

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

March 18, 2014 ~ 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

Reverend Joshua Willadsen, Bethel Lutheran Church

ROLL CALL

All present, except Good ~ Mayor Sandy Sanders presiding ~

NOTE: Director Good arrived prior to consideration of the Consent Agenda.

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 MARCH 4, 2014 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Public hearing and resolution approving the Year 40 Community Development Block Grant Budget, the Year 21 HOME Investment Partnership Act Program Budget, authorizing the submission of the Program Year 2014 Action Plan and for other purposes ~ *Settle/Merry placed on the agenda at the March 11, 2014 study session ~*
Approved 6 in favor, 0 opposed / Resolution No. R-24-14
(Note: Director Good was not present to vote on this item.)
2. Consent Agenda

- A. Resolution amending Resolution No. R-13-14 regarding priorities for the 2015 session of the Arkansas General Assembly ~ *Weber/Catsavis placed on agenda at the March 4, 2014 regular meeting ~*
Approved 7 in favor, 0 opposed / Resolution No. R-25-14
- B. Resolution granting a temporary revocable license for the placement of a storage building within a public utility easement and authorizing the Mayor to execute agreement
Approved 7 in favor, 0 opposed / Resolution No. R-26-14
- C. Resolution authorizing the acquisition of real property interests for Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (\$59,643.63 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-27-14
- D. Resolution authorizing the acquisition of real property interests for the Jenny Lind Road and Ingersoll Avenue Widening, Project No. 07-01-A (\$14,200.00 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 6 in favor, 0 opposed, 1 abstention (Lorenz) / Resolution No. R-28-14
- E. Resolution accepting completion of and authorizing final payment for the construction of 2013 Traffic Signal Improvements, Project No. 13-09-A (\$65,891.78 / *Engineering Department / Budgeted – Sales Tax Program Fund*)
Approved 7 in favor, 0 opposed / Resolution No. R-29-14
- F. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Preload, Inc. for the Chaffee Crossing Water Supply Improvements (\$2,034,000.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-30-14
- G. Resolution authorizing acquisition of easements in connection with the Massard 48-Inch Interceptor Sewer Easement Clearing and Access Road Construction (\$31,008.00 / *Utility Department / Budgeted – 2008 Revenue Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-31-14
- H. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with RJN Group, Inc. for the Basin 17 Collection System Improvements (\$168,175.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
Approved 7 in favor, 0 opposed / Resolution No. R-32-14

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 6:15 p.m.)

- Appointments: **ANIMAL SERVICES ADVISORY BOARD (3)**
Deferred to the April 15, 2013 Regular Meeting

ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD

Mathew Pitsch

Term expires March 18, 2019

FORT SMITH HOUSING AUTHORITY

Barbara Meadows *(reappointment)*

Term expires March 3, 2019

HOUSING ASSISTANCE BOARD

Mike Jacimore *(to fill the unexpired term of Pat Gooch, who resigned)*

Term expires April 30, 2015

OUTSIDE AGENCY REVIEW PANEL

Robert Morgan

Term expires March 31, 2017

ADJOURN

6:28 p.m.

RESOLUTION NO. R-24-14

A RESOLUTION APPROVING THE YEAR 40 COMMUNITY DEVELOPMENT BLOCK GRANT BUDGET, THE YEAR 21 HOME INVESTMENT PARTNERSHIP ACT PROGRAM BUDGET, AUTHORIZING THE SUBMISSION OF THE PROGRAM YEAR 2014 ACTION PLAN AND FOR OTHER PURPOSES

WHEREAS, it is the intention of the Board of Directors of the City of Fort Smith to allocate Community Development Block Grant (CDBG) funds in such a manner that the maximum feasible priority is given to activities which will benefit low to moderate income families or persons and eliminate slum and blight.

WHEREAS, it is the intention of the Board of Directors of the City of Fort Smith to allocate HOME Investment Partnership Act (HOME) funds in such a manner as to provide affordable housing opportunities to low and moderate income persons or families.

WHEREAS, there is a total of \$772,819 estimated for Year 40 funds allocated to the CDBG Program for budgetary purposes; and

WHEREAS, there is a total of \$326,802 estimated in Year 21 funds allocated to the HOME Program for budgetary purposes; and

WHEREAS, there are project changes to the Homeless Campus Project from the Year 38 CDBG program and Year 39 CDBG to be amended;

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

SECTION 1: The Year Forty CDBG budget totaling seven hundred, seventy-two thousand, eight hundred and nineteen dollars (\$772,819) for budgeting purposes is adopted by reference to the attached budget sheet.

SECTION 2: The Year Twenty-one HOME Program budget totaling three hundred, twenty-six thousand, eight hundred and two dollars (\$326,802) for budgeting purposes is adopted by reference to the attached budget sheet.

SECTION 3: The in-house Affirmative Action Policy which prescribes equal opportunity policies for the recruitment, hiring, training, promoting, demotions and termination of employees, with personnel goals revised annually, as stated in Resolution No. R-7-81 is reaffirmed.

- SECTION 4:** A Year Forty CDBG Affirmative Action Plan is adopted to provide contractual procedures with regard to equal opportunity personnel policies on the part of CDBG project contractors.
- SECTION 5:** The Fair Housing Program/Policy of the City of Fort Smith as stated in Resolution No. 2214, is reaffirmed to affirmatively further Fair Housing practices in the sale, lease or rental of housing and to prevent discrimination on the basis of race, color, religion, national origin, sex, disability or familial status and to provide a procedure and Fair Housing Officer to assist and educate the public on their rights and procedures available to have complaints reviewed, investigated and resolved.
- SECTION 6:** The Director of Community Development is authorized to prepare and submit the Program Year (P. Y.) 2014 Action Plan to carry out the activities/projects identified in the 2011-2015 Five-Year Consolidated Plan and the amendment to the P. Y. 2012 and 2013 Plans to the U. S. Department of Housing and Urban Development (HUD) for review and approval. Once the approvals by HUD have occurred, the Mayor is authorized to execute agreements, his signature being attested by the City Clerk, with the agencies identified in the Community Development Department Budget as application numbers 2014-A through 2014-Q to undertake the activities/projects in the 2014 Annual Action Plan.
- SECTION 7:** The request to allocate the CDBG funds from Program Year 2012 – CDBG Year 38 in the amount of \$92,721 and Program Year 2013 – CDBG Year 39 in the amount of \$115,923 from the Next Step Day Room (now known as Next Step Homeless Services) to the Old Fort Homeless Coalition for the purposes of acquiring the property located at 301 South “E” Street for the homeless campus is approved. The Director of Community Development is authorized to amend the P.Y. 2012 and P.Y. 2013 annual action plans to reflect these changes. The Old Fort Homeless Coalition must provide financial commitments to the Director of Community Development to complete Phase 1 of the Homeless Campus project by September 30, 2014. If the deadline is not met, the funds from Program Year 2012 will transfer to the Fort Smith Housing Assistance Program #8722.
- SECTION 8:** All approved agencies of CDBG and HOME funds will use, at a minimum, the city’s procurement procedures for any services or contracts.
- SECTION 9:** Any P. Y. 2014 CDBG project not commenced by June 30, 2015 will be canceled and the project funding will transfer to the Fort Smith Housing Assistance Program #8722. All CDBG program income from prior projects will transfer to the Fort Smith Housing Assistance Program #8722 and the allowed 20% for program administration will be deducted prior to the transfer.
- SECTION 10:** Any P. Y. 2014 HOME project not commenced by December 31, 2015 will be canceled and the funding will transfer to the Downpayment Assistance Program #8503 with the exception of CHDO Reserve funds. All HOME program income received by the City will transfer to the Downpayment Assistance Program # 8503 with the allowed 10% for program administration deducted prior to the transfer. HOME recaptured funds will be used according to federal regulations.

- SECTION 11:** Any funding sequestration or rescission from the U. S. Dept. of HUD which reduces the budgeted amounts in this resolution and attached budget will cause each project/activity to take a reduction by the same percentage amount that the funds were reduced.
- SECTION 12:** Any funding increase will first be reduced by the allowed program administration and the balance placed in the programs noted in Sections 9 or 10, depending on whether it is the CDBG or HOME program.
- SECTION 13:** Subject to approval of form by the City Attorney, the City Administrator or his authorized agent is authorized to execute any documents related to real property transactions that are funded with the CDBG and / or HOME funds; this includes but is not limited to deeds, mortgage releases, subordination agreements and participation in HUD's FHA Good Neighbor Program.
- SECTION 14:** The City Administrator is authorized to execute all grant documents and certifications required by the U. S. Department of Housing and Urban Development. The City Administrator or his authorized agent will be designated as the Environmental Certifying Officer.
- SECTION 15:** Any activity that is proposed to be altered in terms of its purpose, scope, location, or beneficiaries to such an extent that it can no longer reasonably be construed as the activity reviewed by the public and approved by the Fort Smith Board of Directors will be canceled.

THIS RESOLUTION APPROVED THIS 18th DAY OF MARCH 2014.

APPROVED:



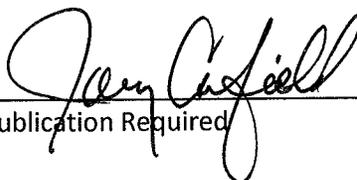
MAYOR

ATTEST:



CITY CLERK

Approved as to form:



No Publication Required

CDBG Program Year 2014 COMMUNITY DEVELOPMENT BUDGET

Application Identifier	Agency	CDBG Year 40
2014-A	Crisis Intervention Center – Storage	\$1,843
PS-2014-B	Children’s Emergency Shelter	\$41,180
PS-2014-C	Old Fort Homeless Coalition – Campus	\$72,877
PS-2014-D	Good Samaritan Clinic - Medical Services	\$16,705
PS-2014-E	Crisis Intervention Center - Case Management	\$16,966
PS-2014-F	Heart to Heart PSC - Baby Items	\$10,407
PS-2014-G	Bost, Inc. - Range	\$6,833
PS-2014-H	Community Dental Clinic - Patient Fees	\$16,705
PS-2014-I	Fountain of Youth - Client Fees	\$9,501
PS-2014-J	Girls, Inc. - Membership & Summer Fees	\$5,563
PS-2014-K	WestArk RSVP - VITA Tax Assistance	\$9,788
2014-L	WestArk RSVP - Medicare Counseling	\$6,682
2014-M	Next Step Homeless Services – Case Management	\$16,749
2014-N	Bost, Inc. – Kitchen Improvements	\$17,780
2014-O	Old Fort Homeless Coalition – Campus	\$55,220
	Fort Smith Housing Assistance	\$233,671
	FS Housing Rehab. Administration	\$60,000
	Fort Smith - Administration	\$154,563
	Unprogrammed	\$19,786
	Totals	\$772,819

Application Identifier	Agency	HOME Year 21
2014-P	CSCDC - Acq/Rehab/Resale – CHDO Funds	\$151,740
2014-Q	Housing Authority of FS – New Const. EN Funds	\$138,260
	Fort Smith - HOME Administration	\$32,680
	Unprogrammed	\$4,122
	Totals	\$326,802

CHDO – Community Housing Development Organization

EN – Entitlement

RESOLUTION NO. R-25-14

A RESOLUTION AMENDING RESOLUTION NO. R-13-14
REGARDING PRIORITIES FOR THE 2015 SESSION OF THE
ARKANSAS GENERAL ASSEMBLY

WHEREAS, by the passage of Resolution No. R-13-14, the Fort Smith Board of Directors adopted priorities for the 2015 session of the Arkansas General Assembly; and

WHEREAS, the Board of Directors now desires to add an additional priority for the 2015 session of the Arkansas General Assembly;

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

The City of Fort Smith's legislative priorities for the 2015 session of the Arkansas General Assembly adopted by Resolution No. R-13-14 are hereby amended to include the following:

Preference in Bidding

State law currently provides a 5% bidding preference for in-state bidders for public works projects. Municipalities should have the option of adopting an ordinance that would provide a preference of up to 5% (exact amount to be determined by the municipality) for bidders with a place of business located within the corporate limits of the municipality. The preference should apply to public works projects and to bids for commodities, materials, equipment, and services. It may be desirable to place a dollar cap on the amount of the preference, such as \$100,000 (e.g., the 5% preference would be capped at \$100,000 regardless of the bid amount, and the cap could be lower by local ordinance). An exception would need to be made for the expenditure of federal or state funds where such a bidding preference isn't permitted. This preference would increase the likelihood of local public funds remaining within the local economy and benefitting the citizens who pay the local taxes and fees.

The City Administrator shall forward this resolution to the Arkansas Municipal League.

This Resolution passed this 18th day of March, 2014.



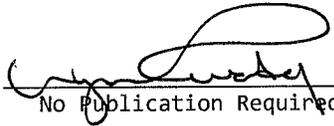
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



No Publication Required

RESOLUTION NO. R-26-14

**A RESOLUTION GRANTING A TEMPORARY REVOCABLE LICENSE FOR THE
PLACEMENT OF A STORAGE BUILDING WITHIN A PUBLIC UTILITY EASEMENT
AND
AUTHORIZING THE MAYOR TO EXECUTE AGREEMENT**

**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 Amanda Anderson, her successors or assigns for the placement and maintenance of a storage building within a public utility easement as shown on Exhibit "A" and adjacent to the following described property:

South Meadows Estates, Lot 92, 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 18th DAY OF March 2014.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


No publication required

RESOLUTION NO. R-27-14

**A RESOLUTION AUTHORIZING THE ACQUISITION OF
REAL PROPERTY INTERESTS FOR THE
JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A, AHTD JOB NO. 040471**

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

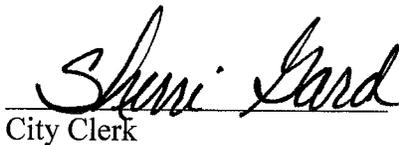
The City Administrator is hereby authorized to acquire from Riverside Furniture Corporation in fee the right-of-way acquisition area of Tract 37 and to acquire the temporary construction easements from Tract 37, as shown on the attached Property Acquisition Map of Tract 37, for a total cash consideration of \$59,643.63 in full satisfaction of all acquired interests and associated rights of the owners of Tract 37.

Adopted on this 18th day of March, 2014.

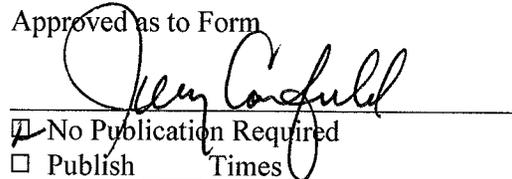
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required
 Publish _____ Times

RESOLUTION R-28-14

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL
PROPERTY INTERESTS FOR THE JENNY LIND ROAD AND
INGERSOLL AVENUE WIDENING
PROJECT NO. 07-01-A, AHTD JOB NO. 040471**

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

The City Administrator, or his designated agents, and the City Attorney are hereby authorized to acquire, by eminent domain, if necessary, for the indicated appraised amount, the following described tract required for the Jenny Lind Road & Ingersoll Avenue Widening project:

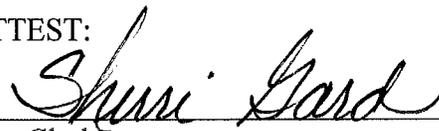
<u>TRACT</u>	<u>OWNER</u>	<u>APPRAISED VALUE</u>
30	Charleston Investment Properties, Inc.	\$ 14,200.00

This resolution adopted this 18th day of March, 2014.

APPROVED:

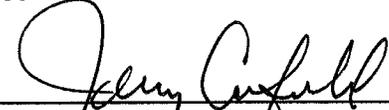

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required
 Publish _____ Times

Resolution R-29-14

2E

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
2013 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 City of Fort Smith hereby accepts the construction of the 2013 Traffic Signal Improvements, Project No. 13-09-A, as complete.

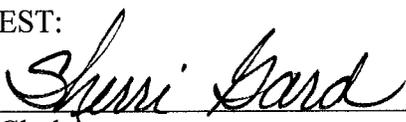
SECTION 2: Final payment is hereby authorized in the amount of \$65,891.78 to the contractor, Traffic Signals, Inc., for the 2013 Traffic Signal Improvements, Project No. 13-09-A.

This resolution adopted this 18th day of March, 2014.

APPROVED:


Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required
 Publish _____ Times

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR
TO EXECUTE A CONTRACT WITH PRELOAD, INC., FOR THE CHAFFEE
CROSSING WATER SUPPLY IMPROVEMENTS - 2.5 MG RESERVOIR

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

SECTION 1: The bid of Preload, Inc., for the construction of the Chaffee Crossing Water
Supply Improvements - MG Reservoir, Project Number 12-04-C4, is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Preload, Inc., for
an amount of \$2,034,000.00, for performing said construction.

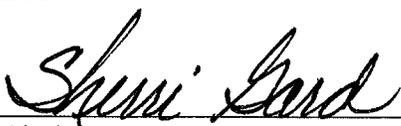
This Resolution adopted this 18th day of March 2014.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING ACQUISITION OF EASEMENTS IN CONNECTION
WITH THE MASSARD 48-INCH INTERCEPTOR SEWER EASEMENT
CLEARING AND ACCESS ROAD CONSTRUCTION

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

SECTION 1: The following value for the acquisition of sewer utility, access, and temporary construction easements designated as 13-03-P, Tract 1, for the Massard 48-Inch Interceptor Sewer Easement Clearing and Access Road Construction, Project 13-03, is approved and acquisition of the easements for the amount listed is hereby approved:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
1	Stan Enterprises, LLC	\$31,008.00

SECTION 2. The City Administrator, or his designated agent, and the City Attorney are hereby authorized to acquire the easements for the above listed appraisal amount. All such actions previously taken for this project are hereby confirmed.

This Resolution adopted this 18th day of March 2014.

APPROVED:


Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION
NUMBER TWO TO THE AGREEMENT WITH RJN GROUP, INC., FOR
THE BASIN 17 COLLECTION SYSTEM IMPROVEMENTS

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

SECTION 1: Authorization Number Two with RJN Group, Inc., for providing design
services associated with the Basin 17 Collection System Improvements, Project Number
12-14-ED2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Two in the
amount of \$168,175.00, for performance of said services.

This Resolution adopted this 18th day of March 2014.

APPROVED:

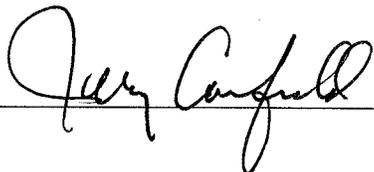

Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr