Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Pam Weber
At Large Position 6 – Kevin Settle
At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors
Regular Meeting
May 21, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING
(Section 2-37 of Ordinance No. 24-10)

APPROVE MINUTES OF THE MAY 7, 2013 REGULAR MEETING

ITEMS OF BUSINESS:

1. Presentations:

   - Recognition to Fort Smith graduates, Ian Carter and Cameron Adams, members of the Drury University Men's Basketball Team, winners of the 2013 NCAA Division II National Championship

   - Proclamation for Public Works Week *(May 19-25, 2013)*

2. Resolution authorizing the project delivery method of Construction Manager at Risk for the Ben Geren Regional Park Aquatic Center Project ~ *Settle/Good placed on agenda at the May 14, 2013 study session* ~

3. Consent Agenda

A. Ordinance to abandon a portion of a public utility easement located in Ben Geren Industrial Park Annex, an addition to the City of Fort Smith, Sebastian County, Arkansas

B. Resolution to accept the bids and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 13-03-C *($1,745,522.18 / Engineering Department / Budgeted – Sales Tax Program Fund)*

C. Resolution accepting the bid of Southern Building Services, Inc. and authorizing construction of fire station improvements for Fire Stations No. 1 – 10 *($783,000.00 / Fire Department / Budgeted – 2012 Sales Tax Bonds)*

D. Resolution authorizing acquisition of easements in connection with Lake Fort Smith 48-Inch Water Transmission Line *($2,800.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*

E. Resolution accepting the project as complete and authorizing final payment to Axioo Construction, Inc. for construction of the Zero Street Pump Station Wet Weather Improvements – Site Remediation *($107,646.04 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

F. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of Basin 11-1 Collection System Improvements (MC02) *($217,557.31 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

G. Resolution authorizing the Mayor to execute Authorization No. 4 to the agreement with Mickle Wagner Coleman Inc. to provide engineering services for the pump station and ground storage reservoir projects to be constructed with the Chaffee Crossing Water Supply Improvements *($162,534.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)

H. Resolution accepting the bid of and authorizing a contract with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station *($1,404,600.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointment: Airport Commission (1), Fort Smith Municipal Employees Benevolent Fund Board of Advisors (3) and Western Arkansas Planning & Development District (3)

ADJOURN

1

MEMORANDUM

May 17, 2013

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Public Works Week

May 19-25 is national public works week. Mayor Sanders will be proclaiming this period as public works week in Fort Smith. This year's theme is

BECAUSE OF PUBLIC WORKS . . .

The proclamation provides an opportunity to recognize the importance of street, water and sewer, sanitation, stormwater, parks, public transit, and capital project management. The provision of essential public services relies on the dedication of the 440 employees in Fort Smith's public works departments. ***Because of public works***, the City of Fort Smith helps create the foundation for a stronger, more livable community.

A public works employee appreciation picnic will be held on Wednesday, May 22nd at the River Park events bldg. from 11:00 a.m. to 1:00 p.m. The mayor and board of directors are invited to attend.

Please join me in recognizing the 440 city employees who provide high-quality, essential public services 365 days a year.

A PROCLAMATION FOR A SPECIAL WEEK

On the occasion of Public Works Week being observed in our City, State and Nation, this Proclamation is issued, ***FOR***

WHEREAS, *Public Works Week is being observed in our City, State and Nation the week of Sunday, May 19th through Saturday, May 25th, 2013, with the theme:* ***"Because of Public Works. . .;" AND***

WHEREAS, *public works services provided in Fort Smith, Arkansas are an integral part of citizens' everyday lives, making a stronger and more livable community and contributing to Fort Smith's quality of place;* ***AND***

WHEREAS, *the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, wastewater, streets, parks, sanitation, stormwater, transit, and engineering;* ***AND***

WHEREAS, *the health, safety, and comfort of Fort Smith greatly depends on these facilities and services;* ***AND***

WHEREAS, *the quality and effectiveness of these facilities as well as their planning, design and construction are vitally dependent upon the efforts and skills of Public Works employees at all levels;* ***AND***

WHEREAS, *the efficiency of the qualified and dedicated personnel who staff Public Works Departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,* ***SO***

NOW, THEREFORE, I, *Sandy Sanders, Mayor of the City of Fort Smith, Arkansas, do hereby proclaim the week of Sunday, May 19th through Saturday, May 25th, 2013 as*

PUBLIC WORKS WEEK

in Fort Smith, Arkansas. I call upon the citizens of this great community to recognize the importance of public works operations to the high quality of living in Fort Smith, Arkansas and thank each individual involved in the work of the Public Works Operations in the City of Fort Smith, Arkansas.

IN WITNESS WHEREOF, I *have hereunto set forth my hand and caused the Seal of the City of Fort Smith, Arkansas to be affixed this 21st day of May, 2013.*

Sandy Sanders, Mayor

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE PROJECT DELIVERY METHOD OF CONSTRUCTION MANAGER AT RISK FOR THE BEN GEREN REGIONAL PARK AQUATIC CENTER PROJECT

WHEREAS, the City of Fort Smith and Sebastian County have entered into an agreement for the design, construction and operation of an aquatic center at Ben Geren Regional Park; and

WHEREAS, the Board of Directors determines that the best project delivery method for this project is construction manager at risk;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The City Administrator is hereby authorized to work with Sebastian County to use the construction manager at risk method for the delivery of the aquatic center project at Ben Geren Regional Park, provided that Sebastian County approves of the construction manager at risk delivery method. The authorization to execute a contract for construction manager at risk shall be subject to approval of the Board of Directors.

This Resolution passed this _____ day of May, 2013.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
No Publication Required

MEMORANDUM

May 17, 2013

TO: Mayor and Board of Directors

FROM : Ray Gosack, City Administrator

SUBJECT: Ben Geren Park Aquatic Center

Attached is a resolution which authorizes the use of a construction manager at risk (CMR) for the aquatic center project. The resolution further provides that the execution of a CMR contract is subject to the board's approval.

If both the city and county concur with the use of CMR, we will immediately begin the process to select a CMR and negotiate a fee and contract. The fees are typically broken into 2 parts: one fee for services during design, and another fee for services during construction. The CMR will be required to solicit open and competitive bids on all of the subcontract packages. The bids will be opened in public and subject to full disclosure.

This is the same process we followed with the use of CMR for the construction of fire station 11. Pertinent sections of that agreement are attached.

Fees to Construction Manager. Sections 4.1.2 and 5.1.1 provide **fixed fees** for the design phase services ($40,000) and the construction phase services ($139,500). Section 5.1.2 provides that the "CM fee shall not be adjusted". The construction manager isn't paid overhead, profit or any other compensation for his/her construction management services. The construction manager's fees for the fire station project represent 5.8% of the total project cost.

Bidding of Subcontracts. Section 2.3.2.1 requires the CMR to obtain bids from subcontractors. The owner (the city) determines which bids to accept, which will always be the lowest bid unless the low bidder isn't qualified to perform the work. The CMR may bid on packages for which he/she is qualified to perform. For the fire station project, there were 20 different trades for

which subcontract bids were solicited. Forty-one (41) bids were received for these 20 packages. A few of the subcontract bid tabulation pages from the fire station project are attached for your information.

With CMR, the construction manager (not the city) enters into contracts with the subcontractors. Once subcontract bids are agreed upon, the CMR gives the city a ***guaranteed maximum price*** for completion of the project. The CMR is responsible for coordinating the work and the performance of all of the subcontractors. If a subcontractor fails to perform, the CMR is responsible for seeing that the work is completed at the price for that subcontract package without additional cost to the city (Section 5.2.1). This is what places the construction manager "at risk".

For the aquatic center project, we can advertise the bidding process for the project subcontracts in the Times Record and Arkansas Democrat Gazette newspapers, and publish the bid results on the city's web site. This will give us broad exposure during the bidding phase, and will make the bid results available to anyone who wants to see them.

Accounting Records. Section 6.11 requires the CM to make all detailed records and accounts of the project available to the city. This assures full disclosure of any financial matter related to the project.

CONCLUSION

I trust this information demonstrates that construction management at risk, as used by the city, is an open, transparent, and competitive process. The construction management fees are approved as part of the CMR contract. There is open bidding for all of the construction work. And, all of the project's financial records are available to the city.

If there's any questions or a need for more information, please let me know.

- Ray

Attachments

Fire Station 11 Project
Pages from Construction Mgmt. Contract

§ 3.1.4.2 The Owner shall furnish surveys describing physical characteristics, legal limitations and utility locations for the site of the Project, and a legal description of the site. The surveys and legal information shall include, as applicable, grades and lines of streets, alleys, pavements and adjoining property and structures; designated wetlands; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and necessary data with respect to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a Project benchmark.

§ 3.1.4.3 The Owner, when such services are requested, shall furnish services of geotechnical engineers, which may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, seismic evaluation, ground corrosion tests and resistivity tests, including necessary operations for anticipating subsoil conditions, with written reports and appropriate recommendations.

§ 3.1.4.4 During the Construction Phase, the Owner shall furnish information or services required of the Owner by the Contract Documents with reasonable promptness. The Owner shall also furnish any other information or services under the Owner's control and relevant to the Construction Manager's performance of the Work with reasonable promptness after receiving the Construction Manager's written request for such information or services.

§ 3.2 Owner's Designated Representative

The Owner shall identify a representative authorized to act on behalf of the Owner with respect to the Project. The Owner's representative shall render decisions promptly and furnish information expeditiously, so as to avoid unreasonable delay in the services or Work of the Construction Manager. Except as otherwise provided in Section 4.2.1 of A201–2007, the Architect does not have such authority. The term "Owner" means the Owner or the Owner's authorized representative. Only the City of Fort Smith's, Board of Directors can authorize a change in the contract amount or the contract time.

§ 3.2.1 Legal Requirements. The Owner shall furnish all legal, insurance and accounting services, including auditing services, that may be reasonably necessary at any time for the Project to meet the Owner's needs and interests.

§ 3.3 Architect

The Owner shall retain an Architect to provide services, duties and responsibilities as described in AIA Document B101™–2007, Standard Form of Agreement Between Owner and Architect, including any additional services requested by the Construction Manager that are necessary for the Preconstruction and Construction Phase services under this Agreement. The Owner shall provide the Construction Manager a copy of the executed agreement between the Owner and the Architect, and any further modifications to the agreement.

ARTICLE 4 COMPENSATION AND PAYMENTS FOR PRECONSTRUCTION PHASE SERVICES

§ 4.1 Compensation

§ 4.1.1 For the Construction Manager's Preconstruction Phase services, the Owner shall compensate the Construction Manager as follows:

§ 4.1.2 For the Construction Manager's Preconstruction Phase services described in Sections 2.1 and 2.2:
(Insert amount of, or basis for, compensation and include a list of reimbursable cost items, as applicable.)

Fixed CM Fee of $40,000.00 for all of the pre-construction services.

§ 4.1.3 If the Preconstruction Phase services covered by this Agreement have not been completed within Eight (8) months of the date of this Agreement, through no fault of the Construction Manager, the Construction Manager's compensation for Preconstruction Phase services shall be equitably adjusted.

§ 4.1.4 Compensation based on Direct Personnel Expense includes the direct salaries of the Construction Manager's personnel providing Preconstruction Phase services on the Project and the Construction Manager's costs for the mandatory and customary contributions and benefits related thereto, such as employment taxes and other statutory employee benefits, insurance, sick leave, holidays, vacations, employee retirement plans and similar contributions.

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§ 4.2 Payments

§ 4.2.1 Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. In general, the Construction Manager's pre-construction work shall be invoiced based on the status of the Design Team's completed work.

§ 4.2.2 Payments are due and payable upon presentation of the Construction Manager's invoice. Amounts unpaid thirty (30) days after the invoice date shall bear interest at the rate entered below, or in the absence thereof at the legal rate prevailing from time to time at the principal place of business of the Construction Manager.
(Insert rate of monthly or annual interest agreed upon.)

Five % 5

ARTICLE 5 COMPENSATION FOR CONSTRUCTION PHASE SERVICES

§ 5.1 For the Construction Manager's performance of the Work as described in Section 2.3, the Owner shall pay the Construction Manager the Contract Sum in current funds for the Construction Manager's performance of the Contract. The Contract Sum is the Cost of the Work as defined in Section 6.1.1 plus the Construction Manager's Fee.

§ 5.1.1 The Construction Manager's Fee:
(State a lump sum, percentage of Cost of the Work or other provision for determining the Construction Manager's Fee.)

The CM Fee is fixed at $139,500.00 for all of the construction services.

§ 5.1.2 The method of adjustment of the Construction Manager's Fee for changes in the Work:

The CM Fee shall not be adjusted.

§ 5.1.3 Limitations, if any, on a Subcontractor's overhead and profit for increases in the cost of its portion of the Work:

15% inclusive.

§ 5.1.4 Rental rates for Construction Manager-owned equipment shall not exceed ten percent (10 %) of the standard rate paid at the place of the Project.

§ 5.1.5 Unit prices, if any:
(Identify and state the unit price; state the quantity limitations, if any, to which the unit price will be applicable.)

Item	Units and Limitations	Price per Unit ($0.00)

§ 5.2 Guaranteed Maximum Price

§ 5.2.1 The Construction Manager guarantees that the Contract Sum shall not exceed the Guaranteed Maximum Price set forth in the Guaranteed Maximum Price Amendment, as it is amended from time to time. To the extent the Cost of the Work exceeds the Guaranteed Maximum Price, the Construction Manager shall bear such costs in excess of the Guaranteed Maximum Price without reimbursement or additional compensation from the Owner.
(Insert specific provisions if the Construction Manager is to participate in any savings.)

The Project Guaranteed Maximum Price cannot be calculated until after the plans and specifications are complete and work of all bid packages have been bid and prices secured. However, the Construction Manager acknowledges the Owner's Overall Project Budget of $3,000,000 including CM and architectural fees, building construction, site work (including additional surveys and testing), landscaping and furniture, fixtures and equipment. The GMP does not include the cost of the City Street to be constructed as part of the work but the CM Fixed Fee covers the management of that work and the bidding of same.

§ 5.2.2 The Guaranteed Maximum Price is subject to additions and deductions by Change Order as provided in the Contract Documents and the Date of Substantial Completion shall be subject to adjustment as provided in the Contract Documents.

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Guaranteed Maximum Price Amendment shall set forth the agreed upon Guaranteed Maximum Price with the information and assumptions upon which it is based.

§ 2.2.7 The Construction Manager shall not incur any cost to be reimbursed as part of the Cost of the Work prior to the commencement of the Construction Phase, unless the Owner provides prior written authorization for such costs.

§ 2.2.8 The Owner shall authorize the Architect to provide the revisions to the Drawings and Specifications to incorporate the agreed-upon assumptions and clarifications contained in the Guaranteed Maximum Price Amendment. The Owner shall promptly furnish those revised Drawings and Specifications to the Construction Manager as they are revised. The Construction Manager shall notify the Owner and Architect of any inconsistencies between the Guaranteed Maximum Price Amendment and the revised Drawings and Specifications.

§ 2.2.9 The Construction Manager shall include in the Guaranteed Maximum Price all sales, consumer, use and similar taxes for the Work provided by the Construction Manager that are legally enacted, whether or not yet effective, at the time the Guaranteed Maximum Price Amendment is executed.

§ 2.3 Construction Phase

§ 2.3.1 General

§ 2.3.1.1 For purposes of Section 8.1.2 of A201 2007, the date of commencement of the Work shall mean the date of commencement of the Construction Phase.

§ 2.3.1.2 The Construction Phase shall commence upon the Owner's acceptance of the Construction Manager's Guaranteed Maximum Price proposal or the Owner's issuance of a Notice to Proceed, whichever occurs earlier.

§ 2.3.2 Administration

§ 2.3.2.1 Those portions of the Work that the Construction Manager does not customarily perform with the Construction Manager's own personnel shall be performed under subcontracts or by other appropriate agreements with the Construction Manager. The Owner may designate specific persons from whom, or entities from which, the Construction Manager shall obtain bids. The Construction Manager shall obtain bids from Subcontractors and from suppliers of materials or equipment fabricated especially for the Work and shall deliver such bids to the Architect. The Owner shall then determine, with the advice of the Construction Manager and the Architect, which bids will be accepted. The Construction Manager shall not be required to contract with anyone to whom the Construction Manager has reasonable objection.

§ 2.3.2.2 If the Guaranteed Maximum Price has been established and when a specific bidder (1) is recommended to the Owner by the Construction Manager, (2) is qualified to perform that portion of the Work, and (3) has submitted a bid that conforms to the requirements of the Contract Documents without reservations or exceptions, but the Owner requires that another bid be accepted, then the Construction Manager may require that a Change Order be issued to adjust the Contract Time and the Guaranteed Maximum Price by the difference between the bid of the person or entity recommended to the Owner by the Construction Manager and the amount and time requirement of the subcontract or other agreement actually signed with the person or entity designated by the Owner.

§ 2.3.2.3 Subcontracts or other agreements shall conform to the applicable payment provisions of this Agreement, and shall not be awarded on the basis of cost plus a fee without the prior consent of the Owner. If the Subcontract is awarded on a cost-plus a fee basis, the Construction Manager shall provide in the Subcontract for the Owner to receive the same audit rights with regard to the Subcontractor as the Owner receives with regard to the Construction Manager in Section 6.11 below.

§ 2.3.2.4 If the Construction Manager recommends a specific bidder that may be considered a "related party" according to Section 6.10, then the Construction Manager shall promptly notify the Owner in writing of such relationship and notify the Owner of the specific nature of the contemplated transaction, according to Section 6.10.2.

§ 2.3.2.5 The Construction Manager shall schedule and conduct meetings to discuss such matters as procedures, progress, coordination, scheduling, and status of the Work. The Construction Manager shall prepare and promptly distribute minutes to the Owner and Architect.

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.8 Costs for services incurred during the Preconstruction Phase.

(Paragraphs deleted)

§ 6.10 Related Party Transactions

§ 6.10.1 For purposes of Section 6.10, the term "related party" shall mean a parent, subsidiary, affiliate or other entity having common ownership or management with the Construction Manager; any entity in which any stockholder in, or management employee of, the Construction Manager owns any interest in excess of ten percent in the aggregate; or any person or entity which has the right to control the business or affairs of the Construction Manager. The term "related party" includes any member of the immediate family of any person identified above.

§ 6.10.2 If any of the costs to be reimbursed arise from a transaction between the Construction Manager and a related party, the Construction Manager shall notify the Owner of the specific nature of the contemplated transaction, including the identity of the related party and the anticipated cost to be incurred, before any such transaction is consummated or cost incurred. If the Owner, after such notification, authorizes the proposed transaction, then the cost incurred shall be included as a cost to be reimbursed, and the Construction Manager shall procure the Work, equipment, goods or service from the related party, as a Subcontractor, according to the terms of Sections 2.3.2.1, 2.3.2.2 and 2.3.2.3. If the Owner fails to authorize the transaction, the Construction Manager shall procure the Work, equipment, goods or service from some person or entity other than a related party according to the terms of Sections 2.3.2.1, 2.3.2.2 and 2.3.2.3.

§ 6.11 Accounting Records

The Construction Manager shall keep full and detailed records and accounts related to the cost of the Work and exercise such controls as may be necessary for proper financial management under this Contract and to substantiate all costs incurred. The accounting and control systems shall be satisfactory to the Owner. The Owner and the Owner's auditors shall, during regular business hours and upon reasonable notice, be afforded access to, and shall be permitted to audit and copy, the Construction Manager's records and accounts, including complete documentation supporting accounting entries, books, correspondence, instructions, drawings, receipts, subcontracts, Subcontractor's proposals, purchase orders, vouchers, memoranda and other data relating to this Contract. The Construction Manager shall preserve these records for a period of three years after final payment, or for such longer period as may be required by law.

ARTICLE 7 PAYMENTS FOR CONSTRUCTION PHASE SERVICES

§ 7.1 Progress Payments

§ 7.1.1 Based upon Applications for Payment submitted to the Architect by the Construction Manager and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Construction Manager as provided below and elsewhere in the Contract Documents.

§ 7.1.2 The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

§ 7.1.3 Provided that an Application for Payment is received by the Architect not later than the Twenty-fifth day of a month, the Owner shall make payment of the certified amount to the Construction Manager not later than the Fifteenth day of the follwoing month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than Thirty (30) days after the Architect receives the Application for Payment.

(Federal, state or local laws may require payment within a certain period of time.)

§ 7.1.4 With each Application for Payment, the Construction Manager shall submit payrolls, petty cash accounts, receipted invoices or invoices with check vouchers attached, and any other evidence required by the Owner or Architect to demonstrate that cash disbursements already made by the Construction Manager on account of the Cost of the Work equal or exceed progress payments already received by the Construction Manager, less that portion of those payments attributable to the Construction Manager's Fee, plus payrolls for the period covered by the present Application for Payment.

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December 20, 2012
Time: 1:00 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: ROADWORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND			
STEVE BEAM CONSTRUCTION	5%	$283,979.23	$5,680.00			
HARRIS COMPANY	5%	$285,345.25	2.50%			
FORSGREN	5%	$312,528.60	$2,490.00			

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:00 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: LANDSCAPING & IRRIGATION WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND			
FRANK SHARUM LANDSCAPING	5%	$75,730.00	$1,060.00			

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:10 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: CONCRETE WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND			
STEVE BEAM CONSTRUCTION	5%	$335,000.00	$5,500.00			
BUCKNER FLEMING	5%	$337,820.00	$6,175.00			
BESHEARS CONSTRUCTION INC.	5%	$334,000.00	$3,051.00			

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:10 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: STONE & CMU MASONRY WORK COMBINED

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND	ALT #1 - DEDUCT	ALT#2 - DEDUCT	
CHARLES RAY MASONRY	5%	$166,507.00	$2,394.00	$15,217.00	$1,892.00	
SUPERIOR STONEWORKS	5%	$174,550.00	$2,618.00	$3,690.00	$3,704.00	

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:10 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: STRUCTURAL & MISC STEEL & METAL BUILDING WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND	ALT#3 - DEDCUT		
HOLMES ERECTRION	5%	$351,085.00	NONE	$4,400.00		
BESHEARS CONSTRUCTION INC.	5%	$301,000.00	$2,673.00	$5,580.00		

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:20 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: ACOUSTIAL AND GYPSUM DRYWALL WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND	ALT#3 - DEDCUT		
T & J SPECIALTY CONTRACTORS INC	5%	$198,525.00	$1,795.00	NONE		

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:30 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: DOORS, FRAMES, & MISC SPECIALTIES WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND			
BESHEARS CONSTRUCTION INC	5%	$197,000.00	$1,845.00			

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:30 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: SPECILATY DOORS WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND	ALT #2 - DEDUCT		
SOUTHWEST GARAGE DOOR	5%	$45,571.00	N/A	$5,269.00		
OVERHEAD DOOR	5%	$49,803.00	$1,250.00	$1,076.00		

Certified Bid Tab

Signature

Date: 12/20/12

December 20, 2012
Time: 1:45 PM

CITY OF FORT SMITH
FIRE STATION #11
FORT SMITH, ARKANSAS

BID PACKAGE: ELECTRICAL WORK

CONTRACTOR	BID BOND	BASE BID	ADD FOR PAYMENT PERFORMANCE BOND			
MATLOCK ELECTRIC	5%	$448,970.00	$6,500.00			

Certified Bid Tab

Signature

Date: 12/20/12

Sig

The City of Fort Smith ARKANSAS

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MEMORANDUM

May 10, 2013

TO: Mayor and Board of Directors

FROM: Ray Gosack, City Administrator

SUBJECT: Ben Geren Park Aquatic Center

The recent approval of $8.0 million in funding for the aquatic center means that design work needs to continue so that construction may begin by early 2014 and the facility open on Memorial Day weekend 2015. There's been a desire to include amenities which the architect estimates will add $800,000 to the project budget. Concern about the project cost is creating a dilemma for the project planning.

- When do we determine how much we're willing to spend?
- What will we get for that investment?
- Do we expend funds designing a facility which may cost more to build than is available?
- When will we know the project cost?

There are options for the project delivery method. Attached is a memo from the project architect which discusses the most viable options, provides project cost estimates, and includes project schedules for each delivery method.

I recommend that for the aquatic center project, we use the ***construction manager at risk*** method for the following reasons:

- We will have a maximum guaranteed price when approximately 60% of the design work is completed. This will allow us to decide in a more deliberate way what features we want included in the project for the money we're willing to spend on it.

- The architect can complete the design work with the assistance of the contractor who will be building the project. This allows the contractor to suggest designs

that will save us money and give greater assurance that the project will be completed on time.

- This method will avoid additional design fees. Those fees can be used to construct a better facility.

The quorum court will be discussing the project delivery methods at a meeting on the evening of May 14th. If both the city board and quorum court agree with using the construction manager at risk delivery method, we will present a resolution confirming this decision at the May 21st meeting. We will then undertake the process to select a construction manager as quickly as possible. The contract with a construction manager must be approved by the city board and the county. If both governing bodies don't agree with the use of construction management at risk, we will proceed with the traditional design, bid, build method for delivering the aquatic center.

Please let me know if there's any questions or a need for more information.

- Ray

Attachment

cc: David Hudson, Sebastian County Judge
Andy Smith, Larkin Aquatics

LARKIN AQUATICS
9200 Ward Parkway, Suite 200
Kansas City, Missouri 64114-3350
Phone: 816-361-0440
Fax 816-361-0045

MEMO

To: **Judge David Hudson, Ray Gosack**

From: **Andy Smith**

CC:

Date: **May 10, 2013**

Re: **Construction Contract Delivery Methods; Ben Geren Aquatic Center**

With the approval of project funding by the County Quorum Court last month, the City and County are ready to have the architect/engineer (AE) team proceed with final design and construction documents of the Ben Geren Aquatic Center. At this point, it must be decided whether the construction contract will be awarded based on a competitive bid process (Design-bid-build or DBB) or whether a construction manager at risk (CMR) will be used. The purpose of this memo is to describe these delivery options and to explain the pros and cons of each option as they affect this particular project.

The key points of this memo are:

- ✓ The estimated cost of the most desired concept does not match the current budget. The project may exceed budget if measures are not put in place to manage this risk.
- ✓ The DBB process is limited in controlling this risk. The worst case scenario is the DBB process may result in all bids exceeding budget limits, requiring re-design and re-bidding of the project, and putting a Memorial Day 2015 opening at risk.
- ✓ CMR provides more flexibility during the design process to assure a final design meets budget.

Background

In March, the latest concept (Attachment 1), including a dive well and a 600 foot long lazy river, was presented to the City Board of Directors and County Quorum Court. The AE team's opinion of probable cost for this concept is $8.8M, exceeding the $8.0M budget by 10%. The previous concept presented at the City/County Joint meeting in February (Attachment 2) met the $8.0M budget, based on AE team's opinion of probable cost, but received public criticism at that meeting. As budget allows, the City and County want to provide a facility of similar scale and features to the concept shown in the original feasibility study.

The project schedule can be summarized as follows: Design and construction documents will be produced this year. A construction contract will be awarded no later than end of this year, construction will start in 2014 and will be completed in spring 2015 in time for a Memorial Day 2015 opening. This schedule is unaffected by which delivery method is chosen. Although there

are some differences in the timing of interim milestones, either method of DBB or CM will provide a Memorial Day 2015 opening.

Design-Bid-Build Approach

Design-bid-build (DBB) is the traditional approach. The AE team would be asked to finalize design and construction documents for a particular concept. With DBB, the City/County relies on the AE team's opinion of probable cost to define the scope of project all of the way through the entire design process until the project is bid. The AE team's opinion of probable cost would be refined through the design process as details and quantities of construction are better defined. The AE team applies the best available cost information, derived in part from recent project bid results for similar projects. Contingencies are added to this cost to account for unpredictable factors such as inflation, costs for materials and fuel, and economic and market forces. Firm quotes from contractors and material suppliers are not provided until the project is completely designed and bids are received. It is then, at the end of the design process, that AE team's opinion of probable cost is verified and actual cost of construction is known.

Deductive alternates are often used in competitive bids (DBB) to manage the potential risk that all bids received could exceed the project budget. Deductive alternates are defined in the construction documents and the bidders are asked to provide cost savings for these deductive alternates along with their base bid. In the event the bids exceed budget, the Owner has the option to select the deductive alternates to change the construction scope and reduce the bid price.

Deductive alternates can be as simple and straightforward as substitutions for finishes or equipment. Or they can be more complex requiring additional design effort. If the base bid for this project is the latest concept (Attachment 1), then it is prudent to include deductive alternates with an estimated value of at least the projected over-run of the currently approved budget of $800,000. The only feasible alternate that could reduce the bid price by this much is a different design of one or more of the pools. An example of this would be to use the larger lazy river/activity pool shown in Attachment 1 as part of the base bid and include a deductive alternate of the smaller lazy river/activity pool shown in Attachment 2. The construction drawings would include plans, sections, and details for both pools. Other work would also be affected, including the layout and design of the concrete deck around the pool, the design and layout of piping, sizing and configuration of equipment, and layout of the pump/filter building. Drawings reflecting these items would be generated twice, first to reflect the base bid and second to reflect the deductive alternate.

Ideally, there should be several deductive alternates. Consider the example above; if the lowest acceptable base bid were $200,000 over the budget, then it might be better to use other deductive alternates to reduce cost instead of opting for the smaller lazy river and no dive well. In this case, it might be better to have some other deductive alternates such as a more economical roof system for the buildings, fewer shade structures, a smaller children's play structure, or one fewer waterslides. These items could cover the budget over-run of the base bid and some of them could be installed later if more construction funds became available.

Unfortunately, State regulations limit flexibility in the selection of alternates. For publicly bid projects, the owner must list in priority the alternates to be considered and, if alternates are selected, they must be selected following the priority list. In other words, the owner cannot select

bid alternate 3 without selecting bid alternates 1 and 2. So, in the scenario previously discussed, the bid sheet could include price request for the following items:

- Base bid (including larger lazy river and dive well)
- Alternate 1; smaller river and no dive well
- Alternate 2; delete speed slide (fiberglass slide could be added later)
- Alternate 3; Provide smaller play structure
- Alternate 4; delete some of the shade structures
- Alternate 5; replace standing seam metal roof with composite shingle

These alternates are listed in order from most cost savings to least cost savings. Even if the lowest acceptable base bid is only $200,000 over budget, the City/County is still required to choose the first alternate, the smaller river and no dive well (estimated at $800,000 in value). If the order of the alternates is reversed, least cost savings to most cost savings, and the lowest acceptable bid is $800,000 over the budget, then all of the smaller alternates would have to be selected before the smaller river and no dive well alternate could be selected.

In the event that all bids exceed budget, the only other options besides deductive alternates are to negotiate a change order or to modify the design and re-bid the project. Regulations limit the use of change orders. Redesigning and rebidding the project could jeopardize the schedule for a 2015 opening.

Construction Manager at Risk Approach

The delivery process for Construction Manager at Risk (CMR) is described as follows. While the AE team begins the final design and construction document process, the City/County would solicit statements of qualification from prospective construction firms. The City/County would review SOQs, shortlist for interview and select the best qualified Construction team. This selection would be complete in time for City Board of Directors and County Quorum Court to consider for approval the award of contract in July. The agreement between CMR and the City/County would not include a Guaranteed Maximum Price (GMP) for construction. The GMP comes later.

By the time the CMR is on board in July, AE team would have completed design to about the 30% level. The CMR would begin working with the AE team to understand the scope of construction and review the AE team's opinion of probable cost. Moving forward, the CMR would assume responsibility for cost estimating and would collaborate in design review with the City/County and AE design team to assist in design decisions, value engineer and identify opportunities for cost savings. During the cost estimating phase the CM would work with subcontractors as well as utilizing their own database from previous projects in the development of their estimates. Since these estimates are based on incomplete design documents assumptions will have to be made about the scope of each trade involved in the project. These estimates will carry a number identified as contingency to cover things not yet shown on the plans. If a budget over-run is identified by the CMR, the AE team would still have adequate time and AE budget available for making necessary construction document changes to reduce the cost to within budget.

However, the owner must be willing to make changes in the scope or design of the project necessary to bring the project back within budget before the design team moves forward to

complete the design documents. The advantage of handling changes to the project at this point relates to the owners ability to choose ala carte from a menu of cost savings items developed by the design team and CMR. This allows the owner to tailor the change in scope to the amount of the budget overrun. In the DBB scenario the order of the deductive alternates will have to be established prior to the owner knowing the magnitude of the overrun. These alternate bids would have to be taken in the order established on the bid documents.

Once the design documents are complete the CM will solicit bids from subcontractors for the work contained in the design documents. If the CM wishes to self-perform any of the work himself, he must submit a sealed bid for that work prior to receiving bids from subcontractors. Once all bids are received the CM will present the bids to the owner and design team for review. If the project is over budget but within 20% of the funds available the CM may negotiate changes with the subcontractors subject to approval by the owner and design team. At this point the CM will present the owner with a GMP.

The selected CMR could be a general contractor with pool building experience or could be a general contractor with a pool builder as a subcontractor. Either way, for the City/County to realize the full benefits of the CMR process, the AE team needs to collaborate with the CM/pool builder during the design process. Pool building is a specialty construction and there are various construction methods for pool building that can be accommodated in the construction plans. By working with the CM/pool builder during the design phase, the design team can identify the methods that are most commonly used and are most cost effective in the Fort Smith area.

Other Comparisons and Considerations

- ✓ Both DBB and CMR allow for open competitive bidding.
- ✓ CMR allows the opportunity for the general contractor to be selected based on experience and a proven track record of dependability and quality. In the DBB process, the general contractor will be selected based on price only. The AE team recommends all prospective pool builders are qualified; that bids only be received from pool builders who demonstrate minimum qualifications of experience and good reputation.
- ✓ CMR provides real-time cost estimating so design decisions are made with the best available cost information. CMR will provide insights regarding labor and materials availability, work sequencing, constructability, and other construction related factors to beneficially impact design decisions and reduce construction times and costs. DBB offers none of these opportunities.
- ✓ With the CMR process, the design team will not proceed past 30% design until the CMR confirms or revises the AE team's opinion of probable cost. Therefore the design does not advance past 30% until August. It is important that the City and County are willing to make timely decisions to reduce scope or increase budget so that the design can be finalized this fall.
- ✓ The project schedule does not allow adequate time for the project to be re-designed and bid a second time and still meet a Memorial Day 2015 opening. Therefore, if DBB is the selected method, there must be adequate measures in place to assure a qualified bid

meeting the approved budget is received. The AE team recommends the construction documents be prepared with two versions of the lazy river/activity pool/dive well complex as discussed above. This will require additional AE fees to cover this additional design and drawing production. These fees are estimated at $60,000.

Recommendations

It is crucial that this project is completed within the schedules promised to the community and for cost matching available budgets. It is equally important that the end product meet the needs and expectations of the community. The CMR process provides collaboration between the construction team and the design team. It allows for design decisions supported by real-time cost analysis. The CMR process avoids some of the potential pitfalls of cost control that can plague the DBB process. Therefore, Larkin Aquatics recommends the CMR process for the design and construction of the Ben Geren Aquatic Center.

Attachment 1
Concept Presented March 18, 2013

not to scale

Buildings	
Bathhouse, Breezeways & Porches, Concessions, Mechanical Building, & Party Shelter	$1,555,000
Site Development	
Parking/Drives (300 Spaces), Water main extension, Sanitary Service, Storm Drainage/Detention	$857,000
Pools & Deck	
Pools, Decks, & Appurtenances	$4,680,000
Waterslides & Waterplay	$1,230,000
Sub-Total	$8,322,000
5% Contingency	$416,000
Hard Cost Total	$8,738,000
Soft Costs	
Professional Services, Furnishings, Testing	$620,000
Total (n/inc. In-kind services)	$9,358,000
In-kind services	
Water & Sewer by City	-$135,000
Parking Lot by County	-$450,000
Total Project Cost	$8,773,000

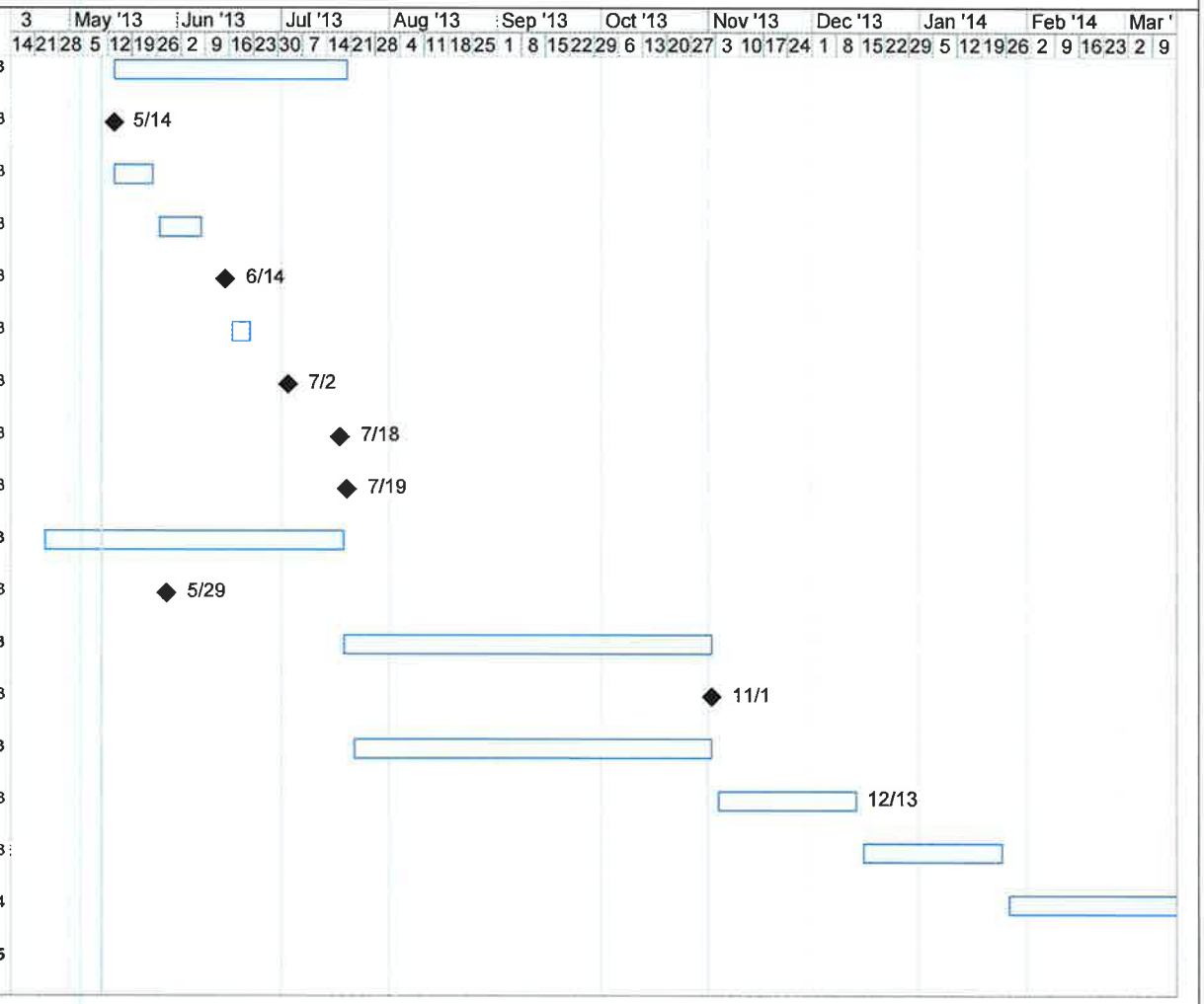
Attachment 2
Concept Presented at Joint Meeting, February 12, 2013

not to scale

Buildings	
Bathhouse, Breezeways & Porches, Concessions, Mechanical Building, & Party Shelter	$1,454,000
Site Development	
Parking/Drives (300 Spaces), Water main extension, Sanitary Service, Storm Drainage/Detention	$857,000
Pools & Deck	
Pools, Decks, & Appurtenances	$3,991,000
Waterslides & Waterplay	$1,230,000
Sub-Total	$7,532,000
5% Contingency	$377,000
Hard Cost Total	$7,909,000
Soft Costs	
Professional Services, Furnishings, Testing	$620,000
Total (n/inc. In-kind services)	$8,529,000
In-kind services	
Water & Sewer by City	-$135,000
Parking Lot by County	-$450,000
Total Project Cost	$7,944,000

Design/Construction Schedule
Ben Geren Aquatic Center
Construction Manager Approach
Fri 5/10/13

ID	Task Name	Duration	Start
1	**CMR Selection process**	**49 days?**	**Tue 5/14/13**
2	CM process approved by Board of Directors	0 days	Tue 5/14/13
3	Prepare CM RFQ	9 days	Tue 5/14/13
4	Advertise CM RFQ	10 days?	Mon 5/27/13
5	Receive CM RFQ	0 days	Fri 6/14/13
6	Review CM RFQ & invite to invterview	5 days	Mon 6/17/13
7	CM Interviews	0 days	Tue 7/2/13
8	City/County Elected approval of selection	0 days	Thu 7/18/13
9	CM Notice to proceed with contract	0 days	Fri 7/19/13
10	**Design Development (30% design)**	**62 days?**	**Wed 4/24/13**
22	Pre-design Coordination Meeting, Ark DOH	0 days	Wed 5/29/13
23	**Construction Document Development**	**76 days**	**Fri 7/19/13**
34	Construction Documents Complete	0 days	Fri 11/1/13
35	**Design and Cost Estimating Services by CMR**	**75 days?**	**Mon 7/22/13**
42	CMR Receives final bids and offers GMP	6 wks	Mon 11/4/13
43	Construction Contracting and Preliminary work	6 wks	Mon 12/16/13
44	**Construction**	**62 wks**	**Mon 1/27/14**
45	**Final Completion CM**	**0 days**	**Fri 4/3/15**



Design/Construction Schedule
Ben Geren Aquatic Center
Construction Manager Approach
Fri 5/10/13

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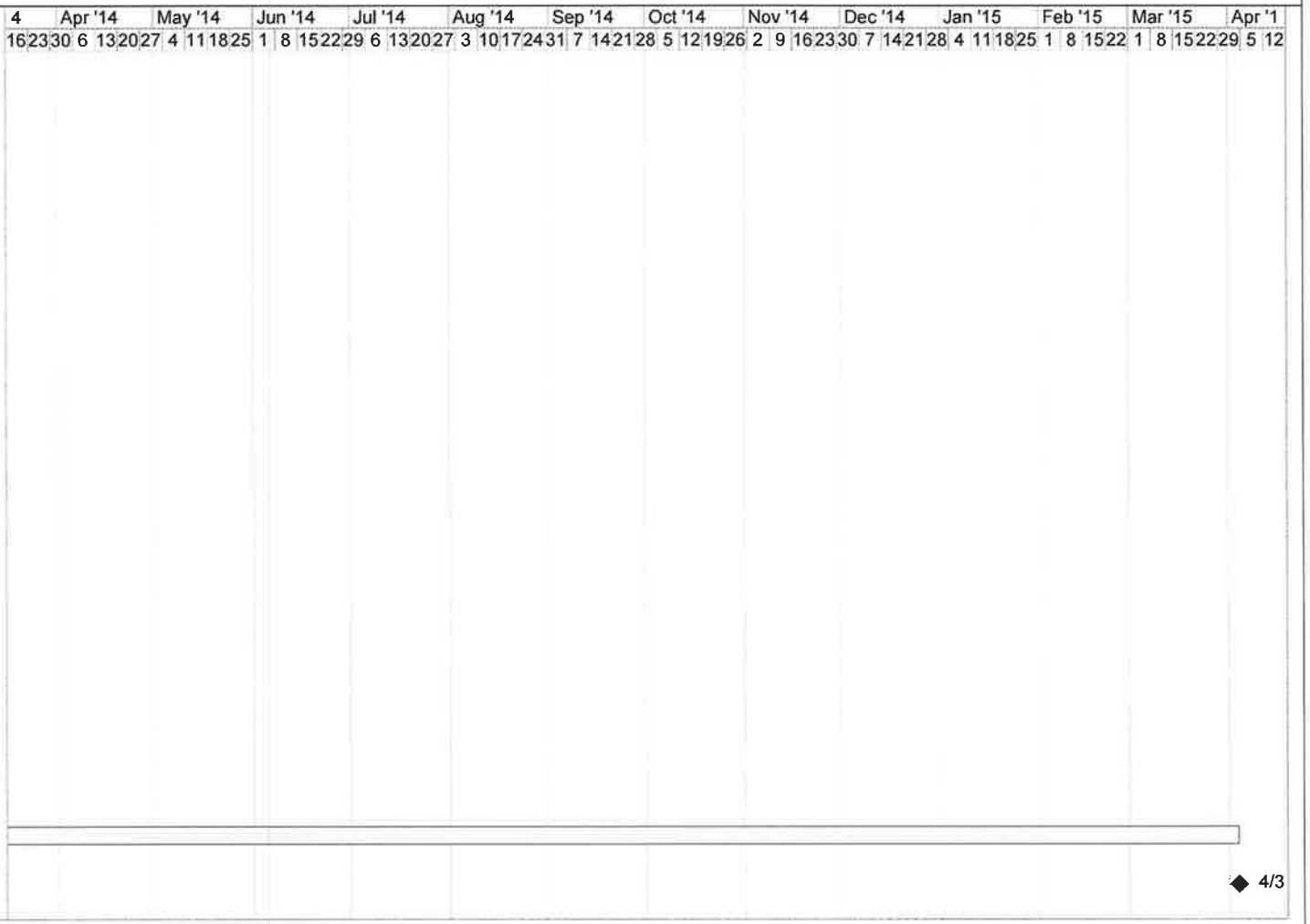
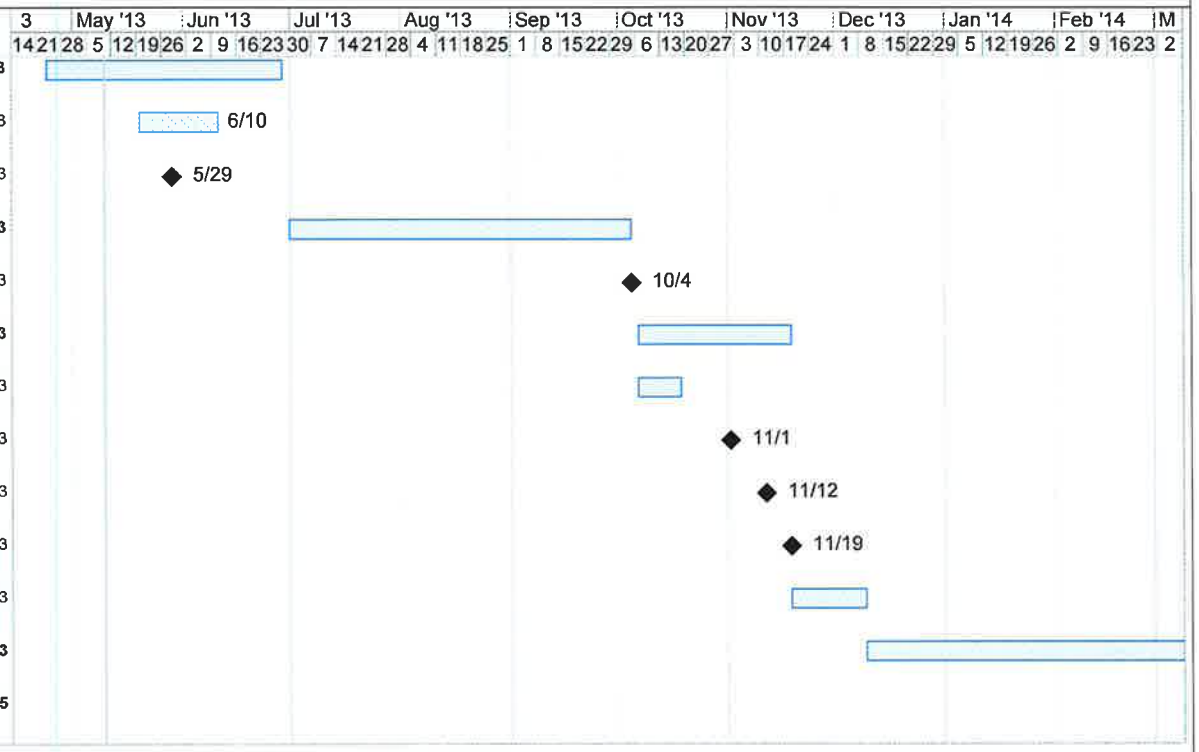
45	**Final Completion CM**



Design/Construction Schedule
Ben Geren Aquatic Center
Design Bid Build Approach
Fri 5/10/13

ID	Task Name	Duration	Start
1	**Design Development**	**48 days?**	**Wed 4/24/13**
10	Direction from City/County on Project Scope	16 days?	Mon 5/20/13
11	Pre-design Coordination Meeting, Ark DOH	0 days	Wed 5/29/13
12	**Construction Document Development**	**70 days**	**Mon 7/1/13**
23	Construction Documents Complete	0 days	Fri 10/4/13
24	**Bidding Phase (Alternate 2)**	**31 days**	**Mon 10/7/13**
25	Advertise bids	10 days	Mon 10/7/13
26	Receive bids	0 days	Fri 11/1/13
27	Recommend award to City/County	0 days	Tue 11/12/13
28	County/City Elected to Approve Award	0 days	Tue 11/19/13
29	Execute Contract Documents	15 days	Tue 11/19/13
30	**Construction**	**68 wks**	**Tue 12/10/13**
31	**Final Completion**	**0 days**	**Mon 3/30/15**



Design/Construction Schedule
Ben Geren Aquatic Center
Design Bid Build Approach
Fri 5/10/13

ID	Task Name
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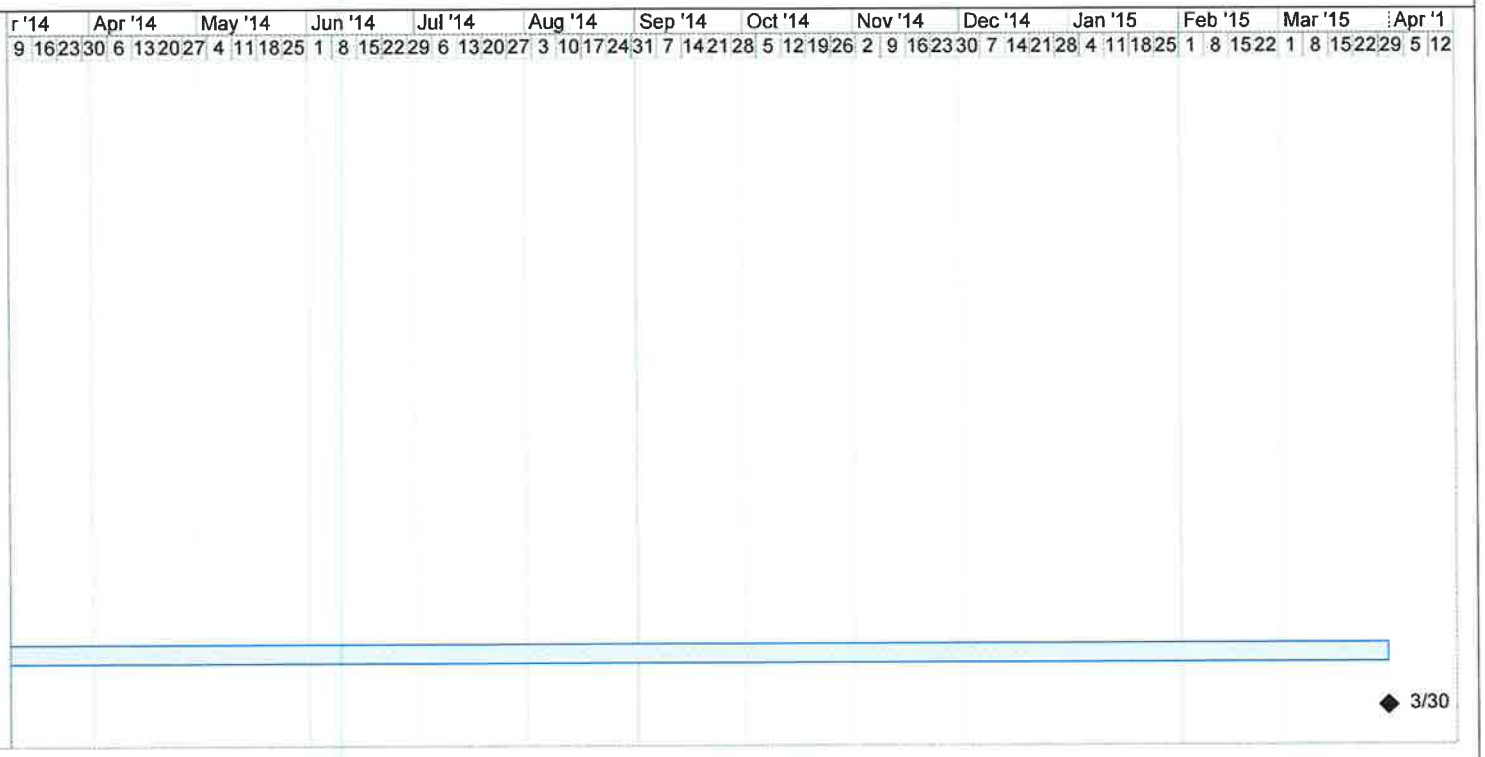
29	Execute Contract Documents
30	**Construction**
31	**Final Completion**



3A.

ORDINANCE NO. _____

AN ORDINANCE TO ABANDON A PORTION OF A PUBLIC UTILITY EASEMENT LOCATED IN BEN GEREN INDUSTRIAL PARK ANNEX, AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, THAT:

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to the public utility easement located in the hereinafter described real property:

A 15' wide utility easement being centered on the east-west line between Lot 4A and Lot 5A, Amended Plat, Ben Geren Industrial Park Annex, Lots 1A thru 6A, Fort Smith, Sebastian County, Arkansas, as filed for record on February 14, 2006.

The portion of the public utility easement being released, vacated and abandoned is no longer required for municipal corporate purposes.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS _____ DAY OF MAY 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
No Publication Required

Memo

To: Ray Gosack, City Administrator

From: Wally Bailey, Director of Development Services

Date: 5/14/2013

Re: Request for Abandonment of a Public Utility Easement
Ben Geren Industrial Park Annex

We received a request from Jeffrey Fenwick to abandon a 15' wide utility easement between lots 4A & 5A of the Ben Geren Industrial Park Annex subdivision. The abandonment will facilitate the combining of lots 4A and 5A and the construction of a youth volleyball practice facility. A vicinity map, drawing highlighting the easement to be abandoned, and Mr. Fenwick's application are enclosed for review.

The request to abandon the easement was reviewed by the franchise utility companies and applicable city departments. No objections were received.

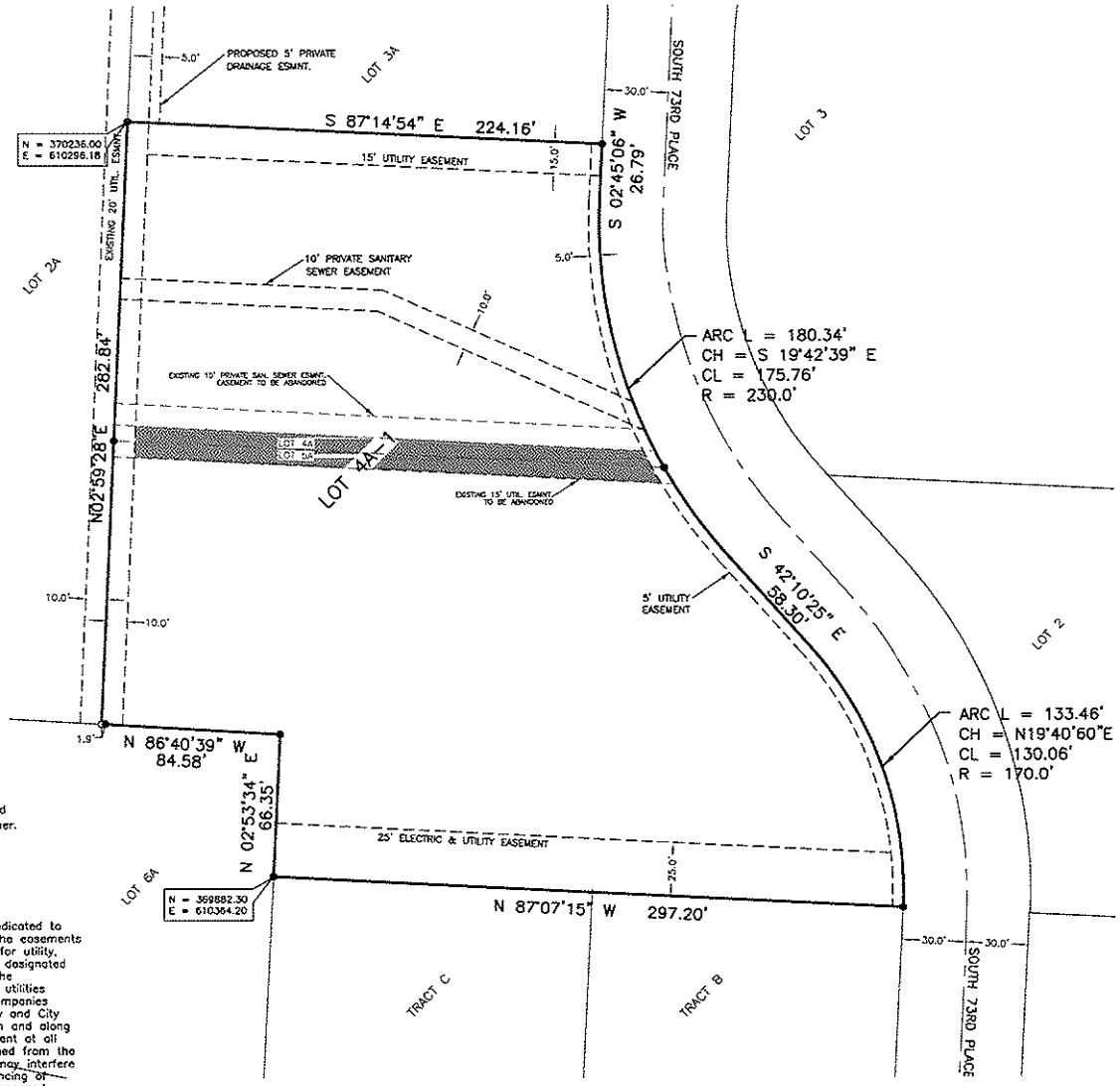
Enclosed for the Board's consideration is an ordinance authorizing the abandonment of the easement.

Please contact me if you have any questions regarding this item.

Enc.

OWNER:
JOHN H PLOTT & ALAWEST-AL, LLC
1201 GREENSBORO AVENUE
TUSCALOOSA, ALABAMA 35401

DEVELOPER:
BEHR, LLC
5311 SOUTH 28TH STREET
FORT SMITH, AR 72901



SCALE IN FEET
40 0 40 80 120

BASIS OF BEARING: Grid North as determined by Gps Observation and Fort Smith GIS Monumentation

NOTES:

1. This Plat filed for the Purpose of Placing on Record Lot 4A-1.
2. A one-half inch rebar with a yellow cap stamped LS 988 or an existing iron pin at each Lot Corner.

The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for the public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage, access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personnel and equipment at all times with the authority to cut down and keep trimmed from the dedicated easements trees, hedges and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to, and within, the dedicated easement shall be provided.

PLANNING COMMISSION APPROVAL

Chairman _____ Date _____

Secretary _____

ALLOTTERS:

_____ Bobby Plott, Agent

_____

_____

_____

STATE OF ARKANSAS
COUNTY OF SEBASTIAN

Sworn to and subscribed before me this day _____

Notary Public _____

My Commission Expires _____

FILED FOR RECORD this _____ day of _____

2013 at _____ o'clock ___ .m. _____

By: _____

Clerk and Ex Officio Recorder

SURVEYOR'S CERTIFICATE

I, Ronald N. Brixey, hereby certify that this plat correctly represents a boundary of the subdivision shown hereon based on record data.

STATE OF ARKANSAS REGISTERED PROFESSIONAL ENGINEER NO. 4456 RONALD N. BRIXEY

REGISTERED PROFESSIONAL SURVEYOR STATE OF ARKANSAS NO. 988 SIGNATURE RONALD N. BRIXEY

Ronald N. Brixey
Registered Professional Engineer
Arkansas Reg. No. 4456

Ronald N. Brixey
Registered Land Surveyor
Arkansas Reg. No. 988

BEN GEREN INDUSTRIAL PARK ANNEX LOT 4A-1

BEING A REPLAT OF LOTS 4A & 5A AMENDED PLAT BEN GEREN INDUSTRIAL PARK ANNEX LOTS 1A THRU 6A
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

CERTIFICATE OF AUTHORIZATION BRIXEY ENGINEERING & LAND SURVEYING, INCORPORATED NO. 98 ARKANSAS ENGINEER

LEGEND
Set Iron Pin ○
Exist. Iron Pin ●

APRIL 2013

BRIXEY ENGINEERING & LAND SURVEYING INC.
LAND SURVEYORS - CONSULTING ENGINEERS
P.O. Box 5180 Ft. Smith, Ark. 72906 (479)646-6394

SURVEY DESCRIPTION

Lot 4A and Lot 5A Amended Plat Ben Geren Industrial Park Annex Lots 1A thru 6A, City of Fort Smith, Sebastian County, Arkansas, as filed for record February 14, 2006.

File Name: G:\ENGINEERING13\13-0039 BEN GEREN IND PK\DIM.dwg

© BRIXEY ENGINEERING & LAND SURVEYING, INC. 2013
Any unauthorized use of this drawing or data by others is at the sole risk of the user. Brixey Engineering & Land Surveying, Inc. shall be held harmless and without liability from claims, costs or damages of any nature including costs of defense arising from improper use of this drawing or data, or by another party.

VICINITY MAP

BEN GEREN INDUSTRIAL PARK ANNEX

2009 City of Fort Smith, AR. Printed on Tue May 14 2013 03:13:34 PM.

CITY OF FORT SMITH, ARKANSAS
REQUEST FOR ABANDONMENT OF PUBLIC UTILITY EASEMENT

APPLICATION:

Indicate one contact person for application: ✓ Applicant _____ Representative

Applicant (owner)

Name: Jeffrey Fenwick

Address: 1615 Dodson
Fort Smith, AR 72901

Telephone Number: 479-783-6135

E-Mail: Fenwickrx@yahoo.com

Representative (engineer, attorney, realtor, etc)

Name: Ronald Brixey

Address: 5223 East Highway 45
Fort Smith, Arkansas 72916

Telephone Number: 479-646-6394

E-Mail: ron@brixeyeng.com

Site Address/Location: _____

Legal Description of easement(s) to be vacated: (attach separate sheet if necessary): A 15.0' wide utility easement being centered on the east-west line between Lots 4A and 5A, Amended Plat, Ben Geren Industrial Park Annex, Lots 1A Thru 6A, Fort Smith, Sebastian County, Arkansas, as filed for record on February 14, 2006

Reason for Request: Combining Lots 4A and 5A by replat to establish Lot 4A-1. The resulting Lot 4A-1 is proposed to be used for construction of a practice gymnasium with associated parking and drainage control structures. A 15' utility easement to replace the vacated easement is proposed along the North line of Lot 4A-1

Current Status of Easement(s): Vacant

APPLICANT/REPRESENTATIVE: I certify under penalty of perjury that the foregoing statements and answers herein made, all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval.

Name: (printed) Jeffrey Fenwick

Signature: _____ Date: 5-3-13

Property Owner(s)/Authorized Agent: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is subject of this application and that I/we have read this application and consent to its filing.* **Note: If application is signed by authorized agent, all owners must sign and submit "Authorization of Agent" form.**

3B

RESOLUTION _____

A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE CONTRACT FOR THE CONSTRUCTION OF STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-C

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Forsgren, Inc. received May 14, 2013 for the construction of Street Overlays/Reconstruction, Project No. 13-03-C, in the amount of $1,745,522.18 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, Inc. subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this _____ day of May, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form

_____
No Publication Required

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: May 16, 2013

SUBJECT: Street Overlays/Reconstruction
Project No. 13-03-C

The above subject project consists of asphalt street overlays, reconstruction and minor drainage improvements as noted on the attached list and shown on the attached exhibit. The total length of streets to be improved is approximately 2.3 miles.

Construction plans and specifications were prepared by Brixey Engineering & Land Surveying, Inc. of Fort Smith. An advertisement was published and bids were received on May 14, 2013. Nine contractors requested plans and specifications and five bids were received which are summarized as follows:

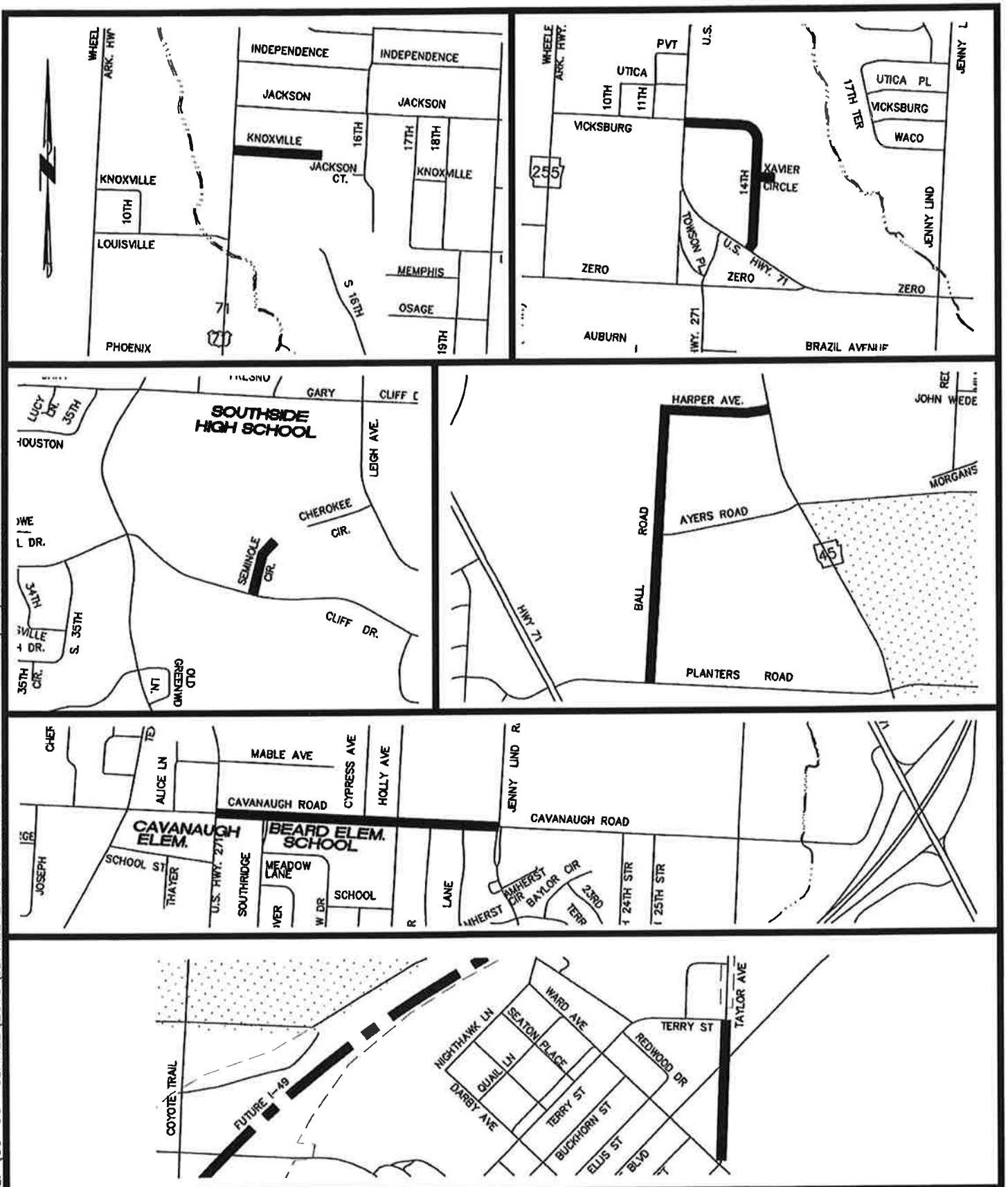
CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Forsgren, Inc. Fort Smith, AR	$1,745,522.18	4. Township Builders Little Rock, AR	$2,185,363.00
2. Goodwin & Goodwin Fort Smith, AR	$2,015,301.00	5. TNT, Inc. Van Buren, AR	$2,242,811.48
3. Crawford Construction Van Buren, AR	$2,115,713.50	*Engineers Estimate*	*$1,800,000.00*

I recommend that the lowest bid be accepted and that the construction contract be awarded to Forsgren, Inc. The estimated notice to proceed date for this contract is June 17, 2013. Based on the contract duration of 270 days, the estimated completion date would be March 13, 2014.

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

2012 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-C

STREET	FROM	TO	LENGTH
KNOXVILLE ST.	TOWSON AVE.	END OF ROAD	895
SEMINOLE DR.	CLIFF DR.	END OF ROAD	608
14TH STREET	US HWY. 71	VICKSBURG ST.	1,381
VICKSBURG ST.	TOWSON AVE.	14TH STREET	650
XAVIER CR.	14TH STREET	END OF ROAD	190
CAVANAUGH RD.	US HWY. 71	JENNY LIND RD.	2,831
HARPER DR.	BALL RD.	ST. HWY. 45	1,052
BALL RD.	PLANTERS RD.	HARPER DR.	2,770
TAYLOR AVE.	WARD AVE.	TERRY ST.	1,535



2013 CAPITAL IMPROVEMENTS PROGRAM
STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

Project:	13-03-C
Date:	SEPT. 2012
Scale:	NONE
Drawn By:	RBR

13-03-C RBR 10/10/12-10:59 G:\DRAWINGS\CIP\00-00 CIPALL\2013\CIPALL 2013 OVERALL.DWG

3C

RESOLUTION NO. ____

A RESOLUTION ACCEPTING BID OF SOUTHERN BUILDING SERVICES, INC. AND AUTHORIZING CONSTRUCTION OF FIRE STATION IMPROVEMENTS FOR FIRE STATIONS 1-10

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

The bid of Southern Building Services, Inc. in the amount of $783,000.00 for the construction of Fire Station Improvements for Fire Stations 1-10 is hereby accepted. The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, a contract for the construction of Fire Station Improvements for Fire Stations 1-10 based on the accepted bid submitted by Southern Building Services, Inc.

This Resolution adopted this ____ day of May, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form:

_____
City Attorney
No Publication Required

The City of Fort Smith ARKANSAS

FORT SMITH FIRE DEPARTMENT

200 NORTH FIFTH STREET
FORT SMITH, ARKANSAS 72901
479-783-4052 • FAX: 479-783-5338

Mike Richards
Fire Chief

Memo

To: Ray Gosack, City Administrator
From: Mike Richards, Fire Chief
Date: May 17, 2013
Re: Improvements for Fire Stations 1 – 10

The approval of the 2012 Sales Tax Revenue Bonds by the citizens of Fort Smith included funding for much needed improvements to our existing fire stations. The improvements included asbestos abatement, roofing, flooring, millwork, mechanical & plumbing work, and electrical work. All ten (10) existing fire stations will have improvements made to them based on their individual needs.

MAHG Architects of Fort Smith, AR, was selected to be the architect for the project. MAHG developed the specifications for the needed improvements at each fire station. The bid packages were advertised and sealed bids were opened on April 16, 2013. We received six (6) bids as shown on the Bid Tabulations marked as Attachment 1.

Southern Building Services, Inc. (SBS) of Fort Smith, AR submitted the lowest bid of $783,000.00 The bid includes all materials and labor to complete the project such as demolition, asbestos abatement, millwork, flooring, roofing, door hardware, mechanical & plumbing work, electrical work, etc. as outlined in the bid specifications. Each fire station will remain in full operation for the majority of the construction period. The $783,000.00 is within our budget estimates for the project.

At our request, MAHG Architecture submitted a qualifications questionnaire to the three (3) lowest bidders and then checked references listed on the qualification questionnaire for the two (2) lowest bidders. MAHG has successfully worked with SBS on other projects and has confidence they can work with them on our project. I have attached MAHG's memo (Attachment 2) concerning their review.

The City and SBS continue to be involved in litigation over an April, 2007 contract for the construction of six structures at Lake Shepherd Springs Recreational Area. By Resolution R-44-10 adopted in March of 2010, the Board of Directors terminated that contract, authorized the completion of the work and assessed both substantial completion and final completion liquidated damages. In the litigation, following a three day bench trial, the Sebastian County Circuit Court awarded Fort Smith $134,250.00 in substantial completion liquidated damages, prejudgment interest at 6% from June, 2008, and, $30,999.96 as the cost of completing the work; however, the Court did not award final completion liquidated damages. Subsequently, the Sebastian County

Circuit Court awarded Fort Smith, as the prevailing party, attorney's fees in the amount of $51,262.00. The issues were appealed to the Arkansas Court of Appeals. An opinion was issued by the Arkansas Court of Appeals on May 8, 2013. The opinion affirmed the award in favor of Fort Smith for $134,250.00 in substantial completion liquidated damages and $30,999.96 for construction completion costs; however, the Court of Appeals held that Fort Smith was not entitled to prejudgment interest on the substantial completion liquidated damage award and remanded the case to the Circuit Court for reconsideration of the attorney's fee award. Fort Smith is filing a petition for reconsideration asserting the Court of Appeals has erred in deciding the prejudgment interest issue which was not discussed by SBS on appeal and suggesting that the Court enter final judgment, including the prejudgment interest and the trial court's award of attorney's fees.

Based on the information provided to us, Staff recommends approval of the fire station improvement work to the lowest bidder, Southern Building Services, Inc. for the amount of $783,000.00. If the Board determines that SBS isn't qualified because of the past performance problems identified above, then SBS' bid should be rejected and the contract awarded to the next lowest bidder, Beshears Construction Inc. of Fort Smith, AR, whose bid is $62,000.00 more than the lowest bidder. Beshears Construction, Inc. submitted a total bid of $845,000.00. The funding for the fire station improvements will come from the revenue bonds financed with the ¾ cent sales tax approved by the citizens of Fort Smith in March, 2012.

Attachments (2)

cc: Galen Hunter, MAHG Architecture

ATTACHMENT 1

BID TABULATION

MAHG PROJECT NO. 12-14B
INTERIOR RENOVATIONS FOR FIRE STATION UPGRADES
FORT SMITH FIRE DEPARTMENT
FORT SMITH, ARKANSAS

April 16, 2013

CONTRACTORS:	BESHEARS CONST.	CRAWFORD CONST.	LJB CONST.	TURN KEY CONST.	SO. BUILDING SERVICES	PICK-IT CONST.
CONTRACTOR LICENSE #	0039920813	0012410214	0179360314	0186310413	0093000413	0140461213
BID SECURITY:	5% Westfield	5% Emp. Mutual	5% US Specialty	5% Cincinnati	5% Emp. Mutual	5% Am. Safety
ADDENDA REC'D:	1&2	1&2	1&2	1&2	1&2	1&2
TOTAL BID AMOUNT	$ 845,000	$ 964,300	$ 871,089	$ 892,078	$ 783,000	$ 954,500
Bid for: Fire Station #1	$ 99,125	$ 121,300	$ 129,555	$ 122,495	$ 120,000	$ 101,000
Bid for: Fire Station #2	$ 106,000	$ 112,900	$ 106,837	$ 108,053	$ 94,000	$ 121,000
Bid for: Fire Station #3	$ 60,000	$ 63,400	$ 54,052	$ 59,059	$ 41,000	$ 64,000
Bid for: Fire Station #4	$ 46,000	$ 43,000	$ 31,852	$ 36,745	$ 31,000	$ 39,000
Bid for: Fire Station #5	$ 130,000	$ 161,800	$ 137,088	$ 139,816	$ 136,000	$ 164,000
Bid for: Fire Station #6	$ 58,000	$ 60,200	$ 55,101	$ 56,248	$ 50,000	$ 65,000
Bid for: Fire Station #7	$ 60,000	$ 75,200	$ 63,866	$ 65,151	$ 55,000	$ 79,000
Bid for: Fire Station #8	$ 120,000	$ 135,300	$ 125,014	$ 128,748	$ 108,000	$ 138,000
Bid for: Fire Station #9	$ 123,000	$144,000	$ 127,963	$ 131,834	$ 120,000	$ 147,000
Bid for: Fire Station #10	$ 42,875	$ 47,200	$ 39,762	$ 41,356	$ 28,000	$ 36,500

ALTERNATE NO. 1 (Delete removal VCT- Station #7)	$ 13,460	$ 13,071	$ 6,000	$ 13,266.50	$ 12,000	$ 5,311
ALTERNATE NO. 2 (Delete removal VCT-Station #10)	$ 9,968	$ 9,948	$ 5,000	$ 9,875	$ 8,000	$ 5,136
SUBCONTRACTORS:						
ASBESTOS ABATEMENT:	Snyder Environ.	Snyder Environ.	Environmental	Snyder Environ.	Snyder Environ.	Snyder Environ.
License #	0123520413	0123520413	0003060413	0123520413	0123520413	0123520413
MILLWORK:	Hardgrave, Inc.	Hardgrave, Inc.	Hardgrave, Inc.	Hardgrave, Inc.	SBS, Inc.	Hardgrave, Inc.
License #	0069870413	0069870413	0069870413	0069870413	0093000413	0069870413
STAINED CONCRETE FLOOR:	Mid-South Painting	Mid-South Painting	Mid-South Painting	Mid-South Painting	Mid-South Painting	LOPCC
License #	0181520114	0025640413	0025640413	0025640413	0025640413	0199570313
ROOFING & SHEET METAL:	Dale Crampton	Dale Crampton	Dale Crampton	Dale Crampton	Dale Crampton	Dale Crampton
License #	0036790713	0036790713	0036790713	0036790713	0036790713	0036790713
PLUMBING/MECHANICAL:	Blaylock H&A	Blaylock H&A	A J Greenwood	Blaylock H&A	Blaylock H&A	Chamberlain Mech.
License #	0007900414	0007900414	0184450314	0007900413	0007900414	0022280413
ELECTRICAL:	Trotter Elec.	Trotter Elec.	Trotter Elec.	Trotter Elec.	Trotter Elec.	Trotter Elec.
License #	0027850313	0027850313	0027850313	0027850313	0027850313	0027850313

CERTIFIED TO BE A TRUE COPY

BY: _____
Galen D. Hunter, AIA

ATTACHMENT 2

May 8, 2013

Mr. Terry Bigler, Assistant Fire Chief
200 North 5th Street
Fort Smith, AR 72901

RE: Contractor Selection
Fire Station Upgrades

Terry:
We accepted bids for the renovation of all ten fire stations on April 16, 2013. The low bidder with a price of $783,000 was Southern Building Services. After receipt of the bids, we solicited responses to a questionnaire developed by City staff from the three lowest bidders. All three bidders submitted their responses as requested. We forwarded these responses to you for your review.

In the majority of most open bid projects it is customary to award the contract to the lowest responsive bidder. Responsive meaning that the bidder has met the requirements of the bid documents. Occasionally the low bidder may have an issue with performance on a previous job which would necessitate the awarding of the contract to the next lowest bidder.

The low bidder on the Fire Station Renovation project is Southern Building Services of Fort Smith. They have completed several projects that our firm designed. These projects included the renovation of the Walton Arts Center and the renovation of the Vines Building at UAFS. On these projects we were able to work through any issues that arose (it is not unusual for renovation projects to have unforeseen circumstances arise) and complete the projects.

Since the low bid was approximately 7% lower than the next lowest bidder, I spoke to SBS about whether they felt comfortable that they had adequate money in their bid to complete the project. SBS owner, Brian Puckett, gave me the following reasons for their lower bid:

- SBS owns all the required equipment and will not have to rent equipment
- They reduced their profit on the job in order to start rebuilding their relationship with the owner

I am aware that there is currently litigation occurring between the low bidder, Southern Building Services, and the City of Fort Smith. At your request I have contacted several references listed on the Qualifications Statement that we asked Southern Building Services to submit after they were determined to be the low bidder. The responses are as follows:

6400 Riley Park Drive Fort Smith, Arkansas 72916 O: 479.782.1051 F: 479.782.6019 E: info@mahgarch.com

Tim Risley, Tim Risley and Associates
Tim Risley was the architect for buildings on the Lake Fort Smith State Park project. Tim informed me that he was a subcontractor to Mickle Wagner Coleman Engineers on this project and was not responsible for construction administration on the job. He stated that the construction administration was handled by a young engineer in MWC's office. He stated that the engineer handling the construction administration and Brian Puckett of SBS did not get along during the job. He said SBS had the ability to do the job without creating the conflict which occurred. Tim's opinion was that SBS did not mange the project well. He rated it a 5 on a scale of 10. Tim mentioned that SBS did not manage their subcontractors well, asking him to deal with them directly if there was a question regarding their work. He mentioned a number of change orders which were initiated by SBS as an issue.

Michael Johnson, Architecture Plus
Michael Johnson is a principal at Architecture Plus. He stated that SBS had done a number of jobs for his firm including work for Bost and the U.S. Postal Service. He stated that SBS was very cooperative on their jobs and offered to help in any way possible to make the jobs go smoother. He stated that their jobs with SBS were always completed on time. He said he found Mr. Puckett willing to compromise and he had no hesitation in recommending them for other work.

Dan Street, University of Arkansas – Physical Plant
Dan Street is a project manager for the University of Arkansas- Fayetteville Physical Plant. Dan said that SBS completed a number of very difficult projects for them. He said that SBS "pulled off miracles" and "did amazing things" on some challenging projects. He said that SBS was honest and made sure his subcontractors got paid before they did. He also mentioned the fact that the University required a lot of difficult paperwork which SBS's office manager handled very well.

I contacted one other client listed on the qualifications statement, but they did not respond to my inquiry.

Sincerely,

Galen D. Hunter, AIA | principal
mahgarchitecture
ghunter@mahgarch.com

RESOLUTION NO._____ 3 D

RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS IN CONNECTION WITH LAKE FORT SMITH 48-INCH WATER TRANSMISSION LINE

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

The City Administrator and the City Attorney are hereby authorized to acquire by the exercise of the City's power of eminent domain, if necessary, a water utility easement on the following property for the Lake Fort Smith Water Supply 48-Inch Water Line, Project Number 08-07-P:

Tract No.	Owner	Appraised Value
11-3-10-01	Vonda Wright, et al	$ 2,800.00

Until acquisition by the City, authorization set forth in Property Acquisition Policy Resolution R-40-05 of May 17, 2005 is continued in effect in the event the property owner desires to agree to acquisition at the appraised value set forth in the Resolution.

This Resolution adopted this _____ day of May 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 17, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Lake Fort Smith 48-Inch Water Transmission Line
Project Number 08-07-P

The City is planning to construct the first 6.5 miles of new 48-inch water transmission line from the Lake Fort Smith water treatment plant. This segment of the line will extend from the water treatment plant in Mountainburg to the Grotto community near Highway 282. A project area map is attached.

The project requires the acquisition of water line easement across property owned by the late Bradford Wright. The city attorney has been working with the heirs of Mr. Wright in an effort to acquire the needed easement. To date, several of the heirs have been located and are willing to execute the easement for the appraised value. The remainder of the heirs are either not interested in the city's offer or have not responded to the offer. An exhibit showing the easement area is attached for your review.

Because of the project's scheduling, staff recommends that the attached Resolution authorizing the city attorney to commence with eminent domain proceedings, be submitted to the Board for approval. As always, representatives of the city will continue to negotiate with the property owners in an effort to reach a settlement.

If you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
ROBERT R. BRIGGS, P.A. †
C. MICHAEL DAILY, P.A. † ●
COLBY T. ROE, P.A.

† Also Licensed in Oklahoma
● Also Licensed in Wyoming & North Dakota

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

www.dailywoods.com

JAMES E. WEST
PHILLIP E. NORVELL †

OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

WRITER'S E-MAIL ADDRESS
RBriggs@DailyWoods.com

May 7, 2013

Mr. Larry Guthrie
Utility Property Manager
City of Fort Smith
3900 Kelley Highway
Fort Smith, AR 72904

Via E-Mail Only

Re: Lake Fort Smith 48-Inch Water Transmission Line Project
Tract 11-30-10-01
Estate of Bradford Wright

Dear Mr. Guthrie:

The above referenced tract involves the acquisition of a permanent water utility easement and temporary construction easement for the above referenced project. The tract was formerly owned by Bradford Wright, who is now deceased. The estate of Mr. Wright was not properly probated with the Crawford County probate court. There are multiple heirs of Mr. Wright who may claim an interest to the real property formerly owned by Mr. Wright. We have attempted to negotiate a settlement amongst all the heirs, but at this point, have not been successful in obtaining an agreement.

The City's appraiser has estimated the value of the acquisition at $2,800.00. Because of the timing of the project, we believe that it would be necessary for the City to commence eminent domain proceedings in order to obtain legal right to the necessary easements before construction on the project can begin.

We recommend that this item be placed on the agenda for the next regularly scheduled meeting of the Fort Smith Board of Directors requesting authority to commence an eminent domain action.

Please let me know if you have any questions. Thank you for your attention to this matter.

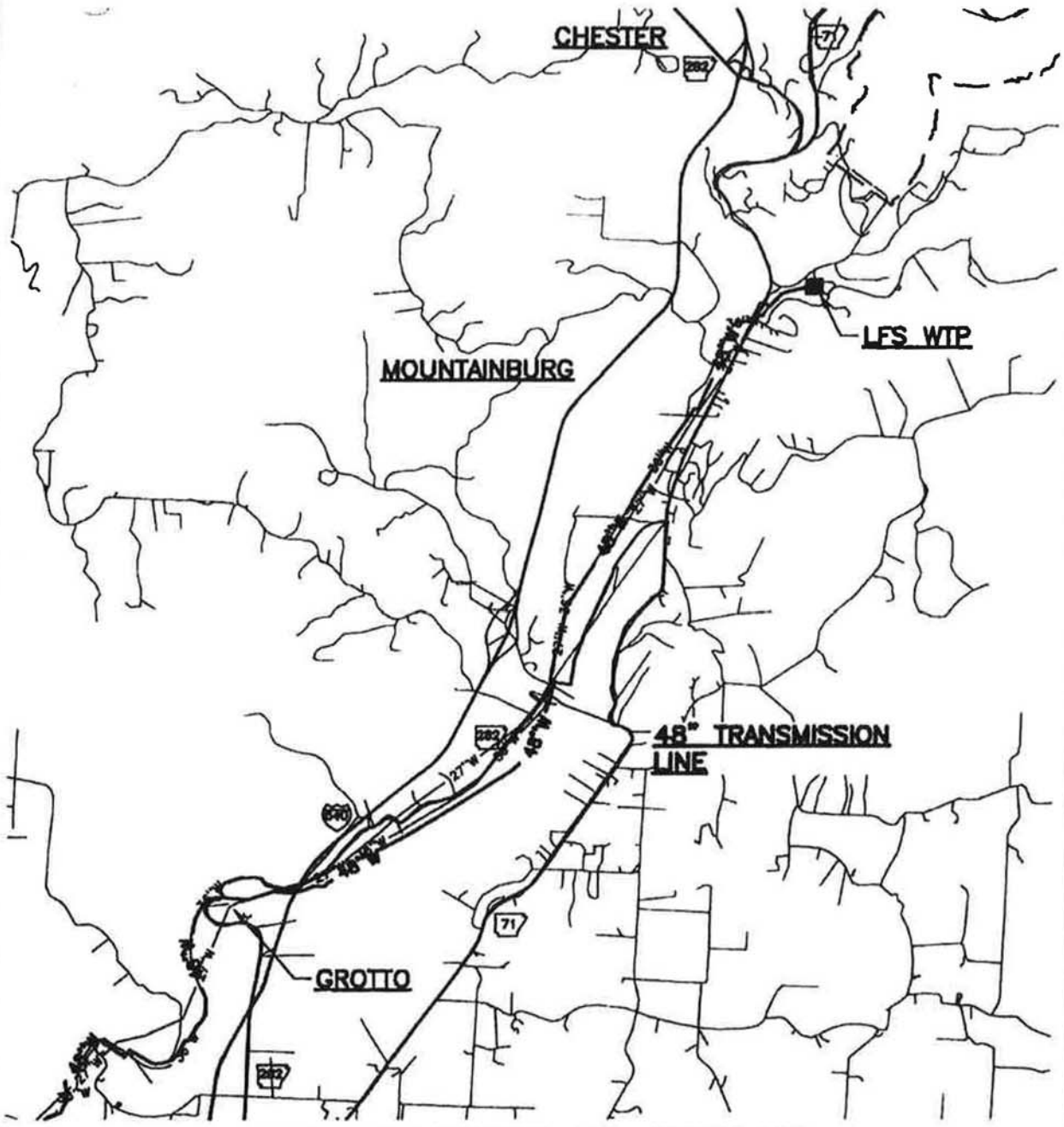
Very truly yours,

Robert R. Briggs
tdp

cc: Mr. Steve Parke (via e-mail only)

MICKLE–WAGNER–COLEMAN, INC.
Engineers Consultants Surveyors

3434 Country Club Avenue
P.O. Box 1507
Fort Smith, Arkansas 72902



MOUNTAINBURG TO GROTTO

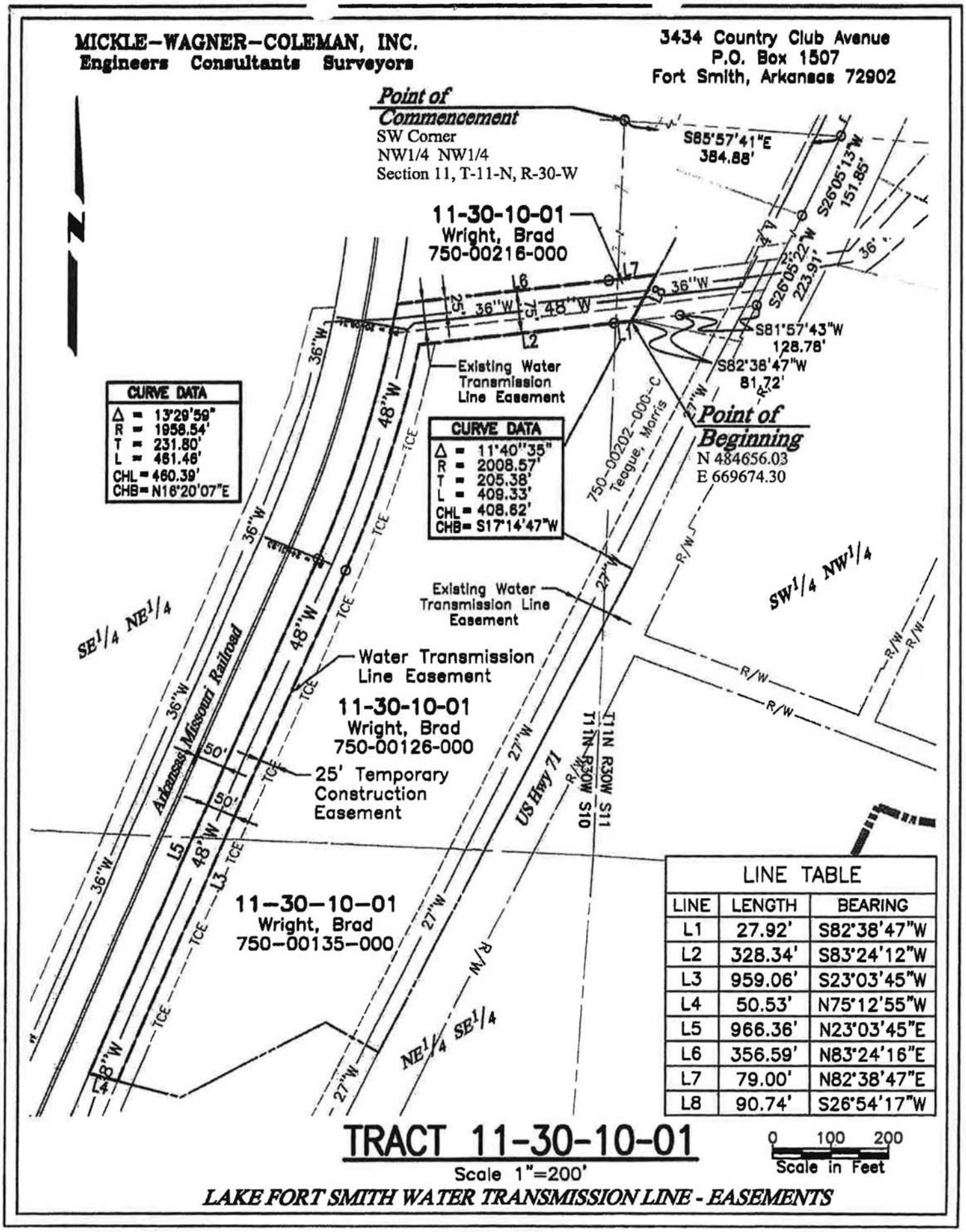
N.T.S.

PROJECT NO. 08–07–E2

LAKE FORT SMITH WATER TRANSMISSION LINE

Fort Smith\CFS TRANSMISSION LINE\dwg\EXHIBITS\CFS TRANSMISSION LINES - MTNBRG TO GROTTO.dwg Layout1 6/26/2012 2:28:55 PM jdibble

EXHIBIT "A"


MICKLE-WAGNER-COLEMAN, INC.
Engineers Consultants Surveyors
3434 Country Club Avenue
P.O. Box 1507
Fort Smith, Arkansas 72902
Point of Commencement
SW Corner
NW1/4 NW1/4
Section 11, T-11-N, R-30-W
N
S85°57'41"E
384.88'
S26°05'13"W
151.85'
S26°05'22"W
223.91'
11-30-10-01
Wright, Brad
750-00216-000
S81°57'43"W
128.78'
S82°38'47"W
81.72'
Existing Water Transmission Line Easement
Point of Beginning
N 484656.03
E 669674.30
750-00202-000-C
Teague, Morris
CURVE DATA
Δ = 13°29'59"
R = 1958.54'
T = 231.80'
L = 461.46'
CHL = 460.39'
CHB = N16°20'07"E
CURVE DATA
Δ = 11°40'35"
R = 2008.57'
T = 205.38'
L = 409.33'
CHL = 408.62'
CHB = S17°14'47"W
SE1/4 NE1/4
SW1/4 NW1/4
Existing Water Transmission Line Easement
Water Transmission Line Easement
11-30-10-01
Wright, Brad
750-00126-000
25' Temporary Construction Easement
Arkansas Missouri Railroad
US Hwy 71
T11N R30W S11
T11N R30W S10
11-30-10-01
Wright, Brad
750-00135-000
NE1/4 SE1/4
LINE TABLE
LINE | LENGTH | BEARING
L1 | 27.92' | S82°38'47"W
L2 | 328.34' | S83°24'12"W
L3 | 959.06' | S23°03'45"W
L4 | 50.53' | N75°12'55"W
L5 | 966.36' | N23°03'45"E
L6 | 356.59' | N83°24'16"E
L7 | 79.00' | N82°38'47"E
L8 | 90.74' | S26°54'17"W
TRACT 11-30-10-01
Scale 1"=200'
0 100 200
Scale in Feet
LAKE FORT SMITH WATER TRANSMISSION LINE - EASEMENTS

RESOLUTION NO. _____ 3 E

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO AXIOO CONSTRUCTION, INC., FOR CONSTRUCTION OF THE ZERO STREET PUMP STATION WET WEATHER IMPROVEMENTS - SITE REMEDIATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The construction of the Zero Street Pump Station Wet Weather - Site Remediation, Project Number 09-17-C1, is accepted as complete.

SECTION 2: Final payment to Axioo Construction, Inc., in the amount of $107,646.04, is hereby approved.

This Resolution adopted this _____ day of May 2013.

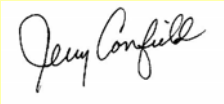
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:



_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 14, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Zero Street Pump Station Wet Weather Improvements
Site Remediation - Project Number 09-17-C1

This project was to remediate a 14.6 acre site of an old zinc smelter. The site will be used to construct a new sanitary sewer pump station and two, five-million gallon equalization tanks as part of the program to eliminate wet weather sewer system overflows. This remediation contract was awarded to Axioo construction, Inc., for a bid amount of $635,408.00. The need to excavate and remove more material resulted in two change orders which were approved previously by the Board. The change orders increased the total contract price to $830,262.75. The attached exhibit shows the remediation area and the upcoming improvements.

Axioo Construction, Inc., has completed the site remediation project and the attached Resolution accepts the project as complete and authorizes final payment in the amount of $107,646.04. The contractor completed the project for the contract amount of $830,262.75. It is my recommendation that the project be accepted as complete and final payment be approved. A project summary sheet is attached.

Should you or members of the Board have any questions or need additional information, please let me know.

attachment

pc: Jeff Dingman

Project Summary

Project status: Complete

Today's date: May 17, 2013

Staff contact name: Steve Parke

Staff contact phone: 784-2231

Notice to proceed issued: June 25, 2012

Completion date: May 7, 2013

Project name: Zero Street Pump Station Wet Weather - Site Remediation

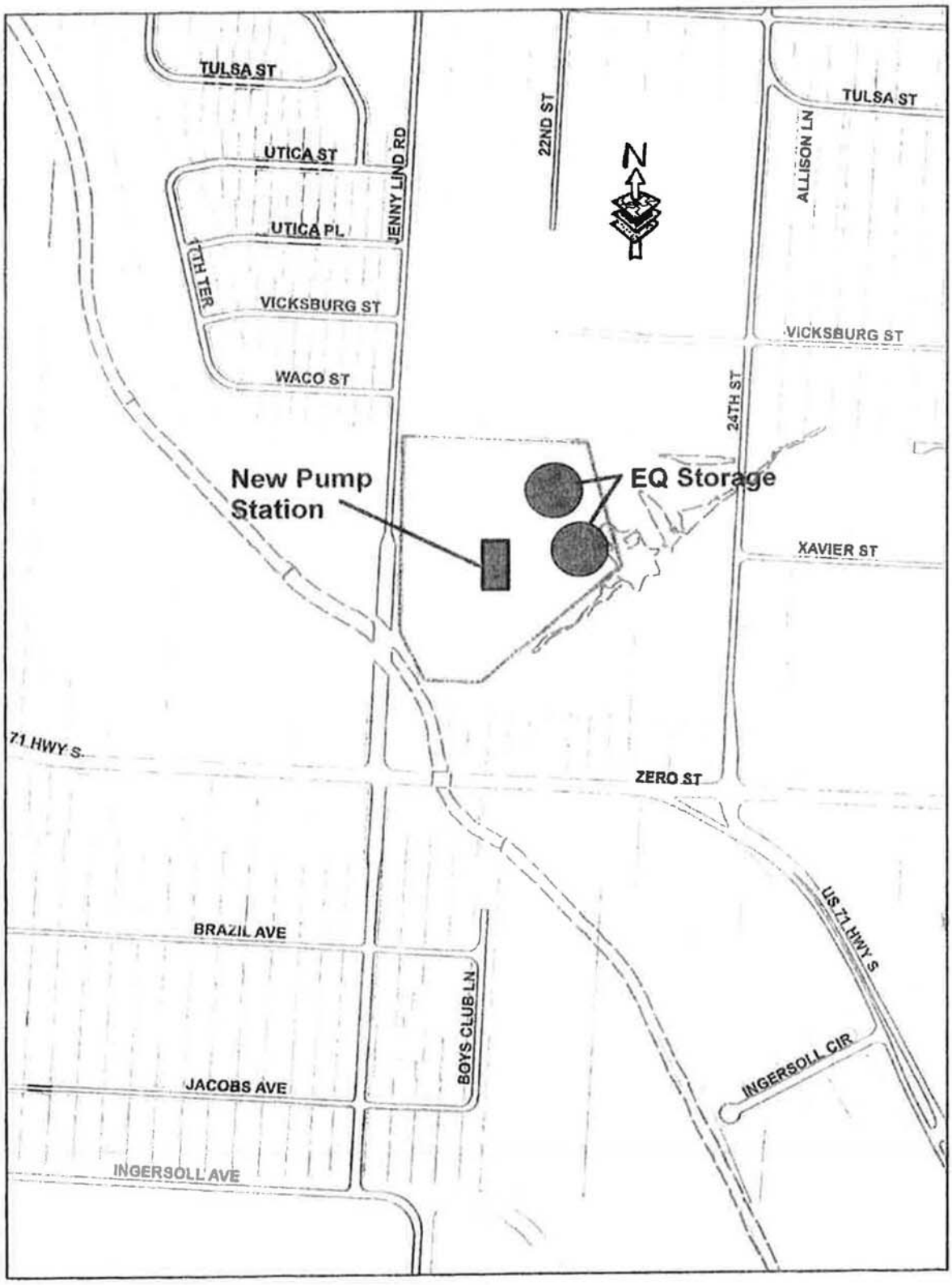
Project number: **09-17-C1**

Project engineer: Hawkins-Weir Engineers, Inc.

Project contractor: Axioo Construction, Inc.

	Dollar Amount	Contract Time (Days)
Original contract	$635,408.00	300
Change orders:		
Change Order No. 1	$168,065.97	
Change Order No. 2	$26,788.78	40
Total change orders	$194,854.75	340
Adjusted contract	$830,262.75	
Payments to date (as negative):	-$722,616.71	
Amount of this payment	$107,646.04	
Retainage held	$0.00	
Contract balance remaining	$0.00	
Amount over original as a percentage	30.67%	

Final comments:



Zero Street Pump Station Wet Weather Improvements
Site Remediation
Project No. 09-17-C1

RESOLUTION NO. _____ 3 F

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO T-G EXCAVATING, INC., FOR CONSTRUCTION OF BASIN 11-1 COLLECTION SYSTEM IMPROVEMENTS (MC02)

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The construction of the Basin 11-1 Collection System Improvements (MC02), Project Number 11-09-C1, is accepted as complete.

SECTION 2: Final payment to T-G Excavating, Inc., in the amount of $217,557.31, is hereby approved.

This Resolution adopted this _____ day of May 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 14, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Basin 11-1 Collection System Improvements (MC02)
Project Number 11-09-C1

This project repairs 38 sections of sewer main and associated manholes totaling approximately 11,000 feet of sanitary sewer main. The attached exhibit shows the locations of the improvements. The contract was awarded to T-G Excavating, Inc., for a bid amount of $2,044,444.00. As a result of further system deterioration between design and start of construction, Change Order One was approved by the Board adjusting the total contract amount to $2,103,829.00. The contractor completed the project for a total cost of $2,099,178.80, which is under the contract amount by $4,650.20, or 0.22%. A project summary sheet is attached.

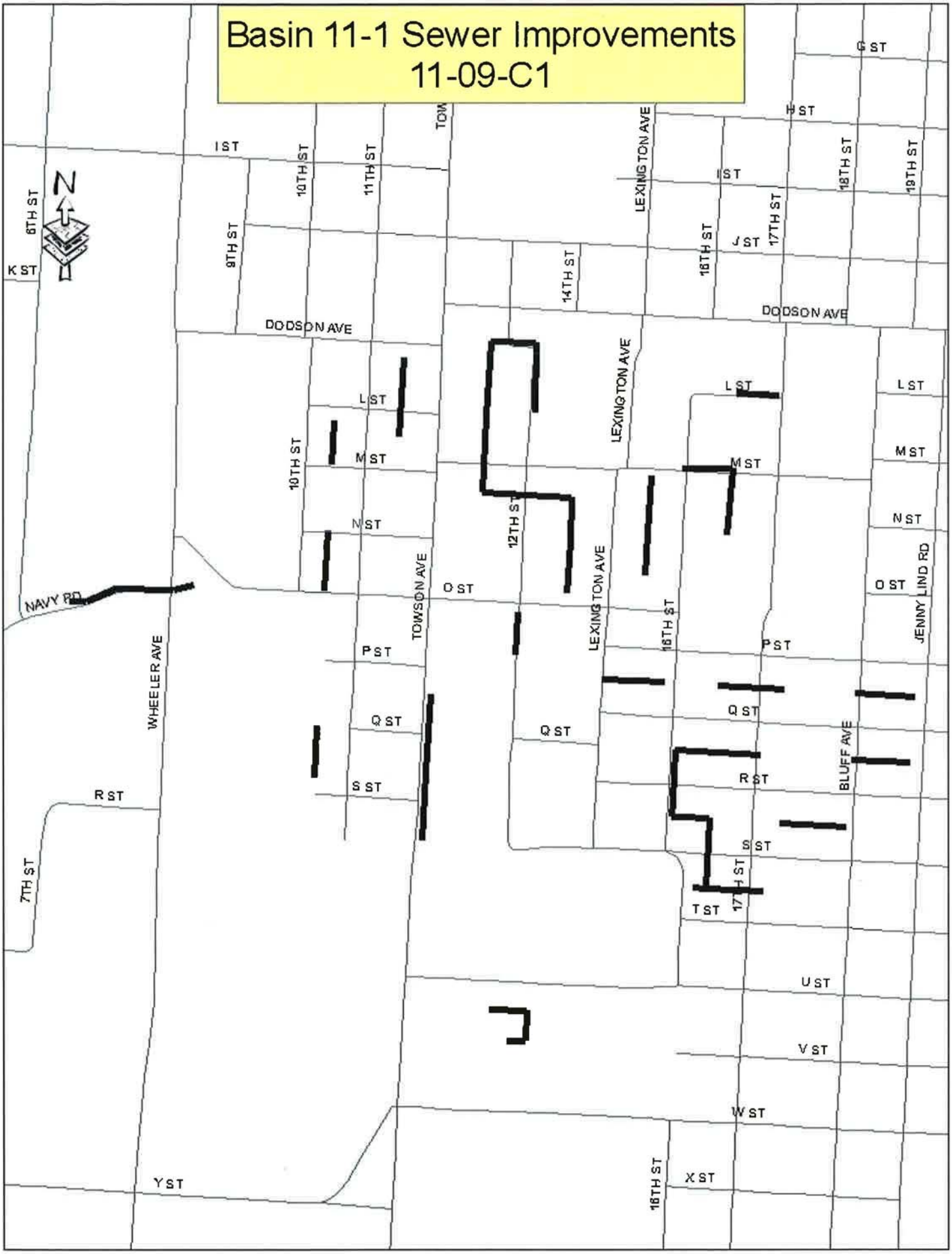
T-G Excavating, Inc., has completed the project and the attached Resolution accepts the project as complete and authorizes final payment in the amount of $217,557.31. It is my recommendation that the project is accepted as complete and final payment is approved.

Should you or members of the Board have any questions or desire additional information, please let me know.

attachment

pc: Jeff Dingman

Basin 11-1 Sewer Improvements
11-09-C1



Project Summary

Project status: Complete

Today's date: May 21, 2013

Staff contact name: Steve Parke

Staff contact phone: 784-2231

Notice to proceed issued: September 24, 2012

Complete date: April 24, 2013

Project name: Basin 11-1 Collection System Improvements

Project number: **11-09-C1**

Project engineer: RJN Group, Inc.

Project contractor: T-G Excavating, Inc.

	Dollar Amount	Contract Time (Days)
Original contract	$2,044,444.00	200
Change orders:		
Change Order No. 1	$59,385.00	
Total change orders	$59,385.00	
Adjusted contract	$2,103,829.00	
Payments to date (as negative):	-$1,881,621.49	
Amount of this payment	$217,557.31	
Retainage held	$0.00	
Contract balance remaining	$4,650.20	
Amount under original as a percentage	-0.2%	

Final comments:

RESOLUTION NO. _____ 3 G

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER FOUR TO THE AGREEMENT WITH MICKLE WAGNER COLEMAN, INC., TO PROVIDE ENGINEERING SERVICES FOR THE PUMP STATION AND GROUND STORAGE RESERVOIR PROJECTS TO BE CONSTRUCTED WITH THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Authorization Number Four, Project Number 12-04-EC3, with Mickle Wagner Coleman, Inc., providing engineering construction phase services for the pump station and ground storage reservoir projects to be constructed with the Chaffee Crossing Water Supply Improvements, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Four in the amount of $162,534.00, for performance of said services.

This Resolution adopted this _____ day of May 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

RESOLUTION NO. _____ 3 H

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING A CONTRACT WITH CRAWFORD CONSTRUCTION COMPANY FOR THE CHAFFEE CROSSING WATER SUPPLY IMPROVEMENTS - PUMP STATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The bid of Crawford Construction Company, for the construction of the Chaffee Crossing Water Supply Improvements - Pump Station, Project Number 12-04-C3, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Crawford Construction Company, for an amount of $1,404,600.00, for performing said construction.

This Resolution adopted this _____ day of May 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____npr

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator **DATE:** May 14, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Chaffee Crossing Water Supply Improvements
Pump Station - Project Number 12-04-C3

On May 7th we received and opened seven bids for construction of the Chaffee Crossing Water Supply Improvements - Pump Station, Project Number 12-04-C3. The low bid was submitted by Crawford Construction Company, in the amount of $1,404,600.00. A bid tabulation sheet is attached for your information.

This project is the third of four being designed by Mickle Wagner Coleman, Inc., under the engineering agreement authorized by the Board for the purpose of providing water system improvements needed to support growth in the Chaffee Crossing and southeast Fort Smith area. Under this project a water booster pump station will be constructed on Massard Road with connection to the 30-inch line being constructed under contract two for conveying water to a 2.5 MG ground storage reservoir to be constructed under the fourth and final project. An exhibit showing the project location is attached.

A Resolution authorizing contract award to Crawford Construction Company in the amount of $1,404,600.00 is attached. Also attached is a Resolution approving Authorization Number Four to the Agreement with Mickle Wagner Coleman, Inc., in the amount of $162,534.00 to provide contract administration and construction observation services. Engineering services will cover both the pump station and upcoming 2.5 MG reservoir which is expected to bid in June. Funds for this project are available from the 2012 sales tax and use tax bonds issued for water transmission system improvements.

Should you or members of the Board have question or need any additional information, please let me know.

attachment

pc: Jeff Dingman

Bid Tabulation Sheet

Project Name
Chaffee Crossing Water Supply Improvements
Project Number 12-04-C3

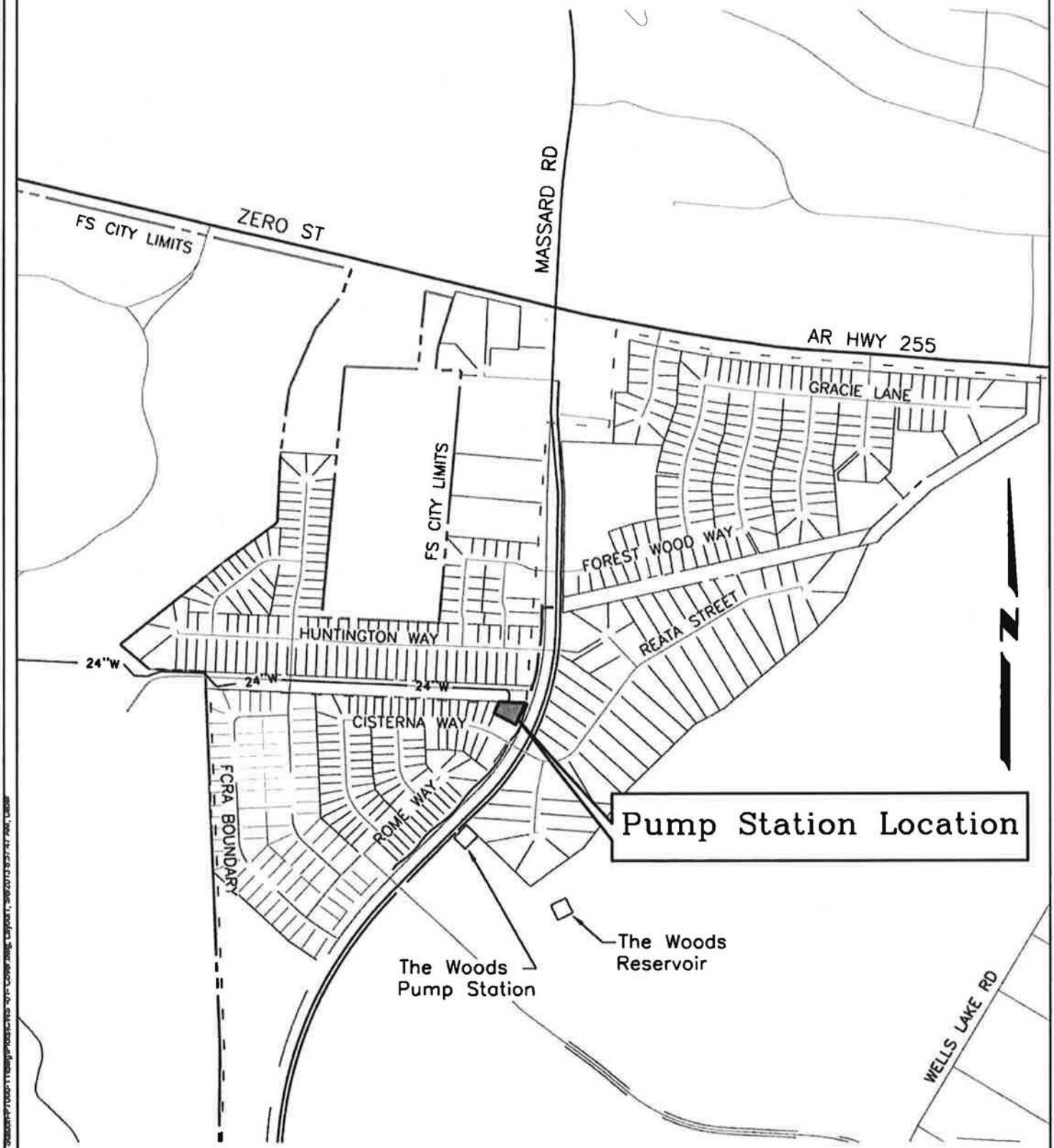
Bid Opening
May 7. 2013
10:00 A.M.

Bids Received

Crawford Construction Co. Fort Smith, Arkansas	$ 1,404,600.00
J .L. Bryson, Inc. Huntsville, Arkansas	$ 1,503,700.00
Goodwin & Goodwin Fort Smith, Arkansas	$ 1,518,000.00
VEI General Contractors Russellville, Arkansas	$1,538,685.00
Beshears Construction Fort Smith, Arkansas	$1,543,000.00
Crossland Heavy Contractors Columbus, Kansas	$1,682,900.00
Kraus Construction Fort Smith, Arkansas	$1,786,000.00

MICKLE–WAGNER–COLEMAN, INC.
Engineers Consultants Surveyors

3434 Country Club Avenue
P.O. Box 1507
Fort Smith, Arkansas 72902



AREA MAP

CHAFFEE WATER SUPPLY (CONTRACT 3) - PUMP STATION

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: May 10, 2013

SUBJECT: Airport Commission

The term of Mac McGhee will expire June 30, 2013 on the Airport Commission. Mr. McGhee is interested in reappointment on this commission.

The applicants available at this time are:

Carl Rose	2200 South T Street
Les W. Smith	4705 Juniper Court

Appointments are **by the Mayor confirmed by the Board of Directors.** One appointment is needed; the term will expire June 30, 2018.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

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AIRPORT COMMISSION

The Airport Commission has the authority to manage, operate, improve, extend and maintain the Municipal Airport and its related properties and facilities, has the right to employ and supervise airport employees, and has authority to finance all improvements at the Airport, including construction of facilities and acquisition of property.

The Commission shall keep a record of all revenues and expenditures of the Airport and its related properties and facilities, and shall submit monthly reports and an annual report to the Board of Directors.

The Airport Commission is composed of seven citizens who are qualified electors of the City, one of which must be fully experienced in aviation and hold some type of pilot rating. The Airport Commissioners are appointed by the Mayor and Confirmed by a three-fourths vote of the Board of Directors for five-year terms. The commission meets on the Fourth Tuesday of each month at 5:30 p.m. in the airport conference room.

	DATE APPOINTED	TERM EXPIRES
Mac McGhee Systems Analyst 7123 Riviera Drive (03) 462-6399 (h) 648-5634 (w) mac_mcghee@yahoo.com	08/16/11	06/30/13
Wayne Haver Principal Southside 3 Glen Haven Drive (01) 785-1839 (h) 646-7371 (w) Whaver@fortsmithschools.org	09/21/04	06/30/14
M. Scott Archer Engineer 11709 Springridge Dr. (16) 649-8836 (h) 464-4965 (w) sarcher@hsaconsultants.com	06/28/05	06/30/15

Larry A. Devero Retired 100 North 53rd Street (03) 478-8333 (h) Larrydevero@sbcglobal.net	09/21/04	06/30/16
Larry Schiffner Retired 2313 Camelot Drive 479-6397 mooney6786@yahoo.com	11/15/11	06/30/16
Jan Nordin 4319 South 35 Drive (03) 646-8348 (h) Olblue727@sbcglobal.net	03/18/09	06/30/17
James E. Kelly, III M.D. Doctor 5500 Painter Lane (03) 452-4331 (h) 709-8395 (w) kellyepm@aol.com	05/15/12	06/30/17

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/17/13

Name: MAC McGHEE

Home Telephone: 479-462-6399

Home Address: 7123 RIVIERA DR.

Work Telephone: 479-648-5634

Zip: 72903

Email: mac_mcghee@yahoo.com

Occupation: INFRASTRUCTURE MANAGER, BALDOR ELECTRIC
(If retired, please indicate former occupation or profession)

Education: M.S., LEADERSHIP AND ETHICS, JOHN BROWN UNIV.

Professional and/or Community Activities: PAST PRESIDENT OF FT. SMITH ROTARY CLUB, FORMER ADVISORY BOARD MEMBER SALVATION ARMY

Additional Pertinent Information/References: —

Are you a registered voter in the City of Fort Smith? Yes X No ___
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes___ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. —
Drivers License [redacted] Date of Birth [redacted] This information will be use t[redacted] check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
(X) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Comprehensive Plan Steering Committee
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Beshears, P.O. Box 1908, FSM, AR 72902

Airport

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 1-12-13

Name: CARL H. ROSE

Home Telephone: 479-785-1120

Home Address: 2200 So. T

Work Telephone: 479-461-3347

Zip: 72901 FORT SMITH, AR

Email: ROSECISCAR@AOL.COM

Occupation: RETIRED AFTER 37 YEARS AS GENERAL MANAGER OF A COMMERCIAL ROOFING COMPANY
(If retired, please indicate former occupation or profession)

Education: BSBA - ACCOUNTING BA - ECONOMICS MED - ADULT ED.

Professional and/or Community Activities: PAST PRESIDENT OF LITERACY COUNCIL OF WESTERN ARKANSAS PAST PRESIDENT OF FORT CITY OPTIMIST BOARD MEMBER OF INTERFAITH COMMUNITY CENTER

Additional Pertinent Information/References: RETIRED COLONEL AIR FORCE RESERVE AS LOGISTICS, FUELS, AND TRANSPORTATION OFFICER

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [redacted] Date [redacted]
information will b[redacted]ound check of all ap[redacted]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
(✓) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
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( ) Historic District Commission
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( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
(✓) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

airport Com.

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/8/13

Name: Les W. Smith

Home Telephone: 479-459-4510

Home Address: 4705 Juniper Ct Fort Smith, AR

Work Telephone: 479-573-1366

Zip: 72903

Email: lwsmith@arvest.com

Occupation: SVP / Commercial Loan Mgr. Arvest Bank
(If retired, please indicate former occupation or profession)

Education: B.S. Finance - University of Arkansas, Grad. Banking School - LSU

Professional and/or Community Activities: Leadership Fort Smith
United Way - Loan Exe, Canel Chair Allocation

Additional Pertinent Information/References: _____

[redacted]tered voter in the City of Fort Smith? Yes ✓ No ____
[redacted] been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
[redacted] NO____
[redacted]dentify the offense and the approximate date. A "yes" answer will not automatically preclude you [redacted]
consideration [redacted]
Drivers Licen[redacted] Date of Birth [redacted] his information wi[redacted]inal back ground check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
(X) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
(X) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
(X) Comprehensive Plan Steering Committee

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: May 10, 2013

SUBJECT: Fort Smith Municipal Employees Benevolent Fund Board of Advisors

The terms of Ricky Brooks, Mark Talley and Garry Cathcart of the Fort Smith Municipal Employees Benevolent Fund Board of Advisors will expire June 30, 2013. All three of these members are not interested in reappointment.

The applicants available at this time are:

Jamie Hammond	705 Lost Bridge (Police Dept.)
Teddy Abbey	1505 Quebec Dr. (Fire Dept.)
Rhonda Harper	431 Poteau (City Dept.)

Appointments are **by the Board of Directors.** Three appointments are needed; the terms will expire June 30, 2016.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

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FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND BOARD OF ADVISORS

The Fort Smith Municipal Employee's Benevolent Fund was established December 23, 1991. The fund provides for a trust fund to be used to provide emergency assistance to the employees of the City of Fort Smith and their immediate families, including immediate families of deceased employees of the various city departments whenever such employees or their immediate families sustain extraordinary expenses (including, but not limited to: housing, clothing, food, educational, medical and dental expenses). Distributions from the fund shall be at the discretion
of the Board of Advisors of the fund.

The Board of Advisors consists of nine persons as follows: two members of the Police Department, two members of the Fire Department, two members of other city departments, and two other adults who are citizens of the City of Fort Smith. The Mayor serves as a member , ex-officio, and presides at meetings of the Board of Advisors. Members of the Board of Advisors are appointed by the Board of Directors. (Three year terms).

	DATE APPOINTED	TERM EXPIRES
Police Department Representatives:		
Ricky Brooks 8223 Cypress Avenue (03) 646-6562 (h) 709-5124 (w) rbrooks@fortsmithpd.org	06/19/01	06/30/13
Barbara Williams 7113 South T Street (03) 414-3545 (h) 709-5155 (w) bwilliams@fortsmithpd.org	05/15/12	06/30/15
Fire Department Representatives:		
Mark Talley 1009 Vista Ridge Drive Alma, AR 72921 784-2370 (w) mstalley@fortsmithar.gov	01/07/92	06/30/13

Ronnie Rogers 1512 North 43 (04) 883-3131 (h) 783-4052 (w) rrogers@fortsmithar.gov	05/15/12	06/30/15

Other City Department Representatives:

Garry Cathcart 3403 South 29th Circle (01) 648-1663 (h) 784-2357 (w) gcathcart@fortsmithar.gov	06/19/07	06/30/13
Sonya Elliott 604 Jessie Drive Lavaca, AR 72941 784-2225 (w) selliott@fortsmithar.gov	05/17/11	06/30/14

Citizen Representatives:

Mary C. Moore UAMS 3424 No. 27 Street (04) 424-3960 (w) 434-3658 (h) mcmoore@uams.edu	06/21/11	06/30/14
Larry Murry Esquire 3000 Blackburn (03) 783-8984 (w) 783-8858 (h) larrymurry@att.net	08/20/02	06/30/14

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: April 23, 2013

Name: Jamie Hammond

Home Telephone: 479-410-1204

Home Address: 705 Lost Bridge, Van Buren

Work Telephone: 479-709-5119

Zip: 72956

Email: jhammond@fortsmithpd.org

Occupation: Captain – Fort Smith Police Department
(If retired, please indicate former occupation or profession)

Education: Northside High School / UA Fort Smith / FBI National Academy

Professional and/or Community Activities: Van Buren School Board, President; Arkansas School Boards Association Board of Directors; Abilities Unlimited Board of Directors; Special Olympics of Arkansas volunteer.

Additional Pertinent Information/References: Long-time contributor to the employee Benevolent Fund

Are you a registered voter in the City of Fort Smith? Yes___ No X
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO: X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you fr[redacted]
Drive[redacted]te of Birth: [redacted]formation will be use to conduct a crimi[redacted]icants).

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
() Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
(X) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
() Comprehensive Plan Steering Committee
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board ( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 5-3-13

Name: Teddy Abbey

Home Telephone: 479-649-8574

Home Address: 1505 Quebec Dr.

Work Telephone: 479-783-4052

Zip: 72908

Email: tabbey@fortsmithar.gov

CELL: 479-719-7009

Occupation: Captain FSFD
(If retired, please indicate former occupation or profession)

Education: MBA

Professional and/or Community Activities: N/A

Additional Pertinent Information/References:

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

H[redacted]been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Y[redacted] NO____

I[redacted]lentify the offense and the approximate date. A "yes" answer will not automatically preclude you from [redacted] Date of Birth [redacted]be use to conduct a criminal back ground check of all appli[redacted]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
() Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
(X) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
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( ) Housing Assistance Board ( )

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( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 5/4/13

Name: Rhonda Harper

Home Telephone: 479-651-8544

Home Address: 431 Poteau St

Work Telephone: 479-709-5027

Zip: 74901

Email: rhonda.harper@fortsmithpd.org

Occupation: Communications CALEA Accreditation Manager
(If retired, please indicate former occupation or profession)

Education: Masters of Arts Emergency and Disaster Management

Professional and/or Community Activities: APCO Adjunt Instructor, JSU Adjunct Instructor, Rotary Club Member, Leadership Fort Smith

Additional Pertinent Information/References: Graduate 2012, Registered Public Safety Leader Graduate, 911 Education Coordinator

Are you a registered voter in the City of Fort Smith? Yes___ No X

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes___ NO X

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. N/A

Drivers License [redacted] Date of Bir[redacted] (This information will b[redacted]eck of all applicant[redacted]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
(X) Benevolent Fund Board
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( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Com prehensive Plan Steering Committee

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Beshears, Administrative Assistant

DATE: May 10, 2013

SUBJECT: Western Arkansas Planning & Development District

There are three vacancies (city appointments) in the Western Arkansas Planning & Development District.

The applicants available at this time are:

Kip Jarvis	9700 Broodwell Road
Sister Judith Keith	7315 Riviera Drive
Philip Rosar	7926 Valley Forge Road
Mitchell Minnick	5516 Catina Court
Jim Walls	8017 Dover Circle
Cecil M. Greene	209 Lecta Avenue
Alex J. Sanchez	9811 East Pointe Drive

Appointments are **by the Board of Directors.** Three appointments are needed at this time.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
Administrative Offices FAX (479) 784-2430

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CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 4/22/2013

Name: Kip J. Jarvis, CPIM

Home Telephone: 479-646-5699

Home Address: 9700 Broadwell Rd Fort Smith

Work Telephone: 479-750-8333

Zip: 72908

Email: Kipjarvis@sbcglobal.net

Occupation: Sales and Operations MGR, Global Planning Nilfisk-Advance, Inc Springdale, AR.
(If retired, please indicate former occupation or profession)

Education: UyR College

Professional and/or Community Activities: APICS CPIM Lead Instructor
NWA APICS

Additional Pertinent Information/References:

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License [redacted] Date of Birt[redacted] (This information will b[redacted]d check of all applicants

I am interested in serving on the (please check):

(✓) WAPDD

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Housing Authority
( ) Library Bd of Trustees
( ) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: April 26, 2013

Name: Sr Judith M Kerth

Home Telephone: 479-314-6097

Home Address: 7315 Riviera Blvd.

~~Work~~ (C) Telephone: 285-6695

Zip: 72903

Email: SRSJM@YAHOO.COM

Occupation: Community Outreach
(If retired, please indicate former occupation or profession)

Education: High School; BS Nursing; M.B.A.

Professional and/or Community Activities: Civil Serv. Commission; United Way; Project Compassion; Good Sam Clinic; Mercy BOT Rural Hospitals

Additional Pertinent Information/References: Jack White Leadership Award; Pres/CEO St Edward Health System (27 yrs)

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers License AR [redacted] Date of Bi[redacted] This information will be use t[redacted]und check of all applican[redacted]

I am interested in serving on the (please check):

✓ BOD - WAPDD

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
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( ) Port Authority
( ) Property Owners Appeals Board
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( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

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Date: 4/29/2013

Name: PHILIP N. ROSAR. Home Telephone: 479-452-7881

Home Address: 7926 VALLEY FORGE RD FSM. Work Telephone: N/A.

Zip: 72903 Email: PHIL.ROSAR@COX.NET

Occupation: RETIRED - FACILITY ENGR @ TRANE CO.
(If retired, please indicate former occupation or profession)

Education: BSI.E. FROM TEXAS TECH UNIV.

Professional and/or Community Activities: PRESIDENT OF BORDER TOWN COIN CLUB.

Additional Pertinent Information/References: _____

Are you a registered voter in the City of Fort Smith? Yes X No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.
Drivers License [redacted] Date of Bir[redacted] his information will b[redacted]ck ground check of all applicant[redacted]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
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( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee
(X) WAPDD

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 05-06-2013

Name: Mitchell Minnick

Home Telephone: 479-650-6704

Home Address: 5516 Catina Court

Work Telephone: 479-782-4991 x 28

Zip: 72916

Email: mminnick@fortsmithha.com

Occupation: Community & Economic Development (Housing Development Officer with the Fort Smith Housing Authority)
(If retired, please indicate former occupation or profession)

Education: B.S. in Marketing from UAFS - May 2008, M.S. in Community and Economic Development from UCA - Dec. 2013

Professional and/or Community Activities: Fort Smith Comprehensive Plan Steering Committee Member, Community Development Institute - Central, Fort Smith Rotary Club,

Additional Pertinent Information/References: See attached résumé

Are you a registered voter in the City of Fort Smith? Yes X No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. N/A

Drivers License [redacted] Date of Birth [redacted]
information will be use to c[redacted]ck of all applicants).

I am interested in serving on the (please check):

(x) Western Arkansas Planning and Development District Board

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
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( ) Housing Authority
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( ) Mechanical Bd of Adjustments and Appeals
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( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: MAY 2, 2013

Name: JIM WALLS

Home Telephone: 479-452 6831

Home Address: 8017 DOVER CIR

~~Work~~ CELL Telephone: 479-719 6313

Zip: 72903

Email: JJWALLS1037@COX.NET

Occupation: SEE RESUME ATTACHED
(If retired, please indicate former occupation or profession)

Education: _____

Professional and/or Community Activities: _____

_____

Additional Pertinent Information/References: _____

_____

Are you a registered voter in the City of Fort Smith? Yes X No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration._____
Drivers License DLN [redacted] Date of Bir[redacted] This information will be use to con[redacted]eck of all applican[redacted]

I am interested in serving on [redacted]

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
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( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

James (Jim) M. Walls

8017 Dover Circle
Fort Smith, Ar 72903
Home phone 479.452.6831
Cell phone 479.629.0846

Recently I read an article in the SW Times Record asking for volunteers to fill three vacant positions on the WAPDD. I have lived and worked in the Fort Smith area for over Eleven years and have a great interest in what goes on in my city. While I'm retired, I continue to volunteer within organizations here in Fort Smith, most recently with the RSVP program participating in this year's tax preparation for low income and over 60+. BG Hendrix is a good friend of mine and I continue to visit the Senior Citizen Centers with him. My wife is the Treasurer for the Sparks Women's Guild and I continue to help her on some of the Charity projects when needed. I feel that with my energy, professional experience, and desire to do what I can to help in the development of Fort Smith, that I can be a great asset as a member of the WAPDD. I have included a brief resume of my professional career.

During my Professional career, I have developed excellent technical and managerial skills, and interpersonal communications and relationships. I have successfully demonstrated my ability to plan, design, test, implement and deliver quality products. I have earned three patents. My leadership skills are also very good and I have interacted as an individual of one or in a team with resources from one functional group through multi-dimensional teams, including and up to the executive level. This encompasses internal groups within my employment, as well as customers and suppliers. I have successfully held the positions of Engineering Manager, Director of Engineering, and Director of Operations and Business Development.

When I moved here in 2002 I took a employment with the Postal Service and held many different positions. This included positions at all stations as carriers, window clerk, mail handler, and eventually carrier supervisor.

Employment History

Sept 2002 - 2010 **Postal Carrier for the US Post Office** **Fort Smith, AR**

2000 - October 2001 **RAID, Inc.** **Lawrence, MA**

Director of Operations and Business Development
Contributed senior management level expertise to the growth of corporate revenue goals and product development initiatives. Part-owner, member of the Board of Directors, and Senior Manager in charge of Hardware Engineering and Manufacturing. **Managed** the daily operations ofHardwa.re Engineering and Manufacturing groups. **Interfaced** with clients at technical and executive levels to support customer-focused -- corporate relationships. **Applied** a cross-functional, hands-on approach to the management of company-wide, product development and continuous product quality goals. **Analyzed** operational efficiency to provide a quality production facility and sufficient operational resources. **Developed** financial plans, departmental budgets, and business plans in support of continuous, high quality, product development.

1993 - 2000 **Advanced Modular Solutions** **Boxboro, MA**

Director of Hardware Engineering 1993 - 1997 **Director of Operations** 1997 – 2000

Provided leadership, motivation, support, and technical guidance to a company of 75 employees. **Effectively managed** the daily operations of Hardware Engineering and Manufacturing groups. Designed, staffed, and responsible for the design, testing, and certification of company computer and storage products. **Interfaced** with senior management and subordinate staff members in the development and support of corporate objectives. **Exhibited** strength in leadership through the use of highly effective interpersonal skills and communication. **Developed** financial plans, departmental budgets, and business plans in support of continuous, high quality, product development. **Designed** manufacturing floor and spatial layouts for process engineering and optimization of capital assets and equipment.

1974 - 1992 **Digital Equipment Corporation** **Maynard, MA**

1987 to 1992 **Senior Engineering Manager**
1982 - 1987 **Engineering Supervisor**
1974 - 1982 **Mechanical Engineer**

Furnished technical guidance and senior management level support to a group of 100 Mechanical Engineers and System Technicians. Provided technical consultation to Digital's corporate executives on computer and storage product development specifications, design improvements, process and production timelines and cost. **Managed** a 100 person Mechanical Engineering and support staff, including supervisors, engineers, designers, drafters, and technicians. Developed products focused on computer and storage low end systems, Computer Integrated Manufacturing, Workstations, and Networks. **Analyzed** customer product specifications and recommended improvements that combined high quality design techniques with solid manufacturing procedures. **Traveled to and supported** various industry trade shows through presentations of technical concepts and technologies to customers and vendors. **Supervised** the timely design and manufacturing of company prototypes to address complex, customer needs. **Designed** three generations of VAX enclosures that developed into key revenue generators. **Provided** technical guidance resulting in leading edge, world class microcomputer products computer enclosures, card cages, consoles, and workstations for low end products groups. **Created and coordinated** the relocation of an on-site, product development group. **Contributed** to a quality manufacturing process through excellent technical knowledge of molding, machining, and sheet metal fabrication. **Coordinated** departmental objectives through the effective use of team building and human resource development, accompanied by superior interpersonal skills and communication.

1971 to 1974 **Microdata** **Irvine, California**

Mechanical Engineer
Designed computer equipment; enclosures, cabinets, computer furniture and tape drives

Education **1962 to 1965 Cerritos Junior College Cerritos, CA** Liberal Arts Major
1965 to 1970 Long Beach State College Long Beach, CA
Mechanical Engineering, Industrial Design, and Architectural Drafting course work

Technical Skills
* **Program, Product, and Project Management**
* **Hardware design for server and storage products**
* **Enclosure and cabinetry**
* **Thorough knowledge of printed circuit board technology and manufacturing**
* **Molding, castings, extrusions (plastic and aluminum)**
* **Sheet metal fabrication, bending, forming, welding, riveting**
* **Environmental and product certification**

Special Commendations US Design Patents... (2) for enclosures (1) for PC board module handle

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 05-10-2013

Name: Cecil M. Greene, Jr

Home Telephone: 479-783-0344

Home Address: 209 Lecta Ave. Ste. 3 Fort Smith,

Work Telephone: 479-414-1059

Zip: 72901

Email: leovy@att.net

Occupation: Retired-College Administrator Lincoln Echo Newspaper
(If retired, please indicate former occupation or profession)

Education: B.S. Central State University, Graduate School University of Chicago, 190 MBA Program

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Professional and/or Community Activities: Commissioner Ar. Commission on Law Enforcement Standards and Training, SAdvisort Board Credit Counselors of Arkansas

Additional Pertinent Information/References: I can represent 3 segments of our community: I am a veteran, Minority and Senior Citizen _____

Are you a registered voter in the City of Fort Smith? Yes_X No __
Have you ever been convicted of a felony, misdemeanor, DWIIDUI or other serious traffic offense?
Yes__ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from
consideration. [redacted]
Drivers License [redacted] Date of Birth [redacted]
information will [redacted] ck ground check of all applicants).

I am interested in serving on the WAPDD Board

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
() Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Convention Center Commission
( ) Civil Service Commission
( ) Community Development Advisory Com.
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( ) Electric Code Board of Appeals & Appeals
( ) Fire Code Board of Appeals & Adjustments
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( ) Housing Authority
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( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
() Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 5/17/13

Name: Alex J. Sanchez

Home Telephone: 479-221-0327

Home Address: 9811 East Pointe Dr.

Work Telephone: 479-709-6438

Zip: 72903

Email: asanchez@arvest.com

Occupation: Hispanic Business Development Officer - Arvest Bank
(If retired, please indicate former occupation or profession)

Education: BSBA U of A Fayetteville

Professional and/or Community Activities: Board President for Crisis Intervention Center
Board President for Western United Soccer league/Advisory Board for Adult Ed.

Additional Pertinent Information/References: Fluent in Spanish - very familiar
with Latino Community in Ft. Smith and surrounding areas. / Craig Rivaldo

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from
consideration.
Drivers License [redacted] Date of Birth [redacted] (This information will be use to conduct a criminal back ground check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
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( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board
( ) Comprehensive Plan Steering Committee

✓ WAPDD

Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Pam Weber
At Large Position 6 – Kevin Settle
At Large Position 7 – Philip H. Merry Jr.

AGENDA ~Summary

Fort Smith Board of Directors
Regular Meeting
May 21, 2013 ~ 6:00 P.M.
Fort Smith Public Schools Service Center
3205 Jenny Lind Road

THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6

INVOCATION & PLEDGE OF ALLEGIANCE

ROLL CALL

All present, except Director George Catsavis

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

APPROVE MINUTES OF THE MAY 7, 2013 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentations:

   - Recognition to Fort Smith graduates, Ian Carter and Cameron Adams, members of the Drury University Men's Basketball Team, winners of the 2013 NCAA Division II National Championship

   - Proclamation for Public Works Week *(May 19-25, 2013)*
     Presentation only

2. Resolution authorizing the project delivery method of Construction Manager at Risk for the Ben Geren Regional Park Aquatic Center Project ~ *Settle/Good placed on agenda at the May 14, 2013 study session* ~
Approved 4 in favor, 2 opposed (Weber & Merry) / Resolution No. R-69-13

3. Consent Agenda

A. Ordinance to abandon a portion of a public utility easement located in Ben Geren Industrial Park Annex, an addition to the City of Fort Smith, Sebastian County, Arkansas
Approved 6 in favor, 0 opposed / Ordinance No. 23-13

B. Resolution to accept the bids and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 13-03-C *($1,745,522.18 / Engineering Department / Budgeted – Sales Tax Program Fund)*
Approved 6 in favor, 0 opposed / Resolution No. R-70-13

C. Resolution accepting the bid of Southern Building Services, Inc. and authorizing construction of fire station improvements for Fire Stations No. 1 – 10 *($783,000.00 / Fire Department / Budgeted – 2012 Sales Tax Bonds)*
Approved 5 in favor, 1 opposed (Weber) / Resolution No. R-71-13

D. Resolution authorizing acquisition of easements in connection with Lake Fort Smith 48-Inch Water Transmission Line *($2,800.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*
Approved 6 in favor, 0 opposed / Resolution No. R-72-13

E. Resolution accepting the project as complete and authorizing final payment to Axioo Construction, Inc. for construction of the Zero Street Pump Station Wet Weather Improvements – Site Remediation *($107,646.04 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*
Approved 6 in favor, 0 opposed / Resolution No. R-73-13

F. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of Basin 11-1 Collection System Improvements (MC02) *($217,557.31 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*
Approved 6 in favor, 0 opposed / Resolution No. R-74-13

G. Resolution authorizing the Mayor to execute Authorization No. 4 to the agreement with Mickle Wagner Coleman Inc. to provide engineering services for the pump station and ground storage reservoir projects to be

constructed with the Chaffee Crossing Water Supply Improvements *($162,534.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 6 in favor, 0 opposed / Resolution No. R-75-13

H. Resolution accepting the bid of and authorizing a contract with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station *($1,404,600.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*
Approved 6 in favor, 0 opposed / Resolution No. R-76-13

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

Information available by viewing rebroadcast of the meeting on the City Access Channel 6 or City website

EXECUTIVE SESSION

Appointment:

AIRPORT COMMISSION
Mac McGee (reappointed)
Term expires June 30, 2018

FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND BOARD OF ADVISORS
Jamie Hammond (police department)
Teddy Abbey (fire department)
Rhonda Harper (city department)
Term expires June 30, 2016

WESTERN ARKANSAS PLANNING & DEVELOPMENT DISTRICT
Alex Sanchez
Cecil Greene, Jr.
Sister Judith Keith

ADJOURN
6:36 p.m.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 21, 2013 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Reverend Steve Wingo of Goddard United Methodist Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, Pam Weber, Kevin Settle and Phillip H. Merry, Jr.; absent – Director George Catsavis. The Mayor declared a quorum present.

The Mayor inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the May 7, 2013 regular meeting were presented for approval. Settle, seconded by Lorenz, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

Item No. 1 was presentations as follows:

- Mayor Sanders recognized Ian Carter, graduate of Northside High School, and Cameron Adams, graduate of Southside High School, for their membership on the Drury University Men's Basketball Team, who won the 2013 NCAA Division II National Championship. A reception will be held in their honor on Thursday, May 30th from 6p.m. to 8p.m. at the Ninth Street Baptist Church.

- The Mayor presented proclamations for Public Works Week *(May 19-25, 2013)* to Director of Sanitation Baridi Nkokheli, Director of Parks Mike Alsup, Director of Utilities Steve Parke, Director of Transit Ken Savage, Director of Street and Traffic Control Greg Riley and Director of Engineering Stan Snodgrass. Such proclaimed the same week as *"Public Works Week in Fort Smith"*. This year's theme is: *Because of Public Works*. The special week provides an opportunity to recognize the importance of street, water & sewer, sanitation, stormwater, parks, public transit, and capital project management. A public works employee appreciation picnic will be held Wednesday, May 22nd at the Riverfront Park from 11:00a.m. to 1:00p.m.

Item No. 2 was a resolution authorizing the project delivery method of Construction Manager at Risk for the Ben Geren Regional Park Aquatic Center Project *~ Settle/Good placed on agenda at the May 14, 2013 study session ~*

City Administrator Ray Gosack briefed the Board on the item advising the proposed resolution authorizes the delivery method of Construction Manager at Risk (CMR) for the aquatic center at Ben Geren Regional Park. Upon approval of the CMR by the Sebastian County Quorum Court, the process will immediately begin to select a CMR and negotiate a contract for construction. The CMR will be required to solicit open and competitive bids on all of the subcontract packages. The bids will be opened in public and subject to full disclosure to ensure an open, transparent, and competitive process.

Director Merry spoke in opposition to the proposed CMR delivery method citing such is due to much input from citizens; therefore, he conveyed his intent to vote against the proposed resolution.

Settle, seconded by Good, moved adoption of the resolution. The members present voted as follows: ayes – Lau, Good, Lorenz and Settle; nays – Weber and Merry. The Mayor declared the motion carried and the resolution was adopted and given No. R-69-13.

The Consent Agenda (Item No. 3) was introduced for consideration, the items being as follows:

A. Ordinance to abandon a portion of a public utility easement located in Ben Geren Industrial Park Annex, an addition to the City of Fort Smith, Sebastian County, Arkansas

B. Resolution to accept the bids and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 13-03-C *($1,745,522.18 / Engineering Department / Budgeted – Sales*

Tax Program Fund)

C. Resolution accepting the bid of Southern Building Services, Inc. and authorizing construction of fire station improvements for Fire Stations No. 1 – 10 *($783,000.00 / Fire Department / Budgeted – 2012 Sales Tax Bonds)*

D. Resolution authorizing acquisition of easements in connection with Lake Fort Smith 48-Inch Water Transmission Line *($2,800.00 / Utility Department / Budgeted – 2008 Revenue Bonds)*

E. Resolution accepting the project as complete and authorizing final payment to Axioo Construction, Inc. for construction of the Zero Street Pump Station Wet Weather Improvements – Site Remediation *($107,646.04 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

F. Resolution accepting the project as complete and authorizing final payment to T-G Excavating, Inc. for construction of Basin 11-1 Collection System Improvements (MC02) *($217,557.31 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)*

G. Resolution authorizing the Mayor to execute Authorization No. 4 to the agreement with Mickle Wagner Coleman Inc. to provide engineering services for the pump station and ground storage reservoir projects to be constructed with the Chaffee Crossing Water Supply Improvements *($162,534.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)

H. Resolution accepting the bid of and authorizing a contract with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station *($1,404,600.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)*

Regarding Item No. 3C, Director Weber expressed concern with selecting Southern Building Services, Inc. citing the City's past history and current litigation; therefore, she inquired if such is a concern to the Fire Department as well.

Fire Chief Mike Richards advised such was a concern, which prompted multiple discussions with the architect, MAHG, regarding the matter.

Administrator Gosack advised MAHG performed an extensive investigation of Southern Building Services, Inc. specifically their ability to complete the project and contacting references, which all were satisfactory with no issues on other projects. MAHG feels confident that Southern Building Services, Inc. can perform the required construction services; therefore, posed no objection to selecting them as the contractor for the project.

Director Settle also expressed concern with the matter citing the potential impact such could have on the Fire Department and staff. He further requested a tour of all the Fire Stations when the renovations are complete.

Gaylon Hunter, architect with MAHG, addressed the Board and confirmed the previous comments of Administrator Gosack. Due to MAHG's past experience with Southern Building Services, Inc., he expressed confidence in the their ability to complete the project successfully.

Director Weber conveyed her intent to vote against the resolution citing concern with the low bidder's past performance.

Settle, seconded by Lorenz, moved adoption of all consent agenda items. The members present voted affirmatively on all items, with the exception of Item No. 3C whereby Director Weber voted "no". The Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 23-13 and the resolutions numbered R-70-13 through R-76-13 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

- Mayor Sanders

  Re: 1. Offered thoughts and prayers to those impacted by the recent severe storms and to those who still face the severe weather threat.

2. Reminded all of the following upcoming events associated with the Old Fort Days Rodeo:

   - Barrel Futurity, May 18 - 25, 2013, Kay Rodgers Park
   - Rodeo Parade, 10:00 a.m., Monday, May 27, 2013, Garrison Avenue
   - Old Fort Days Rodeo, May 17 – June 1, 2013, Kay Rodgers Park

3. Reminded all of the Memorial Day Commemoration Ceremony at 1:00p.m. at the National Cemetery.

- Director Settle

  Re: Encouraged citizens to help the severe storm victims in Oklahoma by donating whatever they can to the American Red Cross, Salvation Army or local churches and specifically request for it to go to the Moore OK area.

- Director Lorenz

  Re: Commended the Fort Smith Public Schools for building storm shelters at all the schools to help protect the children.

- Director Weber

  Re: 1. Expressed gratitude to the Hardscrabble Garden Club for the donation of the clock recently installed at Cistern Park on Garrison Avenue. She further conveyed much appreciation to Director of Parks Department Mike Alsup and staff for the speedy installation.

  2. Conveyed much appreciation to all citizens and the 188th Fighter Wing, who participated in the recent City Wide Clean Up. Such efforts resulted in the removal of 1.6 tons of trash.

The Board convened into executive session at approximately 6:27 p.m. and after reconvening, Mayor Sanders announced the following appointment nominations:

AIRPORT COMMISSION
Mac McGee (reappointment)
Term expires June 30, 2018

FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND
BOARD OF ADVISORS
Jamie Hammond (Police Department)
Teddy Abbey (Fire Department)
Rhonda Harper
Term expires June 30, 2016

WESTERN ARKANSAS PLANNING & DEVELOPMENT DISTRICT
Alex Sanchez
Cecil Greene, Jr.
Sister Judith Keith

Merry, seconded by Lau, moved acceptance of all appointment nominations. The members present all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz, and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:36 p.m.

APPROVED:

Mayor

ATTEST:

City Clerk