

AGENDA

TAHLEQUAH CITY COUNCIL - REGULAR MEETING

Date/Time of City Council Meeting: Monday, March 6, 2023 at 5:30 p.m.

Place of Meeting: The meeting will be held at 111 Cherokee Ave. Tahlequah, OK 74464 (voting members of the public body will be present in person).

Official action can only be taken on items which appear on the agenda. The City Council may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When the City Council desires more information on an item, the City Council may refer the matter to City staff or to a committee for further consideration. Under certain circumstances, items may be deferred to a specific date or stricken from the agenda entirely.

Join “Zoom” Meeting
Meeting ID: 890 7576 1221
Passcode: 4560651

1. MEETING CONVENED

Meeting called to order

Roll call

Invocation – Pastor Mike Murray, Tahlequah First Baptist Church

Flag Salute

Public Notice: A Public Notice of meeting was provided December 6, 2022 at 4:45 p.m. to the Secretary of State of Oklahoma and additional notice was provided February 28, 2023 at 9:15 a.m. at 111 Cherokee Ave. Tahlequah, OK 74464.

2. PUBLIC INSTRUCTIONS:

Videoconference and/or teleconference access instructions for public attendance at the meeting: the public, nonvoting elected officials, and City staff may remotely attend this meeting by joining the Zoom meeting via the web or the Zoom app (www.zoom.us) **Access Code: 890 7576 1221 Password: 4560651**. If you wish to receive a copy of any materials that are presented to the City Council, please submit your request to cityclerk@tahlequah.gov.

Videoconference and/or teleconference notice: Those attending via the Zoom videoconference may ask questions during the discussion of each agenda item by typing the word “question” along with his or her name in the chat bar and waiting to be called on. Only questions spoken out loud are allowed to be responded to. **Please do not type out your questions in the chat bar.**

PUBLIC COMMENTS

Comments will be accepted from the general public concerning topics that are **not included** in the meeting's agenda. Individuals will be limited to 3 minutes of speaking time and the cumulative total of all comments from the public shall not exceed 15 minutes. Preference will be given to Tahlequah residents. In compliance with the **Oklahoma Open Meeting Act**, **no action or discussion is permitted** by the **City Council** on any issue or topic raised by a speaker during this public comment period.

3. CONSENT AGENDA

These items are placed on the **Consent Agenda** so that members of the City Council, by unanimous consent, can designate routine items to be approved by one motion. Any item proposed on the Consent Agenda not meeting with the approval of all Council members will be removed and heard in Regular Session.

- a) To approve the **minutes** from the Council Meetings on February 6, 2023, February 10, 2023, and February 21, 2023.
- b) To acknowledge receipt of the **December Financial Statement**.
- c) To acknowledge receipt of the **January Check Register**.
- d) To acknowledge receipt of the **January Purchasing Card statement**.
- e) To acknowledge receipt of the **January Investment Schedule**.
- f) To acknowledge receipt of the **February Check Register**.
- g) To authorize the City's request that the **Oklahoma Aeronautics Commission** act as its agent for a project that consists of developing a preliminary engineering report for the runway rehabilitation and new runway lights construction at Tahlequah Municipal Airport.
- h) To approve the **Tri-Party Memorandum of Understanding** and Mutual Access Parking Agreement by and between the City of Tahlequah, Oklahoma, an Oklahoma municipal corporation; Board of County Commissioners of Cherokee County, Oklahoma, an Oklahoma political subdivision and the United Methodist Church of Tahlequah.
- i) To approve the **nondisclosure agreement** with mayor-elect **Suzanne Myers** and councilor-elect **Josh Allen**.
- j) To approve the **Amended City Charter** and direct the City Clerk to submit same to Governor for approval.
- k) To approve the **Professional Services Contract** with **Holloway, Updike, and Bellen, Inc.** for the purpose of construction inspection services for Ross Street and Cedar Avenue Improvements Project.
- l) To approve entering into the **settlement of the National Opioids Settlement**: Teva, Allergan, CVS, Walgreens, and Walmart Opioids Implementation Administrator.
- m) To approve **Resolution 03-06-2023**, the American Rescue Plan (**ARPA**) funds allocation plan and to earmark the previously budgeted amount to specific categories of projects.
- n) To accept the **resignation** (retirement 13 years) from **Cory Keele**, Patrolmen in the Police Department, effective March 4, 2023.
- o) To accept the **resignation** from **Mohamed Bassime**, Storm Water Manager in the Compliance Department, effective March 3, 2023.
- p) To accept the **resignation** from **Brealyn Johnson**, Deputy Municipal Court Clerk in the Municipal Court, effective March 10, 2023.
- q) To accept the **resignation** from **Steven Smith**, Patrolman in the Police Department, effective March 13, 2023.

- r) To hire **Wyatt Stephens, Lauren Stephens, Alyssa Fair, Erin Cook, Ashton Cuthill, and Chloe White** as **Lifeguards** in the Parks and Recreation Department at \$12.00 per hour effective May 1, 2023.
- s) To hire **Violet Swearingen, Seasonal Laborer Concessions (552)** in the Parks and Recreation Department at \$10.07 per hour effective May 1, 2023.
- t) To hire **Tate Whittmore, PT Laborer** in the Parks and Recreation Department at \$11.13 per hour effective March 7, 2023.
- u) To hire **Jaide Wilks and Taylor Mootry** as **Seasonal Laborer/Concessions (552)** in the Parks and Recreation Department at \$10.07 per hour effective March 7, 2023.

4. ANNOUNCEMENTS, PRESENTATIONS AND REPORTS

- 5. Recognition of the City of Tahlequah's **Employee of the Month, March 2023**. Director of Human Resources M'Lynn Pape
 Recognition of **Oklahoma Municipal League 25 Years of Service Honor Roll of Service**. Director of Human Resources M'Lynn Pape/Ray Poland, President OML Board of Directors
 Recognition of Years of Service for **March** employees:
 Michael Cates, 5 yrs., Tahlequah City Police Dept.
 Zach Frazier, 15 yrs., Tahlequah City Fire Dept.
 Larry Dallis, 25 yrs., Waste Management
 Report from Library
 Report from Chamber of Commerce
 Report from Tour Tahlequah
 Report from the Tahlequah Main Street Association

REGULAR SESSION

- 6. Discussion and possible action on items removed from the **consent** agenda.
- 7. Discussion and possible action to approve, approve with modifications, or deny a **waiver** of the competitive bidding requirement of the **City Purchasing Policy** and, in accordance with **City Code 7-105**, accept the quote for equipment for the **Tahlequah Fitness Park** at Anthis-Brennan by **ACS Playground Adventures** in the amount of \$76,895.00. Parks & Recreation Superintendent Brian Speake
- 8. Discussion and possible action to approve, approve with modification, or deny **Memorandum of Understanding** between **Cherokee Nation Business, LLC** and the **City of Tahlequah** for Cherokee Nation Business, LLC to **fund a new fire truck** for the City of Tahlequah Fire Department. Mayor Sue Catron/Fire Chief Casey Baker
- 9. Discussion and possible action to approve, approve with modification, or deny **Budget Amendment #362023**. City Treasurer Marty Hainzinger/City Administrator Alan Chapman

10. Discussion and possible action to approve, approve with modification, or deny **replacement of the Purchasing Card Policy dated March 2, 2020** and replace with the **Purchasing Card Program** and utilize **BancFirst P-Cards** to implement the program. City Treasurer Marty Hainzinger/City Administrator Alan Chapman

11. Discussion and possible action to approve, approve with modification, or deny **Ordinance No. 1348-2023**, An Ordinance of The City of Tahlequah, Oklahoma, Amending Part 15, **Traffic And Vehicles**, By Adding Chapter 15, Electric Motorized Scooters; Section 15-1501, Definitions; Section 15-1502, Operation of Electric Motorized Scooters; Section 11-203, Parking of Electric Motorized Scooters; Section 15-1504, Safety Regulations; Section 15-1505, Operators Permit Required; Section 15-1506, Application for Operators Permit; Section 15-1507, Denial of Permit; Section 15-1508, Suspension of Permit; Section 15-1509, Appeals; Section 15-1510, Scooter-Share Program; Section 15-1511, Identification of Shared Scooters; Section 15-1512, Insurance Requirements; Section 15-1513, Data Sharing; Providing for Codification, Severability, Repealer, and Setting an Effective Date. Planning & Development Director Taylor Tannehill/City Attorney John Tyler Hammons

12. Discussion and possible action to approve, approve with modification, or deny **Ordinance No. 1349-2023**, An Ordinance of The City of Tahlequah, Oklahoma, Amending Part 11, **Parks, Recreation and Cultural Affairs**; By adding Chapter 2, Special Events; by adding Section 11-201, Definition; by adding Section 11-202; Permit Required; by adding Section 11-203; Form of Application; by adding Section 11-204, Criteria for Permit; by adding Section 11-205, Bond Required; by adding Section 11-206, Decision; by adding Section 11-207, Alternatives; by adding Section 11-208, Appeals; by amending Part 14, Streets and Public Works; Chapter 2, Use and Obstruction of Streets and Sidewalks; Section 14-206, Unlawful to Obstruct Sidewalks, Streets with Merchandise; Section 14-207, Unlawful to Obstruct Unduly Sidewalks and Streets; Section 14-209, Unlawful to Congregate on Streets, Sidewalks; Providing for Codification, Severability, Repealer, and Setting an Effective Date. Planning & Development Director Taylor Tannehill/City Attorney John Tyler Hammons

13. Discussion and possible action to approve, approve with modification, or deny **bid for Project No. 6000 Mission Park Trails** to the lowest responsible bidder and amend the budget accordingly. Planning & Development Director Taylor Tannehill

14. Discussion and possible action to approve, approve with modifications, or deny **Resolution No.03-06-2023(A)**. A Resolution approving a zoning map amendment, establishing a Planned Unit Development District (PUD) with accompanying Preliminary Plat and Development Plan of Rivercenter – Tahlequah on tracts of land currently zoned Local Commercial District (C-1), Community Commercial (C-2), Regional Commercial District (C-3), Community Mixed-Use District (CMX), and Residential Single Family Low Density District (RS-1) on approximately 70 acres of land located at the northeast corner of E. Downing and Highway 82 Bypass, more particularly described as follows:

TRACT 1: A PART OF THE WEST HALF (W/2) OF SECTION TWENTY-SEVEN (27), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-TWO (22) EAST OF THE INDIAN BASE AND MERIDIAN, CHEROKEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF. **MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE SOUTHWEST CORNER OF THE WEST HALF OF SAID SECTION TWENTY-SEVEN (27); THENCE N 88°18'07" E, ALONG THE SOUTH LINE OF SAID WEST HALF (W/2), A DISTANCE OF 1071.79 FEET; THENCE N 02°01'32" W, A DISTANCE OF 61.86 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62, AND **THE POINT OF BEGINNING**; THENCE CONTINUING N 02°01'32" W, A DISTANCE OF 293.17 FEET; THENCE S 88°18'30" W, A DISTANCE OF 288.77 FEET, TO A POINT ON THE EAST LINE OF STATE HIGHWAY 82; THENCE N 26°25'51" E, ALONG SAID STATE HIGHWAY 82 RIGHT-OF-WAY, A DISTANCE OF 85.85 FEET; THENCE N 02°02'24" W, CONTINUING ALONG SAID STATE HIGHWAY 82 RIGHT-OF-WAY, A DISTANCE OF 407.80 FEET; THENCE N 11°59'46" E, CONTINUING ALONG SAID STATE HIGHWAY 82 RIGHT-OF-WAY, A DISTANCE OF 206.16 FEET; THENCE N 02°02'24" W, CONTINUING ALONG SAID STATE HIGHWAY 82 RIGHT-OF-WAY, A DISTANCE OF 941.91 FEET; THENCE N 88°11'23" E, LEAVING SAID STATE HIGHWAY 82 RIGHT-OF-WAY, A DISTANCE OF 444.16 FEET; THENCE N 02°01'29" W, A DISTANCE OF 660.54 FEET, TO THE NORTHWEST CORNER OF THE OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4); THENCE N 88°09'15" E, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), A DISTANCE OF 659.19 FEET, TO THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE/4 SE/4 NW/4); THENCE N 02°03'04" W, ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE/4 SE/4 NW/4), A DISTANCE OF 594.61 FEET; THENCE N 88°08'35" E, A DISTANCE OF 659.38 FEET, TO A POINT ON THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE/4 SE/4 NW/4); THENCE S 02°01'55" E, ALONG SAID EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER (SE/4 SE/4 NW/4), A DISTANCE OF 594.74 FEET, TO THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALSO BEING THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4); THENCE S 02°00'37" E, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), A DISTANCE OF 1322.79 FEET, TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4); THENCE S 88°13'41" W, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), A DISTANCE OF 1319.24 FEET, TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER (NE/4 SW/4), ALSO BEING THE NORTHWEST CORNER OF HILLSIDE PLAZA ADDITION (SAID PLAT BEING RECORDED IN BOOK 240, PAGE 426, OF THE RECORDS OF THE CHEROKEE COUNTY CLERK); THENCE S 02°01'32" E, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW/4 SW/4), ALSO BEING THE WEST LINE OF SAID HILLSIDE PLAZA ADDITION, A DISTANCE OF 916.09 FEET, TO A POINT ON THE WEST LINE OF HILLSIDE PLAZA ADDITION; THENCE N 88°18'30" E, ALONG THE NORTHERNMOST LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION, A DISTANCE OF 35.60 FEET, TO A POINT ON THE RIGHT-OF-WAY OF WARD STREET (SAID RIGHT-OF-WAY BEING PLATTED BY HILLSIDE PLAZA ADDITION); THENCE ALONG SAID RIGHT-OF-WAY OF WARD STREET, ON A NON-TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 40.00 FEET, A CENTRAL ANGLE OF 77°23'35", AN ARC LENGTH OF 54.03 FEET, A CHORD BEARING OF S 03°07'11" E, AND A CHORD DISTANCE OF 50.02 FEET; THENCE S 88°18'30" W, LEAVING SAID RIGHT-OF-WAY OF WARD STREET, A DISTANCE OF 36.56 FEET, TO A POINT ON THE WEST LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION; THENCE S 02°01'32" E, ALONG SAID WEST LINE OF BLOCK 6, HILLSIDE PLAZA ADDITION, A DISTANCE OF 56.13 FEET; THENCE S 88°44'17" W, AND LEAVING THE WEST LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION, A DISTANCE OF 149.71 FEET; THENCE S 02°01'32" E, A DISTANCE OF 238.87 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62; THENCE S 88°44'02" W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62, A DISTANCE OF 95.01 FEET, **TO THE POINT OF BEGINNING.**

SAID TRACT OF LAND CONTAINING 67.12 ACRES / 2,923,858.27 SQUARE FEET.

TOGETHER WITH:

TRACT 2: A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER (SE/4 SW/4) OF SECTION TWENTY-SEVEN (27), TOWNSHIP SEVENTEEN (17) NORTH, RANGE TWENTY-TWO (22) EAST, OF THE INDIAN BASE AND MERIDIAN, CHEROKEE COUNTY, STATE OF OKLAHOMA, ACCORDING TO THE U.S. GOVERNMENT SURVEY THEREOF; SAID TRACT NOW BEING A REPLAT OF PART OF BLOCK 6, HILLSIDE PLAZA ADDITION (SAID PLAT BEING RECORDED IN BOOK 240, PAGE 426, OF THE RECORDS OF THE CHEROKEE COUNTY CLERK). **MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

COMMENCING AT THE SOUTHWEST CORNER OF THE WEST HALF OF SAID SECTION TWENTY-SEVEN (27); THENCE N 88°18'07" E, ALONG THE SOUTH LINE OF SAID WEST HALF (W/2), A DISTANCE OF 1457.83 FEET; THENCE N 02°01'32" W, A DISTANCE OF 59.98 FEET, TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62, ALSO BEING A POINT ON THE SOUTH LINE OF BLOCK 6, HILLSIDE PLAZA ADDITION, AND **THE POINT OF BEGINNING**; THENCE CONTINUING N 02°01'32" W, A DISTANCE OF 295.01 FEET, TO A POINT ON THE NORTH LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION, ALSO BEING A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF WARD STREET (SAID RIGHT-OF-WAY BEING PLATTED BY HILLSIDE PLAZA ADDITION); THENCE N 88°17'16" E, ALONG THE NORTH LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION, AND THE SOUTH LINE OF SAID RIGHT-OF-WAY OF WARD STREET, A DISTANCE OF 318.25 FEET, TO A POINT OF INTERSECTION THE WEST RIGHT-OF-WAY OF PLAZA DRIVE (SAID RIGHT-OF-WAY BEING PLATTED BY HILLSIDE PLAZA ADDITION), ALSO BEING THE EAST LINE OF SAID BLOCK 6, HILLSIDE PLAZA ADDITION; THENCE ALONG SAID RIGHT-OF-WAY OF PLAZA DRIVE, AND SAID EAST LINE OF BLOCK 6, HILLSIDE PLAZA ADDITION, ON A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 69.85 FEET, A CENTRAL ANGLE OF 55°01'32", AN ARC LENGTH OF 67.08 FEET, A CHORD BEARING OF S 25°48'44" W, AND A CHORD DISTANCE OF 64.53 FEET; THENCE S 53°20'09" W, CONTINUING ALONG SAID WEST RIGHT-OF-WAY OF PLAZA DRIVE, AND SAID EAST LINE OF BLOCK 6, HILLSIDE PLAZA ADDITION, A DISTANCE OF 229.23 FEET; THENCE CONTINUING ALONG SAID WEST RIGHT-OF-WAY OF PLAZA DRIVE, AND SAID EAST LINE OF BLOCK 6, HILLSIDE PLAZA ADDITION, ON A CURVE TO THE LEFT, HAVING A RADIUS OF 129.85 FEET, A CENTRAL ANGLE OF 55°01'24", AN ARC LENGTH OF 124.70 FEET, A CHORD BEARING OF S 25°43'12" W, AND A CHORD DISTANCE OF 119.96 FEET, TO THE NORTH RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 62; THENCE S 88°18'30" W, ALONG SAID NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY 62, A DISTANCE OF 43.67 FEET, **TO THE POINT OF BEGINNING.**

SAID TRACT OF LAND CONTAINING 1.14 ACRES / 49,581.07 SQUARE FEET.

SAID TRACTS OF LAND CONTAINING A COMBINED 68.26 ACRES / 2,973,439.34 SQUARE FEET. Planning & Development Director Taylor Tannehill

15. Discussion and possible action to approve, approve with modification, or deny **Ordinance No. 1350-2023**, An Ordinance of The City of Tahlequah, Oklahoma, Amending the Tahlequah City Code, Part 13, **Public Safety**; Chapter 2, Fire Department and Services; Section 13-203, Volunteer Fire Department Established; Section 13-204, Duties of the Fire Chief; Section 13-209, Bylaws; Providing for Codification, Severability, Repealer, and **Declaring an Emergency.** Fire Chief Casey Baker/City Attorney John Tyler Hammons

16. PROPOSED EXECUTIVE SESSION-Motion to exit Regular Session and enter into Executive Session.

- ❖ Pursuant to 25 OS 307(B) (4), to receive confidential communication from the City Attorney concerning the pending claim of Kent Rountree and take appropriate action in open session.
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17. **Reconvene** into Regular Session.

18. Discussion and possible action concerning the **pending claim of Kent Rountree** and take appropriate action.

19. Discussion of possible **mid-month meeting**.

20. **Adjournment**.