

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
May 19, 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 Jim Curtis delivered an invocation.

3. Roll Call

Present:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Absent:	Johnnie Parks

4. Pledge of Allegiance to the Flag

Section Minutes: Councilor Scott Eudey 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:	Scott Eudey
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- A. Approval of meeting minutes of May 5, 2015
- B. Approval of Special meeting minutes of May 11, 2015
- C. Acceptance of minutes of Planning Commission meeting held April 9, 2015
- D. Approval of Workers' Compensation Court Order for Deborah Wooding, General Services Employee
- E. Approval of and authorization to execute an agreement with Jack Clancy Associates for the examination process for positions of Fire Marshal and Fire Investigator
- F. Ratification of a System Installation Contract with Ford Audio-Video for the purchase and installation of equipment and services of an audio reinforcement system for the City Council Chambers pursuant to the Oklahoma State Purchasing Contract
- G. Reject bid awarded to Smiles Public Safety for the purchase of police vehicle equipment and award the bid to Stolz Telecom
- H. Approval of and authorization to execute an Acceptance Agreement (contract renewal) with Bee Clean to supply custodial services and supplies for the Public Safety Complex
- I. Approval of and authorization to execute a Renewal Agreement Number 1 with Admiral Express to provide office supplies on a city wide basis
- J. Approval of and authorization to execute an Amendment to Service Agreement (contract renewal with Clean Uniform) for non-public safety employee uniform service
- K. Approval of bids received and award the lowest and best bid to Econolite for five replacement signal cabinets
- L. Approval of bids received and award of the most advantageous bid to Roberts Dodge for the purchase of one (1) 16,000 gross vehicle weight rating (GVWR) work truck for the Street Department
- M. Approval of PT06-114B, Conditional Final Plat, Rushbrooke North Blocks 7-8, 8 lots, 1.06 acres, A-1 to RS-3, located east of Olive Avenue, one-half mile north of New Orleans Street
- N. Approval of PT12-110, Conditional Final Plat for Berwick South, 88 lots, 32.96 acres, CG and R-2 to RS-3, northeast corner of Florence Street and Mingo Road
- O. 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. Presentation from representatives of the Tulsa City-County Public Library updating the Broken Arrow City Council on the public libraries in Broken Arrow, including current and proposed services

Item Minutes: CEO of the Tulsa County Library, Mr. Gary Schaffer, gave a presentation to the Council on the activities and programs offered by the County Library System. He said that credit must go to the citizens who voted to establish the Library System in 1961. He told the Council that the Tulsa County Library was ranked number seven in the Nation. He presented a slide show that began with the Library's

logo, "Libraries Change Lives". Mr. Schaffer presented Annual Statistics beginning with the total of 10,000+ visits per day throughout the system. He told the Council that Broken Arrow had a large community of readers that have checked out over 525,000 books each year from the two Broken Arrow Branch Libraries. Mr. Schaffer shared five of the Library's Goals as follows:

1. Children of Tulsa County will grow up able to compete globally.
2. The library will be financially stable and an engine of economic growth for the region.
3. The library will conduct business using innovation and best practices.
4. The library will have a reputation as a best place to work.
5. The library will be a center of community, lifelong-learning, reading, and access to information for all.

Mr. Schaffer outlined the Library's objectives to support the economic growth and success of children, adults, and area businesses. He said that other programs, services, and offerings include:

1. Free e-books, e-magazines and e-newspapers
2. Five free music downloads per week
3. Free streaming music
4. Free streaming movies
5. A free library application available for download
6. Full business work stations with printer/fax and internet connection
7. Language learning programs with sixty languages on offer
8. A broad selection of online classes

Mr. Schaffer presented plans to expand the Broken Arrow south branch of the library and a plan to move the Broadway Branch to the Battle Creek area because of the remarkable demand for library services within the City.

Councilor Mike Lester commented on the amazing services offered and how much the Library had changed in the past fifty years. Councilor Scott Eudey said he was impressed by the offerings at the County Library System and he appreciated that there were two branches available in Broken Arrow. He offered his commendations.

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. Discussion on the sunset of the Tulsa County Vision 2025 sales tax and discussion and possible direction on a City-wide election capturing the sales tax at the end of the Vision Tax, including town hall meetings to obtain public input, preparation of necessary Resolutions and ballot titles, and engagement of professional services to assist Staff

Item Minutes: Acting City Manager, Mr. Russell Gale, told the Council that Mayors from Tulsa County Metropolitan Cities had been meeting since January of 2015 to discuss the development of a plan to present to the voters for the extension of the 2025 Vision Tax. He said that the existing tax of 6/10 of one (1) penny was set to expire January of 2017. Mr. Gale said if Broken Arrow voters passed an extension of the Vison Tax, an additional \$8,000,000.00 per year in sales tax revenues would be generated. Mr. Gale recounted that on April 21, 2015, the Fiscal Sustainability Committee submitted their final report recommending that the Council submit to the votes an extension of this tax to help fund public safety, capital improvements, and economic development. He said that the desire had been expressed among metropolitan leaders that a collective election seeking the extension be held for all communities at the same time. Mr. Gale said that if the Council wanted to participate in an election in the late fall of 2015 a Resolution would be needed in September of 2015 calling for the election and he added that a Public forum in late June was advised. Mr. Gale asked for Council's views on the most important use of a possible tax extension.

Mayor Thurmond said discussions to date had included economic development, public safety, some road improvements, capital investment, and there had been discussions among all the Metropolitan Cities to hold 4/100 of a penny for County wide projects. He recalled that Council had discussed a permanent tax of 3/10 of one penny for public safety staffing. Mayor Thurmond suggested further discussion on the sunset of the Tulsa County Vision 2025 sales tax.

Councilor Lester said that while the City had been operating on a very lean budget it still remained that public safety was most important.

Mayor Thurmond agreed and added that in order to have successful economic development a City had to have strong public safety.

Councilor Lester agreed that public safety was most important and he added that while the City was currently in good condition it was important to maintain that state of affairs to attract new business.

Mayor Thurmond said that by continuing the 6/10 of one (1) penny tax increases would not be necessary.

Mr. Gale interjected that as the residents of Wagner County had not been a part of the Vision Tax it would be an increase in tax for them.

Councilor Eudey said that while he was on record as one who favors keeping taxes at a minimum, it was the responsibility of the governing body to provide for public safety and to protect the Citizens therefore he supported the continuation of the tax.

Councilor Lester said it was important to point out that while public safety was on the top of the list there were other projects that would be made possible.

Mayor Thurmond agreed and said it was important that the public realize that Oklahoma is the last State in the United States where Cities operate on sales tax alone. He added that was why economic development for the City was so important.

Mr. Gale said that during the Public Forum in June staff would provide specific details on proposed projects and use of the tax funds.

Motion:	Move to approve to authorize Staff to move forward with preparation for an election capturing the expiring Vision 2025 sales tax, including the holding of town hall meetings to obtain public input on proposed projects and services
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- B. Discussion, possible approval, and authorization to execute a Contribution-in-Aid-of-Construction Agreement with Public Service Company of Oklahoma (PSO) to install lighting at the Farmers Market Overflow Parking Lot

Item Minutes: Engineering Division Manager, Mr. Tom Hendrix, recounted that in January of 2015 Council approved a plan to have Public Service Company of Oklahoma install lighting for the Farmers Market over-flow parking lot. He said both the City Council and the Downtown Advisory Board approve a "mongoose-head" light with underground power feeds. Mr. Hendrix said the item before the Council was a Contribution-In-Aid-of-Construction Agreement with PSO which would provide payment to PSO in the amount of \$52,048.94. He said that the payment would include the cost of providing the fixtures which were not part of the quote provided to Council in January.

Motion:	Move to approve the Public Service Company Contribution-In-Aid-of-Construction Agreement and authorize its execution
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- C. Consideration and possible appointment of a Trustee to the Metropolitan Environmental Trust (M.e.t.) Board of Trustees

Item Minutes: Mr. Gale told the Council that Broken Arrow had been a long time member of The Metropolitan Environmental Trust (M.e.t.) whose mission was to develop and implement integrated and comprehensive solid waste management systems through cooperative participation of the members. He said that former City Councilor Ms. Jill Norman served as the Council's appointee as Trustee for Broken Arrow. He said with this vacancy the Council was asked to appoint a new Trustee. Mayor Thurmond recommended newly elected Councilor Scott Eudey.

Motion:	Move to approve to appoint Scott Eudey as the Trustee to represent the City of Broken Arrow on the board of the Metropolitan Environmental Trust
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- D. Consideration, discussion and possible ratification of the Mayor's execution of an official ballot from the Oklahoma Municipal Assurance Group (OMAG) casting votes for two Trustee positions

Item Minutes: Mr. Gale said Broken Arrow had been a long time member of Oklahoma Municipal Assurance Group (OMAG). He said in the 1980's and 1990's and in 2004 OMAG was utilized as an umbrella for the employee's health care plan and then in 2014 the City purchased facility and content coverage from OMAG. Mr. Gale said as a member of OMAG the City has the opportunity to execute a ballot for two trustees in the present election. He said Mayor Thurmond had reviewed the biographical summary and recommended the ballots be cast for Bill Flanagan, Mayor, City of Claremore and Craig Stephenson, City Manager, City of Ponca City.

Motion:	Move to ratify the Mayor's execution of the Official Ballot for OMAG casting votes for two Trustee positions
Motion by:	Scott Eudey
Second by:	Mike Lester
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

10. Preview Ordinances

- A. Consideration, discussion and possible preview of an Ordinance annexing property 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, and located South of the Southeast corner of the intersection of East 131st and South Garnett Road, granting a zoning classification, and declaring an emergency

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

City Attorney, Ms. Beth Anne Wilkening, said upon request of the current property owner, the City of Broken Arrow proposed annexation of approximately 13.04 acres located south of the southeast corner of the intersection of 131st and South Garnett Road. She said the 13.04 acres are undeveloped and zoned for agriculture. The proposal is to develop a 15 lot, private street, single-family residential subdivision. Ms. Wilkening said the proposed zoning will be a RE (Residential Estates) along with a Planned Unit Development (PUD). She said the Legal Notice of the Annexation was amended to include the required map of the area that was not available at the time of publication. The amended notice was mailed to affected property owners and published in accordance with State Statues in advance of the Public Hearing. Ms. Wilkening said as challenging as annexation can be it does work to the advantage of the residents who can expect a response from emergency services.

Vice Mayor Carter called upon the citizen who had signed up to speak in opposition to the annexation.

Mr. Jimmy Lindsey said that the 13.04 acre plot bounded the north side of his property. His concerns were for possible contamination of his water well and he was concerned about the run off from the lot that would drain onto his property. Ms. Wilkening said that staff would contact Mr. Lindsey in advance of the Public Hearing to consider these issues.

Motion:	Move to preview the Ordinance and set it for adoption
Motion by:	Scott Eudey
Second by:	Mike Lester
Ayes:	Scott Eudey, Mike Lester and Richard Carter
Nays:	None
Recuse:	Craig Thurmond

Mayor Thurmond returned to the room.

11. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3348, an Ordinance of the City Council of the City of Broken Arrow increasing the Franchise Fee paid by Oklahoma Natural Gas Company (ONG) from 3% to 4% of the gross receipts received from the distribution of natural gas pursuant to Ordinance No. 2383, approved by voters at an election held on October 9, 2001, and granting a 25-year non-exclusive franchise to ONG; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said the City had a nonexclusive franchise with Oklahoma Natural Gas (ONG). She explained that the franchise fee, remitted by ONG, pays for the City's cost of acquiring the rights-of-way and general utility easements. She said the franchise, adopted in 2001, would expire in 2026. Ms. Wilkening said the original franchise fee had been set for 2%. She said a Favored Nation Clause provided for an increase in the fee in the event that another City, with a population of at least 15,000, establishes a fee greater than the fee between Broken Arrow and ONG. This clause allowed an increase of the fee to 4%. Ms. Wilkening said this change would produce an increase of \$300,000.00 that will help to defray the City's expenses.

Motion:	Move to adopt Ordinance No. 3348
Motion by:	Scott Eudey
Second by:	Richard Carter
Ayes:	Scott Eudey, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

Motion:	Move for the Emergency Clause
Motion by:	Mike Lester
Second by:	Scott Eudey
Ayes:	Scott Eudey, Mike Lester, Richard Carter, 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: Mr. Gale said that he had an update on the audio and video equipment for the Council Chambers. He said the planned upgrades included modifications to the Chambers to improve the video presentations and new agenda software that allowed for simultaneous votes. Mr. Gale said the improvements would take place over the next two months.

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 7:15 p.m.

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



Mayor



Attest:


City Clerk