

Bentonville City Council
Meeting Minutes
July 22, 2025



The City Council of Bentonville, Arkansas, met in regular session Tuesday, July 22nd, 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, and Bill Burckart. Gayatri Agnew was absent. Also present were Mayor Stephanie Orman, City Attorney Nicholas 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 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 July 8th, regular council meeting as presented, second by Council Member Hook. There was no discussion.

Motion carried (7-0)

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 (7-0)

Motion for Consent Agenda:

-Council Member Sooter motioned to move items 2 & 13 under New Business, and items 1 & 4 under Utility Board to a consent agenda

Seconded by Council Member Burckart. Motion carried (7-0).

I. Consent Agenda Items

New Business

2. Resolution 7-22-25 B: Approve a Budget Adjustment for Public Safety Radio Maintenance

Resolution authorizing a budget adjustment in the amount of \$327,207.90 (includes all applicable taxes) for radio maintenance as specified in RACOM contract, addendum II. A budget adjustment is needed.

13. Resolution 7-22-25 H: Resolution Entering an Agreement with Byrne & Jones Sports Construction to Replace Artificial Turf

A resolution authorizing the Mayor and City Clerk to enter into an agreement with Byrne & Jones Sports Construction thorough Tips Contract No. 23020101, in the amount of \$1,129,000.00 for the replacement of artificial turf at the Memorial Park Baseball and Softball Complex. A budget adjustment is needed.

Utility Board

1. Resolution 7-22-25 J: Amending IFB-25-32 - IDIQ Water and Sewer Maintenance Work Agreement

Resolution amending the 2025 budget and authorizing the Mayor and City Clerk to amend the IDIQ contract for Hickman Underground, LLC, increasing the amount by \$500,000.00. Utility Board approved 5-0. A budget adjustment is needed.

4. Resolution 7-22-25 M: to Enter an Agreement with Garver for Shewmaker Basin Design Amendment #1

Resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Garver Engineering in the amount of \$560,190.00 for final design of the Shewmaker Basin Phase 1 Interceptor Improvements. Utility Board approved 5-0. A budget adjustment is needed.

City Attorney Nicholas Henry read the consent items out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Consent Agenda passes (7-0).

II. New Business NON-Consent Public Comment to be Heard with Agenda Item

1. Resolution 7-22-25 A: Award Bid IFB-25-50 to Cadillac of Bentonville for Routine Vehicle Maintenance

Resolution awarding bid IFB-25-50 to Cadillac of Bentonville, per the unit prices, for routine maintenance and inspection services needed by the Bentonville Police Department. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Resolution passes (7-0).

3. Resolution 7-22-25 C: Approving the Thaden School Urban Studies Library Mural

A resolution authorizing the installation of a mural created by students in Thaden School's Urban Studies Class. No budget adjustment is needed.

Council Member Hook questioned how well the Library logo would be replicated in this mural, it was indicated that the library would work close with the artist to ensure it looked correct.

It was also mentioned the murals presented by Thaden were already in the que process before any new changes had been made to the public art guidelines

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Sooter. Resolution passes (7-0).

4. Resolution 7-22-25 D: Approving the Thaden School Trout Crosswalk Mural

A resolution authorizing the installation of artwork curated by Thaden School students titled "Trout Crosswalk Mural" by Seth Stewart, for temporary installation as a crosswalk between 100 and 110 NW 2nd Street. No budget adjustment is needed.

Council Member Hook commented if the look of the fish so close to the "Flying Fish" restaurant, would be a problem or confusing? It was mentioned they are two separate entities, and would be okay close to each other. A student from Thaden School remarked that while they would like for this to not be a temporary install, the maintenance would require too much upkeep.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart.
Resolution passes (6-0-1 Abstain: Hook).

5. Resolution 7-22-25 E: Approving the 2025 Annual Action Plan for the CDBG Program

Approval of the 2025 Annual Action Plan for the CDBG Program and authorization to enter agreements with subrecipients. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Acree.
Resolution passes (7-0).

6. Ordinance 2025-137: Amending the City Pay Plan Creating the Position of Public Works Executive Director

Ordinance amending the City Pay Plan to create the position of Public Works Executive Director (exempt grade 40). No budget adjustment needed.

Mike Bender spoke on behalf of the needs of this position, and that careful consideration would be taken for the right person to fill this role. Council Member Burckart mentioned he would like this to be a nationwide search potentially even with the use of a contracted executive search team to make sure the best candidates are garnered.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Seba.
Ordinance passes (7-0).

City Attorney Nicholas Henry read the Emergency Clause out loud calling for immediate activation, motion to approve by Council Member Sanchez, seconded by Council Member Acree.
Ordinance passes (7-0).

7. Ordinance 2025-138: Public Hearing and Ordinance Vacating Utility Easements (VAC25-0016)

Public Hearing and approval of Ordinance vacating Utility Easements located at Lot 1 of Bentonville Phillips Park Phase 1 (VAC25-0016).

Mayor Orman opened the floor and online for public comment, seeing none; she closed to public comment.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Acree. Ordinance passes (7-0).

8. Ordinance 2025-139: Public Hearing and Ordinance Vacating a Street/Alley Right of Way (VAC25- 0018)

Public Hearing and approval of an Ordinance vacating a Street/Alley Right of Way located between Lot 1 of Ratcliff Subdivision and Lot D, Block 6 of Lincoln and Rice Addition (VAC25-0018).

Mayor Orman opened the floor and online for public comment, seeing none; she closed to public comment.

Council Member Sanchez mentioned the item having a note regarding transportation, Dan Weese, indicated that if there's an area the City might see as an issue in the future they will notate as such. This situation has an issue with the access points dealing with the flooding but wants to protect the areas where they can.

Council Member Patterson appreciated the extra diligence to help them understand.

The transportation department is stating, they want to pause and continue to revisit, as an advisement.

Council Member Burckart would like to see a narrative a more around how they object, because it would be clearer to know how to vote, and support.

Council Member Acree asked if the Transportation objects based on necessity. City stated, any potential damage endured in this area would be on the private owner. Transportation, just wanted to make sure it was just brought to the attention of the Council because there is a slight mix of private and public.

Transportation indicated in the future, recommendations will be clearer for council to understand and determine an action.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Burckart, seconded by Council Member Acree. Ordinance passes (4-3 NO: Sanchez, Patterson, Hook).

9. Ordinance 2025-140: Public Hearing and Ordinance Vacating an Alley/Street Right of Way (VAC25- 0019)

Public Hearing and approval of an Ordinance vacating an Alley/Street Right of Way located at Crystal Lands Subdivision Lot 1 (VAC25-0019).

Mayor Orman opened the floor and online for public comment, seeing none; she closed to public comment.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Acree.
Ordinance passes (7-0).

10. Resolution 7-22-25 F: Awarding Bid IFB-25-45 Mastic Seal to Innovative Roadway Solutions LLC

Resolution awarding bid IFB-25-45 2025 to Innovative Roadway Solutions LLC per the unit prices attached. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Sooter.
Resolution passes (7-0).

11. Resolution 7-22-25 G: Awarding Bid IFB-25-44 Street Overlay to Emery Sapp & Sons, Inc.

Resolution awarding bid IFB-25-44 to Emery Sapp & Sons, Inc. per the unit prices attached. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Seba.
Resolution passes (7-0).

12. Ordinance 2025-141: Approving a Waiver of Bid for the Melvin Ford Aquatic Center Pool Liner

An Ordinance authorizing the Mayor and City Clerk to waive competitive bidding and enter into an agreement with Burton Pool and Spa in the amount of \$220,007.62, for the purchase and installation of a pool liner for the 50-meter pool at Melvin Ford Aquatic Center. No budget adjustment is needed.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart.
Ordinance passes (7-0).

14. Ordinance 2025-142: Approving a Waiver of Bid for Solid Waste and Recycling Services

Ordinance authorizing the Mayor and City Clerk to waive competitive bidding and enter

into an agreement with Allied Waste, LLC DBA Republic Services of Bella Vista for Solid Waste and Recycling Services. No budget adjustment is needed.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Ordinance passes (7-0).

15. Resolution 7-22-25 I: Water Utilities Water Service Line Replacement Arkansas Community Assistance Grant Request

Resolution authorizing the Mayor and City Clerk to enter into an agreement with Arkansas Economic Development Commission to pursue an Arkansas Community Assistance Grant to support ongoing water service line replacements for service line leaks identified in the recent water distribution system leak detection exercise. No budget adjustment is needed

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Hook. Resolution passes (7-0).

III. Utility Board- NON-Consent Agenda Items

2. Resolution 7-22-25 K: Enter Agreement with Olsson - 48" Water Main Relocation Construction Phase Services

Resolution authorizing the Mayor and City Clerk to enter into an agreement with Olsson, Inc. for Amendment # 2, in the amount of \$2,089,769.00, for construction phase services for the 090512 ARDOT 48" Water Transmission Main Relocation project. Utility Board approved 5- 0. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Burckart. Resolution passes (7-0).

3. Resolution 7-22-25 L: Award Bid IFB-25-52 090512 ARDOT 48" Transmission Line Relocation

Resolution awarding bid IFB-25-52 - 090512 ARDOT 48" Transmission Line Relocation to Garney Co. Inc., in the amount of \$15,308,195.00, to Garney Companies, Inc. Utility Board approved 5-0. No budget adjustment is needed.

City Attorney Nicholas Henry read the Resolution out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Hook. Resolution passes (7-0).

IV. Planning

1. Ordinance 2025-143: Final Plat - Lots 32-36 of Deming's 2nd Addition - 803 NE A Street (FP24-0021)

The Planning Commission voted 7-0, recommending approval.

An Ordinance Accepting A Final Plat Of Lots 32-36, Block 23 Of Demming's 2nd Addition To The City Of Bentonville, Arkansas; And For Other Purposes.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Hook.

Ordinance passes (7-0).

2. Ordinance 2025-144: Rezoning - N & J Family Properties, LLC - A-1, Agriculture to R-1, Low-Density Single-Family Residential - North of Phillips Cemetery, south of Haxton, east of Mill Dam (RZ25-0030)

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 A-1, Agricultural To R-1, Low Density Single Family Residential; And For Other Purposes.

Mayor Orman commented on how well the developer worked with the City, and Tyler Overstreet further indicated that the design of this was with respect to nature.

City Attorney Nicholas Henry read the Ordinance out loud by title only, motion to approve by Council Member Sanchez, seconded by Council Member Hook.

Ordinance passes (7-0).

IV. Freedom of Information Act (FOIA) Changes with the 2025 Legislative Session

City Attorney Nick Henry and the City Legal Staff presented the newly enacted state laws affecting FOIA.

They outlined interim recommendations for managing these changes as the law takes effect on August 5, 2025, and further guidance continues to emerge.

Full Presentation and debate can be view [HERE](#) (Min 58.00)

City Attorney Nick Henry, presented and explained the new FOIA law amendments to Council. Henry, started with a background and current explanation of FOIA, summarized

key vernacular within the law, and pulled out pertinent definitions to help with clarification of the legal language presented within the law.

The City's legal team presented recommendation guidelines urging every conversation between Council members, city staff, & other Council members themselves, outside of a public recorded meeting to be documented/recorded. The recommendations are a direct response to the recent amendments of the State of Arkansas' Freedom of Information Act. Under the new State rules and revisions, discussions and decisions pertaining to city business are expected to occur more in open/public meetings.

Mayor Orman & the City's legal team noted that distinguishing facts from opinions in nonpublic discussions could devolve into "he said, she said" dispute if any legal action arises. City staff will remain focused on factual exchanges among council members to avoid any perception of influence

Thus, the recommendation of documenting non-public meeting exchanges is seen as a step to uphold transparency and avoid potential FOIA violations. City Attorney Nick Henry stated this recommendation is due to the new law but clarified the new law doesn't require Council members to record their conversations. As more clarifications come from the state once this law becomes enacted, legal hopes to continue to revisit this process, and work to retool anything as necessary.

Council member Bill Burckart pushed back hard on the proposal, questioning its practicality and warning that mandating recordings for every discussion could stifle candid dialogue, bog down the Council in administrative tasks, and slow decision-making.

Council Member Burckart felt this was a violation of his rights, since it is not covered by law, and believes he should be able to have open conversations with staff to get the facts without any interference. City Attorney Henry and Legal further emphasized that it is the most conservative approach at this time, since there is not total clarity around the law at this time, and most businesses go above and beyond to ensure they are not sued. Council Member Burckart countered that he was an elected official not an employee, and continued to mandate that he would not be recording conversations.

Council Member Acree discussed her concerns with using a Teams Transcription, as there is worry of information being misconstrued. She does not trust these technologies will give the full information correctly, and this could turn into an issue. Legal assured

there are various ways to record meetings, if there is something council is more comfortable using.

Other members of Council understood that the City is using this as a purely protection model, and feels the measures taken are appropriate. Council Member Seba stated that in these initial stages, we don't want to get the City sued, as more clarification comes out the process will change. She stated there was a lot of pettiness around this issue. Council Member Sanchez too reiterated that legal's interpretation is that of safety and to proceed accordingly with their recommendations.

Other notes from the new State FOIA law, states that a voting member of council cannot vote if not in person. They can still be part of the discussion, but if they are joining online they will not be able to count in the vote. This is void in cases of natural disaster or emergency.

Protectionary measures are still in place regarding matters of City Security.

V. Other Business/Announcements/Comments

Motion to adjourn meeting Council Member Burckart, Seconded Council Member Seba, motion passes.

Voting portion of the meeting closed.

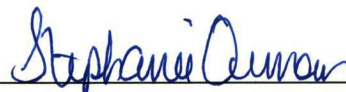
I. Committee Reports

- i. **Seba: Public Art:** Closed the application process for the new chair. Since storm wood has not been taken by anyone Parks & Rec is going to handle its disposal.

The next Bentonville City Council meeting will be on Tuesday August 12, 2025.



Malorie Marrs, City Clerk



Stephanie Orman, Mayor

