

1. Agenda

Documents:

[FEBRUARY 14, 2017 CITY COUNCIL FULL AGENDA.PDF](#)

2. Short Agenda

Documents:

[FEBRUARY 14, 2017 CITY COUNCIL SHORT AGENDA.PDF](#)



BENTONVILLE CITY COUNCIL AGENDA

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

**Monday, February 13, 2017 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, February 14, 2017 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: January 24, 2017
Swear in Police Officers: Christopher S. Alexander, Kyle S. Davis, John D. Jordan, Matthew G. Ochoa, Jeffery S. Smith**

AGENDA

1. Provide City Council with a ten minute informational update on the status of the Bentonville Blueprint, the city's economic development five year strategic plan, and present a summary of 2016 economic development activity and successes. **(Monday Night Only)** **(Page 5)**
2. Ward redistricting discussion. **(Pages 6-14)**
3. Planning:
- 3a. **Lot Split: Lots 1 & 2 Parkcrest Addition, Smokin Joe's Ribhouse, Inc., 2500 & 2504 East Central Avenue, C-2, General Commercial.** **(Pages 17-20)**
The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 1 (1.82 acres) and Lot 2 (0.36 acres) of Park Crest Addition. Per the current Master Street Plan, adequate right-of-way exists along East Central Avenue and right-of-way is being dedicated along Southeast Moberly Lane. Public utility and access easements are being dedicated with the plat which will help to serve the Large Scale Development that was approved by the Planning Commission on November 14, 2016. Each of the new lots will have access to public utilities and a public street.

- 3b. **Lot Split: Lots 1 & 2 Holcomb Subdivision, Holcomb Living Trust, 210 Prairie Lane, A-1, Agricultural.**

(Pages 21-24)

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots. The new lots will be known as Lot 1 (5.58 acres) and Lot 2 (0.97 acres) of Holcomb Subdivision. Per the current Master Street Plan, right-of-way is being dedicated along Prairie Lane. Each of the new lots will have access to public utilities and a public street.

- 3c. **Property Line Adjustment: Lot 11, Block 5 Banks Addition, Main Street Crossing, LLC , 1327 South Main Street, DE, Downtown Edge.**

(Pages 25-28)

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 11 (0.53 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 13th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

- 3d. **Property Line Adjustment: Lot 12, Block 5 Banks Addition, Main Street Crossing, LLC, 1335 South Main Street, DC, Downtown Core.**

(Pages 29-32)

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 12 (0.50 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 14th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

- 3e. **Rezoning: MSB Holdings, LLC, 431 Southwest 'B' Street, From R-1, Single Family Residential to DC, Downtown Core.**

(Pages 33-36)

The Planning Commission voted 7-0, recommending approval.

The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high-density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are

separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use Plan.

- 3f. **Rezoning: Rohit Dharmadhikari, 1203 & 1205 Southeast 33rd Street, From A-1, Agricultural to R-1, Single Family Residential.**

(Pages 37-41)

The Planning Commission voted 7-0, recommending approval.

The R-1, Single Family Residential zoning designation supports Policy LU-23, Housing Types, within the General Plan, which states, “the City should encourage the development of a mix of housing types to the meet the needs of its residents...” This rezoning request is consistent with good land use planning, the General Plan and the Future Land Use Map and will meet the intent of the policy.

- 3g. **Rezoning: North Village PRD, Van & Leola Ann Jacobs, Northeast ‘J’ Street, From A-1, Agricultural to PRD, Planned Residential Development.**

(Pages 42-60)

The Planning Commission voted 6-1, recommending approval.

The Future Land Use Plan depicts this property as Medium Density Residential (MDR). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation. As Northeast J Street is extended to the north, an interchange with I-49 is possible. The Land Use Plan depicts highway commercial uses along both corridors as they near the intersection. The proposed Planned Residential Development will create an appropriate transition from the low density residential into the high density and commercial uses anticipated near the intersection of the two main arterials.

4. Appointment of Mark Hufford to the City of Bentonville’s Advertising & Promotion Commission for a 4-year term. Term beginning January 1, 2017 and expiring December 31, 2020. **(Pages 61-64)**
5. Public hearing and ordinance vacating an Alley Right of Way located between Lot 14 & 15 Block 1 of Smarrt's Addition and Tract 1 of Depot Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas. **(Pages 65-68)**
6. A resolution setting a public hearing for February 28, 2017 for a Utility Easement Vacation requested by RC Stoneburrow, LLC for multiple parcels at Kerelaw Subdivision. **(Pages 69-71)**
7. A resolution setting a public hearing for February 28, 2017 for a Public Access Easement Vacation requested by 1302 Melissa, LLC at 1302 Melissa. **(Pages 72-74)**
8. City recommends council approval of a budget adjustment for engineering services to Morrison-Shipley for engineering services provided for the Bentonville Municipal Airport in the amount of \$21,206.56. **(Pages 75-77)**
9. An ordinance authorizing the Mayor and City Council to enter into an agreement with IBT Industrial Solutions and waiving the requirements of

competitive bidding to relocate the existing warehouse racks to the new warehouse during the move to the new Utility Complex in 2017 in the amount of \$24,017.73. **(Pages 78-82)**

10. Adopt a new Special Operations policy, General Order 58, for the Police Department Policy and Procedures manual. This new Special Operations policy will replace the previous policy in its entirety and provide our officers with better guidelines for the management of critical and high risk incidents. See attached proposed new policy and existing policy. **(Pages 83-99)**
11. City Council approval of an ordinance waiving competitive bid and authorizing the Mayor and City Clerk to enter into an agreement for services with Downtown Bentonville, Inc. **(Pages 100-107)**
12. Staff requests the Mayor and City Council approve an ordinance to waive competitive bidding for the purchase of two (2) variable frequency drives and installation by Scott McBrayer of McBrayer Engineering, Inc. for Oxidation Ditches at the wastewater plant. This is a single source budgeted item for 2017. **(Pages 108-113)**
13. Staff recommends approval of Change Order #1 for TriStar Contractors, LLC for an increase of \$14,542.00 and an additional 19 calendar days for Phase I of the 8th Street Water and Sewer Relocations, Contract Section I (SW I Street to SE D Street) project associated with the widening of 8th Street. This change order is necessary to address conflict with an existing water line and other utilities. Increased cost will be covered by funds from the 8th Street Escrow account. **(Pages 114-118)**
14. Southeast 10th Street Drainage Improvements Phase II 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 \$176,671.00 plus \$3,400.00 of incentive for completing the project 17 days ahead of schedule as noted in the contract documents. **(Pages 119-121)**



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 13, 2017

Submitted by:

Troy Galloway

Department

Planning

Phone

271-6809

ACTION REQUIRED:

Provide City Council with a ten minute informational update on the status of the Bentonville Blueprint, the city's economic development five year strategic plan, and present a summary of 2016 economic development activity and successes.

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	\$ -

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





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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

George Spence

Department

Mayor's Office

Phone

271-3112

ACTION REQUIRED:

Ward redistricting discussion.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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: City Council, Mayor McCaslin
FROM: George Spence, City Attorney
DATE: February 2, 2017
RE: Realigning ward boundaries

Some time ago, it became apparent that the City wards were out of balance from a population point of view. In order to correct that, it is proposed that we realign the boundaries.

There is no specific requirement on how this is to be done. Jim Wheelless was asked to draw several options and the only direction he was given was to better balance the City's population between the Wards and to try and replicate the way the current boundaries are drawn, being along major thoroughfares and as squared off as possible.

The result was the four maps which accompany this memorandum. Also provided is a map which shows the populations of the current wards so you can get an idea about how much out of balance things have gotten. I recommend Plan 4 which best evens out the ward populations.

Also provided is a draft ordinance. When the Council picks a plan, I will have the ordinance finalized with the descriptions of the breaks between the wards being inserted.

I am not aware that we have ever done election of alderman other than at large or that we have ever had more than four wards with two alderman per ward. We could make changes to provide for more wards, to have single alderman wards, or to have alderman elected solely within their ward, but that has not been proposed. The effort here is to correct the balance issue without making any more change than necessary.

As we are all aware, the City's primary growth continues to be to the southwest. Accordingly, this should probably be reviewed again in four years to consider whether additional changes need to be considered.

ORDINANCE NO. O-2017-_____

AN ORDINANCE REDISTRICTING THE WARDS OF THE CITY OF BENTONVILLE FOR ALDERMAN TO TAKE OFFICE IN 2019

WHEREAS, two Alderman are elected for the City Council of the City of Bentonville from each of four wards previously established by the Council, and

WHEREAS, the population growth in some areas of the City has resulted in growing imbalance to the population of the existing wards, and

WHEREAS, the interests of the people of the City of Bentonville would be best served by altering ward boundary lines to provide for more equal balance between the population of the Wards, and

WHEREAS, there is also merit in the Ward boundaries being placed on prominent roads so as to make the distinction between Wards clear.

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

ARTICLE 1: The ward boundaries for the City of Bentonville are hereby established as follows:

Ward 1 - that area of the City of Bentonville which is _____.

Ward 2 - that area of the City of Bentonville which is _____.

Ward 3 - that area of the City of Bentonville which is _____.

Ward 4 - that area of the City of Bentonville which is _____.

A map depicting the described boundaries is on file with the City Clerk.

ARTICLE 2: The ward boundaries described in Article 1 shall be effective for the election of Alderman in 2018 to take office in 2019.

ARTICLE 3: While being required to reside in the ward from which they are elected, Alderman shall continue to be elected at large by the voters of the entire City of Bentonville.

ARTICLE 4: All ordinances or portions of ordinances in conflict with the document adopted by reference in Article I are hereby repealed.

APPROVED this _____ day of December, 2017.

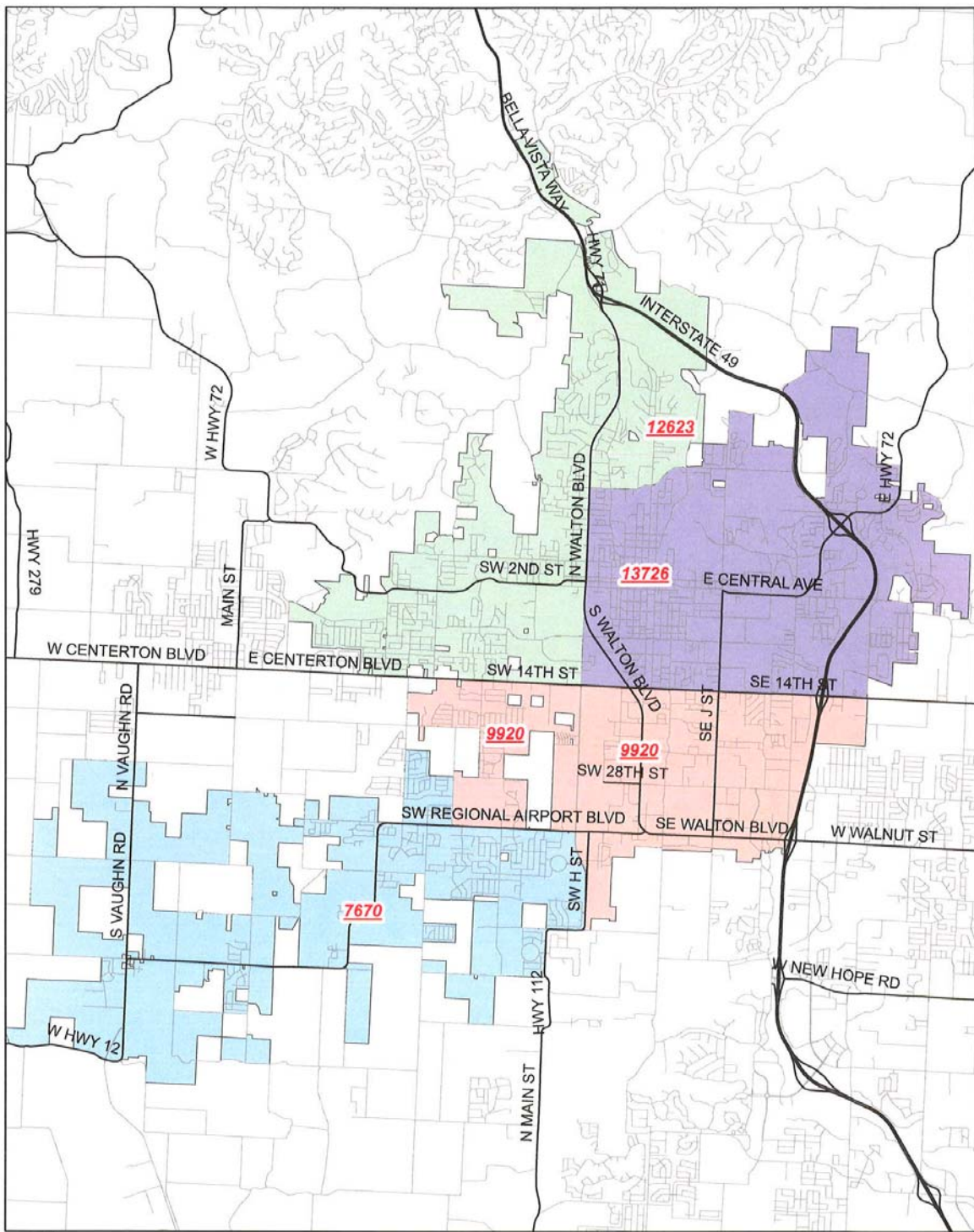
BOB McCASLIN, Mayor
DATE SIGNED: _____

ATTEST:

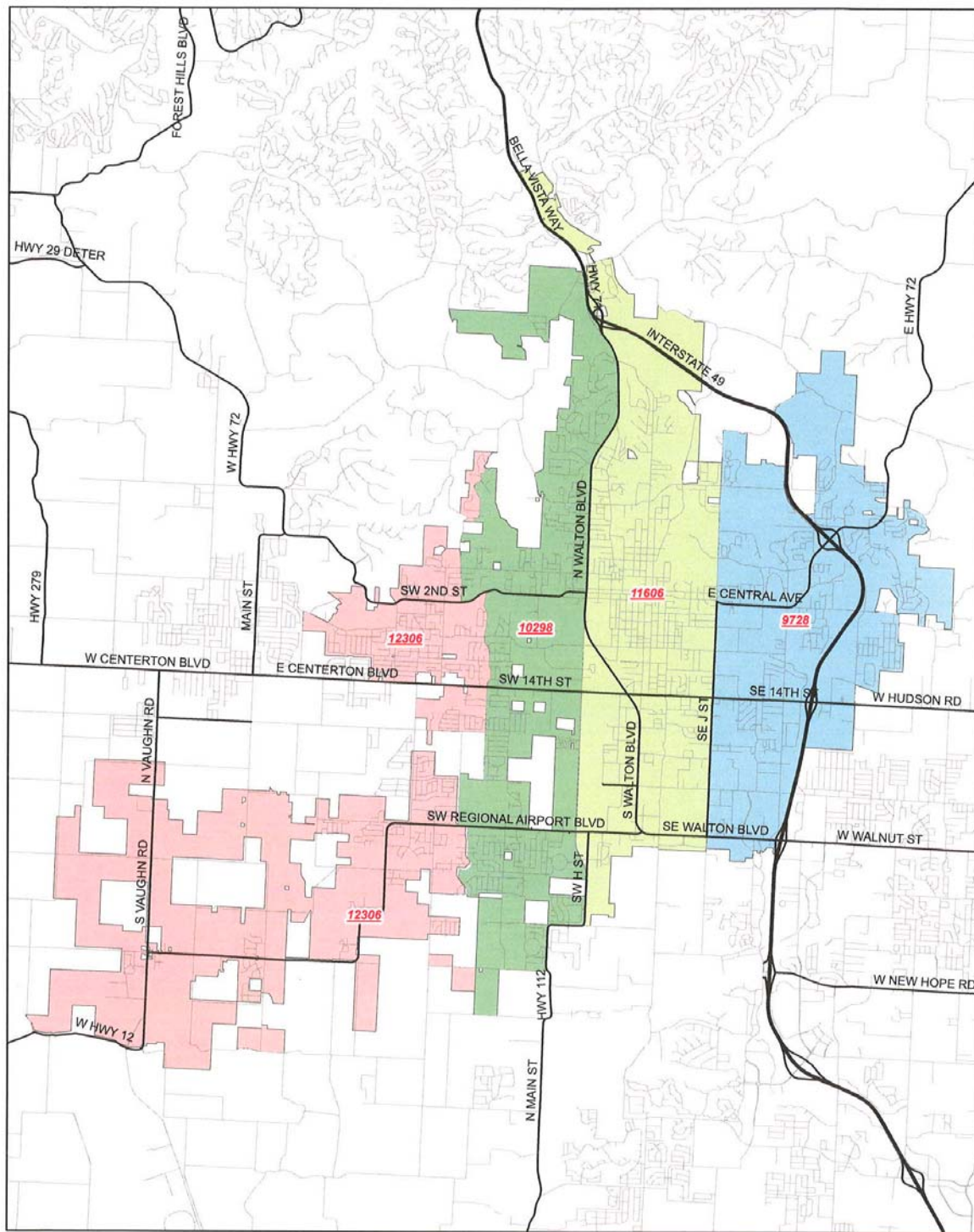
LINDA SPENCE, City Clerk



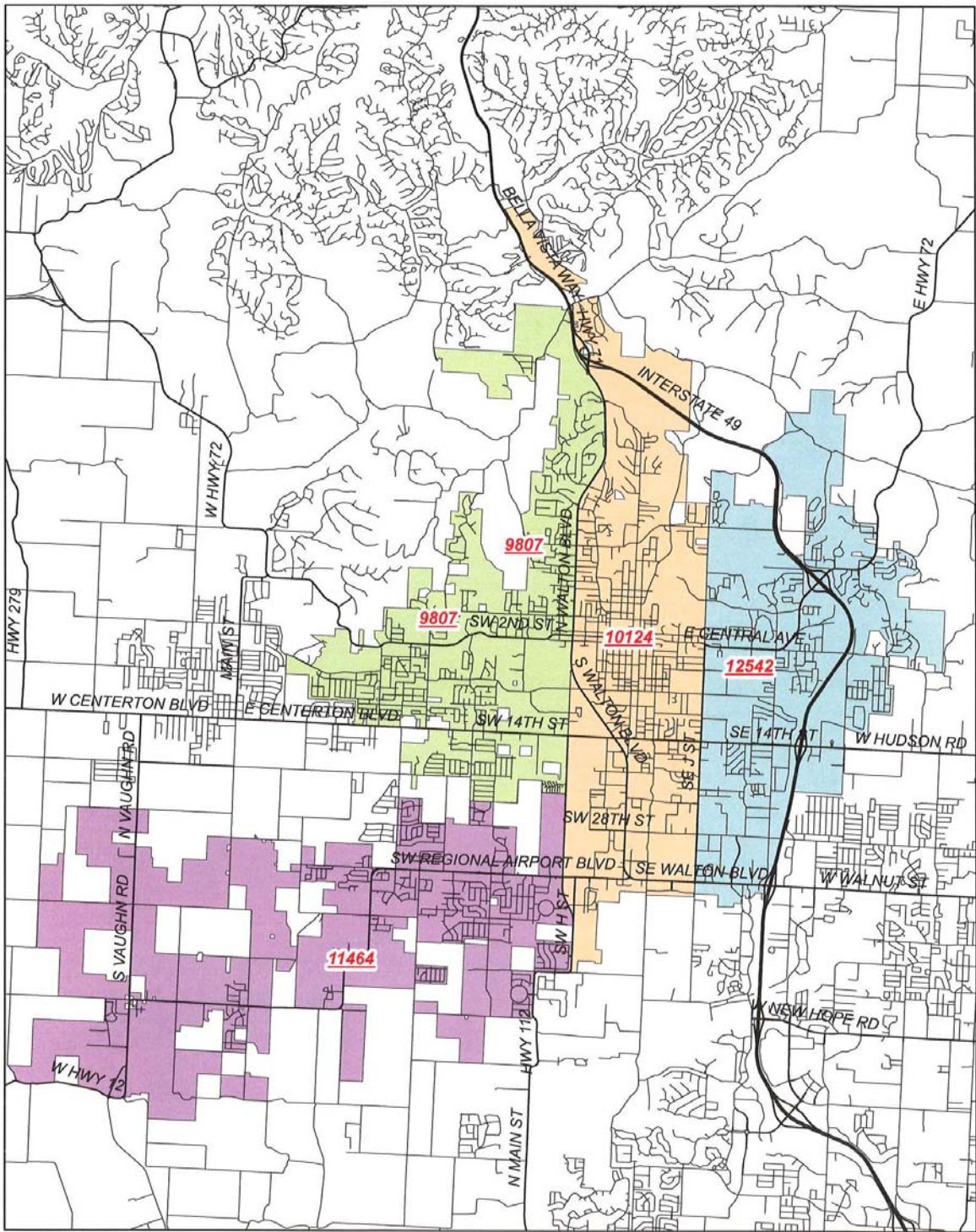
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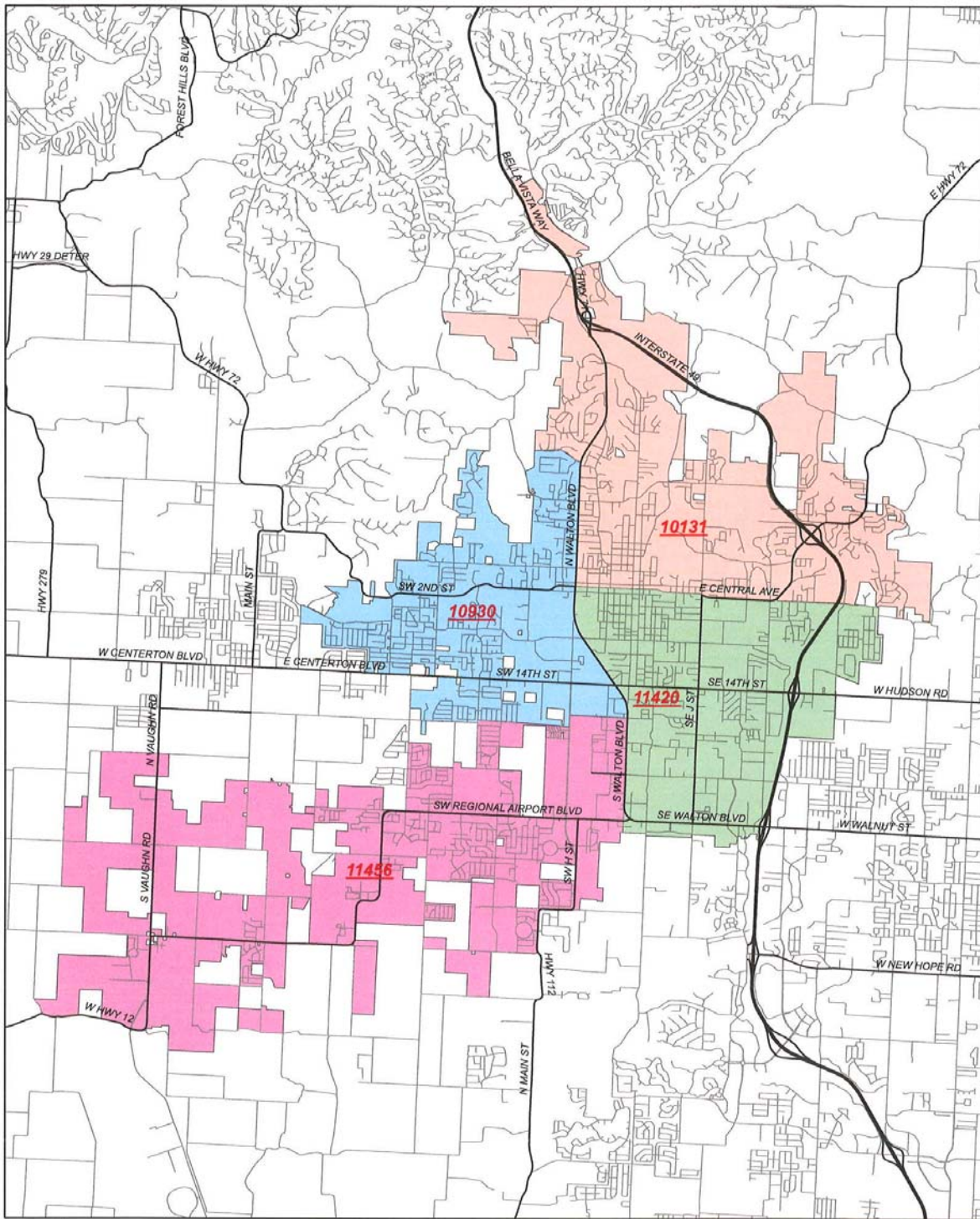
Plan 1



Plan 2



Plan 3



Plan 4



City Council Agenda Items

For City Council meeting of February 14, 2017

From the February 7, 2017 Planning Commission meeting

Lot Split: Lots 1 & 2 Parkcrest Addition, Smokin Joe's Ribhouse, Inc., 2500 & 2504 East Central Avenue, C-2, General Commercial.

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 1 (1.82 acres) and Lot 2 (0.36 acres) of Park Crest Addition. Per the current Master Street Plan, adequate right-of-way exists along East Central Avenue and right-of-way is being dedicated along Southeast Moberly Lane. Public utility and access easements are being dedicated with the plat which will help to serve the Large Scale Development that was approved by the Planning Commission on November 14, 2016. Each of the new lots will have access to public utilities and a public street.

Lot Split: Lots 1 & 2 Holcomb Subdivision, Holcomb Living Trust, 210 Prairie Lane, A-1, Agricultural.

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots. The new lots will be known as Lot 1 (5.58 acres) and Lot 2 (0.97 acres) of Holcomb Subdivision. Per the current Master Street Plan, right-of-way is being dedicated along Prairie Lane. Each of the new lots will have access to public utilities and a public street.

Property Line Adjustment: Lot 11, Block 5 Banks Addition, Main Street Crossing, LLC, 1327 South Main Street, DE, Downtown Edge.

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 11 (0.53 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 13th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

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Rezoning: MSB Holdings, LLC, 431 Southwest 'B' Street, From R-1, Single Family Residential to DC, Downtown Core.

The Planning Commission voted 7-0, recommending approval.

The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high-density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use Plan.

Rezoning: Rohit Dharmadhikari, 1203 & 1205 Southeast 33rd Street, From A-1, Agricultural to R-1, Single Family Residential.

The Planning Commission voted 7-0, recommending approval.

The R-1, Single Family Residential zoning designation supports Policy LU-23, Housing Types, within the General Plan, which states, "the City should encourage the development of a mix of housing types to meet the needs of its residents..." This rezoning request is consistent with good land use planning, the General Plan and the Future Land Use Map and will meet the intent of the policy.

Rezoning: North Village PRD, Van & Leola Ann Jacobs, Northeast 'J' Street, From A-1, Agricultural to PRD, Planned Residential Development.

The Planning Commission voted 6-1, recommending approval.

The Future Land Use Plan depicts this property as Medium Density Residential (MDR). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation. As Northeast J Street is extended to the north, an interchange with I-49 is possible. The Land Use Plan depicts highway commercial uses along both corridors as they near the intersection. The proposed Planned Residential Development will create an appropriate transition from the low density residential into the high density and commercial uses anticipated near the intersection of the two main arterials.

LOT SPLIT STAFF REPORT



Lots 1 and 2 Parkcrest Addition

2500 and 2504 East Central Avenue

PC Date: 2/7/2017

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	17-05000003
Applicant / Current Owner	Smokin Joe's Ribhouse, Inc. 218 South 8 th Street Rogers, AR 72756
Site Area	2.18 acres
Current Zoning	C-2, General Commercial
Future Land Use Map Designation	Mixed Use (MU) and Office (O)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of an existing restaurant situated at the intersection of two arterial streets.

Project Details

The applicant has submitted a proposal for a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 1 (1.82 acres) and Lot 2 (0.36 acres) of Park Crest Addition. Per the current Master Street Plan, adequate right-of-way exists along East Central Avenue and right-of-way is being dedicated along Southeast Moberly Lane. Public utility and access easements are being dedicated with the plat which will help to serve the Large Scale Development that was approved by the Planning Commission on November 14, 2016. Each of the new lots will have access to public utilities and a public street.

Projected Traffic Impact

The proposed lot split will not adversely affect traffic in the area. The two adjacent arterial streets to the north and west will provide adequate options for ingress and egress.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Drainage Report

A drainage report is not required.

Waivers

No waivers requested.

Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Standard Conditions of Approval

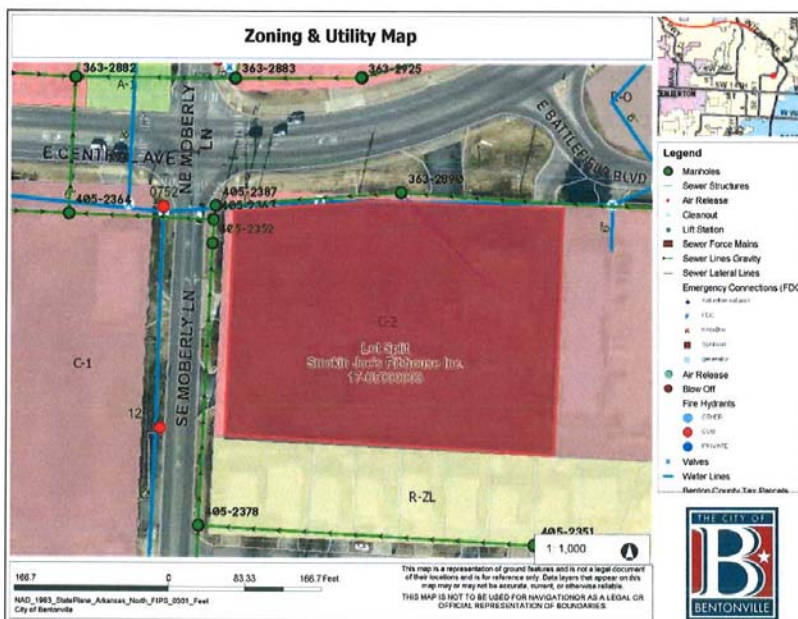
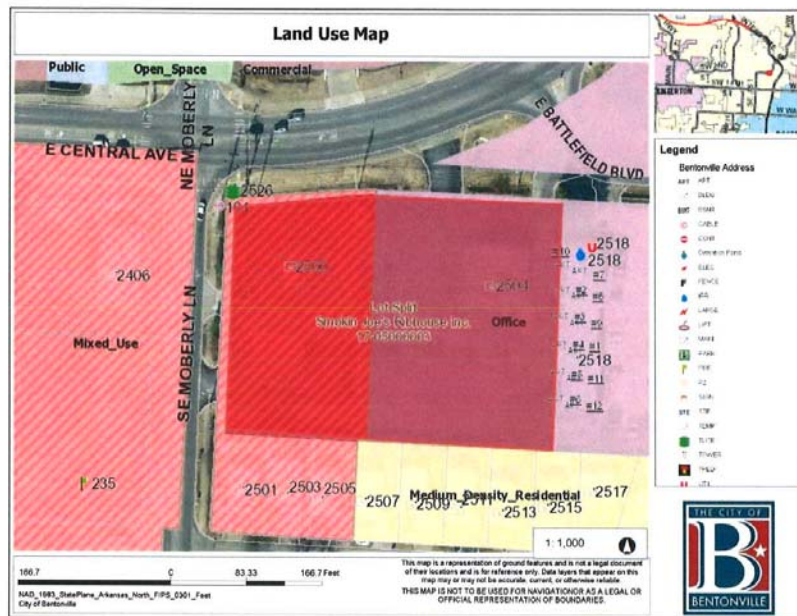
1. Provide a digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

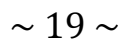
Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval.

NOTES

- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.





ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 1 AND 2 PARKCREST
ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 1 and 2 Parkcrest Addition, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on February 7, 2017; 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 and 2 Parkcrest 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

LOT SPLIT STAFF REPORT



Lots 1 and 2 Holcomb Subdivision

210 Prairie Lane

PC Date: 2/7/2017

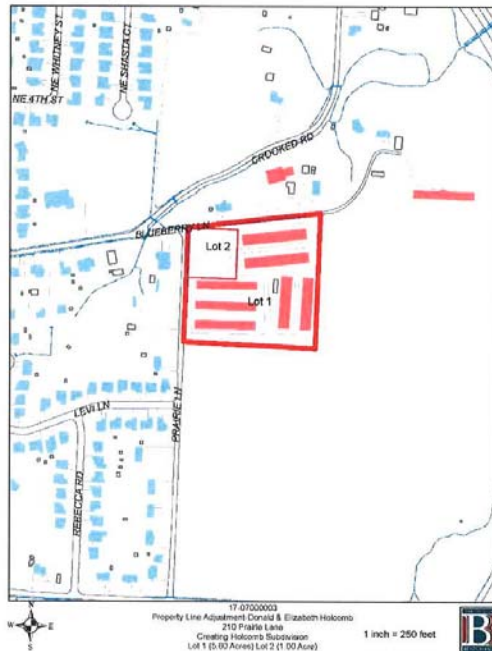
Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	17-07000003
Applicant / Current Owner	Holcomb Living Trust 309 Prairie Lane Bentonville, AR 72712
Site Area	6.55 acres
Current Zoning	A-1, Agricultural
Future Land Use Map Designation	Commercial (C)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of an existing cemetery and poultry farm.

Project Details

The applicant has submitted a proposal for a lot split that will create two new lots. The new lots will be known as Lot 1 (5.58 acres) and Lot 2 (0.97 acres) of Holcomb Subdivision. Per the current Master Street Plan, right-of-way is being dedicated along Prairie Lane. Each of the new lots will have access to public utilities and a public street.

Projected Traffic Impact

The proposed lot split will not adversely affect traffic in the area. The adjacent local streets to the north and west will provide adequate options for ingress and egress for both lots.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Drainage Report

A drainage report is not required.

Waivers

No waivers requested.

Conclusion

This lot split does meet the minimum requirements of the subdivision regulations.

Standard Conditions of Approval

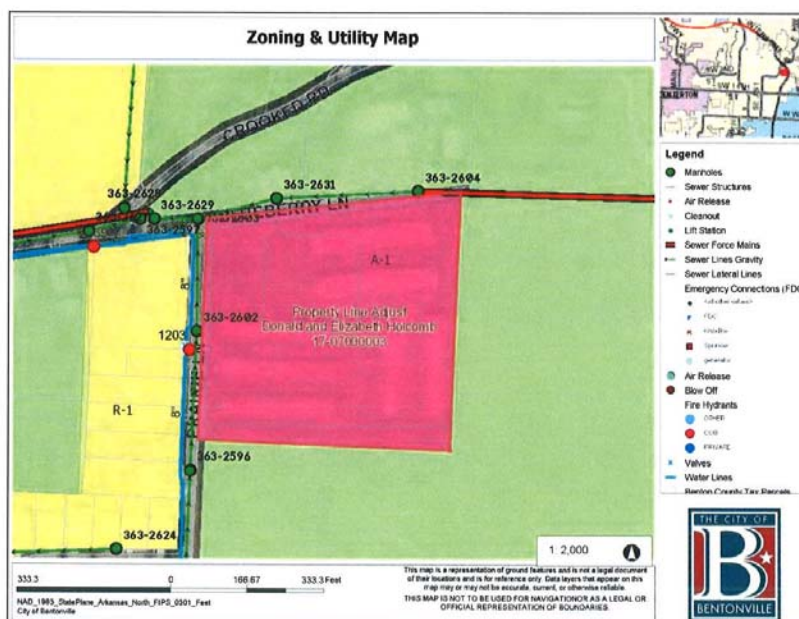
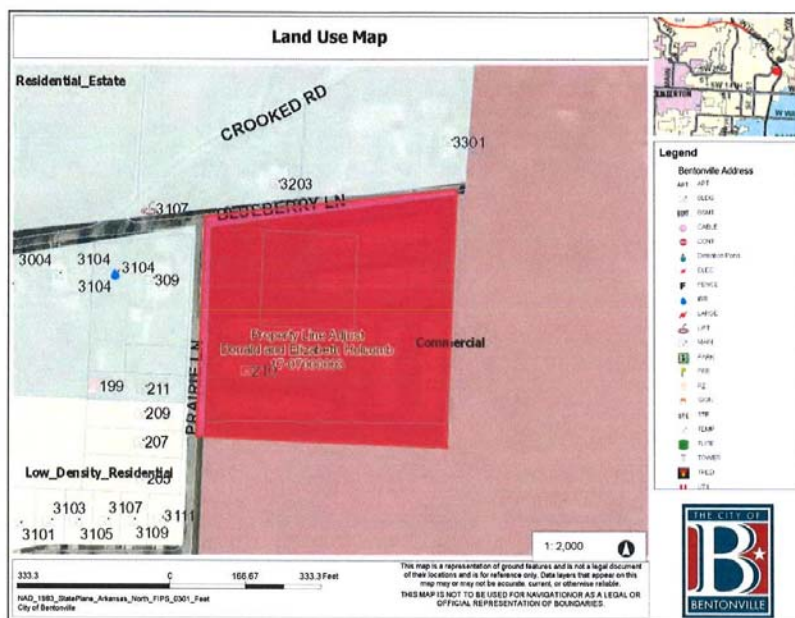
1. Provide a digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval.

NOTES

- **Sidewalks.** Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A LOT SPLIT OF LOTS 1 AND 2 HOLCOMB
SUBDIVISION TO THE CITY OF BENTONVILLE, ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the lot split of Lots 1 and 2 Holcomb Subdivision, Benton County, Arkansas, was submitted to the Bentonville Planning Commission on February 7, 2017; 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 and 2 Holcomb Subdivision 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 lot split by certifying said acceptance on the approved lot split.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PROPERTY LINE ADJUSTMENT STAFF REPORT



Lot 11, Block 5 Banks Addition 1327 South Main Street

PC Date: 2/7/2017

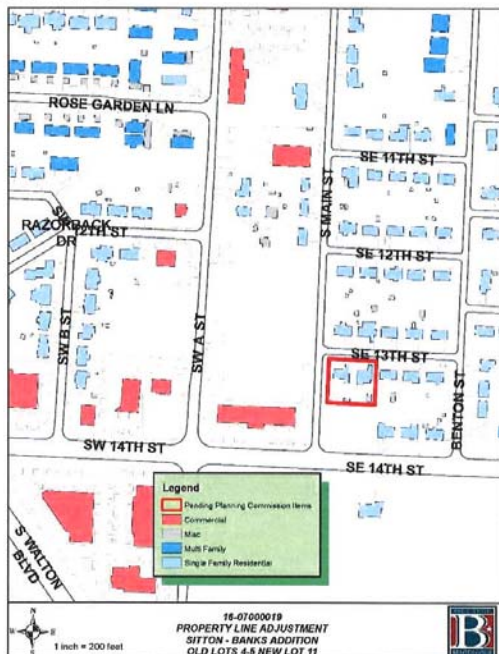
Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-07000019
Applicant / Current Owner	Main Street Crossing, LLC 214 South First Street Rogers, AR 72756
Site Area	0.53 acres
Current Zoning	DE, Downtown Edge
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

The property is the location of a vacant lot in a mixed-use area.

Project Details

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 11 (0.53 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 13th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Drainage Report

A drainage report is not required for this property line adjustment.

Waivers

No waivers requested.

Standard Conditions of Approval

1. Provide digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Conclusion

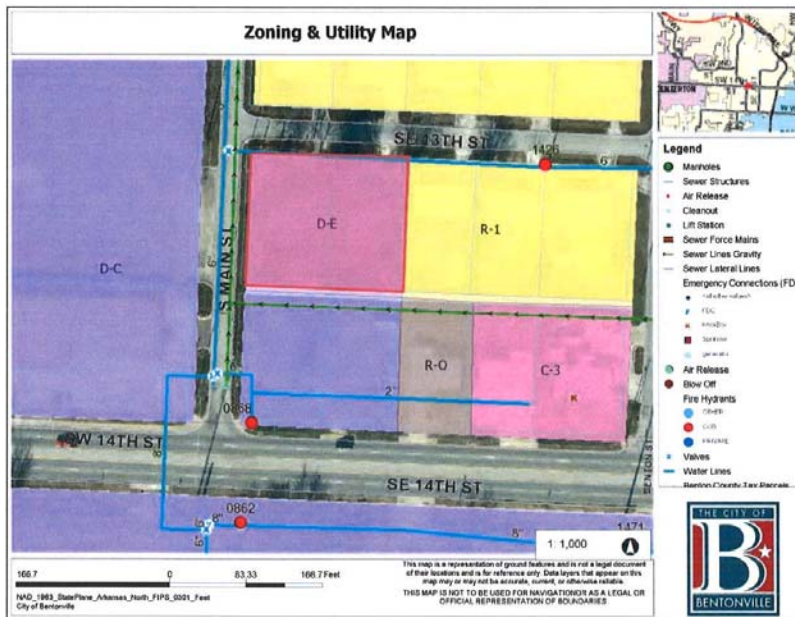
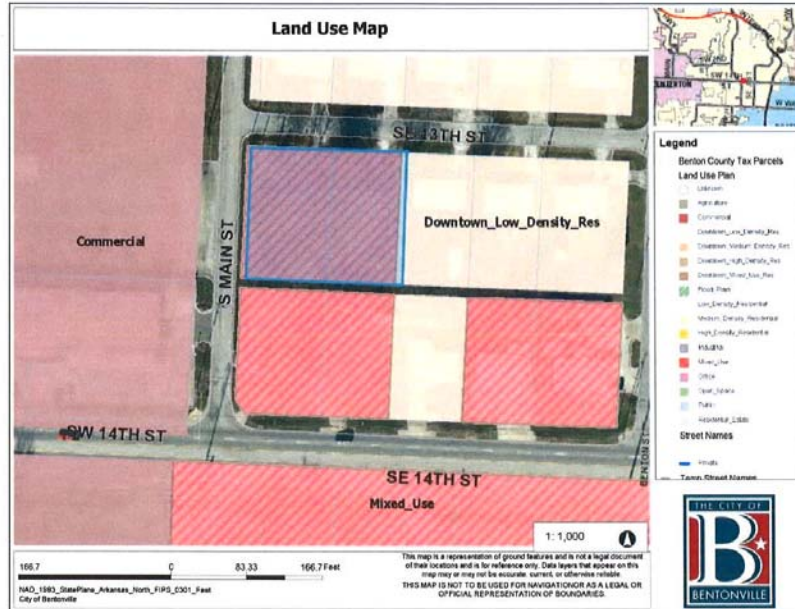
This property line adjustment does meet the minimum requirements of the subdivision regulations.

Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.



ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF
LOT 11, BLOCK 5 BANKS ADDITION TO THE CITY OF BENTONVILLE,
ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment Lot 11, Block 5 Banks Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on February 7, 2017; and,

WHEREAS, said property line adjustment is attached hereto as Exhibit "A"; and,

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

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

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

Section 1: That the property line adjustment Lot 11, Block 5 Banks 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 property line adjustment by certifying said acceptance on the approved property line adjustment.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

PROPERTY LINE ADJUSTMENT STAFF REPORT



Lot 12, Block 5 Banks Addition 1335 South Main Street

PC Date: 2/7/2017

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-07000020
Applicant / Current Owner	Main Street Crossing, LLC 214 South First Street Rogers, AR 72756
Site Area	0.50 acres
Current Zoning	DC, Downtown Core
Future Land Use Map Designation	Mixed Use (MU)

<http://geo.bentonvillear.com/mgweb/PZ/pending/>

Location Map



Property Description

The property is the location of a vacant lot in a mixed-use area.

Project Details

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 12 (0.50 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 14th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

Utility Infrastructure

Per the GIS website, water and sewer are available to this site.

Drainage Report

A drainage report is not required for this property line adjustment.

Waivers

No waivers requested.

Standard Conditions of Approval

1. Provide digital copy of the plat.
2. Address all technical review comments before requesting a building permit.

Conclusion

This property line adjustment does meet the minimum requirements of the subdivision regulations.

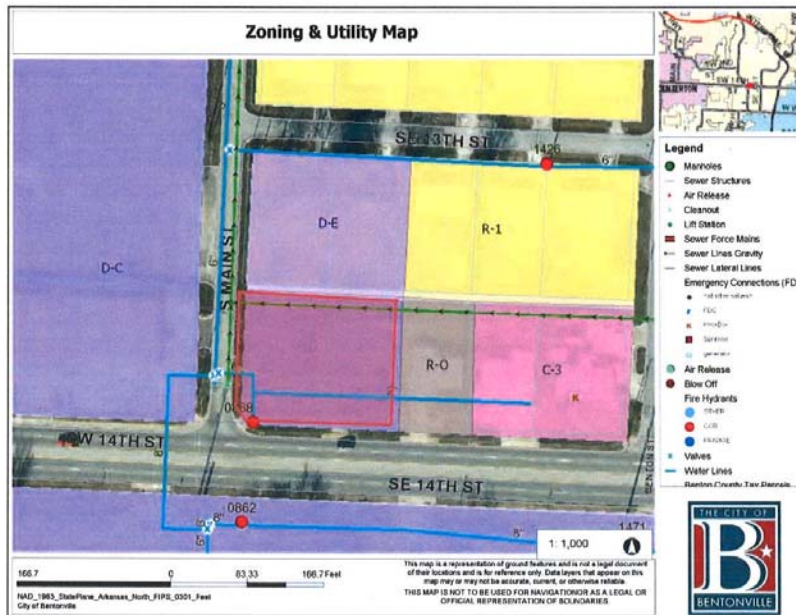
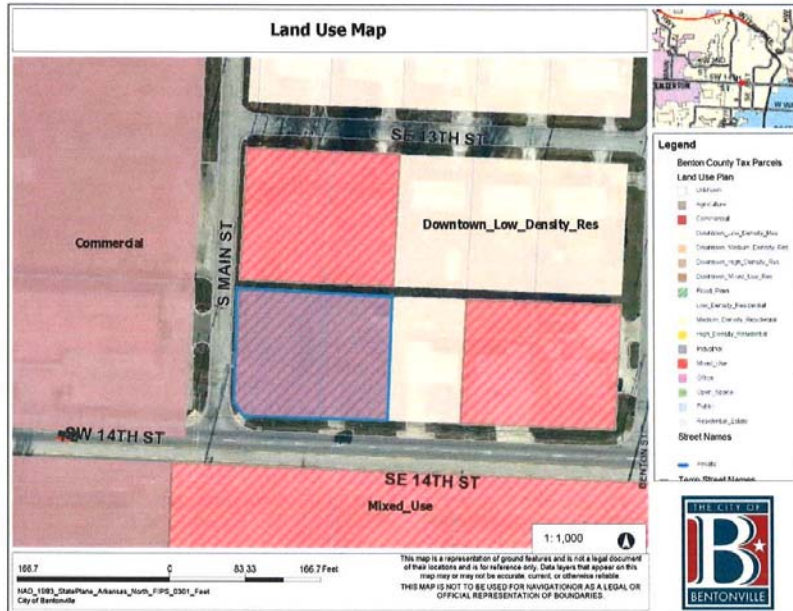
Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval.

NOTES

- Sidewalks. Sidewalk installation will be the responsibility of individual lot owners at the time of building permit.

PROPERTY LINE ADJUSTMENT STAFF REPORT



~ 31 ~

ORDINANCE NO. _____

**AN ORDINANCE ACCEPTING A PROPERTY LINE ADJUSTMENT OF
LOT 12, BLOCK 5 BANKS ADDITION TO THE CITY OF BENTONVILLE,
ARKANSAS.**

WHEREAS, pursuant to the provisions of Title 15 of the Bentonville Municipal Code, the property line adjustment Lot 12, Block 5 Banks Addition of the City of Bentonville, Benton County, Arkansas was submitted to the Bentonville Planning Commission on February 7, 2017; and,

WHEREAS, said property line adjustment is attached hereto as Exhibit "A"; and,

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

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

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

Section 1: That the property line adjustment Lot 12, Block 5 Banks 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 property line adjustment by certifying said acceptance on the approved property line adjustment.

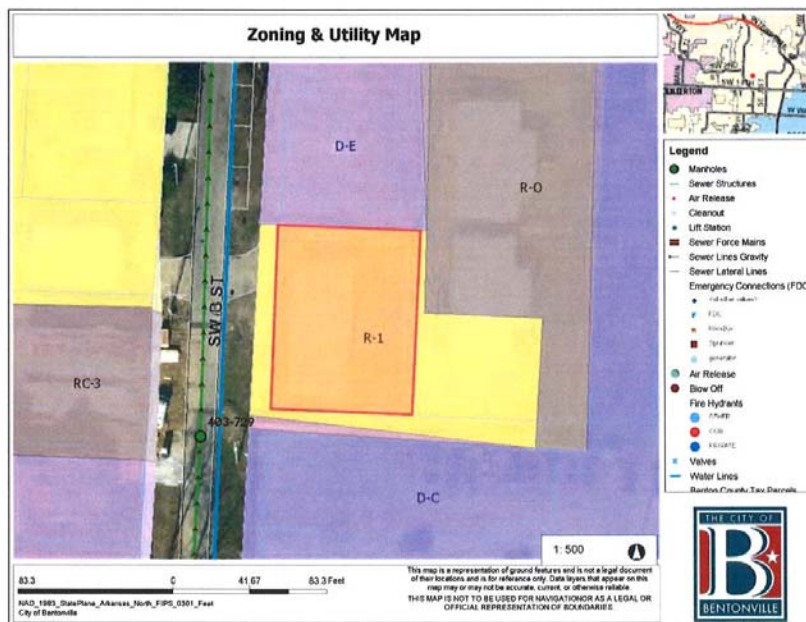
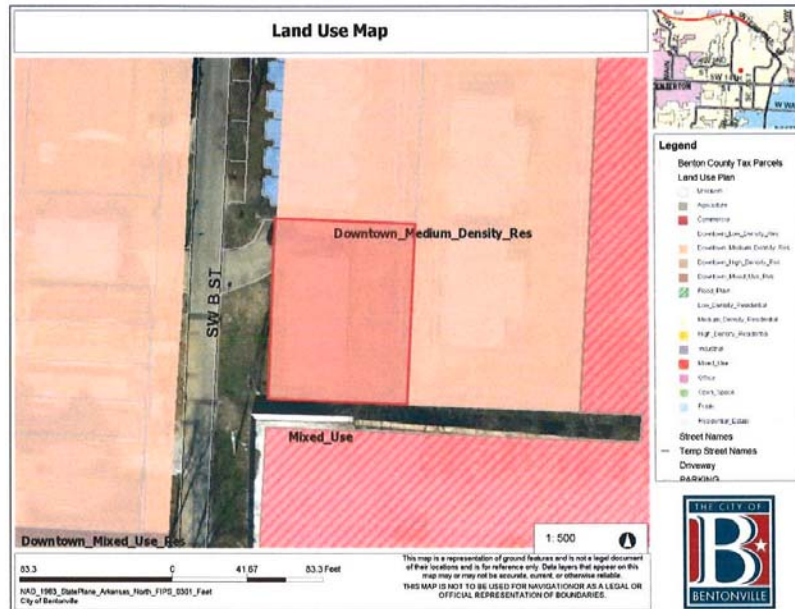
PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



December 2, 2016

**Planning Department
City of Bentonville
305 SW A Street
Bentonville, AR 72712**

RE: Rezoning 431 SW B Street

The current zoning at 431 B Street is R-1 and this is a request to rezone to D-C in accordance with the existing land use plan for the property. The proposed rezone will allow for denser multifamily development. No signage is proposed for the property. The water, sewer and electric utilities along SW B Street will be used for service.

431 SW B will be a part of the ongoing redevelopment by Newell Development.

Newell Development focuses on developing a walkable lifestyle for all demographics, in hopes of fostering a generous and healthy quality of life. Newell Development is focused on downtown Bentonville because it is where and what many family, friends, and neighbors call "Home". We are committed to making this home a great place and community.

Jake Newell

Jake@newelldevelopment.com

479 225 3997

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION OF
R-1, SINGLE FAMILY RESIDENTIAL TO D-C, DOWNTOWN CORE.**

WHEREAS, MSB Holdings, LLC duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present classification of R-1, Single Family Residential to D-C, Downtown Core to be used in accordance with city zoning laws and state laws, which property is described as follows:

Lot 16, Block 1, TJ Hollands Subdivision, Bentonville, Benton County,
Arkansas, as shown on Plat Book 2005 at page 597, being a Replat of lot 13, the
W1/2 of lot 12 and part of Lot 14, Block 1 of TJ Hollands Subdivision of Outlot
13 in the city of Bentonville, Arkansas

;and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held February 7, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of R-1, Single Family Residential to D-C, Downtown Core.

**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 of R-1, Single Family Residential to D-C, Downtown Core to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



REZONING STAFF REPORT

Dharmadhikari

1203 & 1205 Southeast 33rd Street

PC Date: 1/17/2017 & 2/7/17

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	16-09000048
Applicant / Current Owner	Rohit Dharmadhikari 2308 Southwest Penny Lane Bentonville, AR 72712
Site Area	1.41 acres
Current Zoning	A-1, Agricultural
Requested Zoning	R-1, Single Family Residential
Future Land Use Map Designation	High Density Residential (HDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of a vacant undeveloped parcel in an established medium and high-density residential neighborhood.

Projected Traffic Impact

The proposed zoning designation will not adversely impact traffic in the area. The property has direct access to a local street that will provide adequate opportunities for ingress and egress to the property.

Utility Infrastructure

Per the city GIS website, public water and sewer are both available at this location.

Relationship to the General Plan

The Future Land Use Plan depicts this property as High Density Residential (HDR). The R-1, Single Family Residential zoning is an appropriate zoning district for this designation.

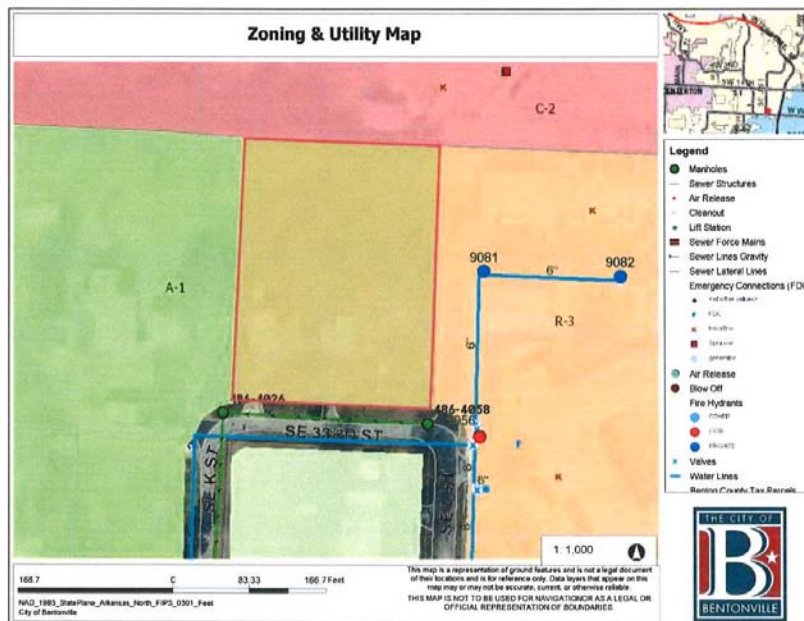
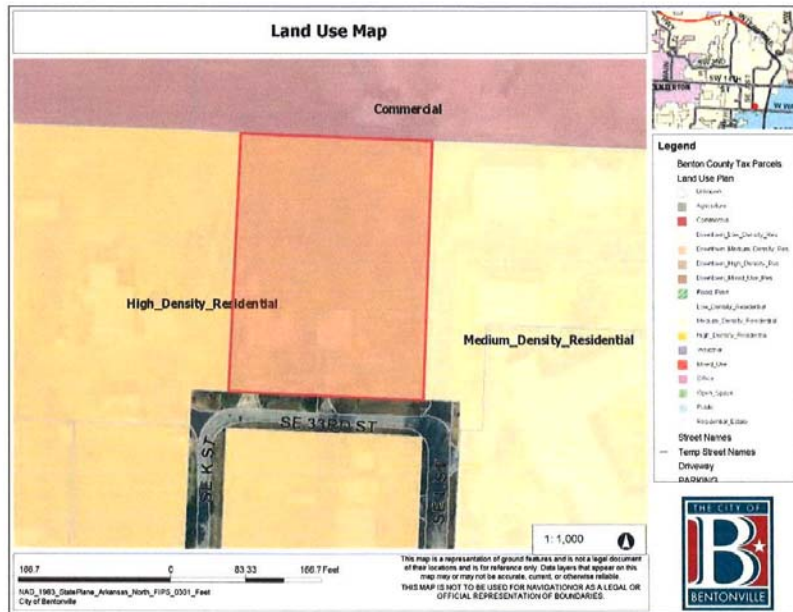
Conclusion

The R-1, Single Family Residential zoning designation supports Policy LU-23, Housing Types, within the General Plan, which states "the City should encourage the development of a mix of housing types to the meet the needs of its residents...". This rezoning request is consistent with good land use planning, the General Plan and the Future Land Use Map and will meet the intent of the policy.

Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval of this rezoning request from A-1, Agricultural to R-1 Single Family Residential.

REZONING STAFF REPORT



To: Planning Commission

Re: Rezoning request

Owner: Rohit Dharmadhikari

Request to rezone property, 1203 SE 33rd Street Bentonville, Arkansas.
Parcel No 01-00146-000.

We are requesting the property to be rezoned from A-1 Agricultural to R-1 Single Family Residential.

Zoning change requested to allow for conditional use permit for home occupational business.

The Property that joins to the West and South is zoned A-1, Property to the North is zoned C-2 and Property to the East is zoned R-3.

If approved for the rezone and conditional use application, the property will be a single-family residence with a home occupational business.

Traffic would be minimal, based on zoning ordinances and maximum occupancy.

Signage will conform to the ordinance for home occupation conditional use.

The appearance of the new home will be aesthetically the same as new homes within area.

Water and sewer will be connected to the city water and sewer as per the development plans.

ORDINANCE NO. _____

**AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF
BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION OF
A-1, AGRICULTURAL TO R-1, SINGLE FAMILY RESIDENTIAL.**

WHEREAS, Rohit Dharmadhikari duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present classification of A-1, Agricultural to R-1, Single Family Residential to be used in accordance with city zoning laws and state laws, which property is described as follows:

Part of the Southwest Quarter of the Northeast Quarter of Section 8, Township 19 North, Range 30 West, Benton County, Arkansas being more particularly described as follows: Commencing at an existing iron pin marking the Northeast Corner of Plot "A" of Twin City Heights as per plat E-32 filed for record June 11, 1963, said point being the intersection of the East right of way line of SE "K" Street and the South right of way line of SE 33rd Street. Thence North 01 degrees 45 minutes 11 seconds East, 40.00 feet to an existing iron pin on the North right of way line of SE 33rd Street and the Point of Beginning. Thence leaving said right of way line, North 02 degrees 42 minutes 16 seconds East, 285.94 feet to an existing iron pin. Thence South 87 degrees 58 minutes 51 seconds East, 216.16 feet to an existing rebar marking the Northwest Corner of Tract "A" of Osage Place. Thence along the West line of said Tract "A", South 02 degrees 41 minutes 28 seconds West, 287.13 feet to an existing iron pin on the North right of way line of SE 33rd Street. Thence along said right of way line, North 87 degrees 39 minutes 52 seconds West, 216.21 feet to the Point of Beginning, containing 1.42 acres and subject to any Easements of Record.

;and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held February 7, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to R-1, Single Family Residential.

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

Section 1: That the above described real property is hereby changed from its present classification of A-1, Agricultural to R-1, Single Family Residential to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK

REZONING STAFF REPORT



North Village PRD

Northeast J Street

PC Date: 2/7/2017

Recommendation: Approval

Reviewer: Jon Stanley, Planner

Project Number	17-017000001
Applicant / Current Owner	Van & Leola Ann Jacobs 8279 South Morning Star Road Bentonville, AR 72712
Site Area	13.50 acres
Current Zoning	A-1, Agricultural
Requested Zoning	PRD, Planned Residential Development
Future Land Use Map Designation	Medium Density Residential (MDR)

<http://geo.bentonvillear.com/mgweb/PZpending/>

Location Map



Property Description

This property is the location of undeveloped agricultural land located in an area that is designated for Medium Density Residential development.

Projected Traffic Impact

The proposed zoning designation will not adversely affect traffic in the area. The primary access will be Northeast J Street located to the east. This street will be improved with the future development of the land and is adequate for the anticipated increase in trips per day. The secondary access to Northeast Benjamin Greens is necessary to provide fire and emergency services access.

Utility Infrastructure

Water and sewer are available to the site.

Relationship to the General Plan

The Future Land Use Plan depicts this property as Medium Density Residential (MDR). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation. As Northeast J Street is extended to the north, an interchange with I-49 is possible. The Land Use Plan depicts highway commercial uses along both corridors as they near the intersection. The proposed Planned Residential Development will create an appropriate transition from the low density residential into the high density and commercial uses anticipated near the intersection of the two main arterials.

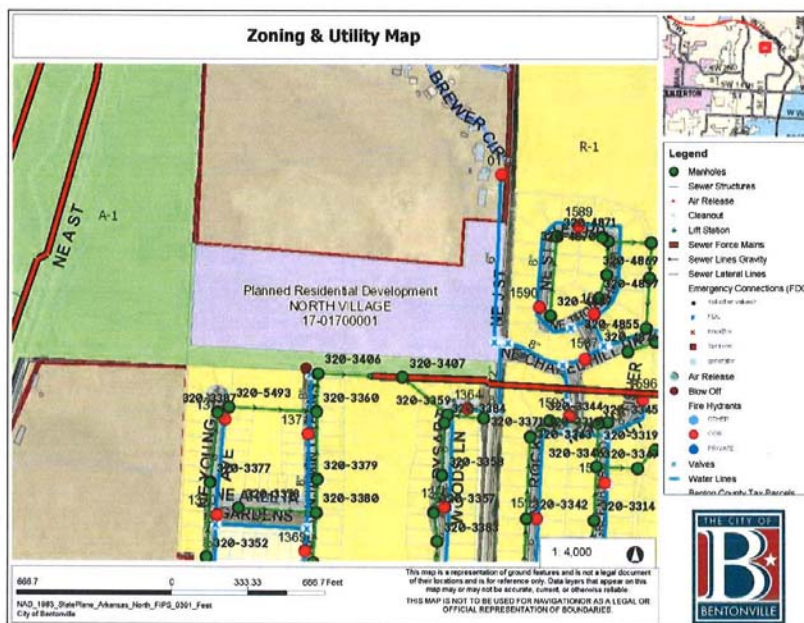
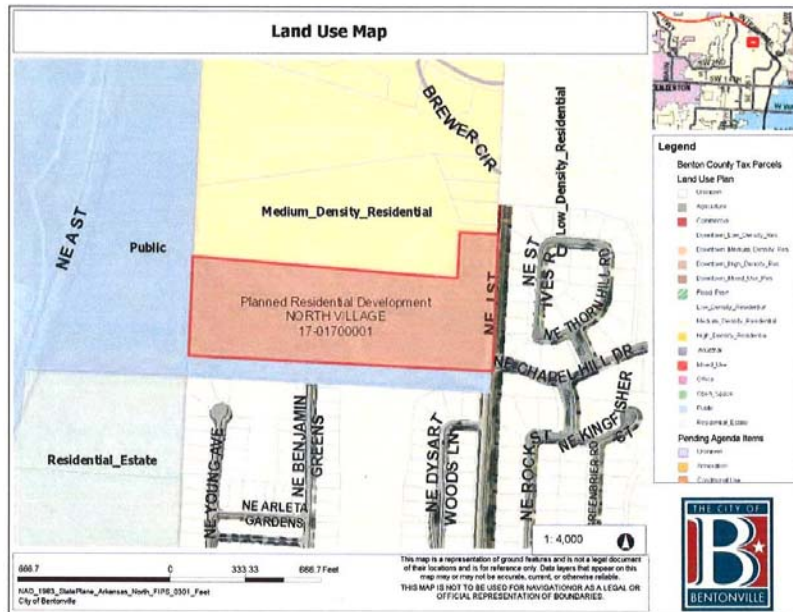
Conclusion

The property is currently designated as Medium Density Residential. At the proposed 4.67 dwelling units per acre, this PRD is less than the maximum allowed in the R-1, Single Family Residential zone (6 units per acre). The proposed PRD will implement Smart Growth & Traditional Neighborhood Design strategies while providing a variety of housing types that promote high quality residential development and will also allow greater flexibility in design and use of the land while being compatible with the surrounding neighborhoods.

Recommendation

Staff has reviewed this application and based on the findings presented in this report, staff recommends approval of this rezoning request from A-1, Agricultural to PRD, Planned Residential Development.

REZONING STAFF REPORT





RoddeyGraham Development Group

704 S. Main Street, Bentonville, AR, 72712



EXECUTIVE OVERVIEW

On behalf of the owner, RoddeyGraham Development Company is offering the sale and rental of 63 homes comprising of 31 single family and 32 townhomes. This is a truly unique subdivision that is unapparelled. First and foremost, its location and proximity to local amenities such as Crystal Bridges Museum of American Art, The Scott Family Amazeum Children's Museum, bike trails, The Downtown square, major corporations- Walmart, JB Hunt and Tyson foods, Northwest Arkansas Regional Airport and many more, make this an ideal residential site! The site's location of being approximately 4 minutes from interstate I-540 provides easy access for folks to commute easily between other growing cities in Northwest Arkansas and the Missouri state line.

The homes will sit on approximately 13.49 acres with **5.05 acres of open space**. 2.99 acres of this will be dedicated to an independent park space which will offer fire pits, relaxation areas for folks and families to spread a blanket and foster community as well as a wet pond with trees and a deck. There will also be walking and bike trails coursing through the park and ultimately tying into the Slaughter Pen Trail System to the west.

Location: west of the NE J St & NE Chapel Hill Dr. intersection in Bentonville, AR

Neighboring Cities/Towns: Bella Vista, Rogers, Springdale, Centerton, Pea Ridge, Fayetteville

PROJECT INFORMATION

**HOMES:: 31 Single Family Units & 32
Townhome Units**

LAND AREA: 13.49 acres

PARK, REC. AREAS, & NATURAL AREAS: 5.05 acres

CURRENT ZONING: Agricultural (A-1)

PROPOSED ZONING: Planned Residential

Development (PRD)

HIGHEST & BEST USE: Residential Subdivision

RETENTION POND: 1.06 ACRES

TREES: Exceeds Requirement

RGD-NV – VISION

Creating a price point conscious community which focusses on location, quality, and design which is not offered anywhere else in this market. We achieve this through what we call “real-estate fracking”.

REAL ESTATE FRACKING

Finding pockets in the canvas to develop that has been undervalued and overlooked, yet still has great value. This offered value is transferred to clients and community through design and functional layout in both house plans as well as price point and neighborhood layout, investments, and ownership.

OUR STRATEGY

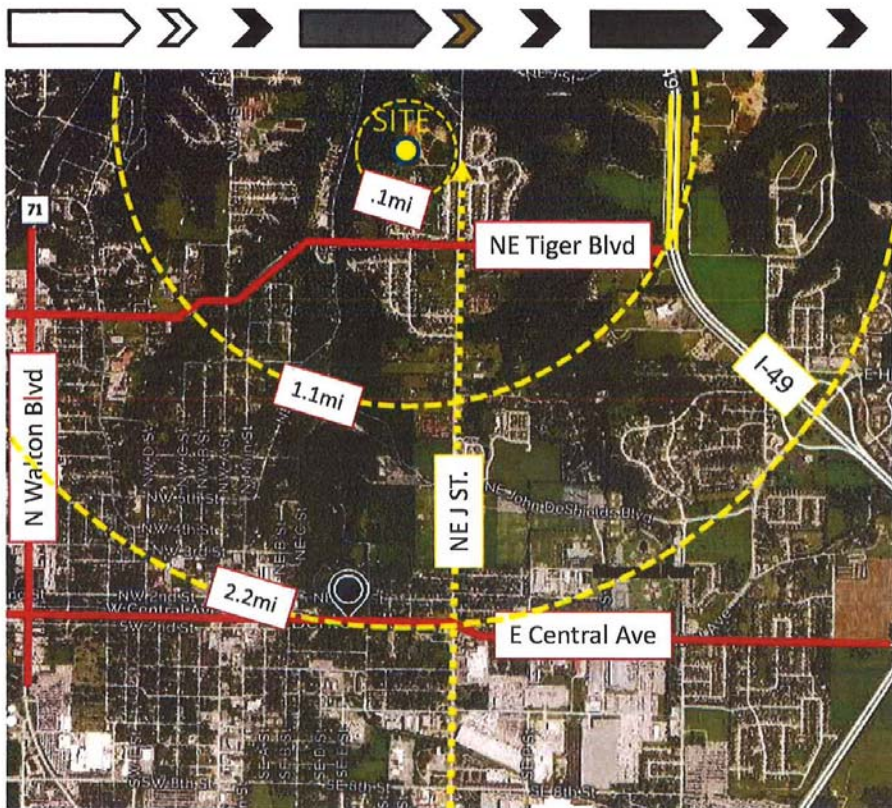
Its Simple. We are diligent in our fact-based and conservative approach to understanding the needs of communities and the real-estate market. This is fulfilled by working with a great team of reliable folks with a wealth of information. It is our goal to continue building partnerships with people who are vested in community and develop quality projects that offer excellent returns around both residential, multi family, and commercial projects.



LOCATION

Location: west of the NE J St & NE Chapel Hill Dr. intersection in Bentonville, AR

Neighboring Cities/Towns: Bella Vista, Rogers, Springdale, Centerton, Pea Ridge, Fayetteville



4



CITY OF BENTONVILLE, AR

According to the City of Bentonville, It is considered **one of the fastest growing towns** in this region of the country. Within the last approximately **23 years** it has grown significantly with a nEw center of **commerce with innovation and entrepreneurial spirit**. Northwest Arkansas is also home to some of the **largest companies who provide employment for thousands of people** and to our revenue. To name just a few, **Walmart largest retailer**, **JB hunt (transportation and logistics)**, and **Tyson Foods (worlds largest poultry producer)** the largest retailer in the world. The opening of **Crystal Bridges Museum of American Art** in 2011, and children's museum **The Amazeum** amongst bike trails and parks has become true staples in our community. Its where we call home and a place to visit for people all over the world for business and leisure.

COMMUNITY AMENITIES

- | | | | |
|---|--------------------------------|---|---------------------------|
|  | - Pet Friendly |  | - Cinemas |
|  | - Community Park, Green Spaces |  | - Shopping |
|  | - Safety & Security |  | - Restaurants |
|  | - Fire Pits/ Hearths |  | - Museum, Arts & Craft |
|  | - Play Area & Sand Pits |  | - Universal Accessibility |
|  | - Exterior Lighting |  | - Bike Trails |
|  | - Sound Construction | | |
|  | - Picnic Areas | | |
|  | - Recycle/ Reuse | | |
|  | - Calculated Savings | | |
|  | - Location, Location, Location | | |

BGD-NV – NEIGHBORHOOD COMMUNITY FUNCTION

- Crystal Bridges Museum – American Arts 3 minutes
- The Amezeum – Children's Museum 3 minutes
- Downtown Square 4 minutes
 - Court House
 - City Offices
 - Park & Recreation
- Bike Trails *WE ARE THE MOUNTAIN BIKE CAPITAL OFF THE WORLD
- I-540/ 49 3 minutes
- Walmart Neighborhood Market 4 minutes
- Hospital 12 minutes
- Park area in community 3acres offering 28% green space with trails, fire pits and is unparalleled to anything in the market.



In accordance with the Zoning Code of Bentonville, AR, Sec. 401.13:

Purpose

Access to North Village will be from the east along NE J. St. and from the south by extending NE Benjamin Greens Rd. into North Village. RoddeyGraham Development Group is requesting approval of Bentonville's Planned Residential Development (PRD) code in order to allow for flexibility and variation from the site requirements offered by other zoning options.

Approval of this requested PRD would allow RoddeyGraham to provide a variety of home types and costs in Bentonville near Crystal Bridges Museum of Modern Art where it is expected that the range of home sizes, styles, and prices that North Village would offer are desired and needed by the market at this time.

Applicability

North Village is a residential development offering a mixture of beautiful single family residential homes and townhomes. The townhomes will be located on the east side closer to NE J. St which handles more traffic than NE Benjamin Greens Rd to the south. NE Benjamin Greens Rd will be extended into North Village.

5.05 acres of common space is provided in the form of a park which will offer dirt bike paths, a playground, and a variety of natural spaces for people to enjoy the outdoors. A 1.06 acre lot containing a wet pond will provide a usable common space and a deck over the pond will invite occupants an additional gathering space. One acre will be periphery open space.

Intent

North Village hopes to utilize the permitted modifications to the zoning code in order to provide a development that takes advantage of compact building design and provides a range of housing opportunities and choices for a distinctive, attractive community with a strong sense of place.

Maximum Choice. North Village provides a variety of different environments and types of living units. There are rear-loaded narrow single family residential (SF-R) homes facing a hammerhead turnaround, SF-R homes facing a wet pond, and SF-R homes facing one another. There are townhomes in groups of four facing a street and backing up to a 2.99 acre common area park while some townhomes have a more intimate feel by their arrangement facing one another with the "front yard" being an intimate shared sidewalk-entered front door. Other townhomes have a more "public" feel to them because they face NE J St to the east.

7



A variety of shared common spaces are provided with the common area park. With the 2.99 acres provided here, people will find dirt bike trails, open areas, and wooded areas all on land with some great topography changes. Also, a deck over the northwest wet pond will provide an additional public space for gathering.

Housing Type Variety. North Village provides three different general SF-R home styles and two townhome models from which to choose. Lots 1-31 are SF-R homes with rear-alley access, and Lots 32 and 33 are townhome lots also with back alley access. Lots 1 through 24 are inward-looking townhomes with the wet pond, building architecture, and elevation changes bringing interest and a sense of community to the development. Whereas 6 of the townhomes are outward-looking, 2 are inward-looking.

Energy-Efficient Site Design. The curving street layout works with the site's natural steep contours and in order to decrease the amount of required fill, some homes are proposed to be constructed into hillsides with the rear garages on the basement level. Site design works with the steep slopes of the site.

The majority of the homes have the garages or a home's side facing the hot summer sun. The garages will provide a buffer to heat in the homes while landscaping can be utilized to provide buffers from the end homes facing the south and the homes north of the hammerhead turnaround.

Common Space. North Village will be dedicating a generous 5.05 (36%) of its land to common areas. This space includes The Park (Lot 37), the wet pond (Lot 35) and Lot 34 and 36 where no home will be constructed (these two lots are located on the periphery of the development).

Development Pattern. The site's layout is designed in such a way as to minimize dirt work as much as possible. The way that NE Wandering Way follows the natural contours of the land and the way homes are proposed to be stacked into the site's slopes are our efforts to minimize dirt work and erosion while preserving interesting topography changes of the hillside as much as possible.

Creative Design Approach. The creative design approach behind North Village's layout is to provide a community where a variety of different environments and outdoor spaces are offered for the residents. Some of the SF-R homes are more removed than others (with neighbors being largely next door), some SF-R homes have neighbors next-door and across the street, while some of the townhomes actually face each other with a shared sidewalk within close quarters. Alternatively, the other townhomes face off the site.

Efficient Use of Land. The close quarters of the homes provides efficient land use by limiting the utility networks. In particular, the joined townhomes efficiently use utility networks and make good use of shallow lots.

Stable Character in Harmony with Surrounding Development. A driving force behind the creation of North Village was to create a lasting community which would provide a valuable contribution to the City of Bentonville in which residents would be proud – and happy – in which to live. The 2.99 acre park correlates to the over 7 acre common area of the Allencroft Subdivision to the south. A 100 foot-wide overhead power line easement separates Allencroft Subdivision and North Village. This creates a visual continuation of an undeveloped public space. The trails and park space to the west coupled with the proposed connection to the west to the extensive Slaughter Pen Hollow Trail System permanently links this development with the pedestrian community and will join North Village into Bentonville's fabric.

As well as the continuation of common space, North Village mirrors the use of alleys and row homes to the south in the Allencroft subdivision.

Efficient Infrastructure Use. North Village will tie into the existing water, sanitary sewer, and overhead electric lines to the south in the Allencroft Subdivision. The narrow side yards of the lots in North Village efficiently use the proposed infrastructure. This in turn enables 5.05 acres to be utilized for the wet pond and common space park.

High Quality Architectural Design, Placement, Relationship, & Orientation of Structures. North Village's architectural style will be a mixture of modern and farm house which RoddeyGraham Development Group calls "Ozark Vernacular". Please see the elevations and material lists in this document for examples.

Smart Growth & Traditional Neighborhood Design.

The image of North Village was borne out of recognition of the need for a more affordable price point of home in the city of Bentonville, in particularly in the downtown area and Crystal Bridges of American Art. Built upon this were Traditional Neighborhood Design elements and Smart Growth principles. North Village provides a variety of home sizes, floorplans, and home types and makes use of compact building design by the homes being narrow, deep, and two stories.

Every effort has been taken to provide a walkable neighborhood that encourages walking: A park in the southeastern corner and a wet pond with a deck in the northwestern corner. Likewise, a connection point to the Slaughter Pen trails is proposed on the far western side and three connection points to the park on the east are proposed. The eastern park connections will pass between townhomes and SF-R homes and will be edged in shrubs to make the passage inviting and to help designate the importance and specialness of these paths and the park that lays beyond them.

North Village will provide a distinctive, attractive community with a strong sense of place through the subdivision layout design, common spaces, and proposed architectural style. Street trees will be planted along the local and residential streets and will be planted in some of the common areas. Please see the PRD rendered Master Plan for an example of how this development will look.

Range of Housing Opportunities & Choices: North Village offers a variety of layouts of Row Homes as well as a range of townhome size options.

Common Space

North Village's common spaces will be owned and maintained by North Village's Property Owner's Association. They will maintain elements of the common space such as the paths, benches, trees, and lawns. The Park space will be largely undisturbed during construction except for the installation of the site elements such as paths, benches, and grass planting.

The POA will be responsible for maintaining the deck and any trash that collects in the water. Also, all common space will be kept mown by the POA. Alleys will be maintained by the POA as well – weed control and surface repair will be maintained.

Since there are no longer phases to this development, the common space will be constructed by 60% home build-out. Street trees will be installed with the construction of each corresponding home.

10

RGD-NV – ELEVATION CONCEPTS
TOWNHOMES



FRONT ELEVATION 'A'



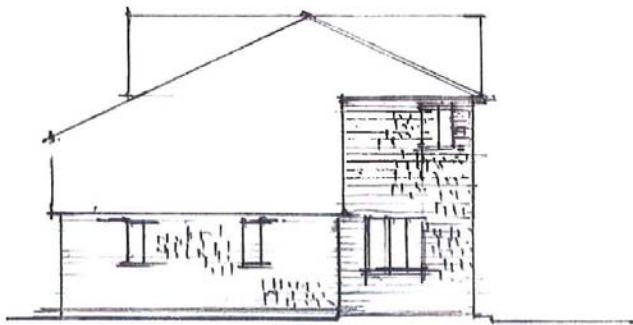
FRONT ELEVATION 'B'



REAR ELEVATION



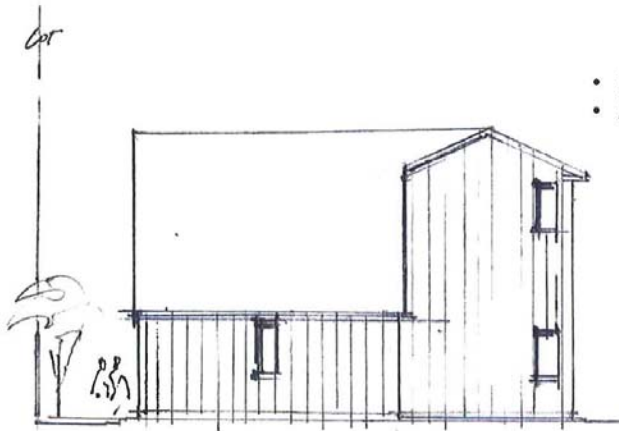
TYPE 'A'
FRONT ELEVATION



TYPE 'A'
BACK ELEVATION



TYPE 'B'
FRONT ELEVATION



TYPE 'B'
REAR ELEVATION

EXTERIOR MATERIALS ON SINGLE
FAMILY RESIDENTIAL HOMES:

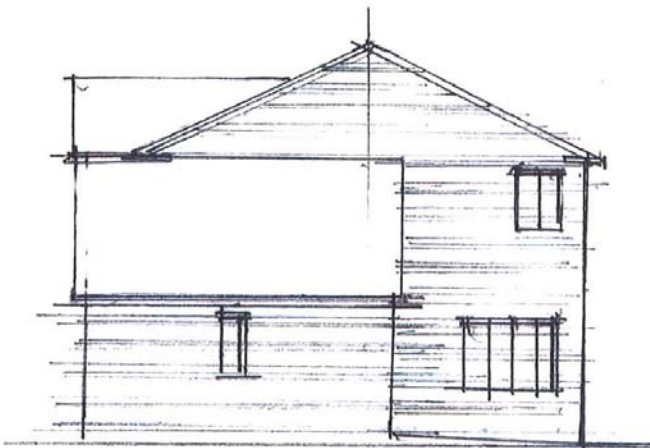
- Cementitious siding in:
 - Shingle
 - Lap
 - Board and batten
- Possibly also brick
- Architectural Shingle

SINGLE FAMILY RESIDENTIAL – TYPE 'C'



TYPE 'C'
FRONT ELEVATION

FRONT ELEVATION 1/8
SHOWN TYPE 'C'
OCT. 2010



TYPE 'C'
BACK ELEVATION

EXTERIOR MATERIALS ON
SINGLE FAMILY RESIDENTIAL
HOMES:

- Cementitious siding in:
 - Shingle
 - Lap
 - Board and batten
- Possibly also brick
- Architectural Shingle

ORDINANCE NO. _____

AN ORDINANCE CHANGING REAL ESTATE IN THE CITY OF BENTONVILLE, ARKANSAS, FROM ITS PRESENT CLASSIFICATION OF A-1, AGRICULTURAL TO PRD, PLANNED RESIDENTIAL DEVELOPMENT.

WHEREAS, Van and Leola Ann Jacobs duly filed a petition with the Planning Commission requesting that the hereinafter described property situated in Benton County, Arkansas, be changed from its present classification of A-1, Agricultural to PRD, Planned Residential Development to be used in accordance with city zoning laws and state laws, which property is described as follows:

PARCEL #18-07519-012A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT A POINT THAT IS LOCATED N03°06'08"E 100.00' FROM THE SOUTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N 87°27'30" W 660.59' TO A SET IRON PIN , THENCE N 03°14'54" E 229.89' TO A SET IRON PIN , THENCE S 87°27'29" E 660.00, THENCE S 03°06'08" W 229.88' TO THE POINT OF BEGINNING. CONTAINING 3.48 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD.PARCEL #18-07519-008A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT A POINT THAT IS LOCATED N03°06'08"E 100.00', AND N87°27'30"W 660.59' FROM THE SOUTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND RUNNING THENCE N87°26'11"W 663.10' TO A SET IRON PIN, THENCE N01°57'11"E 439.50' TO A FOUND 5/8" REBAR, THENCE S85°27'28"E 1163.09' TO A FOUND 1/2" CAPPED REBAR PLS #985, THENCE N00°55'12"E 200.00' TO A FOUND 1/2" CAPPED REBAR PLS #985, THENCE S86°34'38"E 177.34' TO A SET IRON PIN,THENCE S03°06'08"W 366.47' TO A SET IRON PIN, THENCE N87°27'29"W 660.00'

TO A SET IRON PIN, THENCE S03°14'54"W 229.89' TO THE POINT OF BEGINNING, CONTAINING IN ALL 10.01 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY RECORD.COMBINED PARCELS #s 18-07519-012 AND 18-07519-008A PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 20 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:BEGINNING AT A POINT THAT IS LOCATED N03°06'08"E 100.00' FROM THE SOUTHEAST CORNER OF THE SAID 40 ACRE TRACT, SAID POINT BEING A SET IRON PIN, AND N87°27'30"W 660.59' FROM THE SOUTHEAST CORNER OF THE SAID 40 ACRE TRACT,AND RUNNING THENCE N87°26'11"W 663.10' TO A SET IRON PIN,THENCE N01°57'11"E 439.50' TO A FOUND 5/8" REBAR, THENCE S85°27'28"E 1163.09' TO A FOUND 1/2" CAPPED REBAR PLS #985,THENCE N00°55'12"E 200.00' TO A FOUND 1/2" CAPPED REBAR PLS #985, THENCE S86°34'38"E 177.34' TO A SET IRON PIN, THENCE S03°06'08"W 366.47' TO A SET IRON PIN,THENCE S03°06'08"W 229.88' TO A SET IRON PIN, TO THE POINT OF BEGINNING, CONTAINING IN ALL 13.49 ACRES, MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHTS OF WAY OF RECORD.

;and,

WHEREAS, the Planning Commission duly met and considered the application and duly set the petition for public hearing to be held February 7, 2017 in the Council Chambers of the City of Bentonville; and,

WHEREAS, public 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 Planning Commission voted to recommend to the City Council that the petition be approved and that said property be rezoned from its present classification of A-1, Agricultural to PRD, Planned Residential Development.

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 of A-1, Agricultural to PRD, Planned Residential Development to be used in accordance with the city zoning laws and state laws.

PASSED AND APPROVED this _____ day of _____, 2017.

APPROVED:

ATTEST:

MAYOR

CITY CLERK



February 2, 2017

Mayor Bob McCaslin
City of Bentonville
117 West Central
Bentonville, Arkansas 72712

Dear Mayor:

On January 26, 2017, the Bentonville Advertising & Promotion Commission voted to submit to the City Council for their approval:

Mark Hufford as a restaurant representative on the commission.

The term for this seat is January 1, 2017, through December 31, 2020.

For your convenience, we are enclosing a copy of his application and Commission terms summary.

Please let me know, if you have any questions.

Sincerely,

A solid black rectangular box used to redact the signature of Kalene Griffith.

Kalene Griffith
President

Attachments

[104 E. Central Ave. · Bentonville, Arkansas 72712 · \(479\) 271-9153 · toll free \(800\) 410-2535](#)



February 9, 2017

To: City Council Members & City Clerk
From: Mayor Bob McCaslin
Subject: Appointment of Mark Hufford to Bentonville's Advertising and Promotion Commission.

I recommend Mark Hufford for appointment to Bentonville's Advertising and Promotion Commission. Mr. Hufford's term expires on December 31, 2020.

Bob McCaslin



APPLICATION FORM

For appointment to City of Bentonville Boards & Commissions

Please Print or Type all Answers

RECEIVED FEB 18 2016

FOR OFFICE USE ONLY

Board / Commission Appointed to:

Date of Appointment:

Term Expires:

Terminate:

Replaced:

APPLICANT INFORMATION

Name

Mark Hufford

* Must be a Bentonville resident to serve on a Bentonville Board or Commission.

If married, spouse's name:

Lisa

Home Address

City

Home/Cell Phone

Business Phone

Email Address

Occupation

Owner/Operator Chick-fil-A

Employer

Chick-fil-A

Length of Residency in Bentonville

1 1/2 yrs

Please select all commissions / boards

☒ Advertising & Promotion Commission

☐ Airport Advisory Board

☐ Bentonville Facility Board

☐ Board of Adjustment

☐ Bentonville Housing Authority

☐ Criminal Nuisance Abatement Board

☐ Community Development Block Grant Advisory Committee

REFERENCES

Name

Bob Moteston

Phone

Email

Name

Wally Shippy

Phone

Email

1. What are your qualifications for serving on this commission or board, including education and expertise in the subject matter?

- Master's Degree Physical Therapy: Univ. of Central Arkansas
- Bachelor's Degree Radio & TV: Univ. of Central Florida
- Opened CFA on Walton Apr. 2 10th 2008. Bentonville's #1 Restaurant for Sales Volume 2009-2015.
- Passion for building a remarkable brand & positive influence through hospitality.

2. Why would you like to be considered for appointment to this commission or board?

As the Number one revenue producing restaurant the past 7 years I would like the opportunity to serve our city in a role that fits my vocational callings and passion for building the greater brand of this amazing city through our overarching hospitality.

RETURN THIS APPLICATION TO: Submit by E-mail to Janice Hopkins, jhopkins@bentonvillear.com or deliver to the Mayor's Office, 117 West Central, Bentonville, AR 72712. If you have any questions, call 271-3112.

If you are not appointed, your application will be kept for one year and will automatically be resubmitted during that time. After a year if you want to be considered for a position, you will need to reapply.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Travis Matlock

Department

Engineering

Phone

271-5941

ACTION REQUIRED:

Public hearing and ordinance vacating an Alley Right of Way located between Lot 14 & 15 Block 1 of Smartt's Addition and Tract 1 of Depot Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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 AN ALLEY RIGHT OF WAY LOCATED BETWEEN LOT 14 & 15, BLOCK 1 OF SMARTT'S ADDITION AND TRACT 1 OF DEPOT ADDITION TO THE CITY OF BENTONVILLE, ARKANSAS, BENTON COUNTY ARKANSAS.

WHEREAS, a petition was filed by HFA Creative Solutions, with the City Council of the City of Bentonville, Arkansas, asking the City Council to vacate an alley right of way located in the City of Bentonville, Benton County, Arkansas, which portion is more particularly described as follows:

A Platted 16.00 foot alleyway lying between Lot 14 and Lot 15 Block 1 of Smartt's Addition to the City of Bentonville, and Tract 1 of Depot Addition to the City of Bentonville, Benton County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Northeast Corner of Lot 14 Block 1 of Smartt's Addition, said point being on the West Right of Way line of a platted alley. Thence leaving said West Right of Way line, South 87 degrees 22 minutes 11 seconds east, 16.00 feet to the Northwest Corner of Tract 1 of Depot Addition, said point being on the East Right of Way line of a platted ally. Thence along the West line of Tract 1 of Depot Addition and along said East Right of Way line, South 02 degrees 40 minutes 52 seconds west, 100.50 feet to an existing rebar, said point being on the North line of Lot 18 Block 2 of Smartt's Addition. Thence leaving the West line of said Tract 1 of Depot Addition and said East Right of Way line, and along the North line of said Lot 18 Block 2, North 87 degrees 22 minutes 11 seconds West, 16.00 feet to a set rebar with cap marking the Southeast Corner of Lot 15 Block 1, Smartt's Addition, said point being on the West Right of Way line of a platted alley. Thence leaving the North line of said Lot 18, and along the East line of said Lot 15 and along the East line of Lot 14 Block 1 and along said West Right of Way line, North 02 degrees 40 minutes 52 seconds east, 100.50 feet to the Point of Beginning containing 1,608.00 square feet.

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 an alley right of way designated as follows:

A Platted 16.00 foot alleyway lying between Lot 14 and Lot 15 Block 1 of Smartt's Addition to the City of Bentonville, and Tract 1 of Depot Addition to the City of Bentonville, Benton County, Arkansas being more particularly described as follows:

Beginning at an existing rebar marking the Northeast Corner of Lot 14 Block 1 of Smartt's Addition, said point being on the West Right of Way line of a platted alley. Thence leaving said West Right of Way line, South 87 degrees 22 minutes 11 seconds east, 16.00 feet to the Northwest Corner of Tract 1 of Depot Addition, said point being on the East Right of Way line of a platted ally. Thence along the West line of Tract 1 of Depot Addition and along said East Right of Way line, South 02 degrees 40 minutes 52 seconds west, 100.50 feet to an existing rebar, said point being on the North line of Lot 18 Block 2 of Smartt's Addition. Thence leaving the West line of said Tract 1 of Depot Addition and said East Right of Way line, and along the North line of said Lot 18 Block 2, North 87 degrees 22 minutes 11 seconds West, 16.00 feet to a set rebar with cap marking the Southeast Corner of Lot 15 Block 1, Smartt's Addition, said point being on the West Right of Way line of a platted alley. Thence leaving the North line of said Lot 18, and along the East line of said Lot 15 and along the East line of Lot 14 Block 1 and along said West Right of Way line, North 02 degrees 40 minutes 52 seconds east, 100.50 feet to the Point of Beginning containing 1,608.00 square feet.

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 _____, 2017, 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,
Arkansas

BOB MCCASLIN, Mayor
City of Bentonville, Arkansas



*Alley Vacation
Behind Old MFA Building*

1 inch = 80 feet





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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Travis Matlock

Department

Engineering

Phone

271-5941

ACTION REQUIRED:

A resolution setting a public hearing for February 28, 2017 for a Utility Easement Vacation requested by RC Stoneburrow, LLC for multiple parcels at Kerelaw Subdivision.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by RC Stoneburrow, LLC requesting utility easement vacation within the City of Bentonville, Arkansas be vacated, which said street right of way is described as follows:

A 15' WIDE SEWER EASEMENT:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 122; THENCE ALONG THE WEST LOT LINE OF SAID LOT 122, NORTH 02°10'59" EAST A DISTANCE OF 23.94; THENCE NORTH 69°14'41" EAST A DISTANCE OF 21.72 FEET TO THE POINT OF BEGINNING; THENCE NORTH 02°10'59" EAST A DISTANCE OF 16.29 FEET; THENCE NORTH 69°14'41" EAST A DISTANCE OF 386.93 FEET; THENCE SOUTH 59°16'06" EAST A DISTANCE OF 19.17 FEET; THENCE SOUTH 69°14'41" WEST A DISTANCE OF 405.21 FEET TO THE POINT OF BEGINNING. CONTAINING 5941 SQ. FT. MORE OR LESS.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described utility easement is set for a hearing on February 28, 2017 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved, and adopted the _____ day of _____, 2017 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Bob McCaslin, Mayor
City of Bentonville, Arkansas





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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Travis Matlock

Department

Engineering

Phone

271-5941

ACTION REQUIRED:

A resolution setting a public hearing for February 28, 2017 for a Public Access Easement Vacation requested by 1302 Melissa, LLC at 1302 Melissa.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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. _____

IN THE CITY COUNCIL FOR THE CITY OF BENTONVILLE, ARKANSAS

WHEREAS, a petition was duly filed with the City Council of Bentonville, Arkansas by 1302 Melissa, LLC requesting public access easement vacation within the City of Bentonville, Arkansas be vacated, which said street right of way is described as follows:

A thirty (30) foot wide shared access easement running along the Eastern and Northern boundaries of Tract 13 and the Northern Boundary of Tract 14, Hardcastle Estates, Bentonville, Arkansas, as per the plat of same recorded January 22, 2007, in plat book 2007 at pages 64 and 65.

WHEREAS, Ark. Code Ann. Section 14-301-302(c) provides that the City Council shall by resolution fix a day for the hearing of the petition and shall direct the City Clerk and Recorder to give notice of the meeting, by publication, once per week for two (2) consecutive weeks in some newspaper published in and having general circulation in Bentonville, Benton County, Arkansas.

NOW, THEREFORE, BE IT RESOLVED, by the City of Bentonville, Arkansas, that the petition to close the above described public access easement is set for a hearing on February 28, 2017 at 6:00 p.m. in the City Council Room of the City of Bentonville, Arkansas, and the Bentonville City Clerk and Recorder is directed to give notice of this meeting by publication as set forth by Ark. Code Ann. Section 14-301-302(c).

The above and foregoing resolution was passed, approved, and adopted the _____ day of _____ 2017 at a regular meeting of the City Council of the City of Bentonville, Arkansas.

Linda Spence, City Clerk
Bentonville, Arkansas

Bob McCaslin, Mayor
City of Bentonville, Arkansas





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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

City recommends council approval of a budget adjustment for engineering services to Morrison-Shipleigh for engineering services provided for the Bentonville Municipal Airport in the amount of \$21,206.56.

COST TO CITY:

Cost of this Request: \$21,207

Additional Budget Amount

☐ One time amount

☒ Continuing O and M

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

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

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PLEASE RECYCLE



BUDGET ADJUSTMENT REQUEST FORM

Budget Adjustment #
(Assigned by Admin)

Department: **Other**

Date of Request: February 14, 2017

Acct Number	Account Name	Revenue + (-)	Expense + (-)	Fund Balance + (-)
1650-465.32-10	Professional Services - Engineering	\$0.00	\$ 21,206.56	\$ (21,206.56)
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
	Totals	\$ -	\$ 21,206.56	\$ (21,206.56)

Justification:

Budget adjustment to pay for engineering services for Morrison-Shipleigh concerning work for the Bentonville Municipal Airport in 2016.

FOR ACTING USE ONLY

Council Action: Approved Disapproved Other _____

Date: _____ Date entered: _____ By: _____

Revised 5/1/07

117 WEST CENTRAL AVENUE * BENTONVILLE, AR 72712

www.bentonvillear.com



PLEASE RECYCLE



MEMORANDUM

DATE: February 3, 2017

TO: City Council, Mayor McCaslin

FROM: Travis Matlock, Engineer Director

RE: Payment for Morrison-Shipley services rendered in 2016

Staff recommends the Council authorize a budget adjustment of \$21,206.56 in order to pay Morrison-Shipley for engineering services for the Bentonville Municipal Airport from the end of 2016.

In October of 2016, there were 3 task services at the airport that Morrison-Shipley had been authorized to perform. The task services were as follows:

1. Modifying the documents related to the west side circular apron in the amount of \$2,580.00.
2. Due diligence and preparation of documents for the land swap of 0.9 ac for construction of a future flight center in the amount of \$4,206.56.
3. Prepared grant documents in order to procure a grant for the West Parallel Taxiway in the amount of \$14,420.00.

However, the land swap was required to close with no complications in order to ensure the requirements of the grants were met. The land swap closed on December 28th, 2016. Due to the timing of the closing and the end of the year accounting, it was necessary to hold off on payment. This budget adjustment will close out the 2016 budget year.



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Travis Matlock

Department

Electric

Phone

271-5941

ACTION REQUIRED:

An ordinance authorizing the Mayor and City Council to enter into an agreement with IBT Industrial Solutions and waiving the requirements of competitive bidding to relocate the existing warehouse racks to the new warehouse during the move to the new Utility Complex in 2017 in the amount of \$24,017.73.

COST TO CITY:

Cost of this Request: \$24,018

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

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

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	<u>2/14/2017</u>		
Requested by:	<u>Travis Matlock</u>		
Department:	<u>Electric Dept.</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u>Moving/Relocation Services</u>		
Year & Model:	<u></u>		
Serial #	<u></u>		
To Be Purchased From:	<u>IBT Industrial Solutions</u>		
	<u>9400 West 55th Street</u>		
	<u>Merriam, KS 66203</u>		
Amount:	Base Amount:	\$	<u>21,934.00</u>
	Tax:	\$	<u>2,083.73</u>
	*Other:		<u></u>
	TOTAL	\$	<u>24,017.73</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
IBT Industrial Solutions will disassemble the existing racks that are located in the existing warehouse, relocate them to the new warehouse and reassemble. IBT installed the racks when the current warehouse was constructed in 2008.			
<u>Department Head</u>		<u>Director of Finance & Administration</u>	

M E M O R A N D U M

DATE: February 3, 2017

TO: **City Council, Mayor McCaslin**

FROM: Travis Matlock, Engineer Director

RE: IBT Industrial Solutions

Staff recommends the Council authorize the Mayor to enter into an agreement with IBT Industrial Solutions and waiving the requirements of competitive bidding to relocate the existing warehouse racks in the amount of \$24,017.73.

With the construction of the new Warehouse, and because it will combine two existing buildings, there will be more racks required for the material the City Of Bentonville stores. At the new Warehouse, approximately half of the required racks will be installed as construction proceeds. That will allow material to be moved and placed on the racks. Once the existing warehouse is emptied, IBT will disassemble the racks, relocate to the new facility, and will reassemble everything. This will complete the build-out of the new Warehouse.

IBT was selected because they were the original supplier/installer of the existing rack that will be relocated.

IBT Industrial Solutions

PROPOSAL FOR TEARDOWN & RE-INSTALL OF THE EXISTING RACKS

Below is the scope of the Teardown & Re-install:

- Disassemble, load, and relocate 31 warehouse racks
- Scissor lift and forklift Rental by Texo
- Obstructions and material on racking to be moved by others
- Any safety training over 30 minutes and drug testing to be additional cost
- Cleanup to be done daily, (no dumpster rental included)
- Temporary lighting not included
- Anchors included
- Prevailing wage and admin/fees/usage not included
- Sales tax not included

- 2-weeks to complete

PRICE:

Base Price -	\$ 21,934.00
Tax @ 9.5% -	<u>\$ 2,083.73</u>
Total	\$ 24,017.73

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE
CITY CLERK TO ENTER INTO AN AGREEMENT WITH
IBT INDUSTRIAL SOLUTIONS AND WAIVING THE
REQUIREMENT OF COMPETITIVE BIDDING.**

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with IBT Industrial Solutions to relocate the existing warehouse racks to the new Utility Complex in 2017, in the amount of \$24,018.00 as set forth in the attached proposal.

Section 2: Because this vendor is the original installer of the racks and is most qualified to disassemble and relocate them, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this ____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Jon Simpson

Department

Police

Phone

271-3172

ACTION REQUIRED:

Adopt a new Special Operations policy, General Order 58, for the Police Department Policy and Procedures manual. This new Special Operations policy will replace the previous policy in its entirety and provide our officers with better guidelines for the management of critical and high risk incidents. See attached proposed new policy and existing policy.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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

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PLEASE RECYCLE



Bentonville Police Department

General Order 58
SPECIAL OPERATIONS

Effective Date: February 14, 2017

Annual Review Date: January

Issuing Authority: Jon Simpson, Chief of Police

PURPOSE

The presence of a highly trained and skilled tactical unit has been shown to substantially reduce the risk of injury and loss of life to citizens, police officers, and suspects, when called upon to assist in the resolution of critical incidents. It is the intent of the Bentonville Police Department to have such a unit as a tactical resource, and this policy establishes the unit mandate, structure, and general operating procedures for the Special Weapons and Tactics (SWAT) Team.

Given the variables unique to each incident, the Operational checklists and the information contained herein is not meant to be a step by step set of instructions, but rather a set of guidelines to assist the Incident Commander and officers in managing critical incidents and high risk warrant service(s).

POLICY

The Bentonville Police Department does not employ a dedicated, full time SWAT Team. Instead, the policy of the Bentonville Police Department shall be to utilize a specialized unit consisting of selected police officers who are trained, equipped, and deployed in high risk law enforcement situations. The members of the Bentonville Police Department's SWAT Team are assigned other full-time duties and serve on the SWAT Team as a collateral assignment.

Definitions:

- *High Risk Police Tactics (HRPT)*-police tactics, which by their nature, have an increased potential of causing injury than conventional police tactics.
- *High Risk Operation*-police operation in which the circumstances indicate the potential for violence being directed towards officers/involved persons is higher than normal.
- *Noise/Flash Diversion Device (NFDD)*-tool which produces a loud report and bright flash. Also referred to as a "distraction device" or "flash bang."
- *Explosive Techniques/ Explosive Breaching*-The use of explosives to assist in furtherance of an operational objective.
- *Chemical Munitions*- The use of chemical agents (CS/OC) used in furtherance of an operation objective.

- *Point of Compromised Authority*-that point where an entry/rescue team may be visually compromised or come under fire. It is the point where the command post has relinquished decision making to the Team leader and/or designee in the entry team.
- *Less Lethal Force*-a concept of planning and force application, designed to meet an operational objective, with significantly reduced potential for death or serious bodily injury than conventional tactics and means.

PROCEDURES

58.1

Management of a Scene to a Critical Incident

The first responding officer to a scene is the officer-in-charge of a critical incident or special operation until the Chief of Police or other supervisor relieves them of this responsibility.

In the event of a critical incident or special operation, initial responding officers have an integral role to the structure and potential outcome. Officers should consider the following:

- a) Safety of Persons- plan for safety of officers and others in the area; move endangered persons outside the perimeter
- b) Gather Intelligence- locate and interview witnesses if possible; determine the type or if any criminal acts have taken place; officers should relay any intelligence information regarding the incident to the incident commander
- c) Additional Resources-determine if Negotiators, SWAT, Bomb Squad, Fire Department, Public Utilities, or other law enforcement agencies are needed and make proper notifications.
- d) Contain the area- establish inner perimeter and outer perimeters, confining immediate area of control by the suspect.
- e) Command Personnel Notification
- f) Establish a command post area away from the view of the suspect.
- g) Establish a staging area for responding units to assemble for briefing.
- h) Equipment and Personnel- manage equipment and personnel at the scene

58.2

Command Responsibilities

The Bentonville Police Department supports the Incident Command System. The on-duty supervisor will be the incident commander until such time he is relieved by a higher ranking officer.

When an incident goes beyond the normal scope of uniformed patrol operations, and the SWAT Team has been activated, the SWAT Team Commander or Team Leader will have operational command over deployment/resolution. The first SWAT officer on scene will begin a tactical assessment to brief the officer in charge and the arriving SWAT officers.

The Incident Commander will establish and operate from a command post (CP). The SWAT Commander will establish and operate from a Tactical Operations Center (TOC). The SWAT Commander will ensure that ongoing and continuous liaison occurs with the Incident Commander throughout the duration of the event.

58.3

SWAT Team Responsibilities

The primary responsibility of the SWAT Team will be the resolution of difficult police situations outside the realm of the ordinary patrol response, through the use of developed skills, tactics, and specialized equipment/capabilities. Incidents which meet these criteria include, but are not limited to:

- **Hostage Situations:** The holding of a person(s) against their will by an armed or potentially dangerous person(s).
- **Barricade Situations:** A stand-off created by an armed or potentially dangerous person, in any location, fortified or not, who is refusing to comply with police demands for surrender/compliance.
- **Sniper Situations:** The firing upon citizens and/or police by an armed suspect, stationary or mobile.
- **High Risk Apprehension:** The arrest or apprehension of armed or potentially dangerous suspects, where the likelihood of armed or violent resistance is high, or where potential risk to involved officers is higher than normal.
- **High Risk/Unknown Search Warrant Service:** Search warrants requiring, or likely requiring, forced entry/dynamic room clearing techniques.
- **High Risk Surveillance:** Surveillance and/or stake out operations involving suspects/operations with a high potential for armed encounter or violence.
- **Personal Protection:** The security of special persons (i.e. visiting dignitaries, VIP's, witnesses/suspects), based on threat or potential threat to their safety and/or security.
- **Any other assignment approved by the Chief of Police or his designee.**

58.4

Philosophy

Recognizing that by their nature, tactical operations are hazardous situations, the successful management and resolution of an incident often involves the need for decisions that may affect the safety of persons involved. Due to this, all operational/tactical decision making will be made based on the department's established Priorities of Life.

58.4.1 Priorities of Life

- Hostages
- Innocent Persons/Citizens
- Police Officers
- Suspects/Subjects

Where possible, the safety of suspects will be a consideration; however, the life of a suspect will not take precedence over the life of Hostages, Innocent Persons/Citizens, or Police Officers, regardless of the state of negotiations or any other activity designed to take the suspect into custody.

58.4.2 Tactical Options

The dynamics of a situation relinquishes control to the suspect, who usually know what they are going to do. Officers will attempt to use tactics and contingency planning to have options in place to achieve a successful tactical resolution. The following situations and options are not all inclusive and less lethal options will always be considered.

58.4.3 Hostage Situation

In Hostage situations, negotiations will be the main activity to achieve a resolution; however, the SWAT Team will be prepared to execute a tactical option when the opportunity for the highest chance of success exists. These options may include, but are not limited to:

(a) Police Marksmen: A well placed precision shot which neutralizes the threat. There should be an entry/securing element in place to clear the area and secure hostages.

(b) Assault (open air): Movement of the team to neutralize the threat after the suspect has gone into an "open air" environment and is out of the stronghold. A marksman may be utilized in this situation.

(c) Assault (entry): Movement of the team into the suspect's stronghold to neutralize the threat(s). This is the least desirable option as you are meeting the suspect(s) in their environment, known to them and unknown to you.

Combination: A combination of these options which may be adapted to deal with the variety of contingencies.

In rare cases, negotiations may fail at which point the SWAT Commander assumes command and control of the incident. Additionally, negotiations may not exist at the point an emergency entry is needed however all attempts to negotiate should continue throughout the incident.

58.4.4 Barricade Situation

Negotiation will be the main activity to achieve a resolution; however, the Department recognizes that it is not reasonable for a barricade situation to deprive police services from the rest of the citizens of this community. Due to the manpower needed in these situations, officers are not able to answer priority calls for service. Thus, these situations should be resolved in a reasonable period of time depending on the circumstances.

The options for resolution are as follows:

- (a) Negotiation/Communication
- (b) Force the suspect out of his/her stronghold by use of chemical munitions when applicable.
- (c) Tactical Entry: Based on the Safety Priorities, an entry may be made. This entry should be covertly executed and preferred as a last resort.
- (d) If, in the opinion of Commanders on the scene, the wisest course of action to end the situation would be for all officers to stand down, the Incident Commander may order all officers to leave the scene.

58.5

Search/Arrest Warrant Procedures

The purpose of this guiding principle is to establish guidelines for the service of high risk search and/or arrest warrants by the SWAT team. Supervisors and Officers should complete a **threat assessment** for high-risk warrant services (search warrant/arrest warrant) to determine whether the use of the SWAT team is mandatory or can be handled by a typical officer response. Factors included in this assessment include, but are not limited to potential weapons, criminal history of suspects, suspects implied or previous history of violence on persons or officers, time of service for the search or arrest warrant, number of persons at location, etc.

58.5.1 Notification

When another agency or unit within the department develops information for a high risk search/arrest warrant to be served by the SWAT Team, they will notify the Team Commander or Team Leader. Basic information to be given should include:

- (a) Address and description of place to be searched.
- (b) A copy of the search warrant / arrest warrant.
- (c) Any known intelligence information with photographic documentation preferred.

Upon notification, the Team Commander or Team Leader will determine the proper time for the warrant service (considering SWAT Team manpower, timeliness of the warrant service, other unit needs, and priorities), assign a SWAT team member to the prearranged investigation, and determine the level of tactics to be used.

58.6

High Risk Police Tactics

High risk police tactics and high risk operations will be regulated to ensure that proper procedures are followed to reduce the likelihood of injury.

58.6.1 Authorization

The use of high risk police tactics should be preceded with approval by the Team Commander, or higher authority, in all cases outside of emergency circumstances.

58.6.2 Deployment

The use of high risk police tactics will be done with regard for the safety of all persons involved in the situation, considering the potential for injury to the involved persons should the tactics not be employed. They should be used when they will likely assist in resolving a potentially dangerous police situation, with a reduced potential of death or serious physical injury for those involved. These decisions will also be made based on the department and NTOA recognized *Priority of Life* of those involved:

- 1. Hostages**
- 2. Innocent Persons**
- 3. Police Officers**
- 4. Suspects/Subjects**

The decision to deploy such tactics and a later determination of "correctness" will be based only on the information known prior to the operation.

58.6.3 Special Deployment Considerations

Noise Flash Diversionary Devices (NFDD)-The use of an NFDD or explosive shall be limited to areas that have been visually inspected prior to deployment. The only exception to this is an operation in which the risk of inspection clearly outweighs the potential danger of a "blind deployment." The authority for such a deployment requires prior Team Commander approval, outside of emergency circumstances.

The Team Commander, Team Leader, and officers assigned to deploy NFDD's will consider the following prior to deploying an NFDD:

- a. Flammable materials at or near point of deployment.
- b. Location of persons, especially children or elderly, near the point of deployment.
- c. Other conditions which create an obvious safety hazard.

Upon determining that an NFDD or explosive will be used, the officer deploying the device will consider the issues noted above, up to and including the time of actual deployment. The briefing will include an avenue for the officer to deploy the devices to a safe area, should the initial deployment location be determined unsafe during the operation.

Chemical Munitions-The use of chemical munitions in space deprivation scenarios or to force the suspect out of his/her stronghold will be preceded by a full deployment plan. All use of Chemical Munitions in tactical operations will be documented.

58.7

Procedure for Activating SWAT

58.7.1 SWAT Team Activation to a Critical Incident

SWAT Team Activation to a Critical Incident will take precedent over all other non-emergency assignments within the Bentonville Police Department. The SWAT Team can be requested by any supervisory officer within the Bentonville Police Department, and requests should be directed to the SWAT Team Commander or Team Leader(s). An exception to this would be a hostage situation, which would authorize any officer on scene the ability to request a SWAT response.

58.7.2 Requests for the SWAT Team by Outside Agencies

Requests for the SWAT Team by Outside Agencies should be directed through the SWAT Chain of Command, with authorization for such use being decided by the Chief of Police or his designee.

58.7.3 SWAT Team Activation Requests, Outside of Emergency Situations

SWAT Team activation requests, outside of emergency situations will be made through the Team Commander or Team Leader(s). This will include, but not be limited to activations for search warrants, felony arrests, surveillances, etc.

The Chief of Police or his designee shall be notified of any SWAT activation.

58.8

Unit Structure

58.8.1 The SWAT Team Unit Structure and Chain of Command:

The team is composed of a Team Commander, Team Leader, Assistant Team Leader(s), Entry and Perimeter Teams, Tactical Paramedics, and Precision Rifle Operators. The SWAT Team has established its own internal Chain-of-Command approved by the Chief of Police. In the absence of the Team Commander or Team Leaders the senior most SWAT member will assume the role of the tactical commander and provide guidance on tactical options available.

The SWAT Team's external Chain of Command consists of the Uniformed Operations Division Commander (or his designee) and the Chief of Police.

58.9

Duties and Responsibilities

All SWAT Team members have as their primary responsibility their full time assignments. SWAT duties are secondary to those responsibilities except in times of SWAT operations and training days.

58.9.1 Team Commander

The Team Commander is responsible and accountable for the overall operational readiness, team activities, callouts, and standards of the SWAT Team. He is the operational supervisor for the Team Leader and all officers assigned to the SWAT team.

58.9.2 Team Leader/ Assistant Team Leaders

The Team Leader/Assistant Team Leader is a team member who acts as the Team Commander in the Commander's absence and assists in the completion of any other duties assigned by the Team Commander.

58.9.3 Team Members

Team members are officers of the Bentonville Police Department who have met the qualifications of team membership as determined by the Team Commander. They are assigned to the SWAT Team in a part-time capacity. Their direct supervisor is their unit/division supervisor of their full time assignment, with the SWAT Team Commander and/or Team Leader having operational authority during SWAT operations and training days.

Team members will be given assignments by the Team Commander and Team Leader which will be duties included, but not limited to: Entry Team, Perimeter Team, Precision Rifle Operator (Sniper), and Tactical Medical Care (Paramedics).

58.9.4 Precision Rifle Operator

Officers assigned to this assignment with the team assume a higher level of responsibility and are called upon to provide observation, intelligence, and precision marksmanship in tactical situations. SWAT precision rifle operators (commonly referred to as snipers or sniper/observer when deployed with a secondary officer) are selected by the Team Commander and Team Leader.

Precision Rifle Operators will use law, policy, and ethics when determining what action they should take in the defense of persons from death or serious physical injury. Specific fire control measures may be established by the Team Commander, or higher authority, based on the circumstances of a particular situation.

The Team Commander is responsible for determining the qualification course of fire and minimum proficiency/training standards for the precision rifle operators. The primary purpose of the precision rifle operator is to resolve a situation with a precision shot. Their secondary purpose is to gather and report current intelligence information to the Team Commander and Team Leader.

58.10

SWAT Selection Process

The nature of SWAT operations requires disciplined, physically fit, calm, competent, and well trained professional police officers. Accordingly, the SWAT Team will select team members through a fair and impartial process, intended to measure those qualities deemed to be most important in meeting the unit's operational objectives.

When openings occur, a test will be conducted to establish an eligibility list for appointment to the SWAT Team.

58.10.1 Minimum Requirements for Applicants

Non-probationary certified officer of the Bentonville Police Department with a minimum of two years law enforcement experience.

No serious disciplinary issues within the preceding 12 months.

Satisfactory work history for the preceding 12 months based on evaluations by the candidate's supervisor.

58.10.2 Selection Process

The selection process is determined by the Team Commander and should include, but are not limited to:

- Marksmanship
- Physical Fitness
- Scenario based exercise(s)
- Oral Board

Results of the tests will then be compiled and a list will be established. The Team Commander and Team Leader will make final selection, with approval for the selected applicants by the Chief of Police, or his designee.

Service with the SWAT Team is a privilege, and accordingly, all persons who are appointed to the team shall serve a period of one year probation. During this time, the Team Commander shall continuously evaluate the member's progress and development with the team. The Team Commander shall make recommendations to the Chain of Command to dismiss any member's assignment to the team during this probationary period for cause.

58.10.3 Removal Process

Any current member of the team can lose their position. Members can be dismissed from the team for failure to comply with any training standard set forth by the Team Commander. Team members can be dismissed if the Team Commander can show cause that they can no longer safely perform their duties with the SWAT Team or the membership on the team creates a negative impact on their primary assignment. Team

members may also be dismissed or suspended from the team if they receive any Departmental disciplinary action.

A team member may request to be voluntarily withdrawn from assignment to the SWAT team at any time. The team member must submit a letter of resignation to the Captain of the Uniformed Division and Team Commander, who may grant or deny the request immediately or after a review of the circumstances.

58.11 Equipment

Team members will be issued various personal protective equipment specific to their job on the team. Each team member is required to maintain accountability of this additional equipment and keep it clean and serviceable.

58.12 TEAM MEMBERS PERFORMANCE STANDARDS

To achieve the standards set forth in this policy, each SWAT Team member must meet performance standards above that of the non-SWAT officer. These standards include, but are not limited to:

58.12.1 Physical Fitness

Due to the requirements placed on SWAT Team members during the performance of their operational duties, it is recognized that an increased level of fitness must be maintained.

Each SWAT Team member must pass a semi-annual physical fitness test. A total of two PT tests/events will be administered during the calendar year. Officers must attend and pass these test/events based on minimum standards set by the SWAT team. The following minimum standards have been set for physical fitness.

- 1.5 mile run under 15 minutes
- 300 meter run under 70 seconds
- 90% of body weight for bench press
- 40 pushups in 1 minute
- 30 situps in 1 minute
- Max effort on vertical jump

Failure to meet the minimum physical fitness levels will result in the team member being placed on a non-deployable status for 30 days. The team member will be retested within that 30 days and failure to pass on this occasion will result in removal from the team.

If the physical fitness failure is due to the existence of a valid injury, the team member will begin a rehabilitative process and excused from SWAT duties and training. Once released from medical care, the team member must pass the physical fitness test meeting the minimum standards.

58.12.2 Marksmanship

It is recognized, that in the performance of their duties, SWAT Team members may be called upon at any moment to perform at the highest level of firearms proficiency. To maintain the skills necessary to accomplish this, SWAT Team members are held to a higher standard for firearms qualifications.

Current minimum qualification for selection and continued service with the team in firearms scoring is **450** out of **500** on the ALETA (State) pistol course, and **450** out of **500** on the Department rifle course (90%). The courses of fire for each weapon used will be set forth and documented by the Team Commander. Team members will participate in qualifications on all weapons assigned to them. Measurable percentages for each weapon used and qualification frequency area as follows:

- (a) Colt M16 Rifle, Quarterly
- (b) Duty Handgun, Quarterly
- (e) Less Lethal Weapons, Varies by weapon, annually
- (f) Precision Rifle Operators, Monthly

Team members that exhibit hot and cold levels of ability will not be considered consistent in performance. Protection from costly errors and subsequent liability rests in our ability to set reasonable standards of performance and uniformly enforce those standards.

Failure to take or pass any firearms qualifications, including regular departmental qualifications, will result in the member being placed in a non-deployable status for 30 days. The team member will be retested and provided remedial training within that 30 days. Failure to pass on this occasion and continuing to display hot and cold levels of firearms proficiency will result in removal from the team.

58.13 TRAINING

The training philosophy of the SWAT Team centers on the mission statement of this policy. All training will be conducted to acquire and maintain the skills required to successfully conduct operations.

The Team Commander will be responsible for keeping the training applicable to current standards and practices of the team. All training will be documented and files kept for a minimum of five years.

58.13.1 HRPT Training Programs

Certain HRPT require the completion of established training programs prior to their use. Specifically, no department member shall use the following high risk police tactics without prior completion of their respective training programs:

- a. NFDD-Bentonville Police Department SWAT end user training program provided by certified instructor.

- b. Explosive Techniques-Explosive Breaching certification course and specialized training in explosive entry. The specialized training is a combination of practical and classroom instruction provided through a program recognized by the National Tactical Officer's Association's explosive/breaching expert, or commercial explosive entry courses.
 - i. The explosive breacher will also participate in regular, documented training, in the preparation and use of explosive charges in a tactical environment.
- c. Chemical Munitions-Bentonville Police Department SWAT end user training program, provided by a certified instructor.

58.13.2 Training Hours

In accordance with standards recommended by the National Tactical Officers Association for part-time teams, the SWAT Team will be allowed to train a minimum of 16 hours per month. As manpower permits, the team will also be allotted a full 40 hour week for training annually.

Bentonville Police Department

General Order 58 SPECIAL OPERATIONS

Effective Date: January 24, 1996
Annual Review Date: January
Issuing Authority: James H. Allen, Chief of Police

PURPOSE

High risk incidents of hostage-taking, barricaded persons, terrorist and paramilitary group activities, and other crisis situations present a perplexing problem for police agencies. These types of antisocial behavior compel us to develop special operational procedures to contain and handle the incident.

Apprehension of suspects, protection of crime scene and recovery of property must be secondary to protection of life. The Bentonville Police Department must contain suspects and the area, provide for safety of those in the area, then direct our operations toward peaceful resolution.

POLICY

The Bentonville Police Department counters high risk incidents by using special operations methods to contain a situation, provide safety for all persons in the area, secure safe release of any hostages and apprehend suspects.

PROCEDURES

58.1

Special Operations Management

58.1.1 High Risk Incidents

Almost any situation can escalate into a high risk incident needing special operations. Mass assault, taking of hostages, or a barricaded person, always presents a critical risk to officers and other persons.

58.1.2 Police Readiness

Planning and operational readiness for special operations is a continuing responsibility of the Chief of Police.

58.2

Response to Barricaded Persons or Hostage Incident

The responding officer at scene is the officer-in-charge of a special operation until the Chief of Police or other supervisor relieves them of responsibility.

Rev. 4-24-01

58.2.1 Management of Scene

Supervise, coordinate and delegate responsibilities at the scene.

- **Equipment and Personnel** - Manage equipment and personnel at the scene.
- **Safety of Persons** - Plan for safety of officers and others in the area.
- **Perimeters of Scene** - Establish outer and inner perimeters.
- **Personnel Assignments** - Assign officers to necessary duties and responsibilities.

58.2.2 Support of Operations

Establish contact as necessary for support at the scene:

- Bentonville Special Response Team (SRT).
- State law enforcement agency;
- Other law enforcement agencies;
- Ambulance and hospital;
- Fire department;
- Public utilities;
- Telephone company;
- Bomb disposal unit;

58.2.3 Make Notices

Notify the Chief of Police.

58.2.4 Establish Command Post Area

Establish a command post area away from view of suspect.

- **Access to Command Post Area** - Restrict the command post area to officers assigned post duties.
- **Unauthorized Personnel** - Do not allow other officers, civilians, or press in the command post area.

58.3 Operations at the Scene

58.3.1 Primary Response Officer

Verify the incident as quickly as possible by contacting witnesses, observing the scene, or as a last alternative, trying to contact hostages or suspect.

- **Contain the Area** - If verified, request a supervisor and establish an inner perimeter, confining immediate area of control by the suspect.

Rev. 4-24-01

- **Police Arrival Routes** - Position units by routes not passing through suspect's area of control.
- **Staging Area** - Designate a safe area for responding units to assemble for briefing.
- **Confrontation with Suspects** - Avoid direct confrontation with barricaded suspects holding a hostage, but do not allow them to leave the area.

58.3.2 Officers at the Scene

Swiftly contain the area with an inner perimeter, isolating the suspect in as confined a space as possible. Do not use firearms or other weapons unless authorized by the officer-in-charge or in immediate defense of life.

- **Outer Perimeter** - Establish an outer perimeter, including an area surrounding the scene.
- **Evacuation of Persons** - Allow only authorized personnel and equipment within the perimeter and move endangered persons outside the perimeter.

NOTE: Question those persons to obtain more information about the suspect and incident when possible.

58.3.3 Intelligence Information

Begin gathering intelligence as soon as possible after containment of the suspect. Collect as much information as you can get, continually updating the officer-in-charge.

58.4 Special Help

58.4.1 Special Requests

For special assistance, contact the Bentonville Special Response Team (SRT) members.

58.4.2 Use of Force

If the Bentonville SRT is deployed, they will determine and authorize any use of lethal and nonlethal force.

58.4.3 Notice to Explosives Unit

Promptly notify the state law enforcement agency or Springdale Police Bomb Squad when you are investigating an explosion or fire bombing, or have found bombs, explosives, or radioactive materials. Their special unit handles bomb disposal procedures.

Rev. 4-24-01

RESOLUTION NO. _____

**A RESOLUTION ADOPTING CERTAIN AMENDMENTS
TO THE POLICY AND PROCEDURE MANUAL FOR THE
BENTONVILLE POLICE DEPARTMENT.**

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

Section 1: That the Policy and Procedure Manual for the Bentonville Police Department be amended to adopt a new Special Operations Policy, General Order 58, as set forth in the Amended General Order of the Chief of Police attached hereto.

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 _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

David Wright

Department

Parks and Rec

Phone

271-6813

ACTION REQUIRED:

City Council approval of an ordinance waiving competitive bid and authorizing the Mayor and City Clerk to enter into an agreement for services with Downtown Bentonville, Inc.

COST TO CITY:

Cost of this Request: \$30,000

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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	<u>1/27/2017</u>		
Requested by:	<u>David Wright</u>		
Department:	<u>Parks and Recreation</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u></u>		
Year & Model:	<u></u>		
Serial #	<u></u>		
To Be Purchased From:	<u></u>		
	<u></u>		
	<u></u>		
Amount:	Base Amount:	\$	<u>30,000.00</u>
	Tax:		<u></u>
	*Other:		<u></u>
	TOTAL	\$	<u>30,000.00</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
Agreement is with Downtown Bentonville, Inc. (DBI) for services provided to citizens and visitors of Bentonville. These service include produing major community event that include Farmers Market and First Friday events. DBI is a local, qualified firm who will plan, promote and manage the events for the City at a rate less expensive than managing with City Staff. The cost agreement is \$30,000 per year.			
<u>Department Head</u>		<u>Director of Finance & Administration</u>	
Revised 6-18-99			

Memo



To: City Council, Mayor McCaslin
From: David Wright, Parks and Recreation Director
Date: February 9, 2017
Re: City Council approval of an ordinance waiving competitive bidding and authorizing the Mayor and City Clerk to enter into an agreement for services with Downtown Bentonville, Inc.

City Staff is seeking City Council's approval of an ordinance, waiving competitive bidding for services and authorizing the Mayor and City Clerk to enter into an agreement with Downtown Bentonville, Inc (DBI). Duration of the agreement is from January 1, 2017 through December 31, 2017. This fee represents a \$30,000 annual fee.

This agreement, similar to the agreement of previous years, authorizes DBI to produce and charge fees for family friendly, community based events on / around the Downtown Bentonville Square. These events include Farmers Markets, First Fridays, the Art and Culinary Festival, the Lighting of the Square and the Christmas Parade. While the City will support these events, the contract states the responsibility falls on DBI to plan, promote, produce and evaluate these events annually. In addition to these major events, DBI is responsible for creating and maintaining a public calendar of events held on or / the Square. Finally, DBI staff is required to attend the monthly Traffic, Safety and Signage Committee. This allows for further coordination of events, if necessary.

As stated, City of Bentonville Staff provides labor and support for each of these community events. For example, Police and Fire are present and attend to emergencies during each public event. Parks and Recreation Staff provides set up and tear down support, as well as trash control during each event. This contribution is significant to our operating budget, so these services are outlined in the agreement.

Staff members from DBI and the City of Bentonville have thoroughly reviewed the agreement. Both parties have expressed they are satisfied with the agreement and believes it lays a solid foundation for a working relationship for these programs and events.

Many City of Bentonville Staff members contributed to this agreement and agenda item. This contract touches Police, Fire, Parks, Planning and Legal. If you have any questions regarding this item, please email me at dwright@bentonvillear.com. If I cannot answer your question(s), I will forward them to the appropriate department.

Attachments:

Request for Bid Waiver

Agreement for Services with Downtown Bentonville, Inc.

AGREEMENT FOR
DOWNTOWN BENTONVILLE, INC.
PROGRAM FOR THE
CITY OF BENTONVILLE, AR

Downtown Bentonville, Inc. (DBI), a not-for-profit entity, shall provide services to the City of Bentonville (City), in exchange for consideration from the City.

This contract outlines the services provided to the City by DBI.

General services will include the development and implementation of strategies and plans for downtown Bentonville and enhancements that will include, but are not limited to, infrastructure, events, marketing, communications, business recruitment and other economic development activities.

Specific services provided by DBI will include:

Event Production, Coordination and Administration

- A. Coordinate master public event calendar and coordinate approval process for all public realm events held on or surrounding the Bentonville Square. This role includes ensuring that proposed events comply with existing laws and regulations and meet with the approval of the City, including the Police Department, the Fire Department, the Parks and Recreation Department, the Street Department, the Community Development Department, the Legal Department and any other department that may be impacted.
- B. Provide a central contact point (via designated employee) for event coordination. Said employee shall also attend all City of Bentonville Traffic Safety and Signage Committee meetings.
- C. Produce and direct the following events for the City of Bentonville on the Bentonville Square:
 - 28 Farmers Market Events;
 - 8 Bentonville First Fridays;
 - the Bentonville Art and Culinary Festival;
 - the Lighting of the Square; and
 - the Christmas Parade.
- D. In addition to these major activities, DBI will also continue to look for means to attract people into the downtown area of Bentonville.

Event Assurances

In order for the City Of Bentonville's Departments to adequately provide assistance and support to DBI public events, DBI shall comply with the following policies:

- A. In addition to the required Traffic Safety and Signage Committee approvals, DBI will provide Bentonville Parks and Recreation, or the appropriate City department, detailed logistical information a minimum of two weeks prior to each event. This information should include, but not limited to, beginning and ending times for said program(s).
- B. City support staff, when needed, will remain on site a maximum of one hour after the scheduled end time (two hours for First Friday events). If time exceeds scheduled end time, DBI is responsible to return public site to normal operating conditions: free of trash, debris, compost and other like materials.
- C. DBI is required to bring the public site back to its normal operating conditions at the conclusion of the event. All staging equipment, barricades, supplies, tents, portable restrooms, etc. must be removed immediately following the event. When an event concludes late in the evening, it may be acceptable to have items removed first thing the following morning.
- D. Any equipment required to be staked cannot be staked into the ground or other permanent structures in the Downtown Square area. Equipment shall be anchored with sandbags, water barrels, buckets, or other like item. Damage occurring from failure to comply with this stipulation will be repaired by the appropriate City Department and billed to DBI to include the costs of supplies and labor.
- E. DBI and event vendors must comply with State of Arkansas Health Department regulations. This prohibits food and drink vendors from utilizing the non-domestic water on the Downtown Square. Please note all water faucets in the Downtown Square are non-domestic.
- F. DBI and vendors must also comply with all applicable laws, regulations and public safety codes including but not limited to the Arkansas Fire Prevention Code and the National Electrical Code.
- G. If DBI or event vendors, require additional electric service beyond the existing installed outlets, they must provide their own power source via generator. This service shall comply with the National Electric Code.
- H. No alcoholic beverages will be sold or consumed in connection with City events or at DBI events on the Square or City property.
- I. DBI shall maintain an Emergency Operations Plan approved by the City of Bentonville.

General Administration

Additionally, DBI shall develop data systems to track process and progress of the DBI programs and initiatives and provide a verbal and written year-end report on downtown economic and event activity to the Bentonville City Council.

In exchange for the services set forth herein, DBI shall be compensated as follows:

A. DBI shall receive a payment of Thirty Thousand Dollars (\$30,000) per year directly from the City for work as outlined. Length of the contract is from January 1, 2017 to December 31, 2017. DBI shall receive two payments of \$15,000 each for services rendered in 2017, the first will be payable in March 2017 and the second payable in September 2017.

B. DBI shall also be permitted to charge the following fees from vendors for listed events:

- First Friday Booth: \$75 -For Profit Organization; \$40 -Non Profit Organization
 - First Friday Concessions: \$75, plus 10% of gross sales
 - Farmers Market Booth: \$90 for 1st session/ \$100 for 2nd session/ \$90 for 3rd session*, plus 5% of gross sales
 - Farmers Market Concessions: Booth fee, plus 5% of gross sales
- *1st Session: April 22 -June 24. 2nd Session: July 1 -August 5. 3rd Session: August 12 - October 28.

The City may terminate this agreement if it deems necessary and prudent, and, if such termination occurs, the City shall pay a proportional share of the contract based on the date of termination.

Dated this _____ of _____, 20____

Downtown Bentonville, Inc.

Bob McCaslin, Mayor
City of Bentonville

Downtown Bentonville, Inc

Linda Spence, City Clerk
City of Bentonville

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE
CITY CLERK TO ENTER INTO AN AGREEMENT WITH
DOWNTOWN BENTONVILLE INC. FOR EVENT
PRODUCTION AND RELATED SERVICES AND WAIVING
THE REQUIREMENT OF COMPETITIVE BIDDING.**

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to enter into an agreement with Downtown Bentonville Inc. for event production and related services as set forth in the agreement attached hereto as Exhibit A.

Section 2: Because Downtown Bentonville Inc. is uniquely qualified to produce these events due to its mission, its relationship with downtown stakeholders and its working knowledge of producing downtown events, it would be neither practical nor feasible to advertise for competitive bidding, that requirement is herein waived.

PASSED and APPROVED this ____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Nancy Busen

Department

Wastewater Utilities

Phone

479-271-3161

ACTION REQUIRED:

Staff requests the Mayor and City Council approve an ordinance to waive competitive bidding for the purchase of two (2) variable frequency drives and installation by Scott McBrayer of McBrayer Engineering, Inc. for Oxidation Ditches at the wastewater plant. This is a single source budgeted item for 2017.

COST TO CITY:

Cost of this Request: \$39,160

Additional Budget Amount

☐ One time amount

☒ Continuing O and M

Previously Budgeted	\$	42,000
Funds Expended to Date		
Remaining Budget		42,000
Budget Adjustment		-
Remaining After Adjustment	\$	42,000

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

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PLEASE RECYCLE



REQUEST FOR WAIVER OF BID

Date	<u>2/14/2017</u>		
Requested by:	<u>Nancy Busen</u>		
Department:	<u>Wastewater Utilities</u>		
DESCRIPTION OF REQUEST:			
Type of Equipment:	<u>(2) Variable frequency Rotor Drives for Wastewater Oxidation Ditches</u>		
Year & Model:	<u></u>		
Serial #	<u></u>		
To Be Purchased From:	<u>Mc Brayer Engineering Inc.</u>		
	<u>1008 Asure Circle, Van Buren, AR 72756</u>		
	<u></u>		
Amount:	Base Amount:	\$	<u>39,160.00</u>
	Tax:		<u></u>
	*Other:		<u></u>
	TOTAL	\$	<u>39,160.00</u>
* List all other costs:			
JUSTIFICATION FOR REQUEST FOR WAIVER OF BID:			
Scott McBrayer is the programmer for our SCADA system, PLC and Wonderware installations. All major electrical upgrades and programming at the wastewater treatment plant are his work. This familiarity results in fewer man hours charged and less down time for plant equipment.			
<u></u>		<u></u>	
Department Head		Director of Finance & Administration	
Revised 6-18-99			

Memo



To: City Council, Mayor McCaslin

From: Nancy Busen, Wastewater Utilities

CC: Mike Bender

Date: Feb. 14, 2017

Re: Request for Waiver of Bid Process for Rotor Variable Frequency Drives and installation.

Staff requests Mayor and City Council approval for an ordinance to waive competitive bidding for Two (2) variable frequency drives and installation for plant oxidation ditches. This is a single source, budgeted item for 2017.

VFDs for all other rotor motors were purchased and installed by Scott McBrayer, of McBrayer Engineering, Inc. Mr. McBrayer is the programmer for our SCADA system, PLC and Wonderware installations. All major electrical upgrades and programming at the wastewater treatment plant are his work. This familiarity achieves continuity and compatibility of our SCADA system and all wastewater plant electronics resulting in fewer service hours charged and less down time for plant equipment.

Thank you,



McBrayer Engineering Inc.

1008 Azure Hills Circle
Van Buren, AR 72956
(479) 883-7025
E-Mail: mcbrayerengineering@cox.net

January 10, 2017

City of Bentonville
WWTP
Attn: Chris Earl
cearl@bentonvillear.com

Ref: Proposal for Upgrading Aeration Basin Rotor Drives

Our proposal for the referenced project includes installing Variable Frequency Drives (VFDs) for two (2) of the existing Aeration Basin Rotors.

Each VFD enclosure package includes the following:

- 1 ea VFAS1-4450PL-HN 60HP Toshiba VFD, mounted in Hoffman freestanding NEMA1 enclosure, with VFD flange/fan/filter to allow the VFD heat sink to reside outside the enclosure, reducing internal enclosure cooling needs. VFD keypad shall be door mounted. Input Line Reactor and Output VFD Filter included.

Installation of 1st VFD:

- 1 ea VFD Enclosure Package
- 1 lot Cable and Raceway between the MCC and VFD
- 1 lot Installation labor
- 1 lot Programming of VFD
- 1 lot Programming modifications to PLC3
- 1 lot Programming modifications to Wonderware
- 1 ea AB 16 point discrete input module required

Installation of 2nd VFD:

- 1 ea VFD Enclosure Package
- 1 lot Extension of cable tray between the south and north walls, routing along west wall.
- 1 lot Cable and Raceway between the MCC and VFD
- 1 lot Installation labor
- 1 lot Programming of VFD
- 1 lot Programming modifications to PLC3
- 1 lot Programming modifications to Wonderware

1 ea AB 4 channel analog output module required

Total Price for Two Rotors installed at the same time: \$ 39,160.00 total

Total price for One Rotor installed at a time: \$ 19,980.00 each

Sales Tax Additional

Regards,

A solid black rectangular box used to redact a signature.

Scott McBrayer, P.E.

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING THE MAYOR AND THE
CITY CLERK TO PURCHASE TWO VARIABLE
FREQUENCY DRIVES FOR THE OXIDATION DITCHES
OF THE WASTEWATER PLANT AND WAIVING THE
REQUIREMENT OF COMPETITIVE BIDDING.**

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

Section 1: That the Mayor and City Clerk be and are hereby authorized to purchase for the Wastewater Department two Variable Frequency Drives from Mc Brayer Engineering Inc., of Van Buren, Arkansas, in an amount not to exceed \$39,160.00 as per the Proposal attached hereto as Exhibit A.

Section 2: Because this vendor is the programmer for numerous components at the wastewater treatment plant, allowing him to more safely and efficiently complete the work at the plant, it would be neither practical nor feasible to advertise for competitive bidding, and that requirement is herein waived.

PASSED and APPROVED this _____ day of _____, 2017.

APPROVED:

MAYOR

ATTEST:

CITY CLERK



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

AGENDA FORM

CITY COUNCIL MEETING OF:

February 14, 2017

Submitted by:

Mike Bender

Department

Public Works Dir

Phone

271-6873

ACTION REQUIRED:

Staff recommends approval of Change Order #1 for TriStar Contractors, LLC for an increase of \$14,542.00 and an additional 19 calendar days for Phase I of the 8th Street Water and Sewer Relocations, Contract Section I (SW I Street to SE D Street) project associated with the widening of 8th Street. This change order is necessary to address conflict with an existing water line and other utilities. Increased cost will be covered by funds from the 8th Street Escrow account.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☐ One time amount

☐ Continuing O and M

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

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
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PLEASE RECYCLE



Memo



To: City Council, Mayor McCaslin

From: Mike Bender

CC:

Date: February 3, 2017

Re: Change Order #1, 8th Street Water and Sewer Relocations, Contract Section I (SW I Street to SE D Street) – TriStar Contractors, LLC

Staff recommends approval of Change Order #1 for TriStar Contractors, LLC for an increase of \$14,542.00 and an additional 19 calendar days for Phase I of the 8th Street Water and Sewer Relocations, Contract Section I (SW I Street to SE D Street) project associated with the widening of 8th Street. This change order is necessary to address conflict with an existing water line. The existing water line is deeper than expected/typical and needs to be adjusted to allow the sewer to be installed at designed grade. The contract will be extended 10 days for this additional work. An additional 9 days are added due to other utility conflicts that are outside the contractor's control. This change order will increase the contract amount from \$2,639,232.75 to \$2,653,774.75 and will change Phase I final completion from March 5, 2017 to March 24, 2017. Cost increase will be covered by funds from the 8th Street escrow account.

Thank you for your consideration of this request.

CHANGE ORDER

No. 1

PROJECT 8th Street Water & Sewer Relocations Contract Section I (SW I Street to SE D Street)

DATE OF ISSUANCE January 26, 2017

EFFECTIVE DATE January 26, 2017

OWNER City of Bentonville

OWNER's Contract No. USI Project No. 1009022 Contract Section I

CONTRACTOR Tri Star Contractors, LLC ENGINEER USI Consulting Engineers, Inc. & Burns & McDonnell

You are directed to make the following changes in the Contract Documents.

Description: Relocate an existing 8-inch water line in conflict with Sewer line 1A at Sta. 2+10. This relocation also requires adding an 8-inch gate valve in-line at another location in order to isolate this water line. A total of 10 calendar days is added for this work. The Contract time is also modified to add 9 calendar days for delays due to utility conflicts outside of the Contractors control during December, 2016.

Reason for Change Order: To increase the Contract amount for the water line relocation and increase the Contract time for delays beyond the Contractor's control due to utility conflicts.

Attachments: Revised Plan Sheet SL-002; Attachment A – City of Bentonville GIS Exhibit; Change Order Pricing email from USI Consulting Engineers, Inc., dated January 25, 2017.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price	Original Contract Times for Phase 1 - Sewer Line 1A, 1C, & 1D and Water line 2, Crossing 2-1, Water line 3 (Sta. 0+00 to 5+46), C Crossing 3-1 including connections
\$ 2,639,232.75	Substantial Completion: <u>February 3, 2017</u>
	Ready for final Payment: <u>March 5, 2017</u> days or dates
Net changes from previous Change Orders No. <u> </u> to No. <u> </u>	Net changes from previous Change Orders No. <u> </u> to No. <u> </u>
\$ NONE	NONE
Contract Price prior to this Change Order	Contract Times for Phase 1 prior to this Change Order
\$ 2,639,232.75	Substantial Completion: <u>February 22, 2017</u>
	Ready for final Payment: <u>March 24, 2017</u> days or dates
Net Increase of this Change Order	Net Increase for Phase 1 of this Change Order
\$ 14,542.00	19 Contract Days
Contract Price with all approved Change Orders	Contract Times for Phase 1 with all approved Change Orders
\$ 2,653,774.75	Substantial Completion: <u>February 22, 2017</u>
	Ready for final Payment: <u>March 24, 2017</u> days or dates

APPROVED:

Owner (Authorized Signature)

Date: 1/26/2017

Date:

Date: 1-26-2017

EJCDC No. 1910-8-B (1990 Edition)

0.01 Miles
 NAD_1983_StatePlane_Arkansas_North_FIPS_0001_Feet
 City of Bentonville

1: 500



William Pattengill

From: Charles R. Nickle <crnickle@usi-ce.com>
Sent: Wednesday, January 25, 2017 4:09 PM
To: Nick Goedereis; Willie Pattengill
Cc: Mike Bender; Tony Muff; 'Beam, Steven R'
Subject: Change order pricing for water line relocation
Attachments: Cost_1-25-17.pdf

Crystal/Nick: We have reviewed your pricing for the thrust blocks and have checked with some local suppliers and found the following pricing for the materials:

48 LF of ½" SS all thread @ \$7.50/LF =	\$	360.00
6 anchor straps @ \$80/EA =	\$	480.00
12 SS bolts @ \$0.80/EA =	\$	<u>10.00</u>
Sub Total	\$	850.00
Tax	\$	<u>85.00</u>
Total	\$	935.00
Concrete 3 CY	\$	350.00
Labor	\$	2000.00
Rock Excavation 3 CY @ \$180/CY	\$	<u>540.00</u>
Total for Two Thrust Anchors	\$	3825.00
Other items as listed	\$	<u>10,717.00</u>
Total Change Order Amount	\$	14,542.00

We have used your estimated costs for labor and concrete. We have used the cost as bid (item #15) for the rock excavation and other items listed in your proposal. Please review and if you concur, we will proceed with the change. We take no exception to your request for additional calendar 10 days.

Charles R. Nickle, P.E.
Chief Executive Officer

www.usi-ce.com
4847 Kaylee Avenue, Suite B
Springdale, AR 72762
P: 479.872.7115
F: 479.872.7118
crnickle@usi-ce.com



CHECK ALL THAT APPLY		
	Bid Award	Bid # 16-36
	Budget Adjustment	
x	Change Order	
	Informational	
	Ordinance	
	Resolution	
	Other	

AGENDA FORM

CITY COUNCIL MEETING OF:

March 8, 2016

Submitted by:

Bryan Wick

Department

Engineering

Phone

696-0227

ACTION REQUIRED:

SE 10th Street Drainage Improvements Phase II 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 \$176,671.00 plus \$3,400 of incentive for completing the project 17 days ahead of schedule as noted in the contract documents.

COST TO CITY:

Cost of this Request:

Additional Budget Amount

☒ One time amount

☐ Continuing O and M

Previously Budgeted	\$	217,468.00
Funds Expended to Date		197,686.60
Remaining Budget		19,781.40
Budget Adjustment		-
Remaining After Adjustment	\$	19,781.40

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

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PLEASE RECYCLE



SE 10TH STREET DRAINAGE IMPROVEMENTS PH 2

FINAL PAYMENT APPLICATION AND CHANGE ORDER RECONCILIATION

CITY OF BENTONVILLE

BID NO. 16-36

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.

SUBMITTED BY:

DIAMOND C CONSTRUCTION

P.O. BOX 803

GENTRY, AR 72734

CONTRACTOR: DIAMOND C CONSTRUCTION

SIGNATURE AND DATE

APPROVED BY: CITY OF BENTONVILLE

SIGNATURE AND DATE (OWNER)

PAY ESTIMATE NUMBER:	5
DATE OF ESTIMATE:	1/20/2017
NOTICE TO PROCEED ISSUED:	11/28/2016
CONTRACT DAYS:	60
% CONTRACT TIME USED:	71.67%
% WORK COMPLETED:	100.00%
FINAL ACCEPTANCE DATE:	1/10/2017
DAYS UNDER/(OVER CONTRACT):	17

ORIGINAL CONTRACT AMOUNT:	\$	176,671.00
APPROVED CHANGE ORDER:		
RECONCILIATION CHANGE ORDER:	\$	-
FINAL CONTRACT AMOUNT:	\$	176,671.00

TOTAL WORK TO DATE:	\$	176,671.00
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MATERIALS ON HAND:	
LESS MATERIALS USED:	
SUBTOTAL:	\$ -

LESS RETAINAGE (0%):	\$	-
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INCENTIVE PER DAY:	\$ 200.00	\$ 3,400.00
DISINCENTIVE PER DAY:	\$ 200.00	\$ -

AMOUNT DUE:	\$	180,071.00
LESS PREVIOUS PAYMENTS:	\$	167,368.60

DUE AND PAYABLE THIS PERIOD:	\$	12,702.40
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BENTONVILLE CITY COUNCIL AGENDA

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

**Monday, February 13, 2017 6:00 p.m.
305 SW "A" Street**

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

**Tuesday, February 14, 2017 6:00 p.m.
305 SW "A" Street**

**Public Comments on Tonight's Agenda Items (Limited Public Forum)
Questions, Comments and Discussion from Alderman on Tonight's Agenda
Call to Order
Pledge of Allegiance
Moment of Silence – For our Military Forces
Roll Call
Approval of Minutes: January 24, 2017
Swear in Police Officers: Christopher S. Alexander, Kyle S. Davis, John D. Jordan, Matthew G. Ochoa, Jeffery S. Smith**

AGENDA

1. Provide City Council with a ten minute informational update on the status of the Bentonville Blueprint, the city's economic development five year strategic plan, and present a summary of 2016 economic development activity and successes. **(Monday Night Only)**
2. Ward redistricting discussion.
3. Planning:
- 3a. **Lot Split: Lots 1 & 2 Parkcrest Addition, Smokin Joe's Ribhouse, Inc., 2500 & 2504 East Central Avenue, C-2, General Commercial.**

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots from one existing lot. The new lots will be known as Lot 1 (1.82 acres) and Lot 2 (0.36 acres) of Park Crest Addition. Per the current Master Street Plan, adequate right-of-way exists along East Central Avenue and right-of-way is being dedicated along Southeast Moberly Lane. Public utility and access easements are being dedicated with the plat which will help to serve the Large Scale Development that was approved by the Planning Commission on November 14, 2016. Each of the new lots will have access to public utilities and a public street.

- 3b. **Lot Split: Lots 1 & 2 Holcomb Subdivision, Holcomb Living Trust, 210 Prairie Lane, A-1, Agricultural.**

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a proposal for a lot split that will create two new lots. The new lots will be known as Lot 1 (5.58 acres) and Lot 2 (0.97 acres) of Holcomb Subdivision. Per the current Master Street Plan, right-of-way is being dedicated along Prairie Lane. Each of the new lots will have access to public utilities and a public street.

- 3c. **Property Line Adjustment: Lot 11, Block 5 Banks Addition, Main Street Crossing, LLC , 1327 South Main Street, DE, Downtown Edge.**

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 11 (0.53 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 13th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

- 3d. **Property Line Adjustment: Lot 12, Block 5 Banks Addition, Main Street Crossing, LLC , 1335 South Main Street, DC, Downtown Core.**

The Planning Commission voted 7-0, recommending approval.

The applicant has submitted a property line adjustment creating one new lot by removing the common lot line between two existing lots. The new lot will be known as Lot 12 (0.50 acres), Block 5 of Banks Addition. Per the requirements of the current Master Street Plan, additional right-of-way is being dedicated along South Main Street. Adequate right-of-way exists along Southeast 14th Street. Public utility, drainage and cross access easements are being dedicated with the creation of the new lot. The new lot will have access to public utilities and a public street.

- 3e. **Rezoning: MSB Holdings, LLC, 431 Southwest 'B' Street, From R-1, Single Family Residential to DC, Downtown Core.**

The Planning Commission voted 7-0, recommending approval.

The intent of the Downtown Core zoning district is to expand the pedestrian oriented character of the town square while providing retail and entertainment venues. Small and large office and commercial uses should be provided to support the medium and high-density residential uses. The DC, Downtown Core zoning district promotes a mix of commercial and residential uses that are separated both horizontally and vertically. The rezoning request is consistent with the policies and objectives of the Land Use Plan.

- 3f. **Rezoning: Rohit Dharmadhikari, 1203 & 1205 Southeast 33rd Street, From A-1, Agricultural to R-1, Single Family Residential.**

The Planning Commission voted 7-0, recommending approval.

The R-1, Single Family Residential zoning designation supports Policy LU-23, Housing Types, within the General Plan, which states, “the City should encourage the development of a mix of housing types to meet the needs of its residents...” This rezoning request is consistent with good land use planning, the General Plan and the Future Land Use Map and will meet the intent of the policy.

- 3g. **Rezoning: North Village PRD, Van & Leola Ann Jacobs, Northeast ‘J’ Street, From A-1, Agricultural to PRD, Planned Residential Development.**

The Planning Commission voted 6-1, recommending approval.

The Future Land Use Plan depicts this property as Medium Density Residential (MDR). The PRD, Planned Residential Development zoning is an appropriate zoning district for this designation. As Northeast J Street is extended to the north, an interchange with I-49 is possible. The Land Use Plan depicts highway commercial uses along both corridors as they near the intersection. The proposed Planned Residential Development will create an appropriate transition from the low density residential into the high density and commercial uses anticipated near the intersection of the two main arterials.

4. Appointment of Mark Hufford to the City of Bentonville’s Advertising & Promotion Commission for a 4-year term. Term beginning January 1, 2017 and expiring December 31, 2020.
5. Public hearing and ordinance vacating an Alley Right of Way located between Lot 14 & 15 Block 1 of Smarrt’s Addition and Tract 1 of Depot Addition, to the City of Bentonville, Arkansas, Benton County, Arkansas.
6. A resolution setting a public hearing for February 28, 2017 for a Utility Easement Vacation requested by RC Stoneburrow, LLC for multiple parcels at Kerelaw Subdivision.
7. A resolution setting a public hearing for February 28, 2017 for a Public Access Easement Vacation requested by 1302 Melissa, LLC at 1302 Melissa.
8. City recommends council approval of a budget adjustment for engineering services to Morrison-Shipley for engineering services provided for the Bentonville Municipal Airport in the amount of \$21,206.56.
9. An ordinance authorizing the Mayor and City Council to enter into an agreement with IBT Industrial Solutions and waiving the requirements of competitive bidding to relocate the existing warehouse racks to the new warehouse during the move to the new Utility Complex in 2017 in the amount of \$24,017.73.

10. Adopt a new Special Operations policy, General Order 58, for the Police Department Policy and Procedures manual. This new Special Operations policy will replace the previous policy in its entirety and provide our officers with better guidelines for the management of critical and high risk incidents. See attached proposed new policy and existing policy.
11. City Council approval of an ordinance waiving competitive bid and authorizing the Mayor and City Clerk to enter into an agreement for services with Downtown Bentonville, Inc.
12. Staff requests the Mayor and City Council approve an ordinance to waive competitive bidding for the purchase of two (2) variable frequency drives and installation by Scott McBrayer of McBrayer Engineering, Inc. for Oxidation Ditches at the wastewater plant. This is a single source budgeted item for 2017.
13. Staff recommends approval of Change Order #1 for TriStar Contractors, LLC for an increase of \$14,542.00 and an additional 19 calendar days for Phase I of the 8th Street Water and Sewer Relocations, Contract Section I (SW I Street to SE D Street) project associated with the widening of 8th Street. This change order is necessary to address conflict with an existing water line and other utilities. Increased cost will be covered by funds from the 8th Street Escrow account.
14. Southeast 10th Street Drainage Improvements Phase II 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 \$176,671.00 plus \$3,400.00 of incentive for completing the project 17 days ahead of schedule as noted in the contract documents.