

Bentonville City Council

Meeting Minutes

May 14, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 14, 2024, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Beckie Seba, Cindy Acree, Holly Hook, Chris Sooter, Aubrey Patterson, 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 Gayatri Agnew joined later in person.

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 23, 2024, meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (7-0) *Council Member Agnew was absent at this time.

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 (7-0). *Council Member Agnew was absent at this time.

I. New Business:

1. Proclamation recognizing May 2024 as "National Drug Court Month". Mayor Orman read the proclamation and gave the Spirit of Bentonville award given in conjunction with the proclamation to the owners of Capriotti Sandwich Shop. Mayor Orman shared their contributions to the community specifically with the half marathon and took a picture. Matthew spoke on the significance of Drug Court, and how much it has helped the community.

Mayor Orman took time to recognize a proclamation for the law enforcement officers, that was given during a LEDA training session on Monday May 13th, 2024. She highlighted key stats to signify the importance of the Police Week Proclamation.

2. May Commercial Landscape Award to Best Friends Animal Society. Recognition by the City Council of the landscaping on commercial property located at 1312 Melissa Drive, the Best Friends Animal Society. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Commercial Landscaping of the Month award winner.
3. May Residential Landscape Award to the Property at 310 Huffman Street. Mayor Orman and City Council recognized the landscaping of residential property at 310 Huffman Street. The property was selected by the Tree & Landscape Advisory Committee and is the May 2024 Residential Landscaping of the Month award winner. Mayor Orman took a photo with the family.
4. Resolution No. 5-14-24 A: Resolution endorsing the permanent installation of artwork titled "Bentonville Bat" by artist Jim Collins on public property in Phillips Park. 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 Sooter. There was no discussion. Motion carried (7-0).

5. Resolution No. 5-14-24 B: A Resolution to award bid # IFB-24-21 to Northside Sales for the purchase of the Honeywell AreaRAE Rapid Deployment Kit. 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 Burckart. There was no discussion. Motion carried (7-0).

6. Ordinance No. 2024-71: An Ordinance to waive competitive bidding requirements, authorizing the Mayor and City Clerk to enter into an agreement with Racom Corporation and Ka-kom, Inc in the amount not to exceed \$129,644.59 for the purchase of additional public safety radio communications equipment. No budget adjustment is needed.

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 (7-0).

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 Burckart. There was no discussion. Motion carried (7-0).

7. Resolution No. 5-14-24 C: A resolution to adopt the Bentonville Police Department 2024 Policy and Procedures Manual with all revisions and new standards. 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 Burckart. There was no discussion. Motion carried (7-0).

8. Ordinance No. 2024-72: An Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Flock Group Inc. for Security Cameras in the park system, in the amount of \$56,040.00, and waiving competitive bidding 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 Burckart. There was no discussion. Motion carried (8-0)
*Council Member Agnew was present in person.

9. Resolution No. 5-14-24 D: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement, in the amount of \$130,862.00, for final design, permitting, bidding documents prep, and construction administration for dam removal and stream restoration on the Little Sugar Creek. 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).

10. Resolution 5-14-24 E: A resolution amending the 2024 budget to appropriate \$65,359.23 from general fund into account number 105030-47390 improvements other than building authorizing for a Repair of the Wishing Springs Trail.

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).

11. Resolution 5-14-24 F: A resolution expressing the willingness of the City of Bentonville to utilize federal transportation for recreation and program funds. Further authorizing the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Moberly to MLK trail project. No budget adjustment needed.

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

12. Resolution 5-14-24 G: A resolution authorizing the Mayor and City Clerk to apply for ARDOT TAP grant funding for the Elm Tree Road Sidepath Improvements. 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).

13. Resolution 4-23-24 H: A Resolution to award Bid IFB-24-31 to APAC Central for SE J and SE Walton Overlay. Authorizing the Mayor and City Clerk to enter into an agreement with APAC Central for the amount not to exceed \$1,883,439.80 and for other purposes.

Mayor Orman stated Council Member Sanchez asked to view the maps. Council Member Acree asked how many miles of overlay is that total, Speaker indicated that it was a little over 3 miles.

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

14. Ordinance 2024-73: An Ordinance adopting amendments to the City Street Specifications. No budget adjustment is needed.

Council Member Burckart to time to appreciate the work done on these amendments.

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).

II. Utility Board

1. Ordinance 2024-74: An Ordinance Waiving Competitive Bidding to Order 1/0 Underground Wire. Approval of an Ordinance to waive competitive bidding to purchase 1/0 UG Wire from Stuart Irby with Unit Prices and estimated quantities attached for \$472,500.00, plus applicable taxes. Approved by Utility Board 5-0. No budget adjustment is needed.

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 Burckart. There was no discussion. Motion carried (8-0).

2. Resolution 5-14-24 I: A resolution to Award Bid IFB-24-28 for the Purchase of Wood Poles from Carpenter's Pole and Piling. Approved by Utility Board 5-0. No 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).

3. Resolution 5-14-24 J: A Resolution to Award Bid IFB-24-32 for the 48" Water Main Repair Materials. Awarding Bid IFB-24-32 for the purchase of 48" Water Main Repair Materials from Northwest Arkansas Winwater and Southern Pipe and Supply. Approved by Utility Board 5- 0. No 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).

4. Resolution 5-14-24 K: A resolution to Award Bid IFB 24-02 ReBid to MVA Power, Inc. for Steel Poles & Switches. The City of Bentonville recommends awarding IFB 24-02 re-bid for the t-line switches/steel poles for the transmission line connection between Substation "G" and Substation "I" to MVA Power, Inc. for \$335,941.17 and associated budget adjustment. 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).

5. Resolution 5-14-24 L: A Resolution to Purchase Two (2) Dump Trucks through Sourcewell Cooperative (Co-Op). Further requesting Council approval for the purchase of two dump trucks from National Auto Fleet Group through participation in the Sourcewell Cooperative (Co-Op) contract 060920-NAF, in the amount of \$258,587.80. Utility Board approved 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 5-14-24 M: A Resolution Approving a Budget Adjustment for Emergency Repair of 48" Water Transmission Main. Further, approving a budget adjustment to recognize total expenses for the repair of the City's 48-inch water transmission main in the amount of \$96,373.64. Utility Board approved this item 5-0. A budget adjustment is needed.

Council Member Sooter (coupled by Council Member Hook) asked about the procedure for getting reimbursed. Mike Bender answered the company has been invoiced and requested a W9 a week ago and stated that everything should be paid back in full. Council Member Burckart appreciated the timeliness of the contractors.

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).

7. Resolution 5-14-24 N: A resolution authorizing the Mayor & City Clerk to enter into an agreement with Crossland Heavy Contractors, Inc. as Construction Manager at Risk for pre-construction services associated with the Water Resource Recovery Facility Improvements Project in an amount not to exceed \$511,945.00. 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. Motion carried (8-0).

8. Item calling a public hearing authorizing the issuance of a revenue bond in the amount of \$97,759,381 for the purpose of financing capital improvements to the downtown wastewater facility and the sale of the bond to the Arkansas Development Finance Authority as part of the State Clean Water Revolving Loan Fund Program.

Mayor Orman opened the public hearing, online and in person no one spoke.

An ordinance will be forthcoming at a future meeting, Mike stated they are waiting on a term sheet from NRD, but had already advertised for a public hearing, and wanted to make sure it was held.

Trying to push by the end of June to have it completed, due to the interest accruing. Council Member Burckart commended the team for staying ahead of everything, as it's a costly process for the City.

III. Planning:

1. Ordinance 2024-75: Property Line Adjustment - Lot 1 of Isom Addition - 509 Northwest D Street (PLA24-0006). An Ordinance Accepting A Property Line Adjustment Of Previously Unplatted Land Creating New Lot 1 Of Isom Addition To The City Of Bentonville, Arkansas; And For Other Purposes. The Planning Commission voted 6-0, 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. Resolution 5-14-24 0: 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. Future Land Use Map Amendment - Haney Enterprises, LLC - Low Density Residential to Medium Density Residential - 841, 843, 855, & 857 Northwest 14th Street (RZ24-0017). The Planning Commission voted 6-0, 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 opposed.

3. Ordinance 2024-76: An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of C-2, General Commercial To R-2, Medium Density Two Family and Townhome Residential; And For Other Purposes. Rezoning - Haney Enterprises, LLC - C2, General Commercial to R-2, Medium Density Two Family and Townhome Residential - 841, 843, 855, & 857 Northwest 14th Street (RZ24-0017). The Planning Commission voted 6-0, 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. Ordinance 2024-77: An ordinance amending a previously approved PUD, changing unit dispersion, and decreasing overall building height. The Planning Commission voted 6-0, 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).

Mayor Orman called for tabling item 5 & 6, as there is an item 7 but it got pulled, but printing malfunctioned in the new agenda software. Council Member Burckart motioned to table, Item 5. Tree Protection and Preservation Ordinance & 6. Art. 1300 Tree Preservation and Protection Amendments Ordinance. Council Member Acree seconded; motion carried (8-0).

Mayor Orman concluded the voting portion of the agenda.

IV. Other Business/Public Comments

1. Public Comments

-Speakers: Destiny Boston, Sarah Turner, Todd Verrone spoke on how the Backroom social club has become a community, and the owners are doing everything they can to comply with noise issues. But Backroom has become a gathering place for various cultures, programming, and families to connect over music.

-Speakers: Cari Williams and Krishni, spoke about protestors during the Bentonville farmers market, and how their crude actions upset her daughter. Council Member Burckart wanted to impress to the police officers the importance of safety during public gatherings.

-Speakers: The Gurel Family. Members of the Gurel family (Samuel, Chandra, Maliya, Elianae, and Malachi) spoke regarding an airport lease retaliation. Samuel began by stating how on March 7th the airport advisory board approved his lease unanimously, but it was never presented to the city council. He discussed an interaction between Director Griffin over the phone, and a meeting with the fire department at the airport. The interaction with the fireman at the airport, threatened to kick him out of the airport. At this point is when Samuel, questioned-asking council about an anti-retaliation clause. Mr. Gurel stated his support of the police and first

responders, but discussed how no evidence was given for why his lease was rescinded. Samuel Gurel's wife Chandra, and three of his children Maliya, Elianae, and Malachi, each spoke further on this situation. Citing their father as an upstanding citizen, described the flight and interactions with the officers, and how they are seeking a fair hearing for their case.

-Speakers: Matt Martin, Susie Nasarro, Michael Edwards, Lauren Tobin, & Kyle Leavritt spoke in favor of the community around the Backroom Social Club and how much it has helped them grow as individuals and musicians alike. Further discussing how much growth specifically in the music and arts arena, have expanded throughout the Bentonville (NWA) area. Backroom is focused on bringing local artists together to create experiences. Backroom has given people a safe space for artists of all types to gather. Backrooms overall mission is to grow with the city.

-Council Member Agnew, asked a clarifying question regarding the noise ordinance that is being drafted regarding the area around the social club, but otherwise there has been no other formal proposals for this body or anything pending that would negatively affect the operations of these businesses. Mayor Orman confirmed, nothing else.

Mayor Orman called for adjournment, seconded by Council Member Sanchez.

2. Committee Reports

Council Member Sanchez:

-Library did not meet. The utility Board met, and is glad to see the materials approved, to have everything prepared for the water pipes.

Council Member Acree:

-Traffic and Signage met. Have several races coming up, that have all been approved. The street promenade closure is going to happen at NE A St, June 3rd- July 3rd in front of the courthouse. The farmers market will not be affected. Discussed parking issues, and how they are going to rectify this. Also discussed the need for speed control in neighborhoods and

trying a speed "cushion", in three neighborhoods, to see if this is something for a long-term solution. Council Member Seba asked how these neighborhoods were chosen. Police Chief stated the city bought a limit to try and that it was complaint driven.

Council Member Seba:

-Public Art voted on artwork for the Water Tower roundabout but will wait to share the design. June 13th is an artist event with the Humongous Fungus artist. Pathways Mural in orchard park will stay. Tim Ernst has artwork lent out on a year loan; some is in city hall. There is a new art ride narrated through an app called Trail Pilot.

Council Member Sooter:

-Parks and recreation met and discussed the opening of the downtown adult wellness center coming in early 2026. It is around a 20-million-dollar private investment. The 8th Street gateway park will receive a 37-million-dollar grant for various projects, the biggest being the elimination of the pump track. Discussed a very successful Square 2 Square event.

Council Member Agnew:

-Appreciated Council Member Burckart sitting on finance committee and was tardy due to being at her children's end of year play.

Council Member Burckart:

-Discussed Finance Committee. They received a little more information on the repairs and stressed the importance of the recent public hearing, and to keep the forthcoming ordinance regarding the bond, moving as it will save a tremendous amount of money, especially in interest. In a few weeks will have discussions regarding cash flow challenges, and what needs to be done regarding those issues. Addressing how the city will address any shortcomings, as we continue to proceed forward with various City improvement projects.

Council Member Hook:

- Quick question regarding when the flyover will be rescheduled. Council Member Sooter stated it is May 29th, and there will be a ribbon cutting.

- Tree and landscaping have not met, no report.

Council Member Sanchez asked about protestors during the farmer's market. Mayor Orman and the Police Chief indicated they have been working on this issue with DBI as well. Police Chief discussed how they have a first amendment area. But this does not mean harassing is allowed.

Council Member Acree asked about putting the airport issue on the committee of the whole. Various Council Members discussed the airport item and stated that the airport committee doesn't have jurisdiction to vote on such items. They can just make recommendations.

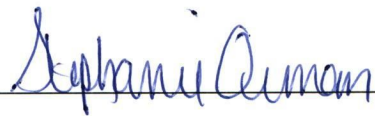
Council Member Agnew wanted to clear up the policy regarding public comments and sharing time. And wants to make sure everyone has the ability to speak and share, no matter how long it takes.

Adjournment

The next Bentonville City Council meeting will be on May 28, 2024.



Malorie Marrs, City Clerk



Stephanie Orman, Mayor

