

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
March 3, 2015**

6:30 PM

1. Call to Order

Section Minutes: Mayor Craig Thurmond called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: Pastor Chuck Coggins delivered an invocation.

3. Roll Call

Present:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Absent:	None

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Jill Norman led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Section Minutes: Mayor Thurmond asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion.

Motion:	Move to approve the Consent Agenda as presented
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- A. Approval of meeting minutes of February 17, 2015
- B. Acceptance of minutes of Planning Commission meeting held January 22, 2015
- C. Approval of a new Job Description for the position of City Manager for the City of Broken Arrow
- D. Approval of and authorization to execute Engagement Letters with Arledge & Associates, P.C. to conduct the Fiscal Year 2015 Audit and State Auditor and Inspector's Report
- E. Approval of and authorization to execute a Sub Grantee Award from Oklahoma Department of Homeland Security for 2 laptop computers for the Fire Department and authorize acceptance of title to the 2 laptop computers
- F. Approval of the Final Acceptance for the public improvements for Chick Fil-A located at 850 East Kenosha Street
- G. Approval of PT15-102, Conditional Final Plat, Hilton Garden Inn at The Village at Stone Wood Hills, 1 lot, 2.12 acres, PUD 156E/CH, north of Albany Street, one-quarter mile east of Elm Place
- H. Approval of the Claims List

6. Consideration of Items Removed from Consent Agenda

Section Minutes: There were no items removed from the Consent Agenda. No action was required or taken.

7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths

Section Minutes: There were no public hearings, appeals, presentations, recognitions, awards or oaths. No action was required or taken.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)

Section Minutes: No citizens signed up to speak.

9. General Council Business

- A. Consideration and discussion of excess Vision funds from the County sales tax approved by the voters on September 9, 2003, the City of Broken Arrow's share of this funding, and proposals for expenditure of these funds and requests to move allocations within the three (3) Propositions

Item Minutes: Acting City Manager, Mr. Russell Gale, made the presentation to the Council stating that in October of 2014 the Tulsa County Board of County Commissioners determined that \$45,500,000.00 in excess Vision sales tax funds would be allocated to the suburban cities in Tulsa County. He said in November of 2014, the Vision Authority adopted a Resolution which identified the amount of funds for each of the three Vision 2025 Propositions and then allocated to each Tulsa County suburb an available amount based upon each City's population. The Vision Authority's Resolution established funding for Broken Arrow at 19.6 million dollars.

Mr. Gale said the Council adopted a Capital Improvement Work Plan in November of 2014 that allocated funding for each the propositions as follows:

- Proposition # 2: \$1,301,937.00 for Stone Ridge and Elm Place capital improvements
- Proposition # 3: \$7,110,834.00 for the purchase of land and construction of Convention Center
- Proposition # 4: \$11,192,958.00 for improvements in the Rose District

Mr. Gale explained that other smaller communities were having difficulty finding meaningful projects under the specified application for Proposition #2 and #3 which prompted the cities of Collinsville and Skiatook to approach Broken Arrow staff and the Indian Nations Council of Governments (INCOG) about trading their Proposition # 2 funds to Broken Arrow in exchange for an equal portion of Broken Arrow's Proposition # 4 funds. He said that the City of Bixby had also approached City staff about trading its Proposition # 3 funds to Broken Arrow for a portion of Broken Arrow's Proposition # 4 funds.

Mr. Gale said that the net effect, if the proposed trades were approved, on Broken Arrow's funding for each allocation would be impacted as follows:

- Proposition # 2: funding would increase from \$1,301,937 to \$1,431,330.00
- Proposition # 3: funding would increase from \$7,110,834 to \$9,051,339.00
- Proposition # 4: funding would decrease from \$11,192,958 to \$9,123,060.00

He explained that currently staff had been meeting with representatives of INCOG and the County to determine if funding from Proposition # 3 could be used to fund the Art Center Project which had been listed in with the Proposition #4 projects for Broken Arrow. He said if approved the net effect would be zero for the planned improvements to the Rose District and the extra funding applied to the planned capital improvements for Proposition #2 would be welcomed.

Mayor Thurmond reiterated the main points presented by Mr. Gale for confirmation of understanding.

Vice Mayor Richard Carter said if this exchange helped the other communities and did not hinder Broken Arrow it would be the right thing to do.

No action was required or taken.

B. Consideration, discussion, possible acceptance of and authorization to execute the Economic Development Agreement between the City of Broken Arrow and The Rib Crib BBQ, Inc.

Item Minutes: Assistant to the City Manager and Economic Development Coordinator, Mr. Norm Stephens, told the Council that the attached Economic Development Agreement arranged for the City of Broken Arrow to provide project related development incentives in an aggregate amount not to exceed \$150,000.00 to Rib Crib BBQ. He explained that Payment of the Development Incentives would be made as follows:

- (a) The first installment of \$75,000.00 shall be made within thirty (30) days following Rib Crib's commencement of construction.
- (b) The second installment of \$75,000.00 shall be made at the time the Restaurant opens for business.

Mr. Stephens added stipulations that the City would have no obligation to make any payments unless Rib Crib was able to acquire a building site and would have no obligation to make the second installment unless Rib Crib dedicated, at its sole cost, all right-of-way, utility easements and other necessary easements and dedicated a 2,400 square foot parcel of land located at the Southwest corner of Main Street and Kenosha Street for placement of a gateway structure for the Rose District.

Motion:	Move to recommend approval and authority to execute the Economic Development Agreement by and between the City of Broken Arrow, Oklahoma and the Rib Crib BBQ, Incorporated
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

C. Consideration and possible approval of naming the west building of the Senior Center at The Main Place in memory of James Herbert "J.R." Robertson and the installation of a memorial bronze plaque

Item Minutes: Director of Parks and Recreation, Mr. Scott Esmond, told the Council that the Broken Arrow Seniors Incorporated had petitioned the City through their Board of Directors to name the west building of the Senior Center at The Main Place, 1800 S. Main Street, after James Herbert "J.R." Robertson. He said Mr. Robertson had been a long time member of the Senior Center and had served on the Broken Arrow Seniors Board of Directors. Mr. Esmond added that Mr. Herbert had been a driving force behind having the west building remodeled and made ready for the growing needs of the Center. He said that the Broken Arrow Seniors have proposed that an 18" x 18" memorial bronze plaque be hung on the interior west wall of the south corridor leading to the west building. He added that the plaque would be paid for by the Broken Arrow Seniors.

Councilor Mike Lester said that he had known Mr. Robertson for many years and that Mr. Robertson had been a driving force in the Community and an active member of the Broken Arrow Civitan Club, as well as the Broken Arrow Seniors. He said this was a befitting honor for Jim.

Council Richard Carter said that he had known Mr. Robertson for 41 years and Mr. Robertson had always been a leader in the Community who had helped many organizations. He added that Mr. Robertson was a Gentleman and deserved the recognition.

Motion:	Move to approve the request of the Broken Arrow Seniors, Inc. Board of Directors to name the west building at the Senior Center at The Main Place in memory of James Herbert "J.R." Robertson and the installation of a memorial bronze plaque
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

10. Preview Ordinances

- A. Consideration, discussion and possible preview of an Ordinance annexing approximately 27 acres located in the northeast quarter of the northeast quarter (NE/4 NE/4) of Section 29, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, State of Oklahoma and generally located near the southwest corner of New Orleans Street and Olive Avenue declaring an emergency

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, explained the process of Annexing is accomplished with an Ordinance. She added that a public hearing is required by statute and would occur during the next meeting when the Ordinance is scheduled for adoption. She continued by describing the details of the intended 27-acre annexation saying the current developers would be requesting access to City utilities. She said the process requires a rezoning of the property which is currently being facilitated through Tulsa County. However, the property owners have agreed to design the property to meet Broken Arrow's standards.

Motion:	Move to preview the Ordinance and set for adoption a the next meeting of the City Council
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- B. Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Subdivision Regulations by amending Article 1, General Provisions, Section 1.5 Definitions, specifically adding additional terms for words and phrases used in the Regulations; Article 6, Miscellaneous Requirements, Policies and Approvals, by creating Section 6.9 Application for closing easement or public rights of ways; creating Section 6.10 Encroachment agreement; creating Section 6.11 Vacation of plat; creating Section 6.12 Reservation of rights upon closing; amending Article 8, Fees; Section 8.1 Fees, specifically removing fees and providing that charges will be set out in the Manual of Fees adopted by the Broken Arrow City Council; and amending Article 9, Security Devices (11 O.S. 45-104C), Section 9.1 Exemptions, creating subsection f; repealing all ordinances to the contrary and declaring an emergency

Item Minutes: Ms. Wilkening said the Subdivision Regulations that were adopted by the City Council on September 7, 2010 did not contain any procedures for closing easements and public rights-of-way or vacating plats. She described the modifications that would address these issues and added that the Ordinance also provided for the incorporation of the related fees into the Manual of Fees.

Councilor Johnnie Parks asked if any of the fees were dispensed to the utility companies to offset the expense of the processing. Ms. Wilkening said that none of the funds collected would be paid to the Utility Companies.

Motion:	Move to approve preview ordinance and set for adoption
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- C. Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Sec. 23-91. -Driving under the influence of alcohol or other intoxicating substances prohibited; Sec. 23-94. - Evidence of driving while under the influence of or while impaired by alcohol or other intoxicating substances; specifically amending to be in compliance with State Statute, Sec. 23-109. - Traffic control signs - Green legend; Repealing Sec. 23-110. - Same - Red legend; Repealing Sec. 23-111. Same -Yellow legend; specifically, combining the regulation of disobeying traffic control devices to one ordinance for clarity, Sec. 23-112. - Same - Flashing signals; specifically, excluding railroad grade crossings as State Law preempts this area, Sec. 23-147. - Spaces reserved for physically disabled persons; specifically amending the fine that may be imposed, Sec. 23-173. - Carrying passengers; Sec. 23-176. - Maximum height of handlebars; Sec. 23-177. - Rearview mirrors; Sec. 23-185. - Speed limit; Section 23-204 - Brake; and Section 23-205 - To be ridden on right side of roadway; riding more than two abreast; Specifically amending these ordinances regulating motorcycles to become in compliance with State Statute; repealing all ordinances to the contrary; and declaring an emergency.

Item Minutes: Ms. Wilkening said this Ordinance concluded the amendments to Chapter 23 related to driving under the influence and drug assessment expenses. She added these amendments also addressed issues related to handicap parking.

Motion:	Move to preview the Ordinance and set for adoption
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

11. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3333, an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Article II, Operation of vehicles generally, Section 23-53, Speed Limits; Section 23-56, Limitations on turning u-turns; Section 23-60 Right-of-way when turning left; Section 23-61, Through streets and stop or yield intersections - How designated and marked; specifically amending those sections to become in compliance with State Statute, Section 23-62 Same - Yielding right-of-way at stop intersection; specifically amending to allow persons to proceed at intersection without yielding if directed to do so by a police officer or traffic control signal, Section 23-65 Duty to stop at railroad crossing upon approach of train; driving through, around or under crossing gate or barrier prohibited; specifically requiring any Class A, B, or C commercial vehicles that are not required to stop at all railroad crossings per State Law to slow down and check that the tracks are clear of an approaching train Section 23-66

Certain vehicles to stop at all railroad crossings; specifically requiring commercial vehicles to comply with railroad crossings provisions as prescribed by federal law, 23-67 Procedure upon approach of authorized emergency vehicle; specifically amending to be in compliance with State Statute and clarifying that a driver is required to yield to a police vehicle making use of an audible or red flashing lights, Section 23-67.1 Driver of a motor vehicle approaching a stationary authorized emergency vehicle, wrecker or tow vehicle; specifically amending to include only licensed Class AA wreckers, Section 23-68 Meeting or overtaking stopped school bus or church bus; specifically amending to become in compliance with State Statute; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening stated that this Ordinance had been reviewed in some detail at the previous meeting and pertained to traffic issues within Chapter 23. She said that staff had worked with Municipal Code Attorneys and the Broken Arrow Police Department to complete a comprehensive review.

Motion:	Move to adopt Ordinance No. 3333
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

12. Remarks and Inquiries by Governing Body Members

Section Minutes: There were no remarks and inquiries by Governing Body Members.

13. Remarks by Acting City Manager

Section Minutes: There were no remarks by the Acting City Manager.

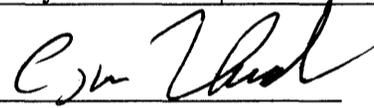
14. Executive Session

Section Minutes: There was no Executive Session. No action was required or taken.

15. Adjournment

Section Minutes: Minutes: The meeting adjourned at approximately 6:54 p.m.

Motion:	Move to adjourn
Motion by:	Johnnie Parks
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None



 Mayor

Attest:


 City Clerk

