



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, January 15, 2019 **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

Invocation was performed by Pastor David Pelkey.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Cub Scout Pack 935 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated Item F would be tabled until the next City Council Meeting. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda excluding Item F

The motion carried by the following vote:

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

- A. 19-2** **Approval of the City Council Meeting Minutes of January 2, 2019**
- B. 19-101** **Accept minutes of Planning Commission meetings held in 2018**
- C. 19-121** **Approval of and authorization to purchase one (1) 3/4-ton crew cab pickup from Carter Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract, for the Information Technology Department**
- D. 19-135** **Approval of and authorization to purchase one (1) Reel Mower from Professional Turf pursuant to the Oklahoma Statewide Mower and Hand Held Equipment contract, for the Battle Creek Golf Course**
- E. 19-108** **Approval of and authorization to purchase one (1) Road Widener from G. W. Van Keppel pursuant to the Oklahoma Statewide Vehicle Contract, for the Streets and Stormwater Department**
- F. 19-136** **Award the most advantageous bid to Kelly-Creswell for the purchase of one (1) truck mounted road striping machine for the Street and Storm Water Department**
- G. 19-83** **Award the lowest responsible bid to Midstate Traffic Control, Inc. and approve and authorize execution of a construction contract for the Hillside Drive and 23rd Street Traffic Signal (TS1901)**
- H. 19-128** **Award the lowest responsible bid to Cherokee Pride Construction and approve and authorize execution of a construction contract for the Florence Street Bridge Repair over Creek Turnpike (ST1938)**
- I. 19-125** **Acceptance of Temporary Construction Easements consisting of 0.08 acres and 0.15 acres from the Johnny Lee and Betty Jo Henry Trust, on property located at 12426 S 185th E Ave located in part of the Northwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$300.00 for the County Line Trunk Sewer Replacement, Parcel 6.1, 6.2 (Project No. S.1609)**
- J. 19-124** **Acceptance of a Utility Easement consisting of 0.15 acres and 0.05 acres of Temporary Construction Easement from the Gary Dean Jr & Ann Marie Heimbach, on property located at 11228 S 193rd E Avenue, located in part of the Northeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$9,800.00 for the County Line Trunk Sewer**

Replacement, Parcel 17.0, 17.1 (Project No. S.1609)

K. 19-104 **Approval of BAZ-2018, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131st Street), one-quarter mile east of Aspen Avenue (145th East Avenue)**

L. 19-106 **Approval of PT18-110, Conditional Final Plat, Casey's General Store 2, Lot 1, Block 1, 1.31 acres, 1 Lot, CG, northeast corner of Aspen Avenue and Florence Street**

M. 19-109 **Approval of PUD-248 (Planned Unit Development) and BAZ-2020 (Rezoning), Attic Storage, B.A., 10.15 acres, R-2/CH to PUD-284/CH and IL, located one-quarter mile east of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)**

N. 19-123 **Approval of Planned Unit Development (PUD) 285, Indian Springs Elementary School site, 10.66 acres, R-2 to ON, one-half mile south of Jasper Street (131st Street), one-quarter mile east of Aspen Avenue (145th East Avenue)**

O. 18-1411 **Approval of the Broken Arrow City Council Claims for January 15, 2019**

6. Consideration of Items Removed from Consent Agenda

F. 19-136 **Award the most advantageous bid to Kelly-Creswell for the purchase of one (1) truck mounted road striping machine for the Street and Storm Water Department**
Item F was tabled until the City Council Meeting on February 5, 2019.

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

Move to table Item F

The motion carried by the following vote:

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

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

A. 19-84 **Presentation of Gold Ball by Broken Arrow Tigers State Championship Football Team and possible acceptance of a replica Gold Ball Trophy by Broken Arrow City Council**
City Manager, Michael Spurgeon, stated the Broken Arrow Tigers won the 6A Division 1 State Championship which was a tremendous accomplishment. He stated it was felt to be appropriate for the Superintendent, the Athletic Director, the Communications Director, the Head Coach and some players to present City Council with a replica Gold Ball Trophy for the support given by City Council to the School District.

Assistant Superintendent of Broken Arrow Public Schools, Chuck Perry, stated on behalf of Dr. Janet Dunlop and Broken Arrow Public Schools he was excited to present a Gold Ball Trophy replica to the Broken Arrow City Council. He indicated this was the first time in the history of Broken Arrow Public Schools the Tigers won the State Championship.

Director of Athletics, Steve Dunn, thanked City Council. He stated he felt there was a great synergy between the City, Schools, and the local businesses which he greatly appreciated. He thanked the Head Football Coach, David Alexander.

Head Football Coach David Alexander stated it took a Community effort to win a championship. He stated he was extremely proud of his football team. He thanked City Council and the community for its efforts, he thanked Broken Arrow Public School staff, and he thanked his football players for the hard work and commitment which ultimately led to winning the State Championship. He and several football players presented the trophy to City Council.

B. 19-140 **Presentation regarding the road closure of 9th Street in association with the 9th Street Public Improvements Project**
Construction Division Manager, Tim Robbins, displayed a map of the 9th Street road closures. He explained there were four water line crossings and a sanitary sewer line crossing which would be completed and work would begin Tuesday January 15, 2019. He reported the road between East Elgin Place to Dallas Street would be closed in the evenings from 9 p.m. through 6 a.m. He explained the water lines would be completed the first night, followed by the sanitary sewer line the second night, with a third night held in contingency. He displayed a map which illustrated the detour routes. He explained the first two nights shared the same detour route, and the third night had a different detour route. Mayor Thurmond asked if there would be a challenge completing the project in three nights. Mr. Robbins responded in the negative. He stated he was confident; however, there was always the possibility of an unforeseen difficulty. Vice Mayor Eudey asked if there were any occupied dwellings along the construction route. Mr. Robbins responded in the affirmative; advanced notice was given, and the contractor went door to door to talk with the residents to ensure the residents understood the process. He stated there were approximately five residents in this area and he would ensure the residents had access.

C. 19-154 Presentation regarding the Broken Arrow Police Department partnership with Neighbors App by Ring

Chief of Police, Brandon Berryhill, reported the Broken Arrow Police Department was the first agency in the State to join with Neighbors by Ring. He explained the free Neighbors App provided the Broken Arrow Community real time local crime and safety information. He stated residents could download the free app, join a neighborhood, and use the app to share and receive safety alerts in real time. He stated it was a free program to residents. He stated residents would be geographically pinpointed by address and would only receive neighborhood alerts. He reported for every 20 downloads Ring would donate a free device to the city which in turn would be donated to victims of domestic violence and would be given away during community events. He stated in the future the city would be able to use the App to collect video data in certain areas to reduce crime and catch criminals. He reported there had already been approximately 200 downloads of the App and the devices received from Ring had been donated to domestic violence victims.

City Manager Spurgeon thanked Chief Berryhill for taking initiative on this project. He stated the City would be promoting this App.

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 Citizen requested to address the Council on General Topics Related to City Business or Services.

9. General Council Business

A. 19-138 Consideration, discussion, and possible approval of Resolution 1180, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in principal amount not in excess of \$4,255,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto

Finance Director, Cindy Arnold, stated this item needed to be tabled until after the BAMA Meeting.

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

Move to table Item 9A until after the BAMA Meeting

The motion carried by the following vote:

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

Following the BAMA Meeting, consideration of Item 9A proceeded.

Finance Director Cindy Arnold explained the city was required to approve any debt incurred by the Broken Arrow Municipal Authority. She stated Resolution No. 1180 approved the action taken by BAMA under Resolution No. 1179 authorizing issuance of the Clean Water SRF (State Revolving Fund) Promissory Note, Series 2019A, for the amount not to exceed \$4,255,000 dollars.

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

Move to approve Resolution No. 1180 and authorize its execution

The motion carried by the following vote:

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

B. 19-103 Consideration, discussion, and possible approval of BAZ-2019, McGraw Expansion, 0.45 acres, R-3/DROD Area 1 to DM/DROD Area 6, one-eighth mile north of Houston Street (81st Street), one-half mile east of Elm Place (161st E. Avenue) on the northeast corner of Ash Avenue and Galveston Street

Plan Development Manager, Larry Curtis, reported BAZ-2019 was zoning designation change request from R-3/DROD Area 1 (single family) to DM/DROD Area 6 (downtown mixed use). He noted a single family residential structure, along with accessory buildings, were located on the property. He stated the applicant who owned the abutting property to the east was interested in purchasing the property and removing the existing structures to construct a parking lot. He reported the applicant desired to construct a new building on the existing parking lot located along Main Street and use the property associated with BAZ-2019 to construct a new parking lot for the building. He stated the property associated with BAZ-2019 was platted as Lot 6 through 10, Block 67 of the original downtown Broken Arrow. He indicated the Future Development Guide of the Comprehensive Plan showed the property listed as Level 5 of the Comprehensive Plan, the DM zoning requested in conjunction with Area 6 designation was considered to be in accordance with the Comprehensive Plan. He reported the Planning Commission on December 20, 2018 concurred with staff and recommended approval with a vote of 4 to 0 for BAZ-2019. He stated Planning

Commission recommended platting be waived. He reported three individuals spoke regarding the rezoning request, one expressed concerns regarding illicit activities taking place in the neighborhood and Planning Commission noted this information would be related to the Police Department. He indicated staff recommended approval of BAZ-2019 according to Planning Commission and staff recommendation.

Council Member Mike Lester asked if there was discussion regarding the possibility of landscaping to the west. Mr. Curtis responded in the affirmative; landscaping was required per Zoning Code and lighting was not permitted to bleed outside the property.

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

Move to approve BAZ-2019 as recommended by Planning Commission and Staff

The motion carried by the following vote:

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

C. 19-105 Consideration, discussion, and possible approval of BAZ-2017, International Christian Assembly of Tulsa, 5.12 acres, R-1 to ON and the abrogation of a portion of SP 74 and SP 74A, north of Houston Street (81st Street), one-half mile east of Garnett Road (113th East Avenue)

Plan Development Manager, Larry Curtis, reported BAZ-2017 was a zoning designation change request from R-1 (single family) SP-74 and SP-74A to ON (office neighborhood). He stated the property was platted as part of Block 1, Lot 1, of Forest Hills Health Care Center. He indicated International Christian Assembly of Tulsa, Inc. proposed to build a new church on the property. He explained in the Zoning Ordinances churches were classified as places of assembly and places of assembly were permitted in the ON zoning district. He stated the Future Development Guide of the Comprehensive Plan showed the site to be designated as Level 3 and ON zoning was considered in accordance with the Comprehensive Plan in Level 3. He stated the Planning Commission concurred with staff and recommended approval of BAZ-2017, platting waived, by a vote of 4 to 0 on December 20, 2018. He stated one resident spoke against the rezoning with concerns regarding Sanitary Sewer and Stormwater and easement acquisition from the abutting property owner. He stated the Planning Commission indicated these items would be examined during the site plan review process. He stated Planning Commission and staff recommended BAZ-2017 be approved per Planning Commission and staff recommendations.

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

Move to approve BAZ-2017 as recommended by Planning Commission and Staff

The motion carried by the following vote:

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

10. Preview Ordinances

A. 19-112 Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code of Ordinances, Appendix A, Zoning Ordinance, Chapter 5, Development Standards, Section 5.8, District-specific standards, Subsection D, Downtown residential overlay district (DROD), specifically sub-paragraph 1, Purpose; adopting Design Standards-Downtown Residential Overlay District- 2019, repealing all ordinances to the contrary and declaring an emergency

City Attorney, Trevor Dennis, reported in December of 2017 City Council approved the Downtown Residential Overlay District requirements. He stated the requirements went into effect January of 2018 and since that time seven homes had been built in the Downtown Residential Overlay District. He explained several necessary updates were identified by staff during the process which included setback requirements, proposed changes to define floor height for stem wall height access, and maximum front wall and continuous wall widths. He noted there were three pages which detailed the specific changes recommended and approved by the Planning Commission on December 20, 2018 with a recommendation of adoption to Council. He stated staff recommended City Council preview the ordinance and set it for adoption.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated he appreciated the Broken Arrow Public Schools presentation to City Council of the Gold Ball Trophy. He stated it was excellent the Broken Arrow Tigers won the State Championship.

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

City Manager Spurgeon thanked City Council for awarding the lowest responsible bid to Mid-State Traffic Control, approving and authorizing the execution of a contract for the traffic signal at Hillside Drive and 23rd Street. He explained there was a need for a traffic signal in this location to help residents enter and exit Hillside Drive onto 23rd Street. He stated this should take less than six months to complete and he would keep Council updated regarding progress.

He noted last month the Annual Employee Awards Recognition Event was held, during which employees who had reached a career milestone were recognized. He recognized employees who reached the 25 year milestone: Timothy Coppock, Pat Harrison, and John Walls; the 30 year milestone: Jay Heinrichs, Clifford Montgomery, Doug Owens, Gary Sanders, Paul Treat, Harley Watkins, Jerry Waymire, and Lee Zirk; the 35 year milestone: Brenda Biddle, Veodis Braden, Brian Chissoe, Leroy Mannis, Larry Spring, Allen Stanton, and Norm Stephens; the 40 year milestone: Russell Gale and Glen Cole (who sadly passed away last summer); and the 45 year milestone: Robert Cook and John Myers.

He reported work had begun on the FY-2020 Budget. He stated he would come before Council in late April to early May to begin discussions, hopefully adopting the proposed Budget the second meeting in May or the first meeting in June.

He stated the Parks and Recreation recruitment was in full swing. He stated there were many well qualified candidates and interviews would begin in late February.

At approximately 7:00 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Municipal Authority. The Broken Arrow Economic Development Authority Meeting was canceled.

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

Move for a brief recess to meet for Broken Arrow Municipal Authority

The motion carried by the following vote:

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

At approximately 7:19 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting. He stated there was an Executive Session and he would entertain a motion for a brief recess to clear the room for the Executive Session.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.

Move for a brief recess to clear the room for the Executive Session

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 Mike Lester, seconded by Debra Wimpee.

Move to enter into the Executive Session

The motion carried by the following vote:

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

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 discussing and conferring on matters pertaining to:

1. Litigation, including potential resolution, of a matter involving of City of Broken Arrow v Contech Inc. et al, Tulsa County District Court Case Number CJ-2017-00295, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).

2. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow vs. Nikel Investment, LLC et al., Tulsa County District Court Case Number CJ-2017-1470, 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 litigation and disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding 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 7:37 p.m. the regular session of the City Council was reconvened.

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

Move to authorize the City Attorney to attend mediation in the matter of City of Broken Arrow v. Nikel et al. and authorize the City Attorney to settle this matter consistent with the recommendation of the City Attorney

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 Scott Eudey, seconded by Mike Lester.

Move to find that the Executive Session was necessary

The motion carried by the following vote:

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

15. Adjournment

The meeting adjourned at approximately 7:38 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:

s/Craig Thurmond _____
Mayor

s/Curtis Green _____
City Clerk