

MINUTES

CITY COUNCIL MEETING

May 4, 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: Momodou Ceesay, Tim Fox; Patricia Agee; and Brandon Kearns. Jennifer Ballew was absent.

Staff present: Roger Kolman, City Manager; Lowell Peterson, City Attorney; Susan White, City Clerk; Lynn Burrow, Community Development Director; Rick Malone, City Planner; Dennis Waller, Police Chief and Paul Newton, Fire Chief.

- A) Mayor Fox called the meeting to order at 6:00 p.m.**
- B) Susan White, City Clerk called the roll. Mayor Fox declared a quorum present.**
- C) Greg Conner from Faith Church offered the Invocation.**
- D) Mayor Fox led the Pledge of Allegiance.**
- E) Glenpool Conference Center Report – Lea Ann Reed, Conference Center Director**
 - Ms. Reed highlighted past and future events at the Glenpool Conference Center, as well as finance reports.
 - She announced the upcoming Movie in the Park has been re-scheduled for May 16.
 - Ms. Reed declared the Inaugural Car Show, April 25 an outstanding success and promised plans for even bigger and better in 2016.
- F) Community Development Report – Lynn Burrow, Community Development Director**
 - Mr. Burrow updated the Council on current private and public development projects throughout the city.
- G) Chamber of Commerce Report -- Amy Rogers, President**
 - Ms Rogers discussed the various upcoming activities planned by the Chamber, as well as a report on recent events including Trash Off and the Golf Tournament.
- H) City Manager Report – Roger Kolman, City Manager**
 - Mr. Kolman expressed his appreciation to staff and volunteers at the Car Show and attributed their work and dedication to the resounding success of the Inaugural Car Show. He further reported that the show hosted 128 entries and drew a crowd estimated at 2,500.
 - He encouraged everyone to support the Movie in the Park on May 16th. The past events have been very well attended and it provides great family entertainment.
 - Mr. Kolman reported that the Finance Director position has been filled. The new Director will begin June 1. The City is currently seeking a Certified Building Official.
 - Black Gold Days are quickly approaching. Manager Kolman made a plea for volunteers.

- A citizen survey has recently been added to the City's social media sites. One hundred eleven surveys had been completed as of Friday, May 1.

I) Mayor Report – Tim Fox, Mayor

- Mayor Fox declared he was honored and humbled to hold the title of Mayor, noting, "I have big shoes to fill with what Mayor Ceesay did the past two years." He hopes to promote a cohesive attitude among the Council members during his term as Mayor.
- Mayor Fox pointed out that he had requested the seating arrangement of Councilors changed after learning it is the Mayor's prerogative. He feels the new seating arrangement will assist to promote a team spirit.
- Continuing in the same vein, Mayor Fox also asked the Clerk to change the order of Roll Call to include the Vice Mayor and Mayor in the regular rotation rather than the current practice of calling for the vote of the Mayors at the end. He stated all members of the Council are equals and the change to roll call order will demonstrate that.
- Mayor Fox announced applications for a member to the Planning Commission/Board of Adjustment will be accepted through 5 pm May 13th. The vacancy is a result of Brandon Kearns election to City Council.

J) Council Comments

- Councilor Kearns pleaded with the audience to support the Police Department by burning blue porch lights all week. Blue bulbs are available for free at the Police Department.

K) Public Comments

- None

L) Public Recognition and Award Presentation for Alyce Korb - Tim Fox, Mayor

Mayor Fox invited Councilor Agee to offer a presentation of public recognition and a plaque to Vice Mayor Alyce Korb acknowledging her four years of service on the Glenpool City Council.

M) Scheduled Business

1) Discussion and possible action to approve minutes from April 20, 2015 meeting.

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

FOR: Vice-Mayor Ceesay; Mayor Fox; Councilor Agee; Councilor Kearns

AGAINST: None

ABSENT: Councilor Ballew

Motion carried.

2) Discussion and possible action to adopt Ordinance No. 697, An Ordinance Amending Ordinance No. 458, By Rezoning Certain Property Described Herein From Agriculture (AG) To Commercial General (CG), As Recommended By The Planning Commission Under Application GZ-246; And Repealing All Ordinances Or Parts Of Ordinances In Conflict Herewith.

Rick Malone, City Planner recommended approval to rezone an eighty acre tract from AG to CG. The property is located east of US Hy 75 and between W 166th St S and W 171st St S. He further advised that the Glenpool Planning Commission approved the zoning application at their April 27, 2015 meeting. Ricky Jones from Tanner Consulting representing the applicant was present for questioning.

MOTION: Vice Mayor Ceesay moved, second by Councilor Agee to approve Ordinance No. 697 as presented.

FOR: Mayor Fox; Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay

AGAINST: None

ABSENT: Councilor Ballew

Motion carried.

- 3) **Discussion and possible action to approve the Glenpool Water Tower Project Capital Improvements Agreement Between the Board of County Commissioners, Tulsa County, Oklahoma, and City of Glenpool, Oklahoma, implementing the March 4, 2015, award of \$1,540,641.00 of Excess Sales Tax to the City of Glenpool by the Tulsa County Vision Authority, and authorizing Mayor Fox to sign the Agreement, subject to such minor amendments as may be approved by the Board of County Commissioners.**

Mr. Kolman submitted for approval Glenpool Water Tower Project Capital Improvements Agreement. He informed the Council that the Agreement was a result of the City's first Vision application submittal.

MOTION: Vice Mayor Ceesay moved, second by Councilor Agee to approve the Agreement between the Tulsa County Board of Commissioners and the City of Glenpool, subject to such minor amendments as may be approved by the Board of County Commissioners, and authorize Mayor Fox to sign the Agreement

FOR: Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay; Mayor Fox

AGAINST: None

ABSENT: Councilor Ballew

Motion carried.

- 4) **Discussion and possible action to amend the 2015 Regular Meeting Calendar, to reschedule the May 18, 2015 meeting for May 19, 2015.**

Mr. Kolman credited Councilor Kearns with bringing to his attention the Glenpool High School graduation ceremony is scheduled for May 18, which conflicts with the next City Council meeting. He submitted for Council consideration, amending the 2015 Meeting Calendar to move the second meeting in May to Tuesday, May 19.

MOTION: Councilor Kearns moved, second by Councilor Agee to approve the amendment to the 2015 Regular Meeting Calendar as presented.

FOR: Councilor Kearns; Vice-Mayor Ceesay; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Councilor Ballew

Motion carried.

- 5) **Discussion and possible action to elect two members to the Board of Trustees of the Oklahoma Municipal Assurance Group for three-year terms commencing July 1, 2015.**

Susan White, City Clerk presented for action a ballot providing for the election of two members to the Oklahoma Municipal Assurance Group Board of Trustees.

MOTION: Vice Mayor Ceesay moved, second by Councilor Agee to register a vote for Bill Flanagan and Mike Nunneley.

FOR: Vice-Mayor Ceesay; Mayor Fox; Councilor Agee; Councilor Kearns

AGAINST: None

ABSENT: Councilor Ballew

Motion carried.

- 6) **Discussion and possible action to approve and authorize the City Manager to execute the FY 2015 – 2016 Addendum to the Public Works Project Contract entered into by and between the Oklahoma Department of Corrections and the City of Glenpool, dated December 14, 2011, for the purpose of assigning minimum security and community release eligible offenders to a public works project in the City of Glenpool, and further authorizing the expenditure of up to a maximum of \$750.00 base cost and a maximum of \$60.00 per prisoner per month, as set forth in the proposed Addendum.**

Lynn Burrow, Community Development Director urged Council members to continue the Agreement for the next fiscal year, contending the inmate labor program provides very needed manpower in our Streets/Parks department.

MOTION: Vice Mayor Ceesay moved, second by Councilor Agee to approve the FY 2015-2016 Addendum to the Public Works Project Contract with the Oklahoma Department of Corrections.

FOR: Mayor Fox; Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay

AGAINST: None

ABSENT: Councilor Ballew

- 7) **Discussion and possible action to appoint Richard Watts and Howard Nelson to the Glenpool Planning Commission and Board of Adjustment, each serving a three year term commencing May 2015.**

Mayor Fox declared that Mr. Watts and Mr. Nelson have each served at least ten years and he appreciates their service and commitment to the position. He further recommended Council approval to re-appoint both Richard Watts and Howard Nelson to an additional three year term to Glenpool Planning Commission and Board of Adjustment.

MOTION: Councilor Agee moved, second by Councilor Kearns to appoint Richard Watts and Howard Nelson to the Glenpool Planning Commission and Board of Adjustment.

FOR: Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay; Mayor Fox

AGAINST: None

ABSENT: Councilor Ballew

- 8) **Discussion and possible action to complete annual (or initial, as applicable) endorsement of the City of Glenpool Restated Code of Ethics and Policy Statement for Elected and Appointed Officials.**

Mayor Fox asserted he felt the Code was very important to the 'team'.

MOTION: Councilor Agee moved, second by Vice Mayor Ceesay to endorse the Code of Ethics and Policy Statement as presented.

FOR: Councilor Kearns; Vice-Mayor Ceesay; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Councilor Ballew

- 9) **Discussion and possible action to appoint a designee from the City Council to represent the City of Glenpool on the Indian Nations Council of Governments governing board; and an alternate to attend in the designees' absence.**

MOTION: Vice Mayor Ceesay moved, second by Councilor Agee to appoint Mayor Timothy Fox as designee to the INCOG governing board, and Lowell Peterson, City Attorney as alternate.

FOR: Vice-Mayor Ceesay; Mayor Fox; Councilor Agee; Councilor Kearns

AGAINST: None

ABSENT: Councilor Ballew

10) Discussion and possible action to adopt Resolution No. 15-05-01, A Resolution Adopting The City Of Glenpool Social Media Policy And Directing Its Inclusion In The City Of Glenpool Employee Handbook And Personnel Policies.

MOTION: Councilor Agee moved, second by Vice Mayor Ceesay to adopt Resolution No. 15-05-01 as presented.

FOR: Mayor Fox; Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay

AGAINST: None

ABSENT: Councilor Ballew

11) Discussion and possible action to authorize Mayor Fox or his designee to execute a Lender's Certificate with BancFirst for the purpose of obtaining two letters of credit in connection with securing payments owing, or to be owed, during implementation of the Agreement of Compromise, Settlement and Release between and among the City of Glenpool, the Glenpool Utility Services Authority and Creek County Rural Water District No. 2.

Lowell Peterson, City Attorney presented for approval a draft letter of credit pointing out to Council that it did not appear in its final form. Additionally, he explained the Lender's Certificate is required by the bank.

MOTION: Councilor Agee moved, second by Vice Mayor Ceesay to authorize Mayor Fox or his designee to execute the Lender's Certificate for the purpose of obtaining two letters of credit in connection with securing payments owing, or to be owed, during implementation of the Agreement of Compromise, Settlement and Release between and among the City of Glenpool, the Glenpool Utility Services Authority and Creek County Rural Water District No. 2.

FOR: Councilor Agee; Vice Mayor Ceesay; Mayor Fox; Councilor Kearns;

ABSENT: Councilor Ballew

Motion carried.

12) Discussion and possible action to adopt Ordinance No. 698, An Ordinance Amending Title 1, Administration; Chapter 9, City Departments; Article C. Legal Department; Section 1, Established, Appointment, Removal And Qualifications Of City Attorney; And Section 2, Duties Of City Attorney, Of The Code Of Ordinances Of The City Of Glenpool, Oklahoma, (2013) To Provide That The City Attorney Shall Be Employed By Contract With The City Council Upon The Non-Binding Recommendation Of The City Manager, And Making Such Other Changes In Title 1, Chapter 9, Article C. As Are Necessitated Thereby; Repealing All Ordinances Or Resolutions, Or Parts Of Ordinances Or Resolutions In Conflict Herewith; And Declaring An Emergency.

Lowell Peterson, City Attorney advised Council that the issue originated as part of the discussion during the Ad hoc Committee meeting in 2014. Some issues with the City Manager can present a conflict of interest for the attorney to represent both the Manager and the Council. Following discussion among the Council Members, City Attorney, and City Manager a motion to table was made:

MOTION: Councilor Agee moved, second by Councilor Kearns to table Items 12 - 14.

FOR: Councilor Kearns; Vice-Mayor Ceesay; Mayor Fox; Councilor Agee

AGAINST: None

ABSENT: Councilor Ballew

13) Discussion and possible action to adopt Emergency Clause with respect to Ordinance No. 698.

Tabled, see action in Item 12.

14) Discussion and possible action to enter into Executive Session for the purpose of discussing the employment, hiring, appointment, promotion, demotion, disciplining, or resignation of a salaried public employee pursuant to Title 25 Sec. 307(B)(1) of the Oklahoma Statutes (Open Meeting Act); to wit, discussion of draft City Attorney Employment Agreement between the City Council and Lowell Peterson, City Attorney.

Tabled, see action in Item 12.

15) Possible action to reconvene in Regular Session.

Not needed.

16) Executive Session for the purpose of discussing confidential communications between and among the Glenpool City Council/Glenpool Utility Services Authority Board of Trustees, both represented by the City/Trust Attorney and Special Counsel, concerning a pending investigation, claim, or action as to which the City and the Authority, with the advice of their Attorney, have determined that disclosure will seriously impair the ability of the City and the Authority to process the claim or conduct a pending investigation, litigation or proceeding in the public interest, pursuant to Title 25 Sec. 307(B)(4) of the Oklahoma Statutes (Open Meeting Act), to wit, discussion of negotiations between the parties following the recent decision by Judge Payne to deny the parties' joint motion for an administrative closing order and set the case for trial in June 2015 [USDC ND/OK Case No. 11-cv-441-JHP-FHM].

Mayor Fox declared the City Council meeting suspended at 7:27 p.m. and GUSA Board of Trustees should convene into the Regular GUSA meeting.

Mayor Fox declared the City Council meeting should resume at 7:39 p.m.

MOTION: Councilor Kearns moved, second by Vice Mayor Ceesay to convene in Executive Session at 7:39 p.m.

FOR: Vice-Mayor Ceesay; Mayor Fox; Councilor Agee; Councilor Kearns

AGAINST: None

ABSENT: Councilor Ballew

17) Possible action to reconvene in Regular Session.

MOTION: Councilor Kearns moved, second by Vice Mayor Ceesay to reconvene in Regular Session at 8:17 p.m.

FOR: Mayor Fox; Councilor Agee; Councilor Kearns; Vice-Mayor Ceesay

AGAINST: None

ABSENT: Councilor Ballew

K. Adjournment.

- Meeting was adjourned at 7:20 p.m.

Date

Mayor

ATTEST:

City Clerk