

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ MAY 5, 2015 ~ 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 Bill Fink of Central Christian 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, Tracy Pennartz, Kevin Settle and Don Hutchings. The Mayor declared a quorum present.

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 April 21, 2015 regular meeting were presented for approval. Settle, seconded by Pennartz, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*from Extraterritorial Jurisdiction Open-1 (ETJ O-1) to Extraterritorial Jurisdiction Industrial-2 (ETJ I-2) by extension located at 8425 Highway 45*).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Randy Coleman, agent for Zero Mountain, Inc. The purpose of the rezoning request is to allow for a building addition and continued use of a packaging and distribution facility at the subject location. Zero Mountain, Inc. purchased the subject property and building, which is south of their existing facility. They intend to

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connect the two (2) buildings and the proposed zoning classification will allow such to occur. The Planning Commission held a public hearing on April 14, 2015 with no individual present to speak in opposition to the request. The Planning Commission approved the proposed rezoning by a vote of eight (8) in favor and zero (0) opposed.

Lau, seconded by Pennartz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings 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 Ordinance No. 30-15.

Item No. 2 was an ordinance amending Ordinance No. 61-14 (*correcting legal description for previous master land use plan map and zoning map amendments for property at 3507 and 3515 South 66th Street*).

City Administrator Ray Gosack briefed the Board on the item advising the Board approved Ordinance No. 61-14 at its November 4, 2014 regular meeting, which amended the Master Land Use Plan map and rezoned property at 3507 and 3515 South 66th Street. After adoption, an error within the legal description was discovered; therefore, the proposed ordinance merely corrects a scrivener or clerical error within the legal description originally provided within Ordinance No. 61-14.

Hutchings, seconded by Lorenz, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings 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 Ordinance No. 31-15.

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Item No. 3 was a resolution deferring the implementation of Resolution No. R-18-15 thereby deferring the installation of speed tables on Cliff Drive ~ *Lorenz/Catsavis placed on agenda at the April 28, 2015 study session ~ .*

Mayor Sanders advised the item was thoroughly discussed at the April 28, 2015 study session citing the Board requested the proposed resolution. Upon adoption, such will defer the implementation of Resolution No. R-18-15, i.e. installation of speed tables on Cliff Drive, for a minimum of six (6) months.

The following individuals were present to address the Board:

- Bob Honea, representing residents on Cliff Drive
Fort Smith, Arkansas

Re: Requested those in attendance who maintain a Cliff Drive mailing address to stand and be recognized. Approximately twelve (12) individuals stood, some of whom Mr. Honea questioned if they maintained an actual Cliff Drive mailing address. Regardless, he conveyed much confidence that all will agree there is a speeding problem on Cliff Drive. At the request of residents via petition in 2014, City staff conducted a traffic study and concurred the results were such that warranted implementation and installation of speed tables on said street. He noted much assurance the area fits the criteria for speed tables as originally approved and urged the Board to deny the proposed resolution deferring implementation of Resolution No. R-18-15.

- Tracey Geren, representing Sebastian Woods property owners
Fort Smith, Arkansas

Re: Conveyed much appreciation to the Board for considering the proposed resolution. Property owners of Sebastian Woods sympathize with the other side; however, they are opposed to the implementation and installation of speed tables on Cliff Drive and hope to find a less intrusive option to address the speeding

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issue. She alleged the previously presented petition that prompted the installation of speed tables on Cliff Drive did not even meet the criteria noted within the previously reviewed yet not adopted Traffic Calming Policy. Regardless, she alleged that speed tables are a controversial issue across the nation and conveyed multiple reasons that speed tables are not the best option to address speeding issues, i.e. they're expensive in regard to installation and staff time to administer a traffic calming policy, they hinder emergency vehicles, create increased noise, increase wear and tear on vehicles, and prohibit driving the actual posted speed limit.

In rebuttal, Mr. Honea clarified that at least fifty-percent (50%) of residents along Cliff Drive signed the petition requesting installation of the subject speed tables. He further conceded there are pros and cons to every option to address speeding; therefore, he previously suggested a cost-share program be created to address the cost to the City. Regardless, he again spoke in opposition to the proposed resolution and urged the Board to "move forward."

- Vance Gregory
Fort Smith, Arkansas

Re: Spoke in favor of the proposed resolution to defer implementation and installation of the subject speed tables to allow additional study. He alleged the negative aspects of speed tables outweigh the positive and such does not address the pedestrian traffic along Cliff Drive, which does not have shoulders or sidewalks.

- Mike Carter
Fort Smith, Arkansas

Re: Spoke in opposition to the proposed resolution and questioned, "what will six (6) months do?" He alleged the subject speed tables will slow traffic, which is the ultimate goal. He urged the Board to "face the problem" and vote against the resolution. He further presented maps to City Attorney Jerry Canfield indicating the area that excessive speed is occurring on Cliff Drive, i.e. west of Old Greenwood Road.

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There was lengthy discussion with several directors inquiring about other options to address speeding on Cliff Drive, i.e. additional police patrol, installation of stop signs or stop lights. There was also concern expressed that no yield signs are present and an inquiry about possible construction of sidewalks to address pedestrian traffic.

With regard to additional police patrols, Police Sergeant Mark Hallum addressed the Board advising Police Chief Kevin Lindsey, who was unable to attend the meeting, has authorized a no tolerance, dedicated patrol of the area. Said patrol can be implemented for a few weeks and revisited as necessary.

Regarding installation of stop signs or stop lights, Director of Engineering Stan Snodgrass noted the roadway is utilized by approximately 1,600 vehicles per day. Due to the traffic volume, he spoke in opposition to said installation advising it's been determined that such is not a good option to address speeding and tends to create more cross traffic. Although Cliff Drive is not classified as a collector street, he conceded the roadway functions as such.

With regard to installation of sidewalks, Mr. Snodgrass noted that sidewalk funding is limited with much utilized to repair existing sidewalks. New construction does occur; however, areas for such are prioritized for schools and areas with high pedestrian traffic. If the pedestrian traffic warrants and funding is available, the subject area would most likely be considered for sidewalk construction.

Director Hutchings simply inquired what Mr. Snodgrass would recommend to address the speeding issue.

Mr. Snodgrass recommended the City first try a dedicated police patrol with a no

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tolerance policy for speeding violations. Secondly, the City may also consider the placement of a sign that flashes the drivers speed upon approach. Such makes drivers more aware that they're speeding and tends to slow traffic. With regard to yield signs, he advised that statistics indicate few accidents in the area; therefore, such does not meet the warrants for placement. Ironically, one (1) accident that occurred in the subject area was due to a driver hitting a bump in the road causing them to roll their vehicle.

Director Settle recommended the Police Department schedule a problem solving meeting with the neighborhood.

Director Lorenz reiterated that no one disputes there's a speeding issue; however, he advised the Board must consider "all" who use the street and advised he's received multiple emails from individuals opposed to the placement of speed tables.

Lorenz, seconded by Pennartz, moved to amend the resolution to repeal Resolution No. R-18-15 thereby denying installation of speed tables on Cliff Drive. The members all voting affirmatively, the Mayor declared the motion carried and the resolution stood amended.

Lorenz, seconded by Pennartz, moved adoption of the resolution as amended, i.e. "Resolution repealing Resolution No. R. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-74-15.

Item No. 4 was a resolution establishing employer/employee contribution practices regarding employee benefits in Internal Service Fund 9106 for Employee Health and Wellness ~ *Lau/Settle placed on agenda at the April 14, 2015 study session* ~.

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Director of Human Resources Richard Jones briefed the Board on the item as discussed at the April 14, 2015 study session. The proposed resolution establishes the cost sharing percentage at seventy-five percent (75%) for the City and twenty-five percent (25%) for employees, sets a target reserve for Fund 9106 that is equal to seventy-five (75) calendar days or twenty-percent (20%) of the annual benefit cost, and allows for the cost sharing percentages to be adjusted to correct for any deviation in the cost sharing trend as well as any deficit or surplus in the reserve balance.

Director Hutchings questioned if the Affordable Care Act affects the City.

Mr. Jones advised such will affect the City only if contribution levels change or costs increase.

Director Lau inquired the manner in which the City keeps within the benchmark and how the City compares to the national average. He further commented the proposed is a huge leap forward, but urged Mr. Jones to keep a close watch on the trends.

With regard to keeping within the benchmark, Mr. Jones conveyed there's no easy way to definitively accomplish; however, he conveyed much assurance the City closely watches the trend for past years and adjusts accordingly annually. The City compares itself with the national average on an annual basis and currently "*ahead of the curve.*"

Director Settle expressed concern that the fund balance keeps dropping; therefore, feels an adjustment is necessary at least until the Board has the opportunity to see how the budget is trending. He spoke in favor of adjusting the percentage between the City and employees from the current 75/25 to 70/30.

If the Board opts to adjust the current 75/25 split to 70/30, Mr. Jones offered a

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warning that the cost to employees and their families “*will be significant*” citing approximately \$1 million will be passed on to the employees. He expressed concern that such would be “*a lot (for the employees) to take on at one time.*”

Director Pennartz extended much appreciation to Mr. Jones for his work and research to provide the information and questioned if a 50/50 split would be dramatic to employees whereby Mr. Jones responded “*very dramatic.*” She further noted that another option would be for the City to no longer include vision and dental coverage within the benefits package, but provide such to employees solely as an option at their sole expense.

Settle, seconded by Lorenz, moved to amend Section 1 of the ordinance as follows:

“...~~75%~~ 70% employer funded and ~~25%~~ 30% employee funded...”

The members voted as follows: ayes - Lau, Lorenz, Pennartz and Settle; nays - Good, Catsavis and Hutchings. The Mayor declared the motion carried and the resolution stood amended.

Settle, seconded by Lorenz, moved adoption of the resolution as amended. The members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-75-15.

Item No. 5 was an ordinance amending the 2015 Budget (*safety/risk manager*) ~ Pennartz/Good placed on agenda at the April 14, 2015 study session / First reading - April 21, 2015 regular meeting / SECOND READING ~

Mayor Sanders advised the Board may merely allow the second reading to occur and the third and final reading scheduled for the next regular meeting or a motion to adopt the ordinance with suspension of the rules may be offered to allow passage of the ordinance on its second reading.

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Pennartz, seconded by Good, moved adoption of the ordinance. The motion included suspending the rule to allow the second and third 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 second reading. The members voted as follows: ayes - Lau, Good, Lorenz, Pennartz and Hutchings; nays - Catsavis and Settle. The Mayor declared the motion carried and since the ordinance received five (5) affirmative votes for passage on its second reading, he announced the ordinance was adopted and given Ordinance No. 32-15.

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

- A. Resolution authorizing the waiver and reimbursement of building permit fees for the Greater Fort Smith Association of Home Builders showcase home at 12406 Norwich Street
- B. Ordinance to abandon a public utility easement located in Fianna Heights, Lots 1257, 1266, 1267-A and 1267-B, an addition to the City of Fort Smith, Sebastian County, Arkansas
- C. Resolution accepting bids for the purchase of fleet trucks and vehicles (*\$165,512.99 / Various Departments / Budgeted - Various Accounts*)
- D. Resolution authorizing Amendment No. 2 to Authorization No. 3 with Mickle Wagner Coleman, Inc. for engineering services for Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines (*\$64,608.75 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- E. Resolution authorizing Change Order No. 1 with M. Phillips Construction, Inc. for the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines (*\$19,769.53 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)
- F. Resolution accepting the project as complete and authorizing final payment to M. Phillips Construction, Inc. for construction

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of the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines (*\$36,305.43 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)

- G. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing program management services for Consent Decree Compliance Program and Infrastructure Improvements (*\$1,220,269.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- H. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for providing engineering services associated with "P" Street and Massard Wastewater Treatment Plants effluent blending and treatment capacity assessments (*\$198,600.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- I. Resolution authorizing Amendment No. 1 to the agreement with Shannon & Wilson Inc. for providing engineering services for the Year 2015 post construction monitoring and inspection of the Lake Fort Smith Dam and Reservoir (*\$10,025.90 / Utility Department / Budgeted - Water and Sewer Operating Budget*)
- J. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Altes Sanitation Service, LLC
- K. Resolution authorizing the execution of a non-residential solid waste collection and disposal permit and agreement with Waste Management of Arkansas, Inc.
- L. Resolution approving Change Order No. 1 to the contract with Turn Key Construction, Inc. for the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 (*\$509.25 & 1 day / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds*)
- M. Resolution accepting the asbestos abatement and renovations to the administrative wing of Fire Station No. 1 as complete and authorizing final payment to Turn Key Construction Inc. (*\$12,383.10 / Fire Department / Budgeted - 2012 Sales and Use Tax Bonds & 4803 Capital Funds*)

Regarding Item No. 6C, Mayor Sanders announced staff recommends that Item No.

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5 on the associated bid tab be removed with possible consideration at a later date. If the Board concurs with the recommended removal and deference, the motion to approve the consent agenda should reflect same.

Settle, seconded by Lau, moved adoption of all consent agenda items. The motion included that Item No. 6C be amended to remove Item No. 5 from the associated bid tab. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 33-15 and the resolution numbered R-76-15 through R-87-15 respectively.

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

▶ Mayor Sanders

- Re: 1. Extended congratulations to the coordinators of the successful Steel Horse Rally held on May 1st & 2nd citing they're already working on next year's event.
2. Reminded all that early voting for the May 12th special election regarding continuation of the 1% sales and use tax for streets, bridges and associated drainage began today.

▶ Director Lorenz

- Re: 1. Reiterated the Mayor's comments regarding the Steel Horse Rally and also extended much gratitude not only to the event coordinator, but also to all the volunteers.
2. Extended a heartfelt "*Happy Anniversary*" to his wife, Wendy, citing Sunday, May 2nd was their 22nd wedding anniversary.

▶ Director Settle

- Re: 1. Conveyed congratulations to Director Lorenz and Wendy.

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2. Conveyed "Happy Birthday" to his daughter, Katie, who turned 14 on Monday, May 4th.
3. Extended congratulations to the University of Arkansas Fort Smith baseball team for making it to the conference tournament in San Antonio, Texas.
4. Regarding the Steel Horse Rally, he also extended much appreciation to the City of Fort Smith Police, Fire, Sanitation, Street and Parks Department, and the Sebastian County Sheriff's Office for their efforts and in-kind services that helped to make the event such a great success.
5. With regard to the upcoming special election on May 12th and early voting noted by the Mayor, he simply encouraged all to "get out and vote!"

▶ Director Hutchings

Re: Advised the National Day of Prayer is Thursday, May 7th and encouraged all to attend an event recognizing same scheduled for 11:45 a.m. at the Sebastian County Courthouse.

There being no further business to come before the Board, Hutchings 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 7:14 p.m.

APPROVED:



MAYOR

ATTEST:



CITY CLERK