

**Little Rock Board of Directors Meeting
August 5, 2014
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 (enrolled at 6:55 PM); Cazort; Hines; Wyrick; Kumpuris (enrolled at 6:20 PM); Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Joan Adcock delivered the invocation, which was followed by the Pledge of Allegiance.

CONSENT AGENDA (Items 1 – 15)

1. **MOTION:** To approve the minutes from the June 3, 2014, and June 17, 2014, Board of Directors Meetings and the minutes of June 24, 2014, Board of Directors Special Called Meeting.

2. **RESOLUTION NO. 13,929; G-23-449:** To set August 19, 2014, as the date of hearing on the request to abandon an alley located adjacent to Lots 11 and 12 and Lots 13 and 14, Block 16 of the Hicks Interurban Subdivision, in the City of Little Rock, Arkansas; and for other purposes.

3. **RESOLUTION NO. 13,930; G-24-045:** To set August 19, 2014, as the date of hearing on the request to abandon a ten (10)-foot wide drainage and utility easement located on Lot 1 Love Addition and a fifteen (15)-foot utility easement located on Lot 1R Campbell Replat Number 2, in the City of Little Rock, Arkansas; and for other purposes.

4. **RESOLUTION NO. 13,931:** To set August 19, 2014, as the date of public hearing regarding the proposed uses of the 2015 CDBG, HOME and HOPWA Entitlement Funds; and for other purposes. *Staff recommends approval.*

Synopsis: As a regulatory requirement, a public hearing must be conducted regarding proposed uses of 2015 CDBG, HOME and HOPWA Funding, which the City expects to receive from the U.S. Department of Housing and Urban Development.

Director Hendrix asked if the residents would be involved in the Public Hearing. City Manager Bruce Moore stated that the Committee had been meeting and their recommendations, along with staff's recommendation, would be brought forth at the Public Hearing.

5. **RESOLUTION NO. 13,932:** To authorize the City Manager to execute an agreement with Proshot Concrete, Inc., in the amount of \$105,000.00, for repairs to a pipe culvert crossing on River Mountain Road east of Walton Heights Road; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Funding)* *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Proshot Concrete, Inc., for culvert repairs on River Mountain Road east of Walton Heights, Bid No. 14-137.

6. **RESOLUTION NO. 13,933:** To authorize the City Manager to execute an agreement with Township Builders, Inc., in the amount of \$447,583.20, for the construction of the

Hinson Road at El Dorado Box Culvert; and for other purposes. *(Funding from the 2013 Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Township Builders, Inc., for the Hinson Road at Eldorado Box Culvert Replacement Project, Project No. 13B-4C-5B, Bid No. 14136.

7. RESOLUTION NO. 13,934: To authorize the City Manager to execute an agreement with Nick Ruffin, Inc., in the amount of \$66,398.40, for the East 23rd Street Drainage Improvements; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Funding) Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Ruffin Excavating, Inc., for drainage improvements to East 23rd Street near Pettaway Park Drain between 22nd Street and 23rd Street, Project #13-1-01A, Bid No. 14-138.

8. RESOLUTION NO. 13,935: To authorize the City Manager to enter into contracts for the construction of six (6) single-family dwelling as part of the Home Investment Partnership Program Funds; and for other purposes. *Staff recommends approval.*

Synopsis: Approval to allow the City Manager to enter in to contracts with contractors to develop Home Investment Partnerships Program (HOME) units.

Director Adcock asked if any thought had been given to utilizing the funds for the rehabilitation of existing homes instead of the construction of new homes. Housing & Neighborhood Programs Department Assistant Director Victor Turner stated that the funds could be utilized for rehabilitation; however, the City's Consolidated Plan, which had been previously-approved by the Board, and submitted to HUD, had the funds designated for new construction.

9. RESOLUTION NO. 13,936: To authorize the increase to the contract amount with Elijah Hampton Enterprises for the Schiller Street Drainage Improvement Project; and for other purposes. *(Funding from the 2013 Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*

Synopsis: Authorizes the City Manager to increase the current authorized amount of the construction contract with Elijah Hampton Enterprises, Inc., for Schiller Street Drainage Improvements, Project No. 13-1-12K, Bid No. 14116.

10. RESOLUTION NO. 13,937: To authorize the use of eminent domain on the Mabelvale Cut-Off Improvement Project; and for other purposes. *(Funding from the 2013 Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*

Synopsis: Authorizes the City Attorney to use eminent domain to complete acquisition of permanent and temporary construction easements for the Mabelvale Cutoff Improvement Project from Shiloh Drive to Mabelvale Main.

11. RESOLUTION NO. 13,938: To authorize the purchase of Grounds Equipment for City Golf Courses in the amount of \$697,147.38; to repeal Resolution No. 13,890; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Funding) Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Jerry Pate Turf and Irrigation for the purchase of golf grounds equipment for the Parks and Recreation Department in the amount of \$697,147.38.

12. RESOLUTION NO. 13,939: To authorize the City Manager to enter into a contract with B.R. McGinty Mechanical to provide plumbing repairs on an as-needed basis; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with B. R. McGinty Mechanical to provide Plumbing repairs on an as-needed hourly basis, Bid No. C14006.

13. RESOLUTION NO. 13,940: To authorize the payment of \$288,000.000 to the Arkansas Highway and Transportation Department for its revision of plans for the Broadway Bridge to include a gateway and western entrance to Riverfront Park; to authorize the Mayor, City Manager and City Clerk to execute documents needed to effect such work; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution authorizes a \$288,000.00 payment to the Arkansas Highway and Transportation Department for revision in Broadway Bridge replacement plans that will create a western entrance with a gateway concept to Riverfront Park and authorizes the Mayor, City Manager and City Clerk to execute all documents, in a form approved by the City Attorney, needed to effect the revision in the plans and the creation of the western gateway and entrance to Riverfront Park.

Vice-Mayor Wright asked where the funds for the project would be taken. City Manager Moore stated that the monies would come from the ½-Cent Turnback Funds and could only be utilized for that type of activity. Vice-Mayor Wright asked if the funds could only be utilized for that specific project. City Manager Moore stated that the gateway was part of the Broadway Bridge Project and the funds could be utilized for infrastructure projects throughout the City. Vice-Mayor Wright stated that if there Turnback Funds remaining, she would like to see them utilized to create a gateway into the West Central Sports Complex from John Barrow Road.

14. RESOLUTION NO. 13,941: To authorize the City Manager to enter into a contract with Innerplan, a State Contract Vendor, for the purchase of office furniture for the second floor of the 12th Street Station, in the total amount \$367,377.80; and for other purposes. *Staff recommends approval.*

Synopsis: The Little Rock Police Department is requesting approval to purchase modular office furniture from Innerplan, a State Contract vendor for Office Furniture, for the second floor of the 12th Street Station.

15. RESOLUTION NO. 13,942: To certify Local Government Endorsement of Davis Rubber Company, Inc., located at 1800 East 14th Street, Little Rock, Arkansas, to participate in the Arkansas Tax Back Program (as authorized by Section 15-4-2706(D) of the Consolidated Incentive Act of 2003); and for other purposes.

Director Adcock made the motion, seconded by Director Hines to approve the Consent Agenda. By voice vote of the Board Members present, with Director Hendrix and Vice-Mayor Wright voting in opposition, **the Consent Agenda was approved.**

CITIZEN'S COMMUNICATION

James Taylor: Teen Program Funding.

Kaitlin Lott: New Local Area Charity and Funding.

GROUPED ITEMS (Items 16 - 22)

16. ORDINANCE NO. 20,911; Z-2502-B: To approve a Planned Zoning Development and establish a Planned Commercial District titled New Africa Development Long-Form

PCD, located south of 40th Street between Whitfield and Potter Streets, 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.*

Synopsis: The request is a rezoning from PD-R, Planned Development - Residential, MF-12, Multi-Family District, and C-3, General Commercial District, to PCD, Planned Commercial Development, to allow a Mixed-Use Development to be developed in multiple phases.

17. ORDINANCE NO. 20,912; Z-4923-Q: To approve a Planned Zoning Development and establish a Planned Commercial District titled Shackleford Crossing Revised Long-Form PCD, located at 2600 South Shackleford 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; and 1 absent. Staff recommends approval.*

Synopsis: The applicant is proposing to amend the overall PCD, Planned Commercial Development, for Shackleford Crossing to allow for the placement of a 100-foot tall cellular tower within a landscape parking lot island located west of the JC Penney store.

18. ORDINANCE NO. 20,913; Z-8007-A: To repeal Ordinance No. 19,540 (June 6, 2006) titled Hampton Short-Form POD, and revoke a Planned Office Development, located at 1109 and 1111 Welch Street, Little Rock, Arkansas and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: The request is a revocation of the existing POD, Planned Office Development, zoning and the restoration of the previously-held R-4, Two-Family Zoning District.

19. ORDINANCE NO. 20,914; Z-8604-A: To approve a Planned Zoning Development and establish a Planned Commercial District titled Talbert Revised Short-Form PCD, located at 18601 Kanis 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; and 1 absent. Staff recommends approval.*

Synopsis: The request is to amend the previously-approved PCD, Planned Commercial Development, to add additional uses as allowable alternate uses for the site. There are no exterior changes proposed for the site.

20. ORDINANCE NO. 20,915; Z-8949: To approve a Planned Zoning Development and establish a Planned Residential District titled Borne Short-Form PD-R, located at 4422 '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; and 1 absent. Staff recommends approval.*

Synopsis: The request is a rezoning from R-2, Single-Family, to PD-R, Planned Development - Residential, to allow for the use of an existing detached garage as an office for the homeowner. The property is located within the Hillcrest Design Overlay District.

21. ORDINANCE NO. 20,916; Z-8951-I: To approve a Planned Zoning Development and establish a Planned Residential District titled Vick Short-Form PD-R, located at 1510 South Schiller Street, 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 3 absent. Staff recommends approval.*

Synopsis: The applicant is proposing to rezone the site from R-3, Single-Family, to PD-R, Planned Development - Residential, to allow an attached garage to be located within the rear-yard setback. The property is located within the Central High Design Overlay District.

22. ORDINANCE NO. 20,917: To dispense with the requirement of competitive bidding and to authorize the City Manager to enter into a contract with Versalift Southwest, in the amount of \$122,982.00, as a sole-source vendor for the purchase of one (1) Service

Truck with a Telescopic Aerial Platform Lift Device for the Public Works Department; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Funding)*
Staff recommends approval.

Synopsis: Approval of an ordinance to dispense with the requirement of competitive bidding and authorize the City Manager to enter into a contract with Versalift Southwest as the sole-source provider for the purchase of one (1) Service Truck with a Telescopic Aerial Platform Lift Device, mounted on a 19,500 pound chassis for the Public Works Department, in the amount of \$122,982.00.

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 Fortson, 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 23 - 24)

23. ORDINANCE NO. 20,919; Z-1500-B: To approve a Planned Zoning Development and establish a Planned Commercial District titled Murphy USA Short-Form PD-C, located on the northwest corner of West 12th Street and University Avenue, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 1 nay; and 1 absent. Staff recommends denial.*
Synopsis: The request is a rezoning from I-2, Light Industrial, to PD-C, Planned Development – Commercial, to allow for the development of this site with a convenience store including gas pumps.

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.

Wayne Gibson: Stated that he represented Murphy USA, from El Dorado, Arkansas. Mr. Gibson stated that the development had been estimated to generate approximately \$43,000 a year in Property Tax revenue, approximately \$366,000 in Sales and Use Tax collections to the City and based on the State Fuel Tax of 21.5¢, would generate \$881,000. Mr. Gibson stated that he understood the historical importance of the University Park Neighborhood and that Murphy was willing to concede on the twenty-four (24) hour a day operation and close at Midnight.

Liz Mackenzie, 15 Belmont Drive: Stated that she was a licensed real estate broker and that her office was located directly across from the site in question. Ms. Mackenzie stated that she was opposed to the development and asked the Board to not approve the PCD.

Mollie Irvin, 507 Deerbrook Road: Stated that she did not wish to speak; however, she wanted the record to reflect that she was not in support of the development.

Shaun Camp, 6 Holly Hill Road: Stated that he was the Chairman of the Point of Woods Neighborhood Association and stated that the Association was in support of proper development at the 12th Street and University Avenue; however, they were not in support of that particular development.

Brenda McKeever, 1105 South Arthur Drive: Stated that she her backyard was adjacent to the proposed development and she was opposed to the rezoning of the site for a convenience store.

Sandra J. Brown, 915 South Arthur Drive: Stated that the neighborhood was not opposed to development; however, they were opposed to that particular type of development. Ms. Brown asked that the Board not support the rezoning.

Staggie Owens, 1117 South Arthur Drive: Stated that she did not wish to speak; however, she wanted the record to reflect that she was not in support of the development.

J. Scott McCalmar, 27 Glenmere Drive: Stated that he did not wish to speak; however, he wanted the record to reflect that he was not in support of the development.

Pamela Powell, 1104 South Arthur Drive: Stated that while she appreciated Murphy's offer to close at an earlier time, she felt that the light pollution and increased noise and traffic would greatly deteriorate the quality of life in the area. Ms. Powell stated that the area was already saturated with gas stations and that she felt this development was not appropriate for the location.

Joe Busby, 1223 South Fillmore Street: Stated that he was representing the University District Neighborhood Associations and he asked that the Board consider the traffic increase and to not support the development.

Estelle Mathis, 6303 Shirley Drive: Stated that she lived in the area and was opposed to the development of a convenience store.

Barbara McCorry, 6501 West 12th Street: Stated that she represented the Centers for Youth and Families and that they were in support of the development.

Mr. Gibson stated that Murphy was interested in helping development along the University Avenue and the 12th Street Corridors. Mr. Gibson stated that they had purchased more property than was actually needed in order to improve the site by adding additional sidewalks and landscaping.

Drew Holbert: Stated that he represented Collier International, the Broker Firm for Murphy Oil. As far as a decrease in property values, Mr. Holbert reported that since 1990 when the Shell Station in the area was constructed, there had been forty-six (46) sales transactions that had occurred in the University Park Neighborhood. Of those forty-six (46) transactions, fifteen (15) of the transactions occurred between 1990 - 1999, with an average sales price of \$41.87 a square-foot. Since 2000, thirty-one (31) transactions occurred with an average sales prices of \$60.39 a square-foot; a 45% increase in home values within a decade. Mr. Holbert reported that currently there was only one (1) single-family home on the market in the University Park Neighborhood.

Mayor Stodola asked what the distance was from the proposed development to the nearest residential structure. Mr. Holbert stated that according to the site plan, the nearest residential structure from 300 feet from the rear of the proposed structure. Mayor Stodola stated that there was a difference in elevation and grade on the property and asked about the vertical measurement. Joe White, Engineer with White Daters, stated that it was fifty (50) feet vertically from the proposed grade of Murphy to the

nearest residence. In addition, Mr. White stated that the buffer between the neighborhood would stay intact and that the applicant planned to plant additional evergreens to increase the buffer.

Vice-Mayor Wright stated that she agreed that the University Park Neighborhood was stable and she would not support a development that could negatively impact the neighbor's investment. Director Kumpuris asked if the applicant would maintain the buffer. Mr. White stated that the developer of the property would in fact maintain the buffer.

Director Cazort made the motion, seconded by Director Hines, to amend the ordinance to reflect that if approved, the proposed development would have a Midnight closing time. Director Hurst asked what time the development would open. Mr. Gibson stated that the development would open at 5:00 AM. By voice vote of the Board Members present, with Director Hendrix voting in opposition, **the ordinance was amended.**

Director Adcock asked how tall the signage would be and if it would be visible from Interstate 630. Planning & Development Department Director Tony Bozynski stated that the proposed pylon signage, which would be located on 12th Street and University Avenue, would be thirty-six (36) feet in height with a total of 160 square-feet, which was the size of a typical commercial sign. Director Adcock asked how much taller it would be than the other signage that was currently located up and down University Avenue. Mr. Bozynski stated that for C-3 property, which was primarily located on south of Interstate 630, thirty-six (36) feet was the standard height; however, north of Interstate 630 was the Midtown Design Overlay District, which had different design standards.

Director Richardson made the motion, seconded by Director Cazort, to call the question on the vote. By unanimous voice vote by the Board Members present, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Hurst; Cazort; Hines; Kumpuris; and Fortson. Nays: Hendrix; Richardson; Wyrick; Adcock; and Vice-Mayor Wright. As a result of the tie, Mayor Stodola voted Aye. By a vote of six (6) ayes and five (5) nays, **the ordinance was approved.**

Director Richardson made the motion, seconded by Director Adcock, for the Board to take a fifteen (15) minute recess. By voice vote of the Board Members present, with Vice-Mayor Wright and Director Wyrick voting in opposition, **the Board took a fifteen (15) minute recess.**

24. ORDINANCE NO. 20,918: To condemn certain structures in the City of Little Rock, Arkansas, as structural, fire and health hazards; to provide for summary abatement procedures; to direct City Staff to take such action as is necessary to raze and remove said structures; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: Seven (7) residential structures in a severely dilapidated, deteriorated and/or burned condition causing a negative environmental impact on the residential neighborhoods in which it is located. All Notices have been mailed in accordance with Arkansas State Law.

The ordinance was read a first time. Director Richardson 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 Richardson made the motion, seconded by Director Hurst, 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 Adcock stated that she had received an e-mail that indicated there was a buyer for the properties located at 2518 & 2522 South Maple Street and asked for an update. Housing & Neighborhood Programs Department Code Enforcement Manager Ed Garland stated that he had been in conversation with a potential buyer and he was scheduled to meet with him the following day to discuss the potential purchase. Mr. Garland stated that staff did not recommend pulling the structures from the condemnation ordinance due to the fact that they were not totally certain that the buyer would be able to finish the developments.

City Attorney Tom Carpenter stated that with the condemnation status attached to the properties, any potential buyers would have difficulty acquiring financing. Mayor Stodola stated that removing the item from the condemnation ordinance would be the best course of action. Director Adcock made the motion, seconded by Vice-Mayor Wright, to remove the properties located at 2518 & 2522 South Maple Street from the condemnation ordinance.

Director Hendrix stated that the two (2) structures had been an eyesore in the neighborhood for some time and that she felt that the potential buyer should come before the Board to discuss his rehabilitation plans. Director Hendrix asked that the motion to remove the properties be removed and that the City move forward with demolishing the structures. Mr. Garland stated that he had visited with the Love Neighborhood Association President and they were in support of removing the structures from the condemnation ordinance so that the potential buyer could proceed with purchasing the properties. Mr. Garland stated that the potential buyer had reached an agreement with the bank involved to purchase the two (2) properties together.

Director Hendrix made the motion, seconded by Director Richardson, to amend the motion to defer the properties located at 2518 & 2522 Maple Street item for thirty (30) days. By voice vote of the Board Members present, with Directors Cazort and Wyrick voting in opposition, **the motion was amended to defer the properties located at 2518 & 2522 South Maple Street for thirty (30) days.**

By unanimous voice vote of the Board Members present, **the ordinance was approved as amended.** By unanimous voice vote by the Board Members present, **the emergency clause was approved.**

EXECUTIVE SESSION (Items 25 - 26)

25. RESOLUTION NO. 20,910: To re-appoint Mr. Anthony Kendall to the Board of Commissioners of Central Arkansas Water; and for other purposes.

Synopsis: Re-Appointment of Anthony Kendall to serve as a member of the Board of Commissioners of Central Arkansas Water, for a term of seven (7) years, said term to expire on June 30, 2021.

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

26. RESOLUTION NO. 20,910: To re-appoint Marilyn Perryman to the Little Rock Sanitary Sewer Committee; and for other purposes.

Synopsis: Re-Appointment of Marilyn Perryman to serve her second four (4)-year At-Large Term, said term to expire on August 1, 2019.

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

Vice-Mayor Wright 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