

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

February 16, 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

Pastor Billy McDaniel, Eastside Baptist Church

ROLL CALL

- All present, except Director Mike Lorenz (Director Lorenz 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 FEBRUARY 2, 2016 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Presentation by Girl Scout Diamonds of Arkansas, Oklahoma and Texas
Presentation only.

2. Resolution authorizing participation by the City of Fort Smith (“City”) in the Municipal Property and Municipal Vehicle Programs sponsored by the Arkansas Municipal League (“AML”) and authorizing the execution of a memorandum of understanding between the City and the AML as it relates to those programs ~ *Settle/Pennartz placed on the agenda at the February 9, 2016 study session ~*
APPROVED 5 in favor, 2 opposed (Lau & Catsavis) / Resolution No. R-13-16
3. Consent Agenda (*Any member of the Board may offer a motion, without necessity of a second or vote, to remove an item from the consent agenda for separate consideration.*)
 - A. Resolution to accept the bid and authorize a contract for the construction of the Jenny Lind Road & Ingersoll Avenue Widening, Project No. 07-01-A (\$28,830,649.66 / *Engineering Department / Budgeted – Sales Tax Program Fund*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-14-16
 - B. Resolution to accept the bid and authorize a contract for the 2015 Drainage Improvements Phase B, Project No. 15-06-B (\$1,329,822.35 / *Engineering Department / Budgeted – Sales Tax Program Fund*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-15-16
 - C. Resolution determining default and termination of contract with Dixon Construction, Inc. for the construction of the Greg Smith Riverwalk (West River Front Trail) and authorizing the City Administrator to investigate necessary action to secure the completion of the subject project
APPROVED by separate vote 5 in favor, 2 opposed (Good & Catsavis) / Resolution No. R-16-16
 - D. Resolution accepting the bid and authorizing the Mayor to execute a contract with Ace Surfaces North America, Inc. for construction of the Creekmore Park and Tilles Park Tennis Court Resurfacing Project (\$286,316.47 / *Parks and Recreation Department / Budgeted – 1/8 cent sales tax*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-17-16
 - E. Resolution accepting the project as complete and authorizing final payment to KBM Industrial Services, Inc. for the Lee Creek Water Treatment Plant Trash Rake Access Platforms (\$39,971.61 / *Utility Department / Budgeted – 2015 Operations Budget*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-18-16
 - F. Resolution authorizing Change Order No. 1 with Goodwin & Goodwin, Inc. for the Massard Wastewater Treatment Plant Sewer Repair (\$7,359.00 / *Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-19-16

- G. Resolution accepting the project as complete and authorizing final payment to Goodwin & Goodwin, Inc. for the Massard Wastewater Treatment Plant Sewer Repair (\$37,375.06 / *Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-20-16
- H. Resolution authorizing the Mayor to execute Amendment No. 2 to the agreement with Mickle Wagner Coleman, Inc. for the Lake Fort Smith Water Transmission Line – Phase I (\$147,191.00 / *Utility Department / Budgeted – 2014 Sales and Use Tax Bonds*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-21-16
- I. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with CDM Smith, Inc. for Consent Decree Program Management Services (\$8,514,088.00 / *Utility Department / Budgeted – Water and Sewer Operating Revenue Funds*) ♦
TABLED for two (2) weeks (*March 1, 2016 regular meeting*) 7 in favor, 0 opposed
- J. Resolution authorizing the Mayor to execute an agreement with RJN Group, Inc. for providing engineering services for the Collection System Defect Remediation Year 2016 Sewer System Assessments (\$1,647,804.41 / *Utility Department / Budgeted – 2015 Revenue Bonds*) ♦
APPROVED 6 in favor, 1 opposed (Settle) / Resolution No. R-22-16
- K. Resolution authorizing the Mayor to execute an easement with the City of Mountainburg
APPROVED 7 in favor, 0 opposed / Resolution No. R-23-16
- L. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins-Weir Engineers, Inc. for engineering services associated with Sub-Basins P002 and P003 Capacity Improvements (\$648,440.00 / *Utility Department / Budgeted – 2015 Revenue Bonds*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-24-16
- M. Resolution authorizing the City Administrator to accept offers made by property owners for the acquisition of real property interests for the Lake Fort Smith Water Project (\$492,000.00 / *Utility Department / Budgeted – Water and Sewer Capital Improvement Fund*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-25-16
- N. Resolution authorizing the Mayor to execute an agreement with Shannon & Wilson for engineering services associated with the Lake Fort Smith Water Project Landslide Remediation Design (\$106,300.00 / *Utility Department / Not Budgeted – Water and Sewer Capital Improvement Fund*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-26-16

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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EXECUTIVE SESSION (Approximately 8:09 p.m.)

Appointments: **ADVERTISING & PROMOTIONS COMMISSION**

Storm Nolan (reappointment)
Term expires December 31, 2019

ELECTRIC CODE APPEALS BOARD

Frank Glidewell (reappointment)
Terry Buzbee
Terms expire March 31, 2021

PLUMBING ADVISORY BOARD

Charles Shank (reappointment)
Matthew Blaylock (reappointment)
Terms expire February 28, 2020

James Dempsey *(to fill the unexpired term of Jan Taylor who passed away)*
Term expires February 28, 2018

ADJOURN

8:14 p.m.

RESOLUTION NO. R-13-16

A RESOLUTION AUTHORIZING PARTICIPATION BY THE CITY OF FORT SMITH ("CITY") IN THE MUNICIPAL PROPERTY AND MUNICIPAL VEHICLE PROGRAMS SPONSORED BY THE ARKANSAS MUNICIPAL LEAGUE ("AML") AND AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND THE AML AS IT RELATES TO THOSE PROGRAMS

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

SECTION 1: The City of Fort Smith is authorized to participate in the Municipal Property and Municipal Vehicle Programs sponsored by the Arkansas Municipal League;

SECTION 2: Furthermore, the Memorandum of Understanding between the City of Fort Smith and AML serving as the sponsor of the Municipal Property Program and the Municipal Vehicle Program, which shall be substantially in the form attached hereto, is hereby approved and provides for the clarification, explanation, or expansion of those Programs.

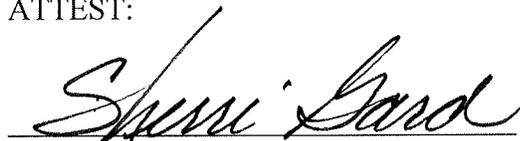
SECTION 3: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Memorandum of Understanding to which the City Fort Smith is a party.

This Resolution adopted this 16th day of February, 2016.

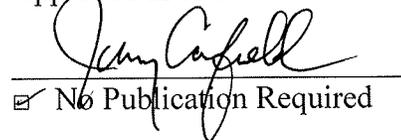
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:


 No Publication Required

Publish ___ Times

RESOLUTION R-14-16

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF THE JENNY LIND ROAD & INGERSOLL AVENUE WIDENING
AHTD JOB NO. 040471
PROJECT NO. 07-01-A**

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

SECTION 1: Subject to concurrence by the Arkansas State Highway and Transportation Department, the bid of Forsgren, Inc., received February 9, 2016, for the construction of the Jenny Lind Road & Ingersoll Avenue Widening Project No. 07-01-A, Job No. 040471, in the amount of \$28,830,649.66 is hereby accepted.

SECTION 2: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the contract with Forsgren Inc. for Project No. 07-01-A, Job No. 040471, subject to the terms set forth in Section 1 above.

SECTION 3: Payment for construction contracted pursuant to Sections 1 and 2 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 16th day of February, 2016.

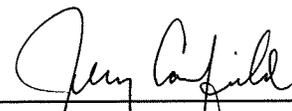
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form


 No Publication Required

RESOLUTION R-15-16

**A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A
CONTRACT FOR THE 2015 DRAINAGE IMPROVEMENTS, PHASE B
PROJECT NO. 15-06-B**

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

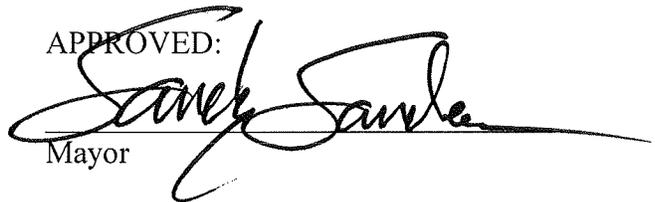
SECTION 1: The bid of Forsgren Inc. received February 2, 2016 for the 2015 Drainage Improvements, Phase B, Project No. 15-06-B, in the amount of \$1,329,822.35, be accepted.

SECTION 2: The Mayor is authorized to execute a contract with Forsgren, 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).

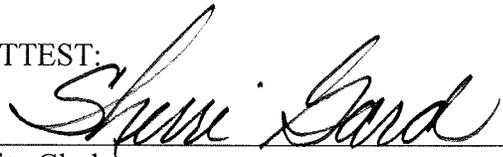
This resolution adopted this 16th day of February, 2016.

APPROVED:



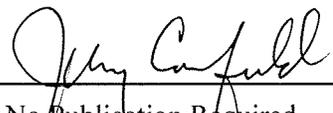
Mayor

ATTEST:



City Clerk

Approved as to Form



 No Publication Required

RESOLUTION NO. R-16-16

RESOLUTION DETERMINING DEFAULT AND TERMINATION OF CONTRACT WITH DIXON CONTRACTING, INC. FOR THE CONSTRUCTION OF THE GREG SMITH RIVERWALK (WEST RIVER FRONT TRAIL) AND AUTHORIZING THE CITY ADMINISTRATOR TO INVESTIGATE NECESSARY ACTION TO SECURE THE COMPLETION OF THE SUBJECT PROJECT

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

SECTION 1: Pursuant to Section 108.11 of the Standard General Conditions of the Contract of the City of Fort Smith with Dixon Contracting, Inc. regarding the Greg Smith Riverwalk (West River Front Trail), the Contractor is determined to be in default of the Contractor's duties pursuant to the Contract and termination of the Contract is hereby determined and declared.

SECTION 2: The City Administrator and the Administrator's designated agents are hereby authorized to investigate all reasonable methods of obtaining completion of the contracted work regarding the Greg Smith Riverwalk (West River Front Trail) in an expeditious and proper manner.

This Resolution adopted this 16th day of February, 2016.

APPROVED
Sandy Sander
Mayor

ATTEST:
Sharon Good
City Clerk

APPROVED AS TO FORM

Jerry Crawford npr

RESOLUTION NO. R-17-16

A RESOLUTION ACCEPTING BID AND AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH ACE SURFACES NORTH AMERICA, INC. FOR THE CONSTRUCTION OF THE CREEKMORE PARK AND TILLES PARK TENNIS COURT RESURFACING PROJECT

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

SECTION 1: The bid of Ace Surfaces North America, Inc. for the construction of the Creekmore Park and Tilles Park Tennis Court Resurfacing Project is hereby accepted.

Section 2: The Mayor is hereby authorized to execute a contract with Ace Surfaces North America, Inc. for an amount not to exceed \$286,316.47, for performing the project identified in Section 1.

This Resolution adopted this 16th day of February, 2016.

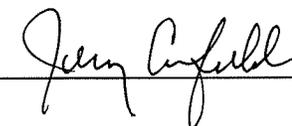
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION ACCEPTING THE PROJECT AS COMPLETE AND AUTHORIZING FINAL
PAYMENT TO KBM INDUSTRIAL SERVICES, INC., FOR THE LEE CREEK
WATER TREATMENT PLANT TRASH RAKE ACCESS PLATFORMS

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

SECTION 1: The construction of the Lee Creek Water Treatment Plant Trash Rake
Access Platforms, Project 15-21-C1, is accepted as complete.

SECTION 2: Final payment to KBM Industrial Services Inc., in the amount of
\$39,971.61, is hereby approved.

This Resolution adopted this 16th day of February 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER ONE WITH
GOODWIN & GOODWIN, INC., FOR THE MASSARD WASTEWATER
TREATMENT PLANT SEWER REPAIR

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

Change Order Number One to the contract with Goodwin & Goodwin, Inc., for the
construction of the Massard Wastewater Treatment Plant Sewer Repair, Project Number
15-17-C1, in the amount of \$7,359.00, adjusting the final contract amount to \$580,905.00, and
adding 30 calendar days to the contract, is hereby approved.

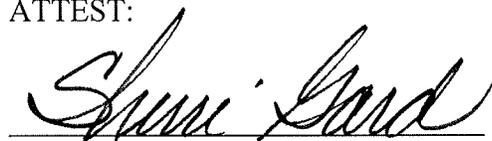
This Resolution adopted this 16th day of February 2016.

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 THE MASSARD
WASTEWATER TREATMENT PLANT SEWER REPAIR

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

SECTION 1: The construction of the Massard Wastewater Treatment Plant Sewer
Repair, Project Number 15-17-C1, is accepted as complete.

SECTION 2: Final payment to Goodwin & Goodwin, Inc., in the amount of \$37,375.06,
is hereby approved.

This Resolution adopted this 16th day of February 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER TWO TO THE AGREEMENT WITH MICKLE WAGNER COLEMAN, INC., FOR THE LAKE FORT SMITH WATER TRANSMISSION LINE – PHASE I

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

SECTION 1: Amendment Number Two to the Agreement with Mickle Wagner Coleman, Inc., to provide engineering design services for the Lake Fort Smith Water Transmission Line – Phase I, Project Number 08-07-ED2, is hereby approved.

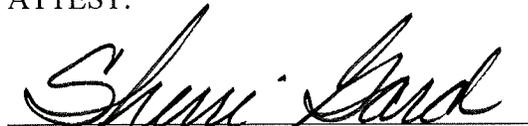
SECTION 2: The Mayor is hereby authorized to execute Amendment Number Two to the Agreement in the amount of \$147,191.00, adjusting the Agreement to an amount of 1,342,991.00, for performances of said services.

This Resolution adopted this 16th day of February 2016.

APPROVED.


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT
WITH RJN GROUP, INC., FOR PROVIDING ENGINEERING SERVICES
FOR THE COLLECTION SYSTEM DEFECT REMEDIATION
YEAR 2016 SEWER SYSTEM ASSESSMENTS

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

SECTION 1: An Agreement with RJN Group, Inc., for providing engineering services
for the Collection System Defect Remediation Year 2016 Sewer System Assessments, Project
Number 16-02-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement in the amount of
\$1,647,804.41, for performance of said services.

This Resolution adopted this 16th day of February 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE
AN EASEMENT WITH THE CITY OF MOUNTAINBURG

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

The Mayor is hereby authorized to execute a water utility easement to the City of
Mountainburg for the installation of a six-inch water distribution line in connection with the
Lake Fort Smith Water Transmission Line – Phase I, Project Number 08-07-P, on city property
located at the Lake Fort Smith Water Treatment Plant in Mountainburg, Arkansas.

This Resolution adopted this 16th day of February 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND AUTHORIZATION NUMBER ONE WITH HAWKINS-WEIR ENGINEERS, INC., FOR ENGINEERING SERVICES ASSOCIATED WITH SUB-BASINS P002 AND P003 CAPACITY IMPROVEMENTS

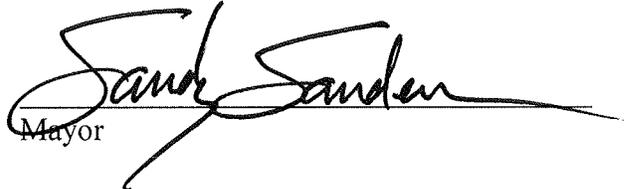
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: An Agreement and Authorization Number One with Hawkins-Weir Engineers, Inc., for engineering design services associated with Sub-Basins P002 and P003 Capacity Improvements, Project Number 16-03-ED1, is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute the Agreement and Authorization Number One in the amount of \$648,440.00, for performance of said services.

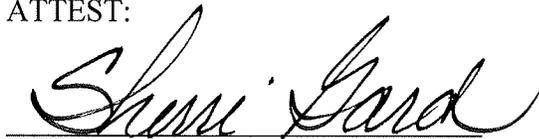
This Resolution adopted this 16th day of February 2016.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ACCEPT OFFERS MADE
 BY PROPERTY OWNERS FOR THE ACQUISITION OF REAL PROPERTY
INTERESTS FOR THE LAKE FORT SMITH WATER PROJECT

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

The City Administrator is hereby authorized to execute an offer and acceptance made by the property owners listed below, and to make payment to same in the amounts shown, for the acquisition of real property for the Lake Fort Smith Water, Project Number 99-01, in connection with an anticipated exchange of real property interests with the United States Forest Service:

<u>Property Owner</u>	<u>Acreage</u>	<u>Offer</u>
David R. Littlejohn & Diane L. Littlejohn	40	\$44,000.00
Gwena L. Cearley	40	\$48,000.00
McClain Trust	40	\$40,000.00
Milton Ford, LLC	60.51	\$216,000.00
James Tate & Sharon Tate	160	\$144,000.00

This Resolution adopted this 16th day of February 2016.

APPROVED:


 Mayor

ATTEST:


 City Clerk

APPROVED AS TO FORM:


 npr

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH SHANNON & WILSON, INC., FOR ENGINEERING SERVICES ASSOCIATED WITH THE LAKE FORT SMITH WATER PROJECT LANDSLIDE REMEDIATION DESIGN

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

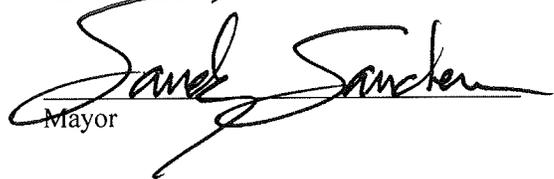
SECTION 1: An Agreement with Shannon & Wilson, Inc., for engineering services associated with the Lake Fort Smith Landslide Remediation Design East Slide, Project Number 16-05-ED1, is hereby approved.

SECTION 2: An Agreement with Shannon & Wilson, Inc., for engineering services associated with the Lake Fort Smith Landslide Remediation Design West Slide, Project Number 16-04-ED1, is hereby approved.

SECTION 3: The Mayor is hereby authorized to execute the Agreement for Lake Fort Smith Landslide Remediation Design East Slide, Project Number 16-05-ED1 in the amount of \$51,000.00, and to execute the Agreement for Lake Fort Smith Landslide Remediation Design West Slide, Project Number 16-04-ED1 in the amount of \$55,300.00, for performance of said services.

This Resolution adopted this 16th day of February 2016.

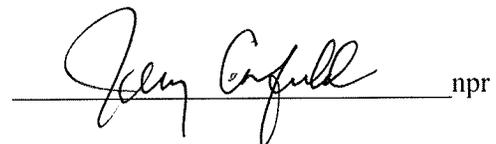
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr