



City of Broken Arrow

City Hall
220 S 1st Street
Broken Arrow OK
74012

Minutes
City Council

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

Tuesday, February 16, 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

Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

A. 16-143

Approval of Amended City Council Minutes for meeting of September 15, 2015

B. 16-153

Approval of City Council Minutes for meeting of February 2, 2016

C. 16-182

Approval and authorization to execute Earth Change Pay Request Number #7 for Tri-Star Construction, LLC and Davis H. Elliott Construction Company, Inc., through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

D. 16-181

Approval and authorization to execute Pay Request Number 8 for Professional Design Services through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

E. 16-179

Approval and authorization to purchase Eight (8) Dell Latitude Rugged Extreme computers, Twelve (12) Havis docking stations and Twelve (12) High-gain Antennas from Dell Computers, pursuant to the Oklahoma Statewide Contract

F. 16-194

Awarding of the lowest and best bid to Midstate Traffic Control Inc., and approval and authorization to execute a construction contract for Traffic Signal Renovation at Elm Place and the Creek Turnpike

G. 16-160

Approval of PT15-119, Conditional Final Plat, Kum & Go 837, a replat of Lot 1, Block 1 of BOL Addition, 1 lot, 1.72 acres, CN to PUD 247/CN, west of Oneta Road, north of State Highway 51

H. 16-159

Approval of Specific Use Permit, SP 275, Broken Arrow Public Schools, 42.00 acres, A-1, one-quarter mile north of Kenosha Street, west of 209th East Avenue

I. 16-189

Approval of the Broken Arrow City Council Claims List for February 16, 2016

6. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

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

A. 16-184

Presentation by City Manager Michael Spurgeon of Power Point Presentation on his assessment of the City and its Public Trusts, observations, priorities, proposed revisions to the organizational structure and goals and objectives and related discussion

City Manager, Michael Spurgeon told the Council, Staff, and members of the public present in the audience that he wished to share some of his initial observations as City Manager and bring to their attention some items to consider going forward. Turning to his presentation, he pointed out that leadership and public services mattered most at the local-government level, as was reflected daily in the lives of Broken Arrow's citizens,

whether it concerned water, sewers, parks, public safety, or just general administration. Providing a brief overview of the City's government, Mr. Spurgeon stated that the City was funded by 3% of each dollar spent on goods within the City. Half of those revenues went to the General Fund, and the other half to Sales Tax and Capital Improvement, minus one cent taken as guarantee of payment of Broken Arrow Municipal Authority (BAMA) loans used for operations. Sales taxes being the primary source of revenue for the General Fund, it was difficult to do budgeting because of the variables involved. The growth of new businesses facilitated a fairly constant level of tax revenues, but it was contingent upon how well they were able to safeguard the funds in the process of their decision-making. Mr. Spurgeon reported that the City was in excellent financial condition, income being 102% of what was budgeted and expenses being about 97% of the budgeted figure. The Emergency Reserve Fund balance was over \$5 million. With regard to BAMA, income was at 102% and expenses at 91%, of the budgeted amounts. Furthermore, the City received good financial ratings from Moody and Standard & Poor, demonstrating that it was a good for investors, in relation to issuance of City bonds.

Mr. Spurgeon went over his initial observations from his first 4 months as City Manager. One of his main focuses was getting to know as many people as possible within the community and to that end, he had been attending as many functions and homeowner's association meetings as he could. Working to build relationships with Broken Arrow's Chamber of Commerce, Economic Development Corporation (EDC), and School Board, he was pleased to find that the City's relationships with all three were very strong and there was partnership between them. He was meeting with the Superintendent and City officials on a monthly basis to ensure that there was dialogue on what was going on, because there were lot of strong opinions, as there should be, when it came to decision-making. He was pleased to see that all the parties he had met with had the community's best interests at heart. He had focused on learning how the City operated from day to day, in other words, on learning how City government went about doing the people's business. He had visited nearly every facility in the City's inventory and from his perspective, he believed that the citizens, and City Council, in turn, were being well served. He added that he had asked all of the Directors to complete a SWOT (strengths, weaknesses, opportunities, threats) analysis, reconciling his own observations with theirs, so that he could provide good advice and guidance to the Council with regard to policy decisions. He has also focused on the financial side, meeting with the Finance Director, Tom Caldwell, nearly every Tuesday. Mr. Caldwell and his team, along with Mr. Gale, Human Resources Director, discussed with him where the City stood, understanding how dollars were spent. Lee Zirk, General Services Director, and his team, were doing a great job with procurement and the policies and procedures in place. The Staff was challenged in a very positive way on spending, doing their best to follow the rules and regulations, while the Directors retained the flexibility to go out and get quotes up to certain limits, thereby avoiding some of the usual slowness of bureaucracy. One last major focus of his had been the current infrastructure, which he spent a lot of time examining. It was clear that they needed some long-term planning with respect to infrastructure. Water and sewer line systems were some of the most expensive components of infrastructure and many people did not recognize that they needed to be replaced every so often. There would be a need, in the future, to look at expanding and upgrading City facilities to fit the needs of a growing population. He added that he had spent a lot of time discussing future bond projects, as well.

Mr. Spurgeon turned to the ten areas he wished to cover in discussions with the Council, going forward. The first pertained to the roles of the City Manager and Assistant City Manager, as illustrated by the organizational chart which he displayed on the screen. Nearly all the public works departments fell under the umbrella of the City Manager, while under the Assistant Manager fell more of the support operations. He believed this needed to be restructured in order to maximize efficiency. After conducting research on the organizational structure of several other Oklahoma municipalities similar in size to Broken Arrow, and after talking with Mr. Gale and his office, Mr. Spurgeon realigned the City's organization into three divisions. The new set-up included an Assistant City Manager for Administration, under whom would be Finance, General Services, and Human Resources. The City Clerk and Municipal Clerk, currently under Human Resources, would report directly to the Assistant City Manager of Administration. After examining Informational Services (IS), he determined that IS should be its own, separate department, with a Director overseeing it. Under the City Manager would be added Economic Development, his own Office, Communications, Fire, Police and Legal. The new Assistant City Manager of Operations, Mr. Schwab, would be starting on February 29th. Under him would be the public works-type departments, with the addition of Development Services. He believed it best that public and private development report to one person. A couple of Ordinances would be brought before the Council in March, with regard to the changing the organizational structure.

The second area that Mr. Spurgeon saw as important for the future, concerned the Financial Sustainability Committee, commissioned by the Council a year and a half before. The Committee had spent a lot of time looking at the financial health of the City, and had made

a number of recommendations, which the governing body implemented. First and foremost, a City Manager had to make sure that there were policies in place to ensure that there were adequate and sustainable resources to meet the needs of local government and utility operations today, tomorrow and in the future. Mr. Spurgeon went on to explain that Department Directors were held accountable for their budgets, being required to stay within the limits of what was approved. The Directors were doing a good job in managing their budgets, but for the good of the City it was important to make sure that they could continue to forecast needs and expenditures going forward.

The third area Mr. Spurgeon mentioned was in connection with repurposing of the Vision 2025 Tax, approved by the voters in November 2015. The Tax had been repurposed to implement three initiatives. The initiatives were for the Police Department to add 20 new police officers, the Fire Department to add 20 new firefighters, and for street maintenance/traffic management, as well, for which funds of over \$3 million were approved. He had had several meetings with Directors and they were working on how they would implement use of those funds, since taxes would be collected starting in January 2017. Mr. Spurgeon said that he had asked both Public Safety Directors to expedite hiring of the police and firemen, respectively. In regards to street maintenance, an assessment of all of the streets in the community was being conducted to find out what condition they were in. Following the assessment, a plan would be put together for the streets the City would be overlaying or rebuilding. Mr. Spurgeon said he was excited that they would have more funds for traffic management, which would include realigning signals and timing signals in a better way. With additional resources, they would be able to come up with recommendations on how to improve traffic further, and he cited the heavy traffic over the holidays, around Lynn Lane, and on 51st and 61st Streets, as an example of streets that needed improvement with respect to traffic flow.

Number 4 on Mr. Spurgeon's list was economic development. He stated that they needed to be very aggressive and proactive, economic development being the fuel that drove the City's engine. He listed several tenets of economic development, including attracting new businesses, retaining existing ones, and creating quality jobs. With respect to the latter, they were looking not just for jobs but for opportunities to create technology jobs and the types of jobs that would generate other businesses and create synergies. Mr. Spurgeon stated that he had been told that discussions on the creation of a future technology park would begin. There were opportunities, especially with existing businesses, to consider some type of technology park, and that would require the City to make some investments in infrastructure. Another tenet was determining where there were opportunities for future growth and/or redevelopment. There was still a lot of property of what he called "our front door," and they had to make sure that whatever the opportunity might be, it represented the right type of growth. Where there were opportunities for redevelopment, the City should make a commitment as it had downtown, where the City's public investment had parlayed with private investment. The last tenet of economic development was maintaining a high quality of life for all. The relationship with the school district and the Chamber of Commerce was very important because what people were looking for when making an investment in a home was the assurance that it was a place where they could live, work and play safely, where the parks were in great condition and where their city was there for them if they needed it.

Another area to focus on was "Shop Broken Arrow," which was indicative of the benefits of shopping locally. Seventy-five percent of revenues that were received for the General Fund came from sales taxes needed to continue to maintain the high quality of life that Broken Arrow enjoyed. If sales tax revenues went down, it would create a tremendous burden upon the City since most of its costs were fixed costs, in term of personnel. The other sources of revenue, while not negligible, paled in comparison to the sales tax. Mr. Spurgeon brought up a slide that he had shared with Council members in an email, reporting that Oklahoma was the only state in which municipalities were almost entirely dependent upon sales tax for general operations. He added that the Oklahoma Municipal League (OML) wanted to come to Broken Arrow sometime in the next couple of months to give a presentation to the local municipalities about making sure that they were working together in educating legislators at the state level about Oklahoma's disadvantage when it came to the sales tax. Clearly, it was important to begin a serious dialogue about restructuring the tax system, especially in light of the fact that it was very easy for sales taxes to erode with people buying on the Internet, etc. Looking at other options regarding how City government could be funded was a matter that needed to be at the forefront of everyone's attention.

Mr. Spurgeon presented slides on the Rose District and Downtown revitalization, commenting that the momentum in the area was tremendous. The amount of sales taxes generated in the past two years from the City's initial investment was impressive and he applauded the City Council's foresight in a making a reinvestment that was yielding such positive results.

Tourism was another area of focus, going hand in hand with economic development. As the Governor had pointed out in a recent statement that tourism was a driving force in Oklahoma's economy. It was very important that the City should continue in the effort the Council had started with the construction of the Conference Center, in order to create opportunities for more people to come to Broken Arrow. With additional hotels being built and potentially more in the planning, tourism would play an important part in Broken Arrow's life. Broken Arrow had many assets that could be marketed to attract people. Mr. Spurgeon added that he had made the decision to move Tourism operations back to the City Manager's Office. Lori Hill, Tourism Director, was very capable. He had given her direction and she had gone off and achieved some great things in the few months she had been back in the City Manager's office. He expressed confidence in Ms. Hill's ability to lead and to work with Economic Development Coordinator Norman Stephens. In connection with the Strategic and Marketing Plan, they put out proposals to do an assessment and seven proposals were received back. The assessment did help to identify where Broken Arrow's strengths lay and pointed to how they could market the community for greater return on the City's investment. They would be analyzing the results in order to make a decision before the 30-day deadline. Ms. Hill and Mr. Stephens would be taking the assessment to the Convention & Visitors Bureau (CVB) in the next few weeks, and then it would be brought before the Council for each contract awarded for a particular service. Finally, it would take about 18 months before the Conference Center could open, once construction got off the ground. It was hoped that by September or October 2017 there would be a ribbon cutting to inaugurate the opening. They were not waiting in terms of partnerships and he, Mr. Stephens, and people from EDC, had approached some independents in December. Noting that there was a lot of traffic in the area of the planned Conference Center, Mr. Spurgeon said they were going to recommend using some Vision funds to put in an additional traffic signal, and some re-signaling would be done, also. The cost would be in the \$500,000 to \$600,000 range; however, the signal would facilitate a safer experience for everyone visiting the Conference Center, including pedestrians coming from the nearby hotels. Michael Skates, Director of Development Services, was leading the safety initiative. Mr. Spurgeon referred back to the Oklahoma Governor's recent statements on economic development and tourism, in which it was reported that tourism was at an all-time high. It was a testament to the Oklahoma communities that had a tourism tax and were marketing themselves, and Broken Arrow needed to continue in that effort too.

Mr. Spurgeon brought up the Broken Arrow Municipal Authority (BAMA) and Public Utilities, which the Council would be discussing. Black & Veatch was working on a 5-year rate model for Broken Arrow that included what he saw as realistic expectations, regarding operations and debt service for Capital Improvements. The Council would be in receipt of the company's report sometime in June or July. Mr. Spurgeon stated that he believed a strategic plan was needed for the City's utilities because it was time to finally address maintenance issues that had been deferred. A short-term and long-term plan for improvements to the system was needed. With regard to the long-range plan for water and wastewater operations, they had to be looking continually at present and projected future growth, in order to meet the demands of the citizens. The Council would be examining studies in connection with reestablishing the OOWA line. Referring back to Mr. Zirk's report from the last meeting on the future of Broken Arrows sanitation and recycling programs, Mr. Spurgeon said that he and Staff were going to be meeting very shortly with the company that was going to conduct the recycling survey, and when completed, the survey would be brought to the Council for review. He added that they would have to make a decision within four months or so, because the contract with the waste management company for tipping fees at the landfill would be expiring.

Another point of focus for the Council would be street improvements. Steve Arant and his team were considering improvements for the current year and for the future. Funding for the project stood at \$3 million, however, Mr. Spurgeon was planning to discuss with the Council a combination plan of Streets and Stormwater Department doing certain improvements, and then bonds being issued over, perhaps, a 5-year period, to raise the rest of the capital needed to award contracts for the improvements. With respect to the long-term Capital Improvement transportation plan, the Council would be considering a plan to go to the voters every four or five years, asking them for funds for road widening, which was a very expensive project.

Regarding public and private development to be considered by the Council, Mr. Spurgeon remarked that he thought it a step in the right direction that all the departments had been re-organized under one person, the City Manager. In terms of private development, he planned to propose a transition from the current model to a partnership with those desiring to make investments in the City. Referring to public development, Mr. Spurgeon stated that he certainly saw a need for improvement in project management, in that they were not going about it in a timely manner. He saw the need for additional resources to meet the expectations of all concerned regarding efficient project management. More accountability was needed. The City needed better cost estimates and better scheduling of

projects, with stricter adherence to schedules. The public wanted to see the improvements they had approved at the ballot box turned into reality.

Mr. Spurgeon informed the Council that his team was going through a cultural transition, in connection with leadership and management. They had been operating under a centralized style model, in which one person or a couple of people made all the key decisions, and everyone else acted as good implementers of the decisions. They were currently undergoing a transition, in which some really good people were learning that they could go out and make decisions and it would be okay. The move to a decentralized model was more conducive to the creation of unafraid leaders whose talents and abilities as the best and brightest were used. Such leaders had the confidence to steer their department in the direction indicated by the Council and City Manager, and they possessed the ability to make things happen, benefitting the community. Mr. Spurgeon reported that additional leadership training was being provided to Staff under the new model, however, they were in need of a succession plan for coverage in the case of absent personnel, position vacancies, or promotions. Some departments were in need of additional personnel in upper/mid-level supervisory positions, also. The additional staff would ensure that directors could direct instead of having to act as managers. Three departments, in particular, were in need of additional managerial positions to fill in the gaps, if the City could afford it over the coming years.

Another matter Mr. Spurgeon would ask the Council to focus on was that of increasing Broken Arrow's political influence. As an important individual city and the State's third largest city, with a population of almost 110,000, Broken Arrow should push itself to the fore, continuing to develop relationships in order to maintain its position as a metro, state, and regional partner supporting surrounding communities. Mr. Spurgeon said that he had recommended and implemented hiring a lobbyist to that end, sharing the cost with the Chamber of Commerce and the EDC. As a way of illustrating the importance of Broken Arrow's interests being well represented at the state level, he cited recent bills that he believed were not in the City's best interest. With the help of the lobbyist, they would be reaching out to State legislators, voicing their concerns in opposition to the legislation.

As a last point, Mr. Spurgeon planned to take up the issue of transparency of local government operations with the Council. Mayor Thurmond and Vice Mayor Carter had imparted to him Broken Arrow's commitment to transparency early on and he fully supported it. He would be suggesting some initiatives to improve upon the already good transparency they had. Most of the initiatives would be implemented by the end of the year. The City website was being redesigned and the new, more interactive website would be launched by the end of March 2016. The use of OpenGov, a financial transparency software tool, would also be incorporated into governmental operations. A new annual financial newsletter would be offered, along with, hopefully, some YouTube shorts on City operations, public initiatives, and City services. Another plan was to conduct 5-10 minute Council briefings on Wednesday mornings following the Council meeting, that would highlight important points of the meeting. They were also looking at creating internship programs for Communications and Tourism and a Citizens Mobile Application for reporting non-emergency matters. Finally, Mr. Spurgeon stated that he would eventually like to create a local TV show, utilizing guest speakers, as a way of focusing on what was happening in Broken Arrow.

Mr. Spurgeon thanked the Council for its time and support during his first five months as City Manager. He asked if there were any questions.

Vice Mayor Carter thanked Mr. Spurgeon, stating that he had addressed a lot of things that had been on his own mind of late, particularly regarding infrastructure planning for water, storm water and sewer, in light of the recent failure at Barnsdall, where residents could not drink the water due to antiquated pipes and systems.

Councilman Parks remarked that Mr. Spurgeon had done an excellent job in his presentation. He went on to say that he already knew that Mr. Spurgeon was meeting with a lot of Broken Arrow's citizens because everyone with whom he himself had recently met commented that Mr. Spurgeon was a most energetic City Manager. He expressed his appreciation for Mr. Spurgeon's efforts in getting to know the community.

Councilman Lester commented that he appreciated Mr. Spurgeon's reaching out to Dr. Hartzler, Superintendent of Union Public Schools in Tulsa, as it had been a goal of his long before he gotten of the Council, when serving on the School Board there, to engage him. He wanted Mr. Spurgeon to assure them that they were part of Broken Arrow, and Councilmen Lester would encourage their participation since it was needed. they needed City's participation.

Councilman Eudey said that Mr. Spurgeon's involvement in the community and his going out to meet with people, groups and organizations, added a level of transparency that they all wanted and which was important to all. He added that he liked that road remediation was being seen as a high priority item and was encouraged by Mr. Spurgeon's and the Engineering's close examination because it was an issue that was becoming all the more important as the City grew.

Mr. Spurgeon commented that it was part of his style to keep the Council members informed of what was going on. Their input was very important and he appreciated their comments as a means of learning what their expectations were, so that he could go back and get things done.

Mayor Thurmond stated that he appreciated Mr. Spurgeon's report and his getting information out not only to the Council but to the public, as well, so that they could understand what was going on and what he was trying to accomplish. He appreciated Mr. Spurgeon's enthusiasm and applauded how he had gotten out into the community and done so much in such a short period of time.

**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)**

Ms. Kelli McDowell, Branch Manager of South Broken Arrow Library, 3600 South Chestnut Avenue, spoke on the upcoming remodeling at her branch. She said the Library would be closed March 7th through March 12th, and would re-open on March 14th. During the closing, Library patrons using the Library for holds would be able to pick them up at the library on Broadway Street. The renovation would entail removing the front desk to allow for maximization of people space, since the Library hosted a lot of activities. Smaller staff stations would be installed in its place, enabling librarians and technical assistants to be more mobile and more available to help patrons. There would be a new "Quick Pick" collection for visitors who browse the bestsellers and new DVDs, which the Library does not put on hold. A new program, "Book a Librarian," would be offered, in which a patron could make an appointment to see a librarian one-on-one, to address his or her specific needs, whether it be computer training, creating a resume, downloading an ebook or audio book, and so on. In conclusion, Ms. McDowell invited the Council, Staff, and public to visit South Broken Arrow Library when it re-opened.

Vice Mayor Carter said he was very pleased with the Broken Arrow's outstanding library system which he and his children had used for many years and which they continue to use. He thanked Ms. McDowell for the services she provided to the community. Councilman Eudey commented that he lived in that area of town and his children used the Library a lot, so he was pleased, for purely selfish reasons, that they had invested to make a great library even better. He expressed his appreciation for the role she and her staff had played in the renovation.

9. General Council Business

A. 16-157

Consideration, discussion and possible approval of BACP 150, Mockley/Broken Arrow Public Schools, 320.00 acres, Levels 4, 3, and 2, Public Recreation, and Public/Semi Public to Levels 4, 3, and 2 and Public/Semi Public, west of 209th East Avenue between Albany Street and Kenosha Street

City Planner, Farhad Daroga, explained that BACP 150 was a request to change the Comprehensive Plan designation. The 320 acres represented an entire half square mile of undeveloped property, west of the Walmart Supercenter site. Mr. Daroga indicated that the request was to realign part of the Comprehensive Plan designation levels. The applicant was requesting a small portion, approximately three acres in size, of Level 4 on the northeast side, wrapped around the Level 3 on that corner, meeting the Comprehensive Plan model of that intersection design. The principal change in the project would be a 40 to 42 acre site in the middle of the property, on the west side of 209th East Avenue, for a public school. The Broken Arrow schools were in the process of acquiring 42 acres for an elementary and middle school site that would have a quarter mile of frontage on 209th East Avenue. The schools were also acquiring a two-acre strip of land that connected on the south tract to 71st Street on Kenosha Street. The bottom or south 80 acres of the property would remain Level 4 for commercial use. Mr. Daroga stated that the Planning Commission reviewed the application in their last meeting in January and unanimously approved the proposal.

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

Move to approve BACP 150 as recommended by the Planning Commission and Staff

The motion carried by the following vote:

Aye: 5 -

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

B. 16-152

Consideration, discussion and possible approval of a Release And Relinquishment Of Mutual Access Easements for Lot 2, Block 1 and Lots 1 and 2, Block 1 of Hillside Crossings (Plat No. 6505), belonging to Hillside Development LLC, Hillside Development Block 2, Lot 1, LLC and Shops at Lynn Lane, L.L.C., generally located north of the Broken Arrow Expressway, west of 9th Street, Tulsa County, State of Oklahoma (Section 02, T18N, R14E)

Development Service Director, Michael Skates, explained that the Item under consideration was on two exciting developments in the north – one beginning to develop and one developed at Hillside Crossings at Lynn Lane, with a QuikTrip and shops. A mutual access easement tie between the two developments was established in the platting of the overall development. The two developers had met and were in agreement to relinquish the mutual access easement and move it a little farther to the west, where the businesses and public would be better served.

Councilman Lester left the room.

MOTION: A motion was made by Richard Carter, seconded by Johnnie Parks.
Move to approve the release and relinquishment of Mutual Access Easement
The motion carried by the following vote:

Aye: 4 - Scott Eudey, Johnnie Parks, Richard Carter, Craig Thurmond

Councilman Lester returned to the room.

- C. 16-188** **Consideration, discussion, possible approval and authorization to execute Resolution No. 906, a Resolution authorizing the City Attorney to enter into the Final Entry of Judgment in AG Equipment Company v. The City of Broken Arrow, Oklahoma, et al., Tulsa County District Court Case No. CV-2016-108, authorizing foreclosure and vacation of an easement located at approximately one-half mile south of West Albany Street, east of North Olive Avenue, Broken Arrow, Oklahoma**

City Attorney, Beth Anne Wilkening stated, as they might recall, they had gone through a series of closures over the past year or so, with regard to easements in the particular location, as a result of AG Equipment Company's acquisition of some land and the replatting. She recommended that Resolution No. 906 be approved and its execution be authorized because the Council had previously approved the closure Ordinance. The approval would essentially allow them to move forward with the District Court with respect to foreclosure actions that would clear title to the land.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to approve Resolution No. 906 and authorize its execution

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- D. 16-187** **Consideration, discussion, possible approval and authorization to execute Resolution No. 907, Resolution authorizing the City Attorney to agree to Entry of Judgment without admitting liability in the matter of Wilmington Savings Fund Society, FSH, not in its individual capacity but solely as Trustee for the Primestar-H Fund I Trust, Plaintiff v. Brian Edmonds, et al., Defendants, Tulsa County District Court, Case No. CJ-2015-01386; and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including an execution of Journal Entry incorporating the resolution of the court's approval, pursuant to 51 O.S. § 158**

Ms. Wilkening reported that there were two cleaning and mowing lanes filed with the Tulsa County Clerk with regard to the property which was under foreclosure. Foreclosure actions had been initiated by the landowner. The City would be compensated for that provision made in the Journal Entry. She requested that the Council approve Resolution No. 907 and authorize its execution.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to approve Resolution No. 907 and authorize its execution

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- E. 16-180** **Consideration, discussion and possible approval of bids received and awarding of the most advantageous bid to Premier Truck for the purchase of a dump truck base unit, 2017 Western Star**

Steve Arant, Director of Streets and Stormwater, informed the Council that he had solicited bids for the dump truck base unit. Five bids were received, one of which was eliminated because it didn't meet specifications. Premier Truck offered the two lowest bids. Mr. Arant requested that the most advantageous bid be awarded to Premier Truck, specifically for their second lowest bid, also taking into account their good warrantee and delivery time.

Councilman Parks commented that he always had a little bit of trouble not taking the lowest bid, unless the reason for rejection was identified. Mr. Arant had done a good job of that and he appreciated it.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.
Move to award the most advantageous bid to Premier Truck for the purchase of a dump truck base with listed options 2017 Western Star

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- F. 16-173** **Consideration, discussion and possible approval to repeal the Broken Arrow Convention and Visitors' Bureau Bylaws**

Lori Hill, Tourism Director, Broken Arrow Convention and Visitors Bureau, explained that City Staff had been working with the Assistant City Attorney to update and organize the Convention and Visitors' Bureau (CVB) bylaws and the Ordinance. Following the November 9, 2015 meeting, The CVB reviewed and approved to repeal the CVB bylaws

and to incorporate them into the CVB Ordinance. The Staff was recommending that the CVB bylaws be repealed.

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

Move to repeal the Convention and Visitors' Bureau Bylaws

The motion carried by the following vote:

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

G. 16-191 Consideration, discussion and possible approval of the Downtown Overlay District Coordinating Committee

Ms. Wilkening stated that they had researched how the City Council could go about establishing an alternative review process for downtown residential building permits. They had the opportunity to look at some of the things other cities had done before, without resorting to the extreme measure of instituting a moratorium. After consulting with the City Manager, representatives of the Chamber of Commerce and some of the community stockholders, they came up with a process by which they could create an additional level of oversight or review, for residential building permits in that particular area. A half mile area was suggested, south of Kenosha Street, north of Houston Street, east of Elm Street, and west of 1st Street. A coordinating or review committee would be created, not just to review building permits and make recommendations to Staff, but also to review Requests for Proposals to develop standards for development in the area. It was important to keep the process moving forward and to provide the opportunity for would-be local investors to appeal, on favorable recommendation from the Staff, to the City Council.

Ms. Wilkening went on say that the City Manager and representatives of Chamber of Commerce felt that they had one opportunity to create a unique setting in the downtown area. That, coupled with the need to be thoughtful on how the infrastructure advances, was the genesis behind the idea to create a coordinating committee.

Councilman Lester asked about the time limit for serving on the committee. Mr. Spurgeon replied that tentatively, it was six months.

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

Move to approve the Downtown Overlay District Coordinating Committee as recommended

The motion carried by the following vote:

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

H. 16-192 Consideration, discussion and possible approval to issue a Request for Proposals for hiring a consulting firm for the Downtown Residential Overlay District

Ms. Wilkening explained that the consulting firm would be assisting with any revisions to the Downtown Residential Overlay District. Staff recommended that the Council issue and authorize Staff to issue the Request for Proposal.

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

Move to approve and authorize Staff to issue the Request for Proposal

The motion carried by the following vote:

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

10. Preview Ordinances

A. 16-149 Consideration, discussion and possible preview of an ordinance closing a utility easement on property located in Part of Lot One (1), Block One (1), Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway and west of 9th Street; repealing all ordinances to the contrary; and declaring an emergency

Ms. Wilkening stated that this was the process to follow, by which a utility easement was closed. Staff recommended that the Council preview the ordinance and set it for adoption.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

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

B. 16-174 Consideration, discussion and possible preview of an ordinance amending Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau, Sec. 2-211 Created; Sec. 2-212 Appointments; Sec. 2-213. - Removal from office; Sec. 2-214. - Organization; Sec. 2-215. - Duties; Sec. 2-216. - Effective date of article - Repealed; and adding Sec. 2-217 Selection of Officers; Sec. 2-218 Codes of Ethics; and Sec. 2-219 Public Hearings. Specifically, incorporating the repealed Broken Arrow Convention and Visitors' Bureau Bylaws into these ordinances

Ms. Wilkening reported that in meeting with the Tourism Director it was decided that it would be a good idea, for the sake of transparency and also to provide a single document of guidelines, rules and regulations, to incorporate the Bylaws into the ordinances themselves.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

A. 16-162

Consideration, discussion and possible adoption of Ordinance No. 3378, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1945, granting an ON zoning classification be placed upon the tract along with PUD 242, generally located on the northeast corner of First Street and Detroit Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3378

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 Richard Carter.

Move to approve the emergency clause for Ordinance No. 3378

The motion carried by the following vote:

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

B. 16-163

Consideration, discussion and possible adoption of Ordinance No. 3379, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1928, granting an IL zoning classification be placed upon the tracts, generally located east of Aspen Avenue and south of Kenosha Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3379

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. 3379

The motion carried by the following vote:

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

C. 16-164

Consideration, discussion and possible adoption of Ordinance No. 3380, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1933, granting a DM zoning classification be placed upon the tracts, generally located on the southwest corner of Elgin Street and Main Street in the Original Town of Broken Arrow, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3380

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. 3380

The motion carried by the following vote:

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

D. 16-165

Consideration, discussion and possible adoption of Ordinance No. 3381, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1938, granting a DM zoning classification be placed upon the tracts, generally located on the southwest corner of Ash Avenue and Commercial Street in the Original Town of Broken Arrow, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3381

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. 3381

The motion carried by the following vote:

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

- E. 16-166** **Consideration, discussion and possible adoption of Ordinance No. 3382, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1769, granting A-1 and RD zoning classifications to be placed upon the tract along with PUD 176, generally located one-half mile east of 9th Street, south of College Street repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.
Move to adopt Ordinance No. 3382
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. 3382
The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond
- F. 16-167** **Consideration, discussion and possible adoption of Ordinance No. 3383, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1929, granting an IL zoning classification be placed upon the tracts, generally located one-half mile north of Dearborn Street, east of 209th East Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.
Move to adopt Ordinance No. 3383
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 Scott Eudey.
Move to approve the emergency clause for Ordinance No. 3383
The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond
- G. 16-168** **Consideration, discussion and possible adoption of Ordinance No. 3384, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1936, granting a DM zoning classification to be placed upon the tracts, generally located on the northwest corner of Main Street and Knoxville Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Mike Carter, seconded by Richard Lester.
Move to adopt Ordinance No. 3384
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. 3384
The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond
- H. 16-074** **Consideration, discussion and possible adoption of Ordinance No. 3395, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1898, granting a CH zoning classification be placed upon the tract along with PUD 226, generally located one-third mile south of Omaha Street, west of Aspen, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.
Move to adopt Ordinance No. 3395
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. 3395
The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond
- I. 16-170** **Consideration, discussion and possible adoption of Ordinance No. 3396, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1925, granting a CN zoning classification be placed upon the tract along with PUD 232, generally located on the south side of Kenosha Street between**

Ash Avenue and Main Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3396

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. 3396

The motion carried by the following vote:

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

- J. 16-171** **Consideration, discussion and possible adoption of Ordinance No. 3397, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD 237, generally located east of the southeast corner of New Orleans Street and Aspen Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3397

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 Mike Lester.

Move to approve the emergency clause for Ordinance No. 3397

The motion carried by the following vote:

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

- K. 16-172** **Consideration, discussion and possible adoption of Ordinance No. 3398, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1887, granting an RS-3 zoning classification be placed upon the tracts, generally located south and west of the southwest corner of Tucson Street and Olive Avenue, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3398

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 Mike Carter.

Move to approve the emergency clause for Ordinance No. 3398

The motion carried by the following vote:

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

- L. 16-176** **Consideration, discussion and possible adoption of Ordinance No. 3409, an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 8, Cemeteries, Article II Park Grove Cemetery; Division 2. Babyland; Sec. 8-51., Created, to reflect the actual area used, Blocks 33 through 36, as designated for Babyland use, Sec. 8-55., Monuments and Markers, updated to include upright markers; and adding Division 3, Sec. 8-56., Created; Sec. 8-57. Niche, Sec. 8-58., Use of Property, Sec. 8-59., Identification of remains, Sec. 8-60., Cremains location, Sec. 8-61., Decorations, Sec. 8-62., Urn requirement, Sec. 8-63., Niche repair or destruction, Sec. 8-64., Errors, all providing for associated niche servicing and designating the remaining vacant blocks, Blocks 28 through 32 and Block 37 as an area for cremation niches; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening indicated that it was the third time that Ordinance No. 3409 had gone before the Council. Essentially, the Ordinance would narrow the area of the Cemetery reserved for Babyland. It would also create an additional opportunity to serve Broken Arrow citizens by offering cremation niches in the unused area.

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

Move to adopt Ordinance No. 3409

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 Lester, seconded by Mike Carter.

Move to approve the emergency clause for Ordinance No. 3409

The motion carried by the following vote:

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

M. 16-177 **Consideration, discussion and possible adoption of Ordinance No. 3410, an ordinance temporarily establishing an alternative process for the review and issuance of building permits for buildings or structures designed for residential uses and proposed for location in downtown Broken Arrow, more specifically described as the one-half square mile area south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street; providing for an appeal process; providing effective and repeal dates; providing severability; and declaring an emergency**
Ms. Wilkening recalled that they had discussed Ordinance No. 3410 briefly, with regard to the other two items previewed at the previous meeting. The Ordinance would create an alternative review process and would expire by its own terms on September 16, 2016. In the interim, there would be an additional layer of review, as previously mentioned.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to adopt Ordinance No. 3410

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.
Move to approve the emergency clause for Ordinance No. 3410

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

N. 16-175 **Consideration, discussion and possible adoption of Ordinance No. 3411, an ordinance amending the Broken Arrow Code of Ordinances by amending Chapter 23, Traffic, Division 2, Parking Meters; Section 23-154. - Meter zones; installation of meters; marking of metered spaces; and parking zones, specifically deleting Section 23-154(C)(1) and (2) which defines the boundaries of the central business district, deleting reference to the central business district to be replaced by the Rose District; and to allow defendants who receive parking citations in the area to request to be placed on a Municipal Court docket to be heard before a Municipal Court Judge; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that the Ordinance would set up an administrative process for downtown parking. In the event that someone wished to contest a parking ticket, they would have the ability to request it be reviewed in Municipal Court. The Ordinance would essentially streamline operations and provide the tools to be business-friendly, yet accomplish compliance when needed. As such, she requested the Council adopt Ordinance No. 3411.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.
Move to adopt Ordinance No. 3411

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. 3411

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 said he had nothing further to add to the presentation he gave earlier.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:48 p.m.

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

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

Mayor

City Clerk