

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
March 17, 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:** There was no one to deliver an invocation.

**3. Roll Call**

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

**4. Pledge of Allegiance to the Flag**

**Section Minutes:** Councilor Johnnie Parks 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.

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

- A. Approval of meeting minutes of March 3, 2015
- B. Approval of and authorization to execute Budget Amendment Number 5 for Fiscal Year 2015
- C. Rejection of Plaintiff's counter-offer in the case of Robin L. Walker, Plaintiff v. City of Broken Arrow, Defendant, Tulsa County District Court Case Number CJ-2015-00082, and authorize filing an Offer to Confess Judgment in the amount of \$38,607.00 in this case
- D. Reject bids received for certain repair work at the Elm and Creek Turnpike traffic signal and authorize staff to re-bid in accordance with the Oklahoma Public Competitive Bidding Act
- E. Approval of and authorization to execute a Proclamation required to maintain the City of Broken Arrow status as a Tree City U.S.A. and declaring the week of March 23, 2015 as Arbor Week
- F. 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**

- A. Conduct a public hearing regarding the annexation of approximately 27 acres located in the northeast quarter of the northeast quarter 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 and granting the property an A-1 zoning classification

**Item Minutes:** Mayor Thurmond called for a public hearing regarding the annexation of approximately 27 acres located in the northeast quarter of the northeast quarter of Section 29, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, in the State of Oklahoma.

Mayor Thurmond called a second time for anyone who wished to speak regarding the annexation.

Mr. Josh Tietsort from the Law Firm of Eller and Detrich spoke on behalf of Spectacular Homes, the developer of the project slated for the annexed land. Mr. Tietsort told the Council that the project plans were for the development of single family homes.

Councilor Parks asked for clarification saying that his understanding was that the 27 acres had been zoned by the Tulsa County and now the developer has requested that the land be annexed as part of Broken Arrow.

Mr. Tietsort said that they would be annexed in temporarily with an Agriculture zoning. He said that Spectacular Homes had submitted an application to the City to rezone as RS3 with a PUD overlay. He said the Planning Commission would meet to hear the application next week.

Mayor Thurmond called a third time for anyone else who wished to speak regarding the annexation.

Mayor Thurmond closed the public hearing.

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, discussion and possible approval of and authorization to execute a Certificate of Incumbency with the Tulsa County Industrial Authority which authorizes agents of the City of Broken Arrow to execute payment documents for processing claims, invoices and other required documents of the Vision 2025 sales tax program, including Construction Advance Requests, Non-Construction Advance Requests and Authorization and Certification of the Program Manager, and approval of Michael Skates, Development Services Director, as the Project Manager

**Item Minutes:** Director of Development Services, Mr. Michael Skates, told the Council that this item was a follow up on the Conference Center and Hotel project. He said that City Staff had engaged in discussions with the Tulsa County Vision 2025 Authority and the Program Management Group, LLC (PMG) on the particular requirements for the Hotel and Conference Center. He said the item before the Council would identify himself as the City agent that would serve as the Project Manager. He said, in addition, Staff had recommended that Tom Hendrix, Engineering Manager, Tom Cook Jr., Controller, and Tom Caldwell, Finance Director, be authorized agents to back up Mr. Skates in his absence. He added that Mr. Caldwell and Mr. Cook would also have authority to provide signatures for payments made through the Vision funds for the project.

Mr. Skates said that the attached documents identified several payments that would be issued. He said the first of these payment requests from the Vision 2025 access tax funds would reimbursement the City for a portion of the land purchase. He said Staff would then be processing a pay request from Cowan Engineering for the ALTA Survey (American Land Title Association) for services that accompanied the land purchase. Mr. Skates said that there would then be partial payments issued to the Stoney Creek Hospitality Group in the coming weeks. He added that regular meetings had been scheduled with the project management company PMG.

<b>Motion:</b>	<b>Move to approve the Certificate of Incumbency and authorize its execution</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move to approve Mr. Michael Skates as the Project Manager</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

B. Consideration, discussion, possible approval and authorization to execute a joint Resolution of the City of Broken Arrow, City of Collinsville, and City of Skiatook providing for the transfer of allocations of excess Vision 2025 Funds from specific Propositions

**Item Minutes:** Mr. Russell Gale, Acting City Manager, reviewed the previously discussed transfer Vision 2025 Proposition #2 funds from the City of Collinsville, and the City of Skiatook in exchange for equal funds from Broken Arrow's Proposition #4 funds. Mr. Gale said that that some of the smaller metro cities were finding it difficult to utilize their Proposition #2 funds because of the limited amount each city had been allocated and because of the narrow scope of projects where those funds could be used in public improvements. He explained how this arrangement would benefit the needs of Broken Arrow and asked that the Council authorize the exchange.

Councilor Parks asked if the Vision Authority had any issues with this arrangement. Mr. Gale said the Vision Authority had previously approved any exchanged between communities as long as there is mutual agreement.

<b>Motion:</b>	<b>Move to approve the Resolution and authorize its execution</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

C. Consideration, discussion, possible approval, and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2015 Rooster Days Festival

**Item Minutes:** Director of Parks and Recreation, Mr. Scott Esmond, told the Council that last year, the City and the Chamber entered into a 2-year Promotional License. However, because of the need for a number of revisions to dates and locations of the Rooster Days, Legal Department Staff recommended approval of a new License. He told the Council that this year's festival was scheduled to take place on Friday, May 8, 2015 through Saturday, May 9, 2015. The hours of operation for Friday are 4:00 p.m. - 11:00 p.m. The hours of operation for Saturday are 8:00 a.m. - 11:00 p.m. He told the Council that this year the Fun Run, a 5K Run/Walk and a 15K Run, would take place on Saturday, May 2, 2015 at 8:00 a.m. at the Chisholm Trail South Park.

Councilor Parks noted that Rooster Days would not be observed on Sunday this year. Mr. Esmond responded that that was correct.

<b>Motion:</b>	<b>Move to approve the Promotional License on City Property with the Broken Arrow Chamber of Commerce and authorize its execution</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**10. Preview Ordinances**

- A. Consideration, discussion and possible preview of an ordinance amending Chapter 2, Administration, Article I, In General, Sec. 2-12. - Maintenance bonds required on public property improvements, specifically requiring contracts for improvements on public property exceeding \$50,000.00 to be bonded; Article VIII Planning Commission, Sec. 2-116. - Terms; vacancies, specifically omitting the requirement for members to serve staggered terms; Article IX, Employee rules and regulations, Sec. 2-186. - Petty cash fund, specifically omitting the maximum amount allowed to be placed in the petty cash fund; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** City Attorney, Ms. Beth Anne Wilkening, said this item was part of the overall recodification of the City's codes. She said Section 2-12 was requested for amendment to increase the amount needed to be bonded on contracts for the improvement on public property from \$25,000.00 to \$50,000.00. She said the current language for Section 2-16 had become obsolete and a revision had been required. Ms. Wilkening said currently Section 2-186 established the maximum amount permitted in the Petty Cash Fund of \$2,000.00. She said the amendment would bring this Section into compliance with current practices that sets no limit.

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

- B. Consideration, discussion and possible preview of an ordinance amending Chapter 23, Traffic, Article IV, Stopping, standing and parking, Division 1, Generally, Section 23-131.1. - Parking in a C-2, C-3 or C-5 zoning [district] for purposes of selling a vehicle is prohibited, specifically adding a CN, CG or CH zoning districts; Article VI, Bicycles, Repealing Section 23-207. - Required use of paths; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening Section told the Council Section 23-131.1 should be amended to prohibit selling vehicles in CN, CG and CH zoning districts in addition to C-2, C-3 and C-5 zoning districts. She said that Staff recommended that Section 23-207 be repealed as State Statute has removed this prohibition.

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

**11. Ordinances**

- A. Consideration, discussion and possible adoption of Ordinance No. 3334, 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 would address required alignment with State Statutes for DUI's and Chapters regarding traffic controls were combined for conciseness; updates were made to handicap parking violation fines and motorcycle regulations were also brought into compliance with State Statutes.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3334</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Johnnie Parks
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- B. Consideration, discussion and possible adoption of Ordinance No. 3335, 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 that in order ensure transparency codification for land subdivision was instituted. She said that essentially this Ordinance encompassed the charges for easement closures, right of way closures, encroachment agreements and vacation of plats. She added that the fees would be included in the Manual of Fees.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3335</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- C. Consideration, discussion and possible adoption of Ordinance No. 3336, 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; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening said this Ordinance correlated to the Public Hearing held earlier during Council meeting for the Annexation of land for the Rabbit Run development. She said that the scheduled Planning Commission Hearing would address the zoning.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3336</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

<b>Motion:</b>	<b>Move for the Emergency Clause</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	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 City Manager.

14. **Executive Session**

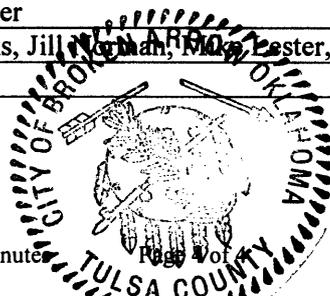
**Section Minutes:** There was no Executive Session. No action was required or taken.

15. **Adjournment**

**Section Minutes:** The meeting adjourned at approximately 6:49 p.m.

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

  
 Mayor



Attest:  
  
 City Clerk