



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

Tuesday, May 16, 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 Moore 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

Councilman Lester led the Pledge of Allegiance to the Flag.

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

A. 17-2177 Presentation and discussion of agendas for public meetings, including the process used by City Administration to prepare the City Council, Broken Arrow Municipal Authority, and Broken Arrow Economic Development Authority agendas, how the process works, transparency, and an explanation of the processes for review and approval

City Manager Michael Spurgeon gave a presentation on the City Council agenda, explaining what it was and how it was put together, for the benefit of the community, in particular. A brief video was shown, followed by a PowerPoint presentation.

In the video, Mr. Spurgeon stated that the City Council was the governing body responsible for creating new laws, authorizing City projects, and determining where public money was spent. The City maintained transparency in its dealings by inviting citizens to attend City Council meetings. He indicated the location of Council Chambers and seating of the governing body and staff in front and explained that the proceedings could be followed by consulting the agenda, available in Council Chambers and on the Broken Arrow government website prior to each meeting. Meetings were held at 6:30 p.m. on the first and third Tuesdays of each month, with the exception of the month of June, when they were held on the first and third Mondays, because of Tuesdays in the Park.

Turning to a sample of an actual City Council agenda, Mr. Spurgeon pointed out that items on the Consent Agenda were voted on in one motion. Included in the Consent Agenda was regular, day-to-day business, such as street repairs, contract renewals, and approval of the previous meeting's minutes. Sometimes an item was pulled from the Consent Agenda for consideration and discussion in the next section (typically, section 6), by a Council member, and was voted on individually. Section 7 regarded public hearings, presentations and recognition. It was the section in which the fiscal year's City Budget was presented, followed by a public hearing on the subject. Other organizations, like the Public Library, gave presentations, as well. Recognition of outstanding individuals, like Officer Marque Baldwin and his K-9 partner Jireh, was given in this section. Mr. Spurgeon noted that Section 8, Citizens' Opportunity to address the Council, afforded citizens the opportunity to speak to the Council on matters of importance as residents of Broken Arrow. Citizens had only to fill out a Request to Speak Form before the meeting and then they would be called to step forward to speak for three minutes on a topic relating to City operations or the community. Under General Council Business, could be found important items requiring more attention on Council's part, before a decision was made. Also, items that the public might wish to address to the Council fell under this section, including tort claims and projects involving a significant amount of funding. Sections 10 and 11 pertained to ordinances: enforceable laws regarding which a person could be fined, jailed, or sued for non-compliance. Ordinances also concerned annexation since city limits were dictated by ordinance. Ordinances were previewed in Section 10, as required, before adoption. The Council was given the opportunity to decide on any changes that might be needed before final passage was considered. Section 11 represented ordinances to be voted on that had been previewed at the previous City Council meeting. Sections 12 and 13 were reserved for general comments by the Council and City Manager, on topics involving the community or operations.

Mr. Spurgeon explained that after the City Council meeting went into recess, the Mayor called the BAMA meeting to order. BAMA, the Broken Arrow Municipal Authority, oversaw

utilities. Items in the BAMA meeting usually referred to water, solid waste, and sewer services. Following the BAMA meeting the BAEDA, or Broken Arrow Economic Authority meeting, is held, in which commercial business activities in the community were discussed. Both Authority agendas were fashioned similarly to the City Council's agenda, but tended to be much shorter in length. Mr. Spurgeon added that all three meetings allowed for an Executive Session to be held, normally after the third meeting of the night. The Executive Session, Section 14 on the agenda, allowed the City Council to speak privately and confidentially with the City Manager and City Attorney, as regulated under state law. The Open Public Meetings Act, allowing for matters to be discussed privately, included matters pertaining to hiring/firing, union negotiations, purchase or appraisal of property, and sensitive issues (litigation, claims, investigations). It was required that items for discussion in Executive Session be listed on the agenda for the sake of public knowledge. At the end of the Execution Session, Council reconvened the meeting and voted publicly on Executive Session items, in accordance with Oklahoma law. Mr. Spurgeon concluded that over his career, he had learned that one of the most important responsibilities of a city official was fostering effective communication with citizens on what was going on within the community. It was important that citizens be given information on City Council meetings and the way the City conducted business so that they could access what transpired at particular meeting. At the end of the video, Mr. Spurgeon specified that the video had been running since summer 2016 and could be seen on Channel 24, regularly, and on the City's website.

Mr. Spurgeon gave a PowerPoint presentation focusing on preparation of the agenda and what the administration, i.e. all of the departments of city government, did every week to prepare the Council to make informed decisions on items included on the agenda. Agenda Preparation Steps for the City Council, BAMA and BAEDA were displayed on the screen. The four steps that followed included preparation of fact sheets, loading of documents in Legistar, completion of the approval process, and publishing and distribution of the agenda. Broken Arrow staff prepared an agenda for all public meetings using the software program Legistar, which allowed them to load the fact sheets and attachments for each respective Section of the agenda, ensuring that the Council member or appropriate Board member could access documentation relating to a particular item. A fact sheet was defined as a document summarizing items of business, listing important facts, purpose, background, related costs and recommended action. The deadline for titles of each of the items to be entered in Legistar was 7:00 a.m. on the Wednesday prior to the meeting. Draft agendas were reviewed and discussed at weekly Leadership Team meetings on those Wednesdays. Mr. Spurgeon stated that City Attorney Beth Anne Childs painstakingly went over the fact sheet, while he made sure that everything was there and that the department directors were providing necessary pertinent information for the Council. He went on to say that agenda fact sheets and attachments had to be entered by that Thursday morning, so that the "work flow," or approval process could take place, making sure that all necessary directors and staff members reviewed and edited a particular item relating to their department, before the item was approved for the final agenda. By the Friday morning before the meeting, all items were forwarded to the City Manager for review. The City Clerk then processes the final agendas on that afternoon, posting them to the public bulletin boards outside City Hall, as required by the Open Meeting Act, and to the public website. The aim of the whole process was to vet the agenda in order that the Council would be provided with accurate information needed to make sound decisions. Mr. Spurgeon underscored for the public that if they took the time to access the agenda via the Broken Arrow website, they could see everything that Council members saw, with the exception of a closed session information. Mayor Thurmond commented that it hadn't be always the case for the City to disclose so much. The City's current practice of sharing the information was a lot more convenient and had the advantage of saving trees, as well.

In the next step of the process Council/Authority members received an email with a link to the agenda packets on the Friday before the meeting, giving them two full business days to look over the information and ask questions. Finally, the agenda was printed prior to the meeting and set out for the public to view in front of the City Hall lobby and outside the doors of the Council Chambers. The City Clerk's Office ensured that all legal documents requiring signatures at City Council/BAMA/BAEDA meetings were turned in prior to the meeting. The documents were processed, recorded and filed following the meeting. Mr. Spurgeon added that the City Council had changed their meetings to Tuesdays, a good decision on their part, because the public wasn't aware of the magnitude of the packet received the Council/Authority members. Often, the public saw the Council members voting unanimously, which might lead to the notion that a decision was based on group think, when each member went through all of the items prior to the meeting. Mondays and Tuesdays before a meeting presented an opportunity for members to ask questions, though sometimes questions were raised during the City Council meeting. He, along with his staff, set aside time on those Monday and Tuesday mornings to answer the questions of Council members.

Mr. Spurgeon stated that all the agendas and meeting minutes were available on the City's Internet website at www.brokenarrowok.gov, or directly, at <https://brokenarrow.legistar.com>. Regarding legal posting requirements, Mr. Spurgeon cited that all meetings of public bodies had to be preceded by advance public notice specifying the time and place of the meeting, as

well as the subject matter to be considered. Agendas were required to be posted 24 hours prior to a scheduled meeting, excluding weekends and holidays. Furthermore, agendas for special meetings had to be posted 48 hours prior to the meeting. On occasion, the agenda was amended on the Monday before the meeting, to include something that had come up later, however, if the item were not submitted on time it was deferred to the next meeting. Staff was accountable for meeting deadlines that could affect any City business, like bidding, if a deadline were missed.

Mr. Spurgeon thanked Jennifer Hooks and the IT Department for helping him put together his report and presentation. He thanked staff members who submitted comments to him, as well.

B. 17-2197 Presentation by the Tulsa City-County Library Staff regarding the Summer Reading Program, and possible action encouraging participation in the program and acceptance of the Tulsa Mayor’s challenge to area communities

Kelli McDowell, Manager of the South Broken Arrow Library, introduced herself and Marie Weldon, of the Broken Arrow Library. Ms. Weldon reported on the Summer Reading Program, pointing to the importance of avoiding the “summer slide.” Children who read over the summer retained the skills they gained over the school year and moreover, those skills were enhanced. Research showed also, that kids who read widely and frequently were higher achievers. The goal was for children to see reading as a lifelong hobby and the Summer Reading Program encouraged that. Ms. McDowell continued, stating that they had a program for children and adults of all ages, from toddler to senior citizen. A library card was not needed to participate in the Program. Registration was offered at both of their libraries, or one could register online at tulsalibrary.org/summer at a later date, instead. The official start of the Program was Tuesday, May 30th and it ran through Saturday, August 5th, with grand prize drawings taking place the week of August 21st. The 2017 Program theme was, “Build a Better World.” A separate program Pre-K, for newborns to children five years of age, was new feature of the Program. In addition to a medal all qualifying participants received, the library would be awarding a children’s coupon book, and the child would be in contention for one of ten Pre-K Grand Prizes of gift certificates to early literacy and educational stores. Children who had completed kindergarten up to those entering fourth grade, were in the children’s program. The bonus prize was a plush toy beaver in connection with the theme. Ms. Weldon explained that there was a Teen and Tween program for kids who had completed fifth grade and up to age 17. Ms. McDowell described the adult program for 18 years of age and over. Participants who read four books would receive the Wooden Tower Game and a coupon booklet. Ms. Weldon said that nearly every week during the Summer Reading Program, performers would be on hand at the libraries to entertain participants and parents. Ms. McDowell announced that as in the previous year, there would be a Mayoral Challenge. Tulsa Mayor G.T. Bynum was challenging all the surrounding again, to get the highest percentage of kids aged 0 to 17 enrolled in the Summer Reading Program. Ms. McDowell recalled that Broken Arrow accepted the challenge in 2016 and did a great job, although it came in second. In 2016, 26% of Broken Arrow kids participated in the Program. The two librarians invited Broken Arrow to try again, with the goal of doing even better in 2017. Ms. McDowell added that audio books counted in the Program.

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

Move to accept the Tulsa Mayor’s challenge

The motion carried by the following vote:

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

6. Consideration of Consent Agenda

Mayor Thurmond stated that he wished to remove item S, owing to a conflict. There being no further items to remove, he entertained a motion to approve the Consent Agenda, excluding item S.

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

Move to approve the Consent Agenda excluding item S

The motion carried by the following vote:

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

- A. 17-1673 Approval of City Council Meeting Minutes of May 2, 2017**
- B. 17-2223 Acceptance of Planning Commission meeting minutes of March 23, 2017**
- C. 17-2218 Approval and authorization to declare May 20, 2017 as Kids to Parks Day in the City of Broken Arrow**
- D. 17-2205 Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by an online public auction**
- E. 17-2210 Approval and authorization to execute Amendment No. 1 to Agreement for Professional Consultant Services with Garver, LLC for Design of Relocation of 12-inch Waterline along Washington Street from Garnett Road to Olive Avenue (Project No. ST1616)**

- F. 17-2190 Approval and authorization to execute an Interlocal Agreement between Broken Arrow Public Schools (Independent School District No. 3) and the City of Broken Arrow to provide funding for school crossing guards
- G. 17-2191 Approval and authorization to execute an Interlocal Agreement between the Union School District (Independent School District No. 9) and the City of Broken Arrow to provide funding for school crossing guards
- H. 17-2192 Approval and authorization to execute an Interlocal School Resource Officer Agreement between the Union School District (Independent School District No. 9) and the City of Broken Arrow for the provision of a school resource officer
- I. 17-2214 Approval and authorization to execute service agreement quotes with Custom Service for heating, ventilation, and air conditioning service and ADDCO Electric for electrical service
- J. 17-2213 Approval and authorization to execute a service agreement quote with Davis H. Elliot, Inc. for street light repair services
- K. 17-2216 Approval and authorization to execute the City of Broken Arrow Parks and Recreation Use Agreement between the City of Broken Arrow and the R.C. Dickenson Family YMCA of Greater Tulsa for use of the Family Aquatic Center to teach swim lessons
- L. 17-2217 Award the most advantageous bids to A&B Construction for the purchase of one (1) 65' x 100' building kit and to Clearspan Fabric for two (2) 55' x 55' building kits
- M. 17-2206 Award the most advantageous bid to Aeroflex Wichita, Inc. for the purchase of one (1) Cobham 8800SX Digital Radio Test Set
- N. 17-2202 Award the lowest responsible bid to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for Chisolm Park South (Events Park) East Access Road (Project No. 116016B)
- O. 17-2226 Award the most advantageous bid to Colburn Electric for the purchase of three (3) power distribution units for the Events Park
- P. 17-2203 Award the lowest responsible bid to TGE, Inc., and approve and authorize execution of a construction contract for Indian Springs Sports Complex (ISSC) additional Soccer Field Lighting (Project No. 176042)
- Q. 17-2187 Approval and authorization to execute Change Order C01-Final for Construction Contract 161713 for the Liberty Parkway Trail Retaining Wall Repairs
- R. 17-2200 Approval and authorization to execute Change Order C03 for Construction Contract ST1509A for Leisure Park I Mill and Overlay
- S. 17-2221 Approval of BAZ 1976 (rezoning request), The Preserve, 26.31 acres, A-1 to RS-3, west of the southwest corner of 37th Street and Omaha Street
- T. 16-1558 Approval of the Broken Arrow City Council Claims List for May 16, 2017

7. Consideration of Items Removed from Consent Agenda

Mayor Thurmond left the room at approximately 7:01 p.m.

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

Move to approve item S

The motion carried by the following vote:

Aye: 4 -	Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey
Recused: 1 -	Craig Thurmond

Mayor Thurmond returned to the room at approximately 7:01 p.m.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services

Mayor Thurmond stated that Charles Browne had signed up to speak.

Mr. Browne identified himself as "Chuck" Browne of 1400 West Rockport Street. He stated that he was with Floral Haven Funeral Home and wished to address the Council on the Avenue of Flags that his company displayed every Memorial Day. It was, in fact, the 45th anniversary of that commemoration, which originated when the widow of a fallen soldier brought in a flag that had been draped across her husband's casket and asked if the flag could be displayed on Memorial Day. The granting of her request prompted questions and similar requests from relatives of other soldiers. Mr. Browne was proud to relate that in 45 years; it had become the largest display of flags by a private cemetery in the United States. He announced that at 10:00 a.m. on Saturday, May 27th, their Memorial Day ceremony of the raising of newly-donated flags would be held, to which all were invited. Later that day, there would be a re-enactment of the Changing of the Guards at the Tomb of the Unknown Soldier in Arlington National Cemetery, by members of the Star Base Composite Squadron of the Civil Air Patrol. The re-enactment would be repeated through the weekend. As at Arlington, the tomb would be guarded around the clock.

The ceremony was scheduled to begin at 1:00 p.m. on Saturday. Mr. Browne concluded that he wished to raise awareness in Broken Arrow that the Avenue of Flags was a treasure.

9. General Council Business

A. 17-2207 Consideration, discussion, and possible action to schedule quarterly City Council meetings at various locations throughout the City

Mr. Spurgeon said he was formally presenting an item which he had discussed with each Council member individually. He was a great believer in the ongoing campaign to maintain the utmost transparency in administration of the governing body and sometimes it was necessary to go to the people. He requested permission that at the start of the new fiscal year, July 1st, one location in the four Wards be chosen to hold a regular City Council meeting, quarterly. In addition, at least an hour before the meeting, a meet-and-greet could be held, at which Directors and senior staff, as well as the City Council members, would be available to citizens in an open house-style forum, to talk about citywide issues and issues particular to their Ward.

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

Move to direct the City Manager to develop a calendar identifying a meeting in each quarter of Fiscal Year 2018 to be held in a satellite location within each Ward of the City

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 17-2208 Consideration, discussion, and possible action to schedule a special meeting regarding economic development in South Broken Arrow

Mr. Spurgeon stated that he wished to request that sometime that summer – probably after his vacation in July – he wished to hold a special meeting in a to-be-determined location in South Broken Arrow. He related that in the past four or five months, there had been a lot of criticism of the City with respect to perceptions about the lack of development in that part of the City. The north part of town had grown by leaps and bounds, and people in the south part of town were anxious to know why their area wasn't growing as quickly. Mr. Spurgeon observed that they in administration, realized how long it had taken for the north part of town to grow. He had tried to address the matter in the Focus Newsletter the month before, but a more personal approach was needed. He anticipated that such a meeting would focus, in part, on 101st Street and Elm, as the area was in the process of developing a new identity. He also wished to explain to citizens how much of an investment of taxpayer money had been made to prepare South Broken Arrow for the development he believed would occur. Widening of two roads, over \$6 million spent to install gates on the Turnpike at Aspen, \$850,000 spent for a new sewer line, were three examples of major investments being made in the area, of which not all citizens might be aware. There would be a meeting agenda and the Broken Arrow Economic Development Corporation (EDC) would be invited to attend. Also, Norm Stephens, Assistant to the City Manager/Economic Development Coordinator, had contacted developer Danny Signorelli on the City Manager's behalf. Mr. Signorelli responded that he would be glad to come and explain the kind of recruitment efforts he had made. Bill Warren was another possible speaker. Mr. Spurgeon concluded by saying that they needed to go down to the area and talk to people and answer their questions, after the meeting presentation. The meeting would probably be preceded by an open house-type forum.

Councilman Lester commented that he thought it was a great idea and that after a news story on the subject of South Broken Arrow, he had received his fair share of phone calls. Vice-Mayor Eudey agreed, saying that it was a very real issue to him because he lived within a mile-and-a-half radius of the area and questions on the subject were posed to him on a regular basis.

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

Move to direct the City Manager to select a date and location for a special City Council meeting on economic development in South Broken Arrow

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Councilman Parks s echoed what his fellow Councilmen said in favor of such a meeting. He himself, had questions, and loss of sales tax in the area to other towns, with regard to restaurants and so forth, concerned him.

C. 17-2222 Consideration, discussion, and possible approval and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2015-2016

Tom Caldwell, Finance Director/Treasurer, recalled that at the last Council meeting Council members received the Fiscal Year 2015-2016 single audit and the required communication. State statutes required that the City publish a Notice of Availability of the audit. Therefore, he was asking Council to approve a Notice of Availability of Annual Audit for Fiscal Year 2015-2016 and authorize its publication.

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

Move to approve a Notice of Availability of Annual Audit for Fiscal Year 2015-2016 and authorize its publication

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

D. 17-2224

Consideration, discussion, and possible approval of PUD-260 (Planned Unit Development), Aspen Crossing, 49.52 acres, RS-3, RD & CG/PUD-260, northeast corner of Jasper Street and Aspen Avenue

Larry Curtis, Plan Development Manager, reported that the Planned Unit Development in question, PUD-260, involved 49.52 acres of undeveloped and unplatted property located in the northeast corner of Jasper Street and Aspen Avenue. Approximately 262 single-family-attached and -detached residential units were proposed in conjunction with the PUD request. The eastern portion of the property was located within the 100-year floodplain of Aspen Creek. The 100-year floodplain would be left as open space, as set forth in the PUD. Mr. Curtis went on to say that the residential portion of the project site was originally approved by the City Council on December 3, 2007, as PUD-183 and BAZ-1789, subject to the property being platted. A subsequent major amendment to PUD-183A was proposed on March 23, 2010 and approved, subject to the property being platted, but it was never platted. PUD-183 and PUD-183A had since both expired. BAZ-1789, a request to rezone the property from A-1, A-2 and A-R-2 to RS-3 had not expired, however, it had not been changed by ordinance due to the property not being platted. The property was annexed into Broken Arrow City Limits on May 21, 2001, under Ordinance No. 2361. PUD-260 was essentially the same as what was previously provided in PUD-183, with the exception of the addition of a 5-acre parcel on the corner of Jasper Street and Aspen Avenue. BAZ-1793, a request to rezone the 5-acre parcel from A-1 to CG, was approved by the City Council on January 22, 2008, subject to the property being platted. The property remained unplatted to date. Portions of Tracts 1 and 2 were currently platted as Lot 1, Block 8, of Southtowne Estates. Covenant restrictions for this parcel were in conflict with the development proposed by PUD-260. The development regulations proposed under PUD-260 were in accordance with the Comprehensive Plan. The Planning Commission at their meeting of April 27, 2017, reviewed and recommended approval of PUD-260 by a vote of 4-0. Six people from the public spoke regarding the application, voicing concerns about traffic, property values, flooding, access points, screening-fence design, and commercial development on the corner. It was staff's and the Planning Commission's recommendation that PUD-260 be approved.

Councilman Lester asked what the main complaints of neighbors were. Mr. Curtis replied that the biggest concern seemed to be the size of home presented in the PUD as compared to other homes in the neighborhood. In addition, the lot located in the subdivision being incorporated was in conflict with the Covenants. Mr. Curtis added that the developer had been made aware and was addressing the issue before moving forward with the plat.

Mayor Thurmond indicated that one person had signed up to speak on the proposal.

Abby VanDusen of 12910 South 145th East Avenue, stated that she and neighbors she had spoken with, were not in opposition to PUD-260 becoming a residential development. As longstanding residents of the neighborhood they understood residential and traffic components in the area very well. Traffic easily backed up for 1 ½ miles on Aspen on Saturdays and Sundays, and those living on Aspen had trouble backing out of their driveways. Another main concern was the speed limit on that road, which was currently 50 mph in a two-lane street. They wished to suggest lowering the speed limit on the road given increased density of traffic. A second area of concern for local residents was lighting. They wished to see adequate street lighting implemented, with the increase in residential density. She concurred with neighbors that the main concern was that a portion of the property under consideration would be changed to commercial zoning. When a section was approved for commercial years before, land near the Warren Theater was not under development and residential density had not changed dramatically. Currently, just up the road, there was 60 acres for sale that had commercial zoning, not including the Aspen Crossing development at the Warren itself. There was an abundance of commercial property ½ mile up the road, close to the Turnpike, and there was no real need for commercial development just across the street from \$500,000-and-above homes. She asked the Council if they would like a Walgreens, a liquor store, or a doctor's office across the street from their own house. Once the property was zoned commercial, they could not guarantee what would end up there. It did not make sense to rezone the property as commercial at present, unlike nine years or so, ago, because development had changed the area substantially.

Councilman Lester asked whether Ms. VanDusen was opposed to all commercial or to a particular kind of commercial development. She replied that she and neighbors were opposed to the commercial designation, adding that she had even spoken with people in and around the new development just north of the proposed development under consideration. People expressed hesitancy about buying property when confronted with the prospect of commercial zoning in the vicinity. Also, people were concerned about property values going down in the wake of commercial development.

Councilman Lester maintained that in his long experience in real estate, property values were not affected as a result of commercial development in an area. In the end, the market dictated development, although he understood her concerns.

Councilman Parks said he understood as well, but for over 50 years the City had taken intersections/corners, most of which were zoned commercial, and approved commercial development as part of the Comprehensive Plan. Even if development were reserved to residential in the area, it would nevertheless, be high density residential. There was no sales tax going to the City for police, fire, etc., with respect to non-commercial development, he pointed out.

Vice-Mayor Eudey stated he lived in a neighborhood that was designed that way, and after a while he came to appreciate the convenience of having stores close by. He asked if a traffic study had been done on the streets Ms. VanDusen mentioned. Mr. Curtis stated that the suggestion to reduce the speed limit to 40 mph was being brought before the Traffic Council.

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

Move to approve PUD-260 Aspen Crossing as recommended by Planning Commission and Staff

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

E. 17-2228

Consideration, discussion, and possible approval of Resolution No. 1022, a Resolution approving and authorizing the execution of a Master Services Agreement between the Regional 9-1-1 Board, the Cities of Claremore, Collinsville, Glenpool, Jenks, Owasso, Sand Springs, Sapulpa, and Tulsa, the Town of Skiatook, Rogers County, Oklahoma, and Southwestern Bell Telephone, L.P., d/b/a/ AT&T Oklahoma ("AT&T"), for the sale or lease of certain equipment, database management, and network transport services for use by the named municipalities to provide Enhanced 9-1-1 services; approving and authorizing the execution of Addendum No. 1 to the Master Services Agreement, whereby AT&T provides hosted E9-1-1 Service (the provision of equipment and services necessary to provide accurate service, including call taking systems) and providing for payment by the municipalities of their proportional share; approving and authorizing the execution of Addendum No. 2 to the Master Services Agreement, whereby AT&T provides installation, warranty, maintenance and training for all equipment, hardware, software and services necessary to provide turn-key 9-1-1 Caller to Dispatcher installation and providing for payment by the municipalities of their proportional share; approving and authorizing the execution of Addendum No. 3 to the Master Services Agreement, whereby AT&T provides frame relay services (network services) and providing for payment by municipalities of their proportional share; approving and authorizing the execution of Addendum No. 4 to the Master Services Agreement, whereby AT&T provides database management services and related support; approving and authorizing the execution of Addendum No. 5 to the Master Services Agreement, whereby AT&T provides mapping hardware and software, including repair, replacement, upgrades and support, and providing for payment by municipalities of their proportional share; approving and authorizing Addendum No. 6 to the Master Services Agreement, whereby Bixby, Oklahoma, was added as a party to the Master Services Agreement and all related addenda, providing for payment by municipalities based upon their proportional share, and identifying Southwestern Bell Telephone dba AT&T Oklahoma as the successor in interest to Southwestern Bell Telephone, L.P. dba AT&T Oklahoma; approving and authorizing the execution of Addendum No. 7 to the Master Services Agreement, whereby the parties agreed to extend the terms of the Master Services Agreement to May 1, 2015, as well as AT&T's provision and installation of equipment, software, and services, as well as a warranty, clarifying notice provisions, and providing for payment by municipalities of their proportional share; approving and authorizing the execution of Addendum No. 8 to the Master Services Agreement, whereby the parties agreed to extend the terms of the Master Services Agreement to May 1, 2016, as well as AT&T's provision and installation of equipment compatible software and services in the 9-1-1 centers (with related warranties), clarifying notice provisions, and providing for payment by municipalities of their proportional share; approving and authorizing the execution of Addendum No. 9 to the Master Services Agreement, whereby Broken Arrow, Oklahoma, was added as a party to the Master Services Agreement and all related addenda, and providing for the acquisition and payment of equipment and services set forth; and approving and authorizing Addendum No. 10 to the Master Services Agreement, whereby AT&T will provide a fiber network and LTE backup network, and providing for payment by municipalities of their proportional share; designating representatives of the City of Broken Arrow, Oklahoma, for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Master Services Agreement and related addenda; and containing other provisions related thereto

Ms. Childs recalled that in December 2016, the second Addendum in their local agreement was brought before the Council, bringing the City into a regional partnership for 9-1-1. As she understood, Windstream was probably going to phase out its 9-1-1 business. The item represented something the Police Chief had been working on for quite some time with the Indian Nations Council of Governments (INCOG) and the other cities. Ms. Childs explained that the reason for the Resolution and its title being so extensive was due to the fact that Broken Arrow was coming a little bit late to the agreement. There was an original Master Services Agreement and then, 10 Addenda, which were approved, or were in the process of being

approved, by all of the various jurisdictions. The process was somewhat unconventional because they did have to go out for competitive bidding for equipment components, and so the Addenda came about as a result of when the bids came in. The municipalities had to work through the process of refining the Agreement. As she understood by way of Police Chief Boggs, because the Master Agreement was close to expiring, it was contemplated that the City of Broken Arrow would go ahead and lease the equipment. As the City moved forward with cooperation of the other municipalities and INCOG, then, more likely, it would move towards purchase.

Some advantages to handling the matter as they were doing were greater purchasing power for member municipalities and access to technical and customer service at a higher level than if they were operating as single entity. It also enabled member communities to share technical system redundancies in case of failures, software failures, or core 9-1-1 routing failures, which was important. Ms. Childs stated that she set forth in the Resolution what each of the Addenda were, for the sake of transparency. The Resolution approved all of them with a single motion. It was anticipated that at the next meeting or the meeting after, the Legal Department would present the Council with a letter of notification to Windstream that in the next year or so, the City would be terminating their service. She believed that the City should be on line in October.

Police Chief David Boggs said he wished to clarify one thing he may have misspoken to Ms. Childs. He explained that every four or five years they made a rather large purchase from Windstream when they bought components of the 9-1-1 box that handled incoming calls and routed them. The AT&T agreement on the other hand, would be a permanent lease. It would be a little more expensive on a monthly basis but it was as if they were taking that large purchase and spreading it out over the life of the equipment. The whole system would be upgraded at the appropriate time, as part of the lease agreement. They would not be coming back to the Council for single large purchases any longer. They would stay current with the technology, along with all the other INCOG partners, as the City moved forward.

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

Move to approve Resolution No. 1022 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

F. 17-2163

Consideration, discussion, and possible approval of the reappointment of Steven Knight to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2020

Mr. Curtis recalled that Board of Adjustment (BOA) members are appointed to serve three-year terms. The term for Board of Adjustment member, Steven Knight, was due to expire on May 1, 2017. Mr. Knight was appointed to the Board of Adjustment on September 1, 2015, by City Council, to fill a vacancy created by the resignation of Richard Baze, whose term was to expire May 1, 2017. Mr. Knight had expressed his willingness to continue to serve on the Board for another term. Mayor Craig Thurmond recommended Mr. Knight be re-appointed for a three-year term, as well.

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

Move to reappointment of Steven Knight to serve an additional three-year term on the Board of Adjustment to expire May 1, 2020

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no preview ordinances.

11. Ordinances

A. 17-2204

Consideration, discussion, and possible adoption of Ordinance 3484, an Ordinance amending Ordinance 3410 which temporarily established 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, in an area more specifically described as the one-half square mile south of Kenosha Street, north of Houston Street, east of Elm Place and west of First Street, provided for an appeal process, effective and repeal dates, and severability; amending Ordinance 3439 which extended the effective date of Ordinance No. 3410 to August 16, 2017; said amendment will extend the effective date of Ordinance No. 3410 to December 31, 2017 to allow additional time for approval and implementation of the proposed downtown overlay district; said amendment to; and declaring an emergency

As the City Council knew, Ms. Childs stated, the City was in the process of going through preparing a Downtown master plan overlay, together with the consultant. Although it had been originally contemplated that the project would be completed by August, the City Manager, Plan Development, and Development Services were very interested in moving the process along at a pace that would allow maximum community involvement. In order for that to occur, the City Manager requested that the Ordinance giving staff until December 31st be brought back.

She added that things seemed to be moving along well.

Mr. Spurgeon reported that on the 25th of May, staff was going to see the consultant's draft for the first time before sharing it with the City Council. They had put together a very comprehensive document based on the meeting they had and input from stakeholders. He wished to find the right balance between what the City's governing body and Planning Board deemed appropriate and what the people who were going to make major investments wanted.

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

Move to adopt Ordinance No. 3484

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 Mike Lester, seconded by Scott Eudey.

Move to approve the emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Councilwoman Wimpee encouraged all to go see the reenactment of the Arlington Cemetery Changing of the Guard at the Tomb of the Unknown Soldier on Memorial Day weekend. Young people trained very hard to make sure that everything in the ceremony was spot on and it was impressive to see late at night or whenever one could take the time.

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

Mr. Spurgeon remarked that included in the proposed Fiscal Year 2018 City Budget referenced that night, was his Budget Message. It was rather lengthy because in addition to the traditional facts and figures on the spending plan, it included proposed work plans, as well as a snapshot of some major expenditures from the Capital Improvement program. There were work plans for general government, for BAMA, and information about a lot of the purchases the City was going to make. A special meeting was schedule for the next Monday at 5:30 p.m., at the Public Safety Facility. Ms. Childs would prepare the agenda to include a host of subjects for discussion, some of which he needed direction from the governing body on. Examples of such matters included preparation for the next vote by the community on the next round of General Bond Obligations in August 2018, decisions pertaining to the Center for the Creative Arts, and a request for ongoing operational expenses. Mr. Spurgeon added that as part of the Budget presentation, Director of Streets and Stormwater Steve Arant and Assistant City Manager of Operations Ken Schwab would talk about the roads that would be improved with Vision tax money that was just starting to come in.

Mr. Spurgeon stated that he formed part of the recruitment, on behalf of the Mayor, to find a new Oklahoma Municipal League (OML) Executive Director. A seven-member committee from the Board was appointed to conduct a national search to find the right person to serve as what he considered to be one of the most important non-municipal officials representing municipalities. Mr. Spurgeon reported that he and his fellow committee members had gotten the selection down to four candidates and the week before he had travelled to Oklahoma City to interview the four. Unfortunately, the person he recommended did not make the final cut. He did not support the decision in favor of the individual that was selected and explained his position to Mayor Thurmond. In addition to Broken Arrow, Collinsville voted against the favored candidate. Nevertheless, the new OML Executive Director chosen by a majority vote, had his and the Mayor's full support and good wishes in the task ahead.

At approximately 7:40 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 7:58 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 Mike Lester, seconded by Scott Eudey.

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 8:02 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

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 City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

- 1. Discussing the purchase and appraisal of real property located at the Southwest corner of the intersection of South 23rd Street and East 115th Street South, and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. § 307(B)(3); and**
- 2. Discussing litigation involving City of Broken Arrow vs. R.E.I.P., LLC, et al., Case No. CJ-2017-01169 in the District Court of Tulsa County, State of Oklahoma, under 25 O.S. § 307(B)(4).**

At approximately 8:28 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 Mike Lester, seconded by Johnnie Parks.

Move to authorize the City Manager to move forward with acquisition of real property at the intersection of South 23rd and East 115th in accordance with Council's direction

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Craig Thurmond
Abstained: 1 - Scott Eudey

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

Move to authorize the City Attorney to extend an offer of settlement consistent with Council's direction in City of Broken Arrow vs. R.E.I.P.

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 find that the Executive Session was necessary to process pending litigation in the public interest and to consider the purchase of real property

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 8:29 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