

(Agenda of meeting was posted outside of the Tulsa County Headquarters Building and on the Tulsa County website at www.tulsacounty.org on November 2, 2023 at 2:51 p.m.)

MINUTES
Monday, November 6, 2023

I. CALL TO ORDER

The Board of County Commissioners (BOCC) met at the hour of 9:30 a.m., with the following members present: Commissioner Kelly Dunkerley, Commissioner Karen Keith and Commissioner Stan Sallee. Others present: County Clerk Michael Willis.

Kelly Dunkerley, Chairman, called the meeting to order at 9:30 a.m., and the following business was transacted:

II. PLEDGE OF ALLEGIANCE

Commissioner Dunkerley led the pledge of allegiance.

III. ANNOUNCEMENTS

County Events and Status Updates for Comment and Discussion from: Administrative Services, Building Operations, Court Services, Early Settlement, Election Board, Engineers, Highways, Human Resources, Information Technology, Inspections, Parks, Social Services, Procurement, Assessor, County Clerk, Court Clerk, Sheriff, Treasurer, District Attorney, Drainage District #12, Expo Square, Juvenile Justice, OSU Extension, Presiding Judge, River Parks Authority, Tulsa Area Emergency Management Agency, Public Defender, Chief Deputies and County Commissioners

Chairman advised the announcements and County Events and Status updates were open for comment and discussion. The departments with information gave a report.

IV. PROCLAMATION

- A. Supporting Operation Green Light for Veterans, Tulsa County hereby declares November 6th through Veterans Day, November 11, 2023, a time to salute and honor the service and sacrifice of our men and women in uniform transitioning from Active Service; and that in observance of Operation Green Light, the Tulsa County Board of Commissioners encourages its citizens to recognize the importance of honoring all those who made immeasurable sacrifices to preserve freedom by displaying a green light in a window of their place of business or residence (Clerk's Misc. File No. 20231850)

Commissioner Dunkerley read the proclamation.

V. MINUTES

- A. BOCC Management Conference Special Meeting Minutes of January 24, 2023
B. BOCC Management Conference Special Meeting Minutes of February 28, 2023
C. BOCC Management Conference Special Meeting Minutes of October 25, 2023
D. Board of County Commissioner's Meeting of October 30, 2023

Motion made by Stan Sallee, seconded by Karen Keith, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

VI. UNFINISHED BUSINESS

A. Bid Awards & Recommendations:

1. Board of County Commissioners - Qualifications for Construction Management - At Risk Services for the Tulsa County HQ 3rd and 6th Floor Renovation - Deferred
2. Parks - Tulsa County Parks HVAC Systems Replacement - Deferred
3. Sheriff - David L. Moss Master Control Room & Operations Desk - Deferred

Motion made by Karen Keith, seconded by Stan Sallee, to defer the awards. Upon roll call, Yes- Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

B. Addendums

1. Assessor - #1 to request for proposals for Commercial Real Estate Appraisal Data Source, to open 11/13/2023, to provide answers to vendor questions (Clerk's Misc. File No. 20231851)
2. Treasurer - #1 to the Sole Source with TM Consulting, Inc., CMF #20231307, to provide Cloud-Based software for cyber security reasons for tax rolls and files instead of using a server to access the system. To accomplish this, TM Consulting is requesting monthly development costs to finish this project efficiently, at a cost of \$29,200 per month for 18 months, for a total cost of \$525,600 (Clerk's Misc. File No. 20231852)

Motion made by Stan Sallee, seconded by Karen Keith, to approve the addendums. Upon roll call, Yes - None. No - None. Abstain - None. Motion carried.

- ### C. Agreement - (Board of County Commissioners) - City of Bixby, for asphalt overlay of the roadways as further described in the attached document. The City shall reimburse the County 90% of the cost of asphalt and materials to patch and overlay the project roadways. Deferred from 10/30/2023

Motion made by Karen Keith, seconded by Stan Sallee, to defer the agreement. Upon roll call, Yes- Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- ### D. Decision on Zoning Application Appeal - CZ-541 & Related PUD #866 - Applicant: STP Solutions, Inc./Owner: Darin Teeman - Requesting appeal to Rezone from AG-R to RS with a PUD overlay to permit a gated single-family residential subdivision with private streets. On Meeting Date of May 3, 2023 TMAPC voted 9-0-0 to **Deny** rezoning of 6.27 ± acres from AG-R to RS. The applicant appealed the decision to the Board of County Commissioners - Deferred from 9/11, 9/18 and 10/16/2023. The appeal was reheard on 10/30/2023, and the decision was deferred until 11/6/2023 to allow for review of proposed changes. (Clerk's Misc. File No. 20231853 - Zoning only) A decision on PUD is deferred until 11/13/2023

Motion made by Karen Keith, seconded by Kelly Dunkerley, to approve and authorize execution by the Chairman, Zoning CZ-541 only. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

Motion made by Karen Keith, seconded by Stan Sallee, to defer the PUD for one week for further review. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

VII. ACTION ITEMS

- ### A. Gasoline & Diesel Fuel Quotes for week ending 11/13/2023 (Clerk's Misc. File No. 20231849)

Motion made by Karen Keith, seconded by Stan Sallee, to approve the fuel quotes. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- B. Request for Approval - (Board of County Commissioners) - INCOG - Environmental review record for Urban County CDBG project activity - As a part of the requirements of the Tulsa County CDBG Urban County program, the County must show that it has met federal environmental regulations by preparing an Environmental Review Record. INCOG staff has prepared the Record and has determined that the activities listed below to be undertaken with CDBG funds will have no significant effect on the environment surrounding the project areas. Therefore, it is requested that the County Commission take the following actions: Action #1. Designate the County's Chief Executive Officer, the Chairperson, the certifying officer under the National Environmental Policy Act of 1969 to assume overall responsibility for the environmental review process, including signing required certifications. Action #2. Make a Finding of Categorically Excluded/Converts to Exempt on the following projects: City of Sand Springs Manhole Rehabilitation Project and City of Owasso Hale Acres Waterline Replacement II Project (Clerk's Misc. File No. 20231854)

Motion made by Stan Sallee, seconded by Karen Keith, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- C. Resolution - (Human Resources) - adopting an amendment to the Flexible Spending Account (FSA) Contribution and roll over limits for FY 24, increasing the maximum contribution to \$3,050 and the carryover limit to \$610 (Clerk's Misc. File No. 20231855)

Motion made by Karen Keith, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- D. Agreement Renewal - (Treasurer) - Loomis Armored US, LLC, for renewal of CMF #20222020 for FY 2023-2024 (Clerk's Misc. File No. 20231856)

Motion made by Karen Keith, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- E. Request to Advertise for Bids - (TC Departments) - Diagnostic Hardware & Software System (Clerk's Misc. File No. 20231857)

Motion made by Stan Sallee, seconded by Karen Keith, to approve the request to advertise. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- F. Inventory Resolutions

1. Assessor - Asset Disposal: junked - desk (Clerk's Misc. File No. 20231858)
2. Engineers - Asset Registration: Generac Power Systems Model MLT4080KVMobile Light Tower (Clerk's Misc. File No. 20231859)
3. Sheriff - Asset Disposal: junked - computer and video equipment and dryer (Clerk's Misc. File No. 20231860)

Motion made by Stan Sallee, seconded by Karen Keith, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- G. Utility Permits - Engineers:

1. AT&T OKLAHOMA, for the paralleling of 96th St. N. approximately 0.1 mi. W. of the Highway 75 and 96th St. N. junction (Clerk's Misc. File No. 20231861)
2. ONE Gas, Inc.:
 - a. for the crossing of 306 W. 164th Place, approximately 1.33 mi. S. & 1.01 mi. E. of the US 75 & SH 67 junction (Clerk's Misc. File No. 20231862)
 - b. for the crossing of 5311 S. 107th W. Ave. approximately 0.26 mi. E. & 2.22 mi. S. of the Jct SH 51 & SH 97 junction (Clerk's Misc. File No. 20231863)

3. Public Service Company of Oklahoma (PSO), for the paralleling of W. 21st St. S. and Avery Drive approximately 0.25 mi. E. of the W. 21st St. S. & S. 33rd W. Ave. junction (Clerk's Misc. File No. 20231864)

Motion made by Stan Sallee, seconded by Karen Keith, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

H. Travel/Training

1. Building Operations - reimbursement to Jeff Morrow for the 2023 Oklahoma Plumbing Continuing Education Course completed on 10/16/2023, to maintain his Plumbing Contractor License; cost of \$50 (Clerk's Misc. File No. 20231865)
2. Parks - for Michael Liebe, Clint Rymel, Brad Pitts, Brad Remke, Charles Keys, Scott Schurman, Nick Neal, Donnie Allgood, Nathan Groat and Peter Graveley to attend the Oklahoma Turfgrass Research Conference (OTRC) on 10/14-15/2023 at Tulsa Tech, Owasso, OK; cost of \$1,950 (Clerk's Misc. File No. 20231866)

Motion made by Karen Keith, seconded by Stan Sallee, to approve the travel/training. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

I. Claims (payments for bills to be paid from 10/23-27/2023)

Motion made by Karen Keith, seconded by Stan Sallee, to approve and authorize execution by the Commission. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

J. Blanket Purchase Orders and Emergency Purchase Orders Submitted from 10/30-11/3/2023

Motion made by Stan Sallee, seconded by Karen Keith, to approve and authorize execution by the Commission. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

K. Consideration and Approval of Construction Program Payments

1. Vision 2025 (Clerk's Misc. File No. 20231867)
Creditor: Diversified Civil Contractors, LLC; Trust #719384-J7; Item: 10,502 0-PJ1384 - LaFortune Park Trail - Tulsa County Parks; Purpose: LaFortune S. ADA Entry; Amt. Paid: \$38,130

Motion made by Karen Keith, seconded by Stan Sallee, to approve and authorize execution by the Chairman. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

- L. Discussion and possible action approving the appropriation and use of funds received from the U.S. Department of Treasury under the "Coronavirus Response and Relief Supplemental Appropriations Act of 2021", the "Emergency Rental Assistance Program", and/or the "American Rescue Plan Act of 2021" and the "Coronavirus State and Local Fiscal Recovery Fund" contained therein (Clerk's Misc. File No. 20231868)

Motion made by Karen Keith, seconded by Stan Sallee, to approve the appropriation. Upon roll call, Yes - None. No - None. Abstain - None. Motion carried.

- M. Board of County Commissioners - Emergency response updates and authorization for County-wide actions to aid citizens following the historic storm damage on June 18, 2023

Joe Kralicek, Director of the Tulsa Area Emergency Management Agency, (TAEMA), commented that there was nothing new to report.

- N. Zoning Application Hearing and Possible Action - (Tulsa Metropolitan Area Planning Commission) - CZ-543 and Related PUD-867 - Applicant: Nathan Cross, Owner: Greenhill Properties, LLC - Requesting Rezone from present use Agricultural to Proposed use Commercial, AG to IM, a tract of 35 ± acres on the Northeast corner of Highway 169 and East 56th Street North. On meeting date May 17, 2023, TMAPC voted 4-3-1 to recommend that the County Commission Approve rezoning of 35 ± acres from AG to IM. The related PUD-867 from present Agricultural to Proposed Mining/Commercial a tract of 225 ± acres.

On meeting date of May 17, 2023 TMAPC voted 4-3-1 to recommend that the County Commission Approve rezoning of 225 ± acres from AG to PUD-867

Motion made by Karen Keith, seconded by Stan Sallee, to enter into a public hearing at 9:53 a.m. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

Jay Hoyt, representing Tulsa Metropolitan Area Planning Commission, presented zoning case CZ-543 and related PUD-867. The Applicant, Nathan Cross, 2 W. 2nd Street, Tulsa, OK, spoke on behalf of the Owner, Greenhill Properties, LLC. David Charney, 12150 E. 96th St N., Owasso, also spoke in favor of the zoning. He provided aerial photos and spoke of his concern for thoughtful, overall development along that corridor. Of note is the addition of COSTCO and Amazon. Both companies have recently built there, and it is assumed that the experts they would have employed to research and survey the area prior to building would have advised against it if there were issues with the mines. He also pointed out that mining must occur where natural resources occur. A video interview with Randy Walker, President of White Industrial Seismology, Inc., was shown, discussing the State of Oklahoma limits for ground vibration and air pressure. He stated that transient dynamic vibration lasts only about a second and monitoring of mining operations to ensure that those limits are not exceeded are set to less than 50% of the State limit.

Marsheila Prior, 10965 Harreld Rd, Beggs, OK spoke on behalf of her elderly father, Clarence Lambert, 6218 N. 129th E. Ave., Owasso, OK, whose purchase of property pre-dates the mine's operation. Both her parents are in their 90s and are counting the value of their home to provide income to care for them for their lifetime. Bret Lambert, 6218 N. 129th E. Ave., Owasso, OK and Pamela Kirk, 12107 E. 70th St. N., Owasso, OK, also spoke opposing the addition of mining in that location. The issues surround the proximity of the operation to homes, the effects of blasting on their homes and the quality of their lives, the increased noise and effect of truck traffic and the silica dust produced by the mine and the adverse effects on Bird Creek. They also noted that they are not against development in the area and suggested that perhaps Anchor Stone and Greenhill Properties should jointly purchase property further to the north and west that is also rich with natural resources and not as close to existing housing.

Motion made by Stan Sallee, seconded by Karen Keith, to close the public hearing at 10:53 a.m. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

Motion made by Karen Keith, seconded by Stan Sallee, to defer the zoning application for one week. Upon roll call, Yes- Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

O. Executive Sessions - District Attorney:

1. Requested by Andrew Mihelich:

- a. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, Jay McAtee, for the purpose of confidential communications concerning a pending claim, to-wit: *Patricia Bruton, a Workers' Compensation Case with no case number*, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest
- b. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, Jay McAtee, for the purpose of confidential communications concerning a pending claim, to-wit: *James Deatherage, Workers' Compensation Case CM3-2023-02647K*, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest
- c. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, Jay McAtee, for the purpose of confidential communications concerning a pending claim, to-wit:

Kameryn Dennis, Workers' Compensation Case CM3-2021-01427L, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest

- d. Pursuant to 25 O.S. § 307(B)(4), I am requesting this matter be discussed in Executive Session between the Board and its attorney, Jay McAtee, for the purpose of confidential communications concerning a pending claim, to-wit: *Cody Sixkiller, a Workers' Compensation Case with no case number*, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest
2. Requested by Douglas Wilson - Pursuant to 25 O.S. § 307(B)(4), I am requesting that this matter be discussed in Executive Session between the Board and its attorney, for the purpose of confidential communications concerning possible official action regarding pending claims in the above-referenced matters, *Tulsa County v. City of Bixby*, and the City's recent enactment of Ordinance No. 2451, disclosure of the details of which its attorney advises would seriously impair the ability of the Board to proceed in the public interest

Motion made by Karen Keith, seconded by Stan Saltee, to go into Executive Session. Upon roll call, Yes- Kelly Dunkerley, Karen Keith, Stan Saltee. No - None. Abstain - None. Motion Carried.

Executive Session commenced at 10:54 a.m.

Motion made by Karen Keith, seconded by Stan Saltee, to reconvene the regular meeting at 11:10 a.m. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Saltee. No - None. Abstain - None. Motion carried.

P. Discussion and Possible Action Regarding Executive Session Items

Motion made by Karen Keith, seconded by Stan Saltee, to grant settlement authority to Jay McAtee up to the amount discussed in Executive Session, to-wit: *Patricia Bruton, a Workers' Compensation Case*, (Clerk's Misc. File No. 20231869), *James Deatherage, Workers' Compensation Case CM3-2023-02647K*, (Clerk's Misc. File No. 20231870), *Kameryn Dennis, Workers' Compensation Case CM3-2021-01427L*, (Clerk's Misc. File No. 20231871), and *Cody Sixkiller, Workers' Compensation Case*, (Clerk's Misc. File No. 20231872). Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Saltee. No - None. Abstain - None. Motion carried.

Motion made by Karen Keith, seconded by Stan Saltee, to authorize the District Attorney to file suit challenging the validity of ordinance #2451 and other necessary relief as it applies, as discussed in Executive Session., to-wit: *Tulsa County v. City of Bixby, Case No. CV-2023-1198, pending in the Tulsa County District Court, and Bixby City Ordinance No. 2451, dated October 23, 2023*. Upon roll call, Yes - None. No - None. Abstain - None. Motion carried. (Clerk's Misc. File No. 20231873)

VIII. NEW BUSINESS

In accordance with the Open Meeting Act, Title 25 O.S. § 311.A.10, new business is defined as any matter not known about or which could not have been reasonably foreseen prior to the time of posting the agenda.

There was no new business.

IX. ADJOURN

Motion made by Karen Keith, seconded by Stan Sallee, to adjourn the meeting. Upon roll call, Yes - Kelly Dunkerley, Karen Keith, Stan Sallee. No - None. Abstain - None. Motion carried.

BOARD OF COUNTY COMMISSIONERS

Kelly Dunkerley, Chairman

ATTEST:

Michael Willis, Tulsa County Clerk