

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

June 15, 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 Pastor Preston Smith, The Bridge Church

Pledge of Allegiance led by Director Lavon Morton

ROLL CALL

- All physically present, except Director Rego who was present via electronic means
- 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 JUNE 1, 2021 REGULAR MEETING

APPROVED as revised to include clarifying language on Page 17

ITEMS OF BUSINESS:

1. Ordinance establishing the policy and fee for entombments at Oak Cemetery (Parks)
APPROVED 7 in favor, 0 opposed / Ordinance No. 59-21

2. Ordinance amending Ordinance No. 106-20 regarding the location for regular meetings of the Board of Directors for the Year 2021 (*City Clerk*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 60-21
3. Resolution authorizing the City Administrator to waive building permit fees and construction inspection fees associated with renovation of the Arkansas Colleges of Health Education building located at 1000 Fianna Way (*Administration*)
APPROVED 6 in favor, 0 opposed, 1 recusal (Morton) / Resolution No. R-80-21
4. Ordinance amending the 2021 Operating Budget and authorizing the appropriation of funds from the available General Fund balance to fund the City of Fort Smith's portion of the Ebbing Air National Guard Base Runway Project (*Administration*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 61-21
5. Items regarding emergency repairs at the Fort Smith Police Department:
 - A. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the emergency repairs of the climate control system at the Police Department (\$95,000.00 / *Police Department / Not Budgeted – Maintenance Buildings*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 62-21
 - B. Ordinance amending the 2021 Budget and authorizing the appropriation of funds from the available General Fund balance to accommodate the emergency repairs of the climate control system at the Police Department (*Police*)
APPROVED 7 in favor, 0 opposed / Ordinance No. 63-21
6. Ordinance approving Cadillac Cowboy, Inc. d/b/a The Cactus to file an application with the Alcohol Beverage Control Division to obtain a private club liquor license to sell liquor, wine, and beer (3028 Midland Boulevard) (*Finance*)
APPROVED 6 in favor, 1 opposed (Dawson) / Ordinance No. 64-21
7. Consent Agenda
 - A. Resolution accepting completion of and authorizing final payment for the 2020 Street Overlays/Reconstruction, Phase B, Project No. 20-03-B (\$109,354.30 / *Engineering Department / Budgeted – Sales Tax Program*) ♦
APPROVED 7 in favor, 0 opposed / Resolution No. R-81-21
 - B. Resolution accepting Change Order No. 1 with Goodwin & Goodwin, Inc. for construction of Harley A. Wilson Park Improvements (\$10,515.75 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-82-21
 - C. Resolution accepting completion and authorizing final payment to Goodwin & Goodwin, Inc. for construction of Harley A. Wilson Park Improvements (\$63,001.13 / *Parks Department / Budgeted - 1/8% Sales and Use Tax*)
APPROVED 7 in favor, 0 opposed / Resolution No. R-83-21

- D. Resolution accepting Change Order No. 1 with Matlock Construction for installation of portable power dolly and LED ambient lights for the Riverfront Electric Repairs Project (\$62,000.00 / Parks Department / Budgeted - General Fund)
APPROVED 7 in favor, 0 opposed / Resolution No. R-84-21
- E. Resolution authorizing the execution of a memorandum of understanding between the City of Fort Smith, Arkansas Police Department, and the Fort Smith Public School District concerning the provision of three (3) Fort Smith Police Officers as School Resource Officers (Police)
APPROVED 7 in favor, 0 opposed / Resolution No. R-85-21
- F. Resolution authorizing the City Administrator and City Attorney to conclude litigation styled as Mary Johnston v. City of Fort Smith, Arkansas and approving settlement agreement (Administration)
APPROVED 7 in favor, 0 opposed / Resolution No. R-86-21

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>

EXECUTIVE SESSION *(approximately 7:14 p.m.)*

Appointments: **ADVERTISING & PROMOTION COMMISSION**

Brandon Goldsmith

~ to fill the unexpired term of Tom Calderera who passed away ~

Term expires December 31, 2022

AIRPORT COMMISSION

Kevin Ridgley (reappointment)

Eric Pendergrass

Terms expire June 30, 2026

FUTURE FORT SMITH COMMITTEE

Mishelle Davis

~ to fill the unexpired term of Alex Sanchez who resigned ~

Term expires April 21, 2025

ADJOURN

7:21 p.m.

ORDINANCE NO. 59-21AN ORDINANCE ESTABLISHING THE POLICY AND FEE FOR ENTOMBMENTS AT
OAK CEMETERY

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

SECTION 1: The Entombment Policy at Oak Cemetery as stated in Section 2 of this Ordinance is hereby adopted. The City of Fort Smith allows the construction of above ground tombs and mausoleums at purchased grave spaces in Oak Cemetery; however, entombment of remains is permitted only after compliance with this policy.

SECTION 2: The Entombment Policy at Oak Cemetery:

- A. The rules and regulations of the Arkansas State Board of Embalmers and Funeral Directors must be followed; No entombments shall be accomplished without first obtaining a permit from the Fort Smith City Clerk.
- B. No entombments shall be accomplished without first obtaining a permit from the City Clerk. The permit will designate the time of the entombment ceremony. Only one entombment will be permitted at a time unless a written request is made for and the permit is issued to allow more than one entombment ceremony at one time.
- C. The permit holder shall have the entombment permit in his/her possession at the time of entombment and shall show the permit to Oak Cemetery staff upon request.
- D. Fort Smith Municipal Code Section 7-28(f) will be followed concerning grave markers.
- E. Remains of animals are not allowed in Oak Cemetery.
- F. The City Clerk shall charge a \$25.00 fee for each entombment permit issued and shall record the permit in the Oak Cemetery records.

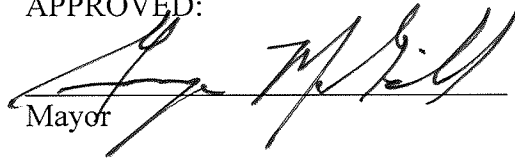
SECTION 3: Emergency Clause. An emergency is hereby declared to exist relating to permits and fees for entombment services at Oak Cemetery so that the immediate effectiveness of this Ordinance is needed to adequately provide for the health, safety, and welfare of the

inhabitants of the City of Fort Smith. Therefore, this Ordinance shall be in full force and effect upon and after its date of passage.

SECTION 4: The codifier of the City's Ordinance shall codify, exercising discretion in the re-codification of existing provisions, the provisions of this ordinance within Article II of Chapter 7 of the Fort Smith Municipal Code.

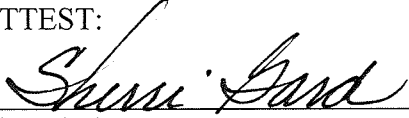
This Ordinance adopted this 15th day of June, 2021.

APPROVED:



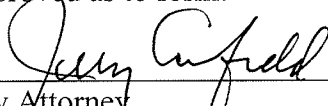
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney
Publish 1 time

ORDINANCE NO. 60-21

ORDINANCE AMENDING ORDINANCE NO. 106-20
REGARDING THE LOCATION FOR REGULAR MEETINGS
OF THE BOARD OF DIRECTORS FOR THE YEAR 2021

WHEREAS, the City of Fort Smith entered into an assignment of lease agreement to utilize the structure at 101 North 2nd Street, formerly known as the Blue Lion, for various City meetings; and,

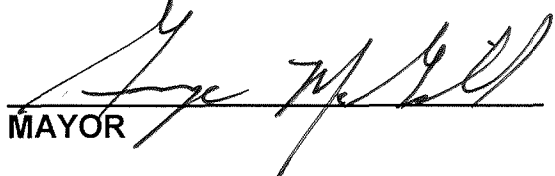
WHEREAS, improvements necessary to accommodate said meetings are anticipated to be completed by the first regular meeting of the Board of Directors in July 2021;

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

SECTION 1: Beginning with the regular meeting scheduled for Tuesday, July 6, 2021, all regular meetings of the Fort Smith Board of Directors in the Year 2021 shall be held in the structure located at 101 North 2nd Street.

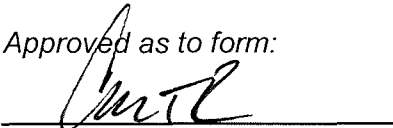
SECTION 2: Emergency Clause. It is determined that an emergency exists regarding the effective date of this Ordinance to provide for the orderly conducting of the affairs of the governing body and the City. Therefore, an emergency is declared and this Ordinance shall be in full force and effective immediately upon its passage.

THIS ORDINANCE ADOPTED THIS 15th DAY OF June, 2021.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

Approved as to form:

Publish one time

RESOLUTION NO. R-80-21

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE BUILDING PERMIT FEES AND CONSTRUCTION INSPECTION FEES ASSOCIATED WITH THE RENOVATION OF THE ARKANSAS COLLEGES OF HEALTH EDUCATION BUILDING LOCATED AT 1000 FIANNA WAY

WHEREAS, the Arkansas Colleges of Health Education (ACHE) wishes to renovate for its use the former corporate office building it owns located at 1000 Fianna Way in Fort Smith; and

WHEREAS, the City of Fort Smith recognizes the substantial investment in renovating the existing building, and that such investment will further benefit the city much as the medical colleges ACHE has built in Chaffee Crossing; and

WHEREAS, the Arkansas Colleges of Health Education has requested a waiver of building permit and construction inspection fees associated with this improvement project.

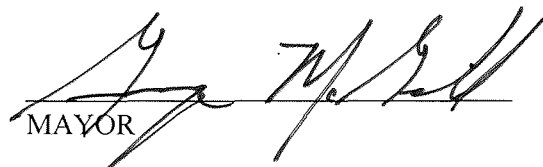
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

Section 1. The City Administrator is hereby authorized to waive building permit fees and construction inspection fees associated with the renovation of the Arkansas Colleges of Health Education building located at 1000 Fianna Way.

Section 2. All building permits and construction inspections for said project are still required, but no fee shall be assessed or charged.

Adopted and approved this 15th day of June, 2021.

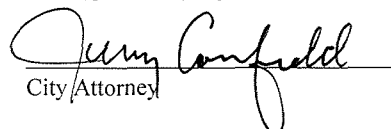
APPROVED


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


City Attorney

AN ORDINANCE AMENDING THE 2021 OPERATING BUDGET AND AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE AVAILABLE GENERAL FUND BALANCE TO FUND THE CITY OF FORT SMITH'S PORTION OF THE EBBING AIR NATIONAL GUARD BASE RUNWAY PROJECT

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

WHEREAS, The Board of Directors approved the 2021 Operating Budget with Ordinance 112-20; and

WHEREAS, The City of Fort Smith offered to provide \$5 million to the runway extension at Ebbing Air National Guard Base if it were selected as a long-term pilot training center.

WHEREAS, The Secretary of the Air Force approved the choice of Ebbing Air National Guard Base as the location of the long-term pilot training center.


NOW, THEREFORE,

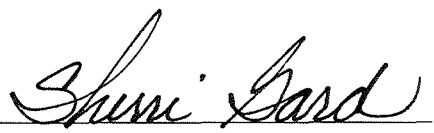
There is hereby authorized an appropriation of General Fund Balance in the amount of \$5 million for the City of Fort Smith's commitment to the runway extension project described above, and an amendment to the 2021 Operating Budget is approved as follows:

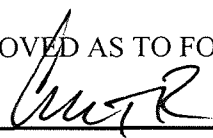
Account	Current Budget	Adjustment	Revised Budget
Expenditures			
01010170-560000 Non-Departmental Program Expense	\$ -	\$ 5,000,000	\$ 5,000,000

PASSED AND APPROVED THIS 15th DAY OF June, 2021.

APPROVED:


Mayor

ATTEST: 
City Clerk

APPROVED AS TO FORM:


City Attorney

ORDINANCE NO. 62-21

ORDINANCE DECLARING AN EXCEPTIONAL SITUATION AND WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE EMERGENCY REPAIRS OF THE CLIMATE CONTROL SYSTEM AT THE POLICE DEPARTMENT

WHEREAS, the Police Department, in order to conduct business efficiently and provide a safe environment for staff occupying the building, is in need of conducting emergency repairs to the climate control system.

WHEREAS, Malone’s Mechanical Inc., an Arkansas licensed plumbing and HVAC Contractor and a provider of primary component parts of hardware, materials, and equipment necessary for the repairs of this system, is an approved City vendor and is able to provide these repairs in order for the Police Department to conduct and maintain uninterrupted daily operations.

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


An exceptional situation exists requiring the waving of competitive bidding, so that competitive bidding requirements regarding emergency repairs of the climate control system of the Police Department are hereby waived, and the emergency repairs to the climate control system at a cost of \$95,000 by Malone’s Mechanical Inc., are approved.

This Ordinance adopted this 15th day of June, 2021.

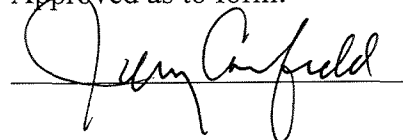
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:



ORDINANCE NO. 63-21

AN ORDINANCE AMENDING THE 2021 BUDGET AND AUTHORIZING THE APPROPRIATION OF FUNDS FROM THE AVAILABLE GENERAL FUND BALANCE TO ACCOMMODATE THE EMERGENCY REPAIRS OF THE CLIMATE CONTROL SYSTEM AT THE POLICE DEPARTMENT

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

WHEREAS, The Board of Directors approved the 2021 Budget with Ordinance 112-20; and,

WHEREAS, The City of Fort Smith Police Department has requested additional monies to conduct emergency repairs to the climate control system at the Police Department headquarters building located at 100 South 10th Street.

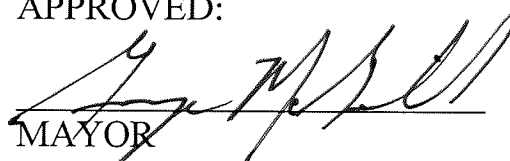
NOW, THEREFORE,

There is hereby authorized an appropriation from the General Fund Balance in the amount of \$95,000 for the emergency repairs to the climate control system at the Police Department headquarters building and an amendment to the 2021 Operating Budget as follows:

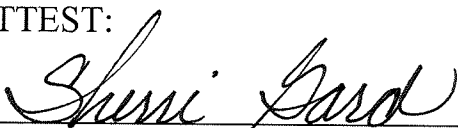
Account	Current Budget	Adjustment	Revised Budget
Expenditures			
47020101-527100 Maintenance-Buildings	\$ 43,000	\$ 95,000	\$ 138,000

This Ordinance adopted this 15th day of June, 2021.

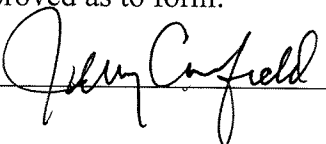
APPROVED:


MAYOR

ATTEST:


CITY CLERK

Approved as to form:



ORDINANCE NO. 64-21

AN ORDINANCE APPROVING CADILLAC COWBOY, INC. D/B/A THE CACTUS TO FILE AN APPLICATION WITH THE ALCOHOL BEVERAGE CONTROL DIVISION TO OBTAIN A PRIVATE CLUB LIQUOR LICENSE TO SELL LIQUOR, WINE AND BEER.

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

WHEREAS, Act 1112 of 2017 entitled "An Act to authorize the governing bodies of counties and municipalities to initiate the permitting process for private clubs; and for other purposes" requires application for a permit to operate as a private club be made to the governing body of the county or municipality in which the private club seeks to be located; and

WHEREAS, Cadillac Cowboy, Inc. D/B/A The Cactus operating at 3028 Midland Blvd. has submitted an application for a private club permit; and

WHEREAS, the City has reviewed the business license that has been issued for Cadillac Cowboy Inc. D/B/A The Cactus; and

WHEREAS, the applicant's business license is current and in good standing;

NOW THEREFORE, there is hereby authorized approval of application by Cadillac Cowboy, Inc. D/B/A The Cactus in accordance with Act 1112 of 2017(Arkansas Code § 3-9-222) to operate a private club and sell liquor and beer at 3028 Midland Blvd. upon final approval by the Arkansas Beverage Control Division of its application and in accordance with the Arkansas State Law.

PASSED AND APPROVED THIS 15th DAY OF JUNE, 2021.

APPROVED:


Mayor

Ordinance No. 64-21

ATTEST:

Sherril Gard

City Clerk

APPROVED AS TO FORM:

[Signature]

No publication required

Publish _____ times

RESOLUTION NO. R-81-21

**A RESOLUTION ACCEPTING COMPLETION OF AND
AUTHORIZING FINAL PAYMENT FOR THE
2020 STREET OVERLAYS/RECONSTRUCTION, PHASE B
PROJECT NO. 20-03-B**

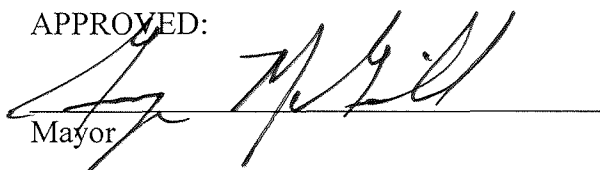
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the 2020 Street Overlays/Reconstruction, Phase B, Project No. 20-03-B, as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$109,354.30 to the contractor, Forsgren, Inc., for the 2020 Street Overlays/Reconstruction, Phase B, Project No. 20-03-B.

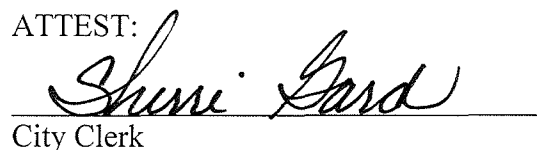
This Resolution adopted this 15th day of June, 2021.

APPROVED:



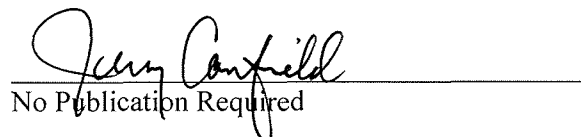
Mayor

ATTEST:



City Clerk

Approved as to Form



No Publication Required

7B

RESOLUTION NO. R-82-21

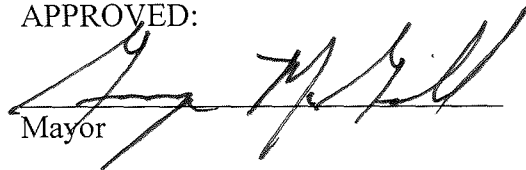
A RESOLUTION ACCEPTING CHANGE ORDER NUMBER ONE
WITH GOODWIN & GOODWIN, INC. FOR CONSTRUCTION
OF HARLEY A. WILSON PARK IMPROVEMENTS

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

The Mayor is hereby authorized to execute Change Order No. 1 with Goodwin & Goodwin, Inc. increasing the contract for construction of Harley A. Wilson Park improvements by the amount of \$10,515.75.


This Resolution adopted this 15th day of June, 2021.

APPROVED:



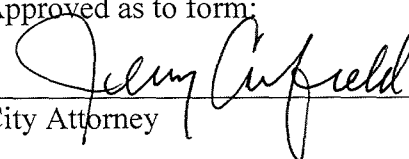
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney

RESOLUTION NO. R-83-21

A RESOLUTION ACCEPTING COMPLETION AND AUTHORIZING
FINAL PAYMENT TO GOODWIN & GOODWIN, INC. FOR
CONSTRUCTION OF HARLEY A. WILSON PARK IMPROVEMENTS

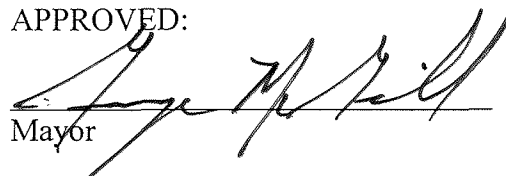
BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith hereby accepts the construction of the above captioned project as complete.

SECTION 2: Final payment is hereby authorized in the amount of \$63,001.13 to Goodwin & Goodwin, Inc. for the above captioned project.


This Resolution adopted this 15th day of June, 2021.

APPROVED:



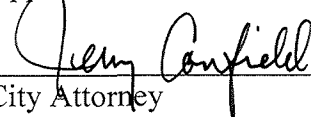
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney

7D

RESOLUTION NO. R-84-21

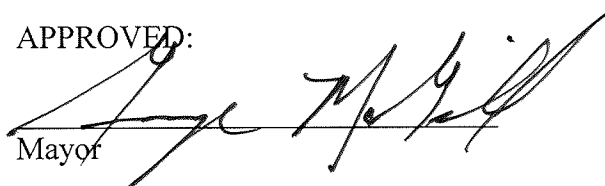
A RESOLUTION ACCEPTING CHANGE ORDER NUMBER ONE
WITH MATLOCK CONSTRUCTION FOR INSTALLATION OF PORTABLE POWER
DOLLY AND LED AMBIENT LIGHTS FOR THE RIVERFRONT ELECTRIC REPAIRS
PROJECT

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

The Mayor is hereby authorized to execute Change Order No. 1 with Matlock Electric
increasing the contract for the Riverfront Electric Repairs Project by the amount of \$62,000.00.

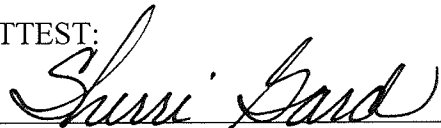
This Resolution adopted this 15th day of June, 2021.

APPROVED:



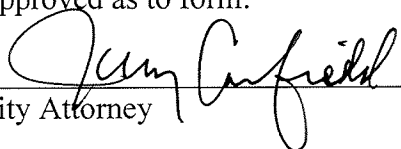
Mayor

ATTEST:



City Clerk

Approved as to form:



City Attorney

RESOLUTION NO. R-85-21

A RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF FORT SMITH, ARKANSAS POLICE DEPARTMENT, AND THE FORT SMITH PUBLIC SCHOOL DISTRICT CONCERNING THE PROVISION OF THREE FORT SMITH POLICE OFFICERS AS SCHOOL RESOURCE OFFICERS

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

Section 1. The Memorandum of Understanding between the City of Fort Smith, Arkansas and the Fort Smith Public School District, which shall substantially in the form attached hereto, is hereby approved and provides terms, conditions, and mutual understandings concerning the provision of three Fort Smith Police Officers to the School Resource Officer (SRO) Program between the two parties.

Section 2. The Mayor, his signature being attested to by the City Clerk, is hereby authorized to execute this Memorandum of Understanding to which the City of Fort Smith is party.

THIS RESOLUTION ADOPTED THIS 15th DAY OF June, 2021.

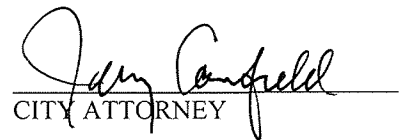
APPROVED:


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

RESOLUTION NO. R-86-21**A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR AND CITY ATTORNEY TO CONCLUDE LITIGATION STYLED AS MARY JOHNSTON V. CITY OF FORT SMITH, ARKANSAS AND APPROVING SETTLEMENT AGREEMENT**

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

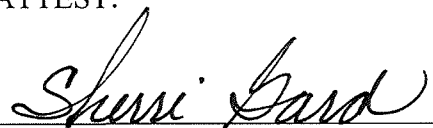
The City Administrator and City Attorney are hereby authorized to conclude the matter of litigation styled as Mary Johnston v. City of Fort Smith, Arkansas, United States District Court, Western District of Arkansas, Fort Smith Division Case No. 2:18-cv-2152-PKH, pursuant to the terms of a settlement agreement to be completed upon the approval of this Resolution.

This Resolution adopted this 15th day of June, 2021.

APPROVED:


Mayor

ATTEST:


City Clerk

Approved as to form:


City Attorney

No publication required