



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 Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Tuesday, May 15, 2018	Time 6:30 p.m.	Council Chambers
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1. Call to Order

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

2. Invocation

Chris Buskirk performed the Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Council Member Johnnie Parks 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 were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

- A. 18-495 Approval of City Council Meeting Minutes of May 1, 2018**
- B. 18-531 Acceptance of Planning Commission Meeting Minutes of December 7, 2017, December 21, 2017**
- C. 18-535 Acceptance of Planning Commission Meeting Minutes of January 11, 2018, and January 25, 2018**
- D. 18-536 Acceptance of Planning Commission Meeting Minutes of February 8, 2018**
- E. 18-571 Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Consultant Agreements with a value of less than \$25,000**
- F. 18-573 Approval of and authorization to execute a 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**
- G. 18-567 Approval of and authorization to execute a Professional Consultant Agreement with AM:PM Consulting, LLC for the design, development, and implementation of Project Management Software (Project No. 185204)**
- H. 18-546 Approval of and authorization to execute an Encroachment Agreement and Release of Liability from Big Star Real Estate, LLC for a portion of a structure built into a utility easement located on Lot 2, Block 8, Stacey Lynn Fifth, approximately one-half mile north of Washington Street and east of Aspen Avenue on (S15 T18N R14E)**
- I. 18-569 Approval of and authorization to execute a Professional Consultant Agreement Amendment No. 1 with GH2 Architects, LLC for Detailed Design and Construction Bid Documents for Road Extension of East 115th Street South at the Fire Station No. 3 Replacement**
- J. 18-564 Approval of and authorization to execute a Professional Consultant Agreement Amendment No. 1 with R.L. Shears Company, P.C., for Detailed Design and Construction Bid Documents of Downtown Main Street Streetscapes, Phase V - Waterline**
- K. 18-568 Award the lowest responsible bid to Davis H. Elliott Construction Company, and approve and authorize execution of a construction contract for Turnberry and Eagle Creek Drainage Improvements (Projects No. SW1603/SW1604)**
- L. 18-566 Acceptance of a General Warranty Deed and Mutual Access Easement conveyed to the**

City of Broken Arrow, Oklahoma, a municipal corporation, a tract of land located in part of the NW ¼ of Section 8, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the 209th Street Lift Station Improvements. (Project No. S.1608)

- M. 18-529 Approval of SP-199B (Specific Use Permit) Amendment to Abiding Harvest Church Signage, 16.76 acres, A-1/SP-199, one-third mile north of Florence Street (111th Street), east of Olive Avenue**
- N. 18-543 Approval of PT13-104A, Conditional Final Plat, CSD Enterprises Amended, a replat of Block 1 and Reserve A of CSD Addition, and a replat of part of Lot 1 of Block 1 of Battle Creek Mini-Storage, 3 lots, 4.09 acres, PUD-226/CH and A-CH to PUD 226A/CH & IL, located one-quarter mile south of Omaha Street, west of Aspen Avenue**
- O. 18-541 Approval of PT16-113A, Conditional Final Plat, Oak Creek South Phase III, 17.31 acres, R-1 to RS-3, one-half mile south of Houston Street, one-quarter mile east of 23rd Street, north of the M.K.&T. Railroad**
- P. 18-31 Approval of the Broken Arrow City Council Claims List for May 15, 2018**

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 18-587 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**

Ms. Kellie McDowell of the South Broken Arrow Library introduced Ms. Marie Welden of the Broken Arrow Library. Ms. McDowell discussed the importance of summer reading programs. Ms. Welden stated the 2018 Summer Reading Program theme was "Libraries Rock." She explained library cards were not required to participate and registration could be completed at either Broken Arrow Library or online at www.tulsalibrary.org/summer. Ms. McDowell reported the program would begin May 29th, 2018, would end August 4th, 2018 and prizes would be awarded the week of August 20th, 2018. Ms. Weldon and Ms. McDowell discussed the different programs and prizes for the different age groups ranging from small children to adults. Ms. McDowell encouraged registration for the program via the South Broken Arrow Library and the Broken Arrow Library for the purpose of receiving credit for the statewide 2018 Mayoral Challenge.

Council Member Parks asked if audio books were applicable to the challenge. Ms. McDowell responded in the affirmative. Council Member Parks thanked Ms. McDowell and Ms. Welden for being active in encouraging reading and learning to all age groups.

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

Move to approve and authorize the execution of the Citizens of Broken Arrow participating in the Summer Reading Program and encouraging Citizens to participate and accept the Mayoral Challenge

The motion carried by the following vote:

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

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)

Chamber of Commerce President, Wes Smithwick, stated he felt one of the best Rooster Days ever had just been held. On behalf of the Chamber of Commerce and the Community of Broken Arrow Mr. Smithwick thanked City Council and the city for support given to Rooster Days and stated he felt it was a credit to the leadership of the city. He complemented the Broken Arrow Police Department for enabling the City of Broken Arrow to be the 9th safest city in the State of Oklahoma and expressed his appreciation.

9. General Council Business

- A. 18-479 Consideration, discussion, and possible approval of the proposed name change of the Chisholm Trail South Park (Events Park)**

City Manager Michael Spurgeon reported there had been complaints and concerns regarding the name of Chisholm Trail South Park and he asked Council to consider renaming the park. He requested authorization to research and identify a name with a more Broken Arrow Community feel. He stated if approved he would return to Council in two to three months with name options for consideration. Council Member Debra Wimpee concurred with City Manager Spurgeon. Council Member Parks agreed and stated he felt the name should include "Events" in the title. Council Member Lester stated it was important the name be relevant to the Community of Broken Arrow. Vice Mayor Eudey agreed with Council Member Parks. He stated the new name should better define the purpose of the park area. Mayor Thurmond agreed and recommended incorporating "Broken Arrow" in the title as well. Vice Mayor Eudey stated a plan for branding

and promotion of the park area following the rename should be a priority. Discussion ensued regarding signage, sporting events, community promotion, ease of park discovery, etc.

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

Move to approve staff take appropriate action to investigate renaming Chisholm Trail South Park, determine the best name for the park and report back to Council at an appropriate time

The motion carried by the following vote:

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

B. 18-492 Consideration, discussion, and possible termination of Contract Number 166028 with Hoey Construction on the Indian Springs Baseball and Soccer Improvements Project

Engineering and Construction Director, Alex Mills, reported this was a 2011 GO Bond Project which involved improvements to the east side Indian Springs Soccer and Baseball Complex. He reported there had been a base bid for chain link fencing, irrigation replacement, some dugout replacement, and with an alternate for additional dugout replacements, for a total bid awarded at \$825,000 dollars to Hoey Construction. He reported there had been substantial problems with contract completion and he recommended termination of the contract. He explained the reasoning behind the recommendation included grossly poor timeliness, failure to produce and maintain an appropriate project schedule, poor communication, disregard of city concerns, inability to meet city established deadlines and quality specifications, distinct gaps in labor, and extremely substandard workmanship. He discussed the specifics of the substandard workmanship in detail. He explained every effort had been made by the city to work with Hoey Construction to no avail. He stated a stop work order had been issued on April 19th and per contract the city seized all contractor and subcontractor construction materials which would be released to whichever agency was chosen to complete the project. Mr. Mills recommended termination of the contract and explained, if approved, the Intent to Terminate the Contract would be sent to the Contractor which allowed a 5 day response time. He stated Surety, the Performance Bond Company, was informed of the issues and had 20 days to step in and begin project completion and if Surety failed to do so, the city would take action. He asked if there were questions.

Vice Mayor Eudey asked if Surety would be required to not only complete the project, but also repair and replace the improperly and poorly installed equipment. Mr. Mills responded in the affirmative. Council Member Lester asked if there was a specification book which listed the requirements. Mr. Mills responded in the affirmative. Mr. Mills explained the design architect was present, had been informed at all stages, and agreed the work did not follow contract specifications. Council Member Lester asked if Tim Robbins had been actively overseeing the project on behalf of the city. Mr. Mills responded in the affirmative. Mr. Mills explained the city held hundreds of contracts with hundreds of construction companies and 99.9% of the time the city was able to work with the construction companies to complete projects and correct any issues which arose along the way; however, the city was at an impasse with Hoey Construction. Vice Mayor Eudey asked Acting City Attorney Trevor Dennis if he agreed the request to terminate the contract was appropriate. Acting City Attorney Dennis responded in the affirmative.

Mike Hoey of Hoey Construction stated his address was 3310 Southwest Blvd, Tulsa, OK. Mr. Hoey stated he acknowledged receipt of the Broken Arrow Fact Statement. He stated the Fact Statement contained irrelevant and misleading information regarding the project in question and the performance of both Hoey Construction and the City of Broken Arrow. He stated the work had been completed 40 days early, soccer and baseball games had been played all spring. He stated Hoey Construction began the Indian Springs Project which immediately underwent an owner-caused delay of 20 days due to ongoing baseball and soccer tournaments. He explained beyond normal weather delays extended the schedule an additional 20 days for a total of 40 days. He stated against his recommendation the city issued a stop work order on the north soccer fields in February which did not allow work to resume until after June 1st which pushed project completion to July 30th. He stated the city was attempting to assess liquidated damages on a project which Hoey Construction could not complete due to the city's issuance of stop work orders issued in February and Hoey Construction had not been informed when work could resume. He stated he was baffled the City of Broken Arrow Engineering and Construction Department attempted to terminate a contract when the reason the project was incomplete was owner-caused delays. He stated the city owed Hoey Construction over \$560,000 dollars. He stated he had three questions for the Engineering and Construction Department: 1) Was the project delay at the start due to ongoing baseball and soccer tournaments for 20 days; 2) Was weather a cause for delay; and 3) Had the Engineering and Construction Department issued a partial stop work order in February which prevented Hoey Construction from resuming construction. He stated the situation was a disappointment, and his experience with the Engineering and Construction Department had been the worst working experience of his 30 years in construction.

Mayor Thurmond asked Mr. Hoey to address the substandard work issues. Mr. Hoey stated the photos were job progress photos of incomplete construction and were misleading. Council Member Lester asked if the Notice to Proceed was issued November 6th. Mr. Hoey responded in the

affirmative. Council Member Lester stated Mr. Hoey had indicated a delay due to soccer and baseball games; however, school was in session during this time period. Mr. Hoey stated the City had indicated construction was not to start due to ongoing weekend baseball and soccer tournaments. Council Member Lester asked if Mr. Hoey had written documentation in this regard. Mr. Hoey responded he had daily reports from the Project Superintendent which indicated the times which Hoey Construction was allowed to work and the delay times. Council Member Lester asked if Mr. Hoey had followed up with letters to the city. Mr. Hoey responded in the affirmative, but stated he did not have the letters on his person. Council Member Lester stated he had been in construction for more than 30 years and the pictures before him clearly demonstrated substandard craftsmanship. Discussion ensued regarding poor craftsmanship, completion dates, early completion, irrigation non completion, south field completion and south field irrigation completion. Mr. Hoey stated the south field construction was completed May 6th including irrigation. Mr. Mills stated the south field irrigation system was certainly not completed or operational on May 6th.

Vice Mayor Eudey asked when the photos included in the Fact Statement were taken. Mr. Mills responded the photos were a part of the regular construction updates and documented the problems as they arose. Council Member Lester asked if the pictures which displayed the welded fencing problem had been corrected. Mr. Mills responded in the negative, the welding remained raw, unpainted and uncorrected, and the fencing had been installed over the welding.

Vice Mayor Eudey asked if games were played year round on the fields. Parks and Recreation Director Mr. Scott Esmond responded the key point in this contract was to complete the construction during times when the games were not being played. He stated throughout many construction meetings, which included the soccer board and baseball board, promises had been made that construction would be completed by March 6th with the understanding that this deadline was extremely important and indication needed to be made immediately if this deadline could not be met. He reported tournaments were of necessity canceled due to lack of project completion. Vice Mayor Eudey asked if Mr. Hoey was aware prior to bidding that there would be time limits and constraints on the project due to the ball fields being in active use. Mr. Hoey responded in the affirmative. Mr. Hoey reiterated his company had done everything in its power, within the time constraints, to complete the project. Acting City Attorney Dennis asked if Hoey Construction had submitted a progress schedule to the Engineering Department. Mr. Hoey responded in the affirmative.

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

Move to approve, based on staff recommendations, termination of Contract Number 166028 with Hoey Construction on the Indian Springs Baseball and Soccer Improvements Project

The motion carried by the following vote:

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

C. 18-582 Consideration, discussion and possible approval of and authorization to execute a First Amendment to Economic Development Agreement by and among the City of Broken Arrow and B.A. Vespers, L.L.C.

Economic Development Coordinator Norm Stephens reported on March 21st, 2017 the City Council approved an Economic Development Agreement with B.A. Vespers LLC to bring in a restaurant/mixed use office space facility at the old Presbyterian Church site just to the south of the Chamber of Commerce. He reported construction start dates were June 1st 2017 with a completion date of December 31st, 2018. He stated B.A. Vespers was still in negotiations with a potential company to occupy the main building area and would be unable to meet the completion date. He reported B.A. Vespers requested a 6 month extension and the above amendment to the Economic Development Agreement pushed the completion date of the project to July 1st, 2019. He asked if there were questions.

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

Move to approve the First Amendment to Economic Development Agreement and authorize its execution

The motion carried by the following vote:

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

D. 18-580 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1101 authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 1124 West Florence Court, Broken Arrow, Oklahoma, 74011

Acting City Attorney Dennis reported 1124 West Florence was a single story home involved in a structure fire. He reported Code Enforcement appropriately took action to notify the owners of the condition of the property and the need to have the property rehabilitated or demolished. He reported the owners, despite proper notice failed to remedy the nuisance. He stated Resolution No. 1101 authorized the Legal Department to file a petition in District Court to order demolition of the public nuisance. He asked if there were questions.

Council Member Lester stated the fact sheet indicated foreclosure was filed on March 27th, 2013. He asked if this was correct. Mr. Dennis responded in the negative; he believed this was a typo and should have read 2018. Council Member Lester stated he wanted to be certain that the proper individuals had been properly notified before any property was torn down. Acting City Attorney Dennis stated this was one of the reasons the Legal Department filed a petition with the District Court, to ensure full and proper notice was provided, and to provide due process. He explained a law suit would be filed, summons issued pursuant to the court, and proof of receipt of the summons would be acquired and presented to the District Judge who would hopefully issue the order to demolish the property which would also provide an additional layer of protection as Broken Arrow would be following the District Court's order for the demolition.

Vice Mayor Eudey asked if a title opinion and gap check had been completed. Acting City Attorney Dennis responded in the affirmative.

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

Move to approve Resolution No. 1101 and authorize its execution

The motion carried by the following vote:

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

E. 18-579 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1102 authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 21460 East 45th Street South, Broken Arrow, Oklahoma 74014

Acting City Attorney Dennis reported 21460 East 45th Street was a single family residence which had fallen into disrepair and decay. He reported Broken Arrow Code Enforcement inspected the property and determined it unsecured, unoccupied, and sustained severe water damage throughout the structure. He stated on February 26th, 2018 Code Enforcement sent notice of the dilapidated condition to the owners and requested the property be either repaired or demolished, which was not properly completed; therefore, Legal requested permission to file a petition to District Court to order the abatement and demolition of the home.

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

Move to approve Resolution No. 1102 and authorize its execution

The motion carried by the following vote:

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

F. 18-578 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1103 authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 502 North 1st Street, Broken Arrow, Oklahoma 74012

Acting City Attorney Dennis reported 502 North 1st Street was a single family residence which had fallen into a dilapidated and uninhabitable condition. He reported the home had not had water service and had been unoccupied since January 10th, 2017. He reported trees were growing within the home and there was damaged roofing. He stated Broken Arrow Code Enforcement properly provided notice and conducted a Public Hearing on March 1st, 2018 to notify the owners of the dilapidated condition and requested the property be either repaired or demolished, which was not properly completed; therefore, Legal requested permission to file a petition to District Court to order the abatement and demolition of the home.

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

Move to approve Resolution No. 1103 and authorize its execution

The motion carried by the following vote:

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

G. 18-586 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1105, a Resolution of the Broken Arrow City Council requesting that the Oklahoma Turnpike Authority (OTA) allow the City of Broken Arrow to place two Purple Heart signs on The Creek Turnpike in recognition of the service and sacrifice of the men and women of Broken Arrow who have served our country

Community Relations Liaison Jennifer Hooks reported City Council approved a Resolution on March 6th, 2018 to request permission to place Purple Heart Signs along the Broken Arrow Expressway from the Oklahoma Department of Transportation. She reported the signs had been approved and installed in April and the local Order of Purple Heart now desired to place similar signs along the Creek Turnpike.

Purple Heart Commander Mitch Reed stated he had been in communication with the Oklahoma Turnpike Association. He reported the OTA was in favor of the Purple Heart Signs and it had been agreed the signs could be posted 500 feet past the toll plazas. He stated the proposed signs looked lovely and he respectfully requested City Council approve Resolution No. 1105.

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

Move to approve Resolution No. 1105 and authorize its execution

The motion carried by the following vote:

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

H. 18-576 Consideration, discussion, and possible reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court

Acting City Attorney Dennis stated this Item was for the reappointment of Judge Edgar and Judge Sagely who had faithfully served the City of Broken Arrow for 12 years. He reported the renewal was considered by the Judicial Nominating Committee on 04/26/2018 and the Committee unanimously recommended both Judge Edgar and Judge Sagely be retained as Municipal Judges.

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

Move to approve the reappointment of Steven E. Edgar as Presiding Judge and Dennis A. Sagely as Alternate Judge for the City of Broken Arrow Municipal Court

The motion carried by the following vote:

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

I. 18-585 Consideration, discussion, and possible reappointment of Ted Cundiff to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2018 and expiring May 31, 2021

Economic Development Coordinator Norm Stephens reported per the bylaws of the BAEDC the City Manager recommended reappointment of Ted Cundiff to the Broken Arrow Economic Development Corporation Board of Directors. He stated Mr. Cundiff had served on the BAEDC Board for the past three years and currently served as Chair.

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

Move to approve the reappointment of Ted Cundiff to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2018 and expiring May 31, 2021

The motion carried by the following vote:

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

J. 18-583 Consideration, discussion, and possible reappointment of Dr. Steve Tiger to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2018 and expiring May 31, 2021

Mr. Norm Stephens stated per the bylaws of the BAEDC the City Manager recommended the reappointment of Dr. Steve Tiger to the Broken Arrow Economic Development Corporation Board of Directors. He reported Dr. Tiger was named Tulsa Tech Superintendent and CEO on June 25th, 2012.

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

Move to approve the reappointment of Dr. Steve Tiger to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2018 and expiring May 31, 2021

The motion carried by the following vote:

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

10. Preview Ordinances

A. 18-577 Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article I, IN GENERAL, Section 16-19, Begging, of the Broken Arrow Code; specifically to come in compliance with the United States Supreme Court ruling in Reed v. Town of Gilbert, Ariz., 135 S.Ct. 2218 (2015), repealing all ordinances to the contrary; and declaring an emergency

Acting City Attorney Dennis reported the City of Broken Arrow had an Ordinance which prohibited all begging. He stated in 2015 the United States Supreme Court issued a decision in the case of Reed v. the Town of Gilbert which indicated any type of content based sign restrictions were generally unconstitutional. He stated content based sign restrictions applied to the type of message, as opposed to forum based restrictions such as the size and location of a sign. He explained as an unforeseen result of this Supreme Court Decision, Broken Arrow could no longer ban begging in its entirety; therefore, Broken Arrow revised the Ordinance to reflect the Reed v. Town of Gilbert decision and now restricted aggressive begging which should be upheld under the recent United States Supreme Court Decision.

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

Move to approve the ordinance and set it for adoption

The motion carried by the following vote:

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

- B. 18-514** **Consideration, discussion, and possible preview of an ordinance amending Chapter 26, Emergency Medical Services, of the City of Broken Arrow code of Ordinances, Section 26-8 Insurance Provision, Subrogation and Assignment; specifically providing the percentage of an emergency medical services bill to be paid by the subscriber to the City's Medical Service Program who is uninsured; repealing all ordinances to the contrary; and declaring an emergency**

Acting City Attorney Dennis reported in 2015 Broken Arrow had instituted a Medical Service Program. He reported residents who subscribed to the Medical Service Program would be required pay a fee of \$64.50 per household and assign insurance proceeds to the city for any emergency services provided; however, if the services exceeded the insurance benefits the city would waive such fees. He reported the Medical Service Program as written failed to address uninsured residents who subscribed to the service. He explained this ordinance amended the gap to provide that a resident who subscribed to the Medical Service Program and paid the \$64.50 per household fee would only be required to pay 60% of the total Emergency Medical Services billed under the manual fee services. He explained the understanding was Members would get a discount, but would still be responsible for the fees for services provided.

Council Member Parks stated it was his understanding uninsured members already received a discount and asked if this was correct. Acting City Attorney Dennis responded in the affirmative; the city had been practicing the discount; however, there was a legal gap in the Ordinance and this would clarify the situation and ensure uninsured members received a discount.

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

Move to approve the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

- A. 18-594** **Consideration, discussion and possible adoption of Ordinance No. 3527, an Ordinance amending Chapter 24 - Water, Sewer and Sewage Disposal, Article III - Requirements for Sewer Service, Section 24 -303 - Back water Devices Required, more specifically adding regulations requiring backwater devices on all new buildings that contain sewer service; repealing all ordinances to the contrary; and declaring an emergency**

Acting City Attorney Dennis reported this Ordinance required all new constructed buildings served by sanitary sewer install a back water device which would be maintained at the sole expense of the property owner.

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

Move to adopt Ordinance No. 3527

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 Johnnie Parks.

Move for 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

Council Member Parks stated the excellent Broken Arrow Police Department had a free lock box program for safe storage of household drugs. He stated residents should contact Lisa Ford or the Police Department regarding the program. He intimated the lock box was convenient and attractive, and good for travel as well.

Council Member Wimpee reported she had the pleasure of presenting a certificate on behalf of the Mayor to Earl Conley at his 100th birthday party this week. Mayor Thurmond stated he appreciated Ms. Wimpee's participation.

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

City Manager Michael Spurgeon reported on May 22nd a Special Meeting would be held to review the ordinance for the General Obligation Bond Package and begin conversation regarding the FY-2019 Budget; following which a Public Forum would be held regarding the bikeway. He reported on May 23rd the Launch of the new Floating Wetlands would be held at 1:00 p.m., on May 30th the former Bever property now the Memorial First Responder Park will have a groundbreaking ceremony and as a reminder the funds the city committed for the park were approved through the capital improvements program for the current fiscal year in combination with donations and contributions, assuring the city will maintain the park. May 31st a Public Forum would be held for the 101st and Elm Initiative. Mr. Spurgeon reported City Council Members, Public Safety, and other departments were invited to an ongoing luncheon

with the Ministry Alliance May 16th.

City Manager Spurgeon announced Rocky Hinkle had accepted the position of Street and Stormwater Director for the City of Broken Arrow and would begin the day after Memorial Day. He thanked Kellie McDowell and Marie Welden of the Broken Arrow Library and he congratulated all High School Graduates within Broken Arrow who were graduating this evening.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:45 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 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

s/Craig Thurmond_____
Mayor

s/Lisa Blackford_____
City Clerk