

Bentonville City Council

Meeting Minutes

October 13, 2020

The City Council of Bentonville, Arkansas, met in regular session Tuesday, October 13, 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, Chad Goss, Chris Sooter, Bill Burckart, Jonathan Terlouw, and Aubrey Patterson. Also present were Mayor Stephanie Orman, City Attorney George Spence, the press, city staff and the audience. Council Member Tim Robinson 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.

Several signed in to speak at the meeting in person and several joined via zoom to speak to agenda items. Robin Ramsey, Susan Moore, Rohit Dharmadhikari, and Andrew Casey spoke against item 4d.

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 September 22, 2020 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).

[Agenda items 1 through 3 were addressed at the October 12, 2020 Committee of the Whole meeting.]

4. Planning:

- 4a. Ordinance No. 2020-189: Ordinance accepting a lot split of Lot 1 of Schaeffer Subdivision to the City of Bentonville, Arkansas (Project No. LS20-0043).

[Applicant: Schaffer Family Trust;

Location: 402 Dickson 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 (8-0).

- 4b. Ordinance No. 2020-190: Ordinance accepting a lot split of Lot 12, Block 4 of Deming's Addition to the City of Bentonville, Arkansas (Project No. PLA20-0048).

[Applicant: Colby Irving;

Location: 207 NW 5th 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 (8-0).

- 4c. Ordinance No. 2020-191: Ordinance accepting a lot split of Lot 1 of Mushett Subdivision to the City of Bentonville, Arkansas (Project No. LS19-0008).

[Applicant: Kenny Mushett;

Location: 503 Hook 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 (8-0).

- 4d. Ordinance changing real estate from A-1, Agricultural to R-4, High Density Residential, Seven HB Real Estate, LLC, 3302 SE L Street.

City Attorney Spence read the ordinance by title only. There was a motion to pass by Council Member Sanchez, second by Council Member Burckart.

Council Member Burckart asked to see a map of the area and asked Ellen what the surrounding zones are, which include commercial and high-density residential.

Council engaged in a lengthy conversation about if the area is in the drainage study, Land Use Plan, the Master Street Plan, under a traffic study, and if the developer would have to make improvements if the land is developed.

Council Member Goss asked if Council could send this item back to the Planning Commission because the item was a 4-3 vote, and to know their feedback would be beneficial before deciding. Council then engaged in a lengthy discussion on whether to adopt or table this item until the next meeting.

Council Member Sanchez withdrew his original motion and modified it to send item 4d back to the Planning Commission, second by Bill Burckart. There was no further discussion. Motion carried (8-0).

- 4e. Ordinance No. 2020-192: 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. RZ20-0042).

[Applicant: ML Res, LLC;

Location: 412 NW A 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 (8-0).

- 4f. Ordinance No. 2020-193: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of C-2, General Commercial to DE, Downtown Edge (Project No. RZ20-0043).

[Applicant: 405 SE 5th Street, LLC;

Location: 405 SE 5th Street]

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).

- 4g. Ordinance No. 2020-194: 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. RZ20-0044).

[Applicant: Hunter Banwarth;

Location: 407 SW 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 (7-1) with Council Member Acree voting no.

- 4h. Ordinance No. 2020-195: Ordinance changing real estate in the City of Bentonville, Arkansas, from its present zoning classification of R-1, Single Family Residential to DN-3, Downtown High-Density Residential (Project No. RZ20-0045).

[Applicant: Meeks Revocable Trust, Jess Campbell, Darrell & Carrie Meeks;

Location: 901-905 SE 4th 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 (8-0).

5. Ordinance No. 2020-196: Ordinance amending Ordinance No. 2020-130 extending the allowing for placement of tables, chairs and other items on the City of Bentonville public on-street parking spaces adjacent to downtown business establishments from January 1, 2021 to April 30, 2021.

City Attorney Spence explained that this ordinance is the revised version that was decided on at the Committee of the Whole meeting the night before.

Council Member Acree said she should like to amend the ordinance to state to April 30, 2021, or as long as the Governor has declared a state of emergency. City Attorney Spence explained that they originally had that in the ordinance but that they wanted to have a deadline to revisit the ordinance. Mayor Orman reiterated the importance of having a deadline for Council to have April 30th as a deadline.

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).

6. Ordinance No. 2020-197: Ordinance vacating a Utility Easement requested for LOT 8 of Griffin Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0012).

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 (8-0).

7. Ordinance No. 2020-198: Ordinance vacating a Utility Easement located at LOT 11 of Demings Addition to the City of Bentonville, Arkansas, Benton County Arkansas (VAC20-0021).

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 (8-0).

8. Resolution No. 10-13-20 A: A resolution setting a public hearing for October 27, 2020 for a Utility Easement Vacation requested for multiple (15) lots at Livingston Square Subdivision (VAC20-0023).

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 (8-0).

9. Resolution No. 10-13-20 B: A resolution setting a public hearing for October 27, 2020 for a Utility Easement Vacation requested for LOT 10 of Ivy Place Subdivision (VAC20-0024).

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 (8-0).

10. Resolution No. 10-13-20 C: A resolution setting a public hearing for October 27, 2020 for a Utility Easement Vacation requested for LOT 215 of the Original Town (VAC20-0025).

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 (8-0).

11. Resolution No. 10-13-20 D: A resolution authorizing the Mayor and City Clerk to enter into an amended agreement with Morrison-Shipley Engineers, Inc. for professional services for the South Main Street 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 (8-0).

12. Resolution No. 10-13-20 E: A resolution authorizing the Mayor and Clerk to enter into an agreement with the Arkansas Department of Transportation for the construction of certain traffic signal improvements.

Funding in the amount of \$112,865.82 from the Bond fund account will be allocated to the addition of certain traffic signal items as per Change Order #17 of CA0903 project

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 (8-0).

13. Resolution No. 10-13-20 F: A resolution authorizing the Mayor and Clerk to enter into an agreement with Traffic Engineering Consultants, Inc. for a traffic signal timing study and coordination plan.

The study and plan will be at 32 signal intersections for a lump sum of \$38,000.00.

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 (8-0).

14. Resolution No. 10-13-20 G: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Trinity Medical Billing for ambulance billing services for the City of Bentonville Fire Department.

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 (8-0).

15. Approval of a bid award to Pinnacle Emergency Vehicles, LLC, through the participation in the HGAC Cooperative (Co-op) contract, AM10-18, to purchase two Braun Ambulances in the amount of \$569,506.00. Use of a Co-op is allowed pursuant to Arkansas State Statute 19-11-249; Purchasing performed an evaluation of the AM10-18, 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 Sooter. There was no discussion. Motion carried (8-0).

16. Approval of bid award #20-58 for Conductor In Conduit (CIC) to Stuart Irby for \$85,080.00.

Motion to approve by Council Member Sanchez, second by Council Member Goss. There was no discussion. Motion carried (8-0).

- 17a. Ordinance No. 2020-199: Ordinance authorizing the Mayor and the City Clerk to enter into an agreement for Diversity, Equity, and Inclusion consultancy services with Bowtie Leadership Consulting and Development and waiving the bid requirement.

Council Member Acree said that she does not think the City needs a consultant since the DEI task force is in place. Council Member Burckart expressed that he believes this is the most important thing they can do and need someone to help them facilitate it.

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Burckart, second by Council Member Goss. There was no discussion. Motion carried (7-1) with Council Member Acree voting no.

- 17b. Approval of a budget adjustment to provide DEI (Diversity, Equity & Inclusion) Consultancy to the City.

Motion to approve by Council Member Goss, second by Council Member Burckart. There was no discussion. Motion carried (7-1) with Council Member Acree voting no.

18. Resolution No. 10-13-20 H: A resolution authorizing the Mayor and Clerk to enter into an agreement with ConvergeOne certain software, licenses and maintenance for the City of Bentonville.

The agreement is for a total of \$53,462.31. Pricing for this purchase is according to the Government Services Administration (GSA) Cooperative (Co-Op) Contract GS35F-303DA.

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 (8-0).

- 19a. Resolution No. 10-13-20 I: A resolution authorizing the Mayor and Clerk to enter into an agreement with Hight Jackson for architectural services related to the City of Bentonville Animal Services building.

The agreement would be in the amount of \$250,000.00.

Mayor Orman recognized David Wright, the Director of Bentonville Parks and Recreation, to answer questions from the Committee of the Whole meeting regarding the Animal Services facility.

Wright explained the facility in depth (41st Street and I Street) as well as the budget for the facility. Wright said the total estimate of the project is between \$2.7 million and \$3.1 million.

Council had a lengthy discussion regarding the cost of the proposed Animal Services facility.

Council Member Acree said maybe now is not the time to spend money on this item. Council Member Sanchez explained that he believes these funds should be put towards infrastructure projects instead. Mayor Orman explained that the animal shelter would not hinder the infrastructure projects.

Council had a lengthy discussion on partnerships with organizations or cities that have been discussed.

Council Member Goss stated that thousands of people expressed their desire for a Bentonville animal shelter when he was on the Animal Taskforce and believes that this is an overwhelming amount see this as positive.

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

- 19b. Approval of a budget adjustment in the amount of \$250,000.00 to fund the contract with Hight Jackson for design services for the proposed Animal Services facility.

Motion to approve by Council Member Goss, second by Council Member Terlouw. There was no discussion. Motion carried (6-2) with Council Member Acree and Council Member Sanchez voting no.

- 20a. Resolution No. 10-13-20 J: A resolution authorizing the Mayor and Clerk to enter into an agreement with CR Crawford for certain

construction management services for the Bentonville Animal Services facility.

The agreement with CR Crawford is for pre-construction phase construction management services in the amount of \$35,000.00.

City Attorney Spence read the resolution by title only. Motion to pass by Council Member Goss, second by Council Member Sooter. There was no discussion. Motion carried (6-2) with Council Member Acree and Council Member Sanchez voting no.

- 20b. Approval of a budget adjustment in the amount of \$35,000.00 for the preconstruction services for the Animal Services facility.

Motion to approve by Council Member Sooter, second by Council Member Goss. There was no discussion. Motion carried (6-2) with Council Member Acree and Council Member Sanchez voting no.

- 21a. Ordinance No. 2020-200: Ordinance creating a position in the Pay Plan for the City of Bentonville, Arkansas.

The position is for the "Animal Service Director."

City Attorney Spence read the ordinance by title only. Motion to pass by Council Member Goss, second by Council Member Sooter. There was no discussion. Motion carried (6-2) with Council Member Acree and Council Member Sanchez voting no.

- 21b. Approval of a budget adjustment in the amount of \$15,000.00, to allow for the hiring of an Animal Services Director for the City of Bentonville.

Motion to approve by Council Member Goss, second by Council Member Sooter. There was no discussion. Motion carried (6-2) with Council Member Acree and Council Member Sanchez voting no.

22. Approval of a budget adjustment in the amount of \$500,000.00, to recognize a grant from the Walton Family Foundation for the

future construction of a dog park and playground at Orchards Park.

Council Member Acree asked David Wright if there is any open space in the plan. David Wright said there would be 17 acres of open space. Council Member Burckart said he sees the parks as a way to ensure open space in the City. Council Member Acree asked Wright if the grant will cover the cost of the development. Wright explained that it will cover the cost of the dog park, but that in the 2021 budget they will ask for \$80,000 to help develop the playground further.

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

- 23a. Resolution No. 10-13-20 K: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Design Workshop to provide for additional professional services related to the Commons/Quilt of Parks 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 (8-0).

- 23b. Approval of a budget adjustment for City Council approval in the amount of \$507,150.00, for design services related to The Commons / Quilt of Parks Project.

Motion to approve by Council Member Sanchez, second by Council Member Burckart. There was no discussion. Motion carried (8-0).

- 24a. Resolution No. 10-13-20 L: A resolution authorizing the Mayor and Clerk to enter into an amendment to the agreement with Design Workshop to provide for additional professional services related to the A Street Promenade/Quilt of Parks Project.

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 (8-0).

24b. Approval of a budget adjustment in the amount of \$1,200,000.00, to recognize a grant from the Walton Family Foundation to fund design services for the A Street Promenade and Quilt of Parks Project(s).

Motion to approve by Council Member Sanchez, second by Council Member Sooter. There was no discussion. Motion carried (8-0).

25. Resolution No. 10-13-20 M: A resolution authorizing the Mayor and Clerk to enter into an agreement with CEI Engineering for professional surveying services related to the Quilt of Parks Project.

The total fee is not to exceed \$37,500.00 for land surveying services for the Quilt of Parks Project Phase 1.

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 (8-0).


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

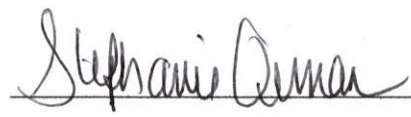
Mayor Orman opened the floor for public comments not related to agenda items. Autumn Davidson urged City Council to question regulations put in place for Covid-19 in Bentonville. Peggy Ford encouraged council members to consider adopting a resolution that calls for reopening Arkansas.

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

Mayor Orman showed a video about the Bentonville Community Council and encouraged council members to share the opportunity to be a part of the 2021 class. Mayor Orman also reminded everyone that it is Restaurant Week, put on by Visit Bentonville.




Kirby Romines, City Clerk


Stephanie Orman, Mayor