



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, October 15, 2019

Time 6:30 p.m.

Council Chambers

1. Call to Order

Vice Mayor Scott Eudey called the meeting to order at approximately 6:30 p.m.

2. Invocation

Pastor Scott Moore performed the invocation.

3. Roll Call

Present: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey
Absent: 1 - Craig Thurmond

4. Pledge of Allegiance to the Flag

Cub Scout Pack 975 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Vice Mayor Eudey indicated Item L and Item O would be removed from the Consent Agenda. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda with the exception of Item L and Item O

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

- A. 19-20** Approval of the City Council Meeting Minutes of October 1, 2019
- B. 19-1274** Acceptance of Elm Place and New Orleans Advisory Committee meeting minutes of September 19, 2019
- C. 19-1208** Acceptance of Planning Commission meeting minutes of September 12, 2019
- D. 19-1286** Acceptance of Planning Commission meeting minutes of September 26, 2019
- E. 19-1239** Approval of and authorization to accept a donation in the amount of \$4,000 from Saint Francis Hospital South for the purpose of renewing the PulsePoint mobile application service
- F. 19-1269** Ratification of the motorcycle safety training and awareness grant application and agreement for fiscal year 2019-2020 with the Oklahoma Highway Safety Office
- G. 19-1268** Ratification of the occupant protection enforcement grant application and agreement for fiscal year 2019-2020 with the Oklahoma Highway Safety Office
- H. 19-935** Approval of and authorization to execute Agreement for Professional Consultant Services with R.L. Shears Company, P.C. for providing design services on the Broken Arrow Creek Trail Phase II project (Project No. 196032)
- I. 19-1279** Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association
- J. 19-1280** Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, LLC and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion
- K. 19-1288** Approval of and authorization to execute Change Order #1 with Diversified Civil Contractors, for construction contract ST1820; Downtown Main Street Streetscapes - Phase V
- L. 19-1224** Approval and authorization to execute change order CO2 with Grade Line Construction, LLC for the construction contract ST1712; Old Town Streets - 1st Street from Dallas to College
- M. 19-1258** Approval of and authorization to purchase four (4) Stryker Lucas 3 chest compression CPR devices from Stryker formerly Physio Inc. pursuant to the Oklahoma Statewide Contract
- N. 19-1263** Approval of and authorization to purchase two (2) Kawasaki Mule PRO-FX EPS LE firecracker red, model KAF820GLF, with the listed accessories, from Vicars Powersports, pursuant to the Houston-Galveston Area Council (HGACBuy) contract, for the Fire Department

- O. 19-1248 **Approval of BACP-164 (Comprehensive Plan Change), Level 2 to Level 5, Cody D. Callaway Parking Lot, 0.16 acres, R-3 (Single-Family Residential) and SP-137 (Specific Use Permit), east of the northeast corner of First Street and Detroit Street at 212 East Detroit Street**
- P. 19-1257 **Acceptance of a Deed of Dedication from Jim Helm on an approximately 10-acre tract of unplatted property located at the northwest corner of Albany Street (61st Street) and 225th East Avenue (Evans Road) as shown in Exhibits C1 and C2, Wagoner County, State of Oklahoma (Section 32, T19N, R15E)**
- Q. 19-1285 **Acceptance of a Deed of Dedication from Jim Helm on an approximately 10-acre tract of unplatted property located at the northwest corner of Albany Street (61st Street) and 225th East Avenue (Evans Road) as shown in Exhibits D1 and D2, Wagoner County, State of Oklahoma (Section 32, T19N, R15E)**
- R. 19-1284 **Acceptance of a Utility Easement from Jim Helm on an approximately 10-acre tract of unplatted property located at the northwest corner of Albany Street (61st Street) and 225th East Avenue (Evans Road) as shown in Exhibits B1 and B2, Wagoner County, State of Oklahoma (Section 32, T19N, R15E)**
- S. 19-1256 **Acceptance of a Utility Easement from Jim Helm on an approximately 10-acre tract of unplatted property located at the northwest corner of Albany Street (61st Street) and 225th East Avenue (Evans Road) as shown in Exhibits A1 and A2, Wagoner County, State of Oklahoma (Section 32, T19N, R15E)(Albany U/E)**
- T. 19-1226 **Approval of and authorization of final acceptance for the public improvements at Foster Lewis Acreage Lot 6 located at 210 South Hickory Place**
- U. 19-1154 **Approval of and authorization of final acceptance for the public improvements at Freedom Carwash located at 500 E Kenosha**
- V. 19-1292 **Approval of and authorization to execute Resolution No. 1276, a Resolution authorizing the City Attorney to enter into a proposed a Journal Entry of Judgment in regard to the lawsuit filed by Francis Patrick Charon, and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the court's approval, pursuant to 51 O.S. § 158**
- W. 18-1465 **Ratification of the Claims list dated 10/11/2019**

6. Consideration of Items Removed from Consent Agenda

Assistant City Manager Kenny Schwab reported Item 5L was a second change order (CO2) on the 1st Street project from Dallas to College. He stated this was a 2014 Bond project. He explained the change order would address some of the problems which unexpectedly arose with this project including soil difficulties and storm sewer difficulties. He indicated the contractor was also required to pack up all equipment and move out of the area during the Rumble in the Rose District event and then move back into the area to continue construction which increased costs. He stated the change order total was \$93,300 dollars.

Council Member Parks asked what the amount of the 2014 Bond issuance was for this project. Mr. Schwab responded \$525,000 dollars was issued for this project via the 2014 Bond and the project bid was approximately \$300,000 dollars; therefore, the City had funds remaining in the 2014 Bond for this project.

Council Member Wimpee noted you never knew what road conditions and project costs would actually be until a project was begun; there were always possible unforeseen costs.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee. Move to approve and authorize execution of change order CO2 with Grade Line Construction, LLC for the construction contract ST1712; Old Town Streets - 1st Street from Dallas to College

The motion carried by the following vote:
Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

Community Development Director Larry Curtis reported Item 5O, BACP-164, was a request to change the Comprehensive Plan from Level 2 to Level 5 on 0.16 acres located east of the northeast corner of First Street and Detroit Street at 212 E. Detroit Street. The property, which was vacant, was platted as Lots 16 and 17 of Block 17, Original Town of Broken Arrow and zoned R-3 along with a Specific Use Permit (SP-137). He reported SP-137 was approved by City Council on November 15, 1999, for a church parking lot. He noted the applicant was requesting a Comprehensive Plan change to allow for potential expansion of his current project (parking). He indicated the Milestone project, located across the street from these lots, was currently under construction and this additional parking would allow for the residents to have covered parking as part of the development. He stated this Comprehensive Plan change would allow for development of an additional 32 parking spaces. He stated the applicant would still be required to submit an application for rezoning if the Comprehensive Plan change was approved.

Council Member Parks noted parking was definitely an issue in this area and he was pleased to see this project. He asked if these parking spaces would be reserved for Milestone apartment parking only. Mr. Curtis responded in the affirmative. Mr. Parks asked how many

apartments would be developed in Milestone. Mr. Curtis responded 91 to 92 apartments units would be developed and the 1st floor of the building would contain eight commercial spaces which would be mostly retail.

Vice Mayor Eudey stated he approved of developing additional parking in this location as well.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move to approve BACP-164 as recommended by Planning Commission and Staff

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

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

A. 19-1190 Presentation and annual programming update by the Broken Arrow Genealogical Society

Community Relations Liaison Jennifer Swezey introduced Marmie Apsley, Vice President and Librarian of the Broken Arrow Genealogical Society. She indicated the bronze mice statues throughout downtown were named after Ms. Marmie Apsley.

Ms. Marmie Apsley reported the Broken Arrow Genealogical Society was formed 43 years ago in 1976. She briefly reviewed the history of the Genealogical Society and Broken Arrow Library, described how the Genealogical Society library had grown over the years, described how a location for the Genealogical Society Building was chosen, described how the Genealogical Society library was moved to the Museum at 400 S. Main. She discussed and described the genealogical library and explained how the library was relevant and contained resources which pertained to most States and Indian Territories, as well as an extensive Civil War collection. She noted the library was staffed by volunteers and was open Tuesday, Wednesday and Saturday from 10 a.m. until 2 p.m. She noted the Genealogical Society ancestry program was available free of charge online. She reviewed the Genealogical Society's mission statement. She noted the Genealogical Society was currently working to index Broken Arrow obituaries; the index would be available online with copies of full obituaries being available for a small fee. She noted the Genealogical Society library and online resources were used by many throughout the United States. She noted the Society received no outside funding and was dependent upon financial donations, grants, and Society dues to meet necessary expenses. She thanked the City of Broken Arrow for supporting the Genealogical Society and providing the Society a place to call home.

Council Member Wimpee noted there was a book called "Marmie the Mouse" at the Museum of Broken Arrow which contained the adventures of Marmie the Mouse; the bronze mouse statues found throughout downtown correlated with this book and Marmie's adventures.

Council Member Gillespie reported she went on a tour of the Genealogical Society resources recently and she appreciated the work done by the Genealogical Society.

B. 19-1191 Presentation and annual programming update by the Military History Center

Ms. Jennifer Swezey introduced General Mancino Executive Director of the Military History Center.

General Mancino gave a brief history of the Military History Center which currently held 2,414 exhibits and a library with over 5,000 volumes. He displayed and discussed photos which illustrated the various events held by the Military History Center throughout the year: Vietnam Veterans Recognition Day, Rooster Day Parade participation, Golf Tournament, Flag Day, Military Trivia Night, VJ Day, Military History through the Ages, Salute to Veterans Concert, and the Rifle Raffle. He noted the Military History Center had six Veteran's Benefits Counselors on staff to assist veterans; the Counselors had almost 1250 meetings with veterans this year. He displayed a photo which illustrated the Veterans Banners, of which the maximum (70 banners) were sold in one week. He stated he believed all would be on display within the next two weeks. He thanked City Council and the City for its support.

Council Member Wimpee noted information regarding the Military History Center events could be found on the Military History Center Facebook page.

Vice Mayor Eudey thanked General Mancino for his presentation.

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

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

9. General Council Business

A. 19-1202 Consideration, discussion, and possible approval of one voting delegate and one

alternate voting delegate for the National League of Cities Annual Business Meeting held Saturday, November 23, 2019 in San Antonio, Texas

Executive Assistant Crickett Moore reported the National League of Cities (NLC), City Summit, would be held in San Antonio the week of November 19, 2019; all five Council Members would be in attendance. She reported the National League of Cities Annual Business Meeting would be scheduled for the afternoon of November 23, 2019. She reported the NLC provided the City could designate one voting delegate and one alternate voting delegate for this meeting to vote on NLC policy, resolutions, and issues related to NLC's future. She noted the City Manager would not attend the Business Meeting portion of the Conference. She indicated staff requested City Council select a voting delegate and alternate voting delegate for the National League of Cities Annual Business Meeting.

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

Move to appoint Mayor Craig Thurmond as the voting delegate and Vice Mayor Scott Eudey as the alternate

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

B. 19-1262 Consideration, discussion, and possible approval to reject all bids for the construction of Vandever Park Playground Improvements (Project No. 196025) and find that the best interests of the Broken Arrow City Council will be served by the rejection

Mr. Matt Hendren reported the Vandever Park Playground Improvement Project was part of the 2014 Bond projects with a project budget of \$150,950 dollars. He noted on October 1, 2019 the City received six responsive bids with Stronghand LLC being the lowest base bid at \$185,000 dollars; the add alternates totalled approximately \$24,000 dollars, bringing the bid total to \$209,000 dollars. He reported the Architect, Planning Design Group Tulsa (PDG), estimated \$150,555 dollars with add alternates of \$16,550 dollars totaling \$167,105 dollars. He indicated after the bids came in much higher than the estimate, Staff spoke with Stronghand in an effort to understand why there was such a large discrepancy. He reported there were three reasons for the cost increase: 1) The specs PDG designed did not allow for any adjustment which drove up the cost of playground equipment. 2) The Broken Arrow Spec Book required a full-time superintendent to be onsite at all times during projects which drove up cost. He noted upon speaking with Engineering it was decided this requirement could be removed from this specific project. 3) The "pour and place" surfacing specs for this project were not cost effective and could be replaced with other surfacing materials. He indicated City Staff recommended these bids be rejected and the project be rebid with the three spec changes in an effort to reduce cost.

Council Member Gillespie asked about the "pour and place" surfacing. Mr. Hendren explained there were other surfacing options which could be utilized which would be just as effective and safe while being much more cost effective.

Council Member Parks asked if Staff needed City Council authorization to resubmit the project for bid. Assistant City Attorney Kim Slinkard responded in the negative.

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

Move to reject all bids for the construction of Vandever Park Playground Improvements (Project No. 196025) and find that the best interests of the Broken Arrow City Council will be served by the rejection

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

C. 19-1272 Consideration, discussion, and possible termination of purchase contract previously awarded to Rush Trucking Company for the purchase of one (1) Articulating Aerial Device and Truck Chassis with Utility Body, and authorization to re-bid the purchase

Director of Streets and Stormwater Rocky Henkel reported on August 21, 2018, the Broken Arrow City Council awarded a contract to Rush Trucking Center for the purchase of one (1) Articulating Aerial Device and Truck Chassis with Utility Body for the Traffic Signals Division of the Streets and Stormwater Department. He stated Rush Trucking Company was the second lowest bidder, selected due to a shorter delivery time than the lowest bidder by over 100 days. He reported the current Traffic Division truck recommended to be replaced had a variety of maintenance issues, needing approximately \$18,000 for repairs; therefore, Staff felt it was worth spending the difference of \$3,945 dollars (between the lowest bidder and the second lowest bidder) to expedite the delivery of the truck. He reported Rush Trucking Company was unable to deliver this vehicle on time, as indicated in the bid, and Staff requested a credit of \$3,945 dollars; however, Rush Trucking Company was only willing to credit \$2,500 dollars. He explained Rush Trucking Company failed to fulfill its contract based upon time of delivery and it was further discovered the vehicle was damaged during assembly process. He stated the City had an obligation to be good stewards of tax dollars; Staff did not believe it was in the City's best interest to take possession of a previously damaged vehicle. He noted pursuant to the City's contract with Rush Trucking Company, the City had the right to terminate the contract with "just cause upon written

notification to vendor.”

Vice Mayor Eudey asked if the City had made any payments for this vehicle. Mr. Henkel responded in the negative. Vice Mayor Eudey asked if Staff would take note of the current damaged vehicle concerns with the next bidding process. Mr. Henkel responded in the affirmative.

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

Move to terminate the purchase contract previously awarded to Rush Trucking Company for the purchase of one (1) Articulating Aerial Device and Truck Chassis with Utility Body, and authorize Staff to re-bid the purchase

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

D. 19-1278 Consideration, discussion and possible approval of and authorization to execute a Letter of Agreement Contract with Jack Clancy Associates to conduct promotional testing services for the Police Department

Police Chief Brandon Berryhill reported several supervisory positions of varying ranks were required to be filled in fiscal year 2019-20; the requirement stemmed from a vacancy which occurred on September 1, 2019. He explained a selection process was necessary to identify competent candidates for the Police Chief’s selection. He stated testing would be held for the ranks of Police Major, Police Captain, Police Sergeant and Police Corporal. He indicated the maximum number of candidates for all positions combined was 117 candidates, but the actual numbers of candidates which may choose to participate in any particular examination was unknown at this time.

Chief Berryhill reported three bids were received from companies which conducted testing services. He noted the first, from Industrial/Organizational Solutions of Oak Brook, IL, was the least competitive with a bid in excess of \$100,000 dollars. The second and third were from Jack Clancy Associates (JCA) and CPS Human Resources Services, both of Sacramento, CA, which had competitive pricing at \$42,500 dollars and \$40,900 dollars, respectively. He reported he reviewed the RFP responses and determined Jack Clancy Associates was the most advantageous bid based upon past performance and competitive pricing. He noted JCA had a proven history of success with the Police Department and had successfully administered and implemented the previous six promotional assessment centers dating back to 2010/2011. He indicated these previous promotional assessments were conducted without challenge from individual applicants or the labor union with no costly litigation. He stated the projected costs for any particular exam would vary based upon the number of candidates, but the total was not expected to exceed \$46,500 dollars. He indicated funds were budgeted and available in the Police Sales Tax Fund. He stated Staff recommended approval of the Letter of Agreement with Jack Clancy and Associates.

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

Move to approve and authorize execution of a Letter of Agreement Contract with Jack Clancy Associates to conduct promotional testing services for the Police Department

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

E. 19-1275 Consideration, discussion and possible approval of and authorization to execute Resolution No. 1267, a Resolution of Necessity to Condemn Property generally located in the Southwest Quarter of Section 11, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Commercial Street Detention, (Project No. SW2007)

Mr. Kenny Schwab reported Staff determined the tract of land located near the Broadway Apartments was an excellent location for a regional detention pond in the downtown area. He noted as the downtown area continued to grow there would be increases in stormwater needs. He stated the land was appraised at \$110,900 dollars, an offer was made to the landowner; however, negotiations were unfruitful. He stated Staff requested approval of Resolution No. 1267 which would condemn this property and enable Staff to move forward with the detention pond.

Vice Mayor Eudey stated condemnation was always the absolute last resort; the City had made significant efforts to reach an understanding with the property owner.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move to approve Resolution No. 1267 and authorize its execution

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

F. 19-1277 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1273, a Resolution authorizing the City Attorney to enter into a Journal Entry of Judgment in the case of City of Broken Arrow, Oklahoma v. Asa V. Forbes,

Tulsa County District Court Case No. CV-2019-613, regarding the condemnation of property located at 11406 South 193rd East Ave, Broken Arrow, Tulsa County, State of Oklahoma

Assistant City Attorney Slinkard reported City Council previously declared a public necessity to condemn property for a permanent utility easement, as well as a temporary construction easement, for completion of the County Line Trunk Sewer Placement Project. She reported the City filed suit against the landowner in May 2019 to acquire the easements. She reported in July the Commissioners filed a report valuing the property at \$6,500 dollars, the City tendered payment to the Court in this amount, and at this time she requested Resolution No. 1273 be approved authorizing the City Attorney to agree to the valuation by the Commissioners and enter a Journal Entry of Judgment to award the \$6,500 dollars to the landowner.

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

Move to approve Resolution No. 1273 and authorize its execution

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Council Member Wimpee stated she was excited to see the Veterans Banners on display in the next few days. Vice Mayor Eudey noted this was an excellent way to honor those who have served in the United States Military.

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

There were no Remarks and Updates by City Manager.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting adjourned at approximately 7:12 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

Mayor

City Clerk