

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JUNE 21, 2016 ~ 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 Kevin Johnson of Community Church of Chaffee Crossing, 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, Kevin Settle, Tracy Pennartz 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 7, 2016 regular meeting was presented for approval. Good, seconded by Settle, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Mayor Sanders recognized Nathan Fuhrman and Zane Watson, members of Boy Scout Troop 3, whom were in attendance to earn their Communications and Citizenship in the Community Badges.

Item No. 1 was an ordinance amending the Fort Smith Code Section 27-327-6 to provide for outdoor mobile food vending for extended hours of operation in city marked locations in public street right-of-way (*mobile food vending*) ♦ *Future Fort Smith item*

Director of Development Services Wally Bailey briefed the Board on the item advising the proposed amendments are the result of Board discussion prior to approval of Ordinance No. 35-16 at the June 7, 2016 regular meeting, as well as communication with

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potential food vendors. Upon approval, the proposed amendments will accomplish the following:

1. Increase the number of parallel parking spaces (essentially from two (2) spaces to six (6) spaces).
2. Allow either a food truck or a concession trailer (self-contained) to operate from any of the reserved spaces.
3. Deletion of the revocation provision. This amendment is proposed due to the requirement that vendors must utilize the reserved space at least three (3) hours on two (2) consecutive days. Some vendors expressed concern their permit could be revoked if they were unable to utilize the space due to sickness, mechanical problems, or vacations.

Pennartz, seconded by Lorenz, moved adoption of the ordinance with suspension of 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.

Prior to the vote, Director Catsavis inquired about the City providing utilities, i.e. water or electric, at the subject location.

Mr. Bailey clarified the parking spaces are located in the street right-of-way where permanent utility poles or water spickets are not permitted. If the Board prefers the area to serve as a food court, such would require closure of the street, which could potentially create issues with neighboring businesses.

Director Lorenz conveyed much appreciation to the Planning Department for addressing Board concerns, as well as the Street Department for their expeditious response in striping the area for the project.

Director Pennartz conveyed her long-term vision for the area is to model such after Food Truck Park in Metro Square in Conway, AR; therefore, she requested the Planning Department to review the details of the aforementioned development.

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Director Hutchings inquired if the City has received feedback from any of the downtown brick and mortar establishments whereby Mr. Bailey responded, "no."

Mayor Sanders advised the first lottery drawing for the spaces took place today in the Planning Department conference room with only one (1) vendor present.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried. Hutchings, 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. 37-16.

Items No. 2 & 3 were presented collectively, which are as follows:

2. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins Weir Engineers, Inc. for engineering services for the Sub-Basin P007 Capacity Improvements Project (\$200,340.00 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ Future Fort Smith item • Consent Decree item
3. Resolution authorizing the Mayor to execute an agreement for engineering services with Mickle Wagner Coleman, Inc. for 2015 Sanitary Sewer Assessment Remedial Measures, Phase B, and to execute Authorization No. 1 (Sub-Basin S003) and Authorization No. 2 (Sub-Basin S004) (\$412,624.00 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ Future Fort Smith item • Consent Decree item

Interim Utility Director Bob Roddy briefed the Board on the above items. He advised there are essentially three (3) steps to comply with the Consent Decree requirements, which are as follows:

1. Identify the defects with the sewer assessment.
2. Assign engineer to design what is necessary to correct the defect.
3. Hire a contractor to address the defect.

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The City is required to improve fifty (50) miles of the wastewater collection system each year. The subject items are the last two (2) agreements required to complete the assignment of engineering services associated with Step 2 noted above. In the near future, several construction contracts will be presented to the Board for consideration, which will initiate the above noted Step 3 to accomplish the aforementioned annually required improvements. The costs associated with the subject agreements have been compared to other similar projects and staff maintains no reservations with the proposed amounts.

Settle, seconded by Hutchings, moved adoption of Item No. 2. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-89-16.

Pennartz, seconded by Lorenz, moved adoption of Item No. 3. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-90-16.

Item No. 4 was a resolution authorizing Change Order No. 2 with BRB Contractors, Inc. for the Mill Creek Pump Station and Equalization Tank (*\$20,298.56 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*) ♦ *Future Fort Smith item* • *Consent Decree item*

Mr. Roddy briefed the Board on the item advising the item authorizes Change Order No. 2, which consists of several credit and debit adjustments resulting in \$20,298.56 for additional work and the addition of sixty-six (66) days to the contract time.

Good, seconded by Settle, moved adoption of the resolution. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-91-16.

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

- A. Resolution accepting completion of and authorizing final payment to Ace Surfaces North America, Inc. for the construction of the Creekmore Park and Tilles Park Tennis Court Resurfacing (\$28,956.54 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
- B. Resolution authorizing the Mayor to make application to the Arkansas Department of Parks and Tourism for grant funding assistance
- C. Resolution authorizing execution of agreement between City of Fort Smith, Arkansas and Raggio Excavating, Inc. ratifying subcontract agreement of December 17, 2014 (“Subcontract”) and authorizing Change Order No. 1 to the subcontract (\$35,230.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
- D. Resolution authorizing execution of agreement between City of Fort Smith, Arkansas and Frank Sharum Landscape Design, Inc. ratifying subcontract agreement of November 4, 2015 (“Subcontract”) and authorizing Change Order No. 1 and Change Order No. 2 to the subcontract (\$115,052.69 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
- E. Resolution renaming Greg Smith Riverwalk the Greg Smith River Trail
- F. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
- G. Resolution authorizing the execution of a K-9 assistance agreement between the City of Fort Smith Police Department and the Arkansas 15th Drug Task Force, County of Logan, City of Danville, Arkansas

Hutchings, seconded by Settle, moved adoption of all consent agenda items. There being no Director wishing to comment and the members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered Resolution No. R-92-16 through R-98-16, respectively.

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

➤ Mayor Sanders

- Re: 1. Reminded all of the Riverfront Blues Festival, which is set for Friday and Saturday, June 24-25 and encouraged all to attend.
2. Reminded all of the Mayors 4th of July Celebration scheduled for Monday, July 4th. He further expressed much gratitude to multiple City departments and organizations that have worked to ensure the event is a great success.

➤ Administrator Carl Geffken

- Re: 1. Noted the currently vacant positions of Director of Utilities, Director of Human Resources and Police Chief will be posted soon and interviews for Fire Chief will begin Thursday, June 23rd.

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

CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE

David Armbruster (reappointment)
Nathaniel Deason
Terms expire July 21, 2019

HISTORIC DISTRICT COMMISSION

David Kerr (reappointment)
Term expires July 31, 2019

PORT AUTHORITY

Eddie Norman (reappointment)
Term expires July 31, 2021

TRANSIT ADVISORY COMMISSION

Charles Poole (reappointment)
Term expires July 15, 2019

Hutchings, seconded by Settle, moved acceptance of the above named nominations.

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

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There being no further business to come before the Board, Pennartz moved that the meeting adjourn. The motion was seconded by Settle and the members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:34 p.m.

APPROVED



MAYOR

ATTEST



CITY CLERK