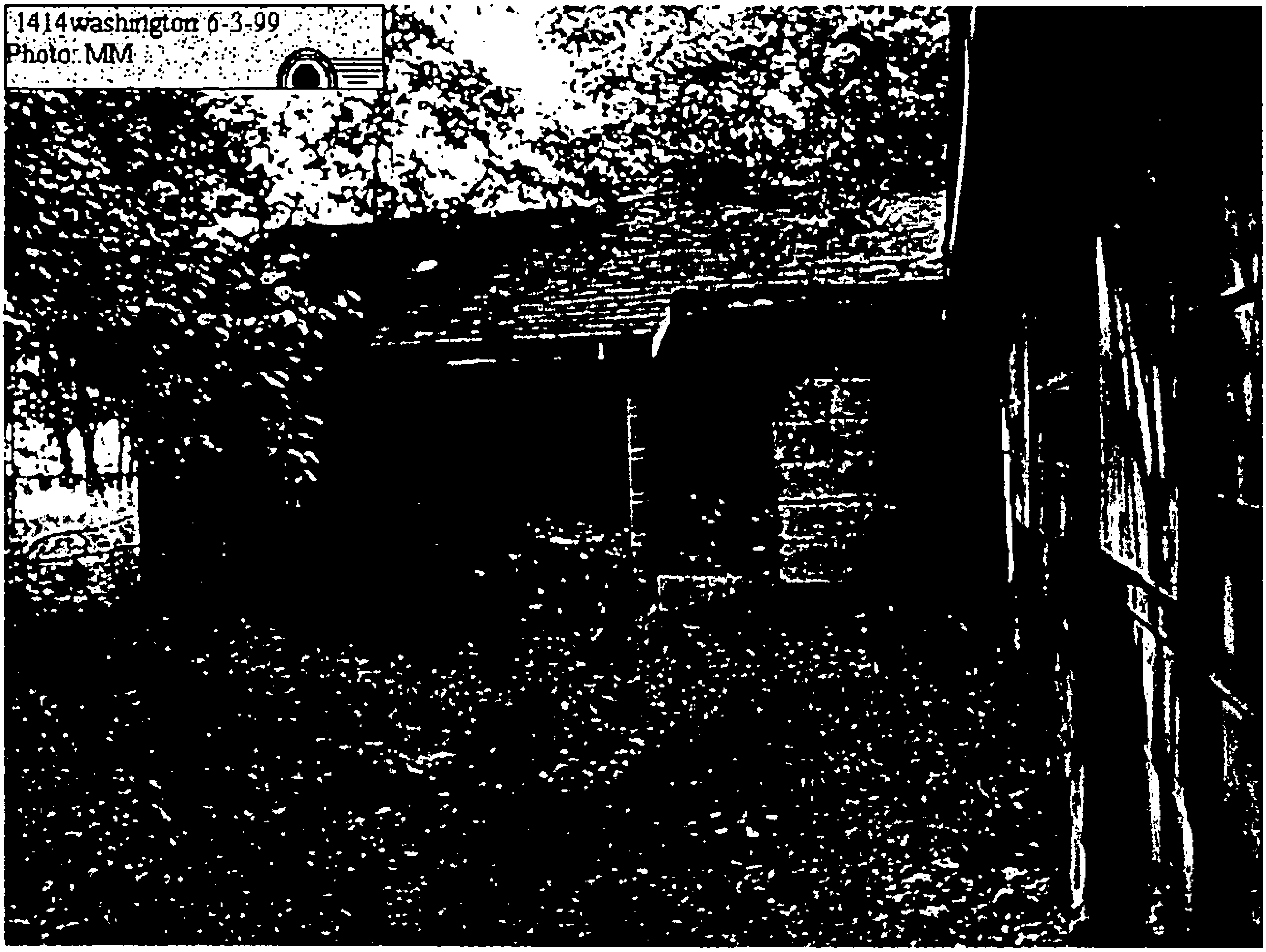


From Northwest ② Front

From Southeast ③ (Rear)



from S.west (close) 4 Front



From Northeast (5) (Rear)

FAYETTEVILLE FIRE DEPARTMENT

FFD RUN NUMBER: 96-01-018-0018 DATE: 01/04/96

LOCATION: 15TH & WASHINGTON
NATURE OF CALL: STRUCTURE FIRE
OCCUPANCY NAME: UNOCCUPIED FFD CLASSIFICATION: 181
SITUATION FOUND: STRUCTURE FIRE

ALARM: 0058 ON SCENE: 0103 CTRL: 0113 IN SERVICE: 0222 CLEAN-UP: 0328

OWNER: UNKNOWN PH: 000-000-0000 DISTRICT: 1
ADDRESS: UNKNOWN SHIFT: C

OCCUPANT: UNOCCUPIED PH: 501-000-0000
ADDRESS: 15TH & WASHINGTON

UNITS: BAT1 E-01 E-05 E-11

PERSONNEL ON DUTY : 064 DILL,J 110 SHACKLEFORD,

113	JENKINS,J	158	LYNCH,C
224	WRIGHT,B	227	LINN,K
305	STEVENS,M	376	OSLICA,R
509	PITTS,B	620	CAMPOS,M

PERSONNEL OFF DUTY : 165 RILEY,G 918 CRUTCHFIELD,

ELAPSED TIME: 02:30 PERSONNEL PRESENT: 12 MAN HOURS: 30.00

EQUIPMENT USED:

HOSE: 1in. 150 1 3/4in. 150 3in. 250 5in. 0
MASTER STREAM: 0 LADDERS: ATTIC
SALVAGE COVERS: 0 SCBA: 7 EXTRA CYLINDERS: 7
EXAUST FANS: 1 HYDRANTS: WASHINGTON AND 15TH

DETECTOR PERFORMANCE: NO DETECTORS PRESENT (N/A)

THIS WAS A STRUCTURE FIRE IN AN UNOCCUPIED STRUCTURE. THE FIRE INVOLVED APPROX. 25% OF THE STRUCTURE UPON ARRIVAL. THE FIRE WAS EXTINGUISHED AND THE STRUCTURE WAS SEARCHED.

INJURIES: 000

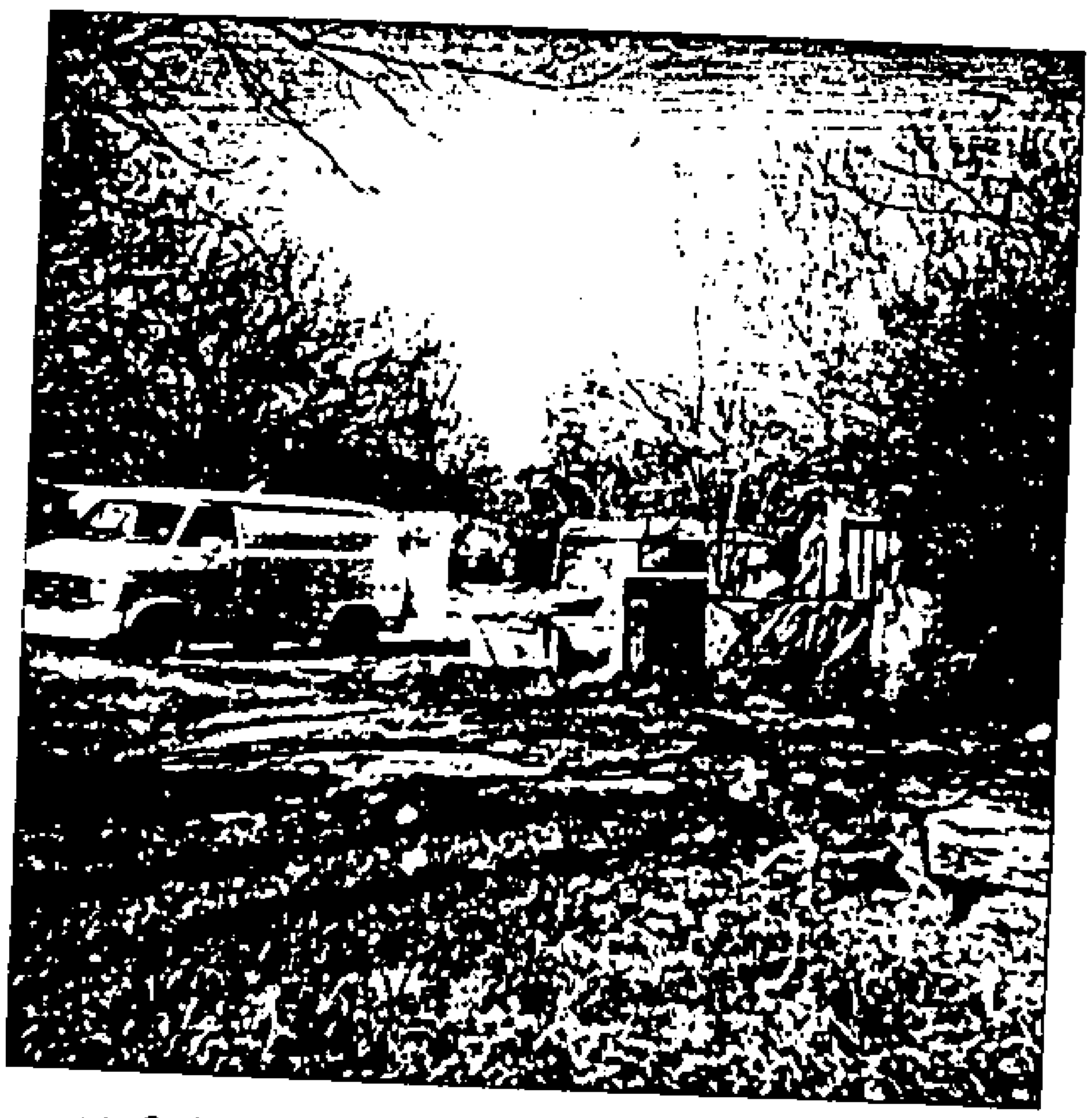
INCIDENT COMMANDER: 064 DILL, JOHN JS Dill

OFFICER MAKING REPORT: 158 LYNCH, CHRIS RANK: CAPTAIN

11-21-95 Tues. Front 2:30pm
Cluttered yard - 1414 S, Washington.

11-21-95 2:30pm 95.01 Appliances
1414 S Washington poss 110.115

11-21-95 2:30pm 95.01
1414 S. Washington Appliances



11-21-95 2:30pm 95.01 Appliances
1414 S. Washington other Junk

Washington County Real Estate Assessment Record

Parcel Number 765-03374-000

Property Type RI

Location Address 1414 | | | WASHINGTON |

Owner LEE, DONALD J.; BAILEY, SHIRLEY

Mailing Address 6005 E 111 PL 50
TULSA OK 74137

Value Information

Current year 1995

	Appraised	Assessed
Land value	9,000	1,800
Imp. value	16,650	3,330
Total value	25,650	5,130

Legal Description

Lot 004 **Block** 007 **Section-Township-Range** 22-16-30

Addition BURL DODD ADD

Legal

Deed 09/22/87 | 1243-384-7 | | 0.00 | 0

School District FAYETTEVILLE SCHOOLS **City description** FAYETTEVILLE

Deeds Since 1985

Parcel Number	765-03374-000
Date	09/22/87
Book	1243
Page	384-7
Deed Type	
Revenue	0.00
Sale Amount	0
Grantor	LEE, DONALD J.; BAILEY, SHIRLEY
Other Grantors	

Notes

1243-385 QCD; 1243-386 QCD;
1243-387 QCD
96-12548 RED DEED #103616

Residential Improvements

Parcel Number	765-03374-000
Card Number	01
Occupancy	SF
Constructio	FS
Age	45
Main floor living area	948
Total living area	948
Basement area	0

Sketch

```
                 1.....18.......
                 2             :
                 :             :
                 :..           :
                   8           3
                   :           4
........22.........:  MN(948)  :
1                              :
4                              :
:                              :
:........25...........         :
             :OP8  : :         :
             :..8..: :...12....:
```

QUITCLAIM DEED
Single Person

KNOW ALL MEN BY THESE PRESENTS:

THAT I, James W. Lee, a single person, and the surviving spouse of Argenta Lee, deceased, who died September [illegible], [illegible], hereinafter called Grantor, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to me in hand paid by Donald J. Lee and Shirley Gay Bailey, as Tenants in common hereinafter called Grantee, do hereby grant, sell and quitclaim unto said Grantee and Grantee's heirs and assigns forever, the following described land, situate in Washington County, State of Arkansas, to-wit:

> Lot Four (4), Block Seven (7), in The Berl Dodd Subdivision in the City of Fayetteville, Washington County, Arkansas.

The purpose of this deed is to convey all of my right, title, interest and curtesy in the above described premises.

To have and to hold the said lands and appurtenances thereunto belonging unto the said Grantee and Grantee's heirs and assigns, forever.

WITNESS my hand and seal on this 22 day of September, 1987.

James W. Lee
James W. Lee

THIS INSTRUMENT PREPARED BY:
Richard L. Miller
Attorney at Law
P. O. Box 3354
Fayetteville, AR 72702

ACKNOWLEDGMENT

STATE OF Okla)
) ss.
County of Tulsa)

On this the 22 day of September, 1987, before me, a notary public, personally appeared James W. Lee known to me (or satisfactorily proven) to be the person whose name is subscribed to the foregoing instrument and acknowledged that he/she had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

[illegible]
Notary Public

My Commission Expires:
[illegible] 20, 1991

FILED FOR RECORD
'87 SEP 30 PM 3 33
WASHINGTON COUNTY AR
ALMA KOLLMEYER
CIRCUIT CLERK

QUITCLAIM DEED
Husbands and Wives

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Flora Mae March and her husband, Don March, Dora Fay Lewis and her husband, Richard Lewis, and Norman Ray Lee and his wife, Verlie Lee, the first of each couple being three (3) of the six (6) children and sole heirs at law of Argenta Lee, deceased, who died September 5, 1987, hereinafter called Grantors, for and in consideration of the sum of One Dollar ($1.00) and other good and valuable consideration to us in hand paid by Donald J. Lee and Shirley Gay Bailey, as Tenants In Common, being two (2) of the remaining three (3) children and sole heirs at law of Argenta Lee, deceased, hereinafter called Grantee, do hereby grant, sell and quitclaim unto the said Grantee and Grantee's heirs and assigns, the following described land, situate in Washington County, State of Arkansas, to-wit:

Lot Four (4), Block Seven (7), in The Berl Dodd Suddivision in the City of Fayetteville, Washington County, Arkansas.

Argenta Lee is one and the same person as Argentry Lee.

To have and to hold the said lands and appurtenances belonging unto the said Grantee and Grantee's heirs and assigns, forever.

WITNESS our hands and seals on this 24th day of September, 1987.

Flora Mae March Flora Mae March	Don March (Seal) Don March
Dora Faye Lewis Dora Faye Lewis	Richard Lewis (Seal) Richard Lewis
Norman Ray Lee Norman Ray Lee 386	Verlie Lee (Seal) Verlie Lee

THIS INSTRUMENT PREPARED BY:
Richard L. Miller
Attorney at Law
P. O. Box 3354
Fayetteville, AR 72701

FILED FOR RECORD
'87 SEP 30 PM 3 34
WASHINGTON COUNTY AR
ALMA KOLLMEYER
CIRCUIT CLERK

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)ss
County of Tulsa)

On this the 24th day of September, 1987, before me, a notary public, personally appeared Flora Mae March and Don March, husband and wife, Dora Fay Lewis and Richard Lewis, husband and wife, and Norman Ray Lee and Verlie Lee, husband and wife, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they had executed the same for the purposes therein set forth.

In witness whereof I hereunto set my hand and official seal.

Harriett Asher
Notary Public

My Commission Expires:
20, 1991

NOTARY PUBLIC
OKLAHOMA
TULSA COUNTY

BOOK 1243 PAGE 386

FILED FOR RECORD '96 MAR 4 PM 1 42 WASHINGTON CO AR K. HARNESS

REDEMPTION DEED NO. 103616

CHARLIE DANIELS
COMMISSIONER OF STATE LANDS
STATE OF ARKANSAS

Issued under the provisions of Act 151 of 1891, Act 626 of 1983 and Act 814 of 1987

THE STATE OF ARKANSAS:

To All Whom these Presents Shall Come — GREETINGS:

KNOW YE THAT, WHEREAS: The following described lands situated in the County of WASHINGTON in the State of Arkansas, to wit:

Section :		1. LOT 4, BLOCK 7
Township:		2.
Range :		3.
Acres :	000000.000	4.
Addition:	BURL DODD	5.
City :	FAYETTEVILLE	6. S.D. #011

Parcel Number 765-03374-000 Year Forfeited 3-2 1990

were certified to the Commissioner of State Lands, by the County Collector for the non-payment of taxes for the years hereinbelow set forth; and that the taxes, penalties, interest and cost outlined below have been paid to the Commissioner of State Lands;

AND WHEREAS DONALD J LEE &SHIRLEY GAY BAILEY, TENENTS IN COMMON

1950 N NORWOOD AVE., TULSA., OK 74115

claiming to be the owner(s) of said real property, filed a petition to redeem duly verified according to the law, showing such ownership.

NOW THEREFORE, I, CHARLIE DANIELS, Commissioner of State Lands within and for the State of Arkansas, for and in consideration of $ 1441.50 so paid and by virtue of the authority in me vested by law, do hereby release and quitclaim unto the said DONALD J LEE &SHIRLEY GAY BAILEY, TENENTS IN COMMON and THEIR heirs and assigns forever all right, title and interest the State of Arkansas acquired under any forfeiture, sale or condemnation for taxes.

WITNESS MY HAND AND OFFICIAL SEAL 27-Feb-1996.

Taxes	1990 - 1994	1056.60
Imp Tax Due		.00
Interest		238.74
Penalty		105.66
County Cost		2.50
Recording Fee		8.00
Deed Fee		5.00
Commissioner Fee		25.00
Total Paid:		$1,441.50

Receipt #'s 52625 0 0 0

Charlie Daniels
Commissioner of State Lands

Deputy Commissioner of State Lands
Chantel King

SEAL OF COMMISSIONER OF STATE LANDS ARKANSAS

Deed Mailed to:

DONALD LEE
1950 N.NORWOOD AVE.

TULSA, OK 74115

96012548

CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain, Fayetteville, Arkansas 72701 Ph: 521-7700

CODE ENFORCEMENT OFFICERS
VIOLATION NOTICE

P-399-389-914

RE: OFFICIAL CITY NOTICE OF A CITY ORDINANCE

TO: Lee Donald I. ; Bailey Shirley
LAST (please print) FIRST MIDDLE INITIAL

NAME OF BUSINESS

The undersigned, being an employee of the City Building Inspection Department of the City of Fayetteville, Washington County, Arkansas, upon his oath deposes and says that he made an investigation;

on Thursday the 3rd day of June, 1999 at 11:00 a.m.

at 1414 S. Washington Ave. WC parcel # 765-03374-000

and found conditions, as set out below that exist which are contrary to current city regulations such as:

VIOLATIONS		DESCRIPTION OF VIOLATION
X Fayetteville Code of Ordinance		ord, 3948 Building that is Dilapidated, unsafe, Unsanitary and Detrimental to the public welfare.
X As Amended by City Ordinance No. 3948		
SECTIONS	GENERAL	
151.20	Building Code	
152.35	Electrical Code	
157.01	Plumbing & Gas	
158.65	Sign Code	
160.115	Zoning Code	
95.01	Health & Sanitation	
155.01	Housing	
98.07	R-O-W	
98.04	Sidewalks	
95.04	Public Nuisance	

THE ABOVE VIOLATIONS MAY BE CORRECTED IN THE FOLLOWING MANNER:

Get Building Permit and repair/restore building & maintain premesis or Demolish the house and clear the lot of all debris.

YOU ARE HEREBY NOTIFIED, AS PROVIDED FOR IN S S See Above OF THE FAYETTEVILLE CODE OF ORDINANCES, THAT THE ABOVE DESCRIBED VIOLATION(S) EXIST(S) AND MUST BE CORRECTED. SHOULD SAID VIOLATION CONTINUE TO EXIST ON OR AFTER 30 Days from Receipt. ~~1992~~ THE CITY WILL PROCEED WITH FURTHER LAWFUL ACTION.

VERIFICATION OF TIMELY CORRECTION MAY BE MADE BY PRESENTING THIS NOTICE TO THE INSPECTION DEPARTMENT ROOM 112, 113 WEST MOUNTAIN, FAYETTEVILLE, ARKANSAS OR BY CALLING (501) 575-8233.

Mike McKinney Property Inspector, City of Fayetteville DATE 6-4-99

SIGNATURE AND IDENTIFICATION OF PERSON SERVING VIOLATION NOTICE

P 399 389 914

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	Donald Lee or Shirley Bailey
Street and No	6005 E. 111 PL SO
P.O. State and ZIP Code	Tulsa OK 2137
Postage	$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date, and Address of Delivery	
TOTAL Postage and Fees	$
Postmark or Date	

*U.S.G.P.O. 1989-234-555

PS Form 3800, June 1985

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "*Return Receipt Requested*" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Donald Lee or Shirley Bailey
6005 E. 111 PL SO

4a. Article Number
P 399-389-914

4b. Service Type
☒ Registered ☒ Certified
☐ Express Mail ☐ Insured
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery
6-8-99

5. Received By: *(Print Name)*

8. Addressee's Address *(Only if requested and fee is paid)*

6. Signature: *(Addressee or Agent)*
X Shirley Bailey by Vernon Bailey

PS Form **3811**, December 1994 102595-97-B-0179 Domestic Return Receipt

Thank you for using Return Receipt Service.

CITY OF FAYETTEVILLE, ARKANSAS

cc/1

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SIGNATURE AND IDENTIFICATION OF PERSON SERVING VIOLATION NOTICE

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

P 399-389-914

June 1, 1999

Owner: Donald James Lee

RE: Property @ 1414 S. Washington Ave Fayetteville, AR
Washington County Tax Parcel # 765-03374-000 Lot Blk 7 Berl Dodd Sub.

This letter is to inform you that the following violations exist at the above referenced address and are in need of correction per city codes and ordinances:

1. Ordinance 3948 - Building that is Dilapidated, Unsafe, Unsanitary and Detrimental to the public welfare.

<u>Please obtain a building permit and make repairs or demolish the building and remove all debris from the lot.</u>

2. Code 95.01 - Unsightly or Unsanitary Conditions on Real Property

<u>Please mow grass and maintain routinely</u>

The City of Fayetteville is willing to cooperate and give you thirty [30] days to correct the violations. Please give this matter your highest attention so that further legal action will not be necessary.

Please contact the Inspection Division so we can discuss the problems and assist with advice for correction. If you have any comments or questions, please call Mike McKimmey, Property Inspector at (501) 575-8232.

Sincerely,

Mike McKimmey

Mike McKimmey, Property Inspector

113 WEST MOUNTAIN 72701 501-521-7700
FAX 501-575-8257

P 399 389 914

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(See Reverse)

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TOTAL Postage and Fees	$
Postmark or Date	

PS Form 3800, June 1985 ☆U.S.G.P.O. 1989-234-555

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113 WEST MOUNTAIN 72701 501-521-7700
FAX 501-575-8257

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

FINAL AGENDA
FAYETTEVILLE CITY COUNCIL
JULY 20, 1999

A meeting of the Fayetteville City Council will be held on July 20, 1999 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

The following items will be discussed:

A. CONSENT AGENDA

1. **APPROVAL OF MINUTES:** Approval of the minutes from the July 6, 1999 City Council meeting.

95-99 2. **BID 99-8:** A resolution awarding Bid 99-8 for Wilson Park Tot Playground to TNT in the amount of $46,179, plus a project contingency of $3,000 for a total of $49,179.

96-99 3. **BID 99-9:** A resolution awarding Bid 99-9 for the Root School Playground Project to Midland Construction Company, Inc. in the amount of $43,909.

4. **INTERNET SITE:** REMOVED FROM CONSENT AGENDA AND PLACED UNDER NEW BUSINESS, ITEM C.5.

5. **TERMINAL APRON REHABILITATION:** A resolution awarding the contract for the Terminal Apron Rehabilitation Project to Pavement Specialist, Inc. in the amount of $281,547.83 and a project contingency of $31,552.00; and $6,000.00 for materials
97-99 testing. And approval of a budget adjustment to cover the project contingency and increased cost over the original project estimate.

6. **T-HANGAR BID:** A resolution approving a construction contract for an eight-bay T-hangar to be awarded to Gray Construction, Inc. for a bid amount of $264,364.50; a
98-99 project contingency (10%) of $26,436.00; materials testing amount of $1,000.00; plus approval of a budget adjustment.

B. OLD BUSINESS

1. **WASHINGTON SCHOOL GYM:** Discussion of additional funding for a brick facade for the Washington School gymnasium. THIS ITEM WILL BE POSTPONED UNTIL FURTHER NOTICE FROM THE FAYETTEVILLE SCHOOL BOARD.

2. **TOWN CENTER REPORT:** Discussion of suggested cost reduction items to reduce bid amount made by Nabholz Construction Co. for the building of the Fayetteville Town Center. Bids on this project are binding on the apparent low bidder for 90 days; therefore, August 4th is the last date to complete a contract with Nabholz. $792,541 in proposed cost reductions have been identified in the project to arrive at a current cost of $7,569,292 – leaving the bid $219,292 from the budget.

C. NEW BUSINESS

1. **RZ 98-22:** An ordinance approving rezoning request RZ 98-22 submitted by Richard Osborne on behalf of Littlefield Investment Company for property located at 1798 East Huntsville Road. The property is zoned C-1, Neighborhood Commercial, and contains approximately 0.788 acres. The request is to rezone the property to C-2, Thoroughfare Commercial for the purpose of installing a used car lot.

4173 2. **EXTERNAL DEFIBRILATORS:** An ordinance approving a Bid Waiver and purchase of ten Lifepak 500 Automatic External Defibrilators from Med Tronic Physio-Control Corporation of Redmond, Washington.

4174 3. **CABLE TRANSFER:** A public hearing and consideration of an ordinance approving the application for Franchise Authority Consent to assignment or transfer of Control of Cable Television Franchise submitted by TCA Cable Television, Inc. and Cox Classic Cable, Inc.

4. **T-HANGAR BID:** REMOVED FROM NEW BUSINESS AND PLACED UNDER CONSENT AGENDA, ITEM A.6.

99-99 5. **INTERNET SITE:** A resolution endorsing the creation of Fayetteville.com, an internet site by Interface Computer Center. Interface Computer is the first company to commit to locate in the Arkansas Research and Technology Park and the internet site is a private commercial venture which will link to the City's and Chamber of Commerce's internet sites. The site is set to launch August 1, 1999.

Northwest Arkansas TIMES A3

Tuesday, July 20, 1999

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