

Bentonville City Council
Meeting Minutes
August 23, 2016

[A Committee of the Whole meeting was held on Monday, August 22, 2016. In addition to reviewing agenda items and other discussion, a consent agenda was approved.]

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 23, 2016, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Stephanie Orman, John Skaggs, Tim Robinson, James Smith, Bill Burckart, Octavio Sanchez and Jim Webb, with Chris Sooter absent. Also present were Mayor Bob McCaslin, City Attorney George Spence, City Clerk Linda Spence, the press, city staff and the audience.

At 6:00 p.m., prior to calling the meeting to order, Mayor McCaslin invited public comments. There was no response so the Mayor declared the comment period closed. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor McCaslin called the meeting to order. The Mayor then led everyone present in the pledge of allegiance followed by a moment of silence in support of our armed forces.

Motion was made by Alderman Smith to approve the minutes of the August 9, 2016 meeting as presented, second by Alderman Burckart. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

Motion was made by Alderman Robinson 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 Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

1. Presentation by Mark Hayes, General Counsel for the Arkansas Municipal League, followed by a question and answer session.
- 2a. Ordinance No. 2016-113: Ordinance accepting a lot split of Lot 17 Block H of Orchard's Addition to the City of Bentonville, Arkansas.

[Applicant: Rita Gail and Michael David Smith;
Location: 407 Southeast C Street]

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

- 2b. Ordinance No. 2016-114: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to RC-2, central residential-moderate density.

[Applicant: Lamplighter Restoration, LLC;
Location: Southeast D Street and Southeast 6th Street]

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

- 2c. Ordinance No. 2016-115: Ordinance changing real estate in the City of Bentonville, Arkansas from its present classification to R-C2, central residential-moderate density.

[Applicant: Lamplighter Restoration, LLC;
Location: Southeast D Street and Southeast 6th Street]

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

- 2d. Ordinance No. 2016-116: Ordinance amending the classification of property from agriculture and office to low

density residential on the Future Land Use Map for the City of Bentonville, Arkansas.

[Applicant: Aurora Properties, LLC;
Location: South Morningstar Road]

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

3. Ordinance No. 2016-117: Ordinance amending Title 14, Zoning Code, Article 801 Signs and Billboards and adopting Article 802 Signs on city property and public right-of-way.

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

- 4a. Resolution No. 8-23-16 A: Resolution authorizing the Mayor and Clerk to enter into an agreement with Sungard Public Sector for professional services to implement TRAKiT Land Management software.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

Consent Agenda - Items 4b, 5, 6, 8, 9, 10, 11, 16, 17b and 19:

- 4b. Approval of a budget adjustment in the amount of \$477,680 for TRAKiT Land Management software.
5. Approval of the installation of a two-day temporary piece of artwork, titled "Truth Booth" by artist Hank Willis Thomas and the Cause Collective, on public property located at Lawrence Plaza. The Public Art Advisory Committee recommended approval on August 9, 2016 by a vote of (3-0).

6. Approval of the installation of a permanent piece of artwork, titled "Triumph" by artist Hunter Brown, on public property located at the roundabout at the intersection of Southwest F Street and Southwest Ranch Road. The Public Art Advisory Committee recommended approval on August 9, 2016 by a vote of (3-0).
8. Approval to award Bid No. 16-30 to Dean Crowder Construction, in the amount of \$1,718,652.45, for relocation of water and sewer services on the 8th Street project (AHTD #090376).
9. Approval of a change order to the Burns and McDonnell contract, in the amount of \$376,590, for the design of the 8th Street overhead electric utility relocation.
10. Approval to award Bid No. 16-28 to Stuart Irby, in the amount of \$76,087.50, for purchase of 1/0 underground wire.
11. Approval of a budget adjustment for the Fire Department, in the amount of \$8,195, to purchase hazardous material monitoring equipment.
16. Approval for the reappointment of Chris Faulhaber to the Airport Advisory Board for a three-year term that will expire on September 30, 2019.
- 17b. Approval of a budget adjustment for the Public Works Department, in the amount of \$31,000, to cover costs for additional/remaining material testing for construction of the new City maintenance facility.
19. Approval of a budget adjustment for the Police Department, in the amount of \$378,000, to purchase, equip and provide setup for seven Chevrolet Tahoes and to replace seven cameras.

Motion to pass items included on consent agenda by Alderman Burckart, second by Alderman Smith. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

7. Resolution No. 8-23-16 B: Resolution authorizing the Mayor and Clerk to enter into supplemental agreement No. 4 to the

agreement for professional engineering services with Burns and McDonnell Engineering Company, Inc. related to the 8th Street project.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Sanchez, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

12. Ordinance No. 2016-118: Ordinance regarding certain EMS fees for the City of Bentonville Fire Department.

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

13. Resolution No. 8-23-16 C: Resolution adopting the Hazard Mitigation Plan for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Alderman Orman asked for an explanation of why members of the Council were being asked to sign the resolution. Brent Boydston, Fire Chief, explained that FEMA wanted to be sure that Council was aware of the plan and accepted the plan that was being put in place. Mayor McCaslin added that aldermen were asked to stop by and sign the resolution at the end of the meeting.

In response to a question from Alderman Burckart, Mike Bender, Public Works Director, explained that this action was not comparable to wetlands mitigation as wetlands mitigation required the City to mitigate wetlands being damaged in connection with its activities, by creating compensating wetlands or by purchasing credits, while mitigation in the context of the resolution before the Council contemplated the City having in place a plan to avoid the hazards contemplated by the plan and to address the occurrence of such hazards if not avoided.

Motion to pass resolution by Alderman Webb, second by Alderman Sanchez. There was no further discussion. Motion carried (7-0), with Alderman Sooter absent.

14. Resolution No. 8-23-16 D: Resolution authorizing the Mayor and City Clerk to assign a land lease agreement for a hangar site located at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Webb, second by Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

15. Resolution No. 8-23-16 E: Resolution authorizing the Mayor and City Clerk to enter into a land lease agreement with WTS Aviation, LLC for a hangar site located at the Bentonville Municipal Airport.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Burckart, second by Alderman Webb. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

- 17a. Resolution No. 8-23-16 F: Resolution authorizing the Mayor and City Clerk to enter into an amended professional services agreement with GTS, Inc. for material testing services associated with construction of the City maintenance facility located on Southwest 28th Street.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Burckart, second by Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

18. Ordinance No. 2016-119: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for emergency repairs to an International Vac-Con truck for the Water and Sewer Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only. Motion to pass by Alderman Burckart, second by

Alderman Sanchez. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

20. Resolution No. 8-23-16 G: Resolution declaring certain property (a 2008 model Dodge Durango) belonging to the City of Bentonville Police Department as surplus property.

City Attorney Spence read the resolution by title only. Motion to pass by Alderman Orman, second by Alderman Robinson. There was no discussion. Motion carried (7-0), with Alderman Sooter absent.

Motion to adjourn by Alderman Burckart, second by Alderman Webb. Motion carried (7-0), with Alderman Sooter absent.

Linda Spence

Linda Spence, City Clerk

Bob McCaslin

Bob McCaslin, Mayor

