

Bentonville City Council

Meeting Minutes

October 22, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 22, 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 (via zoom), Holly Hook, Chris Sooter, Aubrey Patterson, 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.

Mayor Orman called the meeting to order, and a Scout Member 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 October 8th, regular council meeting as presented, second by Council Member Agnew. 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 Agnew. There was no discussion. Motion carried (8-0).

I. New Business

- a. Public Comment to be Heard with Agenda Item
Council Member Sanchez motioned to have public comment moved to the beginning of the meeting as there was only one person signed up; Council Member Seba seconded. Motion carried.
- b. Kelly Crossland spoke regarding the 1602 3rd St property. Kelly encouraged council to deny the rezoning that was tabled at the October 8th meeting, due to concerns about safety, garbage, traffic, green space, and other issues. Asked to keep the zoning residential.

1. Resolution 10-22-24 A: Resolution to Recognize Captain John Hubbard on his Retirement from the City.

Request that the City Council adopt a formal resolution to recognize, commend, and congratulate Captain John Hubbard on his retirement from the City of Bentonville Police

Department, effective October 31, 2024. This resolution recognizes John Hubbard for over 33 years in law enforcement with 30 of those years dedicated to the Bentonville Police Department and the citizens of Bentonville. This resolution also wishes John Hubbard much health, happiness, and continued success in all his future endeavors.

Mayor Orman read the retirement statement aloud, once concluded presented the statement to Captain Hubbard. A group photo of all officers present and family members was taken with the mayor. Captain Hubbard gave remarks of gratitude for the city.

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 passed (8-0)

2. **Proclamation: Bentonville Public Library Proclamation, Staff Recognitions and Ribbon Cutting Invitation**

Mayor Stephanie Orman will share a special proclamation for Bentonville Public Library (BPL) with City Council in advance of BPL's Ribbon Cutting and Welcome Celebration. The community event is scheduled for Wednesday, October 30, 2024 at 5 PM. Staff recognition by the Mayor and Library Director will also be shared with City Council on October 22nd.

Mayor Stephanie Orman read the proclamation out loud, and stated that the official proclamation would be recited again at the official ribbon cutting, on October 30th. Hadi Dudley, Library Director, spoke regarding thanks to the incredible library team, along with all those who were involved in the planning both financially and as patron/board members.

3. **Proclamation: Recognizing October 2024 as National Community Planning Month.**

A proclamation designating October 2024 as Community Planning Month in Bentonville, Arkansas. Mayor Stephanie Orman read the proclamation aloud. Members from the Planning Department came forward to have a picture taken with the Mayor.

4. **Resolution 10-22-24 B: A resolution approving Artwork in the Roundabout at NE J Street and John DeShields Boulevard**

A resolution to approve the permanent installation of sculptural artwork by Natasha Bowdoin on public property in the NE J St and John DeShields Blvd Roundabout. 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 passed (8-0)

5. **Resolution 10-22-24 C: Resolution approving Greenway Tunnel Artwork at Walmart Campus at SE 8th Street**

A resolution allowing Walmart to curate the installation of an ombre mural by Graham Edwards on the trail tunnel under SE 8th St on the Walmart Corporate Campus. 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 passed (8-0)

6. **Resolution 10-22-24 D: Resolution approving Greenway Tunnel Artwork at Walmart Campus at SE J Street**

A resolution allowing Walmart to curate the installation of a floral mural by Jessica Jones on the trail tunnel under SE J St near the Walmart Corporate Campus at no cost to the city. 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 passed (8-0)

7. **Resolution 10-22-24 E: Resolution to Adopt Additional Police Department Policies**

Resolution is to adopt additional policies to the Bentonville Police Department Policy and Procedures Manual. These additional policies have been reviewed by legal and contain required standards in accordance with CALEA accreditation. 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 passed (8-0)

8. **Ordinance 2024-150: Ordinance approving Bid Waiver for Crossland Heavy Contractors, Inc to repair Flyover Bridge**

Approval of Bid Waiver and budget adjustment, in the amount of \$137,513.29, to Crossland Heavy Contractors, Inc. for repairs to the Razorback Greenway Flyover Bridge at NE A Street, due to damage caused by the May 26, 2024 storm. A 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 passed (8-0)

City Attorney Andrew Myers read the Emergency Clause. Motion to approve by Council Member Sanchez, second by Council Member Seba. There was no discussion. Motion passed (8-0)

9. Resolution 10-22-24 F: Resolution to Award Bid IFB-24-56 to Skyline Printing for 2025 Run Bentonville Hoodies

Resolution to award bid IFB-24-56: 2025 Run Bentonville Hoodies to Skyline Printing per the unit prices attached. 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 passed (8-0)

10. Resolution 10-22-24 G: Resolution Setting a Public Hearing for a Utility Easement Vacation (VAC24-0010)

Approve Resolution to set Public Hearing for November 12, 2024 for Utility Easement Vacation located at Lot 16 of Loesche Subdivision (VAC24-0010).

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 passed (8-0)

11. Resolution 10-22-24 H: Resolution to Purchase of Bat Mitigation Credits - J Street Interchange – The Conservation Fund

Staff requests approval to allow the Mayor to authorize the purchase of bat mitigation credits from The Conservation Fund for the removal of 32.1 acres of suitable summer foraging habitat (trees). Mitigation is for the J Street Interchange project (PIIP22-0038). No budget adjustment is needed.

Council Member Sooter asked about the removal of the trees, Council Member Sanchez remarked that it is a disturbance to their habitat.

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

12. **Resolution 10-22-24 I: Resolution to Award Bid IFB-24-24 for the VBT Southeast Taxiway B Extension (Phase 2).**

Resolution awarding bid IFB-24-24 to APAC in the amount of \$1,218,395.00 for the VBT Southeast Taxiway B Extension (Phase 2) project. 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 Sooter. There was no discussion. Motion passed (8-0)

13. **Resolution 10-22-24 J: Resolution Approving Work Order 5 for the VBT Southeast Taxiway B Extension (Phase 2).**

Resolution to enter into an agreement (Work Order 05) with Garver Engineers in the amount of \$171,400.00 for the VBT Southeast Taxiway B Extension (Phase 2) project. 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 passed (8-0)

14. **Ordinance 2024-152: Ordinance Confirming Existing Electric Rates**

Adopt an ordinance confirming and certifying existing electric rates for the City of Bentonville, Arkansas; providing for the Emergency Clause; and for other purposes. 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 passed (8-0).

City Attorney Andrew Myers read the Emergency Clause aloud.

Council Member Sanchez asked about the wastewater rates, Mike Bender discussed that all is together to approve, and legal counsel stated this is the way to proceed accordingly. Motion to approve by Council Member Sanchez, second by Council Member Burckart. Motion passed (8-0)

II. Utility Board

1. Resolution 10-22-24 K: Resolution to Award Bid IFB-24-65 for 161 kV GOAB Switch Interrupters

Resolution to award bid IFB-24-65 for 161 kV GOAB Switch Interrupters for transmission materials to MVA Power, Inc. in the amount of \$33,391.05 plus applicable tax. MVA Power, Inc. was the sole bid received. Approved by Utility Board 4-0. 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 Burckart. There was no discussion. Motion passed (8-0)

2. Resolution 10-22-24 L: Resolution to Enter a Contract of Obligation for Financial Assurance Agreement.

Staff request City Council approval of a Resolution authorizing the Mayor and City Clerk to enter into a Contract of Obligation for Financial Assurance Agreement in the amount of \$755,000.00. This will be in the form of a Letter of Credit. 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 Seba. There was no discussion. Motion passed (8-0)

3. Resolution 10-22-24 M: Resolution Approving the Spring Creek Vaughn Gravity Sewer Design Agreement

Staff requests the Mayor and City Clerk to enter into an agreement with Crafton, Tull & Associates to perform the design services for 6,700 feet of sewer utility upgrades to Spring Creek - Vaughn Gravity Sewer. The contract amount is \$117,500.00. Crafton, Tull & Associates was selected following the City's Purchasing Policy for professional services. This is a budgeted project for 2024. Utility Board approved 4-0. 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 passed (8-0)

4. **Ordinance 2024-151: Ordinance Requesting Approval of the 2024 Water Utilities Department Specifications Update**

Staff requests council approval of an ordinance adopting revised Water Utilities Department Specifications, which will replace the existing version. The revisions are focused on reducing water loss from the distribution system and limiting inflow and infiltration into the sewer collection system while minimizing operations and maintenance expenses. Utility Board approved 4-0. No budget adjustment is needed.

Council Member Burckart asked a question regarding if all projects in the queue would be held to this. Joe Engle stated that everything currently under construction will follow the old specs, and there would be no redrawing of specs or fees. Engle stated it's better and more timely to make the cut off the first large scale submittal. Burckart indicated he would like to see no hold up regarding first comment, second comment, because they will have to change their details. City is just asking the engineers to change their plans primitively.

Council Member Sanchez asked if it is necessary to have the emergency clause. Engle indicated because of the situation they are in it is beneficial to move faster, rather than delay improvements. He also mentioned it should not affect anything in queue, as it is just material stages.

Council Member Sanchez asked again about the importance of the Emergency Clause, but the City mentioned that it would benefit the city as these are minor changes and no significant impact to projects currently in progress. In line with what other major cities are doing.

City Attorney Andrew Myers read the ordinance by title only.

Motion to approve by Council Member Sanchez, second by Council Member Agnew Motion passed (8-0).

City Attorney Andrew Myers read the Emergency Clause aloud.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion passed (8-0)

III. Planning

1. **Ordinance 2024-153: Lot Split - Lots 3 and 4 of Gerber Subdivision-Southwest 14th Street (LS24-0030)**

An Ordinance Accepting A Lot Split Of Lot 2 Of Gerber Subdivision Creating New Lots 3 And 4 Of Gerber Subdivision 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 Seba Motion passed (8-0).

2. **Ordinance 2024-154: Lot Split - Lots 18, 19, 20, & 21, Block 16 Demings 2nd Addition - Northwest 5th Street (LS24-0033)**

An Ordinance Accepting A Lot Split Of Lots 15 And 16, Block 16 Of Demings 2nd Addition Creating New Lots 18, 19, 20, And 21, Block 16 Of Demings 2nd 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. Motion passed (8-0).

3. **Ordinance 2024-155 :Lot Split - Lots 8, 9 & 10 of Green Acres Subdivision- 1003 Northwest A Street (LS24-0034)**

An Ordinance Accepting A Lot Split Of Lots 1 And 2 Of Green Acres Subdivision Creating New Lots 8, 9, And 10 Of Green Acres Subdivision 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. Motion passed (8-0).

4. **Resolution 10-22-24 N: Future Land Use Map Amendment - Hall - A-1, Agriculture to R-E, Residential Estate - 9823 Gaston Road (RZ24-0036)**

A Resolution Amending the City Of Bentonville Future Land Use Map For A Specific Area. From Agriculture To Residential Estate; And For Other Purposes.

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 Burckart.

Motion passed (8-0).

5. **Ordinance 2024-156:-Rezoning - Hall - A-1, Agriculture to R-E, Residential Estate - 9823 Gaston Road (RZ24-0036)**

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of A-1, Agricultural To R-E, Residential Estate; 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. Motion passed (8-0).

6. **Resolution 10-22-24 O: Future Land Use Map Amendment – Vaishno Groups, LLC - General Commercial to Medium Density Residential (MDR) - Southwest 14th Street (PRD24-0007)**

A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From General Commercial To Medium-Density Residential; And For Other Purposes.

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. Motion passed (8-0).

7. **Ordinance 2024-157: Rezoning - Vaishno Groups, LLC - C-1, Neighborhood Commercial and C-2, General Commercial to Planned Residential Development (PRD) - Southwest 14th Street (PRD24-0007)**

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of C-2, General Commercial And C-1, Neighborhood Commercial To PRD, Planned Residential Development; And For Other Purposes.

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. Motion passed (8-0).

8. **Resolution 10-22-24 P: Future Land Use Map Amendment - ALWF LANDS LLC - R-E, Residential Estate to Low Density Residential (LDR) - 1100 and 1102 Northeast J Street (PRD24-0008)**

A Resolution Amending The City Of Bentonville Future Land Use Map For A Specific Area From Residential Estate To Low-Density Residential; And For Other Purposes.

Planning Commission voted 6-0, recommending approval.

Council Member Hook asked a question regarding a specific house within this area. She was assured that it was taken into consideration. Council Member Seba is happy to have incoming doctors being housed in this area.

City Attorney Andrew Myers read the resolution by title only.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion passed (8-0).

9. **Ordinance 2024-158: Rezoning - ALWF LANDS LLC - R-E, Residential Estate to Planned Residential Development (PRD) - 1100 and 1102 Northeast J Street (PRD24-0008)**

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-E, Residential Estate To PRD, Planned Residential Development; 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. Motion passed (8-0).

Motion to adjourn from the voting portion of the agenda made by council member Seba, seconded by council member Hook. Motion passed unanimously.

IV. Other Business/Announcements/Comments

Committee Reports

- a. Council Member Sanchez: Library Board met, expansion opening soon, Utility board met and discussed the items on the agenda.
- b. Council Member Patterson: Had a question for Tyler Overstreet regarding the Echelon Project and people being able to speak. Overstreet stated that it is up to the Planning Commission Chair, but they are reopening the public hearing. Council in general mention that they would like to have planning commission to have more opportunities for people to speak at meetings. Council Member Agnew stated that she would like to see it listed out, with given parameters, where citizens can come and speak at a planning meeting on some level.
- c. Council Member Agnew: Discussed follow up items on the 2025 budget, any concerns need to be addressed very quickly. Regarding water, we will see investments coming out of the 2024 budget. Working on the specifications on the ORT at the November 12th meeting, where they will have a draft scope of the contract. Burckart added that they talked about marketing, special needs etc. to make sure that council has involvement in the contract crafted.
- d. Council Member Hook: Tree giveaway is Saturday October 26th, and it is first come first served.

The next Bentonville City Council meeting will be on Tuesday November 12, 2024.



A handwritten signature in blue ink, appearing to read "Malorie Marrs", is written over a horizontal line.

Malorie Marrs, City Clerk

A handwritten signature in blue ink, appearing to read "Stephanie Orman", is written over a horizontal line.

Stephanie Orman, Mayor