

Bentonville City Council

Meeting Minutes

January 9, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 9, 2024, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Beckie Seba, Chris Sooter, Gayatri Agnew, Bill Burckart, and Holly Hook. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Samuel Tenorio, a Scout from Troop 36, led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces.

Motion was made by Council Member Sanchez to approve the minutes of the December 12, 2023, meeting as presented, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to suspend the rules regarding the reading of all ordinances on three separate days and further that all ordinances and resolutions be read by title only, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

I. New Business:

1. Resolution No. 1-9-24 A: A resolution authorizing the Mayor and City Clerk to enter into a professional services agreement with Minthun, Inc., in an amount not to exceed five hundred ten thousand dollars (\$510,000.00), for Feasibility Study, Master Plan, and Building Design for the City Hall expansion; and for other purposes.

Council Member Hook asked if there was a way to guide towards essentials versus extras. Debbie Griffin, Community Relations and Economic Development Director said yes and that if passed, Minthun, Inc. will be at City Hall to have an input session with council members, staff members, and residents. Council Member Burckart asked if the fee is based on an idea of a budget number. Debbie Griffin explained that it is for the feasibility study, and they will bring forth options for the City of Bentonville to review. Debbie Griffin and Chris Sooter mentioned that this is fully paid for by a grant but that the construction would have funding for the project within the city budget from 2022 for the construction of city council chambers that would be applied to this. Council Member Acree asked Debbie Griffin about Minthn, Inc.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2024-1: Ordinance waiving competitive bidding for fitness services for Bentonville Parks and Recreation provided by Ann O'Sullivan; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2024-2: Ordinance waiving competitive bidding for soccer camp services for Bentonville Parks and Recreation; authorizing the Mayor and City Clerk to enter into an agreement with Challenger Sports for said services, in an approximate amount of thirty-six thousand seven hundred eighty dollars (\$36,780.00); and for other purposes.

Council Member Acree asked why competitive bidding would be waived for this item. Josh Stacey, Recreation Services Manager, explained that legal recommended moving forward with Challenger Sports, and they were selected through the RFP process.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2024-3: Ordinance waiving competitive bidding for youth soccer services for Bentonville Parks and Recreation; authorizing the Mayor and City Clerk to enter into an agreement with Upstart Athletics for said services, in an approximate amount of seventy thousand dollars (\$70,000.00); and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5. Resolution No. 1-9-24 B: A resolution amending resolution No. 6-13-23N; changing the agreement to cost per unit pricing; increasing the amount to approximately sixty thousand dollars (\$60,000.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

6. Resolution No. 1-9-24 C: A resolution allowing the Mayor and City Clerk to enter into an amended agreement with Ozark Tennis Academy to provide tennis and pickle ball services for Bentonville Parks and Recreation; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (7-0), with Council Member Hook abstaining from the vote.

7. Resolution No. 1-9-24 D: An amended resolution expressing the willingness of the City of Bentonville to utilize State Aid Street monies for the following city project: Bentonville Overlay (S).

Council Member Patterson asked if the City of Bentonville was incorrectly listed as a population of under 25,000 residents in the ARDOT information, and Mayor Orman mentioned that it was corrected.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

8. Resolution No. 1-9-24 E: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Olsson, Inc., for professional services on the SW 10th & SW F St. project, in the amount of one hundred ninety-eight thousand eight hundred seven dollars (\$198,807.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

9. Resolution No. 1-9-24 F: A resolution setting a Public Hearing for January 23, 2024, for a Utility Easement Vacation located at Lot 10 of East Side 2nd Addition (VAC23-0022).

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2024-4: Ordinance waiving competitive bidding for the purchase of items needed for the Bentonville Public Library

expansion and remodel; authorizing the Mayor and City Clerk to enter into an agreement with Bibliotheca, not to exceed one hundred thirty thousand dollars (\$130,000.00) for this purchase; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion carried (8-0).

11. Ordinance No. 2024-5: Ordinance waiving competitive bidding for the purchase of a RFID system; authorizing the Mayor and City Clerk to enter into an agreement with Tech Logic, not to exceed one hundred sixty-five thousand dollars (\$165,000.00) for this purchase; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

12. Resolution No. 1-9-24 G: A resolution authorizing an increase to the 2021 agreement with GTS, Inc., for construction observation and testing services of the Bentonville Public Library Expansion, in the total amount of fifty-two thousand five hundred dollars (\$52,500.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

Council Member Burckart asked if that gets them through the end of the build. Hadi Dudley, Library Director, confirmed that it does.

13. Resolution No. 1-9-24 H: A resolution declaring certain property belonging to the City of Bentonville Public Library as surplus property; authorizing its disposal; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

14. Ordinance No. 2024-6: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Superior Auto Group, for the purchase of a 2023 Chevy Silverado, in the amount of fifty-two thousand seven hundred eighty-nine dollars and eighty-eight cents (\$52,789.88); waiving the requirement of competitive bidding; and for other purposes.

Council Member Burckart mentioned that during the Finance Committee, they discussed the waiving of bidding and the hopes that these would be limited as much as possible. He also asked if the reasons for the waiver of bid could be described within the ordinance, and would like the definition of professional services for clarification. Mayor Orman said that legal is aware of the discussion during the Finance Committee and noted to look into what was discussed.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2024-7: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Superior Auto Group, for the purchase of a 2024 Chevy Tahoe, in the amount of sixty-four thousand eighty-six dollars and ninety-two cents (\$64,086.92);

waiving the requirement of competitive bidding; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

16. Ordinance No. 2024-8: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Siddons Martin Emergency Group, for the purchase of SCBA equipment; in the amount of six hundred four thousand eight hundred eighty-eight dollars and sixty-eight cents (\$604,888.68); waiving competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

II. Utility Board:

1. Ordinance No. 2024-9: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Superior Auto Group, for the purchase of a Half Ton Truck, in the amount of forty-five thousand sixty dollars (\$45,060.00); waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by

Council Member Agnew. There was no discussion. Motion carried (8-0).

2. Resolution No. 1-9-24 I: A resolution awarding bid IFB-23-64 to Humbard Contracting Inc. for rehabilitation of sanitary sewer manholes, in the amount of eighty thousand dollars (\$80,000.00); and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

3. Resolution No. 1-9-24 J: A resolution awarding bid IFB-23-65 to Carpenter Pole and Pile and Stella Jones Company for the purchase of wood distribution poles, in the amount of one hundred three thousand three hundred seventy dollars (\$103,370.00) plus applicable taxes; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

4. Resolution No. 1-9-24 K: A resolution awarding bid IFB-23-70 to Emery and Sapp, for yearly street premix material, in an approximate amount of sixty-two thousand five hundred dollars (\$62,500.00), plus applicable taxes; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2024-10: Ordinance authorizing the Mayor and City Clerk to enter into a change order to the agreement with Eaton Corporation, for the purchase of electric meters on an as needed basis, at the per unit prices set forth in the attached exhibit

a, plus applicable taxes; waiving the requirement of competitive bidding; providing for the emergency clause; and for other purposes.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

City Attorney Andrew Myers read the emergency clause on the ordinance. Motion to pass by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

6. Resolution No. 1-9-24 L: A resolution authorizing the Mayor and City Clerk to enter into a change order to the agreement with Cannon Technologies (Eaton) for the purchase of additional meters; approving a budget adjustment in the amount of three hundred seventy-one thousand nine hundred thirty dollars and seventy-six cents (\$371,930.76) from Utility Fund Reserves to Account# 503010-47310 - Improvements Other - Electric; and for other purposes.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

III. Planning:

1. Ordinance No. 2024-11: Ordinance accepting a lot split of Lot 12, Block H, of Orchard Addition creating new Lots 26 & 27, Block H, of Orchard Addition to the City of Bentonville, Arkansas; and for other purposes(Project No. LS23-0059).

[Applicant: Hunter Wright Development Group, LLC;

Location: 428 SE D Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2024-12: Ordinance accepting a lot split of Lots 1 and 2 of Morningstar Subdivision creating new Lots 3-6 of Morningstar Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS23-0061).

[Applicant: D R Horton - NW Arkansas LLC;

Location: South Morningstar Road]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

3. Ordinance No. 2024-13: Ordinance accepting a lot split of Tract A of Alexander Addition creating new Lot 1 of Alexander Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0029).

[Applicant: Southwestern Electric Power Company;

Location: 1100 Southeast Moberly]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

4. Ordinance No. 2024-14: Ordinance accepting a lot split of the south half of Lot 18 of Clark's Addition creating new Lot 37 of Clark's Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0030).

[Applicant: D R Horton - Wood Family Trust;

Location: 308 Southwest E Street]

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2024-15: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes(Project No. RZ23-0085).

[Applicant: April Seggebruch;

Location: 604 Southwest 5th Street]

Council Member Hook asked about the item being listed as DN-3 instead of DN-2 on the agenda. Tyler Overstreet explained that the staff report lists it at DN-3 in the agenda packet, but the zoning was amended during the Planning Commission meeting, and the ordinance has the correct zoning.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

IV. Discussion Items

1. Affordable Housing Discussion

Mayor Orman provided the FOIA request and response regarding McAuley Place.

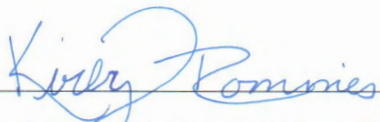
Mayor Orman gave an update on the traffic at the intersection on I Street and agreement from surrounding developments to help prioritize alleviating traffic in the specific area.

2. City Council Procedural Discussion

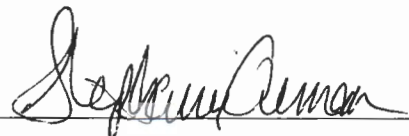
The council engaged in lengthy discussions regarding the committee of the whole meetings and how often and when to have them throughout the year. They also mentioned that they would like more discussion time within the committee of the whole meeting itself. The council also briefly discussed the third reading rule and the ability for council members to submit ordinances or resolutions and how to do so. The council discussed the proper use of motions, Roberts Rules of Order, presentation items being provided to council members, and when public comments not pertaining to agenda items should occur. Council Member Sooter asked why the planning items had been moved to the end of the agenda. Tyler Overstreet said they were unsure why, and the council asked if it could be moved to the beginning of the agenda since planning items typically have more public comments.

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sooter, second by Council Member Agnew.

The next Bentonville City Council meeting will be on January 23, 2024.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

