



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

Monday, November 9, 2015

Council Chambers

1. Call to Order

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

2. Invocation

There was no one to deliver an invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

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

Move to approve the Consent Agenda as presented

The motion carried by the following vote:

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

- A. 15-607 **Approval of City Council Meeting Minutes of October 20, 2015**
- B. 15-654 **Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2015-2016**
- C. 15-634 **Approval of Worker's Compensation Court Order for Daniel Haas, Fire Department Employee**
- D. 15-637 **Approval of and authorization to execute Earth Change Pay Request Number 3 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- E. 15-612 **Approval of and authorization to execute an Agreement for Professional Consultant Services (Architect-Engineer agreement) for conceptual design of 23rd Street from New Orleans Street to Houston Street, a Surface Transportation Program Project**
- F. 15-655 **Approval of and authorization to execute Pay Request Number 4 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- G. 15-600 **Approval of and authorization to execute Traffic Impact Analysis Pay Request Number 1 to Cowan Group Engineering through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center**
- H. 15-603 **Approval of and authorization to execute an Agreement for Administration of the Sales and Use Tax Ordinances of the City and an Agreement to Engage in Compliance Activities by the City of Broken Arrow, a Sales and Use Tax Collection Agreement between the City of Broken Arrow and the Oklahoma Tax Commission**
- I. 15-624 **Approval of and authorization to execute a Professional Consultant Agreement with R.L. Shears Company, P.C., for Design of Rose District Water Feature**
- J. 15-617 **Approval of and authorization to execute a Professional Consultant Agreement with R.L. Shears Company, P.C., for Schematic Design of Downtown Main Street Streetscapes, Phase IV**

- K. 15-657 Approval of and authorization to execute a Professional Services Contract with Olsson Associates, Inc., for Design of Repairs to Hillside Park Retaining Wall (Tiger Hill - southwest corner of Kenosha Street and Lynn Lane)
- L. 15-613 Approval of and authorization to execute an Engineering Contract Funding Agreement with the Oklahoma Department of Transportation for Engineering Services on 23rd Street from New Orleans Street to Houston Street, a Surface Transportation Program Project
- M. 15-531 Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association (BAABA)
- N. 15-590 Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Youth Football Association and Broken Arrow Lacrosse Club
- O. 15-620 Approval of and authorization to execute a Second Amendment to the Site Lease Agreement between the City of Broken Arrow and Crown Castle for AT&T Wireless
- P. 15-578 Approval of the purchase of a one-ton cab and chassis from Bob Hurley Ford pursuant to the Oklahoma statewide vehicle contract for the Parks Department
- Q. 15-611 Award of the lowest and best bid to Pavement Conservation Specialists, Inc., and approval of and authorization to execute a construction contract for Village Square I, II, and III Street Improvements
- R. 15-566 Approval of Final Acceptance for the public improvements for Life Church South - Water and Paving
- S. 15-621 Approval of PT15-113, Conditional Final Plat, Stoney Creek Hotel and Conference Center at The Village of Stone Wood Hills, 1 lot, 15.00 acres, CH/PUD 156F, north of Albany Street, one-quarter mile east of Elm Place
- T. 15-622 Approval of PUD 241, RoCo Properties, 0.56 acres, R-3, one-third mile south of Kenosha Street, one-quarter mile east of Elm Place on the northeast corner of Cedar Avenue and Elgin Street
- U. 15-658 Approval of the Claim List 11-09-2015
- V. 15-667 Consideration, discussion, possible approval of and authorization to execute a General Release and Separation Agreement with Assistant City Manager Jeffrey G. Jenkins

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. 15-623 Presentation by representatives of Stoney Creek Hospitality Corporation regarding Hotel Facility Changes, in association with construction of the Stoney Creek Hotel and Conference Center, and related discussion on the property which is located in the Northwest Quarter (NW/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Tulsa County, State of Oklahoma, and generally north of Albany Street approximately ¼ mile east of Elm Place across from Bass Pro Outdoor World (Project: Hotel-Conference Center)

Mayor Thurmond introduced Mr. Jim Thompson, Chairman and CEO of Stoney Creek Hospitality Corporation, who presented information regarding changes to the hotel facility in association with construction of the Stoney Creek Hotel and Conference Center.

Mr. Thompson told the Council that the original plans for the hotel provided for a five story structure with a concrete and steel lower level embedded into the hill with four upper floors of wood construction. He said that after the initial bidding process it was determined that there were substantial challenges prompting changes to the fundamental design of the building. Mr. Thompson presented the design changes with an architectural illustration. He said the proposed changes to the facilities elevation would remove the concrete basement substructure resulting in a 4-story/3story left side and a 4-story/4-story right side. Mr. Thompson said the redesign would cut around 1,200 square feet from the completed project reducing the number of rooms from 183 to 179. Mr. Thompson gave extensive details on the proposed architectural changes. He said the Hotel would still meet the minimum requirement of 150,000 square feet.

Mayor Thurmond asked about the scheduled opening date. Mr. Thompson said he hesitated to lock in an opening date until the project launches in February of 2016 but that

a launch date would put the opening date somewhere around April of 2017.

Councilor Richard Carter that he was impressed with the earth work progress so far. Mr. Thompson agreed saying progress was efficient and effective.

No action was required or taken.

B. 15-618 Consideration and acceptance of Great Street Award from the Oklahoma Chapter of the American Planning Association

City Manager, Mr. Michael Spurgeon, called upon the Director of Development Services, Mr. Michael Skates, and the City Planner, Mr. Farhad Daroga, to present the Great Street Award from the Oklahoma Chapter of the American Planning Association. This award is described by the Association as being awarded to Great Places in America that are of exemplary character, quality and planning; places with a unique identity, cultural interest; places with community involvement and a sustainable vision for tomorrow.

Mr. Daroga said Great Street Award was bestowed on Broken Arrow for the Downtown Main Street Development. He said the jury had been made up of multistate planners. The award was accepted by Mayor Craig Thurmond who said this was the second award the City had been given for the Rose District. He said the first had come from the International Economic Development Council for the best Public/ Private Partnership.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move accept the Great Street Award from the Oklahoma Chapter of the American Planning Association

The motion carried by the following vote:

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

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)

9. General Council Business

A. 15-619 Consideration and possible approval of BAZ 1941, The Crossings at 71st (Park Place), 80.00 acres, rezoning A-1 to RS-3, east of Midway Road, one-quarter mile north of Kenosha Street

Mr. Daroga said this item was a request to change the zoning designation on an 80.00 acre tract from A-1 (Agricultural) to RS-3 (Single-Family Residential) classification. He said the City Council had reviewed this application on September 1st of 2015 and it was tabled until this meeting to further evaluate the details. He said the applicants had prepared a revised proposal. Mr. Daroga said that a substantial portion of the property was in a floodplain. He said Mr. Skates had prepared a PowerPoint presentation to illustrate the drainage plans as well as traffic analysis results.

Mr. Skates began by acknowledging that numerous residents had presented concerns to the Council about the proposed development during the September 1st meeting. He also recalled that the Applicant had presented a layout to Council for the development of almost 300 lots which was expected to be changed before the final version was presented to Council. Mr. Skates proceeded with a detailed presentation of the development and surrounding area with a focus on the drainage designs for the Adams Creek Basin and its tributaries. The presentation also included designs for the entrances and exits for the residential development in which careful consideration to traffic concerns were addressed. Mr. Skates said meetings were held with the City's Acting City Manager, General Service's personnel, and engineers to the study traffic analysis for the area resulting in a decision to install a traffic signal at the intersection of Kenosha Street and Midway Road.

Councilor Johnnie Parks asked if the reduction in the number of lots from 300 to 240 was due to the water retention design plan. Mr. Skates said that the lots were eliminated because of the creeks that run through the development as well as the location of the floodplain and area set aside for the retention ponds.

Councilor Mike Lester said that currently there were three dry reserve areas and he asked if they would become designated wet areas. Mr. Skates said he could not answer specifically about the three dry areas but the plan did show six detention facilities.

Councilor Scott Eudey pointed out that there were deep bar ditches along Midway Road and that the roadway was quite narrow. He asked if there were plans to improve or widen Midway Road. Mr. Skates said within the frontage of the proposed development there would be improvements. He said they would also reshape the land and reconfigure the bar ditches. Mr. Skates said the initial traffic impact analysis for Midway Road showed that at this time Midway Road did not need to widen. He said that as this development is phased in and further development progresses in this quadrant of the City it would eventually be necessary to consider road improvements in future Bond Issues.

Mr. Andrew Shank of Eller & Detrich, representing the applicant, added some comments relative to the staff report. He said the proposed preliminary plat shows 231 lots and no piece of the subject property is located within the floodplain. Mr. Shank said that there were some drainage swells that would be addressed. To address density concerns, Mr. Shank said because the development would contain about 29% green space the impact of the development would be more akin to a RS2 development.

Councilor Scott Eudey asked if the project would essentially function as an RS2 development why would the applicant ask for RS3 zoning. Mr. Shank said that he was not certain that staff had the opportunity to analyze the ultimate impact, but the Council could note at this time that the preliminary plat application matches the zoning request and the design would render density results, with green space and 231 lots, such that the impact would be the same as RS2 zoning.

Mayor Thurmond said that nine people had signed up to speak in opposition and four people who opposed did not wish to speak. He reminded the audience that Council was the legislative body of the City of Broken Arrow and the expected demeanor would be the same as expected before a court of law.

Mr. Don Jenkins stated that his main concern was the flood water management. He asked who would maintain the wet detention ponds after development. Mayor Thurmond said that new subdivisions are required by the City to have a Home Owners Association who would be responsible for detention pond maintenance. Mr. Jenkins asked if the current homeowners would be required to hook into the new sewer line that would be installed for the new addition. Mayor Thurmond answered that would not be a part of the development. He ask if the bar ditches and culverts would be reconfigured along the roadway. Mayor Thurmond said that he believed if the issue was on private property that the land owners would be responsible.

Mr. Jim Beard expressed concern for the heavy traffic issues citing multiple accidents. He said a seventy four year old bridge in the area was also a concern. Mr. Beard said there were constant issues with the sewage. Mr. Beard was concerned that the value of the houses within the development would impact home values in the area.

Mr. Larry Wilkinson told the Council he was concerned about flooding issues. He said his property had sustained damage from flooding which had also breached the pump station located near the bank of the Adams Creek causing raw sewage to enter the creek.

Ms. Mary Ann Colston presented a small slide show illustrating the flood plan maps and photographs that depicted flooding issues over the past fifteen years of her residency. She said she wanted to be assured that the planned floodplain mediation would be adequate. Ms. Colston said that the Homeowner's Association did not have the expertise or the equipment to maintain the detention ponds and waterways.

Ms. Beverly Kennedy said that her Neighborhood, Ridgeway Heights, did not have any storm sewers. Mayor Thurmond said that all new developments were required to have storm sewers and the amount of water draining from a development cannot increase which is why detention ponds are installed.

Ms. Peggie Sprinkle said that her concern was the traffic the development would create because the road was too narrow.

Mr. Tray Hart agreed with the previous speakers and he believed that many of the concerns property owners had were related to the development but his concern was for the lack of planning and infrastructure in the area.

Ms. Kelly McDowell introduced herself as the Branch Manager at the South Broken Arrow Library and her purpose was to thank the City for supporting the Library. She invited the citizens to the South Branch and she announced that during the month of November the Library would be honoring American Veterans.

Mayor Thurmond acknowledged that Ms. McDowell's introduction should have been separate from the issues related to the Development and, with his apologies, he welcomed her to the Council meeting.

Ms. Bonnie Glidewell asked who conducted the floodplain study which determined the size of the detention ponds. Mayor Thurmond said that job would have been given to a licensed Civil Engineer. He said a hydrologist was required to produce the designs. Ms. Glidewell wanted to know if the City would maintain or review the ponds performance. Ms. Glidewell expressed concern for the danger of flooding in the area to Senior Citizens and pointed out the one of the Councilor's relatives could be in harm's way. Mayor

Thurmond said that the City would inspect the ponds periodically to determine the effectiveness.

Mayor Thurmond invited the Applicant to speak.

Mr. Andrew Shank summarized by saying that this project was in a preliminary phase which is the zoning application. He said this application would not become effective until after the Council received the final plat. He said the application complied with the code and what had been presented was above and beyond the requirement. Mr. Shank said the prevailing concerns were stormwater and traffic. He said staff indicated during the PowerPoint presentation there would be a traffic signal installed parallel with the development. Mr. Shank pointed out that the revised plan's detention ponds more than comply with the code.

Councilor Johnnie Parks asked Mr. Daroga where the closest RS3 zones to the area. Mr. Daroga replied the nearest RS3 was two to three miles from the area.

Councilor Parks asked for a five minute recess.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to take a five minutes recess

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council session at approximately 8:01 p.m.

Mayor Thurmond asked if there were any more questions.

Councilor Eudey said he had hoped that the presentation would have made the decision easier. He said he was troubled that the application for RS3 zoning would be the only one of its kind in that area. Councilor Eudey said this would be inconsistent with the practice to put higher density developments closer to the major thoroughfares. Councilor Eudey said that if he were called upon to vote at this time he would have to vote no because this zoning change doesn't conform to historic practices in the placement of higher density developments.

Councilor Richard Carter said he would have a difficult time voting against the project if the infrastructure were ready to take it on. Councilor Carter said that it also troubled him that the sewage facility was already at maximum capacity. He said if the roads were able to handle additional traffic, if the sewage facilities were able to handle the addition population, and if the Adams Creek area was not so subject to flooding then he could approve the project but that is not the case. Councilor Carter said he did not believe in proceeding with a project like this and then dealing with the problems later.

Councilor Parks said his biggest concern was the maintenance and support for the detention ponds. He said if there were already flooding issues in the area the City should step in. Councilor Parks said he was not in favor of approving an RS3 development even further from the major thoroughfare than the existing RS2 development but he added that because his sister lived a quarter mile downstream he would have to abstain.

Councilor Mike Lester said he had no concerns with the development of an RS3 project which, in his experience, did not have an impact on property values. He said his forty years in the real estate business bears that out. He said he did have issues with the sewage system which currently is not able to support the demands of the proposed development.

Mayor Thurmond asked the applicant if he had anything to add.

Mr. Shank asked the Council to table the item for a future date.

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

Move to table item 9A until a future date

The motion carried by the following vote:

Aye: 4 - Scott Eudey, Mike Lester, Richard Carter, and Craig Thurmond
Abstain: 1 - Johnnie Parks

Mayor Thurmond left the room.

B. 15-627 Consideration, discussion, possible approval and direction to publish and provide notice in accordance with state law a Second Amended Legal Notice of Annexation for the voluntary annexation of property for a Planned Unit Development named Walnut Grove on 7.834 acres of land located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range

Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma and located south of the Southeast corner of the intersection of East 131st and South Garnett Road

City Attorney Ms. Beth Anne Wilkening said that this Amended Notice was required because of a newspaper publishing error.

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

Move to approve the Second Amended Legal Notice of Annexation and direct the City Clerk to publish the Second Amended Legal Notice of Annexation in a legally qualified newspaper 14 days prior to the public hearing and provide notice in accordance with State Law

The motion carried by the following vote:

Aye: 4 - Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter

Recused: 1 - Craig Thurmond

Mayor Thurmond returned to the room.

- C. 15-632 Consideration, possible approval of and authorization to execute Resolution Number 898, a resolution fixing the amount of Series 2016A 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**

Director of Finance, Mr. Tom Caldwell, told the Council that due to the inability to publish the Notice of Sale until December the bonds would not close until 2016. He explained that while the bonds would now be identified as 2016A bonds instead of 2015A bonds the projects defined and discussed at the previous Council meeting would not change. He said Council's approval of this Resolution would complete the authorization required for the election.

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

Move to approve Resolution 898 and authorize its execution

The motion carried by the following vote:

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

- D. 15-633 Consideration, possible approval of and authorization to execute Resolution Number 899, a resolution fixing the amount of Series 2016B 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**

Mr. Caldwell said these bonds were originally referred to as 2015B Bonds and due to the same publication issues would not close until 2016. He said the bonds would be identified as 2016B Bonds and would remain unchanged in amount and purpose.

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

Move to approve Resolution 899 and authorize its execution

The motion carried by the following vote:

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

- E. 15-664 Consideration, discussion, possible approval of and authorization of two-hour parking restrictions within the Rose District and authorize the placement of appropriate signage**

Police Chief, David Boggs, said a downtown business owner had requested a two hour parking limit on Dallas to the west of Main Street. Chief Boggs said this issue was brought to the attention of the Traffic Committee, the Chamber of Commerce, and the Economic Development Corporation prior to moving forward with any proposed changes. Chief Boggs said that representatives of the Police Department along with the Economic Development Director, Mr. Norman Stephens, met with Wes Smithwick, Warren Unsicker and Brock Werdel, the downtown business liaison for the Chamber, to discuss the concerns presented and develop a comprehensive plan of action. Chief Boggs presented a layout of the proposed parking regulation changes that would apply to the eight square block area bounded by Ash and First Street from east to west, and between Broadway and El Paso, north to south. He said the goal was to free parking spaces that were being used for the entire day by downtown employees and residents. Chief Boggs said this would promote accesses for customers to downtown businesses.

Councilor Lester asked about the enforcement timeline. Chief Boggs said it would be limited but that the goal was to work on voluntary compliance. He said the Chamber would provide information to business owners and citizens would be urged to cooperate.

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

Move to approve the two-hour parking restrictions within the Rose District as set forth in the attached exhibit and authorize the placement of appropriate signage

The motion carried by the following vote:

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

10. Preview Ordinances

A. 15-602 Consideration, discussion and possible preview of an ordinance amending Chapter 23, Traffic, Article I, In General, Sec. 23-37. - Use of child passenger restraining system required; exceptions; penalty; specifically amending Section 23-37 to be in compliance with State Statute; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening said this Ordinance brings the City into compliance with State Statute with regard to Child restraints.

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

Move to Preview the Ordinance and set for adoption

The motion carried by the following vote:

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

B. 15-604 Consideration, discussion and possible preview of an ordinance amending Chapter 25, Stormwater Management - Article I, Section 25-304. - Basis for establishing the regulatory flood area; specifically revising regulatory flood areas in Wagoner County within the Spunky Creek Basin; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening said the preliminary Federal Emergency Management Agency (FEMA) 100 year Flood plain boundary significantly reduces on the proposed development tract located at 23rd Street and East Dearborn Street. She said to avoid unnecessary compensatory floodplain storage excavation and other floodplain development permitting requirements for engineering and platting the development on a current mapped floodplain that will soon go away, it is proposed to adopt the preliminary Flood Insurance Rate Map (FIRM) panel for this area. Ms. Wilkening said the Ordinance would reflect the revisions.

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

Move to Preview the Ordinance be set for adoption

The motion carried by the following vote:

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

11. Ordinances

A. 15-639 Consideration, discussion and possible adoption of Ordinance No. 3297-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1901, granting Single Family Residential-1 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Ms. Wilkening said all the Ordinances were brought back to Council because they were not published in a newspaper of general circulation. She said by statute Ordinances must be published within fifteen days of adoption and that was not accomplished in the Tulsa Business & Legal News. Ms. Wilkening said in order to rectify that issue each Ordinance before the Council would be adopted as Corrected so that they could be published.

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

Move to adopt Ordinance 3297 - Corrected

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3297 – Corrected

The motion carried by the following vote:

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

B. 15-642 Consideration, discussion and possible adoption of Ordinance No. 3298-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1890, granting Single Family Residential-1 zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to adopt Ordinance 3298 - Corrected

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3298 – Corrected

The motion carried by the following vote:

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

- C. 15-643 **Consideration, discussion and possible adoption of Ordinance No. 3299-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1892, granting Downtown Mixed-Use Core zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to adopt Ordinance 3299 - Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to approve the emergency clause for Ordinance No. 3299 – Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- D. 15-644 **Consideration, discussion and possible adoption of Ordinance No. 3300-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1896, granting PUD 223 and Commercial Neighborhood zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to adopt Ordinance 3300 - Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to approve the emergency clause for Ordinance No. 3300 – Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- E. 15-645 **Consideration, discussion and possible adoption of Ordinance No. 3301-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1907, granting PUD 137B and Office Neighborhood zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.
Move to adopt Ordinance 3301 - Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to approve the emergency clause for Ordinance No. 3301 – Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- F. 15-646 **Consideration, discussion and possible adoption of Ordinance No. 3303-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1917, granting Commercial Neighborhood zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to adopt Ordinance 3303 - Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to approve the emergency clause for Ordinance No. 3303 – Corrected
The motion carried by the following vote:
- Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and Craig Thurmond
- G. 15-647 **Consideration, discussion and possible adoption of Ordinance No. 3305-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1894, granting PUD 221 and Industrial Light zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3305 – Corrected

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3305 – Corrected

The motion carried by the following vote:

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

- H. 15-648** **Consideration, discussion and possible adoption of Ordinance No. 3306-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1878, granting PUD 217 and Residential Multi-Family zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3306 – Corrected

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3306 – Corrected

The motion carried by the following vote:

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

- I. 15-649** **Consideration, discussion and possible adoption of Ordinance No. 3307-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1736 and BAZ 1860, granting PUD 207B and Commercial Heavy zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3307 – Corrected

The motion carried by the following vote:

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

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.

Move to approve the emergency clause for Ordinance No. 3307 – Corrected

The motion carried by the following vote:

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

- J. 15-650** **Consideration, discussion and possible adoption of Ordinance No. 3311-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1799, granting PUD 188 and Downtown Fringe zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3311 – Corrected

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3311 – Corrected

The motion carried by the following vote:

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

- K. 15-651** **Consideration, discussion and possible adoption of Ordinance No. 3312-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1848, granting Commercial General zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3312 – Corrected

The motion carried by the following vote:

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

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.
Move to approve the emergency clause for Ordinance No. 3312 – Corrected
The motion carried by the following vote:

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

- L. 15-652** **Consideration, discussion and possible adoption of Ordinance No. 3313-Corrected, an ordinance amending the Zoning Ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1758, granting Floodplain District zoning classification be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.
Move to adopt Ordinance No. 3313 – Corrected
The motion carried by the following vote:

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

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move to approve the emergency clause for Ordinance No. 3313 – Corrected
The motion carried by the following vote:

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

- M. 15-629** **Consideration, discussion and possible adoption of Ordinance No. 3365 - CORRECTED, an ordinance amending Chapter 2, Administration, Article IX, Employee Rules and Regulations, Section 2-121, Attendance, of the Broken Arrow Code, to add Christmas Eve to the list of observed holidays for the City of Broken Arrow, Oklahoma; repealing all ordinances to the contrary; and declaring an emergency**

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to adopt Ordinance No. 3365 – Corrected
The motion carried by the following vote:

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

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to approve the emergency clause for Ordinance No. 3365 – Corrected
The motion carried by the following vote:

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

- N. 15-631** **Consideration, discussion and possible adoption of Ordinance No. 3366 - CORRECTED, an ordinance amending Chapter 6, Building and Building Regulations, Article II, Building Code; Section 6-16, Adopted; Section 6-17 Amendments; Section 6-21, Construction standards for handicapped parking spaces; Section 6-23, Existing building code adopted; Section 6-24 Amendments; Article IV, Electrical Code; Section 6-66, Adoption of National Code; amendments; Repealing Section 6-70, Receptacle and light fixture loading; Repealing Section 6-71, Special circuits and independent fusing for appliances; Repealing Section 6-74, Wall switches required; Article V, Plumbing, Division 1, Generally, Section 6-94 Plumbing code - adopted; Section 6-95, Same - Amendments; Division 2, Landscape Irrigation; Section 6-101 - Backflow prevention; Section 6-103 Installation requirements; Article VI, Underground Outside Gas Piping, Section 6-111 Application of article; Section 6-112 Amendments; Repealing Section 6-113, Installation requirements generally; Article VII, Mechanical Code, Section 6-128 - Adopted; and Section 6-129 Amendments; specifically adopting the requirements of the 2014 and 2015 NFPA NEW ICC Code as to Building, Mechanical, Fuel Gas, Plumbing, and Electrical into the City's Code of Ordinances in order to comply with regulations and to become effective November 1, 2015; repealing all ordinances to the contrary and declaring an emergency**

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to adopted Ordinance No. 3366 – Corrected
The motion carried by the following vote:

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

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to approve the emergency clause for Ordinance No. 3366 – Corrected
The motion carried by the following vote:

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

Ms. Wilkening commended the work of the City Clerk's Office saying because of their diligence the missing publications for the Ordinances were flagged which saved the City

from issues that would surely have come up in the future.

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond said that some of the Council members attended National League of Cities Conference. He said he had learned about the new regulation changes in the Fair Housing Act that would impact all Cities. He said the Federal Government would be removing funding. Mayor Thurmond said that further updates would be given at the next Council Meeting.

Councilor Scott Eudey welcomed friends from the Public Library and thanked them for attending.

Councilor Mike Lester reminded the public to vote the following day, November 10, 2015 for the Bond Election.

Mayor Thurmond said it was very important to the City. He expressed his appreciation on all the work that had been done to inform the citizens.

13. Remarks by City Manager

City Manager, Mr. Michael Spurgeon, said the election for the Vision 2025 renewal would present two very important propositions for the citizens to consider. He thanked the Council for having the vision to identify an opportunity for Citizens of to consider these two measures. Mr. Spurgeon thanked Ms. Krista Flasch, Director of Communications, for the time and effort invested to make sure that the public would be able to make an informed decision at the ballot box. Mr. Spurgeon sent kudos to Police Chief Boggs, Fire Chief Moore, and Steve Arrant, Director of Streets and Storm Water for speaking at innumerable events and organizations to help inform the citizens on the Election issues. He also thanked Mr. Russell Gale for his stewardship as Acting City Manager as the staff prepared for this Election. Mr. Spurgeon urged everyone to vote.

Mr. Spurgeon reported that he had continued his orientation with the Fire Department and the Parks and Recreation Department. He stated that he was impressed with their operations. Mr. Spurgeon acknowledged the Senior Center as an amazing operation. He said that the number of services, activities, and programs offered to the City's Senior Citizens were second to none. Mr. Spurgeon said he had taken a tour of the Community Playhouse as they prepared for their program in December which he looked forward to enjoying.

Mr. Spurgeon informed the Council that he would be meeting on Friday with Mr. Russell Gale and representatives of Black and Vetch to review their proposal to update the Utility Rate Study and on December 17th he would be meeting with HDR Engineering to continue discussions on the Long Range Water Plan.

Mr. Spurgeon said that during a meeting with the Convention and Visitors Bureau (CVB) the members approved a request to approach the Council for funding for an Asset Inventory Study to help the CVB develop a program of work. He said the study would also determine how the assets of the City are utilized by visitors.

Mr. Spurgeon welcomed Blue Bell back into operation and he recognized them as an important organization in the community.

Mr. Spurgeon acknowledged the work accomplished to install the new Audio and Video system renovations within the Council Chambers which involved contributions from the Information Systems, Human Resources, and General Services Departments.

Mr. Spurgeon said that the Downtown Advisory Board had moved the plans for the installation of the Downtown water feature forward which would result in five months of enjoyment of the feature in 2016.

Mr. Spurgeon announced the resignation of the Assistant City Manager, Mr. Jeff Jenkins. He thanked him for his service to the City on behalf of the City staff and the Council and wished him the very best of luck in all his future endeavors.

Mr. Spurgeon also announced that the Broken Arrow High School Football Team had qualified for the playoffs in the number one position. He said the coming Friday night game would be played in the Tigers home field.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

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

Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 9:09 p.m. and asked for a motion to enter into the Executive Session.

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

Move to enter into Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the City Manager, and the City Attorney, and possible action in open session on matters pertaining to:

(1) economic development and specifically discussing an economic development proposal involving a commercial and retail establishment proposed for the location immediately north and south of the Creek Turnpike between South Olive Avenue and South Elm Place, to include the transfer of property, financing, and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10); and

(2) the possible purchase and appraisal of real property located immediately north and south of the Creek Turnpike between South Olive Avenue and South Elm Place and possible action in open session, including authorization to negotiate for the potential purchase of this real property and obtain additional appraisals for this real property, under 25 O.S. §307(B)(3),

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of the businesses and also that disclosure will impair the ability of the City Council to process the pending appraisal and acquisition of real property in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

At approximately 9:24 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 was a motion.

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

Move to authorize City staff to continue to explore opportunities for economic development activities in the area identified on the Agenda

The motion carried by the following vote:

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

15. Adjournment

The meeting was adjourned at approximately 9:24 p.m.

MOTION: A motion was made by Johnnie Parks, 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