

NOTICE AND AGENDA

TULSA CITY COUNCIL – REGULAR MEETING

5:00 PM, Wednesday, November 17, 2021

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

Persons who require a special accommodation to participate in this meeting should contact Tulsa City Council Secretary Lori Doring, 175 East Second Street, Fourth Floor, Tulsa, Oklahoma, 918-596-1990 or via Email: loridoring@tulsacouncil.org, as far in advance as possible and preferably at least 48-hours before the date of the meeting. Persons using a TDD may contact OKLAHOMA RELAY at 1-800-722-0353 and voice calls should be made to 1-800-522-8506 to communicate via telephone with hearing telephone users and vice versa.

INTRODUCTION AND NOTICE TO THE PUBLIC

At this Regular Meeting of the City Council, in accordance with and pursuant to applicable Council Rules and Robert's Rules of Order, the Council will consider, discuss, and may take action on, adopt, amend, reject, or defer action on any item listed on this Agenda. In accordance with the City Charter and state law, the Council may approve and adopt a budget and/or amendments to the budget, including adding, deleting, increasing, or decreasing any appropriations, expenditures, and amounts thereof.

1. RECEIPT & FILING OF MINUTES

- a. Minutes of Regular Meeting held at 4:00 PM on October 27, 2021. [CC 11/17/21]
- b. Minutes of Regular Meeting held at 5:00 PM on October 27, 2021. [CC 11/17/21]
- c. Minutes of Regular Meeting held at 4:00 PM on November 3, 2021. [CC 11/17/21]
- d. Minutes of Regular Meeting held at 5:00 PM on November 3, 2021. [CC 11/17/21]

2. APPOINTMENTS & REAPPOINTMENTS

- a. Shannon Hudson – Reappointment to the Infrastructure Development Advisory Board; term expires September 30, 2024. (Attended 3/4 meetings.) (CD-9) [UED 11/3/21; CC 11/17/21]
- b. Eddie Evans – Reappointment to the Greater Tulsa African American Affairs Commission; term expires May 1, 2024. (Attended 4/5 meetings.) (CD-1) [PW 11/3/21; CC 11/17/21]

- c. James G. Goodwin – Reappointment to the City of Tulsa/Rogers County Port Authority; term expires October 4, 2025. (Attended 27/36 meetings.) (CD-1) [PW 11/3/21; CC 11/17/21]

3. PUBLIC HEARINGS

- a. Public Hearing to receive written and oral comments from citizens regarding the proposed closing of a certain public way, requested by Sasha Ann Martin, for property located at 1332 E. 18th St., a portion of the right-of-way on S. Quaker Ave. lying west and adjacent to Lot One (1), Block Three (3), Sanger Douglas Subdivision of Block No. 25 of the Park Place Addition, to reconstruct a falling retaining wall. (Public Hearing: 11/17/21) [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- b. Public Hearing to receive written and oral comments from citizens regarding the proposed closing of a certain air space, requested by Elliot Chambers of the Commissioners of the Land Office, for property located at 201 W. 5th St., a portion of the vertical air space lying within a tract of land in Lot Four (4), Block One Hundred Thirty-Three (133), Original Town Tulsa, to allow for the construction of a canopy and balconies to the building. (Public Hearing: 11/17/21) [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- c. Public Hearing to receive comments on the funding recommendations for the City of Tulsa's American Rescue Plan Act (ARPA) allocations proposed by the City of Tulsa ARPA working group on October 27, 2021, at the City Council Public Works Committee meeting. [CC 11/3/21; CC 11/17/21]

4. MAYOR'S ITEMS

- a. Mayor's report on community events, briefing on City activities, City efforts, and new business.
- b. Consideration and possible approval, adoption, denial, amendment or revision of a Resolution calling for, and requesting, the Tulsa County Election Board to conduct a non-partisan special election on February 8, 2022, to place before the electors of the City of Tulsa the question of approval or disapproval of a franchise, to be granted to the Public Service Company of Oklahoma (PSO), to allow PSO to use the public ways of the City of Tulsa for the purpose of furnishing electricity to the public, for compensation; approving or disapproving City of Tulsa Ordinance No. 24695, adopting a new Chapter 4, in Title 15, Tulsa Revised Ordinances (TRO), which sets forth the terms and conditions of the PSO Franchise; reproducing the exact ballot language; allowing for absentee balloting as required by law; providing that the election be conducted according to state law; stating that the election shall be non-partisan; requesting the Tulsa County Election Board to coordinate with the election boards of other counties in which the City of Tulsa is located; requesting that those voting precincts located partially inside and partially outside the city limits of the City of Tulsa remain open for the election; setting forth the means of paying the cost of this election; calling for the City Council to canvas the election results; requesting the Mayor to issue a proclamation calling the election as required by law; providing for the proper publication of this resolution. **(Emergency Clause)** *(Note: This item was continued from a previous agenda and is currently in the Council discussion phase of consideration. Public Comment was received during previous Council meetings and will not be taken for this item.)* [UED 10/27/21; CC 11/3/21; CC 11/17/21]

- c. Consideration and possible approval, adoption, denial, amendment or revision of a Deed of Dedication by Base, Inc. of property located at 5309 E. Pine St. N., Parcel No. 362, Unplatted, required in conjunction with a Lot Line Adjustment on a commercial lot, Project No. LLA 358. (CD-3) [CC 11/17/21]
- d. Consideration and possible approval, adoption, denial, amendment or revision of a Deed of Dedication by Nam Quang Pham and Thuy Thi Tran of property located at 16223 E. 21st St., Parcel No. 355-2021, Unplatted, required to facilitate a lot split, Project No. LS 21387. (CD-6) [CC 11/17/21]
- e. Consideration and possible approval, adoption, denial, amendment or revision of an Emergency Access Easement Donation by Brook West, LLC of property located north of the NW/c of E. 91st St. in Tulsa, OK and N. Elm St. in Jenks, OK. at a part of Lot No. One (1), Block No. One (1) of the Brookwest Subdivision, for emergency access purposes and to comply with Fire Code requirements. (CD-2) [CC 11/17/21]
- f. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: 2021 Tulsa Veterans Day Parade scheduled for November 11, 2021, starting at 11 E. 3rd St. (CD-4) [CC 11/17/21]
- g. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: Tulsa Route 66 Marathon scheduled for November 21, 2021, starting at 17 W. 17th St. (CD-4,9) [CC 11/17/21]
- h. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: Tulsa Route 66 Marathon 5K and Fun Run scheduled for November 20, 2021, starting at 111 E. Reconciliation Way. (CD-4) [CC 11/17/21]
- i. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: Turkey Trot scheduled for November 26, 2021, starting at 200 S. Denver Ave. (CD-4) [CC 11/17/21]
- j. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: Turkey Distribution scheduled for November 22-24, 2021, at 2027 Martin Luther King, Jr. Blvd. (CD-1) [CC 11/17/21]
- k. Consideration and possible approval, adoption, denial, amendment or revision of a Special Event Application: TU Home Football Game scheduled for November 20, 2021, at H.A. Chapman Stadium, 3112 E. 8th St. (CD-4) [CC 11/17/21]

5. AUTHORITIES, BOARDS, & COMMISSIONS

- a. Monthly Status Report from the Sales Tax Overview Committee on current activities and efforts. [CC 11/3/21; CC 11/17/21]
- b. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Application Z-7619 from IL and AG to IM for property located west and south of the SW/c of E. 36th St. N. and N. Yale Ave. requested by Lou Reynolds. (Property owner: Heater Specialists, Inc.) (CD-1) (TMAPC voted 6-0-0 to recommend **APPROVAL** of IM zoning.) [UED 11/3/21; CC 11/17/21; CC 12/1/21]

- c. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Application Z-7626 from RM and OL to MX1-U-45 with an Optional Development Plan for property located at the SW/c of E. 18th St. S. and S. Cincinnati Ave. requested by Mike Thedford. (Property owner: Jimickel, LLC) (CD-4) (TMAPC voted 6-0-0 to recommend **APPROVAL** of MX1-U-45 zoning with an Optional Development Plan.) [UED 11/3/21; CC 11/17/21; CC 12/1/21]

6. ORDINANCES – FIRST READING

- a. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of one million, six hundred thirty-one thousand, seven hundred dollars (\$1,631,700.00), recognized from anticipated revenue to be received through a Tourism Improvement District Special Assessment Tax within the Tourism Improvement District 1 Fund. (**REQUESTING WAIVER OF CITY CHARTER, COUNCIL RULES & ORDER OF BUSINESS, AND REQUESTING APPROVAL AND ADOPTION ON FIRST READING**) [UED 11/17/21; CC 11/17/21]
- b. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of fifty thousand dollars (\$50,000.00) from unappropriated fund balance in the Convention and Visitor Fund, and supplemental appropriations of seventy-one thousand, one hundred forty-one dollars (\$71,141.00) from unappropriated fund balance in the Convention and Tourism Facility Fund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]
- c. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to recognize and make supplemental appropriations of one hundred forty thousand, three hundred forty-four dollars (\$140,344.00) from revenues to be received within the Non-Grant Miscellaneous Special Revenue Fund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]
- d. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of two hundred thousand dollars (\$200,000.00) from grant revenue awarded by the Department of Justice to be received within the COPS Hiring Program Subfund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]
- e. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to reduce appropriations by six million, one hundred seventy-eight thousand, eight hundred eighty-two dollars, and seven cents (\$6,178,882.07), previously recognized from revenue received through an Oklahoma Homeland Security Grant Award within the Oklahoma Department of Transportation Grants Fund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]
- f. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of three hundred eighty-seven thousand, ninety-nine dollars (\$387,099.00) from the US Department of Justice to be received within the JAG Reimbursement Grants Subfund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]

- g. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of forty thousand dollars (\$40,000.00) from grant revenues to be received within the Non-Grant Miscellaneous Special Revenue Fund. [UED 11/17/21; CC 11/17/21; CC 12/1/21]
- h. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending Title 11, Chapter 12, Tulsa Revised Ordinances (TRO), entitled “Right-of-Way Occupancy Management”, Section 1206A.3.a, increasing the amount of occupancy fee to be charged to occupancy permit holders in order to recover said permit holder’s pro rata share of the burden on the right-of-way; providing an operative date of December 1, 2021. **(Emergency Clause)** [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- i. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance closing a certain public way, requested by Sasha Ann Martin, for property located at 1332 E. 18th St., a portion of the right-of-way on S. Quaker Ave. lying west and adjacent to Lot One (1), Block Three (3), Sanger Douglas Subdivision of Block No. 25 of the Park Place Addition, to reconstruct a falling retaining wall. (Public Hearing: 11/17/21) [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- j. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance closing a certain air space, requested by Elliot Chambers of the Commissioners of the Land Office, for property located at 201 W. 5th St., a portion of the vertical air space lying within a tract of land in Lot Four (4), Block One Hundred Thirty-Three (133), Original Town Tulsa, to allow for the construction of a canopy and balconies to the building. (Public Hearing: 11/17/21) [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- k. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance closing a portion of an Overland Drainage Easement, requested by Erik Enyart of Tanner Consulting, for property located at E. 125th St. S. and Hudson Ave., Estates at the River III Subdivision, which was intended to be used for temporary stormwater runoff and has since had new storm sewer infrastructure installed per IDP 3855-2018. (CD-8) [PW 11/17/21; CC 11/17/21; CC 12/1/21]
- l. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance closing a platted Utility Easement, requested by Alan Betchan with AAB Engineering, LLC, for property located at the NE/c of E. 81st St. and S. Harvard Ave., Timbercrest Addition, to allow the developer to plan a single construction project that spans the easement area. (CD-8) [PW 11/17/21; CC 11/17/21; CC 12/1/21]

7. ORDINANCES – SECOND READING

- a. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of eighty-three thousand, eight hundred dollars (\$83,800.00) from grant revenue to be received of seventy-nine thousand, eight hundred nine dollars and fifty-three cents (\$79,809.53), and from a donation of three thousand, nine hundred ninety dollars and forty-seven cents (\$3,990.47) within the Fire Prevention and Safety Subfund. [UED 11/3/21; CC 11/3/21; CC 11/17/21]

- b. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the fiscal year 2021-2022 budget to make supplemental appropriations of twelve million, three thousand, nine hundred ninety-eight dollars and eighty cents (\$12,003,998.80) from grant revenue from the Department of Homeland Security of eleven million, nine hundred seventy-eight thousand, nine hundred ninety-eight dollars and eighty cents (\$11,978,998.80) to be received within the Staffing Fire and Emergency Response Subfund, and from unassigned fund balance of twenty-five thousand (\$25,000.00) dollars within the General Fund, and to transfer unencumbered and unexpended appropriation balances of four hundred twenty-six thousand dollars (\$426,000.00) between accounts within the General Fund. [UED 11/3/21; CC 11/3/21; CC 11/17/21]
- c. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Ordinance PUD 585-A from PUD-585 to PUD-585-A for property located south of the SW/c of E. 61st St. S. and S. Memorial Dr. requested by Lou Reynolds. (Property owner: Oklahomasak Properties One, LLC, c/o Les Davis) (CD-7) (TMAPC voted 6-0-0 to recommend **APPROVAL** of PUD 585-A zoning.) [UED 10/27/21; CC 11/3/21; CC 11/17/21]
- d. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Ordinance Z-7620 from RS-3 to IL for property located at the SE/c of W. 36th St. S. and S. Maybelle Ave. requested by Timothy Nall. (Property owner: Timothy Nall) (CD-2) (TMAPC voted 6-0-0 to recommend **APPROVAL** of IL zoning.) [UED 10/27/21; CC 11/3/21; CC 11/17/21]
- e. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Ordinance Z-7627 from OL to CS for property located east of the NE/c of E. 91st St. S. and S. Sheridan Rd. requested by Jordan Droz. (Property owner: Schulz, Alecia B. and Ludger J. Revocable Trust) (CD-8) (TMAPC voted 6-0-0 to recommend **APPROVAL** of CS zoning.) [UED 10/27/21; CC 11/3/21; CC 11/17/21]
- f. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending the City of Tulsa Zoning Code, Title 42, Tulsa Revised Ordinances, (TMAPC case No. ZCA-21) to amend Chapter 5, Residential Districts, Chapter 10, Mixed Use Districts, Chapter 15, Office, Commercial, and Industrial Districts, Chapter 20, Overlay Districts, Chapter 25, Special Districts, Chapter 45, Accessory Uses and Structures, Chapter 55, Parking, Chapter 60, Signs, Chapter 65, Landscaping and Screening, Chapter 70, Review and Approval Procedures, and Chapter 95, Definitions. (TMAPC voted 6-0-0 to recommend the City Council **ADOPT** the proposed amendments to the City of Tulsa Zoning code.) [UED 10/27/21; UED 11/3/21; CC 11/3/21; CC 11/17/21]
- g. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending Tulsa Revised Ordinances (TRO), Title 35 titled "Infrastructure Development", Chapter 6 titled "Familiar Rights-Of-Way Activities", Section 606 titled "Trees"; amending certain definitions within the definition sub-section; adding new definitions to the definition sub-section; establishing those situations in which an Infrastructure Development Process (IDP) permit would be the correct permit for the planting of street trees and those situations in which a License Agreement would be appropriate; setting forth spacing and clearance requirements for trees; providing for trees growing in utility easements, wells and raised planter beds; allowing alternative tree plans under certain circumstances; detailing the requirements for the care, maintenance, pruning and removal of trees; and providing an appeals process for aggrieved parties. (**Emergency Clause**) [PW 11/3/21; PW 11/17/21; CC 11/3/21; CC 11/17/21]

- h. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance amending Title 11, Tulsa Revised Ordinances (TRO), "Public Works Department", Chapter 9, "Street Maintenance", creating a new section, Section 901, entitled "Special Revenue Fund for Maintenance and Repair of Public Ways"; creating said fund; setting forth the purposes of the fund; including this fund in the annual budget process of the city; estimating the amount of revenue that will be generated hereby; proposing the percentages of said moneys to be expended on the several functions; providing that this ordinance shall be void if the PSO Franchise is disapproved by the voters. *(Note: This item was continued from a previous agenda and is currently in the Council discussion phase of consideration. Public Comment was received during previous Council meetings and will not be taken for this item.)* [UED 10/27/21; CC 10/27/21; CC 11/3/21; CC 11/17/21]
- i. Consideration and possible approval, adoption, denial, amendment or revision of an Ordinance adopting a New Chapter 4, entitled "Public Service Company Franchise" within Title 15, Tulsa Revised Ordinances (TRO), "Franchises and Grants"; setting forth definitions; granting to Public Service Company of Oklahoma (PSO) a franchise, to use the public ways of the City of Tulsa for the purpose of supplying electricity to the public; setting a term of years for the franchise; providing for the assignment, sale or lease of the rights and obligations herein; establishing conditions of enforceability, standards of service and indemnification; setting forth responsibilities as to location and relocation of lines, plants and systems; stating conditions for the use and repair of public ways; allowing PSO to charge consumers reasonable rates of compensation; obligating PSO to provide electric power to the City of Tulsa for municipal purposes; establishing fees to be paid for the grant of this franchise; requiring PSO to maintain records, and allow City to inspect and audit same; allowing City at its option to purchase PSO's plants and systems after fifteen (15) years, and setting terms and conditions of said purchase; requiring voter approval of this franchise at a special election on February 8, 2022; repealing the previous Franchise Agreement. (Public Hearings: 10/27/21; 11/3/21) **(Emergency Clause)** *(Note: This item was continued from a previous agenda and is currently in the Council discussion phase of consideration. Public Comment was received during previous Council meetings and will not be taken for this item.)* [PW 10/20/21; UED 10/27/21; CC 10/20/21; CC 11/3/21; CC 11/17/21]
- j. Consideration and possible approval, adoption, denial, amendment or revision of Rezoning Ordinance Z-7615 from OL to CS for property located at the SW/c of E. 4th Pl. S. and S. Yale Ave. requested by Timothy Janak. (Property owners: Masood and Sonia Kasim) (CD-4) (TMAPC voted 6-0-0 to recommend **APPROVAL** of CS zoning) [UED 9/22/21; CC 10/6/21; CC 10/20/21; CC 10/27/21; CC 11/3/21; CC 11/17/21]

8. COUNCIL ITEMS

- a. Councilors' announcements and reports on current community events, activities, efforts, and concerns. Other than announcements and reports, no discussion will ensue.
- b. Consideration and possible approval, adoption, denial, amendment or revision of a Resolution of the City of Tulsa, Oklahoma, stating its intention to appropriate American Rescue Plan Act (ARPA) funds to specific programs and projects; providing for additional procedures and conditions of funding. **(Emergency Clause)** (Hall-Harper, Cue, Decter Wright, Lakin) [UED 11/17/21; CC 11/17/21]

9. NEW BUSINESS

- a. New Business.

10. HEARING OF APPEALS

- a. No Items this week.

11. HEARING OF PUBLIC COMMENTS

- a. Pleas Thompson – Concerns regarding bike lanes and trees in the middle of the street.
- b. Kathy McDonald – Concerns regarding the Council following the Open Meeting Act as it pertains to filing agendas and public speakers.

12. ADJOURNMENT

- a. Adjournment.