

MINUTES OF THE BOARD OF DIRECTORS REGULAR MEETING

TUESDAY ~ JULY 19, 2022 ~ 6:00 P.M.

BLUE LION, 101 NORTH 2ND STREET

The meeting was called to order by Mayor George McGill, presiding. Invocation was given by Director Jarred Rego, followed by the Pledge of Allegiance led by Director George Catsavis.

On roll call, the following members of the Board were physically present: Directors Jarred Rego, Andre' Good, Lavon Morton, George Catsavis, Robyn Dawson, Kevin Settle, and Neal Martin. The Mayor declared a quorum present.

The Mayor 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 12, 2022, regular meeting was presented for approval. Settle, seconded by Dawson, moved adoption of the minutes as written. The members all voting aye, the Mayor declared the motion carried.

Item No. 1 was a resolution accepting the bid of and authorizing the Mayor to execute a contract with McKee Utility Contractors, Inc. for the Basin 10 and 14 Capacity Improvements, Schedule 1 (\$12,824,091.00 / Utility Department / Budgeted – American Rescue Plan Act Funds)

◆ *Future Fort Smith Item* • *Consent Decree Item*

Director of Utility Lance McAvoy briefed the Board on the item advising the subject project, known as Basin 10 and 14 Capacity Improvements Schedule 1, provides the needed increase in capacity in accordance with the requirements of the Consent Decree. The capacity increase is part of the continuing construction projects developed to alleviate sanitary sewer overflow problems. Schedule 1 will connect the recently completed Sub-Basin P002 and P003 interceptor to the previously completed Basin 7 Capacity Improvements. Four (4) bids were submitted with McKee Utility Contractors, Inc. submitted the lowest in the amount of \$12,824,091.00. Prior to the beginning of construction, the Utility Department will bring a resolution for the engineering construction observation for the Board of Director's approval.

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Morton, seconded by Dawson, moved adoption of the resolution. Prior to the vote, there was lengthy discussion with multiple inquires conveyed, i.e. if the proposed project total included Schedule 2 and 3; the cost increase of the project and if the cost could be lowered; and, if ARPA funds are the best use of funding for this project. The Board also requested color coded maps that show the completed, pending and un-touched sewer and water transmission lines be provided.

Mr. McAvoy advised the proposed project only included the totals for Schedule 1, which bids are only good for twenty-four (24) hours and costs are non-negotiable. The money left over from the bond fund was already allocated for other projects, and thus the ARPA funding is the best use of the funding for this project.

Mr. Larry Yancey, representing Hawkins-Weir Engineers, advised the increase is due to prices going up since the bid was initially submitted. Since bids are non-negotiable, cost saving measures can become available, once the bid is awarded.

The motion remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolution was adopted and given Resolution No. R-109-22.

City Administrator Carl Geffken introduced James Gentry as the new Director of Information Technology.

The consent agenda (Item No. 2) was presented for consideration, the items being as follows:

- A. Resolution authorizing the City Administrator to execute all necessary contracts for third party administrator services and for certain supplemental benefits for the City's self-funded health plan (*Human Resources*)
- B. Resolution authorizing the Mayor to execute an agreement with Future Launch, Inc. d/b/a Riverside Rides for providing equipment rental services (*Parks*)

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- C. Resolution accepting the bid and authorizing the Mayor to execute a contract with CXT, Inc. for the purchase of multiuser fully accessible flush restroom buildings for Martin Luther King, Jr. Park (\$169,889.80 / Parks Department / Budgeted - 1/8% Sales and Use Tax)
- D. Resolution accepting the bid and authorizing the Mayor to execute a contract with CXT, Inc. for the purchase of multiuser fully accessible flush restroom buildings for Carol Ann Cross Park (\$293,776.07 / Parks Department / Budgeted - 1/8% Sales and Use Tax)
- E. Resolution accepting completion and authorizing final payment to ACS Playground Adventures, Inc. for construction of John Bell, Jr. Park Inclusive Playground (\$6,994.00 / Parks Department / Budgeted - 1/8% Sales and Use Tax)
- F. Resolution approving Change Orders No. 2 & 3 to the contract with Pickett Industries, LLC for the Cell A-6 Construction Project at the Fort Smith Sanitary Landfill (\$39,363.00 / Solid Waste Services Department / Budgeted - Solid Waste Sinking Fund)
- G. Resolution authorizing the purchase and installation of a heavy duty vehicle hoist/lift from Lum's Sales and Service (\$193,809.53 / Transit Department / Budgeted - Capital Outlay - Other Equipment)
- H. Resolution accepting the bid for the purchase of one (1) Mobile Command Center vehicle (\$351,669.00 / Police Department / Budgeted - Capital Outlay - Vehicles)

Catsavis, seconded by Martin, moved adoption of all consent agenda items. Prior to the vote and regarding Item No. 2B, Director Martin inquired about the \$50,000.00 gift and if there was any money left over from the previous equipment rental services.

Director of Parks and Recreation Doug Reinert advised that funds from the gift were depleted; therefore, the will expense will come from the General Fund.

With regards to Item No. 2C and 2D, Directors Catsavis, Martin, and Morton conveyed multiple inquiries relative to the cost differences between Martin Luther King, Jr. Park and Carol Ann Cross Park; the plans to demolish the old restrooms; how the Parks Department plans to fund the demolition of the old restrooms; the interior and exterior design; and, security for the buildings to help with vandalism.

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Mr. Reinert advised that Carol Ann Cross Park will have two (2) restrooms, which would replace the existing restroom facility on the west side of the park. A "Cortez Flush Building" will be installed on the east side of the playground, which will replace the existing restroom facility located on the south hillside of the park. Martin Luther King, Jr. Park will only have one (1) "Cortez Sectional" restroom. Such will replace the restrooms near the new inclusive playground. This style of building has four (4), single-user restrooms. Two (2) sections will face the east (towards the playground / splash pad) and the other two (2) sections will face the west (soccer fields). Funding for the restrooms is available from the 1/8% Sales and Use Tax for Parks purposes; however, funding for the demolition will come from the General Fund. The interior and exterior of the buildings was designed to follow the Unified Development Ordinance requirements. With regard to vandalism, such were requested to include double-bolted stainless steel doors that cannot be kicked in, stainless steel vanities, mirrors, etc.

Regarding Item No. 2F, Director Morton inquired about a completion date for this project whereby Director of Solid Waste Services Nicole Riley advised completion is anticipated in October 2022.

With regard to Item No. 2G, Director Settle inquired about why the lowest bidder was not chosen.

Director of Transit Ken Savage advised that staff issued a Request For Proposal (RFP), which included and outlined the requirements of the Federal Transit Administration (FTA) for Buy America. The RFP included the required contract clauses and certificates relating to Buy America for the bidders to acknowledge compliance. The selected vendor, i.e. Lum's Sales and Services, was the only bidder to execute the acknowledgement to ensure compliance with the aforementioned requirements.

The motion to adopt the consent agenda remaining on the floor and the members all voting affirmatively, the Mayor declared the motion carried and the resolutions were adopted with the resolutions given Resolutions No. R-110-22 through R-117-22 respectively.

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

▶ Mayor McGill

Re: Advised that several individuals have expressed concern with the city's water supply; therefore, he conveyed much assurance that the city has a great water supply and urged all not to worry.

Administrator Geffken concurred with the aforementioned adding the reservoir is currently at ninety-five percent (95%) capacity.

▶ Director Rego

Re: Offered a motion to add review of the City's building permit process and business licensing process to a future study session agenda. The motion was seconded by Director Catsavis; therefore, since placement requires the concurrence of two (2) directors, Mayor McGill advised such will be added on a future study session agenda as requested.

▶ Director Good

Re: Due to the excessive heat, he urged all to consider the heat index when walking their pets citing the pavement is very hot and encouraged all to check on their elderly neighbors when possible. He further urged all to stay hydrated and safe during the day.

▶ Director Morton

Re: 1. Offered a motion to review of the animal control ordinance language and shelter services; however, Director Martin clarified that such has already been requested and currently scheduled for inclusion on the October 11, 2022 study session agenda.

2. Requested an update regarding the money for the flood damages from the Federal Emergency Management Agency (FEMA).

Administrator Geffken advised that the FEMA reimbursement was much lower than anticipated; therefore, a meeting has been scheduled with Witt Global next week.

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▶ Director Catsavis

Re: Offered a motion to add the ordinance zoning identified property and amending the zoning map from Not Zoned to a Planned Zoning District (PZD) by classification at 8055 and 8101 Massard Road to the August 2, 2022 regular meeting agenda. The motion was seconded by Director Martin; therefore, since such requires the concurrence of two (2) directors, Mayor McGill advised the ordinance will be placed on the August 2, 2022 regular meeting agenda as requested.

▶ Director Dawson

Re: Extended much appreciation to the Public Aquatic Association for hosting the state championship swim meet at Creekmore Park Pool. She encouraged the community to help support the non-profit association by making donations.

▶ Director Settle

Re: Inquired about the celebration regarding completion of the John Bell, Jr. Park Inclusive Playground.

Administrator Geffken advised the celebration is anticipated to be scheduled in the fall, after public restroom construction has been completed.

The Board convened into Executive Session at approximately 7:00 p.m., and after reconvening, the Mayor announced the following appointment nominations:

ADVERTISING AND PROMOTION COMMISSION

Cheryl Healey

Term expires December 31, 2024

HISTORIC DISTRICT COMMISSION

Deborah Kraus

Term expires July 31, 2025

PORT AUTHORITY

Charles Lane (reappointment)

Term expires July 31, 2027

TRANSIT ADVISORY COMMISSION

Melissa Woodall (reappointment)

Term expires July 15, 2025

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Settle, seconded by Martin, moved acceptance of the above named appointment nominations. The members all voting aye, the Mayor declared the motion carried.

Director Settle called for a special meeting immediately following adjournment of the special study session/mid-year budget review scheduled for Wednesday, July 27, 2022 to accommodate an executive session to discuss a salary adjustment based on performance of the City Administrator and Internal Auditor. Director Morton offered a second; however, such requires the concurrence of four (4) directors whereby no additional concurrence was conveyed.

Note: On July, 21, 2022, the aforementioned special meeting was formally requested by Director Lavon Morton, with the concurrence by Directors George Catsavis, Robyn Dawson, and Andre' Good. Directors Jarred Rego and Neal Martin also concurred with the request, but Director Settle could not be reached.

There being no further business to come before the Board, Director Catsavis moved that the meeting adjourn. The motion was seconded by Director Settle. The members all voting aye, the Mayor declared the motion carried and the meeting stood adjourned at 7:40 p.m.

APPROVED:


MAYOR

ATTEST:


CITY CLERK