



BENTONVILLE CITY COUNCIL AGENDA

**Committee of the Whole
Community Development
Planning Commission Meeting Room**

**Tuesday, September 9, 2014 6:00 p.m.
305 SW "A" Street**

**Regular City Council Meeting
Community Development
Planning Commission Meeting Room**

**Tuesday, September 9, 2014 6:00 p.m.
305 SW "A" Street**

**Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: August 26, 2014**

AGENDA

1. Bentonville Public Library's report for Summer Reading Club 2014.
(Pages 4-13)
2. Planning:
 - 2a. **Tabled from the August 26th Agenda - James Dale Flowers: Rezoning Request from A-1, Agricultural to R-E, Residential Estate, 2415 Southwest Regional Airport Boulevard.**
(Pages 15-20)
The planning commission voted 6-0 recommending approval.

The applicants are requesting a rezoning from A-1 to R-E. The R-E, Residential Estate zoning district is an extremely low density residential district that will expand and promote residential alternative in the southwest part of the city. The property meets the minimum bulk and area requirements of 2 acres set forth in the R-E zoning designation.
 - 2b. **Tabled from the August 26th Agenda - James Dale Flowers: Rezoning Request from A-1, Agricultural to PRD, Planned Residential Development, Southwest Regional Airport Boulevard & Southwest Juniper Avenue.**
(Pages 21-29)
The planning commission voted 6-0 recommending approval.

The applicant has proposed a Planned Residential Development at this location to be known as Arbor Lane II. The single family subdivision is proposing 6.6 units per acre. The applicant plans to create 47 single family lots and 2

common areas. The common area will serve as a gathering place where members of the community can interact. The proposed floor plans of 1,300 to 1,500 square feet are consistent in size with the home in Arbor Lane I and each will have 3 bedrooms and 2 baths. The applicant is proposing a variation of setback as depicted on the site plan.. The average lot size will be 0.09 acres (38'x100'). All lots will have rear loaded garages with the exception of lots 41-48. A 16' alley will be installed to serve the rear loaded garages. To protect the privacy of the surrounding neighbors, no rear windows are being proposed on the second story for lots along the southern and eastern property lines.

- 2c. **Tabled from the August 26th Agenda - James Dale Flowers: Lot Split, Lots 1 & 2 Arbor Lane II Addition, 2415 Southwest Regional Airport Boulevard, Zoned A-1, Agricultural.**

(Pages 30-33)

The planning commission voted 6-0 recommending approval.

The applicant has submitted a Lot split Application for property located at 2415 Southwest Regional Airport Boulevard. The proposed plat as provided indicates the creation of two lots from one existing lot to be known as Lot 1 (2.58 acres) and Lot 2 (6.67 acres) of Arbor Lane II Addition. The proposed plat also shows the dedication of right-of-way to provide for the connection of Southwest Juniper Avenue and the construction of Peachwood Drive as well as the dedication of utility easements to serve future development.

3. An ordinance vacating utility easements located in Lot 26 and 27, Virginia's Grove Subdivision, to the City of Bentonville, Arkansas, Benton County, Arkansas. **(Pages 34-37)**
4. The Runway Safety Project is now complete. The construction contract ran over the time outlined in the contract. Because of the overrun, Morrison Shipley Engineering exceeded the hours outlined in the construction observation contract. Liquidated damages will be charged to the contractor for the overrun of \$500.00 per day for every day beyond the contract completion date. These funds will then be used to reimburse Morrison Shipley for their construction observation overrun. A change order is necessary to add the additional time to Morrison Shipley's contract for \$16,000.00. In addition, FAA grant assurances require all contracts and subcontracts to include language to prohibit texting while driving for all consultants and contractors associated with the project. The Master Task Order with Morrison Shipley must be amended to include the required paragraph. **(Pages 38-42)**
5. South East 10th Street Drainage Improvements is now complete. To reconcile the quantities used and the final price of the contract, a reconciliation change order is needed. The final project cost is \$11,242.19 less than the currently contracted amount of \$183,224.08. **(Pages 43-46)**
6. Request that the City Council declare certain items as being surplus, namely ten (10) Glock Model 22 .40 caliber handguns. These firearms have been in service for approximately 12 years and include the following weapons and serial numbers (SN): Glock 22 40 cal. SN 1EMC294, Glock 22 40 cal. SN 1EMC293, Glock 22 40 cal. SN 1EMC292, Glock 22 40 cal. SN 1EMC291, Glock 22 40

cal. SN 1EMC290, Glock 22 40 cal. SN 1EMC289, Glock 22 40 cal. SN 1EMC288, Glock 22 40 cal. SN 1EMC287, Glock 22 40 cal. SN 1EMC286, Glock 22 40 cal. SN 1EMC285. New Generation 4 models can be sourced from Cruse Uniforms and Equipment of Springdale for \$409.00 each (\$4,090 total cost). Upon being declared surplus the (10) above mentioned weapons can be traded in for a \$300.00 credit per firearm (\$3,000.00 total trade in). Additionally, it is requested that Council declare six (6) other firearms and (5) electronic (EOTECH) rifle sights not currently in use as surplus. These firearms include (4) Remington 1187 12 gauge shotguns and 2 handguns. These Remingtons have serial numbers, PC503270, PC107071, PC503196 and PC 503212, and have a trade in/credit value of \$425.00 each (\$1,700.00 total trade in). The other handguns include a Glock Model 21 45 cal. SN AMW549, and a Smith and Wesson 4046 40 cal. SN VJP6956 and will have trade in values similar to the Glock 22. The EOTECH sights can be traded in through a factory program for up to \$100.00 credit. Any additional trade-in values can be used to purchase back up Glock Model 22's and additional magazines and related items for our inventory. In addition to increasing officer safety, this effort will provide for a responsible disposition of these retired weapons and represent a great cost savings to the City.

(Pages 47-48)

7. Budget adjustment in the amount of \$6,800.00 to be used to purchase an entry training door. The training door would simulate different types of doors and allow training for several entry techniques. Entry techniques that could be simulated include ramming, sawing, hydraulic spreading, glass breaking, and other breaching methods. The proposed training door could be sourced from Ruhl Tech Engineering and can be continually reset and reused to provide realistic training, unlike an actual entryway. Based upon our research, no other company offers the training options available in this training door. This item would be used in SWAT team training and also train others in the department in various entry techniques. The above listed amount would be sourced from Federal Equitable Sharing Funds.

(Pages 49-50)



CHECK ALL THAT APPLY	
Bid Award	Bid #
Budget Adjustment	
Change Order	
x Informational	
Ordinance	
Resolution	
Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by: Hadi Dudley

Department: Library Director

Phone: 271-3194

ACTION REQUIRED:

Bentonville Public Library's report for Summer Reading Club 2014.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☐ One time amount

☐ Continuing O and M

Department Head: [Signature] Date: 9/2/14

Purchasing Agent: [Signature] Date: [Blank]

Finance Director: [Signature] Date: 9/3/14

Previously Budgeted	\$ -
Funds Expended to Date	-
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

CT Staff Attorney: [Signature] Date: 9/3/14

Tom Mayor: [Signature] Date: 9/03/14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE

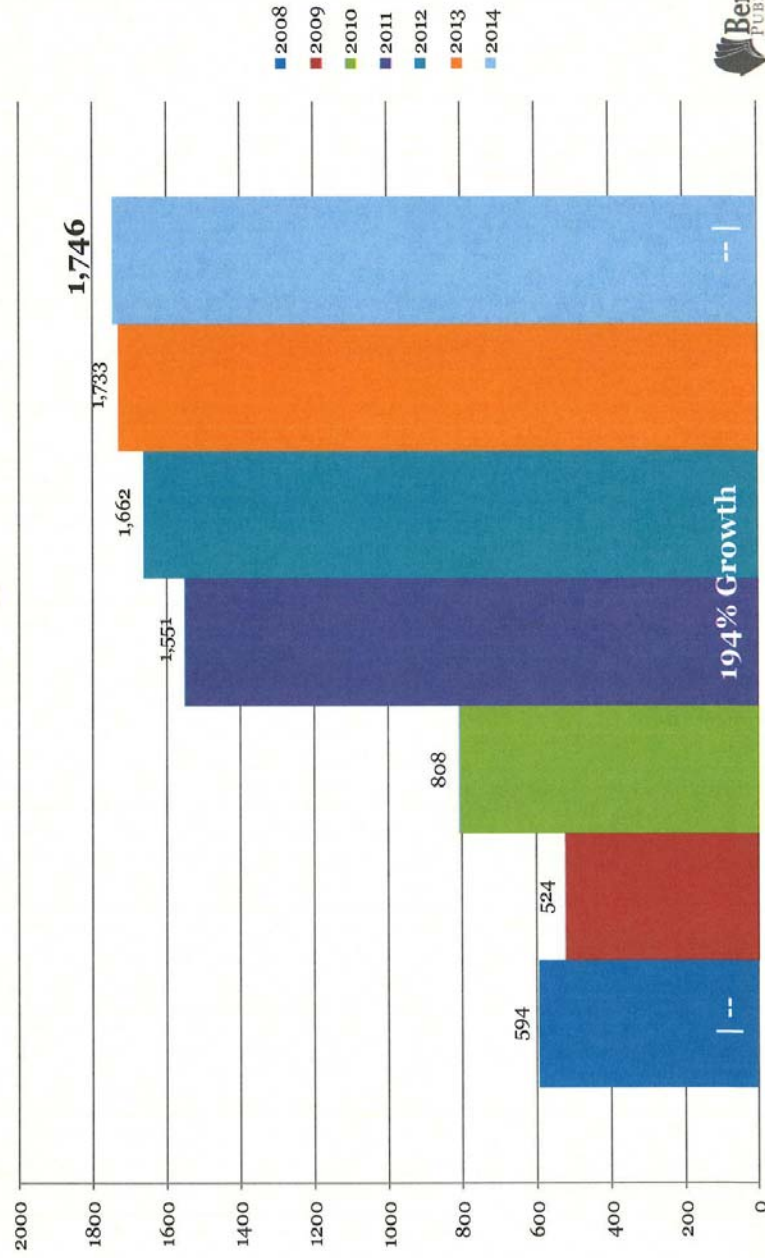


Summer Reading Recap

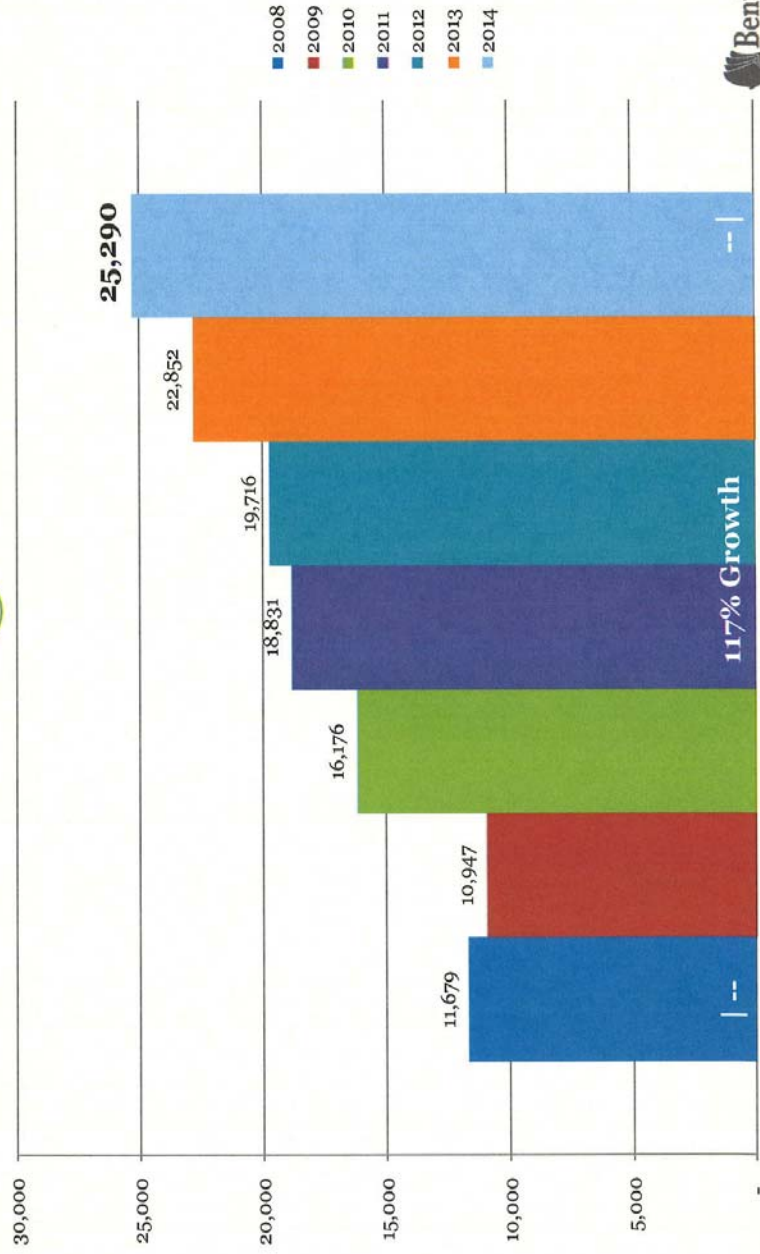


 **Bentonville**
PUBLIC LIBRARY | 2014

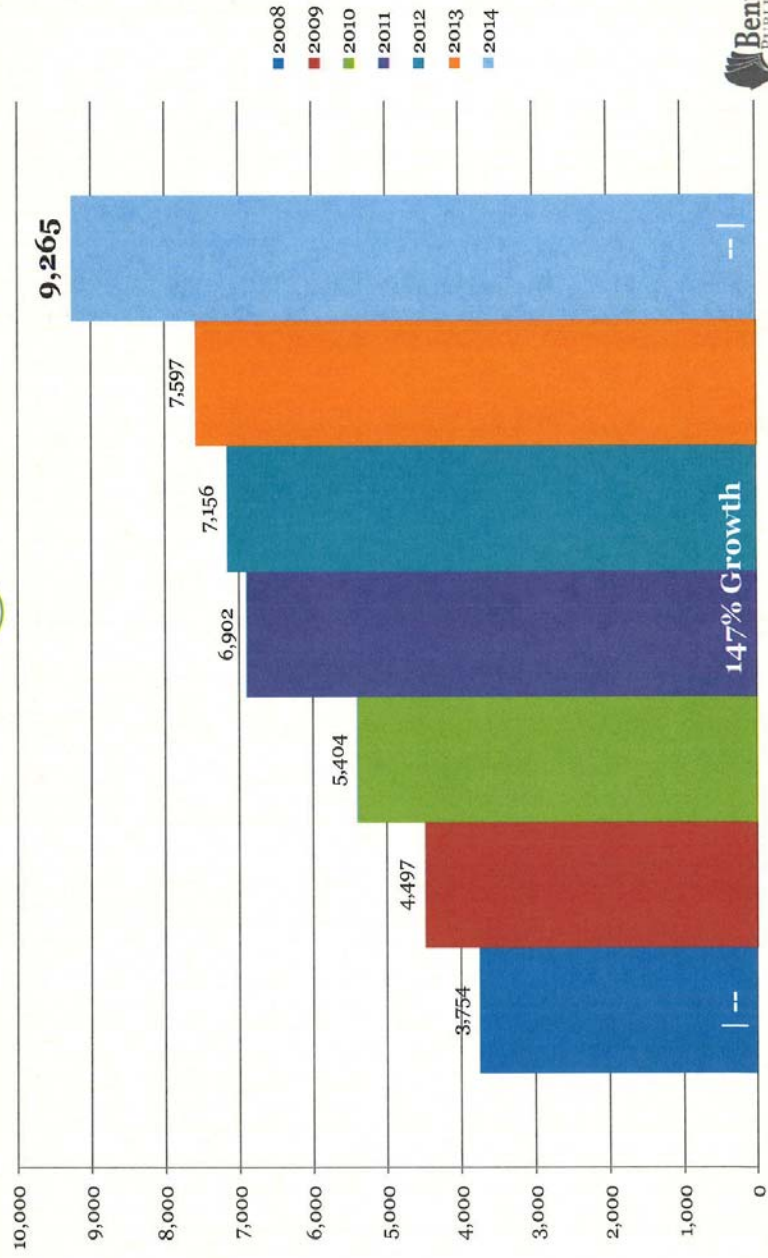
No. of Participants



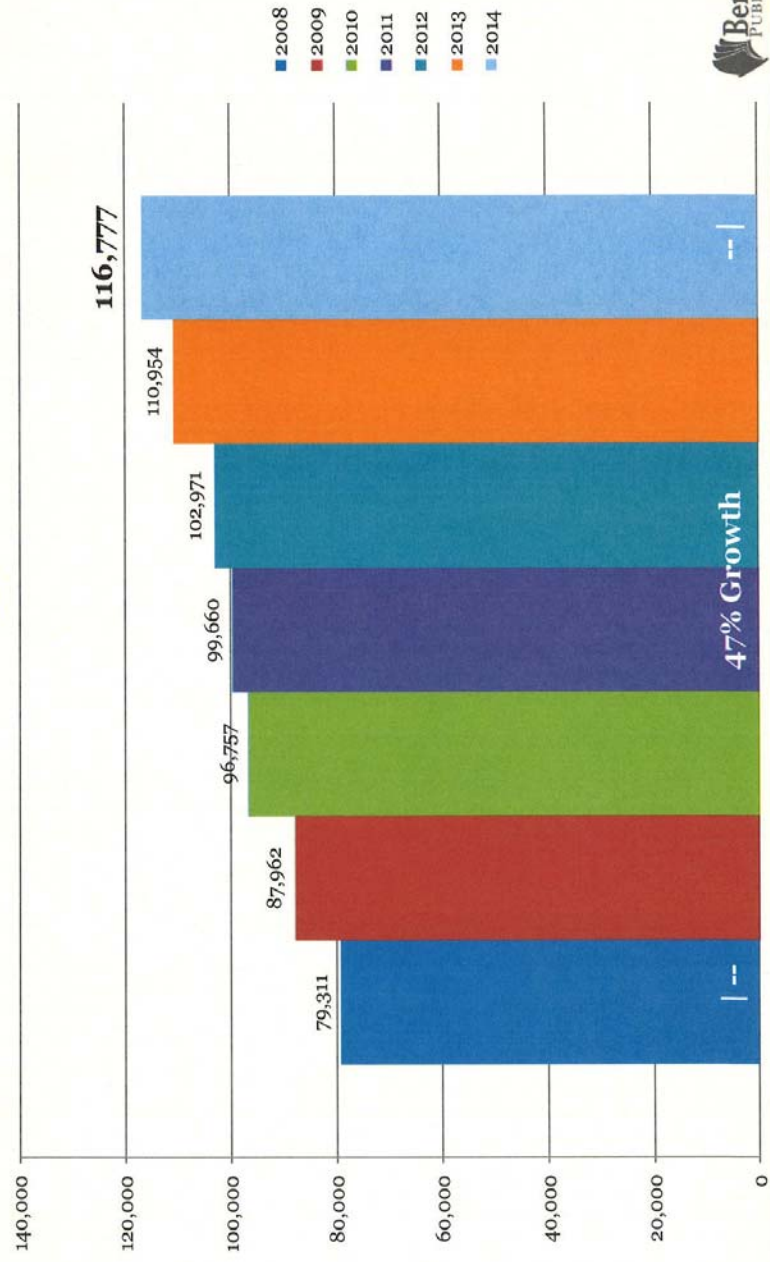
No. of Hours Read



Summer Program Attendance

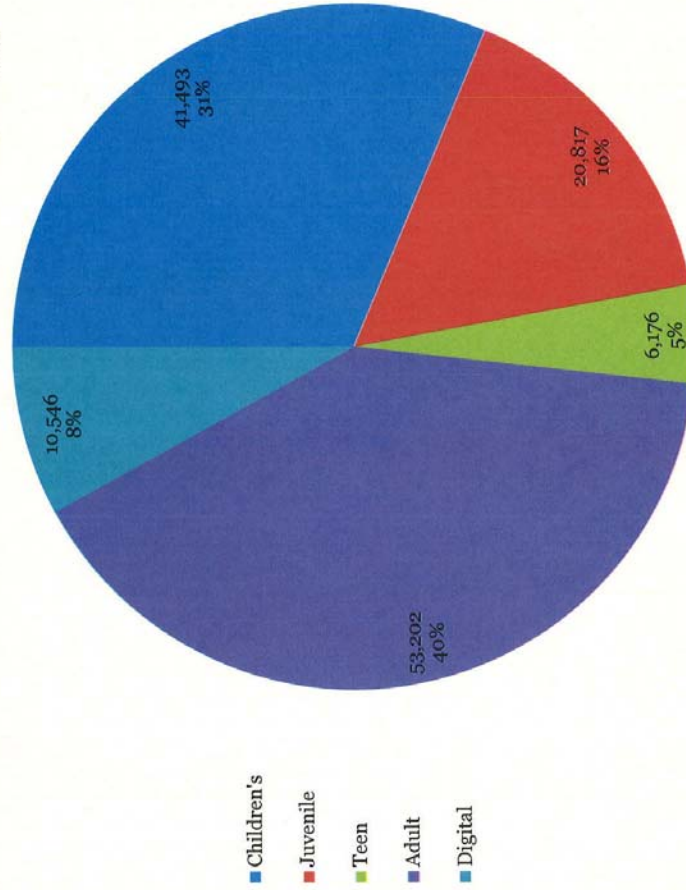


BPL Circulation: June & July



Circulation Breakdown by Collection

Total: 116,777 Check-Outs [June & July]



Special Thanks: Community Partners

- Amazeum
 - Perot Museum of Science and Nature
- Arkansas Game & Fish Commission
- Compton Gardens
- Downtown Bentonville, Inc.
- Illinois River Watershed Partnership
- Kumon Learning Center
- Northwest Arkansas Council
- Northwest Arkansas Master Naturalists
- Northwest Arkansas Storm Chasing
- Museum of Native American History
- Paranormal Ozarks
- Phat Tire
- Project Play Every Day

Special Thanks: Library Volunteers

- More than 120 Library Volunteers
 - Over 2,100 Hours
 - 2013-14 Teen Advisory Board Members
 - Sarah Oakley
 - Colin Doege
 - Trevor Bartlett
 - Brenner Orendorff
 - Xanat Nissenson
 - 2012-13 Teen Advisory Board Member
 - Danielle Koerner
- Karen Akins
 - Katrina Baker
 - Cody the Dog, with Lesley Evans
 - Jesse the Dog, with Teresa Robinson
 - Zaida the Dog, with Trish Jennings

Special Thanks: Program Sponsors

- Anderson Merchandising
- Bentonville Library Foundation
- City of Bentonville
- Friends of the Bentonville Library
- Northwest Arkansas Naturals
- Arkansas State Library
- Institute of Museum & Library Services
- Library Services & Technology Act
- Chick-Fil-A
- McDonald's
- Yum Yo's Frozen Yogurt
- Zaxby's

**City Council
September 9, 2014
PC Agenda**

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Tabled from the August 26th Agenda - James Dale Flowers: Rezoning Request from A-1, Agricultural to PRD, Planned Residential Development, Southwest Regional Airport Boulevard & Southwest Juniper Avenue.

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The applicant has proposed a Planned Residential Development at this location to be known as Arbor Lane II. The single family subdivision is proposing 6.6 units per acre. The applicant plans to create 47 single family lots and 2 common areas. The common area will serve as a gathering place where members of the community can interact. The proposed floor plans of 1,300 to 1,500 square feet are consistent in size with the home in Arbor Lane I and each will have 3 bedrooms and 2 baths. The applicant is proposing a variation of setback as depicted on the site plan.. The average lot size will be 0.09 acres (38'x100'). All lots will have rear loaded garages with the exception of lots 41-48. A 16' alley will be installed to serve the rear loaded garages. To protect the privacy of the surrounding neighbors, no rear windows are being proposed on the second story for lots along the southern and eastern property lines.

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The City of Bentonville, Arkansas

PC Meeting of: August 19, 2014

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3126
Fax: (479) 271-5906

REZONING: Flowers (A-1, Agricultural to R-E, Residential Estate)
Current Planning Division Correspondence: Planning Commission Staff Report

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: August 19, 2014

GENERAL INFORMATION

H.T.E. Project Number: 14-09000020
Applicant/Current Owner: James Dale Flowers
Representative: Blew & Associates, PA
Requested Action: Rezoning
Location: 2415 Southwest Regional Airport Boulevard
Existing Zoning: A-1, Agricultural
Proposed Zoning: R-E, Residential Estate
Future Land Use Map Designation: Low Density Residential

BACKGROUND / HISTORY

Property Description/Site Inspection: A site inspection was completed; this property is currently the site of a single family dwelling in a low density residential area.

Previous Rezoning Requests for this Property: There are no known rezoning's for this property.

Surrounding Land Uses & Zonings:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Agriculture	A-1, Agricultural	Commercial
South	Single Family Dwellings	R-1, Single Family Residential	Low Density Residential
East	Single Family Dwellings	R-1, Single Family Residential and R-O, Residential Office	Low Density Residential and Office
West	Vacant PUD and Single Family Dwellings	PUD, Planned Unit Development	Low Density Residential

Surrounding Streets & Classifications:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest Regional Airport Boulevard	Arterial	2 lanes state highway currently undergoing widening improvements
South			
East	Southwest Juniper Avenue	Local	2 lane curb and gutter
West	Southwest Juniper Avenue/Southwest Arbor Road	Local/Local	2 lane curb and gutter

LEGAL NOTIFICATIONS

Public Notice: On **July 16, 2014**, the property owner and/or representative mailed certified public notices to property owners within a 200 foot radius of the subject site and staff published a legal notice in the Arkansas Democrat-Gazette, Northwest Arkansas Addition on **July 19, 2014**. In addition, staff posted a notice of public hearing sign on the property on **August 4, 2014**. This **DOES** meet legal noticing requirements and are adequate for the scope of this rezoning application.

RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: Policy LU-23 Housing Types within the General Plan states “the City should encourage the development of a mix of housing types to the meet the needs of residents...”. The rezoning request is consistent with good land use planning and the general plan and will meet the intent of the policy while allowing the property owner the ability to keep animals specifically approved by the planning commission.

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The proposed rezoning will not create an increase to traffic in the area.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

Finding(s) of Staff: The proposed zoning will not adversely alter population density nor impact the public infrastructure. Water and sewer are available at this location. Emergency services are adequate at this location.

ANALYSIS, CONCLUSION, & SUMMARY

The R-E, Residential Estate zoning district is an extremely low density residential district that will expand and promote residential alternative in the southwest part of the city. The property meets the minimum bulk and area requirements of 2 acres set forth in the R-E zoning designation.

The rezoning request **IS** consistent with the City of Bentonville's Future Land Use Map, which depicts this property as Low Density Residential.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of this rezoning from **A-1, Agricultural** to **R-E, Residential Estate**

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

Jorge Du Quesne
Blew & Associates, P.A.
524 West Sycamore, Suite 4
Fayetteville, Arkansas 72703

City of Bentonville
Planning Department
315 SW A Street
Bentonville, AR 72712

SUBJECT: 14-423 Arbor Lane II

April 14, 2014

To Whom It May Concern:

The Residence of James Dale Flowers, 2415 SW Regional Airport Blvd, is currently zoned A-1 Agricultural. With the proposed Arbor Lane II Preliminary Plat, Mr. Flowers would have 2.58 acres remaining for his residence. Since the smallest lot size is 5.0 acres in A-1, a more appropriate zoning for the property on which the residence resides is R-E, Residential Estate. In R-E, the maximum density permitted is 1 dwelling unit per 2 acres. The applicant would therefore like to rezone the property to R-E.

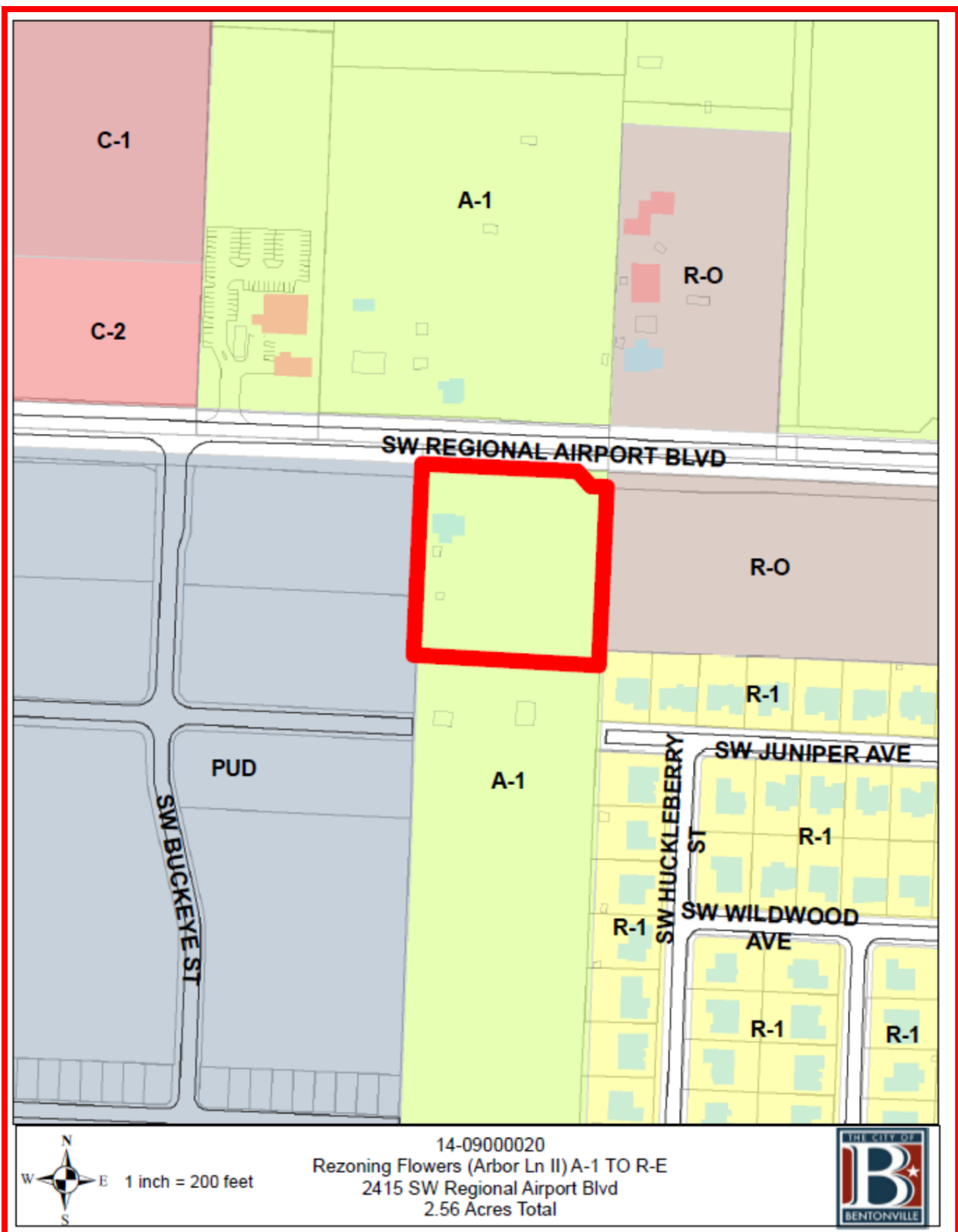
The surrounding properties have a mixture of zoning including: A-1 Agricultural to the North; R-O Residential Office to the Northeast and East; R-1 Single Family to the East and South; and PUD to the West.

Residential Office, R-E, would be an appropriate use for the property. Per the Zoning Code: "The R-E District is an extremely low density residential district designed to provide for maximum privacy through the use of open spaces, permit the keeping of animals, specifically approved by the Planning Commission, promote scenic attraction, expand and promote residential alternatives and encourage the development of residential area" This property seems to fit that description very well.

Traffic from this property would not see any increase. No Signage would be installed for the residence.

Water and Sewer from the property are currently served from SW Regional Airport Blvd.

Sincerely,

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO R-E, RESIDENTIAL ESTATE.

WHEREAS, James Dale Flowers, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to R-E property to be used in accordance with city zoning laws and state laws; which property is described as follows:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS N02°12'33"E 928.72' FROM THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N87°09'14"W 330.89' TO A SET IRON PIN, THENCE N02°09'45"E 340.96' TO A SET IRON PIN ON THE SOUTH RIGHT-OF-WAY OF SOUTHWEST REGIONAL AIRPORT BOULEVARD, THENCE RUNNING ALONG SAID RIGHT-OF-WAY THE FOLLOWING 3 COURSES: S87°34'00"E 277.58' TO A SET IRON PIN, THENCE S42°34'00"E 35.36' TO A SET IRON PIN, THENCE S87°34'00"E 28.67' TO A SET IRON PIN, THENCE S02°12'33"W 318.34' TO THE POINT OF BEGINNING. CONTAINING 2.58 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

More commonly described as 2415 Southwest Regional Airport Boulevard.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 19th day of August 2014 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to R-E property;

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 classification to R-E property to be used in accordance with the City zoning laws of the State of Arkansas.

PASSED AND APPROVED this _____ day of _____, 2014

ATTEST

APPROVED

CLERK

MAYOR



PC Meeting of: August 19, 2014

The City of Bentonville, Arkansas

305 S.W. "A" Street
Bentonville, AR 72212
Telephone: (479) 271-3126
Fax: (479) 271-5906

Planning Commission Staff Report

REZONING: Arbor Lane II, (Flowers) A-1, Agricultural to PRD, Planned Residential Development

TO: City of Bentonville, Arkansas Planning Commission
FROM: Jon Stanley, Planner
THRU: Troy Galloway, AICP, Community Development Director
DATE: August 19, 2014

GENERAL INFORMATION

H.T.E. Project Number: 14-017000003

Applicant/Current Owner: James Dale Flowers

Representative: Blew & Associates, PA

Requested Action: Rezoning

Location: Southwest Regional Airport Boulevard & Southwest Juniper Avenue

Existing Zoning: A-1, Agricultural

Proposed Zoning: PRD, Planned Residential Development

Future Land Use Map Designation: Low Density Residential

BACKGROUND / HISTORY

The applicant has proposed a Planned Residential Development at this location to be known as Arbor Lane II. The single family subdivision is proposing 6.6 units per acre. The applicant plans to create 47 single family lots and 2 common areas. The common area will serve as a gathering place where members of the community can interact. The proposed floor plans of 1,300 to 1,500 square feet are consistent in size with the home in Arbor Lane I and each will have 3 bedrooms and 2 baths. The applicant is proposing a variation of setback as depicted on the site plan. The average lot size will be 0.09 acres (38'x100'). All lots will have rear loaded garages with the exception of lots 41-48. A 16' alley will be installed to serve the rear loaded garages. To protect the privacy of the surrounding neighbors, no rear windows are being proposed on the second story for lots along the southern and eastern property lines.

Property Description/Site Inspection: A site inspection was completed; this property is currently vacant adjacent to low density subdivision to the east and a mixed use development to the west.

Previous Rezoning Requests for this Property: There are no known rezonings for this property.

SURROUNDING LAND USES & ZONINGS:

Direction	Current Land Use	Existing Zoning	Future Land Use Map Designation
North	Agriculture	A-1, Agricultural	Commercial
South	Single Family Dwellings	R-1, Single Family Residential	Low Density Residential
East	Single Family Dwellings	R-1, Single Family Residential	Low Density Residential and

		and R-O, Residential Office	Office
West	Vacant PUD and Single Family Dwellings	PUD, Planned Unit Development	Low Density Residential

SURROUNDING STREETS AND CLASSIFICATIONS:

Direction	Name	Master Street Plan Classification	Current Condition
North	Southwest Regional Airport Boulevard	Arterial	2 lanes state highway currently undergoing widening improvements
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East	Southwest Juniper Avenue	Local	2 lane curb and gutter
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LEGAL NOTIFICATIONS

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RELATIONSHIP TO THE GENERAL PLAN AND FUTURE LAND USE MAP

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding(s) of Staff: Through the use of the correct zoning designation the mix of housing types can be compatible. The use of the Planned Residential Development district allows for innovative design and atypical arrangement of structures consistent with public health safety and welfare of the community. According to the zoning code, planned residential development should “Foster walkable, “close-knit” neighborhoods and promote distinctive, attractive communities with a strong “sense of place”. The applicant has provided an interconnecting sidewalk system to promote walkability while providing open space to foster a close knit neighborhood. At 6.6 dwelling units per acre, this proposed development is only slightly denser than what is allowed in R-1, Single Family Residential (6 dwelling units per acre).

2. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding(s) of Staff: The Institute of Transportation Engineers estimates 450 trips per day for 47 single family detached units. Currently the State of Arkansas is widening Southwest Regional Airport Boulevard to accommodate the current traffic volume and projected increases in traffic associated with the potential growth along the corridor. The proposed PRD is located and connected to an existing local street network to the west that will directly connect to SW Regional Airport Boulevard to the north. The proposed traffic light at Bright road will help facilitate turning movements from Southwest Buckeye to SW Regional Airport. The proposed development will directly connect Wildwood Phase I to the arterial street. The widening of SW Regional Airport is currently underway and is estimated to reach

completion before build out of the proposed subdivision is reached. Staff has determined that the proposed zoning will not significantly impact the current traffic situation at the time of subdivision completion.

3. A determination as to whether the proposed zoning would significantly alter the population density and thereby undesirably increase the load on public services including schools, emergency services, and water and sewer facilities.

Finding(s) of Staff: Public services area adequate for the increase in density. Water and sewer is readily available and emergency services area located within close proximity.

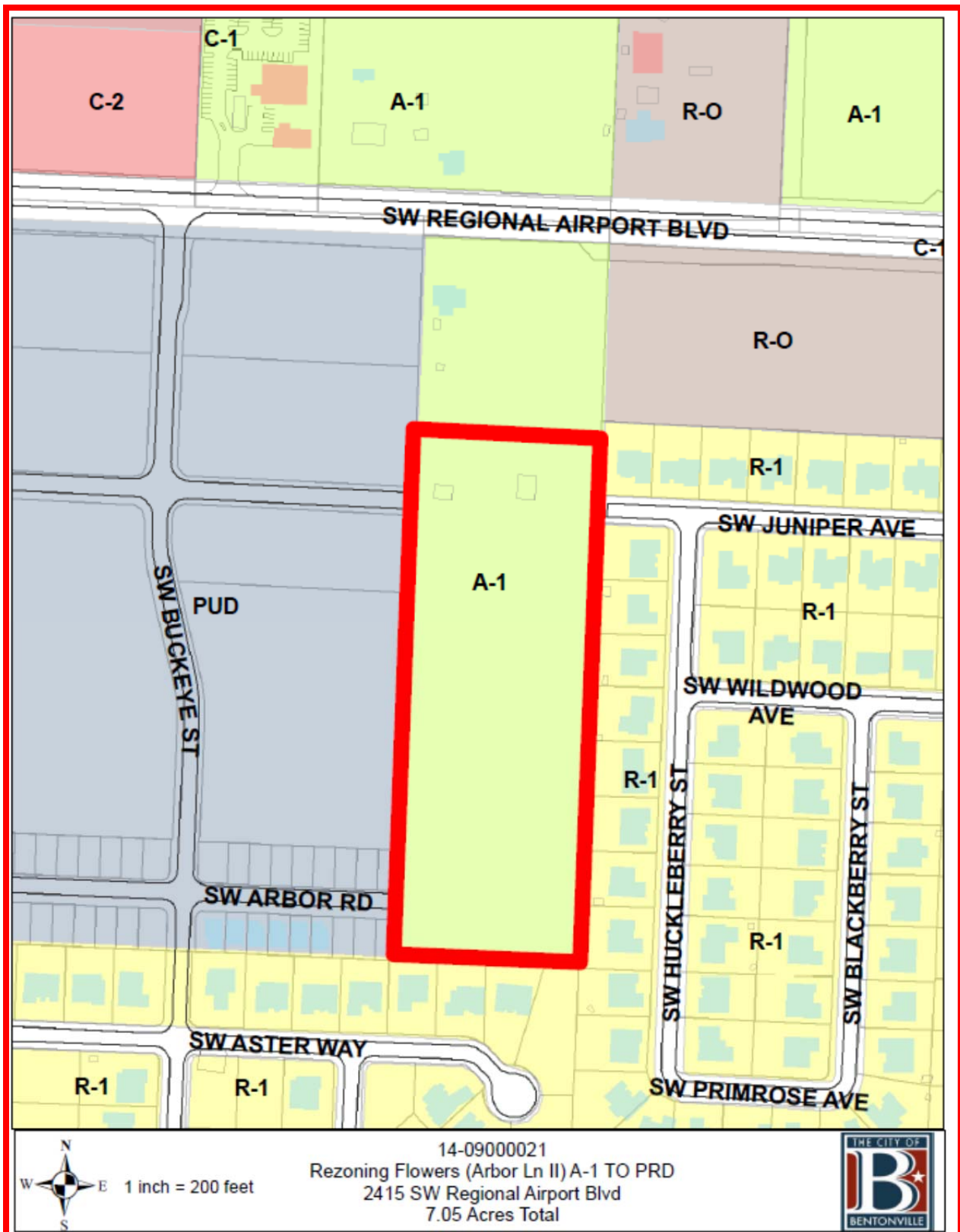
ANALYSIS, CONCLUSION, & SUMMARY

The intent of the PRD zoning designation is to encourage the use of Smart Growth principals and Traditional Neighborhood Design, to provide a variety of housing types and densities available to the general public, and to promote high quality residential developments while allowing greater flexibility in the design of such developments.

The rezoning request **IS** consistent with the City of Bentonville's Future Land Use Map, which depicts this property as Low Density Residential.

STAFF RECOMMENDATION

Staff has reviewed this application and based on the findings presented in this staff report, staff recommends **APPROVAL** of the rezoning from A-1, Agricultural to PRD, Planned Residential Development as submitted by the applicant.



ARBOR LANE PHASE II DEVELOPMENT, BENTONVILLE, AR. (REVISED 07/30/2014)

LOCATION

ARBOR LANE PHASE II DEVELOPMENT IS LOCATED ON A 7 ACRE TRACT WEST OF RAINBOW CURVE ON THE SOUTH SIDE OF HIWAY 12 IN BENTONVILLE, AR. THE DEVELOPMENT CONSISTS OF 47 SINGLE FAMILY DETACHED, "ZERO-LOT-LINE" RESIDENTIAL LOTS WITH APPROXIMATELY 1.2 ACRES IN OPEN COMMON USE AREA.

HISTORY

THIS DEVELOPMENT FOLLOWS ON THE HEELS OF ARBOR LANE PHASE I DEVELOPMENT LOCATED ADJACENT TO THE SUBJECT PROPERTY ON THE WEST SIDE. THE PHASE I DEVELOPMENT WAS ORIGINALLY A DUPLEX SUBDIVISION THAT WAS REPLATTED INTO 35 "ZERO-LOT-LINE" FRONT LOAD HOMES. AFTER A SLOW START THE FINAL 29 HOMES WERE ALL CONSTRUCTED AND SOLD WITHIN AN 18 MONTH TIME FRAME. THE NEED AND ACCEPTANCE OF THIS TYPE HOUSING PRODUCT WAS PROVEN WORTHY IN THE PHASE I EXPERIENCE. WITH THE LESSONS LEARNED FROM THE PHASE I EXPERIENCE WE HAVE TWEKKED THE MODEL, SLIGHTLY REVISED THE PLAN, ADDED STRONGER LANGUAGE TO THE COVENANTS, REFINED COSTS AND PROCEEDURES AND PRODUCED A MUCH BETTER OVERALL PRODUCT. APPROXIMATELY 30% OF THE HOMES IN PHASE I WERE SOLD TO INVESTORS WHO UNDERSTAND AND APPRECIATE THE BENEFITS OF INCOME PRODUCING PROPERTIES. THESE HOMES ARE ALL CURRENTLY LEASED AT RATES OF BETWEEN \$1000-\$1200/mo. THE REMAINING HOMES ARE OWNER OCCUPIED WITH A VARIED PROFILE BUT PRIMARILY YOUNG, MIDDLE CLASS, UPWARD MOVING FIRST TIME HOME OWNERS.

SITE DESIGN

THE SUBDIVISION IS DESIGNED TO CREATE A STRONG SENSE OF COMMUNITY AND "PLACE" AS THE MAJORITY OF THE HOMES HAVE "REAR ENTRY" GARAGES AND THUS CREATE A TRADITIONAL "MAYBERRY" TYPE NEIGHBORHOOD. THE HOMES ARE ALL DESIGNED IN A TRADITIONAL STYLE WITH COVERED PORCHES OR TWO STORY VERANDAS PUSHED TO WITHIN 20' OF THE STREET ROW TO MAXIMIZE THE LANDSCAPING AT THE STREET. NONE OF THE HOUSES ON LOTS 21-30, 41-48 NOR 50-56 WILL HAVE SECOND STORY WINDOWS THAT OPEN UP DIRECTLY TO THE EXISTING BACK YARDS OF THE NEIGHBORS TO THE SOUTH OR EAST.

A 1.2 ACRE COMMON USE OPEN SPACE IS DEDICATED TO REMAIN OPEN AND FOR THE USE OF THE RESIDENTS. IT IS CENTRALLY LOCATED AND WILL SERVE AS A "PARK" AMENITY FOR THE RESIDENTS. THE MAIN NORTH/SOUTH STREET IS CURVED TO ADD VISUAL INTEREST AND SLOW TRAFFIC.

LANDSCAPING

EACH PHASE OF THE DEVELOPMENT WILL BE LANDSCAPED AS CONSTRUCTED. EACH BUILDING LOT WILL BE LANDSCAPED WITH BURMUDA SOD, A 2.5 CALIPER SHADE TREE, 6 "KNOCK-OUT" ROSE BUSHES AND 4 DAY LILLIES IN THE SMALL FRONT YARDS. THE SIDE YARD AND REAR YARD AREAS WILL BE SEEDED IN FESCUE AND LANDSCAPED PER THE OWNERS DESIRE. THE REAR YARD AND SIDE YARD WILL BE HIDDEN FROM PUBLIC STREET VIEW VIA A 6' WOOD PRIVACY FENCE BETWEEN BUILDINGS. AN ADDITIONAL 18-2.5 CALIPER SHADE TREES WILL BE PLANTED IN THE COMMON AREAS AS INDICATED ON THE PLANS WHEN THE PHASE IS DEVELOPED. THE FRONT YARDS AND COMMON AREAS (LOTS 32 AND 33) WILL ALSO HAVE AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM PAID BY POA DUES TO INSURE UNIFORMITY IN QUALITY OF THE LANDSCAPED AREAS.

PARKING

EACH NEW HOME WILL HAVE A 2 CAR GARAGE AND POA COVENANTS THAT REQUIRE THE GARAGES BE USED FOR THE PARKING OF THE OCCUPANTS VEHICLES AND NOT USED AS STORAGE UNITS. ONE GUEST PARALLEL PARKING SPACE IS AVAILABLE AT THE DRIVE FROM THE ACCESS ALLEY TO THE OWNERS GARAGE AND THERE WILL BE GUEST PARKING MADE AVAILABLE ON THE STREET. THE 27' WIDE STREET SECTION ALLOWS PARKING ON ONE SIDE PER CITY REGULATION AND THE SOUTH SECTION OF "PEACHWOOD DRIVE" IS EXPANDED TO 32' TO ALLOW PARKING ON BOTH SIDES PER CITY REGULATIONS. AS THE MAJORITY OF THE LOTS ARE "REAR LOADED", THE MAJORITY OF THE STREET CURB SECTION IS AVAILABLE FOR PARKING WITHOUT CONFLICT.

HOME DESIGN

THE HOMES WILL RANGE IN SIZE FROM 1350-1450 SF AND IN PRICE FROM \$143,000 TO \$153,000. THE PLANS ARE SIMILAR TO TAKE ADVANTAGE OF THE ECONOMIES OF SCALE IN CONSTRUCTION YET VARIED ENOUGH EXTERNALLY TO CREATE AN INDIVIDUAL AND PERSONAL IDENTITY. THE HOUSES ARE ALL 3 BEDROOM, 2.5 BATH, 2 CAR GARAGE WITH GRANITE COUNTER TOPS, WALK-IN CLOSETS, WOOD FLOORS AND STAINLESS STEEL APPLIANCES. THE MASTER BEDROOM IS LOCATED ON THE GROUND FLOOR AND TWO BEDROOMS AND A BATH ARE LOCATED ON THE SECOND. AS

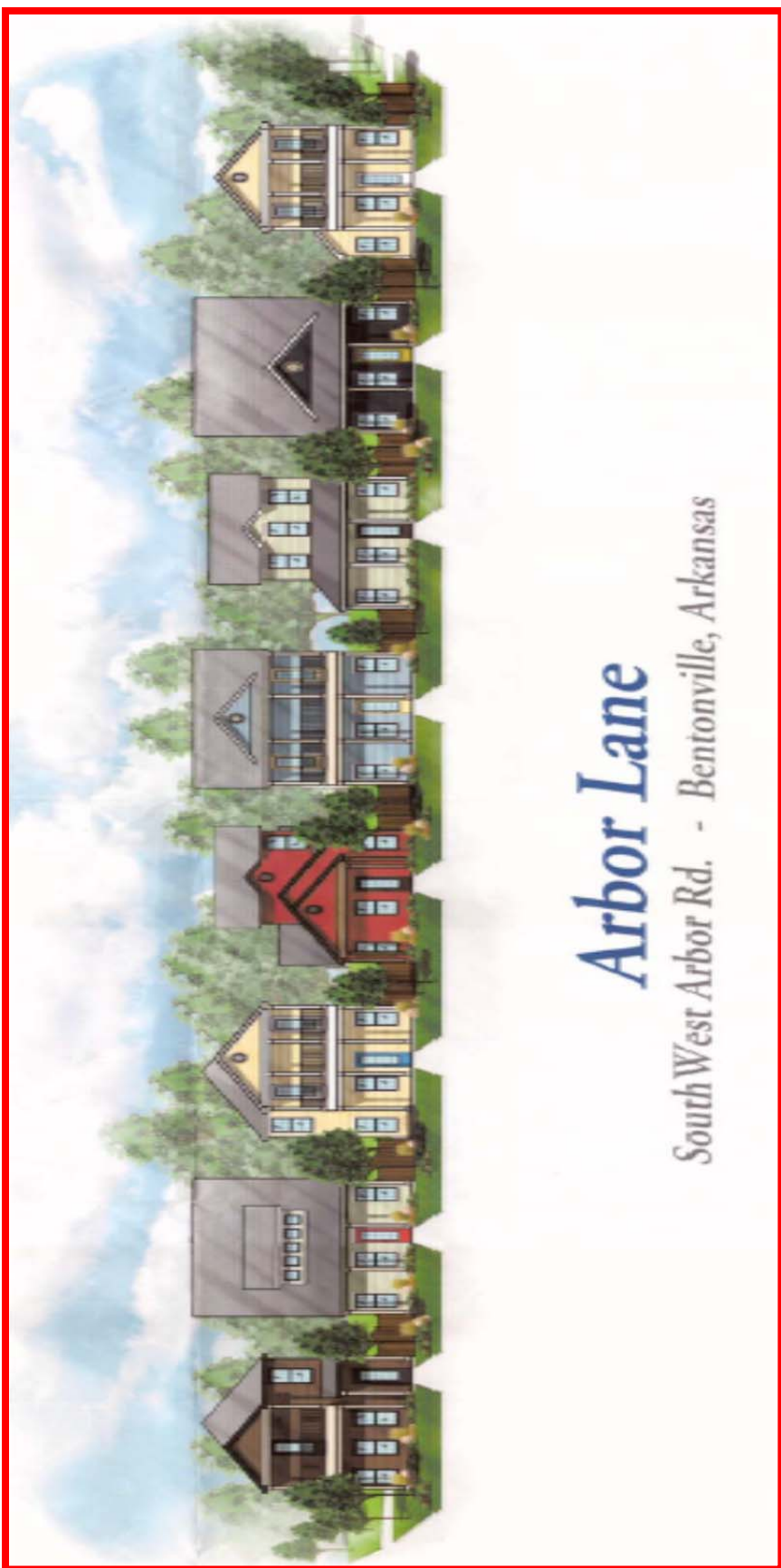
THE HOMES ARE DESIGNED IN A "ZERO-LOT-LINE" ARRANGEMENT, A PRIVATE, FENCED SIDE YARD ACTS AS PRIVATE GREENSPACE BETWEEN THE HOUSES.

COVENANTS

A POA WILL BE ESTABLISHED WITH STRONG AND DOCUMENTED COVENANTS AND BYLAWS TO PROTECT THE INDIVIDUAL HOMEOWNER OR INVESTOR. THE POA WILL COLLECT DUES (INITIALLY SET AT \$50/MO.) EACH MONTH FROM EACH PROPERTY OWNER TO PAY FOR THE LANDSCAPE MAINTENANCE AND IRRIGATION OF THE FRONT YARDS. THIS INSURES THAT EACH PROPERTY OWNER WILL BE PROTECTED FROM THE SITUATIONS THAT CAN NEGATIVELY AFFECT PROPERTY VALUES DUE TO LACK OF MAINTENANCE OR MISUSE BY A WELL INTENTIONED NEIGHBOR.

STRATEGY

IT IS THE DEVELOPER'S INTENT TO BEGIN THE NORTH PHASE, CONSISTING OF FIRST 25 LOTS, IMMEDIATELY UPON RECEIVING FINANCING. THE DEVELOPMENT HAS BEEN DESIGNED IN 2 PHASES AS A CONSERVATIVE MANUEVER TO INSURE OUR BELIEF THAT THE MARKET IS STILL STRONG FOR THIS PRODUCT BEFORE COMMITTING TO THE ENTIRE 47 LOT SUBDIVISION. THE SECOND PHASE OF THE DEVELOPMENT WILL OCCUR AS SOON AS THE FIRST PHASE HAS PROVEN POSITIVE AND MARKET FORCES ARE APPROPRIATE. THE COMMON AREAS INDICATED IN PHASE I WILL BE DEVELOPED WITH PHASE I AND THE COMMON AREA DESIGNATED IN PHASE II WILL BE DEVELOPED DURING THE PHASE II CONSTRUCTION.



Arbor Lane
South West Arbor Rd. - Bentonville, Arkansas

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION TO PRD, PLANNED RESIDENTIAL DEVELOPMENT

WHEREAS, James Dale Flowers, duly filed a petition with the City Planning Commission requesting that the hereinafter described real property situated in Benton County, Arkansas, be changed from its present classification to PRD property to be used in accordance with city zoning laws and state laws; which property is described as follows:

A PART OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 19 NORTH, RANGE 31 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A FOUND IRON PIN, AND RUNNING THENCE N87°29'40"W 330.12' TO A FOUND IRON PIN, THENCE N02°09'45"E 930.69' TO A SET IRON PIN, THENCE S87°09'14"E 330.89' TO A SET IRON PIN, THENCE S02°12'33"W 928.72' TO THE POINT OF BEGINNING. CONTAINING 7.05 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

WHEREAS, the City Planning Commission duly met and considered the application and duly set the petition for public hearing to be held the 19th day of August 2014 in the Council Room of the City of Bentonville; notice of said hearing having been published in the Benton County Daily Record for the time and in the manner required by law; and

WHEREAS, the City Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification to PRD property;

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 classification to PRD property to be used in accordance with the City zoning laws of the State of Arkansas.

PASSED AND APPROVED this _____ day of _____, 2014

ATTEST

APPROVED

CLERK

MAYOR

Planning Commission Staff Report
Lot Split: Lots 1 & 2 Arbor Lane II Addition

TO: Bentonville Planning Commission Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
PC DATE: August 19, 2014

GENERAL INFORMATION:

Project Number: 14-05000022

Applicant: James Dale Flowers

Representative: Blew & Associates, P.A.

Requested Action: Lot Split Approval

Location: 2415 Southwest Regional Airport Boulevard

Existing Zoning: A-1, Agricultural

Land Use Plan: Low Density Residential

BACKGROUND:

The applicant has submitted a Lot split Application for property located at 2415 Southwest Regional Airport Boulevard. The proposed plat as provided indicates the creation of two lots from one existing lot to be known as Lot 1 (2.58 acres) and Lot 2 (6.67 acres) of Arbor Lane II Addition. The proposed plat also shows the dedication of right-of-way to provide for the connection of Southwest Juniper Avenue and the construction of Peachwood Drive as well as the dedication of utility easements to serve future development.

SURROUNDING LAND USES AND ZONING:

Direction	Zoning	Land Use
North	A-1, Agricultural	Commercial
South	R-1, Single Family Residential	Low Density Residential
East	R-1, Single Family Residential and R-O, Residential Office	Low Density Residential and Office
West	PUD, Planned Unit Development	Low Density Residential

STREETS

Direction	Name	Classification
North	Southwest Regional Airport Boulevard	Arterial
South		
East	Southwest Juniper Avenue	Local
West	Southwest Juniper Avenue/Southwest Arbor Road	Local/Local

TRAFFIC FINDINGS

- (d) Traffic data for the nearest intersections are as follows: N/A
- (e) Traffic summary software predicts the additional traffic for this project is: N/A.

STANDARD CONDITIONS OF APPROVAL

1. A digital copy of the plat.
2. All technical review comments must be addressed before building permits will be issued.

ISSUES / ANALYSIS:

Site Inspection: A site inspection was completed; this property is currently occupied by a single family residence in a low density residential area.

Drainage Report: A drainage report is not required for this lot split.

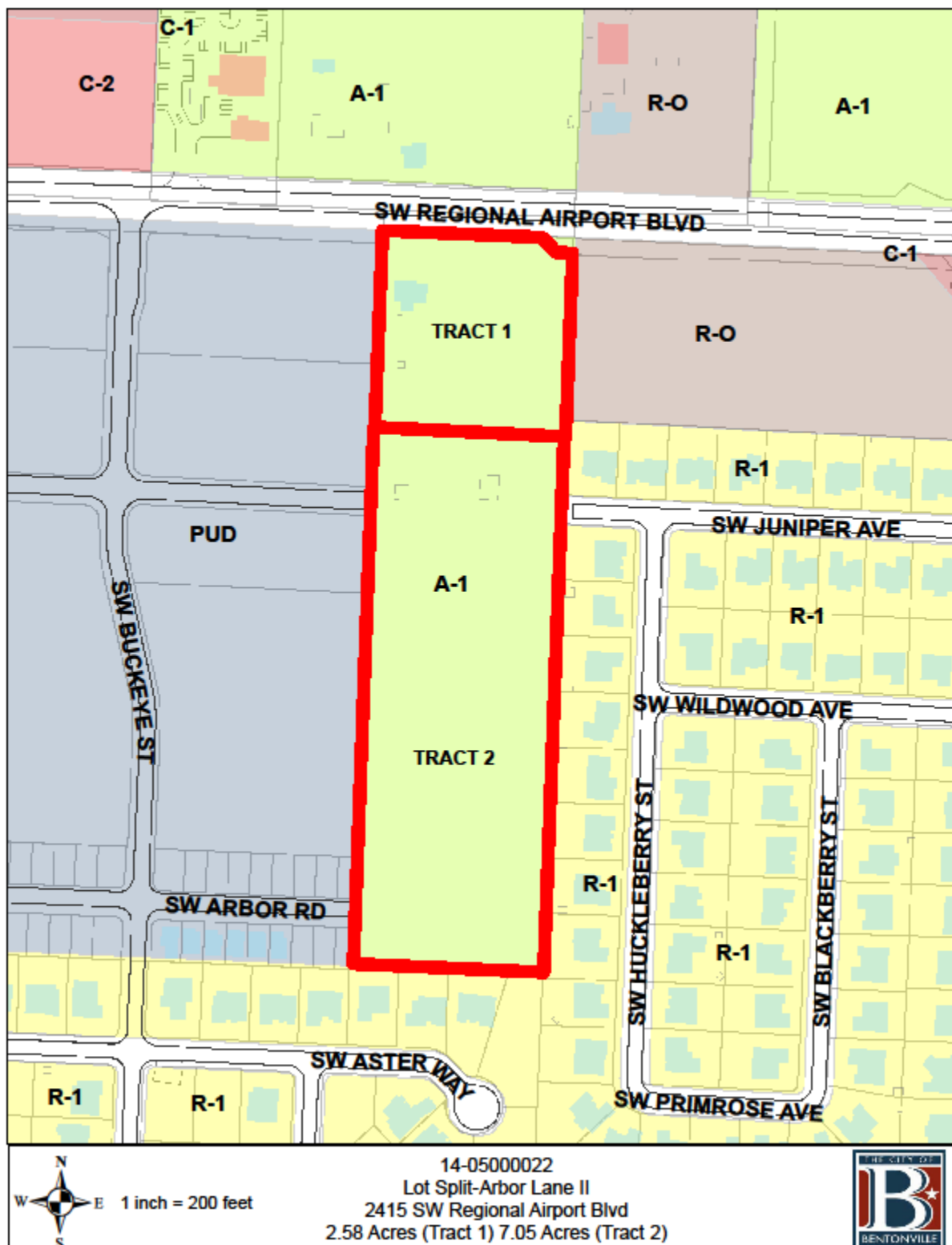
Water / Sewer: Per the G.I.S. site, water and sewer are currently in use at this location.

Waiver(s): N/A

Analysis / Conclusion: This lot split **DOES** meet the minimum requirements of the subdivision regulations.

RECOMMENDATION:

Staff has reviewed this application and recommends **APPROVAL**.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 1 & 2 ARBOR LANE II ADDITION
TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split plat of Lots 1 & 2 Arbor Lane II Addition, to the City of Bentonville, Benton County Arkansas, was submitted to the Bentonville Planning Commission on the 19th day of August, 2014 and

WHEREAS, said lot split is attached hereto as Exhibit "A" and

WHEREAS, the Bentonville Planning Commission considered said lot split on the date stated and at other times, and voted to recommend the approval of said lot split to the City Council; and

WHEREAS, the lot split of real property as described herein has been submitted to the City Council of the City of Bentonville, and after consideration and deliberation said Council is of the opinion that said lot split should be approved.

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

Section 1: That the lot split of Lots 1 & 2 Arbor Lane II Addition, to the City of Bentonville, Arkansas, should be and the same is hereby accepted and approved for all purposes.

Section 2: That the Mayor and City Clerk be and are hereby authorized and directed to evidence the acceptance of said plat by certifying said acceptance on the approved lot split.

PASSED AND APPROVED THIS _____ DAY OF _____, 2014

ATTEST

APPROVED

CITY CLERK

MAYOR



CHECK ALL THAT APPLY	
Bid Award	Bid #
Budget Adjustment	
Change Order	
Informational	
Ordinance	
Resolution	
Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by: Ben Peters

Department: Engineering

Phone: 271-3166

ACTION REQUIRED:

An ordinance vacating a utility easements located in Lot 26 and 27, Virginia's Grove Subdivision, to the City of Bentonville, Arkansas, Benton County, Arkansas.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount: \$0

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$ -
Funds Expended to Date	-
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

Department Head: [Signature] Date: 8/27/14

Purchasing Agent: _____ Date: _____

Finance Director: [Signature] Date: 9/3/14

Staff Attorney: CT Date: 9/3/14
Mayor: [Signature] Date: 9/03/14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



ORDINANCE NO _____

AN ORDINANCE VACATING A UTILITY EASEMENTS LOCATED IN LOT 26 & LOT 27 VIRGINIA'S GROVE SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS.

WHEREAS, a petition was filed by Walter Harness, with the City Council of the City of Bentonville, Arkansas, 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:

LOT 26, VIRGINIA'S GROVE SUBDIVISION

PORTION OF UTILITY EASEMENT TO BE VACATED:

LOCATED IN LOT 26, VIRGINIA'S GROVE SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 26 WHICH IS N87°37'06"W 24.00' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE ALONG SAID SOUTH LINE N87°37'06"W 9.40', THENCE LEAVING SAID SOUTH LINE N02°28'03"E 48.00' TO THE SOUTH LINE OF AN EXISTING 15' UTILITY EASEMENT, THENCE ALONG SAID SOUTH LINE S87°37'06"E 9.40', THENCE LEAVING SAID SOUTH LINE S02°28'03"W 48.00' TO THE POINT OF BEGINNING.

LOT 27, VIRGINIA'S GROVE SUBDIVISION

PORTION OF UTILITY EASEMENT TO BE VACATED:

LOCATED IN LOT 27, VIRGINIA'S GROVE SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 27 WHICH IS N87°37'06"W 24.00' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE ALONG SAID SOUTH LINE N87°37'06"W 9.40', THENCE LEAVING SAID SOUTH LINE N02°28'03"E 63.00' TO THE NORTH LINE OF SAID LOT 27, THENCE ALONG SAID NORTH LINE S87°37'06"E 9.40', THENCE LEAVING SAID NORTH LINE S02°28'03"W 63.00' TO THE POINT OF BEGINNING.

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 easement.

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:

LOT 26, VIRGINIA'S GROVE SUBDIVISION

PORTION OF UTILITY EASEMENT TO BE VACATED:

LOCATED IN LOT 26, VIRGINIA'S GROVE SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 26 WHICH IS N87°37'06"W 24.00' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE ALONG SAID SOUTH LINE N87°37'06"W 9.40', THENCE LEAVING SAID SOUTH LINE N02°28'03"E 48.00' TO THE SOUTH LINE OF AN EXISTING 15' UTILITY EASEMENT, THENCE ALONG SAID SOUTH LINE S87°37'06"E 9.40', THENCE LEAVING SAID SOUTH LINE S02°28'03"W 48.00' TO THE POINT OF BEGINNING.

LOT 27, VIRGINIA'S GROVE SUBDIVISION

PORTION OF UTILITY EASEMENT TO BE VACATED:

LOCATED IN LOT 27, VIRGINIA'S GROVE SUBDIVISION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID LOT 27 WHICH IS N87°37'06"W 24.00' FROM THE SOUTHEAST CORNER THEREOF AND RUNNING THENCE ALONG SAID SOUTH LINE N87°37'06"W 9.40', THENCE LEAVING SAID SOUTH LINE N02°28'03"E 63.00' TO THE NORTH LINE OF SAID LOT 27, THENCE ALONG SAID NORTH LINE S87°37'06"E 9.40', THENCE LEAVING SAID NORTH LINE S02°28'03"W 63.00' TO THE POINT OF BEGINNING.

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 _____, 2014, at a regular meeting of the City Council of the City of Bentonville, Arkansas.

**LINDA SPENCE, City Clerk and
Recorder for the City of Bentonville, AR**

**BOB MCCASLIN, Mayor
City of Bentonville, AR**



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
x	Change Order	
	Informational	
	Ordinance	
x	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by: Ben Peters

Department

Airport

Phone

(479) 271-5993

ACTION REQUIRED:

The Runway Safety Project is now complete. The construction contract ran over the time outlined in the contract. Because of the overrun, Morrison Shipley Engineering exceeded the hours outlined in the construction observation contract. Liquidated damages will be charged to the contractor for the overrun of \$500 per day for every day beyond the contract completion date. These funds will then be used to reimburse Morrison Shipley for their construction observation overrun. A change order is necessary to add the additional time to Morrison Shipley's contract for \$16,000. In addition, FAA grant assurances require all contracts and subcontracts to include language to prohibit texting while driving for all consultants and contractors associated with the project. The Master Task Order with Morrison Shipley must be amended to include the required paragraph.

COST TO CITY:

Cost of this Request: \$16,000

Additional Budget Amount \$0

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	587,662
Funds Expended to Date		555,484
Remaining Budget		32,178
Budget Adjustment		-
Remaining After Adjustment	\$	32,178

Department Head

8-2-14
Date

Staff Attorney

9/3/14
Date

Purchasing Agent

Date

Mayor

9/03/14
Date

Finance Director

9/3/14
Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



APPENDIX 7

BAN ON TEXTING WHEN DRIVING

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Engineer is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting and driving.
- B. The Engineer must insert this clause on banning texting when driving in all contracts and subcontracts.

AMENDMENT #1
TO MASTER AGREEMENT
BEWTEEN CLIENT AND ENGINEER
FOR PROFESSIONAL SERVICES

On this _____ day of _____, 2014, Client and Engineer hereby agree to **AMEND** previous Master Agreement Between Client and Engineer for Professional Services, having an **Effective Date of April 12, 2011**, as follows:

ADD Appendix 7 – “Ban on Texting When Driving”

This Amendment #1 agreed to by:

CLIENT: **City of Bentonville**

By: _____

Title: Mayor

Date Signed: _____

ENGINEER: **Morrison-Shipley Engineers, Inc. (Arkansas COA #281)**

By: _____

Title: President

Date Signed: 9/2/14

APPENDIX 1**MASTER AGREEMENT
TASK ORDER**

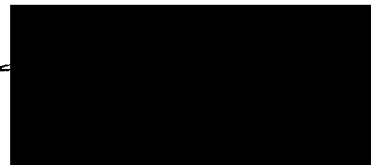
TASK ORDER NO. 6A
CLIENT NAME: City of Bentonville
PROJECT NAME: Runway 18-36 Safety Area Improvements
PROJECT NO.: VBT-14

SERVICES PROVIDED SHALL BE IN ACCORDANCE WITH PROVISIONS OF MASTER AGREEMENT EXECUTED April 12, 2011.

1. SCOPE OF SERVICES & OTHER REQUIREMENTS	2. COST COMPONENTS
ADDITIONAL Services required to complete work previously authorized under Task Order No. 6, as executed on February 13, 2013, due to additional construction time expended by Contractor and modifications to the construction scope.	\$16,000.00 max. (Billed on an Hourly Not to Exceed basis.)
3. DELIVERABLES	4. SCHEDULED MILESTONES
Provide ADDITIONAL Construction Observation and Contract Administration Services due to additional construction time expended by Contractor and modifications to the construction scope.	None
5. EXECUTION	

CITY OF BENTONVILLE
(CLIENT)

MORRISON-SHIPLEY ENGINEERS, INC.
(ENGINEER)



9/2/14

By: _____

Date _____

By: _____

Date _____

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE MAYOR AND
CLERK TO ENTER INTO AN AMENDMENT TO THE
MASTER AGREEMENT FOR PROFESSIONAL SERVICES
WITH MORRISON SHIPLEY ENGINEERS RELATED TO
THE BENTONVILLE MUNICIPAL AIRPORT.**

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

Section 1: That the Mayor and Clerk be and are hereby authorized to enter into an amendment to the existing agreement with Morrison Shipley Engineering, as set forth in the Amendment and Task Order attached hereto as Exhibit "A".

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this _____ day of _____, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY	
	Bid Award
	Budget Adjustment
x	Change Order
	Informational
	Ordinance
	Resolution
	Other

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by: Mike Churchwell

Department: Engineering

Phone: (479) 271-3168

ACTION REQUIRED:

SE 10th Street Drainage Improvements is now complete. To reconcile the quantities used and the final price of the contract, a reconciliation change order is needed. The final project cost is \$11,242.19 less than the currently contracted amount of \$183,224.08

COST TO CITY:

Cost of this Request: (\$11,242.19)

Additional Budget Amount: \$0

☒ One time amount ☐ Continuing O and M

Previously Budgeted	\$ 183,224.08
Funds Expended to Date	171,981.89
Remaining Budget	11,242.19
Budget Adjustment	
Remaining After Adjustment	\$ 11,242.19

Department Head: MC 9-2-14
Date

Purchasing Agent: _____
Date

Finance Director: DC 9/3/14
Date

Staff Attorney: CT 9/3/14
Date

Mayor: PBM 9/03/14
Date

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



Memorandum

To: Mayor and City Council
From: Mike Churchwell, Transportation Engineer
Date: Tuesday, September 02, 2014
Re: Reconciliation Change Order, SE 10th Street Drainage Improvements



SE 10th Street Drainage Improvements is now complete. Staff is seeking approval of a Reconciliation Change Order for this project. Please refer to the attached spreadsheet.

Item # 4 – deduct for unused quantity

Item # 12 – deduct for unused quantity

Item # 15 – Overrun on quantity to complete project. Sections of fence needed replacing as part of this project.

Item # 16 – Overrun on quantity to complete project. Sections of fence needed replacing as part of this project.

Item # 20 – City of Bentonville Water Utilities preformed the work for this line item.

NEW – Item # 21 – Contractor used more days than the 90 days allowed in the contract resulting in a disincentive of \$7,600 (38 days x \$200/day = \$7600.00).

Total request for RCO is (\$11,242.19) which makes the new contract amount \$171,981.89

Please contact me with any questions or concerns regarding the proposed contract or the project as a whole. My direct telephone number is (479) 271-3168 or I can be reached via email at mchurchwell@bentonvillear.com.

**RECONCILIATION CHANGE ORDER
CITY OF BENTONVILLE
SE 10TH STREET DRAINAGE IMPROVEMENTS
BID NUMBER 13-40**

Number	Item #	Item	Unit	Existing QTY	New Quantity	Price/Unit	Extended Price	Days
	1	Construction Control	LS	1	1	\$ 7,708.00	\$ -	
	2	Trench and Excavation Safety Systems	LS	1	1	\$ 1.00	\$ -	
	3	Cleaning and Grubbing	LS	1	1	\$ 17,327.19	\$ -	
	4	Undercut Backfill	CY	50	43	\$ 36.00	\$ (252.00)	
	5	4" Topsoil Placement	SY	3850	3850	\$ 3.50	\$ -	
	6	33" x 26" Ultra Flo elliptical CMP 14 GA - Outside Roadway	LF	1032	1032	\$ 64.50	\$ -	
	7	4'x4' Area Inlet with two openings	EA	3	3	\$ 2,398.00	\$ -	
	8	9'x4' Area Inlet with two openings	EA	1	1	\$ 7,529.00	\$ -	
	9	Channel Excavation (Plan Quantity)	CY	745	745	\$ 13.00	\$ -	
	10	Concrete Channel Paving	SY	460	460	\$ 40.50	\$ -	
	11	Seeding	AC	0.8	0.8	\$ 1,194.00	\$ -	
	12	Additional watering	MG	1	0	\$ 247.50	\$ (247.50)	
	13	Erosion Control	LS	1	1	\$ 5,861.00	\$ -	
	14	Mobilization	LS	1	1	\$ 2,035.00	\$ -	
	15	Chain Link Fence	LF	562	720	\$ 17.50	\$ 2,765.00	
	16	Wood Privacy fence	LF	76	153	\$ 29.50	\$ 2,271.50	
	17	Relocate Existing Storage Shed	EA	1	1	\$ 1,000.00	\$ -	
	18	Modify Existing Detention Pond Outlet Structure	LS	1	1	\$ 1,137.00	\$ -	
	19	R&D of existing CMP & Headwall, STA 15+72	LS	1	1	\$ 1,819.00	\$ -	
	20	Lower Existing 6" Waterline, STA 10+25	LS	1	0	\$ 8,179.19	\$ (8,179.19)	
		Days Requesting				\$ -	\$ -	92
	21	Incentive/Disincentive	DAY	0	38	\$ (200.00)	\$ (7,600.00)	
							\$ -	
						Total(s)	\$ (11,242.19)	92

**RECONCILIATION CHANGE ORDER
CITY OF BENTONVILLE
SE 10TH STREET DRAINAGE IMPROVEMENTS
BID NUMBER 13-40**

Date of Change Order:	8/26/2014
NTP Issued:	11/12/2013
Actual Sub. Comp.	6/20/2014

Original Contract Time:	90
Approved C.O. Days:	0

Submitted By:

NEC, Inc.
2425 S. 5th Street
Rogers, AR 72758

The contractor certifies that (1) title to all Work, materials, and equipment incorporated in the work, or otherwise listed in or covered by this and all previous Pay Estimates will pass to the Owner at time of payment free and clear of all liens, claims, security interests and encumbrances (except such as are covered by Bond acceptable to Owner indemnifying Owner against any such lien, claim, security interest or encumbrance), and (2) all Work covered by this Pay Estimate is in accordance with the Contract Documents and is not defective.

Original Contract Amount:	\$	180,114.70
Approved Change Orders:	\$	3,109.38
Current Contract Amount:	\$	183,224.08
Amount Requesting:	\$	(11,242.19)
New Contract Amount:	\$	171,981.89
Days Requesting:		92
Original Substantial Comp.		2/10/2014
New Substantial Comp.		5/13/2014

Contractor: NEC, Inc.

Approved By: City of Bentonville

Signature and Date

Signature and Date



CHECK ALL THAT APPLY		
	Bid Award	Bid #
	Budget Adjustment	
	Change Order	
	Informational	
	Ordinance	
x	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by: Jon Simpson

Department: Police

Phone: 271-3172

ACTION REQUIRED:

Request that the City Council declare certain items as being surplus, namely ten (10) Glock Model 22 .40 caliber handguns. These firearms have been in service for approximately 12 years and include the following weapons and serial numbers (SN): Glock 22 40 cal. SN 1EMC294, Glock 22 40 cal. SN 1EMC293, Glock 22 40 cal. SN 1EMC292, Glock 22 40 cal. SN 1EMC291, Glock 22 40 cal. SN 1EMC290, Glock 22 40 cal. SN 1EMC289, Glock 22 40 cal. SN 1EMC288, Glock 22 40 cal. SN 1EMC287, Glock 22 40 cal. SN 1EMC286, Glock 22 40 cal. SN 1EMC285. New Generation 4 models can be sourced from Cruse Uniforms and Equipment of Springdale for \$409.00 each (\$4,090 total cost). Upon being declared surplus the (10) above mentioned weapons can be traded in for a \$300.00 credit per firearm (\$3,000.00 total trade in). Additionally, it is requested that Council declare six (6) other firearms and (5) electronic (EOTECH) rifle sights not currently in use as surplus. These firearms include (4) Remington 1187 12 gauge shotguns and 2 handguns. These Remingtons have serial numbers, PC503270, PC107071, PC503196 and PC 503212, and have a trade in/credit value of \$425.00 each (\$1,700.00 total trade in). The other handguns include a Glock Model 21 45 cal. SN AMW549, and a Smith and Wesson 4046 40 cal. SN VJP6956 and will have trade in values similar to the Glock 22. The EOTECH sights can be traded in through a factory program for up to \$100.00 credit. Any additional trade-in values can be used to purchase back up Glock Model 22's and additional magazines and related items for our inventory. In addition to increasing officer safety, this effort will provide for a responsible disposition of these retired weapons and represent a great cost savings to the City.

COST TO CITY:

Cost of this Request: \$0

Additional Budget Amount

☒ One time amount ☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

Department Head: [Signature] Date: 9-3-14
Purchasing Agent: [Signature] Date: [Blank]
Finance Director: [Signature] Date: 9/3/14

CT: [Signature] Date: 9/3/14
Staff Attorney: [Signature] Date: 9/03/14
Mayor: [Signature] Date: [Blank]

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712
www.bentonvillear.com



PLEASE RECYCLE



RESOLUTION NO. _____

**A RESOLUTION DECLARING CERTAIN PROPERTY
BELONGING TO THE CITY OF BENTONVILLE POLICE
DEPARTMENT AS SURPLUS PROPERTY.**

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

Section 1: That certain property of the City of Bentonville Police Department, more particularly described in the attached agenda form, is hereby declared to be surplus and the Police Department is authorized to dispose of or exchange such property as authorized by law and more particularly described therein.

Section 2: This resolution shall be in full force and effect from and after the date of its passage.

PASSED and APPROVED this _____ day of _____, 2014.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



CHECK ALL THAT APPLY			
	Bid Award	Bid #	
x	Budget Adjustment		
	Change Order		
	Informational		
	Ordinance		
	Resolution		
	Other		

AGENDA FORM

CITY COUNCIL MEETING OF:

September 9, 2014

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Budget adjustment in the amount of \$6,800.00 to be used to purchase an entry training door. The training door would simulate different types of doors and allow training for several entry techniques. Entry techniques that could be simulated include ramming, sawing, hydraulic spreading, glass breaking, and other breaching methods. The proposed training door could be sourced from Ruhl Tech Engineering and can be continually reset and reused to provide realistic training, unlike an actual entryway. Based upon our research, no other company offers the training options available in this training door. This item would be used in SWAT team training and also train others in the department in various entry techniques. The above listed amount would be sourced from Federal Equitable Sharing Funds.

COST TO CITY:

Cost of this Request:

W

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$
Funds Expended to Date	
Remaining Budget	-
Budget Adjustment	-
Remaining After Adjustment	\$ -

Department Head

Date

9-3-14

Purchasing Agent

Date

9/3/14

Finance Director

Date

Staff Attorney

Date

9/3/14

Mayor

Date

9/23/14

This form must be turned into the Mayor's office 7 days prior to the scheduled City Council meeting.

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE





Date of Request: September 9, 2014

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
010-0000-215-21.39	Federal Equitable Sharing Escrow	\$6,800.00		\$ 6,800.00
010-2010-421-74.10	Capital Expenditure Mach and Equip		\$6,800.00	\$ (6,800.00)
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ 6,800.00	\$ 6,800.00	\$ -

Federal Equitable Sharing Funds used to purchase a training door/doorway.

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

PLEASE RECYCLE

