



**City Council
Meeting Agenda
November 14, 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 November 14, 2023:

https://us02web.zoom.us/webinar/register/WN_LE-Hr23GRGahsKCIhNKSBw

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: October 24, 2023

I. Committee of the Whole - Monday Night Only Items

- | | | |
|----|--|----------------------|
| 1. | Impact Fee Discussion | Informational |
| 2. | Affordable Housing Discussion | Informational |
| 3. | Business Registry Proposal Presentation | Informational |

A presentation of a proposed program to establish a Business Registry.

4. **Short-term Rental Registry** **Informational**
Presentation

A presentation of a proposed program to establish a Short-term Rental Registry.

II. New Business

1. **October Commercial Landscape Award -** **Informational**
350 SW A Street

Recognition by City Council of the landscaping on commercial property located at 350 SW A Street home of Skylight Cinema. The property was selected by the Tree & Landscape Advisory Committee and is the October 2023 Commercial Landscaping of the Month award winner.

2. **October Residential Landscape Award -** **Informational**
1808 SE Lawrence Street

Recognition by City Council of the landscaping of residential property at 1808 SE Lawrence Street. The property was selected by the Tree & Landscape Advisory Committee and is the October 2023 Residential Landscaping of the Month award winner.

3. **Public Art Advisory Committee** **Board Appointment**
Reappointment of Clint Schaff

Recommending reappointment of Clint Schaff to a second term in Position 6 on the Public Art Advisory Committee. His first full three-year term begins January 1, 2024 and expires Dec. 31, 2026.

4. **Public Art Advisory Committee** **Board Appointment**
Reappointment of Tom Hoehn

Recommending reappointment of Tom Hoehn to a second term in Position 7 on the Public Art Advisory Committee. His second three-year term begins January 1, 2024 and expires Dec. 31, 2026.

5. **Public Art Advisory Committee** **Board Appointment**
Appointment of Anne Jackson

Appointment of Anne Jackson to a first term in Position 5 on the Public Art Advisory Committee. The term for this position expires Dec. 31, 2023 and was vacated by Brittany Vernon in July 2023 when she moved outside of Bentonville. Anne's first three-year term begins January 1, 2024 and expires Dec. 31, 2026.

6. **Tree & Landscape Advisory Committee** **Board Appointment**
Reappointment of Gulizar Baggson

Recommending reappointment of Gulizar Baggson for a second term in Position 2 on the Tree & Landscape Advisory Committee. Her second three-year term begins January 1, 2024 and expires Dec. 31, 2026.

7. **Tree & Landscape Advisory Committee** **Board Appointment**
Reappointment of Jessie Wagner

Recommending reappointment of Jessie Wagner for a second term in Position 1 on the Tree & Landscape Advisory Committee. Her second three-year term begins January 1, 2024 and expires Dec. 31, 2026.

8. **Tree & Landscape Advisory Committee** **Board Appointment**
Reappointment of Nathan Lembke

Recommending reappointment of Nathan Lembke for a third term in Position 4 on the Tree & Landscape Advisory Committee. His third three-year term begins January 1, 2024 and expires Dec. 31, 2026.

9. **Tree & Landscape Advisory Committee** **Board Appointment**
Appointment of Jeannie McIntire

Recommending appointment of Jeannie McIntire to fulfill an unexpired term for Position 6 on the Tree & Landscape Advisory Committee. Mark Bray, currently in the position, resigned in October 2023. This position's term expires Dec. 31, 2024.

10. **Reappointment of Jeff McClelland to the Northwest Arkansas Conservation Authority Board** **Board Appointment**
Mayor Stephanie Orman is recommending Jeff McClelland for reappointment to the Northwest Arkansas Conservation Authority (NACA) Board. This will be Mr. McClelland's second term that will expire on December 31, 2026.
11. **Reappointment of Library Advisory Board Member Cynthia Cochran** **Board Appointment**
Approve reappointment of Cynthia Cochran to the Library Advisory Board. This is Mrs. Cochran's second term that will expire December 31, 2028.
12. **Adopting 2024 New Positions and Pay Plan Changes** **Ordinance***
Ordinance adopting new positions that are being requested for 2024 along with some position upgrades, all have been included in the 2024 budget.
13. **2024 Pay Plan Change - Fire Department Personnel** **Ordinance***
Ordinance amending the 2024 Bentonville Fire Department Pay Plan - These changes are being requested to maintain competitive salaries. The attached pay plan will move the starting wage for a Firefighter from \$13.00 to \$15.08 per hour.
14. **Hein Thu Tran Annexation** **Ordinance***
Ordinance accepting the annexation of certain territory of the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards. (Hein Thu Tran Annexation).
15. **Issue of 2023 Bonds** **Ordinance***
Approve an Ordinance authorizing the issuance of sales and use tax bonds for the purpose of financing the cost of capital improvements. No budget adjustment is needed.
16. **Adopt 2024 Budget** **Resolution**
Approve a Resolution adopting the 2024 Budget.
17. **Impact Fees (Police)** **Ordinance***
Requesting City Council approval of an ordinance to amend Police Impact Fees, as recommended by TischlerBise in the Impact Fee Analysis Report dated September 19, 2023.
18. **Impact Fees (Fire/EMS)** **Ordinance***
Requesting City Council approval of an ordinance to amend Fire/EMS Impact Fees, as recommended by TischlerBise in the Impact Fee Analysis Report dated September 19, 2023.
19. **Impact Fees (Library)** **Ordinance***
Requesting City Council approval of an ordinance to amend Library Impact Fees, as recommended by TischlerBise in the Impact Fee Analysis Report dated September 19, 2023.
20. **Impact Fees (Parks)** **Ordinance***
Requesting City Council approval of an ordinance to amend Parks Impact Fees, as recommended by TischlerBise in the Impact Fee Analysis Report dated September 19, 2023.

21. **Award Bid IFB-23-57 Re-bid of a Portable Restroom Trailer for the Police Department Training Facility** **Resolution**
Resolution to award bid (IFB-23-57 Re-bid) to 8540527 Canada Inc / NIU TOILET for the purchase of a portable restroom trailer. This was the lowest and most responsive bid received. No budget adjustment is needed.
22. **Waiver of Bid to Enter into an Agreement with All American PDR, LLC** **Ordinance***
Ordinance waiving the requirement for competitive bidding and declaring an emergency for All American PDR, LLC to complete hail damage repairs on police vehicles in the amount of \$124,599.92. No budget adjustment is needed.
23. **Reconciliation Change Order for Fire Training Tower** **Resolution**
Resolution for a reconciliation Change Order to close the Clinard Construction Contract for the Fire Training Facility, and a Budget Adjustment to appropriate the remaining funds of \$177,683.49 for the purchase of additional capital items related to the Fire Training Facility and process the final payment for civil engineering services. The final payment to Clinard Construction has been processed, with the construction coming in \$177,683.49 under the contract amount. A Budget Adjustment is needed.
24. **Amend Halff and Associates Contract for Fire Training Tower** **Resolution**
Resolution to amend the civil engineering contract for services related to construction observation for the fire training facility in the amount of \$7,967.71 to process payment for final invoices.
25. **Waiver of Bid to Purchase an Additional Gas Prop for the Fire Training Tower** **Ordinance***
Ordinance with an emergency clause to waive bid to purchase an additional gas prop for the training facility from Symtech (sole source due to the system being proprietary) in the amount of \$127,567.50. An emergency clause is needed in order to execute the Purchase Order prior to year-end of 2023.
26. **Setting Public Hearing for Utility Easement Vacation (VAC23-0019)** **Resolution**
Resolution to set public hearing for November 28, 2023 for a Utility Easement Vacation located at Lot 32 of College Place Subdivision Phase 8 (VAC23-0019).
27. **Setting Public Hearing for Right of Way Vacation (VAC23-0020)** **Resolution**
Resolution to set public hearing for November 28, 2023 for Right of Way Vacation located at Lot 2 of Groundhog Addition (VAC23-0020).
28. **CEI Contract Amendment #2 - NW 9th & D Street Drainage Improvement Project** **Resolution**
Staff requests approval of a Resolution allowing the Mayor and City Clerk to authorize Contract Amendment #2 with CEI, Inc. for the NW 9th & D Street Drainage Improvement Project. This amendment is required to cover extended construction observation costs.
29. **Amending Professional Services Agreement with Hight Jackson - Cemetery Columbarium Project** **Resolution**
Resolution authorizing the Mayor and City Clerk to amend the Professional Services Agreement with Hight Jackson and Associates for an increased amount of \$19,250.00, for a total contract amount of \$76,500.00. This request is due to a change in scope of work for

Hight Jackson to add construction phase services. A Budget Adjustment is needed for this request.

30. **Award Bid IFB 23-53 to C.R. Crawford for the City Cemetery Columbarium/Committal Shelter Project** **Resolution**

Resolution approving bid award IFB-23-53 in the amount of \$689,199.00 to C.R. Crawford Construction. This amount includes the subtraction of Alternate Deduct #1, and a portion of a 3% contingency (\$15,000.00). C.R. Crawford was the lowest responsible bidder. A Budget Adjustment is needed for this project to cover landscape and irrigation materials/supplies, material testing, and contingency.

31. **Resolution and Budget Adjustment - Donation for Gilmore Park Improvements** **Resolution**

Council approval of a resolution and budget adjustment in the amount of \$257,795.00, accepting a donation from Steuart and Kelly Walton, for park improvements at Gilmore Park. A budget adjustment is needed to accept funds.

32. **Land Donation for Gilmore Park from 8th & Melissa LLC** **Resolution**

Resolution authorizing the Mayor and City Clerk to enter into an agreement with 8th and Melissa, LLC, accepting a land donation that will become part of Gilmore Park. No budget adjustment is needed.

33. **Accept Grant for E-Bike Rebate Program** **Resolution**

Resolution authorizing the Mayor and City Clerk to accept a grant in the amount of \$1,450,000.00 over a three (3) year period. No budget adjustment is needed.

III. Utility Board

1. **Agreement with AECl for the Purchase of Transformers in 2024** **Ordinance***

Ordinance waiving the requirement of competitive bidding to enter into an agreement with AECl which offers a Volume Commitment Agreement that will guarantee transformers through out the 2024 year. The costs will be reviewed every quarter and relayed to Bentonville. Approved by Utility Board 4-0.

2. **Budget Adjustment for Water Utilities Contracted Services** **Resolution**

Resolution to approve a budget adjustment in the amount of \$273,018.90 which includes \$130,305.10 for directional boring services through the annual IFB 22-68 boring contract and \$142,713.80 for contracted water system repairs through the annual IFB-23-38 IDIQ Water and Sewer Maintenance contract. This item was approved by Utility Board 4-0. A Budget Adjustment is needed.

3. **Waiver of Bid and Budget Adjustment for Property Damage at 1101 Spriggs Court** **Ordinance***

Approval of a Budget Adjustment appropriating \$86,378.66 for expenses related to property damage at 1101 Spriggs Court due to a sewer backup, and an Ordinance waiving competitive bidding with an Emergency Clause to NWA Restore-It, in the amount of \$67,219.59 for the mitigation and repair expenses. This amount includes \$17,358.07 in hotel fees, and \$1,801.00 for replacement of personal items. Due to the emergency, it was neither practical or feasible to solicit competitive bids.

IV. Planning

1. **Unlicensed Vehicles** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance amending Appendix A, Zoning Code, to delete Section 501.12 Parking and Storage of Certain Vehicles.
2. **CDBG Annual Action Plan Amendment** **Resolution**
The Planning Commission voted 7-0 recommending approval.
A Resolution amending the adopted 2023-2027 Consolidated Plan for compliance with participation in the HUD Community Development Block Grant (CDBG) Program.
3. **Extra Territorial Jurisdiction** **Ordinance***
The Planning Commission voted 7-0 recommending approval.
An Ordinance amending Bentonville Municipal Code Appendix B, Land Development Code, Section 700 and 1100 to identify regulations applicable in the City's planning area.
4. **Lot 15 of Pickens Subdivision** **Ordinance***
(LS23-0040) - John DeShields Boulevard and
Northeast Legacy Parkway
John DeShields Boulevard and Northeast Legacy Parkway **The Planning Commission voted 7-0 recommending approval.**
An Ordinance accepting a lot split of Lot 8 of Pickens Subdivision, creating new Lot 15 of Pickens Subdivision to the City of Bentonville, Arkansas.
5. **Lot 16 of Pickens Subdivision** **Ordinance***
(LS23-0041) - Northeast John Deshields
Boulevard
Northeast John Deshields Boulevard **The Planning Commission voted 7-0 recommending approval.**
An Ordinance accepting a lot split of existing Lot 13 of Pickens Subdivision, creating new Lot 16 of Pickens Subdivision to the City of Bentonville, Arkansas.
6. **Lots 5 and 6 of Harbin Pointe Addition** **Ordinance***
(LS23-0049) - Southwest Regional
Airport Boulevard
Southwest Regional Airport Boulevard **The Planning Commission voted 7-0 recommending approval.**
An Ordinance accepting a lot split of Lot 3 of Harbin Pointe Addition creating new Lots 5 & 6 of Harbin Pointe Addition to the City of Bentonville, Arkansas.
7. **Lots 1 and 2 of Pinnacle Villas LLC** **Ordinance***
Subdivision
(LS23-0051) - 208 Northwest G Street
208 Northwest G Street **The Planning Commission voted 7-0 recommending approval.**
An Ordinance accepting a lot split of unplanted section land creating new Lots 1 & 2 of Pinnacle Villas LLC Subdivision to the City of Bentonville, Arkansas.
8. **Yellow Brick Road, LLC** **Resolution**
(RZ23-0075) - 503 Southeast A Street
503 Southeast A Street **The Planning Commission voted 7-0 recommending approval.**
A Resolution amending the City of Bentonville Future Land Use Map for a specific area from High Density Residential to Downtown Commercial.
9. **Yellow Brick Road, LLC** **Ordinance***
(RZ23-0075) - 503 Southeast A Street
503 Southeast A Street **The Planning Commission voted 7-0 recommending approval.**
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present

- zoning classification of R-3, Medium-High Density Multifamily Residential to DE, Downtown Edge.
10. **REO Plateau Properties** **Resolution**
(RZ23-0076) - Northwest Deer Run Avenue
Northwest Deer Run Avenue **The Planning Commission voted 7-0 recommending approval.**
A Resolution amending the City of Bentonville Future Land Use Map for a specific area from previously unassigned land to Residential Estate.
 11. **REO Plateau Properties** **Ordinance***
(RZ23-0076) - Northwest Deer Run Avenue
Northwest Deer Run Avenue **The Planning Commission voted 7-0 recommending approval.**
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-E, Residential Estate.
 12. **City of Bentonville** **Resolution**
(RZ23-0077) - Southwest 8th Street
Southwest 8th Street **The Planning Commission voted 7-0 recommending approval.**
A Resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate and Office to Agriculture.
 13. **City of Bentonville** **Ordinance***
(RZ23-0077) - Southwest 8th Street
Southwest 8th Street **The Planning Commission voted 7-0 recommending approval.**
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium High Density Multifamily Residential and PUD, Planned Unit Development to A-1, Agriculture.
 14. **Sanders Properties LLLP** **Ordinance***
(RZ23-0078) - 205 Northwest 4th Street
205 Northwest 4th Street **The Planning Commission voted 6-0 recommending approval, with commissioner Sanders recusing himself from the vote.**
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium High Density Multifamily Residential to DN-4, Downtown Mixed Use Residential.
 15. **Esterer Investments, LLC** **Ordinance***
(RZ23-0079) - 337 Northwest A Street
337 Northwest A Street **The Planning Commission voted 7-0 recommending approval.**
An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium High Density Multifamily Residential to DN-4, Downtown Mixed Use Residential.
 16. **Doaba Investment, LLC** **Resolution**
(RZ23-0073) - Southwest Regional Airport Boulevard
Southwest Regional Airport Boulevard **The Planning Commission voted 7-0 recommending approval.**
A Resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to High Density Residential.
 17. **Doaba Investment, LLC** **Ordinance***
(RZ23-0073) - Southwest Regional Airport Boulevard

Southwest Regional Airport Boulevard **The Planning Commission voted 7-0 recommending approval.**

An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to R-3, Medium High Density Multifamily Residential.

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