

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JANUARY 21, 2014 ~ 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 Oscar Nolasco of Iglesia de Cristo, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Pam Weber, Kevin Settle and Phillip H. Merry, Jr. 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 January 6, 2014 special meeting and January 7, 2014 regular meeting were presented for approval. Weber, seconded by Good, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

The Mayor recognized Luke Roberts from Boy Scout Troop 380, who was in attendance to earn his Citizenship in the Community Merit Badge.

Mayor Sanders, the Board and City Administration presented a "Good Neighbor Award" to Jim Wyatt, retired coach and former athletic director of Westark Community College, for incessant assistance he provides to his fellow neighbors (Item No. 1).

Item No. 2 was an ordinance authorizing the issuance of Sales and Use Tax Bonds, Series 2014 for the purpose of financing all or a portion of the cost of capital improvements; pledging collections of a 0.75% sales and use tax to pay the principal of and interest on the bonds; prescribing other matters related thereto; and declaring an emergency.

January 21, 2014 Regular Meeting

Deputy City Administrator Jeff Dingman briefed the Board on the item advising the purpose of the bond issuance is for wastewater and water improvement projects. Such is the second and final series of bonds with an aggregate principal amount of \$34,720,000 and is designated as City of Fort Smith, Arkansas Sales and Use Tax Bonds, Series 2014. The principal amount said bonds are allocated as follows:

- \$28,627,000 Wastewater Improvements related to the city's ongoing efforts to remediate Wet Weather Sanitary Sewer Overflows
- \$ 6,093,000 Water Improvements related to water transmission projects

The bonds are payable from revenues derived from the $\frac{3}{4}$ cent sales and use tax authorized by voters at the March 13, 2012 special election. The City has received a favorable "AA" rating from Standard & Poor's for this bond issuance. The bonds are scheduled to be paid in full by 2029; however, the City expects to retire both Series 2012 and Series 2014 bonds earlier than scheduled from Surplus Tax Receipts, which are expected to retire this debt by 2024.

Lau, seconded by Merry, moved to suspend the rules to allow the three (3) full reading of the ordinance to be by caption and for the readings to occur on the same date. The members all voting affirmatively, the Mayor declared the motion carried and the City Clerk read the ordinance for its readings. Settle, seconded by Merry, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried. Lorenz, seconded by Weber, moved adoption of Section 16 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 7-14.

January 21, 2014 Regular Meeting

Item No. 3 was an ordinance amending the 2014 Parks Capital Improvement Program (Budget Program 6208 – 1/8% Sales and Use Tax) ~ *Settle/Good placed on agenda at the January 14, 2014 study session ~*

Director of Parks and Recreation Mike Alsup briefed the Board on the item advising the Parks and Recreation Commission recommended amending the Capital Improvements Program (CIP) and 2014 budget. Such amendments address the need for funding \$1,507,500 to the Ben Geren Aquatic Park; \$150,000 for the Martin Luther King Park Softball Field Project; and \$80,000 for Parks Department seasonal maintenance positions. To accommodate such, the following projects have been moved from the 2014 budget to the 2015 budget:

- Neighborhood Park at Texas Road
- Creekmore and Tilles Park tennis court improvements
- Creekmore Park land acquisition
- Riverfront Drive Sports Fields

The additional projects also include funding for the River West Trail. Projects unaffected by the recommended changes are the River Valley Sports Complex, River Park Compass Slash Pad and River Park Pavilion (Glass Pavilion) improvements.

Settle, seconded by Good, moved adoption of the ordinance. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 8-14.

Item No. 4 was an ordinance amending Chapter 12, Article II, Ambulance, Emergency Medical Services, etc. of the Fort Smith Municipal Code.

City Administrator Ray Gosack briefed the Board on the item advising such is per a request from Fort Smith EMS to adjust the charges for ambulance service in Fort Smith. This is the first increase in fees since 2004. Fort Smith EMS operates solely on

January 21, 2014 Regular Meeting

user charges and does not rely on tax revenues to support its operations. Ambulance service is regulated by the City and such rate request prompted a review of all sections of the Fort Smith Municipal Code regarding ambulance service. Both Fort Smith EMS and the Fire Department suggested changes to eliminate the archaic language and replace it with references to modern standards for emergency medical care. Staff recommends approval of the rate adjustment and amendments. He advised that Mr. Tim Hearn, Executive Director of Fort Smith EMS, was in attendance if the Board had any questions.

Director Weber extended much gratitude to Mr. Tim Hearn for his presence and the service provided to the community.

Lorenz, seconded by Settle, moved adoption of the ordinance. 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. Settle, seconded by Lorenz, moved adoption of Section 3 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 9-14.

Item No. 5 was an ordinance ordering the owners of certain dilapidated and substandard structures to demolish same, authorizing the City Administrator to cause the demolition of such structures to occur, and for other purposes (*3015 Alabama Avenue*).

Administrator Gosack briefed the Board on the item advising the structure has

January 21, 2014 Regular Meeting

been determined to be unsafe and detrimental to the public welfare; therefore, he recommended approval of the item. Upon approval, the property owners will have approximately thirty (30) days to accomplish the demolition. If such is not accomplished, the City will initiate the bidding process to obtain a contractor to demolish the structure.

Good, seconded by Lau, moved adoption of the ordinance. 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. Lorenz, seconded by Settle, moved adoption of Section 5 the emergency clause. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and given Ordinance No. 10-14.

The Consent Agenda (Item No. 6) was introduced for consideration, the items being as follows:

- A. Resolution authorizing the Mayor to execute a lease agreement with SRCA for the Fort Smith Senior Activity Center (2700 Cavanaugh Road)
- B. Resolution authorizing the Mayor to execute a lease agreement with SRCA for the Baker Senior Activity Center (3600 North Albert Pike)
- C. Resolution authorizing the Mayor to execute a non-exclusive fiber optics network franchise agreement with Centurytel Fiber Company II, LLC for use of the city rights-of-way to provide fiber optic services within the corporate limits of the City of Fort Smith, Arkansas

Settle, seconded by Lorenz, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and given number R-3-14 through R-5-14 respectively.

January 21, 2014 Regular Meeting

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

- Mayor Sanders

- Re: 1. Recognized faculty, staff and students of Spradling Elementary School, who gathered more than 1,500 pounds of food for those in need. Due to such, the school received the grand prize in the statewide Spirit of Arkansas Food Drive sponsored by the Arkansas Hunger Relief Alliance.
2. He conveyed much appreciation to the MLK Committee for their work on various events to celebrate Martin Luther King Jr. Day, citing all events were a great success.

- Director Weber

Re: Moved to place a performance evaluation of the City Administrator on the February 4, 2014 regular meeting. The motion was seconded by Lau; therefore, an executive session for the purpose of a performance evaluation of the City Administrator was placed on the February 4, 2014 agenda.

- Director Settle

Re: Extended congratulations to Ramsey Junior High (RJH) upon winning the National Science Bowl Regional Competition. The winning team was comprised of the following RJH students; Gwendolyn Daniels, Alex Sibenmorgan, Katie Settle, Nate English, Flor Ortega and coaches Teresa Freeman and Gia Bethel. The team will represent Arkansas at the National Science Bowl Finals in Washington, D.C. in April 2014.

- Administrator Gosack

- Re: 1. Reminded all that the Civil Service Commission will meet on January 22, 2014 to consider amendments to the civil service rules regarding personnel action. Said amendments are to bring the civil service rules in line with the policy the Board recently passed regarding the City Administrator's hire/fire authority pertaining chiefs of the Police and Fire Departments.

2. Announced the dedication ceremony for Fire Station No. 11 at Chaffee Crossing has been scheduled for 5:00 p.m., Thursday, March 6, 2014.
3. Noted the Ward 1 Neighborhood Meeting will be held at 6:00 p.m., Monday, January 27, 2014 at the Fort Smith Public Schools Rogers Center, 2901 Kinkead Avenue.

The Board entered into executive session at approximately 6:23 p.m. and after reconvening, Mayor Sanders announced the following appointment nominations:

ANIMAL SERVICES ADVISORY BOARD

Tonya Rogers
(to fill the unexpired term of Brook Borengasser, who resigned)
Term expires April 3, 2015

SEBASTIAN COUNTY REGIONAL SOLID WASTE MANAGEMENT BOARD

Bruce King *(reappointed)*
Term expires January 21, 2017

Catsavis, seconded by Lorenz, moved acceptance of the appointment nominations. The members all voting aye, the Mayor declared the motion carried.

There being no further business to come before the Board, Merry moved that the meeting adjourn. The motion was seconded by Lau, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:32 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk