



# 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, November 17, 2015**

**Council Chambers**

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**1. Call to Order**

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

**2. Invocation**

Pastor Richard Manganero delivered an invocation.

**3. Roll Call**

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

**4. Pledge of Allegiance to the Flag**

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

**5. Consideration of Consent Agenda**

Mayor Thurmond asked if there were any items to remove from the Consent Agenda. Councilor Scott Eudey asked that item 5A be removed from the Consent Agenda.

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

**Move to approve the Consent Agenda as presented excluding item 5A**

The motion carried by the following vote:

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

- A. 15-636 Approval of and authorization to execute the City of Broken Arrow Services Contract with the Broken Arrow Arts Council**
- B. 15-589 Approval of and authorization to execute an Enterprise Enrollment Agreement and relevant Amendment with Microsoft Corporation for Microsoft software, products, and licenses**
- C. 15-670 Approval of bids received and award the most advantageous bid to 911 Custom for the purchase of police vehicle equipment**
- D. 15-678 Approval of Minor Change Order C01 for Construction Contract ST1505, Stacey Lynn 6th Addition - Mill & Overlay**
- E. 15-653 Approval of and authorization to execute the Traffic Calming Policy for Yellowwood Avenue between Kenosha Street and Madison Avenue**
- F. 15-681 Approval of the Claims List 11-17-201**

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

Councilor Eudey left the room.

Mayor Thurmond accepted a motion.

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

**Move for approval of item 5A**

The motion carried by the following vote:

**Aye: 4 -**  
**Recused: 1 -**

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

Councilor Eudey returned to the room.

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

**A. 15-662 Presentation, consideration, discussion and possible approval of the Jim and Peggy Nelson Commemorative Rose Garden Design Plan at Central Park**

Director of Parks and Recreation, Mr. Scott Esmond, told the Council that Keep Broken Arrow Beautiful (KBAB) was a 501c3 not for profit organization. He said one of KBAB's subcommittees, "Bring Back the Roses," approached the City Council on May 5, 2015 to request an agreement with the City to commemorate a rose garden in Central Park in honor of Jim and Peggy Nelson. He said the Council did approve that request. Mr. Esmond presented a design for the rose garden created by R.L. Shears Company.

Ms. Peggy Striegel of the Broken Arrow Beautification Committee presented a simulated aerial flyby of the rose garden design. Ms. Striegel said the garden plan was spectacular, ambitious, and expensive, but they had already received their first donation from Mr. and Mrs. Nelson. She said that the Committee wanted to provide a place not only for Broken Arrow residents to enjoy but a place that would be a destination for tourism.

Mr. Esmond asked the Council for their approval of the plan so that fund raising efforts could begin.

Councilor Eudey said that he was very much in favor of the garden but because he served on the KBAB board he would be abstaining from the vote.

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

**Move to approve the Jim and Peggy Nelson Commemorative Rose Garden Design Plan at Central Park**

The motion carried by the following vote:

**Aye: 4 -**  
**Abstain: 1 -**

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

The Mayor and Council were presented with an artist illustration of the anticipated Rose Garden in Central Park.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)**

No citizens signed up to speak.

**9. General Council Business**

**A. 15-673 Consideration, discussion and possible acceptance of the Broken Arrow Fire Department Analysis Study completed by the Ludwig Group**

Fire Chief Jeremy Moore said in 2014, as part of the Capital Improvement Planning process, Fire Administration identified the need for a Comprehensive Fire Station Location Study. He said the Ludwig Group, LLC completed the study based on a geographic and data driven model that would identify the best locations for current and

future fire stations.

Chief Larry Ludwig, of the Ludwig Group, presented details of the study based on response times, service areas, National Fire Protection Association (NFPA) standards, and International Organization for Standardization (ISO) criteria with the objective of determining future needs of the City.

The GIS software recommended the following while keeping Station #2, 4, 5, and 6 in place.

1. Move and build Station #1 at SW Expressway and Queens Circle
2. Moving and/or build a Station at E. 91st & South 177th East Avenue
3. Moving and or build a Station at 11495 South 193rd Avenue East

Chief Ludwig said as the City continues to grow an 8th Fire Station will be needed, most likely in the northern sector of the City. He said it would most likely be needed within the next ten years.

Councilor Mike Lester noted that the ISO recommended response time standard was four minutes. He asked why the new model was set for five minutes. Chief Ludwig said the model had been increased by one minute to optimize the configuration of the fire station network. The Chief said five minutes would keep the response within guidelines.

Councilor Johnnie Parks asked about the location for the new Fire Station #7. Chief Ludwig said the recommendation would locate the new Station #7 at E. 91st Street and South 177th East Avenue.

Councilor Parks asked if the study considered Fire Station #2. Chief Moore briefed the Council on the operational plan that would complement the plan provided by the Ludwig Group. He told the Council that by January 31, 2016, old Station #2 would be opened where it is located at Edgewater Street and Elm Place. The old Station #2 would be fully operational while the new station at East 91st & South 177th East Avenue was under construction. He said after the new Station is complete the company from old Station #2 will be moved to old Station #3 until the Station located at 11495 South 193rd Avenue East was complete.

Councilor Parks said Station #1 and #3 were old and would need to be replaced. Chief Moore said Station #3 had been approved for replacement by the Council and money would be available for the replacement in January of 2016. He said Station #3 would be built at East 91st Street and the Lynn Lane area and then Station #7 will be addressed and Station #1 will be then be relocated. He said the only addition Station to the network would be Station #7 and the Vision 2025 funds would be used to staff the station.

The Council members agreed that the Comprehensive Fire Station Location Study was critical and much appreciated.

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

**Move to accept the Deployment Analysis Study from the Ludwig Group**

The motion carried by the following vote:

**Aye: 5 -**

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

**B. 15-675**

**Consideration and possible approval of BACP 147, Crossing's at Lynn Lane, 60.00 acres, Levels 2, 3 and 6, north and east of the northeast corner of Washington Street and 9th Street**

City Planner, Mr. Farhad Daroga, said this application was a request for a change to sixty acres located north of 91st Street and east of Lynn Lane Road. He said the unplatted land

would change from Level 2, 3, and 6 to Level 2 (Urban Residential). He said the site was just north of the Holman Sand and Storage Facility which has industrial zoning. He said based on the Holman Facility the Comprehensive Plan had included a portion of the sixty acres as Level 6 which is industrial. Mr. Daroga said the applicant intends to develop single family homes. He said if approved this application will return to Council for a zoning change from A1 (agriculture) to RS3 (Residential).

Councilor Parks asked for the zoning categories that would fall under Level 2. Mr. Daroga said Level 2 would permit both RS2 and RS3.

Mr. Andrew Shank of Eller & Detrich, representing the applicant added that this item was approved by the Planning Commission. He said that the existing PUD for the Level 6 portion of the proposed development would be cleaned up by the requesting changes.

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

**Move to approve BACP 147, subject to the property being platted and as recommended by the Planning Commission and Staff**

The motion carried by the following vote:

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

**C. 15-684 Consideration, discussion, possible ratification of a Settlement Agreement and Mutual Release between the Broken Arrow Municipal Authority, Crossland Heavy Contractors, Inc., Crossland Construction Company, Inc., and Oil Capital Electric, LLC regarding the Verdigris Water Treatment Plant**

City Attorney, Ms. Beth Anne Wilkening asked that this item be tabled until after the Broken Arrow Municipal Authority meeting.

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

**Move to table Item 9C until after the Broken Arrow Municipal Authority meeting**

The motion carried by the following vote:

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

## 10. Preview Ordinances

**A. 15-606 Consideration, discussion and possible preview of an Ordinance annexing property for a Planned Unit Development named Walnut Grove on 7.834 acres of land located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma and located south of the Southeast corner of the intersection of East 131st and South Garnett Road, repealing all ordinances to the contrary; and declaring an emergency**

Mayor Thurmond left the room.

Ms. Wilkening said this was a preview of the Ordinance that would formally annex property for a Planned Unit Development named Walnut Grove on 7.834 acres of land into the City limits.

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

**Move to preview Ordinance and set for adoption**

The motion carried by the following vote:

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

Mayor Thurmond returned to the room.

**B. 15-680 Consideration, discussion and possible preview of an ordinance amending Chapter**

**16, Offenses, Article I, In General, Section 16-28.1. -Prohibiting possession, delivery or manufacture of drug paraphernalia; exception; penalty; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening said this item would update the City's Code of Ordinances in accordance with new laws adopted that were effective November 1, 2015. She said a number of pieces of paraphernalia had been added to the definition.

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

**Move to preview the Ordinance and set for adoption**

The motion carried by the following vote:

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

**11. Ordinances**

**A. 15-672**

**Consideration, discussion and possible adoption of Ordinance No. 3370, an ordinance amending Chapter 25, Stormwater Management - Article I, Section 25-304. - Basis for establishing the regulatory flood area; specifically incorporating the revised preliminary date of January 9, 2015 for the "Flood Insurance Study" which regulates the areas within FIRM Panel 40145C0085J; repealing all ordinances to the contrary; and declaring an emergency.**

Ms. Wilkening said the preliminary Federal Emergency Management Agency (FEMA) 100 year floodplain boundary significantly reduced a proposed development tract at Dearborn Street and 23rd Street. Ms. Wilkening said by adopting Ordinance 3370 it would be possible to avoid unnecessary compensatory floodplain storage excavation and other floodplain development permitting requirements that would soon go away when FEMA adopted a new panel. She said this Ordinance would then adopt the preliminary Flood Insurance Rate Map (FIRM) panel for this area. She said the residual of the Ordinance will not be adopted until 2016 once the FIRM panels were approved.

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

**Move to adopt Ordinance No. 3370**

The motion carried by the following vote:

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

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

**Move to approve the emergency clause for Ordinance No. 3370**

The motion carried by the following vote:

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

**B. 15-679**

**Consideration, discussion and possible adoption of Ordinance No. 3371, an ordinance amending Chapter 23, Traffic, Article I, In General, Sec. 23-37. - Use of child passenger restraining system required; exceptions; penalty; specifically amending Section 23-37 to be in compliance with State Statute; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening explained this Ordinance incorporated the revisions to State Statutes with regard to child car seats.

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

**Move to adopt Ordinance No. 3371**

The motion carried by the following vote.

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

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

**Move to approve the emergency clause for Ordinance No. 3371**

The motion carried by the following vote:

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

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

There were no remarks and inquiries by Governing Body Members.

## **13. Remarks by City Manager**

Mr. Spurgeon told the Council that he had attended a planning meeting for the removal of snow and ice. He said the Director of Streets and Storm Water, Mr. Steve Arant, led the discussion with five participating City Departments supporting the plan to keep the City streets cleared this winter. He said the inter-Departments cooperation had been impressive. Mr. Spurgeon thanked Mr. Arant and his team for putting the plan together.

Mr. Spurgeon said there had been a kick-off meeting for Street Scape IV, the next phase of Downtown improvements. He said the plan included the initial work for the fountain water feature starting in early April of 2016. He said with a sixty day substantial completion, given good weather, the fountain should be operational within the month of June 2016. He said that the fountain construction will necessitate the relocation of the Farmer's Market. Mr. Spurgeon that Mr. Scott Esmond, Director of Parks and Recreation, would be working to finalize the new location and then the Communications Director and the Chamber of Commerce would work to promote the new location. He said it would most likely be held on the City's parking Lot on the south and south east corners across from City Hall.

Mayor Thurmond asked if the Farmer's Market would return to its original location. Mr. Spurgeon said for the 2016 Season the market will be relocated to the new location but then in 2017 it will probably go back to its original location.

Councilor Lester asked if the fountain construction could begin earlier than April. Mr. Spurgeon said the schedule had been expedited and with all the elements involved April would be the earliest. Councilor Lester asked how the fountain construction would impact Rooster Day and the crowds that normally circulate in that area. Mr. Spurgeon said it would likely mean that the construction area would have to be blocked off but it was a necessary decision to proceed in the spring in order to be able to enjoy the fountain in 2016. Mr. Spurgeon said he understood there are some trade-offs so it was important that he make these plans known.

Councilor Scott Eudey said it was his understanding then that the construction would not inhibit the Rooster Day Parade, but it would keep people from gathering in that particular location. Mr. Spurgeon agreed.

Mr. Spurgeon thanked the Broken Arrow voters for their support last Tuesday as the Vison 2025 tax extension passed. He said the election was incredibly important for the community. He said that implementation meetings were planned to being utilizing the funds. He said the recruitment of firefighters and police as well as street projects would be the central focus in the planning.

Mr. Spurgeon shared information from the State Transportation Director saying that the Oklahoma Turnpike Authority proposed a nine hundred million dollar program for turnpike improvements throughout the State of Oklahoma and a portion of those funds will be used in the Tulsa Metroplex with the majority of the funds used in the Oklahoma City area. He said approximately forty two million is planned for improvements to the Muskogee Turnpike. He said there would be a request for a study of the Turnpike's design which would hopefully result in an exchange near the Oklahoma National Guard Armory. He said the intended result would increase public safety, provide access for the Guard and increase economic growth.

Councilor Mike Lester added that Broken Arrow's High School Band won the Grand National Bands of America Award.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority meeting.

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 meeting**

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:26 p.m. and returned to item 9C.

Ms. Wilkening said that because the agreement constituted a debt of the Municipal Authority approval by the City Council was required. She asked that the Council ratify this settlement agreement and mutual release.

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

**Move to approve the ratification of the settlement agreement and mutual release**

The motion carried by the following vote:

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

Mayor Thurmond asked for a brief recess before entering Executive Session.

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

**Move to approve a brief recess before entering Executive Session**

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular session of the City Council at approximately 7:33 and asked for a motion to enter into the Executive Session.

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

**Move to enter into Executive Session**

The motion carried by the following vote:

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

#### 14. Executive Session

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

- (1) **economic development and specifically discussing an economic development proposal involving a commercial and retail establishment proposed for the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha), to include the potential transfer of property, financing, and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10); and**
- (2) **the possible appraisal of the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha) and possible action in open session, including authorization to obtain additional appraisals for this real property, under 25 O.S. §307(B)(3).**

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

At approximately 7:54 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there was a motion.

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

**Move to Authorize the City Manager to continue negotiations for an economic development contract for the area of north Tiger Hill**

The motion carried by the following vote:

**Aye: 4 -**

**Abstain: 1 -**

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

### **15. Adjournment**

The meeting adjourned at approximately 7:54 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -**

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

ATTEST:

\_\_\_\_\_  
Mayor

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