



CITY COUNCIL MINUTES
January 4, 2021

The City Council of the City of The Village, Oklahoma, met in Regular Session on Monday, January 4, 2021, at 7:30 p.m., at 2304 Manchester Drive, The Village, OK 73120.

COUNCIL PRESENT

David Bennett, Mayor
Sonny Wilkinson, Vice-Mayor
Adam Graham, Council Member
Cathy Cummings, Council Member

STAFF PRESENT

Bruce K. Stone, City Manager
Jamie Gilpin, Benefits Administrator
Lisa Harden, Assistant City Attorney

ABSENT

Bubba Symes, Council Member

ITEM I: CALL TO ORDER.

Mayor Bennett called the meeting to order at 7:30 p.m.

ITEM II: INVOCATION AND PLEDGE OF ALLEGIANCE.

Council Member Cummings led the Council in the invocation and pledge of allegiance.

ITEM III. APPROVAL OF MINUTES OF THE CITY COUNCIL MEETING HELD ON DECEMBER 7, 2020.

The Mayor asked if there were any corrections, additions or deletions to the Minutes of the Regular Meeting held on December 7, 2020. Assistant City Attorney Lisa Harden noted a typographical error for correction. Council Member Cummings moved to approve the minutes as corrected. Vice-Mayor Wilkinson seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

ITEM IV: CITIZENS DESIRING TO BE HEARD, PROCLAMATIONS & PRESENTATIONS.

Mayor Bennett announced that this is the time for citizens to address the Council on any matter not listed on the agenda.

Mr. Gonzales, owner of 10400 Sunnymeade and 9521 Ridgeview, appeared before the Council regarding the multiple abatements of his property by the City. Mr. Gonzales spoke in Spanish and his son provided translation for the Council. Mr. Gonzales explained that, due to the pandemic and other extenuating circumstances he was unable to expeditiously evict the tenant and, consequently, the City billed him for four (4) abatements amounting to thousands of dollars



CITY COUNCIL MINUTES
January 4, 2021

in cleanup costs and fees. Mr. Gonzales told the Council that he did not think he received any help from the City to resolve this problem.

City Manager Bruce Stone told the Council that the tenant was issued seven (7) citations and that Judge White fined the tenant approximately \$600 for various code violations. Mr. Stone further stated that he told Mr. Gonzales's wife and daughter that he would consider reducing administrative fees for the abatements if they were successful in resolving the ongoing issues with their tenant. Mr. Stone advised that after the tenant was finally evicted, he reduced the bill for the various abatements by over \$1,000. Mr. Stone acknowledged that Mr. Gonzales had a difficult situation on his hands and that resolution of the problem may have been delayed by the pandemic as well as the belligerence and intransigence of the tenant. Mr. Stone added that the entire neighborhood was upset with the disturbances, the repeated accumulation of junk and trash on the property and the numerous instances of illegal parking. Because of that, Mr. Stone said, Code Enforcement was obligated to act without undue delay to abate the nuisances.

The Council discussed the situation and agreed that Mr. Gonzales had been placed in a difficult situation by his tenant and that extenuating circumstances, such as the pandemic, should be taken into consideration in this case. The general consensus of the Council was that the city manager should revisit the bills for abatement and waive all charges and fees except actual out-of-pocket expenses incurred by the City. The city manager advised that he would adjust the bill accordingly and would explain the bill in a letter to Mr. Gonzales in Spanish. Mr. Stone also advised that a payment plan would be made available if Mr. Gonzales could not pay the entire amount due right away.

Jane Lowther told the Council that the City should recognize the service of its employees. Ms. Lowther read a list of employees and their length of service. The city manager advised that every year the city recognizes employees who reach 3, 5, 10, 15, 20, 25, 30 etc., years of service. Mr. Stone explained that each employee receives a certificate and a catalog to order a personalized gift. Mr. Stone stated that COVID-19 absences and the pandemic-related cancellation of the annual employee dinner in December prevented the normal recognition process from taking place this year.

Ms. Lowther asked about a dead tree at 1929 Lanesboro that failed to make it to the curb in time for storm debris removal. Ms. Lowther also noted that the sign at Meeker and Penn had not been replaced yet. The city manager advised that he would look into both matters.

Ms. Lowther asked about noise ordinances. The city manager advised that there are numerous provisions in the City Code that address noise. Mr. Stone gave the examples of Disturbing the Peace and Noisy/Barking Dogs. Mr. Stone advised that there is also a provision in the Code where sound levels can be measured with a sound meter and sounds exceeding 90 decibels (*measured at the property line*) constitute a violation (*except when there are specific exemptions listed in the Code such as sirens for emergency vehicles*).



CITY COUNCIL MINUTES

January 4, 2021

Ms. Lowther asked if some of the old playground equipment in the parks could be kept in use. Mayor Bennett advised that if they met certain requirements and fit in the City's Park Masterplan, he would see no reason that they could not be used. Brent Wall, Landscape Architect with LAUD Studio, stated that most of the old equipment does not meet modern safety standards and should be phased-out to reduce the City's exposure to liability.

Ms. Lowther asked the Council if all members up for reelection this year would be candidates for office. Mayor Bennett and Council Member Graham both advised that they would be running. The city manager advised that Council Member Symes has also said that he would be a candidate.

Wynter Griffis appeared before the Council to introduce herself and advise that she would be a candidate for the Ward 1 City Council seat. Ms. Griffis told the Council that she has been inspired by all the Council has done over the last few years and wants to be a part of it.

ITEM V: CONSIDERATION OF RESOLUTION 01-04-2021 (A) AUTHORIZING THE CITY MANAGER TO SOLICIT COMPETITIVE BIDS FOR 2018 GENERAL OBLIGATION BOND PHASE 2 PARK IMPROVEMENTS.

Brent Wall and Jessica Lerner with LAUD Studio attended the meeting to review the final plans for Phase II Park Improvements. Ms. Lerner told the Council that only a few minor changes were made from the draft presented to the Council at the last City Council meeting.

The Council thanked Brent and Jessica for their outstanding work on the park improvement plans.

After a brief discussion, Council Member Cummings moved to approve Resolution 01-04-2021 (A) authorizing the city manager to solicit competitive bids for park improvements. Council Member Graham seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

ITEM VI: CONSIDERATION OF RESOLUTION 01-04-2021 (B) AUTHORIZING OMAG TO DISTRIBUTE ESCROW ACCOUNT FUNDS.

The city manager advised the Council that OMAG's Board of Trustees has authorized the return to the City of The Village the unused portion of its Fiscal Year 2017-2018 Worker's Compensation Loss Fund in the amount of \$48,209.35. Mr. Stone advised that these funds represent what was left in the Loss Fund after all outstanding Worker's Compensation claims that were incurred in FY 2017-18 had been settled and paid.



CITY COUNCIL MINUTES
January 4, 2021

After a brief discussion, Council Member Cummings moved to approve Resolution 01-04-2021 (B). Vice-Mayor Wilkinson seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

ITEM VII: CONSIDERATION OF COLLECTIVE BARGAINING AGREEMENT WITH FOP LODGE #222 FOR FISCAL YEAR 2020-21.

City Manager Bruce Stone advised that the FOP has asked the Council to approve the CBA, without changes from the previous year. Mr. Stone advised that the only request by the FOP is that any COLA approved by the Council also include the FOP. Mr. Stone reminded the Council that in negotiations with both the FOP and IAFF, it was agreed that the City would consider a mid-year COLA depending on how well the City weathers the economic impact of the pandemic. The Council agreed to consider a COLA at the next meeting.

After a brief discussion, Council Member Cummings moved to approve the Collective Bargaining Agreement with the FOP for FY 2020-21. Council Member Graham seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

ITEM VIII: CONSIDERATION OF PROCLAMATION 01-04-2021 (A) CALLING AN ELECTION FOR THE OFFICES OF COUNCILMAN FOR WARDS 1, 2, AND 3 FOR TUESDAY, APRIL 6, 2021, IN THE CITY OF THE VILLAGE, OKLAHOMA; PROVIDING FILING DATES AND METHODS OF FILING FOR SAID OFFICES; PROVIDING FOR QUALIFICATIONS FOR SAID OFFICES AND LISTING THE (TENTATIVE) POLLING PLACES.

The city manager told the Council that the municipal election this year will be for Wards 1, 2, and 3 and that the filing period will be for three (3) days beginning on February 24 and ending on February 26. Mr. Stone advised that the election will be on April 6, 2021.

Council Member Cummings asked if the references to “Councilman” in the Proclamation could be changed to “Council Member”. The city manager advised that the City Charter provides for the name of the elected position to be “Councilman” but that the change could probably be made without any problem.

After a brief discussion, Mayor Bennet moved to approve Proclamation 01-04-2021 (A), as amended. Council Member Cummings seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

ITEM IX: CONSIDERATION OF RESOLUTION 01-04-2021 (C) APPROVING AN AMENDMENT TO ARTICLE III OF THE AGREEMENT CREATING THE OKLAHOMA MUNICIPAL ASSURANCE GROUP (OMAG).



CITY COUNCIL MINUTES
January 4, 2021

City Manager Bruce Stone told the Council that, when created in 1977, OMAG was only authorized to remain in operation until June 1, 2027, unless extended by its membership. Mr. Stone advised the Council that the OMAG Board of Directors wishes to amend Article III of the Agreement to authorize OMAG to exist in perpetuity. The city manager told the Council that this change would not affect the City's ability to withdraw from the organization as provided in Article XI of the Agreement.

After a brief discussion, Council Member Cummings moved to approve Resolution 01-04-2021 (C). Council Member Graham seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none.

(Note: Mayor Bennett moved the Executive Session to the end of the agenda so that interested members of the public would not have to wait to participate in or listen to the remaining agenda items.)

ITEM X: EXECUTIVE SESSION: (A) VOTE TO ENTER INTO EXECUTIVE SESSION ON ADVICE OF LEGAL COUNSEL TO RECEIVE CONFIDENTIAL COMMUNICATIONS FROM LEGAL COUNSEL REGARDING A PENDING CLAIM, INVESTIGATION, OR ACTION RELATED TO WORK PERFORMED UNDER A CONTRACT BETWEEN CROSSLAND HEAVY CONTRACTORS AND THE CITY OF THE VILLAGE, AS AUTHORIZED BY 25 O.S. (2015 SUPP.) §307(B)(4) BECAUSE DISCLOSURE WOULD SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO PROCESS THE CLAIM OR CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST. (B) VOTE TO RETURN FROM EXECUTIVE SESSION AND RECONVENE IN OPEN SESSION. (C) ACTION, IF ANY, TO AUTHORIZE AND DIRECT LEGAL COUNSEL TO PURSUE THE CITY'S CLAIM AGAINST CROSSLAND HEAVY CONTRACTORS, EITHER BY FILING SUIT IN A COURT OF COMPETENT JURISDICTION OR BY INITIATING A METHOD OF ALTERNATIVE DISPUTE RESOLUTION, AND TO AUTHORIZE THE MAYOR, CITY MANAGER, AND LEGAL COUNSEL TO SELECT AND ENGAGE CONSULTANTS, EXPERTS, MEDIATORS, OR ARBITRATORS, AND TO PREPARE AND EXECUTE SUCH DOCUMENTS AS MAY BE NECESSARY OR APPROPRIATE.

Council Member Cummings moved to enter Executive Session on the advice of legal counsel to receive confidential communications from legal council regarding a pending claim by the City. Council Member Graham seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none. The Council entered Executive Session at 9:30 p.m.

Council Member Graham moved to reconvene in Regular Session. Council Member Cummings seconded the motion. The vote: Yea – Cummings, Graham, Wilkinson and Bennett. Nay – none. The Mayor reconvened the regular meeting at 10:20 p.m.



CITY COUNCIL MINUTES
January 4, 2021

The Council took no formal action.

ITEM XI: REPORTS, CORRESPONDENCE, ETC.

- a) *Review of Expenditures. The Council reviewed the Expenditure Report.*
- b) *Manager's Report.*

City Manager Bruce Stone reported on the results of the annual Dry Weather Screening program, which was conducted in December. Mr. Stone advised that three of the seventeen monitoring/sampling points indicated pollutants slightly above the acceptable levels. Mr. Stone advised that it appears that at least two of the three are related to construction projects. Mr. Stone further reported that the City's consulting engineer (Terracon) has been asked to review the City's stormwater permit and advise what steps, if any, need to be taken to address the deficiencies.

The city manager explained the recent lawsuit filed by John Powell Walker (the owner of the two vacant lots at Britton and Waverly) against the owners of property in the Casady Heights Addition to the City of The Village. Mr. Stone reported that the purpose of the lawsuit is to clear plat restrictions that apply to the lots recently rezoned C-2 Commercial by the Council. Mr. Stone advised that the plat restrictions provide that land in the Addition can only be used for residential purposes. The removal of the plat restrictions would make the land more appealing to potential developers and possibly help provide developers with clear title to the property. Mr. Stone told the Council that the City does not enforce plat restrictions, but they can be enforced by an aggrieved property owner in District Court.

- c) *Monthly Department Reports. The Council reviewed the Monthly Department Reports for November.*
- d) *Reports from Council.*

Council Member Graham mentioned the need for pedestrian crossings on Britton Road possibly in the vicinity of Village Drive. The consensus of the Council was that there is a need to add one or more pedestrian crossings to provide safe pedestrian access to Harrison Park and the multipath.

Council Member Graham reported that several streetlights are out on Britton and South of Britton on Penn. Mr. Stone advised that the City would report the outages to OG&E.



CITY COUNCIL MINUTES

January 4, 2021

Vice-Mayor Wilkinson thanked the police and fire for their quick response on the recent fire in his neighborhood.

Vice-Mayor Wilkinson noted the pothole on the Oklahoma City side of Hefner, just west of May Avenue.

Vice-Mayor Wilkinson told the Council that the new owner of Uptown would not be selling beer or other alcohol products and expressed his concern of how this might have an adverse effect on sales and sales tax. The rest of the Council also expressed concern that the store's competitors would take a larger market share of grocery sales because of this. The city manager took this opportunity to explain that Hank and Susan Binkowski will remain owners of the land and building and that the City's Development Agreement with Esperanza Real Estate would, therefore, remain intact.

Vice-Mayor Wilkinson asked if the Census numbers had been released. Mr. Stone advised that the final population totals are not available at this time. Mr. Stone advised that, when the numbers are released, reapportionment of the City Council Wards would probably be necessary in order to keep each Ward roughly the same size in population.

Council Member Cummings reported that snow sledders created a mudhole in the area west of Lakeside Drive and that some people drove through yards to reach the slope. Mr. Stone advised that the utility access road, the slope and large catch basin are all in Oklahoma City. The city manager suggested that residents on the west side of Lakeside Drive consider installing fences along the west side of their property or putting in landscaping (such as landscape boulders) to prevent people from crossing their yards in the future.

The Council briefly discussed the availability of vaccine for immunization against COVID-19 and possible POD (Point of Delivery) locations.

The Vice-Mayor noted the new residential development planned for an area close to The Village Public Works facility and suggested that the City might need to beautify and screen the facility.

Mayor Bennett expressed his appreciation to the City Manager and Public Works for removing storm debris in such an expeditious manner.



CITY COUNCIL MINUTES
January 4, 2021

ITEM XII: NEW BUSINESS.

There was no New Business to come before the Council.

ITEM XIII: ADJOURNMENT

There was no further business and Mayor Bennett adjourned the meeting at 10:21 p.m.

Mayor Bennett

Vice-Mayor Wilkinson

Council Member Graham

Council Member Symes

City Clerk

Council Member Cummings