

## MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 19, 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 Pastor Tim Sullivan of Northside United Pentecostal 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, George Catsavis, Pam Weber and Kevin Settle. The Mayor declared a quorum present. Director Philip H. Merry, Jr. arrived during Item No. 1.

Mayor Sanders 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 August 5, 2014 regular meeting was presented for approval. Lorenz, seconded by Weber, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Director of Finance Kara Bushkuhl introduced Deputy Director of Finance Jennifer Humphrey, who started the position on Monday, August 18<sup>th</sup> (Item No. 1). Ms. Humphrey extended much appreciation for the opportunity to serve in the position.

Mayor Sanders announced this was the time and place set for a public hearing to close, vacate and abandon a portion of an alley right-of-way located in Blocks 2 & 3 of East Heights Addition ( *alley between 3616 and 3620 Park Avenue*). Notice of the public

***August 19, 2014 Regular Meeting***

hearing had been duly published as required by law. Following the public hearing, consideration of an ordinance authorizing same would be given (Item No. 2).

Director of Development Wally Bailey briefed the Board on the item advising such is per the petition of Andrew Malouf, who owns the properties on both sides of the subject alleyway. The purpose of the proposed closing is so that he can install a privacy fence at the southern end of the alleyway to prevent people from walking between his properties. Mr. Malouf is concerned for his family's safety alleging people who may be involved with illegal drugs frequently use the alley. All franchise utilities and pertinent city departments were notified whereby no objections to the closure were conveyed provided necessary easements are maintained to allow access for existing sewer and gas lines. Mr. Malouf has already executed the necessary easements. All properties owners within three-hundred (300) feet were also notified of the proposed closure whereby no objections or concerns have been conveyed. The petitioner has also executed a memorandum of understanding that stipulates the applicant or their assigns will not make any claims for compensation in the event the city exercises the power of eminent domain to reclaim the abandoned right-of-way.

There being no individual present to speak, Mayor Sanders closed the public hearing.

Settle, seconded by Lorenz, 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.

**August 19, 2014 Regular Meeting**

Settle, seconded by Merry, 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 the ordinance was given Ordinance No. 43-14.

Item No. 3 consisted of the following items relative to the Arkansas College of Osteopathic Medicine:

- A. Resolution authorizing submission of an application to the U.S. Department of Commerce for funding through the Economic Development Administration's (EDA) 2008 Disaster Relief Program for public infrastructure work including water, sewer and road improvements
- B. Resolution approving a memorandum of understanding between The Degen Foundation and the City of Fort Smith for the Arkansas College of Osteopathic Medicine
- C. Ordinance appropriating and authorizing funds for the Arkansas College of Osteopathic Medicine infrastructure projects *(\$1,505,000.00 / Utility and Engineering Departments / Not Budgeted - Water and Sewer Operating Fund and Sales Tax Program)*

City Administrator Ray Gosack briefed the Board on the items advising earlier this year, The Degen Foundation announced its plans to develop the Arkansas College of Osteopathic Medicine. The college is planning to enroll its first class of medical students in fall 2016. The college will be constructed on 200 acres at Chaffee Crossing donated to the college by the Fort Chaffee Redevelopment Authority. The development necessitates certain public infrastructure work by the City of Fort Smith, which are preliminarily identified as follows:

- 1. Water line improvements estimated to cost \$450,000.
- 2. Sanitary sewer improvements estimated to cost \$330,000.

### ***August 19, 2014 Regular Meeting***

3. Reconstruction of approximately 750' of Veterans Avenue at the northern area of the campus estimated to cost \$375,000.
4. Overlay of Veterans Ave. south of the campus to Roberts Boulevard estimated to cost \$350,000. This project August 19, 2014 Regular Meeting 28 includes constructing a cul-de-sac adjacent to the campus.

The Western Arkansas Planning and Development District (WAPDD) has been in discussions with the college about obtaining a grant from the U.S. Economic Development Administration (EDA) to assist with the development. The EDA has preliminarily indicated that \$1.5 million of grant funding is available; however, such requires a local match, which the above noted projects will qualify as the matching portion for the grant. If the grant is approved, such would be awarded to the City of Fort Smith and The Degen Foundation, and administered by WAPDD. The grant funds would be utilized to widen Chad Colley Boulevard adjacent to the campus and construction of a campus parking lot.

Item No. 3A authorizes submission of the grant application to the EDA; Item No. 3B authorizes execution of a memorandum of understanding between the City of Fort Smith and The Degen Foundation regarding the public infrastructure projects, which is a requirement for the grant; and Item No. 3C appropriates the necessary funds for the infrastructure work, which will also demonstrate to the EDA that the City maintains the required, matching funds for the grant.

Settle, seconded by Merry, moved adoption of Items 3A, 3B and 3C. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions and ordinance were adopted with the resolutions numbered R-105-14 and R-106-14 respectively, and the ordinance given Ordinance No. 44-14.

## **August 19, 2014 Regular Meeting**

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

- A. Resolution setting a public hearing date on petition to vacate a portion of a street right-of-way located in Fairfax subdivision, an addition to the City of Fort Smith, Arkansas (*Portion of South 10th Street - Baldor Electric Company*)
- B. Resolution setting a public hearing date on petition to vacate a portion of Veterans Avenue street right-of-way located in Chaffee Crossing, Sebastian County, Fort Smith, Arkansas (*Portion of Veterans Avenue in Chaffee Crossing - Arkansas College of Osteopathic Medicine*)
- C. Ordinance to abandon sewer line easements located in City of Fort Smith, Sebastian County, Arkansas (*Future Horseshoe Ridge Subdivision*)
- D. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-A (*17 days*)
- E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-A (*\$149,846.66 / Engineering Department / Budgeted - Sales Tax Program*)
- F. Resolution authorizing the acquisition of real property interests for the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (*\$3,700.00 / Engineering Department / Budgeted - Sales Tax Program*)
- G. Resolution authorizing acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (*\$29,672.00 / Engineering Department / Budgeted - Sales Tax Program*)
- H. Resolution accepting bids for the purchase of fleet trucks and vehicles (*\$1,075,004.87 / Various Departments / Budgeted - Various Accounts*)

**August 19, 2014 Regular Meeting**

- I. Resolution accepting the project as complete and authorizing final payment to Crawford Construction Company for the Candlestick (Station 19) Force Main Replacement (\$63,989.98 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bond Funds)
- J. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing payment to Forsgren, Inc. for the emergency repair of Rogers Avenue (\$44,272.00 / Utility Department / Not Budgeted - Water and Sewer Capital Improvement Fund)
- K. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for the Basin 9 Collection System Improvements (\$55,912.45 / Utility Department / Budgeted - 2012 Sales Tax and Use Tax Bond Funds)
- L. Resolution authorizing the Mayor to execute a fluoridation grant agreement with Delta Dental of Arkansas Foundation for fluoridation equipment and capital start-up costs to enable fluoridation of Fort Smith's water supplies in accordance with Act 197 of 2011
- M. Resolution approving the termination of a consulting and advisory services agreement with the J. C. Watts Companies, L.L.C.

Regarding Item No. 4B, Director Good inquired if such will hinder anything with regard to the street right-of-way.

Administrator Gosack advised such merely sets the public hearing for the proposed street closure, which upon approval, is scheduled for the September 2, 2014 regular meeting.

With regard to Item No. 4F, Director Weber expressed concern with initiation of eminent domain proceedings; therefore, requested confirmation from the city attorney that negotiations with the property owner will continue.

City Attorney Jerry Canfield confirmed such citing the proposed action merely grants

***August 19, 2014 Regular Meeting***

the City of Fort Smith access to the property to allow the subject project to proceed. Eminent domain is used solely to determine just compensation to the property owner. Many times, a settlement is reached without necessity of a trial; therefore, he again confirmed that negotiations with the property owner will continue.

Regarding Item No. 4H, Director Catsavis inquired if any vehicles proposed for purchase will use compressed natural gas (CNG).

Administrator Gosack advised such includes the purchase of one (1) CNG vehicle; however, three (3) hybrid vehicles are also included.

Director Lau commented that many vendors are from outside Fort Smith; therefore, he requested the city administrator explain a recent legislative directive to pursue local preference bidding.

Administrator Gosack advised the State of Arkansas does not permit municipalities to accept a bid based solely on the location of the vendor; however, legislation to allow local preference is currently being worked on for consideration during the next legislative session.

Director Merry questioned why only one (1) CNG vehicle is recommended for purchase.

Administrator Gosack advised that CNG vehicles are about \$9,000 more to purchase and such are only cost effective when the vehicle maintains a very high mileage factor. Grant funding is currently not available and the necessary vehicles do not meet the mileage requirement; therefore, it's not financially feasible to purchase more CNG vehicles at this time.

With regard to Item No. 4M, Director Good requested a brief explanation.

### **August 19, 2014 Regular Meeting**

Administrator Gosack advised the legislative atmosphere with regard to federal funding has changed drastically since the City of Fort Smith entered into a contract for lobbying services in 2007. At that time, more federal funding was available and the City of Fort Smith was the recipient of much needed funds for projects; however, such is not the case anymore. Because the City is no longer reaping the benefit of lobbying services to acquire federal funding, he recommended approval of the resolution to terminate the lobbying services agreement citing it's simply not financially feasible to continue.

Regarding Items No. 4E, 4I and 4K, Mayor Sander extended much appreciation to the Engineering and Utility Departments announcing the projects came in under-budget, i.e., Item 4E - \$125,000 under-budget; Item No. 4I - \$300,000 under-budget; and, Item No. 4K - \$130,000 under-budget.

Settle, seconded by Lau, moved adoption of all consent agenda items. The members all voted affirmatively with the exception of Director Catsavis, who abstained on Item No. 4L. The Mayor declared the motion carried and the resolutions and ordinances were adopted. The resolutions were numbered R-107-14 through 117-14 respectively and the ordinances were given 45-14 and 46-14 respectively.

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

► Mayor Sanders

Re: Extended congratulations to all of the following for recent awards / accomplishments:

1. Fort Smith EMS 911 Communications Center - 2014 Technology Leadership Award presented by the Association of Public Safety Communications Officials. Second time recipient in three (3) years.

**August 19, 2014 Regular Meeting**

2. Fort Smith Regional Art Museum (FSRAM) - 2014 American Institute of Architects Gulf States Region Merit Award.
  3. Fort Smith Motor Plan of the Baldor Electric Company - Ten Million Work Hours Safety Award presented by the Arkansas Department of Labor. Employees accomplished ten million work hours without a lost day away from work due to a work-related injury or illness between August 27, 2010 and June 18, 2014.
- ▶ Administrator Gosack
- Re:
1. Announced the 16<sup>th</sup> class of Citizens Academy recently began citing over 250 citizens have participated since inception of the academy.
  2. Regarding the aquatic facility at Ben Geren Regional Park, it's been suggested that a management company be involved with the project. In order to discuss the matter, he advised a joint meeting with the Board of Directors and Sebastian County Quorum Court is anticipated in the near future.
  3. Reminded all of the upcoming Board of Directors Brainstorming Meeting scheduled for 6:00 p.m., Monday, August 25 at the Sanitation Department Administrative Offices.

The Board entered into executive session at approximately 6:29 p.m. and after reconvening, the Mayor announced the following appointment nominations:

**ANIMAL SERVICES ADVISORY BOARD**

Ken O'Donnell

*(to fill the unexpired term of Eric Jayne, who resigned)*

Term expires April 15, 2017

**OAK CEMETERY COMMISSION**

Michael Richardson

*(to fill the unexpired term of Carole Barger, who resigned)*

Term expires November 30, 2015

**August 19, 2014 Regular Meeting**

**OUTSIDE AGENCY REVIEW PANEL**

Gregory Davis  
Scott McLain (reappointment)  
Janice Sudbrink (reappointment)  
Terms expire August 20, 2016

**PARKS AND RECREATION COMMISSION**

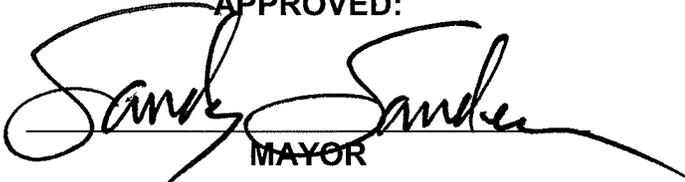
Casey Millspaugh (reappointment)  
Term expires August 31, 2019

Catsavis, seconded by Merry, moved acceptance of the above named nominations.

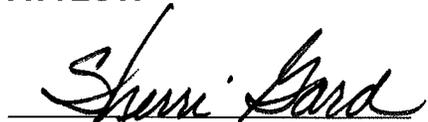
The members all voting aye, Mayor Sanders declared the motion carried.

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Good, and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:41 p.m.

**APPROVED:**

  
MAYOR

**ATTEST:**

  
CITY CLERK