



# City of Broken Arrow

## 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, January 19, 2016**

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

**Council Chambers**

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**1. Call to Order**

Vice Mayor, Richard Carter, called the meeting to order at approximately 6:30 p.m., in place of Mayor Craig Thurmond, who was out of town.

**2. Invocation**

No one was on hand to deliver the invocation.

**3. Roll Call**

**Present: 4 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent 1-** Craig Thurmond

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

Vice Mayor Carter led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Vice Mayor Carter asked if there were any items to be removed 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 as presented**

The motion carried by the following vote:

**Aye: 4 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent 1-** Craig Thurmond

**A. 16-046**

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

**B. 16-030**

**Acceptance of minutes of Planning Commission meeting held December 3, 2015**

**C. 16-059**

**Approval and authorization to execute Budget Amendment Number 3 for Fiscal Year 2015-2016**

**D. 16-035**

**Ratification of Workers' Compensation Court Order for Brenda Biddle, Finance Department Employee**

**E. 16-060**

**Consideration, discussion and possible approval of authorizing agents, including the Project Manager, of the City of Broken Arrow, for processing claims, invoices and other required documents of the Vision 2025 sales tax program**

**F. 16-040**

**Approval and authorization to execute an Agreement for Professional Consultant Services (Architectural/Engineering Contract) with BKL, Inc. for Design of Third-Floor Patio Canopy on the Historical Museum (Project Number 156025)**

**G. 16-034**

**Approval and authorization to execute an Agreement for Professional Consultant Services with MKEC Engineering, Inc. for Design of 37<sup>th</sup> Street Improvements from Houston Street to Albany Street (Project Number ST1413)**

**H. 16-024**

**Approval and authorization to purchase a One (1) Ton regular Cab Pickup (2016 Ford F-350) for the Fire Department from Bill Knight Ford, pursuant to the Oklahoma statewide contract**

**I. 16-026**

**Approval and authorization to install "No Parking" signs on the north side of the 2200 block of West Detroit**

**J. 16-032**

**Acceptance of a Deed of Dedication from Larry and Joni Carmack on an unplatted parcel of land located in the northeast corner of 9<sup>th</sup> Street and New Orleans Street, Broken Arrow, Tulsa County, State of Oklahoma (Section 24, T18N, R14E)**

- K. 15-751**                    **Approval of a Vacation of the Plat of BOL Addition, a subdivision of the City of Broken Arrow, Wagoner County, State of Oklahoma, (Plat No. PLC5-409B, 2010) generally located north of State Highway 51 and west of Oneta Road (Section 21, T18N, R15E); subject to the platting of Kum & Go #837**
- L. 16-055**                    **Approval of the Broken Arrow City Council Claims List for January 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**  
 There were no public hearings, appeals, presentations, recognitions, awards or oaths. No action was required or taken.
- 8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)**  
 No citizens signed up to speak.
- 9. General Council Business**
- A. 16-045**                    **Presentation, consideration, and discussion on the Hillside Park Retaining Wall (Tiger Hill – southwest corner of Kenosha Street and Lynn Lane), including recommendations on repairs, remediation, or possible replacement of the wall, and possible action, including direction to pursue a particular design of wall remediation**
- With regard to possible options concerning the Hillside Park retaining wall at Tiger Hill, Doug Tiffany, Director of Engineering/Construction, introduced Mr. James Landrum, Senior Geotechnical Engineer of Olsson and Associates, who had been hired as consultants. Mr. Landrum went over the options for repair from his report. He explained that one option for addressing the wall's safety issues was tying the wall back that is, putting additional elements through the wall. Given the height of the wall, that would prove very expensive, however. The second option was complete reconstruction of the wall system, wherein the existing wall would be torn down and replaced with another wall, which would also be fairly expensive. Shortening the height of the existing wall and building a wall in front, was a third option, but would necessitate the taking of some right-of-way, as a disadvantage. The fourth possibility was installment of an earthen berm, which would slope back up to the wall and allow the wall's height to be cut by half. Olsson's final option was to monitor the wall closely, since it hadn't fallen down yet, although that was not recommended. Mr. Landrum stated that construction of a wall in front of the existing wall, the third option, was deemed by Olsson to be the best option, and he held up a diagram illustrating how it would look. He explained that the new wall would extend the length of the existing wall, and held up a drawing which was passed around to the Council. He concluded by saying that it was the opinion of Olsson and Associates that option three would most likely prove the most cost effective solution, as well. In response to a Council member's query, Mr. Landrum said that it was estimated, prior to formal design, that the new wall would be approximately half the height of the existing wall. Mr. Tiffany elaborated that the new wall would be about ten feet tall at its highest point, and would follow the height variations of the original wall proportionately by half. Mr. Landrum said that the final product would look like the tiered wall system commonly seen. Responding to another question regarding the distance of the new wall from the existing wall, he replied that it would be at least ten feet and maybe a little bit more. Councilor Parks brought up the issue of allowing for water to flow off and away from the existing wall and the small wall. Mr. Landrum answered that the small wall would be well drained, having a granular backfill behind in a reinforced zone, and he went on to say that some regrading, along with some work on the top of the existing wall, would also be done, and that the cost would be probably be incidental to the project. He stated that the necessary regrading and work on the existing wall would be included in Olsson's proposal. Mr. Landrum clarified the problem with the existing wall, in answer to an inquiry by Councilor Lester regarding drainage. He said that there was some seepage through the wall and there was a concrete swell at the top that wasn't functioning and would have to be repaired. Councilor Lester noted that the drainage behind the current wall was not working as it should. Mr. Landrum affirmed that it did not appear to be working properly. Councilor Lester wondered whether construction of the small wall would prevent hydrostatic pressure on the existing wall, when the existing wall was not working, Mr. Landrum replied that it would not, but because they would be shortening the height of the existing wall, safety factors would be within accepted industry standards. Councilor Lester asked for assurance that there would be no more problems with the Tiger Hill retaining wall if Olsson's recommendation to build a small wall in front were followed. Mr. Landrum replied that he should bear in mind that Olsson was not present when the existing wall was initially built, however, based on their analysis, he did not expect there would be any further problems with the retaining wall. Councilor Parks asked Mr. Landrum's

recommendations on getting water off the top of the wall and diverting it in two different directions, so that it would not leach down into the wall. Mr. Landrum answered that they were limited, in large part, by the current grading which could not be steepened or changed, fundamentally, without tearing down the existing upper wall. He said that their hands were tied in that regard, but that the problem should be addressed. Councilor Eudey commented that the top of the wall was a gutter that had failed. Mr. Landrum agreed and stated that repairs to the top of the wall would center on fixing the gutter system at the top. Councilor Eudey requested confirmation that the wall's current structure and bricks would remain sound if the Council elected to go with Olsson's choice, as described. Mr. Landrum replied in the affirmative. Based on their calculations and what they knew of the wall, Mr. Landrum said he foresaw no problems with Olsson's recommended solution. Councilor Eudey went on to say that they were looking into obtaining compensation from the original builder, and that funding of the project might still be in question. He asked whether they were committed to Olsson's proposed solution if funding became an issue, and whether they could consider alternative solutions, if that were the case. Mr. Landrum replied that they hadn't yet performed the detailed design and once done, that would set them on the planned path. Nevertheless, alternative solutions could be broached if need be. He remarked that it was very time-consuming to design multiple solutions. Councilor Parks requested a comparison of the different options Olsson was proposing, in terms of cost. Mr. Landrum said that complete reconstruction could run anywhere from \$80 to \$150 per square foot of face, while the recommended solution of constructing a small wall would cost about half that. Councilor Lester asked if a competent vendor for the block had been found. Mr. Landrum replied that they had not yet proceeded with that and that finding something similar to match the existing block would be a challenge they would have to meet in order for the structure to look right. He assured Councilor Lester that quality blocks were available. Councilor Lester inquired about the cost of a concrete cast in place wall, as compared to the suggested ten-foot wall. Mr. Landrum said he did not have that information on hand but that cast in place was more expensive. It could be considered as an option, although it would be harder to match to the existing wall. Councilor Lester emphasized the need for something functional and aesthetic. Mr. Landrum reiterated that mechanically stabilized earth walls tended to be cheaper, and were more commonly used, than cast in place walls, and Councilor Lester commented that they had not worked too well for Broken Arrow. Councilor Parks wondered if the ten-foot wall would hurt potential future sales of those properties and City Manager, Michael Spurgeon, replied that it could, and that they were trying to determine how long the new wall would be. If it were to come out as far as projected, it would reduce the potential square footage, and the City would probably have to have some type of performance guarantee that would be in effect for a period of time, in connection with acquisition of the property for economic development. Councilor Lester pointed out that that was another reason to consider cast in place, since it would take up less space. Mr. Landrum stated that cast in place required a foundation buried beneath the ground and the foundation for a ten foot high wall would be pretty large. Councilor Lester noted that seismic activity should be a consideration, as well, in choosing which option to go with. Mr. Landrum concurred.

Ms. Beth Anne Wilkening, City Attorney, informed those present that it had originally been contemplated, in the sale of the land, that the City or the Economic Development Authority would retain ownership of the wall, and that there would be a 20-foot easement allowing for remediation or improvements. She went on to say that it was an advantage that the easement could be used for parking, according to the design of a commercial building. With reference to economic development, Councilor Carter emphasized how important it was for companies to be confident that the wall was safe and could be counted on. Ms. Wilkening suggested a Council member make a motion in order to direct staff to proceed with design of a wall in front of the existing wall, as recommended by Olsson and Associates. Addressing Councilor Lester's concerns, she pointed out that the motion would not necessarily exclude consideration of the cast in place option, and she added that perhaps Engineering/Construction could work with Olsson on consideration of a cast in place alternative. Councilor Lester indicated he was in favor of keeping that option on the table, especially in light of failure of the other walls. Councilor Parks asked Mr. Landrum if design of both systems could be presented. Mr. Landrum replied that it could be done, but that it would take twice the effort, given that there was very little carry-over between one design and another. Councilor Lester requested that Olsson include cost differential and seismic considerations in finding the best solution. Councilor Eudey asked Mr. Landrum's opinion on which system was more seismically sound. Mr. Landrum replied that mechanically stabilized earth walls, like the Tiger Hill wall, were flexible systems that could be designed according to design procedures for seismic activity. The cast in place alternative could also be designed following design procedures for seismic activity. Mr. Landrum concluded by saying that, in his opinion, it was a wash.

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

**Move to direct staff to proceed with design of option number three to build a ten-foot high wall as proposed by Olsson and Associates and to proceed with design of a cast in place wall as an alternative option**

The motion carried by the following vote:

**Aye: 4 -**  
**Absent 1-**

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

**B. 16-063**

**General Fund Financial Presentation for the six months ending December 31, 2015, and Presentation of Estimated Revenues for Fiscal Years 2016 and 2017**

Mr. Tom Caldwell, Director of Department of Finance, stated that current revenues were about \$600,000 above what they had budgeted to date, on what they would be receiving in revenues. He reported they were also \$700,000 below expenses budgeted for the year. The first 6 months saw a positive of revenues over expenditures of \$473,000, while the initial budget had forecasted a loss of about \$680,000. He stated that Finance was looking into possible discrepancies in conjunction with court fines, which might have been recorded incorrectly in August on account of software issues. Turning again to revenues, Mr. Caldwell reported that they were doing well with respect to sales taxes, with January sales taxes slightly above the budget, and continuing to reflect a revenue growth of over 3%. He stated that other taxes, including franchise taxes, were falling a little below desired numbers at 46% for the year. With reference to expenditures, there was not as big a savings as normally, owing to the fact that the Police and Fire Department contract negotiations resulted in higher pay raises than had been budgeted. He added that a budget amendment had not been made for those pay raises and Finance would seek to absorb them in the overall budget. He explained that instead of budgeting 100% of estimated salaries, for the most part Finance budgeted 97%, with the exception of small departments with no vacancies, which were budgeted at 100%. Thus, a built-in savings of 3% was included in the budget. With reference to the Emergency Reserve Fund, which reflects 10% of the prior year's revenues, the required amount on a six-month average was a little bit in excess of \$5,173,000. Mr. Caldwell stated that the figure was presently right under \$4,800,000, or 92.59% of the requirement. He explained also that the actual General Fund balance went up and down, depending upon the number of payrolls in a month. In the month of December there was a loss from the third payroll of over a million dollars, in total, for all Funds, not just the General Fund. He concluded his report by asking if there were any questions, and referring to estimated revenues, he added that the revenues would change before the new budget was finalized. Referring again to the table projected on the screen, he said he wanted the Council, staff members and citizens to know of the effect of the Vision tax on the General Fund and the way Finance would be accounting for it, so that come May's report, there would be no confusion. Focusing on the table's bottom line, he projected that revenues would go up about \$1,900,000 between the end of 2015 and the following year. He then pointed to the line illustrating the current year's original budget for the General Fund, which included all the different departments, and explained that the following year Police and Fire would be taken out of the General Fund, and accorded their own fund. After providing more details on the new budget as compared to the old budget, he ended by saying that he hoped he would be able to conduct a work-study session to go over the budget with the Police and Fire Chiefs, so that they would be comfortable with how the City would be handling the new funds made available by the sales tax.

No Action was required or taken.

**C. 16-058**

**Consideration, discussion, possible approval and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to enhanced Electrical System Improvements at Central Park**

Mr. Russell Gale, Human Resources Director of the City of Broken Arrow, stated that the Capital Agreement constituted a \$300,000 funding from Vision 2025 surplus funds that would be used to upgrade the electrical system at Central Park. He stated that the City Council had previously approved the application for funding through the Tulsa County Vision Authority the previous October, and had approved the contract with Third Generation Electric Inc. to complete the project at about \$352,000, as well. He said that additional funding would come from the Parks and Recreation Capital Fund and the project was scheduled for completion by April 2016. Mr. Gale recommended the City Council approve the Capital Improvements Agreement.

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

**Move to approve the Capital Improvements Agreement and authorize Third Generation Electric Inc. to execute electrical system improvements at Central Park**

The motion carried by the following vote:

**Aye: 4 -**  
**Absent 1-**

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

**D. 16-061**

**Consideration, discussion, possible approval and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to improvements in the Rose District**

Mr. Gale referred to the application to the Tulsa County Vision Authority to seek \$2.7 million of Vision surplus funds for the design and construction of improvements in the Rose District, including a zero-grade fountain at the Farmers Market, a gateway at North Main Street and East Kenosha Street, and multiple other improvements, which had been approved by the City Council. He mentioned the challenge posed by cash flow issues, as well as the County’s desire to balance the funding between all the metropolitan communities. The Program Management Group (PMG), financial advisor on Vision surplus funds to the County, advised that they could provide \$1.1 million funding immediately, and up to \$2.7 million, so that they could proceed with construction of the zero-grade fountain. As the year progressed additional funding would be made available for the remainder of the streetscapes. He concluded that the funds should suffice to complete the fountain, hopefully, by summer. He recommended the Council accept and approve the Capital Improvements Agreement, which did include all \$2.7 million. Supplemental funding would probably be sought to complete the streetscapes since they would cost more than had been foreseen in previous estimates. This would necessitate approval by the Council of another application to go back to the Vision Authority, later in the year. In response to a question, Mr. Gale affirmed that the motion would be for the \$2.7 million, although only \$1.1 million would be received initially. Councilor Eudey asked for clarification regarding the delay. Mr. Gale answered that PMG was concerned about issues pertaining to cash flow.

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

**Move to approve Capital Improvements Agreement in the amount of \$2,737,500 and authorize its execution for the Rose District**

The motion carried by the following vote:

**Aye: 4 -**  
**Absent 1-**

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

**E. 16-068**

**Consideration, discussion and update on Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to Creative Arts Center in the Rose District project**

Mr. Gale specified that the application in question had been submitted the previous October for \$650,000 of Vision surplus funds, in connection with beginning design of the Creative Arts Center. He told the Council that notwithstanding the approved amount, only \$100,000 was being offered presently, and it was not considered sufficient to get the project started. Additional funding was anticipated within the coming 12-month period. Mr. Gale recommended the Council take no action, so that they could continue the discussion with PMG and the County representatives, with a view to finding additional funding.

Councilor Lester requested clarification, asking whether their allocated \$100,000 would stay allocated. Mr. Gale answered that it would remain allocated once the Council Agreement was approved. If the Council Agreement were not approved, Mr. Gale said he assumed it could be rescinded. Councilor Lester commented that as they did not have the Agreement before them, they could not approve it, and Ms. Wilkening replied that arrangements could be made to put it on the agenda at the next meeting. Mr. Gale declared that PMG had assured them that no one with the County had indicated that Broken Arrow would not receive the entire \$19.3 million by the end of the point where the tax was no longer collected. Consensus was reached that the Agreement be presented again at the next meeting, in order to tie up the \$100,000, even though the funds would not be readily useful. The matter was tabled till the next meeting.

No Action was require or taken.

**F. 16-027**

**Consideration and possible approval of BACP 148 (Comprehensive Plan Change), Callaway Office Building, 0.32 acres, Level 2 to Level 5, southeast corner of First Street and Elgin Street, and abrogation of SP-137 (Specific Use Permit)**

Making use of photos and maps, Mr. Farhad Daroga, City Planner, explained that BACP-148 intended to change the plan of four lots. The property had been zoned as R-3, single-family residential, and in the last several years had served as a church parking lot. He added that currently the lot was not in use. He stated that the applicant was requesting Level 5, which would bring it within the downtown Comprehensive Plan category. That level would allow them to proceed with an office development, as they were proposing. Mr. Daroga stated that the Planning Commission viewed the application at its last meeting in December, and had unanimously recommended approval of the proposed change. If approved, the applicant would be submitting a zoning application, in order to zone the property to office with a Planned Unit Development

(PUD). Mr. Daroga recommended the Council approve the entire motion that abrogated the old specific use of the property.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks  
**Move to approve BACP-148, in accordance with the recommendation of the Downtown Advisory Board and the Planning Commission and staff**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey  
**Move to abrogate SP-137, in accordance with the recommendation of staff**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

**G. 16-029 Consideration and possible approval of BACP 149 (Comprehensive Plan Change), Battle Creek Patio Homes, 20.37 acres, Level 6 and Public Recreation to Level 2, north of Albany Street, one-half mile east of Aspen Avenue**

Mr. Daroga informed the Council that the property was of irregular shape, situated on the east side of the golf course, west of the hospital complex, along with the Stone Creek addition on the eastern boundary. The applicant had requested that the existing Comprehensive Plan level designations, including Open Space Level 6 and Level 2, be all changed to Level 2, for single-family development. The applicant had also requested the open space be maintained on the area that will remain as floodplain and open space. The applicant submitted a conceptual PUD showing one-level, single-family homes to be designed, for the most part, to attract empty nesters. It would be a private, gated community with the principal entrance on the south side of the property, along Albany Street, and another entrance on the north end. Mr. Daroga added that the streets would be maintained by a privately by a property owner's association. He went on to say that basically, the applicant was requesting that the bulk of the property, originally designated for commercial use as Level 6, be reverted to Level 2, for single-family residential development. The Planning Commission had reviewed the application at their last meeting in December, with several people in attendance at the hearing. Some of those who spoke at the hearing expressed concern about the possible effects on traffic in the area. They also wanted assurance that the dwellings would house only single families, and the applicant has assured as much, Mr. Daroga reported. The applicant recently submitted a preliminary PUD request, as well, which the Council would be receiving for consideration within a few weeks' time, pending the Planning Commission's approval.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey  
**Move to approve BACP 149, subject to the property being platted, a PUD being submitted that is similar in content to the draft PUD, in accordance with the recommendation of the Planning Commission and staff**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

**H. 16-024 Consideration and possible approval of PUD 245 and BAZ 1950 (rezoning) and abrogation of BACP 99 (comprehensive plan) and BAZ 1816 (rezoning), Distribution Center, 39.89 acres, A-1 to PUD-245/IL, located north Houston Street, one-quarter mile east of 9<sup>th</sup> Street**

Mr. Daroga said that the property under consideration was currently a vacant lot. The square, nearly 40-acre site had been considered by the Council for heavy industrial zoning several years before, subject to the property being platted. The property remained unplatted and zoning remained a 1. The application presented by the present applicant was for a PUD and I-1 IL light industrial, along with a PUD for a warehouse distribution center. The warehouse would be a large building in the central west portion of the property, with the parking and entrance from 81<sup>st</sup> Street. The majority of the parking would be on the south and east sides of the property, but would extend all the way around. At the last Planning Commission meeting, representatives of Saint Anne Catholic Church, which owns a small piece of property, including a prayer garden, on the west side of the tract, were on hand to discuss in detail their concerns regarding screening, traffic, noise, etc. The applicant had indicated that an eight foot high screening fence would be placed on the north and west perimeter of the property, where there is low intensity residential zoning. The area would be landscaped also, creating a buffer, according to the PUD. Mr. Daroga told the Council that it was proposed that the property be platted as a one lot, 40-acre site.

Vice Mayor Carter commented that, as he understood, the building would be a package-transfer facility, not a manufacturing enterprise that would generate loud noise

and noxious fumes. He observed that it would probably be an improvement for the neighbors from what had been proposed previously. Mr. Daroga added that most of the distribution operations would take place within the building and the facility was being designed to accommodate trucks conveniently.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks  
**Move to approve PUD-245 and BAZ 1950, subject to the property being platted, as recommended by the Planning Commission and staff**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Mike Lester, Johnnie Parks, Richard Carter  
**Absent** 1- Craig Thurmond

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

**Move to approve abrogation of BACP 99 and BAZ 1816**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Mike Lester, Johnnie Parks, Richard Carter  
**Absent** 1- Craig Thurmond

## 10. Preview Ordinances

### A. 16-051

**Consideration, discussion and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 7, Business Regulations and Licenses, Article IV, Private Detectives, Patrolmen and Guards, Sections 17-61 through 17-70 Repealed, and Sections 17-71 through 17-74 Reserved, specifically to include regulation of Pedicabs; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening, stated that what they were proposing was kind of fun. The Mayor had approached them, requesting that the City Manager consider allowing pedicabs in the Rose District. The City of Broken Arrow, BAEDA, and Tulsa County, through Vision funding, had made a pretty significant investment in the Rose District. Ms. Wilkening said she saw a real desire on the part of staff and Broken Arrow residents, to continue to support and develop the District's identity. Offering unique modes of transportation to people who patronize the area, especially for its restaurants, could be a part of the District's appeal. The opportunity to consider creation of an ordinance allowing pedicabs presented itself and legal staff conducted research. They were able to identify ordinances from some different locations and the best were chosen. Ms. Wilkening said she hoped to avoid an overly burdensome situation, in terms of licensing, for the Development Services Department. However, she went on to say, it was important that some basic regulations be in place in order to meet the objectives of the ordinance

Councilor Carter commented that he thought it a great idea. Councilor Parks asked whether the Police Department had reviewed the proposed ordinance and Ms. Wilkening replied that they had and had made one revision. The police had been kept abreast of the plan and had lent their support. Councilor Parks said his only concern, long term, was the congestion that exists in downtown through traffic.

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

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

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

### B. 16-014

**Consideration, discussion and possible preview of an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 8, Cemeteries, Article II Park Grove Cemetery; Division 2. Babyland; Sec. 8-51., Created, to reflect the actual area used, Blocks 33 through 36, as designated for Babyland use, Sec. 8-55., Monuments and Markers, updated to include upright markers; and adding Division 3, Sec. 8-56., Created; Sec. 8-57. Niche, Sec. 8-58., Use of Property, Sec. 8-59., Identification of remains, Sec. 8-60., Cremains location, Sec. 8-61., Decorations, Sec. 8-62., Urn requirement, Sec. 8-63., Niche repair or destruction, Sec. 8-64., Errors, all providing for associated niche servicing and designating the remaining vacant blocks, Blocks 28 through 32 and Block 37 as an area for cremation niches; repealing all ordinances to the contrary; and declaring an emergency**

Mr. Lee Zirk, Director of General Services, stated that the ordinance in question served two functions. It would correct a problem Park Grove Cemetery has had with Babyland, a small section of the Cemetery dedicated to the interment of infants and babies. He explained that full-sized plots in Babyland were cut in half and offered at a much reduced price. Secondly, the ordinance designated an area for future use for columbariums and cremation niches and it set forth the rules for cremation niches. As a way of illustrating items in the fact sheet, Mr. Zirk presented diagram maps of the Cemetery. He informed the Council that the first part of the ordinance would reflect the change of Babyland from one particular block to the four blocks he indicated on the map. He then pointed to the unused section that would be reserved for columbariums or cremation niches, which Park

Grove had not offered before, but for which there was a need. He concluded by saying that at a forthcoming meeting, the Cemetery would come up with a plan showing in more detail the location of the designated areas and how they would appear. Upon approval by the Council, planning for the budgeting process would begin. Rules and regulations would be in place so that the project could move forward. Mr. Zirk recommended the ordinance be changed to reflect the actual use of Babyland and to reserve the unused area for future columbariums and cremation niches.

City Manager, Michael Spurgeon, said he had had the opportunity to visit Park Grove Cemetery and be shown by Mr. Zirk and his team what they were proposing. He thought the plan a great idea and asked the Council's consideration in moving forward with adoption of the ordinance at the next meeting.

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

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

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent:** 1- Craig Thurmond

**11. Ordinances**

There were no ordinances. No action was required or taken.

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

There were no remarks or inquiries by governing body members.

**13. Remarks by City Manager**

City Manager, Michael Spurgeon, reported that he would be presenting the Annual Report for 2015 at the next City Council meeting. He went on to say that the report would be available to the public, in keeping with a policy of transparency in relation to Broken Arrow's citizenry. He would give a PowerPoint presentation to the Council as a preview to what would be shared the community, and then on the February 16 he planned to give another PowerPoint presentation of observations on his first months as the new City Manager. The February presentation would also include a list of priorities for 2016, in anticipation of what Council members and staff would be discussing at the upcoming budget sessions. Mr. Spurgeon added that on that very day the Fire Station on South Elm Street had re-opened. All five elected officials had impressed upon him, before and shortly after his appointment, the importance to the community of getting the Station re-opened, and he was thankful to have been able to re-open it. He wished to recognize the part Lee Zirk and his team, which had occupied the building, had played. They made the move to the public safety facility, where they were relocated, in very professional and expeditious manner. He thanked them for the improvements they had made to the facility, as well, and thanked Fire Chief Moore and his team for their efforts. He told the Council that he had gone down to the Station that afternoon and the firefighters were on duty and ready. He expressed his gratitude to the Council and staff for their support in the endeavor. The goal had been to complete the move and re-open by January 31<sup>st</sup> and they beat that by a couple of weeks.

Vice Mayor Carter asked for a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

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

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

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent:** 1- Craig Thurmond

At approximately 8:13 p.m., Vice Mayor Carter reconvened the meeting and asked for a brief recess before entering into the Executive Session.

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

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

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent:** 1- Craig Thurmond



The Council returned to the room at approximately 8:21 p.m.

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

**Move to enter into the Executive Session**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

**14. Executive Session**

**Executive Session for the purpose of discussing and conferring on matters pertaining to:**

- (1) **economic development and specifically discussing an economic development proposal involving a property located on the east side of Main Street between Detroit and Elgin, to include the possible transfer of property, financing, 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 also the possible purchase and appraisal of the property identified above and taking appropriate action in an open session, including direction to the City Manager and Staff to negotiate for potential purchase, under 25 O.S. §307(B)(3).**
- (2) **the possible purchase and appraisal of real property located east of 9<sup>th</sup> Street (Lynn Lane) between East College Street and Kenosha Street, 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).**

**In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of the businesses and also that disclosure will impair the ability of the City Council to process the appraisal and potential purchase of real property in the public interest. After the conclusion of the confidential portion of the executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

At approximately 9:08 p.m., Vice Mayor Carter reconvened the regular session of the City Council and asked for a motion.

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

**Move to authorize the City Manager to explore acquisition of land located on the east side of Main between Detroit and Elgin and to obtain an appraisal**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1- Craig Thurmond

**15. Adjournment**

The meeting adjourned at approximately 9:09 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye:** 4 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter  
**Absent** 1 - Craig Thurmond

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Acting City Clerk