



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

Monday, July 3, 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

No invocation was done.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Sam White, Boy Scout Troop #970, led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated he had been asked to remove item L from the Agenda. He asked if there were any further items to be removed, there being none he asked for a motion.

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

Move to approve the Consent Agenda excluding item L

The motion carried by the following vote:

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

- A. 17-1679 Approval of City Council Meeting Minutes of June 5, 2017
- B. 17-1682 Approval of City Council Meeting Minutes of June 15, 2017
- C. 17-2381 Approval of and authorization to execute a proposal with United States Fire Insurance Company to provide specific and aggregate re-insurance coverage for the employee health plan for fiscal year 2017-18
- D. 17-2394 Approval of and authorization to declare the month of July National Parks and Recreation Month in the City of Broken Arrow
- E. 17-2395 Approval of Downtown Residential Overlay Study Pay Request Number 6 in the amount of \$20,847.87, for Phase Three, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study and authorize payment of \$20,847.87 using Sales Tax Capital Improvement Program Funds
- F. 17-2358 Approval of and authorization to execute a Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to the Albany and Stonewood Intersection Improvement Project
- G. 17-2350 Approval of and authorization to execute a renewal of the City of Broken Arrow Golf Course Professional Management Services Agreement with Greenway Golf Associates, Inc. on city-owned land known as the Battle Creek Golf Course
- H. 17-2354 Approval of and authorization to execute a renewal lease agreement with Peyday Realty, LLC, for space at the Oak Crest Shopping Center, 1635 South Main Street, to house the Department of Public Safety Driver License Exam Site
- I. 17-2341 Approval of and authorization to execute a Professional Consultant Agreement with Professional Engineering Consultants, P.A. for Design of Events Park Adult Softball Fields (Project No. 176037)
- J. 17-2316 Approval of and authorization to execute a Professional Consultant Services Contract with Destination Services, LLC for a strategic plan implementation for the Broken Arrow Convention and Visitors' Bureau
- K. 17-2389 Approval of and authorization to execute the City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.

- L. 17-2388 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.
- M. 17-2387 Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse
- N. 17-2318 Approval of and authorization to execute a Use Agreement with the Broken Arrow Historical Society for fiscal year 2017-2018
- O. 17-2328 Approval of and authorization to execute a Use Agreement with the Broken Arrow Military History Center
- P. 17-2356 Authorization to purchase six (6) PowerLOAD Ambulance Cot Loading systems from Stryker EMS
- Q. 17-2337 Award the most advantageous bid to All Media Integration for the purchase of video production equipment
- R. 17-2334 Award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for 4th Street Sidewalk, Detroit to Midway and East Kenosha Street Multipurpose Trail (Project No. ST1708/176032)
- S. 17-2336 Award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surface and Ultra-Thin Bonded Overlay (Project No. ST1714) for the Eagle Creek I-VI subdivisions, Country Aire, and Cambridge Estates subdivisions
- T. 17-2386 Approval of and authorization to execute Change Order C01 for Construction Contract ST1615; Fairfax Concrete Repair, Mill and Overlay
- U. 17-2352 Approve the Final Acceptance for the public improvements at Rabbit Run, located South West of New Orleans and Olive
- V. 17-2351 Approve the Final Acceptance for the public improvements at Scissortail Crossing Apartments, located at 2800 North 23rd Street
- W. 17-2339 Approval of BAZ- 1982 (rezoning), Clintco Properties LLC, 0.73 acres, CH and R-3 to DM, northwest corner of El Paso Street and First Street and the southwest corner of El Paso Street and First Street
- X. 17-2342 Approval of PT15-117A-1, Conditional Final Plat, Ninety One - Phase 2, 68 lots, 18.20 acres, A-1 to RS-3, one-quarter mile north of Washington Street and one-quarter mile east of 9th Street
- Y. 17-2340 Approval of SP-279 (Specific Use Permit), Union Peters Elementary, 10.34 acres, R-1, one-half mile south of Kenosha Street, one-quarter mile east of Olive Avenue
- Z. 17-2268 Approval of and authorization to accept a Special Warranty Deed for the real property located at 709 Magnolia Court in Broken Arrow (the former Bever residence)
- AA. 17-2359 Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow by Broken Arrow Public Schools on a tract of land in the Southeast Quarter of Section 6, Township 18 North, Range 15 East, on the west side of 37th Street north of Kenosha Street for 37th Street Widening from Houston to Albany (Project No. ST1413)
- BB. 16-1568 Approval of the Broken Arrow City Council Claims List for July 03, 2017

6. Consideration of Items Removed from Consent Agenda

Vice-Mayor Scott Eudey left the room at approximately 6:31 p.m.

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

Move to approve item L

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Craig Thurmond
Recused: 1 - Scott Eudey

Vice-Mayor Scott Eudey returned to the room at approximately 6:31 p.m.

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

There were no public hearings, appeals, presentations, recognitions, or awards.

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 Kimberly Jackson stated she lived at 2750 North 7th Street, Apt 3415 in Broken Arrow. She stated she moved to Broken Arrow approximately 1 week ago from Kansas City and was happy to be in the City of Broken Arrow. She explained she had handicap accessible parking due to a crippling disorder which limited her ability to walk and had noticed in the City of Broken Arrow, specifically the grocery store and Walmart in her area, people without handicap

accessible placards or tags were parking in handicap designated parking spots. She felt this was a financial opportunity for Broken Arrow as it was a \$200 fine in Broken Arrow and \$500 State fine with 80% of that amount relegated to the City of Broken Arrow. She requested the City Council encourage the Broken Arrow Police Department to enforce this law more regularly.

Beth Anne Childs, City Attorney, mentioned in the past the Police Force had targeted enforcement, especially with Walmart. She stated not only did those individuals take up spaces which were designated for residents with handicap accessible parking placards, the spaces were being used to enable easier theft from the facility. She noted that the Deputy Chief of Police was in attendance and felt certain he would reach out to Ms. Jackson in this regard.

9. General Council Business

A. 17-2355 **Presentation, discussion, and review of a proposed development for the Embers Grill formerly identified as the Red Creek Dance Hall and Restaurant and the surrounding property located between the Creek Turnpike and Tucson Street, West of Olive Street in the City limits of Broken Arrow, Oklahoma**

Ms. Beth Anne Childs stated in August the City received a request from Dave Sanders, Civil Engineer, with Sanders Engineering, requesting information on infrastructure for a proposed development located south of the Creek Turnpike near Tucson Street. She said as the Staff began to respond to the requests for existing infrastructure information, such as water lines and sanitary sewer lines, the attorney for Mr. Steve Bruner, contacted Ms. Childs and inquired if she and the City Staff involved would be willing to meet with Mr. Bruner and Mr. Sanders. She stated a meeting was held and Mr. Bruner indicated he intended to open a dance hall, originally identified as the Red Creek Dance Hall and Restaurant, and provided Ms. Childs and Staff information regarding a proposed vendor. She explained the structure, which neared completion, would not employ City Services for water or sewer; it utilized well water and an aerobic system for sanitary sewer. She stated the City Manager advised her to bring the matter before Council, which was done in the fall.

Ms. Childs stated she and Mr. Stevens, the City's Economic Development Coordinator, met with Mr. Bruner and Mr. Bruner's attorney; meetings were held with the Mayor and former Vice Mayor and Mr. Bruner and his attorney, and with Jared Cawley, an Attorney with BAMA Industries, who was instrumental in addressing gaming prohibition at a separate site. She stated the main concern Broken Arrow had was the possibility of gaming on this Creek Nation allotment. She mentioned close contact was attempted with Mr. Bruner and his attorney and with the engineer to prevent rumors from spreading, and she believed the City Manager, the Mayor, and herself communicated gambling in any form would not be well received by the Council or by the citizens of Broken Arrow. She explained it had been expressed that the City agreed to provide water and sewer services with the condition that there would not be any gaming whatsoever. Ms. Childs stated Mr. Bruner retained an architecture firm, and in addition to the existing facility which was to be completed in August, a large area of the tract was proposed to be used for multifamily, an outdoor events area and also a retail area to include restaurants. She stated Staff was concerned about the need to provide access to city water, mainly from a life safety perspective.

Ms. Childs did not believe the City from a legal standpoint would be required to provide water and sanitary sewer, but certainly could end up in litigation over that. She stated in order to protect nearby residents it was something the staff was willing to entertain recommending to Council with the provision that no gaming would take place on the site. She stated unfortunately Mr. Bruner was considering gaming, but the gaming would be in accordance with all existing laws. She stated as it was a Creek Nation allotment, Creek Nation Gaming Commission would have to approve gaming at that location. She stated she had been told, and it had been reported in the paper, that the Creek Nation would not be supportive of gaming at that location because they had another casino located in close proximity and it would create duplicity in terms of revenues. She stated when she met with Mr. Bruner he had not mentioned the Kialegee Tribe, but it was mentioned in the paper that Luis Figueroa, who was involved in the previous development, was currently involved, and this was concerning. She expressed that she met with Mr. Steven Bugg with McAfee and Taft in Oklahoma City on several occasions and Mr. Bugg and herself had been following the situation with great interest. She stated Mr. Bugg and herself met with the First Assistant Attorney General last week and educated him on what had transpired thus far. She stated the Attorney General's Office on behalf of the State of Oklahoma brought a lawsuit against the individual members of the tribe, as well as the developers, and while the first round in the District Court level was successful, the Court actually enjoined construction; it progressed to the 10th Circuit and the 10th Circuit eventually held that the tribe in this particular case did have sovereign immunity. However, to date, no further development had gone forward.

Ms. Childs explained in handing down that decision the 10th Circuit emphasized that the State of Oklahoma had other remedies available to prevent gaming, such as the Gaming Compact with the State of Oklahoma. She stated when she met with the Attorney General's Office an inquiry was made as to whether there was a Gaming Compact between the Kialegee and the State of Oklahoma, and the Attorney General's Office would look into it. She expressed she

and Mr. Bugg felt the City of Broken Arrow would be a proper party, if the State of Oklahoma chose not to move forward with a request for injunctive relief, to potentially bring an action in Federal Court in the event that the Kialegee Tribe attempted to game on this particular site, as it was Broken Arrow's position that the Kialegee Tribe had no jurisdiction to do that. Broken Arrow's legal department had also been advised there was an application filed with the National Indian Gaming Commission, and Broken Arrow's attorneys were in the process of preparing a letter to the NIGC advising it was Broken Arrow's position they did not have the ability to game at this particular location. She stated Legal planned to reach out to representatives of the Attorney General's Office in the next week to determine the next course of action. Ms. Childs stated Broken Arrow had a number of avenues available in moving forward. She mentioned a meeting between the City Manager, Mayor and the Principal Chief of the Muscogee Creek Nation would possibly be scheduled. She believed the Muscogee Creek Nation was taking a dim view of potential gaming outside the Muscogee Creek Nation's jurisdiction at this location. Ms. Childs wanted to reassure the City Council and the residents of Broken Arrow that this situation was being monitored very closely and Legal was prepared to bring to Broken Arrow resolutions and enabling documents advising staff to move forward with actions needed to advance litigation, arbitration, etc. She explained because the development in question was a Creek Nation allotment, the City of Broken Arrow did not have the ability to impose codes or regulations on this particular tract; however, if the Kialegees could not game at this location there were a number of avenues for Broken Arrow to explore.

Resident Patricia Lyle stated her address was 7204 S. Peach Avenue, Broken Arrow, OK. She stated she lived less than 2 miles from the above discussed property. She said Ms. Childs' above statement concerned her. She said it sounded as if the City of Broken Arrow was taking a defensive position and she wished the City would take a more proactive approach. She stated construction projects needed to be completed quickly in situations such as these to create income and suggested the construction be halted until all issues were addressed. She felt she spoke for herself, as well as a many other residents also nearby, and had heard that gaming would be likely at this location. She expressed that gaming was Mr. Bruner's intent and the City of Broken Arrow should stop construction before any money was made. Ms. Lyle stated the property in question was very near a large residential area and an elementary school. She said she had read an article published by the Washington Post regarding gambling and how it affected communities, explaining it increased crime, suicides, bankruptcy, and encouraged gambling addiction. She stated her family purchased a home in Woodmeadow a year ago and was happy there. She said she did not want to move, but if there was gaming that close to her home she would move her family as she did not intend to raise her children in a gambling environment. She stated she intended to sell at a loss if necessary, and her neighbors were in agreement. She stated she and many of her neighbors felt the City of Broken Arrow needed to take a more proactive position in this situation.

Ms. Childs stated if the Council wished she would put this item back on the agenda in two weeks and would make a provision for Council to take some action and prepare comprehensive resolution enabling staff to move forward through this process. Mr. Scott Eudey asked if conjunctive relief could be sought prior, what legal ground Broken Arrow had, and if this question had been placed to the Sovereignty Council. Ms. Childs responded it had been briefly discussed, but she would revisit the question with the Sovereignty Council and would put this issue on the Executive Session, as well as have public information available. Mr. Johnnie Parks felt a proclamation to reaffirm with the citizens of Broken Arrow what the City Council's position would be well received. He expressed appreciation that the City Attorney was being proactive and continually reported to the City Council concerning what actions were being taken and how the situation progressed. He explained the City Council received an email from Ms. Childs every few days.

B. 17-2329 Approval and authorization to execute a First Amendment to the Customer Service Agreement #201302420574 between the City of Broken Arrow and Windstream Communications for 9-1-1 Services

Ms. Beth Anne Childs stated the Police Department and the Fire Department were in the process of transitioning to AT&T for the provision of 911 services; however, Broken Arrow's access to 911 capabilities, currently provided by Windstream, expired in the fall, and Broken Arrow was focused on ensuring there would be no lapse and some redundancy until all issues with AT&T were resolved. She explained the agreement with AT&T was a First Amendment which would enable Broken Arrow to take necessary action.

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

Move to approve authorization to execute a First Amendment to the Customer Service Agreement #201302420574 between the City of Broken Arrow and Windstream Communications for 9-1-1 Services

The motion carried by the following vote:

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

C. 17-2390 **Consideration, discussion, and possible approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C., Attorneys at Law, for representation of the City of Broken Arrow in the matter of Francis Patrick Charon, Tulsa County District Court Case Number CJ-2016-00834**

Ms. Beth Anne Childs stated Francis Patrick Charon was an employee for the Fire Department who filed an action against the City of Broken Arrow approximately one year ago. She explained the City investigated the allegations which were made by Mr. Charon; and, in fact, the City Manager had utilized the law firm of Doerner & Saunders to do the investigation. She said this was a very complex piece of litigation and due to the press of business the Legal Department and the City Manager were in support of retention of outside Counsel to handle the case. She stated Legal had capped expenditure at \$100,000 maximum and set it to expire at the end of the upcoming fiscal year. She stated McAfee and Taft had represented the City for a number of years in labor matters and that typically these matters are handled by in-house Counsel, but when an outside Counsel is engaged, for transparency purposes, these will now be placed on the Agenda for Council consideration. She stated the Legal Department requested approval of the professional services agreement with McAfee and Taft. Mr. Eudey asked if Mr. Plumb was a partner with McAfee and Taft. Ms. Childs replied he was.

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

Move to approve and authorize execution of Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C., Attorneys at Law, for representation of the City of Broken Arrow in the matter of Francis Patrick Charon, Tulsa County District Court Case Number CJ-2016-00834

The motion carried by the following vote:

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

D. 17-2385 **Consideration, discussion and possible approval of Resolution No. 1030, a Resolution of Necessity to file a Small Claims action against Deep, LLC dba Luxury Inn & Suites, 1401 N. Elm Place, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of January 2016 through December 2016**

Ms. Childs stated in the past Deep LLC doing business as Luxury Inn and Suites tended to be delinquent in terms of remission of occupancy taxes; however, in this particular case it had gone on for an extended period of time. She stated this had been discussed with the Legal Department, and it was felt it would be a good idea to bring a small claims action in spite of the fact Deep LLC owed close to \$9,500. She explained Legal's hope was the proprietor would comply immediately upon being served, and requested approval of Resolution No. 1030 and authorization of its execution.

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

Move to approve Resolution No. 1030, a Resolution of Necessity to file a Small Claims action against Deep, LLC dba Luxury Inn & Suites, 1401 N. Elm Place, Broken Arrow, Oklahoma 74012 for failure to report and pay Hotel Occupancy Tax owing for the period of January 2016 through December 2016

The motion carried by the following vote:

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

E. 17-2378 **Consideration, discussion, and possible adoption of a policy for nominating individuals to the City of Broken Arrow Planning Commission and Board of Adjustment**

Larry Curtis, Development Services Plan Manager, stated this policy was to guide City Council and Staff on how individuals were nominated to the Planning Commission and the Board of Adjustment. He stated title 11, section 45102 required nomination of all Planning Commission members to be made by the Mayor and confirmed by the Governing Body of the Municipality. He stated in September of 2006 City Council passed Ordinance #3445 to be in compliance with state law. He stated in municipalities which had zoning powers conferred under Title 11 Section 43, the governing body of the municipality would provide an Ordinance for the adoption and appointment of the Board of Adjustment, which was under Ordinance #2964 and filled state requirements. He stated traditionally members of the Planning Commission and the Board of Adjustment were nominated by each District and confirmed by the City Council. He explained, to be in compliance with the state law and with the Council Members who felt it was important to continue to have the input of the appointments, each Council Member would recommend Members for the Boards to the Mayor, the Mayor would make the final nomination of the Members to the Governing Board, and the Board would make the ratification. He stated the Policy Document clearly explained the step by step process, along with terms and removal of office considerations. He thanked Ms. Childs and the Legal Department for assisting in the development of the policy.

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

Move to adopt the new policy for nominating individuals to the City of Broken Arrow Planning Commission and Board of Adjustment

The motion carried by the following vote:

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

F. 17-2393 **Consideration, discussion, and possible approval to appoint Councilmember Debra Wimpee to the Broken Arrow Public School Foundation**

Russell Gale, Assistant City Manager, stated the Broken Arrow Public Schools Foundation was established in 1992 with a primary purpose of improving education through connection of the community with educators. He explained the Board consisted of 27 Members and bylaws provided for the City Council to appoint one Associate Director to the Board, a non-voting position. He stated Councilmember Wimpee expressed an interest in serving as the Council's appointee and it was recommended she be appointed to the Board.

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

Move to appoint Councilmember Debra Wimpee to the Broken Arrow Public School Foundation

The motion carried by the following vote:

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

10. Preview Ordinances

A. 17-2348 **Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Twenty Two (22), Township Eighteen (18), North Range Fourteen (14) East, Arrow Park Addition Amended, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south and west of the southwest corner of Washington Street and Elm Place; repealing all ordinances to the contrary; and declaring an emergency (Bob Harper)**

Ms. Childs stated in this particular case the applicant requested closure of a portion of a 10-foot utility easement, as shown on the attached exhibit. She stated all Utilities were supportive of this and Staff recommended City Council preview the Ordinance and set it for adoption at the next meeting.

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

Move to preview the ordinance and set it up for adoption

The motion carried by the following vote:

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

B. 17-2382 **Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Childs stated there had been discussion regarding the change of various felony related drug offenses into misdemeanors. Legal requested City Council amend the code in order to reflect the modifications which would take place on July 1, 2017. She stated the new prosecutor started July 3, 2017, and Ms. Childs would instruct the new prosecutor to create a training bulletin for the Police Department and send her to Shift Change in order to educate the Police Officers on any changes in the laws. Legal requested City Council preview the Ordinance and set it for adoption at the next meeting.

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

Move to preview the ordinance and set it up for adoption

The motion carried by the following vote:

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

C. 17-2384 **Consideration, discussion, and possible preview of an ordinance amending Chapter 16, Offenses-MISCELLANEOUS, Article III, Offenses Against Property, Section 16-56, Petit Larceny, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Childs stated State Law now allowed petty larceny to be prosecuted up to \$1000, and originally it was \$500. She stated this added a tool to Legal's toolbox and requested the City Council preview the Ordinance and set it for adoption at the next meeting.

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

Move to preview the ordinance and set it up for adoption

The motion carried by the following vote:

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

11. Ordinances

A. 17-2343 **Consideration, discussion, and possible adoption of Ordinance No. 3486, amending the Broken Arrow Code of Ordinances, Chapter 10, Fire Prevention and Protection, Article I, In General Section 10-1. - Life Safety Code; penalty for violation, specifically amending to adopt The International Fire Code as the Life Safety Code for the City; repealing Section 10-2. -Fire Protection standards-Nonsprinklered multifamily residences, Section**

10-2.2, Multifamily with sprinkler system, specifically amending the requirements for multifamily fire suppression systems, Article II.- Fire Department, Division 1.- Generally, Section 10- 27.- Specialized services, specifically amending to reference the International Fire Code and the Manual of Fees, Article III.- Fire Prevention Code, Section 10-51.- International Fire Code including Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, and Appendix I, general regulations of explosives; adopted by reference; conflicts; amendments, specifically amending Fire Department Connection requirements; repealing all ordinances to the contrary and declaring an emergency

Ms. Childs explained this ordinance pertained to the life safety code. She believed it would be embraced by local merchants and retailers. She stated it was developed by the Fire Marshal in conjunction with the Legal Department and balanced the safety of the public with development. She stated there were no substantial changes in the Ordinance and recommended the Council adopt the Ordinance and approve the emergency clause.

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

Move to adopt Ordinance No. 3486

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 Johnnie Parks, seconded by Scott Eudey.

Move to approve the emergency clause of Ordinance No. 3486

The motion carried by the following vote:

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

B. 17-2391 Consideration, discussion, and possible approval of Ordinance No. 3487, an ordinance amending the Code of Ordinances of the City of Broken Arrow, Chapter 7, Business Regulations and Licenses, Article I, In General, adding Section 7.12, Mobile Food Vendors; repealing all ordinances to the contrary and declaring an emergency

Ms. Childs explained this ordinance involved mobile food vendors. She stated the ordinance contained no substantial changes since the preview, and requested the adoption of the Ordinance and approval of the emergency clause.

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

Move to adopt Ordinance No. 3487

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 of Ordinance No. 3487

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 Craig Thurmond wished everyone a safe and happy 4th of July. He asked the Council to take time to remember the people who had sacrificed time and lives to keep the United States free.

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

There were no remarks or updates.

At approximately 7:06 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

At approximately 7:10 p.m., Mayor Thurmond reconvened the meeting and entertained a motion for a brief recess before entering into the Executive Session.

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

Move to recess before entering into the 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 7:14 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

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 Broken Arrow City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

1. Discussing litigation, including potential resolution, involving 71st Midway, an Oklahoma Limited Liability Company vs. City of Broken Arrow, Case No. CV 2016 27 in the District Court of Wagoner County, State of Oklahoma, and taking appropriate action in open session, including authorization to settle this litigation, under 25 O.S. § 307(B)(4).

2. Discussing litigation, including potential resolution, involving Amy E. Hefley and Tracy A. Hefley, Case No. CJ-2017-1378 in the District Court of Wagoner County, State of Oklahoma and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. § 307(B)(4).

In the opinion of the City Attorney, the Council was advised that disclosure will seriously impair the ability of the public body to process the pending 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 7:22 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.

To appeal the decision of 71st Midway LLC

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 7:23 p.m.

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

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