

Bentonville City Council  
Meeting Minutes  
January 14, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, January 14, 2020, at 6:00 p.m., at the Community Development Building, 305 Southwest A Street, Bentonville, Arkansas.

Present were council members Chad Goss, Cindy Acree, Chris Sooter, Aubrey Patterson, Bill Burckart, Octavio Sanchez and Jonathan Terlouw, with Tim Robinson absent. Also present were Mayor Stephanie Orman, 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 Orman invited public comments. Jonathan Robinson was recognized and spoke regarding agenda item No. 12 and flooding issues in College Place. The Mayor then invited questions or comments from the Council about items on the agenda and there were none.

Mayor Orman called the meeting to order. The Mayor led everyone present in the Pledge of Allegiance 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 December 10, 2019 meeting as presented, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson 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 Robinson absent.

1a. Ordinance No. 2020-1: Ordinance accepting a lot split of Lots 205 and 206 of Original Town of Bentonville to the City of Bentonville, Arkansas. (Project No. 1S19-40)

[Applicant: Anthony and Crissi Roberts;  
Location: 804 North 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 (7-0), with Council Member Robinson absent.

- 1b. Ordinance No. 2020-2: Ordinance accepting a lot split of  
Lot 22 of Corley's Addition to the City of Bentonville,  
Arkansas. (Project No. LS19-41)

[Applicant: Gerald and Gayle Staten;  
Location: 707 Southwest 2nd Street]

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

- 1c. Ordinance No. 2020-3: Ordinance accepting a lot split of  
Lots 5 and 6 of Riverwalk Farms Commercial Subdivision Phase 1  
to the City of Bentonville, Arkansas. (Project No. LS19-42)

[Applicant: Bentonville BOS, LLC;  
Location: 3600 Southwest Regional Airport Boulevard]

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

- 1d. Ordinance No. 2020-4: Ordinance accepting a property line  
adjustment of Lot 31 Block 3 of Clark's 2<sup>nd</sup> Addition to the City  
of Bentonville, Arkansas. (Project No. PLA19-40)

[Applicant: 216 Southwest C Street, LLC;  
Location: 216 Southwest C Street]

City Attorney Spence read the ordinance by title only.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

- 1e. Ordinance No. 2020-5: Ordinance accepting a property line adjustment of Lots 1, 2 and 3 of Homestead Addition to the City of Bentonville, Arkansas. (Project No. PLA19-41)

[Applicant: NWA Trailblazers;  
Location: Homestead Addition]

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

- 1f. Ordinance No. 2020-6: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of Expired PRD, planned residential development to PRD, planned residential development. (Project No. PRD19-02)

[Applicant: Black Apple Creek, LLC;  
Location: 909 Northwest C 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 (7-0), with Council Member Robinson absent.

2. Resolution No. 1-14-20 A: Resolution accepting right-of-way dedication from Lot 2 Block O of Orchard Addition at 507 Southeast E Street to the City of Bentonville, Arkansas.

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

3. Ordinance No. 2020-7: Ordinance vacating a street right-of-way located in W.A. Burk's Addition to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC19-38)

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 Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

4. Ordinance No. 2020-8: Ordinance vacating a utility easement located at Lots 11 and 12 of Griffin Addition Phase 2 to the City of Bentonville, Arkansas, Benton County, Arkansas. (VAC19-39)

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 Burckart, second by Council Member Sanchez. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

5. Ordinance No. 2020-9: Ordinance vacating an access easement located at Lots 11 and 12 of Griffin Addition Phase 2 to the City of Bentonville, Arkansas, Benton County, Arkansas. (Project No. VAC19-40)

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 Burckart. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

6. Ordinance No. 2020-10: Ordinance vacating an access easement located at Lot 11 of Griffin Addition Phase 2 to the City of Bentonville, Arkansas, Benton County, Arkansas. (Project No. VAC19-41)

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 (7-0), with Council Member Robinson absent.

7. Resolution No. 1-14-20 B: Resolution setting a public hearing for January 28, 2020, on a petition filed by Terry Ging requesting vacation of an alley right-of-way at 407 Southwest C Street.

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

8. Resolution No. 1-14-20 C: Resolution setting a public hearing for January 28, 2020, on a petition filed by Cameron Smith requesting vacation of a utility and drainage easement at 2301 Northeast Cobblestone Lane.

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

9. Resolution No. 1-14-20 D: Resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Garver, LLC for professional services for the Northwest 3<sup>rd</sup> Street and Walton Boulevard intersection improvement project.

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

10. Resolution No. 1-14-20 E: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Meshek & Associates, LLC for the East Central Avenue and East Battlefield Boulevard drainage analysis for the City of Bentonville.

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

11. Resolution No. 1-14-20 F: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Meshek & Associates, LLC for the Water Tower Road and Southeast 8th Street drainage analysis for the City of Bentonville.

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

- 12a. Resolution No. 1-14-20 G: Resolution authorizing the Mayor and Clerk to enter into a master agreement for professional services with FTN Associated, LTD for the citywide master drainage analysis for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Council Member Burckart asked what percentage of the scope of work to be done involves revising manuals and specifications. Dennis Birge, Transportation Director, stated that existing data from previous studies and surveys would be used initially. He estimated perhaps 20 percent of the total would be used for manuals and specifications, but that the total amount of work to be done was unknown at this time

Mr. Burckart stated that the item should be included in the budget next year instead of doing work orders. He also noted that there was no time deadline in the contract. He also suggested doing more ground work now, making it the highest priority, and revising manuals later.

Motion to pass by Council Member Goss, second by Council Member Burckart. There was no further discussion. Motion carried (7-0), with Council Member Robinson absent.

- 12b. Resolution No. 1-14-20 H: Resolution authorizing the Mayor and Clerk to enter into work order No. 1 to the master agreement for professional services with FTN Associated, LTD for the citywide master drainage analysis for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

- 12c. Approval of a budget adjustment for the Engineering Department, in the amount of \$70,400, to cover costs of work order No. 1 for the first phase of the citywide master drainage analysis.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

13. Approval of a budget adjustment for the District Court, in the amount of \$2,000, to recognize receipt of a grant from the Arkansas Alternative Dispute Resolution Commission for a court mediation program.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

14. Resolution No. 1-14-20 I: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Power System Engineering, Inc. for an electric system master plan for the City of Bentonville.

City Attorney Spence read the resolution by title only.

Motion to pass by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

- 15a. Resolution No. 1-14-20 J: Resolution authorizing the Mayor and Clerk to enter into a professional services agreement with Ampirical for preliminary design services related to the Substation B relocation, the Substation E expansion, and

transmission line relocations for the City of Bentonville Electric Department.

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

- 15b. Approval of a budget adjustment for the Electric Department, in the amount of \$426,352, to pay for preliminary scope documents to be prepared by Ampirical for substation improvements and transmission line modifications associated with the Wal-Mart campus.

Motion to approve by Council Member Sanchez, second by Council Member Acree. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

16. Ordinance No. 2020-11: Ordinance establishing certain fees for the City of Bentonville Parks and Recreation Department and Community Center.

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 (7-0), with Council Member Robinson absent.

17. Ordinance No. 2020-12: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Bentonville Youth Softball Association for providing umpires and scorekeepers for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Council Member Acree asked what the reason was for waiving competitive bidding. David Wright, Parks and Recreation Director, stated that the contractor was the sole source in the Bentonville area.



Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no further discussion. Motion carried (7-0), with Council Member Robinson absent.

18. Ordinance No. 2020-13: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas United States Specialty Sports Association for providing baseball umpires for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

19. Ordinance No. 2020-14: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement with the Arkansas United States Sports Specialty Association for providing soccer officials for the City of Bentonville Parks and Recreation Department and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

20. Ordinance No. 2020-15: Ordinance authorizing the Mayor and City Clerk to enter into an agreement with Eco-Counter, Inc. for the purchase of an electronic trail use tracking device and waiving the requirement of competitive bidding.

City Attorney Spence read the ordinance by title only.

Council Member Acree asked what the reason was for waiving competitive bidding. Mr. Wright stated that the counter device and installation was bid twice, with no response the first time and the second time the bid exceeded anticipated costs. He added that the decision was made to purchase the device only and either self-install it or hire a company for installation only.

Motion to pass by Council Member Sanchez, second by Council Member Goss. There was no further discussion. Motion carried (7-0), with Council Member Robinson absent.

21. Resolution No. 1-14-20 K: Resolution authorizing the Mayor and Clerk to enter into an agreement with PORT Architecture and Urbanism, LLC for master plan services related to the 8<sup>th</sup> Street Gateway Park.

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

22. Approval of a budget adjustment for the Parks and Recreation Department, in the amount of \$19,500, to hire Hight Jackson to create a master plan for the City animal center.

Motion to approve by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (7-0), with Council Member Robinson absent.

23. Resolution No. 1-14-20 L: Resolution of the City Council of Bentonville, Arkansas certifying local government endorsement of business to participate in the tax back program (The Consolidated Incentive Act of 2003, Section 15-4-2706(d)).

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

24. Resolution No. 1-14-20 M: Resolution declaring certain property belonging to the City of Bentonville Police Department as surplus property. (five dispatch center consoles)

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

Mayor Orman adjourned the business portion of the meeting

Council members reported on committees and boards they participate in related to the City. Mr. Birge passed out a summary of the Bentonville Master Street Plan. Ron Petrie, with Garver Engineering, was also present and they both reminded everyone of the upcoming public participation meeting related to the Master Street Plan on Thursday, January 16.

Linda Spence  
Linda Spence, City Clerk

Stephanie Orman  
Stephanie Orman, Mayor

