# Bentonville City Council
# Meeting Minutes
# August 13, 2024

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 13, 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, Aubrey Patterson (online), 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.

Mayor Orman called the meeting to order, and Scout Stephen Heading 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 Sanchez to approve the minutes of the July 23rd regular council meeting as presented, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Seba to move public comments to the beginning of the meeting, due to family needs of a speaker at home, seconded by Council Member Agnew. Motion carried (8-0)

**IV. Public Comment**

1. Luke Powers spoke regarding adding an item to an upcoming council meeting, regarding an establishment of an active transportation advisory committee.
2. Sam Hoisington, founder of the Bentonville Bulletin, and has been actively coming to city council meetings since January. His paper has around 4,000 subscribers now. He and his team, would like to get more involved with what's going on at city council meetings.

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).

A motion was made by Council Member Agnew, stating that finance committee recommended a consent agenda for items: New Business 4, 5, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 19, 20, 22, & 24. Utility Board items, 1, 3, 4, & 5. Second by Council Member Burckart. Motion passes (8-0).

City Attorney Andrew Meyers read the Resolutions & Ordinances by title only for the consent agenda items.

I. **New Business **Consent items***

4. <u>Resolution 8-13-24 C:</u> **Resolution to Accept a Grant from the Walton Family Foundation for a Tree Canopy Assessment.** A resolution to accept a grant from the Walton Family Foundation in the amount of $90,000.00 for the completion of a tree canopy assessment and action plan. A budget adjustment is needed to recognize said funds.

5. <u>Resolution 8-13-24 D:</u> **Resolution to accept an EECBG Program Rebate Voucher for Two (2) EV Police Vehicles.** Resolution to recognize and accept an Energy Efficiency and Conservation Block Grant (EECBG) program equipment rebate voucher, in the amount of $117,322.00, to purchase two (2) fully electric 2024 Chevrolet Blazers, as equipped. A budget adjustment is needed to recognize and appropriate funds upon repayment.

6. <u>Resolution 8-13-24 E:</u> **Resolution to Award Bid IFB-24-41 to Superior Automotive Group to Purchase (2) Police EV Vehicles.** Resolution to award bid IFB-24-41 to Superior Automotive Group in Siloam Springs, AR in the amount of $117,322.00 for the purchase of (2) 2024 Chevrolet Blazers EV Police Pursuit Vehicle (PPV-eAWD), as specified. Superior Auto Group of Siloam Springs, AR was the only responsive bid received. This is not a budgeted item and funds will be reimbursed from a EECBG rebate voucher. No budget adjustment is needed.

7. <u>Resolution 8-13-24 F:</u> **Resolution to accept Bureau of Justice Assistance (BJA) Grant for Bullet Proof Vests.** Resolution to recognize and accept the Bureau of Justice Assistance (BJA) grant in amount of $44,407.00 under the Fiscal Year (FY) 2023 Patrick Leahy Bulletproof Vest Partnership (BVP) program. This is a 50/50 reimbursement of funds and will be used for purchases of bullet proof vest from 2023 to 2025. The cost of the vests are included in the Police Department operating budget. A budget adjustment is needed to recognize and appropriate funds upon repayment.

8. <u>Resolution 8-13-24 G:</u> **Resolution to Award Bid IFB-24-49 to Superior Automotive Group for a Police Vehicle Purchase.** Resolution to award bid IFB-

24-49 to Superior Automotive Group in Siloam Springs, AR in the amount of $39,435.00 for the purchase of one (1) 2024 Chevrolet Traverse, as specified. Superior Auto Group of Siloam Springs, AR was the only responsive bid received. This is a budgeted item. No budget adjustment is needed.

**10. Resolution 8-13-24 I: Resolution to approve Northwest Hospital to Provide Annual Physicals for Firefighters and some Police Officers.** Resolution authorizing the Mayor and City Clerk to enter into an agreement with Northwest Arkansas Hospitals, LLC to provide annual physicals for Firefighters and some Police Officers not to exceed $136,000.00. This is the 2nd year of a 3 year contract for these services. The update to the contract is to provide a Fit for Duty Form to the City of Bentonville Human Resources Department after the physical is completed. This is a budgeted item. No budget adjustment is needed.

**11. Resolution 8-13-24 J: Resolution to Award Bid #IFB-24-26 IDIQ Sidewalks and Other Concrete Work.** Resolution to award bid IFB-24-26- IDIQ Sidewalks and Other Concrete Work to Milestone Construction Company, LLC per the unit prices attached, for a contract amount not to exceed $1,500,000.00. Milestone Construction was the lowest bid received. No budget adjustment is needed.

**13. Resolution 8-13-24 L: Resolution to Accept Grant Funding from the Walton Family Foundation for 8th Street Gateway Park.** Resolution to accept a grant from the Walton Family Foundation in the amount of $32,500,000.00, for construction of the 8th Street Gateway Park. A budget adjustment is required to appropriate and allocate grant funds.

**14. Resolution 8-13-24 M: Resolution to Enter into an Agreement with Crossland Construction for 8th Street Gateway Park.** Resolution authorizing the Mayor and City Clerk to enter into an amended GMP agreement with Crossland Construction, in the amount of $38,067,346, for the construction of 8th Street Gateway Park. A budget adjustment is needed to allocate impact fees.

**15. Resolution 8-13-24 N: Resolution to Enter into an Agreement with PORT for Construction Administration.** Resolution authorizing the Mayor and City Clerk to enter into an agreement with PORT for construction administration at the 8th Street Gateway Park project, in the amount of $603,350.00. No budget adjustment is needed.

**16. Resolution 8-13-24 O: Resolution entering into an Agreement with GTS for Geotech Testing for 8th Street Gateway Park.** Resolution authorizing the Mayor and City Clerk to enter into an agreement with GTS for Geotech Testing for 8th

Street Gateway Park project, in an amount not to exceed $239,855.00. No budget adjustment is needed.

17. <u>Resolution 8-13-24 P:</u> **Resolution to Enter into a Grant Agreement for the Bentonville Adult Recreation Center.** A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Town Branch Foundation in the amount of and The budget adjustment is shown on the following page.

19. <u>Resolution 8-13-24 Q:</u> **Resolution Amending the Agreement with Flintco, LLC for the Bentonville Adult Recreation Center.** A resolution for the Mayor and City Clerk to enter into an amended agreement with Flintco, LLC, at the guaranteed maximum price of $22,049,119.00, for construction of the Bentonville Adult Recreation Center. No budget adjustment is needed.

20. <u>Resolution 8-13-24 R:</u> **Resolution to Enter into an Agreement with GTS for Geotech Services for the Adult Recreation Center.** A resolution authorizing the Mayor and City Clerk to enter into an agreement with GTS, Inc. in the amount of $69,255.00 for geotechnical services for the construction of the Bentonville Adult Recreation Center. No budget adjustment is needed.

22. <u>Resolution 8-13-24 S:</u> **Resolution to Accept Grant Funding from the Walton Family Foundation for Quilt of Parks.** Resolution to accept a grant from the Walton Family Foundation in the amount of $2,000,000.00, to purchase property at 221 S Main needed for the Quilt of Parks Project. A budget adjustment is needed to recognize grant funds.

24. <u>Resolution 8-13-24 T:</u> **Resolution to Authorize an Offer for the purchase of property at 221 South Main Street, Bentonville.** Resolution authorizing the Mayor and Clerk to enter into an agreement with Benton County, for the purchase of a building and land located at 221 South Main Street, Bentonville, Arkansas, in the amount of $4,650,000.00. No budget adjustment is needed.

Motion to amend the address to 221 in the resolution by Council Member Burckart, seconded by Council Member Acree. Motion passes 8-0.

**II. Utility Board **Consent Items***

1. <u>Resolution 8-13-24 U:</u> **Resolution to Accept a Grant from the Alice Walton Foundation for Wastewater Improvements.** Resolution to accept a grant from the Alice Walton Foundation in the amount of $3,000,000.00. A budget adjustment is needed to recognize said funds. The budget adjustment is shown

on the following page. Utility Board voted 4/1 to approve. A budget adjustment is needed.

3. <u>Resolution 8-13-24 V:</u> **Resolution approving the Shewmaker and Townbranch Sewer Basin Analysis and Preliminary Design.** Resolution approving the Mayor and City Clerk enter into an agreement with Garver Engineering to conduct an analysis on the Shewmaker and Townbranch sewer basins. The agreement will include an evaluation of the current conditions, future buildout and the cost associated with proposed improvements. Garver will provide conceptual design on two critical infrastructure projects. The analysis will look closely at existing lift stations within the basins. Utility Board voted 5-0 to approve. No budget adjustment is needed.

4. <u>Resolution 8-13-24 W:</u> **Resolution to Purchase an F550 Truck Chassis through the Sourcewell Co-op for $73,300.00.** Resolution requesting Council approval for the purchase of an F550 truck chassis from National Auto Fleet Group through participation in the Sourcewell Cooperative (Co-Op) contract 032824-NAF, for $73,300.00. This truck is approved in the 2024 budget. Utility Board voted 5-0 to approve. No budget adjustment is needed.

5. <u>Resolution 8-13-24 X:</u> **Resolution approving a Budget Adjustment for Water Utilities Contracted Services.** Staff requests a Resolution to approve a budget adjustment in the amount of $430,079.15 to cover anticipated additional costs associated with maintenance of the water system through the end of the year. This includes $70,279.26 for materials and maintenance, $106,587.89 for directional boring services through the annual IFB 22-68 boring contract, and $253,212.00 for contracted water system repairs through the annual IFB-24-27 IDIQ water and sewer maintenance contract. Approved by Utility Board 5-0. A budget adjustment is needed.

Motion made by Council Member Burckart to approve the consent agenda, seconded by Council Member Sanchez. Motion passes 8-0.

Council Member Sooter noted that tonight was an amazing night for grant approval, with $60,000,000 (million), getting passed tonight ranging from sewer to parks, etc. Also noting that there were times the city budget didn't reach the 60 million amount.  Pretty incredible growth.

Mayor Orman took time to thank the staff for everything.

I. **New Business *CONTINUED***

1. **Ordinance 2024-109: Ordinance Amendment to Continue the Suspension of Business Registry Fees.** An ordinance to extend the suspension of the business registration fee until December 31, 2024. No budget adjustment is needed.
   Council Member Sanchez mentioned that he would like to amend the year or eliminate the fee completely.

   Council Member Hook mentioned that she voted on this due to AirBnB fee, but that was denied. And would like to see it removed.

   Council Member Burckart explained that we have implemented the fee, and it has passed in council, even though he didn't approve it, but now if wanting to be removed, council will need to find a way to do so. Burckart further stated that he agrees with Council Member Sanchez, but unless the program is removed, we will need to keep the fee.

   Council Member Hook, mentioned that she had a lot of constituents bombarded her with emails regarding the fee and its implementation.

   Council discussed how the fee was a burden to businesses, with Council Member Sanchez mentioning that we don't need the money.

   Council Member Sanchez mentioned that if it couldn't be removed tonight to at least change the year. Council Member Burckart restated that he agrees it is a burden, but needs to be spoken on as its own agenda item.

   Council Member Sanchez motioned to remove the fee but keep the license, seconded by Council Member Seba. Vote was spilt 4-4, Yes-Seba, Hook, Sanchez, Acree. No-Sooter, Agnew, Burckart, Patterson. Mayor Orman withdrew her vote.

   City Attorney Andrew Meyers reread the ordinance by title as stated. Council Member Sooter motioned to approve the ordinance, seconded by Council Member Burckart. Original title and ordinance passes. (8-0).

   City Attorney Andrew Meyer read the emergency clause, allowing the ordinance to be in full force by the date of its passage. Motion moved by Council Member Sanchez, second by Council Member Agnew. Motion passes (8-0).

Council Member Burckart asked if council would like to put it on the agenda for further discussion. Council Member Sanchez motioned to put this on a future agenda to review the concept of business license. Seconded by Council Member Acree. Mayor Orman mentioned that at the next meeting there will be more information being provided regarding this situation. Council Member Sanchez withdrew his motion since there was going to be discussion on the next agenda.

2. **Resolution 8-13-24 A: Resolution Adopting a Wayfinding Signage Policy.** A resolution adopting a Wayfinding Signage Policy that sets forth criteria for destinations to be featured on wayfinding signs, outlines the process for evaluating requests for inclusion, and specifies design standards for the fabrication and installation of these signs. No budget adjustment is needed.

Mayor Orman mentioned there was a need to table this item. Further discussion was had by the speaker present, that there were questions regarding the criteria, and how they would like to spend a little time talk to Kaylene Griffith who put the item together, to get clarification.

City Attorney Andrew Myers read the resolution by title only. Motion to table by Council Member Sooter, second by Council Member Burckart. Motion carried (8-0).

3. **Resolution 8-13-24 B: Resolution Endorsing Temporary Installation of Artwork in Downtown Alley - "The Red Ball Project".** A resolution endorsing the temporary one-day installation of artwork titled "The Red Ball Project" by artist Kurt Perschke on public property in the alley between 114 and 120 W Central Ave on Sept. 11, 2024. 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 Acree. Motion carried (8-0).

9. **Resolution 8-13-24 H: Resolution to retire police K9, Kolyok, and transfer ownership to Sergeant Andrew Burger.** Resolution to retire Bentonville Police Department canine, Kolyok. This canine is suitable for transfer and surplus based on the needs of the department and with the canine being at the end of its working life. Kolyok and Sergeant Andrew Burger have provided 5 years of dedicated service as a "K9 team" to the Bentonville Police Department. Upon retirement, ownership would transfer to Sergeant Andrew Burger. No budget adjustment 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).

12. **Resolution 8-13-24 K: Resolution to Award Bid #IFB-24-46 to Innovative Roadway Solutions for Mastic Sealer.** Resolution to award bid IFB-24-46 2024 (Mastic Sealer for City of Bentonville Streets) to Innovative Roadway Solutions per the unit prices attached. Innovative Roadway Solutions was the lowest bid received. This is a budgeted item. 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. Motion carried (8-0).

18. **Ordinance 2024-110: Ordinance Amending Pay Plan to Create a Recreation Facilities Manager Adult Recreation Center.** Amending the 2024 Pay Plan to add one Recreation Facilities Manager grade 34 to the Parks and Recreation department. This position will manage the Adult Recreation Center. No budget adjustment is needed.

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

21. **Ordinance 2024-111: Ordinance approving a Waiver of Bid for MOU amendment with 37 North Expeditions.** Approving a bid waiver to amended the MOU with 37 North Expeditions, to provide camp services for Bentonville Parks and Recreation. 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. Motion carried (8-0).

**23. Ordinance 2024-112: Ordinance Authorizing a Loan Agreement with Walton Family Foundation for Quilt of Parks.** Ordinance authorizing the Mayor and Clerk to enter into a loan agreement with the Walton Family Foundation, in an amount of $2,650,000.00 plus closing costs, for the purchase of property at 221 South Main Street for the Quilt of Parks Project. A budget adjustment is needed.

Council Member Sanchez moved to amend the address in the ordinance title, seconded by Council Member Sooter. Motion carried (8-0).

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

Council Member Burckart stated that he appreciated, the timeliness to get this purchase done.

City Attorney Andrew Meyer read the emergency clause, allowing the ordinance to be in full force by the date of its passage. Motion moved by Council Member Sanchez, second by Council Member Hook. Motion passes (8-0).

## II. Utility Board *CONTINUED*

**2. Ordinance 2024-113: Ordinance Amending Pay Plan Creating the Positions of Project Manager and Project Coordinator.** Addition of four positions (2) Project Managers grade 204 and (2) Project Coordinators grade 106 to the Sewer department. The Utility Board voted 5-0 to approve. 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. Motion carried (8-0).

City Attorney Andrew Meyer read the emergency clause, allowing the ordinance to be in full force by the date of its passage. Motion moved by Council Member Hook, second by Council Member Seba. Motion passes (8-0).

## III. Planning

**1. Ordinance 2024-114: Property Line Adjustment - Osage Hills Phase 1 Easement Plat.** An Ordinance Accepting A Property Line Adjustment Of Osage

Hills Subdivision Creating New Right Of Way Dedication To The City Of Bentonville, Arkansas; And For Other Purposes.

Southwest Pawhuska Street- 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.
Motion carried (8-0).

2. **Ordinance 2024-115: Property Line Adjustment - Lot 234 of the Original Town of Bentonville.** An Ordinance Accepting A Property Line Adjustment Of Part Of Lot 159 Of The Original Town Of Bentonville Creating New Lot 234 Of The Original Town Of Bentonville To The City Of Bentonville, Arkansas; And For Other Purposes.

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.
Motion carried (8-0).

3. **Ordinance 2024-116: Lot Split - Lots 8, 9, and 10 of Green Acres Subdivision.** An Ordinance Accepting A Lot Split Of Lots 1 And 2, Green Acres Subdivision Creating New Lots 8, 9, And 10, Green Acres Subdivision To The City Of Bentonville, Arkansas; And For Other Purposes.

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.
Motion carried (8-0).

4. **Ordinance 2024-117: Final Plat - WM Campus Zone 4,Ph 2 - Bldg G (ACT).** An Ordinance Accepting A Final Plat Of Lot 1, Walmart Campus Subdivision, Phase 7 To The City Of Bentonville, Arkansas; And For Other Purposes.

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 Hook.
Motion carried (8-0).

**5. Ordinance 2024-118: Rezoning - Martin - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential.** 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.

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.
Motion carried (8-0).

**6. Resolution 8-13-24 Y: Future Land Use Map Amendment - Suite Spaces LLC - Public/Semi-Public to Medium Density Residential (MDR).** A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Residential Estate To General Commercial; And For Other Purposes.

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).

**7. Ordinance 2024-119: Rezoning - Suite Spaces LLC - A-1, Agriculture to C-2, General Commercial.** 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

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 Acree.
Motion carried (8-0).

**8. Resolution 8-13-24 Z: Future Land Use Map Amendment - Park Street - Public/Semi-Public to Medium Density Residential (MDR).** 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.

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).

**9. Ordinance 2024-120: Rezoning - Park Street - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential.** 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.

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.
Motion carried (8-0).

**10. Ordinance 2024-121: Rezoning - WINFIELD GROUP LLC - RO, Residential Office to C-2, General Commercial.** An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-O, Residential Office To C-2, General Commercial; And For Other Purposes.

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.
Motion carried (8-0).

Mayor Orman concluded the voting agenda, motion to adjourn by Council Member Sanchez, seconded by Council Member Burckart. Motion passes.

Meeting Adjourned

## IV. Other Business/Announcements/Comments

**1. Committee Reports**

a. Council Member Sanchez: The library continues to progress with their building. It will be closed next month (September), to continue forward. Discussion in the library about art in the main hall. Utility Board items were on the agenda.

b. Council Member Acree: Traffic and Signage met. All the issues this time had to do with traffic calming and parking, as there is a lot of construction. There will be addition striping on rainbow rd. corner. Talked about slow street signs being used in areas. It's just a very complicated process. April 26th is approved for the Heart Walk. Tabled discussing the Walmart parking items.

c. Council Member Seba: Airport board met, having a special meeting to discuss the leases on the hangers. Working on the grant for the runway widening, and the hanger access road. Working hard to stay on top of getting as much grant money as possible. Public Art met, will most likely see an all-bikers welcome under the 3rd street tunnel.

d. Council Member Sooter: Parks board met, and approved art called View Here by Creekside Park, report on summer camps 2,500 campers brought in 320K ish in revenue, everything was very successful.

e. Council Member Agnew: Finance Committee met, spoke about the items on the agenda.

f. Council Member Burckart: Further discussion on the CIP to discuss the cashflow, and possible revenue sources over the next several years. Wants to commend the finance committee for all they do, and their involvement to have the hard discussions.

g. Council Member Hook: Wanted to pass along thanks for the passing of the resolution regarding the tree canopy.

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

Malorie Marrs, City Clerk

Stephanie Orman, Mayor

CITY OF BENTONVILLE
CORPORATE
SEAL
ARKANSAS