MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 5, 2010 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Mayor Ray Baker, presiding. Invocation was given by Director Cole Goodman, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, Bill Maddox, Gary Campbell, Kevin Settle and Cole Goodman. A quorum was declared present.

The minutes of the December 15, 2009 regular meeting were presented for approval.

Mayor Baker noted the inclusion of the City Clerk's certificate which advises he resumed the duties of mayor as of Monday, December 14, 2009.

Campbell, seconded by Maddox, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, Mayor Baker communicated that five (5) minutes per side would be extended on controversial items with three (3) minutes for rebuttal per side. Two (2) minutes will be allotted for consent agenda items and for those participating in the Citizens Forum.

Mayor Baker opened the Citizens Forum with the following individuals present to address the Board:

- Eric Arthur
  815 North "B" Street

Re: Spoke in favor of reinstating a $200 business license fee provided the revenue is utilized for economic development and education; however, he conveyed opposition to a proposal for such to also include a $15 excise tax per employee.

- David Harris
  2025 South "V" Street

Re: Regarding construction of a new fire station, he proposed that stimulus money could be used for such and feels the likelihood of receiving said funds would be greater if the project is "shovel ready".

Mayor Baker questioned if grants for the new fire station have been requested.

Fire Chief Mike Richards advised grant requests have been submitted; however, the City was denied in the first round. Another round of grants is expected to be awarded by the end of December and staff is hopeful the City will be selected.

Directors Good and Tyler inquired about other grants and the requirements to receive.

Chief Richards noted that other grants are available for firefighting necessities such as staffing, equipment, etc., but none for fire station construction. The City must match at least 20% of the grant funds and maintain necessary funding to staff, equip and operate the facility before a grant application can be submitted.

Administrator Kelly noted that the matter will be included for discussion at the January 26th special study session to review "Quality of Place" issues. He further noted that a trip to Washington, D.C. is scheduled in the near future to lobby for stimulus money.

- Pauline Novak
  5200 Johnson

Re: 1. Questioned if additional coyote statues are going to be purchased to address the geese problem at Carol Ann Cross Park.

Director of Parks and Recreation Mike Alsup noted that additional coyote statues have been ordered and funding for such is from the general fund.

Mayor Baker questioned if the coyote statues are working to reduce problems with the geese whereby Mr. Alsup responded "yes".

2. Inquired if janitorial services for the transit transfer station will be funded with stimulus or grant money.

Director of Transit Ken Savage advised that funding for janitorial services will be paid for in part by federal stimulus funds and the county sales tax revenue.

- Tim Willhite
  1616 S. Arkansas Avenue
  Van Buren, AR

  Louis Vincent
  28 Courtland
  Fort Smith, AR

Re: Expressed much concern with the number of illegal immigrants and alleged many contractors performing local, state and federal projects continue to employ undocumented workers. Although the Board passed a resolution prohibiting such, they further alleged the City of Fort Smith is allowing contractors working for the City to hire illegal immigrants.

Administrator Kelly noted that the City of Fort Smith is not the enforcement agency for immigration violations. Such requires I.C.E. training which would allow Fort Smith police officers to enforce; however, the City has been denied grant funding for the required training.

Director Campbell commented that the City of Fort Smith is opposed to hiring undocumented workers and that City contractors, who knowingly hire such, should be held accountable.

The Consent Agenda (Item No. 1) was introduced for consideration, the items being as follows:

A. Resolution granting a temporary revocable license for the placement of directional signage in a public right-of-way and authorizing Mayor to execute agreement *(Fort Chaffee Crossing)*

B. Resolution accepting completion of and authorizing final payment for the demolition of the building at 115 North 2nd Street ($6,526.60)

C. Resolution accepting bids for the purchase of aggregates, sand, concrete, and asphalt concrete products for 2010 (annual bid)

D. Resolution accepting Change Order Number One with Creative Design Pools LLC for the Creekmore Pools PVC Membrane Lining System Project 09-03 ($3,500.00 and 7 days)

E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for Wet Weather Line Capacity Improvements - South "O" Street ($542,813.18)

F. Resolution authorizing additional work with The Burgess Company, Inc. for the Midland Boulevard 30-Inch Water Transmission Line ($100,989.00)

G. Resolution authorizing the Mayor to execute an agreement with Hawkins-Weir Engineer, Inc. for the design of Neighborhood Water System Improvements - Haven Hill Service Area ($47,000.00)

H. Resolution authorizing the Mayor to execute an agreement with Brixey Engineering & Land Surveying for the design of Neighborhood Water System Improvements - Jack Freeze Service Area ($50,593.00)

I. Resolution authorizing the Mayor to execute an agreement with EDM Consultants, Inc. for the design of Neighborhood Water System Improvements - North 66th, Old Greenwood Lane and Duncan Road ($31,000.00)

J. Resolution authorizing the Mayor to execute an Amendment Number One with McGuire Engineering, Inc. for engineering construction services for the Wet Weather Line Capacity Improvements - South "O" Street ($29,840.00)

K. Resolution authorizing the Mayor to execute Amendment Number Three to Authorization Number One with RJN Group, Inc. for providing engineering services associated with Sanitary Sewer Collection System Sub - Basin 10-2 West ($88,000.00)

L. Resolution accepting the bid of and authorizing a contract with Wilson Brothers Construction Company, Inc. for the Sub-Basin 10-2 West Sanitary Sewer Rehabilitation ($978,486.00)

M. Resolution authorizing the Mayor to execute an agreement and Authorization Number One with Camp Dresser & McKee, Inc. for providing engineering services associated with the Mill Creek Wastewater Pump Station Wet Weather Improvements ($89,376.00)

N. Resolution accepting the bid of and authorizing a contract with Blake Construction Company, Inc. for the Rye Hill Sewer Outfall Phase III ($1,421,622.00)

O. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson, Inc. for providing engineering services associated with Year 2010 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir ($96,297.00)

Regarding Item No. 1B, Mayor Baker questioned if the property will be paved for a parking lot.

Director of Development Services Wally Bailey advised MAHG Architecture is currently preparing the design for the property to be developed into a parking lot with

approximately seventy-five (75) spaces. A resolution authorizing a contract for the development is expected either late February or early March.

With regard to Item No. 1E, Director Goodman expressed concern that the proposed bid is approximately $160,000 less than the next lowest bid. He anticipates change orders will be requested in the near future and questioned the main difference in the bid amounts.

Director of Utilities Steve Parke advised the project includes two (2) large borings of which the main difference in the bid amounts was the boring costs.

Regarding Item No. 1F, Director Settle questioned why the additional work was not foreseen in the pre-construction meeting.

Mr. Parke explained the proposed work was foreseen and included in the overall project; however, because funds were not available for the entire project, the project was broken down into two (2) phases. The additional work is to relocate the line connection between the two phases as it was determined to be more cost effective. The proposed resolution merely includes a portion of work originally intended for the next phase into the first phase, and adequate funding is available to include the additional work.

Settle, seconded by Campbell, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-1-10 through R-15-10 respectively.

Mayor Baker opened the Directors Form with the following wishing to comment:

- Director Campbell

  Re: In preparation for the January 26th special study session, he recommended the Board consider

including visual and cultural arts as a "Quality of Place" issue.

- Director Tyler

  Re: Requested a resolution of appreciation be placed on the next regular meeting agenda recognizing those who coordinated the 2009 Christmas Honors Program *(placement of wreaths on every grave at the National Cemetery)*.

- Director Hutchings

  Re: Due to a recent request for directors to travel to Washington, D.C. to lobby for "Quality of Place" funding, he inquired about the anticipated date for the trip.

  Deputy Administrator Ray Gosack advised the trip is tentatively scheduled for the week of February 22, 2010. The lobbyist is currently working on scheduling appointments with congressional leaders.

- Mayor Baker

  Re: Advised that the lower tier or basic cable service now has eight (8) vacant channels and many residents are simply unable to afford the cost to receive the channels now in an upper tier. Due to such, he requested staff review the matter and advise.

  Mr. Eric Arthur addressed the Board alleging many channels will soon become pay per view.

  Ms. Barbara Hardcastle also addressed the Board advising Cox Communications has advised of an upcoming rate increase in February; however, residents may freeze their current rate for up to twenty-four (24) months by going to the Cox Communication offices at 4900 South Zero Street.

January 5, 2010 Regular Meeting

The Mayor offered the floor to Administrator Kelly for the City Administrator's Report whereby he simply reminded all in attendance of the upcoming special study session at 6:00 p.m., January 26, 2010 at Elm Grove Community Center to discuss "Quality of Place" issues.

There being no further business to come before the Board, Maddox moved that the meeting adjourn. The motion was seconded by Hutchings, and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned.

APPROVED:

MAYOR

ATTEST:

CITY CLERK