

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
April 21, 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 David Cloeter delivered an invocation.

3. **Roll Call**

Present:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Absent:	None

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

Section Minutes: Councilor Mike Lester led the Pledge of Allegiance to the Flag.

5. **Administration of Oaths of Office**

Section Minutes: Municipal Judge Steve Edgar administered the oath of Office for Councilor Richard Carter, Councilor Johnnie Parks, and Councilor Scott Eudey. Mayor Thurmond extended his congratulations.

6. **Election of Mayor and Vice-Mayor**

Section Minutes: Mayor Thurmond opened the floor for nominations for the offices of Mayor and Vice-Mayor. Councilor Lester nominated Craig Thurmond for the office of Mayor and Councilor Carter seconded that motion.

Motion:	Move to nominate Craig Thurmond for the office of Mayor
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter
Nays:	None
Abstain:	Craig Thurmond

Mayor Thurmond then opened the floor for nominations for the office of Vice-Mayor. Councilor Lester nominated Richard Carter and Councilor Parks seconded that motion.

Motion:	Move to nominate Richard Carter for Vice Mayor
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester and Craig Thurmond
Nays:	None
Abstain:	Richard Carter

7. **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:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- A. Approval of meeting minutes of April 7, 2015
- B. Acceptance of minutes of Planning Commission meeting held March 12, 2015
- C. Approval of Draw Request Number 1 for Payment Under Attorneys' Title Guaranty Fund, Inc., for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- D. Approval of Battle Creek Golf Club Golf Rate Revisions
- E. Approval of and authorization to execute Resolution No. 873 of the City Council of the City of Broken Arrow approving an Amended and Restated Trust Indenture for the Oklahoma Municipal Retirement Fund; providing amendments to the trust to authorize daily valuations and daily accounting for assets within the master defined contribution plans administered by the Oklahoma Municipal Retirement Fund; providing for daily valuation of participant accounts in the defined contribution plans administered by the Oklahoma Municipal Retirement Fund and providing procedures and rules for accounting of such assets; providing for effective date of Amended and Restated Trust Indenture and continuing existing trust as amended in full force and effect

- F. Approval of and authorization to execute Resolution No. 876 relating to receipt and administration of FY2015 Tulsa Urban County Community Development Block Grant (CDBG)
- G. Approval of and authorization to execute an agreement for professional consultant services with GS Helms & Associates, L.L.C. for the design of Nienhuis Park - convert football fields to synthetic turf
- H. Approval of and authorization to execute an agreement for professional consultant services with PDG, Inc., dba Planning Design Group for the design of Nienhuis Park Tennis and Basketball Court Additions
- I. Review of bids received, award of the lowest and best bid, and approval of and authorization to execute a construction contract for Stacey Lynn 6th Addition Mill and Overlay
- J. Review of bids received and award the most advantageous bid to Smiles Public Safety for the purchase of police vehicle equipment
- K. Approval of and authorization to execute Work Order WO-04, Contract for Cold Milling Asphalt Streets (Bid #14.115)
- L. Approval of and authorization to execute Work Order WO-29, Contract for Portland Cement Concrete Street Repairs (Bid # 14.106)
- M. Approval of BAZ-1933, Imajenus Incorporated, 0.77 acres, R-3 to DM, on the southwest corner of Elgin Street and Main Street
- N. Approval of PUD 235 and BAZ 1931, Rabbit Run, 27.40 acres, A-1 to RS-3, south and west of the southwest corner of Olive Avenue and New Orleans Street
- O. Approval of PT15-105, Conditional Final Plat, Rabbit Run, 115 lots, 27.44 acres, A-1 to PUD 235 and RS-3, south and west of the southwest corner of New Orleans Street and Olive Avenue
- P. Approval of PT13-104, Revised Conditional Final Plat, CSD Enterprises, 2 lots, 2.74 acres, A-CH to PUD 226 and CH, west of Aspen Avenue, one-third mile south of Omaha Street, one-quarter mile north of Broken Arrow Expressway
- Q. Acceptance of a Drainage Easement on an unplatted area south of Lot 1, Block 1 of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- R. Acceptance of a Drainage Easement on an unplatted area south of Lot 2, Block 1, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- S. Acceptance of a Detention Easement on an unplatted area south of Reserve A, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- T. Acceptance of an Emergency Access Easement on an unplatted area south of Lot 2, Block 1, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- U. Acceptance of a Mutual Access Easement on an unplatted area south of Lot 1 and 2, Block 1, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- V. Acceptance of a Utility Easement on an unplatted area south of Lot 1, Block 1 of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- W. Acceptance of a Utility Easement on an unplatted area south of Lot 2, Block 1, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- X. Acceptance of a Utility Easement on an unplatted area south of Reserve A, of CSD Enterprises, located one quarter mile south of Omaha Street and West of Aspen Avenue, Tulsa County, Oklahoma; from land owner THE PAUL AND Carol De MOORE FAMILY TRUST by Greg Moore, Trustee
- Y. Approval of the Claims List

8. Consideration of Items Removed from Consent Agenda

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

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

- A. Presentation and discussion on the sunset of the Tulsa County Vision 2025 sales tax and possibility for a City-wide election capturing the sales tax at the end of the Vision Tax, and update and discussion on the efforts of Tulsa County cities to pass similar sales tax increases

Item Minutes: Acting City Manager, Mr. Russell Gale, said that since January of 2015 the Mayors and City Managers from Tulsa County Metropolitan Cities had met to discuss challenges each city faced from both an operational and capital funding standpoint. He said in March the group collectively concluded that it was prudent for the Cities in Tulsa County to seek the continuation of the Vision 2025 Tax to assist with funding the unique needs of each City. Mr. Gale said that the Vision 2025 Tax was set to expire December 31, 2016. He said a press conference had been held on March 24 in Jenks where it was announced that the Mayors were seeking a continuation of the Vision Tax for each individual community.

He said that there were a few contingencies that support the continuation and it has been anticipated that the election would be held in the Fall of 2015.

Mayor Thurmond said that this approach is beneficial to the communities as there are needs that are not covered by a County-wide tax. He said this approach allows each City to tailor the tax expenditures to their individual needs. He added that it was important to note that this approach would provide funding without raising taxes. Councilor Mike Lester confirmed that after the Council and City Staff determine the best use of the funds to support public safety for Broken Arrow then the public would be included in community meetings and elections.

No action was required or taken.

B. Presentation, discussion, consideration and possible acceptance of the Final Report of the Fiscal Sustainability Committee

Item Minutes: Chairman of the Fiscal Sustainability Committee, Mr. Russell Peterson, said that the Committee had been charged with examining the City's finances and the possibility of revenue enhancements. He said that after careful examination of many possibilities the Committee had recommendations for the Council consideration. Mr. Peterson explained that the original motivation for the creation of the Fiscal Sustainability Committee had been established by the Council when financial analysis proved that the General Fund and its reserve balance are expected to reach zero in approximately a year and a half. He said contributing factors for the General Fund's diminishment have been continuing issues with retail sales leakage and the residual impact of the recent recession. He said that this situation would require either aggressive cost cuts (predominately staff) or resourceful revenue enhancements. Mr. Peterson said that statistical reviews revealed that Broken Arrow has the lowest tax rate out of the ten largest Oklahoma Cities and is 9th in per capita in sales tax. He said that the City also has the lowest number of employees per capita. He added that with continued restrained hiring and careful expense reductions, City Staff has produced a very lean Municipal operation.

He said that subcommittees were formed for (1) Expenses, (2) Revenue, and (3) Taxation and the subsequent Final Report of the Fiscal Sustainability Committee had been drafted around the findings. Mr. Peterson reviewed the recommendations from the report. The Council thanked the Committee members for their many months of effort.

Motion:	Move to accept the Final Report of the Fiscal Sustainability Committee
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

10. 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.

11. General Council Business

A. Consideration, discussion, possible approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of approximately 13.04 acres of land located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma located south of the Southeast corner of the intersection of East 131st Street and South Garnett Road

Item Minutes: Mayor Thurmond recused himself turning the meeting over to Vice Mayor Richard Carter. Mayor Thurmond left the room.

Director of Development Services, Mr. Michael Skates, said this item was a request to annex approximately 13.04 acres into the City. He said according the State Statues it is necessary for the Council to direct the publication of a Notice of Annexation.

Motion:	Move to direct the City Clerk to publish the Legal Notice of Annexation
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter
Nays:	None
Recuse:	Craig Thurmond

Mayor Thurmond returned to the room.

B. Consideration and possible approval of and authorization to execute Resolution No. 868 approving and adopting Amendment No. 6 to the FlightSafety and Downtown Economic Development Project Plan

Item Minutes: Economic Development Coordinator and Assistant to the City Manager, Mr. Norm Stephens, told the Council that in keeping with the Local Development Act, governing bodies may make minor modifications and amendments to project plans. He explained that a reallocation of project costs from one category to another is considered a minor amendment. Mr. Stephens said On August 12, 2014, the Downtown Advisory Board unanimously voted to recommend approval of a contract for an Economic Development between the City of Broken Arrow, Oklahoma, and Rib Crib BBQ, Inc. He said that a reallocation of project costs were necessary to facilitate this Economic Development Agreement. Mr. Stephens reviewed the recommended revisions and stated that the total project costs of \$13,500,500.00 had not changed. He said that at the next meeting he would provide the Council with a comprehensive update on the status of the Tax Increment Financing (TIF).

Councilor Lester asked if the Rib Crib project would began soon. Mr. Stephens said the contract had been approved and the process was beginning at this time.

Motion:	Move to approve Resolution No. 868 and authorize its execution
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- C. Consideration, discussion, possible approval of and authorization to execute Resolution No. 875 authorizing the City Attorney to agree to Entry of Judgment without admitting liability in the matter of Robin L. Walker v. City of Broken Arrow, Tulsa County District Court, Case No. CJ-2015-82 and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal incorporating the resolution of the Court's approval, pursuant to 51 O.S. § 158

Item Minutes: City Attorney, Ms. Beth Anne Wilkening, told the Council that this item had been considered by the Council at Executive session several times and involved an automobile accident in which involved a City employee. She said that the property damage claim had been settled and the personal injury settlement remains. She said it has been determined that the case could be settled for a sum of \$50,000.00. Councilor Eudey clarified that the settlement is in fact \$48,000.00 less than the counter sum demanded by Ms. Walker's attorney. Ms. Wilkening said to avoid additional costs of litigation it was recommended by staff that Council approve the Resolution.

Motion:	Move to approve Resolution No. 875 and authorize its execution
Motion by:	Mike Lester
Second by:	Scott Eudey
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- D. Consideration and possible approval of BACP-143, Callaway Office Building, 0.40 acres, R-3 to ON, northeast corner of First Street and Detroit Street

Item Minutes: Assistant City Planner, Mr. Brent Murphy, told the Council that this item requested a change to the Comprehensive Plan for the City to allow a designation of Level 2 to change to Level 5 for 0.40 acres. He said the property was currently vacant and zoned R3 and the request from the applicant would allow the construction of a new office building. He said the rezoning request would follow in a future Council meeting. Council members confirmed that there were no objections and that staff recommended the changes.

Motion:	Move to approve BACP 143 as recommended
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- E. Consideration and possible approval of BACP 144 and BAZ 1932, Sutka Property, 5.00 acres, Level 1 to Level 2 and AR-1 to R-2, east of First Place, one-quarter mile south of Washington Street, one-half mile west of 9th Street

Item Minutes: Mr. Murphy said this item also request a change to the Comprehensive Plan on 5.0 acres from Level 1 to Level 2 and a zone change from AR-1 to R-2 to expand the existing residence. He said the Planning Commission did approve both request subject to a 17.5 foot utility easement being provided along First Street in lieu of platting. Mayor Thurmond confirmed that staff supported the changes.

Motion:	Move to approve BACP 144 and BAZ 1932 as recommended by the Planning Commission and staff
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None
Abstain:	Johnnie Parks

12. Preview Ordinances

Section Minutes: Ms. Wilkening said these would be the last of the Ordinances that were updated for the recodification process undertaken by the City every ten years. She said the changes were advised by Municipal Code Corporation's Attorney. She said then in July the recodification process would be complete. Ms. Wilkening reviewed the changes to the Ordinances and approved a motion to accept all of the Ordinances at one time.

Motion:	Move to preview Ordinance A, B, C, D, E, F and set for adoption
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- A. Consideration, discussion and possible preview of an ordinance amending Chapter 2, Administration, Article XIII - Community Development Department, Sec. 2-200. - Established; appointments; duties, specifically changing the name of the Community Development Department to the Development Services Department; repealing all ordinances to the contrary and declaring an emergency.
- B. Consideration, discussion and possible preview of an Ordinance amending Chapter 3, Air pollutions, Article VI - Smoking in public places, Sec. 3-90 - Smoking in certain public places prohibited; repealing all ordinances to the contrary and declaring an emergency
- C. Consideration, discussion and possible preview of an Ordinance repealing Chapter 7, Business regulations and licenses, Article IV - Private detectives, patrolmen and guards, Division 1, Generally, Repealing Section 7-61 - Definitions, Repealing Section 7-62 - Exemptions from article, Repealing Section 7-63 - Identification card, Repealing Section 7-64 - Use of status or credentials to obtain admission or credit, Repealing Section 7-65 - Impersonating police, Repealing Section 7-66 - Use of siren or red or blue lights on vehicle, Repealing Section 7-68 - Procedures in case of change of place of business or change in employment, Section 7-69 - Employees not to divulge information or make false reports, Repealing Section 7-70 - posting required on premises protected by armed guard, Division 2, License, Repealing Section 7-76 - Required; exception, Repealing Section 7-77 - Application, Repealing Section 7-78 - Applicant's qualifications, Repealing Section 7-79 - Approval or disapproval of application, Repealing Section 7-80 - Fee, Repealing Section 7-81 - Issuance, Repealing Section 7-82 - Form and contents, Repealing Section 7-83 - Display, Repealing Section 7-84 - Not transferable, Repealing Section 7-85, Duplicates, Repealing Section 7-86 - Expiration and renewal, Repealing Section 7-87 - Suspension or revocation - Generally, and Repealing Section 7-88, Same - Appeal; repealing all ordinances to the contrary and declaring an emergency
- D. Consideration, discussion and possible preview of an Ordinance amending Chapter 7, Business regulations and licenses, Article VI - Massage establishments, Sec. 7-120. - Applications, specifically regarding dates and hours of training; Repealing Chapter 7, Business regulations and licenses, Article VII, Telephone Companies, Division 2, Public pay telephones on city property, Repealing Sec. 7-152. - Definitions, Repealing Sec. 7-153 - Authority to install and operate, Repealing Sec. 7-154 - City to provide space, permit signs, etc., Repealing Sec. 7-155 - Company to furnish and maintain equipment and facilities; authority of power company, Repealing Sec. 7-156. - Ownership of equipment and facilities; nonliability of city, Repealing Sec. 7-157. - City's commission on revenue collected, Repealing Sec. 7-158. - Tax exemption, Repealing Sec. 7-159. - Protection against theft, vandalism, etc., Repealing Sec. 7-160. - Discontinuance of service or removal of facilities generally; company not liable for interruption of service, Repealing Sec. 7-161. - Restoration of city property upon removal; Repealing Chapter 7, Business regulations and licenses, Article X, Motor vehicle escort services, Repealing Sec. 7-252. - Funerals - driving in, Repealing Sec. 7-253 - Parades; repealing all ordinances to the contrary and declaring an emergency
- E. Consideration, discussion and possible preview of an Ordinance repealing Chapter 9, Civil defense and disaster relief, Section 9-9. - Exemption from liability for damages resulting from civil defense activities; repealing all ordinances to the contrary and declaring an emergency
- F. Consideration, discussion and possible preview of an ordinance amending Chapter 13.2 - Human Rights, Article I, In General, Sec. 13.2-21-Definitions, specifically updating definitions as defined by State Statute; Sec. 13.2-22 - Discrimination in the sale or rental of housing, specifically amending to be in compliance with State Statute; Sec. 13.2-25 - Exemption, specifically amending to be in compliance with State Statute Sec. 13.2-28 - Investigations; subpoenas; giving of evidence, Sec. 13.2-29 - Enforcement by private persons, Section 13.2-30 - Interference, coercion or intimidation, specifically amending to clarify the punishment that may be imposed; Sec. 13.2-32 - Prevention of intimidation in fair housing cases specifically amending to clarify the punishment that may be imposed and to prohibit discrimination based upon age; Repealing Sec. 13.2-23 - Discrimination in the financing of housing, Repealing Sec. 13.2-24, Discrimination in providing brokerage services, specifically to be in compliance with State Statute; repealing all ordinances to the contrary and declaring an emergency.

13. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3339 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 resubdivision 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 at 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 this item would close a utility easement on property located on a part of Williams Brothers Constructors Park. She said staff recommends that Council approve this Ordinance and its corresponding emergency clause.

Motion:	Move to adopt Ordinance No. 3339
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

Motion:	Move to approve the emergency clause
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

B. Consideration, discussion and possible adoption of Ordinance No. 3340 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: Ms. Wilkening said that she met with the Development Services Department in response to requests by Council to clarify the Ordinance that defines the commercial vehicles that will not be allowed to park in residential neighborhoods in Broken Arrow. She said efforts had been made to balance the needs of the residents to avoid unsafe and unsightly passage with the needs of business people who need to be able to park qualified commercial vehicles at their homes.

Motion:	Move to approve Ordinance No. 3340
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Mike Lester, Richard Carter, Craig Thurmond, Johnnie Parks, Scott Eudey
Nays:	None

Motion:	Move to approve the emergency clause
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

14. Remarks and Inquiries by Governing Body Members

Section Minutes: Mayor Thurmond congratulated the Council on another elected term and he thanked the Council for their confidence in Mr. Carter and himself.

15. Remarks by Acting City Manager

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

16. Executive Session

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

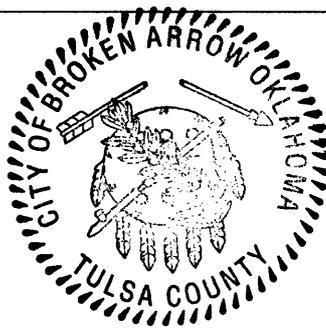
17. Adjournment

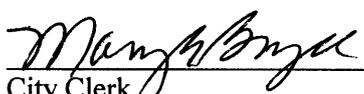
Section Minutes: The meeting adjourned at approximately 7:15 p.m.

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



 Mayor



Attest:


 City Clerk