

Bentonville City Council

Meeting Minutes

March 8, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, March 8, 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, Tim Robinson, Gayatri Agnew, Bill Burckart, Holly Hook, and Chris Sooter. Also present were Mayor Stephanie Orman, City Attorney George Spence, City Clerk Kirby Romines, the press, city staff, and the audience.

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. Natalie Dobbins, Girl Scout from Troop 5273, 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 February 22, 2022, meeting as presented, second by Council Member Acree. 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. 2022-52: Ordinance accepting a property line adjustment of Lots 6, 7, & 12 of Youngs Addition and Lot 23 of 3rd East Addition, creating Lots 13-16 of Youngs Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA21-0059).

[Applicant: Rodney & Mary Sample, Zeb & Lavee Collingsworth, Wu & Loh Seen, &Serenity P, LLC;

Location: 805 SE 5th Street]

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

- 1b. Ordinance No. 2022-53: Ordinance accepting a final plat of Osage Hills Subdivision Phase 2 to the City of Bentonville, Arkansas; and for other purposes (Project No. FP22-0001).

[Applicant: WM 63 RE, LLC and Osage RE Holdings, LLC;

Location: SW Anglin Road and SW Bison Street]

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

2. Utility Board:

- 2a. Ordinance No. 2022-54: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Hubbell Power Systems, Inc. for 15 kV switches for the Substation "I"

expansion in the amount of sixty-two thousand five hundred eighty-two dollars and fifty-four cents (\$62,582.54), waiving the requirement of competitive bidding; adjusting the 2022 Budget to provide funding for said 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 Sooter. There was no discussion. Motion carried (8-0).

3. Resolution No. 3-8-22 A: A resolution awarding bid IFB-22-19; authorizing the Mayor and City Clerk to enter into a contract with Arkansas Electric Cooperative for the purchase of capacitors and capacitor material; and for other purposes.

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

4. Ordinance No. 2022-55: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Techline for pole mounted transformers in the amount of two hundred seventy thousand six hundred twenty dollars (\$270,620.00) plus applicable taxes, 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 Robinson. There was no discussion. Motion carried (8-0).

5. Ordinance No. 2022-56: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Techline for pole mounted transformers in the amount of two million fifty-three thousand seven hundred sixty-two dollars and fifty cents (\$2,053,762.50) plus applicable taxes, 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 Robinson. There was no discussion. Motion carried (8-0).

6. Ordinance No. 2022-57: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Stuart Irby for electrical wire in the amount of four hundred twenty thousand seven hundred and five dollars (\$420,705.00) plus applicable taxes, 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).

7. Mayor Orman recommends the appointment of Ricky Cortes to the City of Bentonville's Advertising & Promotion Commission. Mr. Cortes' will be serving his first term, which will expire December 31, 2025.

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

8. Resolution No. 3-8-22 B: A resolution amending Resolution No. 11-9-21 E; adding a second Bentonville City Council Member to the Housing Affordability Work Group; and for other purposes.

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

9. Ordinance No. 2022-58: Ordinance Amending Chapter 2, Article VI, Division 2-VI-2, Section 2-377, authority of Mayor spending limit; and for other purposes.

Council Member Burckart asked for a couple of examples of this being applied. Jake Harper, Finance Director, and Gladys Shoemake, Purchasing Manager, gave a couple of examples and explained further details of the purchasing policy and what would be brought to the council for approval. Council Member Acree asked if there is a definition of funding that has been approved by the council, and Council Member Sanchez recommended including further detail in the budget to help lay out what the expenses would be. Jake Harper and Gladys Shoemake discussed the reasoning behind the presented amendment. Jake Harper recommended that during the 2022 financial updates, they can provide a breakdown of the state contract items for the council to better understand the items this amendment would pertain to.

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

10. Resolution No. 3-8-22 C: A resolution allowing the Mayor and City Clerk to enter into Work Order #1 with Garver Engineering; adjusting the 2022 Budget to appropriate ten thousand dollars (\$10,000.00) from General Fund Reserves into Account #101650-43210 for this work order; and for other purposes.

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

11. Ordinance No. 2022-59: Ordinance amending the 2022 Pay Plan for the City of Bentonville; adding additional pay to compensate employees who have taken over new roles pursuant to the Federal Commercial Driver's License Program; and for other purposes.

Council Member Patterson asked if this is a requirement from the Federal Government. Ed Wheeler, Human Resources Manager, and Mayor Orman explained that certain employees are required to have a CDL license, and the government has mandated a training piece which is a new regulation. If employees go through this training to get the license, then they will receive the add pay. Council Member Burckart asked for further clarification. Ed

Wheeler said the only other way would be to send someone to the school for \$4,000 each, but this way is more financially feasible.

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

12. Resolution No. 3-8-22 D: A resolution authorizing the Mayor and Clerk to enter into an amendment to the contract with Pyro Shows to increase the contract amount for the annual fireworks display to forty thousand dollars (\$40,000.00) per year and for other purposes.

Council Member Sanchez mentioned that the contract had been \$30,000 for years, now it is moving to \$40,000.

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

13. Resolution No. 3-8-22 E: A resolution accepting a grant from the Walton Family Foundation in the amount of seven hundred twenty-five thousand nine hundred forty-three dollars (\$725,943.00) for the City of Bentonville Fire Department in order to support staffing and development of a trail response team, adjusting the 2022 Budget to appropriate the first year's installment of three hundred thousand, seventy-five dollars (\$300,075.00) into certain accounts; and for other purposes.

Council Member Agnew asked where the 25% difference comes from and if this changes the staffing plan. Fire Chief, Brent Boydston, said that would come out of the city's budget and that it does not change the staffing plan. It accelerates it. Council Member Burckart asked what the annual cost would be after the third year, and Brent Boydston said it would cost the city \$500,000 a year. Mayor Orman noted that this had been a part of the five-year plan, but this allows the city to implement it sooner.

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

14. Ordinance No. 2022-60: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Stryker Medical for the purchase of Physio Control Lifepak 15 Heart Monitors in the amount of three hundred forty-six thousand eight hundred nineteen dollars and sixty-four cents (\$346,819.64), declaring certain Lifepak Monitors as surplus property and authorizing disposal by trade-in, 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 Sooter. There was no discussion. Motion carried (8-0).

15. Ordinance No. 2022-61: Ordinance vacating right of way and establishing a utility easement located at Lot 6 of Eversole Addition to the City of Bentonville, Arkansas, Benton County Arkansas.

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

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

16. Resolution No. 3-8-22 F: A resolution setting a public hearing for March 29, 2022, for a Utility Easement Vacation requested for 609 SE D Street of Orchards Addition (VAC22-0002).

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

17. Resolution No. 3-8-22 G: A resolution awarding bid IFB-22-12; authorizing the Mayor and City Clerk to enter into a contract with Titan Lawn and Landscape of Fayetteville, Arkansas, for mowing services of various City Parks; and for other purposes.

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

18. Resolution No. 3-8-22 H: A resolution allowing the Mayor and City Clerk to enter into a memorandum of understanding with the Peel Compton Foundation for the maintenance of certain spaces in Lake Bentonville and Osage Parks; and for other purposes.

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

19. Resolution No. 3-8-22 I: A resolution allowing the Mayor and City Clerk to enter into a contract, with Nabholz Construction Corporation, for construction management services on the Phillips Park Sports Complex; and for other purposes.

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

20. Resolution No. 3-8-22 J: A resolution allowing the Mayor and City Clerk to enter into a contract amendment, with Design Workshop Inc., for design services for the Bentonville Green; and for other purposes.

Council Member Patterson asked for clarification on what the Bentonville Green is, and David Wright, Parks and Recreation Director, said it is the location in downtown Bentonville where the future green space will be opposite of the park.

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

21. A public hearing regarding issuance of combined electric, water, and sewer system revenue bonds for the purpose of financing storm recovery costs and refunding outstanding revenue bonds.

Mayor Orman declared a public hearing open for comments. There was no response, so Mayor Orman declared the hearing closed.

22. Ordinance No. 2022-62: Ordinance authorizing the issuance of combined electric, water, and sewer system revenue bonds for the purpose of financing storm recovery costs and refunding outstanding revenue bonds; providing for the payment of the principal and interest on the bonds; prescribing matters relating thereto; and declaring an emergency.

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

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

Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sanchez, second by Council Member Acree.

Mayor Orman recognized Travis Matlock, Engineering Director, to speak. Travis Matlock explained the current supply issues, the current pace of projects, and the possibility of not being able to fulfill demand in the next few months due to the supply issues for wires, transformers, and junction boxes. Council Member Burckart asked if there was a way to increase a budget amount to allow the department to be on the waitlist for specific supplies. Travis

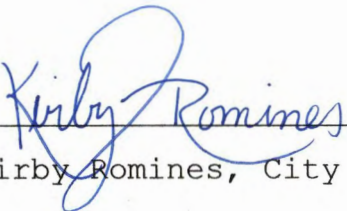
Matlock said it might be possible, but they would need to discuss it internally.

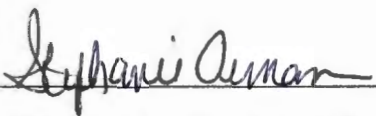
Mayor Orman recognized Jake Harper to speak on fuel costs impact on utility bills and power cost adjustment. Council Member Agnew asked if there are options for those who have challenges with their bills. Jake Harper and Mayor Orman explained that payment options are available, several organizations that customers can reach out to if they need assistance, and citizens can include a donation for utility assistance whenever they make their monthly payments . Travis Matlock explained how the electric department is not changing rates. It is the power cost adjustment that changes the cost. Council Member Burckart commented on the rising fuel costs and discussed the SWEPCO agreement with Travis Matlock.

Council members, Mayor Orman, and Dan Weese, City Engineer, discussed an update on the J Street expansion.

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

The next Bentonville City Council meeting will be on March 29, 2022.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

