



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, April 18, 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. and asked for a moment of silence in memory of Representative David Brumbaugh, who passed away on Saturday, April 15th.

2. Invocation

Pastor Rich Manganaro delivered the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Councilman Lester led the Pledge of Allegiance to the Flag.

5. Administration of Oaths of Office

Judge Dennis Sagely conducted the swearing in of Mayor Thurmond and Councilwoman Wimpee.

6. Election of Mayor and Vice-Mayor

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

Move to elect Craig Thurmond for Mayor

The motion carried by the following vote:

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

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

Move to elect Scott Eudey as Vice-Mayor

The motion carried by the following vote:

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

7. Consideration of Consent Agenda

Mayor Thurmond stated that items 7G, 7H, 7I, and 7S were removed from the Consent Agenda. He entertained a motion to approve the Consent Agenda, excluding those items.

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

Move to approve the Consent Agenda, excluding items G, H, I and S

The motion carried by the following vote:

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

A. 17-1667

Approval of City Council Meeting Minutes of April 4, 2017

B. 17-2058

Acceptance of Planning Commission meeting minutes of February 9, 2017 and March 9, 2017

C. 17-2070

Approval and authorization to execute Pay Request Number 1 for Building and Accessibility Plan Review with the Institute for Building Technology and Safety (IBTS) in association with the construction of the Shops at Broken Arrow Phase 2

D. 17-2073

Approval and authorization to execute Pay Request Number 4 to Tri-Star Construction, LLC, for Parking Lot, Phase III, Part A, (No. 13 overall) through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

E. 17-2074

Approval and authorization to execute Pay Request Number 5 to Tri-Star Construction, LLC, for Parking Lot, Phase III, Part A, (No. 14 overall) through the Vision 2025 Sales Tax Program in association with the Stoney Creek Hotel and Conference Center

- F. 17-2041 **Ratification of Resolution No. 1008, a Resolution authorizing the acceptance of a General Warranty Deed and Temporary Construction Easement for Parcel 4, which consists of 2,275 square feet of permanent right-of-way and 400 square feet of Temporary Construction Easement for 37th Street: Houston to Albany Road Improvements, located in the NW1/4 of Section 5, Township 18 North, Range 15 West, Wagoner County, from Terry N. Carter, Sr., and authorization of payment in the amount of \$3,420.00 to Terry N. Carter, Sr., for 37th Street: Houston to Albany Road Improvements Project (Project No. ST1413)**

- G. 17-2049 **Approval and authorization to execute Resolution No. 1010, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 6, which consists of 0.17 acres of permanent right-of-way for 23rd Street Widening from Houston to Kenosha, in Lot 1, Block 2, Oak Creek Park, Wagoner County, from Nicole Grisham and Brent Grisham, wife and husband, and authorization of payment in the amount of \$22,500.00 to Nicole Grisham and Brent Grisham, wife and husband, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914), and authorizing City staff to apply to the Oklahoma Department of Transportation for reimbursement of eighty percent of the acquisition cost of this property for the 23rd Street Widening from Kenosha to Houston Project**

- H. 17-2079 **Approval and authorization to execute Resolution No. 1011, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 2, which consists of 0.023 acres of Permanent Right-Of-Way for 4th Street Sidewalk, in the East 60 feet of the West 270 feet of the N1/2 of Block 2, College Addition, Tulsa County, from David Hathhorn, and authorization of payment in the amount of \$2,000.00 to David Hathhorn for the 4th Street Sidewalk Project (Project No. ST1708)**

- I. 17-2077 **Approval and authorization to execute Resolution No. 1013, a Resolution of the City Council of the City of Broken Arrow accepting and acknowledging passage and receipt of a Resolution of the Board of Education of Independent School District No. 3 of Tulsa County, Oklahoma, dedicating Real Property, Utility Easements and Temporary Construction Easements for public street purposes, and declaring certain property located on tracts of land near 9th Street and Detroit and 9th street and Houston, Broken Arrow, Oklahoma, dedicated to public use as a public street**

- J. 17-2056 **Approval and authorization to execute an Amendment to the Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to the Creative Arts Center in the Rose District Project**

- K. 17-2054 **Approval and authorization to execute Amendment No. 4 to Agreement for Professional Consulting Services between City of Broken Arrow and R.L. Shears Company, P.C., for Downtown Main Street Streetscapes Phase IV (Project No. ST161709)**

- L. 17-2037 **Approval and authorization to purchase 14 car radios for police vehicles from Harris Corporation pursuant to the Oklahoma Statewide Contract (SW1053H) for Police Department**

- M. 17-2060 **Award of the most advantageous bid to Northern Safety for the purchase of coats, pants, gloves, and boots, Casco Industries, Inc. for the purchase of helmet's and NAFECO for the purchase of flashover hoods, for a total of 19 complete sets of Structural Firefighting Protective Clothing (Bunker Gear), at a cost of \$66,196.00**

- N. 17-2063 **Award of the lowest responsible bid to Magnum Construction, Inc. for Albany Corridor Improvements, a Vision 2025 Project (Project No. ST1709), and authorization to execute a construction contract**

- O. 17-2075 **Approval and authorization to execute Change Order C03-Final for Construction Contract ST1203; Aspen & Kenosha Street Improvements**

- P. 17-2051 **Acceptance of a General Warranty Deed and a Temporary Construction Easement conveyed to the City of Broken Arrow on a tract of land lying in the S1/2 of the East 60 feet of the West 270 feet of Block 2, College Addition, Tulsa County to the City of Broken Arrow for the 4th Street Sidewalk Project (Project No. ST1708)**

- Q. 17-2068 **Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow on a tract of land lying in Lot 1, Block 31, Broken Arrow Original Town, Tulsa County to the City of Broken Arrow for the Downtown Streetscapes Phase IV Project (Project No. 161709)**

- R. 17-2072 **Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow on a tract of land lying in Lots 17, 18, 19, 20, 21 and 22, Block 30, Broken Arrow Original Town, Tulsa County to the City of Broken Arrow for the Downtown Streetscapes Phase IV Project (Project No. 161709)**

- S. 17-2069 **Acceptance of a Utility Easement and a Temporary Construction Easement conveyed to the City of Broken Arrow on a tract of land located in the SW1/4 of Section 35, Township 19 North, Range 14 East, Tulsa County to the City of Broken Arrow for 24" Waterline from 5MG Tank to Distribution System Project (Project No. WL1609)**

8. Consideration of Items Removed from Consent Agenda

Vice-Mayor Eudey left the room at approximately 6:35 p.m.

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

Move to approve item 7S

The motion carried by the following vote:

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

Vice-Mayor Eudey returned to the room at approximately 6:36 p.m.

City Attorney Beth Anne Childs stated that she requested to pull the remaining three items from the Consent Agenda because all three read “accept” instead of “approve” the Resolution. She advised the Council to consider the three remaining items, 7G, 7H, and 7I separately, approving the respective Resolutions and authorizing their execution.

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

Move to approve Resolution No. 1010 and authorize its execution

The motion carried by the following vote:

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

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

Move to approve Resolution No. 1011 and authorize its execution

The motion carried by the following vote:

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

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

Move to approve Resolution No. 1013 and authorize its execution

The motion carried by the following vote:

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

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

A. 17-1990

Discussion, consideration, and possible approval and authorization for the Mayor to execute a Proclamation declaring the week of April 23rd -29th, 2017, as “Volunteers in Police Service Week” in the City of Broken Arrow, and recognition of the volunteers in Police Service and presentation of a symbolic “check” from the volunteers for their provided services

Deputy Chief of Police Brandon Berryhill thanked Police Department volunteers, pointing out that their service behind the scenes played a vital role. He indicated those present in the audience and made reference to a check representing the monetary value of their labor to the City. He invited Ms. Ford and her team of volunteers to step forward.

Mayor Thurmond thanked the volunteers, observing that the hours they donated did so much for the City. An enlarged facsimile of a check in the amount of \$512,629.87 was displayed. The volunteers received a round of applause and photos of them alongside Mayor Thurmond holding the check were taken.

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

Move to approve Proclamation declaring the week of April 23rd-29th as “Volunteers and Police Service Week”

The motion carried by the following vote:

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

B. 17-2083

Presentation by Alex Mills, P.E., CFM, Director of Engineering and Construction, regarding various projects of the Engineering and Construction Department and answer questions presented by the City Council

Engineering/Construction Director Alex Mills provided an overview of his Department, reporting also on some current projects. He reported that there were over 120 projects in planning, design or construction and explained that the Department was divided into 4 divisions of 22 employees, comprising Construction, Engineering, Planning and Stormwater Divisions. An organizational chart was displayed illustrating Mr. Mills’ observation that it was amazing how a few highly qualified Managers, along with a small group talented staff, were accomplishing so many projects.

Mr. Mills went over the responsibilities of each of the four Divisions. The job of the Construction Division was to supervise construction administration of all public improvements with regard to public and private projects. Bridge and retaining wall inspections were conducted yearly and the Division was responsible for overseeing a dam safety program, as well. The Engineering Division managed all architectural and engineering contracted projects, while performing a large number of projects in-house, also, such as mill and overlay of roads, saving the City a substantial amount of money. In

addition, Engineering handled bidding of all construction contracts, including advertisement, bid opening, tabulation and recommendations for award. Contracting and managing all professional service contracts, with respect to surveying, geotechnical and environmental services, was the domain of Division also. The Department's Planning Division handled, as Mr. Mills explained, formulation of City's Capital Improvement Plan, preparing grant and loan applications, including Surface Transportation Program (STP) grants, Community Development Block Grants (CDBG), Congestion Mitigation and Air Quality Improvement (CMAQ) grants, TIGER Discretionary Grants (Transportation Investment Generating Economic Recovery), and Oklahoma Water Resources Board (OWRB) loans. Finally, it was responsibility of the Planning Division to oversee the right-of-way acquisition process, Graphic Information System (GIS), Americans with Disabilities Act (ADA) Transition Plan, and Broken Arrow's public schools with reference to the Safe Schools Program. Turning to the Stormwater Division, Mr. Mills explained that staff performed numerous in-house design projects, reviewing all public stormwater designs, with the Floodplain Administrator at the helm, as well. In addition, the Stormwater Division handled stormwater quality administration, stormwater code enforcement and management of the Detention Pond Inspection Program.

Mr. Mills went on to report that there were a total of 41 transportation-related projects in various phases of completion. The projects included: rehabilitation, widening or construction of roadways; intersections and/or signal design; bridge design; railroad crossings; streetscapes; and various studies and reports on corridors, signal synchronization, and capacity analysis. The main projects in the works included: the 9th Street widening from Elgin Place to Houston Street; 37th Street construction from Omaha Street to Albany Street; Kenosha resurfacing from Aspen Avenue to Garnett Road; and Downtown Streetscapes, Phase IV. The 15 water projects underway encompassed ground tanks, distribution lines, various connections, and Water Treatment Plant improvements. Examples of projects in the works under heading of water projects included the Long Term Water Supply Plan, design of a 24-inch waterline from the 5-MG ground storage, tying the two systems together, and design for a 3-MG elevated storage tank. With regard to wastewater, there were about 20 current projects in connection with wastewater treatment plant improvements at both the Broken Arrow Plant and the Regional Metropolitan Utility Authority (RMUA) Haikey Creek Plant, owned jointly with the City of Tulsa. In addition, work was being done on trunk lines, lift stations and force mains. The Aspen Creek Relief Line, the Oneta Road Lift Station Replacement, the 209th Street lift station and force main, as well as a Long Term Wastewater System Master Plan, were examples of critical projects being undertaken currently. Finally, referencing stormwater projects, Mr. Mills reported that 10 were underway. Those included drainage improvements for small, neighborhood areas, large regional detention facilities, dam projects and, master drainage plans. Examples of projects in various stages of development included: A Broken Arrow Creek Master Drainage Plan; Stone Ridge and Elm drainage improvements; a 37th Street Regional Detention Facility; and drainage improvements on Albany Street, in front of the high school. Parks projects numbered 24, including work on playgrounds, restrooms, athletic facilities, trails, and golf course improvements at Battle Creek. The main parks projects underway were: An Events Park adult softball complex; a community trail network; synthetic turf football fields at Nienhuis Park; the Rose West Dog Park; and an impressive new interactive water feature. There were 18 outstanding public safety and special projects, including ones for the Broken Arrow Police and Fire Departments, along with miscellaneous municipal projects. Mr. Mills related that Fire Station No. 7 was in the design stage and Engineering/Construction was ready to open bidding for the Police Downrange Building. He reported also that the Liberty Park Trail retaining wall repairs had been completed. Stoney Creek Conference Center infrastructure tasks and design of the Center for Arts, Innovation and Creativity were being carried out, as well.

At the conclusion of Mr. Mill's report, Mayor Thurmond asked if there were any questions. City Manager Michael Spurgeon stated that he had a few questions and requests. He requested that Mr. Mills touch on the subject of the contract awarded that night for mill and overlay work on Kenosha Street, from Aspen Avenue to Garnett Road. Mr. Mills informed the Council that Magnum Construction, Inc. was contracted for the project and it was expected that work would begin by the first or second week of May. Mr. Spurgeon asked Mr. Mills to elaborate on the scope of the project. Mr. Mills replied that they were going to mill and overlay the roadway from Aspen Avenue all the way to Garnett Road, where there would be a transition from asphalt to concrete, and they would tie in at that location. In reply to Mr. Spurgeon's inquiry on how long the project would take, Mr. Mills said he believed the contract topped 90 days but it was hoped that it would be done by the time school started in August. Mr. Spurgeon asked that Mr. Mills update the Council the following month on the status of plans for modernization of the Lynn Lane Wastewater Treatment Plant.

Councilman Lester asked how the financial aspect of the Kenosha Street project had developed. Mr. Mills replied that the numbers had turned out very well and they were receiving excellent pricing at a cost of \$850,000, while a little over \$1 million had been budgeted. The 37th Street project also came in well below the engineers' estimate and clearly, it was an opportune time for the City to take on such projects.

Mr. Spurgeon asked if Mr. Mills would be able to estimate the total cost of the 120 current projects all together. Mr. Mills answered that it was probably somewhere in the range of \$100 million.

- C. 17-2064 **Presentation by Jannette McCormick, Human Resources Director on training initiative with Tulsa Technology Center**
Mayor Thurmond asked for a motion to table Ms. McCormick's presentation until next meeting.

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

Move to table item 9C

The motion carried by the following vote:

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

10. **Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**
No citizens signed up to speak.

11. **General Council Business**

- A. 17-2052 **Consideration, discussion, and possible approval of the relocation of the Vietnam War Memorial in Central Park to Veterans' Park**

Director of Parks and Recreation Scott Esmond addressed the Council on relocation of Broken Arrow's Vietnam War Memorial. He displayed on the screen an aerial view of the Memorial's current location at the Community Center in Central Park and indicated the spot in Veteran's Park of proposed new location. Photos of the Memorial were shown, including one with the names of servicemen lost in the War and one with insignias of the Marines, Navy, Army and Air Force in black granite laminate. Mr. Esmond reported that a Master Plan had been drafted by R.L. Shears Company, PC and Parks and Recreation were beginning implementation of the Plan. The fountain in place at Veterans' Park was pointed out in a site plan diagram as a point of reference, along with the Women's War Memorial and stage area there. The location of the Childers statue and the American Patriot statue were pointed out to the Council. Mr. Esmond indicated the site of a proposed walkway from Main Street to a plaza, where the granite insignias of branches of the Armed Forces and contributors' plaques would be relocated. Proposed walkways leading from the plaza to the American Patriot sculpture and the fountain were pointed out, as well.

An artistic rendering of R.L. Shear's vision of how the Memorial would look was shown, with Mr. Esmond observing that it would be a great fit as an addition to Veteran's Park. He specified the cost estimate, as shown on the screen, to be roughly \$116,000, though funding was not yet in place. Upon Council's approval of the project, it was slated for inclusion in the FY-2018 Capital Budget proposal.

At the conclusion of the presentation, Councilman Parks commented that he had observed that few visitors took the trouble to cross the street to the site of the Vietnam War Memorial in Central Park, following gatherings honoring veterans that took place in Veteran's Park. He related that he knew most of the young men from Broken Arrow who died in Vietnam and wished to make sure that they were honored and that current and future generations be made aware of their sacrifice. Councilman Lester echoed Councilman Parks' sentiments, relating that three of the fallen men had been classmates of his. He encouraged the Council to lend its approval to the relocation. Vice-Mayor Eudey commented that his father-in-law had been a Vietnam veteran and he thought it important to ensure that Broken Arrow had a proper place to honor those who gave their lives, along with those who came home to a reception that was not always positive. Referring to his experience at the Rooster Days Festival in Central Park, he pointed out that those attending tried to treat it with respect that it deserves, however it makes it difficult when their enjoying the festival activities. Mayor Thurmond voiced his agreement with the Councilmen regarding the need for a more accessible, respectful milieu in which to house the Memorial. In reply to a question posed by Councilwoman Wimpee on the timeframe of the project, Mr. Esmond replied that it could move ahead by late winter or early spring of 2018, after budgeting and further consultation with R.L. Shears.

Mr. Spurgeon informed the Council that he had included the project in his Capital Improvements, budget request proposal, which Council would review the following month. Mr. Esmond's presentation received a round of applause from the Council, the Mayor, staff, and the public in attendance.

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

Move to approve relocation of the Vietnam War Memorial to Veteran's Park

The motion carried by the following vote:

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

- B. 17-2076 **Ratification of Mayor's signature on Community Development Block Grant (CDBG), 2017 Tulsa Urban County, City of Broken Arrow, Resolution No. 1012 and Application for FY 2017 Tulsa Urban County Community Development Block Grant (CDBG) Funds**

Mr. Mills recalled that each year the City was awarded federal funds under the Community Development Block Grant (CDBG) program. The allocation to Broken Arrow for 2017 was \$348,515. The City was obligated to use that money for a designated area covering lower to middle income housing. Engineering/Construction determined that best use of the funds would be to apportion it for two projects. The first project entailed installing a 12-inch waterline down the east side of 1st Street, connecting to a 24-inch waterline on Greeley Street and connecting to a 6-inch waterline on Detroit Street. The second project involved a four-block rehabilitation of 4th Street, between Detroit and Midway Streets. As the Council was apprised in the fact sheet, about \$80,000 of the federal funds would be used for waterline materials and then, in-house staff, making use of the City's own equipment, would perform the work. The remaining CDBG funds of \$268,715 for the 4th Street project, would involve utilizing in-house forces to do milling and overlaying of the pavement. Mr. Mills reported that the Mayor had signed off on it and requested Council's ratification of his signature.

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

Move to ratify the Mayor's signature on Resolution No. 1012 and Application for FY 2017 Tulsa Urban County Community Development Block Grant Funds

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Scott Eudey, Mike Lester, Johnnie Parks, Craig Thurmond

Stating that Councilwoman Wimpee had some questions regarding CDBG, Mr. Spurgeon requested that Mr. Mills include a detailed explanation of the program during her orientation.

12. Preview Ordinances

A. 17-2061

Consideration, discussion, and possible preview of an Ordinance repealing Chapter 7 of the Broken Arrow Code, Article VI, Massage Establishments, Section 7-116; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Beth Anne Childs reported that the Legislature had passed the Massage Therapy Practice Act, thereby eliminating the City's ability to regulate massage businesses outside of certain circumstances. She explained that with the City of Broken Arrow not having a charter, they couldn't argue home rule and were specifically, exempt from that. The Ordinance under consideration repealed the regulations originally enacted and amended from time to time, with regard to massage practitioners and other businesses. It was recommended that the Ordinance be previewed and set or 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 for adoption

The motion carried by the following vote:

Aye: 5 -

Debra Wimpee, Scott Eudey, Johnnie Parks, Mike Lester, Craig Thurmond

13. Ordinances

There were no Ordinances for consideration.

14. Remarks and Inquiries by Governing Body Members

Mayor Thurmond welcomed Ms. Wimpee to the City Council, saying he appreciated her enthusiasm and passion, which each of the Council members shared.

The Mayor also commended Richard Carter for his admirable 23 years of humble service to the City of Broken Arrow, voicing his appreciation.

Councilman Lester stated that, as had been reported on the news that night, the Bever house had been demolished that day – a first step in the plan to established a memorial garden in its place.

Newly elected Vice-Mayor Eudey thanked his fellow Councilmen for their faith in him and pledged to do his best to fulfill their trust.

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

Mr. Spurgeon congratulated the Mayor on his re-election, on behalf of the administration. He congratulated Council member Wimpee on her election, stating that the administration looked forward to working with her to move the community forward.

Mr. Spurgeon also shared what Councilwoman Wimpee would be undertaking over the course of the next couple of months. The following day she was to meet with him to go through a schedule that would include initially, 50 to 60 hours visiting every Department within the City government and meeting with their Directors and senior staff. The purpose in doing that was twofold: learning how City government operated and to getting a grasp of the top two or three important issues within each Department. In addition, she would be making half a dozen or more tours of the wastewater treatment plants, water plants, police stations, and fire stations. He shared her eagerness to learn what she needed to know in order to make informed decisions as a member of the City Council.

With regard to the budget, Mr. Spurgeon reported that it was nearly finished and that he would be asking the Council to hold a special session some time towards the end of May, thereby affording members of the Council adequate time to review the proposed budget beforehand. They would need time to go through not only the operating budget, but the Capital budget and the Broken Arrow Municipal Authority (BAMA) budget, as well.

Finally, pointing out that it was the Year of the Parks, as would the next year be also, and that the latest round bond approvals by the voters had taken place, Mr. Spurgeon stated that he could not think of a more appropriate project than relocation of Broken Arrow's Vietnam War Memorial to Veteran's Park. He thanked the Council for their decision in support, adding that as a veteran himself, it meant a lot to him personally as likewise, it would to many others. Barring unforeseen circumstances, it was expected that the project would be completed by next spring.

At approximately 7:07 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 Johnnie Parks.

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, Scott Eudey, Johnnie Parks, Mike Lester, Craig Thurmond

At approximately 7:09 p.m., Mayor Thurmond reconvened the meeting and asked for a brief recess before entering into the Executive Session.

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

Move to recess before entering into the Executive Session

The motion carried by the following vote:

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

The Council returned to the room at approximately 7:14 p.m.

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, Scott Eudey, Johnnie Parks, Mike Lester, Craig Thurmond

16. Executive Session

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

- 1. The possible purchase and appraisal of real property located at 2300 South 1st Street, Broken Arrow, Oklahoma, and possible action in open session, including authorization to negotiate for the potential purchase of this real property and obtain additional appraisals for this real property, under 25 O.S. §307(B)(3);**
- 2. The possible purchase and appraisal of real property located at 310 South 9th Street, Broken Arrow, Oklahoma, and possible action in open session, including authorization to negotiate for the potential purchase of this real property and obtain additional appraisals for this real property, under 25 O.S. §307(B)(3);**
- 3. Discussion of a potential claim and potential litigation relating to the provision of municipal services on a Creek Nation allotment owned by Bim Bruner on property located South of the Creek Turnpike and West Olive Avenue and taking appropriate action in open session under 25 O.S. § 307(B)(4);**
- 4. 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).**

At approximately 7:51 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 Mike Lester, seconded by Scott Eudey.

Move to authorize the City Manager to move forward with formal negotiations for the purchase of real property located at 2300 South 1st Street

The motion carried by the following vote:

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

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.
Move to authorize the City Attorney to move forward with condemnation action previously authorized by the Council

The motion carried by the following vote:

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

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to authorize the City Attorney to proceed with the trial in the case of 71st Midway, LLC v. the City of Broken Arrow

The motion carried by the following vote:

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

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.
Move to find that the Executive Session was necessary to process pending claims and litigation in the public interest

The motion carried by the following vote:

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

17. Adjournment

The meeting adjourned at approximately 7:53 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, Scott Eudey, Johnnie Parks, Mike Lester, Craig Thurmond

Attest:

Mayor

City Clerk