



# City of Broken Arrow

## Minutes City Council

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

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

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**Tuesday, January 2, 2018**

**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**

Chris Buskirk 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**

Council Member Johnnie Parks led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond stated Item I was going to be discussed and Item O and P should be removed as he had a conflict. He asked if there were other items to be removed. There were none.

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

**Move to approve Consent Agenda excluding Items I, O and P**

The motion carried by the following vote:

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

- A. 18-116** Acceptance of Planning Commission meeting minutes of October 26, 2017, November 2, 2017, and November 16, 2017
- B. 18-80** Approval of and authorization to execute Amendment No. 1 to the Professional Consulting Services Agreement between the City of Broken Arrow and Destination Services, LLC for the Tourism Asset Inventory Strategic Plan
- C. 17-2896** Approval of and authorization to execute Amendment No. 2 to Agreement for Professional Consulting Services between the City of Broken Arrow and PDG, LLC dba Planning Design Group for Design of Arrowhead Park Improvements (Project No. 176036)
- D. 18-120** Approval of and authorization to purchase one (1)  $\frac{3}{4}$  ton truck for the Fire Department pursuant to the Oklahoma Statewide Contract SW35
- E. 18-117** Approval of and authorization to execute a Letter of Agreement Contract with Jack Clancy Associates to conduct promotional testing services for the Police Department
- F. 18-78** Approval of SP-287 (Specific Use Permit), Anthem Church Signage, 24.106 acres, RS-1/SP50, one-half mile south of Kenosha, east of Garnett Road
- G. 18-79** Approval of SP-288 (Specific Use Permit), New Life Baptist Church, 4.195 acres, R-2, south of Norman Street, one-quarter mile west of Elm Avenue
- H. 17-2983** Approval of BAZ-1991 rezoning, Boston Heights, 2.10 acres, A-1 to RS-2, one-quarter mile south of Washington Street, one-half mile east of Elm Place
- I. 18-81** Approval of BAZ-1992 (rezoning), The Estates at Ridgewood, 40 acres, A-1 to RS-3, one-half mile north of Houston Street, one-quarter mile east of Midway Road
- J. 18-84** Approval of PT05-102A, Revised Conditional Final Plat, BA Lawn & Garden, 1 lot, 2.55 acres, CH, east of Elm Place, north of Kenosha Street
- K. 18-82** Approval of PT17-108, Conditional Final Plat, Kensington Ridge II, 39.85 acres, 45 Lots, A-1 to RS-1/PUD-262, one-quarter mile north of Houston Street, one-quarter mile west of Oak Grove Road
- L. 18-85** Approval of PT15-117B, Conditional Final Plat, Ninety One Phase 3, 26.28 acres, A-1 to RS-3, one-quarter mile east of 9th Street, north of Washington Street
- M. 18-87** Acceptance of a Sidewalk Easement from Shadow Trails Homeowners' Association, Inc., on property located one-eighth mile south of Tucson Street and one-eighth mile west of Olive Avenue, Tulsa County, State of Oklahoma, (Section 05, T17N, R14E)(Shadow Trails)
- N. 18-88** Approval of and authorization to execute a Street and Utility Easement Encroachment License Agreement from Shadow Trails Homeowners' Association, Inc., on property located one-eighth mile south of Tucson Street and one-eighth mile west of Olive Avenue, Tulsa County, State of Oklahoma, (Section 05, T17N, R14E)(Shadow Trails)

- O. 18-90 **Acceptance of a Utility Easement from Tucson Village, LLC, on property located one-eighth mile south of Tucson Street and one-quarter mile west of 23rd Street, Tulsa County, State of Oklahoma, (Section 01, T17N, R14E) (Tucson Village)**
- P. 18-113 **Acceptance of a Utility Easement from Tucson Village, LLC, on property located one-eighth mile south of Tucson Street and one-quarter mile west of 23rd Street, Tulsa County, State of Oklahoma, (Section 01, T17N, R14E) (Tucson Village)**
- Q. 18-4 **Approval of the Broken Arrow City Council Claims for January 02, 2018**

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

Items I, O and P were removed from the Consent Agenda.

- I. 18-81 **Approval of BAZ-1992 (rezoning), The Estates at Ridgewood, 40 acres, A-1 to RS-3, one-half mile north of Houston Street, one-quarter mile east of Midway Road**

Plan Development Manager, Larry Curtis, reported Item I was a request to rezone from agricultural to RS3 which was residential 3 with 3,000 square feet minimum per lot. He stated this area was located near Midway and off of Houston Street. He reported the property was a 40 acre tract located just within the city limits of Broken Arrow and abutted another 40 acre tract which had a preliminary plat and conditional final plat to be approved by City Council. He explained the plat in question was to be used as a connection, a bridge between the two, which would connect to Houston Street. He stated the request was in conformance with the comprehensive plan which showed the area as level 2. He stated he would be happy to answer any questions.

Council Member Parks asked if the recommendation from the Planning Commission had been approved with a 5 to 0 vote. Mr. Curtis responded in the affirmative.

Citizen Ed Lindblad stated his address was 7872 South 266 East Avenue, Broken Arrow. He stated he was a homeowner in Kensington Ridge Phase 1 which was adjacent to the property in question. He stated he was looking for clarification in regard to the thought process and planning of Phase 2. He stated he was concerned about the access road leading to the development off 81<sup>st</sup> street and he wondered if the road would be gravel or asphalt, and was it to be a permanent road. He explained as a resident of Kensington Ridge Phase 1 he was concerned about the traffic in and out of Phase 2. He stated he also wondered why Phase 2 was to be completed prior to Phase 1 (off of 81<sup>st</sup> Street); he felt Phase 1 should be completed first as it had visibility while Phase 2 was out of sight and located behind Phase 1. He stated he was concerned about the residential zoning from R3 to R2. He reported both Kensington Ridge 1 and Kensington Ridge 2 were R2 zoning, of which Kensington Ridge 2 was 39.85 acres to be divided into 45 lots. He stated Ridgewood Estates would be 40 acres with 88 lots. He stated he was concerned about the possible traffic flow on 81<sup>st</sup> street and through his existing neighborhood to reach Phase 2. He reported he was told at the Planning Commission that all the trees in the area would be taken down. He asked if trees could be left up along the roadway where the power lines were located to promote the rural feel.

Mayor Thurmond stated the Council had no control over what trees would be removed; this was a decision to be made by the developer. Mr. Lindblad stated he understood. Mayor Thurmond asked Mr. Curtis to respond to the remainder of Mr. Lindblad's questions.

Mr. Larry Curtis reported Phase 2 would be implemented first as the northern 40 acres were located within the jurisdiction of the City of Broken Arrow, while the southern portion was located within Wagoner County. He stated the applicant had submitted a request to have the southern portion annexed into the City of Broken Arrow which was being addressed by the legal department and would soon be before the Council for approval; however, in an effort to move forward with the project the developer submitted a request for the portion in question to be rezoned. He explained once annexation was approved by City Council the developer would move forward with the southern portion as well. He stated in regards to access, a road would be built in Wagoner County to the back of the property to be used as a construction access road; once near completion the road would become a standard Broken Arrow road. He reported it was to be created using the proposed preliminary plat for the southern portion and would be included as a part of the development.

Vice Mayor Eudey asked if the southern portion of the development would also be zoned R3. Mr. Curtis responded it would most likely be annexed as R2, but would be rezoned as RS3 to match the corresponding tract.

Mayor Thurmond asked if it was correct the 40 acres was to be divided into 88 lots. He stated he felt this would result in nice large lots. Mr. Curtis responded in the affirmative. He explained Kensington Ridge 2 and Phase 1 were classified as residential estate lots and were large half acre lots. He stated the developer requested to zone Kensington Ridge Phase 2 as RS2 with a PUD to allow for larger lots. He reported the issue both subdivisions faced was access. He explained Broken Arrow Fire Code required a minimum of 2 access points with over 30 lots; however, Kensington Ridge Phase 1 was developed within Wagoner County and Wagoner County only required 1 point of access. He explained as a result both developments needed the other to move forward with construction in order to gain points of access onto Houston Street. He stated this was the reason for the RS3 request rather than RS2, which was a slightly higher density of

development with the comprehensive plan in this area. He stated the neighborhood to the west was similar in density.

Vice Mayor Eudey asked how the neighborhood to the west was zoned. Mr. Curtis replied it was zoned A1. He explained it was annexed into the City of Broken Arrow many years ago and at the time it was annexed in as Agricultural. He stated if there was to be a change to the subdivision the area would be required to meet the current zoning code, which was RS3 type zoning; therefore, in lot size comparison, the request for RS3 zoning was comparable to the lot sizes which existed to the west. Vice Mayor Eudey asked if the area to the west, although not zoned RS3, had a density consistent with RS3. He stated he wanted to be certain RS3 zoning was not being implemented in the middle of an RS2 area. Mr. Curtis responded in the affirmative; this was the case. Council Member Parks asked if the area to the west, when annexed, was given an annexation number or zoning code. Mr. Curtis replied it was given A1 zoning at annexation. He stated he would have to research the reason why it was not annexed with the current zoning code number requirements, but he felt it had been annexed prior to the current annexation zoning laws.

Mr. Larry Curtis stated, regarding the trees, as Mayor Thurmond had indicated, the developer would choose which trees remained and which were taken down.

Vice Mayor Eudey asked if there would be a road off Houston Street which allowed access without traveling through the current neighborhood. Mr. Curtis responded in the affirmative. He reported the Planning Commission worked with the developer who would have this approved through the Wagoner County Courthouse. He explained once approved through the Wagoner County Clerk's Office the road would become accessible to the back portion of the property without disturbing the current residents in the area. Vice Mayor Eudey asked if this new access road was a requirement for rezoning approval. Mr. Curtis responded in the affirmative. Council Member Lester asked if Broken Arrow had any jurisdiction over the road. Mr. Curtis responded in the negative; Broken Arrow would not have jurisdiction; however, Broken Arrow did require the road be constructed to meet fire code. Council Member Lester asked if Broken Arrow had jurisdiction to require the road be maintained for dust control, etc. Mr. Curtis responded in the affirmative. Mayor Thurmond stated once the area was annexed, Broken Arrow would have jurisdiction. Mr. Curtis agreed. Council Member Lester asked if the access road would become the city street. Mr. Curtis responded in the affirmative. He explained the developer provided an overall preliminary design for the subdivision which indicated this was where the road would be located within the overall master plan of the project.

Mayor Thurmond asked if there were any more questions. Mr. Lindblad asked if, as Phase 2 was developed, the access road would be used by the public to exit 81<sup>st</sup> Street and gain access to the back neighborhood. Mr. Curtis responded in the affirmative. Mr. Lindblad asked if he understood correctly there were 90 lots in Phase 2, plus 88 lots, which equaled approximately 180 lots in the area, in addition to the 100 lots just to the east of the area. Mr. Curtis responded in the affirmative. Mr. Lindblad asked if Kensington Ridge 1 would also be annexed to the City of Broken Arrow. Mayor Thurmond responded only if the subdivision volunteered for annexation; there was no mandatory annexation. Vice Mayor Eudey stated once the proposed area was annexed the road would be subject to Broken Arrow jurisdiction and would be required to be paved, guttered and maintained as a City road. Mr. Curtis agreed.

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

**Move to approve BAZ-1992 (rezoning), The Estates at Ridgewood, 40 acres, A-1 to RS-3, one-half mile north of Houston Street, one-quarter mile east of Midway Road as recommended by the Planning Commission and Staff**

The motion carried by the following vote:

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

Mayor Thurmond left the room at approximately 6:48 p.m.

**O. 18-90 Acceptance of a Utility Easement from Tucson Village, LLC, on property located one-eighth mile south of Tucson Street and one-quarter mile west of 23rd Street, Tulsa County, State of Oklahoma, (Section 01, T17N, R14E) (Tucson Village)**

**P. 18-113 Acceptance of a Utility Easement from Tucson Village, LLC, on property located one-eighth mile south of Tucson Street and one-quarter mile west of 23rd Street, Tulsa County, State of Oklahoma, (Section 01, T17N, R14E) (Tucson Village)**

Vice Mayor Eudey stated Items O and P could be considered together. He asked if there was any motion regarding Items O and P.

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

**Move to approve Items O and P**

The motion carried by the following vote:

**Aye:** 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

**Recuse:** 1 - Craig Thurmond

Mayor Thurmond returned to the room at approximately 6:49 p.m.

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

**A. 18-115 Presentation of the 2017 Annual Report**

Communications Director, Krista Flasch, stated 2017 was a busy year for the City of Broken Arrow. She stated there had been great successes, many of which were highlighted in the 2017 Annual Report, including the opening of the Stony Creek Hotel and Conference Center, as well as the partnership with Milestone Capital on the \$18 million dollar mixed use development in the Rose District. She stated the 2017 Annual Report was available for review online at brokenarrowok.gov/annualreport and there would also be copies available for pickup at City Hall. She reported the Annual Report would be mailed to various state elected officials and federal elected officials, as well as many partners in the community including the Chamber, Economic Development Corporation (EDC) and School District. She asked if there were any questions. There were none.

The City Council commended her for a job well done.

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

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

**9. General Council Business**

**A. 18-83 Consideration, discussion, and possible approval of and authorization to purchase one (1) full sized sport utility vehicle (SUV) for the Fire Department pursuant to the Oklahoma Statewide Contract SW35**

Fire Chief, Jeremy Moore, stated this item was a routine replacement of an aiding staff vehicle. He reported the Fire Department had elected to purchase the Chevrolet Tahoe, which was not the least expensive sport utility vehicle (SUV) on the market, for several reasons which were as follows: dual battery was standard on the Chevy Tahoe which provided the electrical capacity needed to run lights, sirens, radios, and emergency equipment, the Chevy Tahoe was prewired for all the necessary components, and the fleet already consisted of several Tahoes which provided consistency of maintenance. He stated the Fire Department was asking to purchase the Tahoe with the statewide contract. He stated the other SUVs on the market included the Dodge Durango and the Ford. He reported the cheapest SUV was \$3,000 dollars cheaper, but did not include the dual batteries and prewiring; therefore, after market wiring and dual battery purchase would be required which would not be covered under warranty. He stated the Fire Department felt the Chevy Tahoe was the most advantageous vehicle to purchase at a state contract list price of \$31,877. He stated the Fire Department recommended approval for purchase.

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

**Move to approve the purchase of one (1) Chevrolet Tahoe from Vance Chevrolet for the Fire Department pursuant to the Oklahoma Statewide Contract SW35**

The motion carried by the following vote:

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

**B. 18-121 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1069, a Resolution of Necessity to Condemn Property located in the NW/4 of the SW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, for the 23rd Street, Houston to Kenosha, Widening Project (Project No. ST0914), generally located at 2400 East College Street, Broken Arrow, Oklahoma**

Director of Engineering and Construction, Alex Mills, stated he requested approval for condemnation of a piece of property required for the 23<sup>rd</sup> Street widening from Kenosha to Houston. He reported the funding for the right of way acquisition was part of an STP funding program (Surface Transportation Program) which was a cost share of 80% for Oklahoma Department of Transportation (ODOT) and 20% for Broken Arrow. He stated as part of the agreement Broken Arrow was required to pay all of the right of way cost up front, and ODOT would reimburse Broken Arrow 80% after it was acquired. He stated Broken Arrow had been negotiating for the property and had made a fair market value offer. He stated the building was Abatement Systems located roughly southeast of College and 23<sup>rd</sup> Street, closer to Old Highway 51. He stated he would be happy to answer any questions.

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

**Move to approve Resolution 1069 and authorize its execution**

The motion carried by the following vote:

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

Council members Mike Lester and Scott Eudey left the room at approximately 6:54 p.m.

**C. 17-3016 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1073, a Resolution of Intent to support an application by DHTC Development, LLC to the Oklahoma Housing Finance Agency for the construction of multi-family, senior patio homes located approximately south of 209th and Kenosha**

Plan Development Manager, Mr. Larry Curtis, reported this was a resolution in support of senior housing within the City of Broken Arrow, specifically within the area of 209<sup>th</sup> Street and Kenosha. He explained the area was Level 4 within the comprehensive plan which was for commercial development. He stated when the comprehensive plan was developed in 1998 and destined there would be a corridor along the Creek Turnpike, and much of the land was recommended for level

4 use as it was very raw land. He reported since that time developers had asked if the land would not be better used for multifamily. He explained Resolution No. 1073 did not change the comprehensive plan, nor did it change the zoning, it was simply a resolution of support for multifamily, specifically senior multifamily, within this area. He stated the applicants were in attendance to answer questions, and he was happy to answer questions as well.

Council Member Parks asked if the area was currently zoned. Mr. Curtis responded in the affirmative; the potential property was zoned A1, Agricultural. He explained the purpose for the resolution of support was for possible funding by the Oklahoma Housing Finance Authority (OHFA). He stated it was not a requirement, but was to show support from the community that senior housing was important to Broken Arrow and a project such as this would be fitting within the City of Broken Arrow. Council Member Parks asked if the housing would be developed with A1 zoning. Mr. Curtis responded in the negative. He explained the comprehensive plan amendment process, re-zoning process and platting process would still need to be observed, but the show of support would aid DHTC Development approaching OHFA for additional funding opportunities. Mayor Thurmond asked if this was a resolution to support DHTC Development's application for tax credits while DHTC would still be required to go through Comp Plan Amendment and zoning prior to anything being built. Mr. Curtis responded in the affirmative. Mayor Thurmond asked if there were any questions. There were none.

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

**Move to approve Resolution No. 1073 subject to a change in the Comprehensive Plan and Rezoning Application and authorize its execution**

The motion carried by the following vote:

**Aye:** 3 - Debra Wimpee, Johnnie Parks, Craig Thurmond  
**Recused:** 2 - Mike Lester, Scott Eudey

Council members Mike Lester and Scott Eudey returned to the room at approximately 6:58 p.m.

**D. 18-123 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1080, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the matter of Daniel O'Barr and Kimberly O'Barr v. City of Broken Arrow, Case No. CJ-2016-2672 in the District Court for Tulsa County, State of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval, pursuant to 51 O.S. § 158**

Assistant City Attorney, Trevor Dennis, stated Resolution No. 1080 involves resolution of a law suit filed by Daniel and Kimberly O'Barr who resided at 1245 West Louisville Street and involved a law suit filed against the City of Broken Arrow alleging the O'Barr family had incurred a sewer infiltration allegedly by the City of Broken Arrow. He stated Resolution No. 1080 authorized the settlement in the amount of \$25,000 with the City not admitting any liability in the matter. He stated the legal department would prepare a Journal Entry of Judgment to go before District Court for approval as it was a \$25,000 amount. He stated he would be happy to answer any questions.

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

**Move to approve Resolution No. 1080 and authorize its execution**

The motion carried by the following vote:

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

**10. Preview Ordinances**

There were no Preview Ordinances.

**11. Ordinances**

There were no Ordinances.

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

Mayor Thurmond wished all a Happy New Year. He asked if there were any remarks or inquiries. There were none.

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

City Manager, Michael Spurgeon, stated staff was in the process of preparing an information packet in connection with the Special Meeting to be held on Saturday, January 13, 2018 to begin the vetting process for selecting the final projects and initiatives to be included in the various packages. He stated Council would also have to choose a date to go before the voters to ask for consideration of the next General Obligation Bonds. He stated the packet would go out early next week and would include a list of the projects, additional information from finance and Mr. Gale, and possible election dates in June and August, as well as bonding capacity and keeping at the current millage rate level. He stated the packet would be reviewed at the Special Meeting. He stated following the review Council would be asked for authorization to put together three community forums in February to take input on the preliminary projects and initiatives that the Council had decided upon. He reported staff and the community seemed to have consistency of thought with regard to projects and initiatives, which currently totaled approximately \$300 million dollars; however, Council would have to shorten the project list. He reported in comparison to the past three packages (2008, 2011, and 2014) which totaled approximately \$147 million, with

the capacity Broken Arrow currently had, the debt rolling off, and the assessed value of the City being higher, Broken Arrow had the capacity to go above the usual budgeted amount.

Mr. Spurgeon stated the citizen survey was currently being reviewed by the various city departments. He stated he passed the citizen survey along to School Superintendent Dunlop for review as there were comments regarding the school district in the survey, and he would pass the survey along to the Union School Superintendent as well.

Mr. Spurgeon stated he had selected the finalists for face-to-face interviews for the Finance Director position. He reported he, with Mr. Gale's assistance, had narrowed the list down to four individuals, one internal and three external. He stated within the next few weeks the interviews should be completed and an offer could be extended towards the end of January. He stated he anticipated a new Finance Director could be in place by the end of February or early March.

Mr. Spurgeon stated the review process for Capital for the FY 2019 budget had begun. He stated at the request of Mr. Gale and the finance department this process was started about two months early to allow more time to plan and review the projects. He asked if there were any questions. There were none.

**14. Executive Session**

There was no Executive Session.

**15. Adjournment**

The meeting adjourned at approximately 7:03 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

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

Attest:

s/Craig Thurmond \_\_\_\_\_  
Mayor

s/Lisa Blackford \_\_\_\_\_  
City Clerk