

NOTICE: Amended Agenda posted on the front door of City Hall and on the bulletin board in the lobby of City Hall at 5:00 P.M., Friday, February 15, 2019.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, FEBRUARY 19, 2019

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Council Member
Paul Todd Council Member
Matthew Goodwin Council Member
Amanda Sandoval Council Member
Jeff Knapp Council Member
John Herren Council Member
S.R. Hunter Council Member
Kathy Larsen Council Member

MEMBERS ABSENT: None Council Member

OTHERS PRESENT: Phil Cole Acting City Manager
Beth Anne Childs Acting City Attorney
Amanda McCellon Director of CD & Planning
Phil Stowell Community Image & Services Dir.
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Municipal Accountant
Hank Moore Economic Development Dir.
(See Roster)

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

Judge Himmler conducted the Oath of Office to the new City Council members.

The Invocation was given by Council Member Herren.

The Flag Salute was conducted by Council Member S.R. Hunter.

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

A. APPROVAL OF MINUTES FROM THE FEBRUARY 5, 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.**
- C. ACCEPTANCE OF PAYROLL REPORT.**
- D. ACCEPTANCE OF BUDGET TRANSFER SUMMARY.**

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

ITEM NO. 2 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF NO. 1535 CONCERNING REQUEST OF NEW OWNER OF 3131 N. MACARTHUR TO PROCEED WITH REHABILITATION OF DILAPIDATED BUILDING AND PROVIDING A TIME FRAME FOR COMMENCEMENT AND COMPLETION OF REHABILITATION.

Amanda McCellon gave a staff report. The City adopted a Resolution in 2017 directing the City Attorney at the time to file a lawsuit because the building (3131 N. MacArthur) was considered to be a nuisance and needed to be abated. The building has been purchased by Mr. Asadi and wants to rehabilitate the building. The building inspector, Dustin Nichols has recommended submittal of approvable construction plans to Community Development Department on or before 90 days of the approval of Resolution 1535. Commencement of construction on the building on or before 90 days of the plans being approved by the building inspector. Substantial completion of construction on or before a year after the start date of construction without an extension that could be asked if needed based on where they are at in the process. Zoned commercial general. A site plan will only need to be presented if they are adding an additional 10% or more of square footage. This property was purchased through the bankruptcy receivership.

Mr. Asadi reported the building will be completely gutted. He will use the fire sprinkler system that is currently in the building. He currently has a tenant to occupy 3000 sq. ft. for signage and another for a sandwich shop in the front area. Mr. Asadi is expecting the exterior of the building complete in the next 90 days. He is also expecting the building to be at 50% to 60% occupancy in less than a year.

Motion was made by Council Member Larsen, seconded by Council Member Todd to approve adoption of Resolution No. 1535 concerning request of new owner of 3131 N. MacArthur to proceed with the rehabilitation of dilapidated building and providing a time frame for commencement and completion of rehabilitation. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 3 on the agenda was PUBLIC HEARING ITEM: PRESENTATION BY COXCOM, LLC (“COX”) REPRESENTATIVES REGARDING CURRENT SERVICES AVAILABLE BY COX, THE PROVISION OF CABLE TELEVISION SERVICES IN THE CITY OF BETHANY, AND THE PROPOSED FRANCHISE AGREEMENT BETWEEN

THE CITY AND COXCOM, AND A CONDUCTING A PUBLIC HEARING ON COX SERVICES AND THE PROPOSED FRANCHISE AGREEMENT.

Robbie Squires presented information to the Council. Cox was informed that our Channel 20 that broadcasts the city council meetings have been out for 10 days. Mrs. Squires is to provide the franchise fees that were paid to the city in the previous franchise agreement. Mrs. Squires stated that there is no option for a municipality to have a H.D. channel with Cox under the franchise agreement.

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 FEBRUARY 19, 2019; 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.

- A. ADOPT ORDINANCE NO. 1968**
- B. APPROVE THE EMERGENCY CLAUSE**

Motion was made by Council Member Palmer to table the franchise agreement between the City of Bethany and Coxcom until additional information is received. Kathy Larsen seconded the motion. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 5 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 1969, AN ORDINANCE AMENDING TITLE III, ADMINISTRATION, CHAPTER 37, PERSONNEL, SECTION 37.07 OF THE BETHANY CODE OF ORDINANCES, PERTAINING TO HOLIDAYS, AND SPECIFICALLY ADDING MARTIN LUTHER KING, JR. DAY AND THE DAY AFTER THANKSGIVING TO THE LIST OF HOLIDAYS AND MODERNIZING LANGUAGE; PROVIDING FOR REPEALER; AND PROVIDING FOR SEVERABILITY.

Motion was made by Mayor K.P. Westmoreland, seconded by Vice-Mayor Knapp to add Dr. Martin Luther King Day to the list of holidays for the City of Bethany. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

A. ADOPT ORDINANCE NO. 1969

Motion was made by Council Member Palmer, seconded by Vice-Mayor Knapp to approve Ordinance No. 1969, an ordinance amending Title III, Administration, Chapter 37, Personnel, Section 37.07 of the Bethany Code of Ordinances, pertaining to Holidays, and specifically adding Martin Luther King, Jr. Day and the Day after Thanksgiving to the list of holidays and modernizing language; providing for repealer; and providing for severability. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 6 on the agenda CONSIDERATION AND POSSIBLE APPROVAL OF LIBRARY CHANGE ORDER NO. 11.

Motion was made by Council Member Larsen, seconded by Council Member Herren to approve Library, Change Order No. 11. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 7 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF AN ENGINEERING CONTRACT WITH GARVER ENGINEERING FOR THE REHABILITATION OF THE LIFT STATION LOCATED IN THE AREA OF NW 17TH STREET AND DIVIS.

Motion was made by Council Member Herren, seconded by Council Member Palmer to approve an engineering contract with Garver Engineering for the rehabilitation of the lift station located in the area of NW 17th Street and Divis. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 8 on the agenda was CONSIDERATION AND POSSIBLE APPROVAL OF PLANS AND SPECIFICATIONS INCLUDING ANY ODEQ REQUIREMENTS FOR CIP 15-01 SANITARY SEWER EXTENSION (NW 48TH TO NW 46TH BETWEEN COLLEGE AND CENTRAL), AUTHORIZATION FOR MAYOR TO SIGN THE APPLICATION FOR A VARIANCE FROM OAC, AND AUTHORIZATION FOR STAFF TO SOLICIT BIDS FOR THE PROJECT WHEN A PERMIT IS ISSUED.

Motion was made by Council Member Palmer, seconded by Council Member Knapp to approve plans and specifications including any ODEQ requirements for CIP 15 01 Sanitary Sewer Extension (NW 48th to NW 46th between College and Central), authorization for Mayor to sign the application for a variance from OAC, and authorization for staff to solicit bids for the project when a permit is issued. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes:

None. Motion passed.

ITEM NO. 9 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF SPECIFICATIONS FOR THE PURCHASE OF TWO COMPUTER SERVERS AND AUTHORIZE STAFF TO SOLICIT BIDS.**

Motion was made by Council Member Knapp, seconded by Council Member Herren to approve specifications for the purchase of two computer servers and authorize staff to solicit bids. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 10 on the agenda was **BOARD OF ADJUSTMENT APPOINTMENTS:**

A. WARD I – GENE WELLS

Motion was made by Council Member Todd, seconded by Council Member Larsen to appoint Gene Wells to the Board of Adjustment. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

B. AT LARGE- PETER PLANK

Motion was made by Council Member Knapp, seconded by Council Member Hunter to appoint at large- Peter Plank to the Board of Adjustment. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 11 on the agenda was **CONSIDERATION AND POSSIBLE APPROVAL OF SPECIFICATIONS FOR WATER TREATMENT PLANT LIME SLUDGE EXTRACTION, HAULING, AND DISPOSAL AND AUTHORIZE STAFF TO SOLICIT BIDS.**

Motion was made by Council Member Larsen, seconded by Council Member Palmer to approve specifications for Water Treatment Plant Lime Sludge Extraction, Hauling, and Disposal and authorize staff to solicit bids. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 12 on the agenda was **CITIZENS' OPPORTUNITY TO ADDRESS THE COUNCIL ON GENERAL TOPICS RELATED TO CITY BUSINESS OR SERVICES (NO ACTION MAY BE TAKEN ON MATTERS UNDER THIS ITEM).**

Marvel Whitehurst- 6600 N.W. 29th Street, Bethany, OK.
Thanking Amanda Sandoval coming and reaching out to his neighborhood.

Gilbert Carlson- 2601 N. Rockwell, Bethany, OK.
Informing the Council of the upcoming Friends of the Library book sale.

ITEM NO. 13 on the agenda **CITY ATTORNEY'S REPORT.**

ITEM NO. 8 on the agenda **CITY MANAGER'S REPORT.**

ITEM NO. 9 on the agenda **COUNCIL MEMBERS ANNOUCEMENTS, COMMENTS, AND PROPOSALS.**

ITEM NO. 10 on the agenda was **NEW BUSINESS.**

ITEM NO. 11 on the agenda was **ADJOURN UNTIL March 5, 2019.**

Mayor Westmoreland adjourned the Bethany City Council meeting at 8:20 P.M. until March 5, 2019.

MAYOR

CITY CLERK

MINUTES

BETHANY PUBLIC WORKS AUTHORITY

TUESDAY, FEBRUARY 19, 2019

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Council Member
Paul Todd Council Member
Matthew Goodwin Council Member
Amanda Sandoval Council Member
Jeff Knapp Council Member
John Herren Council Member
S.R. Hunter Council Member
Kathy Larsen Council Member

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Cole Acting City Manager
Beth Anne Childs Acting City Attorney
Amanda McCellon Director of CD & Planning
Phil Stowell Community Image & Services Dir.
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Municipal Accountant
Hank Moore Economic Development
(See Roster)

Chairman Westmoreland called the Bethany Public Works Authority meeting to order at 8:20 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 5, 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 Larsen and seconded by Trustee Herren to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, 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 MARCH 5, 2019**.

Chairman Westmoreland adjourned the Bethany Public Works Authority meeting at 8:20 P.M. until March 5, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY HOSPITAL TRUST

TUESDAY, FEBRUARY 19, 2019

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Council Member
Paul Todd Council Member
Matthew Goodwin Council Member
Amanda Sandoval Council Member
Jeff Knapp Council Member
John Herren Council Member
S.R. Hunter Council Member
Kathy Larsen Council Member

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Cole Acting City Manager
Beth Anne Childs Acting City Attorney
Amanda McCellon Director of CD & Planning
Phil Stowell Community Image & Services Dir.
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Municipal Accountant
Hank Moore Economic Development
(See Roster)

Chairman Westmoreland called the Bethany Hospital Trust meeting to order at 8:21 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 5, 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 Larsen, seconded by Trustee Knapp to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **ADJOURN UNTIL MARCH 5, 2019.**

Chairman Westmoreland adjourned the Bethany Hospital Trust meeting at 8:21 P.M. until March 5, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY DEVELOPMENT AUTHORITY

TUESDAY, FEBRUARY 19, 2019

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer Council Member
Paul Todd Council Member
Matthew Goodwin Council Member
Amanda Sandoval Council Member
Jeff Knapp Council Member
John Herren Council Member
S.R. Hunter Council Member
Kathy Larsen Council Member

MEMBERS ABSENT: None

OTHERS PRESENT: Phil Cole Acting City Manager
Beth Ann Childs Acting City Attorney
Amanda McCellon Director of CD & Planning
Phil Stowell Community Image & Services Dir.
Berkeley Penner City Clerk/Treasurer
Lesla LaMar Municipal Accountant
Hank Moore Economic Development
(See Roster)

Chairman Westmoreland called the Bethany Development Authority meeting to order at 8:21 P.M.

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

- A. APPROVAL OF MINUTES FROM THE FEBRUARY 5, 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 Larsen, seconded by Trustee Goodwin to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Todd, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **ADJOURN UNTIL MARCH 5, 2019.**

Chairman Westmoreland adjourned the Bethany Development Authority meeting at 8:21 P.M. until March 5, 2019.

CHAIRMAN

SECRETARY