



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

Tuesday, February 19, 2019

Time 6:30 p.m.

Council Chambers

1. Call to Order

Vice Mayor Scott Eudey called the meeting to order at approximately 6:30 p.m.

2. Invocation

Invocation was performed by Pastor Scott Moore.

3. Roll Call

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

Absent: 1 - Craig Thurmond

4. Pledge of Allegiance to the Flag

Vice Mayor Eudey led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Vice Mayor Eudey asked if there were any items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

- A. 19-4 Approval of the City Council Meeting Minutes of February 5, 2019**
- B. 19-264 Approval of and authorization to execute Budget Amendment Number 4 for Fiscal Year 2019**
- C. 19-268 Ratification of Workers' Compensation Settlement for Barry Pickup, current Police Department employee**
- D. 19-267 Approval of and authorization to accept State Farm Insurance Company's offer to settle a claim for vehicle loss, declaring the vehicle surplus and releasing it to State Farm Insurance Company**
- E. 19-265 Approval of and authorization to execute Oklahoma Department of Transportation (ODOT) Engineering Contract Funding Agreement Amendment #2 for Engineering Services involving the Broken Arrow Centennial Trail Phase IV(Project No. 146020)**
- F. 19-252 Approval of and authorization to execute Change Order CO1 for Construction Contract with Crossland Heavy Contractors; construction of East Nashville Street**
- G. 19-271 Ratification of Agreement for Professional Consultant Services with Chase Feters Hewitt - Architects for the design and construction document preparation of the Armed Forces Meeting Hall (Project No. 176050A)**
- H. 19-246 Notification of City Manager's, and Assistant City Manager's execution of Professional Consultant Agreements with a value of less than \$25,000**
- I. 19-272 Ratification of bid award to the lowest responsible bidder, Cherokee Pride Construction, Inc., for the Aspen Pond - West Boston Court Drainage Improvements (SW1918) and authorization to execute the construction contract**
- J. 19-191 Approval of PT18-101, Conditional Final Plat, The Woods of Jasper Estates, 27.97 acres, 28 Lots, A-1 to PUD-265 and RS-2, north and west of the northwest corner of Jasper Street (131st Street) and 23rd Street (County Line Road)**
- K. 19-224 Approval of PT18-109, Conditional Final Plat, Boston Heights, a replat of Lot One, Block Two Arrow Acres, 2.10 acres, 7 Lots, A-1 to RS-2, one-half mile east of Elm Place, one-quarter mile south of Washington Street**
- L. 19-192 Approval of PT18-111, Conditional Final Plat, Dollar General Broken Arrow #20251, 1.88 acres, 1 Lot, A-CH to CG/PUD-283 via BAZ-2015, located west of the southwest corner of Aspen Avenue and Omaha Street**
- M. 19-223 Approval of PUD-273A (Planned Unit Development), a major amendment to PUD-273, Redbud Ranch, 18.49 acres, A-RM to PUD-273/RM, located north of Albany Street (61st Street), east of 23rd Street (County Line Road/193rd East Avenue)**

- N. 19-255 Acceptance of Temporary Construction Easements consisting of 0.31 acres and 0.63 acres from Chase and Katie Tanner, on property located at 12474 South 185th East Avenue located in part of the Northwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$1,230.00 for the County Line Trunk Sewer Replacement, Parcel 4.1, 4.2 (Project No. S.1609)
- O. 19-256 Acceptance of a Temporary Construction Easement from Sansing Living Trust, the owner, on property located in the 8500 block South 9th Street, a tract of land in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the County Line Trunk Sewer Replacement, Parcel 2.A (Project No. S.1609A)
- P. 19-257 Acceptance of a Utility Easement consisting of 0.09 acres and 3.17 acres of Temporary Construction Easement from Page and Jana Keck, on property located at the northeast corner of South 9th and Jasper, located in part of the Southwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$4,610.00 for the County Line Trunk Sewer Replacement, Parcel 1.0, 1.1 (Project No. S.1609)
- Q. 18-1417 Approval of the Broken Arrow City Council Claims List for February 19, 2019

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. 19-263 **Presentation on the Tax Increment Finance District #1**
Finance Director Cindy Arnold presented a brief history of Tax Increment Finance (TIF) District #1. She displayed a map which illustrated the one mile boundary of TIF District #1. She reported City Council approved TIF District #1 on October 19, 2010 with Ordinance No. 3127. She briefly reviewed the various actions taken by City Council in regard to the TIF. She reported the loan taken against the TIF would be paid off by spring of 2028, which was a couple of years earlier than originally projected. She displayed a copy of the original TIF budget as compared with the actual monies spent. She explained the TIF District Budget was originally \$13,500,000 dollars and the city had spent \$14,368,000 dollars. She reported in 2010, before the TIF began, the assessed value of TIF District #1 was \$4.8 million dollars; the current value of TIF District #1 was \$11,154,000 dollars. She reported the Broken Arrow Property Tax generated and redirected from Broken Arrow Public Schools since the creation of the TIF District equaled \$1,710,000 dollars, and the total generated and redirected for all County school entities involved, including Broken Arrow Public Schools, was approximately \$3.5 million dollars. She stated the Property Taxes collected from the TIF District totaled \$4.2 million dollars; the total Sales Tax collected and redirected was \$1.7 million dollars and the Sales Tax growth was redirected to retire the TIF debt. She stated the total collected from the TIF was \$5,992,000 dollars. She reported other Capital Projects within the TIF included GO Bonds, Sales Tax Capital Improvements, Vision 2025, CDBG (Community Development Block Grant), and Utility Capital. She noted the city had spent or committed an additional \$28 million dollars. She stated the total spent or pledged within the TIF District was \$42,615,000 dollars.
- B. 19-274 **Presentation of the Together Project Artwork Competition and Recognition of the Award Winners**
Assistant City Manager of Operations, Kenny Schwab, reported the City of Broken Arrow partnered with Broken Arrow Public Schools to address a creek which ran from Dick's Sporting Goods to Nienhuis Park through the Together Project in an effort to educate the public and create an outdoor classroom for students. He stated it was determined artwork should be displayed along the Creek which educated the Public regarding the importance of keeping the creeks clean; therefore the schools held an Artwork Competition. He displayed the two winning art pieces: one embodied the do not litter effort with Phil the Raccoon and the slogan "Phil Says Stash the Trash", the other embodied the Together Project with the slogan "Your Actions Affect the Environment. The Environment Affects You." He indicated Phil the Raccoon signs could be installed along the creek and the Together Project artwork would make a wonderful T-Shirt to promote the Together Project watershed program and could be used as a sign in the park. He called forward and congratulated Paige Arnold and Kim Vang, the creators of the artwork. Vice Mayor Eudey congratulated Ms. Arnold and Ms. Vang who were presented with an award.

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 wished to address the Council on general topics related to City business or services.

9. General Council Business

A. 19-145 **Consideration, discussion, and possible approval of changes to the Broken Arrow Youth City Council program**

Community Relations Liaison, Jennifer Hooks, reported the Broken Arrow Youth City Council was established in 2001 and grew stronger each year. She stated recruitment took place in the summer with applications taken from rising juniors for a two year commitment and an average Council size of fifteen to twenty students. She noted she, Vice Mayor Eudey and Council Member Parks considered methods to grow the program and proposed adding sophomores to the recruitment, adding an educational trip in the fall for the juniors to acquire leadership experience, and holding elections in May rather than the fall to enable new seniors to step into the new roles and aid recruitment.

Council Member Wimpee asked if there were ideas regarding the events and projects for the sophomores. Ms. Hooks responded in the negative; the sophomores would work on the current projects, such as “The Bid Idea” project, with the others as a group. Council Member Wimpee stated she approved of the proposed changes.

Council Member Parks stated he approved of the Youth City Council program and felt it was a wonderful learning experience for the Youth. He noted the senior trip to the National League of Cities in Washington DC was a great opportunity. He discussed other conferences the Youth City Council had the privilege to attend. He stated the only potential complication he saw with the changes was the three year commitment. He noted many of the Youth City Council Members were leaders in the Community and it was a heavy commitment. He noted Ms. Hooks arranged presentations by staff during the monthly Youth City Council Meetings, which was wonderful. He stated Ms. Hooks assured him she would continue to teach the Youth City Council Members about City Government, provide a first-hand experience, and be involved in city government events. He stated he enjoyed sponsoring the Youth City Council.

Council Member Lester stated he approved of the Youth City Council program and felt it was extremely beneficial to the youth in furthering leadership skills.

Vice Mayor Eudey stated changes to the Youth City Council was Council Member Parks’ brain child. He stated he felt the proposed changes to the program would help with continuity of leadership and cohesiveness among the youth in the program. He stated he welcomed the opportunity to broaden the Youth City Council program.

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

Move to approve the changes to the Broken Arrow Youth City Council program

The motion carried by the following vote:

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

B. 19-259 **Consideration, discussion, and possible termination of an existing Agreement between the City of Broken Arrow and Mark’s Rose Care**

Acting Director of Parks and Recreation, Phil Hink, reported in July 2018 City Council approved an agreement between the City of Broken Arrow and Mark’s Rose Care for maintenance on the rose beds within the Rose District. He noted the Park staff was recently informed the owner and operator of Mark’s Rose Care passed away and Mark’s Rose Care would no longer be able to fulfill its obligations. He stated the Agreement allowed the City of Broken Arrow to terminate the Agreement at any time due to any unspecified reasons. He stated due to the unfortunate circumstances with Mark’s Rose Care and the need for consistent maintenance of the roses in the Rose District, staff recommended City Council approve the termination of the existing agreement between the City of Broken Arrow and Mark’s Rose Care.

Council Member Parks asked if the agreement were terminated what were the next steps. Mr. Hink responded the Park staff would fill in the gap for rose care and staff would work with General Services to bid the project. Council Member Parks asked if Mark’s Rose Care was in agreement with the termination. Mr. Hink responded in the affirmative.

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

Move to approve the termination of an existing Agreement between the City of Broken Arrow and Mark’s Rose Care

The motion carried by the following vote:

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

C. 19-262 **Consideration, discussion, and possible approval of and authorization to execute a Purchase and Sales Agreement to purchase from Vicki McBride property generally located in the Southwest Quarter of Section 17, Township 18 North, Range 14 East, necessary for the completion of the Washington Street Improvements-Garnett Road to Olive Avenue project**

City Attorney Trevor Dennis reported the city had plans to widen Washington Street between Garnet Road and Olive Avenue. He indicated Ms. Vicki McBride lived at 4800 West Washington Street and the City of Broken Arrow had reached an agreement with Ms. McBride to acquire the property. He noted there was a Letter of Intent signed by the Landowner and authorized by City Council on February 5, 2019. He noted the payment terms were for \$8,170 dollars and the city was responsible for closing costs. He stated Staff recommended approval.

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

Move to approve and authorize execution of a Purchase and Sales Agreement to purchase from Vicki McBride property generally located in the Southwest Quarter of Section 17, Township 18 North, Range 14 East, necessary for the completion of the Washington Street Improvements-Garnett Road to Olive Avenue project

The motion carried by the following vote:

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

D. 19-186 Consideration, discussion, and possible approval of and authorization to execute Agreement for Professional Consultant Services with Chase Feters Hewitt - Architects for the design and construction document preparation of the Senior Citizen's Activity Center (Project No. 186024A)

Director of Engineering and Construction, Alex Mills, reported this was an Agreement to design the Senior Center Annex. He explained in 2017 staff went through the selection process and Chase Feters Hewitt was selected to do the conceptual design of the project which was completed. He noted the project still awaited property acquisition, but this should not change the scope of the project from a design standpoint; therefore, it was decided to proceed with project design. He explained it was a fairly extensive design including a full service kitchen and other amenities. He stated he believed the Agreement was fairly priced.

Council Member Lester noted the agreement included site development. Mr. Mills concurred and indicated the process would begin with an initial stakeholders meeting to determine the scope of the project, following which project design would begin and he hoped the property would be acquired quickly. Council Member Parks asked if the stakeholders included Members of the Senior Center. Mr. Mills responded in the affirmative.

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

Move to approve and authorize execution of Agreement for Professional Consultant Services with Chase Feters Hewitt - Architects for the design and construction document preparation of the Senior Citizen's Activity Center (Project No. 186024A)

The motion carried by the following vote:

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

E. 19-250 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1183, a Resolution of Necessity to Condemn Property generally located at 13101 South 177th East Avenue, Broken Arrow, in the Northwest Quarter of Section 12, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609, S.1609A)

Mr. Alex Mills reported this was for the County Line Trunk Sewer Project which was actively being bid. He noted there were several parcels of land for which the city failed to reach an agreement with the landowners for temporary or permanent easement. He indicated the negotiations were included in City Council's information packet. He asked permission to move forward with the necessity to condemn the properties.

Vice Mayor Eudey explained the city went through an exhaustive process attempting to reach an agreement with landowners. Mr. Mills concurred. He explained staff made every effort to accommodate landowners. He stated there may be "bad feelings" between the landowners along this project due to problems with the first construction of the County Line Trunk Sewer years ago. He stated he hoped that through the current construction process and with current staff ensuring the various properties were whole and in excellent condition at the end of the project, the landowners would feel better about the process.

Council Member Parks asked if Mr. Mills believed additional permanent easement would be required. Mr. Mills responded in the affirmative; there were certain areas which required variance from the original alignment for various design reasons; therefore, the city would need additional easement in places to allow construction of the line.

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

Move to approve Resolution No. 1183 and authorize its execution

The motion carried by the following vote:

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

F. 19-248 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1186, a Resolution of Necessity to Condemn Property generally located at 13185 South 177th East Avenue, Broken Arrow, in the Northwest Quarter of Section 12, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609A)

Mr. Alex Mills reported this was the same situation as item E with a different landowner.

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

Move to approve Resolution No. 1186 and authorize its execution

The motion carried by the following vote:

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

- G. 19-251 **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1187, a Resolution of Necessity to Condemn Property that is generally located at 12720 South 185th East Avenue, Broken Arrow, in the Southwest Quarter of Section 1, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609)**
Mr. Alex Mills reported this was the same situation as item E with a different landowner.

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

Move to approve Resolution No. 1187 and authorize its execution

The motion carried by the following vote:

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

- H. 19-249 **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1189, a Resolution of Necessity to Condemn Property that is generally located at 12944 South 185th East Avenue, Broken Arrow, in the Southwest Quarter of Section 1, T-17-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609)**
Mr. Alex Mills reported this was the same situation as item E with a different landowner.

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

Move to approve Resolution No. 1189 and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 19-86 **Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses - Miscellaneous, Article I - In General; Section 16-27 Unmanned Aircraft System (UAS)/Drones, created, of the Broken Arrow Code of Ordinances; repealing all ordinances to the contrary; and declaring an emergency**
City Attorney, Trevor Dennis, reported there had been several issues surrounding the use of drones by private individuals in the City of Broken Arrow. He noted this was an area which was heavily regulated by the Federal Government; however, there were certain local areas of concern which cities could pass Ordinances on. He stated the Preview Ordinance before Council amended the Miscellaneous Offense Ordinance to provide 14 Provisions for the safe use and operation of drones by private individuals. He explained it did not apply to the use of drones by the government. He briefly reviewed the provisions and what the provisions prohibited, such as privacy restrictions, height restrictions, sight of drone restrictions, operating under the influence restrictions, reckless operation restrictions, weaponized drone restrictions, etc. He stated he believed this Preview Ordinance was well written and in conformance with Federal Regulations.

Vice Mayor Eudey thanked the Legal Department for addressing this issue.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

- A. 19-160 **Consideration, discussion, and possible adoption of Ordinance No. 3555, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1982, generally located on the northwest corner of El Paso Street and First Street and the southwest corner of El Paso Street and First Street, granting a DM zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
City Attorney Dennis stated Ordinance No. 3555 was previously considered by City Council on July 3, 2017. He noted the Ordinance codified the approval of BAZ-1982 to change the zoning of subject property from CH to R3 to DM with the City Council waiving the platting requirement. He noted staff recommended City Council adopt Ordinance No. 3555 and approve the emergency clause.

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

Move to adopt Ordinance No. 3555

The motion carried by the following vote:

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

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

Move for the emergency clause

The motion carried by the following vote:

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

B. 19-269 **Consideration, discussion, and possible adoption of Ordinance No. 3560, an ordinance for a Waterline Easement Closure from Broken Arrow Economic Development Authority, on property located west of the southwest corner of Kenosha Street and 9th Street, Tulsa County, State of Oklahoma, (Section 19, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency**
City Attorney Dennis reported Ordinance No. 3560 was previewed at the last City Council Meeting. He noted the Broken Arrow Economic Development Authority requested the city close a 0.09 acre waterline easement on property owned by BAEDA at Tiger Hill Plaza. He explained the easement was not in use, was not required for any public purpose and there would be future further development on the site. He noted staff recommended City Council adopt Ordinance No. 3560 and approve the emergency clause.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.
Move to adopt Ordinance No. 3560

The motion carried by the following vote:
Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move for the emergency clause

The motion carried by the following vote:
Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

12. Remarks and Inquiries by Governing Body Members

There were no Remarks and Inquiries by Governing Body Members.

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

There were no Remarks and Updates by City Manager.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:10 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: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

Attest:

Vice Mayor

City Clerk