

Mayor – Sandy Sanders

City Administrator – Carl Geffken

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 21, 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 Kevin Johnson, Community Church of Chaffee Crossing

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-ofdirectors-meetings>

APPROVE MINUTES OF THE JUNE 7, 2016 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Ordinance amending the Fort Smith Code Section 27-327-6 to provide for outdoor mobile food vending for extended hours of operation in city marked locations in public street right-of-way (*mobile food vending*) ♦
APPROVED 7 in favor, 0 opposed / Ordinance No. 37-16
2. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Hawkins Weir Engineers, Inc. for engineering services for the Sub-Basin P007 Capacity Improvements Project (\$200,340.00 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-89-16

3. Resolution authorizing the Mayor to execute an agreement for engineering services with Mickle Wagner Coleman, Inc. for 2015 Sanitary Sewer Assessment Remedial Measures, Phase B, and to execute Authorization No. 1 (Sub-Basin S003) and Authorization No. 2 (Sub-Basin S004) (\$412,624.00 / Utility Department / Budgeted – 2015 Revenue Bonds) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-90-16
4. Resolution authorizing Change Order No. 2 with BRB Contractors, Inc. for the Mill Creek Pump Station and Equalization Tank (\$20,298.56 / Utility Department / Budgeted – 2014 Sales and Use Tax Bonds) ♦ ●
APPROVED 7 in favor, 0 opposed / Resolution No. R-91-16
5. Consent Agenda
 - A. Resolution accepting completion of and authorizing final payment to Ace Surfaces North America, Inc. for the construction of the Creekmore Park and Tilles Park Tennis Court Resurfacing (\$28,956.54 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
APPROVED 7 in favor, 0 opposed / Resolution No. R-92-16
 - B. Resolution authorizing the Mayor to make application to the Arkansas Department of Parks and Tourism for grant funding assistance
APPROVED 7 in favor, 0 opposed / Resolution No. R-93-16
 - C. Resolution authorizing execution of agreement between City of Fort Smith, Arkansas and Raggio Excavating, Inc. ratifying subcontract agreement of December 17, 2014 (“Subcontract”) and authorizing Change Order No. 1 to the subcontract (\$35,230.00 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
APPROVED 7 in favor, 0 opposed / Resolution No. R-94-16
 - D. Resolution authorizing execution of agreement between City of Fort Smith, Arkansas and Frank Sharum Landscape Design, Inc. ratifying subcontract agreement of November 4, 2015 (“Subcontract”) and authorizing Change Order No. 1 and Change Order No. 2 to the subcontract (\$115,052.69 / Parks Department / Budgeted – 1/8% Sales and Use Tax)
APPROVED 7 in favor, 0 opposed / Resolution No. R-95-16
 - E. Resolution renaming Greg Smith Riverwalk the Greg Smith River Trail
APPROVED 7 in favor, 0 opposed / Resolution No. R-96-16
 - F. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, regarding the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program
APPROVED 7 in favor, 0 opposed / Resolution No. R-97-16

- G. Resolution authorizing the execution of a K-9 assistance agreement between the City of Fort Smith Police Department and the Arkansas 15th Drug Task Force, County of Logan, City of Danville, Arkansas
APPROVED 7 in favor, **0** opposed / Resolution No. R-98-16

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-ofdirectors-meetings>

EXECUTIVE SESSION (Approximately 6:23 p.m.)

Appointment: CAPITAL IMPROVEMENT PLAN ADVISORY COMMITTEE
David Armbruster (reappointment)
Nathaniel Deason
Terms expire July 21, 2019

HISTORIC DISTRICT COMMISSION
David Kerr (reappointment)
Term expires July 31, 2019

PORT AUTHORITY
Eddie Norman (reappointment)
Term expires July 31, 2021

TRANSIT ADVISORY COMMISSION
Charles Poole (reappointment)
Term expires July 15, 2019

ADJOURN
6:34 p.m.

ORDINANCE NO. 37-16

AN ORDINANCE AMENDING FORT SMITH CODE SECTION 27-327-6
TO PROVIDE FOR OUTDOOR MOBILE FOOD VENDING
FOR EXTENDED HOURS OF OPERATION
IN CITY MARKED LOCATIONS IN PUBLIC STREET RIGHT-OF-WAY

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

SECTION 1: The definition of “Mobile food truck (self contained)” set forth in Section 27-327-6-A of the Fort Smith Code is hereby deleted and replaced with the following definition of “Mobile food truck or concession trailer (self contained)”:

Mobile food truck or concession trailer (self contained): A vehicle selling edible goods. The unit shall be self-contained meaning all appurtenant facilities, including but not limited to water tanks and generators, are affixed to or contained within the vending vehicle.

SECTION 2: Section 27-327-6-D-6-b of the Fort Smith Code is hereby amended as follows:

- b. Applicants shall be governed by all permit requirements required for vending in a public street right-of-way with the following exceptions:
 - i. The mobile food truck or concession trailer (self contained) shall occupy only one Parallel Parking Space;
 - ii. Permitted and required additional hours of operation are as provided in subsection D 6;
 - iii. The requirements of subsection D 3 are not applicable to the limited locations designated by the City.
 - iv. The mobile food truck or concession trailer (self contained) shall be attended at all times.

Otherwise, vending shall comply with all applicable requirements of this Chapter.

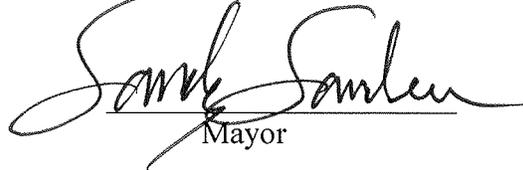
SECTION 3: Section 27-327-6-D-6-c of the Fort Smith Code is amended to substitute the term “Mobile food truck or concession trailer (self contained)” for the term “Mobile food truck (self contained).”

SECTION 4: Section 27-327-6-D-6-f of the Fort Smith Code is deleted in its entirety.

SECTION 5: Emergency Clause. It is determined that the provision for extended hour vending from City designated locations in public right-of-way in the Commercial Downtown (C-6) Zoning District will enhance the health, safety and welfare of the inhabitants of the City and that an emergency exists due to the approaching summer season with expected increased numbers of downtown visitors. Therefore, this Ordinance shall be in full force and effect from its date of adoption.

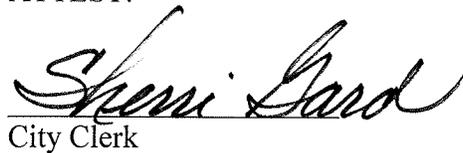
This Ordinance adopted this 21st day of June, 2016.

APPROVED:



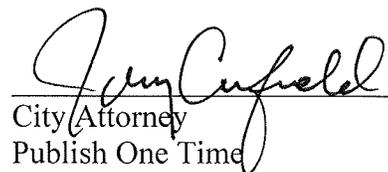
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney
Publish One Time

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT AND
AUTHORIZATION NUMBER ONE WITH HAWKINS WEIR ENGINEERS,
INC., FOR ENGINEERING SERVICES FOR THE SUB-BASIN P007
CAPACITY IMPROVEMENTS PROJECT

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

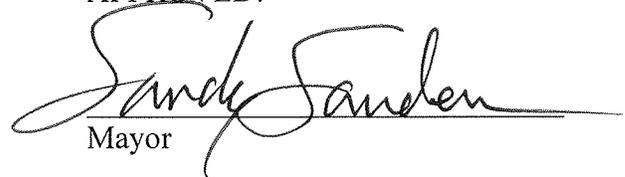
SECTION 1: The Agreement with Hawkins Weir Engineers, Inc., for providing
engineering services associated with the Sub-Basin P007 Capacity Improvements,
Project Number 16-09-ED1, is hereby approved.

SECTION 2: Authorization Number One (Sub-Basin P007 Capacity Improvements,
Project Number 16-09-ED1) in the amount of \$200,340.00 for services under the Agreement
approved in Section 1 is hereby approved.

SECTION 3: The Mayor, his signature being attested by the City Clerk, is hereby
authorized to execute the Agreement approved in Section 1 and the Authorization approved in
Section 2.

This Resolution adopted this 21st day of June 2016.

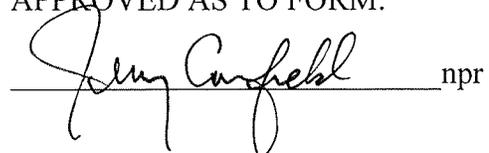
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:

 npr

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR ENGINEERING SERVICES WITH MICKLE WAGNER COLEMAN, INC. FOR 2015 SANITARY SEWER ASSESSMENT REMEDIAL MEASURES, PHASE B, AND TO EXECUTE AUTHORIZATIONS NO. ONE (SUB-BASINS S003) AND TWO (SUB-BASIN S004)

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

SECTION 1: The Agreement with Mickle Wagner Coleman, Inc., for engineering design services for the 2015 Sanitary Sewer Assessment Remedial Measures, Phase B, Project Number 16-11, is hereby approved.

SECTION 2: Authorization Number One (Sub-Basin S003, Project Number 16-11-ED1) in the amount of \$301,858.00 for services under the Agreement approved in Section 1 is hereby approved.

SECTION 3: Authorization Number Two (Sub-Basin S004, Project Number 16-11-ED2) in the amount of \$110,766.00 for services under the Agreement approved in Section 1 is hereby approved.

SECTION 4: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the Agreement approved in Section 1 and the Authorizations approved in Section 2 and Section 3.

This Resolution adopted this 21st day of June 2016.

APPROVED:

Sarah Sanden
MAYOR

ATTEST:

Sherril Gard
CITY CLERK

APPROVED AS TO FORM:

Jimmy C. Infield npr

RESOLUTION AUTHORIZING CHANGE ORDER NUMBER TWO
WITH BRB CONTRACTORS, INC. FOR THE MILL CREEK
PUMP STATION AND EQUALIZATION TANK

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

Change Order Number Two in the amount of \$20,298.56 to the contract with BRB
Contractors, Inc., for the construction of Mill Creek Street Pump Station and Equalization Tank,
Project Number 10-01-C1, adjusting the contract amount to \$12,971,272.77 and adding 66 days
to the contract time is hereby approved.

This Resolution adopted this 21st day of June 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:


npr

RESOLUTION NO. R-92-16

RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT TO ACE SURFACES
NORTH AMERICA, INC. FOR THE CONSTRUCTION OF THE
CREEKMORE PARK AND TILLES PARK TENNIS COURT RESURFACING

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 construction of the above
captioned project as complete.

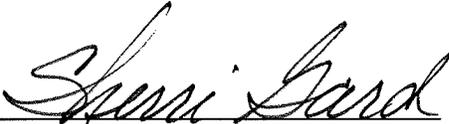
Section 2: Final payment is hereby authorized in the amount of \$28,956.54 to
the contractor Ace Surfaces North America, Inc. for the above captioned project.

This Resolution adopted this 21st day of June, 2016.

APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-93-16A RESOLUTION AUTHORIZING THE MAYOR TO
MAKE APPLICATION TO THE ARKANSAS DEPARTMENT OF
PARKS AND TOURISM FOR GRANT FUNDING ASSISTANCE

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

WHEREAS, The City of Fort Smith, Arkansas seeks to improve the recreation facilities and wishes to seek grant funding assistance; and

WHEREAS, in order to obtain the funds necessary to develop and/or improve the site for such a recreation area, it is expedient to obtain a 50/50 Matching Grant from the Arkansas Department of Parks and Tourism's Outdoor Recreation Grant Program; and

WHEREAS, the plans for such recreation areas have been prepared and the price therefore has been established; and

WHEREAS, this governing body understands the grantee and grantor will enter into a binding agreement which obligates both parties to policies and procedures contained in the *Land and Water Conservation Fund Grants Manual* including, but not limited to the following: the park area defined by the project boundary map, submitted in the application, must remain in outdoor recreation use in perpetuity, regardless if the property is bought or developed with matching grant funds; all present and future overhead utility lines within the project boundary must be routed away or placed underground; the project area must remain open and available for use by the public at all reasonable times of the day and year (facilities can be reserved for special events, league play, etc. but cannot be reserved, leased or assigned for exclusive use); and, the project area must be kept clean, maintained, and operated in a safe and healthful manner; and

WHEREAS, the Board of Directors has been apprised of the project identified below, and commits the City to provide the local portion of the development cost of the entire project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Fort Smith, Arkansas, that the Mayor is hereby authorized to make application to the Arkansas Department of Parks and Tourism for assistance to develop City recreational facilities on the 51 acres on Riverfront Drive located at 3700 Riverfront Drive for the City; and, with the assistance of the City Administrator, to submit the application as expediently as possible.

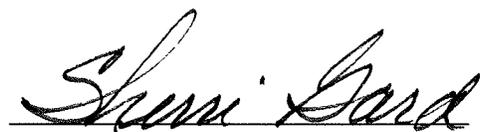
This Resolution adopted this 21st day of June, 2016.

APPROVED:



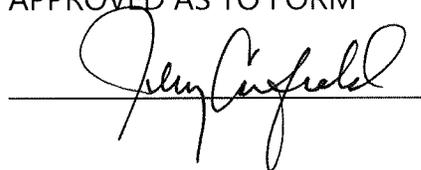
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



RESOLUTION NO. R-94-16

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN CITY OF FORT SMITH, ARKANSAS AND RAGGIO EXCAVATING, INC. RATIFYING SUBCONTRACT AGREEMENT OF DECEMBER 17, 2014 ("SUBCONTRACT") AND AUTHORIZING CHANGE ORDER NO. 1 TO THE SUBCONTRACT

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached Agreement Between City of Fort Smith, Arkansas and Raggio Excavating, Inc. Ratifying Subcontract Agreement of December 17, 2014 ("Subcontract") and Authorizing Change Orders No. 1 (for contract work at cost of \$35,230.00) to the Subcontract.

SECTION 2: The City Administrator and the Parks Director are hereby authorized to proceed with completion of the West River Front Trail utilizing, in part, the ratified Subcontract, with Change Order, approved in Section 1 above.

THIS RESOLUTION ADOPTED THIS 21st DAY OF June, 2016

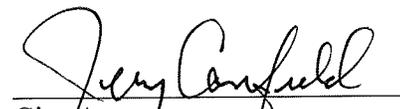
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required

RESOLUTION NO. R-95-16

A RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN CITY OF FORT SMITH, ARKANSAS AND FRANK SHARUM LANDSCAPE DESIGN, INC. RATIFYING SUBCONTRACT AGREEMENT OF NOVEMBER 4, 2015 ("SUBCONTRACT") AND AUTHORIZING CHANGE ORDER NO. 1 AND CHANGE ORDER NO. 2 TO THE SUBCONTRACT

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

SECTION 1: The Mayor is hereby authorized to execute, his signature being attested by the City Clerk, the attached Agreement between City of Fort Smith, Arkansas and Frank Sharum Landscape Design, Inc. Ratifying Subcontract Agreement of November 4, 2015 ("Subcontract") and Authorizing Change Orders No. 1 (for contract work at cost of \$87,425.00) and No. 2 (for contract work at cost of \$27,627.69) to the Subcontract.

SECTION 2: The City Administrator and the Parks Director are hereby authorized to proceed with completion of the West River Front Trail utilizing, in part, the ratified Subcontract, with Change Orders, approved in Section 1 above.

THIS RESOLUTION ADOPTED THIS 21st DAY OF June, 2016

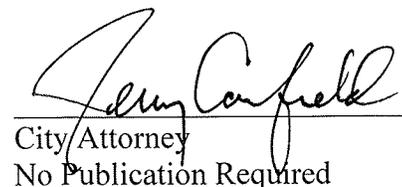
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney
No Publication Required

RESOLUTION NO. R-96-16

A RESOLUTION RENAMING GREG SMITH
RIVERWALK THE GREG SMITH RIVER TRAIL

WHEREAS, the Parks and Recreation Commission have approved the recommendation to rename the Greg Smith Riverwalk the Greg Smith River Trail to give it a better connotation encompassing the use of a multi-use trail rather than just a walkway;

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 renames the Greg Smith Riverwalk the Greg Smith River Trail.

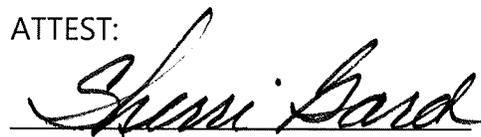
Section 2: The City Administrator and his staff are directed to place the appropriate signage to recognize the naming authorized by Section 1 of this Resolution.

This Resolution adopted this 21st day of June, 2016.

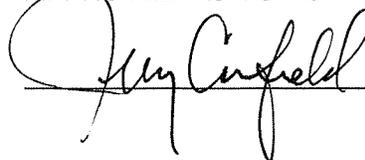
APPROVED:


Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM

 npr

RESOLUTION NO. R-97-16

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS, AND SEBASTIAN COUNTY, ARKANSAS, REGARDING THE 2016 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas, and Sebastian County, Arkansas, which shall be substantially in the form attached hereto, is hereby approved and provides for the terms, conditions, and mutual understandings concerning the 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program 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 21st DAY OF June, 2016.

APPROVED:

Janek Sandlen
MAYOR

ATTEST:

Shirley Card
CITY CLERK

Approved as to form:

Wynne Leedy npr
City Attorney

RESOLUTION R-98-16

A RESOLUTION AUTHORIZING THE EXECUTION OF A K-9 ASSISTANCE AGREEMENT BETWEEN THE CITY OF FORT SMITH POLICE DEPARTMENT AND THE ARKANSAS 15TH DRUG TASK FORCE, COUNTY OF LOGAN, CITY OF DANVILLE, ARKANSAS.

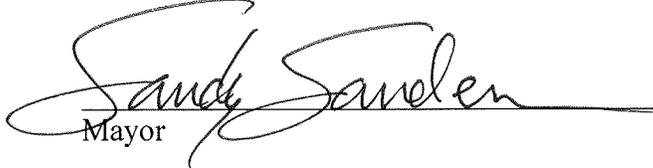
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1: The K-9 Assistance Agreement between the City of Fort Smith Police Department and the Arkansas 15th Drug Task Force, which shall be substantially in the form attached hereto, is hereby approved and provides for the establishment of an agreement whereby the City of Fort Smith may provide K-9 police officers and K-9 dogs to assist the Arkansas 15th Drug Task Force when needed to uphold laws of the State of Arkansas. The Arkansas 15th Drug Task Force is located in the City of Danville, Arkansas.

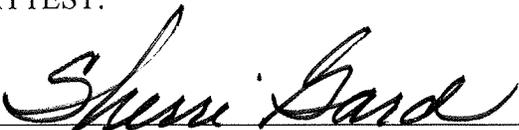
Section 2: The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this K-9 Assistance Agreement to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED this 21st day of June 2016.

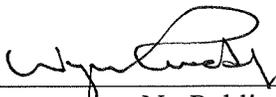
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to Form:


No Publication Required