

**Little Rock Board of Directors Meeting
February 5, 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; Kumpuris (enrolled at 6:25 PM); Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Directors Absent: Wyrick. Director Kumpuris delivered the invocation, which was followed by the Pledge of Allegiance.

ADDITIONS:

M-1 RESOLUTION: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 5017 Maryland Avenue, for a purchase price of \$26,000.00 and 921 Van Buren Street, for a purchase price of \$84,000.00, for use as park property in War Memorial Park; and for other purposes.

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 5017 Maryland Avenue and 921 Van Buren Road for used as park property in War Memorial Park.

Director Cazort made the motion, seconded by Director Adcock, to add Item M-1 to the Consent Agenda. By unanimous voice vote of the Board Members present, **Item M-1 was added to the Consent Agenda.**

M-2 RESOLUTION: To disapprove Central Arkansas Water Resolution No. 2012-07 to increase the Water Rate Schedule for the years 2013, 2014 and 2015; and for other purposes.

Mayor Stodola stated that the Board had received the proposed resolution that Director Hines had asked to be prepared regarding the proposed Central Arkansas Water Rate Increase. Mayor Stodola stated that according to the policy previously-adopted by the Board, because the resolution was not submitted two (2) weeks prior, it would take a motion to be added to the agenda. Director Hines made the motion, seconded by Vice-Mayor Wright, to add the resolution that would disapprove the Central Arkansas Water rate increase to the Agenda as Item M-2.

Director Hendrix asked for an explanation regarding the resolution. City Attorney Tom Carpenter stated that the proposed resolution would express the Board's dissatisfaction with the proposed rate increase. City Attorney Carpenter stated that if the Board passed the resolution, it would be up to the City of North Little Rock to determine if the rates were increased. City Attorney Carpenter explained that according to the current contract drafted between Central Arkansas Water (CAW) and the City of Little Rock and North Little Rock, CAW would give at least a three (3)-month notice of its intention to raise rates. If the two (2) municipalities did not both take action against the rate increase, then it would automatically become effective.

By a voice vote of the Board Members present, with Directors Hendrix and Richardson voting in opposition, **Item M-2 was added to the agenda as a Separate Item.**

CONSENT AGENDA: (Items 1 – 7 and M-1)

1. RESOLUTION NO. 13,639: To authorize the Mayor, City Clerk and City Manager to execute any documents needed to purchase property located at 4001 West 13th Street in Little Rock, Arkansas, for parking for the 12th Street Station; and for other purposes. Staff recommends approval.

Synopsis: This resolution authorizes the Mayor, City Clerk and City Manager to execute any documents as appropriate and needed for the City to purchase property located at 4001 West 13th Street for a parking lot expansion for the 12th Street Station, with the form of the documents to be approved by the City Attorney.

2. RESOLUTION NO. 13,640: To authorize the City Manager to enter into a construction management services contract with East-Harding ADEVCO, LLC, for the construction of the 12th Street Station at an estimated cost of \$425,000; and for other purposes. Staff recommends approval.

Synopsis: The Little Rock Police Department is requesting approval to allow the City Manager to employ the construction management services of East-Harding ADEVCO, LLC, for the 12th Street Station.

3. RESOLUTION NO. 13,641: To authorize the City Manager to amend the current contract with the architectural firm of Roark, Perkins, Perry & Yelvington, to reflect the new construction easement and new Leadership I Energy and Environmental Design (LEED) Services for the 12th Street Station; and for other purposes. Staff recommends approval.

Synopsis: The Little Rock Police Department is requesting approval to allow the City Manager to modify the current contract with the architectural firm of Roark, Perkins, Perry & Yelvington to reflect the new construction estimate and new Leadership in Energy and Environmental Design (LEED) services for the 12th Street Station.

4. RESOLUTION NO. 13,642: To authorize the City Manager to enter into a contract with Your Total Fitness Shop for the purchase of fitness equipment for use at the Jim Dailey Fitness and Aquatic Center and Dunbar and Southwest Community Centers, in the amount of \$231,689.00; and for other purposes. Staff recommends approval.

Synopsis: A resolution to authorize the City Manager to enter into a contract with Your Total Fitness Shop in the amount of \$231,689.00 for the purchase of fitness equipment to be used at the Jim Dailey Fitness and Aquatic Center and the Dunbar and Southwest Community Centers.

5. RESOLUTION NO. 13,643: To authorize the City Manager to enter into an owner architect agreement with Woods Groups Architects for architectural design services of the West Central Community Center; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds)* Staff recommends approval.

Synopsis: A resolution to authorize the City Manager to enter into an Owner Architect Agreement with Woods Group Architect, not to exceed 6.5% of the construction budget, for architectural design services of the West Central Community Center.

6. RESOLUTION NO. 13,644: To appoint Stephens, Inc., as lead bond underwriter for the proposed issuance of Little Rock, Arkansas Capital Improvement Bonds; and providing for other matters in connection with the issuance of bonds; and for other purposes. Staff recommends approval.

Synopsis: The City will require bond underwriters for the proposed issuance of Capital Improvement Bonds.

7. RESOLUTION NO. 13,645: To authorize the City Manager to enter into a contract with Fire Trucks Unlimited of Henderson, Nevada, to refurbish one (1) Aerial Truck at a cost of \$249,986.00, for the Little Rock Fire Department; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Fire Trucks Unlimited to refurbish one (1) aerial truck, at a cost of \$249,986.00 for the Little Rock Fire Department.

M-1 RESOLUTION NO. 13,647: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 5017 Maryland Avenue, for a purchase price of \$26,000.00 and 921 Van Buren Street, for a purchase price of \$84,000.00, for use as park property in War Memorial Park; and for other purposes.

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 5017 Maryland Avenue and 921 Van Buren Road for used as park property in War Memorial Park.

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

GROUPED ITEMS (Items 8 – 9)

8. ORDINANCE NO. 20,691: To dispense with the requirement of competitive bidding and to authorize the City Manager to enter into a contract in the amount of \$501,420.81, including applicable taxes and shipping, with Crime Point, Inc., as the sole-source provider for the purchase of Citywide Camera Systems for the Little Rock Police Department; and for other purposes. *Staff recommends approval.*

Synopsis: The Little Rock Police Department is requesting approval to award a sole source contract to Crime Point, Inc., as the sole distributor for surveillance camera equipment to be integrated into the City-wide network monitoring system.

9. ORDINANCE NO. 20,692: To dispense with the requirement of competitive bids; to authorize the purchase of a chipper from Vermeer Mid-South through the National Joint Powers Alliance for the sum of \$28,762.00; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance authorizing the City Manager to enter into a contract with Vermeer Mid-South through the National Joint Powers Alliance (NJPA) in the total amount of \$28,762.00 for the purchase of one (1) Vermeer BC1000XL Brush Chipper, for the Public Works Department - Street Operations Division.

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

present, **the ordinances were approved.** By unanimous voice vote of Board Members present, **the emergency clause for Item 9 was approved.**

SEPARATE ITEMS (Item 10)

10. RESOLUTION NO. 13,646: To authorize the City Manager to execute any contract necessary to address the removal of debris and other matters caused by the December 2012, winter storm, which led President Barack Obama to declare the area, including the City of Little Rock, Arkansas, a national disaster area; to permit the City Manager to enter into any contracts competitively bid for this purpose without further Board action, even if the amount of the contract exceeds the limit otherwise imposed upon the City Manager to approve purchases; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution to authorize the City Manager to award competitively bid contracts, regardless of the amount, for the clean-up of the winter storm that was declared a National Disaster by President Obama.

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

PUBLIC HEARINGS (Item 11 and Item M-2)

11. ORDINANCE; Z-8801: To approve a Planned Zoning Development and establish a Planned Commercial District, titled Rollins Short-Form PD-C, located at 3700 Walker Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 1 aye, 7 nays, and 3 absent. Staff recommends denial.*

Synopsis: The request is an appeal of the Planning Commission's recommendation of denial of a requested rezoning from R-2, Single-Family, to PD-C, Planned Development Commercial, to allow for the placement of a three (3)-chair beauty salon within the existing residential structure.

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item

Mary Rollins, 11209 Shackleford Court: Stated that she was the applicant and was requesting an appeal of the Planning Commission's denial of request to rezone a residential property located at 3700 Walker Street for a beauty salon. Ms. Walker stated that she did not think the beauty salon would be a detriment to the neighborhood and would be offering her services by appointment only.

Andrew Mosley, 8301 West 37th Street: Stated that he had lived in the area for twenty-eight (28) years and did not see an issue with having a beauty salon in the neighborhood.

Albert Morgan, #8 Howell Drive: Stated that he was in support of the application to rezone the property for a beauty salon.

Carolyn Heitman, 8123 West 40th Street: Stated that the neighborhood did not want a beauty salon located at the location as it did not fall within the John Barrow Neighborhood Plan. Ms. Heitman stated that there were already seven (7) to eight (8) beauty salons located within a mile of this property; however, they were located in commercial-zoned property.

Betty Snyder, 5700 Freeland Street: Stated that the neighborhood was trying to hold true to the neighborhood plan and wanted to keep further commercial establishments from encroaching into the neighborhood.

Mayor Stodola closed the public hearing.

Vice-Mayor Wright stated that she lived within two (2) blocks from the location and had worked on the development of the John Barrow Neighborhood Plan, which included commercial areas. Vice-Mayor Wright stated that she had heard from her constituents and they were not in favor of rezoning the property.

Director Hendrix asked where the closest commercial area was located. Planning & Development Department Director Tony Bozynski stated that the closest commercial development was approximately six (6) blocks to the west of the property in question.

The ordinance were read a first time. Director Adcock made the motion, seconded by Vice Mayor Wright, 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 voice vote of the Board Members present, with Director Adcock voting Aye, **the ordinance failed.**

M-2 RESOLUTION: To disapprove Central Arkansas Water Resolution No. 2012-07 to increase the Water Rate Schedule for the years 2013, 2014 and 2015; and for other purposes.

Director Hines stated that Central Arkansas Water (CAW) was formed to benefit the rate payers in Little Rock and North Little Rock and since that time, Little Rock rates have been equalized, which meant they have increased. According to Director Hines, the CAW Board had chosen to utilize a different rate structure for retail located outside of the City that differed from what CAW Staff stated could be utilized. Director Hines stated that he did not think it would be fair to wait three (3) years before addressing the disparity, as Little Rock was subsidizing the growth of communities outside of the City. Director Hines stated that he felt it was important to send a message to the constituents and rate payers within the City of Little Rock that the Board did not support the subsidization. Director Richardson stated that he did not feel that there had been enough discussion regarding the issue and that he could not support the proposed resolution. Director Fortson stated that the Board might need to meet with CAW Commissioners regarding the development of a policy for pricing water for the outside areas in some way to recover not only the cost of delivering water, but the original capital cost that was put into developing Lake Maumelle, Lake Winona and the entire treatment plant facility.

Director Adcock asked if CAW would be willing to amend the resolution and remove the increase for 2014 and 2015 until the issue regarding outside retail could be addressed. CAW Executive Director Graham Rich stated that he could take the request back to the CAW Board, which would meet the following week. Mr. Rich stated that long-term, the

answers to the high-level policy decisions would be best answered by having the governing bodies from both municipalities meet with the CAW Board to discuss an overall plan for the future. Mr. Rich stated that the way that CAW had always priced the water was not necessarily the way it needed to be priced going into the future. Mr. Rich stated that both Boards could be provided with information regarding the pros and cons of pricing strategies and then collectively, the three (3) groups could conclude whether the current strategy should stay the same or be modified.

Director Hurst asked if Mr. Rich felt that the increase was necessary. Mr. Rich stated that he did feel that the increase was necessary. Mr. Rich stated that the process was started a well over a year ago and that at that time, the idea of a 5% - 6% increase was studied; however, they knew that there were some variables that needed to be studied that could possibly reduce the amount of increase. Fortunately there were several favorable things that occurred, such as construction costs not being so high and the rate in which the bonds were sold was extremely low, etc., that allowed CAW to reduce the percentage. Director Kumpuris stated that he thought the CAW Board had researched all the variables of the proposed rate increase and could not support the proposed resolution.

Director Cazort stated that he agreed that a meeting needed to be held between the two (2) municipalities and the CAW Board to discuss a way to equalize and better benefit the citizens of Little Rock and North Little Rock and look at higher rates to the outside areas and the potential of lower rates to the inside area for the second and third year of the increase.

Director Hines stated that as a result of the dialogue of the evening, he would be willing to make a motion to withdraw his resolution if CAW would diligently work to convene a meeting with the two (2) municipalities to address the issue with the outside wholesale and retail customers. City Attorney Carpenter stated that a motion was not needed due to the fact that the author (Director Hines) of the resolution removed it on his own.

REPORTS (Item 12)

12. REPORT: September 2012 and October 2012 Financial Report – Sara Lenehan, Finance Department Director

September Financial Report: Ms. Lenehan stated that at the end of September, \$125,449,248.00, or 79.78%, of the revenues had been collected. Due to significant commercial property development, building permits were ahead of the budget and general property taxes revenues were ahead of budget. As far as sales tax collections, they decreased 7.25% from one (1)-year ago, which was a decrease of 7.76% from the amended budget. The City's portion of the sales tax collection decreased 4.25% from one (1)-year ago and 6.28% from the amended budget. When blended together, collections were 4.91% below one (1)-year ago and 6.26% below the amended budget. Year-to-date, the revenue from the new 5/8-Cent Operating Tax had brought in \$21,338,315.00, with the 3/8-Cent Capital Tax bringing in \$12,875,492.00, for a grand total of \$34,263,807.00 in new tax proceeds.

As of the end of September, \$101,529,178.00, or 72.51%, of the budget had been expended, which was \$3,487,999.00 below budget. There were ninety (90) budgeted positions unfilled in the General Fund; down from 145 one (1)-year ago. The target goal year-to-date for vacancy savings was \$3,500,000.00; however, at the end of September the savings were \$4,447,753.00. Vacation/Sick payouts at the end of September was \$726,065.00.

October Financial Report: Ms. Lenehan stated that the October Financial Report had been amended to reflect the amended budget. Ms. Lenehan stated that at the end of October, \$137,280,161.00, or 85%, of the revenues had been collected. As far as blended sales tax collections, they increased 3.81% from one (1)-year ago and 6.28% from the amended budget. When blended together, collections were 4.91% above one (1)-year ago up 1.66 year-to-date. Year-to-date, the revenue from the new 5/8-Cent Operating Tax had brought in \$23,828,694.00, with the 3/8-Cent Capital Tax bringing in \$14,344,215.00, for a grand total of \$38,172,908.00 in new tax proceeds.

As of the end of October \$113,239,848.00, or 81.01%, of the budget had been expended, which was \$3,255,465.00 below budget. There were eighty-two (82) budgeted positions unfilled in the General Fund; down from 136 one (1)-year ago. The amended goal year-to-date for vacancy savings was \$4,747,752.00; however, at the end of October, the savings were \$4,821,569.00. Vacation/Sick payouts at the end of October was \$761,492.00.

Vice-Mayor Wright stated that she was notifying her colleagues that she would be making a motion at the February 19, 2013, meeting to expunge the vote on Item 19 from the January 22, 2013, meeting, that dealt with a deferment of Master Street Plan improvements on Stagecoach Road.

CITIZEN'S COMMUNICATION

Barbara Jones: 12th Street

EXECUTIVE SESSION (Items 13 - 14)

13. RESOLUTION NO. 13,648: To make appointments to the various City Boards and Commissions

Synopsis: Animal Services Advisory Board (4 Positions); Board of Adjustment (2 Positions); City Beautiful Commission (1 Position); Civil Service Commission (2 Positions); Commission on Children Youth and Families (1 Position); Community Housing Advisory Board (3 Positions); Construction Board of Adjustment and Appeals (6 Positions); MacArthur Military History Museum Commission (14 Positions); Midtown Redevelopment District No. 1 Advisory Board (3 Positions); Parks and Recreation Commission (4 Positions); Racial and Cultural Diversity Commission (4 Positions); River Market District Design Review Committee (1 Position); Sister Cities Commission (4 Positions); and Zoo Board of Governors (4 Positions).

Animal Services Advisory Board: Reappointment of Dr. Bob Hale to serve his second three (3)-year Doctor of Veterinary Medicine term, said term to expire on November 28, 2015. Director Richardson made the motion, seconded by Director Hines, to approve

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

Board of Adjustment: Reappointment of Rajesh Meehta to serve his second three (3)-year At-Large term, said term to expire on February 19, 2016. 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.**

City Beautiful Commission: Appointment of Cassandra Toro to fill the unexpired At-Large term of Ingrid Green, said term to expire on October 19, 2015. 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.**

Civil Service Commission: Appointment of Roger Ball to fill the unexpired term of Darrick Paul, said term to expire on April 1, 2017. Appointment of Roger Smith to fill the unexpired term of Dr. L. Jesse Rancifer, said term to expire on April 1, 2013. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Commission on Children, Youth and Families: Appointment of Michael Sanders to fill the unexpired term of Paul Kelly, said term to expire on May 31, 2015. Director Richardson made the motion, seconded by Director Cazort, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Community Housing Advisory Board: Appointment of Kevin Haney to fill the unexpired At-Large term of Edward Garland, said term to expire on June 2, 2015. Appointment of Barry Williams to serve his first three (3)-year At-Large term, said term to expire on June 2, 2015. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

MacArthur Military History Museum Commission: Reappointment of Gleason Allen, Jr., to serve his third three (3)-year term, said term to expire on February 21, 2016. Appointment of Jama Best to serve her first three (3)-year term, said term to expire on February 21, 2016. Reappointment of Wali Caradine to serve his second three (3)-year term, said term to expire on February 21, 2016. Reappointment of William Fuller to serve his second three (3)-year term, said term to expire on February 21, 2016. Appointment of Jacob Scott Hundley Kauffman to serve his first three (3)-year term, said term to expire on February 21, 2016. Appointment of Helen T. Leigh to serve her first three (3)-year term, said term to expire on February 21, 2016. Appointment of Kristin Dutcher Mann to serve her first three (3)-year term, said term to expire on February 21, 2016. Reappointment of Claudia Hammans Stallings to serve her second three (3)-year term, said term to expire on February 21, 2016. Reappointment of John Tatum to serve her second three (3)-year term, said term to expire on February 21, 2016. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Midtown Redevelopment District No. 1 Advisory Board: Reappointment of James Bell to serve his second three (3)-year Resident of Property within two (2) straight line miles of the boundaries term, said term to expire on March 31, 2016. Appointment of Kelly Newberg to serve her first three (3)-year term for Owners or Duly Authorized

Representatives of Owners of commercial property within the boundaries, said term to expire on March 31, 2016. Director Cazort made the motion, seconded by Director Hurst, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Little Rock Parks & Recreation Commission: Reappointment of Catherin Cockrill to serve her second three (3)-year term, said term to expire on January 31, 2016. Appointment of Anthony Hampton to serve his first three (3)-year term, said term to expire on January 31, 2016. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

River Market District Design Review Committee: Appointment of Michael Hickerson to fill the unexpired term of Chris Morgan, said term to expire on August 6, 2015. Director Cazort made the motion, seconded by Director Hurst, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Sister Cities Commission: Appointment of Aida Abedini to serve her first five (5)-year term, said term to expire on January 5, 2018. Appointment of Don Ernst to serve his first five (5)-year term, said term to expire on January 5, 2018. Appointment of Ellen M. Gray to fill the unexpired term of Lee Frazier, said term to expire on January 5, 2016. Appointment of Robert Zeiler to serve his first five (5)-year term, said term to expire on January 5, 2018. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Little Rock Zoo Board of Governors: Reappointment of Renee Doty to serve her second three (3)-year term, said term to expire on February 16, 2016. Reappointment of Bridgette Frazier to serve her second three (3)-year term, said term to expire February 16, 2016. Reappointment of William Waller to serve his second three (3)-year term, said term to expire on February 16, 2016. Appointment of Shana Woodard to serve her first three (3)-year term, said term to expire on February 16, 2016. Director Cazort made the motion, seconded by Director Richardson, to approve the appointments. By unanimous voice vote of the Board Members present, **the appointments were approved.**

14. RESOLUTION NO. 13,648-A: To make appointments to the Museum of Discovery Board of Trustees; and for other purposes.

Synopsis: Appointment of Dr. Johnny Moore to serve his first three (3)-year term, said term to expire on December 31, 2015. Tami Bean to serve her first three (3)-year term, said term to expire on December 31, 2015. Appointment of Dr. Alex Biris to serve his first three (3)-year term, said term to expire on December 31, 2015. Katherine Lu to serve her first three (3)-year term, said term to expire on December 31, 2015. Lila Niswanger to serve her first three (3)-year term, said term to expire on December 31, 2015. Appointment of Walter Burgess to fill the unexpired term of Chad Franks, said term to expire on December 31, 2013.

Director Cazort made the motion, seconded by Director Hurst, to approve the appointments, by unanimous voice vote of the Board Members present, **the appointments were approved.**

Director Cazort made the motion, seconded by Director Hurst, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

Little Rock Board of Directors Meeting
February 5, 2013
6:00 PM

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor