



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

Tuesday, March 15, 2016 Time 6:30 p.m. Council Chambers

1. Call to Order

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

2. Invocation

Pastor Richard Manganaro 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 Lester led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated he needed to remove item L because of a conflict. He asked if there were any other items to remove from the Consent Agenda. There being no other items, he asked for a motion.

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

Move to approve the Consent Agenda excluding item L

The motion carried by the following vote:

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

- A. 16-292 Approval of City Council Minutes for meeting of March 1, 2016**
- B. 16-279 Acceptance of minutes of Planning Commission meeting of January 14, 2016**
- C. 16-161 Acceptance of minutes of Planning Commission meeting of February 11, 2016**
- D. 16-296 Approval of Worker's Compensation Court Order for Gayla Adcock, Police Department Employee**
- E. 16-260 Approval and authorization to execute a Proclamation declaring the week of March 21, 2016 as Arbor Week**
- F. 16-309 Approval and authorization to execute an Agreement for Professional Consulting Services with GH2 Architects, LLC, for design of Fire Station No. 3 Replacement (Project No. 163511)**
- G. 160-310 Review of bids received, awarding of lowest and most advantageous bid to Spartan ERV, and authorizing the purchase of Fire Department Pumper Truck**
- H. 16-259 Approval and authorization to execute a Parks and Recreation Use Agreement between City of Broken Arrow and Broken Arrow Softball League for the use of Arrowhead Softball Complex**
- I. 16-285 Approval and authorization to purchase a utility cart and spray rig as bid under the Oklahoma statewide contract, SW190 Grounds Equipment, for the Parks & Recreation Department from Professional Turf Products**
- J. 16-287 Approve bids received, awarding of lowest and best bid to Builder's Unlimited, Inc., and approval and authorization to execute a construction contract for Nienhuis Park Basketball and Tennis Courts (Project No. 156024A)**
- K. 16-233 Awarding of the most advantageous quote to Scott Rice for the purchase of new furniture and carpet for the City Hall Main Conference Room**

- L. 16-262 Approval of PT15-121, Conditional Final Plat, Walnut Grove, 5 lots, 7.83 acres, A-1 to PUD 246/RE, one-quarter mile south and one-quarter mile east of the southeast corner of Jasper Street and Garnett Road
- M. 16-261 Approval of PUD 94U and BAX 1954, Battle Creek Patio Homes, 20.47 acres, PUD 94/CG to PUD 94U/RS-3, north of Albany Street, one-half mile east of Aspen Avenue
- N. 16-316 Approval of Broken Arrow City Council Claims List for March 15, 2016

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond left the room at 6:32 p.m.

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

Move to approve item L

The motion carried by the following vote:

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

Mayor Thurmond returned to the room at 6:32 p.m.

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

- A. 16-313 A public hearing, presentation, and possible action on the suspension of low-point beer City license issued to Rooster Corner located at 1535 South Main Street, Broken Arrow, Oklahoma, pursuant to Chapter 4, Section 4-96 of the Broken Arrow Code of Ordinances, for repeated violations of selling beer to minors

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

Move to table 7A 16-313 momentarily

The motion carried by the following vote:

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

Returning to item 7A, City Attorney Beth Anne Wilkening, reported that she had just visited with the person who was to be the subject of the public hearing. She informed the Council that Sergeant Nester had been responsible for the investigation, also. The individual in question, along with Ms. Wilkening, was requesting that the public hearing be moved to the first meeting in April. She, the person, and Sergeant Nester would meet to see if they could reach an agreement rather than have a full public hearing in April. She, therefore, requested that the item be tabled until the first meeting in April.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter

Move to table item 7A until the first meeting in April 2016

The motion carried by the following vote:

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

- B. 16-322 Update by Assistant City Manager Kenneth D. Schwab on Hillside Drive retaining wall and related public infrastructure

Kenneth Schwab, Assistant City Manager of Operations, addressed the Council, explaining that close to six weeks of data analysis along 24 survey points on the face of the wall revealed that the wall moved less than ½ inch under normal conditions. The engineer of record, Mr. Miller of Miller & Associates Consulting Engineers, upon examining the general condition of the wall following the heavy rains, found that the entire wall had moved as one whole unit. The wall had not rotated, buckled, twisted, or tilted back globally, but had shifted completely, as one, suggesting that the earth pressure behind had overcome the sliding friction underneath. The wall had effectively, pushed the concrete sidewalk laterally into the curb where it began to rotate and pop. Mr. Miller provided a letter to the City stating that the wall was safe and had moved as a result of a build-up of hydrostatic pressure. He had a plan in place to address the drainage, which was critical. Removing the sidewalk so that the curb could not rotate, removing the curb and putting the curb and the dirt back in, as well as placing sod between the curb and the retaining wall, would also be required. The remediation, as phase 1, would take a few weeks and it would allow them to open the street again. Then alterations to the drainage would be implemented on top of the wall, so that much of the water would be collected and remain on top of the hill.

Councilman Lester inquired what would prevent the same thing from happening again, post remediation. Mr. Schwab explained that back where the geo-grid actually tied back into the earth, a tension crack opened. They had put bentonite clay in the crack to seal it. They would be placing a little swell and a berm on top of the wall, where the tension crack had formed, so that water would be directed there and then be collected in a storm drain. The engineer had submitted those plans, as well, and they were figuring out the cost. In response to a question by Councilman Lester, Mr. Schwab stated that it would be the

responsibility of the design engineer, Mr. Miller, and the sub-contractor that built the wall to correct the drainage. He went on to say that they were negotiating with both parties, since the original design should have addressed drainage and was probably inadequate, and they were working together to implement the solution. Councilman Lester requested clarification with regard to the sidewalk. Mr. Schwab said that they would like to remove the sidewalk and continue to monitor the wall with more survey points, and a 3-D scan could be taken. The sidewalk would eventually be put back, and they were considering a four-foot-wide sidewalk with a gap between the wall and sidewalk instead of the present five-foot sidewalk. Councilman Lester requested confirmation that the entire curb and gutter of the 650-foot long wall needed to be replaced. Mr. Schwab replied in the affirmative. With reference to Councilman Lester's question regarding payment, Mr. Schwab reported that they currently had a concrete repair contract which would help defray the cost and they were in negotiations with the contractor, subcontractor and engineer with respect to cost, as well.

Councilman Eudey inquired about pedestrian traffic and Mr. Schwab stated that the sidewalk would not be replaced immediately. The section in front of the wall would be closed to pedestrians.

Councilman Parks asked if it were correct that there would be monitors over a set period making sure that the wall did not move and Mr. Schwab confirmed that.

Councilman Lester remarked that he assumed they were past the warranty period and Mr. Schwab indicated that was correct. Councilman Lester asked what could be done if the wall had problems in the future, after remediation. Mr. Schwab said that they could try to stipulate some type of warranty during forthcoming negotiations over the terms of payment. Councilman Lester said they needed assurance going forward that when the design was carried out, someone would be on the hook, other than them, should something go wrong. Mr. Schwab replied that the engineer bore responsibility for design errors, regardless of the warranty, as a matter of professional liability for errors of omission. They planned to seek legal advice, but it was plain that there were errors of omission in that the new design incorporated a drainage system that was not there originally. There was also the letter stating the wall was safe, which served as an engineering document. Mr. Schwab said he was comfortable with the findings of the analysis and would make sure that legal counsel was comfortable with it, as well.

Mayor Thurmond asked if Mr. Schwab thought that the remedy that the engineers came up with was a good solution that should solve the problem. Mr. Schwab stated that he strongly believed and was confident that it was hydrostatic pressure that had caused the problem, and he did believe that the solution being implemented, to collect the run-off at the top of the wall, was a correct.

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

Mike Guillen and Tanner Culbreath, of Team Air Assurance, addressed the Council as promoters of the Ruts and Guts race. Mr. Guillen commented that the City had been an excellent sponsor of the event and they wished to recognize that, in presenting the City with some plaques to commemorate its contribution. He went on to say that it could not have reached the level of success that it did without the hard work and generosity of the Parks and Recreation Department, in particular.

Mr. Guillen provided a recap of the event, holding up an issue of the popular "Road" magazine, which contained a four-page article on Ruts and Guts mentioning how the City of Broken Arrow was instrumental in helping make it a wonderful event. Mr. Guillen described the excitement the event had generated and the huge turnout it had drawn, with 25 states and 3 countries participating. He said that it marked only the beginning and the following year Ruts and Guts was to be upgraded to the designation of a C-1 race. In closing, Mr. Guillen reiterated that he appreciated the City's help and he looked forward to working again with Broken Arrow in the future.

Mr. Culbreath stated that they appreciated the City's recognition and support because it was a big endeavor to undertake. The community's support and involvement helped make it an event that gave back to the community.

City Manager Michael Spurgeon commented that Mr. Guillen and his team had made a presentation to the Convention and Visitors Bureau (CVB) the previous day. They were looking toward growing the race, which would create a tremendous opportunity for Broken Arrow and for their sport. He asked the speakers to elaborate on plans for the coming year's race. Mr. Guillen said that raising the competition to the level of a C-1 race would require a lot more funding in terms of televising it, and of money needed for professionals for the pay-out. He requested the Council's assistance in finding funding through grants or other means. In the past they had had to do a lot of the work themselves, for lack of funds. The budget to be able to bring the event to Broken Arrow would be \$70,000, so they were looking for that kind of sponsorship. He revealed that the end goal was to hold Nationals in 2020 to 2021, and in order to host that they would need certain things, like the bike ramp Magnum Construction built exiting the park. A permanent cycling ramp would be needed and they were planning to construct a hill by moving dirt to an area of the park that was not used. Mr. Culbreath added that they tried to make use of each and every particular aspect and feature of the park, including elevation changes, adding sand and building a fly-over so as to make the course more

challenging, thereby enhancing the quality of the race. Mr. Guillen concluded by saying that the course would be an attraction for Broken Arrow, bringing people out not just for the weekend of the race, but regularly throughout the biking season.

Councilman Eudey asked if they had a sense of how many people from out of town attended and participated in the event. Mr. Guillen replied that about 600 came from 25 states. He pointed out that in 2009, before the sport really took off, a poll and research was conducted on the Nationals, which took place in Bend, Oregon. It was found that of the approximately 5,000 people that came out, 40% had an annual income of over \$200,000, and the average stay in the town for attendees was 3 ½ days.

Mayor Thurmond congratulated the two men on a great event that had grown to the point where Broken Arrow was gaining national recognition. Mr. Spurgeon affirmed that they would be looking into how they could help with the event, considering how such signature events generated business for hotels and motels, for example, and considering the overall economic development impact the event could have for that time of year.

When meeting with the Council during the budgeting process, he wished to pursue what they could do, realistically, to support the growth of the event.

9. General Council Business

A. 16-295

Presentation by representatives of the Broken Arrow Economic Development Corporation and Broken Arrow Chamber of Commerce and discussion on the Rose District 2.0 – A Pathway Report, regarding improvements, infrastructure, and other recommendations for the Rose District in downtown Broken Arrow

Norman Stephens, Economic Development Coordinator for the City, touched on the Rose District 2.0 – A Pathway Report, authored by Wes Smithwick and Warren Unsicker. The intent of the report was to provide a pathway for continued success for the Rose District. He asked Mr. Smithwick, President and Chief Executive Officer of the Broken Arrow Chamber of Commerce and the Broken Arrow Economic Development Corporation (EDC), respectively, to outline the report for the Council. Mr. Smithwick thanked the Council for the confidence it had shown in his Economic Development team, by allowing them to manage the Rose District program, as they had been doing for four years. What they had managed to create through partnerships downtown, was something that Broken Arrow's citizens were proud of. The Rose District had become known throughout the metro area and even beyond, as one of the most successful Main Street redevelopment programs ever. The success they had achieved didn't mean they could rest, however, because if they didn't continue to find ways to make the Rose District better, it would eventually regress and cease to continue moving forward toward its potential. Mr. Smithwick underlined that the professional services agreement for the Rose District had to do with strategy and planning to move the area forward. Warren Unsicker and he spent a lot of time researching and compiling the report he would be presenting to the Council. He recognized the 2016 EDC Board Chair, Rob Whitlock, pointing him out in the audience, along with the Senior Vice President for Economic Development, Kinnee Tilly, and Warren Unsicker, the Vice President for Economic Development, commending them on their outstanding work. Turning to the report itself, Mr. Smithwick pointed to a chart giving a breakdown of the Rose District over five years in terms of the sales tax, which had been paltry at first, but were increasing every year. However, it was money that the City spent, through Tax Increment Financing (TIF) and other bond revenues to improve the infrastructure, that gave the initial confidence and impetus to private investors, who had invested nearly \$30 million in the District. A new bank had been built and another bank had been overhauled, and several old, dilapidated structures had been completely renovated, prompting many merchants and building owners, in turn, to undertake small improvements of their own. Residential construction was beginning to take off as well, with a number of new single-family homes and higher-end apartments on Main Street springing up.

Mr. Smithwick pointed out that the Rose District had won many awards including the 2014 International Economic Development Council Gold Award for best public/private partnership in the nation, and the 2015 International Economic Development Council's Silver Award for new media, with reference to its Rose District's marketing plan. Tulsa's Young Professionals awarded the Rose District their Creative Catalyst Award, significant too, as a sign that they were reaching young professionals, as they had set out to do. The Rose District Main Street Project also won the American Planning Association (APA) Oklahoma Award in 2015.

Mr. Smithwick went over the guiding principles behind the Project, citing increasing the number of businesses as the first goal, and reporting that over 30 new businesses had opened to date. Secondly, the goal to increase residential density was being carried out with 11 new apartments, 5 new houses, numerous renovations, and more on the way. A third guiding principle was to build upon the unique sense of place of the Rose District, and a fourth goal was to make the area more pedestrian friendly. A fifth principle added on since the report was completed, was to increase daytime population through attracting business offices to the District. In summary, the underlying principles of revitalization were aimed at making the area a better place to shop, play, eat, live and work.

The report covered traffic flow and parking, next. In connection with traffic flow, they were seeking to slow it down, in keeping with the very popular pedestrian environment

that had been created. To that end, they would have to adjust signalization at major intersections and increase signage at mid-block crossings. Mid-block crossings represented a signature element of the Rose District streetscape. They had been implemented three years previously, and the customary “Yield” and “Stop” signs, with regard to pedestrians, were not working to the extent that they should. He and his team recommended, and City staff was evaluating, increasing the signage, as well as placing the commonly-seen three-foot-high removable markers in the middle of crosswalks. Mr. Smithwick observed also that it was not rare to see all four signals displaying a green light simultaneously, so the need to address signalization was important. With respect to parking, Mr. Smithwick stated that there was a perceived shortage of parking, although it was not the case. In reality, there was plenty of parking to be found within one block of Main Street. To remedy the situation, they would need to enhance current signage, educate patrons via social media, and educate merchants who could, in turn, educate their customers. The EDC also recommended that a few spots be designated for motorcycle parking only, which would serve to free up space for cars.

Improved way-finding signage from highways was also needed. About two years prior, the City, working together with the State, had arranged to have large Rose District signs on the Broken Arrow Expressway. However, before they could be put in place, the City was required to provide way-finding signs from the top of the exit all the way to the Rose District. The project was completed in a hurry and the little, white, rectangular signs that resulted were rather nondescript. They were recommending, therefore, that the Rose District logo, which had eye-catching value and was recognizable, replace the current signs.

Mr. Smithwick pointed out that in creating new gateways, it was important to build upon current design on the south end of town and on Broadway, enhancing them with the Rose District logo. On the north end of Main Street work was underway already, and it was felt that the light tower and surrounding lighting could be enhanced by utilizing LED lighting with the Rose District colors, and it would serve as an attractive centerpiece, guiding people to Main Street.

The report covered attractions and green space next. Four years previously, they had learned that all successful, creative revitalization efforts, showcasing a sense of place, had a water feature in common. The water feature they were employing included zero-grade water fixtures that people would be drawn to by day and by night. With regard to green space, there was some to be found in the Rose District, however, in any case, they were recommending that new development incorporate little pockets of green/landscaping in the design. It was recognized that community gardens could be of benefit, as well. Finally, the EDC thought Centennial Park should be refreshed to make it more inviting.

Mr. Smithwick brought up photos and diagrams of the interactive fountain on the screen. He, Mr. Unsicker, and the EDC Board, believed that the fountain would become an iconic symbol of the Rose District.

From a marketing perspective, they were recommending that the entire area pictured on the screen be referred to as “Rose District Plaza.” The site included the Jack Ross Pavilion and the Broken Arrow Museum. The designation was a marketing tool and could remain informal and unofficial.

The Rose District was in need of pedestrian amenities, including bike racks. They needed to take further steps to manage skateboarders, which would entail getting the Council to try, once again, to outlaw sidewalk skateboarding in the Rose District. Smoking receptacles were needed, also. Long term goals included public WiFi and a sound system with speakers, which would facilitate activities and events.

Turning back to the residential aspect, Mr. Smithwick said he was amazed at how quickly the demand for housing in the area had arisen. Still, there weren’t many high quality options in the area, aside from historical homes that had been restored. A number of developers had expressed interest in building homes. Four homes on Dallas Street were being constructed, with a couple more on Detroit Street, and certainly there would be more to come. They had recommended, and the Council had partially acted on, the creation of the Rose District Residential Overlay: a one-square-mile area bounded by Kenosha Street to the north, Houston Street to the south, between 9th Street and 100th Street, and Elm Street, Lynn Lane and 161st Street, East and West, and 71st Street and 81st Street, that would constitute the Rose District residential area. The designation would allow them to do special zoning in the area, if required, and would allow them to extend the sense of place in a natural setting, while building upon the unique character of the Rose District. It would also facilitate the creation of housing guidelines, which they would have developers comply with in a gentle, and not heavy handed, manner. Mr. Smithwick summed up the situation with regard to housing, stating that people who wished to move to the downtown area of the Rose District were not looking to live in an area that looked like all the other new housing that had been constructed over the past 30 years. They were looking for small town uniqueness with an urban feel.

The EDC was recommending the use of low-speed neighborhood electric vehicles to operate within a defined boundary, to further strengthen the demand for housing and strengthen property values.

All of the EDC’s recommendations were made with the goal of keeping the momentum in the area going, continuing the growth, enhancing the good that was there, and not resting

on their laurels.

The general consensus among the Council members was that the development taking place, according to the Project, had greatly revitalized the area. The development was creating something that they and their children could be proud of, which improved the quality of life for all. The Council expressed its and gratitude for all the hard work that went into the report.

Mr. Spurgeon gave an update to the Council, reporting that Mr. Stephens and he had met and had gone over the recommendations, presenting them to staff members as well. Mr. Spurgeon and his team would be compiling their own report, letting the Council know which recommendations they would like to adopt, moving forward. He had visited with Mr. Smithwick and there were some recommendations that they had already carried out, and some others that they could implement immediately. Although Mr. Spurgeon supported the idea of low-speed vehicles and had witnessed their success in other communities, there were a lot of safety implications to consider beforehand. In regard to traffic signalization, Mr. Spurgeon stated that perhaps he could work with Mr. Smithwick to come up with an interim solution, before making the major investment the recommended changes would entail.

B. 16-311

Presentation, discussion and possible acceptance of the 2015 Broken Arrow Economic Development Corporation Annual Report

Mr. Smithwick went over the areas highlighted in the 2015 EDC Annual Report. The first was development of the Conference Center, which had been a multi-year project for the EDC. In 2015, all the legal agreements were signed and the groundbreaking of the project took place in the summer. Next, the Report focused on the Rose District, covered in his earlier presentation to the Council. He added that in the early days he and Mr. Unsicker actually had to recruit businesses to move to the area. That was no longer the case and property values had gone up as a result of the area's rise in popularity with business owners. Retail development continued to be a huge area of focus in 2015, as covered in the Report. One of the two main areas of emphasis, in that regard, was the northern entrance of the Broken Arrow Expressway, including Lynn Lane and its one-mile radius, which was continuing to see a big boom in business. The continued growth of retail businesses there would hopefully attract national retailers and regionally-based retailers. South Broken Arrow continued to be an area of focus for the EDC also, though business development there was taking longer than they would like. They had met with national developers who were looking at that area to invest in, as well. The EDC continued to focus its retail recruitment efforts on the types of businesses that did not yet exist in the community, which were identified as "areas of leakage," in an EDC retail study conducted several years back. Mr. Unsicker and Mr. Stephens continued to attend International Council of Shopping Centers (ICSC) retail conventions twice annually, in an effort to bring businesses to Broken Arrow.

Mr. Smithwick stated that as proud as he was of the EDC's work on the Rose District, he was equally proud of the work they were doing on job creation. Without companies hiring and paying good wages, there would be no demand for stores and restaurants. In fact, Broken Arrow was the only suburban community in the metro area that had a truly functioning economic development organization working to grow jobs. Job growth was the primary responsibility of Ms. Tilly. Every week Ms. Tilly called on and visited with local manufacturers. As the State's third largest manufacturing location, Broken Arrow was a leader in the fields of simulation, advanced manufacturing in aerospace, and advanced manufacturing in the energy sector. Unemployment was low, and a recent study by the Tulsa Chamber of Commerce's economist found that over 2,500 advanced manufacturing jobs had been created in Broken Arrow over the past four years. Nevertheless, there was a shortage, as in many other communities, of skilled workforce, which was reflective of a societal problem. Ms. Tilly was doing great work with educational institutions on the problem, and a sound partnership with Tulsa Technology Center had been established. Dr. Steve Tiger and his colleagues had been very responsive whenever customized training was needed and they would soon be announcing an expansion project connected to training. The Dream It Do It program was designed to market careers in manufacturing to high-school-and-younger students. The American Chamber of Commerce executives recognized Broken Arrow's work in regard to industry as exemplary, in summer 2015. The EDC had also worked with manufacturing boot camps and with union schools. They were marketing jobs in Broken Arrow through the website workingbrokenarrow.com. Teachers were being given tours of manufacturing facilities, and through efforts begun by the EDC, Tulsa Tech had partnered with Broken Arrow Public Schools. A Tulsa Tech instructor was giving technology classes, funded by Tulsa Tech, at public schools. The EDC positioned Broken Arrow to be the permanent host of the Technology and Intern Showcase, out of Northeastern State University (NSU). The EDC was continuing to work with entrepreneurs, directing aspiring business owners to the right resources, as well. They were very actively engaged in helping existing businesses and manufacturers grow their market. He gave the example of Rise Manufacturing, gun makers that also made parts for the aerospace industry. The EDC helped position them to get them introduced to one of the largest aerospace manufacturing companies in the world, which then became Rise's biggest customer. Another example

was a company making tactical devices, mainly for the military and government. When sequestration became an issue and grant money dried up, Ms. Tilly worked with the Noble Foundation and helped land them an account to create parts to deal with feral hawks, including unmanned aerial systems to track them. Mr. Smithwick declared that the EDC believed that Broken Arrow's future in manufacturing would be best served by higher technology jobs, primarily in the fields of simulation and aerospace. A testament to that was a company called L-3. Two years prior, Ms. Tilly and he had met with them, with Governor Fallon also present, and they were able to work out an agreement that would grow jobs at the company. The company went from having 70 jobs to 270 jobs. Oklahoma's Quality Jobs Program was also proving a tremendous asset for Broken Arrow and he hoped the Program, which had facilitated the EDC's recognition and incentivizing of companies, would continue.

Lastly, from an advocacy perspective, the EDC did work with State and Federal delegations to try to influence them on policies advantageous to local economy.

Mayor Thurmond asked if there were any questions or comments. Councilman Parks commented that at the Home and Garden Show, a number of people made known to him that they didn't feel there were sufficient restaurants and retail businesses in southern Broken Arrow. He appreciated Mr. Smithwick's addressing the issue. Mr. Smithwick remarked that it was a point of frustration and they were faced with some obstacles with regard to traffic count and daytime population in the area. He was confident, however, that in the next year to 18 months, additional commercial activity would unfold in the area around the Warren Theatre project. Mr. Smithwick handed out copies to the Council of an award-winning annual publication, issued by the EDC, called "Grounds for Development."

Mr. Spurgeon commented that there were many different models that could be utilized to encourage economic development. He believed that the model Broken Arrow had adopted was the one that worked best, which was a partnership with an entity having the ability to go out and market the community and to avoid getting caught up in the bureaucracy that went along with city government. Broken Arrow's successes were due to certain individual investors, but the model made it all possible. He recommended that they continue on the same path, especially in light of the fact that the downtown agreement would be up for renewal in the next month or so. The momentum was there, and they needed to allow it to continue, to make sure that the Rose District and Downtown continued to flourish. The agreement in place should be renewed so that they could move forward with the same great marketing team.

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

Move to accept the 2015 Broken Arrow Economic Development Corporation Annual Report

The motion carried by the following vote:

Aye: 5 -

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

C. 16-240

Consideration, discussion, possible approval and authorization to execute an Economic Development Agreement between the City of Broken Arrow, Oklahoma and Laws Bros. LLC, for the property located at 210 South Main Street, Broken Arrow, Oklahoma

Mr. Stephens explained that in 2014, Bryan DeFabio purchased the property. The property's current owners were Laws Bros. LLC, a company owned by Mr. DeFabio and his wife. Mr. DeFabio estimated that he had invested approximately \$865,000 to purchase and restore the building and he had approached Mr. Unsicker and Mr. Stephens about possible economic development incentives, communicating his ideas for plans in connection with the property. The incentives in which they were interested amounted to slightly less than \$200,000. They were considering restaurants and possibly a drinking establishment on the location. He and Mr. Unsicker had conversations in which they tried to temper Mr. DeFabio's expectations and provide direction that would better fit within the Rose District. Each exchange with Mr. DeFabio was marked by a lessening of expectations in incentives, on his part, and a greater move toward what the City was trying to accomplish. What was being brought before the Council was a product of Mr. DeFabio's realization of what was needed in the District, along with his understanding that there were issues involved with incentivizing such a large sum. In fall 2014, Mr. DeFabio began demolition on parts of the building, and in July 2015 the principal remodeling began. Capital improvements to the building had already cost \$55,000 for a sprinkler system, \$63,000 for HVAC, \$58,000 for electrical, \$52,000 for plumbing, \$25,000 for the roof. Thus far, Mr. DeFabio had presented invoices to the City in the amount of \$56,450.52, in relation to a fire suppression system. On January 27, 2016, he presented a request to the Broken Arrow Economic Development Board for \$80,000 in economic development assistance from the Flight Safety and downtown TIF.

Mr. Stephens asked Mr. Unsicker of the EDC to expand on the matter regarding to Mr. DeFabio's request. Mr. Unsicker reported that with Mr. DeFabio brought three tenants to the table with his request. This was significant in reference to return on the City's investment to the community. Two retailers would be renting on the ground floor: American Hatfield, a home furnishings and decorating and apparel store, and Hillary's

Boutique, a woman's apparel and accessories store. The two retailers filled the niche that the EDC was looking to fill, by adding more retail to the restaurant mix that existed there. A dentist's office would occupy the top floor of the building, in keeping with the goal of attracting a daytime population.

Mr. Stephens declared that on March 7, 2016, the Broken Arrow Fire Marshall carried out a final inspection of the fire suppression and sprinkler systems. He gave the final approval. Mr. Stephens commented that the fire suppression that was installed went above and beyond requirements. On March 8th Mr. DeFabio received a Temporary Certificate of Occupancy for suite 102, pending completion of a second bathroom. On February 9th, members of the Downtown Advisory Board voted eight to one to recommend that the City Council approve an EDC agreement with Bryan DeFabio, in the amount of \$40,000 for the fire suppression system. Mr. Stephens pointed out that the money Mr. DeFabio asked for was originally to be out of the Flight Safety and Downtown Economic Development Project Plan or out of that TIF of \$13.5 million. As of February 2016, \$14,498,566.43 had been spent or was committed to be spent from the Downtown Flight Safety TIF. If the City Council were to approve the request for \$40,000, it would be paid from the City's General Fund, and not from the TIF.

Mr. DeFabio addressed the Council, giving a PowerPoint presentation. Mr. DeFabio introduced himself, stating he was representing Laws Bros. LL. Giving historical background on the property, he said that when they purchased the building in 2014, it needed extensive work being an 112-year-old edifice, in order to attract a modern tenant. Included as part of the project goals was preservation of the building's history. Specifically, he wished to bring back the mercantile style, architecturally speaking, which proved a painstaking endeavor. Their intention to hit the target demographic was met since the tenants were between 25 and 45 years old. Very importantly, they wanted to create a unique destination, and not duplicate something that could be found in Tulsa. Two of the three tenants offered products that could only be found at that particular location. American Hatfield, sold high-end items such as could be found at national chain stores like Pottery Barn and Restoration Hardware. The store would be open till 9 p.m., six days a week, so that the business could reach the after-dinner crowd. Both stores were relocating to Broken Arrow, as would be the dentist whose office would be upstairs. The \$40,000 incentive request he was requesting represented under 5% of the total project cost. Though just a small portion of what he had spend on the project, it represented a very important component that would enable him to attract higher-end tenants. He was not looking to attract hobbyists, but serious commercial enterprises instead. A projection of taxable income from the two stores was brought up on the screen. A very conservative estimation of 5% increase of income revenue per year was projected, the numbers coming from the tenants at their current locations. In relocating to Broken Arrow, the two stores would be encountering a lot more purchasing power and a larger population.

The return on investment would start at \$14,500 in the partial year of 2016, increasing incrementally in subsequent years. The incentive would be paid off in about two years and over the five-year span it would be repaid two times over. Mr. DeFabio thanked the Council and asked if there were any questions.

Councilman Lester inquired why Mr. DeFabio was asking for funds after the fact, after the project was started. Mr. DeFabio replied that he started work in 2014 when the building was in a state where potential tenants were not interested in it. He explained that he had paid for the project out of his own pocket, with the help of a bank loan. Mr. Stephens interjected that Mr. DeFabio did approach the City for funding early on, in 2014. Mr. Lester commented that he appreciated what Mr. DeFabio was doing, however, there were at least 20 buildings that needed to be refurbished in the downtown area. South Broken Arrow was particularly in need too. The City had done its job and the private developer/investor must bear the responsibility for their own projects.

Vice Mayor Carter commented that while it would raise some problems if they were to comply with Mr. DeFabio's request, the fact remained that he had put a substantial amount of his livelihood into the building. The City had helped other investors, but unfortunately the TIF funds were expended. He was only asking 4% plus of the investment he had already made and the money would be returning to the City from tax income generated by the tenants' businesses. The City Manager had approved funds from the General Fund so the funds were available.

Mr. Spurgeon stated that he would like the Council to approve the funding with the understanding that until they could come up with another source for funds, there wouldn't be any additional assistance available. Because the funding would be going toward fire safety, he felt they should honor Mr. DeFabio's commitment. City administration would have to let the EDC know that no other funds would be available until further notice, that is, until sources of public funding were replenished. Councilman Lester argued that there were a lot of buildings in downtown Broken Arrow that had fire suppression put in that the City didn't fund.

Councilman Parks commented that it was the first time where a situation had come up in which they were competing for the General Fund, and he had some problems with that. He was favor of the project but they could not keep using the General Fund money before selling other property to replenish the TIF. Mr. Stephens had been negotiating with the

investor for some time and Mr. DeFabio was asking for substantially less than his initial request of \$200,000. He was for complying with Mr. DeFabio's request, but no other requests could be considered at present.

Councilman Eudey requested clarification on the numbers with reference to taxes returning the incentive within two years. Was it projected sales tax? Mr. DeFabio answered yes, the figures arrived at in consideration of the 3% sales tax. He went on to say that he was struggling with the fact that the money wouldn't be coming from TIF funds that had been created for such a purpose and that now they were being asked to dip into the General Fund. He was, however, sensitive to the fact that the request was not a new one and that Mr. DeFabio had done a beautiful job with the building. He was willing to consider the request if he were given assurance that there would be no further requests for General Funds. Mr. Spurgeon assured him that he would not put the Council members in that position. He assured that Mayor that funds from sale of the Tiger Hill property would go directly to the General Fund to cover the \$40,000, should Mr. DeFabio's request be approved. Councilman Lester requested clarification that the \$40,000 was not being taken away from any other project pending. Mr. Spurgeon replied that he had planned to approach the Finance Director about taking the money from the Capital Improvement Fund (STCI) since the money was going toward fire suppression. Yes, there was a chance that some project could be delayed as a result of their allocating the funds for Mr. DeFabio's project, however, there was a strong possibility that they would sell the Tiger Hill property before the end of the year and then the funds would be returned to the City coffers for other projects.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter
Move to approve the Economic Development Agreement with Laws Bros. LLC and authorize its execution

The motion carried by the following vote:

Aye: 4 -
Nay: 1 -

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

D. 16-319

Consideration, discussion, possible approval of Amendment No. 1 to a Professional Services Contract between the City of Broken Arrow and Olsson Associates, Inc. for the design of repairs to the Retaining Wall at Hillside Park (Tiger Hill – southwest corner of Kenosha Street and Lynn Lane)

Ms. Wilkening recalled that at an earlier meeting there had been considerable discussion on the part of the Council members on different types of remediation options with regard to repair of the retaining wall at Hillside Park. A concrete port in place wall replacing the existing wall was given particular attention at that meeting. The engineer was asked to give a cost analysis of a concrete wall alternative as compared to segmental blocks. It was estimated that concrete port in place wall would cost between \$1,663,350 and \$2,217,800, obviously more than a reinforced modular block wall, which would cost between \$554,450 and \$1.1 million. Ms. Wilkening went on to inform the Council that the City had retained the services of Steve Metcalf, Esq., who would be representing them in action against the contractor, subcontractor, and design engineer. Mr. Metcalf had been in contact with and received correspondence from all of those parties, their professional liability carriers, in addition to the bonding companies. All had asked for an opportunity to inspect the wall and that would have to take place before any remediation could begin. The Amendment under consideration would allow Olsson Associates to do the design for a wall in front, using segmental blocks, given the cost estimates. If the Council were resolute in the decision for a concrete port in place wall, then she recommended that they table the item for consideration at the next meeting and the Amendment be changed to reflect that. The issue of hydrostatic pressure behind the Hillside Park wall and the Tiger Hill wall, as well, would require remediation of the drainage structure on top. Although it was not included in the estimate, they were going ahead with the design of that system also. It was hoped that the City could enlist the cooperation of the three parties involved in assisting with the cost. Ms. Wilkening reiterated that the three would be given the opportunity to inspect the wall first, and were awaiting the City's deadline on that. If the Council elected to move forward by approving the Amendment, she would contact Mr. Metcalf and tell him that he needed to proceed within the next two to three weeks.

Mr. Spurgeon said that the Amendment was their recommendation, given the cost comparison, but if the Council wished to reconsider, then they could have another discussion. Obviously, they would try to hold the responsible parties accountable. In spite of all the issues involved, the City still had interest in selling the Tiger Hill property.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to approve Amendment No. 1 for a professional service contract with Olsson Associates, Inc. and authorize its execution

The motion carried by the following vote:

Aye: 5 -

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

E. 16-297 Approval of bids received, awarding of lowest and best bid to Fountain People, and approval and authorization to execute a contract for Procurement Package No. 1 for the Rose District Water Feature, for Interactive Water Feature Nozzles, LED Lights, and Controls (Project No. 161708)

Mr. Spurgeon requested that the Council permit Mr. Schwab to come forward to give an update on the fountain, and items associated with it, under consideration. He added they had bid the materials separately, as the Council had been informed.

Mr. Schwab explained that the fountain was basically a concrete slab, 60 feet long by 24 feet wide, that included water jets spraying about 3 or 4 feet and a little higher, with accompanying lighting of differing patterns. A mandatory pre-bid on the construction aspects would take place on Thursday, March 17th. Bids would be open on Thursday, March 24th. There was quite a bit of interest and plans were on the street. He hoped to bring it back to the Council on April 5, for possible award of the package. They realized that there was a lot of lead time on some of the specialized items, during the course of design phase. Wishing to expedite the process of finishing the fountain and getting it operational before winter, and thereby making sure everything was operating correctly, they took major items with anywhere from eight to twelve weeks lead time and fashioned individual procurement packages, which they put out to bid. The first one was item E, the water feature nozzles, LED lighting and the controls. They opened bids on March 11th

and one bidder, Fountain People, bid \$317,009, close to the \$315,000 they estimated. They intended to enter into an agreement with Fountain People, subject to Council's approval. To expedite matters, they would be requesting shop drawings immediately so that they could proceed, and when the contractor came on board and executed the contract, they would assign the Fountain People contract to the contractor. The project was out to bid for a general contractor and all contractors were aware that they would be receiving assignment. If approved by the Council, the Fountain People numbers would go right into their bid proposal at \$317,009, as per the package. Of course, the contractor would add their cost for installation, etc. The intent was to assign the individual procurement packages for those specific materials and/or equipment to the general contractor. The State law allowed for that and on April 5th they would have to present a resolution to the Council for that.

Councilman Lester asked whether there was a sales tax on the procurement package items. Ms. Wilkening answered that the items were being purchased by the City and the City could pass its sales tax exempt status on to its contractors. In answer to another question by Councilman Lester, Mr. Schwab stated that they would be provided with a few extra nozzles and the like.

Councilman Eudey asked for confirmation that the fountain project was being funded through Vision funding. Mr. Schwab replied in the affirmative.

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

Move to award the lowest and best bid to Fountain People, and approve a construction contract for Procurement Package No. 1 for the Rose District Water Feature, for Interactive Water Feature Nozzles, LED Lights, and Controls (Project No. 161708) and authorize its execution

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

F. 16-299 Approval of bids received, awarding of lowest and best bid to Elevated Paver Systems, and approval and authorization to execute a contract for Procurement Package No. 3 for the Rose District Water Feature, for Interactive Water Feature Stone Decking (Project No. 161708)

Mr. Schwab explained that the item was for the actual granite pavers, for which they received three bids, one being non-responsive not having executed their documents correctly. The lowest and best bid was offered by Elevated Paver Systems at \$65,013, while they had estimated close to \$100,000 for the item. The company was one of the top two in which the consultant was very interested.

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

Move to award the lowest and best bid to Elevated Paver Systems and approve a construction contract for Procurement Package No. 3 for the Rose District Water Feature, for Stone Decking (Project No. 161708) and authorize its execution

The motion carried by the following vote:

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

G. 16-300 Approval of bids received, awarding of the most advantageous bid to Commercial Energy Specialists, and approval and authorization to execute a construction contract for Procurement Package No. 4 for the Rose District Water Feature, for Interactive Water Feature Steel Filters (Project No. 161708)

Mr. Schwab indicated that the item was for filters for the fountain cleaning system.

They only received one bid in the amount of \$10,800, against their own estimate of \$10,000.

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

Move to award the lowest and best bid to Commercial Energy Specialists and approve and authorize execution of a construction contract for Procurement Package No. 4 for the Rose District Water Feature, for Steel Filters (Project No. 161708)

The motion carried by the following vote:

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

- H. 16-288** **Consideration, discussion, possible approval, and authorization to execute Resolution No. 911, a Resolution authorizing the City Attorney to enter into a proposed Joint Petition for Approval of Settlement and a Journal Entry of Judgment in regard to the tort claim filed by Sandra Ventures, LLC, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment incorporating the resolution of the Court's approval, pursuant to 51 O.S. § 158**

Ms. Wilkening reported that unfortunately, on January 4th, an employee accidentally ran against a building owned by Sandra Ventures, LLC. Their company submitted a tort claim requesting \$26,928.53. The Legal Department had had an opportunity to review the matter and believed that the amount was reasonable compensation under the circumstances. They recommended that the Council approve Resolution No. 911 and authorize its execution. Ms. Wilkening added that since the amount was over \$25,000 they would have to file a lawsuit, but the sum would go on the tax rolls and not be drawn from the General Fund.

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

Move to approve Resolution No. 911 and authorize its execution

The motion carried by the following vote:

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

- I. 16-277** **Consideration, discussion, and possible appointment of Mark Jones to fill a vacancy on the Broken Arrow Planning Commission created by the resignation of Glen Shaw, with a term expiring on May 1, 2016, and subsequent approval of an additional new term to expire May 1, 2019**

Development Services Director Michael Skates reported that Glen Shaw had relocated to Tulsa, resigning his position on the Planning Commission which was to expire on May 1st. He went on to say that it was out of Ward I, Vice Mayor Carter's ward. Pursuant to the Code, Vice Mayor Carter recommended Mark Jones to replace Glen Shaw. The Council was being asked to approve the appointment of Mr. Jones for the remainder of Mr. Shaw's vacated term through May 1st, and then also for another three years, through 2019.

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

Move to approve the appointment of Mark Jones to fill a vacancy on the Broken Arrow Planning Commission created by the resignation of Glen Shaw, with a term expiring on May 1, 2106 and subsequently approve an additional new term to expire May 1, 2019 and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

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

11. Ordinances

- A. 16-286** **Consideration, discussion and possible adoption of Ordinance No. 3413, an ordinance amending Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau, Sec. 2-211 Created, specifically clarifying the acronym used for the Convention and Visitor's Bureau; Sec. 2-213. - Removal from office, specifically amending to include that removal of members must be pursuant to the Oklahoma Constitution and State Laws; Sec. 2-214. - Organization, specifically amending to include vacancies, eligibility, term and payment of reasonable expenses incurred by Convention and Visitor's Bureau members; Sec. 2-216. - Effective date of article - Repealed; and adding Sec. 2-217 Selection of Officers, specifically amending to include Convention and Visitor's Bureau Chairman and Vice-Chairman Roles, election schedule, term and vacancies; Sec. 2-218 Codes of Ethics, specifically amending to include clarification of conflicts of interest.; and Sec. 2-219 Public Hearings, specifically amending to include clarification on Convention and Visitor's Bureau meeting schedule, agenda postings and minutes; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening indicated that the ordinance under consideration, had gone before the Council at the previous meeting, however, the old ordinance number had inadvertently been used by mistake. For the sake of clarity it was being brought back for a vote. She recommended that the Council adopt Ordinance No. 3413 and approve the emergency clause.

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

Move to adopt Ordinance No. 3413

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 Johnnie Parks.

Move to approve the emergency clause for Ordinance No. 3413

The motion carried by the following vote:

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

B. 16-303

Consideration, discussion and possible adoption of Ordinance No. 3414, an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article III, Traffic Control Devices, Section 23-109. – Traffic control signs, specifically, clarifying that vehicular traffic facing a steady green light shall proceed straight through or turn right or left unless a sign at such place prohibits either such turn, also, clarifying that vehicular traffic facing a steady circular yellow or yellow arrow signal shall not be crossing the intersection or signalized location when such red signal is successively exhibited; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening informed the Council that Ordinance No. 3414 was the ordinance that had been previewed in the exact form at the previous meeting. It clarified the language with regard to how traffic should proceed. She stated that she had met with the Police Chief and City Prosecutor on the matter and was confident that the police would exercise discretion and that there would be no abuse in enforcement of the change in regulations. It was recommended that the Council adopt Ordinance 3414 and approve the emergency clause.

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

Move to adopt Ordinance No. 3414

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. 3414

The motion carried by the following vote:

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

C. 16-306

Consideration, discussion and possible adoption of Ordinance No. 3415, an ordinance amending the Broken Arrow Code by amending Chapter 24, Water Sewers and Sewage Disposal, Article I, Overview and Definitions, Section 24-107, Hauled Wastewater; specifically amending language to reference all hauled waste instead of septic waste, repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening stated that the ordinance amended the existing ordinance to reference hauled waste, instead of septic waste, more closely following what the City does. It was recommended that the Council adopt Ordinance No. 3415 and approve the emergency clause.

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

Move to adopt Ordinance No. 3415

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 approve the emergency clause for Ordinance No. 3415

The motion carried by the following vote:

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

D. 16-307

Consideration, discussion and possible adoption of Ordinance No. 3416, an ordinance amending the Broken Arrow Code by amending Chapter 24, Water Sewers and Sewage Disposal, Article III, Requirements for Sewer Service, Section 24-308, Charge for dumping septic waste; specifically amending language to reference all hauled waste instead of septic waste, referencing the Manual of Fees, and stating that the City Manager has approval authority over waste discharged into the sanitary sewer collection system; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening recommended that the Council adopt Ordinance No. 3416 and approve the emergency clause.

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

Move to adopt Ordinance No. 3416

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 Mike Lester, seconded by Richard Carter.

Move to approve the emergency clause for Ordinance No. 3416

The motion carried by the following vote:

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

- E. 16-308** **Consideration, discussion and possible adoption of Ordinance No. 3417, an ordinance amending the Broken Arrow Code by amending Chapter 24, Water Sewers and Sewage Disposal, Article VII, Sewer Service Charges and Rates, Section 24-703, Septic waste dumping fee; specifically amending language to reference all hauled waste instead of septic waste; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening recommended that the Council adopt Ordinance No. 3417 and approve the emergency clause.

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

Move to adopt Ordinance No. 3417

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. 3417

The motion carried by the following vote:

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

- F. 16-314** **Consideration, discussion and possible adoption of Ordinance No. 3418, an ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, in General Section 2-8. – Established; appointment, term, etc., of assistant city manager; Article IV, Human Resources Department, Division 1, Generally, Section 2-51. – Established; appointment, term, etc., of human resources director and creation of department; Article IV, Human Resources Department, Division 2, Office of the City Clerk, Section 2-55. – Established; Section 2-56. – Office of the City Clerk to provide services and support to the City; Section 2-59. – General powers and duties of the city clerk; Repealing Article IV, Human Resources Department, Division 3, Risk Management and Employee Safety Division, Section 2-62. – Administered; duties; Article IV, Human Resources Department, Division 4, Information Services Division, Section 2-66. – Administration; responsibilities; Article IV – Human Resources Department; Division 5, Communications Coordinator, Section 2-70. – Administration; responsibilities; Article VI, General Services Department/Streets and Stormwater Department/Utilities Department, Section 2-87. – Established; appointment, term, etc., of director; Article XI, Department of Parks and Recreation, Section 2-191 – Created; appointment of director; duties; Article XII, Department of Engineering and Construction, Section 2-196. – Established; appointment; duties; Article XIII, Community Development Department, Section 2-200. – Established; appointment; duties; and specifically providing for two (2) assistant city managers, providing that the Human Resources director shall report to the assistant city manager of administration; creating the information and technology department, setting out separately the departments of General Services, Streets and Stormwater and Utilities and providing that they report to the respective assistant city managers; providing that the director of Parks and Recreation, director of Engineering and Construction and director of Development Services report to the assistant city manager of operations; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that they felt it was important that the citizens knew what the City Council was doing so she always had City attorneys add additional language so that an ordinance would be more clear. The purpose of Ordinance No. 3418 was to finalize and complete the reorganization, as recommended by the City Manager. It also presented an opportunity to clean up the Code. It was recommended that the Council adopt Ordinance No. 3418 and approve the emergency clause.

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

Move to adopt Ordinance No. 3418

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 Scott Eudey, seconded by Johnnie Parks.

Move to approve the emergency clause for Ordinance No. 3418

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

There were no remarks or inquiries.

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

Mr. Spurgeon wished to thank Director of Tourism Lori Hill, Special Events Coordinator Vaunda Olivera, Norm Stephens, along with the Chamber of Commerce, Council members, and all of the Directors, for their volunteer service in going out to shake hands and pass out information about the City of Broken Arrow and the Rose District, in particular, at the Home and Garden Show.

At the end of the month the City of Broken Arrow would be launching their new website, which would have a whole new look. Krista Flasch would be giving a demonstration to the Directors the following day and he would make sure that the Council members were made aware of it, as well.

Finally, Mr. Spurgeon thought there needed to be a discussion and some healthy debate on how the old church property, that had fallen into disrepair and was subsequently purchased by the City, should be utilized. There had been some talk about using it for purposes of economic development. The governing bodies had made it known that they wanted to, at least, have a conversation to make sure that it was what they wanted to do, so that he could get some direction. If it were economic development, then they could go forward with proposal. And if it were something else, what would the Council want it to be? There were other opportunities that could be considered. At some point, probably within the next ten years, a new City Hall might be an option. The matter would likely be on the agenda in April, so that if there was any information they would like from him they should let him know.

Mayor Thurmond asked for a motion to recess at approximately 8:43 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.

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

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 8:53 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 Richard Carter.

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 8:58 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 Richard Carter.

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

Councilman Eudey left the room at 8:58 p.m.

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding a claim and potential litigation regarding a water tower with the words First Baptist Church of Broken Arrow, under 25 O.S. §307(B)(4); and acquisition of real property located at the southeast corner of Washington Street (East 91st Street) and South First Place in Broken Arrow, Oklahoma, under 25 O.S. §307(B)(3). In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the claim and potential litigation in the public interest. After the conclusion of the

confidential portion of executive session of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote

At approximately 9:24 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 take no action with regard to the water tower due to land donations made by the First Baptist Church for location of the water tower and its easements

The motion carried by the following vote:

Aye: 4 -

Absent: 1 -

Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Scott Eudey

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

Move to table the land acquisition item

The motion carried by the following vote:

Aye: 4 -

Absent: 1 -

Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Scott Eudey

15. Adjournment

The meeting adjourned at approximately 9:25 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 -

Absent: 1 -

Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Scott Eudey

Attest:

Mayor

City Clerk