

MINUTES OF BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ APRIL 20, 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 City Administrator Dennis Kelly, 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. The Mayor declared a quorum present.

Mayor Baker recognized John Spradlin, and later in the meeting Alex Marin, both from Boy Scouts Troop 380 who were in attendance to earn their citizenship badges.

Mayor Baker noted the passing of Fort Smith resident Ben Hardcastle, his contributions to the community, and extended heartfelt condolences to the Hardcastle family.

The minutes of the April 6, 2010 regular meeting were presented for approval. Hutchings, seconded by Campbell, 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.

Item No. 1 was an ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the city of Fort Smith.

Economic Development Coordinator Tracy Winchell briefed the Board on the item

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as discussed at the April 13, 2010 study session. The Outside Agency Review Panel contributed approximately 145 meeting time hours and reviewed thirty (30) applications for funding in three (3) categories; Arts and Humanities, Recreation and Social/Community Services. The proposed ordinance culminates the recommendations of the review panel and authorizes services agreements with twenty-four (24) organizations. Several were declared ineligible due to either submitting inaccurate or incomplete applications, or the projects were beyond the scope of the funding program's intent. For future years, the review panel has recommended that funding applications be unsealed within a few days of the submission deadline. In the event of a question or error, the organization would be provided twenty-four (24) hours to submit a missing document or correct minor errors. Such would ensure no organization is declared ineligible due to a minor technicality.

The following individuals were present to address the Board:

- Eric Arthur
815 North "B" Street

Re: Spoke in favor of most of the proposed allocations, but expressed concern with the city's debt; therefore, he urged the Mayor to reduce his salary to accommodate increased funding to organizations.

- Each of the following individuals addressed the Board and requested the resolution be amended to include funding for the Juneteenth Celebration citing its educational, cultural and financial benefit to the community:
 - ▶ Chris Chaney
5900 Kinkead #220

 - ▶ Lee Prince
2309 Quarry Drive

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- ▶ Winter Kasworm
Greenwood, AR

- ▶ Evelyn Kasworm, board member
Juneteenth Planning Commission
Greenwood, AR

Director Settle requested a brief explanation of why funding was not recommended for the Juneteenth Celebration.

Ms. Winchell noted that all applications are submitted as “sealed” documents and not opened until the application deadline. Prior to the deadline, Juneteenth representatives contacted staff advising incorrect information was inadvertently included within the originally submitted application and provided a replacement page with the correct information. Unfortunately, the incorrect page was not replaced as requested; therefore, the application was considered ineligible and not considered. The Review Panel proceeded and determined the proposed funding recommendations. The error was discovered after the preliminary report was published; therefore, so as not to reduce funding to the other organizations, staff determined a couple of funding sources to allow funding to the Juneteenth Celebration, if so recommended. The matter was presented to the review panel for consideration; however, they opted not to recommend funding on the basis that the request was not specific as to the use of the funding.

Due to his affiliation with the Juneteenth Celebration, Director Good conveyed his intent to abstain from voting on the matter.

Director Campbell requested confirmation that the error had been rectified and spoke in favor of the proposed recommendations. Since funding is available, he recommended the Juneteenth Celebration request be considered at a later date.

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Ms. Winchell confirmed that the error had been rectified and the review panel considered the request, but opted not to recommend funding for the Juneteenth Celebration.

Director of Finance Kara Bushkuhl also confirmed that a funding source has been determined if the Board so chooses to approve said funding.

Director Tyler suggested placing a cap on the amount organizations may request, i.e., a percentage of their overall budget, and requested staff review the feasibility of such. Although he expressed concern with the Board amending recommendations presented by various boards and commissions, he spoke in favor of including funding for the Juneteenth Celebration and conveyed no objection to consideration at a later date.

Director Hutchings expressed much appreciation to staff and the review panel for their work.

Maddox, seconded by Campbell, moved adoption of the ordinance. The members voted as follows: ayes - Tyler, Hutchings, Maddox, Campbell, Settle, Goodman; abstention - Good. Director Goodman also abstained from the section regarding funding for the Boys and Girls Club. The Mayor declared the motion carried and the ordinance was adopted and given No. 17-10.

Director Settle requested funding for the Juneteenth Celebration be scheduled for discussion at an upcoming study session.

Mayor Baker announced that Items No. 2 and 3 were closely related; therefore, the staff briefing would be presented collectively.

Item No. 2 was a resolution adopting the Audit Advisory Committee charter.

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Item No. 3 was an ordinance amending Section 2-292 of the Fort Smith Municipal Code to increase the number of members from the Board of Directors on the Audit Advisory Committee

Regarding Item No. 2, Internal Auditor Mitzi Kimbrough briefed the Board advising the Government Finance Officers Association recommends municipalities formally adopt a charter that outlines audit committees responsibilities, authority and purpose.

With regard to Item No. 3, Mrs. Kimbrough noted that the Audit Advisory Committee currently includes two (2) members of the Fort Smith Board of Directors. The Committee requests that such be increased by an additional member from the Board of Directors and approval of the proposed ordinance will accomplish such.

Director Good questioned the purpose of increasing the members to specifically include an additional member from the Fort Smith Board of Directors.

Mrs. Kimbrough advised that due to the importance of the audit review process, the existing Committee members have noted their desire for more Board involvement as the sole purpose for the request.

Director Campbell posed no objection to increasing the membership to the Audit Advisory Committee, but feels the additional member should be a citizen rather than another member of the Board of Directors.

Director Tyler, a member of the Audit Advisory Committee, clarified the request is simply to ensure more input from the Board of Directors.

Director Maddox questioned how often the committee meets and how long the meetings last whereby Mrs. Kimbrough simply advised they meet at least twice a year with

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each meeting lasting approximately two to three hours.

Settle, seconded by Maddox, moved adoption of Item No. 2. The members voted as follows: ayes - Tyler, Good, Hutchings, Maddox, Settle and Goodman; nays - Campbell. The Mayor declared the motion carried and the resolution was adopted and given No. R-71-10.

Hutchings, seconded by Maddox, moved adoption of Item No. 3. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 18-10.

The Consent Agenda (Item No. 4) was introduced for consideration, the items being as follows:

- A. Resolution accepting bid and authorizing the Mayor to execute a contract for the construction of a parking lot at 115 North 2nd Street (\$208,500.00)
- B. Resolution to accept the bids and authorize contracts for the construction of Street Overlays/Reconstruction, Project No. 10-03-D (\$1,534,353.94)
- C. Resolution authorizing a time extension for the construction of Greenwood Avenue Improvements, Midland Boulevard to Country Club Avenue, Project No. 02-03-A
- D. Resolution accepting completion of and authorizing final payment for the construction of Greenwood Avenue Improvements, Midland Boulevard to Country Club Avenue, Project No. 02-03-A (\$262,994.85)
- E. Resolution authorizing a change order for the construction of Street Overlays/Reconstruction, Project No. 09-03-C (\$21,990.90)

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- F. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 09-03-C (\$259,082.18)
- G. Resolution authorizing the purchase of the Flashback In-Car Digital Video Recording System from L-3 Communications Corporation for use by the Fort Smith Police Department (\$145,114.05)
- H. Resolution authorizing Change Order Number One with Wilson Brothers Construction Company, Inc. for Sub-Basin 10-2 West Sanitary Sewer Rehabilitation (\$24,780.00)
- I. Resolution accepting the project as complete and authorizing final payment to Wilson Brothers Construction Company, Inc. for construction of the Neighborhood Water System Improvements - Midland PRV service area (\$95,588.76)
- J. Resolution authorizing acquisition of real property interests for the Highway 45 and Zero Street water and sewer relocation (\$40,246.00)
- K. Resolution authorizing the Mayor to execute a lease agreement with the Arkansas Oklahoma Gas Corporation for the operation of a radio transmitting station on Crowe Hill
- L. Resolution authorizing the Mayor to execute an agreement with Camp Dress & McKee for engineering services associated with the Department of Justice draft consent decree (\$350,000.00)

Regarding Item No. 4A, Administrator Kelly advised that the existing sidewalk next to Second Street Live and the parking lot is elevated thereby creating a safety hazard. Adequate funds have been budgeted for the parking lot project; therefore, in order to address the safety hazard, a change order will be forthcoming to install safety railing to the existing sidewalk and also extend the sidewalk on North 2nd Street to North "A" Street.

Downtown Development Coordinator Jayne Hughes further noted that the inclusion of the above noted contract additions will ensure ADA compliance.

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Director Settle requested confirmation that the parking lot will serve both the Second Street Live and the city-owned glass pavilion.

Ms. Hughes confirmed such and further noted that the mere demolition of the structure on the subject property has proven to better the area. Several individuals have indicated their intent to reserve the glass pavilion upon completion of the parking lot. She further commented that such would not be possible had it not been for the property donations from two (2) business entities.

Mr. Kelly recognized and extended much appreciation to Mr. Richard Griffin who donated a portion of the subject property.

With regard to Item No. 4G, Director Settle questioned how many cars the video equipment will be installed whereby Police Chief Kevin Lindsey advised 17 patrol vehicles.

Regarding Item No. 4L, Mayor Baker questioned how many additional contracts are anticipated to comply with the Department of Justice draft consent decree, and if the Department of Justice is convinced the City is making a good effort.

Director of Utilities Steve Parke advised that the City is currently in the initial negotiation phase; therefore, such prediction cannot be made as this time. The consent decree contains many multiple requirements that will be in effect for several years; however, he conveyed much assurance that staff will proceed with necessary action to ensure compliance.

City Attorney Jerry Canfield advised discussions have occurred with the Department of Justice to verify the City has made substantial progress via the initiation of wet weather improvement projects. The proposed agreement with consulting engineers is for the

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compilation of historical documents to verify to the Department of Justice that the improvements are appropriate and consistent with requirements of the Environmental Protection Agency. By doing so, the City hopes to demonstrate that money has been spent wisely and that said work is recognized, verified and affirmed.

Settle, seconded by Maddox, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and resolutions were adopted and numbered R-72-10 through R-83-10 respectively.

Mayor Baker opened the Directors Forum with the following director wishing to comment:

- ▶ Director Campbell

Re: Noted that the adoption of Item No. 1 was an “historical event” as such was the first action under the new procedure for granting outside agency funding. He further extended much appreciation to Ms. Winchell and the Outside Agency Review Panel for their work.

The Mayor offered the floor to Administrator Kelly for the City Administrator’s Report whereby Mr. Kelly conveyed no comments.

An executive session was held and after reconvening, the Mayor advised that no action was taken with regard to the Housing Assistance Board, and announced the following appointment nomination:

AUDIT ADVISORY COMMITTEE
Director Kevin Settle
Term expires December 31, 2010

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Maddox, seconded by Tyler, moved acceptance of the appointment nomination. The members all voting aye, the Mayor declared the motion carried.

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

APPROVED:



MAYOR

ATTEST:



CITY CLERK