

**CITY OF SAPULPA, OKLAHOMA**

**COUNCIL PROCEEDINGS**

Meeting of April 18, 2016

The City Council of Sapulpa, Oklahoma, met in regular session Monday, April 18, 2016, at 7:00 o'clock P.M. in the City Hall Council Chambers, 425 East Dewey Avenue, Sapulpa, Oklahoma.

Councilors Present: Louis Martin, Jr., Vice-Mayor  
John Anderson  
Marty Cummins  
Craig Henderson  
Mike Hurt  
Alan Jones  
Theresa Jones  
Hugo Naifeh

Councilors Absent: Reg Green, Mayor  
Charles Stephens

Staff Present: City Clerk Shirley Burzio, Manager Pro Tem Rick Rumsey, City Treasurer Pam Vann and City Attorney David Widdoes

**INVOCATION:**

The Invocation was given by Rev. Wally Johnson.

**PLEDGE OF ALLEGIANCE:**

The "Pledge of Allegiance" was led by Vice-Mayor Louis Martin.

**PUBLIC COMMENTS:**

Mr. Levi Coats, President of the International Association of Fire Fighters Local #194, spoke to the council about approving the fire fighters' contract.

City Attorney David Widdoes reminded Mr. Coats that any discussion regarding pending arbitration is not appropriate.

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**CONSENT AGENDA:**

Motion was made by Councilor Alan Jones, seconded by Councilor Theresa Jones, to approve the consent agenda, which had the following items of business listed on it:

1. Approve the minutes of the April 4, 2016, regular city council meeting;
2. Approve regular claims in the amount of \$490,417.45;
3. Approve payroll claims in the amount of \$339,263.14;
4. Approve the city treasurer's revenue and expense reports through March 31, 2016.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**CONSIDER APPROVING A TEMPORARY STREET CLOSURE REQUEST FROM SAPULPA MAIN STREET FOR SATURDAY, JUNE 4, 2016, FOR THE 27TH ANNUAL ROUTE 66 BLOWOUT FROM 5:00 A.M. TO 4:00 P.M. THE STREETS TO BE CLOSED WILL BE: DEWEY AVENUE FROM MAIN TO WALNUT, WATER STREET FROM HOBSON TO LEE, PARK STREET FROM HOBSON TO LEE, ELM STREET FROM HOBSON TO DEWEY, OAK STREET FROM HOBSON TO LEE, AND LEE STREET FROM WATER TO PARK:**

Motion was made by Councilor Theresa Jones, seconded by Councilor Craig Henderson, to approve the temporary closure of Dewey Avenue from Main Street to Walnut Street, Water Street from Hobson Avenue to Lee Avenue, Park Street from Hobson Avenue to Lee Avenue, Elm Street from Hobson Avenue to Dewey Avenue, Oak Street from Hobson Avenue to Lee Avenue, and Lee Avenue from Water Street to Park Street on Saturday, June 4, 2016, from 5:00 o'clock A.M. until 5:00 o'clock P.M. for the 27th Annual Route 66 Blowout sponsored by Sapulpa Main Street.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

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**CONSIDER DECLARING 127 FITTINGS OF ASSORTED SIZES SURPLUS AND AUTHORIZING THE CITY MANAGER TO SALVAGE AT LOCAL METAL RECYCLER:**

Motion was made by Councilor Alan Jones, seconded by Councilor John Anderson, to declare 127 fittings of assorted sizes as surplus property, and authorizing the city manager to salvage said fittings at a local metal recycler.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**CONSIDER WAIVING GARAGE SALE PERMIT FOR SPECIAL EVENT TO OCCUR ON FRIDAY, MAY 6TH AND SATURDAY, MAY 7, 2016:**

According to Suzanne Shirey, President of the Sapulpa Chamber of Commerce, a 100 mile garage sale, originating in Cleveland, Oklahoma, will be held on May 6th and 7th, 2016. The event will bring an influx of people into the city, who will spend money to purchase food, gasoline and shop at local retailers. She asked the city to waive the garage sale permit requirement for those two days. There are no fees required for city garage sale permits.

Motion was made by Councilor Theresa Jones, seconded by Mike Hurt, to waive garage sale permits for the 100 mile garage sale event scheduled for May 6 & 7, 2016.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**ORDINANCES:**

Motion was made by Councilor Craig Henderson, seconded by Councilor Theresa Jones, to approve the adoption of the following ordinance:

1. ORDINANCE NO. 2750 OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE MASTER FEE SCHEDULE TO THE SAPULPA CITY CODE, APPENDIX A, SECTIONS 11.11-107, PARK AND RECREATIONAL ACTIVITY FEE BY AMENDING THE SCHEDULE OF FEES FOR THE SAPULPA AQUATICS CENTER; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OR PARTS OF THIS ORDINANCE ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; AND DECLARING AN EMERGENCY

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

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**ORDINANCES - continued:**

Motion was made by Councilor Theresa Jones, seconded by Councilor John Anderson, to approve the passage and adoption of the emergency clause.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

Motion was made by Councilor Theresa Jones, seconded by Councilor John Anderson, to approve the adoption of the following ordinance, as amended:

1. ORDINANCE NO. 2751 OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE MASTER FEE SCHEDULE TO THE SAPULPA CITY CODE, APPENDIX A, SECTION 11.11-107, AMENDING THE SCHEDULE OF FEES FOR PARK AND RECREATIONAL ACTIVITY FEE; AND SECTION 11.11-402(B)(3), PROVIDING FOR CAMPING PERMIT FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OR PARTS OF THIS ORDINANCE ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

Motion was made by Councilor Theresa Jones, seconded by Councilor Craig Henderson, to approve the adoption of the following ordinance:

1. ORDINANCE NO. 2752 OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING THE SAPULPA CITY CODE, PART 14, CHAPTER 4, STORMWATER MANAGEMENT PROGRAM, SECTION AMENDING THE MASTER FEE SCHEDULE TO THE SAPULPA CITY CODE, APPENDIX A, SECTION 14.14-414, BY PROVIDING FOR AMENDED STORMWATER UTILITY FEE RATES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OR PARTS OF THIS ORDINANCE ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; AND DECLARING AN EMERGENCY

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

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**ORDINANCES - continued:**

Motion was made by Councilor Theresa Jones, seconded by Councilor Craig Henderson, to approve the passage and adoption of the emergency clause.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

Motion was made by Councilor Alan Jones, seconded by Councilor Theresa Jones, to approve the adoption of the following ordinance:

1. ORDINANCE NO. 2753 OF THE CITY OF SAPULPA APPROVING PLANNED UNIT DEVELOPMENT (PUD) RESTRICTIONS (PUD-2016-001) FOR OAK LEAF ESTATES SUBDIVISION LOCATED IN E/2 SECTION 9, T18N, R13E, CREEK COUNTY, STATE OF OKLAHOMA; AND DIRECTING THE CITY CLERK TO SHOW CHANGE UPON OFFICIAL ZONING MAP; REPEALING ALL ORDINANCES OR PARTS

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

Motion was made by Councilor Theresa Jones, seconded by Councilor Hugo Naifeh, to approve the passage and adoption of the emergency clause.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**RESOLUTIONS:**

Motion was made by Councilor Craig Henderson, seconded Theresa Jones, to approve the passage and adoption of the following resolution:

1. RESOLUTION NO. 4443 OF THE CITY OF SAPULPA, OKLAHOMA, PROCLAIMING APRIL 2016 AS FAIR HOUSING MONTH

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

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**RESOLUTIONS - continued:**

Motion was made by Councilor Alan Jones, seconded by Councilor Craig Henderson, to approve the passage and adoption of the following resolution:

1. RESOLUTION NO. 4444 PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS IN THE SUM OF NINE HUNDRED TWENTY-FIVE THOUSAND AND NO/100S DOLLARS (\$925,000.00) BY THE CITY OF SAPULPA, OKLAHOMA; PRESCRIBING FORM OF BONDS; APPROVING ESCROW AGREEMENT; PROVIDING FOR REGISTRATION THEREOF; PROVIDING FOR A SYSTEM OF REGISTRATION FOR UNCERTIFICATED REGISTERED PUBLIC OBLIGATIONS; PROVIDING LEVY OF AN ANNUAL TAX FOR PAYMENT OF PRINCIPAL AND INTEREST ON THE SAME; FIXING OTHER DETAILS OF THE ISSUE; AND DECLARING AN EMERGENCY

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

Motion was made by Councilor Theresa Jones, seconded by Councilor John Anderson, to approve the passage and adoption of the emergency clause.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**CONSIDER AND ADOPTING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAPULPA CLARIFYING THE PROCESS FOR IMPLEMENTATION OF REQUIREMENTS OF 11 O.S. 51-108, INCLUDING ESTABLISHING PROCESS FOR CALLING AND SCHEDULING AN ELECTION PURSUANT TO SAID STATUTE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE:**

Mr. Jamie Noe, President of the Fraternal Order of Police Lodge #94, and Mr. Levi Coats, President of the International Association of Fire Fighters Local #194, implored the council not to adopt said resolution, because the council would be relinquishing their right as the governing body to call for an election.

The council delayed the consideration of the resolution until after the executive session.

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**CONTRACTS:**

Motion was made by Councilor Theresa Jones, seconded by Councilor John Anderson, to approve the following contracts:

1. Approve the TeleHealth Program administered by New Benefits, and authorizing the mayor to execute all necessary documents;
2. Approve the agreement with BKL, Inc., for improvements to East Bird Avenue from North Main Street to North 9th Street (SH-97), and authorizing the mayor to execute said agreement.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

**INFORMATIONAL ITEMS FROM MAYOR, CITY COUNCIL, CITY MANAGER OR CITY ATTORNEY:**

The following informational items were presented to the council for review and discussion only:

1. Report showing municipal golf course plays and revenue for the month of March 2016;
2. Report showing major revenue received through March 2016;
3. Report showing sales tax collected by Oklahoma Tax Commission collected during the month of February 2016 and received by the city April 2016;
4. Project status report from Tetra Tech, Inc., regarding various city and trust authority projects.

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**CONSIDER ENTERING INTO AN EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING NEGOTIATIONS CONCERNING EMPLOYEES AND REPRESENTATIVES OF EMPLOYEE GROUPS (25 O.S. SECTION (B)(2)) AND DISCUSSING PENDING OR THREATENED LITIGATION RELATED TO GEM DIRT, LLC, SUP-001, UPON ADVICE OF COUNSEL THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO CONDUCT THE LITIGATION IN THE PUBLIC'S INTEREST (25 O.S. SECTION 307(B)(4)):**

Motion was made by Councilor John Anderson, seconded by Councilor Craig Henderson, to approve an executive session to discuss negotiations concerning employees and representatives of employee groups, and discuss pending or threatened litigation related to Gem Dirt, LLC, SUP-001.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.

The council departed from the council chamber at 8:43 o'clock P.M. in order to convene into an executive session.

**CONSIDER ACTION IN OPEN SESSION REGARDING MATTERS DISCUSSED IN EXECUTIVE SESSION:**

At 9:10 o'clock P.M. and in open session, Vice- Mayor Louis Martin called the regular council meeting to order.

The council took no action in regard to Gem Dirt, LLC, SUP-001.

**CONSIDER AND ADOPTING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAPULPA CLARIFYING THE PROCESS FOR IMPLEMENTATION OF REQUIREMENTS OF 11 O.S. 51-108, INCLUDING ESTABLISHING PROCESS FOR CALLING AND SCHEDULING AN ELECTION PURSUANT TO SAID STATUTE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE:**

Motion was made by Councilor Craig Henderson, seconded by Councilor Alan Jones, to table the consideration of said resolution so the city attorney can formalize a legal opinion.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Hugo Naifeh. NAY-Louis Martin. Motion carried 7-1.

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**ADJOURNMENT:**

There being no further business to consider, motion was made by Councilor Theresa Jones, seconded by Councilor Craig Henderson, to adjourn the meeting.

ROLL CALL: AYE-John Anderson, Marty Cummins, Craig Henderson, Mike Hurt, Alan Jones, Theresa Jones, Louis Martin, Hugo Naifeh. NAY-None. Motion carried 8-0.