

**Little Rock Board of Directors Meeting
November 19, 2019
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Frank Scott, Jr., presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Hines; Wright; Kumpuris; Fortson; Adcock; Vice-Mayor Wyrick; and Mayor Scott. Directors Absent: Webb and Peck. Director Dean Kumpuris delivered the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

NUSA Drawing

ADDITIONS:

M-1 RESOLUTION: To authorize the Mayor and City Clerk to enter into a Memorandum of Agreement with Pulaski County, Arkansas, concerning the operation of the Pulaski County Regional Detention Facility; and for other purposes. *Staff recommends approval.*

Director Adcock made the motion, seconded by Director Hines, 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.**

CONSENT AGENDA (Items 1 – 13 and Item M-1)

1. RESOLUTION NO. 15,099; G-23-471: To set December 3, 2019, as the date of public hearing to consider the abandonment of an undeveloped, unnamed right-of-way located north of Kanis Road, east of Embassy Suites Drive, in the City of Little Rock, Arkansas; and for other purposes.

2. RESOLUTION NO. 15,100; G-23-472: To set December 3, 2019, as the date of public hearing on a request for the right-of-way and easement abandonment for an undeveloped fifty (50)-foot Scenic Boulevard right-of-way located within the property at 55 Scenic Boulevard; and for other purposes.

3. RESOLUTION NO. 15,101: To create the Temporary Entertainment District – River Market Extension, for Saturday, November 30, 2019; and for other purposes. *Staff recommends approval.*

Synopsis: To create the Temporary Entertainment District River Market Extension, for the period Saturday, November 30, 2019.

4. RESOLUTION NO. 15,102: To authorize the City Manager to enter into a contract with D&J Red Iron and Aggregates, Ltd., in an amount not to exceed \$51,243.85, for the 22nd Street Drainage Improvement Project; and for other purposes. *(Funding from the 3/8-*

Cent Capital Improvement Sales Tax and the Limited Tax General Obligation Capital Improvement Bonds) *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with D & J Red Iron and Aggregates, Ltd. for 22nd Street Drainage Improvements, Project No. 06-16-DR-234, Bid No. 664. (Located in Ward 6)

5. RESOLUTION NO. 15,103: To authorize the use of eminent domain on the Mabelvale Pike and Gamble Road Improvement Projects; and for other purposes. ***(Funding from the 3/8-Cent Capital Improvement Sales Tax and the Limited Tax General Obligation Capital Improvement Bonds)*** *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager and City Attorney to use eminent domain to complete acquisition of right-of-way, permanent and temporary construction easements for the Mabelvale Pike and Gamble Road Improvement Projects. (Located in Wards 5 & 7)

6. RESOLUTION NO. 15,104: To authorize the City Manager to enter into a contract with Burkhalter Technologies, Inc., in an amount not to exceed \$238,973.40, for the Bellemeade Drive Reconstruction Project; and for other purposes. ***(Funding from the 3/8-Cent Capital Improvement Sales Tax and the Limited Tax General Obligation Capital Improvement Bonds)*** *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with Burkhalter Technologies, Inc., for the Bellemeade Drive Street Reconstruction, Project No. 06-15-ST-259, Bid No. 627. (Located in Ward 6)

7. RESOLUTION NO. 15,105: To authorize the City Manager to enter into a contract with Positive Results Lawn Service, Inc., in an amount not to exceed \$54,548.40, for the Dailey Drive Improvement Project; and for other purposes. ***(Funding from the 3/8-Cent Capital Improvement Sales Tax and the Limited Tax General Obligation Capital Improvement Bonds)*** *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute an agreement with Positive Results Lawn Service, Inc., for Dailey Drive Improvements, Project No. 02-17-ST-67, Bid No. 663. (Located in Ward 2)

8. RESOLUTION NO. 15,106: To authorize the City Manager to enter into a contract with Oakley Fertilizer, Inc., in an amount not to exceed \$300,000.00, for the purchase of Rock Salt in bulk for the Public Works Department Operations Division; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to enter into a contract with Oakley Fertilizer, Inc., for the purchase of Pre-Treated Rock Salt for adverse weather preparations for the Public Works Department - Operations Division.

9. RESOLUTION NO. 15,107: To authorize the City Manager to enter into an annual contract with A Stitch of Class, in the approximate amount of \$70,000.00, for the purchase of Employee Uniforms for the Public Works Department; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to enter into an annual contract with A Stitch of Class to provide the Public Works Department with Employee Uniforms.

10. RESOLUTION NO. 15,108: To express support for the continuation of the Retail Compensation Policy for residential solar customers; to transmit this support to the Arkansas Public Service Commission as it considers Docket No. 16-027-R; and for other purposes.

Synopsis: A resolution in support of the continuation of the current 1:1 "Retail" Compensation Policy for residential solar customers as pertains to Docket 16-027-R before the Public Service Commission.

11. RESOLUTION NO. 15,109: Approval of a resolution authorizing one (1) Operator Permit and seventy-five (75) Taxicab Permits for Greater Little Rock Transportation Service, LLC, and approval of one (1) Operator Permit and five (5) Taxicab Permits for Ken's Cab, LLC, for the period of January 1, 2019 to December 31, 2019; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing one (1) Operator Permit and seventy-five (75) Taxicab Permits for Greater Little Rock Transportation Service, LLC, and approval of one (1) Operator Permit and five (5) Taxicab Permits for Ken's Cab, LLC, for 2020.

12. RESOLUTION NO. 15,110: To require the 2019 Audit be performed in accordance with the Guidelines and Format prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants and the United States Government Accountability Office; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution requires that the 2019 Audit be performed in accordance with guidelines and formats prescribed by the Governmental Accounting Standards Board, the American Institute of Certified Public Accountants and the United States Government Accountability Office.

13. RESOLUTION NO. 15,111: To appropriate up to \$2,800,000.00 from the City's 3/8-Cent Capital Sales and Compensating Use Tax proceeds to the Central Arkansas Technology Park Authority; and for other purposes. *Staff recommends approval.*

Synopsis: The City has received a request from the Executive Director of the Little Rock Technology Park to disburse the City's 3/8-Cent Capital Sales and Compensating Use Tax proceeds allocated to the Technology Park Project (TS10A02) in two (2) installments, upon passage of the resolution and by March 31, 2020, when all 2019 tax proceeds have been received and accounted for.

M-1 RESOLUTION NO. 15,112: To authorize the Mayor and City Clerk to enter into a Memorandum of Agreement with Pulaski County, Arkansas, concerning the operation of the Pulaski County Regional Detention Facility; and for other purposes. *Staff recommends approval.*

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

GROUPED ITEMS (Items 14 - 22)

14. ORDINANCE NO. 21,802; Z-5963-G/S-1313-SS: To amend Ordinance No. 16,807 (June 20, 1995) revoking a portion of a Planned Zoning District titled Brodie Creek Conceptual Long-Form PRD reclassifying property located within 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 requests that a portion of the Brodie Creek Long-Form PRD be officially revoked and the property revert to its original R-2, Single-Family District, zoning to allow for the development of Woodlands Edge Blocks 32 and 33 containing 118 single-family lots on 89.97 acres. (Located in Ward 6)

15. ORDINANCE NO. 21,803; Z-9449: 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: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: The owners of the 1.360-acre property located at northeast corner of Lawson Road and Beauchamp Road are requesting that the zoning be reclassified from R-2, Single-Family District, to C-3, General Commercial District. (Located within the City's Extraterritorial Jurisdiction)

16. ORDINANCE NO. 21,804; Z-9457: 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: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: The owner of the 0.12-acre property located at 1700 South Cedar Street is requesting that the zoning be reclassified from R-3, Single-Family District, to R-4, Two-Family District. (Located in Ward 1)

17. ORDINANCE NO. 21,805; LU19-11-02: To amend the Land Use Plan in the Interstate 430 Planning District, northeast of Aldersgate Road and West 20th Street, from Residential Low Density to Residential Medium Density; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: To approve a Land Use Plan Amendment in the Interstate 430 Planning District from RL, Residential Low Density, to RM, Residential Medium Density. (Located in Ward 6)

18. ORDINANCE NO. 21,806; Z-9458: To amend the Land Use Plan in the Interstate 430 Planning District, northeast of Aldersgate Road and West 20th Street, from Residential Low Density to Residential Medium Density; and for other purposes. *Planning Commission: 10 ayes; 0 nays; and 1 absent. Staff recommends approval.*

Synopsis: To approve a Land Use Plan Amendment in the Interstate 430 Planning District from RL, Residential Low Density, to RM, Residential Medium Density. (Located in Ward 6)

19. ORDINANCE NO. 21,807: To fix and impose the aggregate amount of fees and charges to be paid to the City of Little Rock, Arkansas, by Entergy Corporation and the method of payment thereof; to amend Section 9 of Little Rock, Ark., Ordinance No. 11,683 (December 6, 1965); and for other purposes. *Staff recommends approval.*

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

20. ORDINANCE NO. 21,808: To amend Little Rock, Ark., Ordinance No. 11,366 (March 4, 1963) as amended, to provide for levying a Franchise Fee to be paid by CenterPoint Energy ARKLA; to provide for the payment thereof; and for other purposes. *Staff recommends approval.*

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

21. ORDINANCE NO. 21,809: To levy Franchise Fees to be paid by all carriers providing Local Access Telephone Services; to provide for the payment thereof; and for other purposes. *Staff recommends approval.*

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

22. ORDINANCE NO. 21,810: To fix and impose the amount of fees and charges to be paid to the City of Little Rock, Arkansas, by all companies that provide interstate or intrastate Long Distance Telecommunication Services, and all business incidental to, or connected with, the conducting of such telephone business in the City of Little Rock,

Arkansas; to amend Section 3 of Little Rock, Ark., Ordinance No. 15,706 (July 5, 1989); and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance levying a Franchise Fee for companies providing Long Distance Telephone Service in Little Rock for 2019.

The ordinances were read the first time. Director Adcock made the motion, seconded by Director Wright, 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 Wright, 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. RESOLUTION: To authorize the City Manager to enter into a contract with Ace Glass Recycling of Little Rock, Arkansas, to perform Curbside Glass Recycling Services within the corporate limits of the City; to authorize an additional fee of \$3.39 per residence to be assessed to each residence for such service; to authorize any necessary amendments to the Solid Waste Bond Funds; and for other purposes.

Linda Bell: Stated that she was concerned about the proposed additional fee for glass recycling. Ms. Bell stated that there were other options for those individuals that wanted to recycle glass, and it was unfair to add an increase in recycling in addition to the recent \$7.00 increase for solid waste pick-up.

John Huggler: Stated that he was against the proposed additional fee for glass recycling.

Mayor Scott stated that the plan was to recess that evening's meeting and address Item 23 at a Recessed Meeting to be held on November 26, 2019.

24. ORDINANCE: To provide for and to adopt the 2020 Budget for the City of Little Rock, Arkansas, for the period beginning January 1, 2020, and ending December 31, 2020; to appropriate resources and uses for every expenditure item and fund; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

Troy Laha: Stated that he was against taking any monies from the Street Fund and to use it for anything other than fixing the streets.

Dan Lusk: Stated that he was against removing any of the Street Fund monies to transfer to Rock Region Metro.

City Manager Bruce Moore stated that utilizing Street Fund to fund public transportation was a legal use of the dollars. Director Hines stated that when monies were transferred out of the Street Fund that meant that other projects across the City were not able to be funded. Director Hines stated that it was his understanding that the surplus Street Fund balance would be declining over the next five (5) years and his concern was the justification of transferring dollars out to Rock Region Metro instead of utilizing it on City projects.

Director Fortson asked what the annual amount of turn-back money was at the present time. Finance Director Sara Lenehan stated that the State Tax Turn-Back for 2019 was \$14,113,000, the Road Tax was \$6,110,000.00 and the total amount of revenues for the Street Fund was \$21,339,000. Director Fortson asked if the amount was constant or if it fluctuated from year-to-year. Ms. Lenehan stated that the amount had been steady and that the revenue forecast for 2019 had been understated, with the amount collected approximately \$500,000 more than what was forecasted. Ms. Lenehan stated that a 1.8% increase had been projected for 2020. As far as Rock Region Metro, Ms. Lenehan stated that very little of the revenue of transit came from ridership; the majority came from Federal Grants or public funding.

The ordinance was read the first time. Director Adcock made the motion, seconded by Director Richardson, to suspend the rules and place the ordinance on second reading. By roll call vote, the vote was as follows: Ayes: Richardson; Wright; and Vice-Mayor Wyrick. Nays: Hines; Kumpuris; Fortson; and Adcock. Present: Hendrix. Absent: Webb and Peck. When asked if she would like to change her Present vote, Director Hendrix indicated that she would like to change her vote from Present to Aye. The final roll call vote was as follows: Ayes: Hendrix; Richardson; Wright; and Vice-Mayor Wyrick. Nays: Hines; Kumpuris; Fortson; and Adcock. Absent: Webb and Peck. By a vote of four (4) ayes, four (4) nays and two (2) absent, **the ordinance remained on first reading.**

Tim Daters: Stated that he disagreed with the transfer of dollars from the Street Fund to the General Fund in order to pay for public transit.

Mayor Scott stated that Item 24 would be read a second time at the November 26, 2019, Recessed Meeting.

PUBLIC HEARING (Item 25)

25. ORDINANCE NO. 21,811: To authorize the issuance of Industrial Development Revenue Bonds under the Municipalities and Counties Industrial Development Revenue Bond Law for the purpose of securing and developing industry; to authorize the sale of the Bonds and the approval of a Bond Purchase Agreement and a Payment in Lieu of Taxes Agreement in connection therewith; to authorize the execution and delivery of a Trust Indenture securing the Bonds; to authorize and prescribe certain matters pertaining to the project, the acquisition, construction and equipping thereof, and the financing thereof; to authorize the execution and delivery of a Lease Agreement relating to the project; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

Mayor Scott opened the public hearing.

The ordinance was read the first time. Director Adcock made the motion, seconded by Director 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 Wright, 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.

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

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

CITIZEN COMMUNICATION

There were no cards received from individuals wanting to speak during Citizen Communication.

Director Hines made the motion, seconded by Director Wright, to recess the meeting until November 26, 2019. By unanimous voice vote of the Board Members present, **the meeting was recessed until November 26, 2019.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Frank Scott, Jr., Mayor