



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, May 1, 2018

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

David Pelkey performed the Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Mayor Thurmond stated a request was made to remove Item N from the Agenda. 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 N

The motion carried by the following vote:

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

- A. 18-478 Approval of City Council Meeting Minutes of April 17, 2018**
- B. 18-468 Approval of travel expenses for Mayor Craig Thurmond and Councilor Debra Wimpee to attend national meetings**
- C. 18-490 Approval of and authorization to execute an Agreement for Gas Facilities Relocation between Oklahoma Natural Gas Company (ONG) and the City of Broken Arrow for Florence Street, Olive to Aspen (Project No. ST1410)**
- D. 18-449 Approval of and authorization to execute an Inter-local Agreement with Independent School District No.3 (Broken Arrow Public Schools) to provide funding for school crossing guards**
- E. 18-450 Approval of and authorization to execute an Inter-local Agreement with Independent School District No.9 (Union Public Schools) to provide funding for school crossing guards**
- F. 18-452 Approval of and authorization to execute an Inter-local Agreement with Union School District for the provision of a School Resource Officer**
- G. 18-488 Approval of and authorization to execute a Professional Services Agreement with Strategic Government Resources (SGR) for Interim Utilities Director Services**
- H. 18-491 Approval of and authorization to execute a Project Agreement between Oklahoma Department of Transportation (ODOT) and the City of Broken Arrow for the Broken Arrow: Main Street Bicycle Facilities and authorization of payment for 20% of the estimated construction cost (Project No. 166026)**
- I. 18-481 Approval of and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2018 Rooster Days Festival**
- J. 18-482 Approval of and authorization to execute Change Order #2 for Construction Contract ST1709; Albany Corridor Improvements**
- K. 18-473 Approval of BAZ-1999, Lovelle Properties, Inc., 2.23 acres, A-1 and R-1 to R-2, one-quarter mile west of Ninth Street, north of New Orleans Street**
- L. 18-475 Approval of PT17-113, Conditional Final Plat, Reserve at Aspen Ridge, 9.11 acres, 19 lots, A-1 to PUD-269 /RS-3, located one-quarter mile north of Jasper Street, west of Aspen Avenue**
- M. 18-474 Approval of PT18-104, Preliminary/Conditional Final Plat, Doc's Container Storage, a replat of Lot 1, Block 2, Couch Addition, 0.43 acres, 1 Lot, A-1 to PUD-274/IL, one-half mile north of Houston Street, one-quarter mile east of 23rd Street, on Old Highway 51**

- N. 18-471 Approval of PUD-276, Planned Unit Development, and BAZ-1998, Rezoning, Timber Ridge Cottages, 8.05 acres, A-1/SP-164 to RM/PUD-276, one-quarter mile south of Kenosha Street, east of 209th East Avenue and the abrogation of a portion of SP-164
- O. 18-485 Acceptance of two (2) Temporary Construction Easements conveyed to the City of Broken Arrow, Oklahoma, a municipal corporation, on a tract of land contained in the SW/4 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements: Date Avenue to Main Street, Parcel 5.1 and 5.2 (Project No. ST1409)
- P. 18-486 Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow, Oklahoma, a municipal corporation, on a tract of land contained in the SW/4 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements: Date Avenue to Main Street, Parcel 6.1 (Project No. ST1409)
- Q. 18-487 Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow, Oklahoma, a municipal corporation, on a tract of land contained in the NW/4 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements: Date Avenue to Main Street, Parcel 7.1 (Project No. ST1409)
- R. 18-489 Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow, Oklahoma, a municipal Corporation, on a tract of land contained in the NW/4 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements: Date Avenue to Main Street, Parcel 9.1 (Project No. ST1409)
- S. 18-28 Approval of the Broken Arrow City Council Claims List for May 01, 2018

6. Consideration of Items Removed from Consent Agenda

- N. 18-471 Approval of PUD-276, Planned Unit Development, and BAZ-1998, Rezoning, Timber Ridge Cottages, 8.05 acres, A-1/SP-164 to RM/PUD-276, one-quarter mile south of Kenosha Street, east of 209th East Avenue and the abrogation of a portion of SP-164
Vice Mayor Eudey and Council Member Lester left the room at 6:32 p.m.
Mayor Thurmond read Item N.

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

Move to approve Item N on Consent Agenda

The motion carried by the following vote:

Aye: 3 - Debra Wimpee, Johnnie Parks, Craig Thurmond
Recused: 2 - Scott Eudey, Mike Lester

Vice Mayor Eudey and Council Member Lester returned at 6:32 p.m.

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

- A. 18-480 **Presentation to recognize Broken Arrow resident Annalise Crockett for her acceptance to the United States Air Force Academy Class of 2022**
Jennifer Hooks, Community Relations Liaison, introduced Annalise Crockett who had served on the Youth Council as Mayor during her senior year at Broken Arrow High School in 2017. She announced Mr. Ed Kennedy, Admissions Liaison Officer United States Air Force Academy, would present her certificate.

Mr. Kennedy commented it was quite unusual and special that there had been two students in two years who had been accepted into the US Air Force Academy and had served on the Broken Arrow Youth Council. He commented further that Ms. Crockett had also received an appointment to West Point.

Mr. Kennedy presented the appointment as Cadet at the United States Air Force Academy, Class of 2022, in Colorado Springs, Colorado, to Annalise Crockett.

Congratulations were given to Ms. Crockett by many members of the Council.

- B. 18-409 **Presentation by the Broken Arrow Youth City Council on the 2018 Congressional City Conference, and recognition of Youth City Council Members and presentation of certificates**
Council Member Johnnie Parks reported Vice Mayor Eudey, Jennifer Hooks, himself and several staff members had worked together on this initiative, and he thanked them for their hard work. He commented that the Youth City Council provided an excellent experience for young people.

Vice Mayor. Eudey stated he would echo Councilman Parks' comment that every year got a little better, which was impressive. Mrs. Hooks shared some of the activities of the group, and introduced two Youth Council Members, E.J. Hardwick and Zoe Brooks, who talked about their experiences in Washington, DC. Ms. Brooks thanked the City Council for

providing this experience. Mrs. Hooks then presented certificates for fulfilling the requirements of the program.

C. 18-408 Presentation, discussion, and possible acceptance of the 2018 Broken Arrow Youth City Council's "Big Idea" - Educating local children on healthy living and prevention of childhood obesity through healthy choices and lifestyles

Ms. Jennifer Hooks explained that as part of the Youth Council experience, students were asked to research and select an idea to present to the City Council that would benefit the City of Broken Arrow. She added this year the Youth Council had partnered with the Department of Parks and Recreation for the "Big Idea."

Ms. Hooks called on Zoe Brooks and Piper Tully to present this information.

Ms. Brooks stated the topic of the 2018 Youth City Council Big Idea was childhood obesity prevention. She and Ms. Tully shared some statistics on childhood obesity, partnership opportunities for funding and support, and a timeline for presenting the program which would begin the summer of 2018. To help insure the future of the camp and to increase public awareness, a video would be made of the camp and a grant could be applied for. They explained that the goal of the program was to reach Broken Arrow's growing population and to give this opportunity to future generations. Ms. Brooks and Ms. Tully concluded the proposal and asked Council to allow staff members to collect data from this summer's camp to accurately measure funding needed to expand the program in the future and to apply for the US Conference of Mayors Childhood Obesity Prevention Grant.

Mayor Thurmond commented this was a great "Big Idea" and he was impressed with the amount of energy and effort put into it. Many council members commented positively on this idea stating how needed it was.

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

Move to accept the 2018 Broken Arrow Youth City Council's "Big Idea"

The motion carried by the following vote:

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

D. 18-434 Presentation of an annual report by representatives of Cox Communications, a cable service provider with a Non-Exclusive Franchise with the City of Broken Arrow, and regarding the services provided by Cox and operation of the cable system

Tiffani Bruton, Director of Public Relations, Cox Communications, thanked the City Council for the opportunity to come before them. She stated it had been an incredible year in investment and planning for Broken Arrow, and the past year had been one of the most exciting of her 17 years with Cox Communications. Ms. Bruton reported a hub expansion had taken place due to the progress and expansion of the City of Broken Arrow. She stated Cox was providing the fastest speed to every member of the Community. She reported the transition into the expansion changes went smoothly; and in addition, 60 new jobs had been created in the area. She explained some of these new jobs; she highlighted some of the enhancements to the service, which included the use of a voice remote and the addition of HD (High Definition) channels, Netflix and YouTube. She explained there had also been improvements to the Home Security Program which included many time saving and safety features. She stated Cox was to debut Tulsa's first smart home on June 14 in Broken Arrow, and the City Council would receive an invitation. She concluded that Cox was still investing in the community and last year 12,000 guests had attended the Second Annual Cox Community Concert. She informed the Council of grants that had been awarded and thanked Broken Arrow for allowing Cox to be part of the community.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)

Mayor Thurmond stated no citizen had signed up to address the Council.

9. General Council Business

A. 18-511 Consideration, discussion, and possible approval of and authorization to execute a First Amendment to Economic Development Agreement by and among the City of Broken Arrow and Alfa Laval, Inc.

Norm Stephens, Economic Development Coordinator, explained the City Council had approved an Economic Development Agreement to build an industrial access road, named Nashville Street, on the south side of Alfa Laval. In the negotiations, the total amount committed for construction and design of the road by the city was \$500,000; however, the road would cost considerably more to build. He stated the Secretary of Transportation at the time had agreed the State of Oklahoma would cover the remaining cost for the construction of the road. However, Mr. Stevens reported that on December 15, 2017, Mike Patterson became the new Secretary of Transportation and had advised that the State could only commit \$800,000 to the road during the first phase of the two phases. Secretary of State Patterson stated when Phase 2 began the State would commit the remainder of the money; based on this information, the decision had been made to proceed with building of the road. He added that on March 27, 2018, bids were opened up on the first phase of the construction.

He explained the original agreement had been for the whole road to be built at one time instead of two phases; therefore, the original agreement needed to be amended and approved.

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

Move to approve the First Amendment to Economic Development Agreement and authorize its execution

The motion carried by the following vote:

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

B. 18-483 Consideration, discussion, and possible award of the lowest responsible bid to Crossland Heavy Contractors, and approve and authorize execution of a construction contract for East Nashville Street (Project No. ED1701)

Alex Mills, Director of Engineering and Construction, reported he had secured the lowest bid for this project; however, a meeting had been scheduled with Oklahoma Department of Transportation Secretary Patterson, and it was hoped that at this meeting additional funds would be secured to award the whole road. Consequently, he asked for this item to be tabled.

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

Move to table Item 9B

The motion carried by the following vote:

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

C. 18-528 Consideration, discussion, and possible withdrawal of the approval and authorization to purchase water line pipe and accessories from Utility Supply, Inc. due to Utility Supply, Inc.'s pricing error and approve and authorize the purchase of the supply of water line pipes and accessories for the construction of water distribution system improvements along First Street from Detroit Street to Greeley Street to Core & Main

Kenny Schwab, Assistant City Manager and Acting Utilities Director, explained the item before them was for a 12-inch water line, 1200 feet long, which went along the east side of First Street for about three blocks. This was a Community Development Block Grant. He reported the item had been before Council at the last meeting on April 17, and the bid had been awarded to Utility Supply, Inc. However, he explained that the day after, Utility Supply had indicated a mistake had been made in the bid and asked to be released from it. He said the low bidder was now Core & Main, and he was asking the Council to withdraw the award to Utility Supply, Inc. and award the contract to Core & Main.

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

Move to withdraw the approval and authorization to purchase water and line pipe material and accessories from Utility Supply, Inc. in the amount of \$31,235.55, and approve and authorize the purchase of water and line pipe material and accessories from Core and Main in the amount of \$37,462.25

The motion carried by the following vote:

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

D. 18-476 Consideration, discussion, and possible approval for the City to loan the Military History Center the original Broken Arrow Vietnam Memorial for display at the Museum

Michael Spurgeon, City Manager, said Council Member Parks would make introductions.

Mr. Parks said he had asked Delbert Frieze, a longtime resident and former Assistant City Attorney, to give a brief history of the monument in order to have documentation and then the decision could be made for where it should be displayed.

Mr. Frieze stated he had served on active duty in the Air Force from 1966 through 1972, came back and went to law school. He stated in 1984, the Broken Arrow Public Library was declared surplus by Tulsa County, which owned the premises. He explained he formed a family partnership, submitted a bid, and bought the property. He reported the county inquired if he wanted the monument which was on the property; and as there was no other monument honoring these individuals who had served in Vietnam, he responded that he would keep the monument, the flag pole and a light to illuminate the flag. He stated sometime later he was told that the city considered establishing a Vietnam Veterans Honor in Central Park and was asked if he would donate the monument, which he did. He explained there was a written agreement which stated that the donation of the monument was being made with the stipulation that it remain on public display. He said he felt the monument was worthy of being someplace where the public could see it without paying admission.

City Manager Spurgeon said he had received a letter from Brigadier General Thomas Mancino requesting the monument be relocated to the Military History Center. He asked General Mancino to address the Council.

General Mancino explained if the memorial was put on display at the Military History Center, it would be a good addition to the Flag Plaza and could be displayed where the public could see it as they walked down the street. He reported it would fit in with the overall theme of the museum, especially since it recognized Vietnam veterans. He shared some of the center's activities and

added they would be honored to house the monument. Council Member Parks asked if the monument would be on display outside, and General Mancino responded affirmatively, on the east side of the tree line.

Mayor Thurmond introduced Kenneth Collins, Military History Center board member, who had been active military from 1969 through 1973. Mr. Collins pointed out the people with the most vested interest in the monument were the families of the young men listed on it, who gave their lives for the country. He said he had visited with many of these families, and all were in favor of the monument being placed at the Military History Center, where it would be kept in reverence.

Council Member Parks stated originally he thought they were actually going to move the monument; however, staff felt it might be broken in the move and had decided to order a new monument. He pointed out the names on the monument were what was important. He reported the new monument would be black stone to match the rest and would be coming from India, which was where the Washington, DC, Vietnam Memorial had been produced. He stated that now there were two monuments, and he felt the original one should still be on City property, which would be the case at the Military History Center.

Council Member Lester added these were not just names on the monument, but faces which he still remembered, including three classmates. He agreed that the Military History Center would be a fitting location and asked if the City was going to move the monument.

Mr. Spurgeon stated the move would need to be coordinated and funded because there were additional improvements around the monument which would be moved as well. He asked Scott Esmond to speak more about moving the monument.

Mr. Scott Esmond, Parks and Recreation Director, reported his goal was to relocate the existing monument, but when the architect and the monument expert looked at the existing monument, they believed there was a good chance of it being damaged. He reported ordering new granite had taken some time, and had to be ordered via a separate contract. He explained even though it had been ordered early, it would not arrive until June 15 and would take two more weeks to be etched. He stated their goal was to replicate the original. He stated he was concerned the current granite laminate was going to be damaged when it was taken down. He asked if only the pedestal would be relocated or the entire wall. He stated that he was told the pedestal could be filled with up to 10 yards of concrete and would have to be cut, and a company would have to be hired to do this.

Council Member Parks responded that his thought was not the whole wall, but just the monument would be cut at ground level. The pedestal itself would be moved and this option would have less probability of damage. He asked Kenneth Collins for comment.

Mr. Collins stated he had 35 years in the concrete business and felt moving the pedestal could be done, and they were not considering moving the black granite located behind. He said also they were considering moving the brass plaques.

City Manager Spurgeon confirmed that those were his expectations as well.

Vice Mayor Eudey stated he was in full support of this proposal because of Mr. Collins' comment that the monument was going to a good home that would care for it as it belonged to their fallen brothers.

Council Member Wimpee stated she presently served on the Military History Center Board and knew for certain they would take good care of the monument.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move to approve that the City loan to the Military History Center the original Broken Arrow Vietnam Memorial for display at the Museum

The motion carried by the following vote:
Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

E. 18-527 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1100 declaring May 7-11, 2018, Teacher Appreciation Week
City Manager Spurgeon stated the Council's packet contained the actual resolution in order to honor Oklahoma Public School teachers for their contributions, dedication, and hard work on behalf of students. He asked the Council to pass this resolution to recognize public educators.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.
Move to approve and authorize the execution of Resolution No. 1100
The motion carried by the following vote:
Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

F. 18-454 Consideration, discussion, and possible approval for the Mayor to execute an official ballot from the Oklahoma Municipal Assurance Group (OMAG) casting votes for two (2) Trustee positions with three-year terms commencing July 1, 2018

City Manager Spurgeon stated in the Council's packet was a fact sheet with regard to this item, and he read aloud the first paragraph. He stated this put forth candidates for these positions, and the City Manager recommended the Council cast their two votes for Mike Bailey, the acting City Manager/Finance Director for the City of Bartlesville and Craig Stevenson, the City Manager of the City of Ponca City.

Mayor Thurmond concurred with City Manager Spurgeon.

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

Move to approve the Mayor's execution of the Oklahoma Municipal Assurance Group official ballot

The motion carried by the following vote:

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

10. Preview Ordinances

A. 18-513 Consideration, discussion and possible preview of an Ordinance Amending Chapter 24 - Water, Sewer and Sewage Disposal, Article III - Requirements for Sewer Service, Section 24 -303 - Back water Devices Required, more specifically adding regulations requiring backwater devices on all new buildings that contain sewer service; repealing all ordinances to the contrary; and declaring an emergency

Trevor Dennis, Acting City Attorney, stated at the Council's request that Mr. Michael Skates had revised Chapter 24 of the Water, Sewer, and Sewage Disposal Ordinance for the City of Broken Arrow, specifically Section 24-303. He reported a new Section A had been inserted regarding backwater devices that are required. He continued that this addition required that all buildings which contained sewer service shall install a backwater device, also called backflow preventers. He explained the revised ordinance kept the section that applied to current homes which required a backflow preventer if they were less than one foot in elevation above the upstream manhole rim. He stated in essence what the ordinance did was require backflow preventers for all new construction, but also kept the current requirements.

Council Member Parks asked if older homes would have to install backflow preventers.

Mr. Dennis responded in the negative; the change only applied to new construction. He said if the home was not governed by existing regulation of the one foot in elevation of the nearest manhole, a new backflow preventer would not have to be installed.

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

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 thanked Council Member Parks, Vice Mayor Eudey and Jennifer Hooks for all the work that had been done for Youth City Council; the time and commitment was obvious.

Council Member Wimpee added that Council Member Parks served in DC and knew the rich history there and had been able to share this with these young students.

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

City Manager Spurgeon reported discussions had begun regarding updating the parks masterplan. He reported there were about \$18 - \$19 million in proposed projects up for voter consideration in August, and there were still several million dollars' worth of projects to be completed as part of the 2011 and 2014 bond projects.

City Manager Spurgeon congratulated Jennifer Hooks and thanked her for all the time she put forth along with all the individuals throughout the city who helped.

City Manager Spurgeon stated with regard to the Innovation District, proposals had been received earlier in the year for a consultant to kick off the initiative. He said he had selected Halff & Associates and executed a small contract with them to do a feasibility study on the property near Northeastern State University (NSU). He stated if there were no issues or concerns, then he would be asking for a full contract to begin the process of coming up with the conceptual for the Innovation District. He reported the contract was for \$5,000 for them to do some soil testing and make sure the initiative could move forward.

City Manager Spurgeon stated he was working on the budget and would get it to the Council in the next week or two. City Manager Spurgeon introduced and congratulated members from the audience, including Major Tom Cooper from the Police Department and Deputy Fire Chief Ryan Lawson for their recent promotions. He thanked John Meyers for stepping in until a new

Streets and Storm Water Director would start around May 29. He welcomed MJ Barton, the District Representative from Oklahoma Municipal League (OML) and Wes Smithwick, President and Chief Executive Officer (CEO) of the Chamber.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:50 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

Mayor

City Clerk