

**Little Rock Board of Directors Meeting
October 1, 2018
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Mark Stodola presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Peck; Hines; Wright; Wyrick; Kumpuris; Fortson (enrolled at 6:10 PM); Adcock; Vice-Mayor Webb; and Mayor Stodola. Director Ken Richardson delivered the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Breast Cancer Awareness Proclamation
Cyber Security Month Proclamation
Fire Prevention Month Proclamation
NUSA Drawing
City Beautiful Landscape Awards
Introduction of Rock Region Metro Executive Director

CONSENT AGENDA (Items 1 –10)

1. **MOTION:** To approve the minutes of the September 4, 2018, and September 18, 2018, Little Rock City Board of Directors Meetings.
2. **RESOLUTION NO. 14,865:** To authorize the City Manager to enter into a contract with Tymco, Inc., in the amount of \$255,025.00, for the purchase of a Street Sweeper for the Public Works Department; and for other purposes. *Staff recommends approval.*
Synopsis: A resolution authorizing the City Manager to enter into a contract with Tymco, Inc., for the purchase of a Street Sweeper for the Public Works Department.
3. **RESOLUTION NO. 14,866:** To authorize the City Manager to execute a renewal contract with Hydraulic & Air Sales, Inc., for the total amount of \$50,000.00, for the Fleet Services Department; and for other purposes. *Staff recommends approval.*
Synopsis: A resolution authorizing the City Manager to enter into a contract with Hydraulic Air and Sales for the repair and service of Hydraulic Cylinders for two (2) additional years.
4. **RESOLUTION NO. 14,867:** To authorize the City Manager to enter into a contract with Nick Ruffin Excavating, Inc., in an amount not to exceed \$576,326.40, for improvements to 24th Street from Walker Street to Vancouver Street; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax)* *Staff recommends approval.*
Synopsis: A resolution authorizing the City Manager to execute an agreement with Nick Ruffin Excavating, Inc., for Street and Drainage Improvements on 24th Street from Walker Street to Vancouver Street, Project No. 16-6-ST-1, Bid No. 18030. (Located in Ward 6)
5. **RESOLUTION NO. 14,868:** To authorize the City Manager to enter into a contract with Online Construction, Inc., in an amount not to exceed \$100,620.00, for Biscayne

Drive Drainage Improvements, north of Illinois Street and West of Glen Abbey Court; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with Online Construction, Inc., for Drainage Improvements on Biscayne Drive, north of Illinois Street and west of Glen Abbey Court, Project No. 16-4-DR-17, Bid No. 18-031. (Located in Ward 4)

6. RESOLUTION NO. 14,869: To authorize the City Manager to enter into a contract with James A. Rogers Excavating, Inc., in an amount not to exceed \$620,388.00, for Mabelvale West Road Improvements from Mabelvale South Road to South Loop Road; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with James A Rogers Excavating, Inc., for Street and Drainage Improvements on Mabelvale West Road from Otter Creek East Road to South Loop Road, Bid No. 18032. (Located in Ward 7)

7. RESOLUTION NO. 14,870: To authorize the City Manager to enter into a contract with Nick Ruffin Excavating, Inc., in an amount not to exceed \$476,940.30, for Woodson Road Improvements from Halifax Drive to Browning Road; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with Nick Ruffin Excavating, Inc., for Street and Drainage Improvements on Woodson Road, from Halifax to Browning Road, Project No. 13-2-28, Bid No. 18029. (Located in Ward 2)

8. RESOLUTION NO. 14,871: To authorize the City Manager to enter into a Cooperative and Cost Sharing Agreement with the Little Rock School District, to construct improvements on Mabelvale Pike from Helm Street to north of Rich Smith Lane; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute a Cost Sharing Agreement with the Little Rock School District for the construction of improvements to Mabelvale Pike. (Located in Ward 7)

9. RESOLUTION NO. 14,872: To authorize the City Manager to Award Professional Engineering Services Contracts for the design of the 2019 – 2021 Capital Improvement Projects funded from the proceeds of the 3/8-Cent Capital Sales and Compensating Use Tax and the 2018 Capital Improvement Bonds for Streets and Drainage; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax and the 2013 Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute agreements with Consulting Engineering Firms to provide Engineering Design and Survey Services for the 2019 to 2021 Public Works Capital Improvement Program.

10. RESOLUTION NO. 14,873: To authorize the City Manager to enter into a contract with Alliant Insurance Company, in the combined total amount of \$968,385.00, for Property and Casualty Insurance for City Buildings and Structures; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authoring the City Manager to enter into a contract with Alliant Insurance Company to provide Property Insurance for City Facilities for the term of November 1, 2018, to June 30, 2020.

Director Adcock made the motion, seconded by Director Wright, to approve the Consent Agenda. By unanimous voice vote of the Board Members present, **the Consent Agenda was approved.**

CITIZEN COMMUNICATION

There were no cards received from individuals wanting to speak during Citizen Communication.

GROUPED ITEMS (Items 11 – 13)

11. ORDINANCE NO. 21,634; Z-8684-A: To approve a Planned Zoning Development and establish a Planned Commercial District titled Hillcrest Little Bakery Revised Short-Form PCD, located at 201 & 203 North Van Buren Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 6 ayes; 3 nays; and 2 absent. Staff recommends approval.*
Synopsis: The applicant is proposing to amend the previously approved PCD, Planned Commercial Development, to add a bakery/restaurant as an allowable use. (Located in Ward 3)

12. ORDINANCE NO. 21,635: To modify the existing contract with Waste Management of Arkansas to provide Curbside Recycling Services within the corporate limits of the City of Little Rock, Arkansas; to declare it impractical and unfeasible to bid for an additional two (2) years on the contract; to authorize entry into a contract with Waste Management of Arkansas to provide Curbside Recycling for solid waste customers until March 31, 2020; **to declare an emergency;** and for other purposes. *Staff recommends approval.*
Synopsis: To authorize the City Manager to enter into a two (2)-year extension to the existing contract with Waste Management of Arkansas to provide for Curbside Recycling for approximately 59,000 residential Solid Waste Customers.

13. ORDINANCE: To establish standards and specifications for the restoration of excavations and cuts in streets or alley rights-of-way; to provide for a permit process; to establish fees, penalties and permanent restoration reimbursement costs; to provide for the administration and enforcement of the process; and for other purposes. *Staff recommends approval. (Deferred from September 4, 2018) (Deferred from September 18, 2018)*

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Wright, to read the ordinances a second time. By unanimous voice vote of the Board Members present, the ordinances were read a second time. Director Adcock made the motion, seconded by Director Wright, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time.

In regards to Item 13, Director Kumpuris stated that he thought the City was making an error in not having more severe fines or ways of ensuring that the streets and rights-of-ways were repaired correctly. Director Kumpuris stated that one of the most heard complaints from citizens was regarding street cuts not being repaired correctly. Director Kumpuris stated that by only charging a company \$50.00/day for substandard street repairs, it did not adequately send the message that the streets needed to be repaired

up to City standards. Director Kumpuris asked if further permits could be withheld from a company should they not make repairs correctly. City Attorney Tom Carpenter stated that it would depend on for what purpose the permits were issued. City Attorney Carpenter stated that a major issue currently facing municipalities was that the Federal Communications Commission had issued an order that could potentially take away the authority of local governments to deal with their rights-of-ways for communications, fiber, data, video and telephonic transmissions.

Director Kumpuris stated that the only recourse seemed to be to increase the fines for street cuts that were not repaired correctly. City Attorney Carpenter stated that the proposed ordinance contained the provision that the company would be fined \$50.00/day up to sixty (60) days and then the City would have the option of repairing the street to their satisfaction and then charging the cost back to the company at a cost of \$100.00/square-yard. City Attorney Carpenter stated that the policy decision was whether the City wanted to have regulations and penalties for physically cutting into the right-of-way.

Director Kumpuris made the motion, seconded by Director Adcock, that the levied penalty be \$100.00/day for the first week, \$200.00/day for the second week and \$500.00/day for the third week.

City Manager Bruce Moore stated that prior to the meeting, staff had met with the various utility companies to discuss the proposed ordinance. City Manager Moore stated that if substantive changes were going to be made to the ordinance, he would like additional time to research the various proposed changes.

Director Kumpuris made the motion, seconded by Director Adcock, to defer action on the item for two (2) weeks until the October 16, 2018, meeting. By unanimous voice vote to the Board Members present, **the item was deferred for two (2) weeks until October 16, 2018.**

In regards to Item 11, Director Webb stated that she had spoken to several people in the neighborhood that were on the fence regarding the item due to the fact that they didn't know much about the proposed project.

Scott Loye: Stated that he was the applicant and that he had followed all the proper procedures. Mr. Love stated that he had contacted all the adjacent neighbors and had been approved by the City Beautiful Commission and Planning Commission.

Director Adcock asked if there had been any requests for landscape waivers for the property. Planning & Development Director Jamie Collins stated that a variance had been requested and approved by the City Beautiful Commission for the buffer in the right-of-way in the landscape strip along A Street.

In regards to Item 12, Director Wyrick stated that she had been hearing from her constituents that they were having trouble with Waste Management picking up their recycling. Director Wyrick asked if there had been any changes made to the Act of God Statement. Director Wyrick stated that several years prior when the City experienced an ice and snow event, the City's Solid Waste Trucks ran their routes; however, Waste

Management opted not to run their recycling routes. Mayor Stodola stated that there was a clause that would be included in the new contract that dealt with Acts of God and language could be added that would parallel the City's policy as it related to picking up solid waste during inclement weather. Mayor Stodola stated that if the City received a call that their recycling was not picked-up, staff notified Waste Management of the missed pick-up. Mayor Stodola stated that if after notification, Waste Management still didn't pick-up the recycling and the City had to pick it up, the contract contained a provision that a fee of \$50.00 per pick-up was assessed to Waste Management.

By roll call vote, the initial vote for Item 11 was as follows: Ayes: Richardson; Peck; Hines; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Nays: Hendrix. Absent: Wright. Director Hendrix stated that she would like for her vote to be registered as an Aye. The final vote was as follows: Ayes: Hendrix; Richardson; Peck; Hines; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Absent: Wright. By a vote of nine (9) ayes and one (1) absent, **the ordinance was approved.**

By unanimous voice vote of the Board Members present, **the ordinance for Item 12 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 12 was approved.**

Director Adcock made the motion, seconded by Director Hines, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor