

## MINUTES

The Rogers City Council met in *regular session* in the Council Chambers of the Maurice H. Kolman City Hall Building on Tuesday, March 13, 2007 at 7:30 p.m. The meeting was called to order by Mayor Steve Womack. The Invocation was given by Councilman Barney Hayes. Those in attendance were led in Pledge of Allegiance by Boy Scout Tyler Hudock of Troop #2144.

### **PUBLIC FORUM:**

Mayor Womack presented Fire Chief Wesley Lewis a Commemorative Daisy Air Rifle in recognition of Lewis' 25 years of service with the Rogers Fire Department.

David Ibarra, 1102 Quail Terrace, provided photographs of graffiti and parked vehicles as examples saying the proposed ordinances are appropriate and that he supported them.

Ibarra offered to act as a mediator between the immigrant residents and the city if these ordinances are adopted.

Tom Phillips, 1306 Callahan Drive, said the proposed parking on grass ordinance is long over due and supports its passage.

Bruce Bieker, 1401 S. 13<sup>th</sup> Street said, "13<sup>th</sup> Street has two schools, seven churches, lots of residents, no sidewalks and the fastest cars in Arkansas. The parking ordinance is a good start and is needed. I'm disappointed that LULAC doesn't inform Hispanic people of the rules. They (LULAC) appear to be an opponent of the City of Rogers and you would think they would try to keep that group of people informed and not be backing them even when they are wrong. I think LULAC has dropped the ball when it comes to keeping the people informed."

Gary Bieker, 1809 S. 23<sup>rd</sup> Street, spoke in support of the parking ordinance and commented that he appreciates what the council is doing.

Bieker said the new commercial areas, hospital, etc, have created a positive environment, but in driving through residential areas where visitors would see the cars parked

everywhere then it could turn around and become a negative.

Bieker said, “We still have a little work to do. I support the ordinance.”

Amy Ibarra, 1102 Quail Terrace, said, “I believe that if you don’t get the message out it will get worse.”

The Public Forum was declared closed.

**COUNCIL MEMBERS PRESENT:**

Mark Kruger Bob Goodwin, Barney Hayes, Greg Hines, Larry Daniel, Buddy Wright, Jim Clark and Betsy Reithemeyer were present.

**OTHER OFFICIALS PRESENT:**

City Clerk Peggy David, City Attorney Ben Lipscomb, Police Chief Steve Helms, Water & Sewer Superintendent Tom McAlister, Fire Chief Wesley Lewis, Parks & Recreation Superintendent Stan Weaver, Director of Parks & Recreation Rick Stocker, Street Superintendent Frankie Guyll, Director of Planning and Transportation Steve Glass, Treasurer Jerry Hudlow, Director of Code Management and Inspections James Willett, Water Utilities Engineer Mark Johnson, Human Resource Director Gina Kincy, Airport Manager David Krutsch, Administrative Assistant Wendy Shumate, Animal Shelter Manager Rhonda DiBasilio and Assistant Animal Shelter Manager Colby Miser.

**ACTION ON MINUTES:**

February 27, 2007

Motion by Wright, second by Daniel to approve the minutes of February 27, 2007 as submitted. Voice vote: Unanimous. ***Motion carried.***

Motion by Hines, second by Hayes to suspend the rules and consider all items on a single reading and by title only.

Roll call: Unanimous. ***Motion carried.***

**REPORTS OF BOARDS AND  
STANDING COMMITTEES:**

(Agenda Item #1)

**ORD. #07-31** Authorizing a Cost Sharing Contract with Robinson Aviation, Inc. of Oklahoma City, OK

Councilman Kruger introduced the ordinance.

The ordinance was read by City Attorney Ben Lipscomb by title only.

Kruger, chairman of the Transportation Committee, reported the committee had met and recommended a “Do pass” and recognized Airport Manager David Krutsch.

Krutsch reported that Robinson Aviation is the regional contractor for the FAA to provide the staffing for non-federal control towers. This contract is a cost-share agreement with Robinson Aviation and the city’s part of contract will consist of \$10,082.23 per month for the term of the contract which will run through September 2007.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

Krutsch also reported that the FAA Associate Deputy of the Southwest Region visited the airport yesterday. A very positive meeting was held to discuss the airport’s future capital improvements and funding. This was the only general aviation airport in Arkansas that was visited, and the first trip for the FAA deputy who was very impressed.

(Agenda Item #2)

**ORD. #07-32** Authorizing an Agreement with Southwestern Bell Telephone, L.P., a Texas Limited Liability Partnership Doing Business as AT&T Arkansas for the Provision of Integrated Internet Protocol (“IP”) Enabled Broadband Platform of Voice, Data and Video Services

The ordinance was introduced by Kruger and read by Lipscomb by title only.

Councilmember Kruger reported this item was presented at the last meeting. The Transportation Committee had met and recommended a “Do pass” and recognized Cathy Foraker of AT&T.

Foraker reported that AT&T is excited to be able to offer this new service which will be available in 2008 and in particular that people will have a choice.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #3)

**ORD. #07-33** Amending Rogers Code Chapter 10, Et. Seq. (Pertaining to Animal Control Regulations)

The ordinance was introduced by Councilman Hines and ready by title by Lipscomb.

Hines reported the Community Environment & Welfare Committee had met and recommended a “Do pass”.

Hines yielded to City Attorney Ben Lipscomb for explanation of this house-keeping ordinance.

Lipscomb said this ordinance will clean up some outdated provisions of the code for Animal Control.

Lipscomb also noted the he included a provision in the ordinance that would give the Mayor the authority to promulgate changes to all rules and regulations pertaining to Animal Control by executive order as Chief Executive of the City. The City Council has the

authority to amend an executive order by a simple majority vote.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

Added to the Agenda:  
(Item #4)

**RES. #R07-08** Expressing the City’s Agreement in Principal to Acquire Certain Real Property and Provide Real Property for a Proposed Hotel/Convention Center

The resolution was introduced by Councilman Hines and read by Lipscomb by title only.

Mayor Womack announced this item had been added to the agenda and signed-off by three council members.

Womack explained this property is being given to the city from HSG Holdings, LLC which will in turn be given to SCB Investments for the construction of a convention center at the location near Starbucks and Regions Bank in Pinnacle Hills.

Womack said there are some beneficial tax consequences for the donor and the city is just the conduit between the two.

Motion by Hines, second by Kruger to adopt the resolution.

Voice vote: Unanimous. ***The resolution is adopted.***

None.

**OLD BUSINESS:**

**NEW BUSINESS:**

(Agenda Item #1)

**ORD. #07-34** Accepting the Final Plat of Dixieland Crossing, Phase I

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Tim Lemons, of Lemons Engineering Consultants, Inc., presented the final plat.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #2)

**ORD. #07-35** Rezone from A-1 to R-O, 0.47 Acres at 3108 W. New Hope Road (Maria Sandoval)

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Bill Watkins presented the rezoning request.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #3)

**ORD. #07-36** Rezone from A-1 to R-O, Northmost 2.34 Acres (Tract D) of Barrington Center, (CRI, Inc.)

The ordinance was introduced by Councilman Hines.

Lipscomb read the ordinance by title only.

Bill Watkins presented the rezoning request.

Mayor Womack announced that Olive Street is a constant reminder of the traffic problem for this area. The Planning Office has tagged a house at 46<sup>th</sup> & Olive that would be removed and the intersection at 46<sup>th</sup> Street would be straightened out, and the traffic light at 47<sup>th</sup>

Street removed with only a right-turn option.

Womack said he had had discussions with Bentonville Mayor McCasland regarding the traffic on Olive Street. Some of that discussion has now turned to possibly extending 47<sup>th</sup> Street north to create a frontage road that would connect to Hudson Road. The problem is that it just encourages more traffic onto Olive.

Womack asked, “Bill, in your opinion, are the people in Barrington Center warm to the notion of the city redesigning the 46<sup>th</sup> Street intersection and working toward a solution?”

Watkins responded, “I can’t speak for the owner at this time. This will come back as a large scale development; you’ll have another bite at that apple.”

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item 4)

**ORD. #07-37** Rezone from R-DP to R-AH, 425 Spring Street (Ty Williams)

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Ty Williams, owner of the property requested the rezoning.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

(Agenda Item #5)

**ORD. #07-38** Rezone C2 to CU-C2, North of Tuscany Square Development, on either side of 26<sup>th</sup> Street (Centre Point Properties, LLC and Patsy Simmons)

The ordinance was introduced by Councilman Kruger.

Lipscomb read the ordinance by title only.

Steven Beam, of Crafton, Tull, Sparks & Associates, presented the rezoning request.

The Mayor asked, “Shall the ordinance pass?”  
Roll call: Unanimous. ***The ordinance is adopted.***

The Mayor asked, “Shall the emergency clause pass?”  
Roll call: Unanimous. ***The emergency clause is adopted.***

### **ANNOUNCEMENTS:**

Mayor Womack announced the next city council meeting on March 27<sup>th</sup>, he would out of town. Councilman Goodwin, the senior member of the council, will preside at the meeting.

Womack also announced the south access at Exit 82 on I-540 is now open.

Womack announced a meeting is scheduled for next week with ICE (Immigration & Custom Enforcement) representatives regarding the 287 (g) request.

Womack reminded the council that approval had been given for him to obtain architecture services for two projects the Cemetery building and Street Dept. break room area.

Womack said he has asked John Mack of JKJ to get numbers together for the cemetery building and had asked Don Spann for numbers on the Street Dept. break room and would report back when the numbers came in.

Womack suggested that a beautification project be established at Exit 85 to improve the landscaping at the control of access into Rogers. This may require a landscaping architecture plan and could be duplicated at exits to the south.

Councilman Hayes asked, “What is the status on S. First Street?”

Steve Glass, Director of Planning & Transportation, responded, “The streets should be opened to two lanes, south of Post Road, by the end of March.”

Hayes asked, “Do we have an update on the building on S. First Street next to Centennial Park?”

James Willett, Director of Code Management, reported, “The wall has been secured, inspected and signed off by an engineer. We have not seen any plans for the building. The Park will be opened this week.”

Womack asked Rick Stocker, Director of Parks & Recreation, for an update on the results of the bids openings that were held today.

Stocker reported that bids were opened today for the paving of parking lots at Northwest Park and Doc Wheeler Park with both bids coming in at less than \$200,000 less than what was estimated.

There being no further business, motion by Kruger, second by Wright to adjourn the meeting. Meeting adjourned at 8:35 p.m.

**ATTEST:**

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Peggy David, City Clerk

**APPROVED:**

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Steve Womack, Mayor