

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
July 9, 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 (Vice-Mayor Settle presiding)

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 JUNE 18, 2013 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith *(correct verbiage for clarification)*
Approved 7 in favor, 0 opposed / Ordinance No. 27-13
2. Ordinance ordering the owners of a certain dilapidated and substandard structure to demolish same, authorizing the City Administrator to cause the demolition of such structure to occur, and for other purposes *(4301 Wirsing Avenue)*
Approved 7 in favor, 0 opposed / Ordinance No. 28-13

3. Ordinance amending Chapter 25, Article VII, of the Fort Smith Municipal Code to amend Section 25-261 regarding the definitions pertaining to solid waste services ~ *Settle/Good placed on agenda at the June 11, 2013 study session ~*
Approved 4 in favor, 3 opposed (Catsavis, Weber & Merry) / This ordinance was adopted, but did not obtain 5 affirmative votes required for passage on its first reading. The ordinance was read in its entirety for its first reading and the second reading is scheduled to occur at the July 16, 2013 regular meeting.
4. Resolution of the Board of Directors of the City of Fort Smith certifying local government endorsement of business (Answer Fort Smith, Inc.) to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003)
Approved 7 in favor, 0 opposed / Resolution No. R-101-13
5. Consent Agenda
 - A. Resolution to accept the bids and authorize contract for the construction of Traffic Signal Improvements, Project No. 13-09-A (\$238,492.50 / Engineering Department / Budgeted – Sales Tax Program Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-102-13
 - B. Resolution accepting bid for the purchase of a vacuum jet cleaner truck (\$351,579.00 / Utility Department / Budgeted – Capital Outlay Program)
Approved 7 in favor, 0 opposed / Resolution No. R-103-13
 - C. Resolution authorizing the Mayor to execute a re-plat of City property at Cisterna Villa in connection with the Chaffee Crossing Water Supply Improvements – Pump Station
Approved 7 in favor, 0 opposed / Resolution No. R-104-13
 - D. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Nebo Residuals Services, Inc. for the Lake Fort Smith and Lee Creek Water Treatment Plant Residuals Lagoon Cleaning (\$450,000.00 / Utility Department / Budgeted - Water and Wastewater General Account)
Approved 7 in favor, 0 opposed / Resolution No. R-105-13
 - E. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Mickle Wagner Coleman, Inc. for engineering services for the Chaffee Crossing Sewer Pump Station and Force Main (\$40,326.00 / Utility Department / Budgeted – 2008 Revenue Bonds)
Approved 7 in favor, 0 opposed / Resolution No. R-106-13

- F. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Chaffee Crossing Area F Sewer Extension (\$216,509.10 / Utility Department / Budgeted – 2008 Revenue Bonds)

Approved 7 in favor, 0 opposed / Resolution No. R-107-13

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

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

ADJOURN

6:43 p.m.

ORDINANCE NO. 27-13

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding these amendments and recommended on June 11, 2013, that said changes be made; and,

WHEREAS, three (3) copies of Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH THAT:

SECTION 1: Section 27-402(B) (1) of the Unified Development Ordinance is hereby amended as follows:

Where zoning district boundary lines are indicated as following alleys, streets, or railroads, the boundary lines are located and measured along the center line of the street right of way, railroad, or alley.

SECTION 2: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 9th DAY OF July, 2013.

APPROVED:



Vice - Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

JULY 2013

**AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE**

Plan Classification	New Zoning District	Existing Zoning District
		I-42-O I-43-O I-4-SPL
Other		
Park/Open Space/ Floodway	<ul style="list-style-type: none"> ▪ No districts - Floodway must be FEMA mapped ▪ Park/Open Space must be identified by owner as same 	F-1 Any zoning classification O-1
Institutional	No districts, land use classifications identifies existing institutional uses as may be permitted in any district	All residential zones TOS-1 TOS-2 I-1 I-2 I-3 C-5 C-5 (SPL A-D) C-6- SPL H-1

27-402 Zoning Map

- A. Adoption and Maintenance.** The location and boundaries of the zoning districts established by the Unified Development Ordinance are shown on the City of Fort Smith Zoning Map, which is maintained by the Planning and Zoning Department. The zoning map shall be considered a part of the Unified Development Ordinance by reference. If there is any dispute regarding the zoning classifications of properties which are subject to the Unified Development Ordinance regulations, the zoning map kept by the Planning and Zoning Department shall govern.
- B. Location of District Boundaries.** The following rules shall apply in interpreting zoning district boundaries when the location of such boundaries are unclear:
1. Where zoning district boundary lines are indicated as following alleys, streets, or railroads, the boundary lines are located and measured along the center line of the street right of way, railroad, or alley.

ORDINANCE NO. 28-13

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.

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: It is hereby determined by the Board of Directors that the hereinafter described tracts of real property, and the improvements located there, are dilapidated, unsafe and otherwise detrimental to the public health and constitute structural, fire and health hazards:

Street Address: 4301 Wirsing Avenue - S ½ Lot 7, Block 1; Fort Smith City

SECTION 2: The owners of the tracts of real property described in Section 1 are hereby ordered to remove or raze the improvements located on the said tracts of property and to remedy the unsightly and unsanitary conditions otherwise located on said tracts of real property within thirty (30) days from the date of this ordinance.

SECTION 3: With reference to any tract identified in Section 1 as to which compliance with the direction of Section 2 has not occurred within thirty (30) calendar days from the date of passage of this ordinance, the City Administrator is hereby authorized to execute a contract, based on the bid(s) accepted on the date of this action or at a later date, for the removal or razing of the described improvements on the tract of real property.

SECTION 4: The provisions of this ordinance are hereby declared to be severable to the extent that a decision by any court of competent jurisdiction determining that any portion of this ordinance or any application thereof is unconstitutional, invalid or otherwise illegal shall not affect the constitutionality, validity or legality of the other provisions and/or applications of the ordinance.

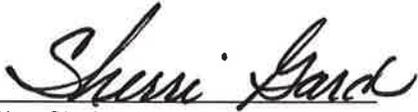
SECTION 5: Emergency Clause. It is hereby found and declared by the Board of Directors that the dilapidated, unsanitary condition of the tracts of real property and improvements described herein constitute an immediate menace to the health, welfare and safety of the citizens of the City so that an emergency is hereby declared and that this ordinance shall be effective from and after the date of its passage.

This Ordinance adopted this 9th day of July 2013.

APPROVED:


Vice-Mayor _____

ATTEST:


City Clerk

Approved as to form:


Publish One Time

Tax Back

Resolution



RESOLUTION No. R-101-13

RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Answer Fort Smith, Inc., located at 5805 Hwy 271 South, Fort Smith, Arkansas has sought to participate in the program and more specifically has requested benefits accruing from construction and/or expansion of the specific facility; and

WHEREAS, Answer Fort Smith, Inc. has agreed to furnish the local government all necessary information for compliance.

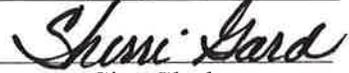
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

1. Answer Fort Smith, Inc. be endorsed by the Board of Directors of the City of Fort Smith for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. **The Department of Finance and Administration is authorized to refund local sales and use taxes to Answer Fort Smith, Inc.**
3. This resolution shall take effect immediately.



Vice-Mayor

Date Passed: 7/9/2013

Attest: 

City Clerk

Approved as to form:


No Publication Required

RESOLUTION R-102-13

**A RESOLUTION TO ACCEPT THE BIDS AND AUTHORIZE
CONTRACT FOR THE CONSTRUCTION OF
TRAFFIC SIGNAL IMPROVEMENTS
PROJECT NO. 13-09-A**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The bid of Traffic Signals, Inc., received June 25, 2013, for the construction of Traffic Signal Improvements, Project No. 13-09-A, in the amount of \$238,492.50 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Traffic Signals, Inc., subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this 9th day of July, 2013.

APPROVED:


Vice-Mayor

ATTEST:


City Clerk

Approved as to Form


No Publication Required

RESOLUTION NO. R-103-13

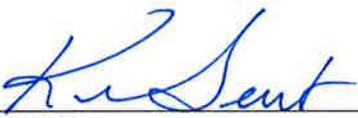
RESOLUTION ACCEPTING BID FOR THE PURCHASE OF A
VACUUM JET CLEANER TRUCK

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
FORT SMITH, ARKANSAS, THAT:

The bid, as indicated by enclosure for the purchase of a vacuum jet cleaner
truck from Vac-Con, Inc. \$351,579, is accepted.

This Resolution adopted this 9th day of July, 2013.

APPROVED:


VICE - MAYOR

ATTEST:


CITY CLERK

Approved as to form:


No Publication Required

Interoffice Memorandum

TO: Ray Gosack, City Administrator

COPY TO: Steve Parke, Director of Utilities

FROM: Alie Bahsoon, Purchasing Manager

SUBJECT: Purchase of Vacuum Jet Cleaner Truck

DATE: June 24, 2013



In December of 2005, the Board of Directors approved Ordinance 93-05, thereby authorizing the City to participate in the State Cooperative Purchasing program. This process has enabled us to take advantage of other negotiated contracts that the State of Arkansas currently participates in.

One of these contracts is the *U.S. Communities Government Purchasing Alliance*, a national organization for local government agencies to assist them in making better use of their collective purchasing powers and improving their overall purchasing effectiveness.

The Houston-Galveston Area Council (H-GAC) is a member of this alliance. Because of their contract, local governments nationwide are permitted to purchase through their cooperative purchasing program. The State of Arkansas has executed an "Inter-local Contract" with H-GAC through the U.S. Communities Government Purchasing Alliance.

The Sewer Line Maintenance Department has budgeted \$402,500 for this purchase. Funding has been appropriated for in the Capital Outlay Account (5611-304) of the 2013 City Budget. Because of the H-GAC contract, bids were not solicited and we are therefore acquiring this truck from Vac-Con, Inc. in the amount of \$351,579.

Please be advised that this purchase fulfills all of the purchasing obligations as mandated by both state and local purchasing requirements; I am therefore recommending that the enclosed resolution is approved.

INTER-OFFICE MEMO

TO: Ray Gosack, City Administrator

DATE: June 25, 2013

FROM: Steve Parke, Director of Utilities

SUBJECT: Sewer Jet Cleaning Truck Purchase
Operations Program 5611

The 2013 operating budget includes the purchase of a replacement sewer jet cleaning truck for the sewer line maintenance program 5611. Sewer line maintenance operates three jet cleaning trucks to clean sanitary sewer lines, pump station wet wells and miscellaneous facilities. The truck to be replaced is a 2001 Vac-Con and had an estimated 125,000 miles on the drivetrain and 10,957 hours on the auxiliary equipment as of June 24, 2013. About \$7,700 has been spent on repairs to this unit over the past twelve months and there is currently a pending repair estimate of \$9,000 to keep the unit in service. The increasing time that the truck is unavailable for work creates inefficiencies in the program's operations.

The 2013 budget established \$402,500 for the purchase of a replacement sewer jet cleaning truck. The price for the replacement truck and equipment was received at the amount of \$351,579.00. The purchasing department has prepared a Resolution authorizing this purchase for the Board's consideration.

Should you or members of the Board have any questions or desire additional information, please let me know.

cc: Jeff Dingman
Alie Bahsoon

RESOLUTION NO. R-104-13

5 C

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REPLAT OF CITY
PROPERTY AT CISTERNA VILLA IN CONNECTION WITH THE CHAFFEE
CROSSING WATER SUPPLY IMPROVEMENTS - PUMP STATION

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS that:

The Mayor is hereby authorized to execute a replat of Lots 36 and 37, Cisterna Villa at
Chaffee Crossing, for a water pump station site in connection with the Chaffee Crossing Water
Supply Improvements - Pump Station, Project Number 12-04-P.

This Resolution adopted this 9th day of July 2013.

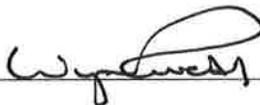
APPROVED:


Vice-Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH NEBO RESIDUALS SERVICES,
INC., FOR THE LAKE FORT SMITH AND LEE CREEK WATER
TREATMENT PLANT RESIDUALS LAGOON CLEANING

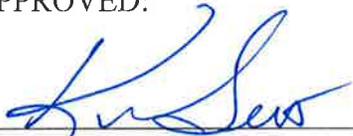
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: The bid of Nebo Residuals Services, Inc., for the performance of the Lake
Fort Smith and Lee Creek Water Treatment Plant Residuals Lagoon Cleaning, Project Number
13-06-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Nebo Residuals
Services, Inc., in the amount of \$450,000.00, for performing said services.

This Resolution adopted this 9th day of July 2013.

APPROVED:



Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH NEBO RESIDUALS SERVICES,
INC., FOR THE LAKE FORT SMITH AND LEE CREEK WATER
TREATMENT PLANT RESIDUALS LAGOON CLEANING

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: The bid of Nebo Residuals Services, Inc., for the performance of the Lake
Fort Smith and Lee Creek Water Treatment Plant Residuals Lagoon Cleaning, Project Number
13-06-C1, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Nebo Residuals
Services, Inc., in the amount of \$450,000.00, for performing said services.

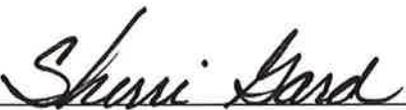
This Resolution adopted this 9th day of July 2013.

APPROVED:



Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH MICKLE WAGNER COLEMAN, INC., FOR ENGINEERING SERVICES FOR THE CHAFFEE CROSSING SEWER PUMP STATION AND FORCE MAIN

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

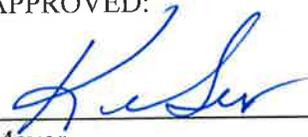
SECTION 1: A Resolution authorizing an Agreement and Authorization Number One with Mickle Wagner Coleman, Inc., for engineering services associated with the Chaffee Crossing Sewer Pump Station and Force Main, Project 13-04-ED1, was adopted on March 27, 2013.

SECTION 2: Authorization Number Two to the Agreement with Mickle Wagner Coleman, Inc., for providing construction phase services for the Chaffee Crossing Area F Sewer Extension, Project Number 13-04-EC1, said services being a part of the Chaffee Crossing Sewer Pump Station and Force Main Improvements, is hereby approved.

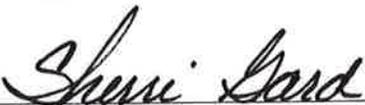
SECTION 3: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$40,326.00.

This Resolution adopted this 9th day of July 2013.

APPROVED:


Vice-Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH FORSGREN, INC., FOR THE
CHAFFEE CROSSING AREA F SEWER EXTENSION

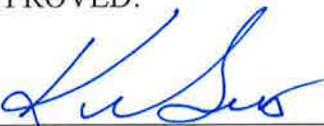
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: The bid of Forsgren, Inc., for the construction of the Chaffee Crossing Area
F Sewer Extension, Project Number 13-04-C1, being part of the Chaffee Crossing Sewer Pump
Station and Force Main Improvements, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc.,
for an amount of \$216,509.10, for performing said construction.

This Resolution adopted this 9th day of July 2013.

APPROVED:



Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr