

Bentonville City Council

Meeting Minutes

February 13, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, February 13, 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. Troop 5 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 23, 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).

[Agenda items 1 through 8 were addressed at the February 12, 2024, Committee of the Whole meeting.]

Motion was made by Council Member Agnew to move item 11 under New Business to the beginning of the meeting, second by Council Member Acree. There was no discussion. Motion carried (8-0).

II. New Business:

11. Resolution No. 2-13-24 A: A resolution amending Resolution No. 2-12-19E; amending the procedures with regard to meetings; 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 Sooter. There was no discussion. Motion carried (8-0).

1. Resolution No. 2-13-24 B: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Centralsquare Technologies, LLC, for cloud migration services, in an amount not to exceed three hundred five thousand eight hundred eight dollars and ninety-two cents (\$305,808.92); adjusting the 2024 Budget to appropriate budgeted funds into correct expense accounts; 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. 2-13-24 C: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems, LLC, for battery and battery backup replacement, in an amount not to exceed thirty-eight thousand seven hundred thirty-three dollars and forty-three cents (\$38,733.43); 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 Sooter. There was no discussion. Motion carried (8-0).

3. Resolution No. 2-13-24 D: A resolution allowing the Mayor and City Clerk to enter into an agreement with 1smartlife LLC., in the amount of thirty-seven thousand nine hundred thirty dollars (\$37,930.00), for leadership training; 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. 2-13-24 E: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Farrwest for the purchase of Griffin G510 GC/MS, in an amount not to exceed two hundred eleven thousand four hundred fifteen dollars and eighty-two cents (\$211,415.82); 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. 2-13-24 F: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Forvis, LLP for auditing services for the City of Bentonville for a five (5) year period; 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. 2-13-24 G: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Arkansas Alternative Dispute Resolution Commission in the amount of two thousand dollars (\$2,000.00); adjusting the 2024 Budget to recognize grant funds in that amount into Account #101210-33411 - State Grant; appropriating the same into Account #101210-43410 - Professional Service; 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. 2024-24: Ordinance amending the 2024 Pay Plan for the City of Bentonville Parks and Recreation Department to reclassify the position of Community Events Manager to Deputy Director of Parks and Recreation; 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 Hook. 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 Hook. There was no discussion. Motion carried (8-0).

8. Resolution No. 2-13-24 H: A resolution accepting a donation from Bentonville Youth Baseball to the City of Bentonville Parks and Recreation Department, in the amount of ten thousand three hundred forty-three dollars and thirty-two cents (\$10,343.32); 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).

9. Resolution No. 2-13-24 I: A resolution setting a public hearing for February 27, 2024, for a Utility Easement Vacation located at Lot 20 of College Place Subdivision Phase 8 (VAC23-0023).

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

10. Resolution No. 2-13-24 J: A resolution approving Change Order No. 3 with Crossland Heavy Contractors, Inc., adding the SW 10th Street and F Street drainage projects to the scope of the current 8th Street project, in the estimated amount of six million two hundred twenty-three thousand six hundred thirteen dollars and nineteen cents (\$6,223,613.19); 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. Utility Board:

1. Resolution No. 2-13-24 K: A resolution authorizing the Mayor and City Clerk to enter into an agreement with River City Hydraulics Inc., for the purchase of a grapple truck, in an amount not to exceed two hundred fifty-eight thousand one hundred thirty-six dollars and twenty-five cents (\$258,136.25); 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 Burckart. There was no discussion. Motion carried (8-0).

2. Ordinance No. 2024-25: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with AECI for 750 underground wire in, the amount of one hundred sixty-one thousand eight hundred eighty dollars (\$161,880.00) plus applicable taxes; 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 Agnew. There was no discussion. Motion carried (8-0).

3. Resolution No. 2-13-24 L: A resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Allgeier, Martin, and Associates, Inc. for services related to the expansion of Substation "A" in the 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).

4. Resolution No. 2-13-24 M: A resolution OF intent regarding the Bentonville Water Resource Recovery Facility (WRRF) Improvements 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 Burckart. There was no discussion. Motion carried (8-0).

IV. Planning:

1. Ordinance No. 2024-26: Ordinance accepting a lot split of Lot 3 of Vivian Farm Subdivision creating new Lots 5 and 6 of Vivian Farm Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0055).

[Applicant: Elite Equity Group of Arkansas, LLC;

Location: South Vaughn 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).

2. A resolution amending the City of Bentonville Future Land Use Map for a specific area from Public/Semi-Public to Medium-Density Residential; and for other purposes (Project No. RZ23-0087).

Mayor Orman recognized those in attendance for public comment. Bill Watkins, Debbie Jones, Jeff Webster, Jeremy Goucher, Ryan Faust, Brandon Gengalbech, Matt Lous, Kelly Carlson, Justin Fletcher, and Larry Kelly spoke in favor of the item. Dustin Haughn and Don Ratzlaff spoke against the item. Leah Knigh asked for the item to be tabled until the master plan is updated.

Council Member Patterson and Council Member Hook asked Dan Weese, the City Engineer, about 21st Street, water accumulation, and flooding. Dan Weese provided an overview of the current floodplain and water flow in the area and gave possible parking solution examples for 21st Street. Council Member Hook asked if R-2 could be a possible rezone instead of R-3. Tyler Overstreet, Director of Planning and Community Development, explained that it would need to be zoned as R-3 because R-2 does not allow for multi-family. Council Member Hook asked Bill Watkins, representing the applicant, about the time constraints on the project. Bill Watkins explained the timeline for the project. Council Member Burckart expressed their support for the item and their concern that the applicant would be unable to meet their deadlines if the item were tabled.

Council Member Seba mentioned that they had received several negative comments about this item and asked that it be tabled until the Master Plan is reviewed. Council Member Acree also expressed concerns and asked for more public input before passing the item. Council Member Agnew mentioned that surrounding properties were zoned as R-3 and strongly supported the project and item.

Tyler Overstreet explained why the Planning Department and Planning Commission recommended this item for approval. Council Member Burckart explained the surrounding zoning, how the R-3 aligns with the area and the master plan set in place, and that this also aligns with the affordable housing committee's goals for the City of Bentonville. Council Member Acree explained that constituents in the neighborhood have expressed concern with this item. Council Member Hook mentioned that she has received many questions and concerns from constituents.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no further discussion. Motion failed (4-3), with Council Members Sanchez, Seba, Hook, and Acree voting no and Council Member Patterson abstaining.

3. Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-3, Medium-High Density Multifamily Residential; and for other purposes (Project No. RZ23-0087).

[Applicant: Bentonville School District;

Location: 1801 Southeast J Street]

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 failed (4-3), with Council Members Sanchez, Seba, Hook, and Acree voting no and Council Member Patterson abstaining.

4. Ordinance No. 2024-27: 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. RZ23-0088).

[Applicant: Mark and Tammy Crabtree;

Location: 404 Southeast C Street]

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).

5. Ordinance No. 2024-28: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PUD, Planned Unit Development to PUD, Planned

Unit Development; and for other purposes (Project No. PUD20-0002).

[Applicant: Walmart Stores Inc.;

Location: Southeast 8th 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).

6. Ordinance No. 2024-29: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of PRD, Planned Residential Development to PRD, Planned Residential Development; and for other purposes (Project No. PRD22-0004).

[Applicant: Haitham Alley;

Location: Southwest Parnell 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).

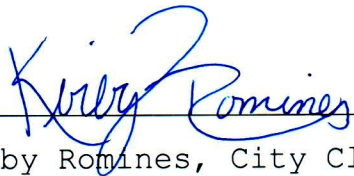
Tyler Overstreet asked if the council would like the land use to come after the zoning code item before Plan Bentonville gets adopted. The council discussed if they would like this to be changed or not. The majority of the council expressed the desire to keep the land use items before the zoning code item. Council and Tyler Overstreet also discussed transitions whenever the Land Use Plan would be adopted.

Motion to take a 5-minute recess by Council Member Burckart, second by Council Member Hook. There was no discussion. Motion carried (8-0). Motion to extend the recess by two minutes by Council Member Burckart, second by Council Member Hook. There was no discussion. Motion carried (8-0).

V. State of the City Report - Mayor Stephanie Orman

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Patterson, second by Council Member Seba.

The next Bentonville City Council meeting will be on February 27, 2024.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

