



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: October 26, 2021

The following committee meetings will be held on **Tuesday, October 26, 2021** prior to the City Council Meeting:

05:30 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

<https://us02web.zoom.us/j/81419634962> OR (312)626-6799 ID: 814 1963 4962

To Discuss: (a) RWU Monthly Report

05:40 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/81419634962> OR (312)626-6799 ID: 814 1963 4962

- To Discuss:
- (a) A Resolution Authorizing The Mayor And City Clerk To Accept A 2021 Community Development Block Grant In The Sum Amount Of \$462,101.00.00
 - (b) A Resolution Certifying Local Government Endorsement Of Business To Participate In The Tax Back Program
 - (c) A Resolution Amending The 2021 Budget To Recognize Insurance Proceeds In The Amount Of \$100,864.00 To Account #100-01-49195 Insurance Reimbursement
 - (d) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With Johnson Controls, Inc. Of Little Rock, Arkansas, To Perform Work On City Owned Facilities
 - (e) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract With Johnson Controls, Inc. Of Little Rock, Arkansas, To Perform Work On City Owned Facilities – Solar

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

<https://us02web.zoom.us/j/81419634962> OR (312)626-6799 ID: 814 1963 4962

- To Discuss: (a) An Ordinance Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

ROGERS CITY COUNCIL
AGENDA

OCTOBER 26, 2021
6:30 PM

IN PERSON & via ZOOM <https://us02web.zoom.us/j/88170878844>

OR By Phone (312) 626-6799 ID: 881 7087 8844

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. October 12, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | |
|----|--|----------------------|
| 1. | RES. Re: Authorizing The Mayor And City Clerk To Accept A 2021 Community Development Block Grant In The Sum Amount Of \$462,101.00.00 | FINANCE
COMMITTEE |
| 2. | RES. Re: Certifying Local Government Endorsement Of Business To Participate In The Tax Back Program | FINANCE
COMMITTEE |
| 3. | RES. Re: Amending The 2021 Budget To Recognize Insurance Proceeds In The Amount Of \$100,864.00 To Account #100-01-49195 Insurance Reimbursement | FINANCE
COMMITTEE |
| 4. | RES. Re: Authorizing The Mayor And City Clerk To Enter Into A Contract With Johnson Controls, Inc. Of Little Rock, | FINANCE
COMMITTEE |

Arkansas, To Perform Work On City Owned Facilities

- | | | | |
|----|----------|--|--|
| 5. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract With Johnson Controls, Inc. Of Little Rock, Arkansas, To Perform Work On City Owned Facilities – Solar | FINANCE
COMMITTEE |
| 6. | ORD. Re: | Amending Chapter 38 Of The City Of Rogers Code Of Ordinances; Adding Section 38-62. – Parklet Program | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R21_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ACCEPT A 2021 COMMUNITY DEVELOPMENT BLOCK GRANT
IN THE SUM AMOUNT OF FOUR HUNDRED SIXTY-TWO THOUSAND ONE
HUNDRED ONE DOLLARS (\$462,101.00.00); AMENDING THE 2021 BUDGET TO
RECOGNIZE REVENUE IN THAT AMOUNT INTO ACCOUNT #342-42-45800
PROGRAM FUNDING; APPROPRIATING THE GRANT REVENUE TO VARIOUS
EXPENDITURE ACCOUNTS; AND FOR OTHER PURPOSES**

WHEREAS, the City has received federal funding to its Community Development Block Grant and needs to appropriate that money into the appropriate accounts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKNASAS THAT:

Section 1: That the Mayor and City Clerk are hereby authorized to accept a 2021 Community Development Block Grant from the U. S. Department of Housing and Urban Development in the sum amount of four hundred sixty-two thousand one hundred one dollars (\$462,101.00);

Section 2: The 2021 Budget is hereby amended to recognize grant funds in the sum amount of four hundred sixty-two thousand one hundred one dollars (\$462,101.00) into Account #341-42-45800 Program Funding;

Section 3: The 2021 Budget is further amended to appropriate sixteen thousand dollars (\$16,000.00) into Account #342-42-61135 Salaries, from said four hundred sixty-two thousand one hundred one dollars (\$462,101.00);

Section 4: The 2021 Budget is further amended to appropriate sixty-eight thousand dollars (\$68,000.00) into Account #342-42-70296 Public Service Projects, from said four hundred sixty-two thousand one hundred one dollars (\$462,101.00);

Section 5: The 2021 Budget is further amended to appropriate one hundred seventy-one thousand six hundred one dollars (\$171,601.00) into Account #342-42-70970 Housing Project, from said four hundred sixty-two thousand one hundred one dollars (\$462,101.00);

Section 6: The 2021 Budget is further amended to appropriate two hundred and six thousand five hundred dollars (\$206,500.00) into Account #342-42-79010 Public Construction Projects, from said four hundred sixty-two thousand one hundred one dollars (\$462,101.00);

Section 7: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 8: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Donna Johnston, CDBG Administrator
Prepared by: John M. Pesek, Staff Attorney
Reviewed by: John M. Pesek, Staff Attorney
For Consideration by: Finance Committee

RESOLUTION NO. R21-_____

**RESOLUTION OF THE CITY COUNCIL OF ROGERS, ARKANSAS CERTIFYING
LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE
TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE
CONSOLIDATED INCENTIVE ACT OF 2003).**

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Pel-Freez, LLC located at 205 N Arkansas Street has sought to participate in the program and more specifically has requested benefits accruing from construction and modernization of the specific facility; and

WHEREAS, Pel-Freez, LLC has agreed to furnish the local government all necessary information for compliance.

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF ROGERS,
ARKANSAS, THAT:**

1. Pel-Freez, LLC be endorsed by the city of Rogers, Arkansas for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Pel-Freez, LLC
3. This resolution shall take effect immediately.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Pelfreeze
Prepared by: Rogers-Lowell Chamber of Commerce
For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE 2021 BUDGET TO RECOGNIZE INSURANCE PROCEEDS IN THE AMOUNT OF ONE HUNDRED THOUSAND EIGHT HUNDRED SIXTY- FOUR DOLLARS (\$100,864.00) TO ACCOUNT #100-01-49195 INSURANCE REIMBURSEMENT; APPROPRIATING THAT SAME AMOUNT TO ACCOUNT #100-01-70983 STORM DAMAGE HAIL; AND FOR OTHER PURPOSES.

WHEREAS, several City of Rogers' buildings were damaged in the May 4, 2020 hail storm; and

WHEREAS, the City received an additional one hundred thousand eight hundred sixty four dollars (\$100,864.00) in insurance proceeds for the 2020 hail damage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The City of Rogers' 2021 Budget is amended to recognize one hundred thousand eight hundred sixty four dollars (\$100,864.00) in insurance proceeds into Account #100-01-49195 Insurance Reimbursement.

Section 2: The City of Rogers' 2021 Budget is amended to appropriate one hundred thousand eight hundred sixty four dollars (\$100,864.00) into Account #100-01-70983 Storm Damage Hail.

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council or parts of resolutions or orders of the City Council that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: David Hook, Facilities Development Manager

Prepared By: John M. Pesek, Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH JOHNSON CONTROLS, INC. OF LITTLE ROCK, ARKANSAS, TO PERFORM WORK ON CITY OWNED FACILITIES; TO APPROPRIATE FIVE MILLION DOLLARS (\$5,000,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-01-70158 ENERGY SAVINGS PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, Johnson Controls, Inc. of Little Rock, Arkansas performed an energy audit on City owned facilities and provided recommendations for work to be performed on these facilities to produce an energy savings, replace/repair/upgrade HVAC equipment, HVAC Energy Management Controls, lighting/lighting controls, and building envelope/weatherization improvements for 23 City owned facilities.

WHEREAS, this performance contract with Johnson Controls, Inc. will allow it to complete said work on these facilities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Johnson Controls, Inc., of Little Rock, Arkansas.

Section 2: The City of Rogers' 2021 Budget is amended to appropriate five million dollars (\$5,000,000.00) from General Fund Reserves into Account #100-01-70158 Energy Savings Project.

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Development Manager

Prepared by: John M. Pesek, Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH JOHNSON CONTROLS, INC. OF LITTLE ROCK, ARKANSAS, TO PERFORM WORK ON CITY OWNED FACILITIES; TO APPROPRIATE TWELVE MILLION TWO HUNDRED THOUSAND DOLLARS (\$12,200,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-01-70158 ENERGY SAVINGS PROJECT; AND FOR OTHER PURPOSES.

WHEREAS, Johnson Controls, Inc. of Little Rock, Arkansas performed an energy audit on City owned facilities and provided recommendations for work to be performed on these facilities to produce an energy savings and to provide a 548.1kW Fixed-Tilt Solar PV Carport array at the Rogers Police Department, a 2290 kW Fixed-Tilt Solar PV array at the Rogers Recycling Center, and a 1775 kW Fixed Tilt Solar PV array at Rogers Fire Station #8.

WHEREAS, this performance contract with Johnson Controls, Inc. will allow it to complete said work on these City owned facilities.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: The Mayor and City Clerk are authorized to enter into a contract with Johnson Controls, Inc., of Little Rock, Arkansas.

Section 2: The City of Rogers' 2021 Budget is amended to appropriate twelve million two hundred thousand dollars (\$12,200,000.00) from General Fund Reserves into Account #100-01-70158 Energy Savings Project.

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed.

Section 4: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Development Manager
Prepared by: John M. Pesek, Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY OF ROGERS CODE OF ORDINANCES; ADDING SECTION 38-62. – PARKLET PROGRAM; AMENDING APPENDIX B – FEE SCHEDULE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers City Council finds it to be in the best interest of the City to adopt guidelines allowing Parklets for outdoor dining and business in public space;

WHEREAS, Parklet applications will be processed by the Community Development Department and sent to the Transportation Committee for review and final permit decision;

WHEREAS, design standards will be contained in the Parklet Program Guidelines manual which will be subject to the review and approval of the Community Environment and Welfare Committee and adopted by reference in the City of Rogers Code of Ordinances; and

WHEREAS, to adequately protect the value of this public space, an application fee and annual permit fee will be added to Appendix B of the City of Rogers Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS THAT:

Section 1: Chapter 38, Article IV, Section 38-62. – Parklet Program shall be created in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Appendix B – Fee Schedule shall be amended to read as shown in the Attached Exhibit “B” and Municode Corporation is hereby instructed to make said amendments;

Section 3 - Emergency Clause: The need to amend the City Code is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 4 - Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 5 - Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration By: Community Environment & Welfare Committee

EXHIBIT “A”

Sec. 38-62. – Parklet Program.

(a) *Purpose and Intent.*

1. To allow expanded business opportunities to better serve the public.
2. To maximize citizen use and benefit of public space.

(b) *Permit required.*

1. Parklet applications shall be reviewed and processed by the Community Development Department.
2. Design standards, rules, and regulations are governed by the Parklet Program Guidelines manual that is adopted by reference as if set out word for word herein. This manual and any additions, deletions, or changes shall be reviewed and approved by the Community Environment and Welfare Committee of the City Council, a copy of which is on file in the office of the clerk-treasurer.
3. Once a completed permit application has gone through the above review process, it will be heard by the Transportation Committee for a final determination as to whether or not the parklet permit should be issued.
4. Violations are governed under Sec. 1-5 of this Code.
5. Parklet permits shall not be issued for a time frame of longer than 1 (one) year.
6. Upon expiration of a parklet permit, nothing in this section shall be construed as to prohibit the applicant from re-applying.

- (c) *Fee.* The applicant shall pay the fees as adopted by the City Council, as listed in Appendix B – Fee Schedule of the Rogers City Code of Ordinances.

EXHIBIT “B”

Sec. 38-62. – Parklet Program Fee.

Application fee: \$100.00 per application

Permit fee: \$1,000.00 per parking space annually