



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, October 3, 2017

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

Prior to the invocation Vice Mayor Eudey called for a moment of silence for the tragic passing of Mr. West on Friday, beloved teacher Mr. Anderson on Saturday, and for those suffering in Las Vegas. He encouraged Council Members and those present to keep the families and friends of those passed in thought and prayers. Scott Moore delivered the invocation.

3. Roll Call

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

Absent: 1 - Craig Thurmond

4. Pledge of Allegiance to the Flag

Councilor Johnnie Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Vice Mayor Eudey stated Item D was to be removed from the Consent Agenda.

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

Move to approve Consent Agenda excluding Item D

The motion carried by the following vote:

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

- A. 17-2723 **Approval of City Council Special Meeting Minutes of August 1, 2017**
- B. 17-1701 **Approval of City Council Meeting Minutes of September 19, 2017**
- C. 17-2745 **Acceptance of Planning Commission meeting minutes of June 22, 2017, July 13, 2017, August 10, 2017 and August 24, 2017**
- D. 17-2737 **Approval of and authorization to accept a grant from the Oklahoma District Attorneys Council for the City of Broken Arrow to provide a Victim Response Program in Fiscal year 2017-2018**
- E. 17-2746 **Ratification of the high visibility enforcement grant application and proposed agreement for Fiscal year 2017-2018 with the Oklahoma Highway Safety Office**
- F. 17-2717 **Approval of and authorization to execute a Professional Consultant Agreement with Chase Fetters Hewitt for concept design of the Broken Arrow Senior Center Annex**
- G. 17-2478 **Approval of and authorization to execute a Software License Agreement with FirstWatch Solutions, Inc. to provide data monitoring and bio-surveillance software for the Broken Arrow Fire Department**
- H. 17-2727 **Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and McDonald, McCann, Metcalf & Carwile, LLP, Attorneys at Law, for providing counsel and legal advice regarding construction law**
- I. 17-2734 **Approval of and authorization to execute a contract for professional services between the City of Broken Arrow and Family & Children's Services (F&CS) to provide a Violence Response Program for the City of Broken Arrow in Fiscal year 2017-2018**
- J. 17-2744 **Approval of and authorization to purchase two (2) one and one quarter-ton pickup trucks from John Vance Motors as bid, pursuant to the Oklahoma statewide vehicle contract, for the Signal Maintenance Division of the Streets and Stormwater Department**
- K. 17-2716 **Award of the lowest responsible bid to Builders Unlimited, Inc., and approval of and authorization to execute a construction contract for Events Park Restroom and Liberty Parkway Trailhead Restroom (Project Nos. 176039 and 176048)**
- L. 17-2730 **Award of the most advantageous bid to Momentum Services, LLC, and approval of and**

authorization to execute a contract for nuisance abatement

- M. 17-2733 **Approval of and authorization to execute Change Order C01 for Kenosha: Garnett to Aspen Mill & Overlay**
- N. 17-2721 **Approval of PT13-107A, Conditional Final Plat, Stone Horse II of Broken Arrow, 61 lots, 14.77 acres, A-1 to RS-3, one-half mile north of Jasper Street, one-quarter mile east of Olive Avenue**
- O. 17-2695 **Approval of PT13-107B, Conditional Final Plat, Stone Horse III of Broken Arrow, 69 lots, 21.46 acres, A-1 to RS-3, one-half mile north of Jasper Street, one-third mile east of Olive Avenue**
- P. 17-2722 **Approval of PT16-112, Conditional Final Plat, Spring Hill at Forest Ridge, 102 lots, 31.82 acres, R-1/PUD-66G, south of Kenosha Street, one-half mile west of Oak Grove Road**
- Q. 17-2720 **Approval of PT17-103, Conditional Final Plat, QuikTrip No. 0033, a Re-Subdivision of all of Lot One (1), Block One (1), Amended Plat of Wagoner County Line Plaza, and Part of Lot Two (2), Block One (1), Tiger Plaza and request for a variance to reduce the width of the utility easements, 2 lots, 1.82 acres, CN and CG/SP-257 to CN/PUD-254, northeast corner of Kenosha Street and 23rd Street**
- R. 17-2715 **Approval of PUD-265 (Planned Unit Development) and BAZ-1985 (Rezoning), Woods of Jasper Estates, 27.97 acres, A-1 to RS-2/PUD-265, north and west of the northwest corner of Jasper Street and 23rd Street**
- S. 16-1587 **Approval of the Broken Arrow City Council Claims List for October 03, 2017**

6. Consideration of Items Removed from Consent Agenda

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

Move to table Item D

The motion carried by the following vote:

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

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

- A. 17-2749 **Notification of publication of Legal Notice of Public Hearing for proposed de-annexation of 36.02 acres located generally at 10900 South 209th East Avenue, Broken Arrow, Oklahoma, more particularly described as a part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma in accordance with Oklahoma State Statute (Samuel R Stokely)**
Plan Development Manager Larry Curtis reported the City of Broken Arrow received a formal notice of petition from the Samuel Ray Stokely Revocable Trust for deannexation of the property located in the southwest corner of Florence and 209th East Avenue. He reported the property consisted of 36.02 acres and had been annexed into the City of Broken Arrow on 4/17/2000. He reported per state statute the following was completed: A true and complete unsigned copy of the petition which requested deannexation was filed with the Clerk of the Municipality prior to circulation, and had been signed by a minimum of three-fourths (3/4) of the registered voters and by the owners of at least three fourths (3/4) of the property and value of the property to be detached. He stated signed copies of the petition which requested the detachment had been filed with the City Clerk of the Municipality within ninety (90) days after the initial filing of the unsigned copy with the Clerk. He explained notice of the filing of the signed petition which requested detachment had been given in the same manner providing for the petition of deannexation. He stated copies of the signed petition had been timely filed and the Clerk of the Municipality determined the signatures on the petition were sufficient. He explained the Clerk would publish a notice of filing and apparent sufficiency or insufficiency of the petition on 10/11/2017 in the Wagoner County American Tribune and the Tulsa Business and Legal News. He stated on 10/11/2017 the Government would give notice of a Public Hearing scheduled for 10/17/2017. He explained after the Public Hearing, Council could take action to approve, deny or pursue another process. He asked if there were questions.

Councilor Parks asked if a complete description of this request would be provided to the Council. Mr. Curtis responded in the affirmative explaining a full report would be given in the same manner as an annexation or rezoning request.

- B. 17-2659 **Presentation and possible discussion regarding SeeClickFix citizen reporting tool - First Year in Review**
Community Relations Liaison Jennifer Hooks stated the Action Center App was a reporting tool for citizens and she displayed an image of the interface. She explained how the app worked: Citizens opened a New Issue which was auto-assigned to the appropriate staff member; staff was notified by email and was required to acknowledge the notification by informing the citizen the City was aware of the problem; staff would investigate and work to resolve the issue. She stated citizens could post photos and video via the app, location could be mapped via smart phone location services or by selecting a location on the map. She explained as the issue was investigated updates could be posted online. She mentioned issues were assigned expiration dates to encourage speedy resolution. She stated once the issue was resolved citizens could respond with questions or reopen

problematic issues. She stated there were 16 current issue reporting categories, but more categories could be added this year, and the Rose District had been discussed as a possible new category. She reported the app had been launched one year ago and was on a five year agreement, renewable annually by City Council. She stated prior to launching, research had been done which revealed the process of tracking issues differed from department to department. She stated following the research phase training began and currently the user group met monthly for discussion. She explained citizens had several options for issue reporting: www.ActionCenterBA.com, through the Broken Arrow home page, or via the Android/iPhone app.

Ms. Hook stated the Action Center App was powered by SeeClickFix. She indicated it was a great tool which connected residents with City Hall and enabled after business hours issue submission. She stated tool features included @mention which allowed tagging on internal comments which enabled question answering and better issue tracking. She displayed a list of departments which currently utilized the app tool. She stated during the first year between 100 and 200 issues had been opened monthly. She said a higher numbers of issues were reported during the hotter summer months. She reported over 2000 issues were reported via the app; this number was via the app only and did not include telephone/email reports. She stated over 1900 reported issues had been closed with an average acknowledgement time of 1.4 days (goal was one to two days' time for acknowledgement) and average close time was thirteen days. She explained some categories took longer to close, such as code enforcement, while others were quicker, such as stray animals.

Ms. Hook displayed a map of open pending issues and a map of closed issues. She stated no non-issue pockets were noted, which she felt was a good indicator that citizens throughout Broken Arrow were using the app. She stated there were 90 pending issues which was normal.

Ms. Hook displayed a "thank you" comment received by a citizen. She stated the citizen opened a new issue simply to say thank you for a great job on driveway and sidewalk repair.

Ms. Hook stated the tool would continue to be marketed and promoted. She reported there were approximately 1,000 desktop users who accessed the tool via the website, and approximately 3,000 who had registered via the smart phone app. She stated new users would continue to be added, request categories would continue to be updated, and the vendor would continue to make interface improvements. She stated she would be happy to attend neighborhood or group meetings to provide demonstrations. She asked if there were questions.

Councilor Mike Lester asked if the staff member who acknowledged the issue was also the staff member who would resolve the issue. Ms. Hook responded in the affirmative; however, there were incidents where issues required reassignment if reported under the incorrect category.

Vice Mayor Eudey asked if there had been a diminishment in phone call and email reporting. Ms. Hook responded in the negative, but it had been a few months since she checked.

Councilor Parks asked if current staff was able to handle the workload, or if additional staff had to be hired, and how was current staff managing the new task and workload. Ms. Hooks stated the code enforcement department rearranged staffing in order to assign one particular staff member to monitor the app; however, within the other departments it was just an added daily task to current staff.

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 requested to speak.

9. General Council Business

A. 17-2741 Consideration, discussion, and possible approval of projects to be included in sale of General Obligation Bonds, Series 2018

Acting Finance Director Tom Cook reported the City of Broken Arrow had authorized, but unsold, bonds valued at \$30,140,000 remaining from the 2014 vote. He stated staff recommended the sale of \$18,755,000 in bonds authorized from 2014. He stated the fiscal year 2018 budget included most of the projects in an amount of \$18,425,000 and he wanted to discuss the changes. He explained the first change was that the sale of Olive from Albany to Kenosha was to be deferred from FY-2018 until FY-2019, and all of Florence from Olive to Aspen would be sold in the amount of \$3,675,000. He explained the remaining \$387,500 in bonds would be sold in FY-2018 rather than FY-2019 for the purchase of land and design of the new fire station. He stated all \$325,000 in bonds would be sold for land purposed for salt and sand storage, and was related to the purchase of the Windstream property; therefore, the projected sale of the land for the maintenance center would be bundled with the land for the salt and sand storage. He explained this would change the total amount from \$18,425,000 to \$18,755,000. He stated there was not a significant change in projected millage, partly because the net assessed valuation grew at a higher than expected amount which allowed Broken Arrow to sell more bonds than had been previously anticipated. He stated with the Council's approval of the proposed projects he would return to the Council Meeting on 11/21/2017 with a sale date, and the sale would be awarded at the 12/19/2017 Council Meeting, and the bonds would be closed and funds received and available for use by 02/01/2018. He asked

if there were questions.

Vice Mayor Eudey commented it appeared millage was declining. Mr. Cook responded it had gone down and this was related to the increase in net assessed value. He stated around 3% growth had been estimated, but growth resulted at over 5% which was very positive.

Councilor Parks stated he wanted to clarify these were monies voted on in 2014, monies the citizens had voted on, and the City of Broken Arrow had taken its time selling the bonds in order to accommodate the timetable and to ensure there was no tax increase.

Councilor Lester asked if the balance of the 2014 bonds was anticipated to be sold in FY-2019. Mr. Cook stated following the sale of bonds in FY-2018 just over \$11 million would be left, and yes he anticipated the remaining \$11 million in bonds would be sold in FY-2019.

Vice Mayor Eudey asked if all of the 2011 bond issue had been dealt with. Mr. Cook responded in the affirmative; the bonds from 2014 were the only existing authorized unsold bonds.

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

Move to approve the projects to be included in the General Obligation Series 2018 sale

The motion carried by the following vote:

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

B. 17-2743 Consideration, discussion, and possible approval of and authorization to execute the Fiscal Year 2017-18 Labor Agreement with the Fraternal Order of Police Lodge #170

Human Resources Director Jannette McCormick stated she was happy to be present to ask the Council's approval for the FY 2017-2018 agreement with the Fraternal Order of Police Lodge #170. She stated negotiations began in May 2017, tentative agreement was reached on 09/07/2017 and last week the agreement was ratified by the Lodge. She stated the proposed agreement provided the following changes: administrative revisions to the use of City vehicles and drug and alcohol policy articles within the agreement, an increase in the number of hours which may be maintained in the holiday bank from 160 to 175 hours, an increase in Union Business Leave from 120 hours to 160 hours, an increase in the Field Training Officer and Canine Officer incentive pay from \$30 to \$40, a 2% base wage increase for all bargaining unit members effective 07/01/2017 (which would be retroacted), and a traditional 2% base wage increase effective 01/01/2018. She stated staff recommended Council approve the agreement and authorize its execution. She asked if there were questions. There were none.

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

Move to approve the Labor Agreement with the Fraternal Order of Police Lodge #170 for FY 2017-2018, and authorize its execution

The motion carried by the following vote:

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

C. 17-2742 Consideration, discussion, and possible approval of and authorization to execute the Professional Service Agreement with Halff Associates, Inc. for the review and update to the City's Comprehensive Plan (Vision 40)

Special Projects Manager Farhad Daroga stated the City's Comprehensive Plan Selection Committee had interviewed four consulting firm applications and recommended that the Comprehensive Plan proposal be submitted to Halff Associates. He commented this had been a monumental task as more than 30 companies showed interest in proposing for the project. He explained the Committee received eight highly qualified proposals from regional and national firms, and it had been a difficult task to narrow the selection group to four. He reported after the field had been narrowed to four, the Committee negotiated a contract with Halff Associates to conduct the task over the next 18 to 20 months. He reported the last comprehensive plan had been done 20 years ago, and had been updated on two different occasions. He explained this plan would take place over the next two fiscal cycles and the funding would come through Sales Tax Capital Improvement (STCI) funds. He stated the first phase of the project, if approved by Council, would start immediately and was scheduled to be completed before July 2018. He stated subsequent to phase 1, and pending further approvals by City Council, phase 2 of the Comprehensive Plan would be immediately embarked upon, and future funding would come from the 2019 funding cycle as approved by City Council. He explained the consultants spent an extensive amount of time with staff reviewing the contract. He reported this was the sixth attempt since 1968 for Comprehensive Plan Approval and he considered it a tribute to the current leadership and current City Council, as well as the previous City Councils who had allowed Comprehensive Plan development. He stated the first Comprehensive Plan, in 1968, was one of the first in the region, and had served Broken Arrow well and still provided footing and foundation to this date. Mr. Daroga introduced Rick Leisner, the Director of Planning for Halff Associates which was headquartered in Richardson, TX, in the Dallas Metropolitan Area. He stated Halff Associates also had offices in Oklahoma City and Arkansas. He stated Dennis Blind, could not be present at the Meeting, but had been an active participant in the project. He stated Mr. Leisner was headquartered in the Dallas office and had a complex team put together to perform the Comprehensive Plan. He explained Halff Associates employed planners and engineers and other specialists who would be working on this project and

hopefully the Vision of the City of Broken Arrow would come together and be achieved.

Mr. Rick Leisner stated he was pleased to be present and a part of the Comprehensive Plan. He stated the Comprehensive Plan enabled the opportunity to solicit resident's dreams across the Community. He stated there would be a very aggressive community engagement effort, speaking with students, business owners, and citizens over the course of the next couple of years and he was very excited about the implications and possibilities. He explained Halff Associates would be leading the effort, Catalyst Commercial Group would be focusing on economic development and real estate market analysis, and a consultant would be focusing on community vision. He stated he felt the program allowed a "look into a crystal ball" to see what type of future opportunities could be defined for Broken Arrow. He stated Civic Brand would assist with Comprehensive Plan branding, and HRA OK, a local Broken Arrow company, would also be assisting. He indicated he felt Halff had assembled an excellent team and he looked forward to working hand in hand with Broken Arrow for the next couple of years. He asked if there were questions. There were none.

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

Move to approve the Professional Service Agreement with Halff Associates, Inc. for the review and update to the City's Comprehensive Plan (Vision 40), and authorize its execution

The motion carried by the following vote:

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

D. 17-2738 Consideration, discussion, and possible approval of and authorization to execute an Amended Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and utility poles

City Attorney Beth Anne Childs reported in August 2017 City Council approved a Master Lease Agreement with New Cingular Wireless acting as AT&T. She stated as a result of some additional discussions with AT&T a few minor modifications had been requested including numbers and language refinement. She said legal staff was able to accomplish this expeditiously with AT&T and its team of attorneys. She explained it had been decided as AT&T had not executed the original agreement, and for purposes of record keeping, it would be wise to submit it as an amended Master Agreement. She reported the Agreement term was for 20 years and did provide a number of protections designed for the City's interest, but also enabled AT&T to bring 5G technology to the City of Broken Arrow. She asked if there were questions and requested the Council approve the Amended Master Lease Agreement and authorize its execution.

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

Move to approve the Amended Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, and authorize its execution

The motion carried by the following vote:

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

E. 17-2691 Consideration, discussion, and possible approval of the Sponsor and Artist agreements for the City of Broken Arrow Utility Box Public Art Program

Director of Tourism Lori Hill stated several months ago a Public Art Initiative was implemented and several utility boxes had been vinyl wrapped with designs by local artists. She reported the project had such a positive response it had been decided to launch the same project throughout the City. She explained she had been working with staff and the Legal Department to draft an artist agreement and a sponsor agreement which was before Council for review and approval. She stated the agreement would ensure the artists and sponsors were local to Broken Arrow. She explained art submissions must be approved by City Manager prior to any installation, and all artwork was required to contain a rose theme. She stated Request for Proposal (RFP) was sent to various vinyl wrap companies within Broken Arrow, but only Kryptonite Kustoms, the company which had completed the initial utility box wrap project, had responded. She explained the new boxes to be covered were City of Broken Arrow Utility Boxes, and were located at traffic light intersections throughout the Community. She stated sponsors could request specific boxes. She stated staff was requesting approval of the Sponsor and Artist agreements. She stated project launch would occur in early spring.

Councilor Wimpee asked if the rose-theme wraps would be located throughout the Community, even outside the Rose District. Ms. Hill responded in the affirmative. Councilor Wimpee asked about the sponsor cost. Ms. Hill responded sponsor cost was \$500 per wrap which would be paid directly to the artist. She stated the City of Broken Arrow would approve artwork and ensure the vinyl wrap was done correctly. She stated Kryptonite Kustoms was familiar with the traffic boxes, as well as the access and wrapping requirements. Councilor Wimpee stated she felt other vinyl companies would be interested in participating in the project once wrap visibility became prevalent. She asked if there would be an opportunity for other companies to become involved in the future. Ms. Hill responded this could be reviewed annually. She explained the initial RFP was sent to ten local businesses and was very specific about project requirements, but only Kryptonite Kustoms had responded. Councilor Wimpee commented Chris (from Kryptonite Kustoms) did great work. Ms. Hill commented Chris was a local who was raised in Broken Arrow, and he was excited about

the project.

Councilor Lester asked if there was an artwork time limit, for example would it be changed annually. Ms. Hill stated the agreement said if the artwork began deteriorating the City had the right to remove it. She explained if a single panel was cut, scraped or had graffiti, the panel could be replaced easily; however, if the artwork as a whole looked worn it would be removed. Vice Mayor Eudey asked if the sponsorship fee included the cost of the wrapping. Ms. Hill responded in the negative; the sponsorship fee paid the artist, and the wrap fee was additional. Vice Mayor Eudey asked who was responsible for the wrap fee. Ms. Hill replied the sponsor was responsible for the wrap fee, not the City. She explained the only manner in which the City was currently involved was through approval of artwork by the City Manager. She reported Chris from Kryptonite Kustoms knew not to install any wrap prior to City Manager approval.

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

Move to approve the Sponsor and Artist agreements for the City of Broken Arrow Utility Box Public Art Program

The motion carried by the following vote:

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

F. 17-2697 Consideration, discussion, and possible approval of BAZ-1984 (rezoning), Estates at Lynn Lane, 68.00 acres, R-2 to RS-3, and abrogation of BAZ-1786, one-quarter to one-half mile north of New Orleans Street, east of 9th Street

Mr. Larry Curtis, Planning and Development Manager, reported BAZ-1984 was a request to rezone the 68 acre property from R-2 single residential, to RS-3 single family residential. He stated the undeveloped and unplatted property was located one-quarter to one-half mile north of New Orleans and east of 9th Street. He explained there had been three rezoning requests since 1983, a planned unit development PUD request and a decree by district court on a rezoning case. He stated the Planning Commission concurred with staff and recommended approval by a vote of three to zero of BAZ 1984 subject to the property being platted, as well as abrogation of BAZ 1786. He stated seven residents spoke and expressed concerns regarding fencing, exterior materials of homes, storm water runoff, traffic on 9th Street, sub-streets, and existing ponds on the properties. He reported the questions were answered by the developer and responses were noted in the staff report. He stated he received an email with more questions referencing the zoning change from R-2 to RS-3, a fencing inquiry, the price range of homes, and property upkeep during construction. He said an email and letter were sent in response which included answers to each question in great detail. He stated the recommendation was to approve BAZ 1984 (rezoning) Estates at Lynn Lane, 68.00 acres, R-2 to RS-3, and abrogation of BAZ-1786, one-quarter to one-half mile north of New Orleans Street, east of 9th Street, as recommended by Planning Commission and Staff. He asked if there were any questions. He stated the applicant was in attendance to answer questions.

Councilor Parks stated he noted the vote was unanimous by the Planning Commission and asked if the Planning Commission indicated any negatives or concerns regarding the rezoning. Mr. Curtis stated a great deal of discussion centered on what the Comprehensive Plan had in place for the property, and discussion was held regarding history of the property. He stated it was concluded the Comprehensive Plan was supportive of the project moving forward. Councilor Parks commented there was adjoining property which was similar. Mr. Curtis stated the property to the north, as indicated on the map, had not been present during previous rezoning cases. However, he stated, Washington Lane had since been put in place with two associated sub-streets: Oaks in the southeast corner with a sub-street, and 96th Street. He stated a connectivity concern was raised by residents, as well as the Planning Commission. He explained 96th Street was an older subdivision created by Wagoner County that had been annexed into the City's jurisdiction and it was suggested connectivity be gated and used for emergency access only, ensuring uniqueness and separation of the subdivisions, but keeping safety a priority. Councilor Parks commented house size was not included in the zoning code; therefore, lot size could be small while home size could be large. Mr. Curtis stated R-2 zoning allowed for 200 lots while RS-3 zoning would allow an additional five to ten lots within the same amount of property. He explained the lot width was reduced from 70 feet to 60 feet; however, the zoning code did not regulate the size of home or type of exterior structure. Vice Mayor Eudey asked for clarification on the plats presented, being advised that the preliminary plat hasn't been officially presented yet. Councilor Lester asked if this would be developed in phases. Mr. Curtis responded yes it would be constructed in phases. Councilor Lester asked how this would affect the exterior fencing of the development. Mr. Curtis replied the fencing along 9th Street would be in place as part of the first phase of the project; however, per zoning code fencing was not required along abutting residential developments. He stated the developer would be communicating and working with the property owners surrounding the development that had concerns about equestrian activities and fencing.

Mr. Curtis stated this was a rezoning request only; if rezoning was approved it would be subject to platting and the plat would come to Council for final approval.

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

Move to approve BAZ-1984 (rezoning), Estates at Lynn Lane, 68.00 acres, R-2 to RS-3, and abrogation of BAZ-1786, one-quarter to one-half mile north of New Orleans Street, east of

9th Street as recommended by Planning Commission and Staff

The motion carried by the following vote:

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

G. 17-2684 Consideration, discussion, and possible approval of the reappointment of Patsy Terry to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term beginning October 1, 2017 and expiring September 30, 2019

Ms. Lori Hill reported on September 30 several CVB members' terms expired. She explained as part of the strategic plan with the Tourism Asset Inventory, recommendations were set forth for restructure of the Visitors' Bureau to include members from lodging, dining, retail, sports attractions, and City Council. She stated Mayor Craig Thurmond recommended the reappointment of Ms. Patsy Terry, owner of Arrow Flowers, to fulfill the retail position on the CVB; if reappointed her term would expire September 30, 2019. She reported Ms. Terry had served many years on the CVB and had done an excellent job. She stated staff recommended the reappointment of Patsy Terry to the Broken Arrow Convention and Visitors' bureau with a term expiring September 30, 2019. She asked if there were questions. There were none.

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

Move to approve reappointment of Patsy Terry to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term beginning October 1, 2017 and expiring September 30, 2019

The motion carried by the following vote:

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

H. 17-2685 Consideration, discussion, and possible approval of the nomination and appointment of Jeff Hartman to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term beginning October 1, 2017 and expiring September 30, 2019

Ms. Lori Hill reported Mayor Craig Thurmond recommended Jeff Hartman, who owned the Holiday Inn Express and the Town Place Suites through SJS Hospitality in Broken Arrow, to fulfill the hotelier position within the CVB Board. She stated this would fill the expired term previously held by Latonya Cundiff. She reported if appointed, Mr. Hartman's term would end September 30, 2019.

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

Move to approve nomination and appointment of Jeff Hartman to the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term beginning October 1, 2017 and expiring September 30, 2019

The motion carried by the following vote:

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

10. Preview Ordinances

A. 17-2692 Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau; Generally; Sec. 2-211 Created; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Beth Anne Childs stated the Tourism Asset Inventory recommended restructuring of the CVB and the ordinance effectuated the changes which increased board membership from seven to nine members. She stated the additional members would be appointed by the Mayor, allowing the Mayor a total of four appointed positions within the CVB. She stated the preview ordinance accomplished restructuring to include positions filled by associates of lodging, dining, retail, sports attractions, and City Council. Ms. Childs recommended the ordinance be previewed and set up for adoption at the next Council Meeting.

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

Move to preview the ordinance and set for adoption

The motion carried by the following vote:

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

11. Ordinances

There were none.

12. Remarks and Inquiries by Governing Body Members

There were none.

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

Mr. Spurgeon thanked staff for the Comprehensive Plan and utility box wrapping project. He stated residents desired to see public art within the Community. He thanked staff for the BA Action Center, stating it would require approximately two years' time before residents began using the app more often than making phone calls. He explained in many cases it was generational and residents might prefer speaking with someone in person over filing a

complaint online; therefore, a process would always be in place for residents of this mind. He thanked staff for the AT&T Agreement and Jeanette McCormick for reaching a negotiation with the FOP. He thanked the leadership team of the FOP for working with the City to reach an agreement mutually acceptable to both parties. He mentioned the Mayor, Norman Stevens and the Chamber President were with Tulsa Metro Chamber in Fort Worth as a part of the Best Practices Initiative. Mr. Spurgeon welcomed Jamie Ott's return. He stated Mr. Ott had been helping in Houston and was next called to help in Florida. He thanked Mr. Ott for his service. Mr. Spurgeon mentioned Mr. Lee Zirk recently finished his annual training with the Air Force and had been promoted to E-9, which was the highest rank achievable in the Air Force. He congratulated Mr. Zirk and acknowledged his efforts in service to the United States.

At approximately 7:26 Vice Mayor Eudey entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

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

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

The motion carried by the following vote:

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

Vice Mayor Eudey reconvened the City Council Meeting at approximately 7:32 p.m. and called for a brief recess to clear the room for Executive Session.

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

Move to recess before entering into Executive Session

The motion carried by the following vote:

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

The Council returned to the room at approximately 7:41 p.m. Vice Mayor Eudey entertained a motion to enter into Executive Session.

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

Move to enter into Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and any other pertinent staff members to discuss and confer on matters pertaining to:

1. litigation, including potential resolution of litigation involving City of Broken Arrow v. REIP, LLC, et al. Case No. CJ-2017-1169, in the District Court of Tulsa County, State of Oklahoma, and taking appropriate action in open session, including authorization to settle this litigation, under 25 O.S. §307(B)(4);

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

At approximately 7:45 p.m. Vice Mayor Eudey 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 Debra Wimpee.

Move to authorize the City Attorney to move forward with resolution of the REIP case consistent with Council direction

The motion carried by the following vote:

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

15. Adjournment

The meeting adjourned at approximately 7:45 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:

Mayor

City Clerk