

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**  
**December 17, 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 214***

**INVOCATION & 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 the City Access Channel 214 or City website*

**APPROVE MINUTES OF THE DECEMBER 3, 2013 REGULAR MEETING AND DECEMBER 10, 2013 SPECIAL MEETING**

*Unanimously approved as written*

**ITEMS OF BUSINESS:**

1. Public hearing and ordinance to close and vacate and abandon a portion of an alley right-of-way located in South Fort Smith, Block 18, an addition to the City of Fort Smith, Arkansas  
*Approved 7 in favor, 0 opposed / Ordinance No. 71-13*
2. Public hearing and resolution approving the use of proceeds from the sale of certain health care facilities located in the city of Hot Springs, Arkansas owned and operated by Mercy Health, a Missouri non-profit organization  
*Approved 5 in favor, 1 opposed (Catsavis), 1 abstention (Lau) / Resolution No. R-184-13*
3. Aquatic Center Project ~ *Settle/Lorenz placed on agenda at the December 9, 2013 special study session / joint meeting with Sebastian County Quorum Court ~*
  - A. Resolution approving the 2013 amendment to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park for Aquatic Center Design at an estimated \$8,800,000  
*Approved 4 in favor, 3 opposed (Lau, Catsavis & Weber) with provision that the Mayor will only sign this resolution and associated agreement in the event the Sebastian County Quorum Court approves the same agreement / Resolution No. R-185-13*

- B. Resolution approving the 2013 amendment to an agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park for Aquatic Center design at an estimated \$10,900,000  
*Approved 4 in favor, 3 opposed (Catsavis, Weber & Merry) with provision that the Mayor will only sign this resolution and associated agreement in the event the Sebastian County Quorum Court approves the same agreement. If \$10.9 million is approved by both the City and County, this matter will be referred to the Parks and Recreation Commission to review reallocation of Parks CIP Projects to accommodate additional funding / Resolution No. R-186-13*
4. Consent Agenda
- A. Resolution granting a temporary revocable license for the placement of fencing within a public right-of-way and authorizing the Mayor to execute agreement (5118 South 28<sup>th</sup> Street)  
*Approved 7 in favor, 0 opposed / Resolution No. R-187-13*
- B. Resolution assessing liquidated damages for the construction of Flagstone Road Extension, Phase II, Project No. 12-00-C (\$10,000.00 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-188-13*
- C. Resolution accepting completion of and authorizing final payment for the construction of Flagstone Road Extension, Phase II, Project No. 12-00-C (\$19,181.36 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-189-13*
- D. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 11-06-A (\$57,948.81 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-190-13*
- E. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays/Reconstruction, Phase C, Project No. 13-03-C (\$34,792.77 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-191-13*
- F. Resolution accepting completion of and authorizing final payment for the construction of Dallas Street Repair / Diamond Grinding, Project No. 13-90-A (\$2,067.67 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-192-13*
- G. Resolution authorizing a time extension and assessing liquidated damages for the construction of McClure Amphitheater Road, Project No. 12-00-A. (\$33,000.00 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-193-13*
- H. Resolution accepting completion of and authorizing final payment for the construction of McClure Amphitheater Road, Project No. 12-00-A (\$30,622.33 / Engineering Department / Budgeted – Sales Tax Program Fund)  
*Approved 7 in favor, 0 opposed / Resolution No. R-194-13*
- I. Resolution authorizing the Mayor to execute a lease agreement with the United States Coast Guard Auxiliary Flotilla 15-5 located at 3802 Grand Avenue  
*Approved 7 in favor, 0 opposed / Resolution No. R-195-13*

- J. Resolution authorizing the Mayor to execute a lease agreement with Fort Smith Emergency Medical Services located at 1701 South Greenwood Avenue  
*Approved 7 in favor, 0 opposed / Resolution No. R-196-13*
- K. Resolution authorizing execution of a space use agreement with Young Actors Guild for space on the upper level of the Convention Center Annex  
*Approved 7 in favor, 0 opposed / Resolution No. R-197-13*
- L. Resolution approving a tolling agreement with the United States Department of Justice relating to wet weather sanitary sewer work  
*Approved 7 in favor, 0 opposed / Resolution No. R-198-13*
- M. Resolution authorizing Change Order No. 1 for additional work with Forsgren, Inc. for the Sunnymede Interceptor Improvements (\$48,421.50 / Utility Department / Not Budgeted – 2012 Sales and Use Tax Bonds)  
*Approved 7 in favor, 0 opposed / Resolution No. R-199-13*
- N. Resolution authorizing Change Order No. 1 to the contract with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station (\$6,371.91 / Utility Department / Not Budgeted - 2012 Sales and Use Tax Bonds)  
*Approved 7 in favor, 0 opposed / Resolution No. R-200-13*
- O. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Hawkins-Weir Engineers, Inc. for engineering services for the Neighborhood Water System Improvements – Haven Hill and North “K” Street (\$95,000.00 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)  
*Approved 7 in favor, 0 opposed / Resolution No. R-201-13*
- P. Resolution accepting the bid of and authorizing a contract with Brothers Construction, Inc. for the Neighborhood Water System Improvements – Haven Hill and North “K” Street (\$1,158,714.00 / Utility Department / Budgeted - 2012 Sales and Use Tax Bonds)  
*Approved 7 in favor, 0 opposed / Resolution No. R-202-13*
- Q. Resolution setting public hearing date on petition to vacate an alley located in Reserve Addition, Block 575 an addition to the City of Fort Smith, Arkansas  
*Approved 7 in favor, 0 opposed / Resolution No. R-203-13*

**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 214 or City website*

**EXECUTIVE SESSION (approximately 7:13 p.m.)**

Appointments:

**AUDIT COMMITTEE**

Director Kevin Settle (reappointment)

Lavon Morton (reappointment)

Kip Jarvis

Terms expire December 31, 2016

**BUILDING BOARD OF ADJUSTMENT AND APPEALS**

Mark Koch

Brett Abbott

Terms expire November 30, 2017

**LIBRARY BOARD OF TRUSTEES**

Kevin Lacewell (reappointment)

Joshua Keifer

Terms expire December 31, 2018

**TRANSIT ADVISORY COMMISSION**

Tim Hearn *(to fill the unexpired term of Charles Mills, deceased)*

Term expires July 15, 2017

**ADJOURN**

7:27 p.m.

ORDINANCE NO. 71-13

1.

**AN ORDINANCE ENTITLED, AN ORDINANCE TO CLOSE AND VACATE AND  
ABANDON A PORTION OF AN ALLEY RIGHT-OF-WAY LOCATED IN  
SOUTH FORT SMITH, BLOCK 18, AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

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**WHEREAS**, a petition was duly filed with the Board of Directors of the City of Fort Smith, Arkansas, November 25, 2013, asking the Board of Directors to vacate and abandon an alley right-of-way located in South Fort Smith, Block 18, an addition to the City of Fort Smith, Arkansas, more particularly described as follows:

The twenty feet (20') wide alley right-of-way, in South Fort Smith, Block 18, lying between Lots 5-8 and Lots 9-12, Fort Smith, Sebastian County, Arkansas, according to the plat filed December 16, 1913

**WHEREAS**, after notice as required by law, the Board of Directors has at the time and place mentioned in the notice duly published as required by law, heard all persons as desiring to be heard on the questions, and has ascertained that the said alley right-of-way as described above has heretofore been dedicated to the public use as an alley right-of-way and at this time is no longer required for the corporate purposes, and that said portion of alley right-of-way is of no practical purpose or general purpose to the citizens of Fort Smith and it is in the best interest of the citizens of Fort Smith that the alley right-of-way be closed; and that the public interest and welfare will not be adversely affected by the abandonment of the said alley.

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

**SECTION 1:** The City of Fort Smith hereby releases, vacates and abandons all of its rights, title and interest, together with the right of the public generally, in and to the alley designated as follows:

The twenty feet (20') wide alley right-of-way, in South Fort Smith, Block 18, lying between Lots 5-8 and Lots 9-12, Fort Smith, Sebastian County, Arkansas, according to the plat filed December 16, 1913

**SECTION 2:** A copy of this Ordinance duly certified by the City Clerk shall be filed in the Office of the County for the Fort Smith District of Sebastian County, Arkansas, and recorded in the deed records of said county.

**SECTION 3:** This Ordinance shall take effect and be in effect from and after its passage.

**PASSED AND APPROVED THIS 17<sup>th</sup> DAY OF DECEMBER 2013.**

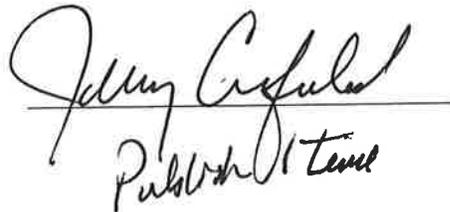
**APPROVED:**

  
Mayor

**ATTEST:**

  
City Clerk

Approved as to form:

  
Publishing Clerk

RESOLUTION NO. R-184-13

**A RESOLUTION APPROVING THE USE OF PROCEEDS FROM THE SALE OF  
CERTAIN HEALTH CARE FACILITIES LOCATED IN THE CITY OF HOT  
SPRINGS, ARKANSAS OWNED AND OPERATED BY MERCY HEALTH, A MISSOURI  
NONPROFIT CORPORATION**

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WHEREAS, Mercy Health, a Missouri nonprofit corporation, may sell certain of its health care facilities located in the City of Hot Springs, Arkansas (the "Existing Facilities"); and

WHEREAS, the Existing Facilities were originally financed or refinanced with a portion of the following revenue bonds issued by the Health and Educational Facilities Authority of the State of Missouri (the "Authority") for the benefit of Mercy Health: \$378,300,000 Health Facilities Revenue Bonds (Sisters of Mercy Health System), Series 2001A, B and C and \$376,425,000 Variable Rate Demand Health Facilities Revenue Bonds (Mercy Health), Series 2011A, B, C and D; and

WHEREAS, the maximum aggregate face amount of the Authority's obligations that will be affected as a result of the sale of the Existing Facilities is not expected to exceed \$75,000,000; and

WHEREAS, Mercy Health may use sale proceeds in an amount not to exceed \$35,000,000 to finance the costs of certain health facilities including the acquisition, construction, renovation, and equipping of an orthopedic hospital, two primary care clinics and other capital improvements to be owned and operated by Mercy Hospital Fort Smith, an Arkansas nonprofit corporation and affiliate of Mercy Health, subject to all applicable development and building codes, ordinances and approvals of the City with respect to construction projects in the City; and

WHEREAS, the Authority has requested the City to provide "Host Approval" under Section 147(f) of the Internal Revenue Code in connection with the use of the sale proceeds in the City; and

WHEREAS, the City has been assured that there will be no financial liability accruing to the City as a result of such

approval and that this approval shall constitute approval solely for the purpose of permitting Mercy Health to proceed with the use of the sale proceeds in the City; and

WHEREAS, pursuant to the requirements of the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") Mercy Health provided for the publication of notice of an open public hearing to permit the public to comment on the proposed use of the sale proceeds; and

WHEREAS, the notice was published on December 2, 2013 in the *Times Record*, the official newspaper of the City, which publication date is more than 14 days prior to today's date; and

WHEREAS, on today's date, the Board of Directors held an open public hearing permitting the public to comment on the proposed use of the sale proceeds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that:

The use by Mercy Health of the sale proceeds in the City as described in the notice of public hearing is hereby approved.

This Resolution passed this 17th day of December, 2013.

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

This resolution was adopted with a provision that the Mayor will only sign this resolution and associated agreement in the event the Sebastian County Quorum Court also approves the coinciding agreement for the same amount of \$8.8 million. The Sebastian County Quorum Court approved the agreement for \$10.9 million on December 17, 2013; therefore, this resolution is considered to be NULL AND VOID.

**3A**

RESOLUTION NO. R-185-13

Sherri Gard, City Clerk

A RESOLUTION APPROVING THE 2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK FOR AQUATIC CENTER DESIGN AT AN ESTIMATED \$8,800,000

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to amend such agreement to reflect that the updated cost of designing and building the facility, (estimated at \$8,800,000) are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Amendment to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

BE IT FURTHER RESOLVED that Resolution No. R-37-13 is hereby repealed.

THIS RESOLUTION passed this 17<sup>th</sup> day of December, 2013.

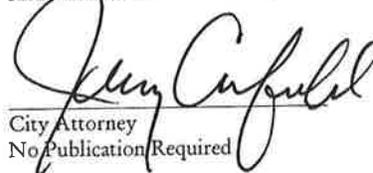
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney  
No Publication Required

RESOLUTION NO. R-186-13

## A RESOLUTION APPROVING THE 2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK FOR AQUATIC CENTER DESIGN AT AN ESTIMATED \$10,900,000

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to amend such agreement to reflect that the updated cost of designing and building the facility, (estimated at \$10,900,000) are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Amendment to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

BE IT FURTHER RESOLVED that Resolution No. R-37-13 is hereby repealed.

THIS RESOLUTION passed this 17<sup>th</sup> day of December, 2013.

APPROVED:



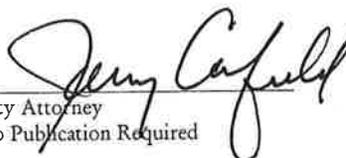
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



City Attorney  
No Publication Required

RESOLUTION NO. R-187-13

A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE  
PLACEMENT OF FENCING WITHIN A PUBLIC RIGHT-OF-WAY  
AND  
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT

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

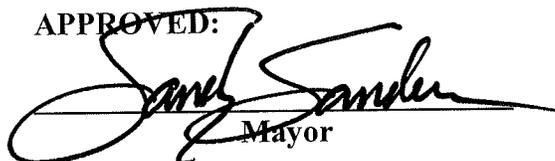
**SECTION 1:** A Temporary Revocable License is hereby granted to Angie M. Carter, Shirley Ann Lowther, and Donna S. Carter, their successors or assigns for the placement and maintenance of fencing within a public right-of-way as shown on Exhibit "A" and adjacent to the following described property:

South Fort Smith, Block 18, Lot 5A, an addition to the  
City of Fort Smith, Sebastian County, Arkansas

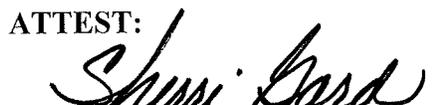
**SECTION 2:** The Mayor is authorized to execute the agreement for the above-captioned Temporary Revocable License.

THIS RESOLUTION ADOPTED THIS 17<sup>th</sup> DAY OF December 2013.

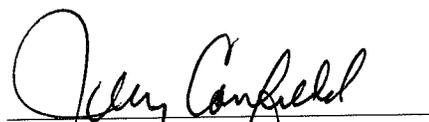
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to form:

  
NPR



RESOLUTION R-188-13

A RESOLUTION ASSESSING LIQUIDATED DAMAGES  
FOR THE CONSTRUCTION OF  
FLAGSTONE ROAD EXTENSION, PHASE II  
PROJECT NO. 12-00-C

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

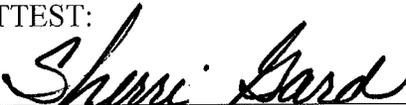
SECTION 1: The City of Fort Smith hereby assesses liquidated damages for 10 calendar days in the amount of \$10,000.00 on Flagstone Road Extension, Phase II, Project No. 12-00-C.

This resolution adopted this 17<sup>th</sup> day of December, 2013.

APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_

- No Publication Required
- Publish \_\_\_ Times

RESOLUTION R-189-13

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
FLAGSTONE ROAD EXTENSION, PHASE II  
PROJECT NO. 12-00-C**

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

SECTION 1: The City of Fort Smith hereby accepts the completion of the Flagstone Road Extension, Phase II, Project No. 12-00-C.

SECTION 2: Final payment is hereby authorized in the amount of \$19,181.36 to the contractor, Goodwin & Goodwin, Inc. for the Flagstone Road Extension, Phase II, Project No. 12-00-C.

This resolution adopted this 17<sup>th</sup> day of December, 2013.

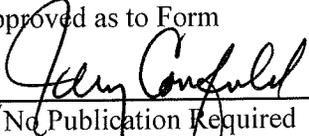
APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_\_\_ Times

RESOLUTION R-190-13

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
DRAINAGE IMPROVEMENTS  
PROJECT NO. 11-06-A**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of 2011 Drainage Improvements Phase A, Project No. 11-06-A as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$57,948.81 to the contractor, Crawford Construction, for 2011 Drainage Improvements Phase A, Project No. 11-06-A.

This resolution adopted this 17<sup>th</sup> day of December, 2013.

APPROVED:

Sandy Sanden  
Mayor

ATTEST:

Sherril Gard  
City Clerk

Approved as to Form

Jeremy Campbell  
 No Publication Required  
 Publish      Times

RESOLUTION R-191-13

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
STREET OVERLAYS / RECONSTRUCTION, PHASE C  
PROJECT NO. 13-03-C**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of Street Overlays / Reconstruction, Phase C, Project No. 13-03-C as complete.

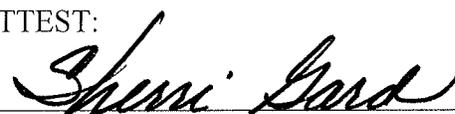
SECTION 2: Final payment is hereby authorized in the amount of \$34,792.77 to the contractor, Forsgren, Inc., for Street Overlays / Reconstruction, Phase C, Project No. 13-03-C.

This resolution adopted this 17<sup>th</sup> day of December, 2013.

APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_ Times

RESOLUTION R-19213

**A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
DALLAS STREET REPAIR / DIAMOND GRINDING  
PROJECT NO. 13-90-A**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of Dallas Street Repair / Diamond Grinding, Project No. 13-90-A as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$2,067.67 to the contractor, Forsgren, Inc., for Dallas Street Repair / Diamond Grinding, Project No. 13-90-A.

This resolution adopted this 17<sup>th</sup> day of December, 2013.

APPROVED:

Sandy Sander  
Mayor

ATTEST:

Shirley Gard  
City Clerk

Approved as to Form

Jerry Confield  
 No Publication Required  
 Publish \_\_\_ Times

RESOLUTION R-193-13

**A RESOLUTION AUTHORIZING A TIME EXTENSION  
AND ASSESSING LIQUIDATED DAMAGES FOR THE  
CONSTRUCTION OF MCCLURE AMPHITHEATER ROAD  
PROJECT NO. 12-00-A**

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

SECTION 1: A time extension with Crawford Construction Company, Inc., for the construction of McClure Amphitheater Road, Project No. 12-00-A, which increases the contract time by 76 calendar days, is hereby approved.

SECTION 2: The City of Fort Smith hereby assesses liquidated damages for 66 calendar days in the amount of \$33,000.00 on Street Overlays/Reconstruction, Project No. 12-00-A.

This Resolution adopted this 17<sup>th</sup> day of December, 2013.

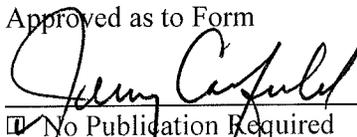
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to Form

  
 No Publication Required  
 Publish      Times

RESOLUTION R.194-13

A RESOLUTION ACCEPTING COMPLETION OF AND  
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF  
MCCLURE AMPHITHEATER ROAD  
PROJECT NO. 12-00-A

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

SECTION 1: The City of Fort Smith hereby accepts the construction of the McClure Amphitheater Road, Project No. 12-00-A, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$30,622.33 to the contractor, Crawford Construction Company, Inc., for the McClure Amphitheater Road, Project No. 12-00-A.

This Resolution adopted this 17<sup>th</sup> day of December, 2013.

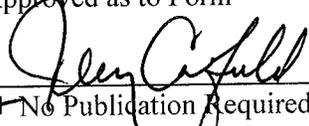
APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

Approved as to Form

  
\_\_\_\_\_  
 No Publication Required  
 Publish \_\_\_ Times

RESOLUTION NO. R-195-13

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH THE UNITED STATES COAST GUARD AUXILIARY FLOTILLA 15-5 LOCATED AT 3802 GRAND AVENUE**

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

The Mayor is hereby authorized to execute, his signature being attested to by the City Clerk, the attached Lease Agreement with the United States Coast Guard Auxiliary Flotilla 15-5 for the property known as the "Old Fire Station No. 6" located along frontage of Tilles Park at 3802 Grand Avenue in Fort Smith, Arkansas and the building and all improvements thereon;

This Resolution adopted this 19<sup>th</sup> day of December, 2013.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

Approved as to form:

  
No Publication Required

4J

RESOLUTION NO. R-196-13

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT WITH FORT SMITH EMERGENCY MEDICAL SERVICES LOCATED AT 1701 SOUTH GREENWOOD AVENUE**

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

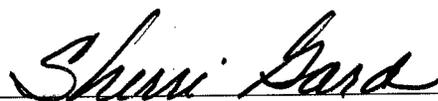
The Mayor is hereby authorized to execute, his signature being attested to by the City Clerk, the attached Lease Agreement with Fort Smith Emergency Medical Services (EMS) for the property located at 1701 South Greenwood (Lot One (1) and the North 1/2 of Lot Two (2) of Block Two (2) of Pelley Addition No.1) in Fort Smith, Arkansas and the building and all improvements thereon.

This Resolution adopted this 17<sup>th</sup> day of December, 2013.

APPROVED:

  
MAYOR

ATTEST:

  
CITY CLERK

Approved as to form:

  
No Publication Required

RESOLUTION NO. R-197-13

**RESOLUTION AUTHORIZING EXECUTION SPACE USE AGREEMENT WITH YOUNG ACTORS GUILD FOR SPACE ON THE UPPER LEVEL OF THE CONVENTION CENTER ANNEX**

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

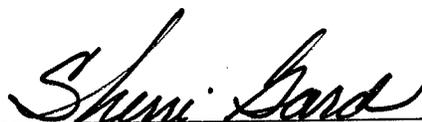
The Mayor is authorized to execute the attached space use agreement with the Young Actors Guild for a portion of the upper level of the Convention Center Annex, located at 801 Carnall Avenue, Fort Smith, AR 72901. The space to be used shall be utilized for program preparation, auditions, and rehearsals for the Young Actors Guild for the period of January 1<sup>st</sup>, 2014 through December 31<sup>st</sup>, 2014.

THIS RESOLUTION ADOPTED this 17<sup>th</sup> day of December, 2013.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

*Approved as to form*  
  
NPR

RESOLUTION NO. R-198-13

A RESOLUTION APPROVING A TOLLING AGREEMENT  
WITH THE UNITED STATES DEPARTMENT OF JUSTICE  
RELATING TO WET WEATHER SANITARY SEWER WORK

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

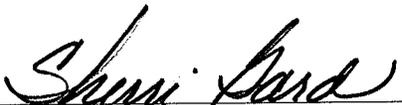
The tolling agreement with the United States Department of Justice for claims under the Clean Water Act relating to wet weather sanitary sewer work attached hereto as Exhibit "A" and ending on June 30, 2014 is hereby approved. The Mayor is hereby authorized to execute said agreement on behalf of the City.

This Resolution adopted this 17<sup>th</sup> day of December 2013.

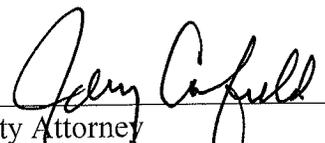
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to Form:

  
City Attorney  
No Publication Required

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE  
FOR ADDITIONAL WORK WITH FORSGREN, INC., FOR  
THE SUNNYMEDE INTERCEPTOR IMPROVEMENTS (S008, S009)

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

Change Order Number One for additional work in the amount of \$48,421.50, and adding  
10 calendar days, to the contract with Forsgren, Inc., for construction of the Sunnymede  
Interceptor Improvements (S008, S009), Project Number 12-13-C1, and adjusting the contract  
amount to \$1,574,555.00, is hereby approved.

This Resolution adopted this 17<sup>th</sup> day of December 2013.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE TO THE  
CONTRACT WITH CRAWFORD CONSTRUCTION COMPANY FOR THE CHAFFEE  
CROSSING WATER SUPPLY IMPROVEMENTS - PUMP STATION

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

Change Order Number One in the amount of \$6,371.91, adjusting the final contract  
amount to \$1,410,971.91, and adding 16 calendar days to the contract with Crawford  
Construction Company, for construction of the Chaffee Crossing Water Supply Improvements -  
Pump Station, Project Number 12-04-C3, is hereby approved.

This Resolution adopted this 17<sup>th</sup> day of December 2013.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER TWO TO THE AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS - HAVEN HILL AND NORTH "K" STREET

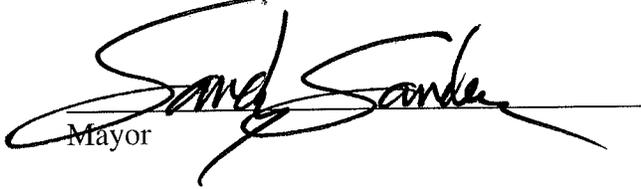
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Authorization Number Two with Hawkins-Weir Engineers, Inc., for engineering construction phase services associated with the Neighborhood Water System Improvements - Haven Hill and North "K" Street, Project Number 10-03-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the amount of \$95,000.00, for performance of said services.

This Resolution adopted this 17<sup>th</sup> day of December 2013.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
npr

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING A CONTRACT WITH BROTHERS CONSTRUCTION, INC., FOR THE NEIGHBORHOOD WATER SYSTEM IMPROVEMENTS - HAVEN HILL AND NORTH "K" STREET

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

SECTION 1: The bid of Brothers Construction, Inc., for the construction of the Neighborhood Water System Improvements - Haven Hill and North "K" Street, Project Number 10-03-C1, is hereby accepted.

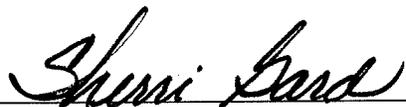
SECTION 2: The Mayor is hereby authorized to execute a contract with Brothers Construction, Inc., for an amount of \$1,158,714.00, for performing said construction.

This Resolution adopted this 17<sup>th</sup> day of December 2013.

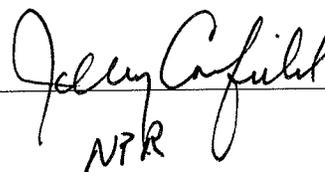
APPROVED:

  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
NPR npr

RESOLUTION NO. R-203-13**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION  
TO VACATE AN ALLEY LOCATED IN  
RESERVE ADDITION, BLOCK 575  
AN ADDITION TO THE CITY OF FORT SMITH, ARKANSAS**

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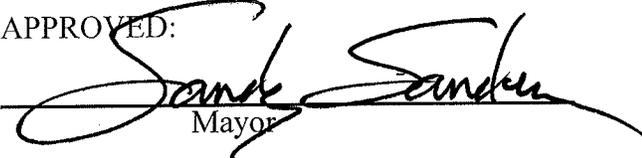
**WHEREAS**, a petition to vacate an alley located in Reserve Addition, Block 575, an addition to the City of Fort Smith, Arkansas, has been filed with the Office of the City Clerk in the manner and form as provided by law.

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

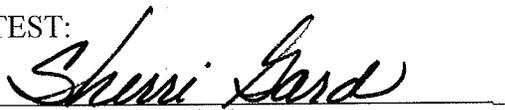
Said petition is hereby set for hearing on the 7th day of January 2014, at 6:00 p.m. at the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

**THIS RESOLUTION ADOPTED THIS 17<sup>th</sup> DAY OF DECEMBER 2013.**

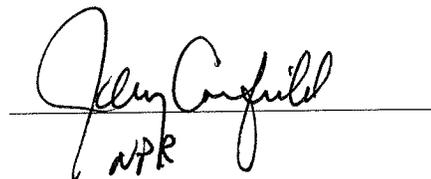
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to form:

  
APR