



**City Council
Meeting Agenda
October 24, 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 October 24, 2023:

https://us02web.zoom.us/webinar/register/WN_9NAc9fIIIRq-7hcvb6uvxYg

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: October 10, 2023

I. New Business

1. **Proclamation Recognizing October 2023 as National Community Planning Month** **Informational**
A proclamation designating October, 2023 as Community Planning Month in Bentonville, Arkansas.
2. **Proclamation Recognizing October 2023 as Code Compliance Month** **Informational**
A proclamation designating October, 2023 as Code Compliance Month in Bentonville, Arkansas.

3. **2024 Budget Update - Patrick Johndrow, Finance Director** **Informational**
4. **Amend Fund Balance and Reserve Policy** **Resolution**

Approve a Resolution to amend the City of Bentonville Fund Balance and Reserve Policy, as described in the proposed revisions (in red) in the attached copy. No Budget Adjustment is needed.
5. **Amend Exhibit "A" Purchasing Policy in Resolution 6-22-2021T** **Resolution**

Approve a Resolution to amend the City of Bentonville Purchasing Policy, Exhibit "A", in Resolution 6-22-2021T, as described in the proposed revisions (in red) in the attached copy. No Budget Adjustment is needed.
6. **Ordinance to Adopt a 5% Local Procurement Preference** **Ordinance***

Ordinance to adopt Section 5.1 Local Procurement Preference in the City of Bentonville Purchasing Policy (as revised in the October 24, 2023 Purchasing Policy revisions), setting a 5% Local Procurement Preference for Local Firm Residents in Bentonville, as defined in §14-58-105, with a \$1,000.00 maximum preference allowed. No Budget Adjustment is needed.
7. **TOP Engineers, Inc., Fiber Network Implementation for Priority Two Amendment 1** **Resolution**

Resolution authorizing the Mayor and City Clerk to amend the Professional Services Agreement with TOP Engineers, Inc. for an additional amount of \$154,615.00 for a total contract price not to exceed \$657,615.00. No Budget Adjustment is needed.
8. **Airport Advisory Board Reappointment of Mark Slaughter** **Board Appointment**

Reappointment of Mark Slaughter for a 2nd term to the Airport Advisory Board. His current term expires 10/23. Reappointment for a 3-year term that will expire 10/24/2026.
9. **Airport Advisory Board Appointment of Rachel Hobert** **Board Appointment**

Council Appointment of Rachel Hobert to the Airport Advisory Board, replacing Mike Frost whose terms expired 10/5/2023. This is Ms. Hobert's first term that will expire 10/24/2026.
10. **Budget Adjustment for Gate Repair at the Bentonville Municipal Airport** **Resolution**

Resolution approving a Budget Adjustment to move \$22,236.70 from General Fund reserves to 101650-44430 Building/Ground Maintenance for gate repair at the Municipal Airport. A Budget Adjustment is needed.
11. **Public Hearing and Ordinance Vacating a Utility Easement (VAC23-0018)** **Ordinance***

Public Hearing and approval of an Ordinance vacating Utility Easement Vacation located at Lot 61 of The Farms Subdivision (VAC23-0018).

12. **Salt Storage Building Roof Repair** **Ordinance***
Ordinance approval to waive competitive bidding and enter into agreement with Trade Pro Construction to repair the roof of the Street Department's Salt Storage Building. A budget adjustment is needed for this with an emergency clause.
13. **Waiver of Bid to Process Payment for 2023 Street Pavement Markings** **Ordinance***
Ordinance waiving competitive bidding to process a payment not to exceed \$44,424.60 to Time Striping Inc., for 2023 Street Pavement Markings. An Emergency Clause is needed to process timely payment of the Invoice. No Budget Adjustment is needed.

II. Utility Board

1. **Budget Adjustment for Electric Department Top Out Checks** **Resolution**
Approve a Resolution for a Budget Adjustment allocating \$65,000.00 from Electric Department Account 41310 to Accounts 41510 (\$25,000.00) and 41810 (\$40,000.00) to cover top-out payments. A Budget Adjustment is needed to allocate funds. Approved by Utility Board 5-0.

III. Planning

1. **BVR Properties, LLC, (RZ23-0068)** **Resolution**
1304 Bella Vista Road
A Resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Medium Density Residential; and for other purposes. The Planning Commission voted 7-0 recommending approval.
2. **BVR Properties, LLC, (RZ23-0068)** **Ordinance***
1304 Bella Vista Road
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 R-2, Medium Density Two Family and Townhome Residential; and for other purposes. The Planning Commission voted 7-0 recommending approval.
3. **Lovell Revocable Trust, (RZ23-0069)** **Ordinance***
1110 Southeast Walton Boulevard
An Ordinance changing real estate from its present zoning classification of A-1, Agricultural to C-2, General Commercial; and for other purposes. The Planning Commission voted 7-0 recommending approval.
4. **Freeman Living Trust, (RZ23-0070)** **Ordinance***
218 and 220 Southwest Glover Street
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. The Planning Commission voted 7-0 recommending approval.
5. **Pinnacle Villas, LLC, (RZ23-0071)** **Ordinance***
208 Northwest G Street
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.
The Planning Commission voted 7-0 recommending approval.

6. **Wood Family Trust, (RZ23-0072)** **Ordinance***

308 Southwest E Street

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.

The Planning Commission voted 7-0 recommending approval.

7. **Doaba Investment, LLC, (RZ23-0074)** **Ordinance***

Southwest Regional Airport Boulevard

An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to C-2, General Commercial; and for other purposes.

The Planning Commission voted 7-0 recommending approval.

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



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/10/2023	Submitted By:	Shelli Kerr
Phone:	479-271-6822	For Department(s):	Planning
Email:	skerr@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Proclamation Recognizing October 2023 as National Community Planning Month
Action Recommendation & Justification:	A proclamation designating October, 2023 as Community Planning Month in Bentonville, Arkansas.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

PROCLAMATION

- WHEREAS:** Change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and
- WHEREAS:** Community planning and plans can help manage this change in a way that provides better choices for how people work and live; and
- WHEREAS:** Community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and
- WHEREAS:** The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and
- WHEREAS:** The month of October is designated as National Community Planning Month throughout the United States of America and its territories, and
- WHEREAS:** The American Planning Association endorses National Community Planning Month as an opportunity to highlight how planning is essential to recovery and how planners can lead communities to equitable, resilient and long-lasting recovery; and
- WHEREAS:** The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Bentonville, Arkansas; and
- WHEREAS:** We recognize the many valuable contributions made by professional community and regional planners of the City of Bentonville, Arkansas and extend our heartfelt thanks for the continued commitment to public service by these professionals.

NOW, THEREFORE, I Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim the month of October 2023 as **"Community Planning Month"** in the City of Bentonville, Arkansas in conjunction with the celebration of National Community Planning Month and I further urge all citizens of the community, all civic and fraternal groups, all news media, and other community organizations to join in this recognition of our community and regional planners.

Given this twenty-fourth day of October, 2023, in Bentonville, in the great State of Arkansas, in the United States of America.


Stephanie Orman, Mayor
City of Bentonville





City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Shelli Kerr
Phone:	479-271-6822	For Department(s):	Planning
Email:	skerr@bentonvillear.com		

Item Type (Check all that apply)

☒ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Proclamation Recognizing October 2023 as Code Compliance Month
Action Recommendation & Justification:	A proclamation designating October, 2023 as Code Compliance Month in Bentonville, Arkansas.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ **ITEM HAS NO COST** ☐ **OTHER:** _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue
Account Number (ORG-OBJECT)	Account Description	\$ Expense	\$ Revenue

Fund(s) Impacted

(check all that apply)

☐ **General Fund** ☐ **Utility Fund** ☐ **Street Fund** ☐ **Other(s):** _____

Budget Impact Notes for Consideration (Optional):

PROCLAMATION

- WHEREAS:** Code Enforcement Officers provide for safety and welfare of the citizens throughout the United States through the enforcement of local codes and ordinances on various issues of building, zoning, housing, animal control, environmental, health, and life safety; and
- WHEREAS:** Code Enforcement Officers have a challenging and demanding role and often do not receive recognition for the job that they provide in improving living and working conditions for residents and businesses of local communities; and
- WHEREAS:** the roles of many Code Enforcement Officers have expanded in recent years with the increased number of foreclosed and abandoned properties in communities impacted economically; and
- WHEREAS:** Code Enforcement Officers are dedicated and highly qualified professionals who share the goals of preventing neighborhood deterioration, enhancing and ensuring safety, and preserving property values through knowledge and application of housing, zoning, and nuisance codes and ordinances; and
- WHEREAS:** Code Enforcement Officers often have a highly visible role in the communities they serve and regularly interact with a variety of state officials, county officials, first responders, legislative boards, commissions, agencies, and other bodies; and
- WHEREAS:** Code Enforcement Officers are called upon to provide quality customer service and excellence to the residents and businesses of the communities in which they serve; and
- WHEREAS:** the City of Bentonville wants to recognize and honor Code Enforcement Officers and Professionals and bring awareness to the importance of Code Enforcement to the community of Bentonville.

NOW, THEREFORE, I, Stephanie Orman, Mayor of the City of Bentonville do hereby proclaim the month of October 2023 as "**Code Compliance Month**" in Bentonville. I urge all citizens of the community, all civic and fraternal groups, all news media, and other community organizations to join in recognizing and expressing their appreciation for the dedication and service by the individuals who serve as our Code Enforcement Officers.

Given this 24th day of October 2023, in Bentonville, in the great state of Arkansas, in the United States of America.


Stephanie Orman, Mayor
City of Bentonville





City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Patrick Johndrow
Phone:	479-271-6781	For Department(s):	Finance
Email:	pjohndrow@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☒ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Amend Fund Balance and Reserve Policy
Action Recommendation & Justification:	Approve a Resolution to amend the City of Bentonville Fund Balance and Reserve Policy, as described in the proposed revisions (in red) in the attached copy. No Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	The City approved the Fund Balance and Reserve policy via Resolution in July of 2021. This revision includes an update to the Utility Fund reserve balance calculation and the addition of a requirement to review the policy on an annual basis. This revision has been approved by the Finance Committee.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

RESOLUTION NO. _____

**A RESOLUTION ADOPTING REVISIONS TO THE CITY OF BENTONVILLE
FUND BALANCE AND RESERVE POLICY; AND FOR OTHER PURPOSES.**

WHEREAS, the City’s Fund Balance and Reserve Policy was adopted by City Council in July, 2021;

WHEREAS, the Finance Director recommends revisions to the stabilization and contingency reserve for the utility fund, as well as establishing a formal review process for the policy; and

WHEREAS, the Finance Committee has reviewed and recommends the revisions.

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

Section 1: That the City of Bentonville Fund Balance and Reserve Policy is updated to reflect the revisions contained in Attachment “A”;

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.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK

Exhibit 'A'



CITY OF BENTONVILLE

Fund Balance and Reserve Policy

Adopted: July 22, 2021

Fund Balance and Reserve Policy

I. Purpose

To establish a policy for the administration of reserves defined as fund balances in the governmental funds and net working capital in proprietary funds.

In addition, prudent financial management dictates that some portion of the funds available to the City be reserved for future use, to mitigate risk and to support seasonal variation in cash flows.

II. Classifications of Fund Balance

- a. For Governmental Funds, the Governmental Accounting Standards Board ("GASB") Statement No. 54 defines five specific classifications of fund balance. The five classifications are intended to identify whether the specific components of fund balance are available for appropriation and are therefore "Spendable." The classifications also are intended to identify the extent to which fund balance is constrained by special restrictions, if any. Applicable only to governmental funds, the five classifications of fund balance are as follows:
 - i. Non-spendable - Non-spendable fund balance: That portion of fund balance that includes amounts that are either (a) not in a spendable form, or (b) legally or contractually required to be maintained intact.
 - ii. Restricted - The portion of fund balance that reflects constraints placed on the use of resources (other than non-spendable items) that are either (a) externally imposed by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.
 - iii. Committed - That portion of a fund balance that includes amounts that can only be used for specific purposes pursuant to constraints imposed by formal action by the government's highest level of decision making authority, and remain binding unless removed in the same manner. The City considers a resolution to constitute a formal action for the purposes of establishing committed fund balance. The action to constrain resources must occur within the fiscal reporting period; however the amount can be determined subsequently.
 - iv. Assigned - That portion of a fund balance that includes amounts that are constrained by the City's intent to be used for specific purposes but that are not restricted or committed. This policy hereby delegates the authority to the Mayor or designee to modify or create new assignments of fund balance. Constraints imposed on the use of assigned amounts may be changed by the Mayor or designee.
 - v. Unassigned – The remaining portion of fund balance that does not fit into the categories above. The City of Bentonville's Unassigned Fund Balance contains the

Stabilization and Contingency Reserve (see section III) and the residual reserve (see below).

1. The residual portion of available fund balance that is not otherwise restricted, committed or assigned and is above and beyond the Stabilization and Contingency Reserve target reserve balance.
- b. In the case of the Proprietary Funds (Utility/Enterprise Fund) Generally Accepted Accounting Principles (“GAAP”) does not permit the reporting of reserves on the face of the City financial statements. However, this does not preclude the City from setting policies to accumulate financial resources for prudent financial management of the City’s proprietary fund operations. Since proprietary funds may include both long-term capital assets and long-term liabilities, the most comparable measure of liquid financial resources that is similar to fund balance in proprietary funds is net working capital which is the difference between current assets and current liabilities. The City’s internal accounting software can track similar classifications as described in this policy but the City will report on the official financial statements according to GAAP.

III. Stabilization and Contingency Reserve

- a. The City establishes a Stabilization and Contingency Reserve (“SCR”) to mitigate various situations which may include but are not limited to the following:
 - i. A catastrophic loss of critical infrastructure.
 - ii. A state or federally declared state of emergency.
 - iii. Any settlement arising from a claim or judgment.
 - iv. Deviation from budgeted revenue projections.
 - v. Any action by another government that eliminates or shifts revenues from the City.
 - vi. Inability of the City to meet its debt service obligations in any given year.
 - vii. A cash flow issue arising from the timing of receipt of certain revenues or payment of certain expenditures.
 - viii. Other circumstances deemed necessary by City Council to meet the claims and obligations of the City.
- b. General Fund Stabilization and Contingency Reserve – The SCR for the General Fund shall have a target balance of twenty-five percent (25%) of General Fund total operating and capital expenditures in the most recent fiscal budget approved by City Council (excluding one-time expenditures using available reserves or impact/capacity fees).
- c. Street Fund Stabilization and Contingency Reserve - The SCR for the Street Fund shall have a target balance of twenty-five percent (25%) of Street Fund total operating and capital expenditures in the most recent fiscal budget approved by City Council (excluding one-time expenditures using available reserves or impact/capacity fees).
- d. Utility Fund Stabilization and Contingency Reserve – ~~The SCR for the Utility Fund shall have a target balance based upon the most recent rate study prepared and approved by City Council for each specific Utility (Electric, Water, and Wastewater/Water Resource Reclamation).~~ **The SCR for the Utility Fund shall have a target balance of 25% of the Fund’s total operating (less cost of goods sold), capital and debt service expenditures in the most recent fiscal budget approved by City Council (excluding one-time expenditures using available reserves or impact/capacity fees). The reserve balance shall not fall below \$18 million.**

- ~~i. In the event that a rate study does not specifically address a SCR (or for other departments in the Utility Fund that do not have a rate study) then the reserve shall have a balance of twenty five (25%) of the Department's total operating and capital expenditures in the most recent fiscal budget approved by City Council (excluding one time expenditures using available reserves or impact/capacity fees).~~
- e. In the event a Stabilization and Contingency Reserve is used, City Staff shall present a plan to City Council to replenish the reserve within three to five years. This excludes use of any SCR to support seasonal variations in cash flows.

IV. Annual Review

- a. This policy shall be reviewed annually by the Finance Director and other City employees involved in the cash management process. The policy is subject to any revisions needed to stay current with changes in laws, regulations or needs of the City. Any modifications shall be approved by City Council.



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Gladys Shoemake
Phone:	479-271-3115	For Department(s):	Legal
Email:	gshoemake@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☒ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Amend Exhibit "A" Purchasing Policy in Resolution 6-22-2021T
Action Recommendation & Justification:	Approve a Resolution to amend the City of Bentonville Purchasing Policy, Exhibit "A", in Resolution 6-22-2021T, as described in the proposed revisions (in red) in the attached copy. No Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	The City approved the Purchasing Policy via Resolution in June of 2021. Since its approval, we have identified minor corrections needed, updated policies, and have also identified areas that needed to be added to the Policy. Additionally, since Purchasing has been moved under Legal, it was necessary to revise references from Finance Director to Staff Attorney. This revision includes all of these updates and additions; additional reviews will be conducted annually for future necessary changes.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

RESOLUTION NO. _____

**A RESOLUTION ADOPTING REVISIONS TO THE CITY OF BENTONVILLE
PURCHASING POLICY; AND FOR OTHER PURPOSES.**

WHEREAS, the City’s Purchasing Policy was adopted by City Council in June, 2021; and

WHEREAS, the Purchasing Manager and Legal Department, recommend revisions to the Purchasing Policy to correct minor clean up items, reflect the current status of the law, and address the changing nature of Purchasing and Procurement within the growing City departments.

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

Section 1: That the City of Bentonville Purchasing Policy is updated to reflect the revisions contained in Attachment “A”;

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.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK

Exhibit 'A'



CITY OF BENTONVILLE PURCHASING POLICY

Adopted: June 22, 2021

Amendment 1: October 24, 2023

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SECTION 1

Purchasing Department

Mission Statement

To help administrate City expenditures in a transparent, ethical, personalized and value-added manner, providing clarity and simplification internally, for vendors and for citizens of Bentonville.

Purpose

The Purchasing Department assists **and directs** City Departments with ~~actions related to the expenditure~~ of City funds, ensuring expenditures, **contracts, procurements**, and sales (surplus property) are processed in an open and competitive, legal manner according to applicable laws, **assists in contract and project compliance**, and oversees **or audits** internal programs supporting the efficient and legal expenditure of City funds, including but not limited to Purchase Cards (P-Cards) and vendor membership or reward programs.

SECTION 2

Purchasing Policy Introduction

This Policy is intended to govern how the City of Bentonville expends funds for certain purchases, ensuring that the methods used to acquire the goods or services are consistent with applicable laws and this Policy. ~~serve as a guide to the Purchasing Department and to all City Departments in the conduct of their operations.~~ Such standards shall not permit the procurement of items in violation of existing contractual obligations or any type of illegal procurement practices.

This Policy is not intended to be an exhaustive definition and does not include all procurement requirements and situations, but rather it is intended ~~to govern as a guideline~~ for the specific types of procurement procedures outlined herein.

All procurement requirements, excluding the dollar amount threshold for City Council approval, shall be automatically adjusted in accordance with changes in Arkansas State Law at the time they become effective as if they were included herein.

This Policy has been written to primarily cover the following areas according to dollar amount thresholds, in addition to other policies related to the expenditure of funds:

- a) Quote Thresholds
 - i. Single item over \$2,499.00 ~~99~~
 - ii. Aggregate total over \$12,499.00~~99~~
- b) Professional Service Procurement Threshold
 - i. Agreement total of \$20,000.00 ~~or more~~, but less than \$35,000.00
- c) Council Approval Threshold
 - i. Expenditures of \$35,000.00 or more that are not on State Contract.

This Policy is designed to:

- a) Ensure practices related to the expenditure of City funds are open and competitive, legal, transparent and fiscally responsible;
- b) Simplify and standardize items or services being purchased;
- c) Make the process of purchasing efficient for both internal Departments and vendors doing business with the City; ~~and~~
- d) Eliminate unnecessary or unauthorized purchases.

2.1 Applicable Laws

The City's procurement laws, rules and practices shall follow all applicable state and local laws and ordinances, whether or not outlined in this Policy as if they were included herein. .

- a) The dollar threshold for the requirement of Council approval shall be adjusted in accordance with Act 435 of Arkansas State Law, as follows: beginning January 1, 2025, and on each January 1 at subsequent five-year intervals. ~~The amounts under this subdivision shall be adjusted to reflect the percentage increase in the Consumer Price Index for All Urban Consumers or its successor, as published by the United States Department of Labor for the five years immediately preceding the percentage increase and rounded to the nearest whole number.~~
It is the intent of this Policy to bring to City Council a request to increase the amount in accordance with state law at the time an adjustment to the amount is made.
- b) ~~The Legal Department shall evaluate any necessary revisions to this Policy annually. Any material revision to this Policy shall be approved by the Bentonville City Council. Purchasing Department shall consult with the City's Legal Department for evaluation of necessary revisions to this Policy; any material revision to this Policy requires approval from the Bentonville City Council.~~

2.2 Authority of the Purchasing Manager

The Purchasing Manager has the authority to approve or reject purchases, to determine solicitation methods, to approve or reject sole source justification, to waive quote requirements when in the best interest of the City or when the purchase classifies as sole source, and to institute procedures related to procurement **and contracting** practices. In the event that the need arises, the ~~Finance Director~~ **Staff Attorney** or designee shall have the same authority as the Purchasing Manager.

2.3 Coordination with Finance Department

The Purchasing Manager shall coordinate with the City of Bentonville Finance Department frequently as to the state of the City's finances, as related to funding sources and compliance of items such as bonds, federal funds, and grant funds. In instances where the Purchasing Manager becomes aware of Departments spending outside of their budget or engaging in any other financially related activity that warrants review from the Finance Department, the Purchasing Manager shall alert the Staff Attorney and the Finance Director or designee, and assist as needed.

SECTION 3

Expenditure Below the Council Threshold

3.1 Quote Requirements

The quote requirements are internal controls in place to ensure fiduciary responsibility in expenditure of City funds (state law does not govern these thresholds).

The quote requirements apply to all expenditures under this Section unless otherwise specified.

1. Exceptions to the Quote Requirements

- a) Expenditures under the quote thresholds outlined in this policy;
- b) Repairs;
- c) Replacement items, which require use of the same exact item due to equipment or processes currently in place where the functionality or façade is dependent on use of the exact item;
- d) Sole Source purchases (with documentation/justification approved by the Purchasing Manager);
- e) Waivers to the quote requirements approved by the Purchasing Manager in writing;
- f) When quotes are not required, purchasers are still encouraged to obtain quotes when possible, or when pricing appears not to be in the best interest (value) to the City.

2. Amounts Included in Quote Requirement Thresholds

The total expenditure, including all taxes, delivery fees and other charges is subject to the quote thresholds. Taxes, delivery fees and accessorial charges do not constitute as multiple items.

Example: If a single item has a cost of \$2,450.00 pre-tax, the single item quote threshold would apply since the total cost for that item would be \$2,682.75 after tax (9.5%).

3. Single Item Quote Requirement: \$2,500.00 or More

- a) **Definition:** Expenditures for a single item with a cost of \$2,500.00 or more.
- b) **Requirement:** Three quotes. Quotes can either be notated on the Requisition by the purchaser or hard copy quotes can be attached. Hard copy means written format and can include emails, online shopping carts etc. Documentation of the quotes obtained must be included in the Requisition submitted for the purchase.

4. Aggregate Total Quote Requirement: \$12,500.00-\$34,999.99

- a) **Definition:** Expenditures for multiple items (aggregate total) with a total cost of \$12,500.00 or more. The Single Item Quote Threshold applies for any single item in the purchase with a cost of \$2,500.00 or more.
- b) **Requirement:** Three hard copy quotes. Hard copy means written format and can include emails, online shopping carts etc. Documentation of the quotes obtained must be included in the Requisition submitted for the purchase.

3.2 Procurement for Professional Services: Formal Selection Process Threshold

A Professional service is defined as a service that has been declared in Arkansas State Law (§19-11-800) ~~as such,~~ or has been declared a professional service by a 2/3 vote from the City Council.

- a) The procurement policies for professional services, as outlined in this Section, apply to agreements with a total cost of \$20,000.00 or more (but less than \$34,999.00~~99~~).
- b) Agreements with a total cost less than \$20,000.00 do not require a formal selection process.

1. Procurement for Declared Professional Services

This Section shall govern the procurement methods used for professional services as declared by state law or City ordinance that meet the Formal Selection Process Threshold.

- A) Annual Statement of Qualifications:** Annually, the Purchasing Department shall solicit Statements of Qualifications from firms providing the professional services for the City's 'Annual Statement of Qualifications List' (hereinafter referred to as the 'List').
- (1) **Advertisement:** The request shall be published statewide in a newspaper (or in other approved manners, such as online, pursuant to current applicable laws).
 - a. A minimum of three weeks shall be allowed for firms to submit their Statement of Qualifications.
 - (2) **Submissions Post Deadline:** Firms may submit their Statement of Qualifications after the deadline listed in the advertisement, ~~provided that if~~ they meet all requirements; however, depending on when the firm submits, they may not be considered for projects that are already initiated.
 - (3) **Selection:** The City Department in charge of the project shall select a minimum of three (3) firms from the List for evaluation.
 - a. In the event that the List does not contain ~~the minimum amount of three (3) applicable firms to be selected for evaluation whom offer the services needed~~, all firms on the List whom offer the services needed shall be selected for evaluation.
 - b. The firms selected shall be notified of their selection.
 - c. A Selection Committee shall be formed ~~consisting of at least three (3) City employees~~ to evaluate the submissions.
 - d. Evaluation shall be based on the criteria included in §19-11-800 et seq., as well as additional project specific criteria based on the Department's needs.
 - e. Selection shall be in accordance with §19-11-800 et seq.
 - f. Once selection has been made and contract negotiations have been finalized, firms shall be notified of their status (i.e. not selected for award).
 - (4) **Award:** The selected firm shall be formally notified that they have been awarded the contract.
 - (5) **Agreement:** The agreement shall be fully executed prior to Requisition entry.
- B) Request for Qualifications:** For procurement of professional services, when use of the List is not practical, a Request for Qualifications shall be issued.
- (1) **Notification:** Notification shall be published on the City's website and emailed to potential service providers.
 - (2) **Solicitation Period:** A minimum of ten days shall be allowed for firms to submit Statements of Qualifications.
 - (3) **Deadline:** No submissions shall be accepted past the deadline stated in the notification.
 - (4) **Evaluation:** Evaluation of the submissions shall be in accordance with §19-11-800 et seq.
 - (5) **Selection:**
 - a. A Selection Committee shall be formed consisting of at least three (3) ~~City employees members~~ to evaluate the submissions.
 - b. Evaluation shall be based on the criteria included in §19-11-800 et seq., as well as additional project specific criteria based on the City Department's needs.
 - c. The Selection Committee may choose to, but is not required to, conduct interviews with any or all of the submitting firms.
 - d. Selection shall be in accordance with §19-11-800 et seq.
 - e. Once selection has been made and contract negotiations have been finalized, firms shall be notified of their status.
 - (6) **Award:** The selected firm shall be formally notified that they have been awarded the contract.
 - (7) **Agreement:** The agreement shall be fully executed prior to Requisition entry.

3.3 Emergency Purchases

Emergency purchase means the acquisition of commodities or services, which if not immediately initiated, will endanger ~~human~~ life, ~~or~~ health, ~~or safety of the~~ City, ~~citizens~~, or other~~wise~~-state property, or the functional capability of the City.

- a) The requesting Department is required to notify the Purchasing Manager of the emergency purchase need and state that the emergency applies to the meaning of an 'Emergency Purchase'.
- b) The Purchasing manager shall have the authority to approve or reject the emergency purchase, based on the justification submitted by the Department for the purchase.

3.4 Arkansas State Contract Purchases

- a) Purchases from Arkansas State Contract are excluded from the quote requirements.
- b) Documentation of the State Contract, including documentation that each item being purchased is included on the Contract, is required to be included on the Requisition for the purchase.

3.5 Cooperative (Co-Op) Purchases

- a) Purchases through a cooperative contract meeting the following requirements are excluded from the quote requirements:
 - i. The City is a member of the cooperative;
 - ii. The cooperative is intended or otherwise directed for municipal use, as determined by the Purchasing Manager.
 - iii. Documentation of the Co-Op contract, including documentation that each item being purchased is included on the Contract, is required to be included on the Requisition for the purchase.

SECTION 4

Expenditures Meeting or Exceeding the Council Threshold

Except as provided for herein or by law otherwise, any expenditure for any purchase or contract with a cost of \$35,000.00 or more requires approval from the Bentonville City Council prior to purchase, signing of any documents or any other type of purchase completion.

- a) This Section is governed by Arkansas State Law and City of Bentonville Ordinance including, but not limited to:
 - i. State Law: §14-47-138, §14-58-303; and
 - ii. City Ordinance: Sec.2-377-Sec.2-378.
- b) Expenditures of \$35,000.00 or more are subject to the formal procurement methods herein, in accordance with laws applicable to the specific type of expenditure (type of service, item, project, associated funds, etc.).
 - i. ~~In the event that~~ If the required procurement method is not contained in this Policy, Arkansas State Law shall govern the type of procurement and process used.
- c) Purchases excluded from this shall be in accordance with §14-58-104.
- d) City Departments are required to consult with the Purchasing Manager for any expenditure of \$35,000.00 or more to ensure procurement is in accordance with applicable laws and requirements.
- e) When this Section references a minimum requirement for the advertisement/solicitation period (ten (10) days) it shall be understood that while this is the minimum requirement, the Purchasing Department's recommendation for any solicitation is to have an advertisement/solicitation period of twenty-one (21) days or more (not to exceed ninety (90) days).

4.1 Formal Sealed Competitive Bids

Except as provided for otherwise herein or in accordance with state law, where the amount of the expenditure for any purchase or contract exceeds the sum of \$35,000.00 formal competitive sealed bids must be solicited in accordance with state law (§14-58-303).

- A) General:** Contracts made for purchases of goods, services or other items exceeding \$35,000.00 shall be made by legal advertisement published in a newspaper with local circulation (or in other approved manners, such as online, pursuant to current applicable laws). The advertisement shall state that bids will be received, opened, and read in public at a particular time, place and date. Bids received pursuant to such advertisement shall be opened no less than ten (10) days (excluding the first day of advertisement) from the first day of advertisement. Such bids shall be made on the bid documents and specifications prepared by the Purchasing Department, or engineer/architect prepared bid documents approved by the Purchasing Manager, and shall be received in a sealed envelope or other appropriate container and not opened until the time established by the advertisement.
- B) Purchase Type Specific Requirements:** Advertisement, solicitation period, pre-bid meeting, bid and performance and payment bond, and other process requirements apply to certain types of purchases dependent on the funding, type of project or application of particular items. The Purchasing Manager is responsible for identifying the specific requirements for any sealed competitive bid solicitation to ensure it is in accordance with applicable laws.
- C) Invitation for Bid (IFB) Document and Bid Evaluation:** The bid documents and specifications shall be definite and specific. Award shall be made to the most responsive and responsible, **qualified**, lowest bidder, with evaluation factors including, but not limited to cost, determination of compliance with the specifications and conditions specified in the bid documents, and the bidders past performance with the City. The Purchasing Manager may use judgmental consideration to determine if the bidder's offer complies with the specifications and conditions if such considerations can be

demonstrated to be reasonable, appropriate, and fairly applied. The Purchasing Manager will rely on the Department for determination of any bidder's ability to meet the technical specifications of the bid.

- D) Signing of Bid Submission:** All bid submissions must be signed by a person authorized to bind the individual or company to the agreement.
- E) Non-Responsive Bids:** The Purchasing Manager has the authority to reject any bid, which is materially non-responsive to the requirements set forth in the bid documents, as determined by the Purchasing Manager. The following non-responsive items shall result in automatic rejection of any bid submission:
- (1) The bid is submitted late (ex. if the bid opening time is 1:30pm, all bids must be submitted prior to 1:30pm);
 - (2) The bid is unsigned;
 - (3) A Bid Bond is not included (when required).
 - (4) A Non-Collusion Affidavit is not included, signed and notarized (when required).
- F) Cancellation of Award:** The Purchasing Manager has the authority to cancel award of a solicitation if, in their discretion and the City Department's (over the project) discretion, bids received do not meet the City's needs or for any other reason where award would not be in the City's best interest.
- G) City's Right to Reject and Waive Informalities:** The City of Bentonville shall have the right to reject any or all bids and to waive informalities according to the City's best interest.
- H) Withdrawal of Bids:** Bids may be withdrawn by the bidder after submission for revisions or modifications at any time prior to the deadline for receipt of bids (or bid opening). Any such request for withdraw must be in writing either by email or other acceptable electronic manner as outlined in the bidding documents, hand delivered or mailed communication. After bids are opened, they shall be irrevocable for the period specified in the bid documents, unless a nonjudgmental mistake (such as a math error), as determined by the Purchasing Manager, is suspected by the Purchasing Manager or the bidder, or unless bidder is permitted to withdraw their bid pursuant to Arkansas State Law.
- I) Nonjudgmental Bid Document Mistakes:** If a nonjudgmental mistake is suspected, such as a math error, the bidder shall submit a written request to the Purchasing Department requesting either to withdraw their bid submission or to correct the nonjudgmental mistake. ~~In the event that~~ If the City becomes aware of the mistake prior to the bidder, the bidder shall respond within two (2) days of receiving notification of the discovery with a written request to the Purchasing Department to verify a correction or requesting to withdraw their bid. Any such request for withdraw or correction must be in writing either by email (or other acceptable electronic manner as outlined in the bidding documents), hand delivered or mailed communication. Once a bid has been verified, it shall be considered submitted, as verified.
- (1) In the event of discrepancy between a unit price and an extended price, the unit price shall govern.
 - (2) At no point shall a correction of a mistake result in reduction or increase of a Bidder's unit price(s). If correction of the mistake would result in either an increase or decrease in the unit price, the bid shall be considered nonresponsive and shall be rejected.
- J) Permit to Withdraw:** The City shall permit a bidder to withdraw its bid without penalty or forfeiture of bid security if: (a) a nonjudgmental mistake is evident on the face of the bid, or (b) the bidder establishes by clear and convincing evidence that a nonjudgmental mistake was made.
- K) Multiple Bids:** Bidders are prohibited from submitting multiple bids for the same product in response to a competitive sealed bid solicitation. ~~In the event that~~ If a bidder submits multiple bids for the same product, all bids from that bidder will be rejected.
- L) Exception for Different Models:** ~~In the event that~~ If the bidder believes they have multiple different models or products (such as equivalent items) that meet the City's specifications, the bidder may submit multiple bids in response to a competitive sealed bid solicitation as long as the following requirements are met:
- (1) The bids are submitted in separate sealed envelopes; and
 - (2) The products being proposed in each submission are different makes, models or otherwise types of products.

- M) Tie Bids:** ~~In the event that~~ If two or more bids are submitted for the same price, award shall be made to the most responsive and responsible, **qualified**, bidder as determined through evaluation by the Purchasing Manager and Department requesting the bids.
- N) Bid Security/Bid Bond:** If it is determined that a bid security (bond) is required for a certain sealed bid solicitation, the bid security shall be in the form of a bid bond, certified check or cashier's check in the amount specified in the bidding documents. The cashier's check shall not have an expiration date causing the check to be void less than 120 days of the bid opening date. No personal or company checks shall be accepted as a bid security. Unless otherwise specified in the bidding documents, the amount of the bid security shall be 5% of the total bid price. The bid security shall be payable without condition to the City of Bentonville.
- (1) The bid security for the lowest three **(3)** bids shall be retained until the bid has been awarded.
 - (2) The bid security, if in the form of a certified check or cashier's check, shall be returned to unsuccessful bidders after the bid has been awarded; the bid security may be returned to unsuccessful bidders prior to the bid award if they did not submit one of the lowest three bids. If submitted in the form of a bid bond, the bid bond shall only be returned to the bidder if requested by the bidder via written communication.
 - (3) Applicable laws shall govern the requirement for a bid security or, ~~in the event that if~~ there are no applicable laws, at the discretion of the Purchasing Manager.
- O) Re-Bid:** The Purchasing Manager may re-solicit bids for any reasons determined to be in the City's best interest. Such re-solicitation shall not be for the purpose of directing the award to a particular bidder. ~~In the event that~~ If the original request for bids received no responses or no **qualified responsive** responses, a re-bid invitation shall be issued. The re-bid invitation shall clearly state that it is a re-bid of the original solicitation, if the exact item/services is being re-bid. ~~In the event that~~ If the re-bid invitation receives no responses or no **qualified responsive** responses and the Department is aware of a vendor able to perform the service, but which did not respond to the invitation for bid or re-bid, it shall be determined to be impractical to re-bid and may be recommended to the City Council as a Waiver of Bid.
- P) Award:** The lowest, most responsible and responsive, **qualified** bid that meets the City Department's needs and is in the City's best interest shall be selected for award.

4.2 Procurement for Construction

Construction services, including procurement of a Construction Manager, shall be procured in accordance with state law, including but not limited to the following Statutes:

- a) §14-58-303: Purchases-Contracts
- b) §14-58-1001: Projects Exceeding Two Million Dollars
- c) §22-9-203: Public Improvements Generally
- d) Solicitation procedures under these statutes shall be orchestrated ~~by~~ and approved by the Purchasing Manager.

4.3 Emergency Purchases

Emergency purchase means the acquisition of commodities or services, which if not immediately initiated, will endanger ~~human~~ life, ~~or~~ health, ~~or safety of the~~ City, ~~citizens~~, or otherwise state property, or the functional capability of the City.

- a) Emergency purchases shall be in accordance with Arkansas Statute §19-11-204.
- b) The requesting City Department is required to notify the Purchasing Manager of the emergency purchase need and state that the emergency applies to the meaning of an 'Emergency Purchase'.
- c) The Purchasing Manager shall have the authority to approve or reject the emergency purchase, based on the justification submitted by the City Department for the purchase.
- d) In the event that the emergency purchase exceeds the \$35,000.00 threshold, the emergency purchase requires approval from the Mayor and shall be presented to the City Council at the next available City Council meeting for notification of the emergency purchase made.

4.4 Waiver of Bid

Waiver of Bid is waiving the requirement to competitively solicit bids.

- A) A City Department may request a Waiver of Bid ~~in the event that~~ if the following applies:
 - (1) It is an Emergency Purchase (as defined in Section 2, 2.01, 4-Emergency Purchases);
 - (2) It is a Sole Source purchase, meeting the following requirements:
 - i. The item or service is only available from one supplier or manufacturer. For the sole source purchase of an item, a formal letter is required from the manufacturer stating the sole source nature;
 - ii. Replacement items, which require use of the same exact item due to equipment or processes currently in place where the functionality is dependent on use of the exact item; ~~or~~
 - iii. The item or service has been approved by the Purchasing Manager in writing, as sole source based on the evidence provided by the City Department;
 - (3) The sealed competitive bid process is determined to be not feasible or practical by the Purchasing Manager in writing, or as provided under state law (§ 14-58-104).
- B) A Waiver of Bid purchase shall not exceed \$1,000,000.00 except in qualifying circumstances where soliciting bids, or use of any other legal form of competitive procurement, is not feasible or practical.
- C) The Waiver of Bid request requires written approval from the Purchasing Manager, Finance Director ~~Staff Attorney~~, or Mayor prior to being submitted to the City Council.

4.5 Arkansas State Contract Purchases

Purchases from Arkansas State Contract, including those pursuant to §14-58-104, are excluded from the requirements set forth for formal procurement processes and approval from the City Council. These contracts are determined to have been solicited through a competitive or otherwise legal manner.

- a) The use of an Arkansas State Contract for purchases of \$35,000.00 or more requires approval from the Purchasing Department.

4.6 Cooperative (Co-Op) Purchases

- A) Purchases through a cooperative contract shall be permitted when the following requirements are met:
- (1) The City is a member of the cooperative;
 - (2) The cooperative is intended or otherwise directed for municipal use, as determined by the Purchasing Manager;
 - (3) The cooperative contract has been properly vetted by the Purchasing Department in regards to its compliance with procurement laws, specifically its similarity to or otherwise compliance with Arkansas procurement laws;
 - (4) The Purchasing Manager has provided written approval for use of the cooperative contract and subsequent presentation to the City Council for award.

4.7 Procurement for Professional Services

A Professional Service is defined as a service that has been declared in Arkansas State Law (§19-11-800) as such, or has been declared a professional service by a 2/3 vote from the City Council.

- a) In accordance with state law, professional services, as declared by state law or City ordinance, shall not be competitively bid and the procurement methods for 'Declared Professional Services' herein shall apply;
- b) For services requiring a professional, which are not declared professional services by state law or City ordinance, the procurement methods for 'Procurement for Undeclared Professional Service' herein shall apply;
- c) For services resulting in revenue for the City, the procurement methods for 'Procurement for Services Resulting in Revenue' herein shall apply; **and**
- d) The final Agreement for any declared professional services, undeclared professional services and services resulting in revenue shall be included in the packet for presentation to City Council.

1. Procurement for Declared Professional Services

This Section shall govern the procurement methods used for professional services as declared by state law or City ordinance.

- A) **Annual Statement of Qualifications:** In accordance with §19-11-800 et seq., annually, the Purchasing Department shall solicit Statements of Qualifications from firms providing the professional services for the City's 'Annual Statement of Qualifications List' (hereinafter referred to as the 'List').
- (1) **Advertisement:** The request shall be published statewide in a newspaper (or in other approved manners, such as online, pursuant to current applicable laws).
 - i. A minimum of three (3) weeks shall be allowed for firms to submit their Statement of Qualifications.
 - (2) **Submissions Post Deadline:** Firms may submit their Statement of Qualifications after the deadline listed in the advertisement, **provided that if** they meet all requirements; however, depending on when the firm submits, they may not be considered for projects that are already initiated.
 - (3) **Review with Purchasing Department:** The City Department requiring use of the List shall notify the Purchasing Department and review the project and budget amount. The Purchasing Manager shall have the authority to approve use of the List for these Projects or to require a Request for Qualifications be issued based on the Purchasing Manager's determination after evaluation of factors such as the project type, budget amount and number of firms on the List whom offer the services needed.

- (4) **Evaluation:** The City Department in charge of the project shall select a minimum of three firms from the List for evaluation.
 - i. In the event that the List does not contain the minimum amount of firms to be selected for evaluation whom offer the services needed, all firms on the List whom offer the services needed shall be selected for evaluation.
 - ii. The firms selected shall be notified of their selection.
 - iii. A Selection Committee shall be formed to evaluate the submissions. Evaluation shall be based on the criteria included in §19-11-800 et seq., as well as additional project specific criteria.
- (5) **Selection:** Selection shall be in accordance with §19-11-800 et seq.
 - i. Once selection has been made and contract negotiations have been finalized, firms shall be notified of their status (i.e. not selected for award).

B) Request for Qualifications: For procurement of professional services, when use of the List is not deemed practical, a Request for Qualifications shall be issued.

- (1) **Advertisement:** An advertisement shall be published in a newspaper with local circulation (or in other approved manners, such as online, pursuant to current applicable laws) requesting Statements of Qualifications for the services.
 - i. A minimum of ten (10) days shall be allowed for firms to submit sealed Statements of Qualifications.
- (2) **Deadline:** No submissions shall be accepted past the deadline stated in the advertisement. Submissions received after the deadline shall be rejected and may be returned to the submitting party at their expense.
- (3) **Evaluation:** Evaluation of the submissions shall be in accordance with §19-11-800 et seq.
 - i. A Selection Committee shall be formed consisting of at least three members to evaluate the submissions.
 - ii. Evaluation shall be based on the criteria included in §19-11-800 et seq., as well as additional project specific criteria.
 - iii. The Selection Committee may choose to, but is not required to, conduct interviews with any or all of the submitting firms.
- (4) **Selection:** Selection shall be in accordance with §19-11-800 et seq.
 - i. Once selection has been made and contract negotiations have been finalized, firms shall be notified of their status.
- (5) **Software:** Software shall be procured through an RFP or other procurement method consistent with the procurement of professional services as approved by the Purchasing Manager. When City employees are reviewing software for a potential need, they may watch demonstrations or webinars to form a baseline opinion of the software; however, they shall not proceed into negotiations or contract discussions with a software provider without a formal solicitation process (RFP or other approved method).

2. Procurement for Undeclared Professional Services

A Service that has not been declared a professional service by state law or City ordinance may be evaluated for procurement through a Request for Proposals solicitation and awarded through the City Council as a Waiver of Bid, provided that the service is one that is not feasible or practical to bid, as determined by the Purchasing Manager's review of the City Department's justification. If a Request for Proposals solicitation is approved by the Purchasing Manager, solicitation shall be in accordance with the below.

- (1) **Advertisement:** An advertisement shall be published in a newspaper with local circulation (or in other approved manners, such as online, pursuant to current applicable laws) requesting sealed proposals.
 - i. A minimum of ten days shall be allowed for interested parties to submit their proposals.
- (2) **Deadline:** No submissions shall be accepted past the deadline stated in the advertisement.
 - i. Submissions received after the deadline shall be rejected and may be returned to the submitting party at their expense.
- (3) **Evaluation Criteria:** The criteria which will be used for evaluation shall be clearly defined in the solicitation documents and may also be included in the advertisement.
- (4) **Selection:** A Selection Committee shall be formed, consisting of a minimum of three (3) members.
 - i. The Selection Committee shall evaluate the proposals and rate them based on the criteria outlined in the Request for Proposals.
 - ii. Interviews may be conducted, but are not required.
 - iii. The Selection Committee shall select the Proposal which received the highest rating.
- (5) **Negotiation:** The City Department may negotiate pricing and services with the selected proposer.

4.8 Procurement for Services Resulting in Revenue

Services for the City which result in revenue (such as concessions), shall be solicited via a Request for Proposals solicitation. A solicitation for these types of services requires approval from the Purchasing Manager. If a Request for Proposals solicitation is approved by the Purchasing Manager, solicitation shall be in accordance with the below.

- (1) **Advertisement:** An advertisement shall be published in a newspaper (or in other approved manners, such as online, pursuant to current applicable laws) with local circulation requesting sealed proposals.
 - i. A minimum of ten (10) days shall be allowed for interested parties to submit their proposals.
- (2) **Deadline:** No submissions shall be accepted past the deadline stated in the advertisement. Submissions received after the deadline shall be rejected and may be returned to the submitting party at their expense.
- (3) **Evaluation:** The criteria which will be used for evaluation shall be clearly defined in the solicitation documents or advertisement.
- (4) **Selection:** A Selection Committee shall be formed, consisting of a minimum of three (3) members.
 - i. The Selection Committee shall evaluate the proposals and rate them based on the criteria outline in the Request for Proposals.
 - ii. Interviews may be conducted, but are not required.
 - iii. The Selection Committee shall select the Proposal which received the highest rating.
- (5) **Negotiation:** The City Department may negotiate payments to the City and services with the selected proposer.

SECTION 5

Procurement Procedure Policies

5.1 Local Procurement Preference: Purchases Under \$35,000.00

Pursuant to § 14-58-105, in the procurement of public works projects, capital improvements, commodities, materials, equipment, and services procured by the City, ~~where the expense is under the formal bid threshold of \$35,000.00~~, the following local preference shall be granted:

~~A) **Category 1 Local Firm Resident:** For bidders whom meet the definition of “local firm resident” in the City of Bentonville, the following percentage preference shall be applied: **Five Percent (5%)** preference from the total cost proposed.~~

~~B) **Category 2 Local Firm Resident:** For bidders whom meet the definition of “local firm resident” in the Fayetteville-Springdale-Rogers Metropolitan Statistical Area, as defined by the Census Bureau: **2.5%** preference from the total cost proposed.~~

- ~~(1) In no event, **for either category**, shall the total amount of the preference exceed **10% \$1,000.00. of the current sealed bid threshold or other dollar amount threshold requiring approval from the City Council.**~~
- ~~(2) In no event, **for either category**, shall the total amount of the preference cause the purchase price to exceed the budget amount or other dollar figure set (such as an engineer’s estimate) for the item or service. **In the event that** If the preference causes the purchase price to exceed the budget amount or other dollar figure set for the item or service, there shall be no local preference granted.~~
- ~~(3) **For either category t** To be eligible **for execution of the local preference, they** the vendor claiming preference must request application of the preference in writing and provide proof **in their submission** that they are eligible to meet the definition of a “local firm resident”. In no event shall the City be responsible for researching or otherwise determining a bidder to be a “local firm resident” when that Bidder has not clearly identified and proven themselves to be eligible as such. Furthermore, the City shall not be responsible for the automatic application of the preference in instances where a vendor does not claim the preference in writing.~~
- ~~(4) The Local Procurement Preference shall only apply in comparing pricing when one or more quotes (or other pricing document) are by a firm resident and the other quote or quotes are by a nonresident firm.~~
- ~~(5) The Local Procurement Preference shall not apply to the procurement of professional services as declared by state law or City ordinance.~~
- ~~(6) The Local Procurement Preference shall not apply to expenditures of \$35,000.00 or more (see Section 5.2).~~

5.2 Local Procurement Preference: Purchases \$35,000.00 or more

In the procurement of public works projects by the City, where the expense is or exceeds \$35,000.00, the Local Procurement Preference as described in § 19-11-259 shall apply.

~~A) Purchasing Policy Section 5.1 shall not apply in this instance and instead § 19-11-259 shall apply.~~

5.3 Encouragement for Participation

- a) For the expenditure of funds, it shall be the policy of the City of Bentonville to encourage the development and participation of small, minority owned and women owned businesses. The City shall actively encourage utilization of these businesses for City contracts as both prime and subcontractors, and each City Department shall be encouraged to develop goals for the inclusion of these businesses.
- b) It shall be the policy of the Purchasing Department to make reasonable accommodations, as permitted by law, to encourage the participation of these businesses in the procurement of goods and services. These accommodations may include but are not limited to offering introductory meetings for information regarding how the City procures goods and services, offering solicitation instructions in the business's primary spoken language when possible, and the prohibiting of solicitation methods and/or timelines which would knowingly prohibit participation by small, minority owned, women owned or disadvantaged businesses.
- c) The City shall refer to state and federal definitions of small, minority owned, women owned businesses.

5.4 Split Purchasing Prohibited

- a) No City employee shall cause a purchase to be split into smaller amounts for the purpose of avoiding applicable procurement laws or City policies. Split purchasing means separating a purchase that exceeds a purchase limit or threshold into two or more transactions as a means of avoiding the rules or restrictions that apply to purchases above the limit or threshold.

5.5 Gifts Prohibited

- a) Any City of Bentonville employee in the Purchasing Department shall be prohibited from receiving gifts of any kind, for any dollar amount, from vendors or parties otherwise interested in or currently doing business with the City.
- b) Gifts include, but shall not be limited to: food for the Purchasing staff, drinkware, shirts, tickets, candies, discounts, or any other type of gift.
- c) ~~In the event that~~ If an employee of the Purchasing Department is not on-site to refuse receipt of a gift delivered, the Purchasing Manager shall deliver the items to the Human Resource Department for donation or use in other Departments and alert the gifting party of the City's policy for employees of the Purchasing Department.

5.6 Purchase Card Program (P-Card Program)

The City operates a Purchase Card (P-Card) program, which City Departments may choose to participate in by requesting a P-Card for themselves, their Department, or other City staff members in their Department.

- A) The P-Card shall not be used to replace traditional procurement methods; however, P-Cards are essential when placing orders over the Internet and they simplify the purchase of low-dollar value goods.
- B) The P-Card may be issued directly in the name of the cardholder or in the Department's name (for group use). Graphics on the card make it easy to distinguish the City's P-Card from a personal card. The City's P-Card is a privilege granted by the City and this privilege may be revoked at any time for any reason.
- C) P-Card holder shall strictly follow the policies and practices set forth herein.
- D) The City's purchasing guidelines (quote requirements, etc.), City ordinances, and state laws apply to all P-Card purchases.
- E) A City P-Card shall only be used for official City of Bentonville business. Cardholders shall not make unauthorized or prohibited purchases. The unauthorized or prohibited use of a City P-Card is grounds for immediate revocation of all P-Card privileges.
- F) Only authorized City of Bentonville employees may use the P-Card.
- G) In situations where a Department is supplied with a P-Card, a designated person should be appointed for reconciling the Statements and keeping track of receipts. In this situation, the Department Head is considered the cardholder and is responsible for all charges, receipts and for approval of Department staff using the P-Card.

- H) ~~In the event that~~ If a cardholder authorizes another City staff member to use their P-Card, the cardholder is fully responsible for all charges and receipts and for retrieving their P-Card.
- I) A violation is considered anything that is an improper, unauthorized or prohibited use, handling and/or reporting of a P-Card. Two (2) instances of violations within a one (1) year period will result in loss of P-Card use for one (1) year and may result in additional disciplinary action.
- J) In the event that the P-Card is used for purchases and/or services that require a contract or agreement to be signed, the purchase is prohibited until the contract or agreement is reviewed by the Legal Department and signed by the Mayor.
- K) The cardholder is responsible for and must ensure that there are sufficient funds (credit limit) in the account that will be used to pay for the purchase.
- L) Cardholders or Department's designated persons can check their credit limit by logging into centresuite.com using credentials provided to them upon P-Card issuance.
- M) A temporary credit limit increase can be requested from the ~~Accounting Finance~~ Department, with the ~~Purchasing Department copied~~; no credit limit increase shall be granted without Department Head approval.
- N) The cardholder must obtain a receipt at the point of purchase and verify it for accuracy. The cardholder is responsible for all receipts and charges. Lost or delayed receipts will be considered a violation and will be grounds for revocation of all P-Card privileges. Receipts are required to include at minimum, the following information:
 - (1) Vendor name
 - (2) Vendor address (when applicable)
 - (3) Itemized amounts for items, taxes, fees and any other charges
 - (4) Total charge amount
 - (5) Description of items being purchased
 - (6) Date of transaction
- (O) The cardholder is responsible for the timely review and reconciliation of P-Card Statements, and for adhering to all requirements for reconciling P-Card Statements. Untimely or improper P-Card Statement reconciliation is considered a violation.
- (P) For Departments utilizing one card for the Department, the employee(s) using the P-Card must promptly submit receipts for their purchases to their designated person.
- (Q) The P-Card must be kept secure at all times. Cardholders should keep their P-Card in a locked drawer or other locked location unless it is in use. When in use, cardholders must ensure that it is being stored in a secure manner that prevents fraudulent or unauthorized charges, theft, or loss of the P-Card.
- (R) The cardholder must notify the ~~Accounting Finance~~ Department by emailing immediately of a lost or stolen P-Card, fraudulent activity, discrepancies, and unauthorized or prohibited purchases.
- (S) P-Cards are property of the City of Bentonville, and the City has the unconditional right to cancel or revoke a P-Card at any time. Cardholders shall immediately surrender the card upon the City's request, or upon the end of their employment with the City.
- (T) P-Cards can only be surrendered to a Department Head or a manager or other authorized employee in the ~~Accounting Finance~~ Department.
- (U) The least expensive item that suits the needs of the purchase should be what is purchased.
- (V) Cardholders shall adhere to the City's Travel Policy when using their P-Card for travel related expenses.
- (W) Cardholders should limit saving the P-Card on any mobile applications or web browsers to reduce the chance of fraudulent or unauthorized activity. ~~In the event that~~ If a P-Card must be saved or used in an mobile application (such as a vendor's mobile app) or web browser, the cardholder should immediately delete the P-Card from the payment methods to avoid the accidental use of a P-Card for personal purchases.

- (X) Saving a P-Card on some vendor websites (such as Amazon) is often unavoidable; however, cardholders should frequently check their account for fraudulent or unauthorized activity.
- (Y) Unauthorized use, including prohibited purchases, requires that the cardholder immediately submit repayment of all unauthorized charges to the City's **Accounting Finance** Department. When reconciling the P-Card Statement containing the unauthorized charge, the cardholder must upload a Memo explaining the unauthorized use and stating that repayment has been submitted to the City.
- (Z) All cardholders must complete P-Card training and sign the Purchase Card User Agreement prior to issuance of a P-Card.

5.7 Purchase of Travel Related Expenses

Whenever possible, a City's P-Card should be used for travel related expenses, such as airfare, lodging, event registrations etc.

- A) All travel related expenses shall be executed in accordance with the then current Travel Policy.
- B) Unless approved by the Purchasing Manager or designee, City employees are prohibited from paying for City travel related expenses (such as airfare, lodging, event registrations etc.) using a personal credit card (or other personal payment method) resulting in the employee acquiring points or other benefits, when it is feasible to pay in advance using a City P-Card.
- C) In instances where it is not feasible to pay with a City P-Card for travel related expenses, with the exception of Per Diem, City employees should make every attempt to utilize a personal payment method that does not result in the acquiring of points or other personal benefits.
 - a. In these instances, City employees shall not charge coworker's travel related expenses to their own personal payment methods without prior approval from the Purchasing Manager, or Designee.
- D) The intent of this Section is to avoid City employees personally gaining from the expenditure of public funds. The Purchasing Manager, or Designee, has the authority to make exceptions for irregularities and special circumstances (such as emergencies, issues with P-Cards etc.).

5.8 Purchase of Food

The City is not authorized to expend funds for the purchase of food and beverages, unless the purchase conforms to the following criteria:

- A) The purchase is for water, coffee, hot tea, or other items generally related to a breakroom and specifically for use in such an area (such as plastic silverware, paper plates etc.).
- B) The purchase of food is for a mandatory training, interview, or other type of mandatory engagement, which employees are required to attend, and the only available time for this training is during standard mealtime hours. This specifically excludes any optional hosting of "lunch and learns".
- C) The purchase is for a training hosted by the City of Bentonville where breakroom type refreshments (such as water, donuts etc.) is expected to be provided by the host.
- D) The purchase is for a budgeted expense specifically for the purchase of food items (such as an employee event) approved by Council.

Failure to adhere to this Policy may result in the employee being required to reimburse the City for the non-compliant expense. The Mayor has the authority to authorize exceptions to this Purchase of Food Policy.



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Gladys Shoemake
Phone:	479-271-3115	For Department(s):	Legal
Email:	gshoemake@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☒ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☒ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Ordinance to Adopt a 5% Local Procurement Preference
Action Recommendation & Justification:	Ordinance to adopt Section 5.1 Local Procurement Preference in the City of Bentonville Purchasing Policy (as revised in the October 24, 2023 Purchasing Policy revisions), setting a 5% Local Procurement Preference for Local Firm Residents in Bentonville, as defined in §14-58-105, with a \$1,000.00 maximum preference allowed. No Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	§14-58-105 allows a municipality to adopt a local procurement preference by Ordinance, and to set the preference up to 5%. The City of Bentonville Purchasing Policy contains Section 5.1-Local Procurement Preference; approval of this Ordinance adopts this Section of the Policy.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☒ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

ORDINANCE NO. _____

AN ORDINANCE ADOPTING SECTION 5.1 OF THE CITY OF BENTONVILLE'S PURCHASING POLICY; ADOPTING A LOCAL PROCUREMENT PREFERENCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Resolution approving revisions to the City's Purchasing Policy, authorized section 5.1 adopting a local procurement preference;

WHEREAS, Arkansas Code dictates that a local procurement preference must be adopted via Ordinance; and

WHEREAS, this Ordinance serves to ratify Section 5.1 previously adopted via Resolution in the comprehensive Purchasing Policy revisions.

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

Section 1: The City of Bentonville Purchasing Policy, Section 5.1 – Local Procurement Preference, as adopted via Resolution on October 24, 2023, should be and the same is hereby ratified via this Ordinance;

Section 2 - Emergency Clause: The need to make this change is immediate, so as not to affect any contract offered or purchases made, and 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 3 - 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 4 - 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 _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk

Exhibit “A”

5.1 Local Procurement Preference: Purchases Under \$35,000.00

Pursuant to §14-58-105, in the procurement of public works projects, capital improvements, commodities, materials, equipment, and services procured by the City, where the expense is under the formal bid threshold of \$35,000.00, the following local preference shall be granted:

- A) Local Firm Resident:** For bidders whom meet the definition of “local firm resident” in the City of Bentonville, the following percentage preference shall be applied: Five Percent (5%) preference from the total cost proposed.
- (1) In no event, shall the total amount of the preference exceed \$1,000.00.
 - (2) In no event shall the total amount of the preference cause the purchase price to exceed the budget amount or other dollar figure set (such as an engineer’s estimate) for the item or service. If the preference causes the purchase price to exceed the budget amount or other dollar figure set for the item or service, there shall be no local preference granted.
 - (3) To be eligible the vendor claiming preference must request application of the preference in writing and provide proof that they are eligible to meet the definition of a “local firm resident”. In no event shall the City be responsible for researching or otherwise determining a bidder to be a “local firm resident” when that Bidder has not clearly identified and proven themselves to be eligible as such. Furthermore, the City shall not be responsible for the automatic application of the preference in instances where a vendor does not claim the preference in writing.
 - (4) The Local Procurement Preference shall only apply in comparing pricing when one or more quotes (or other pricing document) are by a firm resident and the other quote or quotes are by a nonresident firm.
 - (5) The Local Procurement Preference shall not apply to the procurement of professional services as declared by state law or City ordinance.
 - (6) The Local Procurement Preference shall not apply to expenditures of \$35,000.00 or more (see Section 5.2).



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Dennis Hayes
Phone:	479-271-3127	For Department(s):	IT
Email:	dhayes@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☒ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	TOP Engineers, Inc., Fiber Network Implementation for Priority Two Amendment 1
Action Recommendation & Justification:	Resolution authorizing the Mayor and City Clerk to amend the Professional Services Agreement with TOP Engineers, Inc. for an additional amount of \$154,615.00 for a total contract price not to exceed \$657,615.00. No Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	Amendment #1 defines additional services associated with additional design services. There is money within the original project budget to cover this additional cost and no need for a budget adjustment.
Amount for Approval:	\$ 154,615.00

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
		Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
		Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
		Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

August 28, 2023

Travis Matlock, PE
Engineering Director
City of Bentonville
3200 Municipal Drive
Bentonville, AR 72712

RE: Fiber Network Implementation for Priority Two - Funding Amendment

VIA: tmatlock@bentonvillear.com

Dear Mr. Matlock,

The following document is an amendment to incorporate modifications to PO# 22203834 to address Remaining Services and Funding Requirements for Remaining Services.

During the design of the fiber optic network for Priority Two additional design projects or unforeseen coordination developed. Below is a list of items that were added to the Priority Two design.

- Performed PLA on 206 additional utility poles.
- Addition of design to connect AMI Gateway locations to backbone fiber.
- Addition of design to remove legacy fiber.
- Additional coordination with City due to intersection and building development.

Description	Total Estimate
Amendment Additional Engineering Services	\$154,615
Current Contract Amount	\$503,00
New Contractor Amount	\$657,615

Billing:

Billing will be submitted Monthly on a Time and Material basis and/or at completion of task.

TOP Engineers Plus is grateful to be able to serve the engineering design needs of the City of Bentonville. Please let me know if there are any questions related to the above estimate and/or any additional services that may be needed.

Sincerely,



Stanford D. Torvik, P.E.
President
TOP Engineers Plus PLLC

Cc: Bob Sengele - TOP Engineers Plus PLLC
Matthew Torvik - TOP Engineers Plus PLLC

Authorization to Proceed

Fiber Network Implementation for Priority Two

Amendment for Additional Engineering Services (\$154,615)

Notice to Proceed (NTP) by Authorized Company Representative:

City of Bentonville

Signature

Printed Name

Title

Date

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AMENDMENT 1 OF THE PROFESSIONAL SERVICES AGREEMENT WITH TOP ENGINEERING, FOR ADDITIONAL DESIGN SERVICES, IN THE AMOUNT OF ONE HUNDRED FIFTY-FOUR THOUSAND SIX HUNDRED FIFTEEN DOLLARS (\$154,615.00); AND FOR OTHER PURPOSES.

WHEREAS, Amendment 1 authorizes additional design services;

WHEREAS, the cost of Amendment 1 is one hundred fifty-four thousand six hundred fifteen dollars (\$154,615.00) for a total contract price not to exceed six hundred fifty-seven thousand six hundred fifteen dollars (\$657,615.00); and

WHEREAS, this is a budgeted item.

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

Section 1: The Mayor and City Clerk are authorized to enter into Amendment 1 of the Professional Services Agreement with TOP Engineering, for additional design services, in the amount of one hundred fifty-four thousand six hundred fifteen dollars (\$154,615.00);

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 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.

PASSED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Debbie Griffin
Phone:	4792542028	For Department(s):	Administration
Email:	dgriffin@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Airport Advisory Board Reappointment of Mark Slaughter
Action Recommendation & Justification:	Reappointment of Mark Slaughter for a 2nd term to the Airport Advisory Board. His current term expires 10/23. Reappointment for a 3-year term that will expire 10/24/2026.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☒ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712



October 18, 2023

To: City Council Members & City Clerk

From: Mayor Stephanie Orman

Subject: Reappointment of Mark Slaughter to the City of Bentonville's
Airport Advisory Board.

I recommend Mark Slaughter for reappointment to the City of Bentonville's Airport Advisory Board. Mr. Slaughter's term will expire October 24, 2026.

Stephanie Orman



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Debbie Griffin
Phone:	4792542028	For Department(s):	Municipal Airport
Email:	dgriffin@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☐ Resolution	☒ Informational	

Title, Recommendation & Justification

Title:	Airport Advisory Board Appointment of Rachel Hobert
Action Recommendation & Justification:	Council Appointment of Rachel Hobert to the Airport Advisory Board, replacing Mike Frost whose terms expired 10/5/2023. This is Ms. Hobert's first term that will expire 10/24/2026.
Additional Comments for Consideration (Optional):	Recommendation from Mayor Orman, Debbie Griffin Director of Administration (Airport Manager) and Airport Advisory Chairman Brian Baldwin
Amount for Approval:	\$

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):



October 18, 2023

To: City Council Members & City Clerk
From: Mayor Stephanie Orman
Subject: Appointment of Rachel Hobert to the City of Bentonville's Airport Advisory Board.

I recommend Rachel Hobert for appointment to the City of Bentonville's Airport Advisory Board. Ms. Hobert's term will expire October 24, 2026.

A small, handwritten signature in blue ink, appearing to be 'S Orman', located to the left of the printed name.

Stephanie Orman



Boards and Commissions Application Form

Applicant Information

First Name Rachel

Last Name Hobert

Address

City Bentonville

State AR

Zip Code 72712

Home / Cell Phone

Email Address

Length of Bentonville
Residency 2 months

Employer Hivers & Strivers Capital

Occupation Finance

Business Phone

(Section Break)

References

Please provide 2 references

Name Doug Doan

Email Address

Address

City Great Falls

State VA

Zip Code 22066

Phone Number

Name	<i>Field not completed.</i>
Email Address	<i>Field not completed.</i>
Address	<i>Field not completed.</i>
City	<i>Field not completed.</i>
State	<i>Field not completed.</i>
Zip Code	<i>Field not completed.</i>
Phone Number	<i>Field not completed.</i>
Fax Number	<i>Field not completed.</i>

(Section Break)

Board Selection and Qualifications

Select all commissions and boards for which you would like to be considered:	Bentonville Municipal Airport Advisory Board
1. What are your qualifications for serving on this commission or board, including education and subject matter expertise?	Being a general partner at a venture capital firm, I have spent years building companies and boards, well versed in the mechanics of how boards work and important strategic initiative they have. I also have my private pilots license (PPL) and actively fly, working on my instrument rating at the moment. In a previous job role, I also oversaw all operations of a small aviation company with direct oversight of maintenance contracts and services, purchase orders, etc. I received my bachelors degree in International Relations and Arabic, focused on conflict resolution and diplomacy.
2. Why would you like to be considered for appointment to this commission or board?	This appointment sits at the cross section of two very import values and passions of mine: aviation and community. I believe in spending time contributing to my local community. I am incredibly grateful to have won the genetic lottery being born in the US and I want to continue to build this nation, starting with my own backyard. However I can contribute to building a better Bentonville is very important to me.
3. What do you hope to be able to contribute?	As a female and millennial with a diverse background of experience, I hope to bring innovative ideas and a fresh perspective to make the airport the best it can be for the

community. Be it thinking outside of the box or sourcing diverse talent/resources, I believe I bring a skillset that can be used by the city.

(Section Break)

Qualifications for Serving
Please read the Qualifications for Serving provided below. These are the general qualifications to serve on any board or commission of the City of Bentonville.

I have read the above qualifications to serve on a city commission or board. Yes

(Section Break)

Restrictions on Appointees
Please read the Restrictions on Appointees provided below. Then type in your name and date to confirm that you are aware of and, if appointed, agree to the following rules.

Agreement to Abide by Restrictions on Appointees Rachel Hobert

Date 10/9/2023



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Debbie Griffin
Phone:	4792542028	For Department(s):	Municipal Airport
Email:	dgriffin@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Budget Adjustment for Gate Repair at the Bentonville Municipal Airport
Action Recommendation & Justification:	Resolution approving a Budget Adjustment to move \$22,236.70 from General Fund reserves to 101650-44430 Building/Ground Maintenance for gate repair at the Municipal Airport. A Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	
Amount for Approval:	\$ 22,236.70

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

101650-44430	Building/Ground Maintenance	\$ 22,236.70	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☒ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

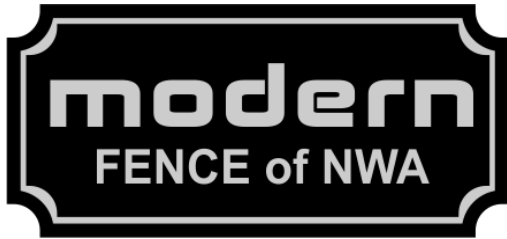
City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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1864 Ford Ave
Springdale, AR 72764
(479) 443-5122
Service@modernfencesupply.com

Estimate

ESTIMATE#	1028141322
DATE	09/27/2023
PO#	(RM)

CUSTOMER

Bentonville Airport/ Fieldhouse
2205 Southwest I Street
Bentonville, AR 72712
DGRIFFIN@BENTONVILLEAR.COM

SERVICE LOCATION

2205 Southwest I Street
Bentonville, AR 72712

DESCRIPTION

Ron Muller is meeting with Debbie Griffin, Chad Cox, and Will Gunselman on Tuesday 10-10-23 at 11:00am to discuss an estimate to get everything up and running.

Meet at Fieldhouse and then will drive gate to gate to review.
Thaden Fieldhouse
2205 SW I St
Bentonville, AR 72712

Estimate

Description	Qty	Rate	Total
MAX 2200 Slide	3.00	3,251.17	9,753.51
MillerEdge Monitored Sensing Edge 5'	3.00	117.00	351.00
EMX Photo Eye Reflective / EMX-IRB-RET2	3.00	245.00	735.00
EDI Loop Detector Plug-in LMA1800	4.00	137.14	548.56
Loop Installation Charge (NO CHARGE)	2.00	0.00	0.00
MAX CELL HUB KEYPAD	3.00	745.25	2,235.75
MAXIMUM CELL HUB	3.00	535.00	1,605.00
CANTILEVER GATE ROLLER:NYLON :4" X 2 3/8":	4.00	145.33	581.32
8' COPPER CLAD GROUNDING ROD	3.00	35.25	105.75
MMTC SAG-M Siren Operated Sensor Gate Opener Activator Emergency Security	3.00	317.20	951.60
Mics. Bolts, Concrete, Fittings, Etc.	1.00	520.00	520.00

Description	Qty	Rate	Total
Install Labor Installation of access control systems, Qty is in Hrs.	28.00	140.00	3,920.00
BENTONVILLE		9.500%	1,929.21
Discount / Credit FOR VIKING L-3 OPERATOR. (GATE#5)		1,000.00	-1,000.00

CUSTOMER MESSAGE

SCOPE OF WORK-
 GATE #1- NO ACTION REQUIRED. RECOMMEND TRIMMING PLANTS IN FRONT OF PHOTO EYE SENSOR
 GATE #2- NO ACTION REQUIRED
 GATE #3-REMOVE EXISTING ELITE GATE OPERATOR, AND KEYPAD. INSTALL NEW MAXX 2200 SLIDE GATE OPERATOR, 5' SAFETY EDGE SENSOR, REFLECTIVE PHOTO EYE SENSOR, LOOP DETECTOR, GROUNDING ROD,
 SOS SENSOR, AND THE MAX CELL HUB/KEYPAD.
 GATE #4- REPLACE EXISTING MALIABLE CANTILEVER WHEELS WITH NEW COVERED NYLON WHEELS. REMOVE OLD
 ELITE GATE OPERATOR, AND KEYPAD. INSTALL A MAX 2200 SLIDE GATE OPERATOR, SAFETY EDGE SENSOR,
 SAFETY PHOTO EYE SENSOR, GROUND ROD, SOS SENSOR, AND MAX CELL HUB/KEYPAD. SAW CUT IN NEW LOOP
 SENSOR (NO CHARGE)
 GATE #5- . REMOVE OLD VIKING GATE OPERATOR, AND KEYPAD. INSTALL A MAX 2200 SLIDE GATE OPERATOR,
 SAFETY EDGE SENSOR, SAFETY PHOTO EYE SENSOR, GROUND ROD, SOS SENSOR, AND MAX CELL HUB/KEYPAD.
 SAW CUT IN NEW LOOP SENSOR (NO CHARGE)

****MAX CELL HUB REQUIRES A MONTHLY FEE OF \$7.95 FOR EACH UNIT**
****IF ESTIMATE IS ACCEPTED. RON WITH MODERN FENCE WILL INSTALL A TEMP CIRCUIT BOARD IN GATE #3 UNTIL NEW INSTALLATION IS COMPLETED AT NO CHARGE.**

Estimate Total:

\$22,236.70

PRE-WORK SIGNATURE

Signed By:

RESOLUTION NO. _____

A RESOLUTION ADJUSTING THE 2023 BUDGET TO APPROPRIATE TWENTY-TWO THOUSAND TWO HUNDRED THIRTY-SIX DOLLARS AND SEVENTY CENTS (\$22,236.70) FROM GENERAL FUND RESERVES TO PAY FOR A GATE REPAIR AT THE BENTONVILLE MUNICIPAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, a budget adjustment is required to pay for a gate repair at the Bentonville Municipal Airport.

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

Section 1: The 2023 Budget is adjusted to appropriate twenty-two thousand two hundred thirty-six dollars and seventy cents (\$22,236.70) from General Fund Reserves into Account #101650-44430 – Building and Ground Maintenance, for gate repair at the Bentonville Municipal Airport;

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 Provisions: 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.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Tracy Billings
Phone:	479-696-0229	For Department(s):	Transportation
Email:	tbillings@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Public Hearing and Ordinance Vacating Utility Easements (VAC23-0018)
Action Recommendation & Justification:	Public Hearing and approval of Ordinance vacating Utility Easement Vacations located at Lot 61 of The Farms Subdivision (VAC23-0018).
Additional Comments for Consideration (Optional):	Ordinance, Exhibit A, and GIS Vicinity Map
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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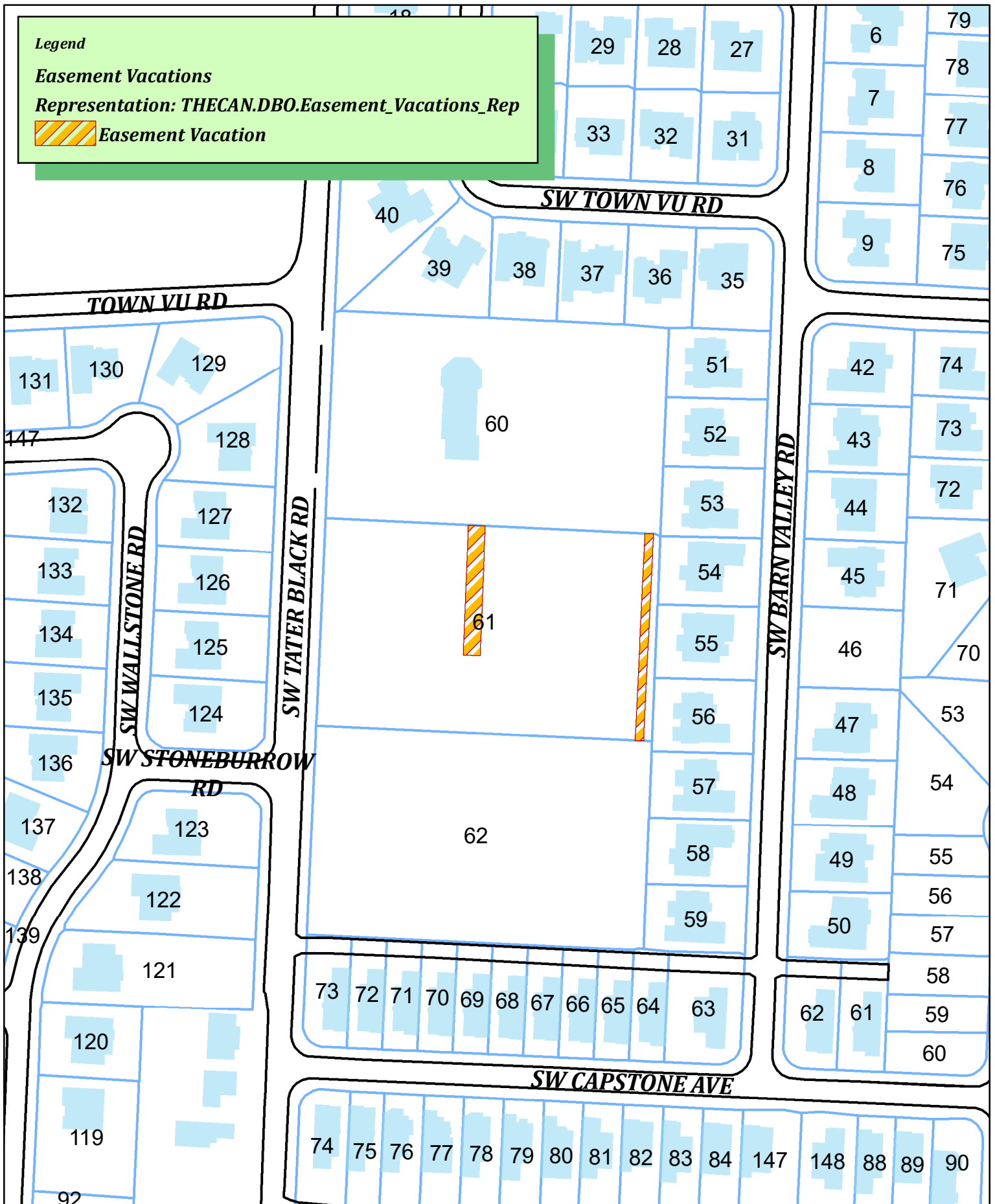
Legend

Easement Vacations

Representation: THECAN.DBO.Easement_Vacations_Rep

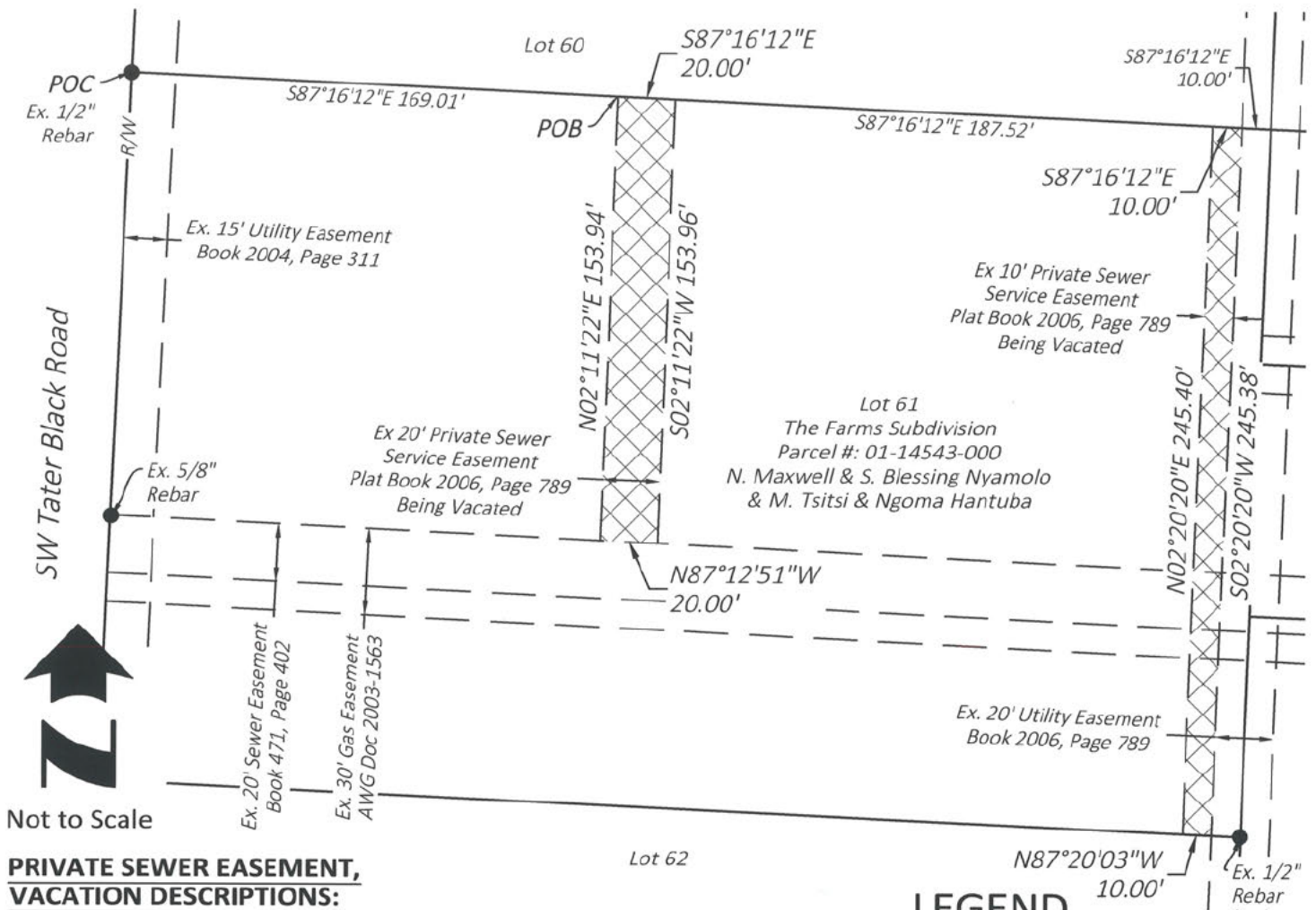


Easement Vacation



VAC23-0018
Proposed Easement Vacation
SW Tater Black Rd.





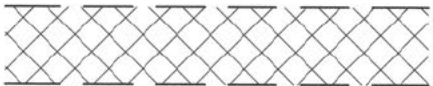
**PRIVATE SEWER EASEMENT,
VACATION DESCRIPTIONS:**

Part of Lot 61, The Farms Subdivision to the City of Bentonville, according to Final Plat filed in Plat Book 2006 at Page 789, Benton County, Arkansas, and being more particularly described as follows:
 COMMENCING at the northwest corner of Lot 61;
 thence South 87°16'12" East a distance of 169.01 feet to the northwest corner of a 20' Private Sewer Easement and the POINT OF BEGINNING;
 thence South 87°16'12" East along the north line of said easement a distance of 20.00 feet;
 thence South 02°11'22" West along the east line of said easement a distance of 153.96 feet;
 thence North 87°12'51" West along the south line of said easement a distance of 20.00 feet;
 thence North 02°11'22" East along the west line of said easement a distance of 153.94 feet to the POINT OF BEGINNING.

AND

All of the 10' Private Sewer Easement across the West 10 feet of the East 20 feet of Lot 61.

LEGEND

-  Boundary Line
-  Ex. Right of Way Line
-  Ex. Easement Line
-  Vacated Easement
-  Ex. Rebar



Not a Survey

Page 1 of 1



2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.273.2209 • HALFF.COM

EXHIBIT 'A'
PRIVATE SEWER SERVICE
EASEMENT VACATION

Bentonville, Benton Co., Arkansas

Drawn By:
JDS
 Date:
07.24.2023
 Project No:
NTB-01
 Drawing Name:
EXHIBIT

ORDINANCE NO _____

**AN ORDINANCE VACATING UTILITY EASEMENTS LOCATED AT LOT 61
OF THE FARMS SUBDIVISION THE CITY OF BENTONVILLE, ARKANSAS,
BENTON COUNTY ARKANSAS (VAC23-0018).**

WHEREAS, a petition was filed with the City Council of the City of Bentonville, Arkansas, by NTBM, LLC asking the City Council to vacate utility easements located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

Part of Lot 61, The Farms Subdivision to the City of Bentonville, according to Final Plat filed in Plat Book 2006 at Page 789, Benton County, Arkansas, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot 61; thence South 87°16'12" East a distance of 169.01 feet to the northwest corner of a 20' Private Sewer Easement and the POINT OF BEGINNING; thence South 87°16'12" East along the north line of said easement a distance of 20.00 feet; thence South 02°11'22" West along the east line of said easement a distance of 153.96 feet; thence North 87°12'51" West along the south line of said easement a distance of 20.00 feet; thence North 02°11'22" East along the west line of said easement a distance of 153.94 feet to the POINT OF BEGINNING.

AND

All of the 10' Private Sewer Easement across the West 10 feet of the East 20 feet of Lot 61.

WHEREAS, after due notice as required by law, the Council has at the time and place mentioned the notice, heard all persons desiring to be heard on the question; that all the owners of the property abutting the easement to be vacated have joined in the petition or consented to the granting of the petition; and the public interest and welfare will not be adversely affected by the abandonment of the above described utility easements.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Bentonville, Arkansas:

Section 1: The City of Bentonville Arkansas releases, vacates, and abandons all of its rights together with the rights of the public generally, in and to a utility easement designated as follows:

Part of Lot 61, The Farms Subdivision to the City of Bentonville, according to Final Plat filed in Plat Book 2006 at Page 789, Benton County, Arkansas, and being more particularly described as follows:

COMMENCING at the northwest corner of Lot 61; thence South 87°16'12" East a distance of 169.01 feet to the northwest corner of a 20' Private Sewer Easement and the POINT OF BEGINNING; thence South 87°16'12" East along the north line of said easement a distance of 20.00 feet; thence South 02°11'22" West along the east line of said easement a distance of 153.96 feet; thence North 87°12'51" West along the south line of said easement a distance of 20.00 feet; thence North 02°11'22" East along the west line of said easement a distance of 153.94 feet to the POINT OF BEGINNING.

AND

All of the 10' Private Sewer Easement across the West 10 feet of the East 20 feet of Lot 61.

Section 2: A copy of this Ordinance, duly certified by the City Clerk, shall be filed in the Office of the Recorder of Benton County, Arkansas and recorded in the deed records of the County.

Section 3: This Ordinance shall take effect and be in force from and after its passage. The above and foregoing Ordinance was passed, approved, and adopted the ____ day of _____, 2023 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Kirby Romines, City Clerk
Bentonville, Arkansas

Stephanie Orman, Mayor
City of Bentonville, Arkansas



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Tony Davis
Phone:	479-271-3130	For Department(s):	Street
Email:	todavis@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☒ Waiver of Bid	☒ Emergency Clause
☐ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Salt Storage Building Roof Repair
Action Recommendation & Justification:	Ordinance approval to waive competitive bidding and enter into agreement with Trade Pro Construction to repair the roof of the Street Department's Salt Storage Building. A budget adjustment is needed for this with an emergency clause.
Additional Comments for Consideration (Optional):	During the wind storm in the first week of September, the salt storage building had the roof damaged. Please see the attached picture. The repair cost is less than the insurance deductible so a budget adjustment is needed for this repair.
Amount for Approval:	\$ 47,125.00

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

203810-44430	Building/Ground Maintenance	\$ 47,125.00	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
Account Number (ORG-OBJECT)	Account Description	\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☒ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

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Estimate # EE-230925-01

Trade Pro Construction

PO Box 433
Tontitown, AR 72756
Office: 479.553.9615 | Fax: 479.439.0949



DATE: 09/25/23

BILL TO:

Tony Davis | City of Bentonville Street Department
Project Address: 3200 SW Municipal Drive
Bentonville, AR 72712
479-271-3130 | todavis@bentonvillear.com

PROJECT:

Installation of Fabric Recover Package

Details

AMOUNT

Our turnkey pricing includes the following:

Supply and installation of new ClearSpan Fabric Recover Package, 50' wide by 83' long main tarp. Existing fabric end panels to remain in place.

\$47,125.00

Total: \$47,125.00

Make all checks payable to Trade Pro Construction

If you have any questions concerning this invoice, use the following contact information:

Ryan Henderson, 479.287.6453, rhenderson@tradeconstruction.com

THANK YOU FOR YOUR BUSINESS!



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE 2023 BUDGET; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH TRADE PRO CONSTRUCTION, NOT TO EXCEED FORTY-SEVEN THOUSAND ONE HUNDRED TWENTY-FIVE DOLLARS (\$47,125.00), FOR THE PURCHASE OF A CLEARSPAN FABRIC RECOVER PACKAGE FOR THE BENTONVILLE STREET DEPARTMENT; WAIVING THE REQUIREMENT OF COMPETITIVE BIDDING; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Bentonville Street Department requests to purchase a ClearSpan Fabric Recover Package for the salt storage building that was damaged during the windstorm at the beginning of September;

WHEREAS, the repair cost is less than the insurance deductible, therefore it is not practical or feasible to solicit competitive bidding; and

WHEREAS, a budget adjustment will be needed to appropriate forty-seven thousand one hundred twenty-five dollars (\$47,125.00) from the Street Fund Reserve into Building/Ground Maintenance account for the purchase.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS.

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with Trade Pro Construction for the purchase of a Clearspan Fabric Recover Package in the amount of forty-seven thousand one hundred twenty-five dollars (\$47,125.00);

Section 2: Due to the repair cost being less than the insurance deductible, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3: The 2023 Budget is amended to adjust forty-seven thousand one hundred twenty-five dollars (\$47,125.00) from the Street Fund Reserves to Account #203810-44430 – Building/Ground Maintenance;

Section 4 - Emergency Clause: The need to make this purchase is immediate, 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 5 - 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 6 - Repeal of Conflicting Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

STEPHANIE ORMAN, Mayor

ATTEST:

KIRBY ROMINES, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Tony Davis
Phone:	479-271-3130	For Department(s):	Street
Email:	todavis@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☐ Budget Adjustment	☒ Waiver of Bid	☒ Emergency Clause
☒ Ordinance	☐ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Waiver of Bid to Process Payment for 2023 Street Pavement Markings
Action Recommendation & Justification:	Ordinance waiving competitive bidding to process a payment not to exceed \$44,424.60 to Time Striping Inc., for 2023 Street Pavement Markings. An Emergency Clause is needed to process timely payment of the Invoice. No Budget Adjustment is needed.
Additional Comments for Consideration (Optional):	Time Striping Inc. contract with the City for lane markings had an expiration date of Aug. 11th, 2023. The lane markings were not completed by this day due to a delay on the sealant required to go over the markings. The markings have been completed and an invoice has been received, at which point it was discovered that the contract had expired and a waiver of bid was needed to process payment. This Contract will be re-bid in 2024 for 2024 Street Pavement Markings.
Amount for Approval:	\$ 44,424.60

Budget Impact

Is this Item Budgeted? ☒ YES ☐ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
		\$	\$

Fund(s) Impacted

(check all that apply)

☐ General Fund ☐ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

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Acct. 44450

**INVOICE**

82589

Page 1 of 1

PO Box 1236 Van Buren, AR 72957
 Phone: (479) 474-0452 Fax: (479) 474-0498
 Website: www.timestriping.com

PD#2230

Bill To: CITY OF BENTONVILLE ST. DEPT.
 ATTN: ACCOUNTS PAYABLE
 1000 SW 14TH STREET
 BENTONVILLE AR 72712

Date: 9/18/2023

accounts payable@bentonvillear.com

Customer ID	Customer PO	Cust/State Job No.	Payment Terms	Our Job No.	Salesperson
CBENT		BENTONVILLE 23	NET UPON RECEIPT	P23193	
Quantity	Description			Rate	Price
STRIPING ON THE 2023 BENTONVILLE THERMOPLASTIC STRIPING PROJECT ON 09/18/23.					
18,948.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON TIGER BLVD			0.60	11,368.80
299.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" WHITE ON TIGER BLVD			0.60	179.40
6,166.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON NE 2ND			0.60	3,699.60
5,429.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON SW I ST			0.60	3,257.40
5,817.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" WHITE ON SW I ST			0.60	3,490.20
6,805.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON SE 18TH ST			0.60	4,083.00
90.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" WHITE ON SE 18TH ST			0.60	54.00
902.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON SW A ST			0.60	541.20
78.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" WHITE ON SW A ST			0.60	46.80
2,492.00	LF - THERMOPLASTIC PAVEMENT MARKINGS - 4" YELLOW ON BLUEBERRY LANE			0.60	1,495.20

Subtotal: 28,215.60

Tax: 0.00

BEGINNING SEPTEMBER 1, 2021 WE WILL IMPOSE A SURCHARGE ON CREDIT CARDS THAT IS NOT GREATER THAN OUR COST OF ACCEPTANCE

Total: 28,215.60

Acct 44450

ID# 2230

**INVOICE**

82612

Page 1 of 1

PO Box 1236 Van Buren, AR 72957
 Phone: (479) 474-0452 Fax: (479) 474-0498
 Website: www.timestriping.com

Bill To: CITY OF BENTONVILLE ST. DEPT.
 ATTN: ACCOUNTS PAYABLE
 1000 SW 14TH STREET
 BENTONVILLE AR 72712

Date: 9/19/2023

Req#12307446 - Line 2.

accountspayable@bentonvillear.com

Customer ID	Customer PO	Cust/State Job No.	Payment Terms	Our Job No.	Salesperson
CBENT		BENTONVILLE 23	NET UPON RECEIPT	P23193	
Quantity	Description		Rate	Price	

STRIPING ON THE 2023 BENTONVILLE THERMOPLASTIC
 STRIPING PROJECT ON 09/19/23.

813.00	LF - THERMOPLASTIC 12" STRIPING	8.00	6,504.00
758.00	LF - THERMOPLASTIC 24" STRIPING	10.00	7,580.00
5.00	LF - THERMOPLASTIC WORDS	250.00	1,250.00
5.00	LF - THERMOPLASTIC ARROWS	175.00	875.00

Subtotal: 16,209.00

Tax: 0.00

BEGINNING SEPTEMBER 1, 2021 WE WILL IMPOSE A SURCHARGE ON CREDIT CARDS THAT IS NOT GREATER THAN OUR COST OF ACCEPTANCE

Total: 16,209.00

ORDINANCE NO. _____

**AN ORDINANCE WAIVING COMPETITIVE BIDDING TO PROCESS
PAYMENT, NOT TO EXCEED FORTY-FOUR THOUSAND FOUR
HUNDRED TWENTY-FOUR DOLLARS AND SIXTY CENTS (\$44,424.60),
FOR COMPLETED LANE MARKINGS; PROVIDING FOR THE
EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, in July of 2020, City Council approved a contract with Time Striping, Inc. for installation of lane markings and street striping;

WHEREAS, this contract covered an annual renewal, up to three years, with the expiration date of August 11, 2023; and

WHEREAS, the lane markings have been completed and invoice was received after the expiration date, a waiver of bid is needed to process payment; and

WHEREAS, this is a budgeted item.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY
OF BENTONVILLE, ARKANSAS.**

Section 1: That the City of Bentonville is hereby authorized to process payment to Time Striping, Inc. for completed services in the amount of forty-four thousand four hundred twenty-four dollars and sixty cents (\$44,424.60);

Section 2: Due to installation of lane markings being completed, it would be neither practical nor feasible to advertise for competitive bidding so that requirement is herein waived;

Section 3 - Emergency Clause: The need to process payment is immediate, 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 Ordinances: All Ordinances of the City Council, or parts of Ordinances of the City Council, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

STEPHANIE ORMAN, Mayor

KIRBY ROMINES, City Clerk



City of Bentonville, Arkansas Agenda Item Form

Item Details

Council Meeting Date:	10/24/2023	Submitted By:	Travis Matlock
Phone:	479-271-5941	For Department(s):	Electric
Email:	tmatlock@bentonvillear.com		

Item Type (Check all that apply)

☐ Informational	☐ Bid Award	☐ Enter into an Agreement	☐ Change Order
☐ Recognizing Funds	☒ Budget Adjustment	☐ Waiver of Bid	☐ Emergency Clause
☐ Ordinance	☒ Resolution	☐ Informational	

Title, Recommendation & Justification

Title:	Budget Adjustment for Electric Department Top Out Checks
Action Recommendation & Justification:	Approve a Resolution for a Budget Adjustment allocating \$65,000.00 from Electric Department Account 41310 to Accounts 41510 (\$25,000.00) and 41810 (\$40,000.00) to cover top-out payments. A Budget Adjustment is needed to allocate funds. Approved by Utility Board 5-0.
Additional Comments for Consideration (Optional):	When the City made the decision to do away with the COLA, the Electric Dept. linemen did not receive any merit or single top-out check. This was not placed in the 2023 Electric Dept. budget. This budget adjustment moves money into the wages and benefits to cover the top-out checks. There is no impact to the Electric Dept.
Amount for Approval:	\$ 0

Budget Impact

Is this Item Budgeted? ☐ YES ☒ NO ☐ ITEM HAS NO COST ☐ OTHER: _____

Budget Adjustment (to be completed by Finance when applicable)

Account Number (ORG-OBJECT)	Account Description	Expense	Revenue
503010-41310	Overtime Wages	\$ -65,000	\$
503010-41510	FICA and Medicare	\$ 25,000	\$
503010-41810	Retirement	\$ 40,000	\$
Account Number (ORG-OBJECT)	Account Description	Expense	Revenue

Fund(s) Impacted

(check all that apply)

☐ General Fund ☒ Utility Fund ☐ Street Fund ☐ Other(s): _____

Budget Impact Notes for Consideration (Optional):

City of Bentonville, Arkansas

City Hall

305 SW A Street Bentonville, AR 72712

www.bentonvillear.com

Please Recycle!

RESOLUTION NO. _____

A RESOLUTION ADJUSTING THE 2023 BUDGET TO APPROPRIATE SIXTY-FIVE THOUSAND DOLLARS (\$65,000.00) FROM UTILITY FUND OVERTIME WAGES INTO TO VARIOUS ACCOUNTS IN ORDER TO PROVIDE FOR TOP OUT CHECKS FOR THE BENTONVILLE ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, a budget adjustment is required to provide for top out checks and will be funded from the Utility Fund Overtime and Wages.

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

Section 1: The 2023 Budget is adjusted to appropriate sixty-five thousand dollars (\$65,000.00) from Account # 503010-41310 – Overtime Wages into Account #503010-41510 – FICA and Medicare in the amount of twenty-five thousand dollars (\$25,000.00) and Account #503010-41810 – Retirement in the amount of forty thousand dollars (\$40,000.00);

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 Provisions: 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.

PASSED AND APPROVED THIS _____ DAY OF _____, 2023.

APPROVED:

STEPHANIE ORMAN, MAYOR

ATTEST:

KIRBY ROMINES, CITY CLERK



BVR Properties, LLC, (RZ23-0068)

1304 Bella Vista Road

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0068
Applicant / Current Owner	BVR Properties, LLC
Site Area	+/- 0.62 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential
Current Future Land Use Map Designation	Residential Estate
Requested Future Land Use Map Designation	Medium Density Residential (MDR)
Development Type / Use	Single or Two Family Residences
Related projects	N/A

Property Description

This property is located at 1304 Bella Vista Road and is currently zoned R-1, Low-Density Single-Family Residential. All adjacent zoning are also R-1, Low-Density Single-Family Residential, however many of the surrounding residences are two-family.

Project Details

The Future Land Use Plan currently shows this property as Low-Density Residential. However, the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These areas include townhouses or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The R-2 District encourages the basic land use restrictions as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residences to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

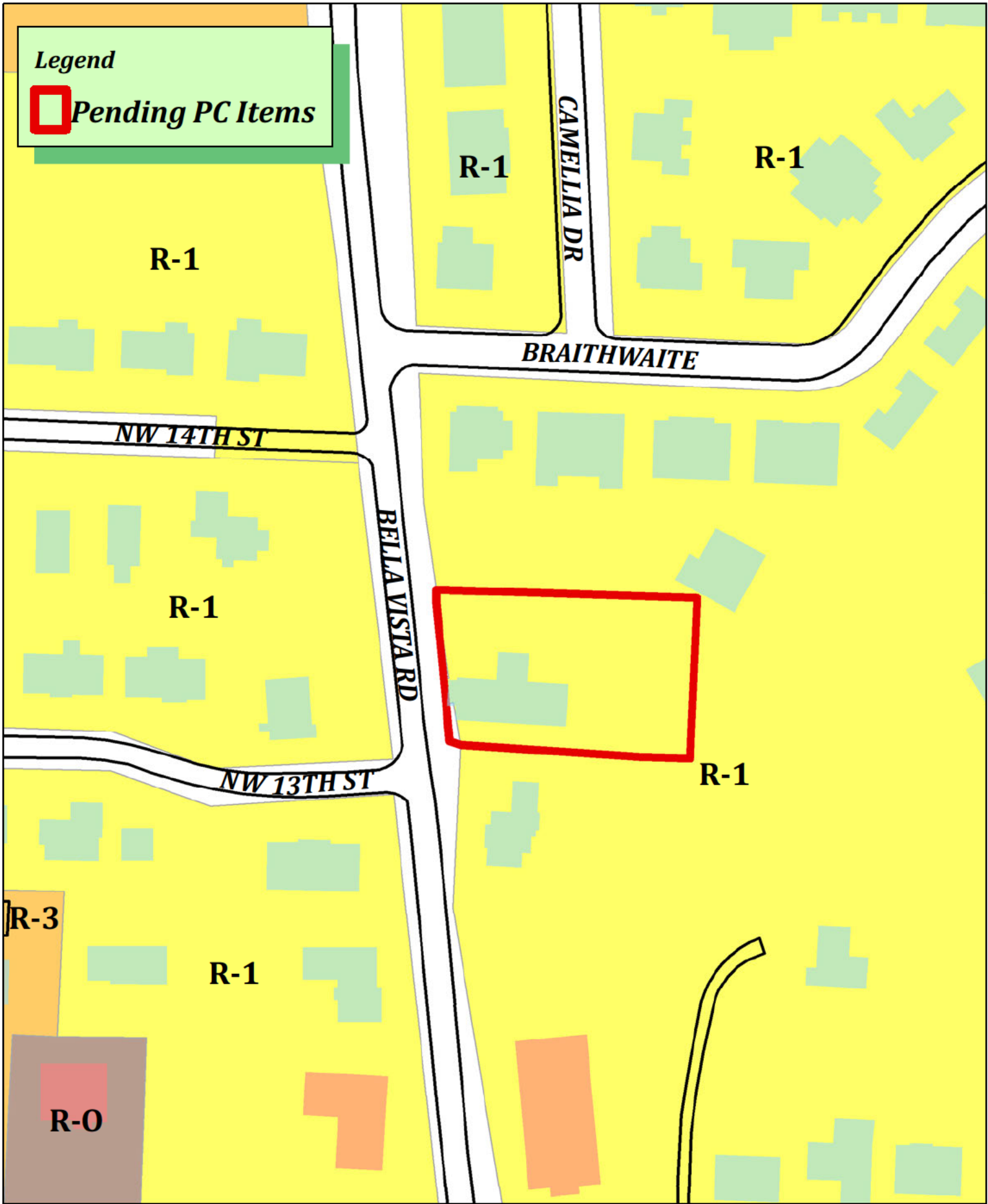
Conclusion

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses immediately adjacent to the subject property, along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

Should the Planning Commission approve the Future Land Use Plan Amendment, planning staff recommends approval of the rezoning request. Should the Planning Commission deny the Future Land Use Plan Amendment, planning staff recommends denial of the rezoning.

Additional Details

N/A



Legend

 Pending PC Items



RZ23-0068
BVR Properties LLC.
R-1 to R-2



Rezone Narrative

Owner: BVR Properties LLC
Address: 1304 Bella Vista Rd.
Bentonville, AR 72712

Current Zoning: R-1, Single Family Residential

Proposed Zoning: R-2, Medium Density Two Family and Townhome Residential

Owner: BVR Properties LLC

Reason for rezoning: Setback change with R-2.

How will property relate to surrounding properties: The current surrounding properties are all zoned R-1, Single Family Residential.

Proposed Use: 4 Single Family Residential Lots/Homes.

Traffic: The current city infrastructure is adequate to accommodate the use. No significant impact is expected to traffic.

Signage: Any signage to comply with city ordinances and regulations. None planned.

Appearance: 4 Single Family Residential Lots/Homes.

Water and Sewer Availability: Water mains and a 8" Sanitary system are available to serve the property. New water meters and sanitary service lines will need to be constructed.

R223-00 68
①

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

The common description of the property is: 1304 Bella Vista Rd.

The public hearing will be held Oct. 17th, 20 23 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I/we have no objections to the rezoning.
☒ I/we object to the rezoning because:

Medium density zoning changes the fundamental type of structures constructed in the area. The entire surrounding area is zoned R-1.

Signature and Physical Address



Bentonville, AR 72712

Signature and Physical Address

RZB-8068
(2)

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

The common description of the property is: 1304 Bella Vista Rd.

The public hearing will be held Oct. 17th, 2023 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☒ I / we have no objections to the rezoning.
☐ I / we object to the rezoning because:



Signature and Physical Address

Genesis Gymnastics Academy
524 Tiger Blvd
Bentonville

Signature and Physical Address

RESOLUTION NO. _____

**A RESOLUTION AMENDING THE CITY OF BENTONVILLE FUTURE LAND USE
MAP FOR A SPECIFIC AREA FROM RESIDENTIAL ESTATE TO MEDIUM-
DENSITY RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0068)**

WHEREAS, BVR Properties, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present land use classification of RESIDENTIAL ESTATE to MEDIUM-DENSITY RESIDENTIAL, which property is described as follows:

LOT 10, BLOCK 2, BRAITHWAITE PARK SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 2013 AT PAGE 35, RECORDS OF BENTON COUNTY, ARKANSAS, BEING A LOT SPLIT OF PART OF LOT 2, BLOCK 2 BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 at the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said future land use classification as presented on the property be changed.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS:

Section 1: That the above described real property is hereby changed from its present land use classification of RESIDENTIAL ESTATE to MEDIUM-DENSITY RESIDENTIAL on the City of Bentonville Future Land Use Map;

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 Provisions: 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.

PASSED AND APPROVED this ____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



BVR Properties, LLC, (RZ23-0068)

1304 Bella Vista Road

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0068
Applicant / Current Owner	BVR Properties, LLC
Site Area	+/- 0.62 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	R-2, Medium Density Two Family and Townhome Residential
Current Future Land Use Map Designation	Residential Estate
Requested Future Land Use Map Designation	Medium Density Residential (MDR)
Development Type / Use	Single or Two Family Residences
Related projects	N/A

Property Description

This property is located at 1304 Bella Vista Road and is currently zoned R-1, Low-Density Single-Family Residential. All adjacent zoning are also R-1, Low-Density Single-Family Residential, however many of the surrounding residences are two-family.

Project Details

The Future Land Use Plan currently shows this property as Low-Density Residential. However, the applicant is requesting a change to the Future Land Use Map to Medium-Density Residential. These areas include townhouses or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near Downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

This property is located within Priority Area 2, Infill, as identified in Chapter 4 of the Bentonville Community Plan. This area looks to leverage the City's existing investments in utilities and streets to accommodate new development.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The R-2 District encourages the basic land use restrictions as the R-1 District. It allows slightly higher population density than the R-1 District, with residential and related uses separated from commercial and industrial activity. Such a district shall encourage and maintain duplex and patio home development at appropriate locations. The R-2 District has a dual purpose. First, the district should provide areas for the development of two-family residential structures. Second, the district should facilitate conversion of one family residences to two-family use in established developed areas. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can be established. Such a district can also be located in medium density areas where conversion may facilitate their continuation as a desirable area.

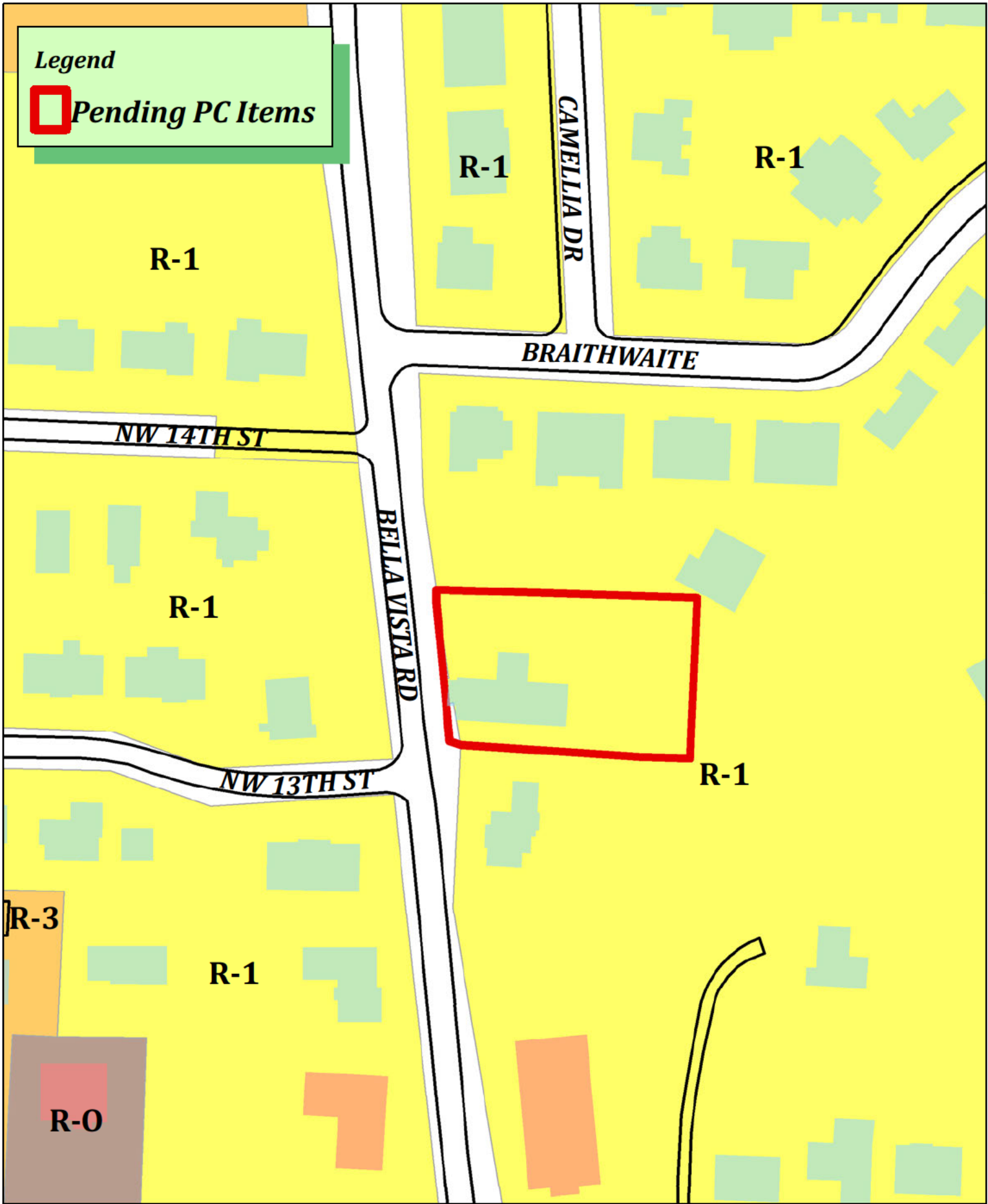
Conclusion

This request is not consistent with the Future Land Use Plan. However, the context of the property - with a significant number of existing two-family residential uses immediately adjacent to the subject property, along with the goals of the Community Plan to capitalize on the existing infrastructure in this part of the City, an amendment to the Future Land Use Plan to Medium-Density Residential would be appropriate.

Should the Planning Commission approve the Future Land Use Plan Amendment, planning staff recommends approval of the rezoning request. Should the Planning Commission deny the Future Land Use Plan Amendment, planning staff recommends denial of the rezoning.

Additional Details

N/A



RZ23-0068
BVR Properties LLC.
R-1 to R-2



Rezone Narrative

Owner: BVR Properties LLC
Address: 1304 Bella Vista Rd.
Bentonville, AR 72712

Current Zoning: R-1, Single Family Residential

Proposed Zoning: R-2, Medium Density Two Family and Townhome Residential

Owner: BVR Properties LLC

Reason for rezoning: Setback change with R-2.

How will property relate to surrounding properties: The current surrounding properties are all zoned R-1, Single Family Residential.

Proposed Use: 4 Single Family Residential Lots/Homes.

Traffic: The current city infrastructure is adequate to accommodate the use. No significant impact is expected to traffic.

Signage: Any signage to comply with city ordinances and regulations. None planned.

Appearance: 4 Single Family Residential Lots/Homes.

Water and Sewer Availability: Water mains and a 8" Sanitary system are available to serve the property. New water meters and sanitary service lines will need to be constructed.

R223-00 68
①

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

The common description of the property is: 1304 Bella Vista Rd.

The public hearing will be held Oct. 17th, 20 23 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☐ I/we have no objections to the rezoning.
☒ I/we object to the rezoning because:

Medium density zoning changes the fundamental type of structures constructed in the area. The entire surrounding area is zoned R-1.

[Redacted Signature and Physical Address]

[Redacted Signature and Physical Address]

Signature and Physical Address

Signature and Physical Address

Bentonville, AR 72712

RZB-8068
(2)

NOTICE OF INTENT TO REZONE

BVR Properties LLC, Neil Greenhaw has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

R-1, Single Family Residential to R-2, Medium Density 2 Family & Townhome Residential

The legal description of the property is as follows:

Lot 10, Block 2, Braithwaite Park Subdivision, Bentonville, Benton County, Arkansas as shown on Survey Recorded in Plat Book 2013 at Page 35, Records of Benton County, Arkansas, Being a Lot Split of Part of Lot 2, Block 2 Braithwaite Park Subdivision, Benton County, Arkansas.

The common description of the property is: 1304 Bella Vista Rd.

The public hearing will be held Oct. 17th, 2023 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☒ I / we have no objections to the rezoning.
☐ I / we object to the rezoning because:



Signature and Physical Address

Genesis Gymnastics Academy
524 Tiger Blvd
Bentonville

Signature and Physical Address

ORDINANCE NO. _____

**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 R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME
RESIDENTIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0068)**

WHEREAS, BVR Properties LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 10, BLOCK 2, BRAITHWAITE PARK SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON SURVEY RECORDED IN PLAT BOOK 2013 AT PAGE 35, RECORDS OF BENTON COUNTY, ARKANSAS, BEING A LOT SPLIT OF PART OF LOT 2, BLOCK 2 BRAITHWAITE PARK SUBDIVISION, BENTON COUNTY, ARKANSAS;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to R-2, MEDIUM DENSITY TWO FAMILY AND TOWNHOME RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Lovell Revocable Trust, (RZ23-0069)

1110 Southeast Walton Boulevard

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0069
Applicant / Current Owner	Lovell Revocable Trust
Site Area	+/- 4.62 Acres
Current Zoning	A-1, Agriculture
Requested Zoning	C-2, General Commercial
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	N//A
Development Type / Use	Unknown at this time
Related projects	N/A

Property Description

This property is located at 1110 SE Walton Boulevard, southeast of the intersection of SE Walton Blvd and SE J St, and is currently zoned A-1, Agriculture. All adjacent properties are zoned C-2, including the property directly to the south in the City of Rogers. A three-unit apartment building, one single family home, and two outbuildings exist on the site which is otherwise undeveloped.

Project Details

Relationship to the General Plan / Projected Traffic Impact

The Future Land Use Map classifies this property as General Commercial. General Commercial areas include uses that serve both nearby residents and those coming from other parts of the city or region. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged but are not as high a priority as in mixed-use or downtown commercial areas. General commercial uses should balance access between pedestrians and vehicles, though the

Relationship to the General Plan / Projected Traffic Impact

impacts of parking should be minimized through site design and landscaping. This property is located within Priority Area 2, Infill, as outlined in chapter 4 of the Bentonville Community Plan. This area supports the development of vacant properties already served by infrastructure within the context of existing development.

The South Walton Blvd Localized Framework Plan (Bentonville Community Plan - pg. 73, Chp. 6) directly identifies this property as a potential site for new development. The localized framework plan recommends this area's core focus be: "Intense mixed-commercial development, including retail, restaurant, hospitality and service uses, all with coordinated and managed access in an attractive and well landscaped setting."

Public Comment

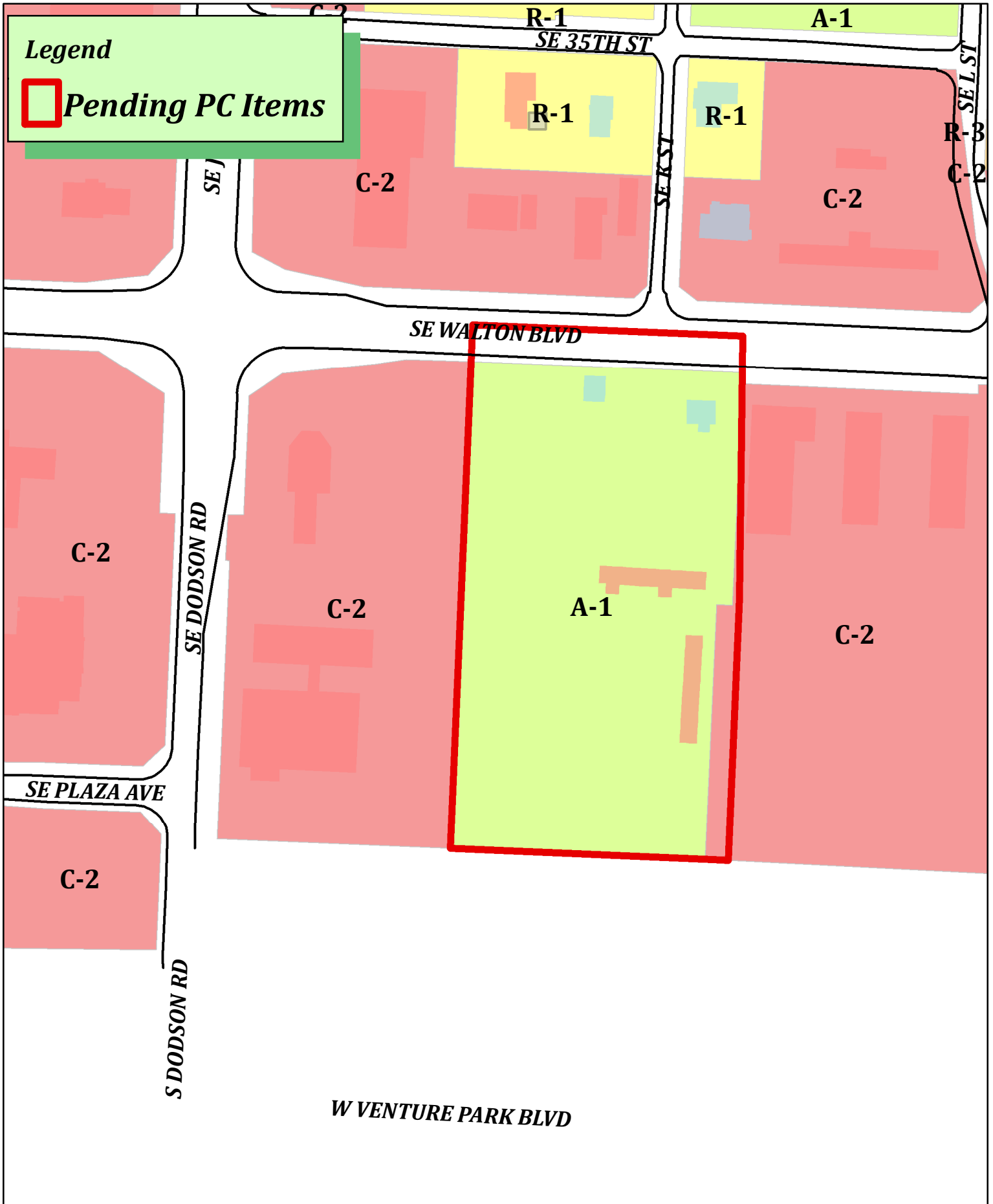
Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

Conclusion

This request is consistent with the Future Land Use Plan and the Bentonville Community Plan. Recent development activity in the surrounding area is also compatible with the applicants' request. For these reasons, staff recommends approval of the requested rezoning.

Additional Details





*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

09-06-2023

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Bentonville Parcel 01-00194-000 Rezoning Application

Dear Planning Commission:

Please accept this narrative letter to accompany a formal request by Melvina Lovell Revocable Trust, owner of real property located in the City of Bentonville, for consideration of a rezoning of parcel 01-00194-000 from A-1, *Agriculture* to C-2, *General Commercial*. The parcel is approximately 4.62 acres.

Pending approval of this rezoning request, a proposed development plan will be submitted to address details of construction. It will be consistent with the allowable uses under the current City of Bentonville zoning code for the proposed district. Zoning of the subject tract as C-2 use will be compatible with the surrounding neighborhood made up of C-2.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.
Dustin Riley, PS

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF A-1, AGRICULTURAL TO C-2, GENERAL
COMMERCIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0069)**

WHEREAS, Melvina Lovell Revocable Trust duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 8, TOWNSHIP 19, NORTH, RANGE 30 WEST, DESCRIBED AS FOLLOWS, TO WIT: BEGINNING AT A POINT 650 FEET WEST OF THE NORTHEAST CORNER (NE) OF SAID NW1/4 OF THE SE1/4 OF SAID SECTION 8, RUNNING THENCE WEST 340 FEET; THENCE SOUTH 660 FEET; THENCE EAST 320 FEET; THENCE NORTH 330 FEET; THENCE EAST 20 FEET; THENCE NORTH 330 FEET; TO THE POINT OF BEGINNING, CONTAINING 5 ACRES, MORE OR LESS, EXCEPT HIGHWAY 71 OFF THE NORTH SIDE THEREOF.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of A-1, AGRICULTURAL to C-2, GENERAL COMMERCIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Freeman Living Trust, (RZ23-0070)

218 and 220 Southwest Glover Street

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0070
Applicant / Current Owner	Freeman Living Trust
Site Area	+/- 0.54 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-2, Downtown Medium Density Residential
Current Future Land Use Map Designation	Medium Density Residential (MDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single or Two Family Residence
Related projects	N/A

Property Description

These properties are located at 218 and 220 Southwest Glover Street. They are both zoned R-1, Low-Density Single-Family Residential and are classified as Medium Density Residential (MDR) on the Future Land Use Plan. All adjacent properties are currently zoned R-1, Low-Density Single-Family Residential. However, there are several properties in the nearby vicinity along Southwest Glover that have already been rezoned to DN-2, Downtown Medium Density Residential or DN-1, Downtown Low Density Residential.

Project Details

The Future Land Use Plan currently shows this property as Medium Density Residential (MDR). These areas include townhouse or duplex residential properties with a typical density of 8-12 units per acre. These areas are found both near downtown and in some recent growth areas. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

This property is located within Priority Area 1, Downtown Intensification, as identified in Chapter 4 of the Bentonville Community Plan. This area highlights reinvestment in urban neighborhoods in and around Downtown Bentonville.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

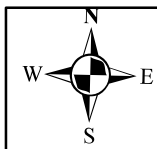
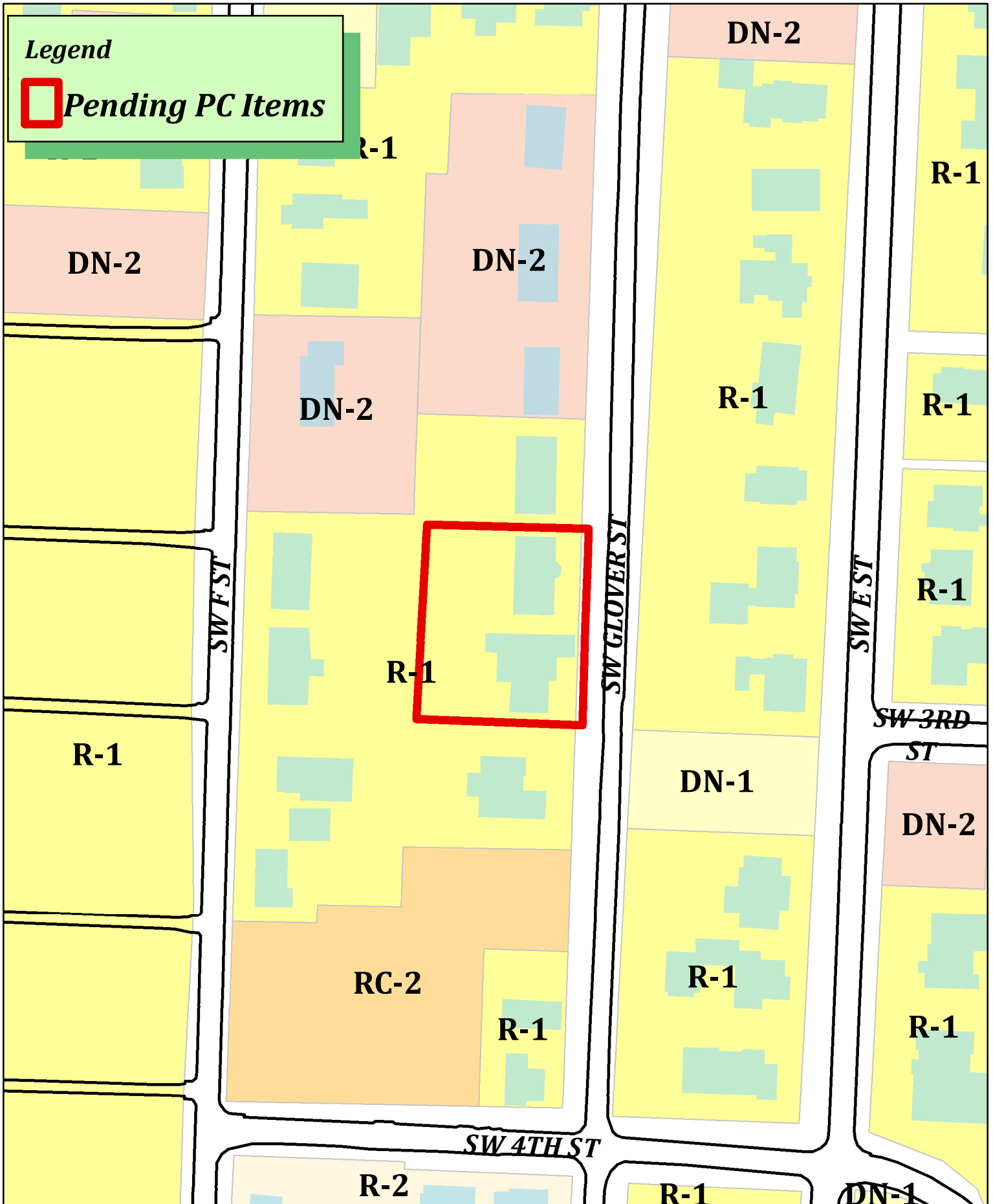
The intent of the DN-2 district is to allow for an increased single-family density through small lot widths where alleys and infrastructure support such development, and where small-lot single-family development provides an appropriate transition between large-lot residential areas and those of higher density. In some instances, such as the end of blocks, townhouses may be appropriate in this district

Conclusion

This request is consistent with the Future Land Use Plan and the allowable uses under the DN-2, Downtown Medium Density Residential zoning district are also compatible with the surrounding neighborhood development patterns. Therefore, the Planning staff recommends approval of the rezoning request.

Additional Details

N/A



RZ23-0070
Freeman Living Trust
R-1 to DN-2



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

ATTORNEYS AT LAW

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

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

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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-01685-000 & 01-01686-000 from R-1 to DN-2

Dear Planning Staff:

I have been retained to assist the applicant, Steve and Julie Freeman, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-01685-000 & 01-01686-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-2, Downtown Low Density Residential. The Properties are designated as "Medium Density Residential" on the Bentonville Future Land Use Map, and no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Land Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-2 is compatible with the surrounding properties, as several lots on Glover St. and adjacent SW F St have recently been rezoned to DN-2. The use, appearance, and traffic generated will be similar to other DN-2-zoned lots, and no signage is contemplated. Finally, both water (8") and sewer (8") are available on Glover St.

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

EXHIBIT A

LEGAL DESCRIPTION

Lot 26, of a Lot Split of Lot 9 in Clark's Addition to the City of Bentonville, Benton County, Arkansas, and creating Lots 26 & 27, as shown in survey recorded as Instrument L202152488.

Lot 27, being a part of a Lot Split of Lot 9, Clark's Addition to the City of Bentonville, Benton County, Arkansas, as originally shown in Plat Record "L" at Page 166, with said plat of Lot Split being recorded on July 14, 2021, as Land Document No. L202152488 in the land records of Benton County, Arkansas.

ORDINANCE NO. _____

**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: RZ23-0070)**

WHEREAS, Freeman Living Trust duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

LOT 26, OF A LOT SPLIT OF LOT 9 IN CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTONCOUNTY, ARKANSAS, AND CREATING LOTS 26 & 27, AS SHOWN IN SURVEY RECORDED AS INSTRUMENT L202152488. LOT 27, BEING A PART OF A LOT SPLIT OF LOT 9, CLARK'S ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS ORIGINALLY SHOWN IN PLAT RECORD "L" AT PAGE 166, WITH SAID PLAT OF LOT SPLIT BEING RECORDED ON JULY 14, 2021, AS LAND DOCUMENT NO. L202152488 IN THE LAND RECORDS OF BENTON COUNTY, ARKANSAS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-2, DOWNTOWN MEDIUM-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Pinnacle Villas, LLC, (RZ23-0071)

208 Northwest G Street

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0071
Applicant / Current Owner	Pinnacle Villas, LLC
Site Area	+/- 0.39 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residence
Related projects	N/A

Property Description

This property is located at 208 Northwest G Street. It is currently zoned R-1, Single Family Residential, and contains an existing single family residence and accessory structure. Adjacent zonings are all R-1, Single Family Residential to the north, east, and south, and RO, Residential Office to the west.

Project Details

The Future Land Use Plan depicts this property as Low Density Residential (LDR) and is surrounded by properties classified as Low Density Residential (LDR) on the future land use plan.

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Relationship to the General Plan / Projected Traffic Impact

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width.

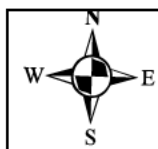
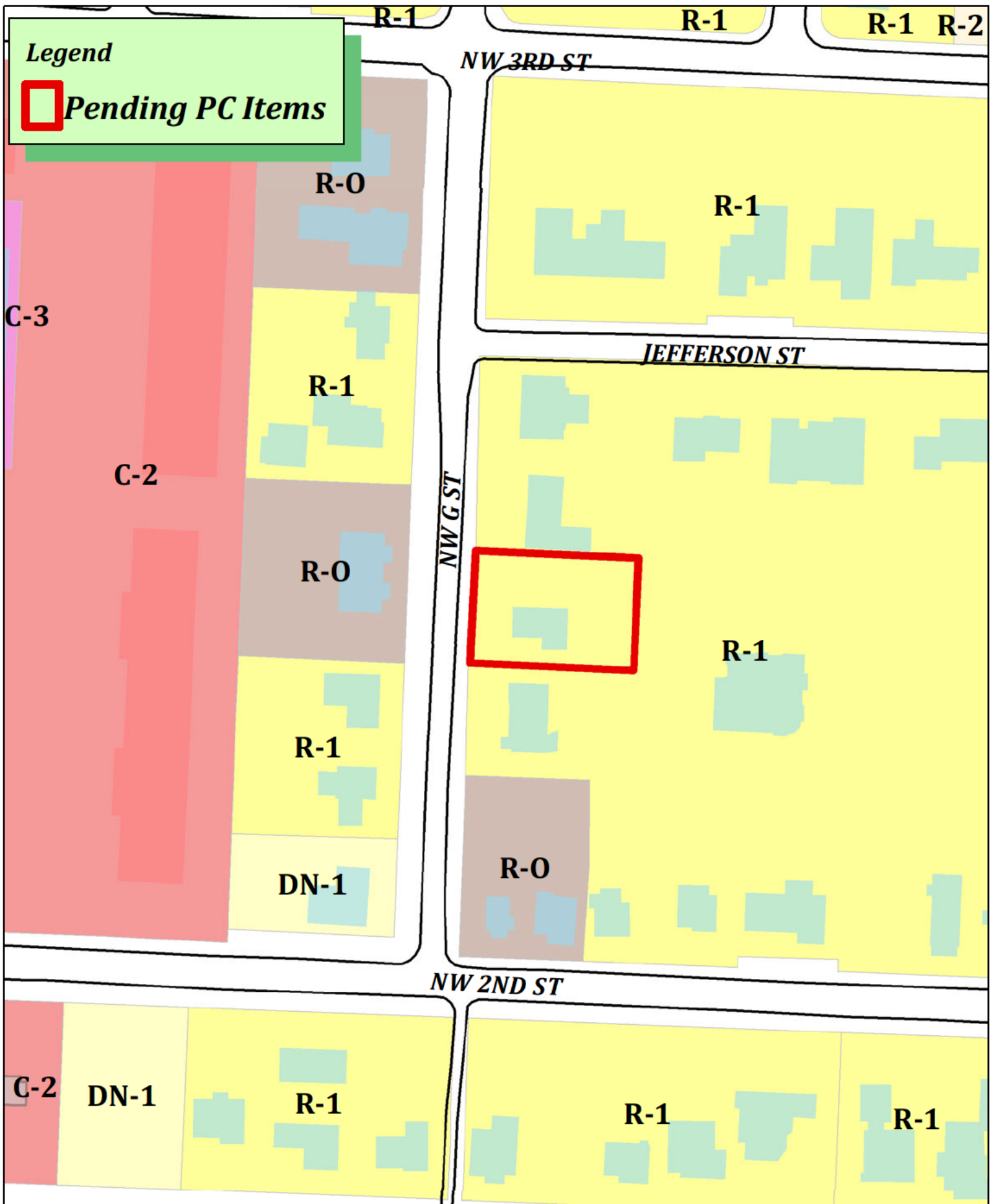
The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city which lends additional support to the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns.

Additional Details

N/A



RZ23-0071
Pinnacle Villas LLC.
R-1 to DN-1



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

ATTORNEYS AT LAW

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

WRITER'S DIRECT E MAIL
wkellstrom@watkinslawoffice.com

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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-00525-000 from R-1 to DN-1

Dear Planning Staff:

I have been retained to assist the applicant, Pinnacle Villas, LLC, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-00525-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-1, Downtown Low Density Residential. The Property is designated as "Low Density Residential" on the Bentonville Future Land Use Map, and therefore, no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Lane Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-1 is compatible with the surrounding properties, as the majority of surrounding lots are zoned R-1, and DN-1 is highly similar to R-1 in nature. The use, appearance, and traffic generated will be similar to other DN-1-zoned lots, and no signage is contemplated. Finally, both water (6") and sewer (8") are available on NW G St..

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

RZ23-0071
①

NOTICE OF INTENT TO REZONE

Pinnacle Villas, LLC has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from R-1, Low Density Single-Family Residential to DN-1, Downtown Low Density Residential

The legal description of the property is as follows:

See attached Exhibit A

The common description of the property is: 208 NW G St.

The public hearing will be held October 17th, 2023 at 5:00 p.m. It will be held at 305 S.W. "A," Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or deliver it to the City of Bentonville Planning Department, 305 SW A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.)

For more information, you may call the Planning Department at (479)271-3122.

I/We have received notice of the public hearing for the rezoning of the above described property and:

- ☒ I / we have no objections to the rezoning.
☐ I / we object to the rezoning because:

I hope there won't be no gangs / drug addicts, or sex offenders to be allowed to move into our quiet neighbor.

Signature and Physical Address

Signature and Physical Address

Bentonville, AR, 72712

ORDINANCE NO. _____

**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: RZ23-0071)**

WHEREAS, Pinnacle Villas LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

PART OF THE SW1/4 OF THE SW1/4 OF SECTION 30, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, COMMENCING AT THE SOUTHWEST CORNER OF SW1/4 OF SAID SECTION 30; THENCE NORTH 43 RODS 7 LINKS, THENCE EAST 43 RODS 15 ½ FEET, THENCE NORTH 93 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 102 FEET, THENCE EAST 147.5 FEET, THENCE SOUTH 102 FEET, THENCE WEST 147.5 FEET TO THE POINT OF BEGINNING.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Wood Family Trust, (RZ23-0072)

308 Southwest E Street

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0072
Applicant / Current Owner	Wood Family Trust
Site Area	+/- 0.30 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Requested Zoning	DN-1, Downtown Low Density Residential
Current Future Land Use Map Designation	Low Density Residential (LDR)
Requested Future Land Use Map Designation	N/A
Development Type / Use	Single Family Residential
Related projects	N/A

Property Description

This property is located at 308 Southwest E Street. It is currently zoned R-1, Low-Density Single-Family Residential, and contains an existing single-family residence. Adjacent zonings are all R-1, Single Family Residential to the north, south, and west, and DN-1, Downtown Low-Density Residential to the southeast.

Project Details

The Future Land Use Plan depicts this property as Low Density Residential (LDR) and is surrounded by properties classified as Low Density Residential (LDR) on the future land use plan.

Low-density residential areas include detached single-family residential properties with a typical density of 3-8 units per acre. While lot size and overall density may vary from one part of the city to another, these areas represent the predominant form of residential development in Bentonville. These areas may also include local amenities for residents, including neighborhood parks, places of worship, etc.

Relationship to the General Plan / Projected Traffic Impact

N/A

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

The intent of the DN-1 district is to preserve the established development pattern of portions of the downtown neighborhoods that are predominantly single-family with lots generally larger than 60 feet in width.

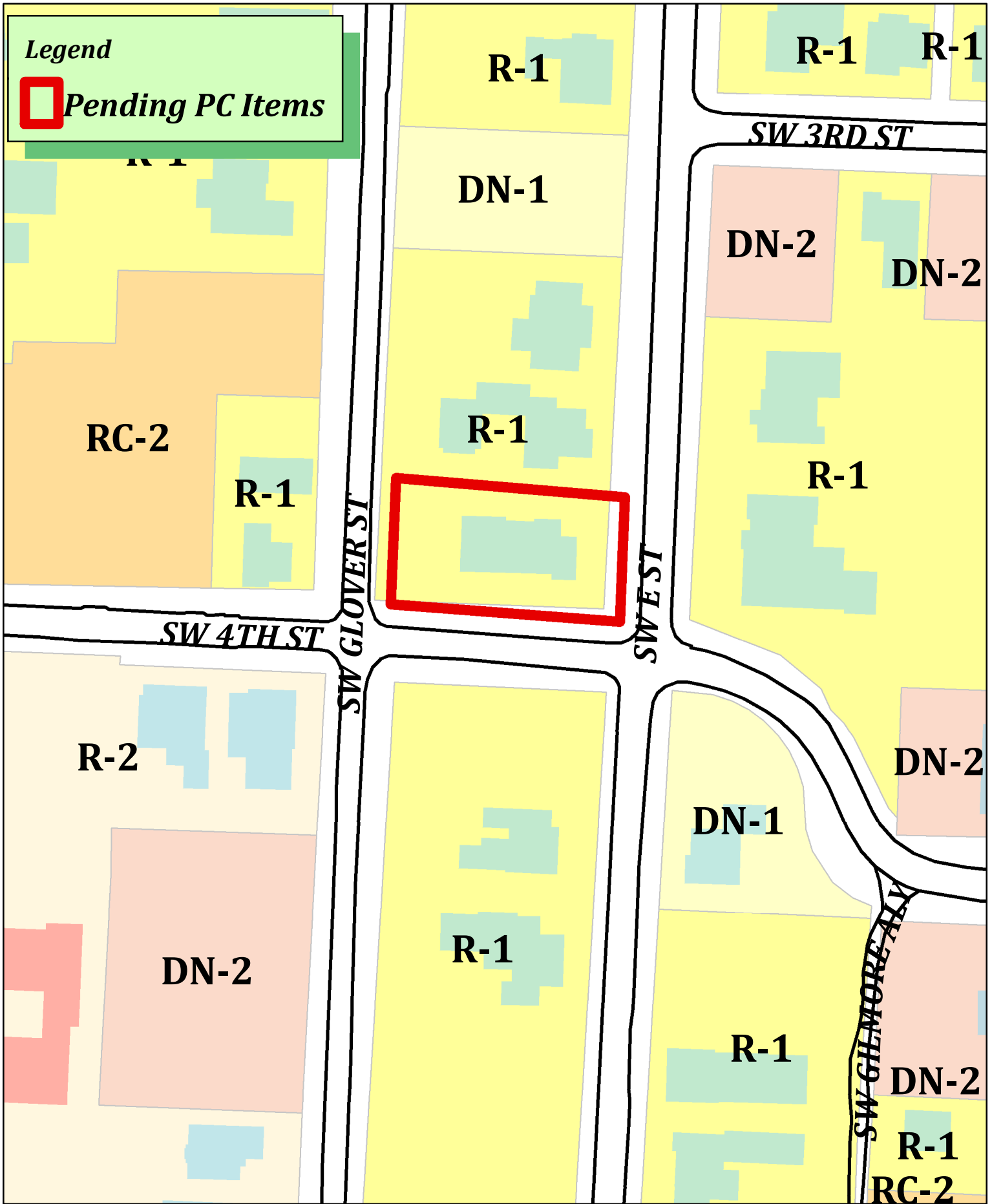
The proposed zoning of DN-1 is consistent with the Future Land Use Plan for this area and is compatible with the surrounding development patterns within this area of the city, which lends additional support to the requested change.

Conclusion

This request is consistent with the Future Land Use Plan, and it is consistent with the uses of the surrounding zoning districts and development patterns. Therefore, the planning staff recommends approval.

Additional Details

N/A



Legend



Pending PC Items



RZ23-0072
Wood Family Trust
R-1 to DN-1



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

ATTORNEYS AT LAW

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

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

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

September 8, 2023

City of Bentonville
Planning Department
305 SW A Street
Bentonville, Arkansas 72712

RE: Rezoning Parcel No. 01-01704-000 from R-1 to DN-1

Dear Planning Staff:

I have been retained to assist the applicant, Wood Family Trust, with respect to this rezoning request. The applicant is requesting that the property, Parcel No. 01-01704-000 (hereinafter "the Property"), be rezoned from R-1, Low Density Single Family, to DN-1, Downtown Low Density Residential. The Property is designated as "Low Density Residential" on the Bentonville Future Land Use Map, and therefore, no amendment is required.

The reason for this rezoning request is to bring the Property into compliance with the Bentonville Future Lane Use Map, and to take advantage of the updated standards under the downtown zoning codes. DN-1 is compatible with the surrounding properties, as the majority of surrounding lots are zoned R-1, and DN-1 is highly similar to R-1 in nature. The use, appearance, and traffic generated will be similar to other DN-1-zoned lots, and no signage is contemplated. Finally, both water (6") and sewer (8") are available on SW E St..

Thank you for considering this request for rezoning. If you have any questions, please contact me at 479-636-2168 or at wkellstrom@watkinslawoffice.com.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

/s/ Will A. Kellstrom

Will A. Kellstrom

ORDINANCE NO. _____

**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: RZ23-0072)**

WHEREAS, Wood Family Trust duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

THE SOUTH ½ OF LOT 18, CLARK’S ADDITION, BENTONVILLE, BENTON COUNTY,
ARKANSAS, AS SHOWN ON PLAT RECORD “L” AT PAGE 166.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of R-1, LOW DENSITY SINGLE FAMILY RESIDENTIAL to DN-1, DOWNTOWN LOW-DENSITY RESIDENTIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk



Doaba Investment, LLC, (RZ23-0074)

Southwest Regional Airport Boulevard

PC Date: 10/17/2023

Reviewer: Luke Aitken, Planning Technician

Staff Report Details

Project Number	RZ23-0074
Applicant / Current Owner	Doaba Investment, LLC
Site Area	+/- 2.26 Acres
Current Zoning	Planned Unit Development (PUD) Expired
Requested Zoning	C-2, General Commercial
Current Future Land Use Map Designation	General Commercial
Requested Future Land Use Map Designation	N/A
Development Type / Use	Commercial
Related projects	RZ23-0073 and LS23-0049

Property Description

This property is located along Southwest Regional Airport Blvd. It is currently zoned PUD, Planned Unit Development. The property is presently undeveloped. Adjacent zonings are PUD, Planned Unit Development to the West and South, C-2, General Commercial to the North, C-2, Commercial to the East.

Project Details

Relationship to the General Plan / Projected Traffic Impact

The Future Land Use Plan depicts this property as C, General Commercial. General commercial areas include uses that serve both nearby residents and those coming from other parts of the city or region. Appropriate uses in these areas include retail, restaurants, services, and offices. Vertical mixed-use developments are encouraged, but are not as high a priority as in mixed-use or downtown commercial areas. General commercial uses should balance access between pedestrians and vehicles, though the impacts of parking should be minimized through site design and landscaping. Surrounding Land Use

Relationship to the General Plan / Projected Traffic Impact

designations include General Commercial, High-Density Residential, Residential Estate, and Low-Density Residential.

Public Comment

Has Staff Received Public Comment regarding this request? : **No**

Analysis / Waivers

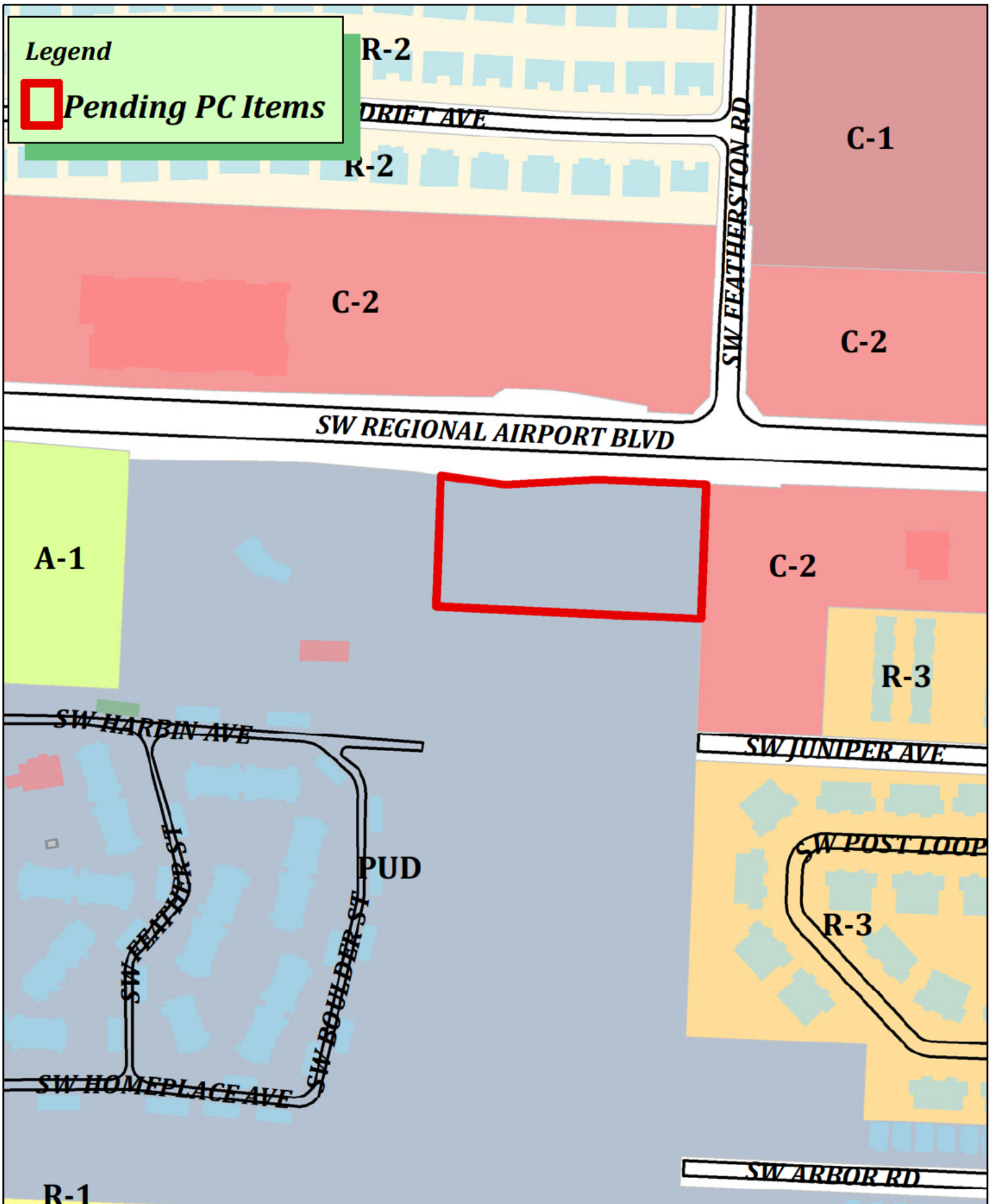
This request is half of a two-part request to rezone all of a single parcel to two separate zoning districts. The 'front' portion, or northern portion, includes roughly two acres and most of the frontage along Southwest Regional Airport Blvd. This front portion is requested to be rezoned to C-2, General Commercial.

The proposed zoning is consistent with the Future Land Use Plan, and the proposed zoning is consistent with the existing developed fabric of this corridor, its proximity to both Regional Airport Blvd. and Morningstar Road, both of which are classified as arterials, and the existing density of the east and west neighborhoods.

Conclusion

Staff recommends approval of this rezoning request.

Additional Details



RZ23-0074
Doaba Investment LLC.
PUD to C-2





Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
ceieng.com

September 8, 2023

City of Bentonville
Planning Dept.
305 SW A St.
Bentonville, AR 72712

RE: Bentonville Parcel 01-12833-000 Rezoning Application

Dear Planning Commission:

Please accept this narrative letter to accompany a request by Doaba Investment LLC, owner of real property located in the City of Bentonville, Benton County parcel 01-12833-000 (13.35± acres). The requested rezone is for the northern 2.25± acres of the parent tract frontage from PUD *Planned Unit Development* to C-2, *General Commercial* (See pdf of Rezone Map for proposed lot area). The parcel is on the southwest corner of at SW Regional Airport Blvd and SW Featherston Rd. Development of the property is anticipated by the current owner.

Pending approval of this rezoning request, a proposed development plan will be submitted to address details of construction. It will be consistent with the allowable uses under the current city of Bentonville zoning code for the proposed district. Zoning of the subject tract as C-2 uses will be compatible with the surrounding neighborhood made up of C-2 to the north and east along SW Regional Airport Blvd with R-3 townhomes to the east, R-1 subdivision to the south, and a PUD with multifamily to the southeast corner and to the west. The development intends to add commercial frontage to Airport Blvd.

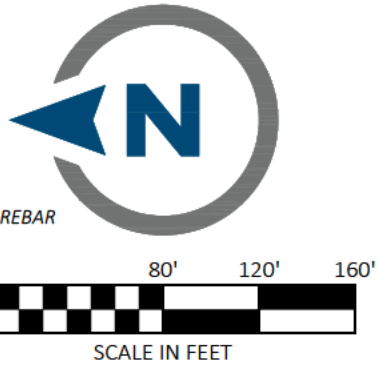
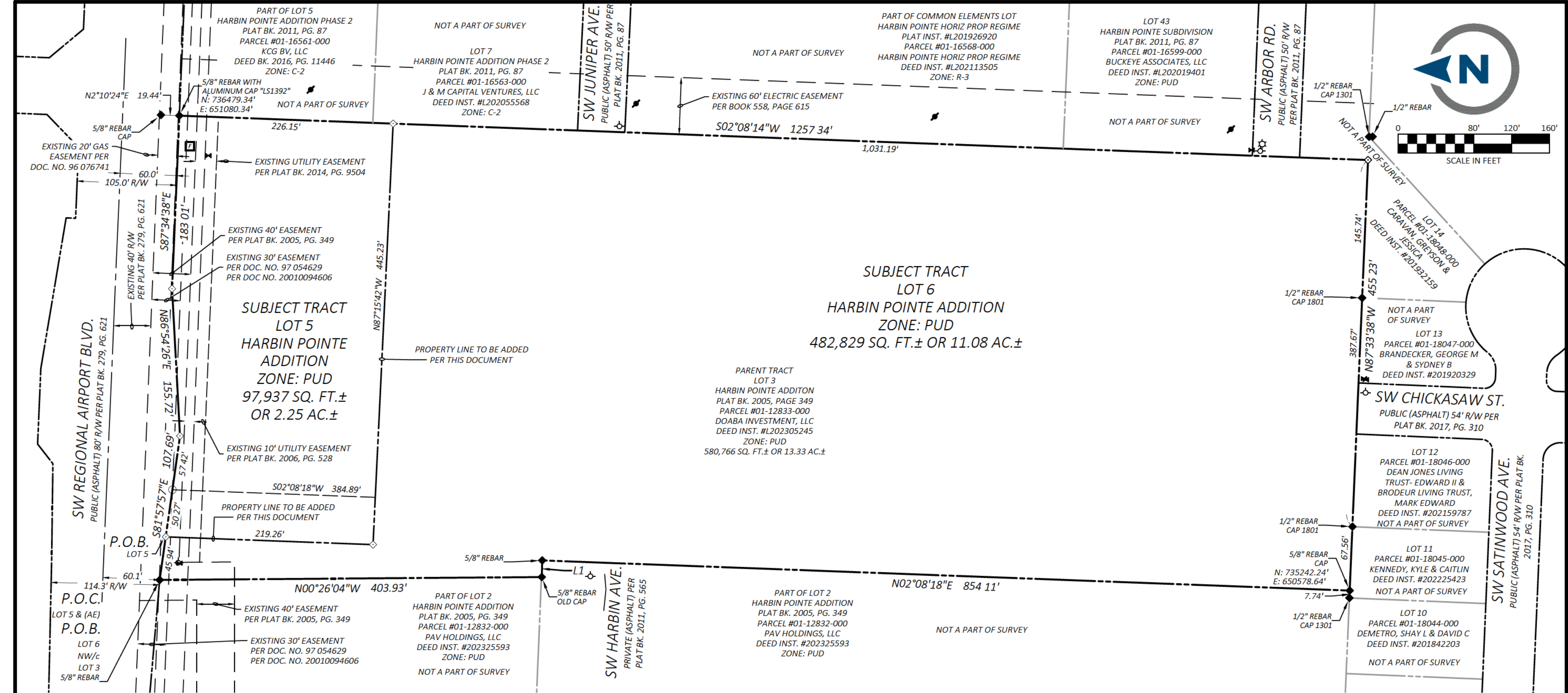
Access to this development will be provided by the existing street network (public connections are available at SW Regional Airport Blvd, SW Juniper Ave, SW Arbor Rd, SW Chickasaw St; private connection at SW Harbin Ave) with parking counts to meet code requirements. An increase of traffic can be expected from the development of the commercial property and apartments, which is being analyzed in a traffic study. All necessary utilities for the proposed development are available with an 18" water line and 12" gravity sewer along Airport Blvd or by existing connections adjacent to the subject tract (four 8" water connections and two 8" gravity sewer connections); a sewer capacity study is also anticipated for the forthcoming development plans. Signage is anticipated for the development.

Thank you for your time and consideration in this matter.

Respectfully submitted,
CEI Engineering Associates, Inc.

Chad Caletka, Project Manager

DRAWING LOCATION - S:\330001\330049\DRAWINGS\SURVEY\WORKING\33049LS.DWG - SAVED BY - MKETKEDRASMV



Legend

- Boundary Line
- Adjoining Boundary Line
- Right-of-Way Line
- Easement Line
- Centerline
- Bearing & Distance Change
- Drainage Manhole (DMH)
- Fire Hydrant
- Sewer Manhole (SMH)
- Utility Pole
- Electric Riser
- Water Valve
- Light Pole Straight
- Fiber Optic Vault
- Found Monument (As Noted)
- Set 5/8" Rebar "LS#1618"
- Found Nail (As Noted)
- Right-of-Way
- Access Easement

Property Line Table		
Line #	Direction	Length
L1	N88°28'34"W	17.57'

Easement Curve Table					
Curve #	Radius	Length	Delta	Chord Bearing	Chord Distance
EC1	25.00'	39.01'	89°24'00"	S42°33'42"E	35.17'

Parent Tract Description, per Deed Instrument No. L202305245:

LOT 3 OF THE LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, AS SHOWN IN PLAT BOOK 2005, PAGE 349 OF THE RECORDS OF BENTON COUNTY, ARKANSAS.

LESS AND EXCEPT: PART OF LOT 3, LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, LOCATED IN THE NW1/4 OF THE SE1/4 OF SECTION AA, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT A MAG NAIL FOUND AT THE CENTER EAST SIXTEENTH CORNER OF SAID SECTION 11; THENCE ALONG THE EAST LINE OF SAID NW1/4 OF THE SE1/4, SOUTH 02°11'01" WEST A DISTANCE OF 45.00 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY HARBIN POINT ADDITION PHASE 2 RECORDED IN PLAT BOOK 2011, PAGE 87 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, NORTH 87°38'54" WEST ALONG SAID SOUTHERN RIGHT OF WAY A DISTANCE OF 25.72 FEET TO THE EAST LINE OF SAID LOT 3 AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST LINE, SOUTH 02°08'59" WEST A DISTANCE OF 14.42 FEET TO THE SOUTHERN RIGHT-OF-WAY OF HIGHWAY 12 AS ESTABLISHED BY AHTD JOB 090251; THENCE ALONG SAID SOUTHERN RIGHT OF WAY THE FOLLOWING BEARING AND DISTANCES: NORTH 87°33'55" WEST A DISTANCE OF 182.95 FEET; SOUTH 86°54'26" WEST A DISTANCE OF 155.72 FEET; NORTH 81°58'01" WEST A DISTANCE OF 153.76 FEET TO THE WEST LINE OF SAID LOT 3; THENCE ALONG SAID WEST LINE, NORTH 00°26'04" WEST A DISTANCE OF 16.73 FEET TO THE SOUTHERN RIGHT OF WAY OF HIGHWAY 12 AS ESTABLISHED BY LOT SPLIT OF LOTS 1-4 HARBIN POINTE ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, PLAT BOOK 2005, PAGE 349 AS FILED IN BENTON COUNTY; THENCE ALONG SAID SOUTHERN RIGHT OF WAY SOUTH 87°38'54" EAST A DISTANCE OF 491.73 FEET; THENCE ALONG SAID SOUTHERN RIGHT OF WAY, SOUTH 02°08'59" WEST A DISTANCE OF 3.00 FEET TO THE POINT OF BEGINNING, AS SHOWN ON AHTD PLANS, REFERENCED AS JOB 090251.



ATLAS PAGE: 483

City of Bentonville Project #

State Survey Code: 500-19N-31W-0-11-140-04-1618



CEI
Solutions for
Land and Life

CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 920
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732

Lot Split of Part of Lot 3
SW Regional Airport Boulevard
Bentonville, Benton County, Arkansas

Preliminary
This document shall
not be recorded for any
purpose and shall not
be used or viewed or
relied upon as a final
survey document

PROFESSIONAL OF RECORD	DGR
DESIGNER	MEK
FIELD WORK	KTC
CEI PROJECT NUMBER	33049
DATE	9/8/2023
REVISION	REV-0

Lot Split Sheet

SHEET TITLE
SHEET NUMBER

2 OF 2

R223-0074
(2)

NOTICE OF INTENT TO REZONE

CEI Engineering Associates, Inc

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

A-1, Agricultural

to

C-2, General Commercial

The legal description of the property is as follows:

A part of the Northwest Quarter (NW1/4) of the Southeast Quarter (SE1/4) of Section 8, Township 19, North, Range 30 West, described as follows, to wit: Beginning at a point 650 feet West of the Northeast Corner (NE) of Said NW1/4 of the SE1/4 of said Section 8, running thence West 340 feet; thence South 660 feet; thence East 320 feet; thence North 330 feet; thence East 20 feet; thence North 330 feet; to the point of beginning, containing 5 acres, more or less, EXCEPT highway 71 off the North side thereof.

The common description of the property is: Agriculture

Proposed land use: Commercial

The public hearing will be held October 17th 2023 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☒ I / we have no objections to the rezoning.

☐ I / we object to the rezoning because:

MATHIAS SHOPPING CENTERS, INC.

PRESIDENT
Signature and Physical Address
ARTHUR THURMAN

Signature and Physical Address

R223-0074
①

NOTICE OF INTENT TO REZONE

CEI Engineering on behalf of Doaba Investment, LLC

has requested the Bentonville Planning Commission to set a public hearing date to consider rezoning the following property from

PUD, Planned Unit Development

to

C-2 General Commercial

The legal description of the property is as follows:

See attached

The common description of the property is: Frontage of SW Regional Airport Blvd (Southwest of Featherston Rd)

Proposed land use: General Commercial

The public hearing will be held October 17, 2023 at 5:00 p.m. It will be held at 305 S.W. "A" Street.

This notification is in response to the requirement that all property owners within 200 feet of said property must be notified. If you wish to express any comments about the requested rezoning, you may respond by the following methods:

1. Attend the public hearing and express your views.
2. Express your opinion in writing to the Planning Commission. You may mail this or and deliver it to the City of Bentonville Planning Department, 305 S.W. A Street, Bentonville, AR 72712.
3. Use the bottom of this form to express your opinion by checking the appropriate box. (This may also be delivered or mailed to the above address.).

For more information, you may call the Planning Department at (479) 271-3122.

I/we have received notice of the public hearing for the rezoning of the above described property and:

☐ I / we have no objections to the rezoning.

☒ I / we object to the rezoning because:

Signature and Physical Address

Bentonville, AR 72713

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT ZONING
CLASSIFICATION OF PUD, PLANNED UNIT DEVELOPMENT TO C-2,
GENERAL COMMERCIAL; AND FOR OTHER PURPOSES.
(PROJECT NUMBER: RZ23-0074)**

WHEREAS, Doaba Investment LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present zoning classification of PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL to be used in accordance with city zoning laws and state laws, which property is described as follows:

A PART OF LOT 3 OF THE LOT SPLIT OF LOTS 1-4, HARBIN POINTE ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2005, PAGE 349, BEING A PORTION OF LAND CONVEYED TO DOABA INVESTMENT, LLC, DESCRIBED IN DEED INSTRUMENT NO. L202305245 AND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: COMMENCING AT A 5/8" REBAR FOUND AT THE NORTHWEST CORNER OF SAID LOT 3; THENCE ALONG THE SOUTH RIGHT-OF-WAY OF SW REGIONAL AIRPORT BOULEVARD PER PLAT BOOK 279, PAGE 621, SOUTH 81°57'57" EAST, 45.94 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618" ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES: 1. SOUTH 81°57'57" EAST, 107.69 FEET; 2. NORTH 86°54'26" EAST, 155.72 FEET; 3. SOUTH 87°34'38" EAST, 183.01 FEET TO A 5/8" REBAR WITH AN ALUMINUM CAP STAMPED "LS1392" BEING THE NORTHEAST CORNER OF SAID LOT 3; THENCE LEAVING SAID RIGHT-OF-WAY, SOUTH 02°08'14" WEST, 226.15 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618"; THENCE NORTH 87°15'42" WEST, 445.23 FEET TO A SET 5/8" REBAR WITH CAP STAMPED "LS#1618"; THENCE NORTH 02°08'16" EAST, 219.26 FEET TO THE POINT OF BEGINNING AND CONTAINING 97,937 SQUARE FEET OR 2.25 ACRES, MORE OR LESS.;

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held October 17, 2023 in the Council Chambers of the City of Bentonville;

WHEREAS, public notice of said hearing having been published in the Northwest Arkansas Democrat-Gazette for the time and in the manner required by law; and

WHEREAS, the Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL.

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

Section 1: That the above described real property is hereby changed from its present zoning classification of PUD, PLANNED UNIT DEVELOPMENT to C-2, GENERAL COMMERCIAL to be used in accordance with the city zoning laws and state laws;

Section 2 - 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 3 - 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 AND APPROVED this _____ day of _____, 2023.

APPROVED:

ATTEST:

Stephanie Orman, Mayor

Kirby Romines, City Clerk