

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.

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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

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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.

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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 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.

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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