

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

April 21, 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 Greg Wolfe, Cliff Terrace Church

ROLL CALL

- All present, except Director Don Hutchings
- 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 APRIL 7, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Ordinance specifying personnel authority of the City Administrator
~ *Settle/Catsavis placed on the agenda at the April 14, 2015 study session ~*
DEFEATED 1 in favor (Settle), 5 opposed (Lau, Good, Lorenz, Catsavis and Pennartz)

2. Ordinance amending the 2015 Budget (*safety/risk manager*) ~ Pennartz/Good placed on agenda at the April 14, 2015 study session ~ APPROVED 4 in favor, 2 opposed / 5 affirmative votes were not obtained for passage on its first reading; therefore, the ordinance was read in its entirety for its first reading. The second reading is scheduled to occur at the May 5, 2015 regular meeting.
3. Consent Agenda
 - A. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 13-06-B1 (20 days) ♦ APPROVED 6 in favor, 0 opposed / Resolution No. R-64-15
 - B. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 13-06-B1 (\$7,672.72 / Engineering Department / Budgeted – Sales Tax Program) ♦ APPROVED 6 in favor, 0 opposed / Resolution No. R-65-15
 - C. Resolution endorsing modification of the Tilles Foundation Trust From 1926 in favor of one-time disbursement of \$15,000 from the Tilles Foundation to the City in support of the Lewis Tilles Children’s Park in Fort Smith; and authorizing the Mayor to execute any documents required to effect such change APPROVED 6 in favor, 0 opposed / Resolution No. R-66-15
 - D. Resolution accepting the bid and authorizing a contract with Dixon Contracting, Inc. for the River Park Pavilion Addition (\$86,400.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax) ♦ APPROVED 6 in favor, 0 opposed / Resolution No. R-67-15
 - E. Ordinance waiving the requirement of competitive bidding relative to stained concrete and approving and authorizing the Mayor to execute a trade contract for materials and services related to the construction of an aquatics facility at Ben Geren Regional Park (Parrot Island Water Park) (\$17,000.00 / Parks Department / Budgeted –2012 Sales Tax Bonds) APPROVED 6 in favor, 0 opposed / Ordinance No. 28-15
 - F. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, through its Police Department, and the Drug Enforcement Administration regarding communication between the agencies via wireless radio transmissions on encrypted radio frequencies APPROVED 6 in favor, 0 opposed / Resolution No. R-68-15

- G. Resolution authorizing the execution of an inter-municipal fire protection services agreement between the City of Fort Smith and the Town of Roland, Oklahoma concerning mutual fire protection and emergency services
APPROVED 6 in favor, 0 opposed / Resolution No. R-69-15
- H. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the 3571 Gary Street Sewer Repair (\$129,540.50 / Utility Department / Budgeted - 2014 Sales and Use Tax Bonds)
APPROVED 6 in favor, 0 opposed / Resolution No. R-70-15
- I. Resolution authorizing Change Order No. 1 with Archer Western Construction, LLC for the Zero Street Pump Station Weather Improvements – Pump Station and EQ Storage (\$43,009.20 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)
APPROVED 5 in favor, 1 opposed (Pennartz) / Resolution No. R-71-15
- J. Resolution authorizing acquisition of real property interests in connection with the Basin 17 Collection System Improvements (\$5,972.90 / Utility Department / Budgeted – 2012 and 2014 Sales and Use Tax Bonds)
APPROVED 6 in favor, 0 opposed / Resolution No. R-72-15
- K. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services associated with Chaffee Crossing Wastewater Collection System Flow Monitoring (\$85,781.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)
APPROVED 6 in favor, 0 opposed / Resolution No. R-73-15
- L. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing a contract with Goodwin & Goodwin, Inc. for 2200-2321 Rogers Avenue Sanitary Sewer Extension (\$317,970.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)
APPROVED 6 in favor, 0 opposed / Ordinance No. 29-15

OFFICIALS FORUM ~ presentation of information requiring no official action
(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

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EXECUTIVE SESSION (approximately 6:55 p.m.)

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

David Hudson

(to fill the unexpired term of Andrew Smith who resigned)

Term expires March 7, 2018

COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Cinda Rusin (reappointment)

Fran Hall (reappointment)

Terms expire June 30, 2018

Patricia Richardson

(to fill the unexpired term of Josh Carson who resigned)

Term expire June 30, 2017

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

Alex Sanchez

Keley Simpson

Tim Hearn

John Cooley

Galen Hunter

Bruce King

Rocky Walker

Mitch Minnick

Paula Toler Linder

Terms expire April 21, 2020

HISTORIC DISTRICT COMMISSION

Graham Sharum

(to fill 'his' unexpired term – Mr. Sharum resigned March 6, 2015,
but wished to be reappointed to complete his original term.)

Term expires July 31, 2017

HOUSING ASSISTANCE BOARD

Tara Muck

Term expires April 23, 2017

ADJOURN

7:25 p.m.

RESOLUTION R-6415

**A RESOLUTION AUTHORIZING A TIME EXTENSION
FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 13-06-B1**

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

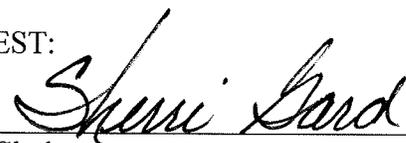
SECTION 1: A time extension with Forsgren, Inc., for the Drainage Improvements, Project 13-06-B1, which increases the contract time by 20 days, is hereby approved.

This resolution adopted this 21st day of April, 2015.

APPROVED:

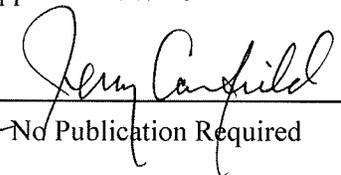

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-65-15

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 13-06-B1**

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 Drainage Improvements, Project 13-06-B1, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$7,672.72 to the contractor, Forsgren, Inc., for the Drainage Improvements, Project No. 13-06-B1.

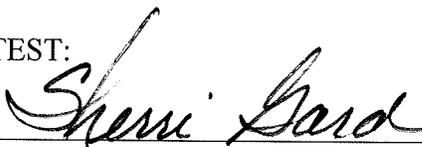
This resolution adopted this 21st day of April, 2015.

APPROVED:



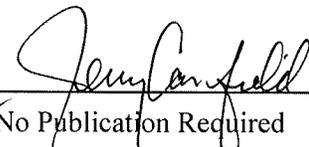
Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION NO. R-666-15

A RESOLUTION ENDORSING MODIFICATION OF THE TILLES FOUNDATION TRUST FROM 1926 IN FAVOR OF A ONE-TIME DISBURSEMENT OF \$15,000 FROM THE TILLES FOUNDATION TO THE CITY IN SUPPORT OF THE LEWIS TILLES CHILDREN'S PARK IN FORT SMITH; AND AUTHORIZING THE MAYOR TO EXECUTE ANY DOCUMENTS REQUIRED TO EFFECT SUCH CHANGE

WHEREAS, the City of Fort Smith owns and operates the Lewis Tilles Children's Park in Fort Smith as part of the city's parks system; and

WHEREAS, in 1926 there was established The Tilles Foundation Trust by C. Andrew Tilles, which contained a provision for an annual payment to the Lewis Tilles Children's Park of Fort Smith, Arkansas in the static sum of \$400; and

WHEREAS, the corporate trustee of The Tilles Foundation Trust is preparing to petition the court to modernize the provisions of said Trust, including the conversion of the \$400 annual payment to the Lewis Tilles Children's Park to a one-time lump sum payment of \$15,000; and

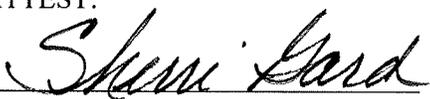
WHEREAS, the Parks & Recreation Commission of the City of Fort Smith discussed the request at its April 8, 2015 regular meeting and recommend that the Board of Directors endorse such petition to modify the trust.

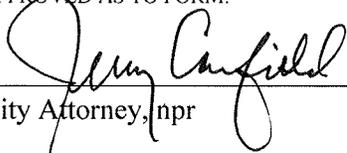
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the City of Fort Smith supports and endorses the petition to modify The Tilles Foundation Trust, resulting in eliminating the required \$400 annual payment in exchange for a one-time payment of \$15,000 which will be used by the City for the benefit of Tilles Park.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute on behalf of the city any documents that may be required in order to effect such change.

This Resolution adopted this 21st day of April, 2015.


Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney, npr

RESOLUTION NO. R-67-15

A RESOLUTION ACCEPTING THE BID AND AUTHORIZING A CONTRACT WITH DIXON CONTRACTING INC. FOR THE RIVER PARK PAVILION ADDITION

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

SECTION 1: The bid of Dixon Contracting, Inc. for the construction of the River Park Pavilion Addition is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute a contract with Dixon Contracting, Inc. for an amount not to exceed \$86,400.00, for performing said construction.

This Resolution adopted this 21st day of April, 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

ORDINANCE NO. 28-15

AN ORDINANCE WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING RELATIVE TO STAINED CONCRETE AND APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A TRADE CONTRACT 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 the 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 December 30 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 has recommended to Sebastian County and the City of Fort Smith a lowest responsible bidder for each of the trade contracts with the exception of stained concrete, which trade contract received no bids at bid opening; and,

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 stained concrete trade contract, the requirement of competitive bidding for the stained concrete trade contract is waived and the trade contract negotiated with EFS Crete'Ations in the amount of \$17,000.00 is hereby approved.

Section 2: The City of Fort Smith, acting jointly with Sebastian County, hereby assigns for management, implementation and enforcement purposes the trade contract approved by Section 1 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 21st day of April, 2015.

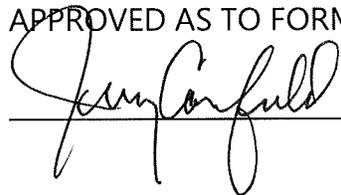
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


npr

RESOLUTION NO. R-68-15

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, THROUGH ITS POLICE DEPARTMENT, AND THE DRUG ENFORCEMENT ADMINISTRATION, REGARDING COMMUNICATION BETWEEN THE AGENCIES VIA WIRELESS RADIO TRANSMISSIONS ON ENCRYPTED RADIO FREQUENCIES

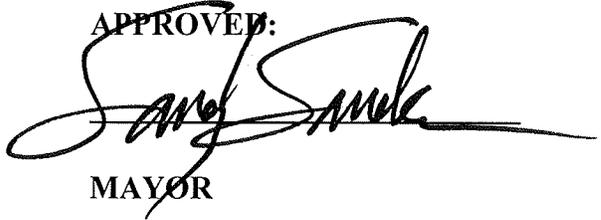
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and the Drug Enforcement Administration which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the establishment of communications between the agencies via wireless radio transmissions on encrypted radio frequencies designated exclusively to the Fort Smith Police Department by the Drug Enforcement Administration. The radios belong to Drug Enforcement Administration with Fort Smith Police Department technicians responsible only for programming.

Section 2. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED THIS 21st DAY OF APRIL, 2015.

APPROVED:


MAYOR

ATTEST:



CITY CLERK

Approved as to form:

 npr
City Attorney

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN
INTER-MUNICIPAL FIRE PROTECTION SERVICES AGREEMENT BETWEEN
THE CITY OF FORT SMITH AND THE TOWN OF ROLAND, OKLAHOMA
CONCERNING MUTUAL FIRE PROTECTION AND EMERGENCY SERVICES**

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

Section 1: The Inter-Municipal Fire Protection Services Agreement between the City of Fort Smith and the Town of Roland, Oklahoma, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings for the mutual fire protection and emergency services between the two parties.

Section 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Inter-Municipal Fire Protection Services Agreement to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED this 21st day of April, 2015.

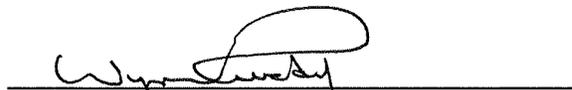
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


No Publication Required

RESOLUTION NO. R-70-15 3 H

RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH FORSGREN, INC.,
FOR THE 3571 GARY STREET SEWER REPAIR

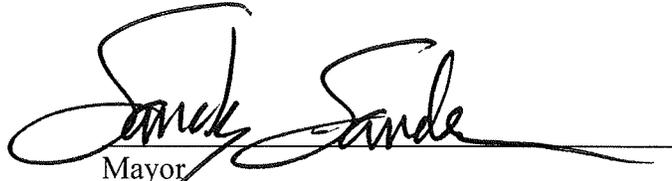
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT
SMITH, ARKANSAS, that:

SECTION 1: The bid of Forsgren, Inc., for the construction of the 3571 Gary Street
Sewer Repair, Project Number 15-09-C1, is hereby accepted.

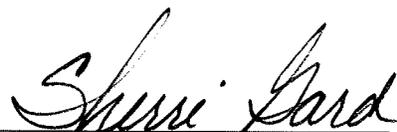
SECTION 2: The Mayor is hereby authorized to execute a contract with Forsgren, Inc.,
for an amount of \$129,540.50, for performing said construction.

This Resolution adopted this 21st day of April 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


_____ npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH ARCHER WESTERN CONSTRUCTION, LLC FOR THE ZERO STREET PUMP STATION WEATHER IMPROVEMENTS – PUMP STATION AND EQ STORAGE

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

Change Order Number One in the amount of \$43,009.20 to the contract with Archer Western Construction, LLC for the construction of Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage, Project Number 09-17-C2, adjusting the contract amount to \$12,236,009.20, and adding 51 days to the contract time is hereby approved.

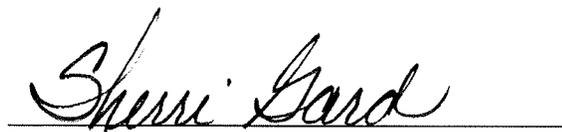
This Resolution adopted this 21st day of April 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING ACQUISITION OF REAL PROPERTY INTERESTS IN
CONNECTION WITH THE BASIN 17 COLLECTION SYSTEM IMPROVEMENTS

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

The City Administrator and the City Attorney are hereby authorized to acquire by the exercise of the City's power of eminent domain, if necessary, a sewer utility easement on the following properties designated as 12-14-P in connection with the Basin 17 Collection System Improvements, Project Number 12-14-ED2:

<u>Tract No.</u>	<u>Owner</u>	<u>Appraised Value</u>
4	Timothy English & Lynn English	\$ 431.85
13	James Aaron Britt & Jennifer Britt	\$ 800.00
19	Michael D. Collins & Deann G. Collins	\$ 1,531.93

Until acquisition by the City, authorization set forth in Property Acquisition Policy Resolution R-40-05 of May 17, 2005, is continued in effect in the event the property owner desires to agree to acquisition at the appraised value set forth in the Resolution.

This Resolution adopted this 21st day of April 2015.

ATTEST:

Sherri Gard
City Clerk, Sherri Gard

APPROVED:

[Signature]

APPROVED AS TO FORM:

[Signature] npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH RJN GROUP, INC., FOR PROVIDING ENGINEERING SERVICES
ASSOCIATED WITH CHAFFEE CROSSING WASTEWATER
COLLECTION SYSTEM FLOW MONITORING

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

Section 1: An Agreement with RJN Group, Inc., for providing engineering services
associated with Chaffee Crossing Wastewater Collection System Flow Monitoring, Project
Number 15-12-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute an Agreement for professional
engineering services in the amount of \$85,781.00.

This Resolution adopted this 21st day of April 2015.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING A CONTRACT WITH GOODWIN & GOODWIN, INC., FOR THE 2200-2321 ROGERS AVENUE SANITARY SEWER EXTENSION

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

WHEREAS, it is necessary to contract for the emergency construction of a sanitary sewer to serve 2200-2321 Rogers Avenue; and,

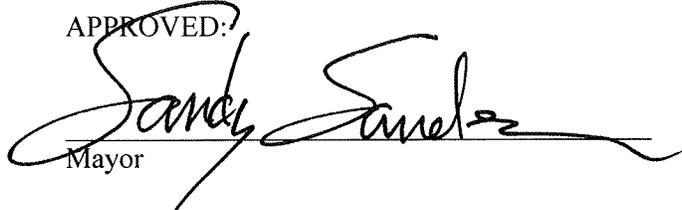
WHEREAS, the emergency sewer construction precludes the City from meeting the requirements of competitive bidding; and,

WHEREAS, the emergency sewer construction is required to prevent the possibility of health hazards to the residents of the City of Fort Smith:

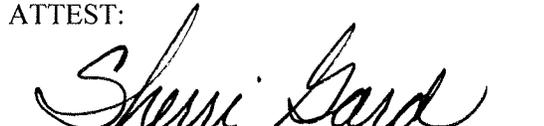
NOW THEREFORE, in order to eliminate the possibility of health hazards to the residents of the City of Fort Smith and to begin the necessary construction as quickly as possible, an exceptional situation exists requiring the waiving of the conditions of competitive bidding, so that the competitive bidding requirements are hereby waived, and a contract with Goodwin & Goodwin, Inc., for the 2200-2321 Rogers Avenue Sanitary Sewer Extensions, Project Number 15-06-C1, in the amount of \$317,970.00, is hereby approved.

PASSED AND APPROVED this 21st day of April 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr