

Bentonville City Council

Meeting Minutes

March 12, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 12, 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, and Bill Burckart. 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. Council Member Holly Hook joined via Zoom.

Mayor Orman called the meeting to order. Isaac Sivakumar, 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 Acree to approve the minutes of the February 27, 2024, meeting as presented, second by Council Member Sanchez. 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).

Motion was made by Council Member Agnew to move item 10, 17, 18, and 19 under New Business to the beginning of the meeting, second by Council Member Sanchez. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sanchez to move comments on non-agenda items to the beginning of the meeting, second by Council Member Acree. There was no discussion. Motion carried (8-0).

Mayor Orman recognized those in attendance for public comment. Julie Rader, Adam Pilkington, and Enrique Acuna gave public comment regarding a noise complaint from a nightclub on 5th Street. Council Member Sooter asked if there had been any communication between the residents and the establishment's owners, and Julie Rader and Adam Pilkington explained that there were no solutions from the communication that was had.

I. New Business:

10. Ordinance No. 2024-37: Ordinance waiving competitive bidding for the purchase of transit service within the City of Bentonville; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed five hundred thirty thousand dollars (\$530,000.00), with Ozark Regional Transit for this purchase; and for other purposes.

Joel Gardner, the Ozark Regional Transit Executive Director, gave a presentation. Council Member Patterson asked how residents would be made aware of the transit service and routes available. Joel Gardner explained that they are consistently updating on social media and their website. Council Member Agnew thanked Joel Gardner for their work on the agreement and service. Council Member Acree asked if this is the first regional route of its kind in NWA, and Joel Gardner confirmed that it is. Council Member Sooter asked if there would be any information at each bus stop to show other routes. Joel Gardner explained that there is a QR code at each bus stop that pulls up all information. Council Member Agnew asked when the route would start to run officially, and Joel Gardner said it would be by the last Friday of the month. Council Member Burckart asked if the contract for 2025 could come before the end of the year so it can be ready before the new year.

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).

17. Resolution No. 3-12-24 A: A resolution accepting a grant from Walmart Corporate, in the amount of seven hundred fifty thousand dollars (\$750,000.00), for an E Bike Rebate Program; and for other purposes.

Mayor Orman recognized those in attendance for public comment. Brett McCormick, Elysia Conteras Springer, Zach Springer, Jessica Pearson, and Evan Springer spoke in favor of the resolution. Council Member Sanchez explained their support of the Bentonville Parks and Recreation department being in charge of the program in its initial stages. Council Member Hook asked for clarification on the third-party agreement, the rebate amount, and the opportunity for those unable to pedal to also benefit from the program. David Wright, Parks & Recreation Director, explained the program further. Council Member Patterson also asked for clarification on item 19's dollar amount for the contract with Aptim. The council and David Wright discussed the payment terms and logistics of the funds and that the rebate applies to more than one bike shop.

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).

18. Resolution No. 3-12-24 B: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Walton Family Foundation in the amount of one million five hundred thousand dollars (\$1,500,000.00), for an e-bike program; adjusting the 2024 Budget to recognize and appropriate 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).

19. Resolution No. 3-12-24 C: A resolution allowing the Mayor and City Clerk to enter into an agreement with Aptim, to be the administrator of the E-Bike Rebate Program for Bentonville Parks and Recreation, in the total amount of one hundred fifty thousand dollars (\$150,000.00) plus fees; and for other purposes.

Council Member Acree explained that she was unable to support this program since it did not include provisions for the disabled and underprivileged. Council Member Burckart, Council Member Agnew, and David Wright clarified that it does include provisions for both the rebate and adaptive e-bikes. Council Member Agnew asked when the program is anticipated to begin. David Wright said this summer.

City Attorney Andrew Myers read the resolution by title only. Motion to amend the title and section one to read one hundred fifty thousand dollars instead of one million five hundred thousand dollars by Council Member Burckart, second by Council Member Agnew. Motion to approve as amended by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

1. Resolution No. 3-12-24 D: A resolution endorsing the temporary installation of artwork titled "*Humongous Fungus*" by artist Gina Gallina on public property in Citizens Park and funded by Visit 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 Sooter. There was no discussion. Motion carried (8-0).

2. Resolution No. 3-12-24 E: A resolution endorsing the temporary installation of artwork titled "*Caminos: Celebrando La Vida Y El Legado* (Pathways: Celebrating Life and Legacy)" by artist Briseida "Brioch" Ochoa on public property in Orchard Park and funded by the Public Art Advisory Committee; 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. 3-12-24 F: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Heartland Business Systems, LLC, for Dell Unity Storage System Support Renewal, in an amount not to exceed thirty-seven thousand four hundred ninety-one dollars and forty-five cents (\$37,491.45); adjusting the 2024 Budget to transfer 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).

4. Resolution No. 3-12-24 G: A resolution declaring certain property belonging to the City of Bentonville Police Department 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).

5. Ordinance No. 2024-38: Ordinance waiving competitive bidding for the purchase of investigation equipment for the Bentonville Police Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed fifty thousand six hundred fifty dollars and five cents (\$50,650.05), with Trimech Solutions 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).

6. Resolution No. 3-12-24 H: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the US Department of Justice (Award #15PBJA-23-GG-06107-JAGX), in the amount of thirteen thousand three hundred forty-two dollars (\$13,342.00); 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 Sooter. There was no discussion. Motion carried (8-0).

7. Resolution No. 3-12-24 I: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Fire-Wise Program, in the amount of six thousand four hundred fifty dollars (\$6,450.00); 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).

8. Appointment of City Council Member Beckie Seba for the ex-officio seat on the Airport Advisory Board, replacing Council Member Chris Sooter. This is a 3-year appointment at the recommendation of Mayor Stephanie Orman. Beckie Seba's term will begin on 3/13/2024 and expire on 3/13/2027.

Council Member Agnew asked that as there be appointments for council members that it be more equitable in the future.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0), with Council Member Agnew abstaining.

9. Appointment of Dennis Birge to the Ozark Regional Transit Board of Directors. This will be Mr. Birge's first term, which will expire in March 2027.

The council discussed this opening being an additional seat. Council Member Patterson asked if this group decides how federal dollars are spent. Mayor Orman and Council Member Agnew said it was not and explained their role. Council Member Burckart mentioned how it is beneficial to have an additional seat. Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

11. Resolution No. 3-12-24 J: A resolution setting a Public Hearing for March 26, 2024 for a Drainage, Access and Utility Easement Vacation located at Lot 13 of Pickens Subdivision (VAC24-0001).

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).

12. Resolution No. 3-12-24 K: A resolution allowing the Mayor and City Clerk to enter into an agreement with G-Squared for professional mapping services, in an amount not to exceed seventy-two thousand five hundred dollars (\$72,500.00); 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 Hook. There was no discussion. Motion carried (8-0).

Council Member Burckart asked if the entire town would be mapped on two-foot increments. Zach Galyen explained that it is for one foot increments and encompasses most of downtown Bentonville and proper jurisdiction.

13. Resolution No. 3-12-24 L: A resolution allowing the Mayor and City Clerk to enter into an agreement with O.R. Colan for acquisition services, on an as needed basis; 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. 3-12-24 M: A resolution allowing the Mayor and City Clerk to enter into an agreement with Terracon Consultants for geotechnical services, on an as needed basis; and for other purposes.

Council Member Burckart asked if bids were taken. Mayor Orman confirmed that this item was put out to bid.

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. 3-12-24 N: A resolution allowing the Mayor and City Clerk to enter into an agreement with CEI Engineering for surveying services, on an as needed basis; 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).

16. Resolution No. 3-12-24 O: A resolution authorizing the Mayor and City Clerk to utilize Federal Aid Transportation Alternatives Program 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).

20. Appointment of Malorie Marrs to the office of City Clerk effective March 16, 2024, for the remainder of 2024. City Clerk Kirby Romines has offered her resignation effective March 15, 2024. The City Clerk position will be put on the 2024 General Election Ballot.

The council thanked Kirby Romines for her work and wished her the best as she moves on. Council Member Agnew stated that she would abstain because she would like the process to be more public to allow individuals the opportunity to be considered for fulfilling

the role. Council Member Acree mentioned an urgency in fulfilling the role, and Council Member Sanchez said they were confident in Mayor Orman's recommendation to appoint Malorie Marrs. Mayor Orman thanked Kirby Romines for their work as City Clerk. Council Member Burckart mentioned that they would also like to see the process of filling roles be discussed at next year's City Council procedural discussion.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Agnew abstaining.

II. Utility Board:

1. Resolution No. 3-12-24 P: A resolution awarding bid IFB-24-17, to the lowest responsive bidders, for secondary wire in an approximate amount of forty-five thousand one hundred seven dollars and sixty cents (\$45,107.60), 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).

2. Resolution No. 3-12-24 Q: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Global Rental Co. Inc., for the purchase of a backyard machine, in an amount not to exceed two hundred thirty-four thousand six hundred ninety-six dollars and ninety-nine cents (\$234,696.99); and for other purposes.

Council Member Acree asked what a backyard machine was. Travis Matlock, Engineering Director, explained the machine in detail.

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. 3-12-24 R: A resolution awarding bid IFB-24-12, to Ground Zero Construction, for warehouse paving, in the total amount of two hundred twenty-eight thousand one hundred seventeen dollars (\$228,117.00); and for other purposes.

Council Member Burckart asked Travis Matlock about this item since the City of Bentonville has its own paving company. Travis Matlock explained that there is an asphalt paver, but they need heavy-duty concrete. Travis Matlock also described the project details.

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. 3-12-24 S: A resolution awarding bid IFB 24-05 to Hansen's Tree Service for compost grinding for the Water Resource Recovery Facility on a per hour price in an approximate total amount of one hundred thousand dollars (\$100,000.00); and for other purposes.

Council Member Patterson asked if the facility has been doing this themselves or if it is something they are renewing. Chris Earl, Water Resource Recovery Facility Manager and Council Member Sanchez, explained that this had been part of the process for 20 years and is a renewal of the contract.

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, Council Member Acree, and Chief Shastid discussed debris and solutions to waste and pollution issues on I Street and other areas within the City of Bentonville.

III. Other Business/Announcements/Comments:

Mayor Orman proposed that the Planning Commission term limit details be included in the agenda of the next Committee of the Whole meeting. Mayor Orman also reminded the council of the State

of the City event and the State of the Chamber event, both in April.

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

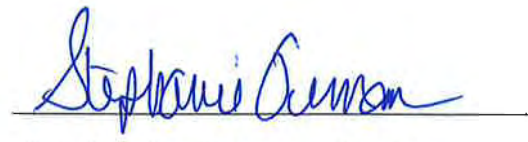
Council Member Sooter asked Chief Shastid about the nightclub off 5th Street regarding the noise complaints mentioned earlier during public comment.

Travis Matlock updated the council and Mayor Orman regarding a legal issue between the City of Bentonville and SWEPCO. Mayor Orman shared an email that was received about the Citizens Police Academy.

Mayor Orman formally introduced Malorie Marrs, the newly appointed City Clerk. Malorie Marrs thanked the council and Mayor Orman. She also said she looks forward to serving as City Clerk and working with the City of Bentonville team and council members.

The next Bentonville City Council meeting will be on March 26, 2024.


City Clerk


Stephanie Orman, Mayor

