

**Little Rock Board of Directors Meeting
April 7, 2015
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; Webb; Cazort; Wright; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Hines; and Mayor Stodola. Director Gene Fortson delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

AmeriCorps National Civilian Community Corps Recognition
Community Development Week Proclamation

Mayor Stodola recognized Zachary Keithly, a Life Scout that was present in the audience working on his Communications Badge.

ADDITIONS

M-1 ORDINANCE: To dispense with the requirement of competitive bidding and to authorize the City Manager to enter into a contract with Zero RPM; as a sole-source purchaser, of one (1) 2013 Dodge Charger Police Vehicle for the amount of \$18,500.00; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance to dispense with the requirement of competitive bidding and to authorize the City Manager to enter into a contract with Zero RPM to sell to them one (1) 2013 Dodge Charger Police vehicle, for the amount of \$18,500.00, as there are exceptional circumstances regarding the sale of this vehicle to Zero RPM as a sole-source purchaser.

DEFERRALS

11. ORDINANCE; Z-6532-G: To approve a Planned Zoning Development and establish a Planned Residential District titled Lot 2 Chenal Heights Long-Form PD-R, located east of Chenal Parkway and south of Chenal Heights Drive, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval. (Deferred from February 3, 2015) (Deferred until June 6, 2015, at staff's request)*

Synopsis: The applicant is requesting to amend the previously-approved PD-R, Planned Development – Residential, for Arkansas Teachers Retirement Community and approve a site plan to allow for the development of 229 units of age restricted housing. (Located in Ward 5)

12. ORDINANCE; Z-8977-A: To approve a Planned Zoning Development and establish a Planned Residential District titled South Bowman Apartments Long-Form PD-R, located at 4212 South Bowman Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 1 nay; 1 absent; and 2 open positions. Staff recommends approval. (Deferred until May 19, 2015, at staff's request)*

Synopsis: The request is a rezoning from R-2, Single-Family, to PD-R, Planned Development – Residential, to allow for the development of 16.02 acres with 240 units of multi-family housing. (Located in Ward 6)

WITHDRAWALS

19. RESOLUTION; S-1737: To rescind the Little Rock Planning Commission's action in approving variances associated with a preliminary plat to allow for the construction of twelve (12) single-family residential lots located at 10000 Arkansas Road, Roland, Arkansas and for other purposes. *Planning Commission: 7 ayes; 3 nays; and 1 absent. Staff recommends denial. (Withdrawn at the applicant's request)*

Synopsis: Scott Schallhon of Mitchell Williams representing a number of property owners located on Old Arkansas Road is appealing the Planning Commission's action in approving variances associated with a preliminary plat for property located at 10000 Old Arkansas.

20. RESOLUTION; Z-8937-A: To rescind the Little Rock Planning Commission's action in approving a Conditional Use Permit to allow for the construction of a wastewater treatment system, a community pool and clubhouse located at 10000 Old Arkansas Road, Roland, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 3 nays; and 1 absent. Staff recommends denial. (Withdrawn at the applicant's request)*

Synopsis: Scott Schallhon of Mitchell Williams representing a number of property owners located on Old Arkansas Road is appealing the Planning Commission's action in approving a Conditional Use Permit to allow for the construction of a wastewater treatment system, a community pool and clubhouse.

Director Cazort made the motion, seconded by Vice-Mayor Hines, to add Item M-1 to Grouped Items, to defer Item 11 until June 6, 2015, and Item 12 until May 19, 2015, and to withdraw Items 19 and 20. By unanimous voice vote of the Board Members present, **Item M-1 was added to the Grouped Items, Item 11 was deferred until June 6, 2015, and Item 12 was deferred until May 19, 2015, and Items 19 and 20 were withdrawn.**

CONSENT AGENDA (Items 1 – 8)

1. RESOLUTION NO. 14,095; G-23-455: To set April 21, 2015, as the date of hearing on the request to abandon the south 150 feet of the alley right-of-way, located within Block 30, Original City of Little Rock, Arkansas, bounded by East 4th Street, East Capitol Avenue, Scott Street and Cumberland Street; and for other purposes. (Located in Ward 1)

2. RESOLUTION NO. 14,096: To authorize the City Manager to execute a Special Industrial Sewer Use Agreement with Sage V Foods, LLC; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to execute a Special Industrial Sewer Use Agreement with Sage V Foods, LLC.

3. RESOLUTION NO. 14,097: To submit bids to purchase properties at the 2015 Arkansas State Land Commissioner Auction, to be used for Neighborhood Revitalization Programs; and for other purposes. *Staff recommends approval.*

Synopsis: In an effort to acquire underutilized and contiguous parcels of property, Staff would like to submit bids on two (2) properties at the 2015 Arkansas State Land Commissioner's Auction to be held on April 14, 2015.

4. RESOLUTION NO. 14,098: To appoint Richard Mays, Jr., to a position on the Board of Commissioners for the Metrocentre Improvement District No. 1 of the City of Little Rock, Arkansas; and for other purposes.

5. RESOLUTION NO. 14,099: To authorize the City Manager to enter into a contract with Stewart and Stewart to operated concessions at the Interstate Ball Park Complex for one (1)-year with the option to renew for two (2) additional years; and for other purposes.

Synopsis: A resolution to authorize the City Manager to enter into a contract with Stewart and Stewart to operate concessions at the Interstate Ball Park Complex for one (1)-year with the option to renew for two (2) two additional years.

6. RESOLUTION NO. 14,100: To authorize the City Manager to enter into a contract with Commercial Air, Inc., to provide HVAC Control Repairs on an as-needed basis; and for other purposes.

Synopsis: Authorizes the City Manager to execute an agreement with Commercial Air, Inc., to provide HVAC Control Repairs on an as-needed hourly basis, Bid No. C1500.

7. RESOLUTION NO. 14,101: To authorize the Mayor and City Clerk to execute any and all appropriate documents to grant an easement to SBA Communications Corporation to relocate existing fiber optics lines away from the West Central Community Center Construction; and for other purposes. *Staff recommends approval.*

8. RESOLUTION NO. 14,102: To authorize the City Manager to enter into a contract with Redstone Construction Group, Inc. in an amount up to \$711,330.66, for construction of the LaMarche Drive Extension Project; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Redstone Construction Group, Inc. for construction of the LaMarche Drive Extension, Project No. 13-5-024, Bid 15-001. (Located in Ward 5)

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

CITIZEN COMMUNICATION

Terrence Simmons, 1912 Brown Street: One (1)-Block of Modern Curves & Resurfacing from the 2300 Block of Brown Street to Asher Avenue

Time Daters, 300 East 3rd Street: Utilities Use of Right-of-Way

Phillip Wilson, 5907 Tall Pine Boulevard: Pecan Lake Improvement District

Myrtle A. Harris, 5902 Pecan Lake Road: Approving Names Submitted for Commissioners of Pecan Lake Property Owner's Association

Darlene Lewis, 1712 Green Meadow Drive: City Building Rent

Don Thompson, 11204 Barrett Road, Roland, AR: Planning Commission & Land Use in Extraterritorial Area of Little Rock

GROUPED ITEMS (Items 9 – 10 and 13 - 14)

9. ORDINANCE NO. 21,017: To amend Chapter 36 of the Code of Ordinances of the City of Little Rock, Arkansas, to provide for the modification of various procedures, definitions, land use regulations; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 1 absent; and 2 open positions. Staff recommends approval.*

Synopsis: Through the Planning Commission, Staff and the River Market Design Review Committee, are proposing several amendments to various provisions of the Zoning Ordinance. Most of the amendments are classified as “clean-up” matters.

10. ORDINANCE NO. 21,018; A325/Z-9009: To accept the Port Harbor Annexation, adding certain lands to the City of Little Rock, Arkansas; and classifying said property to I-3, Heavy Industrial; amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 1 absent; and 2 open positions. Staff recommends approval.*

Synopsis: The annexation of approximately twenty-seven (27) acres along the Arkansas River, east of Industrial Harbor Drive and zoning said land to I-3, Heavy Industrial, as part of the Little Rock Port Authority ownership. (Located in the City’s Extraterritorial Jurisdiction)

11. ORDINANCE NO. 21,019; Z-9007: To reclassify property located in the City of Little Rock’s Extraterritorial Jurisdiction, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 1 absent; and 2 open positions. Staff recommends approval.*

Synopsis: The owner of the 0.16-acre property, located at 3508 Jones Street, is requesting that the zoning be reclassified from R-3, Single-Family District, to R-7A, Manufactured Home District. (Located in the City’s Extraterritorial Jurisdiction)

12. ORDINANCE NO. 21,020: To amend Chapter 3 of the Little Rock, Arkansas Revised Code of Ordinances to add certain criteria for improving the processing of false alarms; to eliminate fines for certain alarm cancellations; to impose a fee for late payments; to clarify certain definitions; and for other purposes. *Staff recommends approval.*

Synopsis: This ordinance eliminates the fee for alarm cancellations made before emergency services arrives and also establishes a late fee for non-payment, clarifies certain false alarm definitions and removes inconsistencies.

13. ORDINANCE NO. 20,999; Z-6883-D: To approve a Planned Zoning Development and establish a Planned Residential District titled 5212 ‘I’ Street Revised Short-Form PD-R, located at 5212 ‘I’ Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The applicant is proposing a revision to the previously-approved PD-R, Planned Development – Residential, to allow an increase in the allowable floor area ratio for the new home. (Located in Ward 3)

14. ORDINANCE NO. 21,000; Z-7969-C: To approve a Planned Zoning Development and establish a Planned Commercial District titled Layla’s Revised Short-Form PCD, located at 6100 Stones Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is an amendment to the previously-approved PCD, Planned Commercial Development, for the property located at 6100 Stones Road to add a monument style ground sign within the front-yard area of this existing business. (Located in Ward 5)

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

SEPARATE ITEMS (Items 15 - 18)

15. RESOLUTION NO. 14,103: To authorize the City Manager to enter into a contract with McMahan Counseling, PLLC, to deliver domestic court-ordered counseling services to Little Rock citizens; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to enter into a contract with McMahan Counseling, PLLC, to deliver court-ordered domestic violence counselling to Little Rock citizens.

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

16. RESOLUTION NO. 14,104: To authorize the City Manager to enter into contracts with three (3) organizations to provide Afterschool/Out-of-School Time Programs to Little Rock Youth ages six (6) to eleven (11) and twelve (12) to seventeen (17); and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to enter into contracts with three (3) organizations to provide Afterschool/Out-of-School Time Programs.

Director Richardson stated that his employer, New Futures for Youth, would most likely provide technical assistance for the programs that were being considered and if there would be discussion, he would need to leave the room. Director Adcock stated that she had questions.

Director Richardson left the Board Chambers

Director Adcock stated that she was under the impression that of the three (3) organizations being considered, several of them had worked with the City before and had their programs cancelled. Director Adcock stated that she would like to know what the issues were that resulted in the programs being cancelled and how the problems were corrected. City Manager Bruce Moore stated that he had sent a memorandum to the Board the previous Friday that provided an overview of the organizations. City Manager Moore stated that during the previous contract year, one of the contracts with In His Image Youth Development Center was not extended due to low attendance. City Manager Moore stated that the program that In His Image was being recommended for was working with Latino children and that the committee had reviewed the proposal and the Children Youth and Families Commission had endorsed the proposal. City Manager Moore stated that the proposal from In His Image was the only one received in response to working with the Latino community. City Manager Moore stated that the City had a

track record of not renewing a contract if an organization was not meeting the standards and if the standards of the contract were not met, then staff would address the issue.

Director Webb asked what the total of the three (3) contracts were. Community Programs Department Director Dana Dossett reported that the amount for each of the Neighborhood-Based Out-Of-School Time Programs was \$75,000, which would be the same amount for each of the YIP Programs.

Director Cazort made the motion, seconded by Vice-Mayor Hines, to approve the resolution. By unanimous voice vote of the Board Members present, **the resolution was approved.**

17. RESOLUTION NO. 14,105: To authorize the City Manager to enter contracts with two (2) organizations to provide Youth Intervention Programs to Little Rock Youth ages thirteen (13) to eighteen (18); and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to enter into contracts with two (2) organizations to provide Youth Intervention Programs.

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

Director Richardson returned to the Board Chambers.

18. RESOLUTION NO. 14,106: To appoint Kutak Rock, LLP, as legal counsel for the proposed 2015 Short-Term Financing Note; and for other purposes.

Director Adcock made the motion, seconded by Director Cazort, to approve the resolution.

Director Adcock asked City Manager Moore to list the items that would be included in the Short-Term Financing Note. City Manager Moore stated that the note included the final payment for the West Central Sports Complex, the purchase of thirty (30) vehicles for the Little Rock Police Department and the purchase 200 Tasers.

By unanimous voice vote of the Board Members present, **the resolution was approved.**

DISCUSSION (Item 21)

21. DISCUSSION: Pecan Lakes Improvement District.

City Attorney Tom Carpenter stated that there had been a request by individuals living in the Pecan Lakes Improvement District area to remove the Chair of the District due to failure to comply with Arkansas Law. City Attorney Carpenter reported that an audit had been conducted the previous year by the Legislative Audit that had found certain shortcomings with the District. City Attorney Carpenter stated that the following shortcomings had been reported: whether there had been a sufficient number of meetings held during the year; the fact that financial reports were supposed to be filed on a

quarterly basis and annual financial reports were supposed to be filed on a yearly basis with the City Clerk; questions were raised regarding the accuracy of meeting minutes; and there were challenges as to certain expenditures that had been made for signage, a newsletter, and a back-to-school party. City Attorney Carpenter reported that two (2) of the three (3) members had resigned effective at the beginning of 2015, and the City received a letter from the David Menz, the attorney for the District, noting the resignations. City Attorney Carpenter stated that the Board was required to fill the two (2) vacancies pursuant to State Statute. City Attorney Carpenter stated that there was a provision for removal of an individual for either nonfeasance, misfeasance or malfeasance, and if the Board wanted to proceed on a nonfeasance issue, than the items that were mentioned in the Legislative Audit would be a basis for removal. However, a member of an Improvement District cannot be removed without cause and if they are removed, that individual must be told what the cause was and they must be given the opportunity to be heard and must be given a ten (10)-day notice of the opportunity to be heard; neither of which had been done. City Attorney Carpenter reported that Mr. Menz had sent a letter, which included the names of two (2) individuals that wanted to be appointed as Commissioners, and other individuals that live within the District had also expressed an interest.

City Attorney Carpenter stated that Pecan Lakes was a Recreational Improvement District, which allowed the property owners to assess themselves for the value of benefits, which included the maintenance of the lakes and public areas. City Attorney Carpenter stated that Improvement District Board of Commissioners dealt with the assessments, which were the funds utilized to make the improvements, and that there hadn't always been agreement with the Property Owners Association's (POA) viewpoint regarding how the funds should have been spent.

Director Cazort asked City Attorney Carpenter how he was defining nonfeasance. City Attorney Carpenter stated that his definition was failure to carry out responsibilities, such as the failure to submit minutes and annual reports. Director Wyrick stated that she had worked with Pecan Lakes for the twenty (20) years that she had served on the City Board of Directors and there continued to be strife between the Improvement District and the POA. Director Wyrick stated that the Chair had been with the District from the start and he read Law and would come up with ideas regarding how things needed to be done, and she thought that it was time to start fresh look to the property owners to come forward with a list of names to fill the vacancies. Director Wyrick stated that she had received the names of several individuals that were willing to serve on the District and that the next step should be to select from the names to fill the two (2) positions and to notify the current Chair that there would be a Public Hearing to discuss the issues.

Director Cazort made the motion, seconded by Director Wyrick, to direct City Attorney Carpenter to send out a notice setting a Removal Hearing for April 21, 2015, and to have a resolution on the next agenda to appoint the two (2) vacant positions. By voice vote of the Board Members present, with Director Richardson voting in opposition, **the motion was approved.**

Director Kumpuris asked for an update regarding the taking of land in the Little Rock Port by the Quapaw Indian Tribe. Mayor Stodola stated that there was a meeting the

next day with the Pulaski County Judge and that he was prepared to write a letter stating the property was within the expansion area of the Port Authority and that the integrity of any burial sites located would be protected. Mayor Stodola reported that the Quapaw Tribe owned the land; however, it was not in a Trust as a sovereign nation. Director Fortson asked if it would be possible to have face-to-face dialogue with members of the Tribe to obtain a public commitment as to their plans. Mayor Stodola stated that he would be more than happy to communicate with the Chief and invite him to the next Board Meeting to discuss their plans. Director Cazort made the motion, seconded by Director Fortson, to write a letter to the Quapaw Tribe collectively on behalf of the Board. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Adcock made the motion, seconded by Director Cazort, 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