



**City Council
Meeting Agenda
September 12, 2023
6:00 PM
Bentonville City Hall**

Note – The public, members of the City Council, and City staff, may have the option to attend this meeting by remote means. For public health reasons, those who attend in person should keep in mind hygiene, the use of facial coverings, and social distancing.

Public comments can be submitted by email submitted to cc.comments@bentonvillear.com by at least 4:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Council and the Mayor. Accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot attend the meeting in person. To do so, please send an email indicating a desire to make public comments remotely to cc.comments@bentonvillear.com by at least 1:00 p.m. on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number and email address. The pre-existing limitations (3 minutes) and procedures with respect to oral public comments will still apply.

*If you would like to attend virtually, please register at the following link by 4:00 p.m. on September 12, 2023:

https://us02web.zoom.us/webinar/register/WN_otpN0mRITrCMxdrzDpUT7w

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: August 22, 2023

I. Old Business

- | | |
|---|-------------------|
| 1. Amend Resolution 9-13-22D to include Reimbursable Expenses for the Station 3 Project | Resolution |
| Approval of an amendment to Resolution 9-13-22D, approved at the September 13, 2022 Council Meeting, to include reimbursable expenses in the total Contract amount with Jackson, Brown, Palculict Architects. No Budget Adjustment is needed. | |

II. New Business

- | | |
|---|----------------------|
| 1. August Commercial Landscaping Award | Informational |
|---|----------------------|

Recognition by City Council of the landscaping on commercial property located at 3109 N Walton Blvd home of Bentonville Smiles. The property was selected by the Tree & Landscape Advisory Committee and is the August 2023 Commercial Landscaping of the Month award winner.

2. **August Residential Landscaping Award** **Informational**
Recognition by City Council of the landscaping on residential property located at 811 NW A St. The property was selected by the Tree & Landscape Advisory Committee and is the August 2023 Residential Landscaping of the Month award winner.
3. **Surplus Item for the Fire Department** **Resolution**
Resolution declaring the Fire Department cargo container purchased in 2016 as surplus. No Budget Adjustment is needed.
4. **Agreement with Automated Merchant Systems to Provide Services for Bentonville Animal Services** **Resolution**
Resolution for the Mayor and City Clerk to enter into an agreement with Automated Merchant Systems, LLC to provide Merchant Processing Services for Bentonville Animal Services. No Budget Adjustment is needed.
5. **Enter into an Agreement with Windcrest, LLC to Purchase Additional Range Equipment for Training Facility** **Resolution**
Resolution to enter into an Agreement with Windcrest, LLC (d.b.a Advanced Training Systems) in the amount of \$84,027.50, for the purchase of additional reactive targets, accessories, ballistic knee wall, delivery and installation as specified in the attached proposal. No budget adjustment is needed.
6. **Personnel Policy Amendment - Military Leave for Police & Fire Personnel** **Ordinance***
Ordinance amending the Personnel Policy implementing Act 529 Legislation effective July 2023. Providing for the Emergency Clause. No Budget Adjustment is needed.
7. **Budget Adjustment to Allocate Water Department Impact Fees to Debt Repayment** **Resolution**
Approve a Resolution for a Budget Adjustment to allocate \$58,983.10 of Water Department Impact Fees to repayment of debt (Series A and B). A Budget Adjustment is needed to move the funds.
8. **2023 Tax Levy to be Collected in 2024** **Resolution**
Adopt a resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. No budget adjustment is needed.
9. **Setting Public Hearing for Utility Easement Vacation (VAC23-0014)** **Resolution**
Resolution to set public hearing for September 26, 2023 for a Utility Easement Vacation located at Lot 18 of Harmon Grove at Central Park Addition Phase 3 (VAC23-0014).
10. **Setting Public Hearing for Utility Easement Vacation (VAC23-0015)** **Resolution**

Resolution to set public hearing for September 26, 2023 for a Utility Easement Vacation located at Lot 15 of Highland Park Subdivision (VAC23-0015).

11. **Amend Resolution 8-8-23E for Change Order #1** **Resolution**
with Milestone Construction

Approve an amendment to Resolution 8-8-23E for Change Order #1 to the Bentonville Razorback Greenway Improvements I-49 Contract, correcting the company name in the Resolution to be Milestone Construction. No Budget Adjustment is needed.

12. **Grant Agreement and Contract Amendment,** **Resolution**
with Flintco, for the A Street Promenade
Project

Resolution authorizing Mayor and City Clerk to enter into an amended GMP agreement with Flintco, for construction of the A Street Promenade and adjusting the 2023 budget to accept a grant award from Walton Family Foundation to fund this project. A Budget Adjustment is needed to recognize grant funds.

13. **Amend Agreement with Design Workshop** **Resolution**
Construction Observation for A Street
Promenade

Resolution authorizing an amended agreement with Design Workshop, in the amount of \$235,500.00, for construction observation for the A Street Promenade. No budget adjustment is needed.

14. **Geotech Testing Services Agreement for A** **Resolution**
Street Promenade

Resolution authorizing Mayor and City Clerk to enter into an agreement with GTS, in the amount of \$67,691.00, for Geotech testing services for the A Street Promenade. No budget adjustment is needed.

15. **Contract Amendment with Nabholz for** **Resolution**
Construction of Phillips Park

Resolution authorizing an amended GMP agreement with Nabholz, in the amount of \$17,095,100.00, for the construction of Phillips Park. A Budget Adjustment is needed.

16. **Geotech Testing Services Agreement for** **Resolution**
Phillips Park

Resolution authorizing Mayor and City Clerk to enter into an agreement with GTS, in the amount of \$45,300.00, for Geotech testing services for Phillips Park. A Budget Adjustment is needed.

III. Utility Board

1. **Bid Award IFB-23-51 to the Lowest** **Resolution**
Responsive Bidders for Electrical Material

Resolution to award Bid IFB-23-51 to the lowest responsive bidders for Electric Material per the unit prices and estimated quantities attached, plus applicable taxes. Approved by Utility Board 5-0. No Budget Adjustment is needed.

2. **Water Department Contracted Services** **Resolution**

Resolution approving a budget adjustment in the amount of \$192,086.20 which includes \$105,880.00 for directional boring services through the annual IFB 22-68 boring contract and \$86,206.20 for contracted water system repairs through the annual IFB-23-38 IDIQ Water and Sewer Maintenance contract. Utility Board Approve 5-0. No Budget Adjustment is needed.

IV. Planning

1. **Lot Split - Lots 15 & 16, Block 6 of Railroad Addition - 207 Southeast B Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance accepting a lot split of Lot 12, Block 6 of Railroad Addition; Creating new Lots 15 and 16, Block 6 of Railroad Addition to the City of Bentonville, Arkansas; And for other purposes. (Project Number: [LS23-0038](#))
2. **Rezone - O'Malley - 901 Northeast 2nd Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance changing real estate in the City of Bentonville, Arkansas, From its present zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low-Density Residential; And for other purposes. (Project Number: [RZ23-0058](#))
3. **Rezone - Brewer & McDonald - 107 Lake Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance changing real estate in the City of Bentonville, Arkansas from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; And for other purposes.(Project Number: [RZ23-0060](#))
Note: The original request was amended by the applicant from DN-3 to DN-2 during the Planning Commission meeting. This request for DN-2 does not require a resolution to amend the future land use map.
4. **Rezone - Brewer & McDonald - 960 North Main Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; And for other purposes. (Project Number: [RZ23-0061](#))
5. **Rezone - Brewer & McDonald - Northeast Monroe Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its current zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; And for other purposes. (Project Number: [RZ23-0062](#))
6. **Rezone - Brewer - Northeast Monroe Street** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its current zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium Density Residential; And for other purposes. (Project Number: [RZ23-0063](#))
7. **Rezone - 807 NE 2nd, Bentonville, LLC - 807 Northeast 2nd Street** **Ordinance***

The Planning Commission voted 7-0 recommending approval.

An Ordinance changing real estate in the City of Bentonville, Arkansas, from its current zoning classification of R-1, Low Density Single Family Residential to DN-1, Downtown Low Density Residential; And for other purposes. (Project Number: [RZ23-0064](#))

8. **Lot Split - Lots 5, 6, & 7, Block 8 of Lincoln & Rice Subdivision - 807 Northeast 2nd Street** **Ordinance***

The Planning Commission voted 7-0 recommending approval.

An Ordinance accepting a lot split of Lot 1 of Lincoln and Rice Addition; Creating new Lots 5, 6, and 7, Block 8 of Lincoln and Rice Addition to the City of Bentonville, Arkansas; And for other purposes. (Project Number: [LS23-0045](#))

9. **Residential Parking** **Ordinance***

The Planning Commission voted 7-0 recommending approval.

An Ordinance amending Zoning Code Section 601.09 - Commercial Vehicles in Residential Zones, Municipal Code Chapter 76 - Property Maintenance Code, and Chapter 94-VI - Parking

Public Comments on Tonight's Agenda Items (Limited Public Forum)