

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
January 6, 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 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: Mayor Thurmond 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 December 15, 2014
- B. Acceptance of minutes of the Planning Commission meeting held November 20, 2014
- C. Approval of and authorization to accept Esurance Property and Casualty Insurance Company's offer to settle a claim for vehicle loss, declaring the vehicle surplus and releasing it to Esurance Insurance
- D. Rejection of bid proposals received for a tractor with mower and authorization for staff to re-issue the request for bid to include a cab and snow removal equipment
- E. Review of bids received, award of the lowest and best bid to Tri-Star Construction, LLC, and approval of and authorization to execute a construction contract for Iola Street and Cedar Avenue Improvements
- F. Waiver of Competitive Bidding and approval to purchase Granicus Legislative Management Suite, electronic agenda creation software, from the Winvale Group, and approval for monthly service fee through the end of fiscal year 2015
- G. Approval to purchase additional options for Police Utility Interceptor Vehicles previously awarded to Bob Hurley Ford to include noise suppression straps, keyless entry with additional remotes, front headlight prep for LED strobes, dark car feature and remappable steering wheel switches at a cost of \$7,215.00
- H. Approval of PUD 231 and BAZ 1924, Mullin Plumbing, 19.46 acres, A-1 to IL, east of County Line Road, south of College Street, one-quarter mile north of Houston Street, and west of Old Highway 51
- I. Acceptance of a Utility Easement located in Lots 8 and 9, Block 3, of Berwick Fairways II of Broken Arrow, Tulsa County, Oklahoma
- J. Acceptance of a Utility Easement on an unplatted lot belonging to KWD Investments II Limited Partnership, near the southwest corner of West Florence and South Elm Place, Broken Arrow, Tulsa County, State of Oklahoma (Section 34, T18N, R14E)(Icon Apartments)
- K. Acceptance of a Temporary Construction Easement on an unplatted lot belonging to KWD Investments II Limited Partnership, near the southwest corner of West Florence and South Elm Place, Broken Arrow, Tulsa County, State of Oklahoma (Section 34, T18N, R14E)(Icon Apartments)
- L. 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 and discussion of the February 10, 2015 Broken Arrow Public Schools Bond Election

Item Minutes: Superintendent of Broken Arrow Public Schools, Dr. Jarod Mendenhall, addressed the Council on the subject of the 2015 Bond Issue. He introduced the Chief Communications Officer

Councilor Jill Norman asked if the residents around the project were satisfied with the privacy arrangements. Mr. Farhad said yes, and there would be an eight foot privacy fence between the Restaurant parking and the residents. He added that residents had requested that the entrance into the parking lot be located further to the north and Rib Crib had agreed.

Councilor Johnnie Parks asked for the location of the points of entrance and exit from the lot. Mr. Farhad gave the description including which old points of entrance and exit would be closed.

Motion:	Move to approve PUD 232 and BAZ 1925 as recommended by the Planning Commission and Staff and abrogate BAZ 1861
Motion by:	Jill Norman
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter and Craig Thurmond
Nays:	None

- D. Consideration and possible approval of the appointment of Ms. Amy Leet for position number 5, to the Downtown Advisory Board for a term beginning January 2015 and ending October 2017

Item Minutes: Assistant to the City Manager/Economic Development Coordinator, Mr. Norm Stephens, told the Council that on November 11, 2014 Joe Cook tendered his resignation from the Downtown Advisory Board (DAB). Leaving Position number 5 of Ward 2 open for appointment which is a selection made by Mayor Craig Thurmond. After careful consideration, Mayor Thurmond recommended Ms. Amy Leet to fill the remaining term. He told the Council that Amy Leet was a resident of Broken Arrow and was currently a licensed Realtor in the state of Oklahoma. He added that she and her husband William Leet built and operate the In the Raw Restaurant located at 216 South Main Street in the Rose District.

Councilor Jill Norman said that she was pleased with Ms. Leet's nomination and she believed her to be an asset to the Board. She continued to say that it was important to keep in mind that there were several realtors, developers, and contractors on the DAB so that when issues related to their interest were to be addressed they must recuse themselves from the discussions. Councilor Norman added that it was an issue to be kept in mind in the future. Mayor Thurmond added he had selected her because she operated a business within the Rose District and was very invested in the goals for Downtown businesses. He added that he did not know until later that she had been a realtor but she was not active in that field at this time.

Motion:	Move to approve the appointment of Amy Leet for position number 5, to the Downtown Advisory Board for a term beginning January 2015 and ending October 2017
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

- E. Consideration, discussion, possible approval of and authorization to execute an Executive Search Agreement with Affion Public, LLC

Item Minutes: Acting City Manager Mr. Russell Gale said at the December 15, 2014 meeting of the Council Affion Public, LLC had been selected to assist the Council in its search for the next City Manager. This item was the proposed agreement for Affion for that service at a base fee of \$18,000.00. He said additional expenses are not to exceed \$4,500.00.

Motion:	Move to approve the Executive Search Agreement between Affion Public, LLC and the City of Broken Arrow and authorize its execution
Motion by:	Mike Lester
Second by:	Richard Carter
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

10. Preview Ordinances

- A. Consideration, discussion and possible preview of an ordinance amending Chapter 14, Municipal Court; Article I, In general; Section 14-33, Judgment of guilty may direct imprisonment until fine and costs satisfied; working of prisoners, specifically amending the rate that a defendant shall be given for work performed to be credited to their outstanding fines owed as required by state statute; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said this proposed amendment would amend the rate that a defendant shall be given for work performed to be credited to their outstanding fines owed to the Broken Arrow Municipal Court. The current rate was \$25.00 a day and will be raised to \$50.00 dollars a day as mandated by State Statute.

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

- E. Consideration, discussion and possible preview of an ordinance closing Utility Easements in part of Lot 1, Block 3, 61st Street Industrial Park, City of Broken Arrow, Tulsa County, State of Oklahoma, generally located one-quarter mile south of Albany Street and one-half mile west of Aspen Avenue (AG Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said that AG Equipment had requested partial closure of the Utility Easements. She said the company had purchased a number of lots in the 61st Street Industrial Park and had recently started the construction of several manufacturing facilities. She said the applicant had completed the process of a Lot Combination and a Lot Split to bring the property into compliance with zoning and building codes.

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

- F. Consideration, discussion and possible preview of an ordinance closing a Utility Easement in parts of Lots 5 and 6, Block 1, 61st Street Industrial Park, City of Broken Arrow, Tulsa County, State of Oklahoma, generally located approximately one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue (AG Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said this item related to the same AG Equipment project except for a different set of lots and blocks.

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

- G. Consideration, discussion and possible preview of an ordinance closing a Utility Easement located on Lots 8 and 9, Block 3, of Berwick Fairways II of Broken Arrow, Tulsa County, Oklahoma; generally located approximately one-half mile north of West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said the applicant had proposed the closing of a five foot Utility Easements on Lots 8 and 9 with the objective to combine the two lots in order to build a home across both lots. She said a 10-foot utility easement would be dedicated for the relocation of an existing PSO line on the west side of lot 8.

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

- H. Consideration, discussion and possible preview of an ordinance partially closing a Utility Easement in Spring Creek of Broken Arrow, an Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south of West Tucson Street and one eighth of a mile West of South Aspen Avenue; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Wilkening said this item was for a proposed project for the Spring Creek of Broken Arrow Subdivision that planned to build a swimming pool facility including a pool, clubhouse and playground on Reserve Area C. She said this would require partial closure of a Utility Easement.

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

11. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3318, an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 4, Alcoholic Beverages, Article 1, General Provisions, Section 4-1 Definitions; specifically clarifying that terms used in Chapter 4 shall be in conformity with definitions in the Oklahoma Alcoholic Beverage Act and definitions set forth in Subsection (b), Article II, Offenses by Members of General Public, Section 4-14, Possession by minors and Article III, Offenses by Licensees or by employees of Able Commission licensees, Section 4-21, Minors prohibited from entering or loitering about premises; specifically clarifying who a licensee can employ and allowing employees who are under the age of 21 to be permitted on the licensee premises; Section 4-30 Prohibition upon beer and wine, mixed beverage, caterer, or special event licensee, and upon managers, operators, agents or employees thereof; specifically clarifying when a licensee is deemed to be on duty; Article IV, Taxes and enforcement of licensing provisions,

Mayor Thurmond reconvened the regular Council meeting at approximately 7:21 p.m. and asked for a motion to recess prior to entering into the Executive Session.

Motion:	Move to take a recess prior to entering Executive Session
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

Mayor Thurmond asked for a motion to enter into the Executive Session.

Motion:	Move to enter into Executive Session
Motion by:	Richard Carter
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

14. Executive Session

A. Executive Session for the purpose of confidential communications between the City Council, the Acting City Manager, and the City Attorney, and possible action in open session regarding Jered Henry and Christina Henry, natural parents on behalf of their Minor child, L.M.H. vs. Jordan Hunter, et al., Tulsa County District Court Case Number CJ-2014-1277, under 25 O.S. §307(B)(4). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting for possible discussion, and the final decision, if any, will be put to a vote.

Item Minutes: At approximately 7:33 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there were any motions.

Motion:	Move to find that the Executive Session was necessary to process the pending litigation in the public interest
Motion by:	Richard Carter
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

Motion:	Move to find that City employees Hale and Martinez were acting in good faith and in the scope and course of their employment and to ratify the retention of Scott Wood to represent them
Motion by:	Richard Carter
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester, Richard Carter, Craig Thurmond
Nays:	None

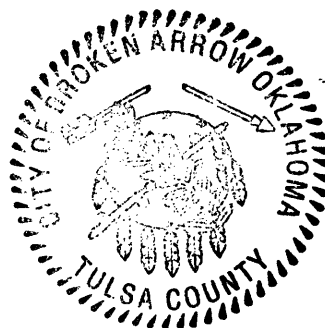
15. Adjournment

Section Minutes: The meeting adjourned at approximately 7:34 p.m.

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

Attest:

Richard M. Carter
Vice-Mayor



Mary G. Bruce
City Clerk