

NOTICE: Agenda posted on the front door of City Hall and on the bulletin board in the lobby of City Hall at or before 4:59 P.M., Wednesday, August 14, 2019.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, AUGUST 20, 2019

7:30 P.M.

MEMBERS PRESENT: KP Westmoreland Mayor
Steve Palmer 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: Ken Smart Interim City Manager
Hank Moore Assistant City Manager
Beth Anne Childs Interim City Attorney
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
(See Roster)

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

The Invocation was given by former Council Member Todd.

The Flag Salute was conducted by former Council Member Todd.

ITEM NO. 1 PRESENTATION AND RECOGNITION OF FORMER COUNCIL MEMBER PAUL TODD.

Mayor Westmoreland presented Paul Todd with a plaque from the City, recognizing his six years of service as a Council Member, five years Planning and Zoning Commissioner and fifteen years Planning and Zoning Chairman.

ITEM NO. 2 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM THE AUGUST 6, REGULAR MEETING.**
- B. APPROVAL OF MINUTES FROM THE AUGUST 6, SPECIAL CALLED MEETING.**
- C. APPROVAL OF MINUTES FROM THE AUGUST 8, 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. RATIFY THE FY 2020 FIRE EQUIPMENT AGREEMENT BETWEEN THE OKLAHOMA COUNTY BOARD OF COMMISSIONERS AND THE CITY OF BETHANY.**
- F. APPROVAL OF BUDGET AMENDMENT FY2019 BA#19-02.**

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

ITEM NO. 3 on the agenda PRESENTATION FROM THE YMCA ON THE 2019 SUMMER POOL SEASON AT RIPPER PARK AQUATIC CENTER.

Kaitlyn Gooch, Aquatics Director, gave a report on the partnership between the City of Bethany and the YMCA at Ripper Park. Swim lessons were provided for 116 children with over \$500.00 provided in assistance for the children. Over 7500 people visited Ripper Park this season.

Interim City Manager Ken Smart recommended we continue the partnership with YMCA next year.

ITEM NO. 4 on the agenda CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION TO APPOINT A VICE-MAYOR FOR THE REMAINDER OF FY2020 DUE TO THE VACANCY CREATED BY PAUL TODD.

Motion was made by Council Member Goodwin, seconded by Council Member Palmer to nominate Council Member Jeff Knapp as Vice-Mayor. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 5 on the agenda was **CONSIDERATION, DISCUSSION, AND POSSIBLE APPROVAL OF RESOLUTION NO. 1561, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, AND MAYORAL PROCLAMATION CALLING AND AUTHORIZING THE COUNTY ELECTION BOARD OF OKLAHOMA COUNTY TO HOLD A SPECIAL ELECTION ON NOVEMBER 12, 2019, IN THE CITY OF BETHANY, OKLAHOMA, FOR NOMINATION AND ELECTION OF ONE COUNCILMEMBER FROM WARD 1 TO FILL A VACANCY CREATED BY THE RESIGNATION OF PAUL TODD WITH A TERM EXPIRING IN 2021; AND ESTABLISHING THE FILING PERIOD FOR THE FILING FOR THE OFFICE OF WARD 1 COUNCILMEMBER OF BETHANY, OKLAHOMA, AND PROVIDING FOR NOTICE OF ELECTION.**

John Sealy on behalf of Childs Law Firm introduced the resolution to the council.

Motion was made by Council Member Palmer seconded by Council Member Larsen to approve Resolution No. 1561. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 6 on the agenda was **CONSIDERATION, DISCUSSION, AND POSSIBLE APPROVAL OF RESOLUTION NO. 1562, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, AUTHORIZING THE ENGAGEMENT OF ELFRINK AND ASSOCIATES, PLLC, CERTIFIED PUBLIC ACCOUNTANTS, TO CONDUCT THE ANNUAL AUDIT OF THE FINANCIAL STATEMENTS FOR FISCAL YEAR 2019, AND SPECIFICALLY APPROVING THE EXECUTION OF THE ENGAGEMENT LETTER ATTACHED AS EXHIBIT "A".**

Motion was made by Council Member Palmer seconded by Council Member Larsen to approve Resolution No. 1562. Yes votes: Westmoreland, Palmer, Goodwin, Knapp, Herren, Sandoval, Hunter, Larsen. No Votes: None. Motion passed.

ITEM NO. 7 on the agenda **CONSIDERATION, DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 1974, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, CLOSING A RECORDED 10 FOOT BY 15 FOOT UTILITY EASEMENT AND A PRESCRIPTIVE EASEMENT CONTAINING AN ABANDONED SANITARY SEWER LINE ON PROPERTY LOCATED IN THE NORTHWEST CORNER OF THE PLAT OF DEVILLE PARK 6TH ADDITION TO BETHANY, OKLAHOMA COUNTY, STATE OF OKLAHOMA, AND GENERALLY LOCATED ON THE NORTHEAST CORNER OF NW 23RD AND COUNCIL ROAD; PROVIDING FOR SEVERABILITY; PROVIDING THAT THE ORDINANCE SHALL NOT BE CODIFIED; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.**

A. APPROVAL OF ORDINANCE NO. 1974 ON READING BY TITLE ONLY.

Motion was made by Council Member Palmer, seconded by Council Member Larsen to approve Ordinance No. 1974 on reading by title only. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

B. APPROVAL OF SECTIONS 1-5 OF ORDINANCE NO. 1974.

Motion was made by Council Member Larsen, seconded by Council Member Herren to approve Sections 1-5 of Ordinance no. 1974. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 8 on the agenda was CONSIDERATION, DISCUSSION AND POSSIBLE APPROVAL OF ORDINANCE NO. 1975, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, AMENDING THE FOLLOWING SECTIONS OF THE BETHANY CODE OF ORDINANCES: AMENDING SECTION 132.035 BY REPLACING PUBLIC POSSESSION OF ALCOHOLIC BEVERAGES WITH THE DEFINITION OF AN ALCOHOLIC BEVERAGE; AMENDING SECTION 132.036 PERTAINING TO MISREPRESENTATION OF AGE BY BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; AMENDING SECTION 132.037 PERTAINING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES BY PROVIDING A PENALTY AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; AMENDING SECTION 132.038 PERTAINING TO PUBLIC INTOXICATION BY REQUIRING AN INTOXICATED PERSON TO DISTURB THE PEACE OF ANOTHER, PROVIDING FOR TRANSPORTATION IF THE PERSON IS IN NEED OF ASSISTANCE, BY PROVIDING A PENALTY, AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; AMENDING SECTION 132.039 BY REPLACING LOITERING WHERE ALCOHOL IS SOLD TO PROHIBITING THE SALE, DELIVERY OR FURNISHING ALCOHOLIC BEVERAGES TO ANY PERSON WHO IS INTOXICATED OR WHO HAS BEEN ADJUDGED INSANE OR MENTALLY DEFICIENT, PROVIDING A PENALTY, AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; BY AMENDING SECTION 132.040 PERTAINING TO POSSESSION OR CONSUMPTION OF ALCOHOL BY A MINOR, BY PROVIDING A PENALTY AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; AMENDING SECTION 132.041 PERTAINING TO SALE, DELIVERY OR FURNISHING ALCOHOLIC BEVERAGES TO ANY PERSON UNDER TWENTY-ONE (21) YEARS OF AGE, BY PROVIDING A PENALTY AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; BY AMENDING SECTION 71.049 PERTAINING TO TRANSPORTING ALCOHOLIC BEVERAGES, BY DEFINING ALCOHOLIC BEVERAGE, PROVIDING A PENALTY, AND BRINGING IT INTO COMPLIANCE WITH STATE STATUTE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY.

Cassandra Bosch and Gavin Burrough on behalf of Childs Law Firm introduced and explained Ordinance No. 1975.

A. APPROVAL OF ORDINANCE NO. 1975 ON READING BY TITLE ONLY.

Motion was made by Council Member Larsen, seconded by Council Member Herren to approve Ordinance No. 1975 on reading by title only. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

B. APPROVAL OF SECTIONS 1-10 OF ORDINANCE NO. 1975.

Motion was made by Council Member Larsen, seconded by Council Member Knapp to approve Sections 1-10 of Ordinance No. 1975. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

C. APPROVAL OF SECTION 11 OF ORDINANCE NO. 1975, THE EMERGENCY SECTION.

Motion was made by Council Member Larsen, seconded by Council Member Goodwin to approve Sections 11 of Ordinance No. 1975, the emergency section. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 9 on the agenda PROPOSED EXECUTIVE SESSION: CONSIDERATION AND POSSIBLE ACTION TO ENTER INTO EXECUTIVE SESSION FOR CONFIDENTIAL COMMUNICATIONS WITH LEGAL COUNSEL REGARDING PROPOSED LITIGATION AGAINST OPIOID MANUFACTURERS, DISTRIBUTORS, AND POTENTIAL OTHER THIRD PARTIES REGARDING THE ALLEGED INTENTIONAL, RECKLESS, AND/OR NEGLIGENT, PRODUCTION, PROMOTION, SALE, AND MARKETING OF OPIOIDS, INCLUDING THE UNLAWFUL DIVERSION OF PRESCRIPTION OPIOIDS, OPIOID ABUSE, ADDICTION, MORBIDITY, AND MORTALITY, AS AUTHORIZED BY RESOLUTION NUMBER: 1524, WITH THE ADVICE OF LEGAL COUNSEL THAT PUBLIC DISCLOSURE WOULD SERIOUSLY IMPAIR THE ABILITY OF THE CITY COUNCIL TO PROCESS THE PROPOSED LITIGATION AND PENDING CLAIMS IN THE PUBLIC INTEREST AND AS AUTHORIZED BY 25 O.S. SECTION 307(B)(4).

Interim City Attorney Beth Anne Childs informed council that she spoke with the attorney's that represent the city in this litigation. Litigation has been filed and is moving forward. Based on this information the council did not enter executive session.

ITEM NO. 10 on the agenda **PROPOSED ACTION FOLLOWING EXECUTIVE SESSION: POSSIBLE ACTION AS APPROPRIATE, AS WELL AS ANY OTHER RELEVANT ACTION AS CONTEMPLATED BY RESOLUTION NUMBER: 1524 WHICH DIRECTED THE FILING OF SUIT AND FINDING THAT THE ACTION WAS NECESSARY TO PROTECT THE INTERESTS OF THE CITY.**

Executive Session was cancelled. There was no action.

ITEM NO. 11 **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).**

ITEM NO. 12 on the agenda **CITY ATTORNEY'S REPORT.**

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

ITEM NO. 14 on the agenda **COUNCIL MEMBERS ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

ITEM NO. 15 on the agenda was **NEW BUSINESS.**

ITEM NO. 16 on the agenda was **ADJOURN UNTIL SEPTEMBER 3, 2019.**

Mayor Westmoreland adjourned the Bethany City Council meeting at 8:18 P.M. until September 3, 2019.

MAYOR

CITY CLERK

MINUTES

BETHANY PUBLIC WORKS AUTHORITY

TUESDAY, AUGUST 20, 2019

7:30 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Ken Smart Interim City Manager
Hank Moore Assistant City Manager
Beth Anne Childs Interim City Attorney
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
(See Roster)

Westmoreland called the Bethany Public Works Authority meeting to order at 8:18 P.M.

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

- A. APPROVAL OF MINUTES FROM THE AUGUST 6, 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 Herren to approve the Consent Docket as submitted. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

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

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ITEM NO. 3 on the agenda was **ADJOURN UNTIL SEPTEMBER 3, 2019.**

Chairman Westmoreland adjourned the Bethany Public Works Authority meeting at 8:18 P.M. until September 3, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY HOSPITAL TRUST

TUESDAY, AUGUST 20, 2019

7:30 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Ken Smart Interim City Manager
Hank Moore Assistant City Manager
Beth Anne Childs Interim City Attorney
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
(See Roster)

Chairman Westmoreland called the Bethany Hospital Trust meeting to order at 8:18 P.M.

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

- A. APPROVAL OF MINUTES FROM THE AUGUST 6, 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: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 2 on the agenda was **ADJOURN UNTIL SEPTEMBER 3, 2019.**

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Chairman Westmoreland adjourned the Bethany Hospital Trust meeting at 8:19 P.M. until September 3, 2019.

CHAIRMAN

SECRETARY

MINUTES

BETHANY DEVELOPMENT AUTHORITY

TUESDAY, AUGUST 20, 2019

7:30 P.M.

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

MEMBERS ABSENT: None

OTHERS PRESENT: Ken Smart Interim City Manager
Hank Moore Assistant City Manager
Beth Anne Childs Interim City Attorney
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
(See Roster)

Chairman Westmoreland called the Bethany Development Authority meeting to order at 8:19 P.M.

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

- A. APPROVAL OF MINUTES FROM THE AUGUST 6, 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: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

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ITEM NO. 2 on the agenda was **ADJOURN UNTIL SEPTEMBER 3, 2019.**

Chairman Westmoreland adjourned the Bethany Development Authority meeting at 8:19 P.M. until September 3, 2019.

CHAIRMAN

SECRETARY