



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

**REGULAR MEETING OF THE
BARTLESVILLE CITY COUNCIL**
Tuesday, July 6, 2021
7 p.m.

Mayor Dale Copeland
918-338-4282

MINUTES

(The Notice of Meeting was posted December 15, 2020
and the Agenda was posted July 1, 2021 at 5:00 p.m.)

City Council present were Mayor Dale Copeland, Vice Mayor Jim Curd, Jr., Trevor Dorsey, Paul Stuart and Billie Roane.

City staff present were Mike Bailey, City Manager; Jess Kane, City Attorney; Jason Muninger, CFO/City Clerk; Terry Lauritsen, Director of Water Utilities; Micah Siemers, Director of Engineering; Laura Sanders, Director of Human Resources; Kelli Williams, Chief Communications Officer; Greg Collins, Assistant Director of Community Development; Police Chief Tracy Roles; Fire Chief David Topping; Deputy Police Chief Rocky Bevard, Security; and Elaine Banes, Executive Assistant.

- 1. Mayor Copeland called the business meeting of the Bartlesville City Council to order at 7:00 p.m.**
- 2. Roll call was conducted and a quorum established.**
- 3. The invocation was provided by Pastor Joe Colaw, First Wesleyan Church.**
- 4. Citizens to be Heard.**

There were no citizens to be heard.

- 5. City Council Announcements and Proclamations.**
 - A Certificate of Commendation for completing the 50 Yard Challenge was presented to Mr. Tony Leeson, Jr. by Councilmember Roane. Mr. Leeson took the challenge and applied it to his community for those who could not mow their yards, including the elderly, veterans, disabled and single parents.
- 6. Authorities, Boards, Commissions and Committee Openings**
 - Two openings on the Ambulance Commission
 - One opening on the City Planning Commission
 - One opening on the Construction and Fire Codes Appeals Board
 - Three openings on the White Rose Cemetery Board

Mayor Copeland read the openings and encouraged citizens to volunteer on City Committees. Applications can be found at www.cityofbartlesville.org or at City Hall in the City Manager's Office.

7. Consent Docket

a. Approval of Minutes

- i. The Regular Meeting Minutes of June 7, 2021
- ii. The Special Meeting Minutes of June 14, 2021.

b. Approval of Resolutions

- i. Amending the budget of the City of Bartlesville for Fiscal Year 2021-2022, appropriating unanticipated Federal Grant Revenue for the Restricted Revenue Fund.

c. Receipt of Financials

- i. Interim Financials for the eleven months ending May 31, 2021.

d. Receipt of Bids

- i. Bid No. 2020-2021-020 for the Bartlesville Community Center Auditorium Renovation.
- ii. Bid No. 2021-2022-001 for Water and Wastewater Repair Materials.
- iii. Bid No. 2021-2022-002 for Water Treatment Chemicals.
- iv. Bid No. 2021-2022-003 for Sooner Pool Expansion.

Mayor Copeland read the consent docket in its entirety. Mayor Copeland pulled Item 7.b.i. for further discussion. Vice Mayor Curd pulled Item 7.c.i. for further discussion.

Vice Mayor curd moved to approve the consent docket with the exception of Item 7.b.i. and 7.c.i., seconded by Mr. Stuart.

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

Item 6.b. Approval of Resolutions

- i. Amending the budget of the City of Bartlesville for Fiscal Year 2021-2022, appropriating unanticipated Federal Grant Revenue for the Restricted Revenue Fund.

Chris Wilson, Director of the Bartlesville Redevelopment Authority, reported that this type of action has been previously approved by the City Council to be used on the Memorial Hospital building. The Hope VI Main Street Grant funds were later transferred to the development of affordable housing apartments located in the Johnstone Apartments instead of the hospital building. The Hope VI Main Street Grant funds, in the amount of \$500,000, being considered at this meeting will be applied to 309-311 S. Dewey Avenue (corrected from the submitted staff report) using the same demographics as used for the Johnstone Apartments, and will produce seven units. This type of grant creates workforce housing for people making 80% of area median income. The action on the proposed resolution is the first step required of the City Council. An additional step approving the local development permit will be brought before the Council later for approval. Once these steps have been completed, the City will receive the funds. A timeline is to have the seven units completed by the end of 2022.

Mayor Copeland moved to approve Item 7.b.i., seconded by Mr. Stuart.

Aye: Mr. Stuart, Mr. Dorsey, Vice Mayor Curd, Ms. Roane, Mayor Copeland
Nay: None

Motion: Passed

Item 7.c. Receipt of Financials

- i. Interim Financials for the eleven months ending May 31, 2021.

At Vice Mayor Curd's request, Mr. Muninger reported that sales tax revenue is up 5.2% as of May 31 which is over the prior fiscal year in May, and is 9.3% over budgetary projections. He added that June has finished well also, and went on to explain a discrepancy in the financials as pointed out by Ms. Roane.

Vice Mayor Curd moved to approve Item 7.c.i., seconded by Mr. Dorsey.

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

8. Discuss and take possible action to award Bid No. 2020-2021-020 for the Bartlesville Community Center Auditorium Renovation. Presented by Mayor Copeland.

Mayor Copeland moved to award Bid No. 2020-2021-020 to Cy Young Industries, Inc., Lenexa, Kansas, in the amount of \$299,706.00 as presented, seconded by Mr. Stuart.

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

9. Discuss and take possible action to award Bid No. 2021-2022-001 for Water and Wastewater Repair Materials. Presented by Mr. Stuart.

Mr. Stuart moved to award Bid No. 2021-2022-001 to vendors who submitted the low bid meeting specifications (highlighted on the attached bid tabulation) as presented, seconded by Vice Mayor Curd.

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

10. Discuss and take possible action to award Bid No. 2021-2022-002 for Water Treatment Chemicals. Presented by Mr. Stuart.

Mr. Stuart moved to award Bid No. 2021-2022-002 to vendors who submitted the low bid meeting specifications (highlighted on the attached bid tabulation) as presented, seconded by Ms. Roane.

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

11. Discuss and take possible action to reject Bid No. 2021-2022-003 for Sooner Pool Expansion. Presented by Vice Mayor Curd.

Vice Mayor Curd moved to reject the bid for Bid No. 2021-2022-003 from Rick Scott Construction that came in \$462,831 over the available budget with the understanding that staff will work with Kimley-Horn and contractors to restructure the project and rebid at a later date, seconded by Mr. Stuart.

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

Nay: None

Motion: Passed

Mr. Siemers provided an update on Price Fields at Vice Mayor Curd's request.

12. Public hearing and possible action on an application from Thomas Janer on behalf of AbilityWorks of Oklahoma for approval of a rezoning from RS-5 (Single-Family Residential) to C-5/PUD (General Commercial/Planned Unit Development), as well as approval of a Planned Unit Development and Site Development Plan on property located at 321, 323, 327, and 329 SW Virginia Ave., leally described as Lots 16-19, Block 4, Taylors 3rd Addition, Bartlesville, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.

Mr. Collins reported that the applicant has requested rezoning in order to develop the property for job training, car wash, restaurant, book store and greenhouse. He provided information covering the Land Use & Zoning History, the current application proposal, the current zoning, site requirements, public participation requirements, and staff comments. The City Planning Commission on June 22, 2021 adopted staff's recommendation, and recommends approval with the following conditions: 1) the applicant must return to the City Planning Commission for Site Development Plan approval; 2) land uses permitted for this site shall be specifically limited to those proposed by the applicant, a) school, commercial or trade, when not involving any danger of fire or explosion nor of offensive noise, vibration dust, odor, glare, heat or other objectionable noise; b) restaurant, enclosed, without dancing or entertainment; c) restaurant providing service in automobiles; d) automobile laundry (car wash) including auto detailing; e) agriculture: greenhouse; f) book store; g) no outdoor storage; 3) the applicant must receive administrative approval of a Lot Combination before a building permit will be issued for any development that crosses a platted lot line; 4) the applicant must execute a Shared Parking Agreement in accordance with Section 7.42.7 of the Zoning regulations to be approved by the Community Development Director and recorded at the Washington County Clerk's office prior o issuance of a building permit for any use to be served by the shared parking area; and 5) the applicant shall apply for an obtain approval of a National Zinc Overlay District (NZOD)/soil Disturbance Activity Permit prior to building permit issuance.

Mayor Copeland opened the public hearing at 7:59 p.m. There being no one further appear to speak, the public hearing was closed at 8:00 p.m.

Mr. Dorsey moved to adopt the Ordinance amending the Land Use and Zoning Map of the City of Bartlesville, and amending the Zoning Map by changing the boundary of the Use District so that certain areas herein described and located within the Corporate Limits of the City shall be changed from RS-5 to C-5/PUD and acknowledging the approval of a Supplemental Designation Planned Unit Development (Case No. RZ-0521-0005, as presented, seconded by Ms. Roane.

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

Nay: None

Motion: Passed

- 13. Discuss and take possible action to direct staff to publish notice of a petition requesting annexation of a tract of land owned by the City of Bartlesville, with an existing zoning of residential Single-Family RS-10, for a 10-acre tract of land described as the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of Section 5, Township 26 North, Range 13 East of the Indian Base Line and Meridian, Washington County, Oklahoma. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins reported that the property proposed for annexation is in the northeastern portion of Price Fields sports complex, and its current use is for four ball fields and associated lighting, structures, and parking. The property was conveyed to the City from Washington County and is zoned Residential Single-Family 10 since July 14, 1966. The property is currently outside city limits, but was zoned based on the jurisdiction of the former city-county cooperative planning commission, Metropolitan Area Planning Commission, and the provision for zoning jurisdiction with three (3) miles of a municipality.

Ms. Roane moved to direct staff to publish notice of a petition requesting annexation, and schedule a public hearing for the annexation of 10.0 acres described above, seconded by Mr. Stuart.

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

- 14. Discuss and take possible action on a lease with David Valdez for the operation of paddle boat rentals at Lee Lake, including installation of privately-funded improvements for such business. Presented by Greg Collins, Assistant Director, Community Development.**

Mr. Collins reported that Mr. Valdez has expressed an interest in establishing a paddle boat rental business at Lee Lake. His proposal involves the making of non-permanent improvements at Lee Lake at his own cost, which includes the installation of a two-story floating dock which can anchor at least ten paddle boats (or similar non-motorized vessels) for rental as well as a pontoon boat from which business can be conducted. The proposed lease agreement provides for a five-year lease of successive one year terms which would be reviewed annually and extended as authorized by the Park Board. Mr. Collins gave the floor to Mr. Valdez who provided a PowerPoint of his proposal.

Discussion covered bringing activities to Lee Lake is commendable; the structure of the dock; no concessions except for bottled water; potential low water issues; the inclusion of an indemnification clause in the lease; and the required insurance for the business. Ms. Roane thanked Mr. Valdez for bringing this opportunity to Bartlesville.

Vice Mayor Curd moved to approve the five-year lease with Mr. Valdez as presented, seconded by Mr. Stuart.

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

15. Discuss and take possible action to adopt an Ordinance amending Chapter 20 of the Bartlesville Municipal Code pertaining to the Wastewater Capital Investment Fee. Presented by Jason Muninger, CFO/City Clerk.

Mr. Muninger reported that the ordinance adopted June 7, 2021 by the City Council contained a typo that will incorrectly set the rate of the wastewater capital improvement fee at 2016's level. The proposed ordinance will provide a correction to this error.

Mr. Dorsey moved to adopt the Ordinance as presented, seconded by Mr. Stuart.

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

16. Discuss and take possible action to approve the Collective Bargaining Agreement between the City of Bartlesville, Oklahoma and the Fraternal Order of Police, Lodge 117 for Fiscal Years 2021-2023. Presented by Jess Kane, City Attorney.

Mr. Kane reported that City staff has reached an agreement with the FOP, which will last through June 30, 2023, subject to City Council approval. Major negotiated revisions to the proposed contract are 1) a two-year contract was negotiated, subject to Oklahoma constitutional prohibitions on multi-year indebtedness; 2) the promotional process was refined to require vacancies for the rank of captain to be appointed by the Chief of Police from within the ranks of BPD, but otherwise exempt from the promotional process; 3) the grievance procedure was updated to more closely reflect common practice among peer cities; (4) longevity was increased to \$750 annually for officers with 5-9 years of service, \$15,00 for 10-14 years of service, \$2500 for 15-19 years of service, \$3,500 for 20-29 years of service and \$4,500 for 30+ years of service; and 5) the pay scale was increased by 12% on ranks with the exception of corporals which was increased by 18%. Mr. Kane concluded that except for the major revisions, the contract contains largely the same provisions as the 2020-2021 and previous contracts. All members of the City staff who were involved in this contract negotiation recommend approval of it.

Vice Mayor Curd expressed his appreciation to Mr. Kane and the Fraternal Order of Police leadership and their ability to work to negotiate the agreement, particularly the two-year agreement. Mr. Kane agreed that the FOP had been very good to work with throughout the negotiation process.

Mr. Dorsey moved to adopt the Collective Bargaining Agreement between the City of Bartlesville and the Fraternal Order of Police, Lodge 117 for FY 2021-2023 as presented, seconded by Mr. Stuart.

Mayor Copeland stated that the adjustment of the pay scale allows the opportunity to attract quality officers to Bartlesville, as well as providing improved salaries to the existing officers. A brief discussion covered the available funds to cover the pay increases.

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

17. Presentation of a periodic report on the status of Collective Bargaining and Outstanding Grievances between the City of Bartlesville and Bartlesville Fraternal

Order of Police, Lodge 117 and the City of Bartlesville and the Bartlesville Professional Firefighters, Local 200, with possible action to enter into an executive session to discuss outstanding grievances and/or ongoing collective bargaining agreement negotiations pursuant to 25 O.S., Sec. 307(B). Presented by Jess Kane, City Attorney.

Mr. Kane reported that in an effort to keep the Bartlesville City Council informed as the status of Collective Bargaining and outstanding Grievances between the FOP and the IAFF, he will be providing an oral report to the City Council periodically at monthly meetings. If members of the City Council have specific questions that may be privileged, an option to enter executive session has been provided.

Mr. Kane reported that at this time, after considerable negotiation meetings, there is not an Agreement with the IAFF. To-date the City has made two formal offers to the IAFF with both being rejected. This City has been advised that the IAFF voted to pursue arbitration to which the City has responded. Since the current IAFF contract has ended as of June 30, 2021, it is necessary to move quickly. The most recent offer made by the City to the IAFF included pay scale and wage increases amounting to 6.5% up to 13.5% increase in the pay scale. The 13.5% increase would go to the base-rate firefighters, which is the most populous group. The increase to all pay levels is significant, amounting to approximately \$526,000. Also proposed by the City is a two-year contract; longevity increases between 79% and 367%; and time and a half to be paid for up to 72 hours of family sick leave. With those three offers, the City felt a generous offer was made which has been rejected. In return for these offers, the City has asked for a few modest changes that would remove restrictions on the hiring of administrative, not union positions, such as Deputy Chief, Training Officer and potentially the Fire Marshall. At this time, the contract states these positions are to be chosen from the five most senior firemen. With the requested change, the Fire Chief and City Manager could be provided with a wider pool of applicants. Mr. Bailey reported a recent example when hiring the Training Officer stating that of the five most senior firemen, only one passed the test. He added that the one who passed was the right choice in this particular instance, although having a wider pool of applicants is always desirable. Mr. Kane added that many cities are moving away from the old model and removing this constraint from IAFF contract. Discussion covered how training materials were supplied and applied. Mr. Kane stated that the IAFF has indicated that training materials are insufficient, but even at the request of the City for additional direction in what is needed, no remedy has been provided by the IAFF. The City also offered to change the agreement so that firemen with 10 years of experience be included for a broader range of applicants, but that offer was not accepted.

Mr. Kane concluded that the City has been generous with their offer, particularly with amounts in pay scale totaling over half a million dollars. The IAFF has submitted written proposals but were not the red-lined contracts with schedules which was requested by the City. By law, and because it is the best course of action, the City remains open to negotiation.

Discussion covered that the impasse appears to be money related, but could also be regarding hiring procedures; an explanation of the pay scales and how the City's offer brings the pay scale to peer level; and how the arbitration process works.

Mr. Kane continued reporting that the FOP has filed two grievances since April 2020 to-date. One is outstanding and one has been settled. Neither were arbitrated. The IAFF has filed nine grievances since February 2020 to-date. Five are outstanding, two have been settled, and two were being arbitrated. He reported that he had received notice of a favorable ruling for the City on one of those cases being arbitrated. Mr. Bailey added that grievances range

from disciplinary issues to contract disputes. Mr. Kane added that since grievances are adversary proceedings, they need to be discussed in executive session should the Council so desire to do so.

Mr. Stuart moved to enter into Executive Session at 8:53 p.m. under 21 O.S. Sec. 307(B)(2), seconded by Vice Mayor Curd.

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

Nay: None

Motion: Passed

The City Council re-entered the open meeting at 10:02 p.m. Mayor Copeland announced that no action was taken in the executive session.

18. New Business.

There was no new business to address.

19. City Manager and Staff Reports.

Mr. Bailey stated his appreciation and thanks to the Kiwanis Club for a successful Freedom Fest. All agreed it was a beautiful and inspiring event.

20. City Council Comments and Inquiries.

Vice Mayor Curd inquired about recycling options. Mr. Bailey reported that Mark Armen from Replenish had forwarded a proposal to Keith Henry and him for review. It is possible that the proposal is being reviewed and may potentially come to the City Council at the August meeting if required criteria is met.

Ms. Roane stated her appreciation of Freedom Fest, as well as reporting a number of calls she received about illegal fireworks over the weekend. She voiced her concern regarding the sale of large, nearly commercial size, fireworks at the local fireworks stands. Fire Chief Topping addressed her concerns stating that sales are monitored as to the caliber of explosives that are allowed to be sold.

Mr. Dorsey congratulated Fire Chief Topping on his new title and position.

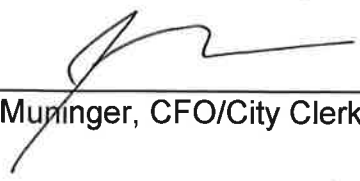
Vice Mayor Curd stated that Tower Center at Unity Square continues to be an asset to our community. He personally attended a well-attended event recently provided by local churches.

Mayor Copeland reminded citizens that due to the holiday, Monday trash routes will run tomorrow, Wednesday.

He also congratulated the Nazarene Church on their 100th Anniversary, and that he was honored to attend the celebration.

21. There being no further business to address, Mayor Copeland adjourned the meeting at 10:10 p.m.


Dale W. Copeland, Mayor


Jason Murringer, CFO/City Clerk

