

**NOTICE
GLENPOOL CITY COUNCIL
REGULAR MEETING**

A Regular Session of the Glenpool City Council will be held at 6:00 p.m. on September 17, 2018, at Glenpool City Hall, City Council Chambers, 12205 S. Yukon Ave., 3rd Floor, Glenpool, Oklahoma.

The City Council welcomes comments from citizens of Glenpool who wish to address any item on the agenda. Speakers are requested to complete one of the forms located on the agenda table and return to the City Clerk PRIOR TO THE CALL TO ORDER

AGENDA

	Page
A) Call to Order - Timothy Lee Fox, Mayor	
B) Roll Call, Declaration of Quorum – Wendy Knight, City Clerk; Timothy Lee Fox, Mayor	
C) Invocation –Toby Youngblood, Faith Church	
D) Pledge of Allegiance – Timothy Lee Fox, Mayor	
E) Community Development Report – Lynn Burrow, Community Development Director	
1) Community development Director's Report 09 17 18	3 - 19
F) Treasurers Report – John Gonsalves, Finance Director	
1) AUGUST TREASURERS REPORT	20 - 34
G) City Manager Report – David Tillotson, City Manager	
H) Mayor Report – Timothy Lee Fox, Mayor	
I) Council Comments	
J) Public Comments	
K) Scheduled Business	
1) Discussion and possible action to approve minutes from September 4, 2018, meeting. (Wendy Knight, City Clerk) Regular Meeting - 04 Sep 2018 - Minutes - Html	35 - 39
2) Discussion and possible action to adopt Ordinance Number 755, An Ordinance Repealing in its Entirety Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages and Low Point Beer; Article A, Alcoholic Beverages; Removing Article Designations for Either of Article A, Alcoholic Beverages or Article B, Low Point Beer; Repealing in its Entirety Title 3, Business And License Regulations; Chapter 2, Alcoholic Beverages and Low Point Beer; Article B, Low Point Beer; Abolishing All Provisions for Low Point Beer as a Category of Alcoholic Beverage No Longer Recognized in the State of Oklahoma; Adopting New Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages, in Accordance with the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes; and Such Other Regulatory Changes as are Necessary or Appropriate under Title 37A; All the Foregoing Effective as of October 1, 2018, Except as Otherwise Stated; Repealing Ordinances or Parts of Ordinances in Conflict Herewith; and Declaring an Emergency. (Lowell Peterson, City Attorney)	40 - 57

[Staff Report for Licensing Amendments - 091718 \(003\)](#)
[ORD FOR ALC BEV SALES EFF 100118 - 091718 \(003\)](#)

- 3) Discussion and possible action to approve an Emergency Clause for Ordinance No. 755.
(Lowell Peterson, City Attorney)
- 4) Discussion and possible action to approve the final Contract for Public Improvements with Tulsa County for the 2018 CDBG Grant Project. 58 - 75
(Lynn Burrow, Community Development Director)
[Memorandum City Council Meeting 09 17 18 CDBG Contract Acceptance](#)
- 5) Discussion and possible action to approve the Professional Services Agreement with Greg Helms & Associates for the 2018 CDBG Grant Project - Senior Citizens Center, 76 - 77
in an amount not to exceed \$4,500.00, for architectural design services.
(Lynn Burrow, Community Development Director)
[Memorandum City Council Meeting 09 17 18 Greg Helms & Associates Agreement](#)
- 6) Discussion and possible action to approve the purchase of five (5) 2019 Ford AWD Police Interceptor Utility vehicles from Bob Hurley Ford, in an amount not to exceed \$212,225.00. 78 - 85
(John Gonsalves, Treasurer)
[Purchase of 5 new Vehicles for the police department 8-17-2018](#)
- 7) Discussion and possible action to approve lodging for David Tillotson to attend the Oklahoma Academy's 2018 Town Hall Conference Retreat. 86 - 88
(David Tillotson, City Manager)
[Oklahoma Academy](#)

L) Adjournment

This notice and agenda was posted at Glenpool City Hall, 12205 S. Yukon Ave., Glenpool, Oklahoma, on September 14, 2018 at 5:00 p.m.

Signed: Wendy Knight
City Clerk



Community Development Director's Report

Date: September 17, 2018

To: Glenpool City Council

Mayor and Councilors;

The following report highlights and summarizes the various activities that are currently being addressed and process by the Community Development Department related to major public and private improvement and construction projects within the City of Glenpool.

On-going Private Development and/or Building Projects

Cathy's Car Wash: Southwest Crossroads Addition: 122nd Street & Waco Avenue

- The actual Jiffy Lube portion of the project is fully complete and in operation.
- The full completion of the associated carwash facility is scheduled for November 1st.

Elm Pointe Commercial Center: Elm Pointe Addition: 141st Street & Peoria Avenue

- To-date, there have been building permit applications and permits issued on six (6) of the eight (8) individual building structures proposed within the project.
- Building construction currently ranges from foundation installation, structural steel erection, to interior tenant type finish-out.
- Construction of associated parking and access drives has started on the east side of the project and will follow westerly as the office/warehouse building construction advances.
- The Developer estimates full completion of the first multi-tenant commercial building fronting onto Peoria Ave. in October, 2018 with interior tenant improvements closely following.
- The first retail business in the first building fronting on Peoria is anticipated to open for business in November.
- Full project completion (all building construction) is anticipated by July, 2019.

Brookover Corner: Commercial Complex - 151st Street & Broadway Avenue

- The Developer has submitted a project Earth Change Permit limited to the site clearing, grubbing, and disposal process necessary to prepare the site for infrastructure installation.

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641
Mayor Tim Fox, Vice-Mayor Momodou Ceesay, Councilors: Patricia Agee, Brandon Kearns, and Jacqueline Lund
City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight
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- At this time, the process of clearing the site is fully complete.
- The Developer has also submitted a general Earth Change Permit application covering all rough area and street right-of-way grading
- It is anticipated that supporting construction documents for the site improvements covering paving, storm water management, and public utility services for the project will be submitted for review and permitting in October.
- The subdivision platting process has been initiated with the submittal and approval of a Preliminary Plat by the Planning Commission at the July 9th meeting.
- The Developer has indicated the start of site grading and actual infrastructure improvement installation is anticipated in October.

Glenpool Elementary School: Elwood Avenue & 138th Street

- This project is located at the southeast corner of 138th Street and Elwood Avenue.
- The subdivision platting process for the project has been completed and the final plat has been recorded with Tulsa County.
- The project site improvement and building construction plans have been fully approved and permitted for construction.
- All site and building related improvement construction is well underway at this time.
- The Glenpool School Administration has predicted a full project completion in the second quarter of 2019.

Glen Hills, Blocks 1 thru 6 (Phase I): Residential Addition - 141st Street & Iroquois Avenue

- This is a single-family residential project being developed under the conditions and development standards set forth and approved per PUD No. 34 and is generally located on the north side of 141st Street at Iroquois Avenue.
- Planning related processing and approvals have been completed regarding zoning and preliminary subdivision platting covering the first phase of the project.
- Final Planning Commission and City Council approval of the Phase I subdivision plat is to be heard by both bodies in October.
- Phase I site improvements consisting of clearing, grubbing, rough area grading, and the construction of public improvements necessary to serve the addition (water, sanitary sewer, storm sewer, and paving) are currently well underway.
- Full completion of Phase I of the development and the start of actual home construction is anticipated by January 1, 2019.

Glen Hills, Blocks 7 thru 11: Residential Addition - 141st Street & Iroquois Avenue

- This is the second and last phase of the single-family residential project being developed under the conditions and development standards set forth and approved per PUD No. 34.
- Planning Department related processing and approvals have been completed regarding zoning (PUD) and preliminary subdivision platting, covering Phase II of the project.
- All site related improvement plan approvals and permitting for Phase II is anticipated to be complete by October 1st.
- Phase II site clearing, grubbing, and rough area grading is underway currently and is approximately 50% complete.

- The construction of public improvements necessary to serve the Phase II portion of the project (water, sanitary sewer, storm sewer, and paving) is anticipated to start during the month of October.
- Full completion of the Phase II development construction, Planning Department processing of the final subdivision plat and the start of actual home construction in the Phase II portion of the overall project is anticipated by March 1, 2019.

The Pines: Residential Addition - 141st Street & Ironwood Avenue

- This is a single-family residential project being developed under the conditions and development standards set forth and approved per PUD No. 32.
- At this time, an Earth Change Permit limited to site clearing, grubbing, and disposal has been issued for the project.
- Clearing and disposal for the entire project has been completed.
- The submittal of the preliminary and conditional final subdivision plat and all required public infrastructure improvement construction plans occurred the first week in June.
- The final subdivision plat was reviewed and approved by the Planning Commission at the July 9th meeting.
- The construction plan review regarding the public improvements is underway currently with full approval and permitting anticipated by September 30th, allowing construction startup during the month of October.

Scissortail: Residential Addition – 151st Street &

- This is a single-family residential project being developed under the conditions and development standards set forth and approved per PUD No. 39 and is generally located on the north side of 151st Street at Iroquois Avenue.
- Planning related processing and approvals have been completed regarding zoning and preliminary subdivision platting covering the first phase of the project.
- Final Planning Commission and City Council approval of the Phase I subdivision plat is to be heard by both bodies in October.
- Phase I site improvement construction documents consisting of rough & final grading, erosion control, storm water management, waterlines, sanitary sewer, and paving are currently in the design and permitting phase.
- Full completion of the engineering design and permitting of Phase I improvements is anticipated by November 1, 2018.

Current Planning Department and Planning Commission Activities:

SUBDIVISION PLAT APPLICATIONS PENDING REVIEW:

FINAL PLAT: GLEN HILLS – BLOCKS 1 THRU 6: K & S Development Inc.

This residential development is located west of the northwest corner of 141st Street and Peoria Avenue and contains 28.82 acres (Phase I). This proposed subdivision covers the development of 86 single family residential lots under the concepts and development standards established and previously approved in PUD No. 34.

- 9/28/18 Technical Advisory Committee Review

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- 10/8/18 Planning Commission Review
- 10/15/18 City Council Review

FINAL PLAT: GLEN HILLS – BLOCKS 7 THRU 11: K & S Development Inc.

This residential development is located west of the northwest corner of 141st Street and Peoria Avenue and contains 20.04 acres (Phase II). This proposed subdivision covers the development of 79 single family residential lots under the concepts and development standards established and previously approved in PUD No. 34.

- 9/28/18 Technical Advisory Committee Review
- 10/8/18 Planning Commission Review
- 10/15/18 City Council Review

FINAL PLAT: SCISSORTAIL – BLOCKS 1 THRU 4: Summit Properties, Inc.

This residential development is at the intersection of 151st Street and Poplar Street and contains 29.13 acres (Phase I). This proposed subdivision covers the development of 88 single family residential lots under the concepts and development standards established and previously approved in PUD No. 39.

- 9/28/18 Technical Advisory Committee Review
- 10/8/18 Planning Commission Review
- 10/15/18 City Council Review

SPECIFIC USE PERMIT:

SUP-2018-01 (CATHY'S CAR WASH/JIFFY LUBE) A request to allow a LED sign in a CG (Commercial Shopping) zoned property located at 12106 South Waco Ave (Adjacent to Jiffy Lube).

- 8/31/18 TAC Review
- 10/8/18 Board of Adjustment & Planning Commission Review
- 10/15/18 City Council Review

Current Building & Inspection Department Activity: August, 2018

Current On-Going Commercial and Residential Projects Permitted for Construction:

- Brookover Corner Commercial Complex: 151st Street & Broadway Avenue
- Glenpool Elementary School: Elwood Avenue & 138th Street
- Elm Pointe Commercial Development: 141st Street & Peoria Avenue
- Glen Hills Residential Addition: 141st Street & Iroquois Avenue
- The Pines Residential Addition: 141st Street & Ironwood Avenue

Glenpool Residential and Commercial Building Permit Statistics:

- | | |
|---|----------|
| • New Residential Permits Issued in August, 2018: | 3 Total |
| • New Commercial Permits Issued in August, 2018: | 2 Total |
| • Current Active Residential Permits: | 24 Total |
| • Current Active Commercial Permits: | 12 Total |
| • 2017 Residential Permits thru August: | 77 Total |

- 2018 Residential Permits issued thru August: 19 Total
- 2017 Commercial Permits Issued Thru August: 9 Total
- 2018 Commercial Permits Issued Thru August: 7 Total

Code Enforcement Department:

August, 2018

Typical Issues Addressed by the Code Enforcement Department: Public Nuisance

- Inoperable or abandoned vehicles being stored on private property.
- Trash or debris on private property
- Excessively high grass on private property
- Special Assessment requests researched and issued to real estate lenders.
- Filing and releasing Mechanic Liens with the Tulsa County Recorder's Office.
- Illegal vehicle parking on private property yards.
- Visual impairments caused by trees, shrubs, vehicles, etc. interfering with traffic flow
- Bidding and subcontracting involved with nuisance abatement.
- Enforcement of Health and Safety Code violations.

Department Activity for the Month of August:

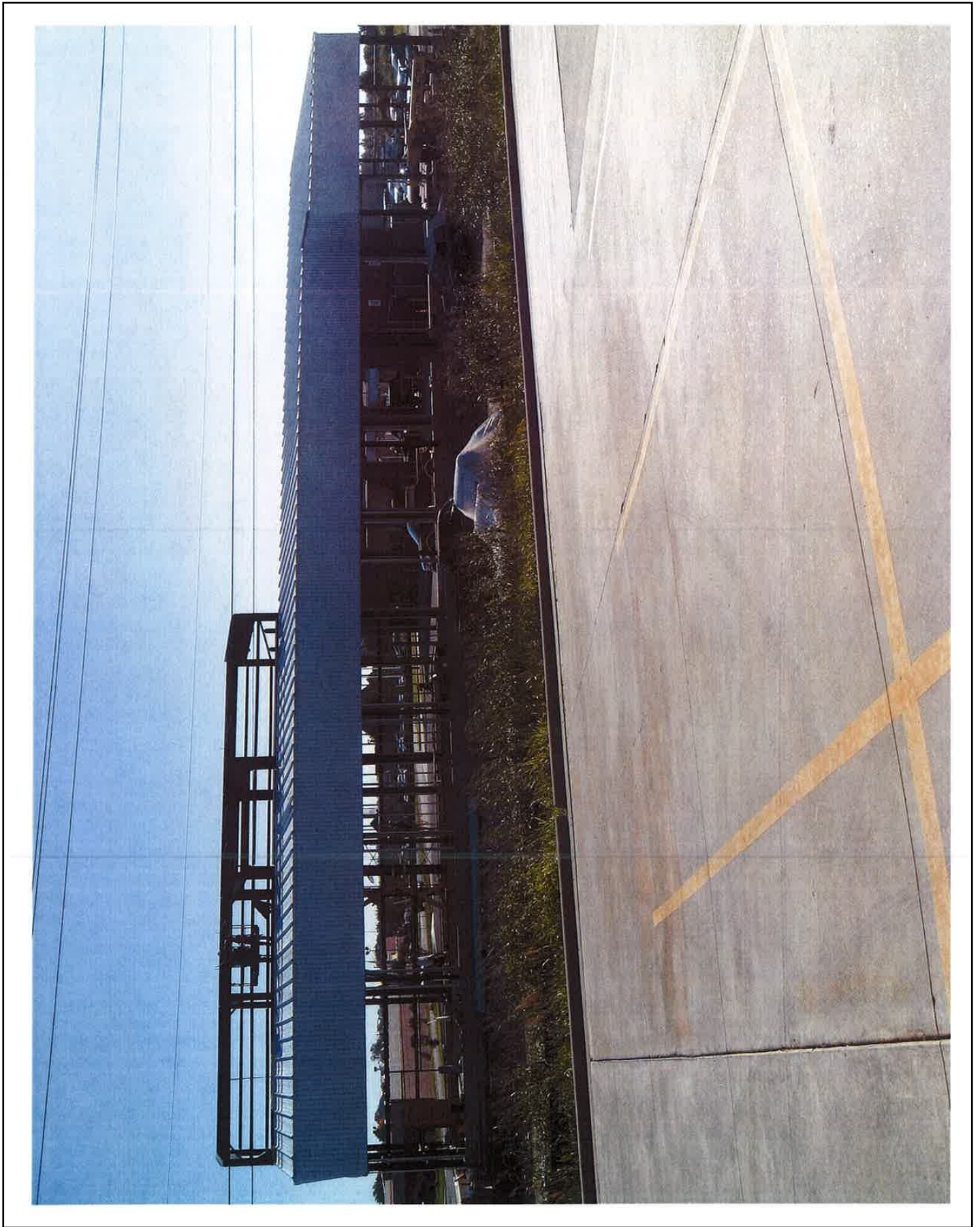
- Year-to-Date citizen complaint calls received and investigated: 567
- Public nuisance cases remaining open thru July: 15
- New Code Enforcement cases processed in July:
 - 1. Calls reporting high grass: 29
 - 2. Structures damaged by fire: -0-
 - 3. Notices issued for vehicles illegally parked: 6
 - 4. Nuisance abatements performed by contractors: 4
 - 5. Notices issued for residences without water service: 2
 - 6. Tulsa County Health Department Citations issued: -0-
 - 7. Notices issued for illegally placed signs: 41
 - 8. Damage to public facilities citations: -0-
 - 9. Excessive trash & debris: 21
 - 10. Dilapidated vacant structures and properties: -0-
 - 11. Trash can/receptacle placement: 6
 - 12. Misc. cases: 24

Total New Cases Opened in August: 84

Real Estate Special Assessment Determinations: August, 2018.

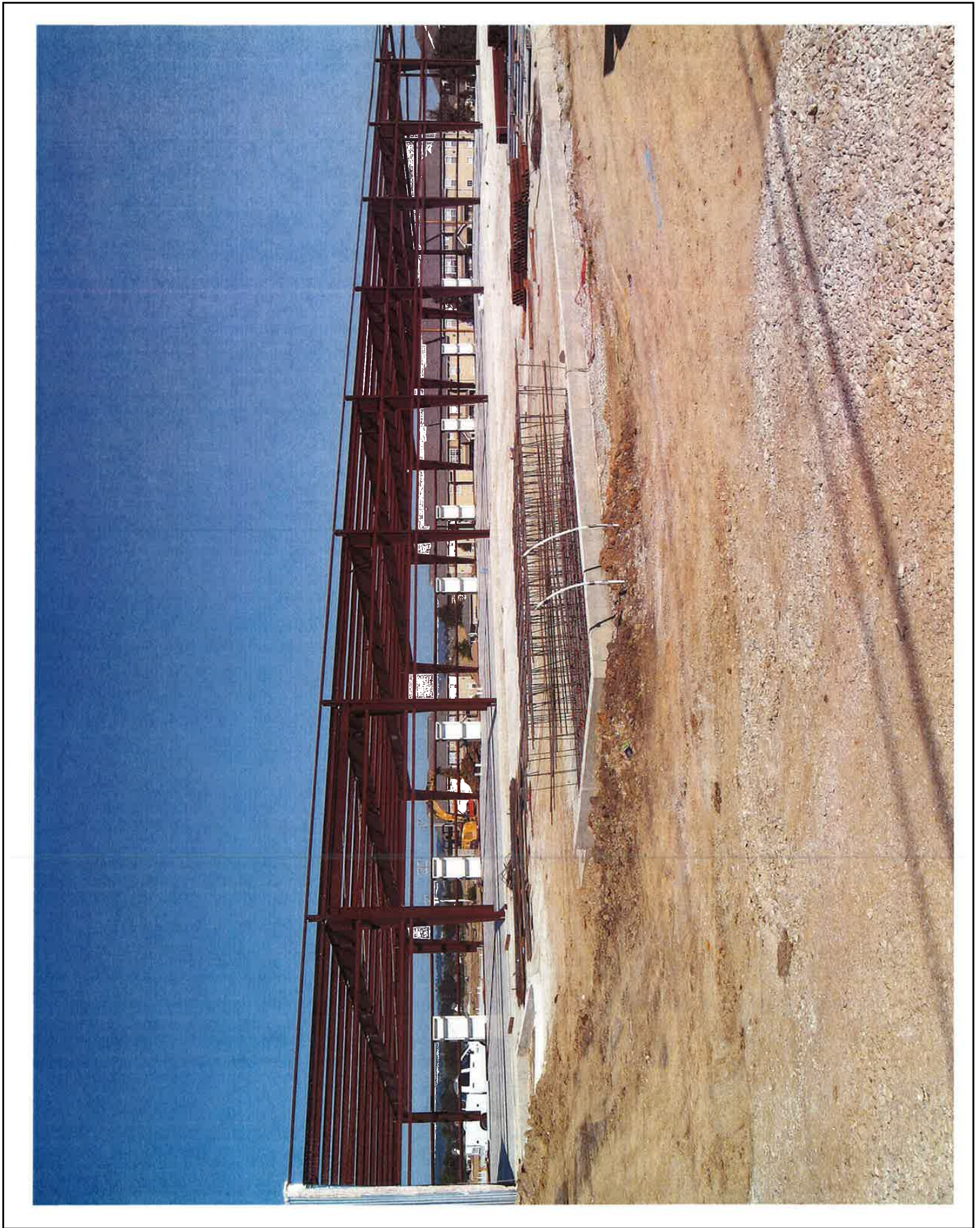
Special Assessment Letters Issued to Title Companies 18.

Assessment Letter Fee Collection Notices Issued 12



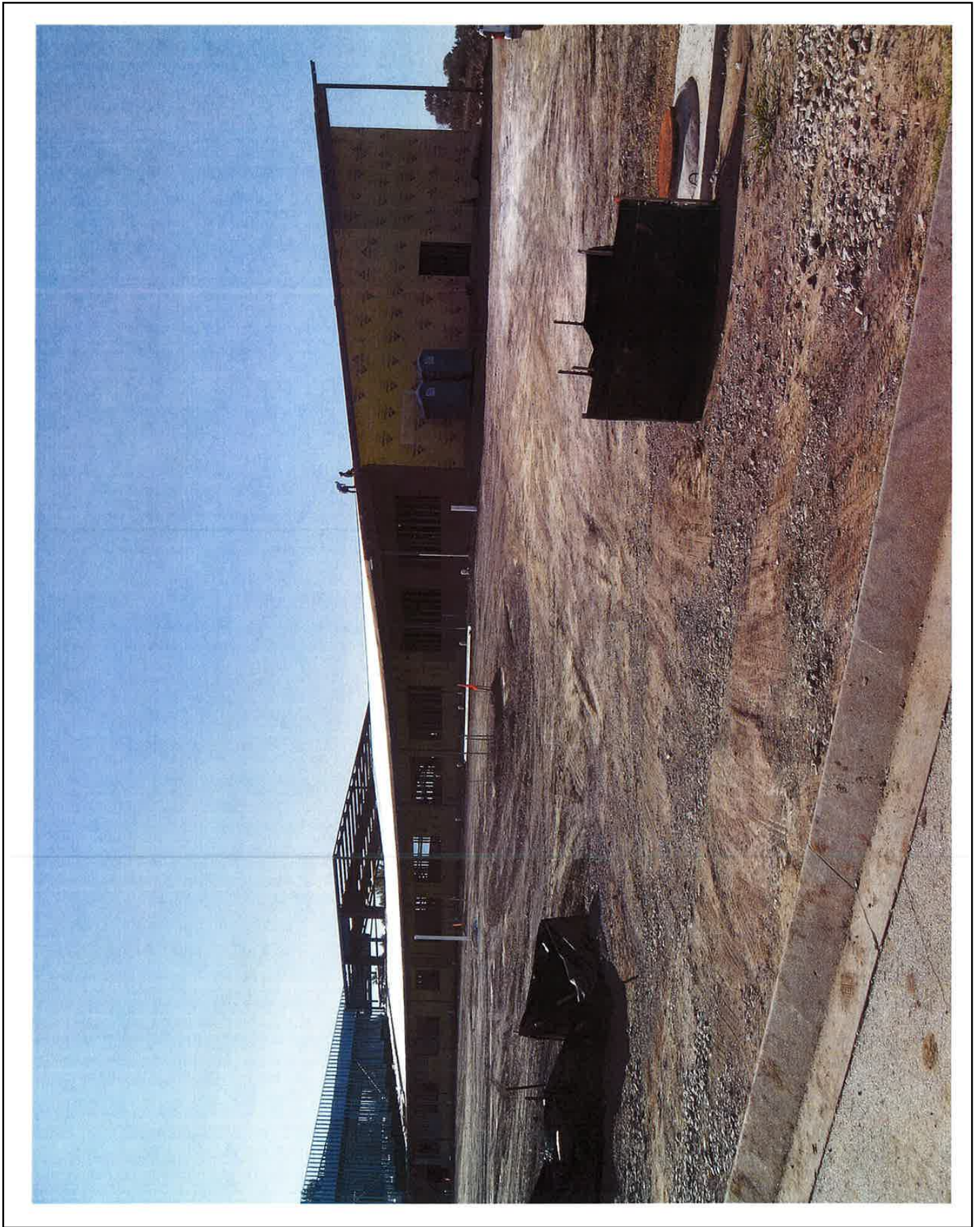




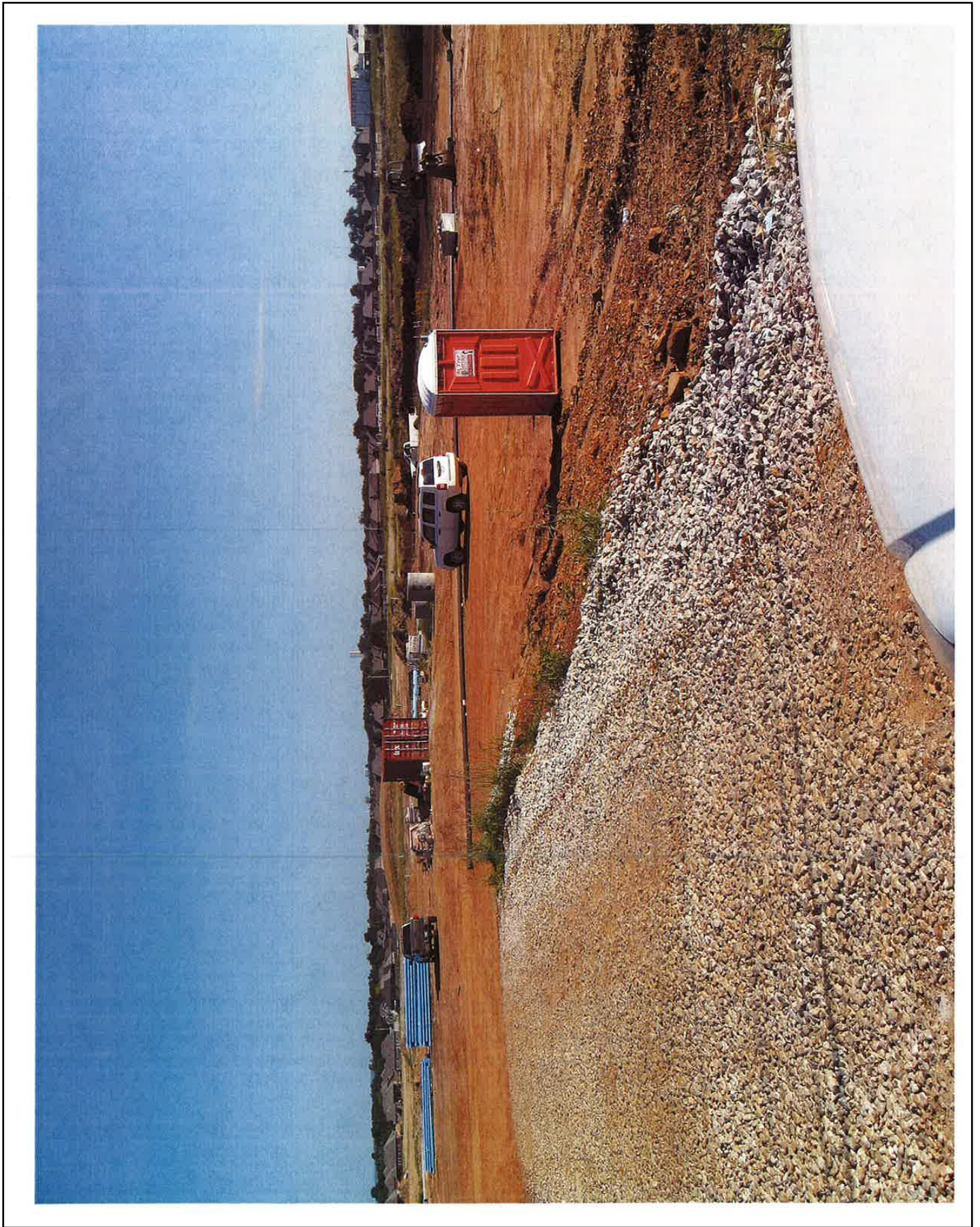


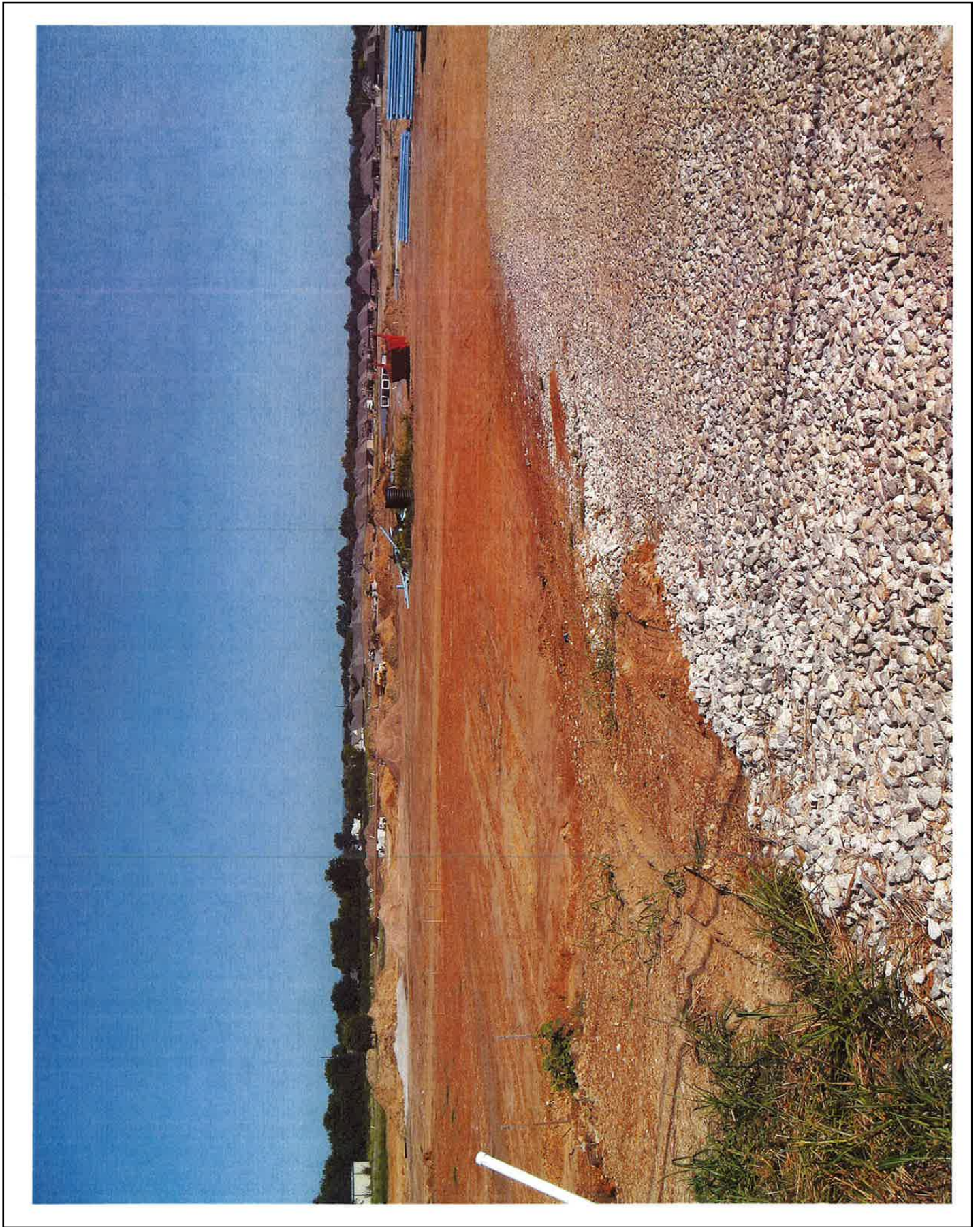


















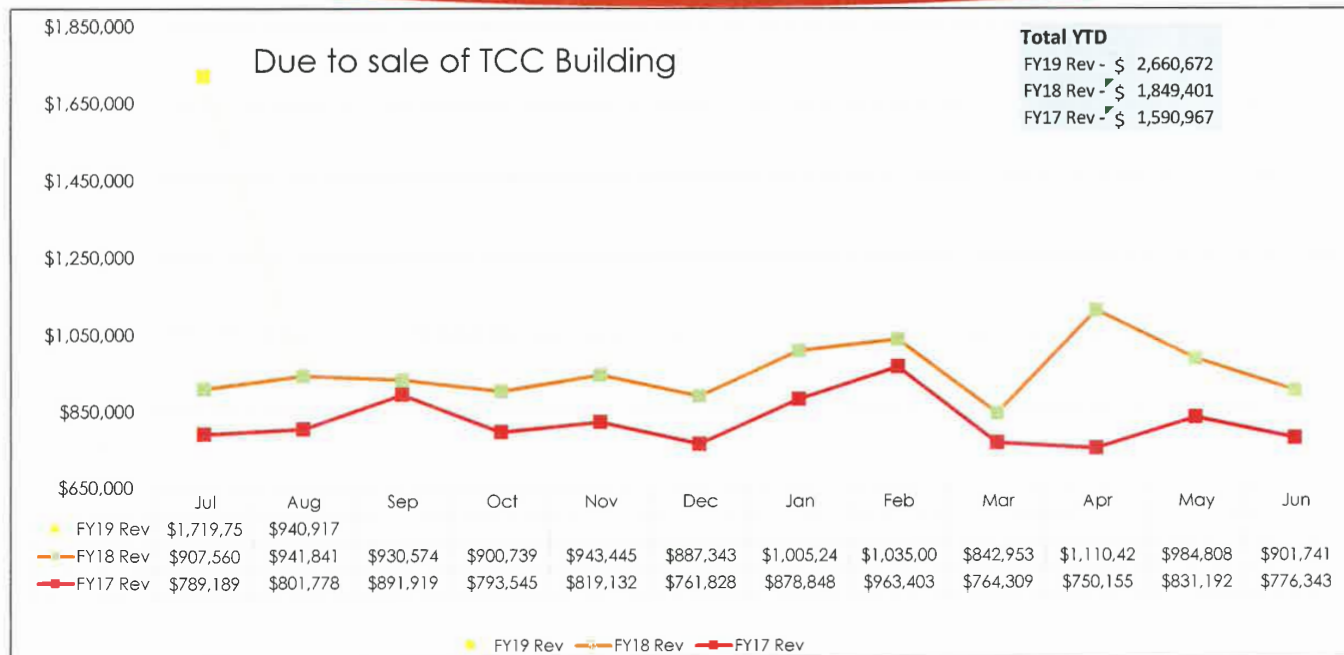
Treasurer's Report August 31st, 2018

FUND	REVENUES AS OF 8/31/18			EXPENDITURES AS OF 8/31/2018		
	FY18 BUDGET	FY18 ACTUAL YTD	Target 16.67%	FY18 BUDGET	FY18 ACTUAL	Target 16.67%
GENERAL FUND	\$ 11,515,031	\$ 2,660,672	23%	\$ 11,515,031	\$ 1,653,840	14%
GUSA	\$ 9,156,789	\$ 1,553,244	17%	\$ 9,156,789	\$ 1,301,265	14%
PARKS & RECREATION	\$ 10,000	\$ 925	9%	\$ 10,000	\$ -	0%
HOTEL MOTEL TAX	\$ 200,000	\$ 43,356	22%	\$ 200,000	\$ 12,000	6%
GIA	\$ 512,882	\$ 63,884	12%	\$ 512,882	\$ 39,875	8%
STREETS & INFRASTRUCTURE	\$ 1,040,617	\$ 98,025	9%	\$ 1,040,617	\$ 16,987	2%
PUBLIC SAFETY CAPITAL	\$ 1,712,548	\$ 87,861	5%	\$ 1,712,548	\$ 29,031	2%
PUBLIC SAFETY PERSONNEL	\$ 1,173,303	\$ 185,713	16%	\$ 1,173,303	\$ 138,998	12%
TOTAL	\$ 25,321,170	\$ 4,693,680		\$ 25,321,170	\$ 3,191,996	

SUMMARY OF
REVENUES AND
EXPENDITURES AS
OF AUGUST, 2018
2ND MONTH IN
FISCAL YEAR 2018-
2019 OR 16.67%
COMPLETED AS OF
AUGUST 31ST, 2018

City of Glenpool General Fund Revenues as of August 31st, 2018

43.9% INCREASE COMPARED TO PREVIOUS YTD

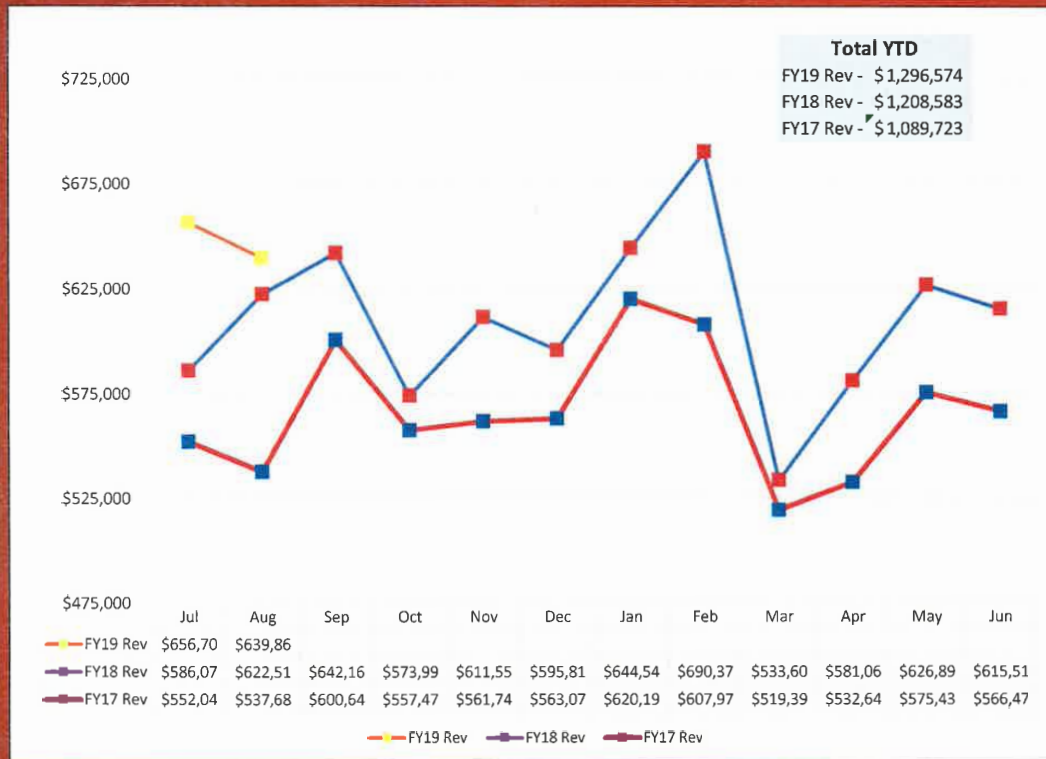




City of Glenpool Sales Tax Revenues - All Funds as of August 31st, 2018

- ▶ 0.55% Sales tax for Public Safety personnel effective July 1, 2016
- ▶ 0.29% Sales tax for capital improvements/economic development effective Jan 1, 2017
- ▶ 0.26% Sales tax for Public Safety equipment effective Jan 1, 2017

7.3% INCREASE COMPARED TO
PREVIOUS YTD



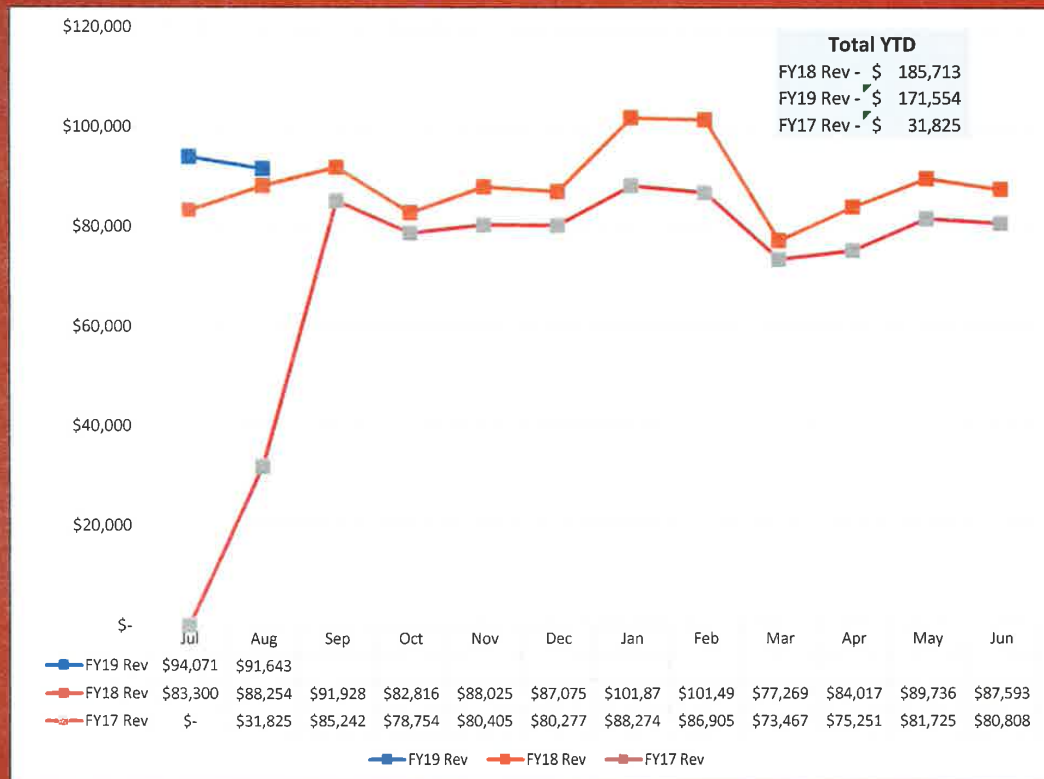
City of Glenpool Sales Tax Revenues - General Fund as of August 31, 2018

7.3% INCREASE
COMPARED TO
PREVIOUS YTD



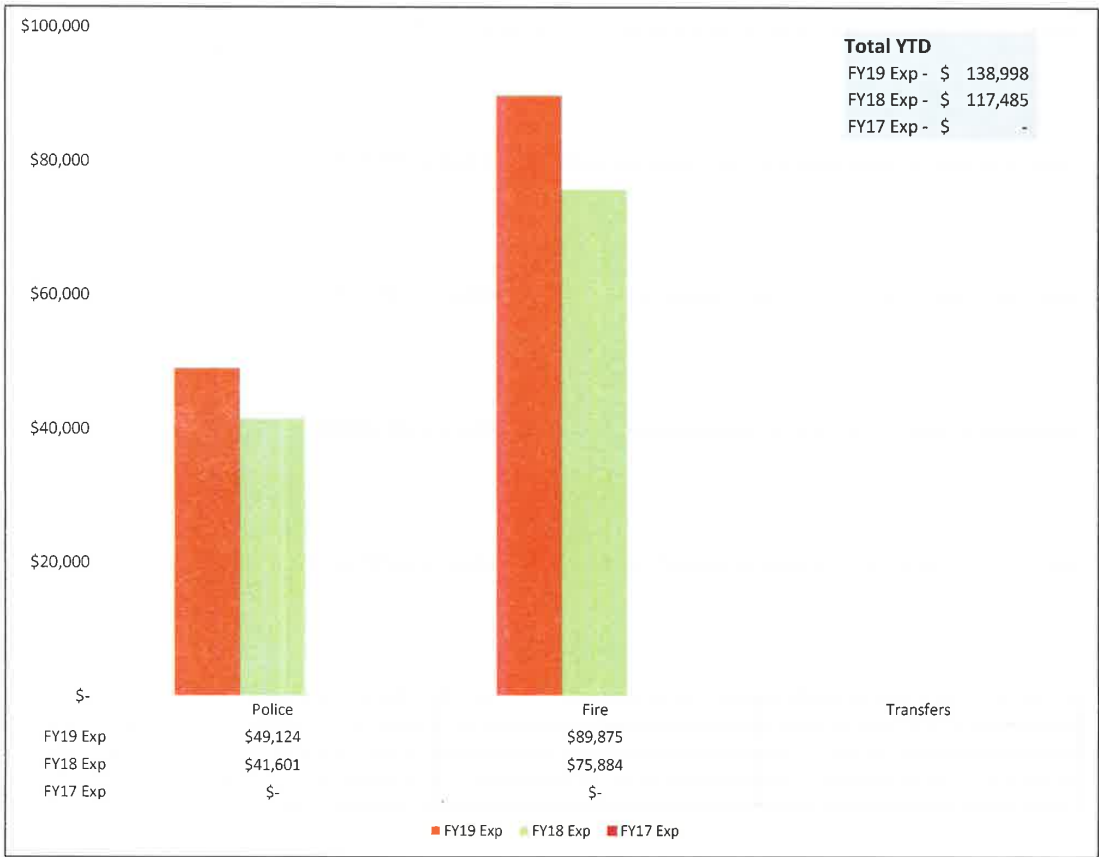
City of Glenpool General Fund Expenditures as of August 31st, 2018

- ▶ General Government includes City Clerk, Finance, and Organizational Expenses
- ▶ Police includes Police, Animal Control and Dispatch
- ▶ Community Services includes Planning, Inspections and Code Enforcement
- ▶ Administration includes City Manager, City Attorney and Human Resources
- ▶ Non-Departmental includes transfers to other funds



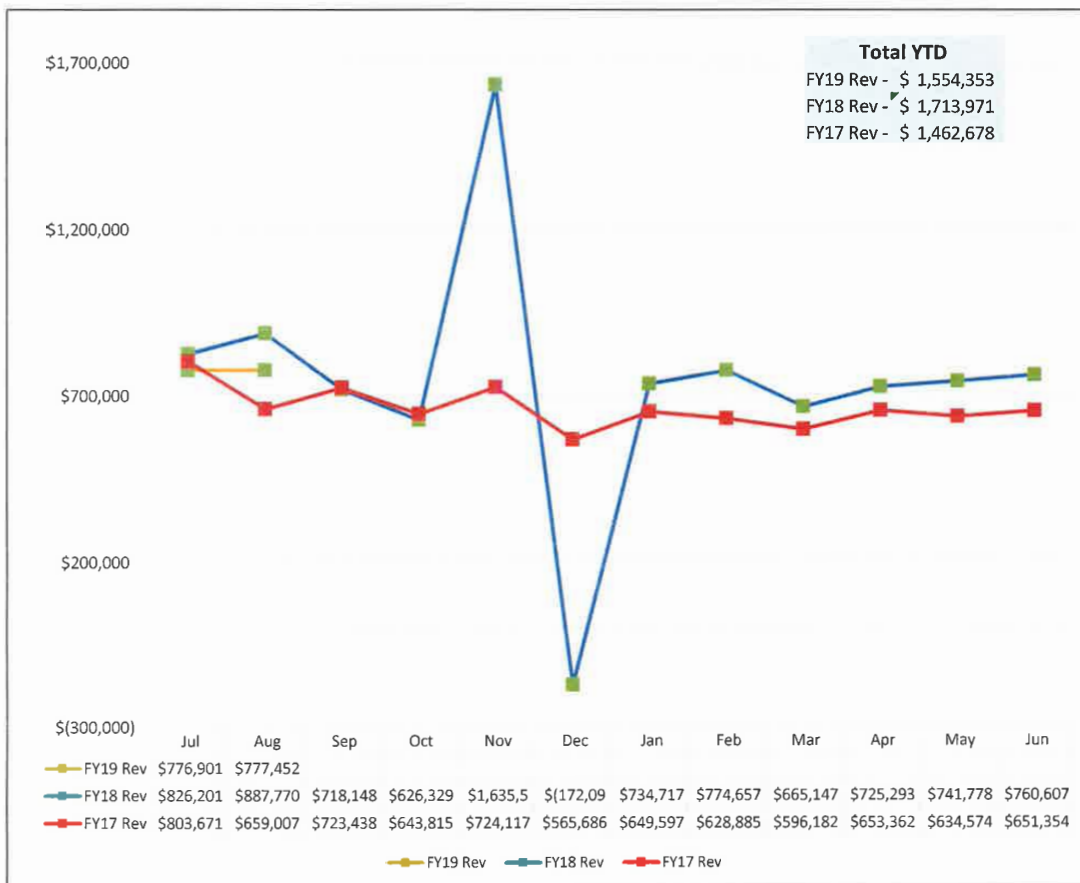
Public Safety Personnel Fund Revenues as of August 31st, 2018

- ▶ 0.55% Sales tax for Public Safety personnel effective July 1, 2016 (first collections received in August, 2016)
- ▶ 8% INCREASE COMPARED TO PREVIOUS YTD

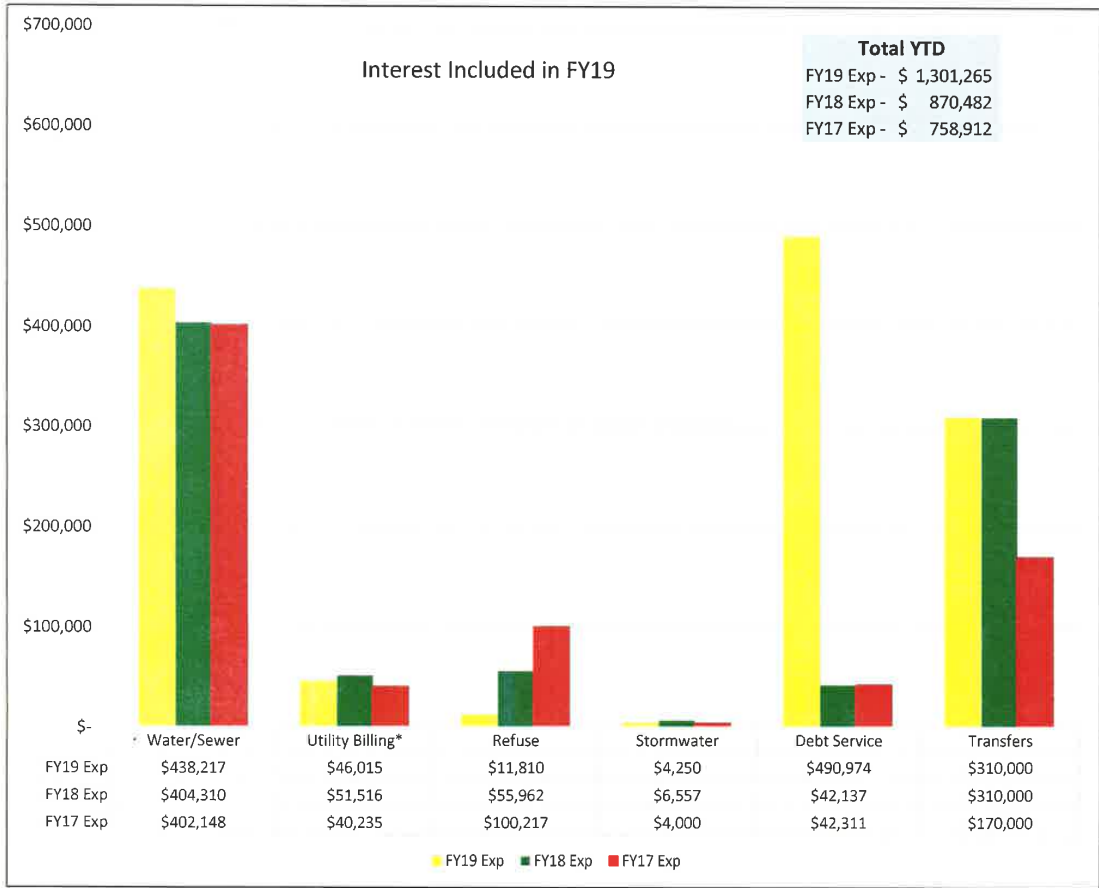


Public Safety Personnel Fund Expenditures as of August 31st, 2018

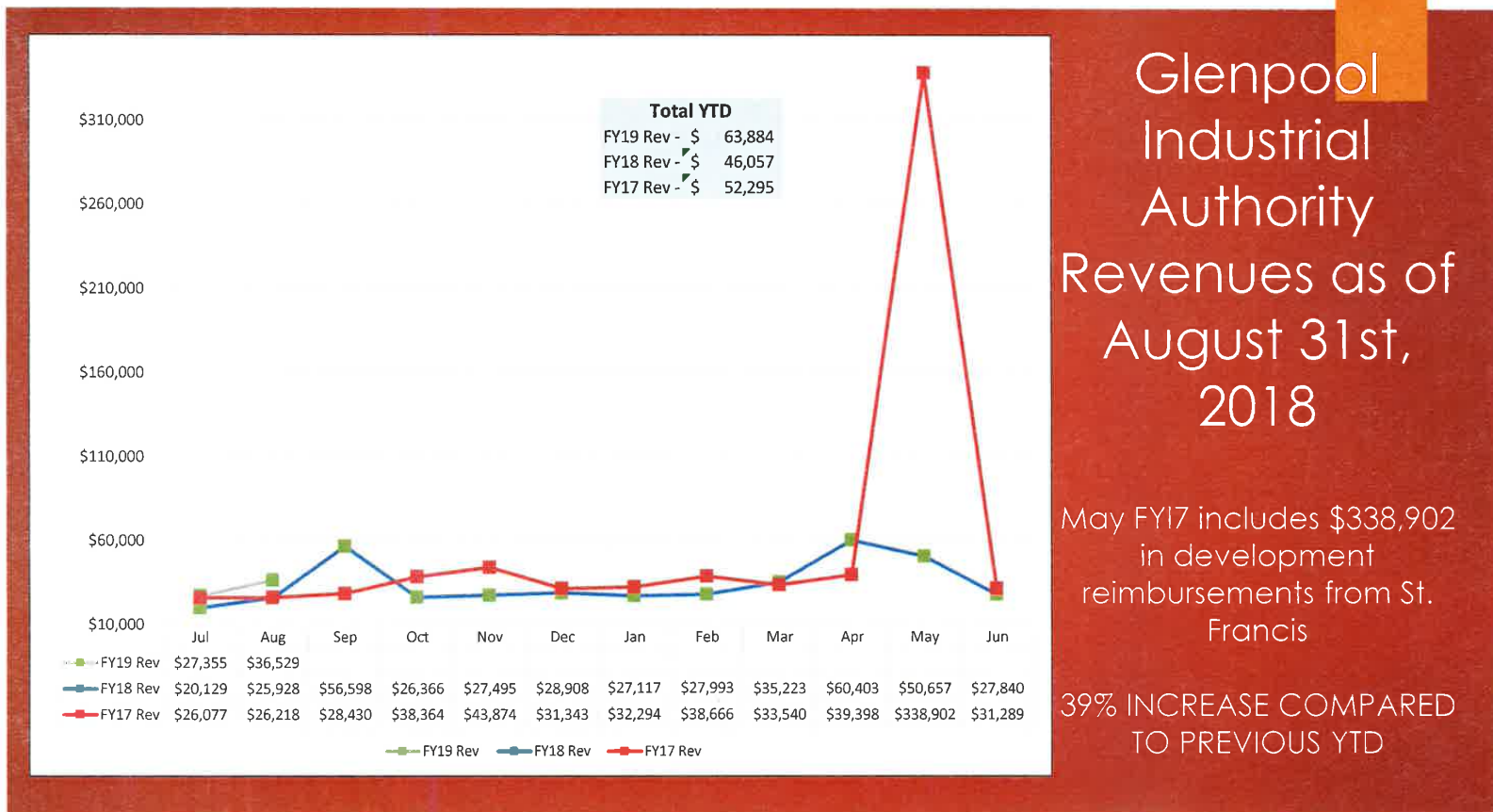
- ▶ Police includes five officers - personal services and operating expenses
- ▶ Fire includes seven firefighters - personal services and operating expenses

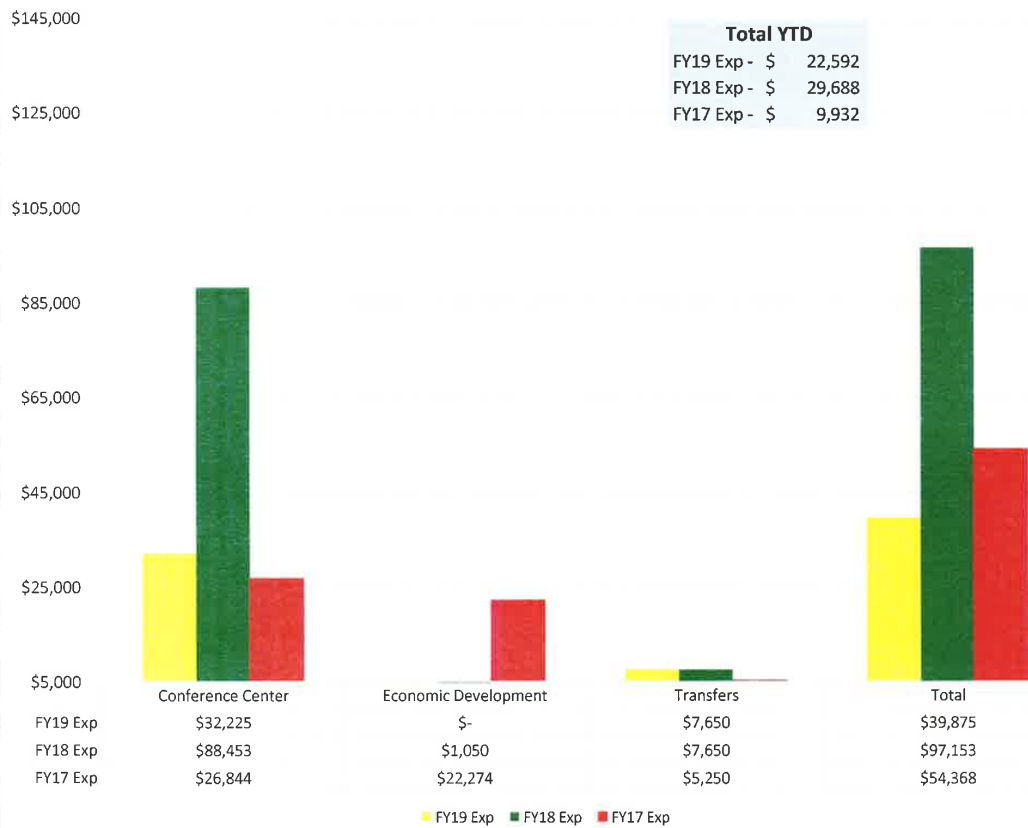


Glenpool Utility
 Services
 Authority
 Revenues as of
 August 31st,
 2018
 9.3% DECREASE
 COMPARED TO
 PREVIOUS YTD

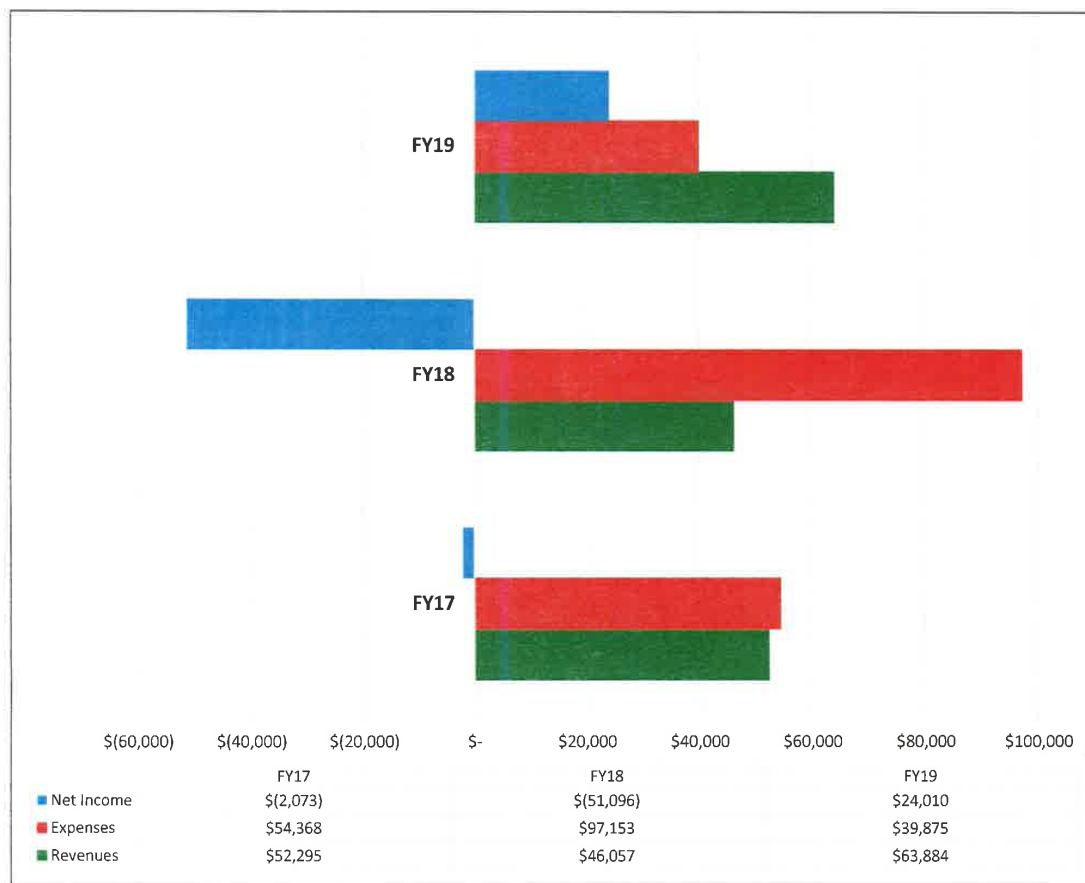


Glenpool
Utility
Services
Authority
Expenses as
of AUGUST
31st, 2018





Glenpool Industrial Authority Expenses as of August 31st, 2018



Glenpool
Industrial
Authority
Net Income
as of
August 31st,
2018

Project	Status	Allocated Budget	Budget Adj.	Final Budget	Expended to Date	Comment
Proposition 1 (0.29%)						
Signalization & Infrastructure 151st St.	IP	\$ 2,000,000	\$ -	\$ 2,000,000	\$ 750,000	
Economic Development Projects	NS	1,035,337	-	1,035,337	-	
Wastewater Treatment Plant Design/Permitting	NS	550,000	-	550,000	-	
South County Soccer Complex Field Lighting	NS	150,000	-	150,000	-	
Turf Equipment Parks	C	30,000	-	30,000	30,000	
Automatic Meter Reading Conversion	C	850,000	27,284	877,284	877,284	
Snow Plow	C	150,000	-	150,000	108,000	
Storm Water Imp. Eden South	NS	500,000	-	500,000	-	
Storm Water Imp. Main St. @ Hwy 75	NS	100,000	-	100,000	-	
Storm Water Imp. 141st St. @ Hwy 75	NS	100,000	-	100,000	-	
Storm water Imp. Rolling Meadows	NS	300,000	-	300,000	-	
Storm Water Imp. Vancouver Avenue	NS	50,000	-	50,000	-	
Storm Water Imp. Fern Avenue	NS	600,000	-	600,000	-	
Storm Water Imp. Hickory Pl	NS	350,000	-	350,000	-	
Kendalwood Park Rehab	NS	200,000	-	200,000	-	
Lift station Rehab Project - Oak Street	NS	132,500	-	132,500	-	
Lift station Rehab Project - Eden South	NS	280,000	-	280,000	-	
Signalization of 141st St & Elwood	NS	410,000	-	410,000	-	
Signalization 121st Street & Elwood	NS	150,000	-	150,000	-	
Lane Impr. 121st Street Elwood to Hwy 75	NS	635,000	-	635,000	-	
Lane Impr. Elwood 141st St to 151st St	NS	2,350,000	-	2,350,000	-	
Lane Impr. Warrior Road	IP	750,000	-	750,000	-	

Proposition 2 (0.26%) 51

Public Safety Radio System	IP	\$ 1,250,000	\$ 35,079	\$ 1,285,079	\$ 1,285,079	
Police Vehicles	IP	3,000,000	-	3,000,000	239,258	
PD Mobile Computer System	NS	208,000	-	208,000	-	
Firing Range/Training Center	NS	100,000	-	100,000	-	
PD Capital Improvements	NS	1,100,000	-	1,100,000	-	
Fire Apparatuses and Equipment	IP	4,640,000	-	4,640,000	788,967	
Firefighter Air packs	C	250,000	-	250,000	250,000	
		\$ 10,548,000	\$ 35,079	\$ 10,583,079	\$ 2,563,304	
Total Props 1 and 2		\$ 22,220,837	\$ 62,363	\$ 22,283,200	\$ 4,328,588	

Proposition 3 (0.55%) 52

Hire 7 additional Firefighters	C					
Hire 5 additional Police Officers	C					
NS= Project not yet started, IP= Project in progress, C= Project is complete						

MINUTES
Regular Meeting
Tuesday, September 4, 2018 Council Chambers 6:00 PM

COUNCIL PRESENT: Trish Agee
Jacqueline Triplett-Lund
Momodou Ceesay
Tim Fox

COUNCIL ABSENT: Brandon Kearns

STAFF PRESENT: David Tillotson
Lowell Peterson
Wendy Knight
John Gonsalves
Lynn Burrow
Bart Harris
Debbie Pengelly
Wes Richter

STAFF ABSENT: Susan White

- A) Call to Order - Timothy Lee Fox, Mayor**
Mayor Fox called the meeting to order at 6:01 p.m.
- B) Roll Call, Declaration of Quorum – Wendy Knight, City Clerk; Timothy Lee Fox, Mayor**
Wendy Knight called the roll, Mayor Fox declared a quorum present.
- C) Invocation –Rev. Jason Yarbrough, Glenpool First Baptist Church**
- D) Pledge of Allegiance – Timothy Lee Fox, Mayor**
- E) City Manager Report – David Tillotson, City Manager**
Mr. Tillotson asked Community Development Director Lynn Burrow to give

an update on the Speedy's Lift Station Rehabilitation Project. Mr. Burrow said there was a construction meeting last week, and he wanted to advise the Council that the emergency generator which was part of the bid process, does not have the correct amperage. The generator that is needed, will be an addition of \$40,000.00 to the contract, but the original bid amount was \$193,000.00 less than what was expected, so that still leaves us with savings. We will be bringing a change order to the Council soon, which will also include a delay from a timing standpoint.

- Mr. Tillotson added that this is a future growth product and not a critical component of a building project, which is a good thing.
- We have been notified by the City of Tulsa that the water rates are increasing. All meters are increasing by 2% except the 2" size, which is increasing by 10%. The volume rate is increasing 1% per thousand gallons - they have been increasing our rates annually.
- Reminder that the Council Retreat will be September 14th & 15th. David and Susan will be attending the OML conference on September 12th & 13th.
- Police Chief search is underway as of this weekend, and we have received 6 applications so far. We will be accepting applications for approximately 30 days.

F) Mayor Report – Timothy Lee Fox, Mayor

None

G) Council Comments

None

H) Public Comments

None

I) Scheduled Business

- 1) Discussion and possible action to approve minutes from August 20, 2018 and August 24, 2018 meetings.
(Wendy Knight, City Clerk)

Moved by Trish Agee, seconded by Jacqueline Triplett-Lund

That the minutes be approved as presented.

	For	Against	Abstained	Absent
Trish Agee	x			
Jacqueline Triplett-Lund	x			

Momodou	x			
Ceesay				
Tim Fox	x			
	4	0	0	0

CARRIED.

- 2) Discussion and possible action to approve amendments to the 2016 Ambulance Service Agreement between and among the City of Glenpool, the Glenpool Area Emergency Medical Service District, and Centurion Health Systems, Inc. d/b/a Mercy Regional of Oklahoma. (Lowell Peterson, City Attorney)

Mr. Peterson recommended Council approval of the amendments to the Ambulance Service Agreement between and among the City of Glenpool, the Glenpool Area Emergency Medical Service District, and Centurion Health Systems, Inc. d/b/a Mercy Regional of Oklahoma

Moved by Jacqueline Triplett-Lund, seconded by Trish Agee

To approve the amendments as presented.

	For	Against	Abstained	Absent
Trish Agee	x			
Jacqueline Triplett-Lund	x			
Momodou	x			
Ceesay				
Tim Fox	x			
	4	0	0	0

CARRIED.

[STAFF REPORT- AMD AMB AGMT 090418](#)
[Mercy 2018 contract](#)

- 3) Discussion and possible action to enter into Executive Session for the purpose of discussing confidential communications between the City Council and the City Attorney concerning a pending investigation with respect to compliance of the parties with the terms and conditions of

that certain Agreement of Compromise, Settlement and Release, with an effective date of May 15, 2015, which facilitated dismissal of the federal action captioned Rural Water District No. 2, Creek County, Oklahoma v. City of Glenpool and the Glenpool Utility Services Authority, U.S. District Court for the Northern District of Oklahoma, Case No. 11-CV-441-JHP-FHM, as to which the City Council, with the advice of the City Attorney, has determined that disclosure will seriously impair the ability of the City Council to process such pending investigation, pursuant to § 307(B)(4) (Open Meeting Act).
(Lowell Peterson, City Attorney)

Mr. Peterson requested to advise the Council of issues that have arisen out of the annual audit in Executive Session.

Moved by Momodou Ceesay, seconded by Trish Agee

To enter into Executive Session at 6:24 p.m.

	For	Against	Abstained	Absent
Trish Agee	x			
Jacqueline Triplett-Lund	x			
Momodou Ceesay	x			
Tim Fox	x			
	4	0	0	0

CARRIED.

- 4) Discussion and possible action to reconvene in Regular Session.
(Timothy Fox, Mayor)

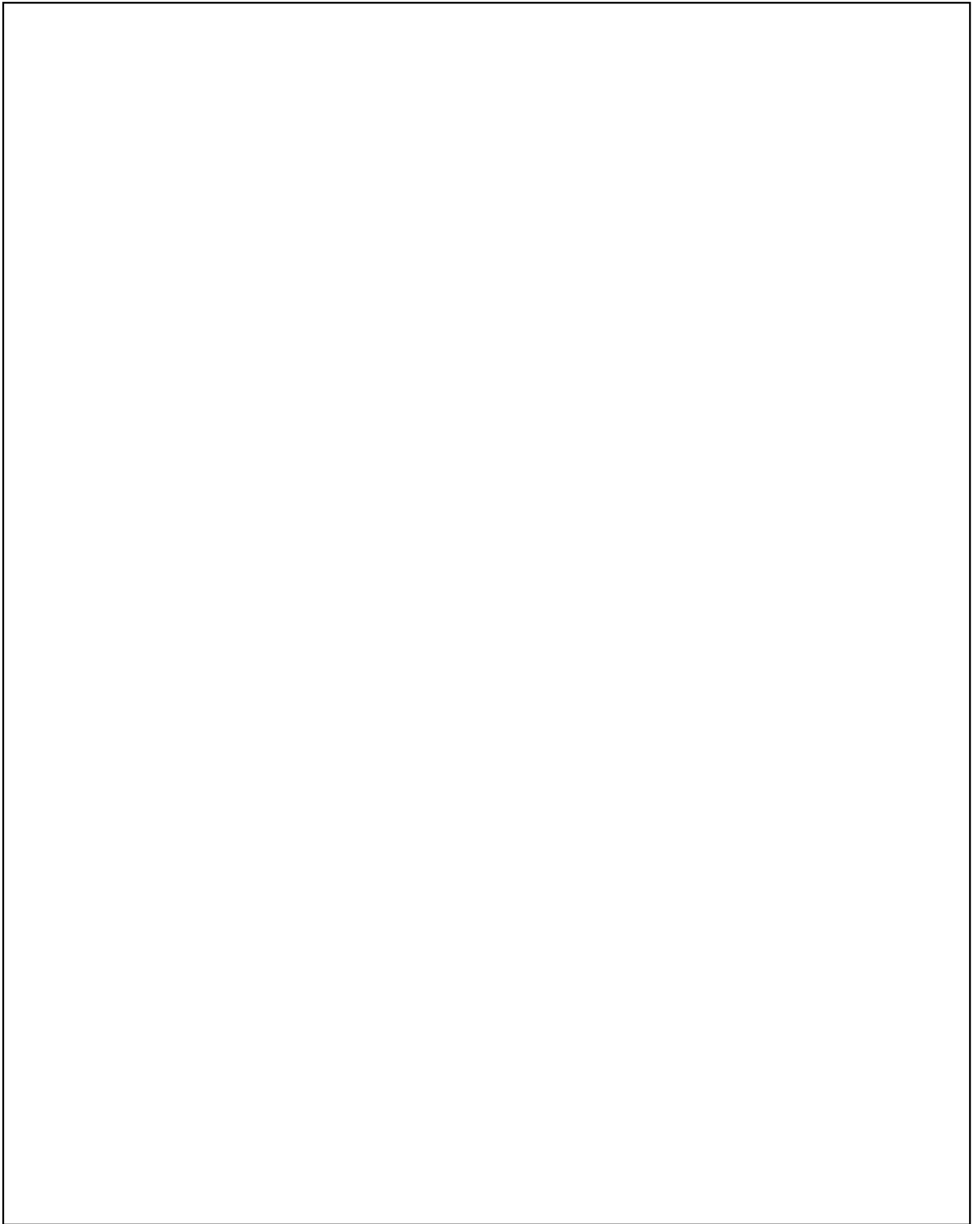
Moved by Momodou Ceesay, seconded by Trish Agee

To reconvene in Regular Session at 7:45 p.m.

Motion carried.

J) Adjournment

There being no further business, Mayor Fox declared the meeting adjourned at 7:46 p.m.



**STAFF REPORT: AMENDED ALCOHOLIC
BEVERAGE SALES & SERVICE OCCUPATIONS**

TO: Mayor Timothy Lee Fox and Honorable Councilors

FROM: Lowell Peterson, City Attorney

DATE: September 17, 2018

SUBJECT: Ordinance No. 755, An Ordinance Repealing in its Entirety Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages and Low-point Beer; Article A, Alcoholic Beverages; Removing Article Designations for Either of Article A, Alcoholic Beverages or Article B, Low-point Beer; Repealing in its Entirety Title 3, Business And License Regulations; Chapter 2, Alcoholic Beverages and Low-point Beer; Article B, Low-point Beer; Abolishing All Provisions for Low-point Beer as a Category of Alcoholic Beverage No Longer Recognized in the State of Oklahoma; Adopting New Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages, in Accordance with the Oklahoma Alcoholic Beverage Control Act at Title 37A of the Oklahoma Statutes; and Such Other Regulatory Changes as are Necessary or Appropriate under Title 37A; All The Foregoing Effective as of October 1, 2018, Except as Otherwise Stated; Repealing Ordinances or Parts of Ordinances in Conflict Herewith; and Declaring an Emergency

BACKGROUND:

Senate Bill 383 was approved by Governor Mary Fallin and signed into law on June 6, 2016. On November 8, 2016, Oklahoma State Question 792 passed with a voter approval of more than 65%. These measures resulted in substantial changes to Oklahoma's constitutional and statutory oversight of the alcoholic beverage industry. The most significant changes pertain to the retail sale of alcoholic beverages for off-premises consumption (*i.e.*, retail liquor stores and the sale of beer and wine in grocery/convenience/drug stores). All changes go into effect on October 1, 2018.

Two substantial changes include:

- (1) Termination of the regulation and licensing of low-point beer as a separate category from strong beer; that is, the law will recognize only "beer" without distinguishing between low-point beer and strong beer;
- (2) Preemption by the ABLE Commission of all licensing of the alcoholic beverage industry, to include the manufacture, distribution, wholesale and retail sale, special event sales and service of beer, wine and liquor ("spirits").

This is why it was necessary, on July 2, 2018, for the Council to adopt Resolution No. 2018008, which extended City-issued low-point beer retail sale licenses that would otherwise have expired on June 30, 2018, through September 30, 2018. Resolution No. 2018008 also provided for the interim issuance of alcoholic beverage licenses between June 30, 2018, and October 1, 2018. This allowed low-point beer retailers to extend their current City-issued licenses that would otherwise expire on June 30, 2018, until the issuance of the new ABLE licenses on October 1.

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As of October 1, cities and towns will no longer have the authority to issue licenses for any alcoholic beverage sales. All licenses will be issued exclusively by ABLE. However, the loss of local licensing fees is offset by the authority to collect an “occupation tax” in the same amount as, but no more than, the ABLE licensing fee. This makes it necessary to assure alcohol vendors that the amount of any ‘license fee’ for the municipal license on or after July 1, 2018, will be applied to the cost of the ‘occupation tax’ beginning on October 1. It effectively allows vendors to exchange their city-issued licenses for payment of the occupation tax.

A quick summary of the legislative changes that affect the Glenpool Code, includes:

- *Abolishment of the designation of low-point beer as a category no longer listed or regulated as such, but regulated in conjunction with all retail beer sales;*
- *Abolishment of the Oklahoma Constitution’s exclusion of low-point beer from ABLE regulation;*
- *Allowing retail spirits stores (alternatively called “package stores”) as much as 20% of monthly revenue from sales to be from the sale of items other than alcoholic beverages;*
- *Allowing beer and wine of all strengths (up to stated maximum percentages of alcohol by volume) to be sold at room temperature or chilled wherever sold;*
- *Allowing retail spirits (liquor) stores owners to own as many as two locations;*
- *Raising the minimum age to sell beer from 16 to 18;*
- *Allowing interstate shipments of wine directly to private persons over 21; and*
- *Extending retail package stores’ hours to midnight.*

This staff report summarizes the effect of SB 383 and SQ 792 on Glenpool’s City Code regarding licensing or taxing of establishments selling alcoholic beverages. Additionally, this report outlines the effect of legislation signed into law since SQ 792 passed, and which will also be effective October 1, 2018.

DISCUSSION:

I. Alcoholic Beverage Retail Sales for Off-Premises Consumption

The largest effect of recent state legislation is upon those businesses holding licenses for the sale of alcoholic beverages for off-premises consumption. Under the new State law, which will be codified as Title 37A of Oklahoma Statutes, Alcoholic Beverage Control Act, on the effective date, three general types of licenses related to off-premises consumption are available:

- (1) a retail spirits license;
- (2) a retail wine license; and
- (3) a retail beer license.

Retail spirits licenses may not be issued to a corporation, LLC or “similar” entity. Individual owners (or their spouses) may now own one additional licensed location (for a total of two licensed locations).

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Retail package stores may now sell lottery and scratch off tickets, as well as accessory items sold at grocery or convenience stores (such as corkscrews, can openers, etc.) so long as those sales do not exceed 20% of the store's total monthly revenue.

Retail package stores are permitted to operate Monday through Saturday between 8 a.m. and midnight on all days except Christmas Day and Thanksgiving Day. These hours are significantly extended and these stores are now permitted to operate on election days and all holidays other than the two named. Deliveries to retail package stores may also now occur on those same days with the exception of New Year's Day and July 4th.

Retail beer and retail wine licenses may be issued to corporate or similar entities and there is no limit to the number that may be held by any one entity. Retail wine licenses allow the sale of wine containing no more than 14.99% alcohol by volume in grocery stores, convenience stores and drug stores. Retail beer licenses allow the sale of beer, including both low-point beer and strong beer, so long as the beer contains no more than 8.99% alcohol by volume, also in grocery stores, convenience stores and drug stores. Wines and beers exceeding the allowable percentage for sale in grocery stores, convenience stores and drug stores may be sold only in package stores.

Retail wine and beer licensees include grocery stores, convenience stores and drug stores and are permitted to sell those beverages Monday through Sunday between 6 a.m. and 2 a.m. the next morning (or all hours *except* those between 2 a.m. and 6 a.m.).

II. Alcoholic Beverage Sales for On-Premises Consumption

Licensure requirements for establishments selling alcohol for on-premises consumption are not dramatically altered on the effective date. One change that will impact "brewpubs," as defined in the statute, is that they will now be required to purchase a separate license from ABLE in addition to any other license they may already have, *e.g.*, mixed beverage, beer/wine, etc. Additionally, Title 37A will allow various licensees selling alcohol for on-premises consumption, including breweries, brewpubs and wineries, to open and sell alcoholic beverages as early as 8 a.m., plus grants municipalities the authority to pass ordinances allowing an opening time as early as 6 a.m.

A related House Bill ("HB") 2186 allows "motion pictures theatres" with mixed beverage licenses to sell alcoholic beverages for on-premises consumption. To be served alcohol in such an establishment, HB 2186 requires that a person: (1) present identification exhibiting they are of the legal drinking age; and (2) wear a wrist bracelet or have their hand stamped. This law requires amendments to certain zoning ordinances to allow for the sale of alcohol in theatres in compliance with State law, which amendments are intended to proceed as concurrently as possible with amendments to this ordinance. Additionally, wineries are now permitted to sell wine by the full glass within designated sampling areas at their licensed location or at trade shows or similar exhibitions.

SB 1332 somewhat lessens the impact of the recent changes to liquor laws on establishments that sell only low-point beer and were previously permitted at a location within 300 feet of public or private schools or churches. Under this bill, any license in effect on October 1, 2018, will be eligible to be "transferred to a mixed beverage license." However, the bill provides that

**STAFF REPORT: AMENDED ALCOHOLIC
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this grandfathered status enabling mixed beverage licensure will not survive a change in the establishment's ownership. Other than this narrow exemption, no business selling alcoholic beverages may be permitted at such locations.

III. Recommended Amendments to Glenpool City Code

Significantly, 37A O.S. § 4-104 permits a municipality to impose an occupational tax upon licensed locations not to exceed the state license fee for such locations. I recommend that the occupation tax schedule set forth in the amended Title 3, Chapter 2 of City Code be adopted to mirror the amounts charged by the State for corresponding licenses.

Low-point beer licenses, whether from City or State will no longer be available. Establishments currently holding these licenses who wish to continue operations after September 30, 2018, must pay the license fee and corresponding occupational tax for either a mixed beverage permit or a beer and wine permit.

Further, for consistency between the City's Code and new State law, proposed amendments to Glenpool's Code:

- (1) Refer to "retail package stores" and/or "retail spirits licenses," and applicable occupation taxes;
- (2) Define and establish applicable occupational tax for sellers of "retail wine," "retail beer," and "brewpubs";
- (3) Address the interim treatment of the applicants and holders of affected licenses/occupational taxes in the months prior to October 1, 2018;
- (4) Update the days and times of permissible alcoholic beverages sales and operations; and
- (5) Otherwise remove superfluous or inactive language to conform City Code to state statutes and regulations concerning these licensees.

MORE ON THE WAY:

Additional changes to the Glenpool City Code in Title 6, regarding offenses and penalties with respect to the violation of manufacturing, distribution, sale and/or consumption of alcoholic beverage regulations will be forthcoming. Municipal courts are expressly authorized to hear violations of any ordinances enacted pursuant to the new legislation.

The City is also authorized by Title 37A, Section 4-103, to create a new zoning classification to regulate the location of establishments that sell, serve, mix, dispense or allow consumption of alcoholic beverages on the premises. Such a zoning classification may include, but not be limited to, parking and access regulations (so long as they do not have the effect of rendering such establishments inoperable), and other such zoning regulations as staff and Council may deem necessary for local control

RECOMMENDATION:

Staff recommends adoption of Ordinance No. 755.

ORDINANCE NUMBER 755

AN ORDINANCE REPEALING IN ITS ENTIRETY TITLE 3, BUSINESS AND LICENSE REGULATIONS; CHAPTER 2, ALCOHOLIC BEVERAGES AND LOW POINT BEER; ARTICLE A, ALCOHOLIC BEVERAGES; REMOVING ARTICLE DESIGNATIONS FOR EITHER OF ARTICLE A, ALCOHOLIC BEVERAGES OR ARTICLE B, LOW POINT BEER; REPEALING IN ITS ENTIRETY TITLE 3, BUSINESS AND LICENSE REGULATIONS; CHAPTER 2, ALCOHOLIC BEVERAGES AND LOW POINT BEER; ARTICLE B, LOW POINT BEER; ABOLISHING ALL PROVISIONS FOR LOW POINT BEER AS A CATEGORY OF ALCOHOLIC BEVERAGE NO LONGER RECOGNIZED IN THE STATE OF OKLAHOMA; ADOPTING NEW TITLE 3, BUSINESS AND LICENSE REGULATIONS; CHAPTER 2, ALCOHOLIC BEVERAGES, IN ACCORDANCE WITH THE OKLAHOMA ALCOHOLIC BEVERAGE CONTROL ACT AT TITLE 37A OF THE OKLAHOMA STATUTES; AND SUCH OTHER REGULATORY CHANGES AS ARE NECESSARY OR APPROPRIATE UNDER TITLE 37A; ALL THE FOREGOING EFFECTIVE AS OF OCTOBER 1, 2018, EXCEPT AS OTHERWISE STATED; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY

WHEREAS, new State legislation, enacted as Senate Bill 383 on June 6, 2016, and codified as Title 37A of the Oklahoma Statutes, the Oklahoma Alcoholic Beverage Control Act, with an effective date of October 1, 2018, has necessitated multiple substantial changes to the Glenpool City Code; and

WHEREAS, as Title 37A Section 4-104, authorizes municipalities to levy an annual occupation tax for the privilege of operating as a brewer, distiller, beer or wine retailer, mixed beverage service, public event or special event licensee, manufacturer, wine and spirits wholesaler or beer distributor, within their respective jurisdictions, not to exceed the state license fee for such licenses; and

WHEREAS, as Title 37A Section 4-101, Authority of Municipalities to Enact Ordinances, authorizes municipalities to enact ordinances consistent with the provisions of the Oklahoma Alcoholic Beverage Control Act; provided that such section does not authorize any municipality to regulate by ordinance or issue any licenses for activities for which a license is required to be issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GLENPOOL THAT:

Section 1. Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages and Low Point Beer, Article A, Alcoholic Beverages, and Article B, Low Point Beer, are hereby repealed as of the effective date set forth herein, and the following Title 3, Business and License Regulations; Chapter 2, Alcoholic Beverages, is adopted to replace the same, as follows:

TITLE 3
BUSINESS AND LICENSE REGULATIONS
CHAPTER 2
ALCOHOLIC BEVERAGES¹

3-2-1: PURPOSE:

This chapter is enacted as an exercise of the police power of the city to preserve the public peace, safety, health, and good order thereof, and to aid the enforcement of the policy of the state of Oklahoma as established by the Oklahoma alcoholic beverage control act.²

3-2-2: DEFINITIONS:

As used in this chapter, the following words, phrases and terms shall have the meanings ascribed to them, and be construed in accordance with, such definitions and construction as provided by Title 37A, Section 1-103, of the Oklahoma Beverage Control Act.

1. "ABLE Commission" or "ABLE" means the Alcoholic Beverage Laws Enforcement Commission.
2. "Alcohol" means and includes hydrated oxide of ethyl, ethyl alcohol, ethanol or spirits of wine, from whatever source or by whatever process produced. It does not include wood alcohol or alcohol which has been denatured or produced as denatured in accordance with Acts of Congress and regulations promulgated thereunder.
3. "Alcoholic beverage" means alcohol, spirits, beer and wine as those terms are defined herein and also includes every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by human beings.
4. "Applicant" means:
 - a. Any individual, legal or commercial business entity, or any individual involved in any legal or commercial business entity allowed to hold any license issued in accordance with the Oklahoma Alcoholic Beverage Control Act; and
 - b. Any individual, legal or commercial business entity or any individual who is qualified as an applicant under this chapter for any such license and who applies for payment of the occupation tax as provided in section 3-2-3 of the city code.
5. "Beer" means any beverage of alcohol by volume and obtained by the alcoholic fermentation of an infusion or decoction of barley, or other grain, malt or similar products. "Beer" may or may not contain hops or other vegetable products. "Beer" includes, among other things, beer, ale, stout, lager beer, porter and other malt or brewed liquors, but does not include sake, known as Japanese rice wine.

¹ Article B., regulating the production and sale of "low-point beer" will be in force only through September 30, 2018. As of October 1, 2018, Oklahoma will no longer recognize the local regulation of low-point beer; chapter B will be repealed in its entirety and shall be removed from the Glenpool city code. Simultaneously, the designation of article A. will be removed and title 3, chapter 2 will regulate all alcoholic beverage business operations in the city.

² See title 6, chapter 1, article D of this code for a more comprehensive description of offenses involving alcoholic beverages and applicable penalties.

6. "Beer keg" means any manufacturer-sealed, single container that contains not less than four (4) gallons of beer.
7. "Brand" means any word, name, group of letters, symbol or combination thereof, that is adopted and used by a licensed manufacturer to identify a specific beer and to distinguish that product from another beer.
8. "Brewer" means and includes any person who manufactures for human consumption by the use of raw materials or other ingredients any beer upon which a license fee and a tax are imposed by any law of this state and ordinance of the city.
9. "Brewpub" means a licensed establishment operated on the premises of, or on premises located contiguous to, a small brewer, as defined in this chapter, that prepares and serves food and beverages, including alcoholic beverages, for on-premises consumption.
10. "Convenience store" means any person or entity primarily engaged in retailing a limited range of general household items and groceries, with extended hours of operation, whether or not engaged in retail sales of automotive fuels in combination with such sales.
11. "Distiller" means any person who produces spirits from any source or substance, or any person who brews or makes mash, wort or wash, fit for distillation or for the production of spirits (except a person making or using such material in the authorized production of wine or beer, or the production of vinegar by fermentation), or any person who by any process separates alcoholic spirits from any fermented substance, or any person who, making or keeping mash, wort or wash, has also in his or her possession or use a still.
12. "Drug store" means a legal person primarily engaged in retailing prescription and nonprescription drugs and medicines.
13. "Dual-strength beer" means a brand of beer that, prior to October 1, 2018, has been sold and distributed in this state:
 - a. As a low-point beer pursuant to the Low-Point Beer Distribution Act in effect prior to October 1, 2018; and
 - b. As strong beer pursuant to the Alcoholic Beverage Control Act in effect prior to October 1, 2018.
14. "Grocery store" means a person primarily engaged in retailing a general line of food, such as canned or frozen foods, fresh fruits and vegetables, and fresh and prepared meats, fish and poultry;
15. "Hotel" or "motel" means an establishment which is licensed to sell alcoholic beverages by the individual drink and which contains guestroom accommodations with respect to which the predominant relationship existing between the occupants thereof and the owner or operator of the establishment is that of innkeeper and guest. For purposes of this section, the existence of other legal relationships as between some occupants and the owner or operator thereof shall be immaterial;
16. "License" means any license issued by the state, acting through ABLE, in accordance with the Alcoholic Beverage Control Act, as codified at either title 37 or title 37A of the Oklahoma statutes.
17. "Licensee" means:

- a. Any person holding a license issued by the state under the Alcoholic Beverage Control Act, and any agent, servant or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises, regardless of when issued.
 - b. For purposes of this chapter, licensee also includes any person holding a license issued by the City under title 3, chapter 2, of the city code prior to October 1, 2018, and any agent, servant or employee of such licensee while in the performance of any act or duty in connection with the licensed business or on the licensed premises, regardless of when issued.
18. "Manufacturer" means a brewer, distiller, winemaker, rectifier or bottler of any alcoholic beverage and its subsidiaries, affiliates and parent companies;
19. "Manufacturer's agent" means a salaried or commissioned salesperson who is the agent authorized to act on behalf of the manufacturer or nonresident seller in the state;
20. "Mini-bar" means a closed container, either refrigerated in whole or in part, or non-refrigerated, and access to the interior of which is:
- a. Restricted by means of a locking device which requires the use of a key, magnetic card or similar device, or
 - b. Controlled at all times by the licensee.
21. "Mixed beverage cooler" means any beverage, by whatever name designated, consisting of an alcoholic beverage and fruit or vegetable juice, fruit or vegetable flavorings, dairy products or carbonated water containing more than one-half of one percent (1/2 of 1%) of alcohol measured by volume but not more than seven percent (7%) alcohol by volume at sixty (60) degrees Fahrenheit and which is packaged in a container not larger than three hundred seventy-five (375) milliliters. Such term shall include but not be limited to the beverage popularly known as a "wine cooler".
22. "Mixed beverages" means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage, beer and wine, caterer, public event, charitable event or special event license.
23. "Occupation" as used in connection with "occupation tax" means the occupation of engaging in a business that is under the jurisdiction of ABLE and is operating, without limitation, as a retailer of spirits, mixed beverages, beer or wine, or as a caterer, public event or special event licensee, bottle club, manufacturer, wine and spirits wholesaler or beer distributor.
24. "Occupation Tax," for purposes of this chapter is the tax levied annually by the city for the privilege of engaging in an business that is under the jurisdiction of ABLE and is operating, without limitation, as a retailer of spirits, mixed beverages, beer or wine, or as a caterer, public event or special event licensee, bottle club, manufacturer, wine and spirits wholesaler or beer distributor, not to exceed the state license fee for each respective license; provided, the tax shall be levied only on such licensee who has a principal place of business in the city, and as authorized by section 4-104 of title 37A of the Oklahoma statutes.
25. "Original package" means any container of alcoholic beverage filled and stamped or sealed by the manufacturer.

26. "Package store" means any sole proprietor or partnership that qualifies to sell wine, beer and/or spirits for off-premises consumption and that is not a grocery store, convenience store or drug store, or other retail outlet that is permitted to sell wine or beer, for off-premise consumption.
27. "Patron" means any person, customer or visitor or who is not a licensee or who is not employed by a licensee but is or has recently been served as alcoholic beverage for on-premises consumption.
28. "Person" means an individual, any type of partnership, corporation, association, limited liability company or any individual involved in the legal structure of any such business entity.
29. "Premises" means the grounds and all buildings and appurtenances pertaining to the grounds including any adjacent premises if under the direct or indirect control of the licensee and the rooms and equipment under the control of the licensee and used in connection with or in furtherance of the business covered by a license.
30. "Principal place of business," for purposes of this ordinance, means any single, definable and physically segregated location where operations subject to licensure under title 37A of the Oklahoma Statutes are, or may be, undertaken.
31. "Private event" means a social gathering or event attended by invited guests who share a common cause, membership, business or task and have a prior established relationship. For purposes of this definition, advertisement for general public attendance or sales of tickets to the general public shall not constitute a private event.
32. "Public event" means any event that can be attended by the general public.
33. "Rectifier" means any person who rectifies, purifies or refines spirits or wines by any process (other than by original and continuous distillation, or original and continuous processing, from mash, wort, wash or other substance, through continuous closed vessels and pipes, until the production thereof is complete), and any person who, without rectifying, purifying or refining spirits, shall by mixing (except for immediate consumption on the premises where mixed) such spirits, wine or other liquor with any material, manufactures any spurious, imitation or compound liquors for sale, under the name of whiskey, brandy, rum, gin, wine, spirits, cordials or any other name.
34. "Regulation" or "rule" means a formal rule of general application promulgated by the ABLE Commission or by the city;
35. "Restaurant" means an establishment that is licensed to sell alcoholic beverages by the individual drink for on-premises consumption and where food is prepared and sold for immediate consumption on the premises.
36. "Retail container for spirits and wines" means an original package of any capacity approved by the United States Bureau of Alcohol, Tobacco and Firearms.
37. "Retailer" means a package store, grocery store, convenience store or drug store licensed to sell alcoholic beverages for off-premise consumption pursuant to a retail spirits license, retail wine license or retail beer license.
38. "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever, and includes and means all sales made by any person, whether as principal, proprietor or as an agent, servant or employee. The term "sale" is also declared to be and include the use or consumption in this state of any alcoholic beverage obtained within or imported from without

this state, upon which the excise tax levied by the Alcoholic Beverage Control Act has not been paid or exempted.

39. "Small brewer" means a brewer who manufactures less than twenty-five thousand (25,000) barrels of beer annually pursuant to a validly issued small brewer license hereunder.
40. "Small farm wine" means a wine that is produced by a small farm winery with seventy-five percent (75%) or more Oklahoma-grown grapes, berries, other fruits, honey or vegetables.
41. "Small farm winery" means a wine-making establishment that does not annually produce for sale more than fifteen thousand (15,000) gallons of wine as reported on the United States Department of the Treasury, Alcohol and Tobacco Tax and Trade Bureau, Report of Wine Premises Operations.
42. "Sparkling wine" means champagne or any artificially carbonated wine.
43. "Special event" means an entertainment, recreation or marketing event that occurs at a single location on an irregular basis and at which alcoholic beverages are sold.
44. "Spirits" means any beverage other than wine or beer, which contains more than one-half of one percent (1/2 of 1%) alcohol measured by volume, and obtained by distillation, whether or not mixed with other substances in solution and includes those products known as whiskey, brandy, rum, gin, vodka, liqueurs, cordials and fortified wines and similar compounds, but shall not include any alcohol liquid completely denatured in accordance with the acts of Congress and regulations pursuant thereto.
45. "Strong beer" means beer which, prior to October 1, 2018, was distributed pursuant to the Oklahoma Alcoholic Beverage Control Act, Section 501 et seq. of Title 37 of the Oklahoma Statutes.
46. "Territory" means a geographic region with a specified boundary.
47. "Wine" means and includes any beverage containing more than one-half of one percent (1/2 of 1%) alcohol by volume and not more than twenty-four percent (24%) alcohol by volume at sixty (60) degrees Fahrenheit obtained by the fermentation of the natural contents of fruits, vegetables, honey, milk or other products containing sugar, whether or not other ingredients are added, and includes vermouth and sake, known as Japanese rice wine.
48. "Wine and spirits wholesaler" or "wine and spirits distributor" means and includes any sole proprietorship or partnership licensed to distribute wine and spirits in the state. The term "wholesaler", as used in this act, shall be construed to refer to a wine and spirits wholesaler.

3-2-3: EXPIRATION AND TERMINATION OF CITY-ISSUED LICENSE; PAYMENT OF OCCUPATION TAX; PRORATION; OPERATION WITHOUT ABLE LICENSE AND PAYMENT OF OCCUPATION TAX PROHIBITED

A. Expiration and Termination of City-Issued Licenses.

1. Low-Point Beer Licenses Issued Prior to June 30, 2018 (Fiscal Year 2017-2018). Licenses for the retail sale of low-point beer issued during fiscal year 2017-2018, and which expired on June 30, 2018, are hereby deemed to remain valid and in force through September 30, 2018, without the payment of an additional fee for licensure during the interim. Such licenses shall expire on September 30, 2018, and will not be reissued. Former low-point beer licensees at that time shall be responsible for the payment of an annual license fee to ABLE for a newly designated "retail beer license," and for payment of such annual

occupation tax to the City of Glenpool as shall be imposed by the City Council on the retail sale of beer in the City in accordance with this chapter.

2. All Other Licenses Issued Between July 1, 2018, and September 30, 2018 (the "Interim"). License fees paid to the City for all alcoholic beverage licenses other than low-point beer and licenses issued from July 1, 2018, through September 30, 2018, shall be applied to the cost of occupation taxes collected by the city, commencing on October 1, 2018. Such licenses shall expire on September 30, 2018, and will not be reissued. Licensees at that time shall be responsible for payment of the applicable annual license fee to ABLE and for payment of the balance, if any, of occupation tax to the city of Glenpool after deducting therefrom the amount paid for any city-issued license purchased during the Interim.

B. Occupation Tax. As of October 1, 2018, the city is authorized by section 4-104 of title 37A of the Oklahoma statutes, the alcoholic beverage control act, to levy an annual occupation tax for the privilege of operating as a beer, wine or spirits retailer; mixed beverage sales establishment (including hotel/motel or restaurant that sells alcoholic beverages for on-premises consumption); caterer; public event or special event licensee; bottle club; manufacturer of any alcoholic beverage; wine and spirits wholesaler; beer distributor; and any other person engaged in the manufacture, distribution, sales and/or service of alcoholic beverages with a principal place of business within city limits.

1. Such occupation taxes shall be adopted by the city council and administered by the city clerk.
2. No occupation tax may exceed the state license fee for the corresponding ABLE license.
3. Occupation taxes may be levied by the city only upon such licensee that has a principal place of business in the city.
4. This subsection does not give the city any right to determine or regulate the issuance of any license, except as specifically provided for in subsection A of this section, as the ABLE Commission shall have exclusive authority as to issuance and regulation of all licenses.

C. SCHEDULE OF OCCUPATION TAX LEVIES:

1. Brewer licensee.....\$1,250.00
2. Small brewer licensee.....\$125.00
3. Distiller licensee.....\$3,125.00
4. Winemaker licensee.....\$625.00
5. Small farm winery licensee.....\$75.00
6. Rectifier licensee.....\$3,125.00
7. Wine and spirits wholesaler licensee.....\$3,000.00
8. Beer distributor Licensee.....\$750.00
9. Package stores, defined to include retail sales outlets qualified to sell wine, beer and spirits for off-premises consumption, will require all three licenses, while grocery stores, convenience stores and drug stores will need only retail wine and/or retail beer licenses.
 - a. Retail spirits licensee for city over 5,000 population.....\$905.00

b. Retail wine licensee.....	\$1,000.00
c. Retail beer licensee.....	\$500.00
10. Mixed beverage licensee	
a. Initial tax.....	\$1,005.00
b. Renewal tax.....	\$905.00
11. Mixed beverage/caterer combination licensee.....	\$1,250.00
12. On premises beer and wine licensee	
a. Initial tax.....	\$500.00
b. Renewal tax.....	\$450.00
13. Caterer licensee	
a. Initial tax.....	\$1,005.00
b. Renewal tax.....	\$905.00
14. Annual special event licensee.....	\$55.00
15. Quarterly special event licensee.....	\$55.00
16. Hotel beverage licensee	
a. Initial tax.....	\$1,005.00
b. Renewal tax.....	\$905.00
17. Agent licensee.....	\$55.00
18. Employee licensee (payment required only every two years) ³	\$30.00
19. Industrial licensee.....	\$23.00
20. Bonded warehouse licensee.....	\$190.00

³ An employee license authorizes the holder to work in a licensed package store, retail spirits, retail wine or retail beer establishment, brewpub, mixed beverage establishment, beer and wine establishment, bottle club, public event or any establishment where alcohol or alcoholic beverages are sold, mixed or served. Persons employed by a mixed beverage, on-premises beer and wine, retail wine, retail beer, public event or a bottle club licensee who do not participate in the service, mixing or sale of mixed beverages shall not be required to have an employee license. A manager employed by a mixed beverage licensee, public event licensee or a bottle club shall be required to have an employee license whether or not the manager participates in the service, mixing or sale of mixed beverages. Applicants for an employee license must be at least eighteen years of age and have a health card issued by the Tulsa City-County Health Department. The provisions of this section do not permit any person under twenty-one years of age to be employed to sell spirits. Employees of a special event, caterer, unless catering a mixed beverage-licensed premise, shall not be required to obtain an employee license. Persons employed by a hotel licensee who participate in the stocking of hotel room mini-bars or in the handling of alcoholic beverages to be placed in such devices shall be required to have an employee license. **As a prerequisite to the issuance of an employee license, not later than fourteen days after initial licensure, the first-time applicant shall be required to have successfully completed a training program conducted by the ABLE Commission, or by another entity approved by the ABLE Commission, including an in-house training program conducted by the employer.** Proof of training completion shall be made available for inspection by the ABLE Commission at the business location employing the licensee. The failure of an employee licensee to comply with this section may constitute a revocable offense.

21. Storage licensee.....	\$23.00
22. Nonresident seller or manufacturer's licensee.....	\$750.00
23. Manufacturer's agent licensee.....	\$55.00
24. Sacramental wine supplier licensee.....	\$100.00
25. Charitable auction licensee.....	\$1.00
26. Charitable alcoholic beverage licensee.....	\$55.00
27. Winemaker self-distribution licensee.....	\$750.00
28. Annual public event licensee.....	\$1,005.00
29. One-time public event licensee.....	\$255.00
30. Small brewer self-distribution licensee.....	\$750.00
31. Brewpub licensee.....	\$1,005.00
32. Brewpub self-distribution licensee.....	\$750.00

- D. Payment of occupation taxes for fiscal year 2018-2019, and following, shall be prorated. as follows:
1. Occupation taxes paid between October 1, 2018, and December 31, 2018, shall be charged an amount equivalent to seventy-five percent (75%) of the cost for the corresponding annual license issued by the ABLE Commission.
 2. Occupation taxes paid between January 1, 2019, and June 30, 2019, shall be charged an amount equivalent to fifty percent (50%) of the cost for the corresponding annual license issued by the ABLE Commission.
 3. Unless and until amended by the city council or by statute, occupation taxes for fiscal years subsequent to fiscal year 2018-2019 shall be equivalent to one hundred percent (100%) of the cost for the corresponding annual license issued by the ABLE Commission, provided that occupation taxes owed and paid after December 31 of any such fiscal year shall be an amount equivalent to fifty percent (50%) of the cost for the corresponding annual license issued by the ABLE Commission.
- E. Prohibition of occupation without payment of license fee or payment of occupation tax, as applicable. No occupation, as defined in this chapter to include any brewer, distiller, winemaker, rectifier, wholesaler or bottler of any alcoholic beverage; or any convenience store, grocery store, hotel or motel, retail package store, nor any other business that manufactures, distributes, serves or sells alcoholic beverages in the city, as those terms are defined in this chapter or either of title 37 § 506 of the Oklahoma statutes through September 30, 2018, or title 37A § 1-103 of the Oklahoma statutes commencing October 1, 2018, shall conduct such occupation in the city until the license fee or occupation tax, as applicable, imposed by this chapter has been paid in full to the ABLE Commission or to the city clerk, respectively, and receipt issued therefor.
- F. Limited jurisdiction. This section does not give the city any right to determine or regulate the issuance of any license, as the ABLE Commission shall have exclusive authority as to issuance and regulations of licenses. The city may not prescribe rules or regulations in conflict with or in addition to the statutes of the state or rules of the ABLE Commission.

3-2-4: ANNUAL REPORT TO STATE:

- A. Prior to October 1, 2018: the city clerk shall make and transmit the required annual report to the ABLE commission showing the number and class of licenses upon which license fees were imposed since July 1, 2018, and the amount collected from such fees
- B. As of October 1, 2019, and thereafter: the city clerk shall make and transmit to the ABLE Commission an annual report covering the prior fiscal year, showing the number and class of licensees subject to the occupation tax authorized by this chapter, and the amount of money received therefrom, which information is to be included in the annual report of the ABLE Commission submitted to the Governor, and transmitted to the Legislature.

3-2-5: SEPARATED PREMISES; PASSAGEWAYS:

- A. Premises: No person shall maintain, operate, or assist in any manner, the maintenance or operation of a retail wine, retail beer or retail package store in premises that are not separated from adjoining premises on which any other goods, wares, or merchandise are sold or services are rendered by nontransparent walls, broken only, if at all, by a passageway to which the public is not admitted.
- B. Passageways: No person shall take any alcoholic beverage through any passageway described in subsection A of this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverage.

3-2-6: SALES IN CONTAINERS; CONSUMPTION RESTRICTIONS:

- A. Conditions for Selling: No person shall sell or deliver alcoholic beverages at a retail beer, wine or package store other than:
 - 1. In retail containers.
 - 2. At ordinary room temperature through September 30, 2018 (with the exception of low point beer until such category is treated as retail beer under title 37A).
[Package stores may install refrigerated coolers for the storage of beer and wine prior to October 1, 2018, provided the refrigerated coolers shall not be used to cool products below room temperature until after October 1, 2018.]
 - 3. In the original package.
 - 4. For consumption off the premises.
- B. Consumption on Premises Prohibited: No person shall drink or consume in any manner alcoholic beverages on the premises of a retail alcoholic beverage store, nor shall any person open or break the seal of any original package or retail container containing alcoholic beverages on the premises of any such retail alcoholic beverage store.
- C. Allowing Consumption on Premises: No person owning, employed in, or in any manner assisting in the maintenance and operation of a retail alcoholic beverage store shall permit any alcoholic beverages to be consumed or any retail container of such beverage to be opened on the premises of such store.

3-2-7: SALE AT RETAIL STORES:

- A. Through September 30, 2018: no person shall sell at retail, and no person shall deliver in consequence or in contemplation of such a sale, any alcoholic beverages (as defined

in title 37 of the Oklahoma statutes to exclude low-point beer) at any place in the city except at a licensed package store.

- B. As of October 1, 2018: the sale of beer and wine shall be permitted at such package stores, grocery stores, convenience stores and drug stores as have been licensed as retail sellers and have paid their occupation tax.

3-2-8: LOCATION RESTRICTIONS:

- A. Compliance With Zoning Regulations: No retail alcoholic beverage store, and no wholesale alcoholic beverage store, warehouse, brewery, distillery, winery, or any other place, however described, for the manufacture or production or bottling of alcoholic beverages of any kind shall be located, maintained, or operated by any person at any place within the boundaries of the city except at a location at which such an establishment is permitted by the zoning ordinance of the city.
- B. Operation At Prohibited Location: No person shall own, operate, maintain, or possess any interest in any retail alcoholic beverage store which is located at a place within the city which is forbidden as a location for such store by the laws of the state of Oklahoma.
- C. Proximity to Schools and Churches: Locations that sold only low-point beer and were permitted prior to October 1, 2018, to sell at a location within 300 feet of a public or private school or church is eligible to obtain a mixed beverage license, provided that this grandfathering provision will not survive and will terminate upon a change of ownership.

3-2-9: CERTIFICATE OF COMPLIANCE

- A. A certificate of compliance, on forms furnished by the city and issued by the city clerk with respect to the applicant's principal place of business under the license, certifying that, as of the date of the certificate of compliance, inspections performed by the respective authorized officers disclosed no conditions that violate any zoning regulations, building codes, fire safety regulations or health code regulations is a condition for issuance of an original license by the ABLE Commission as of October 1, 2018.
- B. The certificate of compliance shall be reviewed and approved by the following city or county officers:
 - 1. Compliance with all municipal zoning ordinances shall be verified by the director of community development, the city planner or a qualified designee of either.
 - 2. Compliance with all applicable building codes shall be verified by the director of community development, the city building inspector or a qualified designee of either.
 - 3. Compliance with all fire code requirements shall be verified by the chief of the fire department or a designated and qualified fire inspector.
 - 4. Compliance with all health code regulations shall be verified by an inspector for the Tulsa City-County Health Department or local code enforcement officer is authorized to do so by the Tulsa City-County Health Department.

3-2-10: DAYS AND HOURS OF OPERATION:

- A. Wine Retailers, Beer Retailers and Spirits Retailers (Off-Premises Consumption)
 - 1. No holder of a retail wine license or a retail beer license shall sell any beer or wine for off-premises consumption at any hour other than between the hours of 6:00 a.m. and 2:00 a.m.

the following day, Monday through Sunday. Retail wine and retail beer licensees shall be permitted to sell beer and wine on the day of any general, primary, runoff primary or special election whether on a national, state, county or city election.

2. No holder of a spirits retail license shall sell any alcoholic beverage for off-premises consumption at any hour other than between the hours of 8:00 a.m. and 12:00 a.m. (midnight) the following day, Monday through Sunday, including all holidays except Christmas Day and Thanksgiving Day. Retail spirits licensees shall be permitted to sell alcohol beverages on the day of any general, primary, runoff primary or special election whether on a national, state, county or city election.
3. Wholesale deliveries to package stores shall be permitted on all days that such stores are permitted to operate, except New Year's Day and July 4.

B. Days and Times of Lawful Sale for On-Premises Consumption

1. Through September 30, 2018. No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event, on-premises beer and wine licensee, small brewer or brewpub licensee between the hours of 2:00 a.m. and 10:00 a.m.
2. After October 1, 2018: No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event, on-premises beer and wine licensee, small brewer or brewpub licensee between the hours of 2:00 a.m. and 8:00 a.m.
3. The city will abide by and enforce any designations made by Tulsa County with respect to prohibiting the sales of alcoholic beverages on any or all of the following days or hours, as applicable:
 - a. On the first day of the week, commonly called Sunday;
 - b. On Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day.

C. Special Provisions

1. Motion picture theatres with mixed beverage licenses to sell alcoholic beverages for on-premises consumption, subject to the presentation of identification showing that the purchaser is of legal drinking age and wearing a bracelet or hand-stamp.
2. Wineries may sell wine by the full glass within designated sampling areas at licensed locations and trade shows.

3-2-11: RETAIL WINE AND RETAIL SPIRITS OPERATORS SHALL NOT:

- A. Purchase or receive any alcoholic beverage other than from a wine and spirits wholesaler, beer distributor, winery or small brewer self-distribution licensee who elects to self-distribute.
- B. Permit any retail container to be opened, or any alcoholic beverage to be consumed, on the licensed premises, unless otherwise permitted by law.

3-2-12: AGE RESTRICTIONS ON EMPLOYMENT AND CONSUMPTION:

- A. No licensed package store, retail spirits, retail wine or retail beer establishment, brewpub, mixed beverage establishment, beer and wine establishment, bottle club, public event or any establishment where alcohol or alcoholic beverages are sold, mixed or served shall employ any

person under eighteen (18) years of age in the selling of beer or wine or employ any person under twenty-one (21) years of age in the selling of spirits; provided that, a mixed beverage, beer and wine, caterer, public event, special event, bottle club, retail wine or retail beer licensee may employ servers or sales clerks who are at least eighteen (18) years of age, except that persons under twenty-one (21) years of age may not serve in designated bar or lounge areas.

- B. A mixed beverage, beer and wine, caterer, public event, special event or bottle club licensee may employ or hire musical bands who have musicians who are under eighteen (18) years of age if each such musician is either accompanied by a parent or legal guardian or has on their person, to be made available for inspection upon demand by any employee of the ABLE Commission or law enforcement officer, a written, notarized affidavit from the parent or legal guardian giving the underage musician permission to perform in designated bar or lounge areas.
- C. No person shall knowingly sell, deliver or otherwise furnish alcoholic to any person under twenty-one (21) years of age; or knowingly permit any person under twenty-one (21) years of age who is an invitee to such person's residence or any building, structure or room owned, occupied, leased or procured by such person to possess or consume any alcoholic beverage.

3-2-13: SELLING ON CREDIT; DISHONORED PAYMENTS:

- A. No person at any retail alcoholic beverage store in the city shall sell any spirits, beer or wine on credit; provided, that acceptance by a retail package store, grocery store, convenience store or drug store of a cash or debit card, or a nationally recognized credit card, in lieu of actual cash payment does not constitute the extension of credit.
- B. As used in this section:
 - 1. "Cash or debit card" means any instrument or device whether known as a cash or debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility.
 - 2. "Nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit which is accepted by over one hundred retail locations.
- C. No person may pay for any alcoholic beverage by a check or draft which is dishonored by the drawee when presented to such drawee for payment. The ABLE Commission may cancel or suspend the license of any retailer who has given a check or draft, as maker or endorser, which is so dishonored upon presentation.

3-2-14: GIVING PRIZES & INDUCEMENTS; DISCRIMINATION:

- A. No owner or proprietor of a retail alcoholic beverage store, and no person employed therein, shall offer or furnish any prize, premium, gift, or similar inducement to a consumer in connection with the sale of alcoholic beverages; except, that goods or merchandise included by the manufacturer in packaging with alcoholic beverages or for packaging with alcoholic beverages shall not be included in this prohibition, but no wholesaler or package store shall sell any alcoholic beverage prepackaged with other goods or merchandise at a price which is greater than the price at which the alcoholic beverage alone is sold.
- B. It shall be unlawful for any person privileged to sell alcoholic beverages to wholesalers or retailers:

1. To discriminate, directly or indirectly, in price between one alcoholic beverages wholesaler and another alcoholic beverage wholesaler, when that manufacturer has not designated a single alcoholic beverage wholesaler, or between one retailer and another retailer purchasing alcoholic beverages bearing the same brand or trade name and of like age and quality; or
2. To grant, directly or indirectly, any discount, rebate, free goods, allowance or other inducement as consideration for the purchase and consumption of alcoholic beverages.

3-2-15: VIOLATIONS AND PENALTIES:

- A. For any violation of any provision of this chapter, each day's violation shall constitute a separate offense.
- B. See title 6, chapter 1, article D of this code for comprehensive description of violations and offenses involving alcoholic beverages, and applicable penalties.
- C. The city council may, as to any mixed beverage, beer and wine, caterer, public event or bottle club licensee in the city, initiate a license suspension or revocation proceeding as to such licensee by filing a written complaint with the ABLE Commission. Such complaint shall set forth the grounds for the proposed suspension or revocation. Such complaint may be based on any ground that the ABLE Commission might have asserted and shall otherwise be processed in accordance with laws and regulations applicable to ABLE..

Section 2. All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

Section 3. The City Council, by separate vote, finds that this Ordinance shall be immediately effective in order to protect the public safety, health and welfare, and declares an emergency for that purpose.

PASSED AND APPROVED by the City Council of the City of Glenpool this 17th day of September 2018.

Tim Fox, Mayor

Attest:

[SEAL]

Wendy Knight, City Clerk

Approved as to form:

Lowell Peterson, City Attorney



MEMORANDUM

TO: HONORABLE MAYOR and CITY COUNCIL

FROM: LYNN BURROW, PE
COMMUNITY DEVELOPMENT DIRECTOR

RE: TULSA COUNTY CONTRACT for PUBIC IMPROVEMENTS
2018 CDBG PROJECT – GLENPOOL SENIOR CITIZEN CENTER

DATE: SEPTEMBER 17, 2018

BACKGROUND

This item is for Council consideration and action regarding the approval and acceptance of a certain Contract for Public Improvements between the City of Glenpool and Tulsa County covering the 2018 CDBG grant that was awarded to the City in July. As noted in the attachments, the original grant application was authorized by the adoption of City of Glenpool Resolution No. 2018002 on March 19th, 2018, and at that time was to be in an amount not to exceed \$102,504. The proposed grant was to be used to partially fund an improvement project involving certain kitchen and building interior lighting replacements and upgrades at the Senior Citizen Center in Black Gold Park per the attached concept drawings.

The original grant application included these conceptual architectural sketches, a breakdown of improvement items being proposed, and the corresponding estimated costs – see preliminary project budget document. The final application indicated a total project cost of \$109,667, of which, the City's portion necessary to fund the balance needed for the project was to be \$7,163. However, the final contract with Tulsa County indicates that the available 2018 CDBG funds have increased from the original amount of \$102,504 to \$115,351.50. The final grant total will now fund the original improvement work proposed in the grant application and will also allow some flexibility in determining the final scope of work proposed in the final construction and bid documents.

Note that Helms & Associates Architects was the consultant used to produce the original scope of the project and the associated cost estimate for the grant application. It is Staff's intent to contract with Greg Helms for the design and bidding portion of the work necessary to complete the grant process and the actual improvement construction.

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641
Mayor Tim Fox, Vice-Mayor Momodou Ceesay, Councilors: Patricia Agee, Brandon Kearns, and Jacqueline Lund
City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight
www.glenpoolonline.com

Staff Recommendation:

Staff recommends approval of the final Contract for Public Improvements with Tulsa County as necessary to initiate the overall project design and resulting bid documents and to authorize the Mayor to execute same on behalf of the City of Glenpool.

Attachments:

- A. Tulsa County CDBG Grant Contract
- B. Resolution No. 2018002
- C. Conceptual Architectural Plans and Related Cost Estimate

Contract For Public Improvements For Community Development Block Grant Program

This Contract for Community Development Block Grant ("CDBG") funds is made and entered into this ____ day of _____ 2018 by and between Tulsa County ("COUNTY"), and the City of Glenpool ("CITY").

This Contract shall be in effect the 1st day of July, 2018 and shall be in effect through the 30th day of June, 2019. If the funds are not exhausted at the end of the contract period, the Contract period may be extended by mutual agreement of both parties.

WHEREAS, the Housing and Community Development Act of 1974, as amended (24 U.S.C. 93-383 et seq.), (the "Act"), provides that Community Development Block Grant, ("CDBG"), funds may be used for the support of activities that provide decent housing and suitable living environments and expanded economic opportunities principally for persons of low- and moderate-income; and,

WHEREAS, CDBG Regulations 24 CFR 570.307(a) allow counties having a total combined population of 200,000 or more from the unincorporated areas and participating incorporated areas to qualify as an urban county; and,

WHEREAS, a Cooperation Agreement between the County and the City has been executed for the purpose of participation in the Tulsa County Urban County Community Development Block Grant Program for Federal Fiscal Years 2017-2019; and,

WHEREAS, the City desires to enter into a Contract with Tulsa County, as lead entity of the Tulsa County Community Development Block Grant Urban County Program (CFDA 14.218) pursuant to Title I of the Housing and Community Development Act of 1974, as amended; to receive an allocation of FY 2018 Tulsa County CDBG Urban County funds (**B-18-UC-40-0001**) for the purpose of public improvements;

NOW THEREFORE, the parties do mutually agree as follows:

I. Scope of Services

The City shall be responsible for the oversight of the renovation of the Glenpool Senior Citizens Center that includes conversion of the kitchen to a full commercial grade and standard for food preparation with new cabinets, storage, plumbing fixtures, flooring, and commercial grade appliances. In addition, new energy efficient LED lighting will be installed throughout the entire building. These renovations and upgrades are in order to serve the users of the Senior Citizens Center and to meet the objectives of the Community Development Block Grant Program in accordance with the terms and conditions as set forth herein.

The City agrees to perform those duties, obligations, and representations contained in its application to Tulsa County and to be bound by the provisions of its application, all amendments thereto and all correspondence relating thereto, which were submitted to and accepted by Tulsa County in contemplation of this contract, said application being incorporated herein and made a part hereof by reference.

II. Budget

The City shall be allocated \$115,351.50 from Fiscal Year 2018 Tulsa County CDBG Urban County funds.

- a. No property or non-permanent fixtures shall be purchased with CDBG funds.

III. Performance Measurement

The project must be under construction with a Notice to Proceed issued no later than **180** days from the date of approval of this contract by the County. Failure to commence construction within the timeframe may result in withdrawal of CDBG funds by the County for noncompliance of timely expenditure of funds.

IV. Method Of Payment

- a. Payment will be made to the City on either a reimbursement of paid invoices basis or submission of actual payable invoices. The City shall submit a "Request for Funds" form to the program administrator, INCOG for approval and payment by Tulsa County.
- b. City will maintain proper financial records for the project, which the County reserves the right to inspect on a periodic basis.
- c. In no event will the total compensation to be paid hereunder exceed the expressly agreed maximum sum of One Hundred & Fifteen Thousand, Three Hundred & Fifty-one Dollars and Fifty Cents (\$115,351.50) for all services required.

V. Reversion of Assets

After reconciliation of the project books and submittal of remaining unpaid claims to the County, the City shall return any unused CDBG funds within 30 days of the date this agreement terminates or expires.

GENERAL TERMS AND CONDITIONS

Subcontract Notification Provision

None of the work and services covered by this contract may be subcontracted without written consent of the County. Any work or services subcontracted hereunder shall be specified by written agreement and shall be subject to each provision of this agreement. In no event will the City incur any obligation on the part of the County.

Modification

This contract is subject to such modification as may be required by federal or state law or regulations. The work and services to be performed and the total contract amount may be modified only upon written agreement of both parties.

Disputes, Interpretation, Remedies

- a. In the event the parties fail to agree on interpretations of this contract, the details of such disagreement shall be forwarded to the legal counsels of both parties for review and recommendation and such recommendations forwarded to HUD, who shall make the final determination.
- b. Neither forbearance nor payment by the County shall be construed to constitute waiver of any remedies for any default or breach by the City that exists then or occurs later.

Severability Clause

If any provision under this contract or its application to any person or circumstance is held invalid by any court of competent jurisdiction, such invalidity does not affect any other provision of this contract or its application that can be given effect without the invalid provision or application.

Hold Harmless Clause

City shall, within limitations placed on such entities by any law, hold harmless the United States government, its agents, officers, and employees and the County, its agents, officers, and employees from all claims and actions, and all expenses defending same, that are brought as a result of any injury or damage sustained by any person or property which injury or damage is legally determined to be caused by any act or omission of City committed within the performance of its duties under this contract. City shall, within limitations placed on such entity by any law, hold harmless the United States government, its agents, officers, and employees and the County, its agents, officers and employees from any claim or amount recovered as a result of infringement of patent trademark, copyright, or from any claim or amounts arising or recovered under Workers' Compensation Laws, to the extent such claims arise out of acts committed in furtherance of this contract. In any agreement with any sub-recipient or any agent for City, City will specify that such sub-recipient or agents shall hold harmless the United States government, its agents, officers, and employees, and the County its agents, officers and employees for all the herein before described expenses, claims, actions, or amounts recovered, which is legally

determined to be caused by this sub-recipient or agent in the performance of their duties relating to this contract.

Personnel

- a. The City represents that it will secure all personnel required in performing the services under this contract. Such personnel shall not be employees of or have any contractual relationship with the County.
- b. The City has full responsibility for payment of worker's compensation insurance, unemployment insurance, social security, state and federal income tax and any other deductions required by law for its employees.
- c. All of the services required hereunder will be performed by the City or under its supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under state and local law to perform such services.

Termination of Contract for Cause

If, through any cause, the City shall fail to fulfill in a timely and proper manner its obligations under this contract, or if the City shall violate any of the covenants, agreements, or stipulations of this contract, the County shall thereupon have the right to terminate this contract by giving written notice to the City of such termination and specifying the effective date thereof, at least 15 days before the effective date of such termination. In such event, the City shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the City shall not be relieved of liability to the County for damages sustained by the County by virtue of any breach of the contract by the City.

Termination of Contract for Convenience

Either the City or the County may terminate this contract at any time by giving at least 15 days notice in writing to the other party. If the contract is terminated as provided herein, the City will be paid for the services provided and all allowable expenses incurred up to the termination date.

Conflict of Interest

No member of the governing body of the City, and no other officer, employee, or agent of the City who exercises any function or responsibility in connection with the planning and carrying out of the program, shall have any personal financial interest, direct or indirect, in this agreement, and the City shall take appropriate steps to assure compliance.

Interest of City and Employees

The City covenants that it presently has no interest and shall not acquire interest, direct or indirect, in the project area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of these

services hereunder. The City further covenants that in the performance of this agreement no person having any such interest shall be employed.

Reports and Information

The City, at such times and in such forms as the County may require, shall furnish the County such periodic reports as it may request pertaining to the work or services undertaken pursuant to the contract, costs and obligations incurred or to be incurred in connection there with and any other matters covered by this contract.

City shall furnish the County narrative reports and financial reports related to the elements of this contract in the forms and at such times as may be required by the County or federal grantor agencies.

Compliance with Local Laws

The City shall comply with all applicable laws, ordinances and codes of the state and local governments.

Copyright

No reports, maps, or other documents produced in whole or in part under this contract shall be the subject of an application for copyright by or on behalf of the City.

Records and Audits

City shall retain all books, documents, papers, records, and other materials involving all activities and transactions related to this contract for at least five (5) years from the date of submission of the final expenditure report or until all audit findings have been resolved, whichever is later. City shall, as often as deemed necessary by the County, permit authorized representatives of the County and its Auditors, the U.S. Department of Housing and Urban Development, the federal or state Department of Labor and the U.S. Comptroller General to have full access to and the right to fully examine all such materials.

The City shall comply with 2 CFR24 Part 200 requirements, where applicable. The OMB circulars are hereby made a part of this contract. The City shall provide a copy of its annual audit to the County for the periods of these CDBG funds within the earlier of 30 days after the City's receipt of the auditor's report or nine months after the end of the audit period.

Federal Funds in Excess of \$750,000

If the City expends \$750,000 or more in a year in Federal awards from all sources, the City shall comply with OMB circular A-133 requirements and have a Single Audit conducted. This OMB circular is hereby made a part of this contract. The City shall provide a copy of its A-133 audit to the County for the periods of these CDBG funds within the earlier of 30 days after the City's receipt of the auditor's report or nine months after the end of the audit period.

Anti-Kickback Regulations

The City shall comply with all applicable anti-kickback regulations covered under the Department of Labor Regulation 29 CFR, Part III.

Equal Employment Opportunity

The City shall comply with the following equal opportunity requirements as part of CDBG assurances:

a. Civil Rights Act of 1964, Title VI

City shall comply with Title VI of the Civil Rights Act of 1964, which provides that no person in the United States shall on the grounds of race, religion, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance.

b. Housing and Community Development Act of 1974, Section 109

City shall comply with Section 109 of the Housing and Community Development Act of 1974, which provides that no person in the United States shall on the grounds of race, color, religion, national origin or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded under the Act.

c. Housing and Urban Development Act of 1968, Section 3

City shall comply with Section 3, which provides that to the greatest extent feasible, training and employment opportunities shall be made available to lower-income residents of the unit of local government or metropolitan area (or non-metropolitan county) in which the project is located and that contracts be awarded to small businesses located within or owned in substantial part by residents of the same metropolitan area (or non-metropolitan county) as the project.

d. Affirmative Action

City shall take affirmative actions steps to contract with small and minority owned firms and women business enterprises in a part of the requirements of 24 CFR Part 85.36 or 24 CFR Part 570, Subpart J. Affirmative Actions steps include, but are not limited to, the following:

1. Including qualified small, minority and women business enterprises on solicitation lists.
2. Assuring that small, minority and women business enterprises are solicited whenever they are potential sources.

3. When economically feasible, dividing total requirements into smaller tasks or quantities to permit maximum small, minority and women business enterprises participation.
4. Where the requirement permits, establishing delivery schedules which will encourage participation by small, minority and women business enterprises.
5. Using the services and assistance of the Small Business Administration, the Office of Minority Business Enterprise of the U.S. Department of Commerce and the local minority business development center that assists with management and technical aspects and maintains a directory of minority contractors, suppliers and vendors.

Labor Standards

- a. The City shall comply with the requirements of Davis-Bacon Act (40 USC Section 276a-276a-5), which requires payment of the prevailing wage for the locality to workers on construction contracts over \$2,000. Housing rehabilitation projects of fewer than eight units are exempt. Regulations are at 29 CFR, Part 5. The City further certifies that it shall include in its bidders' packages the U.S. Department of Labor Wage Determination List and a statement that the Contractor and any subcontractors must comply with these wage rates in performance of the work required.
- b. Copeland (Anti-Kickback) Act (18 USC Section 874, 40 USC Section 176c), which applies to all contracts covered by Davis-Bacon and provides that workers must be paid weekly, with only permissible deductions allowed. Regulations are at 29 CFR, Part 3;
- c. Contract Work Hours and Safety Standards Act (40 USC Section 327, et seq.) which requires overtime compensation. Regulations are at 29 CFR, Part 5.

Acquisition and Relocation

Uniform Relocation Assistance and real Property Acquisition Policies Act of 1970, as amended (P.L. 91-646, P.L. 100-17) Section 305 of Title III and Section 210 of Title II require State and local recipients to comply with real property acquisition and relocation requirements set forth in said Act. Regulations are at 49 CFR, Part 24.

Age Discrimination Act of 1975

City shall comply with the provisions of the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age in the delivery of services and benefits supported by federal funds.

Americans With Disabilities Act of 1990

City shall comply to the extent required with the provisions of the Americans with Disabilities Act of 1990 which prohibits discrimination on the basis of disabled status in any publicly funded program and activity.

Rehabilitation Act of 1973, Section 504

City shall comply with the provisions of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of handicap in any programs or activities receiving federal financial assistance.

IN WITNESS WHEREOF, the City and County have executed this contract as of the date first written above.

City of Glenpool, Oklahoma

By _____, Mayor

ATTEST:

City Clerk

Approved:

City Attorney

Tulsa County Board of Commissioners

By _____ Chair

ATTEST:

County Clerk

Approved:

District Attorney

ATTACHMENT E

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2018 TULSA COUNTY URBAN COUNTY

RESOLUTION 2018002

WHEREAS, the Housing and Community Development Act of 1974, as amended (24 U.S.C. 93-383 et seq.), (the "Act"), provides that Community Development Block Grant, ("CDBG"), funds may be used for the support of activities that provide decent housing and suitable living environments and expanded economic opportunities principally for persons of low- and moderate-income; and,

WHEREAS, CDBG Regulations 24 CFR 570.307(a) allow counties having a total combined population of 200,000 or more from the unincorporated areas and participating incorporated areas to qualify as an urban county; and,

WHEREAS, Title I of the Housing and Community Development Act of 1974, Public Law 93-383, as amended, authorized the Secretary of Housing and Urban Development, as a representative of the United States of America, to grant to Tulsa County funds and administrative responsibility for the Tulsa County CDBG Urban County program; and

WHEREAS, a Cooperation Agreement between Tulsa County and the City of Glenpool has been executed for the purpose of participation in the Tulsa County Urban County Community Development Block Grant Program for Federal Fiscal Years 2017-2019; and,

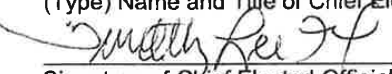
NOW THEREFORE, BE IT RESOLVED by the Glenpool City Council that the City of Glenpool desires to obtain assistance in addressing community development needs and hereby requests the Tulsa County CDBG Urban County program to provide assistance.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Glenpool City Council that the City of Glenpool affirms its commitment to take all action within its power to facilitate the receipt of the assistance of community development funds, and upon receipt to administer said grant by the rules and regulations established by the United States of America, the State of Oklahoma, Tulsa County and all empowered agencies thereof.

ADOPTED this 19 day of March, 2018, at a regularly scheduled meeting of the governing body, in compliance with the Open Meeting Act, 25 O.S. §§ 301-314 (2001).

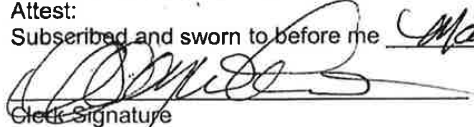
TIMOTHY LEE FOX, MAYOR

(Type) Name and Title of Chief Elected Official


Signature of Chief Elected Official

Attest:

Subscribed and sworn to before me March 19, 2018


Clerk Signature



ATTACHMENT A

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2018 TULSA COUNTY URBAN COUNTY
BUDGET

Name of Applicant: City of Glenpool FY18 Senior Citizens Center Improvements

Itemized Description of Construction Activity	Funding Source CDBG Grant	Funding Source City of Glenpool	Funding Source Other	Total Project Expenditures
Commercial grade range & oven	\$1,100.00			
Replace ceiling lighting throughout	\$13,500.00			
Commercial cook top vent hood	\$20,000.00		\$	
New kitchen appliances	\$5,000.00			
New kitchen cabinetry	\$10,000.00			
New kitchen plumbing fixtures	\$25,000.00			
New kitchen floor covering	\$2,500.00			
Misc. kitchen improvements	\$25,404.00	\$3,913.00		
Total Construction Activity	\$ 102,504.00	\$ 3,913.00	\$ -	\$106,417.00
Professional & Non Construction				
Engineering/Architect Funds	\$0.00	\$3,000.00		\$3,000.00
Inspection Funds	0.00			
Other: Survey	0.00			
Other: Publishing	0.00	250.00		250.00
Total Professional & Non Const.	\$ -	\$ 3,250.00	\$ -	\$ 3,250.00
Administrative Costs				
Public Administrative Funds	\$		\$	
Direct Administrative Funds	\$		\$	
Total Administrative Costs	\$ -		\$ -	\$ -
Total Project Costs	\$102,504.00	\$7,163.00		\$109,667.00

2018 Tulsa County CDBG Urban County Budget

If additional is space needed, attach additional sheet(s)

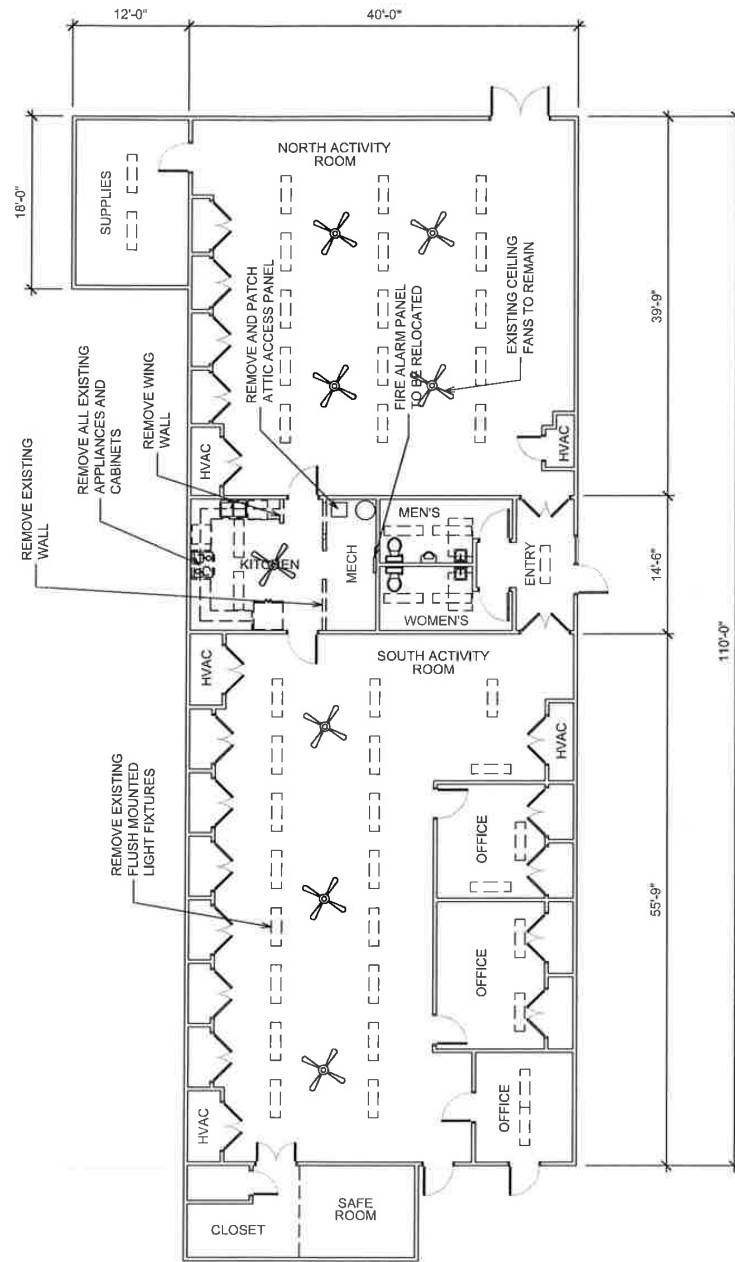


March 12, 2018

City of Glenpool
Senior Center Renovation Project

Preliminary Estimate of Probable Construction Costs

Demolition	\$3,500.00
Lighting Upgrade	\$13,250.00
New Millwork	\$10,000.00
Electrical / Fire Alarm	\$8,500.00
Plumbing	\$7,500.00
Kitchen Exhaust Hood & Installation	\$20,000.00
36" SS Range & Oven	\$1,100.00
Microwave	\$260.00
36" SS Prep Sink	\$2,350.00
SS Hand Washing Sink with Splash Panels	\$1,170.00
Undercounter Sanitizing Dishwasher	\$6,850.00
2-Door Refrigerator	\$1,785.00
2-Door Freezer	\$2,370.00
Equipment Delivery & Installation	\$1,225.00
FRP & SS Wall Panels	\$3,000.00
Wall Construction / Repair / Painting	\$3,200.00
Door & Frame	\$500.00
Superintendent	\$7,200.00
Sub-Total	\$93,760.00
Insurance & Bonds (1.5%)	\$1,406.00
Contractor O/H & Profit (12%)	\$11,251.00
TOTAL	\$106,417.00



1 DEMOLITION PLAN

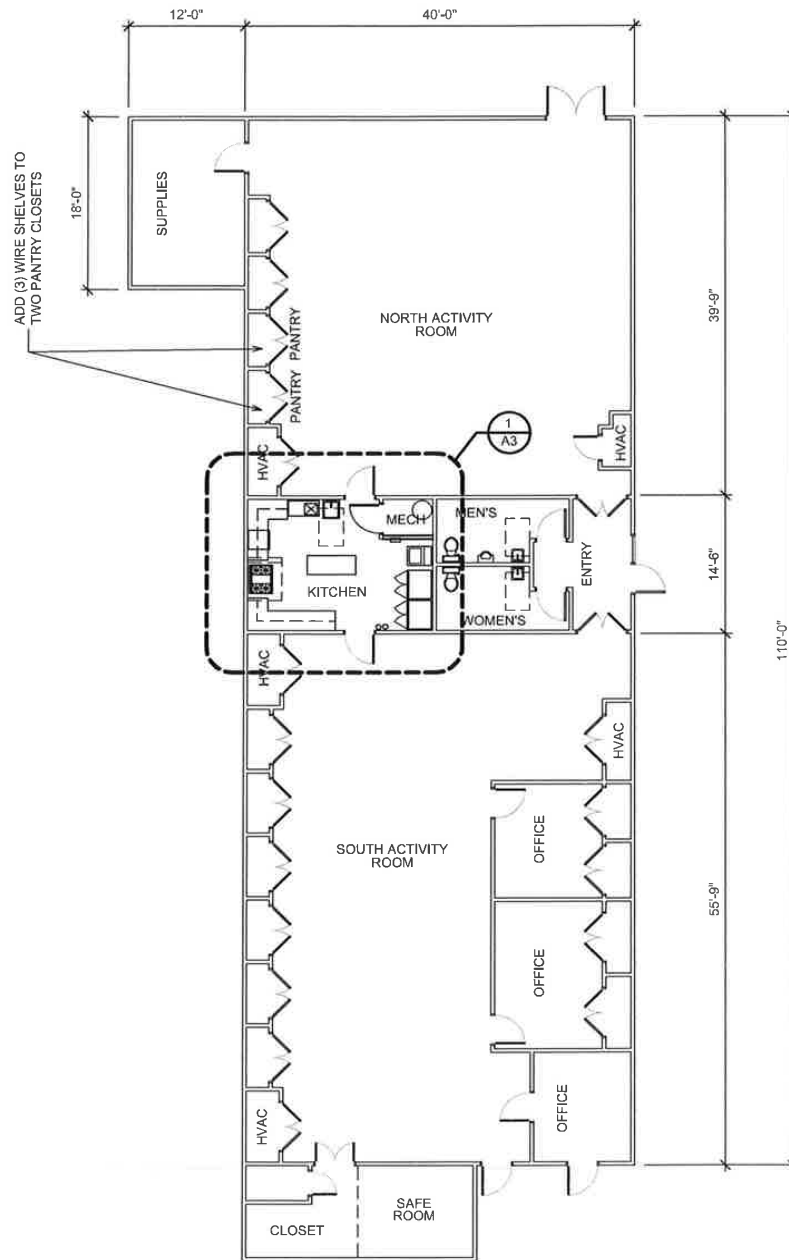
SCALE: 3/32" = 1'-0"



**GLENPOOL SENIOR
CENTER RENOVATION**
46 W. 145th ST. GLENPOOL, OK

A1

03.12.18
GSHELMS & ASSOCIATES, LLC



1 RENOVATION FLOOR PLAN

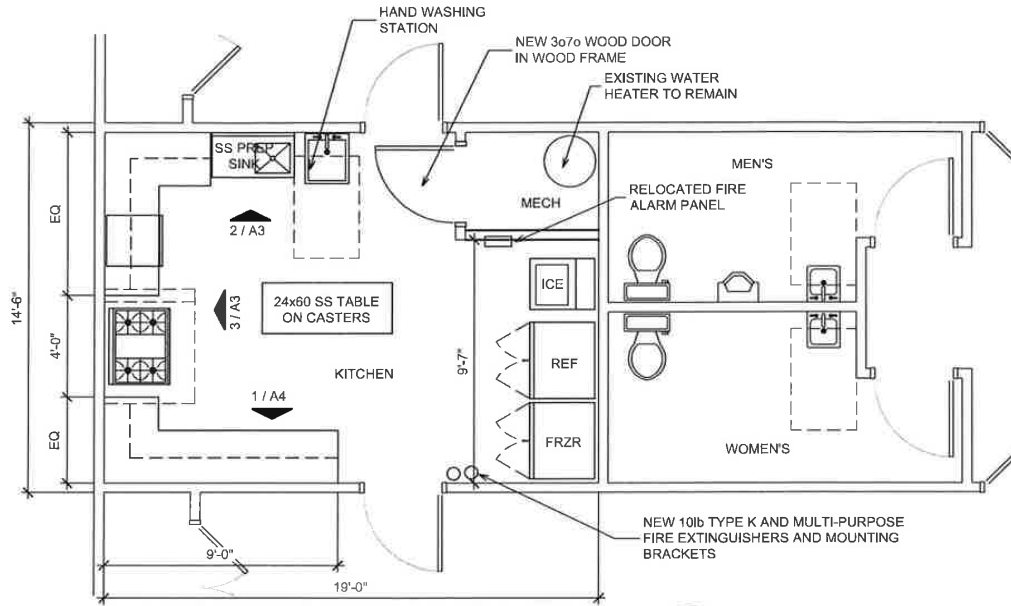
SCALE: 3/32" = 1'-0"



**GLENPOOL SENIOR
CENTER RENOVATION**
46 W. 145th ST. GLENPOOL, OK

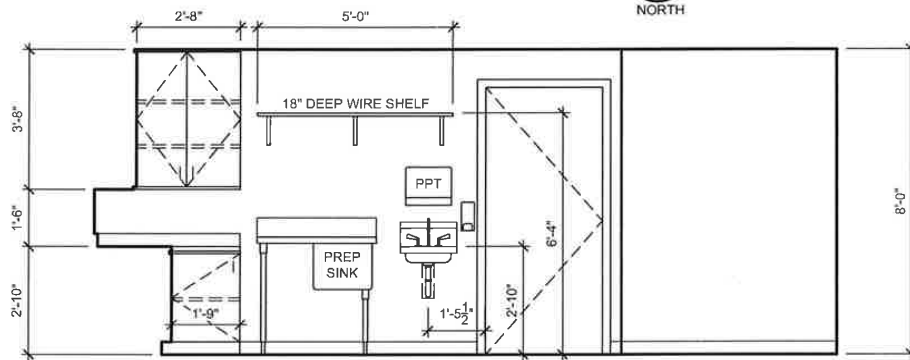
A2

03.12.18
GSHELMS & ASSOCIATES, LLC



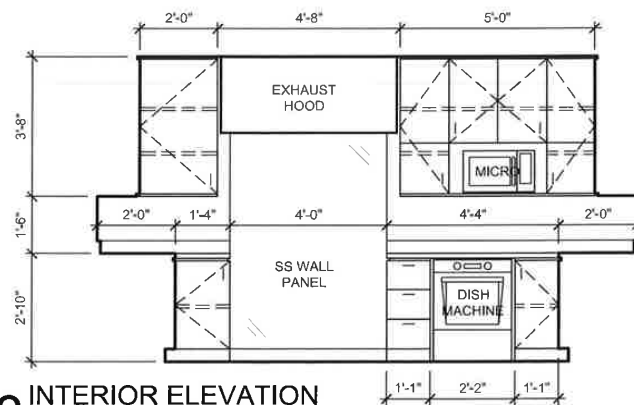
1 ENLARGED FLOOR PLAN

SCALE: 1/4" = 1'-0"



2 INTERIOR ELEVATION

SCALE: 3/8" = 1'-0"



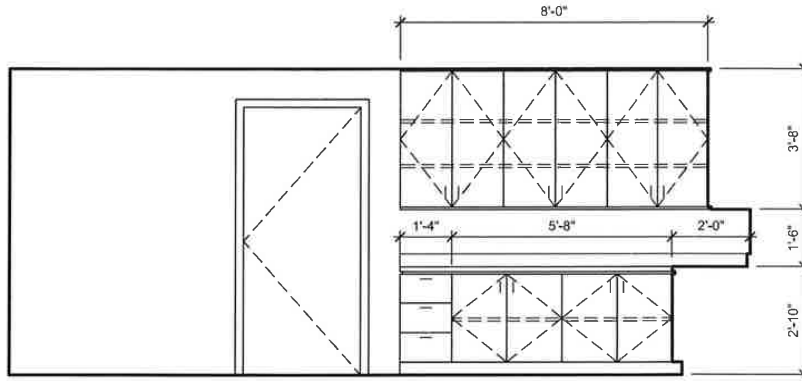
3 INTERIOR ELEVATION

SCALE: 3/8" = 1'-0"

**GLENPOOL SENIOR
CENTER RENOVATION**
46 W. 145th ST. GLENPOOL, OK

A3

03.12.18
GSHELMS & ASSOCIATES, LLC



1 INTERIOR ELEVATION

SCALE: 3/8" = 1'-0"

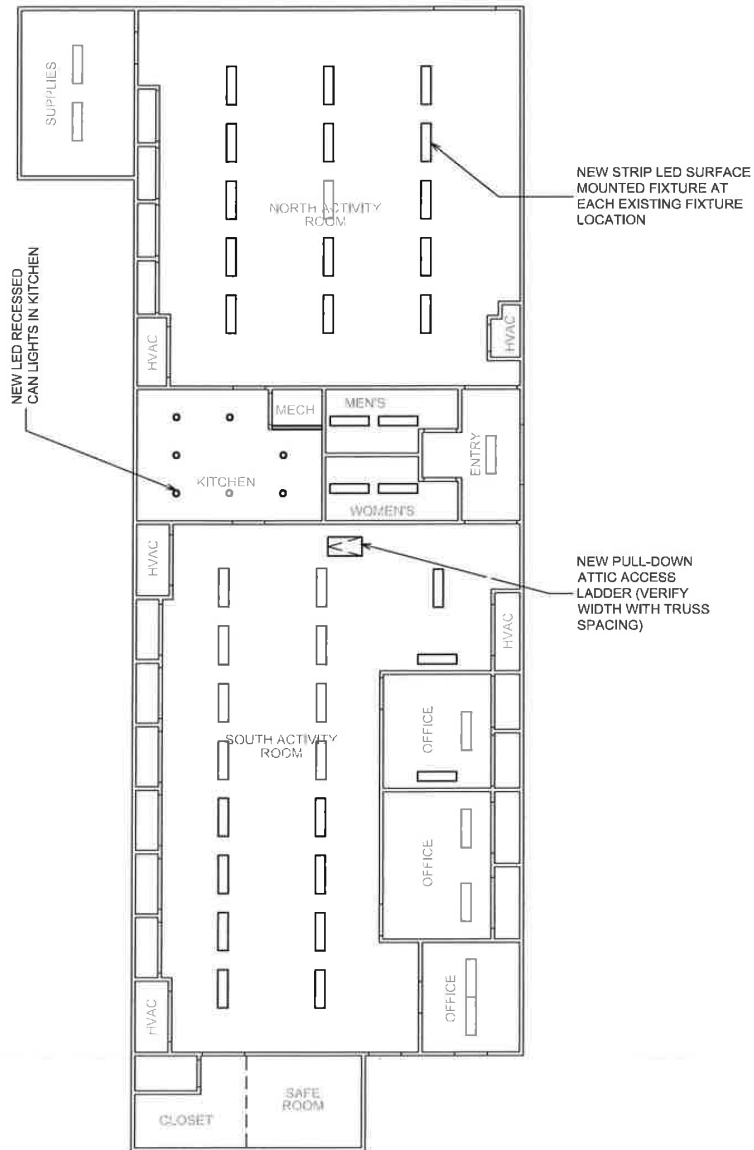
PROJECT NOTES

1. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL APPLICABLE CODES.
2. CONTRACTOR SHALL PROVIDE ALL MATERIALS AND LABOR NECESSARY TO PERFORM WORK IDENTIFIED ON PLANS, UNLESS SPECIFICALLY NOTED OTHERWISE.
3. CONTRACTOR SHALL PROVIDE AND INSTALL ALL REQUIRED BLOCKING FOR SECURE INSTALLATION OF SURFACE MOUNTED EQUIPMENT, FIXTURES, CASEWORK, ETC.
4. ADJACENT BUILDING AREAS SHALL BE PROTECTED AGAINST DAMAGE, DEBRIS AND DUST. PROJECT SITE SHALL BE SWEEPED AT THE END OF EACH WORKDAY.
5. EMERGENCY MEANS OF EGRESS SHALL BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.
6. ALL DIMENSIONS ARE TO THE FACE OF FINISHED WALLS OR TO THE CENTER-LINE OF WALLS, UNLESS SPECIFICALLY NOTED OTHERWISE. IF ADDITIONAL DIMENSIONS ARE REQUIRED, COORDINATE WITH ARCHITECT. DIMENSIONS SHALL NOT BE DETERMINED BY SCALING DRAWINGS.
7. DURING WELDING OR ANY OTHER CONSTRUCTION ACTIVITY THAT GENERATES SPARKS OR INTENSE HEAT, THE CONTRACTOR SHALL PROVIDE ADEQUATE FIRE PROTECTION TO THE EXISTING STRUCTURE AND CONTENTS.
AS A MINIMUM:
-REMOVE COMBUSTIBLE MATERIALS FROM AREAS OF WELDING AND SPARKS.
-PROVIDE FIREPROOF BLANKETS AND SHIELDS TO CONTAIN SPARKS WHERE COMBUSTIBLE MATERIAL CAN NOT BE REMOVED.
-PROVIDE A FIRE SAFETY OBSERVER WITH A FIRE EXTINGUISHER DURING WELDING OPERATIONS.
8. DASHED LINES ON DEMOLITION PLAN INDICATE INTENT OF REMOVAL AND DEMOLITION OF WALLS, DOORS, FIXTURES, AND OTHER ITEMS AS MARKED & NOTED.
9. DEMOLITION ITEMS NOTED ARE FOR A GENERAL IDEA OF THE PROJECT SCOPE. CONTRACTOR SHALL PROVIDE ANY ADDITIONAL DEMOLITION REQUIRED TO COMPLETE THE INTENT OF THE NEW DESIGN.
10. ALL FIXTURES, EQUIPMENT, CASEWORK, WIRING DEVICES, ETC. ON ITEMS THAT ARE IDENTIFIED TO BE REMOVED SHALL BE REMOVED WITH THAT ITEM, UNLESS SPECIFICALLY NOTED OTHERWISE.
11. CONTRACTOR SHALL PROPERLY DISPOSE OF ALL ITEMS REMOVED AS PART OF THE PROJECT AND THAT ARE NOT NOTED TO BE RELOCATED OR RETURNED TO OWNER.
12. PROVIDE NEW WHITE FRP ON ALL KITCHEN WALLS EXCEPT WHERE SS WALL PANEL IS NOTES. PROVIDE ALL NECESSARY TRIM PIECES.
13. PROVIDE NEW 4" RESILIENT BASE AT KITCHEN WALLS AND BASE CABINETS.
14. KITCHEN CEILING SHALL BE PAINTED SEMI-GLOSS WHITE
15. MICRO: 1.2 CF, 1000w MICROWAVE (120v)
16. PREP SINK: ADVANCE TABCO FC-1-1620-18 SINGLE COMPARTMENT SS SINK WITH DRAINBOARD (36 1/2" OVERALL WIDTH)
17. HAND WASHING SINK: ADVANCE TABCO 7-PS-40 WALL MOUNTED SS HAND SINK WITH SIDE SPLASHES, LEVER DRAIN, P-TRAP, GOOSE NECK FAUCET AND DRAIN PIPE SCALD-GUARD INSULATION.
18. DISHWASHER: LXeH BASE UNDERCOUNTER DISHWASHER (120 / 208 v), 32 RACKS PER HOUR
19. LED SURFACE MOUNT LIGHT FIXTURE: COMMERCIAL ELECTRIC, 48" WHITE LED HIGH OUTPUT 58w SURFACE MOUNT FIXTURE WITH WRAP-AROUND LENS.
20. ATTIC ACCESS LADDER: WERNER 22.5" x 54" ALUMINUM UNIVERSAL FIT ATTIC LADDER, 375lb CAPACITY

**GLENPOOL SENIOR
CENTER RENOVATION**
46 W. 145th ST. GLENPOOL, OK

A4

03.12.18
GSHELMS & ASSOCIATES, LLC



1 REFLECTED CEILING PLAN

SCALE: 3/32" = 1'-0"



**GLENPOOL SENIOR
CENTER RENOVATION**
46 W. 145th ST. GLENPOOL, OK

A5

03.12.18
GSHELMS & ASSOCIATES, LLC



MEMORANDUM

TO: HONORABLE MAYOR and CITY COUNCIL

FROM: LYNN BURROW, PE
COMMUNITY DEVELOPMENT DIRECTOR

RE: ARCHITECTURAL DESIGN SERVICES – GREG HELMS & ASSOCIATES
2018 CDBG PROJECT – GLENPOOL SENIOR CITIZEN CENTER

DATE: SEPTEMBER 17, 2018

BACKGROUND

This item is for Council consideration and action regarding the approval and acceptance of a proposal received from Greg Helms & Associates Architects pertaining to the design work needed to produce final construction documents for the 2018 CDBG project at the Senior Center in Black Gold Park. This firm was responsible for the production of the conceptual drawings and associated cost estimate used in the original grant application and is very familiar with the requirements of the CDBG design, bidding, and construction process. Note that the various consulting services listed in the proposal total \$4,500. The proposed architectural design, bid, and construction management assistance fee for the completion of the project shall be reimbursed to the City from the grant funds directly or be paid from FY 2018 Budget funds that the City may elect to use if the available grant funds are insufficient to cover all of the project costs as a result of the final construction bid for the project.

Staff Recommendation:

Staff recommends approval of the Professional Services Agreement received from Greg Helms & Associates in an amount not to exceed \$4,500 and to authorize the City Manager to execute same on behalf of the City of Glenpool.

Attachments:

A. Professional Services Agreement – Greg Helms & Associates



September 11, 2018

City of Glenpool
Mr. Lynn Burrow, Community Development
P.O. Box 70
Glenpool, OK 74033

Re: Fee Proposal for Professional Design Services
Glenpool Senior Citizens Center Renovation
Glenpool, Oklahoma

Dear Mr. Burrow,

As requested I have prepared the following Fee Proposal for Professional Design Services for the proposed Senior Citizens Center Renovation Project. This Proposal is based upon our preliminary discussions and drawings and previous CDBG project requirements.

Below is a brief outline of the services to be provided as part of this proposal:

- Revise / Clarify preliminary drawings as required to make ready for public bidding
- Prepare *Scope of Work, Instructions to Bidders and Contract Documents* as necessary for the project
- Prepare *Notice to Bidders* for publication in local newspaper. Advertisement costs are not included in this proposal.
- Conduct Pre-Bid Conference with prospective Bidders and issue Meeting Minutes
- Issue Addenda as necessary to answer Bidder questions
- Conduct Bid Opening and prepare Bid Recommendation Letter for Council's consideration
- Conduct Pre-Construction Conference with City Staff, Contractor and INCOG representative(s) and issue Meeting Minutes
- Review / Approve contractor's monthly progress payment applications
- Prepare Project Completion Punchlist and Substantial Completion documents
- Review / Approve contractor's final payment application and close-out documents

Professional Services are proposed on a fixed fee basis in the amount of \$4,500.00.

I greatly appreciate the opportunity to provide you with this Fee Proposal. Please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads 'Gregory S. Helms'. The signature is stylized with a large, loopy 'G' and 'H'.

Gregory S. Helms

GSHELMS & Associates, LLC 424 E. Main St. Jenks, OK 74037 918.298.7257 www.gshelms.com



To: HONORABLE MAYOR, MEMBERS OF THE CITY COUNCIL
From: John Gonsalves, Finance Director
Date: September 07, 2018
Subject: Request to purchase 5 new vehicles for the Police Department

Background:

The current FY19 budget includes an appropriation to purchase five new Police pursuit vehicles to replace existing aging and worn out 2009 Dodge Chargers that are almost 10 years old. With the new replacement officers for the RSOI coming onboard shortly, the department will be short one vehicle and currently there are no extra line units. Life expectancy for these vehicles is about five years to seven years and the department fleet consist of vehicles almost 10 years old.

The total cost for the five (5) fully equipped 2019 Ford AWD Police Interceptor Utility vehicles under the State of Oklahoma Contract SW035 is \$212,225.00 (\$42,445.00 per vehicle), as quoted by Bob Hurley Ford. A quote from Bill Knight Ford (a State Contract Vendor), was also solicited and the quote reflected a cost of \$34,515.00 per vehicle with an additional equipment cost of \$10,720.00, totaling \$45,235.00 per vehicle.

Staff Recommendation:

Staff has reviewed the vehicle quotes and recommends that Council approved the purchase of five (5) Ford AWD 2019 Police Interceptor Utility vehicles from Bob Hurley Ford not to exceed a total cost of \$212,225.

Attachment:

- A. Vehicle pricing and specifications
- B. Vehicle Specification
- C. Bill Knight Ford Quote
- D. Bob Hurley Ford Quote



copcars@bobhurleyford.com



Government Sales

405-627-7734

August 31, 2018

Bart Harris
Interim Police Chief
Glenpool Police Department

Here's the pricing information for the 2019 Ford Utility Patrol Interceptors. Includes all Factory standard and Contract required options, +/- desired items. Equipment & Pricing is in accordance with State Vehicle Contract.

Base Price:	\$28,119.00
Deduct Carpet	<98.00>
Deduct Cloth Rear Seat	<45.00>
Deduct Tremco	<75.00>
3.5L EcoBoost Engine	2,978.00
Grill Pre Wire	49.00
*Factory Keyless (4 keys & Fobs)	322.00
*SYNC Basic	280.00
*Headlight Prep	119.00
*Tail Light Prep	57.00
*Dark Car	19.00

Total Each Vehicle: \$31,725.00

Pricing for Emergency Equipment and professional Installation based on previous specifications (*See separate equipment detail page*).

Equipment Total Each: \$10,720.00

TOTAL EACH COMPLETED VEHICLE: \$42,445.00

Options noted with * are priced per State Contract option "Options Not Listed" at MSRP less 5%.

LAST ORDER DATE FOR THIS MODEL IS SEPTEMBER 21st! Let me know if you require additional info -

Kenny Davis
Government Sales Manager

Category #25101702

Item # 1000009398
Police Pursuit Vehicle
SUV

Dealer Name: Bill Knight Ford

Make Bidding: FORD

Model Bidding: Police Interceptor Utility AWD

Model Code: K8A

Engine	Minimum Req.	Enter Vehicle Specification and Manufacturer Option Codes
Engine Type (Cylinder/Liter)	Mfg Std - 3.7L / V6 Ti-VCT FFV	3.7L V6 304HP
Alternate Fuel Engine	List if Available	FLEX FUEL E85
Transmission		
Automatic	4 Speed Auto Trans.	6-SPEED AUTOMATIC
Oil Cooler	Trans Oil Cooler if Available	YES
Drive Axle		
Primary Drive Axle	All Wheel Drive	YES
Differential Type/Ratio	Regular/ Mfg Std. Ratio List	Final Drive Ratio=3.65
Electrical		
Alternator/Min (amps)	List Specs	220AMP
Fuel		
Fuel Capacity min Liters(Gals)	Std. Tanks List Size	18.6
Exterior		
Paint	One Color Per Agencies Specs	YES
Spot Light	Driver Side, OEM LED	YES 51R
Running Boards	Running Boards - OEM Installed	NA OEM
Doors & Windows		
Doors	4 Doors/2 Keys	YES
Door Locks	Power Doors w/ Override	YES
Windows	Power Windows W/ Lock Out	YES
Defogger	Rear Window Defogger	YES
Tinted Windows	Deep Tinted Glass	YES 2ND ROW, REAR QUARTER AND LIFT GATE
Mirrors	Heated Mirrors	YES 549
Floor		
Floor Covering	Carpet with mats	YES 16C
Interior		
Air Conditioning	Front & Rear AC & Heat	YES 17A
Radio	AM/FM	YES / AM/FM/CD/MP3 Capable/Clock/6 speakers
Tilt & Cruise	Tilt Wheel & Cruise Control	YES
Alarm	Anti Theft Switch under Mat - Tremco	YES BKF
Lights	Disable Daytime Running Lights	YES
Light	Aux Dome Light	YES
Seats		
Seating Capacity min.	5 Pass.	YES
Front Seat	Power Cloth Bucket Seats	YES FW
Rear Seat	Cloth	YES FW
Safety		
Brakes	Power Antilock/Disc	YES
Restraint System All Pass	Seat Belts All Passengers	YES
Air Bags	Air Bags Both Sides	YES
Suspension		
Suspension/Shocks	Mfg. Std. List Axles and Springs	MCPHERSON STRUTS / MULTI LINK W/COIL
Tires & Wheels		
Tires & Wheels	OEM Std. Speed Rated List Size	P245 / 55R 18
Factory Spare	Full Size Match Vehicle	YES
Warranty		
Bumper to Bumper Warranty	State Warranty	3 YEAR OR 36000 MILES
Drive Train Warranty	State Warranty	5 YEAR OR 60000 MILES
Performance		
Top Speed 120 MPH	List Top Speed	131 MPH
PURCHASE PRICE:		\$28,224
3YR LEASE PRICE		\$825
4YR LEASE PRICE		\$630
5YR LEASE PRICE		\$515
MSRP FOR BASE PRICE:		\$34,515

Contact Information

Website: billknightauto.com

Company Name	Bill Knight Ford
Doing Business as (If applicable)	
Contact Person for Solicitation Response	Greg Herring
Phone	918-526-2392
Email	gherring@billknightauto.com
Fax	918-526-2395
Address For Purchase Orders-Number & Street-Post Office Box (some companies have ordering addresses that are different than the payment address)	9625 S. Memorial Drive Tulsa, OK 74133
City, State, Zip	
Contact Person for Contract/Ordering/Price Information/Equipment Additions/Changes/Discontinuations	
Contact Name	Greg Herring
Phone	918-526-2392
Fax	918-526-2395
Email	gherring@billknightauto.com
Secondary Contact for Contract/Ordering	
Phone	
Fax	
Email	
Address For Payment-Number & Street-Post Office Box (some companies have a different Payment/remittance address than the ordering address)	9625 S. Memorial Drive
City, State, Zip	Tulsa, OK 74133
Contact Person/Department for payment	Wendi Green
Phone	918-526-2396
Fax	918-526-2395
Email	wgreen@billknightauto.com
Counties You can provide products/warranty service/repair parts to	☒ All counties in Oklahoma OR just these counties: _____
(Include any special conditions, such as territory or district maps on a separate sheet)	
Payment Discount (I.e. 15 days)	Net 30 days
Supplier will be responsible for notifying the contracting officer when the contact information changes.	Notes: (Special ordering instructions-please attach any special instructions on a separate sheet)



copcars@bobhurleyford.com



Government Sales

405-239-2700

877-239-2707

fax: 405-239-2705

October 18, 2017

Chief Dennis Waller
Glenpool Police Department

Here's your pricing information requested for the 2018 Ford Utility Interceptors. It includes *all items ordered last year*, plus two additional ignition keys & remote fobs. Included are all factory standard & State Contract features, plus or minus the options.

Equipment: 49" Torrent light bar, RAYZR 6 head LED light stick, 2- Vertex R/B/ split LED, 2- 6 diode LED surface mounts, 2- 6 head surface mount w/vertical optics, 2- 3 diode white LED, push bar, 4- super thin LED surface, partition, cargo barrier, Weiser dual gun lock w/ handcuff lock, console w/ cupholder & armrest, Commander siren/light control w/ speaker, Raptor RP-1 Dual K radar, "phantom" antenna, SL20X flashlight, radio/light controls on 2 hour timer, and custom graphics.

Light Bar Cars Each: \$42,298.00

These will be 2018's and will need to be ordered.

Let me know if you require additional info -

Kenny Davis
Government Sales Manager
Bob Hurley Ford

\$147⁰⁰ increase in Price from October 18, 2017 to Present.

Current Price Per unit is \$42,445.⁰⁰

John Gonsalves

From: Bart Harris
Sent: Friday, August 31, 2018 11:28 AM
To: John Gonsalves
Cc: David Tillotson
Subject: Confirmation of price and equipment list for new cars.
Attachments: Ford price confirmation.pdf

John,

I just confirmed with Mr. Davis that the equipment listed on the attachment with installation is included in the last quoted price of \$42,445.00 each. This is an increase in price of \$147.00 per unit from the October quote. Bart

Deputy Chief of Police
Bart Harris
Glenpool Police Department
918-322-8110
bharris@cityofglenpool.com



copcars@bobhurleyford.com



Government Sales

405-627-7734

August 29, 2018

Chief Bart Harris
Glenpool Police Department

Chief:

Here's the information you requested regarding five (5) 2019 Ford Utility Interceptors. Includes ALL standard factory and State Contract equipment plus all options included in your last purchase dated March 14, 2018.

Emergency equipment would also be identical to last vehicles delivered in March.

Vehicle Total Each: \$42,445 Five (5) Vehicle Total: \$212,225

To ensure availability of 2019 models, the order must be placed by September 10th. The 2019 models build out early to begin re-tooling for the new 2020 vehicles. There will be considerable change for the 2020's, and I would suggest discussing future vehicle needs soon.

Current scheduling shows approximate 12-14 week build time for vehicles.

Let me know if you need further information -

Sincerely,

Kenny Davis

Government Sales Manager
Bob Hurley Ford

John Gonsalves

From: Bart Harris
Sent: Wednesday, August 29, 2018 4:31 PM
To: John Gonsalves
Subject: FW: Vehicle Quote
Attachments: glenpool2.pdf

John,

Attached is the quote from Kenny Davis at Hurley Ford. You will notice a cutoff date of September 10th for any of the 2019 models. Kenny also indicated that if we miss the cutoff date and go with the 2020 models the projected start date after retooling is early March at best for the first ones to begin production with a 12-14 week wait time. He also indicated a substantial price increase from Ford, possibly up to \$7,000.00 per vehicle to continue with the same type of Interceptor with the eco-boost system, as they are rolling out the police interceptors as a hybrid model which changes the engine from a 3.5 liter to a 3.0 liter.

Thanks for your prompt attention to this matter and please don't hesitate to contact me for any needed assistance. Bart

-----Original Message-----

From: kennyd@bobhurleyford.com <kennyd@bobhurleyford.com>
Sent: Wednesday, August 29, 2018 12:25 PM
To: Bart Harris <bharris@cityofglenpool.com>
Subject: Vehicle Quote

Bart -

Here's the quote we discussed -

Kenny Davis
Bob Hurley
405-627-7734



To: Mayor and Council

From: David Tillotson, City Manager

Date: September 14, 2018

Re: Hotel Stay for Oklahoma Academy

Background:

The Oklahoma Academy for State Goals is a non-profit corporation that partners with individuals and organizations across Oklahoma to improve the lives of Oklahoma residents through interactions with the state legislature in a variety of ways. The predominant project each year for the Oklahoma Academy is the Town Hall Conference. The Town Hall invites participants, through a nomination process, from across Oklahoma to discuss and debate possible solutions to statewide problems. The 2018 Town Hall is focused on "Aligning Oklahoma's Tax Code to our 21st Century Economy". I have been fortunate to be invited to participate in several Town Hall events over the years and received an invitation today to again be a part of the discussion.

Given the long days and intense nature of the program at the Town Hall, the OK Academy expects participants to only accept the invitation if they can attend the entirety of the program and require that participants stay in the conference hotel. Given the program is in Tulsa this year as opposed to its normal site in Norman I will not agree to stay at the conference hotel without prior Council approval. The room cost per night is only \$99 so the City's expense for the hotel is minimal.

I believe that my experience in both county and municipal government fields affords Glenpool an excellent opportunity to inject real-life examples and solutions into a complex topic that affects every Oklahoma governmental institution, business and resident. I also believe it is imperative that local municipal governments have input into these types of conversations during their formative stages.

Staff Recommendation:

Staff is not making a recommendation on this item.

Attachments:

- Invitation email from the Oklahoma Academy

12205 S. Yukon, Glenpool, OK 74033 OFFICE: 918-322-5409 FAX: 918-209-4641
Mayor Tim Fox, Vice-Mayor Momodou Ceesay, Councilors: Patricia Agee, Brandon Kearns and Jacqueline Lund
City Manager David Tillotson, Assistant City Manager Susan White, City Clerk Wendy Knight
www.glenpoolonline.com

From: lauren@okacademy.org <lauren@okacademy.org>
Sent: Friday, September 14, 2018 12:14 PM
To: David Tillotson <dtillotson@cityofglenpool.com>
Subject: 2018 Town Hall Invitation

Dear David,

After reviewing the Town Hall Nomination Forms, the committee is pleased and excited to extend an invitation to you to participate in the November 2018 Town Hall! The Town Hall invitation letter and acceptance form is being placed in the mail today, so you should receive it by next week. The deadline to return the invitation form is September 25th. If you do not receive your mailed invitation, please let me know.

Aligning Oklahoma's Tax Code to Our 21st Century Economy
2018 Town Hall Conference Retreat
November 11th – 14th
River Spirit Conference Center
Tulsa, Ok

REGISTRATION FEE & LODGING COST FOR TOWN HALL PARTICIPATION

REGISTRATION FEES:

The registration fee covers the background resource document (sent to you a month prior to the Town Hall); other conference materials and comparative data; 8 meals and 4 health breaks; the printed final findings report and Recommendations at the conclusion of the Town Hall.

Oklahoma Academy member:

- **Registration fee of \$474**

Non member:

- **Registration fee of \$524.** At the final session of Town Hall, you will be offered a gift certificate for a one-year membership in the Academy. We hope you will accept the certificate as a "thank you!"

Payment of the registration fee to participate is made payable to The Oklahoma Academy and due BEFORE the Town Hall begins.

ATTENDANCE REQUIREMENTS & LODGING:

The Town Hall Conference Retreat is an important and prime obligation. It begins Sunday evening and concludes by noon on Wednesday. Participants are expected to stay for the entire Town Hall at the

conference hotel. The River Spirit Conference Center has given The Oklahoma Academy an excellent rate for three nights - \$99 plus tax, per night. The lodging fee is payable to the facility at the conclusion of the Town Hall. **You will be responsible for making your room reservation for your stay at the Town Hall. We will send you this information once we have received your confirmation form.**