

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 – Tracy Pennartz
At Large Position 6 – Kevin Settle
At Large Position 7 – Don Hutchings

AGENDA ~ Summary
Fort Smith Board of Directors
REGULAR MEETING
February 17, 2015 ~ 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 AND ONLINE AT <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE
Pastor Tim Beasley, Central Christian Church

ROLL CALL

- All present
- Mayor Sandy Sanders 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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

APPROVE MINUTES OF THE FEBRUARY 3, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation: Arkansas Business City of Distinction Award – Honorable Mention for Technology Advancements
Presentation only

2. Items regarding property located at 8225 & 8227 Texas Road (*correct legal description only for previous annexation and zoning amendments*)
 - A. Ordinance amending Ordinance No. 12-15
Approved 7 in favor, 0 opposed / Ordinance No. 17-15
 - B. Ordinance amending Ordinance No. 13-15
Approved 7 in favor, 0 opposed / Ordinance No. 18-15
3. 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) (*Mars Petcare U.S., Inc.*)
Approved 7 in favor, 0 opposed / Resolution No. R-24-15
4. Resolution approving automobile and property insurance coverage for the City's fleet and buildings for 2015-2016 ~ *Hutchings / Pennartz placed on the agenda at the February 10, 2015 study session* ~
Approved 4 in favor, 3 opposed (Lorenz, Pennartz & Settle) / Resolution No. R-25-15
5. Consent Agenda
 - A. Resolution of the Board of Directors of the City of Fort Smith establishing a Comprehensive Plan Implementation Committee ~ *Settle / Hutchings placed on the agenda at the February 10, 2015 study session* ~
Approved 7 in favor, 0 opposed / Resolution No. R-26-15
 - B. Resolution authorizing a franchise utility relocation agreement for the Jenny Lind Road & Ingersoll Avenue Widening Project, Project No. 07-01-A (\$78,687.00 / Engineering Department / Budgeted – Sales Tax Program Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-27-15
 - C. Resolution authorizing a time extension for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (45 days)
Approved 7 in favor, 0 opposed / Resolution No. R-28-15
 - D. Resolution to accept completion of and authorize final payment for the construction of Street Overlays/Reconstruction, Project No. 13-03-B (\$84,123.10 / Engineering Department / Budgeted – Sales Tax Program Fund)
Approved 7 in favor, 0 opposed / Resolution No. R-29-15
 - E. Resolution authorizing a change order for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$15,916.91 & 93 days / Engineering Department / Budgeted – Sales Tax Program Fund)

Approved 7 in favor, 0 opposed / Resolution No. R-30-15

- F. Resolution to accept completion of and authorize final payment for the construction of Fort Smith Levee Improvements, Project No. 11-06-D (\$67,446.23 / Engineering Department / Budgeted – Sales Tax Program Fund)

Approved 7 in favor, 0 opposed / Resolution No. R-31-15

- G. Resolution authorizing deposit accounts and related services (American Resort Management, LLC regarding Parrot Island Waterpark)

Approved 7 in favor, 0 opposed / Resolution No. R-32-15

- H. Resolution authorizing the Mayor to execute an addendum to the operating agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to the establishment and operation of bank accounts and services related to Parrot Island Waterpark

Approved 7 in favor, 0 opposed / Resolution No. R-33-15

- I. Ordinance waiving the requirement of competitive bidding relative to structural steel supply and erection and approving and authorizing the Mayor to execute trade contracts for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (Parrot Island Waterpark) (\$661,504.31 / Parks Department / Budgeted – 2012 Sales Tax Bonds)

Approved 7 in favor, 0 opposed / Ordinance No. 19-15

- J. Resolution authorizing acquisition of real property interests in connection with the replacement of Sewer Lift Station No. 23 (\$12,560.00 / Utility Department / Budgeted – 2014 Sales Tax Bonds)

6 in favor, 1 opposed (Hutchings) to table consideration for 30 days

- K. Resolution authorizing funds to increase the water main size for water system improvements to be constructed for Maness Hill Addition (\$11,036.50 / Utility Department / Budgeted – 2008 Revenue Bonds)

Approved 7 in favor, 0 opposed / Resolution No. R-34-15

- L. Resolution authorizing the Mayor to execute a lease agreement for city offices and parking spaces

Approved 7 in favor, 0 opposed / Resolution No. R-35-15

- M. Resolution accepting bid for the purchase of police package utility vehicles (\$164,642.60 / Police Department / Budgeted – Program 4704-301)

Approved 7 in favor, 0 opposed / Resolution No. R-36-15

- N. Resolution accepting bid for the purchase of a front loader (\$138,171.64 / Sanitation Department / Not Budgeted - Insurance Reimbursement ~ Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition)
Approved 7 in favor, 0 opposed / Resolution No. R-37-15
- O. Resolution confirming and approving contract of the City with Steve Beam Construction, Inc. (\$68,756.96 / Sanitation Department / Budgeted – Program 6304-302)
Approved 7 in favor, 0 opposed / Resolution No. R-38-15

EXECUTIVE SESSION (approximately 7:33 p.m.)

Appointments: **ARKANSAS FAIR AND EXHIBITION FACILITIES BOARD**

John Ayers (reappointment)
Term expires March 7, 2020

CIVIL SERVICE COMMISSION

Sam Sexton, III (reappointment)
Robert Cooper (reappointment)
Terms expire March 31, 2021

LIBRARY BOARD OF TRUSTEES

Amy Skypala (to fill the unexpired term of Ben Carroll, who resigned)
Term expires December 31, 2017

TRANSIT ADVISORY COMMISSION

Guadalupe A. Contreras (to fill the unexpired term of Randy Burress, who resigned)
Term expires July 15, 2016

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, the City website or <http://www.ustream.tv/channel/city-of-fort-smith-board-of-directors-meetings>

ADJOURN

7:45 p.m.

2A.

ORDINANCE NO. 17-15

AN ORDINANCE AMENDING ORDINANCE NO. 12-15

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

WHEREAS, Ordinance No. 12-15 was passed and approved on February 3, 2015, for the purpose of annexing certain territory into the city of Fort Smith; and,

WHEREAS, a clerical error exists with the legal description contained in Ordinance No. 12-15; and,

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

SECTION 1: That the legal description within Ordinance 12-15 is hereby amended to read as follows:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°41'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 0°41'41" W a distance of 215.94 feet to the point of beginning.

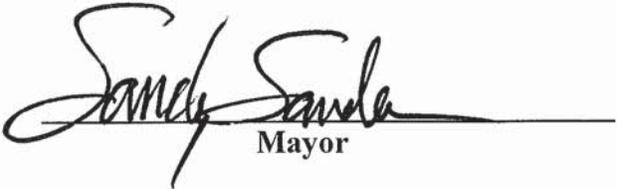
more commonly known as 8225 and 8227 Texas Road.

SECTION 2: Ordinance No. 12-15, as amended by Section 1 of this Ordinance, is hereby confirmed to be validly adopted as Ordinance No. 12-15 of the City of Fort Smith, Arkansas.

Ordinance No. 17-15

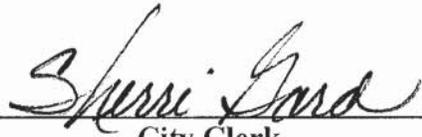
PASSED AND APPROVED THIS 17th DAY OF February, 2015.

APPROVED:



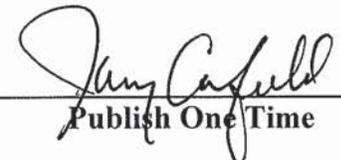
Mayor

ATTEST:



City Clerk

Approved as to form:



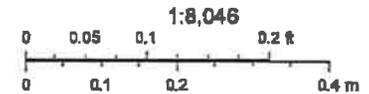
Publish One Time

8225 & 8227 Texas Road Annexation



January 27, 2015

-  Fort Smith City Limits
-  Subdivisions
-  Parcels



ORDINANCE NO. 18-15

2B.

AN ORDINANCE AMENDING ORDINANCE 13-15

WHEREAS, Ordinance No. 13-15 was passed and approved on February 3, 2015 for the purpose of amending the zoning map and the master land use plan map of the City of Fort Smith; and,

WHEREAS, a clerical error was found with the legal description contained in Ordinance No. 13-15; and,

WHEREAS, a revised legal description in Section 1 of this Ordinance corrects the scrivener's error,

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

SECTION 1: That the legal description within Ordinance No. 13-15 is hereby amended to read as follows:

A tract of land lying in the Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼) of Section 8, Township 7 North, Range 32 West, Fifth PM, in the Greenwood District, Sebastian County, AR described as beginning at a point 403.5 feet North and 969.55 feet West of the Southeast Corner of said Northeast Quarter; thence S 89°41'00"W, a distance of 1075.47 feet; thence N 30°14'11"E, along the easterly boundary line of Texas Road, a distance of 254.53 feet; thence N 89°52'54"E a distance of 949.9 feet; thence S 0°41'41" W a distance of 215.94 feet to the point of beginning.

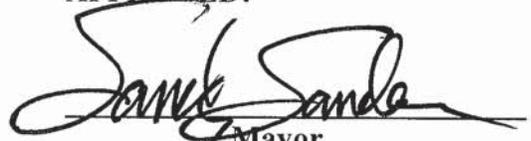
more commonly known as 8225 and 8227 Texas Road.

SECTION 2: Ordinance No. 13-15, as amended by Section 1 of this Ordinance, is hereby confirmed to be validly adopted as Ordinance No. 13-15 of the City of Fort Smith, Arkansas.

Ordinance No. 18-15

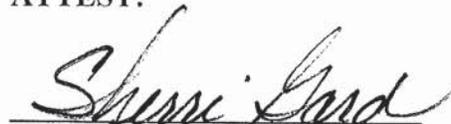
PASSED AND APPROVED THIS 17th DAY OF February, 2015.

APPROVED:



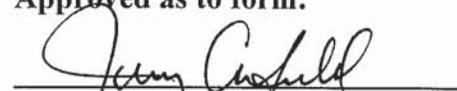
Mayor

ATTEST:



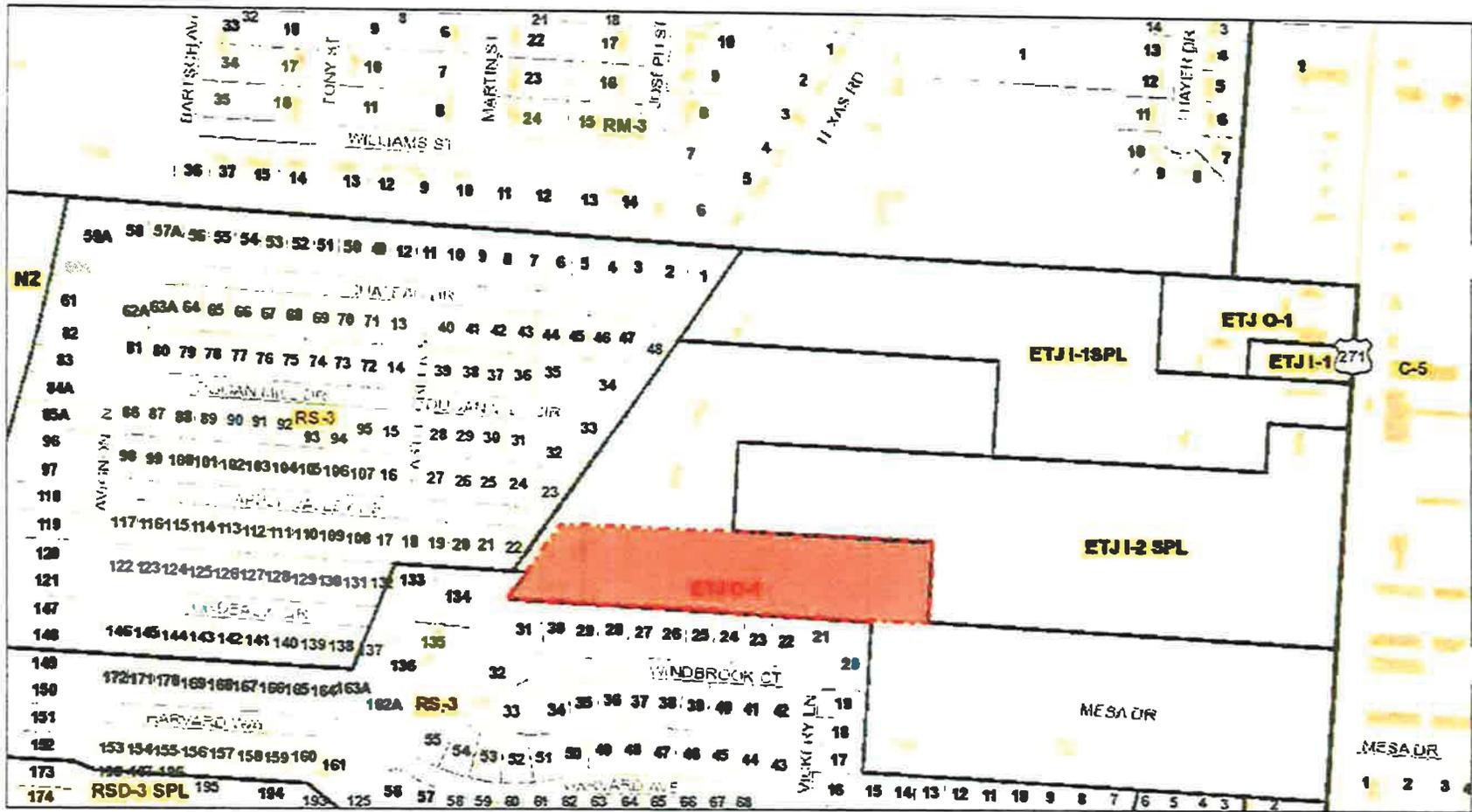
City Clerk

Approved as to form:



Publish One Time

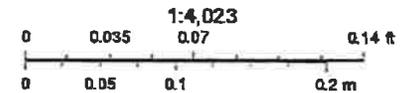
Rezoning #1-1-15: From ETJ Open-1 to Residential Single Family-Duplex Medium/High Density (RSD-3) 8225 & 8227 Texas Road



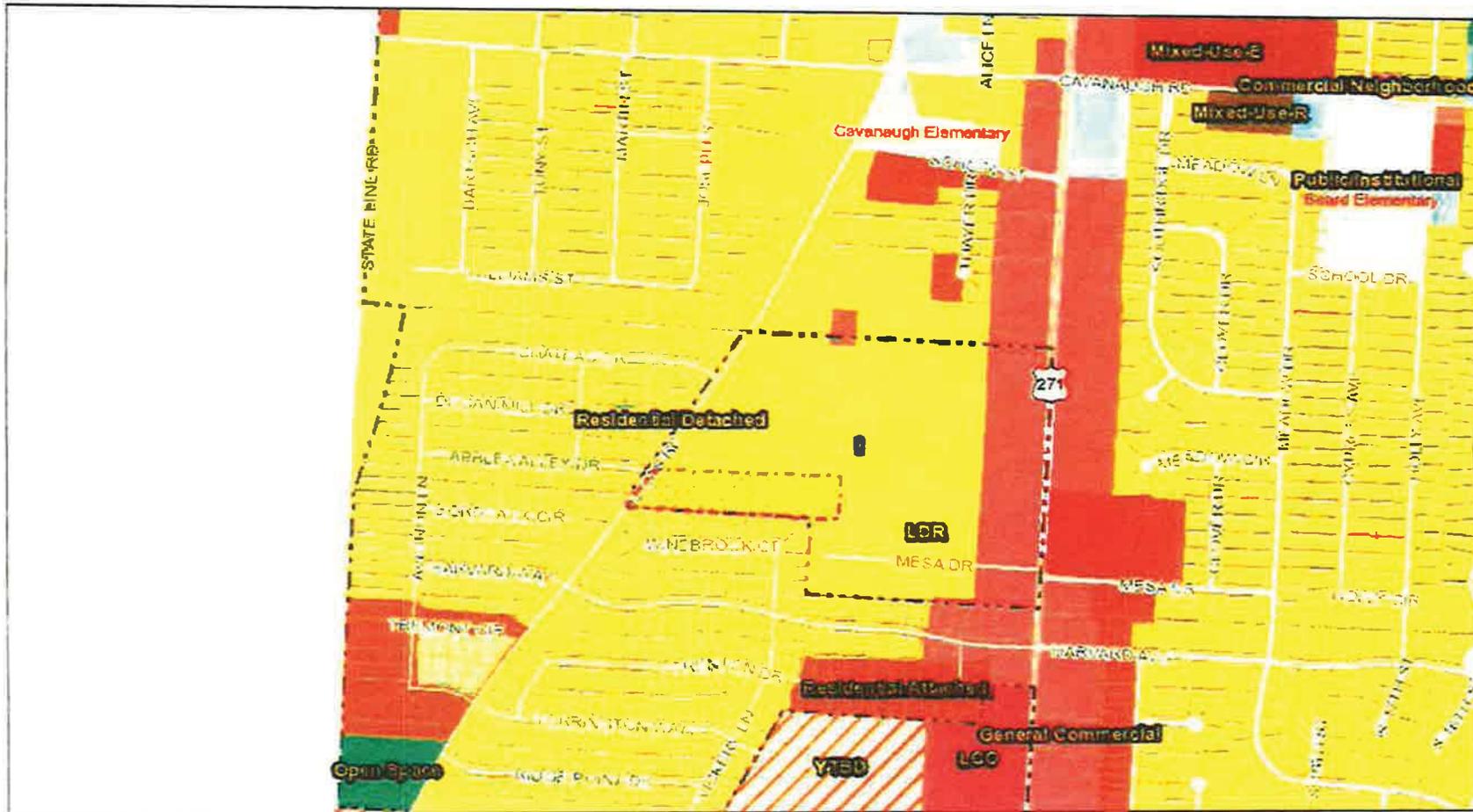
December 16, 2014

- Fort Smith City Limits
- Building Footprints
- Zoning
- Subdivisions

33
11



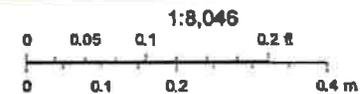
Master Land Use Amendment: From ETJ Low Density Residential to Residential Attached 8225 & 8227 Texas Road



December 16, 2014

-  Fort Smith City Limits
-  Subdivisions
-  Commercial

HC



Tax Back

Resolution



RESOLUTION No. R-24-15

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, Mars Petcare US, Inc., located at 10000 Roberts Blvd, 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, Mars Petcare US, 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. Mars Petcare US, 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 Mars Petcare US, Inc.**
3. This resolution shall take effect immediately.

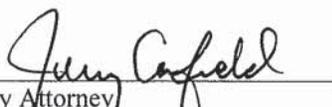


 Mayor

Date Passed: February 17, 2015

Attest: Sherril Card

 City Clerk



 City Attorney
 Approved as to Form

RESOLUTION NO. R-25-15RESOLUTION APPROVING AUTOMOBILE AND PROPERTY INSURANCE
COVERAGE FOR THE CITY'S FLEET AND BUILDINGS for 2015-2016

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

SECTION 1: The renewal of the insurance agreement with Travelers
Companies through Brown Hiller Clark and Associates for the insuring of property
and automobiles owned by the City for the policy year of March 1, 2015, through
March 1, 2016, is hereby approved.

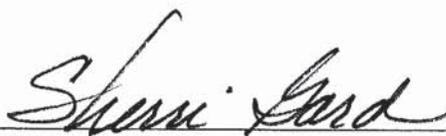
SECTION 2: The City Administrator or his designee is hereby authorized to
execute all documents necessary to bind coverage.

This Resolution adopted this 15th day of February, 2015.

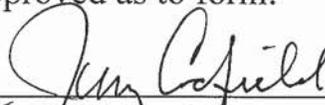
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


 No Publication Required

Publish ___ Times

RESOLUTION NO. R-26-15**RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH
ESTABLISHING A COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE**

WHEREAS, the implementation of the Future Fort Smith Comprehensive Plan is critical to the success of the plan; and,

WHEREAS, a citizens implementation committee is needed to help support the City of Fort Smith in implementation of the plan,

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

SECTION 1: A Comprehensive Plan Implementation Committee, consisting of no more than eleven (11) members, is hereby established.

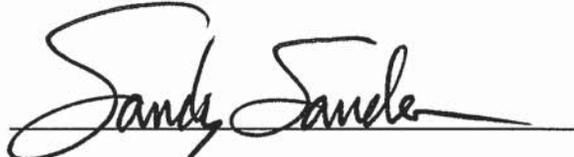
SECTION 2: The committee shall consist of nine (9) at large appointments, to be made by the board of directors, one (1) member of the Planning Commission and one (1) member of the Parks Commission. The Planning Commission and Parks Commission shall each select their representatives for the Committee. All terms shall be for five (5) years, after which time the board of directors shall determine future terms. The representatives of the Planning Commission and Parks Commission must continue to be a member of their respective commission while serving on the committee. If such committee member ceases to be a member of his/her respective commission, the commission shall designate another of its members to fill the remainder of the term on the committee.

SECTION 3: The principal responsibilities of the Committee include periodic progress meetings with City staff, a review of the annual, biennial and quinquennial reports on the progress of the comprehensive plan; provide feedback before the reports are finalized, and assist with preparation of a scorecard to show how the plan is being implemented. The Committee may also assist by working with neighborhood and other community groups providing them with

progress reports and helping them get involved.

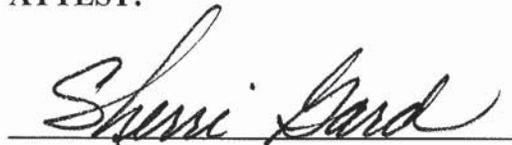
THIS RESOLUTION ADOPTED THIS 17th day of February, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

*Approved as to form
Jerry Coughlin
no publication required*

RESOLUTION NO. R-27-15

A RESOLUTION AUTHORIZING A FRANCHISE
UTILITY RELOCATION AGREEMENT FOR
THE JENNY LIND ROAD & INGERSOLL AVENUE WIDENING PROJECT
PROJECT NO. 07-01-A

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

SECTION 1: The Mayor is authorized to execute a City - Franchise Utility Relocation Agreement with Oklahoma Gas and Electric for the relocation of electric lines for the Jenny Lind Road and Ingersoll Avenue Widening project and payment in the amount of \$78,687.00 is approved.

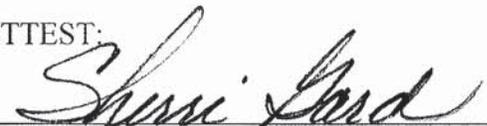
This Resolution adopted this 17th day of February, 2015.

APPROVED:



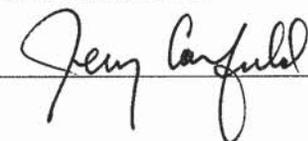
Mayor

ATTEST:



City Clerk

Approved as to Form



NPR

RESOLUTION R-28-15

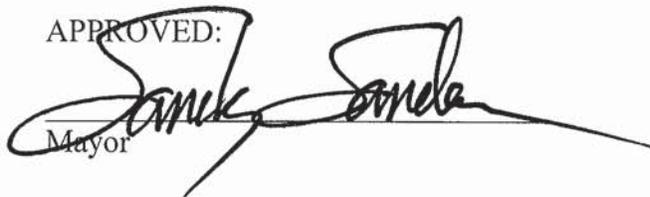
A RESOLUTION AUTHORIZING A TIME
EXTENSION FOR THE CONSTRUCTION OF
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-B

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

SECTION 1: A time extension with Forsgren, Inc., for the Street Overlays/Reconstruction,
Project No. 13-03-B, which increases the contract time by 45 calendar days, is hereby approved.

This resolution adopted this 17th day of February, 2015.

APPROVED:

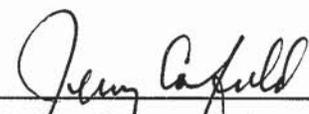

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-29-15

A RESOLUTION TO ACCEPT COMPLETION OF AND
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 13-03-B

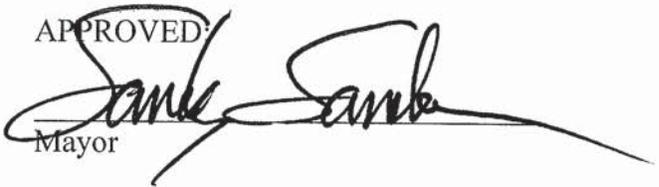
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the construction of the Street Overlays/Reconstruction, Project 13-03-B, as complete.

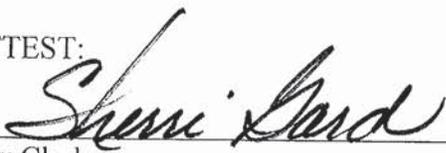
SECTION 2: Final payment is hereby authorized in the amount of \$ 84,123.10 to the contractor, Forsgren, Inc., for the Streets Overlays/Reconstruction, Project 13-03-B.

This resolution adopted this 17th day of February, 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required

RESOLUTION R-30-15

A RESOLUTION AUTHORIZING A CHANGE ORDER
FOR THE CONSTRUCTION OF
FORT SMITH LEVEE IMPROVEMENTS
PROJECT NO. 11-06-D

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

SECTION 1: Change Order No. 1 with Crawford Construction Company, for the Fort Smith Levee Improvements, Project No. 11-06-D, which increases the contract amount by \$15,916.91 to an adjusted amount of \$1,859,387.41, and which increases the contract time by 93 calendar days, is hereby approved.

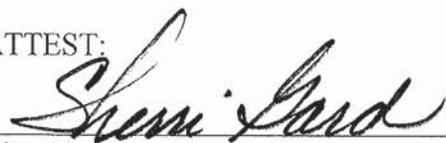
This resolution adopted this 17th day of February, 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-31-15

A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
FORT SMITH LEVEE IMPROVEMENTS
PROJECT NO. 11-06-D

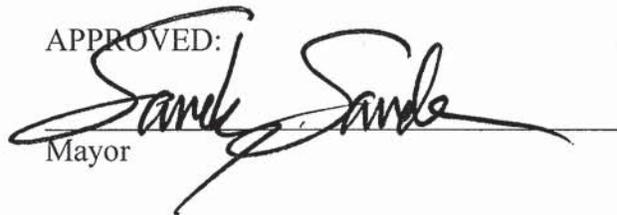
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the construction of the Fort Smith
Levee Improvements, Project 11-06-D, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$67,446.23 to the
contractor, Crawford Construction Company, for the Fort Smith Levee Improvements, Project
No. 11-06-D.

This resolution adopted this 17th day of February, 2015.

APPROVED:



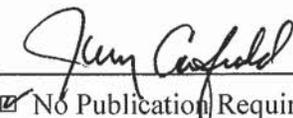
Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION NO. R-32-15**RESOLUTIONS AUTHORIZING DEPOSIT
ACCOUNTS AND RELATED SERVICES**

TO: BancorpSouth Bank (the "Bank")

Name and Address of Depositor:

City of Fort Smith, Arkansas
Re: Parrot Island Waterpark
PO Box 1908
Fort Smith, Arkansas 72902

Federal Tax I.D. Number: 71-6003637

Date of this Resolution: February 17, 2015

WHEREAS, the City of Fort Smith, Arkansas ("Fort Smith") and the County of Sebastian, Arkansas ("County"), jointly own an outdoor waterpark and aquatics facilities located in Fort Smith, Sebastian County, Arkansas ("Parrot Island Waterpark");

WHEREAS, the City and the County have entered into a Management Agreement with American Resort Management, LLC ("ARM") provided for, among other things, ARM's management of Parrot Island Waterpark;

WHEREAS, the Management Agreement with ARM provides for the creation of an operating account and sub-accounts to be opened at a bank selected by Fort Smith in the name of Fort Smith, owned by Fort Smith and the County, but with ARM having the sole authority to withdraw funds from the operating account and any sub-accounts during the term of the Management Agreement, subject to the rights of Fort Smith and the County upon termination and subject to the rights of Fort Smith and the County to inspect and audit the operating account and any sub-accounts; and,

WHEREAS, Fort Smith has selected the Bank and desires to open for Parrot Island Waterpark with the Bank a deposit account to serve as the operating account and if available, one or more additional deposit accounts to serve as sub-accounts (collectively, the "Accounts") and to authorize ARM's officers Richard Coleman and Jeffrey D. Mona as signers on the Accounts and as having the authority, together with Fort Smith, to receive information from the Bank regarding the Accounts;

NOW, THEREFORE, the following information and resolutions are provided to the Bank.

Fort Smith is a municipal corporation of the State of Arkansas. Fort Smith is governed presently by a body consisting of its Mayor, Sandy Sanders, and the members of its Board of Directors, Keith Lau, Andre Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings (collectively referred to as

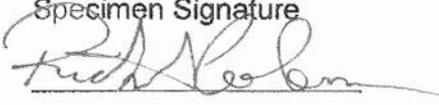
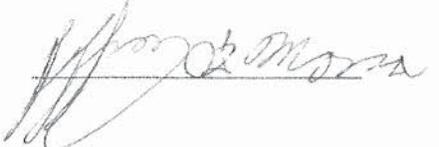
"Board of Directors").

Fort Smith is a not for profit governmental entity.

I hereby certify that the following resolutions were unanimously adopted, approved, and confirmed by Fort Smith at a meeting of the Board of Directors held on or prior to the date set forth above, which was duly noticed and attended by a quorum of such body in full accordance with all applicable law:

RESOLVED, that the Bank is hereby selected and designated as a depository of Fort Smith for the Accounts of Parrot Island Waterpark and that the Accounts be opened and maintained as provided herein and that Fort Smith and ARM shall be bound by the deposit account terms and conditions applicable to the Accounts and by all other agreements between the Bank and Fort Smith for deposit products and services in connection with the Accounts;

RESOLVED, that all drafts, checks, orders and other items for the payment of money from the Accounts shall be signed or originated by or at the direction of any one (1) of the following:

Name	Title	Specimen Signature
Richard Coleman	Executive Vice President of ARM as Manager of Parrot Island	
Jeffrey D. Mona	President of ARM as Manager of Parrot Island	

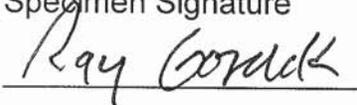
and the Bank is further authorized to honor and charge the Accounts for all the drafts, checks, orders and other items and transactions drawn or originated in Parrot Island Waterpark's name when bearing or purporting to bear the facsimile signature of either Richard Coleman or Jeffrey D. Mona, or originated by or at the direction of either of them, regardless of by whom or by what means the facsimile signature may have been affixed or the order may have been originated, and Fort Smith assumes all risks and responsibility involved in the use of any mechanical, facsimile or electronic form of signature or transaction origination and in the delegation to ARM and its said officers for management of the Accounts;

RESOLVED, that the Bank is authorized to honor all drafts, checks, orders or other items or instructions for payment or transfer from the Accounts even though drawn, endorsed, ordered or otherwise payable to a person identified above, and whether presented for cash or for credit to the account of such person or another

person, or in payment of any individual obligation of such person or another person, and the Bank need make no inquiry concerning such withdrawals, orders or dispositions of the money, items or credit given therefor;

RESOLVED, that endorsements for deposit may be made by any one of the persons identified above or may be evidenced by the name of Parrot Island Waterpark being written or stamped on the item or instrument deposited, without designation of the person making the endorsement, and the Bank is authorized to supply any endorsement on any item or instrument tendered for deposit or collection;

RESOLVED, that Fort Smith may from time to time enter into operating, cash management, funds transfer, night depository, safe deposit box, and other agreements relating to deposit accounts, products and services with the Bank and that any one (1) of the following persons is hereby authorized to execute amend, supplement, and deliver to the Bank such agreements in connection with the Accounts upon such terms and conditions as such person may deem appropriate, and to appoint and delegate, from time to time, persons who may act on behalf of Fort Smith pursuant to such agreements.

Name	Title	Specimen Signature
Ray Gosack	City Administrator	
Kara Bushkuhl	Finance Director	

RESOLVED, that any and all acts authorized pursuant to these resolutions and performed prior to the passage of these resolutions are hereby ratified and approved; and

RESOLVED, that City Clerk of Fort Smith is authorized to certify these resolutions, which supersede all resolutions of like tenor previously furnished to the Bank, and to provide written notice to the Bank in the event these resolutions are hereafter modified or rescinded; and

RESOLVED, that these resolutions will continue in full force and effect and shall remain irrevocable as far as the Bank is concerned until the Bank is notified in writing of their modification or rescission and has had sufficient time to act thereon by accepting or rejecting said modification or rescission, and which modification or rescission shall have prospective effect only.

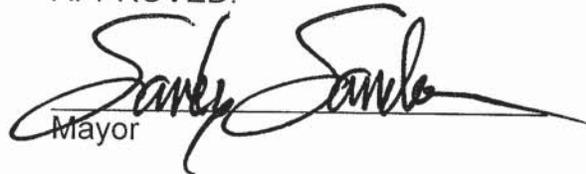
I further certify that I am a person authorized to make the certifications herein and that the foregoing is a complete and correct copy of the resolutions duly adopted by the Board of Directors of Fort Smith and affirmatively appearing in the permanent records of Fort Smith.

I further certify that there is no provision of any applicable law or other governing document of Fort Smith that either restricts the adoption of the foregoing resolutions or prevents me from executing this certification, and that these resolutions were and are duly approved and authorized in conformity with such governing documents and applicable law.

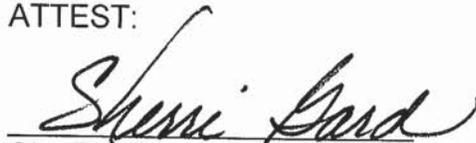
I further certify that the foregoing resolutions (i) have not been modified, amended or rescinded, (ii) are in full force and effect, and (iii) are binding upon Fort Smith.

This Resolution adopted this 17th day of February, 2015.

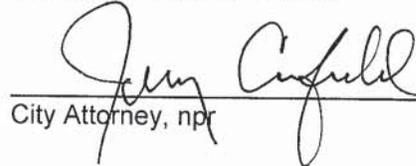
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney, npr

RESOLUTION NO. R-33-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ADDENDUM TO THE OPERATING AGREEMENT WITH AMERICAN RESORT MANAGEMENT, LLC (AS AUTHORIZED BY RESOLUTION NO. R-171-14) SPECIFICALLY RELATED TO THE ESTABLISHMENT AND OPERATION OF BANK ACCOUNTS AND SERVICES RELATED TO PARROT ISLAND WATERPARK

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

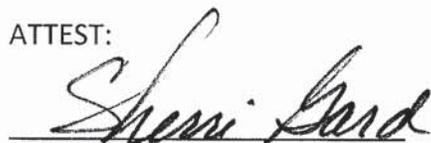
The Mayor is hereby authorized to execute an addendum to an Operating Agreement with American Resort Management, LLC (as authorized by Resolution No. R-171-14) specifically related to clarifying the establishment and operation of bank accounts and services related to Parrot Island Waterpark.

This Resolution adopted this 17th day of February, 2015.

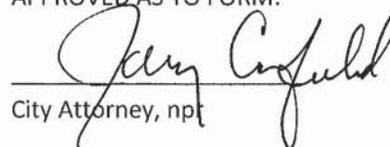
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney, npt

ORDINANCE NO. 19-15

AN ORDINANCE WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING RELATIVE TO STRUCTURAL STEEL SUPPLY AND ERECTION AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE TRADE CONTRACTS FOR MATERIALS AND SERVICES RELATED TO THE CONSTRUCTION OF AN AQUATICS FACILITY AT BEN GEREN REGIONAL PARK

WHEREAS, Sebastian County and the City of Fort Smith, as owners, jointly are constructing a recreational aquatics park at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith have contracted with Flintco, LLC ("Flintco") to serve as Construction Manager for the construction of the recreational aquatics park; and

WHEREAS, sealed bids were solicited for various trade contracts for materials and services related to the construction of the recreational aquatics park, and the bids were opened and read aloud in public on April 10 at 2:00 p.m. and December 30, 2014 at 2:00 p.m. in the Sebastian County Courthouse located in Fort Smith; and

WHEREAS, Flintco has vetted all bids opened at the public bid openings and recommended to Sebastian County and the City of Fort Smith a lowest responsible bidder for each of the trade contracts with the exception of structural steel supply and erection, which trade contract received no bids at bid opening; and,

WHEREAS, Flintco has negotiated and recommends a trade contract with Holmes Erection, Inc. in the amount of \$26,500.00 for structural steel supply and erection required for the construction of the recreational aquatics park;

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

Section 1: Because of the exceptional situation of the receipt of no bids at advertised bid opening for the structural steel supply and erection trade contract the requirement of competitive bidding for the structural steel supply and erection trade

contract is waived and the trade contract negotiated with Holmes Erection, Inc. in the amount of \$26,500.00 is hereby approved.

Section 2: The City of Fort Smith hereby approves the following identified trade contracts in the designated amounts for the designated materials and services. The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the approved trade contracts:

for landscaping and irrigation materials and services with Frank Sharum Landscape Design, Inc. of Fort Smith, Arkansas in the amount of \$251,649.31;

for highway sign materials and services with ABC Printing and Signs of Bonanza, Arkansas in the amount of \$140,070;

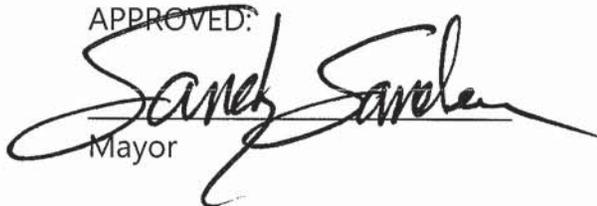
for concrete work materials and services with Professional Concrete Specialties, LLC of Rogers, Arkansas in the amount of \$243,285;

for structural steel supply and structural steel erection materials and services with Holmes Erection, Inc. of Fort Smith, Arkansas in the amount of \$26,500.

Section 3. The City of Fort Smith, acting jointly with Sebastian County, hereby assigns for management, implementation and enforcement purposes the trade contracts approve by Sections 1 and 2 above to Flintco pursuant to the provisions of Section 2.3.2.1 of the contract of Sebastian County and the City of Fort Smith with Flintco.

This Ordinance enacted this 17th day of February, 2015.

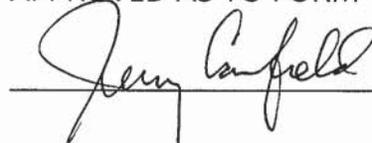
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


npr

A RESOLUTION AUTHORIZING FUNDS TO INCREASE THE
WATER MAIN SIZE FOR WATER SYSTEM IMPROVEMENTS TO BE
CONSTRUCTED FOR MANESS HILL ADDITION

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

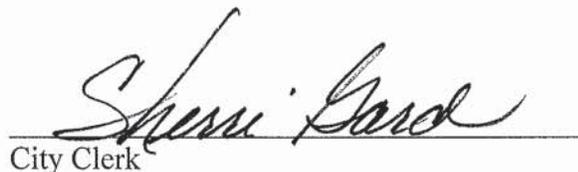
It is hereby determined that the City of Fort Smith should cause a portion of the water system improvements to be constructed to serve the Maness Hill Addition be increased from an eight-inch diameter water line to a twelve-inch diameter water line. The reimbursement for the cost associated with this water line size increase, not to exceed \$11,036.50, will be paid to the developer of the Maness Hill Addition, RUM, Inc., upon the satisfactory completion of the water system improvements.

This Resolution adopted this 17th day of February 2015.

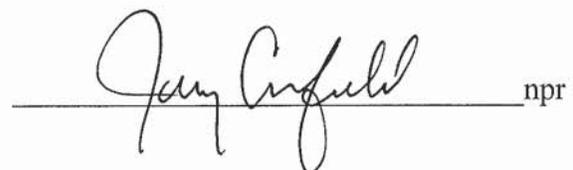
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-35-15**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE AGREEMENT FOR CITY OFFICES AND PARKING SPACES**

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

The Mayor is authorized to execute a lease agreement between the City of Fort Smith and Stephens Production Company, which leases to the City of Fort Smith the following described premises:

Break room and restroom facilities on the west wing of the second floor located on the west side of the hallway and all of the third floor and all of the fourth floor less the west wing of the Stephens Building, which includes the two buildings located on Lots 12 and the East or Northeast 22 ½ feet of Lots 11 and the East or Southeast 92 ½ feet of Lot 10, Block 25, Original City of Fort Smith, Arkansas, all of the fifth floor and all of the office space and vault on the first floor of the building located on the East or Northeast 22½ feet of Lot 11 (being the area formerly occupied by the Trust Department of the Merchants National Bank); and approximately 1,000 square feet of space in the basement of the aforesaid two buildings, together with the use, in common with the other tenants in the building, of the lobby, elevators, stairways, restrooms and hallways.

Also, 73 parking spaces to be assigned by Lessor on parking lots owned or leased by Lessor. Twenty-three such spaces shall be in lots located on Block 25, Original City, 36 spaces in the lot at the Southeast corner of the intersection of North 8th & "A" Streets, and the remaining 14 spaces shall be on lots located within 2 ½ blocks of Block 25.

The lease shall be for a three-year period commencing March 1, 2015, and shall end on the last day of February 2018, at a monthly rental rate of \$23,000 for the first year, a monthly rental rate of \$24,000 for the second year, and a monthly rental rate of \$25,000 for the third year; provided that at any time after August 31, 2017, the City, upon giving six (6) months written notice to Stephens Production Company, may terminate the lease agreement if the City has entered into a binding agreement to purchase or build a permanent City Hall.

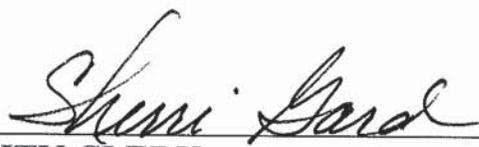
A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A LEASE AGREEMENT FOR CITY OFFICES AND PARKING SPACES
(Continued)

This Resolution adopted this 17th day of February, 2015.

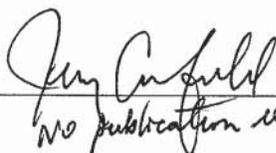
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


no publication required

5M

RESOLUTION NO. R-36-15

**RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
POLICE PACKAGE UTILITY VEHICLES**

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

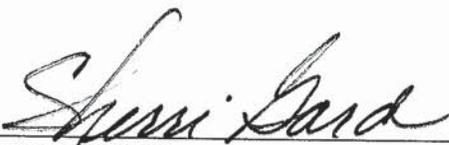
The Bid, as indicated by enclosure for the purchase of 5 (five) police
package utility vehicles for \$164,642.60 from Bale Chevrolet, is accepted.

This Resolution adopted this 17th day of February, 2015.

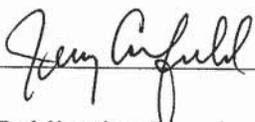
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:



No Publication Required

5M

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Alie Bahsoon, Purchasing Manager
SUBJECT: Police Package Sport Utility Vehicles
DATE: February 10, 2015



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 many negotiated contracts that the State of Arkansas currently participates in. One of these contracts is the 2015 State Vehicle Contract (No. 4600033480/SP-15-0011).

The Police Department is in need of replacing 5 vehicles in its fleet and have therefore budgeted \$297,210 in their capital outlay program 4704-301 for the purchase of 5 Police Package Tahoes. The remaining budgeted amount of approximately \$152,000 will be used to purchase various equipment (as noted in the Base Price Tahoe PPV attachment) needed for these vehicles. These purchases will be made from various vendors once the units are delivered to the City.

Funding for this purchase has been appropriated for accordingly in the 2015 City Budget. Because of the cooperative purchasing program, bids were not solicited and we are therefore acquiring these vehicles from Bale Chevrolet of Little Rock in the amount of \$ 164,642.60. You will find attached a memorandum from the Police Department with additional information regarding this purchase and the units being replaced.

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

Please let me know if should require any additional information.



Fort Smith Police Department

Kevin Lindsey, Chief of Police

Inter-Office Memorandum

To: Mr. Alie Bahsoon, Purchasing Manager

From: Captain Levi Risley

Subject: Patrol Vehicle Purchase

Date: January 21, 2015

The Fort Smith Police Department requests the purchase of five Chevrolet Tahoe Police Package Utility vehicles from Bale Chevrolet, Little Rock, Arkansas. The funds for the vehicle purchase were allocated in the City of Fort Smith 2015 Budget, Program 4704, Capital Outlay Item #301. The purchase request is through the Arkansas State Contract. The prospective vehicles are being offered to the City at a cost of \$30,156.16 each. This price includes the base vehicle price of \$28,277.00, a GM options upgrade of \$717.00 per vehicle, and a Kerr Industry options upgrade of \$1,162.16 per vehicle.

The five new vehicles will replace five vehicles from the Patrol Division (4704):

Asset #136	1998 Dodge Dakota truck
Asset #230	1996 Chevrolet S10 truck
Asset #837	1999 Ford Crown Victoria passenger car
Asset #926	2006 Chevrolet Impala passenger car
Asset #993	2007 Chevrolet Impala passenger car

If you have any questions or require any additional information, please contact me.

"Pride and Progress"

Base Price Tahoe PPV		
\$28,981.00	Price based on 2015 State of Arkansas Contract	
\$1,350.00	KPRIS / Kerr Industries prisoner seats	installed before delivery
\$890.00	KPHEX / Kerr Industries prisoner partition with lower exention panel	installed before delivery
\$120.00	KNVL 55 / Kerr Industries Nitevision dome lamp	installed before delivery
\$240.00	KTLGHT / Kerr Industries inner tailgate dome lights	installed before delivery
\$240.00	KSPEAK / Kerr Industries siren speaker	installed before delivery
\$432.00	KPDIST / Kerr Industries front & rear power distribution centers	installed before delivery
\$97.00	6J3 lights and speakers wiring for grill	factory option
\$225.00	7X6 led spotlight	factory option
\$57.00	6N5 rear window inoperative	factory option
Included	6B2 rear door handles inoperative	factory option now included
\$59.00	6N6 rear door locks inoperative	factory option now included
\$0.00	dual battery upgrade (Now Standard on police package)	
\$500.00	6J7 flasher system headlamp/taillamp	factory option
\$2,000.00	G2S-KADB Genesis 2 Select KA band radar system	
\$450.00	long gun mount	
\$6,683.00	L3 in-car video system FB3 + 2 wireless mics	
\$50.00	flashlight charger	
\$50.00	antennas	
\$845.00	radio/MDT console	
\$2,500.00	Lightbar/Controller/Speaker	
\$470.00	trunk mounted equipment trays	
\$4,500.00	Motorola 2-way radio	
\$275.00	rear window guards	
\$1,000.00	additional LED lighting	
\$500.00	rear cargo barrier	
\$4,500.00	MDT	
\$1,100.00	MDT docking station and mount	
\$600.00	striping & wrapping	
\$500.00	emergency response equipment	
\$200.00	window tinting	

\$30,433.00	Total Equipment Cost
--------------------	-----------------------------

\$59,414.00	Total Base Price & Equipment
--------------------	---

\$297,070.00	Five Equipped Units
---------------------	----------------------------

RESOLUTION NO. R-37-15

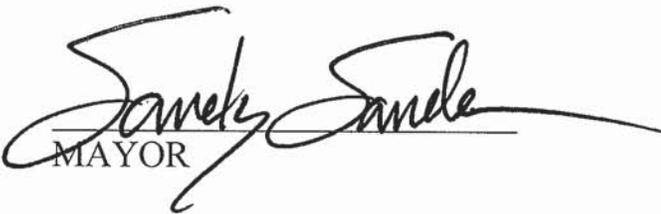
**RESOLUTION ACCEPTING BID FOR THE PURCHASE OF
FRONT LOADER**

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

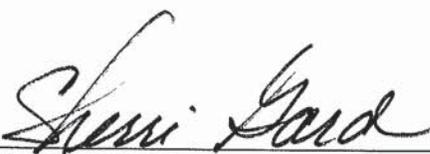
The Bid, as indicated by enclosure for the replacement purchase of a front loader for \$138,171.64 from Shipley Motor, is accepted.

This Resolution adopted this 17th day of February, 2015.

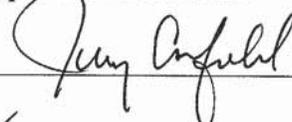
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:



- No Publication Required
- Publish _____ Times

5N

Interoffice Memorandum

TO: Ray Gosack, City Administrator
FROM: Alie Bahsoon, Purchasing Manager
SUBJECT: Front Loader Replacement
DATE: February 10, 2015



The attached resolution is being presented to the board for the approval to purchase a replacement front loader that was damaged in a fire on October 21, 2013. Although the cab and chassis was deemed totaled, the packer body was salvageable and is currently being repaired to be installed on this new chassis that we are acquiring from Shipley Motor.

In 2011, bids were solicited for the purchase of front loaders and per Resolution R-167-08, the bid was awarded to Shipley Motor Equipment (“Shipley”) of Fort Smith, Arkansas. In our bid documents (available in Purchasing), there was a provision that allows the City to exercise an option to renew the contract with Shipley Motor for four (4) consecutive one (1) year periods under the terms and conditions of the bids. It is for this reason that bids were not solicited for the replacement of this front loader.

Although the 2015 Budget did not appropriate funding for this purchase, this unit is being purchased with the insurance settlement (Travelers Insurance) of \$140,790.26 that was deposited into the Sanitation Sinking Fund for Landfill Construction and Fleet Acquisition (Fund 1118). The front loader will be used in the Commercial Collection Division of the Department of Sanitation.

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

Please let me know if should require any additional information.





CHASSIS SPECIFICATIONS SUMMARY

September 09, 2014

2015 MACK MRU613

REFUSE, FRONT LOADER On/Off Hwy
STRAIGHT TRUCK WITHOUT TRAILER

Engine	MACK MP7-325M 325HP	Transmission	4500-RDS-R
		Clutch	OMIT CLUTCH
Front Axle	20,000# FXL20	Rear Axle	46,000# S462 Ratio 5.04
Suspension	20,000#	Suspension	46,000# SS462
Tires	Front: 425/65R22.5 Rear: 11R22.5	Wheels	22.5x12.25 STEEL DISC (10-HOLE) 22.5x8.25 STEEL DISC (10 HOLE)
Ratings	GVW: 66,000#	Fuel Tanks	LH: 70gal RH: 70gal
Fifth Wheel		Sleeper	

PRICING SUMMARY

	<u>List Price</u>
CHASSIS BASE	\$195,655.00
Factory Options	\$20,016.00
Freight	\$2,050.00
Less Additional Factory Rebate	
Sales Allowances	
TOTAL FACTORY	\$217,721.00
Locally Installed Options	\$22,471.00
Soft Products/Bulldog Protection Plans	\$0.00
TOTAL FACTORY & LOCAL	\$240,192.00
Less Customer Discount from List	\$102,013.86
SELLING PRICE (Excluding Taxes/Fees/Trade)	\$138,178.14
Less Trade Allowances per New Vehicle	\$0.00
QUOTED PRICE OR TRADE DIFFERENCE	\$138,178.14
OBD Surcharge	\$270.00
Net FRET or Canadian GST Taxes	\$0.00
Tire Tax Credit (Municipal Only)	(\$276.50)
Sales/Usage Taxes	\$0.00
License/Title/Etc.	
Misc Fees not subject to FRET	
ACQUISITION COST (Include Trade if applies)	\$138,171.64
Less Down Payment	
BALANCE DUE Per Unit	\$138,171.64
PRICE (Total Order)	\$138,171.64
BALANCE DUE (Total Order)	\$138,171.64

Total Quantity: 1

Estimated Total Weight: 85,200#

Reference#: AHPZ007815A

x Shirley Bohm 9-9-14
 Customer Signature Date

x James Carey 9-9-14
 Dealer Signature Date

Prepared For:
 CITY OF FT. SMITH
 9701 HWY 45
 FORT SMITH, AR 72916
 Phone: --
 Fax: --

Presented By:
 JAMES CAREY
 SHIPLEY MOTOR
 2800 WHEELER AVE.
 FT. SMITH, ARKANSAS 72901
 479-782-8281
 james.carey@shipleymotor.com

RESOLUTION NO. R-38-15**A RESOLUTION CONFIRMING AND APPROVING CONTRACT
OF THE CITY WITH STEVE BEAM CONSTRUCTION, INC.**

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

The City's contract with Steve Beam Construction, Inc. for the construction of employee parking ditch improvements at the Fort Smith Sanitary Landfill, which contract was dated April 24, 2014, and which contract work has now been completed and final payment made, is hereby confirmed and approved.

This Resolution adopted this 17th day of February, 2015.

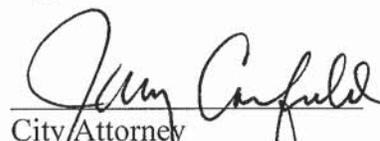
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required