

**Little Rock Board of Directors Meeting
December 16, 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; Cazort; Hines; Wyrick; Fortson (enrolled at 6:10 PM); Kumpuris (enrolled at 6:20 PM); Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Erma Hendrix delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

City of Little Rock Employee Retirement Recognition
Gloria Markus, Finance Department
Just Communities of Arkansas
Midtown Advisory Board Presentation

WITHDRAWAL

5. ORDINANCE; Z-8977: To approve a Planned Zoning Development and establish a Planned Residential District titled South Bowman Road Long-Form PD-R, located at 4212 South Bowman 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. (Deferred from December 2, 2014)(Withdrawn at the applicant's request) Staff recommends approval.*

Synopsis: The applicant is requesting a rezoning from R-2, Single-Family District, to PD-R, Planned Development – Residential, to allow for the development of 192 units of multi-family housing on this 16.02-acre tract. (Located in Ward 6)

Director Adcock made the motion, seconded by Director Hines, to withdraw Item 5 from the Agenda. By unanimous voice vote of the Board Members present, **Item 5 was withdrawn from the Agenda.**

CONSENT AGENDA (Items 1 – 4)

1. RESOLUTION NO. 14,023: To authorize the City Manager to enter into a contract with Gene Summers Construction, Inc., in the amount of \$314,064.60, for Pine Manor Drainage Improvements; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Gene Summers Construction, Inc., Project Number 13-B-3F, Pine Manor Drainage Improvements, Bid #14-183. (Located in Ward 3)

2. RESOLUTION NO. 14,024: To authorize the City Manager to enter into a contract with Redstone Construction Group, Inc., in the amount of \$678,104.04, for Rodney Parham Road Bike Lanes; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Redstone Construction Group, Inc., Project Number 13-4-006, Rodney Parham Road Bike Lanes, Bid #14-185. (Located in Ward 4)

3. RESOLUTION NO. 14,025: To authorize the Mayor to issue a letter of support to the Arkansas Development Finance Authority for Finance Adjustment Factor Funds to be used to construct The Preserve at Aldersgate, a forty-eight (48)-unit multi-family project, located at 46410 Aldersgate Road, in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution would authorize the Mayor to sign a letter of support for the applicant to apply for Financing Adjustment Factor (FAF) Funds from the Arkansas Development Finance Authority (ADFA). The Preserve at Aldersgate is a forty-eight (48)-unit multi-family development located at 1310 Aldersgate Road. (Located in Ward 6)

4. RESOLUTION NO. 14,026: To require the 2014 Audit to 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 2014 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.

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

GROUPED ITEMS (Items 6 - 11)

6. ORDINANCE NO. 20,971: T To amend Chapter 8 and Chapter 12 of the 1988 Little Rock Code of Ordinances to list all adopted Building and Safety Codes in one location; to remove any inconsistent references; to update the City's Electrical Code; to provide for the adoption by reference of certain Building and Safety Codes; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: The ordinance amends Chapter 8 Buildings and Building Regulations and Chapter 12 Fire Prevention and Protection, to list all adopted Building and Safety Codes in one location, to remove inconsistent references, to update the City's Electrical Code and to provide for the adoption by reference of certain Building and Safety Codes.

7. ORDINANCE NO. 20,972: To amend Chapter 8 of the 1988 Little Rock Code of Ordinances to revise permit fee schedules for building, electrical, plumbing, mechanical and related work performed in the City of Little Rock Arkansas; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a new fee schedule, updating the current City of Little Rock fees per Ordinance No. 19,458 that was effective on January 1, 2006.

8. ORDINANCE NO. 20,973: To fix and impose the aggregate amount of fees and charges to be paid to the City of Little Rock, Arkansas, by Entergy Corporation, and the method of payment thereof; amending Section 9 of Ordinance No. 11,683 (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.

9. ORDINANCE NO. 20,974: To amend in part Ordinance No. 11,366 (March 4, 1963) to provide for levying a franchise fee to be paid by CenterPoint Energy ARKLA; to provide for payment thereof; and for other purposes. *Staff recommends approval.*

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

10. ORDINANCE NO. 20,975: To fix and impose the amount of fees and charges to be paid to the City of Little Rock, Arkansas, by all companies that provide interstate or intrastate long distance telecommunication service, and all business incidental to or connected with the conducting of such telephone business in the City of Little Rock, Arkansas; amending Section 3 of Ordinance No. 15,706 (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 2015.

11. ORDINANCE NO. 20,976: To levy franchise fees to be paid by all carriers providing local access telephone services; providing for the payment thereof; and for other purposes. *Staff recommends approval.*

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

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 Richardson, 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 the Board Members present, **the emergency clause for Item 6 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 7 was approved.**

SEPARATE ITEMS (Items 12 - 14)

12. RESOLUTION NO. 14,029: To authorize entry into an agreement with Pulaski County for the operation of the Pulaski County Regional Correction Facility; and for other purposes.

Director Adcock made the motion, seconded by Vice-Mayor Wright to approve the resolution.

Mayor Stodola stated that he had sent each Board Member a memorandum outlining the discussion and dialogue that was held between the various Mayors and the Pulaski County Judge Buddy Villines regarding the agreement. In addition, Mayor Stodola reported that he had extended the invitation to members of the Little Rock delegation to the Quorum Court to attend that evening's meeting; however, the Quorum Court was holding a meeting that evening as well. Director Kumpuris stated that the agreement

was the best of a bad situation; however, he felt that it was time for the City to quit bearing the brunt of the financial obligation and to encourage the support of the other municipalities located within Pulaski County. Director Wyrick asked if the local jail fine of \$20.00 could be increased. City Attorney Tom Carpenter stated that State Statute set the fine at \$20.00. Director Wyrick stated that increasing the jail fine should be an issue discussed with the Pulaski County Legislators before the next Legislative Session. Director Hines asked if there was a reopening clause included in the agreement. Mayor Stodola stated that he had lobbied for such a clause; however, it had been rejected. Vice-Mayor Wright asked if litigation was an option. City Attorney Carpenter responded that litigation was an option. Vice-Mayor Wright stated that she was not supportive of the agreement and asked if the City had considered litigation to seek resolution to the issue. Mayor Stodola stated that with the newly-elected County Leadership and the Legislative Session that would begin in January, he was hopeful that the City could get some relief on the matter.

Director Hendrix 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 voice vote of the Board Members present, with Director Hendrix and Vice-Mayor Wright voting in opposition, **the resolution was approved.**

13. ORDINANCE NO. 20,977: To provide for and to adopt the 2015 Budget for the City of Little Rock, Arkansas, for the period beginning January 1, 2015, and ending December 31, 2015; to appropriate resources and uses for every expenditure item and fund; ***to declare an emergency;*** and for other purposes.

The ordinance was read a first time. Director Cazort made the motion, seconded by Director Hines, 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 Cazort made the motion, seconded by Director Richardson, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

City Manager Bruce Moore provided an overview of the Employee Bonus Proposal that was presented at the December 9, 2015, Board of Directors Agenda Meeting. City Manager Moore stated that only full-time employees would be eligible for the proposed bonus, and that employees hired prior to January 1, 2014, would be immediately eligible to receive the bonus. Non-uniform employees with less than one (1)-year of service would be eligible to receive the bonus upon successful completion of the applicable probationary period, and uniform employees with less than one (1)-year of services would be eligible upon successful completion of the recruit academy. City Manager Moore stated that employees with the salary range of \$40,000 or below would receive a \$1,000 bonus, which was a 4.48% - 2.5% effective rate of increase. Those employees with the salary range between \$40,001 - \$60,000 would receive \$750 bonus, which was a 11.87% - 1.26% effective rate of increase. Those employees with a salary range of \$60,001 and above would receive a \$500 bonus, which was a 0.83% - 0.5% effective rate of increase. City Manager Moore stated that employees excluded from the bonuses

included: City Manager; Assistant City Manager; Department Directors; and Assistant Department Directors. City Manager Moore stated that the total cost of the bonuses, including Social Security and Medicare, would be approximately \$1,497,750.

Director Adcock stated that instead of the bonus, she would rather wait until mid-year to determine if it was feasible to give employee raises at that time. City Manager Moore stated that waiting until mid-year to determine the feasibility of employee raises had been his initial plan; however, at the previous week's Agenda Meeting, the Board had indicated that they would rather give the employees some type of increase at the beginning of the year instead of waiting until mid-year. Director Wyrick stated that she would like to see a salary increase up to 1.5% and reduce some of the funds that were being given to the outside agencies and special projects. Director Cazort stated that he was supportive of the bonuses; however, if at mid-year revenues were better than anticipated, he was committed to revisiting an employee pay increase at that time.

Steven Bell, 210 South Gaines Street: Stated that he had been a Firefighter for twenty-one (21) years and they being asked to do more with less and he felt they were shouldering the burden. Mr. Bell stated that as a member of the IAFF, he felt the bonuses were not negotiating in good faith.

Richard Morehead, 210 South Gaines Street: Stated that IAFF and the City were still in the midst of union negotiations and that they had been under the impression that the monies that were saved in the switch in healthcare from QualChoice to the Municipal Health Fund would be utilized for pay increases.

John Gilchrist, 63 Springridge Court: Stated that he represented the FOP and they were not supportive of the 2015 Budget in its current state.. Mr. Gilchrist stated that they did not support the proposed bonuses for Police Officers and asked that the Board wait until later in the year to determine if pay increases were feasible.

Jim Nichols 1315 2nd Street: Stated that he represented the Non-Uniform Union Employees and they were not in support of the employee bonuses, as it would not increase the base pay for the employees.

Nita Moser: Stated that she was the local Union President for Non-Uniform Employees and that they would like to work on a Grade and Step Program so that the salaries could be built up over a period of time.

Charles Austin, Jr., 210 South Gaines Street: Stated that he was Vice-President of IAFF Local 34 and they felt like the City was not bargaining with them in good faith especially in regards to the proposed employee bonuses.

Director Adcock made the motion, seconded by Director Richardson, for the Board to take a fifteen (15)-minute break and to go into Executive Session for the purpose of making Board and Commission appointments. By unanimous voice vote of the Board Members present, **the Board went into Executive Session.**

The Board returned to the Chamber, the appointments were announced and are listed as Items 16 – 17.

Director Hurst asked if passing the 2015 Budget that evening would inhibit City Manager Moore's ability to negotiate with the Unions in good faith. City Manager Moore stated

that he did not believe that the passage of the 2015 Budget would interfere with Union negotiations. City Manager Moore stated he did not feel comfortable recommending a salary increase at that time; however, at mid-year, he would be in a better position to make recommendations should the financial forecast improve.

Director Adcock made the motion, seconded by Vice-Mayor Wright, to amend the Budget Ordinance to state that the \$1,497,750 be put in reserve until July 30, 2015, to give the City Manager additional time to consider bonuses or pay increases based upon revenue growth. By roll call vote, the vote was as follows: Ayes: Adcock and Vice-Mayor Wright. Nays: Hendrix; Richardson; Hurst; Cazort; Hines; Wyrick; Kumpuris; and Fortson. By a vote of two (2) ayes and eight (8) nays, **the motion failed.**

Director Wyrick made the motion, seconded by Director Hendrix, to amend the Budget Ordinance to provide City Employees with a 1.5% increase and to reduce the funding to Central Arkansas Transit Authority (CATA), Downtown Little Rock Partnership, Arkansas Arts Center, First Tee and the Land Bank in order to cover the cost of the increases. Director Cazort stated that he supported what Director Wyrick was trying to do; however, he would not support the reduction in funds to the Arkansas Arts Center, Downtown Little Rock Partnership or First Tee.

Director Hendrix made the motion, seconded by Vice-Mayor Wright, to call the question to vote on the motion. By unanimous voice vote of the Board Members present, **the question to call the vote on the motion was approved.**

By roll call vote, the vote was as follows: Ayes: Hendrix, Wyrick; Adcock and Vice-Mayor Wright. Nays: Richardson; Hurst; Cazort; Hines; Kumpuris; and Fortson. By a vote of four (4) ayes and six (6) nays, **the motion failed.**

By roll call vote, the vote was as follows: Ayes: Hurst; Cazort; Hines; Kumpuris; and Fortson. Nays: Hendrix; Wyrick; Adcock; and Vice-Mayor Wright. Present: Richardson. When asked if would like to change his vote of Present, Director Richardson stated that he would like to change his Present Votes to Aye. By a vote of six (6) ayes and four (4) nays, **the ordinance was approved.** By voice vote of the Board Members present, with Director Wyrick voting in opposition, **the emergency clause was approved.**

Director Cazort made the motion, seconded by Hines, that at the 1st meeting in July 2015, the Board would have a discussion regarding year-to-date revenues and potential bonuses or raises. By voice vote of the Board Members present, with Directors Adcock and Hendrix voting in opposition, **the motion passed.**

14. ORDINANCE NO. 20,978: To amend Little Rock, Ark., Rev. Code § 34-12 (1988) to allow taxi operators to adjust rates upon forty-eight (48) hours' notice to the City Manager; to amend § 34-43 (b)(1)(A) (1988) to deal with rates and additional charges by taxi operators; **to declare an emergency;** and for other purposes.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Hurst, to suspend the rules and place the ordinance on second reading. By unanimous voice vote of the Board Members present, the rules were suspended and the

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

Director Kumpuris asked if the rates could be raised exponentially on special occasions. City Attorney Carpenter stated that the rates could be raised or lowered and that the action was the same action the Board had taken with TNCs and Uber. Director Kumpuris stated that he was for leveling the play field; however, he did not understand how it was going to work.

Paige Coker: Stated that she was the Vice-President of Little Rock Yellow Cab and that the intention was to be able to discount fares in order to level the playing field. Ms. Coker stated that the ceiling was the meter rate and they would not be able to activate any type of surge pricing. Ms. Coker stated that there were times when Uber's rates were lower and at that time, they were not legally able to discount fares.

City Attorney Carpenter stated that was not what the proposed ordinance stated. Director Kumpuris made the motion, seconded by Vice-Mayor Wright, to defer the item for two (2) weeks so that the language of the ordinance could be amended to include the information as stated. Director Cazort stated that the cab companies had requested that the Board take action before the Christmas holidays. Mayor Stodola stated that he was going to ask the Board to recess that evening's meeting until December 23, 2014, in order to address another matter and that the ordinance could be acted upon at that time.

PRESENTATION (Item 15)

15. PRESENTATION: September 2014 Financial Report – Sara Lenehan, Finance Department Director

City Manager Moore stated that due to the late hour, the September 2014 Financial Report, as well as the October 2014 Financial Report, would be presented at the January 6, 2015, Board of Directors Meeting.

EXECUTIVE SESSION (Items 16 – 17)

16. RESOLUTION NO. 14,027: To make an appointment to the Commission on Youth and Families; and for other purposes.

Synopsis: Appointment of Charlie McAdoo to fill the unexpired Little Rock School Board Representative term of Norma Jean Johnson, said term to expire on May 31, 2015.

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

17. RESOLUTION NO. 14,028: To make an appointments and Reappointments to the Central Arkansas Library System Board of Trustees; and for other purposes.

Synopsis: Reappointment of Susan Fleming to her second three (3)-year term, said term to expire on December 31, 2017. Appointment of Annette Herrington to her first three (3)-year term, said term to expire on December 31, 2017. Appointment of Sheila Wright to her first three (3)-year term, said term to expire on December 31, 2017.

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

CITIZEN COMMUNITCATION

22. RESOLUTION NO. 14,021: To make an appointment as a Commissioner on the Little Rock Housing Authority Board of Commissioners; and for other purposes.

Director Cazort made the motion, seconded by Director Hines, to recess the meeting until December 23, 2015, for the purpose of approving the transfer of the existing lease on the DoubleTree Hotel to a new lessee. By unanimous voice vote of the Board Members present, **the meeting was recessed until December 23, 2015.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor