

**Little Rock Board of Directors
December 20, 2022
4:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in Regular Meeting with Vice-Mayor Lance Hines presiding. City Clerk Susan Langley called the roll with the following Directors present: Miller; Webb; Peck; Wright (enrolled at 4:06 PM); Wyrick; Kumpuris; Phillips (enrolled at 6:25 PM); Adcock; Vice-Mayor Hines; and Mayor Scott. Directors absent: Richardson. City Attorney Tom Carpenter gave the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Tony Curtis Proclamation

ADDITIONS:

M-1 RESOLUTION: To express the intent that the Governing Body of the City of Little Rock, Arkansas, as well as that of the City of North Little Rock, should be consulted before Central Arkansas Water proposes a new rate for water usage, particularly a ten (1)-year plan for rates, and before any study is conducted; to assure that the policy questions about such action are approved by the Governing Bodies, just as the creation of Central Arkansas Water was approved by these bodies before its formation; and for other purposes *(Sponsored by Vice-Mayor Hines) (Requires a supermajority vote for addition)*

M-2 ORDINANCE; Z-9672: To approve a Planned Zoning Development and to establish a Planned Development – Commercial, titled CozySpot Rentals Short-Term Rental PD-C, located at 319 North Summit Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *(Planning Commission: 4 ayes; 4 nays; 2 recusals and 1 open position) Staff recommends approval.*
Synopsis: The applicant, Ashish Tikotekar, is appealing the Planning Commission's recommendation of denial of the CozySpot Rentals Short-Term Rental PD-C, located at 319 North Summit Street. (Located in Ward 3) *(Sponsored by Director Webb) (Requires a supermajority vote for addition)*

WITHDRAWALS:

15. RESOLUTION: To authorize the City Manager to enter into a contract with Escamilia Excavating, LLC, in an amount not to exceed \$218,237.40, for the Madison Valley Drainage Improvement Project Phase 2; and for other purposes. *(Deferred from December 6, 2022) (Withdrawn at staff's request) Staff recommends approval*
Synopsis: A resolution to authorize the City Manager to execute an agreement with Escamilia Excavating, LLC, for the Madison Valley Drainage Improvement Project, Bid No. 1720. (Located in Ward 5)

Vice-Mayor Hines stated that as the sponsor of Item M-1, he would like to defer action on the item until January 3, 2023.

Director Webb made the motion, seconded by Vice-Mayor Hines, to add Item M-2 to the Separate Items and to withdraw Item 15 from the Agenda. By unanimous voice vote of the Board Members present, **Item M-2 was added to the Separate Items and Item 15 was withdrawn from the Agenda.**

CONSENT AGENDA (Items 1 - 8)

1. **MOTION:** To approve the July 19, 2022, August 2, 2022, August 16, 2022, September 6, 2022, and September 20, 2022, minutes of the Little Rock City Board of Directors Meetings; and to approve the August 30, 2022, September 12, 2022, and September 27, 2022, minutes of the Little Rock City Board of Directors Special Called Meetings.

2. **RESOLUTION NO. 15,842:** To authorize the City Manager to enter into a contract with Griffin Group, LLC, in an amount not to exceed \$65,000.00, to rehabilitate the property located at 10008 Whispering Pine Drive, in the Winter Wood Subdivision of Little Rock, Arkansas, utilizing HOME Investment Partnership Program Funds; and for other purposes. *(Deferred from December 6, 2022) Staff recommends approval*
Synopsis: A resolution to authorize the City Manager to enter into a contract with Griffin Group, LLC, to rehabilitate the structure property at 10008 Whispering Pine Drive utilizing HOME Investment Partnerships Program Funds. (Located in Ward 7)

3. **RESOLUTION NO. 15,843:** To require that the 2022 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 2022 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.

4. **RESOLUTION NO. 15,844:** To amend Little Rock, Ark., Resolution No. 15,392 (February 21, 2021), to authorize the City Manager to enter into a second contract amendment with ShotSpotter, Inc., (d/b/a/ SST, Inc.), for a total amount not to exceed \$149,500.00, plus applicable taxes and fees, for the renewal of the Wide Area Gunshot Detection Service for the Little Rock Police Department for a period of one (1) additional year; and for other purposes. *Staff recommends approval.*
Synopsis: A resolution to authorize the City Manager to enter into a contract with ShotSpotter, Inc., d/b/a SST, Inc., for an additional one (1)-year period from December 19, 2022, through December 18, 2023.

5. **RESOLUTION NO. 15,845:** To authorize the City Manager to enter into a contract with G & W Diesel for the purchase of five (5) Pierce Top Mount Pumper Trucks and three (3) Tower Aerial Trucks, in a total purchase price of \$9,746,655.07, plus applicable taxes and fees, for the Little Rock Fire Department; and for other purposes. *(Funding from the 2022 Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*
Synopsis: A resolution to authorize the City Manager to enter into a contract with G & W Diesel Service Inc. for the purchase of five (5) Pierce Top Mount Pumper Trucks and three (3) Tower Aerial Trucks for the Little Rock Fire Department.

6. RESOLUTION NO. 15,846: To authorize the City Manager to enter into a Public Service Agency Agreement to provide Fleet Maintenance, Repair and Fueling Services for the Little Rock Convention and Visitors Bureau Vehicles and Equipment; and for other purposes. *Staff recommends approval*

Synopsis: A resolution to authorize the City Manager to execute a Public Agency Service Agreement with the Little Rock Convention and Visitors Bureau to provide fleet maintenance, mechanical repairs, body work and fueling service for their fleet of seven (7) vehicles.

7. RESOLUTION NO. 15,847: To state the intended uses of the remaining portion of the second tranche to the City of Little Rock, Arkansas, allotment of Local Fiscal Recover Funds through the American Rescue Plan Act; and for other purposes. *Staff recommends approval*

8. RESOLUTION NO. 15,848: To authorize the City Manager to enter into a contract with FlashParking, Inc., in an amount not to exceed \$601,042.00, plus applicable taxes and fees, for the purchase of Parking Access and Revenue Control Stations for the Little Rock Convention and Visitors Bureau; and for other purposes. *Staff recommends approval*

Director Adcock made the motion, seconded by Director Kumpuris, to approve the Consent Agenda. By voice vote of the Board Members present, with Director Adcock voting in opposition on Item 7, **the Consent Agenda was approved.**

GROUPED ITEMS (Items 9 - 14)

9. ORDINANCE NO. 22,208; LU2022-03-01: To amend the Land Use Plan in the West Little Rock Planning District at Glover Street, from Residential High Density (RH) to Neighborhood Commercial (NC); and for other purposes. (*Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 open position*) *Staff recommends approval.*

Synopsis: To approve a Land Use Plan Map amendment in West Little Rock Planning District at 2410 Glover Street from Residential High Density (RH) to Neighborhood Commercial (NC). (Located in Ward 4)

10. ORDINANCE NO. 22,209; Z-3250-B: 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: 8 ayes; 0 nays; 2 absent; and 1 open position*) *Staff recommends approval.*

Synopsis: The owner of the 0.49-acre property, located at 2410 Glover Street, is requesting that the property be rezoned from PD-C, Planned Development – Commercial, to C-1, Neighborhood Commercial District. (Located in Ward 4)

11. ORDINANCE NO. 22,210: 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.

12. ORDINANCE NO. 22,211: 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 Summit Utilities (formerly known as 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 Summit Utilities (formerly known as CenterPoint Energy ARKLA). This Franchise Fee should remain in effect until otherwise amended by the Board of Directors.

13. ORDINANCE NO. 22,212: 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.

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.

14. ORDINANCE NO. 22,213: 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 2023.

The ordinances were read the first time. Director Adcock made the motion, seconded by Vice-Mayor Hines, 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 16 - 17 and Item M-2)

16. ORDINANCE; Z-9353-A: To approve a Planned Zoning Development and to establish a Planned Commercial Development, titled Shields and Associates PCD, located at 13108 Lawson Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *(Deferred from October 18, 2022) (Planning Commission: 10 ayes; 0 nays; and 1 open position) Staff recommends approval.*

Synopsis: The applicant is requesting that the 5.3-acre property, located at 13108 Lawson Road, be rezoned from R-2, Single-Family District, to PCD, Planned Commercial Development, to allow for the development of an office with storage yard and a mini-warehouse facility. (Located within the City's Extraterritorial Jurisdiction)

The ordinance was read the first time. Director Adcock made the motion, seconded by Vice-Mayor 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 Adcock made the motion, seconded by Vice-Mayor Hines, 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 stated that all the cards that had been turned in were from individuals wanting to speak in opposition of the item, and there had not been a card turned in by

the applicant. Planning & Development Director Jamie Collins stated that his office had notified the applicant via telephone that the application would be heard that evening. Director Wyrick stated that the applicant had been present at the Agenda Meeting the week prior and had been told that the application would be heard on December 20, 2022, and questioned why she was not present. Vice-Mayor Hines stated that he had just received a text message from the applicant that they were in route to the meeting; however, they were not aware that the time had been changed from 6:00 PM to 4:00 PM. Vice-Mayor Hines stated that he would like to see the item held until the applicant had arrived and all parties were present.

(5:55) PM) The Board returned to Item 16.

Mayor Scott stated that the Board would hear from the applicant and that since all the cards received were in opposition, and in the essence of time, he would limit the discussion after the applicant spoke, to twenty (20) minutes. Director Wyrick stated that she would like to limit each individual to three (3) minutes.

Brian Dale: Stated that he was with Joe White and Associates and that the 5.3-acre site in question was currently undeveloped and located within the City's Extraterritorial Jurisdiction. Ms. Dale stated that the project would include an office building along the frontage of Lawson Road, with additional buildings behind that would be utilized for storage for the busienss. Mr. Dale stated that the development would occur in phases and the Developer would widen Lawson Road during the 3rd Phase. Mr. Dale stated that the Developer would be retaining the buffer trees along the west and the 100-foot buffer along the north property line, as shown on the site line drawings.

Ben Shields: Stated that he was the Developer and the owner of Shields & Associates, and a partner in Rainbow International, which was an insurance restoration business that cleaned and stored contents from people's homes that had experience fires or water damage.

Nathaniel Hays: Stated that his property was located adjacent to the proposed development and that he was adamantly against the project. Mr. Hays stated that there would be noise added in the neighborhood and he felt that the project would affect his property value.

Barry Beck: Stated that his property looked down onto the proposed development and that he was vehemently against the project.

Cornelia Beck: Stated that she was opposed to the rezoning request.

Wesley Wolfenbarger: Stated that he lived on Colonel Glenn Road and he did not want that type of development in their neighborhood.

Dr. Forrest Glover: Stated that his property abutted the proposed development and that he would have never made such a large investment into building his home had he known that the adjacent property could possibly be rezoned to Commercial.

Jason Beck: Stated that the property in question was adjacent to his rear-yard. Mr. Beck stated that there were approximately seventy (70) homes located within 1,500 feet of the site.

Kellie Emerson: Stated that she had a horse pasture located adjacent to the property and was opposed to a commercial development in the middle of a residential neighborhood.

Brennen Beck: Stated that he had grown up in the area and asked that the Board not approve the rezoning request.

David Rainosek: Stated that he would hate to have a commercial development near all the residential homes.

Judy Chisholm: Stated that she had lived on Lawson Road for forty (40) years, and was opposed to the rezoning request.

Dan Chisholm: Stated that he was strongly opposed to the rezoning request.

By voice vote of the Board Members present, **the ordinance failed.**

(6:35 PM) Mayor Scott stated that the Board would take a fifteen (15)-minute recess.

17. ORDINANCE NO. 22,215: To provide for and to adopt the 2023 Budget for the City of Little Rock, Arkansas, for the period beginning January 1, 2023, and ending December 31, 2023; to appropriate resources and uses for every expenditure item and operating fund; **to declare an emergency**; and for other purposes. *Staff recommends approval*

The ordinance was read the first time.

Director Peck distributed a copy of a proposed amendment to the 2023 Budget. Director Peck stated that in order to have a more transparent process for compensation matters for City Employees, and for the Board to perform its fiduciary responsibilities in a transparent way, she proposed the following changes to the budget process: 1) the number of employees of the different City Departments should be fixed at the time of the Budget; and 2) any proposed increases or changes in positions, including, but not limited to, job titles, transfers from one Department to another or salary increases outside of Cost of Living Adjustments, length of service or salary guide, should be approved in advance by the Board. Director Peck stated that the proposed amendment, which was modeled after the State of Arkansas, would be beneficial.

Director Peck made the motion, seconded by Vice-Mayor Hines, to add the proposed amendment to the 2023 Budget.

Director Miller stated that he was not comfortable with the amount of responsibility that would be given the Board and taken away from the Department Directors and he would not be supportive of the amendment.

By voice vote of the Board Members present, **the amendment was approved. Mayor Scott notified the Board that he would Veto the amendment.**

City Attorney Tom Carpenter stated that the Board would have until the next Board Meeting to determine if they would like to override the veto by an eight (8)-vote margin.

Mayor Scott asked if the Board would continue with the proposed Budget. City Attorney Carpenter stated that the Budget had been prepared by the Mayor and City Manager, in accordance with State Statute. City Attorney Carpenter stated that there was no reason that the Budget Ordinance could not be discussed; however, he thought it would be premature to vote on the Budget while the Board was still in the period of determining whether to override the Mayor's veto. Mayor Scott stated that he vetoed the amendment due to the fact that it would create an inordinate amount of inefficiencies

within the City. Mayor Scott stated that the Board's purview was Policy, not Management, and once the Budget was approved, the Management Team operated within the confines of the Budget.

City Attorney Carpenter stated that the amendment was made and vetoed, which in effect, vetoed the entire Budget Ordinance. Mayor Scott stated that he only vetoed the amendment. City Attorney Carpenter stated that the amendment could not be vetoed as it had passed. Mayor Scott stated that if need be, he would call a Special Called Meeting in order to vote on the Budget.

Director Wyrick stated that she had made a conscious decision that unless the Union Negotiations were completed, she would not vote on the Budget. Director Wyrick stated that it was her understanding that there had been some negotiations; however, there would be no word on that until possibly Monday of the next week. Director Wyrick stated that she thought they needed to defer action on the Budget until the following Tuesday. Mayor Scott stated that they believed the Fire Department was supportive of their negotiations and that currently the Police Department was conducting their voting process; therefore, he did not think they needed to defer action on the item.

(5:55 PM) Vice-Mayor Hines stated that the applicant for Item 16 was now present and suggested that the Board move to Item 16 before completing the discussion on the Budget Ordinance.

Director Peck stated that as a result of the discussion from earlier, she would like to pull her amendment. Vice-Mayor Hines stated that he would withdraw his second.

Director Webb made the motion, seconded by Vice-Mayor 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. Vice-Mayor Hines made the motion, seconded by Director Webb, to suspend the rules and place the ordinance on third reading. By voice vote of the Board Members present, with Director Adcock voting in opposition, the rules were suspended and the ordinance was read a third time. By voice vote of the Board Members present, with Director Adcock voting in opposition, **the ordinance was approved.** By voice vote of the Board Members present, with Director Adcock voting in opposition, **the emergency clause was approved.**

M-2 ORDINANCE NO. 22,214; Z-9672: To approve a Planned Zoning Development and to establish a Planned Development – Commercial, titled CozySpot Rentals Short-Term Rental PD-C, located at 319 North Summit Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *(Planning Commission: 4 ayes; 4 nays; 2 recusals and 1 open position) Staff recommends approval.*

Synopsis: The applicant, Ashish Tikotekar, is appealing the Planning Commission's recommendation of denial of the CozySpot Rentals Short-Term Rental PD-C, located at 319 North Summit Street. (Located in Ward 3) *(Sponsored by Director Webb) (Requires a supermajority vote for addition)*

The ordinance was read the first time. Director Adcock made the motion, seconded by Vice-Mayor 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 Adcock made the motion, seconded by Director Webb, 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 Webb stated that the neighborhood association unanimously supported the application.

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

CITIZEN COMMUNICATION

Sergio Macuil: Speed Bump.

The Mayor made the motion to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Frank Scott, Jr., Mayor