

Bentonville City Council

Meeting Minutes

April 23, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 23 , 2024, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

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

Mayor Orman called the meeting to order, and led everyone present in the Pledge of Allegiance, which was followed by a moment of silence in support of our armed forces. A Scout was not present.

Motion was made by Council Member Sanchez to approve the minutes of the April 9, 2024, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

A 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. Committee of the Whole (Monday Night items):
 - no further discussion, Mayor moved onto new business

II. New Business:

- 1. Resolution No. 4-23-24 A: A resolution endorsing the temporary installation of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property at City Hall. No budget adjustment is needed.

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).

2. Resolution No. 4-23-24 B: A resolution approving an amendment to a budget adjustment for Bentonville Public Library to accept a grant award from the Illinois River Watershed Partnership, in the amount of \$15,000.00, and donations from the Bentonville Library Foundation, in the amount of \$370,531.00. A budget adjustment is needed.

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).

3. Resolution No. 4-23-24 C: A resolution approving an amendment to the 2024 budget adjustment for Bentonville Public Library to reallocate funds for the purchase of furnishings needed for the expansion, in an amount not to exceed \$1,167,500.00. A budget adjustment is needed to reallocate funds.

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. 4-23-24 D: A resolution authorizing the Mayor and City Clerk to enter into an agreement with ImageWorks Commercial Interiors for the purchase of library furnishings for Bentonville Public Library, in an amount not to exceed \$490,000.00. No budget adjustment is needed.

Mayor Orman opened the floor to Veronica, with MSR design, who joined online to answer any questions. No questions were stated.

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. 4-23-24 E: A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Innovative Business Interiors for the purchase of library furnishings for Bentonville Public Library, in an amount not to exceed

\$220,000.00 total & for other purposes. No budget adjustment is needed.

Mayor Orman opened the floor to Patrick & Veronica, with MSR design, who joined online to answer any questions. No questions were stated.

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. 4-23-24 F: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Evo Business Environments for the purchase of library furnishings for Bentonville Public Library, in an amount not to exceed \$170,500.00 total & for other purposes. No budget adjustment is needed.

Mayor Orman opened the floor to Patrick & Veronica, with MSR design, who joined online to answer any questions. No questions were stated.

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. Resolution No. 4-23-24 G: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Innerplan for the purchase of library furnishings for Bentonville Public Library, in an amount not to exceed \$179,000.00 total & for other purposes. No budget adjustment is needed.

Mayor Orman opened the floor to Patrick & Veronica, with MSR design, who joined online to answer any questions. No questions were stated.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (7- Council Member Hook recused).

8. Ordinance No. 2024-59: An ordinance authorizing the Mayor and City Clerk enter into and an agreement in an amount not to exceed \$55,000.00 for the purchase of Shore furniture for the Bentonville Public Library, as quoted by Innerplan & to waive competitive bidding requirements. Providing for the Emergency Clause, and other purposes. No budget adjustment is needed.

Mayor Orman opened the floor to Patrick & Veronica, with MSR design, who joined online to answer any questions. No questions were stated.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (7-Council Member Hook recused).

City Attorney Andrew Myers read the Emergency Clause: Section Four, the need to make this purchase is immediate and an emergency is hereby declared that the ordinance shall be in full force on the date of its passing and approval.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (7-Council Member Hook recused).

9. Resolution 4-23-24 H: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with MSR Design for the Bentonville Public Library in an amount not to exceed \$45,000.00, plus up to \$2,000.00 reimbursable costs, and for other purposes. No budget adjustment is needed.

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).

10. Resolution 4-23-24 I: A resolution for Approval to Declare Various Items as Surplus. Requesting for approval of a Resolution declaring various items as surplus, to be sold via public Online Auction or disposed of properly later. No budget adjustment is needed.

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).

11. Ordinance 2024-60: A Public Hearing and approval of Ordinance vacating a Utility Easement Vacation located at Lot 10 and Lot 11 of Loesche Subdivision (VAC24-0002).

Mayor Orman opened the floor to anyone online or in person to speak on this item.

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 4-23-24 J: A resolution authorizing the Mayor and City Clerk to sign a professional services agreement with Timmons Group, in the amount of \$399,095.00, for the Citiworks Implementation and Integration. A budget adjustment is required for \$68,765.00 of the project cost.

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 4-23-24 K: A resolution to Award Bid IFB-24-06 for Soccer Uniforms to Challenger Teamwear. Bid award for soccer uniforms for the fall 2024 / spring 2025 season to Challenger Teamwear in the amount of \$62,230.00. No budget adjustment is needed.

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 4-23-24 L: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Events Approval Inc. for special event requests and approvals software for the City of Bentonville. No budget adjustment is needed.

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 4-23-24 M: A resolution and Budget Adjustment authorizing the Mayor to enter into a grant agreement with the Walton Family Foundation in the amount of \$1,166,965.00 for the construction and construction administration.

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 4-23-24 N: A resolution authorizing the Mayor and City Clerk to enter into an agreement with CEI in the amount of \$80,000.00, for construction observation and administration services for the Bright Road Sidepath Trail. This firm was selected following the City's Purchasing Policy for professional services. No budget adjustment is needed.

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).

17. Resolution 4-23-24 O: A Resolution authorizing Bid Award of IFB-24-23 to 81 Construction, for a total project award of \$1,002,038.70, for construction of the SW Bright Road Sidepath. No budget adjustment is needed.

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 4-23-24 P: A Resolution & Budget Adjustment to Purchase Carroll Electric Facilities at 601 Tater Black Road. The City of Bentonville recommends entering into an agreement with Carroll Electric to purchase facilities and accounts at 601 SW Tater Black for \$14,254.84 and a budget adjustment to cover the costs. Approved by Utility Board 5-0. A budget adjustment is needed.

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 4-23-24 Q: A Resolution & Budget Adjustment to Purchase Carroll Electric Facilities Ginn & Brookside Roads. The City of Bentonville recommends entering into an agreement with Carroll Electric to purchase facilities and accounts along Ginn Rd. and Brookside Rd. for \$149,905.78 and a budget adjustment to cover the costs. Approved by Utility Board 5-0. A budget adjustment is needed.

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 4-23-24 R: A Resolution & Budget Adjustment to Purchase Carroll Electric Facilities on Motley Road. The City of Bentonville recommends entering into an agreement with Carroll Electric to purchase facilities and accounts along Motley Rd. for \$110,036.07 and a budget adjustment to cover the costs. Approved by Utility Board 5-0. A budget adjustment is needed.

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 4-23-24 S: A Resolution & Budget Adjustment to Purchase Carroll Electric Facilities on Sears Road. The City of Bentonville recommends entering into an agreement with Carroll Electric to purchase facilities and accounts along Sears Rd. (between Morningstar Rd. and Nomad Rd.) for \$140,332.88 and a budget adjustment to cover the costs. Approved by Utility Board 5-0. A budget adjustment is required.

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 4-23-24 T: A Resolution to Award Bid IFB-24-29 to Hawk Line Construction & BBC Electrical Services. The City of Bentonville recommends awarding IFB 24-29 for on-call General Overhead Construction Services to both Hawk Line Construction Service and BBC Electrical Services per the attached bid tabulation. Approved by Utility Board 5-0. No budget adjustment is needed.

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 4-23-24 U: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Arvest, for the issuance of a Letter of Credit in the amount of \$1,000,000.00 as required by the Arkansas Department of Environmental Quality for the City of Bentonville compost facility. The cost of issuance is \$14,000.00 and requires a budget adjustment.

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 2024-61: An Ordinance waiving the requirement of competitive bidding and entering into an agreement with Crossland Heavy Contractors, Inc. for emergency repair of 48-inch water transmission main located west of South Dixieland Road in Rogers, Arkansas. Providing for the Emergency Clause. This is a time and material contract for emergency repair after the leak was located by staff. This is not a budgeted item, and a budget adjustment will be required and requested after the project is completed.

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: Section Four, the need to make this purchase is immediate and an emergency is hereby declared that the ordinance shall be in full force on the date of its passing and approval.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

8. Ordinance 2024-62: An Ordinance waiving the requirement of competitive bidding and entering into an agreement with Crossland Heavy Contractors, Inc. for emergency repair of 48-inch water transmission main located west of Arkansas State Hwy 112 north of W. Wallis Road in Cave Springs, Arkansas. This is a time and material contract for emergency repair after the water main was damaged. Providing for the Emergency Clause. This is not a budgeted item, and a budget adjustment will be required and requested after the project is completed.

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: Section Four, the need to make this purchase is immediate and an emergency is hereby declared that the ordinance shall be in full force on the date of its passing and approval.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

IV. Planning:

1. Ordinance No. 2024-63: An Ordinance accepting a Property Line Adjustment Of Lot 6 of Corley's addition and a vacated alley creating new lot 24 of Corley's addition to the City Of Bentonville, Arkansas; and for other purposes. 206 Southwest F Street The Planning Commission voted 7-0, recommending approval.

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. 2024-64: An Ordinance Accepting A Lot Split Of Lot 147 And The West Half Of Lot 148 Of The Original Town Of Bentonville Subdivision Creating New Lots 231 And 232 Of The Original Town Of Bentonville Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes. 303 West Central Avenue: The Planning Commission voted 7-0, recommending approval.

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. 2024-65: An Ordinance Accepting A Lot Split Of Lot 1 Of School Subdivision Creating New Lots 2 And 3 Of School Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes. 1801 Southeast J Street: The Planning Commission voted 7-0, recommending approval.

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. Resolution 4-23-24 V: A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Residential Estate To High-Density Residential; And For Other Purposes. 1200 Southwest Elm Tree Road: The Planning Commission voted 7-0, recommending approval.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion carried (8-0)

5. Ordinance No. 2024-66: An 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. 1200 Southwest Elm Tree Road: The Planning Commission voted 7-0, recommending approval.

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. Resolution 4-23-24 W: A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Low-Density Residential To Medium-Density Residential; And For Other Purposes. 202 Southwest D Street: The Planning Commission voted 6-1, recommending approval.

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). Council Members Hook and Acree voted no.

7. Ordinance 2024-67: An 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. 202 Southwest D Street: The Planning Commission voted 7-0, recommending approval.

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. Resolution 4-23-24 X: A Resolution Amending the City of Bentonville Future Land Use Map for a Specific Area from Open Space to General Commercial; And For Other Purposes. The Planning Commission voted 7-0, recommending approval. Future Land Use Map Amendment - Greenhouse-Highway 12 LLC - Open Space to General Commercial - Southwest Regional Airport Boulevard and Greenhouse Road (RZ24-0012)

Council Member Patterson asked a clarification question regarding the waiver & map in the packet- its orientation, and how much exactly was going to be rezoned.

Tyler Overstreet detailed the corrected map noting the corner section highlighted in red would be the actual map. Overstreet further cited the waiver stating that there was a waiver request for that potential development, as we have an ordinance requiring applicants to place as much of the building at the front set back line as possible. But it is hard to do with a gas station.

Patterson clarified that this was a very typical waiver for a gas station. She further asked if the council was voting to rezone that entire parcel that's currently A1 or just the new piece in red. Overstreet clarified that it was just the red, remainder would stay A1 agriculture. Patterson also wanted to check to see if that was owned by the same applicant, or the people putting PRD behind it? Overstreet stated it was a separate applicant for the reserve: the large-scale development. Overstreet mentioned the potential rezone might have to do with the selling of Casey's in the future but isn't certain.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Burckart, second by Council Member Agnew. Acree stated she supports the rezone, but procedure does not like to vote on the map change before rezoning.

Motion carried (7-1). Council Member Acree voted no.

9. Ordinance 2024-68: An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, Agricultural To C-2, General Commercial; And For Other Purposes. Rezoning - Greenhouse-Highway 12 LLC - A-1, Agriculture to C-2, General Commercial - Southwest Regional Airport Boulevard and Greenhouse Road (RZ24-0012). The Planning Commission voted 7-0, recommending approval.

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. Resolution 4-23-24 Y: A Resolution Amending the City Of Bentonville Future Land Use Map For A Specific Area From Agriculture To Medium-Density Residential; And For Other Purposes. Future Land Use Map Amendment - Skylight Homes LLC - Agriculture to Medium-Density Residential. 3820 GINN RD The Planning Commission voted 7-0, recommending approval.

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 (7-1). Council Member Acree voted no.

11. Ordinance 2024-69: An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To R-2, Medium Density Two Family and Townhome Residential; And For Other Purposes. Rezoning - Skylight Homes LLC - R-1, Low-Density Single-Family Residential to R-2, Medium Density Two Family and Townhome Residential. 3820 GINN RD The Planning Commission voted 7-0, recommending approval.

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. Ordinance 2024-70: An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential To PRD, Planned Residential Development; And For Other Purposes. Rezoning - Downtown Bentonville Pocket Community - R-1, Low-Density Single-Family Residential to Planned Residential Development (PRD). 204 Northeast 7th Street and 606 Northeast A Street; the Planning Commission voted 5- 1, recommending approval.

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).

Mayor Orman adjourned the formal voting meeting. Motion to adjourn by Council Member Burckart, second by Council Member Hook.

Council Member Seba asked for clarification on the role call voting and noted that it should be in rolling order. City Clerk Marrs appreciated the catch and will fix the voting orders for future meetings.

Committee Reports/Other items/notes:

1. Council Member Sanchez mentioned that the utility board met and discussed the properties being purchased from Carroll Electric. He discussed the (bond of sorts) from Arvest to help with the compost facility needs.
2. Council Member Agnew discussed that finance committee reviewed the current purchasing policies and wanted to call the councils attention to the deck that's in the agenda as a helpful reference.
3. Council Member Hook stated, there will be a tree give away this Saturday April 27, 2024, starting at 8am at the compost. This year it will be first come first serve, no registration. To avoid trees getting left behind. Interested parties need to bring a utility bill. Constituents will be allowed 2 trees and there are 6 species.

The next Bentonville City Council meeting will be on May 14, 2024.



Malorie Marrs, City Clerk



Stephanie Orman, Mayor

