

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., Friday, September 27, 2019.

MINUTES

BETHANY CITY COUNCIL

TUESDAY, OCTOBER 1, 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

OTHERS PRESENT: Ken Smart Interim City Manager
Claudia Conner City Attorney
Hank Moore Asst. City Manager
Berkeley Penner City Clerk/Treasurer
Lesa LaMar Deputy City Clerk
Amanda McCellon Director of CD & Planning & Zoning
(See Roster)

Mayor Westmoreland called the Bethany City Council meeting to order at 7:39 P.M.

The Invocation was given by Councilmember Herren.

The Flag Salute was conducted by Councilmember Knapp.

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

- A. APPROVAL OF MINUTES FROM THE SEPTEMBER 16, 2019 REGULAR MEETING.**
- B. APPROVAL OF MINUTES FROM THE SEPTEMBER 16, 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.

F. APPROVAL OF STATE CONTRACT PURCHASE OF A 2020 DODGE DURANGO PURSUIT AWD POLICE VEHICLE FOR \$31,412.00.

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

ITEM NO. 2 on the agenda was SPECIAL PRESENTATION: GOVERNOR'S PROCLAMATION FOR HISPANIC HERITAGE MONTH PRESENTED BY FRED MENDOZA OF GOVERNOR STITT'S TRANSITION TEAM.

Fred Mendoza on behalf of Governor Stitt read the proclamation for Hispanic Heritage Month.

ITEM NO. 3 on the agenda was PRESENTATION FROM THE YMCA, CONSIDERATION AND POSSIBLE APPROVAL OF CONTRACT BETWEEN THE CITY OF BETHANY AND THE YMCA OF GREATER OKLAHOMA CITY-BETHANY YMCA FOR THE OPERATION OF THE MUNICIPAL SWIMMING POOL 2020 SEASON.

Nathan Donald, District Executive Director for the YMCA reported a breakeven year for the swimming pool. Nathan explained how in the 2019 contract the city is responsible for reimbursing the YMCA any lost revenue however, under the contract proposed for this year they have included a set management fee of \$5,000.00.

Hank Moore, Assistant City Manager reported how the city in the past has lost between \$20,000 and \$25,000 each year. He detailed the expenses the city incurs with or without the contract with the YMCA on the pool each year such as: mowing, maintaining equipment, insurance, chemicals and utilities. He also informed the council that staff was not involved with operation of the pool.

Motion was made by Councilmember Knapp seconded by Councilmember Larsen to approve the contract between the City of Bethany and the YMCA. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 4 on the CONSIDERATION AND POSSIBLE APPROVAL OF PROPOSAL FOR PROFESSIONAL SERVICES WITH TROY D. RHODES & COMPANY, INC. FOR BETHANY CITY HALL RENOVATIONS.

Troy Rhodes gave a summary of the initial plans that began in 2017 and how the plans have changed over the last two years with staff changes. Mr. Rhodes highlighted area's that would be addressed first. Plans could be ready to go to bid by the end of the year and possibly earlier.

Amanda McCellon spoke on the process and approval of ADA grants.

Hank Moore suggested we begin the project and come back around February and reallocate some of the contingency funds aside for matching fund grants that might be available.

Mayor Westmoreland added a committee will be formed to add input and help to oversee the project.

Motion was made by Councilmember Palmer seconded by Councilmember Herren to approve the professional services with Troy D. Rhodes & Company, Inc. for Bethany city hall renovations. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 5 on the agenda PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1570, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY OKLAHOMA APPROVING A SITE PLAN FOR DEVELOPMENT AT 7100 NW 39TH EXPRESSWAY FOR SCOOTERS DRIVE-THRU COFFEE SHOP WITH CERTAIN CONDITIONS TO BE MET BEFORE ISSUANCE OF A PERMIT FOR CONSTRUCTION ON THE PROPERTY.

Amanda McCellon provided a slideshow and explained the conditions that were developed by the Planning and Zoning Committee. Planning and Zoning unanimously voted to approve the project. Staff recommends approval also.

There was discussion on the conditions that were to be met.

Dan Forslund, with Scooters development team went over the layout and plan for the coffee shop and answered council questions. Mr. Forslund explained the extensive excavation that would need to take place in order to install the sidewalks that are needed.

Hank Moore suggests that we strike the sidewalk condition and when we begin the TIF we will install 10-foot sidewalks and enter into an agreement that they cost share a percentage of that with us.

Crystal Davis, 7720 NW 20th St, Bethany, commented that it was not safe for those in a wheelchair to cut through the parking. She also was concerned about the traffic creating a bottleneck and affecting the fire station on Rockwell.

Chris Powell, 6211 NW 31st Terrace, Bethany, expressed that it looks like the area will be more traversable than it is at present.

Motion was made by Councilmember Larsen that we approve Resolution No. 1570 with the Planning and Zoning recommendations. Motion died with a lack of second.

Motion was made by Councilmember Knapp seconded by Councilmember Palmer to approve Resolution No. 1570 without the six-foot wide sidewalk standard specifications. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 6 on the agenda was CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1572, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY OKLAHOMA APPROVING THE INCREASE OF SOLID WASTE RATES.

Hank Moore shared a slideshow presenting new rates and gave a report on the leaf task force recommendations. The rate increase would be an increase of \$3.40 earmarking the fund increase as follows:

\$1.50 for truck and equipment to provide services
\$1.00 to sustain departmental expenses
.90 supplemental revenue to the general fund

Mr. Moore explained the need for dividing the monies into these specific areas.1 He also reiterated that the last solid waste increase was 11 years ago. There is also a recommendation that the city maintain a 2% increase. Educational programs for mulching, composting and services offered along with their costs to the citizens now were also discussed.

A town hall meeting will be held October 17, 2019 to discuss the budget and the increase in solid waste rates.

Motion was made by Councilmember Palmer seconded by Councilmember Hunter to table Resolution No. 1572 until November 19th, 2019. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 7 on the agenda CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 1980, AN ORDINANCE ADOPTING A NEW REVISED TITLE V, CHAPTER 51 OF THE BETHANY CODE OF ORDINANCES WHICH IS A CODE OF SOLID WASTE REGULATIONS; PERTAINING TO PICK UP OF SOLID WASTE; USE OF CITY OF BETHANY PROVIDED WASTE CONTAINERS; PROVIDING FOR EXTRA WASTE REQUIREMENTS FOR THE PICK UP OF BULKY WASTE AND

TREE LIMBS; PROVIDING A CHARGE FOR LATE PICK UP OF HOUSEHOLD SOLID WASTE; PROVIDING FOR CODIFICATION, REPEALER AND SEVERABILITY; AND DECLARING AN EMERGENCY.

Motion was made by Councilmember Palmer seconded by Councilmember Herren to table Ordinance 1980 to November 19, 2019. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 8 on the agenda CONSIDERATION AND POSSIBLE APPROVAL OF NEW WATER RIGHTS LEASE WITH OKLAHOMA CITY AIRPORT TRUST FOR 1200+ ACRES OF WATER RIGHTS ON THE OKLAHOMA CITY WILEY POST AIRPORT PROPERTY.

Ken Smart, Interim City Manager, informed the council that this comes recommended from Attorney David Davis.

Motion was made by Councilmember Larsen seconded by Councilmember Palmer to approve the water rights lease with Oklahoma City Airport Trust for 1200+ acres of water rights on the Oklahoma City Wiley Post Airport property. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 9 on the agenda CONSIDERATION AND POSSIBLE APPROVAL TO ACCEPT PROJECT CIP 15-01 (SANITARY SEWER EXTENSION-NW 46TH-NW48TH BETWEEN COLLEGE AND CENTRAL) AS A PUBLIC IMPROVEMENT, AUTHORIZE FINAL PAYMENT IN THE AMOUNT OF \$172,072.65, AND PLACE THE MAINTENANCE BOND INTO EFFECT.

Motion was made by Councilmember Palmer seconded by Councilmember Larsen to approve Project CIP 15-01 (Sanitary Sewer Extension-NW 46th-NW48th between College and Central) as a public improvement, authorize final payment in the amount of \$172,072.65, and place the maintenance bond into effect. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 10 on the agenda CONSIDERATION AND POSSIBLE APPROVAL OF REQUEST FOR LUMP SUM WITHDRAWAL FROM RETIREMENT ACCOUNT BY RETIREE MARLA NIX.

Motion was made by Councilmember Larsen seconded by Councilmember Herren to approve request for lump sum withdrawal from retirement account by retiree

Marla Nix. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 11 on the agenda CONSIDERATION AND POSSIBLE APPROVAL OF EMPLOYMENT CONTRACT WITH CITY ATTORNEY CLAUDIA CONNER.

Councilmember Palmer commented there is an issue with the contract that can be worked out at the six-month evaluation.

Motion was made by Councilmember Larsen seconded by Councilmember Goodwin to approve the employment contract with City Attorney Claudia Conner. Yes votes: Westmoreland, Palmer, Goodwin, Sandoval, Knapp, Herren, Hunter, Larsen. No votes: None. Motion passed.

ITEM NO. 12 on the agenda UPDATE, DISCUSSION, AND POSSIBLE ACTION CONCERNING THE WATER CONTAMINATION/WATER WELL EFFORTS.

Mayor Westmoreland has asked that this be placed on each agenda for an update and keeping everyone aware of our water situation.

Ken Smart reported that we have taken water samples from two private wells on the Stinchcomb property and Fisher to the south. Results will be back from the testing in a week or two. If the contaminates have not moved that far then we can drill test wells there and possibly have new water wells online before next summer. Mr. Smart also informed the public that we will continue to be at a Level 1 which is odd/even watering.

ITEM NO. 13 on the agenda CITIZEN'S 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).

Crystal Davis- 7720 NW 20th St., Bethany.
Marvel Whitehurst- 6600 NW 29th St., Bethany.

ITEM NO. 14 on the agenda CITY ATTORNEY'S REPORT.

ITEM NO. 15 on the agenda CITY MANAGER'S REPORT.

ITEM NO. 16 on the agenda COUNCIL MEMBERS ANNOUCEMENTS, COMMENTS, AND PROPOSALS.

ITEM NO. 17 on the agenda was NEW BUSINESS.

ITEM NO. 18 on the agenda was **ADJOURN UNTIL OCTOBER 15, 2019.**

Mayor Westmoreland adjourned the Bethany City Council meeting at 10:17 P.M. until October 15, 2019.

MAYOR

CITY CLERK