

MINUTES

CITY COUNCIL MEETING

July 20, 2015

The Regular Session of the Glenpool City Council was held at 6:00 p.m., Glenpool City Hall, 3rd Floor, 12205 S. Yukon Ave, Glenpool, Oklahoma. Councilors present: Jennifer Ballew; Tim Fox; and Patricia Agee. Councilors Momodou Ceesay and Brandon Kearns were absent.

Staff present: Roger Kolman, City Manager; Lowell Peterson, City Attorney; Susan White, City Clerk; Julie Casteen, Finance Director; Lynn Burrow, Community Development Director; Rick Malone, City Planner; Dennis Waller, Police Chief and Paul Newton, Fire Chief. Also present were: Kelly Fitzpatrick, representing Glenpool Chamber of Commerce and Kimberly Coody.

- A) Mayor Fox called the meeting to order at 6:05 p.m.**
- B) Susan White, City Clerk called the roll. Mayor Fox declared a quorum present.**
- C) Mayor Fox offered the Invocation.**
- D) Mayor Fox led the Pledge of Allegiance.**
- E) Glenpool Chamber of Commerce Report – Kelly Fitzpatrick**

Mr. Fitzpatrick reported that Ms. Amy Rogers had resigned her position as Chamber of Commerce President, effective immediately.

- F) City Manager Report – Roger Kolman, City Manager**

Mr. Kolman reported that he had recently attended the CMAO Conference in Claremore. He announced that he had applied to host a future Conference at the Glenpool Conference Center and was awarded the 2017 CMAO Conference.

Mr. Kolman announced his plan to take Friday off to celebrate his birthday.

- G) Mayor Report – Tim Fox, Mayor**

Mayor Fox informed the Council that he had attended a Block Party at Glen Pines Mobile Villiage sponsored by Landing Community Church. He complimented the Church on a successful event.

Mayor Fox reminded the Council and audience of upcoming community events including, the Fishing Derby slated for August 15, from 9 a.m. to 1 p.m. at the Glenpool Conference Center lake; August 21-22 Greater Tulsa Cultural Festival at the Conference Center; and Public Safety Days scheduled for October 24 from 10 a.m. to 2 p.m. at the Glenpool Public Safety Building.

- H) Council Comments**

None

- I) Public Comments**

None

J) Scheduled Business

1) Discussion and possible action to approve minutes from July 6, 2015 meeting.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve minutes as presented.

FOR: Councilor Ballew; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Vice-Mayor Ceesay; Councilor Kearns

Motion carried.

2) Discussion and possible action to adopt Ordinance No. 703, An Ordinance Of The Council Of The City Of Glenpool Amending Title 1, Administration; Chapter 9, City Departments; Article B, Finance Department; Section 1-9B-2: City Treasurer, Of The Code Of Ordinances Of The City Of Glenpool, Oklahoma, (2013) To Conform To Title 11, § 10-118 Of The Oklahoma Statutes, And Making Such Other Changes In Title 1, Chapter 9, Article B. As May Be Necessitated Thereby; Repealing All Ordinances Or Resolutions, Or Parts Of Ordinances Or Resolutions In Conflict Herewith; And Declaring An Emergency, tabled from July 6, 2015.

Roger Kolman, City Manager described the changes represented in the amending ordinance and further described a slight modification to the language at 1-9B-2B(b) to add *municipal* budget, and strike *ordinance* at the end of the section.

MOTION: Councilor Agee moved, second by Councilor Ballew to adopt Ordinance No. 703 as amended.

FOR: Mayor Fox; Councilor Agee; Councilor Ballew

AGAINST: None

ABSENT: Vice-Mayor Ceesay; Councilor Kearns

Motion carried.

3) Discussion and possible action to approve an Emergency Clause, upon finding it immediately necessary for the peace, health, and safety of the City of Glenpool and the inhabitants thereof that the provision of Ordinance 703 be put into full force and effect, thereby complying with Oklahoma Statutes and the City Code with respect to the appointment of a city treasurer, an emergency is hereby declared to exist by reason whereof the Ordinance shall take effect and be in full force and after its passage as provided by law, tabled from July 6, 2015.

Lowell Peterson, City Attorney explained that state law requires a 3/4ths majority of the Council to approve an Emergency Clause. Since two members of the Council were absent, the required 3/4ths could not be obtained, therefore Mr. Peterson recommended foregoing the Emergency Clause.

4) Discussion and possible action on Corporate Resolution No. 15-07-03 of the City of Glenpool, "A Resolution Of The Council Of The City Of Glenpool Appointing Julie Casteen As The City Treasurer Of The City Of Glenpool In Addition To Her Current Duties As Finance Director For The City Of Glenpool, In Accordance With The Provisions Of Title 11, § 10-118 Of The Oklahoma Statutes, And Title 1, Administration; Chapter 9, City Departments; Article B, Finance Department;

Sections 1-9B-1, Finance Director; And 1-9B-2: City Treasurer, Of The Code Of Ordinances Of The City Of Glenpool, Oklahoma, (2013)."

Mr. Peterson presented the Resolution and recommended approval. The Resolution provides for the Finance Director to be appointed as the City Treasurer and assigns the salary for related duties in the municipal budget.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve Resolution No. 15-07-03 as presented.

FOR: Councilor Agee; Councilor Ballew; Mayor Fox

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

- 5) **Discussion and possible action on Corporate Resolution No. 15-07-01 of the City of Glenpool, "Resolution Authorizing The City Of Glenpool To Renew That Certain Security Agreement By And Between The City Of Glenpool And The Glenpool Utility Services Authority With Respect To The Issuance Of Utility System Revenue Bonds, Tax Exempt Refunding Series 2010 A And Taxable Refunding Series 2010 B, Dated as of December 1, 2010."**

Julie Casteen, Finance Director submitted Resolution No. 15-07-01 for approval. The Resolution renews the 2010 Revenue Bonds Security Agreement for the FY 15-16 Budget. The renewal is a necessary action to conform to State budget law.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve Resolution No. 15-07-01.

FOR: Councilor Ballew; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

- 6) **Discussion and possible action on Corporate Resolution No. 15-07-02 of the City of Glenpool, "Resolution Authorizing The City Of Glenpool To Renew That Certain Security Agreement By And Between The City Of Glenpool And The Glenpool Utility Services Authority With Respect To The Issuance Of Utility System Revenue Bonds, Tax Exempt Refunding Series 2011, Dated As Of January 1, 2011."**

Julie Casteen, Finance Director submitted Resolution No. 15-07-02 for approval. The Resolution renews the 2011 Revenue Bonds Security Agreement for the FY 15-16 Budget. The renewal is a necessary action to conform to State budget law.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve Resolution No. 15-07-02.

FOR: Mayor Fox; Councilor Agee; Councilor Ballew

AGAINST: None

ABSENT: Vice-Mayor Ceesay; Councilor Kearns

Motion carried.

- 7) **Discussion and possible action to approve/deny Tort Claim No. 200566-LR, Claimant Ms. Kimberly Coody.**

Mr. Lowell Peterson explained the unique situation associated with the claim due to the fact that the individual responsible for the accident was a member of the Oklahoma Department of Corrections work crew. The Tort Claims Act specifically exempts the city from liability when actions are attributable to a contractor of the city. Mr. Peterson recommended approval of the claim describing an anomaly where if a private contractor had been responsible for actions resulting in a claim, the claimant would have recourse against that private contractor

even though the City is exempted. In this case however, the ODOC is also exempted under state law from liability leaving no recourse for Ms. Coody to recover her associated costs of \$279.80. Mr. Peterson advised that it would be a good business practice to pay the claim and he further stated that it would not set precedence.

Mr. Earl Henry pledged to pay for the damages realized by Ms. Coody if the City Council chose to deny the claim. Mr. Henry requested that his offer become part of the official record of the City.

Mayor Fox requested staff research the possibility of purchasing gap insurance to cover any future claims associated with ODOC work crews.

MOTION: Mayor Fox moved, second by Councilor Agee to approve Tort Claim No. 200566-LR and pay Ms. Kimberly Coody the claimed damages of \$279.80.

FOR: Councilor Agee; Mayor Fox; Councilor Ballew

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

8) Discussion and possible action to renew Agreement between the City of Glenpool and the Glenpool Chamber of Commerce for professional services and lease of space in the City Hall/Conference Center for FY 2015-2016.

Mr. Kolman stated for the record that he is a member of the Chamber of Commerce Board of Directors. The Agreement has already been executed by the Chairman of the Chamber. The Agreement establishes a \$20,000 stipend from the City in return for services provided by the Chamber which represent a city-wide benefit.

Councilor Ballew informed the Council that she too served as a Chamber of Commerce Board member and therefore would recuse herself from the vote. Upon her declaration to recuse, Mayor Fox requested a legal opinion from Mr. Peterson, since only three members of the Council were present and a vote would consist of two members. Mr. Peterson stated the action did not require a super majority, only a majority of those Council members present.

MOTION: Mayor Fox moved, second by Councilor Agee to approve the Agreement as presented.

FOR: Mayor Fox; Councilor Agee

ABSTAIN: Councilor Ballew

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

9) Discussion and possible action to approve an Agreement between the City of Glenpool and the Glenpool School District for the Provision of a School Resource Officer, including drug dog services to the extent available, for Academic Year 2015-2016.

Dennis Waller, Chief of Police presented the SRO Agreement for approval. He declared the Agreement is exactly the same as the previous year.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve the Agreement for Academic Year 2015-2016, as presented.

FOR: Councilor Agee; Councilor Ballew; Mayor Fox

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

10) Discussion and possible action to enter into a construction contract with Pavement Conservation Specialists, Inc. in an amount not to exceed \$245,034.26, for the purpose

of completion of Phase VII Street Improvement Project, and to authorize the City Manager to execute all contract documents.

Lynn Burrow, Community Development Director presented a bid package from Pavement Conservation Specialists, Inc. (PCS) for approval. Mr. Burrow advised that PCS was the only bid received on the project. The contract covers the completion of selected Phase VII projects. He further reported the City has engaged their services in prior recent years and recommended approval.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve the Contract and authorize the City Manager to execute the contract at a cost not to exceed \$245,034.26.

FOR:: Councilor Ballew; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

11) Discussion and possible action to adopt the First Amendment To Agreement Of Compromise, Settlement and Release, being an amendment to the Settlement Agreement between and among the City of Glenpool, the Glenpool Utility Services Authority and Creek County Rural Water District No. 2, adopted May 11, 2015, with an effective date of May 15, 2015.

Mr. Lowell Peterson, City Attorney introduced the First Amendment to the Agreement of Compromise, Settlement and Release. He declared that Glenpool employees had met with Creek County Rural Water District No. 2 employees and each had indicated that the amendment was agreeable. Mr. Peterson recommended approval.

MOTION: Councilor Agee moved, second by Councilor Ballew to approve the Amendment as presented.

FOR:: Mayor Fox; Councilor Agee; Councilor Ballew

AGAINST: None

ABSENT: Councilor Kearns; Vice-Mayor Ceesay

Motion carried.

L) Adjournment.

- Meeting was adjourned at 6:51 p.m.

Date

Mayor

ATTEST:

City Clerk