



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

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

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

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

https://us02web.zoom.us/webinar/register/WN_vtDZSKtiRwaP9Q4BzUZsJw

Call to Order

Pledge of Allegiance

Moment of Silence

Roll Call

Approval of Minutes: November 28, 2023

I. New Business

1. Recognition - Community Council and Youth Council

Informational

Recognize members of the Community Council and Youth Council for their completion of the year-long program.

2. Stormwater Ordinance Amendment

Ordinance*

Ordinance amending the Stormwater Pollution Prevention and Erosion Control Standards (Ord. No. 2006-167) to remove the term and definition "Waters of the United States" and to codify these standards in Chapter 34 Environment as Article 34-III. No budget adjustment is needed.

3. **Business Registry Ordinance** **Ordinance***
Approval of an Ordinance establishing a business registry. No Budget Adjustment is needed.
4. **Short-term Rental Registration** **Ordinance***
Approval of an ordinance requiring short-term rentals to register with the business registry, if the business registry is approved. No Budget Adjustment is needed.
5. **Agreement with Junk-King for Code Compliance Litter Removal** **Resolution**
Resolution for City Council approval to enter into an agreement with Need Junk LLC DBA Junk-King for the Code Compliance Litter Removal. No Budget Adjustment is needed.
6. **Waive Competitive Bidding - Ka-Comm Inc. for Storm Siren Radios** **Ordinance***
Ordinance with an emergency clause, waiving bids to purchase 18 radios from Ka-Comm INC in order to start upgrading the city storm warning system to be compatible with the new radio system that will come online in 2024. An emergency clause is needed in order to execute the Purchase Order prior to year-end of 2023. No Budget Adjustment is needed.
7. **Recognizing a Grant from the Bentonville Moves Coalition & City Thread** **Resolution**
The Fire Department would like to recognize a \$2,500.00 grant received from the Bentonville Moves Coalition and City Thread. This grant will be used to design conceptual renderings of a "Safety Town" concept for the City of Bentonville. A Budget Adjustment will be needed to recognize and allocate funds.
8. **Budget Adjustment to Reallocate Operating Funds for Bentonville Animal Services** **Resolution**
Resolution approving a budget adjustment in the amount of \$26,514.36, allocating funds from account #105060-42090 Other Operating Supplies to account #105060-47390 Improvement Other Building/Other for the purchase of a cantilever shade structure for the animal services facility courtyard. A budget adjustment is needed to reallocate budgeted operating funds for this capital item.
9. **Resolution Authorizing an Increase to the 2021 GTS Agreement for Construction Observation** **Resolution**
Resolution authorizing an increase to the Bentonville Public Library's agreement with GTS, Inc., for construction observation and testing services, in amount not to exceed \$40,000.00 total. No Budget Adjustment is needed.
10. **Resolution Entering into an Agreement with Bibliotheca for Software Licensing** **Resolution**
Resolution authorizing the Mayor and City Clerk to enter into an agreement with Bibliotheca, in an amount not to exceed \$38,250.00, for annual product warranties, software licensing, service, and technical support for Bentonville Public Library. No Budget Adjustment is needed.
11. **Ordinance to Waive Competitive Bidding for Overdrive, Inc.** **Ordinance***
Ordinance to waive competitive bidding requirements in an amount not to exceed \$72,500.00 to Overdrive, Inc. for ebooks, downloadable audiobooks, magazines and other digital products for Bentonville Public Library (BPL). An emergency clause is requested so as to not interrupt service. No Budget Adjustment is needed.

12. **Appointment of Patti Constantakis to Advertising & Promotion Commission** **Board Appointment**
Mayor Stephanie Orman recommends Patti Constantakis for appointment to Bentonville's Advertising & Promotion Commission. This term will begin on January 1, 2024 and will expire December 31, 2027.
13. **Reappointment of Daniel Hintz to Advertising & Promotion Commission** **Board Appointment**
Mayor Stephanie Orman recommends Daniel Hintz for reappointment of a second term to Bentonville's Advertising & Promotion Commission. This term will begin on January 1, 2024 and will expire December 31, 2027.
14. **Resolution Amending the 2023 Budget Reallocating Funds for Various Account Deficits** **Resolution**
Approve a Resolution authorizing a budget adjustment from General Fund Reserves and Utility Fund Reserves into various accounts. Reallocating budgeted payroll funds from Sewer to Water addressing forecasted deficits.
15. **Resolution Obtaining Workers Compensation Insurance for 2024** **Resolution**
Approving a Resolution to obtain workers compensation coverage for January 1, 2024 through Key Risk - Berkley Casualty. A Budget Adjustment is needed for the increased coverage cost.
16. **Bentonville Municipal Airport Grant for Exit Lights for Mid-field Connector** **Resolution**
Resolution accepting a grant in the amount of \$12,000.00 from the Walton Family Foundation for exit only lights for the mid-field connector at the Bentonville Municipal airport. A Budget Adjustment is needed to allocate funds.
17. **Public Hearing and Ordinance Vacating Utility Easement (VAC23-0021)** **Ordinance***
Public hearing and ordinance vacating a Utility Easement Vacation located at Block 9, Lot 2 of Dogwood Place Subdivision (VAC23-0021).
18. **PIIP22-0029 Rainbow Curve Improvements Acquisition - ORC Work Order/MSA Amendment** **Resolution**
Resolution amending fees for appraisal services, as approved by City Council Resolution 03-28-23H, for Rainbow Curve improvements acquisitions, in an amount not to exceed \$211,250.00. No budget adjustment required.
19. **HWY 71B/12th St/Tiger Blvd Project - Change Order #3** **Resolution**
Resolution allowing the Mayor and City Clerk to authorize Change Order #3 with N.E.C., Inc. for the Tiger Blvd Intersection Improvement Project, in the amount of \$17,820.26. A Budget Adjustment is needed.
20. **TEC Staffing Services Contract Amendment for Name Change** **Resolution**
Resolution authorizing the Mayor and City Clerk to amend the Professional Services Agreement with TEC Staffing Services to reflect the name change of the company to HireQuest DBA Snelling. No Budget Adjustment is needed.

21. **Waiver of Competitive Bidding for the 2024 Downtown Bentonville Inc. Agreement** **Ordinance***

Ordinance approving a bid waiver to Downtown Bentonville, Inc., and authorizing the Mayor and City Clerk enter into an agreement for services for 2024. No Budget Adjustment is needed.

22. **Parks & Recreation Advisory Board Appointments** **Board Appointment**

City Council approval of Mayor Orman's recommendation to appoint Allyson de la Houssaye and Kristen Kuhlow for the first term to the Parks and Recreation Advisory Board and the reappointment of Ryan Hollingsworth for a second term. Their terms will expire on December 31, 2026.

II. Utility Board

1. **Award Bid IFB-23-60 for Yearly Street Materials** **Resolution**

Resolution to Award Bid IFB-23-60 for Yearly Street Materials to Benton County Stone. Approved by Utility Board 5-0. No Budget Adjustment is needed.

2. **Waive Competitive Bidding - Holophane Lighting** **Ordinance***

Ordinance waiving competitive bidding for the purchase and delivery of various decorative poles, arms and light fixtures on an as needed basis from Holophane, for the City of Bentonville Inventory Department. Approved by Utility Board 5-0. No Budget Adjustment is needed.

3. **Agreement with Frost Oil Company for Fuel Purchase** **Resolution**

Resolution authorizing Mayor and City Clerk to enter into an agreement with Frost Oil Company for the purchase of fuel (unleaded and Dyed #2 Ultra Low Sulfur diesel) for a 5-year term. Approved by Utility Board 5-0. No Budget Adjustment is needed.

4. **Waive Competitive Bidding - Techline for 3 Phase Transformers** **Ordinance***

Ordinance to waive competitive bidding to purchase 3 phase transformers from Techline, in an amount not to exceed \$358,678.00 plus applicable taxes. Approved by Utility Board 5-0. No Budget Adjustment is needed.

5. **Waive Competitive Bidding - Mueller Company for Various Water Meters** **Ordinance***

Ordinance waiving competitive bidding for the purchase and delivery of various Mueller water meters on an as needed basis from Mueller Company for the City of Bentonville Inventory Department. Approved by Utility Board 5-0. No Budget Adjustment is needed.

6. **Waive Competitive Bidding - Henard Utility Products, Inc. for Various Badger Water Meters** **Ordinance***

An ordinance waiving competitive bidding for the purchase and delivery of various Badger water meters on an as needed basis from Henard Utility for the City of Bentonville Inventory Department. Approved by Utility Board 5-0. No Budget Adjustment is needed.

7. **Waive Competitive Bidding - Core & Main for Various Sensus Water Meters** **Ordinance***

Ordinance waiving competitive bidding for the purchase and delivery of various Sensus water meters on an as needed basis from Core and Main, for the City of Bentonville Inventory Department. Approved by Utility Board 5-0. No Budget Adjustment is needed.

8. **Waive Competitive Bidding - Superior Auto Group for Five (5) Half Ton Truck Replacements** **Ordinance***

Ordinance requesting City Council approval of a Waiver of Bid Request to purchase five half-ton trucks from Superior Auto Group for \$45,060.00 each. All five trucks are replacements within our existing fleet. All the trucks are experiencing mechanical issues and are more than 10 years of age. Utility Board approved 4-0. No budget adjustment is needed.

9. **ARDOT Utility Relocation Agreement, ARDOT Project 090512 (Hwy 112)** **Resolution**

Resolution authorizing the Mayor and City Clerk to enter into an agreement with the Arkansas State Highway Commission for relocation of utilities associated with ARDOT Project 090512 - Springdale Bypass - Hwy 12 P.E. Route 112, Section 2, Benton County. Utility Board approved this item 5-0. A budget adjustment is required for this project.

10. **Agreement with PW Tech for the WRRF Volute Dewatering Press Drum Overhaul** **Ordinance***

Ordinance for a Waiver of Bid to enter into an agreement with PW Tech to purchase and install (4) ES-350 series Ring Recharge. This is a sole source item that was not budgeted for 2024, but should fall under account 44-40 for unexpected repairs. The Volute Dewatering Press malfunctioned unexpectedly one week after the 2024 budget was approved. Passed Utility Board 5-0. No budget adjustment is needed.

III. Planning

1. **Lot Split - Lots 9-17, Block A of Orchard Addition (LS23-0021) -407 Southeast B Street & 410 Southeast C Street** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance accepting a lot split of Lots 1 & 2, Block A of Orchard Addition, creating new Lots 9-17, Block A of Orchard Addition to the City of Bentonville, Arkansas; and for other purposes.

2. **Lot Split - Lots 12, 13, 14, 15, and 16 of Loesche Subdivision (LS23-0058) -801 Northwest 8th Street** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance accepting a lot split of Lots 10 & 11 of Loesche Subdivision, creating new Lots 12-16 of Loesche Subdivision to the City of Bentonville, Arkansas; and for other purposes.

3. **Rezoning - Jacobs Group - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential (RZ23-0084) -1104 Fillmore Street** **Ordinance***

The Planning Commission voted 7-0, recommending approval.

An Ordinance changing real estate in the City of Bentonville, Arkansas, from its present

zoning classification of R-1, Low Density Single Family Residential, to DN-2, Downtown Medium Density Residential; and for other purposes.

4. **Future Land Use Map Amendment - Resolution**
Market District II, LLC - Low Density
Residential to High Density Residential
(PUD23-0001) 1003 Southeast 4th

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 Low Density Residential to High Density Residential; and for other purposes.

5. **Rezoning - Market District II LLC - R-1, Ordinance***
Low-Density Single-Family Residential
to Planned Unit Development (PUD)
(PUD23-0001) -1003 Southeast 4th 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-1, Low Density Single Family Residential to PUD, Planned Unit Development; and for other purposes.

- IV. **Motion by City Council to cancel the December 26, 2023, City Council meeting and resume regular schedule on January 9, 2024.**

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