



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
May 19, 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 Ben Shure, Central Christian Church

ROLL CALL

- All present, except Director Catsavis
- 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 MAY 5, 2015 REGULAR MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation: Proclamation for Public Works Week (May 17-23, 2015)
2. Ordinance amending the 2009 Unified Development Ordinance of the City of Fort Smith (regarding outdoor mobile vending) ~ Settle/Hutchings placed on agenda at the April 28, 2015 study session ~ ♦
APPROVED 6 in favor, 0 opposed / Ordinance No. 34-15

3. Resolution adopting financial policies ~ *Discussed at the November 2014 budget hearings; January 6, 2015 regular meeting; March 10, 2015 study session; and, March 19, 2015 special study session* ~
APPROVED 4 in favor, 2 opposed (Good & Hutchings) / Resolution No. R-88-15
4. Items regarding Wastewater Consent Decree Implementation
 - A. Ordinance amending the fiscal year 2015 budget and appropriating funds to establish the sewer operations Consent Decree Initiation Program 5620 to provide year 2015 staffing associated with the consent decree (\$1,123,380.00 / Utility Department / Budgeted – Water and Sewer Fund) ♦
APPROVED 5 in favor, 1 opposed (Settle) / Ordinance No. 35-15
 - B. Resolution accepting the Utility Department supplemental staffing plan associated with the performance of the consent decree ♦
APPROVED 4 in favor, 2 opposed (Pennartz & Settle) / Resolution No. R-89-15
5. Consent Agenda
 - A. Resolution authorizing a change order for the construction of 2014 Street Striping Replacement, Project No. 14-85-A (\$358.48 & 8 days / Engineering Department / Budgeted – Sales Tax Program Fund)
APPROVED 6 in favor, 0 opposed / Resolution No. R-90-15
 - B. Resolution to accept completion of and authorize final payment for the construction of 2014 Street Striping Replacement, Project No. 14-85-A (\$51,815.34 / Engineering Department / Budgeted – Sales Tax Program Fund)
APPROVED 6 in favor, 0 opposed / Resolution No. R-91-15
 - C. Resolution authorizing a time extension for the construction of Drainage Improvements, Project No. 12-06-C1 (104 days) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-92-15
 - D. Resolution accepting completion of and authorizing final payment for the construction of Drainage Improvements, Project No. 12-06-C1 (\$6,178.99 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-93-15
 - E. Resolution to accept the bids and authorize contracts for the construction of McClure Drive Extension / Officer's Club Road Extension, Project No. 14-00-A, upon concurrence of the Fort Chaffee Redevelopment Authority (\$2,636,957.25 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-94-15
 - F. Resolution authorizing the Mayor to execute an agreement for a non-exclusive petroleum products pipeline permit with Magellan Pipeline Company, L.P.
APPROVED 6 in favor, 0 opposed / Resolution No. R-95-15

- G. Resolution authorizing the Mayor to execute an amendment agreement with the River Valley Sports Complex adjusting performance payment schedule and the date of completion ~ *Lau/Good placed on agenda at the May 12, 2015 study session* ~ ♦
APPROVED 6 in favor, 0 opposed / Resolution No. R-96-15
- H. Resolution approving the bid for purchase of a dump truck (\$43,199.40 / *Street Department / Budgeted – Street Department Sinking Fund*) ~ *deferred at the May 5, 2015 regular meeting* ~
APPROVED 5 in favor, 1 opposed (Lau) / Resolution No. R-97-15
- I. Resolution authorizing execution of lease agreement with Webster University for space on the lower level of the Convention Center Annex
APPROVED 6 in favor, 0 opposed / Resolution No. R-98-15
- J. Resolution authorizing Amendment No. 2 to Authorization No. 2 with Hawkins-Weir Engineers, Inc. for engineering services for the Mill Creek Interceptor Improvements – Phase II (\$41,000.00 / *Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-99-15
- K. Resolution authorizing the Mayor to execute an agreement granting the use of City-owned property (*located at Interstate 540 and Highway 271*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-100-15
- L. Resolution authorizing the Mayor to execute an agreement with Morrison-Shipley Engineers, Inc. for engineering services associated with the Fort Smith Landfill Road Project (\$129,000.00 / *Sanitation Department / Budgeted – Landfill Sinking Fund*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-101-15
- M. Ordinance authorizing execution of an amended contract for service between the City of Fort Smith, Arkansas and Bair Analytics, Inc. by which Bair Analytics, Inc. will provide crime analysts, technical personnel, analytical software and services for crime analyses for the Fort Smith Police Department
APPROVED 6 in favor, 0 opposed / Ordinance No. 36-15
- N. Resolution approving Contract Addition No. 2 to the City's contract with Beshears Construction, Inc. for the construction of the Fire Training Tower (\$18,951.50 / *Fire Department / Budgeted – 4803-301 & Act 833 Funding*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-102-15
- O. Resolution accepting the construction of Fire Training Center as complete and authorizing final payment to Beshears Construction, Inc. (\$60,270.23 / *Fire Department / Budgeted – 4803-301 & Act 833 Funding*)
APPROVED 6 in favor, 0 opposed / Resolution No. R-103-15

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>

EXECUTIVE SESSION (approximately 7:20 p.m.)

Appointments:

COMPREHENSIVE PLAN IMPLEMENTATION COMMITTEE

Kelsey Kelton
Term expires April 21, 2020

FORT SMITH MUNICIPAL BENEVOLENT FUND BOARD OF ADVISORS

Ronnie Rogers (Fire) *(reappointment)*
Barbara Williams (Police) *(reappointment)*
Terms expire June 30, 2018

TRANSIT ADVISORY COMMISSION

Dustin Perceful *(reappointment)*
Term expires June 15, 2018

ADJOURN

7:34 p.m.

ORDINANCE NO. 34-15

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held public hearings regarding these amendments and recommended on April 27, 2015, that said changes be made; and,

WHEREAS, three (3) copies of May 2015 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance;

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

SECTION 1: Sections 22-36 through 22-39 and Sections 22-51 through 22-53 of the Fort Smith Municipal Code are hereby repealed. The codifier of the Municipal Code shall delete the repealed provisions and reserve the identified Code sections for future use.

SECTION 2: The May 2015 Amendments to the Unified Development Ordinance are hereby adopted. The codifier of the Municipal Code shall codify the adopted provisions as Sections 27-327-5 and 27-327-6 of the Municipal Code.

SECTION 3: Any existing temporary and mobile food business that has been in existence and which has been legally operating at the time of approval of this ordinance may continue to operate for the previously approved timeframe. The business must have a valid temporary use permit and/or a valid business license for the specific site on which it is located.

SECTION 4: The phrase “food, beverage, and/or” is hereby deleted from Section 27-327-3 of the Fort Smith Municipal Code, said deletion to occur at each place the phrase currently exists.

SECTION 5: Section 27-327-3 B, 1 and 2 are hereby amended to provide as follows:

1. The Director may grant a special temporary use Permit (retail) to utilize a trailer or other mobile structures for sale of merchandise on a seasonal basis.
2. The period of use may not exceed one hundred twenty (120) days. Seasonal shall mean and refer to merchandise which are customarily sold during a specific season of the year and not sold on general, customary basis during the remainder of the year. An example of seasonal merchandise would include “fire wood” or “Christmas trees” sold during the winter season.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 7: It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and

the amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 19 DAY OF May, 2015.

APPROVED:



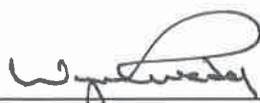
Mayor

ATTEST:



acting City Clerk

Approved as to form:



Publish One Time

3.

RESOLUTION NO. R-88-15

A RESOLUTION ADOPTING FINANCIAL POLICIES

WHEREAS, the City Board of Directors finds it in the best interest of the citizens to establish policies to ensure the financial stability of the City; and

WHEREAS the City Board will regularly review existing policies and establish additional policies to promote fiscal responsibility and the efficient transaction of City business; now, therefore,

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

Section 1. The City hereby adopts the policies attached as the Fiscal Performance Policies of the City of Fort Smith.

THIS RESOLUTION ADOPTED THIS 19th DAY OF MAY, 2015.

APPROVED:

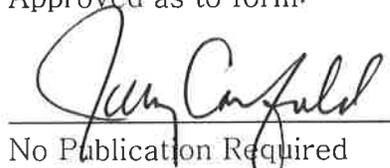
MAYOR

5/21/15

ATTEST:

CITY CLERK

Approved as to form:



No Publication Required

The current process has a long history of providing a conservative and responsible balanced budget. Over the last 12 years the general fund year end balance has ranged from \$5.2 million to \$10.1 million. In three of the past four years the percent of the actual balance to operating expenditures has met or exceeded the 15 percent goal...the fourth year was at 14 percent. The current process provides the flexibility to reduce spending if income levels fall short of projections, especially during economic downturns, while still providing essential services. The other changes made within this resolution are positive and should be implemented in the future as part of the budget process.

Accordingly, I have vetoed this resolution.

Sandy Sanders
5/21/15

FISCAL PERFORMANCE POLICIES

The Fiscal Performance Policies represent an effort to establish written policies to guide the City's financial management and decision-making practices. They are designed to help contain the costs of city government, as well as to strengthen the financial capacity of the City to provide and maintain effective services and programs.

While some of the policy statements are specific and may limit certain types of financial practices, the policy statements are not intended to restrict the ability and responsibility of the Board of Directors to manage emergency or unusual service delivery needs above or beyond the limitation established by the Fiscal Performance Policies.

Additional Water & Sewer Utility Financial Policies are maintained in a separate document and should be considered in addition to the City's overall fiscal performance policies. Utilities fiscal policies will supersede the City's general fiscal policies in the application of Water and Sewer Utility budgeting and financial management. (*pending*)

REVENUE POLICIES

1. The City will strive to maintain a diversified and stable revenue base that will equitably distribute the burden of supporting City services and will protect the City from short-term fluctuations in any one revenue source.
2. The City will estimate revenues on an objective and reasonable basis. Revenues will be projected on a two year basis with an annual update. This projection will be used for operating budget preparation.
3. The City will use one-time or special purpose revenues for capital expenditures or for expenditures required by the revenue, and not to subsidize recurring personnel, or operation and maintenance costs.
4. The City will establish and periodically review all user charges, licenses and fees at a level related to the cost of providing the services. Such charges, licenses and fees will be reviewed and established where possible so that those who directly benefit from a service principally pay for it.
5. The City will set and maintain water, sewer and sanitation rates at levels that support the total direct and indirect costs of the enterprise, including debt service and capital maintenance.
6. The City will annually review, and revise where necessary, its indirect cost allocation formula on an objective and reasonable basis.

7. The City will maintain timely collection systems and implement necessary enforcement strategies to collect revenues from available sources.
8. The City will give priority to those revenue alternatives which involve the least collection and administrative cost, per dollar raised, to the City government.
9. The City will seek a balanced revenue base through active support of area economic development, diversification, and retention efforts.

OPERATING EXPENDITURE/EXPENSE POLICIES

1. The City Administrator will propose, and the Board of Directors will adopt, a balanced operating budget in which budgeted expenditure/expenses don't exceed reasonably estimated revenues for the fiscal year. Basic and essential services provided by the City will receive first priority for funding. The City will utilize unallocated fund balance to balance the annual budget only in times of emergency or fiscal and economic hardship. The monies from the fund balance can only be allocated by Board of Directors approval. Additional funding will be assigned according to City-wide goals established by the Board of Directors and Comprehensive Plan policies.
2. The City will estimate expenditures/expenses on an objective and reasonable basis. Operating expenditures/expenses will be projected on a two year basis with an annual update.
3. The City will establish service measurements for all program areas, when feasible. The service measures will reflect the demand, workload capability and projected outcomes for the program to accomplish its goals and objectives.
4. Annual budgets shall be legally adopted for the four operating funds- General Fund, Street Maintenance Fund, Water and Sewer Operating Fund and the Sanitation Operating Fund. Projects shall be approved for major capital projects. Budgets shall be adopted by the Board of Directors no later than December 31 of the planning year.
5. The City will provide access to appropriate retirement plans and Other Post Employment Benefits (OPEB) for its employees. The City will make contributions for eligible employees at the level defined for the respective retirement plans. The City will make contributions to the OPEB trust plan when funds are available.
6. The City will encourage delivery of services by other public and private organizations whenever and wherever greater efficiency, effectiveness and service can be expected, as well as to develop and internally use technology and

productivity advancements that will help reduce or avoid increasing personnel costs. The intent is to control personnel costs as a proportion of the total budget, to more productively and creatively use available resources, and to avoid duplication of effort and resources.

7. The City will maintain a budgetary control system to help it adhere to the adopted budget, and will prepare and maintain a system of regular fiscal reports comparing actual revenues and expenditures/expenses to budgeted amounts.
8. All budgets shall be adopted on a basis consistent with generally accepted accounting principles (GAAP) except for depreciation expense in the applicable funds.
9. All appropriations lapse at yearend. Any encumbrance at yearend shall be re-appropriated by the Board of Directors in the subsequent year.
10. The legal level of budgetary control is the departmental program level. Operational budgetary control is maintained at the program level. All departments will be given the opportunity to participate in the budget process.

CAPITAL IMPROVEMENT POLICIES

1. The City will prepare annually and update a five year capital improvements program (CIP) which will provide for the orderly maintenance, replacement, and expansion of capital assets.
2. The CIP will identify long-range capital projects and capital improvements of all types which will be coordinated with the annual operating budget to maintain full utilization of available revenue sources.
3. The CIP will reflect for each project the likely source of funding, the priority ranking of each project and attempt to quantify the project's impact to future operating expenditures/expenses.
4. The City will determine and follow the most cost-effective financing method for all capital projects. The City will pursue federal, state and other funding to assist in financing capital projects and improvements.
5. All equipment, projects and improvements, other than infrastructure, with a value equal to or greater than \$5,000 per unit and an estimated life greater than or equal to 3 years will be capitalized for financial reporting purposes. Infrastructure assets are those that are provided by the street Sales Tax Fund and include streets, bridges and drainage projects. All land and rights-of-way are capitalized for infrastructure projects. The project cost is capitalized for projects

greater than or equal to \$250,000 and are grouped by project year. Individual infrastructure projects are capitalized separately if the project totals greater than or equal to \$5.9 million.

6. Capital projects and improvements will be constructed to:
 - a. Protect or improve the City's quality of life.
 - b. Protect or enhance the community's economic vitality.
 - c. Support and service new development.

DEBT POLICIES

1. The City will issue debt to finance or refinance capital improvements and long-term fixed assets or other costs directly associated with financing a project which have been determined to be beneficial to a significant proportion of citizens in Fort Smith and for which repayment sources have been identified. Debt issuance shall be used only after considering alternative funding sources such as project revenues, federal and state grants and special assessments.
2. The scheduled maturity of bond issues should not exceed the expected useful life of the capital projects or improvements financed.
3. The City will consider refunding outstanding bonds if one or more of the following conditions exist:
 - a. Present value savings are at least 3% with certain exceptions, of the par amount of the refunding bonds.
 - b. The bonds to be refunded have restrictive or outdated covenants.
 - c. Restructuring debt is deemed to be desirable.
4. The City will seek credit enhancements, such as bond insurance or letters of credit, when necessary for cost-effectiveness.
5. The City will monitor compliance with bond covenants, adhere to Federal arbitrage regulations, and abide by the provisions of Securities and Exchange Commission (SEC) Rule 15c 2-12 concerning primary and secondary market disclosure. The City will also monitor bond issues by adhering to its Post-Issuance Compliance Manual required by the IRS. This manual includes the requirements for monitoring bond offering transactions by the underwriter.
6. The City will encourage and maintain communications with financial bond rating agencies and continue to strive for improvements in the City's bond rating.
7. The City will require that the total annual payments for debt service not exceed 35% of total operating revenues of the applicable fund.

8. The City will evaluate the benefits of conducting financings on a competitive or negotiated basis. Negotiated financings may be used where market volatility or the use of an unusual or complex financing or security structure is a concern with regard to marketability.
9. The City will coordinate its debt issuances with other local government agencies in an effort to review overlapping debt in the community.

RESERVE POLICIES

1. The City will maintain an operating contingency reserve to:
 - a. Provide for temporary funding of unforeseen needs of an emergency or nonrecurring nature.
 - b. Permit orderly budgetary adjustments when revenues are lost through the action of other governmental bodies.
 - c. Serve as local match for public or private grants.
 - d. Meet unexpected small increases in service delivery costs.
 - e. Maintain an adequate cash flow.
2. The goal for the contingency reserve will be ~~maintained at not less than~~ fifteen percent (15%) of estimated operating expenditures/expenses. The Water / Sewer Fund's contingency reserve goal will be twenty percent (20%) of estimated operating expenditures/expenses. Prior approval of the Board of Directors shall be required before spending contingency funds.
3. If the contingency reserve balance falls below the fifteen percent (15%) level (20% for Water/Sewer Fund) for a current year budget, then the following steps will be taken by the appropriate departments:
 - a. If the contingency reserve is between 10% and 14.99%, then operating and capital reductions will be required.
 - b. If the contingency reserve is between 5% and 10%, then personnel reductions, including services will be implemented.
 - c. If the contingency reserve is less than 5%, then personnel, operating and capital reductions will take place. Service levels may be significantly reduced if this scenario occurs.
4. If the contingency reserve balance exceeds 20% (25% in Water / Sewer Fund), the City may consider utilizing the funds above this amount for one-time capital projects or other non-recurring expenditures that support City goals or Comprehensive Plan policies.
5. The City will develop an equipment reserve fund, and will appropriate funds to it annually to provide for the timely replacement of equipment. The reserve will be maintained in an amount adequate to finance the replacement of equipment.

The replacement of equipment will be based upon the adopted equipment replacement schedule. The schedule will be updated annually.

INVESTMENT AND CASH MANGEMENT POLICIES

1. The City's cash management system will be designed to accurately monitor and forecast revenues and expenditures/expenses in order to invest funds to the fullest extent possible. All cash and investments, other than accounts required by bond covenants, will be maintained in a single cash and investment pool. Interest revenue will be allocated to each investing fund consistent with fund ownership.
2. The objectives of the City's investment and cash management program will be to:
 - a. safely invest City funds to the fullest extent possible,
 - b. maintain sufficient liquidity to meet cash-flow needs, and
 - c. attain the maximum yield possible consistent with the other two objectives.
3. The City will limit its investments to the safest type of securities permitted by Arkansas statutes. These shall include those which:
 - a. have insurance on the principal guaranteed by the Federal Deposit Insurance Corporation, or
 - b. have security on the principal in the form of bonds or other interest bearing securities of the U.S. Government or its agencies, or
 - c. have security on the principal in the form of bonds or other interest bearing securities of the State of Arkansas, or its agencies or political subdivisions as defined in Arkansas statutes.
4. The City's investments will be diversified by type of investment, institution and maturity date to protect against changes in the market at a given time regarding any particular type of investment. Direct obligations of the U.S. Government shall be purchased from the Federal Reserve Bank.
5. Purchase and sale of securities will be made on the basis of competitive offers and bids in order to obtain the highest available rates. In order to keep administrative costs as low as possible, investments of less than \$100,000 may be made through a current depository bank. For investments exceeding \$100,000, institutions shall be contacted by telephone and given the opportunity to provide an interest quote on the identical investment and term. The bid of each institution shall be recorded and kept on file for one (1) year.
6. In the event of identical interest yield bids, the City may break the tie by use of an objective method to be determined by the City.

7. In the event no quotes are received from a banking institution in the City of Fort Smith insured by the FDIC, the City may invest its funds in any banking institution insured by the FDIC in the state meeting the City's security requirements.
8. Clear title to the principal of and collateral backing for any investment will be maintained by the City or by a third-party safekeeping agent under agreement to the City.
9. The City may specify monthly interest payment in order to enhance cash flow and investment return.
10. The City Administrator, or his designated representative, will provide the Mayor and Board of Directors with monthly information concerning cash position and investment performance. The information shall include, as a minimum, type of investment, maturity date, face value, rate of interest, amount of interest received during the accounting period, and institution where the funds are invested.
11. A request for banking services will be issued when it is deemed necessary to provide services as required by the City. The request will be made to all qualified banks located within the City limits that are capable of providing the level of services required. Banking services may continue with a selected bank if the services provided are maintained at an acceptable level and reasonable cost.
12. The standard of prudence to be applied by the investment officials shall be the "prudent person rule" and shall be applied in the context of managing an overall portfolio. Under the prudent person rule, investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, but for investment, considering the probable safety of their capital as well as the probable revenue to be derived.

FINANCIAL REPORTING POLICIES

1. The City will adhere to a policy of full and open public disclosure of all financial activity. The budget will be prepared in a manner to maximize its understanding by citizens and elected officials. Copies of financial documents will be made available to all interested parties. Opportunities will be provided for full citizen input prior to final decisions on the budget.
2. The City's accounting system will maintain records on a basis consistent with the accepted accounting standards of the Governmental Accounting Standards

Board (GASB), Government Accounting Office (GAO), Financial Accounting Standards Board (FASB), and the State of Arkansas.

3. The City Administrator or his designee will prepare regular quarterly and annual financial reports presenting a summary of financial activity by major types of funds and programs.
4. The City will employ an independent public accounting firm to perform an annual audit, and will make the annual audit available to the general public, bond and financial consultants, and other interested citizens and organizations. The audit shall be completed and submitted to the City within 180 days of the close of the fiscal year.
5. The city will prepare an annual budget document that provides a basic understanding of the City's planned financial operations for the coming fiscal year. Copies of the proposed and final budget will be made available to all interested parties and opportunities will be provided for citizen input prior to final adoption of the budget on or before December 31 of the planning year.
6. The City will seek annual renewal of the GFOA Certificate of Achievement for Excellence in Financial Reporting and the Distinguished Budget Presentation Award.
7. The City will provide all financial documents to the internal and external auditors and City representatives will not improperly influence the conduct of audits.

ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET AND
APPROPRIATING FUNDS TO ESTABLISH THE SEWER OPERATIONS
CONSENT DECREE INITIATION PROGRAM 5620 TO PROVIDE
YEAR 2015 STAFFING ASSOCIATED WITH THE CONSENT DECREE

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

WHEREAS, the City of Fort Smith has entered into a Consent Decree which stipulates that certain Capacity, Management, Operations and Maintenance (CMOM) functions be established to assure the proper operation and maintenance of its wastewater collection and transmission systems; and,

WHEREAS, the Consent Decree sets specific time periods for the City to prepare and implement the CMOM functions and establishes stipulated penalties for failure to meet said time periods; and,

WHEREAS, the City must establish staffing to initiate CMOM functions with critical staff positions engaged at program inception; and,

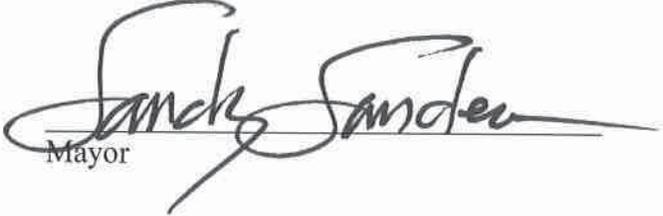
WHEREAS, Utility Department Staff has reviewed and utilized the Consent Decree, the Water and Sewer Operations Efficiency Study prepared by HDR Engineering in 2013, the Consent Decree Staffing Study prepared by Burns & McDonnell in 2015 and the Water Environment Research Foundation Benchmark profiles to identify and prepare a staffing plan for Years 2015, 2016 and 2017:

NOW THEREFORE, there is hereby authorized an appropriation in the amount of \$1,123,380.00 from the unobligated balance of the Water and Sewer Fund to amend the Fiscal Year 2015 Budget and establish Consent Decree Initiation Program 5620 personnel and operations

budget, attached hereto as Exhibit A, is hereby approved.

PASSED AND APPROVED this 19 day of May 2015.

APPROVED:


Mayor

ATTEST:

acting Hannah James
City Clerk

APPROVED AS TO FORM:

Wyndwedy publish 1 time

EXHIBIT A

OPERATION SERVICES WATER AND SEWER

CONSENT DECREE INITIATION

PROGRAM 5620

	Budget FY 15
PERSONNEL	
101 Regular Salaries	518,140
102 Overtime	14,430
103 Retirement	57,090
104 Social Security	44,010
105 Insurance	94,180
106 Longevity	2,020
107 Medical Expenses	470
111 Workers' Compensation	25,530
Total	755,870
OPERATING	
201 Office Supplies	9,640
202 Small equipment	8,660
203 Fuel, oil, lube	15,430
204 Clothing	5,760
205 Custodial equipment and supplies	6,350
206 Materials	75,950
207 Repair of equipment	45,510
208 Repair of buildings	7,580
210 Communications	14,200
211 Utilities	65,000
212 Bonds, insurance, licenses	19,610
213 Postage	10,400
214 Advertising, printing, photo	19,460
215 Travel	8,080
216 Education, memberships, subscriptions	8,370
217 Lease, rent, taxes	35,000
219 Other	12,510
Total	367,510
CONSENT DECREE INITIATION TOTAL	1,123,380

SCHEDULE OF PERSONNEL	PAY GRADE	FY 15
Deputy Director of Business Administration	20	1
Deputy Director of Operations	20	1
Deputy Director of Systems	20	1
Business & Finance Program Manager	17	1
Communications & Training Program Manager	17	1
Engineering & Engineering Technology Program Manager	17	1
Fleet, Building & Station Program Manager	17	1
Sewer System Program Manager	17	1
GIS Manager / Editor	16	1
Information System Manager / Analyst	15	1
Supervisor	14	1
Senior GIS Analyst / Editor	13	1
Senior Work Order System Analyst	13	1
Communication & Public Relations Manager	12	1
Business Analyst & Strategic Plan Coordinator	11	1
FOG Coordinator	11	1
Supervisor	11	1
Technology Coordinator	11	1
Administrative Coordinator	9	2
Electrician	8	1
Electronic Technician	8	1
Laboratory Analyst	7	1
System Control Operator	3-7	2
Leadperson	6	1
Senior Clerk II	5	1
Maintenance Person	3	1
EMPLOYEE POSITIONS		28

Funding Allocation:
100% Water and Sewer Operating Fund

RESOLUTION ACCEPTING THE UTILITY DEPARTMENT
SUPPLEMENTAL STAFFING PLAN ASSOCIATED
WITH THE PERFORMANCE OF THE CONSENT DECREE

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

The Utility Department supplemental staffing plan, attached hereto as Exhibit A, for the
amendment of the Fiscal Year 2015 Budget and preparation of Fiscal Year 2016 and 2017 Budgets
is hereby approved.

This Resolution adopted this 19 day of May 2015.

APPROVED:


Mayor

ATTEST:

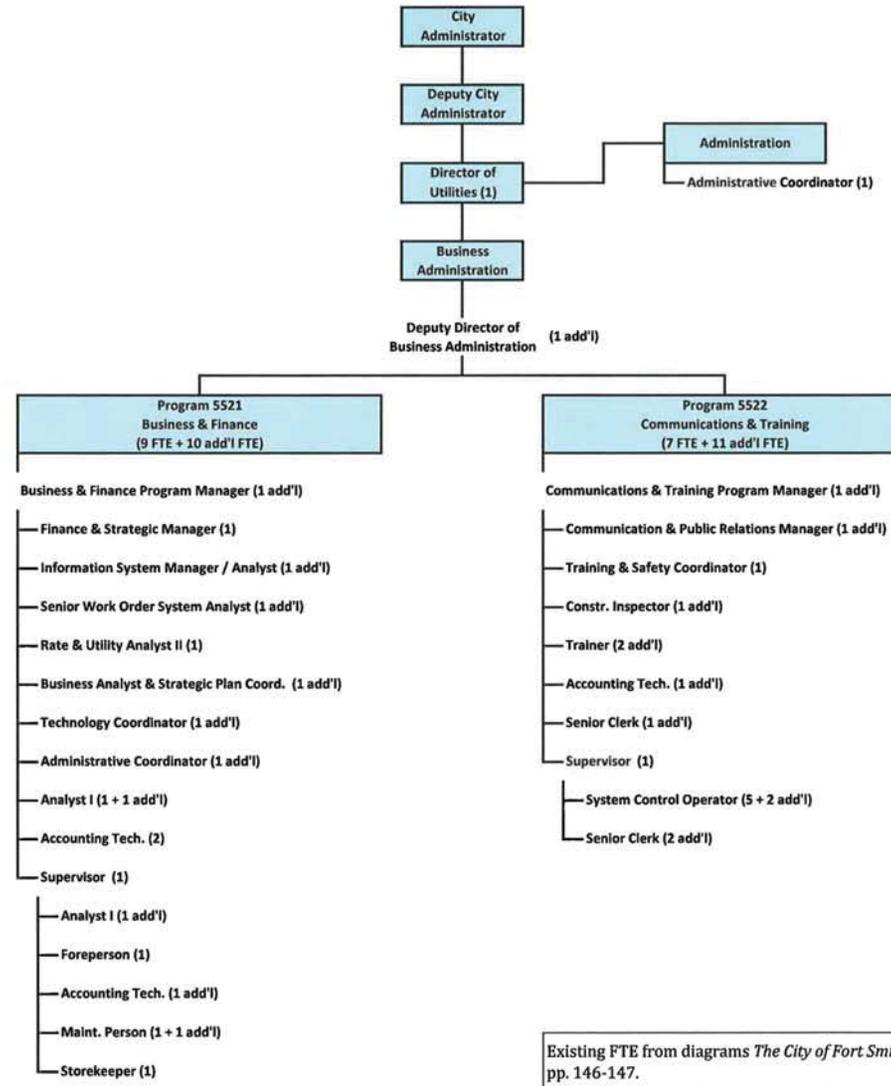
acting Heather James
City Clerk

APPROVED AS TO FORM:

 npr

EXHIBIT A

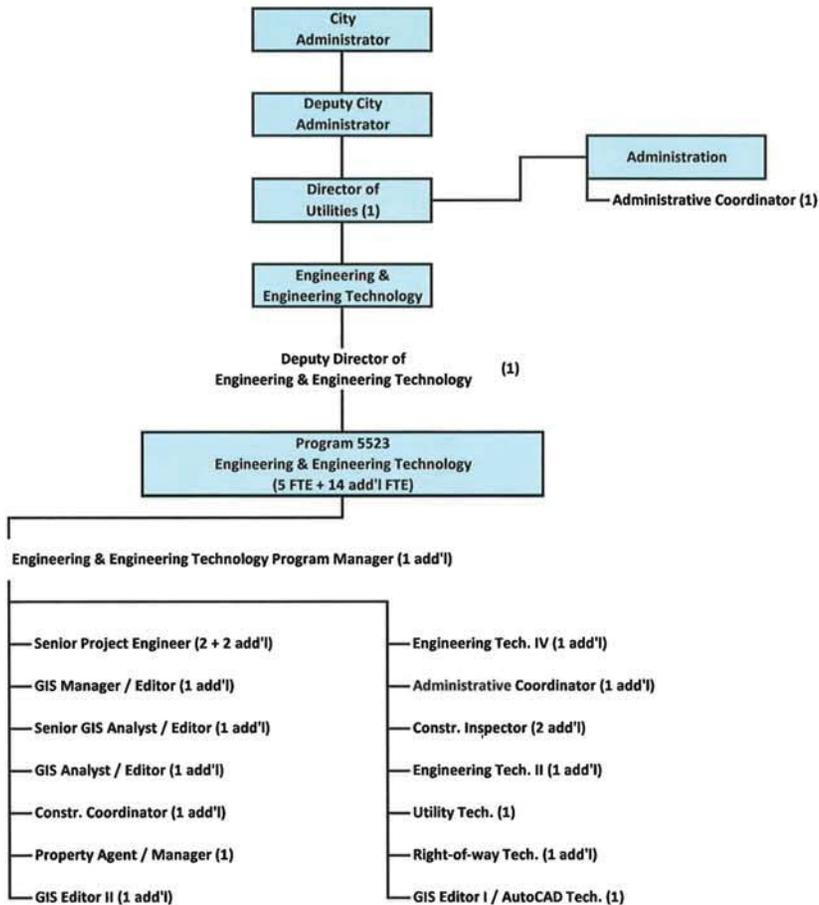
Operation Services Water and Sewer Budget Organization Chart May 19, 2015



Existing FTE from diagrams *The City of Fort Smith Arkansas 2015 Budget*, pp. 146-147.

EXHIBIT A

Operation Services Water and Sewer Budget Organization Chart May 19, 2015

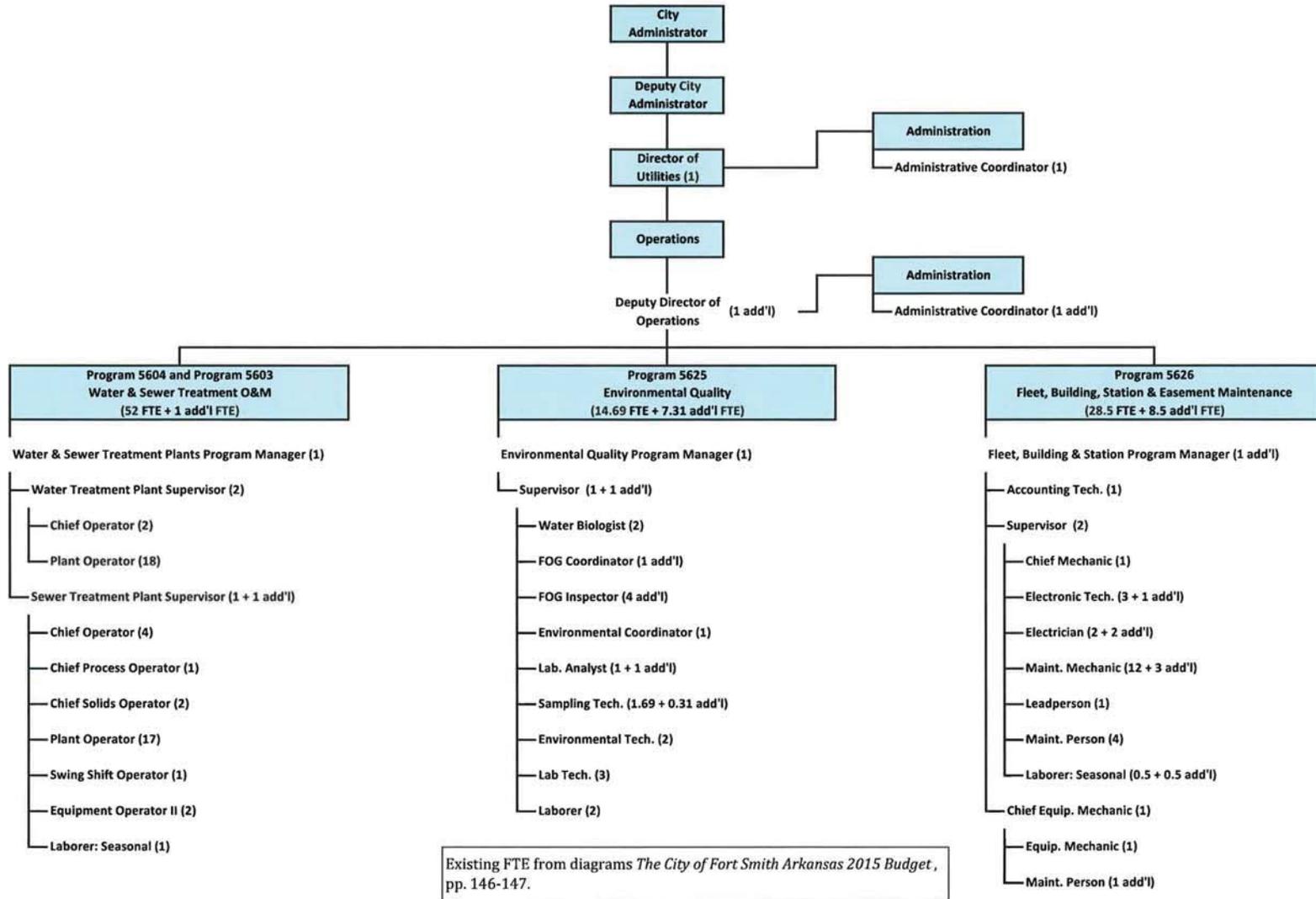


Existing FTE from diagrams *The City of Fort Smith Arkansas 2015 Budget*, pp. 146-147.

EXHIBIT A

Operation Services Water and Sewer Budget Organization Chart

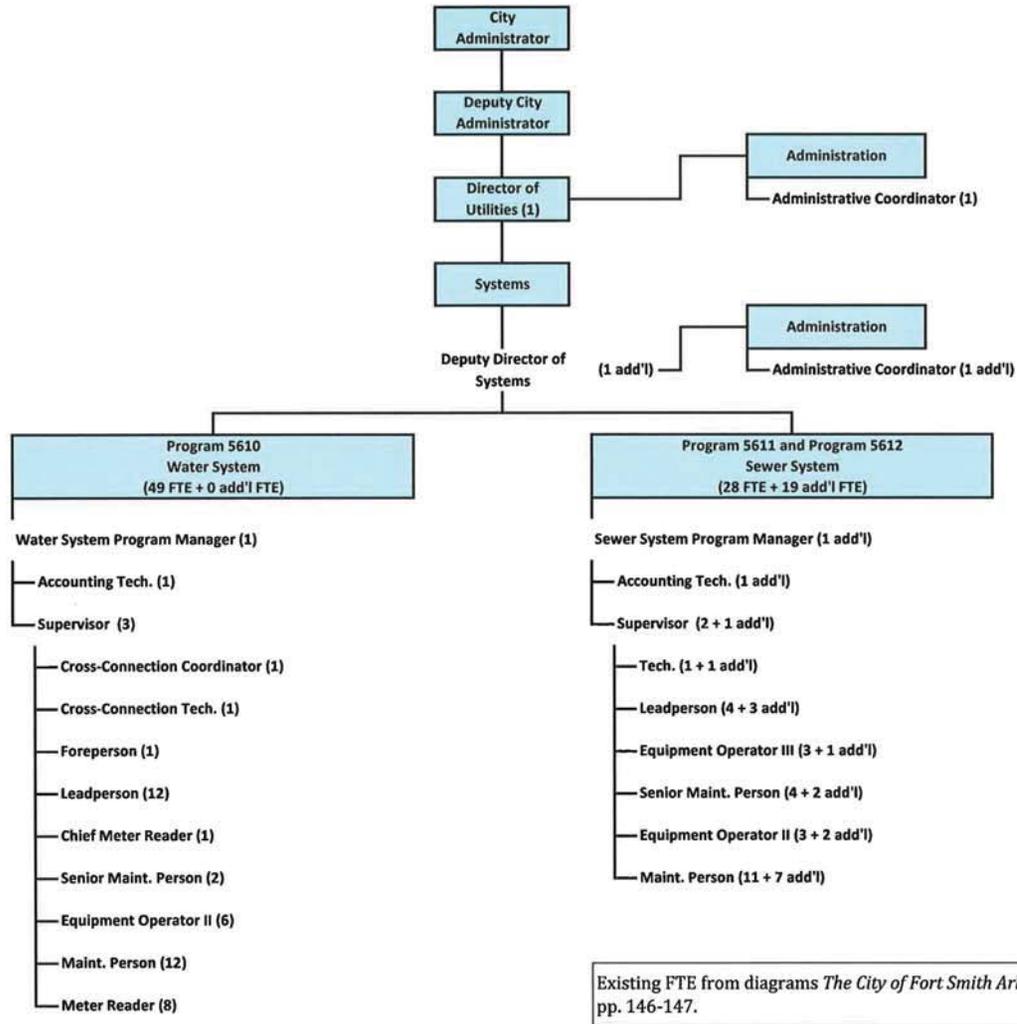
May 19, 2015



Existing FTE from diagrams *The City of Fort Smith Arkansas 2015 Budget*, pp. 146-147.

EXHIBIT A

Operation Services Water and Sewer Budget Organization Chart May 19, 2015



Existing FTE from diagrams *The City of Fort Smith Arkansas 2015 Budget*, pp. 146-147.

EXHIBIT A Organizational Chart

May 19, 2015

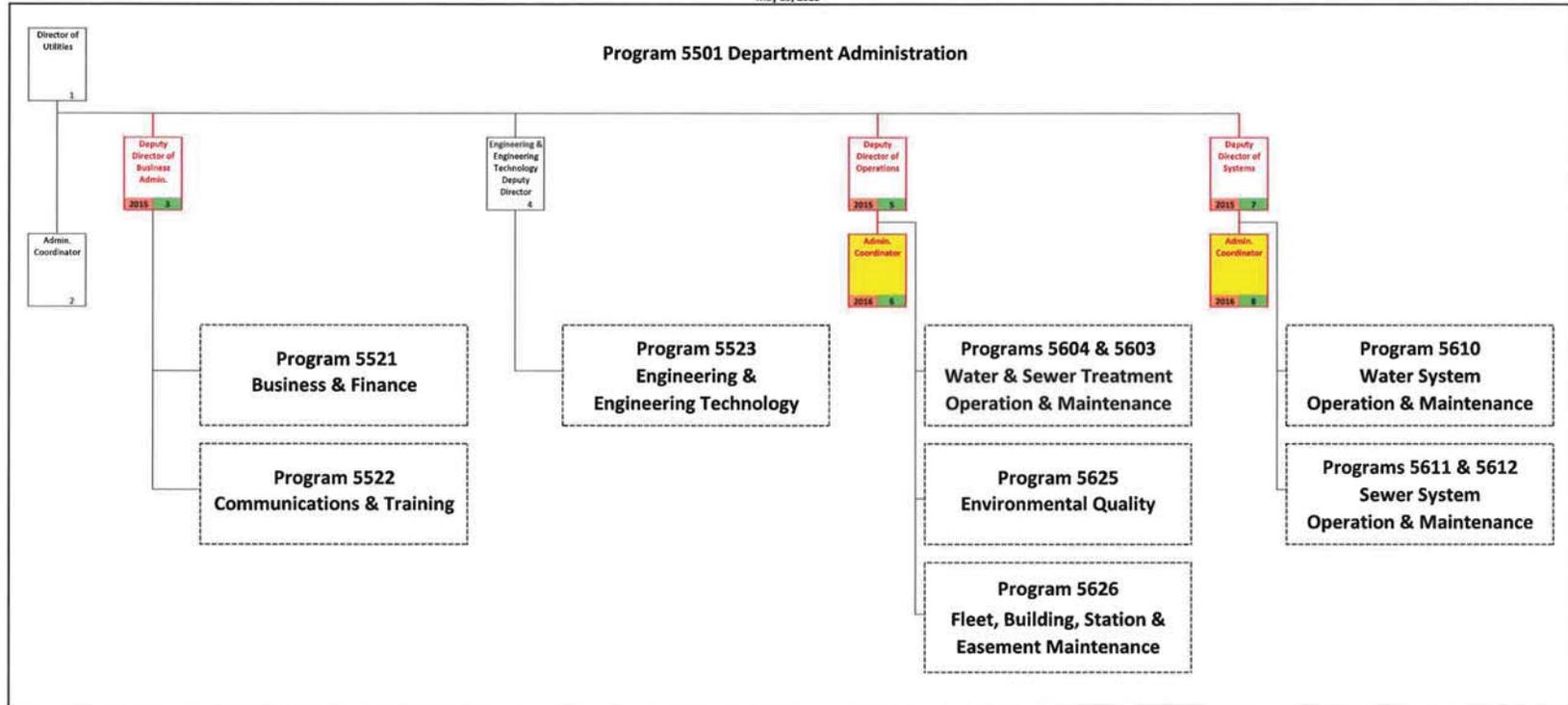


EXHIBIT A Organizational Chart

May 19, 2015

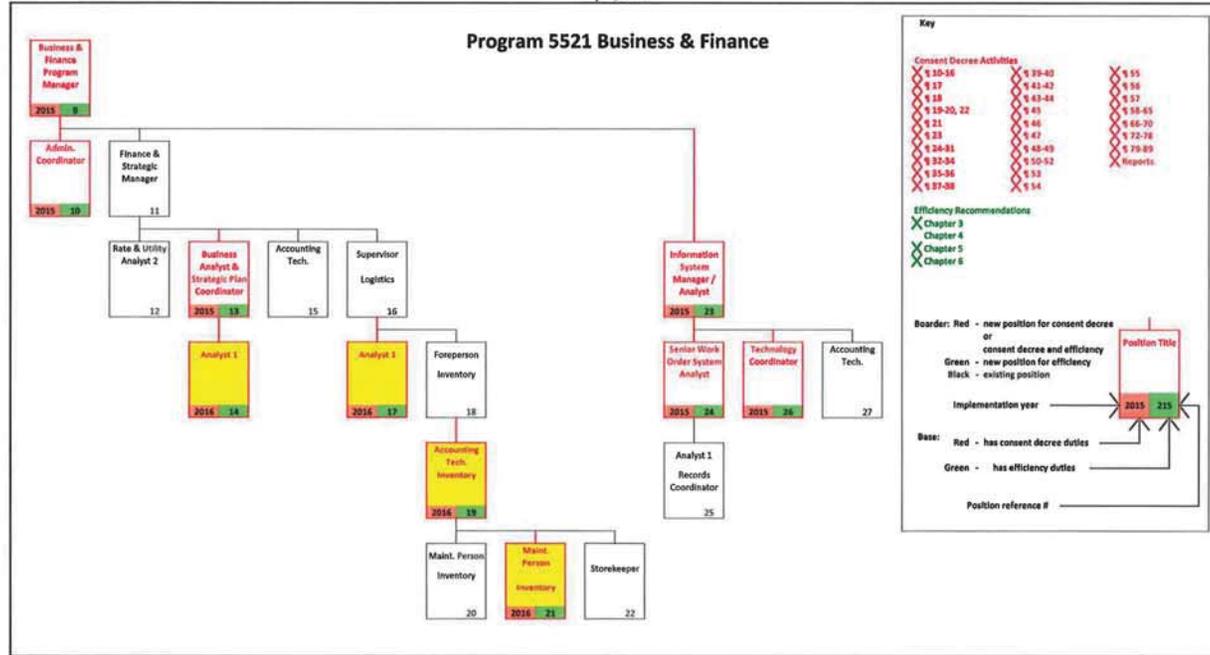


EXHIBIT A Organizational Chart

May 19, 2015



EXHIBIT A Organizational Chart

May 19, 2015

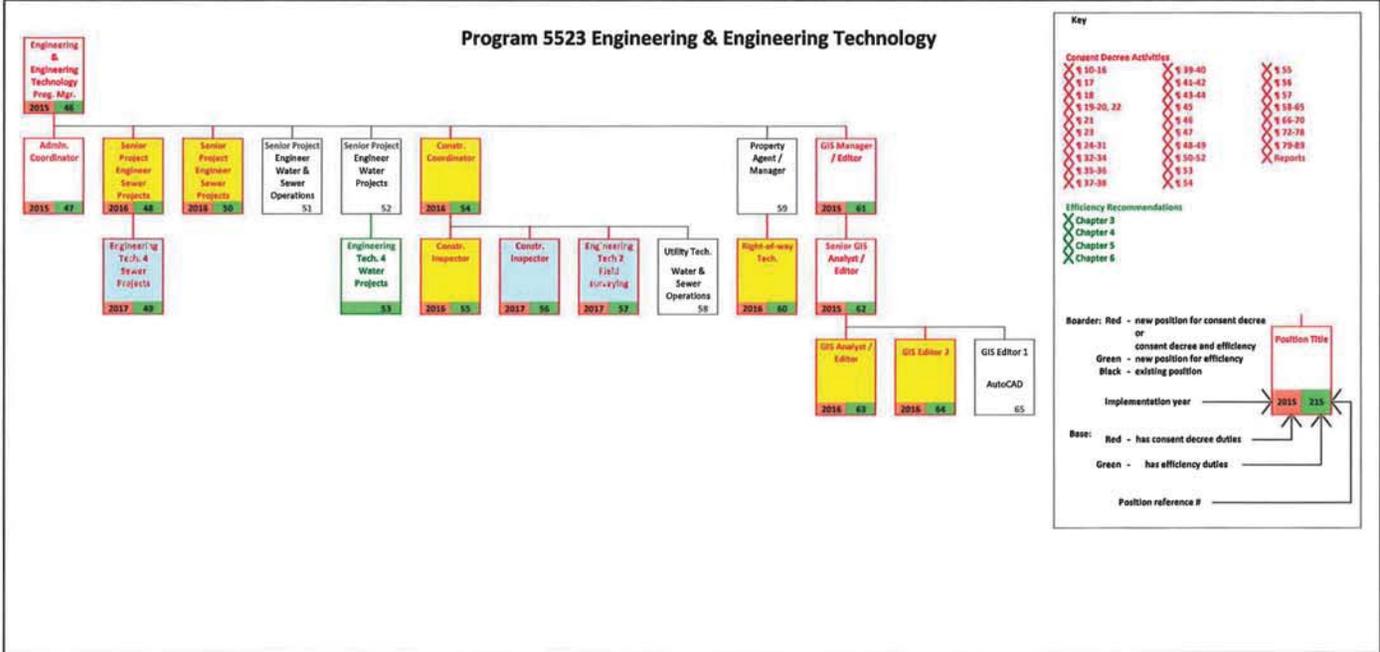
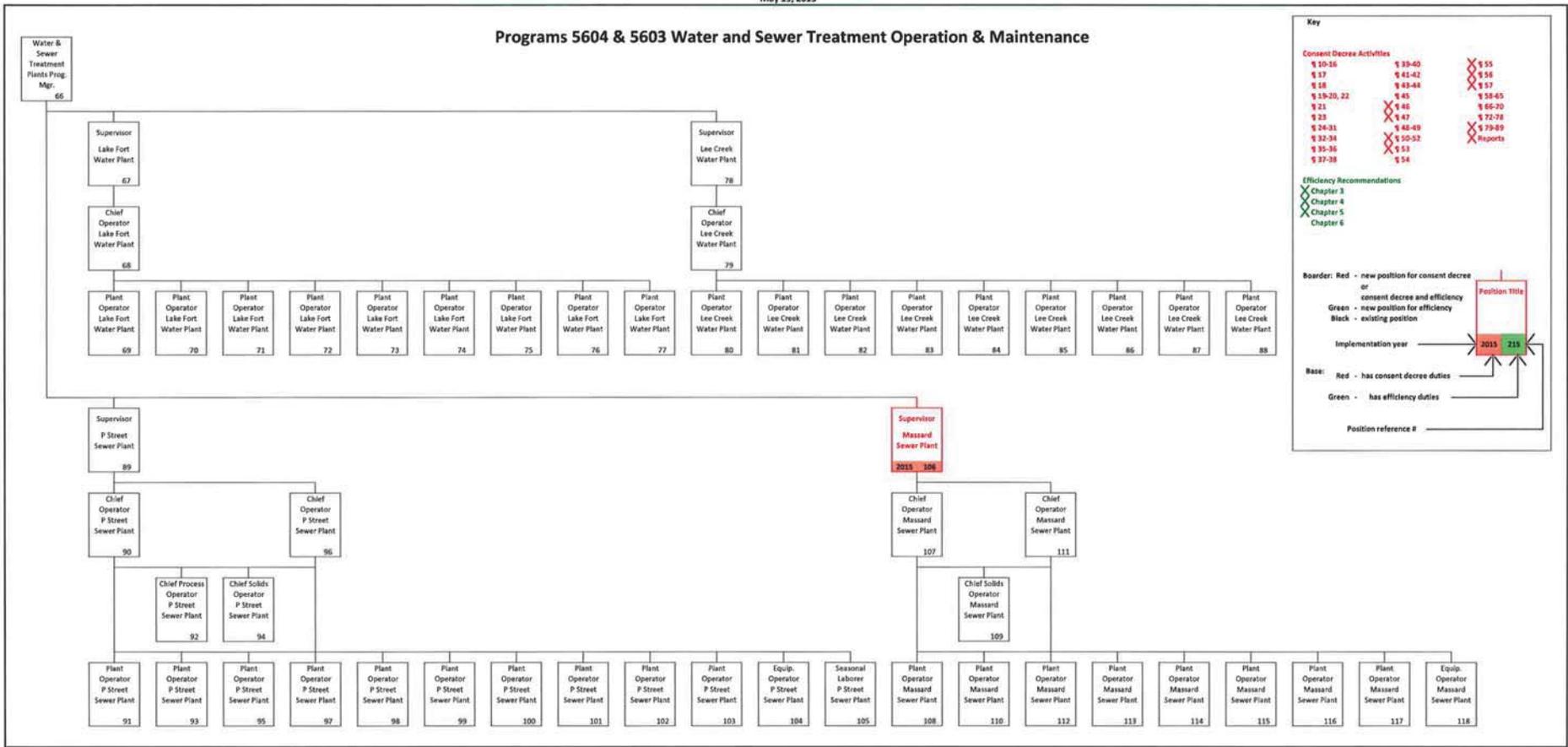


EXHIBIT A Organizational Chart

May 19, 2015

Programs 5604 & 5603 Water and Sewer Treatment Operation & Maintenance



Key

Consent Decree Activities

§ 10-16	§ 39-40	§ 55
§ 17	§ 41-42	§ 56
§ 18	§ 43-44	§ 57
§ 19-20, 22	§ 45	§ 58-65
§ 21	§ 46	§ 66-70
§ 23	§ 47	§ 72-78
§ 24-31	§ 48-49	§ 79-89
§ 32-38	§ 50-52	Reports
§ 30-36	§ 53	
§ 37-38	§ 54	

Efficiency Recommendations

- ✓ Chapter 3
- ✓ Chapter 4
- ✓ Chapter 5
- ✓ Chapter 6

Border: Red - new position for consent decree or consent decree and efficiency
 Green - new position for efficiency
 Black - existing position

Implementation year: 2015, 2015

Base: Red - has consent decree duties
 Green - has efficiency duties

Position reference #

EXHIBIT A Organizational Chart

May 19, 2015

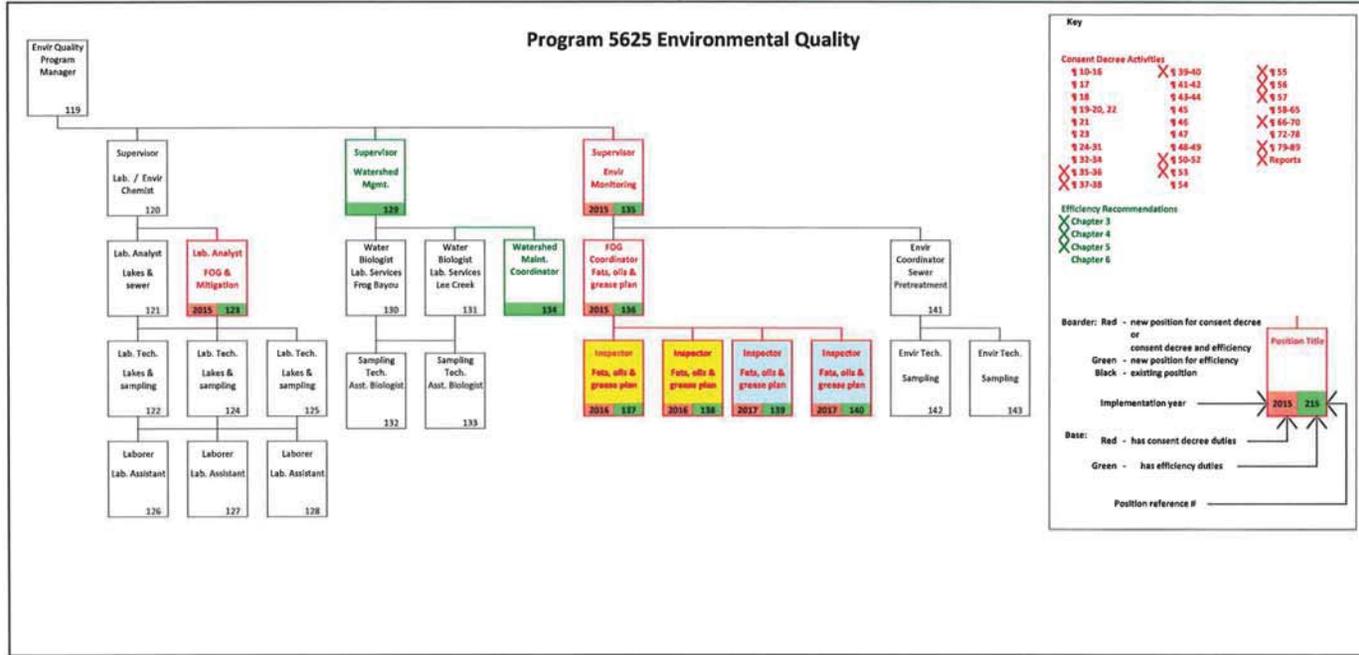


EXHIBIT A Organizational Chart

May 19, 2015

Program 5626 Fleet, Building, Station & Easement Maintenance

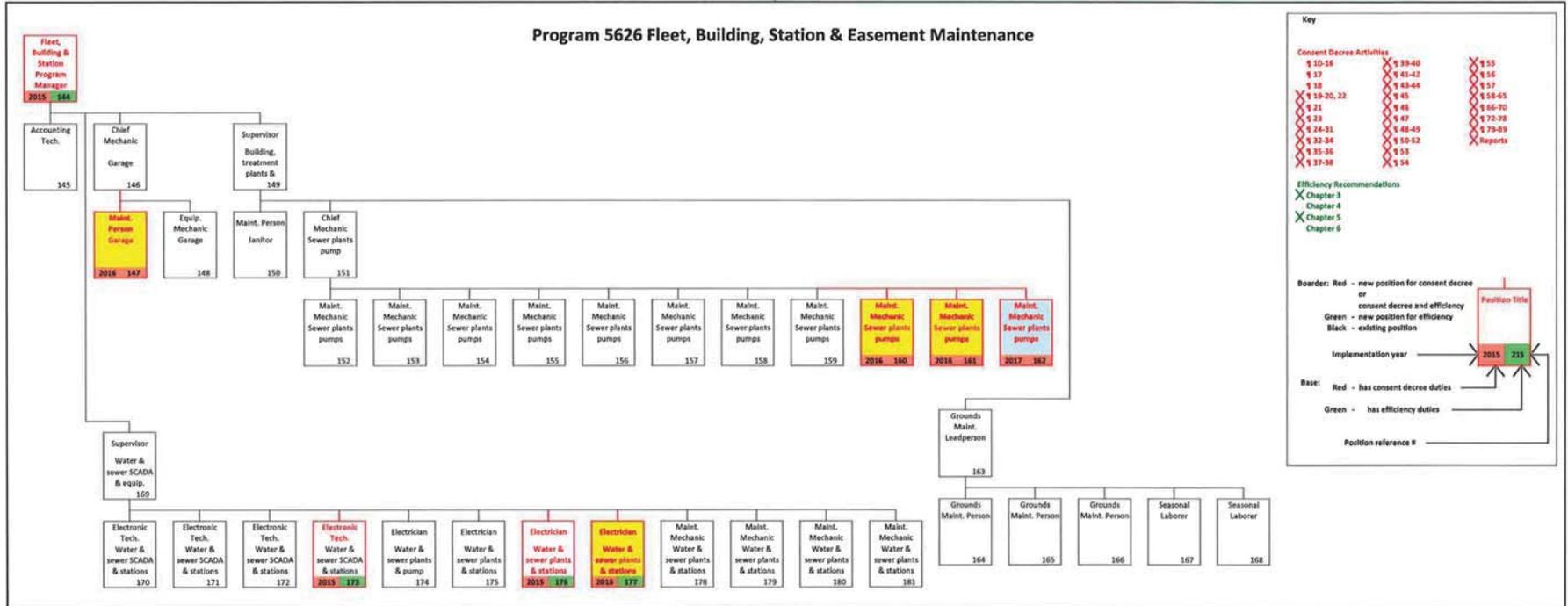
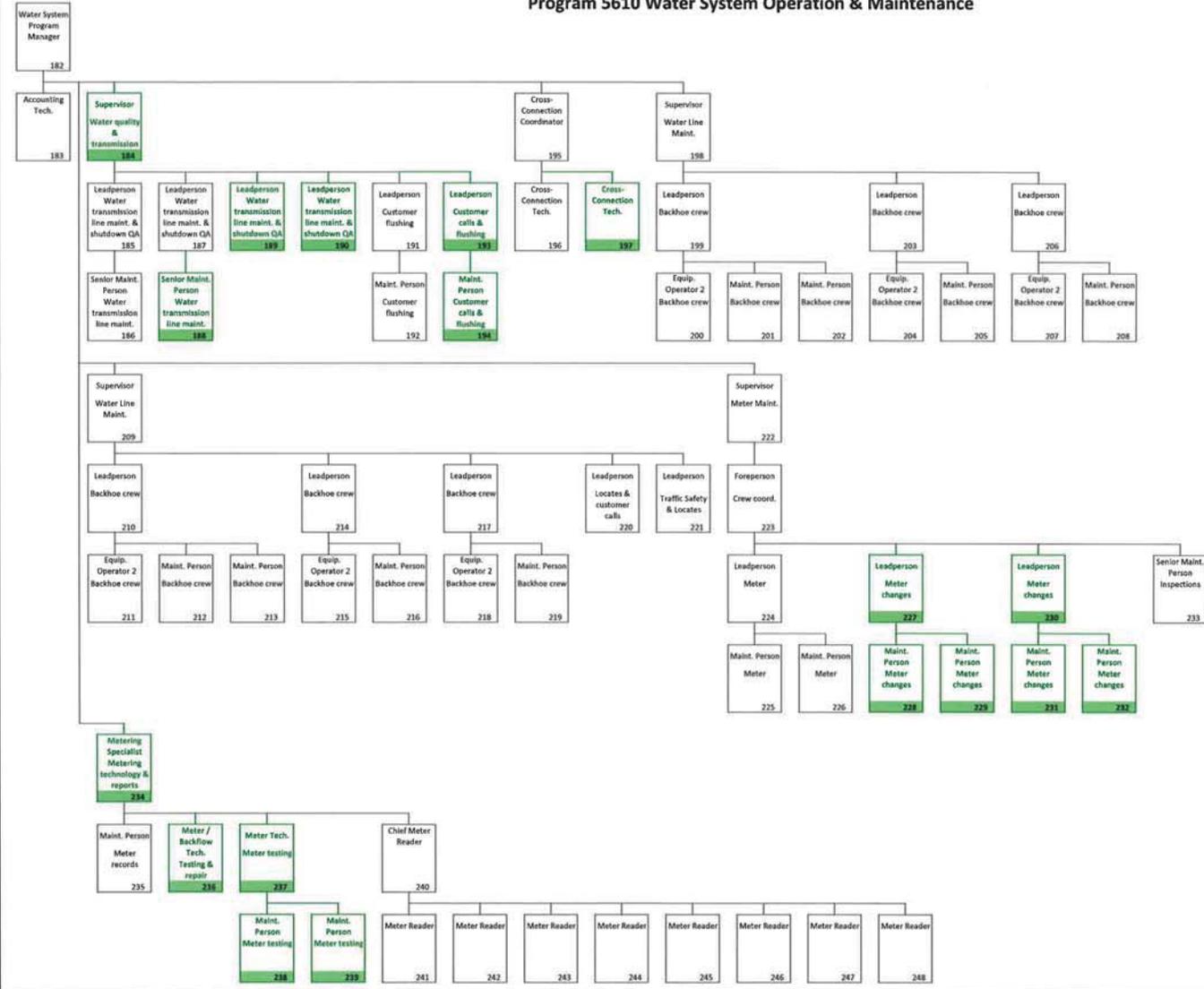


EXHIBIT A Organizational Chart

May 19, 2015

Program 5610 Water System Operation & Maintenance



Key

Consent Decree Activities

§ 10-16	§ 39-40	§ 55
§ 17	§ 41-42	§ 56
§ 18	§ 43-44	§ 57
§ 19-20, 22	§ 45	§ 50-63
§ 21	§ 46	§ 65-70
§ 23	§ 47	§ 72-78
§ 24-31	§ 48-49	§ 79-89
§ 32-34	§ 50-52	Reports
§ 35-36	§ 53	
§ 37-38	§ 54	

Efficiency Recommendations

- ✗ Chapter 3
- ✗ Chapter 4
- ✗ Chapter 5
- ✗ Chapter 6

Border: Red - new position for consent decree or consent decree and efficiency
 Green - new position for efficiency
 Black - existing position

Implementation year → 2015 215

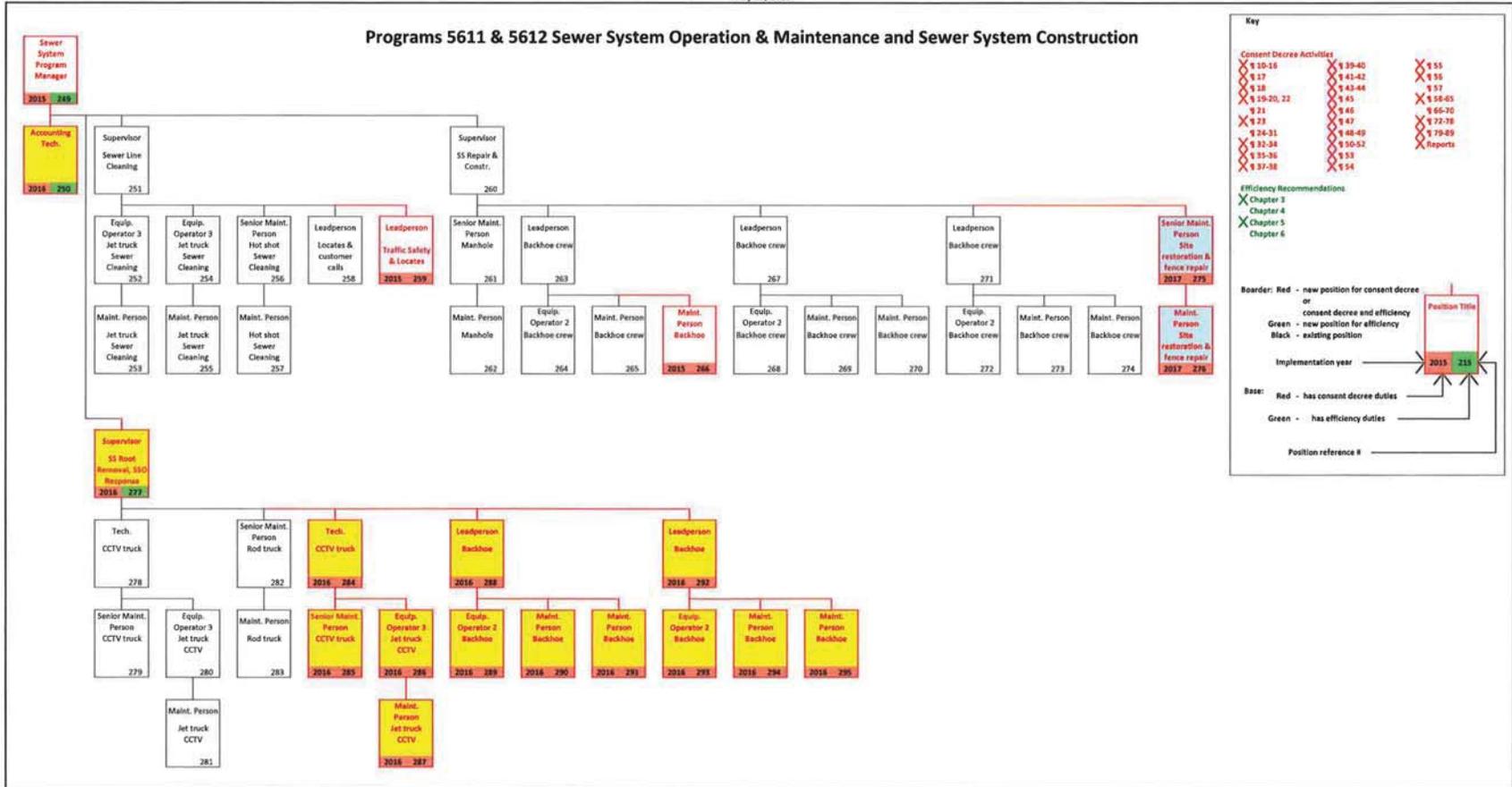
Base: Red - has consent decree duties
 Green - has efficiency duties

Position reference # →

EXHIBIT A Organizational Chart

May 19, 2015

Programs 5611 & 5612 Sewer System Operation & Maintenance and Sewer System Construction



RESOLUTION R-90-15

**A RESOLUTION AUTHORIZING A CHANGE ORDER
FOR THE CONSTRUCTION OF
2014 STREET STRIPING REPLACEMENT
PROJECT NO. 14-85-A**

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

SECTION 1: Change Order No. 1 with Advanced Workzone Services, LLC for the 2014 Street Striping Replacement, Project No. 14-85-A, which increases the contract amount by \$358.48 to an adjusted contract amount of \$51,815.34, and which increases the contract time by 8 days, is hereby approved.

This resolution adopted this 19 day of May, 2015.

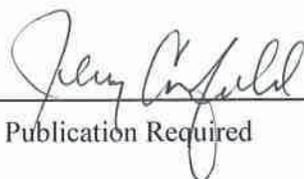
APPROVED:


Mayor

ATTEST:


acting City Clerk

Approved as to Form


 No Publication Required

RESOLUTION R-91-15

**A RESOLUTION TO ACCEPT COMPLETION OF AND
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF
2014 STREET STRIPING REPLACEMENT
PROJECT NO. 14-85-A**

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

SECTION 1: The City of Fort Smith hereby accepts the construction of the 2014 Street Striping Replacement, Project No. 14-85-A, as complete.

SECTION 2: Final payment in the amount of \$51,815.34 to the contractor Advanced Workzone Services, LCC for the 2014 Street Striping Replacement, Project No. 14-85-A is authorized.

This resolution adopted this 19 day of May, 2015.

APPROVED:


Mayor

ATTEST:

Heather James
acting City Clerk

Approved as to Form


 No Publication Required

RESOLUTION R-92-15

**A RESOLUTION AUTHORIZING A TIME EXTENSION
FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 12-06-C1**

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

SECTION 1: A time extension with Goodwin & Goodwin Inc., for the Drainage Improvements, Project 12-06-C1, which increases the contract time by 104 days, is hereby approved.

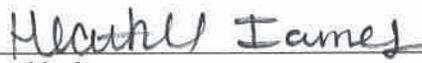
This resolution adopted this 19 day of May , 2015.

APPROVED:



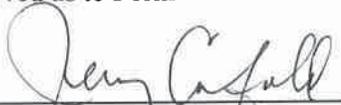
Mayor

ATTEST:



acting City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-93-15

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
DRAINAGE IMPROVEMENTS
PROJECT NO. 12-06-C1**

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 12-06-C1, as complete.

SECTION 2: Final Payment is hereby authorized in the amount of \$6,178.99 to the contractor, Goodwin & Goodwin, Inc., for the Drainage Improvements, Project No. 12-06-C1 .

This resolution adopted this 19 day of May, 2015.

APPROVED:

Sandy Sande
Mayor

ATTEST:

Neathy James
acting City Clerk

Approved as to Form

Jerry Conforth
 No Publication Required

RESOLUTION R-94-15

**A RESOLUTION TO ACCEPT THE BIDS
AND AUTHORIZE CONTRACTS FOR THE
CONSTRUCTION OF MCCLURE DRIVE
EXTENSION/OFFICER'S CLUB ROAD EXTENSION
PROJECT NO. 14-00-A UPON CONCURRENCE
OF THE FORT CHAFFEE REDEVELOPMENT AUTHORITY**

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

SECTION 1: Subject to concurrence of the Fort Chaffee Redevelopment Authority ("FCRA"), the bid of Forsgren, Inc., received May 12, 2015, for the construction of McClure Drive Extension/Officer's Club Road Extension, Project No. 14-00-A, in the amount of \$2,625,977.25 is hereby accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, Inc. subject to the terms set forth in Section 1 above. Following execution by the Mayor, the City Clerk and City Administrator are authorized to deliver the executed contract documents to the Contractor upon receipt of written verification that the governing body of the FCRA also approves the Contract.

SECTION 3: Subject to the concurrence of the FCRA, the bid of Data Testing, Inc., received May 5, 2015, for quality control testing services for the construction of McClure Drive Extension/Officer's Club Road Extension, Project No. 14-00-A, in the amount of \$10,980.00 is hereby accepted.

SECTION 4: The Mayor is authorized to execute a contract with Data Testing, Inc., subject to the terms set forth in Section 3 above. Following execution by the Mayor, the City Clerk and City Administrator are authorized to deliver the executed contract documents to Data Testing, Inc. upon receipt of written verification that the governing body of the FCRA also approves the Contract.

SECTION 5: Payment for the City's share of the construction authorized by Section 1 and Section 3 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 19 day of May , 2015.

APPROVED:



Mayor

ATTEST:

acting Heather James
City Clerk

Approved as to Form



No Publication Required

RESOLUTION R-95-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR A NON-EXCLUSIVE PETROLEUM PRODUCTS PIPELINE PERMIT WITH MAGELLAN PIPELINE COMPANY, L.P.

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

The Mayor is authorized to execute the attached Agreement for a Non-Exclusive Petroleum Products Pipeline Permit with Magellan Pipeline Company, L.P. A copy of said Agreement has been on file with the City Clerk's office for one (1) week prior to passage.

This resolution adopted this 19 day of May, 2015.

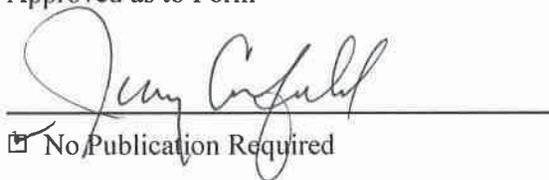
APPROVED


Mayor

ATTEST:

acting Heather James
City Clerk

Approved as to Form


 No Publication Required

RESOLUTION NO. R-96-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT AGREEMENT WITH THE RIVER VALLEY SPORTS COMPLEX ADJUSTING PERFORMANCE PAYMENT SCHEDULE AND THE DATE OF COMPLETION

WHEREAS, the City of Fort Smith and the River Valley Sports Complex (the "Seller") entered into an Agreement Regarding Construction and Purchase of River Valley Sports Complex for the development of a tournament quality eight-field sports complex on city-owned real property in the Chaffee Crossing area of Fort Smith, such Agreement being effective March 4, 2014 and authorized by Resolution No. R-20-14; and

WHEREAS, such Agreement sets forth specific performance milestones for the disbursement of a maximum of \$1.6 million from the City to the Seller, and sets a specific date for substantial completion of the project of June 10, 2015 with the project being ready for public use by July 1, 2015; and

WHEREAS, the City and the Seller have agreed to issue an Amendment Agreement in order to adjust the performance payment schedule and to establish a new date for completion.

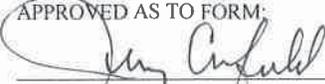
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas that the Mayor is authorized to execute the attached Amendment Agreement with the River Valley Sports Complex for the purpose of adjusting the performance payment schedule and the establishment of a new completion date of March 31, 2016.

This Resolution adopted this 19 day of May, 2015.


Mayor

ATTEST:

Heather James
acting City Clerk

APPROVED AS TO FORM:

No submission required

RESOLUTION NO. R-97-15

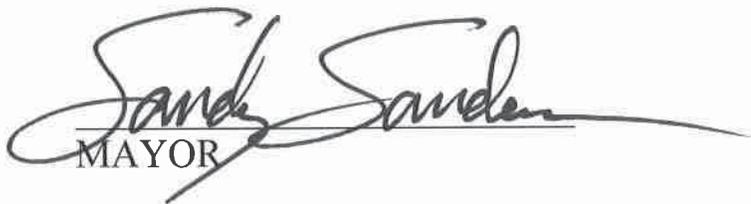
RESOLUTION APPROVING THE BID FOR PURCHASE OF A DUMP TRUCK

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

The bid, as indicated by enclosure on the attached Bid Tabulation 04-27-15BA #5 for the purchase of a dump truck from Dunn Ford for \$43,199.40, is accepted.

This Resolution adopted this 19 day of May, 2015.

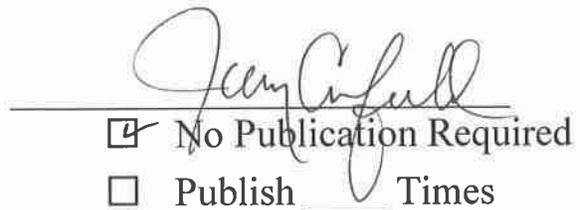
APPROVED:


MAYOR

ATTEST:

Heather James
acting CITY CLERK

Approved as to form:


 No Publication Required
 Publish Times

RESOLUTION NO. R-98-15

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT WITH WEBSTER UNIVERSITY FOR SPACE ON THE LOWER LEVEL OF THE CONVENTION CENTER ANNEX

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

The Mayor is authorized to execute the attached lease with Webster University for a portion of the lower level of the Convention Center Annex, located at 801 Carnall Avenue, Fort Smith, AR 72901. The space to be leased shall be used as offices and classrooms for the Fort Smith Campus of Webster University for the period of June 1st, 2015 through May 31st, 2016.

THIS RESOLUTION ADOPTED this 19 day of May, 2015.

APPROVED:


Mayor

ATTEST:

Heather James
acting City Clerk

Approved as to form:


NPR

RESOLUTION NO. R-99-15

RESOLUTION AUTHORIZING AMENDMENT NUMBER TWO TO AUTHORIZATION NUMBER TWO WITH HAWKINS-WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE MILL CREEK INTERCEPTOR IMPROVEMENTS – PHASE II

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

SECTION 1: Amendment Number Two to Authorization Number Two under the agreement with Hawkins-Weir Engineers, Inc., providing engineering construction phase services for the Mill Creek Interceptor Improvements – Phase II, Project Number 12-12-EC1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number Two in the amount of \$41,000.00, for construction phase services, adjusting Authorization Number Two to an amount of \$274,000.00.

This Resolution adopted this 19 day of May 2015.

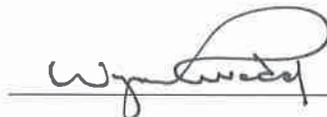
APPROVED:


Mayor

ATTEST:

acting Heather James
City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-100-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
GRANTING THE USE OF CITY OWNED PROPERTY

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

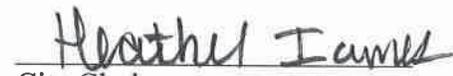
The Mayor is hereby authorized to execute the attached Lease Agreement between the
City of Fort Smith and Pajaro Gun Club, Inc., granting a lease for a 97 acre parcel of City-owned
property located at I-540 and Highway 271.

This Resolution adopted this 19 day of May, 2015.

APPROVED:


Mayor

ATTEST:


acting City Clerk

APPROVED AS TO FORM:


No Publication Required

RESOLUTION R-101-15

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH MORRISON-SHIPLEY ENGINEERS, INC. FOR ENGINEERING SERVICES ASSOCIATED WITH THE FORT SMITH LANDFILL ROAD PROJECT

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

Section 1: The Agreement for engineering services with Morrison-Shipley Engineers, Inc., for the design and construction observation associated with the landfill road project is approved.

Section 2: The Mayor is hereby authorized to execute an Agreement for professional engineering services in the amount of \$129,000.00

This Resolution adopted this 19 day of May, 2015.

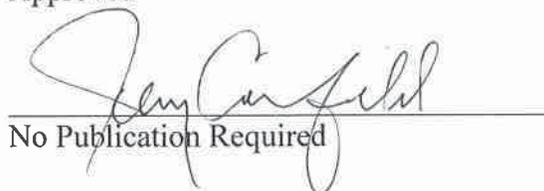
APPROVED:


Mayor

ATTEST:

Heather Iames
acting City Clerk

Approved as to Form


No Publication Required

ORDINANCE NO. 36-15

AN ORDINANCE AUTHORIZING EXECUTION OF AN AMENDED CONTRACT FOR SERVICE BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND BAIR ANALYTICS, INC., BY WHICH BAIR ANALYTICS, INC., WILL PROVIDE CRIME ANALYSTS, TECHNICAL PERSONNEL, ANALYTICAL SOFTWARE AND SERVICES FOR CRIME ANALYSES FOR THE FORT SMITH POLICE DEPARTMENT

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

WHEREAS, On January 20, 2015, the Board of Directors authorized the execution of a contract for service between the City of Fort Smith, Arkansas, and Bair Analytics, Inc., by which Bair Analytics, Inc., will provide crime analysts, technical personnel, analytical software and services for crime analysis for the Fort Smith Police Department; and,

WHEREAS, the effective date of that contract, which was to be February 1, 2015, now, by agreement of the parties, is to be May 7, 2015; and paragraph 4 of the Statement of Work which stated that a fee increase would occur on February 30, 2016 [sic], is now, by agreement of the parties, to occur at midnight on May 7, 2016.

NOW, THEREFORE, the Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the amended contract with Bair Analytics, Inc., with the foregoing changes, whereby Bair Analytics, Inc., is to provide crime analysts, technical personnel, analytic software and services to the City of Fort Smith through the Fort Smith Police Department. A copy of the amended contract is attached.

PASSED AND APPROVED this 19 day of May, 2015.

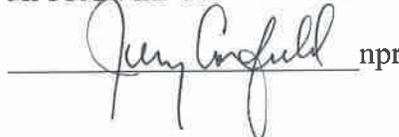
APPROVED:


Mayor

ATTEST:


acting City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION NO. R-102-15

**RESOLUTION APPROVING CONTRACT ADDITION #2 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:

Contract Addition #2 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 \$18,951.50 for additional work including structural fill, electrical conduits, footings, and flowable fill for electrical service ditch.

This Resolution adopted this 19 day of May, 2015.

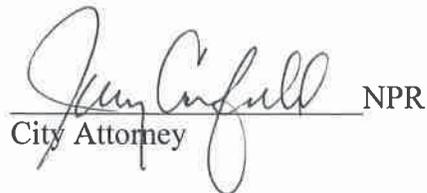
APPROVED:


Mayor

ATTEST:

acting Heather James
City Clerk

Approved as to form:


City Attorney NPR

RESOLUTION NO. R-103-15

RESOLUTION ACCEPTING THE CONSTRUCTION OF FIRE TRAINING CENTER AS COMPLETE AND AUTHORIZING FINAL PAYMENT TO BESHEARS CONSTRUCTION, INC.

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

The construction of the Fire Training Tower Center is accepted as complete and final payment of \$60,270.23 to Beshears Construction, Inc., is hereby approved.

This Resolution adopted this 19 day of May, 2015.

APPROVED:


Mayor

ATTEST:

acting Heather James
City Clerk

Approved as to form:

Jay C. Fulib NPR
City Attorney