



Council Chambers  
401 S. Johnstone Avenue  
Bartlesville, OK 74003

**MINUTES OF THE  
SPECIAL MEETING  
OF THE  
BARTLESVILLE CITY COUNCIL**

**Monday, November 19, 2018  
7:00 p.m.**

**Mayor Dale Copeland  
918-338-4282**

**MINUTES**

(Notice of Meeting and Agenda posted November 15, 2018)

City Council Members present were Mayor Dale Copeland, Vice Mayor John J. Kane, Jim Curd, Jr., Alan Gentges and Trevor Dorsey.

City staff present were Mike Bailey, City Manager, Jerry Maddux, City Attorney; Terry Lauritsen, Director of Water Utilities; Lisa Beeman, Director of Community Development and Park Planning; Kelli Williams, Chief Communications Officer; and Elaine Banes, Executive Assistant. Also in attendance were City Council Ward 2 Elect Paul Stuart.

- 1. Mayor Copeland called the business meeting of the Bartlesville City Council to order at 7:00 p.m.**
- 2. Roll call was conducted and a quorum established.**
- 3. The Invocation will be provided by Mayor Copeland.**
- 4. Citizens to be heard.**

Sherry Gray, Administrative Director of the Bartlesville Community Center, spoke in favor of the name the Tower Green Design Committee unanimously approved or if that is not chosen, to choose a name that is unique. For example, a name that either includes both the Price Tower and the Community Center, or a name that does not include either entity.

Val Callaghan, Managing Director of the Bartlesville Community, read an email from Pat Wright, a member of the Community Center Trust Authority, at her request. The email covered that she is thankful for the thought that went into the committee's recommendation of the name they submitted. In her email, Mrs. Wright broke down the aspects of the name, "Tower Green at Unity Square", and asked that the City Council approve the name.

Shelby Brammer reported that it was her pleasure to serve on the Tower Green Design Committee. Continuing, she stated that it was her understanding, from the beginning, that part of their duties was to develop a name for the green space. She said that the committee debated many different names, providing a sampling of them. The name chosen did not hold a political agenda, and it was felt that it encompassed both the Price Tower and the Community Center.

Angela Box stated in this time of big problems, it is fun to work on a problem like this and that looking at this competition between two buildings, is myopic. She feels that the Council should look at what is good for the whole city. She continued that Bartlesville is known for the Price Tower and Community Center, as well as Woolaroc. She suggested the name Price Tower Green and to take time to decide.

Annah Fischer stated her appreciation for the opportunity of speaking to the City Council face-to-face. She reported that the Tower Green Design Committee held several open meetings that were well attended, and that the chairman allowed public input throughout the meetings. At the June 14 meeting, it was posed as to what should the green space be named, followed by numerous discussions at numerous meetings. She addressed those who have submitted ideas and opinions after the fact; the survey; the concern voiced about a direct tie to a private entity; and how the committee voted unanimously to name the space "The Green at Unity Square." Ms. Fischer concluded that she is proud to have a Council that makes hard decisions, that they are decisive and forward thinking, and encouraged them to make a decision this evening.

Jay Webster stated that he concurs with Ms. Fischer adding that he feels it is amazing that we can live in a community that the citizens can put their fingerprint on projects like this. He stated his appreciation to serve on the Tower Green Design Committee, and that Councilmen Curd and Gentges kept the meetings open and received input from citizens. He said that the survey was for public input but that it should not be weighed any more than any other way information was gathered. He stated that he has been privileged to work in branding and marketing products and felt the name approved by the committee spoke about how the design came together, not beholden to any one group or person and also speaks to the aspirations seen for that space. He asked the City Council to approve the name submitted by the committee.

#### **5. City Council Announcements and Proclamations.**

There were no announcements or proclamations.

#### **6. Authorities, Boards, Commissions and Committee Openings**

- One opening on the Construction and Fire Codes Appeals Board
- Two openings on the White Rose Cemetery Board

Mayor Copeland read the openings and encouraged citizens to volunteer on City Committees. Applications can be found at [www.cityofbartlesville.org](http://www.cityofbartlesville.org) or at City Hall in the City Manager's Office.

#### **7. Discuss and take possible action on a process for determining the name of the downtown green space and/or approving a name. Presented by Councilman Curd.**

Mr. Curd commented on how he had driven by the Price Tower and Community Center as he came into the meeting. He thanked all of the committee members, those who spoke tonight, and that he respected the thought that has been put into the name since the last City Council meeting. He stated his appreciation to those who responded to the survey, and to those who put the petition together to name it "Tower Green". He added that he feels that the Price Tower and Community Center should both be incorporated into the name of the green space, therefore, Tower Center should be part of the name. He then welcomed input from the other council members.

Vice Mayor Kane agreed that tonight's comments were well received, and that the deliberation that was given to selecting a name was not taken lightly. He stated that he was in favor of selecting the name the committee submitted, "The Green at Unity Square".

Mr. Gentges thanked everyone who spoke for their involvement. He stated that he is comfortable with many of the names that were discussed and comfortable with the name recommended by the committee. He added that he is thankful for the additional two weeks in order to hear other ideas. He concluded that he agreed with Vice Mayor Kane and gives deference to the recommendation of the committee and the work they put into it.

Mr. Dorsey agreed there were a lot of great sounding names, adding that he supports the name recommended by the committee. He stated that he appreciated the time they put into it and felt that the city will adopt whatever is agreed upon.

Mayor Copeland stated that he also supported waiting two weeks to decide on the name. That he wanted the last meeting to celebrate the accomplishment of the committee on the design plan, without any negativity. He asked Mr. Curd to provide his PowerPoint recounting how the process has come to this point.

Mr. Curd reiterated that he felt it was important that Tower and Center are both communicated in the name. He suggested the name, "Tower Center at Unity Square" complete with a picture of the logo.

Mr. Curd moved to name the project "Tower Center at Unity Square", seconded by Vice Mayor Kane.

Further discussion ensued covering deciding the name tonight so that work could move forward on the project; how the name submitted by Mr. Curd does bind the two entities together; how this could promote successful branding; keeping the Unity Square in the name; and praise for Councilmen Curd and Gentges for the work they have put into the project.

Aye: Mr. Dorsey, Mr. Gentges, Mr. Curd, Vice Mayor Kane, Mayor Copeland  
Nay: None  
Motion: Passed

- 8. At 7:36 p.m. the City Council moved into the First Floor Conference Room for a Workshop Session.**
- 9. Discussion on construction management services for the downtown green project. Presented by Terry Lauritsen, Utilities Director.**

Mr. Lauritsen reported that the next step after approval of the conceptual design involved Ambler Architects pulling together proposals from their team for the engineering and architectural design of these facilities, which will be presented for council action at the December 3 meeting. Mr. Lauritsen explained that an additional option to augment the design team and construction administration is to utilize a construction manager. Construction management is a professional service type of agreement where the owner contracts with a construction entity to provide a series of services that include, but are not limited to, design review, scheduling, cost control, value engineering, constructability evaluation, preparation and coordination of bid packages, and construction administration. He explained the two forms of Construction Management: (1) Agency construction management is where the construction entity provides services to the owner without taking on financial risks for the execution of the actual construction; and (2) at-risk construction management where the construction entity, after providing services during the pre-construction period, takes on the financial obligation to carry out construction under a specified cost agreement. The utilization of a construction manager is not selecting a contractor to build the improvements but a construction professional to aid in plan reviews, and construction estimates to keep a design within budget as well as delineation/coordination of bid packages, inspection and project accounting to track progress through construction. Since construction Management is a professional service, State law requires selection based on qualifications and fees negotiated once the most qualified construction manager has been identified. Staff is seeking discussion from the City Council prior to moving forward.

Discussion covered that it is important to have city staff involved in making sure inspections are completed per regulations; bids must be solicited if Council directs this course of action; owner and construction manager will agree on contingency so there is a cushion for unexpected items that could not have been foreseen; if a bid comes in over budget, it will be re-bid; the preconstruction phase brings value from a cost perspective; scope of services; and how if a construction manager wants to do both, it still falls under the Competitive Bidding Act. Additional discussion covered that there is a budget for this expense in the amount of \$200,000; the process of developing a bid packet and negotiations with final approval by Council; how the construction manager will work with the City team and Ambler's team. Mr. Lauritsen stated that using a construction manager in this situation instead of a general contractor is warranted and will solve any problems associated with this type of project, bringing value and good stewardship throughout. Vice Mayor Kane stated that this is absolutely worth this investment, with Mr. Curd stating that he appreciates the discussion. He added that Mr. Lauritsen always finds the best route for a successful project.

Additional discussion covered that this process would neither increase or decrease construction time; the drainage project that will take place in the area prior to development; and how Mr. Ambler agrees this is the best way to manage the project and ensure everyone is working on the same team. Staff will proceed with developing the required criteria and bring it back before the Council for approval.

#### **10. Update on medical marijuana. Presented by Lisa Beeman, Community Development Director.**

Ms. Beeman reported that on September 4, 2018 the City Council passed Ordinance 3499 which set forth the regulations for those who have a State-approved patient or caregiver license, or for those who have a State-approved dispensary license. She provided the specific provisions of the ordinance. At that time, the City Council chose not to take action concerning the zoning for and location of other State-licensed medical marijuana land uses such as growers, processors and researchers. Various cities have outright banned growers and processors and are facing lawsuits. If Bartlesville tries to pass a law that bans them, a lawsuit will likely follow.

Ms. Beeman reported that the City has been presented with two requests for dispensaries and there were laws to handle that request. Growers and growers facilities permits have now been requested. Referring to her staff report, Ms. Beeman covered the options on statutory authority to regulate zoning; referenced the article from OMAG who is the City of Bartlesville liability insurance providers; and how if a grower requests a permit, the City has to treat them the same as if they are growing any other type of crop. She set out where this is permissible in the five commercial districts or industrial districts. She defined what can be used in commercial districts and industrial districts, as well as reviewed building codes, which covers nuisances, such as the odor of marijuana. Certain regulations recommended by the Unity Law can be used if the Council wants a specific ordinance to govern permits for growers, and has been clearly identified as the community's right to regulate under police power. Discussion followed on litigation, the difference between what is already in place, and any new ordinance and nuisance laws. Ms. Beeman stated that the City can monitor growers under the laws we have in place. Further discussion covered increased security issues such as adding additional requirements for growers to be secured against unauthorized entry, being fenced in, and independently monitored. Indoor humidity would be an OSHA issue but too much humidity damages the plants, so growers would prevent it.

Further discussion covered the permitting fee; security regulations, minimal water release from facilities; base-line nutrients in run-off, nothing exotic; the revenue impact to the City of 7% added to the 8.9%; primary jobs; and regulations on rental properties.

Ms. Beeman stated she would like to allow the growers to go forward and handle issues if and when they come up. Mr. Bailey inquired of the Council if they would prefer to have an ordinance with restrictions for growers. Mr. Curd stated that he would like Ms. Beeman to develop a base line ordinance with standards for growers, processors and researchers, and the Mayor agreed. Mr. Gentges engaged citizens in attendance asking if they were good with the Unity Plan. They agreed that they were good with the Unity Plan and they wanted to see this business done right. Vice Mayor Kane stated that he felt these issues will take care of themselves, not wanting to add another ordinance. Mr. Curd stated that he understood Vice Mayor Kane's concerns, but although the people at the meeting may be trustworthy, others may not be. Mr. Bailey stated that staff would prepare an ordinance for Council approval at the next meeting.

#### **11. City Manager and Staff Reports.**

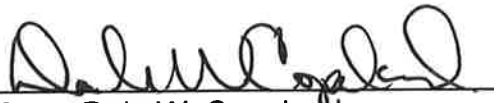
Mr. Bailey reminded the City Council and citizens in attendance of the Thanksgiving Holiday this week and that Thursday trash routes will run on Wednesday. Friday routes will run as normal.


He also reported another free leaf and yard waste pickup the week of December 17.

#### **12. City Council Comments and Inquiries.**

Mayor Copeland expressed his best wishes for a Happy Thanksgiving.

**13. There being no further business to address, Mayor Copeland adjourned the meeting at 8:53 p.m.**

  
Mayor Dale W. Copeland

  
Jason Muninger, City Clerk/Finance Director

