



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

Monday, June 18, 2018

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 Rich Maganero performed the Invocation.

3. Roll Call

Present: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Absent: 1 - Mike Lester

4. Pledge of Allegiance to the Flag

Vice Mayor Scott Eudey led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond asked if there were any items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 18 690 Approval of Special City Council Meeting Minutes of June 6, 2018
- B. 18 501 Approval of City Council Meeting Minutes of June 4, 2018
- C. 18 689 Approval of the Special Joint Broken Arrow City Council, Broken Arrow Municipal Authority, and Broken Arrow Economic Development Authority Meeting Minutes of May 22, 2018
- D. 18 718 Approval of the Payroll and Benefit Calendar for Fiscal Year 2018 19
- E. 18 709 Approval of and authorization to execute a proposal with United States Fire Insurance Company to provide specific and aggregate re insurance coverage for the employee health plan for fiscal year 2018 19
- F. 18 706 Approval to purchase the Fiscal Year 2018 19 Property and General Liability coverage policy with The Hartford for the city owned building occupied by Bass Pro Shops
- G. 18 708 Approval to purchase the Fiscal Year 2018 19 Battle Creek Golf Course Business Insurance Policy with Philadelphia Insurance Companies
- H. 18 674 Approval of and authorization to execute a renewal of the City of Broken Arrow Golf Course Professional Management Services Agreement with Greenway Golf Associates, Inc. on City Owned Land known as the Battle Creek Golf Course
- I. 18 696 Approval of and authorization to execute a Professional Consultant Agreement Amendment No. 3 with HRAOK, Inc. for additional survey related to PSO power pole relocation and to prepare additional right of way documents for revised roadway alignment to avoid extensive utility relocation (37th Street from Omaha Street to Albany Street, ST1112)
- J. 18 717 Approval of and authorization to execute a Professional Transportation Services Contract with the Metropolitan Tulsa Transit Authority (Tulsa Transit) to provide public transportation services for Fiscal Year 2018 19
- K. 18 626 Approval of and authorization to execute a Use Agreement with the Broken Arrow Genealogical Society for Fiscal Year 2018 2019
- L. 18 620 Approval of and authorization to execute a Use Agreement with the Broken Arrow Historical Society for Fiscal Year 2018 2019
- M. 18 622 Approval of and authorization to execute a Use Agreement with the Broken Arrow Military History Center for Fiscal Year 2018 2019

- N. 18 659 Approval of and authorization to execute a letter of commitment for applicants to Oklahoma Taskforce 1 Urban Search and Rescue Team, specifically Firefighter Stephen Heins and Jill Boeckman's application for participation on Oklahoma Taskforce 1 Urban Search and Rescue Team, and renewal for Captain Jeremy Roberts
- O. 18 677 Award the most advantageous bid to 911 Custom for the purchase of police vehicle lighting equipment
- P. 18 702 Award the lowest responsible bid to Third Generation Electrical, Inc., approve and authorize execution of a construction contract for Fiber Optic Line Relocation, First Street College to Elgin (Project No. 171102)
- Q. 18 686 Notification of Change Orders or Work Orders with a value of less than \$25,000 on Public Contracts
- R. 18 720 Approval of and authorization to execute Change Order CO1 for Construction Contract 176038/176040; Events Park Regional Playground and Pavilions
- S. 18 685 Approval of and authorization of Final Acceptance for the public improvements at Jim Norton Chevrolet Expansion located at 1968 West Albany
- T. 18 697 Approval of and authorization to execute Resolution No. 1107, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 5, which consists of 0.07 acres of permanent Right of Way for Washington Street Improvements, Garnett to Olive, in the SE/4 of the SW/4 of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Sandra K. Mosier, a single person, and authorization of payment in the amount of \$9,840.00 to Sandra K. Mosier for the Washington Street Improvements, Garnett to Olive (Project No. ST1616)
- U. 18 699 Approval of and authorization to execute Resolution No. 1108, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 1, which consists of 0.14 acres of permanent Right of Way for Washington Street Improvements, Garnett to Olive, in the S/2 of the SW/4 of the SW/4 of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from RCB Bank, the owner, and authorization of payment in the amount of \$30,600.00 to RCB Bank for the Washington Street Improvements, Garnett to Olive, (Project No. ST1616)
- V. 18 698 Acceptance of a General Warranty Deed and Temporary Construction Easement from the City of Broken Arrow, Oklahoma, a municipal corporation, on property located a quarter mile east of Garnett Road on Washington Street tract of land located in part of the SW/4 of Section 17, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Washington Street Improvements: Garnett to Olive, Parcel 2, 2A (Project No. ST1616)
- W. 18 703 Acceptance of a Drainage Easement and Temporary Construction Easement for Parcel 1 and 1a, conveyed to the City of Broken Arrow, Oklahoma, a municipal corporation, a tract of land located NE of 9th Street and Natchez in the SW/4 of the NW/4 of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the 9th Street and Natchez Stormwater Culvert Improvements
- X. 18 701 Acceptance of a Temporary Construction Easement from Robert Brent Newcomb, on property located at 400 N Main Street, a tract of land in part of the W/2 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Main Street Streetscapes, Phase V, Parcel 1a (Project No. ST1820)
- Y. 18 700 Approval of a conveyance of a Right of Way Easement to Public Service Company of Oklahoma, an Oklahoma corporation, on a tract of property located at the Public Safety Training Facility located in part of the E/2 of the NW ¼ of Section 32, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for the Police Down Range Building (Project No. 173002)
- Z. 18 37 Approval of the Broken Arrow City Council Claims List for June 18, 2018

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. 18 721 **Presentation and possible action as recommended by City Council to acknowledge City of Broken Arrow's appreciation of Mr. Tommie Heltchel's assistance with the planning, design and construction of the Floating Wetlands**
 Assistant City Manager of Operations Kenny Schwab stated on May 23, 2018, the City of Broken Arrow and Broken Arrow Public Schools launched the Floating Wetlands in Tiger Creek Nature Park. He reported the partnership between the city and the schools was pivotal and it had taken a great deal of time and effort to get to the launch point. He reported many local Broken Arrow companies had contributed to the project including GNC Concrete, ADS Inc., and others. He stated Tommie Heltchel of ADS Inc. had joined the team in the planning process, helped in the classrooms, and helped in construction, planning and design. He asked Mr. Heltchel to come forward for presentation of a Certificate of Appreciation. Mr. Schwab read the Certificate of Appreciation and thanked Mr. Heltchel for his assistance and efforts on behalf of the Floating Wetlands project.

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

Move to approve the Certificate of Appreciation

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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 no citizen had signed up to address the Council.

9. General Council Business

A. 18 714 Consideration, discussion, and possible approval to execute Resolution No. 1096, a resolution of the Broken Arrow City Council, adopting the Fiscal Year 2018 2019 Annual Budget for the City in accordance with the provisions of the Municipal Budget Act

Finance Director, Cynthia Arnold, stated the Fiscal Year 2018-2019 Annual Budget had been presented to Council on May 22, 2018 and at the Public Hearing held on June 4, 2018. She reported the Budget totaled \$254,116,194 dollars, and no changes had been made since the Public Hearing. She stated staff recommended approval and authorization to execute Resolution No. 1096, to adopt the Fiscal Year 2018-2019 Budget.

Council Member Johnnie Parks stated he and Council were extremely familiar with the budget and commended staff for its efforts on behalf of the budget. Vice Mayor Eudey complimented City Manager Spurgeon and staff for diligence in creation of the budget yearly. He explained each Department Head was asked to determine what the budget needs would be for the coming year and he stated he understood the difficulty of this endeavor.

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

Move to approve and authorize execution of Resolution No. 1096, adopting the Fiscal Year 2018-2019 Annual Budget

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 18 680 Consideration, discussion, and possible approval of Leadership Broken Arrow Class 2018 Group 4 Master Plan for new patio area at The Main Place and authorization to proceed with construction

Director of Parks and Recreation, Scott Esmond, stated he was approached by the Leadership Broken Arrow Class 2018 Group 4 and Broken Arrow Seniors regarding a volunteer project at the Broken Arrow Seniors Facility and the Playhouse Facility. He stated the project would take approximately 3 to 5 years to complete and the intention was for LBA Class 2018 and future Leadership Broken Arrow Classes to complete the project over time. Phase 1, which LBA Class 2018 Group 4 would complete by the end of calendar year 2018, included a concrete patio, games such as corn hole and horse shoes, and new plant material. He explained the project would be completed through volunteers and donations only. He stated there was a User Agreement with the Senior Center who had general liability insurance with the City of Broken Arrow and he recommended LBA work as a volunteer under this contract and liability insurance. He explained the Construction and Engineering Department would follow the project, and Tim Robbins, the Broken Arrow Construction Manager, was also a member of the LBA Class 2018.

Ryan Brown with Leadership Broken Arrow Class 2018 reviewed the proposed project plans. He stated the project would create an outdoor environment for the Senior Center which included an expanded patio area, landscaping, and games which would make the space more inviting and user friendly. He explained future Leadership Broken Arrow Classes would continue the project by adding awnings, patio chairs, planters, screening areas, etc.

Vice Mayor Eudey stated he emphatically approved of the proposed project and was pleased to see the LBA Class 2018 taking initiative in improving the outdoor space. Council Member Wimpee approved of the project and looked forward to seeing the project continued over the years. Council Member Parks stated he felt this would be a wonderful project which would be highly beneficial for the Senior Center.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.

Move to approve the Leadership Broken Arrow Class 2018 Group 4 Master Plan for a new patio area at The Main Place and authorization to proceed with construction

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 18 670 Consideration, discussion, and possible approval to grant the creation and temporary assignment of the honorary street name of "Oscar Nipps, Jr. Boulevard" to the segment of South 1st Place extending from Washington Street to New Orleans Street

Community Relations Liaison Jennifer Hooks stated the Military History Museum had submitted a letter to City Manager Spurgeon in April requesting a temporary honorary street sign for one of Broken Arrow's oldest WWII Veterans, Mr. Oscar Nipps.

Mr. Tom Mancino with the Military History Museum stated Mr. Oscar Nipps was an almost daily visitor to the Military History Museum and had integrated himself into the staff. He stated Mr. Nipps was affectionately called “our living history museum” and groups were proud to meet a WWII Veteran who was willing to share stories about the War. He explained the Military History Museum wanted to honor Mr. Nipps, and this would be a surprise for Mr. Nipps if approved. He asked if there were questions.

Council Member Parks stated he understood that the sign would be added onto an existing street sign below the name of the street and as such would not be changing the street name; therefore, he felt the honorary sign could be left up for a few years. He stated he knew Mr. Nipps well and thought this was an excellent idea.

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

Move to approve the creation and temporary assignment of the honorary street name of “Oscar Nipps, Jr. Boulevard” on South 1st Place

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

D. 18 679 Consideration, discussion, and possible termination of an Agreement for Professional Services between sixPR, LLC and the City of Broken Arrow for the education campaign for the 2018 Bond Election

Acting City Attorney Trevor Dennis reported, unfortunately, as documented by Krista Flasch, sixPR LLC failed to meet several deadlines related to flyers, brochures, PowerPoint presentations, etc., which were required by June 1st for presentations staff were conducting to educate the Public. He stated no items were received until June 7th, and Ms. Flasch reported she had not received the brochures, PowerPoint presentations or web content as of June 11th. He stated \$29,600 dollars of the \$43,600 dollar contract had been paid to date and staff recommended approval of termination of the Agreement for Professional Services. He asked if there were questions.

City Manager Spurgeon reported no Public Education Presentations or deadlines were missed as staff “picked up the slack” left by sixPR, LLC; however, he fully approved termination of the Contract. Vice Mayor Eudey asked if another company had been selected to produce the additional needed materials. City Manager Spurgeon responded in the affirmative.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.

Move to approve the termination of the Agreement for Professional Services between sixPR, LLC and the City of Broken Arrow for the education campaign for the 2018 Bond Election

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

E. 18 650 Consideration, discussion, and possible approval of PUD 30C (Planned Unit Development) and BAZ 2001 (Rezoning), Johanna Woods II, 5.02 acres, A 1 to RMH/PUD 30C, one half mile east of 23rd Street, one quarter mile south of Omaha Street

Plan Development Manager Larry Curtis stated PUD 30C and BAZ 2001 involved a 5.02 acre parcel located one half mile east of 23rd Street and one quarter mile south of Omaha Street. He stated the applicant requested zoning on the property be changed from A1 to RMH/PUD 30C for a proposed addition to the Johanna Woods Mobile Home Park and to reduce the minimum lot size width requirement from 50 feet to 40 feet. He stated on November 18, 2002 City Council approved BAZ 1575 to rezone the property from A1 to RMH subject to the property being platted; however, the property was not platted and as such the rezoning was not vested. He reported the applicant, through PUD 30C, proposed to add 5.018 acres to the existing Johanna Woods Mobile Home Park. He stated access to the proposed development was through the existing North 30th Street, on the east side of Johanna Woods, off of Omaha Street. He stated Reserve Area A, located on the north side of the site, along east Omaha Street was designated as a landscape area and may include a future community storm shelter. He stated Reserve Area D, located on the west side of the site, would be dedicated to the City of Broken Arrow for additional roadway on North 30th Street. He stated the proposed development was in compliance with the Comprehensive Plan in Level 3. He stated the Planning Commission approved by a vote of 4 to 1, with the 1 abstaining. He reported two citizens spoke with concerns about the Omaha Street roadway width, school overcrowding, and property values. He stated staff recommended approval per Planning Commission recommendation.

Mayor Thurmond asked if there was a perimeter fence requirement. Mr. Curtis responded in the affirmative.

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

Move to approve PUD 30C and BAZ 2001 per Planning Commission and Staff recommendations

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

- A. 18-684** **Consideration, discussion, and possible adoption of Ordinance No. 3529, an ordinance for a Utility Easement Closure from CSD Enterprises LLC, on property located one-quarter mile south of Omaha Street, west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 33, T19N, R14E); and declaring an emergency**
Acting City Attorney Dennis stated Ordinance No. 3529 was an Ordinance for a Utility Easement Closure. He stated the applicant submitted an application requesting closure of a 0.04 acre utility easement which was previously recorded in Tulsa County. He stated in development of this property the utility easement was located where there would be a future building. He stated an amended plat would be filed. He stated staff had reviewed the application and recommended Council adopt Ordinance No. 3529 and approve the emergency clause.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to adopt Ordinance No. 3529

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move for emergency clause

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- B. 18-716** **Consideration, discussion, and possible adoption of Ordinance No. 3531, an ordinance amending Chapter 2, Article XIV, Convention and Visitors' Bureau, Section 2-211, Created, of the Broken Arrow Code of Ordinances; specifically allowing the councilmember board member to appoint an alternate to serve in their position and clarifying positions, repealing all ordinances to the contrary; and declaring an emergency**

Acting City Attorney Dennis stated the Legal Department had been asked to review Section 2-211 of the Broken Arrow Code of Ordinances. He reported it had been amended for an appointment of a Council Member specifically to serve on the CVB (Convention and Visitors' Bureau) Board; however, there had been several scheduling conflicts and it was recommended that the appointed Council Members be allowed to appoint a Designated Alternate at the CVB. He stated the Legal Department recommended the change as it was normal practice for various boards and trusts to allow delegation of a Designated Alternate. He stated staff recommended Council adopt Ordinance No. 3531 and approve the emergency clause.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.
Move to adopt Ordinance No. 3531

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move for emergency clause

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

There were no Remarks or Inquiries by Governing Body Members.

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

City Manager Michael Spurgeon expressed his appreciation on behalf of the staff for Council's support of the Annual Budget. Mr. Spurgeon thanked the Directors and Finance staff for the hard work and time spent in creation of the budget.

City Manager Spurgeon stated with regard to the 2018 General Obligation Bond Package, the Special Election would be held August 28th, 2018. He stated approximately 20 Public Education Videos concerning various General Obligation Bond Projects were being produced and would be released end of July or early August. He stated a GOB Booklet would be prepared and distributed to Broken Arrow households the first week of August which described the GOB Projects. He stated GOB Package informational meetings would be held with various groups and organizations throughout the Community after July 4, 2018. City Manager Spurgeon stated there would be an insert in the utility bill, behind the Focus Newsletter, which would highlight a specific City Department and would coincide with that month's Take 5 video. He explained the first department spotlighted was to be the Fire Department, but every month a new department would be highlighted.

City Manager Spurgeon thanked Council for approving the reappointment of several Fire Fighters, Jeremy Roberts, Steven Hines and Jill Beckman, to the Oklahoma Task Force 1. He

stated Ruth Littlefield had been hired by the Broken Arrow Chamber of Commerce to run the Office and he stated he was glad to have her on board. He stated additional ADA (Americans with Disabilities Act) improvements to the Council Chambers were being considered. He explained the functionality of the Chambers was being evaluated to ensure optimum accessibility for the Citizens of Broken Arrow.

At approximately 7:04 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Economic Development Authority and Broken Arrow Municipal Authority.

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

Move for a brief recess to meet for Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

At approximately 7:58 p.m. Mayor Thurmond called for a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and other pertinent staff members discussing and conferring on matters pertaining to:

1. A claim, potential litigation or action related to an Economic Development Agreement between the Broken Arrow Economic Development Authority, the City of Broken Arrow and SIG Broken Arrow, LTD., under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claims, litigation and possible litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

At approximately 7:58 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting and the room was opened to the public.

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

Move to find that the Executive Session was necessary

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to deny SIG-Broken Arrow, LTD., claim under the October 16, 2012 agreement between the BAEDC, the City of Broken Arrow and SIG-Broken Arrow, LT

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 7:59 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Attest:

s/Craig Thurmond _____
Mayor

s/Curtis Green _____
City Clerk