



BENTONVILLE CITY COUNCIL AGENDA

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

**Tuesday, November 12, 2013 6:00 p.m.
305 SW "A" Street**

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

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Pledge of Allegiance

Moment of Silence – For our Military Forces

Roll Call

Approval of Minutes: October 22, 2013

Recognition for "Make a Difference Day Volunteers"

Swear in Police Officers – Glynn Bertrand, Lee Cooper & Clint Ferrell

AGENDA

1. Planning:

1a. **James Howard: Lot Split, Lot 7 Block 12 Deming's 2nd Addition, 504 Northeast 'A' Street, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Lot Split for property located at 504 Northeast 'A' Street. The plat as provided indicates the creation of a single lot known as Lot 7 (0.35 acres) and will dedicate 25' of right-of-way and a 20' utility easement.

1b. **Charles White: Lot Split, Lot 14 Curtis Addition, 306 Northeast 'B' Street, Zoned R-1, Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Lot Split for property located at 306 Northeast 'B' Street. The plat as provided indicates the creation of a single lot known as Lot 14 (0.21 acres) and will dedicate 25' of right-of-way.

1c. **Dave Marrs: Lot Split, Lot 9 and 10 Block 2 T.J. Holland's Addition, 402 Southwest 'B' Street, Zoned RC-3, Central Residential-High Density.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Lot Split for property located at 402 Southwest 'B' Street. The plat as provided indicates the creation of Lot 9 (6,220 square feet) and Lot 10 (6,220 square feet) and will dedicate 26' of right-of-way from centerline of Southwest 'B' Street.

- 1d. **Michael Maxwell: Lot 1-4 Maxwell Subdivision, Southwest Regional Airport Boulevard, Zoned A-1.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Lot Split for property located on Southwest Regional Airport Boulevard. The plat as provided indicates the creation of four total lots, Lot 1 (C-2, 1.18 acres), Lot 2, 3 and 4 (R-2, .19 acres each) and will dedicate 45' of right-of-way along Southwest Regional Airport Boulevard, a 20' drainage easement along the southern property line, a 10' utility easement along the northern property line and a 20' utility easement along Southwest Regional Airport Boulevard and Chickadee Street.

- 1e. **SCL Rainbow Junction, LLC: Property Line Adjustment, Lots 8 and 9 of rainbow Junction, Southwest Winsted Lane, Zoned C-2, General Commercial.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Property Line Adjustment for properties located on the south side of Southwest Winsted Lane. Lot 8 consists of 1.37 acres and Lot 9 consists of 1.63 acres. The plat as provided indicates the creation of a single lot known as Lot 12 of Rainbow Junction and will total 3.01 acres as well as vacating an existing 20' utility easement along common lot line between Lots 8 and 9 of the property. Additionally two 30' wide cross-access easements on Lot 12 and a drainage easement for a detention pond on Lot 10 are shown to be dedicated with this plat.

- 1f. **Tyler Steele: Property Line Adjustment, Steele Addition, Southwest 'O' Street, Zoned R-1 Single Family Residential.**

The planning commission voted 6-0 recommending approval.

The applicant has submitted a request to complete a Property Line Adjustment for 16.74 acre of property located on Southwest 'O' Street. The plat as provided will create Lot 1 (4.0 acres) and Lot 2 (12.74 acres) as well as dedicating a 35' right-of-way and a 20' utility easement along Southwest 'O' Street.

- 1g. **C&L NWA Properties: Rezoning, 812 Northeast 'A' Street, Rezoning Request from R-1, Single Family Residential to RC-2, Central Residential Moderate Density.**

The planning commission voted 6-0 recommending approval.

According to Policy LU-16 Infill Development of the General Plan "The City shall encourage the development of mixed-use and residential projects with in the downtown area to increase the community's housing stock and to enhance the vitality of downtown businesses. Policy LU-23 Housing Types states "the City should encourage the development of a mix of housing types to the meet the needs of residents...".The proposed rezoning will meet the intent of both policies therefore the request is consistent good land use planning and the general plan.

1h. **Community Development Block Grant 2014 Action Plan.**

The planning commission voted 6-0 recommending approval.

Resolution.

2. City Council acceptance of a donation to the City of Bentonville in the amount of \$25,000.00 to purchase trees for Make a Difference Day.
3. City Council approval of a waiver of bid for purchase of trees in the amount of \$50,693.53 from Sharum's Garden Center in Fort Smith for the Make A Difference Day tree planting event.
4. City Council Acceptance of a grant award to the City of Bentonville by the Endeavor Foundation in the amount of \$70,500.00 to construct sidewalks on SE 6th Street between South Main and Southeast "E" Street.
5. A resolution setting a public hearing for a utility easement vacation requested by SCL Rainbow Junction, LLC located between Lot 8 and Lot 9, Rainbow Junction Subdivision.
6. A resolution for the Mayor and City Clerk to enter into a Memorandum of Understanding for the MS4 Jurisdictions of Northwest Arkansas and the Northwest Arkansas Regional Planning Commission.
7. Appointment of Alan Ley as the City of Bentonville's representative to the Ozark Regional Transit Authority Board of Directors replacing Debi Havner's unexpired term. (Term expires 5/31/2016)
8. Approve Resolution setting public hearing regarding the placement and amount of liens to be placed on certain properties for mowing and remediating unsanitary and unsightly conditions. This process is mandated by State law. The City has been forced to take action to remediate weeds and tall grass and other unsightly conditions at the subject properties. Code Enforcement advised the property owners of the violation and requested that they take action prior to the City stepping in to take action. Property owners have also been advised of the costs and that a lien would be placed on the properties if the costs were not paid. All property owners have been invoiced and failed to pay as of the date this item is submitted.
9. Request that the City Council declare certain items as being surplus, including the following: One (1) Cellebrite Universal Forensics Extraction Device (UFED). This device is not compatible with newer mobile devices and will have a lack of factory support in the near future. Upon being surplused it can be traded in for a new touch screen model that can be covered under our existing licensing, maintenance, and upgrade agreement. The trade in cost is approximately \$5,000.00 and will be paid courtesy of the Benton County Prosecutors Office. Also requested to be surplused are five (5) Tasers. These Tasers have reached the end of their service life and can be traded in for \$100 credit toward each new unit purchased. This will lower the purchase price from approximately \$850 to \$750 per unit, for a total cost of \$3,750. This is a 2013 budgeted purchase. Finally certain items removed from our out of service police vehicles

are requested to be surplused. These items include two (2) K-9 inserts, six (6) Jotto Desk consoles, six (6) plastic rear seat inserts, five (5) rear seat partitions, and five (5) light bars. All of these items are no longer serviceable or are not compatible with our current fleet. These law enforcement specific items, particularly the K9 inserts, consoles, rear seat inserts, and rear partitions, should not be made publicly available and can be responsibly disposed of by transferring them to the Phillips County Arkansas Sheriff's Office. Likewise, the light bars can be traded to an authorized law enforcement equipment dealer, specifically Tactical Auto of Bentonville, in exchange for labor fees to set up new police vehicle.

10. An ordinance authorizing the Mayor and City Council to enter into an agreement with NovaTech for the purchase of a RTU for Substation H in the amount of \$31,021.48 (including tax).
11. A resolution for the Mayor and City Council to declare obsolete electric meters as surplus property.
12. Request approval to enter into a contract in the amount of \$24,000.00 with New World Systems for a custom interface with District Court software. Pursuant to City Ordinance 2000-125, this contract being for software professional service, the requirement of competitive bidding is waived.
13. Council approval of a resolution authorizing the Mayor and City Clerk to grant a utility easement on property owned by the City of Bentonville for water and sewer utility relocations associated with the AHTD's Bella Vista Bypass project.
14. Staff recommends Council award bid No. 2013-41 to Seven Valleys Construction Company, Inc. in the amount of \$1,521,033.00 for the relocation of water and sewer utilities associated with the Arkansas State Highway 12 improvement project between Hwy 71B and Shell Road. This project will be funded from Street Bond - \$1,147,010.99 will be credited towards the City's \$10.4 million share per agreement with AHTD, the remaining \$374,022.01 will come from other Street Bond funds.
15. Award bid # 13-51 to Modern Control Access, Inc. in the amount of \$22,825.00 for the purchase and installation of 1,340 linear feet of chain link fencing at the compost facility. This is a 2013 budgeted item.
16. Award bid # 13-39B to Poly Corr, LLC, Inc. in the amount of \$34,578.88 for the purchase of a chemical storage tank. \$30,000 was budgeted in 2013 for this item. The additional \$4,578.88 will not require a budget adjustment because other 2013 budgeted items were under budget.
17. Request blanket bid award for bid No 13-52 to the following two vendors for a total amount of \$43,200 for the purchase of polymer for sludge dewatering at the wastewater treatment plant. The total amount of \$43,200.00 will be used to purchase different types of polymer from the vendors, Fort Bend Services, Inc. and Atlantic Coast Polymers, Inc. on an as needed basis.
18. 2014 Budget Discussion.