

MINUTES OF THE BOARD OF DIRECTORS SPECIAL MEETING

TUESDAY ~ APRIL 22, 2014 ~ 12:00 NOON

FORT SMITH PUBLIC LIBRARY COMMUNITY ROOM

The special meeting was unanimously called by the Board of Directors at the April 15, 2014 regular meeting (to immediately precede the regularly scheduled study session) for the purpose of considering the following:

1. Resolution approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park
2. Resolution approving amendment of the construction manager agreement with Flintco, LLC authorized by Resolution No. R-140-13; revising construction manager fees; and establishing a guaranteed maximum price related to the construction of a recreational aquatics facility at Ben Geren Regional Park

(\$10,900,000.00 / Parks Department / Budgeted – 2012 Sales Tax Bonds and Resolution No. R-186-13)

The special meeting was called to order by Mayor Sandy Sanders presiding. On roll call the following members were present: Directors Keith Lau, Andre' Good, George Catsavis, Pam Weber and Kevin Settle. The Mayor declared a quorum present. Directors Mike Lorenz and Phillip Merry arrived during presentation of Item No. 1.

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.

City Administrator Ray Gosack briefed the Board advising Item No. 1 authorizes the Mayor to execute trade contracts for materials and services related to the construction of the aquatics facility at Ben Geren Regional Park. The public bid opening took place on April 10, 2014. The construction manager, Flintco, LLC, has verified all bids with the exception of structural steel and steel erection bids, which were not received at the bid opening; however, Flintco, LLC will carry an allowance for getting

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said steel bids accomplished. Said resolution also authorizes a contract between the City of Fort Smith and Forsgren, Inc. to accomplish the required water and wastewater extension required for the project.

Item No. 2 authorizes an amendment to the construction manager contract with Flintco, LLC for preconstruction and construction management fees. The original contract for management services was based on a \$7.5 million construction budget; however, since the combined construction cost has increased, the construction manager fee must also be increased. Upon approval, the proposed resolution authorizes said amendment to address changes to the project's scope after entering into the original contract with Flintco, LLC.

There was brief discussion regarding the changes to the scope of work whereby Administrator Gosack advised such addresses the inclusion of the wave pool, extension of the lazy river, etc.

Director Merry noted the total construction cost actually came in approximately \$1 million under the anticipated budget; therefore, since the construction management fees are based on construction costs, he questioned if a refund of construction management fees will be awarded if the final construction cost remains under budget.

Directors Good and Weber noted concurrence with a refund of construction manager fees if the project remains under budget and Director Weber also questioned the creation of a Sinking Fund for any unused project funds.

Administrator Gosack advised a refund of construction manager fees or creation of a Sinking Fund can be considered; however, if the project remains under budget, he noted the likelihood of returning additional features to the aquatic facility that were originally removed from the project due to budgetary concerns. Regardless, any of the

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aforementioned options, i.e. refund, Sinking Fund, additional features, etc. will be presented to the Board of Directors for approval.

Settle, seconded by Lorenz, moved adoption of Item No. 1. The members voted as follows: ayes – Lau, Good, Lorenz, Weber, Settle and Merry; abstention – Catsavis. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-45-14.

Settle, seconded by Lorenz, moved adoption of Item No. 2. The members voted as follows: ayes – Lau, Good, Lorenz and Settle; nays – Catsavis, Weber and Merry. The Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-46-14.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Lorenz, and the members all voting aye, the Mayor declared the motion carried and the special meeting stood adjourned at 12:12 p.m.

APPROVED:


Mayor

ATTEST:


City Clerk