



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

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

**Monday, April 3, 2023
5:30 pm.**

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

MINUTES

(The Notice of Meeting was posted December 15, 2022
and the Agenda was posted March 30, 2023 at 5:00 p.m.)

Present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Councilmembers Trevor Dorsey, Billie Roane, and Loren Roszel.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, City Clerk/CFO; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Laura Sanders, Director of Human Resources; Kelli Williams, Chief Communications Officer; Greg Collins, Assistant Director of Community Development; Steve Roper, Engineer; Captain Troy Newell, Security; and Elaine Banes, Executive Assistant.

- 1. The business meeting of the Bartlesville City Council was called to order at 5:30 p.m. by Mayor Copeland.**
- 2. Roll Call was held and a quorum established.**
- 3. The Invocation was provided by Pastor Steven Griffith, New Beginnings Family Church.**

Mayor Copeland added here reporting on the wildfire event that affected many people in Bartlesville on March 31 and April 1. He stated his appreciation to all of the firefighters who assisted in the event.

- 4. Citizens to be heard.**

In opposition to the ratification of Agenda Item 10 were Peter Johnson, John Hensley, Judy McCormick, Joel Rabin, Ryan Ridinger, Carolyn Morgan, Homer Heffington, Dale Earhart, Samantha Williamson, Dustin Owen, Gavin Page, Randy Gamble, Quinn Schipper, Shiloh Gamble, Derrick Maynard, Bill Wilson, Vickie Curless, Stacy Pascal, and Gage Rincon. Each provided their reasons for opposing the action.

Father Lee Stephens spoke in favor of ratifying Agenda Item 10.

Jonathon McCormick spoke in favor of freedom for all, and to uphold the value of diversity and inclusivity.

Judy McCormack also inquired about the increase in water rates and rationing; due to water shortage why new developments are allowed, particularly in Oak Park if there is not enough water; and are there any public service campaigns to promote fire safety, to educate citizens

on evacuation procedures, and to educate citizens on how to build fire preventative spaces around their homes.

5. City Council Announcements and Proclamations.

- Wyland Mayor's Challenge for Water Conservation Month, April 2023. Presented by Mayor Copeland.
- Sexual Assault Awareness Month, April 2023. Presented by Councilmember Roane.
- Child Abuse Prevention Month, April 2023. Presented by Councilmember Dorsey.

6. Authorities, Boards, Commissions and Committee Openings

- One opening on the Bartlesville Area History Museum Trust Authority.
- One opening on the Bartlesville Convention and Visitor's Bureau Board (Visit Bartlesville)
- One opening on the Construction and Fire Code Appeals Board
- Two upcoming openings on the Park Board
- Two upcoming openings on the Board of Adjustment

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.

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of March 6, 2023.

b. Approval of Appointment, Reappointments and Ratifications to Authorities, Boards, Commissions and Committees

- i. Appointment of Ms. Kelsie Scott to a three-year term on the White Rose Cemetery Board at the recommendation of Mayor Copeland.
- ii. Appointment of Mr. George Halkiades to a three-year term on the Bartlesville Redevelopment Trust Authority at the recommendation of Councilmember Roszel.
- iii. Reappointment of Ms. Kathryn Hadden to a three-year term on the History Museum Trust Authority at the recommendation of Councilmember Roane.
- iv. Reappointment of Ms. Rhonda Hudson, Ms. Kim Miller, Mr. Dylan Smith, Ms. Shala LaTorraca and Mr. Eric Gray to additional two-year terms on the Bartlesville Library Board at the recommendation of Mayor Copeland.

c. Approval of Agreements, Contracts, Engagement Letters, Leases, MOU's, Proposals, and Change Orders.

- i. Professional Service Contract with Allgeier, Martin and Associates for the 8th Street Storm Sewer Design in the amount of \$44,400.00.
- ii. Professional Service contract with Ambler Architects for the Jo Allyn Lowe Park Rain Garden Design in the amount of \$13,325.
- iii. Change Order #2 from Electrical Express, LLC for the Robinwood Soccer Field Lighting Project increasing the contract amount by \$14,422.00
- iv. Amendment to the professional service contract with Guy Engineering Services, Inc. for design services on the Tuxedo Boulevard Bridges over the Caney River and overflow/pond Rehabilitation and Repair Project in the amount of \$15,896.00.

- v. Time and Materials Agreement with Sunbelt Pools to trouble shoot and repair damaged components on the 50-meter lap pool at Sooner Pool with approximate cost between \$12,000 and \$15,000.
- vi. Amended agreement with Richard Kane YMCA for management and operation of Sooner and Frontier pools.

d. Approval of Execution of Deeds

- i. Execution of Deed transferring City owned property along Shawnee Avenue, between 18th Street and Hillcrest Drive, to the Bartlesville Public School District for construction of an agricultural sciences facility as detailed in the Memorandum of Understanding approved March 1, 2021 by the Bartlesville City Council, and also and Execution of Deed creating Public Right-of-Way along Shawnee Avenue on remaining City-owned property between the Bartlesville Public School District property and the west section line of Section 18, Township 26 North, Range 13 East.

e. Receipt of Financials

- i. Interim Financials for eight months ending February 28, 2023.

f. Receipt of Bids

- i. Bid No. 2022-2023-016 for Wastewater Magnetic Flow Meters.

Mayor Copeland read the consent docket in full.

Vice Mayor Curd moved to approve the consent docket as presented, seconded by Ms. Roane.

Voting Aye: Mr. Roszel, Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mayor Copeland

Voting Nay: None

Motion: Passed

8. Discuss and take possible action to award Bid No. 2022-2023-016 for Wastewater Magnetic Flow Meters, various sizes. Presented by Councilmember Dorsey.

Mr. Dorsey moved to award Bid No. 2022-2023-016 to Vector Controls, Tulsa, OK, in the amount of \$28,253.42, seconded by Vice Mayor Curd.

Voting Aye: Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mayor Copeland

Voting Nay: None

Motion: Passed

9. Public hearing to discuss and take possible action to adopt an Ordinance to change the boundaries of the five wards in the City of Bartlesville, redefining the boundaries of said wards, and repealing all ordinances or parts of ordinances in conflict. Presented by Larry R. Curtis, Director of Community Development.

Assistant Community Development Director Greg Collins reported in Mr. Curtis' absence. He reported that a review of 2020 Federal Census Data showed substantial population changes in the City of Bartlesville wards that resulted in unbalanced representation. Discussion of proposed changes to the ward boundaries occurred at the City Council meeting of February 6, 2023. Per Oklahoma State Statutes, a change in ward boundaries was proposed by resolution

of City Council on March 6, 2023, with direction to City staff to publish notice of said change. Per Oklahoma State Statutes and the City Charter, staff published in the Bartlesville Examiner-Enterprise newspaper a 30-day notice of the proposed ward map change, and the date, time and place of the City Council meeting to be held on Monday, April 3, 2023. The notice was published on Friday, March 3, 2023. The notice contained the heading, "Notice of Public Hearing" and stated that all parties interested in the matter are notified that they may appear at the City Council Meeting on April 3rd and make known their desires at this public hearing. Mr. Collins, using a PowerPoint, described the differences in the population ratios that determined that changes were needed. He provided the proposed ward map as well. It is staff's recommendation the City Council approve the proposed ordinance and Ward map as presented. The action requires a majority vote of the Council.

Discussion covered that Ward 2 and Ward 5 are projected to have the highest growth in the future, and that the changes go into effect as soon as the ordinance is published on April 10, 2023.

Mayor Copeland opened the public hearing at 6:57 p.m. Appearing to speak were Jonathon McCormick who stated that equitable representation is important, and that the new ward maps look good. Nolan Ryan stated that he was fine with the realignment of wards.

There being no one further appear to speak on this item, the Mayor closed the public hearing at 6:59 p.m.

Ms. Roane moved to adopt the Ordinance to change the boundaries of the five wards in the City of Bartlesville as presented, seconded by Mr. Roszel.

Voting Aye: Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mr. Dorsey, Mayor Copeland
Voting Nay: None
Motion: Passed

10. Discuss and take possible action to ratify an Agreement with Oklahomans for Equality ("OKEQ") relating to drag performances in public parks from April 1, 2023 to March 31, 2024. Presented by Jess Kane, City Attorney.

Mr. Kane began with a personal message expressing his disappointment and frustration at the citizens who have sent him, City Councilmembers, and City staff hateful messages through emails and phone calls, and in the public comment portion of tonight's meeting. Especially those citizens who claim to be Christians while passing judgement on anyone who does not agree with them, and acting in a less than Christ-like manner. Mr. Kane continued that 90 days ago the City Council directed him to prepare ordinances for consideration within 120 days, adding that any indication that he or any city staff who have pursued good faith discussions with OKEQ have somehow been negligent in their duty have been misinformed. He then expressed his amazement that supposed proponents of limited government seem unable to accept the idea that there may be limits on the power of this municipal government. There are such limits, and the Nation is currently exploring the outer reaches of those limitations. It was due to these limits, he and City staff continued negotiations with OKEQ to allow further time for this City Council to determine what is right and act responsibly.

Mr. Kane continued stating that the proposed agreement with OKEQ is a compromise, which was not easily given by OKEQ and that OKEQ's vote to ratify the agreement was not unanimous. He provided comments about community and how disagreeing with one another should not mean there is hate for one another. Community is made up of people like the people in this room who may not necessarily agree but nonetheless find a way to get along, beginning with each side making certain accommodations for the greater good of the community we all live in. He stated to the Council that this agreement is a good faith effort by both sides to prevent the culture war that is raging across the country from being fought in Bartlesville. It allows an offramp to give the Council an opportunity to understand this issue, and see how legislators will handle the issue. He emphasized that the agreement is not permanent, ending in one year, and that no one is ceding any argument. At the end, both sides will return to their original position having sacrificed nothing but a little time. In the proposed agreement, OKEQ agreed not have a drag queen show in public, only indoors or on private property, which was the single biggest concern in the original petition that was brought before this Council in October. During this year, the City agrees to take no action to further restrict drag performances or adult entertainment. The City gets more time to make an informed decision with input from State and Federal legislators, and OKEQ is able to have drag queen events, indoors, out of the public parks.

Mr. Kane then reviewed laws already in place to protect children municipally and by State law which he had provided in previous meetings. He read Municipal Code Sections 12-64, 12-65, and 12-91 thru 12-94; the City adopted State Law through Municipal Code Section 12-191; Oklahoma criminal law Title 21 Section 22 of Oklahoma Statute; Title 21, Section 1021A of Oklahoma Statute; and Title 21, Section 1022 of Oklahoma Statute. These laws are on the books and were brought to the City Council's attention in November. He added that the idea that the proposed agreement would cause harm to children in Bartlesville is frankly ludicrous due to laws protecting children already in place.

Addressing the discussion about the proposed agreement requirement that the Bartlesville Police Department be present at the event, Mr. Kane stated that due to the amount of controversy and violent threats about this issue, it is important to have police present at these events. This was put in the agreement merely as confirmation that this is something the City would provide due to the risk involved, which is good police practice. He pointed out the inconsistency of critics who are worried about the safety of children, but do not want police to be present at the Pride event.

Mr. Kane then reported on the case of Friends of Georges, Inc. vs. State of Tennessee filed in March of 2023. The Court issued a ruling in that case on Friday, (March 31, 2023) which enjoined implementation of the Tennessee law restricting drag performances. The State of Tennessee has been at the forefront of restricting drag performances, enjoined by the Federal Court on Friday. The ruling found that the plaintiff was likely to prevail on their merits. He added that it was a Trump appointed judge who ruled in favor of the plaintiffs, stating in the Judge's Opinion, that the laws are already in place and therefore needlessly duplicand. Mr. Kane emphasized that was why he read the Oklahoma laws already in place. He added that the content-based regulation is facially content neutral that was adopted by the Government because of disagreement with the message the speech conveys. Mr. Kane further noted that these proceedings with the comments of those who spoke at the City Council meetings have created a record of this case that will be used as evidence in any case brought against the City of Bartlesville to demonstrate exactly what the Tennessee judge said in his opinion. For example, the ordinance(s) being requested are not because of a drag show concern but

because there is disagreement with the speech conveyed, which is what was heard here tonight. The judge went on to describe the effects of that finding that plaintiff presented in opening arguments that finds there are view point discrimination because the target is drag queens, which is again what has been heard here today. He reiterated that the Tennessee findings ruled that the case is unconstitutional. He continued reporting that Section 2 of the Tennessee Statute defines drag as adult cabaret entertainment. Plaintiff, Friends of George, Inc., argued that this could mean preventing about anything, including preventing drag shows in a private home, and it was found by the Court to be presumptively unconstitutional. Mr. Kane concluded his presentation stating that if the State of Tennessee, represented by the Office of the Attorney General with its large number of attorneys were unable to convince a Federal Judge, then asking him, a part-time municipal attorney, to do the same is unreasonable. He offered his opinion as someone who loves this community and cares about its prosperity, that the City Council should ratify the agreement.

Discussion covered appreciation for Mr. Kane's work on this issue; if ratification is approved and State legislature acts on the issue, that State law would supersede any City law on it; how agreement section 4 in the agreement was included to ensure the Pride celebration could continue to be held, just no drag queen show in public; how the point of the agreement is not to inflame this situation, cool off, and see how the State determines; how neither side has given up their rights, just agreeing not to exercise them for a year; how the agreement would be moot should any part of it is broken, whether by OKEQ and/or by the City; how proposed ordinances could continue to be researched for Bartlesville, during the year using the State as a guide; how several States have websites with information on how they are addressing drag queen shows in their State; how the agreement has been approved by the OKEQ organization, but if the Council does not ratify as presented at this meeting, the Agreement is off the table per OKEQ-approve as is; both Agenda Items 10 and Item 11 to be approved as presented by OKEQ; how Item 11 is in line with the State laws so not an unreasonable ask since it would bring the City of Bartlesville ordinance in line with the State; how age restrictions were not included in the agreement since that was not part of the original petition served to the City Council which focused on removing the drag queen show from public spaces; and how parents have a constitutional right to decide whether or not their children can attend any Pride event; and if unaccompanied children are allowed to attend a drag queen show, and it is determined that OKEQ is not handling their event in the way it was agreed upon, then it will addressed in a year. Further discussion covered how if the City tries to enforce ordinances banning drag queen shows and end up in court like Tennessee, then based on what has transpired there, OKEQ could end up performing drag queen shows in the park again; again, how OKEQ has agreed to hold the drag queen shows in private; how Pride celebrations have been held for several years and will continue to do so publicly; and how it was the drag queen show in September 2022 that was held in a park that started the petition.

Mayor Copeland stated that he as well as his co-councilmembers and City staff have received a lot of communication, some positive, some malignant, much of it filled with misinformation and misunderstanding. There were those who thought the agreement was something different altogether. He reminded everyone that the United States are a nation of laws, which cities also have to obey. Many have followed the State House Bill on this subject which has had the title stricken, body amended, and appears to be in a constantly evolving situation. He added that the question is whether or not the City Council is qualified to enter into and attempt to regulate a matter of this magnitude. The petition asked to take the drag queen show out of the public which is the issue at hand. Mr. Kane confirmed this and again encouraged the City Council to wait until it is known what is possible within the constraints of the Constitution, and that not to wait would be foolhardy. Mayor Copeland concluded that this falls on their desk whether

comfortable with it or not. He added that the City Council and staff have been respectful, listened to all sides, and discussed the issue over several meetings.

Mr. Roszel moved to ratify the Agreement with Oklahomans for Equality as presented, seconded by Vice Mayor Curd.

Vice Mayor Curd stated that Mr. Kane made a good presentation with many good points. He added that he would still like to pursue ordinances when sufficient information is available. He concluded that Mr. Kane made a good case for ratifying the proposed agreement.

Mr. Roszel stated that he has been taking a constitutional class through Hillsdale College, and he learned early in that class that the government was set up to be reasonable and move at a slow pace. This was specifically to limit overreach of government authority which can erode individual liberties, individual freedoms and taking away constitutional rights. He concluded how he appreciates Mr. Kane and that the proposed agreement, and how it has been developed and presented, is the perfect example of government using reason, rationale, pause, and moving forward with knowledge and intelligence.

Ms. Roane read a statement that covered her appreciation of Bartlesville for how people work together, for the most part, to accomplish good things for the benefit community no matter of color, income, gender or philosophy of life for the health, safety and benefit of this unique community; that she feels there is a common love of Bartlesville; that she has been concerned about people attacking friends and acquaintances who are on both sides of this issue; how many citizens have been disrespectful, cruel, and unkind to city staff and city councilmen; how many think the City Councilmembers have already decided what the council is doing to do before it is even done; how this issue has divided our community and making it unrecognizable. She continued stating she had made her position clear as did other councilmen in the January 3, 2023 meeting. She informed those in attendance and watching that the webcasts of every City Council meeting are available at the city's website. She urged citizens to watch them instead of getting information from social media. She added that Councilmembers do not create the agenda and sees it on Thursday before a meeting just like the public, so they do not know what is on the agenda before it is published. She continued stating that the Council is being asked to make a decision for over 37,000 people on a very important community issue with no discussion or input tonight regarding the proposed agreement or the following ordinance and are asked to approve it as is at OKEQ's mandate.

Ms. Roane continued that she feels there is language in the written agreement which could be interpreted in more than one way, specifically that the drag queen show must be held indoors. She feels there are no restrictions for indoor public spaces, but according to OKEQ and Mr. Kane, no changes can be made or the agreement is withdrawn. She also shared that she feels that there is no reasoning for adding language to a State statute (Item 11) when there is a federal fair housing act that is supreme which already has the exact language requested by OKEQ. She concluded that those two concerns lead her to believe there may be unintended consequences in approving both Agenda Item 10 and 11 as presented. She also thanked everyone who spoke at this meeting and asked citizens to remember that everyone is to be respected.

Dale concluded with that whatever the result is tonight, he wanted the public to know that the City Council, as a whole, does not know how the vote will transpire. The Oklahoma Open Meetings Act prevents the City Council from discussing the agenda items outside the posted meetings. He added that government does move slowly, but 200 years later, this nation is still

the best nation on earth as is this City, even with flaws. He concluded that Bartlesville is an amazing place to live with amazing people, and asked for patience and consideration from its citizens.

Voting Aye: Mr. Roszel, Vice Mayor Curd, Mayor Copeland

Voting Nay: Ms. Roane, Mr. Dorsey

Motion: Passed

A brief recess was taken at this time at 7:59. Reconvening at 8:10 p.m.

11. Discuss and take possible action on proposed amendments to the Bartlesville Equal Access to Housing Ordinance (Bartlesville Municipal Code §§ 12-176 - 12-190). Presented by Jess Kane, City Attorney.

Mr. Kane reported that in Agenda Item 10, City staff recommended that the Council ratify a proposed Agreement with Oklahomans for Equality (OKEQ). During the course of negotiating the Agreement, OKEQ requested the amendment of Bartlesville's existing Equal Access to Housing ordinance to include familial status, sexual orientation, or gender identity. Since Bartlesville already has an Equal Access to Housing ordinance on its books, and familial status, sexual orientation, or gender identity likely do not constitute legitimate basis for housing discrimination under existing law, this does not seem like an unreasonable request. This amendment is a specific consideration for OKEQ's participation in the Agreement proposed previously in Agenda Item 10. He concluded that if it is not passed by the Council, OKEQ is unlikely to participate in said Agreement.

Discussion covered how this action simply brings the City ordinance in line with existing State and Federal laws; how the law has not been used to-date; how these laws are already in place with State and Federal laws; and that the ODEQ representatives requested the amendment during negotiations, in which the City Attorney felt it was a reasonable request.

Mr. Roszel moved to adopt the Ordinance amending Article XI, Sections 12-179, 12-180, 12-181, and 12-82 as it pertains to Equal Access to Housing as presented, seconded by Vice Mayor Curd.

Voting Aye: Vice Mayor Curd, Mr. Roszel, Mayor Copeland

Voting Nay: Ms. Roane, Mr. Dorsey,

Motion: Passed

12. Discuss and take possible action on a recommendation by the Bartlesville Development Authority that the previously approved development assistance of \$40,897 for Jimmy's Egg be applied to the alternative location; the former McAlister's Deli at 2330 Washington Blvd. Presented by Chris Batchelder, Vice President, Business Development, Bartlesville Development Authority.

Mr. Batchelder reported that in January of 2020 City Council approved an appropriation from the Economic Development fund for a combination Bricktown Brewery/Jimmy's Egg to be located in an outparcel of the newly redeveloped Shoppes at Turkey Creek. Because of the Covid pandemic and its effects on the two restaurant chains, it was questionable if both concepts would come to Bartlesville. In April 2021 City Council approved a modification of the original incentive package to be split into separate incentives. This allowed Bricktown Brewery to move forward with its new location in Bartlesville. Until early 2023, it was still uncertain

whether Jimmy's Egg would come to Bartlesville. In the meantime, the real estate group that owns the Bricktown Brewery building, landed a national credit tenant for the space that Jimmy's Egg was originally intended to occupy. Jimmy's Egg then started looking for alternative locations in Bartlesville and decided that the former McAlister's building could meet their needs. Jimmy's Egg approached the BDA with their newly proposed location, but to bring the building up to fire code a new sprinkler system would have to be installed, at a cost of approximately \$100,000. The BDA agreed that the original incentive of \$40,897 could help lower the cost of the fire sprinkler upgrade. Jimmy's Egg moved forward with a lease contingent upon receiving the originally agreed incentive funds from BDA. Jimmy's Egg plans to invest roughly \$850,000 into the new project, including the new fire suppression system. The \$40,897 incentive is based on the estimated yearly sales of \$1,202,853 for a non-targeted brand restaurant, per the BBA retail policy. Breakdown is as follows:

Retail Incentive Breakdown: Jimmy's Egg Sales	\$1,202,853
(Substitution Discount 80%) x .20	\$240,570
(Sales Tax Rate) x .034	\$8,179
<u>(10 Year Investment) x 10</u>	<u>\$81,794</u>
(Retail Policy Qualification 50%) x .5	<u>\$40,897</u>

The Bartlesville Development Authority Board of Trustees have recommended approval as presented.

Discussion covered how the incentive was determined and the required criteria to qualify; that Jimmy's Egg is a national brand serving breakfast and lunch; local business incentives; and that without the incentive Jimmy's Egg will not locate in Bartlesville.

Ms. Roane moved to approve applying the previously approved development assistance in the amount of \$40,897 for Jimmy's Egg to the alternative location as presented, seconded by Mr. Dorsey.

Voting Aye: Mr. Dorsey, Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mayor Copeland

Voting Nay: None

Motion: Passed

13. Discuss and take possible action to adopt an Ordinance amending Chapter 20, Division 7 of the Bartlesville Municipal Code pertaining to Water Shortages. Presented by Terry Lauritsen, Director of Water Utilities.

Mr. Lauritsen reported that the City's water supply has been impacted by the prolonged drought experienced by the region. The watershed feeding Hulah Lake, which is the City's largest water storage component, is experiencing extreme and exceptional drought conditions as classified by the National Oceanic and Atmospheric Administration. Currently the overall water supply is at 61.8%. The City has in place a Water Shortage Ordinance (Ordinance 3398) that authorizes Council to restrict or prohibit water use, establishes regulatory framework for exemptions, penalties and emergency water rates. The Ordinance requires a separate resolution to implement the Drought Contingency Plan (developed in 2002), which was done in 2012 (resolution 3294) and still in effect. A resolution implementing the Emergency Water Rates has not been enacted. The Drought Contingency Plan establishes drought stages and subsequent actions based on the remaining water supply. Currently we are in Stage 2, which stipulates the following (current status is in *italicized*)

- Public education (*implemented and on-going*);
- Suspend non-essential operational uses of water by City crews (*implemented*);
- Alter watering of parks and golf course (*implemented*);
- Adopt a reduced schedule for outside water uses (*not yet implemented due to the time of year and limited outdoor use*);
- Notify wholesale customers (*implemented*);
- Invoke penalty phase of ordinance 3398 (*not yet implemented, the emergency rate structure in the ordinance needs amended since it is less than current water rates*)

In March, staff provided an update on the water supply status and a draft Water Shortage Ordinance with updated emergency volumetric rates as well as provisions to consolidate the Drought Contingency Plan into the Water Shortage Ordinance to create one document for the City's strategy in managing droughts and water shortages. Based on Council input at the March meeting, staff modified the emergency volumetric rates for each stage and added a provision to the variance process for business entities, and recommends approval of the proposed Ordinance.

Discussion covered the number of households (265) that use 10,000 gallons and above, and how if all residential customers would reduce consumption by 1,000 gallons a month and all commercial business would reduce consumption by 2,000 gallons per month, the water usage would drop by 20,000 gallons which would substantially and positively affect the community. Discussion also covered the effect of increasing rates; how rates would not be increased without approval by the City Council by resolution at each phase; how to get conservation tips out to the public; appreciation of staff monitoring the situation; and appreciation of citizens who are conserving.

Ms. Roane moved to adopt the Ordinance amending Chapter 20, Division 7 of the Bartlesville Municipal Code pertaining to Water Shortages as presented, seconded by Mr. Dorsey.

Voting Aye: Vice Mayor Curd, Mr. Roszel, Ms. Roane, Mr. Dorsey, Mayor Copeland

Voting Nay: None

Motion: Passed

14. Discuss and take possible action on a proposed Resolution declaring that a potential water shortage exists and implementing the Stage Two Emergency Water Rate Adjustment. Presented by Terry Lauritsen, Director of Water Utilities.

Mr. Lauritsen reported that if the proposed amendments to the Water Shortage Ordinance are approved by Council in Agenda Item 13., a separate resolution is required to implement the emergency water rates. Currently, the City's water supply is at 61.8% and falls within Stage Two of the ordinance. Staff is recommending implementing the Stage Two Emergency Water Rates as called for in the ordinance adopted in Item 13. If approved, these rates would go into effect on April 10 following publication in the local newspaper. Staff recommends approval of the proposed resolution as presented.

Vice Mayor Curd moved to approve the Resolution declaring a potential water shortage exists and implements the State Two Emergency Water Rate Adjustment effective April 10, 2023 as presented, seconded by Mr. Dorsey.

Voting Aye: Mr. Roszel, Ms. Roane, Mr. Dorsey, Vice Mayor Curd, Mayor Copeland
Voting Nay: None
Motion: Passed

15. Discussion and update on First Christian Church proposals. Presented by Mike Bailey, City Manager.

Mr. Bailey reported that in October 2022, the City of Bartlesville issued a request for proposals (RFP) for the use of the First Christian Church (FCC) building. The City has an opportunity to acquire FCC by donation, but there are no current planned uses for the facility. As such, the City Council authorized Staff to explore partnerships with other organizations for potential beneficial uses of this facility.

The final version of the RFP is attached. A total of six proposals were received by the deadline. The proposals are listed below by organization and type of activity proposed.

- Ambler Architects/Helm Ventures/Green Copper Holdings - retail and office
- Boost - entrepreneur center
- Shelby Brammer/Sidney Brammer/Eric Jaekel - arts hub facility, retail, black box studio
- Buffalo Roam - film production facility and film training institute
- Alan Gentges - arts, faith-based activities, and community space
- Project Tribute Foundation - non-profit incubator

Each of these proposals has unique elements, varying levels of private investment, economic benefits, and meet different public needs. A special ad hoc panel is currently reviewing all proposals. Finalists will be invited to interviews where the panel will be able to better understand the specifics of each proposal.

This panel is largely the same make up as the group who oversaw the conference center feasibility study and is comprised of:

- Mayor Copeland
- Vice Mayor Curd
- Mike Bailey - City Manager
- Larry Curtis - Community Development Director
- Jason Muninger - CFO
- Micah Siemers - Engineering Director
- Val Callaghan - Community Center Director

In conclusion, Mr. Bailey reported that once the finalists have been interviewed, the panel will make a recommendation to the City Council. Vice Mayor Curd added that not all proposals met the required criteria.

16. Presentation of staff recommendations 2023 GO Bond Projects. Presented by Micah Siemers, P.E., Director of Engineering.

Mr. Siemers reported that as Council considers calling a vote to authorize General Obligation (GO) bonds for capital improvements, staff has compiled a list of projects to consider. Staff has

targeted a 4-year GO bond issuance projected to generate \$17.6MM. The duration for the 4-year GO Bond was selected based upon the future bonding analysis provided by our bond council, Jon Wolff, of Municipal Finance Services, Inc. Staff received just over \$29.4MM in capital requests from department directors and have put together recommendations totaling \$17.55MM including estimated cost of issuance for the bonds. This leaves just under \$50K in projected available funds that could be allocated towards projects. The recommended list of projects and future bonding analysis was distributed to Council members for their review and Mr. Siemers reviewed each one using a PowerPoint. The remaining unfunded director requests were included as part of the presentation. No action is needed at this time with regards to specific projects, although City Council input is encouraged with a deadline of April 20.

There are a couple of items to note with this recommendation. First, park projects were requested from both the Public Works Department and the Park Board, so there is some overlap in the initial requests. The Park Board had not yet prioritized their list of projects when City Directors were asked to submit their capital requests. The Park Board called a special meeting to prioritize their list and have done so (reflected in this presentation). Second, there is a street funding request without specific streets identified. The staff request is for a certain level of GO Bond funding each year to slightly improve the pavement condition index (PCI) of the roadway system. This funding level was considered in conjunction with funding already planned as part of the current 5-year sales tax extension. The PCI study that has been ongoing since September, 2021 is finally nearing completion. Staff has not had the opportunity to fully dive into a list of projects generated by the model, but they have been able to target a yearly budget to maintain or slightly improve the overall condition of the system. The presentation included a brief overview of what various funding levels will buy the City with regards to future street condition. Once staff has a better idea of what the street budget will be, specific street projects will be evaluated and presented to the Street and Traffic Committee for prioritization and council approval.

Discussion covered more funding for streets.

17. Presentation of significant budget issues. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported that he and the City Manager wanted to bring some large items to the forefront of the City Council's mind prior to budget review and approval. Use Tax collection received March 9, 2023 was in the amount of \$352,000. By the time for budget approval, there will be a couple of more months to evaluate the Use Tax estimates for next year. Sales tax looks to finish the year strong, up \$712,000 from last year's collection. The five-year trend indicates the City could expect a 3.1% increase in sales tax for FY 2023-24, but maintaining conservative budget practices will be more like FY 2022 actual, and will reflect a decrease in what is anticipated over actuals from FY 2023. The third significant issue is inflation. Mr. Muninger reported that 6% inflation should be projected, also providing how inflation has affected buying power and employee retention issues. The last issue is employee turnover. The City currently budgets for 377.02 full time employees. Over the past fiscal year, the City has hired 52 employees, 43 have left by the way of resignation, termination, or retirement. At this time the City is advertising for four different job titles with some of those containing multiple positions within the title. Recruitment, filling, and retention has been somewhat difficult for many departments throughout the City, with a rough estimate of 15% turnover throughout the first three quarters of the fiscal year.

Discussion covered use tax and its potential impact on the budget.

18. New Business

There was no new business to address.

19. City Manager and Staff Reports.

Mr. Bailey reported that due to the Good Friday holiday this week, Friday trash routes will run on Wednesday, April 5.

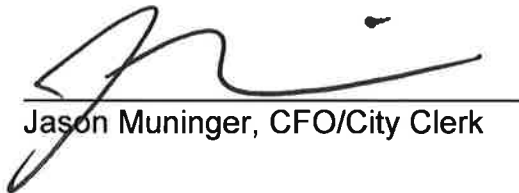
20. City Council Comments and Inquiries.

Mr. Roszel thanked the firemen for their work on Friday and Saturday of the previous week, handling the wildfires. Appreciation to all of the first responders for their assistance was offered by the City Council.

21. There being no further business to address, Mayor Copeland adjourned the meeting at 9:30 p.m.



Dale W. Copeland, Mayor



Jason Muninger, CFO/City Clerk

