

## **MINUTES OF BOARD OF DIRECTORS REGULAR MEETING**

**TUESDAY ~ JULY 17, 2012 ~ 6:00 P.M.**

### **FORT SMITH PUBLIC SCHOOLS SERVICE CENTER**

The meeting was called to order by Mayor Sandy Sanders, presiding. Invocation was given by Pastor Don Moore of The Healing Place, followed by the Pledge of Allegiance. On roll call the following members of the Board were present: Directors Steve Tyler, Andre' Good, Don Hutchings, George Catsavis, Pam Weber, Kevin Settle and Philip H. Merry, Jr. The Mayor declared a quorum present.

Mayor Sanders inquired if any Board member had any item of business to present that was not already on the agenda. None was presented.

The minutes of the June 29, 2012 special meeting and June 29, 2012 regular meeting were presented for approval. Settle, seconded by Hutchings, moved approval of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 consisted of the following presentations:

- Recognized City Clerk Sherri Gard on receiving the Municipal Clerk of the Year Award for 2012. Such was awarded by the Arkansas City Clerks, Records and Treasurers Association and presented at the recent Arkansas Municipal League Convention in Hot Springs, Arkansas.
- Recognized Travis Joiner with 777 Productions on receiving a Daytime Emmy Award as Producer for Outstanding Legal Courtroom Program, "Last Shot with Judge Gunn". Such was recently presented at the Daytime Emmy Awards in Beverly Hills, California.

Item No. 2 consisted of the following items regarding Old Dominion Freight Line Project at Chaffee Crossing:

- A. Resolution approving a memorandum of understanding for the Old Dominion Freight Line Project at Chaffee Crossing

**July 17, 2012 Regular Meeting**

- B. Resolution authorizing street improvements and an engineering services agreement for the Flagstone Road Extension, Phase 2, Project No. 12-00-C (*\$51,750.00 / Engineering Department / Budgeted - Sales Tax Program Fund*)
- C. Resolution accepting donation of real property interests from the Fort Chaffee Redevelopment Authority

Regarding Item No. 2A, Administrator Gosack briefed the Board citing such authorizes a memorandum of understanding between Old Dominion Freight Line, the City of Fort Smith and the Fort Chaffee Redevelopment Authority (FCRA). Old Dominion Freight Line recently approached the FCRA conveying interest in constructing a new freight terminal at Chaffee Crossing. They propose to construct a new 25,000 square feet facility south of Graphic Packaging at an estimated value of \$6 million and anticipate to employ 25 people earning an average hourly wage of \$20 plus benefits. The proposed site will require extension of Flagstone Road and a water main, as well as relocation of a sanitary sewer line. Old Dominion has agreed to bear the expense of the water line extension and sewer line relocation, which is estimated to cost \$160,000; however, they requested the City and FCRA bear the expense of approximately \$500,000 for extension of Flagstone Road. The proposed memorandum of understanding provides for such and necessary land acquisitions for the project.

With regard to Items No. 2B and 2C, Director of Engineering Stan Snodgrass briefed the Board citing Item No. 2B authorizes the extension of Flagstone Road, an engineering services agreement to accomplish the project, and provides for the expense to be paid by the Sales Tax Fund. The water line extension and sewer line relocation will be paid initially by the City, but reimbursed by Old Dominion. Item No. 2C merely accepts the donation of property from the FCRA that is necessary for the required sanitary sewer line relocation.

### ***July 17, 2012 Regular Meeting***

Regarding Item No. 2B, Director Settle questioned if the extension of Flagstone Road will interfere with Mars Petcare or Graphic Packaging during construction.

Mr. Snodgrass advised the projects are located south of the aforementioned businesses; therefore, construction should not interfere with their existing operations.

Settle, seconded by Good, moved adoption of Items 2A, 2B and 2C. The members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted and numbered R-157-12 through R-159-12 respectively.

Item No. 3 was an ordinance rezoning identified property and amending the zoning map (*from Transitional (T) to Commercial Heavy (C-5) by extension located at 7110 Rogers Avenue*) ~ Tabled at the June 29, 2012 regular meeting ~

Director of Development Services Wally Bailey briefed the Board on the item advising such is per the request of Rodney Ghan, owner. The purpose of the rezoning is to facilitate the continued development of the site with retail establishments. The Planning Commission held a public hearing on June 12, 2012 with no individual present to speak in opposition. The Planning Commission approved the request by a vote of seven (7) in favor and zero (0) opposed.

Director Catsavis inquired if discussions have taken place with regard to placement of a stop light near the location.

Mr. Bailey noted that since there is a signal light at South 70<sup>th</sup> and 74<sup>th</sup> Streets and the traffic study did not indicate a necessity, the issue has not been considered.

Settle, seconded by Merry, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its

***July 17, 2012 Regular Meeting***

readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 52-12.

Item No. 4 was an ordinance amending Ordinance No. 31-12 of the City of Fort Smith, Arkansas authorizing the issuance of sales and use tax bonds; and prescribing other matters relating thereto.

Deputy City Administrator Jeff Dingman briefed the Board on the item advising the ordinance which authorized issuance of the 2012 Sales and Use Tax Bonds did not contain typically included language that allows the Deputy City Administrator to sign required documents in the event the City Administrator is unavailable. Such is sometimes necessary when timing requires an immediate signatory for projects included within the bond issuance; therefore, he recommended approval.

Director Hutchings questioned if such language has been included in the past whereby Mr. Dingman responded "yes".

Hutchings, seconded by Settle, moved adoption of the ordinance. The motion included suspending the rule to allow the three (3) full readings of the ordinance to be by caption and for the readings to occur on the same date. The City Clerk read the ordinance for its readings and the members all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given No. 53-12.

The Consent Agenda (Item No. 5) was introduced for consideration, the items being as follows:

- A. Resolution to accept the bids and authorize contracts for the construction of Street Overlays / Reconstruction, Project No. 12-03-B (\$2,460,004.50/Engineering Department/Budgeted - Sales Tax Program Fund)
- B. Resolution authorizing an agreement with the Arkansas Highway and Transportation Department for Capital Grant Assistance provided by the Federal Transit Administration

**July 17, 2012 Regular Meeting**

- C. Resolution authorizing the Mayor to enter into a work agreement with AOS, LLC, for the purchase of equipment, consulting services and installation of equipment for emergency operation center network and phone systems *(\$109,199.79 / Police Department / Budgeted - \$45,000.00 Byrne JAG Grant & \$64,199.79 from 4702-230)*
- D. Ordinance authorizing master lease-purchase agreement with Dell Financial Services regarding lease, purchase, and installation of Information and Communication Technology Business Continuity Plan and Disaster Recovery Systems related to the Emergency Operations Center and authorizing the Mayor and City Administrator to negotiate and execute all necessary documents regarding said agreement *(\$360,368.90 over 3 years / Police Department / Budgeted 2013 payment of \$140,463.98 from 4702-230) ~ Hutchings/Settle placed on agenda at the June 12, 2012 study session~*
- E. Resolution authorizing the City Administrator to accept an offer made by property owner for the acquisition of real property interests for the South 62nd Street Sanitary Sewer Improvements *(\$2,950.00 / Utility Department / Budgeted - 2009 Sales Tax Bonds)*
- F. Resolution accepting the bid of and authorizing a contract with M. Phillips Construction, Inc. for construction of Sewer Force Main Conduits at Darby Reserve Center *(\$13,900.00 / Utility Department / Budgeted - 2008 Revenue Bond)*
- G. Resolution authorizing the Mayor to execute an agreement and Authorization No. 1 with Atkins Engineering, Inc. for the design of the Sunnymede Interceptor Improvements - S008 & S009 *(\$88,700.00 / Utility Department / Budgeted - 2012 Sales Tax Bond)*
- H. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with McGuire Engineering Inc. for engineering services for the Neighborhood Sewer Improvements - Zero Street *(\$96,900.00 / Utility Department / Budgeted - 2012 Sales Tax Bond)*
- I. Resolution accepting the bid of and authorizing a contract with Forsgren, Inc. for the Neighborhood Sewer Improvements - Zero Street *(\$2,549,357.25 / Utility Department / Budgeted - 2012 Sales Tax Bond)*

**July 17, 2012 Regular Meeting**

- J. Resolution authorizing Amendment No. 1 to Authorization No. 2 with Brixey Engineering & Land Surveying, Inc. for engineering services for the Neighborhood Water System Improvements - Jack Freeze Service Area (*\$14,200.00 / Utility Department / Budgeted - 2008 Revenue Tax Bond*)
- K. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement for the engineering services with CDM Smith, Inc. for the Wastewater Pump Station Standby Power Equipment Project (*\$41,280.00 / Utility Department / Budgeted - 2012 Sales Tax Bond*)
- L. Resolution authorizing the Mayor to execute Authorization No. 2 to the agreement with Mickle Wagner Coleman, Inc. for engineering services for the Highway 71 Interchange 12-Inch Water Line Relocation (*\$48,300.00 / Utility Department / Not Budgeted - 2008 Revenue Bonds - expenses to be reimbursed by AHTD*)
- M. Resolution accepting the bid of and authorizing the Mayor to execute a contract and Change Order with Goodwin & Goodwin, Inc. for the Highway 71 Interchange 12-Inch Water Line Relocation (*\$912,906.21 / Utility Department / Not Budgeted - expenses to be reimbursed by AHTD*)
- N. Resolution authorizing Change Order No. 8 with Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant - Contract 3 (*\$31,619.00 decrease / Utility Department / Budgeted - 2008 Revenue Bonds*)
- O. Resolution authorizing the Fire Department to accept a "Staffing for Adequate Fire & Emergency Response (SAFER)" grant from the Federal Emergency Management Agency (FEMA) (*\$987,309.00 / Fire Department / Not Budgeted*)
- P. Resolution of the Board of Directors of the City of Fort Smith supporting the 188th Fighter Wing, Arkansas Air National Guard as an F-35A candidate base selection

Regarding Item No. 5O, Mayor Sanders extended much appreciation to Fire Chief Mike Richards for his efforts in obtaining the grant, which will save the City of Fort Smith almost \$1 million dollars over a two (2) year period.

With regard to Item No. 5P, Director Settle spoke in favor of the item citing such

### **July 17, 2012 Regular Meeting**

conveys the City's support of the 188<sup>th</sup> Fighter Wing becoming a base for the F-35A aircraft, which is utilized by the United States Air Force, Army and Navy.

Administrator Gosack also noted the City of Fort Smith has requested other cities in the Fort Smith region to also adopt similar resolutions.

Settle, seconded by Merry, moved adoption of all consent agenda items. The members all voting affirmatively, the Mayor declared the motion carried and the ordinance and resolutions were adopted with the ordinance given No. 54-12 and resolutions numbered R-160-12 through R-174-12 respectively.

Mayor Sanders opened the Officials Forum with the following comments offered:

► **Mayor Sanders**

- Re:
1. Announced a Job Fair was held today at the Fort Smith Convention Center whereby more than 1,000 individuals were in attendance. He extended much appreciation to all those involved in sponsoring the event, specifically noting the Chamber of Commerce.
  2. Conveyed a heartfelt "thank you" to all who attended the Mayor's 4<sup>th</sup> of July Celebration. He further extended much gratitude to all who worked tirelessly to coordinate and provide services for the community celebration.
  3. Recent reports indicate that more than eight percent (80%) of the United States is in drought, which is also reported as the worst drought in 55 years. The city of Fort Smith maintains more than adequate water supply; therefore, he noted such is due to the excellent decision of past members of the Board of Directors to pursue the Lake Fort Smith Water Supply Project. He urged the current Board to "*stay on course*" and pursue like projects to ensure a solid future for Fort Smith.

**July 17, 2012 Regular Meeting**

4. Announced that House Armed Services Readiness Subcommittee Chairman Randy Forbes will hold a "Defending our Defenders" listening session regarding the importance of the 188<sup>th</sup> Fighter Wing to the Fort Smith region at 6:00 p.m., August 21, 2012 at the Fort Smith Convention Center. He encouraged all residents of the region attend the aforementioned listening session and "*fill every seat*" to adequately show Mr. Forbes the vast support of the 188<sup>th</sup> Fighter Wing, and upon entrance of Mr. Forbes and Senator Steve Womack, he requested all chant, "USA - 188<sup>th</sup>!"

Unfortunately, said event is planned for the same date and time of the regularly scheduled regular meeting of the Board of Directors. Due to such and to allow members of the Board to attend the listening session, he recommended the August 21, 2012 regular meeting be rescheduled to another date.

The Board convened into executive session at approximately 6:26 p.m. and after reconvening, the Mayor announced the following appointment nominations:

**OUTSIDE AGENCY REVIEW PANEL**

William Tyler Lamon (Recreation)

Monica McKinney (Recreation)

Sharon Barr (Core)

Terms Expire July 17, 2015

**PARKS AND RECREATION COMMISSION**

Lorie Robertson

Term expires August 31, 2017

Mayor Sanders further announced the performance evaluation of Administrator Gosack (*Tyler/Weber placed on agenda at the July 10, 2012 study session*) was to discuss the handling of a personnel issue. The Board "*expressed confidence*" in the City Administrator and scheduled the next performance review for July 2013.

Settle, seconded by Hutchings, moved acceptance all appointment nominations. The members all voting aye, the Mayor declared the motion carried.

**July 17, 2012 Regular Meeting**

There being no further business to come before the Board, Settle moved that the meeting adjourn. The motion was seconded by Good and the members all voting aye, the Mayor declared the motion carried, and the meeting stood adjourned at 7:42 p.m.

**APPROVED:**

  
\_\_\_\_\_  
**MAYOR**

**ATTEST:**

  
\_\_\_\_\_  
**CITY CLERK**