



**City of Broken Arrow**  
**Meeting Agenda**  
**Broken Arrow Economic Development**  
**Authority**

*Chairperson Craig Thurmond*

*Vice Chair Scott Eudey*

*Trustee Mike Lester*

*Trustee Johnnie Parks*

*Trustee Debra Wimpee*

---

**Tuesday, August 21, 2018**

**Council Chambers**  
**220 S. 1st Street**  
**Broken Arrow, OK**

---

**TIME: Follows City Council meeting which begins at 6:30 p.m. and the Broken Arrow  
Municipal Authority meeting which follows City Council.**

**1. Call to Order**

**2. Roll Call**

**3. Consideration of Consent Agenda**

- A.     [18-983](#)     Approval of the Broken Arrow Economic Development Authority Minutes  
for August 7, 2018

**Attachments:**     [8-7-2018 BAEDA Minutes](#)

No Broken Arrow Economic Development Authority Claims List for  
August 21, 2018

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

**5. General Authority Business**

- A.     [18-993](#)     Consideration, discussion and possible directive regarding a second  
thirty-day extension, with an option for an additional thirty-day extension,  
to the Contract for Economic Development Services between the Broken  
Arrow Economic Development Authority and the Broken Arrow Economic  
Development Corporation

**Attachments:**     [BAEDA Second Extension 8-10-2018 \(Norm revision\)](#)

**6. Executive Session - None**

**7. Adjournment**

**NOTICE:**

If you wish to speak at this evening's meeting, please fill out a "Request to Speak" form. The forms are available from the City Clerk's table or at the entrance door. Please turn in your form prior to the start of the meeting. Topics are limited to items on the currently posted agenda, or relevant business.

All cell phones and pagers must be turned OFF or operated SILENTLY during meetings.

Exhibits, petitions, pictures, etc., shall be received and deposited in case files to be kept at the Broken Arrow City Hall. If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
a.m./p.m.

---

City Clerk



# City of Broken Arrow

## Request for Action

---

**File #: 18-983, Version: 1**

---

**Broken Arrow Economic Development Authority  
Meeting of: 08-21-2018**

**Title:**

Approval of the Broken Arrow Economic Development Authority Minutes for August 7, 2018

**Background:**

Minutes recorded for the Broken Arrow Economic Development Authority Meeting.

**Cost:** \$3.20

**Funding Source:** City Clerk Operational Fund

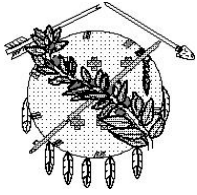
**Requested By:** Russell Gale, Assistant City Manager of Administration

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Broken Arrow Economic Development Authority meeting minutes

**Recommendation:**

Approve the minutes of August 7, 2018 for the Broken Arrow Economic Development Authority meeting.



**City of Broken Arrow**  
**Minutes**  
**Broken Arrow Economic Development Authority**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Craig Thurmond*  
*Vice Chair Scott Eudey*  
*Trustee Mike Lester*  
*Trustee Johnnie Parks*  
*Trustee Debra Wimpee*

---

**Tuesday, August 7, 2018**

**Council Chambers**

---

**1. Call to Order**

Vice Chair Scott Eudey called the meeting to order at approximately 8:32 p.m.

**2. Roll Call**

**Present: 4 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey  
**Absent: 1 -** Craig Thurmond

**3. Consideration of Consent Agenda**

Vice Chair Scott Eudey asked if there were any items to be removed from the Consent Agenda. There were none.

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 4 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

- A. 18 893 Approval of Broken Arrow Economic Development Authority Meeting Minutes of July 17, 2018**
- B. 18 949 Approval of and authorization to execute a Mutual Access Easement from the Broken Arrow Economic Development Authority, a Public Trust, to the City of Broken Arrow, Oklahoma, a Municipal Corporation, Lots 13, 14, 21 & 22, Block 18, Original Town of Broken Arrow, on property located one third mile south of Kenosha Street, one half mile east of Elm Place, Tulsa County, State of Oklahoma (Section 11, T18N, R14E)(Milestone)**
- C. 18 948 Approval of and authorization to execute a Utility Easement from the Broken Arrow Economic Development Authority, a Public Trust, to the City of Broken Arrow, Oklahoma, a Municipal Corporation, Lots 13, 14, 21 & 22, Block 18, Original Town of Broken Arrow, on property located one third mile south of Kenosha Street, one half mile east of Elm Place, Tulsa County, State of Oklahoma (Section 11, T18N, R14E)(Milestone)**
- D. 18 48 Approval of the Broken Arrow Economic Development Authority Claims List for August 07, 2018**

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

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

## 5. General Authority Business

- A. 18 838 Approval of and authorization to execute Resolution No. 1114, a Resolution of the Broken Arrow Economic Development Authority, an Oklahoma Public Trust of which the City of Broken Arrow is the sole beneficiary (the “Authority”) accepting a General Warranty Deed from the City of Broken Arrow conveying all right, title, and interest in the approximate 5.2225 acres of City owned property identified as tracts 1A, 1B and 2B of Lot 2 combined of Lot 2, Block 1, Tiger Hill Plaza, a platted subdivision within the City of Broken Arrow, Tulsa County, State of Oklahoma, and generally located on the southwest corner of Lynn Lane (9th Street) and Kenosha Street (71st Street); repealing Resolution No. 865, a resolution of the Broken Arrow Economic Development Authority accepting a deed from the City of Broken Arrow conveying all right, title and interest in 6.84 acres of land located at the southwest corner of Lynn Lane (9th street) and Kenosha Street (71st Street); approving and authorizing execution of a certain Agreement for the purchase and sale of real property by and among the Broken Arrow Economic Development Authority and Tiger Hill Plaza, LLC designating representatives of the Broken Arrow Economic Development Authority for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Purchase Agreement; and containing other provisions relating thereto
- Economic Development Coordinator, Norm Stevens, reported this information had been presented before City Council. He stated he would be happy to answer any questions.

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

### **Move to approve and authorize execution of Resolution No. 1114**

The motion carried by the following vote:

**Aye:** 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

## 6. Executive Session

There was no Executive Session.

## 7. Adjournment

The meeting adjourned at approximately 8:33 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, Mike Lester, Scott Eudey

Attest:

---

Vice Chair

---

Secretary



# City of Broken Arrow

## Request for Action

---

**File #: 18-993, Version: 1**

---

**Broken Arrow Economic Development Authority  
Meeting of: 08/21/2018**

**Title:**

Consideration, discussion and possible directive regarding a second thirty-day extension, with an option for an additional thirty-day extension, to the Contract for Economic Development Services between the Broken Arrow Economic Development Authority and the Broken Arrow Economic Development Corporation

**Background:**

On July 21, 2009, the Broken Arrow Economic Development Authority began contracting with the Broken Arrow Economic Development Corporation for economic development services. The current contract was originally in effect from July 1, 2015 to June 30, 2018. On June 04, 2018, the Authority was informed that the completion of an audit and negotiations for a new agreement is anticipated to be completed after June 30, 2018 and as a result an extension of the current agreement may be required. On June 12, 2018, Chairman of the BAEDC Ted Cundiff provided Broken Arrow Economic Development Coordinator Norman Stephens with a request for a 60-day extension to the contract. In the letter, Mr. Cundiff explained the extension would allow the BAEDC to complete a transition review as they negotiate the renewal on the contract with the Authority. On June 18, 2018, the Authority approved the first extension of the contract.

The transitional audit is continuing and Staff recommends an additional thirty-day extension to the contract with an option for an additional thirty-day extension with the approval of the City Manager.

Contractually, the City was invoiced thirty-two thousand, two hundred and ninety dollars (\$32,292.00) per month since July 1, 2015. Due to current vacancies in the Broken Arrow Economic Development Corporation, the invoice for services will be reduced to twelve-thousand, four hundred and fifty two dollars (\$12,452.00) in the second Amendment to the Professional Services Agreement

**Cost:** \$12,452.00 for one month, \$24,904.00 for two months

**Funding Source:** Broken Arrow Economic Development Authority

**Requested By:** Norm Stephens, Economic Development Coordinator

**Approved By:** Michael L. Spurgeon, City Manager

**Attachments:** Second Amendment to the Professional Services Agreement

**Recommendation:**

Approve and authorize execution of a thirty-day extension, with an option for an additional thirty-day extension, to the Contract for Economic Development Services between the Broken Arrow Economic Development Authority and the Broken Arrow Economic Development Corporation

**SECOND EXTENSION OF THE CONTRACT FOR ECONOMIC DEVELOPMENT  
SERVICES BETWEEN THE BROKEN ARROW ECONOMIC DEVELOPMENT  
AUTHORITY AND THE BROKEN ARROW ECONOMIC DEVELOPMENT  
CORPORATION**

This Second Extension of the Contract is made and entered into this 21st day of August, 2018, by and between the Broken Arrow Economic Development Corporation, and Oklahoma non-profit corporation, hereinafter referred to as the “BAEDC,” and the Broken Arrow Economic Development Authority, hereinafter referred to as the “BAEDA.” The First Amendment that extended the Contract was entered into on June 18, 2018 and is set to expire by its own terms on July 31, 2018.

**WHEREAS**, the BAEDC and BAEDA wish to renegotiate the terms of the Original Contract; and

**WHEREAS**, the Original Contract was entered into on March 17, 2015 and was set to expire on June 30, 2018; and

**WHEREAS**, the Original Contract was extended when the First Amendment was entered into on June 18, 2018 and is set to expire on August 30, 2018; and

**WHEREAS**, the parties are continuing to negotiate the terms of the of the Contract and need additional time to finalize the terms; and

**WHEREAS**, the BAEDC and BAEDA wish to continue their contractual relationship without a lapse.

**NOW, THEREFORE, the BAEDC and BAEDA**, in consideration of the mutual promises, covenants and conditions herein and the mutual benefits, which will accrue, the receipt and sufficiency of which consideration is here by acknowledged, the parties agree as follows:

1. The provisions of the Original Contract shall remain in full force and effect with the exceptions of Sections 5 and 8.

Section 5: Reimbursement and Activity Reports clause shall read as follows:

**SECTION 5: REIMBURSEMENT AND ACTIVITY REPORTS**

On or before the 30<sup>th</sup> day of each month, the BAEDC shall submit to BAEDA a Monthly Activity Report detailing services and activities that accurately state the progress made in implementing the terms, conditions and scope of work required by this Contract. This Monthly Activity Report shall accompany an invoice requesting reimbursement of actual expenses not to exceed \$12,452.00 per month.

Section 8: Term and Termination of Contract clause shall read as follows:

**SECTION 8: TERM AND TERMINATION OF CONTRACT**

This Contract shall be in full force and effect from July 1, 2015, through October 31, 2018. It is the intent of BAEDA that this Contract shall remain in effect for the term specified unless modified by mutual consent of the parties. It is acknowledged that the reimbursement provided for herein for fiscal years 2017 and 2018 are on a year-to-year basis subject to annual appropriation. It shall be a default and cause for termination if the BAEDC fails to keep, observe or perform any material agreements, terms or provisions of this Contract and such default continues for a period of thirty (30) days after written notice by BAEDA to the BAEDC. In the event of default, BAEDA has no further obligations under the terms of this Contract. This Contract, however, may be terminated by either party by thirty (30) days written notice.

Approved as to Form:

\_\_\_\_\_  
Assistant City Attorney

Date:

\_\_\_\_\_

Date:

\_\_\_\_\_

The City of Broken Arrow

By: \_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk (Seal)

Broken Arrow Economic Development  
Authority

Attest:

\_\_\_\_\_  
Secretary

Broken Arrow Economic Development  
Corporation

By: \_\_\_\_\_  
Chairman



State of Oklahoma     )  
                                      ) ss:  
County of Tulsa         )

Before me, a Notary Public, on this \_\_\_\_\_day of \_\_\_\_\_, 2018,  
personally appeared Kinnee Tilly, known to me to be the Senior Vice President of Economic  
Development for the Broken Arrow Chamber/EDC and the interim Chief Executive Officer of the  
Broken Arrow Economic Development Corporation and the identical person who executed the  
within and foregoing instrument, and acknowledged to me that she executed the same as her free  
and voluntary act and deed for the uses and purposes therein set forth.

My Commission Expires:

\_\_\_\_\_

\_\_\_\_\_  
Notary Public