

NOTICE: Agenda posted on the front door of City Hall and on the bulletin board in the lobby of City Hall at 4:59 P.M., Monday, January 6, 2020.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, JANUARY 7, 2020

7:30 P.M.

MEMBERS PRESENT:	KP Westmoreland	Mayor
	Steve Palmer	Council Member
	Chris Powell	Council Member
	Matthew Goodwin	Council Member
	Amanda Sandoval	Council Member
	John Herren	Council Member
	S.R. Hunter	Council Member
	Kathy Larsen	Council Member
MEMBERS ABSENT:	Jeff Knapp	Council Member
OTHERS PRESENT:	Bradd Brown	City Manager
	Steve Katen	Deputy City Manager
	Claudia Conner	City Attorney
	Berkeley Penner	City Clerk/Treasurer
	Lesa LaMar	Deputy City Clerk
	Amanda McCellon	Dir. CD & Planning and Zoning
	Staci Peck	Court Clerk
	(See Roster)	

Mayor Westmoreland called the Bethany City Council meeting to order at 7:30 P.M.

The Invocation was given by Mayor Westmoreland.

The Flag Salute was conducted by Councilmember Herren.

ITEM NO. 1 on the agenda was **CONSENT DOCKET**:

- A. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2019 REGULAR MEETING.**
- B. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2019 SPECIAL CALLED MEETING.**

- C. **APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS LIST IS INCLUDED IN THE AGENDA PACKET.**

- D. **APPROVAL OF RESOLUTION NO. 1578 APPROVING ANNUAL SPECIAL EVENT INCLUDING FIRECRACKERS FOR PHO 3NINE RESTAURANT FOR THE PURPOSE OF CELEBRATING CHINESE NEW YEAR ON JANUARY 25, 2020.**

Motion was made by Councilmember Herren, seconded by Councilmember Larsen to approve the Consent Docket. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1579 AMENDING THE COMPREHENSIVE LAND USE PLAN OF THE CITY OF BETHANY BY DESIGNATING CERTAIN PROPERTY AT 7121 NW 39TH ST FROM SINGLE FAMILY RESIDENTIAL TO MULTI-FAMILY. (CLAUDIA CONNER, CITY ATTORNEY)

Amanda McCellon presented a slideshow of the property at 7121 NW 39th St. Amanda informed Council of the unanimous vote of Planning and Zoning. Phyliss Fry the sister of the homeowner, Susan Brown explained the future use of the property and improvements to be made to the property.

Motion was made by Councilmember Larsen, seconded by Councilmember Goodwin to approve Resolution No. 1579. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2.1 on the agenda was PUBLIC HEARING ITEM CONT.: CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 1985, AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING ORDINANCES AND MAP OF THE CITY OF BETHANY, OKLAHOMA, BY INCLUDING IN R-M, MULTI-FAMILY USE DISTRICT THE PROPERTY DESCRIBED AS OAK HILL SUB FOREST HGLND 003 016 IN BETHANY, OKLAHOMA COUNTY, OKLAHOMA AS MORE PARTICULARLY DESCRIBED HEREINAFTER AND DECLARING AN EMERGENCY. (CLAUDIA CONNER, CITY ATTORNEY)

- A. **APPROVAL OF ORDINANCE NO. 1985, ON READING BY TITLE ONLY.**

Motion was made by Councilmember Larsen seconded by Councilmember Hunter to approve Ordinance No. 1985, on Reading By Title Only. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

B. APPROVAL OF SECTION 1 OF ORDINANCE NO. 1985.

Motion was made by Councilmember Larsen seconded by Councilmember Sandoval to approve Section 1 of Ordinance No. 1985. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

C. APPROVAL OF SECTION 2 OF ORDINANCE NO. 1985, THE EMERGENCY SECTION.

Motion was made by Councilmember Larsen seconded by Councilmember Goodwin to approve Section 2 of Ordinance No. 1985, The Emergency Section. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Hunter, Larsen. No votes: Herren. Motion passed.

ITEM NO. 3 on the agenda was CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1580, ESTABLISHING UTILITY FEES AND CHARGES IN ACCORDANCE WITH SECTION 50.03 OF THE CITY OF BETHANY ORDINANCES FOR THE CITY COUNCIL OF THE CITY OF BETHANY, TO ESTABLISH BY RESOLUTION RATES AND CHARGES GOVERNING CITY UTILITY SERVICES, INCLUDING MONTHLY SERVICE FEES, CONNECTION FEES AND CHARGES AND DEPOSITS. (BRADD BROWN, CITY MANAGER)

City Manager Bradd Brown updated the Council and informed Council of the problems with collecting utility payments. Staci Peck and Steve Katen answered questions from the Council.

Motion was made by Councilmember Herren seconded by Councilmember Larsen to approve Resolution 1580 with changing the residential grace period to five calendar days, commercial customer late fee of 5% with a 5 calendar day grace period. A turn on fee of \$25.00 will be added to the customer's bill when the service is terminated. Each subsequent time service is interrupted for nonpayment the turn on fee will be \$25.00. An additional \$10.00 fee will be added to the customer's bill if the meter had been pulled for the first time at the address. Each subsequent time the meter is pulled for nonpayment an additional \$10.00 will be added to the bill. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 4 on the agenda CONSIDERATION AND POSSIBLE ADOPTION OF

ORDINANCE NO. 1968, AN ORDINANCE OF THE CITY OF BETHANY, OKLAHOMA ENACTING THE COX CABLE FRANCHISE AGREEMENT (“FRANCHISE AGREEMENT”) GRANTING TO COXCOM, LLC AND ITS SUCCESSORS AND ASSIGNS (“COX”) THE RIGHT AND PRIVILEGE FOR A TERM OF TEN (10) YEARS TO CONSTRUCT, ERECT, OPERATE, MODIFY AND MAINTAIN, IN, UPON, ALONG, ACROSS, ABOVE, OVER AND UNDER THE STREETS, ALLEYS, EASEMENTS AND OTHER PUBLIC WAYS AND PLACES WITHIN THE CITY OF BETHANY, OKLAHOMA (“CITY”) SUCH FACILITIES NECESSARY FOR THE OPERATION AND MAINTENANCE OF A CABLE TELEVISION SYSTEM IN THE CITY; MAKING SAID GRANT SUBJECT TO THE PROVISIONS OF THIS FRANCHISE ORDINANCE AND THE FRANCHISE AGREEMENT; PROVIDING THAT THE RIGHTS AND PRIVILEGES GRANTED HEREIN ARE EXPRESSLY MADE SUBJECT TO CHAPTER 123 OF THE BETHANY CODE OF ORDINANCES AND THE PROVISIONS OF THE FRANCHISE AGREEMENT ENTERED INTO BY AND BETWEEN THE CITY AND COX; REQUIRING COX TO STRICTLY COMPLY WITH THE FRANCHISE AGREEMENT; PROVIDING THAT THIS FRANCHISE ORDINANCE SHALL BECOME EFFECTIVE ON JANUARY 7, 2020; PROVIDING THAT A VOTE OF THE PEOPLE IS NOT REQUIRED AND HAS BEEN PRE-EMPTED BY FEDERAL LAW; INCORPORATING EXHIBIT “A” AS THE COX CABLE FRANCHISE AGREEMENT; REPEALING ALL ORDINANCES TO THE CONTRARY; PROVIDING THAT NOTHING IN THIS ORDINANCE SHALL BE CONSTRUED TO PREVENT THE CITY FROM GRANTING A CABLE TELEVISION FRANCHISE TO ANY OTHER PERSON, FIRM OR CORPORATION; AND DECLARING AN EMERGENCY. (CLAUDIA CONNER, CITY ATTORNEY)

- A. APPROVAL OF ORDINANCE NO. 1968 ON READING BY TITLE ONLY.**
- B. APPROVAL OF SECTIONS 1-8 OF ORDINANCE NO. 1968.**
- C. APPROVAL OF SECTION 9 OF ORDINANCE NO. 1968, THE EMERGENCY SECTION.**

City Attorney Claudia Conner invited the Council to write her with their questions or suggestions pertaining to Ordinance No. 1968.

Motion was made by Councilmember Larsen seconded by Councilmember Powell to table Ordinance No. 1968. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 5 on the agenda UPDATE, DISCUSSION, AND POSSIBLE ACTION CONCERNING THE WATER CONTAMINATION/WATER WELL EFFORTS. (KP WESTMORELAND, MAYOR)

None

ITEM NO. 6 on the agenda was **PROPOSED EXECUTIVE SESSION: EXECUTIVE SESSION IS NECESSARY FOR THE PURPOSE OF CONFIDENTIAL COMMUNICATION CONCERNING A PENDING INVESTIGATION, CLAIM OR ACTION CONCERNING DAMAGE TO A CITY SEWER LINE. (PROPOSED EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN MEETING LAW IN 25 O.S. 307 (B) (4.))**

Motion was made by Councilmember Hunter seconded by Councilmember Larsen to enter Executive Session. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

The regular City Council meeting recessed to Executive Session at 8:17 P.M.

The regular City Council reconvened at 8:51 P.M.

ITEM NO. 7 on the agenda was **PROPOSED ACTION MAY BE TAKEN ON THE ABOVE MATTER FOLLOWING EXECUTIVE SESSION.**

Motion was made by Councilmember Powell seconded by Councilmember Larsen to move forward in accordance with the discussion held in executive session. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Hunter, Larsen. No votes: None. Abstain votes: Herren.

ITEM NO. 8 on the agenda **CITIZENS' OPPORTUNITY TO ADDRESS THE COUNCIL ON GENERAL TOPICS RELATED TO CITY BUSINESS OR SERVICES (3-MINUTE LIMIT - NO ACTION MAY BE TAKEN ON MATTERS UNDER THIS ITEM).**

Arvel Williams- 4001 Patty Lane, Bethany, OK
Rachel Morse- Representative for Congresswoman Kendra Horn

ITEM NO. 9 on the agenda **CITY ATTORNEY'S REPORT.**

ITEM NO. 10 on the agenda **CITY MANAGER'S REPORT.**

Bradd Brown informed Council that a new Finance Director would be starting in two weeks.

ITEM NO. 10 on the agenda **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

ITEM NO. 11 on the agenda was **NEW BUSINESS.**

ITEM NO. 12 on the agenda was **ADJOURN UNTIL JANUARY 21, 2020.**

PAGE 6
CITY COUNCIL
JANUARY 7, 2020

Mayor Westmoreland adjourned the Bethany City Council meeting at 9:11 P.M. until January 21, 2020.

MAYOR

CITY CLERK

MINUTES

BETHANY PUBLIC WORKS AUTHORITY

TUESDAY JANUARY 7, 2020

7:30 P.M.

- MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Trustee
Chris Powell Trustee
Matthew Goodwin Trustee
Amanda Sandoval Trustee
John Herren Trustee
S.R. Hunter Trustee
Kathy Larsen Trustee
- MEMBERS ABSENT: Jeff Knapp Trustee
- OTHERS PRESENT: Bradd Brown City Manager
Claudia Conner City Attorney
Hank Moore Deputy City Manager
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
Amanda McCellon Dir. CD & Planning and Zoning
Staci Peck Court Clerk
(See Roster)

Chairman Westmoreland called the Bethany Public Works Authority meeting to order at 9:11 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2019 REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS LIST IS INCLUDED IN THE AGENDA PACKET.**

Motion was made by Trustee Palmer and seconded by Trustee Powell to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Powell Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **NEW BUSINESS.**

ITEM NO. 3 on the agenda was **ADJOURN UNTIL JANUARY 21, 2020.**

Chairman Westmoreland adjourned the Bethany Public Works Authority meeting at 9:12 P.M. until January 21, 2020.

CHAIRMAN

SECRETARY

MINUTES

BETHANY HOSPITAL TRUST

TUESDAY JANUARY 7, 2020

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Trustee
Chris Powell Trustee
Matthew Goodwin Trustee
Amanda Sandoval Trustee
John Herren Trustee
S.R. Hunter Trustee
Kathy Larsen Trustee

MEMBERS ABSENT: Jeff Knapp Trustee

OTHERS PRESENT: Bradd Brown City Manager
Claudia Conner City Attorney
Steve Katen Deputy City Manager
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
Amanda McCellon Dir. CD & Planning and Zoning
Staci Peck Court Clerk
(See Roster)

Chairman Westmoreland called the Bethany Hospital Trust meeting to order at 9:12 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2020 REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS LIST IS INCLUDED IN THE AGENDA PACKET.**

Motion was made by Trustee Palmer, seconded by Trustee Goodwin to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **ADJOURN UNTIL JANUARY 21, 2020.**

PAGE 2
BHT
JANUARY 7, 2020

Chairman Westmoreland adjourned the Bethany Hospital Trust meeting at 9:12 P.M. until JANUARY 21, 2020.

CHAIRMAN

SECRETARY

MINUTES

BETHANY DEVELOPMENT AUTHORITY

TUESDAY, JANUARY 7, 2020

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Trustee
Chris Powell Trustee
Matthew Goodwin Trustee
Amanda Sandoval Trustee
John Herren Trustee
S.R. Hunter Trustee
Kathy Larsen Trustee

MEMBERS ABSENT: Jeff Knapp Trustee

OTHERS PRESENT: Bradd Brown City Manager
Claudia Conner City Attorney
Steve Katen Deputy City Manager
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
Amanda McCellon Dir. CD & Planning and Zoning
Staci Peck Court Clerk
(See Roster)

Chairman Westmoreland called the Bethany Development Authority meeting to order at 9:12 P.M.

ITEM NO. 1 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE DECEMBER 17, 2020 REGULAR MEETING.**
- B. APPROVAL OF CLAIMS: THESE CLAIMS HAVE BEEN FOUND TO BE IN ORDER BY STAFF AND PROPER AS TO FORM AND PROCEDURE AND ARE RECOMMENDED FOR PAYMENT. A COPY OF THE CLAIMS LIST IS INCLUDED IN THE AGENDA PACKET.**

Motion was made by Trustee Palmer, seconded by Trustee Hunter to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Powell, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **ADJOURN UNTIL JANUARY 21, 2020.**

PAGE 2
BDA
JANUARY 7, 2020

Chairman Westmoreland adjourned the Bethany Development Authority meeting at 9:12 P.M. until January 21, 2020.

CHAIRMAN

SECRETARY