



## City of Broken Arrow

### Minutes City Council Meeting

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Debra Wimpee*  
*Vice Mayor Christi Gillespie*  
*Council Member Johnnie Parks*  
*Council Member Lisa Ford*  
*Council Member Justin Green*

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**Tuesday, November 21, 2023**

**Time 6:30 p.m.**

**Council Chambers**

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**1. Call to Order**

Mayor Debra Wimpee called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Robbie Evans performed the invocation.

**3. Roll Call**

**Present: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Council Member Justin Green led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Council Member Ford indicated Item E was to be pulled for discussion.

Mayor Wimpee asked if there were any other Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.

**Move to approve the Consent Agenda less Item E**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- A. 23-67 Approval of the City Council Meeting Minutes of November 7, 2023**
- B. 23-1458 Acceptance Planning Commission meeting minutes of October 12, 2023**
- C. 23-1459 Acceptance Planning Commission meeting minutes of October 26, 2023**
- D. 23-1451 Approval of Drainage Advisory Committee meeting minutes of March 27, 2023; June 26, 2023; and August 28, 2023**
- E. 23-1500 Notification by the City Manager to Council of settlement of a tort claim submitted by Councilor Johnnie Parks**
- F. 23-1469 Notification to City Council of Intrusion Alarm Permit Renewal Fee Waiver**
- G. 23-1464 Approval of and authorization to execute a budget transfer request to fund a new Capital Improvement Project, Central Park Trail and Roadway Resurfacing - Project 2460350**
- H. 23-1463 Approval of and authorization to execute a budget transfer request to fund a new Capital Improvement Project, Nienhuis Flooring - Project 2460340**
- I. 23-1465 Approval of and authorization to execute an agreement between the City of Broken Arrow and Musco Sports Lighting, LLC to provide lighting to Nienhuis Park Skate Park, (Project No. 2460140), pursuant to the BuyBoard National Purchasing Cooperative Interlocal Participation Agreement**
- J. 23-1490 Approval of and authorization to execute a project agreement between the Oklahoma Department of Transportation and the City of Broken Arrow for the design of the Broken Arrow: Intersection Improvements at Omaha Street and Aspen Avenue, Project No. J3-6586(004)IG, J/P No. 36586(04)(Project No. ST24180) and approval of and authorization to execute FY24 Budget Amendment No. 14**
- K. 23-1467 Approval of and authorization to purchase emergency vehicle equipment for the nine new patrol Explorers from 911 Custom utilizing National Association of State Procurement Officials (NASPO) ValuePoint pricing**
- L. 23-1461 Approval of and authorization to purchase the renewal of annual Cisco support subscriptions through Presidio for one year pursuant to the Oklahoma Statewide Purchasing Contract**
- M. 23-1466 Approval of and authorization to purchase one (1) Toro Groundsmaster 4700 Contour Mower, from Professional Turf Products, L.P., pursuant to the Sourcewell Cooperative Purchasing contract (formerly NJPA)**
- N. 23-1453 Approval of and authorization to purchase, from Upstate Wholesale Supply, annual Getac body worn camera cloud storage and maintenance fees per the multi-year body**

- worn camera project
- O. 23-1447 Approval of the appointment of Ted Cundiff, Brandy Moore and Tyler Wallace to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning January 1, 2024, and expiring December 31, 2026
  - P. 23-1456 Acceptance of the Drainage Advisory Committee's recommendation to expend \$40,000.00 of the 2018 General Obligation Bonds, Proposition 6 funds for partnering with the Rushbrooke HOA for erosion mitigation and utility protection measures (Case No. 23-007)
  - Q. 23-1457 Acceptance of the Drainage Advisory Committee's recommendation to expend \$40,000.00 in 2018 General Obligation Bonds, Proposition 6 funds to install a drainage system in the Villages at Woodcreek II subdivision near Anderson Elementary School (Case No. 23-008)
  - R. 23-1488 Approval of and authorization to execute Change Order No. 4 with Becco Contractors, Inc., for Oklahoma Department of Transportation project # STP-272F(367)IG, JP# 33955(04) (City of Broken Arrow project # ST1411, Albany Street Widening from 9th Street to 23rd Street)
  - S. 23-1446 Notification of project completion for Lions Ave Culvert Improvement and authorization to reallocate unused \$3,775.00 in 2018 General Obligation Bond Proposition 6 funding into the Haikey Creek Basin
  - T. 23-1480 Approval of and authorization to execute Resolution No. 1554, a Resolution authorizing the selection of a qualified firm concerning Bridge Inspection responsibility by local government for compliance with National Bridge Inspection Standards, Bridge Inspection Contracts for April 1, 2024 to March 31, 2026
  - U. 23-1460 Approval of a modification to Section 4.1(n) of the Land Subdivision Code for 10375 South Lynn Lane Road, approximately 5.91 acres, 1 lot, A-1 (Agricultural), one-quarter mile south of New Orleans Street (101st Street), east of 9th Street (Lynn Lane Road) at 10375 South Lynn Lane Road)
  - V. 23-1493 Approval of BAZ-001050-2023 (Rezoning), Pope-Anderson Rezoning, 2.8 acres, A-1 (Agricultural) to RS-1 (Single-Family Residential), located approximately one-half mile south of West Florence Street (East 111th Street South), west of South Aspen Avenue (South 145th East Avenue)
  - W. 23-1468 Approval PR-00491-2023|PT-001095-2023, Conditional Final Plat, Replat of Lot 4, Block 2, and Reserve B of Aspen Ridge Business Park, 8.07 acres, 5 Lots, PUD-324B, located one-half mile south of Florence Street (111th St) and one-eighth mile east of Aspen Avenue (145th East Avenue)
  - X. 23-1499 Approval of and authorization to execute Resolution No. 1552, A resolution authorizing acceptance of a General Warranty Deed for Parcel 1.0, which consists of 312.50 square feet of Permanent Right-of-Way for the Aspen and Jasper Intersection Improvements, located at the Southwest corner of Aspen Avenue and Jasper Street, Broken Arrow, Oklahoma in the Northeast Quarter of Section 9, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, from the City of Broken Arrow for the Aspen and Jasper Intersection Improvements, Parcel 1.0. (Project No. ST2031)
  - Y. 23-1497 Acceptance of a Utility Easement consisting of 1.12 acres and Temporary Construction Easements consisting of 0.37 acres from the City of Broken Arrow, on property located at 21101 East 101st Street South, Broken Arrow, Oklahoma, located in part of the Southwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Sewer Improvements, Parcel 1, 1.1, 1.2, 1.3 (Project No. S.22020)
  - Z. 23-1496 Acceptance of a Utility Easement consisting of 0.90 acres and Temporary Construction Easements consisting of 0.61 acres from the City of Broken Arrow, on property located at 21101 East 101st Street South, Broken Arrow, Oklahoma, located in part of the Southwest Quarter of Section 20, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Wagoner County Trunk Sewer Improvements, Parcel 2, 2.1, 2.2 (Project No. S.22020)
  - AA 23-1475 Acceptance of a Fence & Landscape Easement from Forest Ridge Development Limited Partnership on unplatted property located one-quarter mile south of Kenosha Street (71st Street) and one-quarter mile west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001124-2023)
  - AB. 23-1473 Acceptance of a Sidewalk Easement from Forest Ridge Development Limited Partnership on unplatted property located one-half mile south of Kenosha Street (71st Street) and one-half mile west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001135-2023)
  - AC 23-1474 Acceptance of a Sidewalk Easement from Forest Ridge Development Limited Partnership on unplatted property located one-quarter mile south of Kenosha Street (71st Street) and one-quarter mile west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001117-2023)
  - AD 23-1479 Acceptance of a Sidewalk Easement from Go North, LLC, on property located one-quarter mile south of Houston Street (81st Street) one-quarter mile west of 37th Street (209th East Avenue), southwest of Highway 51, Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(EASE-001152-2023)
  - AE. 23-1470 Acceptance of a Utility Easement from The Robson Companies, INC. on unplatted property located one-half mile south of Kenosha Street (71st Street) and one-third mile

- west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001130-2023)
- AF. 23-1471 Acceptance of a Utility Easement from The Robson Companies, INC. on unplatted property located one-half mile south of Kenosha Street (71st Street) and one-third mile west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001133-2023)
- AG 23-1472 Acceptance of a Utility Easement from The Robson Companies, INC. on unplatted property located one-half mile south of Kenosha Street (71st Street) and one-third mile west of Oak Grove Road (273rd East Avenue) shown as Exhibits A and B (Section 11, T18N, R15E) (EASE-001134-2023)
- AH 23-1495 Acceptance of a Utility Easement from Mark Taylor and Selena Schlosser consisting of 0.0723 acres on property located at 10128 South 137th East Avenue, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, for the 137th East Avenue Waterline Loop, Parcel 2 (Project No. WL21010)
- AI. 23-1476 Ratification of the Claims List Check Register Dated November 13, 2023

## 6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Consent Agenda Item E: "Notification by the City Manager to Council of settlement of a tort claim submitted by Councilor Johnnie Parks."

Assistant City Manager of Operations Kenny Schwab, as Acting City Manager, explained Item 5E was notification of a tort claim filed by Council Member Johnnie Parks.

City Attorney Trevor Dennis explained the governmental Tort Claims Act was a process which any citizen or resident, or anyone with a claim against the City, followed. He explained the process enabled the City to determine whether the City had damaged said claimant and whether the City was legally responsible. He noted the process included deadlines and caps. He explained once the City received notice of a tort claim, the Legal Department conducted an investigation, gathered facts, interviewed City employees and claimant if appropriate, conducted legal research and analysis, and submitted findings to the City Manager. He stated if the claim was over the amount under the City Manager's authority (\$25,000), it would be brought before City Council for approval or denial. He stated in this case, for full transparency, as it was a City Council Member who made the tort claim, it was decided to be placed on the Agenda for notification purposes. He stated no vote was to be taken regarding the tort claim.

Vice Mayor Christi Gillespie noted typically this would not be on the Agenda; this was only on the Agenda because it involved Council Member Parks.

Mr. Schwab concurred.

Vice Mayor Gillespie stated she appreciated the transparency.

Mr. Schwab stated the City Manager had authority to approve or deny claims up to \$25,000 dollars, but because the tort involved a sitting Council Member, it was decided full transparency was necessary. He explained Council Member Parks lived in Kenwood Hills, at the end of the sanitary sewer branch system, a gravity sewer system, which underwent repair and while it was being repaired, Council Member Parks' home, as the last home on the system, had to be disconnected from the sewer line. He explained in order to disconnect Council Member Parks' home, Council Member Parks' private line had to be detached and then reattached following the repair. He noted this was standard procedure; however, Council Member Parks' property was up higher than the road and he began having problems with his system backing up at the coupling where the City reattached the sewer line. He explained after the City investigated the problem it was determined that the sewer line coupling was causing the plumbing problems, and the City should have used a different type of coupling to reattach the sewer line. He explained the cost Council Member Parks incurred to look at the private line and make repairs should be reimbursed by the City.

Mr. Schwab indicated Council Member Ford asked how many tort claims Broken Arrow received in any given year and the demand on the torts. He reported upon review of the FY-2022 year, the City received 45 tort claims, the demand on the tort claims was approximately \$1.3 million dollars, and the City paid out \$100,000 dollars.

Council Member Parks stated he did not ask for this Item to be removed for discussion because City Attorney Dennis indicated it was not necessary to discuss the Item because City Council was not voting on the tort claim, it was simply acknowledging what the City Manager had approved to make it a matter of record. He noted he was more than happy to discuss the situation. He indicated he had photos documenting the situation. He noted his plumber knew immediately what the problem was and was able to make the repairs.

Mr. Schwab stated this was only a notification of the claim, so when City Council voted to

approve Consent Agenda Item E, City Council would simply accept the notification.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.

**Move to approve Consent Agenda Item E**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

**A. 23-1442 Presentation of Certificates of Recognition to Frankie Catlett and Billy Holmes for their many years of donations given and great support shown to the Broken Arrow Police Department**

Police Chief Brandon Berryhill stated he was honored to present Certificates of Recognition to Frankie Catlett and Billy Holmes. He stated for many years, Mr. Catlett and Mr. Holmes went above and beyond to show support to the Broken Arrow Police Department; their kindness and support of the Police Department's mission made it possible to better serve the people of Broken Arrow and to provide community engagement opportunities which would otherwise be impossible. He indicated Billy Holmes, affectionately known at the Police Department as "BAPD's Aquaman", was a former Walmart employee who generously donated pallet after pallet of bottled water to the Police Department to keep officers hydrated. He reported Mr. Holmes donated eleven pallets of water this year alone and averaged more than ten pallets per year for the last several years. He reported Mr. Frankie Catlett was a Walmart store manager, currently over the Walmart Supercenter at 3900 E. Hillside Drive and was a staunch supporter of the Broken Arrow Police Department and the City of Broken Arrow. He indicated Mr. Holmes worked with Police to provide a positive experience for the "Cops and Kids" Christmas shopping event for many years and authorized Walmart grant money to support BAPD sponsored events, including providing \$1,500 dollars to support the "Cowboys, Cops, and Kids Exceptional Rodeo" for children with special needs. He reported Mr. Catlett gave numerous store donations for community events as well, like the yearly donation of two thousand hot dogs and buns for the Safety Spooktacular, and even worked as a force multiplier by coordinating additional donations and grants from all the area Walmart stores. He stated finally, Mr. Catlett was a great partner in providing materials and donations when an opportunity presented itself for "random acts of kindness."

Council Member Lisa Ford read the Certificates of Recognition honoring Frankie Catlett and Billy Holmes. She noted she had the opportunity to work with Mr. Holmes and Mr. Catlett when she worked for the Police Department. She presented the Certificates of Recognition.

Mayor Wimpee presented Mr. Catlett and Mr. Holmes with City Coins.

Commemorative photos were 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)**

Mayor Wimpee indicated no Citizens signed up to speak.

**9. General Council Business**

**A. 23-1492 Consideration, discussion and possible approval of COMP-001074-2023 (Comprehensive Plan Change), Robertson Broken Arrow, 36.04 acres, Level 6 to Level 3 and 6, generally located one-half mile east of County Line Road (193rd E Avenue) and north of Washington Street (91st Street South)**

Planning and Development Manager Amanda Yamaguchi reported COMP-001074-2023 was a request to change the Comprehensive Plan designation from Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area) and Level 6 on 36.04 acres located one-half mile east of County Line Road (193rd E Avenue) and north of Washington Street (91st Street South). She reported the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning from A-1 to RD (Residential Duplex); Comprehensive Plan Level 3 allowed the rezoning to RD. She noted the applicant had not submitted conceptual exhibits and elevations to show the proposed development due to the new Zoning Ordinance being in the process of adoption by the City of Broken Arrow. She stated this item was heard by Planning Commission on November 2, 2023, and was passed with a 4-0 vote. She reported two neighboring residents spoke, and three wrote in opposition to this Comprehensive Plan change application. She indicated questions were regarding the number of houses within the development, as well as the future plans for the north tract of property. She stated one resident spoke in favor of any development other than industrial, commercial, or manufacturing, one resident also spoke in support for Single Family homes opposed to apartments. She noted concerns also included traffic and deterioration of 91st Street. She stated Staff recommended approval of COMP-001074-2023, a request to amend the Comprehensive Plan designation on the property from Level 6 to Level 3 and 6 per Planning Commission and Staff recommendation.

Mayor Wimpee asked if and when 91<sup>st</sup> Street might be slated for improvement.

Mr. Schwab responded 91<sup>st</sup> Street from Lynn Lane to County Line was in design and the City was trying to acquire right-of-way; the City was probably a year or two away from any construction.

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

**Move to approve COMP-001074-2023 (Comprehensive Plan Change), Robertson Broken Arrow, 36.04 acres, Level 6 to Level 3 and 6, generally located one-half mile east of County Line Road (193rd E Avenue) and north of Washington Street (91st Street South)**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- B. 23-1498 Consideration, discussion and possible approval of COMP-001003-2023 (Comprehensive Plan Change), College Avenue Apartments, 16 acres, Level 6 to Level 3, generally located west of County Line Road (North 23rd Street) and one-half mile north of East Houston Street (east 81st street South) Amanda Yamaguchi**  
Mayor Wimpee indicated Item 9B was withdrawn; no action was taken or required.

- C. 23-1494 Consideration, discussion, and possible action regarding BAZ-001077-2023 (Rezoning), College Avenue Apartments, 16 acres, A-1 (Agriculture) to RM (Residential Multi-Family), generally located west of County Line Road (North 23rd Street) and one-half mile north of East Houston Street (east 81st street South) Amanda Yamaguchi**  
Mayor Wimpee indicated Item 9C was withdrawn; no action was taken or required.

**10. Preview Ordinances**

There were no Preview Ordinances.

**11. Ordinances**

- A. 23-1485 Consideration, discussion, and possible adoption of Ordinance No. 3813, for the voluntary annexation of approximately 45.85 acres located at the southeast corner of Midway Road (257th East Avenue) and Houston Street (81st Street), Section 14, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma (ANX-001105-2023), repealing all Ordinances to the contrary and approve the emergency clause**

Acting Community Development Director Grant Rissler reported this Item was previewed at the last City Council Meeting. He indicated the Ordinance was regarding annexation of an approximately 45 acre tract of land.

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

**Move to approve Ordinance No. 3813**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- B. 23-1486 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3813**

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.

**Move for the emergency clause**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- C. 23-1481 Consideration, discussion and possible adoption of Ordinance No. 3812, adding to Chapter 16 Offenses, Article I, In General, Section 16-33 Failure to Pay Cite and Release; Repealing all Ordinances to the Contrary and Approving the Emergency Clause**

City Attorney Dennis explained this Ordinance came about due to changes in State law from the last Legislative Session. He reported essentially it indicated anyone who was arraigned and put on a payment plan, but had not paid, had to be given the opportunity to have a cost hearing to explain to a judge the financial situation before being arrested. He indicated the Ordinance brought City law into compliance with State law.

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

**Move to approve Ordinance No. 3812**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- D. 23-1482 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3812**

MOTION: A motion was made by Lisa Ford, seconded by Christi Gillespie.

**Move for the emergency clause**

The motion carried by the following vote:

**Aye:** 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Mayor Wimpee announced Santa was at the Farmer's Market this evening. She announced the Ice Rink was open. She reported, City Council just returned from the National League of Cities City Summit.

Council Member Justin Green indicated this was his first Summit and it was very informative with excellent sessions and discussions. He stated he learned how other cities operated and was able to share the good things happening in Broken Arrow with other municipalities.

Council Member Parks agreed the Summit was very informative, he attended an excellent workshop. He noted three Youth City Council Members also attended and learned a lot. He indicated the Youth City Council Members would make a presentation to City Council regarding the trip. He noted the Summit was a bit disorganized in terms of the Youth which was disappointing. He encouraged Mayor Wimpee to discuss the issue with OML.

Vice Mayor Gillespie stated Mayor Wimpee served on the Women of Municipal Government Board (WMG) for a few years, and now she (Vice Mayor Gillespie) would be serving on the Board, and Council Member Ford was the current Board Vice President and would be the President in two years. She noted when Council Member Ford became the President of the WMG Board, its summer conference would be held in Broken Arrow.

Council Member Ford stated there were about 15 Board Members for WMG and three were from Oklahoma. She stated as such, Oklahoma, and Broken Arrow specifically, was well represented.

Mayor Wimpee wished everyone a Happy Thanksgiving.

Vice Mayor Gillespie announced Saturday, December 2, 2023 at 10:00 a.m. was the Christmas Parade through the Rose District. She invited all to attend.

Mayor Wimpee indicated the Rotary Club would be hosting a pancake breakfast at First United Methodist Church from 7:00 a.m. to 10:00 a.m. on December 2, 2023.

Council Member Ford invited all to visit the Rose District and see the new Christmas lights and Christmas tree. She noted New Orleans Square was also decorated for Christmas.

Council Member Green stated the recent Pancake Breakfast for Cops with Kids was very successful; Santa was in attendance. He announced the Broken Arrow Fire Department was hosting a Toy Drive; any new and unwrapped toy could be dropped off at any Fire Department.

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

Acting City Manager Schwab reported yesterday was the Wagoner County Board of Commissioners Meeting. He reported he (Mr. Schwab), Norm Stephens, Cindy Arnold, and Jennifer Rush attended the Meeting to discuss the amphitheater TIF District. He stated the Wagoner County Economic Development Coordinator, Darla Heller, made a presentation regarding the TIF and he (Mr. Schwab), Mr. Stephens and Ms. Rush answered questions. He indicated it was a very good discussion and the Wagoner County Commissioners voted in support of the TIF. He noted Broken Arrow would bring a Resolution back to Wagoner County for the TIF. He stated Broken Arrow was very appreciative of Wagoner County's partnership in this endeavor. He stated on behalf of City Manager Spurgeon, he wished City Council and Staff a Happy Holiday Season and a Blessed Thanksgiving.

At approximately 6:59 p.m. Mayor Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

### **Move for a recess for BAMA and BAEDA**

The motion carried by the following vote:

**Aye:** 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 7:01 p.m. the City Council meeting was reconvened by Mayor Wimpee who called for a motion.

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

### **Move to clear the room for Executive Session**

The motion carried by the following vote:

**Aye:** 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

**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, conferring on matters and possible action in open session pertaining to:**

- 1. A pending litigation known as City of Broken Arrow v. Chris Nikel, et al., Tulsa County District Court, Case No. CJ-2017-1470, including potential authorization to settle the claims, 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 claims and litigation and disclosure will seriously impair the ability of the public body to process the proceeding in the public interest. Moreover, the Executive Session is necessary to protect the confidentiality of the investigations and potential litigation. 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 Christi Gillespie, seconded by Justin Green.

**Move to find the Executive Session necessary**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.

**Move to direct the City Attorney to negotiate a settlement agreement in the matter of the City of Broken Arrow v. Nikel Investment et al., case number CJ-2017-1470**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

**15. Adjournment**

The meeting was adjourned at approximately 7:21 p.m.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to adjourn**

The motion carried by the following vote:

**Aye: 5 -** Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk