

# **Bentonville City Council**

## **Meeting Minutes**

### **May 27, 2025**



The City Council of Bentonville, Arkansas, met in regular session Tuesday, May 27, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Cindy Acree, Holly Hook, Chris Sooter Aubrey Patterson, Beckie Seba (online), Gayatri Agnew, and Bill Burckart. Also present were Mayor Stephanie Orman, Staff City Attorney Nick Henry, 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 May 13, regular council meeting as presented, second by Council Member Patterson. 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 (7-1 Council Member Acree: NO).

#### **Motion for Consent Agenda:**

-Council Member Sooter motioned to move items 4, 5, 6, 8, 12, 14, 16, 17, 18, & 19 under New Business, to a consent agenda.

Seconded by Council Member Sanchez

Council discussed omitting item 5 and 19 from the consent agenda.

New motion for a consent agenda omitting items 5 & 19 by Council Member Acree, seconded by council member Burckart. Motion carried (8-0).

## I. Consent Agenda Items

### ***New Business***

#### **4. Resolution 5-27-25 A: Approving the Outside Counsel Retention Policy**

A Resolution approving the Outside Counsel Retention Policy which governs selection of outside legal counsel and management of the contract. No budget adjustment is needed.

#### **6. Resolution 5-27-25 C: Approving the Extension of Artworks Displayed at City Hall**

A Resolution extending the temporary display of artworks titled "Hawksbill Crag" and "Roark Bluff" by photographer Tim Ernst on public property in City Hall at no cost to the city. No budget adjustment is needed.

#### **8. Resolution 5-27-25 E: Entering into an Agreement for Renewal of Cyber Security Services**

A Resolution authorizing an agreement with Heartland Business Systems for renewal of cyber security services through participation in TIPS contract #220105. No budget adjustment is needed

#### **12. Resolution 5-27-25 F: Setting a Public Hearing for a Utility Easement Vacation (VAC24-0012)**

Approve Resolution to set Public Hearing for June 10, 2025 for a Utility Easement Vacation located at Lot 11 of Crystal Bridges Museum Addition (VAC24-0012).

#### **14. Resolution 5-27-25 G: Award Bid IFB 25-30 Memorial and Citizens Park Tennis Court Resurfacing**

A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Generation Sport Construction LLC, for the resurfacing of Courts 1-8 at Memorial Park and 5-8 at Citizens Park, in the amount of \$103,034.40. A budget adjustment is needed to reclassify these funds from Capital to O&M.

#### **16. Resolution 5-27-25 I: Authorizing an Amended GMP Agreement with Flintco for Dave Peel Park/Plaza**

A Resolution authorizing Mayor and City Clerk to enter into an amended GMP agreement with Flintco, in the amount of \$11,782,900.00, for the construction of Dave Peel Park / Plaza as part of Parks and Recreation's Quilt of Parks Project. This is funded with grant monies, bond proceeds, and A and P funds. A budget adjustment is needed.

**17. Resolution 5-27-25 J: Amending Agreement with Design Workshop for Construction Administration**

Resolution authorizing the Mayor and City Clerk enter into an amended agreement with Design Workshop, in the amount of \$247,000.00, for construction oversight and administration for Dave Peel Park. Needed budget adjustment was included on previous item.

**18. Resolution 5-27-25 K: Approving Agreement with GTS, Inc. for Construction Materials Testing and Special Inspection Services**

A Resolution authorizing the Mayor and City Clerk to enter into an agreement with GTS, Inc. for Construction Materials Testing (CMT) and Special Inspection Services for the Dave Peel Park and Plaza, in the amount of \$90,695.00. Needed budget adjustment is included on previous item.

City Attorney Nicholas Henry read the consent agenda out loud, motion to approve by Council Member Sanchez, seconded by Council Member Sooter-motion carried unanimously.

**Motion to Move item 1 under Utility Board**

-Council Member Burckart motioned to move item 1 under Utility Board to immediately follow the proclamations (making it item 3). Seconded by Council Member Acree, motion carried (7-1 Council Member Agnew: NO).

Council discussed a motion to move the first 10 public comments signed in, or 30 mins of speaking time, whichever came first, on non-agenda items after the consultant

Motion made by Council Member Patterson, seconded by Council Member Agnew (6-1, Council Member Hook NO, Council Member Seba was offline for voting).

**Ia. New Business *Proclamation Items only***

**1. Proclamation: Recognizing May as "ALS Awareness Month"**

Proclamation recognizing the month of May as "ALS Awareness Month." ALS Awareness Month helps people understand the harsh reality of living with ALS, honors those affected, and supports efforts to find a cure.

**2. Proclamation: Recognizing "Emergency Medical Services Week"**

Proclamation proclaiming May 18-24, 2025, as "Emergency Medical Services Week," with the theme "We Care. For Everyone."

Mayor Orman read the proclamations aloud, and members of each organization came up for a photo, and applause.

**Ila. Utility Board** *based on vote; item moved to beginning of meeting*

**1. Informational: Electric Cost of Service Study**

The City's Director of Engineering, Travis Matlock, delivered a presentation on the study results, accompanied by Mark Beauchamp, a rate study consultant from Utility Financial Solutions, LLC (UFS), who joined online. The Council will have the opportunity to review the findings, engage in discussions, and ask questions. The objective is to revisit this item at the June 10th meeting for a vote on the proposed 5% bill increase.

**(Full presentation can be viewed [HERE](#) at 52:00- 1:50 hour mark)**

**Ib. Public Comments Concerning Matters of City Related Business**

*based on vote, item moved to beginning of meeting, to accommodate 10 in person speakers or 30 mins of discussion time, whichever came first.*

The first ten speakers who signed in were allotted their designated three-minute time limit. All participants in this session addressed concerns regarding the modifications to the "All Biker(s) Welcome" mural.

**(Full comment section can be viewed [HERE](#) at 1:50-2:20)**

**I. New Business NON-Consent**

**3. Ordinance 2025-100: Ordinance Authorizing a Waiver of Bid to Purchase a 2024 E-One Pumper for Fire Station 8**

An Ordinance authorizing a budget adjustment in the amount of \$999,000.00 to purchase a 2024 E-One Pumper for Station 8, to be used as a temporary replacement for Engine 3, and declaring one (1) 2000 E-One 75' HP as surplus to be traded in towards the purchase. A budget adjustment is needed to appropriate impact fees.

Council Member Burckart moved to amend the motion, approving the purchase with the condition that the budget adjustment be presented at the next meeting. Thus, allowing time for a discussion on impact fees. Seconded by Council Member Acree. Amendment Passes (8-0).

City Attorney Nicholas Henry read the Ordinance with the Amendment -separating out the need for a budget adjustment, moved by Council Member Burckart, Seconded by Council Member Sanchez. Motion passed (8-0).

City Attorney Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Sooter. Motion passed unanimously.

5. **Resolution 5-27-25 B: Approving an Amendment & Budget Adjustment Related to 2024 Financial Audit**

A Resolution approving an amendment to the 2024 audit agreement with Forvis, for the audit of 4 additional federal programs, in the amount of \$40,000.00. A budget adjustment is needed.

Council Member Sanchez asked if the audits were for the CBDG, City Finance Director Patrick Johndrow, indicated yes.

City Attorney Nicholas Henry read the Resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. Motion passed (8-0).

7. **Resolution 5-27-25 D: Resolution Authorizing the Repair of Monarch and Dandelion Artwork in Orchards Park**

A Resolution authorizing the Mayor and City Clerk to enter into an agreement with Amanda Willshire to repair her artwork, Monarch and Dandelion located in Orchards Park, that was damaged as a result of the May, 2024 storm. A budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion passed (8-0).

9. **Ordinance 2025-101: Public Hearing and Ordinance Vacating a Street Right of Way (VAC25-0011)**

Public Hearing and approval of Ordinance vacating Street Right of Way located at Lot 10, Block 1 of Demings Addition (VAC25-0011).

City Attorney Nicholas Henry read the Ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. Motion passed (8-0).

City Attorney Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Motion passed unanimously.

10. **Ordinance 2025-102: Public Hearing and Ordinance Vacating a Street Right of Way (VAC25-0012)**

Public Hearing and approval of Ordinance vacating Street Right of Way located at Lot 10, Block 1 of Demings Addition (VAC25-0012).

City Attorney Nicholas Henry read the Ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. Motion passed (8-0).

City Attorney Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Motion passed unanimously.

**11. Ordinance 2025-103: Public Hearing and Ordinance Vacating a Utility Easement (VAC25-0014)**

Public Hearing and approval of Ordinance vacating a Utility Easement Vacation located at Lot 4 of Dimmit Addition (VAC25-0014).

City Attorney Nicholas Henry read the Ordinance by title only. Motion to approve by Council Member Sanchez, second by Council Member Agnew. Motion passed (8-0).

City Attorney Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Agnew. Motion passed unanimously.

**13. Informational:**

2025 Street Department Pavement Management Program  
Presentation of the Pavement Management Program.

Council Member Sanchez complimented the work done by the department

**15. Resolution 5-27-25 H: Resolution to Amend a Contract with Nabholz Construction Services for Phillips Park Construction**

Resolution to amend a contract with Nabholz Construction Services in the amount of \$770,187.00 for additional construction work at Phillips Park. A budget adjustment is needed to reallocate impact fees.

Council engaged in a discussion regarding financial matters, including the details of the original bid.

City Attorney Nicholas Henry read the Resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. Motion passed (8-0).

**19. Resolution 5-27-25 L: Resolution Approving the Amended Consent Judgment and Decree**

A Resolution approving the Amended Consent Judgment and Decree between the City of Bentonville and BV Developer, LLC, which was assigned the rights of Cooper Realty Investments, LLC. No budget adjustment is needed.

Council discussed a new document presented that described updates to Sugar Creek Park. Council Member Sanchez asked how the new version differed from previous plans and what these changes meant for the park.

Some council members noted that this area had previously raised concerns among residents. Director of Parks and Recreation David Wright answered questions about the proposal and explained how the new design would better use the available land. Although the updated plan was different from earlier versions, the council understood it represented a more effective use of the park's space.

City Attorney Nicholas Henry read the Resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Sooter. Motion passed (8-0).

## **Ila. Utility Board NON-Consent Items**

### **2. Ordinance: 2025-104: Ordinance Modifying Large Power Billing Process for Campus Billing**

An Ordinance modifying the large power billing process until the Electric Rate Schedule is modified to include a Campus Billing category.

Utility Board approved 3-0. No budget adjustment is needed.

City Attorney Nicholas Henry 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 Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Motion passed unanimously.

### **3. Ordinance: 2025-105: Ordinance Waiving Competitive Bidding to Purchase 15 kV Substation Switches**

An Ordinance waiving the requirements of competitive bidding to purchase 15 kV substation switches for \$54,450.00 plus applicable tax in order to maintain the same make/style of switches that have been installed for the last 10 years.

Utility Board approved 3-0. No budget adjustment is needed.

City Attorney Nicholas Henry 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 Nicholas Henry read the Emergency Clause out loud calling for the immediate enactment. Motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Motion passed unanimously.

### III. Planning

**1. Ordinance 2025-106: Final Plat - Walnut Grove Subdivision Phase 3 - Along SW Crabapple St, east of Barron Rd (FP25-0007)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Accepting A Final Plat Of Lots 1 Through 77 Of Walnut Grove Subdivision, Phase 3 To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry 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 2025-107: Lot Split - Part of Lot 2 of Corley's Addition - 707 SW 2nd ST (LS22-0067)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Accepting A Lot Split Of Part Of Lot 2 Of Corley's Addition Creating New Lots 22 And 23 Of Corley's Addition And Accepting Dedicated Right Of Way To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry 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).

**3. Ordinance 2025-108: Final Plat - Walmart Campus Subdivision Phase 17 - Between Customer and Excellence Drives, midway between SE 8th and SE10th (FP25-0006)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Accepting A Final Plat Of Lot 1 Of Walmart Campus Subdivision Phase 17 To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry 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).

**4. Ordinance 2025-109: Final Plat - Walmart Campus Subdivision Phase 18 - Between MLK Pkwy and Integrity Drive, north of SE 10th (FP25-0005)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Accepting A Final Plat Of Lot 1 Of Walmart Campus Subdivision Phase 18 To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry 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).

**5. Ordinance 2025-110: Final Plat - Woodlands Crossing Subdivision Phase 2 - East of Morning Star south of SW Rosemont Ave (FP24-0017)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Accepting A Final Plat Of Lots 1 Through 49 Woodlands Crossing Subdivision, Phase 2 To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry 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. Planned Unit Development - Central and Battlefield PUD Amendment - North East Corner of Central and Battlefield (PUD22-0002)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Amending Ord 2023-091; And For Other Purposes.

Several residents expressed concerns about a proposed development and its impact on their community. Leon Fletcher highlighted his long-standing advocacy for community involvement and frustration over residents' lack of engagement. He raised concerns about increased traffic, dangerous road conditions, and potential flooding issues from past failed development projects. He also noted that his licensed childcare business could be directly affected if runoff issues persist.

Melody Done, emphasized her worries about traffic congestion, unsafe intersections, and the difficulty of exiting their neighborhood. She urged officials to reconsider road and roundabout plans and invited them to experience firsthand the traffic issues in the area. Evelyn Martinez focused on pedestrian and child safety, recounting a dangerous incident with a speeding truck near children waiting for an

ice cream truck. She called for speed bumps and improved traffic measures to prevent accidents.

Another, discussed prior zoning agreements made two years ago, questioning why the developer had delayed action and was now requesting additional concessions. Concerns were raised about shifting a public street to a private designation, which could limit residents' accessibility. The resident also expressed skepticism over the developer's timeline and commitment to fulfilling prior agreements.

Overall, residents voiced frustration over ongoing traffic problems, safety hazards, flooding risks, and perceived city prioritization of new developments over long-term residents. They urged officials to reconsider aspects of the project and ensure that it does not negatively impact their neighborhood.

Bill Watkins, legal counsel for the developer/client, clarified that the proposal is an amendment to a previously approved development, not a full review. Initially, the city required a public street with roundabouts and cost-sharing, but a planned redesign of the nearby intersection made the original plan inefficient. The revised plan converts the street to private with a public access easement, ensuring it meets public standards. The developer will fully fund construction, including infrastructure improvements like traffic lights, sidewalks, and drainage, taking on financial risks, including an \$800,000 investment in a traffic light that may become obsolete.

Council Member Acree emphasized the need for data supporting the removal of roundabouts for traffic mitigation. Mayor Orman clarified that existing bond funding applies only to the current school project, not additional proposals.

Council Member Burckart and developer representatives discussed cost-sharing responsibilities, noting the complexity of financing improvements at a failing intersection. They suggested that if a third party proposed a larger project before funds were spent, those resources could be redirected.

Council Member Patterson acknowledged the shift in traffic ratings, while Council Member Hook pointed out that the planning commission focuses on zoning, often overlooking traffic concerns. Hook advocated for a new traffic study conducted while school is in session, addressing past inaccuracies in data collection.

Concerns were raised about the master plan and past approvals. Some officials questioned whether prior commitments, including cost-sharing for signals and infrastructure improvements, were fully understood. The conversation highlighted the need for clearer communication, cost responsibilities, and thorough traffic assessments.

City Attorney Nicholas Henry read the Ordinance by title only. Motion to table by Council Member Patterson, second by Council Member Acree, due to more information need. Motion failed (3 YES: Acree, Hook, Patterson-5 NO: Seba, Sooter, Agnew, Burckart, Sanchez).

Second Motion was made to approve the Ordinance as is by Council Member Sooter, second Council Member Burckart (4 YES: Seba, Sooter, Agnew, Burckart & 4 NO: Hook, Sanchez, Patterson, Acree) Mayor Orman abstained. Ordinance failed.

**7. Ordinance 2025-111: Rezoning - Scope Towers, LLC - R-1, Low-Density Single-Family Residential and A-1, Agriculture to C-3, Mixed-Use Commercial - 1703 SE J ST (RZ25-0020)**

*The Planning Commission voted 7-0, recommending approval.*

An Ordinance Changing Real Estate In The City Of Bentonville, Arkansas, From Its Present Zoning Classification Of R-1, Low Density Single Family Residential And A-1, Agricultural To C-3, Mixed-Use Commercial; And For Other Purposes.

City Attorney Nicholas Henry 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).

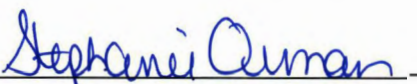
Other items:

- Mayor and Council discussed the mural project "All Bike(r)s Welcome" situation.
- Discussion about Committee of the Whole topics
- Mayor Orman continued to discuss the state laws passing for municipal governments and will provide continued updates.
- This was the longest on record council meeting, 5 hours and 12 minutes.

The next Bentonville City Council meeting will be on Tuesday June 10, 2025.



  
Malorie Marrs, City Clerk

  
Stephanie Orman, Mayor