



Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

**Board of Directors**

Ward 1 – Keith Lau

Ward 2 – Andre' Good

Ward 3 – Mike Lorenz

Ward 4 – George Catsavis

At Large Position 5 – Pam Weber

At Large Position 6 – Kevin Settle

At Large Position 7 – Philip H. Merry Jr.

**AGENDA ~ Summary**  
**Fort Smith Board of Directors**  
**Regular Meeting**  
**February 19, 2013 ~ 6:00 P.M.**  
**Fort Smith Public Schools Service Center**  
**3205 Jenny Lind Road**

***THIS MEETING IS BEING TELECAST LIVE ON THE GOVERNMENT ACCESS CHANNEL 6***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*All present (Mayor Sanders was absent; therefore, Vice-Mayor Settle presided)*

**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 the City Access Channel 6 or City website*

**APPROVE MINUTES OF THE FEBRUARY 5, 2013 REGULAR MEETING**

*Unanimously approved as written*

**ITEMS OF BUSINESS:**

1. Ordinance amending Section 14-27 and adding Section 14-33 to the Fort Smith Municipal Code to authorize urban deer hunts within the city limits under specified conditions ~ *Settle/Lau placed on agenda at the January 8, 2013 study session / 1<sup>st</sup> reading – January 15, 2013 regular meeting / 2<sup>nd</sup> reading as amended – February 5, 2013 regular meeting ~ \*\* Third and Final Reading \*\**  
*Adopted upon completion of third and final reading / Ordinance No. 8-13*
2. Ordinance amending identified sections and repealing Section 4-115 (a)(5) of the Fort Smith Municipal Code to authorize certain changes and additional regulations pertaining to domestic animals ~ *Lau/Merry placed on agenda at the February 12, 2013 study session ~*

Approved 7 in favor, 0 opposed as revised to remove amendments to Section 4-116(A)(3) and 4-116(A)(3)(a) regarding running at large violations / Ordinance No. 9-13

3. Ordinance declaring an exceptional situation requiring the waiving of competitive bidding and authorizing execution of a contract between the Sebastian County Humane Society and the City of Fort Smith, Arkansas  
Approved 7 in favor, 0 opposed with acceptance of revised agreement with minor language amendments / Ordinance No. 10-13
4. Ordinance establishing prices and fees for grave spaces and services at Oak Cemetery  
DEFEATED – Ordinance died for lack of a second
5. Ordinance amending Section 2-48 of the Fort Smith Municipal Code regarding appointment of members to boards, commissions or committees  
Approved 7 in favor, 0 opposed / Ordinance No. 11-13
6. Consent Agenda
  - A. Resolution by the City of Fort Smith Board of Directors regarding the passage and use of county-wide sales tax proceeds ~ *Weber/Lorenz placed on agenda at the February 12, 2013 study session* ~  
Approved 7 in favor, 0 opposed / Resolution No. R-22-13
  - B. Resolution endorsing continuation of the County-Wide Sales Tax ~ *Weber/Lorenz placed on agenda at the February 12, 2013 study session* ~  
Approved 7 in favor, 0 opposed / Resolution No. R-23-13
  - C. Resolution accepting the report of the Water and Sewer Operations Efficiency Study ~ *Settle/Lorenz placed on agenda at the February 7, 2013 Joint Meeting with the Water and Sewer Efficiency Study Task Force* ~  
Approved 7 in favor, 0 opposed / Resolution No. R-24-13
  - D. Resolution authorizing the Mayor to enter into an agreement with The Western Arkansas Tennis Association for operation of the tennis center at Creekmore Park  
Approved 7 in favor, 0 opposed / Resolution No. R-25-13
  - E. Resolution authorizing execution of an agreement between the City of Fort Smith and Arkoma Municipal Authority for the treatment of wastewater  
Approved 7 in favor, 0 opposed / Resolution No. R-26-13

- F. Resolution authorizing execution of an agreement between City of Fort Smith and Arkoma Municipal Authority for the purchase of surplus water  
*Approved 7 in favor, 0 opposed / Resolution No. R-27-13*
- G. Resolution authorizing Amendment No. 1 to Authorization No. 4 with CDM Smith, Inc. for engineering services for the Mill Creek Wastewater Pump Station Wet Weather Improvements (\$315,300.00 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)  
*Approved 7 in favor, 0 opposed / Resolution No. R-28-13*
- H. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with the Lake Fort Smith 48-Inch Water Transmission Line (\$16,000.00 / *Utility Department / Budgeted – 2008 Revenue Bonds*)  
*Approved 7 in favor, 0 opposed / Resolution No. R-29-13*
- I. Resolution authorizing acquisition of real property interests for the Chaffee Crossing Water Supply Improvements – Geren Road and Massard Road Water Lines (\$8,476.00 / *Utility Department / Budgeted - 2012 Sales and Use Tax Bonds*)  
*Approved 7 in favor, 0 opposed as amended to remove acquisition of Tract 9 - ERC Land Development Group / Resolution No. R-30-13*
- J. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of easements in connection with the Chaffee Crossing Water Supply Improvements - Geren Road and Massard Road Water Lines (\$4,028.75 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)  
*Approved 7 in favor, 0 opposed / Resolution No. R-31-13*
- K. Ordinance declaring an exceptional situation, waiving the requirements of competitive bidding and accepting the proposal from Harris Company of Fort Smith for storm drainage improvements along Massard Road (\$15,045.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)  
*Approved 7 in favor, 0 opposed / Ordinance No. 12-13*
- L. Resolution authorizing Change Order No. 2 with Axioo Construction, Inc. for the Zero Street Pump Station Wet Weather Improvements – Site Remediation (\$26,788.78 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)  
*Approved 7 in favor, 0 opposed / Resolution No. R-32-13*
- M. Resolution accepting bids for the purchase of refuse trucks (\$936,185.78 / *Sanitation Department / Budgeted – Sinking Funds and Capital Outlay*)  
*Approved 7 in favor, 0 opposed / Resolution No. R-33-13*

- N. Resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2013-2014 (\$835,791.00 / Various Departments / Budgeted)  
Approved 7 in favor, 0 opposed / Resolution No. R-34-13

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

- Mayor
- Directors
- City Administrator

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**EXECUTIVE SESSION**

Appointments:

**Animal Services Advisory Board**

Brook Borengasser (to fill the unexpired term of Cheryl Gilmore, who resigned)  
Term expires April 3, 2014

**Arkansas Fair and Exhibition Facilities Board**

Ken Pevehouse (reappointment)  
Andrew Smith  
Terms expire March 7, 2018

**Civil Service Commission**

Orval Smith  
Term expires March 31, 2019

**Fort Smith Housing Authority**

Richard S. Foti (reappointment)  
Term expires March 3, 2018

**Outside Agency Review Panel**

W. Tyler Lamon  
Term expires March 31, 2016

**Parking Authority**

Stuart Ghan  
Term expires December 31, 2017

**Plumbing Advisory Board**

Alan Anderson (reappointment)  
Term expires February 28, 2017

**Port Authority**

Dustin Collgye *(to fill the unexpired term of Rick Parrish, who resigned)*  
Term expires July 31, 2013

**Property Owners Appeal Board**

Joel Culberson *(to fill the unexpired term of Sherry McKinney, who resigned)*  
Term expires July 14, 2013

**ADJOURN**

**7:08 p.m.**