

**Little Rock Board of Directors Meeting
January 22, 2013
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; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director B.J. Wyrick delivered the invocation, which was followed by the Pledge of Allegiance.

Mayor Stodola recognized Romaine Cougeeze, an elected City Councilman from Toulouse, France, who was visiting the City of Little Rock.

ADDITIONS

M-1 PRESENTATION: Envision Little Rock 2013 Ideas Competition

M-2 RESOLUTION: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 807 South Van Buren Street to be used as park property for future War Memorial Park development, for the purchase price of \$45,000.00; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 807 South Van Buren Street for use as park property in War Memorial Park.

M-3 RESOLUTION: To authorize the Mayor and City Clerk to execute a lease and concession agreement between the City, the Advertising & Promotion Commission and FWH II Little Rock, LLC, for the lease of the property commonly referred to as The Peabody Hotel; to authorize the Mayor and the City Clerk to execute and estoppel certificate and termination of lease between the City, the Advertising & Promotion Commission, FWH II Little Rock, LLC, and BG Excelsior Limited Partnership, to terminate the current lease for the property commonly referred to as The Peabody Hotel; and for other purposes.

M-4 RESOLUTION: To authorize the Mayor and City Clerk to execute a consolidated assignment of parking agreements between the City and FWH II Little Rock, LLC, for parking in the downtown area for the property commonly referred to as The Peabody Hotel and the Statehouse Convention Center; and for other purposes.

M-5 ORDINANCE: To amend Little Rock, Ark., Ordinance No. 18,286 (June 6, 2000) to reaffirm and extend to FWH II Little Rock, LLC, the exclusive franchise granted pursuant to Ordinance No. 18,286 for the purpose of the operation and maintenance of surface parking; ***to declare an emergency***; and for other purposes.

M-6 PUBLIC HEARING: To establish and lay off City of Little Rock Municipal Property Owners' Multipurpose Improvement District No. 2012-313 (Wildwood Ridge Recreation and Maintenance District); and for other purposes.

M-7 REPORT: Little Rock Wastewater Bonuses Investigation

DEFERRAL

22. ORDINANCE: To dispense with the requirement of competitive bidding and authorize the City Manager to enter into a contact with Union Rescue Mission, Inc., as the service provider for the Homeless Day Resource Center, in an amount not to exceed \$300,000.00; **to declare an emergency**; and for other purposes. *Staff recommends approval. (Deferred at staff's request)*

24. REPORT: Central Arkansas Water Rate Increase *(Deferred until January 29, 2013)*

26. REPORT: September 2012 Finance Report – Sara Lenehan, Finance Department Director *(Deferred until January 29, 2013)*

Director Hines stated that the Sanitary Sewer Committee had requested information from Executive Director Reggie Corbitt and he would like to see Item M-7 deferred until such time as the requested information was submitted. Director Hines made the motion, seconded by Director Kumpuris to defer Item M-7 until the February 19, 2013, Board of Directors Meeting. By unanimous voice vote of the Board Members present, **Item M-7 was deferred until February 19, 2013.**

Director Adcock made the motion, seconded by Vice-Mayor Wright, to add Items M-1 to Presentations, add Items M-2 – M-5 to the Agenda as Separate Items, add Item M-6 to the Public Hearings and to defer Items 22, 24 and 26. By unanimous voice vote of the Board Members present, **Items M-1 was added to Presentations, Items M-2 – M-5 were added to the Agenda as Separate Items, Item M-6 was added to the Public Hearings and Items 22, 24 and 26 were deferred.**

M-1 PRESENTATION: Envision Little Rock 2013 Ideas Competition

Mayor Stodola stated that Item M-2 could actually be added to the Consent Agenda since there were no questions regarding the Item.

CONSENT AGENDA (Items 1 – 8 and Item M-2)

1. RESOLUTION NO. 13,628: To authorize the City Manager to apply for a grant to execute agreements with Metroplan and the Arkansas Highway and Transportation Department for funding a portion of the River Trail Improvements near Cantrell Road; and for other purposes. *Staff recommends approval.*
Synopsis: Authorizes the City Manager to apply for a grant and to execute agreements with Metroplan and the Arkansas Highway and Transportation Department for funding a portion of River Trail Improvements near Cantrell Road.

2. RESOLUTION NO. 13,629: To certify local government endorsement of Ring Container Technologies, LLC, located at 9000 Frazier Pike, 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. *Staff recommends approval.*

3. RESOLUTION NO. 13,630; Z-8801: To set February 5, 2013, as the date of hearing on the petition to rescind the Planning Commission's action in recommendation of denial of a request for a Planned Zoning District, titled Rollins Short-Form PD-C, located at 3700 Walker Street, Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

4. RESOLUTION NO. 13,631; Z-8806: To set February 5, 2013, as the date of hearing on the petition to rescind the Planning Commission's action in approving a Special Use Permit to allow a board house/parolee-probationer housing on the C-4 zoned property, located at the northeast corner of the Interstate 30 Service Road and Benanna Street; Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

5. RESOLUTION NO. 13,632: To authorize the City Manager, Mayor and City Clerk to execute any documents necessary and take other actions needed to purchase a residential lot, located at 805 South Van Buren Street, in the amount of \$40,000.00, to be used as park property for future War Memorial Park development; and for other purposes. *Staff recommends approval.*

6. RESOLUTION NO. 13,633: To authorize the City Manager to enter into a contract with Rose Company Builders, Inc., for the installation of an arbor-style sun shade at the Great Ape Exhibit at the Little Rock Zoo; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds) Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to execute a contract in the amount of \$175,030, plus 10% authorized for possible change orders, with Rose Company Builders, Inc., for the installation of an arbor-style shade structure with a pavilion at the top of the Great Ape Exhibit.

7. RESOLUTION NO. 13,634: To authorize the City Manager to enter into a contract with SHI International, in the amount of \$467,400.00, plus taxes, for the purchase of 1,400 Microsoft Office 2013 Licenses for the Little Rock Information Technology Department, utilizing the Arkansas State Purchasing Contract; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds) Staff recommends approval.*

Synopsis: The resolution authorizes the purchase of 1,400 Microsoft Office 2013 licenses for City computers.

8. RESOLUTION NO. 13,635: To authorize the City Manager to enter into a contract with Dell Computers, in the amount of \$196,033.08, for the purchase of 200 desktop computers for the Little Rock Information Technology Department, utilizing the Arkansas State Purchasing Contract; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds) Staff recommends approval.*

Synopsis: To purchase 200 desktop computers to replace devices on the City's network that will not support current operating systems and software.

M-2 RESOLUTION NO. 16,636: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 807 South Van Buren Street to be used as park property for future War Memorial Park development, for the purchase price of \$45,000.00; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 807 South Van Buren Street for use as park property in War Memorial Park.

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.**

GROUPED ITEMS (Items M-3 and M-4)

Mayor Stodola asked that Items M-3 and M-4 be read as Grouped Items.

M-3 RESOLUTION NO. 13,637: To authorize the Mayor and City Clerk to execute a lease and concession agreement between the City, the Advertising & Promotion Commission and FWH II Little Rock, LLC, for the lease of the property commonly referred to as The Peabody Hotel; to authorize the Mayor and the City Clerk to execute and estoppel certificate and termination of lease between the City, the Advertising & Promotion Commission, FWH II Little Rock, LLC, and BG Excelsior Limited Partnership, to terminate the current lease for the property commonly referred to as The Peabody Hotel; and for other purposes.

M-4 RESOLUTION NO. 13,638: To authorize the Mayor and City Clerk to execute a consolidated assignment of parking agreements between the City and FWH II Little Rock, LLC, for parking in the downtown area for the property commonly referred to as The Peabody Hotel and the Statehouse Convention Center; and for other purposes.

Mayor Stodola stated that the resolutions were a culmination of approximately six (6) months of work and everyone involved was very excited regarding the opportunity to see a national reservation system as reflected by the Marriot Hotel chain that would allow the City to develop a real international and a nation-wide flavor for reservation systems. Mayor Stodola stated that based on the analysis of occupancy over the next nine (9) years, it was anticipated that there would be a 52% increase in revenue to the Advertising and Promotion Commission. Mayor Stodola stated that the estimation was based on the pro-forma that the new owners were putting forth, and they were also investing an additional \$16 million, which meant the collective transfer was approximately \$44 million they would have in the property.

Director Adcock asked if the issue regarding the parking lot across from the hotel had been resolved. City Attorney Tom Carpenter stated that there was a right of first refusal in the lease agreement that applied if that property was to be a hotel with parking or a public parking area. In which case, if that offer was made to the A&P Commission and it was a bona fide offer, the Commission would provide it to FWH II to determine if they desired to meet it. However, if the proposed use was not one of those listed, the right of first refusal would not apply if they built, for example, shops with parking. If the proposed development was mixed-use with shopping and a hotel and parking, then the right of first refusal would apply only to that portion that dealt with the hotel and parking. City Attorney Carpenter stated that the reasoning was that if the proposed use was going to be a hotel across from them in direct competition, FWH II would like the opportunity to be that competition to themselves. However, the interest to the City was that they not be in a position where any entity could stop another hotel from being developed on the property. Director Kumpuris asked for an overview of the lease agreement. City Attorney Carpenter stated that as a result of the agreement, there would be a payment of all outstanding bonded indebtedness on the hotel dated back to

the 1980s. City Attorney Carpenter reported that when the Excelsior Hotel, a trust-house hotel, was initially built in the late 1970s, the City helped issue a type of bond issue that was challenged as to its legality. The court upheld the challenge; however, they wrote an opinion that essentially said never again would that type of bond issue occur at any place in the State, and then they proceeded on a case-by-case basis, holding various bond issues to be illegal. The Constitution was amended, which took care of a portion of the issue; however, it placed the City in a difficult position, so there continued to be amended and substituted leases and agreements so that it could be documented back to that initial lease and agreement under that bond issue that had been upheld by the State Supreme Court. Because these bonds were being paid off and final, the City could enter into a whole new lease agreement and concession agreement. City Attorney Carpenter stated that in the lease agreement, there was an obligation on the part of the hotel for a certain amount to be designated on an annual basis to re-fit rooms every so many years.

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Hurst; Cazort; Hines; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Wright. By a vote of ten (10) ayes and zero (0) nays, **the resolutions were approved.**

SEPARATE ITEM (Item M-5)

M-5 ORDINANCE: To amend Little Rock, Ark., Ordinance No. 18,286 (June 6, 2000) to reaffirm and extend to FWH II Little Rock, LLC, the exclusive franchise granted pursuant to Ordinance No. 18,286 for the purpose of the operation and maintenance of surface parking; **to declare an emergency**; 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 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 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.**

GROUPED ITEMS (Items 9 - 18)

9. ORDINANCE NO. 20,679; MSP12-05: To amend the Master Street Plan; modifying the design standards for the collector connection between Patrick Country and East Pinnacle Roads; and for other purposes. *Planning Commission: 9 ayes, 0 nays, and 2 absent. Staff recommends approval.*

Synopsis: A Master Street Plan amendment to modify the design standard of the Collector connection between Patrick Country and East Pinnacle Roads.

10. ORDINANCE NO. 20,680; Z-5239-G: To approve a Planned Zoning Development and establish a Planned Office District, titled Our House Short-Form PD-O, located in the 300 Block of East 24th 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 request is a rezoning from PCD, Planned Commercial District, to PD-O, Planned Office District, to allow for the development of Tract 5 as identified above with a multi-use development to serve the clients of Our House.

11. ORDINANCE NO. 20,681; Z-6975-A: To approve a Planned Zoning Development and establish a Planned Residential District, titled Bishop Place Long-Form PD-R, located in the 19100 Block of Cantrell Road, 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 request is a rezoning from R-2, Single-Family, to PD-R, Planned Residential District, to allow for the development of forty-four (44) lots of detached single-family housing.

12. ORDINANCE NO. 20,682; Z-8168-A: To repeal Ordinance No. 19,738, (April 3, 2007) titled Water's Edge Tract B Long-Form PD-R, and to revoke a Planned Zoning District, located north of David O. Dodd Road, east of Interstate 430; **to declare an emergency;** and for other purposes. *Planning Commission: 8 ayes, 0 nays, and 3 absent. Staff recommends approval.*

Synopsis: The request is a revocation of the previously-approved PD-R, Planned Residential District, and the reinstatement of the previously-held R-2, Single-Family District, to this property.

13. ORDINANCE NO. 20,683; Z-8407-A: To approve a Planned Zoning Development and establish a Planned Commercial District, titled Dowler Properties Short-Form PCD, located at 4201 Baseline Road, 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 request is to reinstate the previously-approved PCD, Planned Commercial District, for this property to allow for the construction of a 10,000 square-foot building with a single access from Baseline Road.

14. ORDINANCE NO. 20,684; Z-8708-B: To approve a Planned Zoning Development and establish a Planned Industrial District, titled 5700 Patterson Short-Form PID, located at 5700 Patterson Road, 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 requesting to rezone the property from I-2, Light Industrial, to PID, Planned Industrial District, to add C-3, General Commercial District, uses, excluding bar, tavern or lounge or beverage shop, as allowable uses for the site while retaining the allowed I-2, Light Industrial, uses.

15. ORDINANCE NO. 20,685; Z-8812: 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: 9 ayes, 0 nays, and 2 absent. Staff recommends approval.*

Synopsis: The owners of the 0.46-acre property located at 1200 – 1206 South Taylor Street are requesting that the zoning be reclassified from R-3, Single-Family District, and R-4, Two-Family District, to O-1, Quiet Office District.

16. ORDINANCE NO. 20,686; Z-8815: To approve a Planned Zoning Development and establish a Planned Office District, titled Nature Conservancy of Arkansas Short-Form POD, located on the northeast corner of Woodlawn Drive and North University Avenue, 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 request is a rezoning from O-3, Office and Institutional District, to POD, Planned Office Development, to allow for the construction of a new maintenance building for the Nature Conservancy of Arkansas. The property is located within the Hillcrest and Mid-Town Design Overlay Districts.

17. ORDINANCE NO. 20,687; Z-8816: To approve a Planned Zoning Development and establish a Planned Industrial District, titled School for Integrated Academics & Technologies Short-Form PID, located at 6724 Interstate 30 Bypass Road, 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 request is a rezoning from I-2, Light Industrial Zoning District, to PID, Planned Industrial Development, to allow for the use of an existing building as a Charter School.

18. ORDINANCE NO. 20,688; Z-8817: To approve a Planned Zoning Development and establish a Planned Commercial District, titled Stone's Throw Brewing Short-Form PD-C, located at 402 East 9th 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 request is a rezoning from R-4A, Low Density Residential District, to PD-C, Planned Commercial District, to allow for the use of a portion of this existing building as a brewery.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Hurst, to suspend the rules and place the ordinances on second reading.

Mayor Stodola stated that he received cards from individuals that wanted to speak on Item 11 and asked that it be held separately.

By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances, with the exception of Item 11, were read a second time. Director Adcock made the motion, seconded by Director Hurst, to suspend the rules and place the ordinances, with the exception of Item 11, on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances, with the exception of Item 11, were read a third time. By unanimous voice vote of the Board Members present, **the ordinances, with the exception of Item 11, were approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 12 was approved.**

11. ORDINANCE NO. 20,681; Z-6975-A: To approve a Planned Zoning Development and establish a Planned Residential District, titled Bishop Place Long-Form PD-R, located in the 19100 Block of Cantrell Road, 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 request is a rezoning from R-2, Single-Family, to PD-R, Planned Residential District, to allow for the development of forty-four (44) lots of detached single-family housing.

The ordinance was read a second time. Director Adcock 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.

Mary Finch, 18825 Cantrell Road: Stated that her property joined the property in question. Ms. Finch stated that was not opposed to the rezoning; however, she did not like the use of the wooden fence along the property line and she requested a nice brick fence like some of the other patio homes in the area.

Carolyn Dodds, 41 Maywood Drive: Stated that she was opposed to the size of the proposed development. Ms. Dodds stated that the applicant was planning on placing forty-four (44) houses on eight (8) acres and she felt that there was not enough room. Ms. Dodds stated that there was a flooding problem in the area and that there was a holding pond the property that had not been cleaned out since it was built. Ms. Dodds stated that the development was to be built across Highway 10 from Little Rock Christian Academy and the traffic was already a big issue in that area.

Joe White: Stated that he was with White Daters and the development of the proposed neighborhood was actually going to help in addressing the flooding in the area. The issue was that currently there was not adequate accessibility to the detention pond; however, with the development, a better access would be created. In addition, Mr. White stated that the applicant was going to erect a nice brick wall for screening at the entrance to the neighborhood from Highway 10; however, a brick wall along the length of the rear of the property would be unbelievably expensive. Mr. White stated that Little Rock Christian Academy had shut the front entrance to the school and the main entrance to the campus was via The Divide Parkway, and not Highway 10.

Mayor Stodola asked that once the detention pond was cleaned out, whose responsibility would it be to maintain the pond. Mr. White stated that the Aberdeen Property Owner's Association had obtained several quotes and would assume responsibility.

Director Adcock asked how close the development was to Highway 10. Mr. White stated that there was a tract land and the public right-of-way between the first lot and Highway 10. Director Adcock asked if the plan complied with the Highway 10 Design Overlay District (DOD). Mr. White stated that residential property was exempt from the DOD and they were not required to have the forty (40)-foot buffer and the 100-foot building setbacks. Mayor Stodola asked what the total frontage was on Highway 10. Mr. White stated that frontage for the development was approximately 330 feet on Highway 10. Mayor Stodola asked if there would be a property owner's association.

Boyce Holmes: Stated that he was the developer and there would be a property owner's association.

Mayor Stodola asked if there would be sidewalks included in the development. Mr. White stated that there would be sidewalks along Highway 10 and along the east side of the entry. Mayor Stodola asked if the property owner's association was going to have a requirement mandating that the owners maintain their fencing. Mr. Holmes stated that there would be a mandate included in the Bill of Assurance, and they would all have uniformity.

Mayor Stodola asked if there would be enough room should emergency vehicles need to turn around. Planning & Development Department Director Tony Bozynski stated that there would be a turn-around at the end of the street that would provide necessary movements for emergency vehicles or trash collection. Mr. Bozynski stated that the minimum square-footage for an R-2, Single-Family, lot was 7,000 square-feet; sixty (60)

feet wide minimum by 100 feet minimum depth and the development was being submitted as a Planned Development. Mayor Stodola asked that if the development was built under the typical R-2 standards, how many lots would there be as opposed to the forty-four (44) that were being requested. Mr. Bozynski stated that he wasn't exactly sure; however, the development was eight (8) and one-half acres with forty-four (44) units/lots, which worked out to approximately 5.2 units per acre. The designation for the land use was residential, low density, which was single-family, which could have up to six (6) units per acre.

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

PUBLIC HEARING (Item M-6)

M-6 ORDINANCE NO. 20,677: To establish and lay off City of Little Rock Municipal Property Owners' Multipurpose Improvement District No. 2012-313 (Wildwood Ridge Recreation and Maintenance District); and for other purposes.

Mayor Stodola opened the public hearing.

The ordinance was read the first time.

Mayor Stodola asked if there were individuals present that wished to speak for or against the item. There being none present, Mayor Stodola closed the public hearing.

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

Director Adcock made the motion, seconded by Director Hines, for the Board to take a fifteen (15)-minute recess. By unanimous voice vote of the Board Members present, **the motion passed and the Board took a fifteen (15)-minutes recess.**

SEPARATE ITEMS (Items 19 – 21 and Item 23)

Mayor Stodola stated that he had not received any cards from individuals wanting to speak against Item 23 and did any of the Board Members have an issue with addressing the item next. Director Hines made the motion, seconded by Director Adcock, to address Item 23. By unanimous voice vote of the Board Members present, **the Item 23 was addressed.**

23. ORDINANCE NO. 20,689: To amend the Master Street Plan to remove the undeveloped portions of Beckenham Drive; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

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. 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.**

19. ORDINANCE: To amend Chapter 30 of the Code of Ordinances of the City of Little Rock, Arkansas, providing for a variance from Master Street Plan construction requirements for Stagecoach Road; and for other purposes. *Planning Commission: 8 ayes, 2 nays, and 1 absent. Staff recommends approval. (First, Second & Third Reading held on November 5, 2012) (Deferred from November 5, 2012)*

Synopsis: Authorizes a variance from street improvements required by the Master Street Plan on the south side of Stagecoach Road (Arkansas Highway 5) for Stagecoach Crossing Preliminary Plat located at the northeast corner of Stagecoach Road and Herndon Road.

Director Adcock stated that the previous weekend, she had met with several of the neighbors in the area and they had informed her that there had been some type of agreement made with Stagecoach Crossing several years ago that had not been completed.

Tim Daters: Stated that the tract was platted approximately three (3) to four (4) years prior and the developer had agreed to dedicate the tract. Approximately six (6) to seven (7) months prior to that evening, the developer began the process of conveying the tract to the property owner's association; however, it got dropped between determining exactly what the legal structure of the tract was and how they should sell the tract to the property owner's association. Mr. Daters stated that the developer had resolved the issues and the documents were at the abstract company. The deeds were being prepared convey that to the property owner's association and the developer would convey Tract D to the Pecan Lake Property Owner's Association.

Mary Rogers, 2 Timberside Cove: Stated that she was opposed to the variance due to the fact that it would destroy the natural course of the traffic. Ms. Rogers stated that there were four (4) subdivisions in the area, along with a big church, and it was not conducive to a smooth flow of traffic.

Robert Warren, 6001 Tall Pine Boulevard: Stated that he had concerns regarding the flow of traffic and the need of a traffic signal.

Matthew Hampton, 5803 Tall Pine Boulevard: Stated that he did not want to speak; however, he wanted the record to reflect his objection to the item.

Vice-Mayor Wright stated that she had concerns regarding the City mandating a developer to repair or redesign a State highway, which the City didn't control. Director Wyrick stated that at this location there was a deep ditch on the right-hand side of the road with a curve, and by widening the road, it would help straighten out the curve and

would eliminate the deep ditch that was to the side that could be hazardous to people driving. Director Wyrick stated that she was not supportive of the variance, and that she thought the Master Street Plan should be followed.

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

20. ORDINANCE NO. 20,678: 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. (First & Second Readings held on December 18, 2012)(Third Reading held on January 8, 2013)(Deferred from January 8, 2013)*

Henry Gilmore, 5912 Forestview Road: Stated that when he was first made aware of the issue, he was extremely upset because the community was under the impression that there would be a settlement from their last increase that was levied against the Pecan Lake community without being authorized. Mr. Gilmore stated that he had looked at the documents in the City Clerk's Office and that there were no plans on file. Mr. Gilmore stated that they were not against improvements and making the community better; however, they wanted transparency. Mr. Gilmore stated that \$100.00 was levied against the neighbors and taken out of their real property tax and assessed against them. The money was paid in 2012 and they had waited for a settlement.

Ed Bullington, 9214 Timber Valley Road: Stated that he had been involved in the neighborhood for a long time and had served on the property owner's association board. Mr. Bullington stated that he was concerned regarding how the improvement district functioned in terms of dealing with the purposes of the District and how those purposes were funded. Mr. Bullington stated that the initial assessment was unlawful because it didn't involve the City to take action on the increase. Mr. Bullington stated that it's required for the City to make an assessment and vote on the assessment. Mr. Bullington stated that he could find no documentation and no one could provide documentation to prove that the Board of Commissioners met in a legally-called meeting to vote to authorize the increase in assessment.

Jack Williams, 111 Center Street: Stated that he was legal counsel for the District and they had followed the State Law procedure for the creation of an increase in benefits purposed for consideration. Mr. Williams stated that they had outlined that the estimated benefits were \$785,000.00 and were expected to cost \$200,000.00 for the improvements. Mr. Williams stated that they were asked to straighten out the error and what was before the Board was an increase of approximately \$1,250.00 to \$2,500.00 with a 4% assessment each year, which was \$100.00 a year. The fee would be assessed every year as long as it lasted and would pay for the improvements that were purposed, which was a clubhouse.

Director Cazort stated that it seemed to him that legal counsel was retained to follow the State Law procedure for assessing a fee to the improvement district after the fact. Mr. Williams stated that he was not involved when the fee was actually done. Director Cazort asked if the action before them was to retroactively approve an essentially illegal action. Mr. Williams stated no, the action before the Board was for 2013 forward. Director Cazort asked what should be done regarding the assessment that wasn't properly approved. Mr. Williams stated that the Board of Commissioners

should probably address that issue; however, he felt that a letter that gave anybody the opportunity to have a remittance of what they had paid would suffice. City Attorney Carpenter stated that to create the District, it took a majority of the ownership of the value of the property within the District; however, to modify the benefits, was an action that could be taken by the Board of Commissioners.

Robert Warren, 6001 Tall Pine Boulevard: Stated that he was in support of the ordinance and that the Improvement District Commissioners were doing the best they could to propitiate the assessment; however, there were several neighbors that would not allow the Commissioners to make the wrong a right.

Matthew Hampton, 5803 Tall Pine Boulevard: Stated that he was the Pecan Lake Property Owner's Association President and that from 2007 to 2012, the Association had conducted surveys; posted in community newsletters that the development was taking place, and asked for input. Mr. Hampton stated that the Association had been extremely transparent and inviting to the community.

Mayor Stodola stated that it was obvious that the property owner's association and the community had the desire to make the improvements; however, he asked what assurances had they received from the Commissioners that they were going to go forward with the improvements. Mr. Hampton stated that the prior weekend, they presented their recommendations to the Commissioners and that they had voted to adopt their plans. City Attorney Carpenter stated that when they filed the documents for the ordinance, the Commissioners filed a document indicating they believed that the creation of a clubhouse at that cost of \$200,000.00 would be appropriate.

Evelyn Rose Jones, 5918 Timberview Road: Stated that she was a Commissioner and that they have tried to rectify the previous assessment and anybody that wanted to have their initial \$50.00 returned could do so. Ms. Jones stated that the Commissioners had in fact adopted the Association's plan and there was enthusiasm and people were interested in the neighborhood. Ms. Jones stated that once all of the committees were formed and work started, people would be seeing some progress.

Director Richardson made the motion, seconded by Director Kumpuris, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to vote was called.** By voice vote of the Board Members present, with Director Adcock voting in opposition, **the ordinance was approved.**

21. ORDINANCE NO. 20,694: To prohibit the use of capital improvement sales tax monies to be transferred to the Central Arkansas Technology Park Authority or other City assets, to purchase residential housing through the power of eminent domain; and for other purposes. *(First, Second & Third Reading held on June 19, 2012) (Deferred from June 19, 2012)*

Rev. Wendell Griffin: Asked that the Board approve the ordinance. Mr. Griffin stated that he was aware that the ordinance would not prohibit the exercise of eminent domain for the purpose of creating the technology park; however, it would prohibit the exercise of eminent domain for the purpose of displacing residential neighborhoods.

Director Adcock stated that the three (3) neighborhoods that had previously been referred to as possible locations had been taken out of consideration. Director

Richardson stated that there was nothing in the resolution that was passed over six (6) months ago that would remove the neighborhoods from consideration and that the letter received from the consultant had stated that the three (3) commercial sites under consideration may not be suitable. Director Richardson stated that the ordinance under consideration that evening was crafted to protect neighborhoods throughout the City that were fragile. Director Cazort stated that one of the City's jobs was to protect the neighborhoods and that in his mind, the resolution that was passed instructed the Technology Park Authority to remove the neighborhoods from consideration and to not include any other neighborhoods in their consideration. Director Cazort stated that he did not feel that the ordinance was necessary due to the fact that the Board had already relayed their desires to the Tech Park Authority.

Director Adcock made the motion, seconded by Director Richardson, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to vote was called**. By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; and Wyrick. Nays: Hurst; Cazort; Hines; Kumpuris; Fortson; Adcock and Vice-Mayor Wright. By a vote of three (3) ayes and seven (7) nays, **the ordinance failed**.

REPORTS (Item 25)

25. REPORT: Little Rock Wastewater Sewer Line Replacement Update

Reggie Corbitt, Little Rock Wastewater Executive Director: Stated that the Sewer Line Replacement Program had become operational as of January 2, 2013. Mr. Corbitt stated that the Utility had been seeking a solution for I/I reductions for over twenty (20) years, and had conducted nation-wide research regarding solutions that other municipalities had utilized. Mr. Corbitt reminded the Board that in September 2001, a settlement was reached regarding the lawsuit filed by the Sierra Club. A Consent Administrative Order was issued by the Arkansas Department of Environmental Quality (ADEQ) in March 2006, and a Rate Advisory Committee was formed in March 2008, which had nineteen (19) members that were tasked with providing input to anyone that wanted to participate on what rates should look like in the future and particular problems that the Utility should address. Mr. Corbitt stated that the Committee had reaffirmed addressing the I/I issues that were coming from the service lines. Mr. Corbitt stated that the Utility developed a pilot study to further define the problem. Mr. Corbitt stated that the purpose and the necessity of the program was that failing sewer service lines created unsanitary conditions and if a line was below the ground-water table and if the extraneous water was allowed to come in when the ground-water table was up, when the ground-water table dropped, the waste water would go out. Mr. Corbitt stated that information regarding the programs had been included on their website, had been distributed in the Central Arkansas Water billing statements and a public meeting was held in December with local plumbers.

Stan Sewell: Stated that he was the Director of the Environmental Assessment Division for Little Rock Wastewater. Mr. Sewell stated that individuals could enter the replacement program in one of two ways; either they became aware of the problem themselves or upon advice of a plumber. Mr. Sewell stated that once an individual applied for the program, Wastewater Staff would conduct a site visit to make an eligibility determination. If the determination was made that there was a point of repair, then the homeowner would be made aware, and if they were approved for the program,

they would contact the Wastewater Permits Desk and obtain a permit to have the work completed by a domestic plumber. Once the work was completed, Wastewater Staff would conduct an inspection to ensure that the proper pipe material was utilized and the work was completed correctly. After the inspection occurred, the homeowner would complete and submit the reimbursement application form and Wastewater would reimburse up to \$2,500.00.

Vice-Mayor Wright made the motion, seconded by Director Richardson, 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