



**City of Broken Arrow**  
**AMENDED MINUTES**  
**City Council**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

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

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**Tuesday, May 3, 2016** **Time 6:30 p.m.** **Council Chambers**

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**1. Call to Order**

Mayor Thurmond called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Daniel Isgrigg delivered the invocation.

**3. Roll Call**

**Present: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Councilman Parks led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond 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 Richard Carter.

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- A. 16-476**      **Approval of City Council Meeting Minutes of April 19, 2016**
- B. 16-469**      **Approval and authorization of to execute Engagement Letters with Arledge & Associates, P.C. to conduct the Fiscal Year 2016 Audit and State Auditor and Inspector’s Report**
- C. 16-463**      **Approval of an application for Transportation Alternatives Program (TAP) funding for Broken Arrow Creek Trail Phase 2, and authorization to execute Resolution No. 920 to Request Programming of Tulsa Urbanized Area Transportation Alternatives Funds**
- D. 16-483**      **Approval of an application for Transportation Alternatives Program (TAP) funding for Broken Arrow Main Street Bikeway, and approval and authorization to execute Resolution No. 921 to Request Programming of Tulsa Urbanized Area Transportation Alternatives Funds**
- E. 16-468**      **Approval and authorization to execute Work Order WO-04, Contract for Portland Cement Concrete Street Repair (Bid # 16.126) for the construction of 1820 feet of 5-foot wide sidewalk and the installation of four (4) handicap ramps along the east side of Aspen Avenue from the northwest corner of 3325 South Aspen Avenue to the northwest corner of 2104 West Delmar Street**
- F. 16-485**      **Approval and authorization to execute a Professional Services Contract for engineering project management services with Nicholls Consulting, PLLC for city projects**
- G. 16-458**      **Waiver of Formal Competitive Bidding, and approval and authorization to purchase a 2017 Ford Utility Interceptor SUV (sport utility vehicle) from Bob Hurley Ford pursuant to the Oklahoma statewide vehicle contract for the Information Technology Department**
- H. 16-459**      **Waiver of Formal Competitive Bidding, and approval and authorization to purchase the Locus Diagnostics, LLC, DiagnostX Over-The-Air (OTA) Waveform Analyzer pursuant to General Services Administration’s Federal Supply Schedule, a purchasing consortium**

- I. 16-446 Approval and authorization to purchase two sets of replacement power operated bleachers for the Parks & Recreation Department from Performance Services and declare five sets of old bleachers as surplus and authorize their disposal
- J. 16-482 Review of bids received, award of the lowest responsible bid to Lowry Construction Services, Inc., and approval and authorization to execute a construction contract for Fairway Park Regional Detention Facility Revision - Phase II (Project No. SW0910B)
- K. 16-465 Review of bids received, award of the lowest responsible bid to Magnum Construction, Inc., and approval and authorization to execute a construction contract for Entry Plaza Planter Walls, City Hall Renovations (Project No. 151703B)
- L. 16-464 Review of bids received, awarding of the lowest responsible bid to Voy Construction, LLC, and approval and authorization to execute a construction contract for City Hall Renovations, Replacement of Siding and Soffits (Project No. 151703A)
- M. 16-495 Review of bids received and awarding of the most advantageous bid to Warren Cat for the purchase of a 2016 Caterpillar AP555F asphalt laydown machine for the Street Division
- N. 16-435 Approval of final acceptance of the public improvement for AG Equipment Company located at 1900 North Hemlock
- O. 16-411 Approval of final acceptance of the public improvement for Andy's Frozen Custard located at 800 East Kenosha
- P. 16-487 Approval of Minor Change Order C02 for Construction Contract 166022, Central Park Electrical Upgrade
- Q. 16-437 Acceptance of a General Warranty Deed for Hillside Drive right of way and a small adjoining tract from Roland Investments, Ltd., in the northeast quarter of Section 2, Township 18 North, Range 14 East, of the Indian Base and Meridian, and generally located immediately east of Charleston's in the Stonewood Hills Subdivision
- R. 16-436 Acceptance of a Special Warranty Deed for the creek area just west of the Convention Center site from Roland Investments, Ltd in the northwest quarter of Section 2, Township 18 North, Range 14 East, of the Indian Base and Meridian, and generally located to the west of the proposed Stoney Creek Hotel and Convention Center
- S. 16-499 Approval of the Broken Arrow City Council Claims List for May 03, 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. 16-504 **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 particularly regarding the services provided by Cox and the operation of the cable system**

Tiffani Bruton, Director of Public Affairs for Cox Communications in Tulsa, gave the yearly update on her company with regard to their network, products, and investment in the community serving to make Broken Arrow even more accessible. She reported that in 2015 they extended their network to 2,537 new and existing homes in the Broken Arrow area, a total of over 44 miles at a cost of \$124 million. In 2016, Cox was on track to set a similar trend, with 2,000 homes completed and it was projected that the number would grow to 2,300 by year's end. Councilman Lester had been among those who had recently received a new mini-box and was pleased with the resulting improvement in service in the migration to all-digital. They had, in fact, completed the digital analog migration to all digital. Tulsa specifically, as the first large city to go with the remodel, was experiencing a better digital signal, along with better interactive programming with more channels. They were able to offer new HD channels with the increased bandwidth and expanded their on-demand library, as well, to 65,000 hours of programming.

The launching of a product called New Contour was changing the way people experienced television. It included a voice-activated remote control, which, among other things, eliminated the restriction of a box and remote control having to operate in line of sight. New Contour featured a 6 tuner digital video recorder (DVR), but most exciting, perhaps, was the voice-activated program guide which enhanced the viewing experience by predicting what future programming a viewer would like to see. There were apps that

came with the New Contour, as well. For example, the sports app contained features that really integrated sports fans into what was happening in a game.

Gigablast Internet was the other new and exciting product being offered by Cox, the first Internet Service Provider to launch it as the latest, speediest Internet in Broken Arrow. Cox recently upgraded all of its customers to speedier Internet at no cost and continued to have the fastest Internet speeds available on the market. Cox also increased the national Wi-Fi hotspots to 400.

The last new product was Homelife, which had evolved from Cox Home Security to include more home automation. Cox found that it was being used primarily as a way to monitor pets and children, remotely, and it had many features making it useful and usable to all. The capability of managing home lighting through phones or tablets was yet another feature that Cox was about to introduce. Outdoor cameras were upgraded to HD and smart door locks were launched, as well. Lastly, within the next 24 months, a small device in your car would automatically activate temperature, lighting, and your garage door as your car approached within a certain perimeter of your house.

In closing, Ms. Bruton stated that from a community perspective, Cox continued to be committed, involved and engaged. Cox encouraged its employees to be active in the community in a variety of ways and several months before, the company had contributed about \$20,000 in classroom grants to Broken Arrow public school teachers through the employee-funded Cox Charities Foundation. Ms. Bruton added that in 2015, Cox contributed approximately \$100,000 to the community.

Councilman Eudey asked if the remote controls could be programmed to recognize only his voice. Ms. Bruton said she didn't believe so.

**B. 16-447 Presentation by the Broken Arrow Youth City Council on the 2016 Congressional Cities Conference and recognition of Youth City Council Members and presentation of certificates**

Councilman Parks reported that the Youth City Council (YCC) had met regularly in the past year with Development Services staff, who were really great in assisting them, Scott Eudey, himself, Jennifer Hooks, Marcae Hilton, the purpose of the youth Council is to introduce its members to municipal government. During the year, the Youth Council had the opportunity to hear from the Finance Department, Legal Department, City Manager's Office, Police and Fire Departments, General Services, and Development Services. Councilman Parks thanked those departments for their presentations. He stated that ten Youth Council members were taken to Washington, D.C. Congressional City Conference in March, and three would be reporting on that.

Precious Okourwa described the sights she enjoyed in Washington, D.C., including the National Mall, the Korean War Monument, which she especially liked, the Lincoln Memorial, the Library of Congress, and the National Archives. She also enjoyed visiting Arlington Cemetery and seeing Robert E. Lee's house. On the final morning, she toured the White House, which impressed her greatly.

Grace Robinson related that while in Washington, D.C. she had the opportunity to attend the National League of Cities Conference as a youth delegate, as well as their own National Youth Convention. She attended workshops that encouraged political discussion that challenged them to find solutions to problems facing the country. Meeting such a dynamic group of youth councilors from across the country was exciting, and she appreciated the City Council's for its role in providing the opportunity to her.

Zarria Young stated that she enjoyed getting to know her classmates better during the trip and building friendly relationships with them that would be lasting. She appreciated Councilman Parks' and Councilman Eudey's friendship, also.

Mayor Thurmond said that they really appreciated the Youth City Council and what they had done that year. They were given a snapshot of what the City was doing and had learned a little bit about the City, in dedicating their time as Youth Councilors. There was a round of applause as the Youth Councilors received their certificates.

**C. 16-448 Presentation by the Broken Arrow Youth City Council, discussion and possible acceptance of the 2016 Youth City Council "Big Idea"**

Grace Robinson said that each year the City Council compiled a Big Idea based on an important issue in the community or something that had served to improve the community. In 2016, they decided to revise the previous year's Big Idea. The Youth Council thought that a public forum would be of great benefit to citizens. The objective of their public forum was to educate citizens on current issues affecting the City, and to familiarize them with politics and civic procedures. In addition, the public forum would serve to acquaint

citizens with civic leaders as a way of fostering communication and community involvement. The goal was to promote political involvement as a way to combat low voter turnout by offering an additional platform for the political campaigns of individuals running for City Council. The public forum also represented an opportunity for citizens to launch their own awareness campaign on particular issues or announcements of importance to the surrounding community. A major influence in their choice of a public forum as the Big Idea was the notion of a strong city-citizen bond. They believed that City staff should continually engage with the community, giving the citizens, in turn, an opportunity to engage with the City.

Ms. Robinson summarized that the public forum would provide an opportunity for the City to speak to the public in an alternate setting and provided a platform for citizens to speak on subjects of importance to them. The forum would be free and open to citizens of Broken Arrow. It would be held twice annually at the City Hall or Community Center, in April and October. It should include a panel of at least one City Councilor, and representatives of City staff and City department heads, who could assist in answering questions. She added that it should be a podcast for publicity purposes.

The public forum would consist of three parts. Part one would include a summary of major policies and changes enacted, with the introduction of new City heads, as well as political campaign speeches. The second part would entail citizens presenting information to the community on such things as fundraisers, business openings, and special events. Ms. Robinson pointed out that whenever there was a mayoral election each Youth Councilor picked an issue to target and the public forum would be an effective means to give exposure to an issue. Part three would be an informal question and answer session between citizens and the panel. With regard to forum rules and regulations, citizens asking questions would not need to fill out any form, but would simply raise their hands and be called on. Questions asked should be relevant to the City, subject to the moderator's judgment. Who the moderator would be was up for discussion, but it should be a neutral party, such as a Broken Arrow public schools staff member or a staff member from the Chamber of Commerce. Participants should behave in a civil manner and those in violation could be asked to leave. Any citizen having information to impart to the public would have to fill out and submit a Google form to the City Clerk, as a means of checking that the material to be presented was appropriate.

In conclusion, Ms. Robinson reiterated that the Broken Arrow Youth City Council wished to propose a public forum to encourage civic participation and growth. The forum would provide an easy way for citizens to get involved in the community by promoting and spreading political awareness. It would also serve as a stage for future YCC Big Ideas. Youth leaders in the YCC had a lot of ideas to advance the City of Broken Arrow. She believed their ideas would need more public exposure in order to gain the public's support, if they were going to come to fruition.

The Mayor observed that some YCC members would be staying on, while some would be going away to school. He asked if the Youth Council was committed to working to realize the public forum project. Ms. Robinson replied that it could be partly for future Youth City Councilors to take on, adding that they desired that the City Council would lend a hand in the project.

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

**Move to accept the 2016 Youth City Council "Big Idea" for further discussion**

The motion carried by the following vote:

**Aye: 5 -**

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Karl Council, of 1905 N. Desert Palm Avenue, said he was there on behalf of the residents of the community of South Brook, in which he lived. He stated he was there to ask for reconsideration, explaining that the community had sent a petition in 2015, asking for their streets to be repaved. They had a loose community group that collected donations from willing households to help maintain the perimeter of Kenosha Street and Garnett Road. The streets had deteriorated, in particular the two access streets off of Garnett Road which saw a lot of heavy traffic. He would like to see the entire area repaved. He pointed out that over a year before, New South Brook had been completely repaved, although it had been constructed later than roads in their part of the neighborhood. Their section of South Brook had been duly patched and was being well cared for, however, the City's help was needed at that point.

Mayor Thurmond stated that they could not take any action that night, but the roads would be checked out by Streets and Stormwater and listed as a consideration for the future. City Manager Michael Spurgeon thanked Mr. Council for coming and said he and Mr. Schwab would visit the site. They were near completion of the Pavement Index Report, that had

been commissioned in the latter part of 2015, to assess the condition of all of Broken Arrow's streets. Mr. Council added that in addition to the normal wear tear over a period of years, because of construction in the vicinity, the road in their housing development was being accessed as an alternate route, causing heavy traffic. Giving an example, Mr. Council reported that one day he counted nearly 30 school buses coming down Desert Palm Avenue in front of his house. He reported also that, with regard to Kenosha Street from the Newt Graham Lock and Dam to Tulsa Hills, one section of the four-lane street, right at Main Street, contained a half mile of road that was rough and in need of repair. Mr. Council concluded by saying he thought that the City Council, City government, and City services staff were doing an excellent job.

## 9. General Council Business

### A. 16-470 **Consideration, discussion and possible approval and authorization to execute an Engagement Letter with the Center for Economic Development Law**

It was requested by City Manager Michael Spurgeon that the item be tabled to later in the meeting.

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

**Move to table item A. 16-470 to later in the meeting**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

### B. 16-455 **Consideration, possible approval and authorization to execute an Employment Contract for Professional Services with Steven E. Edgar as Presiding Judge for the City of Broken Arrow's Municipal Court**

City Attorney Beth Anne Wilkening stated that the item concerned an employment contract with the Presiding Judge at Municipal Court, Steven E. Edgar. A 2% raise was built in, as in the contracts of non-unionized workforce. She recommended that the Council approve the contract and authorize its execution.

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

**Move to approve the employment contract for Judge Steven E. Edgar for professional services, and authorize its execution**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

### C. 16-472 **Consideration, possible approval and authorization to execute an Employment Contract for Professional Services with Dennis Sagely as Alternate Judge for the City of Broken Arrow's Municipal Court**

Ms. Wilkening stated that they had built a 2% wage increase into Judge Dennis Sagely's contract, as well. She recommended that the Council approve the contract and authorize its execution.

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

**Move to approve the employment contract for Judge Dennis Sagely for professional services, and authorize its execution**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

### D. 16-473 **Consideration, discussion and possible direction and action on future use and development of the real property located between East Detroit Street and East Elgin Street and North Main Street and North First Street, in Broken Arrow, Oklahoma, and more particularly described as Lots One (1) through Twenty-two (22), Block Eighteen (18), Original Town of Broken Arrow, Tulsa county, State of Oklahoma, and generally located at 305 North Main Street**

Mr. Spurgeon distributed a fact sheet on the property, saying he would narrow the matter down to a couple of points. He recalled that earlier in the year, Council had authorized the administration to move forward with purchase of the 1.8 acres. The Council wanted the structure on the property removed, first and foremost, as it was situated in the middle of downtown redevelopment. Secondly, the property itself presented an opportunity for redevelopment, and the Council had stated that they wished to have a discussion on its use. Mr. Spurgeon reported that they had secured the property, evaluated it, and found that there was no asbestos on the premises. A bid opening was scheduled for Thursday, May 5<sup>th</sup>, for the demolition, and the Engineering/Construction Department would be recommending a contractor to Mr. Schwab. Awarding of the contract for demolition would be considered at the May 17<sup>th</sup> City Council meeting. If approved, a Notice to Proceed would probably be given some time after Memorial Day, and the demolition would take place around July 4<sup>th</sup>. They were 60 days, or so, from the date when it would be cleared and the parking lot

be opened for use, temporarily, by the public. The City had made a \$600,000 investment in buying the property and would spend a few thousand dollars to demolish it. There was potential for the property to be redeveloped by the private sector for retail, commercial and residential use. However, since it was a city-owned facility and could be considered from the standpoint of the City's own needs and the needs of other public entities, it could be argued that the property should be reserved for future use by the City. Removing the eyesore that the property had become was important, but he needed some direction so that he could begin working with Economic Development Coordinator Norman Stephens and the Broken Arrow Economic Development Corporation (EDC), if applicable, pending the Council's decision.

Councilman Lester said he, personally, would want to keep public projects off Main Street, reserving it for retail development that would bring in sales tax revenue or for some other use that attracted people to the downtown area. He thought it best that government services stay out of the Main Street area. Vice Mayor Carter said he concurred, commenting that they were seeing some real progress on Main Street with expanding development in the Rose District, and he saw the property under consideration as a natural extension of that. He would hate to see it used for a new City Hall, or something of that nature, because he too felt that public facilities should be off Main Street. They had deemed Main Street the arts and entertainment district and it had paid off, so they should keep going in the same direction. Councilman Parks said he was not in agreement and thought it too early to make a final decision on use of the property. From his perspective, the City would be tearing down the building and making use of the parking lot. He thought it could be a good site for a new City Hall. The Rose District was point of destination and he would like the City to do a study on what they needed to do in the future. There was the Performing Arts Center (PAC) and the Main Street School of Performing Arts already there. As a center of the community and a point of destination perhaps they would want a City Hall somewhere on Main Street, if not on the property under consideration. They had great City employees and he thought a study might point to a very nice, state-of-the-art City Hall. Although he thought it too early to decide one way or the other, if an economic developer came along and it was one that they felt would be of benefit to Broken Arrow, he would fully support that because they were spending \$800,000 of Capital Improvement Funds that could be used somewhere else. He was not opposed to economic development but wanted to save the decision for after they compiled all the information available in connection with the land's use. Councilman Eudey said he tended to agree with Councilman Parks and he saw no problem with a City Hall being on Main Street. He pointed out that there were two museums and the PAC, which were practically government facilities. If done right, it could be a magnificent thing, adding to the overall ambience and excitement that downtown generated. That said, he wanted to see the City get a return on its investment. They should not rule out using the property for governmental purposes, but, on the other hand, if someone offered to buy the property to develop it into something that was topnotch and in line with what they had already created downtown, he had no problem with that. They should explore all options. He did not object to a study being done but thought it best to first see what the interest was on that corner. Vice Mayor Carter said he thought Councilman Eudey was right and Councilman Carter was too. Although he advocated economic development, they would be acting too quickly if they didn't take the time to examine any offers that might coming their way.

Mayor Thurmond declared that he agreed and disagreed with all, as well. It might be better to have the City Hall a little bit farther from the core of the arts and entertainment area, but he believed it was an opportunity to get their money back. He said it would not surprise him if investors lined up with offers on the property. He supported a new City Hall and saw the need for expansion to accommodate staff four or five years down the road. To that end, he would see if they could get it on their next bond issue. He believed too, that they would have an opportunity in the very near future to get the property developed as a live-work-play combination venue. He was in favor of conducting a study as a means to help them formulate a conceptual plan and target for the property.

Mr. Spurgeon disclosed that a little over a week before, Councilman Parks had mentioned the idea of a study, and he had been thinking along the same lines. If they could not find the money presently, he would present to the Council the funding to do the study in the next Budget. Mr. Spurgeon went on to say that the issue of parking in the burgeoning Rose District was demanding to be addressed, especially in light of increasing residential development of the area. The location of a new City Hall and its parking could be seen as tying into that. He summarized that what he heard was a consensus showing that all were flexible and open minded on what could be done with the property and how they should proceed. Mr. Spurgeon added that he thought they should ask the voters to consider something new for their community. There were three years of bonds left to sell from the 2014 issuance, and the Mayor was correct that most probably in 2018, or 2019 latest, they would need to go back to ask the voters for another issuance for streets, storm water, parks, quality of life, public safety, and a City Hall as part of that package also.

**E. 16-452 Consideration, discussion, and possible approval of Planning Commission recommendation to modify Section 3.1 (Table 3.1-1), Section 3.2.C, and Section 10.3.D.4 of the City of Broken Arrow Zoning Ordinance to accommodate Micro Food and Beverage Production and possible direction for Staff to prepare the Ordinance revisions for Preview and Adoption**

Farhad Daroga, City Planner, said that existing zoning did not address very small micro-operations. Discussion of the proposal with the Planning Commission began in February 2016, resulting in the proposal before the Council. The Commission held a hearing in April and recommended the proposal. The proposal changed two or three sections of the Zoning Ordinance, including the definition included in their packets allowing such operations in the downtown, and including the French area, through the Special Use Permit. Along with the Planning Commission, staff was recommending its approval.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.  
**Move to approve the modifications in the Zoning Ordinance and recommend Staff to prepare an Ordinance for preview and adoption**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**F. 16-449 Consideration, discussion and possible approval of BACP 151, Cottages at Aspen Park, 18.94 acres, Levels 2 and 6 to Level 3, east of Aspen Avenue and one-quarter mile north of Kenosha Street**

Mr. Daroga stated that the application called for a change to the Broken Arrow Comprehensive Plan. He elaborated that the property bounded 71<sup>st</sup> Street on the east side of Aspen Avenue, just north of the railroad tracks. The property was south of an existing apartment project and the same developer wished to design a similar type project there. The property was zoned for commercial use and the proposal called for rezoning through a PUD process, to consider a Level 3 multi-family type development. The property had two points of access on Aspen Avenue, on either side of the commercial building. If allowed to go forward, there would be one means of emergency access only to Redbud Street, on the east side of the property adjoining the existing subdivision. The Planning Commission had reviewed the proposal in April and held a public hearing in which some residents spoke on concerns they had with density, solar in the area, and so on. The Planning Commission unanimously recommended approval to change the Comprehensive Plan, allowing the developer to develop the project through a PUD process. The PUD application had been prepared. The draft PUD was included in the Council's packets for review. Mr. Daroga added that the site was somewhat difficult to develop for various commercial or industrial uses on account of high pressure communication pipelines that traversed the property.

Scott Case of Case & Associates Properties, Inc., 4200 East Skelly Drive, said he was there to answer any questions. They had worked very closely with City staff, answering all of their concerns.

Mayor Thurmond asked if there were any questions. He, himself, asked if the proposal was another phase of what existed in the vicinity. Mr. Case replied that they did consider a second phase, but because of the pipelines they decided to do a separate phase. They planned for a 322 unit at about \$1,000 per unit, per month, on average. It would be a gated community. One of the primary concerns, commonly, was if it would be affordable. He reassured them, stating that they had built Aspen Park and Mission Hills and had been good neighbors. They wished to be a part of the growth of Broken Arrow and appreciated working with the City.

Mr. Spurgeon asked a question with regard to traffic counts, observing that there was a five-lane road there, with a turn lane. He inquired if there were any concerns about traffic count in connection with additional units and egress onto Aspen Avenue. Mr. Case replied that with the five-lane road the infrastructure was in place, thanks to the forward-looking City's support of growth.

Councilman Eudey observed that because of disuse, there was not much more that could be done with the property. Mr. Case answered that it was one of their most challenging sites because of the three or four pipelines that they would have to work around, though they had experience with pipelines.

Pam Martin, 1408 West Oakland Street, voiced her opposition to the development. Ms. Martin argued that they were one-quarter mile from Kenosha Street, and Kenosha from 145<sup>th</sup> to 161<sup>st</sup> was only two lanes. She hypothesized there would be 500 or 600 more cars in the neighborhood from the proposed development, and there were no plans to widen Kenosha Street. The proposed 322 new apartments would add to already-existing problems with pipelines relating to backed up sewers and storm drainage, also.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.  
**Move to approve BACP 151, as recommended by the Planning Commission and Staff**  
The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**G. 16-451 Consideration, discussion and possible approval of BACP 152 (Change in the Comprehensive Plan), BA Ice House/Light & Power Refurbishment, 0.14 acres, Level 2 to Level 5, southeast corner of Cedar Avenue and Dallas Street**

Mr. Daroga said that the request was to change the Comprehensive Plan on the property from Level 2 to Level 5, which was the downtown Level. The property had had two or three different uses prior to its vacancy under new ownership. If approved, the applicant had made an application to come back with a specific use and commercial zoning of the property for a microbrewery.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.  
**Move to approve BACP 152, as recommended by the Planning Commission and Staff**  
The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**H. 16-484 Consideration, discussion and possible approval of the Mayor's execution of an official ballot from the Oklahoma Municipal Assurance Group (OMAG) casting votes for two Trustee positions with three-year terms**

Human Resources Director Russell Gale stated that before them was a ballot to vote for two candidates to serve as Trustees to the Oklahoma Municipal Assurance Group (OMAG). Broken Arrow had participated with OMAG on and off for years in the purchase of insurance products. At present, he reported, they had property and casualty insurance with OMAG. After careful review by the staff, they recommended that the Council's votes be cast for Mike Nunley, town Administrator for Manford and Mary Rupp, City Manager of the City of Perry. It was recommended that they approve the Mayor's execution of the ballot.

Mr. Spurgeon remarked that he knew both candidates very well and had recommended them before. He believed they could do a good job.

MOTION: A motion was made by Richard Carter, seconded by Johnnie Parks.  
**Move to approve the two candidates, as recommended by the Staff**  
The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**I. 16-474 Consideration and possible approval of the reappointment of Mr. Mike Cooper to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2016 and expiring May 31, 2019**

Economic Development Coordinator Norman Stephens stated that the by-laws of the Broken Arrow Economic Development Corporation provided for nine directors, three of whom would be representatives of, and selected by the Broken Arrow City Council, Broken Arrow Board of Education, Broken Arrow Chamber of Commerce Executive Commission. Nominations for Director were being made collaboratively by the Broken Arrow City Manager, Broken Arrow Public School Superintendent, and the Chamber of Commerce President. Citing Mike Cooper's business background as a longtime resident of Broken Arrow, Mr. Stephens declared he was an outstanding candidate to continue serving on the BAEDC Board of Directors and he recommended his reappointment.

MOTION: A motion was made by Scott Eudey, seconded by Richard Carter.  
**Move to approve the reappointment of Mike Cooper to the BAEDC Board of Directors for a three-year term beginning June 1, 2016 and expiring May 31, 2019**  
The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**J. 16-475 Consideration, discussion and possible approval of the reappointment of Mr. Jim Beavers to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning June 1, 2016, and expiring May 31, 2019**

Mr. Stephens said Mr. Beavers was a well-recognized businessman and community leader who had served on the Board well. It was recommended that he be reappointed to the BAEDC Board of Directors.



MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.  
**Move to approve the reappointment of Jim Beavers to the BAEDC Board of Directors for a three-year term beginning June 1, 2016 and expiring May 31, 2019**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 10. Preview Ordinances

- A. 16-471 **Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article II, Operations of Vehicles Generally, Section 23-71 - Specifically adopting State Statute with regard to Composing, Sending, Reading Text Messages while Vehicle in Motion, Penalties - Exceptions; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening said that after some consideration and discussion with Police Officers, both she and Police Chief Boggs had come to the conclusion that an ordinance, which would allow them to prosecute offenders in Broken Arrow Municipal Court, should be recommended.

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

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

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 11. Ordinances

- A. 16-489 **Consideration, discussion and possible adoption of Ordinance No. 3420, an ordinance closing a mutual road easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, 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 (Berwick South)**

Ms. Wilkening recalled that the item had been tabled at the previous meeting so that they could go over discrepancies in the titles of the actual Ordinance. A few very minor modifications were made. The applicants in the case would be pursuing foreclosure action in Tulsa County District Court if the Ordinance were adopted. It was recommended that the Council adopt Ordinance No. 3420 and approve the emergency clause.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to adopt Ordinance No. 3420**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

**Move to approve the emergency clause for Ordinance No. 3420**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Councilman Parks left the room at 7:51 p.m. He returned to the room at 7:51 p.m.

- B. 16-490 **Consideration, discussion and possible adoption of Ordinance No. 3421, an ordinance closing a Stormwater Drainage Easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, 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 (Berwick South)**

Ms. Wilkening explained that the Ordinance before the Council was tabled from final adoption at the previous meeting, as well, for reasons previously mentioned in connection with item 11A. This is a storm water drainage easement, the previous easement was actually a mutual road easement, basically what they've done is made sure everything is appropriately located, it will be handled through the platting process, no more need for the easement, all the utility companies have signed off on it. They would be seeking foreclosure. It was recommended that the Council adopt the Ordinance and approve the emergency clause.

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

**Move to adopt Ordinance No. 3421**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

**Move to approve the emergency clause for Ordinance No. 3421**

The motion carried by the following vote:

**Aye:** 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- C. 16-491** **Consideration, discussion and possible adoption of Ordinance No. 3422, an ordinance closing a Water Line Easement on property located in the Southwest Quarter, of the Southwest Quarter (SW/4 SW/4) (Lot Four) of Section Thirty (30), Township Eighteen (18) North, Range Fourteen (14) East, of the Indian Base and Meridian, Tulsa County, State of Oklahoma, generally located north of West Florence Street and east of South Mingo Road; repealing all ordinances to the contrary; and declaring an emergency (Berwick South)**

Ms. Wilkening stated the item was the third and final that had been set previously. It provided for closing a water line easement. There were no utilities located in the area. Staff recommended that Council adopt Ordinance No. 3422 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3422**

The motion carried by the following vote:

**Aye:** 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

**Move to approve the emergency clause for Ordinance No. 3422**

The motion carried by the following vote:

**Aye:** 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- D. 16-488** **Consideration, discussion and possible adoption of Ordinance No. 3423, an Ordinance amending Chapter 7.7 Campaign Financing, Sec. 7.7-1 Short Title; Sec. 7.7-2 Intent; Sec. 7.7-3 Administration; Sec. 7.7-4 Definitions; Sec. 7.7-5 Duties of municipal clerk; Sec. 7.7-6 Filing contribution and expenditure reports by candidates for the city council; Sec. 7.7-7 Appeal; Sec. 7.7-8 Hearing; findings; assessment; Sec. 7.7-9 Contributions and expenditures by candidates or committees; Sec. 7.7-10 Statement of registration for committees; Repealing Sec. 7.7-11 Procedural requirements for committees and officers of committees; Repealing Sec. 7.7-12 Campaign contributions and expenditures reports; forms; certification; statements of inactivity; interest earned; dissolution procedures; filing of report forms; Repealing Sec. 7.7-13 Time for filing reports of contributions and expenditures or statements of inactivity; Repealing Sec. 7.7-15, Requirement to file reports and penalties for violation; Repealing Sec. 7.7-16, Suspected violation, Repealing Sec. 7.7-17, Disclosure of affidavit; Repealing Sec. 7.7-18, Withdrawal of affidavit; Repealing Sec. 7.7-19 Abstention for conflict of interest; and Repealing Sec. 7.7-20, Individual or family contributions; Repealing Sec. 7.7-21 Corporate contribution; 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 recalled that the Ordinance before the Council was previewed at the last meeting. She explained Municipal elections were a little different from State and County offices and they had to go back and extrapolate the legislative intent in formulating the Ordinance. Three very minor modifications were made from the time it was initially previewed, primarily to bring it into compliance with State law. It was recommended that Ordinance No. 3423 be adopted by the City Council and the emergency clause be approved.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to adopt Ordinance No. 3423**

The motion carried by the following vote:

**Aye:** 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

**Move to approve the emergency clause for Ordinance No. 3423**

The motion carried by the following vote:

**Aye:** 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond informed the Council that he would not be present at the next meeting on May 17<sup>th</sup> since he had been asked by the National League of Cities to speak at Capitol Hill on infrastructure and economic development in Broken Arrow. It would be an opportunity for Broken Arrow to get some national attention and he was excited about the event, though he very much regretted missing another City Council meeting.

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

Mr. Spurgeon reported the interactive water feature was under construction. The site had been fenced off. He went on to say that Rooster Days was right around the corner and he wished to invite all to come out to that very important annual community event. He added that his Budget presentation would be given at the next Council meeting. Lastly, he thanked the Mayor, Vice Mayor and Council members for their guidance with respect to the vacant property downtown, affirming that he would be moving forward accordingly.

Mayor Thurmond entertained a motion to recess at approximately 7:57 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session. He requested that the BAEDA meeting be convened first.

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

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

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 9:22 p.m. and asked for a motion to recess prior to entering into the Executive Session.

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

**Move to recess prior to entering into the Executive Session**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 9:28 p.m. and asked for a motion to clear the room and enter into the Executive Session.

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

**Move to enter into the Executive Session**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 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. economic development and specifically discussing an economic development proposal involving property located in South Broken Arrow, south of the Creek Turnpike, north of Tucson Avenue (121st Street) and between Olive Avenue (129th Street) and Aspen Avenue (145th Street), to include the transfer of property, financing, appraisal and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10); and**
- 2. 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); and**
- 3. Discussing the employment of the City Manager, Michael L. Spurgeon, and to permit the City Council to conduct a six (6) month evaluation as provided for in his Employment Agreement, and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).**

At approximately 10:43 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public. The Mayor asked if there was a motion.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to authorize the City Manager to extend an offer to purchase the real property located at 201 East Washington consistent with the City Council's direction**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to authorize the City Manager to enter into formal negotiations for an economic development agreement involving property located south of the Creek Turnpike, north of Tucson Avenue, between Olive and Aspen**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to find that the Executive Session was necessary to protect the confidentiality of the business**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

The Mayor directed the Council's attention back to item 9A, which had been tabled earlier in the meeting, and asked for a motion.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to direct the City Attorney to prepare an Amendment to the City Manager's contract consistent with the Council's direction at the next meeting**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 15. Adjournment

The meeting adjourned at approximately 10:46 p.m.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.  
**Move to adjourn**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**ATTEST:**

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Mayor

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City Clerk