

To: Honorable Mayor and City Councilors

From: Russell Gale, Acting City Manager

Date: October 3, 2014

Re: Notes to Council

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION

- Memo Distributed to City Employees City Communications Tools
- Development Services Report regarding Shops at Aspen Creek and commercial vehicle complaints

2. GENERAL CORRESPONDENCE / NOTIFICATION

- Tulsa World: City of Owasso Proposing Half-Cent Sales Tax for Public Safety, Streets
- DEQ Letter: Water Supply Improvements, Tulsa Water Line Connection
- BAPD Month in Review September 2014 Report

3. SPECIAL EVENTS / ACTIVITIES

- Saturday, October 4, 2014, Last Day for Rose District Farmers Market (no attachment)
- Smokey Joe's Café featuring the Coasters, October 12, 2014
- Grills & Grilles Vintage Car and Arts Festival, October 18, 2014, Main Street
- Pumpkin Hunt, October 25, 2014, Central Park

Respectfully submitted,

Russell Gale

jmh

Attachments

1. STAFF R	EPORTS / ITEM	S REQUIRIN	G IMMEDIATE	ATTENTION
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To: All City Employees

From: Krista Flasch, Communications Director

Date: September 26, 2014

Re: Stay Connected with the City's Communications Tools

The City of Broken Arrow offers a variety of internal and external communications tools that employees can use to receive important news and information. See below for a current list, and stay connected!

- **Payroll Messages** are included with your paycheck stubs or may be posted online through ExecuTime.
- **Employee Newsletter** is in the works and will be launched in early 2015.
- **Employee Bulletin Boards** are typically located in each department's break room and contains important job-related information and announcements.
- **CityWeb** is the employee intranet, where you can find helpful resources like HR forms, IS HelpDesk information, training manuals, policies, a staff directory, municipal codes and more! http://cityweb/
- **BrokenArrowOk.gov** is the City's main website. This holds a wealth of information regarding City services, news and community events. *http://www.brokenarrowok.gov*
- **Notify Me** allows you to receive email or text message alerts when News and Events are posted on BrokenArrowOk.gov. Sign up today at http://www.brokenarrowok.gov/list.aspx
- Connect CTY is a reverse 911 system for residents and businesses. Go to the home page, http://www.brokenarrowok.gov, and click on Connect CTY in the middle navigation box to sign up.
- **RSS Feeds** is a content subscription tool that allows you to get automatic updates from multiple web pages. *http://www.brokenarrowok.gov/rss.aspx*
- Cox TV Channel 24 is the City's local government access channel with public information and events.
- **FOCUS Newsletter** is the monthly publication that the City produces. It is sent out to residents in water bills and posted to the web site. *http://www.brokenarrowok.gov/publications*
- Social Media is another way to get the latest news. Follow us at:
 https://www.facebook.com/cityofba
 https://www.facebook.com/BAParksandRec
 https://twitter.com/BA_Police
 https://www.facebook.com/VisitBrokenArrow
 https://twitter.com/RoseDistrict

Feel free to contact me at 918-259-8419. I'm here to help you stay informed.



To: Russell Gale, Acting City Manager

Cc: Jeff Jenkins, Assistant City Manager

From: Michael W. Skates, Development Services Director

Date: October 3, 2014

Re: Development Services Report

1. Shops at Aspen Creek (Warren Theatre) – Construction continues to progress on the building both inside and outside. City staff meets each Thursday with Warren staff and their Contractor staff of each discipline. This allows everyone to view the construction and identify any matters that need discussed or modified. The Warren staff sends weekly photos and aerial video of the building construction and site. I hope that everyone has taken a moment and looked at these.

City staff met with Signorelli staff a couple of weeks ago to discuss the interior street, Aspen Creek Drive. The main discussion item was completion of the street over to the Walmart road. Right now only half the street has been constructed. By contract and by need to handle the expected traffic, the north half of the street must be completed. Signorelli staff stated the north half of the road would begin in the next couple of weeks and be completed at or before the opening of the theater. City staff will continue to monitor the construction progress and a follow up meeting is scheduled for November 1.

2. Memo referencing Richard Pisaturo complaints on commercial vehicles from the City Council meeting of September 16, 2014 – Mr. Pisaturo has approached Council on many occasions over the past couple of years regarding various subdivision issues. Some of the occasions were to thank City staff for their diligent efforts in mitigating nuisance and other issues. This recent occasion of Mr. Pisaturo to City Council is his dislike of commercial work trucks within residential zoning districts. He specifically would like to see these vehicles banned from residential districts.

City staff has compiled a comprehensive memo that is attached outlining historical background, research, summary and recommendation. We feel that we should not ban commercial work trucks from residential districts but do recommend verbiage changes, which is provided on page 3 of the attachment.



To: Michael W. Skates, P.E., CFM, Director of Development Services

From: Russell Gray, MHR, One-Stop Manager

Date: September 29, 2014

Re: Richard Pisaturo and related code complaints

Historical Background:

In August 2013 the code enforcement staff began receiving complaints of code violations from Richard Pisaturo. During the remainder of 2013, a total of six (6) complaints were received. Of those, 50% were invalid and 50% were resolved by the owner after contact was made.

Beginning June 2014 to September 2014 the code staff received a total of 34 complaints. Of these complaints, one (1) is currently active (2.9%); 23 were invalid (68%); and, 10 were resolved by the owner after contact (29%).

The primary complaint Mr. Pisaturo has been submitting relates to commercial vehicles in residentially zoned districts. His activities to obtain addresses of alleged violations encompassed nine (9) subdivisions. When he submitted his list of addresses in June 2014, One-Stop Manager Russell Gray investigated each address between 6:30 PM and 8:00 PM on two different evenings. At that time, all commercial vehicles were parked lawfully and all were no more than 1-1/2 ton Gross Vehicle Weight Rating (GVWR).

Mr. Pisaturo requested Planning and One-Stop to revise the zoning ordinance to prohibit all commercial vehicles in residentially zoned districts. He believes that allowing commercial vehicles of any size to be parked or stored in a residential district to be counter-productive for the residential atmosphere and that it reduces the quality of life within the residential district.

On several occasions, Mr. Pisaturo has claimed that commercial vehicles exceeded what code allowed, citing a Nissan Titan to weigh 4,875 to 5,465 pounds, and thus would be a violation if used commercially. He also cited a Ford F-350 as weighing 6,000 pounds and thus would violate the code. His premise was based upon the curb weight of the vehicles in question, not GVWR.

Research:

The Broken Arrow Zoning Code, Appendix A of the Municipal Code: Section 5.4, K. *Parking in residential and agricultural zoned districts*.

3. Commercial vehicle parking. No more than one (1) commercial vehicle, which does not exceed one and one-half (1½) tons rated capacity; per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted.

Code staff researched vehicle GVWR and curb weights (actual physical weight) and found the following:

½ ton rating typically have a curb weight of 4,685 lbs. (2.5 ton*)

³/₄ ton rating typically have a curb weight of 5,941 lbs. (3.00 ton*)

1 ton typically have a curb weight of 5,408 to 7,204 lbs. (2.75 to 3.5 ton*)

1-1/2 ton typically have a curb of weight 6,555 to 7,791 lbs. (3.25 to 4.00 ton*)

^{*}numbers in parenthesis shows tons rounded.

Benchmarking:

The following table illustrates research of other municipalities and their codes related to commercial vehicles.

	Commercial Vehicles	Parking Vehicles
Broken Arrow	Zoning: none over 1-1/2 ton rated weight; none that haul explosives, gasoline or liquefied petroleum products	Traffic: parking in street is restricted to no longer than 24 hours; no vehicle in excess of 24' may be parked on residential street
Edmond	Traffic: none 18' or more unless for immediate loading and unloading; Traffic: vehicles exceeding 2-tons or in excess of two axles, excluding recreational vehicles are prohibited from parking on residential property.	<u>Traffic</u> : parking on a street longer than 24 hours is prohibited
Lawton	Nuisance: no parking on residential street from sunset to dawn	Traffic: parking on a street longer than 24 hours is prohibited
Norman	Traffic: those exceeding two axles and/or in excess of 20' prohibited unless for immediate loading and unloading	Traffic: parking on a street longer than 24 hours is prohibited
Tulsa	Zoning: vehicles used in connection with a home occupation are limited to those customarily found in residential districts and must be parked off the street; except for purposes of immediate loading or unloading, accessory vehicles or trailers in excess of 1-1/2 tons capacity and those with signs exceeding 32 square feet may not be parked closer to the street than the nearest building wall, unless a special exception is granted by BOA	<u>Traffic</u> : Any vehicle in excess of 24' on public street is considered detrimental; large vehicles (exceeding 10,000# or when GVWR is 1 ton or more <u>and</u> total width exceeds 90" prohibited to park on any street 26' or less width unless loading or unloading

Key:	Nuisance: means nuisance code		
	Traffic: means traffic code		
Zoning: means zoning code			

Summary:

The current zoning code prohibits commercial vehicle parking and storage in residential districts if the vehicle exceeds 1-1/2 ton rated capacity. It also restricts the number of commercial vehicles to one (1) per family living on the premises. Additionally, it prohibits commercial vehicles that haul explosives, gasoline or liquefied petroleum products. To date, this code has effectively served the citizens of the City of Broken Arrow, and it has not negatively impacted the aesthetics or quality of life for its citizens. Mr. Pisaturo has asked the City to prohibit all commercial vehicles from being parked or stored in residential subdivisions. To that end, staff have researched and reviewed several other cities in Oklahoma to determine if the need to amend the code is needed.

Based upon reviewing four (4) other municipality codes, it is clear that there is no one way that is best for regulating commercial vehicles in residential subdivisions. The complaints we have received from Mr. Pisaturo have been focused upon commercial vehicles 1-1/2 ton rated capacity or less in a residential district. There does not appear to be an issue with larger commercial vehicles in his area of travel. The four municipalities also regulate length of time a vehicle may be parked, regardless of type or size, to no longer than 24 hours unless specific signage allows longer parking durations. None of the municipalities, including Broken Arrow, codified a method by which they verify a vehicle has been parked in the street for more than 24 hours, although placing chalk marks on the tires to confirm lack of motion seems to be the preferred method.

To address the issues raised by Mr. Pisaturo we must consider if his issues are city-wide problems, limited to one or two subdivisions, or a personal opinion by one citizen. We must also bear in mind the quantity of these violations within the City limits. From January 1, 2014 to September 26, 2014 staff processed 135 zoning code violation cases. The table below shows the results.

Private trailers, recreational vehicles	QTY: 97/135	Percent of total: 72%
and home occupations		
Commercial vehicles that turned out	QTY: 23/135	Percent of total: 17%
to be private trailers, RV's, home		
occupations or no violation found		
Actual Commercial vehicles	QTY: 15/135	Percent of total: 11%
violating the zoning code		

With the preceding in mind, the majority of zoning code violations received turned out to not even be a commercial vehicle issue (89% of the time). Does this mean a revision of the code is required? Or, does it mean the code is working as intended? The numbers would indicate the code is working as intended.

If the City were to prohibit all commercial vehicles, even those that are customarily found in residential districts (i.e. 1 ton pickups), small business owners who take their business vehicle home with them would be faced with a hardship. That hardship is that they would be required to find and pay for off-site parking. This is an item that could break many small business owners who work lawful home occupations. It could also be considered depriving them of their livelihood. In addition, the traffic code addresses commercial vehicles and large vehicles on all streets. This code seems to be working well, too. Complaints are simply routed to Dispatch and an officer is assigned to investigate and process.

Recommendation:

Staff has reviewed the other cities with the intent to identify possible changes to the zoning. We believe wording changes are needed in the zoning code to reduce or eliminate confusion. Other changes may be warranted, such as adding a restriction to the number of axles allowed in a residential district (i.e. those exceeding two axles would be prohibited). We could also add a limitation to the length of vehicles, such as no longer than twenty-four (24) feet. Lastly, we would add a total weight restriction exceeding 10,000 pounds (5 ton). The existing code requirements for recreational vehicles, boats on trailers, and personal trailers would not be affected. Doing so would be in the best interest of public safety.

Proposed Verbiage:

Commercial vehicle parking. No more than one (1) commercial vehicle, which does not exceed total weight of 10,000 pounds, and/or not exceeding two axles and/or not exceeding 24 feet in length except for immediate loading or unloading; per family living on the premises, shall be permitted; and in no case shall a commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products be permitted. And, in no case shall the commercial vehicle and/or attached trailer be parked over any portion of a sidewalk.



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To:

Honorable Mayor and City Councilors

From:

Jeff Jenkins, Assistant City Manager

Date:

October 3, 2014

Re:

News Article: Sales Tax

Please find the attached news article concerning sales tax propositions for the City of Owasso.

Respectfully submitted,

Jeff Jenkins

jmh

Attachment

City of Owasso proposing half-cent sales tax for public safety, streets

By RHETT MORGAN World Staff Writer | Posted: Sunday, September 28, 2014 12:00 am



OWASSO TAX

Owasso on East 86th Street North as the sun rises Sept. 26, 2014. MIKE SIMONS/Tulsa World OWASSO — If Owasso is to keep pace as a progressive city, it can't be playing catch-up with its sales-tax rate, municipal officials say.

"For the city of Owasso not utilizing any property tax for city projects over the past 40 years, that puts us behind the curve in comparison to other growing communities," Owasso City Manager Warren Lehr said. "We can't continue to maintain a low crime index, continue to repair our streets as needed, and continue to provide quick response times with our fire and ambulance service without additional funding."

To that end, the city is proposing adding a half-cent sales tax as a permanent, dedicated revenue stream for police, fire/EMS and streets. Now in the public meeting stage, the plan is scheduled to go next month before the City Council, which could call an election on the topic Jan. 13.

"We have to act now," Lehr said.

From 2005 to 2013, the city's sales-tax income nearly doubled, going from \$11.2 million to about \$21 million, records show.

But Owasso's last sales-tax increase (third penny) was 1983, and it hasn't spent property tax money on a public project since 1973, when the city constructed a city hall complex, swimming pool and recreation center, Lehr said.

The current proposal calls for coupling the half-cent sales-tax hike with the termination of the \$3 monthly public-safety capital fee paid by Owasso water/sewer customers.

That means a household earning \$95,000 annually — and spending an average of 30 percent of its income on taxable goods — would pay an extra \$106 a year.

"We feel like that income level can afford to re-invest in their community," said Lehr, adding that the increase drops to \$62 for a \$65,000 income household.

The half-penny would generate about \$4 million in its first year and more in subsequent years, depending on the economy, city officials said. It would also put Owasso's total sales-tax rate (8.917 percent) on par with Sand Springs and Bixby. By comparison, Claremore (9.333) and Sapulpa (9.5) are higher than that number, and Tulsa (8.517), Broken Arrow (8.417) and Jenks (8.417) are lower.

"Even with a half-penny, we'll be right in the middle of the pack in terms of total sales tax," Lehr said. "We haven't increased sales tax in Owasso since 1983. When you find yourself being as resourceful and efficient as possible but you still are unable to hire any new police officers or build a fire station or put any additional money into street rehabilitation, then you've got a funding problem."

A 1996 street assessment recommended that Owasso spend \$1.6 million annually for road maintenance. The city, however, has only spent about \$365,000 a year since that time, records show. The police and fire/EMS departments would like to add personnel and equipment.

"For us, it's truly about longtime crime prevention," Police Chief Scott Chambless said. "We recognize that there's a great window of opportunity right now while the crime rate is still relatively low to start taking the proactive measures that are necessary."



SCOTT A. THOMPSON Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

MARY FALLIN Governor

September 23, 2014

Mr. Larry Dearing, PE Broken Arrow Municipal Authority 485 N. Poplar, Broken Arrow, OK 74012 Broken Arrow, OK 74013

Re:

DWSRF Project No.: P40-1021508-03; ORF-11-0006-DW

System: Broken Arrow Water Supply Improvements

Contract #2 - Tulsa Water Line Connection

Dear Mr. Dearing:

We are enclosing one approved copy of Change Order Three (CO #3) for the above referenced project and are hereby authorized to put this change order into effect. Approval of this change order is subject to the provisions of the DEQ Construction Permit #WL000072120482 issued on September 10, 2012 and amendments thereof. This change order includes the miscellaneous items for the water line connection to Tulsa for a cost of \$30,685.00.

		CONTRAC	CT AMOUNT		
Change Order #	Contractor	Change in Contract		Modified Contract	
		Total Amt.	Eligible Amt.	Total Amt.	Eligible Amt
3	MSB Construction, Inc.	\$30,685.00	\$30,685.00	\$946,603.00	\$946,603.00

This approval does not constitute a contractual obligation for the State to increase DWSRF funding. If the existing DWSRF loan funds are insufficient to cover the change, you must have sufficient local funds available to complete the project. Costs incurred related to the items in this change order will be subject to an audit of project costs. Contract Line Item "o" on the DW-271 form for the DWSRF Construction amount will be increased by \$30,685.00, and the contingencies of Line Item "s" will be decreased by \$30,685.00.

Sincerely yours,

Leslie L. Smith, P.E.

DWSRF-Project Engineer - Water Quality Division

LS/file CC w/Original CO

CC w/copy of CO

Roger Hughes, P.E., COBA, 485 N. Poplar, Broken Arrow, OK 74012
Doug Tiffany, P.E. COBA 485 N. Poplar, Broken Arrow, OK 74012
Joel Cantwell, P.E., HDR, 17111 Preston Road, Suite 200, Dallas, TX 75248
Tony Mensah, P.E., OWRB, 3800 N. Classen, OKC, OK 73118
Tom Caldwell, Finance Director, P.O. Box 610, Broken Arrow, OK 74013
Ryan Adler, Crossland Heavy, 35608 E. 66th St. South, Broken Arrow, OK 74014
David Myers, COBA, 485 N. Poplar, Broken Arrow, Ok 74012
Thomas M. Moton, Jr., City Manager, PO Box 610, Broken Arrow, OK 74012
Anthony Daniel, Utilities Director, 485 N. Poplar, Broken Arrow, OK 74012
Ron Wing, COBA, 485 N. Poplar, Broken Arrow, Ok 74012

City of Broken Arrow

SEP 29 2014

CITY OF BROKEN ARROW, OKLAHOMA ENGINEERING/CONSTRUCTION DEPARTMENT

APPLICATION FOR APPROVAL OF "MAJOR" CHANGE ORDER

Name: MSB Construction, Inc.

Contract Number:

WL1201

Location: Tulsa Water Line Connection

Date: January 9, 2014

Major Change Number C03

Approval is requested for the following changes:

1. Total Number of Days Added by this Change Order:

2. Install 24" ductile iron pipe in lieu of 24" C905 PVC pipe on Tulsa portion of waterline connecting to meter.

Which are necessary for the following reasons:

1. No days added by this change order.

2. City of Tulsa required 24" Ductile Iron piping through the 41st St. bore and new valve vault. Contract drawings and quantities indicated PVC for this portion of the line. This change order increases the ductile iron quantity and decreases the PVC quantity by 95 LF.

Additions to	the original contract:				
Item #	Item	Unit	Price	Quantity	Amount
Schedule B BI #2 TU307	24" Ductile Iron Pipe	LF	\$400.00	95.00	\$38,000.00
				Total Additions:	\$38,000.00
Deletions to	the original contract:				
Item #	Item	Unit	Price	Quantity	Amount
Schedule B	24" C905 DR 18	LF	\$77.00	95,00	\$7,315.00
BI #4 TU309			4		4.,2
				Total Deletions:	\$7,315.00
	This Change Order is a Net (Overrun:	\$30,685.00		
Submitted 🗷	Eng 2 Dean	E	ngineer	Date:	9 Jan 2014
Approved:	Much & Betto	c	ontractor	Date:	1-10-14
Recommende	ed/Approved: Kannoth D. S	lust-D	irector, Engr.	& Const. Date:	01-10-14
Approved:	Then hote		city Manager	Date:	1-21-2014

Original Clerk---Original Contractor---Original File---Copy to Finance

ATTEST:

Mark Duce

(Seal) CITY CLERK/PAMA

Secretary

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STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
APPROVED

SEP 23 2014

Rocky W. Chen, P.E. Water Quality Division

Leslie L. Smith, P.E. Construction Permitting Section



To: Russell Gale, Interim City Manager

From: David N. Boggs, Chief of Police

Date: October 1, 2014

Re: BAPD Month in Review – September 2014

Detective Bentz received a complimentary email from Tulsa ADA McAmis on a trial involving a shaken baby case. She went into detail about Bentz's professionalism on the case and how helpful he was sitting as the case agent. This was a shaken baby case and in McAmis opinion (over 20+ years), it is the most difficult to prosecute. Bentz conducted thorough interviews and investigation and brought accolades to our department. Great job Eric!!

Crime prevention started a pawn shop tracking system which will allow us to know if any stolen guns have been pawned, 3 volunteers are doing the data entry. We then send it to dispatch to run through NCIC and if we get a hit, they contact Sgt. Lillard.

Crime prevention is working with OBN on an additional drug box, waiting for approval, and our drug drop box is one of the busiest in 77 counties.

Crime prevention hosted a three day (over three Saturday's) CERT training (Community Emergency Response Team) at the PSC in the meeting rooms in the lobby.

Breakfast on Thursday 09/18 by Mr. Kline (CPAAA President) was very much appreciated. He told me that they have the backing to do this quarterly for the PD. Should be a great time to get together and catch up with folks we might not have seen in a while and take a needed break from the grind.

Call taker Dustin Harris received a call from a mother who found her 26 year old daughter deceased in her home. The caller came to the Police Department to complement Harris and the communications division for the kind and compassionate service she received. She stated that Dustin stayed on the phone with her guiding her through the CPR process until EMS arrived. He was professional, caring and comforting to her during this difficult and emotional crisis.

Detention officers completed 12 hours of in service training on workplace conduct, baton, handcuffing and control, taser and pepper spray.

Animal control officer and volunteers attended the Wolf Stock event at the Riverwalk Crossing. We had a booth promoting Spay/Neuter and had animals for adoption at the event and all were adopted.

The yearly in service training concluded in September. Thank you to all of our instructors and training staff that made this year's training a success.

Officers completed EAP drug and alcohol training.

Animal Control supervisor Lanny Dampf was interviewed by Tulsa Pet Magazine for a future article on our animal shelter.

New beds arrived at the animal shelter this month. The beds, slightly raised allow the animals to get off the concrete floor making it more comfortable and warmer for them to rest.

Field reporting arrest and booking module is nearing completion. The MDB team will soon receive updates to their laptops to test the program.

3	SPECIAL	EVENTS	/ ACTIV	JITIES
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SMOKEY JOE'S CAFÉ featuring the COASTERS!

Sunday, October 12, 2014 | 7:30 p.m. Broken Arrow Performing Arts Center



Welcome to the hottest joint in town! The Coasters are headlining and it's always a party at SMOKEY JOE'S CAFÉ! This Tony Award®-nominated and Grammy Award®-winning salute to legendary songwriters Leiber and Stoller is a raise the roof, songanddance celebration of some of rock 'n' roll's greatest hits! Get ready for songs like "Hound Dog," "Stand by Me," "Yakety Yak," "Jailhouse Rock," "Spanish Harlem," "On Broadway," "Kansas City," "Love Potion #9," "Fools Fall in Love" and many more. The New York Daily News calls SMOKEY JOE'S CAFE "wildly infectious" and Time Magazine says, "it sails and soars!"

GRILLS & GRILLES Vintage Car and Arts Festival Saturday OCTOBER 18th 10am-5pm On Main Street Broken Arrow from College to El Paso

FOOD & FUN FOR EVERYONE!





KID'S ART CONTEST & PRIZES!



- Large car & motorcycle showART show and sales
- . Live Entertainment
 - . Food Trucks
- Drawings & Prizes

Hosted in THE ROSE DISTRICT SPONSORED BY:

VINTAGE MOTORSPORTS









City of Broken Arrow Parks and Recreation Department presents the annual:

PUMPKIN HUNT

Central Park

1500 S. Main St.

Saturday, October 25th at 6 pm

Pumpkin Hunt for Age Groups,

1-2 yrs, 3-4 yrs, 5-6 yrs and 7-8 yrs

will begin sharply at 6 pm.

DON'T BE LATE!

There is no cost and children are encouraged to come in costume.

This is like an egg hunt but with orange eggs filled with candy!

Over 10,000 items!!!

"Night Out Against Crime" and "Fun & Games on Main"
Immediately following Pumpkin Hunt
in Downtown BA.