

**BROKEN ARROW CITY COUNCIL  
MINUTES  
COUNCIL CHAMBERS  
220 SOUTH FIRST STREET  
BROKEN ARROW, OKLAHOMA 74012  
June 1, 2015  
6:30 PM**

**1. Call to Order**

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

**2. Invocation**

**Section Minutes:** Chaplain Richard Manganero delivered an invocation.

**3. Roll Call**

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| <b>Present:</b> | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond |
| <b>Absent:</b>  | None   |

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

**Section Minutes:** Mayor Thurmond led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

**Section Minutes:** Mayor Thurmond asked if there were any items to remove from the Consent Agenda. Councilor Mike Lester asked that item 5P be removed. Mayor Thurmond asked for a motion.

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| <b>Motion:</b>    | <b>Move to approve the Consent Agenda excluding item 5P</b>                |
| <b>Motion by:</b> | Mike Lester  |
| <b>Second by:</b> | Richard Carter   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond |
| <b>Nays:</b>      | None   |

- A. Approval of Special Joint Council and BAMA meeting minutes of May 12, 2015
- B. Approval of meeting minutes of May 19, 2015
- C. Acceptance of minutes of Planning Commission meeting held April 23, 2015
- D. Acceptance of a proposal with Optum Financial Services to provide specific and aggregate re-insurance coverage for the employee health plan for Fiscal Year 2015-16
- E. Approval of and authorization to place temporary directional signs at designated Rights-of-Way for the 2015 Parade of Homes from June 7, 2015 through June 24, 2015
- F. Approval of and authorization to execute the Office of Attorney General Safe Oklahoma Grant Program Contract
- G. Rejection of bid awarded to Bob Hurley Ford for the purchase of one (1) 10,000 GVWR (Gross Vehicle Weight Rating) truck for the Police department and authorization to re-bid
- H. Rejection of bid awarded to Roberts Dodge for the purchase of one (1) 16,000 GVWR (Gross Vehicle Weight Rating) work truck for the Streets department and award the bid to Bob Hurley Ford
- I. Review of bids received and award of the most advantageous bid to Grissoms for the purchase of one (1) Utility Tractor with attachments for the Parks department
- J. Acceptance of a Mutual Access Easement in an unplatted area, belonging to East Kenosha Development, LLC, south of Kenosha Street, and one-quarter mile west of 23rd Street, Broken Arrow, Tulsa County, State of Oklahoma (Section 12, T18N, R14E)
- K. Approval of a Partial Vacation of Plat for County Line Center, Lot 1, located on the northeast corner of Albany Street and 23rd Street, Wagoner County, Oklahoma; from owners American Southwest Properties, LLC and Memorial Drive, LLC
- L. Acceptance of a Utility Easement located 1323 feet west and 796 feet north of the Tucson Street (East 121st Street) and South Aspen Avenue (South 145th East Avenue) intersection from S&R Development, LLC., an Oklahoma limited liability company (Sec 33 T18N R14E) (Project #S.1307) (Sanitary Sewer Improvements Aspen Creek Relief Line)
- M. Acceptance of a Utility Easement in an unplatted area, belonging to East Kenosha Development, LLC, south of Kenosha Street, and one-quarter mile west of 23rd Street, Broken Arrow, Tulsa County, State of Oklahoma (Section 12, T18N, R14E)
- N. Acceptance of a Utility Easement in an unplatted area of the southeast corner of the Stone Horse of Broken Arrow Plat, belonging to Stone Horse, LLC, one-half mile east of Olive Avenue, and one-half mile north of Jasper Street, Broken Arrow, Tulsa County, State of Oklahoma (Section 04, T17N, R14E) (Stone Horse Subdivision, Phase III)
- O. Approval of PT15-101, Conditional Final Plat, Casey's General Store 1, Lot 1, Block 1, 1 lot, 1.49 acres, A-CH to CH, northeast corner of Albany Street and 23rd Street

- P. Approval of PUD 220B, a request for a major amendment to the Planned Unit Development, PUD 220A, The Reserve at Aspen Creek, 12.79 acres, A-1 to PUD 220A/RM, one-quarter mile west of Elm Place, north of Tucson Street
- Q. Approval of PUD 236, a Planned Unit Development, Ferguson Superstore, 13.97 acres, CH, southeast corner of the Broken Arrow Expressway and Elm Place
- R. Approval of PUD 237, Planned Unit Development, Hardesty Center for Dance Education, 3.94 acres, CG, east of the southeast corner of New Orleans Street and Aspen Avenue
- S. Approval of the Claims List

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

**Section Minutes: 5P.** Approval of PUD 220B, a request for a major amendment to the Planned Unit Development, PUD 220A, The Reserve at Aspen Creek, 12.79 acres, A-1 to PUD 220A/RM, one-quarter mile west of Elm Place, north of Tucson Street

Councilor Lester recused himself and left the room.

Mayor Thurmond asked if there was any discussion of item 5P. There being none he accepted a motion.

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| <b>Motion:</b>    | <b>Move to approve item 5P</b>                                |
| <b>Motion by:</b> | Richard Carter  |
| <b>Second by:</b> | Johnnie Parks   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Richard Carter and Craig Thurmond |
| <b>Nays:</b>      | None  |
| <b>Recused:</b>   | Mike Lester   |

Councilor Lester returned to the room.

**7. Public Hearings, Appeals, Presentations, Recognitions, Awards and Oaths**

- A. A public hearing regarding the annexation of property located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and located South of the Southeast corner of the intersection of East 131st (Jasper Street) and South Garnett Road

**Item Minutes:** Mayor Thurmond recused himself and turned the meeting over to the Vice Mayor, Richard Carter.

Mayor Thurmond left the room.

Vice Mayor Carter called for a public hearing regarding the annexation of property located south of the Southeast corner of the intersection of East 131st (Jasper Street) and South Garnett Road.

Vice Mayor Carter called a second time for anyone who wished to speak regarding the annexation.

Vice Mayor Carter called a third time for anyone who wished to speak regarding the annexation.

There was no one who wished to speak.

Mayor Thurmond closed the public hearing.

No action was required or taken.

Mayor Thurmond returned to the room.

- B. Conduct the Public Hearing for the Proposed 2015-2016 Fiscal Year Budget

**Item Minutes:** Mayor Thurmond called for a public hearing regarding the proposed 2015-2016 Fiscal Year Budget.

Mayor Thurmond called a second time for anyone who wished to speak regarding the 2015-2016 Fiscal Year Budget.

Mayor Thurmond called a third time for anyone who wished to speak regarding the 2015-2016 Fiscal Year Budget.

There was no one who wished to speak.

Mayor Thurmond closed the public hearing.

No action was required or taken.

**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)**

**Section Minutes:** Mayor Thurmond called on Mr. Steve Marx who had signed up to speak before the Council. Director of Development Services, Mr. Michael Skates, told the Council that he had met with Mr. Marx to address a drainage issue that was being attended. Mr. Marx no longer wished to speak.

**9. General Council Business**

- A. Update on the storm events recently affecting the City of Broken Arrow and specifically including the major storm event on May 23, 2015, which damaged City streets, a sanitary sewer lift station, other public infrastructure and public safety vehicles, and consideration, discussion, possible approval of and authorization to execute Resolution 882, a Resolution of the Broken Arrow City Council providing for the declaration of an emergency due to a major storm event occurring on May 23, 2015, which significantly

damaged Albany Street (East 61st Street South) between 37th Street (South 209th East Avenue) and 23rd Street (County Line Road) and the Adams Creek Northwest Sanitary Sewer Lift Station located in the area of 2750 North 37th Street, both within the City of Broken Arrow, finding that following the provisions of the Competitive Bidding Act would substantially delay repair of the street and the lift station, that the condition of this road and lift station compromises the public health, safety and welfare of the public, that the provisions of the public Competitive Bidding Act with reference to notice and bids should be waived with regard to repair of the road and lift station, and directing the Department of Engineering and Construction to obtain quotes and present contracts for repairs to the City Council at a future date

**Item Minutes:** Acting City Manager, Mr. Russell Gale, gave the Council an update on damage to City streets, sanitary sewer lift station, public infrastructure elements, and public safety vehicles which was created by a major storm event on May 23, 2015.

He said that staff believed the damage to the lift station constituted a risk to the health, safety, and welfare of the citizens and as a result it was requested that the City Council consider and adopt Resolution 882 providing for the declaration of an emergency. Mr. Gale said that the Resolution further finds that the Notice Provisions of the Act should be waived and directs the Department of Engineering and Construction to obtain quotes and present contracts for repairs at a future date.

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| <b>Motion:</b>    | <b>Move to approve Resolution No. 882 and authorize its execution</b>      |
| <b>Motion by:</b> | Richard Carter   |
| <b>Second by:</b> | Scott Eudey  |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond |
| <b>Nays:</b>      | None   |

- B. Consideration, possible approval and authorization to execute Resolution No. 881, a Resolution authorizing the City Attorney to agree to entry of judgment without admitting liability in the matter of AG Equipment Company v. City of Broken Arrow, Oklahoma, et al., Tulsa County District Court Case Number CV-2015-469, authorizing foreclosure and vacations of easements located at the 61st Street Industrial Park Subdivision to the City of Broken Arrow and a partial vacation of Plat No. 5974 61st Street Industrial Park Subdivision to the City of Broken Arrow

**Item Minutes:** City Attorney, Ms. Beth Anne Wilkening, reminded the Council of various easement closures provided by the Council over the past few months within the 61st Street Industrial Park for development and expansion of AG Equipment.. Ms. Wilkening said that AG Equipment had filed Foreclosure action in District Court to permanently foreclose the City's right to reopen the easements. She said as a result of the replatting process completed by AG Equipment, staff and the utility companies are in agreement with the Foreclosure. She said this action would also clear the title and produce a viable plot of land.

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| <b>Motion:</b>    | <b>Move to approve Resolution No. 881 and authorize its execution</b>      |
| <b>Motion by:</b> | Mike Lester  |
| <b>Second by:</b> | Richard Carter   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond |
| <b>Nays:</b>      | None   |

- C. Consideration and possible approval of the reappointment of Ted Cundiff to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2015 and expiring May 31, 2018

**Item Minutes:** Mr. Gale told the Council that Mr. Ted Cundiff's membership in the Broken Arrow Economic Development Corporation (BAEDC) was set to expire June 1, 2015. He said Mr. Cundiff had been a member for the past three years and was currently serving as the Chairman. Mr. Gale said that staff recommended that he be reappointed to the BAEDC.

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| <b>Motion:</b>    | <b>Move to approve the reappointment of Ted Cundiff to the BAEDC Board of Directors for a three year term beginning June 1, 2015</b> |
| <b>Motion by:</b> | Richard Carter   |
| <b>Second by:</b> | Scott Eudey  |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond   |
| <b>Nays:</b>      | None   |

## 10. Preview Ordinances

- A. Consideration, discussion, and possible preview of an ordinance repealing Chapter 7 of the Broken Arrow Code, Article IX, Ambulances, Division 1, Generally, Section 7-211, Ambulance service charges;, repealing all ordinances to the contrary; and declaring an emergency
- B. Consideration, discussion, and possible preview of an ordinance adding a new chapter to the City of Broken Arrow Code of Ordinances, Chapter 26, Emergency Medical Services, including sections set forth as follows: Section 26-1, Establishment of a Medical Service Program, Section 26-2 Definitions, Section 26-3 Medical Services Program and Fee, Section 26-4 Nonparticipation election, Section 26-5 Collection of Medical Service Program Fees, Section 26-6 Adjustment of charges and appeals, Section 26-7, Persons not covered by the Medical Service Program, Section 26-8 Insurance Provision, Subrogation and Assignment, Section 26-9 Limitation of obligation of City, and Section 26-10 Penalty; repealing all ordinances to the contrary; and declaring an emergency

**Section Minutes:** Ms. Wilkening asked the Council's permission to handle both 10A and 10B at the same time as they were related.

Ms. Wilkening reviewed issues related to Broken Arrow's on going inability to generate sufficient revenues and meet expenses. She gave details of findings by the Fiscal Sustainability Committee and their recommendations for an Emergency Medical Services Subscription Service. She said that item 10A would repeal the existing Ordinance that addressed ambulance service charges which would allow for the implementation of the Medical Service Program Ordinance presented in item 10B. Ms. Wilkening itemized the Sections of the Ordinance under review for item 10B and gave details:

Ms. Wilkening asked that the Council preview both Ordinances and set them for adoption at the next Council meeting.

Mayor Thurmond approved of the monthly subscription fee of \$5.45 saying it was a good rate which was the same fee charged by Tulsa. He said that Broken Arrow had an exceptional level of service with two level 4 ALS Paramedics for each ambulance.

Councilor Johnnie Parks said that this issue had been under careful consideration for the last two years. He said that while it had been common for the City to write off the balance for emergency services that were not covered by insurance the result had been a substantial expense subsidized by the citizens.

Councilor Parks asked if a property owner with a ten unit apartment building would be charged \$5.45 for each of the ten apartments. Ms. Wilkening said that was correct unless the landlord elected not to participate, in which case, they must provide notifications.

Councilor Parks asked if a resident lived inside the fence line but outside the City Limits would they have a onetime fee of \$110.00. Ms. Wilkening said that was correct for a total of \$10.00 per month charged annually. She added that this arrangement would apply only to households that don't receive utility services.

Councilor Parks asked about the arrangements for those who live in Water District Four. She said that staff had been working with District Four to identify the City's sanitary sewer customers because many times those customers receive water from District Four but sewer services from the City. She added that at this time that issue had been postponed. Councilor Parks added that it was his understanding that District Four water customers could elect to participate. Ms. Wilkening agreed that was true.

Councilor Mike Lester said as the cost of utilities and services have been reviewed it has been clear that while no one wants to see rates rise it remains the Council's responsibility to provide quality services at an appropriate fee. He expressed appreciation to the Fiscal Sustainability Committee and the City staff for their efforts.

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| <b>Motion:</b>    | <b>Move to preview both Ordinances and set them for adoption at the next meeting</b> |
| <b>Motion by:</b> | Scott Eudey  |
| <b>Second by:</b> | Richard Carter   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond           |
| <b>Nays:</b>      | None   |

**11. Ordinances**

- A. Consideration, discussion and possible adoption of Ordinance No. 3349, an Ordinance annexing property located in the South Half (S/2) of the Northwest Quarter (NW/4) of Section Eight (8), Township Seventeen (17) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma, and located South of the Southeast corner of the intersection of East 131st Street (Jasper Street) and South Garnett Road, repealing all ordinances to the contrary; and declaring an emergency

**Item Minutes:** Mayor Thurmond recused himself and left the room.

Ms. Wilkening said this Ordinance annexed 13.04 acres south of the southeast corner of the intersection of East 131st Street (Jasper Street) and South Garnett Road. She said the public hearing, which had just been held during the Council meeting, provided an opportunity for residents to express themselves about the annexation and all public notifications had been made. She said staff recommended annexation.

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| <b>Motion:</b>    | <b>Move to adopt Ordinance No. 3349</b>                     |
| <b>Motion by:</b> | Mike Lester   |
| <b>Second by:</b> | Johnnie Parks   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter |
| <b>Nays:</b>      | None  |
| <b>Abstain:</b>   | Craig Thurmond  |

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| <b>Motion:</b>    | <b>Move to approve the emergency clause</b>                 |
| <b>Motion by:</b> | Scott Eudey   |
| <b>Second by:</b> | Mike Lester   |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, and Richard Carter |
| <b>Nays:</b>      | None  |
| <b>Recused:</b>   | Craig Thurmond  |

Mayor Thurmond returned to the room.

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

**Section Minutes:** There were no remarks and inquiries by Governing Body Members.

13. **Remarks by Acting City Manager**

**Section Minutes:** There were no remarks by Acting City Manager.

14. **Executive Session**

**Section Minutes:** There was no Executive Session. No action was required or taken.

15. **Adjournment**

**Section Minutes:** The meeting adjourned at approximately 6:59 p.m.

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| <b>Motion:</b>    | <b>Move to adjourn</b>   |
| <b>Motion by:</b> | Mike Lester  |
| <b>Second by:</b> | Johnnie Parks  |
| <b>Ayes:</b>      | Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter and Craig Thurmond |
| <b>Nays:</b>      | None   |

  
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Mayor



**Attest:**

  
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City Clerk