



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, September 20, 2016

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

No one was on hand to deliver the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Councilman 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 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

The motion carried by the following vote:

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

A. 16-957

Approval of City Council Meeting Minutes of September 6, 2016

B. 16-1135

Acceptance of minutes Planning Commission meeting of August 11, 2016

C. 16-1149

Approval of bids received, award to John A. Marshall Company as the lowest responsible bid, and approval and authorization to execute agreement for the purchase of new furnishings for the City Manager's office, lobby and reception area in City Hall

D. 16-1122

Approval and authorization to renew an Enterprise Enrollment Agreement and Amendment with Microsoft Corporation for Microsoft software, products, and licenses

E. 16-1150

Approval of the selection of Selser-Schaefer Architects and authorization to negotiate a Professional Consultant Agreement for Concept Design of The Center for Arts, Innovation, and Creativity in the Rose District (Project No. 161715)

F. 16-1154

Approval and authorization to execute a Professional Consultant Agreement with Sparks Reed Architecture & Interiors for design of new Police Down Range Building (Project No. 173002)

G. 16-1159

Approval and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc.

H. 16-1141

Approval and authorization to execute a contract renewal with Momentum Services for Nuisance Abatement Property Structure Securing

I. 16-1136

Approval and authorization to purchase eleven (11) Dell Latitude 14 Rugged 5404 Laptop Computers for the Police Department (mobile data system) pursuant to the Western States Contracting Alliance as bid by the Central Purchasing Division of the Department of Central Services for the State of Oklahoma (the State Contract)

J. 16-1097

Approval and authorization to work outside normal work hours during construction of Aspen/Kenosha Street Improvements

K. 16-1060

Acceptance of a Deed of Dedication from the William K. Warren Medical Research Center, Inc., on an unplatted parcel of land, located in the southwest corner of New Orleans Street and Aspen Avenue, Broken Arrow, Tulsa County, State of Oklahoma

L. 16-1059

Acceptance of a Utility Easement from the William K. Warren Medical Research

Center, Inc., on an unplatted parcel of land, located in the southwest corner of New Orleans Street and Aspen Avenue, Broken Arrow, Tulsa County, State of Oklahoma

- M. 16-1061 **Acceptance of a Utility Easement from Bixby Public Schools, Independent School District No. 4, on a platted parcel of land, located north of 131st Street, one-half mile east of Garnett Road, Broken Arrow, Tulsa County, State of Oklahoma**
- N. 16-1114 **Acceptance and approval of a Registered Land Surveyor's Certificate of Correction of Error within Lot 1, Block 2, Bricktown West Extended, Plat# 5907, located on the northeast corner of Olive Avenue and Kenosha Street, Tulsa County, State of Oklahoma, (Section 4, T18N, R14E)**
- O. 16-1171 **Approval of City Manager's recommendation and possible appointment of Tom Cook as Acting City Treasurer to act in the case of illness, absence or disability of the City Treasurer**
- P. 16-831 **Approval of the Broken Arrow City Council Claims List for September 20, 2016**

6. Consideration of Items Removed from Consent Agenda

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

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

A. 16-1164 Recognition of and a presentation on the Mayor of the Year Award presented to Mayor Craig Thurmond by the Mayors Council of Oklahoma

City Manager Michael Spurgeon said that they nominated Mayor Thurmond for Oklahoma Mayor of the Year for towns exceeding 5,000 residents. Word was received about a month prior that he had been selected as the 2016 Mayor of the Year. Mr. Spurgeon related that they tried to keep it a secret that he been awarded such a prestigious honor. The Mayor could not attend the Oklahoma Municipal League meeting due to his involvement as the Chair of the National League of Cities' (NLC) Community and Economic Development Committee. Mr. Spurgeon accepted the award in his stead, informing the Mayor by phone right before the Municipal League meeting that he'd won. A list of his accomplishments was cited at the meeting, accompanied by a video. Mr. Spurgeon pointed out Mayor Thurmond's wife in the audience and the couple received a round of applause. The video on the Mayor and his achievements, made by colleagues and citizens, was shown to the Council. Mr. Spurgeon then asked the Council members to join him in making the presentation to the Mayor, stating it was his privilege to present the Oklahoma Municipal League's recognition of Mayor Thurmond as the 2016 Mayor of the Year.

Mayor Thurmond commented that it was a humbling experience to receive the award and he appreciated staff nominating him. He was surprised the he was nominated, and even more so that he won. He believed the real reason he won was because of the quality of the City Council and how well they worked together. The reason the City of Broken Arrow was moving forward was due to hard work of Council and staff and he shared his award with them.

Councilman Lester stated that having been in Mayor Thurmond's position, he appreciated the extra time the Mayor put in, which had resulted in the City's making great strides. It was clearly an honor well deserved.

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

No citizens signed up to speak.

9. General Council Business

A. 16-1157 Presentation, consideration, and discussion on the City of Broken Arrow's Municipal Court, and possible action, including direction to explore transition from a Municipal Court Not of Record to a Municipal Court of Record

City Attorney Beth Anne Wilkening said she would give a PowerPoint presentation given the importance of the item to Broken Arrow's future. She recalled that in the current legislative session, the Oklahoma House and Senate passed House Bill No. 3146, which would go into effect in March 2017. The Bill would remove their ability as a Court Not of Record to prosecute Driving under the Influence (DUI) and likely, cases of Actual Physical Control, as well. She cited some highlights of the Impaired Driving Elimination Act, which stated that DUIs had to be prosecuted in a Court of Record. Such cases would have to go either to Oklahoma City, City of Tulsa and its municipalities, or be prosecuted by the City of Broken in District Court. Several months before, they had begun the process of transferring such cases over to District Court, working very closely with the Police Department. The Act also created a database serving to inform officers and prosecutors of drunk driving arrest records. One reason the State Legislature went back to look at the matter was because it was finding that in a lot of Courts Not of Record, there were individuals accumulating numerous DUIs before it went to District Court. Of course, a DUI conviction in a Court Not of Record had no bearing in terms of the ability to prosecute second offenses as felonies. The State was trying to assure that they could move forward with prosecution in an appropriate manner. Opponents of the Bill argued it would decrease municipal funds and overload already saturated DUI caseloads in Oklahoma District Courts.

She, herself, felt that was a real concern. One of the problems the City had, in particular, was that it straddled two counties and so it took time for officers to transport individuals over to Tulsa and Wagoner Counties. To investigate further she had her staff do a breakdown of revenues and citations for Broken Arrow Municipal Court from 2011 to the present. Occasionally citizens receiving citations automatically concluded that the City was overzealous in enforcing the law in order to earn revenue, though fines accounted for only about 2% of the General Fund budget. Underlying offenses added to the revenue and hopefully, acted as a deterrent. Ms. Wilkening explained that once the Bill took effect, they estimated that the City would lose about \$300,000 per year, roughly. There would also be other associated costs, particularly, the transport of prisoners to and from Wagoner and Tulsa Counties. In a municipality without a Municipal Court of Record, twenty-five percent of the cost would be paid to the municipality. The problem was that the State deficit was significant and she didn't necessarily have a great deal of confidence that the City would receive the money back. Also, a percentage went to the State District Attorney's Association. Serving as a Chief Prosecutor for Municipal Court, she and her colleagues began the process of review several months back by engaging in discussions. They had not originally been in favor of making the commitment to transition to a Municipal Court of Record, feeling that the amounts of fines were sufficient. Their Municipal Court had done a very good job not just in terms of prosecution, but also in stopping individual bad behavior before it became a significant problem. They were very proud of their juvenile offender program and she appreciated the prosecutors and judges who took their jobs very seriously, even though they were considered a Court Not of Record. The impending effective date of the legislation, the cost of transportation, as well as the lost revenue, made it a very opportune time to discuss whether the Council was so inclined to make the transition. Ms. Wilkening pointed out that it would require a resolution to be filed in the courts with Tulsa and Wagoner Counties. She displayed a breakdown of maximum fines in Courts Not of Record vs. Courts of Record. Comparing the two, there was a significant increase in fines for traffic citations and juvenile and misdemeanor charges in a Court of Record, as well as for waste water and storm water violations and alcohol and drug related offenses. She was, nevertheless, concerned that they had about \$3 million in fines that they had been unable to collect and if they raised the fines they might not be able to collect them and waste time trying, also. They had the ability to use the Council to assess additional costs and at present they could only assess \$49, so there would be additional opportunities to raise revenue in that regard. They would, she added, be required to hire a Court Reporter or they could contract with an agency to provide one when needed. They would also have to address the issue of a Public Defender because they would have to provide them indigent access. Oklahoma City contracted with the Legal Aid Society so they could utilize the University of Tulsa Law Clinic. They could also, on the other hand, utilize local defense lawyers on a rotating basis. She noted that there was a staggering difference between Oklahoma City and Tulsa in that Tulsa's budget was \$949,000, while Oklahoma City's was \$9.2 million, and she had no idea of why. She suspected that the latter has done a very good job over the years of managing its Municipal Court with six probation officers and a robust enforcement team.

Ms. Wilkening summed up that the Council would need to consider that a Minutes Clerk would be required, with a likely increase of staffing in the Clerk's Office; more dockets might be needed, along with more dockets on the judge's calendar, also. However, she wished to point out that she didn't know that it would be a significant difference from what they were already doing with respect to number of cases and management, except that in 2016 the Legislature defeloned a number of offenses. In that regard, they could amend the Code of Ordinances and incorporate them. She gave the example of petty larceny, for which the amount had continued to increase over the years, allowing them to prosecute in Municipal Court. Some expansion would, nevertheless, be necessary. They would have to employ a Court Reporter or contract one and they'd have to compensate Public Defenders. Prosecutors would be handling more dockets, as well, which could entail a possible increase in staff. Higher citation fines and additional administrative fees could be imposed, and more citations could be handled in local Municipal Court, instead of in Tulsa or Wagoner Counties, generating more revenue while eschewing transportation costs. Ms. Wilkening mentioned that their Prosecutors had been very good in working with defendants and the City benefitted from the community service defendants rendered, as well.

Ms. Wilkening concluded by reiterating that there was approximately \$3.2 million owed to the City in outstanding fines. If the City became a Court of Record, enabling it to impose higher fines, it might be difficult to collect those fines. A Court of Record required more overhead and revenues collected might not cover increased expenses. At any rate, Ms. Wilkening stated that she thought it an important opportunity being presented by the change in legislation, although it was a daunting task. She welcomed input and the permission by the Council to explore the matter further.

Mayor Thurmond inquired when Ms. Wilkening wanted their decision. Ms. Wilkening replied that she needed some hard numbers on increased costs, from the perspective of City Manager and staff. She did not think it would be a significant change in terms of numbers of cases they would be handling. However, the biggest change would be provision of public defenders or some type of defense and Tulsa University could be engaged on that front. The other big change would be the necessity of a court reporter, along with the possibility of other increases in staff. They should have the estimate completed within 30

to 60 days for the Council to consider. The Mayor asked when they would implement the transition, should they decide to approve it. Ms. Wilkening said that it could become effective upon filing of the resolution, i.e. as soon as the City Council adopted it and it was officially recorded, adding that they would only be the third in state history.

Councilman Lester commented that looking back to his days in the Police Department where he could recall arresting an individual for Actual Physical Control (APC) twice in 30 days, who had been arrested 30 days prior to that for DUI. Tulsa not being a Court of Record then, the perpetrator was booked at a county for a misdemeanor. The Councilman asked Chief Boggs whether they had arrested many people for multiple DUIs or APCs. He explained that he was not asking the question so much in terms of the financial aspect, but more in terms of the goal of getting offenders off the road. Saying that it was a valid question, Chief Boggs explained that they were going in that direction because of the fact that having multiple municipal offenses did not go against an offender's driving record. The accumulation of DUIs was a problem for the entire State and it served as impetus for the legislation. The manpower aspect was huge for the Police Department and becoming a Court of Record, enabling the Police to manage DUIs in house instead of transporting perpetrators to other counties, would mean a cost savings for the Department. Responding to another question by Councilman Lester, Chief Boggs clarified that they did not know or compile data on who was being fined in which jurisdiction. They knew that offenders repeatedly arrested in their own jurisdiction was not a very large number. If, however, they consolidated those from surrounding jurisdictions in a Court of Record, they would be looking at a much higher prosecution rate, coinciding with the State's intent. In other words, they would be moved to a Court of Record for prosecution by default under the legislation. In response to a question by Councilman Eudey, Chief Boggs said that becoming a Court of Record would mean time savings overall for the Police Department. He underscored that such cases would be moved to a Court of Record not at the discretion of law enforcement under the new law. Ms. Wilkening stated that from a prosecution standpoint, her office practiced a no tolerance policy in conjunction with the Police Department. Offenders with prior DUIs were automatically sent to a Court of Record for prosecution. One of the reasons she took issue with the State law was a driver's record contained a 42 and a 43, and the lower part of the 43 under Administrative Action told if the driver had taken or failed a breath or blood test or had refused to take them. Prosecutors should be paying attention to that but it was something that had been overlooked by the legislature through the years. Broken Arrow's police officers and detectives had been excellent in collaborating with the Legal Department to get such cases transferred to a county Court of Record.

Councilman Parks posed a question with regard to perpetrators being held in Broken Arrow jails pending trial or for a trial's duration should they become a Court of Record. Ms. Wilkening replied that if they became a Court of Record, they would book a perpetrator as they normally did upon a first offense, and if the person posted bond they would be released. Councilman Eudey stated he was eager to compare the numbers on the issue with regard to the City's gains and losses.

In connection with seeking the Council's approval for further study on the matter, Mr. Spurgeon observed that on the surface the transition seemed like a good decision, however there were a lot of operational and logistical considerations that needed to be vetted. For that reason he felt that staff would need 60 days to research it before it was brought back to the Council. He added that they would also have to consider how to deal with additional positions opening before they could recruit to fill them.

Councilman Eudey wondered about taxing their current resources with respect to having more dockets. He wondered whether they would need an additional courtroom. Ms. Wilkening replied that it is certainly a possibility. She reiterated, however, that they would not see a significant increase in the number of cases handled because, in essence, they were handling them at present, all the same. Councilman Eudey observed that a growth in population would entail growth in that, as well. Ms. Wilkening stated that at present they were in Court basically three days per week, and it would be manageable even if it expanded to five Court days in a week, given the reliability of the Police Department in helping to move the process along. They could also relegate two Prosecutors to the Court. Councilman Eudey stated that he supported pursuing the matter further and Vice-Mayor Carter concurred, voicing his approval to examine it in detail.

Mr. Spurgeon interjected that the decision involved all three branches of government and the City Attorney had made sure that a Judge was part of the discussion and would continue to do so.

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

Move to approve the direct City Manager to explore the transition from Municipal Court Not of Record to a Municipal Court of Record

The motion carried by the following vote:

Aye: 5 -

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

B. 16-1101

Consideration, discussion, and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2015 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of eleven (11) new firefighter positions for a period of two years

Fire Chief Jeremy Moore stated that the Grant, which was very similar to the one accepted in 2015, presented a great opportunity to hire 11 new firefighters. They had received word a few weeks prior that they were awarded the Grant and were asking the Council to accept the grant of \$1,486,320. There was no obligation to retain the firefighters after the two-year period of the funds ended and there were no matching funds that the City was obliged to pay. Acceptance of the Grant was in keeping with a promise made to Broken Arrow's citizens when the Vision extension was passed the previous year to add 20 new firefighters. They were in the process of hiring at present. The written test had been given and they intended to expedite the process by scheduling an Academy class in February 2017, which would entail incurring a few unbudgeted expenses because of the acceleration and hiring of a few people more than anticipated. They were confident they could handle the costs. It brought them to just under \$2.6 million in Federal grants they'd brought in to add a total of 20 firefighters to the Department in the past two years. It was recommended that the Council accept the 2015 FEMA SAFER Grant.

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

Move to accept the 2015 SAFER Grant

The motion carried by the following vote:

Aye: 5 -

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

Mr. Spurgeon expressed his appreciation to the Council and to Chief Moore for taking the initiative to apply for the Grant, which took a lot of time and effort on his part.

C. 16-1151

Consideration, discussion, and possible approval and authorization to execute Resolution No. 938, a resolution of support for the Tulsa Regional Chamber 2017 OneVoice Legislative Priorities

Norman Stephens, Assistant to the City Manager/Economic Development Coordinator recalled that in 2008 the Tulsa Metro Chamber created the OneVoice agenda to represent the Tulsa metropolitan area at the State and U.S. Capitols as one, unified voice. The City of Broken Arrow participated in the development of the agenda by attending subcommittee meetings at the Tulsa Regional Business Summit, designed to better define the OneVoice agenda. Mr. Stephens announced that Zach Stoycoff, Government Affairs Director for the Tulsa Chamber of Commerce, was there to give an overview of the year's results.

Mr. Stoycoff congratulated Mayor Thurmond on winning Mayor of the Year, and stated that the OneVoice agenda was created to form a regional coalition, in response to what many saw as a fractured region that didn't work together for the collective, economic benefit of all its municipalities. The successful coalition they built as OneVoice was currently 70 plus strong, including cities, counties, municipalities, elected officials, educational institutions, economic development groups and many Chambers of Commerce. Wrapping up their ninth year, they had fifteen state and fifteen legislative priorities that came out of the process, representing the priorities of nine task forces that met in various areas covering education policy, healthcare policy, transportation, business, environmental resources, and so forth. Some of the key issues of the agenda included municipal funding diversification, building a funding base for municipalities, as well as the collection of online sales tax. They had success the previous year in passing legislation at the state level, theoretically allowing Amazon and other online retailers to remit sales tax in the cities in which they operated and sold. There was still some work to do on the federal level on the issue and they were arguing for it, on behalf of the OneVoice region, to federal legislators. A couple other key priorities of the agenda could be broken down into three main areas: a healthy, educated workforce; transportation infrastructure; ensuring a prosperous economy through well-funded cities and counties, and a well-funded State of Oklahoma, and through a government that worked efficiently to provide a good foundation for business to occur. Mr. Stoycoff said he was happy to answer any questions, pointing out that a common question that arose was whether they had to agree with every point on the agenda. Although, much like the nature of the concept of regionalism that OneVoice embodied, they did not always agree on everything, they agreed on a whole lot of things and the coalition was about celebrating what they had in common and working together for the benefit of all partners. The OneVoice coalition was an important and powerful tool and Broken Arrow had played a key role in that for a number of years.

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

Move to approve Resolution No. 938 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

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

D. 16-1120

Consideration, discussion, and possible approval of reappointments of Tonya Ellison, Mark Frie, Lori Lewis, Rob Whitlock and Dianna Yingst to the Broken Arrow Convention and Visitors' Bureau

Director of Tourism Lori Hill reported that the Convention and Visitors' Bureau (CVB) currently had five positions with terms expiring at the end of the month. Staff had consulted with the City Council and each Councilman requested that the term of his Ward's or at-large CVB member term be renewed. Each of the CVB terms were for 2 years, with the exception of the at-large position. She recalled that at the previous meeting they had

brought before the Council a preview ordinance, on which they would be considering an ordinance shortly, to allow for a staggered term within the CVB. The at-large position would be for a term of one year that would, in fact, create the staggered term.

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

Move to approve reappointments of Tonya Ellison, Mark Frie, Lori Lewis, Rob Whitlock and Dianna Yingst to the Broken Arrow Convention and Visitors' Bureau

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 16-1129** **Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 6, for the adoption of the 2015 International Residential Code**
Ms. Wilkening stated that they needed to upgrade their ordinances in order to incorporate the 2015 International Residential Code. She explained that in 2009 when the State began exploring it, the previous code had been utilized and they were upgrading their Code to reflect the new version.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

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

The motion carried by the following vote:

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

11. Ordinances

- A. 16-1130** **Consideration, discussion, and possible adoption of Ordinance No. 3447 amending the Broken Arrow Code, Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau, Section 2-212 Appointments, specifically amending to include the staggering of terms for the Convention and Visitors' Bureau; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that the Ordinance pertained to staggering terms within the CVB. It was essentially in the same form presented when it was previewed and it was requested that the Council adopt the Ordinance and approve the emergency clause.

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

Move to adopt Ordinance No. 3447

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3447

The motion carried by the following vote:

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

- B. 16-1145** **Consideration, discussion, and possible adoption of Ordinance No. 3450, an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article II, Operation of vehicles, generally; Section 23-57. - Use of signals - Turning; specifically requiring other traffic be affected as part of the probable cause for a traffic stop for improper use of signals, and bringing this section into compliance with state law; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that the Ordinance involved turning motions and would bring them into compliance with State statute, in accordance essentially, with what was provided at the previous meeting. It was requested that the Council adopt the Ordinance and approve the emergency clause.

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

Move to adopt Ordinance No. 3450

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3450

The motion carried by the following vote:

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

- C. 16-1146** **Consideration, discussion, and possible adoption of Ordinance No. 3451, an ordinance amending Section 25, Stormwater Management, Article IV, Floodplain Development Requirements, Section 25-304, Basis for establishing the Regulatory Flood Area, and specifically adopting Tulsa County, Oklahoma and Incorporated Areas and Wagoner County, Oklahoma and Incorporated Areas Flood Insurance Study (FIS) and Digital Flood Insurance Rate Map (DFIRM); and declaring an emergency**

Ms. Wilkening explained that the Ordinance established and provided the basis for the Regulatory Flood Area, as a result of studies recently completed. Digital Flood Insurance Rate Maps (DFIRM) were identified within the Ordinance. Ms. Wilkening added that,

other than making some changes to the title, it was in the same form. It was requested that the Council adopt Ordinance No. 3451 and approve the emergency clause.

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

Move to adopt Ordinance No. 3451

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3451

The motion carried by the following vote:

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

D. 16-1139

Consideration, discussion, and possible adoption of Ordinance No. 3452, closing a utility easement on property located in Bixby Northeast Campus, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of 131st Street, one-half mile east of Garnett Road; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening related that the Ordinance involved closure of a utility easement on property located in the Bixby Northeast Campus. She reported that all the utility companies had signed off on it and she expected that they would probably move toward foreclosure action in District Court. It was requested that the Council adopt Ordinance No. 3452 and approve the emergency clause.

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

Move to adopt Ordinance No. 3452

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3452

The motion carried by the following vote:

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

E. 16-1140

Consideration, discussion, and possible adoption of Ordinance No. 3453, closing a mutual access and utility easement on property located in Indian Springs Manor, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located east and southeast of Block 8, Lot 1 across Indian Springs Golf Course; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening stated that the Ordinance concerned a mutual access and utility easement located in Indian Springs Manor, a subdivision in the City and across from Indian Springs Golf Course. The owners requested closure and the utility companies were in agreement. It was requested that the Council adopt the Ordinance No. 3453 and approve the emergency clause.

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

Move to adopt Ordinance No. 3453

The motion carried by the following vote:

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

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

Move to approve the emergency clause for Ordinance No. 3453

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond reiterated that he appreciated the efforts of staff and Council in making his Mayor of the Year award possible. He realized that it was the work of the staff and the Council that enabled them to earn recognition as a community and he thanked them. He went on to say that he had been in Arlington at a National League of Cities' Community and Economic Development Committee meeting at the time that the Oklahoma Municipal League meeting took place. Much had been accomplished at the NLC meeting and he would be sharing their resolution with all when it was refined and finalized. The Board would hopefully, adopt the resolution and promote it in Washington D.C. in 2017. The Committee's focus was on access to capital, on recommending changes in mortgage regulations, and on workforce development. He was happy to have the opportunity to attend the meeting and to hopefully, make a difference with the work they had done.

Vice-Mayor Carter observed they had played a small part in Mayor Thurmond being named Mayor of the Year, but without the leadership he had displayed to them, along with his talent for team building, the award would never have happened. None of the great projects they had undertaken in the City would have succeeded without all of them working together, and

Mayor Thurmond was a big part of getting them to work together. Vice-Mayor Carter declared that the Mayor deserved the award and more.

Councilman Eudey commented that the job of Mayor was hard work and the Council and he, personally, appreciated the fact that he was willing to do it and represent them so well, both locally and nationally. Councilman Eudey expressed his appreciation on behalf of the community, also.

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

Mr. Spurgeon announced that the following night they would be holding the ribbon cutting ceremony, so to speak, with regard to the new interactive water feature. The event would take place in the Rose District Pavilion and all were invited. The long awaited opening was finally at hand and he had had the privilege of seeing some nighttime photos of it and to see it that day in operation. He was very excited about it and believed the Mayor's and Council's reactions would be similar. Exciting too was that it would be a draw to the community. He thanked Assistant City Manager of Operations Kenneth Schwab's staff, and Tim Robbins in particular, along with everyone who worked on the project and got it done so that they could enjoy it for a couple of months in 2016.

Mr. Spurgeon reported that there was a lot of work going on downtown, with the streetscape work starting a week before. He went on to report that Director of Engineering/Construction Alex Mills announced a few days prior that he and Mr. Schwab had appointed Roger Hughes to serve as Supervisor in the Department. Mr. Hughes had stepped up a number of times and filled in temporarily when there were vacancies. He had over 12 years with Engineering/Construction and had been involved with utilities for over a year. He would be succeeding Tom Hendrix who was selected to head the Planning Division.

With regard to the Aspen Avenue-Kenosha Street intersection project, they were on schedule at 40% completion of construction. They had established a model, in disseminating news about the project, of how they were going to communicate with the community in the future. Citizens were making the adjustment with regard to traffic, and robocalls and press releases would continue to be used to update the community.

Mayor Thurmond commented that he thought the fountain was the most impressive feature in the whole metro area and it would be exciting when it was opened to the public after the ribbon cutting on the following night.

Mayor Thurmond entertained a motion to recess at approximately 7:24 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session.

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

Move to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:30 p.m. and entertained a motion for a brief recess prior to entering into Executive Session.

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

Move to recess prior to entering into the Executive Session

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:36 p.m. and asked for a motion to clear the room and enter into the Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

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

14. Executive Session

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

1. To authorize the City Attorney to participate in the Blalack condemnation mediation and to attempt to settle the case in accordance with the direction provided

2. To authorize the City Attorney to prepare an Amendment to the City Manager's

Employment Agreement for consideration at the next Council Meeting

At approximately 8:03 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to authorize the City Attorney to participate in the Blalack condemnation mediation and to attempt to settle the case in accordance with the direction provided

The motion carried by the following vote:

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

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.
Move to authorize the City Attorney to prepare an Amendment to the City Manager’s Employment Agreement for consideration at the next Council Meeting

The motion carried by the following vote:

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

15. Adjournment

The meeting adjourned at approximately 8:05 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 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

Mayor

City Clerk