

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
April 7, 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:** Chaplain Cliff Richard delivered an invocation.

**3. Roll Call**

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

**Section Minutes:** Councilor Johnnie Parks arrived at 6:35 and was not present for the votes taken for Consideration of Consent and Consideration of the items removed from Consent.

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

**Section Minutes:** Mayor Thurmond led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Thurmond asked that item 5F be removed from Consent stating that this item could be a conflict of interest for him. Mayor Thurmond asked if there were any other items to be removed, there being none, he asked for a vote.

<b>Motion:</b>	<b>Move to approve the Consent Agenda excluding item 5F</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- A. Approval of meeting minutes of March 17, 2015
- B. Acceptance of minutes of Planning Commission meeting, February 12, 2015
- C. Approval of and authorization to execute an amended contract between the City of Broken Arrow and the Icon at Broken Arrow, Limited Partnership for storm sewer capacity improvements just south of Florence on Elm to serve the Icon at Broken Arrow development of approximately 13.5 acres and additional 85 acres
- D. Approval of professional services, including an ALTA survey, and corresponding Proposal with Cowen Group Engineering, in association with the purchase of property located in the Northwest Quarter (NW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma. (Project: Hotel-Conference Center)
- E. Approval of PUD 151C, a request for a Major Amendment to PUD 151B, Robertson Tire, 1.54 acres, PUD 151B/CH, one-third mile north of Kenosha Street, east of Garnett Road
- F. Approval of PUD 234 and BAZ 1930, Tucson Village, 80.34 acres, A-1 to RS-3, CN, and FD, southwest corner of 23rd Street and Tucson Street
- G. Approval of PT15-100, Conditional Final Plat, Albany Crossings (Wal-Mart Neighborhood Market), 1 lot, 11.35 acres, RM and RD to CG/PUD 233, north and east of the northeast corner of 9th Street and Albany Street
- H. Approval of the Claims List

**6. Consideration of Items Removed from Consent Agenda**

**Section Minutes:** Mayor Thurmond recused himself and left the room.

**Item 5F**

Vice Mayor Richard Carter took the vote.

<b>Motion:</b>	<b>Move to approve item 5F</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Richard Carter
<b>Ayes:</b>	Jill Norman, Mike Lester, Richard Carter
<b>Nays:</b>	None
<b>Recused:</b>	Craig Thurmond

Mayor Thurmond returned to the room.

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

- A. Discussion, consideration, presentation, approval of and authorization for the Mayor to execute a Proclamation declaring the week of April 12-18, 2015, as "Volunteers in Police Service Week" in the City of Broken Arrow

**Item Minutes:** Chief David Boggs gave an overview of the accomplishments of the 163 volunteers that made up the "Volunteers in Police Service". He said that the volunteers had donated 16,498 hours to the Police Department and the City of Broken Arrow which translated into a savings of \$344,493.90 for the City. Chief Boggs thanked the volunteers saying that the level of service to the community could not have been provided without them.

<b>Motion:</b>	<b>Move to approve the Proclamation declaring the week of April 12-18 as "Volunteers in Police Service Week"</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

Mayor Thurmond read the Proclamation.

**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 possible approval of bids received and award the most advantageous bid to Kum & Go for point of sale fueling services

**Item Minutes:** Chief Boggs told the Council he had worked with the General Services Director, Mr. Lee Zirk, to consider utilizing point of sale fuel purchases for the Police Department. He said this approach would help improve the department's efficiency by being able to obtain fuel at multiple sites verses only two City owned fuel sites. Chief Boggs told the Council that Kum & Go had provided the lowest bid and the 13 cent a gallon difference could be absorbed into the Police Department's budget without requesting a fuel increase.

Mayor Thurmond asked if the contract with Kum & Go would be for just one year. Mr. Zirk said that it was intended that the contact be for one year with an option to renew. He added that because Kum & Go did not require a contract the City would be free to rebid at any time.

Councilor Mike Lester asked if there had been an estimate on the number of man hours saved with the Point of Sale approach. Chief Boggs said that there was not a formal estimation but that the field covered 56 square miles and it was not unreasonable to estimate that 20 to 30 minutes would be spent driving and refueling for each shift.

<b>Motion:</b>	<b>Move to approve the award of the most advantageous bid for point of sale fueling services to Kum &amp; Go</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 and possible approval of the re-appointment of Randy Cherry to serve an additional three-year term on the Board of Adjustment

**Item Minutes:** Director of Development Services, Mr. Michael Skates, said Board of Adjustment (BOA) members were appointed to serve three-year terms. He said Mr. Randy Cherry's appointment would expire on May 1, 2015. Mr. Skates told the Council that Mr. Cheery had indicated a willingness to continue serving. He said Mr. Cheery had been originally nominated by Council Member Mike Lester in June 15, 2009

Councilor Jill Norman asked if the public had been informed of the opening. Mr. Skates said that he believed that it had been made known through the City Manager's office. Ms. Norman asked if the application was available online. Mr. Skates said yes.

<b>Motion:</b>	<b>Move to approve the reappointment of Randy Cherry to serve an additional three-year term on the Board of Adjustment, to expire May 2018</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

- C. Consideration and possible approval of the re-appointment of Stanley Evetts to serve an additional three-year term on the Board of Adjustment

**Item Minutes:** Mr. Skates said that Mr. Evetts' term would also expire on May 1, 2015 and he had indicated a willingness to continue to serve on the Board of Adjustment. He said Mr. Evetts had been originally nominated by the City Council, to serve the unexpired term of Richard (Jack) Keeling, in their meeting of February 18, 2008

<b>Motion:</b>	<b>Move to approve the reappointment of Stanley Evetts to serve an additional three-year term on the Board of Adjustment, to expire May 2018</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

- D. Consideration and possible approval of the re-appointment of Carolyne Isbell-Carr to serve an additional three-year term on the Planning Commission

**Item Minutes:** Mr. Skates said that Planning Commission members are appointed to serve three-year terms. He said Ms. Carr's appointment would expire on May 1, 2015. He said that Ms. Carr had expressed willingness to continue to serve on the Planning Commission.

<b>Motion:</b>	<b>Move to approve the reappointment of Carolyne Isbell-Carr to serve an additional three year term on the Planning Commission, to expire May 2018</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

- E. Consideration and possible approval of the re-appointment of Fred Dorrell to serve an additional three-year term on the Planning Commission

**Item Minutes:** Mr. Skates said that the term of Planning Commission member, Mr. Fred Dorrell, would expire on May 1, 2015 and that Mr. Dorrell had expressed willingness to continue to serve on the Planning Commission. He said that Mr. Dorrell was first appointed to the Planning Commission beginning in May 2006, by the at-large Council Johnnie Parks.

<b>Motion:</b>	<b>Move to approve the reappointment of Fred Dorrell to serve an additional three-year term on the Planning Commission, to expire May 2018</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

- F. Consideration and possible approval of the re-appointment of Ricky Jones to serve an additional three-year term on the Planning Commission

**Item Minutes:** Mr. Skates said that the term of Planning Commission member, Mr. Ricky Jones would expire on May 1, 2015. He said Mr. Jones had expressed willingness to continue to serve on the Planning Commission.

Councilor Norman said that Mr. Jones attendance was commendable but that in the last two years Mr. Jones had recused himself 23 times. She asked if that was the representation that was needed. Mayor Thurmond said that Mr. Jones was an expert Planner for which there was no equal on the Planning Commission. He added that Mr. Jones does do business within Broken Arrow so that there were times when he must recuse himself.

<b>Motion:</b>	<b>Move to approve the reappointment of Ricky Jones to serve an additional three-year term on the Planning Commission, to expire May 2018</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	Jill Norman

Vice-Mayor Carter stated that the thousands of hours logged by volunteers for the Police Department as well as the hundreds of hours given by the individuals who serve on the Planning Commission and the Board of Adjustment are a good part of why the City functions so well. He said that they all have given of their time and expertise without pay over many years. The Vice-Mayor expressed his gratitude for their service and for the many others who volunteer at the Public Schools and other City agencies that are benefited by their generous efforts.

## 10. Preview Ordinances

- A. Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Zoning Code by amending Section 5.4 Off-Street Parking and Loading, subsection K.3 Commercial Vehicle Parking; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** City Attorney, Ms. Beth Anne Wilkening, said that the need for this amendment was brought to the attention of staff and Council by Mr. Richard Pisaturo, a Broken Arrow Citizen. She said that the zoning code changes had been carefully researched with the desired outcome intended to limit commercial vehicle parking in residentially zoned districts as an incompatible use, yet not creating a hardship on small business owners by creating an ordinance that totally banned commercial vehicles of smaller carrying capacities, or ratings. Ms. Wilkening explained how a matrix would be used to determine if the vehicle had been parked legally in residentially zoned areas.

Mayor Thurmond asked about the number of axles that would be allowed. Mr. Skates explained the details of the vehicle configurations that would be defined as a nuisance.

The Council discussed the nature of what defines a commercial vehicle. Ms. Wilkening suggested a review of the language of the Ordinance to help clarify. She said the number of vehicles and the carrying capacity as well as the length and the number of axles would all be used to produce the matrix that would be used to determine if a vehicle was legally parked.

Councilor Lester asked if the public would be notified of these changes through their water bills. City Manager, Mr. Russell Gale, said that staff would find the best way to notify the public. Ms. Wilkening offered to work on clarification of the language within the Ordinance.

<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

- B. Consideration, discussion and possible preview of an ordinance closing a utility easement on property located on a part of Williams Brothers Constructors Park Amended, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, a subdivision of Lot 1, Block 1, Williams Brothers Constructors Park and a subdivision of Part of Lot 2 and a part of the South Half of the Northeast Quarter of Section Four, Township 18 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, generally located one-half mile south of West Albany Street, east of North Olive Avenue; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening said that this was a one of several utility closings in this industrial park required to expand operations. She this closure had been cleared with the Utility Companies and was recommended by staff.

<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. 3337, 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, Sec. 23-132. - Method of stopping or parking generally, or near curbs, specifically deleting the requirement for brakes being set, Repealing Section 23-207. - Required use of paths; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening said this Ordinance was in the same form as it had been during the preview. She said it was intended to prohibit the selling vehicles in CN, CG and CH zoning districts in addition to C-2, C-3 and C-5. Ms. Wilkening said this Ordinance would also repeal Section 23-207, requiring the use of paths.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3337</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 to approve 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. 3338, 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:** Ms. Wilkening said Section 2-12 was being recommended for amendments to bring it into compliance with State Law and 2-116 clarified language in the Planning Commission and then Section 2-186 should be amended to omit a requirement that \$2,000.00 is the maximum amount permitted in the Petty Cash Fund.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3338</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 to approve 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 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 7:03 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:**

  
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 City Clerk