

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ AUGUST 16, 2016 ~ 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 Director Don Hutchings, 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, Kevin Settle and Don Hutchings; absent - Director Tracy Pennartz. 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. There was none presented.

The minutes of the August 2, 2016 regular meeting was presented for approval. Lorenz, seconded by Settle, moved approval of the minutes as written. The members present all voting aye, the Mayor declared the motion carried.

With regard to the time limit policy for persons wishing to address the Board, the 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. Two (2) minutes will be allotted for consent agenda items.

Item No. 1 was an ordinance amending Ordinance No. 69-13 to adjust the Transit Department rate schedule to include student pass and other incentives.

Director of Transit Ken Savage briefed the Board on the item advising the proposed amends the current rate schedule to include the following:

- ▶ Provide a \$20 per month fixed route student pass for students age eighteen (18) and under, which must be verified by the school.

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- ▶ Provide free fixed route passes to all veterans with a service connected disability, which must be verified by the Department of Veteran Affairs (VA).
- ▶ Increase free ride days from four (4) days per year to eight (8) days per year.

On June 24, 2016 and as required by the Federal Transit Administration (FTA), the Transit Advisory Commission (TAC) opened a thirty (30) day public comment period regarding the proposed incentives. Staff received five (5) comments, which four (4) were favorable to the changes and one (1) conveyed opposition to including free rides for veterans with service connected disabilities. On July 27, 2016, the TAC reviewed the public comments and voted unanimously to recommend the proposed amendments to the Board of Directors for consideration. Upon approval, the TAC requested staff ensure all transit drivers receive specialized training in working with school aged children should any student become disruptive, and that communication with the school be initiated so they may maintain some role in the discipline of students being transported to and from school. Contact has been initiated with both the Fort Smith Public Schools and Future School of Fort Smith whereby logistics are currently being addressed. Contact has also been made with the University of Arkansas Fort Smith for another potential ridership incentive for college students and such is anticipated to be presented for Board approval in the near future.

Lau, seconded by Hutchings, 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.

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Prior to the vote, Director Hutchings acknowledged the aforementioned opposition regarding the veteran pass and inquired if a basis for the objection was conveyed.

Mr. Savage advised the comment merely stated, *"It should be going to folks with the greatest need and where it will make the biggest difference."*

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Catsavis, moved adoption of Section 2 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 46-16.

Item No. 2 was an ordinance amending the 2016 Budget.

Director of Finance Jennifer Walker briefed the Board on the item advising such amends the 2016 General Fund budgeted revenues and expenditures. The County Sales Tax revenues will be reduced by \$175,000 for a revised total of \$16,361,000 for 2016. The General Fund expenditures will be reduced by approximately \$175,000 to offset the revenue shortfall. The reduced expenditures include excess fuel budgets due to sustained lower fuel rates and lower than expected contract and election costs. The proposed reductions will have no effect on existing city services.

Lorenz, seconded by Lau, moved adoption of the ordinance. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the ordinance was adopted and given Ordinance No. 47-16.

Item No. 3 was a resolution of the Board of Directors of the city of Fort Smith

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certifying local government endorsement of business to participate in the Tax Back Program (as authorized by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003) (*Elite Comfort Solutions*).

Deputy City Administrator Jeff Dingman briefed the Board on the item advising the City received a request from the Arkansas Economic Development Commission and the Fort Smith Regional Chamber of Commerce for participation in the Tax Back Program on behalf of Elite Comfort Solutions. The Tax Back Program allows for new or expanding businesses to request refunds of sales taxes paid on building materials, new equipment and other eligible expenses incurred due to construction and/or expansion. Elite Comfort Solutions plans to expand its current urethane and foam products manufacturing facility located at 4921 State Line Road. Such is an estimated investment of \$3,414,784 in new equipment and renovations to existing buildings. The project will upgrade manufacturing equipment to modern industry standards, expand the existing facility, and will add forty-one (41) new jobs to the region with an average wage of \$13.46 per hour. Such will increase Elite Comfort Solutions' local employment by forty-eight percent (48%).

Lau, seconded by Catsavis, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried. Hutchings, seconded by Good, moved adoption of Section 3 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the resolution and emergency clause were adopted and the resolution was given Resolution No. R-112-16.

Item No. 4 was a resolution authorizing the acquisition of real property interests for

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the Basin 17 Sewer Improvements, Project No. 12-14-ED2 (\$2,000.00 / Utility Department / Budgeted - 2014 Sales and Use Tax and 2015 Revenue Bonds) • Consent Decree ♦ Future Fort Smith

Interim Director of Utilities Bob Roddy briefed the Board on the item advising the Basin 17 Sewer Improvements Project includes the construction of an eight (8) inch sanitary sewer line to replace an older six (6) inch line, as well as rehabilitation of several sewer manholes. The 8-inch line is part of the collection system upgrades, which will reduce inflow and infiltration into the sewer during wet weather events. The necessary easement across Tract 19, owned by Michael and Deann Collins, was acquired by the process of eminent domain approved by the Board of Directors. The City deposited \$1,591.33 with the Court as Just Compensation for the payment of the subject easement. Michael D. Collins and Deann G. Collins have made an offer of \$2,000.00 to settle the matter, which is an additional \$408.67 above the amount registered with the Court as Just Compensation. After an analysis of litigation costs and in order to conclude the matter, staff believes the offered amount is acceptable; therefore, he recommended approval.

Lorenz, seconded by Settle, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-113-16.

Item No. 5 was a resolution accepting the project as complete and authorizing final payment to Today's Office, Inc. for the renovation and furnishings of the Library Annex Building for use as office space (\$9,350.29 / Utility Department / Budgeted - 2015 Revenue Bonds) • Consent Decree ♦ Future Fort Smith

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Mr. Roddy advised on March 2016, 2016, the Board adopted Resolution No. R-31-16, which accepted the bids and authorized contracts for every aspect of the subject project. The proposed resolution simply authorizes final payment to Today's Office, Inc. for the purchase of furniture, i.e. Group F lobby furniture. Staff has reviewed the invoice and the City has satisfactorily received all components included within the contract; therefore, he recommended approval.

Hutchings, seconded by Lau, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-114-16.

Item No. 6 was a resolution accepting the project as complete and authorizing final payment to MISSCO Contract Sales, LLC for the renovation and furnishings of the Library Annex Building for use as office space (*\$26,718.64 / Utility Department / Budgeted - 2015 Revenue Bonds*) • *Consent Decree ♦ Future Fort Smith*

Mr. Roddy reiterated that on March 2016, 2016, the Board adopted Resolution No. R-31-16, which accepted the bids and authorized contracts for every aspect of the subject project. The proposed resolution simply authorizes final payment to MISSICO Contract Sales, LLC for the purchase of furniture, i.e. Group C, Group D and Group G storage, meeting tables and break room tables. Staff has reviewed the invoice and the City has satisfactorily received all components included within the contract; therefore, he recommended approval.

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Good, seconded by Hutchings, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-115-16.

Item No. 7 was a resolution accepting the project as complete and authorizing final payment to Innerplan, Inc. for the renovation and furnishings of the Library Annex Building for use as office space (*\$41,418.33 / Utility Department / Budgeted - 2015 Revenue Bonds*) • *Consent Decree* ♦ *Future Fort Smith*

Mr. Roddy reiterated that on March 2016, 2016, the Board adopted Resolution No. R-31-16, which accepted the bids and authorized contracts for every aspect of the subject project. The proposed resolution simply authorizes final payment to Innerplan, Inc. for the purchase of furniture, i.e. Group A and Group H task chairs and break room chairs. Staff has reviewed the invoice and the City has satisfactorily received all components included within the contract; therefore, he recommended approval.

Settle, seconded by Catsavis, moved adoption of the resolution. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-116-16.

Item No. 8 was a resolution authorizing the purchase of 2 (two) jet vacuum trucks (*\$649,630.24 / Utility Department / Budgeted - 2015 Revenue Bonds*) • *Consent Decree*

Purchasing Manager Alie Bahsoon briefed the Board on the item advising the Utility

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Department has budgeted \$900,000 for the purchase of two (2) new jet vacuum trucks, which funding is provided from the 2015 Revenue Bonds. The City solicited bids and the lowest bid, ICM, Inc., did not meet bid specifications; therefore, the proposed resolution authorizes the purchase from the second lowest bidder, TCS Truck Component Services, for \$649,630.24. The proposed purchase fulfills all purchasing obligations as mandated by both state and local purchasing requirements.

Hutchings, seconded by Good, moved adoption of the resolution.

Prior to the vote, Mayor Sanders requested a brief explanation of the primary function of a jet vacuum truck.

Mr. Roddy advised vacuum trucks are the “*workhorse*” of the Utility Department. The trucks essentially introduce a high pressure jet stream into utility lines to loosen any material that may clog the line, and it then vacuums said material out of the pipe. The Utility Department currently has two (2) such trucks; however, with the amount of work required in the consent decree, he conveyed the necessity of the purchase and recommended approval.

Director Lau inquired of the destination of the collected material whereby Mr. Roddy simply noted such is taken to the landfill.

The motion remaining on the floor and the members present all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-117-16.

The consent agenda (Item No. 9) consisting of the following items was presented for consideration:

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- A. Resolution accepting completion of and authorizing final payment to Crawford Construction for construction of the ball field improvements at Martin Luther King Jr. Park (\$100,906.25 / Parks Department / Budgeted - 1/8% Sales and Use Tax & Arkansas Department of Parks & Tourism Grant) ♦ Future Fort Smith
- B. Resolution authorizing final payment to Raggio Excavating, Inc. for construction of the West River Front Trail (\$35,443.88 / Parks Department / Budgeted - 1/8% Sales and Use Tax) ♦ Future Fort Smith
- C. Resolution accepting the project as complete and authorizing final payment to Goodwin & Goodwin, Inc. for the Lake Fort Smith and Lee Creek fluoride feed systems (\$138,349.73 / Utility Department / Budgeted - Reimbursement from Delta Dental) ♦ Future Fort Smith
- D. Resolution accepting the project as complete and authorizing final payment to Forsgren, Inc. for construction of the Wheeler Avenue Sanitary Sewer Replacement (\$27,082.02 / Utility Department / Budgeted - 2015 Revenue Bonds) ♦ Future Fort Smith
- E. Resolution authorizing partial payment to Forsgren, Inc. for the construction of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, Project No. 07-01-A (\$768,474.64 / Engineering Department / Budgeted - Sales Tax Program Fund) ♦ Future Fort Smith
- F. Resolution to accept the bid and authorize a contract for the 2014 Drainage Improvements, Phase A1, Project No. 14-06-A1 (\$767,468.90 / Engineering Department / Budgeted - Sales Tax Program Fund) ♦ Future Fort Smith
- G. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays / Reconstruction, Phase A, Project No. 15-03-A (\$264,035.56 / Engineering Department / Budgeted - Sales Tax Program Fund) ♦ Future Fort Smith

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- H. Resolution accepting completion of and authorizing final payment for the construction of Street Overlays / Reconstruction, Phase C, Project No. 15-03-C (\$53,027.03 / Engineering Department / Budgeted - Sales Tax Program Fund) ♦ Future Fort Smith
- I. Resolution accepting completion of and authorizing final payment for the construction of 2015 Street Striping Replacement, Project No. 15-85-A (\$3,123.22 / Engineering Department / Budgeted - Sales Tax Program Fund)
- J. Resolution authorizing joint use agreement and agreement for pipeline crossing with Fort Smith Railroad Company regarding McKinley Avenue/Ingersoll Avenue Improvements, a part of Jenny Lind Road and Ingersoll Avenue Widening Project, AHTD Job 040471, City of Fort Smith Job 07-01-A (\$1,500.00 / Engineering Department / Budgeted - Sales Tax Program Fund)

Catsavis, seconded by Lorenz, moved adoption of all consent agenda items. There being no Director wishing to comment and the members present all voting affirmatively, the Mayor declared the resolutions were adopted and the resolutions were numbered R-118-16 through R-127-16 respectively.

Item No. 10 was an ordinance amending Section 7-30 of the Fort Smith Municipal Code regarding donation of grave space(s) and waiver of interment fees at Oak Cemetery.

City Administrator Carl Geffken briefed the Board on the item advising the proposed ordinance authorizes, at the discretion of the City Administrator, the donation of one (1) grave space and wavier of interment fees at Oak Cemetery for any Fort Smith sworn police officer or firefighter, or sworn officer of the Sebastian County Sheriff's Department who is killed by action of another while on active duty and in the line of duty, or who dies from injuries so sustained within thirty (30) days. Such also authorizes the donation of an

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additional grave space to the spouse, a parent or significant other of the deceased.

Mayor Sanders noted the ordinance originally distributed contained a typographical error. Such has been corrected and a revised ordinance was distributed to the Board prior to the meeting; therefore, the motion to adopt the ordinance should include “*as revised.*”

Hutchings, seconded by Settle, moved adoption of the ordinance as revised to acknowledge correction of the aforementioned typographical error. The motion also 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. There being no Director commenting on the item and the members present all voting affirmatively, the Mayor declared the motion carried. Settle, seconded by Lorenz, moved adoption of Section 2 the emergency clause. The members present all voting affirmatively, the Mayor declared the motion carried and the ordinance and emergency clause were adopted and the ordinance was given Ordinance No. 48-16.

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

▶ Mayor Sanders

Re: Extended condolences to the family of Sebastian County Sheriff’s Department Deputy Bill Cooper, who was killed in the line of duty on Wednesday, August 10, 2016. He conveyed much appreciation for the overwhelming support shown by the community and further extended gratitude to various law enforcement agencies, and all attendees, who attended Deputy Cooper’s memorial service, as well as all who gathered along Garrison Avenue during the funeral procession.

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- ▶ Administrator Geffken

Re: Echoed the comments of Mayor Sanders advising the community support during such tragedy, *"makes me glad I moved to Fort Smith."*

There being no further business to come before the Board, Lau moved that the meeting adjourn. The motion was seconded by Lorenz and the members present all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 6:22 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK