



City of Broken Arrow
Minutes
Special City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Richard Carter
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Scott Eudey

Monday, August 24, 2015

5:00 PM

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 5:00 p.m.

2. Roll Call

Present: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

3. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

4. General Council Business

- A. 15-352 CONSIDERATION, POSSIBLE APPROVAL OF AND AUTHORIZATION TO EXECUTE RESOLUTION NO. 889, A RESOLUTION AUTHORIZING THE CALLING AND HOLDING OF AN ELECTION IN THE CITY OF BROKEN ARROW, STATE OF OKLAHOMA, FOR THE PURPOSE OF SUBMITTING TO THE REGISTERED, QUALIFIED ELECTORS OF SAID CITY THE QUESTIONS OF WHETHER ORDINANCE NO. 3360 ADOPTED ON THE 24TH DAY OF AUGUST, 2015, SHALL BE APPROVED WHICH LEVIES AND ASSESSES A SALES TAX OF THREE TENTHS OF ONE PERCENT (.30%) IN ADDITION TO THE PRESENT SALES TAXES UPON THE GROSS RECEIPTS OR GROSS PROCEEDS ON CERTAIN SALES AS THEREIN DEFINED; PROVIDES FOR THE PURPOSE OF THE SALES TAX; DEFINES TERMS; PRESCRIBES PROCEDURES, REMEDIES, LIEN AND FIXES PENALTIES; FIXES EFFECTIVE DATE; ESTABLISHING TERM; AND MAKING PROVISIONS SEVERABLE; AND WHETHER ORDINANCE NO. 3361 ADOPTED ON THE 24TH DAY OF AUGUST, 2015, SHALL BE APPROVED WHICH LEVIES AND ASSESSES A SALES TAX OF TWENTY-FIVE HUNDREDTHS OF ONE PERCENT (.25%) IN ADDITION TO PRESENT SALES TAXES UPON THE GROSS RECEIPTS OR GROSS PROCEEDS ON CERTAIN SALES AS THEREIN DEFINED; PROVIDES FOR THE PURPOSE OF THE SALES TAX; DEFINES TERMS; PRESCRIBES PROCEDURES, REMEDIES, LIEN AND FIXES PENALTIES; FIXES EFFECTIVE DATE; ESTABLISHING TERM; AND MAKING PROVISIONS SEVERABLE; AND NOTIFYING THE TULSA COUNTY ELECTION BOARD OF THE HOLDING OF SUCH ELECTION.**

City Attorney Ms. Beth Anne Wilkening told the Council this Resolution provides for the calling of a special election. She explained that there were be two different ballot titles; the first would be for public safety which would provide for three-tenths of one percent and the second would be for streets which would provide for twenty-five hundredths of one percent. She said that the Resolution encompasses a proclamation that is to be provided to the election board. Ms. Wilkening said that the ballots would most likely be submitted back to the City thirty days before the election which would provide an opportunity to review them once again.

MOTION:A motion was made by Mike Lester, seconded by Richard Carter.

Move to approve Resolution 889 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

5. Ordinances

- A. 15-350 **CONSIDERATION, DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE NO. 3360, AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF THREE TENTHS OF ONE PERCENT (.30%) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING THAT THE THREE TENTHS OF ONE PERCENT (.30%) TAX SHALL BE USED FOR THE PURPOSES OF FUNDING THE STAFFING OF PUBLIC SAFETY PERSONNEL AND THE ACQUISITION AND REPLACEMENT OF PUBLIC SAFETY VEHICLES, EQUIPMENT, TECHNOLOGY AND APPARATUS TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, AND CONTINUING UNTIL REPEALED; PROVIDING EXEMPTIONS FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-15 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO INCLUDE THE SALES TAX LEVIED HEREIN; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.**

Ms. Wilkening said this Ordinance would provide for an additional three-tenths of one percent to the existing City and States sales tax. She said it would capture the bulk of the Vision 2025 expiration tax. She said that both of the Ordinances before the Council were previewed in depth at the previous City Council meeting, but some revisions had been made. She explained that for Ordinance 3360, the Police Chief had requested the addition of language that covered technology. Also, the language was modified to remove specific references to ambulances and fire trucks and instead refer to them as apparatus. Ms. Wilkening said the intent was to provide public safety officials the flexibility to capture allocated funds for public safety purposes. She said codification would take place if the election is successful.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

Move to adopt Ordinance 3360

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

- B. 15-351 **CONSIDERATION, DISCUSSION AND POSSIBLE ADOPTION OF ORDINANCE NO. 3361, AN ORDINANCE OF THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA, LEVYING AND ASSESSING A SALES TAX OF TWENTY-FIVE HUNDREDTHS OF ONE PERCENT (.25%) IN ADDITION TO PRESENT CITY AND STATE SALES TAX UPON THE GROSS PROCEEDS OR GROSS RECEIPTS DERIVED FROM ALL SALES TO ANY PERSON TAXABLE UNDER THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED SALES LISTED THEREIN; PROVIDING FOR THE PURPOSE OF THE TWENTY-FIVE HUNDREDTHS OF ONE PERCENT (.25%) TAX TO BE USED FOR THE PURPOSES OF IMPROVING, CONSTRUCTING AND MAINTAINING CITY STREETS, SIDEWALKS, AND RELATED STORMWATER IMPROVEMENTS, INCLUDING THE ACQUISITION AND REPLACEMENT OF MACHINERY, EQUIPMENT AND MATERIALS, AND INCLUDING THE INSTALLATION OF TRAFFIC CONTROL DEVICES AND SIGNALIZATION; TO BECOME EFFECTIVE ON THE 1ST DAY OF JANUARY, 2017, PROVIDING EXEMPTIONS FROM THE SALES TAX LAW OF OKLAHOMA INCLUDING, BUT NOT LIMITED TO, CERTAIN ENUMERATED EXEMPTIONS LISTED THEREIN; PROVIDING FOR THE ADMINISTRATION AND COLLECTION OF TAX; REQUIRING THE FILING OF RETURNS; PROVIDING FOR INTEREST AND PENALTIES FOR FAILURE TO PAY TAX WHEN DUE; PROVIDING FOR TAXPAYER TO KEEP RECORDS; REQUIRING VENDORS TO COLLECT TAX FROM PURCHASER AT THE TIME OF SALE; ESTABLISHING LIENS; AUTHORIZING THE CITY**

COUNCIL TO MAKE ADMINISTRATIVE AND TECHNICAL CHANGES AND ADDITIONS EXCEPT TAX RATE; MAKING THE TAX CUMULATIVE; AMENDING SECTION 22-14 OF CHAPTER 22 OF THE CODE OF ORDINANCES TO INCLUDE THE SALES TAX LEVIED HEREIN; REQUIRING APPROVAL OF ORDINANCE BY MAJORITY OF REGISTERED VOTERS VOTING AT AN ELECTION HELD FOR SUCH PURPOSES AS PROVIDED BY LAW; AND PROVIDING FOR THE SEVERABILITY THEREOF.

Ms. Wilkening said Ordinance 3361 provides for a sales tax levy of twenty-five hundredths of one percent to be used for the purpose of improving, constructing and maintaining streets, sidewalks, and related stormwater structures. She said this would encompass the acquisition and replacement of machinery, equipment, materials, and traffic control devices and signalization. Ms. Wilkening explained that it was of great importance to the Director of City Streets, as well as the Acting City Manager that these funds be utilized for the purpose of maintaining existing streets. She explained that language related to construction had been added only because of the possible need to provide reconstructive repairs required due to damage caused by severe weather or other unanticipated events.

Mayor Thurmond said that it had been Council's intent to provide maintenance and repair for existing streets well as improving traffic flow with signalization and Ordinance 3361 seems to support that plan.

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

Move to adopt Ordinance 3361

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

Councilor Johnnie Parks clarified for the record that the percentages levied within Ordinances 3360 and 3361 would not increase the current total of sales tax collected because they would in effect only extent the current tax percentage that is set for expiration. Ms. Wilkening said that for Tulsa County the total sales tax would be actually be slightly reduced, but that it would be a new tax for Wagoner County. She said that the tax would not take effect until January 1, 2017, upon the sunset of Vision 2025. Ms. Wilkening added that consistent with Council direction there would be no sunset on the tax provided for in these Ordinances. Mayor Thurmond said that the total tax would depend on whether the County decides to increase by more than five-hundredths of a penny which would result in an increase. The County would have to get that change passed, but the City would play no role in it.

6. Adjournment

The meeting adjourned at approximately 5:09 p.m.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond

ATTEST:

Mayor

City Clerk