



## City of Broken Arrow

### Minutes City Council

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Craig Thurmond*  
*Vice-Mayor Scott Eudey*  
*Council Member Mike Lester*  
*Council Member Johnnie Parks*  
*Council Member Debra Wimpee*

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**Tuesday, December 19, 2017**

**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**

Rich Manganaro delivered the invocation.

**3. Roll Call**

**Present:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Council Member Debra Wimpee and Boy Scout Troop #903 led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond stated there were 4 Items to be removed and discussed, I, J, M and N. He asked if there were other items to be removed. There were none.

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

**Move to approve Consent Agenda excluding items I, J, M and N**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 17-1716** Approval of City Council Meeting Minutes of December 5, 2017
- B. 17-2804** Notification regarding the Broken Arrow City Council, its Boards and Trusts' regularly scheduled public meetings for calendar year 2018 have met statutory posting requirements pursuant to the Open Meeting Act
- C. 17-2984** Approval of Request to Appear forms and Guidelines for City Council meetings and all other City Boards and Commissions meetings
- D. 18-2** Approval of and authorization to execute Resolution No. 1062-Revised, a Resolution requesting assistance from the Oklahoma Department of Transportation in regard to constructing an industrial road to serve the Alfa Laval facility
- E. 17-3010** Ratification of Resolution No. 1066, a Resolution authorizing the City Attorney to enter into a final Journal Entry of Judgment in the matter of City of Broken Arrow v REIP, LLC; Gordon-Williams Development, Inc.; Transok Pipe Line Company; Sunoco Mid-Con (IN) LLC; Sunoco Partners Real Estate Acquisition, LLC; Board of County Commissioners of Tulsa County; and Dennis Semler, County Treasurer, Treasurer of Tulsa County, Oklahoma Tulsa County District Court Case CJ-2017-01169, authorizing damages in the amount of \$155,000.00 and conveyance of approximately 0.67 acres of land generally located to the south and west of the southernmost dam and presently used as a pond; declaring the 0.67 acres of land generally located to the north of Broken Arrow Expressway west of North Juniper Place and West Concord Street adjacent to Battle Creek Golf Course surplus and authorizing conveyance of the land to REIP, LLC pursuant to a Quit Claim Deed and the Court's order; approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title; and containing other provisions relating thereto
- F. 17-2981** Approval of and authorization to execute Resolution No. 1071, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 4, which consists of 0.10 acres of permanent Right-of-Way for Olive Avenue Waterline, Tucson to New Orleans, in the N/2 of the NE/4 of the SE/4 of Section 32, Township 18 North, Range 14 East, Tulsa County, from Deenie Lucille Hummel, and authorization of payment in the amount of \$5,020.00 to Deenie Lucille Hummel for the Olive Avenue Waterline, Tucson to New Orleans Project (Project No. WL1610)
- G. 17-3000** Approval of and authorization to execute a Modification of Encroachment Agreement with Explorer Pipeline Company (Project No. ST1709)
- H. 17-3003** Notification of Retaining Structure Inspections Program Policy

- I. 17-3002 Approval of and authorization to execute a Professional Consultant Agreement with Land3 Studio, LLC for the Design of Nienhuis Park Sand Volleyball Courts (Project No. 186023)
- J. 17-2991 Award the lowest responsible bid to Builders Unlimited, Inc., and approve and authorize execution of a construction contract for Nienhuis Skate Park Parking Lot Lighting (Project No. 186002)
- K. 17-3001 Award the lowest responsible bid to Builders Unlimited, Inc., and approve and authorize execution of a construction contract for Veterans Park Granite Memorial Wall and Pedestal (Project No. 186019A)
- L. 17-2988 Award of the lowest responsible bid to Cherokee Pride Construction and approval of and authorization to execute a construction contract for Stoneridge and Elm Stormwater Diversion System (Project Number SW1406A)
- M. 17-3009 Award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Battle Creek Golf Club Connect Banquet Facilities & Pro Shop and Patio Extension (Project No. BC1712)
- N. 17-2990 Award of the lowest responsible bid to Stronghand, LLC and approval of and authorization to execute a construction contract for Leisure Park Splash Pad & Playground and Country Aire Park Playground (Project Nos. 176044 and 176045)
- O. 17-2997 Approval and authorization of Final Acceptance for the public improvement at KCL Commerce Crossing, located at 3925 West Albany Street
- P. 17-2998 Approval and authorization of Final Acceptance for the public improvements at The Reserve at Aspen Creek located at 1100 West Tucson Street
- Q. 17-2975 Acceptance of a Deed of Dedication from David A. Yonce and Misty M. Yonce, on property located one-quarter to one-half mile south of Jasper Street, east of Olive Avenue, Tulsa County, State of Oklahoma, (Section 09, T17N, R14E)
- R. 17-2996 Acceptance of a Utility Easement conveyed to the City of Broken Arrow for a tract of land that is part of Lot 21 Block 7 Stacy Lynn Fifth located in part of Section 15, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma.
- S. 17-2976 Acceptance of a Utility Easement Dedication from David A. Yonce and Misty M. Yonce, on property located one-quarter to one-half mile south of Jasper Street, east of Olive Avenue, Tulsa County, State of Oklahoma, (Section 09, T17N, R14E)
- T. 16-1602 Approval of the Broken Arrow City Council Claims List for December 19, 2017

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

Items I, J, M and N were removed from the Consent Agenda. Mayor Thurmond stated City Manager Michael Spurgeon asked for these items to be removed for discussion purposes.

City Manager Spurgeon stated the four items and one more, were very significant. He stated item I was approval of and authorization to execute a Professional Consultant Agreement with Land3 Studio, LLC for the Design of Nienhuis Park Professional Sand Volleyball Courts. He stated over the past several years much feedback had been received intimating the desire of the Community to have access to volleyball activities; therefore, this project was put into the Capital Improvement Program. He reported the City was moving forward with the project.

City Manager Spurgeon stated item J, award the lowest responsible bid to Builders Unlimited, Inc., and approve and authorize execution of a construction contract for Nienhuis Skate Park Parking Lot Lighting, was to improve safety and security in this highly used recreational asset.

City Manager Spurgeon stated item K was to award the lowest responsible bid to Builders Unlimited, Inc., and approve and authorize execution of a construction contract for Veterans Park Granite Memorial Wall and Pedestal. He stated this was a policy decision the Council made to relocate the Memorial with the support of the Veteran's organization. He explained he wanted to the Community to be aware the City was moving forward with this project. He reported there was no date set for a dedication ceremony as of yet; however, this would occur sometime in the spring.

City Manager Spurgeon reported Battle Creek was a municipal golf course, and was one of the top courses around. He stated item M was to award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Battle Creek Golf Club Connect Banquet Facilities & Pro Shop and Patio Extension. He stated Broken Arrow was attempting to make the facility as user friendly and attractive as possible.

City Manager Spurgeon stated item N was award of the lowest responsible bid to Stronghand, LLC and approval of and authorization to execute a construction contract for Leisure Park Splash Pad & Playground and Country Aire Park Playground. He explained these were additional permits in Broken Arrow neighborhoods, but he wanted to specifically bring this to the Council's attention.

Mayor Thurmond asked if there was any further discussion regarding Items I, J, M and N. There was none.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

**Move to approve items I, J, M and N**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

**A. 17-2980**

**Presentation and discussion of the 2017 Citizen Survey Results**

Communications Director Krista Flasch stated she was pleased to present the results of the 2017 Citizen's Survey. She reported the survey was conducted from October 1, 2017 through November 10, 2017. She explained the information would be useful in determining the Project List for the 2018 General Obligation Bond Renewal. She stated the City of Broken Arrow engaged Shirley Curley, owner of SixPR Public Relations Firm to lead the Community-wide public education effort. She reported the Citizen's Survey was developed by Trebor Worthen of AH Strategies and executed by Dr. Rick Farmer who earned his PHD at the University of Oklahoma in political science and statistics. She stated the above mentioned persons were in attendance to share results and answer questions.

Ms. Sheila Curley with SixPR stated Dr. Rick Farmer served as the statistician for the survey. Ms. Curley stated the presentation would be made by Dr. Farmer who would attempt to move quickly through the extensive results.

Dr. Rick Farmer stated he organized the Survey Results in the following manner: How was Broken Arrow doing, what were Broken Arrow's priorities, what did the Survey respondents say, what specific projects were desired, were taxes too high, and general recommendations. He explained he took the "satisfaction" questions and divided them into very satisfied or somewhat satisfied as opposed to unsatisfied. Dr. Farmer displayed a slide which demonstrated the percentage of citizens who were satisfied with quality of service in Broken Arrow (fire, police, trash, utilities, parks etc.) and stated the results were favorable at 80% to 90% satisfied. He stated streets were the biggest concern. He displayed a slide which demonstrated the percentage of citizens satisfied with the quality of life in Broken Arrow, which was again high in the 90s percentile for quality of life, quality of city buildings, public service, customer service and availability of information. He stated satisfaction with traffic flow dropped to only 70%. He reported the survey demonstrated extremely high satisfaction, close to 100%, with Broken Arrow as a good place to live and raise a family. He stated residents felt the city was moving in the right direction and felt very safe living in their neighborhoods. He stated the City Council and Mayor received high satisfaction numbers. He reported when asked how the populace felt about Broken Arrow as a whole, more than 90% were satisfied.

Dr. Farmer reported questions 6, 9, 12, 15 and 17 asked about support for certain city projects. He stated street improvement projects received overwhelming support while storm drainage projects were virtually tied with streets. He stated public safety projects were very strongly supported, public facilities projects were in the 81% to 82% supported range, and then the quality of life projects received approximately 70% support. He stated it was clear streets and storm drainage were a citizen priority, followed by public safety. He stated there was a list of specific projects near the end of the survey, which included the Innovation District, and approximately 85% supported the development of an Innovation District. He stated consensus was with the Innovation District, street and drainage.

Dr. Farmer explained in order to evaluate the open answer questions he used a method called Word Cloud which counted the number of times a word was used, such as "traffic" which was most often used. He stated the word, however, was not counted in context; therefore, "traffic" may have been utilized for a variety of reasons. He stated other words mentioned often were streets, roads, growth, etc. He stated the word "south" was on the list, as many residents had requested the south side of Broken Arrow not be forgotten. He stated an attempt was made to categorize the topics mentioned and almost 40% of residents talked about streets and transportation. He stated residents also mentioned planning and zoning, schools, crime, and economic development. He stated residents named specific streets: Lynn, Aspen, Elm, and approximately 30% of the comments mentioned a specific project residents wanted to see completed. He explained at the end of the Survey Results was a page which listed and categorized every comment a resident made. He stated when asked about possible traffic control improvements (which were unmentioned previously in the survey) residents commented often about better timing/stop light sensors, reduction in number of stop lights/stop signs, more bike lanes, and better traffic flow. He stated when asked about unmentioned public safety improvements residents requested more police and more police patrols, more training, and upgrading of facilities, as well as tornado shelters and warning sirens.

Dr. Farmer stated when asked about unmentioned quality of life improvements residents used the word "trail" often, as well as "water" and "money." He stated when the answers were categorized many residents mentioned park improvements, additional side walk and bike trails, and additional parks/recreational facilities, while other residents felt Broken Arrow needed different priorities. He stated streets and traffic were once again mentioned in the quality of life improvement question. He reported economic development, dog parks, sports and recreational facilities and seniors were

all mentioned. Dr. Farmer stated the survey asked residents which specific projects were desired. He explained he focused on the projects which drew the most consensus. He reported street repairs, bridges for drainage, fire equipment, turn lanes, street resurfacing and widening were all very well supported.

Dr. Farmer reported the citizens of Broken Arrow generally were content with the current tax system. He reported most residents felt taxes were reasonable, a few felt taxes were too low, and approximately 20% felt taxes were too high. He stated when a comparison was made between which projects should be completed and did residents feel taxes were too high the result was interesting. He explained consistently large percentages of the residents who felt taxes were too high were still in support of the above mentioned projects. He stated he felt this was instructive.

Dr. Farmer stated, to sum up the Survey Results, generally Broken Arrow was an excellent place to live and raise a family, the quality of life in Broken Arrow was good, and the city was moving in the right direction. He stated there were several infrastructure projects which received more than 90% support which was very close to consensus. He reported even the residents who felt taxes were too high were in support of the same infrastructure projects. He explained the infrastructure projects included bridges and drainage, street maintenance, traffic flow, public safety and the Innovation District. He asked if there any questions.

Vice Mayor, Scott Eudey, asked if the survey captured enough responses to ensure an accurate assessment. Dr. Farmer replied the city did exceptionally well with the number of responses. He stated approximately 2500 surveys were completed which he felt was a high number and Council could be confident in the results. He stated he also felt, as the consensus was so strong, that even if the sample had been smaller the response percentages were so high the survey clearly indicated the citizen's desires.

Council Member Parks asked how well the Innovation District was supported. Dr. Farmer stated while the Innovation District had not been mentioned during the open answer questions it had received 86% approval when the citizens were specifically asked. He stated this was a strong approval rate. Council Member Debra Wimpee stated the Survey explained what the Innovation District was, as well as the importance of it. Council Member Parks stated he wanted to be certain residents understood exactly what the Innovation District was. Ms. Curley stated the exact wording of the question could be reviewed in the Results Package.

Vice Mayor Eudey asked if the Council would be given a copy of the Survey Results slide presentation. Dr. Farmer responded in the affirmative.

Council Member, Mike Lester, asked how Broken Arrow ranked in comparison to other cities Dr. Farmer had conducted surveys on behalf of. Dr. Farmer responded he felt Broken Arrow had an amazing consensus and Council should feel very good about the survey results. He stated residents felt very positive about the city, and in addition, residents were in consensus about which projects were desired.

Dr. Farmer stated he created a map of the city which plotted from where the responses originated, as well as of each individual ward for each of the Council Members. Vice-Mayor Eudey stated upon viewing the map it seemed most every section of the City had participated in the Survey. Dr. Farmer agreed; he stated the city was very well represented throughout. Ms. Curley reported the Survey went out in utility stuffers, as well as through Community Organizations such as the Chamber of Commerce. She stated it was available on the city website, and went out with a link in all communications from the city, as well as paper versions supplied to residents without computer access.

Vice Mayor Eudey asked how many surveys were returned from business owners who did not reside within Broken Arrow. Dr. Farmer stated 97% of the surveys were from residents, 80% indicated a family member resided in Broken Arrow, and 10% were business owners.

City Manager, Michael Spurgeon, stated the city had received several proposals for professional services for the Innovation District which were being analyzed and would be brought before the Council next month. He stated staff members would be given copies of the survey results and would be asked to review the sections which were relevant to each respective department. He stated leadership would also meet and review the results to determine what improvements could be made through leadership efforts. He stated he wanted residents to understand the city and staff appreciated the time and effort spent to complete the survey. He stated leadership would also determine if there were projects which needed to be included in the preliminary package to be presented to the Council on 01/13/2017. He reported currently there was well over \$100 million dollars budgeted for street work projects throughout the city, and he was pleased staff objectives were consistent with the desires of the public.

Vice Mayor Eudey stated he was very pleased with the survey responses and he felt the city must not rest on its laurels. He stated he felt the survey indicated Broken Arrow was doing well, and therefore, Council should continue in its efforts to ensure continued resident satisfaction, but he was pleased the residents felt Broken Arrow was moving in the right direction. He thanked Dr. Farmer and Ms. Curley for their work. Mayor Thurmond stated in review of past citizen satisfaction

surveys this was the highest percentage of satisfaction Broken Arrow has seen. He stated he felt this indicated the city was moving in the right direction and needed to continue its efforts. He thanked Dr. Farmer and Ms. Curley.

Ms. Curley stated that the survey indicated that citizens wanted to be heard; therefore, after Council formulated a potential final package her group would return to the city with an opportunity for citizens to provide additional input prior to package finalization. She stated this would occur in the spring. City Manager Spurgeon concurred and stated three public forums would be held to present the preliminary project list and he would work with Ms. Curley to obtain feedback to present to the Council prior to the vote for package finalization. Ms. Curley stated a third consultant team member, Trebor, was present as well and was a great contributor to the survey project. She thanked Council for the opportunity to conduct the survey and present the results, and she asked if there were any additional questions. There were none.

#### **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)**

Mayor Thurmond stated Citizen John Hayes signed up to speak.

Citizen John Hayes stated his address was 1012 S. Tamarack Avenue. He stated he, and his colleague Terrel Pohlmeier, were adult leaders with Troop 903 based out of St. Anne's. He stated he was present with Boy Scouts James Hayes and Alex Pohlmeier who represented 30 Boy Scouts. He stated he felt Troop 903 was a good representation of the children of Broken Arrow with members from private school, public school and home school. He stated his Boy Scouts were present to learn about public service and specifically how public entities communicated, interacted, and dealt with differing opinions, and would be asked to formulate an opinion from what was observed at the Council Meeting. He stated Troop 903 worked throughout the Community completing environmental projects, humanitarian projects, and accomplished much good in the Community of Broken Arrow. He thanked City Council for supporting Troop 903 and for supporting scouting.

Council Member Wimpee asked if Troop 903 had a hand in flag placement. She explained in her neighborhood there was a Boy Scout Troop that retired flags throughout the year. Mr. Hayes responded in the affirmative. He stated Troop 903 recently conducted a ceremony over Thanksgiving to retire more than 30 flags. He stated Troop 903 was happy to take flags for retirement, or citizens could bring flags to the Scout Center. Council Member Wimpee asked if Troop 903 followed the flag retirement ritual. Mr. Hayes responded in the affirmative. He stated the recent flag retirement ceremony was one of the largest retirements Troop 903 had, and he stated he was proud of his Boy Scouts for being very well behaved and reverent during the proceedings. He stated it was a very moving ceremony.

Vice Mayor Eudey asked if the Scouts in attendance planned to earn the Eagle. Mr. Hayes responded in the affirmative. Vice Mayor Eudey stated he earned his Eagle Scout in 1985. He stated it was a proud moment and he encouraged the Boy Scouts to stay the course.

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

##### **A. 17-2994 Presentation by Yeshi and Selemona Reshedo, discussion and possible action regarding the denial of a waiver of the SteepleChase Farms Assessment District**

Assistant City Manager, Russell Gale, stated at the November 7, 2017 City Council Meeting, City Council denied the hardship waiver requested by Mr. Yeshi Reshedo regarding the assessment placed on his residence in Steeple Chase Farms. He reported Mr. Reshedo had not attended the meeting and after discovering his appeal had been denied he requested an opportunity to speak before City Council.

Citizen Selemona Reshedo stated his address was 19617 East 39<sup>th</sup> Street, Broken Arrow. He stated he was originally from Ethiopia, but had moved to Broken Arrow and attended Rhema Bible Church. He stated he and his wife had three children who were happy in Broken Arrow. He stated he made approximately \$8 per hour on which he had to raise his family. He stated he could not afford this assessment as it cost almost \$400. He asked City Council for consideration of a hardship waiver.

Vice Mayor Eudey stated he recalled there had been proper notice given to the Reshedo family. City Attorney, Beth Anne Childs, concurred. She stated the Reshedo family owned the home at the time of the initial assessment. She stated the assessment should have been paid over a period of 10 years and reported there was still an opportunity to spread the payment of the assessment out over time. Vice Mayor Eudey stated the other waivers had been approved because at the time of purchase the home owners had been told no assessment was due. He stated his understanding was the Reshedo family had constructive legal notice of the obligation; therefore, he felt it would be improper to absolve the obligation; however, he supported working with the Reshedo family to make payment arrangements to better enable the Reshedo family to honor its obligation. City Attorney Childs stated this could be done. Council Member Lester stated the home owners whose waivers were approved had moved in after the initial assessment; however, the Reshedo family was present during the initial assessment; therefore, he concurred with Vice Mayor Eudey and hoped suitable arrangements could be made for payment of the assessment over an extended period of time. He stated he felt it would be unfair to those who had paid the assessment to approve the

Reshedo hardship waiver. City Attorney Childs stated she would have a staff member reach out to Mr. Reshedo with a payment arrangement acceptable to the Reshedo family. Mayor Thurmond asked for a motion.

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

**Move to deny the second request, but provide a way for the payments to be made over time to accommodate the hardship**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**B. 17-3015 Consideration, discussion and possible approval of Budget Amendment Number 2 for the Broken Arrow Convention and Visitors' Bureau Budget (Fund 27) for Fiscal Year 2018**

Convention and Visitors' Bureau Director Lori Hill reported the Convention and Visitors' Bureau recently requested a Budget Amendment in the amount of \$65,000 to allow additional funding for grants. She reported at the November 7, 2017 Council Meeting, City Manager, Michael Spurgeon, requested this item be tabled and brought back to the Convention and Visitors' Bureau to determine with more detail how the funds would be expended. She stated at the last monthly Convention and Visitors' Bureau Meeting this item was discussed, and it had been determined a reduced amount of \$30,000 dollars, would suffice with the caveat that any additional grant funds would be used for events that generated overnight accommodations and had an economic impact on the Community. City Manager Spurgeon stated he had asked the Visitors' and Convention Bureau to review the item and to ensure any funds generated from the hotel/motel tax would have an economic impact. He stated he felt this would be accomplished and recommended Council support the \$30,000 Budget increase with the understanding that the money was to be spent for economic development impact or to promote Broken Arrow hotels. Ms. Hill stated Ms. Lori Lewis was also in attendance and available to answer questions.

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

**Move to approve Budget Amendment Number 2 for the Broken Arrow Convention and Visitors' Bureau Budget (Fund 27) for Fiscal Year 2018**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**C. 17-2995 Consideration, discussion and possible approval of Resolution No. 1072, a Resolution of Necessity to file a Small Claims action against Deep, LLC dba Luxury Inn & Suites, 1401 N. Elm Place, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of December 2015 through November 2017**

City Attorney, Beth Anne Childs, stated the next two items were related. She stated the City Finance Department and the Legal Department had been working with Mr. Patel over the past two years on payment of his occupancy taxes. She stated City staff had an incredibly difficult time getting Mr. Patel to file the required reports and pay his taxes. She stated several months ago City Council authorized the Legal Department to file a small claims action on one of Mr. Patel's facilities, and after considerable effort staff was able to get Mr. Patel to pay an estimated \$7,500 dollars; however, there was a continued arrearage in the amount of almost \$5,000 dollars for this particular LLC. She stated it was the intention of the Legal Department, as directed by staff, to move forward, collect money pursuant to a judgment, and also collect costs and attorney's fees which the City would be entitled to under the statute. She stated Legal requested Council approve Resolution No. 1072 and authorize its execution. She asked if there were questions.

Council Member Parks asked if the fees consisted in part of the taxes seen on a hotel bill. Ms. Childs stated it was her understanding that Mr. Patel was required to file a report indicating how much the hotel had brought in and the 4% occupancy tax was calculated from this number. Mayor Thurmond asked if the occupancy tax was on the hotel bill, if customers paid this. Ms. Childs responded in the affirmative. Ms. Childs stated it was her suspicion that Mr. Patel was collecting the tax, but not remitting it. Vice Mayor Eudey asked how much time the Legal Department had invested in negotiations and collections. Ms. Childs replied a considerable amount of time had been spent on this. She explained while this was not an overly complicated task it was time consuming and she felt a judge would award a nominal amount for attorney's fees. Council Member Lester asked if following judgment a lien would be placed against the property. Ms. Childs replied it could, but more likely an enforcement action, such as a hearing on assets, would take place. She stated she suspected once Mr. Patel was served and it was clear this would not be dismissed the money would be provided to the City and the case would be resolved. Council Member Lester asked if there was any action the City could take against the business if this payment neglect continued. Ms. Childs responded she would look into this, but she felt the current action would demonstrate to Mr. Patel that the City was serious about collecting the fees and as a result Mr. Patel would come into compliance. She stated if this was not the case, there was the possibility of criminal action. Council Member Lester stated he worried that there were other taxes being neglected by Mr. Patel. Vice Mayor Eudey stated he would not like to see this settled without Mr. Patel paying remuneration for the time spent by Legal in collection, as well as the taxes. Ms. Childs reported she had instructed the attorneys working on this case to keep track of time spent in documented billable hours. She stated the filing phase would also count as cost. She stated small claims judges were not as willing to award \$10,000 in fees; however, if the Legal Department was able to demonstrate the cost the judge would be required to consider it. Council Member Parks asked if the collection of attorney's fees was specifically included in the Resolution. Ms. Childs

responded in the negative. She explained it was unnecessary to specify the collection of attorney's fees as it was considered standard litigation practice.

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

**Move to approve Resolution No. 1072 and authorize its execution**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**D. 17-3019 Consideration, discussion and possible approval of Resolution No. 1076, a Resolution of Necessity to file a Small Claims action against Pride Hospitality, LLC dba LaQuinta Inn & Suites located at 451 W. Albany Street, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of June, August, September, October and November of 2017**

City Attorney, Beth Anne Childs, stated this Resolution was different in the sense that Pride Hospitality owed approximately \$28,000 in total. She stated the Small Claims Act allowed individuals to file for an amount up to \$10,000. She stated Legal had elected to choose two of the months, totaling approximately \$10,000, and file a claim in this manner. She explained the small claims process was designed for quick relief and cases were set fairly quickly as it did away with the formal discovery process and other hindrances. She stated taking the matter to District Court for the full amount of \$28,000 created a level of complexity and the case could drag on into perpetuity. She stated there were cases in the District Court that had been there since she had started as City Attorney; therefore, she felt there was value in breaking the amount owed into pieces and attempting to achieve prompt resolution through the Small Claims Court. Council Member Lester asked if Legal had chosen the months in furthest arrears. Ms. Childs responded in the affirmative. Vice Mayor Eudey asked if Legal felt Pride Hospitality would not hire council. Ms. Childs stated Mr. Patel might; however, it was her experience that Mr. Patel tended to handle things himself. She stated if Council preferred Legal to take the matter to District Court she would be happy to accommodate Council; however, she felt this was a risk. Council Member Wimpee asked if there was a negative history with Pride Hospitality. Ms. Childs responded in the affirmative. She explained the previous item concerned the same gentleman, but a different LLC. Council Member Lester asked if both cases would be brought before Small Claims Court at the same time. Ms. Childs responded in the affirmative. Vice Mayor Eudey stated he was torn. He explained part of him wanted Mr. Patel to be required to deal with this in the District Court. Mayor Thurmond stated in the future Legal could always take the matter before District Court, but he felt this was a good immediate solution with a lower expense for the City. Council Member Parks asked if the attorney's fees would be included in this case as well. Ms. Childs responded in the affirmative. She reported Broken Arrow's Legal Department had a good relationship with the Special District Judges that handled Small Claims actions. She reported the judge who currently handled the FED (Forcible Entry and Detainer) and the Small Claims docket had a daughter who recently graduated from law school and interned with the Broken Arrow Legal Department Office. She stated she hoped by stacking the suits it would impress upon the judge the seriousness of the situation and the need to reimburse the tax payers for the expenditure to force Mr. Patel to comply with what the law required.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

**Move to approve Resolution No. 1076 and authorize its execution**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**E. 17-3018 Consideration, discussion, possible approval of and authorization to execute Resolution No. 1075, a Resolution authorizing an Agreement between the City of Broken Arrow, Casco Industries, Inc. and Mine Safety Appliances Company, LLC; reinstating Purchase Order Number 096106; and authorizing the Fire Department to accept the SCBA's (self-contained breathing apparatus) in accordance with the terms of the Agreement**

City Attorney Childs stated Mine Safety Appliances (MSA) manufactured self-contained breathing apparatuses (SCBAs). She stated Casco Industries distributed for MSA. She reported in June the Fire Chief approached Council and requested the authority to terminate the purchase order for 110 SCBAs. She reported the initial purchase order was for 110 SCBA units, plus face pieces and various components. She stated it was originally intended that 25 SCBAs would be used for training the cadet class. She explained during the cadet class the particular unit that the Fire Department selected proved to be overly technical and there were many challenges with the unit including alarms going off and air flow issues. She stated once the purchase order was terminated representatives of Casco and MSA approached the Fire Chief and other City Officials regarding the possibility of reinstating the order and partnering with MSA to offer a comprehensive training program. She stated MSA's determination to resolve this particular issue was evidenced by the fact that MSA sent an International Vice President to Broken Arrow while Casco brought its entire management staff and ownership to Broken Arrow in an effort to demonstrate a commitment to the safety of fire fighters. She stated the Fire Chief was instrumental in working through this process and identifying issues he felt were important to address to ensure the safety of the fire fighters and to restore confidence in this particular product. She stated the SCBAs manufactured by MSA and purchased by the City were exceptionally technical pieces of equipment and MSA, as requested by legal, now provided website sections which allowed Broken Arrow Fire Fighters to self-educate and MSA would send instructors to Broken Arrow. She stated she felt there was a commitment on the part of the Fire Chief, as well as MSA Management, to ensure all Broken Arrow Fire Fighters

would receive extensive training. She stated MSA would return to Broken Arrow to reinstall the software, check the software, and work through any and all issues which were identified. She explained this Resolution reviewed the history of the transactions. She stated an agreement had been drafted and approved by the Fire Chief between the City, Casco and MSA which she felt was significant because originally there was only an agreement between the City and the distributor Casco. She stated she felt the fact that MSA and its representatives were willing to pin this particular agreement spoke volumes about the level of commitment to this endeavor. She explained the Resolution reinstated the original purchase order, authorized the Fire Department to accept the SCBAs in accordance with the terms of the agreement, and payment would be rendered in February 2018. She reported money was appropriated and encumbered. She stated while she was not an expert in this field she would be happy to answer questions. She reported the Fire Chief was present to answer questions as well.

Council Member Parks asked about a lost pallet of SCBAs. Ms. Childs responded the pallet was not missing. She explained when the SCBAs were repackaged there was some confusion as the SCBAs had been condensed and while there was one pallet less than original, there was still the same number of SCBAs.

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

**Move to approve Resolution No. 1075 and authorize its execution**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**F. 17-3013 Consideration and possible approval of Resolution Number 1078, a resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$2,100,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto**

City Attorney, Beth Anne Childs, stated this item needed to be tabled until after the Municipal Authority approved it. Mayor Thurmond stated he would entertain a motion to table.

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

**Move to table Item F**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

\*At 7:46 p.m., following the brief recess for the BAMA Meeting, Acting Finance Director, Tom Cook, stated the city must approve any debt incurred by the Municipal Authority. He reported Resolution No. 1078 approved the action taken by the Broken Arrow Municipal Authority authorizing the issuance of its promissory note in the principal amount of \$2,100,000 to the Oklahoma Water Resources Board.

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

**Move to approve Resolution No. 1078**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**G. 17-3008 Consideration, discussion and possible approval of the selection of Berry Dunn McNeil & Parker, LLC dba BerryDunn and authorization to negotiate and execute a Professional Consultant Agreement with BerryDunn for the Enterprise Resource Planning System Consulting Services (RFP 18.107)**

Information Technology Director, Stephen Steward, reported in May 2017 he made a presentation to Council in which he discussed the Enterprise Resource Planning System (ERPS) which the city had been using since 1992. He stated an ERPS was a very comprehensive integrated suite of applications which were typically grouped in terms of financial, accounting, human resources, community development, utilities and public works, police, fire and government. He stated within each one of those groups there were many sub applications and everything was interconnected. He stated the current ERPS (Enterprise Resource Planning System) no longer met technology standards; it lacked the features, integration and capabilities required to support the growth which had occurred within Broken Arrow. He stated a new ERPS was necessary to support city operations and would provide technology capabilities which would encourage new processes, development and provide greater functionality to increase efficiency and effectiveness of operations throughout each City Department. He reported on July 24, 2017 he released a request for proposal for consulting services to assist the city in development of an RFP to select ERPS software which would best fit the city's current and future needs. He stated in the RFP the scope of work was defined and broken down into three phases. He explained phase one was to review current applications, conduct a needs assessment, prepare a plan of action for addressing identified issues, examine current business practices and processes, and provide recommendations for improvement. He stated phase two was to take the information gained in phase one and develop an RFP for an ERPS. He stated phase three involved project coordination for the procurement process of the ERPS, assistance in evaluation of proposals, assistance in short list creation of four vendors within each area, assistance with change management, provision of project status reports and help negotiating contracts. He stated he had learned from speaking with other cities that had undergone



this process that the consultant firms were able to recapture incurred fees through contract negotiation expertise. He reported the RFP had been released and the Selection Committee had received responses from nine firms. He reported the Selection Committee consisted of himself, the Assistant City Manager over Administration, and the Assistant City Manager over Operations. He stated the Selection Committee had narrowed the list down to two firms who had experience providing this service for both Public Safety and Non-Public Safety entities. He stated the two firms were Sciens Consulting and BerryDunn. He stated both consulting firms made presentations clearly communicating the firms' qualifications, experience and ability to perform the services set forth in the RFP. He stated the Committee checked references and contacted many of the cities that had used these firms. He stated the Committee used four areas of scoring: qualification and experience at 30% weight, technical approach at 25%, references at 15% and cost at 30%. He stated each Committee Member rated the consultant firms according to this and BerryDunn had a score of 1,175 and Sciens Consulting 835. He stated based upon the scoring of the Selection Committee Members, Berry Dunn was the preferred consultant. He explained the funding for the ERPS consultant was available in the Sales Tax Capital Improvement Fund and through the Broken Arrow Municipal Authority as a budgeted project. He stated the consultant process could take upwards of a year and the implementation of an ERPS could take two to three years as the Non Public Safety had to be rolled out in phases, generally starting with the Financial Application, followed by HR, Payroll, Community Development and Utility Billing. He explained the Public Safety ERPS implementation, of necessity, would be all at once. He stated he hoped the new ERPS would be up and running within several years and would last another 25 years. He asked if there were any questions.

City Manager, Michael Spurgeon, stated outside of the purchase of fire trucks, police vehicles, dump trucks, front end loaders, etc., this may be the most significant investment made with regards to operations. He reported this could cost between \$5 million and \$6 million dollars when the packages were put together. He stated this was a significant, yet necessary investment in the technologies needed to better serve the City of Broken Arrow. He explained this would better everything from how easily police could access records to determine if a situation would prove dangerous, to the ability to provide the most up to date ways for citizens to interact with the city. He stated the ERPS was present in the current Survey and might be applicable as a Bond Project, and if not research needed to be done regarding fund assemblage.

Mr. Steward stated Berry Dunn had worked on a substantial number of these engagements, specifically with cities that utilized the same software as Broken Arrow; therefore, Berry Dunn would have the benefit of being familiar with Broken Arrow's current software and having already created templates which could quicken the process. He stated he felt Berry Dunn was a good candidate. City Manager Spurgeon stated he recommended approval to the Council.

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

**Move to approve the selection of Berry Dunn McNeil & Parker, LLC dba BerryDunn as consultant and approve and authorize a Professional Consultant Agreement with BerryDunn to be negotiated and executed**

The motion carried by the following vote:

**Aye: 5 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**H. 17-2982 Consideration, discussion, and possible approval of the nomination and appointment of Vince Snelling to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2019**

Convention and Visitors Bureau Director Lori Hill stated as part of the Tourism Asset Inventory the strategic plan set forth recommendations to restructure the Convention and Visitors' Bureau to include members from hotels, dining, retail, City Council, and attractions. She reported there was one position open on the Convention and Visitors' Bureau and Mayor Craig Thurmond nominated the appointment of Mr. Vince Snelling, the General Manager of the Stoney Creek Hotel and Conference Center. She stated Mr. Snelling was willing to serve on the Board. She stated the fact sheet indicated term expired September 30, 2018; however, it was actually to end September 30, 2019. She stated she would be happy to answer questions.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

**Move to approve the nomination and appointment of Vince Snelling to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2019**

The motion carried by the following vote:

**Aye: 5 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**10. Preview Ordinances**

There were no Preview Ordinances.

**11. Ordinances**

**A. 17-2992 Consideration, discussion, and possible adoption of Ordinance No. 3506, amending Section 3.1.F (Table 3.1-1), Table of Allowed Uses, and Section 5.8.D Downtown Residential Overlay District (DROD), of the City of Broken Arrow Zoning Ordinance; specifically including supplement A which contains the Downtown Residential Overlay District Design Standards; repealing all ordinances or part of ordinances in conflict herewith; and declaring an emergency**

City Attorney, Beth Anne Childs, stated this Ordinance incorporated the Downtown Residential Overlay District (DROD) into the Broken Arrow Zoning Ordinance. She reported staff had complied with the notification requirements in terms of publication and public hearings. She stated this also incorporated the DROD Design Standards as an attachment. She stated the final draft was completed thanks to Michael Skates and staff. She requested Council adopt Ordinance No. 3506 and approve the emergency clause.

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

**Move to adopt Ordinance No. 3506**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.

**Move to approve the emergency clause**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Mayor Thurmond wished City Council a very Merry Christmas and a Happy New Year, the Citizens of Broken Arrow a Merry Christmas and a Happy New Year, and also the staff of Broken Arrow. He stated the City of Broken Arrow had an amazing staff which he knew City Council was aware of, and hopefully the citizens of Broken Arrow knew this as well. He wished Broken Arrow city staff a Merry Christmas and a Happy New Year.

Council Member Lester stated it had been a great year across the city. He stated Broken Arrow had much to be thankful and he looked forward to a great 2018. Council Member Wimpee stated she was finalizing her eighth month on City Council and she wanted to thank staff, Councilors, and the City Manager for making her working experience wonderful. She stated she was honored to be a Member of the City Council and she wished all a Merry Christmas.

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

City Manager, Michael Spurgeon, stated he appreciated City Council and its work. He stated it was great to see the positive feedback received on the survey regarding the Governing Body. He wished Council and staff a Merry Christmas and a Happy New Year. He stated Steve Arant was retiring in a few weeks and he commended Mr. Arant for his amazing work as the Street and Stormwater Director. He stated Steve had been excellent to work with and as Mr. Arant transitioned into retirement Mr. Spurgeon wanted to publically acknowledge Mr. Arant's efforts for the City of Broken Arrow.

**14. Executive Session**

There was no Executive Session.

At 7:44 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to move into the Broken Arrow Municipal Authority meeting. He stated City Council would reconvene after the BAMA Meeting to address an item.

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

**Move to brief recess for BAMA**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**15. Adjournment**

The meeting adjourned at approximately 7:47 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye:** 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

s/Craig Thurmond \_\_\_\_\_  
Mayor

s/Lisa Blackford \_\_\_\_\_  
City Clerk