

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
August 6, 2013
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 Richard Manganero 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: Mr. Austin Applegate and Mr. Lance Applegate of Boy Scout Troop 995 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 July 16, 2013
- B. Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2013-2014
- C. Approval of and authorization to execute Amendment No.3 to the Blackboard Connect-CTY services agreement dated August 18, 2010, between Blackboard Connect Inc. and the City of Broken Arrow for Emergency/System Notification System
- D. Approval of a Service Agreement with Cox Communications Incorporated to provide telephone and data circuit services for Fiscal Year 2013-14
- E. Approval of and authorization to execute an Inter-local Agreement with Independent School District No. 3 (Broken Arrow Public Schools) to provide funding for school crossing guards
- F. Approval of and authorization to execute an Inter-local Agreement with Independent School District No. 9 (Union Public Schools) for the provision of a School Resource Officer

- G. Approval of and authorization to execute an Inter-local Agreement with Independent School District No. 9 (Union Public Schools) for the provision of school crossing guards
- H. Approval of bids received, award of the lowest and best bid to A&A Asphalt, Inc., and approval of and authorization to execute a construction contract for Hillside Drive Extension Phase 2, from Los Cabos restaurant east to Hillside Crossing Center development
- I. Approval of bids received and award most advantageous bid for ten Police Pursuit Utility Vehicles to Jim Glover Chevrolet
- J. Notification of Contracts, Change Orders and Work Orders with a value of less than \$25,000 on Engineering and Construction Contracts since the last City Council Meeting
- K. Consideration and possible approval of Major Change Order M01 for Oneta Road: Houston to Washington, Contract Number ST1208
- L. Consideration and possible approval of Major Change Order M07, for the Public Safety Complex, Construction Contract Number 085201
- M. Consideration and approval of PUD 222, Warren Clinic, 2.04 acres, CH, southeast corner of Broken Arrow Expressway (Highway 51) and Kenosha Street (71st Street), which is one-quarter mile west of 23rd Street (County Line Road/193rd East Avenue), south of Kenosha Street (71st Street)
- N. Acceptance of a General Warranty Deed for property located 785 feet south and 24.75 feet west of the South Aspen Avenue (145th East Avenue) and Florence Street (East 111th Street) intersection from The Mary Katherine Dennehy Revocable Living Trust, The Margaret Elizabeth Wise McShane Trust, Clyde Wheeler Barton and Bonnie May Barton, James D. Green and Betty Jo Green, Karen Elizabeth Green Hooser f/k/a Karen Elizabeth Green and Colvin Hooser, James Douglas Green, Jr., and Kelly Green, David Stanley Green and Stacy Green, Rachel Bausili f/k/a Rachel Beth Green and Ben Bausili (Section 33 T18N R14E) (Project #ST1201) (Aspen Avenue Widening Tucson to Florence Street)
- O. Consideration and possible approval of a vacation of the plat of Abiding Harvest United Methodist Church a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, located east of Olive Avenue, one-quarter mile north of Florence Street (recorded plat No. 5984)
- P. Approval of Final Acceptance of the Public Improvement (Water), Florence Street Baptist Church located at 200 West Florence Street
- Q. Approval of 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 by The National Research Center, Discussion, and Possible Acceptance of the 2013 Citizen Survey

Item Minutes: City Manager, Mr. Thomas Moton said that the City of Broken Arrow participated in The National Citizen Survey (NCS) in 2006 and 2009. He said the survey had been intended to determine the citizen's attitude and satisfaction as it relates to City services and programs. Mr. Moton said that this year's survey was also conducted by NCS whose results would be presented by Ms. Damema Mann, Senior Project Manager for the National Research Center (NRC).

Ms. Mann said the standardized general citizen survey that had been conducted for the third time for Broken Arrow had been designed to provide benchmark rating for each item on the survey compared to ratings

from over 500 participant jurisdictions within the NCS database. Ms. Mann stated that the scientific survey had been a mailed, random selection of 1,200 households and that the response rate had been a satisfactory 30+%. She presented an extensive slide show to the Council which has been included in the archived agenda packet available at City Hall.

Ms. Mann concluded the survey results highlighting the quality of life, public safety and economic sustainability were all highly rated and trending up which indicated that Broken Arrow residents are very happy living in the City. She said that potential opportunities indicated by the survey related to overall growth of the City, environmentally responsiveness through recycling and expansion of recreation opportunities.

Mayor Thurmond commented that it was gratifying to see so many issues were trending up.

Councilor Jill Norman asked about the significance of ratings for recycling which indicated that 43% were in strong support. Ms. Mann said that the response was very positive for a service that was not currently offered.

Councilor Mike Lester said that the City had some exceptional recreational centers and he suggested that perhaps the community's perception could be improved with an informational effort.

Councilor Johnnie Parks said that he was motivated to continue the effort to address the items in the survey that were less than the average.

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

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: Mr. Darrell Purser, a citizen of Broken Arrow, spoke before the Council regarding a water leak on his property. He said in February he had completed a new home that has had an ongoing water leak. He said that because water samples failed to register chlorine the City had denied responsibility. Mr. Purser said ultimately the problem had been identified as a faulty City shut off valve. Mr. Purser asked the Council to consider reimbursement for the increase in his power bills for the operation of a sump pump for fifty three days. Mr. Purser said he would also ask that the City to restore his damaged lawn, clean and repair the street and reimburse the \$10,000.00 for the excavation and installation of a french drain. He offered the council pictures and formal estimates for the expenses.

City Attorney Ms. Beth Ann Wilkening said that the City Manager had forwarded a Tort Claim form to Mr. Doug Shrout to use in this claim. She said that she could accept the document as the City's legal staff had opened a tort claim file for Mr. Purser She said that the legal department would be happy to go through the process with him.

General Council Business

- A. Consideration and possible action on Specific Use Permit, SP 270, LIFECHURCH.TV, 29.15 acres, A-1, south of the Creek Turnpike, east of Elm Place (161st E. Avenue), one-quarter mile north of Tucson Street (121st Street)

Item Minutes: Mayor Thurmond stated that he had a conflict of interest as a member of the Church. He turned the Council Meeting over to Vice Mayor Richard Cater.

Mayor Thurmond left the room.

City Planner Mr. Farhad Daroga described the specifics of the permit itemized in the agenda packet available at City Hall. He said that staff supported the Planning Commission's approval of this plan.

Councilor Norman said that she did not see a plan for traffic control. Mr. Daroga said the traffic control plan would be done at the time of the platting. He said that there would be two outbound lanes and one inbound lane from Elm Street and some configuration of acceleration and deceleration lanes on Elm Street that would be considered but that it had been determined that a traffic light at that location would not be appropriate.

Councilor Lester asked if the vegetation creating a green belt between the church and the neighborhood would be removed to build the driveway. Mr. Daroga said that PSO had already removed vegetation within the 75 foot easement on that end of the property so that the need to remove trees for the beginning of the drive would be reduced. He added that the drive would curve sharply north to minimize the removal of vegetation and the church would consider planting appropriate vegetation after the construction of the drive was complete.

Councilor Norman asked the Council to be mindful of commercial developments close the residential homes and the impact that these developments could possibly have on the quality of life for Broken Arrow citizens. She further cautioned against the recent trend of allowing developments with a single entrance and exit and the type of traffic congestion that this arrangement could cause in the future.

Councilor Carter cited examples of other large churches that use traffic monitors during peak hours and Mr. Daroga said that the church officials of this particular development had expressed an intention to provide their own traffic monitors.

Ms. Marjorie Banks, a citizen of Broken Arrow, spoke before the Council. Ms. Banks stated that her concerns about this development compelled her to research information regarding traffic flow, accident history, environmental impact, air quality and the Broken Arrow noise ordinance which she had presented to the Planning Commission in hopes that they would use it in their report to Council. She remarked that instead the Planning Commission had changed the zoning and allowed the sale of the property before the Council had convened to consider the project. Ms. Banks requested that her data be included in the Commission's report or a part of these meetings minutes as a historic record of her opposition.

Mr. Moton directed his comment to Mr. Daroga saying that when information suggests that circumstances may warrant additional measures, then perhaps it is appropriate to consider requiring the developer to demonstrate that there is not a need for traffic mitigation on the street. He continued by stating that as a City we want to continue to grow and to enable property owners to maximize the value of their property, however, this particular development is a less than ideal because the property is limited by the turnpike. He said that while there were other possible avenues into the property staff had tried to balance the interests by avoiding access from within the neighborhood except in the event of an emergency. Mr. Moton added that while a fair compromise has been achieved he recognized that it was a less than a perfect solution.

Mr. Daroga said that perhaps it is important to clarify that all the conditions of this specific use permit are a part of the record before the Council and part of the approval requirements from the Planning Commission and they must all be incorporated. Mr. Daroga said that the Council could add to the requirements during this meeting.

Councilor Norman said that she would suggest that traffic mitigation be required and if in the future it proved to be unnecessary then the Council would consider withdrawing the requirement.

Mr. Jim Beach with Wallace Engineering, representing the developer, addressed the Council saying that his client was aware of the concerns regarding the possible traffic issues related to the development. He stated that it could be seen from the diagrams that there was indeed not much frontage along Elm and that the Turnpike Authority had limits of no access in place that would prevent ingress to the property

anywhere except for the last 120 feet before the southern boundary. He said that Life Church was willing to hire a traffic control manager if needed.

Pastor Derrick Jewel of Lifechurch.tv spoke to the Council saying that it was their intention to be good neighbors. He said that in existing Church location they have traffic management in place and that if it is needed at the Broken Arrow location they will provide traffic control.

Mr. Moton suggested the Council allow Ms. Wilkening to read an alternative legal motion that could be considered regarding the submission of a traffic control plan.

Ms. Wilkening read: To approve specific use Permit 270 is recommended by the Planning Commission and staff subject to the 29 acre site being platted and addressing traffic concerns in accordance with recognized standards. Ms. Wilkening said that this approach allows for the flexibility to address the need whether with the use of signal light timing or off duty police officers.

Motion:	Move to approve to approve SP 270 as recommended by the Planning Commission and staff subject to the 29 acre site being platted and addressing traffic concerns in accordance with recognized standards
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter
Nays:	None

Mayor Thurmond returned to the room.

10. Preview Ordinances

- A. An Ordinance amending Chapter 24, Article V, Requirements for Discharge to Sanitary Sewer Systems (Industrial Pretreatment Program) Section 24-504 Accidental Discharge/Slug Control Plans; Section 24-511 Reporting Requirements; and Section 24-513 Disclosure of Information of the Broken Arrow Code; and repealing all ordinances to the contrary and declaring an emergency

Item Minutes: Ms. Wilkening said that the Environmental Protection Agency previously approved an Industrial Pretreatment Program for Broken Arrow that had been incorporated into the Oklahoma Pollutant Discharge Elimination (OPDES) permit numbers issued to the City for the Lynn Lane Wastewater Treatment Plant and the Haikey Creek Wastewater Treatment Plant. Ms. Wilkening explained that in order to implement these revisions staff had incorporated them into the Ordinance. She said that Council could adopt the Ordinance after the Oklahoma Department of Environmental Quality approved the revisions.

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

11. Ordinances

Section Minutes: There were no ordinances. No action was required or taken.

12. Remarks and Inquiries by Governing Body Members

Section Minutes: Director of Engineering and Construction Mr. Kenny Swab updated the Council on the Progress of the Downtown Main Street Streetscape - Phase III project. Mr. Schwab said that June 5, 2013 had been the notice to proceed date with a 150 calendar day contract with the first 120 days set aside for the hardscaping. He said this included all concrete and masonry work, along with the underground utility

work for storm and sewer lines and the electrical conduit for the lighting and traffic signals of which the majority was complete. Mr. Swab said the last 30 days of the project would be used for the landscaping with trees and flowers. The last day of the contract was set for October 31, 2013 which meant that as of August 6, 2013 the contract time line was about 40% complete. Mr. Swab said that rain had slowed the progress slightly making it important to look at ways to make up the time. He said a press release would be issued to announce the closing of Main Street after midnight on August 9, 2013 until 6:00 am August 12, 2013 to install electrical conduit under the street.

Councilor Lester asked about communication with the merchants on Main Street. Mr. Swab said the Broken Arrow Chamber of Commerce had been instrumental in keeping the dialog open with merchants going from business to business to communicate. He said that Norm Stevens from the City Manager's office and contract administrators had all been involved with keeping information exchanged. Mr. Steven's said updates had been available on the City's website and notices have been issued through the newspapers.

13. Remarks by City Manager

Section Minutes: There were no remarks by the 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 7:54 p.m.

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

Attest:

Mayor

City Clerk