



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

Tuesday, December 1, 2015

Council Chambers

1. Call to Order

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

2. Roll Call

Present: 5 -

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

3. Invocation

Pastor Richard Manganero delivered an invocation.

4. Pledge of Allegiance to the Flag

Councilor Mike Lester 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 Richard Carter.

Move to approve the Consent Agenda as presented

The motion carried by the following vote:

Aye: 5 -

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

A. 15-705

Approval of City Council Meeting Minutes of November 9, 2015

B. 15-732

Approval of City Council Meeting Minutes of November 17, 2015

C. 15-722

Acceptance of Planning Commission Meeting Minutes held October 8, 2015

D. 15-724

Ratification of the Mayor's execution of Resolution No. 900 Concerning Bridge Inspection Responsibility by Local Government for Compliance with National Bridge Inspection Standards, Bridge Inspection Contracts for April 1, 2016 to March 31, 2018

E. 15-735

Approval of and authorization to execute Earth Change Pay Request Number 4 for Tri-Star Construction, LLC through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

F. 15-734

Approval of and authorization to execute Pay Request Number 5 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

G. 15-704

Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse

H. 15-731

Approval of and authorization to purchase four street sanders from Southwest Trailers, as bid under the Oklahoma statewide contract for the Street Department

I. 15-694

Approval to waive formal competitive bidding and approve the purchase of two LifePak 15 cardiac monitors from Physio-Control as bid pursuant to the Oklahoma Statewide Contract SW300

J. 15-720

Consideration and possible approval regarding PT15-110, Conditional Final Plat, Ferguson Addition, 1 lot, 5.80 acres, CH/SP 267/PUD 236, south of the Broken Arrow Expressway, one-eighth mile east of Elm Place

K. 15-723

Consideration and possible approval regarding PUD 207E, Quick Trip, a request for a major amendment to PUD 207, 17.23 acres, CH/PUD 207 to CH/PUD 207E, north of the Broken Arrow Expressway, west of 9th Street

- L. 15-712 **Consideration and possible approval regarding PUD 242 and BAZ 1945, Cody Callaway Office Building, 0.40 acres, R-3 to ON, one-half mile south of Kenosha Street, one-half mile west of 9th Street on the northeast corner of First Street and Detroit Street**
- M. 15-714 **Consideration and possible approval of PUD 243 and BAZ 1946, Collision Works, 2.64 acres, CH to IL, southeast corner of Kenosha Street and 14th Street, south of Kenosha Street, one-third mile east of 9th**
- N. 15-700 **Acceptance of a Deed of Dedication from Jerry D. Lundy as Trustee of The Davidson Family Irrevocable Trust, Lot 6, Block 6 of Sun City I, located north of Omaha Street and east of 37th Street, Broken Arrow, Wagoner County, State of Oklahoma, (Section 29, T19N, R15E)**
- O. 15-699 **Acceptance of a Utility Easement from Jerry D. Lundy as Trustee of The Davidson Family Irrevocable Trust, Lot 6, Block 6 of Sun City I, located north of Omaha Street and east of 37th Street, Broken Arrow, Wagoner County, State of Oklahoma, (Section 29, T19N, R15E)**
- P. 15-703 **Acceptance of a Deed of Dedication from STOKELY PROPERTY, LTD., on an unplatted parcel of land, located in the northwest corner of Florence Street and 209th East Avenue, east of the Creek Turnpike, Broken Arrow, Wagoner County, State of Oklahoma, (Section 30, T18N, R15E)**
- Q. 15-702 **Acceptance of a Utility Easement from STOKELY PROPERTY, LTD., on an unplatted parcel of land, located in the northwest corner of Florence Street and 209th East Avenue, east of the Creek Turnpike, Broken Arrow, Wagoner County, State of Oklahoma, (Section 30, T18N, R15E)**
- R. 15-701 **Acceptance of a Utility Easement from Vintage Housing, Inc., Lot 1, Block 1, Kenosha Landing Plat #6349, the property is generally located north of Kenosha Street and east of Aspen Avenue, Broken Arrow, Tulsa County, State of Oklahoma, (Section 04, T18N, R14E)**
- S. 15-698 **Approval of and authorization to accept the public improvements for Tractor Supply**
- T. 15-736 **Approval of the Claim List 12-01-2015**

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. 15-728 **A public hearing regarding the annexation of property located in 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**
Mayor Thurmond recused himself and left the room.

Mr. Michael Skates, Director of Development Services, said this item was a request for a public hearing regarding the annexation of property located south of the Southeast corner of the intersection of East 131st and South Garnett Road in a Planned Unit Development named Walnut Grove on 7.834 acres. He said this item had been before Council for a Public Notice. Mr. Skates said this item was associated with the final Ordinance to be presented later in the Council meeting.

Vice Mayor Richard Carter called for a public hearing regarding the annexation of Walnut Grove.

Vice Mayor Carter called a second time for anyone who wished to speak regarding the annexation of Walnut Grove.

Vice Mayor Carter called a third time for anyone who wished to speak regarding the annexation of Walnut Grove.

There was no one who wished to speak.

Vice Mayor Carter closed the public hearing.

No action was required or taken.

Mayor Thurmond returned to the room.

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. 15-691

Receipt and consideration of bids for and possible action awarding the sale of \$11,575,000 in principal amount of Series 2016A General Obligation Bonds and authorization to execute the pertinent documents related thereto

Director of Finance / Treasurer, Mr. Tom Caldwell recalled that on November 9, 2015 Council approved the setting of a sale date for the 2016A General Obligation Bonds in the amount of \$11,575,000.00. Mr. Caldwell also covered item 9B regarding the sale of the 2016B General Obligation Bonds in the amount of \$6,625,000.00. He said that the relevant Ordinances would follow in this Council meeting. Mr. Caldwell introduced Mr. Ben Oglesby of Municipal Finance Services.

Mr. Oglesby briefed the Council on the bids received and made his recommendation for FTN Capital Markets as the lowest and best bid for 2016A.

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

Move to award the lowest and most advantageous bid for the sale of \$11,575,000 in General Obligation Bonds Series 2016A, to FTN Capital Markets, and authorize execution of all pertinent documents related thereto

The motion carried by the following vote:

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

B. 15-692

Receipt and consideration of bids for and possible action awarding the sale of \$6,625,000 in principal amount of Series 2016B General Obligation Bonds and authorization to execute the pertinent documents related thereto

Mr. Oglesby briefed the Council on the bids received and made his recommendation for Bank of America/Merrill Lynch, as the lowest and best bid.

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

Move to award the lowest and most advantageous bid for the sale of \$6,625,000 in General Obligation Bonds Series 2016B, to Bank of America/Merrill Lynch, and authorize execution of all pertinent documents related thereto

The motion carried by the following vote:

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

C. 15-713

Consideration, discussion, possible approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of property for a residential subdivision on 39 acres of land located in Section One (1), Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof and located south of East Tucson Street (East 121st Street South) and west of County Line Road (South 193rd East Avenue) and provide notice in accordance with State Statute.

Mr. Skates said this was a proposal for residential development on thirty nine acres generally located south of East Tucson Street (East 121st Street South) and west of County Line Road (South 193rd East Avenue). Mr. Skates asked that Council direct publication of a Notice of Annexation in a legally qualified newspaper.

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

Move to direct the City Clerk to publish the Legal Notice of Annexation in a legally qualified newspaper 14 days prior to the public hearing and provide notice in accordance with State Law

The motion carried by the following vote:

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

D. 15-718

Consideration, discussion and possible approval of the Revised City of Broken Arrow Purchasing Manual

General Services Director, Mr. Lee Zirk, gave details on the development of the City's Purchasing Manual saying that the purpose of the Manual was to promote and maintain the integrity of the purchasing process and give clear guidelines to Council, Staff and vendors. Mr. Zirk said that once the updated Manual is approved it would be provided to all personnel in the City of Broken Arrow that are involved with the purchasing process. He said it would also be available on the City's internet for the public to view.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to approve the Revised City of Broken Arrow Purchasing Manual with an effective date of December 1, 2015

The motion carried by the following vote:

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

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 15-687

Consideration and possible adoption of Ordinance Number 3372, an ordinance providing for the issuance of \$11,575,000 General Obligation Bonds, Series 2016A by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency

City Attorney, Ms. Beth Anne Wilkening, said this Ordinance was prepared at Bond Council. Ms. Wilkening referred to a previous item that considered the award of the bid for \$11,575,000 series 2016A in General Obligation Bonds expenditures. This Ordinance would finalize the steps required to proceed with a positive vote authorizing the sale.

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

Move to adopt Ordinance No. 3372

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 Mike Lester.

Move to approve the Emergency Clause for Ordinance 3372

The motion carried by the following vote:

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

B. 15-688

Consideration and possible adoption of Ordinance Number 3373, an ordinance providing for the issuance of \$6,625,000 General Obligation Bonds, Series 2016B by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency.

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

Move to adopt Ordinance No. 3373

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 Mike Lester, seconded by Richard Carter.

Move to approve the Emergency Clause for Ordinance No. 3373

The motion carried by the following vote:

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

C. 15-696

Consideration, discussion and possible adoption of Ordinance No. 3374, an ordinance amending Chapter 16, Offenses, Article I, In General, Section 16-28.1. -Prohibiting possession, delivery or manufacture of drug paraphernalia; specifically expanding the definition of drug paraphernalia to include matters considered in determining what constitutes drug paraphernalia, and further clarifying the punishment that may be imposed for violating the ordinance; exception; penalty; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening said this Ordinance provides clarification for the term paraphernalia. She said the changes would bring the Ordinance into compliance with State law.

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

Move to adopt Ordinance No. 3374

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 Richard Carter.

Move to approve the Emergency Clause for Ordinance No. 3374

The motion carried by the following vote:

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

D. 15-697

Consideration, discussion and possible adoption of Ordinance No. 3375, an Ordinance annexing property located in 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 recused himself and left the room.

Ms. Wilkening said Ordinance No. 3375 would annex property considered earlier in this Council meeting located in Walnut Grove on 7.834 acres. She said all statutory requirements had been met.

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

Move to adopt Ordinance No. 3375

The motion carried by the following vote:

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

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

Move to approve the Emergency Clause on Ordinance No. 3375

The motion carried by the following vote:

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

Mayor Thurmond returned to the room.

E. 15-730

Consideration, discussion and possible adoption of Ordinance No. 3376, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1727, granting CH and PUD 228 zoning classifications be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Ms. Wilkening said this Ordinance involved a rezoning request. She said that adoption was needed to amend the zoning code.

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

Move to adopt Ordinance No. 3376

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 Mike Lester.

Move to approve the Emergency Clause for Ordinance No. 3376

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

City Manager, Mr. Michael Spurgeon, said he would be meeting with the Construction and Engineering Department to discuss the needed professional services for the projects that would be funded by the General Obligation Bonds approved earlier during the Council meeting.

Mr. Spurgeon said with regard to the remaining 2014 projects, the goal was to complete those projects over the next three years. He said the Department Directors would be meeting on the week of January 11, 2016 to determine priorities for the 2014 projects. Mr. Spurgeon mapped a process of presenting the collective recommendations to Council for approval and then a plan to revisit the recommendations during the budget session to determine if there are any changes. He said at that time Staff would look to Council to issue approvals so that they could move forward. Mr. Spurgeon said this process would be repeated for the following two years.

Mr. Spurgeon said that in the fall of 2016 an eighteen month process would be launched to consider all emerging projects to be considered for the next round of Bond Obligations slated for 2018.

Mr. Spurgeon referred to the Vison 2025 renewal saying that during the first week of January 2016 operational meetings would be held with the City Attorney, the Finance Director, and applicable Department Directors to begin the process of implementing the projects approved by voters. He said implementation would begin in January of 2017 after all preparations and personnel are in place. He said announcements would be made to the Council and the public throughout the process.

Mr. Spurgeon thanked the Broken Arrow Chamber Of Commerce for sponsoring the Tree Lighting Ceremony in the Rose District Pavilion. He thanked the Students of the Broken Arrow Dance Program for their interpretive dance performance at the Ceremony.

Mr. Spurgeon announced the Ruts 'n Guts Cycling Event held December 5-6 at the

Chisholm Trail Events Park. He gave his thanks to the Parks Department and noted that this event was fast becoming a signature event here in Broken Arrow.

Councilor Mike Lester reminded all of the Christmas Parade planned for 10:00 a.m. in the Downtown Rose District on Saturday, December 5, 2015.

Mayor Thurmond asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings.

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

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:00 p.m. and asked for a motion to recess prior to entering into the Executive Session.

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

Move to take a recess prior to 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 Council session at 7:08 p.m. and asked for a motion to enter into the Executive Session.

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

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 discussing and conferring on matters pertaining to:

(1) The possible purchase and appraisal of real property located on Lynn Lane (9th Street) between Houston (81st Street South) and Elgin Avenue and possible action in open session, including authorization to negotiate for the potential purchase of this real property and 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 and that disclosure will impair the ability of the City Council to process the pending appraisal and acquisition of real property 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 7:25 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.

There being none no action was required or taken.

15. Adjournment

The meeting adjourned at approximately 7:26 p.m.

MOTION: A motion was made by Richard Carter, 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

Acting City Clerk