



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, April 3, 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

There was no 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 asked if there were any items to be removed from the Consent Agenda. Council Member Lester asked for removal of Item J.

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

Move to approve the Consent Agenda excluding Item J

The motion carried by the following vote:

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

- A. 18-112 Approval of City Council Meeting Minutes of March 20, 2018**
- B. 18-329 Approval of and authorization to execute a Proclamation declaring the week of April 8 - 14, 2018 as National Telecommunicators Week**
- C. 18-378 Approval of and authorization to execute a Personal Cell Phone Allowance Policy and City Cell Phone Issuance Policy**
- D. 18-379 Approval of and authorization to execute a City Council Personal Cell Phone Allowance Policy**
- E. 18-415 Approval of and authorization to execute Resolution No. 1064-Corrected, a Resolution of Necessity to Condemn Property located in the NW/4 of Section 7, T-18-N, R-15-E of the Indian Meridian, Wagoner County, State of Oklahoma, for the 23rd Street, Houston to Kenosha, Widening Project (Project No. ST0914)**
- F. 18-416 Approval of and authorization to execute Resolution No. 1097, a Resolution proclaiming April 2018 as "Fair Housing Month"**
- G. 18-400 Award of the lowest responsible bid to H&G Paving Contractors, approve and authorize execution of a construction contract for Cold Milling Streets**
- H. 18-401 Award the lowest responsible bid to Air Comfort Solutions, and approve and authorize execution of a construction contract for Central Park Community Center HVAC (Project No. 186001)**
- I. 18-402 Award the lowest responsible bid to Air Comfort Solutions, and approve and authorize execution of a construction contract for Streets and Stormwater Building HVAC (Project No. 185322)**
- J. 18-351 Approval of PUD-275 (Planned Unit Development), 2601 North Aspen Retail Center, 1.02 acres, PUD 29D/CH to PUD-275/CH, located north of the northeast corner of Aspen Avenue and Albany Street, south of the Broken Arrow Expressway and the abrogation of PUD 29D**
- K. 18-350 Approval of PT17-110, Conditional Final Plat, Rose District Row Homes, a replat of Lots 13 through 19, Block 12, Plat B-2, Original Town of Broken Arrow, 7 lots, 0.56 acres, PUD-241/R-3 to PUD-263/DF, northeast corner of North Cedar Avenue and West Elgin Street**
- L. 18-375 Approval of PT18-103, Preliminary/Conditional Final Plat, Alfa Laval, 1 Lot, 35.45 acres, IL, one-half mile south of Houston Street, east of 9th Street**
- M. 18-22 Approval of the Broken Arrow City Council Claims List for April 03, 2018**

6. Consideration of Items Removed from Consent Agenda

- J. 18-351 **Approval of PUD-275 (Planned Unit Development), 2601 North Aspen Retail Center, 1.02 acres, PUD 29D/CH to PUD-275/CH, located north of the northeast corner of Aspen Avenue and Albany Street, south of the Broken Arrow Expressway and the abrogation of PUD 29D**
Council Member Lester stated Item J failed to list the abrogation of PUD 29D.

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

Move to approve PUD 275 and the abrogation of PUD 29D (Item J)

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. 18-403 **Presentation and update of the Transportation Alternatives Program (TAP) project and the Broken Arrow Main Street Bikeway, presented at the March 22, 2018 Planning Commission Meeting**

Planning Division Manager, Bill Cyganovich, stated the Main Street Bikeway preliminary plans were presented to Council in September. He reported these were the final plans for construction which Oklahoma Department of Transportation (ODOT) intended to bid in June 2018. He reported there would be a Bikeway Project public meeting in early May. Mr. Cyganovich reviewed the displayed plans and discussed road striping, lane widening, bike lane routes, alternate bike routing, signage and Arrowhead Park resurfacing. He stated ODOT would refuse funding if the bike route did not run through downtown Broken Arrow on Main Street; therefore, the route would continue through downtown on Main Street, but an alternate bypass route would also be constructed.

Mayor Thurmond asked when construction would begin and how long would it take to complete. Mr. Cyganovich responded construction would begin approximately 60 days after bidding in June. He reported it would take between 30 and 75 days to complete due to Arrowhead Park trail resurfacing.

Council Member Mike Lester asked if the green paint used to signify the bike lane would fade. Mr. Cyganovich responded the consultant indicated it would not fade for a very long time. Council Member Lester asked who guaranteed the paint. Mr. Cyganovich responded the paint product was approved by ODOT and approved by the Federal Highway Association (FHWA). He explained it was the best product currently available, but he had no way of knowing exactly how durable it was. Mr. Alex Mills explained the product utilized a single step application process which would enable easy maintenance for the City. Council Member Lester asked what type of public education program would be implemented to encourage bicyclists to utilize the newly constructed bike lanes. Mr. Mills responded he would work with Scott Esmond and reach out to user groups in this regard.

Council Member Johnnie Parks asked if the alternate bike route would be clearly marked as a bike lane with the green paint. Mr. Cyganovich responded it would be clearly marked, but not with green paint; it would be marked with sharrow emblems on the street and signs indicating the bikeway. He explained green paint would not be used anywhere in the Rose District. Council Member Parks stated he was concerned about sharing the roadway through the downtown Rose District on Main Street with bicyclists. He stated he was concerned this would cause traffic and safety problems. Mr. Mills stated the alternate route would be clearly marked and utilization encouraged. Council Member Parks asked if the Arrowhead Park bike trail was also the jogging trail. Mayor Thurmond responded it was and referred to the Liberty Park Trail where joggers and bicyclists utilized the same trail with the understanding to yield to each other.

Vice Mayor Eudey stated he understood the long term goal was to continue this bike way to the Freshman Academy and the trailhead and asked when the full project would be complete. Mr. Mills indicated that they are very close to finishing those plans.

Council Member Lester asked if the green bike lanes would inhibit street snow removal. Mr. Mills responded the product was not supposed to inhibit street cleaning or snow removal.

- B. 18-404 **Presentation regarding the road closures for Houston Street (81st Street) in association with 9th Street Public Improvements Project**

Construction Division Manager, Tim Robbins, reported there was a pending road closure to begin Wednesday, April 11, 2018, forecasted to last seven days. He explained the road closure enabled installation of storm sewer systems crossing 81st Street (Houston) going from north to south between 8th Street and Lynn Lane. He stated traffic would be detoured around the work site. He reported notifications would be distributed door to door through Industrial Park, and through media blasting via the Communications Department.

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 Richard Pisaturo signed up to address the Council.

Citizen Richard Pisaturo stated his address was 2608 South Gardenia Place. Mr. Pisaturo stated

rental properties were becoming more prevalent throughout the older neighborhoods and he asked who was responsible for ground maintenance of a rental. Mayor Thurmond stated ultimately the owner of the property was responsible. Mr. Pisaturo reported he has noted unkempt grounds and unsightly debris piled up beside homes. Mayor Thurmond stated this was a code enforcement violation. Mr. Pisaturo asked if the code could be enforced. City Manager Spurgeon responded in the affirmative and recommended Mr. Pisaturo speak with Mr. Skates in this regard. Mr. Pisaturo stated trash was being left out over holiday weekends when code clearly indicated it was not to be put out before 4 p.m. the day prior to pick up. He stated he felt this was ugly and rude and codes should be enforced to prevent the behavior.

9. General Council Business

- A. 18-418 **Consideration, discussion, and possible approval of Resolution No. 1098, a Resolution of the Broken Arrow City Council approving and authorizing a contract for the purchase and sale of real property located at 11406 South 193rd East avenue, in Broken Arrow, Oklahoma, Tulsa County, Oklahoma; and authorizing the city of Broken Arrow's expenditure of the sum of three hundred and sixty-five thousand dollars and zero cents (\$365,000.00) with general obligation bonds, to Storybook Properties, Inc., an Oklahoma corporation, to effect such purchase; as well as reasonable and necessary costs, including closing costs and escrow funds; designating representatives of the city of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto**

Vice Mayor Eudey left the room at approximately 6:49 p.m.

Director of Engineering and Construction, Alex Mills, reported Resolution No. 1098 authorized acquisition of property for construction of Fire Station No. 3. He stated the property consisted of 3.03 acres located on the west side of County Line at 115th Street, with a purchase price of \$365,000.00 which was below appraised value. He stated Engineering and Construction recommended approval.

City Manager Spurgeon stated as a part of this agreement the City of Broken Arrow would be required to improve the land and the roadway creating ingress and egress for the Fire Station.

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

Move to approve Resolution No. 1098 and authorize its execution

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Craig Thurmond
Recused: 1 - Scott Eudey

Vice Mayor Eudey returned at approximately 6:52 p.m.

- B. 18-406 **Consideration, discussion, and possible approval of the nomination and appointment of Trevor Swanson to fill Jeff Hartman's unexpired term on the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term expiring September 30, 2019**

Convention and Visitor's Bureau Director, Lori Hill, took a moment to introduce Brian Barger, the new Convention Sales and Marketing Manager. Mr. Barger stated he was grateful for the opportunity to work with Broken Arrow and he looked forward to serving the citizens of Broken Arrow. Ms. Hill reported Trevor Swanson was Director of Sales at Townplace Suites and Holiday Inn Express and if nominated and appointed would fulfill the unexpired term of Jeff Hartman, to end September 30, 2019. She asked if there were questions. There were none.

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

Move to approve the nomination and appointment of Trevor Swanson to fill Jeff Hartman's unexpired term on the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term expiring September 30, 2019

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 18-412 **Consideration, discussion, and possible preview of an Ordinance Amending Chapter 23 -Traffic, Article II- Operation of Vehicles Generally, Section 23-95, Reserved of the Broken Arrow Code, more specifically adding regulations regarding neighborhood electric vehicles in the Downtown Rose District**

Economic Development Director, Norm Stephens, greeted City Council. He reported the above was a new ordinance for neighborhood electric vehicles to be driven in the Downtown Rose District Residential Overlay. He reported the electric vehicles would not be operated on public roads where the speed limit exceeded 35 miles per hour, on or across major arterials such as Kenosha Street, Elm Place, 9th Street or Houston, and would not be operated on designated bike lanes or pedestrian paths. He introduced Police Chief Brandon Berryhill and Chamber of Commerce President Wes Smithwick.

Police Chief Berryhill stated the indicated use area for the electric vehicles was reviewed and was compliant with State Law. He stated the Police Department had properly investigated the situation and endorsed the plan as proposed.

Mr. Smithwick stated this ordinance was being proposed in an effort to enhance the unique sense of place that was the Rose District. He explained two types of drivers would potentially operate the electric vehicles: residents of the Rose District and business owners. He stated this provided a new green amenity for the Rose District Residential Overlay zone. He displayed and explained the approved types of electric vehicles.

Council Member Lester asked if the drivers of the electric vehicles fell under the same purview as normal vehicles for impaired drivers. Police Chief Berryhill responded in the affirmative. Council Member Parks asked if electric vehicles would be ticketed for crossing an illegal intersection such as Elm. Police Chief Berryhill responded in the affirmative. Council Member Wimpee asked what would happen if residents started driving golf carts around. Police Chief Berryhill responded while this was a potential problem, through ticketing and public education the issue would be eradicated. Vice Mayor Eudey asked if there would be public education regarding travel speed along Main Street and if the Police Department intended to post additional officers in the area to encourage residents to follow posted speed limits. Police Chief Berryhill responded in the affirmative; a public campaign would be conducted, followed by warnings being issued for several weeks, followed by ticketing. He explained compliance was the goal, not traffic tickets. Mr. Smithwick stated if the Ordinance passed his team would work closely with the Police Department and Krista Flasch regarding public education. Council Member Parks commented he felt this would add to the uniqueness of the Rose District.

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

A. 18-410

Consideration, discussion, and possible adoption of Ordinance No. 3523, an ordinance amending the Land Subdivision Code of the City of Broken Arrow, Oklahoma, Section 4.1.a pertaining to General Design Standards for Streets; Section 4.1.c pertaining to General Design Standards for Abutting Unsubdivided Land; Section 4.2.a pertaining to Building and Structure Setbacks from All High Pressure Pipelines; Section 6.2 pertaining to Miscellaneous Requirements; and Section 6.3.a.4) pertaining to Private Street and Gated Residential Developments; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

City Attorney, Beth Anne Childs, reported Ordinance No. 3523 and No. 3524 had not been previewed by Council, but due to pending projects staff deemed it appropriate to place the Ordinances for Council's consideration. She reported Ordinance No. 3523 made a variety of revisions to the land subdivision code. She explained section 4.1 of the Subdivision Regulation was proposed to be modified to clarify the distance requirement for stub streets regarding temporary right of way for a turn around. She explained the Ordinance would bring Broken Arrow into compliance with current codes and clarified that a temporary right of way for a turnaround was required of the street connected to the adjacent platted or unplatted property in excess of 150 feet measured from the center line of the intersecting street to the property line.

City Attorney Childs stated section 4.2 reflected the changes in Federal Law regarding high pressure pipelines and required structure setback. She stated Section 6.2 revised floor elevations in relation to sewer systems which would assist in prevention of sewer flood issues. She explained 4.1 and 6.3. brought regulations into alignment with International Fire Code. She reported the Planning Commission voted in favor the revisions on March 22, 2018. She requested adoption of and an emergency clause for Ordinance No. 3523.

Mayor Thurmond asked about an ordinance he thought had been put into place several years ago which required all new construction to install backflow prevention devices. Development Services Director, Michael Skates, responded an ordinance regarding the finished floor elevation was adopted several years ago and required floor elevation be a foot higher than the nearest manhole. He explained Ordinance No. 3523 would ensure this information be on the plat, as while it was currently required, not all consultants worked to put it on plat. Mayor Thurmond stated if the previous ordinance did not require a backflow preventer be installed with every new construction this should be considered. Mr. Skates responded the issue would be investigated. Council Member Parks agreed with Mayor Thurmond. He stated a backflow prevention device was a minimal expense, would simplify coding and would prevent sewage flooding in most cases. Vice Mayor Eudey agreed with Council Member Parks and Mayor Thurmond; he added he agreed with the section 6.2 revision as well, as it would add a level of liability protection.

Council Member Parks asked for clarification of section 4.2. Mr. Skates responded if the pressure pipe measured more than 8 inches the required distance was 50 feet from the center line of the pipe, if less than 8 inches construction could be just outside the easement.

Discussion ensued regarding potential changes to section 6.2 post investigation of backflow prevention device installation requirements. City Attorney Childs stated she would investigate and alert City Council of any needed changes or added ordinances.

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

Move to adopt Ordinance No. 3523

The motion carried by the following vote:

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

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

Move for emergency clause

The motion carried by the following vote:

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

B. 18-411 Consideration, discussion, and possible adoption of Ordinance No. 3524, an ordinance amending Section 5.3.B.5 of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

City Attorney Childs reported modifications to the Broken Arrow Zoning Code were proposed to bring the requirements regarding residential connectivity in line with the requirements of the International Fire Code. She reported one modification removed Section 5.3.B.5. She stated the changes were fairly standard.

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

Move to adopt Ordinance No. 3524

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 Debra Wimpee.

Move for emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Council Member Wimpee stated tomorrow was her one year anniversary on City Council. She thanked the City Council Members and intimated she looked forward to her next three years on Council. Mayor Thurmond stated he was glad to have Council Member Wimpee as a member of City Council.

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

City Manager Michael Spurgeon thanked Mr. Pisaturo for his comments and stated Code Enforcement, Mr. Skates and his team would investigate the entire area. He stated he would contact the Communications Department regarding holiday trash pickup and public education.

Mr. Spurgeon reported new banners were to be installed in the Rose District. He thanked Mr. Smithwick for his involvement.

Mr. Spurgeon stated the Comprehensive Plan Update Public Forum last week was successful; residents appreciated the information which was communicated. He thanked Council for its participation. He stated at the next meeting City Council would view a presentation regarding the General Obligation Bond and potential projects. He explained many cuts had been made; however, more were necessary. He stated the Public Forum on Monday, April 23rd, was the final opportunity for public education and input prior to the second City Council Meeting in May which called for the election and finalized the General Obligation Bond projects. He stated Council Member Wimpee would be hosting the next Take 5.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:22 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

Mayor

City Clerk