



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*

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Tuesday, September 6, 2016

Time 6:30 p.m.

Council Chambers

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1. Call to Order

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

2. Invocation

Pastor Scott Moore delivered the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Vice-Mayor Carter led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

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

- A. 16-954 Approval of City Council Meeting Minutes of August 16, 2016
- B. 16-1057 Acceptance of Broken Arrow Planning Commission Meeting Minutes of July 28, 2016
- C. 16-1076 Approval and authorization to execute a first amendment to the Pharmacy Benefit Management Services Agreement with Navitus Health Solutions, LLC to continue to provide pharmacy benefit manager services for the employee health plan
- D. 16-1069 Approval and authorization to ratify benefits renewal from Unum to provide long-term disability insurance to City employees
- E. 16-1096 Approval and authorization to execute a Professional Services Agreement with First Southwest Asset Management, LLC for arbitrage rebate compliance services
- F. 16-1075 Approval and authorization to execute a Professional Consultant Agreement with GH2 Architects, LLC for design of new Fire Station No. 7 (Project No. 173509)
- G. 16-1088 Approval and authorization to execute a Third Amended Contract for Program Management Services for the City Hall Renovation with Magnum Construction, Inc.
- H. 16-888 Approval and authorization to purchase a video and audio system for the Development Services Conference Room from Ford Audio-Video pursuant to Oklahoma State Purchasing Contract #ITSW1021 and approval and authorization to execute a System Installation Agreement for the purchase
- I. 16-1047 Approval and authorization to execute Pay Request Number One (1) to the Institute for Building Technology and Safety for Professional Building Plan Review and Inspection Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center
- J. 16-1022 Notification of Change Orders with a value of less than \$25,000 on Engineering and Construction contracts since the last City Council Meeting
- K. 16-1083 Acknowledgment of Architect-Engineer Agreements and Professional Services Contracts and Amendments with a value of less than \$25,000
- L. 16-1023 Approval and authorization to execute the Traffic Calming Policy for 37th Street South between 194th Street and 197th Street
- M. 16-1030 Final Acceptance of the public improvement (water) for Creekwood Apartments located at 2401 West Omaha Street, Broken Arrow, Oklahoma

- N. 16-1092 Approval and authorization to execute Union Pacific Railroad Traffic Signal Preemption Request Forms for railroad grade crossings at Main Street near Fort Worth Street, Elm Place near Broadway Street, and Oneta Road near State Highway 51
- O. 16-1025 Acceptance of a Deed of Dedication from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract A, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- P. 16-1027 Acceptance of a Utility Easement from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract A, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- Q. 16-1031 Acceptance of a Deed of Dedication from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract B, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- R. 16-1034 Acceptance of a Utility Easement from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract B, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- S. 16-1035 Acceptance of a Deed of Dedication from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract D, located south of the southeast corner of Albany Street and Evans Road, Wagoner County, State of Oklahoma
- T. 16-1036 Acceptance of a Utility Easement from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract D, located south of the southeast corner of Albany Street and Evans Road, Wagoner County, State of Oklahoma
- U. 16-1046 Acceptance of a Deed of Dedication from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract G, located one-quarter mile south of Albany Street, east of Evans Road, and east of Evans Road, south of Albany Street, Wagoner County, State of Oklahoma
- V. 16-1048 Acceptance of a Utility Easement from The Donald R. Tredway and Donna J. Tredway Family Trust for Tract G, located one-quarter mile south of Albany Street, east of Evans Road, and east of Evans Road, south of Albany Street, Wagoner County, State of Oklahoma
- W. 16-1043 Acceptance of a Deed of Dedication from James R. Rolland and Tamara J. Rolland for Tract F, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- X. 16-1040 Acceptance of a Utility Easement from James R. Rolland and Tamara J. Rolland for Tract F, located one-quarter mile south of Albany Street, east of Evans Road, Wagoner County, State of Oklahoma
- Y. 16-1041 Acceptance of a Utility Easement for Sanitary Sewer, on Lot 1, Block 65, Original Town of Broken Arrow, and Lot 12, Block 11, Homestead Addition, Tulsa County, State of Oklahoma
- Z. 16-1042 Acceptance of a Utility Easement for Sanitary Sewer, on Lot 12, Block 11, Homestead Addition, Tulsa County, State of Oklahoma
- AA. 16-1067 Acceptance of a General Warranty Deed and Temporary Construction Easement for a tract of land located at Lot One (1), Block Seven (7), of Blocks 4 through 7, Arrow Village Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street widening from Elgin to El Paso (Project No. ST1210)
- BB. 16-1066 Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement conveyed to the City of Broken Arrow a tract of land that is part of Block Two (2), Mound View Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street widening from Elgin to El Paso (Project No. ST1210)
- CC. 16-1068 Acceptance of a Utility Easement, and Temporary Construction Easement for a tract of land that is part of Lots Eight (8) and Nine (9), Block One (1), East Haskell Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the US Government Survey for the 9th Street widening from Elgin to El Paso (Project No. ST1210)
- DD. 16-1065 Acceptance of a Utility Easement and Temporary Construction Easement for a tract of land that is part of Lot Seven (7) and Eight (8), Block One (1), East Haskell Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street widening from Elgin to El Paso (Project No. ST1210)
- EE. 16-1064 Acceptance of a Temporary Construction Easement for a tract of land that is part of Lot Seventeen (17), Block One (1), Lynn Lane Plaza, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for

**the 9th Street widening from Elgin to El Paso (Project No. ST1210)**

- FF. 16-1052** Approval of rezoning request, BAZ-1961, Crossings at Lynn Lane, 26.95 acres, A-1 to RS-3, one-quarter mile East of 9th Street, North of Washington Street, City of Broken Arrow, Oklahoma
- GG. 16-1093** Approval of PT15-118, Conditional Final Plat, 51 Aspen Mini Storage, 1 lot, 5.82 acres, A-1 to PUD 248/IH, one-third mile west of Evans Road, South of State Highway 51
- HH. 16-1056** Approval of PT15-119A, Conditional Final Plat, Kum & Go #837, a replat of Lot 1, Block 1 of BOL Addition & Lot 9, Block 2 of Prairie Dale Addition, 3.33 acres, A-RS1 and CN to PUD 247A/CN, west of Oneta Road, north of State Highway 51
- II. 16-1053** Approval of complete abrogation of Planned Unit Development (PUD)-190 and rezoning, BAZ-1805, Tarp Cottages, 5.71 acres, R-1, R-3, RM, and SP-86B, south of Washington Street, one-half mile west of Elm Place
- JJ. 16-1029** Approval and acceptance of Amended Deed of Dedication and Restrictive Covenants for PT 12-107, Park at Albany, 15.3 acres, PUD 217, about one-quarter mile north of Albany Street, on the east side of 23rd Street (County Line Road), Broken Arrow, OK
- KK. 16-1099** Approval and authorization to execute a Promotional License Agreement on City Property allowing Cox Communications to host the 2016 Cox Community Concert Event
- LL. 16-828** Approval of the Broken Arrow City Council Claims List for September 06, 2016

**6. Consideration of Items Removed from Consent Agenda**

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

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

**A. 16-1063 Presentation and discussion on City of Broken Arrow University, also known as COBA-U**

City Manager Michael Spurgeon recalled his emphasis on having an established leadership and management program where both current and future leaders could maintain and improve skills, and on adopting a succession plan so that in the event of an absence or vacancy, subordinate leaders could step in to do the job. He stated he had spoken with Assistant City Manager of Administration Russell Gale, Acting Director of Human Resources Janette McCormick, and City Attorney Beth Anne Wilkening on his vision regarding continuity in government. The three did a masterful job in taking the idea and making it possible to be turned into a reality. He invited Ms. Wilkening to give a presentation outlining the program.

Ms. Wilkening gave credit to Mr. Spurgeon for naming the program "COBA-U," after she, Ms. McCormick and Police Chief Boggs approached him on what they had in terms of employment training. They, in turn, came up with the tagline, "Advancing the City of Broken Arrow, one employee at a time." They identified some of the benefits and challenges and how they wished the program to advance. Benefits the program would reap included a more educated and informed workforce, assistance with succession planning, increased efficiency, fostering of relationships between departments, a more motivated workforce, enhanced employee recognition, leadership development, and improved employee interpersonal skills.

She explained that the program itself, would be comprised of five stages, with participants required to successfully complete each level before advancing to the next stage. Ms. Wilkening stated that she saw the initial level, providing an overview of municipal operations and basic employment tenets, as very important, particularly in education of the City's workforce with regard to financing. Such education encouraged employee buy-in and advocacy for General Obligation Bonds. She went on to say that Chief Boggs was very instrumental in formulating the concept that higher level employees be given more challenges and more comprehensive, in-depth information designed to develop leadership within the organization. The program would feature certain core topics, as well as electives, with staff making use of online and video formats, along with reading assignments and activities designed to demonstrate understanding and application of course principles.

The five stages of COBA-U were specified as the core curriculum, followed by pre-supervisor, supervisor, management, and lastly, leadership. Major objectives would include participation of all City employees in some aspect of the program, succession planning and preparation of future supervisors and management for leadership roles, and program sustainability with respect to orientation of new employees looking ahead.

Concerning its initial phases, considered by the Leadership Team as a pilot program, Ms. Wilkening said that the city-wide program would engage a total of 48 employees, breaking them up into three different groups. Group members and representatives from all City Departments would meet in the City Hall Conference Room, with 3-hour classes held on a monthly basis for a period of one year. Department Directors would make recommendations to the City Manager following an online application process and Mr. Spurgeon would select employees for the COBA-U Class of 2017. It was anticipated that

classes would begin in October and those who successfully completed the course would be recognized by the City Council.

An introductory video for City staff on COBA-U was shown, in which it was explained that the first phase of the program would cover such subjects as sexual harassment, municipal budgeting, testifying in court, litigation against public employees, and accident reporting and investigation. Ms. Wilkening thanked Director of Communications Krista Flasch, along with her videographer, Assistant to the City Manager/Economic Development Coordinator Norman Stephens, Police Chief Boggs and Risk Manager Amanda Martin for their participation in creating the video. Ms. Wilkening added that she wished to express her appreciation to all Department Directors and staff who worked tirelessly to bring such an exciting program to fruition.

Mr. Spurgeon concluded by saying that one of the things he was most proud of in nearly a year of serving as City Manager, was the increased interaction and cooperation between staff members that was advancing the community in many ways. COBA-U would further enable them to build relationships and networks to fill leadership roles in the future. A newly-appointed Director who had attended COBA-U would have the advantage of relationships and knowledge already gained, from the outset.

**B. 16-1116**

**Presentation of “Chief’s Award” by Police Chief David Boggs to Mr. Michael Lewis from the Information Technology Department for exemplary service above and beyond his required duties**

Police Chief David Boggs explained that the Police Department maintained fairly rigorous awards criteria and although anyone could be nominated for an award, an awards committee was in place to maintain the integrity of the process. The committee, comprised of previous award winners, were responsible for vetting and making recommendations, including on the level of award. Chief Boggs reported that Mr. Lewis was nominated for an award by their Patrol section for the amount and quality of work he had done over the past few years, especially in regard to the original BAPD laptop computers and computer programs that kept field officers on the job and connected to Communications. Chief Boggs cited his tireless efforts, giving of work and personal time to make sure officers’ computers were working, and his helpfulness and quickness to assist officers and technicians in need, regardless of the time of day, even when not on call. He also cited that Mr. Lewis’ support in solving all technological problems the Department had faced had been vital, including with the new Dell computers. He concluded by stating that Mr. Lewis’ efforts were recognized as indispensable to their daily mission and supported the Department’s efforts to serve the community as efficiently as possible and that was why he was receiving the Chief’s Award. Chief Boggs added that it was one of the highest awards they gave to a non-uniformed employee, and for the awards committee to bestow it upon him meant they thought tremendously of Mr. Lewis’ accomplishments in the Department.

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

No citizens signed up to speak.

**9. General Council Business**

**A. 16-1098**

**Consideration, discussion, and possible approval and authorization to execute a Professional Services Agreement by and between the City of Broken Arrow and ADG, Inc. related to the Downtown Residential Overlay District project**

Michael Skates, Director of Development Services, stated that the item represented a contract agreement with a firm out of Oklahoma City for development of an overlay district in their residential area. Referring to the City’s Downtown Master Plan devised about 12 years earlier, Mr. Skates recalled that improvements needed along Main Street and Broadway for commercial development, as well as in residential areas, were identified. Over the years the City had cleaned up a lot of dilapidated properties and demolished some houses, resulting in some renewed interest in downtown residential housing. Earlier in the year, they met with a group of stakeholders to examine residential areas in order to advance neighborhoods in a way that would make it easy for both developers and homeowners to improve properties, and to proceed through processes that could be very cumbersome at times. Under the City Manager’s leadership, a five-member coordinating committee was formed and the City Attorney came to the Council with a moratorium that didn’t halt development, but created a process whereby those who wished to erect new housing would bring it to the five-member committee for review. They put together an RFP (request for proposal) at the same time, he explained, based on comments from stakeholders, finally selecting the firm Architectural Design Group (ADG, Inc.) for the downtown overlay district project. The overlay contract was broken up into four phases, with a timeline of eight months and the goal of creating an overlay district without City staff being the arbiters. They wished to provide a pathway, including design standards, which developers could embark upon according the parameters of various types of housing within the downtown area, and move forward quickly, avoiding cumbersome delays involving changes to zoning, the Comprehensive Plan, and so on. Mr. Skates informed the Council that the contract was for \$95,000, which would initially be paid with Sales Tax Capital Improvement (STCI) Funds, and then they would receive reimbursement from Vision Funds in October.

Mr. Spurgeon added that he considered ADG to be the best people for the job, having the best skills set and experience. Incidentally also, a couple of people in the company were from Broken Arrow and were vested in the community, having a personal desire to see it succeed. He thought the contract they had negotiated was reasonable and he requested that the Council approve it.

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

**Move to approve the Professional Services Agreement with ADG, Inc. and authorize its execution**

The motion carried by the following vote:

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

**B. 16-1118 Consideration, discussion, and possible approval of and authority to execute an Assignment of the Contract between the City of Broken Arrow and 81st and Memorial, LLC to the Broken Arrow Municipal Authority (BAMA) to pay for excess water service to serve 140-acre tract and provide water service from 1/4 - mile west of Aspen Avenue (145th) approximately 2,690 feet west along Tucson Street (121st) to serve the Shadow Trails Subdivision and other undeveloped areas for the City Water System**

Ms. Wilkening reported that she had been approached the previous week about the necessity to transfer a contract between the City of Broken Arrow and 81<sup>st</sup> and Memorial, LLC to the Broken Arrow Municipal Authority (BAMA), since funding was coming from the Municipal Authority. It was decided that the easiest way to do it would be for the City to assign the contract. She commented that it was an excess capacity situation, and what was typically done with respect to sanitary sewer contracts, they did for water, due to the necessity of upsizing the line, providing for future development. Importantly, it was competitively bid and Ms. Wilkening requested that the Council approve the Assignment of Contract.

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

**Move to approve Assignment of the Contract and authorize its execution**

The motion carried by the following vote:

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

**C. 16-1094 Consideration, discussion, and possible approval and authorization to execute a Professional Services Contract with Geographic Technologies Group for a Geodatabase of City Parks and Facilities (Project No. 176003)**

Department of Parks and Recreation Director Scott Esmond informed the Council of an innovative geographical information system (GIS) being brought before the Council for their consideration. His Department proposed to contract with Geographic Technologies Group, a firm that was currently providing services for the City's GIS, managed by the GIS analyst in the Department of Engineering/Construction. Other Departments receiving support from Geographic Technologies Group included Utilities, Police, Fire and Development Services. The central feature of the Parks and Recreation GIS inventory system was the gleaning of information geographically, regarding the Parks system's millions of dollars in assets. The GIS could be used to provide information on when facilities were constructed, when they were updated, as well as information on their current condition and value. Some specific assets included were: HVAC systems and facilities, age of roofs, hot water tanks, flooring, elevators, playground systems, spray pools, swimming pools, tennis court lighting and surfacing, security lighting, parking lots, trails, shelters, restrooms, concessions, and fencing. Also included would be the City's assets in the Rose District, including the underground irrigation system, sound system wiring, and wiring for special events, plus other amenities going along with the interactive water feature and the shelters at the Rose District Market. All inventory items would be accompanied by an identifying photo. Mr. Esmond explained that the information would be utilized in connection with future capital replacement requests and when performing maintenance and programming of current facilities.

Another focus of the GIS would be a tree inventory of the entire Parks system. This would include the species of tree, a photograph, and a description of its condition, which would serve to assist Managers with regard to replacement schedules for the Broken Arrow's urban forest.

A work order management function would be part of the GIS system, allowing staff to view information in real time and to make changes to the inventory system when changes are made in the field. It would provide information geographically on date of installation, manufacturer, and warranty. Inputting of information could be performed through a smartphone or tablet. In addition, staff interacting with the public on a daily basis would be able to access information geographically, and disseminate information on specific site amenities, size of facilities, occupancy regulations, etc. Another function would allow the public to pull up the same information on their own and take an online GIS tour of parks and facilities.

Mr. Esmond stated that Park management would be able to connect with already established databases through the GIS system. Some of the databases included the recreation software RecTrac, currently used for facility reservations, class enrollment, payment and revenue tracking, and capturing current users. He reported that to date, they had captured 35,000 people into the database. It would allow for targeted marketing, along with tying into census

data. Broken Arrow's GIS system would connect to the National Recreation and Park Association database PRORAGIS, (Park and Recreation Operating Ratio and Geographic Information System), feeding information into the national system. It would also serve as a way to benchmark the City's services and facilities against other agencies across the region and country.

Mr. Esmond said, in conclusion, that he believed that the GIS would be a critically software package for current and future management of Broken Arrow's Parks and Recreation Department. He stated that the contract was not to exceed \$59,500, of which \$30,000, he estimated, would be for the company to come in and actually do the inventory of the Parks system, do data input into the GIS system, and do the design (including the golf course, clubhouse, banquet facility, irrigation system, pump houses, etc.). Software, training and education, 24-hour support, along with a company promise to return in a year's time to update the system, were also part of the package. He noted that it was a budgeted item, STCI for FY-2017, and he requested that the Council approve the contract.

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

**Move to approve the Professional Services Contract and authorize its execution**

The motion carried by the following vote:

Aye: 5 -

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

**D. 16-1087**

**Consideration, discussion, and possible approval to reject bids and re-advertise bids on a construction contract for Leisure Park I Mill and Overlay (Project No. ST1509), and find that both the rejection of bids and re-advertising is in the best interest of the citizens of Broken Arrow and the State of Oklahoma**

Alex Mills, Director of Engineering/Construction, recalled that the project in question was approved in the 2011 General Obligation Bonds, with the intention to mill and overlay a residential street subdivision. The project, designed in-house by staff, was advertised in late June/early July. A minor addendum was issued three days before bids were to be received, and due to an oversight, they did not confirm that the apparent lowest bidder received the addendum. They discovered the discrepancy once they reviewed the bids. It was their recommendation, therefore, to reject all bids and go back and advertise the project again.

Mr. Spurgeon inquired whether they would try to get the project started before the end of the year and Mr. Mills replied that they absolutely would.

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

**Move to reject bids and re-advertise, finding that both actions are in the best interest of the citizens of Broken Arrow**

The motion carried by the following vote:

Aye: 5 -

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

**E. 16-1049**

**Consideration, discussion, and possible approval of rezoning request, BAZ-1960, Margaret Couch Scrapper Family Trust, 40 acres, A-1 to RS-3, one-half mile south of Houston Street, one-quarter mile east of 23rd Street, north of the M.K.&T. Railroad**

City Planner Farhad Daroga stated that the tract under consideration for rezoning was accessible only from the Oak Creek South subdivision, having two points of access. Oak Creek South to the north of the property had been developed as an R-2 single-family residential neighborhood. The application was to zone the tract from its agriculture classification to RS-3, for a new single-family residential subdivision. He related that the Planning Commission had considered the application and had held a public hearing in August, in which a couple of citizens spoke with reference to access to the site. The Commission recommended approval of RS-3 zoning subject to the property being platted, as well as consideration of a construction access point from the northwest of the property, coming out to County Line Road. He added that there was undeveloped property immediately north and west of the tract where access could be acquired. The applicant indicated to the Planning Commission and staff that they were in the process of negotiating the access and would consider providing construction access from the northwest when the 40-acre site was developed. Mr. Daroga remarked also that there was no access to the south because of the railroad tracks, and further to the east was found industrial zoning for industrial development going forward.

Councilman Parks asked for confirmation that access for construction would be temporary access only. Mr. Daroga said that was correct. He went on to say that staff had suggested to the property owners that they consider developing a base for the temporary access that could become a future roadway, when that property was developed. At present, it was an 80-acre undeveloped tract under ownership of one party. He observed that the 80 acres was part of three separate tracts, two 40-acre lots, and the immediate property to the northwest, on the map, was divided diagonally by the railroad tracks. There was sanitary sewer on the west side of the property, i.e. on the west side of County Line Road. He pointed out that the infrastructure was there for the tract to develop, except for construction access that neighboring residents had opposed. Therefore, he concluded that it might be better to consider a construction access design that could be converted to a future road, if they were to a base accordingly.

Councilman Eudey commented that it was part of his question because he wondered if the

City was confident that access out of Oak Street South would be sufficient to avoid traffic issues for the new development to the south. Mr. Daroga answered that it was adequate for a 40-acre site and there were two access points currently. Possibly, if done correctly, there would be a third one further to the west, heading northwest onto County Line Road. However, by itself, as subdivisions went, the 40-acre site, if in the RS-3 density being roughly three to three and a half dwelling units per acre, approximately 120 houses could be accommodated in the area on the two stop streets that were there.

In reply to a question from Councilman Lester on whether it was assumed that land abutting the County Line was going to be residential, Mr. Daroga stated that it was designated residential at the present time. Councilman Lester commented that as they tried to develop the area to the north, he had some reservations about designating that area to the north as residential or failing to notify the applicant that that land might have other use should the City try to develop it more as a commercial corridor. It was observed that it was Level 2 in the Comprehensive Plan, changing to Level 4, as shown in the upper left hand corner of the map. Councilman Lester pointed out that the likelihood of their building residential dwellings close to the railroad tracks was highly unlikely. Mayor Thurmond observed that he would think that the potential road itself, could be part of the design and construction, since you could not really put conditions on it for zoning. Councilman Lester agreed, saying he understood and was just hypothesizing. Councilman Eudey said that tied into his question whether there was a way in the designing, since it was not at hand, to make the third point of access part of the design plan for the area. Mr. Daroga reiterated that it was a suggestion that was made by the Planning Commission to encourage the developer to consider that access, so that construction equipment did not have to proceed through the existing residential neighborhood. Councilman Parks said the temporary access would probably be arranged but the probability of their making it a permanent base was nil unless it was put in writing by the City. Mr. Daroga replied that he was correct.

With regard to stipulation of a temporary access road in a motion on the item, Ms. Wilkening observed that the record was sufficient that as it moved forward staff would emphasize the necessity of temporary access because typically, such issues were handled during the platting process. She thought that the Council had considerable leeway in the matter since it was a health, safety and welfare issue.

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

**Move to approve BAZ-1960 subject to the property being platted**

The motion carried by the following vote:

**Aye: 5 -**

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

**F. 16-1051**

**Consideration, discussion, and possible approval of Planned Unit Development (PUD)- 247A and rezoning request, BAZ-1962, Kum & Go 837, 2.87 acres for PUD 247A, A- 1 to CN 1.15 acres for BAZ 1962, West of Oneta Road, North of State Highway 51**

Mr. Daroga stated that the item represented a PUD application, along with zoning application BAZ-1962, for the expansion of the Kum & Go located on the north side of Highway 51, by Oneta Road. He recalled that the property was originally approved for a convenience store that had broken ground on the northwest corner of the intersection. The developers later acquired Lot No. 9 from the adjoining residential subdivision. Therefore, the application being considered was to enlarge the property to 2.87 acres. The property owners acquired the north lot of 1.1 acres to combine it with the original CH zone property. The PUD-247A would just enlarge the earlier approved PUD-247 by 1.1 acres. Mr. Daroga explained that the convenience store would have double-sided frontage and an entrance to the north, along with gasoline and diesel dispensers on the north and south boundaries of the store. He reported that the PUD was approved by the Planning Commission at their last meeting in August. It recommended approval of the enlarged PUD-247A and zoning the property as CN for the additional lot acquired. He indicated also that in August 11<sup>th</sup> meeting, based on the concerns of adjoining property owners from the west side, the Planning Commission recommended and the applicant agreed to place on the north parking area, along the north side of the building, that no overnight parking would be permitted. He referred to the map of a landscaping proposal prepared by Kum & Go, showing additional landscaping, screening and berming around the north and northwest sides of the property, where it adjoined single family residential areas.

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

**Move to approve PUD-247A and BAZ-1962**

The motion carried by the following vote:

**Aye: 5 -**

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

**G. 16-1071**

**Consideration, discussion, and possible appointment of a member of City Council to the Broken Arrow Downtown Advisory Board**

Assistant to the City Manager/Economic Development Coordinator Norman Stephens stated that the Broken Arrow Downtown Advisory Board Ordinance 2-230 provided for one City Council member to be appointed to the Downtown Advisory Board (DAB) for a term of four years. The appointment would fill Position Number One, currently filled by Councilman

Mike Lester. Position Number One, by Ordinance, would be appointed by the Mayor. Mr. Spurgeon said that he wished to make a recommendation regarding the item under consideration and the following two items. He related that over the past months he had had conversations with some Council members, staff, and members of the community about the Board. Looking at that the original mission that the DAB put forth a decade or so ago and where they were at present, one could see that they had done a yeoman's job in aiding the City Council to guide the community through the redevelopment process. The City was set to embark upon the final phase of construction of Streetscape 4, and once that was completed, they should take a moment to catch their breath, and re-examine the role of the DAB in terms of providing new focus or a redefinition of its mission, perhaps, so they would have clear direction going forward. Mr. Spurgeon said he welcomed involvement of the DAB in discussing appointment of a City Council member and the DAB thought that would be appropriate. Mayor Thurmond added that some discussion was that the meetings may be on an as needed basis, more sporadic, rather than a regular routine meeting.

Mr. Stephens stated that the second member of the DAB was Greg Graham, recalling that he had been appointed by Councilman Parks and Councilman Parks recommended that Mr. Graham continue to serve on the Board. Mr. Graham, a downtown businessman, was ready and willing to continue. Mr. Stephens went on to say that the third one was the Mayor's appointee, Lee Whelpley, who had served as a valuable asset to the DAB since 2012. Mr. Whelpley too, had expressed his desire to continue to serve another term which would expire, as would all the appointments, on October 1, 2020.

Mayor Thurmond noted that Councilman Lester did not wish to serve again and had recommended Councilman Eudey to fill his position. As such, the Mayor declared he gladly made the appointment of Scott Eudey to the DAB.

MOTION: A motion was made by Craig Thurmond, seconded by Mike Lester.

**Move to appoint Scott Eudey to the Broken Arrow Downtown Advisory Board**

The motion carried by the following vote:

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

**H. 16-1074 Consideration, discussion, and possible approval of appointment of Greg Graham to the Broken Arrow Downtown Advisory Board**

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

**Move to appoint Greg Graham to the Broken Arrow Downtown Advisory Board**

The motion carried by the following vote:

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

**I. 16-1073 Consideration, discussion, and possible approval of appointment of Lee Whelpley to the Broken Arrow Downtown Advisory Board**

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

**Move to appoint Lee Whelpley to the Broken Arrow Downtown Advisory Board**

The motion carried by the following vote:

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

**10. Preview Ordinances**

**A. 16-1032 Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau, Sec. 2-212 Appointments, specifically amending to include the staggering of terms for the Convention and Visitors' Bureau; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening asked the Council's indulgence in expediting the handling of items A through D. She recommended that the Council make one motion with reference to those four items. She reported that the first preview ordinance had to do with staggering terms for the Convention and Visitors' Bureau, as a recommendation of that particular division and the City Manager's Office.

She explained that the second preview ordinance entailed an amendment to the zoning code, having to do with POD-type containers, dumpsters, trash containers, as so on. At present, individuals were allowed to leave such containers for 180 days, as a Council member brought to their attention. Upon recommendation of staff, it was proposed that the time period be changed to a more reasonable one of 90 days.

The purpose of item C, the third preview ordinance, was basically, to bring the City of Broken Arrow into compliance with state statutes, which had been revised in recent years. The preview ordinance pertained, specifically, to pawn brokers and was also important in light of the important relationship between pawn brokers and the Police Department with regard to stolen property.

Item D represented an amendment to state statute involving use of turn signals. It was proposed a requirement regarding their impact on traffic, that would serve as probable cause and bring the City into compliance with state statute. Ms. Wilkening requested that the Council preview all ordinances and set them for adoption at the next meeting.



MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.  
**Move to preview the ordinances as outlined in items A, B, C, and D and set them for adoption**

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

- B. 16-889** Consideration, discussion, and possible preview of an amendment to the City of Broken Arrow Zoning Code amending Chapter 3, Use Regulations, Section 3.4 Temporary Uses and Structures and specifically providing for the use of temporary storage containers (POD-type containers) repealing all ordinances to the contrary; and declaring an emergency
- C. 16-882** Consideration, discussion, and possible preview of an ordinance amending Chapter 7, Business Regulations and Licenses, Article V. Pawnbrokers, Section 7-89. - Pawnbroker defined; Section 7.90. - State license required; Section 7-91. - Regulatory fee; Section 7-92. - Reserved; Section 7-95. - Required information; material; Section 7-89. - Place of business; Reserving Section 7-103. - Records required; amending Sec. 7-105. - Reports to police; Section 7-106. - Inspections; Section 7-112. - Penalties; adding regulations for Precious Metals and Gems, Section 7-152. - Definitions; Section 7-153. - State license; Section 7-154. - Records to be maintained; Section 7-155. - Certain goods to be kept by Dealer: Time and Procedure; Section 7-156. - Reports of Theft of Precious Metal; and Section 7-157. - Penalty; repealing all ordinances to the contrary and declaring an emergency
- D. 16-1089** Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article II, Operation of vehicles, generally; Section 23-57. - Use of signals - Turning; specifically requiring other traffic be affected as part of the probable cause for a traffic stop for improper use of signals, and bringing this section into compliance with state law; repealing all ordinances to the contrary; and declaring an emergency
- E. 16-1072** Consideration, discussion, and possible preview of an ordinance amending Section 25, Stormwater Management, Article IV, Floodplain Development Requirements, Section 25-304, Basis for establishing the Regulatory Flood Area, and specifically adopting Tulsa County, Oklahoma and Incorporated Areas and Wagoner County, Oklahoma and Incorporated Areas Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM)  
Ms. Wilkening underscored the impact that the ordinance being previewed would have on individual property owners. As the Council was aware, the City participated in the National Flood Insurance Program and was required to revise the floodplain boundaries at certain intervals. The revisions would be accomplished through the Flood Insurance Rate Map (FIRM) and through FEMA. Staff had worked diligently to resolve issues with respect to property owners and the ordinance would impact staff. The Engineering/Construction and Streets and Stormwater Departments worked very closely with Federal Government and with residents, in an attempt to educate citizens and keep development away from within floodplain.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.  
**Move to preview the ordinance and set it for adoption**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- F. 16-1062** Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located in Bixby Northeast Campus, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of 131st Street, one-half mile east of Garnett Road; repealing all ordinances to the contrary; and declaring an emergency  
Ms. Wilkening reported that it had been discovered that there was a building addition that overlapped an existing eight-inch water line. The Bixby schools were requesting that a new line and new easement be dedicated in order to provide service.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.  
**Move to preview the ordinance and set it for adoption**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- G. 16-1021** Consideration, discussion, and possible preview of an ordinance closing a mutual access and utility easement on property located in Indian Springs Manor, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located east and southeast of Block 8, Lot 1 across Indian Springs Golf Course; repealing all ordinances to the contrary; and declaring an emergency  
Ms. Wilkening reported that the ordinance being presented was in connection with some easements that were dedicated, pursuant to the plat of Indian Springs Manor. No utilities had ever been installed and all the utility companies were supportive of closure of the mutual

access easement and the utility easement. It was requested that Council preview the ordinance and set it for adoption at the next meeting.

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

**Move to preview the ordinance and set it for adoption**

The motion carried by the following vote:

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

**11. Ordinances**

**A. 16-1044**

**Consideration, discussion, and possible adoption of Ordinance No. 3444, an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article II, Purchases, Section 2-25. - When prior approval of Council is required; Granting the City Manager the authority to waive City fees if in the best interest of the City; repealing all Ordinances to the contrary; and declaring an emergency**

Ms. Wilkening pointed out that the Ordinance under consideration had not changed since it had been originally previewed. Particularly with the City's Manual of Fees, they thought it would be helpful and for the benefit of transparency that the City Manager be authorized to waive fees within the Code. It was requested that Council adopt Ordinance No. 3444 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3444**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause for Ordinance No. 3444**

The motion carried by the following vote:

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

**B. 16-1054**

**Consideration, discussion, and possible adoption of Ordinance No. 3445, an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article VIII, Planning Commission, Section 2-115. - Created; Composition; Specifically changing the language to reflect members of the Planning Commission shall be nominated by the Mayor to comply with Title 11, Section 45-102 of the Oklahoma State Statutes; repealing all Ordinances to the contrary; and declaring an emergency**

Ms. Wilkening explained that Ordinance No. 3445 had to do with nomination of the Planning Commission by the Mayor and would bring the City into compliance with state statute. It was that Council adopt Ordinance No. 3445 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3445**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause for Ordinance No. 3445**

The motion carried by the following vote:

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

**C. 16-1055**

**Consideration, discussion, and possible adoption of Ordinance No. 3446, an Ordinance amending the Broken Arrow Code Section 22-64(b) by increasing the Residential Development Fee in the City of Broken Arrow, Oklahoma; repealing all Ordinances to the contrary; leaving Section 22-64 (a), (c) and (d) unchanged; and declaring an emergency**

Ms. Wilkening stated that the Ordinance under consideration increased the Residential Development Fee. She indicated that as they went through the process of amending the Manual of Fees, the fees would be updated. It was that Council adopt Ordinance No. 3446 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3446**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause for Ordinance No. 3446**

The motion carried by the following vote:

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

**12. Remarks and Inquiries by Governing Body Members**

Mayor Thurmond said he appreciated the willingness of Council members to serve on

committees and all the time they put in. He thanked Councilman Lester for his time and efforts while serving on the Downtown Advisory Board and commended Councilman Eudey for volunteering to serve as the new member on the DAB.

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

Mr. Spurgeon observed that the final, completed copy of the 2017 Financial Report had been distributed to the Mayor and City Council that night. Later in the week, Broken Arrow residents would be receiving a copy of the document entitled, "Thrive! Your Money At Work." He encouraged citizens to take the opportunity to learn more about where the money came from and how it was spent, as well as to view their community with respect to sales and property taxes. He thanked the Finance Department and Communications Director Krista Flasch and her team for their work in putting it together. Referring to pages 13 and 14, he cited the categories projects under construction, bidding, ready to bid, making up about \$13.5 million worth of work. When you added projects in design and acquisition it was almost \$28 million worth of work for residents and utility customers that would be tackled over the next year or so. The figures did not count the work planned by the Broken Arrow Municipal Authority (BAMA), with regard to water and sewer.

Mr. Spurgeon reported that the work on Aspen and Kenosha Streets began early that morning. The cones were put out and the radio and television stations had both covered it, as part of the City's effort of making residents and businesses aware of the situation.

Mr. Spurgeon reported that through the efforts of City Engineer Tom Hendrix they received notice from INCOG (Indian Nations Council of Governments) of a \$32,000 grant for the installation of an idle reduction equipment for one of their ambulances. He also believed they would receive approval on a compressed natural gas grant for one or two vehicles. In addition, there were a couple more grant applications on which they were hoping to hear the results soon.

Mr. Spurgeon reported that Steve Steward sent him notice of two employees that had distinguished themselves recently. John Freeman, Information Technology (IT) Security Engineer, passed his exam on August 9<sup>th</sup> to acquire a Global Information Assurance Certification (GIAC) cyber security essentials certification (GSEC). Dustin Weber, Network Systems Engineer, passed his CCNA (Cisco Certified Network Associates). They, along with Mike Lewis and Steven Williams, were part of very motivated group of IT staff and the City was benefitting from their continuing education.

Finally, Mr. Spurgeon announced that the planning was underway for the ad hoc recycling committee. He suggested that at least one the Council member attend the meetings on behalf of the governing body, or possibly two, if the City Attorney didn't have a problem with it. Along with 10 to 12 residents should be included, someone from the Metropolitan Environmental Trust (M.e.t.), the Chamber of Commerce, and upon advice of Councilman Parks and Councilman Eudey, a Youth City Council member. He estimated that the group would meet a couple of time a month, for 4 to 5 months and would consist of a tour of the recycling center in west Tulsa. Mr. Spurgeon added that he would welcome a City Councilman serving on the committee, plus one assistant from Gershman, Brickner & Bratton, Inc. (GBB) to provide guidance.

Councilman Parks commented that he would be willing to serve on the committee, not as a chairman, because it should be a committee driven by the citizens, but as committee member.

Mayor Thurmond entertained a motion to recess at approximately 7:48 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session.

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

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

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:59 p.m. and entertained a motion for a brief recess prior to entering into Executive Session.

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

**Move to recess prior to entering into the Executive Session**

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 8:03 p.m. and asked for a motion to clear the room and enter into the Executive Session.

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

**Move to enter into the Executive Session**

The motion carried by the following vote:

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

**14. Executive Session**

**Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding**

**1. Economic development and specifically discussing an economic development proposal involving real property located between East Detroit Street and East Elgin Street and North Main Street and North First Street, in Broken Arrow, Oklahoma to include the transfer of property, financing, appraisal 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).**

At approximately 8:40 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

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

**Move to authorize the City Manager to enter into formal negotiations for an economic development agreement for this area**

The motion carried by the following vote:

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

**15. Adjournment**

The meeting adjourned at approximately 8:41 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, Craig Thurmond

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk