

NOTICE: Amended 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., Friday, March 15, 2019.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, MARCH 19, 2019

7:30 P.M.

- MEMBERS PRESENT: Paul Todd Chairman
Steve Palmer 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: KP Westmoreland Mayor
Jeff Knapp Council Member
- OTHERS PRESENT: Phil Cole Acting City Manager
Beth Anne Childs Acting City Attorney
Lesa LaMar Acting City Clerk
Amanda McCellon Director of CD & Planning
Phil Stowell Community Image & Services Dir.
Hank Moore Economic Development Dir.
(See Roster)

Lesa LaMar called the Bethany City Council meeting to order at 7:30 P.M.

The Invocation was given by Council Member Goodwin.

The Flag Salute was conducted by Council Member Sandoval.

ITEM NO. 1 on the agenda was ELECTION OF TEMPORARY CHAIRPERSON PER SECTION 30.18 OF THE BETHANY CODE OF ORDINANCES.

Motion was made by Council Member Goodwin and seconded by Council Member Palmer to elect Council Member Todd as Chairman of the meeting. Yes votes: Palmer, Goodwin, Sandoval, Hunter, Larsen. Abstain: Todd. No votes: None. Motion passed.

Council Member Herren arrived at 7:33 p.m.

ITEM NO. 2 on the agenda was CONSENT DOCKET:

- A. APPROVAL OF MINUTES FROM THE MARCH 5, 2019 REGULAR MEETING.
- B. APPROVAL OF MINUTES FROM THE MARCH 7, 2019 SPECIAL CALLED MEETING.
- C. APPROVAL OF MINUTES FROM THE MARCH 13, 2019 SPECIAL CALLED MEETING.
- D. 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.
- E. APPROVAL OF AND AUTHORIZATION TO EXECUTE BUDGET AMENDMENT NO. 19-01.
- F. ACCEPTANCE OF BUDGET TRANSFER SUMMARY REPORT.
- G. ACCEPTANCE OF PAYROLL REPORT.
- H. ACCEPTANCE OF FINANCIAL REPORT.

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

ITEM NO. 3 on the agenda was **PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1537 OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, ABANDONING A SEWER MAIN IN THE CENTER OF A PARCEL OF LAND LOCATED ON THE NORTHEAST CORNER OF NW 23RD AND COUNCIL ROAD IN THE CITY OF BETHANY, OKLAHOMA (THE "SUBJECT TRACT"); DISCLAIMING ANY INTEREST IN A 10' BY 15' EASEMENT ON THE SUBJECT TRACT SUBJECT TO THE APPLICANT'S REMOVAL OF THE SEWER MAIN OR CAPPING THE SEWER MAIN IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY ENGINEER; DECLARING THAT THE EASEMENT IS NOT LONGER NECESSARY FOR ANY PUBLIC PURPOSE; AUTHORIZING THE MAYOR OF THE CITY OF BETHANY TO EXECUTE ANY AND ALL DOCUMENTS RELEASING AND DISCLAIMING THE CITY'S RIGHT TO UTILIZE THE 10' BY 15' EASEMENT; AND APPROVING THE SITE PLAN OF 7-ELEVEN STORE #87 LOCATED ON THE NORTHEAST CORNER OF NW 23RD AND COUNCIL ROAD, IN THE CITY OF BETHANY, OKLAHOMA, SUBMITTED BY GRUBBS CONSULTING, LLC, SUBJECT TO RESOLUTION OF ALL DEFICIENCIES IN THE SITE PLAN, INCLUDING THE DRAINAGE STUDY TO BE APPROVED BY THE CITY COUNCIL, AND JOINDER OF ALL THREE (3) LOTS INTO ONE (1) LOT BY RESTRICTIVE COVENANT AND TO BE RECORDED BY WITH THE OKLAHOMA COUNTY CLERK; AND SPECIFICALLY FINDING THAT THE REAR SETBACK OF THE SUBJECT**

TRACT IS NOT APPLICABLE AS THE REAR LOT LINE ABUTS A SHOPPING CENTER PARKING LOT.

Hank Moore gave an overview and history of the property. Mr. Moore explained this is an important commercial property for the vital intersection of 23rd and Council. Sales tax is anticipated to be approximately \$60,000 to \$70,000 per year with ad valorem taxes of approximately \$30,000.00. He explained the benefit of these generated taxes to our area. Mr. Moore does not believe that Mr. Brown is attempting to avoid specific requirements, but rather, be allowed to address them simultaneously as the construction project continues to move forward. By passing this Resolution it gives legal protection to staff and will resolve issues. Easements and drainage will have to be approved through the City Engineer and City Council before a Certificate of Occupancy is issued. We are allowing the process to begin to take care of these three issues and will lead to some resolution before a Certificate of Occupancy is provided. This Resolution gives legal protection to staff who has certain ordinances they must follow in sequential order, and this allows for them to issue the building permit which is outside the norm and this will allow time for issues with the District Court to be resolved so they can move parallel.

Gilbert Carlson gave additional history of the project. An easement is to the benefit of the City as well as the property owner. To abandon an easement, you must have the endorsement of the District Court. This Resolution is where the City will disclaim forever any interest in this easement. The easement is not critical to this property because another line will serve for these purposes. Mr. Brown must go to District Court to remove the easement.

Chong Branson, Architect for 7 Eleven addressed the Council. The first drainage report was issued and the City Engineer reviewed the calculations. 7 Eleven's Engineer's calculations differed from the City Engineer's. 7 Eleven's Engineer has taken the City of Bethany's recommendation and revised the new drainage calculation. There is less runoff in this new developed plan than there is currently. Construction will begin as soon as the permit is issued. Typically, it is 6 months to completion.

Motion was made by Council Member Palmer and seconded by Council Member Hunter to adopt Resolution No. 1537 of the City Council of the City of Bethany, Oklahoma, abandoning a sewer main in the center of a parcel of land located on the northeast corner of NW 23rd and Council Road in the City of Bethany, Oklahoma (the "Subject Tract"); disclaiming any interest in a 10' by 15' easement on the Subject Tract subject to the applicant's removal of the sewer main or capping the sewer main in accordance with the requirements of the City Engineer; declaring that the easement is no longer necessary for any public purpose; authorizing the Mayor of the City of Bethany to execute any and all documents releasing and disclaiming the City's right to utilize the 10' by 15' easement; and approving the site plan of 7-Eleven Store #87 located on the northeast corner of NW 23rd and Council Road, in the City of Bethany, Oklahoma, submitted by Grubbs Consulting, LLC, subject to resolution of all deficiencies in the site plan, including the drainage study to be approved by the City Council, and joinder of all three (3) lots into one (1) lot by restrictive covenant and to be recorded by with the Oklahoma County Clerk; and specifically finding that the rear setback of the Subject Tract is not applicable as the rear lot line abuts a shopping center parking lot.

Yes Votes: Palmer, Todd, Goodwin, Sandoval, Herren, Hunter, Larsen. No Votes: None.
Motion passed.

ITEM NO. 4 on the agenda was **RECEIVE AND OPEN BIDS FOR TWO CITY HALL COMPUTER SERVERS AND DEFER TO STAFF FOR RECOMMENDATION.**

Imagenet Consulting submitted a bid in the amount of \$34,807.00.

ITEM NO. 5 on the **AGENDA RECEIVE AND OPEN BIDS FOR WATER TREATMENT PLANT LIME SLUDGE EXTRACTION, HAULING, AND DISPOSAL AND DEFER TO STAFF FOR RECOMMENDATION.**

Jacob Farms submitted a bid in the amount of \$149,500.00.

ITEM NO. 6 on the agenda was ***PROPOSED EXECUTIVE SESSION FOR PURPOSES OF DISCUSSION OF HIRING AN ACTING CITY MANAGER AS AUTHORIZED BY 25 OKLAHOMA STATUTES, SECTION 307 B1 OF THE OKLAHOMA OPEN MEETING ACT WHICH PROVIDES AUTHORIZATION FOR AN EXECUTIVE SESSION FOR PURPOSES OF DISCUSSING THE EMPLOYMENT, HIRING, APPOINTMENT, PROMOTION, DEMOTION, DISCIPLINING OR RESIGNATION OF ANY INDIVIDUAL SALARIED PUBLIC OFFICER OR EMPLOYEE.***

Motion was made by Council Member Goodwin and seconded by Council Member Larsen to enter ***EXECUTIVE SESSION*** for purposes of discussion of hiring an Acting City Manager as authorized by 25 Oklahoma Statutes, Section 307 B1 of the Oklahoma Open Meeting Act which provides authorization for an executive session for purposes of discussing the employment, hiring, appointment, promotion, demotion, disciplining or resignation of any individual salaried public officer or employee. Yes votes: Palmer, Todd, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

Recessed into Executive Session at 8:04 p.m.

Executive Session was discussion only.

Reconvened City Council at 9:10 p.m.

ITEM NO. 7 on the agenda **CONSIDERATION AND POSSIBLE ACTION ON MATTER OF HIRING AN ACTING CITY MANAGER.**

Motion was made by Council Member Larsen and seconded by Palmer to appoint Ken Smart as a temporary City Manger effective March 25, 2019. Yes votes: Palmer, Todd, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

Motion was made by Council Member Larsen and seconded by Palmer to direct the Interim City Attorney to draft an agreement with Ken Smart to serve as a temporary

City Manager for consideration at the next meeting. Yes votes: Palmer, Todd, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 8 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).**

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

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

ITEM NO. 11 on the agenda **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

ITEM NO. 12 on the agenda was **NEW BUSINESS.**

ITEM NO. 13 on the agenda was **ADJOURN UNTIL APRIL 2, 2019.**

Chairman Todd adjourned the Bethany City Council meeting at 9:24 P.M. until April 2, 2019.

MAYOR

ACTING CITY CLERK

MINUTES

BETHANY PUBLIC WORKS AUTHORITY

TUESDAY, MARCH 19, 2019

7:30 P.M.

MEMBERS PRESENT: Paul Todd Chairman
Steve Palmer Trustee
Matthew Goodwin Trustee
Amanda Sandoval Trustee
John Herren Trustee
S.R. Hunter Trustee
Kathy Larsen Trustee

MEMBERS ABSENT: KP Westmoreland Mayor
Jeff Knapp Council Member

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

Chairman Todd called the Bethany Public Works Authority meeting to order at 9:24 P.M.

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

- A. APPROVAL OF MINUTES FROM THE MARCH 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 Palmer and seconded by Trustee Hunter to approve the Consent Docket as submitted. Yes votes: Palmer, Todd, 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 APRIL 2, 2019.**

Chairman Todd adjourned the Bethany Public Works Authority meeting at 9:24 P.M. until April 2, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY HOSPITAL TRUST

TUESDAY, MARCH 19, 2019

7:30 P.M.

MEMBERS PRESENT:	Paul Todd	Chariman
	Steve Palmer	Trustee
	Matthew Goodwin	Trustee
	Amanda Sandoval	Trustee
	John Herren	Trustee
	S.R. Hunter	Trustee
	Kathy Larsen	Trustee
MEMBERS ABSENT:	KP Westmoreland	Mayor
	Jeff Knapp	Trustee
OTHERS PRESENT:	Phil Cole	Acting City Manager
	Beth Anne Childs	Acting City Attorney
	Lesa LaMar	Acting City Clerk
	Amanda McCellon	Director of CD & Planning
	Phil Stowell	Community Image & Services Dir.
	Hank Moore	Economic Development Dir.
	(See Roster)	

Chairman Todd called the Bethany Hospital Trust meeting to order at 9:24 P.M.

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

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

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

Chairman Todd adjourned the Bethany Hospital Trust meeting at 9:25 P.M. until April 2, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY DEVELOPMENT AUTHORITY

TUESDAY, MARCH 19, 2019

7:30 P.M.

MEMBERS PRESENT: Paul Todd Chairman
Steve Palmer Trustee
Matthew Goodwin Trustee
Amanda Sandoval Trustee
John Herren Trustee
S.R. Hunter Trustee
Kathy Larsen Trustee

MEMBERS ABSENT: KP Westmoreland Mayor
Jeff Knapp Trustee

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

Chairman Todd called the Bethany Development Authority meeting to order at 9:25 P.M.

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

- A. APPROVAL OF MINUTES FROM THE MARCH 5, 2019 REGUALR 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 Sandoval to approve the Consent Docket as submitted. Yes votes: Palmer, Todd, Goodwin, Sandoval, Herren, Hunter, Larsen. No votes: None. Motion passed.

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

Chairman Todd adjourned the Bethany Development Authority meeting at 9:25 P.M. until April 2, 2019.

CHAIRMAN

SECRETARY