

Bentonville City Council

Meeting Minutes

August 25, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, August 25, 2020, at 6:00 p.m., at the Bentonville Community Center, 1101 Southwest Citizen's Circle, Bentonville, Arkansas.

Present were council members Cindy Acree, Octavio Sanchez, Chris Sooter, Bill Burckart, Aubrey Patterson, and Jonathan Terlouw was absent. Also present were Mayor Stephanie Orman, City Attorney George Spence, the press, city staff and the audience. Council Members Tim Robinson and Chad Goss attended remotely and participated by Zoom.

Due to the situation related to COVID-19, several members of the city staff and the public also attended remotely by Zoom. Mayor Orman reminded Council that all votes would be by roll call.

Mayor Orman announced that public comments on agenda items would be taken as we came to the item. No one signed in to speak at the meeting in person, and several were joining via zoom asking to speak to agenda items.

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 August 11, 2020 meeting as presented, second by Council Member Burckart. There was no discussion. Motion carried (7-0).

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 (7-0).

1. Presentation regarding future SW 28th Street Park by David Wright, Parks Director.

Mayor Orman introduced David Wright who made the presentation regarding the future SW 28th Street Park.

Wright said if approved, the goal would be to open sometime in 2022.

2. Ordinance No. 2020-163: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning to wards.

[Applicant: Residents in Exhibit "A";

Location: Part of the SW 1/4 of the NW 1/4 of Section 1, Township 20N, Range 31W, Benton County, Arkansas]

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).

3. Ordinance No. 2020-164: Ordinance accepting the annexation of certain territory to the City of Bentonville, Arkansas, and making same a part of the City of Bentonville, and assigning same to wards.

[Applicant: Residents in Exhibit "A";

Location: The West ½ of the SW ¼ of the NE ¼ of Section 13, Township 19N, Range 31W, Benton County, Arkansas]

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).

- 4a. Ordinance No. 2020-165: Ordinance amending the zoning code of the City of Bentonville, Arkansas, providing for definitions and land use regulations related to certain residential uses.

[Applicant: Bentonville Planning Commission and City Council;

Location: City of Bentonville]

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).

- 4b. Ordinance No. 2020-166: Ordinance amending the land development code of the City of Bentonville, Arkansas, providing for detention pond ownership and maintenance.

[Applicant: City of Bentonville;

Location: City of Bentonville]

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).

- 4c. Ordinance No. 2020-167: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single family residential to DN-2, downtown medium-density residential. (Project No. RZ20-0031)

[Applicant: Levi Brewer;

Location: 1001 NW A 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).

- 4d. Ordinance No. 2020-168: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-3, mixed-use commercial to C-2, general commercial. (Project No. RZ20-0032)

[Applicant: Bentonville Plaza Land, LLC.;

Location: Bentonville Plaza Partners, SW Redbud Drive]

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).

- 4e. Ordinance No. 2020-169: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, single family residential to DN-2 downtown medium-density residential. (Project No. RZ20-0034)

[Applicant: Clear T, LLC;

Location: 408 SE D 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).

- 4f. Ordinance No. 2020-170: An ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of 1-2, heavy industrial, R-3, medium density residential, R-0, Residential office, and C-2, general commercial to pud, planned unit development. (Project No. PUD20-0002)

[Applicant: Walmart Stores, Inc.;

Location: Planned Unit Development Walmart Campus]

City Attorney Spence read the ordinance by title only. Council Member Sanchez made the motion to pass the ordinance and motion was second by Council Member Burckart. Motion carried (7-0).

- 4g. Ordinance No. 2020-171: An ordinance accepting a final plat of Providence Village phase II to the City of Bentonville, Arkansas. (Project No. FP20-0001)

[Applicant: Providence Village Phase II;

Location: Providence Village, SW Chestnut Hill Rd.]

City Attorney Spence read the ordinance by title only. Council Member Sanchez made the motion to pass the ordinance and motion was second by Council Member Burckart. Motion carried (7-0).

5. Ordinance No. 2020-172: Ordinance amending ordinance no. 2020-140 to correct the changed zoning classification to DN-2, downtown medium-density residential. (Project No. RZ20-0028)

[Applicant: Desavado Living Trust;

Location: 404 SW Glover 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).

6. Appointment of Aaron Kohn to the Public Art Advisory Committee (PAAC). This term will expire on October 31, 2021.

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

7. Ordinance No. 2020-173: Ordinance vacating a street right of way located in W.A. Burks Addition between 14 and 15 to the City of Bentonville, Arkansas, Benton County Arkansas. (VAC20-0015)

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).

8. Jake Harper, Director of Finance & Administration, submitted the annual audit to City Council. There was no action required.

Mayor Orman introduced Jake Harper who reported on the annual audit and was available for any questions.

9. Approval of a budget adjustment in the amount of \$187,518.97 received from CARES Act funding. \$177,375 of this will be paid directly to City EMS employees in accordance with the State of Arkansas Cares Act Steering Committee guidelines. \$10,143.97 will be used to offset the City portion of Medicare costs to these employees for the payments.

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

- 10a. Resolution No. 8-25-20 A: A resolution authorizing the Mayor to enter into Work Order 2020-02 with FTN Associates, LTD. for

professional engineering and design services related to the Downtown Master Drainage Analysis.

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).

- 10b. Approval of a budget adjustment in the amount of \$150,000.00 to cover Work Order 2020-02 for the Bentonville City Wide Drainage Analysis.

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

- 11a. Resolution No. 8-25-20 B: A resolution authorizing the Mayor and Clerk to enter into an agreement with the Arkansas Department of Transportation related to the addition of a pedestrian tunnel as per Change Order #16 of CA0903 project.

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).

- 11b. Approval of a budget adjustment in the amount of \$975,000.00 to recognize a reimbursable grant award from the Walton Family Foundation for construction of a new tunnel for the Razorback Greenway as part of the Bella Vista Bypass project.

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

- 12a. Resolution No. 8-25-20 C: A resolution authorizing the Mayor and Clerk to enter into an agreement with Flintco, LLC for pre-construction professional services related to the 28th Street Park.

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).

- 12b. Approval of a budget adjustment in the amount of \$27,500.00 to fund the construction manager contract for the 28th Street Park project.

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

13. Approval for the Visit Bentonville Office to adjust the terms of Lee Culpepper and Daniel Hintz. The terms should expire on December 31, 2023 instead of December 31, 2024.

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

14. Ordinance No. 2020-174: Ordinance authorizing the Mayor and City Clerk to issue payment to AT&T for emergency telecommunication call handling equipment and waiving the requirement of competitive bidding. Due to Benton County owning the Contract for this equipment with AT&T, it is not feasible for the City to competitively bid this purchase. The actual payment to AT&T for the City's 2019-2020 portion is prorated for seven months (approximately \$21,329.00); in years two through five, the City's portion will be approximately \$36,570.00 annually. Pricing is in accordance with the HGACBuyEC-07-17 Cooperative Contract.

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).

15. Approval of a Bid Award to Emergency Vehicle Specialist (EVS) through participation in the HGAC Cooperative (Co-op) contract, EE08-19 to purchase a Self-Contained Breathing Apparatus (SCBA) air compressor for Station 7 in the amount of \$42,558.29 tax included. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of EE08-19, determining that the solicitation was in line with both Arkansas State Statute and City Purchasing procedures. This is a budgeted item in the 2020 budget.

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

16. Resolution No. 8-25-20 D: A resolution authorizing the Mayor and City Clerk to enter an agreement with the Bentonville Library Foundation for the purchase of Bentonville Public Library.

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

Mayor Orman adjourned the meeting. Motion to adjure by Council Member Acree, second by Council Member Sooter.

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

Council Member Patterson asked Mayor Orman about when the city plans on opening public parks. Mayor Orman announced that they plan on opening all public parks by Labor Day and that two parks are currently open.

Danielle Harms at 500 Meagan St. asked about what action she would need to take to have a crosswalk or light at the intersection of 5th and Central. Mayor Orman recognized Dennis Birge, Transportation Engineer, to help answer Harms public comment. Birge stated that their department is currently working on the master street plan and this intersection is a point of interest.

Council Member Acree asked Birge when the 3rd and Walton light will be finished. Birge said he believes the project will be complete by the end of November.

Mayor Orman reminded that the Census deadline is approaching and that the Ward 3 meeting is coming up.



Kirby Romines
Kirby Romines, City Clerk

Stephanie Orman
Stephanie Orman, Mayor