



# 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, December 15, 2015**

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

**Council Chambers**

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**1. Call to Order**

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

**2. Invocation**

An invocation was delivered Pastor Daniel Griggs.

**3. Roll Call**

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

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

Councilor Johnnie Parks led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond said that there had been a request to table item 5A. He asked if there were any other items to remove from the Consent Agenda. There being no others, he asked for a motion.

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

**Move to approve the Consent Agenda as presented excluding item 5A.**

The motion carried by the following vote:

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

**A. 15-761**

**Approval of City Council Meeting Minutes of December 1, 2015**

**B. 15-787**

**Approval of and authorization to execute an Engineering Contract Funding Agreement with the Oklahoma Department of Transportation (ODOT) for the Broken Arrow: Five Trail Corridor Segments: Broken Arrow South Loop Trail Extension, Haikey Creek, Haikey Creek BA Tributary, Adams Creek, Broken Arrow Creek S., Project #146019**

**C. 15-788**

**Approval of and authorization to execute an Engineering Contract Funding Agreement with the Oklahoma Department of Transportation (ODOT) for engineering services involving Broken Arrow Creek Trail Project #146020**

**D. 15-781**

**Approval of and authorization to execute an Agreement for Professional Consultant Services (Architect-Engineer agreement) for final design and construction documents of the 37th Street Regional Detention Facility**

**E. 15-783**

**Approval of and authorization to execute an Agreement for Professional Consultant Services (Architect-Engineer agreement) for final design and construction documents of the Eagle Creek Drainage Improvements**

**F. 15-782**

**Approval of and authorization to execute an Agreement for Professional Consultant Services (Architect-Engineer agreement) for final design and construction documents of the Turnberry Detention Pond Improvements**

**G. 15-773**

**Approval of and authorization to purchase 21 sets (coats and pants) of Structural Firefighting Protective Clothing (Bunker Gear) at a cost of \$43,764.00 from Casco Industries, Inc. pursuant to the final renewal of a bid approved on July 16, 2013**

**H. 15-791**

**Approval of and authorization to purchase a bull dozer from OCT Equipment, as bid under the Oklahoma statewide contract for the Department of Streets and Stormwater**

**I. 15-777**

**Approval of and authorization to purchase the Granicus Electronic VoteCast system (including purchase and utilization of surface tablets), an add-on for the Granicus Legislative Management Suite pursuant to General Services Administration's**

**Federal Supply Schedule, a purchasing consortium, and approval of the First Amendment to Granicus Service Agreement**

- J. 15-768** Approval of and authorization to purchase equipment for Storage Area Network replacement from Dell pursuant to the Western States Contracting Alliance for Computers as competitively bid by the State of Oklahoma's Central Purchasing Division
- K. 15-751** Approval of and authorization to execute a Site Use/Lease Agreement between the City of Broken Arrow and Celco Partnership d/b/a Verizon Wireless for placement of wireless facilities located in the general area of 3093 North Elm Place and a Memorandum of Lease Agreement
- L. 15-776** Acceptance of the Homeland Security Sub-Grantee Award for (Fiscal Year 2014) in the amount of \$22,200.00 for the purpose of acquiring One (1) Turn Key, Broken Arrow Citizen Emergency Response Team (CERT) trailer, a shelter with walls, a table cover, color magnetic CERT signs, and freight for the shelter, table cover and signs, and the authorization to execute all necessary documents and acceptance of the grant terms
- M. 15-778** Review of proposals received and award the most advantageous proposal to Alliance Maintenance to provide custodial services and supplies for City Hall, the City Hall Annex and the Operations Office Building, and approval of and authorization to execute a Janitorial Services Agreement with Alliance Maintenance
- N. 15-759** Review of bids received, award of the lowest and best bid to Bridgepoint Electric, Inc., and approval of and authorization to execute a construction contract for Nienhuis Park Parking Lot Lighting
- O. 15-766** Waiver of formal competitive bidding, and approval of and authorization to purchase 30 Taser Conducted Electrical Weapons (CEW's), model X2, with accessories from Taser International, a sole source vendor
- P. 15-784** Approval of BAZ 1947 (rezoning request), Crossing's at Lynn Lane, 60.00 acres, A-1 to RS-3, north and east of the northeast corner of Washington Street and 9th Street
- Q. 15-780** Approval of PT15-106, Conditional Final Plat, Mullin Plumbing, 1 lot, 19.47 acres, A-1 to PUD 231/IL, east of County Line Road, south of College Street, one-quarter mile north of Houston Street, and west of Old Highway 51
- R. 15-717** Approval of and authorization to accept the public improvement for North 20th Street Improvements
- S. 15-744** Approval of and authorization to accept the public improvements for Spring Creek II located at 2507 West Winston Place
- T. 15-748** Approval of and authorization to accept the public improvement for Bel Lago II located on 225th East Avenue between 71st Street and 81st Street
- U. 15-749** Approval of and authorization to accept the public improvements for Arkansas Valley Bank New Branch Construction located at 302 South Main
- V. 15-794** Approval of the Claims List of December 15, 2015

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

5A. Approval of City Council Meeting Minutes of December 1, 2015.

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

**Move to table 5A until the next Council meeting**

The motion carried by the following vote:

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

**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. 15-772 Review of bids received and authorization to reject all bids and redesign and re-advertise a construction contract for Justice Center Mechanical Systems Modifications (HVAC), and finding that rejection of bids is in the best interest of the City of Broken Arrow and the State of Oklahoma**

Director of Engineering and Construction, Mr. Doug Tiffany, explained to the Council that the HVAC system for the Justice Center needed modification to meet specifications for the laboratory and evidence storage area. He said that open bids had been accepted with the lowest bid being \$140,826.80, which exceeded the engineer's estimate of \$92,895.00. Mr. Tiffany said because the lowest bid significantly exceeded the engineer's estimate and the budgeted amount, Staff recommended that the bids be rejected and that the project be re-designed and rebid.

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

**Move to reject all bids for the Justice Center Mechanical Systems Modifications (HVAC) and find that rejection of the bids is in the best interest of the City of Broken Arrow and the State of Oklahoma**

The motion carried by the following vote:

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

**B. 15-790 Review of bids received, award of the lowest and best bid, and approval of and authorization to execute a construction contract for Central Park Electrical Upgrade**

Mr. Tiffany told the Council that bids were opened for improvements to the electrical system at Central Park that would be needed to support the demand during the Rooster Days Festival. He said the lowest bid was \$352,596.55 from Third Generation Electric. He said the project had been expedited so the construction would be complete by mid-May. Mr. Tiffany told the Council the project would be funded with the surplus 2025 Vision funds or from the Parks Capital Improvements Agreement Fund. Councilor Mike Lester noted that the bid was nearly half the total estimated. Mr. Tiffany said the Third Generation Electric acknowledged that fact and would be standing behind their bid.

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

**Move to award the lowest and best bid and approval of and authorization to execute a construction contract for the Central Park Electrical Upgrade**

The motion carried by the following vote:

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

**C. 15-760 Consideration, discussion, possible approval of and authorization to execute Resolution No. 901, A Resolution of Support for the Tulsa Regional Chamber 2016 OneVoice Legislative Priorities**

Economic Development Coordinator, Mr. Norm Stephens, told the Council that the One Voice process created by the Tulsa Metro Chamber consisted of nine task forces that met throughout the summer and ultimately voted on the top three State and Federal issues that impacted the Metro. He said those issues were then presented at the Legislative Summit last fall. Priorities identified for the State Legislation are itemized in the Fact Sheet for this item. Mr. Stephens addressed two priorities his group worked as follows:

1. Support for legislation to preserve and diversify sources of revenue available to municipalities.
2. Support for the passage of the Market Place fairness Act which will insure that sales and use tax owed from on line purchases are fairly and effectively reported, collected, and remitted.

Mr. Stephens said that Oklahoma's Cities are supported through sales tax and with more and more people shopping online the impact has been significant. He said this was not a new tax and that it was very important that those sales tax dollars are returned to the Municipalities. Vice Mayor Richard Carter admitted that he had been concerned for some time over the lost tax revenue. He said that it had an ever more drastic effect on the budget.

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

**Move to approve Resolution 901 and authorize its execution**

The motion carried by the following vote:

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

**D. 15-798 Consideration, discussion, possible approval of and authorization to execute Resolution No. 902, A Resolution of support for the Governor's Task Force in recommending the Tulsa Base of the Oklahoma Air National Guard as the optimum location for the new F-35 Lightning II Fighter Aircraft Fleet; acknowledging the 138th fighter wing, located at the Tulsa Air National Guard Base, as one of the premier combat units in the United States Air Force; urging the Pentagon to station**

**the next generation of fighter aircraft at Tulsa**

Acting Assistant City Manager, Mr. Russell Gale, told the Council that the United States Air Force was in the process of identifying the future home for the F-35 “Lightening Fighter Wing” Fighter Aircraft Fleet. He said the Tulsa 138th fighter wing, located at the Tulsa Air National Guard Base, is a candidate for that assignment. Mr. Gale said both Governor Mary Fallin and Tulsa Mayor Dewy Bartlett had been actively pursuing the selection. He said in support of the Tulsa Metropolitan area it is requested that Resolution 902 be approved in support of the Tulsa Air National Guard for the assignment.

Vice Mayor Richard Carter said that he was very much in favor of this assignment adding that he was a retired reservist from that unit.

Councilor Eudey said that this initiative was consistent with this area being first and foremost an aviation hub. He said Oklahoma has proudly supported the military and this is another way that support can continue.

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

**Move to approve Resolution 902 and authorize its execution**

The motion carried by the following vote:

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

**10. Preview Ordinances**

**A. 15-789**

**Consideration, discussion and possible preview of an Ordinance annexing property located on 39 acres of land located in Section One (1), Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, according to the United States Government Survey thereof and located south of East Tucson Street (East 121st Street South) and west of County Line Road (South 193rd East Avenue), repealing all ordinances to the contrary; and declaring an emergency**

City Attorney, Ms. Beth Anne Wilkening, said the owner of the property under consideration had requested that the property be annexed into the City limits. She said notice had been accomplished within State Statute and staff had recommended that it be set for adoption at the next Council meeting.

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

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

The motion carried by the following vote:

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

**11. Ordinances**

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

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

Mayor Thurmond wished everyone a Merry Christmas as this would be the last Council meeting before Christmas.

Councilor Eudey also wished everyone a Merry Christmas.

**13. Remarks by City Manager**

City Manager, Mr. Michael Spurgeon, gave an update to the Council saying that he had traveled to Independence, Kansas with the Director of Economic Development, Mr. Norm Stephens, to meet with Mr. Jim Thompson, Chairman and CEO of Stoney Creek Hospitality Corporation, who is building the City’s Conference Center. Mr. Spurgeon said that the grand opening for the new center is anticipated in the spring of 2017. He said the meeting covered the construction plans and the marketing strategy. He said he had been given an update on the Conference Center to the Convention and Visitor’s Bureau (CVB).

Mr. Spurgeon told the Council that the CVB had authorized a request to solicit proposals for consulting services to develop a Tourism Market Research and Asset Inventory. He said this approach would help develop a strategic plan for Tourism and would incorporate the Conference Center in that plan.

Mr. Spurgeon said that staff had been looking at a temporary project management services to assist with approximately seventy projects which included the Regional Metropolitan Utility Authority projects. He said this would ensure proper management so that the projects can be moved from the design stage to construction over the next two years.

Mr. Spurgeon said he had outlined some observations at the Chamber of Commerce “State of the City” luncheon that he would like for the Council to consider. He said these are priorities that his office would be looking at 2016. He said after the budget process is complete a plan of work would be presented based on these observations and priorities and he would like to have Council’s input and approval in that process.

Mr. Spurgeon congratulated the winners of the Buy BA drawing. He said the winning numbers were posted on this day. He thanked Moody’s Jewelry for hosting the drawing.

He also thanked the Citizens for supporting City by shopping in Broken Arrow.

Mr. Spurgeon said he was a firm believer in giving recognition to individuals who go above and beyond the call of duty. He recognized the following individuals:

- Chief of Police, David Boggs, was recently appointed by the Governor's Office as one of the Commissioners for the Commission for Children and Youth of the State of Oklahoma. Tourism
- Director, Ms. Lori Hill, received a Nonprofit Management Certification from the Oklahoma Center for Nonprofits which involved thirty six hours of continuing professional education.
- Mayor Thurmond was elected to Chair the 2016 Community and Economic Development Committee for the National League of Cities. He said it was a tremendous honor to have a member the governing body to serve on the committee for a national organization.

Mr. Spurgeon wished everyone a Blessed Christmas and a Safe New Year.

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

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 meeting and the Broken Arrow Economic Development Authority meeting**

The motion carried by the following vote:

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

Mayor Thurmond reconvened the regular Council meeting at approximately 7:06 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 Johnnie Parks.

**Move to take a recess prior to entering Executive Session**

The motion carried by the following vote:

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

Mayor Thurmond asked for a motion to enter into the Executive Session.

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

**Move to enter into Executive Session**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, and 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 commercial and retail establishment proposed for the location north of the Creek Turnpike and east of South Olive Avenue, to include the 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 agreement, under 25 O.S. §307(C)(10); and**
- (2) **the appraisal of this subject real property and possible action in open session, including authorization to 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 pending appraisal of real property in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

At approximately 7:44 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 Scott Eudey, seconded by Johnnie Parks.

**Move to authorize Staff to continue to negotiate for an economic development agreement for commercial and retail development north of the Creek Turnpike east**

**of South Olive Avenue**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Johnnie Parks, Richard Carter, and Craig Thurmond

**Abstain: 1 -**

Mike Lester

**15. Adjournment**

The meeting adjourned at approximately 7:45 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -**

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

ATTEST:

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Mayor

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Acting City Clerk