



# City of Broken Arrow

## Minutes City Council

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Craig Thurmond*  
*Vice-Mayor Scott Eudey*  
*Councilor Mike Lester*  
*Councilor Johnnie Parks*  
*Councilor Debra Wimpee*

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**Monday, June 5, 2017**

**Time 6:30 p.m.**

**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 Rich Manganaro delivered the invocation.

**3. Roll Call**

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

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

Councilman Parks 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. There being none, he asked for a motion.

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

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

**A. 17-1676**

**Approval of City Council Meeting Minutes of May 16, 2017**

**B. 17-2248**

**Acceptance of Planning Commission meeting minutes of April 27, 2017**

**C. 17-2240**

**Approval of Downtown Residential Overlay Study Pay Request Number 5 in the amount of \$1,900.00, for Phase Two, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$1,900.00 using STCI funds**

**D. 17-2174**

**Approval and authorization to execute Resolution No. 1017, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 1, which consists of 0.19 acres of permanent right-of-way for 23rd Street Widening from Houston to Kenosha, in the NE 1/4 of the NE 1/4 of Section 13, Township 18 North, Range 14 East, Tulsa County, from United Markets, Inc., and authorization of payment in the amount of \$9,500.00 to United Markets Inc., for the 23rd Street Widening from Houston to Kenosha Project and authorizing staff to apply to the Oklahoma Department of Transportation for reimbursement of eighty percent of the acquisition cost of this property for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)**

**E. 17-2175**

**Approval and authorization to execute Resolution No. 1018, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 12, which consists of 0.28 acres of Permanent Right-of-Way for 23rd Street Widening from Houston to Kenosha, in the W 1/2 of Lot 1, Block 2, Angus Acres Subdivision, in Section 7, Township 18 North, Range 15 East, Wagoner County, from the Mark S. Drop, Sr. Living Trust dated 1991, and authorization of payment in the amount of \$28,500.00 to the Mark S. Drop, Sr. Living Trust dated 1991, for the 23rd Street Widening from Houston to Kenosha Project and authorizing staff to apply to the Oklahoma Department of Transportation for reimbursement of eighty percent of the acquisition cost of this property for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)**

**F. 17-2259**

**Approval and authorization to execute Resolution No. 1023, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Rivergate Crossroads vs. City of Broken Arrow, Tulsa County District Court Case CV-2017-00590, authorizing foreclosure and vacation of mutual access and utility easements generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street**

**G. 17-2260**

**Approval and authorization to execute Resolution No. 1024, a Resolution authorizing the execution of a Contract for Sale of Real Estate for Real Property being the South 660 feet and the West 825 feet of the SW/4 of the SW/4 of Section 24, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma including structures and improvements; and**

authorizing the City of Broken Arrow's expenditure of the sum of \$700,000.00 to Betty B. Winfrey, Linda M. Main, Russell Floyd Read IV, and Elizabeth Ann Read to effect such purchase; designating representatives of the City of Broken Arrow, Oklahoma for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Contract for Sale of Real Estate for the 2-3 MG Elevated Storage Tank Project (Project No. 165424)

- H. 17-2241 Approval and authorization to allow a Fire Department employee to apply to and participate in the Oklahoma Taskforce-1 Urban Search and Rescue Team
- I. 17-2247 Approval and authorization to execute the 2017 Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2017 Taste of Summer event
- J. 17-2265 Notification of City Manager's, Assistant City Manager's, and Engineering and Construction Department Director's execution of Professional Consultant Agreements with a value less than \$25,000
- K. 17-2267 Approval and authorization to execute Professional Services Agreement with Binu Ethevatheril, D.V.M. for Veterinarian spay/neuter and rabies vaccination services at the Animal Shelter
- L. 17-2254 Withdrawal of the approval and authorization to purchase one (1) one-ton truck from Bob Howard Dodge due to a pricing error on the statewide vehicle contract and approve and authorize the purchase of one (1) one-ton truck from Vance Country Ford, pursuant to the Oklahoma statewide vehicle contract, for the Streets Department
- M. 17-2250 Award the lowest responsible bid to Third Generation Electrical, Inc., and approve and authorize execution of a construction contract for Chisholm Trail South Park Security Lighting (Project No. 176041)
- N. 17-2258 Information regarding quotes obtained by the General Services Department for delivery and supply of immediate need aftermarket automotive parts
- O. 17-2272 Ratification of Work Order #26 through #38 and approval and authorization to execute Change Order #CO-1 for Construction Contract Bid No. 16.162A; Portland Cement Concrete Repair
- P. 17-2273 Approval and authorization to execute Change Order #2 for Construction Contract Bid No. 16.162A; Portland Cement Concrete Repair
- Q. 17-2230 Approval of BAZ-1977 (Rezoning), Oak Grove Road and 73rd Street (ZION USA Property), 2.24 acres, A-1 to RE, one-quarter mile south of Kenosha Street, west of Oak Grove Road
- R. 17-2231 Approval of PUD-262 (Planned Unit Development) and BAZ-1979 (Rezoning), Kensington Ridge II, 39.87 acres, A-1 to RS-1/PUD-262, one-quarter mile north of Houston Street, one-quarter mile west of Oak Grove Road
- S. 17-2232 Approval of PUD-263 (Planned Unit Development) and BAZ-1980 (Rezoning), Elgin Street Row Homes, 0.56 acres, PUD-241/R-3 to PUD-263/DF, northeast corner of Cedar Avenue and Elgin Street
- T. 17-2234 Acceptance of a Deed of Dedication from Steven A. and Marcella R. Wilson, on property located one-quarter mile south of Kenosha Street, west of Oak Grove Road, Wagoner County, State of Oklahoma, (Section 11, T18N, R15E)
- U. 17-2236 Acceptance of a Utility Easement from Steven A. and Marcella R. Wilson, on property located one-quarter mile south of Kenosha Street, west of Oak Grove Road, Wagoner County, State of Oklahoma, (Section 11, T18N, R15E)
- V. 17-2235 Acceptance of a Water Line Easement from Multi-State Holdings, LLC, on property located one-half mile north of Kenosha Street, west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 4, T18N, R14E)
- W. 16-1562 Approval of the Broken Arrow City Council Claims List for June 05, 2017

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

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

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

##### A. 17-2253 Public Hearing for the Proposed 2017-2018 Fiscal Year Budget

City Manager Michael Spurgeon conducted a public hearing on the proposed Fiscal Year 2017-2018 Budget, explaining that the Budget covered all funds and the General Fund and the Broken Arrow Municipal Authority (BAMA), in particular.

Mr. Spurgeon's Budget report consisted of five parts: A Budget overview; an outline of FY work plans; discussion and action on other Budget and policy considerations; review of proposed utility rate increases; and future considerations. Mr. Spurgeon pointed out that the two main documents the City Council before them were the Budget Book and Budget Message. The former contained all of the proposed budgets and Fund balances, as well as a look at the

City's status with respect to the previous year's Budget. The latter was a message from the City Manager's Office, comprising highlights of the proposed Financial Plan for the upcoming fiscal year.

Beginning his overview, Mr. Spurgeon noted that it was important for a community the size of Broken Arrow to understand the magnitude of the Finance Departments, the Administration's, and above all, the City Council's responsibility with regard to a fiscal year's Budget. The FY-2018 Budget comprised a total of 27 Funds which included: The General Fund; 3 Enterprise Funds (BAMA, BAEDA and Battle Creek Golf Course); 4 Capital Improvement Funds; a Debt Service Fund; 2 Internal Services Funds; and 16 Special Revenue Funds. Mr. Spurgeon stated that the total proposed Budget of \$248,413,381 was structurally sound and represented a continuation of the City's commitment to maintaining high-quality public and utility services. An increase of 31.46% in expenditures from the FY-2017 Budget, was being proposed. Operating expenses made up only 7.47% of the increase. The amount of the increase was largely due to the fact that the City planned to complete an additional \$49 million in Capital Improvement projects, in connection with the anticipated sale of \$18,435,000 in General Obligation Bonds. Mr. Spurgeon recalled that voters approved about \$65 million in 2014, indicating that to keep property taxes at a certain level, the City could only sell so many million dollars' worth of Bonds every year. Therefore, it took about four or five years to sell such an amount in Bonds. BAMA budgeting included an additional \$30,103,000 for Utilities projects that would be financed through Oklahoma Water Resources Board (OWRB), which had been found to be the most appropriate and efficient way of issuing Debt to complete major Capital Improvement projects, and support the State of Oklahoma in the process. There would be a focus on budgeted expenditure carry-over projects in the amount of approximately \$1.6 million. A breakdown of FY-2018 expenses with regard to operational costs, Capital Outlay and Debt Service was given. Budgeted operational expenses would total \$108,298,702. Capital Outlay would be nearly \$114 million, a significant increase of over \$50 million or 80.58%. The Debt Service account of \$26,129,100 marked an increase of over \$1 million or 4.19%. Mr. Spurgeon explained that the City borrowed money to pay for BAMA projects or projects approved by the voters, and then had to generate property taxes and/or utility rates to generate Debt Service because many projects could not be paid for on a pay-as-you-go plan.

Continuing his overview, Mr. Spurgeon stated that the General Fund covered services directly relating to citizens, such as police and fire, parks and recreation, along with code enforcement inspections, general administration, finance, legal, and so on. The proposed General Fund total for the upcoming fiscal year was \$72,176,400, constituting an increase of \$711,000, or 0.99%, over the approved FY-2017 budget. In relation to the General Fund, the question of where the City obtained the money often came up. Mr. Spurgeon displayed a pie chart showing that the Sales Tax was the largest contributor in terms of revenue collected to pay for services. A pie chart showing how the City spent General Fund money followed. It was pointed out that under the proposal, they would spend slightly less than what the City would take in. The largest expense, at 53%, would be for public safety (police and fire services), in addition to General Government expenses at 16%, Parks and Recreation at 6%, and Public Services at 4%, of total General Fund expenditures. Mr. Spurgeon recalled that as a result of the repurposing of the Vision 2025 Sales Tax, the City Council passed an Ordinance mandating that the City place a portion of all revenues received in dedicated funds for the Police and Fire Departments, respectively. The City would set aside 36.7% of revenues received, or \$21,011,800, for Police, and 30.7%, or \$17,567,600, for Fire. Mr. Spurgeon recalled also, that voters approved repurposing of the Sales Tax specifically to hire 20 new police officers over a 4- to 5-year period, along with 20 new firefighters in the same period of time. The money would be used to pay their salaries and there needed to be sufficient revenue to pay for 6 to 8 years ahead, taking into account step increases and collective bargaining.

With respect to BAMA, it was projected that total revenue from water, sewer, storm water and miscellaneous fees, would be \$95,714,791, while proposed expenditures would total \$94,344,800. The City was slightly below expenses versus revenue, and as the Council was aware, the \$95+ million figure was dependent upon past usage figures. The Budget would have to be adjusted once water and corresponding sewer sales became available; however, it was good that projected expenditures were about \$1.3 million under what it was anticipated the City would receive. Any monies left over in relation to that would be left in BAMA, would go toward implementation of the 90-day Reserve Fund balance policy that the Council would be adopting at some point in the course of the year, ensuring adequate reserves for expenses incurred for unforeseen events. Mr. Spurgeon pointed out that the reason for a Budget increase of approximately \$32 million over FY-2017, was the inclusion of over \$30 million in utility

Capital projects (to be funded by OWRB loans), along with additional personnel and operating expenses. As per Assistant City Manager of Operations Ken Schwab, for the coming five to seven years, the City would be locked into wastewater treatment plant upgrades, replacement of large mains to sewer plants, and expansion of the water plant in line with population increases. Mr. Spurgeon went on to say that the top two challenges for BAMA were implementation and completion of long-term water and sewer Capital needs and establishment of a 90-day Reserve Fund balance.

Mr. Spurgeon stated that Personal Services figured importantly in the Budget since as the City's personnel, its biggest resource and expense. He would be recommending to the Council that 27 new positions be added in the FY-2018 Budget. He was pleased to report that those 27 included only one additional leadership position and one Professional Project Engineer, the remaining 25 being related to either public safety and administrative service workers working directly for the citizens, boots on the ground. More specifically, he was recommending that Council add 10 new positions within the General Fund, in connection with daily services rendered to citizens. The 10 positions would be spread out over Streets and Stormwater, Parks and Recreation, Development Services, Information Technology, City Clerk/Municipal Clerk, City Manager/Communication, and the Convention & Visitors Bureau (CVB). He received more requests for additional staff each year and was obliged to go through a painstaking process in order to decide which new positions were most justifiable according to the documentation, since available funding could only cover the first or second priorities of the individual Department Directors. With respect to Police and Fire Department funds, Mr. Spurgeon was proud to report that in the second round, 5 new Police Officers, along with an Animal Control Officer or Call Taker for Dispatch, would be hired, thanks to the efforts Police Chief David Boggs. He was also pleased to announce that through Fire Chief Jeremy Moore's efforts in obtaining two grants, by June 23<sup>rd</sup> the City Council would meet its commitment to the citizens to hire 20 new Firefighters, well in advance of the four to five years it had been expected to take. Mr. Spurgeon noted for the benefit of the public that when it came to Police and Fire, basically 88% and 92% of their respective budgets were personnel costs.

Turning again to BAMA, Mr. Spurgeon reported that 11 desperately needed new positions were being proposed for General Services, Stormwater Utilities, Sewer Utilities and Engineering/Construction. The City would also be implementing a customer service initiative to help deal with solid waste.

Moving on to the Capital Improvement Program and the Sales Tax Capital Improvement (STCI) Fund, which accounted for 0.5% of the 3.55% Municipal Tax for pay-as-you-go Capital or larger Capital Improvement items, Mr. Spurgeon stated that the City collected roughly \$7.1 million per year for projects. The current year, with the rollover through STCI, the City would be spending about \$8.8 million, including for projects carrying over from FY-2017. The projected Fund balance was \$4.3 million, \$900,000 of which would have to be reserved for Debt Service, so that the City would have about \$3.4/\$3.5 million should an emergency arise. Mr. Spurgeon explained that if there were something Council wished done in the course of the year that was not approved as part of the Budget, there were two choices open to them. It could be taken out of the Fund balance or the Council could tell him how much it would be, vote to have it done, and then staff could reprioritize projects. His recommendation to the City Council, if it were not an emergency, was always the latter choice, but if anything catastrophic occurred with regard to infrastructure, the Fund balance would be where they would go to get those funds. Maintaining a large Fund balance to fund Capital Projects was, therefore, crucial.

Mr. Spurgeon stated that details of the outline of FY-2018 Work Plans could be found in this Budget Message. Highlighting the General Government Work Plan, he noted that communication and transparency was one of the City's top ongoing priorities. Informing the public on how the City spent money, what it was being spent on, and what was happening at City Hall took time and resources. The City had made headway but there continued to be more it could do. Since not all citizens made use of social media, the printed word remained an important mode of communication and the Annual Financial City-wide Newsletter served an important purpose. New communications initiatives included a City Councilor highlight show, monthly City Manager community video updates, quarterly City Council meetings around town, and increased social media presence like the Next Door app.

With regard to economic development, Mr. Spurgeon summarized that the Street Safe Initiative was continuing. Water, sewer and road improvements were coming to Downtown, with the City spending \$400,000 to \$500,000 on work for a number of streets. A second public meeting had been held on the Rose District overlay for potential new residential construction. The Stoney Creek Hotel & Conference Center would open in September and the technical plan for the new Innovation District had been submitted by Assistant to the City Manager/Economic Development Coordinator Norm Stephens, as well. With regard to public infrastructure endeavors, Mr. Spurgeon stated that street improvements, honoring the City's commitment to complete the 2011/2014 General Obligation Bond projects, and various projects during 2017 and 2018 would mark the Year of the Parks in Broken Arrow. Some other decisions the Council would be required to make in the fiscal year would concern creation of a community service program, the Center for the Creative Arts, and technology initiatives for operations.

With respect to the BAMA Work Plan, water system Capital Improvements included the Verdigris River Plant pretreatment (plate settler) basin expansion and a new 2 to 3-million-gallon water storage tower that would increase capacity and improve water pressure. Also, various wastewater system Capital Improvements to the Lynn Lane and Haikey Creek Plants were planned. It was important to realize the Broken Arrow was in partnership with a number of cities and had a major commitment to the Haikey Creek Wastewater Treatment Plant they shared. The City would be spending around \$50 million within the next five to seven years to

upgrade the Haikey Creek Plant. Another major project was the County Line trunk system replacement project, in addition to the Haikey Creek force main upgrade.

Referencing other budget and policy considerations, Mr. Spurgeon recalled that at the Budget work session, Council had given the administration permission to begin preparation of the Bond package to go before voters in Summer 2018. The Council's ideas, the staff's ideas, and input on the part of citizens would be brought together and by March or April 2018, the specific items to be voted on by the public would come into focus. It would also be the first fiscal year that the City would be able to use the Street and Road Tax from the repurposed Vision 2025. At present, between street maintenance and road improvement Bond projects, it looked as though the City would probably spend around \$27 million or \$28 million. In regard to public transportation, Mr. Spurgeon wished to make citizens aware that due to some cutbacks, funding to public transportation for Tulsa Transit had been increased to continue to provide the existing route operating in Broken Arrow and fund the express route bus service operating every business day between Broken Arrow and Tulsa. As the main means of transportation for many in the community, he had made a recommended to Council that funding be increased.

It was important for all to know that in order to plan funding for projects and payment for operations, the City had engaged Black & Veatch in the previous year, to put together a rate model for the coming five years. Specifically, utility rate increases were needed to support debt service on \$140 million worth of Capital Improvement projects and to support ongoing operations and personnel costs. Rate increases approved by the Council would go into effect in November 2017. Under Black & Veatch's model, Year 2 of Implementation called for rate increases of 5.5% for water, 7% for sewer, 9% for stormwater, along with a street light fee increase from \$1.00 to \$1.50. What the increases would cost the average user would be made known when he came before the Council again, with the Manual of Fees. Comparisons of the proposed fees with those of surrounding communities would also be provided.

Finally, future operations and budgets in terms of what the City would focus on in the coming years, would be considered. Because the City was so heavy laden with personnel costs, operational expenses had to be continually monitored, reviewed and justified. Lobbying for an updated State taxation model would continue. The Citizens' Recycling Committee would be submitting its recommendation to the Council for a curbside recycling program sometime in the summer. They had done a yeoman's job and Mr. Spurgeon recommended that the Council take the Committee's suggestions under advisement when they presented their plan in July or August. He recommended holding a couple of work sessions with the Council to look at the plan and provide direction on operational costs. Implementation would not occur overnight. Recycling remained a controversial topic in the community for a number of good reasons, so it was important to ensure transparency and the vetting process throughout the entire decision-making process. It would likely be one of the most substantial changes in public policy citizens had faced in many years. According to Development Services Director Michael Skates, they were receiving a lot of great feedback from investors and local residents with regard to Downtown Residential Initiative, which would be finalized shortly. The next step was to compile their comments to present before the Planning Commission, and then the City Council. In conclusion, Mr. Spurgeon thanked Finance Director Tom Caldwell for his leadership throughout the Budget process, along with Mr. Cook, the entire Finance Department staff, the Department Directors, and the Assistant City Managers. He expressed appreciation to the members of the City Council for their time and commitment in going through such a large spending plan.

Mayor Thurmond stated that no one had signed up to speak at the public hearing. He asked three times if anyone wished to speak on the proposed Budget. There being no response, he declared the public hearing closed.

**B. 17-2249**

**Presentation by Krista Flasch, Director of Communications on current and upcoming projects**

Director of Communications Krista Flasch provided a brief overview on current Communications efforts and upcoming projects her Department was working on. The main purpose of the Communications Department was to inform and educate the public. It communicated with another important audience as well: City employees. In effect, the Department had evolved into a newsroom for the City of Broken Arrow. Under City Manager Spurgeon they were sharing more information with the public than ever, so much so that additional staff was needed to keep up with the higher level of transparency. Ms. Flasch related that the new position of Digital Content Specialist had been added the year before. Mary McAtee was hired to fill the position and she was doing a great job at putting out video messages to the public. There were over 100 videos on the City's YouTube channels. Ms. Flasch reported that later in the year, a Communications Coordinator who would assist her in writing press releases would come on board. The job would also entail writing the Focus and Financial Newsletters, writing reports, and assisting with social media.

Ms. Flasch provided a multi-faceted answer to the relatively simple question of how we communicate. She observed that people were getting information from a myriad of sources in comparison to 20 years ago when local newspapers and the televised evening news were

essentially, the sole sources of information. Communications' approach was to communicate using the same communication tools people were using, in order to reach them. Video was one way they were communicating. City videos were accessible daily on Cox Cable Channel 24 or at [YouTube.com/CityofBrokenArrow](https://www.youtube.com/CityofBrokenArrow). Communications was representing the City on social media also and had established a presence on Facebook in the last three years, and on Twitter as well. The City had joined Nextdoor three months before too, finding it to be a very effective communications tool. Citizens utilizing the app were very engaged in the community and the City would make more use of Nextdoor going forward. For those not active on social media or watching videos, other news sources were available. The City website, at [www.brokenarrowok.gov](http://www.brokenarrowok.gov) was a great resource through which visitors could subscribe to receive email notifications and robo-calls, report issues, download mobile apps, and keep up to date on publications, events, press releases, etc., pertaining to City life. Communications still relied on local television to disseminate information to the public, including press releases she penned. The Focus Newsletter, a print publication inserted in their monthly utility bill, also served to inform such people in the community.

Turning to new projects involving the Communications Department, Ms. Flasch presented a video she and her staff had put together to preview a new video series that would be launched later in the month. The video was designed to help update the public on City projects updates, about which she regularly received so many questions. In the video, Mr. Spurgeon announced the new video series as part of the City's ongoing effort to provide the community with maximum transparency. He recalled that the previous summer, the City had launched the City Council Highlights segment, stating that the segments and actual videos of City Council meetings were meant to keep the community informed on decisions and actions taken by the Broken Arrow's governing body. Feedback on the Council's and the Municipal Authority's dealings at the City Council and BAMA meetings, respectively, had been overwhelmingly positive. Notwithstanding that, with so much happening between the meetings that it was decided to create a video series on day-to-day activities in order to inform residents of Broken Arrow on what was happening in the City. The series would be called "Broken Arrow in Motion," and would be a monthly update covering major projects in progress, including roads, utility infrastructure, parks, and other endeavors. Mr. Spurgeon stated that the City wanted to make sure that the community knew the status of projects and initiatives happening around town. It was important for them to understand how the work could impact their neighborhoods and commute, in the case of road projects. The series would also follow up on decisions made by the City Council and the Municipal Authority. At the conclusion of the video, Ms. Flasch remarked that it would be another cornerstone video project for the City.

Observing that Broken Arrow was no longer the bedroom community it once was, Ms. Flasch went on to highlight another new project. The City now had wonderful attractions which it needed to share and get the word out to partner organizations and citizens of the region. To that end, Communications produced a series of videos with an emphasis on getting visitors to stay overnight in Broken Arrow utilizing information contained in the Tourism Asset Inventory completed earlier in the year. The videos were set to come out in August. Another important project was the upcoming 2018 General Obligation (GO) Bond election and the Department would take a different approach, maximizing public input by giving citizens greater opportunity to share their ideas and disclose which projects were most important to them. The process would begin in August, giving Communications a year to gather a lot of input and then, educate the public on proposed projects. Ms. Flasch announced another video series project that would directly impact the governing body by presenting Councilor profiles in a question-and-answer format. It would be essentially cover the Councilor's vision and hopes and dreams regarding Broken Arrow. Recording for the series would begin sometime in August.

Not a new project, but an important, brand new initiative which they started in 2016, was the financial report, THRIVE! Your Money at Work, would serve to really increase the level of transparency in relation to the community. The Department was working on it at the present time, and would be providing status updates on all the projects listed in the 2017 Report. The 2018 Report would provide updates on the previous year's projects, as well as listing new projects the City would be working on.

In closing, Ms. Flasch reiterated that the Broken Arrow website was the hub for the Communications Department. It gave citizens round the clock access to City Hall. Through the website, citizens could find jobs, pay their bills, locate parks, download forms, etc. It was a great vehicle by which to provide transparency. For example, many of the documents Council members received in advance of City Council meetings were found as attachments on the City website. She encouraged people to visit the website which, adding that it had all kinds of budget information, as well as a new platform OpenGov, which Finance put together, that allowed an in depth examination of the expenses of all City Departments.

Councilman Parks pointed out that the City had lost its newspaper. He asked how Ms. Flasch viewed how the City would be involved in picking up the slack. Ms. Flasch replied that from her journalism background, she knew the importance of having a local voice that was there to inform the public on actions its local government took. They would absolutely be picking up the slack. They were looking at opportunities to expand the Focus Newsletter, and it was a

reason the next hire would be so important, becoming involved in writing more in-depth articles about services and all measures that were being taken to make the Broken Arrow community better.

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

Mayor Thurmond stated that Pat Conrad had signed up to speak.

Pat Conrad of 617 South 6<sup>th</sup> Street addressed the Council on a problem she encountered at the intersection of South 6<sup>th</sup> Street and Houston Drive. Ms. Conrad shared photos she had taken of the site after the rain had stopped on May 19<sup>th</sup>. There was no drain under the street and no place for water to go, with the sides of the street on 81<sup>st</sup> were higher than the ground. It created a problem, and could be dangerous in winter when temperatures plunged below freezing. There was also the issue of melted snow refreezing. Ms. Conrad shared a photo taken at 7 p.m. on the 20<sup>th</sup>, showing standing water 36 hours after the rained stopped.

Vice-Mayor Eudey asked if the City Council was the first group she had contacted on the matter. Ms. Conrad answered that a few years back she had spoken to a worker who indicated that there were going to be some improvements at the intersection of 81<sup>st</sup> and Lynn Lane, which turned out to be the addition of a turning lane. Mr. Spurgeon requested Ms. Conrad talk to Mr. Schwab about it. The City could go to the scene to inspect the situation, which obviously called for an intervention. He had not been aware of the problem, commenting that such situations arising where there were large amounts of rain displayed was where the City was vulnerable.

## 9. General Council Business

### A. 17-2277

#### **Consideration, discussion, and possible approval and authorization to execute a Waiver of Conflict of Interest between McAfee Taft and the City of Broken Arrow involving real property located at 304 North Main Street, Broken Arrow, Oklahoma**

City Attorney Beth Anne Childs reported that the law firm of McAfee Taft had represented the City of Broken Arrow for a number of years in a variety of ways. Milestone Capital LLC, the entity interested in entering into contract with the City of Broken Arrow and the Broken Arrow Economic Development Authority (BAEDA) for the former church property, desired to be able to use of the services of McAfee Taft, as well. The attorney whom they contacted prepared a formal Waiver and Conflict of Interest, to which she had made a few changes in order to avoid misunderstandings. An email was received back containing the message that Milestone was agreeable to the limitations it set forth. Ms. Childs advised the Council that McAfee did tell her that in the event of any sort of disagreement with regard to terms of the agreement, it would not be willing to represent the City of Broken Arrow or the other party. She did not see this as a problem because there were a number of other legal firms that could be engaged. It was requested that Council approve the Waiver of Conflict of Interest and authorize its execution. Vice-Mayor Eudey requested confirmation that the City was not using the same firm to negotiate both sides of the agreement. Ms. Childs confirmed that it wasn't and that she herself, would handle the negotiations.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

#### **Move to approve the Waiver of Conflict of Interest and authorize its execution**

The motion carried by the following vote:

**Aye:** 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

### B. 17-2284

#### **Consideration, discussion, and possible approval and authorization to execute a Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and utility poles**

Ms. Childs recalled that in February 2017, staff began the process of negotiation with Cingular Wireless, the company AT&T used for provision of its 5G service. She reported that it was necessary to rewrite the zoning code and enter into a Master Lease. AT&T had provided a draft Agreement and she recommended that the City Manager execute an agreement with a firm of specialists in Minnesota that had represented the City of Oklahoma City. A final draft from them, for the Council's consideration, hadn't been received yet. As such, it was requested that the item be tabled to the June 15<sup>th</sup> meeting, when it was expected that the draft would be ready.

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

#### **Move to table the item to the June 15<sup>th</sup> meeting**

The motion carried by the following vote:

**Aye:** 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

### C. 17-2198

#### **Consideration, discussion, and possible approval of the reappointment of Rob Whitlock to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2017 and expiring May 31, 2020**

Citing Article 2 of the Broken Arrow Economic Development Corporation (BAEDC) By-laws, Norm Stephens, Economic Development Coordinator for the City of Broken Arrow, stated that the Corporation consisted of nine Directors, three of whom would be representatives of, and selected by the City Council, the Broken Arrow Board of Education and the Broken Arrow



Chamber of Commerce Committee. Nomination of a Director should be a collaborative effort by the City Manager, the Public School Superintendent, and the President of the Chamber of Commerce. Mr. Stephens reported that Mr. Whitlock was a resident of Broken Arrow and a well-recognized businessman and community leader. He had served the Board well and his continued service on BAEDC Board of Directors would be for a term beginning June 1, 2017 and ending May 31, 2020.

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

**Move to approve reappointment of Rob Whitlock to the Broken Arrow Economic Development Corporation Board of Directors for a three-year term**

The motion carried by the following vote:

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

**D. 17-2199 Consideration, discussion, and possible approval of the reappointment of Scott Wise to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2017 and expiring May 31, 2020**

Mr. Stephens reported that Scott Wise was the CEO of Armada Consulting, management consultants with over 20 years' experience developing and implementing business analytical solutions. Mr. Wise was eager to continue his service on the BAEDC Board of Directors. His term would begin June 1, 2017 and expire May 31, 2020.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

**Move to reappointment of Scott Wise to the Broken Arrow Economic Development Corporation Board of Directors for a three-year term beginning June 1, 2017 and expiring May 31, 2020**

The motion carried by the following vote:

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

**10. Preview Ordinances**

**A. 17-2229 Consideration, discussion, and possible preview of an ordinance amending Chapter 22, Taxation, Article V, Use Taxes, Division 1, Nine-One-One Emergency, Section 22-78, Emergency Telephone service fee, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Childs reported that there was a revision a State statute that allowed an increase in cost for wireless fees from 50 cents to 75 cents. The ordinance made provisions for the change and it was requested that Council preview the ordinance and set it or adoption at the next meeting.

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

**Move to preview the ordinance and set it for adoption at the next meeting**

The motion carried by the following vote:

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

**11. Ordinances**

There were no ordinances.

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

Councilman Parks commented on preparation of the proposed City Budget for FY-2018. The City Council spent a lot of time reviewing the proposed Budget. The City Manager spent a great amount of time preparing the proposed Budget, with staff doing a great job in presenting their needs to him. Councilman Parks observed that from the Council's perspective, and personally, from his own perspective, one of the main jobs of a City Council was to provide a Manager for day-to-day operations of the City. The Council had done a tremendous job in choosing the current City Manager and he appreciated the time and effort Mr. Spurgeon spent on his Budget proposal. The second crucial phase in the process was Council's approval of the Budget. The Council listened to citizens and talked with them, knowing their priorities and their feelings on what the City needed to do. One of the ways the Council implemented what they gleaned from the citizens was through its input in the Budget. Just because Council members didn't ask a lot of questions following the City Manager's presentation, didn't mean that the Council did not appreciate the time and effort on the part of citizens in the budget-making process.

Councilwoman Wimpee related that a Go Fund Me page had been set up by Vintage Phoenix after A New Leaf was vandalized that past Friday. It was remarkable that \$12,000 had already been raised. The response of the community in coming together to support the business in that way, and in other ways, and so quickly, was amazing. The Councilwoman added that she had had the opportunity to meet with the Fire Department and firefighter cadets that week, but she opted out of being thrown out of a window and rescued by them. Vice-Mayor Eudey commented that he was appalled by the burglary but he was heartened by the number of individuals who contributed monetarily, as well as by nurseries that made donations of plants, to A New Leaf. It was another instance of exemplary citizens in Broken Arrow coming together to help their own. Vice-Mayor Eudey added that it was



remarkable that the goal of hiring 20 new firefighters had been reached so early. He commended Chief Moore on his work in obtaining the Staffing for Adequate Fire and Emergency Response (SAFER) Grant. He was also very pleased to see that the City was continuing to invest in public transportation in the wake of the Metropolitan Transportation Authority's decision to cut City bus routes. Some of the City's most vulnerable citizens used City buses to get around and he appreciated Mr. Spurgeon including public transportation in the Budget.

Mayor Thurmond concurred with Vice-Mayor Eudey. He echoed the Vice-Mayor's and Councilwoman Wimpee's sentiments on the horrible crime committed against A New Leaf. People in the community stepping up to help made a significant difference. He went on to say that he appreciated the efforts of Fire Chief Moore in getting the SAFER Grant, recalling too, the great job Police Chief Boggs had done in obtaining grants for his Department the year before. Finally, he thanked all who worked on the Budget.

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

Mr. Spurgeon pointed out that included with the previous month's utility bill and the present month's utility bill, were articles on economic development and traffic light management. He wished to mention the two detailed stories because both covered two issues that staff and the governing body had been questioned about recently. Interested citizens should take note that one of the articles represented a kind of precursor to the meeting they would have later in the summer on economic development in South Broken Arrow.

Mr. Spurgeon reiterated his appreciation of all the hard work done by all involved on the Budget.

At approximately 7:35 p.m., Mayor Thurmond entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.  
**Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting**

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

At approximately 7:58 p.m., Mayor Thurmond reconvened the meeting and entertained a motion for a brief recess before entering into the Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.  
**Move to recess before entering into the Executive Session**

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

The Council returned to the room at approximately 7:55 p.m. Mayor Thurmond entertained a motion to enter into 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 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

### **14. Executive Session**

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

- 1. The appraisal of real property located on the North side of Tiger Hill (on the Southwest corner of Lynn Lane and Kenosha), and an economic development proposal for this area to include the transfer of property and the creation of a proposal to entice businesses to locate within the City of Broken Arrow, taking appropriate action in open session, including direction for the City Manager and Staff to continue negotiations for an economic development proposal and obtaining additional appraisals, under 25 O.S.§307(B)(3) and 25 O.S. §307(C)(10); and**
- 2. Pending litigation and offer of settlement and taking appropriate action in open session in the matter of City of Broken Arrow v. R.E.I.P., LLC, et al., Case Number, Tulsa County District Court Case Number CJ-2017-1169, under 25 O.S.§307(B)(4).**

At approximately 8:31 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 Scott Eudey, seconded by Mike Lester.  
**Move to find that the Executive Session was necessary to protect the confidentiality of the proposed businesses**

The motion carried by the following vote:

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

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

**Move to table the item on North Tiger Hill to the June 15<sup>th</sup> meeting**

The motion carried by the following vote:

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

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

**Move to authorize the City Attorney to extend a counter offer in the case of City of Broken Arrow vs. R.E.I.P.**

The motion carried by the following vote:

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

## 15. Adjournment

The meeting adjourned at approximately 8:33 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 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

\_\_\_\_\_  
Mayor

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