



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, November 5, 2019

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor Andrew Conley performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Council Member Christi Gillespie led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond indicated Item 5R and Item 5A were to be removed 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 Scott Eudey, seconded by Debra Wimpee.

Move to approve the Consent Agenda less Item 5A and Item 5R

The motion carried by the following vote:

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

- A. 19-21** Approval of the City Council Meeting Minutes of October 15, 2019
- B. 19-1329** Acceptance of Planning Commission meeting minutes of October 10, 2019
- C. 19-1281** Acceptance of Drainage Advisory Committee meeting minutes of September 30, 2019
- D. 19-1324** Acceptance of Elm Place and New Orleans Advisory Committee meeting minutes of October 3, 2019
- E. 19-1290** Approval of and authorization to execute Budget Amendment Number 5 for Fiscal Year 2020
- F. 19-1354** Approval of and authorization to execute Budget Amendment Number 6 for Fiscal Year 2020
- G. 19-1315** Approval of and authorization to execute the Office of Attorney General 2020 Safe Oklahoma Grant Program Contract for fiscal year 2019-2020
- H. 19-1334** Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by an on-line public auction
- I. 19-1349** Approval of and authorization for the City Attorney to sign a change of affiliation form transferring the City of Broken Arrow v. Contech et. al, CJ-2017-295 to the law firm of Metcalf & Spittler, LLP
- J. 19-1383** Approval of and authorization to execute the Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C. for providing counsel and legal advice regarding Joshua Andre Garza v. City of Broken Arrow, 19-CV-423-TCK-JKJ
- K. 19-1327** Approval of and authorization to execute an Agreement with CoreSource, Inc. utilizing Aetna Signature Administrators PPO Managed Care Services to provide third party administration for the employee health plan for calendar year 2020
- L. 19-1350** Approval of and authorization to execute Amendment No. 1 to the License and Services Agreement between the City of Broken Arrow and Tyler Technologies
- M. 19-1273** Approval of and authorization to execute Amendment Number 1 to Agreement for Professional Services with Poe and Associates, Inc. for providing additional design services for the Aspen and Washington Street Improvements project (Project No. ST1705)
- N. 19-1287** 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
- O. 19-1289** Approval of and authorization to execute the purchase of seven (7) Motorola APX 6000 handheld radios and accessories from Motorola Solutions, pursuant to the Oklahoma Statewide Contract, for the Police Department
- P. 19-1326** Approval of and authorization to purchase one (1) Pierce fire apparatus from Conrad Fire Equipment, Inc. pursuant to the Houston-Galveston Area Council (HGACBuy)

- contract, using the “prepay” option, for the Fire Department
- Q. 19-1331 Approval of and authorization to reject bids received for a Cemetery utility cart, find that the best interest of the City of Broken Arrow will be served by the rejection
- R. 19-1375 Approval of authorizing a 15 day extension to award bids for good cause shown for the purchase of two (2) Firehouse D1 Dump Body Trucks for the Streets Division of the Streets and Stormwater Department
- S. 19-1307 Award the most advantageous bid to Warren Cat for the purchase of one (1) Superior Broom DT74C self-propelled, street sweeper for the Streets Division of the Streets and Stormwater Department
- T. 19-1322 Award the lowest responsible bid to Becco Contractors, Inc. and approve and authorize execution of a construction contract for the Florence Street Widening from Olive to Aspen (ST1410)
- U. 19-1337 Approval of and authorization to execute Change Order CO2 with Ellsworth Construction, LLC for Construction Contract ST1210; 9th Street Widening, Elgin to El Paso
- V. 19-1339 Approval of and authorization to execute Change Order CO3 for Construction Contract 171703; Tiger Hill Soldier Pile Retaining Wall
- W. 19-1323 Approval of and authorization to execute Resolution No. 1278, a Resolution authorizing acceptance of a General Warranty Deed for a tract of land which consists of 1.6695 acres of Permanent Right-of-Way for future projects in the area of Florence and Garnett. The Parcel is located in the Southwest Quarter of Section 29, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from American Southwest Properties, LLC, Guadalupe Investors, LLC, and SHS, LLC
- X. 19-1328 Acceptance of a Temporary Construction Easement consisting of 0.0053 acres from Goodwill Industries of Tulsa, Inc., on property located at 2210 West Washington Street, Broken Arrow, Oklahoma, located in part of the Southeast Quarter of Section 16, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Washington Street Improvements, Olive to Aspen, Parcel 5A (Project No. ST1616A)
- Y. 19-1382 Ratification of the Claims List Check Register dated 10/29/2019

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond reported he was not present for Item 5A and therefore could not vote. He called for a motion.

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

Move to approve the City Council Meeting Minutes of October 15, 2019

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey
Abstain: 1 - Craig Thurmond

City Manager Michael Spurgeon reported the award of a contract for \$3.8 million dollars for a 2014 General Obligation Bond project for the widening of Florence from Aspen to Olive was included in the Consent Agenda. He thanked City Council for the approval.

Mayor Thurmond reported Item 5R was a 15 day extension to award a bid for good cause shown for the purchase of two (2) Firehouse D1 Dump Body Trucks for the Streets Division of the Streets and Stormwater Department. Mayor Thurmond indicated Mr. Jim Patchen was in favor of Item 5R and wished to speak.

Citizen Jim Patchen indicated he worked for Summit Truck Group (the International Truck Dealership in Tulsa). He stated Summit had worked with Broken Arrow many times over the years. He noted previously Summit Truck was known as Frontier International. He stated he wished to address the claims made by Premier Truck regarding Summit Truck at the last City Council Meeting. He reported the bid specs for this project called for a Cummins 350 horsepower engine with a minimum of 1,000 pounds torque. He noted he included a build sheet with the Summit Truck Group bid which indicated a Cummins 350 horsepower engine with 1,150 pounds torque. He stated the Allison Transmission was included in the bid, as well as the 4,500 RDS with PTO access. He stated PTO access was the only option to properly operate hydraulics for this type of firehouse dump body. He noted the \$750 option previously discussed was included in the chassis portion of the Summit Truck bid. He stated he stood by the bid submitted by Summit Truck Group. He reported difficulties with ambulances previously purchased from Summit Truck were mentioned at the previous City Council Meeting. He reported these ambulances were sold on a truck no longer built by Summit Truck Group; Summit Truck had not built these truck types in five years. He stated these ambulances were sold to Broken Arrow with an extended warranty to cover any major repairs. He reported Premier Trucks indicated the ambulances in question were parked (not in use) and Broken Arrow was pursuing legal action against Summit Trucks; however, he found no evidence of this. He noted the ambulances had been fixed by Summit this summer and were currently in use. He stated Summit Truck Group appreciated Broken Arrow's business.

Vice Mayor Eudey noted if Item 5R were approved it would allow the Streets and

Stormwater Department to take an additional 15 days to examine and determine which bid was best for Broken Arrow.

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

Move to approve and authorize a 15 day extension to award bids for good cause shown for the purchase of two (2) Firehouse D1 Dump Body Trucks for the Streets Division of the Streets and Stormwater Department

The motion carried by the following vote:

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

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

A. 19-1351 Presentation and annual programming update by the Broken Arrow Community Playhouse

Mr. Thor Rooks introduced Ms. Kris Osborn, the President of the Broken Arrow Community Playhouse.

Ms. Osborn thanked all who donated to the Light it Up Campaign. She reported the Campaign raised \$25,955 dollars towards the \$70,000 dollar goal. She reported the funds were used to purchase some new lighting upgrades and paint inside the Playhouse, as well as a new exterior sign. She stated the Playhouse was in the process of marketing through a presence at the local Farmer's Market. She reported the Playhouse was actively presenting productions. She thanked the City for its support. She thanked the voters for approving funds for the Playhouse. She noted the Playhouse would be open for more than just plays, including musical performances and other events. Ms. Osborn shared the history of the Broken Arrow Community Playhouse including when it originated (April 17, 1980), its various productions and its goals. She invited all to visit the Playhouse and see a play or listen to a concert performed by local musicians.

Vice Mayor Eudey indicated he wished to see the Playhouse present a musical such as Guys and Dolls. Ms. Osborn noted the Wizard of Oz was presented in August 2019. She discussed the recent War of the Worlds production which included multimedia special effects. She stated auditions for "And Then They Came for Me" would be held in January 2020. Vice Mayor Eudey stated communities were often judged by the vibrancy of its arts. He indicated he was pleased to see the dramatic arts alive and well in Broken Arrow.

Council Member Gillespie asked where to find information regarding auditions and how directors were chosen for the Playhouse. Ms. Osborn noted the Playhouse had committees set up for play selection. She noted directors would present play options to the committees and Board. Ms. Gillespie asked if auditions were open to the public. Ms. Osborn responded in the affirmative. She stated audition information could be found on the Playhouse website: www.BACPtheatre.com.

B. 19-1346 Presentation by Ghost Creative on the Shop Local messaging and visuals

Director of Communications Krista Hemme reported the Communications Department was developing a Shop Local Campaign and had reached a critical milestone. She introduced Vice President of Ghost Creative, Eric Worrell.

Mr. Worrell reported Ghost Creative had been actively working on this project for 45 days; Anglin PR conducted focus groups in Broken Arrow and conducted an online survey. He reviewed the key takeaways from the focus groups and surveys noting Broken Arrow residents were fiercely independent, empowering, self-assured, clever, welcoming, and engaging. He noted these characteristics would be included in the advertising. He discussed the process of creating an effective long lasting messaging campaign. He stated the "big idea" in terms of messaging was "Back to BA." He discussed the message Ghost wished to make clear through "Back to BA", which included how wonderful Broken Arrow was as a City and the importance of shopping in Broken Arrow. He noted the "Back to BA" message would also encourage tourism and commerce development. He reported Phase I of the Campaign was awareness and included branding, a social media campaign, as well as advertising through local businesses. He reported Phase II of the Campaign would move forward after the holidays and would include testimonial/promotional videos.

Mr. Worrell reviewed the different messages which would be promoted through Phase I including: 1) Shop here. Live here. Eat here. Play here. Grow here. 2) Every dollar spent in Broken Arrow sends money back to Broken Arrow. Sales taxes paid here support Broken Arrow Firefighters, Police Officers, and local infrastructure. 3) Hometown pride and tourism. He displayed and reviewed examples of how these messages might be promoted through various slogans. He displayed an example of the Back to BA slogan. He discussed colors and how colors were used. He discussed brand circulation methods including bumper stickers, storefront decals, etc. He displayed visual examples of possible messaging and signage. He noted Ghost had contacted local Broken Arrow print vendors regarding price estimates. He reported Ghost had worked with the Broken Arrow Chamber and the City to design various kits containing merchandise which would be distributed to various Broken

Arrow merchants and in turn distributed to Broken Arrow residents. He thanked City Council and noted he always enjoyed his time in Broken Arrow.

Vice Mayor Eudey stated he appreciated hearing how local vendors and merchants would participate and be utilized.

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)

Mayor Thurmond noted Mr. Grady Cole had signed up to speak; however, Mr. Cole was not in attendance.

9. General Council Business

A. 19-1298 Consideration, discussion, and possible approval of the proposed name for the Broken Arrow Events Park Adult Softball Complex

City Manager Spurgeon reported the Broken Arrow Adult Softball Club came before City Council and submitted a letter requesting a certain park name. He introduced Brad Gordon, President of the Adult Softball Complex.

Mr. Brad Gordon thanked the voters for passing the bond to build the Broken Arrow Adult Softball Complex. He stated he was very excited about the park. He indicated the letter requested the park be named the Broken Arrow Challenger Sports Complex. He explained the Complex included four regular fields and a fifth adaptive play field for youth and adults with disabilities and wheelchair play. He indicated "Challenger" was synonymous with the Adaptive Program. He stated he also felt the name Challenger was also appropriate as he believed with the new park the Broken Arrow Softball teams would be able to compete on a regional and national level. He stated he hoped to attract large national adult tournaments to Broken Arrow. He asked City Council to consider naming the park the Broken Arrow Challenger Sports Complex. He stated he hoped the Complex would be completed in July 2020; however, development of the Facebook page, website and other social media venues would begin immediately.

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

Move to name the softball complex in the Events Park the Broken Arrow Challenger Sports Complex

The motion carried by the following vote:

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

B. 19-1291 Consideration, discussion, and possible approval of changing the name of Chisholm Trail South Park (Events Park)

City Manager Spurgeon reported there had been much discussion regarding possible names for the Events Park. He asked for City Council feedback. Discussion ensued regarding possible names, the Anderson family which owned the property, the importance of a permanent name choice, residents being unfamiliar with the name Chisholm Trail South Park, the possibility of the name Broken Arrow Events Complex, and the importance of including Broken Arrow in the name of the park.

City Manager Spurgeon agreed; he stated the City needed to begin branding the park and identifying events. He discussed name options and noted he could conduct more research regarding possible names.

Council Member Parks recommended the name BA Events Park noting "BA" coincided with the newer Broken Arrow branding, was used by the schools, and was prevalent in the Shop Local Campaign. Discussion ensued regarding BA Events Park. Council Member Gillespie noted the park could be named the Broken Arrow Events Park, but the logo could be displayed as BA Events Park. City Manager Spurgeon agreed. Discussion ensued regarding BA Events Park. Vice Mayor Eudey asked for consideration of the name BA Events Complex over BA Events Park. Council Member Gillespie noted residents currently commonly called the park the Events Park. Vice Mayor Eudey agreed, but noted once branding began the title "Complex" would spread. Discussion continued regarding BA Events Park versus BA Events Complex

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

Move to change the name of Chisholm Trail South Park to BA Events Complex

The motion carried by the following vote:

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

C. 19-1319 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1277, a Resolution of Support for the Tulsa Chamber 2020 OneVoice Legislative Priorities

Economic Development Manager Norm Stephens reported in 2008 the Tulsa Metro Chamber of Commerce created the OneVoice agenda to represent the Tulsa Metropolitan area at the State Capital and the US Capital as one unified voice. He reported this year Staff from

Broken Arrow represented Broken Arrow during the OneVoice process. He invited Conner Carrol the Director of Governmental Affairs for the Tulsa Regional Chamber to speak.

Mr. Conner Carrol reported OneVoice had fifteen state and fifteen federal priorities this year. He noted through the Agenda, OneVoice aimed to ensure a prosperous economy, to ensure a healthy and educated workforce, and to address regional infrastructure needs. He noted the newer items worked to address the teacher shortage, advocate full Medicaid expansion, and address adverse childhood experiences. He asked for City Council's support.

Council Member Gillespie asked if OneVoice would address a four year educational program for the area. Mr. Carrol responded in the negative; he noted OneVoice focused on college education, but not specifically a four year degree program.

Citizen William Kok stated his address was 1008 W. Pensacola Court, Broken Arrow. He stated he was concerned with Item 2 of the OneVoice Agenda: "Broaden and protect health care coverage by capturing all available state and federal funds for the Oklahoma Health Care Authority." He noted this was Obamacare and should not be supported.

Vice Mayor Eudey stated he had been involved for many years with the Broken Arrow Chamber, and by extension the Tulsa Chamber. He indicated every year the OneVoice Agenda contained items he did not like, and this was one such item. He stated he disagreed Item 2 represented Obamacare; Item 2 endorsed expansion of Medicare in Oklahoma which was offered as a part of Obamacare, but was not a direct acceptance of Obamacare. He noted while he disliked Item 2, he followed Ronald Reagan's "80/20 rule." He explained he approved of 80% or more of the OneVoice Agenda; therefore, he would approve the Agenda and work to change the 20% he did not approve of in the future. He noted seldom would any individual approve of 100% of any agenda. He noted while he did not approve of Item 2, he did approve of a majority of the Agenda.

Mayor Thurmond agreed. He noted he believed every City Council Member would have a problem with an item or two on the Agenda; however, the Agenda as a whole was worthwhile.

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

Move to approve and authorize execution of Resolution No. 1277

The motion carried by the following vote:

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

D. 19-1325 Consideration, discussion, and possible approval to publish the 2020 notification of regularly scheduled meetings of the Broken Arrow City Council, and its Boards and Trusts

City Clerk Curtis Green reported the Oklahoma Meeting Act required all public bodies to provide notice in writing annually indicating the date, time and place of regularly scheduled meetings of a public body for the upcoming year. He stated the calendar before City Council included two City Council meetings per month, but could be edited as City Council saw fit.

Council Member Parks indicated he believed City Council had agreed to schedule only one meeting in July. City Manager Spurgeon indicated the City Council could direct Staff to make this change.

Vice Mayor Eudey asked if it was more difficult to cancel a meeting or schedule an additional meeting once the calendar had been published. City Attorney Trevor Dennis indicated it took action by City Council to remove a regularly scheduled meeting; adding a meeting was a simpler process. Discussion ensued regarding scheduling a single meeting in July, family vacations generally being taken in July, and which date in July to hold the meeting.

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

Move to publish the calendar presented less the meetings for BAMA, BAEDA and City Council on July 7, 2020

The motion carried by the following vote:

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

E. 19-1361 Consideration, discussion, and possible award of the most advantageous bid to Prestige Roofing to re-roof the Broken Arrow Senior Activity Center for the Parks and Recreation Department

General Services Director Lee Zirk reported the Parks Department had budgeted to re-roof the Senior Activity Center. He indicated approximately 16 bids were received for this project. He stated portions of the roof were membrane material and the low bidder for this project was not endorsed by the State of Oklahoma for installation of this type of membrane roof; therefore, the lowest bidder was not qualified to complete the project. He indicated Staff recommended the award go to the next lowest bidder, Prestige Roofing, a Broken

Arrow company.

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

Move to award the most advantageous bid to Prestige Roofing to re-roof the Broken Arrow Senior Activity Center for the Parks and Recreation Department

The motion carried by the following vote:

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

F. 19-1333 Consideration, discussion and possible approval of and authorization to execute Resolution 1279, a Resolution adopting Continuing Disclosure Policies and Procedures for the City and its Public Trust and Authorities with respect to the obligations covered under Securities and Exchange Commission rules 15c2-12 (the Rule)

Director of Finance Cindy Arnold reported the City of Broken Arrow hired a new bond disclosure company. She noted this company reviewed and updated Broken Arrow disclosure policies and procedures to meet current SEC requirements. She stated Staff recommended approval of Resolution No. 1279 which updated the bond disclosure policies and procedures.

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

Move to approve Resolution No. 1279 and authorize its execution

The motion carried by the following vote:

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

G. 19-1352 Consideration, discussion and possible approval of and authorization to execute Resolution 1281, a Resolution of the City of Broken Arrow, Oklahoma (the "City") approving the incurrence of indebtedness by the Broken Arrow Municipal Authority (the "Authority") issuing its Utility System and Sales Tax Revenue Note, Taxable Series 2019 (the "Note"); providing that the organizational document creating the Authority is subject to the provisions of the Indenture authorizing the issuance of said Note; waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the Authority pertaining to the sale of said Note; ratifying and confirming a Lease Agreement by and between the City and the Authority pertaining to the City's water, sanitary sewer, and solid waste disposal systems; ratifying and confirming a Security Agreement by and between the City and the Authority pertaining to pledge of certain sales tax revenues, and approving and authorizing execution of a Sales Tax Agreement; and containing other provisions relating thereto

Ms. Cindy Arnold reported Resolution No. 1281 should be tabled until after the BAMA meeting.

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

Move to table Item 9G until after the BAMA meeting

The motion carried by the following vote:

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

Following the BAMA Meeting, Ms. Cindy Arnold reported City Council must approve any debt incurred by the Broken Arrow Municipal Authority. She stated Resolution No. 1281 approved the action taken by BAMA under Resolution No. 1280 which authorized the refinancing of the 2009 Drinking Water SRF and the 2011 Clean Water SRF with the interest rate not to exceed 2.6% and aggregate principle amount of \$5.8 million dollars.

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

Move to approve and authorize execution of Resolution No. 1281

The motion carried by the following vote:

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

H. 19-1378 Receipt and consideration of bids for and possible action awarding the sale of \$23,250,000 in principal amount of Series 2019A General Obligation Bonds and authorization to execute the pertinent documents related thereto

Ms. Cindy Arnold reported this Item considered awarding the sale of \$23,250,000 million dollars in principal amount of Series 2019A General Obligation Bonds. She noted this included \$13 million dollars for Proposition 1 – Streets, \$5.7 million dollars for Proposition 2 – Public Safety, \$2.6 million dollars for Proposition 3 – Quality of Life, \$1.4 million dollars for Proposition 4 – Public Facilities, and \$420,000 dollars for Proposition 5 – Stormwater. She introduced Mr. Rick Smith from MFS.

Mr. Rick Smith from MFS reported the bids for this Bond issue were received today and the results were as follows: Broken Arrow received five bids for the bonds and the Baker Group submitted the lowest true interest cost. He indicated this was a 20 year bond issue and carried a rating of AA3. He stated based upon the bids received the lowest rate by true interest cost was submitted by the Baker Group in Oklahoma City at 2.4801%. He noted two other bids were very close to this number. He explained true interest cost took into consideration the timing of payments to ensure a more accurate rate. He noted while Hutchinson Shockey bid a

lower overall net interest cost, mathematically the true interest cost of Hutchinson Shockey was higher upon bond payment completion. He stated Staff recommended City Council award the bid to the Baker Group in Oklahoma City. He reported there was a companion ordinance for this item to be considered later on in the Agenda authorizing issuance of the bonds.

Council Member Parks asked if true interest cost calculation was historically the best practice for bid selection. Mr. Smith responded in the affirmative; this had been the best practice method for over ten years.

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

Move to approve the bids received and award the most advantageous for the sale of \$23,250,000 in principal amount of Series 2019A General Obligation Bonds and authorize execution of all pertinent documents related thereto

The motion carried by the following vote:

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

Mr. Smith asked Mayor Thurmond to sign the bid documents. Mayor Thurmond signed the necessary documents.

- I. 19-1342 Consideration, discussion and possible approval of PUD-293 (Planned Unit Development) and BAZ-2035 (Rezoning), Albany Village, 3.20 acres, PUD-139/ON and R-3 to PUD-293/RD, located one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road), north of Albany Street (61st Street)**
Community Development Director Larry Curtis reported this project was no longer moving forward and no action should be taken by City Council for this Item; the applicant was withdrawing the application. He stated Staff recommended this Item be removed from the Agenda.

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

Move to withdraw Item 9I, PUD-293 and BAZ-2035, from the Agenda

The motion carried by the following vote:

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

- J. 19-1368 Consideration, discussion, and possible approval of a Second Amendment to Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Center for Arts, Innovation and Creativity**
Transportation Manager Travis Small reported in February 2016 City Council approved an application to the Tulsa County Vision Authority for \$650,000 dollars of Vision Surplus Funds for the schematic design of the Center for Arts, Innovation and Creativity in the Rose District. He stated since that time the architect had created production documents and an additional \$1,950,000 dollars was needed to cover the construction of the project. He indicated City Council approved an amended application for \$1,950,000 dollars. He reported the Board of the Tulsa County Commissioners approved and authorized the Chairperson to execute the Second Amendment to the Capital Improvements Agreement, raising the maximum to \$2,600,000 dollars from the previous \$650,000 dollars. He stated Staff recommended approving and authorizing execution of the Second Amendment to the Capital Improvements Agreement.

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

Move to approve and authorize execution of a Second Amendment to the Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for the Center for Arts, Innovation and Creativity

The motion carried by the following vote:

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

- K. 19-1369 Consideration, discussion, and possible approval of a Second Amendment to Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Streetscapes V**
Mr. Travis Small reported in December 2017 City Council approved an application with the Tulsa County Vision Authority for \$1.5 million dollars of Vision Surplus Funds for the design and completion of the Streetscapes V project from Detroit Street to Elgin Street. He reported at the time of the original application, design and construction of continuing streetscapes was estimated at \$1.5 million dollars. He stated the project was advertised in May 2019 and in June 2019 City Council awarded the construction contract to Diversified Civil Contractor, LLC, in the amount of \$1,866,000 dollars. He indicated City Council approved an amended application which requested an additional \$400,000 dollars to cover additional project costs. He reported the Board of Tulsa County Commissioners approved and authorized the chairperson to execute the Second Amendment to the Capital Improvements Agreement for the Broken Arrow Rose District Street Improvement Project raising the maximum amount to \$1.9 million dollars. He stated Staff recommended approving and authorizing execution of this Second Amendment.

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

Move to approve and authorize execution of a Second Amendment to the Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Streetscapes V

The motion carried by the following vote:

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

- L. 19-1381 Consideration, discussion, and possible approval and authorization to execute Resolution No. 1282, a Resolution of the Broken Arrow City Council identifying funding source for the design and construction of Albany Street from 23rd Street to 37th Street**
Assistant City Manager over Operations, Mr. Kenny Schwab, reported Resolution No. 1282 intended to identify and set forth funding sources or mechanisms to widen, or make improvements to, Albany Street (61st) from 23rd (County Line) east to 37th Street (209th). He indicated the funding source identified was unnamed monies from a 2018 General Obligation Bond. He stated this project had been originally considered for the 2018 General Obligation Bond, but had been cut during the paring down process.

Mr. Schwab reported the Broken Arrow Public School system recently identified 86 acres along this portion of roadway as the location for a new STEM Academy which was currently under design. He reported Broken Arrow Public Schools intended to award a construction contract in spring of 2020 and hoped to open the STEM Academy in 2021; as a result the City needed to address this portion of road quickly rather than waiting five years as was previously intended. He stated Proposition 1 funds from the 2018 General Obligation Bond had been identified as a potential funding source for this project; there were approximately \$41 million dollars in unnamed monies in 2018 Proposition 1 funds. He stated there were two street projects in the unnamed category, College Street from 9th (Lynn Lane) to 23rd (County Line) and 15th Street from Joliet to College, which could be postponed and the funds moved to cover the Albany Project. He indicated he spoke with Michelle Bergwall from Broken Arrow Public Schools and discussed this possibility. He stated he asked Ms. Bergwall which streets would be of higher priority for Broken Arrow Public Schools, and Ms. Bergwall intimated Albany should be the priority project. He stated Resolution No. 1282 would transfer \$4.6 million dollars in unnamed monies to fund the Albany Project. He explained this did not mean the work on College Street would never be done; funds could possibly be found through other sources.

Council Member Parks indicated it was important for all named projects to be completed.

Vice Mayor Eudey asked if Albany was the highest priority project for the Broken Arrow Public Schools. Mr. Schwab responded in the affirmative; between the two College Street projects in the unnamed category and the Albany Project, Broken Arrow Public Schools chose the Albany Project as the highest priority. Vice Mayor Eudey asked if the City was then meeting the Broken Arrow Public Schools greatest needs with this transition. City Manager Spurgeon responded in the affirmative.

Vice Mayor Eudey noted, for clarity purposes, named street projects were required to be completed; however, unnamed street project funds were flexible and could be used to fund any necessary street project.

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

Move to approve Resolution No. 1282 and authorize its execution

The motion carried by the following vote:

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

Mr. Schwab noted an engineering contract for this project would come before City Council prior to the end of 2019.

- M. 19-1384 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1283, a Resolution of the Broken Arrow City Council declaring an Emergency as a result of a Sanitary Sewer Trunk Line Sewer Infiltration near the corner of 91st Street and 225th Street (Evans Road); activation of the City's Emergency Operation Protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; authorizing the City Manager to execute emergency contracts as necessary to purchase materials for repairs and any subsequent critical events; ratifying all prior actions of the City Manager, providing for the termination and extension of the provisions of this Resolution; and directing the City Manager to carry out all applicable provisions**
Assistant Utilities Director Stacy Thornton reported Resolution No. 1283 was to approve declaration of an emergency enabling the City Manager to bypass the normal bidding process and order materials for an emergency Sanitary Sewer Trunk Line Infiltration project. Ms. Thornton indicated a sewer line collapsed resulting in a large sinkhole last Thursday. She reported the collapsed sewer line had been a 24 inch concrete pipe. She displayed and

discussed a map which illustrated where the sinkhole was located. She displayed and discussed photos of the largest sinkhole (measuring 20 feet long) and several smaller sinkholes (12 inches in diameter). She explained the sewer pipe had corroded along the top creating holes which filled with dirt creating sinkholes along the sewer line. She indicated the solution to this problem was to replace the concrete line with a 24 inch PVC line. She stated permission was obtained from DEQ to proceed with construction. She reported by using Broken Arrow City Crews this project could be completed for less than \$60,000 dollars which would pay for materials. She reported the City Crews were well equipped and able to complete this project. She indicated this was indeed an emergency situation; this sinkhole was located in a cow pasture, and unfortunately a cow was lost after falling into the sinkhole.

Council Member Parks asked about the length of the sewer line which would need to be replaced. Ms. Thornton reported approximately 1,300 feet of sewer line would be replaced. She indicated this sewer line was a gravity line located downstream from a pressurized sewer line. Council Member Parks asked if there had been any difficulty with the pressurized line. Ms. Thornton responded in the negative and explained why there were more problems with gravity lines as compared with pressurized lines. Council Member Parks commented this was the same problem the City had experienced with the County Line Sewer Trunk. Ms. Thornton agreed.

City Manager Spurgeon recommended City Council approve Resolution No. 1283.

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

Move to approve Resolution No. 1283 and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

- A. 19-1266 Consideration, discussion, and possible preview of an Ordinance closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park); repealing all ordinances to the contrary; and declaring an emergency**

Mr. Larry Curtis reported Item 10A was for the closure of the right-of-way for Creek 51 Business Park. He noted originally this right-of-way was dedicated as part of the continuance of Washington Avenue, crossing over the railroad tracks, continuing into the industrial park. He explained since that time it had become difficult to cross the railroad tracks and since development of the project this additional right-of-way was no longer needed.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

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

- B. 19-1270 Consideration, discussion, and possible preview of an Ordinance closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park); repealing all ordinances to the contrary; and declaring an emergency**

Mr. Curtis reported Item 10B was related to Item 10A; it was the second portion of right-of-way requested to be closed.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

- A. 19-1353 Consideration, discussion, and possible adoption of Ordinance 3604, an ordinance of the City of Broken Arrow providing for the issuance of \$23,250,000 general obligation bonds, series 2019A by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency**

Ms. Cindy Arnold reported Ordinance No. 3604 was for the sale of the 2019A General Obligation Bonds considered in Item 9H. She explained this Ordinance finalized the steps required to proceed with authorizing the sale. She stated Staff recommended approval of Ordinance No. 3604, along with the emergency clause.

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

Move to adopt Ordinance No. 3604

The motion carried by the following vote:

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

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

Move to approve the emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Vice Mayor Eudey apologized for his coughing.

Council Member Gillespie congratulated Russel Gale and Debra Wimpee for being recognized at Homecoming as “Great Graduates.” She reported she had attended the Broken Arrow Night Against Crime event for many years and she appreciated the work which went into this event. She thanked the Broken Arrow Police and Fire Department.

Council Member Wimpee announced the Broken Arrow VFW would conduct a small Veteran’s Day Ceremony at 10 a.m. at Veteran’s Park this Monday, November 11, 2019.

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

City Manager Spurgeon reported the Veterans banners for the Military History Center were displayed several weeks ago. He thanked the Parks Department for ensuring the banners were well displayed. He thanked Jennifer Swezey for her efforts. He noted several Parks Department employees worked late into the night to ensure the banners were hung for display as requested. He recognized Phil Hink, Chris Ohler, Pat Acosta, Mat Rake, Todd Davis, Brad Dorsey, Rob Lillegard, Steve Stafford, Matt Thomas and Jonathan McAdams who worked after hours hanging the Veterans banners (with compensation). He thanked the City Council for its support in this endeavor. Vice Mayor Eudey commended the Parks Department employees. He stated he noticed many banners were purposefully located in front of the veteran’s family businesses. He thanked all Staff involved. City Manager Spurgeon reported Staff was developing a process to surplus the Veterans banners.

He indicated he sincerely appreciated all City employees who collectively contributed over \$32,000 dollars to the United Way Campaign this year. He thanked Jennifer Swezey, Curt Poole, Kelly Hawver and Sarah McDaniels from Community Development.

At approximately 8:10 p.m. Mayor Thurmond stated there was an executive session and he would entertain a motion for a brief recess to enter into BAMA and BAEDA.

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

Move for a brief recess to enter into BAMA and BAEDA

The motion carried by the following vote:

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

The City Council Meeting reconvened at approximately 9:41 p.m. Mayor Thurmond indicated Item 9G would now be addressed. (*Please see above for discussion and motion regarding Item 9G.*) Following discussion of Item 9G Mayor Thurmond called for a motion to clear the room for the Executive Session.

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

Move for a brief recess to clear the room for the Executive Session

The motion carried by the following vote:

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

MOTION: A motion was made by Craig Thurmond, seconded by Debra Wimpee.

Move to enter into the Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:

1. Discussing the purchase and appraisal of real property located at 1811 S. Main Street and 1757 S. Main Street and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);

In the opinion of the City Attorney, the Council is advised that disclosure will impair the ability of the Council to process the pending appraisal and acquisition of real property in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.
Move to find the Executive Session necessary

The motion carried by the following vote:

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

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.
Move to authorize the City Manager to make an offer to purchase property generally located at 1811 S. Main Street and 1757 S. Main Street

The motion carried by the following vote:

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

15. Adjournment

The meeting adjourned at approximately 9:50 p.m.

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

The motion carried by the following vote:

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

Mayor

City Clerk