



City Hall, Council Chambers
401 S. Johnstone Avenue
Bartlesville, OK 74003

**THE MINUTES
OF THE
REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL
Monday, April 6, 2020
at 7 p.m.**

**Via Videoconference
Per Senate Bill 661**

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

**Per Senate Bill 661
City Council Members attended by VideoConference.**

**The public attended virtually at the following link
<https://www.cityofbartlesville.org/city-government/city-council/webcast/>**

MINUTES

(Notice posted December 13, 2019 and Agenda posted at 5:00 p.m. on Thursday, April 2, 2020.)

Council members present via videoconferencing were Mayor Dale Copeland, Vice Mayor Alan Gentges, Councilmen Jim Curd, Jr., Trevor Dorsey and Paul Stuart.

City staff present via videoconferencing were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Terry Lauritsen, Director of Water Utilities; Lisa Beeman, Director of Community Development; Micah Siemers, PE, Director Engineering; Shellie McGill, Director of the Public Library; Kelli Williams, Chief Communications Officer; and Elaine Banes, Executive Assistant.

- 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 was provided by Church Ministries Pastor Ike Amaro, Spirit Church.**
- 4. City Council Announcements and Proclamations.**
 - Vice Mayor Gentges read the Fair Housing Month April 2020 proclamation.
 - Mr. Stuart read the 2020 Census Awareness Month proclamation.
 - Mr. Dorsey National Library Week April 19, 2020 – April 25, 2020 proclamation.
- 5. Authorities, Boards, Commissions and Committee Openings**
 - One opening on the City Planning Commission
 - One opening on the Construction and Fire Code Appeals Board

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

6. Consent Docket

a. Approval of Minutes

- i. The Special Meeting Minutes of March 16, 2020.
- ii. The Emergency Meeting of March 18, 2020
- iii. The Special Meeting Minutes of March 23, 2020
- iv. The Emergency Meeting of March 23, 2020

b. Approval of Resolutions

- i. A resolution amending the budget of the City of Bartlesville, Oklahoma for Fiscal Year 2018-2019, appropriating Transfers for the CDBG Fund.
- ii. A resolution amending the budget of the City of Bartlesville, Oklahoma for Fiscal Year 2019-2020, appropriating unanticipated donation revenue for the Restricted Revenue Fund.

c. Approval of Agreements, Contracts, and Engagement Letters

- i. Amendment #1 to the professional service contract with Freese and Nichols, Inc. for design services on a 20-inch water line along Frank Phillips between Silver Lake and US 75.
- ii. Contract Amendment between the City of Bartlesville/Bartlesville Public Library and Innovative for 1-Year hosting and maintenance of the Library's Polaris automation software.
- iii. A contract between the City of Bartlesville/Bartlesville Public Library and BTC Broadband to temporarily increase the bandwidth of the Library's internet connection to 250 mbps.

d. Approval of Declaration of Surplus Property

- i. Declare the Wastewater Maintenance CCTV Camera System surplus and authorize the disposal of said system.

e. Receipt of Financials

- i. Interim Financials for the Eight months ending February 29, 2020.

The Mayor read the consent docket in its entirety.

Mr. Stuart moved to approve the consent docket as presented, seconded by Mr. Curd.

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

7. Discuss and take possible action to award Bid Number 2019-2020-020 for 13th Street-Cherokee to Garden Concrete Rehabilitation. Presented by Vice Mayor Gentges.

Vice Mayor Gentges reported that Whaling Construction provided the low bid, but due to the fact they are currently the earthwork subcontractor on the Price Fields Renovations Project and allowing for the stringent schedule required to work around the current and upcoming school session on the 13th Street project, staff believes Whaling Construction is not capable of meeting the schedule for this project. Therefore, the engineering staff does not recommend that the City Council award this bid to Whaling Construction. However, staff does recommend Jeff Graham Construction, Inc. who has worked on multiple projects for the City that are similar to the 13th Street project, all completed on time. They have the experience, qualifications and sufficient bonding capacity to bond this project.

Vice Mayor Gentges moved to award the bid to Jeff Graham Construction, Inc. in the amount of \$409,678.25, seconded by Mr. Stuart.

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

8. Discuss and take possible action to adopt an ordinance amending Ordinance #3525; creating emergency measures related to the COVID-19 Pandemic; acknowledging the Mayor's Proclamation of Emergency 2020-02; and declaring an emergency. Presented by Mayor Copeland.

Mayor Copeland reported that there has been much to learn over the past few weeks, and he asked Mr. Bailey to assist as the Council walks through each section of the proposed ordinance. The Mayor proposed with each section, discussion to be held and once a consensus has been determined then move on to the next section, to which all agreed. Mr. Bailey, using a PowerPoint, provided information covering Washington County COVID-19 Cases and Deaths as of 4/6/20; delays in testing and receiving results; results showing only those tested who may need hospitalization; the Washington County COVID-19 cases illustrative projections-using data good through 4/6; projected number of cases assuming a 30%, 25% and 11% growth rate projections per day; and how these projections assist the Council in determining the level of necessary mitigation measures. Ordinance #3525 created the COVID-19 Emergency Advisory Board (CAB) who held their first meeting on March 31. He provided the names of the members and the recommendations they submitted for the City Council to consider.

Mr. Bailey then proceeded to present Section 21 (renumbered to Section 24) and Section 22 (renumbered to Section 25) which extends the Mayor's emergency proclamation and Ordinance 3525 through May 4, 2020 at 11:59 p.m. He added that the Mayor actually extended his State of Emergency Proclamation on Thursday, April 2 to extend through May 4, 2020. Options at this meeting are to extend Ordinance 3525 to May 4, extend to another date or not extend at all which would then cause the ordinance to end at midnight tonight. Mr. Stuart suggested extending it to first meeting of June and, if needed, it could be shortened to May 4. Mr. Curd stated that he was in favor of the May 4 date. Discussion ensued, ending with Mr. Stuart agreeing to the May 4 extension date. Mr. Dorsey and the Mayor concurred with the May 4 date. The Mayor concluded that the State of Emergency proclamation was extended to May 4 as well, explaining that he had the authority to extend or conclude it without notice or vote.

Next to review was proposed Section 21, which bans garage sales, estate sales, auctions, unless otherwise required by law (i.e. tax sales, sheriff's sales, etc.). The Mayor clarified that this action would not prohibit deliveries to homes, such as food, groceries, UPS, FED EX, etc. The Council all agreed with this amendment with very little discussion.

The next recommendation to discuss was whether to close Adams Golf Course, included in the amended Section 7. Mr. Bailey provided how the staff at the golf course has already implemented preventative measures, which he listed. He added that they deserve credit for things they already have in place. He presented possible alternative actions such as modifying course rules; close Adams and/or all golf course; or make no changes to Adams or any other course. Mayor Copeland stated that the Council had received a considerable number of responses to this; more in favor of keeping it open than against. He shared the

acreage of the course, the average number of players, therefore a pretty low density, and that the players are not sharing anything and staying apart so it is a fairly small impact. Mr. Curd added that Hillcrest Country Club Golf Course has taken many of the same measures. He added that the players are taking more serious ownership and responsibility in social distancing, there are no concession sales at Adams and Hillcrest, and it is a good way to exercise, get fresh air and is a stress reliever. He spoke with Dr. Craig and Dr. Gopal who serve on the Advisory Board at length today and who's view has not changed about closing it. A discussion ensued regarding Mr. Curd and Mr. Dorsey supporting keeping it open; how they have personally witnessed golfers practicing social distancing, use of their own clubs; stopping players from out-of-town using the course; possibly reducing foursomes to twosomes; that Vice Mayor Gentges supports keeping it open if rules are adhered to and not allowing out-of-town players; should the amount of time between tee times remain at 10 minutes or change to 15 minutes; walking vs playing golf; how mature players utilize golf as their form of exercise; and again the stringent measures being taken to minimize exposure and spread of the virus. It was agreed that the course could stay open; and allow staff to monitor and handle the Golf Course administratively; therefore, it was removed from Section 7 of the proposed ordinance.

The next CAB recommendation was to close daycare and childcare facilities placed in amended Section 13. The recommendation came particularly from the two physicians that are on the board. The proposed ordinance provides for blanket closure of all childcare and daycare facilities. Following the 3/31/20 CAB meeting, staff researched the current status of our existing daycare and childcare facilities, and using a spreadsheet, Mr. Bailey reviewed the number of local daycares and how many are currently open; the average number of children using the facilities at this time; the child/teacher ratio; and the number of children of essential workers. Possible alternative actions are to allow daycare and childcare facilities to operate as is; close all of them; and/or restrict use of daycare to children of parent/guardians performing work in essential jobs. One physician had asked that should the Council decide to allow daycares to be open for those who perform essential jobs to create guidelines that are more restrictive. The physicians concerns are that children are silent infectors and can unknowingly spread the disease.

A lengthy discussion ensued covering information received from DHS regarding daycare guidelines during the pandemic; how some children receive their only meals at daycares; the importance of providing daycare for essential workers; ratios established by DHS 1-10, Council suggesting 1-5; the exposure ratio to healthcare providers whether their child is in daycare or at home; how to enforce City regulations placed on daycares, DHS would not enforce, City could on complaint basis; regulations such as taking the children's and employees temperatures prior to entering, forms provided to daycares that parents are employed by essential businesses, employees wear PPE's are already required by DHS; how staff could provide a form for daycares to complete and provide to the City weekly; and what is placed in the ordinance supports daycares as defined in the Governor's order.

It was agreed to add Section 23 Daycare and childcare facilities are allowed to operate with the following restrictions 1) Only children whose parent/guardian is employed in an essential infrastructure industry as defined by the Governor's executive order and who do not have another caregiver in the house may be served. The parent/guardian must self-certify to the daycare in writing that they meet this criteria by 11:59 p.m. Thursday, April 9, 2020; 2) All teacher to child ratios shall be maintained at one half of that required by the State (i.e. 1/20 shall become 1/5 and 1/5 shall become 1/3); 3) all employees shall wear, at a minimum, a cloth or procedure mask at all times when on the premises of a daycare or childcare facility; and 4) facilities must report to the City of Bartlesville at least weekly numbers of children served, teacher/child ratios, and other information as determined by the City that is not

otherwise required to be kept private by law. Mayor Copeland and Mr. Curd stated their appreciation to staff for the research they made in a short amount of time in order to bring this information to the Council for their consideration.

Proposed Section 22 regarding restricting operations of essential retail operations was next presented. Mr. Bailey reported that the proposed ordinance would reduce crowding and increase social distancing by reducing the number of customers from current limits and more. He stated that he began his research by looking into what other cities have done, such as the City of Lawton which limited customers based on the square footage of the store; one customer per 500 square feet. Other restrictions proposed are barring minors under the age of 16 from entering a retail store; shopping being reduced to one member per family/household at a time; mandatory signage with restrictions (the Chamber of Commerce has produced signage that can be used free of charge); mandated use of PPE's where available; mandated use of physical barriers between Service Customer Representatives and customers; and that retailers can voluntarily restrict occupancy further. Mr. Bailey reported that he had reached out to retailers and since then many have voluntarily limited the amount of customers in their stores, reviewing Walmart and Lowe's restrictions in place at this time. Options to the proposed sections could be to change the shopper per square foot to 750 sq. ft; change the age of minors allowed into stores to 14 and under; allow two shoppers per family/household; remove some provisions relating to mandatory social distancing (or add to the list), or make no changes to retail operations.

A lengthy discussion ensued covering appreciation to those retailers who have already taken measures to minimize community spread; respecting retailers and calculations involved; changing the ratio of 750 square feet to 800 square feet; reducing the age of minors allowed to 14 years old; allowing for two shoppers if needed or keeping shopping to the smallest group of family members; retailers and customers wearing PPE's; how masks can be made if they are not affordable to purchase; and how to allow citizens a week to prepare masks before they are required to wear them.

The Council agreed Section 22 should read: The following measures are enacted in order to decrease crowding and increase the effectiveness of social distancing in retail operations who provide goods for sale to the public that are still operating and that the public is allowed to access in accordance with this ordinance and the Governor's executive order 2020-07 as amended:

1. Reduce number of customers allowed to enter a retail building or facility.
 - a. Maximum customers allowed in a retail building or facility shall be determined as follows:
 - i. Calculate the square footage of the building including any existing fenced outdoor areas where customers are allowed access to items made available for sale
 - ii. Divide the square footage by 800 and round up to the nearest whole number
 - iii. The maximum customers allowed shall be based on the above calculation or six (6) customers, whichever is greater
 - b. Clearly post the maximum number of customers allowed within the building or facility at all entrances and exits
 - c. All retail stores are required to monitor the number of customers inside their building or facility at all times and to not exceed their occupancy limit calculated above

- d. Customers waiting to enter a building or facility are required to maintain 6' between themselves and all other persons at all times. Retail businesses shall provide for markings or other means to ensure compliance with the 6' rule.
 - e. Nothing in this section would prevent a retailer from voluntarily restricting their customer occupancy further.
2. No minors under the age of fourteen (14) are allowed to enter into any retail operation unless accompanied by a parent or guardian
 3. Mandatory provisions for social distancing inside all retail operations shall include:
 - a. Signage, warnings, and instructions for proper social distancing to be posted throughout the retail operation
 - b. All customers and employees of retail operations shall maintain a minimum of 6' between themselves and all other persons at all times
 - c. Where available, use of personal protective equipment (PPE) is required for retail employees
 - d. Physical barriers to separate customer service representatives from customers in retail operations are required
 - Item e. was added after discussion further into the meeting where agreed upon changes were being reviewed.**
 - e. As per CDC guidelines, all customers should wear a cloth or procedure mask at all times while queuing or while in a retail facility (i.e. bandana, homemade mask, procedure mask, etc.) However, this is not to encourage the use of N95 masks which should be reserved for health care providers and contagious patients.

In other items to consider, discussion was held as to banning door-to-door solicitations. Ms. Beeman reported that door-to-door permits are required, including non-profits who are required to notify the City of any door-to-door activity. She added that no permits for this have been approved to-date. Discussion also included whether or not ice-cream trucks should be allowed to continue activity. It was agreed that they could continue, just the same as food truck as long as social distancing and the less than 10 gathering rule was utilized. Deliveries may continue, i.e. Fed Express, UPS, etc. If door-to-door solicitations continue, citizens should contact the City by phone or by email at covid-19@cityofbartlesville.org. Mr. Bailey added Section 25 to the proposed ordinance to read: Door-to-door solicitors shall be banned during the duration of this emergency.

It was agreed to add Section 8: All City Council, authority, board, and committee meetings are hereby directed to meet only as absolutely necessary. All City Council, board, and committee meetings are required to utilize the provisions of Senate Bill 661 and to conduct only teleconference or videoconference meetings. Authorities are required to utilize teleconference or videoconference whenever it is technologically feasible. In order to simplify implementation of teleconference and videoconference meetings, the requirement for citizens to be heard is hereby suspended for all meetings during the duration of this emergency.

Mr. Bailey inquired if there were any other changes the City Council wanted to make to the proposed ordinance. Discussion ensued regarding Section 24 covering how the Governor's Order states that people 65 or older are the vulnerable population when actually everyone at any age is vulnerable to the disease; how the City of Claremore has taken the age restriction away and made this for all ages; whether to add to the Section or change the wording to include all residents; and to add exercise to essential errands. It was agreed that Section 24 should read that, "All residents shall stay in their home or place of residence except for working in a critical infrastructure sector, as defined in the Governor's executive order, and

the conduct of essential errands. Essential errands shall mean those errands which are critical to everyday life and include exercising, obtaining medication, groceries, gasoline, and visiting medical providers.

Mr. Bailey, at Mayor Copeland's request, reviewed the changes as discussed and agreed upon. Additional discussion was held requiring citizens to wear face masks when entering a retail establishment as to whether it should be a mandate or a guideline. It was agreed that Section 22.3.e. would be: "As per CDC guidelines, all customers should wear a cloth or procedure mask at all times while queuing or while in a retail facility (i.e. bandana, homemade mask, procedure mask, etc.) However, this is not to encourage the use of N95 masks which should be reserved for health care providers and contagious patients."

Mayor Copeland inquired if the changes were as agreed upon, and if City Attorney Kane agreed as well. All were in agreement with the changes provided by Mr. Bailey.

Vice Mayor Gentges moved to approve the extension of Ordinance #3525 and adopt Ordinance #3526 amending Ordinance #3525 with changes as discussed, seconded by Mr. Stuart.

Mr. Stuart took this opportunity to quote the law titles that provide the City Council the authority to take and enforce emergency actions. He referred to Section 683.3 of the Oklahoma Emergency Act of 2003 as amended, Section 2-466 of the Bartlesville Municipal Code, and OK Statute Title 11 Section 22-120.

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

Mr. Curd moved to approve the declaration of emergency clause, seconded by Mr. Stuart.

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

Mayor Copeland thanked each Council member and staff for their concern, and their time researching laws, emails and citizens' concerns.

9. New Business.

No new business.

10. City Manager and Staff Reports.

The Good Friday holiday is this week therefore Friday trash routes will run on Wednesday. City Hall will be closed although Police, Fire, and Wastewater will be working.

Osage Landfill has suspended the City's coupon offer for one free trip until the pandemic is over. This is at the request of the landfill, and will resume after the crisis is over.

At this time, the recycling center is still open although there have been reports that citizens are not honoring the rules about social distancing and groupings of 10 or less. If this continues, the recycling center will be closed. Signs have been posted to remind citizens of the social distancing rules.

Thank you to all councilmembers for working through the proposed ordinance. Everyone was been professional and everyone' efforts are appreciated.

11. City Council Comments and Inquiries.

Vice Mayor Gentges extended his condolences to the family of the person who passed away from the virus. Sickness and death is especially difficult at this time since families cannot be with their loved ones.

He also thanked the Chamber for their assistance with signage and distribution of information.

Vice Mayor Gentges concluded by thanking the Mayor for his leadership and courage to extend the declaration of emergency, as well as thanking the citizens for their cooperation in compliance.

At Mr. Curd's request, Mr. Bailey reported that he had just recently received information that there will be a drive-through testing site made available to the public. At this time, he was not sure of the number of tests, but the effort to coordinate has been by Washington County Health Dept, Washington County Emergency Management, and the police department. Additional information will be announced as soon as possible.

Mr. Curd added his appreciation to City staff, Mayor Copeland's leadership, as well as the leadership of his fellow councilmembers.

Mayor Copeland commented on the art of government and art of compromise, adding that civility costs nothing, and how this Council demonstrates this principal in action. He also announced that the Covid-19 Emergency Advisory Board is meeting tomorrow, 4/7, at 1:30 to review the actions taken tonight and discuss other possible recommendations. He concluded that the City Council and staff appreciate this Board as they assist in navigating these unusual waters.

12. There being no further business to address, Mayor Copeland adjourned the meeting at 10:25 p.m.



Dale W. Copeland, Mayor



Jason Muninger, City Clerk/CFO