



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, September 3, 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

Council Member Debra Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Vice Mayor Eudey asked if there were any 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

The motion carried by the following vote:

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

- A. 19-1062 Acknowledgement of upcoming out-of-state travel by City Council members**
- B. 19-17 Approval of the City Council Meeting Minutes of August 20, 2019**
- C. 19-1101 Accept Planning Commission meeting minutes of August 08, 2019**
- D. 19-1120 Approval of and authorization to execute a Fifth Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon**
- E. 19-1028 Approval of and authorization to execute Budget Amendment Number 2 for Fiscal Year 2020**
- F. 19-1107 Approval of and authorization to execute a Budget Amendment No. 4 for Fiscal Year 2020**
- G. 19-1076 Approval of and authorization to execute Resolution No. 1254, a Resolution of the City Council of the City of Broken Arrow, Oklahoma, establishing the Wireline Nine-One-One (911) Emergency Telephone Fee for Calendar Year 2020 at Five Percent (5%) pursuant to State Statute and Ordinance**
- H. 19-1077 Notification of City Manager's, Assistant City Manager's and Department Director's execution of Professional Consultant Agreements with a value less than \$25,000**
- I. 19-1060 Approval of and authorization to execute an annual Services Contract with Broken Arrow Seniors, Inc. (BASI) providing educational, recreational, social, and nutritional programs for Broken Arrows' senior citizens**
- J. 19-1081 Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with Guy Engineering Services, Inc., for providing waters and wetlands delineation as well as concurrent biological evaluation for a USACE Jurisdictional Determination on the Houston Street Widening from 9th Street to Old Highway 51 (ST1926) project**
- K. 19-1086 Approval of and authorization to execute Amendment No. 1 to Professional Consultant Agreement with KKT Architects, Inc. for City Council Chambers Renovation (Project No. 191716)**
- L. 19-1105 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Danna Centeno, RN, d.b.a Lockedin RN, L.L.C (Centeno) for providing city jail medical services**
- M. 19-1083 Approval of and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc.**
- N. 19-1059 Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Seniors, Inc (BASI)**
- O. 19-1109 Approval of and authorization to execute a First Amendment to the Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Soccer Club**

- P. 19-1070 **Approval of and authorization to purchase one (1) full sized sport utility vehicle (SUV) from Vance Chevrolet for the Fire Department as the most advantageous bid pursuant to the Oklahoma Statewide Contract**
- Q. 19-1071 **Approval of and authorization to purchase one (1) 1/2 ton crew cab truck from John Vance for the Fire Department pursuant to the Oklahoma Statewide Contract SW35**
- R. 19-1092 **Approval of and authorization to purchase structural firefighting coats and pants from Northern Safety and Industrial, boots and helmets from Casco Industries, Inc., from existing contract Bid 17.149**
- S. 19-1108 **Approval of and authorization to purchase three (3) LifePak 15 Cardiac monitors from Stryker formerly Physio Inc, pursuant to Oklahoma Statewide Contract, and authorize to surplus and authorize trade-in as a credit three (3) Lifepak 12 monitors for the Fire Department**
- T. 19-247 **Acceptance of a Temporary Construction Easement from for Parcel 13A, which consists of 0.1523 acres of Temporary Construction Easement for Washington Street Improvements, Garnett to Olive, located at 12700 East 91st Street in Northeast Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the SM & PK GILLEAN LIVING TRUST (Project No. ST1616)**
- U. 19-1097 **Approval of and authorization of final acceptance for the public improvements at Ninety One Phase III located at 91st and Lynn Lane**
- V. 19-1098 **Approval of and authorization of final acceptance for the public improvements at Silver Leaf Phase II located at 51st Street South and South 209th East Avenue**
- W. 19-1099 **Approval of and authorization of final acceptance for the public improvements at Whiskey Ridge located at 31st Street and 193rd East Avenue**
- X. 18-1456 **Approval of the Broken Arrow City Council Claims List for September 03, 2019**

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 19-1104 **A public hearing regarding the Police Department’s application for the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorization to submit the grant application**

Chief of Police Brandon Berryhill reported the Police Department was eligible to receive the 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of \$12,480 dollars. The JAG included three categories: Conference and Training funds which would be used for personnel training, Equipment funds which would be used to purchase new technology and tactical equipment, and Computer Software/Hardware funds which would be used for upgrades for the records division. He noted there was no cost to the City and the grant was a “pass-through” grant. He requested authorization to submit the grant application.

Vice Mayor Eudey opened the Public Hearing and asked if there were any Public Comments three times; hearing none, he closed the Public Hearing.

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

Move to authorize submission of the 2019 Edward Byrne Memorial Justice Assistance Grant application

The motion carried by the following vote:

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

- B. 19-972 **Presentation and acknowledgement of the Financial Statements for the 4th quarter of Fiscal Year 2019 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, and Sales Tax Capital Improvements Fund**

Director of Finance Cindy Arnold reported this was a Financial Review of the 4th quarter of Fiscal Year 2019. She explained why there was a delay in this Review. She reported total revenues were approximately \$61.5 million dollars, expenses were approximately \$60 million dollars and the net income was approximately \$1.2 million dollars. She stated on June 30, 2019 the Finance Department changed the books to a modified accrual basis which meant the numbers reflected what was earned or expensed in the period incurred, not when paid or received. She reviewed and discussed a chart which compared top revenues: budgeted versus actual versus FY 2017-2018. She reviewed and discussed a chart which compared the franchise fees collected, licenses and permit fees collected, and charges for services collected. She noted LifeRide fees were lower than expected; however, a mass mailing was sent out recently and additional fees were still being processed. She reviewed and discussed a chart which illustrated sales tax collection. She noted the top five sales tax categories made up 92% of the Broken Arrow sales tax: retail trade, accommodation and food service, wholesale trade, utilities and information. She reminded Broken Arrow Citizens of the importance of shopping in Broken Arrow. She reported the City had \$49.7 million dollars invested in six different banks from which the City purchased CD’s or treasury notes with varying interest rates from 1.9% to 2.97%. She stated Sales Tax Capital Improvement reflected revenues of \$8.8 million dollars with expenditures of \$7.5 million dollars which equaled an income of \$1.2 million dollars. She reported the ending fund balance after two rollover budget amendments (one for \$2.7 million dollars and one for \$1.5 million dollars and both approved by City Council), would show \$5.9

million dollars reserved for capital projects and \$900,000 dollars reserved for debt service. She reported the Police Sales Tax Fund total revenue was \$25.5 million dollars, wages and benefits were approximately \$20 million dollars, and there was a net income of approximately \$2 million dollars. She noted the Police Sales Tax net income was budgeted for \$1,665,517 dollars; therefore, the Police Sales Tax Fund had some additional savings, but there were no budget rollovers. She reported the Fire Sales Tax total revenues were \$21.5 million dollars and wages and benefits were approximately \$19.3 million dollars. She reported the Fire Sales Tax Fund had a net income of \$7,775 dollars.

Council Member Gillespie asked about wholesale tax. Ms. Arnold responded she would reach out to Ms. Gillespie with more information regarding wholesale tax.

C. 19-1074 Presentation, discussion, and possible approval of the Museum Broken Arrow’s proposed building mural project

Community Relations Liaison Jennifer Sweezey reported the Museum Broken Arrow wished to paint a mural on the south exterior wall of the building. She noted the Museum received a Fresh Days Grant from Keep Oklahoma Beautiful which would help prime the wall for the mural painting. She noted the priming was required to be completed in September. She reported the south wall was approximately 2,000 square feet and mural would not necessarily cover the wall in its entirety. She stated the Museum had formed a Committee to discuss artist selection, designs and fund raising.

Mr. Ryan Brown with the Museum stated the Museum was asking permission to move forward with the mural and asking for direction regarding possible size of the mural. He displayed a few sample mural ideas for review.

Vice Mayor Eudey asked how large Mr. Brown would like the mural to be. Mr. Brown responded he wished the mural could take up the wall in its entirety (2,000 square feet). He noted the south wall faced the park where the farmer’s market and concerts were held. He stated the Committee was considering an art contest to determine the artwork for the mural. He stated the Committee was in the beginning phases of discussion and the only decision required immediately was the size of the mural so the wall area could be primed before the end of September.

Council Member Parks asked if there were any legal guidelines regarding murals. City Attorney Dennis responded City ordinance did not speak to wall murals. Vice Mayor Eudey asked what guidelines the City had to govern mural painting throughout the City. City Attorney Dennis responded at the present time the City had no ordinances which governed mural painting. Director of Community Development Larry Curtis stated while the City could not govern the content of murals, it could govern murals in other ways; for example, if the mural was for commercial purposes then the mural would fall into the signage category. He stated murals which were simply art were governed differently. He stated Broken Arrow had the right to paint an art mural on its own building.

Vice Mayor Eudey asked if the final design of the mural would come back to City Council for input prior to being painted upon the building. Mr. Brown responded in the affirmative. Discussion ensued regarding the size and placement of the mural, lower placement of the mural enabling individuals to take pictures with the mural, higher placement being better seen from a distance, and higher placement requiring less maintenance.

Council Member Parks asked how the mural would be funded. Mr. Brown responded the Museum would apply for grants, corporate sponsorships, and private donations. He reported murals on average cost approximately \$25 dollars per square foot.

City Manager Spurgeon stated he wished the mural to be large and he hoped to find City funds to contribute to the project.

Council Member Parks stated he was in favor of the whole wall being painted. He indicated it was important for the mural to promote Broken Arrow as a whole. He agreed with the City Manager; he would like the City to contribute funds to the project.

Mr. Brown noted the mural could always be made larger in the future if the City Council so wished. Vice Mayor Eudey stated he felt the entire wall should be prepared for the mural to better enable the artists to present a vision for the wall. Council Member Parks asked if prepping the wall for the mural would harm the building if portions of the prepped area were not used for the mural. Mr. Brown responded in the negative. Discussion ensued regarding mural size for approval; it was decided to approve the entire south wall less the fire escape area.

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

Move to approve the entire south wall less the fire escape

The motion carried by the following vote:

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

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

Citizen Grady Cole stated his address was 1005 Wesley Road, Broken Arrow 74012. He thanked City Council for the opportunity to speak. He stated he lived two houses down from Lynn Lane. He reported stormwater was draining very poorly since the start of the Lynn Lane construction project; the stormwater was flooding his driveway when it never had before. He discussed other poor drainage problem areas along the path of Lynn Lane construction. Vice Mayor Eudey noted City Council could not take any action regarding Mr. Cole’s concerns at this Meeting. Mr. Cole stated he understood, but was concerned if construction continued with no plan to fix the drainage problems his driveway would flood each time it rained. He noted he wished to bring this problem to the attention of the City Council. Vice Mayor Eudey asked if Mr. Cole had met with the Assistant City Manager regarding this problem. Mr. Cole responded in the affirmative.

Assistant City Manager Kenny Schwab stated he met with Mr. Cole and had Staff visit Mr. Cole’s property. He stated the current construction plans for Lynn Lane included drainage along Wesley Drive; however, it was determined this would not be sufficient. He explained the contractor would continue to build according to plan; however, the City was assessing the drainage problems and would address the issue through an increase in conveyance or possibly through inlet collection.

Mr. Cole asked if this meant his property would no longer flood. He stated his garage was flooding and he was experiencing property damage as a result. Vice Mayor Eudey noted construction would continue; however, the flooding would be addressed. Mr. Cole thanked City Council and Staff. City Manager Spurgeon stated he would keep Mr. Cole informed of the City’s progress.

9. General Council Business

A. 19-1090 Consideration, discussion and possible approval and authorization to execute the City of Broken Arrow Innovation District Services Professional Consultant Contract

Director of Community Development Larry Curtis reported this was the Phase II portion of the Innovation District Contract. He reported Phase I was a contract for roughly \$6,000 dollars which enabled the City to take the initial steps in the Innovation District process. He stated the City of Broken Arrow, the Economic Development Corporation, and the Innovation District Subcommittee met in discussion with Halff and Associates and after detailed consultation, a Phase II study of the Innovation District was proposed. He reported the proposed Phase II contract and scope of services for the Innovation District included a “road map” to study and analyze the foundation of an Innovation District. He noted it was anticipated this phase of the project would take approximately eight to ten months; the consultants and the sub-committee would be tasked to define goals, location, and future options for the Innovation District, with a principal goal of creating a future job market for citywide businesses and citywide endeavors.

Citizen Ted Cundiff stated his address was 215 West Dallas, Broken Arrow. He stated he was the current Committee Chair for the Innovation District representing the Economic Development Corporation. He reported he and the Committee were in support of the Consulting Agreement with Halff and Associates. He stated he believed the Innovation District would move Broken Arrow forward in a very positive manner. He explained the Innovation District would take public schools K through 12, career tech school system and higher education system, and collaborate with the business community to create internships, partnerships and strategic partners, creating a workforce which enabled Broken Arrow students to stay and work within Broken Arrow following graduation. He stated the Citizens passed a bond issue which allowed funding for infrastructure and the foundation of the Innovation District. He reported the Committee wished to gather data with more expertise regarding industry clusters, secondary industry clusters, and supporters which would enable the Committee and the City to make excellent decisions regarding creation, location and design of the Innovation District. He stated he believed the Innovation District would attract high tech and professional industries to Broken Arrow. He discussed Halff’s ideas for the Innovation District. He asked for City Council’s approval.

Council Member Gillespie stated she found the collaboration between the City, the Chamber, the School District and the business community very exciting and she felt the Innovation District would be beneficial to the entire State of Oklahoma, not just Broken Arrow.

MOTION: A motion was made by Christi Gillespie, seconded by Debra Wimpee
Move to approve the City of Broken Arrow Innovation District Services Professional Consultant Contract and authorize its execution

The motion carried by the following vote:

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

B. 19-1091 Consideration, discussion and possible approval of SP-296 (Specific Use Permit), Independent School District No. 3 (Broken Arrow Public Schools), Science, Engineering,

Technology and Mathematics Academy (STEM), 79.8 acres, A-1, one-quarter mile east of 23rd Street (193rd East Avenue/County Line Road), north of Albany Street (61st Street)

Director of Community Development Larry Curtis reported SP-296 was a request for a Specific Use Permit for a STEM (science, engineering, technology and mathematics) school and for other school related functions and land uses. He stated the property presently included a single-family residence and was unplatted. He stated the Broken Arrow Zoning Ordinance (updated in 2008) required all schools within agricultural and residential zoning districts to have a Specific Use Permit. He stated educational facilities were permitted in any agriculturally zoned district with a Specific Use Permit by the Zoning Ordinance; therefore, SP-296 was in accordance with the Comprehensive Plan and the Zoning Ordinance. He reported in the August 8, 2019 Meeting, the Planning Commission recommended approval with a 4-0 vote per Staff recommendations, subject to the property being platted. He stated Staff recommended approval per Staff report and Planning Commission recommendations.

City Manager Spurgeon noted City Staff had been unaware of the location of the proposed STEM academy until this past year and as a result no funds had been set aside in the bond package for the improvement and widening of East Albany in this location. He stated the City would need to make a decision regarding the possibility of reassigning funds; for example, an unnamed project in Proposition 1 was road widening out of the Bus Mart, and this could be reassigned to East Albany improvements in an effort to make the road in front of the STEM academy safe. He stated he would bring some options for possible funding to City Council for review.

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

Move to approve SP-296 per Planning Commission and Staff recommendations

The motion carried by the following vote:

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

- C. 19-1106 **Consideration, discussion, and possible approval of Resolution No. 1261, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the foreclosure action filed by Energy One Federal Credit Union against the property located at 1934 West Toledo Court, Broken Arrow Oklahoma 74102, Tulsa County Case Number CJ-2019-1554, and directing the City Attorney to prepare and file the necessary documents to effectuate the Journal Entry of Judgment**

City Attorney Trevor Dennis reported the City had a lien of approximately \$800 dollars on the property at 1934 West Toledo Court. He stated the mortgage holder on the property recently filed for closure actions and proposed a Journal Entry of Judgment to provide for the payments of the funds after the property was sold which would allow the City to be paid for the liens. He stated the Legal Department recommended approval of Resolution No. 1261 and authorization of execution. He noted the City was third in line for payment and he anticipated funds would remain for payment to the City.

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

Move to approve Resolution No. 1261 and authorize its execution

The motion carried by the following vote:

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

- D. 19-1113 **Consideration, discussion and possible approval of Resolution No. 1263, a Resolution of the City of Broken Arrow authorizing the Broken Arrow Economic Development Authority to assist the City in carrying out and administering the Creek 51 Business Park Economic Development Project Plan adopted by the City; approving and authorizing the execution of an Economic Development Agreement by and among the authority, the City, and Creek 51 Business Park, LLC; approving and authorizing the execution of a Security Agreement by and between the Authority and the City pertaining to the Tax Increment Revenues; approving the use of assistance in development financing; and containing other provisions relating thereto**

E.19-1021Consideration, discussion, and possible appointment of two Council members to the Broken Arrow Drainage Committee

Mr. Nate Ellis with the Public Finance Law Group reported Resolution No. 1263 implemented the Tax Increment District which was adopted at the first meeting of August. He stated Resolution No. 1263 approved an economic development agreement, the terms of which were set forth during the process. He noted the developer would receive an incentive of one half of the increment district revenues generated over a period of ten years (capped at \$5 million dollars), and the balance of the revenues would be distributed to the taxing jurisdictions minus the \$355,000 dollars designated to the City for infrastructure improvements. He stated the Resolution approved the Economic Development Agreement, approved the Security Agreement, and authorized the Mayor and Vice Mayor to execute documents.

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

Move to approve Resolution No. 1263 and authorize its execution

The motion carried by the following vote:

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

E. 19-1021 Consideration, discussion, and possible appointment of two Council members to the Broken Arrow Drainage Committee

Assistant Manager of Operations Kenny Schwab reported on August 6, 2019, City Council adopted Ordinance No. 3588 establishing the Broken Arrow Drainage Advisory Committee. He explained the purpose of this Committee was to advise the City Council regarding the public benefits of recommended drainage projects, the anticipated project costs and proposed priorities for such drainage projects. He noted these projects would be funded by Proposition No. 6 from the 2018 General Obligation bond program. He stated each Council Member was entitled to nominate one appointment to the Committee, subject to confirmation by a majority of the entire membership of Council. He stated the Committee would consist of seven Members, five being Citizens and two being City Council Members. He asked City Council to choose two City Council Members to serve on the Drainage Advisory Committee.

Vice Mayor Eudey noted Mayor Craig Thurmond had mentioned he would be willing to serve on the Drainage Advisory Committee as he was a certified flood plain manager. He noted Council Member Parks had also indicated a willingness to serve on the Committee.

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

Move to appoint Johnnie Parks and Craig Thurmond to serve on the Broken Arrow Drainage Committee

The motion carried by the following vote:

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

F. 19-1020 Consideration, discussion, and possible appointment of members of the Broken Arrow Drainage Committee

Assistant Manager of Operations Kenny Schwab stated this Item was for the appointment of the Citizens nominated by the City Council Members. He reported the nominations were as follows: 1) Mayor Craig Thurmond nominated Lori Hendricks; 2) Vice Mayor Scott Eudey nominated Zoe Brooks; 3) Councilor Johnnie Parks nominated Mary Ann Colston; 4) Councilor Debra Wimpee nominated Joel Coggins; and 5) Councilor Christi Gillespie nominated Donna Wallace. He stated Staff recommended approval of the nominations for the Broken Arrow Drainage Committee.

Vice Mayor Eudey reported his nominee was a previous Youth City Councilor. He noted he was excited to see the next generation stepping up to serve in Broken Arrow.

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

Move to approve the nominees for the Broken Arrow Drainage Committee

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

A. 19-1110 Consideration, discussion, and possible adoption of Ordinance No. 3600, an Ordinance amending Chapter 2-Administration; Article IX-Employee Rules and Regulations, repealing Section 2-140, Statement of Purpose, Section 2-141, Amendment of Rules, Section 2-142, Statement of Policy, Amending Section 2-143, Application of Policy; Definitions, Section 2-147, Promotions, Section 2-148, Demotions, Section 2-149, Probationary Period, Section 2-150, Standards of Conduct, Section 2-152, Vacation leave, Section 2-153, Sick Leave, Section 2-155, Paid leave donation bank, Section 2-156, Civil Leave, Section 2-157, Official Representation, Section 2-158, Leave Without Pay, Section 2-159, Funeral Leave, Section 2-160, Military Leave, Section 2-161, Unauthorized Leave of Absence, Section 2-162, Pay Policy, Section 2-163, Classification Plan, Section 2-164, Pay Plan, Section 2-165, Department Director Evaluation and Compensation, Section 2-166, Performance Evaluations and Employee Variable Pay Program, Section 2-167, Grade Changes, Section 2-168, Pay Schedule, Section 2-169, Separation, Section 2-170, Disciplinary Action, Section 2-171, Grievance Procedure; repealing all ordinances to the contrary; and declaring an emergency

Human Resources Director Jannette McCormick reported this Ordinance was previewed at the previous City Council Meeting. She stated the Ordinance repealed ordinances related to Employee Rules, Regulations and Benefits which were currently addressed in the Employee Handbook. She stated Staff recommended City Council adopt the Ordinance and approve the emergency clause.

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

Move to adopt the Ordinances No. 3600

The motion carried by the following vote:

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

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

Move for the emergency clause

The motion carried by the following vote:

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

- B. 19-1114 Consideration, discussion, and possible adoption of Ordinance No. 3601, an Ordinance amending Chapter 2, Article X, Section, 2-187, Purchase order system, Section 2-188, Invoice System, of the Broken Arrow Code pertaining to Invoice system; specifically allowing the Finance Department to make payments through the invoice and purchase order systems after the Council approves the claims list or by ratification, repealing all ordinances to the contrary; and declaring an emergency**

Director of Finance Cindy Arnold reported this Ordinance was previewed at the last City Council Meeting. She noted Ordinance No. 3601 would allow the Finance Department to approve invoices and pay invoices on a biweekly cycle to help local vendors and increase possible discount opportunities. She stated Staff recommended City Council adopt Ordinance No. 3601 and approve the emergency clause.

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

Move to adopt the Ordinances No. 3601

The motion carried by the following vote:

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

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

Move for the emergency clause

The motion carried by the following vote:

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

- C. 19-1112 Consideration, discussion, and possible adoption of Ordinance No. 3602, an ordinance annexing approximately 1,240 acres located south of Dearborn Street (41st), east of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East, and parts of Section 27, Township 19 North, Range 15 East, and Section 33, Township 19 North, Range 15 East, and Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma and thereby amending the city's northern fence line in Wagoner County, repealing all ordinances to the contrary; and declaring an emergency**

Director of Community Development Larry Curtis reported 1,240 acres, formally Fair Oaks, was proposed for annexation into the City of Broken Arrow. He noted a Public Hearing was held at the previous City Council Meeting when the Ordinance was previewed.

Council Member Parks stated he was always excited to see more land come under the jurisdiction of Broken Arrow.

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

Move to adopt the Ordinances No. 3602

The motion carried by the following vote:

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

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

Move for the emergency clause

The motion carried by the following vote:

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

- D. 19-1115 Consideration, discussion and possible adoption of Ordinance No. 3603, a Zoning Ordinance of the City of Broken Arrow Code of Ordinances, amending Chapter 5, Development Standards, adding Section 5.10, Light Pole Banners and Decorations, of the City of Broken Arrow Zoning Ordinance; specifically including rules and procedures for the City's acceptance of donation of decorative banners or other decorations designed to be placed on light poles**

City Attorney Trevor Dennis reported at the previous City Council Meeting a discussion was held regarding the governance of City displayed banners and flags. He noted the Council directed his department to move forward with an ordinance which allowed display of flags and banners for City recognized holidays. He stated Ordinance No. 3603 was created to this purpose. He recommended Ordinance No. 3603 be adopted. He noted this Ordinance would go into effect thirty days from today; no emergency clause was needed.

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

Move to adopt the Ordinances No. 3603

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

There were no Remarks and Inquiries by the Governing Body Members.

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

City Manager Spurgeon thanked Mr. Ted Cundiff and Ms. Jennifer Conway for attending the City Council Meeting and showing support for the partnership between the City of Broken Arrow and the Economic Development Corporation (EDC). He noted the EDC, led by Darla Heller, had advanced the initiative of an Innovation District for the Community of Broken Arrow. He thanked Ms. Heller for her efforts.

He reported the planning has started for the State of the City which would be held in December. He stated he would need City Council's assistance for this event.

He thanked Jeremy Moore and the Broken Arrow Fire Department for hanging the banners at the football stadium. Banners were damaged due to wind.

He reported Streetscape 5 in the Rose District began last week, along with the fourth floor of the Milestone.

He noted at the next City Council Meeting, during BAMA (Broken Arrow Municipal Authority), the Governing Body would receive the recommendation from the Citizen's Recycling Committee.

He stated the first Elm and New Orleans Citizen's Advisory Committee Meeting was held last Thursday night. He reported there were more Citizens in attendance than Committee Members. He noted the Committee Members were extremely enthusiastic; Dr. Roy Woods was chosen as Chairman and Mr. Chase Elkins was chosen as Vice Chair. He stated the next meeting would include a walking tour of the area, weather permitting. He asked the City Council Members to inform him if any wished to attend the walking tour. He discussed the Elm and New Orleans intersection and its development momentum.

At approximately 7:33 p.m. Vice Mayor Eudey stated there was an executive session and he would entertain a motion for a brief recess to enter into BAMA (Broken Arrow Municipal Authority) and BAEDA (Broken Arrow Economic Development Authority).

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

Move for a brief recess to enter into BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 7:51 p.m. Vice Mayor Eudey reconvened the Meeting of the City Council and stated he would entertain a motion for a brief recess to clear the room for Executive Session.

MOTION: A motion was made by Christi Gillespie, 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: 4 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey

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

Move to enter into the Executive Session

The motion carried by the following vote:

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

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, and the City Attorney, and possible action in open session regarding the following:

1. Litigation, including potential resolution, of a matter involving litigation in the matter of Francis Patrick Charon v. City of Broken Arrow et. Al., CJ 2016 0834, Tulsa County District Court, Case No. 5:17 CV 01221 R, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4); and

2. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow vs. Purdue Pharma, L.P., et al., in the United States District Court for the Northern District Court, Case Number 4:19 CV 00047 TCK JFJ, under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claims, litigation and possible litigation in the public interest in accordance with State Statute. 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 Johnnie Parks, seconded by Debra Wimpee.
Move to find the Executive Session necessary

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

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move to authorize the City Attorney to engage in settlement negotiations and settle the matter of Francis Patrick Charon v. City of Broken Arrow, et al, Tulsa County District Court case number CJ-2016-0834, in the amount recommended by the City Attorney

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

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.
Move to authorize the City Attorney and outside counsel to add Mylan, SAJ Distributors and Walgreens as additional named defendants to the ongoing opioid litigation titled City of Broken Arrow v. Purdue Pharma, case number 19-cv-0047-TCK-JFJ in the United States District Court for the Northern District of Oklahoma

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

15. Adjournment

The meeting adjourned at approximately 8:41 p.m.

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

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

Mayor

City Clerk