

Bentonville City Council

Meeting Minutes

November 12, 2024



The City Council of Bentonville, Arkansas, met in regular session Tuesday, November 12, 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, 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 22nd, regular council 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. New Business

1. Motion to Execute Form Related to Benton County's 2024 Millage Rollback

Approve a motion to authorize the Mayor and City Clerk to execute the Computation and Certification form related to Benton County's 2021 Certification of Assessment Data (Millage Rollback), including future adjustments, if required. No budget adjustment is needed.

Motion to approve by Council Member Sooter, second by Council Member Seba. There was no discussion. Motion passed (8-0)

2. Resolution 11-12-24 A: Resolution Authorizing a Budget Adjustment for 2024 Storm Expenses

Resolution authorizing a budget adjustment of \$2,752,687.83 for 2024 storm expenses. These expenses include overtime wages, mutual aid, temporary labor, minor repairs, and equipment purchases. 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 passed (8-0)

3. **Ordinance 2024-159: Ordinance to Waive Competitive Bidding and Enter into a Contract with AT&T for 9-1-1 Equipment**

Ordinance waiving the requirement to competitive bidding and enter into a five-year contract with AT&T for E9-1-1 equipment and upgrades. Due to Benton County owning the contract for this equipment with AT&T, it is not feasible for the City to competitively bid for this purchase. This will also include adding an additional 9-1-1 console and equipment within the contract. This is a yearly budgeted item. 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 Hook. 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 Agnew. There was no discussion. Motion passed (8-0)

4. **Ordinance 2024-160: Ordinance Waiving Competitive Bidding for Storm Damage Repairs to Public Safety Radio System**

Ordinance waiving competitive bidding authorizing payment to RACOM in the amount of \$81,777.95 to cover additional expenses for the public safety radio system caused from storm damage on May 26, 2024. Note: this amount has been submitted under FEMA for reimbursement. 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 Agnew. There was no discussion. Motion passed (8-0)

5. **Ordinance 2024-161: Public Hearing and Ordinance Vacating Utility Easement (VAC24-0010)**

Public Hearing and approval of Ordinance vacating Utility Easement located at Lot 16 of Loesche Subdivision (VAC24-0010). 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)

6. **Resolution 11-12-24 B: Resolution Setting a Public Hearing for Street Right of Way Vacations (VAC24-0011)**

Resolution to set a Public Hearing for November 26, 2024 for Street Right of Way Vacations located at Wal-Mart Campus Subdivision, Lot 2 (VAC24-0011). 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 passed (8-0)

7. **Resolution 11-12-24 C: Resolution Approving Amendment #6 with McClelland Consulting Engineers for Water Tower Road**

Resolution to approve an amendment with McClelland Consulting Engineers for additional professional services. Additional services include extended time for construction observation and additional utility design. This will be funded by Street bond funds. 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. There was no discussion. Motion passed (8-0)

8. **Resolution 11-12-24 D: Resolution to Approve Change Order #3 with Sy-Con for VBT Hangar Access Road Project**

Resolution to approve Change Order #3 to the Sy-Con Contract to include work for the Access Road construction in the amount of \$18,970.00 for the Hangar Development 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 Agnew. There was no discussion. Motion passed (8-0)

9. **Resolution 11-12-24 E: Resolution to Approve Change Order #1 with APAC for the VBT Southeast Taxiway B Extension**

Resolution to approve Change Order No. 1, with APAC Central, Inc. 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 Agnew. There was no discussion. Motion passed (8-0)

10. **Resolution 11-12-24 F: Resolution to amend the Fixed Base Operator (FBO) agreement with Summit Aviation**

Resolution to approve changes to the City's FBO agreement with Summit Aviation, removing office and operation space no longer used by the FBO. AAB approved this change at the 11/7/24 meeting. 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)

11. **Ordinance 2024-162: Ordinance Authorizing a Contract Amendment with Challenger Sports for Soccer Camp Services**

Ordinance authorizing a contract amendment with Challenger Sports for soccer camp services. 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 Hook. There was no discussion. Motion passed (8-0)

12. **Resolution 11-12-24 G: Resolution Approving the Purchase a Curbtender Quantum 8YD Rear Loader through Sourcewell**

Resolution authorizing the purchase of a Curbtender Quantum 8YD Rear Loader from River City Hydraulics Inc. through the participation in the Sourcewell Cooperative, in the amount of \$157,166.00. 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 Hook. There was no discussion. Motion passed (8-0)

II. Utility Board

1. **Ordinance 2024-163: Ordinance to Waive Competitive Bids to Order 1/0 Underground Wire**

Approval of an Ordinance to waive competitive bidding to purchase 1/0 UG Wire from Stuart Irby. Unit Prices and estimated quantities are attached, plus applicable taxes. Due

to market volatility and lead times related to these products, it would be neither practical or feasible to solicit competitive bids. 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 passed (8-0)

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

2. **Resolution 11-12-24 H: Resolution to Award Bid #IFB-24-72 to Stuart Irby Company for Electric Materials**

Resolution to award bid IFB-24-72 for Electric Materials to Stuart Irby Company per the unit prices attached. Stuart Irby was the sole bid received. 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 passed (8-0)

3. **Resolution 11-12-24 I: Resolution to Award Bid #IFB-24-73 to M& K Imports for Wood Poles**

Resolution to award bid IFB-24-73 Wood Poles to M&K Imports in the amount of \$65,750.00 plus applicable taxes. M&K was the sole bid received. 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 passed (8-0)

4. **Ordinance 2024-164: Ordinance Waiving Competitive Bidding and Entering into an Agreement with PTTI**

An ordinance waiving competitive bidding and entering into an agreement with PTTI to purchase a new transformer for Substation A for \$2,148,915.22 including taxes. This cost is the total cost for the transformer, spare bushings and gaskets, and a 5-yr. warranty. There is \$1,747,500.00 remaining in the 2024 budget to fund this purchase. The difference will be funded by Utility Fund reserves. Approved by Utility Board 5-0. 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 Agnew. There was no discussion. Motion passed (8-0)

5. **Resolution 11-22-24 J: Resolution to Award IFB-24-68 to Gulf Coast Underground, LLC for SE 14th St CIPP Sewer Lining Project**

Resolution to award IFB-24-68 to Gulf Coast Underground, LLC per the attached unit prices, for a contract amount not to exceed \$298,434.00, for the installation of approximately 2,792 feet of cured in place pipe (CIPP) lining in main sewer lines identified along SE 14th Street. Gulf Coast Underground LLC was the lowest responsive bidder per the attached bid tabulation. This project identified last year is approved in the 2024 budget. 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 passed (8-0)

6. **Resolution 11-22-24 K: Resolution to Award IFB-24-70 for IDIQ Water Service Line Replacement**

Staff requests a Resolution to award IFB-24-70 IDIQ to both Calcon, Inc. and MO-ARK Utilities per the attached unit prices. Calcon, Inc. was the lowest responsive bidder with MO-ARK Utilities the second lowest. Each contract will be for a one-year term, not to exceed \$500,000.00 per year, renewable annually upon mutual written agreement via Amendment for a total maximum term not to exceed three (3) years. Utility Board approved 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 passed (8-0)

7. **Resolution 11-22-24 L: Resolution Approving a Budget Adjustment Related to 2024 Bonds**

An ordinance was approved on September 10, 2024 to allow the issuance of revenue bonds to finance the cost of improvements to the Water Resource Recovery Facility. The bonds were issued on October 24, 2024. This budget adjustment is to allocate the bonds and

account for legal fees and 2024 interest. 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 passed (8-0)

III. Planning

1. **Ordinance 2024-165: Lot Split - Lots 5 & 6 of RSB Subdivision - 5500 Southwest Gunstock Road (LS24-0037)**

An Ordinance Accepting A Lot Split Of Lot 1 Of RSB Subdivision Creating New Lots 5 And 6 Of RSB 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. There was no discussion. Motion passed (8-0)

2. **Ordinance 2024-166: Property Line Adjustment - Lots 1-3, 8th St. Gateway Park Subdivision - Southwest 8th Street (PLA24-0022)**

An Ordinance Accepting A Property Line Adjustment Of Lots 1, 2, And 4 Of Allen Subdivision South, Lot 2 Of North AR Wholesale 8th Street, And Tracts 10 And 12 Of Hardcastle Estates Subdivision Creating New Lots 1, 2, And 3 Of 8th Street Gateway Park 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. There was no discussion. Motion passed (8-0)

3. **Ordinance 2024-167: Property Line Adjustment - Lots 1 & 2 of Thaden South Addition - 1000 Benton Street (PLA24-0023)**

An Ordinance Accepting A Property Line Adjustment Of Lots 1B, 2B, 3B, 2, 3, 6, 7, 8, 9, And 10, Block 2 Of Banks Addition And Unplatted Section Land Creating New Lots 1 And 2 Of Thaden South Addition 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. There was no discussion. Motion passed (8-0)

4. **Ordinance 2024-168: Property Line Adjustment - Lot 32, Block 1, Crabtree Addition - 810 Northwest B Street (PLA24-0024)**

An Ordinance Accepting A Property Line Adjustment Of Lots 1B, 2B, 3B, 2, 3, 6, 7, 8, 9, And 10, Block 2 Of Banks Addition And Unplatted Section Land Creating New Lots 1 And 2 Of Thaden South Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

The Planning Commission voted 7-0, recommending approval.

Council Member Patterson questioned if the new lots were large enough to stay R-1. Tyler Overstreet displayed how they were removing several lot lines to consolidate. It will be all one lot.

Council Member Acree asked if it would be eligible to become multi family, Overstreet mentioned that the line adjustments do not qualify for multifamily, as it would need to be a complete rezone.

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)

5. **Ordinance 2024-169: Final Plat - Osage Hills Phase 3 - Southwest Adams Road and Southwest Anglin Road (FP24-0009)**

An Ordinance Accepting A Final Plat Of Lots 1-147 Of Osage Hills Subdivision, Phase 3 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 passed (8-0)

6. **Ordinance 2024-170: Rezoning - Adams - R-1, Low-Density Single-Family Residential to DN-2, Downtown Medium Density Residential - 504 Northwest B Street (RZ24-0040)**

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.

Mark Haney came up to speak regarding any questions about this project as there has been some lengthy discussion & objections. Haney discussed his plans for the lots.

Council Member Hook asked a question regarding parking spots.

An additional speaker, Elaine Zedigar came to speak, as she resides just north of the lot. She discussed her concerns with the rezone, and how this area would not support more density when it came to traffic etc. She would like to see something more appropriate to be built on this lot location.

City Attorney Andrew Myers read the ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion passed (5-3)

Council Members Sooter, Agnew, Burckart, Patterson, & Seba- Yes

Council Members Hook, Sanchez, Acree - No

7. **Ordinance 2024-171: Planned Unit Development Amendment - Opal Park- Southwest Regional Airport Boulevard (PUD22-0003)**

An Ordinance Amending ORD 2023-054; 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 passed (8-0)

8. **Ordinance 2024-172: Rezoning - Canvas Church - R-1, Low-Density Single-Family Residential to C-1, Neighborhood Commercial- 1106 Northwest 10th Street (RZ24-0039)**

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 C-1, Neighborhood 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 passed (7-1) Council member Hook voted no.

Motion to adjourn Council Member Burckart second Council Member Seba

Voting portion of the Agenda Adjourned

IV. Other Business/Announcements/Comments

1. Committee Reports

a. Council Member Sanchez:

Library Board: The Library had their big ribbon cutting & is officially open to the public
Utility Board: Met, and discussed the items on tonight's Council Agenda

b. Council Member Acree:

Traffic & Signage: Met, looking for a long term solution at 8th and Elm Tree for pedestrian crossings. Tabled a request for a permanent slow street sign in Grammercy Park because there are 2 pilot programs going around slowing traffic.

c. Council Member Seba:

Public Art: The roundabout art on John DeShields, is working to gain final approval of the engineering specifications from Crystal Bridges for installation. Singing Kites, on the Water Tower roundabout, is delayed but continuing, as there was a personal matter with an artist. "All Bikers Welcome" is complete on 3rd St. A conditions report is being generated, regarding artwork upkeep- will have info in 2-3 weeks. The tunnels at the Walmart Campus are getting finished. Visit Bentonville had a podcast with Public Art.

d. Council Member Sooter:

Bentonville is hosting the colligate mountain bike national championships this coming weekend at Coler.

e. Council Member Agnew:

Finance Committee: Met and discussed the upcoming ORT contract.

f. Council Member Hook:

Tree & Landscaping held the tree giveaway, which was very successful. Working to continue to rebuild the canopy

Mayor Orman, employee appreciation in December the 5th.

2. Public Comment

a. Donna Duncan, Kevin Wilson, Janet Atwood, Tina & Doug Brant, spoke against the Eschelon Project in various matters pertaining, to traffic, safety, walkability, large construction vehicles. Kevin Wilson mentioned he was appreciative of planning commission for allowing more opportunities for public comment on this matter.

b. Janice Summer, spoke as a representative for her neighbors on B Street, with the development of the lot that didn't fit R1 or D2. She urged the council to come up with plans for street parking. As there are real concerns on these very narrow streets.

The next Bentonville City Council meeting will be on Tuesday November 26, 2024.

Malorie Marrs

Malorie Marrs, City Clerk

Stephanie Orman

Stephanie Orman, Mayor

