

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
August 21, 2012**

**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 present 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 Carter 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 besides Item 5P. Mayor Thurmond asked for a motion to approve the Consent Agenda except for Item 5P.

<b>Motion:</b>	<b>Move to approve the Consent Agenda except Item 5P</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 the meeting minutes of August 7, 2012
- B. Approval of the special meeting minutes of August 14, 2012
- C. Acceptance of minutes of the Planning Commission meeting held July 26, 2012
- D. Approval of and authorization to execute Budget Amendment Number 3 for Fiscal Year 2012-2013
- E. Approval of and authorization to execute Resolution No. 751, requesting programming of Tulsa Urbanized Area Surface Transportation Program (STP) funds for 23rd Street Widening from Houston Street to New Orleans Street
- F. Approval of proposed Worker's Compensation settlement agreement for Street/Stormwater Department employee, John Landis
- G. Approval of Workers' Compensation Court Order for David Steinbeiser, General Services Department employee
- H. Approval of and authorization to accept State Farm Insurance Company's offer to settle a claim for vehicle loss, declaring the totaled police cruiser surplus and releasing it to State Farm Insurance Company

- I. Approval and authorization for the police department to participate in the Drug Enforcement Administration's (DEA) local High Intensity Drug Trafficking Area (HIDTA) Program Task Force
- J. Approval to amend the Arterial Street School Zone Marking Policy
- K. Approval of Driving Simulator Warranty Renewal
- L. Notification of Contracts, Change Orders, Quantity Changes and Work Order with a value of less than \$25,000 on Engineering and Construction Contracts since the last City Council Meeting
- M. Approval of and authorization to execute Amendment No. 2 to Architect-Engineer agreement with BKL, Inc., for assistance during construction of the Public Safety Complex
- N. Approval of bids received and award of the most advantageous bid to Applied Concepts, Inc. for the purchase of 24 Dual Antenna Moving Radars for Police
- O. Consideration of bids received and award of the most advantageous bid to Preferred Business Systems for City wide copiers, and approval of and authorization to execute a lease agreement and a maintenance agreement for copier services
- P. Approval of BAZ 1881, 36.0 acres, 1 lot, CG and R-2 to RS-3, northeast corner of Florence Street (111th Street) and Mingo Road (97th East Avenue)
- Q. Acceptance of a Utility Easement located in a tract of land belonging to Cedar Ridge County Club, of Tulsa County, located approximately one half mile south of New Orleans Street (101st Street South) and east of Garnett Rd, Broken Arrow (NE/4 Section 30, T18N, R14E)
- R. Approval of Claims List

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

**Section Minutes:** Mayor Thurmond stated that he had a conflict with Item 5P and that Vice Mayor Carter would present the Item.

Mayor Thurmond left the room.

**5P.** Approval of BAZ 1881, 36.0 acres, 1 lot, CG and R-2 to RS-3, northeast corner of Florence Street (111th Street) and Mingo Road (97th East Avenue)

**Item Minutes:** Vice Mayor Carter stated that there were two speakers regarding this item.

Mr. Kurt Preston of Bixby, stated that he noticed the zoning signs on this property. He said he supports preservation of the wetland but had concern regarding the possible change in direction of water runoff once the property was developed. He described the current direction of runoff and said he was especially concerned about the east half which flows through a horse pasture. He added that the runoff also impacted a resident directly north of his residence. Mr. Preston said he wanted to be sure that proper storm water retention requirements were being met so that he would not face flooding problems in the future.

The next speaker was Mr. Randy Mashburn. He stated that he lived directly east of Mr. Preston and was concerned about his house flooding due to the potential of additional runoff after the property was developed. Mr. Mashburn said that he was here to express his concerns to Council and to find out if these stormwater issues had been addressed. Mr. Mashburn described the water flow through his yard and showed some pictures of stormwater flow through his yard as it flowed toward a stormwater drain currently in place.

Councilor Lester asked if the water was the natural flow for that area, and Mr. Mashburn stated that the flow was in accordance with the way the sub-division was designed. Councilor Lester stated that because of the flooding issues and because the flow of stormwater impacts Bixby, Broken Arrow required the developers to plan for all water flow

resulting from development. Councilor Lester added that the storage shed in Mr. Mashburn's yard might be blocking the water drainage. City Attorney, Ms. Beth Anne Wilkening stated that plans would be available for Mr. Mashburn and Mr. Preston to view, and the plans would also be presented to the Planning Commission at a public meeting. Mr. Michael Skates, Development Services Director, stated that if Broken Arrow approved the plans from the consultants, Bixby would receive a copy of those documents; and, that the City of Bixby would be aware that Broken Arrow was in compliance with stormwater management requirements as it impacts another jurisdiction.

<b>Motion:</b>	<b>Move to approve of BAZ 1881, 36.0 acres, 1 lot, CG and R-2 to RS-3, northeast corner of Florence Street (111th Street) and Mingo Road (97th East Avenue) be properly plated.</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
<b>Nays:</b>	None

Mayor Thurmond returned to the room.

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

**Section Minutes:** There were no Public Hearings, Appeals, Presentations, Recognitions, Awards or Oaths.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**

**Section Minutes:** No one signed to speak under this item.

**General Council Business**

- A. Consideration, discussion, and possible approval of an Agreement between Independent School District No. 3 of Tulsa County, Oklahoma, a/k/a Broken Arrow Public Schools and the City of Broken Arrow for the Conveyance of Real property located at 112 North Main Street in Broken Arrow, Oklahoma, in Exchange for Good and Valuable Consideration Consisting of \$287,500 and Improvements to the Parking Facilities Located at the Corner of Ash Street and Detroit Street and Behind the Building at 210 North Main Street (Central on Main), and Authorizing the Transfer of Ownership and Removal of Three (3) Pre-Fabricated Buildings; and Providing for the Termination of All Prior Contracts and Leases

**Item Minutes:** Acting City Manager, Mr. Russell Gale stated that one of the modular buildings would be used as a meeting room at Camino Villa where it was much needed since the loss of their community center building. He added that the two other modular buildings would either be surplus or would be relocated to the maintenance facility near the events park. Councilor Norman added that the public would be able to park in the new parking area after the modular buildings were removed. Councilor Parks stated that he wanted to confirm that the City was buying the property on Main for a reduced price. Ms. Wilkening stated that Councilor Parks was correct, and that it would benefit not only the schools but also the City because individuals who were attending any of the events in downtown would be able to park there.

<b>Motion:</b>	<b>Move to approval of an Agreement between Independent School District No. 3 of Tulsa County, Oklahoma, a/k/a Broken Arrow Public Schools and the City of Broken Arrow for the Conveyance of Real property</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

- B. Consideration, discussion, and possible approval of and authorization to execute Resolution No. 752, A Resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the case of Margie S.

Kadlec v. The City of Broken Arrow, et al., Tulsa County District Court Case Number CV-2012-00819, authorizing the foreclosure of an easement located at 1308 East Canton Street, Broken Arrow, Oklahoma

**Item Minutes:** Ms. Wilkening stated that Ms. Kadlec’s home was partially built into the utilities easement by accident. Ms. Wilkening said that the small portion of the easement that would be vacated was not required for any public purpose; and, that there was a hearing held on the matter but it was still pending due to the need for Council’s approval. She added that, if approved, the Judge would execute the documents and clear the title to this property.

<b>Motion:</b>	<b>Move to approval of and authorization to execute Resolution No. 752, A Resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the case of Margie S. Kadlec v. The City of Broken Arrow</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. Approval of Resolution No. 753 of the Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee, of Five Percent (5%) for calendar year 2013 pursuant to State Statute and Ordinance

**Item Minutes:** Ms. Wilkening stated that every year, an evaluation was required to determine the costs to operate the 911 Center. She said that improvements had been made and training for equipment use was completed. Ms. Wilkening said that the Finance and Public Safety Departments concluded that the 5% was necessary.

<b>Motion:</b>	<b>Move to approve Resolution No. 753 of the Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee, of Five Percent (5%) for calendar year 2013 pursuant to State Statute and Ordinance</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, Possible approval of and Authorization to Execute Resolution Number 754, a Resolution fixing the amount of bonds to mature each year, Fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Ratifying and confirming a Legal Services agreement and a Financial Advisor Services agreement with respect to the issuance of such bonds and approving the Preliminary Official Statement pertaining thereto.

**Item Minutes:** Mr. Gale stated that at the August 7<sup>th</sup> meeting, the Council directed the staff to begin the process of selling \$12 million in general obligation bonds that had been approved by voters in April 2011. At the August 7<sup>th</sup> meeting, the Council approved the sale of \$9.7 million in street improvements, \$1.9 million in parks and recreation improvements, and \$400,000 in storm water improvements. He explained that this Resolution was the next step in the process of preparing for a bond sale.

<b>Motion:</b>	<b>Move to approve of and authorization execution of Resolution Number 754</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 discussion and possible approval of a Resolution of the City Council of the City of Broken Arrow, Oklahoma, recognizing the value of the Vision 2025 Program to the citizens of Broken Arrow,

encouraging Tulsa County citizens to vote in an election to be held on November 6, 2012, to authorize the levy and collection of a sales tax to improve the general economic conditions of the people of Tulsa County, Oklahoma, expressing the intent of the Broken Arrow City Council to provide for the allocation of said proceeds for various Capital Improvement Projects, establishing a process of the identification of these projects, including public input, and providing for presentation and consideration of the proposed projects.

**Item Minutes:** Ms. Wilkening said that City staff and the Mayor had numerous discussions with representatives from the Economic Development Corporation as well as the “Build a Better Broken Arrow Organization”. She said that both of these entities had requested to play a role in the identification of projects. Ms. Wilkening stated that, in the event that Vision 2025 (jobs and capital projects) passed, it would be the intention that the City hold a public meeting to obtain citizens’ input on the lists of projects. She explained that the “Build a Better Broken Arrow Organization” and the Economic Development Corporation would work together with City staff to prepare package of projects to present to the Broken Arrow City Council in the event the Vision passes. Ms. Wilkening said that if Council approved, a Resolution would be prepared for Council and if approved, the projects would then be presented to the Board of County Commissioners to consider funding.

Councilor Parks commented that he was happy with the outcome of tax dollars used in the Vision 2012 projects completed. Vice Mayor Carter stated that the aircraft building repairs needed to be funded in the next round of projects in order to keep jobs. Mayor Thurmond commented that, considering the payroll for those jobs, it would seriously impact Broken Arrow if those jobs were lost.

<b>Motion:</b>	<b>Move to approve approval of a Resolution of the City Council of the City of Broken Arrow, Oklahoma, recognizing the value of the Vision 2025 Program to the citizens of Broken Arrow</b>
<b>Motion by:</b>	Jill Norman
<b>Second by:</b>	Mike Lester
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**10. City Manager’s Report**

**Section Minutes:** There was no City Manager’s Report.

**11. Preview Ordinances**

- A. An ordinance partially closing a utility easement in part of Lot 35, Block 1, Wakefield Heights at Battle Creek, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma; and repealing all ordinances to the contrary

**Item Minutes:** Ms. Wilkening stated that this preview ordinance was in response to a request that would allow a resident to put in a pool.

<b>Motion:</b>	<b>Move to approve an ordinance partially closing a utility easement in part of Lot 35, Block 1, Wakefield Heights at Battle Creek</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

**12. Ordinances**

- A. Consideration, discussion and possible adoption of an ordinance adding Chapter 23, Article I, Section 23-38 of the Broken Arrow Code to address Window Tinting and specifically to prohibit transparent material on a car windshield or side or rear windows that reduces the light transmittance except as provided herein and in accordance with state statute; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening stated that this Ordinance dealt with an officer safety issue and would assure that our officers can approach vehicles and feel comfortable that they have all the visibility that they need in order to avoid any sort of threat.

<b>Motion:</b>	<b>Move to adopt an ordinance adding Chapter 23, Article I, Section 23-38 of the Broken Arrow Code to address Window Tinting and specifically to prohibit transparent material on a car</b>
<b>Motion by:</b>	Johnnie Parks
<b>Second by:</b>	Jill Norman
<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 for an ordinance adding Chapter 23, Article I, Section 23-38 of the Broken Arrow Code to address Window Tinting and specifically to prohibit transparent material on a car</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 adoption of Ordinance No. 3205, an Ordinance amending Chapter 10, Fire Prevention and Protection, Article I, In General, Section 10-1 Life Safety Code Adopted, Penalty for Violation, Section 10-2, Fire Protection Standards - Nonsprinklered Multifamily Residences, Section 10-2.2, Multifamily with Sprinkler System, Article II, Fire Department, Section 10-20, Powers and Duties of Chief, Section 10-22 Requirements for Company Officers, Section 10-27, Specialized services, Article III, Fire Prevention Code, Section 10-51, International Fire Code including adoption of various Appendices adopted by reference and general regulation of explosives, Article IV, Explosives, Section 10-76, Discharge of Class 2 Explosives; Blasting Operations; and specifically providing for the provision of building plans at the time of application for a building permit, providing for the review of all plans pursuant to the International Fire Code and the provision of plans, providing for the registration of contractors, and permits and inspections for automatic fire alarms and fire extinguishing systems; repealing all ordinances to the contrary and declaring an emergency

**Item Minutes:** Ms. Wilkening stated that this ordinance remained essentially unchanged since Council previewed it but she had clarified some language.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3205</b>
<b>Motion by:</b>	Jill Norman
<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 the Emergency Clause for Ordinance No. 3205</b>
<b>Motion by:</b>	Mike Lester
<b>Second by:</b>	Jill Norman
<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. 3206, an ordinance amending Chapter 6, Building and Building Regulations, Article II, Building Code, by revising Section 6-22, Local registration of general contractors, Article III.5, International Residential Code, Section 6-36, Adopted; Conflict with Other Regulations, Article XI, Building Permit

- D. Fees and Charges, Section 6-301 Permit Fees, and Section 6-302, Building Permit Application Fees (Residential and Commercial), of the Broken Arrow Code, and specifically specifying the City of Broken Arrow rather than various departments, providing for the location of shutoff valves, providing for automatic and fire suppression systems, providing for fire alarm system permits, and providing for fees in connection with the revisions; repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Ms. Wilkening requested that Ordinance 3206 be tabled because the title was split into two sections as Items 12C and 12D on this Agenda, making it appear as two items rather than one and creating a duplicate item D.

<b>Motion:</b>	<b>Move to table Ordinance No. 3206 until the next City Council Meeting</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

- D. Consideration and possible approval of Ordinance No. 3208. an Ordinance, not to be codified, hereby acknowledging the Arrow Acres Assessment District, Referring to the Assessment Roll as Confirmed, Providing for payment, Levying assessments in accordance with the Roll and declaring liens; and repealing all ordinances to the contrary

**Item Minutes:** Ms. Wilkening stated that this is the actual Item D, Ordinance No. 3208. She explained that if adopted, there was no emergency clause so it would take effect in 30 days. Ms. Wilkening stated that notification would be given to all the affected landowners who would then have an additional 30 days to pay without penalties.

<b>Motion:</b>	<b>Move to adopt Ordinance No. 3208</b>
<b>Motion by:</b>	Richard Carter
<b>Second by:</b>	Jill Norman
<b>Ayes:</b>	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
<b>Nays:</b>	None

**13. Remarks and Inquiries by Governing Body Members**

**Section Minutes:** Mayor Thurmond commented that Broken Arrow was named one of the top 100 “Best Places to Live” by Money Magazine, and that Broken Arrow was also ranked as the safest city in Oklahoma.

**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 7:21 p.m.

<b>Motion:</b>	<b>Move to adjourn</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

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk