



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice-Mayor Scott Eudey
Councilor Mike Lester
Councilor Johnnie Parks
Councilor Debra Wimpee

Tuesday, September 19, 2017

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

Rich Manganaro delivered the invocation.

3. Roll Call

Present: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

4. Pledge of Allegiance to the Flag

Councilor Mike Lester led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated that he wished to remove item M, owing to a conflict. There being no further items to remove, he entertained a motion to approve the Consent Agenda, excluding item M.

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

Move to approve Consent Agenda excluding Item M

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 17-2680 Approval of AMENDED City Council Meeting Minutes of August 15, 2017**
- B. 17-2566 Approval of the Special City Council Meeting Minutes of August 22, 2017**
- C. 17-1697 Approval of City Council Meeting Minutes of September 5, 2017**
- D. 17-2689 Approval of Downtown Residential Overlay Study Pay Request Number 8 in the amount of \$4,473.38 for Phase Three and expenses to be paid through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$4,473.38 using Sales Tax Capital Improvement Program Funds**
- E. 17-2603 Approval of and authorization to execute Resolution No. 1051, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 2, which consists of 0.43 acres of permanent Right-of-Way for 23rd Street, Houston to Kenosha, in the Southeast Quarter of Section 12, Township 18 North, Range 14 East, approximately 794 feet north of the intersection of 23rd Street and Houston Street from Don C. Couch and Mary Hieronymus Couch, Husband and Wife, authorizing payment in the amount of \$25,000.00, and authorizing Staff to apply for reimbursement of 80 percent of the revised negotiated amount for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914)**
- F. 17-2667 Approval of and authorization to execute Resolution No. 1055, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 8, which consists of 0.38 acres of permanent Right-of-Way for Olive Avenue Waterline, Tucson to New Orleans, in the Northwest corner of the Southwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, a Donation from Siegfried Companies, Inc., for the Olive Avenue Waterline, Tucson to New Orleans Project (Project No. WL1610)**
- G. 17-2676 Approval of and authorization to execute Resolution No. 1056, a Resolution authorizing the acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 9, which consists of 18.030 square feet of permanent Right-of-Way and 600 square feet of temporary construction easement for 37th Street: Houston to Albany Road Improvements, located in the SW/4 of Section 8, Township 18 North, Range 15 East, Wagoner County from Cheatham Ranch, LLC., and authorization of payment in the amount of \$25,180.00 to Cheatham Ranch, LLC., for 37th Street: Houston to Albany Road Improvements Project**

(Project No. ST1413)

- H. 17-2669 Approval of and authorization to execute Amendment to the Capital Improvement Agreement with the Board of County Commissioners of Tulsa County regarding the Broken Arrow Conference Center Project
- I. 17-2663 Approval of and authorization to execute a Youth Counseling Agreement between the City of Broken Arrow and Youth Services of Tulsa, Inc.
- J. 17-2678 Approval of and authorization to execute two (2) contracts for Public Improvements and one (1) contract for Provision of Public Services for 2017 Community Development Block Grant Program
- K. 17-2671 Approval of and authorization to execute Change Order C02 for 37th Street: Omaha to Albany and Rural Water District #4 Waterline (Project No. ST1507)
- L. 17-2668 Approval of and authorization to execute Work Order WO-06, Contract for Cold Milling Asphalt Streets (Bid No. 16.141)
- M. 17-2610 Approval of PT16-111, Conditional Final Plat, Bentley Square, 33 lots, 8.14 acres, CG to RS-4, one-quarter mile west of Aspen Avenue, south of Jasper Street
- N. 17-2611 Approval of SP-281 (Specific Use Permit), South Broken Arrow Baptist Church, 7.50 acres, R-2, RM/SP-216, one-quarter mile north of Jasper Street along Elm Place
- O. 16-1583 Approval of the Broken Arrow City Council Claims List for September 19, 2017

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond left the room at approximately 6:32 p.m.

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

Move to approve Item M

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey
Recused: 1 - Craig Thurmond

Mayor Thurmond returned to the room at approximately 6:32 p.m.

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

A. 17-2642 Consideration, appointment of and swearing in of the Youth City Council members for the school year 2017 – 2018

Community Relations Liaison Jennifer Hooks stated she was pleased to present the 2017-2018 Youth City Council. She reported the Youth City Council was established in 2001 and each year rising Juniors were encouraged to apply. She stated there were 16 total Youth City Council Members including nine Seniors and seven Juniors. She asked the Youth City Council Members to come forward. City Attorney Beth Anne Childs swore the Members in with the following solemn vow: "I, *state your name*, do solemnly swear that I will support, obey and defend the Constitution of the United States and the Constitution of the State of Oklahoma, and that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or nonperformance of any act or duty pertaining to my office, other than the compensation allowed by law. I further swear or affirm that I will faithfully discharge the duties as a member of the Broken Arrow Youth City Council for the City of Broken Arrow to the best of my ability."

Councilor Johnnie Parks stated he and Vice Mayor Scott Eudey met with the Youth City Council earlier that evening and he was excited about the new Youth City Council.

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

Move to approve the appointment of the Youth City Council Members for the 2017-2018 school year

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 17-2687 Presentation of Thrive, Your Money at Work Financial Report

Communications Director Krista Flasch stated the 2018 Thrive, Your Money at Work Financial Report would be mailed to over 52,000 Broken Arrow households. She stated it would also be available on the website www.brokenarrowok.gov/yourmoney. She reported in addition to the graph which displayed the budgeted revenue and expenditures, the document also highlighted some of Broken Arrow's economic development successes. She explained the necessary amount of taxable sales required to pay the salaries of a police officer, firefighter paramedic and a street

worker had been determined with Tom Cook's assistance; for example, to pay one year's salary and benefits for one police officer more than \$13 million dollars in goods and services had to be purchased in Broken Arrow. She stated the document demonstrated how important it was to shop locally. She reported the shop local message would be promoted for years to come as Broken Arrow functioned and thrived through the sales tax.

Councilor Debra Wimpee stated she appreciated Ms. Flasch's presentation and agreed it was extremely important to encourage Broken Arrow citizens to shop local. Ms. Flasch stated she and her department would take advantage of any opportunity to encourage residents to shop local. Vice Mayor Eudey commented it was a great looking report. Councilor Lester mentioned it seemed user friendly. Ms. Flasch agreed and stated this was the "Cliffs Notes" version of the budget book.

C. 17-2690

Presentation of the Upper Adams Creek Watershed Partnership Opportunity

Assistant City Manager of Operations Kenny Schwab stated he was excited about the Partnership Opportunity Presentation. He reported the Adams Creek Watershed was a very large watershed, and the Upper Adams Creek Watershed ran south of Highway 51, picked up around College and drained north towards Adams Creek. He displayed a map of the watershed and explained it covered approximately 2.5 square miles, consisted of commercial, residential and agricultural properties, and included Nienhuis Park, Broken Arrow High School and Shops at Adams Creek. He explained this meant many different types of pollutants flowed into the watershed. He stated this watershed presented a unique and unprecedented opportunity for the City and Public Schools to partner together, utilize the existing Regional Detention Facility across from the school, the natural flood plains in between the wetlands and the Regional Detention Pond and the wetlands behind Dick's Sporting Goods, to provide adequate flood plain, improve the water quality, and increase/enhance the natural habitat. He reported he had spoken with Broken Arrow Public Schools and High School Science teacher, Ms. Gradel who had asked him to come in and teach her class about hydrology, hydraulics, flood plains and the engineering and science behind watersheds, detention facilities, etc. He reported he educated over 300 students in over 15 different classes. Mr. Schwab displayed pictures of the floodplain, the Fairway Park Detention Facility, and the regulatory wetlands of the Adams Creek Shopping Center. He explained possible structural improvements included floating wetlands, rain gardens, cascade aerators, and pervious pavement access paths; nonstructural improvement possibilities included public education via website and potential outdoor classroom opportunities with testing/monitoring programs for students. He reported the outdoor classroom and testing/monitoring programs was a suggestion made to him by the students. Mr. Schwab displayed a picture of a current rain garden and explained water entered off the street on the uphill side of the garden and filtered pollutants through the rocks and vegetation in the rain garden to exit downhill. He stated the rain garden was attractive landscaping. He reported there was natural vegetation which could help promote the correct type of growth in the pond habitat, could increase dissolved oxygen which was better for biological life, and reduce algae. He explained the above ideas were relatively inexpensive and provided public education and participation which fulfilled the public education requirement of the city-wide stormwater permit held with the State of Oklahoma through the Department of Environmental Quality (DEQ), it demonstrated best management practices which fulfilled another permit requirement, improved connectivity and access to the floodplain, and improved stormwater quality and overall quality of life. He indicated this was a very unique and unprecedented opportunity for a city government and public school system to work together to benefit the community and create an educational program. He asked if there were questions.

Councilor Mike Lester asked if this was viewed as a baseline test model to possibly duplicate throughout the City. Mr. Schwab responded in the affirmative. Mayor Thurmond reported the MS4 permit Broken Arrow held through the State was mandated by the Environmental Protection Agency (EPA). He added the water quality would improve via the above suggestions and this improvement could be measured through macro invertebrates and fish quantity and type. He stated this could potentially be a benefit to the Community and quality of life, but was also mandated by the federal government; therefore, he felt this was a great partnership and a positive attribute for the City of Broken Arrow. Vice Mayor Eudey stated he liked the idea of the pervious walkways which would add a new place for residents to get outside, enjoy nature, and exercise. He stated it benefited the entire Community anytime the Schools and the City worked together. Councilor Lester asked what the timeline was for the proposed project. Mr. Schwab explained this semester a land plan would be formed, next semester idea implementation would begin; however, to create public awareness a small floating wetland would be developed this semester. He stated the timeline was immediate; he desired to establish the organization and proceed. Councilor Wimpee asked about possible signage. Mr. Schwab reported the official name of the creek was Tributary E; therefore, he asked the students to consider possible names. He stated the possibility of an educational sign was mentioned by the students which he felt was a good idea.

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

Move to direct staff to proceed in developing a collaborative partnership between the City of Broken Arrow and Broken Arrow Public Schools with respect to the Upper Adams Creek Watershed

The motion carried by the following vote:

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)

No citizens requested to speak.

9. General Council Business

A. 17-2683 Presentation, discussion, consideration and possible approval of the draft citizens survey to gather feedback for the 2018 General Obligation Bond projects

Ms. Krista Flasch, Communications Director, stated an important part of planning the 2018 General Obligation Bond Package was the receipt of feedback from residents regarding desired projects for ballot placement. She stated this feedback would be gathered via an online survey. She presented the proposed draft questions. She reported the survey contained 30 questions, which included general resident satisfaction questions, opinion polls concerning road projects, public safety, parks, city facilities, stormwater improvements, and "big idea" questions regarding attractions that would draw visitors to the City. She stated the goal was to receive 300 to 500 responses and the survey was limited to one per household. She reported the data would be submitted to the Council in a compiled organized format by the end of 2017. She explained it was an online survey accessible through www.brokenarrowsurvey.com, would be advertised in the Focus Newsletter, and via a special insert in the utility bill. She stated a city-wide automated phone call would be placed to all households registered for robocalls. She reported it would be on the city website and social media; however, if residents did not have internet access and desired to take the survey it would be available at City Hall in paper form. She stated a direct mail would be considered depending upon response rate, but this would be determined following launch. She stated the survey would be closed at the end of October. She stated Sheila Curley cofounder of sixPR was in attendance to answer questions.

Councilor Lester asked if question no. 12 could be adjusted to reflect the benefit of synthetic turf which would significantly increase field utilization by residents. Ms. Sheila Curley agreed and stated she could make that change. Discussion about how to reword question 12 ensued. City Manager Spurgeon suggested adding "for reduced maintenance and longevity." Councilor Lester stated he wanted residents to understand there was a benefit to synthetic turf and it was not proposed simply to fulfill a desire for a luxury. Ms. Sheila Curley agreed and stated it was important for the survey to clearly indicate why projects were proposed. Mayor Thurmond stated he felt the survey was comprehensive and covered all the issues. He felt there would be no trouble acquiring 500 surveys. Councilor Parks asked who would monitor the one survey per household rule. Ms. Curley stated when the survey was filled out online an address was required; if a survey was filled out with a duplicate address it would be discarded. She stated nonresident business owners would also have the opportunity to fill out the survey and this data would be compiled separately. Councilor Parks asked if the paper survey also required an address. Ms. Curley responded in the affirmative. Councilor Lester asked about P.O. Box addresses. Ms. Curley replied P.O. Box address survey data was also compiled separately from resident survey data. She explained this enabled the City to hear from individuals that worked in Broken Arrow, owned property in Broken Arrow, or owned a business in Broken Arrow. Mr. Spurgeon stated it was important to hear from anyone who had a vested interest in Broken Arrow, even if they were not residents, and to pool that data separately. He stated nonresident business owners could still have a lot of influence in the Community. Ms. Curley stated she understood it was important to give a voice to various nonresidents who were involved in the Broken Arrow Community and would tap into the local Chamber of Commerce to disseminate the survey. Ms. Flasch stated the information about the survey would be broadcast across every available communication medium. Ms. Curley stated the goal was to ensure every Citizen was aware of the survey opportunity. Mayor Thurmond asked when the data would be presented. Ms. Curley responded the raw data would be available the beginning of December and by mid-December the data would be compiled and prepared for City Council use.

Mr. Spurgeon stated he did meet with June Ross and the Senior Citizens Advisory Group and asked for recommendations regarding how to make the survey more accessible to seniors, possibly with a kiosk located at the Senior Center, as the possible Senior Center Annex was an important issue for seniors. He explained senior citizens were running out of space at the Senior Center and were utilizing every square foot of the current facility. He reported the VFW approached the City a couple of years ago about assistance with a facility and the Council agreed to provide land next to Memorial Park; however, since then other veterans organizations had come forward with an interest in the use of this public building, and he felt it was important to provide equal access for all interested parties. He explained a meeting was held with Vice Mayor Eudey and representatives of the American Legions, who were interested in using the facility, and the organization of a board to manage and operate the facility while the City handled the capital was suggested. He stated there was discussion among the various veterans' organizations regarding coming together to manage the facility and to be a part of the process. He stated he hoped the Council would give this possibility strong consideration. Vice Mayor Eudey stated he felt the involvement of the various veterans' groups only strengthened the chances of resident approval and he was pleased the veterans were becoming involved. Councilor Parks stated he approved of the idea, but wanted to be certain all veterans' groups had the opportunity to be

involved and hopefully have the veterans run the day to day operations. He stated he approved of the project, but it would have to be large enough to accommodate all veterans' groups. Mr. Spurgeon stated there needed to be balance and he felt it was important nothing was done to lessen the "awesomeness" of the Veterans Park.

Mr. Spurgeon stated included in the survey was a question regarding thoughts about rebuilding City Hall in the next 10 years. He explained he put it on the survey to bring attention to the issues the City was having with the old building. He stated residents were quick to approve Public Safety Facilities, but slower to approve a new City Hall. He felt this was an educational opportunity to bring awareness to some of the difficulties City Government faced with the current facilities. He reported the commemorative Rose District Rose Garden was included in the survey. He stated last Friday he, Lori Hill and Norm Stephens had a conversation with Jeff Hartman about the possibility of a tourism tax increase to support direct marketing. Mr. Spurgeon stated Mr. Hartman and his wife were very supportive and a discussion was held regarding the growing community and new hotels and the opportunity and need for additional money for direct marketing either through a tax increase or possibly a Tax Improvement District or TID which was similar to when a hotel implemented a self-tax for public use. He stated he wanted to bring this to the Council's attention and inform the Council the initial response was favorable. Mayor Thurmond stated when good projects were on the horizon it was easier for the voters to approve tourism tax.

Mr. Spurgeon stated the Council would receive a copy of first cuts within the next few days as the partners at the School District and Chamber would be sitting with staff next week to give input on proposed projects and how projects could affect economic development and schools. He explained the information presented to the School District and Chamber at the above meeting would be made available to the Council, and ensured Council all presented documents would clearly be marked as a draft.

Ms. Curley stated there would be a number of open ended questions on the survey to prevent the idea that there were predisposed notions of all projects. She stated the council would receive the open ended question response data aggregated to clearly present the most frequently mentioned topics of concern.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve the draft Citizens Survey to gather feedback for the 2018 General Obligation Bond projects

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 17-2696 Consideration, discussion, and possible approval and authorization to execute a Third Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon

City Attorney Beth Anne Childs stated at the last Council Meeting the Council conducted the City Manager's evaluation in accordance with the 2015 agreement which had been amended on two prior occasions. She stated she felt many people did not understand what running a large organization in a very public light entailed and believed it would be helpful to provide references from an article regarding city manager compensation. She stated the Legal Department provided the Council and City Manager with statistical information to allow the City Council to make an educated decision regarding any amendments made to the City Manager's contract. She stated the comparison between the compensation packages in Texas and Oklahoma was interesting and disturbing. She stated it was her fear that Texas would appropriate Oklahoma's talented municipal leadership, even as Texas had appropriated Oklahoma's most talented teachers. She mentioned that the salary survey from the Texas City Managers Association was available online and she encouraged curious residents to review the data. She stated the proposed salary provided for a 2% increase over the existing salary which was consistent with what was provided during the budgetary process to other nonunion employees. She stated negotiations with the International Association of Fire Fighters (IAFF) continued. She said she believed an agreement had been discussed with the Fraternal Order of Police (FOP), although she was not sure if it had been voted on yet, but it would provide provisions for increased retirement in an incremental way and was designed to serve as a long tenure incentive. She explained there was one year left on the City Manager Employee Agreement, but the new contract would be expanded to a three year contract. She reported it was the goal of Human Resources, Ms. McCormick, and Assistant City Manager Russel Gale to make the City of Broken Arrow an employer of choice, and in order to do that Broken Arrow needed to be circumspect in the benefits it offered. She explained paid time off would be included in the contract, as this was commonplace in the private sector, and it would give Broken Arrow the opportunity to be a visionary and allow staff, specifically the Human Resources Department, to consider application in the future to all nonunion employees. She reported a minor increase was for technology upgrades which would allow a replacement of cell phones, and finally the last change involved an incentive plan. She expressed her appreciation to the Human Resources Director for her assistance in framing this particular arrangement. She reported in her last 13 years there had been 4 City Managers and an Acting City Manager twice, and she felt there was a tremendous amount of value in maintaining

consistency of leadership. She stated she believed this agreement was consistent with the direction she was provided, she believed it was supported by the law, was compliant with Article 10, Section 26 of the Oklahoma Constitution, and was designed to advance the Council's overall objectives of maintaining continuity in leadership and retention of talent. She asked if there were questions. There were none.

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

Move to approve the Third Amendment to the Employment Agreement and authorize its execution

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 17-2674** **Consideration, discussion, and possible 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, LLC (Centeno) for providing city jail medical services**
Major Mark Irwin reported since the opening of the current jail facility in 2004 a basic level of care had been provided for the inmates. He explained this agreement would allow the jail to continue to do this. He asked if there were any questions. There were none.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve the Professional Service Agreement with Danna Centeno, RN, d/b/a Lockedin RN, LLC (Centeno) for providing city jail medical services and authorize its execution

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- D. 17-2694** **Consideration, discussion, and possible approval of and authorization to execute a Professional Service Agreement with Half Associates, Inc. for the review and update to the City's Comprehensive Plan (Vision 40)**
Mayor Thurmond stated there was a request to table Item D until City Council meeting on 10/03/2017.

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

Move to table Item D until Council Meeting on 10/03/2017

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- E. 17-2620** **Consideration, discussion, and possible award of the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Public Safety Training Facility: Police Down Range Building and Site Preparation (Project No. 173002)**
Director of Engineering and Construction Alex Mills requested approval to award the contract for the Police Down Range Building which he stated was a prefabricated metal building to be located south of the training building near the firing range and would include specialized training areas interior, bathrooms and storage areas. He reported bids were advertised on 08/04/2017 and 08/11/2017 and bids were opened on 08/29/2017. He reported 7 bids were received with the low bidder being Magnum Construction with a base bid of \$473,229. He stated this was over the allotted budget; therefore, he met with the Fire Department who had some sales tax money allocated for this project. He explained extra money was procured from the Police Enhancement Fund to cover the GO Bond overage; therefore, the funding was now in place to award the project and he asked for the Council's consideration and approval. He asked if there were any questions.

Councilor Parks asked if this was for the complete project, including addendums. Mr. Mills responded it was not; it was an award for alternate 1, the wainscoting. Councilor Lester stated he was pleased the lowest bid was a local company. Mr. Mills said Magnum was a quality firm he enjoyed working with.

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

Move to award the lowest responsible bid to Magnum Construction Inc. and approve and authorize execution of a construction contract for Public Safety Training Facility: Police Down Range Building and Site Preparation

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- F. 17-2673** **Consideration, discussion, and possible approval of Resolution No. 1057, a Resolution approving and authorizing the execution of an agreement for the purchase and sale of real property located at 2300 South 1st Street, Broken Arrow, Oklahoma, legally described as being a parcel of land situated in the NE ¼ SW ¼ of Section 23, Township 18 North, Range 14 East, Indian Meridian, Tulsa County, Oklahoma including structures and improvements; by and between the City of Broken Arrow and Valor Telecommunications of Oklahoma, LLC., and authorizing the expenditure of \$1,080,000.00, to effect purchase, as well as reasonable and necessary costs; designating the Mayor or Vice Mayor, for**

purposes of granting certain approvals and executing certain instruments as required under and in connection with said agreement for the purchase and sale of real property; and containing other provisions relating thereto

Ms. Beth Anne Childs stated this was a resolution which allowed the City to move forward with acquisition of approximately 11.4 acres on South 1st Street. She commended Steve Arant for spearheading this effort from the beginning. She stated there must be 500,000 emails from Steve back and forth with Windstream. She indicated that he was the driving force behind this acquisition. She mentioned this was an excellent use of tax payer dollars. She explained Mr. Arant was able to negotiate a price below appraised value and this was the perfect facility in terms of long term growth by location and size of facilities. She reported this enabled the City to move forward with acquisition, authorized the purchase price and designated the Mayor and Vice Mayor to move forward with the acquisition enclosure. She wanted to emphasize again that all credit went to Mr. Steve Arant and Assistant City Manager Kenny Schwab for his assistance. She asked if there were questions. There were none.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve Resolution No. 1057 and authorize its execution

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

G. 17-2681 Consideration, discussion, and possible approval of reappointment of Mike Barron to the Broken Arrow Downtown Advisory Board

Economic Development Coordinator Norman Stephens reported Mr. Mike Barron had been appointed to the Broken Arrow Downtown Advisory Board in 2013. He stated Mr. Barron was a valuable asset to the DAB and agreed to continue to serve on the Downtown Advisory Board if reappointed. He stated Mr. Barron was appointed by Councilor Debra Wimpee and his new term would end 10/01/2021. He asked if there were questions. There were none.

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

Move to approve the reappointment of Mike Barron to the Broken Arrow Downtown Advisory Board with a term expiring 10/21/2021

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 17-2661 Consideration, discussion, and possible adoption of Ordinance No. 3498, an ordinance amending Chapter 6, BUILDINGS AND BUILDING REGULATIONS, Article III.5 INTERNATIONAL RESIDENTIAL CODE (IRC), Section 6-37 - Amendments, of the Broken Arrow Code; specifically requiring concrete and masonry foundation/stem walls to extend above the existing grade adjacent to the foundation at all points a minimum of twelve inches (12”) and extend above the finished grade adjacent to the foundation at all points a minimum of six inches (6”); repealing all ordinances to the contrary, and declaring an emergency

Ms. Childs stated this Ordinance was previewed at the last City Council Meeting. She explained staff added the emergency clause to allow it to not be published in its entirety and to enable staff to move forward with the previously discussed amendments. She stated the revisions would bring Broken Arrow more in line with other cities' common practices. She requested Ordinance No. 3498 be adopted and the emergency clause be approved. She asked if there were any questions. There were none.

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

Move to adopt Ordinance No. 3498

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond asked if there were any remarks or inquiries. Mayor Thurmond thanked City Manager Michael Spurgeon for his service to the City.

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

Mr. Spurgeon stated notice regarding a reception for the finalists for the Chief of Police recruitment had been distributed. He stated yesterday the field had been narrowed to two candidates, one internal candidate and one external candidate. He stated Council would receive

a bio for each individual to review. He reported there would be a “come and go” reception next Tuesday evening above Main Street Tavern. He explained all Department Directors were invited, Union School District and Superintendent, as well as Broken Arrow Pubic Schools, Broken Arrow Chamber of Commerce, Economic Development Corporation, and the entire Police Department and Support Staff. He stated he was very comfortable with and excited about the two candidates. He stated this was going to be a difficult decision which was ultimately good for the Community. He reported over 30 applicants applied for the position, there was a very talented pool, and he was very pleased with the two candidates. He thanked the members of the review committee which included a member of the Fraternal Order of Police (FOP), Russell Gale, and the former retired Deputy Chief of Police.

Mr. Spurgeon thanked Krista Flasch and her team for the 2018 Financial Newsletter. He thanked the Directors for their input as the Financial Newsletter could not have been produced without it. He stated he felt this Newsletter was easy to read, clearly demonstrated to the public that the City showed followed through, and that public funds were being responsibly spent.

Mr. Spurgeon thanked the Council for its support and stated he felt blessed daily to be in the City of Broken Arrow.

At approximately 7:27 p.m. Mayor Thurmond entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

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

Move to recess in order to enter into the Broken Arrow Municipal Authority meeting and the Broken Arrow Economic Development Authority meeting

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Mayor Craig Thurmond reconvened the City Council Meeting at approximately 7:29 p.m. and called for a brief recess before entering into Executive Session.

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

Move to recess before entering into Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

The Council returned to the room at approximately 7:35 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, 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. potential litigation, threat of litigation and claims involving purchase and termination of a purchase order for Self-Contained Breathing Apparatus and pertinent accessories/equipment regarding Casco Industries, Inc. and MSA Fire, and taking appropriate action in open session, under 25 O.S. §307(B)(4); and**
- 2. litigation, including potential resolution of a matter involving City of Broken Arrow v. REIP, LLC, et al. Case No. CJ-2017-1169, in the District Court of Tulsa County, State of Oklahoma, and taking appropriate action in open session, including authorization to settle this litigation, file a Demand for Jury Trial, and responding to an exception to the Commissioners’ Report and Objection, all under 25 O.S. §307(B)(4); and**
- 3. Patricia C. Mitchell v. City of Broken Arrow, Workers’ Compensation Court Case Number WCC No. 2014-03174, to include offers of settlement and taking appropriate action in open session, including authority to settle this matter, under 25 O.S. §307(B)(4); and**
- 4. Charles Misener v. City of Broken Arrow, Workers’ Compensation Claim #7009, to include offers of settlement and taking appropriate action in open session, including authority to settle this matter, 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. 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.

At approximately 7:52 p.m. Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

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

Move to find that the executive session was necessary to process the pending and potential claims and litigation in the public interest

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City Attorney to file a demand for jury trial in the case of City of Broken Arrow versus REIP

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City's Worker's Compensation Attorney to settle the claim filed by Patricia Mitchell in accordance with the direction given

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City's Worker's Compensation Attorney to settle the claims filed by Charles Misener in accordance with the direction given

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City Manager to work towards resolution of the claims with CASCO Industries and MSA on the self-contained breathing apparatus and to present a formal agreement at a future meeting

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 7:54 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 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk