

Bentonville City Council

Meeting Minutes

January 25, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 25, 2022, at 6:00 p.m., at City Hall, 305 S.W. A Street, Bentonville, Arkansas.

Present were Council Members Octavio Sanchez, Aubrey Patterson, Cindy Acree, Bill Burckart, Holly Hook, Gayatri Agnew, and Chris Sooter. 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 attended remotely by Zoom.

Several individuals signed in to speak at the meeting in person.

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 Burckart to approve the minutes of the January 11, 2022, meeting as presented, second by Council Member Sanchez. 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. Planning:

- 1a. Ordinance No. 2022-15: Ordinance accepting a lot split of Lots 33 and 34 of W.A. Burks Addition to the City of Bentonville, Arkansas (Project No. LS21-0065).

[Applicant: 1003 North Main Street LLC;

Location: 1003 N Main 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).

- 1b. Ordinance No. 2022-16: Ordinance accepting a lot split of Lots 6 and 7 of Shaw Estates to the City of Bentonville, Arkansas (Project No. LS21-0072).

[Applicant: Joseph Courtland & Tabitha T Halbrook;

Location: Allen Road]

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).

- 1c. Ordinance No. 2022-17: Ordinance accepting a property line adjustment of Lot 12 of Bottens Acres Subdivision to the City of Bentonville, Arkansas (Project No. PLA21-0031).

[Applicant: Waffle House, Inc.;

Location: 2306 SE Walton Boulevard]

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).

2. Appeal to a Planning Commission decision for a waiver request in relation to the Aurora Subdivision Phase 3 Preliminary Plat by Amazing Land Company, LLC. Amazing Land Company, LLC, as part of the Aurora Subdivision Phase 3 Preliminary Plat, applied for a waiver from Article 1100, Section 1100.16(d), Connectivity, of the Land Development Code, which requires local and residential streets to connect with surrounding streets. The applicant requested the Planning Commission not require them to connect to SW Atlantic Avenue, which is located in the Providence Village Subdivision to the west. The Planning Commission voted to deny the waiver request by a vote of 2-4. The applicant and their representative, CEI, have prepared additional documentation and studies for presentation to the City Council along with their appeal request. The City Council may approve the appeal (approving the waiver), deny the appeal (denying the waiver), or send the item back to Planning Commission for additional study in light of the additional information provided by the applicant.

Mayor Orman recognized those who wished to speak on this item. Nate Bachelor with CEI Engineering, and Bob David, the developer of this project, asked for the council to move forward with the waiver based on the information presented. Dan Weese, City Engineer, asked for two weeks to review what was presented and send the item back to the Planning Commission.

Council Member Burckart explained the process developers go through with the Planning Commission and expressed concerns as to why concerns were raised late in the process.

Mayor Orman asked Dan Weese to explain how they made the decision to request two weeks for review. Dan Weese explained his involvement, the process, and why he asked for more time to review data.

Council Member Patterson and Council Member Sanchez expressed that they think the two weeks for review should be allowed. Council Member Burckart and Council Member Acree expressed their desire to approve the appeal. The council engaged in a lengthy discussion on the area and connectivity in question.

Bob David, the developer, explained how much the additional two weeks would further push their project back and asked for the council to grant their appeal.

Motion to approve by Council Member Burckart, second by Council Member Acree. There was a tie, so Mayor Orman broke the tie by voting no and explained that the process to submit the waiver was not submitted in time. Motion did not carry (4-5), with Council Member Hook, Council Member Sanchez, Council Member Agnew, and Council Member Patterson voting no.

Motion to send back the waiver to the Planning Commission by Council Member Hook, second by Council Member Sanchez. There was no further discussion. Motion carried (8-0).

3. Utility Board:

- 3a. Staff recommends awarding a bid for three (3) 2021 Ram 1500 Tradesman, Regular Cab, 4x4 Trucks from Superior Automotive for \$72,000.00 (\$24,000.00 per unit). Approved by the Utility Board 5-0.

Motion to approve by Council Member Sanchez, second by Council Member Hook. There was no discussion. Motion carried (8-0).

- 3b. Resolution No. 1-25-22 A: A resolution authorizing the Mayor and City Clerk to enter into Amendment No. 1 to the professional services agreement with Garver, LLC, for additional engineering services related to the design of Compost Facility improvements adjacent to the Bentonville Water Resource Recovery Facility in a total amount not to exceed one hundred ninety-four thousand five hundred and fifty dollars (\$194,550.00), supporting the future use of American Rescue Plan Act (ARPA) funds for the construction of said improvements following design completion, and for other purposes.

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

- 3c. Ordinance No. 2022-18: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Instrument and Supply, Inc. for the purchase of a refill valve for the I Street Water Tanks, waiving the requirement of competitive bidding and for other purposes.

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).

- 3d. Ordinance No. 2022-19: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Siemens Energy, Inc. for the purchase of 15 kV substation breakers for the City of Bentonville Electric Department, waiving the requirement of competitive bidding and for other purposes.

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).

- 3e. Ordinance No. 2022-20: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Siemens Energy, Inc. for the purchase of 15 kV substation breakers for the City of Bentonville Electric Department, waiving the requirement of competitive bidding and for other purposes.

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).

- 3f. Budget adjustment to use reserves to purchase (6) 15 kV and (1) 161 kV breakers for the expansion of Substation "I" for \$181,347.00 (total including tax). Approved by Utility Board 5-0.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

4. Removed: Ordinance requesting a Waiver of Bid for the purchase of uniforms for the Bentonville Fire Department employees. Due to uniform requirements, Galls LLC is able to supply all of the fire department needs, and they have a location in Springdale, Arkansas.

5. Ordinance No. 2022-21: Ordinance waiving competitive bidding for the purchase of medical supplies and medication for the Bentonville Fire Department Ambulance Service; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed eighty thousand dollars (\$80,000.00), with Henry Schein Medical for this purchase; and for other purposes.

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).

6. Resolution No. 1-25-22 B: A resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property and authorizing its disposal and for other purposes.

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

7. Removed: Ordinance requesting a waiver of bid to allow for the purchase of Patrol Uniforms from Galls, LLC in Springdale, Arkansas.

8. Resolution No. 1-25-22 C: A resolution of the City of Bentonville City Council adopting the finalized Benton County Hazard Mitigation Plan (HMP); providing an effective date; and for other purposes.

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

9. Resolution No. 1-25-22 D: A resolution authorizing the purchase of BambooHR Software; adjusting the 2022 budget to appropriate forty-three thousand four hundred fifty-five dollars (\$43,455.00) from General Fund Reserves into Account #101010-43310; and for other purposes.

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

10. Resolution No. 1-25-22 E: A resolution setting a public hearing for February 8, 2022, for a Street Right of Way Vacation requested by CEI Engineering for 609 Enfield Road (VAC21-0033).

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

11. Resolution No. 1-25-22 F: A resolution setting a public hearing for February 8, 2022, for a Street Right of Way Vacation requested by CEI Engineering for NE F Street at Enfield Road (VAC21-0032).

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

12. Resolution No. 1-25-22 G: A resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Burns & McDonnell Engineering Company for certain services related to Greenhouse Road, approving a budget adjustment to street and transportation accounts to reflect revenue in the amount of one million two hundred two thousand eight hundred and sixty-five dollars (\$1,202,865.00) and expenses in the amount of one million three hundred thirty-five thousand one hundred and thirty-nine dollars (\$1,335,139.00); and for other purposes.

Council Member Hook asked about the agreement between Centerton and the City of Bentonville and how that will work together. Dennis Birge, Transportation Director, explained the agreement details. Council Member Patterson asked for clarification on what the project will cover.

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

13. Resolution No. 1-25-22 H: A resolution authorizing a budget adjustment in the amount of one million seven hundred sixty thousand dollars (\$1,760,000.00) to certain Street and Transportation Department accounts; and for other purposes.

Council Member Burckart and Dennis Birge discussed the cost of taking some of the Transportation Department's work in-house, the goal of having their own crew at some point, and the need and desire to be able to do more projects internally. Council Member Sanchez mentioned that even though there is a cost to acquiring the equipment and crew, having more flexibility will be a good advantage for the department in the future. Council Member Burckart also mentioned that it would be great to look into departments sharing their fleet and equipment when possible.

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

14. Ordinance No. 2022-22: Ordinance amending the pay plan for the City of Bentonville Transportation Department to provide for new and upgraded positions; authorizing a budget adjustment in the amount of one hundred sixty-nine thousand four hundred and eighty dollars (\$169,480.00); and for other purposes.

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).

15. Appointment of Michelle Evans to the Library Advisory Board. This will be her first five-year term; the term of service is January 1, 2022, to December 31, 2026.

Motion to approve by Council Member Sanchez, second by Council Member Agnew. There was no discussion. Motion carried (8-0).

16. Resolution No. 1-25-22 I: A resolution accepting CARES Act Grant Funds, in the amount of fifty-six thousand eight hundred fifty-six dollars (\$56,856.00), into federal grant account #105050-33110; adjusting the 2022 budget to appropriate the same into certain Bentonville Public Library accounts; and for other purposes.

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

17. Ordinance No. 2022-23: Ordinance waiving competitive bidding for the purchase of ebooks for the Bentonville Public Library; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed ninety thousand dollars (\$90,000.00), with Overdrive, Inc. for this purchase; and for other purposes.

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).

18. Resolution No. 1-25-22 J: A resolution authorizing the Bentonville Library to dispose of obsolete surplus property no longer used by the city through internet auction or other available means; and for other purposes.

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

19. Informative update concerning the public safety/city radio system. Captain John Hubbard introduced Dean Hart with Tusa Consulting to give their update.

Council Member Agnew asked about maintenance for Motorola/AWIN versus RACOM and what they would cover. Dean Hart explained what they would cover for known items and what would be the city's responsibility versus the state's responsibility. Council Member Burckart asked, with the Motorola/AWIN being almost a million dollars less in cost and the unknown items covered through the AWIN agreement, why would RACOM be recommended when both are adequate proposals. Council Member Robinson and Council Member Sanchez expressed similar concerns and questions. Dean Hart said that based on the technical scores and several other factors presented, RACOM is the recommended provider. Tusa Consulting made its recommendation based on the RFP process set in place. Several council members still expressed concerns about the RFP process.

The council, Captain Hubbard, Police Chief Ray Shastid, and Dean Hart engaged in a further lengthy discussion about the differences between Motorola/AWIN versus RACOM regarding what maintenance is or is not covered, the cost differences, and the technical scores.

Gladys Shoemake, Purchasing Manager, explained the RFP process, how they asked both vendors to give the best and final offer, and explained that they do not deviate from the RFP process that was originally laid out. Council Member Burckart, Council Member Agnew, Council Member Robinson requested a breakdown of what the state would cover for the maintenance. Still, Gladys Shoemake explained that they would have to have an internal discussion

with legal to see what they are allowed to do based on the law they followed to ensure a fair, replicable process. Bonnie Bridges, Associate Staff Attorney/Special Deputy Prosecuting Attorney, also reiterated that they could not deviate from the RFP process set in place.

Council Member Robinson also asked for an updated technical score reflecting the final offers. Gladys Shoemake mentioned that there could be a comparison of the final proposals, but that will need to be discussed with legal.

Dean Hart said they would provide a risk analysis and the final proposal technical scores.

The council engaged in further discussion regarding the time frame for the funding on this project and that it does not expire. Mayor Orman asked both vendors present to address the council to clarify without providing new information. Both Motorola/AWIN and RACOM spoke.

Gladys Shoemake explained to both vendors that they should not provide any further information unless requested based on the city's internal discussions.

Council engaged in further discussion on what was provided by Motorola/AWIN and requested that if it was provided in the packet, to receive the information from Tusa Consulting.

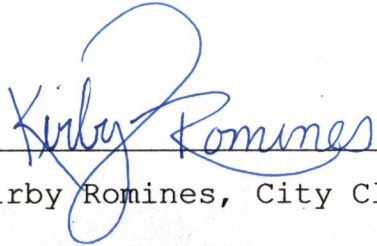
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Acree, second by Council Member Burckart. Motion passed unanimously.

Council members reported on committees and boards they participate in related to the city. Council Member Patterson and Dennis Birge, Transportation Director, discussed ways to notify the public of upcoming public meetings.

Mayor Orman recognized Paxton Shrouder for public comment. Paxton Shrouder asked for a solution regarding guidelines for noise complaints in the Bentonville City Code.

City Clerk Kirby Romines reminded the council about the deadline for the Statement of Financial Interest forms.

The next Bentonville City Council meeting will be on February 8, 2022.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

