



## **BENTONVILLE CITY COUNCIL AGENDA**

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

**Tuesday, September 26, 2017 6:00 p.m.  
305 SW "A" Street**

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

**Tuesday, September 26, 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: September 12, 2017**

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### **AGENDA**

1. Planning:

1a. **Final Plat: Lochmoor Club Subdivision Phase 2.**

**The Planning Commission voted 5-0, recommending approval.**

The applicant has submitted a final plat for 40+/- acres consisting of 102 single-family residential lots that will be known as Lochmoor Club Subdivision Phase 2. The homes that will be constructed in this phase will be consistent with previous phases of the subdivision. This phase will connect to Lochmoor Club Phase 1 to the southwest, Edens Brook Phase 4 to the north, and Edgar Estates to the west. Additionally a future street stub has been provided for connectivity, as development begins to occur south of this property. This final plat dedicates right-of-way and utility and drainage easements that will serve the subdivision. The sections of sidewalk the developer is responsible for have been installed. All public infrastructure has been inspected and accepted by the utility departments and all non-bondable items have been completed.

1b. **Rezoning: Chambers Bank, Ginn Road & Brookside Road, From PUD, Planned Unit Development to R-2, Duplex and Patio Home Residential.**

**The Planning Commission voted 5-0, recommending approval.**

The Future Land Use Plan depicts this property as Medium Density Residential (MDR). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1c. **Rezoning: Chambers Bank & FH&G LLC, Ginn Road & North Rainbow Farm Road, From PUD, Planned Unit Development to R-1, Single Family Residential.**

**The Planning Commission voted 5-0, recommending approval.**

The Future Land Use Plan depicts this property as Agricultural (A). Policy LU-23 Housing Types within the General Plan suggest that the city should encourage the development of a mix of housing types to meet the needs of residents throughout their lives. As utilities are extended to new locations within the city, the city should reevaluate and adjust the land uses accordingly. The proposed subdivision will help to reduce the impact on city infrastructure by the extension of public utilities that will be required with the development of this land, all helping to meet the intent of the policy.

- 1d. **Rezoning: Yessur Investments, LLC, 410 Dickson Road and 507 Northwest 5<sup>th</sup> Street, From R-1, Single Family Residential and R-3, Medium Family Residential to DN-2, Downtown Medium-Density Residential.**

**The Planning Commission voted 5-0, recommending approval.**

The Future Land Use Plan depicts this property as Downtown Medium-Density Residential (D-MDR). The DN-2, Downtown Medium-Density Residential zoning is an appropriate zoning district for this designation.

- 1e. **Rezoning: Crystal Bridges Museum of American Modern Art, Inc., 509 Southeast 'E' Street, From I-2, Heavy Industrial and R-3, Medium-Density Residential to C-2, General Commercial.**

**The Planning Commission voted 4-0, Scott Eccleston abstained, recommending approval.**

The Future Land Use Plan depicts this property as Downtown Mixed Use Residential (DMUR). The C-2, General Commercial zoning designation is compatible with existing and adjacent uses in the area.

2. Reappointment of Johnetta Dexter to the Public Art Advisory Committee. Mrs. Dexter filled the unexpired term of Chad Alligood, which expires October 28, 2017. This second term will expire October 28, 2020.

3. Appointment of Tania Knudsen to the Public Art Advisory Committee to fill the unexpired term of Tom Hoehn. This term will expire October 22, 2018.
4. The Public Art Advisory Committee is seeking approval of an ordinance to enter into an agreement with Tylur French to create two pieces of his artwork called "Bike Tower Sculpture" for placement at Bentonville's southwest and east gateways to the Bentonville Trail System and waiving the requirement of competitive bidding. The cost for each tower is \$11,480.00, a total cost of \$22,960.00. This is a budgeted item.
5. Reappointment of Rick Simmons to the City of Bentonville's Airport Advisory Board. Mr. Simmons' term will expire on 9/27/2020.
6. Appointment of Mike Frost to the City of Bentonville's Airport Advisory Board. Mr. Frost's term will expire on 9/27/2020.
7. Adopt resolution certifying the rate of taxation levied on real and personal property in the City of Bentonville. This resolution is required by the Quorum Court and County Clerk in order to facilitate the millage levy to be collected in 2018.
8. Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with Black Hills Energy, for the relocation of gas utilities at S.E. 8th Street/ S.E. J Street intersection. Relocation of the utility is required for the construction of the pedestrian tunnel.
- 9a. Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Garver, LLC., for additional design regarding the signalized dual right turn at the Hwy 12 and Hwy 71B (S. Walton Blvd.) intersection. This will be an addition of \$31,850 that will be reimbursed by ArDOT and increase the original agreement total to \$988,265.94.
- 9b. City Council approval of a budget adjustment to allow for additional design regarding the signalized dual right turn at the Hwy 12 and Hwy 71B (S. Walton Blvd.) intersection. This will be an addition of \$31,850 that will be reimbursed by ArDOT.
10. Staff recommends City Council approval of a resolution authorizing the Mayor and City Clerk to enter into an agreement with AT&T, for the relocation of communications cable utilities at S.E. 8th Street/ S.E. J Street intersection. Relocation of the utility is required for the construction of the pedestrian tunnel.
11. Staff recommends approval of Change Order No. 1 for ARCO Excavation and Paving, Inc. for the 8th Street Water and Sewer Relocations, Contract Section II (SE D Street to SE Moberly Lane) and Pedestrian Tunnels (8th Street and J Street Intersection) associated with the widening of 8th Street. This change order is necessary to address wording regarding payment for trench safety systems allowing the contractor to bill as the project progresses as opposed to

waiting until project completion and to increase contract time by 11 days to Phase I of Contract Section II for delays beyond the contractor's control.

12. Staff requests City Council's approval of a resolution waiving the frequency requirement of performing a water rate analysis for Bella Vista Village Property Owners Association every 2 years (2017) and delaying the next rate analysis until 2019. Per the current contract between the City of Bentonville and Bella Vista Village Property Owners Association (the Village), the City of Bentonville is required to perform and deliver a rate analysis and report every 2 years. The two-year time frame is extremely short for such an analysis with a 5-year time frame being more typical for the industry. Waiving this requirement is allowed in the contract provided the governing bodies of both entities concur.
13. Recommend Mayor and City Council award the bid for the overhead wire for the 8th Street Widening Project to Arkansas Electric Company in the amount of \$111,211.26.
14. Recommend Mayor and City Council award the bid for the crossarms for the 8th Street Widening Project to the Stuart Irby Company in the amount of \$27,033.20.
- 15a. City Council approval of a bid award for Bid #17-20 to Anchor Fence, in the amount of \$107,550.00, for the replacement of ballfield fencing at the Memorial Park ballfields.
- 15b. City Council approval of a budget adjustment, in the amount of \$107,550.00, recognizing from Bentonville Advertising and Promotions, and allocating expenses for the replacement of fencing at the Memorial Park ballfields.