

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
June 16, 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 Jerry Jennings, Mount Moriah Missionary Baptist 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 JUNE 2, 2015 REGULAR MEETING AND JUNE 9, 2015 SPECIAL MEETING

Unanimously approved as written

ITEMS OF BUSINESS:

1. Presentation of Year 2014 Audit (*Comprehensive Annual Finance Report - CAFR*)
Presentation only

2. Ordinance establishing a Capital Improvement Plan Advisory Committee to review and recommend projects for funding from the 1% Sales and Use Tax for streets, bridges and associated drainage; setting membership and procedural requirements for same; and, providing for inclusion in the Fort Smith Municipal Code ~ *Pennartz/Good placed on agenda at the June 9, 2015 study session* ~ APPROVED 6 in favor, 1 opposed (Hutchings) / Ordinance No. 40-15
3. Resolution naming the neighborhood park on Texas Road, *Stagecoach Park* ♦ APPROVED 7 in favor, 0 opposed / Resolution No. R-111-15
4. Resolution naming the neighborhood park on Fianna Way, *Imani Park* ♦ APPROVED 7 in favor, 0 opposed / Resolution No. R-112-15
5. Consent Agenda
 - A. Ordinance to abandon a portion of a public utility easement located in High Pointe on Riley Farm, Lot 12, an addition to the City of Fort Smith, Sebastian County, Arkansas
APPROVED 7 in favor, 0 opposed / Ordinance No. 41-15
 - B. Ordinance to abandon a public utility easement located in Willowbrook, Tract 2B, an addition to the City of Fort Smith, Sebastian County, Arkansas
APPROVED 7 in favor, 0 opposed / Ordinance No. 42-15
 - C. Ordinance accepting donation of street right-of-way and drainage easements from the Fort Chaffee Redevelopment Authority ♦
APPROVED 7 in favor, 0 opposed / Ordinance No. 43-15
 - D. Ordinance authorizing a contract with GameTime for the development of neighborhood parks on Fianna Way and Texas Road and declaring exceptional situations and waiving the requirements of competitive bidding (\$258,851.55 / Parks Department / Budgeted – 1/8% Sales and Use Tax & General Fund for Parks Utility Roundup Contributions) ♦
TABLED 7 in favor, 0 opposed to the July 7, 2015 regular meeting
 - E. Ordinance authorizing the appropriation of funds from the reserve balance of the General Fund ♦
DEFERRED 7 in favor, 0 opposed pending review by the Parks and Recreation Commission regarding establishment of criteria for use of the subject reserve funds
 - F. Resolution authorizing the City Administrator to execute an agreement with a property owner for acquisition of a water utility easement and release of right-of-way agreement in connection with the Lake Fort Smith 48-inch water line

APPROVED 7 in favor, 0 opposed / Resolution No. R-113-15

- G. Resolution accepting the project as complete and authorizing final payment to Goodwin & Goodwin Inc. for construction of the 2200-2321 Rogers Avenue Sanitary Sewer Extension (\$94,027.13 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)

APPROVED 7 in favor, 0 opposed / Resolution No. R-114-15

- H. Resolution authorizing Amendment No. 1 to Authorization No. 4 with Hawkins-Weir Engineers, Inc. for engineering services for the Zero Street Pump Station Wet Weather Improvements - Pump Station and EQ Storage (\$40,000.00 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds)

APPROVED 7 in favor, 0 opposed / Resolution No. R-115-15

- I. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing final payment to Crawford Construction Company for the North 6th and Kelley Highway 15-Inch Sewer Line Emergency Repair (\$63,770.00 / Utility Department / Not Budgeted – 2014 Sales and Use Tax Bonds)

APPROVED 7 in favor, 0 opposed / Ordinance No. 44-15

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 7:01 p.m.)

Appointments: **AIRPORT COMMISSION**
Robert J. Hawkins
Term expires June 30, 2020

ANIMAL SERVICES ADVISORY BOARD
LeeAnn Hicklin
Stacie Gibson
Terms expire April 3, 2018

FORT SMITH HOUSING AUTHORITY

No action taken

HISTORIC DISTRICT COMMISSION

Dianne Morrison (reappointment)

Term expires July 31, 2018

PORT AUTHORITY

Larry Combs (reappointment)

Term expires July 31, 2020

PROPERTY OWNERS APPEAL BOARD

Karen Lewis (reappointment)

Megan Raynor (reappointment)

Terms expire July 14, 2020

TRANSIT ADVISORY COMMISSION

Leo Good *(to fill the unexpired term of Tim Hearn who resigned)*

Term expires July 15, 2017

Dr. Kathleen Cates

Term expires June 15, 2018

ADJOURN

7:10 p.m.

AN ORDINANCE ESTABLISHING A CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE TO REVIEW AND RECOMMEND PROJECTS FOR FUNDING FROM THE 1% SALES AND USE TAX FOR STREETS, BRIDGES, AND ASSOCIATED DRAINAGE; SETTING MEMBERSHIP AND PROCEDURAL REQUIREMENTS FOR SAME; AND PROVIDING FOR INCLUSION IN THE FORT SMITH MUNICIPAL CODE

WHEREAS, on May 12, 2015 the voters of the City of Fort Smith renewed the 1-percent sales and use tax for the express purpose of providing funding for projects related to local streets, bridges, and associated drainage; and

WHEREAS, by October of each year, the Board of Directors typically adopts a five-year Capital Improvement Program ("CIP") containing specific projects identified and recommended for funding in the next fiscal year and beyond; and

WHEREAS, heretofore the Engineering Department has reviewed, identified, and prioritized a proposed five-year CIP for delivery to the Board of Directors each September so that it may be adopted by the Board in October; and

WHEREAS, the Board has deemed it prudent that a CIP Advisory Committee be formed in order to review recommendations from the Engineering Department, take and evaluate public comment and suggestions, and ultimately recommend a five-year CIP to the Board of Directors for adoption and incorporation into the budget for the subsequent fiscal year.

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

Section 1. There is hereby established in and for the city a Capital Improvement Plan Advisory Committee for the purpose of serving in an advisory capacity to the Board of Directors by evaluating, planning, analyzing, updating and recommending a five-year Capital Improvement Plan for city projects relating to streets, bridges, and associated drainage to be funded from the 1-percent sales and use tax. It is not intended that this Advisory Committee be involved in the Board of Directors' decisions to amend the five-year Capital Improvement Plan from time to time in the interest of specific economic development incentives.

Section 2. The Capital Improvement Plan Advisory Committee shall be comprised of seven (7) members who are qualified electors of the city. Appointments shall be made by the Board of Directors. At all times the membership of the Advisory Committee shall include at least one resident from each of the four city wards.

Section 3. Upon appointment and at the first organizational meeting of the Advisory Committee, the members shall draw lots for one (1 position), two (2 positions), or three (3 positions) year terms. Thereafter, appointments to fill expired terms on the Advisory Committee shall be for three year terms.

Section 4. The Capital Improvement Plan Advisory Committee shall select a chairperson from its own membership on an annual basis. The chairperson's duty shall be to preside at all meetings of the Advisory Committee. If the chairperson is absent from a particular meeting, the members in attendance shall elect an acting chairperson for that meeting.

Section 5. The Capital Improvement Plan Advisory Committee shall establish a regular meeting schedule for the consideration of projects to be incorporated into a recommended Capital Improvement Plan for submission to the city's Board of Directors on or before September 1 of each year. Such regular meeting discussions shall include projects recommended by the city's Engineering and Operations Departments, as well as projects or suggestions from committee members and other residents and businesses of the city.

Section 6. This Ordinance shall be codified and included in Chapter 22 "Streets and Sidewalks" of the Fort Smith Municipal Code.

PASSED AND APPROVED this 16th day of June, 2015.

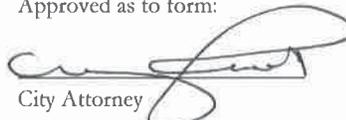
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
Publish One Time

RESOLUTION NO. R-111-15

A RESOLUTION NAMING THE NEIGHBORHOOD
PARK ON TEXAS ROAD STAGECOACH PARK

WHEREAS, nominations for the naming of a neighborhood park on Texas Road were solicited by public notice in the Times Record newspaper on March 15 & 22, 2015; and,

WHEREAS, the Parks and Recreation Commission considered all nominations received; and,

WHEREAS, notice of the initial selection was published in the Times Record newspaper on May 17 & 24, 2015 as required by the city's naming policy; and,

WHEREAS, the Parks and Recreation Commission has considered all public comments received and recommends to the Board of Directors that the neighborhood park on Texas Road be named Stagecoach Park;

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

Section 1: The Board of Directors hereby names the neighborhood park on Texas Road, Stagecoach Park.

Section 2: The City Administrator and his staff are directed to place the appropriate signage to recognize the naming authorized by Section 1 of this Resolution.

This Resolution passed this 16th day of June, 2015.

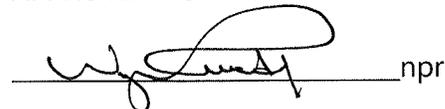
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-112-15A RESOLUTION NAMING THE NEIGHBORHOOD
PARK ON FIANNA WAY IMANI PARK

WHEREAS, nominations for the naming of a neighborhood park on Fianna Way were solicited by public notice in the Times Record newspaper on March 15 & 22, 2015; and,

WHEREAS, the Parks and Recreation Commission considered all nominations received; and,

WHEREAS, notice of the initial selection was published in the Times Record newspaper on May 17 & 24, 2015 as required by the city's naming policy; and,

WHEREAS, the Parks and Recreation Commission has considered all public comments received and recommends to the Board of Directors that the neighborhood park on Fianna Way be named Imani Park;

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

Section 1: The Board of Directors hereby names the neighborhood park on Fianna Way, Imani Park.

Section 2: The City Administrator and his staff are directed to place the appropriate signage to recognize the naming authorized by Section 1 of this Resolution.

This Resolution passed this 16th day of June, 2015.

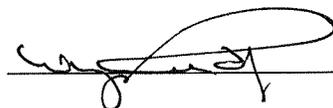
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

5A.

ORDINANCE NO. 4-15

**AN ORDINANCE TO ABANDON
A PORTION OF A PUBLIC UTILITY EASEMENT
LOCATED IN HIGH POINTE ON RILEY FARM, LOT 12
AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**

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

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to a public utility easement located in the hereinafter described real property:

Part of Lot 12, High Pointe on Riley Farm, Fort Smith, Sebastian County, Arkansas, being filed for record October 15, 1998 as plat 1545. Said utility easement to be vacated being 20 feet wide and lying 10 feet on each side of the following described centerline:

Commencing at the southeast corner of said Lot 12; Thence along the south line of said Lot, N87°18'23"W, 200.00 feet; Thence leaving said south line, N02°41'37"E, 150.00 feet to the Point of Beginning; Thence continuing N02°41'37"E, 140.00 feet to the Point of Termination. Containing 2,800 square feet or 0.06 acres, more or less.

The portion of the public utility easement being released, vacated and abandoned is no longer required for municipal corporate purposes.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS 16th DAY OF JUNE 2015.

APPROVED:

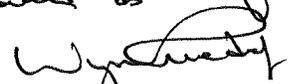


Mayor

ATTEST:



City Clerk

Approved as to form

NPR

5B.

ORDINANCE NO. 42-15

**AN ORDINANCE TO ABANDON
A PUBLIC UTILITY EASEMENT
LOCATED IN WILLOWBROOK, TRACT 2B
AN ADDITION TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS**

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

SECTION 1: The City of Fort Smith, Arkansas hereby releases, vacates and abandons all its rights together with the rights of the public generally to a public utility easement located in the hereinafter described real property:

A part of Tract 2B of Corrective Plat Willowbrook Tracts 2A & 2B being a part of the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section 16, Township 7 North, Range 32 West, Sebastian County, Arkansas, more particularly described as follows:

Commencing at the Southwest corner of said SW/4 of the NW/4; thence S 88°18'26" E, 463.00 feet along the South line of said SW/4 of the NW/4; thence N 03°29'35" E, 27.84 feet to the Southwest corner of said Tract 2B said point being on the Northerly right of way line of Rabbit Run Road; thence S 86°17'52" E, 15.00 feet along said right of way line to the Point of Beginning; thence N 03°29'35" E, 15.00 feet; thence S 86°17'52" E, 372.07 feet to a point; thence S 43°11'44" E, 21.95 feet to a point on the South line of said Tract 2B said point being on the Northerly right of way line of Rabbit Run Road; thence N 86°17'52" W, 388.04 feet along said right of way line to the point of beginning.

The public utility easement being released, vacated and abandoned is no longer required for municipal corporate purposes.

SECTION 2: A copy of the Ordinance duly certified by the City Clerk shall be filed with the Office of the Recorder of the County and recorded in the deed records of the County.

PASSED AND APPROVED THIS 16th DAY OF JUNE 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form

NPR

ORDINANCE NO. 43-15

**AN ORDINANCE ACCEPTING DONATION OF STREET RIGHT OF WAY
AND DRAINAGE EASEMENTS FROM THE
FORT CHAFFEE REDEVELOPMENT AUTHORITY**

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

SECTION 1: The City of Fort Smith hereby accepts the donation by the Fort Chaffee Redevelopment Authority of the street rights of way and drainage easements for McClure Drive, R.A. Young Jr. Drive and Veterans Avenue described in the attached easement documents.

SECTION 2: The city administrator is authorized to take all necessary action to record the donated easements.

This Ordinance adopted this 16th day of June, 2015.

APPROVED.


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required
 Publish ___ Times

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH A PROPERTY OWNER FOR THE ACQUISITION OF A WATER UTILITY EASEMENT AND RELEASE OF RIGHT OF WAY AGREEMENT IN CONNECTION WITH THE LAKE FORT SMITH 48-INCH WATER LINE

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

SECTION 1: The City Administrator is hereby authorized to execute an agreement accepting an offer made by the following property owner:

Tract 11-30-28-26

REMCO, Inc.

Donation of Easement

in connection with the acquisition of a water utility easement designated as 08-07-P for the Lake Fort Smith 48-Inch Water Transmission Line, Project 08-07, said property being located on Highway 282, Mountainburg, Arkansas.

SECTION 2: The City Administrator is hereby authorized to execute a release of an existing Right of Way Agreement upon the completion of the project, said right of way being replaced by the water utility easement set forth in Section 1 and shown on the Agreement as Exhibit B.

This Resolution adopted this 16th day of June 2015.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE, AND AUTHORIZING FINAL PAYMENT TO GOODWIN & GOODWIN, INC., FOR CONSTRUCTION OF THE 2200 – 2321 ROGERS AVENUE SANITARY SEWER EXTENSION

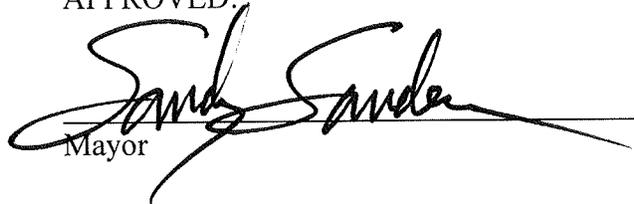
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: The construction of the 2200 - 2321 Rogers Avenue Sanitary Sewer Extension, Project Number 15-06-C1, is accepted as complete.

SECTION 2: Final payment to Goodwin & Goodwin, Inc., in the amount of \$94,027.13, is hereby approved.

This Resolution adopted this 16th day of June 2015.

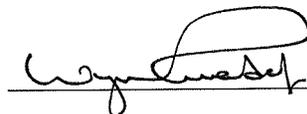
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION AUTHORIZING AMENDMENT NUMBER ONE TO AUTHORIZATION NUMBER FOUR WITH HAWKINS-WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES FOR THE ZERO STREET PUMP STATION WET WEATHER IMPROVEMENTS – PUMP STATION AND EQ STORAGE

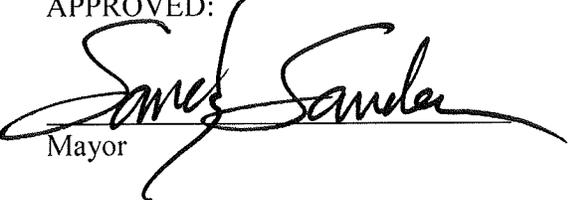
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Amendment Number One to Authorization Number Four under the Agreement with Hawkins-Weir Engineers, Inc., to provide construction phase services for the Zero Street Pump Station Wet Weather Improvements – Pump Station and EQ Storage, Project Number 09-17-EC2, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One in the amount of \$40,000.00, for construction phase services, adjusting Authorization Number Four to an amount of \$1,271,400.00.

This Resolution adopted this 16th day of June 2015.

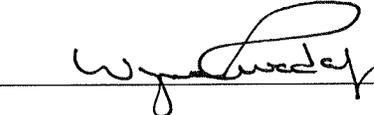
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING FINAL PAYMENT TO CRAWFORD CONSTRUCTION COMPANY FOR THE NORTH 6TH AND KELLEY HIGHWAY 15-INCH SEWER LINE EMERGENCY REPAIR

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 repairs of the sanitary sewer main at North 6th Street and Kelley Highway; and,

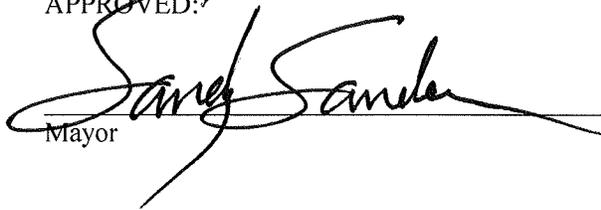
WHEREAS, the emergency sewer repairs precludes the City from meeting the requirements of competitive bidding; and,

WHEREAS, the emergency sewer repair required immediate repair 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 repairs 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 final payment to contractor, Crawford Construction Company, for the North 6th and Kelley Highway 15-Inch Sewer Line Emergency Repair, Project Number 15-16-C1, in the amount of \$63,770.10, is hereby approved.

PASSED AND APPROVED this 16th day of June 2015.

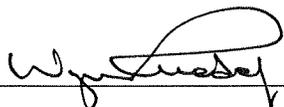
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr