

Bentonville City Council

Meeting Minutes

January 23, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 23, 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. Benjamin and Cameron Wessels, Scouts 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 January 9, 2024, 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. 1-23-24 A: A resolution authorizing the Mayor and the City Clerk to enter into Amendment No. 1 to Work Order No. 9 with Garver Engineering, in the amount of twenty-seven thousand dollars (\$27,000.00), for construction observation services on the Southeast Taxiway B Project; 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).

2. Resolution No. 1-23-24 B: A resolution authorizing the Mayor and the City Clerk to enter into a reconciliation Change Order No. 3 with Garver Engineering; closing out the Southeast Taxiway B Project; 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. 1-23-24 C: A resolution authorizing the Mayor and the City Clerk to enter into Work Order No. 4 with Garver Engineering, for design phase and construction services for the VBT Hangar Access Road, in an amount not to exceed six hundred forty-three thousand four hundred forty dollars (\$643,440.00); 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).

4. Resolution No. 1-23-24 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems, LLC, for data storage upgrades, in an amount not to exceed two hundred twenty-two thousand three hundred fifty-two dollars and fifty-nine cents (\$222,352.59); 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. Resolution No. 1-23-24 E: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Advantage Security Technologies, for the purchase and installation of Keri Systems Door Access Control System, in an amount not to exceed four hundred forty-two thousand twenty-six dollars and eighty-six cents (\$442,026.86); 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. 1-23-24 F: A resolution declaring certain property, belonging to various departments of the City of Bentonville, 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).

7. Ordinance No. 2024-16: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Police Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred fifty-six thousand five hundred fifty dollars (\$156,550.00), with Galls LLC, for this purchase; 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).

8. Ordinance No. 2024-17: Ordinance waiving competitive bidding for the purchase of uniforms for the Bentonville Fire Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred sixty-three thousand three hundred eighty-two dollars (\$163,382.00), with Galls LLC, 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).

9. Ordinance No. 2024-18: Ordinance waiving competitive bidding for the purchase of medical supplies and medication for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed fifty thousand dollars (\$50,000.00), with Bound Tree Medical for this purchase; 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).

10. Ordinance No. 2024-19: Ordinance waiving competitive bidding for the purchase of medical supplies and medication for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed sixty thousand dollars (\$60,000.00), with Henry Schein Medical for this purchase; 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).

11. Ordinance No. 2024-20: Ordinance vacating a utility easement located at Lot 10 of East Side 2nd Addition of the City of Bentonville, Arkansas, Benton County Arkansas (VAC23-0022).

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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).

12. Resolution No. 1-23-24 G: A resolution authorizing the Mayor and Clerk to enter into agreements with Riggs Cat for the purchase of two (2) used backhoes in the total amount of two hundred fifty thousand dollars (\$250,000.00) 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).

13. Resolution No. 1-23-24 H: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Top Engineers Plus, PLLC, in an amount not to exceed fifty thousand three hundred fifty-seven dollars (\$50,357.00), for fiber optic extension design related to the Highway 71 Single-Point Urban Interchange Project; 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. Resolution No. 1-23-24 I: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the U.S. Environmental Protection Agency (EPA) in the amount of one hundred fifty-one thousand four hundred sixty-one dollars

(\$151,461.00); adjusting the 2024 Budget to recognize and appropriate said grant funds; 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).

15. Resolution No. 1-23-24 J: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Water Conservations Resource Center, for stream restoration design services, in an amount not to exceed one hundred fifty-one thousand four hundred sixty-one dollars (\$151,461.00); 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 Hook. There was no discussion. Motion carried (8-0).

16. Resolution No. 1-23-24 K: A resolution adopting a Quality Management Plan (QMP) for the City of Bentonville; 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 Hook. There was no discussion. Motion carried (8-0).

17. Resolution No. 1-23-24 L: A resolution authorizing the Mayor and the City Clerk to enter into Change Order No. 3 with 81 Construction, Inc., for construction services for the SW Bentonville Trail Project, in an amount not to exceed six hundred sixty-one thousand one hundred thirty-nine dollars (\$661,139.00); and for other purposes.

Mayor Orman recognized those in attendance for public comment. Jessica Pearson and Evan Springer spoke in favor of the item. Council Member Agnew asked David Wright, Parks & Recreation Director, if this item is already in the budget, and David confirmed that it is. Council Member Patterson asked about the

correlation between this item and the ARDOT item later in the agenda. David Wright explained the connection between both items and an update on the rights-of-way. Council Member Sooter asked about the tunnel being built under Highway 102, and David laid out the future plans for the trail connections. Council Member Burckart commended David Wright and partners on their work on trail connectivity throughout the City of Bentonville. 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).

18. Resolution No. 1-23-24 M: A resolution authorizing the Mayor and the City Clerk to enter into Change Order No. 1 with Flintco, for the installation of sewer service lines for the Quilt of Parks Project, in an amount not to exceed twenty-five thousand six hundred thirteen dollars (\$25,613.00); adjusting the 2024 Budget to appropriate impact fees in the same amount; 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).

19. Resolution No. 1-23-24 N: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Arkansas Department of Transportation in the amount of four hundred thousand dollars (\$400,000.00), for the SW Bentonville Trail; 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).

20. Resolution No. 1-23-24 O: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Walmart Foundation in the amount of two hundred fifty thousand dollars (\$250,000.00), for an e-bike rebate program; adjusting the 2024

Budget to recognize and appropriate said grant funds; and for other purposes.

Council Member Sanchez expressed concern with the City of Bentonville's participation in the program due to liability. Council Member Agnew spoke in favor of the item. David Wright explained barriers to access to e-bikes. Mayor Orman and David Wright explained the program details, who, and how it will be managed. Council Member Acree mentioned that they would like to have electric wheelchairs within the program as well and that the program as a whole should be handled through a non-profit and not through the City of Bentonville.

Council Member Burckart said the program is a great opportunity for the residents of Bentonville, expressed their support, and that they believe this is a city function. The council and David Wright discussed how many residents could utilize the program and that there are adaptive options for e-bikes if they are available. Council Member Sanchez mentioned that one difficulty they have is that this grant wouldn't apply to all residents. David Wright explained how all could benefit from more individuals biking and having fewer cars on the road. Council Member Acree asked about financial assistance for those who wish to apply.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (7-1), with Council Member Acree voting no.

21. Resolution No. 1-23-24 P: A resolution authorizing the Mayor and City Clerk to enter into change order #001 to the agreement with CR Crawford, in the amount of fifty-three thousand nine hundred ten dollars (\$53,910.00), for additional earthwork at the Cemetery Columbaria; approving a budget adjustment in the same amount from General Fund Reserves to Account #105020-47210 - Plants and Building; and for other purposes.

Council member Acree asked for the total cost before the change order approved. Mike Bender, Water Utilities Director, gave the financial breakdown of the project and contract. Council Member Burckart explained that this change order should not be passed since the contract is a lump sum. Mike Bender and the council

discussed the contract details in length. Council Member Patterson asked what would happen if the change order failed. Mike Bender explained that it would be needed to move forward on the project, and Andrew Myers explained what could legally occur if it is not passed. Mayor Orman also asked for a legal review of the contract again. Council Member Burckart, Council Member Sooter, and Mike Bender discussed project details in length.

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 (6-2), with Council Member Burckart and Council Member Acree voting no.

22. Animal Services Department End of Year Summary for 2023

Council Member Burckart asked Shannon Gabbard, Animal Services Director, whether a spay and neuter partnership or contract with a provider exists. Shannon Gabbard said due to being open seven days a week, they rotate with different providers based on availability. Mayor Orman asked how many animals were reunited with their owner, and Shannon Gabbard said 39% of animals were returned to their owners in 2023. Council Member Patterson asked how residents can get their animals microchipped, and Shannon Gabbard provided further details. Council Member Burckart recommended that they put the microchipping information in the newsletter.

II. Utility Board:

III. Planning:

1. Ordinance No. 2024-21: Ordinance accepting a property line adjustment of previously unplatted land creating new Lot 1 of

Trickett Addition to the city of Bentonville, Arkansas; and for other purposes (Project No. PLA23-0031).

[Applicant: Sanders Properties Limited Partnership;

Location: 307 Northwest 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. 2024-22: Ordinance accepting a final plat of Aurora Subdivision Phase 3 to the City of Bentonville, Arkansas; and for other purposes (Project No. FP23-0007).

[Applicant: Amazing Land Company LLC;

Location: 9207 South Morning Star 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. 2024-23: 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. RZ23-0086).

[Applicant: Samuel and Anna Russell];

Location: 1107 Fillmore 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).

Council Member Patterson asked if there were comments on this item at the Planning Commission meeting. Tyler Overstreet, Director of Planning and Community Development, said no.

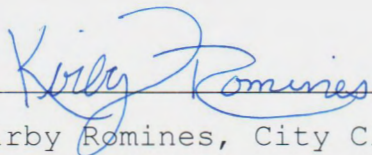
IV. Items for Discussion

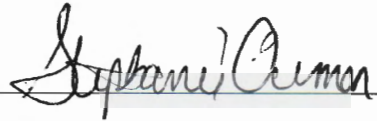
1. City Council Procedures

Council Member Burckart went through their recommended adjustments. The council discussed the schedule and content for the Committee of the Whole meetings. Council Member Sanchez also went through recommended adjustments to resolution 2-2-19 E. The council also engaged in lengthy discussion about when council members need to submit their proposed agenda items or ordinances/resolutions. Council Member Burckart and Mayor Orman engaged in a lengthy conversation regarding draft studies or reports being sent to council members. They also discussed the logistics and details of when and what to send.

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Acree, second by Council Member Burckart.

The next Bentonville City Council meeting will be on February 13, 2024.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

