

Bentonville City Council

Meeting Minutes

June 25, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, June 25, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Gayatri Agnew, Beckie Seba, Cindy Acree, Holly Hook, Chris Sooter, and Bill Burckart. Council Member Aubrey Patterson joined online via zoom. 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.

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 present, Ethan from troop 36.

Motion was made by Council Member Sanchez to approve the minutes June 11th regular council meeting as presented, second by Council Member Acree. 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. New Business

- a. Motion was made by Council Member Agnew to approve Resolution items 1-12 & 14 on the agenda as whole, seconded by Council Member Sooter. There was no discussion. Motion carried (8-0).
City Attorney Andrew Myers, read each resolution by title only.

1. **Resolution 6-25-24 A: Resolution Approving a Budget Adjustment to Reallocate Funds for the Purchase of Library Furniture.** Resolution approving a budget adjustment for Bentonville Public Library (BPL) to reallocate funds for the purchase of furnishings in an amount not to exceed \$50,000.00 total. A budget

adjustment is needed to reallocate already budgeted funds from Plants and Building to Furniture and Fixtures.

2. **Resolution 6-25-24 B: Resolution Amending the 2024 Budget for the Purchase of a Bibliotheca remoteLocker Tower.** Approval of a Resolution amending the 2024 budget to transfer Impact Fee revenue, in the amount of \$11,500.00, for the purchase of an additional remoteLocker tower. A budget adjustment is needed to transfer Impact Fee revenue.
3. **Resolution 6-25-24 C: Resolution awarding bid IFB-24-43 to SafetyMed, LLC for 30 Automated External Defibrillators (AED).** Resolution approving the award of IFB-24-43 to SafetyMed, LLC for the purchase of 30 automated external defibrillators, in an amount not to exceed \$58,427.88. This is the second lowest bid with the lowest bid being an alternative bid by the same company which was rejected. No budget adjustment is needed.
4. **Resolution 6-25-24 D: Resolution to enter into an agreement with CEI for Design, Engineering, and Permitting Services.** Resolution authorizing the Mayor and the City Clerk to enter into an agreement with CEI, in the amount of \$97,550.00, for the design, engineering, and permitting services for the McKissic Creek permanent stream bank stabilization project. A budget adjustment is needed.
5. **Resolution 6-25-24 E: Resolution Amending Walton Family Foundation Grant #108601 for McKissic Creek Trail design.** Resolution approving a grant amendment with Walton Family Foundation, increasing the total grant amount by \$70,000.00, for additional design and erosion services for the McKissic Creek Trail project. A budget adjustment is needed to recognize grant funds.
6. **Resolution 6-25-24 F: Resolution Accepting a Walton Family Foundation Grant for the Bentonville High School Trail Project.** Resolution authorizing the Mayor and Clerk to accept a grant in the amount of \$2,349,984.00 from the Walton Family Foundation for the construction and construction administration of Bentonville High School Connector trail. A budget adjustment is needed to recognize grant funds.

7. **Resolution 6-25-24 G: Resolution authorizing an Agreement with Crafton Tull for School Trail Construction Administration.** Authorization for the Mayor and City Clerk to enter into an agreement with Crafton Tull, in the amount of \$81,150.00, for construction observation and administration services for the Bentonville High School Connector Trail project. No budget adjustment is needed.
8. **Resolution 6-25-24 H: Resolution to Award Bid IFB-24-30 to 81 Construction for the Bentonville High School Trail Project.** Approving Bid Award IFB-24-30 to 81 Construction, in the amount of \$2,277,889.00, for the construction of the BHS Connector Trail project. No budget adjustment is needed.
9. **Resolution 6-25-24 I: Resolution for the Purchase and Installation of Playground Equipment at Gilmore Park.** Authorizing the purchase and installation of playground equipment at Gilmore Park, by Landscape Structures, Inc., in an amount not to exceed \$255,595.40. No budget adjustment is needed.
10. **Resolution 6-25-24 J: Resolution accepting a Bid Award IFB24-42 for Sod at Memorial & Citizens Parks Soccer Fields.** Resolution to award bid IFB-24-42 to Diamond C Construction in the amount of \$109,288.00 for the purchase and installation of 188,000 square feet of Bermuda sod for the renovation of Memorial and Citizens Parks soccer fields surfaces. No budget adjustment is needed.
11. **Resolution 6-25-24 K: Resolution Entering into an Agreement - Heartland Business Systems for Data Storage Replacement.** Authorizing an agreement with Heartland Business Systems for battery and battery backup replacement, in an amount not to exceed \$43,295.59, through participation in TIPS Contract #220105. No budget adjustment is needed.
12. **Resolution 6-25-24 L: Resolution approving Change Order #3 of PIIP22-0010 NW 9th & D Construction.** Approving Change Order #3 with Crossland Heavy Contractors, in an amount not to exceed \$44,581.46, for storm infrastructure realignment and a waterline relocation at the corner of NW Jackson and D St. No budget adjustment is needed.

13. *Item 13 (Voted on with a separate motion)*

14. **Resolution 6-25-24 N: Resolution amending Professional Services Agreement with Thompson Consulting Services, LLC.** Resolution amending the professional services agreement with Thompson Consulting Services, LLC for Task Order #1, covering post disaster grant management consulting and debris monitoring services, in an amount not to exceed \$2,301,124.80. A budget adjustment is needed.

City Attorney Andrew Myers read resolutions A-L & N by title only. Motion to approve by Council Member Agnew, second by Council Member Sooter.
Motion carried (8-0).

13. **Resolution 6-25-24 M: Resolution Extending Expiring Planning Commissioners Terms.** A resolution extending the term of Position 1 and Position 4 on the Planning Commission from expiring on July 1, 2024 to expiring on August 1, 2024. No budget adjustment is needed.

Council Member Agnew expressed her appreciation in support of this item. The Mayor further stated that it has been very good, as they have had a lot of really good people apply.

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

II. **Utility Board**

1. **Ordinance 2024-92: Ordinance Updating Utility Terms and Conditions of Service.** Request approval of ordinance to update Terms and Conditions of Service. Approved by Utility Board 5-0. No budget adjustment is needed.

Council Member Burckart asked a clarification question regarding the changes, mentioning if it was just an infrastructure change. It was answered that it is just the terms and conditions. Council Member Sanchez also discussed the changes are the limitations for the customers and the city, when reviewing invoices. It is a more simplification process.

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).

2. **Ordinance 2024-93: Ordinance Waiving Competitive Bidding to Order 3ph**

Transformers. Approval of an Ordinance to waive competitive bidding to purchase 3ph Transformers from AECl, with Unit Prices and estimated quantities attached for \$248,600.00, 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 Three, 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).

3. **Resolution 6-25-24 O: Resolution to enter into an Agreement with Jacob's Engineering Group, Inc for RFP-24-10.**

Resolution authorizing the Mayor and City Clerk to enter into an Agreement with Jacob's Engineering Group, Inc. under RFP-24-10 for the design and implementation of VTScada at the I St pump station in the amount of \$117,404.83. 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).

4. **Resolution 6-25-24 P: Resolution to award Bid IFB-24-27 IDIQ for Water and Sewer Maintenance Work.**

Approval to award IFB-24-27 to Ross and Co. Construction, Inc per the Unit Prices attached, for a Contract amount not to exceed \$500,000.00, for water and sewer maintenance work. 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).

III. Planning

1. **Ordinance 2024-94: Lot Split - 1126 FILLMORE LLC - Lot 27 and 28, Block 14 of W.A. Burk's Addition - 1126 Fillmore Street (LS24-0015).** An Ordinance Accepting A Lot Split Of Lot 18, Block 14 Of W.A. Burk's Addition Creating New Lots 27 And 28. Block 14 Of W.A. Burk's 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. **Ordinance 2024-95: Final Plat - WAL-MART STORES EAST LP - Lot 1 Walmart Campus Subdivision, Phase 5 - 1600 Southeast 8th Street (FP24-0001).** An Ordinance Accepting A Final Plat Of Lot 1 Walmart Campus Subdivision, Phase 5 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).

IV. Presentation

1. **2024 Street Overlay/Street Sealant Plan** from Street Manager Tony Davis

Tony Davis presented before City Council a power point presentation regarding the identification of the city's overlay and sealant plans. The city has more miles this year than ever before. The current budget for overlays is \$1 million in 2024. The city had a professional consultant come drive all roads and rate them.

SW A St was overlayed at \$300,000 giving roughly .87 miles of overlay. The bond projects overlaying SE J from hwy 102 to Walton 1.5 Miles & SE Walton rainbow curve, to new interstate, a little over 2 miles. This bond project will take place at night 7pm-6am. There is a penalty clause if they don't open roads by 6am.

Presented roads for treatment and overlay. Able to do 2.73 miles in 2024. Chose the list based on the street inventory map presented with a grading system, and how to prioritize the roads, which is good for 3 years. The PCI rating is over 85 which is great for a city the size of Bentonville.

1.5 miles of contract overlays to be bid out in the next 4-6 weeks.

Total road miles in 2024: 14.62, most ever done was over 11 miles in 2023. The bond among other funding sources helped to get more sealed and overlaid for 2024.

Council Member Sooter asked a question regarding if striping was in the cost, or if that is separate. Davis mentioned this includes striping with the bond project, but otherwise it is temporary.

Council Member Hook, reinstated the PCI rating, and stated the continual growth. Hook further asked about the heavy equipment on the roads regarding the debris removal etc. And scraping. Tony Davis mentioned that they are keeping an eye on them.

Council Member Burckart, asked questions regarding gapping in the asphalt, and the growth of vegetation, and how they continue to grow. A lot are in the older neighborhoods off Wellington. Tony Davis did mention there is a crack seal program. Around the 70 degree mark will revisit those. Davis mentioned they are using 12.5 mm with a higher viscosity, which is heavier and ARDot specs.

Mayor Orman called for a motion to adjourn, moved by Council Member Acree, second by Council Member Sanchez. Motion Passes.

V. Other Business/Announcements/Comments

1. Committee Reports:

- a. Council Member Sanchez: Library Met, they have a new 9 bin sorter, and are looking to name it through a contest. Everyone is welcome to provide a name. Utility board met, and got the items discussed in council.
- b. Council Member Sooter: A &P met. Hotel and Airbnb up in May. Have about 5 new hotels opening in the next 9 months.
- c. Council Member Agnew: Finance met. Did an overview of the budget process and capital improvement plan.
- d. Council Member Hook: Tree and Landscaping met. Discussed the loss of trees etc., Shelley gave an update on the city's role within this, and talked about how to regain the canopy structures through a survey. The Urban Forrest Strike Team came in and assessed the tree damage among the

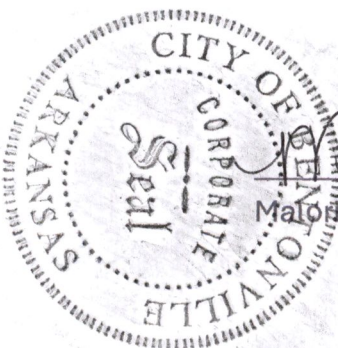
parks. Noting a lot of trees will need to be replaced. This organization comes in after natural disasters just to assess tree damage.

2. Mayor Orman & other updates:

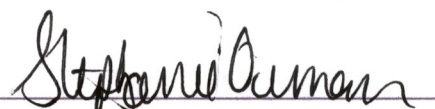
- a. Debris removal for July 3-6th, organize groups to help to get anymore debris to the curve; second swipec through the city- July 7th, will be pickup. City did a commercial assessment and waiting to get that through FEMA.
- b. Fourth of July fireworks will be in the soccer fields this year. City working to tell everyone to monitor shooting off around the debris.
- c. Burckart mentioned about the longevity of people shooting off fireworks beyond the 4th. Mayor indicated to call the non-emergency number.
- d. Council Member Seba asked the Mayor to thank Lisa (assistant), for all her work and help getting individuals help as needed with debris.
- e. Council Member Sooter asked about the Bates Hospital site, regarding it being a dump site. Mike Bender stated that is for the city and not private. Sooter further asked how long it will be there, Bender mentioned that that it will be about 60-90 days. Sooter asked about the stumps, as they are in the way. Bender mentioned there is a process, and the Mayor stated they will work on a message regarding stump removal. Sooter mentioned some neighborhoods have contacted a person in Huntsville that has moved 5,000 lbs of trees to be made into reclaimed furniture.
- f. Adam with Thomas is looking for private land owners to take disposal items, as it would save the city a lot of money, in the final disposal.
- g. Mayor Orman mentioned that Republic Services can take one bulk item every Wednesday.

Meeting Adjourned

The next Bentonville City Council meeting will be on Tuesday July 9, 2024.



Malorie Marrs, City Clerk


Stephanie Orman, Mayor