

MAYOR

George B. McGill

CITY ADMINISTRATOR

Carl Geffken

CITY CLERK

Sherri Gard

BOARD OF DIRECTORS

Ward 1 – Jarred Rego

Ward 2 – Andre' Good

Ward 3 – Lavon Morton

Ward 4 – George Catsavis

At-Large Position 5 – Robyn Dawson

At-Large Position 6 – Kevin Settle

At-Large Position 7 – Neal Martin

AGENDA ~ SUMMARY

Fort Smith Board of Directors

REGULAR MEETING

March 2, 2021 ~ 6:00 p.m.

Fort Smith Convention Center

55 South 7th Street

Exhibit Halls A1 and A2

THIS MEETING IS BEING TELECAST LIVE AT THE FOLLOWING LINK:

<https://video.ibm.com/channel/city-of-fort-smith-board-of-directors-meetings>

INVOCATION & PLEDGE OF ALLEGIANCE

Invocation given by Director Jarred Rego

Pledge of Allegiance led by Director Lavon Morton

ROLL CALL

- All physically present
- Mayor George McGill 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/XqbsvFPFAPs>

APPROVE MINUTES OF THE FEBRUARY 23, 2021 REGULAR MEETING

APPROVED as written

ITEMS OF BUSINESS:

1. Items regarding appeal of Planning Commission approval of the preliminary Plat of Fianna Hills Lots 1236-1243 (*Appeal of Fianna Hills Property Owners Association, Inc.*) (*Planning*):
TABLED to the May 4, 2021 regular meeting - 6 in favor, 1 opposed (Good)

- A. Resolution affirming the action of the Planning Commission's approval of the preliminary plat of Fianna Hills Lots 1236-1243
 - B. Resolution approving an appeal of the preliminary plat of Fianna Hills Lots 1236-1243
2. Items regarding appeal of Planning Commission approval of the replat of Fianna Hills, Phase III, Lots 404A, 406A, and Part of Tract 4A, Fianna Hills, Phase V, Lots 400A, 402A and part of Tract 4A, and Fianna Hills, Phase X, Lots 1025A, 1028A, 1032A and 1035A (*Appeal of Fianna Hills Property Owners Association, Inc. (Planning)*):
- TABLED** to the May 4, 2021 regular meeting. The motion also included that the Planning Commission consider no additional platting requests until Board determination at the May 4, 2021 regular meeting – 7 in favor, 0 opposed.
- A. Resolution affirming the action of the Planning Commission's approval of the replat of Fianna Hills, Phase III, Lots 404A, 406A, and Part of Tract 4A, Fianna Hills, Phase V, Lots 400A, 402A and part of Tract 4A, and Fianna Hills, Phase X, Lots 1025A, 1028A, 1032A and 1035A
 - B. Resolution approving an appeal of the replat of Fianna Hills, Phase III, Lots 404A, 406A, and Part of Tract 4A, Fianna Hills, Phase V, Lots 400A, 402A and part of Tract 4A, and Fianna Hills, Phase X, Lots 1025A, 1028A, 1032A and 1035A
3. Ordinance rezoning identified property and amending the zoning map (*from Commercial Heavy (C-5) to a Planned Zoning District (PZD) by classification at 7308, 7310 and 7320 Rogers Avenue*) (*Planning*)
- APPROVED** 7 in favor, 0 opposed / Ordinance No. 21-21
4. Ordinance authorizing water and sewer bill adjustments due to historic winter weather event (*Utility*)
- APPROVED** 7 in favor, 0 opposed / Ordinance No. 22-21
5. Consent Agenda
- A. Resolution setting a public hearing date on petition to vacate a portion of Chad Colley Boulevard located in the city of Fort Smith, Arkansas (*Planning*)
- APPROVED** 7 in favor, 0 opposed / Resolution No. R-32-21
- B. Resolution to accept the bid and authorize a contract for the Geren Road Reconstruction, Project No. 15-02-A (\$8,685,634.50 / *Engineering Department / Budgeted - Sales Tax Program*) ♦
- APPROVED** 7 in favor, 0 opposed / Resolution No. R-33-21

- C. Resolution authorizing an amendment to the engineering services agreement for the Geren Road Reconstruction (\$48,155.00 / Engineering Department / Budgeted - Sales Tax Program) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-34-21
- D. Resolution accepting completion of and authorizing final payment for the 2020 Traffic Signal Battery Backup Equipment, Project No. 20-09-B (\$28,574.16 / Engineering Department / Budgeted - Sales Tax Program) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-35-21
- E. Resolution authorizing the Mayor to execute Amendment No. 1 with Hawkins-Weir Engineers, Inc. to provide engineering services for the Lee Creek Water Treatment Plant Lagoon Lining (\$80,070.00 & add 100 days / Utility Department / Budgeted - 2018 Revenue Bonds) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-36-21
- F. Ordinance declaring an exceptional situation waiving the requirements of competitive bidding and authorizing the purchase of equipment from Instrument and Supply, Inc. for Pump Station 6 Pump Replacement (\$112,565.00 / Utility Department / Budgeted – 6505 Capital Improvement fund)
APPROVED 7 in favor, 0 opposed / Ordinance No. 23-21

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/XqbsvFPFApS>

ADJOURN

6:41 p.m.

ORDINANCE NO. 21-21**AN ORDINANCE REZONING IDENTIFIED PROPERTY
AND AMENDING THE ZONING MAP**

WHEREAS, the City Planning Commission has heretofore held a public hearing upon request 8-2-21 to rezone certain properties hereinafter described, and, having considered said request, recommended on February 9, 2021, that said change be made;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS:

SECTION 1: That the following properties to-wit:

LOTS 3, 4, 5, 6, & 7, PROFESSIONAL PLAZA EAST (FILED MARCH 21, 1988)
AND LOT 2, COZY COURT INVESTORS (FILED AUGUST 24, 1977), ADDITIONS
TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

LOT 10A, PROFESSIONAL PLAZA EAST, BEING A REPLAT OF LOTS 9 AND 10,
PROFESSIONAL PLAZA EAST, AN ADDITION TO THE CITY OF FORT SMITH,
SEBASTIAN COUNTY, ARKANSAS ACCORDING TO PLAT FILED JUNE 26,
1998.

LOT 8, PROFESSIONAL PLAZA EAST, AN ADDITION TO THE CITY OF FORT
SMITH, SEBASTIAN COUNTY, ARKANSAS ACCORDING TO PLAT FILED
MARCH 21, 1998.

PART OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 25, TOWNSHIP 8
NORTH, RANGE 32 WEST, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS,
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT AN EXISTING CONCRETE NAIL MARKING THE

SOUTHEAST CORNER OF SAID NORTHEAST QUARTER (NE 1/4); THENCE N02°50'11"E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), 1053.71 FEET; THENCE LEAVING THE EAST LINE OF SAID NORTHEAST QUARTER (NE 1/4), N87°39'24"W, ALONG THE SOUTH LINE OF LOT 2, COZY COURT INVESTORS (FILED: AUGUST 24, 1977) AND THE NORTH LINE OF PROFESSIONAL PLAZA EAST (FILED MARCH 21, 1988), ADDITIONS TO THE CITY OF FORT SMITH, SEBASTIAN COUNTY, ARKANSAS, 340.76 FEET TO THE SOUTHWEST CORNER OF SAID LOT 2, COZY COURT INVESTORS; THENCE LEAVING THE SOUTH LINE OF SAID LOT 2, COZY COURT INVESTORS AND THE NORTH LINE OF SAID PROFESSIONAL PLAZA EAST, N03°10'36"E, ALONG THE WEST LINE OF SAID LOT 2, COZY COURT INVESTORS AND THE EAST LINE OF SAID PROFESSIONAL PLAZA EAST, 547.00 FEET TO THE NORTHEAST CORNER OF LOT 10A, OF SAID PROFESSIONAL PLAZA EAST AND THE POINT OF BEGINNING; THENCE N86°49'24"W, ALONG THE NORTH LINE OF SAID LOT 10A, PROFESSIONAL PLAZA EAST, 65.00 FEET; THENCE LEAVING THE NORTH LINE OF SAID LOT 10A, PROFESSIONAL PLAZA EAST, N03°10'36"E, ALONG THE EAST LINE OF SAID LOT 10A, PROFESSIONAL PLAZA EAST, 171.52 FEET TO A SET 1/2" REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF ARKANSAS STATE HIGHWAY 22; THENCE LEAVING THE EAST LINE OF SAID LOT 10A, PROFESSIONAL PLAZA EAST, S60°45'53"E, ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID ARKANSAS STATE HIGHWAY 22, 72.36 FEET TO AN EXISTING NAIL MARKING THE NORTHWEST CORNER OF SAID LOT 2, COZY COURT INVESTORS; THENCE LEAVING THE SOUTH RIGHT-OF-WAY LINE OF SAID ARKANSAS STATE HIGHWAY 22, S03°10'36"W, ALONG THE WEST LINE OF SAID LOT 2, COZY COURT INVESTORS, 139.73 FEET TO THE POINT OF BEGINNING, CONTAINING 0.232 ACRES MORE OR LESS, BEING SUBJECT TO PUBLIC ROAD RIGHTS-OF-WAY AND ANY EASEMENTS OF RECORD, ACCORDING TO A SURVEY BY ANDERSON SURVEYING INC. RL.5# 1272, JOB# 17-03-04,

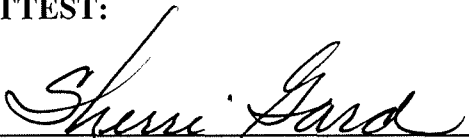
more commonly known as 7308, 7310 and 7320 Rogers Avenue, should be, and are hereby rezoned from Commercial Heavy (C-5) to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project

Booklet shall be filed in the office of the City Clerk.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

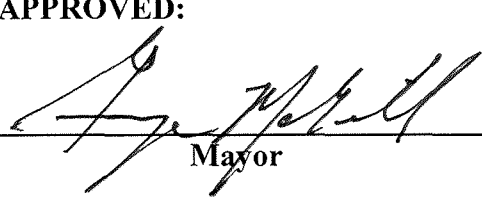
PASSED AND APPROVED THIS 2nd DAY OF March, 2021.

ATTEST:



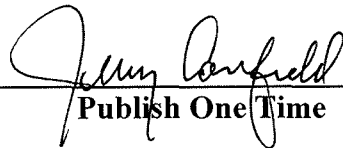
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

ORDINANCE NO. 22-21

AN ORDINANCE AUTHORIZING WATER AND SEWER BILL ADJUSTMENTS
DUE TO HISTORIC WINTER WEATHER EVENT

BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF
FORT SMITH, ARKANSAS, THAT

WHEREAS, the City of Fort Smith experienced exceptional cold winter weather during the
month of February 2021; and

WHEREAS, some homes and businesses experienced electrical power outages and natural gas
outages due; and

WHEREAS, some homes and businesses experienced burst pipes caused by the freezing of water
and subsequent water leaks resulting from the thawing of the frozen water;

NOW, THEREFORE,

SECTION 1: The Utilities Department is hereby authorized to provide leak adjustments to the
water/sewer bills of those customers who experienced loss of water as a result of burst pipes due to the
February, 2021 winter weather event.

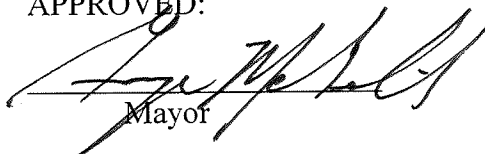
SECTION 2: Customers who experienced burst pipes who seek a leak adjustment to their utility
bill must present a plumbers invoice showing the leaking pipe was repaired.

SECTION 3: The adjustment will be based on the customer's average monthly water and sewer
usage volume for the past six (6) months compared to the metered volume of water usage in the billing
period including the dates of February 11-17, 2021.

SECTION 4: Emergency Clause. An emergency is declared as a result of the historic winter
weather event of February, 2021. This Ordinance, being necessary to preserve health, safety and
welfare of the inhabitants of the City of Fort Smith, shall be in full force and effect from and after its
date of passage.

PASSED AND APPROVED THIS 2nd DAY OF MARCH, ~~2019~~ ²⁰²¹.

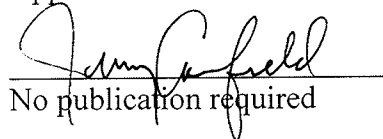
APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


No publication required

RESOLUTION NO. R-32-21

**RESOLUTION SETTING PUBLIC HEARING DATE ON PETITION
TO VACATE PORTION OF CHAD COLLEY BOULEVARD LOCATED IN
THE CITY OF FORT SMITH, ARKANSAS**

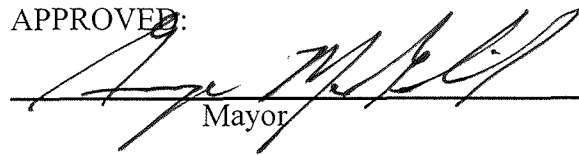
WHEREAS, a petition to vacate portions of Chad Colley Boulevard has been filed with the Office of the City Clerk in the manner and form as provided by law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Said petition is hereby set for hearing on March 16, 2021, at 6:00 p.m. during the regular meeting of the Board of Directors of the City of Fort Smith, and the city clerk is hereby directed to give notice of said meeting by publication once a week for two (2) consecutive weeks in a newspaper of general circulation in the City of Fort Smith, Arkansas.

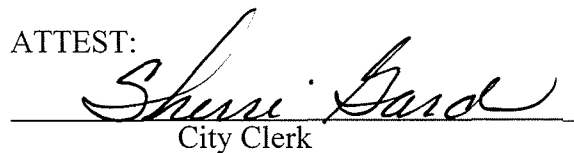
THIS RESOLUTION ADOPTED THIS 2nd DAY OF March, 2021.

APPROVED:



Mayor

ATTEST:



City Clerk

*Approved as to form;
JLE
No publications required*

RESOLUTION NO. R-33-21

**A RESOLUTION TO ACCEPT THE BID AND
AUTHORIZE A CONTRACT FOR THE
GEREN ROAD RECONSTRUCTION
PROJECT NO. 15-02-A**

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

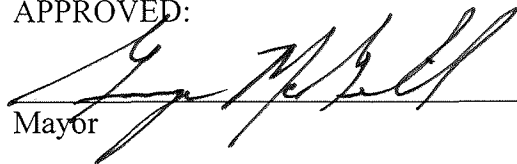
SECTION 1: The bid of Forsgren, Inc. received February 23, 2021 for the Geren Road Reconstruction, Project No. 15-02-A, in the amount of \$8,685,634.50 be accepted.

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).

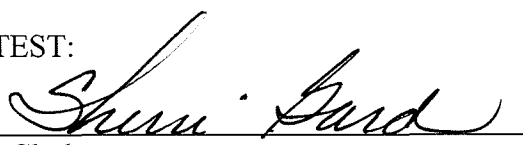
This resolution adopted this 2nd day of March, 2021.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-34-21

**A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
ENGINEERING SERVICES AGREEMENT FOR THE
GEREN ROAD CONSTRUCTION
PROJECT NO. 15-02-A**

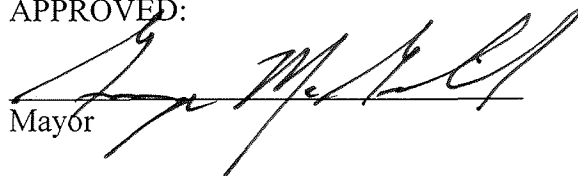
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: Amendment No. 2 to the engineering services agreement with Hawkins-Weir Engineers, Inc. for the Geren Road Reconstruction, Project No. 15-02-A which increases the contract amount by \$48,155.00 to an adjusted contract amount of \$470,155.00, is hereby approved.

SECTION 2: Payment for engineering services authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

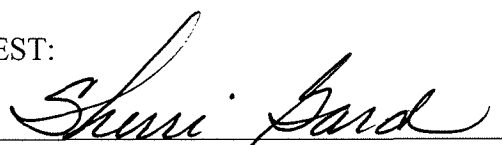
This resolution adopted this 2nd day of March, 2021.

APPROVED:



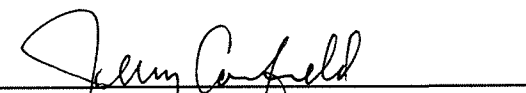
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-35-21

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE
2020 TRAFFIC SIGNAL BATTERY BACKUP EQUIPMENT
PROJECT NO. 20-09-B**

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 the 2020 Traffic Signal Battery Backup Equipment, Project No. 20-09-B, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$28,574.16 to the contractor, Traffic and Lighting Systems, LLC., for the 2020 Traffic Signal Battery Backup Equipment, Project No. 20-09-B.

SECTION 3: Payment for construction authorized by Section 1 is hereby authorized from the Sales Tax Fund (1105).

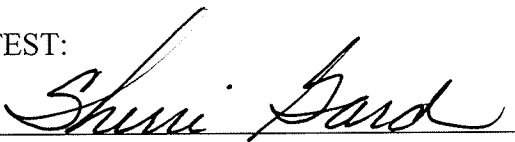
This Resolution adopted this 2nd day of March, 2021.

APPROVED:



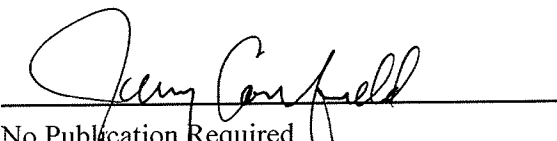
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

RESOLUTION NO. R-36-21

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER ONE WITH HAWKINS-WEIR ENGINEERS, INC., TO PROVIDE ENGINEERING SERVICES FOR THE LEE CREEK WATER TREATMENT PLANT LAGOON LINING

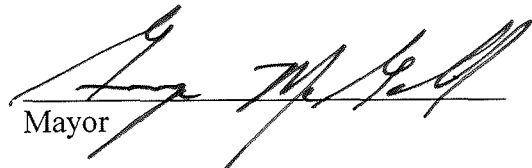
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, that:

SECTION 1: Amendment Number One to the Agreement with Hawkins-Weir Engineers Inc., for Construction Observation services for the Lee Creek Water Treatment Plant Lagoon Lining, Project Number 17-17-Engineering Construction 1 (EC1), is hereby approved.

SECTION 2: The Mayor is hereby authorized to execute Amendment Number One to the Agreement for Construction Observation services for \$80,070.00 and adding 100 days, adjusting the Agreement to an amount of \$441,410.00 and 700 days for performing said services.

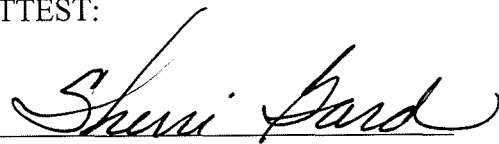
This Resolution adopted this 2nd day of March 2021.

APPROVED:




Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



npr

ORDINANCE NO. 23-21

AN ORDINANCE DECLARING AN EXCEPTIONAL SITUATION WAIVING THE
REQUIREMENTS OF COMPETITIVE BIDDING AND AUTHORIZING
THE PURCHASE OF EQUIPMENT FROM INSTRUMENT AND SUPPLY,
INC., FOR PUMP STATION 6 PUMP REPLACEMENT

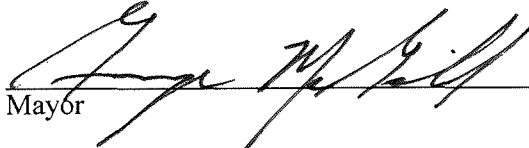
BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF
FORT SMITH, ARKANSAS, that:

WHEREAS, emergency replacement of pumps for Pump Station 6 Pump Replacement, Project
Number 21-03-Miscellaneous 1 (M1), is required to properly provide for the health, safety, and welfare of
the inhabitants of the City of Fort Smith:

NOW, THEREFORE, an exceptional situation is hereby declared to exist requiring the waiving
of competitive bidding, so that competitive bidding is hereby waived and the purchase of replacement
pumps and associated equipment for Pump Station 6 is hereby authorized from Instrument and Supply,
Inc., at a cost of \$112,565.00. The funding source for the replacement of Pump Station 6 pumps is the
6505 Capital Improvement fund.

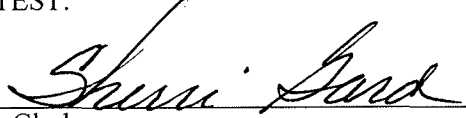
PASSED AND APPROVED this 2nd day of March 2021.

APPROVED:



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM



npr