



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice-Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, March 6, 2018

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

Invocation was delivered by Rich Manganero.

3. Roll Call

Present: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

4. Pledge of Allegiance to the Flag

Boy Scout Troop 935 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated Item H was to be removed from the Consent Agenda for discussion. He asked if there were any other items to be removed. There were none.

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

Move to approve the Consent Agenda excluding Item H

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 18-104 Approval of City Council Meeting Minutes of February 20, 2018**
- B. 18-315 Approval of a Service Agreement Renewal with SeeClickFix to provide software services for the online citizen reporting tool and mobile application**
- C. 18-330 Approval of and authorization to execute an amended use agreement with the Broken Arrow Historical Society for fiscal year 2017-2018**
- D. 18-316 Approval of and authorization to execute Resolution No. 1091, a Resolution of the Broken Arrow City Council requesting that the Oklahoma Department of Transportation (ODOT) allow the City of Broken Arrow to place two purple heart signs on the Broken Arrow expressway in recognition of the service and sacrifice of the men and women of Broken Arrow who have served our country**
- E. 18-322 Approval of and authorization to purchase four (4) 2018 Ford Taurus Sedans from Bill Knight Ford as bid, pursuant to the Oklahoma statewide vehicle contract for the Police Department**
- F. 18-323 Approval of and authorization to purchase two (2) 2018 Dodge Durango SUVs and three (3) Dodge RAM 1500 trucks from John Vance Motors as bid, pursuant to the Oklahoma statewide vehicle contract for the Police Department**
- G. 18-324 Review of proposals received and award of the most advantageous proposal to J & J Bowers Lawn for grounds maintenance**
- H. 18-270 Approval of PUD-273 (Planned Unit Development) and BAZ-1995 (Rezoning), Scissortail Crossing II, 11.07 net acres, A-RM to PUD-273/RM, located one-quarter mile north of Albany Street, east of 23rd Street**
- I. 18-272 Approval of PUD-274 (Planned Unit Development) and BAZ-1996 (Rezoning), Doc's Container Storage, 0.40 acres, A-1 to PUD-274/IL, located one-half mile north of Houston Street, one-quarter mile east of 23rd Street, on Old Highway 51**
- J. 18-317 Acceptance of a Deed of Dedication from Alfa Laval, Inc. for Nashville Street, on property located one-half mile south of Houston Street, east of 9th Street, Tulsa County, State of Oklahoma, (Section 13, T18N, R14E)**
- K. 18-333 Acceptance of an Sanitary Sewer Easement from Michael K. Craig and Terri Raye Craig, on a part of Lot 9 of Block 3 of Cedar Ridge East, located approximately one half mile north of New Orleans Street and a quarter mile east of Garnett Road (Section 20, T18N, R14E) (Cottages at Cedar Ridge)**
- L. 18-334 Acceptance of an Sanitary Sewer Easement from The Oklahoma Turnpike Authority, across part of the Southwest Quarter of Section 20, Township 18 North, Range 14 East, located approximately one half mile north of New Orleans Street and east of Garnett Road (Section 20, T18N, R14E) (Cottages at Cedar Ridge)**

- M. 18-335 Acceptance of an Temporary Construction Easement from The Oklahoma Turnpike Authority, across part of the Southwest Quarter of Section 20, Township 18 North, Range 14 East, located approximately one half mile north of New Orleans Street and east of Garnett Road (Section 20, T18N, R14E) (Cottages at Cedar Ridge)
- N. 18-16 Approval of the Broken Arrow City Council Claims List for March 06, 2018

6. Consideration of Items Removed from Consent Agenda

- H. 18-270 **Approval of PUD-273 (Planned Unit Development) and BAZ-1995 (Rezoning), Scissortail Crossing II, 11.07 net acres, A-RM to PUD-273/RM, located one-quarter mile north of Albany Street, east of 23rd Street**

Mayor Thurmond stated Council Member Wimpee had a question about the traffic flow associated with this rezoning.

Council Member Debra Wimpee stated she read the traffic study. She asked for an elaboration on the impact an additional 228 units would have in the area.

Development Service Director, Michael Skates, explained the traffic analysis report creation process, facts considered and application. He reported the existing intersection at Albany and 23rd was rated service level D, while the intersection at County Line and 51st was rated service level C. He stated the traffic analysis report indicated the level of service would not change at these intersections post development. He asked if there were questions. There were none.

City Manager, Michael Spurgeon, stated a traffic analysis report was one thing while the community's perception of overcapacity of a road was another. He stated the widening of this road and funding was included in the Bond Package. He reported widening of this particular mile included a bridge which drove costs up to approximately \$10 million dollars. He asked Council to consider this a top priority in regards to the Bond Package due to the number of residents who utilized this roadway. He stated he was concerned about the impact 228 additional units would have on traffic in this location; however, he supported the development and the roadway widening would be at the top of the list for Council to consider as part of the package. Council Member Lester asked if the Omaha intersection was a County Project. City Manager Spurgeon responded in the affirmative. Vice Mayor Eudey stated Broken Arrow would improve the road up to Omaha and the County would complete improvements from there forward. City Manager Spurgeon concurred. Mayor Thurmond reported he understood the Omaha intersection design was complete and would go out for bid soon.

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

Move to approve PUD 273 and BAZ 1995 as recommended by Planning Commission and Staff

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

- A. 18-283 **Consideration, discussion, possible approval of and authorization to execute a Proclamation declaring that the City of Broken Arrow agrees with and supports the "Wyland National Mayor's Challenge for Water Conservation" and will participate by encouraging Broken Arrow residents to take the challenge from April 1 - 30, 2018**

Pre-Treatment Coordinator, Lauren Wilson, presented a Proclamation to express the city's participation in the Wyland National Mayor's Challenge for Water Conservation. She stated if the Proclamation was approved Mayor Thurmond would join mayors across the country in asking residents to make a 12 month commitment to manage water and energy resources more wisely through participation in the Annual Challenge, taking the online pledge between April 1st and April 30th. She stated the 7th Annual National Mayor's Challenge for Water Conservation was a friendly nonprofit competition between cities across the country that used a series of online pledges to see which city could be the most water-wise. She explained residents would pledge to fix leaky faucets, take shorter showers, use low-flow devices, wash only full loads of laundry and dishes, use energy efficient appliances, power down to save electricity, use sprinklers wisely, recycle, waste less food, etc. She stated in addition to individual reductions in water consumption, energy use and pollution, residents would save money and earn a chance to win any of hundreds of prizes which included \$5,000 towards home utility bills and a Toyota Rav 4 Hybrid for a deserving local charity. She reported residents would go to mywaterpledge.com and would take a four step conservation pledge on behalf of the City of Broken Arrow. She explained residents could share the pledge with friends and track Broken Arrow's standing. She stated the city with the highest percentage of residents who took the challenge in its population category won. She reported Broken Arrow was in the 30,000 to 99,999 population category. She reported there was a classroom edition which allowed teachers to take the online pledge on behalf of the class to use water more efficiently and included eight lesson plans that taught the importance of water conservation. She reported there was a \$250 prize for each region which would go to one teacher for classroom supplies and another \$250 prize which would go to the winning teacher's school. She stated city staff would utilize various communication tools to publicize the pledge for citizens. She stated the Broken Arrow Communications Department created a video which would be publicized as Mayor Thurmond's

Participation Statement for the National Mayor's Challenge for Water Conservation. Ms. Wilson played said video.

Ms. Wilson reported during last year's challenge residents from more than 4,800 cities across the United States took part in the challenge and pledged to save over 2.2 billion gallons of water over 12 months. She stated the campaign to promote drought resiliency and water quality ended April 30th with mayors from 38 states vying to see whose city could be the Nation's most water-wise. She reported the cities with the highest number of pledges included Laguna Beach, CA, Flagstaff, AZ, Athens, GA, Aurora, CO, and Dallas, TX. She reported a total of 421,891 pledges were made.

Ms. Wilson reported the Wyland Foundation was founded in 1993 by environmental artist Robert Wyland who in 2008 achieved his goal of painting 100 life-size public marine murals in an effort to increase appreciation and understanding for aquatic habitats and the life within. She reported Wyland said "We know now that that water connects all the countries of the world. Our goal with these projects over the last three decades has been to convey the urgency of conservation issues to the public. The health of our ocean and waterways are in jeopardy, not to mention thousands of marine animals and plants that face extinction if we do nothing." She stated the completed Wyland Walls Campaign was one of the largest Art in Public Places projects in history spanning 5 continents, 17 countries and 79 cities around the globe. She reported the Wyland Foundation was a nonprofit organization actively engaged in teaching students around the country about oceans, lakes, rivers, streams and wetlands. She reported the Foundation encouraged environmental awareness through educational programs, public art projects and community events. She asked for approval of the Proclamation of support for participation in the 2018 Wyland National Mayor's Challenge for Water Conservation.

Mayor Thurmond stated he felt the Challenge was important and would have a positive impact on the Community. He stated this would be the first time Broken Arrow was involved in the Challenge and he hoped everyone in attendance would make the pledge.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.

Move to approve the Proclamation declaring support for and participation in the 2018 Wyland National Mayor's Challenge for Water Conservation and authorize its execution

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 18-332 Presentation regarding the lane closures for Elm Place at Broadway Avenue in association with the Federal-Aid Railroad Project with the Oklahoma Department of Transportation, at the At-Grade Crossing of Union Pacific Railroad at South Elm Place in Broken Arrow, Tulsa County, Project RRCS-272N(217)CS, J/P # 333075(10)

Engineering Construction Division Manager, Tim Robbins, reported there were pending lane closures on Elm and Broadway for a project associated with the Union Pacific Railroad and ODOT as a Federal Aid At-Grade Crossings Project. He explained the work at this intersection was similar to what was completed as part of the Streetscapes Project at the Main Union Pacific Railroad intersection and was designed to increase safety. He stated the project included two phases. He stated phase 1 lane closures in both northbound and southbound lanes would run from March 8th through March 15th and pushed traffic to the outside lanes to allow work on the inside median. He stated phase 2 lane closures would begin March 20th and would utilize the same traffic pattern as phase 1; however, on March 24th the traffic pattern would change for the day shutting down both southbound lanes of traffic and redirecting southbound traffic to the inside lane of northbound traffic. He stated there would be signalmen and flaggers in place to facilitate smooth traffic control if needed. He stated construction would be completed end of day March 24th. He stated notification to the public would be made through the Communications Department, as well as placement of traffic signs and message boards.

Council Member Lester asked about placement of the warning signals and signs. Mr. Robbins responded there would be "Roadwork Ahead", "One Lane Road Ahead" and "Left Lane Closed" signs which would be spaced out per Manual on Uniform Traffic Control Devices (MUTCD) Standards and implemented by a separate traffic control company, Road Safe. He stated Broken Arrow Construction Division would review the signs after installation to ensure proper placement and spacing.

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)

Mayor Thurmond stated no citizen had signed up to address the Council.

9. General Council Business

A. 18-311 Consideration, discussion and possible approval of and authorization to participate in a survey to determine and identify potential historic structures and sites in the City of Broken Arrow, together with the Broken Arrow Built Heritage Preservation Committee, the Oklahoma Historical Society and the State Historic Preservation office

Economic Development Coordinator, Norm Stephens, stated the Broken Arrow Built Heritage Preservation Committee requested Broken Arrow contribute towards a survey of Historical Structures and Sites within the old historical areas in Broken Arrow in an effort to record and

preserve the history of Broken Arrow. He stated in the event that a structure was to be removed the Committee would be able to take photos of the property inside and out to document what it looked like. He stated the Oklahoma State Historical Preservation Office conducted annual surveys through a matching 60/40 grant program. He stated the Broken Arrow Built Heritage Preservation Committee put together a list of 100 properties between Kenosha, Washington, Lynn Lane, and Elm for survey and he recommended Broken Arrow set aside \$5,000 in matching funds for the grant proposal.

City Manager Spurgeon reported discussion began regarding Historical Preservation in December with himself, Vice Mayor Eudey, Mr. Stephens and the Broken Arrow Built Heritage Preservation Committee. He stated currently there were no regulations in place prohibiting removal of historic structures or maintenance of historic structures. He explained while spending \$5,000 fell within his authority, he felt this was a larger issue than simply applying for a grant and wanted to bring this before Council to determine what the Council's feelings were in this regard. He stated he and Vice Mayor Eudey indicated it would be problematic to require residents to get approval from the Historic Preservation Committee prior to making any changes to a structure labeled historic; however, in an effort to preserve historical heritage, prior to any major changes or demolition, extensive documentation could be made to preserve history in some form. He stated he felt Broken Arrow had a responsibility to preserve the past as it moved forward. He stated the challenge here was balancing property rights and preserving history, as well as the responsibility placed upon the city in managing such a program. He stated he wished to have a conversation with Council Members regarding feelings on having a survey conducted. He explained the survey would be conducted from the street (not entering homes), public education regarding the survey would come from the city, and the survey results would be presented to Council to determine if there was an interest in preservation.

Mayor Thurmond stated he agreed with City Manager Spurgeon that this was an important issue, and while there were no regulations in place to prevent residents from tearing down historical homes he had difficulty with the idea of prohibiting homeowners from demolishing an old home to build a newer nicer home. He stated under the 5th Amendment of the Constitution property owners had rights and as long as zoning regulations were met homeowners should be permitted to make desired changes. He stated he felt if a resident wanted a home surveyed and preserved as historical it should be voluntary, not mandatory. He indicated that he was uncomfortable with conducting a survey which would start Broken Arrow down a slippery slope of heavy regulation on behalf of historical preservation. He stated he appreciated historic structures, owned one himself, and felt it was important to preserve historical structures; however, he did not feel it should be mandated.

Council Member Lester stated he thought the idea was to preserve the historical significance of these homes, not mandate what residents could or could not do with a property. He stated he understood this survey was simply an effort to capture these historic buildings on film, to record what businesses began in the locations, who had lived in them, and what changes had progressed over time; as a result when the homes were torn down there would be historical documentation on file. He stated he was in favor of capturing the historical significance of each property on the list, but certainly not in favor of regulating any change made to a historical property.

Vice Mayor Eudey stated he agreed with both Mayor Thurmond and Council Member Lester. He stated he understood the purpose of the survey was to determine if a property was a historical site and to photograph a historical site for preservation purposes. He stated he disagreed with Mayor Thurmond on one point: this was not a slippery slope; City Council determined the slope, and while he was a member of Council, he would never vote to take away a citizen's right to alter a property, as long as the alterations were within the law.

City Manager Spurgeon stated he and Mr. Stephens were asking City Council's support in conducting a survey to determine if the 100 structures, or inventory worthy structures, were of historical significance. He stated if Council agreed to conduct the survey he would work with the State's Historic Preservation Office, put out an RFP (Request for Proposal) for a qualified company to conduct the survey, and the qualified company would determine which of the properties had historical significance. He stated Council would have full authority over what was done with the survey results. He stated he would recommend an Ordinance indicating a historical property should be photo documented prior to making major changes, certainly not prohibiting changes. He stated the Ordinance could be voluntary, requesting residents allow a property to be documented prior to demolition, or it could be mandated via Ordinance. However, he stated the survey would just determine which properties held true historical significance.

Council Member Wimpee asked if there was any process in place regarding demolition of a historical property. City Manager Spurgeon responded in the negative; there was a demolition process that required utility disconnection, regulated what type of demolition was conducted, and a permit was required from development services, but nothing specific regarding demolition of a historic property.

Council Member Parks stated he agreed with Mayor Thurmond regarding a possible slippery slope, but he also understood that the intention of the survey was to determine if a property was

historical and that any action taken with the survey results would be at the direction of City Council. He stated he understood many cities had historical areas which were regulated and were beautiful; however, the homes in said areas were all historical, not modern homes mixed amongst historical homes, and residents of the historical areas understood prior to purchase there would be regulations in place to preserve historical authenticity. He stated he did not want Broken Arrow residents who happened to own historical properties be overly regulated, but he did not feel it was a problem to document which homes were historical. He stated he felt the survey would be a positive contribution to the City of Broken Arrow; however, he did not agree with refusing to allow a resident to demolish a home, and certainly did not agree with regulating historical homes differently than other homes. Discussion ensued regarding ordinances, photographing properties, voluntary or mandatory documentation, historical areas in other cities, the importance of not prohibiting demolition, etc.

Council Member Parks stated the item before Council at present was only approval of a survey to be conducted, not approval of a future ordinance. Vice Mayor Eudey agreed and stated he would like to conduct the survey, determine which properties held historical significance, and give residents the opportunity to document historical properties. Mayor Thurmond stated he read in the presented materials the survey was the short term goal and he wondered what the long term goal was. Mr. Stephens stated the only thing being brought before Council was the survey, and the Broken Arrow Built Heritage Preservation Committee would bring any additional requests before Council in the future for approval or denial; however, the Committee had not expressed to him desires further than the survey at this time.

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

Move to approve and authorize participation in a survey to determine and identify potential historic structures and sites in the City of Broken Arrow

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey,
Abstain: 1 - Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Council Member Lester stated he felt the Public Forum meetings for the Bond Package were extremely successful. He stated many citizens had approved the process and enjoyed the hands on approach to projects and information. He stated as a result of the process several new project possibilities had been discovered and he thanked Michael Spurgeon and staff for organizing and conducting the Public Forums.

Mayor Thurmond agreed and stated he received many positive comments regarding the Public Forum meetings. He stated only three projects had been eliminated as a result of the meetings, and many new road projects had been suggested, and he had even received a few comments regarding trash bags. He stated it would be highly difficult to complete all proposed projects, but he felt the meetings were overall positive.

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

City Manager Michael Spurgeon stated he received an update from the Engineering Director and Parks Director that the Dog Park should be opening the beginning of April. He stated he would inform Council of the exact dates when he received them.

City Manager Spurgeon reported approximately 100 individuals attended each Public Forum meeting and he thanked the Directors and staff members for the hard work that went into ensuring the meetings were engaging and informative. He thanked the Council Members for attending the meetings. He reported the next step would begin the paring down process and he asked Council to determine the pared-down amount goal. He stated once the goal was met he felt it was important to hold another Public Forum meeting to review what would and would not be in the Bond Package. He stated staff was compiling the comments received during the Public Forums for Council review and to be used as a paring tool. He stated the proposed final Bond Package would be presented to Council at the second City Council meeting in May.

City Manager Spurgeon stated he understood the Home Owners Association meeting was outstanding and had great participation. He thanked Development Services, Director Michael Skates, staff, and all the other Directors that participated. He passed on a reminder from the City Attorney, Beth Ann Childs, to the Council that the official statement in regards to the issuance of bonds is very close to being submitted. He asked for Council Members to set some time aside to review the official statement. He also stated he had an excellent meeting with the Rotary Club yesterday and received support from the Rotarians regarding city Bond Package goals. He stated he felt it was going to be difficult to eliminate projects from the Bond Package as he believed all the currently proposed projects were worthy. He stated the challenge would be to balance

the package between Quality of Life, City Facilities and Streets, even with Streets dominating the package, and he looked forward to hearing the Council's input in this regard.

At approximately 7:27 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority.

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

Move for a brief recess to meet for Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

At approximately 7:36 p.m. Mayor Thurmond reconvened the regular session of the City Council meeting. He stated there was an Executive Session and he would entertain a motion for a brief recess to clear the room for the Executive Session.

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

Move for a brief recess to clear the room for the Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

The Council returned to the room at approximately 7:40 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:

- 1. Litigation, including potential resolution, of a matter involving the tort claim of Robert L. Gordon vs. City of Broken Arrow, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claim, litigation and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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 7:42 p.m. the regular session of the City Council Meeting was reconvened and the room was opened to the public.

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

Move to find the Executive Session was necessary to process the pending claim in the public interest

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to deny the claim filed by Robert Gordon

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 7:43 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

s/Craig Thurmond _____
Mayor

s/Lisa Blackford _____
City Clerk