

## MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JULY 7, 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 Director Don Hutchings, 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 June 16, 2015 regular meeting and June 23, 2015 special meeting were presented for approval.

Mayor Sanders noted the last page of the June 16, 2015 regular meeting minutes has been revised to include the underlined portion below; therefore, the motion to approve said minutes must include "as revised":

*"Pennartz, seconded by Hutchings, moved acceptance of the above named nominations and deference of the appointment to the Housing Authority. The members all voting aye, with the exception of Good who abstained on the appointment to the Transit Advisory Commission, the Mayor declared the motion carried."*

Settle, seconded by Lorenz, moved approval of the June 16, 2015 regular meeting minutes as revised and the June 23, 2015 special meeting as written. The members all voting aye, the Mayor declared the motion carried.

The Mayor recognized Noah Ramos and Tanner Davis of Boy Scout Troop 2316, who were in attendance to earn their Citizenship in the Community badge.

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Item No. 1 was an ordinance rezoning identified property and amending the zoning map (*from Not Zoned to a Planned Zoning District by classification located at 8401 McClure Drive*).

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Mickle-Wagner-Coleman, agent for ArcBest Corporation. The purpose of the proposed rezoning is to allow for the construction of the new ArcBest Corporate Headquarters. A neighborhood meeting was held on May 12, 2015 with six (6) surrounding property owners in attendance. Concerns regarding drainage, traffic and privacy issues, as well as aesthetics of the proposed structure, were expressed whereby each concern was addressed. The Planning Commission held a public hearing on June 9, 2015 with no individual present to speak in opposition to the request. The Planning Commission voted unanimously to amend the request to make approval subject to compliance with the submitted project booklet. The Planning Commission approved the amended request for Board consideration by a vote of nine (9) in favor and zero (0) opposed.

Settle, 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 and the ordinance was adopted and given Ordinance No. 45-15.

Item No. 2 was an ordinance rezoning identified property and amending the zoning map (*from Commercial Regional (C-4) to Commercial Heavy (C-5) by extension located at 1200 South "U" Street*).

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Mr. Bailey briefed the Board on the item advising such is per the request of Carlos Vizcarra, agent for John Canterbury. The purpose of the proposed rezoning is to allow the tenant to utilize the existing building and convert it to a climate controlled indoor mini-storage facility similar to the U-Haul mini-storages adjacent to the site. The Planning Commission held a public hearing on June 9, 2015 with no individual present to speak in opposition to the request. The Planning Commission approved the request for Board consideration with nine (9) in favor and zero (0) opposed.

Hutchings, 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 and the ordinance was adopted and given Ordinance No. 46-15.

Item No. 3 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 *(608 North 16th Street & two rear buildings and 1732 North 12th Street)*.

City Administrator Ray Gosack briefed the Board on the item advising the structures have been determined to be unsafe and detrimental to the public welfare. Upon approval, the proposed ordinance will order the property owners to demolish or repair the structures within thirty (30) days. If such does not occur within said time-frame, City staff will proceed with the process to have the structures removed.

Lau, seconded by Lorenz, moved adoption of the ordinance. The motion included

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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. Catsavis, seconded by Hutchings, 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. 47-15.

Item No. 4 was an ordinance amending the 2015 Budget.

Director of Street and Traffic Control Greg Riley briefed the Board on the item advising the ice storm of 2013 was declared a federal disaster for Sebastian County. As a result, the Street Department was reimbursed \$100,741.86 from the Federal Emergency Management Administration (FEMA) for expenses incurred for cleaning up debris and operations during the storm. Said amount was credited to the Street Maintenance Fund in March 2015. Since the expenses occurred in 2013, the reimbursement becomes additional money for 2015. Due to such, staff believes it would be appropriate to use the reimbursement funds to further bolster the City's initiative to provide better response to winter storm events; therefore, he recommended the appropriation be used to purchase the following:

- ▶ One (1) granular spreader with pre-wet capabilities
- ▶ Brine making machine
- ▶ Tank to store and mix brine/beet juice
- ▶ Two (2) liquid spreaders for pre-treatment of streets and liquid application

Settle, seconded by Lorenz, 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. 48-15.

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The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Ordinance authorizing a contract with Playcore Wisconsin, Inc. doing business as GameTime for the development of neighborhood parks on Fianna Way and Texas Road and declaring exceptional situations and waiving the requirements of competitive bidding (*\$158,589.55 / Parks Department / Budgeted - 1/8% Sales and Use Tax*) ♦ *Future Fort Smith item ~ Tabled at the June 16, 2015 regular meeting ~*
- B. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Goodwin & Goodwin, Inc. for the South 46th Street Rogers Avenue Sewer Replacement (*\$223,079.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- C. Resolution authorizing Change Order No. 1 with Forsgren, Inc. for the construction of the 3571 Gary Street Sewer Repair (*\$28,945.50 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- D. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the 3571 Gary Street Sewer Repair (*\$158,486.00 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- E. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Hudson Excavation, Inc. for the Lee Creek Reservoir Buoy Line Replacement (*\$53,187.00 / Utility Department / Budgeted - Water & Sewer Operating Budget*)
- F. Resolution authorizing the City Administrator to enter into an office space lease with Stephens Media, LLC at 3600 Wheeler Avenue (*\$7,061.83 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds*)
- G. Resolution accepting the bid for the purchase of a wheel loader (*\$239,900.00 / Sanitation Department / Budgeted - Sanitation Sinking Fund*)

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- H. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2015 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
- I. Resolution authorizing the City Administrator to execute and deliver a consent to assignment of lease with Spirit Master Funding VI, LLC to use a portion of North 31st Street right-of-way (*Harps Marketplace, 3100 Grand Avenue*)

Regarding Item No. 5A, Director Catsavis questioned the estimated savings by utilizing the State of Arkansas cooperating purchasing agreement and inquired how the City assures that such results in a true cost saving or the lowest bid is accepted.

Director of Parks and Recreation Doug Reinert advised such is estimated to result in a sixteen percent (16%) cost savings or approximately \$47,000 for both the Imani and Stagecoach Parks. Utilizing vendors/companies included within the State's cooperative purchasing agreement simply ensures the selected vendor/company provides the lowest price for materials and labor to governmental agencies. The vendors/companies are reevaluated annually.

Mayor Sanders added that the State has already performed all the bidding procedure requirements, which saves the City both time and money, and ensures the vendor/company provides the lowest possible bid.

With regard to Item No. 5F, Director Pennartz questioned if the subject office space will be utilized by new staff (required via the consent decree) or if existing personnel will be relocated. She further inquired of the number of employees currently at the Kelley Highway site and if any of the new employees required by the consent decree have been hired.

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Director of Utilities Steve Parke advised mostly new employees will utilize the subject location; however, some existing personnel will relocate as well. The Kelley Highway site currently maintains both the Utility and Street & Traffic Control Departments, with approximately one-hundred-twenty (120) employees, which consist mostly of Utility Department personnel. The entire Street and Traffic Control Department will relocate to another site in order to accommodate all the additional Utility Department staff required by the consent decree. With regard to employment of new staff required by the consent decree, the positions have been posted, but not hired as of yet.

Good, seconded by Hutchings, moved adoption of all consent agenda items. The members all voting affirmatively, with the exception of Director Catsavis who voted “no” on Items No. 5A & 5F, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given Ordinance No. 49-15 and resolutions numbered R-116-15 through R-123-15 respectively.

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

► Mayor Sanders

- Re:
1. Regarding the Mayor’s 4<sup>th</sup> of July Celebration, he extended much appreciation to the Fort Smith Street, Transit, Sanitation, Police and Fire Departments; Fort Smith EMS; Convention Center; volunteers from Harvest Time, who worked concessions; and, a special thank you to Claude Legris, Director of the Advertising and Promotion Commission for his efforts to ensure the event was a success.
  2. Noted the recent rededication of Cisterna Park and the ribbon cutting for the Compass Park Splash Pad.

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3. Advised Furniture Factory Outlet announced today of the relocation of their corporate headquarters to Fort Smith and Governor Asa Hutchinson was in Fort Smith for the important announcement.
  4. Governor Hutchinson will be back in Fort Smith next week to assist with the ribbon cutting for Interstate 49, i.e. 10:00 a.m., Tuesday, July 14<sup>th</sup> at the I-49 on ramp in Barling.
  5. The governor will also be in Fort Smith for the 44<sup>th</sup> Annual Mayor's Prayer Breakfast, sponsored by the Christian Business Men's Committee, which is scheduled for 6:45 a.m. (Breakfast at 6:15 a.m.), Friday, July 17<sup>th</sup> at the Holiday Inn City Center. Former National Football League (NFL) running back William Green will also be in attendance.
  6. Announced the Ward 3 Neighborhood Meeting is set for 6:00 p.m., Thursday, July 16<sup>th</sup> at the Fort Smith Senior Activity Center, 2700 Cavanaugh Road.
  7. Expressed much appreciation to Arkansas State Auditor Andrea Lea, who delivered a \$23,000 check to the City yesterday for unclaimed property due to the City of Fort Smith.
  8. Extended congratulations to City Clerk Sherri Gard, who was recently elected to serve as the president of the Arkansas City Clerks, Records and Treasurers Association.
- ▶ Director Good
- Re: Conveyed much appreciation to a citizen group consisting of Fort Smith Police Chief Kevin Lindsey, Fort Smith Public Schools (FSPS) Superintendent Benny Gooden, several area pastors and community leaders. The first of a series of meetings was recently held, facilitated by Sebastian County Sheriff Bill Hollenbeck, to discuss the FSPS's recent decision to

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replace Southside High School's mascot and fight song. The group realizes the matter is a sensitive issue, but supports the FSPS decision.

- ▶ Director Settle

Re: Conveyed "Happy Birthday" to City Clerk Sherri Gard.

The Board entered into executive session at approximately 6:21 p.m., which was a performance evaluation of the city administrator requested by Administrator Gosack. After reconvening, the Mayor advised Administrator Gosack merely wished to provide information to the Board prior to his upcoming performance evaluation set for July 21, 2015; therefore, announced no action was taken.

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Pennartz and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:13 p.m.

APPROVED:  
  
MAYOR

ATTEST:  
  
CITY CLERK