



CITY COUNCIL MINUTES
August 1, 2022

The City Council of the City of The Village, Oklahoma, met in regular session at City Hall on Monday, August 1, 2022, at 5:30 p.m., at 2304 Manchester Drive.

COUNCIL PRESENT

Sonny Wilkinson, Mayor
Sean Cummings, Council Member
Bubba Symes, Council Member

STAFF PRESENT

Bruce K. Stone, City Manager
Beverly K. Whitener, City Treasurer
Jeff Sabin, City Attorney

ABSENT

Wynter Griffis, Vice-Mayor

ITEM I: CALL TO ORDER.

Mayor Wilkinson called the meeting to order at 5:30 p.m.

ITEM II. PLEDGE OF ALLEGIANCE.

Mayor Wilkinson led the Council in the Pledge of Allegiance.

ITEM III. CONSIDERATION OF VOTE TO ENTER EXECUTIVE SESSION PURSUANT TO 25 O.S. §307(B)(4): TO ENGAGE IN CONFIDENTIAL COMMUNICATIONS WITH LEGAL COUNSEL CONCERNING A PENDING INVESTIGATION, CLAIM, OR ACTION INVOLVING A LEGAL DISPUTE WITH CROSSLAND HEAVY CONTRACTORS PERTAINING TO THE LAKESIDE DRIVE OVERLAY PROJECT, AND WHERE ON ADVICE OF LEGAL COUNSEL, THE CITY COUNCIL HAS DETERMINED THAT DISCLOSURE WILL SERIOUSLY IMPAIR THE ABILITY OF THE PUBLIC BODY TO CONDUCT A PENDING INVESTIGATION, LITIGATION, OR PROCEEDING IN THE PUBLIC INTEREST. VOTE TO EXIT EXECUTIVE SESSION AND RECONVENE IN REGULAR SESSION.

Mayor Wilkinson moved to enter Executive Session. Council Member Cummings seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

Mayor Wilkinson moved to exit Executive Session. Council Member Cummings seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none. The Council reconvened at 6:00 p.m. *(See Agenda Item XIII for action related to discussion in the Executive Session)*

Mayor Wilkinson recessed the meeting until 6:30 p.m., to coincide with the regular meeting time.



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The mayor reconvened the meeting at 6:35 p.m.

ITEM IV. APPROVAL OF MINUTES OF THE MEETINGS HELD ON JULY 18, 2022, AND JULY 22, 2022.

The mayor asked if there were any deletions, corrections, or additions to the Minutes of the Regular City Council meeting held on July 18, 2022, or to the Minutes of the Special Meeting held on July 22, 2022. There were none and the minutes of both meetings were approved as written.

ITEM V. CITIZENS DESIRING TO BE HEARD, PROCLAMATIONS, PRESENTATIONS.

Donna Rice Johnson told the Council that there is an Airbnb at 2705 Ridgeview that appears to be being used as a party house. Ms. Johnson told the Council that there were numerous cars parked on the street, some illegally, and that the renters were creating a problem for the neighborhood. Council Member Cummings suggested holding a Town Hall to gather information from residents and asked if Ms. Rice would co-host. Ms. Rice said she would.

Braxton Banks appeared before the Council to introduce himself and to tell the Council that he is interested in being appointed to fill the vacancy on the City Council. Mr. Banks stated that he loves living in The Village and that he would like to be more involved in the community. Mayor Wilkinson thanked Mr. Banks for coming and stated that the Council would not be making an appointment at this time. The mayor stated that the Council would discuss the appointment at the next City Council meeting.

ITEM VI. CONSIDERATION OF RESOLUTION 08-01-2022 (A) AUTHORIZING THE CITY MANAGER TO AWARD THE BID FOR THE BRITTON & MAY PEDESTRIAN CROSSING IMPROVEMENTS.

City Manager Bruce Stone told the Council that this project was supposed to be part of Sidewalk Project #4 (Britton Road west of May), but it took approximately six (6) months to get the plans approved by Oklahoma City, which owns the signalization system at this intersection.

Mr. Stone advised that only one bid was received in the amount of \$75,000, and was submitted by Traffic Signals, Inc. Mr. Stone advised that the company has done practically all of the city's traffic signal installation and service since the 1990s, including the new signalization at the intersection of Britton and Penn and the intersection of Lakeside and May.

Council Member Symes asked about the cost of signalization improvements at Britton and Penn and the pedestrian crossing at Berkshire & May. Mr. Stone advised that the cost of new signalization at the intersection of Britton & Penn was approximately \$375,000. Mr. Stone advised he could not remember off the top of his head what the pedestrian crossings at Berkshire



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& May cost but noted that prices have gone up dramatically since they were installed (*not long after Uptown Grocery opened.*)

After a brief discussion, Council Member Cummings moved to adopt Resolution 08-01-2022 (A) authorizing the city manager to award the bid for pedestrian crossing improvements at Britton & May and to execute contract documents. Council Member Symes seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM VII. CONSIDERATION OF ORDINANCE 768 REPEALING CHAPTER 12, ARTICLE IX OF THE VILLAGE CODE OF ORDINANCES; PERTAINING TO YOUTH ACCESS TO TOBACCO; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

Mayor Wilkinson stated that the Council needs to give more thought about regulations that pertain to Youth Access to Tobacco before taking further action. The mayor tabled consideration of this item to a time to be determined.

ITEM VIII. CONSIDERATION OF RESOLUTION 08-01-2022 (B) APPROVING THE RESTATEMENT OF AND AN AMENDMENT TO THE CITY OF THE VILLAGE VARIABLE AND LONGEVITY PLAN IN ACCORDANCE WITH APPLICABLE LAW.

City Manager Bruce Stone told the Council that, the City's Variable & Longevity Retirement Plan must be restated to incorporate the 2017 IRS Cumulative List (IRS Notice 2017-37), the American Taxpayer Relief Act of 2012, the Tax Cuts and Jobs Act of 2017, and other applicable guidance, collectively referred to as the "Cycle 3 restatement". Mr. Stone advised that, in addition, two enhancements to the retirement plan are proposed for consideration by the Council as follows:

1. ***Vesting Schedule.*** *A change from a 10-year vesting schedule to a 6-year vesting schedule which would allow Plan participants to become 100% vested in their benefits upon the completion of six (6) years of service in accordance with the restated Plan documents effective July 1, 2022; and*
2. ***Salary Deferrals.*** *An amendment to allow employees covered on the plan be allowed to voluntarily make salary deferrals in an amount not to exceed the lesser of 15% of Plan compensation or the limits established by the U.S. Secretary of the Treasury pursuant to 26 U.S.C. 402(g). Mr. Stone advised that employees must still make a 4% contribution to the plan, but employees will be allowed to tax defer up to 15% of their salary, not to exceed a dollar amount established by law.*

The Council briefly discussed the proposed vesting schedule.



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Council Member Cummings moved to approve Resolution 08-01-2022 (B) restating and amending the Variable and Longevity Retirement Plan. Council Member Symes seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM IX. CONSIDERATION OF COLLECTIVE BARGAINING AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS, LOCAL 3958 FOR FY 2022-23.

City Manager Bruce Stone advised that the IAFF had a long list of requests this year. Mr. Stone reviewed and explained each of the negotiated changes to the Collective Bargaining Agreement, including:

- *Incentive Pay for Advanced EMT Certification;*
- *An increase in sick leave accrual from 11.2 hours per month to 14 hours per month;*
- *Additional procedures for Call Back;*
- *Update of the Pay Plan to reflect a COLA adjustment approved by the Council;*
- *Changes in the Bereavement Leave policy;*
- *Annual funding for the joint purchase of physical training equipment and cost-sharing with the union;*

After a brief discussion, Council Member Cummings moved to approve the Collective Bargaining Agreement with the IAFF for FY 2022-23. Council Member Symes seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM X. CONSIDERATION OF RESOLUTION 08-01-2022 (C) DECLARING CERTAIN EQUIPMENT SURPLUS AND OBSOLETE AND AUTHORIZING ITS SALE OR DISPOSAL.

The city manager advised that the Police Department is asking the Council to declare six (6) old tasers surplus and obsolete and to authorize their sale or disposal.

After a brief discussion, Council Member Cummings moved to approve Resolution 08-01-2022 (C). Mayor Wilkinson seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.



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ITEM XI. CONSIDERATION OF RESOLUTION 08-01-2022 (D) ENGAGING HBC CPAs TO PERFORM THE AUDIT OF THE CITY'S FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDING JUNE 30, 2022.

City Manager Bruce Stone advised that HBC CPAs proposes to perform the audit of the City's financial statements for the fiscal year ending June 30, 2022, for a base fee not to exceed \$13,900. Mr. Stone told the Council that the fee to prepare and file the Estimate of Needs (*information required by the County to establish the ad valorem tax levy for debt service on outstanding G.O. Bonds*) is an additional \$550. Mr. Stone further advised that the price to perform the OMB Single Audit, which is required by federal regulations, will be \$4,400 and is in addition to the cost of the basic audit. Mr. Stone told the Council that the Single Audit is required whenever more than \$750,000 in federal funds are expended by the City during the fiscal year. Mr. Stone advised that a separate engagement letter with HBC CPAs would be required for the Single Audit.

After a brief discussion, Council Member Cummings moved to approve Resolution 08-01-2022 (D). Mayor Wilkinson seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM XII. CONSIDERATION OF RESOLUTION 08-01-2022 (E) DESIGNATING REPRESENTATIVES TO THE ASSOCIATION OF CENTRAL OKLAHOMA GOVERNMENTS BOARD OF DIRECTORS, POLICY COMMITTEES, AND 9-1-1 ASSOCIATION.

City Manager Bruce Stone advised that each year after City Council elections are held and new officials take office, member cities are asked by ACOG to designate their representatives to the various ACOG Boards and Policy Committees.

After a brief discussion, Mayor Wilkinson moved to adopt Resolution 08-01-2022 (E), designating Mayor Wilkinson as the voting delegate and Vice-Mayor Griffis and Council Member Cummings as alternate voting delegates. Council Member Cummings seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM XIII. CONSIDERATION OF RESOLUTION 08-01-2022 (F) ENGAGING PHILLIPS MURRAH LAW FIRM TO PROVIDE LEGAL SERVICES PERTAINING TO POSSIBLE LITIGATION WITH CROSSLAND HEAVY CONTRACTORS.

Mayor Wilkinson moved to adopt Resolution 08-01-2022 (F). Council Member Symes seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.



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ITEM XIV. CONSIDERATION OF RESOLUTION 08-01-2022 (F) AUTHORIZING THE CITY MANAGER TO SOLICIT COMPETITIVE BIDS FOR MEEKER CHANNEL EMBANKMENT STABILIZATION AND REPAIR.

City Manager Bruce Stone advised that this project was planned several budgets ago but due to various reasons had to be delayed. Mr. Stone told the Council that the city's consulting engineers recommend that eroded portions of the channel with a grade of 28% or more be repaired with the use of a product called "Fleximat". Mr. Stone showed the Council an illustration of the product. Mr. Stone further reported that eroded areas that are less than 28% slope would be repaired with sod. Mr. Stone advised that the total cost of repairs is estimated at under the \$100,000 approved by the Council for this project.

After a brief discussion, Council Member Cummings moved to adopt Resolution 08-01-2022 (F), authorizing the city manager to solicit competitive bids for the Meeker Channel Embankment Stabilization and Repair Project. Council Member Symes seconded the motion. The vote: Yea – Symes, Cummings, and Wilkinson. Nay – none.

ITEM XV: REPORTS, CORRESPONDENCE, ETC.

a) Review of Expenditures: *The Council reviewed the expenditure reports. The city manager explained several of the expenditures.*

b) Manager's Report:

City Manager Bruce Stone reported that AT&T has finally begun the relocation of fiber optic cable on Britton Road and that work should be completed in a day or two. Mr. Stone told the Council that it has taken nine (9) months for the company to get project this done.

The city manager reported that Emergency Management Director Brent Hodges reports that we are on FEMAS's "short list" for payment of an additional \$170,000 as reimbursement for the 2020 Ice Storm. Mr. Stone advised that final reimbursement of approximately \$77,000 for the costs stemming from the 2015 Ice Storm has finally been paid.

Mr. Stone reported that roof replacement for pole barns at Public Works has been completed and that pouring of the concrete floor is to start soon. Mr. Stone advised that the storage building was in dire need of repair.

The city manager advised that the Lion's Club Car Show would be in Duffner Park on August 27th. Mr. Stone advised that the Mayor, or his designee would be asked to pick the winner of the Mayor's Trophy.



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Mr. Stone noted the growing list of candidates for the Ward 3 Vacancy.

The city manager advised that OKC has advised that the cost of our share of the Hefner Resurfacing Project (between Penn and Waverly) has gone up by a few thousand dollars (\$201,000 to \$206,000). Mr. Stone stated that the total cost of the project is still under budget.

Mr. Stone referred to the Geotechnical Report for Gladstone that was provided in the City Manager's written report. Mr. Stone told the Council that results of the report indicate that, given the existing soil conditions, it would not be advisable to eliminate the French drain system (as a cost saving measure) and that the original engineering design of the drainage system is recommended.

The city manager reported on important aspects of the financial report for the final month of the fiscal year, which ended on June 30, 2022. Mr. Stone noted that the City finished the year 6.54% under budget and that revenues exceeded the budget estimate by 7.35%. Mr. Stone advised that the ending General Fund Cash Balance showed an increase of \$1,321,920 as compared to the cash balance at the beginning of the fiscal year. The city manager further explained that the receipt of G.O. Bond proceeds on June 27 resulted a substantial deficiency in the amount of collateral pledged by Bancfirst, which is required to protect the city's uninsured deposits held by the bank. Mr. Stone told the Council that this deficiency was promptly remedied by the pledge of additional collateral by the bank.

a) Monthly Department Reports: *The Council reviewed the Monthly Department Reports.*

c) Reports from Council

City Attorney Jeff Sabin asked the Council to let him know if information about Airbnbs is needed for the upcoming Town Hall and/or the next City Council meeting. Mr. Sabin also reported that he reached out to ONG about the company's interest in a franchise and that he has not received any response.

Carol Jensen asked how long a person can rent an Airbnb in The Village and how the time limit can be enforced. (30 consecutive days and there are numerous ways to enforce the ordinance)

Council Member Symes noted that a crack suddenly appeared in the street at Northland and Britton (hot dry weather) and that public works promptly came to make the needed repair.



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Council Member Cummings asked if there are any pickle ball courts in The Village. The city manager advised that all three (3) tennis courts are striped for both tennis and pickle ball. Mr. Stone further stated that the Council may wish to add dedicated pickle ball courts in some of the parks in the future as the City continues to work to complete the masterplan.

City Manager Bruce Stone reported that contract documents with Precision Concrete Cutting have been executed and that the contractor is scheduled to begin sidewalk trip hazard repair on September 15th. Mr. Stone also reported that the pre-work meeting for Sidewalk Project #6 would be held on August 8th.

Debbie Bass told the Council that Waste Connections recently serviced the commercial businesses behind her home at 4:30 a.m. The city manager advised that the company is not supposed to begin work until 6:00 a.m. and that he would bring this oversight to the company's attention.

Melodie Moore arrived at the meeting late and stated that she is interested in filling the unexpired Ward 3 City Council term. Ms. Moore told the Council that she lives in Ward 3. Mayor Wilkinson stated that the Council would try to be neutral by avoiding the appointment of anyone who would gain an advantage in the election. Council Member Cummings stated that, statistically, incumbents win elections about 80% of the time.

Ms. Moore complained about construction at Casady School beginning early in the morning (5:00 a.m.) and causing a disturbance. Ms. Moore expressed her frustration with the school for not complying with applicable city codes and stated that she and her neighbors have every right to expect the school to abide by the law.

Mayor Wilkinson stated that he is working to shore-up the City's relationship with Nichols Hills and stated that he recently met with the Mayor of Nichols Hills.

ITEM XVI: ADJOURNMENT

There being no further business, the mayor adjourned the meeting at 7:45 p.m.

Mayor Wilkinson

Vice-Mayor Wynter Griffis

Council Member Symes

Council Member Cummings

City Clerk

Vacant