



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

***AMENDED* COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: May 11, 2021

The following committee meetings will be held on **Tuesday, May 11, 2021** prior to the City Council Meeting:

05:00 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Kruger, Legere)

<https://us02web.zoom.us/j/89245342555> OR (312)626-6799 ID: 892 4534 2555

To Discuss: (a) An Ordinance Waiving Competitive Bidding For The Purchase Of Tasers And Associated Equipment And Warranties From Axon Enterprise, Inc. Of Scottsdale, Arizona

05:15 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

<https://us02web.zoom.us/j/89245342555> OR (312)626-6799 ID: 892 4534 2555

To Discuss: (a) A Resolution Amending The City Of Rogers' 2021 Budget To Appropriate \$47,000.00 From General Fund Reserves Into Account #100-18-70494 Arts And Culture - Butterfield Stage Operations

(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$4,850,000.00; Amending The 2021 Budget To Recognize Grant Funds In The Amount Of \$4,850,000.00 Into Account #200-16-45600 Grants And Donations; Appropriating That Same Amount Into Expense Account #200-16-85051 Poplar/13th Street Improvement-Construction

05:30 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen)

<https://us02web.zoom.us/j/89245342555> OR (312)626-6799 ID: 892 4534 2555

To Discuss: (a) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Lease Extension Agreement With The Recon Group, Inc. Of Rogers, Arkansas, For Certain Space Located At The Rogers Street Department Building

(b) Street Closure Request - Chunky Studio, Represented by Barry Cobbs [One Hand On The Wheel Request](#)

05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)

<https://us02web.zoom.us/j/89245342555> OR (312)626-6799 ID: 892 4534 2555

To Discuss: (a) Appeal of Conditional Use Permit Denial – Cross Development/ Caliber Collision [Appeal of CUP Denial](#) - [Staff Report](#) - [PC Mins 04.20.21](#)



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ROGERS CITY COUNCIL
***AMENDED* AGENDA**

MAY 11, 2021
6:30 PM

**ZOOM <https://us02web.zoom.us/j/87535076091> OR By Phone (312) 626-6799 ID:
875 3507 6091**

PUBLIC FORUM:

ROLL CALL:

ACTION ON MINUTES:

1. April 27, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. ORD. Re: Waiving Competitive Bidding For The Purchase Of
Tasers And Associated Equipment And Warranties
From Axon Enterprise, Inc. Of Scottsdale, Arizona
PUBLIC SAFETY
COMMITTEE
2. RES. Re: Amending The City Of Rogers' 2021 Budget To
Appropriate \$47,000.00 From General Fund Reserves
Into Account #100-18-70494 Arts And Culture -
Butterfield Stage Operations
FINANCE
COMMITTEE
3. Res. Re: Authorizing The Mayor And City Clerk To Enter Into
A Grant Agreement With The Walton Family
Foundation To Receive Up To \$4,850,000.00;
Amending The 2021 Budget To Recognize Grant Funds
In The Amount Of \$4,850,000.00 Into Account #200-
16-45600 Grants And Donations; Appropriating That
Same Amount Into Expense Account #200-16-85051
Poplar/13th Street Improvement-Construction
Finance Committee

- | | | | |
|----|----------|--|--|
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into
A Lease Extension Agreement With The Recon
Group, Inc. Of Rogers, Arkansas, For Certain Space
Located At The Rogers Street Department Building | TRANSPORTATION
COMMITTEE |
| | | | |
| 5. | . Re: | Appeal of Conditional Use Permit Denial – Cross
Development/ Caliber Collision | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

ORDINANCE NO. 21-_____

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF TASERS AND ASSOCIATED EQUIPMENT AND WARRANTIES FROM AXON ENTERPRISE, INC. OF SCOTTSDALE, ARIZONA; ALLOWING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR SAID PURCHASE; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to purchase twenty (20) tasers and associated equipment and warranties for use by the department;

WHEREAS, this purchase will be made from Account #100-03-70205 Small Tools & Equipment and was approved and budgeted in the City of Rogers' 2021 Budget; and

WHEREAS, Axon Enterprises, Inc. of Scottsdale, Arizona is the only manufacturer of these types of tasers.

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

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Axon Enterprises, Inc. of Scottsdale, Arizona, in the amount of thirty-five thousand five hundred thirteen dollars and four cents (\$35,513.04), for the purchase of twenty (20) tasers and associated equipment and warranties;

Section 2: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the tasers for use by the Rogers Police Department;

Section 3: Emergency Clause: The need to acquire the tasers and associated equipment and warranties for the Rogers Police Department is immediate and 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 its 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: Jonathan Best, Interim Chief of Police
Prepared by: John M. Pesek, Staff Attorney
For Consideration by: Public Safety Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE CITY OF ROGERS' 2021 BUDGET TO APPROPRIATE FORTY SEVEN THOUSAND DOLLARS (\$47,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-18-70494 ARTS AND CULTURE - BUTTERFIELD STAGE OPERATIONS; AND FOR OTHER PURPOSES.

WHEREAS, this appropriation will be used to fund the establishment and implementation of the Railyard Entertainment District.

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 appropriate forty seven thousand dollars (\$47,000.00) from General Fund Reserves into Account #100-18-70494 Arts and Culture – Butterfield Stage Operations;

Section 2: 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 3: 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: John McCurdy, Director of Community Development

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 GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE UP TO FOUR MILLION EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$4,850,000.00); AMENDING THE 2021 BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF FOUR MILLION EIGHT HUNDRED AND FIFTY THOUSAND DOLLARS (\$4,850,000.00) INTO ACCOUNT #200-16-45600 GRANTS AND DONATIONS; APPROPRIATING THAT SAME AMOUNT INTO EXPENSE ACCOUNT #200-16-85051 POPLAR/13TH STREET IMPROVEMENT-CONSTRUCTION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to four million eight hundred and fifty thousand dollars (\$4,850,000.00) from the Walton Family Foundation to be used for the City of Rogers 13th and Poplar Street road project; and

WHEREAS, there is a 1:2 funding match provision in this grant. The City's share of this match will be paid out of the 2018 Street Fund Bond.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement on behalf of the City of Rogers with the Walton Family Foundation in which the City will receive up to four million eight hundred and fifty thousand dollars (\$4,850,000.00) in grant funds;

Section 2: The City of Rogers' 2021 Budget is hereby amended to recognize grant funds in the amount of four million eight hundred and fifty thousand dollars (\$4,850,000.00) into Account #200-16-45600 Grants and Donations;

Section 3: The City of Rogers' 2021 Budget is further amended to appropriate four million eight hundred and fifty thousand dollars (\$4,850,000.00) into Account #200-16-85051 Poplar Street/13th Street Improvement-Construction;

Section 4: 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 5: 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: John McCurdy, Director of Community Development

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 LEASE EXTENSION AGREEMENT WITH THE RECON GROUP, INC. OF ROGERS, ARKANSAS, FOR CERTAIN SPACE LOCATED AT THE ROGERS STREET DEPARTMENT BUILDING; AND FOR OTHER PURPOSES.

WHEREAS, when the City of Rogers purchased the building that currently houses the City of Rogers Street Department, The Recon Group, Inc. was an existing tenant under a lease agreement with the previous owner;

WHEREAS, the City has previously extended the lease agreement through June 30, 2021;

WHEREAS, The Recon Group, Inc. is attempting to find a suitable location to relocate its business within the city limits of Rogers. While it continues its search, it desires to extend its lease through December 31, 2021; however, the lease may be cancelled prior to that date with thirty (30) days' written notice to the City;

WHEREAS, The Recon Group, Inc. has the ability, with at least sixty (60) day's prior written notice to December 31, 2021, to extend the lease for another six-month term that would expire on June 30, 2022;

WHEREAS, The City performed a lease analysis and due to that analysis has raised the monthly rental amount, which has been agreed to by The Recon Group, Inc. and which will begin to be collected on July 1, 2021;

WHEREAS, The Recon Group, Inc. is an integral part of the City's business community and economically supports many of the City's residents; and

WHEREAS, entering into this lease extension is a benefit to the citizens of Rogers.

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

Section 1: The Mayor and City Clerk may enter into a lease extension agreement with The Recon Group, Inc. of Rogers, Arkansas for certain space located at the Rogers Street Department Building through December 31, 2021;

Section 2: This lease shall be month to month beginning July 1, 2021, and expiring on December 31, 2021, or at any time before that date with thirty (30) days' written notice to the City. The Recon Group, Inc. will have the ability to extend the lease for another six-month term with at least sixty (60) days' written notice prior to December 31, 2021;

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; and

Section 4: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions of the City Council 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: Casey Wilhelm, Finance Director
Prepared by: John M. Pesek, Staff Attorney
For Consideration by: Transportation Committee

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A. *
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

April 28, 2021

City Clerk
City of Rogers
301 W. Chestnut St.
Rogers, AR 72756

HAND DELIVERED
and via email to jrush@rogersar.gov
and jmoore@rogersar.gov

**Re: Appeal of Conditional Use Permit Denial
Cross Development / Caliber Collision Center**

Dear Madam Clerk:

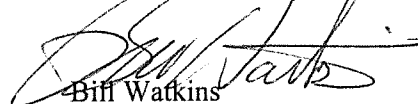
This letter is formal notice pursuant to Rogers Code Section 14-723(e) of the intent of Cross Development, a/k/a Caliber Collision, to appeal to the City Council the denial of its application for a conditional use permit for the use of the property located at the Southeast corner of the intersection of S. Bellview Road and W. Ajax Ave., for vehicle / equipment repair and installation. This CUP application was denied by the Rogers Planning Commission on Tuesday, April 20th. The reasons and nature of this appeal are as follows:

1. The denial by the Planning Commission of the subject application for a vehicle / equipment repair and installation facility in a C-2 (Overlay) zone was arbitrary, capricious, and without a rational basis.
2. The denial by the Planning Commission of this application was made without an opportunity to present all of the available information regarding the character of the subject property and the design of the proposed use.

For the above reasons the Planing Commission acted in error and the Conditional Use Permit application of Cross Development should be approved by the City Council.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC



Bill Watkins

BW:
pc: client