

**Little Rock Board of Directors Meeting
December 18, 2012
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; Hurst; Cazort; Hines; Wright; Wyrick; Fortson; Adcock; Vice-Mayor Kumpuris; and Mayor Stodola. Director Lance Hines delivered the invocation, which was followed by the Pledge of Allegiance.

ADDITIONS

M-1 RESOLUTION: To authorize a letter of intent to FWH II Little Rock, LLC, to enter into a lease and concession agreement with the City of Little Rock, Arkansas, and the Little Rock Advertising & Promotion Commission, for the property commonly referred to as the Peabody Hotel and Statehouse Convention Center; and for other purposes. *Staff recommends approval.*

M-2 RESOLUTION: To provide funding for the repair, rehabilitation and reconstruction of the Riverfront Amphitheatre; to approve a Memorandum of Agreement to grant naming rights for the Amphitheatre and for the stage; and for other purposes. *Staff recommends approval.*

M-3 ORDINANCE: To amend Little Rock, Arkansas, Ordinance No. 20,203 (December 15, 2009) to make the franchise renewal period for AT&T U-Verse one (1)-year instead of three (3) years; and for other purposes. *Staff recommends approval.*

M-4 RESOLUTION: To make reappointment to the Little Rock Municipal Airport Commission; and for other purposes. *Staff recommends approval.*
Synopsis: Reappointment of Jim Dailey to serve his second five (5)-year term, said term to expire on December 31, 2017.

DEFERRAL

7. RESOLUTION: To authorize the City Manager to execute an agreement with Pulaski County for the City to assume a lease of the Batesville Pike Communications Tower Site; and for other purposes. *Staff recommends approval.*
Synopsis: The Little Rock Police Department is requesting approval to authorize the City Manager to enter into an Assignment and Assumption Agreement with Pulaski County and Ron Gangluff for the City to assume the County's current lease with Mr. Gangluff for the communications tower site located at 3719 Batesville Pike, North Little Rock, AR. The radio tower at the Batesville Pike site is a major component of the City's radio infrastructure improvements.

Director Adcock stated that she had no problem adding the items to the agenda; however, she would like to add them to the Separate Items so that any questions could be answered. Director Richardson made the motion, seconded by Director Hines, to add Items M-1 – M-4 to Separate Items and to defer Item 7. By unanimous voice vote of

the Board Members present, **Items M-1 – M-4 were to Separate Items and Item 7 was deferred.**

CONSENT AGENDA (Items 1 – 6 and 8 - 9)

1. RESOLUTION NO. 13,613: To authorize the Mayor, City Clerk and City Manager to execute real estate contracts, convey certain real property and a temporary construction easement located along a portion of Cantrell Road in the City of Little Rock, Arkansas, to the Arkansas Highway and Transportation Department for a roadway improvement project; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the Mayor, City Clerk and City Manager to convey real property and execute temporary construction easements with the Arkansas Highway and Transportation Department (AHTD) for a project to widen Cantrell Road from Mississippi Avenue to the Perryville Road, AHTD Project 061194.

2. RESOLUTION NO. 13,614: To authorize the City Manager to enter into a contract with Simplex Grinnell for the purchase of a fire suppression system in the amount of \$55,262.00 plus tax, for the Little Rock Information Technology Department Server Room, located at 7000 Murray Street; and for other purposes. *(Funding from the 2012 5/8-Cent Operational Improvements Sales Tax Funding)* *Staff recommends approval.*

Synopsis: To purchase a fire suppression system for the Little Rock Information Technology Department Server Room located at 7000 Murray Street.

3. RESOLUTION NO. 13,615: To authorize the City Manager to enter into a contract with Altec Industries, Inc., in the total amount of \$177,800.00, for the purchase of two (2) service trucks with aerial units, utilizing the National Joint Power Alliance Contract; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Altec Industries, Inc., to purchase two (2) Service Trucks with Aerial Units, totaling \$177,800.00 utilizing the National Joint Powers Alliance (NJPA).

4. RESOLUTION NO. 13,616: To authorize the execution of a five (5)-year extension of the Interlocal Agreement between the City of Little Rock, Arkansas, and the City of Sherwood, Arkansas, to allow Metropolitan Emergency Medical Services (MEMS) to continue to provide emergency medical services and non-emergency routine transports in the City of Sherwood, Arkansas; and for other purposes. *Staff recommends approval.*

5. RESOLUTION NO. 13,617: To authorize the Mayor and City Clerk to execute an agreement with Faulkner County, Arkansas, to permit a payment to the Little Rock Ambulance Authority for services in 2012 pursuant to an Interlocal Agreement; and for other purposes. *Staff recommends approval.*

6. RESOLUTION NO. 13,618: To require the 2012 Audit to be performed in accordance with the Guidelines and formats prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants and the United States Government Accountability Office; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution requires that the 2012 Audit be performed in accordance with guidelines and formats prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants, and the United States Government Accountability Office.

8. RESOLUTION NO. 13,619: To authorize the City Manager to enter into a contract with Dell in the amount of \$80,403.31, for the purchase of Dell's Kace Systems Management Appliances and Licenses for the Little Rock Information Technology Department, utilizing the Arkansas State Purchasing Contract; and for other purposes.

Staff recommends approval.

Synopsis: To purchase Dell's KACE Systems Management appliances and licenses.

9. RESOLUTION NO. 13,620: To authorize the Mayor and City Clerk to amend an existing lease agreement with the Arkansas Highway and Transportation Department; and for other purposes. *Staff recommends approval.*

Synopsis: Authorize the Mayor and City Clerk to amend existing lease agreement with the Arkansas Highway and Transportation Department (AHTD) for the property beneath the Interstate 30 off-ramp bridge at Commerce and 2nd Streets to allow placement of an electric transformer and switchgear on the property leased by City of Little Rock.

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.**

SEPARATE ITEMS (Items M-1 and M-2)

M-1 RESOLUTION NO. 13,621: To authorize a letter of intent to FWH II Little Rock, LLC, to enter into a lease and concession agreement with the City of Little Rock, Arkansas, and the Little Rock Advertising & Promotion Commission, for the property commonly referred to as the Peabody Hotel and Statehouse Convention Center; and for other purposes. *Staff recommends approval.*

Mayor Stodola stated that Gretchen Hall, Chief Executive Officer for the Little Rock Convention and Visitors Bureau, and Phillip Tappan, Chairman of the Advertising & Promotions Commission, were present to answer any questions regarding the item.

Phillip Tappan: Stated that approximately five (5) months prior, representatives of The Peabody Hotel ownership group approached the Commission with a group from Memphis, Tennessee, called "Fairwood Capital" regarding a planned acquisition of The Peabody Hotel leasehold improvements. Mr. Tappan stated that the City of Little Rock owned the hotel; however, there had been several million dollars put in by The Peabody ownership and previous owners. Mr. Tappan reported that the Commission reviewed the previous agreement that was in place, and one of the first initiatives that they hoped to achieve was to simplify the agreement. The previous format was implemented under different conditions at different times when The Peabody Hotel, or the previous owners, had been struggling and there was a needed inducement to invest in the property. Mr. Tappan reported that Fairwind Capital was well-funded, and was primarily an institutionally-funded investment group, led by principals who had extensive backgrounds in a hospitality industry. Mr. Tappan stated that they planned to bring in Davidson Hotel Company as an operator of the hotel and they indicated that they would invest approximately \$16 million into the property, leasehold improvements and equipment furnishings and fixtures. In addition, they had chosen Marriott Hotel Corporation to be their flagship of that property.

Mr. Tappan stated that the Commission had addressed the revenue collections in a combined format. Mr. Tappan pointed out that the lease rate was less than the current lease rate that was being charged. The previous mechanism rebated a large, or over a threshold, all of the revenues collected by the Advertising and Promotion Commission back to The Peabody. This agreement would collect and capture all of the advertising and promotion dollars; thereby, coupled with the rent this agreement, there would be an enhancement of revenue over the nine (9) years. Mr. Tappan stated that the Commission had voted unanimously to approve the Letter of Intent to move forward with further negotiation to attempt to document a full lease agreement with Fairwood Capital, or their assigns.

Gretchen Hall: Distributed a document that better depicted the comparison of the current lease structure and the proposed new lease structure. Ms. Hall stated that the addition of a Marriott flag brought not only that name recognition, but it provided to the City several assets, including a national reservation system, which goes directly to at least a ten (10)-point bump in the occupancy and the average daily rate and a national sales force. In addition, by restructuring the rent agreement and uncapping the tax revenue, the City would be able to see that revenue increase by them increasing their occupancy in their average daily rate.

Director Richardson asked for further clarification regarding the decrease in rent. Mr. Tappan stated that if the base rent was added with the 2% collections off of their projected revenue, over a nine (9)-year track record, the cumulative total would be 52% over what the past nine (9) years had been running. Director Richardson asked if the \$6 million investment would be an immediate and would it include the Statehouse Convention Center or be limited to the hotel itself. Ms. Hall stated that the \$16 million would be for the hotel and conference center only; not the convention center.

Director Richardson asked if the City would be liable if they signed the Letter of Intent. City Attorney Tom Carpenter stated that there was no liability or sanction clause and that the agreement was to simply move forward with negotiating a lease agreement.

Vice-Mayor Kumpuris stated that there were many different questions that needed to be answered and that he rather the Board defer the item for two (2) weeks in order to have the questions and concerns addressed. Vice-Mayor Kumpuris stated that the City was the actual owner the building and the item before them would determine the framework of how the City would forward for the next forty (40) years. Vice-Mayor Kumpuris asked what the current rate was for the hotel. Ms. Hall stated that the current rent structure was \$375,000.00, less the rebate of the 1.9% revenue.

Vice-Mayor Kumpuris made the motion, seconded by Director Adcock, to defer the item until the January 8, 2013, Board of Directors Meeting.

Director Fortson stated that he was opposed to deferring the item due to the fact that the issue at hand was merely a non-binding Letter of Intent and would send a signal to the employees, the investors, and potential customers that the City was moving forward.

Director Richardson made the motion to call the question on the vote of the motion to defer the item until the January 8, 2013. By unanimous voice vote of the Board

Members present, **the question to vote was called.** By voice vote of the Board Members present, with Directors Hendrix, Richardson, Hurst, Cazort, Hines, Wyrick, Wright and Fortson voting in opposition, **the motion failed.**

Vice-Mayor Kumpuris stated that he completely supported the work that had been completed and the Marriott coming in as the new hotel; however, he disagreed completely that the Board had been asked to consider the item in such a short time frame, and the fact that the City Attorney had not been involved was a travesty. Vice-Mayor Kumpuris asked how the \$16 million in improvements would be made. Mr. Tappan pointed out that the Letter of Intent stated that the investor would have to submit a detailed report regarding what the improvements would be. Vice-Mayor Kumpuris asked how the Marriott would classify the hotel in Little Rock. Ms. Hall stated that the hotel would be a full-service Marriott convention property. Vice-Mayor Kumpuris asked if the property would be classified as a JW Marriott or a Marquis Marriott hotel. Ms. Hall stated that it would not have either of those classifications.

Vice-Mayor Kumpuris stated that he thought the Commission needed to rethink giving the hotel control of the Block 2 parking lot across the street. Vice-Mayor Kumpuris stated that it was an extraordinarily valuable piece of property that every hotelier in the past had wanted to have control of, and the City had maintained and was the one thing that we had to use to provide more competition. Mr. Tappan stated that he would encourage and welcome the Vice-Mayor's feedback as they were drafting a final lease agreement from the Letter of Intent. Mr. Tappan stated that the primary reason that the Marriott wanted control of the parking lot was to preserve their ability to have additional parking.

Director Fortson made the motion, seconded by Director Hendrix, to adopt the resolution. By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Hurst; Cazort; Hines; Wright; Wyrick; and Fortson. Nays: Adcock and Vice-Mayor Kumpuris. By a vote of eight (8) Ayes and two (2) Nays, **the resolution was adopted.**

M-2 RESOLUTION NO. 13,622: To provide funding for the repair, rehabilitation and reconstruction of the Riverfront Amphitheatre; to approve a Memorandum of Agreement to grant naming rights for the Amphitheatre and for the stage; and for other purposes. *Staff recommends approval.*

Director Cazort made the motion, seconded by Director Richardson, to adopt the resolution.

Director Adcock asked for an explanation of the project and where the City's portion of the funds would be taken. City Manager Bruce Moore stated that the City's portion would be taken from Park Upgrades and that none of the funds would be connected to the new sales tax dollars.

Director Fortson stated that he was a Director and Shareholder of one of the parties in the agreement, and would have to recuse from the discussion and would not participate in the vote. Director Fortson left the Board Chambers.

City Manager Moore stated that it was an excellent opportunity from a major corporate citizen in Little Rock; First Security Bank had pledged to contribute \$750,000.00 for the naming rights for the Amphitheatre. In addition, Riverfest had committed \$150,000.00 and the stage would remain Riverfest Stage. City Manager Moore stated that they were trying to implement the contracts so that construction could begin for a target completion date by the Easter Sunrise Services. Ms. Hall stated that the total project cost was approximately \$1.192 million and with the First Security commitment of \$750,000.00 and the Riverfest commitment of \$150,000.00, \$450,000.00 would be available at the time the construction bill was finished and needed to be paid. Ms. Hall reported that the Commission approved a \$146,000.00 commitment to the project at their meeting earlier that day.

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

Director Fortson returned to the Board Chambers.

GROUPED ITEMS (Items 10 - 17)

10. ORDINANCE NO. 20,665: To dispense with the requirement of competitive bidding and to authorize the City Manager to enter into a contract in the amount of \$184,493.40, including applicable taxes, with Motorola, Inc., as the sole source provider for the purchase of forty (40) Motorola Portable Police Radios; and for other purposes. *Staff recommends approval.*

The Little Rock Police Department is requesting approval to purchase forty (40) Motorola Portable Police radios to supply the upcoming recruit class and for spares in the event of emergencies.

11. ORDINANCE: To assess the value of benefits to be received by the owners of each of the several blocks, lots and parcels of land within Pecan Lake Municipal Recreational District No. 4; and for other purposes. *Staff recommends approval.*

12. ORDINANCE NO. 20,666: To fix and impose the aggregate amount of fees and charges to be paid to the City of Little Rock, Arkansas, by Entergy Corporation, and the method of payment thereof; amending Section 9 of Ordinance No. 11,683; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance levying a franchise fee to be paid by Entergy Corporation. This franchise fee should remain in effect until otherwise amended by the Board of Directors.

13. ORDINANCE NO. 20,667: To amend in part Ordinance No. 11,366 to provide for levying a franchise fee to be paid by CenterPoint Energy ARKLA; to provide for payment thereof; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance levying a franchise fee to be paid by CenterPoint Energy ARKLA. This franchise fee should remain in effect until otherwise amended by the Board of Directors.

14. ORDINANCE NO. 20,668: To fix and impose the amount of fees and charges to be paid to the City of Little Rock, Arkansas, by all companies that provide interstate or intrastate long distance telecommunication service, and all business incidental to or connected with the conducting of such telephone business in the City of Little Rock,

Arkansas; amending Section 3 of Ordinance No. 15,706; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance levying a franchise fee for companies providing long distance telephone service in Little Rock for 2013.

15. ORDINANCE NO. 20,669: To levy franchise fees to be paid by all carriers providing local access telephone services; providing for the payment thereof; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance levying a franchise fee to be paid by all carriers providing local access telephone service. This franchise fee should remain in effect until otherwise amended by the Board of Directors.

16. ORDINANCE NO. 20,670: To amend Little Rock, Ark., Rev. Code §28-28 (1988) to modify the rates for solid waste collection services; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

17. ORDINANCE NO. 20,671: To provide for and to adopt the 2013 Budget for the City of Little Rock, Arkansas, for the period beginning January 1, 2013, and ending December 31, 2013; to appropriate resources and uses for every expenditure item and fund; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

The ordinances were read a first time.

Mayor Stodola stated that he had a card from an individual that wanted to speak regarding Item 17 and it would be held separately.

Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances, with the exception of Item 17, on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances, with the exception of Item 17, were read a second time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances, with the exception of Item 17, on third reading.

Director Wyrick stated that Item 11 was to increase the improvement fees for the Recreational District for Pecan Lake. Director Wyrick stated that she and City Attorney Tom Carpenter had met with the Commissioners of the District and several individuals that had an interest in the District, and it was discovered that they had already put into place an assessment without going through the correct process, and that actually, people were assessed this fee for last year. Director Wyrick asked if the City had determined what action could be regarding those assessments that were already billed and collected in October when these were assessed without going through the proper process. City Attorney Carpenter stated that the City had voiced their concerns; however it would be a matter between the individual property owners and the District; not the City and the District. City Attorney Carpenter stated that legal counsel for the District had published a notice on December 2, 2012, regarding the intent to increase the assessments and stated that they would have the assessments available for anybody that wanted to check them; therefore, they had complied with the Statute. City Attorney Carpenter stated that the item before the Board was a review that had been completed by the Assessor for the District and their legal counsel, and based upon what they had

said the improvement were going to be to each of the parcels of property, and that absent anything to the contract, the Board would assume that they were responsible.

Director Wyrick made the motion, seconded by Director Adcock to hold the ordinance on 2nd Reading and to defer the item until the January 18, 2013, Meeting, to give her the opportunity to visit with individuals from the neighborhood. By unanimous voice vote of the Board Members present, **the motion passed.**

By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances, with the exception of Items 11 & 17, were read a third time. By voice vote of the Board Members present, with Directors Richardson, Wright & Wyrick voting in opposition, **the ordinances, with the exception of Items 11 & 17, were approved.** By unanimous voice vote of the Board Members present, with Directors Richardson, Wright & Wyrick voting in opposition, **the emergency clause for Item 16 was approved.**

17. ORDINANCE NO. 20,671: To provide for and to adopt the 2013 Budget for the City of Little Rock, Arkansas, for the period beginning January 1, 2013, and ending December 31, 2013; to appropriate resources and uses for every expenditure item and fund; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Director Adcock made the motion, seconded by Director Richardson, to 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 Hurst, to 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 Adcock stated that she had just received a report regarding the Metro Little Rock Alliance and asked for an explanation regarding the municipalities that comprised the Board. City Manager Moore stated that the Metro Little Rock Alliance was not a Board that the City sat on per se, and that Little Rock Regional Chamber of Commerce Executive Director Jay Chesshir was available to answer any questions. Director Adcock asked that staff make copies of the information and distribute to the Board Members before the discussion proceeded.

Director Adcock made the motion, seconded by Director Wyrick, for the Board to take a fifteen (15)-minute recess while the copies were being made. By voice vote of the Board Members present, **the motion failed.**

Jay Chesshir: Stated that he represented the Little Rock Regional Chamber of Commerce and the Metro Little Rock Alliance. Mr. Chesshir stated that in 2011, the Metro Little Rock Alliance Board determined that they wanted to operate at a 65% portion of their normal revenue, which was \$300,000.00, per year in terms of what they were asking Cities and Counties and private entities from around the region to contribute because of economic conditions. Mr. Chesshir stated that was the reason why the information reflected effectively a \$200,000.00 revenue budget as opposed to the 300,000.00, which was established in 2004 when the Metro Little Rock Economic Development Marketing Alliance was formed. Mr. Chesshir stated that

the municipalities of Conway, Jacksonville, Maumelle, Hot Spring County, White County, North Little Rock, Sherwood, and many others from around the region had been contributing to the economic development marketing fund since approximately 2004. Mr. Chesshir stated that it was the intention to go back to the original \$300,000.00 budget as originally prepared and created in 2004 and 2005, and, in fact, with the contribution to the marketing of the Metro Little Rock Alliance, the Metro Little Rock region would hopefully see the increase in the opportunity to attract more new investment and more jobs to the community.

Director Adcock asked why Pulaski County was not contributing to the Alliance. Mr. Chesshir stated that Pulaski County had not been approached in the past about being a contributor due to the fact that the individual communities and organizations such as Chambers of Commerce that were contributing. Each County had been comprised differently since the inception of the Metro Little Rock Alliance. Mr. Chesshir stated that for example, the City of Conway paid the majority of the share, if not the full share, of Faulkner County. However, in Garland County, for example, the Hot Springs/Garland County Economic Development Corporation, a private entity paid all of theirs; so there were both public and public/private partnerships and it depended upon how each County determined how they were going to allocate those revenue sources when it originally began.

Richard Morehead, 9619 Chicot Road: Stated that he represented the International Association of Firefighters, Local #34 and that they had been in negotiation for approximately eight (8) sessions, and it was just not going in the direction that they would like it to be. Mr. Morehead stated that as the policy directors of the City, he thought it was important that the Board understand. Mr. Morehead stated that they were given the financial information regarding their agreement that past Friday and they hadn't had the opportunity to really even look at the financial or the economic package of the agreement that had been proposed by the City. Mr. Morehead stated that the Union didn't think it was fair and that's why he was present to state their opposition to approving the budget.

Director Wyrick asked if they were negotiating a three (3)-year contract. City Manager Bruce Moore stated that the dialog had not been terminated; so that issue had not been addressed at that point. Mr. Morehead stated that from a philosophical standpoint, he thought that it was always good to have multi-year agreements, and he thought it sent a good message to the organization. Director Hines asked if the budget was approved, would it restrict the flexibility to negotiate with the Union or put caps on what the City needed to with the fire fighters to conclude their contract negotiations. Mr. Moore stated that everyone had known for over a month that they were looking at a 3% increase, and he did not think it would hinder his ability to move forward with negotiations.

Director Cazort made the motion to call the question on the vote. By unanimous voice vote of the Board Member present, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Hendrix; Hurst; Cazort; Hines; Fortson; Adcock; and Vice-Mayor Kumpuris. Nays: Wright and Wyrick. Present: Richardson. When asked if he would like to change his vote, Director Richardson stated he would like for his vote to remain as Present. By a vote of seven (7) ayes, two (2) nays and one (1)

present, **the ordinance was approved.** By voice vote of the Board Member present, with Director Wright voting in opposition, **the emergency clause was approved.**

Director Cazort made the motion, seconded by Director Hines, to take a fifteen (15)-minute recess. By roll call vote, the vote was as follows: Ayes: Richardson; Hurst; Cazort; Hines; Wright; Wyrick; Fortson; and Vice-Mayor Kumpuris. Nays: Hendrix and Adcock. By a vote of eight (8) ayes and two (2) nays, **the motion was approved and the Board took a fifteen (15)-minute recess.**

Director Hurst made the motion, seconded by Director Adcock, to address Item M-3. By unanimous voice vote of the Board Members present, **the motion was approved.**

M-3 ORDINANCE NO. 20,672: To amend Little Rock, Arkansas, Ordinance No. 20,203 (December 15, 2009) to make the franchise renewal period for AT&T U-Verse one (1)-year instead of three (3) years; and for other purposes. *Staff recommends approval.*

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Hurst, to 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 Hurst, to suspend the rules and place the ordinance. 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.**

Mayor Stodola stated that he would like to go ahead and address Item M-4 at that time.

M-4 RESOLUTION NO. 13,623: To make reappointment to the Little Rock Municipal Airport Commission; and for other purposes. *Staff recommends approval.*

Synopsis: Reappointment of Jim Dailey to serve his second five (5)-year term, said term to expire on December 31, 2017.

Director Cazort made the motion, seconded by Director Hendrix, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

PUBLIC HEARING (Item 18)

18. ORDINANCE NO. 20,673; MSP12-06: To amend the Master Street Plan; to remove the collector designation from the continuation of Wellington Plantation Drive; and for other purposes. *Planning Commission: 3 ayes, 5 nays, 1 abstention and 2 absent. Staff recommends denial.*

Synopsis: A Master Street Plan amendment to remove the Collector designation for the Wellington Plantation Drive from its current terminus to Rahling Road.

Mayor Stodola opened up the public hearing.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Richardson, to 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 Wyrick stated that she needed to disclose that her son-in-law was a partner in the same firm as the applicant. Director Richardson asked if she would need to leave the room for the discussion of the Item. City Attorney Carpenter stated that did not have to recuse in that the interest her son-in-law had was not 10% of the value of the corporation or law firm, so it would not disqualify her from voting.

Mayor Stodola stated that he had received cards on the related Ordinances 19 and 20, and some of them had requested to speak on all the items, some on two (2) of the items and some on just one (1) of the items. Mayor Stodola stated that unless there was an objection, he thought the best thing to do was to go ahead and have the readings on Ordinances 19 and 20, and then move forward and take them in order.

19. ORDINANCE NO. 20,674; LU12-19-01: To amend the land use plan on the east side of Rahling Road between Kirk Road and Pebble Beach Drive; and for other purposes. *Planning Commission: 7 ayes, 2 nays, and 2 absent. Staff recommends denial.*
Synopsis: To approve Land Use Plan changes in the area along the east side of Rahling Road between Kirk Road and Pebble Beach Drive. (LU12-19-01).

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 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.

20. ORDINANCE NO. 20,675; Z-8165-B: To reclassify property (with conditions) 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: 8 ayes, 0 nays, and 2 absent. Staff recommends denial.*
Synopsis: The owners of the 69.1716-acre property located along the east side of Rahling Road, south of Pebble Beach Drive are requesting that the zoning be reclassified from R-2, Single-Family, and MF-18, Multi-Family, to R-2, Single-Family, MF-12, Multi-Family, O-3, General Office, C-1 Neighborhood Commercial, and OS Open Space (with conditions).

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 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.

Director Hendrix stated that since there were so many cards turned in from individuals that wanted to speak on the items, she would like to see a limit on the conversations and each item be given a set amount of time. Mayor Stodola stated that it would be difficult in that he had received several cards from individuals that indicated that they wanted to speak on all three (3) items and some individuals that only wanted to speak on one (1) item.

Director Hendrix made the motion to limit the time of discussion to twenty (20) minutes for each item. **The motion failed due to the lack of a second.**

Bill Spivey: Stated that along with Tim Daters, of White-Daters Engineers, they represented the applicant Deltic Timber. Mr. Spivey stated that approximately three (3) and one-half years ago, they had presented three (3) very different proposals for the same property. Mr. Spivey stated that over the years, a number of uses had been proposed for the property, including a public school, multi-family housing, offices, commercial and residential uses in varying configurations. Some of the proposals had been presented to the Planning Commission and Board of Directors for consideration. In May 2009, following the Board's denial of a much different proposed modification to the City's Master Street Plan, Deltic withdrew its application to rezone the property. There was virtually no activity with regard to the property for the next couple of years, and from time to time, Deltic received inquiries from interested neighbors; however, there was no formal process. A little over a year ago, representatives of the Villages of Wellington and Deltic Timber Corporation met to discuss the property and its possible future use. Over the ensuing months, other meetings occurred, during which frank discussion and exchanges between these representatives occurred. Mr. Spivey stated that on a parallel track, Deltic continued its discussion with the then representatives of the Chenal Ridge Property Owner's Association, which was immediately to the north, and those discussions resulted in the application that was before the Board that evening. Mr. Spivey stated that the proposals that were before the Board that evening were materially different from the 2008 proposals, and yet all of the components, which were intended to ensure the quality of any future development of the property, remained as before. Although the property was physically located at the outer boundaries of Chenal Valley, it was not presently covered by the Chenal Valley Declaration of Restrictions and Covenants; however, Deltic had pledged to bring the property into Chenal Valley and to ensure that the same standards of quality, design, and construction, and overall orderly development would apply to the property just as they did in the rest of Chenal Valley.

Tim Daters: Stated that he was a consultant engineer with White-Daters and Associates and they had first began working on the parcel in 1986 with the development of a preliminary plat for three (3) phases of Chenal Ridge. Mr. Daters stated that the third phase of Chenal Ridge, while approved on a preliminary plat in 1986, was never constructed and Deltic had not pursued construction of this third residential phase. Mr. Daters stated that in visiting with the Villages of Wellington, one of the main things that they were concerned about was the location of approximately twenty-seven (27) acres of MF-18 property, which was relatively close to their subdivision. They were concerned about the MF-18 density and the total number of units; the total number of existing units that were approved on this site were approximately 480. One of the first things Deltic tried to consider was what they could do to scale that multi-family back to MF-12 zoning and limit it to twenty (20) acres and 240 units. Mr. Daters reported that the present proposal was for twenty (20) acres of MF-12 zoning, approximately twenty-

five (25) acres of C-1 neighborhood commercial zoning, and approximately thirteen (13) and a half acres of O-3 office zoning with a lot of restrictions. The balance of the property would be deed-restricted to single-family residential use and there were approximately eight (8) acres of open space. Mr. Daters stated that one of the other items that came up in the negotiations with the Villages of Wellington was to determine if it was possible to eliminate Wellington Plantation Drive. Mr. Daters stated that there were four (4) collector streets that served the Villages of Wellington and St. Charles, which served to gather up traffic inside the subdivision and move it to the arterial streets that were around the subdivision in the order that they were constructed. St. Charles Boulevard was constructed in approximately 1980, and it tied the first developments of St. Charles into Napa Valley Road. Loyola Drive was then constructed and it runs from Chenal Parkway up into the St. Charles Subdivision and then on over to the traffic circle in Wellington. Wellington Plantation Drive south, down into Wellington Villages and into Chenal Parkway, and then it runs westerly out of Wellington and tied into Kirk Road. Mr. Daters reported that the development within Wellington was essentially, with a few empty lots, and the development might add, roughly, forty (40) lots. Mr. Daters stated that they conducted a study to look at what the traffic counts would be on Chenal Parkway and Rahling Road and these collectors without the connection of Wellington Plantation Drive.

Ernie Peters: Stated that he was with Peters and Associates Engineers and that at the request of Deltic, they had conducted the traffic study. Mr. Peters reports that the volumes on Rahling Road had continued to increase over time, and currently Rahling Road carried, in this vicinity, 12,000 to 13,000 vehicles per day. On Pebble Beach Drive, which was just north of the acreage, the volumes currently were approximately 27,000 vehicles per day, a little over half of what was considered a normal service volume for a collector street. Mr. Peters stated that the current volume had actually decreased since it was last studied, as it was over 3,000 vehicles per when it was last studied, which was in part due to some of the measures that the City Engineering Staff and Public Works Staff had taken to try and mitigate some of the cut-through traffic that occurred on that collector road that connected between two (2) arterial streets. Mr. Peters stated that collector streets functioned best when they were not continuous and he believed that with the removal of that portion of Wellington Plantation Drive that had yet to be constructed in the area, the collector streets that remained, including that part of Wellington Plantation Drive that had already been built, would continue to serve as collectors were intended to serve. Mr. Peters stated that if the existing zoning was developed fully, he estimated that approximately 3,200 vehicle trips per day would be generated by that combination of single-family and the large number of multi-family units that were allowed in that existing zoning area. With the zoning that was being proposed, that total increased close to 10,000 vehicles per day; however, even with the increase, the projected volume would occur on Rahling Road and was still well under the 31,000 to 33,000 vehicles per day that were ultimately projected at full-build of the entire area. Without the connection of Wellington Plantation Drive and without the connection that didn't exist yet of Beckenham Drive, which was shown also on the Master Street Plan in the southern part of this acreage, Pebble Beach Drive volumes with this development, had been estimated to increase from the current volume of approximately 2,700 vehicles a day to 3,700 vehicles a day; still under the intended service volume for Pebble Beach Drive.

Director Cazort stated that he was aware of the proposed elimination of Wellington Plantation Drive from the Master Street Plan, but he wanted an explanation of how that involved Beckenham Drive. Mr. Daters stated that with the lower-intensity uses, the plan would work without making those connections. In other words, it worked without making the Wellington Plantation connection, and it worked without making the Beckenham connection. Mr. Spivey stated that Deltic's position, with respect to Beckenham Drive, was to the extent that the property was developed and the Boundary Street Ordinance acted or operated to require a portion of Beckenham Drive to be built. Mr. Spivey stated that if the Master Street Plan or if the City, as a policy matter, determined that Beckenham Drive was not necessary, Deltic Timber had no objection. The plan did not depend upon or require that either Wellington Plantation Drive or Beckenham Drive be connected.

Larry Grace, 11 Tory Court: Stated that he was the current President of the Villages of Wellington Community Association and they were in support of the proposal and that it represented cooperation between private development and neighborhoods. Mr. Grace stated that they encouraged the Board to support the removal of Wellington Plantation Drive from the Master Street Plan.

Earl Magnuson, 4 Petress Court: Stated that he was the President of the St. Charles Community Association and although they were in support of the proposal, they were concerned with the increase of cut-through traffic that had occurred over the past twenty (20) plus years.

Jeff Cook, 9 Wellington Parish Cove: Stated that he was in support of the proposal; however, the cut-through traffic needed to be better addressed.

Linda Williams, 2210 Huntleigh Court: Stated that she lived in the Garrett Glen Subdivision and if Beckenham Drive was completed it would back up to her property. Ms. Williams stated that she agreed with staff's recommendation for denial and she felt that their recommendations were completely ignored during the Planning Commission hearing.

Andy Lain, 13501 Beckenham Drive: Stated that he was the President of the Hillsborough Property Owner's Association and they were against the proposal.

Marcus Moody, 4 Sawgrass Court: Stated that he had moved to the area because it was a quiet community where his children could play. Mr. Moody stated that he was opposed to the proposal due to the fact that it would be adding more traffic in the area.

Bob Buckalew, 31 Ledgelawn Drive: Stated that he had lived in Chenal Ridge for twenty-four (24) years and that when Pebble Beach Drive opened up, traffic increased. Mr. Buckalew stated that he was against the proposal as he felt that all it was going to do was dump everything on Pebble Beach Drive and increase the traffic to the detriment of the people that lived in the area.

Bud Laumer, 13320 Beckenham Drive: Stated that he was against the proposal and that collector streets could not effectively operate as collector streets when they were made into shortcuts between arterial streets.

Kyle Ross, 13610 Abinger Drive: Stated that he was against the proposal and that he didn't think it was fair to ruin several neighborhoods to save one neighborhood. Mr. Ross stated that the plan was not good and there were petitions with signatures from hundreds of residents that were in opposition.

Jana Brandon, 14701 Beckenham Drive: Stated that she lived in Pebble Beach Estates and they did not receive any notification during the planning phases of the proposed

developments. Ms. Brandon stated that when Dorado Beach Road was connected to Hinson Road, the Pebble Beach neighborhood became the official cut-through.

Nancy Speer, 2116 Sawgrass Drive: Stated that she had lived in the area for over twenty (20) years and was opposed to the development. Ms. Speer stated that she didn't think that those that had already made their investment in the area needed to be compromised in a deal that Deltic Timber was trying to make.

Charles Dunlap, 5 Sawgrass Court: Stated that he had nothing new to add to what anyone else had stated; however, he wanted to be on the record as being against the development.

Brian Eddins, 10 Banfield Lane: Stated that he was against the development and that according to the *Arkansas Democrat-Gazette*, there were eighty-five (85) acres less than a mile away from the proposed development that was currently zoned the same way and he didn't understand why they needed to change the zoning on this particular piece of property. Mr. Eddins stated that if the zoning was changed to commercial, the quality of life for the residents in the area was going to be affected.

Jim Wood, 1711 Hillsborough Lane: Mr. Wood stated that he was against the proposed development and that he hoped that the green space would be kept.

Steve Prior, 7 Sawgrass Court: Stated that his property backed up to Beckenham Road and that since he had moved into the area, the traffic had steadily increased. Mr. Prior stated that the development concerned him in that Beckenham Drive was on the Master Street Plan, which meant that Deltic didn't have to come back before the Board if they wanted to build it out.

Dane Justice, 14710 Beckenham Drive: Stated that he was against the proposal in that the Master Street Plan was already in place to run Beckenham Drive through and he felt that the proposal would dramatically change the face of the neighborhood permanently.

Lorri Justice, 14710 Beckenham Drive: Stated that she was against the development and did not want Beckenham Drive to be built-out.

Larry Suva, 13301 Beckenham Drive: Stated that he was against the development and urged the Board to listen to the neighborhoods and deny the proposal.

Dana Gaddy, 13301 Beckenham Drive: Stated that she was Vice-President of the Hillsborough Property Owner's Association and that they had obtained over 450 signatures from individuals that were against the development. Ms. Gaddy urged the Board to support staff's recommendation and deny the application.

Richard Bell, 192 Pebble Beach Drive: Stated that he was opposed to the development and that to build apartments, multi-family homes, and even some businesses in an area that was already suffering from traffic, simply added to the problems.

Barbara Coppens, 2112 Sawgrass Drive: Stated that she was opposed to the development and asked the Board to deny the application.

Director Hurst stated that it had been mentioned that Beckenham Drive was on the Master Street Plan to extend. Director Hurst asked if the application was approved could Deltic chose to extend the street at any time without approval of staff or the Board. Planning & Development Department Director Tony Bozynski stated that Beckenham Drive was listed as a collector street in the Master Street Plan and as it had been stated, as Deltic developed that property that's adjacent to it, they would to comply to the Boundary Street Ordinance, which stated that it would have to be constructed to collector standards. Mayor Stodola stated that as long as Beckenham Drive stayed on the Master Street Plan, regardless of the development of the land in terms of the land use, then the street would be developed.

Director Hurst asked if an amendment could be offered that stated that Beckenham Drive would not be extend to Rahling Road. City Attorney Carpenter stated that it would have to be made separately as an amendment from the Master Street Plan; however, he did not think that a Master Street Plan amendment could be made without going to the Planning Commission. Director Hurst asked if an amendment could be made to the ordinance. City Attorney Carpenter stated no, the matter would have to be sent back to the Planning Commission. Director Adcock asked if a neighborhood, or a coalition of neighborhoods, could join together to apply to the Planning Commission for a street to be removed from the Master Street Plan. Mr. Bozynski stated that they could file a request and go through the process to have it removed.

Director Hines stated that his plan for after the vote on the issues at hand was to propose a motion to create a task force and put a moratorium on any development on Beckenham Drive, the expansion of Rahling Road. Director Hines stated that the issue needed to be addressed as a global issue, not just for Beckenham Drive and Pebble Drive, but for the whole issue with the expansion of Rahling Road.

Director Fortson asked if he could introduce a resolution directing Planning & Development Staff and the Planning Commission to study the issue and present the Board with an ordinance removing Beckenham Drive from the Master Street Plan. City Attorney Carpenter stated that it could be done via resolution or by motion.

Director Richardson asked if the items were time-sensitive and if a deferral were appropriate to give staff time to address additional issues. Mr. Spivey stated that they would like to have a vote on all three (3) items that evening. Mr. Spivey stated that they had listened and talked with the neighborhoods and the plan had been redesigned. The applicant did not need Beckenham Drive to provide access and had no objection whatsoever to it being taken off the Master Street Plan.

Vice-Mayor Kumpuris made the motion, seconded by Director Hurst, to table all three (3) items for six (6) months to allow staff to come back on the issues of removing Beckenham Drive from the Master Street Plan.

Mr. Spivey stated that the Board could adopt the three (3) ordinances that evening and move forward with removing Beckenham Drive from the Master Street Plan and it wouldn't affect the ordinances. Mr. Spivey stated that Deltic wouldn't file any applications to develop the property for six (6) months. Director Adcock stated that she had no problem with voting on the items; however, in order to give everyone breathing time, she would like to defer the items for thirty (30) days.

Mayor Stodola closed the public hearing.

Director Adcock made the motion, seconded by Vice-Mayor Kumpuris, to amend the previous motion to defer all three (3) items for thirty (30) days.

Director Hines stated that he did not support delaying the vote on the items. Director Cazort stated that the applicant had asked for a vote of the items that evening and that they deserved a vote.

Director Adcock stated that City Manager Moore stated that staff would not be able to begin the process within thirty (30) days; therefore, she would like to withdraw her motion.

By roll call vote, the vote was as follows: Ayes: Hurst and Vice-Mayor Kumpuris. Nays: Hendrix; Richardson; Cazort; Hines; Wright; Wyrick; Fortson; and Adcock. By a vote of two (2) ayes and eight (8) nays, **the motion failed.**

By roll call vote, the vote for Item 18 was as follows: Ayes: Hurst; Cazort; Hines; Wright; Wyrick; Fortson and Adcock. Nays: Hendrix; Richardson; and Vice-Mayor Kumpuris. By a vote of seven (7) ayes and three (3) nays, **the ordinance was approved.**

By roll call vote, the vote for Item 19 was as follows: Ayes: Hurst; Cazort; Hines; Wright; Wyrick; Fortson; Adcock; and Vice-Mayor Kumpuris. Nays: Richardson. Present: Hendrix. When asked if she would like to change her vote, Director Hendrix stated that she would like to change her vote to Nay. By a vote of eight (8) ayes and two (2) nays, **the ordinance was approved.**

By roll call vote, the vote for Item 20 was as follows: Ayes: Hurst; Cazort; Hines; Wright; Wyrick; Fortson; Adcock; and Vice-Mayor Kumpuris. Nays: Hendrix and Richardson. By a vote of eight (8) ayes and two (2) nays, **the ordinance was approved.**

Director Fortson made the motion, seconded by Director Adcock, to direct the City Attorney to prepare an ordinance for action in January to remove the entire undeveloped portions of Beckenham Drive from the Master Street Plan. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Adcock made the motion, seconded by Director Hines, to instruct staff to look at Pebble Beach Drive and Dorado Beach Drive to determine options to assist in alleviating some of the traffic problems that they face. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Hines made the motion, seconded by Director Wright, to draft a resolution stating that the Board did not approve of the manner the bonuses were given and the longevity clause that was apparently passed without the Sanitary Sewer Committee being made aware. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Cazort made the motion, seconded by Vice-Mayor Kumpuris, 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