

11/26/2018 3:09 pm

MICHAEL P. KIER
CITY CLERK

NOTICE AND AGENDA

TULSA CITY COUNCIL - REGULAR MEETING

5:00 PM, Wednesday, November 28, 2018

Council Chamber, 2nd Floor - 175 E. 2nd St., Tulsa, OK 74103

INTRODUCTION

PLEDGE OF ALLEGIANCE AND INVOCATION

PROCLAMATIONS

SPECIAL ANNOUNCEMENTS

CALL TO ORDER & ROLL CALL

Unless otherwise noted, there will be no public comment/discussion of items in Section 6, "First Reading."

Council may discuss, review, and/or possibly take action on the following:

1. RECEIPT & FILING OF MINUTES

- a. Minutes of Regular Meeting held at 4:00 PM on November 7, 2018. [CC 11/28/18] 18-922-1
- b. Minutes of Regular Meeting held at 5:00 PM on November 7, 2018. [CC 11/28/18] 18-923-1

2. APPOINTMENTS & REAPPOINTMENTS

- a. Charles Bendana - Appointment to the City Of Tulsa/Rogers County Port Authority replacing John Fariss; term expires October 4, 2022. (CD-9) [PW 11/28/18; CC 11/28/18] 18-842-1
- b. Cornell Cross - Reappointment to 2003 Sales Tax Overview Committee. (Attended 15/15 meetings.) (CD-5) [PW 11/7/18; CC 11/28/18] 18-873-1
- c. John E. (Ed) Fariss - Reappointment to Tulsa's Port of Catoosa Facilities Authority; term expires November 1, 2023. (CD-9) [UED 11/7/18; CC 11/28/18] 18-872-1
- d. Mark Tedford - Reappointment to the Economic Development Commission; term expires December 31, 2021. (Attended 5/12 meetings.) (CD-8) [UED 11/7/18; CC 11/28/18] 18-817-1

3. PUBLIC HEARINGS

- a. Public Hearing regarding the proposed 11th & Lewis Corridor Project Plan and supporting increment districts, City of Tulsa, for the purpose of providing the public an opportunity to be heard in support of or in opposition to the proposed Project Plan and increment districts before any votes are taken. [Public Hearings CC 11/7/18; CC 11/28/18] 18-864-3

4. MAYOR'S ITEMS

- a. Mayor's report on community events, briefing on City activities, City efforts, and new business. 97-631-3
- b. Resolution approving an amendment to the Annual Action Plan and projected use of funds beginning July 1, 2018, to be funded by Community Development Block Grant Funds, Home Investment Partnership Act Funds, Emergency Solutions Grant Funds, Housing Opportunities for Persons with AIDS Funds; authorizing the Mayor to submit a final statement and to sign all assurances, understandings, and written agreements associated with said grants from HUD in accordance with all requirements. [UED 11/7/18; CC 11/28/18] 18-865-1
- c. Donation of Utility Easement located at 3628 S. 150th E. Ave. by RC Battlecreek, LLC; as a requirement of Infrastructure Development Permit (IDP) No. 9122 for The Crossing at Battle Creek Phase 3 Project Parcel No. Ex "A". (CD-6) [PW 11/7/18; CC 11/28/18] 18-879-2
- d. Donation of Utility Easement located at 3628 S. 150th E. Ave. by RC Battlecreek, LLC; as a requirement of Infrastructure Development Permit (IDP) No. 9122 for The Crossing at Battle Creek Phase 3 Project Parcel No. Ex "B". (CD-6) [PW 11/7/18; CC 11/28/18] 18-877-2
- e. Donation of Utility Easement located at 3628 S. 150th E. Ave. by RC Battlecreek, LLC; as a requirement of Infrastructure Development Permit (IDP) No. 9122 for The Crossing at Battle Creek Phase 3 Project Parcel No. Ex "C". (CD-6) [PW 11/7/18; CC 11/28/18] 18-875-2
- f. Donation of Sanitary Sewer and Storm Sewer Easement located at 1401 W. Charles Page Blvd. by New Beginnings Community Church, Inc. as a requirement of Project No. AM 2018-07. (CD-4) [PW 11/7/18; CC 11/28/18] 18-876-1
- g. Donation of Utility Easement located at 111 S. Elgin Ave. by 485 Fall Creek, LLC; Beaverdale Investments, LLC; RSH Investments, LLC; Fishless Desert, LLC; and DNG Real Estate, LLC as a requirement of Infrastructure Development Permit (IDP) No. 9106 for Santa Fe Square Storm Sewer Relocation Project. (CD-4) [PW 11/7/18; CC 11/28/18] 18-856-2
- h. Donation of Storm Sewer Easement located at 108 S. Greenwood Ave. by Santa Fe Crossings, LLC; as a requirement of Infrastructure Development Permit (IDP) No. 9106 for Santa Fe Square Storm Sewer Relocation. (CD-4) [PW 11/7/18; CC 11/28/18] 18-880-2
- i. Donation of Storm Sewer Easement located at 121 S. Elgin Ave. by Blue Dome Hotel Center, LLC; as a requirement of Infrastructure Development Permit (IDP) No. 9106 for Santa Fe Square Storm Sewer Relocation. (CD-4) [PW 11/7/18; CC 11/28/18] 18-882-2
- j. Travel expense donation of one thousand eighty-eight dollars and ten cents (\$1,088.10) from 100 Resilient Cities for Amy Brown to travel to Boston, MA on November 14-16, 2018, to attend a Network Exchange on Equitable and Resilient Cities. [CC 11/28/18] 18-911-1
- k. Special Event Application: BOK Center Events scheduled for December 2018, at the BOK Center, 200 S. Denver Ave. W. (CD-4) [CC 11/28/18] 18-929-1

- l. Special Event Application: Guthrie Green Events scheduled for December 2018, at Guthrie Green, 111 E. Mathew Brady St. (CD-4) [CC 11/28/18] 18-930-1
- m. Special Event Application: Jingle Bell Run scheduled for December 8, 2018, at the BOK Center, 200 S. Denver Ave. (CD-4) [CC 11/28/18] 18-931-1
- n. Special Event Application: Night Light Tulsa scheduled for all Thursdays in December 2018, at 202 N. Maybelle Ave. W. (CD-4) [CC 11/28/18] 18-932-1
- o. Special Event Application: Tulsa Christmas Parade scheduled for December 8, 2018, starting at 700 S. Boston Ave. (CD-4) [CC 11/28/18] 18-933-1
- p. Special Event Application: Tulsa Dream Center Toy Run scheduled for December 2, 2018, from OSU-Tulsa Campus to Tulsa Dream Center. (CD-1,4) [CC 11/28/18] 18-934-1
- q. Special Event Application: Boogie Down 4 Miler scheduled for December 1, 2018, starting at 3920 S. Peoria Ave. from 41st St. to 21st St. (CD-4,9) [CC 11/28/18] 18-935-1
- r. Special Event Application: APAC-Central Blasting Operations - regular road closures for area blasting, scheduled for December 2018, at 3605 N. 129th Ave. E., E. 46th St. N. between N. Garnett Rd. and 141st E. Ave. (CD-3) [CC 11/28/18] 18-938-1

5. AUTHORITIES, BOARDS & COMMISSIONS

- a. Final Plat for the QuikTrip No. 0085 Subdivision consisting of 1 lot, 1 block, on 1.98 acres located east of the SW/c of E. Admiral Place N. and N. Harvard Ave. (TMAPC voted 9-0-0 to recommend **APPROVAL** of the Plat.) (CD-3) [CC 11/28/18] 18-902-1

6. FIRST READING

- a. Ordinance amending the fiscal year 2018-19 budget to transfer unencumbered and unexpended appropriation balances of one million, two hundred eighty-nine thousand, one hundred eighty-five dollars and ninety-eight cents (\$1,289,185.98) between Orgs, Objects, and Projects within the 2014 Improve Our Tulsa Sales Tax Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-906-1
- b. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of ten thousand, seven hundred two dollars and forty-four cents (\$10,702.44) from Reimbursement Revenues within the PA Law Enforcement Training Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-907-1
- c. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of fifty-five thousand, nine hundred twenty-five dollars (\$55,925.00) from Fund Balance within the Tulsa Authority For The Recovery Of Energy (TARE) Operating Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-909-1
- d. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of seven hundred seventy-six thousand dollars (\$776,000.00) from Fund Balance within the General Fund and a transfer of one hundred ninety-two thousand dollars (\$192,000.00) from the General Fund to the Short-Term Capital Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-910-1

- e. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of one million, three hundred two thousand dollars (\$1,302,000.00) from Fund Balance within the 2014 Improve Our Tulsa Sales Tax Fund for Helicopter Replacement. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-919-1
- f. Ordinance amending the fiscal year 2018-19 budget to transfer unencumbered and unexpended appropriation balances of five hundred fifty-nine thousand, five hundred sixty-four dollars (\$559,564.00) between Departments and Account Groups within the General Fund; to make supplemental appropriations of one hundred seventy-two thousand, nine hundred ninety-nine dollars (\$172,999.00) from Fund Balance within the General Fund; to make supplemental appropriations of one hundred forty-one thousand, fifty-five dollars (\$141,055.00) from Fund Balance within the Permit and Licensing System Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-936-1
- g. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of five hundred fifty-six thousand dollars (\$556,000.00) from Permit Revenue and Fund Balance within the General Fund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-941-1
- h. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of twenty-one thousand, one hundred twenty-five dollars (\$21,125.00) from Grant Revenues to be received within the Forensic Science Improvement SubFund. [UED 11/28/18; CC 11/28/18; CC 12/5/18] 18-942-1
- i. Ordinance amending Title 11, Tulsa Revised Ordinances (TRO), "Public Works Department", by the addition of a new chapter, Chapter 15, Titled "Small Wireless Communications Facilities"; stating purpose; adopting definitions; asserting the city's right to regulate small wireless communications facilities, subject to state and federal law; establishing fees requiring compliance with the right-of-way occupancy ordinances when applicable; providing permitting for small wireless communications facilities mounted on city-owned poles; asserting city zoning authority when applicable; requiring placement of facilities underground when necessary; referring users to Oklahoma Underground Facilities Damage Prevention Act; requiring users to repair damage and restore city's rights-of-way; requiring compliance with historic districting; declaring the permit application review process and time limits; setting forth reasons for denial of a permit; allowing rescission after approval; allowing emergency action; imposing the duty to indemnify and hold harmless; requiring insurance; requiring appropriate identification on poles; providing procedures for abandoned facilities; allowing for change in ownership of facilities. **(Emergency Clause)** [PW 11/28/18; CC 11/28/18; CC 12/5/18] 18-920-1

7. ORDINANCES - SECOND READING

- a. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of sixty-six thousand, three hundred dollars (\$66,300.00) from Revenues and Donations received within the Non-Grant Miscellaneous Special Revenue Fund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-857-1
- b. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of fourteen thousand, six hundred two dollars (\$14,602.00) from Damage Recovery Funds received within the Tulsa Stadium Improvement District Fund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-858-1
- c. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of one million, five hundred twenty-three thousand, thirty-seven dollars (\$1,523,037.00) from Department of Justice Grant Revenues to be received within the Sexual Assault Kit Initiative SubFund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-859-1

- d. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of two hundred seventy thousand dollars (\$270,000.00) from Grant Revenues to be received from the Department of Homeland Security and a Grant Match to be received from the Short-term Capital Fund within the Fire Prevention and Safety SubFund; to transfer unencumbered and unexpended appropriation balances of twenty-four thousand, five hundred forty-five dollars (\$24,545.00) between Departments and Account Groups within the Short-term Capital Fund [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-860-1
- e. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of eight hundred thousand dollars (\$800,000.00) from The U.S. Department of Justice to be received within the JAG Reimbursement Grants SubFund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-884-1
- f. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of three hundred forty-eight thousand, two hundred forty-four dollars (\$348,244.00) from The U.S. Department of Justice to be received within the JAG Reimbursement Grants SubFund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-887-1
- g. Ordinance amending the fiscal year 2018-19 budget to make supplemental appropriations of forty-one thousand, five hundred dollars (\$41,500.00) from Fund Balance within the Police Equitable Sharing Program SubFund. [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-888-1
- h. Ordinance amending certain sections in Chapter 31 of Title 27, Tulsa Revised Ordinances, Penal Code, of the City of Tulsa, Oklahoma, regulating sales and purchases of scrap metal, to incorporate changes to Oklahoma Statutes made by HB2950; amending Section 3103(A)(1) for photo ID; amending Section 3103(E) requiring digital image of items purchased; amending Section 3103(G) governing size of copper wire; repealing all ordinances or parts of ordinances in conflict herewith. [PW 11/7/18; CC 11/7/18; PW 11/28/18; CC 11/28/18] 18-867-2
- i. Ordinance adopting the eighteenth supplement to the seventh revision of the Tulsa Revised Ordinances, codifying ordinances enacted between October 1, 2017, and March 31, 2018; providing certain exceptions for ordinances excluded; providing for the repeal of certain ordinances; protecting preexisting rights; providing for copies to be deposited with the city clerk; providing for distribution of copies to city departments and others; providing for the sale of copies. **(Emergency Clause)** [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-861-1
- j. Ordinance providing for the creation of the Tulsa Animal Welfare Commission; establishing the powers and duties of the Commission. **(Emergency Clause)** [PW 11/7/18; CC 11/7/18; CC 11/28/18] 18-891-1
- k. Rezoning Ordinance Z-7455 from IM to MX1-P-U for property located West of the SW/c of S. Peoria Ave. at E. 3rd St. S. requested by Mark Capron. (Property owner: Rust, LLC) (CD-4) (TMAPC voted 9-0-0 to recommend **APPROVAL** of MX1-P-U zoning.) [UED 10/24/18; CC 11/7/18; CC 11/28/18] 18-792-2
- l. Rezoning Ordinance Z-7456 from CS to MX1-U-U for property located at the NW/c of E. 2nd St. S. and S. Lewis Ave. requested by Nicole Watts. (Property owner: MAGJEG GLOVER, LLC) (CD-4) (TMAPC voted 10-0-0 to recommend **APPROVAL** of MX1-U-U zoning.) [UED 10/24/18; CC 11/7/18; CC 11/28/18] 18-814-2

- m. Rezoning Ordinance Z-7454 from OL to CS for property located at the SW/c of E. 17th Pl. S. and S. Garnett Road requested by Robert Wright. (Property owner: Severo Guzman) (CD-6) (TMAPC voted 9-0-0 to recommend **DENIAL** of CS zoning.) [UED 10/24/18; CC 11/7/18; CC 11/28/18]18-728-2
- n. Ordinance adopting the 11th & Lewis Corridor Project Plan; identifying and establishing two new Tax Increment Districts; creating and naming "TIF A" as Tax Increment District No. 14, City of Tulsa; and deferring creation and naming of "TIF B"; authorizing the City of Tulsa and the Tulsa Industrial Authority as the entities to carry out and administer the project plan establishing a Tax Apportionment Fund; declaring apportioned funds to be special funds of the Tulsa Industrial Authority; authorizing the use of increment revenues for the payment of certain project costs; ratifying and confirming the actions, recommendations, and findings of the review committee and the Tulsa Metropolitan Area Planning Commission; directing continuing apportionment. Tax Increment District No. 14 is generally located north of E. 11th St. between S. Lewis Ave. and S. Atlanta Ave., and located south of E. 11th St. between the railroad tracks and S. Lewis Pl. "TIF B" is generally bounded on the west by S. Yorktown Ave.; on the north by E. 10th St.; on the east by S. Lewis Ave.; and on the south by E. 11th St. (**Emergency Clause**) (Public Hearings 11/7/18; 11/28/18) [UED 11/7/18; CC 11/7/18; CC 11/28/18] 18-864-1
- o. Ordinance ZCA-12 amending the Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, to provide for medical marijuana uses licensed by the Oklahoma State Department of Health, to establish specific uses, to identify the zoning districts in which such uses are permitted, to establish supplemental use regulations and parking requirements for such uses and to provide related definitions. (**Emergency Clause**) [UED 10/24/18; CC 10/24/18; CC 11/7/18; UED 11/28/18; CC 11/28/18] 18-843-3
- p. Ordinance changing the name of the street now designated as "Mathew Brady Street" to "Reconciliation Way", within the corporate limits of City of Tulsa; providing that this renaming shall be effective February 1, 2019. (Ewing) [PW 10/24/18; CC 10/24/18; UED 11/7/18; CC 11/7/18; 11/28/18] 18-845-2

8. COUNCIL ITEMS

- a. Council Chair's report on community events, briefing on Council activities, Council efforts, and new business. 16-722-1
- b. Receipt of Official Certificates of Votes for election held November 6, 2018, for Council Districts 3, 4, 5, and 7. Tulsa City Charter, Article VI, Section 5, provides that election returns be "canvassed" by Council, by acknowledging receipt of certificates, and directing the certificates to be filed with the City Clerk. [CC 11/28/18] 18-927-1
- c. City Council initiation of Zoning Code Text and Map Amendments to establish proposed Midtown Lewis Overlay District and apply overlay provisions to properties along South Lewis Avenue from E. 15th St. S. to E. 21st St. S. (CD-4) [UED 11/28/18; CC 11/28/18] 18-928-1
- d. Resolution committing to provide a public forum for school districts to report on school attendance and interventions; convening community stakeholders; and exploring collaborative solutions to school absenteeism and increasing graduation rates. (Gilbert) [UED 11/28/18; CC 11/28/18] 18-940-1

- e. Donation from SMG of one thousand, four hundred fifty-eight dollars and forty-seven cents (\$1,458.47) to the Tulsa City Council for the 2019 Inaugural Brunch to be held on December 3, 2018. [CC 11/28/18] 18-939-1

9. NEW BUSINESS

- a. New Business. 02-268

10. HEARING OF APPEALS

- a. No items this week. 04-680

11. HEARING OF PUBLIC COMMENTS

- a. Public Comment: Regarding The City of Tulsa paying Betty Shelby's legal fees. [CC 11/28/18] 18-924-1
- b. Public Comment: Police Reform. [CC 11/28/18] 18-925-1
- c. Public Comment: Police Reform. [CC 11/28/18] 18-926-1

12. ADJOURNMENT

- a. Adjournment. 97-399