



Office of the City Clerk-Treasurer  
301 W. Chestnut  
Rogers, Arkansas 72756  
479-621-1117  
[www.rogersar.gov](http://www.rogersar.gov)

**COMMITTEE SCHEDULE**

TO: MAYOR  
CITY COUNCIL  
DEPARTMENT HEADS  
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: January 16, 2019

The following committee meetings will be held on **Tuesday, January 22, 2019** prior to the City Council Meeting:

**6:00 p.m. - TRANSPORTATION COMMITTEE:** (Kruger, Townzen and Carmichael)  
**Committee Room #1**

To Discuss: (a) Street closure request from CAC of Benton County for the Cherishing Children Glow Run on April 12, 2019

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**6:00 p.m. – RESOURCES & POLICY COMMITTEE:** (Hayes, Reithemeyer and Brashear)  
**Committee Room #2**

(a) A Resolution Authorizing the Destruction of Certain Records of the Rogers Legal Department

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**6:15 p.m. – PUBLIC WORKS COMMITTEE:** (Townzen, Brashear and Kendall) **Committee Room #1**

(a) Monthly Report from RWU

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**6:15 p.m. – PUBLIC SAFETY COMMITTEE:** (Wolf, Kruger and Carmichael) **Committee Room #2**

To Discuss:

- (a) An Ordinance Waiving Competitive Bidding for the 2019 Vehicle Fleet Purchase from Superior Chevrolet of Siloam Springs, AR, for Use by the Rogers Police Department

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- (b) A Resolution Authorizing a Contract to Purchase Vehicles for the Rogers Police Department

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- (c) A Resolution Authorizing a Rental Agreement with Enterprise Fleet Management of Oklahoma City, OK for Vehicles for the Rogers Police Department

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- (d) An Ordinance Waiving Competitive Bidding for the Purchase of Taser Brand Conducted Electrical Weapons for the Use by the Rogers Police Department

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- (e) A Resolution Authorizing a Contract for the Budgeted Purchase of Replacement Taser Brand Conducted Electrical Weapons from Axon, of Scottsdale, AZ for Use by the Rogers Police Dept.

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**ROGERS CITY COUNCIL**

**AGENDA**

**JANUARY 22, 2019**

**6:30 P.M.**

**PUBLIC FORUM:**

**INVOCATION & PLEDGE OF ALLEGIANCE:**

**ROLL CALL:**

**ACTION ON MINUTES:** January 8, 2019

**REPORTS OF BOARDS AND STANDING COMMITTEES:**

- |             |  |                                |
|-------------|--|--------------------------------|
| 1. RES. Re: | Authorizing the Destruction of Certain Records of the Rogers Legal Department  | - Resources & Policy Committee |
| 2. ORD. Re: | Waiving Competitive Bidding for the 2019 Vehicle Fleet Purchase from Superior Chevrolet of Siloam Springs, AR, for Use by the Rogers Police Department | - Public Safety Committee      |
| 3. RES. Re: | Authorizing a Contract to Purchase Vehicles for the Rogers Police Department   | - Public Safety Committee      |
| 4. RES. Re: | Authorizing a Rental Agreement with Enterprise Fleet Management of Oklahoma City, OK for Vehicles for the Rogers Police Department                     | - Public Safety Committee      |
| 5. ORD. Re: | Waiving Competitive Bidding for the Purchase of Taser Brand Conducted Electrical Weapons for the Use by the Rogers Police Department                   | - Public Safety Committee      |

# **ROGERS CITY COUNCIL AGENDA**

**JANUARY 22, 2019**

**PAGE 2**

6. RES. Re: Authorizing a Contract for the Budgeted Purchase of Replacement Taser Brand Conducted Electrical Weapons from Axon, of Scottsdale, AZ for Use by the Rogers Police Dept. - Public Safety Committee

## **OLD BUSINESS:**

## **NEW BUSINESS:**

1. ORD. Re: Rezone from R-DP to NBT, 604 N. 3<sup>rd</sup> Street (Dean and Nancy Eisma) - Dirk Thibodaux
2. ORD. Re: Rezone from A-1 to RSF, 4707 W. Oak Street (Daniel Phillips) - Daniel Phillips

## **APPOINTMENTS:**

## **ANNOUNCEMENTS:**

**RESOLUTION R-19- \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE DESTRUCTION OF CERTAIN RECORDS OF THE ROGERS LEGAL DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Legal Department desires to destroy certain archived court records to create space for current court records; and

**WHEREAS**, the list of records to be destroyed is set out in the attached Affidavit of Destruction.

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

Section 1: The City of Rogers Senior Staff Attorney may destroy the following records of the Rogers Legal Department, pursuant to Arkansas Code Annotated §16-10-211:

- (a) Audited records four years or older: bank reconciliations, check book registers and check listings, cancelled checks, bank statements, deposit collection records, receipt and disbursement journals, time payment records, citation books from the police department, served arrest warrants, copies of citations, alternate service or community service time sheets, uniform filing fees collection remittance forms and fine reports, miscellaneous fee and fine collection reports, and served or unexecuted search warrants.
- (b) Audited records seven years or older: completed case files and written exhibits, show cause orders, case information including arrest reports and affidavits, files concerning cases resulting in a suspended imposition of sentence.

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 resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested by: Bonnie Bridges, Rogers Legal Department

Prepared by: Bonnie Bridges, Staff Attorney

For Consideration by the Resources and Policy Committee

**ORDINANCE NO. 19-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE 2019 VEHICLE FLEET PURCHASE FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, ARKANSAS, FOR USE BY THE ROGERS POLICE DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Rogers Police Department needs to purchase eleven vehicles for 2019; and

**WHEREAS**, Superior Chevrolet of Siloam Springs, Arkansas, can provide said vehicles with the specifications necessary for law enforcement, and has agreed to offer the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

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

Section 1: 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 police vehicles for use by the Rogers Police Department;

Section 2: Competitive bidding is waived for the purchase of the eleven fleet vehicles for the 2019 calendar year;

Section 3 - Emergency Clause: The need to acquire the new vehicles 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 \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Hayes Minor, Rogers Police Department  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

**RESOLUTION NO. R-19\_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT TO PURCHASE VEHICLES FOR THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Police Department has a need for additional police vehicles;

**WHEREAS**, the purchase is budgeted in the 2019 budget; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Superior Chevrolet of Siloam Springs.

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

Section 1: The Mayor or his duly-designated representative may enter into a contract with Superior Chevrolet of Siloam Springs to purchase fleet police vehicles at a cost of five hundred twelve thousand eight hundred and twenty-two dollars (\$512,822.00);

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 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Hayes Minor, Rogers Police Department  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

**RESOLUTION NO. R-19 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER A RENTAL AGREEMENT WITH ENTERPRISE FLEET MANAGEMENT OF OKLAHOMA CITY, OKLAHOMA, FOR VEHICLES FOR THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Police Department needs to obtain new vehicles for use by the Rogers Police Department Narcotics Unit; and

**WHEREAS**, this purchase is already budgeted and will not exceed the amount of thirty-five thousand dollars (\$35,000.00) a year.

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

Section 1: The Mayor or his duly-designated representative may enter into the necessary yearly rental agreement with Enterprise Fleet Management to rent new vehicles for use by the Rogers Police Department Narcotics Unit at a price not to exceed thirty-five thousand dollars (\$35,000.00), for the 2019 calendar year;

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 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Hayes Minor, Rogers Police Department  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

**ORDINANCE NO. 19-\_\_\_\_\_**

**AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF TASER BRAND CONDUCTED ELECTRICAL WEAPONS FOR THE USE BY THE ROGERS POLICE DEPARTMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS:**

Section 1: That the Mayor and City Clerk are authorized to enter into a contract with Axon, of Scottsdale, Arizona, for the budgeted purchase of TASER Brand conducted electrical weapons, with a total cost not to exceed the total amount of twenty-five thousand dollars (\$25,000.00), plus applicable taxes, if any;

Section 2: That the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding;

Section 3: Competitive bidding is waived for the purchase of TASER Brand conducted electrical weapons for the 2019 calendar year;

Section 4 - Emergency Clause: That the need to begin the purchasing of said conducted electrical weapons is immediate. Therefore, in order to protect the public peace, health, safety and welfare, an emergency is deemed to exist, and this Ordinance shall become effective upon its passage and approval;

Section 5 - Severability Provision: In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein; and

Section 6 - Repeal of Conflicting Ordinances and Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk  
Requested by: Chief Hayes Minor, Rogers Police Department  
Prepared by: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee



**RESOLUTION NO. R-19 \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE BUDGETED PURCHASE OF REPLACEMENT TASER BRAND CONDUCTED ELECTRICAL WEAPONS FROM AXON, OF SCOTTSDALE, ARIZONA, FOR USE BY THE ROGERS POLICE DEPARTMENT; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers Police Department has a need for replacement Taser Brand conducted electrical weapons from Axon.

**WHEREAS**, the purchase is budgeted in the 2019 budget; and

**WHEREAS**, the City of Rogers City Council has previously waived competitive bidding for the contract with Axon of Scottsdale, AZ.

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

Section 1: The Mayor or his duly-designated representative may enter into contracts on behalf of the City to purchase replacement Taser Brand conducted electrical weapons from Axon at a budgeted cost not to exceed twenty-five thousand dollars (\$25,000.00), including any applicable taxes;

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 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.

**PASSED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

\_\_\_\_\_  
C. GREG HINES, Mayor

Attest:

\_\_\_\_\_  
PEGGY DAVID, City Clerk

Requested By: Chief Hayes Minor, Rogers Police Department  
Prepared By: Bonnie Bridges, Staff Attorney  
For Consideration by the Public Safety Committee

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM R-DP TO NBT, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for NBT than R-DP zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

**LEGAL DESCRIPTION:** Lot 9, Block 2, Barnett's Addition.

**LAYMAN'S DESCRIPTION:** 604 N 3<sup>rd</sup> Street.

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

Section 4: Severability Provision- In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 5: Repeal of Conflicting Ordinances and Resolutions- All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

\_\_\_\_\_  
C. GREG HINES, MAYOR

ORDINANCE NO. \_\_\_\_\_  
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING  
CERTAIN LANDS FROM A-1 TO R-SF, PROVIDING FOR  
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, the City Council has found that certain lands hereinafter described are better suited for R-SF than A-1 zoning.

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

SECTION 1: That Section 14-675 of the code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as R-SF and that said lands being in Benton County, Arkansas, are described as:

Property to be zoned R-SF:

Tract #1 of a Tract Split for Dan Phillips, shown on Plat Record P3-679 being located in a part of the SE 1/4 of the SW 1/4 of Section 9, Township 19 North, Range 30 West in Benton County, Arkansas, more precisely described as Follows:

Starting at the SW corner of the SE 1/4 of of the SW 1/4 of Section 9 for the true Point of Beginning; thence North 02 Degrees 20 Minutes 45 Seconds East 289.89 feet; thence South 79 Degrees 15 Minutes 51 Seconds East 154.13; thence South 02 Degrees 20 minutes 45 Seconds West 264.93; thence North 88 Degrees 34 Minutes 45 Seconds West 152.50 feet to the true point of beginning. Subject to the Right of Way of West Oak Street along the South side and any easements of record.

Together with the Right to use Roadway Easements granted on Instrument No's 90-39380, 90-39382, and 90-39384. Also the right to use roadway across the Southline of Tract 2 as shown on Plat Record P3-679.

**LAYMAN'S DESCRIPTION:** 0.971 acres, more or less, 4707 West Oak.

SECTION 3: That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

**Section 4: Severability Provision-** In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

**Section 5: Repeal of Conflicting Ordinances and Resolutions-** All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

ROGERS, ARKANSAS

ATTEST:

\_\_\_\_\_  
PEGGY DAVID, CLERK

APPROVED:

\_\_\_\_\_  
C. GREG HINES, MAYOR