

OWASSO CITY COUNCIL

MINUTES OF REGULAR MEETING TUESDAY, APRIL 4, 2023

The Owasso City Council met in regular session on Tuesday, April 4, 2023, in the Council Chambers at Old Central, 109 North Birch, Owasso, Oklahoma per the Notice of Public Meeting filed Friday, December 9, 2022; and the Agenda filed in the office of the City Clerk and posted at City Hall, 200 South Main Street, at 2:00 pm on Friday, March 31, 2023.

1. **Call to Order** - Mayor Kelly Lewis called the meeting to order at 6:30 pm.
2. **Invocation** - The Invocation was offered by Lead Pastor Kade Young of No Limits Church.
3. **Flag Salute** - Councilor Bonebrake led the flag salute.

4. **Roll Call** – A quorum was declared present.

Present

Mayor – Kelly Lewis

Vice Mayor – Alvin Fruga

Councilor – Doug Bonebrake

Councilor – Lyndell Dunn

Absent

Councilor – Bill Bush

Staff: City Manager - Warren Lehr / City Attorney - Julie Lombardi

5. **Presentation of Character Trait of Humility**

Mike Henry, Character Council Member, presented the character trait for the month of April.

6. **Consideration and appropriate action relating to the Consent Agenda. (All matters listed under "Consent" are considered by the City Council to be routine and will be enacted by one motion. Any Councilor may, however, remove an item from the Consent Agenda by request. A motion to adopt the Consent Agenda is non-debatable.)**

A. Approve minutes – March 21, 2023, Regular Meeting

B. Approve claims

C. Accept public infrastructure improvements of a concrete approach, sidewalk and water/fire line taps located at 9155 North Owasso Expressway (Caliber Collision)

Mr. Bonebrake moved, seconded by Mr. Fruga to approve the Consent Agenda as presented, with claims totaling \$621,541.23.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

7. **Consideration and appropriate action relating to items removed from the Consent Agenda - None**

8. **Consideration and appropriate action relating to an executive session, as provided for in Title 25, O.S. § 307(B)(4), for the purposes of discussing confidential communication between the City Council and its Attorney concerning approval of Resolutions 2023-04, 2023-05, 2023-06, 2023-07, and 2023-08 pertaining to potential settlements in the Opioid Litigation**

Julie Lombardi recommended to enter into executive session. Mr. Bonebrake moved, seconded by Mr. Dunn to enter into executive session, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

At 6:37 pm, the City Council along with Warren Lehr, Julie Lombardi, Chris Garrett, and Matt Sill entered into executive session.

At 6:52 pm, the City Council exited executive session and returned to open session.

9. **Consideration and appropriate action relating to Resolution 2023-04, regarding Owasso's participation in the Teva Pharmaceutical Industries, Lt. (Teva) Settlement Agreement, the Teva State-Subdivision Agreement, and the Teva State Back-Stop Agreement, and executing necessary additional documents**
Matt Sill presented the item. There were no comments from the audience. Mr. Bonebrake moved, seconded by Mr. Dunn to approve Resolution 2023-04.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0
10. **Consideration and appropriate action relating to Resolution 2023-05, regarding Owasso's participation in the Allergan Finance L.L.C. and Allergan Limited (f/k/a Allergan plc, which, in turn, was f/k/a Actavis pls (collectively "Allergan") Settlement Agreement, the Allergan State-Subdivision Agreement, and the Allergan State Back-Stop Agreement, and executing necessary additional documents**
Matt Sill presented the item. There were no comments from the audience. Mr. Dunn moved, seconded by Mr. Bonebrake to approve Resolution 2023-05.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0
11. **Consideration and appropriate action relating to Resolution 2023-06, regarding Owasso's participation in the CVS Health Corporation and CVS Pharmacy, Inc. (collectively "CVS") Settlement Agreement, Retailer State-Subdivision Agreement, and the CVS State Back-Stop Agreement, and executing necessary additional documents**
Matt Sill presented the item. There were no comments from the audience. Mr. Dunn moved, seconded by Mr. Fruga to approve Resolution 2023-06.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0
12. **Consideration and appropriate action relating to Resolution 2022-07, regarding Owasso's participation in the Walgreens Co. (Walgreens) Settlement Agreement, Retailer State-Subdivision Agreement, and the Walgreens State Back-Stop Agreement, and executing necessary additional documents**
Matt Sill presented the item. There were no comments from the audience. Mr. Dunn moved, seconded by Mr. Bonebrake to approve Resolution 2023-07.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0
13. **Consideration and appropriate action relating to Resolution 2023-08, regarding Owasso's participation in the Walmart, Inc. (Walmart) Settlement Agreement, Retailer State-Subdivision Agreement, and the Walmart State Back-Stop Agreement, and executing necessary additional documents**
Matt Sill presented the item. There were no comments from the audience. After discussion, Mr. Bonebrake moved, seconded by Mr. Fruga to approve Resolution 2023-08.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0
14. **Consideration and appropriate action relating to Ordinance 1207, amending Part 1, Chapter 2, Section 1-201, of the Code of Ordinances of the City of Owasso, by establishing new boundaries for the five (5) City Council wards**
Juliann Stevens presented the item, recommending adoption of Ordinance 1207. There were no comments from the audience. After discussion, Mr. Bonebrake moved, seconded by Mr. Dunn to adoption of Ordinance 1207, as recommended.
YEA: Bonebrake, Dunn, Fruga, Lewis
NAY: None
Motion carried: 4-0

15. Consideration and appropriate action relating to the renewal of a contract for audit services for Fiscal Year ending June 30, 2023

Carly Novozinsky presented the item, recommending approval of the contract with BT & Co., PA of Topeka, Kansas, in the amount of \$52,000, related to auditing services for the City and its Trust Authorities; and \$4,000, each, for any federal grant audits required under the Single Audit Act. There were no comments from the audience. After discussion, Mr. Dunn moved, seconded by Mr. Bonebrake to approve the contract, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

16. Consideration and appropriate action relating to a contract for the U.S. Highway 169 right-of-way mowing

Larry Escalanta presented the item, recommending to award the base project and alternate to Lot Maintenance of Oklahoma, Inc. of Broken Arrow, Oklahoma, in the amount of \$9,928.00 per mowing, and authorization to execute the necessary documents. There were no comments from the audience. After discussion, Mr. Bonebrake moved, seconded by Ms. Lewis to award the project and authorize execution of the necessary documents, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

17. Consideration and appropriate action relating to the purchase of right-of-way for the East 106th Street North and North 129th East Avenue Intersection Improvement Project

Roger Stevens presented the item, recommending authorization for payment in the amount of \$68,850.00 to Dunaway Family Revocable Trust, for the acquisition of right-of-way and compensation for easement and damages, located at 12930 East 106th Street North. There were no comments from the audience. Mr. Bonebrake moved, seconded by Ms. Lewis to authorize payment, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

18. Consideration and appropriate action relating to a contract for the performance of janitorial services in various city parks

Larry Langford presented the item, recommending approval to enter into a contract with Jani-King Janitorial Services of Tulsa, Oklahoma, in the amount of \$4,302.00 per month for March through November and \$1,229.00 per month for December through February, and authorization to execute all necessary documents. There were no comments from the audience. After discussion, Mr. Bonebrake moved, seconded by Mr. Dunn to approve the contract and authorize execution of all necessary documents, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

19. Consideration and appropriate action relating to the bids received for the mowing of various city park locations

Larry Langford presented the item, recommending to award a park mowing contract to Barham Lawn Care and Hardscapes of Claremore, Oklahoma, in the amount of \$80.00 per mowing for Ator Park, \$220.00 per mowing for Elm Creek Park, \$160.00 per mowing for Rayola Park, and \$55.00 per mowing for Skate Park; and awarding a park mowing contract to Turfworx, LLC of Owasso, Oklahoma, in the amount of \$52.00 per mowing for Veterans Park and \$165.00 per mowing for McCarty Park, and authorization to execute all necessary documents. There were no comments from the audience. After discussion, Mr. Dunn moved, seconded by Mr. Bonebrake to award the contracts and authorize execution of all necessary documents, as recommended.

YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0

20. Report from City Manager

Warren Lehr introduced Roger Stevens to provide the monthly Public Works project status report and discussion was held. Mr. Lehr reported on the start of the Yard Waste Program, the Free Landfill Day to be held on April 15th and the Lawn and Garden Spring Fling to be held on April 22nd.

21. Report from City Attorney - None

22. Report from City Councilors

Councilor Bonebrake recognized on Councilor-Elect Paul Loving in attendance. Mayor Lewis commented on the Mayor's Water Challenge.

23. Official Notices - The Mayor acknowledged receipt of the following:

- Payroll Payment Report – Pay period ending date of March 25, 2023
- Health Care Self-Insurance Claims – dated as of March 30, 2023
- Oklahoma Department of Environmental Quality Permit No. SL000072230069 Sanitary Sewer for Morrow Place Phase 3
- Oklahoma Department of Environmental Quality Permit No. SL000072230126 Sanitary Sewer Main Extension for Tyner House Apartments
- Oklahoma Department of Environmental Quality Permit No. SL000072230051 Sanitary Sewer to serve Roots Coffee

24. New Business - None

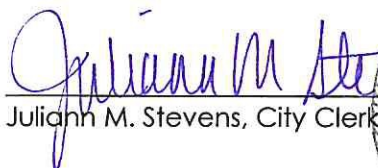
25. Adjournment

Mr. Bonebrake moved, seconded by Mr. Dunn to adjourn the meeting.

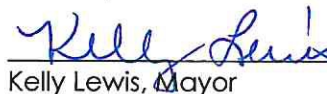
YEA: Bonebrake, Dunn, Fruga, Lewis

NAY: None

Motion carried: 4-0 and the meeting adjourned at 7:37 pm.


Julian M. Stevens, City Clerk




Kelly Lewis, Mayor