



**City of Broken Arrow**

**Minutes  
City Council**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Craig Thurmond*  
*Vice Mayor Richard Carter*  
*Councilor Mike Lester*  
*Councilor Johnnie Parks*  
*Councilor Scott Eudey*

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**Tuesday, August 16, 2016**

**Time 6:30 p.m.**

**Council Chambers**

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**1. Call to Order**

Mayor Thurmond called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Tommy McLaurin delivered the invocation.

**3. Roll Call**

**Present: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**4. Pledge of Allegiance to the Flag**

Mayor Thurmond led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond asked if there were any items to be removed from the Consent Agenda. There being none, he asked for a motion.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to approve the Consent Agenda**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

- A. 16-978 Approval of City Council Meeting Minutes of June 6, 2016**
- B. 16-1014 Approval of City Council Special Meeting Minutes of August 2, 2016**
- C. 16-951 Approval of City Council Meeting Minutes of August 2, 2016**
- D. 16-998 Approval of minutes of Planning Commission meetings held June 9, June 23, and July 14, 2016**
- E. 16-923 Approval and authorization to execute a Use Agreement between the City of Broken Arrow and the Broken Arrow Military History Center**
- F. 16-1008 Approval and authorization to purchase annual software maintenance services from SunGard Public Sector, Inc.**
- G. 16-934 Approval and authorization to execute a contract with Precision Delta Corporation for the purchase of Police duty and practice ammunition**
- H. 16-933 Review of bids received and awarding of the lowest responsible bid to SwiftReach Networks and approval and authorization to purchase Emergency Community Notification System**
- I. 16-932 Review of bids received and awarding of the lowest responsible bid to Bob Hurley Ford, and approval and authorization to purchase Eleven (11) Ford Interceptor Sport Utility Vehicles (SUV) for the Police Department pursuant to State of Oklahoma Contract 1000009398 SW035**
- J. 16-892 Review of bids received and awarding of the most advantageous and lowest and best bid to Premiere Columbaria for the purchase and installation of a five piece columbaria set at the Park Grove Cemetery**
- K. 16-1009 Approval and authorization to waive formal competitive bidding, and approval and authorization to purchase Rapid7's Nexpose Enterprise Vulnerability Software Application from Software House International pursuant to the Oklahoma Statewide Contract SW1041**

- L. 16-984 Notification of Change Orders with a value of less than \$25,000 on Engineering and Construction contracts since the last City Council Meeting
- M. 16-996 Approval of PT15-120, Revised Conditional Final Plat, Aspen Ridge, 54 lots, 26.29 acres, A-1 to PUD-244A/RS-3, one-quarter mile north of the northwest corner of Jasper Street and Aspen Avenue
- N. 16-1004 Acceptance of a General Warranty Deed, Utility Easement and Temporary Construction Easement located at 201 North 9th Street in the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the US Government Survey for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- O. 16-1005 Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Five (5), Block Two (2), Lemon Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- P. 16-1006 Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Three (3), Block Two (2), Lemon Addition, an addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- Q. 16-1003 Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement for Lot Ten (10), in a Re-subdivision of a portion of Block 1, Mound View Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- R. 16-1007 Acceptance of a Utility Easement and Temporary Construction Easement for Lots Five (5) and Six (6), Block One (1), East Haskell Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- S. 16-1013 Acceptance of a Utility Easement and Temporary Construction Easement for Lots Six (6) and Seven (7), Block One (1), East Haskell Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
- T. 16-825 Approval of the Broken Arrow City Council Claims List for August 16, 2016

#### **6. Consideration of Items Removed from Consent Agenda**

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

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

##### **A. 16-995 Presentation on Aspen Avenue and Kenosha Street Improvements Construction (Project No. ST1203)**

Alex Mills, Director of Engineering/Construction, stated that he was presenting a construction plan as proposed by the contractor for the Aspen Avenue and Kenosha Street intersection, adding that it was part of larger project for Aspen, proceeding to Washington Street. He explained that the phasing plan had been vetted internally by staff. Although staff was comfortable with the proposed plan, they were aware that other approaches were possible and were asking for the Council's input. Mr. Mills pointed out what they termed "Phase 1," on an aerial map of the proposed Aspen/Kenosha Mill and Overlay. A very aggressive approach would be taken in construction of the intersection, with milling off the existing asphalt 2 ½ inches deep to get to the base pavement, as the first process. Following that, they would have to repair an unknown number of patches. For the duration of the two main phases and a third minor phase, no left turns would be allowed at the intersection, which would dramatically hamper normal traffic in the area. Road access would be reduced to one lane in either direction, north and southbound. An advantage of the aggressive approach was that each of the two main phases would only take two full calendar weeks, weather permitting. It was estimated that the whole project would be finished in roughly 45 days. A more time consuming approach entailing breaking the area up into quadrants, would necessitate a 3 or 4-month timeframe. Mr. Mills affirmed that there would be access to businesses at the site, however, they thought it would serve the community best to be out of the intersection by the advent of the holiday season. He pointed that the third phase was ancillary, picking up the area just shy of the railroad tracks to the north, to the area in front of Sycamore Street. Although left turns would not be allowed heading south on Aspen Avenue, motorists could proceed through the back way on Sycamore Street and get back on Aspen Avenue further south.

Mr. Mills went on to report that they had already contacted Broken Arrow's public schools and would be going door to door contacting local businesses. In addition, they would be sending out robocalls to all businesses, including those in the industrial park, and to local residents. There would be a mass media blitz publicizing the project, with construction set to begin the day after Labor Day. If things went smoothly, they could finish the job in less than six weeks time.

Councilman Lester remarked that the program plan was somewhat similar to what was being done on the Broken Arrow Expressway. He asked if any thought had been given to doing the work at night. Mr. Mills replied in the affirmative, stating that a lot of the milling and other work that could be done in the evening, would be performed by the contractor at that time. Councilman Lester said he was thinking more in terms of doing the milling and repaving at night and opening the lanes in the day. Mr. Mills answered that it was possible but it would, in fact, lengthen the schedule significantly since the amount of effort to put up and take down traffic control measures was no small feat. Councilman Lester observed that it was the site of the City's biggest traffic hub. Mr. Mills concurred, pointing out that with one lane operating in each direction they would be right at the capacity the intersection could handle.

Councilman Parks inquired whether the traffic signals would be adjusted to facilitate the flow of traffic. Mr. Mills replied yes, they would, and staff would be on site to examine the situation, modifying the lights again if necessary.

Councilman Eudey asked if the plan he was presenting was the only plan that allowed the work to be finished before the Christmas season began. Mr. Mills said that they believed it was.

Councilman Lester emphasized the need to monitor the situation, foreseeing that there would be significant impact on traffic flow. Mr. Mills reiterated that given the advance warning to the public and the relatively brief duration of the work should they adopt the method he had highlighted, disruption to business would be minimized. Councilman Parks expressed concern that vehicles headed for the shopping center would have to stop to wait for oncoming traffic to make their turn, holding up the traffic behind. Mr. Mills said that was correct, but they planned to stage some of the closings where there were multiple entrances into the shopping center, keeping the entrance closest to the intersection closed. That would force traffic further down to where the lanes reopened, where the shopping center could be accessed. Mr. Mills admitted that it would be challenging, nonetheless.

Mayor Thurmond commented that it was important that the repairs be done and that traffic in the area be monitored in the morning and afternoon, so that traffic signals could be adjusted if necessary. Mr. Mills assured him that his staff would be on hand to modify business entrances as well, reacting to how the traffic was actually flowing to the best of their ability. Mr. Spurgeon added that they would be providing updates to citizens and businesses throughout the process, reminding them at the same time to take into consideration possible delays when planning their travel. Councilman Eudey commented that when all was said and done, he thought it was the best option to ensure the job was completed before holiday shopping commenced.

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

No citizens signed up to speak.

#### **9. General Council Business**

##### **A. 16-992**

**Consideration, discussion, and possible approval and authorization to execute a Waiver of Conflict of Interest between Abatement Systems, Inc. and the City of Broken Arrow involving real property located at 2400 East College Street, Broken Arrow, Oklahoma**

City Attorney Beth Anne Wilkening related that occasionally they ran into conflicts in terms of representation provided to individuals by outside law firms the City utilized. It was her policy to recommend the very best attorneys and overall, they did a really good job of controlling the budget with respect to outside counsel. Ms. Brightmire was one of the attorneys at Doerner, Saunders, Daniel and Anderson, LLP, who periodically handled work for the Broken Arrow Legal Department, along with Attorney Lewis Carter, of the same firm, acting on an informal basis. She explained that the issue was pretty straightforward involving their ownership of a company owning some land and the possibility that the City might need to enter into condemnation proceedings with them at a future time. As was her usual practice and recommendation as City Attorney, she was bringing conflict waivers before the Council. The Waiver of Conflict of Interest regarding the item under consideration would pertain only to that particular matter. As was the usual case, the legal firm made them aware of the situation after conducting a conflict check.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to approve and authorize execution of the Waiver of Conflict of Interest**

The motion carried by the following vote:

**Aye: 5 -**

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**B. 16-894**

**Consideration, discussion, and possible approval and authorization to execute a Consent Order on Case Number 16-180 from the Oklahoma Department of Environmental Quality (ODEQ), Water Quality Division**

Director of Utilities Anthony Daniel stated that before the Council was a Consent Order issued by the Oklahoma Department of Environmental Quality (ODEQ), in connection with the sewer line failure that occurred on April 21<sup>st</sup>, around the County Line sewer trunk's 36-inch line. Mr. Daniel recalled that on April 22<sup>nd</sup>, the City Council met in an emergency session, approving the repairs and replacement of 80 feet of pipeline with new fiberglass sewer mainlines. The line had failed under New Orleans Street resulting in sewage spilling through the Camp Robson Boy Scout Camp manholes. He related that upon discovery of the overflow, crews immediately responded by closing New Orleans Street and installing three temporary pumps to keep the bypass under control. The pumps remained in place until repairs were completed on May 11<sup>th</sup>, bypassing 3.2 million gallons of sewage, by their estimation. ODEQ received complaints from citizens on April 23<sup>rd</sup> about sewer overflow and resultant fish kill in Broken Arrow Creek, which led to their issuing a Consent Order penalty of \$10,000 for the one-time sewer overflow and \$5,820.94 for Oklahoma Department of Wildlife Conservation. Staff had proceeded to design and replace the entire six miles of line from the treatment plant up to 91<sup>st</sup> Street. Mr. Daniel stated that the project was being done in two phases.

Councilman Eudey asked if the Consent Order and amount of the fine reflected the fact the City did move quickly to resolve the problem. Ms. Wilkening replied that yes it did. She wished to point out that the Utilities and Legal Departments had a very good working relationship with ODEQ. The City employed the services of outside environmental counsel as well, which reviewed the Consent Order, making some revisions. ODEQ was appreciative of the rapid response by the City, however, because of the severity of the incident and the fish kill, the agency decided to impose an additional \$4,000 penalty because the creek would have to be repopulated with fish. The City requested to convert the amount either to a supplemental environmental project, or to the high cost of making the repairs. It was a very low fine, relatively speaking. In addition, the Legal Department received notification from the Department of Wildlife that it was satisfied with the roughly \$5,400 it received from the City and would not seek any additional contribution.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

**Move to approve the ODEQ Consent Order and authorize its execution**

The motion carried by the following vote:

**Aye: 5 -**

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**C. 16-935**

**Consideration, discussion, and possible approval and authorization to execute a Third Amendment to Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to improvements in the Rose District**

Assistant City Manager of Administration Russell Gale stated that the item under consideration represented the third amendment to the Capital Improvements Agreement with Tulsa County regarding the use of Proposition 4 Vision Surplus funding for improvements within the Rose District. Mr. Gale recalled that in October 2015, the Tulsa County Vision Authority approved Broken Arrow's application for \$2,737,500. The City had received \$2 million from the funds allotted, and with approval of the amendment under consideration it would be receiving the remainder.

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

**Move to approve the Third Amendment to the Capital Improvements Agreement, Rose District improvements, and authorize its execution**

The motion carried by the following vote:

**Aye: 5 -**

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**D. 16-937**

**Consideration, discussion, and possible approval and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to Sanitary Sewer System Improvements Project**

Mr. Gale stated that the item was a Capital Improvements Agreement with Tulsa County, providing Proposition 2 Vision Surplus funding in the amount \$803,000, for sewer system improvements in the vicinity of Aspen and Olive Avenues and Tucson and Florence Streets. The goal was to enhance and expand economic development opportunities in the area. He recalled that the City Council had approved the application at the June 6<sup>th</sup> meeting and the Tulsa County Vision Authority approved it on June 16<sup>th</sup>.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to approve Capital Improvements Agreement, Sanitary Sewer System, and authorize its execution**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**E. 16-1015**

**Consideration, discussion, and possible approval and authorization to execute a Second Amended Contract for Program Management Services for the City Hall Renovation with Magnum Construction, Inc.**

Ms. Wilkening stated that as the Council was aware, they had previously recommended approval and execution of a contract Program Management Services. She reported that it was the first time that the City of Broken Arrow had ever endeavored that particular type of project. In order to provide maximum transparency and incorporate various aspects of the law, it was requested that the Council approve the second amendment to the contract. Ms. Wilkening added that they had been very successful at cost containment with regard to the project, specifying that to date, the total cost of renovation was estimated at \$424,994.28. The figure was, to her recollection, at least \$100,000 less than what they had originally estimated. She added that the Assistant City Manager, the Contract Attorney and she had an opportunity to go back and refine the language of the contract. Taking into consideration, in part, what other cities had done with at-risk construction managers, they made some additions, referencing the actual statute, and provided additional mechanisms for staff to make decisions with regard to what, if any, work would be performed by the contractor. The Legal Department appreciated the Council's patience while it devised a very good template for future projects of a similar nature.

MOTION: A motion was made by Scott Eudey, seconded by Richard Carter.

**Move to approve the Second Amended Contract for Program Management Services and authorize its execution**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**F. 16-997**

**Consideration, discussion, and possible approval of Resolution No. 935, a Resolution approving the Fiscal Year 2017 Manual of Fees, establishing fees and costs charged by the City of Broken Arrow; authorizing the periodic adjustment and waiver of fees by the City Manager; and providing an effective date of September 1, 2016**

Ms. Wilkening noted that it was actually the second time that the item had been before the City Council, recalling that they had had a special session reviewing the Manual of Fees page by page. Giving staff the opportunity to examine line by line fees charged by the City, ensured not only that fees were in compliance with state statute, but also that costs charged to citizens were actually reflective of investment made by staff. Taking into account comments made by the Council at the special session and making a few minor revisions, the Legal Department completed a revised Manual. Ms. Wilkening indicated that utility fees with reference to the rate model study by Black & Veatch had not been incorporated into the Manual. She anticipated that those fees would be brought before the Council at a future time in a subsequent resolution, for the sake of transparency. They continued to receive positive feedback from citizens and businesses regarding all the fees being in one place instead of spread out throughout the Code. It was requested that the Council approve Resolution No. 935 and authorize its execution.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

**Move to approve Resolution No. 935 and authorize its execution**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**G. 16-990**

**Consideration, discussion, and possible approval and authorization to execute Resolution No. 936, a Resolution of the Broken Arrow City Council approving and authorizing a Contract for Sale of Real Estate for Real Property located at 201 East Washington Street, in Broken Arrow, Oklahoma 74012, Tulsa County, State of Oklahoma, approved July 5, 2016, by and between Chae Song Ko and Young Eun Ko and the City of Broken Arrow; and authorizing the City of Broken Arrow's expenditure of the sum of Two Hundred and Ten Thousand Dollars and Zero Cents (\$210,000.00) to effect such purchase; as well as reasonable and necessary costs, including closing costs and escrow funds; 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 sale of real estate; and containing other provisions relating thereto**

Ms. Wilkening related that over a year before, the Fire Department determined that it would be in best interest of the City to take a methodical approach to the location of future fire stations. The acquisition they were considering was reflective of the information contained in the Fire Department's report. The Legal Department made use of the contract services of a new right-of-way acquisition agent, Mr. Craddock, who had been very helpful to staff and to the Engineering/Construction Department, in particular. The agent was able

to negotiate a price of \$210,000 for the tract in question, which was supported by an appraisal, and the Ko family was ready to move forward with the transaction. They had been in contact with the abstracting company, as well. The Resolution would enable the City to move forward with the closing on the tract.

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

**Move to approve Resolution No. 936 and authorize its execution**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**H. 16-1000**

**Consideration, discussion, and possible approval and authorization to execute Resolution No. 937, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances**

Ms. Wilkening explained that the Resolution was a way of apprising citizens of revisions to the Broken Arrow Code of Ordinances, previously approved by the Council. The changes were already available online.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to approve Resolution No. 937 and authorize its execution**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**10. Preview Ordinances**

**A. 16-1012**

**Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article II, Purchases, Section 2-25. - When prior approval of Council is required; Granting the City Manager the authority to waive City fees if in the best interest of the City; repealing all Ordinances to the contrary; and declaring an emergency**

Ms. Wilkening explained that Section 2-25 of the Code gave the City Manager the ability to make purchases, enter into contracts, and so on, up to \$25,000. Following review of the Ordinance by herself and staff, and with adoption of the Manual of Fees, they thought there was a good opportunity to maximize transparency by describing in the Ordinance itself, the City Manager's ability to waive fees. They took the position that statutorily, he already had that ability, and many cities had actually increased the degree of authority of City Managers beyond a \$50,000 leeway. However, City Manager Michael Spurgeon requested that they leave the amount at his discretion at \$25,000, preferring transparency and coordination with the City Council. The authority to waive fees was valuable, nonetheless, in according the City Manager some discretion, especially with regard to matters concerning economic development. Ms. Wilkening informed the Council that Mr. Spurgeon requested that the Legal Department prepare a form whereby the Council be notified each time a fee was waived, and the information be made available to citizens, as well.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to preview the Ordinance and set it for adoption**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**B. 16-994**

**Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article VIII, Planning Commission, Section 2-115. - Created; Composition; Specifically changing the language to reflect members of the Planning Commission shall be nominated by the Mayor to comply with Title 11, Section 45-102. of the Oklahoma State Statutes; repealing all Ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that periodically they went through state statutes to ensure compliance with respect to the Broken Arrow Code of Ordinance. The amended ordinance before the Council was an opportunity to bring the Code into compliance with state law. It was requested that the ordinance be previewed and set for adoption at the next meeting.

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

**Move to preview the Ordinance and set it for adoption at the next meeting**

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**C. 16-871**

**Consideration, discussion, and possible preview of an amended Ordinance amending Chapter 22, Article IV Residential Development Fees, Section 22-64. - Fees; repealing all Ordinances to the contrary; and declaring an emergency**

Ms. Wilkening stated that, as Council members were probably aware, the Residential Development Fee was originally adopted for the purpose of improving and expanding public recreational fees, which was unquestionably, a priority of the Council. As residential construction continued, demand for recreational facilities would also increase. The fee

schedule was originally amended by Ordinance 22-85 back in 2000, and it had remained unchanged. The current fees were \$165 per dwelling unit, plus \$44 for each bedroom and \$44 each bedroom resulting from enlargement, expansion, remodeling, and such. The proposed fees would mean an increase of 5% or \$46 per bedroom, and 5% for each additional bedroom resulting from enlargement, etc., as mentioned. The dwelling fee of \$165 would remain unchanged. The fees listed in the ordinance reflected the amount of \$100 per dwelling unit, plus \$30 per bedroom. The preview ordinance would make changes to the amounts charged and amend the Code to reflect the accurate charges.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

**Move to preview the Ordinance and set it for adoption at the next meeting**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 11. Ordinances

### A. 16-950

**Consideration, discussion, and possible adoption of Ordinance No. 3439, an Ordinance amending Ordinance No. 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; said amendment to extend the effective date of Ordinance No. 3410 to allow additional time for approval and implementation of the proposed downtown overlay district; and declaring an emergency**

Ms. Wilkening recalled that the Ordinance was previewed at the last City Council meeting. It served to expand the amount of time the alternative review process would remain in place. Originally, it was thought that they would be through with the process by March 31, 2017, however, they were recommending that an extension of the timeframe to August 16, 2017. The extension would give ample time to all parties, including staff, the Council, the consultant, the community (especially stakeholders), and would ensure that any requested revisions to the Zoning Code or Code of Ordinances were in place. It was requested that the Council adopt Ordinance No. 3439 and approve the emergency clause.

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

**Move to adopt Ordinance No. 3439**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

**Move to approve the emergency clause for Ordinance No. 3439**

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

## 12. Remarks and Inquiries by Governing Body Members

Vice-Mayor Carter remarked that he was wearing an NSU (Northeastern State University) shirt, reporting that the previous week there had been a celebration commemorating fifteen years since construction of the campus had begun. He hoped everyone realized what a good thing the citizens of Broken Arrow did when they came up with the idea and followed through, voting in a sales tax. The University had a beautiful campus, with 3,300 students enrolled for the fall semester, pursuing a host of degrees. Declaring it a jewel of the town, Vice-Mayor Carter invited any who hadn't been to the campus to visit it.

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

Mr. Spurgeon announced that Shannon McKee had been promoted to the position of Assistant Plant Manager of the Lynn Lane Waste Water Treatment Plant. He wished to congratulate him, adding that he had done a great job working for the City for 13 years. He announced that another staff member, Purchasing Manager Pat Harrison, had received his Certified Purchasing Professional Certificate that month and was pursuing Certified Professional Purchasing Manager credentials. Continuing education for employees was a means for staff members to further their careers and provide more effective and efficient leadership in service to the citizens of Broken Arrow.

Mr. Spurgeon reported that he had sent the Council a copy of the financial newsletter that would be going out to citizens immediately following Labor Day. It was designed to look very similar in size to an iPad. Entitled "Thrive: Your Money at Work," it presented a breakdown of City money, where it came from and how it was spent, as well as a comparison of the sources of the City's funds versus other cities, in terms of tax rates, and so forth. It will be chockfull of information. What he liked most because it was straightforward was its snapshot of projects for fiscal year 2017. The number of projects and the amount of reinvestment back into the community was extremely impressive.

Dovetailing with Vice-Mayor Carter’s comments, almost all would be funded by General Obligation Bonds, which were approved by voters. It was something to take pride in and he thanked Director of Communications Krista Flasch and Digital Content Specialist Mary McAtee for their efforts in putting the newsletter together.

Finally, Mr. Spurgeon wished to announce that there would be a resource management conference on the subject of storm water in Broken Arrow/Tulsa on Thursday, August 18<sup>th</sup>, which he would be attending. Assistant Manager of Operations Ken Schwab would be one of the speakers. He, himself, would have the opportunity to welcome attendees on behalf of the City and Mayor Thurmond and express his appreciation to staff for their work regarding storm water. He would also talk a little about the importance of storm water. Mr. Spurgeon said he would be glad to answer any questions the Council had. Councilman Eudey commented that he liked the level of transparency with regard to financial reporting that Mr. Spurgeon as City Manager was fostering.

Mayor Thurmond entertained a motion to recess at approximately 7:12 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session.

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 and Broken Arrow Economic Development Authority meetings**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 8:15 p.m. and asked for a motion to clear the room and enter into the Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.  
**Move to enter into the Executive Session**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**14. Executive Session**

- 1. Executive Session to find that the Executive Session was necessary to process the pending claim and potential litigation in the public interest**
- 2. To authorize staff to proceed as directed with regard to the negotiations with the International Association of Firefighters Fiscal Year 2017 Collective Bargaining Agreement**
- 3. To ratify the appeal of the Gary Snyder Worker’s Compensation claim**
- 4. To authorize the City Attorney to proceed as directed with a potential suit involving Whistler.**

At approximately 8:57 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 Richard Carter, seconded by Mike Lester.  
**Move to find that the Executive Session was necessary to process the pending claims and potential litigation in the public interest**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to authorize staff to proceed as directed with regard to the negotiations with the International Association of Firefighters Fiscal Year 2017 Collective Bargaining Agreement**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to ratify the appeal of the Gary Snyder Worker’s Compensation claim**

The motion carried by the following vote:  
**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.



**Move to authorize the City Attorney to proceed as directed with a potential suit involving Whistler**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

**15. Adjournment**

The meeting adjourned at approximately 8:59 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -** Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

/Craig Thurmond\_\_\_\_\_  
Mayor

/Lisa Blackford\_\_\_\_\_  
City Clerk