

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

June 17, 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 Dino Hutchings with Evangel Temple

ROLL CALL

- All present, except Good (*Director Good arrived during presentation of Item No. 1*)
- Vice-Mayor Kevin 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 214 or City website

APPROVE MINUTES OF THE JUNE 3, 2014 REGULAR MEETING AND JUNE 10, 2014 SPECIAL MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation of 2013 Audit
Presentation only – no action required
2. Consent Agenda

- A. Resolution authorizing an engineering services agreement for the design of a project in the 2014 Sales Tax Program (\$183,842.00 / *Engineering Department / Budgeted – Street Sales Tax Program Fund*)
[Approved 7 in favor, 0 opposed / Resolution No. R-63-14](#)
- B. Resolution to accept a donation of property for a wetlands mitigation area in association with the Mill Creek Rechannelization; Project No. 05-06-C (*Little Vache Grasse Creek*)
[Approved 7 in favor, 0 opposed / Resolution No. R-64-14](#)
- C. Resolution accepting bid and authorizing a contract for construction of a fire training center (\$1,176,000.00 / *Fire Department / Budgeted – Capital Outlay 4803-301 and Act 833 Funds*)
[Approved 7 in favor, 0 opposed / Resolution No. R-65-14](#)
- D. Resolution approving Change Order No. 1 to the City's contract with Beshears Construction, Inc. for the construction of the fire training center (\$10,453.00 / *Fire Department / Budgeted – Capital Outlay 4803-301 and Act 833 Funds*)
[Approved 7 in favor, 0 opposed / Resolution No. R-66-14](#)
- E. Resolution accepting donation of real property (*Fianna Way and Highway 253*)
[Approved 7 in favor, 0 opposed / Resolution No. R-67-14](#)
- F. Resolution accepting bid for the purchase of a box truck with lift gate (\$78,820.00 / *Sanitation Department / Budgeted – Capital Outlay 6302-302*)
[Approved 7 in favor, 0 opposed / Resolution No. R-68-14](#)
- G. Resolution accepting bid for the purchase of a fuel truck (\$124,749.77 / *Sanitation Department / Budgeted – Sinking Fund*)
[Approved 7 in favor, 0 opposed / Resolution No. R-69-14](#)
- H. 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-70-14](#)
- I. Resolution authorizing the Mayor to execute Authorization No. 3 to the agreement with RJN Group, Inc. for engineering services for Basin 17 Capacity Improvements (\$106,921.00 / *Utility Department / Budgeted – 2012 Sales and Use Tax Bonds*)
[Approved 7 in favor, 0 opposed / Resolution No. R-71-14](#)

- J. Resolution authorizing Change Order No. 3 with Crawford Construction Company for the Chaffee Crossing Water Supply Improvements – Pump Station (\$8,745.26 / Utility Department / Budgeted – 2012 Sales and Use Tax Bonds)

Approved 7 in favor, 0 opposed / Resolution No. R-72-14

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

Appointments: **FORT SMITH MUNICIPAL EMPLOYEES BENEVOLENT FUND BOARD OF ADVISORS**

Citizen Representative

Marcy C. Moore (reappointment)

Term expires June 30, 2017

HISTORIC DISTRICT COMMISSION

Appointments are by the Mayor; therefore, these appointments were deferred until July 2014 so Mayor Sanders can be present.

OUTSIDE AGENCY REVIEW PANEL

Daniel Maher

Term expires June 17, 2016

PLANNING COMMISSION

Michael Redd *(to fill the unexpired term of Michelle Hood who resigned)*

Term expires April 30, 2017

PROPERTY OWNERS APPEAL BOARD

Scott Monroe (reappointment)

Term expires July 14, 2019

ADJOURN

6:32 p.m.

RESOLUTION NO. R-63-14

**A RESOLUTION AUTHORIZING AN ENGINEERING SERVICES
AGREEMENT FOR THE DESIGN OF A PROJECT IN THE
2014 SALES TAX PROGRAM**

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

SECTION 1: The Mayor is authorized to execute the engineering services agreement for the design of the following project in the 2014 Sales Tax Program utilizing the one cent sales tax proceeds.

Project No.	Description	Engineering Firm	Maximum Fee
14-00-A	McClure Drive Extension/Public Street Extension	Mickle Wagner Coleman	\$183,842.00

SECTION 2: Payment for engineering services authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This Resolution adopted this 17th day of June, 2014.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to Form

[Signature]
NPR

RESOLUTION R-64-14

A RESOLUTION TO ACCEPT A DONATION OF PROPERTY
FOR A WETLANDS MITIGATION AREA IN ASSOCIATION WITH
THE MILL CREEK RECHANNELIZATION PROJECT
PROJECT NO. 05-06-C

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

Whereas, the Fort Chafee Redevelopment Authority has agreed to donate 10.47 acres of
land for a wetlands mitigation area to the City of Fort Smith, and;

Whereas, the City of Fort Smith wishes to accept ownership of the property in association
with the Mill Creek Rechannelization, Project No. 05-06-C.

Now Therefore Be It Resolved, that the Board of City Directors authorizes the Mayor to
accept this property donation and execute the special warranty deed.

This resolution adopted this 17th day of June, 2014.

APPROVED

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to Form

[Signature]
 No Publication Required
 Publish ___ Times

RESOLUTION NO. R-65-14

RESOLUTION ACCEPTING BID AND AUTHORIZING CONTRACT FOR CONSTRUCTION OF FIRE TRAINING CENTER

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

SECTION 1: The bid of Beshears Construction, Inc. for the construction of the Fire Training Tower Facility in the amount of \$1,176,000 is hereby accepted.

SECTION 2: The Mayor and the City Clerk are hereby authorized to execute the contract documents for the construction of the Fire Training Tower pursuant to the bid accepted in Section 1 above.

This Resolution adopted this 17th day of June, 2014.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to form:

[Signature] NPR
City Attorney

RESOLUTION NO. R-166-14

RESOLUTION APPROVING CHANGE ORDER #1 TO THE CITY'S CONTRACT WITH BESHEARS CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE FIRE TRAINING TOWER

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

Change Order #1 to the City's contract with Beshears Construction, Inc. for the construction of the Fire Training Tower is hereby approved, increasing the contract amount by \$10,453.00 for additional work including installation of a fire hydrant and back flow preventer, and the City Administrator is authorized to take any and all necessary action to effectuate the change order.

This Resolution adopted this 17th day of June, 2014.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to form:

[Signature] NPR
City Attorney

RESOLUTION NO. R-67-14

RESOLUTION ACCEPTING DONATION OF REAL PROPERTY

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

SECTION 1: The City of Fort Smith hereby concurs in and accepts the stated intention of Brent McGruder to donate to the City of Fort Smith an approximate 3 acre tract of real property (currently unplatted) located along Fianna Way in a part of the Northwest Quarter of the Northwest Quarter of Section 21, Township 7 North, Range 32 West. The donation is accepted subject to the sole condition that the City commence construction of park facilities on the real property within two years from the date of delivery to the City of the Donation Deed.

SECTION 2: The City Administrator, in conjunction with the Director of Parks and the City Attorney, is authorized to approve the Donation Deed by which the real property will be donated to the City, to make appropriate reporting to the Sebastian County tax authorities indicating the public use of the property, to schedule commencement of construction of park facilities within two years of the date of recording the Donation Deed and perform or cause to be performed other acts necessary to effectuate the donation.

This Resolution adopted this 17th day of June, 2014.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to form:

[Signature] NPR
City Attorney

RESOLUTION NO. R-108-14

RESOLUTION ACCEPTING BID FOR THE PURCHASE OF A
BOX TRUCK WITH LIFT GATE

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

The bids, as indicated by enclosure for the purchase of a box truck from
Shiplely Motors for \$78,820, is accepted.

This Resolution adopted this 19th day of June, 2014.

APPROVED:

[Signature]
VICE-MAYOR

ATTEST:

[Signature]
CITY CLERK

Approved as to form:

[Signature]
 No Publication

Required

Publish ___ Times

2F

Inter office Memorandum

TO: Ray Gosack, City Administrator
COPY TO: Baridi Nkokheli, Director of Sanitation
FROM: Alie Bahsoon, Purchasing Manager *AB*
SUBJECT: Box Truck Bid Tabulation
DATE: June 13, 2014
BID TAB: 6302-SF-BA



Attached you will find the bid tabulation for the purchase of a box truck for use by the Department of Sanitation, Residential Collections Division.

As indicated in the enclosed memorandum from Mr. Nkokheli, this truck is an addition to the City's fleet and will supplement the existing fleet for cart distribution and maintenance.

The 2014 Budget reflects a budgeted amount of \$90,000 for this truck (6302-302).

I am recommending that the bids noted by enclosure on the attached bid tabulation, be accepted and approved by the Board.

Please let me know if you should have any questions.

2F

Tabulation of Bids - City of Fort Smith					
BOX TRUCK WITH LIFT GATE					
Bid Tab #<u>6302-SF-BA</u>					
<u>Description</u>	Year	Make	Model	Delivery Terms	Purchase Price
<u>VENDOR</u>					
Shiplely Motors Fort Smith, AR	2015	HINO	268A	60-130	\$78,820.00 ✓
Carco Intl. Fort Smith, AR	2015	International	Durastar 4300	90 days	\$81,427.60
Truck Centers of AR Van Buren, AR	2015	Freightliner	MZ106	90-120	\$79,723.00

Bids advertised: April 20, 2014

✓ Recommended bid award



MEMORANDUM

June 13, 2014

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director

Subject: Cart Maintenance and Delivery Vehicle Purchase for Program 6302

The residential automated refuse collection program was first introduced in 2006 to approximately 3,000 households. We now provide automated collections to over 29,000 households citywide. Additionally, we began our first phase of the residential automated recyclables collection program in 2013, which is available to approximately 8,233 households. We anticipate expanding that program to an additional 8,425 households this year.

There are currently 41,569 trash and recycling carts currently assigned to Fort Smith residents. As the carts age, especially those purchased at the beginning of the program, we have recognized a greater demand for cart maintenance and delivery. Beyond our 8,000+ annual expansions, we are currently averaging approximately 295 additional cart deliveries and around 80 cart repairs per month. Cart maintenance and delivery services are currently provided by the division supervisor and foreman utilizing full size pickups which are limited to a maximum 6 carts per trip, sometimes fewer depending on the required cart sizes being delivered. Obviously, this requires numerous trips to and from the field, and results in inefficient use of personnel and other resources.

In order to deal with the increasing demand, we are requesting to purchase a cart maintenance and delivery vehicle (box truck) to distribute, repair, and/or replace automated trash and recycle carts throughout the city. Since 2006, we have averaged approximately \$12,500 per year to rent box trucks for cart delivery. The new truck will have a 75 cart capacity along with additional space to carry tools and spare wheels/parts for cart maintenance. Furthermore, all future cart deliveries resulting from expansions to the automated program(s) would be covered without the need for additional rental expenditures.

Funding for this purchase was appropriated for in the 2014 Budget under the Residential Collections Program (program 6302) in the amount of \$90,000. Bids were recently solicited by the Purchasing Department with Shipley Motor Equipment submitting the low bid of \$78,820. Staff recommends awarding the bid to Shipley Motor Equipment.

Please contact me should you have any questions or would like additional information regarding this request.

RESOLUTION NO. R-69-14

RESOLUTION ACCEPTING BID FOR THE PURCHASE OF A
FUEL TRUCK

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

The bids, as indicated by enclosure for the purchase of a fuel truck from Carco
International for \$124,749.77, is accepted.

This Resolution adopted this 17th day of June, 2014.

APPROVED:

[Signature]
VICE-MAYOR

ATTEST:

[Signature]
CITY CLERK

Approved as to form:
[Signature]

No Publication

Required

Publish ___ Times

2G

Inter office Memorandum

TO: Ray Gosack, City Administrator

COPY TO: Baridi Nkokheli, Director of Sanitation

FROM: Alie Bahsoon, Purchasing Manager *AB*

SUBJECT: Fuel Truck Bid Tabulation

DATE: June 13, 2014

BID TAB: 6305-SF-BA



Attached you will find the bid tabulation for the purchase of a fuel truck for use by the Department of Sanitation, Sanitary Landfill Division. As indicated in the enclosed memorandum from Mr. Nkokheli, this truck will be a replacement of Asset #9 which is slated to be sold at the annual city auction on September 11, 2014.

Funding for this truck has been appropriated for in the 2014 Budget in the "Reserve for Sanitation Equipment-Sinking Fund Account" in the amount of \$170,000.

I am recommending that the Board accept and approve the bid submitted by Carco International as noted by enclosure on the attached bid tabulation. Their bid meets our specifications and although they are the second lowest bidder, we are making this recommendation due to past poor performance issues and concerns as outlined in the attached memorandum from Mr. Nkokheli.

Please let me know if you should have any questions.

Tabulation of Bids - City of Fort Smith BOX TRUCK WITH LIFT GATE Bid Tab #6302-SF-BA					
<u>Description</u> VENDOR	Year	Make	Model	Delivery Terms	Purchase Price
Shiplely Motors Fort Smith, AR	2015	HINO	338	90-120 days	\$127,106.00
Carco International Fort Smith, AR	2015	International	Durastar 4300	90 days	\$124,749.77 ✓
Truck Centers of AR Van Buren, AR	2015	Freightliner	MZ106	120 days	\$123,527.00 *

Bids advertised: April 20, 2014

✓ Recommended bid award

*Bid not awarded due to past vendor performance and delivery delays



MEMORANDUM

June 13, 2014

To: Ray Gosack, City Administrator

From: T. Baridi Nkokheli, Director 

Subject: Fuel Truck Purchase for Program 6305

The landfill division (program 6305) is currently utilizing a 1989 International Fuel Truck (asset #9). The truck is used several times daily to transport diesel fuel to the landfill working face for refueling of equipment and has currently been driven 216,981 miles. Contaminates, such as water and rust, are a common occurrence in the 25 year old, metal fuel body (tank). These contaminants are then inadvertently introduced into our heavy landfill equipment resulting in reduced fuel lubricity, and over worn, and on frequent occasions, clogged fuel injectors. The contamination problems cause filter issues, fuel system break downs, and speeds the degradation of the equipment fueling systems. The rusting and leaking fuel tank body also creates a perfect environment for microbes which form filter-plugging slime and corrosive acids.

The 2014 Budget earmarks funding for a new fuel truck in our sanitary landfill division (program 6305) in the amount of \$170,000. Bids were recently solicited by the Purchasing Department with Truck Centers of Arkansas providing the lowest bid (\$123,527.00) and Carco International, Inc. coming in second lowest (\$124,749.77). Even though they were slightly higher (\$1,222.77), we recommend the bid be awarded to Carco International as we have experienced poor performance from Truck Centers of Arkansas since purchasing a truck from them in 2011. Some of the issues we have encountered are as follows:

- In September of 2010, the Board authorized the purchase of a mechanic/lube service truck (Res. 173-10) from Truck Centers of Arkansas. They agreed to a delivery date of 120-150 days from the date of order and agreed to pay the City liquidated damages of \$100 per day for each day over the agreed delivery date. The truck was ordered on October 1, 2010. It was not delivered until July 2011. Liquidated damages exceeded \$12,000. Truck Centers of Arkansas refused to pay the liquidated damages as agreed. In an attempt to minimize further impact on department services, we negotiated with Truck Centers of Arkansas to deliver the truck and reduced the liquidated damages to \$6,400.
- The truck body Truck Centers of Arkansas had installed on the chassis of the truck had major defects (e.g. leaking tanks, crane and jump-starting system defects). We found it very difficult, almost impossible, to communicate with Truck Centers of Arkansas' sales representatives. Voicemail messages were left by our staff often with delayed response and no action to remedy issues brought to their attention. Shipley Motors was ultimately contacted and corrected the defects.

- On March, 22, 2014, the truck body of the previously mentioned service truck failed and buckled while one of the mechanics was lifting a loader bucket with the crane installed by Truck Centers of Arkansas.

This piece of equipment is vital to the overall operations of the landfill and is used several times each day. Keeping clean fuel in the equipment is one of the most vital issues in ensuring we recognize the longest life possible with our landfill equipment.

Please contact me should you have any questions or would like additional information regarding this request.

RESOLUTION NO. R-70-14

2 H

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

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 December 31, 2014 is hereby approved. The Mayor is hereby authorized to execute said agreement on behalf of the City.

This Resolution adopted this 17th day of June 2014.

APPROVED:


Vice-Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AUTHORIZATION NUMBER THREE TO THE AGREEMENT WITH RJN GROUP, INC., FOR ENGINEERING SERVICES FOR THE BASIN 17 CAPACITY IMPROVEMENTS

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

SECTION 1: Authorization Number Three with RJN Group, Inc., for engineering services associated with the construction design services for the Basin 17 Capacity Improvements, Project Number 12-14-ED4, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Authorization Number Three in the amount of \$106,921.00, for performance of said services.

This Resolution adopted this 17th day of June 2014.

APPROVED:



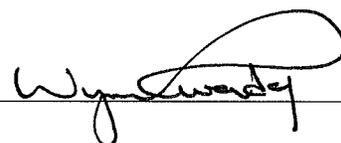
Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER THREE
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 Three in the amount of \$8,745.26 to the contract with Crawford Construction Company for construction of the Chaffee Crossing Water Supply Improvements - Pump Station, Project Number 12-04-C3, adjusting the contract amount to \$1,426,334.80, and adding six calendar days to the contract completion time, is hereby approved.

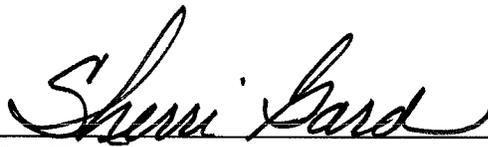
This Resolution adopted this 17th day of June 2014.

APPROVED:



Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr