



AGENDA

FORT SMITH BOARD OF DIRECTORS REGULAR MEETING

February 15, 2011 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS
SERVICE CENTER
3205 JENNY LIND ROAD

THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6

INVOCATION AND PLEDGE OF ALLEGIANCE

ROLL CALL

All Present

PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

(Section 2-37 of Ordinance No. 24-10)

Information available by viewing rebroadcast of the meeting on City Access Channel 6 or
City website

APPROVE MINUTES OF THE FEBRUARY 3, 2011 REGULAR MEETING

Unanimously approved as revised, to correct motion made for approval of the Consent
Agenda and grammatical changes

ITEMS OF BUSINESS:

1. Items relative to Middleton Farms:
 - A. Resolution approving a pre-annexation agreement with Richard Griffin, Bradley Kidder, Bennie Westphal and Patsy Bateman for the Middleton Farms Subdivision ~ *Tabled at February 3, 2011 regular meeting ~*
Approved 7 in favor 0 opposed / Resolution No. R-27-11
 - B. Ordinance accepting certain territory into the city of Fort Smith, Arkansas (327 acres) ~ *Tabled at February 3, 2011 regular meeting ~*
Approved 7 in favor 0 opposed / Ordinance No. 10-11

- C. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan – Extra Territorial Jurisdiction Low Density Residential to Residential Detached, Residential Attached and Commercial Neighborhood; Rezoning – Extra Territorial Jurisdiction Open-1 (ETJ O-1) to RS-3 by extension; RS-4, RS-5, RM-3, RSD-3 and Commercial-2 by classification / 12905 Rye Hill Road, Middleton Farms*) ~ Tabled at February 3, 2011 regular meeting ~
Approved 4 in favor, 2 opposed (Good and Catsavis) 1 abstention (Weber) / due to not receiving 5 affirmative votes to suspend with the full reading as required, the ordinance was read in its entirety for its first reading. The second reading will occur at the March 1, 2011 regular meeting.
2. Ordinance amending the Master Street Plan of the City of Fort Smith, Arkansas ~ Tabled at February 3, 2011 regular meeting ~
Approved 7 in favor 0 opposed / Ordinance No. 11-11
3. Public hearing and ordinance entitled, an ordinance to close and vacate and abandon an alley right-of-way located in Fitzgerald Addition, Block “Z” an addition to the City of Fort Smith, Arkansas
Approved 7 in favor 0 opposed with a provision that the Mayors signature be withheld pending completion of necessary sewer relocation / Ordinance No. 12-11
4. Ordinance amending Section 13-123 of the Fort Smith Code of Ordinances to provide for the appointment of the members of the Fort Smith Advertising and Promotion Commission
Approved 7 in favor 0 opposed / Ordinance No. 13-11
5. Items regarding operation of the convention center:
- A. Resolution approving a lease agreement for the Fort Smith Convention Center
Approved 7 in favor 0 opposed / Resolution No. R-28-11
- B. Ordinance referring to a special election of the electors in the City of Fort Smith, Arkansas a proposed ordinance for the levy of a one percent (1%) tax on the gross receipts or gross proceeds received by restaurants, cafes, catering, cafeterias, delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, and grocery store-restaurants from the sale of prepared food and beverages for on-premises or off-premises consumption; providing for the special election; and declaring an emergency
No action taken

THE BELOW ITEM PRESENTED FOR APPROVAL

Ordinance providing for the levy of a tax on the gross receipts or gross proceeds received by restaurants, cafes, catering cafeterias,

delicatessens, drive-in restaurants, carry-out restaurants, concession stands, convenience stores, and grocery store-restaurants from the sale of prepared food and beverages for on-premises or off-premises consumption; to declare an emergency and prescribing other matters pertaining thereto

Approved 4 in favor, 3 opposed (Hutchings, Catsavis & Settle) as amended to include a 5 year sunset clause to continue, reduce or otherwise modify the tax, as well as an effective date of June 1, 2011. Due to not receiving 5 affirmative votes to suspend with the full reading as required, the ordinance was read in its entirety for its first reading.

Directors Tyler, Good, Weber and Merry called a special meeting for 12:00 Noon Tuesday February 22, 2011, prior to the previously scheduled study session, to allow for the second reading. The above noted directors also called a special meeting for 6:00 p.m. Thursday February 24, 2011, location to be announced, to allow for the third reading.

6. Consent Agenda

- A. Resolution accepting an amendment to the proposal for the purchase, stabilization and renovation of the former Mallalieu Church building ~ 90 day extension requested at the February 8, 2011 study session ~
Approved 7 in favor 0 opposed Resolution No. R-29-11
- B. Resolution urging the Arkansas General Assembly to keep Fort Smith and Sebastian County in the Third Congressional District
Approved 7 in favor 0 opposed Resolution No. R-30-11
- C. Resolution of support for House Bill 1118 during the State of Arkansas 88th General Assembly regular session, 2011: for an Act to establish an investment tax credit for the rehabilitation and development of central business improvement districts; to establish an emergency; and for other purposes
Approved 7 in favor 0 opposed Resolution No. R-31-11
- D. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Project No. 10-03-D (\$10,240.59)
Approved 7 in favor 0 opposed Resolution No. R-32-11
- E. Resolution authorizing the office of City Administrator to issue notice to Wilson Brothers Construction Company, Inc. regarding the construction of 2010 Capital Improvements Program, Street Overlays/Reconstruction, Project No. 10-03-C and authorizing the office of City Administrator to implement necessary action to secure the completion of the subject project
Approved 7 in favor 0 opposed Resolution No. R-33-11

- F. Resolution authorizing the purchase of eight mobile data terminal laptops and vehicle mounting brackets from Dell for use by the Fort Smith Police Department (\$49,043.75)
Approved 7 in favor 0 opposed Resolution No. R-34-11
- G. Resolution authorizing execution of a memorandum of understanding of the City of Fort Smith, Arkansas, with the Federal Bureau of Investigation, Arkansas State Police Bomb Squad, Little Rock Fire Department Bomb Squad, Conway Fire Department Bomb Squad, El Dorado Police Department Bomb Squad, and the Bentonville Police Department Bomb Squad regarding a multi-jurisdictional response to improvised explosive devices
Approved 7 in favor 0 opposed Resolution No. R-35-11
- H. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (\$1,196,883.56)
Approved 7 in favor 0 opposed Resolution No. R-36-11
- I. Resolution authorizing partial payment to Branco Enterprises, Inc. for construction of the Phase II “P” Street Wastewater Treatment Plant Wet Weather Improvements – Schedule 2 (\$785,495.81)
Approved 7 in favor 0 opposed Resolution No. R-37-11
- J. Resolution authorizing the City Administrator to accept an offer made by a property owner for the acquisition of real property interests for the Zero Street Outfall Phase II Sewer Improvements (\$3,200.00)
Approved 7 in favor 0 opposed Resolution No. R-38-11
- K. Resolution authorizing the Mayor to execute an easement to Oklahoma Gas & Electric Company
Approved 7 in favor 0 opposed Resolution No. R-39-11
- L. Resolution authorizing the office of City Administrator to issue notice of termination of services with Wilson Brothers Construction Company, Inc. for the construction of Rye Hill Sewer Outfall Phase IV, City of Fort Smith Project No. 08-08-C4 and authorizing the office of City Administrator to investigate necessary action to secure the completion of the subject project
Approved 7 in favor 0 opposed Resolution No. R-40-11

EXECUTIVE SESSION

Appointments:

CONVENTION CENTER COMMISSION

Scott McLain *(to fill the unexpired term of Salvatore Salamone who resigned)*

Term expires August 31, 2015

**OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

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CITIZENS FORUM ~ presentation of information by citizen ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. **Presentations are limited to 2 minutes for each citizen
(Section 2-44(b) of Ordinance No. 24-10)**

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ADJOURN