

**BROKEN ARROW CITY COUNCIL
MINUTES
COUNCIL CHAMBERS
220 SOUTH FIRST STREET
BROKEN ARROW, OKLAHOMA 74012
January 20, 2015**

6:30 PM

1. Call to Order

Section Minutes: Vice Mayor Richard Carter called the meeting to order at approximately 6:30 p.m.

2. Invocation

Section Minutes: Pastor Daniel Isgrigg delivered an invocation.

3. Roll Call

Present:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Absent:	Craig Thurmond

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Section Minutes: Vice Mayor Carter 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:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- A. Approval of meeting minutes of January 6, 2015
- B. Acceptance of minutes of the Planning Commission meeting held December 18, 2014
- C. Approval of and authorization to execute an Interlocal Cooperative Agreement between the City of Broken Arrow and Oklahoma Department of Capital Asset Management for the destruction of City hard drives
- D. Approval of bids received and award of the most advantageous bid to Baysingers Police Supply for purchase of helmets, tactical headsets and accessories for the Police Department
- E. Approval of bids received and award of the most advantageous bid to Bob Hurley Ford under the State Contract for the purchase of three (3) ½ ton two-wheel drive, extended cab pickups for the Police Department Animal Control Division
- F. Approval of bids received and award of the most advantageous bid to Carter Chevrolet under the State Contract for the purchase of two (2) ½ ton, two-wheel drive, regular cab pickups for the Risk Management and Street Divisions
- G. Approval of bids received and award of the most advantageous bid John Vance Motors under the State Contract for the purchase of one (1) ½ ton two-wheel drive, extended cab, pickup for the Code Enforcement Division
- H. Approval of bids received and award of the most advantageous bid John Vance Motors under the State Contract for the purchase of two (2) ½ ton, four-wheel drive, crew cab pickups for the Street and Parks Departments
- I. Approval of bids received and award of the most advantageous bid to Southwest Trailers and Equipment for the purchase of one salt brine applicator and production system
- J. Approval of bids received and award of the most advantageous bid to Southwest Trailers and Equipment for the purchase of three sand spreaders
- K. Approval of PT14-103, Conditional Final Plat, Bel Lago Phase II, 17 lots, 5.67 acres, A-1 to RS-3, one-quarter mile north of Houston Street, one-quarter mile west of Evans Road
- L. Approval of PT14-107, Conditional Final Plat, The Icon at Broken Arrow, 1 lot, 11.31 acres, A-1 to RM/PUD 229 (Multi-family), southeast corner of Elm Place and Florence Street
- M. 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

Section Minutes: There were no public hearings, appeals, presentations, recognitions, awards or oaths. 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: Mr. Richard Pisaturo addressed the Council on the subject of an island located at Mitford Ridge and Atlanta Court. He said that he had been informed that the island was the responsibility of the Homeowners Association. Mr. Pisaturo claimed that the island was a hazard and he inquired as to who would be responsible for any damage to the roadway if the Association had the island removed.

Vice Mayor Carter referred Mr. Pisaturo to the Director of Development Services, Mr. Michael Skates, so that an answer could be provided.

9. General Council Business

A. Consideration, discussion and possible acceptance of the City of Broken Arrow's Audit Report for Fiscal Year 2013-2014

Item Minutes: The Director of Finance, Mr. Tom Caldwell introduced Ms. LaDonna Sinning of Arledge and Associates of Edmond Oklahoma whose firm had completed the Audit Report for Fiscal Year 2013-2014 for Broken Arrow. Ms. Sinning told the Council that there were no findings and there were no recommendations.

Motion:	Move to accept the Audit Report for Fiscal Year 2013-2014
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

B. Consideration, possible approval of and authorization to execute Resolution No. 869, a Resolution of the City Council of the City of Broken Arrow, Oklahoma in support of and calling for citizens to vote in the upcoming Broken Arrow Public Schools Bond Election on February 10, 2015

Item Minutes: Acting City Manager Mr. Russell Gale said the Broken Arrow Public Schools Bond Election was scheduled for February 10, 2015. He said as a result of the presentation delivered by Dr. Jarod Mendenhall, which highlighted the projects for this bond issue and stressed the importance of the proposed improvements, the Resolution before the Council expressed support for the Broken Arrow Public Schools and the Election.

Motion:	Move to approve Resolution No. 869 and authorize its execution
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

C. Consideration, discussion and possible action on lighting the Farmers Market Overflow Parking Lot, including direction to purchase and install lighting fixtures and make any related electrical improvements

Item Minutes: Councilor Mike Lester asked if the light poles would be set on concrete bases to prevent damage by cars and Mr. Hendrix replied that three foot concrete pedestals would be installed.

Acting City Manager Mr. Russell Gale said that staff had selected the following option:

(1) Public Service Company of Oklahoma (PSO) 7 standard high-pressure sodium "cobra-head" lights on wooden poles, with overhead power, which PSO would provide at no capital cost to the city and maintain. The only cost would be a \$5.02 per light monthly electric billing.

He explained the reason for the choice had been because the City's Tax Increment Financing (TIF) district funds were approaching maximum utilization. Mr. Gale said that the funding would actually come from the Sales Tax Capital Improvement Fund. He said that the City would then be paid back through the TIF district fund for up to 13.5 million over the next 13 years.

Councilor Jill Noman added that the lighting was a necessity that should be consistent with the appearance of the Rose District. Councilor Lester agreed with the general consensus of the Council that the lighting was an important safety feature. Mr. Hendrix said that the future maintenance issues should also be part of the decision as the City would not have the manpower to provide support for the electrical infrastructure.

Council decided they preferred the following option:

(4) Public Service Company of Oklahoma (PSO) 6 standard high-pressure sodium "mongoose-head" lights on black aluminum poles with underground power, which PSO will maintain. The City would be responsible for the capital cost of installing underground conduit (\$5,300) and for PSO's cost of pulling wire and installing poles (\$29,000). The only maintenance cost would be a \$5.02 per light monthly electric billing.

Motion:	Move to select item number (4) for the cost of \$5,300 for the conduit and \$29,000 for the wire and the poles for Farmer's Market auxiliary parking
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

10. Preview Ordinances

A. Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 20, Riot Prevention and Disaster Control, Section 20-4, Powers of mayor during state of emergency; specifically removing subsection (5) which regulates the possession of

firearms during a state of emergency; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Assistant City Attorney Ms. Lesli Myers told the Council this was a preview of an Ordinance to be amended for the recodification of the City's Code of Ordinances. The Ordinance addressed Riot Prevention and Disaster Control. She said that the Section relating to the possession of firearms during a state of emergency had been removed as the State Legislature preempts the entire field of legislation in this State dealing with firearms and excludes any municipality from regulating firearms by ordinance.

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

11. Ordinances

- A. Consideration, discussion and possible adoption of Ordinance No. 3320, an ordinance closing a partial 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. Myers said this Ordinance would partially close a utility easement so that the Spring Creek Subdivision could build a proposed swimming pool facility.

Motion:	Move to adopt Ordinance 3320
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- B. Consideration, discussion and possible adoption of Ordinance No. 3321, 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. Myers said this Ordinance would partially close a utility easements in the 61st Street Industrial Park as requested by A. G. Equipment in order to construct several manufacturing facilities.

Motion:	Move to adopt Ordinance 3321
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- C. Consideration, discussion and possible adoption of Ordinance No. 3322, 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. Myers said this Ordinance would also close parts of utility easements in the 61st Street Industrial Park for A.G. Equipment's development plans.

Motion:	Move to adopt Ordinance 3322
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- D. Consideration, discussion and possible adoption of Ordinance No. 3323, an ordinance closing a utility easement located on Lots 8 and 9, Block 3, of Berwick Fairways II, a subdivision of the City of Broken Arrow, Tulsa County, Oklahoma, generally located 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. Myers told the Council this requested utility closure would allow the property owner to build a house across both lots involved. She said the easement would be moved to the west boundary of Lot 8 and staff as well as the private utility companies had reviewed and agreed to the closure.

Motion:	Move to adopt Ordinance 3323
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- E. Consideration, discussion and possible adoption of Ordinance No. 3324, an ordinance closing a right-of-way easement on property located in 61st Street Industrial Park, an addition to the City of Broken Arrow, Tulsa County, Oklahoma, a subdivision of part of Government Lot 2, of Section 4, Township 18 North, Range 14 East, City of Broken Arrow, Tulsa County, Oklahoma, generally located on North Hemlock Avenue in 61st Street Industrial Park; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Myers said this was a right-of-way easement within the 61st Street Industrial Park. She said A.G. Equipment had purchased a number of lots along the west side of Hemlock Street and south of Vancouver Street for business expansion. Vice Mayor Carter remarked on the valuable contributions of business development and jobs made possible by A.G. Equipment within the community.

Motion:	Move to adopt Ordinance No. 3324
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Johnnie Parks
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- F. Consideration, discussion and possible adoption of Ordinance No. 3325, an ordinance closing a right-of-way easement on a tract of land being part of Williams Brothers Constructors Park Amended, an addition to the City of Broken Arrow, Tulsa County, a re-subdivision of Lot 1, Block 1, Williams Brothers Constructors Park and a subdivision of Part of Government Lot 2 and Part of the South Half of the Northeast Quarter of Section 4, Township 18 North, Range 14 East, Tulsa County, Oklahoma, generally located approximately one-quarter mile south of Albany Street, one-half mile west of Aspen Avenue (A.G. Industrial Park East); repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Myers explained that this was a request from A.G. Equipment for a partial closure of a Right-of-Way located in the Williams Brothers Constructors Park. She said staff and utilities had reviewed the request and they had no concerns.

Motion:	Move to adopt Ordinance No. 3325
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Mike Lester
Second by:	Jill Norman
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- G. Consideration, discussion and possible adoption of Ordinance No. 3326, an ordinance amending Chapter 24, Water, Sewers and Sewage Disposal, Article III, Requirements for sewer service, Section 24-304, Determination of charge; specifically providing for a minimum monthly charge and a charge for metered water consumption established monthly and based upon the average metered water usage billed in the months of January, February, and March; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Myers said this Ordinance would amend Chapter 24, water, sewers and sewage disposal. She said the proposed revisions would provide that the City's sanitary sewer customers served by Rural Water District 4 would now be charged using the same method as those water customers served by the City.

Motion:	Move to adopt Ordinance No. 3326
Motion by:	Johnnie Parks
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- H. Consideration, discussion and possible adoption of Ordinance No. 3327, an ordinance amending Chapter 16, Offenses, Sec. 16-10. - Furnishing of tobacco products to minors; Sec. 16-10.1. Purchase of tobacco products by minors; Sec. 16-10.2 - Notice to retail employees; signed acknowledgment; Sec. 16-10.3. - Limited access to cigarette vending machines; Sec. 16-10.4. - Distribution of tobacco product samples; Sec. 16-10.6. - No public access to tobacco, specifically expanding to include vapor products; Sec. 16-16. - Traffic collision resulting in injury or death or property damage exceeding certain amount; reports; confidentiality; prohibiting the examination or reproduction for commercial solicitation, specifically including a mandate required by State Statute to require law enforcement to forward collision report cases to the Department of Public Safety; Sec. 16-18. - False or bogus checks, etc., specifically amending to become in compliance with State Statute; Sec. 16-20. - Promiscuous distribution of handbills and circulars, specifically removing subsection (b) to become in compliance with rulings made by the United States Supreme Court; Sec. 16-28. - Possession of marijuana and controlled dangerous substances, specifically conforming definitions to State Statute; Sec. 16-29. - Harassing phone calls prohibited, specifically expanding to include all telecommunications and electronic communications; Sec. 16-32. - Requiring hotels, motels and boarding houses to maintain a register of all guests, allowing for access to the register, prohibiting certain conduct and providing penalties, specifically amending to become in compliance with State Statute; Repealing Sec. 16-43. - Escape from lawful confinement by prisoner, such prohibited act is a felony and is regulated by State Statute; and Repealing Sec. 16-48. - Firearms prohibited on public property; exceptions; such regulation is preempted by State Statute; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Myers said several sections had been amended regarding tobacco products and minors, expanding to include vapor products. She said amendments also included requirements to forward collision reports to the Department of Public Safety that result in injury, death or property damage that exceeds a certain amount. She described other changes covering distribution of handbills, possession of marijuana, the expansion of harassing phone calls to include all telecommunications and electronic communications and hotel registration regulations. Mr. Myers mentioned the repeal of Sections regarding escape from lawful confinement and firearms regulations that were currently preempted by State Statute.

Motion:	Move to adopt Ordinance No. 3327
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None
Abstain:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- I. Consideration, discussion and possible adoption of Ordinance No. 3328, an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 24, Water, Sewers and Sewage Disposal, Article VII, Sewer service charges and rates, Repealing Section 24-701, Sanitary sewer flat service charge; repealing all ordinances to the contrary; and declaring an emergency

Item Minutes: Ms. Myers told the Council that this Ordinance would repeal the flat service charge for sewer service. She said the basis for charging for this service would be incorporated in Sec. 24-304.

Motion:	Move to adopt Ordinance No. 3328
Motion by:	Mike Lester
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

- J. Consideration, discussion and possible adoption of Ordinance No. 3329, 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. Myers said this Ordinance amended the rate of pay given for work performed by prisoners which would be credited to their outstanding fines.

Motion:	Move to adopt Ordinance No. 3329
Motion by:	Jill Norman
Second by:	Johnnie Parks
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
Nays:	None

Motion:	Move to approve the Emergency Clause
Motion by:	Jill Norman
Second by:	Mike Lester
Ayes:	Johnnie Parks, Jill Norman, Mike Lester and Richard Carter
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: There were no remarks by Acting City Manager.


14. **Executive Session**

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

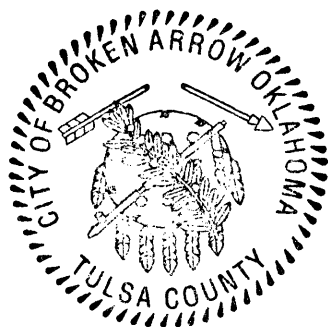
15. **Adjournment**

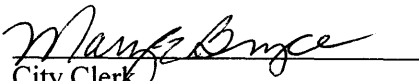
Section Minutes: The meeting adjourned at approximately 7:11 p.m.

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



 Mayor



Attest:


 City Clerk