



# City of Broken Arrow

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

## Minutes City Council

*Mayor Craig Thurmond*  
*Vice Mayor Richard Carter*  
*Councilor Mike Lester*  
*Councilor Johnnie Parks*  
*Councilor Scott Eudey*

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**Tuesday, April 19, 2016**

**Time 6:30 p.m.**

**Council Chambers**

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**1. Call to Order**

Mayor Pro Tem Johnnie Parks called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Manganaro delivered the invocation.

**3. Roll Call**

**Present: 3 -**

Scott Eudey, Johnnie Parks, Mike Lester

**Absent: 2 -**

Richard Carter, Craig Thurmond

**4. Pledge of Allegiance to the Flag**

Mayor Pro Tem Parks introduced Clay, Daymon and Cedric Levell of Boy Scout Troop #930, explaining they were working on their Citizenship in the Community merit badge and it was an honor to have them there. The Scouts led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Pro Tem Parks asked if there were any items to remove from the Consent Agenda. There being none, he asked for a motion.

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 3 -**

Scott Eudey, Johnnie Parks, Mike Lester

**A. 16-407**

**Approval of City Council Meeting Minutes of April 5, 2016**

**B. 16-427**

**Approval of Special City Council Meeting Minutes of April 5, 2016**

**C. 16-401**

**Acceptance of minutes of Planning Commission meeting held January 28, 2016**

**D. 16-428**

**Consideration, discussion and possible approval of authorizing agents of the City of Broken Arrow for processing claims, invoices and other required documents of the Vision 2025 sales tax program associated with the Creative Arts Center**

**E. 16-412**

**Approval of Workers' Compensation Court Order for Lesia Thomas, City Clerk's Office Employee, and authorize payment as set forth in the Order**

**F. 16-413**

**Approval of Workers' Compensation Court Order for Billy Wilkinson, Fire Department Employee, and authorize payment as set forth in the Order**

**G. 16-424**

**Approval and authorization to execute Resolution No. 917 to adopt the amended and restated International City/County Management Association Retirement Corporation (ICMA-RC) Governmental Money Purchase Plan & Trust Document**

**H. 16-422**

**Approval and authorization to execute Addendum to Exhibit A of the Agreement for Plan Supervisor with CoreSource, Inc. to provide a maternity program as part of the third party administration for the employee health plan for calendar year 2016**

- I. 16-434 Approval and authorization to execute a Professional Services Contract for right-of-way and property acquisition services with Seven C's Enterprises dba Terra Acquisition Services for city projects
- J. 16-397 Approval and authorization to execute a Medical Director Services Agreement between David Gearhart, D.O. and the City of Broken Arrow for services as the Physician Medical Director for the Fire Department
- K. 16-420 Approval and authorization to award a purchase order for Keystone Services, Inc., pursuant to the Oklahoma Statewide Contract No. SW 816 for the crack sealing of County Line Road (23rd Street) from Kenosha Street (71st Street) to Albany Street (61st Street)
- L. 16-398 Review of bids received, awarding of the lowest responsible bid to Brashear Pavement Coatings, LLC, and approval and authorization to execute a construction contract for Crack Fill, Sealcoat, and Restripe of Nienhuis Park Football Complex Parking Lot (Project No. 156004)
- M. 16-426 Review of bids received, awarding of the lowest responsible bid to Oklahoma Mechanical Solutions, Inc., and approval and authorization to execute a construction contract for Justice Center Mechanical Systems Modifications (HVAC)
- N. 16-423 Review of bids received, awarding of the most advantageous bid to Chief Fire and Safety, and authorize the purchase of the fire apparatus equipment for the Spartan ERV Fire Pumper Truck
- O. 16-406 Review of bids received and awarding of the most advantageous bid to Rush Truck Center for the purchase of a 2017 Peterbilt 567 tractor/trailer cab and chassis for the Streets Department
- P. 16-405 Approval and authorization to execute Work Order WO-01 for Tri-Star Construction, LLC Contract for Portland Cement Concrete Street Repair (Bid # 16.126) for the installation of handicap ramps in the Arrow Springs Subdivisions
- Q. 16-404 Approval of BAZ 1955, Paliotta property, 2.50 acres, A-1 to RS-1, one-half mile south of Florence Street, about one-quarter to one-half mile west of Aspen Avenue
- R. 16-402 Approval of BAZ 1956, Aspen Creek Marketplace, 38.40 acres, A-1 to CH, south of the Creek Turnpike, west of Aspen Avenue, and north of Tucson Street
- S. 16-400 Approval of PT15-117, Conditional Final Plat, Crossings at Lynn Lane Phase I, 40 lots, 15.49 acres, A-1 to RS-3, north and east of the northeast corner of Washington Street and 9th Street
- T. 16-438 Approval of the Broken Arrow City Council Claims List April 19, 2016

**6. Consideration of Items Removed from Consent Agenda**

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

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

- A. 16-399 **Presentation, discussion, and status report of the Broken Arrow Creek Trail - phase I project, the Broken Arrow Creek Trail - phase II proposal, and the Main Street Bikeway proposal**

Scott Esmond, Director of Parks and Recreation, spoke on the Broken Arrow Bicycle and Pedestrian Plan, giving a PowerPoint presentation. The Plan, part of the Tulsa Regional Bicycle and Pedestrian Master Plan and also known as the GO Plan, was endorsed by the Indian Nations Council of Governments (INCOG) Board of Directors in December 2015. Broken Arrow was a member jurisdiction of INCOG and played an active role in development of the GO Plan. Staff was following the GO Plan's design and recommendations for implementation of the bicycle and pedestrian plan. Mr. Esmond explained that the GO Plan was a resource for bicycle network recommendations, pedestrian design approaches, policy and funding recommendations, and design guidance. Comfort and

convenience for users along roads, at crossings, on multi-use trails, and at key destinations were an important part of the Plan's vision. Two of its strategies were to make cycling and walking viable options through connected networks of facilities, and to make them appealing as well, through facilities that were designed for the safety, comfort and convenience of the widest possible range of users. Mr. Esmond went over the six goals of the Plan. The bicycle and pedestrian network was not only a method of providing recreation and exercise, but an alternative means of transportation. Low stress bicycle facilities included low-speed and low-volume streets with comfortable crossings, cycle tracks or side paths on major roads, and paved trails. These were accommodating the full range of cyclists, including children and inexperienced riders, and were likely to encourage more people to bike.

Turning to specific projects in Broken Arrow, Mr. Esmond provided a status report on the Creek Trail, phase I project, reporting that the project covered roughly 2.5 miles of bike routes, asphalt trail, and asphalt side paths, with a view to connecting neighborhoods, schools, and the Liberty Parkway Trail. Construction of the Trail was being funded by the Federal Transportation Alternatives Program (TAP) at 75% of the project cost, or \$497,562, and by the City of Broken Arrow Park Capital Fund at 25% of the cost, or \$165,000, for a total project cost of \$663,062. Mr. Esmond pointed out that the grant had already been secured. He displayed a conceptual map plan of the Creek Trail, beginning at the Liberty Parkway Trail, with Trail Head to the south, ending at south First Place and East Ithaca Place to the north. Consisting of signed bike routes and sharrows through the neighborhood connecting Sequoia Middle School on Elm Place, it would also include a ten-foot wide asphalt trail across Broken Arrow Public School property, connecting to Freshman Academy on New Orleans Street, before proceeding north along First Street as a ten-foot wide, asphalt side path.

In addition, Mr. Esmond mentioned that the 2014 General Obligation Bond issue provided \$315,000 for a restroom at the Elm Place/Liberty Parkway trail head. He also displayed a memo from R.L. Shears Company, P.C. giving notice to proceed with the phase I design and construction plans for the project, which were anticipated to be completed no later than January 23, 2017. Bidding for construction would begin following completion of the plans.

Mr. Esmond addressed the Council on the Creek Trail phase II proposal, providing a map and pointing to a yellow line going down First Place to Arrowhead Park, and to Ithaca Street, where Phase I stopped, and where there would be a side path trail along the entire corridor to Arrowhead Park. The trail was just under one-mile long. It would be ten-foot-wide, asphalt side path on the west side of First Place, terminating at Arrowhead Park, where there was currently a trail going all the way around the park. Mr. Esmond reported that the estimated cost of the phase II proposal was \$1,056,829 and an application for the trail corridor had been prepared, which would be presented to the City Council at the May 3rd meeting. A Resolution authorizing staff to submit a Transportation Alternative Program (TAP) grant application through INCOG, requesting 75% match, or \$792,622, in federal funding would be considered. Were the application accepted, it was proposed that the City of Broken Arrow's 25% match, or \$264,207, be funded by the 2014 General Obligation Bonds Community Trails project. He recalled that in 2014, \$1 million had been voted for community trails, and it would be proposed that some of that be used as matching funds for the trail corridor. Mr. Esmond asked if there were any questions on phase II. Councilman Eudey commented that he had noticed on the rendering that the path ran adjacent to yards and he asked whether it was within already-existing easements or if they would need to get additional right of way. Mr. Esmond replied that in some places it would be on their easement, but in others they would have to get right of way.

Mr. Esmond pointed to the Main Street Bikeway aerial map on the screen. It was proposed to begin at the north side of Arrowhead Park, where phase II of the Trail left off, and end at East Kenosha Street. The bikeway would consist of signed routes, bike lanes, and sharrows, connecting two elementary schools, neighborhoods, parks, the Senior Center, Community Playhouse, City Hall, the Performing Arts Center, businesses, and the Rose District, to the Liberty Parkway Trail. Mr. Esmond stated that the bikeway would be roughly two miles at a cost of \$300,000. He went on to say that areas with on-street curbside parking where the bike lane was proposed, posed a danger to cyclists from motorists pulling in and

backing out. They would address that issue with re-striping of the road. Mr. Esmond provided an aerial view of the north end of Main Street, pointing out where four lanes would have to be reduced to three lanes, and bike lanes would be made on both sides of the road. With regard to parking, if you wanted to back in, you'd be able to pass in the middle lane when the road was re-striped, and it would prevent slowing down of traffic. Mr. Esmond said that the bike lane would end in the Rose District, becoming a sharrow, as was currently found on Broadway between Main Street and Elm Place, where the bicycle symbol was painted on the road. Signage indicating the bike route would be put up in the Rose District, as well. In essence, the Rose District striping would remain unchanged for vehicular traffic, and impact to the area would be minimized. A view of the north end of Main Street, picking up after Elgin Street to Midway Avenue on the north, was shown, where four lanes would be reduced to three lanes and roadside parking would become back-in parking. Instead of proceeding all the way to Kenosha Street, the bike lane would turn at East Midway Street and become a signed bike route East of Main Street, connecting Rhoades Elementary School and ending on North 4th Street at East Kenosha Street, where the lane would terminate.

Showing his final slide, Mr. Esmond stated that an application for the Main Street bikeway had been prepared, which staff would present at the City Council meeting of May 3rd. A resolution authorizing staff to submit a TAP grant application through INCOG, requesting a 75% match, or \$225,000 in federal funding, would be introduced for consideration. Mr. Esmond reiterated that should the grant application be successful, it was proposed that the City's 25% match, or \$75,000, be funded by the 2014 General Obligation Bonds Community Trails Project.

Once the currently funded Broken Arrow Creek Trail phase I, the Creek Trail phase II, and the Main Street bikeway were completed, it would provide a trail corridor of approximately 5.5 miles connecting the Rose District, neighborhoods, parks, schools, businesses, restaurants, and entertainment venues, to the Liberty Parkway Trail. As they were aware, there was a 9-mile trail meeting Tulsa's trail system on the west side, reaching Northeastern State University (NSU) and the NSU Chisolm Trail Events Park on the east side. Mr. Esmond concluded by saying that the trail corridor would improve Broken Arrow's quality of life, while providing an alternative means of transportation within the community.

Councilman Lester asked why back-in parking would be safer for cyclists than pull-in parking. Mr. Esmond answered that when a motorist sat in their car getting ready to pull out, they would be facing the bike lane and could see bike riders coming. On the other hand, if they were backing out, they would have to look over their shoulder and could be moving into a bicycle. Councilman Lester asked whether you were not backing in to the bike lane when backing in to a parking spot. Mr. Esmond replied that you were, however, studies had proven that back-in parking was safer, adding that a lot of the specs were vetted through the GO Plan. Mayor Pro Tem Parks inquired where they were backing from: was it from the street into that parking area? Mr. Esmond replied yes and confirmed Mayor Pro Tem Parks' next statement that they would be moving from a travel lane, across the bike path and into the parking spot. It had been found to be the safer way, but it would still be up for debate by the Council if they so wished.

Councilman Eudey commented that he was very excited about the project for a number of reasons. It encouraged healthy activity and he had observed that friends of his who enjoyed bike riding would get together and go places, stopping along the way and spending money, which generated sales tax revenues. There were large groups that rode together all over the area and it would please him to see Broken Arrow, and especially the Rose District, become a destination place for them. Mayor Pro Tem Parks agreed that it was exciting and a positive development, though he had a concern about backing into the car behind in negotiating the move they had discussed. Mr. Esmond said that once they got to that point in the project, he would bring in experts to address the issue, which was a legitimate point of contention. Mr. Esmond confirmed Councilman Lester's observation that the purpose of the center lane was to allow traffic to go around the car backing in, adding that it would serve as a turn lane, too. The engineers were in agreement that the road was wide enough to avoid tight lanes.

City Manager Michael Spurgeon said that he had met with Scott Esmond and his team, and representatives of R.L. Shears Company, a few months back, in

anticipation of the grant application being submitted and as they probably knew and he had learned, there was a large contingency of people that biked throughout the metropolitan area. Completion of the proposed projects would allow the City to provide an avenue for people to access the community. At the present time, riders who wanted to reach Broken Arrow had to ride into the community on a major road along with cars. The ultimate goal, which he supported, was to continue the bike path trail even to the north, where they would actually create a path over the highway into the large commercial area to the north side of Highway 51. He would be asking for the Council's support of the plan in future years because of the opportunities it would create and in light of the contribution it would make toward making Broken Arrow more sustainable. With reference to Councilman Lester's question, he added that there might come a day when they could have bicycles for rent at various locations where bikes could be picked up and dropped off. It was a program that had proven popular in many cities around the country, whatever way it was approached: by matching grant, voter approval, or consideration as a capital improvement. Mr. Spurgeon pointed out that the idea would certainly have Mayor Thurmond's full support were he there. Councilman Eudey voiced his support in making Broken Arrow a destination for the biking community. Councilman Lester said he saw it as part and parcel of the effort to grow the Ruts and Guts program. Mr. Spurgeon agreed.

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

No citizens signed up to speak.

As a follow-up to the previous City Council meeting, Mr. Spurgeon reported that Police Chief Boggs and his team had met with the retailers who had addressed the Council on issues they had concerning the Rooster Days Parade. Every effort was being made to accommodate them and resolve the problem.

#### **9. General Council Business**

##### **A. 16-430 Consideration, discussion, possible approval and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2014-2015**

City Attorney Beth Anne Wilkening stated that the item was a requirement of State statute. They had prepared the Notice of Availability, which would be published in accordance with State statute. It was recommended that the Notice of Availability be approved.

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

##### **Move to approve the Notice of Availability of Annual Audit for Fiscal Year 2014-2015 and authorize its publication**

The motion carried by the following vote:

**Aye: 3 -**

Scott Eudey, Johnnie Parks, Mike Lester

##### **B. 16-443 Consideration, discussion, possible approval and authorization to execute a Contract for Program Management Services for the City Hall Renovation with Magnum Construction, Inc.**

Mr. Spurgeon said that Acting Assistant City Manager Russell Gale had asked the Council for approval to add a few positions – one to the Legal Department and several to the Finance Department – to the staff. With his own appointment in summer 2015 and the realignment in organizational structure, including Lori Hill being brought back into his office, renovations needed to be done at City Hall. Oklahoma State statutes allowed them to secure services by way of a construction manager or a program project manager. The cost of a general contractor was already in there and in talking with Ms. Wilkening and going over their options, he thought that route was the most cost effective way to manage the project. Development Services would have to come in and do all the inspections and the City would require the private sector to get the permits, and so on. The contract was advantageous to the City, he believed, for reasons having to do with cost effectiveness and efficiency. In awarding the contract in that way, the project manager had the responsibility to put together bid specifications that met all of the City's procurement policies and procedures. The manager would award the contracts, secure all the bonds, and perform all the contract administration, taking care of all the payments in accordance with the City's standards. The contractor would do the inspections also and would close the project for the City. The contract was in the amount of \$71,150. Mr. Spurgeon said he had looked at two other companies that did fine work; however, anytime he had the opportunity to go

with a local company, he took it as a very important issue to him. He asked the Council to approve the contract so that they could go forward with the renovations.

Councilman Lester commented that far and away, securing a construction manager was the method of choice across the board.

Ms. Wilkening added that they had made a couple of revisions after the fact, because she had been out of the State. The contract was revised making Magnum Construction responsible for paying the subcontractors and submitting monthly invoices with payment authorizations from them, as per Magnum's request. The contract was a new document and the first of its kind on their part, so it might need a little refinement as they went forward.

Mayor Pro Tem Parks requested confirmation that they were okay with payment of the sales tax and such. Ms. Wilkening replied yes, because the City of Broken Arrow could actually pass on its sales tax exemption to its contractors.

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

**Move to approve the Contract for Program Management with Magnum Construction, Inc. and authorize its execution**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**C. 16-421**

**Consideration, discussion, possible approval and authorization to execute Resolution No. 915, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to Eric Tyler Manke v. The City of Broken Arrow, Oklahoma, Tulsa County District Court Case No. CJ-2016-01144, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the court's approval, pursuant to 51 O.S. § 158**

Ms. Wilkening recalled that the item was the Resolution that had been discussed in the Executive Session at the last meeting. They proceeded with filing an Offer to Confess in order to eliminate, in this case, costs and attorney fees and accepted resolution in that amount. It was a clear case of liability and they did not know that there would be any value in fighting over the amount. It would also be an attorney's fees case, as a result of the property damage. Therefore, it was recommended that the Resolution be approved and its execution authorized.

Councilman Eudey noted that their demand had been \$250,000 and they were settling for just \$57,000. He thought that the City had done a good job of minimizing its liability for damages.

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

**Move to approve the Resolution No. 915 and authorize its execution**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**D. 16-425**

**Consideration, discussion, possible approval and authorization to execute Resolution No. 916, a Resolution repealing Resolution No. 913 and authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the Tort Claim filed by Gary Clark, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the court's approval, pursuant to 51 O.S. § 158**

Ms. Wilkening stated that the Resolution basically supplanted the Resolution mentioned last time having to do with the Gary Clark matter, in which Mr. Clark, who was schizophrenic, had engaged in an altercation with his brother. The confrontation resulted in Wagoner County Police requesting and receiving assistance from the Broken Arrow Police. The day after the Council approved the Resolution authorizing them to move forward with settlement in the amount of \$156,967, they received notification from the Oklahoma Health Care Authority that a lien waiver had been granted. As a result of that and in the interest of transparency, they didn't feel it a good idea to go ahead and pay the total amount out to the Healthcare Authority for disbursement by them.

Prior to approving the Resolution, Councilman Lester took the opportunity to state again that the Broken Arrow Police Officers had done nothing wrong and the City was having to pay for the Police doing their job correctly.

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

**Move to approve Resolution No. 916 and authorize its execution**

The motion carried by the following vote:

**Aye: 3 -**

Scott Eudey, Johnnie Parks, Mike Lester

Councilman Eudey stated that he seconded the Resolution with the same preface stated by Councilman Lester.

**E. 16-378**

**Consideration, discussion, possible approval and authorization to execute a Promotional License Agreement allowing the Broken Arrow Chamber of Commerce to host the 2016 Rooster Days Festival**

Mr. Esmond reported that all activities had been reviewed and approved by the City's Special Events Committee. Mr. Esmond showed a conceptual map of Central Park displaying the Marketplace, Community Center, and Main Street on the right. Rooster Days would be celebrating its 85th anniversary in 2016 and the City had played an important role in its success. Availability of City facilities was typically handled through a promotional license. Set-up for the event would begin at 8 a.m. on Monday, May 9th. The 2016 Festival was scheduled to open Thursday, May 12th at 4 p.m. and run through Saturday, May 14th. The Chamber of Commerce would provide proof of insurance to the City for vendors, independent arcades, and rides not associated with the contracted Carnival. The City of Broken Arrow would also be named as additionally insured. The license provided for low-point beer sales and consumption within a fenced area of the Festival, with the exception of the kid's zone. In accordance with State law, wineries and craft breweries were permitted to offer samples and items for sale within a separate area. The closing of Main Street for the event, from Mason Drive to just south of Central Park Community Center, would occur for the first time, and the street would feature vendors as well. Parking would be located where the old softball facilities were, weather permitting. The Parks and Recreation Department was proud of the Park's completely new electrical system. Notification of the Festival would be mailed to households in residential areas bounding Central Park and each household would receive two parking passes, with additional available upon request. Ms. April Sailsbury stepped forward at Mr. Esmond's and Council's request, recalling that rainy weather that caused flooding around the carnival rides had been the main problem the previous year. Clearly, they needed to find a way to get the rides off the dirt. For the 2016 Festival, the carnival would be placed in the grassy area next to the Marketplace, which would likely serve to improve traffic through the Marketplace as well. Ms. Sailsbury confirmed to Councilman Eudey that business owners, patrons, and so forth, could gain access. They arranged for Pride of Broken Arrow to handle the parking in their lot as a fundraiser for their own Rose Bowl Parade, and as a way of raising money for the shopping center and its businesses. Mayor Pro Tem Parks asked if there would be sufficient notice on the street that down at 81st and 71st Streets there would be no through-traffic. Ms. Sailsbury answered in the affirmative.

Mr. Esmond said that the Parade would take place on Saturday, May 14th, beginning at 10 a.m. in the downtown area, as in the past. Mr. Spurgeon informed him that Chief Boggs had talked to some of the business owners on the north end and arrangements been made to resolve concerns that had arisen in previous years with regard to free access to businesses during the Parade. Mr. Esmond pointed out the Parade route to the Council and informed them that he had reviewed the Police's operations plan prior to that evening's Council meeting.

Mr. Esmond reported that the Rooster Run would take place at the Events Park in the NSU area, as it had the year before, when the coordination of Police and Parks and Recreation had contributed to making the large variety of races a great success. Ms. Sailsbury indicated that it was the same course, following the Liberty Trail in part, that they had used the previous year, and it had been popular with the runners.

Councilman Eudey commented that the Rooster Days Festival, as they knew, was near and dear to his heart, having been its Chairman for a number of years.

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

**Move to approve the Promotional License Agreement and authorize its execution**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**F. 16-431 Consideration, discussion, possible approval and authorization to execute a Minor Change Order C01 (Change of Plans) for Third Generation Electrical, Inc. Construction Contract 166022, Central Park Electrical Upgrade**

Jeff Bigby, Acting Director of Engineering, stated that what the Council had before them was a Minor Change Order to the Central Park electrical upgrade. It would add permanent, black vinyl-coated fans around a couple of the transformers and also provide for an electrician on call during the first two days of the Rooster Days Festival, for a total cost of \$11,130.74. Mr. Bigby asked if there were any questions.

Councilman Lester commented that he assumed the fencing would be installed before the Festival. Mr. Bigby replied that the fencing was already on schedule and would be installed before Rooster Days began.

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

**Move to approve Minor Change Order C01 (Change of Plans) and authorize its execution**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**G. 16-086 Consideration and possible approval to reschedule the June 7, 2016 City Council meeting to June 6, 2016 and the June 21, 2016 City Council meeting to June 20, 2016**

Ms. Wilkening said that because of "Tuesdays in the Parks," the Council requested to move the June Council meetings from Tuesday night to Monday night.

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

**Move to reschedule the June 7, 2016 City Council meeting to June 6, 2016 and the June 21, 2016 City Council meeting to June 20, 2016**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**10. Preview Ordinances**

**A. 16-225 Consideration, discussion and possible preview of an ordinance amending Chapter 7.7 Campaign Financing, Section 7.7-1 Short Title; Section 7.7-2 Intent; Section 7.7-3 Administration; Section 7.7-4 Definitions; Section 7.7-5 Duties of municipal clerk; Section 7.7-6 Filing contribution and expenditure reports by candidates for the city council; Section 7.7-7 Appeal; Section 7.7-8 Hearing; findings; assessment; Section 7.7-9 Contributions and expenditures by candidates or committees; Section 7.7-10 Statement of registration for committees; Section 7.7-11 Procedural requirements for committees and officers of committees; Repealing Section 7.7-12 Campaign contributions and expenditures reports; forms; certification; statements of inactivity' interest earned; dissolution procedures; filing of report forms; Repealing Section 7.7-13 Time for filing reports of contributions and expenditures or statements of inactivity; Repealing Section 7.7-15, Requirement to file reports and penalties for violation; Repealing Section 7.7-16, Suspected violation, Repealing Section 7.7-17, Disclosure of affidavit, Repealing Section 7.7-18, Withdrawal of affidavit; Repealing Section 7.7-19 Abstention for conflict of interest; and Repealing Section 7.7-20, Individual of family contributions, of the Broken Arrow Code; specifically including language to comply with the Municipal Campaign Finance and Financial Disclosure Act; repealing all ordinances to the contrary and declaring an emergency**

Ms. Wilkening explained that she had Trevor Dennis, Deputy City Attorney, go through the document and eliminate portions that were unnecessary, in an effort to bring it more into compliance with current practice, and hopefully making it easier for candidates. It was an opportune time to address the matter since they had another year before the next municipal election.



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

**Move to preview the Ordinance and set it for adoption**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**11. Ordinances**

**A. 16-410**

**Consideration, discussion and possible adoption of Ordinance No. 3419, an Ordinance amending the Broken Arrow Code by amending Chapter 10, Fire Prevention and Protection, Article IV. - Explosives, Division 1. - Generally, Section 10-72. - Classified; and Section 10-73. - Manufacture; specifically excepting from the definition of explosives small arms ammunition and components thereof; repealing all ordinances to the contrary; and declaring an emergency**

Ms Wilkening said that the Ordinance was being amended in order to bring it in line with State statute. It was requested that they adopt Ordinance No. 3419 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3419**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

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

**Move to approve the emergency clause for Ordinance No. 3419**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**B. 16-415**

**Consideration, discussion and possible adoption of Ordinance No. 3420 closing a mutual road easement on property located in the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that the Council could take care of items B, C, and D together, if they wished. She went on to say that prior to the meeting, the City Clerk had pointed out some concerns she had with the titles in the ordinances. It requested, therefore, that the three items be tabled until the next meeting.

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

**Move to table items 11B, 11C, and 11D**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

**C. 16-429**

**Consideration, discussion and possible adoption of Ordinance No. 3421 closing a stormwater drainage easement on property located in the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency**

**D. 16-418**

**Consideration, discussion and possible adoption of Ordinance No. 3422 closing a waterline easement on property located in the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, Berwick South, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency**

**12. Remarks and Inquiries by Governing Body Members**

Councilman Eudey commented that although the Boy Scouts had to leave early, as an Eagle Scout himself, it was always exciting to see Scouts participate in the civic duties there, and he was glad that they had come.

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

Mr. Spurgeon reported that late in the previous week, he had sent an email to the Council with draft questions that he would be presenting at the forthcoming meeting. The questions were in connection with the solid waste and recycling survey that would be conducted in the community. He aimed to get the draft questions out to Council members in advance, affording them sufficient time to look them over. Mr. Zirk and he would be asking for their input on the survey questions at the May 3rd City Council meeting. The goal was for the Council to approve the survey and the questions. The professional consultant they had engaged recommended they complete the survey shortly before or right after school was let out for the summer. In that way, they could get a real good return on their investment with the number of phone calls and contacts they would have to make, before summer arrived. Mr. Zirk and he were available to answer any questions prior to the full discussion that would take place on May 3rd.

Secondly, a couple of months before, they had put out requests for proposals to solicit companies with reference to development of residential housing in the Rose District and downtown area. Over the next six to eight months, they would require assistance in developing guidelines on private investment in the area. They would need to identify opportunities and obstacles as well. They received two proposals which were reviewed by the special committee that Council had approved a few months back as an alternate review committee. In the coming week, they would be reaching out to the company that offered the better proposal to see if they could negotiate a contract, which would be brought before the Council for consideration at the May 3rd or May 17th meeting.

Two weeks prior, members of the Economic Development Corporation (EDC) and members of his staff met with different builders to hear their views on the potential for residential development within the community. Their comments and themes were very consistent, and it was refreshing to learn that the builders were on the same page as the City, in that respect. If you took a look at the investment in retail and commercial infrastructure made by the City Council, that \$5 million investment, which could potentially go up to \$10 million once they completed the interactive water feature, along with the final three blocks and the other improvements to the buildings, had yielded \$30 million worth of private investment. In fact, according to Wes Smithwick, the property values had nearly doubled in the last three years. Looking at the next step in redevelopment of the downtown area, it was natural that residential development would figure prominently.

Mr. Spurgeon informed the Council that the review committee had had a meeting in which they looked at a proposal by Bill Leed, a local builder, who came up with a project that they believed was consistent with the City's concept. Development Services would be working with him and possibly moving forward with construction of 16 new residential units.

The Budget sessions were continuing and they had wrapped up the previous Friday with respect to meeting finances up to the present. He and the Assistant City Manager would be going back and endeavoring to bring the proposals within the dollars that were available. He anticipated there would be a presentation to the Council on May 17th, with adoption of the Budget scheduled, tentatively, for June 6th.

Mr. Spurgeon reported that Hillside Drive had been opened to vehicular traffic the latter part of the previous week, well in advance of what they had anticipated. He wished to thank the City team responsible for expediting the repairs, chiefly the Streets and Stormwater and Engineering/Construction teams.

The City was going to submit a grant application to the Federal Government for a program called TIGER (Transportation Investment Generating Economic Recovery), in connection with the widening of County Line Road, rebuilding of certain areas, and replacement of the bridge, which qualified for a federal match. Because of the timely nature of the project, they engaged Cowan Group Engineering, who were already involved in the project, to assist them in completing the grant application due on April 29th. Mayor Thurmond and Ken Schwab were in Washington, D.C. seeking endorsement from federal legislators for the project.

He had received a message from the Mayor that afternoon stating that they had been successful in securing Senator Inhofe's endorsement. He would keep the Council posted on developments regarding the grant.

There had been discussion in the past few months on the possibility of a new interchange on the Muskogee Turnpike. In 2015, the Department of Transportation and the Turnpike Authority announced that there would be a roughly \$900 million plus bond package for improvements to the statewide system. There had been disappointment in the region that not much money had been set aside in the package for the eastern side of the State. In January, they met with Neal McCaleb, Acting Director of the Oklahoma Turnpike Authority, and they set the verbal framework of an agreement that they might enter into at some late time, outlining the partnership between Coweta, the City and the Turnpike Authority. There were also other opportunities of grant funding for replacement of the bridge. His concern was that moving forward at present, with every other thing they had going on, they needed a plan on how the area would develop, before devoting a large sum to the interchange. The Turnpike had said they would partner with the City for the construction at 50/50, and it would be something that they would continue to look at in an ongoing conversation on the subject. They had some other priorities, in terms of General Obligation projects, a technology park, and so on.

#### 14. Executive Session

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

- 1. the possible purchase and appraisal of real property located at 201 East Washington Street (the southeast corner of East Washington Street and South 1st Place), Broken Arrow, Oklahoma, and possible action in open session, including authorization to negotiate for the potential purchase of this real property and obtain additional appraisals for this real property, under 25 O.S. §307(B)(3)**

Ms. Wilkening requested that the Executive Session be tabled until the next meeting.

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

**Move to table the Executive Session until the next meeting**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

#### 15. Adjournment

The meeting adjourned at approximately 7:32 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye: 3 -** Scott Eudey, Johnnie Parks, Mike Lester

Attest:

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Mayor

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City Clerk