

NOTICE: On Thursday, December 21, 2023, at or before 4:59 p.m., agenda was posted at the front doors of City Hall, on the bulletin board in the lobby of City Hall, and on the City of Bethany website: cityofbethany.org. The City of Bethany encourages participation from all its citizens. If participation at any public meeting is not possible due to a disability, notification to the City Clerk at least 48 hours prior to the scheduled meeting is encouraged to make the necessary accommodations. The City may waive the 48-hour rule if signing is not the necessary accommodation.

BETHANY CITY COUNCIL MEETING

BETHANY CITY HALL

TUESDAY, JANUARY 2, 2024

6:30 P.M.

MEMBERS PRESENT:	Nikki Lloyd	Mayor
	Jeff Knapp	Vice- Mayor
	Kathy Larsen	Council Member
	Chris Powell	Council Member
	Steve Palmer	Council Member <i>(arrived at 6:33 p.m.)</i>
	Brian Magirowsky	Council Member
	Ken Smart	Council Member
	Peter Plank	Council Member
	Marilyn McPhail	Council Member

MEMBERS ABSENT:

OTHERS PRESENT:	Elizabeth Gray	City Manager
	Ray Jones	City Attorney
	Michael Vaughn	City Clerk/Treasurer
	Steve Manek	TEIM Design
	Sean Fairbairn	Cowan Engineering
	Jon Wolff	Municipal Finance Svc.
	(See Roster)	

ITEM NO. 1 on the agenda Mayor **CALL TO ORDER.**

Mayor Lloyd called the Bethany City Council meeting to order at 6:30 P.M.

ITEM NO. 2 on the agenda was **INVOCATION AND FLAG SALUTE.**

The Invocation was given by Council Member Plank.

The Flag Salute was conducted by Council Member Powell.

ITEM NO. 3 on the agenda was **CONSENT DOCKET:**

- A. APPROVAL OF MINUTES FROM DECEMBER 19, 2023, 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.
- C. APPROVAL OF FIRST AMENDMENT TO THE CITY MANAGER EMPLOYMENT AGREEMENT AS APPROVED BY THE BETHANY CITY COUNCIL ON 11/21/2023.

Motion was made by Council Member Magirowsky, seconded by Council Member Knapp to approve the consent docket. Yes votes: Knapp, Larsen, Lloyd, Powell, Plank, Smart, McPhail, and Magirowsky. No votes: None. Motion approved.

ITEM NO. 4 on the agenda was **PUBLIC COMMENT - ANY PERSON WISHING TO ADDRESS THE COUNCIL DURING PUBLIC COMMENT SHALL GIVE THEIR NAME, ADDRESS, AND CITY OF RESIDENCE TO THE CITY CLERK FOR THE RECORDS PRIOR TO THE START OF THE MEETING. (PER CHAPTER 30 OF THE BETHANY CODE OF ORDINANCES, THERE IS A FIVE-MINUTE LIMIT, AND NO ACTION OR DISCUSSION SHALL TAKE PLACE. ALL REMARKS SHALL BE ADDRESSED TO THE COUNCIL AS A BODY, AND NOT TO ANY MEMBER THEREOF.)**

None

ITEM NO. 5 on the agenda was **CITY-WIDE PUBLIC WORKS PROJECT UPDATES BY TEIM DESIGN INCLUDING GO BOND, ARPA, WATER PROJECTS, AND SH 66 WITH POSSIBLE DISCUSSION. (ELIZABETH GRAY, CITY MANAGER)**

Presentation by Steve Manek with TEIM Design.

ITEM NO. 6 on the agenda **PRESENTATION BY COWAN ENGINEERING REGARDING BETHANY-WARR ACRES PUBLIC WORKS AUTHORITY (BWA-PWA). (ELIZABETH GRAY, CITY MANAGER)**

Presentation by Sean Fairbairn from Cowan Engineering.

Motion was made by Council Member Palmer, seconded by Council Member McPhail to suspend the rules for purpose of discussion related to this report. Yes votes: Palmer, Powell, and McPhail. No votes: Lloyd, Larsen, Knapp, Plank, Smart, and Magirowsky. Motion failed.

Council Member Palmer requested a copy of the report from Cowan Engineering be provided to all council members.

ITEM NO. 7 on the agenda was **CONSIDERATION, DISCUSSION, AND POSSIBLE ADOPTION OF RESOLUTION NO. 1685, A RESOLUTION OF THE CITY OF BETHANY, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE BETHANY-WARR ACRES PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM REVENUE NOTE, SERIES 2023 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF THE NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF THE NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF THE NOTE; AUTHORIZING AND DIRECTING THE EXECUTION OF ALL DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO. (ELIZABETH GRAY, CITY MANAGER) THIS ITEM WAS TABLED FROM THE 12/19/2023 REGULAR CITY COUNCIL MEETING.**

Motion was made by Council Member Palmer, seconded by Council Member Powell to suspend the rules for purpose of discussion. Yes votes: Powell, McPhail, and Palmer. No votes: Plank, Smart, Magirowsky, Knapp, Larsen, and Lloyd. Motion failed.

Motion was made by Council Member Magirowsky to approve Resolution No. 1685 as presented.

Council Member Palmer called for a Point of Order stating that because Mayor Lloyd and Council Member Magirowsky are on the Bethany-Warr Acres Public Works Authority (BWA-PWA) they have a conflict related to the vote on this agenda item and be excluded.

City Attorney Jones stated his opinion that there is no conflict of interest because the mayor and other members were appointed by this council to be the designated representatives to the BWA-PWA. Furthermore, a super-majority vote is required in order to approve this item and without the appointed BWA-PWA trustees that would be impossible to achieve.

Jon Wolff with Municipal Finance Services answered questions.

Motion was made by Council Member Magirowsky, seconded by Council Member Larsen to approve Resolution No. 1685 as presented. Yes votes: Plank, Smart, Magirowsky, Larsen, Lloyd, Powell, and Knapp. No votes: McPhail and Palmer. Motion passed.

ITEM NO. 8 on the agenda **CONSIDERATION AND POSSIBLE ADOPTION OF RESOLUTION NO. 1686, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, PERTAINING TO DISCRIMINATION IN PROVISION OF HOUSING AS PROVIDED IN STATE AND FEDERAL LAW. (ELIZABETH GRAY, CITY MANAGER)**

Motion was made by Council Member Palmer, seconded by Council Member Smart to approve Resolution No. 1686 as presented. Yes votes: Lloyd, Powell, Plank, Smart, McPhail, Magirowsky, Knapp, Larsen, and Palmer. No votes: None. Motion passed.

ITEM NO. 9 on the agenda **CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE NO. 2051, AN ORDINANCE AMENDING SECTION 158.03 ENTITLED, RE-HEARINGS." TO ALLOW REHEARINGS AT ANY TIME WHERE THE APPLICANT CAN SHOW A MATERIAL CHANGE IN THE FACTS OF THE CASE AS DISCUSSED BY THE CITY ATTORNEY DURING THE NOVEMBER 21, 2023, MEETING UPDATING COUNCIL ON THE PROCEDURE FOR ZONING ORDINANCE REPEAL CONCERNING 3900 AND 3904 REDMOND AVENUE. (RAY JONES, CITY ATTORNEY)**

- A. PRESENTATION BY STAFF AND/OR INTERESTED PARTY.
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OF ORDINANCE NO. 2051, ON READING BY TITLE ONLY.
- C. MOTION TO APPROVE SECTIONS 1-2 OF ORDINANCE NO. 2051.

Motion was made by Council Member Palmer, seconded by Council Member Plank to approve Ordinance No. 2051 on reading by title only and Sections 1-2 as presented. Yes votes: Powell, Smart, McPhail, Plank, Magirowsky, Lloyd, Larsen, Palmer, and Knapp. No votes: None. Motion passed.

- D. MOTION TO APPROVE SECTION 3 OF ORDINANCE NO. 2051, THE EMERGENCY SECTION.

Motion was made by Council Member Magirowsky, seconded by Council Member Knapp to approve Section 3 of Ordinance No. 2051 the emergency section, as presented. Yes votes: Plank, Smart, Larsen, Knapp, Palmer, Lloyd, McPhail, and Magirowsky. No votes: Powell. Motion passed.

ITEM NO. 10 on the agenda **PUBLIC HEARING ITEM: CONSIDERATION AND POSSIBLE APPROVAL TO REPEAL ORDINANCE NO. 2046, AN ORDINANCE AMENDING THE ZONING ORDINANCES, MAP, AND COMPREHENSIVE PLAN OF THE CITY OF BETHANY, OKLAHOMA BY INCLUDING IN R-2, TWO-FAMILY RESIDENTIAL DISTRICT, THE PROPERTY LOCATED AT 3900 AND 3904 N REDMOND AVENUE IN BETHANY OKLAHOMA. (MARILYN MCPHAIL, COUNCIL MEMBER)**

- A. STAFF COMMENTS.

B. PUBLIC COMMENTS.

No public comments.

C. POSSIBLE ACTION TO REPEAL ORDINANCE NO. 2046, AN ORDINANCE AMENDING THE ZONING ORDINANCES, MAP, AND COMPREHENSIVE PLAN OF THE CITY OF BETHANY, OKLAHOMA BY INCLUDING IN R-2, TWO-FAMILY RESIDENTIAL DISTRICT, THE PROPERTY LOCATED AT 3900 AND 3904 N REDMOND AVENUE IN BETHANY OKLAHOMA.

Motion was made by Council Member Magirowsky, seconded by Council Member Smart to repeal Ordinance No. 2046 as presented. Yes votes: Magirowsky, Smart, McPhail, Plank, Lloyd, Powell, Palmer, Larsen, and Knapp. No votes: None. Motion passed.

ITEM NO. 11 on the agenda CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION ON ORDINANCE NO. 2052, AN ORDINANCE AMENDING TITLE XI ENTITLED BUSINESS REGULATIONS, SECTION 110.01 ENTITLED LICENSE OR PERMIT REQUIRED AS AUTHORIZED NOVEMBER 7, 2023. (RAY JONES, CITY ATTORNEY)

- A. PRESENTATION BY STAFF AND/OR INTERESTED PARTY.**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OF ORDINANCE NO. 2052, ON READING BY TITLE ONLY.**
- C. MOTION TO APPROVE SECTIONS 1-3 OF ORDINANCE NO. 2052.**

Motion was made by Council Member Magirowsky, seconded by Council Member Smart to approve Ordinance No. 2052 on reading by title only and Sections 1-3, as presented. Yes votes: Powell, Larsen, Knapp, Palmer, Plank, McPhail, Smart and Magirowsky. No votes: None. Motion passed.

ITEM NO. 12 on the agenda APPROVAL OF ORDINANCE NO. 2053 AN ORDINANCE CODIFYING THE REPEAL OF SECTION 157.34 COMPLETE STREETS OCCURRING AT THE DECEMBER 5, 2023, REGULAR COUNCIL MEETING. (RAY JONES, CITY ATTORNEY)

- A. PRESENTATION BY STAFF AND/OR INTERESTED PARTY.**
- B. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OF ORDINANCE NO. 2053, ON READING BY TITLE ONLY.**
- C. MOTION TO APPROVE SECTIONS 1-2 OF ORDINANCE NO. 2053.**
- D. MOTION TO APPROVE SECTION 3 OF ORDINANCE NO. 2053, THE EMERGENCY SECTION.**

Motion was made by Council Member Palmer, seconded by Magirowsky to table this item until the next council meeting. Yes votes: Larsen,

Lloyd, Knapp, Powell, Palmer, Plank, Smart, McPhail, and Magirowsky. No votes: None. Motion approved.

ITEM NO. 13 on the agenda **DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL OF A SOCIAL MEDIA POLICY FOR ELECTED OFFICIALS.** *(KEN SMART, COUNCIL MEMBER)*

City Attorney Jones stated he would welcome any contributions of the council with respect to fine tuning any proposed policy of the council.

Motion was made by Council Member Plank, seconded by Council Member Smart to table this item to a later meeting for further discussion and input from the council members to our city attorney. Yes votes: Magirowsky, Larsen, Lloyd, Knapp, Palmer, Plank, Smart, and McPhail. No votes: Powell. Motion passed.

ITEM NO. 14 on the agenda **DISCUSSION ON MARILYN MCPHAIL'S OPEN RECORD REQUEST REGARDING MAYOR LLOYD'S EMAILS AND TEXT MESSAGES WITH THE CITY ATTORNEY INVOLVING MY AGENDA ITEMS AND FACEBOOK POSTS.** *(MARILYN MCPHAIL, COUNCIL MEMBER)*

Council Member Knapp asked for a Point of Order stating this item did not pertain to city business and asked to strike it from the agenda, Council Member Plank seconded the motion to strike this item from the agenda.

Council Member McPhail interrupted the proceedings. Mayor Lloyd advised Council Member McPhail she did not have the floor.

Council Member Palmer called for a "Point of Order" two times. Mayor Lloyd advised Council Member Palmer he also did not have the floor. Mayor Lloyd called for the vote. Council Member Palmer continued speaking and interrupting the proceedings.

City Attorney Jones advised that there was already a Point of Order and subsequent procedural motion made to strike the item in process. Council Member Palmer called Point of Order again.

Mayor Lloyd called for the vote, again. Council Member Palmer continued to talk out of turn, against the advice of the city attorney. Council Member McPhail uttered an obscenity. Mayor Lloyd told Council Member Palmer he was out of order and to stop talking because he was disrupting the proceedings. Council Member Palmer then tasked if he should call for a censure of the Mayor for not following the rules. Council Member Mayor Lloyd called for the vote.

Yes votes: Knapp, Larsen, Lloyd, Plank, Smart, and Magirowsky. No votes: Palmer and McPhail. Abstain: Powell. Motion passed.

Council Member McPhail continued speaking out of turn during the roll call vote.

ITEM NO. 15 on the agenda **DISCUSSION REGARDING COMPLIANCE WITH THE OPEN MEETINGS ACT NOTICE REQUIREMENTS SUBSEQUENT TO EXECUTIVE SESSIONS.** (MARILYN MCPHAIL, COUNCIL MEMBER)

Council Member McPhail uttered an obscenity.

Mayor Lloyd again warned Council Members McPhail and Palmer to stop disrupting the proceedings or they will be removed.

Council Member McPhail was given the floor to speak. Mayor Lloyd advised that her comments were not related to Item 15.

Mayor Lloyd opened the floor for discussion of Item 15.

Council Member McPhail proceeded to speak again without having the floor. Mayor Lloyd restated to Council Member McPhail that she did not ask to speak. Council Member McPhail apologized and asked for the floor.

Council Member McPhail was concerned that there was an Open Meeting Act violation after attending a seminar discussing a case of Wilson vs. City of Tecumseh.

City Attorney Jones spoke with the attorneys involved with the case, as well as discussed the matter with the OMAG Legal Department, all of whom gave the opinion that there was no violation of the Open Meetings Act. The City Attorney advised that approving the amended contract of the City Manager on today's agenda would have cured any defect if one had even existed.

No action taken.

ITEM NO. 16 on the agenda was **NEW BUSINESS (AS DEFINED BY THE OKLAHOMA OPEN MEETING ACT § 311 (A) (9) AS "MATTERS NOT KNOWN ABOUT OR WHICH COULD NOT HAVE REASONABLY BEEN FORESEEN PRIOR TO THE TIME OF POSTING THE AGENDA").**

None

ITEM NO. 17 on the agenda was the **CITY ATTORNEY'S REPORT.**

City Attorney Jones gave a quick overview of his last two weeks of work for the city.

ITEM NO. 18 on the agenda was the **CITY MANAGER'S REPORT.**

A. BUDGET SCHEDULE

Finance Director Michael Vaughn informed the council of the FY2025 budget schedule.

City Manager Gray reported the following:

City Offices were closed on Monday, January 1st. Trash makeup day will be tomorrow, Wednesday, January 3rd. For the 2024 sanitation schedule, please see the website.

Free residential landfill day is this Saturday, January 6th.

City offices will be closed Monday, January 15th for Martin Luther King, Jr. Day. Trash makeup day will be Wednesday, January 17th.

April 8th will be the next Big Trash and will begin on the North side of town.

Residents and businesses will see an increase on their utility bills beginning with this month's billing. For more information see the city website, social media, or the November newsletter. Staff is conducting an educational campaign regarding utility assistance by 211.

Remember to get your special event permits, if needed.

ITEM NO. 19 on the agenda was **COUNCIL MEMBERS' ANNOUNCEMENTS, COMMENTS, AND PROPOSALS.**

Each Council Member was given the opportunity to comment.

Council Member Palmer requested an item pertaining to the revision of the BWA-PWA Operations and Maintenance Contract with Bethany Public Works Authority be placed on the next agenda for discussion.

ITEM NO. 20 on the agenda was **ADJOURN UNTIL JANUARY 16, 2024.**

Mayor Lloyd adjourned the Bethany City Council meeting at 8:37 P.M.


MAYOR


CITY CLERK



ROSTER

**BETHANY CITY COUNCIL
BETHANY PUBLIC WORKS AUTHORITY
BETHANY HOSPITAL TRUST
BETHANY DEVELOPMENT AUTHORITY**

TUESDAY, JANUARY 2, 2024

BETHANY CITY HALL

6:30 P.M.

NAME

ADDRESS

Steve Holton

3810 N. Redmond Avenue

Ben Blankenship

Mike Schmidt

6008 NW 58th Terrace

John Glasz

6305 Wainfleet Blvd. Okc

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AGENDA

BETHANY CITY COUNCIL

TUESDAY, JANUARY 2, 2024
6:30 P.M.

BETHANY CITY HALL
6700 NW 36TH ST
BETHANY, OKLAHOMA



With the exception of new business, official action can only occur on items which appear on the agenda. The Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, Council may refer the matter to the City Manager or the Municipal Counselor. The Council may also refer items to standing committees of the Council or to a board or commission for additional study. Under certain circumstances, items may be deferred to a specific later date or stricken from the agenda entirely.

1. Call to Order
2. Invocation and Flag Salute
3. Consent Docket:
 - A. Approval of Minutes from the December 19, 2023, 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. Approval of First Amendment to the City Manager Employment Agreement as approved by the Bethany City Council on 11/21/2023.
4. Public Comment - Any person wishing to address the Council during Public Comment shall give their name, address, and city of residence to the City Clerk for the records PRIOR to the start of the meeting. *(Per Chapter 30 of the Bethany Code of Ordinances, there is a five-minute limit, and no action or discussion shall take place. All remarks shall be addressed to the Council as a body, and not to any member thereof.)*
5. City-wide public works project updates by TEIM Design including GO Bond, ARPA, water projects, and SH 66 with possible discussion. *(Elizabeth Gray, City Manager)*

6. Presentation by Cowan Engineering regarding Bethany-Warr Acres Public Works Authority (BWA-PWA). *(Elizabeth Gray, City Manager)*
7. Consideration, discussion, and possible adoption of Resolution No. 1685, a resolution of the City of Bethany, Oklahoma (the "city") approving the incurrence of indebtedness by the Bethany-Warr Acres Public Works Authority (the "authority") issuing its Utility System Revenue Note, Series 2023 (the "note"); providing that the organizational document creating the authority is subject to the provisions of the indenture authorizing the issuance of the note; waiving competitive bidding with respect to the sale of the note and approving the proceedings of the authority pertaining to the sale of the note; authorizing and directing the execution of all documents relating to the transaction; and containing other provisions relating thereto. *(Elizabeth Gray, City Manager)* This item was tabled from the 12/19/2023 Regular City Council Meeting.
8. Consideration and possible adoption of Resolution No. 1686, a resolution of the City Council of the City of Bethany, Oklahoma, pertaining to discrimination in provision of housing as provided in state and federal law. *(Elizabeth Gray, City Manager)*
9. Consideration and possible approval of Ordinance No. 2051, an ordinance amending Section 158.03 entitled, "Rehearings." to allow rehearings at any time where the applicant can show a material change in the facts of the case as discussed by the City Attorney during the November 21, 2023, meeting updating council on the procedure for zoning ordinance repeal concerning 3900 and 3904 Redmond Avenue. *(Ray Jones, City Attorney)*
 - A. Presentation by staff and/or interested party.
 - B. Consideration and possible action to approve of Ordinance No. 2051, on reading by title only.
 - C. Motion to approve Sections 1-2 of Ordinance No. 2051.
 - D. Motion to approve Section 3 of Ordinance No. 2051, the emergency section.
10. PUBLIC HEARING ITEM: Consideration and possible approval to repeal Ordinance No. 2046, an ordinance amending the zoning ordinances, map, and comprehensive plan of the City of Bethany, Oklahoma by including in R-2, two-family residential district, the property located at 3900 and 3904 N Redmond Avenue in Bethany Oklahoma. *(Marilyn McPhail, Council Member)*
 - A. Staff comments.
 - B. Public comments.
 - C. Possible action to repeal Ordinance No. 2046, an ordinance amending the zoning ordinances, map, and comprehensive plan of the City of Bethany, Oklahoma by including in R-2, two-family residential district, the property located at 3900 and 3904 N Redmond Avenue in Bethany Oklahoma.

11. Consideration, discussion, and possible action on ordinance No. 2052, an ordinance amending Title XI entitled Business Regulations, Section 110.01 entitled license or permit required as authorized November 7, 2023. *(Ray Jones, City Attorney)*
 - A. Presentation by staff and/or interested party.
 - B. Consideration and possible action to approve of Ordinance No. 2052, on reading by title only.
 - C. Motion to approve Sections 1-3 of Ordinance No. 2052.
12. Approval of ordinance No. 2053 an ordinance codifying the repeal of Section 157.34 Complete Streets occurring at the December 5, 2023, regular council meeting. *(Ray Jones, City Attorney)*
 - A. Presentation by staff and/or interested party.
 - B. Consideration and possible action to approve of Ordinance No. 2053, on reading by title only.
 - C. Motion to approve Sections 1-2 of Ordinance No. 2053.
 - D. Motion to approve Section 3 of Ordinance No. 2053, the emergency section.
13. Discussion, consideration, and possible approval of a Social Media Policy for elected officials. *(Ken Smart, Council Member)*
14. Discussion on Marilyn McPhail's open record request regarding Mayor Lloyd's emails and text messages with the city attorney involving my agenda items and Facebook posts. *(Marilyn McPhail, Council Member)*
15. Discussion regarding compliance with the open meetings act notice requirements subsequent to executive sessions. *(Marilyn McPhail, Council Member)*
16. New Business *(As defined by the Oklahoma Open Meeting Act § 311 (A) (9) as 'matters not known about or which could not have reasonably been foreseen prior to the time of posting the agenda')*.
17. City Attorney's Report.
18. City Manager's Report.
 - A. Budget Schedule.
19. Mayor and Council Members Comments and Suggestions.
20. Adjourn until January 16, 2024.

BETHANY PUBLIC WORKS AUTHORITY

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 - C. Approval of First Amendment to the City Manager Employment Agreement as approved by the Bethany City Council on 11/21/2023.
2. New Business *(As defined by the Oklahoma Open Meeting Act § 311 (A) (9) as "matters not known about or which could not have reasonably been foreseen prior to the time of posting the agenda")*.
3. Adjourn until January 16, 2024.

BETHANY HOSPITAL TRUST

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BETHANY DEVELOPMENT AUTHORITY

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3. Adjourn until January 16, 2024.

BETHANY CITY COUNCIL

From: Michael Vaughn, Finance Director
Date: December 21, 2023
Subject: Claims list for the 01/02/2024 City Council Meeting

GENERAL OPERATIONS FUND

FUND	AMOUNT
General Operations Fund	\$ 31,065.50
Public Safety Fund	\$ 50.00
2022A GO Bond	\$ 2,681.57
TOTAL	\$ 33,797.07

ENTERPRISE-WIDE SUMMARY OF ALL CLAIMS:

FUND	AMOUNT
General Operations Fund	\$ 33,797.07
Bethany Public Works Authority	\$ 101,661.69
Bethany Hospital Trust	\$ -
Bethany Development Authority	\$ -
TOTAL	\$ 135,458.76

RECOMMENDATION

1. Approve claims as presented.



FUND: 010- GENERAL FUND

SUMMARY REPORT

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 01.0 MANAGEMENT						
24-49359	10-005703	FLOOR-TECH JANITORIAL	PAPERTOWELS&TOILETTPAPER	12/2023	5113	196.25
24-49496	10-006149	DATHAN CAMPBELL	OSBI REIMBURSEMENT	12/2023	24-49496	19.00
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	97.29
24-48089	10-1530	THE TRIBUNE	PUBLICATION NOTICES	12/2023	20231215	22.60
24-48263	10-3196	IMAGENET CONSULTING, LLC	UPSTAIR/DOWN STAIR COPIER	12/2023	20V776637	213.25
24-49213	10-3608	MARIANNE'S RENTALS	TABLES/CHAIRS	12/2023	229316783	325.50
DEPARTMENT TOTAL:						873.89
DEPARTMENT: 02.0 FINANCE						
24-49405	10-005038	OKLAHOMA ENVELOPE	WISDOM ENVELOPES	12/2023	4096	279.79
24-48263	10-3196	IMAGENET CONSULTING, LLC	UPSTAIR/DOWN STAIR COPIER	12/2023	20V776637	17.76
DEPARTMENT TOTAL:						297.55
DEPARTMENT: 03.0 COURT						
24-49447	10-004790	HARVEY JANITORIAL SALES	OFFICE SUPPLIES	12/2023	212912	35.44
24-49203	10-006144	ROBERT BLACK, PLLC	CITY PROSECUTOR	12/2023	302	3,330.00
DEPARTMENT TOTAL:						3,365.44
DEPARTMENT: 05.0 POLICE						
24-49304	10-004398	CITY OF OKLAHOMA CITY	Portable Radio Usage	12/2023	1799C-DRPY-FR24-1	6,571.22
24-49353	10-005970	COVSRUS NORTH AMERICA, LLC	Euthanasia Drugs	12/2023	8087113	264.64
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	5,448.26
24-49120	10-1771	ADVENTURE DOT	Side Marker Lights	12/2023	555398	285.00
24-49249	10-3527	GEARWORKS	21-001 Graphics 5 unit 4	12/2023	8947	370.00
DEPARTMENT TOTAL:						14,939.12
DEPARTMENT: 06.0 FIRE						
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	1,544.47
DEPARTMENT TOTAL:						1,544.47

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 07.0 COMMUNITY DEV						
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	486.45
24-49263	10-3196	IMAGENET CONSULTING, LLC	UPSTAIR/DOWN STAIR COPIER	12/2023	INV776627	62.16
DEPARTMENT TOTAL:						548.61
DEPARTMENT: 08.1 PUBLIC WORKS - ADMIN						
24-49343	10-2442	SUMNERONE, INC.	MONTHLY COPIER MAINT	12/2023	379937	41.25
DEPARTMENT TOTAL:						41.25
DEPARTMENT: 08.2 PUBLIC WORKS - STREETS						
24-49020	10-004688	TLS GROUP, INC.	LEFT TURN SIGNAL	12/2023	NY ORDER 101510	302.90
24-49072	10-004688	TLS GROUP, INC.	TRAFFIC SIGNALS	12/2023	NY ORDER #101529	195.00
24-49088	10-004688	TLS GROUP, INC.	34TH ROCKWELL	12/2023	NY ORDER 1015517	195.00
24-49442	10-004996	GOODYEAR COMMERCIAL TIRE &	2 TIRES UNIT #62	12/2023	055-1029808	243.80
24-49089	10-005950	FORCE PERSONNEL	TEMP HELP	12/2023	76659	1,183.39
24-49466	10-0225	GENUINE PARTS	FILTER FOR SAWYER	12/2023	7082-048963	4.27
24-49491	10-0225	GENUINE PARTS	SPARK PLUG	12/2023	049111	12.87
24-49441	10-0694	HASKELL LEMCH CONST CO	2 TONS ASPHALT	12/2023	6505	120.00
24-49476	10-0694	HASKELL LEMCH CONST CO	1 TON OF ASPHALT	12/2023	6577	90.00
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	2,322.79
24-49493	10-1622	WESTLAKE ACE HARDWARE	PADLOCK HINGE STRAP	12/2023	3503904	42.73
DEPARTMENT TOTAL:						4,714.75
DEPARTMENT: 08.6 PUBLIC WORKS - MAINT						
24-49359	10-005703	FLOOR-TECH JANITORIAL	PAPER/TOWELS/TOILETPAPER	12/2023	9113	66.25
24-49453	10-0225	GENUINE PARTS	SHOP SANITATION SUPPLIES	12/2023	7082-048932	343.31
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	340.32
24-49472	10-1309	TOM'S SPEEDY LOCK & KEY SER	COMBINATION LOCKS	12/2023	69780	25.00
24-49311	10-2305	HOIDALE CO INC	3 DE KEY FOB	12/2023	INV1699	316.75
DEPARTMENT TOTAL:						1,092.03

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 00.0 PUBLIC WORKS - PARKS						
24-48974	10-005350	FORCE PERSONNEL	TEMP HELP	12/2023	74856	1,352.40
24-49477	10-005373	CARD SERVICES/EI	2 TIRES FOR BOBCAT	12/2023	7811466	159.98
24-49309	10-005703	FLOOR-TECH JANITORIAL	PAPEXOMELSAWCILETPAPER	12/2023	3113	86.25
24-49490	10-006119	PIONEER EQUIPMENT, INC.	TIRE FOR ZERO TURN MOWER	12/2023	125739	9.90
24-49449	10-0324	CENTRAL POWER EQUIP. INC	STARTER FOR ZERO TURN	12/2023	331782	229.48
24-48282	10-1063	GG&E	MONTHLY SVC	12/2023	30231231	428.18
24-49490	10-1261	RED ROCK PETRO	4500 UNLEAD & 3500 DIESEL	12/2023	1487207	1,280.18
24-49472	10-1509	TOM'S SPEEDY LOCK & KEY SERV	COMBINATION LOCKS	12/2023	89780	25.00
24-49131	10-4010	KARO HAT SAFETY & GLOVE	PRE HIGH VIZ SHIRTS	12/2023	24-0067153	157.00
DEPARTMENT TOTAL:						3,479.37
FUND TOTAL:						31,065.50

FUND: 021- PUBLIC SAFETY FUND

SUMMARY REPORT

F.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 99,0			NON-DEPARTMENTAL			
24-48708	10-0465	OK DEPT OF PUBLIC SAFETY	GCETS	12/2023	18T-012987	50.00
					DEPARTMENT TOTAL:	50.00
					FUND TOTAL:	50.00

P.O.#	VENDOR #	NAME	SUMMARY DESCRIPTION	DATE	INVOICE	AMOUNT
DEPARTMENT: 40.0 Projects						
24-48518	10-005500	TROY D RHODES & COMPANY, IMPROV 3A FIRE STATION REMO		12/2023	33972	2,565.00
24-48857	10-005500	TROY D RHODES & COMPANY, IMPROV BURSEARLES FC		12/2023	33973	116.57
DEPARTMENT TOTAL:						2,681.57
FUND TOTAL:						2,681.57

FIRST AMENDMENT TO EMPLOYMENT AGREEMENT

THIS AGREEMENT made and entered into this 2nd day of January 2024, by and between the City of Bethany, Oklahoma, a municipal corporation, and Bethany Public Works Authority (hereinafter "BPWA"), a public trust, Bethany Development Authority (hereinafter "BDA"), and the Bethany Hospital Trust (hereinafter "BHT"), hereinafter collectively called "City," and Elizabeth Gray, hereinafter called "Manager," agree as follows:

WHEREAS, the parties to this agreement entered into an employment agreement on September 15, 2020, providing for terms of employment for Elizabeth Gray, as City Manager; and

WHEREAS, it is the desire of the City to amend the agreement to provide more flexibility to the Manager in her retirement benefit option; and

WHEREAS, it is the desire of the City to amend the agreement to adjust the Manager's compensation and benefits package.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree to the change the September 15, 2020 employment agreement as follows:

Section 3. SALARY.

The City agrees to pay an annual base salary to the Manger for her services rendered, to be determined by the City, payable in installments at the same time as other employees of the City of Bethany are paid, currently being \$148,720. In addition, the City agrees to adjust the base salary and/or other benefits of the manager in such amounts and to such extent as the City may determine, in its sole discretion, that it is desirable to do so on the basis of a periodic employment review.

Section 8. VACATION, SICK, AND MISCELLANEOUS PAID LEAVE AND OTHER BENEFITS.

The City agrees to provide insurance (including but not limited to employee and dependent health, dental, vision, and life coverage), opportunity for participation in any cafeteria plan, 401-K type plan or other related plans, longevity pay, appropriate safety equipment, vehicle mileage reimbursement for all business related travel outside of the city limits, educational incentives, disability pay, holiday leave, family and medical leave, personal vacation leave, sick leave benefits, and other benefits in the same manner as such are provided to other general employees of the City, except as otherwise provided herein. With respect to leave, no payment in lieu of leave will be

made under any circumstances except as permitted under Section 9. City shall provide Manager with appropriate iPad, computer, and cell phone for business use. The City shall pay \$500/month as a car allowance. The Manager shall for purposes of calculating benefits under section 5.1 of the Oklahoma Municipal Retirement Fund Master Defined Benefit Plan Joinder Agreement executed on December 5, 2023 shall not have any early retirement reduction applied.

The remainder of the Employment Agreement dated September 15, 2020 shall remain in full force and effect except as amended by this instrument dated January 2, 2024.

IN WITNESS, WHEREOF, the parties have executed this agreement, the day, month, and year above written.

Attest

CITY

CITY CLERK

MAYOR for the CITY OF BETHANY and
CHAIRMAN of the BPWA, BDA, and BHT

CITY MANAGER

Approved as to form and legality on January 2, 2024.

CITY ATTORNEY



CITY OF BETHANY OKLAHOMA

ADDENDA 01/02/2024
ITEM 5



G.O. BOND / ARPA FUNDED PROJECT UPDATES
ODOT SH-66 PROPOSED IMPROVEMENTS



PROPOSITION 1-A NW 23RD STREET / ROCKWELL

CITY OF BETHANY



Traffic Signalization and Pedestrian Crosswalk Improvements

This project will also include the CRRSAA mill and inlay of the intersection, extending north approximately 1,000 feet.

- Survey complete
- Traffic signal design – TEC - complete
- Roadway mill & inlay design - complete
- ADA ramps and crosswalks design - complete
- CRRSAA project agreement with ODOT approved at June 13th City Council Meeting
- Bid let date for signals: December 21, 2023
- Apparent low bidder – Traffic Lighting Systems - \$384,745.14
- Anticipated ODOT bid let date for CRRSAA mill and inlay – Summer 2024

PROPOSITION 1-B NW 36TH / ROCKWELL

CITY OF BETHANY



Traffic Signalization and Pedestrian Crosswalk Improvements

- Survey complete
- Traffic signal design – TEC - complete
- ADA ramps and crosswalks design - complete
- Bid let date for signals: December 21, 2023
- Apparent low bidder – Traffic Lighting Systems - \$434,655.74



PROPOSITION 1-C NW 36TH / COUNCIL ROAD

CITY OF BETHANY



Traffic Signalization and Pedestrian Crosswalk Improvements

- Survey underway
- Evaluating additional funding sources for corridor improvements

PROPOSITION 1-D PENIEL – 39TH TO 42ND

CITY OF BETHANY



Peniel Ave. from NW 39th Expressway to NW 42nd Street

Reconstruction of Peniel Avenue beginning at NW 39th Expressway extending north approximately 1,300 feet to NW 42nd Street. Reconstruction of Plain Jointed PC Concrete.

- Survey: Complete
- Environmental: Complete
- Roadway Design: Complete. Plan in hand held July 26, 2023. Utilities cleared
- Anticipated Bid Let date: TBD due to possible conflicts with sanitary sewer replacement. Sewer line design underway.

PROPOSITION 1-E NW 30TH – ROCKWELL TO PENIEL

CITY OF BETHANY



NW 30th Street from Rockwell Avenue to Peniel Avenue

Reconstruction of NW 30th pavement beginning at Rockwell Avenue extending east approximately 2,600 feet to Peniel Avenue. Reconstruction of Plain Jointed PC Concrete.

- Survey: Complete
- Environmental: Complete
- Roadway Design: Complete. Plan in hand held July 26, 2023. Utilities cleared
- Bid Let Date: December 21, 2023
- Apparent low bidder – All Roads Paving Inc. - \$512,822.57

PROPOSITION 1-F MUELLER – NW 44TH TO NW 50TH

CITY OF BETHANY



N. Mueller Avenue from NW 44th Street to NW 50th Street

Reconstruction of Mueller Avenue pavement beginning at NW 44th Street extending north approximately 1,960 feet to NW 50th Street. Reconstruction of Plain Jointed PC Concrete.

- Survey: Complete
- Environmental: Complete
- Roadway Design: Complete. Plan in hand held July 26, 2023. Utilities cleared. Additional storm sewer inlet locations being identified to assist in removing storm water runoff from Mueller.
- Bid Let Date: December 21, 2023
- Apparent low bidder – All Roads Paving Inc. - \$524,411.60



PROPOSITION 1-G DIVIS – NW 36TH TO NW 39TH

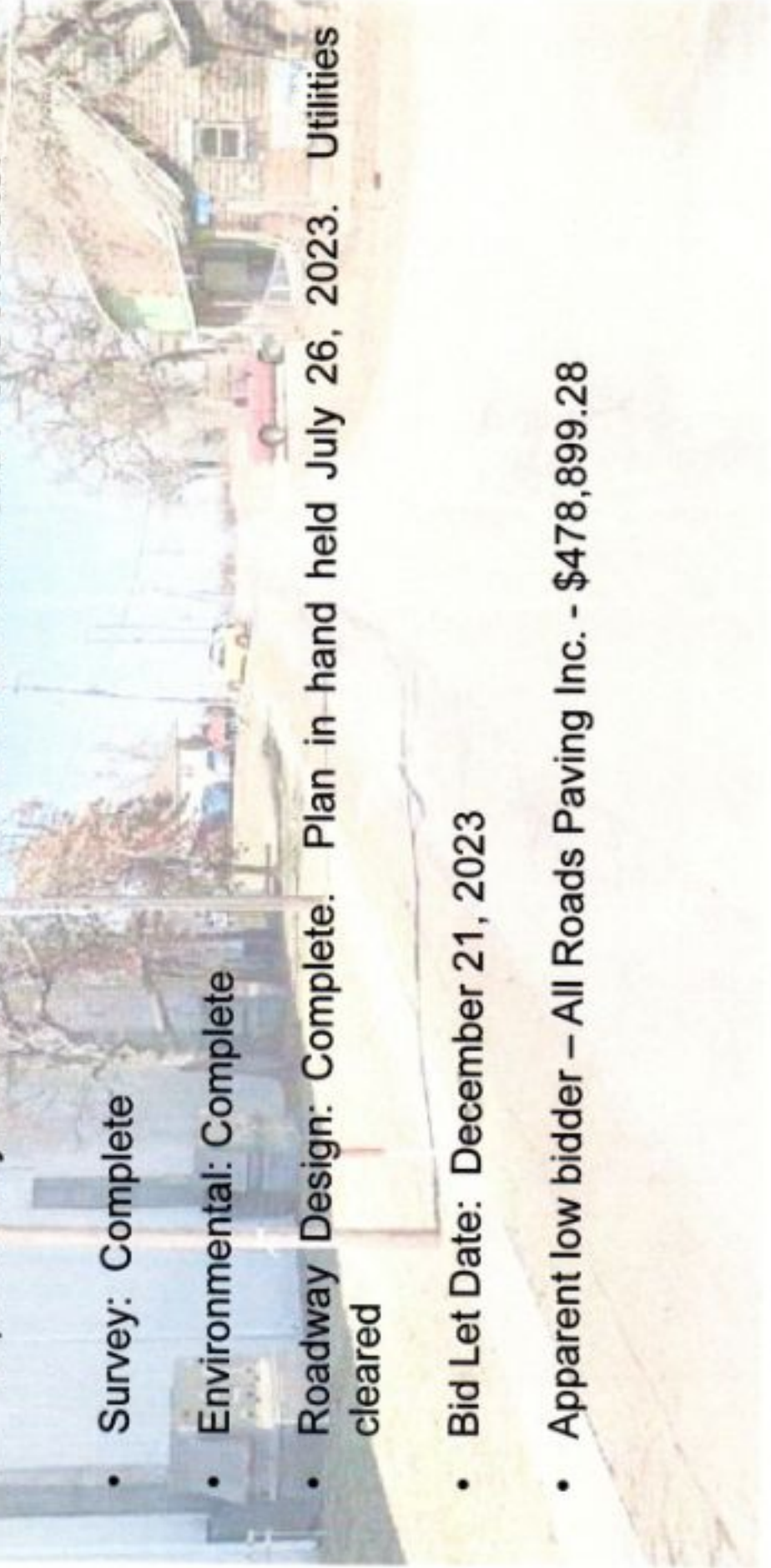
CITY OF BETHANY



N. Divis Avenue from NW 36th Street to NW 39th Expressway

Reconstruction of the west half of Divis Street beginning at NW 36th Street extending north approximately 1,960 feet to just south of NW 39th Expressway. Reconstruction of Plain Jointed PC Concrete.

- Survey: Complete
- Environmental: Complete
- Roadway Design: Complete. Plan in hand held July 26, 2023. Utilities cleared
- Bid Let Date: December 21, 2023
- Apparent low bidder – All Roads Paving Inc. - \$478,899.28



PROPOSITION 1-H

PENIEL – NW 25TH TO NW 30TH

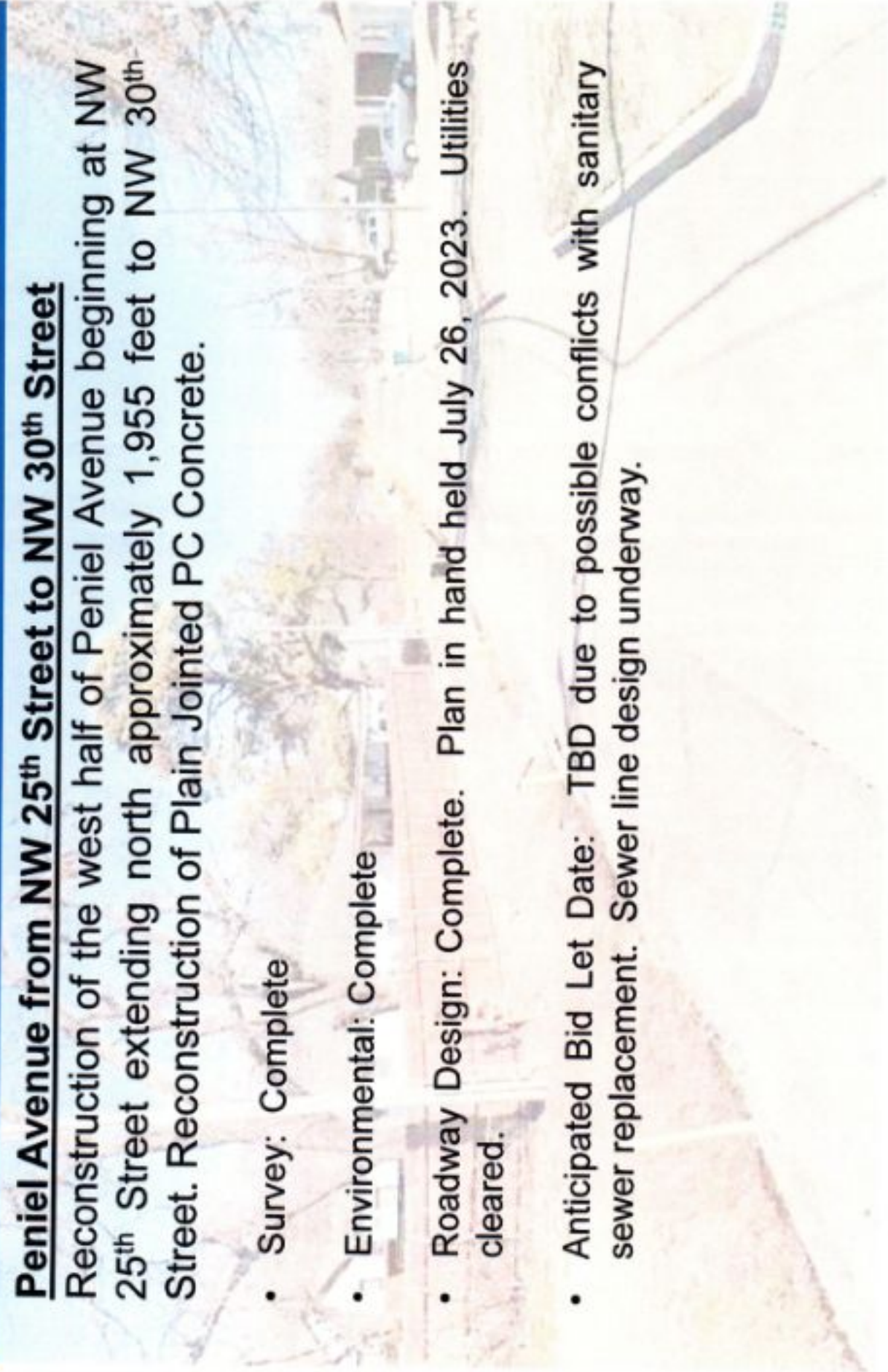
CITY OF BETHANY



Peniel Avenue from NW 25th Street to NW 30th Street

Reconstruction of the west half of Peniel Avenue beginning at NW 25th Street extending north approximately 1,955 feet to NW 30th Street. Reconstruction of Plain Jointed PC Concrete.

- Survey: Complete
- Environmental: Complete
- Roadway Design: Complete. Plan in hand held July 26, 2023. Utilities cleared.
- Anticipated Bid Let Date: TBD due to possible conflicts with sanitary sewer replacement. Sewer line design underway.



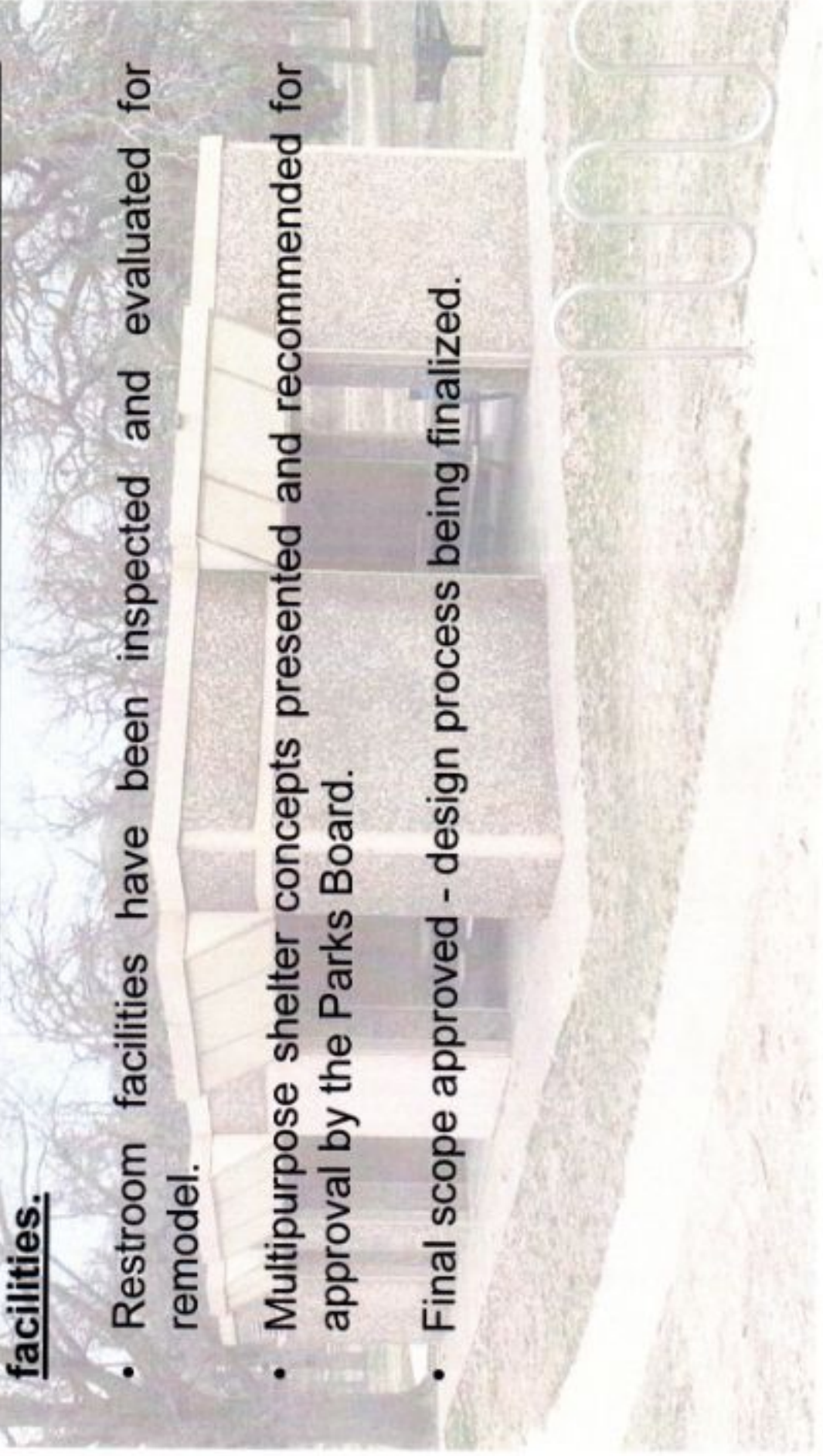
PROPOSITION 2-A ELDON LYON PARK

CITY OF BETHANY



Repair, improve, remodel, equip, and renovate playground, exercise station, multipurpose shelters, and remodel restroom facilities.

- Restroom facilities have been inspected and evaluated for remodel.
- Multipurpose shelter concepts presented and recommended for approval by the Parks Board.
- Final scope approved - design process being finalized.



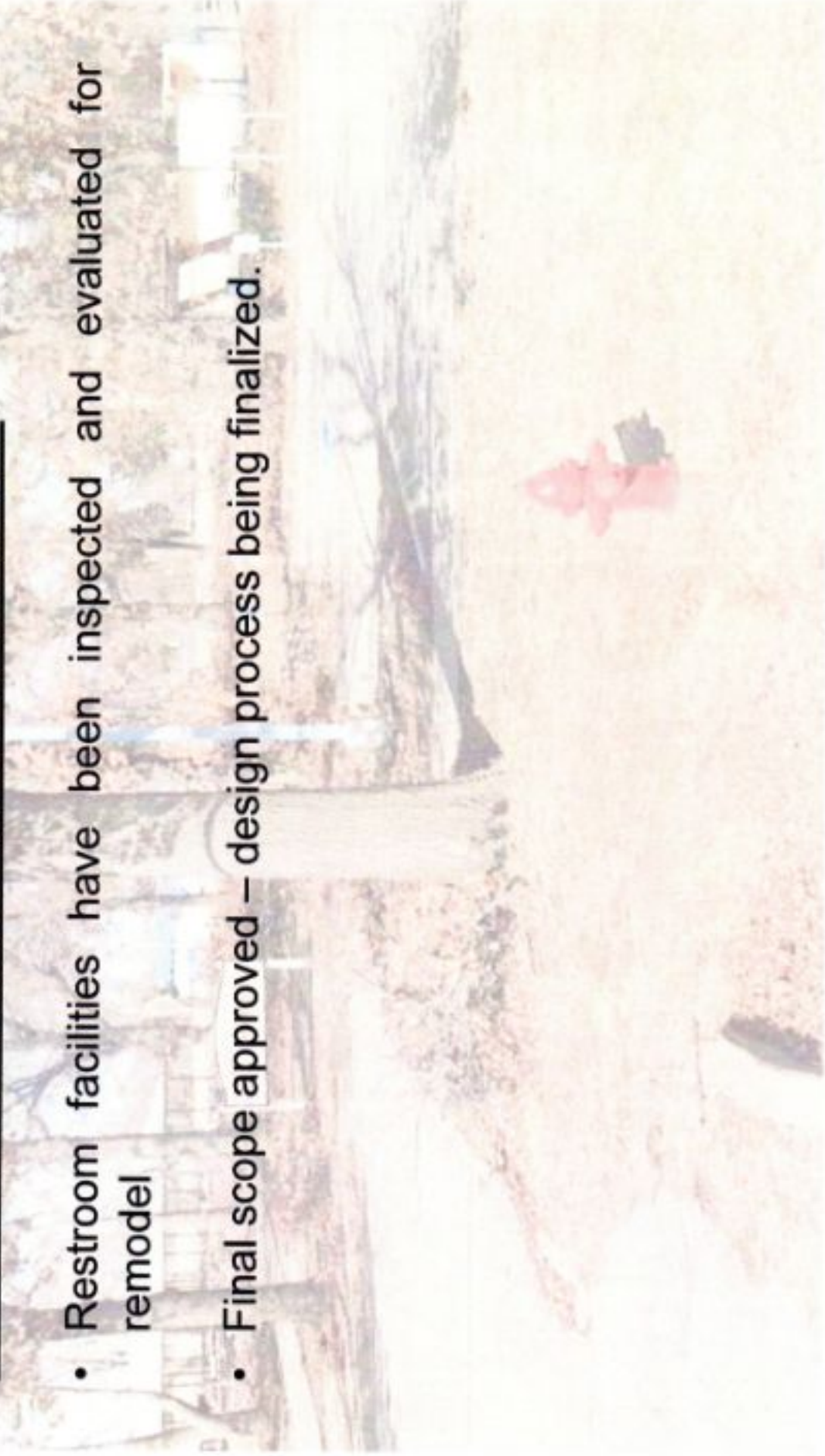
PROPOSITION 2-B RIPPER PARK

CITY OF BETHANY



Acquiring and improving playground equipment, and constructing or remodeling restroom facilities

- Restroom facilities have been inspected and evaluated for remodel
- Final scope approved – design process being finalized.



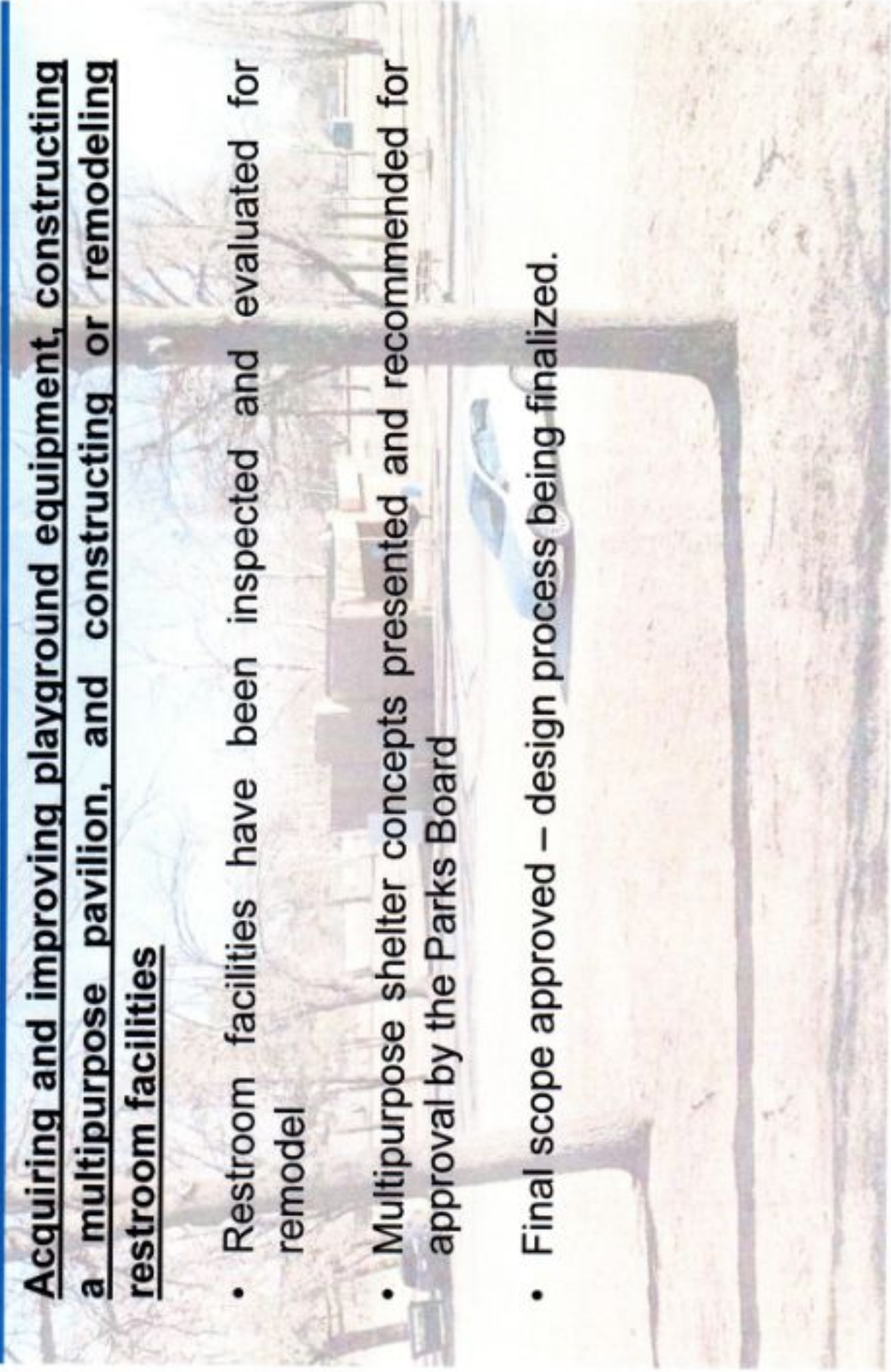
PROPOSITION 2-C HENRY GARRISON PARK

CITY OF BETHANY



Acquiring and improving playground equipment, constructing a multipurpose pavilion, and constructing or remodeling restroom facilities

- Restroom facilities have been inspected and evaluated for remodel
- Multipurpose shelter concepts presented and recommended for approval by the Parks Board
- Final scope approved – design process being finalized.



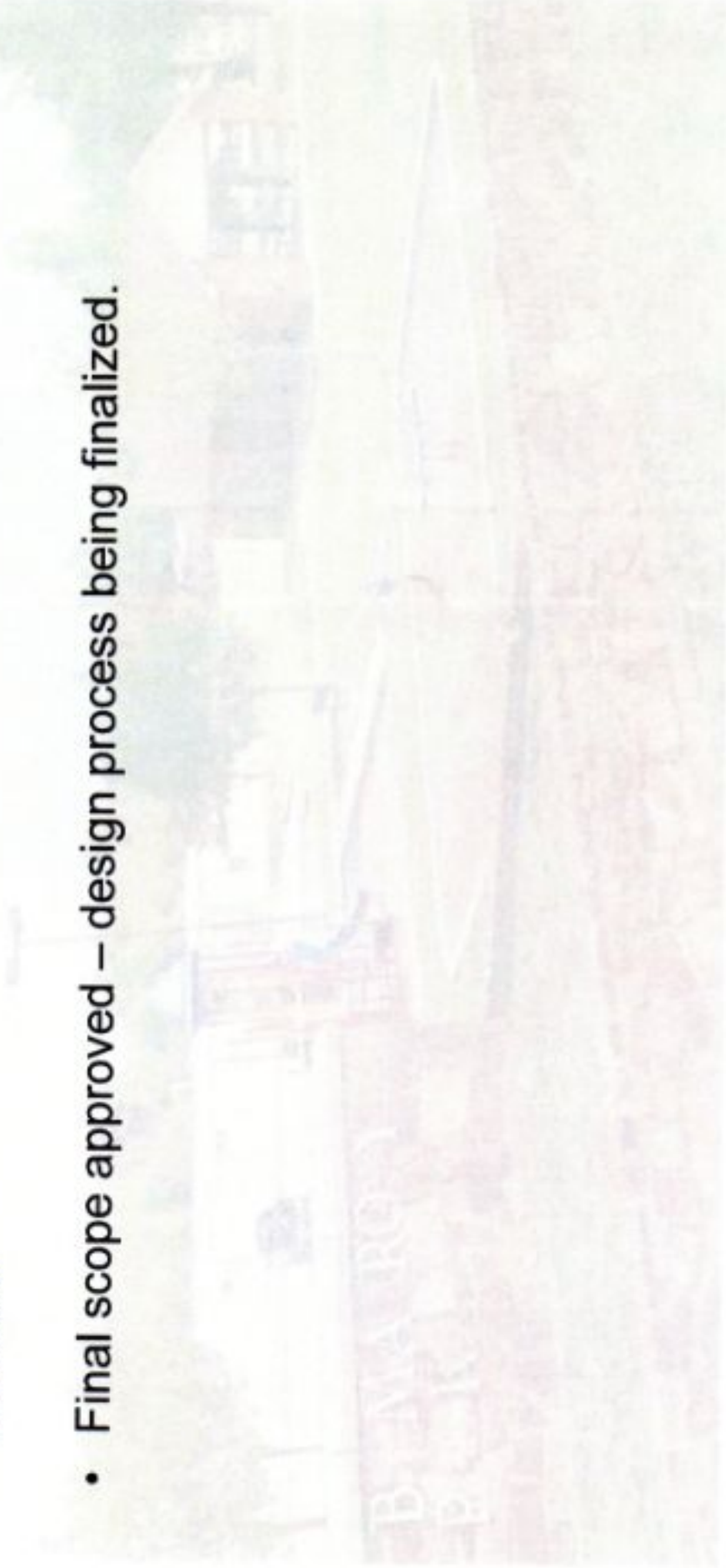
PROPOSITION 2-D MACRORY PARK

CITY OF BETHANY



Acquiring and improving playground equipment, and constructing or remodeling restroom facilities

- Restroom facilities have been inspected and evaluated for remodel
- Final scope approved – design process being finalized.



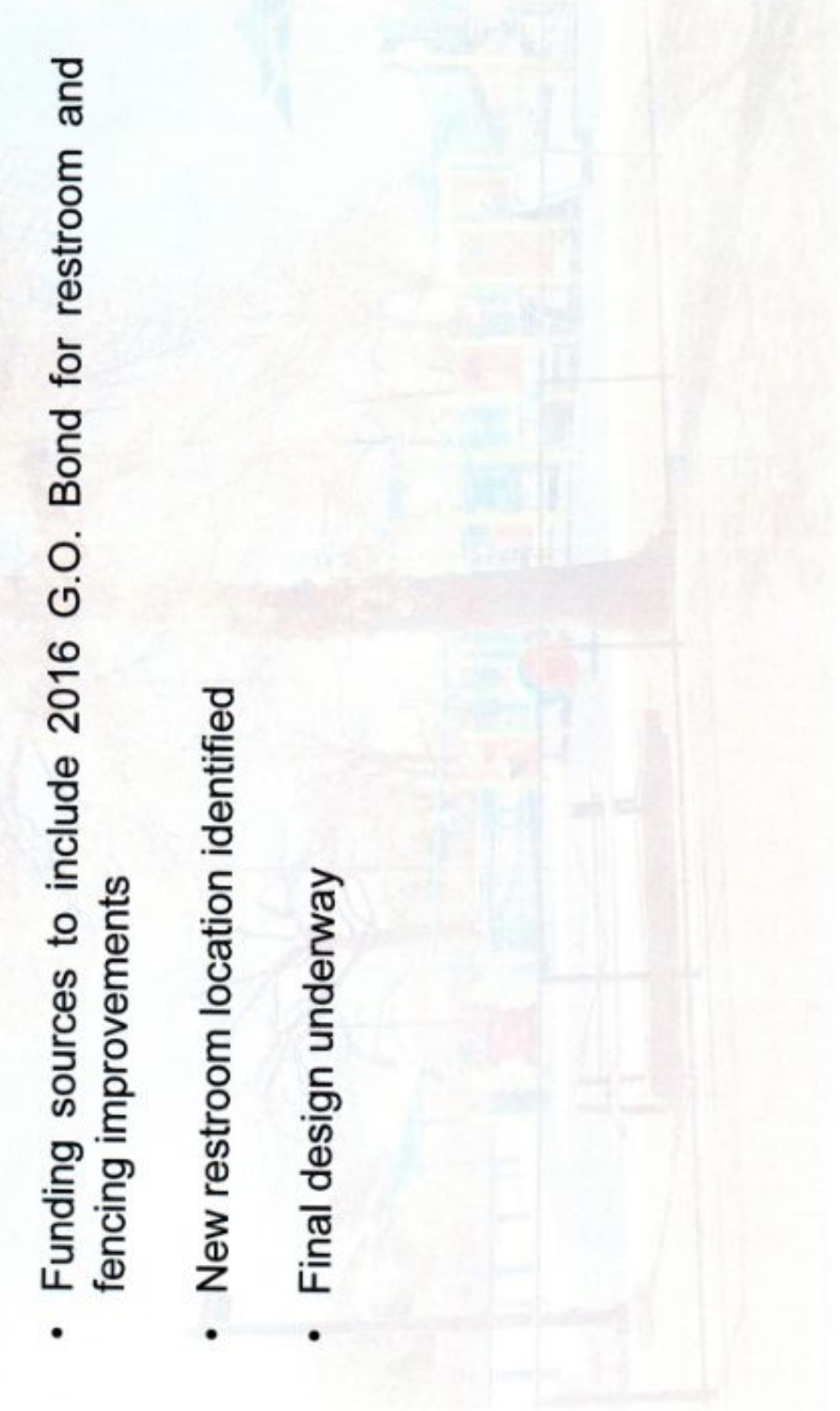
PROPOSITION 2-F CECIL MENDENALL PARK

CITY OF BETHANY



Improving but not limited to constructing restroom facilities

- Funding sources to include 2016 G.O. Bond for restroom and fencing improvements
- New restroom location identified
- Final design underway



PROPOSITION 3-A FIRE STATION

CITY OF BETHANY



Enlarging, remodeling, renovating, equipping and furnishing, but not limited to remodel, renovation, parking lot, sidewalks, architectural and engineering

- Design contract awarded to Troy D. Rhodes and Company
- Construction Management Contract awarded to Lippert Brothers, Inc. - \$1,161,519
- Under construction



PROPOSITION 3-B

POLICE HEADQUARTERS – BUILDING ADDITION

CITY OF BETHANY



Enlarging, remodeling, renovating, equipping and furnishing, but not limited to repairing and replacing the existing roof and enlarging, renovating and equipping the evidence room.

- Design complete
- Bids Received: September 12, 2023
- Low Bidder: Holland Construction, LLC. - \$358,800
- Under construction



PROPOSITION 3-B

POLICE HEADQUARTERS – ROOF REPLACEMENT

CITY OF BETHANY



Enlarging, remodeling, renovating, equipping and furnishing, but not limited to repairing and replacing the existing roof and enlarging, renovating and equipping the evidence room.

- Design complete
- Bids Received: August 30, 2023
- Low Bidder: Heritage Hills Commercial Services, LLC. - \$431,950



PROPOSITION 3-C ANIMAL SHELTER

CITY OF BETHANY



Repairing, renovating, equipping and furnishing the existing animal shelter facility within the City of Bethany located at 5100 North College Avenue

- Geotechnical soil boring - complete
- Footing recommendations - complete
- Survey - complete
- A sanitary sewer has been found that was not shown on any city atlas that is currently under part of the building. Plans to realign the sanitary sewer are complete and have been approved by the ODEQ.
- Bid Let Date: December 21, 2023
- Apparent low bidder – Luckinbill - \$123,792.00
- Building expansion under design, conceptual drawings have been reviewed by the Police Department and comments are being included in the plans.

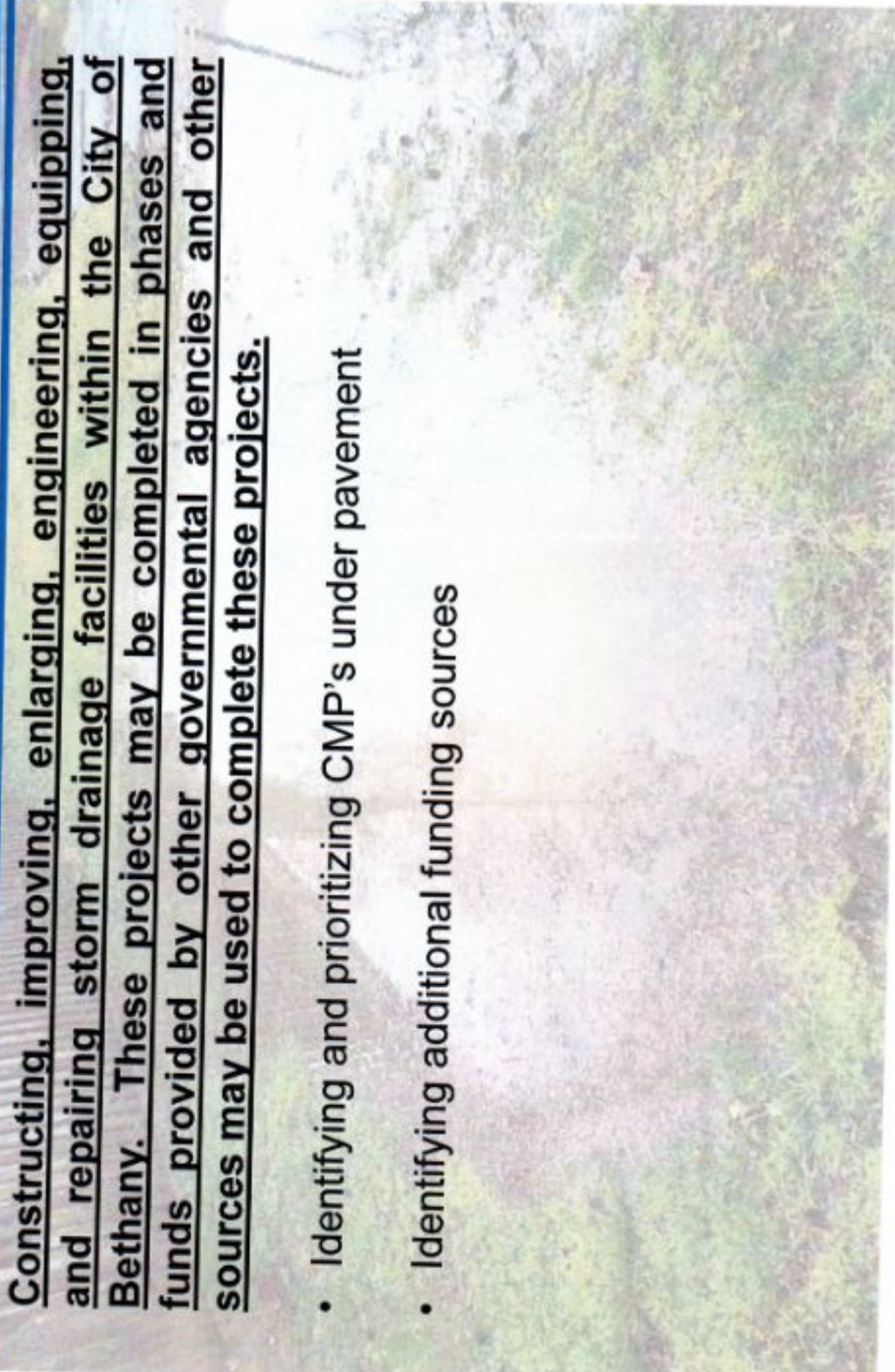
PROPOSITION 4-A DRAINAGE

CITY OF BETHANY



Constructing, improving, enlarging, engineering, equipping, and repairing storm drainage facilities within the City of Bethany. These projects may be completed in phases and funds provided by other governmental agencies and other sources may be used to complete these projects.

- Identifying and prioritizing CMP's under pavement
- Identifying additional funding sources



ARPA FUNDED PROJECTS SMART WATER METERS

CITY OF BETHANY



American Rescue Plan Act funded Water Meter Replacement Matching \$1,500,000 Grant

- Project approved by OWRB on June 20, 2023, plans advertised for bids
- Pre-bid meeting held June 21, 2023
- Bids were opened on June 29, 2023
- Phase 1 bid awarded at City Council on July 18, 2023 to S.W. Water Works in the amount of \$2,544,540.00
- Construction began in October 2023 with anticipated completion in April 2024
- New ultrasonic meters are already being installed with new construction projects in the City.
- Phase 2 County ARPA funded project design complete
- Bid let date January 17, 2024



ARPA FUNDED PROJECTS SANITARY SEWER REPLACEMENT

CITY OF BETHANY



American Rescue Plan Act funded Sanitary Sewer Replacement on Peniel, in the amount of \$3,372,692

- Project includes lift station and sanitary sewer line replacement
- Video of existing sewer line complete
- Survey is complete
- Design anticipated to be complete by Spring 2024, and submitted to ODEQ
- Construction contract award anticipated Summer 2024



ARPA WELL & WELLFIELD IMPROVEMENTS

CITY OF BETHANY



- Existing wellfield production 3.01 MGD
- Re-drilling water wells to increase production by 1.1 MGD
- Rehabilitating 8 wells (2, 5, 9, 15, 16, 25, 212, and 213) increases production to 0.3 MGD
- Increase capacity in wellfield transmission lines to transport increased production to the water treatment plant
- Current ARPA funding is \$4.6 million
- Plans complete and received approval from ODEQ
- Plans submitted to OWRB for approval. Pending OWRB approval, anticipated let date February 14, 2024

PROPOSED IMPROVEMENTS TO SH-66

(NW 39TH EXPRESSWAY) N. ASBURY AVE. TO N.DONALD AVE.

CITY OF BETHANY



Proposed Improvements

- Improve Pedestrian Access and Safety, ADA compliant
- Improve Intersection Operations with video detection with new controllers and protected/permissive left turns
- Replace poles with decorative poles
- Improve safety on SH-66 by eliminating on-street parking on north side of SH-66
- Utility coordination meeting completed
- Plans complete and submitted to ODOT for October letting. Apparent low bidder is SAC Services in the amount of \$2,266,000
- Construction anticipated to begin in early 2024



BETHANY CITY COUNCIL

From: Elizabeth A. Gray, City Manager
Date: December 13, 2023
Subject: Consideration and possible adoption of Resolution No. 1665 approving the incurrence of indebtedness by the Bethany-Warr Acres Public Works Authority

BACKGROUND

Since November of 2022, the Bluff Creek Sewer Plant has required extensive repair following a major malfunction. Cowan Engineers are evaluating the plant and hope to give a final report to the City Council in January on future needs of the plant. The sewer plant is currently in need of 5 Million in upgrades. These upgrades will be used in conjunction with any future plant improvements.

Current Request: The Bethany-Warr Acres PWA recently approved a private placement loan with F&M Bank out of Guthrie. The loan has a term of 15 years and a 4.77% interest rate. The loan is being used to cover the cost of essential equipment upgrades and replacements to keep the wastewater treatment plant operational. The City of Bethany is one of two joint beneficiaries under the Declaration of Trust establishing the authority. Pursuant to state statute, any beneficiary of a public trust must also approve the incurrence of indebtedness of its public trust. The City of Warr Acres approved the incurrence of indebtedness at a meeting held on December 12, 2023. As a beneficiary of the Trust, The City of Bethany is also required to approve the indebtedness of the Bethany-Warr Acres PWA and that is what is being asked in this item. The City is in no way obligated to repay the indebtedness as it will be repaid from the rates and charges collected from customers of both Warr Acres and Bethany. This is very similar to financings accomplished by the Bethany Public Works Authority which the City is also required to approve.

RECOMMENDATION

1. Approve Resolution No. 1665 as presented.

ADDITIONAL COMMENTS

This item was tabled from the 12/19/2023 regular city council meeting.



RESOLUTION NO. 1685

A RESOLUTION OF THE CITY OF BETHANY, OKLAHOMA (THE "CITY") APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE BETHANY-WARR ACRES PUBLIC WORKS AUTHORITY (THE "AUTHORITY") ISSUING ITS UTILITY SYSTEM REVENUE NOTE, SERIES 2023 (THE "NOTE"); PROVIDING THAT THE ORGANIZATIONAL DOCUMENT CREATING THE AUTHORITY IS SUBJECT TO THE PROVISIONS OF THE INDENTURE AUTHORIZING THE ISSUANCE OF THE NOTE; WAIVING COMPETITIVE BIDDING WITH RESPECT TO THE SALE OF THE NOTE AND APPROVING THE PROCEEDINGS OF THE AUTHORITY PERTAINING TO THE SALE OF THE NOTE; AUTHORIZING AND DIRECTING THE EXECUTION OF ALL DOCUMENTS RELATING TO THE TRANSACTION; AND CONTAINING OTHER PROVISIONS RELATING THERETO.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. INDEBTEDNESS AUTHORIZED. The Bethany-Warr Acres Public Works Authority (the "Authority") is hereby authorized to incur indebtedness by the issuance of its Utility System Revenue Note, Series 2023 in the amount of not-to-exceed \$5,000,000.00 (the "Note"), according to the terms and conditions of a General Bond Indenture, as supplemented and amended by a Series 2023 Supplemental Note Indenture (collectively, the "Indenture"), both by and between the Authority and BOKF, NA, as trustee bank (the "Trustee"), provided that the Note shall never constitute a debt of the City of Bethany, Oklahoma (the "City").

SECTION 2. ORGANIZATIONAL DOCUMENT SUBJECT TO INDENTURE. The organizational document creating the Authority, is hereby made subject to the terms of the Indenture authorizing the issuance and securing the payment of the Note as more fully described in Section 1 hereof.

SECTION 3. WAIVING COMPETITIVE BIDDING; APPROVAL OF SALE PROCEEDINGS. The waiving of competitive bidding for the sale of the Note and the sale of said Note by the Authority to a financial institution (referred to herein as the "Purchaser"), at a price of par, is hereby approved. The Authority shall designate the Purchaser of the Note in its Certificate of Determination to be executed at or prior to closing of the Note.

SECTION 4. AUTHORIZING EXECUTION. The Mayor or Vice Mayor of City and City Clerk or Deputy City Clerk of the City representing the City at the closing of the above-referenced note issue are hereby authorized to execute and deliver on behalf of the City any and all certifications and documentation necessary or attendant to the delivery of the Note, as directed by Bond Counsel.

[Remainder of Page Left Blank Intentionally]

PASSED AND APPROVED THIS 5TH DAY OF DECEMBER, 2023.

CITY OF BETHANY, OKLAHOMA

(SEAL)

By: _____
Mayor

ATTEST:

By: _____
City Clerk

CERTIFICATE
OF
CITY COUNCIL ACTION

I, the undersigned, hereby certify that I am the duly qualified and acting City Clerk of the City of Bethany, Oklahoma.

I further certify that the City Council of the City of Bethany, Oklahoma, held a Regular Meeting at 6:30 o'clock p.m., on December 5, 2023, after due notice was given in full compliance with the Oklahoma Open Meeting Act.

I further certify that attached hereto is a full and complete copy of a Resolution that was passed and approved by said City Council; at said meeting as the same appears in the official records of my office and that said Resolution is currently in effect and has not been repealed or amended as of this date.

I further certify that below is listed those councilmembers present and absent at said meeting; those making and seconding the motion that said Resolution be passed and approved; and those voting for and against such motion:

PRESENT:

ABSENT:

MOTION MADE BY:

MOTION SECONDED BY:

AYE:

NAY:

WITNESS MY HAND THIS 5TH DAY OF DECEMBER, 2023.

CITY OF BETHANY, OKLAHOMA

(SEAL)

City Clerk

BETHANY CITY COUNCIL

From: Elizabeth Gray, City Manager
Date: December 19, 2023
Subject: Resolution describing the City's Fair Housing Policy

BACKGROUND

As part of the Community Development Block Grants (CDBG) process, the city adopts a Fair Housing resolution. The approved resolution will be included in future grant application packets. This should be done on an annual basis moving forward.

This resolution is required under the terms of the CDBG guidance document. Staff recommends approval of the Fair Housing resolution

RECOMMENDATION

1. Approve Resolution No. 1686, as presented.

ADDITIONAL COMMENTS



RESOLUTION NO. 1686

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA, PERTAINING TO DISCRIMINATION IN PROVISION OF HOUSING AS PROVIDED IN STATE AND FEDERAL LAW.

LET IT BE KNOWN TO ALL PERSONS of the City of Bethany, Oklahoma, that discrimination in the sale, rental, leasing, and financing of housing or land to be used for construction of housing or in the provision of brokerage services because of race, color, religion, sex, or national origin is prohibited by Title VIII of the 1968 Civil Rights Act (Federal Fair Housing Law).

It is the policy of the City of Bethany, Oklahoma, to implement programs to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, or national origin. The Fair Housing Amendments Act of 1988 expands coverage to include disabled persons and families with children. Therefore, the City Council of the City of Bethany does hereby pass the following Resolution.

BE IT RESOLVED that within available resources the City of Bethany, Oklahoma, will assist all persons who feel they have been discriminated against because of race, color, religion, sex, national. origin, disability, or familial status to seek equity under federal and state laws by filing a complaint with the United States Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, Compliance Division.

BE IT FURTHER RESOLVED that the City of Bethany, Oklahoma, shall publicize this Resolution, and through this publicity shall encourage owners of real estate, developers, and builders to become aware of their respective responsibilities and rights under the Fair Housing Law and amendments and any applicable state or local laws or ordinances.

SAID PROGRAM will, at a minimum, include: (1) printing and publicizing of this policy and other applicable fair housing information through local media and community contacts; (2) distribution of posters, flyers, and any other means that will bring to the attention of those affected, the knowledge of their respective responsibilities and rights concerning equal opportunity in housing; and (3) prepare

an analysis of impediments to fair housing choices and action to mitigate such impediments.

EFFECTIVE DATE: This Resolution shall take effect this _____ day of _____, 2024.

END

The foregoing Resolution was duly adopted and approved by the Mayor and City Council of the City of Bethany, Oklahoma, on the _____ day of _____, 2024, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

MAYOR

ATTEST:

CITY CLERK

Approved as to form and legality on _____, 2024.

CITY ATTORNEY

NOTE: Publish one-time in full in *Tribune*.

ORDINANCE NO. 2051

AN ORDINANCE AMENDING SECTION 158.093 TO THE BETHANY CODE OF ORDINANCES TO PERMIT REHEARINGS UPON DEMONSTRATION OF CHANGES OF CIRCUMSTANCES IN ALL MATTERS TIMELY APPEALED AND HEARD BEFORE THE BOARD OF ADJUSTMENT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Section 158.093 currently reads as follows:

No application which has been heard and decided by the Board shall be set for rehearing within six months from the date of decision, and then only where the applicant can show material change in the facts of the case or where new evidence which might affect the decision can be produced, and then only upon proper filing of a new application.

SECTION 2. Section 158.093 is amended as follows:

No application which has been timely filed, heard, and decided by the Board shall be set for rehearing ~~within six months from the date of decision, and then only where~~ unless the applicant can show material change in the facts of the case or where new evidence which might affect the decision can be produced, and then only upon proper filing of a new application.

SECTION 3:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

SECTION 4. EMERGENCY CLAUSE

It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Bethany and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

END

The foregoing ordinance was introduced before the Bethany City Council on the _____ day of _____, 202__, and was duly adopted and approved by the Mayor and City Council on the _____ day of _____, 202__, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 202__.

CITY ATTORNEY

ORDINANCE NO. 2052

AN ORDINANCE AMENDING SECTION 110.01 TO THE BETHANY CODE OF ORDINANCES ADDING SUBPART (D) PROVIDING FOR THE FORM OF A BUSINESS LICENSE APPLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Section 110.01 (A) (1) currently reads as follows:

No person, firm, or corporation, either as principal or agent, shall conduct, pursue or operate any calling, trade, profession or occupation listed in Appendix A or carry on any activity set forth in Appendix B, without first procuring a license or permit therefore, whichever the case may be, except as may be otherwise prescribed by law.

SECTION 2. Section 110.01 (A) (1) is amended by as follows:

Unless otherwise exempted, it shall be unlawful for any business as to operate without first procuring from the city all licenses required by Title XI and paying to the City of Bethany the fees or taxes associated therewith and established in the city's general schedule of fee. The following are exempted:

- (a) A non-profit corporation, organization, or association which is carried on wholly for the benefit of non-profit purposes and from which profit is not derived, either directly or indirectly by any person, provided such organization or association is registered with the Secretary of State for the State of Oklahoma as a charitable organization pursuant to the Charitable Contributions Act of 1955 or is determined by the Internal Revenue Service to be exempt from federal income taxes as evidenced by an IRS affirmation.
- (b) All scientific and literary lectures and entertainments.
- (c) Concerts, musical, or other similar entertainments given exclusively by the citizens of the city.
- (d) A governmental entity.
- (e) Where such license is prohibited by state law.
- (f) Where such license is exempted by another section of the Code of Ordinances for the City of Bethany, Oklahoma.

SECTION 3:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

END

The foregoing ordinance was introduced before the Bethany City Council on the _____ day of _____, 202__, and was duly adopted and approved by the Mayor and City Council on the _____ day of _____, 202__, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 202__.

CITY ATTORNEY

ORDINANCE NO. 2053

AN ORDINANCE REPEALING SECTION 110.01 TO THE BETHANY CODE OF ORDINANCES ADDING SUBPART (D) PROVIDING FOR THE FORM OF A BUSINESS LICENSE APPLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BETHANY, OKLAHOMA:

SECTION 1. Section 110.01 (A) (1) currently reads as follows:

No person, firm, or corporation, either as principal or agent, shall conduct, pursue or operate any calling, trade, profession or occupation listed in Appendix A or carry on any activity set forth in Appendix B, without first procuring a license or permit therefore, whichever the case may be, except as may be otherwise prescribed by law.

SECTION 2. Section 110.01 (A) (1) is amended by as follows:

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- (a) A non-profit corporation, organization, or association which is carried on wholly for the benefit of non-profit purposes and from which profit is not derived, either directly or indirectly by any person, provided such organization or association is registered with the Secretary of State for the State of Oklahoma as a charitable organization pursuant to the Charitable Contributions Act of 1955 or is determined by the Internal Revenue Service to be exempt from federal income taxes as evidenced by an IRS affirmation.
- (b) All scientific and literary lectures and entertainments.
- (c) Concerts, musical, or other similar entertainments given exclusively by the citizens of the city.
- (d) A governmental entity.
- (e) Where such license is prohibited by state law.
- (f) Where such license is exempted by another section of the Code of Ordinances for the City of Bethany, Oklahoma.

SECTION 2:

If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

SECTION 3. EMERGENCY CLAUSE

It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Bethany and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

END

The foregoing ordinance was introduced before the Bethany City Council on the _____ day of _____, 202__, and was duly adopted and approved by the Mayor and City Council on the _____ day of _____, 202__, and after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.)

ATTEST:

MAYOR

CITY CLERK

Approved as to form and legality on _____, 202__.

CITY ATTORNEY

CITY OF BETHANY'S SOCIAL MEDIA POLICY FOR ELECTED OFFICIALS

It is the policy of the City Council for each of its elected members to conduct themselves so as to bring credit upon the City of Bethany, and to set an example of good and ethical conduct. The purpose of the Social Media Policy for Elected Officials is to serve the general policy of good and ethical conduct and to outline the roles, responsibilities, and best practices for the use of social media by the individual members serving on the Council. The policy seeks a balance between the Free Speech rights of elected officers, protected by the United States and Oklahoma Constitutions, and the public's expectation that elected officers possess a high level of personal and professional integrity and refrain from engaging in conduct that disparages the City or the City Council.

This policy applies to any social media site or tool used by individual Council members in their personal capacity. Commenting on a personal social media site about City Business of any kind may have unintended consequences, which may result in violations of the Open Meetings Act, the Charter for the City of Bethany, or interfere in the administration of city government. The maintenance of a personal social media account by an elected officer may also become a public forum for speech that is protected by both the United States and Oklahoma Constitutions if it is used in any way to engage with constituents or the general public.

In light of these concerns, each individual Council member is responsible to ensure compliance with the Council's policy.

DEFINITIONS

"Censure" means an official reprimand or condemnation by majority vote of Council for a violation of this policy.

"Council member" is defined as the elected members of the City Council to include the Mayor, and any individual using social media on behalf of the elected members of the City Council.

"Social Media" is defined as the use of third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-city hosted services and are used by individual Council members to communicate with the public. These may include, but are not limited to, social networking sites, micro-blogging tools, audio-visual networking sites, blogs, etc.

GENERAL POLICY

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts should model the same professional behavior displayed during Council sessions, and community meetings.

Council members are strongly encouraged to separate personal social media accounts from professional social media accounts so that City-related matters and all public records generated

from those posts are easily archived and not intermingled with personal posts not related to City matters.

Social media should not be used to conduct official city business. Examples of business that may not be conducted through social media include:

- Making policy decisions;
- Official public noticing; and
- Discussing items of legal or fiscal significance that have not previously been released to the public

Council members' social media site(s) should contain links directing users back to the city's official website for in-depth information, forms, documents, or online services necessary to conduct official city business. Council members' posts on another's social media site regarding such information should refer citizens to the City of Bethany's official website.

It is anticipated that from time to time, Council members may have access to information that is considered privileged or confidential under Oklahoma Statutes and federal law. Such information is typically considered an exception to the public records law and may have specific penalties for inappropriate disclosure. Such information may include but is not limited to certain personnel information, non-public information from criminal investigations and business trade secrets. Council members must not reveal any confidential or privileged information about the City, its constituents, its employees, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential or privileged information.

Council members should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Council members should not post or share information known to be false about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.

Unless the Council member has been designated to serve as a spokesperson, officials should never represent themselves as a spokesperson for the City Council, a City board or committee, the City Administration, or any City department. Council members should consider whether liking, sharing, retweeting or commenting on any social media posts could be perceived as an endorsement of or about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.

Council members should refrain from using social media accounts to communicate with City employees about City-related matters as this creates a public record on employees' personal accounts that must be retained pursuant to Oklahoma Open Records law.

ETHICS AND ELECTIONS RULES COMPLIANCE

All content posted by an individual Council member on any social media site shall comply with the Oklahoma Ethics and Election ordinances and administrative rules as well as Oklahoma state law regulating elected officials.

Council members are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law. Officials are also prohibited from using professional (meaning social media accounts used to conduct official business) social media accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.

No content that promotes or advertises commercial services, entities, or products may be posted.

Council members shall not post comments or link to any content that endorses or opposes political candidates, including links to a Council member's campaign site.

At the discretion of a majority of the Council, a Councilmember may be censured by Council for failure to comply with this policy.

RECORDS RETENTION ACT COMPLIANCE

State Law and City ordinances, rules and regulations apply to social media content. All social media content with retention value must be maintained for the required retention period. It is the responsibility of each Council member to maintain current, Council adopted retention procedures and to ensure that those procedures are followed. Council members are prohibited from deleting posts and related comments regarding any City-related matters to avoid violating the record retention laws of Oklahoma and the ordinances for the City of Bethany.

As with any correspondence sent in a Council member's official capacity, Council member postings to social media sites maintained by others must be retained by the posting Council member. Printouts of postings to others' sites may suffice for retention purposes.

Any content maintained in a social media format, i.e., Facebook, Twitter, etc., that is related to City business, including communications between an individual Councilmember and constituents or the general public, and a site's list of "friends" or "followers" may be considered a public record subject to disclosure under the State of Oklahoma Open Records Act.

PUBLIC COMMENT AND PROPER NOTICE REQUIREMENTS

While there are benefits to public input through social media, care should be taken to not leave the impression that a comment posted on a social media site is adequate legal notice to the City. Oklahoma law imposes an obligation on cities to either warn the public or repair a dangerous condition on public property within a reasonable time after proper notice. Proper legal notice of a dangerous condition requires filing the notice with the City Clerk or a City official designated as responsible to act on the notice. Leaving a false sense of proper legal notice delays appropriate action by City staff to post proper warnings to safeguard the public from a dangerous condition or delays other appropriate remedial action. Leaving a false sense of proper legal notice may also create legal issues for those who may feel they have taken adequate steps to pursue their claims. To avoid confusion of such issues, Council members should refer the public to the normal channels

for reporting issues such as non-working traffic signals, waterline breaks, stray animals, concerns with the City's contractors, etc.

OPEN MEETING ACT COMPLIANCE

A quorum of lawmakers holding a discussion about public business through social media may constitute a meeting that is subject to the State of Oklahoma Open Meetings Act. The dynamic nature of social media and the volume of posts make it difficult to track who is involved in the discussion. It is the responsibility of individual Councilmembers to monitor posts and ensure that the open meeting line has not been crossed.

CONTENT GUIDELINES

Users of social media sites who submit comments to a personal social media site maintained by a Council member should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Council members and the public regarding the topics discussed.

Council member social media sites should notify site visitors that individual Councilmember's social media sites and the comments therein are subject to the Oklahoma Open Records Act and subject to the following guidelines:

Council members' social networking content and comments should not include:

- Language that is obscene, foul, vulgar, or profane;
- Sexual, obscene, indecent, or explicit messages, photos, videos, or posts;
- Promotion or endorsement of tobacco, alcohol, or similar products or information;
- Solicitations for donations, except for official city-sponsored activities;
- Solicitations, advertisements, or endorsements for any financial, commercial, or non-governmental agency or entity;
- An endorsement or opposition for any candidate for office;
- Comments containing unsubstantiated allegations;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- Information, images, or video that may tend to compromise the safety or security of the public or public systems;
- Content that directly promotes or advocates violence or the threat of violence;
- Conduct or encouragement of illegal activity or posting of material that violates any copyrights or trademarks of others;
- Confidential or non-public information;
- Content that contains personal attacks of any kind;
- Content that contains personal information including home address, home or cell phone number, or personal e-mail address, in order to protect privacy.

Visitors to Council members cannot be permanently banned or blocked. If visitor-generated content is in violation of the posted guidelines, each comment or post should be reviewed and hidden. Inappropriate comments that are also in violation of the social media site's Terms of Service (TOS) should also be reported directly to the social media platform. Council members administering social media platforms should be aware of the Terms of Service (TOS) of each social media site. Each has its own unique TOS that regulates how users interact using that particular form of media.

EQUAL ACCESS

Council members may find that they are posting or commenting on social media sites that require membership or subscription. When posting information or soliciting feedback on such a site, Council members should always provide an alternate source for the same information or mechanism for feedback on an official or city public web site, so that those who are not members of the social media site may have equal access.

the 1990s, the number of people aged 65 and over in the United States is projected to increase from 20 million to 35 million, and the number of people aged 75 and over from 10 million to 15 million (U.S. Census Bureau 1997).

As the number of people aged 65 and over increases, the number of people aged 75 and over will increase at a faster rate. The number of people aged 75 and over is projected to increase from 10 million in 1990 to 15 million in 2010, an increase of 50%. The number of people aged 85 and over is projected to increase from 2 million in 1990 to 4 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 75 and over increases, the number of people aged 85 and over will increase at a faster rate. The number of people aged 85 and over is projected to increase from 2 million in 1990 to 4 million in 2010, an increase of 100%. The number of people aged 95 and over is projected to increase from 0.5 million in 1990 to 1 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 95 and over increases, the number of people aged 100 and over will increase at a faster rate. The number of people aged 100 and over is projected to increase from 0.1 million in 1990 to 0.2 million in 2010, an increase of 100% (U.S. Census Bureau 1997). The number of people aged 105 and over is projected to increase from 0.05 million in 1990 to 0.1 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 105 and over increases, the number of people aged 110 and over will increase at a faster rate. The number of people aged 110 and over is projected to increase from 0.01 million in 1990 to 0.02 million in 2010, an increase of 100% (U.S. Census Bureau 1997). The number of people aged 115 and over is projected to increase from 0.005 million in 1990 to 0.01 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 115 and over increases, the number of people aged 120 and over will increase at a faster rate. The number of people aged 120 and over is projected to increase from 0.001 million in 1990 to 0.002 million in 2010, an increase of 100% (U.S. Census Bureau 1997). The number of people aged 125 and over is projected to increase from 0.0005 million in 1990 to 0.001 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 125 and over increases, the number of people aged 130 and over will increase at a faster rate. The number of people aged 130 and over is projected to increase from 0.0001 million in 1990 to 0.0002 million in 2010, an increase of 100% (U.S. Census Bureau 1997). The number of people aged 135 and over is projected to increase from 0.00005 million in 1990 to 0.0001 million in 2010, an increase of 100% (U.S. Census Bureau 1997).

As the number of people aged 135 and over increases, the number of people aged 140 and over will increase at a faster rate. The number of people aged 140 and over is projected to increase from 0.00001 million in 1990 to 0.00002 million in 2010, an increase of 100% (U.S. Census Bureau 1997). The number of people aged 145 and over is projected to increase from 0.000005 million in 1990 to 0.00001 million in 2010, an increase of 100% (U.S. Census Bureau 1997).