



City of Broken Arrow

**Minutes
City Council**

City Hall
220 S 1st Street
Broken Arrow OK
74012

*Mayor Craig Thurmond
Vice Mayor Richard Carter
Councilor Mike Lester
Councilor Johnnie Parks
Councilor Scott Eudey*

Tuesday, January 3, 2017

Time 6:30 p.m.

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 6:30 p.m.

2. Invocation

Pastor Manganaro delivered the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Councilman Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

A. 16-1520 **Acceptance of Planning Commission meeting minutes of November 17, 2016 and December 1, 2016**

B. 16-1517 **Approval of and authorization to execute Parking Lot, Phase III, Part A, pay request number 2 (No. 11 overall) for Tri-Star Construction, LLC, through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**

C. 16-1505 **Approval and authorization of Final Acceptance for the public improvements for Shadow Trails located at the northeast corner of 111th and 129th East Avenue**

D. 16-1508 **Approval of PT16-106, Conditional Final Plat, The Oaks Off Main, being a re-subdivision of Lots 13 thru 24, Block 40, Broken Arrow Original Town, 0.96 acres, R-3 to DM, north of Commercial Street between Cedar Avenue and Birch Avenue**

E. 16-1515 **Approval of the Broken Arrow City Council Claims List for January 3, 2017**

6. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

7. Public Hearings, Appeals, Presentations, Recognitions, Awards

A. 16-1511 **Presentation of Service Award Pins to Mayor Craig Thurmond and Councilmember Johnnie Parks**

City Manager Michael Spurgeon presented Service Pins to recognize years of service to Mayor Thurmond and Councilor Johnnie Parks. He thanked them for their passion, belief, and commitment to the community. Mr. Spurgeon and the Council honored Councilor Johnnie Parks for his 35 years of service, and Mayor Thurmond for his 15 years of service. Councilman Lester, Carter and Eudey each reflected on Mayor Thurmond and Councilor Parks service and reiterated that their dedication and passion for the community was commendable.

B. 16-1534 **Presentation and discussion of signal work at Detroit Street and Aspen Avenue in association with Construction Contract Number ST1203, Aspen, Houston to Kenosha Mill and Overlay**

Alex Mills, Director of Engineering and Construction, said as part of the Aspen Avenue pavement rehabilitation project from Kenosha to Houston, the signal at Aspen and Detroit was being upgraded. He said this will involve new control cabinets and video

detection systems and will be a 3-4 day project. Mr. Mills said during that time there would be a 4-way stop with a flashing light at the intersection along with advance warning signs north and south on Aspen. He stated the communications department was going to put out notifications regarding this project which would begin on Monday, January 9, and hopefully be completed on January 11. He said no action was required by the Council.

Mr. Mills was asked if the businesses had been notified, and he responded that he would make sure this was done.

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

No citizens had signed up to speak.

9. General Council Business

A. 16-1509

Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-156, Kenosha Storage, 5.85 acres, Level 4 to Level 6, north and west of the northwest corner of Kenosha Street and Oneta Road

Michael Skates, Director of Development Services, stated this item was a request to change Comprehensive Plan on 5.85 acres of un-platted land from Level 4 to Level 6 for Industrial Light (IL) zoning. He said the property was located on the northwest corner of Kenosha Street and Oneta Road and currently was zoned A1. Mr. Skates stated that if BACP-156 was approved, the applicant, who was also present, proposed to change the zoning on the property from A1 to IL for office warehouse storage facility, and the zoning change request would be accompanied by a PUD application. He said a draft PUD has been submitted with a comprehensive plan change request for information purposes only and included mini-storage, self-storage, indoor boat and/or recreational vehicle, trade center, office warehouse, warehousing and wholesaling. He stated the industrial uses that would not be allowed included manufacturing, auto service, motor freight terminal, recycling center and open air storage. He informed the Council that the planning commission in their December 15, 2016 meeting reviewed the recommended approval of BACP 156 and voted to approve subject to a PUD being formally submitted.

Mr. Skates said there were a few surrounding neighbors who came to the planning commission, and primarily their questions concerned what was being done on the property and what type of separation buffer there would be on the north side of the property. He stated that through the PUD, a masonry wall would be established along the north boundary along with a 30-foot landscape buffer. He informed the council that the applicant was present. Mr. Skates said his department recommends the approval of BACP-156.

The Council was asked if there were any questions. Mayor Thurmond introduced Larry Wilkinson to speak from the audience.

Mr. Larry Wilkinson, 6501 South 241st E Ave (Oneta Rd), thanked the Council for the opportunity to speak. He stated one of his concerns was his residence was located near the Adams Creek watershed. He said immediately to the west of the watershed was School Creek, which often has a tendency to flood, and immediately to the east of this development was Covington Creek, both of which flow into Adams Creek. He said he realized the city has measures in place to help take care of water detention, but his concerns were that even though some type of detention was put into place, who would monitor those detention ponds. Mr. Wilkinson stated his second concern was road accessibility. He said that on the north side of 71st Street on Oneta Road, the road was so narrow that a stripe could not be put down the center, and this commercial facility would be inviting more traffic, which would become a safety issue. He said his third point was that immediately to the east within a mile, there was in place another storage facility, and to the west there was another one. He pointed out that within a two-mile stretch on 71st Street there would be three different storage facilities of a good size. He questioned the reason for a Comprehensive Plan that would be so frequently changed. He asked that this request not be approved for the zoning change.

Councilor Lester asked Mr. Wilkinson to clarify his comment concerning the retention ponds and if they were filling with water or sedimentation. He responded that it was sedimentation, and added that many people had farm ponds, and they all filled up over a period of time. The Councilor commented that the ponds were monitored pretty well, and Mr. Wilkinson said he appreciated that, and his concern was to the future.

Mayor Thurmond stated that Broken Arrow was the only city that put mini-storage on Level 6. He said as far as traffic was concerned, mini-storage was probably the lowest used traffic in a commercial setting.

Councilor Eudey asked what was intended to be the main entry, Kenosha Street or Oneta Road, Mr. Skates responded that it was Oneta Road. He added that the detention ponds had not been designed yet, but two are proposed.

Erik Enyart from Tanner Consulting in Tulsa introduced himself stating that his firm represented the client that was seeking the Council's approval to change the Comprehensive Plan that would allow for the zoning change for the self-storage, trade center, office, and warehouse development. He said this was a preliminary design, and

they would work through the City's staff to make sure that there was a good plan that met all of the requirements of the city. He stated he could not specifically say which entrance was most likely to be the most heavily trafficked. He stated most of the site was self-storage; two buildings, one on Kenosha Street and the one on Oneta Road, would have office warehouse setups with flexible office space designs that could be used for office, office warehouse, or retail. He stated at this time they did not know the tenant mix, but it would fall within the parameters of the draft PUD that will be put before the Council.

Mayor Thurmond pointed out that before building construction starts, they would be required to submit a site plan that would have to be approved by staff.

Councilor Parks asked about the traffic flow up to Oneta Road as there was a big difference between retail and storage facilities. There was concern if that road would be capable of handling the traffic to that point. A suggestion was made to put a point of ingress and egress to the north of that. Mr. Enyart responded their firm would defer to the City's professional staff on this issue. Mr. Skates stated up to the first entrance that Oneta Road could handle the traffic, but if the first section went more retail, they would have to put in a deceleration lane.

Councilor Parks stated this would be a big difference in the traffic, and the Council wanted to make sure they could accommodate it and be able to make it wider when the time comes. Mr. Skates responded that this was a good point, and they had not gotten to that level. His initial understanding was there would be an office, but if they did decide to add retail space, that would produce more traffic. He added that perhaps the underlying owner of the corner property, depending on what their plans were, could work with them to look at some improvements on Oneta Road.

Councilor Parks asked if this plan would come before them again, and Mr. Skates responded in the affirmative.

Councilor Lester wanted to confirm if there would be a controlled access gate on Oneta Road, Mr. Skates responded he believed it would be. It was pointed out because that was a narrow road and it might be a problem. Mayor Thurmond noted that the plan shows gates off of Kenosha with possible retail entrance on Oneta Road. Mr. Skates stated that there has been interest in this area for further development.

Councilor Carter related that he had been employed by a 350-unit storage facility and the entrance was off Lynn Lane but near 61 Street where there is a hill. He said there had never been any problems with traffic because most of the people who used these type of facilities may not visit them but once every two or three months. He said it would be a quiet facility.

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

Move to approve BACP 156 request to change from Comprehensive Plan designation on this property from Level 4 to Level 6, subject to the property being platted and a PUD being submitted that is similar to the context of the draft PUD previously submitted

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

B. 16-1510

Consideration, discussion, and possible approval of Comprehensive Plan Change request, BACP-158, Roco Properties, 0.56 acres, Level 2 to Level 3, northeast corner of Cedar Avenue and Elgin Street

Michael Skates stated BACP 158 was a request to change Comprehensive Plan on 0.56 acres of undeveloped tract of land from Level 2 to Level 3. This property was located on the northwest corner of Cedar Avenue and Elgin Street in the northwest part of downtown. The property was currently zoned R-3 and was part of PUD 241 and had been platted as lots 13 and 19, block 12, of the original town of Broken Arrow. The PUD 241 which proposed four single family detached dwelling units on the property was approved by City Council on November 9, 2015, and since the property was already platted, the requirement to re-plat the property was waived. The applicant was proposing to construct seven single family attached units on the property. With 0.8 gross acres, four dwelling units are allowed on the property with R-3 zoning; therefore, to have seven dwelling units, the zoning has to be changed. The request was to change the zoning to DF, which is Downtown Fringe, which has no limitation on gross area. If this request was approved, the applicant was willing to submit a request to change the zoning on the property from R-3 to DF along with a PUD. A draft PUD and site plan has been submitted with the Comprehensive Plan request change, and states that a minimum lot size will be 2300 square feet, and the units will need to cover at least 65 percent of the lot. Five units will be allowed up to the property line along Elgin Street with an attached garage provided at the rear of the units. Access to the other two units was from the private drive. According to the draft PUD, building height will be limited to two stories or 35 feet. The Downtown Advisory Board reviewed and approved BACP-158 per staff report in their meeting of December 13, 2016. The Planning Commission, in their meeting of December 15, 2016, reviewed and recommended approval of BACP-158 with a three to one vote, subject to re-platting and a PUD formally being submitted that is similar in context to the draft. The applicant was present to answer questions. Mr. Skates' Department recommended approval of BACP-158 as laid out in the fact sheet.

Councilor Parks asked Mr. Skates if the company providing the overlay for the downtown area was aware of this request as this was going to affect them. Mr. Skates responded that they were aware, and his department had not received information from them on how this may impact the overlay. His impression was that in this particular area of downtown, there were several other locations that were either RM or DF district, and so it may potentially be an area of change toward a denser housing population. Mr. Skates also stated that this Thursday there would be a meeting with the Coordinating Committee, a committee the City Manager formed to meet with the applicant and the architect to review the materials being used and the draft look of the buildings that would face Elgin Street. Mr. Skates said the biggest challenge of the property would be drainage, and they had met with the Stormwater staff. He stated if this does move forward, it would be an improvement to the area.

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

Move to approve BACP-158 subject to the submission of a PUD similar in context to the draft PUD previously submitted and subject to the property being re-platted

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

C. 16-1533

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 968 of the Council of the City of Broken Arrow, Oklahoma, providing notice of and calling for a non-partisan general election, if needed, for the Council Members for Ward 1 and Ward 2, to be held on Tuesday, April 4, 2017; establishing the filing period; providing for said officers to be nominated by ward and elected at large for a term of four years; setting forth residency requirements; providing for absentee ballots in accordance with State Law; and providing that the Tulsa County Election Board is responsible for holding the election and certifying the results

City Attorney Beth Anne Childs informed the Council that a state statute provides that municipal elections for Councilmembers for Council/Manager form of government occur in odd numbered years. This year (2017), Council members for Ward 1 and 2 positions are up for election. This resolution was in compliance with the State Statute and provides for notice and calling for the nonpartisan general election if needed. If no one draws an opponent or if only one person files, then that person will simply take office in the statutory time frame. The election was scheduled for April 4, 2017. The filing period will begin Monday, February 6, and close at 5:00 p.m. on Wednesday, February 8. The election was going to be handled by the Tulsa County Election Board, which will be responsible for handling elections in Wagoner County as well. It will be handled in the usual manner with absentee ballots. Ms. Childs stated the resolution was statutorily required, and once approved, it would be forwarded to the Tulsa County Election Board for filing.

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

Move to approve Resolution 968 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

D. 16-1518

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 969 to amend the City of Broken Arrow Comprehensive Plan to accommodate the RS-4 District

Ms. Childs stated that this particular matter had been discussed by the Council on a number of occasions and provided for amendment of the Broken Arrow Comprehensive Plan to accommodate the RS-4 Zoning District. The Ordinance provided for change in the zoning code, but this was the method by which the Comprehensive Plan was changed. She requested approval of Resolution No. 969 and authorization of its execution.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

Move to approve Resolution No. 969 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

E. 16-1584

Consideration, discussion, and possible approval of and authorization to execute a Notice of Election of the Council of the City of Broken Arrow, Oklahoma, providing notice of and calling for a non-partisan general election, if needed, for the Council Members for Ward 1 and Ward 2, to be held on Tuesday, April 4, 2017; establishing the filing period; providing for said officers to be nominated by ward and elected at large for a term of four years; setting forth residency requirements; providing for absentee ballots in accordance with State Law; and providing that the Tulsa County Election Board is responsible for holding the election and certifying the results

Ms. Childs stated the Legal Department has started having the Council approve the Notice of Election as it could be beneficial in terms of record keeping. This Notice of Election,

in addition to the resolution, would also be published, and she was requesting that the Council approve the Notice of Election and authorize its execution.

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

Move to approve the Notice of Election and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

There were no preview ordinances.

11. Ordinances

There were no ordinances.

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond said it was an honor to serve on the Council with his fellow councilors and to work with the great staff, referencing the upcoming elections, he stated that he does plan to run again to hopefully serve another 4 years on the Council. Councilor Carter indicated that he would also be doing the same so that he could continue to serve on the Council, he considered it a privilege.

13. Remarks and updates by City Manager, including Recognition of Recent Accomplishments by Employees and Elected Officials

Mr. Spurgeon reported that the Recycling Committee was going to tour the Covanta Waste Energy Plant next Monday from 4:00-6:00 or 4:00-7:00. He said there has been a great deal of news coverage regarding this initiative. He recognized Dr. Roy Wood, the Dean of NSU Broken Arrow Campus, who was in the audience.

14. Executive Session

There was no executive session.

15. Adjournment

The meeting adjourned at approximately 7:13 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

Move to adjourn

The motion carried by the following vote:

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

Attest:

Mayor

City Clerk