

Bentonville City Council

Meeting Minutes

December 8, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, December 8, 2020, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were Council Members Cindy Acree, Octavio Sanchez, Chad Goss, Chris Sooter, Bill Burckart, Jonathan Terlouw, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience. Council Member Tim Robinson attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public also attended remotely by Zoom. Mayor Orman reminded the council that all votes would be by roll call.

Several individuals signed in to speak at the meeting in person and several joined via Zoom to speak to agenda items.

Mayor Orman called the meeting to order. Owen Hayes, a Cub Scout from Pack 525, 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 November 24, 2020 meeting as presented, second by Council Member Goss. There was no discussion. Motion carried (8-0).

Motion was made by Council Member Sooter to place agenda items 5,8,11-14,17-24,29,40-42, on a consent agenda after planning items, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

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).

1. Recognize members of the Community Council and Youth Council for their completion of the year-long program, Aaron Jones, outgoing Library Advisory Board member, and outgoing City Council members Chad Goss and Jon Terlouw who did not seek re-election.

Mayor Orman recognized members of the Community Council and Youth Council.

Hadi Dudley, Bentonville Library Director, recognized Aaron Jones for his contribution to the Library Advisory Board and thanked him for his dedication and support of their mission.

Mayor Orman recognized and thanked outgoing City Council members Chad Goss and Jon Terlouw.

2. INFORMATIONAL ITEM - Presentation of Master Plan for 8th Street Gateway Park by David Wright, Director of Bentonville Parks and Recreation.
3. Ordinance No. 2020-228: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning to wards.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

4. Planning:

- 4a. Ordinance No. 2020-229: Ordinance accepting a property line adjustment of Lot 1 of Benton County Courts Addition to the City of Bentonville, Arkansas (Project No. PLA20-0052).

[Applicant: Benton County;

Location: 215 E Central Avenue]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

- 4b. Ordinance No. 2020-230: Ordinance amending the Land Development Code, Article 1100 Design Standards, of the Bentonville Municipal Code to establish stormwater runoff mitigation for all development.

Council Member Sanchez asked what the level of public comment or discussion was on this item. Mayor Orman recognized Dan Weese, Bentonville City Engineer, to speak to this question. Dan Weese said there were a few questions at the public hearings, so they had a meeting with contractors and developers. Comments were heavily focused on the redirection of downspouts and the logistics of how this would work. Council Member Sanchez said he felt the inches of retention were excessive, but Weese said he had not heard that comment and thought it was a solid recommendation.

Council Member Acree asked to what degree are these measures going to affect the draining issue. Mayor Orman and Dan Weese explained that it would help not add to existing runoff but not solve current drainage issues. Council Member Burckart asked who this affects. Dan Weese explained that any increase in the impervious area would need to go through the mitigation.

Council and Dan Weese had a lengthy discussion on the intent of the amendment, the cost it would add to the development, and multiple options that are available to those developing.

Mayor Orman and Dan Weese explained that this amendment would allow a reference point for the city to help regulate the runoff impact.

Council had a lengthy discussion on the impact of the runoff mitigation on developers, citizens affected by new development drainage, and the ability to apply for waivers.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Patterson. There was no further discussion. Motion carried (7-1)

with Council Member Burckart voting no.

- 4c. Ordinance No. 2020-231: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-4, Downtown Mixed-Use Residential (Project No. RZ20-0053).

[Applicant: Zeb & Lavee Collingsworth & Kerry Laman;

Location: 801 & 805 SE 5th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 4d. Ordinance No. 2020-232: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ20-0054).

[Applicant: Larry & Linda Wright;

Location: 208 SE 6th Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

- 4e. Ordinance No. 2020-233: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to C-3, Mixed-Use Commercial (Project No. RZ20-0056).

[Applicant: Alice L Walton Foundation, Inc.;

Location: NE J Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 4f. Ordinance No. 2020-234: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DE, Downtown Edge (Project No. RZ20-0057).

[Applicant: Chris Sooter Revocable Trust;

Location: NW 3rd Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Sooter sustaining.

- 4g. Ordinance No. 2020-235: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential (Project No. RZ20-0058).

[Applicant: Chris Sooter Revocable Trust;

Location: 811 NE A Street]

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Sooter sustaining.

Consent Agenda:

5. Budget Adjustment to move accepted Trailblazers grant from fund year 2017 to 2020 in the amount of \$19,900.00. Funds will be used to upgrade stormwater pumps in the pedestrian tunnel relating to the project, "Pedestrian Tunnel at SE 8th and SE J Street". Also, release the remaining \$31,994.00 from the grant.
8. Budget adjustment approval to accept a grant from the Walton Family Foundation in the amount up to \$10,000.00 for reimbursement toward the construction of pedestrian crossing improvements at East Central / "F" Street intersection.

11. Reappointment of Megan Bolinder to a 5-year term on the Library Advisory Board. This is her second term, effective January 1, 2021, through December 31, 2025.
12. Appointment of Michele Stamps Pritchett to a 5-year term on the Library Advisory Board. This is her first term, effective January 1, 2021, through December 31, 2025.
13. Appointment of Matthew Moses to a 5-year term on the Library Advisory Board. This is his first term, effective January 1, 2021, through December 31, 2025.
14. Reappointment of Howard Kerr to a 6-year term on XNA's National Airport Authority Board of Directors. (Term expires on 12/31/2026)
17. Bid award for single-phase transformers for January through June in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$591,654.00. Items will be ordered on 'as needed' basis.
18. Bid award for 3PH phase transformers for January through June in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$1,512,932.00. Items will be ordered on 'as needed' basis.
19. Bid award for pole mount transformers for January through June in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$347,688.00. Items will be ordered on 'as needed' basis.

20. Bid award for street material in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$292,080.00. Items will be ordered on 'as needed' basis.
21. Bid award for switch gears in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$202,703.16. Items will be ordered on 'as needed' basis.
22. Bid award for electric material in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$2,015,979.64. Items will be ordered on 'as needed' basis.
23. Bid award for water/sewer material in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$520,911.11. Items will be ordered on 'as needed' basis.
24. Bid award for janitorial supplies in 2021 to the lowest bidder as shown on the attached bid tabulation in the amount of \$145,998.31. Items will be ordered on 'as needed' basis.
29. Change order to Ampirical contract for engineering services for Substation "I" to reduce the amount by \$169,780.00.
40. Bid award for Run Bentonville Half Marathon Finisher Hoodies.
41. Bid award for Run Bentonville Half Marathon Race Shirts.
42. Motion by City Council to cancel the December 22, 2020, City Council meeting and resume regular schedule on January 12, 2021.

Motion to pass all consent items by Council Member Sanchez, second by

Council Member Sooter. There was no discussion. Motion carried (8-0).

6. Resolution No. 12-8-20 A: A resolution expressing the willingness of the City of Bentonville to utilize the FFY 2020 Building Resilient Infrastructure and Communities (BRIC) Grant Program administered by the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA) to Design and construct hazard mitigation projects.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

7. Resolution No. 12-8-20 B: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Universal Field Services, Inc. for professional services for the 8th Street Improvement Project.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

9. Resolution No. 12-8-20 C: A resolution authorizing the Mayor and City Clerk to enter into an agreement for ambulance service with Benton County, Arkansas.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

10. Ordinance No. 2020-236: Ordinance authorizing the Mayor and the City Clerk to purchase fireworks for the City of Bentonville's 4th of July celebration from pyro shows and waiving the requirement of competitive bidding.

The initial contract term will be one year, renewable annually for a maximum term of three years. Proposals were requested through a formal Request for Proposals (RFP) process; PyroShows' proposal was the only submission received. This is a 2021

budgeted expense; the contract needs to be executed in December for the provider to put the city's fireworks show on the schedule.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2020-237: Ordinance extending revisions to the City of Bentonville Personnel Policy related to the Families First Coronavirus Response Act.

The provisions of the FFCRA will be extended through June 30, 2021, and the leave provided reset so that amounts are available to employees for the additional period.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

16. Resolution No. 12-8-20 D: A resolution authorizing the Mayor and Clerk to enter into an agreement with the Johanson Group for a Salary and Benefits Survey.

Through the City's standard procurement procedures, a Request for Qualifications (RFQ) was issued in September for a Salary and Benefits Study (RFQ-20-59). The Johanson Group was the only firm to submit a Statement of Qualifications (SOQ), which was scored in accordance with state law criteria for professional services by a Selection Committee. Based on the qualifications demonstrated in their SOQ, the Selection Committee chose to enter into contract negotiations with Johanson Group.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

25. Ordinance No. 2020-238: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of

electric meters for the City of Bentonville from Mueller Systems and waiving the requirement of competitive bidding.

The purchase will be in the amount of \$522,738.00. This is a 'Single Source' item in the State of Arkansas.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

26. Ordinance No. 2020-239: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of water meters for the City of Bentonville from Mueller Systems and waiving the requirement of competitive bidding.

The purchase will be in the amount of \$289,200.00. This is a 'Single Source' item in the State of Arkansas.

Council Member Burckart stated that the items do not represent what is on the rate study for next year and that it does not align with the budget.

Mike Bender, Public Works Director, recognized Travis Matlock, Engineering Director, to explain what was used to determine this amount. Travis Matlock stated that they establish a price per meter to know what they may need to purchase and budget for in the coming year.

Council Member Sanchez asked if this item is a lump sum or several payments made over time. Travis Matlock explained that these items would be purchased as needed throughout the year.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

27. Ordinance No. 2020-240: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of SENSUS water meters for the City of Bentonville from Core and Main and waiving the requirement of competitive bidding.

The purchase will be in the amount of \$86,655.80. This is a 'Single Source' item in the State of Arkansas.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

28. Ordinance No. 2020-241: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of ornamental lighting fixtures for the City of Bentonville and waiving the requirement of competitive bidding.

The purchase from Holophane Ornamental Lighting will be in the amount of \$1,462,760.00. This is a 'Single Source' item in the State of Arkansas.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

30. Ordinance No. 2020-242: Ordinance amending section 98-356 of the Bentonville Municipal Code pertaining to water rates.

Proposed rate adjustments from this ordinance align with the 4% increase in 2021 and 4% increase in 2022 as presented in the Water Rate Analysis prepared by Raftelis and presented to the council on October 27, 2020.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss.

Council Member Burckart asked about the Raftelis report. Mike Bender recognized Collin Drat and Tom Beckley from Raftelis as available for questions. Council Member Burckart asked if what the numbers are based off and if the rate increase can be put off until the situation with the water meters is solved. He also suggested that the ordinance be adjusted to only a one-year increase if needed.

Council Member Patterson brought up that regardless of the water meter mechanical or systematic issue, the last time there an approval to increase water rates was 2009.

Council and Mike Bender had a lengthy discussion on the logistics of the water rate adjustments for each customer and how it would impact the department's bottom line. Jake Harper, Finance Director, said that whether we solve the water loss

issue, we still need a rate increase to help support the water department.

Mayor Orman recognized the representatives from Raftelis to explain the numbers behind their report i.e., loss, recovery of loss, and the percentage of consumption growth. Council Member Sanchez proposed that the rate increase be made for one year and have Mueller assist in finding the root of the water loss and meter issue within that year.

Council Member Patterson asked for clarification on what a one-year rate increase would entail. Mike Bender explained that if the one-year increase is approved, then in a year, the council will revisit the water rate to decide if there needs to be an additional increase or not.

Motion to amend the ordinance to a one-year rate increase only by Council Member Burckart, second by Council Member Acree. There was no discussion. Motion carried (8-0).

Motion to accept the ordinance as amended passed unanimously. Motion carried (8-0).

31. Resolution No. 12-8-20 E: A resolution authorizing the Mayor and Clerk to enter into an agreement with Hawkins-Weir Engineering for Amendment No. 2 of the Bentonville WWTP Capital Improvement Plan Project.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

32. Ordinance No. 2020-243: Ordinance establishing certain fees for the City of Bentonville Parks and Recreation Department and Community Center.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (8-0).

33. Ordinance No. 2020-244: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for the purchase of chlorine for certain parks facilities and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0)

34. Resolution No. 12-8-20 F: A resolution authorizing the Mayor and Clerk to enter into an agreement with Ann O'Sullivan for instructional recreation and wellness classes for the Bentonville Parks and Recreation Department.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

35. Resolution No. 12-8-20 G: A resolution authorizing the Mayor and Clerk to enter into an agreement with Kristen Bernards for instructional swim lessons for the Bentonville Parks and Recreation Department.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

36. Resolution No. 12-8-20 H: A resolution authorizing the Mayor and Clerk to enter into an agreement with Sarah Gwin for instructional swim lessons for the Bentonville Parks and Recreation Department.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

37. Resolution No. 12-8-20 I: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Ozark Tennis Academy.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

38. Resolution No. 12-8-20 J: A resolution authorizing the Mayor and Clerk to enter into an agreement with CEI for land surveying services for the 8th Street Park Project.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

39. Resolution No. 12-8-20 K: A resolution authorizing the Mayor and Clerk to enter into an agreement with Port for additional design services for the 8th Street Gateway Park.

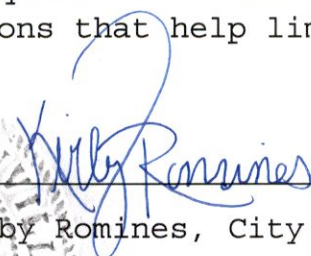
City Attorney Spence read the resolution by title only. Motion to pass by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

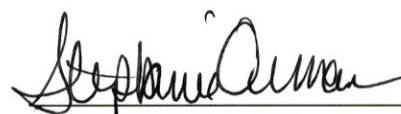
Mayor Orman adjourned the meeting. Motion to adjure by Council Member Burckart, second by Council Member Sanchez.

Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded the council that item 42 was approved, which canceled the December 22, 2020, city council meeting. The next city council meeting will be on January 12, 2021. Mayor Orman reminded the council of the committee of the whole meeting on January 11, 2021, and that they are shooting a video on Thursday, December 10, at 10:30 on the square. The video will encourage people to continue taking precautions that help limit the spread of COVID-19.




Kirby Romines, City Clerk


Stephanie Orman, Mayor