

Bentonville City Council

Meeting Minutes

April 26, 2022

The City Council of Bentonville, Arkansas, met in regular session Tuesday, April 26, 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. Boy Scout Aaron Shoemake from Troop 525, and Cub Scout Alex Shoemake with 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 Burckart to approve the minutes of the April 12, 2022, meeting as presented, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Patterson absent.

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), with Council Member Patterson absent.

Council Member Patterson joined the meeting.

1. Planning:

1a(1).Resolution No. 4-26-22 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area, from General Commercial to Medium-Density Residential; and for other purposes.

Council Member Hook expressed concerns regarding voting on items affecting the Master Street Plan. Council and Tyler Overstreet, Planning Services Manager, engaged in a lengthy discussion regarding the Future Land Use Map and zoning details.

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 (5-3), with Council Member Hook, Council Member Acree, and Council Member Patterson voting no.

1a(2).Ordinance No. 2022-87: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-1, Neighborhood Commercial to R-2, Medium Density Two Family and Townhome Residential; and for other purposes(Project No. RZ22-0001).

[Applicant: CRT Airport Road Properties, LLC;

Location: SW Adams Road and SW Regional Airport Boulevard]

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 (5-3), with Council Member Hook, Council Member Acree, and Council Member Patterson voting no.

- 1b. Ordinance No. 2022-88: Ordinance accepting a lot split of Lot 31 of Coler Creek Subdivision, Phase 1; creating new Lots 32, 33, and 34 of Coler Creek Subdivision, Phase 1 to the City of Bentonville, Arkansas; and for other purposes (Project No. LS22-0014).

[Applicant: Cornerstone Construction Homes Inc.;

Location: 502 SW Brighton Drive]

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).

- 1c. Ordinance No. 2022-89: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 of Row on Elm Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0030).

[Applicant: Sterling Holdings, LLC and Paradigm Business Concepts, LLC;

Location: 3102 SW 2nd 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).

- 1d. Ordinance No. 2022-90: Ordinance accepting a lot split of unplatted section land; creating new Lot 1 and lot 2 of Aviator Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. LS21-0031).

[Applicant: ARIA Holdings, LLC;

Location: SW Regional Airport Boulevard & SW Aviator Avenue]

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).

- 1e. Ordinance No. 2022-91: Ordinance accepting a property line adjustment of part of Lot 6 and all of Lot 17, Block 1 of Braithwaite Park Addition; creating new Lot 18, Block 1 of Braithwaite Park Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0006).

[Applicant: FHI Bentonville, LLC, and Wal- Mart Real Estate Business Trust;

Location: 1502 North Walton Boulevard]

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).

- 1f. Ordinance No. 2022-92: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DE, Downtown Edge; and for other purposes (Project No. RZ22-0018).

[Applicant: Bob Jackson II and Edith Anne Snell;

Location: 403 SE 7th Street]

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

- 1g(1).Resolution No. 4-26-22 B: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Residential Estate to Medium-Density Residential; and for other purposes.

Council Member Hook mentioned the drainage comments that were brought up by constituents and the Planning Commission. Tyler Overstreet said that when the item comes through for large development or final plat, that is when a drainage study would be conducted. Council members and City Attorney George Spence discussed what could be considered when council members vote on

rezoning items. Mayor Orman recognized the applicant's representative, Steve Lowe, for public comment. Steve Lowe explained the layout of the property for clarification.

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).

- 1g(2).Ordinance No. 2022-93: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to R-ZL, Zero Lot Line; and for other purposes (Project No. RZ22-0020).

[Applicant: RJ Roth Holdings, LLC;

Location: 1300 Tunbridge Drive]

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).

- 1h. Removed: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential (Project Number: RZ22-0021) 704 NE A Street.

- 1i. Ordinance No. 2022-94: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential; and for other purposes (Project No. RZ22-0022).

[Applicant: Mammoth Properties, LLC;

Location: 803 NE A Street]

Council Member Sooter asked about details regarding Crystal Street, if it would need to be vacated, and who that would work.

Tyler Overstreet said that the property would go half and half. If the developer wanted to create a street or an alley, they could do that as well. Council Member Sanchez recommended a process for receiving funds from property that is vacated. Council Member Burckart mentioned the property that is given to the city over time through right-of-ways, etc. Mayor Orman recognized Will Kellstrom, who represents the applicant, for public comment. Will Kellstrom described the property. The council engaged in further discussion regarding the property's details and potential use.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Sooter. There was no discussion. Motion carried (5-3), with Council Member Hook, Council Member Acree, and Council Member Sanchez voting no.

2. Ordinance No. 2022-95: Ordinance establishing an administrative mobilization fee applicable to liens secured through the remediation process of the Bentonville Municipal Code; providing for the emergency clause; and for other purposes.

Council Member Sanchez mentioned that he believes a 10% overcharge is too low. Council Member Acree agreed. Tyler Overstreet explained that they decided to implement a proportional fee, not a flat fee. Mayor Orman mentioned that it can always be adjusted in the future if needed.

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).

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

3. Resolution No. 4-26-22 C: A resolution endorsing the temporary installation of artwork titled "Canoe Canoe," by artist Jeff Zischke, on public property at Lake Bentonville Park; and for other purposes.

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).

4. Resolution No. 4-26-22 D: A resolution endorsing the temporary installation of artwork titled "Pop!" by Quartierdes Spectacles on downtown public property.

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

5. Resolution No. 4-26-22 E: A resolution authorizing the Mayor to enter into an agreement with the Creative Arkansas Community Hub & Exchange (CACHE); 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).

6. Resolution No. 4-26-22 F: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with ESO Solutions Inc. for the Fire Department Records Management System to include three additional months of billing in the amount of four thousand five hundred twenty-two dollars (\$4,522.00) 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).

7. Resolution No. 4-26-22 G: A resolution authorizing the Mayor and Clerk to enter into the third and final amendment to the guaranteed maximum price contract with Clinard Construction for construction of the Fire Department Training Facility in an amount not to exceed

one million six hundred ninety-five thousand fourteen dollars and seventy-three cents (\$1,695,014.73), authorizing a budget adjustment 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).

8. Ordinance No. 2022-96: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with Action Target Inc. through the General Services Administrative (GSA) cooperative contract in the amount of five hundred twenty-three thousand nine hundred forty-six dollars and three cents (\$523,946.03), 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).

9. Resolution No. 4-26-22 H: A resolution setting a public hearing for May 10, 2022, for a Street Right of Way Vacation requested by Wal-Mart Stores, Inc. for SE 5th Street between SE J Street and SE Martin Luther King Jr. Parkway (VAC22-0009).

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. 4-26-22 I: A resolution setting a public hearing for May 10, 2022, for a Utility Easement Vacation requested for 2380 SW Aviation, Thaden Addition (VAC22-0011).

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).

11. Resolution No. 4-26-22 J: A resolution authorizing a budget adjustment in the amount of one hundred forty-nine thousand one hundred five dollars and seventy-seven cents (\$149,105.77) from street fund reserves to various street department 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 Acree. There was no discussion. Motion carried (8-0).

12. Resolution No. 4-26-22 K: A resolution authorizing the Mayor and City Clerk to enter into a reconciliation change order to the contract with Diamond C Construction, Inc., for the McCollum Road Sidepath project; adjusting the 2022 Budget to appropriate sixteen thousand three hundred eighty-four dollars and ninety-nine cents (\$16,384.99) into account #105030-47390, capital other; and for other purposes.

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

13. Resolution No. 4-26-22 L: A resolution recognizing revenue in the amount of four thousand six hundred forty-one dollars (\$4,641.00) into account #105030-42510, Minor Equipment; 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).

14. Resolution No. 4-26-22 M: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Walton Family Foundation to receive up to one million two hundred forty thousand five hundred thirty-eight dollars and seventy-six cents (\$1,240,538.76); adjusting the 2022 Budget to recognize grant

funds in that amount into account #105030-33810, Local Grants; appropriating the same into account #105030-47390 Capital Other; 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).

15. Resolution No. 4-26-22 N: A resolution authorizing the Mayor and City Clerk to enter into an agreement with CEI Engineering Associates, Inc. for construction administration of the McKissic Creek Trail; 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).

16. Resolution No. 4-26-22 O: A resolution awarding bid IFB-22-23; authorizing the Mayor and City Clerk to enter into a contract with Milestone Construction Company, LLC for the McKissic Creek Trail; 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. Resolution No. 4-26-22 P: A resolution authorizing the Mayor and City Clerk to enter into a contract amendment, with Crafton Tull Associates, Inc., for the next phase in 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).

18. Resolution No. 4-26-22 Q: A resolution authorizing the Mayor and City Clerk to grant an easement amendment to Black Hills Energy, Inc., an Arkansas corporation, pursuant to and authorized by A.C.A. §14-54-302; 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).

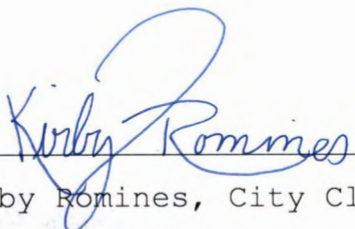
Mayor Orman adjourned the meeting. Motion to adjourn by Council Member Sanchez, second by Council Member Burckart.

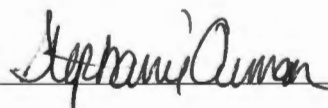
Council members reported on committees and boards they participate in related to the city.

Mayor Orman reminded the council of the Bentonville Connections meeting and the seminar with the Arkansas Energy Office and gave an update on the Bentonville Multicultural event.

Council Member Hook asked for an update regarding a public comment about security concerns. Chief Ray Shastid explained that they are actively increasing enforcement at specific public parks.

The next Bentonville City Council meeting will be on May 10, 2022.


Kirby Romines, City Clerk


Stephanie Orman, Mayor

