



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice-Mayor Scott Eudey
Councilor Mike Lester
Councilor Johnnie Parks
Councilor Debra Wimpee

Thursday, June 15, 2017

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 Scott Keele delivered the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Councilor Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Craig Thurmond requested items R, S, T and U be removed from the Consent Agenda as he had a conflict. He asked if there were any further items to be removed. There being none, he asked for a motion.

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

Move to approve the Consent Agenda excluding items R, S, T, and U

The motion carried by the following vote:

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

- A. 17-2255 Approval of the Special Joint City Council, Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority Meeting Minutes of May 22, 2017**
- B. 17-2308 Approval of the Payroll and Benefit Calendar for Fiscal Year 2017-18**
- C. 17-2310 Approval of and authorization to execute Resolution No. 1025 for Renewal of Tulsa Urban County 2016 Community Development Block Grant Contract for College Addition Waterline, extending the contract expiration date from June 30, 2017 to June 30, 2018 (Project No. WL1701)**
- D. 17-2311 Approval of and authorization to execute Resolution No. 1026 for Renewal of Tulsa Urban County 2016 Community Development Block Grant Contract for East Kenosha Street Multipurpose Trail, extending the contract expiration date from June 30, 2017 to June 30, 2018 (Project No. 176032)**
- E. 17-2312 Approval of and authorization to execute Resolution No. 1027 for Renewal of Tulsa Urban County 2016 Community Development Block Grant Contract for 4th Street Sidewalk, extending the contract expiration date from June 30, 2017 to June 30, 2018 (Project No. ST1708)**
- F. 17-2297 Approval of and authorization to execute Engagement Letters with Arledge & Associates, P.C. to conduct the Fiscal Year 2017 Audit and State Auditor and Inspector's Report**
- G. 17-2271 Approval of and authorization to enter into a Billing Services Agreement between EMS Management and Consultants, Inc. and the City of Broken Arrow for EMS billing services**
- H. 17-2309 Approval of and authorization to execute a Consulting Services Agreement with Evergreen Solutions, LLC to conduct a Compensation and Classification Study and Analysis**
- I. 17-2304 Approval of and authorization to execute revised Engineering Contract Funding Agreement between Oklahoma Department of Transportation (ODOT) and the City for engineering services involving Broken Arrow: Main Street Bicycle Facilities (Project No. 166026)**
- J. 17-2302 Approval of and authorization to execute a Professional Consultant Contract with Traffic Engineering Consultants, Inc., for a 2017 Update of Transportation System Operational Analysis (Project No. 175210)**
- K. 17-2325 Approval to purchase the Fiscal Year 2017-18 Property and General Liability Coverage Policy with The Hartford for the city-owned building occupied by Bass Pro Shops**

- L. 17-2327 Approval to purchase the Fiscal Year 2017-18 Citywide Property Insurance Policies with the Oklahoma Municipal Assurance Group (OMAG) and Chubb Insurance**
- M. 17-2326 Approval to purchase the Fiscal Year 2017-18 Battle Creek Golf Course Business Insurance Policy with Philadelphia Insurance Companies**
- N. 17-2296 Award the most advantageous bid to SourceOne Management Services, Inc. for grounds maintenance at the Public Safety Complex, Broken Arrow Training Center, and Animal Shelter and authorization to execute an agreement with SourceOne Management Inc.**
- O. 17-2298 Approval of amended covenants for recorded plat, PT15-103, Riverstone Estates, 103 lots, 27.28 acres, RS-3, one-third mile east of Olive Avenue, south of Tucson Street**
- P. 17-2305 Acceptance of a Deed of Dedication from Raymond L Bagwell, on property located east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)**
- Q. 17-2303 Acceptance of a Utility Easement from Raymond L Bagwell, on property located east of the southeast corner of Washington Street and Elm Place between Atlanta Street and Washington Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)**
- R. 17-2293 Acceptance of a Drainage Easement from Tucson Village, LLC on a portion of unplatted property just east 23rd Street and adjacent to Tucson Village subdivision, shown as Exhibit E, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)**
- S. 17-2291 Acceptance of a Utility Easement from Tucson Village, LLC on a portion of unplatted property south of Tucson Street and just west and adjacent to Tucson Village subdivision, shown as Exhibit A, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)**
- T. 17-2294 Acceptance of a Utility Easement from Tucson Village, LLC on a portion of unplatted property just east and adjacent to Tucson Village subdivision, shown as Exhibit H, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)**
- U. 17-2292 Acceptance of a Utility Easement from Tucson Commercial, LLC on a portion of unplatted property just east and adjacent to Tucson Village subdivision, shown as Exhibit C, located at the southwest corner of Tucson Street and 23rd Street (Section 01, T17N, R14E)**
- V. 17-2276 Acceptance of a Permanent Easement on a tract of land lying in part of the NE1/4 of Section 10, Township 18 North, Range 15 East, Wagoner County to the City of Broken Arrow for the Kenosha and Midway Traffic Signal Project (Project No. 175115)**
- W. 16-1565 Approval of the Broken Arrow City Council Claims List for June 15, 2017**

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond left the room at approximately 6:31 p.m.

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

Move to approve items R, S, T, and U.

The motion carried by the following vote:

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

Recused: 1 - Craig Thurmond

Mayor Thurmond returned to the room at approximately 6:32 p.m.

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

A. 17-2301 Presentation to recognize Broken Arrow students Braden Price and Grace Robinson for their acceptance to the United States Air Force Academy Class of 2021

Jennifer Hooks, Executive Assistant to the City Manager, expressed she was honored to present the Air Force Students being recognized. She stated Grace Robinson was a Broken Arrow Youth City Counselor for two years and served as the Youth Council Mayor, and Braden Price was a Youth City Counselor his senior year. She stated both students graduated from high school in May one year ago, and since then had received appointments to the United States Air Force Academy. She mentioned a few weeks ago, Counselor Wimpee met Braden's mother and asked if a presentation could be hosted at the current City Council Meeting because the students were unable to have the proper ceremony on graduation day. Ms. Hooks mentioned Grace Robinson was unable to attend the City Council Meeting as she was in Washington DC; however, Ms. Hooks wanted to recognize Grace and would mail the certificate to Ms. Robinson. Ms. Hooks called Mr. Braden Price forward and Mayor Thurmond presented a certificate to Mr. Price and offered congratulations.

Ms. Hooks then introduced Ed Kennedy, Admissions Officer to the Air Force Academy. Mr. Kennedy took the floor and said it was an honor to be present. He stated he was a school superintendent in the region, and although he did not have a military background, as an Admissions Liaison Officer he felt privileged to work with young people in the area. He invited Braden to stand with him. He stated Major McLaughlin was Grace's Admission Liaison Officer, and Major McLaughlin had mentioned there was another student who had graduated in Broken

Arrow with awards and an Air Force Academy appointment, and another young man who may receive an offer as well. Mr. Kennedy stated it was his pleasure to represent the United States Air Force and the Director of Admissions of the United States Air Force Academy Colonel Carolyn Benyshek as he presented Braden Price and Grace Robinson (in absentia) with appointment to the United States Air Force Academy, Colorado Springs, CO. This appointment was equivalent to being offered a four-year scholarship to a top tier college with all expenses paid which included tuition, housing, food, books, medical and dental benefits, as well as a monthly living stipend. Appointments to the Air Force Academy were very competitive and most successful applicants were in the top 20% of high school students across the United States, Braden and Grace were two of only 1,400 candidates offered an appointment nationwide.

Mr. Kennedy went on to explain that as Academy Cadets, Braden and Grace would be joining a select group of students training to become future leaders of character in the world's greatest air, space and cyberspace force and that during the four years at the Academy, Braden and Grace would participate in leadership development programs including flying, free-fall parachuting, athletic sports, and would participate in military training and foreign exchange programs around the world. Braden and Grace would also pursue a college degree of choice in one of 27 Academic Majors ranging from Aeronautical and Electrical Engineering to History and Political Science. They would also study Air Force History, Military Affairs, Philosophy, Management and Leadership. He expressed after successfully completing the Academy's four-year Academic, Character and Leadership Development Program, Braden and Grace would graduate with a Bachelor of Science Degree and would be commissioned as Second Lieutenants in the United States Air Force. He mentioned he spoke with Grace previously and she indicated she aspired to a political science career field and would like to work with the JAG Corp or to serve in intelligence or foreign relations and that Braden had indicated an interest in Computer Engineering as a degree and, interestingly, also wanted to be Air Force Special Operations, jumping out of planes behind enemy lines and infiltration. Braden and Grace would have roles as officers, an opportunity to be a part of something bigger than themselves, the chance to make a difference on a global scale, and be part of an operations team which impacted global world events. He said he envied Braden and Grace as they embarked on this new adventure. Braden was then presented his Certificate of Appointment on behalf of the United States Air Force Academy and offered congratulations.

Although Mr. Kennedy is not normally allowed to speak of the value of an Air Force Academy Appointment beyond the appointment he had read that an appointment to the United States Naval Academy was valued at \$432,000; therefore, the appointment was equivalent to an opportunity to attend MIT, Stanford, Yale, Harvard or any top tier institution in the United States and that Braden and Grace had truly achieved something wonderful, as had the other Broken Arrow students with recent appointments.

Mr. Kennedy commented on Braden's accomplishment as a Youth City Councilor, and asked if there were any questions for Braden. Councilor Lester asked Braden at what point in his life he decided to join the Air Force. Braden responded he was 11 years old when Mr. Kennedy's daughter entered the Air Force Academy, and ever since then it was his goal as well. Councilor Parks stated as a City Councilman he was proud of the Youth City Council and the successes seen in the Youth City Councilors and that he was elated to learn of Braden and Grace's appointment; he felt it exemplified the leadership the Council hoped to instill in Broken Arrow's youth. Vice Mayor Eudey stated he had the opportunity to spend time with Braden and Grace, as had Councilor Parks, and stated Braden and Grace were indeed cream of the crop and extended his congratulations to Braden and Grace and encouraged them to keep up the hard work. Councilor Lester gave credit to Braden's and Grace's families for the support, assistance and guidance provided, which was instrumental to the youths' success. Mayor Thurmond extended his congratulations. A photo was taken of the City Council with Braden and Mr. Kennedy. Mr. Kennedy thanked the Council.

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)

Citizen Michael Neafus stated he was present to request special permit for a carport. He stated his neighborhood had no homeowners association and no covenant. He stated he had lived in the area for over 35 years and was aware of other carports in the area; however, when investigating a carport permit he found there was a visibility impairment rule and a 50-foot setback rule that indicated the property line should be 25 feet from the center of the road to the property line, and then a 25-foot setback to any structure. He stated when the area was measured there was not enough room for a carport to be installed with a permit. He indicated in Chapter 4.2, Measurements and Exceptions, Section "B" Setbacks, General Setback Requirements, Required Setbacks, it was written: Setbacks shall be unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above grade upward; provided, however, that fences, walls, trellises, poles, posts, ornaments, furniture and other customary yard accessories may be permitted in any setback subject to height limitations and requirements limiting obstruction of visibility. He stated this was why he was requesting a special permit. He directed the Council's attention to a picture of a carport he was considering from Standard Builders. He pointed out it was open on all sides with no impediment of visibility, and the roof would measure only 8 inches in height. He directed the Council's attention to a picture of another example of a carport and stated there was no obstruction to visibility, and it looked much like the carport he desired for his

home. He indicated the third and final picture before the Council was a photo of his home and stated if permitted his proposed carport would be professionally built, would be attractive, and would not impede visibility, but would be in the setback.

Mayor Thurmond responded the Council would not decide at that time, the issue had to be on the agenda prior to decision making. He stated this was not an issue commonly handled by the City Council, and Mr. Neafus should consider presenting this matter to Michael Skates, Development Services Director. Mr. Neafus stated he spoke with Mr. Skates' staff and had been told the 25-foot setback law had to be adhered to, and Mr. Neafus's only avenue left was to present his case to the Council. He stated he had counted around 80 carports in Ward 4, and had hoped the proposed carport construction would be permitted with the understanding that it would be built properly and professionally and would follow City criteria for the structure.

Mayor Thurmond stated the Council usually did not vary variances on front lawn setbacks, and he was not aware of the Council having done this. He stated Mr. Skates may have. He believed it would be a Board of Adjustment item. Ms. Beth Anne Childs, City Attorney, stated she believed that was correct but would go back and check the statute and then provided Mr. Neafus her card to contact her. Mr. Neafus stated that he believed there was a cost of \$1000 to go to the Board of Adjustment and ask for a variance. Mr. Skates responded there were fees to apply for a variance and that he was not familiar with Mr. Neafus's carport or application, but his staff probably explained to Mr. Neafus it would be difficult to go to the Board of Adjustment because he would have to prove a hardship, and Mr. Skates did not believe Mr. Neafus would be able to prove hardship.

Vice Mayor Eudey stated he felt one of the points Mr. Neafus expressed was there were many houses which currently had carports and asked Mr. Skates to explain. Mr. Skates responded he felt some of the carports Mr. Neafus referred to had been built prior to the current zoning ordinances, and as such were grandfathered in, and the others would meet the setback requirements; however, he was unfamiliar with Mr. Neafus' address and exact location and would appreciate the opportunity to review Mr. Neafus' application, contact Mr. Neafus, and get back to the Council following review.

9. General Council Business

A. 17-2319 Consideration, discussion, and possible approval of Resolution No. 1020, a Resolution of the Broken Arrow City Council, adopting the Fiscal Year 2017-2018 Annual Budget for the City in accordance with the provisions of the Municipal Budget Act

City Manager Michael Spurgeon brought before the Council for discussion and consideration of possible approval was Resolution No. 1020, a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2018 Annual Budget for the City in accordance with the provisions of the Oklahoma Municipal Budget Act and that a fact sheet was provided for background purposes that showed the proposed Fiscal Year 2018 Budget presented to the City Council at a special meeting on May 22, 2017 where the Budget document and the letter from the City Manager's Office was reviewed with respect to the spending plan.

A public hearing in accordance with the applicable laws and regarding the proposed Fiscal Year Budget was held on 06/05/2017 and based on discussions and input received from the Council, he proposed a Budget totaling just over \$249 million. He directed the Council's attention to exhibit A which was a detailed spreadsheet outlining the final numbers for the financial plan and asked for the City Council's consideration for the Budget. He clarified that on 11/07/2016 the City Council amended the Emergency Fund Balance requirements and therefore no further action would be required by the City Council in this regard.

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

Move to approve Resolution No. 1020 adopting the Fiscal Year 2017-2018 Annual Budget and authorizing its execution.

The motion carried by the following vote:

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

B. 17-2284 Consideration, discussion, and possible approval of and authorization to execute a Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and utility poles

City Attorney Beth Anne Childs stated that this item was tabled from the last meeting. Ms. Childs had been in contact with AT&T's attorneys and they indicated they are in receipt of the Agreement and are in the process of going through it. She reported that the City Manager asked her to schedule a meeting with an outside counsel, the two attorneys and other representatives from AT&T, which is scheduled (via telephone conference) for July 14th. She stated she remained optimistic that any final issues may be resolved and a draft could be put in process. She said if that does happen, it will be on the agenda for July. She stated at this point she would ask the Council to table this item.

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

Move to table Item 9B

The motion carried by the following vote:

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

C. 17-2269 Consideration, discussion, and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2016 Assistance to Firefighters Grant (AFG) for the purchase of six (6) Stryker Power-LOAD Ambulance Cot Fastening Systems

Fire Chief Jeremy Moore expressed it was an honor to bring before the Council the third FEMA grant Broken Arrow had received in less than two years. He stated this grant was called the Assistance to Firefighters Grant, and was different than other grants in that it was for equipment or supplies while the past grant was for salaries. He explained the total cost of the project was \$132,000 and FEMA with the AFG grant would pay \$120,000 of that cost. He stated the City had a 10% obligation to FEMA's 90% match; therefore, the City would provide \$12,000 and an additional \$6,600 to install the equipment. He stated the items were a power-loading cot systems similar to what the City had purchased last year and would be integrated into the new system.

He explained the new system would reach outside of the ambulance, pick up the cot, and bring the cot into the ambulance; thus, the firefighters would no longer be required to lift the cot and patient into the ambulance. He indicated the Fire Department in the past five years had incurred \$1.2 million dollars in back injury costs, and \$500,000 of this had been attributed to lifting injuries. He believed this new system would increase the safety of Broken Arrow's firefighters, as well as Broken Arrow citizens, because the anchoring system within the ambulance was much safer and more stable while in transit, especially in the case of possible motor vehicle accident.

He encouraged the City Council accept the FEMA Assistance to Firefighters Grant (AFG) for the purchase of six (6) Stryker Power-LOAD Ambulance Cot Fastening Systems. In response to a question posed by Mayor Thurmond he stated once the grant was accepted, the Fire Department would be able to almost immediately initiate the new system; once the Fire Department had the Stryker units, installation would begin. He stated there would not be any transition as the Department would be receiving 6 units and had ambulances in reserve to utilize during installation. He stated the current Fire Department cots would work with the new mounting systems, as well as the old, and ambulances purchased in the future would be equipped with the Stryker Power-LOAD system.

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

Move to accept Fiscal Year 2016 Assistance to Firefighters Grant (AFG) for the purchase of six (6) Stryker Power-LOAD Ambulance Cot Fastening Systems

The motion carried by the following vote:

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

D. 17-2324 Consideration, discussion, and possible approval to terminate the purchase order of 110 Self-Contained Breathing Apparatus (SCBA) and pertinent accessories/equipment previously issued to Casco Industries, Inc. and approval of and authorization to execute a letter advising Casco of this decision and authorizing the return of all SCBA's and related equipment

Jeremy Moore stated last summer the Fire Department decided to proceed with the purchase of new Self-Contained Breathing Apparatus (SCBA), which were the units worn on firefighters' backs when entering fires. He stated a Committee was formulated to identify and research available SCBA to ensure Broken Arrow Fire Department was well equipped, and commended Officer Bryan Myrick for his efforts. As a result, a purchase order was issued for 110 SCBAs at a cost of \$743,607 to Casco Industries for the SCBA. He explained Casco Industries did not meet the deadlines specified in the purchase contract and that there were issues with the SCBA equipment which were identified while training with the new SCBA, including an alarm system which would activate without reason and was difficult to shut down once activated, the SCBA mask's exhalation valves would malfunction and the high-pressure hoses could become kinked, preventing air flow. For these reasons, Mr. Moore asked for approval to terminate the purchase order and to return the SCBAs received back to Casco Industries.

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

Move to terminate the purchase order of 110 Self Contained Breathing Apparatus (SCBA) and pertinent accessories/equipment previously issued to Casco Industries, Inc. and approval of and authorization to execute a letter advising Casco of this decision and authorizing the return of all SCBA's and related equipment

The motion carried by the following vote:

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

E. 17-2323 Consideration, discussion, and possible approval of and authorization for the sole source purchase of Harris communications system upgrades from Harris Corporation, to include replacement of primary and secondary cores, a five channel P25 Phase 2 Communication Site, replacement of C3 Dispatch Consoles, and portable and mobile radios, all as set forth in the Statement of Work, and approval of and authorization to execute the Domestic Standard Condition of Sale

Communications Systems Manager Mark Ketchum stated the Harris communications system upgrade was an upgrade for Public Safety and the network. He stated the current cores are running two revisions behind and the upgrade would ensure Public Safety and communication as a whole had the best that is available. He explained the City would replace the two existing cores, the primary and the secondary which were geographically separated so that redundancy is built into the network; Broken Arrow is the only municipality in the state that does that. He stated, in addition, a new P25 site would be built with a 250' tower which would complement utilities for plant operations and service where communications were encrypted for security, and it would also assist Public Safety. He explained all Public Safety portable radios would be replaced with the latest and greatest model, XL200P, for which the City just won the innovation award from Harris. He said this model had capabilities to operate on the P25 network in a secure fashion running ADS encryption. He said this model would take the City into the future. He pointed out it had Band 14 and FirstNet, a federal program that is moving upward with AT&T as well, and it also had Wi-Fi and LTE operations, all in one communication device which was of highest quality and would work well for Public Safety. He stated the Communications Department helped Harris design the device. He stated the mobile radios would not be replaced, but would be upgraded. He explained in 2011 the City had the forethought to upgrade the mobiles, and for part of this new project Harris would be upgrading the software at no cost to the City. He requested the City Council's consideration and asked if there were any questions. There were no questions. Mr. Ketchum was commended.

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

Move to approve the purchase of Harris communication system upgrade as specified from Harris Corporation, to include replacement of primary and secondary cores, a five channel P25 Phase 2 Communication Site, replacement of C3 Dispatch Consoles, and portable and mobile radios, all as set forth in the Statement of Work, and approval of and authorization to execute the Domestic Standard Condition of Sale

The motion carried by the following vote:

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

F. 17-2300 Consideration, discussion, and possible approval of PUD-261 (Planned Unit Development) and BAZ-1978 (Re-Zoning), Chestnut Creek, +/-11.06 acres, PUD-261/RS-2, one-quarter of a mile west of the northwest corner of Jasper Street and Aspen Avenue

Planning Development Manager Larry Curtis stated PUD 261 was approximately 11.06 acres, located one quarter of a mile west of the northwest corner of Jasper Street and Aspen Avenue and the BAZ-1978 request to rezone property had been filed in conjunction with the PUD-261. He stated the applications had been submitted for a proposed 34 single family attached and detached residences for development. He said the property was designated as level 2 and green way would be in the comprehensive plan; forest and zoning was considered in accordance with the comprehensive plan of level 2 when it was an extension of the existing RS-2 or RS-3 zoning district. PUD-261 and BAZ-1978 were recommended for approval by a vote of 3 to 0 at the Planning Commission in the meeting on 05/25/2017. One person scored against the item at the Planning Commission Meeting expressing concerns about the location of utilities along the west section of the property line abutting the Iron Horse subdivision and potential drainage problems. Based on the comprehensive plan, location of the property, and surrounding land use staff recommends approval of PUD-261 subject to property being platted. He stated the residential portion of the property was located outside the 100 year flood plain and would be designated as RS-2 and the portion of the property located within the 100-year flood plain would be designated as FP.

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

Move to approve PUD-261 (Planned Unit Development) and BAZ-1978 (Re-Zoning), Chestnut Creek, as recommended by the Planning Commission

The motion carried by the following vote:

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

G. 17-2299 Consideration, discussion, and possible approval of the appointment of Pablo Aguirre to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2020

Ms. Childs requested this item be tabled until the second meeting in July due to some confusion caused by an update in the planning commission statutes. This would give staff the opportunity to review the internal process and bring something to Council at the next meeting that will refine Councils expectations and give clear direction to the nomination process.

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

Move to table Item 9G until the second meeting in July

The motion carried by the following vote:

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

10. Preview Ordinances

A. 17-2288 Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 10, Fire Prevention and Protection, Article I, In

General Section 10-1. - Life Safety Code; penalty for violation, specifically amending to adopt The International Fire Code as the Life Safety Code for the City; repealing Section 10-2. - Fire Protection standards-Nonsprinklered multifamily residences, Section 10-2.2, Multifamily with sprinkler system, specifically amending the requirements for multifamily fire suppression systems, Article II.- Fire Department, Division 1.- Generally, Section 10- 27.- Specialized services, specifically amending to reference the International Fire Code and the Manual of Fees, Article III.- Fire Prevention Code, Section 10-51.- International Fire Code including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, and Appendix I, general regulations of explosives; adopted by reference; conflicts; amendments, specifically amending Fire Department Connection requirements; repealing all ordinances to the contrary and declaring an emergency.

Ms. Childs stated that basically the overall intent of this ordinance is to bring it in compliance with national standards. She stated that over the years, individuals have expressed frustration regarding the existing codes. She stated it is staff's position that these revisions will ensure the safety of residents and visitors, and at the same time giving a little bit more flexibility in terms of enforcement. She recognized and commended the Fire Marshall for his work on this Ordinance.

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

Move to approve preview the ordinance and set it for adoption

The motion carried by the following vote:

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

B. 17-2290 Consideration, discussion, and possible preview of Ordinance 7.12, mobile food vendors; repealing all ordinances to the contrary; and declaring an emergency

Ms. Childs stated the mobile vendor ordinance is something that is new in the Broken Arrow Code; it was previously covered by the Itinerant Merchant ordinance, which tended to create a little confusion. She stated food trucks continued to gain popularity, as well as individuals requesting pallets and those sort of things. The Development Services Department has worked very diligently to draft this Ordinance and to provide opportunities for these individuals and Broken Arrow citizens. She asked if there were any questions. Councilor Wimpee asked for the licensing fees to be clarified, Mr. Skates clarified and reaffirmed Councilor Wimpees comment that the fees were \$120 per year plus the license fee of \$50 per year for stationary food trucks.

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

Move to approve preview the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

A. 17-2321 Consideration, discussion, and possible adoption of Ordinance No. 3485, amending Chapter 22, Taxation, Article V, Use Taxes, Division 1, Nine-One-One Emergency, Section 22-78, Emergency Telephone service fee, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

Ms. Childs stated the ordinance was previewed at the last meeting, and it enables the City in accordance with State Statute to increase the fees on wireless telephone connections. She requested the Council adopt the Ordinance and approve the emergence clause.

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

Move to adopt Ordinance No. 3485

The motion carried by the following vote:

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

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

Move to approve the Emergency clause on Ordinance No. 3485

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Councilor Lester stated former Council Member Tony Petrik was in St. Francis Hospital in a coma and asked for prayers on behalf of Tony and his family. Vice Mayor Eudey commended Councilor Parks for his work with the Youth City Council program. He expressed the success of Braden and Grace was a testament to how important the Youth City Council program was and why it should be continued for a long time to come. He felt the program really did a great job in helping train Broken Arrow's youth to understand what the City Council did and why. He appreciated the City's efforts and commended Braden and Grace for their accomplishments. Councilor Parks stated the supportive staff and the funding were essential to the success of the program, and commended Jennifer Hooks for her outstanding work with the program.

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

Mr. Spurgeon expressed gratitude on behalf of the administration and employees for the support and approval of the budget. He stated the City Council demonstrated a commitment to provide

the resources needed to provide a high level of public service, and thanked the Council for its participation. He was excited about the FY 2017-2018 Budget, as there were many excellent projects that the Council had approved in the Capital Improvement Program which would maintain and improve quality of life in Broken Arrow, including road improvements, the recreational soft ball complex, movement of the Vietnam War Memorial, and creation of the Memorial Gardens. He expressed appreciation for everything the City Council did for Broken Arrow. He thanked the staff members and directors for the time and effort spent on budget proposals, as well as the Finance Department for assembling the budget. He stated the Fire Department should be commended for its efforts in achieving the FEMA grant, as grant funding was very competitive.

Mr. Spurgeon stated the next City Council Meeting would be on 07/03/2017. He mentioned it had come to the Council's attention that there was a lot of discussion regarding the possibility of gaming on the property south of Broken Arrow. He stated the City was in opposition of any type of gaming on that property and the City had made its position known publicly. He reported the City was actively monitoring the situation and the Legal Department was involved. He believed the City Attorney would provide an update to the Council Members on 07/03/2017 should it be necessary.

Mr. Spurgeon expressed there were individuals who deserved recognition from the Public Service Department. He stated Paul Bighorse passed his commercial building inspection certification test recently and had certification as a Commercial Building Inspector in plumbing, building, and mechanical. He stated Vince Ortegon passed his commercial test and was on his way to completing his certification as well. He congratulated Mr. Bighorse and Mr. Ortegon for their accomplishments.

At approximately 7:20 p.m. Mayor Thurmond entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

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

Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

The motion carried by the following vote:

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

At approximately 7:22 p.m., Mayor Thurmond reconvened the meeting and entertained a motion for a brief recess before entering into the Executive Session.

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

Move to recess before entering into the Executive Session

The motion carried by the following vote:

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

The Council returned to the room at approximately 7:27 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

1. **Discussing the appraisal of real property located on the North side of Tiger Hill (the Southwest corner of Lynn Lane and Kenosha), and specifically discussing an economic development proposal involving this real property to include the transfer of property and the creation of a proposal to entice businesses to locate within the City of Broken Arrow, taking appropriate action in open session, including direction to the City Manager and Staff to continue negotiations for an economic development proposal and obtaining additional appraisals, and taking appropriate action in open session, under 25 O.S. §307(B)(3) and 25 O.S. §307(C)(10); and**
2. **Discussing potential litigation involving a Notice of Tort Claim filed by John Franklin Loerch, Jr. demanding damages in excess of \$125,000.00 for an incident that occurred on or about July 13, 2016 under 25 O.S. § 307(B)(4);**

At approximately 8:07 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 Mike Lester.

To find that the Executive Session was necessary to process the pending tort claim and to protect the confidentiality of the business in the public interest

The motion carried by the following vote:

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

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

To authorize the City Manager to negotiate an Economic Development Agreement for the north side of Tiger Hill in accordance with council directions

The motion carried by the following vote:

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

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

To authorize the City Attorney to deny the Loerch tort claim

The motion carried by the following vote:

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

15. Adjournment

The meeting adjourned at approximately 8:08 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

Mayor

City Clerk