



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Tuesday, September 17, 2019

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 Andrew Conley performed the invocation.

3. Roll Call

Present: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

4. Pledge of Allegiance to the Flag

The Webelos Pack 936 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond indicated Item Z was to be removed from the Consent Agenda. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda less Item Z

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 19-18** Approval of the City Council Meeting Minutes of September 3, 2019
- B. 19-1144** Accept Planning Commission meeting minutes of August 22, 2019
- C. 19-1185** Approval of and authorization to execute Resolution No. 1266, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- D. 19-1164** Approval of and authorization to execute a contract for professional services between the City of Broken Arrow and Family & Children's Services (F&CS) to provide a Victim Response Program for the City of Broken Arrow in fiscal year 2019-2020
- E. 19-1119** Approval of and authorization to execute the Enterprise Agreement with Microsoft for Microsoft software, products, and licenses
- F. 19-1160** Approval of and authorization to accept a grant from the Oklahoma District Attorneys Council for the City of Broken Arrow (Victims of Crime Act Grant) to provide a Victim Response Program for the City of Broken Arrow in fiscal year 2019-2020 Broken Arrow City Council Meeting Agenda Page 1 9/17/2019
- G. 19-1146** Approval of and authorization to execute an Interlocal Cooperative Agreement between the Department of Capital Assets Management and the City of Broken Arrow and declare 264 hard drives surplus and authorize their disposal
- H. 19-1148** Approval of and authorization to execute a Renewal of Nuisance Abatement Property Structure Securing Agreement between the City of Broken Arrow and Momentum Services, LLC
- I. 19-1151** Approval and authorization to execute a parking space lease agreement between the City of Broken Arrow and Francis EVC, LLC for charging stations for electric vehicles
- J. 19-1149** Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse
- K. 19-1150** Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center
- L. 19-1096** Approval of and authorization to execute change order CO1 with Builder's Unlimited, Inc. for the construction contract 181707; Public Safety Complex Renovation and Forensic Lab
- M. 19-1155** Ratification of executed change order CO1 with Cherokee Pride Construction for the construction contract 186023; Nienhuis Park Sand Volleyball Courts
- N. 19-1156** Ratification of executed change order CO1 with Grade Line Construction, LLC. for the construction contract ST1712; Old Town Streets - 1st Street from Dallas to College
- O. 19-1141** Award the most advantageous bid to Premier Truck Group for the purchase of one (1) dump truck for the Parks and Recreation Department
- P. 19-1135** Approval of and authorization to purchase Cisco Smartnet Maintenance Services from

	Chickasaw Telecom, Inc. pursuant to the Oklahoma Statewide Contract
Q. 19-1142	Approval of and authorization to purchase one (1) rotary grounds mower from Kansas Golf and Turf, pursuant to the Sourcewell cooperative purchasing contract
R. 19-1145	Approval of and authorization to purchase one (1) 3/4-ton crew cab pickup from Bill Knight Ford, pursuant to the Oklahoma Statewide Vehicle contract, for the Parks Department Broken Arrow City Council Meeting Agenda Page 2 9/17/2019
S. 19-1157	Approval of and authorization to purchase one (1) ¾ Ton Crew cab pickup truck from Bill Knight Ford, pursuant to the Oklahoma Statewide vehicle contract, for the Police Department
T. 19-1163	Approval of and authorization to purchase one (1) 2020 Ford F-150 Crew Cab Pickup from Bill Knight Ford, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
U. 19-1158	Approval of and authorization to purchase three (3) Dodge Charger Police Pursuit Vehicles from Bob Howard Dodge, pursuant to the Oklahoma statewide Vehicle Contract, for the Police Department
V. 19-1159	Approval of and authorization to purchase six (6) 2020 Durango Police Pursuit Vehicles from Bob Howard Dodge, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
W. 19-1161	Approval of and authorization to purchase one (1) 2020 Chevrolet Traverse mid-sized Sport Utility Vehicle from Vance Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
X. 19-1162	Approval of and authorization to purchase one (1) 2020 Chevrolet Silverado Crew Cab Pickup from Vance Chevrolet, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department
Y. 19-1122	Approval of PT19-110, Conditional Final Plat, Riverbrook Addition Block 1, Lots 1 and 2, 13.70 acres, 2 Lots, RM to PUD-290A/RM, one-half mile south of Jasper Street (131st Street), east of Aspen Avenue (145th E. Avenue)
Z. 19-1095	Approval of PUD-243A (Planned Unit Development Major Amendment), Green Country Federal Credit Union, 0.83 acres, PUD-243/CH (Commercial Heavy), one-half mile east of 9th Street (177th E. Avenue/Lynn Lane), south of Kenosha Street (71st Street)
AA. 19-1102	Acceptance of a Sidewalk Easement from the K&S Commercial, LLC on a portion of unplatted property approximately one-quarter mile west of Elm Place (161st East Avenue), south of Tucson Street (121st Street), shown in Exhibits A.1 and A.2 (Section 3, T17N, R14E) (121 Elm Subdivision)
AB. 19-1152	Approval of and authorization of Final Acceptance for the public improvements for Dunkin Donuts located at 1101 North Aspen Avenue
AC. 19-1178	Approval of the nomination and reappointment of Carolyn Shafer to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2021
AD. 19-1179	Approval of the nomination and reappointment of Craig Thurmond to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2021 Broken Arrow City Council Meeting Agenda Page 3 9/17/2019
AE. 19-1180	Approval of the nomination and reappointment of Patsy Terry to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2021
AF. 19-1176	Approval of the nomination and reappointment of Trevor Swanson to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2021
AG. 19-1182	Approval of the nomination and reappointment of Vince Snelling to the Broken Arrow Convention and Visitors' Bureau (CVB) Board with a term expiring September 30, 2021
AH. 18-1459	Ratification of the Claims list dated 09/13/2019

6. Consideration of Items Removed from Consent Agenda

Community Development Director Larry Curtis reported Item Z, PUD-243A, was a request for an amendment to PUD-243 which was adopted by City Council on December 1, 2015 with the Collision Works plat recorded in Tulsa on May 27, 2016. He stated Collision Works was built on the east lot of the plat. He indicated PUD-243A included modifications for parking, setbacks and landscaping requirements. He stated the applicant proposed to build a three story bank in this location, along with a coffee shop with a drive through. He explained this particular lot was a relatively small lot, and as such the applicant was requesting a reduction in the width of the landscaping requirements from ten feet to eight feet along Kenosha and from ten feet to four feet along 14th Street. He noted there was an increase in vegetation requirements associated with the reduction in landscaping width. He stated additional trees were required, as well as additional landscaping along the back side of the property and additional landscaping along 14th Street. He indicated there was a request for a reduction in parking for the bank; however, most residents utilized the bank drive through and did not park at the bank. He reported most materials would be masonry and glass, but a portion would be metal architectural paneling. He noted the PUD did not require a specific type of metal or percentage of metal material. He stated the Planning Commission made a recommendation for approval by a vote of five to zero.

Council Member Gillespie indicated she approved of the proposed project; however, this location was considered a “gateway” into Broken Arrow and she wished to ensure the landscaping was attractive. She asked if there was a way to incorporate a “Welcome to Broken Arrow” sign into the project. Mr. Curtis stated he reviewed the plat associated with this

property and there was an additional ten feet of Broken Arrow right-of-way (75 feet rather than 65 feet of right-of-way) which could be used for a “Welcome to Broken Arrow” sign.

Vice Mayor Eudey asked if he understood the landscaping width would be reduced, but the plantings would be increased to create a denser landscaping border. Mr. Curtis responded in the affirmative. He discussed the types of vegetation which would be used and noted there was a focus on trees where appropriate.

Council Member Gillespie stated she worried about setting a precedent by allowing this property to have decreased landscaping width. She stated she wished the area and landscaping to be consistently beautiful throughout the area. Mr. Curtis stated this property was extremely limited in size. He noted City Council could deny this PUD and await a different future project to be proposed; however, there were benefits of the proposed development which was unique and attractive.

Council Member Parks noted a PUD allowed developers to make adjustments and changes, but it also gave the City some input regarding what and how something was developed. He stated he did not feel you could require a developer to put a “Welcome to Broken Arrow” sign on private property, but it might be possible to negotiate in this direction. Mr. Curtis reported it was possible to require placement of a public sign on private property (this had been done before); however, for this particular property there was right-of-way available for City use. He stated the PUD could be adjusted to require a certain percentage of metal material usage and require the Downtown Residential Overlay District (DROD) guidelines be followed in regards to type of metal usage. He stated this would ensure consistency in the area.

Mayor Thurmond noted metal was the newer type of material being used in development and the metal would create a very contemporary look. Council Member Gillespie stated consistency was important.

City Manager Spurgeon reported at the October 1, 2019 Meeting the administration would present the Bond Package for year two, and there was approximately \$2 million dollars available for beautification and gateways on Highway 51. He recommended choosing a few areas for beautification: the Albany overpass, and the area in this project’s location. He reported the City would be working with Oklahoma Department of Transportation (ODOT) on improvements at Elm and Lynn Lane to address over capacity; therefore, improvements could not be made in these locations as of yet.

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

Move to approve Item Z

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

A. 19-1002

Consideration, appointment of and swearing in of the new Youth City Council members for the 2019-2020 school year

Community Relations Liaison Jennifer Swezey reported the Broken Arrow Youth City Council was established by City Council on June 16, 2001 by former Mayor Wade McCaleb. She stated the Youth City Council represented an effort to link leaders of today with leaders of tomorrow. She noted Vice Mayor Scott Eudey and Councilor Johnnie Parks were proud to lead the Youth City Council for the 2019-2020 school year. She reported this would be the first class of sophomores to enter the program, committing to a three-year term. She noted juniors would be appointed for a two-year term and one new senior for one year of service. She indicated there were ten returning seniors for a total of 33 Youth Councilors this year. She stated this had been a great year for recruiting and there was an excellent mixture of schools represented. She noted this year new residency requirements were added, which allowed residents within the Broken Arrow fence line to apply, as well as any student eligible to attend Broken Arrow High School.

She reported the following new students were recommended for appointment:

Sophomores: Audrey Arant (OSIEL), Andrew Brown (BAHS/EC), Corbett Campbell (Classical Conversations), Ben Cloud (Epic Charter School), Grace Lee (BAHS), Graci Lutz (BAHS), Muhammad Saeed (Peace Academy), Jacob Shotton (BAHS/EC), Grant Spillman (BAHS), Faythe Story (Union);

Juniors: Chloe Arroyo (homeschool), Hannah Basinger (BAHS), Jason “Eljah” Brown (homeschool), Amy Campbell (BAHS), Kylie Hammack (Union), Analyse Jester (BAHS), Kelley McDonald (BAHS), Alexandria Moore (BAHS), Arturo Ochoa (BAHS), Dulce Reyes (Union), Braxton Tempest (Union), Shrea Tyagi (Union);

Senior: Sydney Chincon (BAHS).

Ms. Swezey invited the Youth City Council Members to come forward and take the Oath of Office. The Youth City Council Members came forward and were sworn in.

Vice Mayor Eudey noted the first Youth City Council Meeting was held just prior to today's City Council Meeting. He stated he was excited to see the interest in the Youth City Council program and he looked forward to working with the Youth City Council this year.

Council Member Parks commented it was great to see such a large group of Youth City Council Members. He noted it was important to conduct youth outreach and teach leadership skills to the youth of Broken Arrow. He noted many of the current Youth City Council Members were leaders in school and the community and the Youth City Council program would build upon these skills. He stated he was excited about this year's Youth City Council.

B. 19-1143 Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring October 24, 2019, as World Polio Day in Broken Arrow, Oklahoma

Vice Mayor Eudey reported the Rotary Club had a global network of 1.2 million members who adhered to the motto "Service Above Self" and inspired members to provide humanitarian service, follow high ethical standards, and promote goodwill and peace in the world. He stated he and Council Member Wimpee were honored to serve as members of the Rotary Club.

He reported in 1985, Rotary launched PolioPlus and in 1988 Rotary helped establish the Global Polio Eradication Initiative. He noted to date, Rotary contributed more than \$1.9 billion dollars and countless volunteer hours to protect more than 2.5 billion children in 122 countries. He stated Rotary was working to raise an additional \$50 million dollars per year that would go to provide much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents.

He stated Broken Arrow Rotary members joined with others throughout the Greater Tulsa area sponsoring service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad. He stated the Rotary International Proclamation proclaimed Thursday, October 24, 2019 as World Polio Day in Broken Arrow, Oklahoma.

He indicated the proclamation stated whereas polio cases dropped by 99.9% since 1998, and the World stood on the threshold of eradicating the disease, and whereas to date Rotary contributed more than \$1.9 million dollars and countless hours to protecting more than 2.5 billion children in 122 countries, and whereas these efforts provided much-needed operational support, medical staff, laboratory equipment, and educational materials for health workers and parents, and in addition Rotary played a major role in decisions by donor governments to contribute more than \$8 billion dollars to the effort, and whereas there were over 70 members in the Broken Arrow Rotary Club who joined with others throughout the Greater Tulsa area to sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment, now, therefore, the Mayor of the City of Broken Arrow did hereby proclaim October 24, 2019 World Polio Day in Broken Arrow.

MOTION: A motion was made by Debra Wimpee, seconded by Johnnie Parks.
Move to approve and authorize execution of a Proclamation declaring October 24, 2019, as World Polio Day in Broken Arrow, Oklahoma

The motion carried by the following vote:
Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Mayor Thurmond presented the Proclamation to the President of the Broken Arrow Rotary Club Ms. Janie Thomas Green.

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)

There were no Citizens who wished to address the Council on General Topics related to City Business or Services.

9. General Council Business

A. 19-1174 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1265, a Resolution authorizing the execution of a contract for sale of real estate for real property generally located at 1117 South Main Street, located in the Northwest Quarter of Section 14, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma including structures and improvements; and authorizing the City of Broken Arrow's expenditure of the sum of \$400,000 plus closing costs to effect such purchase from M&L, Inc.; 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 Contract for Real Estate for the Armed Forces Meeting Hall (191718)

Engineering Division Manager Roger Hughes reported this was an approval for purchase of

real property located at 1117 South Main Street for the Armed Forces Meeting Hall.

Mayor Thurmond stated it was excellent the City was moving forward with this; the Armed Forces were important to the City of Broken Arrow.

MOTION: A motion was made by Christi Gillespie, seconded by Debra Wimpee

Move to approve and authorize execution of Resolution No. 1265

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

City Manager Spurgeon reported, once acquired, the City would move forward with demolition. He stated he believed the Street and Stormwater Department would be able to help with demolition to reduce costs. He noted the City was working on architectural plans with the Veteran's groups and the Use Agreement in connection with the initiative. He stated he hoped construction would begin sometime around Labor Day 2020.

B. 19-1147 Consideration, discussion, and possible approval of and authorization to purchase three (3) AEV Ford F550 Type 1 Ambulances from Professional Ambulance Sales & Service, pursuant to the Houston-Galveston Area Council (HGACBuy) contract

Fire Chief Jeremy Moore reported the Fire Department budgeted \$250,000 dollars in Sales Tax Capital Improvement Funds to purchase three ambulances and to outfit the ambulances with needed equipment. He stated the ambulances would cost \$964,000 dollars and would be financed through competitive bidding. He reported the Fire Department was using the Houston Galveston Area Council, the same consortium which was used to purchase the aerial equipment last year, and as such the City would save approximately \$14,000 dollars. He stated the purchase of the ambulances allowed the Fire Department to conduct remounting of trucks in the future which would return ambulances to "like new" condition and save half the cost of ambulance replacement purchase in the future. He stated Staff recommended City Council approve the purchase of the three AEV ambulances pursuant to the HGAC Buy program from Professional Ambulance Service and Sales.

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

Move to approve and authorize the purchase three (3) AEV Ford F550 Type 1 Ambulances from Professional Ambulance Sales & Service, pursuant to the Houston-Galveston Area Council (HGACBuy) contract

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 19-1183 Consideration, discussion, and possible approval and authorization to execute Resolution No. 1262, a Resolution authorizing the City Attorney to enter into a Journal Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Mark F. Harper, et al., Tulsa County District Court Case No. CV-2019-614, regarding the condemnation of property located at the 13600 Block of South 177th East Avenue, Tulsa County, State of Oklahoma

City Attorney Trevor Dennis reported the City of Broken Arrow was expanding a sewer line and replacing a sewer line on over 2.5 acres and needed to acquire a temporary construction easement in this location. He stated the City filed suit, commissioners were appointed and came back at \$7,500 dollars which the defendant agreed to accept. He noted Resolution No. 1262 authorized entry of a Journal Entry of Judgment distributing the \$7,500 dollars for the temporary construction easement. He stated Staff recommended City Council approve Resolution No. 1262 and authorize its execution.

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

Move to approve Resolution No. 1262 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 19-1181 Consideration, discussion and possible adoption of Ordinance No. 3603-Corrected, a Zoning Ordinance of the City of Broken Arrow Code of Ordinances, amending Chapter 5, Development Standards, adding Section 5.10, Light Pole Banners and Decorations, of the City of Broken Arrow Zoning Ordinance; specifically including rules and procedures for the City's acceptance of donation of decorative banners or other decorations designed to be placed on light poles, repealing all ordinances to the contrary and declaring an emergency

City Attorney Dennis reported City Council approved this Ordinance two weeks ago. He stated he had inadvertently left off the emergency clause. He explained Ordinance No. 3603-Corrected corrected this error so the Ordinance could take effect immediately. He stated Staff recommended City Council adopt Ordinance No. 3603-Corrected and approve the emergency

clause.

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

Move to adopt the Ordinances No. 3603-Corrected

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Debra Wimpee, seconded by Christie Gillespie.

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Council Member Gillespie stated she had noted an increase in social media posting of Broken Arrow Governmental posts, local business posts, and local event posts which she felt was wonderful. She stated she appreciated seeing this enthusiasm regarding Broken Arrow and local Broken Arrow activities.

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

City Manager Spurgeon announced Mr. Mike Kyser was appointed as the Interim Director of Engineering and Construction. He stated Mr. Kyser had over 40 years of experience in the business. He noted Mr. Keiser served as City Engineer in a number of communities in the Tulsa region and had worked with the City of Broken Arrow on a number of projects in the past.

City Manager Spurgeon recognized the importance of the Police Communications Department. He congratulated Ms. Tricia Cook who had worked in the Communications Department since 2014 and was recently promoted to Third Shift Supervisor in the Communications Division. He thanked Ms. Cook for her efforts and service.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:04 p.m.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Mayor

City Clerk