

Mayor – Sandy Sanders

Acting City Administrator – Jeff Dingman

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

January 19, 2016 ~ 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

Reverend Jerry Jennings, Mount Moriah Missionary Baptist Church

ROLL CALL

- All present, except Director Andre’ Good (Director Good arrived during presentation of Item No. 1)
- 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-ofdirectors-meetings>

APPROVE MINUTES OF THE JANUARY 5, 2016 REGULAR MEETING

APROVED as written

ITEMS OF BUSINESS:

1. Ordinance amending Section 2-37(b) of the Fort Smith Municipal Code regarding meeting procedures ~ *Settle/Good placed on agenda at the January 12, 2016 regular meeting* ~ **APPROVED** 7 in favor, 0 opposed / Ordinance No. 5-16

2. Resolution accepting an offer to purchase City-owned property and authorizing execution of all necessary documentation pertaining to such transaction (*Belle Grove Center, former Girls, Inc. property*)
APPROVED 5 in favor, 2 opposed (Catsavis & Pennartz) / Resolution No. R-5-16
3. Ordinance amending Chapter 3 of the Fort Smith Municipal Code to establish fees for dispensary permits for alcoholic beverages and for permits for serving mixed drinks and other alcoholic beverages and for other purposes
APPROVED 7 in favor, 0 opposed / Ordinance No. 6-16
4. Resolution authorizing the Mayor to execute an agreement for insurance broker services (\$28,500.00 / Finance Department / Budgeted – Various Funds)
TABLED 5 in favor, 2 opposed (Catsavis & Hutchings) pending study session review of existing insurance coverage, minimum insurance requirements and insurance coverage proposals.
5. Consent Agenda
 - A. Resolution to accept the bid and authorize a contract for the 2014 Drainage Improvements, Phase B1, Project No. 14-06-B1 (\$616,720.00 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-6-16
 - B. Resolution to accept completion of and authorize final payment for the construction of railroad crossing repairs at North 27th Street, Project No. 15-10-A (\$108,952.26 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-7-16
 - C. Resolution authorizing a change order for the construction of 2014 Street Overlay / Reconstruction, Phase B, Project No. 14-03-B (97 days / \$150,298.25 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-8-16
 - D. Resolution accepting completion of and authorizing final payment for the construction of 2014 Street Overlay / Reconstruction, Phase B, Project No. 14-03-B (\$150,434.36 / Engineering Department / Budgeted – Sales Tax Program Fund) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-9-16
 - E. Ordinance authorizing the Mayor to execute agreements for certain services for inhabitants of the city of Fort Smith
APPROVED 7 in favor, 0 opposed as amended to remove the agreement with the Fort Smith Museum of History pending review of contract authorizing initial funding / Ordinance No. 7-16

F. Resolution accepting the bid and authorizing the Mayor to execute a contract with Rodebush Construction, Inc. for the construction of the press box and dugouts at Martin Luther King Jr. Park (\$112,750.00 / Parks Department / Not Budgeted – Arkansas State Parks Outdoor Recreation Grant & Park Partners donation)

APPROVED 7 in favor, 0 opposed / Resolution No. R-10-16

G. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith Police Department and the Office of Secure Transportation, National Nuclear Security Administration, Department of Energy

APPROVED 7 in favor, 0 opposed / Resolution No. R-11-16

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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ADJOURN

6:59 p.m.

ORDINANCE 5-16

AN ORDINANCE AMENDING SECTION 2-37(b) OF THE FORT SMITH MUNICIPAL CODE REGARDING MEETING PROCEDURES

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

SECTION 1: Section 2-37(b) of the Fort Smith Municipal Code is hereby amended to read as follows:

- (b) After presentation of an item on the agenda of any regular or special meeting of the board, the mayor shall inquire of those present if anyone has a statement to make concerning the item under consideration. An applicant before the board may have up to five (5) minutes to make an opening presentation. If a group of citizens opposes the applicant, they may have up to five (5) minutes to make an opposing presentation. Each side shall have up to three (3) minutes to make a rebuttal presentation. All other comments from citizens shall be limited to no more than two (2) minutes per citizen. Any of these time limits may be extended by a consensus of the members of the board. Citizen comments must be relevant to the agenda item under consideration. After public comment is complete, the mayor shall ask the board for a motion to consider the item. Once a motion is made and seconded for approval of the item, the board may proceed with discussion and vote on said item.

SECTION 2: Emergency Clause. The immediate effectiveness of this Ordinance amending meeting procedures for the governing body of the City is required to provide for the orderly conducting of the affairs of the governing body of the City. Therefore, an emergency is declared, and this Ordinance shall be in full force and effect immediately upon its passage and approval.

This Ordinance adopted this 19th day of January, 2016.

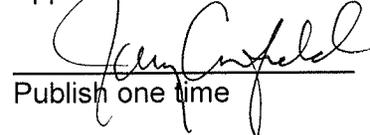
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


Publish one time

RESOLUTION NO. R-5-16

A RESOLUTION ACCEPTING AN OFFER TO PURCHASE CITY-OWNED PROPERTY AND AUTHORIZING EXECUTION OF ALL NECESSARY DOCUMENTATION PERTAINING TO SUCH TRANSACTION

WHEREAS, the city purchased property at 622 North 7th Street, 701 North 8th Street, and 515 North 8th Street (the former Girls, Inc. property) in January, 2013 intending to renovate such facility into a community center, a project subsequently recommended for deferral by the Parks and Recreation Commission until at least 2021/22 due to its sizeable cost; and

WHEREAS, on January 11, 2016 the city received an unsolicited offer from Northwest Development Group, LLC to purchase said property for \$110,000.00 conditioned upon obtaining a conditional use from the city for the use of the property as a school and being able to place temporary modular classrooms on the property while the facility undergoes renovation or new construction; and

WHEREAS, the Northwest Development Group, LLC has indicated that it intends to renovate the facility and lease it to the Future School of Fort Smith for use as a public charter high school.

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

Section 1. The offer from Northwest Development Group, LLC to purchase property at 622 North 7th Street; 701 North 8th Street and 515 North 8th Street for \$110,000.00 conditioned upon approval of a conditional use and authorization to place modular classrooms on the property during renovation/construction is hereby accepted.

Section 2. The Mayor is hereby authorized to execute any and all documents necessary to effect such transaction.

THIS RESOLUTION ADOPTED this 19th day of January, 2016.

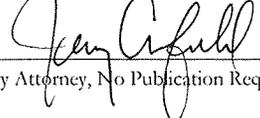
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney, No Publication Required

ORDINANCE NO. 6-16

AN ORDINANCE AMENDING CHAPTER 3 OF THE FORT SMITH MUNICIPAL
CODE TO ESTABLISH FEES FOR DISPENSARY PERMITS FOR ALCOHOLIC
BEVERAGES AND FOR PERMITS FOR SERVING MIXED DRINKS AND OTHER
ALCOHOLIC BEVERAGES AND FOR OTHER PURPOSES

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

Section 1: Section 3-31 of the Fort Smith Municipal Code is amended to read as follows:

- (a) Every person in the city engaged in manufacturing spirituous liquors or malt liquors shall pay an annual permit fee to the city as provided by state law.
- (b) Every person in the city engaged in the manufacture of vinous liquors shall pay an annual permit fee to the city as provided by state law.
- (c) Every person in the city engaged in the business of rectifying, blending or flavoring spirituous liquors shall pay an annual permit fee to the city as provided by state law.

Section 2: The Fort Smith Municipal Code is amended by adding Section 3-37 to read as follows:

Permits and Fee Schedule

License Type	Annual Fee
1 Wholesale Liquor (Min-Max)	\$750
2 Wholesale Beer (single county)	\$40
3 Retail Beer	\$40
4 Combination Rest. Retail Beer & Wine	\$40
5a H-M-R Mixed Drink Minimum	\$250

5b	H-M-R Mixed Drink Maximum	\$500
6	Temporary Expansion (Min - Max)	\$0
7	Private Club	\$250
8	Retail Liquor	\$250
9	Military Service Club	\$250
10	Satellite Catering	\$250
11	Off Premises Catering	\$250
12	Large Attendance Facility	\$500
13	Micro-brewery Restaurant	\$250

Section 3: Section 3-74 of the Fort Smith Municipal Code is amended to read as follows:

The application for a permit required by the provisions of this division shall be accompanied by an annual permit fee in the amount as provided in Section 3-37.

Section 4: Section 3-77 "Bond" is hereby amended to read as follows:

An indemnity bond shall be required of each permittee under this division guaranteeing the permittee's faithful accounting for and prompt payment of the taxes becoming due under this division. Such bond shall be in an amount of five hundred dollars (\$500.00) with approved surety.

Section 5: Section 3-101(g) of the Fort Smith Municipal Code is amended to read as follows:

(g) The annual fees for the permits required by subsection (c) and (f) above shall be:

- i. Hotel or motel having fewer than one hundred (100) rooms shall be in accordance with Section 3-37 (5a).
- ii. Hotel or motel having one hundred (100) rooms or more shall be in accordance with Section 3-37 (5b).
- iii. Large attendance facility shall be in accordance with Section 3-37 (12).
- iv. Restaurant having seating capacity of less than one hundred (100) persons shall be in accordance with Section 3-37 (5a).
- v. Restaurant having seating capacity of one hundred (100) or more persons shall be in accordance with Section 3-37 (5b).
- vi. Satellite catering permit shall be in accordance with Section 3-37 (10).

Ordinance No. 6-16

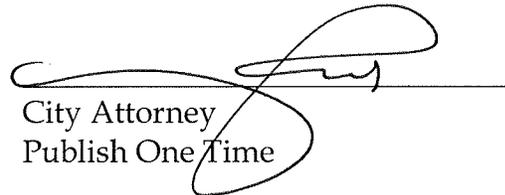
PASSED AND APPROVED THIS 19th DAY OF January 2016.

APPROVED:


Mayor

ATTEST:


City Clerk


City Attorney
Publish One Time

RESOLUTION R-6-16

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A
CONTRACT FOR THE 2014 DRAINAGE IMPROVEMENTS, PHASE B1
PROJECT NO. 14-06-B1**

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

SECTION 1: The bid of Steve Beam Construction, Inc. received December 15, 2015 for the 2014 Drainage Improvements, Phase B1, Project No. 14-06-B1, in the amount of \$616,720.00 be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Steve Beam Construction, Inc. subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 19th day of January, 2016.

APPROVED:

Sandy Sanden
Mayor

ATTEST:

Shirley Lord
City Clerk

Approved as to Form

Jan Crawford
 No Publication Required

RESOLUTION R-7-16

**A RESOLUTION TO ACCEPT COMPLETION OF AND
AUTHORIZE FINAL PAYMENT FOR THE CONSTRUCTION OF
RAILROAD CROSSING REPAIRS AT NORTH 27TH STREET
PROJECT NO. 15-10-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 Railroad Crossing Repairs at North 27th Street, Project No. 15-10-A, as complete.

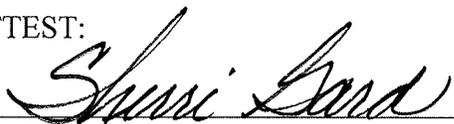
SECTION 2: Final payment is authorized in the amount of \$108,952.26 to the contractor, Steve Beam Construction, Inc. for the Railroad Crossing Repairs at North 27th Street, Project No. 15-10-A.

This resolution adopted this 19th day of January, 2016.

APPROVED:

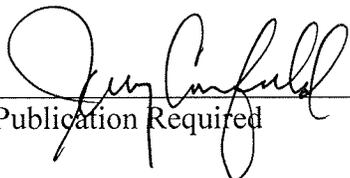

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-8-16

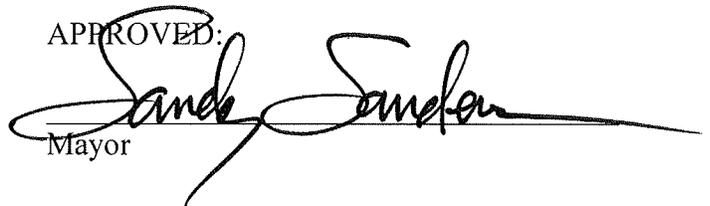
**A RESOLUTION AUTHORIZING A CHANGE ORDER FOR THE
CONSTRUCTION OF 2014 STREET OVERLAY/RECONSTRUCTION, PHASE B
PROJECT NO. 14-03-B**

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

SECTION 1: Change Order No. 1 with Forsgren, Inc., for the construction of 2014 Street Overlay/Reconstruction Phase B, Project 14-03-B, which increases the contract amount by \$150,298.25 to an adjusted contract amount of \$2,269,869.06, and which increases the contract time by 97 days, is hereby approved.

This resolution adopted this 19th day of January, 2016.

APPROVED:

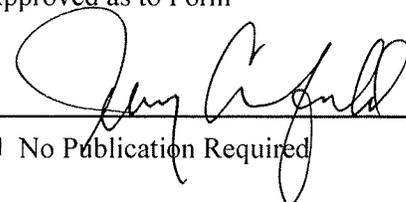

Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION R-9-16

A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE CONSTRUCTION OF
2014 STREET OVERLAY/RECONSTRUCTION PHASE B
PROJECT NO. 14-03-B

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

SECTION 1: The City of Fort Smith hereby accepts the construction of the 2014 Street Overlay/Reconstruction Phase B, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$150,434.36 to the contractor, Forsgren, Inc., for the 2014 Street Overlay/Reconstruction Phase B, Project No. 14-03-B.

This Resolution adopted this 19th day of January, 2016.

APPROVED

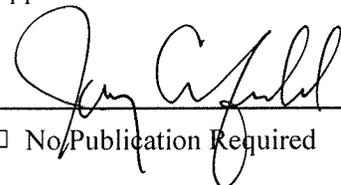

Mayor

ATTEST:



City Clerk

Approved as to Form



 No/Publication Required

ORDINANCE NO. 7-16

AN ORDINANCE AUTHORIZING THE MAYOR TO
EXECUTE AGREEMENTS FOR CERTAIN SERVICES FOR
INHABITANTS OF THE CITY OF FORT SMITH

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

SECTION 1: The Mayor is hereby authorized to execute that certain agreement with **SRCA, Inc. Social Services** providing for the direct payment by the City to SRCA, Inc. Social Services of **\$175,000** during calendar year 2016 for services provided the City and its inhabitants, which services include the providing of facilities and programs for nutritional purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2016.

SECTION 2: The Mayor is hereby authorized to execute that certain agreement with the **Area Agency on Aging** providing for the payment by the City to the Area Agency on Aging of **\$50,000** during calendar year 2016 for services provided the City and its inhabitants, which services include the providing of facilities and programs for health and human service purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2016.

SECTION 3: The Mayor is hereby authorized to execute that certain agreement with the **Project Compassion** providing for the payment of **\$7,500** during calendar year 2016 for services provided the City and its inhabitants, which services include the providing of facilities and programs for rehabilitation and educational purposes to enhance and provide for the health and welfare of the inhabitants of the City during the year 2016.

SECTION 5: It is hereby declared and determined by the Board of Directors that the subject matters of the agreements

authorized by Sections 1, 2, and 3 above deal with providing services in an exceptional situation where competitive bidding procedures are not feasible so that such competitive bidding procedures are hereby waived with reference to such agreements.

SECTION 31: The authorizations set forth in Sections 1-3 above are deemed and declared to be severable. Any invalidity of one or more of the separate sections shall not affect the validity of the other sections of this Ordinance.

PASSED AND APPROVED this ^{19th} day of January, 2016.

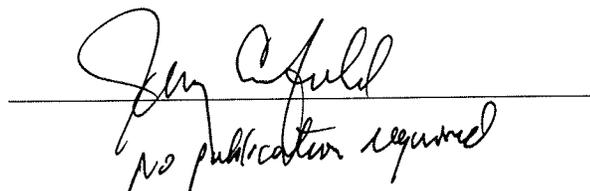
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


no publication required

RESOLUTION NO. R-10-16

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE
MAYOR TO EXECUTE A CONTRACT WITH RODEBUSH
CONSTRUCTION, INC., FOR THE CONSTRUCTION OF THE
PRESS BOX AND DUGOUTS AT MARTIN LUTHER KING, JR. PARK

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

SECTION 1: The bid of Rodebush Construction, Inc., for the construction of the
press box and dugouts at Martin Luther King, Jr., Park is hereby accepted.

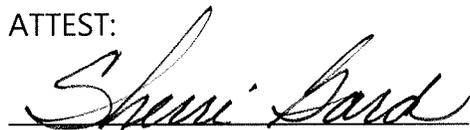
Section 2: The Mayor is hereby authorized to execute a contract with
Rodebush Construction, Inc., for an amount not to exceed \$112,750.00, for performing
said project.

This Resolution adopted this 19th day of January, 2016.

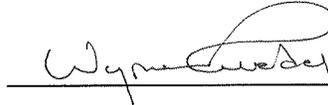
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM


npr

RESOLUTION R-11-16

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH POLICE DEPARTMENT AND THE OFFICE OF SECURE TRANSPORTATION, NATIONAL NUCLEAR SECURITY ADMINISTRATION, DEPARTMENT OF ENERGY.

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 Police Department and the Office of Secure Transportation, National Nuclear Security Administration, Department of Energy, which shall be substantially in the form attached hereto, is hereby approved and provides for the establishment of a cooperative agreement to resolve threats, criminal acts associated with trespass, theft, sabotage or hostage attempts and other emergencies against Office of Secure Transportation (OST) property located at 11408 Roberts Blvd., Fort Smith, AR 72916, otherwise known as OST Logistics Support site (OST/LSS) between the two parties.

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 19th day of January 2016.

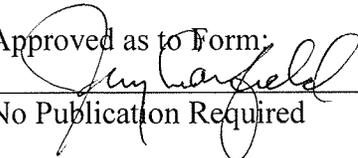
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form:


No Publication Required