

# **AGENDA** ~ **Summary** ~

## **FORT SMITH BOARD OF DIRECTORS REGULAR MEETING**

***April 5, 2011 ~ 6:00 P.M.***

**FORT SMITH PUBLIC SCHOOLS  
SERVICE CENTER  
3205 JENNY LIND ROAD**

***THIS MEETING IS BEING TELECAST LIVE ON THE CITY CABLE ACCESS CHANNEL 6***

**INVOCATION & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*All present*

**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 City Access Channel 6 or  
City website*

**APPROVE MINUTES OF THE MARCH 15, 2011 REGULAR MEETING**

*Unanimously approved as written*

**ITEMS OF BUSINESS:**

1. Public hearing and resolution approving Year 37 Community Development Block Grant budget, the Year 18 HOME Investment Partnership Act Program budget and authorizing the submission of the Program Year 2011 Action Plan and for other purposes  
*Approved 7 in favor, 0 opposed / Resolution No. R-57-11*
2. Ordinance rezoning identified property and amending the zoning map (*from Extra Territorial Jurisdiction Open-1 (ETJ O-1) to Extra Territorial Jurisdiction Industrial Light (ETJ I-1) by extension located at 6614, 6315, 6411, 6511, 6601, 6607, 6214, 6706, 6404, 6504; 6637 Old Harrison Lane; and, 12417 and 12525 Highway 71 South*) ~ *Appeal of Planning Commission denial / Tabled at February 3 and March 1, 2011 regular meetings ~*  
*By vote of 7 in favor, 0 opposed to table consideration for 4 months to allow property owners to initiate annexation of the subject property*

3. Ordinance amending the 2009 Unified Development Ordinance of the City Fort Smith (*ETJ Land Use Matrix*)  
Approved 7 in favor, 0 opposed / Ordinance No. 24-11
4. Ordinance amending Ordinance No. 10-96 as previously amended granting a non-exclusive franchise to David J. Stoufer, Sr. and Elva Stoufer d/b/a/ Non-Ambulatory Transportation Service, Inc., and establishing rates for service  
Approved 7 in favor, 0 opposed / Ordinance No. 25-11
5. Items regarding land use and rezoning for Middleton Farms:
  - A. Motion to reconsider  
Approved 6 in favor, 1 abstention (Weber)
  - B. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan – Extra Territorial Jurisdiction Low Density Residential to Residential Detached, Residential Attached and Commercial Neighborhood; Rezoning – Extra Territorial Jurisdiction Open-1 (ETJ O-1) to RS-3 by extension; RS-4, RS-5, RM3, RSD-3 and Commercial-2 by classification / 12905 Rye Hill Road, Middleton Farms*) \*\* Third and final reading \*\*  
Approved 6 in favor, 0 opposed, 1 abstention (Weber) as amended to change the MLU from commercial to unclassified, zoning from C-2 to un-zoned, and the removal of Exhibit A / Ordinance No. 26-11
6. Consent Agenda
  - A. Resolution authorizing execution of a takeover agreement for the 2010 Capital Improvements Program, Street Overlays/Reconstruction, Project No. 10-03-C  
Approved 7 in favor, 0 opposed / Resolution No. R-58-11
  - B. Resolution accepting bid for the purchase of 65 and 96 gallon refuse carts (\$338,940.00) ~ Sanitation Department ~  
Approved 7 in favor, 0 opposed / Resolution No. R-59-11
  - C. Resolution accepting bid for the purchase of a tandem axle roll-off hoist & body refuse truck (\$157,109.00) ~ Sanitation Department ~  
Approved 7 in favor, 0 opposed / Resolution No. R-60-11
  - D. Resolution accepting bid for the purchase of an automated side loading refuse truck with packer body (\$244,264.00) ~ Sanitation Department ~  
Approved 7 in favor, 0 opposed / Resolution No. R-61-11

- E. Resolution accepting bid for the Traffic Signal Retrofit Project (\$157,599.00) ~ *Street Department* ~  
Approved 7 in favor, 0 opposed / Resolution No. R-62-11
  - F. Resolution accepting the bid of and authorizing the Mayor to execute a contract with Forsgren, Inc. for the Zero Street Outfall Sewer Improvements – Phase II (\$2,234,951.90)  
Approved 7 in favor, 0 opposed / Resolution No. R-63-11
  - G. Resolution authorizing the Mayor to execute Authorization Number Two with Morrison-Shipleigh Engineers, Inc. for engineering services associated with the Zero Street Outfall Sewer Improvements Phase II (\$148,016.00)  
Approved 7 in favor, 0 opposed / Resolution No. R-64-11
  - H. Resolution authorizing partial payment to Crossland Heavy Contractors, Inc. for construction of the Lake Fort Smith Water Treatment Plant – Contract 3 (\$948,492.44)  
Approved 7 in favor, 0 opposed / Resolution No. R-65-11
  - I. Resolution authorizing the City Administrator to accept the offer made by property owner for the acquisition of real property interests for the Zero Street Outfall Phase II Sewer Improvements Project (\$5,000.00)  
Approved 7 in favor, 0 opposed / Resolution No. R-66-11
  - J. Resolution authorizing a two year renewal and extension of a Solid Waste Disposal Agreement with Waste Management of Arkansas, Inc.  
Approved 7 in favor, 0 opposed / Resolution No. R-67-11
  - K. Resolution authorizing the submission of an application for CDBG disaster assistance funds from the State of Arkansas for storm related damage related to the wind and storm damage in March and April 2008  
Approved 7 in favor, 0 opposed / Resolution No. R-68-11
7. Ordinance amending Chapter 4, Article I, of the Fort Smith Municipal Code regulating animals, establishing mandatory registration, spay and neuter regulations, and hobbyist permit for dogs and cats ~ *First reading at the March 15, 2011 regular meeting* ~ \*\* *Second reading* \*\*  
By vote of 4 in favor (Good, Hutchings, Catsavis & Settle), 3 opposed (Tyler, Weber & Merry) to table the second reading for 6 months to allow further review
8. Ordinance amending Chapter 4, Article I, Section 4-1 of the Fort Smith Municipal Code regulating animals ~ *First reading at the March 15, 2011 regular meeting* ~ \*\* *Second reading* \*\*  
By vote of 4 in favor (Good, Hutchings, Catsavis & Settle), 3 opposed (Tyler, Weber & Merry) to table the second reading for 6 months to allow further review

**OFFICIALS FORUM ~ presentation of information requiring no official action  
(Section 2-36 of Ordinance No. 24-10)**

- A. Mayor
- B. Directors
- C. City Administrator

Information available by viewing rebroadcast of the meeting on City Access Channel 6 or City website

**CITIZENS FORUM ~ presentation of information by citizen ~ an opportunity for citizens to present matters to the Mayor and Board of Directors which involve the city government and are not directly related to items considered on the agenda for this meeting. Presentations are limited to 2 minutes for each citizen**

**(Section 2-44(b) of Ordinance No. 24-10)**

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**ADJOURN**