



## 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*

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<b>Tuesday, February 5, 2019</b>	<b>Time 6:30 p.m.</b>	<b>Council Chambers</b>
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#### 1. Call to Order

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

#### 2. Invocation

Invocation was performed by Pastor Jackson Lahmeyer.

#### 3. Roll Call

**Present:** 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond  
**Absent:** 1 - Debra Wimpee

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

Mayor Thurmond led the Pledge of Allegiance to the Flag.

#### 5. Consideration of Consent Agenda

Mayor Thurmond stated Item L would be removed from the Consent Agenda for discussion. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

**Move to approve the Consent Agenda excluding Item L**

The motion carried by the following vote:

**Aye:** 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 19-3** Approval of the City Council Meeting Minutes of January 15, 2019
- B. 19-183** Accept Planning Commission meeting minutes of January 10, 2019
- C. 19-211** Approval of and authorization to execute a Letter of Intent to enter into a real estate contract to purchase property located in the SW/4 of the SW/4 of Section 17, Township 18 North, Range 14 East from Vicki McBride, Necessary for the completion of the Washington Street Improvements- Garnett Road to Olive Avenue project
- D. 19-179** Approval of and authorization to execute an amended lease agreement with Sharon K. Petrik and the City of Broken Arrow for office space lease for the Broken Arrow Convention and Visitors' Bureau located at 111 East Commercial Street
- E. 19-150** Approval of and authorization to execute an Agreement between the City of Broken Arrow and the Broken Arrow MVA dba Military History Center for the relocation of Decorative Granite Walls
- F. 19-148** Approval of and authorization to execute Professional Consultant Agreement with PDG, LLC dba Planning Design Group for Vandever Park Playground Improvements (Project No. 196025)
- G. 19-203** Approval of and authorization to execute Amendment No.1 to Professional Services Contract with Roberson & Company Realty Advisors, LLC for Professional real estate appraisals and related support services (Contract No. APPR 19-02)
- H. 19-202** Approval of and authorization to execute Amendment No.1 to Professional Services Contract with Valbridge Property Advisors / Walton Property Services, LLC for Professional real estate appraisals and related support services (Contract No. APPR 19-01)
- I. 19-208** Approval of and authorization to execute a License Agreement to allow Fairway Park Homeowners Association to place three benches within the rights-of-way of North 16th Street, Broken Arrow, Oklahoma
- J. 19-215** Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Softball Club, Incorporated (BASCI)

- K. 19-214 Notification of City Manager’s and Assistant City Manager’s execution of Professional Consultant Agreements with a value of less than \$25,000**
- L. 19-129 Award the lowest responsible bid to Cherokee Pride Construction and approve and authorize execution of a construction contract for the Aspen Pond - West Boston Court Drainage improvements (SW1918)**
- M. 19-222 Waiver of formal competitive bidding, and approval of and authorization for the sole source purchase of Video Detection Systems from Gades Sales Company, Inc., for the Traffic Signals Maintenance Division of the Streets and Stormwater Department**
- N. 19-213 Approval of and authorization to purchase one (1) one-ton regular cab and chassis from Bill Knight Ford, pursuant to the Oklahoma Statewide Vehicle contract, for the Parks Department**
- O. 19-209 Approval of and authorization to waive the sidewalk requirement along a portion of East 37th Street associated with a single family home immediately east of 23rd Street (193rd East Avenue and/or County Line) and immediately north of East 37th Street, part of Steeple Chase Subdivision, Broken Arrow, Oklahoma**
- P. 19-151 Approval of BAZ-2021, KB Rezoning, 5 acres, 1 lot, A-1 to RS-2, one-quarter mile south of Kenosha Street (71st Street), west of East 51st Street (Evans Road)**
- Q. 19-163 Approval of BAZ-2022, Snead - Allen rezoning, 64.27 acres, A-1 to R-2 and FD, one-eighth mile east of 23rd Street (County Line Road/193rd East Avenue), one-half mile north of Florence Street (111th Street)**
- R. 19-190 Approval of and authorization to execute Resolution No. 1181, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 19, and a Temporary Construction Easement for Parcel 19A for Washington Street Improvements, Olive to Garnett, specifically located in the Northwest Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Nghi Uy Truong and Diem Thuy Khoa Nguyen and authorization of payment in the amount of \$1,320.00 for the Washington Street Improvements: Olive to Garnett, (Project No. ST1616)**
- S. 19-189 Approval of and authorization to execute Resolution No. 1182, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 20, and a Temporary Construction Easement for Parcel 20A for Washington Street Improvements, Olive to Garnett, specifically located in the Northwest Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Nghi Uy Truong and Diem Thuy Khoa Nguyen and authorization of payment in the amount of \$3,680.00 for the Washington Street Improvements: Olive to Garnett, (Project No. ST1616)**
- T. 19-193 Acceptance of Temporary Construction Easements consisting of 0.64 acres and 1.20 acres from KAM LLC, an Oklahoma limited liability company, on property located at 12100 South 185th East Avenue located in part of the Northwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,400.00 for the County Line Trunk Sewer Replacement, Parcel 9.1, 9.2 (Project No. S.1609)**
- U. 19-188 Acceptance of a Utility Easement consisting of 0.17 acres and 0.28 acres of Temporary Construction Easement from the CRS Sanders Investments, LLC, on property located at the 115th and 23rd Street, located in part of the Northeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$19,830.00 for the County Line Trunk Sewer Replacement, Parcel 14.0, 14.1 (Project No. S.1609)**
- V. 19-187 Acceptance of a Utility Easement consisting of 0.08 acres and 0.39 acres of Temporary Construction Easement from the W. Paul Sommer Revocable Trust, on property located at the northwest corner of S 23rd and the Creek Turnpike, located in part of the Southeast Quarter of Section 36, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$14,600.00 for the County Line Trunk Sewer Replacement, Parcel 13.0, 13.1 (Project No. S.1609)**
- W. 18-1414 Approval of the Broken Arrow City Council Claims list for February 05, 2019**

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

- L. 19-129 Award the lowest responsible bid to Cherokee Pride Construction and approve and authorize execution of a construction contract for the Aspen Pond - West Boston Court Drainage improvements (SW1918)**  
 City Manager, Michael Spurgeon, reported Item L was to award the lowest responsible bid to Cherokee Pride Construction and approve and authorize execution of a construction contract for the Aspen Pond West Boston Court Drainage Improvements Project in the amount of \$78,704 dollars. He stated he wished this item to be pulled from the Consent Agenda for discussion to publically thank Mr. Kenny Schwab and team, as well as Alex Mills, Engineering

and Jeff Bigby. He explained he was proud of the City of Broken Arrow's Engineering and Construction Personnel for moving quickly on this project and designing the construction plans in-house. He thanked the residents for bringing the need to his attention and thanked his team for quickly developing a solution.

Council Member Lester noted the city saved \$11,000 dollars by developing the construction plans in-house.

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

**Move to award the lowest responsible bid to Cherokee Pride Construction and approve and authorize execution of a construction contract for the Aspen Pond - West Boston Court Drainage improvements**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

### **A. 19-218 Presentation of Financial Statements for the 2nd quarter of Fiscal Year 2019 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, Sales Tax Capital Improvements Fund and the Broken Arrow Municipal Authority**

Finance Director, Cindy Arnold, reported the General Fund total revenues as of 12/30/2018 were \$30,580,000 dollars, with expenses of \$29.5 million dollars; net income was \$925,000 dollars. She explained actual income was approximately \$1.4 million dollars. She stated transfers to Public Safety Funds equaled \$20 million dollars. She reported sales tax, use tax, franchise tax, charges for services, and court fines were the top five revenues and together equaled 68% of the General Fund revenue. She indicated revenues were strong at 52.18% of the budget amount and expenditures were at 44% of budget amount. She stated sales tax was the biggest city revenue; it was important to shop Broken Arrow. She reported Police Sales Tax Fund total revenues were \$11.5 million dollars with expenditures of approximately \$10 million dollars and a net income of \$1.5 million dollars. She stated Capital Expenditures were \$183,000, or 22% of the budget. She reported Fire Sales Tax total revenue was \$10,756,000 dollars with expenditures of approximately \$10 million dollars and a net income of \$730,000. Capital Expenditures were \$156,904 dollars, or 33% of the capital budget. She reported the Capital Sales Tax Improvement Fund showed revenues of \$3.7 million dollars, with expenditures of \$3.8 million dollars and a net income of \$116,000 dollars in the negative, which has since been brought into the positive. She reported BAMA showed total revenues of \$24,833,000 dollars, total expenses of \$24 million dollars, and a net income of \$1 million dollars. She indicated revenue was down almost \$750,000 dollars, but expenses came in approximately \$2 million dollars under budget. She noted the Finance Department processed over 21,000 invoices to a total over \$58 million dollars in the first six months of the Fiscal Year.

Vice Mayor Eudey asked if sales taxes were steady. Ms. Arnold responded in the affirmative; sales taxes were \$1 million dollars more than projected at this time.

City Manager Spurgeon indicated Ms. Arnold was organizing meetings regarding FY 2020, and the proposed budget would be ready for review by the Council sometime in May 2019.

### **B. 19-227 The public hearing on rezoning BAZ-1986 and Planned Unit Development PUD No. 266 for a proposed 320 unit, multi-family apartment project known as Centennial Crossing has been rescheduled for Thursday, February 7, 2019, at 6:30 p.m.**

City Attorney Trevor Dennis reported proper notice had been issued and the Agenda was posted for this Public Hearing.

## **8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)**

Citizen Richard Pisaturo stated his address was 2608 South Gardenia Place, Broken Arrow. He asked if Federal Funds or General Obligation Bond monies were being spent on the ramps being constructed on Wolf Creek. City Manager Spurgeon responded it was General Obligation Bond money. Mr. Pisaturo noted private sidewalks were being repaired which he felt was the homeowner's responsibility, not the city's responsibility. Mayor Thurmond noted sidewalks were located within the city's right-of-way; sidewalks were not private. Director of Engineering and Construction Alex Mills stated generally sidewalk maintenance was the responsibility of the homeowner; however, when a road was rehabilitated by the city, the city was required by Federal Law to fix the sidewalk as it related to the rehabilitation project. Mr. Pisaturo asked if the sidewalk repair was taken into consideration when the road project costs were estimated. Mr. Mills responded in the affirmative; the city was currently under budget on the Wolf Creek project. Mr. Pisaturo asked about the activity at the old casino location. Director of Development Services Michael Skates responded he believed the buildings were being taken down.

City Manager Spurgeon added that the administration had been asked to focus on connectivity. The General Obligation Bond did include connectivity and a plan was in place. He stated there would be a need for discussion regarding the maintenance of some sidewalks in the community and he would be asking for some input from the Council regarding this issue later in the year.

## 9. General Council Business

**A. 19-212 Consideration, discussion, and possible approval of and authorization to execute a Waiver of Conflict of Interest between Doerner, Saunders, Daniel & Anderson, LLP and the City of Broken Arrow involving a class action lawsuit filed by the City of Broken Arrow against Purdue Pharma, LLP**

City Attorney Trevor Dennis reported the City of Broken Arrow was involved in litigation against manufacturers, distributors, as well as doctors involved with the opioid epidemic ravaging the United States. He reported several hundred cities were involved with the litigations. He reported the law firm of Doerner, Saunders, Daniel & Anderson, LLP, represented McKesson Corporation, and requested the City of Broken Arrow execute a Waiver of Conflict of Interest. He noted Doerner, Saunders, Daniel & Anderson, LLP did not represent the City of Broken Arrow in the opioid case; therefore, he recommended approval and execution of the Waiver of Conflict of Interest which would allow Doerner, Saunders, Daniel & Anderson, LLP to represent McKesson Corporation against Purdue Pharma, LLP.

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

**Move to approve and authorize execution of a Waiver of Conflict of Interest between Doerner, Saunders, Daniel & Anderson, LLP and the City of Broken Arrow involving a class action lawsuit filed by the City of Broken Arrow against Purdue Pharma, LLP**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**B. 19-210 Consideration, discussion, and possible approval of and authorization to execute an Amendment to the Capital Improvements Agreement of the Broken Arrow Rose District Street Improvement Project between the Board of County Commissioners of Tulsa County, Oklahoma and the City of Broken Arrow**

City Attorney Dennis reported in August 2017 the city submitted an application to the Tulsa County Vision Authority to receive \$1.5 million dollars in funds for the Vision 2025 Surplus Fund. He explained the project was a streetscape improvement project from Detroit to Elgin and the Vision Authority approved the city's application in September of 2017. He indicated in November 2017 the city entered into the Capital Improvement Agreement which indicated construction would be completed on or before November 30, 2018. He explained the city needed more time to complete construction and this Amendment would extend the deadline to July 31, 2020. He stated Staff recommended approval of the Amendment to the Capital Improvement Agreement.

City Manager Spurgeon explained Mr. Schwab and Mr. Mills recommended no streetscape work be done until Milestone reached a certain point in construction for scheduling purposes. He noted construction was active in this area, but the streetscape could not begin just yet. Vice Mayor Eudey stated the extension was to ensure the city would have access to the funds when the streetscape could begin. City Manager Spurgeon concurred.

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

**Move to approve the Amendment to the Capital Improvements Agreement of the Broken Arrow Rose District Street Improvement Project and authorize its execution**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**C. 19-131 Consideration, discussion, and possible approval of and authorization to execute Resolution 1178, a Resolution of the Council of the City of Broken Arrow, Oklahoma, requesting programing of Tulsa Urbanized Area Surface Transportation Program funds for widening Elm Place (161st East Avenue) from four (4) to five (5) lanes (two through lanes in each direction and a continuous center turn lane) from Kenosha Street (71st Street South) to SH-51 (Broken Arrow Expressway), including drainage improvements, and a concrete sidewalk with handicap ramps as needed**

Engineering and Construction Director, Alex Mills, reported this was a request to submit an STP (Surface Transportation Program) application for Elm place from Kenosha to State Highway 51. He explained this was a 2018 GO (General Obligation) Bond project, and the city had \$4.6 million dollars for the project allotted in the GO Bond. He stated he hoped that application for an STP Grant for the Elm Corridor project would allow a larger solution for both the Elm Corridor and the 9<sup>th</sup> Street Corridor which was also problematic. He stated during exploratory meetings INCOG (Indian Nations Council of Governments) and ODOT (Oklahoma Department of Transportation) were supportive of this endeavor. He noted a diverging diamond interchange or a SPUI interchange (single point urban interchange) could be a good fit for these corridors. He stated if this application

were approved and awarded it would allow Broken Arrow to leverage city dollars as matches for larger Federal funding. Council Member Parks agreed the Elm Street and 9<sup>th</sup> Street corridors were problematic, yet relatively new, intersections. Mr. Mills concurred and indicated the type of improvements being considered would take many years of planning and financing prior to implementation; therefore, the relatively new intersections would no longer be quite so new, and the improvements would be quite necessary, once the improvements were embarked upon. Council Member Lester asked about the timeline. Mr. Mills responded the funding for this STP application would be for Fiscal Year 2022; he believed construction might begin in eight to ten years.

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

**Move to approve Resolution No. 1178 and authorize its execution**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**D. 19-185 Consideration, discussion and possible approval of and authorization to execute Agreement for Professional Consultant Services with Chase Fetters Hewitt - Architects for the design and construction document preparation of the Armed Forces Meeting Hall (Project No. 176050A)**

Mr. Alex Mills reported Chase Fetters Hewitt had been engaged in the past to design a concept layout for a VFW Hall and he wished to engage them again to prepare a design and construction document for the Armed Forces Meeting Hall Project. He stated the city had not acquired property for this project, but approval would allow preliminary discussions to begin with the various military groups to determine the scope and need of the project. He stated he had negotiated with Chase Fetters Hewitt and believed he determined a fair fee.

Council Member Lester asked if the fee included geotechnical plans as well. Mr. Mills responded in the affirmative. Discussion ensued regarding the property not yet being acquired, whether the lack of a location would affect the overall cost of the project in the long run, the cost of the design plans being related to building size, not property size, and various military organizations being involved in the use agreement and excited about moving this project forward.

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

**Move to approve and authorize execution of Agreement for Professional Consultant Services with Chase Fetters Hewitt - Architects**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**E. 18-1522 Consideration, discussion, and possible approval of and authorization to execute Agreement for Professional Consultant Services with Selser Schaeffer Architects for the design and construction document preparation of The Center for Arts, Innovation and Creativity (Project No. 116715A)**

Mr. Alex Mills reported this item would approve the Agreement with Selser Schaeffer Architects for preparation of the design and construction document for The Center for Arts, Innovation and Creativity. He indicated funding for the Center's operational costs was secured and Selser Schaeffer was vetted.

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

**Move to approve and authorize execution of Agreement for Professional Consultant Services with Selser Schaeffer Architects for the design and construction document preparation of The Center for Arts, Innovation and Creativity**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**F. 19-143 Consideration, discussion and possible award of the lowest responsible bid to H & G Paving Contractors, Inc. and approve and authorize execution of a construction contract for the Washington Street Improvements from Garnett Rd to Olive Ave (ST1616)**

Mr. Alex Mills reported the Washington Street Project was advertised on December 10, 2018 and December 17, 2018, and bids opened January 22, 2019. He indicated the city received eight bids of which the lowest responsible bidder was H & G Paving Contractors for a total bid of \$5,462,910.54, which was considerably lower than the engineer's estimate. He noted ONG (Oklahoma Natural Gas) was working on the Florence Waterline Relocation project and upon completion would move to Washington Street. He reported Washington would have both waterline relocation and ONG gas line installation conducted concurrently. He stated the Washington Street Improvements project was inclusive of everything, save the waterline material, which was being acquired separately. He stated this project also included a ten foot wide pedestrian trail on the north side which would tie to Jackson Park.

Citizen Robert Martinek stated his address was 1921 South Palm Ave, Broken Arrow. He stated he was the President of the Pecan Grove Estates Neighborhood Association which was located at the intersection of Olive and Washington and he was excited about this project. He thanked City

Staff for listening to and taking into consideration the concerns of the Pecan Grove Estates Neighborhood Association. He stated he was concerned about the location of the trail. He indicated the path near the Pecan Grove Estates entrance was located too close to the street which would cause unnecessary risks for pedestrians and bicyclists. He stated it was important not only for vehicles to be able to see pedestrians, but also for pedestrians to have visibility of traffic. He thanked City Council for its efforts.

Mr. Mills stated the trail, as it approached Pecan Grove Estates, meandered closer to the curbside; however, this was for safety reasons. He explained if the trail was too close to the entrance (away from the curbside) it would be difficult for vehicles entering and exiting the neighborhood to have visibility of the pedestrians. Mr. Martinek disagreed. Mr. Mills stated he would continue to work with Mr. Martinek to develop a solution. Vice Mayor Eudey asked if the plans had been finalized. Mr. Mills responded in the affirmative; however, moving a sidewalk a few feet one direction or another was not too difficult. Council Member Lester asked if automated warning lights might help in this situation. Mr. Mills responded in the affirmative; he would explore this option. City Manager Spurgeon asked Mr. Mills to keep him posted in this regard, and he in turn would keep City Council informed.

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

**Move to approve the award of the lowest responsible bid to H & G Paving Contractors, Inc. and approve and authorize execution of a construction contract for the Washington Street Improvements from Garnett Rd to Olive Ave**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**G. 19-217 Consideration, discussion and possible award of the lowest responsible bid to Utility Supply, Inc. and approve and authorize execution of materials contract for the Washington Street Waterline Relocation from Garnett Rd to Olive Ave (ST1616)**

Mr. Alex Mills reported the material contract for the Washington Street Waterline Relocation project was advertised on December 28, 2018 and January 4, 2019, bids opened on January 23, 2019, and the city received five bids. He noted two of the five bids were non-responsive and the lowest responsible bidder was Utility Supply, Inc., with a bid of \$270,774.60 which was slightly above, but not out of line of what was expected. He asked for approval.

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

**Move to approve the award of the lowest responsible bid to Utility Supply, Inc. and approve and authorize execution of materials contract for the Washington Street Waterline Relocation from Garnett Rd to Olive Ave**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**H. 19-180 Consideration, discussion, and possible approval of and authorization to reject the previously awarded bid from Rush Truck Center for one (1) dump truck and find that the best interests of the Citizens of Broken Arrow will be served by the rejection**

General Services Director Lee Zirk reported the Streets and Stormwater Department and City Council approved the purchase of a dump truck awarded to Rush Truck Center on October 2, 2018. He noted the bids were solicited of ten vendors and the city received six bids. He noted Rush Truck Center contacted the Purchasing Division on January 15, 2019 and indicated the truck would not be able to be built to the city's specifications due to the frame and transmission configuration and on January 18, 2019 Rush Truck Center formally requested to withdraw the bid. He indicated staff recommended retraction of the bid and bid re-solicitation.

Council Member Lester asked if the delay in dump truck acquisition would be problematic. Mr. Zirk responded in the negative; this was a replacement truck.

Mr. Michael Sartin stated he represented Premier Truck Group. He reported City Staff had contacted him asking if Premier Truck Group would be willing to honor the bid price for the 2020 model truck and Premier Truck was willing. He asked why the bid would not be awarded to the next lowest bidder which was Premier Truck. City Attorney Dennis responded City Law and the Broken Arrow Purchasing Manual indicated the time limit for bid approval was expired and therefore, the city was required to rebid the project. He noted the city would be happy to accept a new bid from Premier Truck Group. Mr. Sartin stated a rebid was problematic for Premier Truck Group as the original bid was officially public information and the other bidders now knew Premier Truck's numbers. He explained Premier Truck had prepared the bid with a 2020 model truck in mind, while the other bidders used a 2019 model truck; therefore, the other bidders now had an advantage over Premier Truck. Vice Mayor Eudey noted the city was required to work within the constraints of the Purchasing Manual. City Manager Spurgeon asked how soon the city would go back out to bid for the truck. Mr. Zirk responded as soon as possible.

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

**Move to reject the previously awarded bid from Rush Truck Center for one (1) dump truck and find that the best interests of the Citizens of Broken Arrow will be served by the rejection**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

#### 10. Preview Ordinances

- A. 19-184 Consideration, discussion, and possible preview of an Ordinance for a Waterline Easement Closure from Broken Arrow Economic Development Authority, on property located west of the southwest corner of Kenosha Street and 9th Street, Tulsa County, State of Oklahoma, (Section 19, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency**

City Attorney Trevor Dennis reported the Broken Arrow Economic Development Authority owned Lot 2, Block 1, of Tiger Hill Plaza, which had a small water line easement which was no longer required for public purposes and was not in use. He noted staff proposed the water line easement be closed to facilitate future development. He recommended City Council preview the ordinance and set it for adoption.

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

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

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

#### 11. Ordinances

- A. 19-149 Consideration, discussion, and possible adoption of Ordinance No. 3551, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1640 and BAZ-1921, generally located one-quarter mile west of Evans Road, north of Houston Street, granting a RS-3 zoning classification be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

City Attorney Dennis reported in 2004 City Council approved a zoning change on 90 acres from Agriculture to Single Family Residential and in September 2014 City Council approved a zoning change from A1 to RS3; the property was subsequently platted as the Villas at Bel Lago. He explained there was an additional 17.96 acres associated with the plat for which Ordinance No. 3551 would codify the zoning change from Agricultural to Single Family Residential. He stated staff recommended adoption of Ordinance No. 3551 and approval of the emergency clause.

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

**Move to adopt Ordinance No. 3551**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

**Move for the emergency clause**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- B. 19-152 Consideration, discussion, and possible adoption of Ordinance No. 3552, approving BAZ-1868, granting a RM and FD zoning classification be placed upon the tract along with PUD-191B, generally located one-half mile west of Aspen Avenue, one-quarter mile north of Kenosha Street, at the north end of Elder Place, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

City Attorney Dennis reported Ordinance No. 3552 codified a zoning change of 8.7 acres from Light Industrial to Residential Multifamily, and to Flood Plain District. He noted the property was platted as Kenosha Villas. He stated staff recommended adoption of Ordinance No. 3552 and approval of the emergency clause.

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

**Move to adopt Ordinance No. 3552**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

**Move for the emergency clause**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 19-155**      **Consideration, discussion, and possible adoption of Ordinance No. 3553, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1889, generally located one-third mile east of Aspen Avenue, north of Tucson Street, granting a CH zoning classification be placed upon the tract along with PUD-220, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**  
City Attorney Dennis reported Ordinance No. 3553 codified a zoning change from Agricultural to Commercial Heavy and PUD-220. He explained this involved the Starbucks at Aspen Creek platting November 9, 2018 and consisted of 1.42 acres. He stated staff recommended adoption of Ordinance No. 3553 and approval of the emergency clause.
- MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.  
**Move to adopt Ordinance No. 3553**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.  
**Move for the emergency clause**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- D. 19-156**      **Consideration, discussion, and possible adoption of Ordinance No. 3554, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1960, granting a RS-3 zoning classification be placed upon the tract, generally located one-half mile south of Houston Street, one-quarter mile east of 23rd Street, north of the M.K. & T. Railroad, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**  
City Attorney Dennis reported Ordinance No. 3554 codified the zoning change from Agriculture District to Single Family Residential District for Oak Creek South Phase II which was 19.23 acres, and was platted with Wagoner County on April 18, 2018. He noted City Council previously reviewed and approved BAZ-1960. He stated staff recommended adoption of Ordinance No. 3554 and approval of the emergency clause.
- MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.  
**Move to adopt Ordinance No. 3554**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.  
**Move for the emergency clause**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- E. 19-157**      **Consideration, discussion, and possible adoption of Ordinance No. 3556, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1967, granting a RS-4 zoning classification be placed upon the tract, generally located west of the southwest corner of Aspen Avenue and Jasper Street, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**  
City Attorney Dennis reported Ordinance No. 3556 codified the zoning change from Commercial General to Single Family Residential for Bentley Square, a plat which contained 8.14 acres recorded in Tulsa County on December 15, 2017. He indicated City Council previously reviewed and approved BAZ-1967 to change the zoning on the property. He stated staff recommended adoption of Ordinance No. 3556 and approval of the emergency clause.
- MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.  
**Move to adopt Ordinance No. 3556**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.  
**Move for the emergency clause**  
The motion carried by the following vote:  
**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- F. 19-159**      **Consideration, discussion, and possible adoption of Ordinance No. 3557, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1977, generally located one-quarter mile south of Kenosha Street, west of Oak Grove Road, granting a RE zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**



City Attorney Dennis reported Ordinance No. 3557 codified the zoning change from A1 to RE for property which was previously approved by City Council on June 5, 2017 in BAZ-1977. He stated staff recommended adoption of Ordinance No. 3557 and approval of the emergency clause.

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

**Move to adopt Ordinance No. 3557**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

**Move for the emergency clause**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**G. 19-182 Consideration, discussion, and possible adoption of Ordinance No. 3558, an ordinance amending the Broken Arrow Code of Ordinances, Appendix A, Zoning Ordinance, Chapter 5, Development Standards, Section 5.8, District-specific standards, Subsection D, Downtown residential overlay district (DROD), specifically sub-paragraph 1, Purpose; adopting Design Standards-Downtown Residential Overlay District- 2019, repealing all ordinances to the contrary and declaring an emergency**

City Attorney Dennis reported Ordinance No. 3558 was previewed at the previous City Council Meeting. He explained this was for the Downtown Residential Overlay District changes, including setback, floor height, stem wall height, and maximum front wall width requirements. He noted there were three pages of detailed changes. He stated staff recommended adoption of Ordinance No. 3558 and approval of the emergency clause.

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

**Move to adopt Ordinance No. 3558**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

**Move for the emergency clause**

The motion carried by the following vote:

**Aye: 4 -** Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

**12. Remarks and Inquiries by Governing Body Members**

Chairman Thurmond reminded citizen and staff February was Cancer Prevention Month. He encouraged the citizens of Broken Arrow to obtain early cancer screening.

Vice Mayor Eudey thanked Mr. Alex Mills and the Construction Department for its efforts.

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

City Manager Spurgeon reported February 16, 2019 was the Annual Homeowner's Association Workshop. He explained this Workshop enabled the local homeowner's associations to meet with City Staff to learn of the various ways in which the city could assist HOAs.

He reported the Focus Newsletter would contain "The City Manager's State of the City" insert which touches on some of the successes in 2018 and many of the initiatives for 2019 and beyond.

He stated the Street and Stormwater Department was working on a Beautification Initiative and have secured permission from ODOT (Oklahoma Department of Transportation) to do some clearing and drainage work along Highway 51, between East Houston and Lynn Lane, with a goal of beautification of the corridor and image improvement of the entrance into Broken Arrow. He reported currently trees and brush growing within the right-of-way were being removed.

He mentioned, at the leadership of IT (Information Technologies) Director Steven Steward, the city was in negotiations for Phase I of the Enterprise Resource Planning System which included software replacements for Finance, Utilities, Billing and HR (Human Resources). He reported bids for Phase II, for the Police Department Computer Aided Dispatch System, were released. He noted negotiations for Phase I would be completed in approximately six weeks.

He stated the Annual Fire Department Banquet was held on January 19, 2019. He noted Company 2, C Shift, was recognized as the Company of the Year and Jill Boeckman was recognized as Fire Fighter of the Year. He commended Chief Moore and Chief Steward.

He congratulated Jerry Hanewinkel who was promoted to the position of Utility Systems Manager. He reported HR (Human Resources) was spearheading a Middle Management Training Program that would provide the frontline Managers a chance to improve upon their leadership abilities and provide opportunities for those that may want to promote. He congratulated the two new members of the Police Department: Chaos and Loki, Police Canines. He thanked Chief Berryhill.

He congratulated John “JT” Darling, a supervisor at Ray Harral Nature Center currently enrolled in the Masters of Public Administration program at UCO (University of Central Oklahoma), who applied for and won a \$2,000 dollar scholarship at the Winter City Manager’s Conference.

**14. Executive Session**

There was no Executive Session.

**15. Adjournment**

The meeting adjourned at approximately 7:27 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:      4 -      Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond**

Attest:

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

S/Curtis Green\_\_\_\_\_  
City Clerk