



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, December 5, 2017 **Time 6:30 p.m.** **Council Chambers**

1. Call to Order

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

2. Invocation

Scott Moore 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 Mike Lester led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond asked if there were any items to be removed. There were none.

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

Move to approve Consent Agenda

The motion carried by the following vote:

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

- A. 17-1713 Approval of City Council Meeting Minutes of November 21, 2017
- B. 17-2958 Acceptance of Planning Commission meeting minutes of September 28, 2017 and October 12, 2017
- C. 17-2948 Ratification of the Agreement for Interim Street and Stormwater Director Services by and between Strategic Government Resources and the City of Broken Arrow, Oklahoma
- D. 17-2943 Approval of Downtown Residential Overlay Study Pay Request Number 10 in the amount of \$4,939.00 for Phase Four to be paid through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$4,939.00 using Sales Tax Capital Improvement Program Funds
- E. 17-2959 Approval of BAZ-1989 (rezoning), Rose Rock Village, 7.42 acres, A-RM to RM, one-quarter mile east of the northeast corner of Albany Street and 23rd Street
- F. 17-2960 Approval of BAZ-1990 (rezoning), Jackson Square on Main, 0.24 acres, R-3 to DM, south of Houston Street, one-quarter mile east of Elm Place
- G. 17-2961 Approval of PT17-109, Conditional Final Plat, Ronda Norton Center II, 1 lot, 4.55 acres, PUD 94/CG to PUD 94S-1/CH, one-half mile south of Omaha Street, one-quarter mile east of Aspen Avenue
- H. 17-2927 Acceptance of a Deed of Dedication from Nathan Lovelle on property located, one-eighth mile north of New Orleans Street, west of 9th Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)
- I. 17-2928 Acceptance of a Utility Easement from Nathan Lovelle on property located one-eighth mile north of New Orleans Street, west of 9th Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)
- J. 17-2934 Acceptance of a Utility Easement from McGuire Bell Lago, LLC, on property located one-quarter mile west of Evans Road and one-quarter mile north of Houston Street, Wagoner County, State of Oklahoma, (Section 8, T18N, R15E) (The Villas at Bel Lago)
- K. 17-2933 Acceptance of a Detention Easement from RC Lynn Lane, LLC, on property located one-half mile east of 9th Street, north of the Washington Street, Tulsa County, State of Oklahoma, (Section 13, T18N, R14E)(Ninety-One Phase III)
- L. 17-2932 Acceptance of an Overland Drainage Easement from RC Lynn Lane, LLC, on property located one-half mile east of 9th Street, north of the Washington Street, Tulsa County, State of Oklahoma, (Section 13, T18N, R14E)(Ninety-One Phase III)
- M. 16-1599 Approval of the Broken Arrow City Council Claims List for December 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. 17-2966 Presentation and update of the Main Street Bikeway Project

Parks and Recreation Director, Scott Esmond, presented his power point presentation of the Main Street Bikeway Project constructions plans. He reported the plans were at 90% and had been submitted to the City by the Oklahoma Department of Transportation and Land Plan Consultants, Inc. He displayed the plan to the Council and stated from Washington Street to Houston Street the green area indicated a bikeway on both sides of Main Street. He explained the bikeway reduced Main Street from four lanes to three lanes; one center turn lane and two directional lanes. He stated the blue section from Houston to Freeport was a sharrow, a painted bicycle symbol on the road indicating the road was to be shared with bicycles. He explained the painting of the sharrow on the roadway was the only change that would take place in the Rose District. He stated at Freeport Street, going north to Midway Street, the road would again have a designated bike lane, and at Midway the bike lane would turn east till 4th Street and then turn north again until Kenosha. Mr. Esmond displayed several slides which illustrated the bike lanes and road reduction, the sharrow striping, and bike route turns. He stated Arrowhead Park Trail would be overlaid and widened to 8 feet to accommodate bicyclists, and the parking lot would be a trailhead. He displayed a slide illustrating a change in parking, from pull-in parking to back-in parking, in and near Veteran's Park. He explained this eliminated the need to backout of a parking spot which increased visibility and the safety of bikers. He stated the parking did not change in the Rose District. He stated Parks and Recreation recommended a speed limit reduction to 25 MPH (miles per hour) at Houston Street where the sharrow began. He reported the speed limit was 25 MPH in the Rose District, but the segment between Houston and Fort Worth was still 30 MPH. He stated the next step in the process was to hold a public meeting for citizens, present the plan to the Streets and Transportation Committee, the Planning Commission, and then to come before Council with a recommendation. He asked if there were any questions.

Council Member Parks asked why the parking along Main Street would not change. He asked if drivers would not have the same visibility issues when backing out. Mr. Esmond responded in the affirmative, visibility would be reduced when backing out of a parking spot. He explained, however, the bike lane would not run directly behind parked vehicles; there would be approximately 20 feet between the bike lane and parked cars. He stated discussion had been held regarding redirecting the bike route away from Main Street in this area.

Council Member Lester asked if Mr. Esmond felt it was safer for bicyclists when vehicles backed into a parking spot. Mr. Esmond replied it was indeed safer and while it was not a common practice in Broken Arrow it was being done in other cities, including Tulsa and Oklahoma City.

Mayor Thurmond stated he was concerned about the safety of bicyclists in the Rose District along Main Street where there was pull-in parking. He felt it might be better to redirect the bicycle route along 1st Street. Mr. Esmond thanked Council for its input and stated a suggestion had been made to parallel the bike route with Main Street by redirecting it one block out in either direction, up 1st Street and down Ash, and he felt based upon Council's input, as well as staff input, this was a viable option and would present it to the consultants as such.

Council Member Lester asked if the bike lanes were literally to be painted green. Mr. Esmond responded in the affirmative. Council Member Lester asked if the green paint would erode quickly. Mr. Esmond stated this was an Engineering issue, but he understood a more durable material was to be used. Engineering and Construction Director Alex Mills responded thermoplastic striping was to be used.

Council Member Parks stated he wanted to be sure residents felt safe while biking down Main Street. He stated he did not intend this negatively, but it was stressful just driving a car down Main Street; you had to go slow and pay attention. Mr. Esmond stated he appreciated Council Member Parks' input, he and the staff shared the same concerns, and this would be brought before the consultants.

Mr. Esmond stated, depending upon how the public felt about back-in parking, a smaller area, possibly only in front of Veteran's Park, could be changed to ensure its acceptance prior to creating back-in parking elsewhere. He stated he was not asking for any action from Council at this time, other than acceptance of the report and Council input. He explained his intention was to bring this once more to the Council and the public's attention. He reported this was being administered by the Oklahoma Department of Transportation, not the City of Broken Arrow; Transportation Enhancement Funds, along with city funds, were to be utilized. He stated no major construction was planned, only road re-striping and signage. Vice Mayor Scott Eudey stated he felt this would be a nice economic development tool; he felt it would be a draw to the area. Mr. Esmond agreed and thanked the Council for its time and attention.

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 Citizens had signed up to speak.

9. General Council Business

- A. 17-2944 **Consideration, discussion, and possible approval of a request by representatives of the Museum Broken Arrow to place small sculptures of “Marmie the Mouse” in the Rose District** Community Relations Liaison, Jennifer Hooks, stated a representative of the Museum of Broken Arrow was in attendance to discuss a fund-raising project which included a children’s book titled “Marmie, a Mouse on Main Street,” as well as the creation of bronze mouse sculptures to be installed throughout the Rose District in an effort to promote the Museum. Ms. Hooks introduced Lynn Palmer.

Ms. Lynn Palmer, author of “Marmie, a Mouse on Main Street,” distributed copies of the book along with the Marmie Project Plan, to the City Council and City Manager Michael Spurgeon. Ms. Palmer stated she was a resident of Broken Arrow; her address was 309 South 6th Street. She stated she was a part of the Marmie Project, a group of citizens who had come together to promote the City of Broken Arrow and its economic development. She stated the Marmie Project raised over \$21,000, had printed over 750 copies of the Marmie book, and the Museum had pre-sold over 250 copies. She reported when the books were sold close to \$41,000 would go into Museum coffers. She explained she was present to ask permission to move forward with the final step in the Marmie Project Plan. She stated she requested to place bronze “Marmie” sculptures up and down Main Street, one on the Spoke House, one on Arkansas Valley Bank, at First National, as well as the benches at the Broken Arrow Museum and the Military Museum to promote continuity. She reported they were cute, bronze mouse figurines, were paid for in full, and ready to be installed. She stated Janet Skates was the pro bono artist, Lori Lewis supplied the history of the Museum, and Dr. Clarence Oliver wrote the forward. She stated the mouse was named Marmie after Marmie Apsley, a local volunteer legend. She reported it had been a very positive group effort with much citizen participation, and she was proud of the book and project. She stated this was an effort to bring another layer of meaning to the Rose District. She stated there was wonderful shopping and restaurants in the Rose District, but she would like to see something done for children as well. She explained children could go to the Museum for free and take a walking tour down Main Street from the Museum to Central School and then from Central School, on the east side, back to the State Farm office. She explained this would be an interactive way for the young citizens of Broken Arrow to start learning a little bit about the history of Broken Arrow. She stated she felt this was a positive way to reach out and get the citizenry more involved with Broken Arrow.

Council Member Lester asked how the sculptures would be affixed. Ms. Palmer stated each would be installed through a form of masonry, maybe on an old ledge stone, or a brick, or cast stone. She explained the sculptures had mounting pins which would be drilled in and epoxy glued in place. She stated the sculptures had been designed to minimize desecration of the statues. She stated the Museum had insurance for the sculptures, and a portion of sculpture sales in the Museum would be set aside to cover expenses if repairs needed to be done. Vice Mayor Eudey asked if the insurance covered damage to the concrete or ledge if a mouse was pried up. Ms. Palmer stated she assumed this was the case, but did not know for certain. She stated she would inquire. She stated she had volunteered her husband to install the sculptures and he had knowledge of concrete installations of this type. She stated her husband reported installation would not be problematic. She explained statue installation was planned to be at eye level or above in a manner which would minimize vandalism and tripping.

City Manager Spurgeon stated he had spoken with Lynn Palmer on several occasions over the last six months, and subject to agreeing to work with the city on placement and insurance maintenance, he strongly recommended City Council consider approval.

Vice Mayor Eudey intimated the book was a lovely piece and a marvelous work for the Community as a whole, as well as the Museum, and he felt this was important. Ms. Palmer thanked City Council and stated several local book stores would also carry the book. She asked if there were any more questions.

Council Member Parks stated his wife, a teacher, read the book several days ago and commented she felt it would be an excellent learning tool. Ms. Palmer stated several residents had come into her store to reach out and tell her a history story in relating to the book, which she felt was very special. She explained the Museum was reaching out to Parent Teachers Associations (PTAs) and hoped the PTAs would raise funds to put a copy in each school library. She reported three schools had scheduled a book reading, which she felt was exciting.

Vice Mayor Eudey stated he had purchased a copy of the book to bring to his office, but his 8 year old daughter insisted on keeping the book as she enjoyed it immensely.

Council Member Wimpee asked if there was an installation completion timeline. Ms. Palmer stated she hoped to have the sculptures installed prior to January 1st, or at the latest in January 2018.

Mayor Thurmond stated Ms. Dawn Seing had requested to speak.

Ms. Dawn Seing stated her address was 219 West Dallas Street. She stated she felt this was a wonderful book and if the statue installation was denied the book would lose some of its educational value. She explained the book encouraged residents to walk up and down Main Street, learning the history of Broken Arrow, viewing modern history in context with past Broken Arrow history. She

stated without the bronze mice, while still a great book, “Marmie, a Mouse on Main Street” would lose its full impact. She stated she had received nothing but positive feedback from every resident she had spoken with about this project, and she encouraged City Council to consider approval.

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

Move to approve the request by representatives of the Museum Broken Arrow to place small sculptures of “Marmie the Mouse” in the Rose District

The motion carried by the following vote:

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

B. 17-2838 Consideration, discussion, and possible reasonable accommodation of an Oxford house located at 113 West Norman Street, Broken Arrow, Oklahoma 74012

City Attorney Beth Anne Childs stated staff had begun researching this issue months ago while legal staff researched the Americans with Disabilities Act and the Fair Housing Act. She reported Oxford House was an entity which provided opportunities for recovering alcoholics and substance abusers to maintain sobriety in a supportive living environment which did not require provision of treatment or counseling services. She explained individuals which fell within these particular categories joined together to lease the houses, and were responsible for maintenance, rent, etc. She stated the issue was brought to her attention by residents and Council wondering if this Oxford House was legal, and was this considered a boarding house. She stated the Legal Department had contacted a number of city attorneys in other municipalities and discovered there were Oxford Houses located in Oklahoma City and in Norman. She stated she received comprehensive information from those city attorneys which verified the research conducted by Broken Arrow’s Legal Department. She stated the attorney for Oxford House, who was adept in Federal Law application, was helpful in terms of setting forth the position that the typical housing unit, in terms of number of individuals which had the ability to live there, would be entitled to a waiver for “reasonable accommodation to exceed the number.” She stated the limitation of non-related persons cohabiting presently in Broken Arrow code was six. She stated after review it had been determined Oxford House would probably be entitled to a waiver if this matter was brought before Federal Court. She stated that there were other Oxford Houses located within Broken Arrow, a fact she had been unaware of until her meeting with Plan Development Manager Larry Curtis. She reported residents had concerns regarding loitering of Oxford House residents, decline in property values, as well as failure to maintain the property in a proper order. She explained Development Services, Code Enforcement, and the Police Department had the ability to address some of these issues; for example, if a registered sex offender was in residence, or if the property failed to remain properly maintained, the city could step in to address the situation.

Vice Mayor Eudey asked if there was no limit to the number of Oxford House residents. Ms. Childs responded none that she could find. She stated she felt Council could impose reasonable restrictions, but from a blanket perspective she felt the Federal Court would support reasonable accommodation. She stated the fact sheet indicated 11 residents, which was quite a few residents in a single home. She stated Legal did not recommend Council specify a number at this time as this would allow Council to go back at a future date and revisit the code and incorporate a process into the code for opening an Oxford House. She stated staff had originally considered the possibility of sending this to the Board of Adjustment, but did not feel it fell neatly within the application of state law. She explained at this particular junction she requested Council grant the reasonable accommodation by allowing more than three residents at this particular location. She stated she, Mr. Curtis, Development Services Director Mr. Michael Skates and Assistant City Manager of Operations, Mr. Kenny Schwab would get together to further refine some parameters which would address the concerns of Council while meeting Federal Laws.

Council Member Lester asked if Oxford House was required to inform the city of its intentions to utilize a property. Ms. Childs responded in the negative. Council Member Parks stated it would have saved a lot of heartache if city council had known about the Oxford House in advance. He stated he would abstain from this issue as he lived within a few doors of this particular Oxford House. He stated he felt it would have been helpful if Oxford House had contacted the city prior to opening its location. He stated residents in his subdivision had been surprised and concerned about this particular Oxford House. He stated Federal Government proclaiming an Oxford House could have locations wherever it chose overrode local Broken Arrow Zoning Ordinances, which he disapproved of. He stated if Oxford House had informed the city of its intentions, at least the city would have understood the situation and would not have spent time and money conducting research to determine what the facility was. He stated he felt if Oxford House expected the city to work with them, then Oxford House should be expected to work with the city.

Ms. Childs stated the intention of the Legal Department was to provide Council with an update regarding this issue, and to inform the citizens of what Oxford House was. She stated this item could be tabled until the city approached Oxford House and developed reasonable parameters which addressed the concerns of the Council.

Vice Mayor Eudey stated he had represented a party in litigations with Oxford House the past and he agreed with the conclusions Ms. Childs had reached with regards to Fair Housing, Labor Laws, etc. He stated, however, reasonable accommodation did allow Broken Arrow to say yes, you can have more than three, but you cannot have twenty individuals in residence. He stated while federal law indicated Oxford House had freedom to open where it chose, he felt Broken Arrow could

require Oxford House to register with the city prior to acquiring a location, and could set reasonable parameters for Oxford House to follow. Ms. Childs stated while working through this process legal had discovered Oxford Houses were going largely unregulated. She stated the other municipalities she had contacted which had Oxford Houses, did not have a process set up to address these types of issues. She stated this might give Broken Arrow the opportunity to “set the bar” once again in the State of Oklahoma, by establishing a reasonable process to ensure the needs of Oxford House were met in accordance with federal law, while still meeting the council’s objectives.

Council Member Parks stated he visited with residents who lived next door to the Oxford House, and while the neighbors had no specific complaints, there was a concern regarding how many individuals were coming and going. He explained there were no problems in the area as far as he knew. Vice Mayor Eudey asked if the matter could be tabled to allow further research.

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

Move to table Item B

The motion carried by the following vote:

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

- C. 17-2952** **Consideration, discussion, and possible approval of PUD-268 (Planned Unit Development), Alfa Laval, Inc., 39.43 acres, IL, east of 9th Street, one-quarter mile south of Houston Street**
Plan Development Manager, Larry Curtis, stated PUD-268 (Planned Unit Development) was located on the east side of 9th Street, one-quarter mile south of Houston Street. He reported the project site included 3 lots which were zoned Industrial, IL, and contained 39.43 acres. He reported that on March 7, 2017 City Council approved BAZ-1971 to change the zoning designation on 26.2 acres of an undeveloped tract of land from A1 to IL subject to the property being platted and a PUD being submitted and approved by City Council. He stated with PUD-268 Alfa Laval, Inc., proposed to expand the existing industrial operations located at 1201 South 9th Street. He reported the expansion included removing some of the existing buildings, constructing new buildings and expanding the drive isles and parking areas to several of the new buildings. He stated this included construction of a new road, Knoxville, along the south side of the property. He stated the property was designated as level 6 in the Comprehensive Plan. He stated the IL zone district was considered to be in conformance with the Comprehensive Plan in level 6 areas when it was done in conjunction with a PUD. He stated the Planning Commission in its meeting on November 16, 2017 recommended conditional approval by a vote of 4 to 0 on PUD-268; Planning Commission and staff recommended that PUD-268 be approved subject to platting, and the conditions and approvals by staff and by Planning Commission. He asked if there were any questions. There were none.

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

Move to approve PUD-268 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

- D. 17-2844** **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1065, a Resolution approving and authorizing execution of a Capital Lease Agreement between the City of Broken Arrow and Bank of Oklahoma Financial Equipment Finance, Inc. for the acquisition of three ambulances; and approving and authorizing the execution of certain documents related thereto, including but not limited to a Schedule of Payments, an Amortization Schedule, an Acceptance Certificate, No Arbitrage Certificate, a Lessee’s Counsel Opinion, a Certificate of Resolution, a Certificate of Appropriation, and Incumbency Certificate, a Pay Proceeds Certification, and a Notification of Tax Exempt Status**
Fire Chief, Jeremy Moore, thanked the City Manager’s Office, Legal, Purchasing, and Finance for working through this project. He reported on July 18, 2017 Council approved the purchase of three ambulances. He explained in the search for financing, the Fire Department received seven different proposals from various lenders, which could be seen on the bid tabulation before Council. He stated total cost of the three ambulances was \$933,623. He stated \$225,000 had been budgeted this year from STCI (Sales Tax Capital Improvements) and was applied to the purchase of the ambulances; therefore, a total of \$730,000 was to be financed over a total of four years. He stated the Finance Department and the Fire Department had reviewed the proposals thoroughly, and the Legal Department had worked to get a final agreement with the Bank of Oklahoma at an interest rate of 3.3% with an annual payment for the next four years of \$197,800.59. He stated Finance, Fire and Legal felt this was the most advantageous proposal and recommended Council approve Resolution No. 1065 and authorize its execution to finance the three ambulances. He asked if there were questions.

City Attorney, Beth Ann Childs, stated she wanted to clarify that the word “lease” in this agreement was a misnomer. She thanked Fire and Finance for working with her when she returned several versions of this Resolution. She stated this Resolution was subject to annual appropriation and, importantly, the title to the ambulances would be held by the City of Broken Arrow. She explained the importance of this was, if it were truly a lease purchase type agreement, the purchaser, in this case the Bank of Oklahoma, would have to pay taxes on the purchase and the cost would then be passed on to the city; this was avoided with Resolution No. 1065.

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

Move to approve Resolution No. 1065 and authorize its execution

The motion carried by the following vote:

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

E. 17-2918 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1070, a Resolution of the Broken Arrow City Council approving the Downtown Residential Overlay District Design Standards and incorporating the standards into the City of Broken Arrow Comprehensive Plan

City Attorney, Beth Anne Childs, stated this Resolution approved the Downtown Residential Overlay District Design Standards (DROD) and incorporated the standards into the City of Broken Arrow's Comprehensive Plan. She reported later in the meeting there was an ordinance for preview whereby the Residential Overlay Standards and the Residential Overlay itself would be incorporated into the zoning codes. She explained the Comprehensive Plan was required by State Statute and laid the foundation for development throughout Broken Arrow; therefore, in order to incorporate the DROD it was required to be approved by the mechanism of the Comprehensive Plan and also through the zoning code. She stated attached to the general resolution were the standards which would be incorporated as well. She stated the DROD was designed to provide a mechanism to develop a unique product in Broken Arrow in the Downtown Rose District area, for which there had been considerable public input, and this was one of the final stages to accomplish this goal. She stated she and Mr. Farhad Daroga would be happy to answer any questions.

Council Member Lester stated the city and the council had worked hard to get to this point. He stated there had been an abundance of input from citizens, as well as the building community. He indicated that he felt this was a great document which would serve the City of Broken Arrow very well for many years.

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

Move to approve Resolution No. 1070 and authorize its execution

The motion carried by the following vote:

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

F. 17-2965 Consideration, discussion, and possible approval of the appointment of Dr. Steve Tiger to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning January 2018 and expiring May 2018

Economic Development Coordinator, Norm Stephens, stated in accordance with the bylaws of the Broken Arrow Economic Development Corporation the City Manager recommended the appointment of Dr. Steve Tiger to the Broken Arrow Board of Directors. He stated on June 25, 2012 Dr. Steve Tiger was named Tulsa Tech Superintendent and CEO. He reported Dr. Tiger led an organization with approximately 1,000 full-time and part-time employees, over 5,000 full-time students, over 30,000 business and industry clients, six campuses, and a \$150 million dollar budget. He stated he would be happy to answer any questions.

Council Member Parks asked if the appointment was indeed for six months. Mr. Stephens responded in the affirmative; he stated Dr. Tiger was filling an existing opening, but would return in six months for a full term if approved. Mayor Thurmond stated service on the Broken Arrow Economic Development Corporation Board of Directors required approval from City Council, the Chamber Board and also the School Board. Mr. Stephens agreed.

City Manager Spurgeon stated he was excited about Dr. Tiger potentially joining the EDC (Economic Development Corporation), which was a very important organization contributing to work force development and economic development and recruitment. Mr. Spurgeon stated the addition of Dr. Tiger would strengthen Broken Arrow's ability to offer local incentives to companies looking to expand or relocate to and within the community of Broken Arrow.

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

Move to approve the appointment of Dr. Steve Tiger to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning January 2018 and expiring May 2018

The motion carried by the following vote:

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

10. Preview Ordinances

A. 17-2917 Consideration, discussion, and possible preview of an ordinance amending Section 3.1.F (Table 3.1-1), Table of Allowed Uses, and Section 5.8.D Downtown residential Overlay District (DROD), of the City of Broken Arrow Zoning Ordinance; specifically including supplement A which contains the Downtown Residential Overlay District Design Standards; repealing all ordinances or part of ordinances in conflict herewith; and declaring an emergency

City Attorney Childs stated this was the previously referenced preview ordinance. She stated this was the legislative act which incorporated the DROD into the zoning code. She stated the ordinance amended the table of allowed uses, provided guidelines and incorporated the design standards. She thanked the Planning Department for its efforts. She stated she requested the ordinance be previewed and set for adoption at the next meeting.

City Manager Spurgeon stated this was a major public policy decision for the community. He reported there had been a great deal of public discussion and input regarding this important decision. He thanked the Development Services staff for its stewardship in moving this forward. He reported City Council received letters of support from the Chamber of Commerce, and the Economic Development Corporation who were intimately involved in this process. He stated the proposed guidelines were presented to the Home Builders Association and approval was requested

in an effort to promote an environment which enticed private investment in the community, which further promoted job growth and economic growth. He stated he was proud to say the Home Builders Association provided a letter of support. He reported this was a collaborative effort between the private and public sectors and he encouraged council to move forward with consideration and adoption of this ordinance.

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

Move to preview the ordinance and set it for adoption at the next Council Meeting

The motion carried by the following vote:

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

11. Ordinances

A. 17-2967

Consideration, discussion, and possible adoption of Ordinance No. 3505, an ordinance adopting an employee retirement system, defined contribution plan for the position of City Manager for the City of Broken Arrow, Oklahoma; providing retirement benefits for eligible employees of City of Broken Arrow, Oklahoma; providing for purpose and organization; providing for definitions; providing for eligibility and participation; providing for employer and employee contributions; providing for accounting, allocation, and valuation; providing benefits; providing for required notice; providing for amendments and termination; providing for transfer to and from other plans; creating a committee and providing for powers duties, and rights of committee; providing for payment of certain obligations; providing for duration and payment of expenses; providing for effective date; providing for vesting schedules; providing for a fund to finance the system to be pooled with other incorporated cities, towns and their agencies and instrumentalities for purposes of administration, management, and investment as part of the Oklahoma Municipal Retirement Fund; providing for payment of all contributions under the system to the Oklahoma Municipal Retirement Fund for management and investment; providing for non-alienation of benefits and loss of benefits for cause; adopting those amendments mandated by the Internal Revenue Code; providing for repealer and severability; and declaring an emergency

City Attorney, Beth Anne Childs, stated the Ordinance created a defined contribution plan for the City Manager as required by the terms and provisions of his contract. He thanked the HR (Human Resources) Director, Jannette McCormick, for her assistance. Ms. Childs stated she recommended adoption of Ordinance No. 3505 and approval of the emergency clause.

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

Move to adopt Ordinance No. 3505

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 Johnnie Parks, seconded by Scott Eudey.

Move to approve the emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

There were no remarks or 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 or updates by City Manager.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:21 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