



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, April 17, 2018

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

Pastor Rich Maganero performed the Invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Boy Scout Troop 975 led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond asked if there were any items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

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

- A. 18-432 Approval of City Council Meeting Minutes of April 3, 2018
- B. 18-433 Approval of City Council Special Meeting Minutes of March 26, 2018
- C. 18-462 Approval of and authorization to execute a General Release and Separation Agreement with Utilities Director Anthony Daniel
- D. 18-438 Approval of and authorization to execute a Professional Services Agreement between Kleinfelder, Inc. and the City of Broken Arrow, for Wetland and Stream Mitigation of the 37th Street Regional Detention Areas
- E. 18-443 Approval of and authorization to execute a Professional Services Agreement between Industrial/Organizational Solutions Master Consulting Agreement and the City of Broken Arrow to provide Promotional Examinations for the Fire Department
- F. 18-447 Approval of and authorization to execute a First Amendment to the Professional Services Agreement between the City of Broken Arrow and Kristen Brightmire with Doerner, Saunders, Daniel & Anderson, LLP, for providing counsel and legal advice regarding employment and labor law
- G. 18-446 Approval of and authorization to execute a First Amendment to the Professional Services Agreement between the City of Broken Arrow and S. Doug Dodd with Doerner,

Saunders, Daniel & Anderson, LLP, for providing counsel and legal advice regarding planning and zoning matters, including related litigation and conflict of interest and ethical issues

- H. 18-445 Approval of and authorization to execute a First Amendment to the Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C., for providing counsel and legal advice regarding sovereignty law, employment law and labor law**
- I. 18-444 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood, P.L.L.C., for providing representation in the case of Wilson v City of Broken Arrow, et al, Case number CJ-2017-1521, and legal advice regarding risk management and civil cases filed against the City and members of the Police Department**
- J. 18-405 Approval of a letter from Crossland Heavy Contractors agreeing to delay the award of the lowest responsible bid to Crossland Heavy Contractors, for East Nashville Street (Project No. ED1701)**
- K. 18-428 Notification of Change Orders with a value of less than \$25,000 on Public Contracts**
- L. 18-439 Approval and authorization of Final Acceptance for the public improvements at Lynn Lane Self Storage Phase II located at 11715 South Lynn Lane Road**
- M. 18-424 Approval and authorization of Final Acceptance for the public improvements at Stone Horse II - III located on 129th East Avenue between 121st Street South and 131st Street South**
- N. 18-25 Approval of the Broken Arrow City Council Claims List for April 17, 2018**

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 18-464 Administration of Oath of Office and Loyalty Oath of Finance Director, Cynthia S. Arnold**
City Attorney, Beth Anne Childs, guided Cynthia Arnold through recitation of the Loyalty Oath of the Finance Director.
- B. 18-419 Consideration, discussion, presentation, approval of and authorization for the Mayor to execute a Proclamation declaring the week of April 15th - 21st, 2018, 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**
Chief of Police, Brandon Berryhill, stated the Police Department Volunteers were a vital and much appreciated part of the Police Department. He asked for the Volunteers to stand for presentation of a symbolic check.

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

Move to approve the Proclamation declaring the week of April 15th through April 21st, as “Volunteers in Police Service Week”

The motion carried by the following vote:

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

Mayor Thurmond read the Proclamation: “Whereas the strength of America lies in the hearts and souls of our citizens, across our Country citizens are donating their time and talents to improve lives and strengthen communities. During Broken Arrow’s Volunteer in Police Service Week we recognize and celebrate those who serve a cause greater than self. Whereas through the dedicated efforts of Broken Arrow’s Volunteers we are building a culture of service, responsibility, compassion, and particularly among our young people, and whereas in Broken

Arrow more than 16,994.25 hours were donated to the Police Department in Volunteer service alone, and whereas their acts of kindness have profound effect on people's lives and on the future of our city and to recognize those who have demonstrated a sustained commitment to volunteer service and whereas the Volunteers in Police Service and Broken Arrow Police Department Reserve Officers, Victims of Crime Cert Community Emergency Response Team, Broken Arrow Police Department Chaplains, Broken Arrow Animal Control Volunteers and the Broken Arrow Emergency Management Volunteers save the City of Broken Arrow \$410,241.19. Therefore, I, Craig Thurmond as the Mayor of the City of Broken Arrow do hereby proclaim the week of April 15th, 2018 Volunteers in Police Service Week."

The symbolic check was presented and gratitude expressed.

C. 18-407 Presentation on the Proposed 2018 General Obligation Bond Program

City Manager, Michael Spurgeon, stated Mr. Kenneth Schwab was going to discuss the General Obligation Bond Program projects. He stated the projects which were cut were not unimportant, but had to be cut to avoid raising taxes. He reported the package before Council currently totaled \$222,070.00, but needed to be reduced to \$211 million dollars to meet the no tax increase objective. He reported recently a \$4 million dollar grant was secured to assist with road improvements on Olive from 61st through 71st and he was confident through the STP program, the Tiger Program, and the President's Initiative to Rebuild American Infrastructure, additional grants could be secured to pay for certain projects which were cut from the Bond Package. City Manager Spurgeon stated a final GO Bond Public Forum would be held on Monday, April 23rd, 2018, the GO Bond ordinance would be presented to Council the second Meeting in May, and the election would follow on August 28th.

Kenneth Schwab, Assistant City Manager of Operations, gave a brief history of the meetings which had been held, actions which had been taken, and what had been accomplished to date in regards to the General Obligation Bond Program. He explained how the projects were categorized on the spreadsheets.

Mr. Schwab reported in February, Public Facilities totaled \$28 million dollars and was proposed to be cut back to \$24.3 million dollars, which was at 10.9% of the entire package. He reported Public Safety had totaled \$30.1 million dollars and was proposed to be reduced to \$20.6 million dollars, at 9.3%. He reported Quality of Life had totaled \$29.1 million dollars, and was proposed to be reduced to \$18.75 million dollars, at 8.4%. He reported Stormwater went from \$15.25 million dollars to a proposed reduction of \$14.25 million dollars, at 6.4%. He reported Transportation had totaled \$178.37 million dollars and was proposed to be reduced to \$144.17 million dollars, at 64.9%. He stated the total original program had totaled \$281.32 million dollars; today the program was proposed at \$222 million dollars at a reduction of just over \$59 million dollars.

Mr. Schwab reported this was to be the largest transportation proposition in 18 years. He reported the other categories fell within a reasonable percentage as compared to past program proposals. He reported while there had been many cuts, as a result of the public forums, and citizen input, several projects, equaling approximately \$10.2 million dollars, had actually been added to the package. He asked if there were questions.

Council Member Parks asked if the new fire station which had been removed from the Public Safety project list had been intended to replace an old fire station. Mr. Schwab replied the Public Safety project list in February had called for three new fire stations: Fire Station No. 1 replacement, new construction of Fire Station No. 8, and a future to be determined fire station, possibly a rebuild of Fire Station No. 4 or possibly a new build station. He stated it had been decided to remove the new construction of Fire Station No. 8 from the proposal. City Manager Spurgeon stated research had been done regarding which fire station to omit. He explained the omission would not affect Broken Arrow's ability to provide sufficient coverage and the new fire station would be added as a priority project in the next Bond Package.

Council Member Parks asked for clarification of exactly which fire stations would be improved. City Manager Spurgeon replied Fire Station No. 3 was to be replaced first followed by Fire Station No. 7.

Council Member Lester asked about the size of the new Senior Center. Mr. Schwab replied the new Senior Center would be a 20,000 foot facility. City Manager Spurgeon stated there would be a designated light for road crossing in front of the facility, but he hoped this would be little used due to the improved facility. Vice Mayor Eudey stated the parking lot which would be built for the Senior Center would also accommodate the soft ball fields to the east of the Senior Center. Council Member Parks stated the members of the Senior Center were excited about the proposed new facility. Mr. Schwab reported the land acquisition for the Senior Center had been moved from Quality of Life into the Public Facilities section.

City Manager Spurgeon stated Broken Arrow had many projects currently in the works, many ground breaking and all highly beneficial to the citizens of Broken Arrow, and he felt the proposed Bond Package was clear evidence of Broken Arrow's efforts and ability to predict future needs and improve infrastructure in anticipation of those needs. He stated the proposed Bond Package demonstrated how the City of Broken Arrow respected public opinion and would address the community's concerns regarding Transportation, Quality of Life, Public Facilities, Parks, Stormwater and Public Safety. He stated he felt this was a very comprehensive GO Bond package.

Vice Mayor Eudey asked if lines 7 and 8, which were below the cut line, would be incorporated into regular road maintenance. City Manager Spurgeon responded in the affirmative; he explained how this would be accomplished through in-house funding and taxes currently in place.

Council Member Lester stated the Bond Package anticipated future road and bridge maintenance needs and provided for said needs.

City Manager Spurgeon stated Monday, April 23rd, 2018 a Public Forum would be held regarding the GO Bond package. He discussed how the meeting would be conducted and what he would present to the Public. He explained public opinion would be recorded and applied to the GO Bond package and the final proposed package would be presented to Council in May.

Council Member Parks asked if a Special Council Meeting would be held to determine which projects to cut to reduce the package to \$211 million dollars. City Manager Spurgeon responded this would be done at the first Council Meeting in May. He stated he felt he had identified approximately \$8 million dollars for reduction, but wanted to obtain public input prior to finalizing decisions. Council Member Parks stated it was important for the citizens of Broken Arrow to attend the Public Forum Monday, April 23rd, 2018 as project cuts would be made as a result of input gathered at this Forum. City Manager Spurgeon stated the Public Forum would be promoted via RoboCall, social media, Take 5, and via press release; he anticipated excellent attendance. Mayor Thurmond agreed Public Forum participation was vital.

D. 18-458 Presentation and update related to the Land Subdivision Code, Article VI, Miscellaneous Requirements, Policies and Approvals, Section 6.2 Miscellaneous Requirements; more particular sanitary sewer backwater device (backflow preventer) for buildings in Broken Arrow

Director of Development Services, Michael Skates, reported this Item was in clarification of Ordinance No. 3523, Section 6.2. He reported not all buildings were currently required to have a backflow preventer; backflow preventer requirements were related to height of floor and distance from manhole. However, he stated if Council desired a change to code which required universal backflow preventer installation, Council could be accommodated. He asked if there were questions.

Mayor Thurmond stated the expense of a backflow preventer was low and he felt it would be of great benefit if required. Council Member Lester agreed with Mayor Thurmond and stated furthermore it would relieve the city of liability issues if a home was flooded with sewage.

Council Member Parks stated he approved of the current code and the code update seen in Ordinance 3523. He stated while anything mechanical eventually would need maintenance, he would install a backflow preventer in his home whether it was required or not. He stated he would support Council's decision to require an accessible backflow preventer in all new construction. Vice Mayor Eudey asked if code would apply to new construction only. Mr. Skates responded in the affirmative.

Mayor Thurmond stated making it clear through code that all new construction was required to have a backflow preventer would eliminate the past problem of homes required to have a backflow preventer being unaware of the requirement, and therefore, failing to have one installed with resultant flooding. He stated while the city was not liable when this happened it was still an unfortunate situation which could have been avoided if the necessary backflow preventer had been installed. Vice Mayor Eudey stated this would only solve the problem for new construction homes, not current structures. Mayor Thurmond agreed, but stated it was certainly a step in the right direction.

Council Member Parks stated it was important to include backflow preventer maintenance requirements in the code. Mayor Thurmond stated he believed maintenance requirements were currently included in code.

Council Member Parks stated notice had been sent out informing all homeowners in Broken Arrow of the backflow preventer requirements. Mr. Skates stated notice had been sent out to the public regarding backflow preventer requirements in the past; however, he felt most residents have forgotten about the notice and did not know whether a backflow preventer was installed or needed. Discussion ensued regarding notice given any time a resident registered for new sanitation service, new home owners being given plats for review, no one reviewing plats, annual reminder letters to current residents, and amending the current ordinance.

City Attorney Childs stated periodically a Legal Notice of Obligation was issued which advised residents of the location of the man holes and homeowner requirements in relation to backflow preventers. She stated this could be issued when residents registered for new service. She explained the Notice of Obligation generated phone calls which the city responded to by sending out workers to determine if a resident had or required a backflow preventer. Council Member Parks stated he did not feel all current residents should be required to have a backflow preventer installed, only new construction; current homeowners had already been made aware of the requirements. Council Member Lester stated if a home was sold and the previous owner never had the required backflow preventer installed, the new homeowner should be made aware. Vice Mayor Eudey agreed and suggested an annual reminder for all residents. Mr. Skates stated he would research the issue, meet with Legal to rewrite code according to Council's instructions and would present the new code to Council for approval.

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 Thurmond stated Harold Price signed up to address the Council.

Citizen Harold Price stated his address was 19951 Old Highway 51. He stated for three years he had been asking for assistance regarding air quality at his residence. He stated he was still breathing fiberglass particles. He stated he was happy to be an American, happy to be in America, happy to live in a Constitutional democracy and happy to live in his home; however, he was unsure what was to be done regarding the terrible fumes. He stated one next door neighbor was a tow yard which looked more like a junk yard, and the other was the fiberglass shop. He stated

he was grateful he had the freedom to voice his concern regarding this matter. He stated he only asked the city to enforce the current zoning codes. He stated he was required to follow zoning codes and law and gladly did so, but both of his neighbors were not being required to follow zoning codes and law. He stated he had asked the city repeatedly to enforce the law, but it was not being done. He stated regardless he was grateful to be an American.

9. General Council Business

A. 18-456 **Receipt and consideration of bids for and possible action awarding the sale of \$18,755,000 in principal amount of Series 2018A General Obligation Bonds and authorization to execute the pertinent documents related thereto**

Controller, Tom Cook, reported on March 20, 2018 Council authorized the solicitation of bids to sell \$18,755,000 dollars in General Obligation Bonds. He reported the notice of the sale of this series was published and sent to prospective purchasers. He reported bids were received today at 1:00 p.m. and Mr. Wolff would review the bids and make a recommendation. He stated following bid approval Ordinance No. 3526 would be placed on the Agenda.

Mr. Jon Wolff with Municipal Finance Services stated bids were received at 1:00 p.m. for the \$18,755,000 General Obligation Bonds. He stated three bids were received with the low bid, from Bank of America/Merrill Lynch, a 20 year term bond at 3.16% interest rate. He stated the second bid was from Hutchison Shockey at 3.18% and the third bid was from the Bank of Oklahoma through BOK Financial Securities at 3.29%. He stated he felt compared with other cities of similar size and rating Broken Arrow received very fair and very low interest rates, almost the lowest interest rate possible in the circumstance. He stated he felt Broken Arrow was well represented within the market with its credit rating and continued to have the ability to borrow funds to address major projects at competitive rates which would keep the cost of capital down for citizens. He recommended award bid to Bank of America/Merrill Lynch.

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

Move to approve the bids received and award the lowest and most advantageous bid to Bank of America/Merrill Lynch for the sale of \$18,755,000 in General Obligation Bonds

The motion carried by the following vote:

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

B. 18-430 **Consideration, discussion, and possible award of the most advantageous bid to Utility Supply Inc., for the supply of water line pipes and accessories for the construction of water distribution system improvements along First Street from Detroit Street to Greeley Street**

Assistant City Manager of Operations, Kenneth Schwab, reported Item B was for a 12 inch water line on the east side of First Street from Detroit three blocks north to Greeley. He explained Broken Arrow crews would construct the water line, it was funded through the Community Development Block Grant (CDBG), intended to help with circulation and flood protection, and would tie into the 24 inch water line near Greeley. He stated this item was considered at the Broken Arrow Municipal Authority Meeting on April 3rd, 2018, was approved, and after the meeting it came to Staff's attention that this should have been an item for City Council approval, because of CDBG, rather than BAMA. He reported the amount was \$31,235.55 and he asked for approval.

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

Move to award the most advantageous bid to Utility Supply, Inc. for the supply of water line pipes and accessories

The motion carried by the following vote:

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

C. 18-413 **Consideration, discussion, and possible approval of BACP-161 (Broken Arrow Comprehensive Plan), Timber Ridge Cottages, 8.05 acres, Level 4 to Level 3, one-quarter mile south of Kenosha Street, east of 209th East Avenue**

Council Member Lester and Vice Mayor Eudey left the room at approximately 7:33 p.m.

Plan Development Manager, Larry Curtis, reported BACP-161 was a request to change the Comprehensive Plan designation on an 8.05 acres tract of land from Level 4 to Level 3. He stated the applicant was interested in rezoning the property to RM – Residential Multifamily with a PUD for a multifamily senior development. He explained RM was considered to be in conformance with the Comprehensive Plan in Level 3. He stated the underdeveloped property located one quarter mile south of Kenosha Street east of 209th East Ave. was currently zoned A1 Agricultural with Specific Use Permit No. 164 overlay. He stated the property was platted as lot 1, block 1, Tee Town Golf Ranch and was in the northernmost lot created by lot split BAL 2026 which was approved by the Planning Commission on October 12, 2017. He stated the draft PUD submitted with BACP-161 proposed 74 units of senior multifamily housing with a mix of duplex, multiplex and an apartment style dwelling of 28 units. He stated access to the proposed development was through the entrance off of 209th East Ave, in addition to a stub street proposed to the south for shared access. He stated future access was also proposed to the west when a frontage road was built along the Creek Turnpike. He stated 80 feet of the right of way for a future frontage road was proposed to be dedicated along with the western boundary of the plat when the property did come before Council for rezoning and a platting process. He stated in the March 22nd, 2018 Meeting of the Planning Commission approval of BACP-161 was recommended by a vote of 3 to 0 and staff recommended BACP-161 be approved subject to the property being replatted in a PUD similar in context to the draft PUD which was submitted with BACP-161. He stated no one spoke in opposition to this item. He asked if there were any questions.

Council Member Parks asked if this Item would change the Comprehensive Plan. Mr. Curtis responded if Council approved, the change in the Comprehensive Plan would only take place if a PUD similar to the draft PUD presented was included with the plan. Council Member Parks asked if this was then a tentative approval. Mr. Curtis responded in the affirmative; this was not a blanket change, it was conditional upon the PUD.

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

Move to approve BACP-161 as recommended by Planning Commission and Staff

The motion carried by the following vote:

Aye: 3 - Debra Wimpee, Johnnie Parks, Craig Thurmond
Recuse: 2 - Mike Lester, Scott Eudey

Council Member Lester and Vice Mayor Eudey returned at approximately 7:37 p.m.

D. 18-455 Consideration, discussion, possible approval and authorization to execute Resolution No. 1099, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and a Journal Entry of Judgment in regard to the matter of Juan Rodriguez v. City of Broken Arrow, et al., Case No. CJ-2017-978 in the District Court for Tulsa County, State of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court's approval, pursuant to 51 O.S. § 158

City Attorney, Beth Anne Childs, stated Resolution No. 1099 allowed Legal to enter into a final Journal Entry with Juan Rodriguez in a law suit filed against the City of Broken Arrow. She reported this had been a subject of discussion in a few Executive Sessions. She reported a resolution of \$125,000 had been negotiated and she felt this was reasonable under the circumstances. She stated Mr. Rodriguez underwent a number of surgeries as a result of the accident, totaling \$183,794.25, including property damage. She respectfully requested approval of Resolution No. 1099 and authorization of execution.

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

Move to approve Resolution No. 1099 and authorize its execution

The motion carried by the following vote:

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

E. 18-459 Consideration, discussion, and possible approval of the reappointment of Pablo Aguirre to the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

Plan Development Manager, Larry Curtis, stated if approved the term of new appointment of Pablo Aguirre would expire on May 5, 2021. He stated Mr. Aguirre currently filled Caroline Isabel Carr's remaining term which would expire May 5, 2018. He stated Mr. Aguirre had been appointed to the Planning Commission in February 2018 and it was Mr. Aguirre's desire to continue to serve the City of Broken Arrow in this position.

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

Move to approve the reappointment of Pablo Aguirre to the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

The motion carried by the following vote:

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

F. 18-353 Consideration, discussion, and possible approval of the reappointment of Fred Dorrell for the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

Mr. Curtis reported Planning Commissioner Fred Dorrell's term would expire on May 5, 2018; Mr. Dorrell expressed his willingness to continue to serve on the Planning Commission. He stated if approved by Council Mr. Dorrell's new term would expire May 5, 2021. He reported Mr. Dorrell had served 12 years on the Planning Commission and desired to continue.

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

Move to approve the reappointment of Fred Dorrell to the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

The motion carried by the following vote:

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

G. 18-356 Consideration, discussion, and possible approval of the reappointment of Ricky Jones to the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

Mr. Curtis stated Planning Commissioner Ricky Jones's term would expire on May 5th, 2018 and if approved by Council his new term would expire May 5th, 2021. He reported Mr. Jones's expertise was stellar and he had served well on the Planning Commission to date. He reported Mr. Jones had served on the Planning Commission for 15 years and desired to continue.

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

Move to approve the reappointment of Ricky Jones to the City of Broken Arrow Planning Commission for a three-year term to expire May 5, 2021

The motion carried by the following vote:

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

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 18-448 Consideration, discussion, and possible adoption of Ordinance No. 3525, an ordinance amending Chapter 23 -Traffic, Article II- Operation of Vehicles Generally, Section 23-95, Reserved of the Broken Arrow Code, more specifically adding regulations regarding neighborhood electric vehicles in the Downtown Rose District; and declaring an emergency

City Attorney Childs reported Ordinance No. 3525 enabled neighborhood electric vehicles to

be driven in the downtown Rose District Residential Overlay, subject to a variety of restrictions. She requested Council adopt Ordinance No. 3525 and approve the emergency clause.

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

Move to adopt Ordinance No. 3525

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 for emergency clause

The motion carried by the following vote:

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

B. 18-457 Consideration, discussion, and possible adoption of Ordinance No. 3526, an ordinance providing for the issuance of \$18,755,000 General Obligation Bonds, Series 2018A by the City of Broken Arrow, Oklahoma, authorized at an election duly called and held for such purpose; prescribing form of bonds; providing for registration thereof; providing levy of an annual tax for the payment of principal and interest on the same; and fixing other details of the issue and declaring an emergency

City Attorney Beth Anne Childs reported earlier in the Meeting, Council awarded sale of \$18 million dollars in Obligation Bonds. She stated Ordinance No. 3526 was the mechanism by which the sale was effectuated, provided payment of interest and principal, and provided for the levy. She requested Council adopt Ordinance No. 3526 and approve the emergency clause.

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

Move to adopt Ordinance No. 3526

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 Debra Wimpee.

Move for emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated Broken Arrow was participating in a Water Conservation Contest and currently was ranked Eighteenth in the Nation. He encouraged residents to go the website www.mywaterpledge.com and register to participate.

Mayor Thurmond stated this was Beth Anne Childs' last Council Meeting. He stated Ms. Childs had served Broken Arrow as City Attorney for 20 years and would be missed dearly. He stated Ms. Childs was tough, but always had Broken Arrow's best interest at heart. He intimated her years of service were appreciated and stated she was leaving tough shoes to fill; Mr. Spurgeon had a difficult job ahead of him finding her replacement.

The City Council Members related a few short stories of experience with Ms. Childs, expressed immense gratitude and appreciation for Ms. Childs, and reiterated she would indeed be missed.

Vice Mayor Eudey stated a few weeks ago the Broken Arrow Fire Department had an opportunity to help fight fires in Western Oklahoma. He stated he and the residents of Western Oklahoma appreciated the Broken Arrow Fire Department's efforts in this regard.

Council Member Parks stated, as a reminder, City Council had volunteered to pick up trash on Main Street on Saturday. He stated he hoped to see Youth City Council present as well. He stated any and all were welcome to volunteer and would certainly be appreciated.

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

City Manager, Michael Spurgeon, stated city staff was working on the 2019 FY Budget and hoped to have a draft ready for Council review in early May. He welcomed Finance Director Cindy Arnold who joined the Broken Arrow team yesterday, and thanked Tom Cook for serving as Acting Finance Director in the interim.

He stated Council received a copy of the letter sent by Mayor Thurmond to the White House Staff on behalf of the city regarding the President's proposed plan for Rebuilding America, the Infrastructure. He stated the letter expressed support of the initiative. He stated he would keep Council updated in this regard. He stated the letter expressed how the CBDG had been helpful to Broken Arrow over the past 20 years, the upcoming Broken Arrow General Obligation Bond package, as well as the public/private partnerships which assisted growth in the Rose District. He stated the city's intentions were to remain engaged in the process to better enable Broken Arrow to apply for funds in the future. He explained this initiative would be in addition to the existing authorizations for STP (Surface Transportation Program), as well as the TIGER program (Transportation Investment Generating Economic Recovery Program) and CDBG (Community Development Block Grant).

City Manager Spurgeon stated next month he wished to hear the City Council's thoughts regarding a name change for the Events Park for marketing purposes.

City Manager Spurgeon expressed his appreciation for the Fire Fighters who volunteered to help fight the fires in Western Oklahoma. He reported Broken Arrow Fire Department had history of helping other areas fight fires by sending volunteers and equipment to assist. He stated he felt it was important that Broken Arrow continue to assist and he thanked Vice Mayor Eudey for recognizing the Fire Department's efforts.

City Manager Spurgeon thanked Ms. Childs for her service to Broken Arrow. He stated 20 years was a significant term to serve in any municipal position and he indicated Ms. Childs had been instrumental in the growth of Broken Arrow. He stated Ms. Childs had made a beneficial mark on the City of Broken Arrow and would be greatly missed.

At approximately 7:57 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority.

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

Move for a brief recess to meet for Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority

The motion carried by the following vote:

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

At approximately 7:59 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting. He stated there was an Executive Session and he would entertain a motion for a brief recess to clear the room for the Executive Session.

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

Move for a brief recess to clear the room for the Executive Session

The motion carried by the following vote:

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

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

Move to enter into the Executive Session

The motion carried by the following vote:
Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the City Attorney and any other pertinent staff members discussing and conferring on matters pertaining to:

- 1. Litigation, including potential resolution, of a matter involving litigation in the matter of Oklahoma Keepers, et. al v. State Farm Mutual Insurance Co., et. al, United States District Court for the Western District of Oklahoma Case No. 5:17 CV 01221 R, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).**
- 2. Litigation, including potential resolution, involving litigation in the matter of Wilson v. City of Broken Arrow et. al, Tulsa County, Case No. CJ 2017 01521 and taking appropriate action in open session. 25 O.S. §307(B)(4).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claims and 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 8:08 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting and the room was opened to the public.

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

Move to find that the Executive Session was necessary to process the pending litigation in the public interest

The motion carried by the following vote:

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

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

Move to find that Broken Arrow Police Officers Stephen Garrett and Eric Nester and former Chief of Police David Boggs were acting in good faith and in the scope and course of their employment in the arrest and prosecution of William Wilson

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 8:10 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

Mayor

City Clerk