Mayor – Sandy Sanders

City Administrator – Ray Gosack

City Clerk – Sherri Gard

Board of Directors

Ward 1 – Keith D. Lau
Ward 2 – Andre' Good
Ward 3 – Mike Lorenz
Ward 4 – George Catsavis
At Large Position 5 – Pam Weber
At Large Position 6 – Kevin Settle
At Large Position 7 – Philip H. Merry Jr.

AGENDA

Fort Smith Board of Directors

Special Study Session

(Joint meeting with Sebastian County Quorum Court)

December 9, 2013 ~ 6:00 p.m.

Elm Grove Community Center

1901 North Greenwood Avenue

Dinner available at 5:30 p.m.

1. Discussion regarding the aquatic facility at Ben Geren Regional Park

OFFICE OF THE CITY CLERK
Sherri Gard, CMC, City Clerk
Heather Iames, Assistant City Clerk

MEDIA RELEASE

December 5, 2013

The City of Fort Smith Board of Directors will hold a special study session at 6:00 p.m., Monday, December 9, 2013 at the Elm Grove Community Center, 1901 North Greenwood Avenue, for the purpose noted below:

- Discussion regarding the aquatic facility at Ben Geren Regional Park

The special study session will be held jointly with the Sebastian County Quorum Court.

For agenda information, please contact the City Clerk's Office at 784-2208. Once finalized, the agenda will be posted on the City's website, *www.fortsmithar.gov*.

Sherri Gard

Sherri Gard, City Clerk

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 784-2208
FAX (479) 784-2256
E-mail: cityclerk@fortsmithar.gov

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Memo

To: Ray Gosack, City Administrator

From: Jeff Dingman, Deputy City Administrator

Date: 12/5/2013

Re: Amendment to Agreement with Sebastian County

An agreement with Sebastian County related to the aquatics center and softball field projects at Ben Geren Regional Park was adopted in January, 2012 by Resolution No. R-8-12. Among other things, the agreement specifically spelled out cost-sharing between the city and the county in the design, construction and operation of an aquatics facility based on the presumed $8 million project.

Discussions on design and budget throughout the year, and ultimately a cost-review of the design by the construction manager, have indicated that the most current estimate to build a suitable facility will be at least $8.8 million.

The county and the city have agreed throughout the process to divide the construction cost of the facility evenly. As that estimate has grown from the agreed-upon $8 million to the current $8.8 million, it is necessary to amend the agreement to reflect the updated cost (there is still language in the agreement noting that the estimated project costs will be reconciled based on actual expenses when the project is complete). Current estimates of all costs, and a breakdown of the allocation of those costs, is shown as follows:

				City	County
Original Design/Const	8,000,000				
Add'l Design/Const	800,000		Original	4,000,000	4,000,000
Parking lot	450,000		In-Kind Value	335,000	450,000
Utilities/Traffic Signal	335,000		Subtotal	4,335,000	4,450,000
Total Cost	9,585,000		Add'l Cash	457,500	342,500
	4,792,500	each	Totals	4,792,500	4,792,500

In March, the Board of Directors agreed to a concept of contributing up to $467,500 in additional funding to this project by way of Resolution No. R-37-13, but the amendment agreement was not approved by the County at that time.

As noted above, additional cash from the city under the current concept would be $457,500. These additional funds would come from the 1/8 cent sales tax for parks ~~projects & operations, and would be~~ payable at the end of the project when the bond funds for the project have been spent, and the amount may be adjusted when all costs are reconciled.

Staff recommends approval of the proposed amendment to the agreement recognizing the updated project authorization for $8.8 million. As both the city's Board of Directors and the county's Quorum Court approved resolutions authorizing the original agreement, both entities will need to approve resolutions adopting the amendment. A discussion of the matter is set for December 9 at a joint meeting of the Board of Directors and the Quorum Court.

Please contact me if you have questions regarding this matter.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE 2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

WHEREAS, Sebastian County and the City of Fort Smith entered into agreement in 2012 regarding capital projects and operations of specific facilities at Ben Geren Regional Park; and

WHEREAS, Sebastian County and the City of Fort Smith wish to amend such agreement to reflect that the updated cost of designing and building the facility are shared equitably between the County and the City.

BE IT RESOLVED by the Board of Directors of the City of Fort Smith, Arkansas, that the 2013 Amendment to an Agreement between the City of Fort Smith and Sebastian County regarding Ben Geren Regional Park is hereby approved, and that the Mayor is hereby authorized to execute said Supplement on behalf of the city.

BE IT FURTHER RESOLVED that Resolution No. R-37-13 is hereby repealed.

THIS RESOLUTION passed this ____ day of December, 2013.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney
No Publication Required

2013 AMENDMENT TO AN AGREEMENT BETWEEN THE CITY OF FORT SMITH AND SEBASTIAN COUNTY REGARDING BEN GEREN REGIONAL PARK

This 2013 Amendment to An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park (2013 Amendment) is made and entered into between Sebastian County, Arkansas ("County") and the City of Fort Smith, Arkansas ("City").

WHEREAS, pursuant to authorizations of the governing bodies of the County and the City, the County and the City have previously entered into An Agreement Between the City of Fort Smith and Sebastian County Regarding Ben Geren Regional Park dated February 16, 2012 (the "Agreement"); and

WHEREAS, the conditions precedent outlined in paragraph 1 of the Agreement whereby the voters of the City of Fort Smith approved the issuance of four million dollars ($4,000,000) in sales tax bonds and the County has earmarked four million dollars ($4,000,000) for the construction of an Aquatics Facility have come to pass; and

WHEREAS, the annexation provisions of paragraph 4 of the Agreement have been completed; and

WHEREAS, the County and the City desire to adopt a 2013 Amendment to the Agreement for the purpose of providing additional funding for the Aquatics Facility to be constructed pursuant to the Agreement and make provisions regarding the equalizing of funding by the County and the City of facilities to be constructed pursuant to the Agreement.

NOW, THEREFORE, based on the mutual considerations accruing to the City and the County and their citizens, it is agreed as follows:

1. The recitals set forth in the foregoing whereas clauses are confirmed by the parties and incorporated into this Agreement, and the City and County confirm the continued effectiveness of the Agreement executed on February 16, 2012.

2. Section 2(A) of the Agreement is hereby amended to read as follows:

> "A. The County and City agree to share equally in the cost of designing and constructing an aquatic center project, currently estimated to cost eight million eight hundred thousand dollars ($8,800,000). The County and City agree to jointly select an architect for the project, and will then jointly agree on the final design for the project. The County and the City will jointly contract for the project and the county will serve as the project manager. Payments to the architect and the selected contractor shall be made jointly by the County and the City."

3. In addition to equally dividing the design and construction costs above, the County and City agree to provide in-kind services including construction of a parking lot for the Aquatics Facility at an estimated cost of $450,000 (the County) and construction of water and sewer facilities and a coordinated traffic light on Zero Street for ingress and egress into Ben Geren Park in support of the Aquatics Facility at an estimated cost of $335,000 (the City).

4. The sums identified in this Agreement are current estimates. In the event the parties' estimates as compared to actual costs vary, the parties agree to adjust the figures set forth in this 2013 Amendment to reflect the actual figures determined by the construction and design activities, and agree to apportion all actual costs associated with the project (including the value of in-kind services) on an equal basis.

5. Except as amended by this 2013 Amendment, the parties' Agreement shall continue in full force and effect according to the terms of the Agreement.

This 2013 Amendment is executed on behalf of the County by the County Judge thereof and on behalf of the City by the Mayor thereof on this ____ day of _____, 2013.

Sebastian County:

_____
County Judge

ATTEST:

_____
County Clerk

City of Fort Smith, Arkansas:

_____
Mayor

ATTEST:

_____
City Clerk

Joint Meeting
Sebastian County Quorum Court & Fort Smith Board of Directors

Sebastian County Parks

PARKS RECREATION FORT SMITH

Ben Geren
Aquatic Center

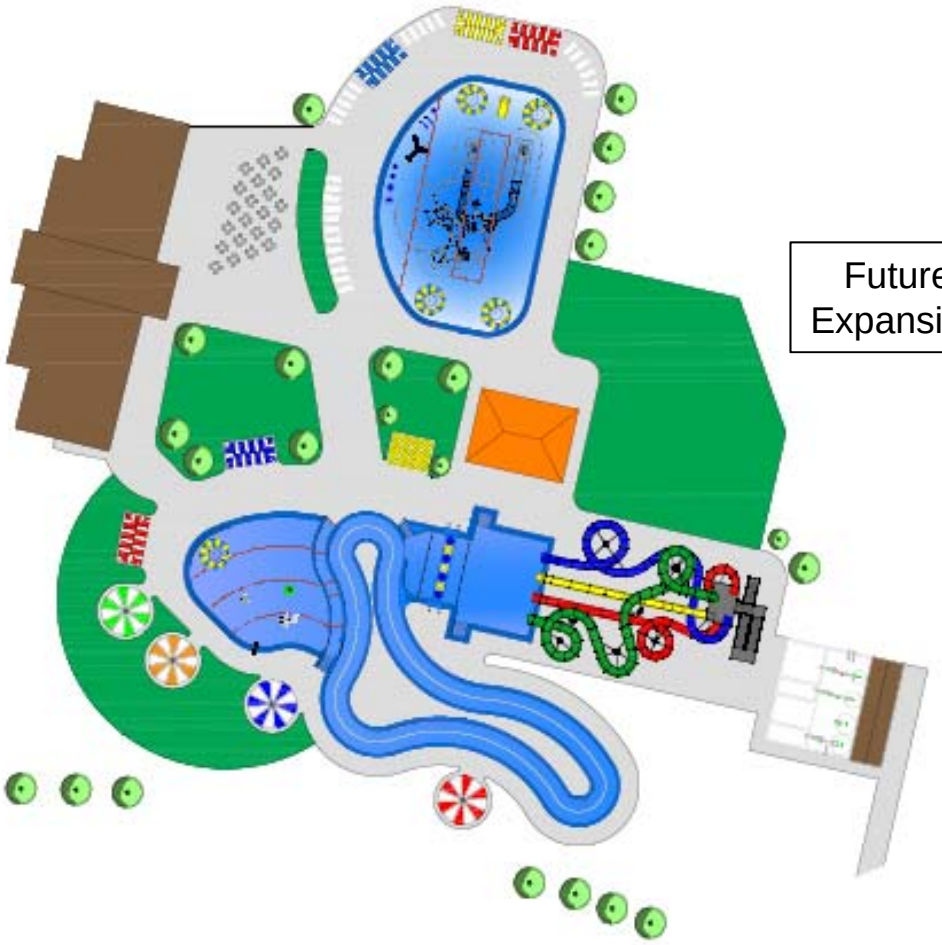
SEBASTIAN COUNTY ARKANSAS

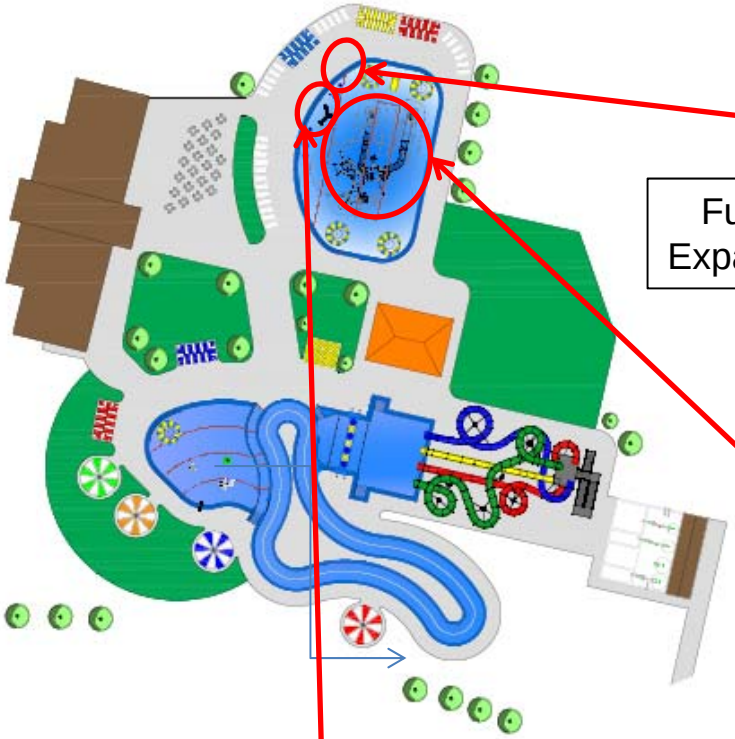
Fort Smith ARKANSAS

What has happened since the February 12 Joint Meeting?

- Responded to Comments Received
- Revised Concept to include Key Elements
- Retained Flintco as Construction Manager
- Performed Schematic Level Cost Estimating
- Revised Plan to Match Funding

Ben Geren	Area (sf)	Bather Cap.
Toddler pool	6,000	400
Lazy river	4,000	267
Plunge area	1,340	40
Water walk area	675	45
Lazy River play area	2,477	165
	14,492	917
Two bodies of water		
Lazy River = 400 feet		
Four Waterslides		
Concessions Area and Rental Pavillion		
Total Capital Cost: $8.8M		

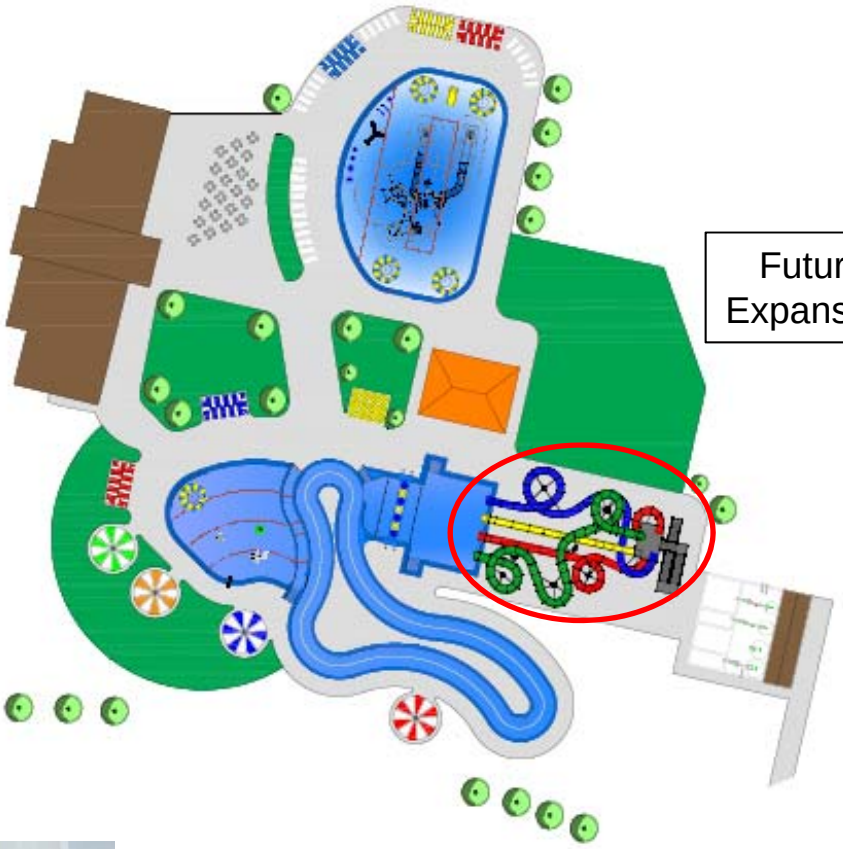




Future Expansion

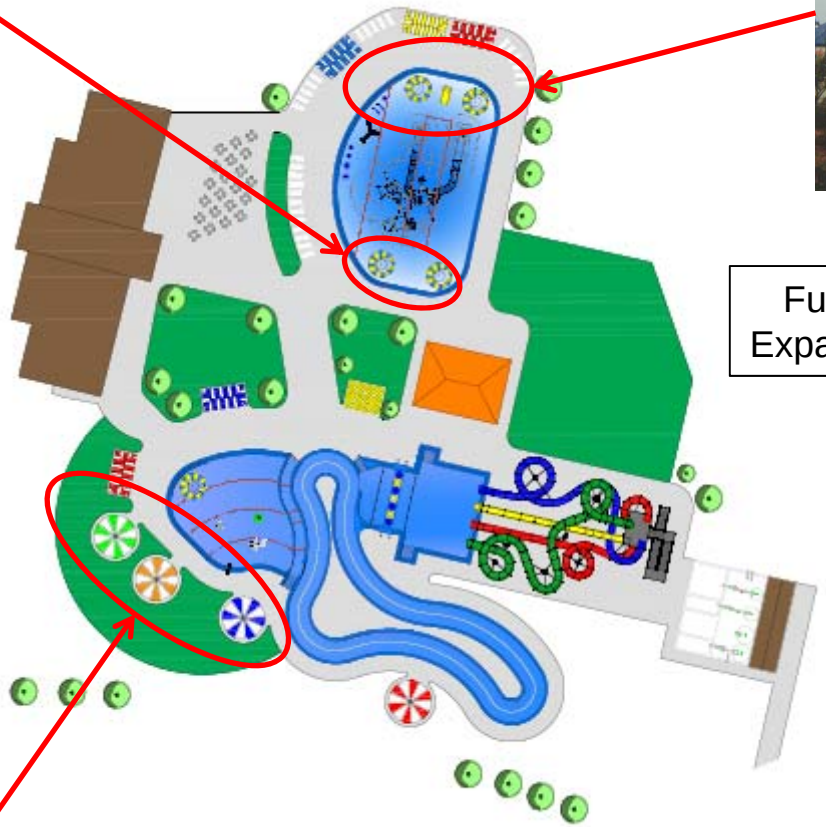
Toddler Pool

- 6,000 sq. ft.
- Bather Capacity: 400



Waterslides

- 30’-0” tall tower
- Four body slides
- 639 feet of slide, in total



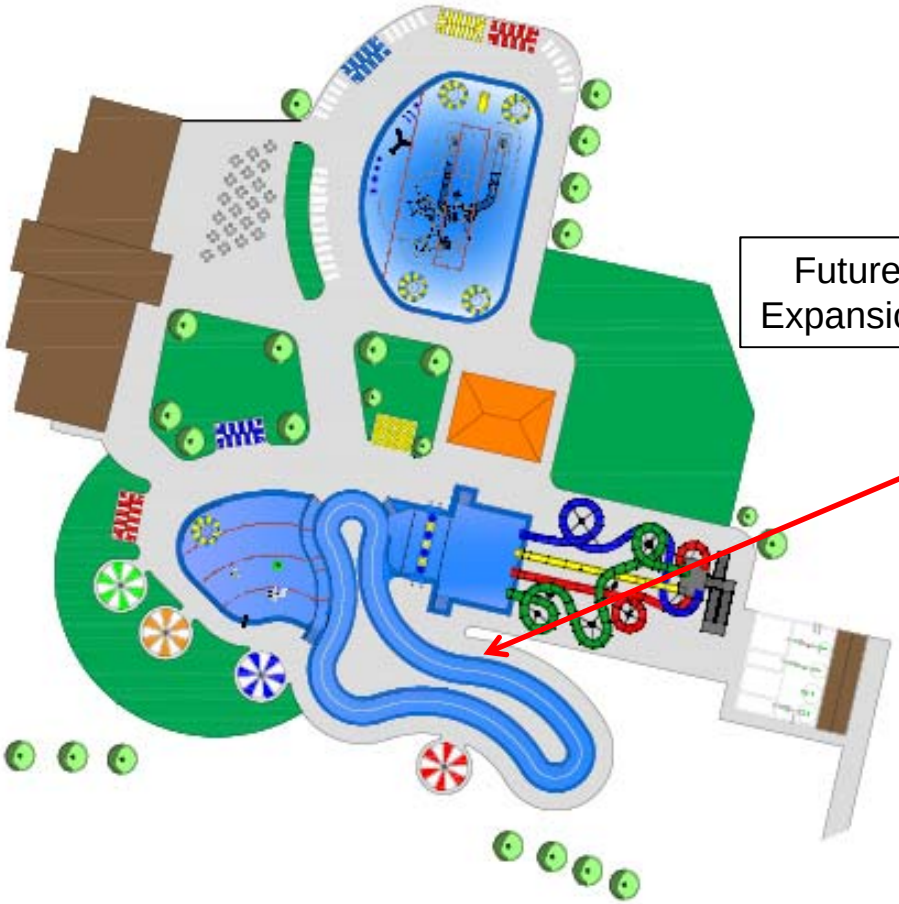
Future Expansion

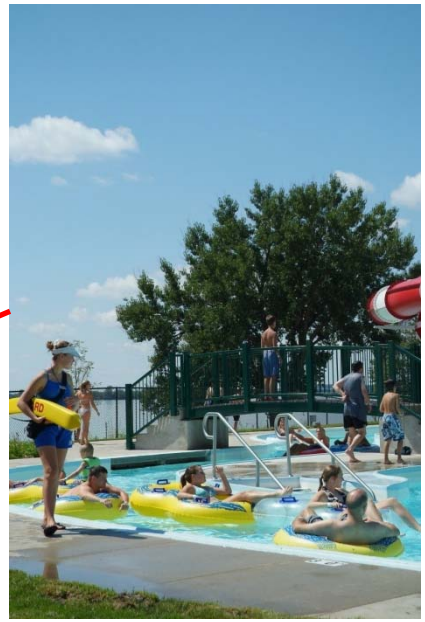
Sun shades

Future Expansion

Play Pool & Water Walk

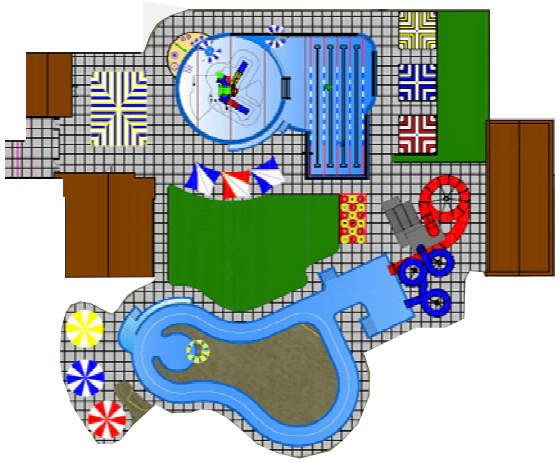
- 3,150 sq. ft.
- Bather Capacity: 210





Lazy River

- 400 feet long
- 4,000 sq. ft.
- Bather Capacity: 267

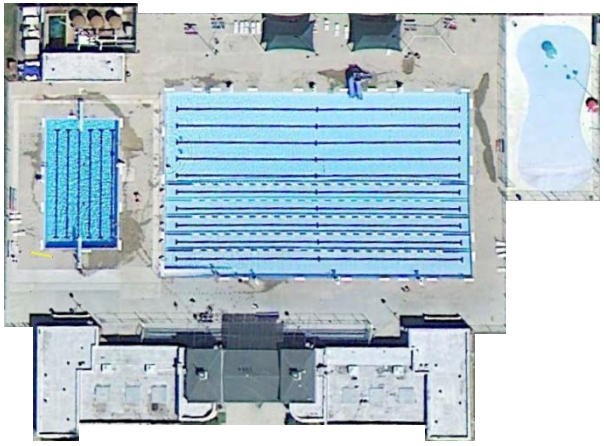


Clarksville

Bather Capacity: 655
(outdoor only)

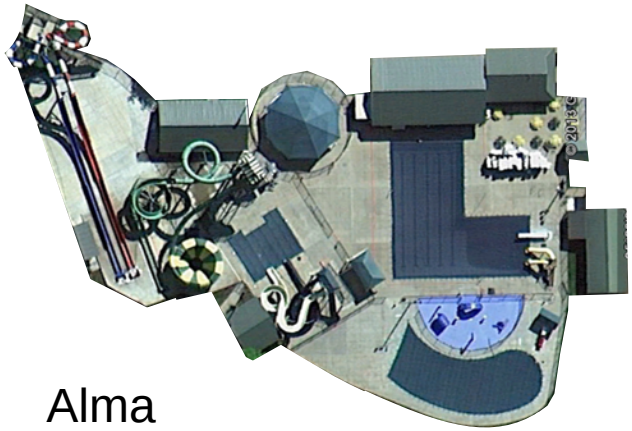
Bather Capacity : 917

Ben Geren



Creekmore

Bather Capacity : ~1370



Alma

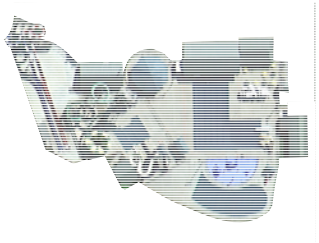
Bather Capacity : ~625

Rogers

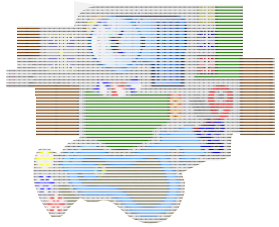
Bather Capacity : ~1150

Comparison to Neighboring Facilities

	Bather Capacity	Water Surface (sf)	Lazy River Length (ft)	No. Slides	Total Length of Slides (ft)
Alma	~625	~9,070	0	6	~900
Clarksville	655	10,706	300	2	260
Rogers	~1150	18,876	475	5	744
Ben Geren	917	14,492	400	4	639
~ = Approximate Value					



Alma

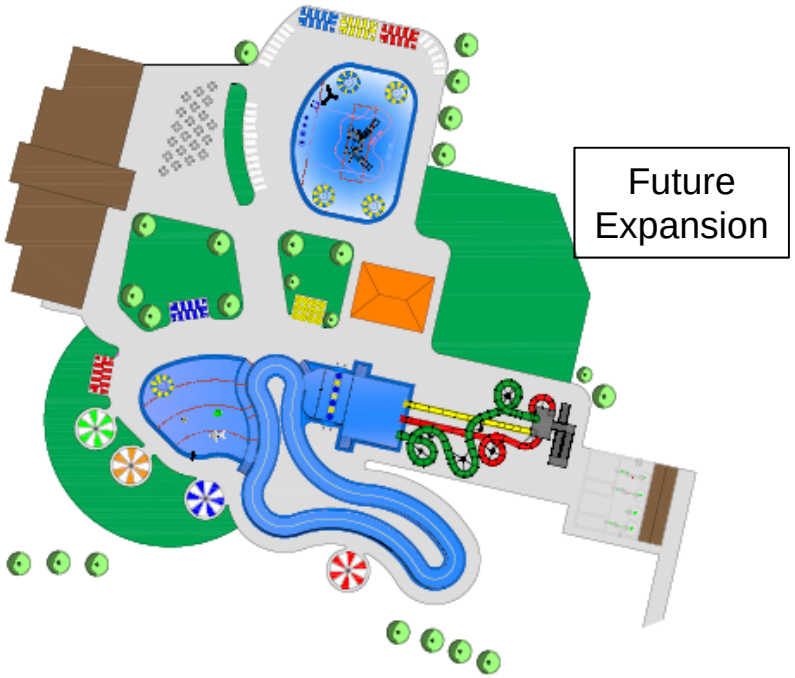


Clarksville

Ben Geren

Rogers

What are strategies to reduce Project Cost to $8.0M?



Strategies

- Reduce Toddler Play Area by one-third
- Fewer slides
- Shorter river
- Smaller footprint (less deck)
- Combine toddler pool with lazy river/play pool (one pool)

Impacts

- Reduces capacity (~15% less, ~780 bather capacity)
- One pool leads to more pool closures due to biological accidents

Project Schedule

Notice to proceed for project design:	December 2013
Site Work Package to bid:	January 30, 2014
Site Work Bids Received:	February 28, 2014
Site Work Contract Award & NTP:	March 21, 2014
Aquatics Facility Package to bid:	April 15, 2014
Aquatics Facility Bids Received:	May 15, 2014
Aquatics Facility Contract Award & NTP:	June 7, 2014
Opening Day:	Memorial Day 2015

Joint Meeting
Sebastian County Quorum Court & Fort Smith Board of Directors

Public Comments

Ben Geren
Aquatic Center