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

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

ROLL CALL

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)

APPROVE MINUTES OF THE JULY 5, 2016 REGULAR MEETING

ITEMS OF BUSINESS:

1. Ordinance amending Section 1K of Ordinance No. 87-15 to clarify sales commission and related procedures for designated employees

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)* ♦

   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)* ♦

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)* ♦

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)*

E. Resolution authorizing execution of a contract with Owens Corning Sales, Inc. for firefighting assistance on an annual basis

F. Resolution authorizing settlement of lawsuit against Rockfish Interactive Corporation, et al

OFFICIALS FORUM ~ presentation of information requiring no official action

(Section 2-36 of Ordinance No. 24-10)

- Mayor
- Directors
- City Administrator

EXECUTIVE SESSION

Appointments: Mechanical Board of Adjustments and Appeals (1); Parks and Recreation Commission (2); and, Transit Advisory Commission (1)

ADJOURN

ORDINANCE NO. _____

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 ___ day of _____, 2016.

APPROVED:

_____

Mayor

ATTEST:

_____

City Clerk

Approved as to form:

_____

City Attorney
No Publication Required

Fort Smith
ARKANSAS

1.

TO: Carl Geffken
City Administrator

FROM: Claude Legris
Executive Director
Fort Smith Advertising and
Promotion (A &P) Commission

DATE: July 19, 2016

COPY: Mayor Sandy Sanders
A & P Commission Chairman

Tim Seeberg
General Manager
Fort Smith Convention Center

The attached clarification to Ordinance No. 87-15, Section 1. Pay Rates and Salaries, Section K relates to the incentive pay distribution to sales personnel at the Fort Smith Convention Center as directed by the City Internal Auditor.

The program was instituted in the January 2009 Salary Ordinance and has been included in all subsequent City budgets.

The methodology of sales incentive pay is that they are to 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. Though no specific distribution has been previously included in this section of the salary ordinance, this proposed language includes such distribution which results in no additional financial impact on the operation of the facility.

Fort Smith Convention & Visitors Bureau
2 North B Street • Fort Smith, Arkansas 72901
479-783-8888 • 1-800-637-1477 • Fax 479-784-2421
E-Mail: tourism@fortsmith.org • URL: http://www.fortsmith.org

RESOLUTION _____

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 _____ day of July, 2016.

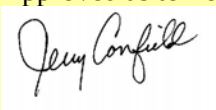
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



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☐ No Publication Required

Memorandum

TO: Carl Geffken, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: July 13, 2016

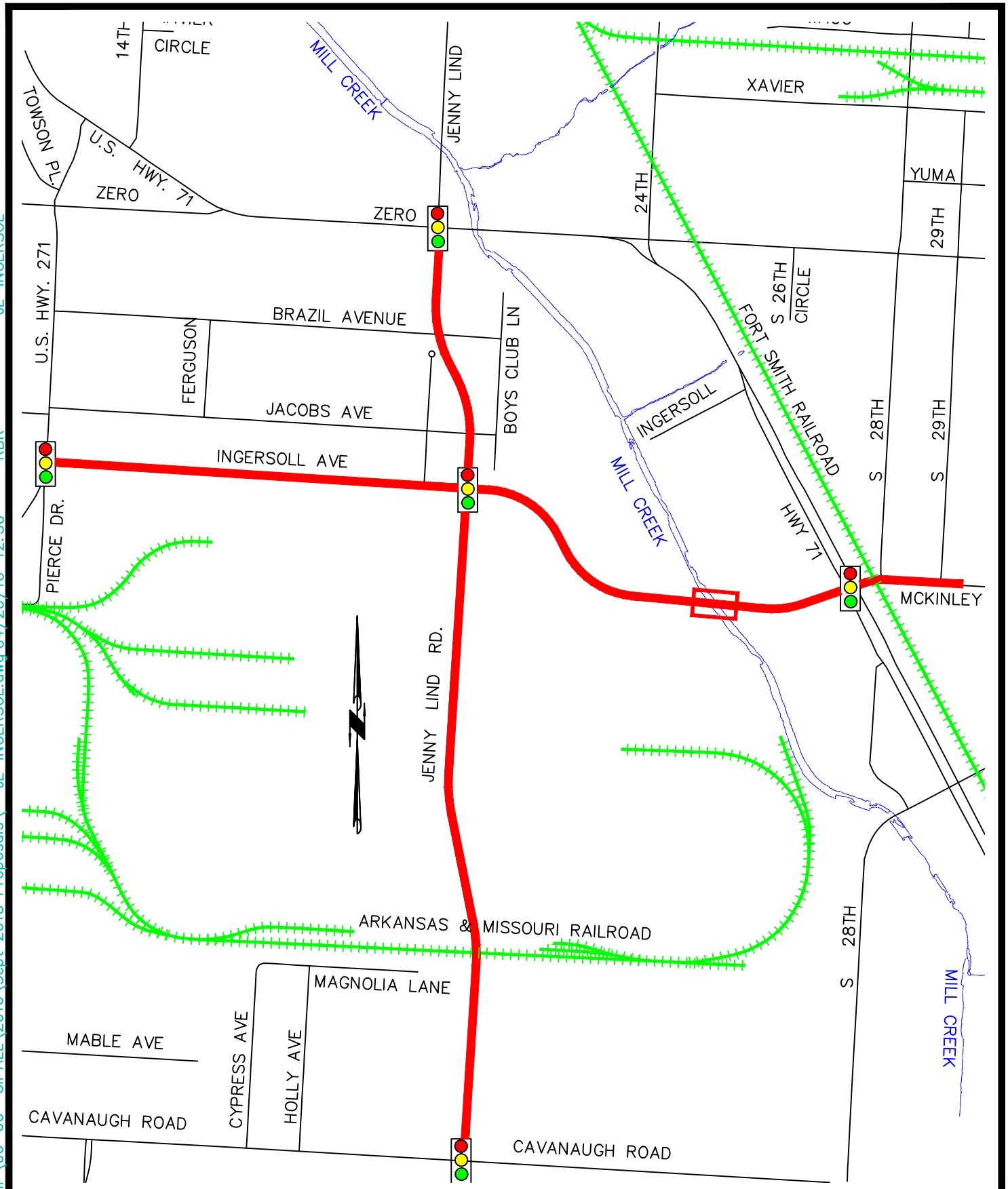
SUBJECT: Jenny Lind Road and Ingersoll Avenue Widening Project
AHTD Job 040471, City Project No. 07-01-A

This project includes widening and improvements to Jenny Lind Road between Zero and Cavanaugh Road, and Ingersoll Avenue from Hwy 271 to Jenny Lind Road. It also includes the extension of Ingersoll Avenue from Jenny Lind Road to Highway 71B. A location map showing the area of the proposed improvements is attached. A project summary sheet which provides more information is also attached.

Periodic pay estimate number 4 is in the amount of $841,347.85. A City Ordinance requires that all payments in excess of $750,000.00 be approved by the Board of Directors. A Resolution authorizing this payment is attached. I recommend that this payment be approved.

This project is also in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems) and TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs).

Attachments



2016 CAPITAL IMPROVEMENTS PROGRAM

JENNY LIND – INGERSOLL

ZERO STREET TO CAVANAUGH ROAD

The City of Fort Smith ARKANSAS

Project:	
Date:	APR. 2016
Scale:	NONE
Drawn By:	RBR

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City of Fort Smith

Project Status:	9% Complete	Project Name:	Jenny Lind Road. & Ingersoll Avenue Widening
Today's Date:	07/13/16		
Staff Contact Name:	Stan Snodgrass	Project Number:	07-01-A
Staff Contact Phone:	784-2225	Project Engineer:	Crafton Tull & Associates, Inc.
Contract Time (no of days):	720	Project Contractor:	Forsgren, Inc.
Notice to Proceed Issued:	4/4/2016		

	Dollar Amount	Bid Date	Contract Completion Date
Original bid award	$28,830,649.66	2/9/2016	3/24/2018
Contract Revision:	$0.00		
Adjusted contract amount	$28,830,649.66		
Payments to date (as negative):	$1,698,568.26		
Amount of this payment	$841,347.85		
Contract balance remaining	$26,290,733.55		
Retainage held	$0.00		
Final payment	N/A		
Amount over original contract as a percentage	N/A		

Final Comments:

A City Ordinance requires that all payments in excess of $750,000.00 be approved by the Board of Directors.

RESOLUTION _____

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 _____ day of July, 2016.

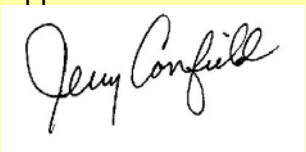
APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to Form



_____
☐ No Publication Required

Memorandum

TO: Carl Geffken, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: July 13, 2016

SUBJECT: Street Overlays/Reconstruction
Project No. 16-03-C

The above subject project consists of asphalt street overlays, reconstruction and minor drainage improvements for the streets shown on the attached exhibit. The total length of streets to be improved is approximately 1.0 mile.

Construction plans and specifications were prepared by EDM Consultants, Inc. of Fort Smith. An advertisement was published and bids were received on July 12, 2016. Six contractors requested plans and specifications, and four bids were received which are summarized as follows:

CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. T-N-T, Inc. Van Buren, AR	$1,640,151.45	3. Goodwin & Goodwin, Inc. Fort Smith, AR	$1,772,334.25
2. Forsgren, Inc. Fort Smith, AR	$1,672,589.15	4. Steve Beam Construction, Inc. Fort Smith, AR	$1,789,948.00
Engineers Estimate	$1,600,000.00		

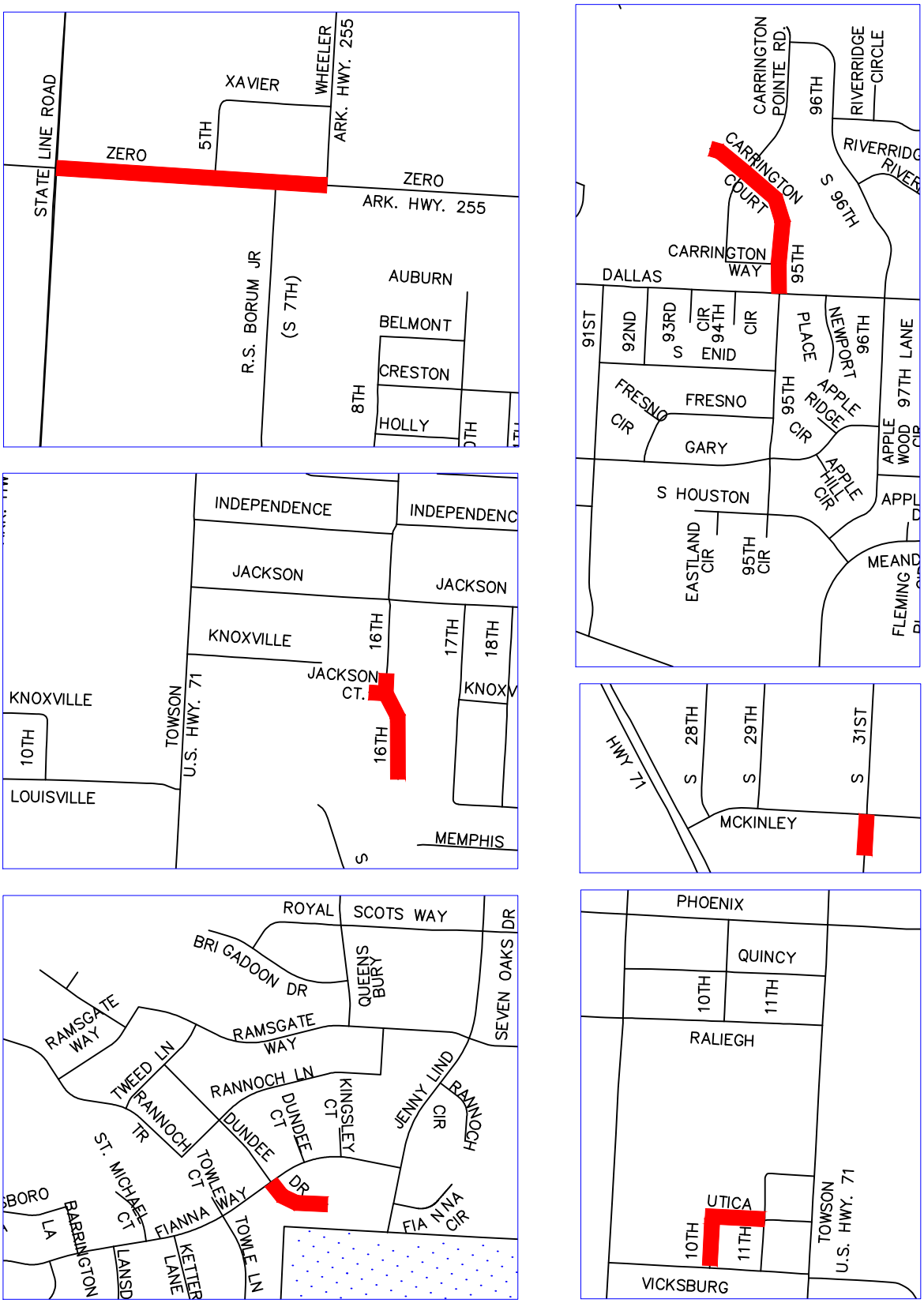
City Ordinance No. 50-15 provides for a preference of five percent (maximum of $100,000) to the lowest local (city) bidder. The lowest local (city) bidder which qualifies for the five percent local preference is Forsgren, Inc. Reducing the Forsgren, Inc. bid by five percent ($83,629.46) lowers their bid amount to $1,588,959.69 for ranking purposes only. With the five percent local preference, the bid of Forsgren, Inc. is considered the lowest ranked bid.

After factoring in the five percent local bidder preference from City Ordinance No. 50-15, I recommend that the contract be awarded to Forsgren, Inc. in the amount of $1,672,589.15. The estimated notice to proceed date for this contract is August 15, 2016. Based on the contract duration of 210 days, the estimated completion date would be March 12, 2017.

This project is in alignment with the comprehensive plan policies FLU-1.4 (Ensure adequate, well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision), TI-5.1 (Continue to ensure that customers within Fort Smith have access to reliable water, sewer, drainage, solid waste services by reducing or eliminating deficiencies and gaps in infrastructure systems), TI-5.2 (Ensure that utility and infrastructure systems can meet the city's long-term needs) and NCR-2.6 (Reduce stormwater runoff and flooding).

Attached is a Resolution to accomplish the above recommendation. Funds are available in the Sales Tax Program (1105).

Attachments



2016 CAPITAL IMPROVEMENTS PROGRAM

STREET OVERLAYS/RECONSTRUCTION

The City of Fort Smith ARKANSAS

Project:	16-03-C
Date:	JULY 2016
Scale:	NONE
Drawn By:	RBR

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RESOLUTION NO. ____

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 _____ day of July, 2016

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
No Publication Required

Memorandum

TO: Carl Geffken, City Administrator

FROM: Stan Snodgrass, P.E., Director of Engineering

DATE: July 13, 2016

SUBJECT: Intersection Improvements
R.S. Boreham, Jr. Street at Hwy 271
Project No. 16-09-B

This project is for the construction of intersection improvements along R.S. Boreham, Jr. Street at Highway 271. These improvements will include significant radius improvements to accommodate the large truck turning movements from the tractor-trailer trucks that serve Baldor Electric Company. The project is being cost shared with Baldor paying $150,000. Baldor has also dedicated the necessary right of way to the city at no cost. The City's share of the project is being funded from the street sales tax program. A project exhibit is attached which shows the location of the proposed intersection improvements.

Construction plans and specifications were prepared by Philip J. Leraris, P.E., L.S. of Fort Smith. An advertisement was published and bids were received on July 12, 2016. Six contractors requested plans and specifications and four bids were received which are summarized as follows:

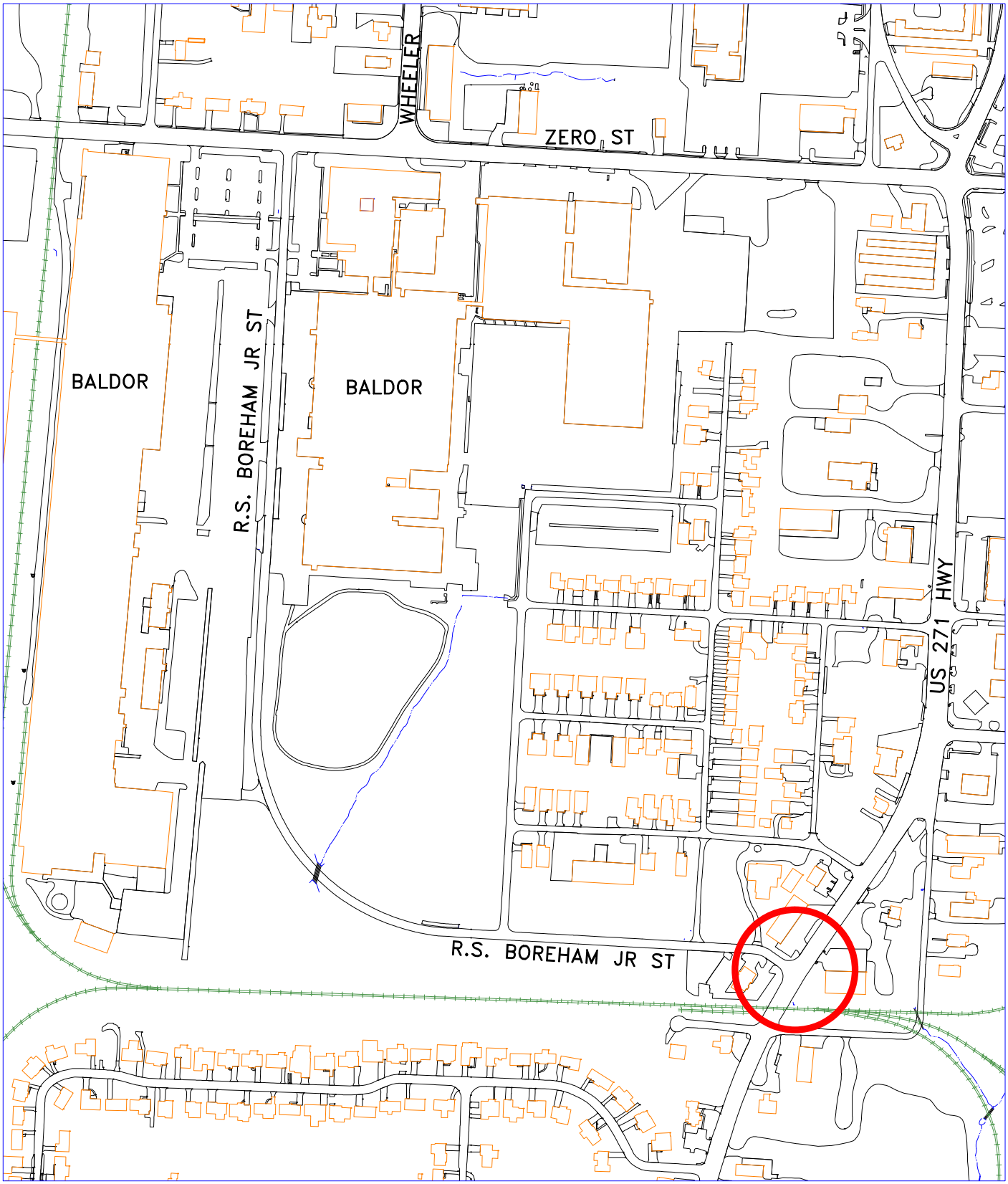
CONTRACTOR	AMOUNT	CONTRACTOR	AMOUNT
1. Goodwin & Goodwin, Inc. Fort Smith, AR	$353,743.20	3. Forsgren, Inc. Fort Smith, AR	$369,197.50
2. Steve Beam Const. Inc. Fort Smith, AR	$357,465.00	4. Township Builders, Inc. Little Rock, AR	$464,847.00
Engineers Estimate	$400,000.00		

I recommend that the lowest bid be accepted and that the construction contract be awarded to Goodwin & Goodwin, Inc. The estimated notice to proceed date for this contract is August 15, 2016. Based on the contract duration of 90 days, the estimated completion date would be November 12, 2016.

This project aligns with the goals of the comprehensive plan policies FLU-1.4 (Ensure adequate well-maintained infrastructure, public safety, and public facilities for all development and prevent development ahead of infrastructure and service provision) and ED-6.1 (Ensure that economic development objectives are included in the evaluation of all future City infrastructure projects, including parks and recreation facilities).

Attached is a Resolution to accomplish the above recommendation. I recommend that the Resolution be adopted by the Board of Directors at the next regular meeting. Funds for the City's share of the construction are available in the Sales Tax Program (1105).

Attachments



INTERSECTION IMPROVEMENTS
R.S. BOREHAM JR STREET
AT HIGHWAY 271
FORT SMITH, ARKANSAS

The City of Fort Smith ARKANSAS

Project:	16-09-B
Date:	DEC. 2015
Scale:	NONE
Drawn By:	RBR

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2D

RESOLUTION NO. _____

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 _____ day of July, 2016.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM

_____npr

PARKS
RECREATION
FORT SMITH

Memo:

July 12, 2016

To: Carl Geffken, City Administrator
From: Doug Reinert, Director of Parks and Recreation DSR
Re: Blue Lion Bikeway – Sharrows Acceptance as Complete and Final Pay

The Blue Lion Bikeway is a bike route on designated city streets starting from N. 5th Street headed east to 66th Street. This path defined by sharrows and signage connects the Riverfront to the University of Arkansas Fort Smith and Sunnymede Trail. This bike route was sponsored by Arvest Bank who donated $50,000 to bring this project to the forefront of the Trails and Greenways Master Sharrows Plan. Not only does the Blue Lion Bikeway make a connection through the heart of Fort Smith it also serves as a safe alternative transportation route for students attending the University. This project was studied and designed by Hawkins-Weir Engineers, Inc. and construction was completed by Advanced Workzone Services, LLC. This project is complete minus road makings of sharrows on Park and Lecta Aveues due to an overlay in the fall.

This project has been completed to the satisfaction of the Parks and Recreation Department. I recommend Final Payment for $34,011.25 to Advanced Workzone Services, LLC. This project is in alignment with the goals of the Comprehensive Plan policy IT-1.3.1, TI-1.5.1, TI-1.6.1, TI-3.1 and TI-3.3.1. Should you have any questions or need additional information please feel free to contact me.

cc: Jeff Dingman

Project Summary

Project Status:	Complete	Project name:	Blue Lion Bikeway - Sharrows
Today's Date:	July 13, 2016	Project contractor:	Advanced Workzone Service, LLC
Staff contact name:	Doug Reinert		
Staff contact phone:	(479) 784-1006		
Notice to proceed issued:	June 6, 2016		

	Dollar Amount	Contract Time (Days)
Original bid award	37,775.00	60
Total change orders	0.00	0
Adjusted contract amount	37,775.00	60
Payments to date (as negative):	0.00	
Amount of this payment (as negative)	-34,011.25	
Retainage held	0.00	
	3,763.75	
Contract balance remaining	0.00	
Amount under as a percentage	9.96%	

Final Comments:

2E

RESOLUTION NO._____

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 ____ day of _____ 2016.

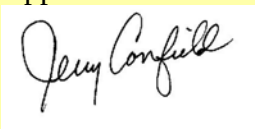
APPROVED:

_____
Mayor

ATTEST:

_____
Sherri Gard, City Clerk

Approved as to form:



_____
No Publication Required

FORT SMITH FIRE DEPARTMENT
200 North 5th Street
Fort Smith, AR 72901
(479) 783-4052 office (479) 783-5338 fax

Phil Christensen
Interim Fire Chief

Memo

To: Carl Geffken, City Administrator
From: Phil Christensen, Interim Fire Chief PC
Date: June 29, 2016
Re: Firefighting Contracts Outside Fort Smith City Limits

The Fort Smith Fire Department currently provides firefighting assistance by contract to eight (8) commercial/industrial businesses located outside the corporate city limits of Fort Smith.

On October 20, 2015, the Board of Directors passed Ordinance No. 70-15, resulting in a new contract template that provides all current and future firefighting assistance contract customers a clear understanding of the basis of the contract fee and what services they can expect for that fee.

Since the ordinance was approved, fire department staff has made contact with all current contract holders. As of to date, we have implemented six (6) signed contracts with the new template. They are the following:

- Harry G. Barr Co., 6500 Zero St.
- Weatherford, 8220 Hwy 271
- Zero Mountain, 8425 Hwy 45
- Rheem, 5600 Old Greenwood Rd.
- Wal-Mart Distribution, 8100 Zero St.
- Hogback Exploration, 10101 Hwy 253

Attached is a signed contract with Owens Corning Sales Inc., located at 5520 Planters Road. This contract will need approval from the Board of Directors, the fire department is recommending an approval.

Please let me know should you have any questions.

CONTRACT FOR FIREFIGHTING ASSISTANCE
ON AN ANNUAL BASIS

WITNESS this Agreement executed this 29 day of JUNE, 2016, by and between OWENS CORNING SALES, LLC, a Corporation, with reference to the following described property located outside of the corporate limits of the City of Fort Smith, Arkansas, to wit:

Street No.	Street or Avenue	Legal Description
5520	PLANTER'S ROAD	

and the City of Fort Smith, Arkansas, acting by and through its Mayor, after resolution duly passed by the Board of Directors of the City:

1. In consideration of the payment of the sums set forth herein, the City of Fort Smith agrees to provide firefighting machinery and equipment, with the necessary firefighters to operate it, to combat fires at the above-described location; provided, however, that this contract shall be subject to the City's recognized superior and paramount right of refusal to respond or to limit its response to any call or fire alarm at such location if responding would endanger the lives or property of citizens of the City, in the sole judgment of the Chief of the Fort Smith Fire Department or his/her designee or in the sole judgment of the City Administrator of the City of Fort Smith. In exchange for such service, OWENS CORNING SALES, LLC agrees to pay to the City an annual sum equal to the proportional cost of real and personal property tax that any business (or any other property classification) within the City would pay for the same services. (This "proportional cost" is derived from the percentage of the general fund revenue appropriated to the Fort Smith Fire Department in that given year.) For example, the annual fee

for such firefighting services shall be a sum based on the millage assessed on the business' real estate and personal property values (established by the Sebastian County Tax Assessor) times the proportional cost for firefighting services available to businesses within the City, which proportional cost figure is currently twenty-eight percent (28%) (e.g., twenty-eight percent of five mills (.005 x 28%)). The annual fee will be recalculated each year, beginning August 15, 2016, and thereafter on or before the 15th day of each August for the duration of this Agreement; the effective date of any changes in the annual fee shall be the first of January of the following year. In addition to the aforementioned annual sum, an amount equal to the City's one mill tax assessment for fire pensions shall be added to the annual firefighting fee – this sum shall be dedicated and paid into the Arkansas Local Police and Fire Retirement System (LOPFI) Contribution Fund. Using the aforementioned formula for determining the annual fee, the parties recognize the possibility of an increase or a decrease of that annual payment during the years 2016 and 2017 (either based on changes in appraised real estate or personal property values or based on changes in the percentage of proportional cost of providing firefighting services within the City) – in such event, the increase or the decrease for those years shall only be one-third of that increase or decrease for the respective year, with full implementation of the formula as it relates to any increase to be in effect for the contract year beginning January 1, 2018; however, for the purposes of determining if a decrease of the annual payment is appropriate, the formula shall become effective upon completion of the initial term of the contract.

OWENS CORNING SALES, LLC agrees to pay to the City the annual contract sum, payable in advance, in equal monthly installments. The payments are to be made through the City's Finance Department.

2. OWENS CORNING SALES, LLC agrees that the Fort

Smith City Fire Marshal, Fire Chief and other public safety officials may, at reasonable times, enter upon and inspect all portions of the above described premises and make recommendations for the elimination of fire hazards, the compliance with all such recommendations to be a condition of the future furnishing of firefighting equipment and personnel by the City; furthermore, OWENS CORNING SALES LLC agrees to provide full information to the City Administrator and to the City Fire Chief regarding the location of all water hydrants and connections for its sprinkling systems, if any, or other firefighting apparatus which may, from time to time, be available to the property.

3. Either party may terminate this Agreement on thirty (30) days' written notice to the other. In the event that the City exercises its right to terminate this Agreement, the City shall repay a pro rata portion of the annual fee agreement paid in advance by OWENS CORNING SALES, LLC In the event that OWENS CORNING SALES, LLC terminates this Agreement, there shall be no refund of the fees already paid. Any notices required under this Agreement shall be sent to the following:

To the Corporation:

OWENS CORNING SALES LLC
5520 PLANTERS ROAD
FORT SMITH, AR 72916

To the City:

City of Fort Smith, Arkansas
City Administrator
P.O. Box 1908
Fort Smith, AR 72902

4. OWENS CORNING SALES, LLC may assign this Agreement to another party that becomes the tenant or owner of the above described real property after providing at least fourteen (14) days' prior written notice to the City Administrator. However, the City Administrator shall have the absolute right to disapprove the assignment and/or to cancel this Agreement.

5. OWENS CORNING SALES LLC recognizes and acknowledges that

the City of Fort Smith and its employees are, pursuant to A.C.A. § 21-9-301, immune from liability and from suit for damages, except to the extent that they may be covered by liability insurance. Furthermore, the parties intend this Agreement to be for their sole benefit and do not confer any benefit, right, or remedy upon any person or entity other than the parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the date first set forth above.

City of Fort Smith, Arkansas

By: _____
Mayor

Attest:

_____
City Clerk

OWENS CORNING SALES LLC Corporation

By: _____
[Name] TIM BOLD
[Title] PLANT LEADER

2F

RESOLUTION NO. ____

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 ____ DAY OF July, 2016

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

Approved as to form:

_____
No Publication Required

DAILY & WOODS

A PROFESSIONAL LIMITED LIABILITY COMPANY
ATTORNEYS AT LAW

JERRY L. CANFIELD, P.A.
THOMAS A. DAILY, P.A.
WYMAN R. WADE, JR., P.A.
DOUGLAS M. CARSON, P.A.
C. MICHAEL DAILY, P.A. † •
COLBY T. ROE, P.A.
MICHAEL A. LAFRENIERE

† Also Licensed in Oklahoma
• Also Licensed in Wyoming & North Dakota

KMW BUILDING
58 SOUTH SIXTH STREET
P.O. BOX 1446
FORT SMITH, AR 72902
TELEPHONE (479) 782-0361
FAX (479) 782-6160

www.dailywoods.com

JAMES E. WEST
OF COUNSEL

HARRY P. DAILY (1886-1965)
JOHN P. WOODS (1886-1976)
JOHN S. DAILY (1912-1987)
BEN CORE (1924-2007)

WRITER'S E-MAIL ADDRESS
CRoe@DailyWoods.com

July 15, 2016

Mr. Carl Geffken
Fort Smith City Administrator
623 Garrison Avenue, 3rd Floor
Fort Smith, AR 72901

Re: City of Fort Smith, Arkansas v. Rockfish Interactive Corporation, et al.,
Sebastian County Circuit Court Case No. CV-12-285(I)

Dear Mr. Geffken:

In September, 2009, the City entered into agreements with Rockfish Interactive Corporation ("Rockfish") whereby Rockfish agreed to convert a database used by the City's Utility Department that maintained its financial and document information records into a more up-to-date database. The total amount to be paid under the agreements by the City to Rockfish was $93,250.00. The City has paid Rockfish $83,829.37 for work performed by Rockfish under the subject agreements. Due to Rockfish's failure to deliver a product as required by the agreements, the City filed a lawsuit against Rockfish and others in 2012.

This matter was set for trial in October, 2014; however, the parties removed it from the Court's docket to allow settlement discussions in hopes of reaching a resolution of the issues. Since late summer of 2014, the parties have engaged in numerous exchanges whereby the City identified deficiencies in the Rockfish produced database, and Rockfish attempted to correct those deficiencies. That type of exchange by the City and Rockfish has occurred at least six times since September, 2014. Most recently, the City did another review of the Rockfish product in January and February of this year and, again, identified deficiencies with the program. The Defendants maintain that they have performed all obligations under the agreements and any issues with the program are minor.

The parties mediated this matter of July 15, 2016. Mr. Geffken and I negotiated on behalf of the City and reached a tentative agreement, which is subject to the Board of Directors' approval. The terms of the tentative settlement agreement are:

- The Defendants will pay the City $35,000.00;
- The City is relieved of any further payment obligations or other liability under the agreements; and,

- The Defendants will deliver to the City the program in its current state, together with the source code associated therewith.

The City Administrator recommends approval of the above agreement to resolve this matter and we concur in that recommendation. We are enclosing a resolution form which may be used by the Board of Directors to approve the mediated settlement agreement.

Thank you for your attention in this matter.

Very truly yours,

Colby T. Roe
cmm

Enclosures

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: July 13th, 2016

SUBJECT: Mechanical Board of Adjustments and Appeals

The term of Mr. Ron B. Smith of the Mechanical Board of Adjustments and Appeals will expire July 31st, 2016. Mr. Smith wishes to be reappointed to this board.

There are no other applicants available at this time.

Appointments are **by the Board of Directors,** one appointment is needed. The term will expire July 31st, 2021.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

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MECHANICAL BOARD OF ADJUSTMENTS AND APPEALS

The mechanical Board of Adjustments and Appeals has the authority to hear appeals of decisions and interpretations of the administrative authority relating to the 1997 Arkansas Mechanical Code.

The board consists of five members who have knowledge and experience in the mechanical code, such as design professionals, contractors or industry representatives. The board, following initial staggered terms, will serve five year terms. In addition, there are two alternate members (one member at large from the industry and one member-at-large from the public) who serve one year terms. A member shall not act in a case in which he had a personal or financial interest. Appointments are made by the ***Board of Directors.***

	DATE APPOINTED	TERM EXPIRES
INDUSTRY MEMBERS		
Ron B. Smith (Owner) Air Pro Heating & Air 3221 Cliff Drive (03) 646-4478 (h) 646-9699 (w) airproaaron@sbcglobal.net	07/19/11	07/31/16
Michael Blaylock Blaylock Heating & Air 1530 North Greenwood (1) 783-3420 (h) 782-8940 (w) blaylock@blaylockhvac.com	07/17/07	07/31/17
Ted Neal Ted's Air Conditioning, Inc. 2215 Bluff Avenue (01) 785-3287 (h) 783-7857 (w) 883-2529 © tedneal@sbcglobal.net	07/20/99	07/31/18
Buford Martin Owner of Martin's Heating & Air 4015 South T Street (03)	09/16/14	07/31/19

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 7/12/16

Name: Ron Smith

Home Telephone: 479-646-4478

Home Address: 3221 Cliff Dr

Work Telephone: 479-646-9699

Zip: 72903

Email: airproarron@sbcglobal.net

Occupation: President / Air-Pro Heating & Air Cond INC
(If retired, please indicate former occupation or profession)

Education: 12 + AVVTS

Professional and/or Community Activities: Member of Chamber / member Homebuilders / Member NCI

Additional Pertinent Information/References: Past member serving Mech. Board of Adjustmets & Appeals

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from [illegible]

Drivers L[illegible] [redacted] Date of Bi[illegible] [redacted] This information will be use to conduct a criminal back ground check of all applican[illegible]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
( ) Bldg. Bd. Of Adjustment and Appeals
( ) Central Business Improvement District
( ) Comprehensive Plan Imp. Committee
( ) Convention Center Commission
( ) Civil Service Commission
( ) CIP Committee (Streets, Bridges, & Drainage)
( ) Community Development Advisory Com.
( ) County Equalization Board
( ) Electric Code Board of Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Bd.
( ) Library Bd of Trustees
(X) Mechanical Bd of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Bd.
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: July 15th, 2016

SUBJECT: Parks and Recreation Commission

The terms of Mr. Billy Bob Williams and Mr. Bryan Merry of the Parks and Recreation Commission will expire August 31st, 2016. Mr. Merry wishes to be reappointed and Mr. Williams does not wish to be reappointed at this time.

The applicants available at this time are:

Lacey M. Jennen	1531 Fianna Place Terrace
Gary J. Blan	11111 Maple Park Drive
Jim Rowland	6511 Meadow Cliff Drive
Nancy Raney	8108 Adam Drive
Kathryne Ethen	1232 North Albert Pike
Jana Leeper	1201 North 55 Ter

Appointments are **by the Board of Directors,** two appointments are needed. The terms will expire August 31st, 2021.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

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PARKS AND RECREATION COMMISSION

The Parks and Recreation Commission acts in an advisory capacity to the Board of Directors of the city of Fort Smith and Director of Parks and Recreation in the promotion, planning, maintenance, development and operation of all recreation areas and facilities owned, controlled or leased by the city. The members of the Parks and Recreations Commissions shall be qualified electors of the city. Members are appointed by the ***Board of Directors*** for five year terms. The commission meets at 11:30 on the second Wednesday of each month at the Creekmore Community Center.

	DATE APPOINTED	TERM EXPIRES
Billy Bob Williams Self Employed 9701 Painter Drive (03) 452-4133 (h)	7/22/03	08/31/16
Bryan Merry 2636 Enid Place (01) 926-0423 (h) bryan@farrisinsurance.com	07/19/11	08/31/16
Lorie Robertson Marketing Executive 3301 South 96 Street (03) 452-6985 (h) 242-2167 (w) lorie@chaffeecrossing.com	07/17/12	08/31/17
Sherry Toliver Executive Director 3201 South 93 Circle (03) 434-4854 (h) 420-1162 (w) Stoliv44@gmail.com	07/16/13	08/31/18
Casey Millspaugh 408 Apple Valley Road (08) 817-676-4104 (h) 459-4017 (w) cmillspaugh@ups.com	10/15/13	08/31/19

Chris Raible Arvest Business Resource Cntr. Manager 5206 Twin Hills Drive (16) 649-9937 (h) 709-8830 (w) c_raible@hotmail.com	10/21/14	08/31/19
Madeline Marquette 7818 Valley Forge Road 478-7021 (h) madgs@sbcglobal.net	07/20/10	08/31/20

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 6/6/16

Name: Bryan Messy

Home Telephone: (479)926-0423

Home Address: 2636 Enid Pl.

Work Telephone:

Zip: 72901

Email: bryan@fassisinsurance.com

Occupation: Insurance Agent
(If retired, please indicate former occupation or profession)

Education: Batchelors Business Admin

Professional and/or Community Activities: First Tee-VP Boy's Shelter-P
First Presbyterian Church

Additional Pertinent Information/References: I've been on the P&R commission for 5 yrs I'd really like to stay on w/ Trails & many other exciting things going on

Are you a registered voter in the City of Fort Smith? Yes ✓ No ___

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes ✓ No ___

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideratic

Driver's License [illegible] Date of B [illegible]

(This informatio[illegible] criminal back ground check of all [illegible]

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Board
( ) Benevolent Fund Board
( ) Building Board of Adjustment and Appeals
( ) Central Business Improvement District
( ) Comprehensive Plan Improvement Committee
( ) Convention Center Commission
( ) Civil Service Commission
( ) CIP Committee (Streets, Bridges, & Drainage)
( ) Community Development Advisory Comm.
( ) County Equalization Board
( ) Electric Code Board of Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Library Board d of Trustees
( ) Mechanical Board of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
✓ Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Board
( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: June 23, 2016

Name: Lacey M. Jennen

Home Telephone: 479-769-4679

Home Address: 1531 Fianna Place Terrace

Work Telephone: 479-646-1177

Zip: 72908

Email: laceyjennen@gmail.com

Occupation: Assistant Director of Creative Ministries at Grace Community Church
(If retired, please indicate former occupation or profession)

Education: Bachelor of Science in Horticulture from the U of A Fayetteville, 2002

Professional and/or Community Activities: PTA Secretary for Beard Elementary, DAR member, Member at Grace Community Church, Kids Church Committee at GCC, Steep Hill Cemetery consultant

Additional Pertinent Information/References: please see attached letter

Kyle Parker - President & CEO of Arkansas Colleges of Health Education 479-459-8800 Jeff Jones - Grace Community Church 479-739-1360

Are you a registered voter in the City of Fort Smith? Yes X No ____
Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes____ NO X
If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from [illegible]
Drivers Li[illegible] Date of Bi[illegible] This information[illegible] final back ground check of all applicar[illegible]

I am interested in serving on the (please check):

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( ) Residential Housing Facilities Board

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wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

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Date: June 23, 2016

Name: Gary J. BLAN

Home Telephone: 214 9609620

Home Address: 11111 Maple Park Dr.

Work Telephone: 2149609620

Zip: 72916

Email: gblan@cox.net

Occupation: Hospital & Health System CEO, International Health Consultant (Semi Retired)

(If retired, please indicate former occupation or profession)

Education: B.S., M.H.A, F.A.C.H.E

Professional and/or Community Activities: See Attached

Additional Pertinent Information/References: Sam T. Sicard, Steve Clark, Sandy Sanders, John Clayton

Are you a registered voter in the City of Fort Smith? Yes X No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes____ NO X

If yes, please identify [redacted] ximate date. A "yes" answe[redacted]lude you from considerati[redacted] Drivers License A-R[redacted] Date of [redacted] This information will be us[redacted]ck ground check of all applic[redacted]

I am interested in serving on the (please check):

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Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: June 30 - 2016

Name: Jim Rowland

Home Telephone: 479-452-0659

Home Address: 6511 Meadow Cliff

Work Telephone: 479-651-0548 Cell

Zip: 72903

Email: normarowland@sbcglobal.net

Occupation: Retired - Director of Athletics & Student Activities Ft Smith Public Schools
(If retired, please indicate former occupation or profession)

Education: B.S.E in Education - Masters in Education - Educational Administrators Certification

Professional and/or Community Activities:

Additional Pertinent Information/References: Deacon - Second Avenue Baptist Church
Member of the Board of Over Seers - Fellowship of Christian Athletes

Are you a registered voter in the City of Fort Smith? Yes ✓ No ___

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes___ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you f[redacted]

Driv[redacted] Date of B[redacted]

information will be use to consider [redacted] ck of all applica[redacted]

I am interested in serving on the (please check):

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wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 7/6/16

Name: Nancy Raney

Home Telephone: 479 452 5170

Home Address: 8108 Adam Dr

Cell ~~Work~~ Telephone: 479 221 2643

Zip: 72903

Email: nancyr729@gmail.com

Occupation: Supervisor, United States Postal Service, Retired
(If retired, please indicate former occupation or profession)

Education: Bachelor Degree - Communication / Management

Professional and/or Community Activities: 29 years with USPS, Leadership Fort Smith 2001, FS Citizens' Academy 2014, Trails + Greenways Committee 2015 -

Additional Pertinent Information/References:
Drew Linder, Julie Moncrief, Stan Logan, Postmaster Fort Smith, AR 484 6402
+ ADDENDUM attached

Are you a registered voter in the City of Fort Smith? Yes X No ___

[illegible] misdemeanor, DWI/DUI or other serious traffic offense?

[illegible] date. A "yes" answ[illegible] reclude [illegible] - Craig, [illegible]

Drivers [illegible] Date of [illegible] (This information will be use to conduct a criminal back ground check of all appli[illegible]

I am interested in serving on the (please check):

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( ) Animal Services Advisory Board
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( ) Benevolent Fund Board
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Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 7-7-2016

Name: Kathryne Ethen

Home Telephone: 405-760-4780

Home Address: 1232 N. Albert Pike Apt. D

Work Telephone: 479-452-7427

Zip: 72904

Email: katieethen@gmail.com

Occupation: Key Hourly Manager at Texas Roadhouse
(If retired, please indicate former occupation or profession)

Education: Bachelor's Degree in International Business at UAFS

Professional and/or Community Activities: Teaching color guard at Spiro High School

Additional Pertinent Information/References: Certificate of Proficiency in Community Leadership, presented about bringing a food truck alley to Fort Smith

Are you a registered voter in the City of Fort Smith? Yes ✓ No ____

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes ____ No ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from considera

Driver's Licens [redacted] Date of Birtl [redacted]

(This informati[redacted] a criminal back ground check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
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( ) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Board
( ) Benevolent Fund Board
( ) Building Board of Adjustment and Appeals
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Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: 6-14-2016

Name: Jana Aydelott-Leeper

Home Telephone: 254-258-0245

Home Address: 1201 N 55 TER

Work Telephone: 254-258-0245

Zip: 72904

Email: naturalstateparenting@yahoo.com

Occupation: Business Owner / Yoga therapy / Eco Green retail
(If retired, please indicate former occupation or profession)

Education: 500 HR RYT, Atmospheric Dynamics CCAF

Professional and/or Community Activities: I currently voluteer and serve on North side Family and consumer science board. Also currently serve on an administrative group for Fort Smith Babywearing. Also volunteer for cloth diaper and Breatfeeding peer support groups in Fort Smith.

Additional Pertinent Information/References: prior service active duty Air Force, and long-term Fort Smith resident. Can provide references.

Are you a registered voter in the City of Fort Smith? Yes ✓ No ___

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?
Yes___ NO ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration.

Drivers Lice[illegible] Date [illegible]
information v[illegible] ck ground check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
(✓) Advertising & Promoting Commission
( ) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Bd
( ) Benevolent Fund Board
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( ) Sister Cities Committee
( ) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902

The City of Fort Smith ARKANSAS

MEMORANDUM

TO: Mayor and Board of Directors

FROM: Wendy Mathis, Administrative Assistant

DATE: July 15th, 2016

SUBJECT: Transit Advisory Commission

The term of Ms. Guadalupe Contreras of the Transit Advisory Commission has expired July 15th, 2016. Ms. Contreras is not interested in being reappointed to this commission.

The applicant available at this time is:

Barbara Houston-Blatchford 2304 North 50 Street

Appointments are **by the Mayor confirmed by the Board of Directors,** one appointment is needed. The term will expire July 15th, 2019.

623 Garrison Avenue
P.O. Box 1908
Fort Smith, Arkansas 72902
(479) 785-2801
www.fortsmithar.gov

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TRANSIT ADVISORY COMMISSION

The Transit Advisory Commission is responsible for maintaining and improving public transit in Fort Smith and to direct efforts regarding marketing/advertising, shelters, special projects, bus zones, stops and routes as well as other related issues.

The commission was established April 7, 1998. The Transit Advisory Commission consist of five members appointed by the ***Mayor***, confirmed by the Board of Directors and each serves three year terms. Meetings are quarterly at 3:00 p.m. in the Transit Department, first floor at 6821 Jenny Lind Road.

	DATE APPOINTED	TERM EXPIRES
Guadalupe Contreras 2008 South 6 Street (01) 222-6671 (h) 452-7500 (w)	02/17/15	07/15/16
Leo Good Retired 5014 North T Street (04) 782-8583 (h) 420-0023 ©	06/16/15	07/15/17
Dustin Perceful 4615 South R Street (03) 651-0865 (h) 471-3482 (w) Ke5sx.@gmail.com	05/15/12	06/15/18
Dr. Kathleen Cates Executive Director 500 Saint Karr Way (16) 629-4113 (h) kathleen@fscic.org	06/16/15	06/15/18
Charles Poole 8503 Ashberry Court (08) 478-6883 (h) cpoolec@cox.net	07/20/10	07/15/19

CITY OF FORT SMITH
Application for City Boards/Commissions/Committees

Note: As an applicant for a City Board, Commission or Committee, your name, address and phone number will be available to the press and the public. You will be contacted before any action is taken on your appointment.

Date: July 14, 2016

Name: Barbara Houston-Blatchford

Home Telephone: (479) 420-6203

Home Address: 2304 N. 50th St, Ft. Sm. AR

Work Telephone: N/A

Zip: 72904

Email: _____

Occupation: Retired - Social Security Claims Rep, UAMS KIDS FIRST, Librarian
(If retired, please indicate former occupation or profession)

Education: BS plus many extra hours in Early Education

Professional and/or Community Activities: Girl Scouts of the USA, Red Cross instructor for 8 yrs, Volunteer for United Blood Services

Additional Pertinent Information/References: Post-polio syndrom, ADA information extensive

Are you a registered voter in the City of Fort Smith? Yes ✓ No ___

Have you ever been convicted of a felony, misdemeanor, DWI/DUI or other serious traffic offense?

Yes___ No ✓

If yes, please identify the offense and the approximate date. A "yes" answer will not automatically preclude you from consideration. _____

Driver's License AR [redacted] Date of Birt [redacted]

(This information will be use to conduct a criminal back ground check of all applicants).

I am interested in serving on the (please check):

( ) Audit Committee
( ) Advertising & Promoting Commission
( ) Airport Commission
( ) Animal Services Advisory Board
( ) Arkansas Fair & Exhibition Facilities Board
( ) Benevolent Fund Board
( ) Building Board of Adjustment and Appeals
( ) Central Business Improvement District
( ) Comprehensive Plan Improvement Committee
( ) Convention Center Commission
( ) Civil Service Commission
( ) CIP Committee (Streets, Bridges, & Drainage)
( ) Community Development Advisory Comm.
( ) County Equalization Board
( ) Electric Code Board of Appeals
( ) Fire Code Board of Appeals & Adjustments
( ) Historic District Commission
( ) Housing Assistance Board
( ) Library Board d of Trustees
( ) Mechanical Board of Adjustments and Appeals
( ) Oak Cemetery Commission
( ) Outside Agency Review Panel
( ) Parking Authority
( ) Parks & Recreation Commission
( ) Planning Commission
( ) Plumbing Advisory Board
( ) Port Authority
( ) Property Owners Appeals Board
( ) Sebastian County Reg. Solid Waste Mgmt. Board
( ) Sister Cities Committee
(X) Transit Advisory Commission
( ) Residential Housing Facilities Board

Please return this form to Wendy Mathis, P.O. Box 1908, FSM, AR 72902
wmathis@fortsmithar.gov

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-ofdirectors-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.

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JULY 19, 2016 ~ 6:00 P.M.

FORT SMITH PUBLIC SCHOOLS SERVICE CENTER

The meeting was called to order by Vice-Mayor Kevin Settle, presiding. Invocation was given by Father Mike Lager of St. John's Episcopal Church, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Keith Lau, Andre' Good, Mike Lorenz, George Catsavis, Tracy Pennartz, Kevin Settle and Don Hutchings. The Vice-Mayor declared a quorum present.

Vice-Mayor Settle inquired if any Board member had any item of business to present that was not already on the agenda. There was none presented.

The minutes of the July 5, 2016 regular meeting was presented for approval. Hutchings, seconded by Pennartz, moved approval of the minutes as written. The members all voting aye, the Vice-Mayor declared the motion carried.

Vice-Mayor Settle extended much appreciation to Expressions Flowers, LLC for the flower arrangements previously delivered to the meeting room for the Mayor, each member of the Board and City Clerk. Such is in recognition of "Make Someone Smile Week."

With regard to the time limit policy for persons wishing to address the Board, the Vice-Mayor communicated that five (5) minutes per side would be granted for controversial items with three (3) minutes for rebuttal per side, and two (2) minutes for comments only.

Item No. 1 was an ordinance amending Section 1K of Ordinance No. 87-15 to clarify sales commission and related procedures for designated employees.

Advertising and Promotion Commission Executive Director Claude Legris briefed the Board on the item advising the proposed is merely a clarification of the incentive pay

distribution to sales personnel at the Fort Smith Convention Center, as directed by the City of Fort Smith Internal Auditor. The program was instituted in January 2009 and has been included in the annual salary ordinance in each subsequent year. Convention Center sales personnel are entitled to a five-percent (5%) commission in excess of their gross sales (excluding contract labor fees) for the same quarter of the previous year, subject to certain conditions. The Convention Center reorganized sales staff approximately three (3) years ago and adjusted the distribution of the subject incentive pay. Although no specific distribution was included in prior ordinances authorizing same, the proposed language merely clarifies the actual distribution of the five-percent (5%) commission. Upon approval, such will result in no additional financial impact on the operation of the facility.

Hutchings, seconded by Lau, moved approval of the ordinance. Prior to the vote, Director Pennartz questioned how the distribution was determined, who currently serves as the director of sales, how much incentive pay has been paid to date in 2016, and if the five-percent (5%) is a *"sufficient incentive."*

Mr. Legris addressed each inquiry citing the sales staff previously consisted of two (2) full-time sales directors and one (1) event coordinator. Prior to the reorganization, distribution of the incentive pay was divided equally with two-and-a-half-percent (2.5%) going to the sales directors and same to the event coordinator, which totals the five-percent (5%) incentive previously authorized via ordinance. Due to the aforementioned reorganization, the sales staff was changed to one (1) director of sales, one (1) sales and services manager, and one (1) event coordinator. The proposed amendment clarifies that the director of sales will receive four-percent (4%) of the incentive pay and the event sales

and services manager will receive the remaining one-percent (1%). Mr. Jeremy Ritchie, who is a long-time employee at the Convention Center, currently serves as the director of sales. To date, no incentive pay has been distributed in 2016. The gross sales of the first two (2) quarters in 2016 have been very close to the same quarters in 2015; however and unfortunately, such has not been in excess. The five-percent (5%) incentive has *"worked very well thus far"* with the total distribution averaging approximately $1,300 per year.

Director Hutchings expressed much appreciation to Mr. Legris for his service to the Advertising and Promotion Commission and conveyed support for the proposed item.

The motion remaining on the floor and the members all voting affirmatively, the Vice-Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 41-16.

The Consent Agenda (Item No. 2) was introduced for consideration, the items being as follows:

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)* ♦ *Future Fort Smith Item*

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)* ♦ *Future Fort Smith Item*

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)* ♦ *Future Fort Smith Item*

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)*

E. Resolution authorizing execution of a contract with Owens Corning Sales, Inc. for firefighting assistance on an annual basis

F. Resolution authorizing settlement of lawsuit against Rockfish Interactive Corporation, et al

Hutchings, seconded by Pennartz, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 2D, Director Good inquired how much of the project is yet to be completed and questioned if additional signage, other than the sharrows on the roadway, will be placed to identify the Blue Lion Bikeway. He further inquired about the cost for sharrows being included within overlay projects and the potential savings from such.

Director of Parks and Recreation Doug Reinert clarified that Lecta and Blackburn Streets are the only two (2) areas in need of sharrows. Said areas were not included within the proposed contract due to upcoming overlay projects on the aforementioned streets, which are scheduled for the fall of 2016; however, by including the sharrows within the overlay project contracts, such is anticipated to result in a cost savings of approximately $2,000. With regard to signage, which is the last item to complete the Blue Lion Bikeway project, the signs have been ordered with expected delivery in the very near future.

Since Mr. Reinert was already at the podium, Director Pennartz questioned when construction of the new softball field at Martin Luther King, Jr. Park began, the length of the construction contract and the current status of completion. She further inquired of the City's financial contribution to the project, as well as private and/or corporate donations.

Mr. Reinert advised construction was initiated in April 2016. The construction contract identified a completion date within ninety (90) days, and only the placement of sod is currently necessary to complete the project. Due to such, he conveyed much assurance the fields will be play-ready for the upcoming Grizzly season. With regard to funding, the City of Fort Smith received a $150,000 grant for the project. The project also received a $100,000 corporation donation. All other remaining costs were covered by additional corporate, as well as private donations and in-kind services.

Director Pennartz offered much appreciation to all who contributed to the project citing such is a beautiful addition to Martin Luther King Jr. Park.

With regard to Item No. 2F, Director Catsavis questioned if the proposed settlement is *"the best way to go"* and spoke in opposition to the item stating,*"the City seems to all the time get the short end of the stick*" in such matters.

City Attorney Jerry Canfield advised the outcome of any litigation proceeding is never certain; however, the City feels strongly that Rockfish Interactive Corporation failed to deliver a product as required by agreements entered into in September 2009. Due to the strict Consent Decree requirements, which include enhanced information systems, the importance of integrating software is of the utmost importance. Because of the extended time and multiple attempts to resolve the legal dispute with no success, the parties mediated the matter on July 15, 2016 whereby the proposed agreement was reached. The terms of the tentative settlement agreement are as follows:

- The Defendants will pay the City $35,000.00;
- The City is relieved of any further payment obligations or other liability under the agreements; and,

- The Defendants will deliver to the City the program in its current state, together with the source code associated therewith.

City Administrator Carl Geffken provided a brief explanation citing the issue has been ongoing for seven (7) years. With the Consent Decree and forthcoming selection and implementation of a new Enterprise Resource Planning (ERP) System, the matter was in need of resolution. Since the proposed settlement includes the City being provided the source code and if such will appropriately integrate with the forthcoming ERP System, the City will certainly utilize the product; however and again, due to the time and potential legal expense to move forward with litigation, he recommended approval of the proposed item to resolve the issue and allow the Utility Department to move forward.

The motion remaining on the floor, the members voted affirmatively on all items with the exception of Item No. 2F whereby Director Catsavis voted *"no."* The Vice-Mayor declared the motion carried and the resolutions were adopted and given Resolution No. R-101-16 through R-106-16 respectively.

Vice-Mayor Settle opened the Officials Forum with the following wishing to comment:

- Vice-Mayor Settle

  Re: Noted the absence of Mayor Sandy Sanders advising the Mayor extends his sincere regret for being unable to be in attendance.

- Director Catsavis

  Re: Acknowledged the nationwide issue of violence towards police officers citing many police departments have announced their decision to have two (2) officers per patrol car. He recommended the matter be discussed and the City consider same.

Administrator Geffken advised such recommendation should be considered by the new police chief, when appointed; however, he fears such would send a *"bad message."* With the existing budgetary constraints and potential for future budget cuts, the proposed is currently financially unfeasible. He noted the "Peace Walk for Sandy" on Wednesday, July 13th citing such prompted very good discussions whereby the Fort Smith community *"came together in unity"* and the event was a great success. He conveyed his opinion that such was the direct result of the participation and support expressed by the Fort Smith Police Department; therefore, he extended much appreciation to Acting Police Chief Mark Hallum for his oversight of the subject march, as well as his and other Fort Smith police officers attendance at the vigil held at Martin Luther King Jr. Park on Sunday, July 17th.

- Director Good

Re: 1. Extended appreciation to Administrator Geffken for his comments regarding the aforementioned march and vigil recently held, as well as the attendance of Acting Chief Hallum and other Fort Smith police officers at said events.

2. Regarding the request of Director Catsavis, he conveyed understanding that the request for an extra police officer per car is intended to provide added protection for other police officers; however, he clarified their duty is to also protect citizens. Regardless, he spoke in favor of community policing citing his appreciation for the Fort Smith police officers being present at many of the community events.

- Administrator Geffken

Re: 1. Advised the Gateway Planning Committee is in town this week regarding the Propel Downtown Forward initiative citing he anticipates *"good things to come"* from such.

2. Conveyed congratulations to the Police Department Communications Division citing they performed flawlessly in handling the numerous calls associated with issues from last week's storm.

3. Advised the process is moving forward to fill the positions of Police Chief, Director of Human Resources and Director of Utilities citing the application deadline is Friday, July 22, 2016. He also provided the below breakdown of applications received as of late last week:

	APPLICATIONS	
POSITION	**RECEIVED**	**TIER A**
Police Chief	30	16
Dir. of Human Resources	31	11
Dir. of Utilities	8	undetermined

4. Extended congratulations to newly appointed Fire Chief Phil Christensen.

The Board entered into executive session at approximately 6:25 p.m. and after reconvening, Vice-Mayor Settle announced the following appointment nominations:

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

Hutchings, seconded by Lorenz, moved acceptance of the above noted nominations. The members all voting affirmatively, the Vice-Mayor declared the motion carried.

July 19, 2016 Regular Meeting

There being no further business to come before the Board, Catsavis moved that the meeting adjourn. The motion was seconded by Pennartz and the members all voting aye, the Vice-Mayor declared the motion carried and the meeting stood adjourned at 6:31 p.m.

APPROVED:

MAYOR

ATTEST:

CITY CLERK