

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

July 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

Father Mike Lager, St. John’s Episcopal Church

ROLL CALL

- All present
- Vice-Mayor Kevin Settle 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 JULY 5, 2016 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Ordinance amending Section 1K of Ordinance No. 87-15 to clarify sales commission and related procedures for designated employees
APPROVED 7 in favor, 0 opposed / Ordinance No. 41-16

2. Consent Agenda

- A. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01-A (\$841,347.85 / *Engineering Department / Budgeted – Sales Tax Program Fund*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-101-16
- B. Resolution to accept the bid and authorize a contract for the construction of Street Overlays/Reconstruction, Project No. 16-03-C (\$1,672,589.15 / *Engineering Department / Budgeted – Sales Tax Program Fund*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-102-16
- C. Resolution to accept the bid and authorize a contract for the construction of Intersection Improvements on R.S. Boreham, Jr. Street at Highway 271, Project No. 16-09-B, upon concurrence from Baldor Electric Company (“Baldor”) (\$353,743.20 / *Engineering Department / Budgeted – Sales Tax Program Fund*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-103-16
- D. Resolution accepting completion of and authorizing final payment to Advanced Workzone Service, LLC for construction of the Blue Lion Bikeway – Sharrows Project (\$34,011.25 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-104-16
- E. Resolution authorizing execution of a contract with Owens Corning Sales, Inc. for firefighting assistance on an annual basis
APPROVED 7 in favor, 0 opposed / Resolution No. R-105-16
- F. Resolution authorizing settlement of lawsuit against Rockfish Interactive Corporation, et al
APPROVED 6 in favor, 1 opposed (Catsavis) / Resolution No. R-106-16

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-of-directors-meetings>

EXECUTIVE SESSION (approximately 6:25 p.m.)

Appointments: MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS
Ron B. Smith (reappointment)
Term expires July 31, 2021

PARKS AND RECREATION COMMISSION
Jim Rowland
Nancy Raney
Terms expire August 31, 2021

TRANSIT ADVISORY COMMISSION
Barbara Houston-Blatchford
Term expires July 15, 2019

ADJOURN
6:31 p.m.

ORDINANCE NO. 41-16

**AN ORDINANCE AMENDING SECTION 1K OF ORDINANCE NO. 87-15
TO ESTABLISH SALES COMMISSION AND RELATED PROCEDURES
FOR DESIGNATED EMPLOYEES**

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

Section 1K of Ordinance No. 87-15 is hereby amended to read as follows:

- K. Employees designated by their position description as filling a sales function will be paid a designated share of a 5% commission on all sales in excess of their gross sales (excluding contract labor fees) for the same quarter of the previous year subject to certain conditions and procedures as follows: The gross sales amount for the previous year will be determined by the Chief Operating Officer of the department in which the salesperson eligible to receive the commission works. For salespersons employed at the Convention Center, the quarter commission will be distributed as follows: Director of Sales, 4%; Event Sales and Services Manager, 1%.

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

APPROVED:

[Signature]
Vice Mayor

ATTEST:

[Signature]
City Clerk

Approved as to form:

[Signature]
City Attorney
No Publication Required

RESOLUTION R-101-16

A RESOLUTION AUTHORIZING PARTIAL PAYMENT TO FORSGREN, INC., FOR THE CONSTRUCTION OF JENNY LIND ROAD AND INGERSOLL AVENUE WIDENING PROJECT AHTD JOB 040471, CITY OF FORT SMITH PROJECT NO. 07-01-A

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

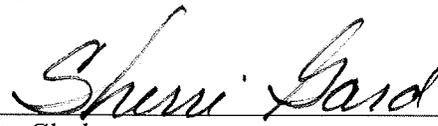
Payment in the amount of \$841,347.85 for Periodic Pay Estimate No. 4 to Forsgren, Inc., is hereby approved for the construction of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Project No. 07-01-A.

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

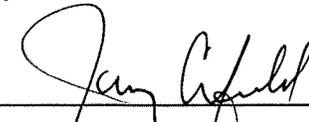
APPROVED:

Vice-Mayor 

ATTEST:


City Clerk

Approved as to Form


 No Publication Required

RESOLUTION R-102-16

A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A
CONTRACT FOR THE CONSTRUCTION OF
STREET OVERLAYS/RECONSTRUCTION
PROJECT NO. 16-03-C

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

SECTION 1: The bid of Forsgren, Inc. received July 12, 2016 for the construction of Street Overlays/Reconstruction, Project No. 16-03-C, in the amount of \$1,672,589.15 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 19th day of July, 2016.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
City Clerk

Approved as to Form

[Signature]
 No Publication Required

RESOLUTION NO. R-103-16

A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE A CONTRACT FOR THE CONSTRUCTION OF INTERSECTION IMPROVEMENTS ON R.S. BOREHAM, JR. STREET AT HIGHWAY 271, PROJECT 16-09-B UPON CONCURRENCE FROM BALDOR ELECTRIC COMPANY ("BALDOR")

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

SECTION 1: Based, in part, on the concurrence of Baldor Electric Company to the preliminary design, final design and bidding of this project pursuant to paragraph 5 of December 30, 2015 agreement between the City and Baldor, the bid of Goodwin and Goodwin, Inc., received July 12, 2016, for the construction of intersection improvements on R.S. Boreham, Jr. Street at Highway 271, Project No. 16-09-B, in the amount of \$353,743.20 is hereby accepted.

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

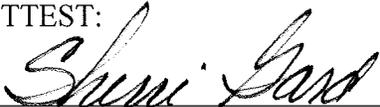
SECTION 3: Payment of the City's share of the construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

This resolution adopted this 19th day of July, 2016

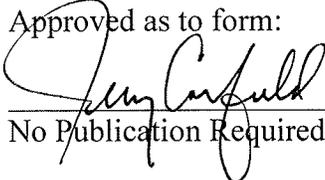
APPROVED:


 Vice-Mayor

ATTEST:


 City Clerk

Approved as to form:


 No Publication Required

RESOLUTION NO. R-104-16

RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT TO ADVANCED WORKZONE SERVICE, LLC
FOR CONSTRUCTION OF THE BLUE LION BIKEWAY – SHARROWS PROJECT

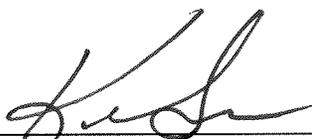
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH,
ARKANSAS THAT:

SECTION 1: The City of Fort Smith hereby accepts as complete the construction
of the Blue Lion Bikeway – Sharrows Project.

Section 2: Final payment is hereby authorized in the amount of \$34,011.25 to
the contractor Advanced Workzone Service, LLC for the above captioned project.

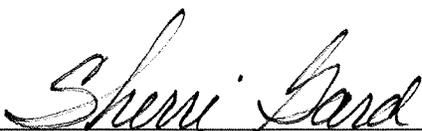
This Resolution adopted this 19th day of July, 2016.

APPROVED:



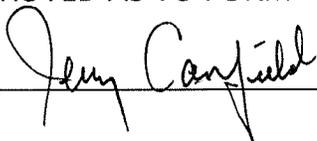
Vice-Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



npr

RESOLUTION NO. R-105-16

A RESOLUTION AUTHORIZING EXECUTION OF A CONTRACT WITH OWENS CORNING SALES INC. FOR FIREFIGHTING ASSISTANCE ON AN ANNUAL BASIS

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

Section 1. The Contract for Firefighting Assistance on an Annual Basis between the City of Fort Smith and Owens Corning Sales Inc., substantially in the form attached hereto, is hereby approved and provides for the terms and conditions in providing firefighting assistance.

Section 2. The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute this Contract for Firefighting Assistance on an Annual Basis to which the City of Fort Smith is a party.

THIS RESOLUTION ADOPTED this 19th day of July 2016.

APPROVED:

[Signature]
Vice-Mayor

ATTEST:

[Signature]
Sherri Gard, City Clerk

Approved as to form:

[Signature]
No Publication Required

RESOLUTION NO. R-106-16

RESOLUTION AUTHORIZING SETTLEMENT OF LAWSUIT AGAINST ROCKFISH INTERACTIVE CORPORATION, ET AL.

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

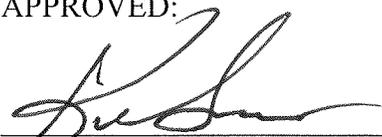
SECTION 1: The mediation agreement providing for the settlement of the City's breach of contract litigation against Rockfish Interactive Corporation, Stone Bay, Inc. and identified individuals on the terms described below is hereby approved. The terms of the settlement agreement are:

- (1) The Defendants will deliver to the City the program created under the agreement and the source code associated therewith;
- (2) The City is relieved of any further payment obligations or other liability under the parties' agreements; and,
- (3) The Defendants will pay the City \$35,000.00.

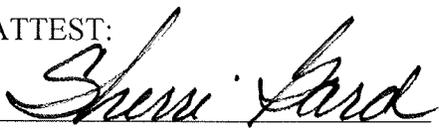
SECTION 2: The City Administrator and City Attorney are hereby authorized to take all actions, including the execution of all documents, necessary to effectuate the settlement agreement based on the above terms.

THIS RESOLUTION ADOPTED THIS 19th DAY OF July, 2016

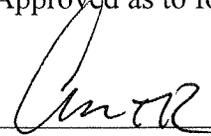
APPROVED:


Vice-Mayor

ATTEST:


City Clerk

Approved as to form:


No Publication Required