



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 Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Tuesday, April 16, 2019

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 performed by Chris Buskirk.

3. Roll Call

Present: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

4. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Administration of Oaths of Office

Judge Steven Edgar administered the Oaths of Office and the Loyalty Oath to the newly elected/re-elected Members of City Council.

6. Election of Mayor

Council Member Christi Gillespie asked to hear the official role and responsibilities of the Mayor and Vice Mayor. City Attorney Trevor Dennis explained there were specific statutory requirements and duties for the Mayor and Vice Mayor. He stated specifically in Title 11, Section 10-104, the Council elected a Mayor and Vice Mayor from the ranks of City Council; the Mayor's responsibilities were to be the presiding officer in City Council Meetings, to certify correct enrollment of all ordinances and resolutions passed by City Council and to be the statutory and administrative/ceremonial head of the City Government for ceremonial purposes and purposes of Military Law. He explained the Mayor signed conveyances and written obligations for City Council as required, for example, real estate transactions, accepting deeds, transferring property, etc. He noted the Mayor acted for purposes of emergency powers if there were an emergency declared in the City. He reported the Vice Mayor acted as the Mayor in the Mayor's absence, disability or suspension. He noted in addition, the Mayor had a role in the selection of judges, nominating Members of the Planning Commission, and Members of the Board of Adjustment. Council Member Gillespie stated she wanted to be sure City Council felt the current Mayor and Vice Mayor had fulfilled these duties.

Vice Mayor Eudey nominated Craig Thurmond for Mayor.

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

Move to elect Craig Thurmond as Mayor

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Mayor Thurmond thanked City Council and the City of Broken Arrow for its confidence in him. He stated he would use his 18 years of experience and knowledge, as well as the relationships he had built with local, state and national delegations to bring Broken Arrow forward.

7. Election of Vice-Mayor

Council Member Parks nominated Scott Eudey for Vice Mayor.

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

Move to elect Scott Eudey as Vice Mayor

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Vice Mayor Eudey thanked City Council.

8. Consideration of Consent Agenda

Mayor Thurmond stated Item P was to be removed from the Consent Agenda as it was approved at the previous City Council Meeting and was erroneously included on the current Consent Agenda. He asked if there were any additional items to be removed from the Consent Agenda. Council Member Parks indicated item D should be removed from the Consent Agenda for discussion. No other items were removed.

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

Move to approve the Consent Agenda without Item P and Item D

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 19-8 Approval of the City Council Meeting Minutes of April 2, 2019**
- B. 19-407 Accept Planning Commission meeting minutes of February 28, 2019**
- C. 19-408 Accept Planning Commission meeting minutes of March 14, 2019**
- D. 19-464 Approval of and authorization to allow the discharge of a cannon for civil war re-enactment at Centennial Middle School located at 225 East Omaha, Broken Arrow, OK, on April 26, 2019 at approximately 1:00 p.m., pursuant to Broken Arrow Code of Ordinances, Chapter 16, Section 16-12**
- E. 19-426 Approval of and authorization to accept Traders Insurance Company's offer to settle a claim for vehicle loss**
- F. 19-462 Approval of and authorization to accept Mercury Insurance's offer to settle a claim for vehicle loss, declare the vehicle surplus, authorize execution of the bill of sale and release vehicle to Mercury Insurance**
- G. 19-419 Approval of and authorization to execute the Tulsa County Urban County Community Development Block Grant (CDBG) Application for FY2019 Funds**
- H. 19-425 Approval of and authorization to execute an engagement letter with Crawford & Associates for fiscal year 2019-2020**
- I. 19-376 Approval of and authorization to execute a Professional Services Agreement with Granicus to improve the citizen website, BrokenArrowOK.gov**
- J. 19-427 Approval of and authorization to execute a Professional Consultant Agreement with Sisemore Weisz & Associates, Inc. for providing an ALTA survey and lot split documents for the Aspen Creek Park project (Project No. 196031)**
- K. 19-344 Approval of and authorization to execute Amendment No. 1 to the Professional Consultant Agreement with The Schemmer Associates, Inc. for providing CADD (Computer Aided Drafting Design) and Related Technical Support Services (Contract No. CADD 19-01)**
- L. 19-429 Approval of and authorization to execute Amendment No. 2 to Professional Consultant Agreement with Geodeca, LLC for Professional Surveying and related support services contract (Contract No. SURV-19-01)**
- M. 19-463 Approval of and authorization to execute a contract with Gerald Jimenez/DBA ARW Care for rose maintenance in the Rose District for Parks and Recreation Department**
- N. 19-438 Approval of and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2019 Rooster Days Festival**
- O. 19-434 Notification of Change Orders or Work Orders with a value of less than \$25,000 on Public Contracts**
- P. 19-377 Approval of and authorization to purchase one (1) 1-ton crew cab & chassis truck from Bill Knight Ford, pursuant to the Oklahoma Statewide Vehicle Contract, for the Streets and Stormwater Department**
- Q. 19-432 Award the lowest responsible bid to Scissor-Tail Construction, LLC, and approve and authorize execution of a construction contract for the Broken Arrow City Hall Corridor Remodel (Project No. 191722)**
- R. 19-442 Approval of and authorization to award Summit Truck Group as the most advantageous bid to replace the diesel engine in the fire department ambulance unit #1402**
- S. 19-456 Approval of and authorization to execute Resolution No. 1206, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 1, which consists of 0.389 acres of permanent Right-of-Way located at 101 West Twin Oaks in the Northwest Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Board of Education of Independent School District No. 3, the owner, for the Broken Arrow Creek Trail, Phase 1, Parcel 1 (Project No. 146020)**

- T. 19-452 Approval of and authorization to execute Resolution No. 1207, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2, which consists of 0.388 acres of permanent Right-of-Way generally located east of 101 West Twin Oaks in the Northeast Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Board of Education of Independent School District No. 3, the owner, for the Broken Arrow Creek Trail, Phase 1, Parcel 2 (Project No. 146020)
- U. 19-455 Approval of and authorization to execute Resolution No. 1208, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 6, which consists of 0.667 acres of Permanent Right-of-Way located east of 301 West New Orleans Street in the Northeast Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Board of Education of Independent School District No. 3, The owner, for the Broken Arrow Creek Trail, Phase 1, Parcel 6 (Project No. 146020)
- V. 19-451 Approval of and authorization to execute Resolution No. 1209, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 7, which consists of 0.120 acres of permanent Right-of-Way located at 301 West New Orleans Street in the Northwest Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Board of Education of Independent School District No. 3, the owner, for the Broken Arrow Creek Trail, Phase 1, Parcel 7 (Project No. 146020)
- W. 19-450 Approval of and authorization to execute Resolution No. 1210, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 8, which consists of 0.107 acres of permanent Right-of-Way located at 301 West New Orleans Street in the Northwest Quarter of Section 26, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Board of Education of Independent School District No. 3, the owner, for the Broken Arrow Creek Trail, Phase 1, Parcel 8 (Project No. 146020)
- X. 19-413 Acceptance of an Overland Drainage Easement from BA Corner, LLC, on property located one-quarter mile east of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E)(BA Corner)
- Y. 19-405 Approval of PUD-287 (Planned Unit Development), RDS Business Park, 19.70 acres, A-1 to CN/PUD-287, located one-quarter mile north of Kenosha Street (71st Street), east of 23rd Street (County Line Road)
- Z. 19-411 Approval of PT19-102, Preliminary/Conditional Final Plat, Attic Storage of Broken Arrow, 10.15 acres, 3 Lots, CH to CH and IL/PUD-284 via BAZ-2020, located one-quarter mile east of Aspen Avenue (145th E Avenue), north of Tucson Street (121st Street)
- AA. 19-453 Acceptance of a Temporary Construction Easement from Vicki McBride for Parcel 3A, which consists of 0.0152 acres of Temporary Construction Easement for Washington Street Improvements, Garnett to Olive, located east of Garnett Road and north of Washington Street in Broken Arrow in the Southwest Quarter Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Vicki McBride (Project No. ST1616)
- AB. 19-459 Acceptance of a Temporary Construction Easement consisting of 1.27 acres from Gene Woodward and Gwen Ester Gray, on property located at the southeast corner of South 9th and Jasper, located in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$3,830.00 for the County Line Trunk Sewer Replacement, Parcel 7.A (Project No. S.1609A)
- AC. 19-460 Acceptance of a Temporary Construction Easement from The Ruth Elizabeth Woods Revocable Trust on property located at 300 North Main Street, a tract of land in part of the W/2 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Main Street Streetscapes, Phase V, Parcel 4a (Project No. ST1820)
- AD. 19-458 Acceptance of a Utility Easement consisting of 0.24 acres and 0.17 acres of Temporary Construction Easement from Gene Woodward and Gwen Ester Gray, on property located at the southeast corner of South 9th and Jasper, located in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$3,190.00 for the County Line Trunk Sewer Replacement, Parcel 32.0, 32.1 (Project No. S.1609)
- AE. 18-1429 Approval of the Broken Arrow City Council Claims List for April 16, 2019

9. Consideration of Items Removed from Consent Agenda

Item P was permanently removed from the Consent Agenda and Item D was removed from the Consent Agenda for discussion.

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

Move to remove Item P from the Consent Agenda

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

D. 19-464 Approval of and authorization to allow the discharge of a cannon for civil war re-enactment at Centennial Middle School located at 225 East Omaha, Broken Arrow, OK, on April 26, 2019 at approximately 1:00 p.m., pursuant to Broken Arrow Code of Ordinances, Chapter 16, Section 16-12

Council Member Parks indicated item D was the approval of and authorization to allow the discharge of a cannon for civil war reenactment at Centennial Middle School located at 225 East Omaha, Broken Arrow, OK, on April 26, 2019 at approximately 1:00 p.m., pursuant to Broken Arrow Code of Ordinances, Chapter 16, Section 16-12. He explained the civil war reenactment was a large event and he believed it was important to inform the Citizens of Broken Arrow of the cannon which would be set off during the war reenactment at 1:00 p.m. Council Member Wimpee concurred and invited all to attend.

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

Move to approve Item D

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

A. 19-461 Recognition of Broken Arrow citizen Jackson Mears for his volunteer work for the City of Broken Arrow

Director of the Convention and Visitor's Bureau Lori Hill stated Jackson Mears was a 10 year old boy who attended Country Lane Intermediate School in Broken Arrow. She noted as a part of "Genius Hour" in school he worked on the Passion Service Project, for which he picked up seven bags of trash along a public fence line.

Ms. Dawn Seing of Keep Broken Arrow Beautiful indicated Keep Broken Arrow Beautiful's motto was to keep Broken Arrow clean, beautiful and safe. She stated she was thrilled to hear of Jackson Mears's endeavors and wished to recognize him and to encourage more youth to become involved with the Keep Broken Arrow Beautiful movement. She noted April is Keep Broken Arrow Beautiful month and the annual Trash Bash would be held April 27, 2019, in front of the Community Center on South Main, during which trash, recycling and tires would be collected. She thanked Jackson for his efforts.

Mayor Thurmond presented Jackson Mears with a Recognition Award which read: "In recognition of your recent hard work and volunteering efforts in cleaning up trash in our community."

Ms. Hill commended Jackson's parents for enabling him to volunteer.

Vice Mayor Eudey commended Jackson.

Council Member Wimpee invited the citizens of Broken Arrow to attend the Broken Arrow Trash Bash on April 27, 2019, and help clean up the City.

11. 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)

There were no Citizens who wished to address City Council on general topics related to City Business or Services.

12. General Council Business

A. 19-285 Consideration, discussion, and possible approval of and authorization to execute an agreement by and between EMS MC and City of Broken Arrow for participation in the Oklahoma Emergency Medical Services Certified Public Expenditure Program

Fire Chief, Jeremy Moore, reports this item was a modification to the existing agreement with the third party billing company, EMS MC. He indicated recent legislation passed last year enabled the State of Oklahoma to participate in a Federal program which allowed greater reimbursement for transports involving Medicaid patients. He noted the Public Consulting Group was a subcontractor for EMS MC who performed this service across the US and would be able to seamlessly perform this service for the City of Broken Arrow, realizing a 62% increase in the amount collected for Medicaid patients. He noted annually the Broken Arrow Fire Department responded to approximately 400 Medicaid patients and collected \$348 dollars for each call; however, by participating in this program the City of Broken Arrow would be able to collect an additional \$1,450 dollars, increasing total collections to \$1,798 dollars per Medicaid patient call. He stated this would equal an increase of \$600,000 dollars in revenue annually. He asked City Council to consider modifying the current agreement with EMS MC and allow EMS MC to collect the funds. He noted EMS MC charged a 10% fee on all funds collected.

Council Member Parks asked where the newly collected funds would be deposited. Fire Chief Moore responded all funds collected would go into the General Fund. Vice Mayor Eudey asked if this was Federal dollars being returned to the City. Chief Moore responded in the affirmative.

Council Member Gillespie asked if this was for both emergency and non-emergency calls. Chief Moore responded call type was not a consideration; funds would be recuperated for calls for all Medicaid patients.

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

Move to approve and authorize execution of an agreement by and between EMS MC and City of Broken Arrow for participation in the Oklahoma Emergency Medical Services Certified Public Expenditure Program

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 19-430 Consideration, discussion, and possible award of the lowest responsible bid for the Base Bid and Additive Alternate #1 to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for the Nienhuis Park Sand Volleyball Courts (Project No. 186023)

Director of Engineering and Construction, Alex Mills, reported item B was for the Sand Volleyball Courts, advertised March 11, 2019 and March 18, 2019. He noted the base bid included four sand volleyball courts and Add Alternate #1 for four bleachers with concrete pads. He stated nine bids were received and opened on April 2, 2019, two bids were nonresponsive, and the low bidder was Cherokee Pride Construction with a total bid of \$190,280 dollars versus the engineer's estimate of \$195,081.68. He stated this project was funded through the 2011 GO Bond.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move to award the lowest responsible bid for the Base Bid and Additive Alternate #1 to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for the Nienhuis Park Sand Volleyball Courts (Project No. 186023)

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 19-433 Consideration, discussion, and possible award of the lowest responsible bid for the Base Bid, Additive Alternate #1 and Additive Alternate #2 to Grade Line Construction, LLC and approve and authorize execution of a construction contract for the Old Town Streets - 1st Street from Dallas Street to College Street (Project No. ST1712)

Mr. Alex Mills reported item C was for the 1st Street project from Dallas Street to College Street and was funded through the 2014 GO Bond. He explained the project included full concrete replacement from Dallas to Commercial, milling and overlay from Commercial to College, and included striping and sidewalk from Dallas to Fort Worth. He noted the project was advertised on February 18, 2019 and February 25, 2019, and bids were opened on April 2, 2019 with the low bidder being Grade Line Construction with a total bid of \$433,615.86 versus the engineering estimate of \$499,698.38.

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

Move to award the lowest responsible bid for the Base Bid, Additive Alternate #1 and Additive Alternate #2 to Grade Line Construction, LLC and approve and authorize execution of a construction contract for the Old Town Streets - 1st Street from Dallas Street to College Street (Project No. ST1712)

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

D. 19-431 Consideration, discussion and possible approval of and authorization to execute Resolution No. 1205, a Resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the case of Matthew B. Brooks and Kristin K. Mills, et al., Tulsa County District Court Case Number CV-2019-273, authorizing the foreclosure of a closed easement located at 2304 East Queens Street, Broken Arrow, Oklahoma
City Attorney, Trevor Dennis, reported Mr. and Mrs. Brooks lived in Broken Arrow at 2304 East Queens Street. He noted in 2010 it was discovered the Brooks' home was approximately 0.8 feet inside and on top of a Broken Arrow utility easement. He explained it was determined this utility easement was not needed for public purposes and as a result the city closed the utility easement. He indicated this was the second phase of the utility easement closure where the home owner went to District Court, filed a law suit, named the utility companies, the city and asked for this 60 foot portion of the easement to be vacated. He explained the city had no objection, the utility companies had either disclaimed or agreed, and this would allow the home owners to keep the house in its current location. He recommended City Council pass Resolution No. 1205 and authorize its execution.

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

Move to approve Resolution No. 1205 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- E. 19-439 **Consideration, discussion and possible approval of and authorization to execute a Waiver of Conflict of Interest between Hall Estill, Attorneys at Law and the City of Broken Arrow involving a lawsuit filed by the City of Broken Arrow against Mallinckrodt, LLC and Mallinckrodt, PLC**
- City Attorney Dennis reported the city was involved in litigation against the manufacturers and distributors of opioids which had created a crisis throughout the country. He noted there were approximately 1,200 political subdivisions, including states and counties which were suing the manufacturers and distributors of opioids across the country. He noted the defendants were large complex defendants who typically engaged large law firms, and in this particular case two of the defendants had retained Hall Estill as local council. He explained Hall Estill currently provided legal services to the City of Broken Arrow in the area of environmental law through Mr. Ken Williams. He stated Mr. Williams with Hall Estill would not be involved in the defense of the opioid law suit. He explained a “great wall” was created between attorneys inside the firm to prevent sharing of confidential information between attorneys. He requested Council approve and authorize execution of the Waiver of the Conflict of Interest.
- MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
- Move to approve and authorize execution of a Waiver of Conflict of Interest between Hall Estill, Attorneys at Law and the City of Broken Arrow involving a lawsuit filed by the City of Broken Arrow against Mallinckrodt, LLC and Mallinckrodt, PLC**

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- F. 19-441 **Consideration, discussion, and possible approval of the appointment of Richard Carter to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2022**
- City Attorney Dennis reported item F was to appoint a Member to the City’s Board of Adjustment. He noted the Board of Adjustment was a statutory-created position under section 44-101 under Title 11 of the Oklahoma Statutes. He explained the City of Broken Arrow was required to have a Board of Adjustment and Members were required to be appointed for three years. He stated there was currently a five Member Board with four individuals on the Board, including Harold Tohlen, Steve Knight, Randy Cherry, Stanley Evetts; the fifth position had been vacant since 2017. He stated he understood Mr. Tohlen would be stepping down as of May 1, 2019 and as a result there would be two positions opened. He reported the Mayor nominated Richard Carter for appointment to the Board of Adjustment. He stated the City of Broken Arrow had adopted a policy, not an ordinance, which governed the appointments to Boards such as the Planning Commission and the Board of Adjustment in which the Mayor nominated individuals for the Boards; State statute did not speak to how cities appointed board members. He indicated following nomination, the City Council was required to confirm or deny the appointment by majority vote.

Mayor Thurmond stated in 2017 policy was changed from nominations being submitted by all Members of City Council to nominations being submitted by the Mayor; however, if the Council wished, this policy could be changed yet again. Council Member Wimpee stated she believed the current policy indicated City Council had the ability to make recommendations regarding appointments, which she appreciated, but she had not been afforded the opportunity to make a recommendation for this appointment. Council Member Gillespie noted she also was not afforded this opportunity. Mayor Thurmond stated he understood the Legal Department contacted Council Member Parks and Council Member Wimpee for recommendations. Council Member Wimpee stated this was done after nominations were made. Council Member Parks stated he liked the idea of the Council’s ability to nominate appointees and wished to reconsider allowing Council Members to make nominations. Mayor Thurmond agreed. Council Member Parks stated the Legal Department reached out to him regarding recommendations for nomination, and although the individuals he recommended were not selected, he had no objections to the individuals who were nominated. He stated he believed Richard Carter would do an excellent job serving on the Board of Adjustment.

- MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
- Move to approve the appointment of Richard Carter to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2022**
- The motion carried by the following vote:
- Aye: 3 - Johnnie Parks, Scott Eudey, Craig Thurmond
- Abstain: 1 - Christi Gillespie
- Nay: 1 - Debra Wimpee

Council Member Gillespie and Council Member Wimpee abstained and voted no for reasons of not being afforded the opportunity to make recommendations regarding this nomination.

G. 19-440 Consideration, discussion, and possible approval of the appointment of Rob Whitlock to the City of Broken Arrow Board of Adjustment for a two-year term to expire May 1, 2021

Mayor Thurmond stated item G would be tabled due to a conflict in State Statute. City Attorney Dennis explained the State Statute governed the term of office for Board of Adjustment Members; the city could not deviate from a three-year term of appointment. He explained there was a miscommunication in terms of attempting to abide by City Ordinance which required staggered terms for the Board of Adjustment. He recommended this item be tabled for consideration at the May 7, 2019 Meeting which would enable the recommendations for nomination to be heard and allow time to adjust the term to reflect a three year term in compliance with State Statute.

Vice Mayor Eudey asked if this would delay any matters pending before the Board of Adjustment. City Attorney Dennis responded in the negative. He indicated the next Meeting for the Board of Adjustment would be held May 13, 2019.

City Manager Spurgeon apologized to a resident in attendance that came before the Board of Adjustment in February 2019, and would now be required to return in May. He explained Development Services had not handled this situation appropriately and he sincerely apologized to City Council and to the applicant for this oversight.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.

Move to table Item G until May 7, 2019

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

13. Preview Ordinances

There were no Preview Ordinances.

14. Ordinances

A. 19-443 Consideration, discussion, and possible adoption of Ordinance No. 3562, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1968, generally located on the northeast corner of Kenosha Street and 23rd Street, granting a CN zoning classification be placed upon part of the tract along with PUD-254, and the partial abrogation of SP-257, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

City Attorney Dennis reported Ordinance No. 3562 was the final step in the zoning process related to a QuikTrip property located at the northeast corner of Kenosha Street and 23rd Street. He explained this codified the previously approved rezoning of QuikTrip's property from Commercial General to Commercial Neighborhood with the PUD overlay of PUD-254. He stated staff recommended Ordinance No. 3562 be adopted and the emergency clause be approved.

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

Move to approve Ordinance No. 3562

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 19-444 Consideration, discussion, and possible adoption of Ordinance No. 3563, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1971, granting an IL zoning classification be placed upon the tract along with PUD-268, generally located east of 9th Street, one-half mile south of Houston Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

City Attorney Dennis reported Ordinance No. 3563 was the final step in the rezoning process for Alpha Laval's property located east of 9th Street and south of Houston Street. He explained the Ordinance codified the previously approved zoning change from Agricultural to Light Industrial. He stated the property had been replatted. He stated staff recommended Ordinance No. 3563 be adopted and the emergency clause be approved.

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

Move to approve Ordinance No. 3563

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- C. 19-445** **Consideration, discussion, and possible adoption of Ordinance No. 3564, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2002, generally located one-quarter mile west of Elm Place, one-third mile north of Jasper Street, granting a RS-1 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
City Attorney Dennis recommended item C be tabled until May 7, 2019. He explained it was just discovered there was an error in the address description. He noted tabling it until May 7, 2019 was not prejudicial to the applicant and would allow the Legal Department to ensure the Ordinance was in compliance with the Open Meetings Act and to make the necessary corrections.

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

Move to table Item C until May 7, 2019

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- D. 19-446** **Consideration, discussion, and possible adoption of Ordinance No. 3565, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1983, generally located one-half mile south of Omaha Street (51st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), granting a CH zoning classification be placed upon the tract along with PUD-94S-1, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
City Attorney Dennis reported Ordinance No. 3565 was the final step in the rezoning process for this property. He noted the property had been replatted and the Ordinance codified the previously approved zoning change from Commercial General to Commercial Heavy, along with the PUD overlay. He indicated staff recommended Ordinance No. 3565 be adopted and the emergency clause be approved.

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

Move to approve Ordinance No. 3565

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- E. 19-447** **Consideration, discussion, and possible adoption of Ordinance No. 3566, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1990, generally located south of Houston Street (81st Street), one-quarter mile east of Elm Place (161st East Avenue), granting a DM zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
City Attorney Dennis reported Ordinance No. 3566 was the final step in the rezoning process from Single Family Residential to Downtown Mixed use and codified the previously approved zoning change for property located south of Houston Street, east of Elm Place. He stated he understood platting requirements were waived as the property was previously platted. He stated staff recommended Ordinance No. 3566 be adopted and the emergency clause be approved.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move to approve Ordinance No. 3566

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

15. Remarks and Inquiries by Governing Body Members

Mayor Thurmond congratulated all individuals who won the election. He stated while there was one change on the City Council he was certain the Council would continue to work as a

body to better the great City of Broken Arrow.

Vice Mayor Eudey stated at the last Youth City Council Meeting it was decided, as the city had adopted a stretch of Main Street for the Trash Bash on April 27, 2019, several members of the Youth City Council, and Vice Mayor Eudey, would volunteer to help clean this adopted stretch. He welcomed the other City Council Members to also participate. He welcomed Council Member Gillespie to City Council.

Council Member Gillespie stated she was honored to be a part of the Government of Broken Arrow. She stated she loved the city and admired the work City Council had done before her.

Council Member Parks welcomed Council Member Gillespie. He stated this election was his sixth and toughest election. He stated he appreciated the help and support given to him. He thanked his wife Myrna for her support and comfort. He noted he visited with many residents. He stated he met with the Fire Fighter's Union and he believed there was a larger problem to be addressed. He explained the Union indicated City Council could only work with the Union through the City Manager by law, and the City Attorney confirmed this; however, the Head of the Union indicated there was a major discord amongst the Union and morale was extremely low. He noted this caught him off guard and worried him. He indicated he was unfamiliar with much of the Union's terminology which was found in the Collective Bargaining Agreement and the Administrative Operating Procedure, but he wished to improve the situation. He stated many grievances had been filed through the Union of which City Council were unaware; only following arbitration was City Council made aware of the grievances. He noted it might be good for City Council to be made aware of all grievances. He explained he did not believe City Council should necessarily have a hand in decision making as this was the Legal Department's responsibility, but felt it was important to be proactive and work with the Union in an effort to lift morale and improve relations. He stated he wished to look at the grievances, discuss them with the Council and determine how serious the grievances were.

Council Member Wimpee indicated she spoke with many Union Members who did not feel morale was low; however, she agreed with Council Member Parks.

Vice Mayor Eudey stated his experience with the Fire Fighter's Union was similar to Council Member Parks' experience. He indicated he expressed to the Union if there were problems City Council was willing to make an effort to address and assist with said problems. He stated he believed it was important to keep Broken Arrow the Safest City in Oklahoma and he looked forward to working with the Union to improve morale and work on problem solving.

City Manager Spurgeon noted he would be happy to provide City Council the requested information. He noted the city did not file grievances; the Unions were allowed to file a grievance if it believed there was a violation of contract. He explained it was his responsibility to adjudicate and if the Union did not agree with the City Manager's decision the Union had the right to arbitration. He reviewed the process and explained it was involved and complicated and often grievances were pulled from arbitration at the last minute while the city was left responsible for a portion of the arbitrator's fee which was expensive. He stated he would stay within the Collective Bargaining Guidelines and State Statutes, but would gladly involve City Council as much as legally possible. He stated he believed it was important for the Public and City Council to be aware of the grievances filed.

Council Member Parks stated he wished to have an amicable relationship between the City Council and the Fire Fighter's Union and he wished the Fire Fighters to have improved morale. He indicated he was in support of the Fire Fighters and Police Department.

16. Remarks and Updates by City Manager, including Recognition of Recent Accomplishments by Employees and Elected Officials

City Manager Spurgeon welcomed Council Member Gillespie.

He stated city staff would be delivering the Budget for FY-2020 by April 30, 2019 and a Special Meeting to review the Budget would be held in May 2019.

He reported a Public Meeting would be held Thursday, May 9, 2019 during which the consultant would make recommendations to the Community regarding the Elm Place and New Orleans Small Area Plan, following which City Council would take the Plan under advisement and give the Administration direction in regards to the recommendations. He indicated there would be maximum Public Meeting notification and he invited City Council to attend the Public Meeting.

He stated street lights would be installed on Hillside Drive from the QuikTrip to Charleston's area in the next six months.

He reported Ash Street was almost completed; only the striping was left to be done. He noted additional diagonal parking was installed Downtown. He noted additional improvements would be made behind the AVB (Arkansas Valley Bank) Bank and the current operational

buildings, including sidewalks and additional parking. He indicated on 209th workers had almost completed with the drainage box, and asphalt would be laid soon with a goal to be completed in a few months.

He announced next Monday and Tuesday the four finalists for the Chamber CEO President would have face-to-face interviews. He noted one finalist was local, three were from across the nation and all had excellent qualifications. He stated he hoped to be able to make an announcement regarding the selection of a Chamber CEO President by Rooster Days.

He noted Friday, April 26, 2019 the Police Department would hold the Drug Drop-off Event and he thanked Chief Berryhill for coordinating this event.

He stated a couple of weeks ago he and Council Member Wimpee had been appointed by City Council to participate in the School District's Redefine Ready initiative. He noted the first meeting was held Tuesday April 9, 2019. He stated he felt it was an excellent meeting with excellent attendance; however, City Council needed to appoint an alternate to attend the meetings if necessary. Council Member Wimpee agreed with City Manager Spurgeon; it was wonderful to hear the ideas and collaboration regarding what a graduate from Broken Arrow High School should look like to be ready to go on to college.

He stated there was an issue with city trash bag distributors and supply; however, Lee Zirk was working to get this problem resolved.

He reported there were approximately 45 days left in the recycling pilot program, following which he recommended tabulation of the results, conduction of the final survey, and reformation of the Recycling Committee to review said results and make recommendations to City Council. He indicated feedback up to this point had been very positive. He thanked Lee Zirk and Russel Gale for shepherding the city and residents through this process.

He stated the Chief of Police informed him there were 250 applicants to fill nine to eleven Police Officer positions. He mentioned this week was Animal Control Officer Employee Appreciation Week and commended the Broken Arrow Animal Control for a job well done.

He commended Russ Siljer and Bradley Thomas with the Parks Department for completion of the Certified Playground Safety Inspector certification program.

He stated the annexation approved by City Council two weeks ago would be required to be re-approved due to a problem with the Public Notice for the Public Hearing. He noted the applicant had been made aware and was in agreement. He noted this would come before City Council again in May or June.

At approximately 7:30 p.m. Mayor Thurmond stated there was an Executive Session and he would entertain a motion for a brief recess to enter into BAMA (Broken Arrow Municipal Authority) and BAEDA (Broken Arrow Economic Development Authority).

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

Move for a brief recess to enter into BAMA and BAEDA

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

At approximately 7:31 p.m. Mayor Thurmond reconvened the Meeting of the City Council. 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 Johnnie Parks, seconded by Scott Eudey.

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

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to enter into Executive Session

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

17. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney, and the Human Resources Director for the purpose of discussing negotiations concerning FOP Lodge 170 and fiscal year 2020 negotiations, authorized under 25 O.S. §307(B)(2), and possibly taking appropriate action in open session. 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 7:51p.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 Johnnie Parks, seconded by Debra Wimpee.
Move to find the Executive Session necessary
The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

18. Adjournment

The meeting adjourned at approximately 7:52 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 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk