

Little Rock Board of Directors Meeting
March 1, 2016
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; Fortson; Kumpuris; Adcock; Vice-Mayor Hines; and Mayor Stodola. Director Erma Hendrix delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

City of Little Rock Employee Retirement Recognition

 Louise Drayton, Finance Department

Henry Alexander Award Recognition – Vontia Mitchell

National Merit Scholars Presentation

Arkansas Business City of Distinction Award

Ken Goodson, AmeriCorps Southwest Regional Director, AmeriCorps National Civilian Community Corps

CONSENT AGENDA (Items 1 – 6)

1. RESOLUTION NO. 14,290: To authorize the City Manager to enter into a contract with Lose & Associates, in the amount of \$150,000.00, for the purpose of updating the 2001 Master Parks Plan; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to enter into a contract with Lose & Associates to update the 2001 Master Parks Plan

2. RESOLUTION NO. 14,291: To authorize the City Manager to accept by deed the title to a parcel of land located north of Tanya Drive and west of John Barrow Road in the City of Little Rock, Arkansas, needed to complete the Tanya Drive at Barrow Road Traffic Signal; and for other purposes. (*Funding from the 2013 Limited Tax General Obligation Capital Improvement Bonds*) *Staff recommends approval.*

Synopsis: Authorize the City Manager and Mayor to acquire title to property located north of Tanya Drive and west of Barrow Road for the construction of the Tanya Drive at Barrow Road Traffic Signal Project, a part of the Barrow Road Streetscape Project, Project No. B-6b. (Located in Ward 6)

3. RESOLUTION NO. 14,292: To authorize a contract increase for Gene Summers Construction, Inc., in the amount of \$54,624.00, for additional improvements to Sherrill Road; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to increase the current authorized amount of the construction contract with Gene Summers Construction, Inc., for sewer line relocation work, Project No. 13-C-010, for the Sherrill Road Street & Drainage Improvement Project, Bid No. #14-165. (Located in Ward 3)

4. RESOLUTION NO. 14,293: To authorize the City Manager to enter into a contract with P. Jeff Hoggard, P.A., to provide Governmental Affairs and Consulting Services; and for other purposes. *Staff recommends approval.*

Synopsis: A Request for Qualifications was issued for Legislative Consultant Services. After reviewing three (3) submissions, candidates, the Selection Committee identified P. Jeffrey Hoggard, P.A., as the top candidate.

5. RESOLUTION NO. 14,294: To amend Little Rock, Ark., Resolution No. 14,168 (August 4, 2015) to substitute Napa Auto Parts for Summit Truck Group to have the Annual Purchase Contract for Motor Vehicle Batteries; and for other purposes. *Staff recommends approval.*

Synopsis: Approval to amend Resolution No. 14,168 to authorize the City Manager to enter into a contract with Napa Auto Parts for the purchase of batteries for City's vehicle and equipment fleet. This APO is for one (1)-year, with an option to renew each year up to two (2) additional years with an annual budget not to exceed of \$60,000.00.

6. RESOLUTION NO. 14,295: To authorize the City Manager to enter into a contract with Mid-Ark Roofing, Inc., in an amount not to exceed \$109,009.00, for new roofing for nine (9) buildings at the Little Rock Zoo; and for other purposes. (*Funding from the 2012 3/8-Cent Capital Improvement Sales Tax*) *Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to enter into a contract with Mid-Ark Roofing, Inc., for the installation of new roofs on nine (9) buildings at the Little Rock Zoo.

Director Adcock made the motion, seconded by Director Cazort, 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 7 - 11)

7. ORDINANCE NO. 21,187; A-326: To accept the Kanis Ridge Annexation, to add certain lands to the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 0 nays; and 4 absent. Staff recommends approval.*

Synopsis: The annexation of some 9.4 acres in the 14600 block of Kanis Road to the City of Little Rock for waste water and water service to a proposed single-family subdivision. (Located in the City's Extraterritorial Jurisdiction)

8. ORDINANCE NO. 21,188; Z-6526-C: To approve a Planned Zoning Development and establish a Planned Commercial District titled Parker Lexus Shackleford West Long-Form PCD, located on the northwest corner of Shackleford West Boulevard and Shackleford Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 0 nays; and 4 absent. Staff recommends approval.*

Synopsis: The request is to rezone the site from OS, Open Space District, C-2, Shopping Center District, and O-3, General Office District, to PCD, Planned Commercial Development, to allow for a phased development of an automobile dealership. (Located in Ward 6)

9. ORDINANCE NO. 21,189; Z-9102: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas;

and for other purposes. *Planning Commission: 7 ayes; 0 nays; and 4 absent. Staff recommends approval.*

Synopsis: The owner of the 0.32-acre property, located at 2216 Perry Street, is requesting that the zoning be reclassified from R-2, Single-Family District, to R-4, Two-Family District. (Located in Ward 6)

10. ORDINANCE NO. 21,190; Z-9103: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 0 nays; and 4 absent. Staff recommends approval.*

Synopsis: The owner of the 2.62-acre property, located at 10115 Rodney Parham Road, are requesting that the zoning be reclassified from R-2, Single-Family District, to O-3, General Office District. (Located in Ward 4)

11. ORDINANCE NO. 21,191: To amend Little Rock, Ark., Ordinance No. 21,139 (December 1, 2015) to extend the size of the Ticker Tape Sign for the Creative Corridor's Main Street Mall Building; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: This amends Ordinance No. 21,139, passed December 1, 2015, and will authorize the City Manager to purchase a longer 'Ticker Tape' Sign for the Creative Corridor's Main Street Mall Building and will dispense with the competitive bidding requirement. This will add an additional five (5) feet on the sign that was approved in the earlier ordinance and will cost an additional \$8,000.00.

The ordinances were read a first time. Director Cazort made the motion, seconded by Director Adcock, 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 Richardson, 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.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 11 was approved.**

SEPARATE ITEMS (Items 12 - 15)

12. RESOLUTION NO. 14,296: To authorize the Mayor to issue a letter of support to the Arkansas Development Finance Authority for rehabilitation and conversion of an existing structure located at 2020 Vance Street to a multi-family complex designated for elderly residents in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution would authorize the Mayor to sign a letter of support for the applicant to apply for Low Income Housing Tax Credit Funds from the Arkansas Development Finance Authority.

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.**

13. ORDINANCE: To create an Independent Citizens Commission to recommend salaries for the Mayor, Members of the Board of Directors, City Manager and City Attorney; and for other purposes.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on second reading. By voice vote of the Board Members present, with Director Richardson voting in opposition, the rules were suspended and the ordinance was read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinance on third reading. By voice vote of the Board Members present, with Director Richardson voting in opposition, the rules were suspended and the ordinance was read a third time.

Director Kumpuris stated that he would like to make an amendment to remove the City Manager and City Attorney from the ordinance. Director Kumpuris stated that the fiduciary job of the Board was the hiring and firing and providing the raises of the City Manager and City Attorney and that it was the Board's responsibility to recommend salary and raises for those two (2) positions, not a Commission.

Director Kumpuris made the motion, seconded by Vice-Mayor Hines, to remove the City Manager and City Attorney from the ordinance.

Director Cazort stated that he had heard from several Board Members regarding the inclusion of the City Manager and City Attorney in the ordinance and was supportive of Director Kumpuris' proposed amendment.

By voice vote of the Board Members present, with Directors Hendrix and Richardson voting in opposition, **the motion was approved.**

Director Adcock stated that she would like to make a second amendment to the ordinance to remove the Board of Directors. Director Adcock stated that the Board had received a raise several years prior and that every four (4) years each of them were elected by the public, which in a sense, dictated what they made in salary.

Director Adcock made the motion, seconded by Director Webb, to remove the Board of Directors from the ordinance. By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Webb; Wright; Wyrick; Kumpuris; Fortson; and Adcock. Nays: Cazort and Vice-Mayor Hines. By a vote of eight (8) ayes and two (2) nays, **the motion was approved.**

Mayor Stodola stated that he understood Director Cazort's attempt was to have a Commission to determine if the salaries of City Elected Officials and Key Staff were in line with several of the various other City Commission-appointed positions, such as the Little Rock Airport Commission, Little Rock Port Authority, Central Arkansas Water, Little Rock Wastewater, etc. Mayor Stodola stated that if it was the will of the Board to remove the City Manager, City Attorney and Board Members, it did not make any sense to only include the Mayor in the ordinance.

Director Cazort asked that the ordinance be withdrawn.

14. ORDINANCE NO. 21,192: To amend Little Rock, Ark., Ordinance No. 18,846 (May 1, 2001); and to amend Little Rock, Ark., Resolution No. 7,739 (March 17, 1987); and to amend Little Rock, Ark., Resolution No. 7,753 (April 7, 1987); to approve an assignment

of the franchise for airspace above the 100 Block of East 7th Street, between Scott and Main Streets, from the George W. Donaghey Foundation to Lake Hamilton Corporation, and further to authorize the assignment from Lake Hamilton Corporation to LRMU, LP; to declare the franchise is in full force and effect; to assure that any future assignment will be subject to the approval of the City Board of Directors; **to declare an emergency**; and for other purposes.

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

15. ORDINANCE; Z-8503-D: To approve a Planned Zoning Development and establish a Planned Residential District titled Herrick Heights Long-Form PD-R, located on the west side of South Bowman Road between Brodie Creek Subdivision and The Pointe at Brodie Creek Apartments, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. (*Deferred from February 2, 2016*)
Planning Commission: 7 ayes; 4 nays; and 0 absent. Staff recommends approval.

Synopsis: The applicant is requesting to rezone the site from R-2, Single-Family, to PD-R, Planned Development – Residential, to allow for a multi-phase development to include single-family, multi-family and office uses. (Located in Ward 6)

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

Director Wright stated that when the project was initially proposed, staff was not in support. Director Wright asked what changes were made within the application that changed staff's position. Planning & Development Department Zoning & Subdivision Manager Dana Carney stated that when the initially was submitted, it did not include the entirety of the seventy (70)-plus acres. Mr. Carney stated that the original application only included the site of the proposed apartment development and at that time, there were conversations and promises that were being made between the developer and the neighborhood that were not a part of the property being considered for rezoning. Mr. Carney stated that staff was not supportive due to the fact that they felt that there were issues being discussed regarding the overall seventy (70)-plus acres. Mr. Carney stated that the applicant came back and filed the current application, which included the entirety of the site and now that staff was aware that portions of the site would be set aside for detached Single-Family, Office and Open Space, they were supportive.

Director Wyrick stated that she had received many e-mails from individuals in the surrounding neighborhoods regarding the project and many of them referenced a Plan A and Plan B. Director Wyrick asked for a clarification regarding what was actually before the Board that evening and an explanation regarding Plan A and Plan B. Mr. Carney stated that the Plan A and Plan B issue was not reviewed by the Planning Commission. Mr. Carney stated that there were several presentations made to the neighborhood regarding potential options if the current application were not approved. Mr. Carney stated that the current application was for the seventy (70)-plus acres, and included an expansion of the current apartment complex onto approximately twenty-five (25) acres of the site. Mr. Carney stated that approximately ten (10) acres was to be set aside as Open Space in conjunction with the Multi-Family. In addition, portions of the site were to be set aside for Single-Family and O-1, Quiet Office District. Mr. Carney stated that at the time the future residential and/or office were proposed for development, those aspects would have to come back to the Planning Commission as revisions to the Planned Development. Director Wyrick asked how many single-family homes the thirty-five (35) acres would be able to accommodate. Mr. Carney stated that the typical single-family home density in that area of town was four (4) to five (5) homes per acre, which would be 140 – 175 homes. Director Wyrick asked if the applicant would be required to complete half-street improvements only to where the multi-family would be located, or would he be required to make the street improvements where the office portion would be located along Bowman Road. Public Works Department Director Jon Honeywell stated that the applicant had agreed to make half-street improvements for the entire frontage on Bowman Road. Director Wyrick asked if a round-about had been proposed as a part of the development. Mr. Honeywell stated that it was his understanding that the developer had had discussions with several of the neighborhood associations regarding the potential of a round-about at Brodie Creek Trail and Bowman Road.

Mayor Stodola asked what the total number of multi-family units would be congregated in the area, with the addition of the proposed units. Mr. Carney reported that the proposed development would include 408 units, the existing complex to the south included 504 units and an additional 500 units had been approved across the street and to the southeast. Director Kumpuris asked by-right, would could be placed on the site without any zoning changes. Mr. Carney stated that the zoning of the property was R-2, Single-Family Residential, and in its current state one (1) house could be built on the property. Mr. Carney stated that the presumption was that it could be approved for a single-family residential plat and it could be developed for single-family homes at a density of four (4) to five (5) homes per acre, which would be 280 – 350 homes. Mr. Carney stated that a single-family residential plat would be approved at the Planning Commission level and would not come before the Board.

Tim Daters, 300 East 3rd Street: Stated that he was a Consultant Engineer with White Daters and Associates and he was present representing the applicant. Mr. Daters stated that the applicant had proposed the following incentives to the area neighborhood associations in exchange for support of the project: 1) the single-family homes would be developed comparable to those in Brodie Creek and Woodlands Edge; 2) installation of a fifty (50)-foot buffer along the edge of the property adjacent to Brodie Creek; and 3) construction of a round-about at the intersection of Brodie Creek Trail and Bowman Road.

Keith Richardson: Stated that he was with Richardson Properties, the applicant, and also owned the Pointe at Brodie Creek development. Mr. Richardson stated that in 2010, he purchased a ninety-four (94) acre tract and had spent the past five (5) years developing the property and had invested over \$100 million in the Bowman Road corridor. Mr. Richardson stated contrary to what had been posted on social media, it was not a new apartment complex; however, a second phase of the Pointe at Brodie Creek. Mr. Richardson provided an overview of the amenities for the proposed multi-family project. Mr. Richardson stated that he had met with the Home Owners Associations (HOAs) of both the Brodie Creek and Woodlands Edge Neighborhoods and had made the following concessions should the project be approved that evening: 1) the new units would be hidden from Bowman Road and accessible only through the existing development (Pointe at Brodie Creek); 2) the property located next to Brodie Creek would be kept deed-restricted and never utilized for multi-family; 3) half-street improvements would be made along Bowman Road, which would cost approximately \$750,000; 4) installation of a round-about at Brodie Creek Trail and Bowman Road at a cost of approximately \$325,000 - \$350,000; 5) the single-family lots would be built at eighty-five (85)-foot, comparable to Woodlands Edge; and 6) the installation of a fifty (50)-foot green space between the development and Brodie Creek to assist in screening the area.

Director Wright asked if the item needed to return to the Planning Commission as a result of all the concessions that were not originally included in the application. City Attorney Tom Carpenter stated that the Board had the authority to make an amendment to the ordinance that would include the round-about, or they could send it back to the Planning Commission to have it included. Mr. Daters stated that the round-about would be made a part of the application and that if they could not come up with round-about design that staff allowed them to build, and that Brodie Creek Neighborhood Association allowed them to build, the project would not move forward as it was part of the approval. City Attorney Carpenter stated that the application could be amended to include the changes.

Tim Grooms, 111 Center Street: Stated that he was legal counsel for the applicant and that a Declaration of Restrictions would be developed that would make the Property Owners Association (POAs) a thirty-party beneficiary with the right to sue and obtain an injunction should something be done wrong. Mr. Grooms stated that the round-about would either have to be built in the property that the applicant owned, in property in which the City owned the right-of-way or property that the POA owned.

City Attorney Carpenter stated that the Board was being asked to approve a zoning application with a feature for which the requestor did not have the authority of the owner to make the request. Director Kumpuris stated that the City was on dangerous ground in accepting the application.

Director Kumpuris made the motion, seconded by Director Wright to refer the item back to the Planning Commission to consider the amendments that had been offered. By voice vote of the Board Members present, with Directors Hendrix, Richardson and Wyrick voting in opposition, **the motion was approved.**

Director Adcock stated that they had given the developer time to make a presentation and answer questions regarding the proposed development and it would only be fair to hear from the neighborhood regarding their concerns.

Director Adcock made the motion, seconded by Director Kumpuris, to give the opposition five (5) minutes to respond to the applicant's presentation and the Board's decision.

Director Richardson stated that the Board had already voted to send the item back to the Planning Commission and he didn't think it was necessary to hear from the opposition, especially considering the amount of e-mails that each of the Board Members had received in the past weeks. Vice-Mayor Hines stated he would support the motion if there were residents from Brodie Creek present that wanted to speak in support of the application.

Director Adcock amended the motion, seconded by Director Kumpuris, to provide those in support of the application the opportunity to speak. By unanimous voice vote of the Board Members present, **the motion was approved**.

Jamie West Shipley, 33 Woodstream Cove: Stated that she was a resident of Woodlands Edge and was opposed to the development. Ms. Shipley stated that they would like to see single-family homes developed on the property; however, the applicant had stated that based on the price of the land, it was not economically feasible to develop the property for single-family homes. Ms. Shipley stated that her understanding was that the Land Use Map was directional and not intentional and that the land did not have to be rezoned from Single-Family to Multi-Family. Ms. Shipley stated that if the land was priced appropriately for single-family homes, then single-family homes could be developed. Ms. Shipley stated that the applicant did build nice apartment homes; however, Bowman Road was inadequate and now oversaturated with over 1,000 apartment homes.

James Buie, 47 Deerberry Forest Circle: Stated that he was in support of the proposed development. Mr. Buie stated that current application provided a fifty (50)-foot buffer between the multi-family and Brodie Creek; however, in the future, apartments could be built all the way to the boundary of Brodie Creek.

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

ATTEST:

Susan Langley, City Clerk

APPROVED:

Mark Stodola, Mayor