

Bentonville City Council

Meeting Minutes

January 24, 2023

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 24, 2023, 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, Beckie Seba, Holly Hook, and Bill Burckart. Also present were Mayor Stephanie Orman, City Attorney Andrew Myers, City Clerk Kirby Romines, the press, city staff, and the audience. Council Members Chris Sooter and Gayatri Agnew joined via Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public attended remotely via Zoom.

Mayor Orman called the meeting to order. Alex Golleher, 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 January 10, 2023, meeting as presented, 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. Planning:

- 1a. Ordinance No. 2023-12: Ordinance accepting a property line adjustment of part of Lot 7, Lot 8, 9, 10, and 11 Wilsons Subdivision Bentonville; creating new Lot 20 of Wilsons Subdivision to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0038).

[Applicant: Main & A Connect LLC;

Location: SW A Street & S. Main Street]

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

- 1b. Ordinance No. 2023-13: Ordinance accepting a property line adjustment of Lots 12 & 13, Block 4 Razorback Addition; creating new Lot 15 of Block 4 Razorback Addition to the City of Bentonville, Arkansas; and for other purposes (Project No. PLA22-0039).

[Applicant: Main & A Connect LLC;

Location: SW A Street]

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

- 1c(1).Resolution No. 1-24-23 A: A resolution amending the City of Bentonville Future Land Use Map for a specific area from Medium-Density Residential to High-Density Residential; and for other purposes (Project No. RZ22-0066).

City Attorney Andrew Myers 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).

1c(2).Ordinance No. 2023-14: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-3, Medium-High Density Multifamily Residential to DN-3, Downtown High Density Residential; and for other purposes (Project No. RZ22-0066).

[Applicant: Brightbox LLC;

Location: 802 SE G Street]

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

1d. Ordinance No. 2023-15: 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. RZ22-0070).

[Applicant: The Jacobs Group;

Location: 1215 Filmore Street]

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

1e. Ordinance No. 2023-16: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of A-1, Agricultural to PRD, Planned Residential Development; and for other purposes (Project No. PRD22-0004).

[Applicant: Haitham Alley;

Location: End of Parnell Road & directly south of 1904 Mayflower Road]

Council Member Patterson asked how this relates to the Bright Road Extension and more details about the amendment. Tyler Overstreet, Director of Planning and Community Development, reviewed the area

and details with the council. Council Member Hook asked about townhomes in this specific area and thanked the Planning Commission for their diligence on the project and thinking toward the future. Council Member Burckart explained why high density was rejected during the zoning process.

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

2. Report from the Housing Affordability Work Group, Jeff Webster, and resolution recognizing the recommendations of the Housing Affordability Work Group; affirming the city's commitment towards finding and implementing attainable housing solutions; and for other purposes.

Resolution No. 1-24-23 B: A resolution recognizing the findings and recommendations of the housing affordability work group; affirming the city's commitment towards finding and implementing attainable housing solutions; and for other purposes.

Mayor Orman recognized those in attendance for public comment. Larry Kelly, Duke McLarty, Brock Kessing, Ryan Faust, Thomas Harris, Brent Lacefield, Wes Craiglow, and Casey Kleinhenz spoke in favor of the item. Council Member Sanchez expressed concerns with several of the presented solutions. Council, Tyler Overstreet, and Jeff Webster engaged in a lengthy discussion expanding on the details and the implementation of the presented housing solutions and the housing crisis in the area. Council Member Agnew said that passing the resolution is an urgent need. Council Member Sanchez explained why they are unable to support the resolution.

City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Burckart, second by Council Member Acree. There was no discussion. Motion carried (7-1), with Council Member Sanchez voting no.

3. Utility Board:

- 3a. Ordinance No. 2023-17: Ordinance waiving competitive bidding for the purchase of certain water meters for the Bentonville Inventory Department; authorizing the Mayor and City Clerk to enter into an agreement, not to exceed one hundred seventy-three thousand four hundred dollars (\$173,400.00) plus applicable taxes, with Henard Utility for this purchase; and for other purposes.

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

- 3b. Resolution No. 1-24-23 C: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Stribling Equipment for one hundred fifty-nine thousand eight hundred sixty-three dollars and sixty-eight cents (\$159,863.68); and for other purposes.

City Attorney Andrew Myers 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. Resolution No. 1-24-23 D: A resolution awarding bid IFB 22-101 to Stuart Irby Company, Techline, Inc., and Wesco, Inc. for the purchase of fiber material; and for other purposes.

City Attorney Andrew Myers 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).

- 3d. Resolution No. 1-24-23 E: A resolution awarding bid #IFB 22-96 to Crossland Heavy Contractors, Inc., for the total In vessel Project, in the amount of three million two hundred ninety-eight thousand nine hundred dollars (\$3,298,900.00); approving a budget adjustment to appropriate said amount from Account #401010-33110 - Federal Direct Grant to Account #401010-47410 - Machinery and Equipment; and for other purposes.

City Attorney Andrew Myers 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).

- 3e. Resolution No. 1-24-23 F: A resolution authorizing the Mayor and City Clerk to enter into Amendment No. 2 to the professional services agreement with Garver, LLC., in an amount not to exceed seventy-five thousand dollars (\$75,000.00); approving a budget adjustment to appropriate said amount from Account #401010-33110 - Federal Direct Grant to Account #401010-47410 - Machinery and Equipment; and for other purposes.

City Attorney Andrew Myers 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).

4. Ordinance No. 2023-18: Ordinance vacating multiple utility and drainage easements and right of way located in Bentonville Plaza Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0027).

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

City Attorney Andrew Myers 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).

5. Ordinance No. 2023-19: Ordinance vacating alley right of way at lot 9, Block 3 of Young's Addition of Bentonville to the City of Bentonville, Arkansas, Benton County Arkansas (VAC22-0028).

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

City Attorney Andrew Myers 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. 1-24-23 G: A resolution awarding bid IFB 22-89 to Altec Industries, Inc., for the purchase of a 2022 or newer 4x2 Cab and Chassis, with Altec Telescopic Aerial Device in the amount of one hundred seventy-seven thousand four hundred sixty-six dollars (\$177,466.00); and for other purposes.

City Attorney Andrew Myers 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).

7. Resolution No. 1-24-23 H: A resolution approving a change order to the agreement with Clinard Construction pertaining to the purchase and installation of a bathroom facility at the training tower in the amount of one hundred thirty-six thousand four hundred nineteen dollars and five cents (\$136,419.05); and for other purposes.

City Attorney Andrew Myers 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).

8. Resolution No. 1-24-23 I: A resolution authorizing the Mayor and City Clerk to enter into a Mutual Aid Police Protection Agreement with the Northwest Arkansas Community College Department of Police and Public Safety and for other purposes.

Council Member Patterson asked about the history of the agreement. Chief of Police Ray Shastid said that they do this every year.

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

9. Resolution No. 1-24-23 J: A resolution authorizing the Mayor and City Clerk to enter into a grant agreement with the Mars Petcare Better Cities for Pets program; receiving twenty thousand dollars (\$20,000.00); and for other purposes.

Council Member Acree asked about the program details. Ali Worley, Animal Services Manager, explained the details of the program and that Animal Services got rid of pet licensing and are instead requiring microchipping.

City Attorney Andrew Myers 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).

10. Resolution No. 1-24-23 K: A resolution authorizing the Mayor and City Clerk to enter into an agreement with Hight Jackson, in an amount not to exceed three hundred eighteen thousand five hundred dollars (\$318,500.00) plus reimbursable expenses, for architectural design services for the Park Maintenance Facility; and for other purposes.

City Attorney Andrew Myers 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).

11. Resolution No. 1-24-23 L: A resolution authorizing the Mayor and City Clerk to enter into a change order with Milestone Construction, for utility relocation and additional grading for sidewalk construction projects, in an amount not to exceed fifteen thousand seven hundred forty-eight dollars (\$16,703.00); and for other purposes.

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

12. Ordinance No. 2023-20: 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 fifty-five thousand dollars (\$55,000.00), with overdrive, inc. for this purchase; providing for the emergency clause; and for other purposes.

Council Member Patterson asked how the audiobooks work. Hadi Dudley, Library Director, explained that the pricing varies by publisher.

City Attorney Andrew Myers 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).

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

13. Resolution No. 1-24-23 M: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with MSR Design, for construction administration services, in an amount not to exceed four hundred fifty-seven thousand five hundred eighty-five dollars (\$457,585.00) plus reimbursable expenses; approving a budget adjustment to recognize five hundred thousand dollars (\$500,000.00) from the Bentonville Library Foundation into Account #105050-37010 - Miscellaneous Donation and appropriating the same into Account #105050-47210 - Plant and Building; and for other purposes.

Hadi Dudley gave an updated presentation regarding the design and construction of the Bentonville Library Expansion.

City Attorney Andrew Myers 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).

14. Resolution No. 1-24-23 N: A resolution authorizing the Mayor and the City Clerk to enter into an agreement with Emery Sapp & Sons, Inc., for the Runway 18-36 Widening, in the amount of three million eight hundred fifty-five thousand eight hundred fifty-nine dollars (\$3,855,859.00); adjusting the 2023 Budget to

recognize the same amount in FAA Grant Funds into Account #101650 - 33110 - Federal Direct Grant and appropriating the same into Account #101650 - 47390 - Improvements other than Building/Other; and for other purposes.

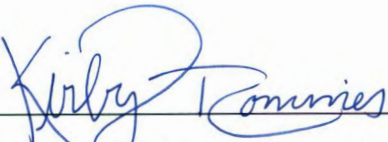
City Attorney Andrew Myers read the resolution by title only. Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

15. Informational presentation on the options for redistricting the voting wards of the City of Bentonville.

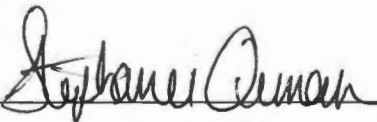
Council Member Patterson, Council Member Burckart, and Council Member Sanchez expressed their desire to go with the option that accounts for future growth. Council Member Sanchez mentioned the possibility of adjusting the figure of the wards in the future without the constraint of the addresses of the city council members.

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

The next Bentonville City Council meeting will be on February 14, 2023.



Kirby Romines, City Clerk



Stephanie Orman, Mayor

