



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, August 1, 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

Andrew Conley delivered the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Johnnie Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Craig Thurmond stated Item A and Item D were requested to be removed from the Consent Agenda.

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

Move to approve Consent Agenda excluding Item A and Item D

The motion carried by the following vote:

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

- A. 17-1688 Approval of City Council Meeting Minutes of July 18, 2017**
- B. 17-2480 Approval of and authorization to execute a Professional Consultant Agreement with R. L. Shears Company, P.C. for Design of Veterans Park Improvements - Phase II (Project No. 186019)**
- C. 17-2475 Approval of and authorization to execute Amendment No. 2 to an Architect/Engineer Contract with CEC Corporation for Design of Florence Street Widening, Olive Avenue to Aspen Avenue (Project No. ST1410)**
- D. 17-2476 Approval of the recommended social services awards for Program Year (PY) 2017 Community Development Block Grant (CDBG) Funding and authorization to execute Social Services Contracts**
- E. 17-2482 Approval of and authorization to purchase annual software maintenance services from Superior, L.L.C.**
- F. 17-2436 Award the most advantageous bid to Defenders Supply, and approval of and authorization to purchase police vehicle lighting equipment**
- G. 17-2481 Award the lowest responsible bid to Cook Consulting, LLC, and approve and authorize execution of a construction contract for 4-Ton Bridge Rehabilitation (Project No. ST1303)**
- H. 17-2474 Award the lowest responsible bid to Traffic & Lighting Systems, LLC, and approve and authorize execution of a construction contract for Kenosha and 79th Street Traffic Signal (Project No. 175115)**
- I. 17-2441 Approve the Final Acceptance for the public improvements at Fed Ex located at 1214 East Houston Street**
- J. 17-2439 Approve the Final Acceptance for the public improvement at Mullin Plumbing located at 100 South 23rd Street**
- K. 17-2448 Approval of SP-280 (Specific Use Permit), Graves Scout Reservation, 170.01 acres, A-1, northeast corner of New Orleans Street and 23rd Street**
- L. 16-1574 Approval of the Broken Arrow City Council Claims List for August 01, 2017**

6. Consideration of Items Removed from Consent Agenda

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

Move to table Items A and D until next City Council Meeting

The motion carried by the following vote:

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

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

- A. 17-2468 Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring the City of Broken Arrow as a Purple Heart City as of August 1, 2017, in recognition of the service and sacrifice of the men and women of Broken Arrow who have served our country**

City Manager Michael Spurgeon stated this was a Proclamation declaring Broken Arrow a Purple Heart City and asked for consideration of recognition.

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

Move to approve the Proclamation

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 citizens of Broken Arrow have great admiration and deep gratitude for the men and women who have selflessly served their Country and this Community in the Armed Forces, and whereas the Purple Heart is the oldest military decoration in present use and was initially created as a badge of military merit by General George Washington in 1782, and whereas the Purple Heart was the first American Service Award or Decoration made available to the common soldier and specifically awarded to the members of the United States Armed Forces who have been wounded or have made the ultimate sacrifice in combat, and whereas the contributions of the men and women from the City of Broken Arrow who had served in the Armed Forces have been violent in maintaining the freedom and the way of life enjoyed by our citizens, and whereas the citizens of Broken Arrow appreciate the sacrifices our Purple Heart Recipients have made in defense of our freedom and wish to acknowledge their courage by honoring and supporting them, I, therefore, Craig Thurmond Mayor of Broken Arrow, do proclaim the City of Broken Arrow as a Purple Heart City.”

- B. 17-2493 Acceptance of a Recognition Plaque presented by the Patriot members of the Ernest Childers Chapter 589 of The Military Order of the Purple Heart for Proclaiming Broken Arrow a Purple Heart City**

Mr. Spurgeon introduced Mitchell Reed of the Ernest Childers Chapter 589 of the Purple Heart Order. Mr. Reed thanked Mr. Spurgeon and the Council. He stated he was the Commander of the Purple Heart Order. He introduced Mike Sturgill, the Department Commander for the State of Oklahoma, as a Member of Chapter 589. Mr. Reed thanked the City of Broken Arrow for becoming a Purple Heart City as this meant a great deal to wounded combat veterans throughout the State of Oklahoma. He expressed his appreciation for the placement of handicap parking spaces in various locations which was a help to wounded veterans. He thanked Councilor Debra Wimpee and Ms. Gail Kirk for her help organizing the event with the City Manager’s Office throughout the City of Broken Arrow. He stated he would like to present the Plaque with the Purple Heart: “The Military Order of the Purple Heart Special Recognition Award is bestowed with pride to Broken Arrow, Oklahoma, for becoming a Purple Heart City, honoring America’s Combat wounded veterans and all veterans, presented by the Patriot Members of Ernest Childers Chapter 589 Military Order of the Purple Heart.” Mr. Reed thanked the City for co-hosting the Purple Heart Ceremony being held on August 8th, at 7:00 p.m., in Veterans Park and invited all residents of Broken Arrow to attend. He expressed his gratitude for the statue of Lieutenant Colonel Ernest Childers displayed in Veterans Park.

Mayor Thurmond accepted the Plaque from Mr. Reed on behalf of the City.

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

Move to accept the Purple Heart City Recognition Plaque

The motion carried by the following vote:

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

8. Citizens’ Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)

No citizens requested to speak.

9. General Council Business

- A. 17-2489 Consideration, discussion, and possible approval of Resolution No. 1039, a Resolution expressing objection to illegal gaming on a Muscogee (Creek) Nation Allotment owned by Bim “Steve” Bruner, and located between the Creek Turnpike and Tucson Street, west of Olive Street, in the city limits of the City of Broken Arrow, Oklahoma (the “Bruner**

Allotment”); expressing its support for the Leadership of the Muscogee (Creek) Nation, and specifically expressing its appreciation to the Leadership of the Muscogee (Creek) Nation for taking measures to investigate and address illegal gaming within its jurisdiction; authorizing Stephen Bugg, Attorney at Law, to notify the National Indian Gaming Commission (the “NIGC”) of the Council’s objection to illegal gaming on the Bruner Allotment, and also to the Department of the Interior of the Solicitor and the Bureau of Indian Affairs, of the City Council’s objection to illegal gaming on the Bruner Allotment; and approval of and authorization for the City Manager to take all actions reasonably necessary to assist with addressing illegal gaming on the Bruner Allotment and to work to address all matters of concern regarding development on the Bruner Allotment that relate to the health, safety and welfare of the citizens of the City of Broken Arrow

City Attorney Beth Anne Childs reported two meetings ago the Council discussed the possibility of passing a resolution objecting to illegal gaming on the Bruner tract. She stated over the last few Council Meetings this had been on the agenda for discussion. She reported since the most recent Council Meeting, staff had the opportunity to meet with representatives of the Muscogee Creek Nation, and Resolution 1039 was formulated. She listed some of the highlights of the Resolution which expressed the Council’s objection to illegal gaming on the Bruner tract, a Muscogee Creek Nation allotment, expressed support for the leadership of the Muscogee Creek Nation and expressed Broken Arrow’s appreciation to Muscogee Creek Nation for taking measures to investigate and address illegal gaming within its jurisdiction. This was discussed at length in the meeting with the Principal Chief, Attorney General, First Assistant, the Speaker, the Mayor and the City Manager. She explained this Resolution authorized Stephen Bugg, of the City Sovereignty Council at McAfee and Taft to send a letter objecting to illegal gaming on this allotment, as well as to the Department of the Interior and the Bureau of Indian Affairs. She said this was important, because for there to be a lease of this tract it would have to be approved by the BIA and the Secretary of the Department of the Interior, and Legal was not aware of this being accomplished yet. She stated the Resolution empowered the City Manager to take all action to address illegal gaming and to look towards the health, safety and welfare of Broken Arrow residents. She stated all the information was addressed in the recitals and asked if there were any questions.

Councilor Mike Lester stated in the context of this Resolution illegal gaming was addressed. He asked if this could be altered to legal gaming. He explained if Muscogee Creek Nation decided to be in favor of gaming, the efforts of the City Council would be fruitless as only “illegal” gaming was addressed, not gaming in general. Ms. Childs stated there were many ways gaming on the Bruner tract could be determined illegal. She explained that in terms of legality of resolutions, this Resolution was rock solid because at the present time any action of gaming would certainly constitute illegal gaming. She stated if the Creek Nation decided to move forward with certain approvals for gaming on the Bruner tract the Council would have no authority to regulate or contest. She said she felt the Resolution sent a positive message to the Tribe, which was important because the Tribe was actively taking measures to address the issue at this juncture. She stated the Council could pass a subsequent resolution in the future if it looked as if gaming were going to be approved. She stated it seemed that the Tribal Representatives and Leadership were very committed to not having gaming on the Bruner tract.

Mayor Thurmond said he appreciated that the Tribe had met with him, the City Manager, and Ms. Childs. He reported the Speaker of the National Council, the Attorney General and the First Attorney General were adamantly opposed to illegal gaming, as they called it, and were working against it. He said he was told there was no support for illegal gaming, and if the gaming was not sanctioned by the Tribal Leadership and the above-mentioned others then it was deemed illegal. He explained this was sovereign land for the Muscogee Creek Nation, who were completely against gaming on the land, and were prepared to take measures to prevent gaming on the Bruner tract. He stated the gaming was called illegal gaming because no permission had been granted by the Muscogee Creek Nation to allow gaming on the Bruner tract. Mayor Thurmond felt Ms. Childs was correct to proceed with this Resolution and if legal gaming became an issue then the Council could propose a different resolution.

Vice Mayor Scott Eudey asked if the Muscogee Creek Nation rejected the notion of concurrent jurisdiction with the Kialegee Tribe. Mayor Thurmond and Ms. Childs confirmed this was correct; Kialegee Tribe had no jurisdiction.

Councilor Johnnie Parks stated he appreciated the Muscogee Creek Nation’s involvement and stated he was a little confused about the “illegal” gaming because Broken Arrow was opposed to gaming whether it was illegal or legal. He asked if Broken Arrow had been notified of any potential gaming on the Bruner tract which might be considered legal. Mayor Thurmond replied in the negative; Broken Arrow had not been notified of any such gaming. Mayor Thurmond explained the Muscogee Creek Nation considered any gaming on the Bruner tract as illegal gaming because the Muscogee Creek Nation had not given permission for any gaming, nor had the NIGC. He reported the Muscogee Creek Nation indicated they were against illegal gaming, as well as any illegal activity on Muscogee Creek Nation sovereign land. Councilor Parks stated any gaming on the Bruner tract, even being outside City limits,

would affect the surrounding properties, the Turnpike, etc., and the City of Broken Arrow had several levels of concern in this regard. He expressed appreciation for the work being done to prevent gaming on the Bruner tract, and appreciation for the Muscogee Creek Nation's willingness to work with Broken Arrow to prevent the institution of gaming on the Bruner tract.

Mayor Thurmond stated the City Council, on behalf of the City of Broken Arrow, had clearly expressed it did not support gaming near any residential area, schools, etc., and he felt the Muscogee Creek Nation considered any gaming proposed on the Bruner tract to be illegal gaming and this was not to be supported.

Councilor Lester asked if there was any resolution regarding Police and Fire servicing the Bruner tract. City Manager Michael Spurgeon replied it had been discussed. He stated the Assistant Attorney General indicated there was an agreement which needed to be updated, and the City Attorney and the Attorney General would collaborate to ensure the agreement was consistent with both entities' guidelines. Councilor Lester stated as the Fire Department had not inspected the facility, the Fire Department would fight a fire there, but would not enter the facility. Mr. Spurgeon stated that was correct, but if there was an incident at the Bruner tract the City would render whatever aid was needed. Mayor Thurmond qualified that statement with if Broken Arrow Public Services had permission to be there.

Mr. Spurgeon stated the Muscogee Creek Nation was prepared to act accordingly should anything, gaming or otherwise, occur on the Bruner tract which was not approved by the Muscogee Creek Nation. He stated the Muscogee Creek Nation discussed legislation that the Tribe was going to consider regarding construction moving forward. Vice Mayor Eudey asked if the Muscogee Creek Nation felt it had a mechanism by which to gain entry to the facility to ensure it had been built properly and up to code. Mayor Thurmond responded in the affirmative and added the Muscogee Creek Nation met for a National Council over the weekend to approve legislation regarding inspections. He reported he did not know if it had been approved; however, by his understanding the Muscogee Creek Nation had the right to access the facility on the Bruner tract at any time. He stated the Muscogee Creek Nation stated they would exercise all said rights to ensure illegal gaming did not occur.

Mayor Thurmond introduced Citizen Zane Anderson. Mr. Anderson stated he lived at 11464 South 140th East Avenue in Broken Arrow, approximately one mile from the Bruner tract. He stated he recently purchased two additional acres to build his dream home for his family. He thanked City Council for its time and effort spent fighting against the possibility of gaming near Broken Arrow. He stated Broken Arrow was a unique place to live, his parents had both graduated high school in Broken Arrow, and he was grateful to be a citizen of Broken Arrow. He expressed his appreciation for the incredible work the City Council has done. He stated growth in Broken Arrow was greater than it had ever been. He complimented the City Council for its labors in the downtown area, and the Bass Pro area. Mr. Anderson stated the City Council needed to begin thinking in a proactive manner of perhaps unorthodox ideas regarding gaming prevention against the possibility that gaming was somehow approved on the Bruner tract. He intimated this was an unwanted possibility and did not want the City to give up and allow gaming if it were approved and became legal. He suggested one idea was to continue to deny access to Broken Arrow utilities to make things difficult; another would be to deny permits for expansion onto the land Broken Arrow had jurisdiction over (as a large portion of the Bruner tract was under Broken Arrow's jurisdiction). He stated his last idea, and perhaps the most unorthodox, was to establish a toll, and he felt this would be very successful as a deterrent. He stated he thought Broken Arrow could implement a casino access toll to gain entry. He explained Broken Arrow could charge \$50 per entry which the individual could present to the Casino for reimbursement. He thanked the City Council for its time.

Mayor Thurmond introduced Citizen Robert Martinek. Mr. Martinek stated his address was 1921 South Palm Avenue. He stated he was a cofounder of Broken Arrow Citizens Against Neighborhood Gaming and was in support of Resolution 1039. He said he applauded the tireless efforts of the City Council, the City Manager, and staff. He expressed appreciation to the Muscogee Creek Nation for its good work and for working with the City. He stated he was proud of the City of Broken Arrow and felt this was an excellent resolution and a model resolution that cities across the nation could follow. He thanked the City Council and staff for their effort and said he was proud to be a citizen of Broken Arrow.

Mayor Thurmond introduced citizen Larry Williamson. Mr. Williamson stated his address was 1217 West Louisville Street. He thanked the City Council for crafting the Resolution and encouraged the Council to support it and pass it. He agreed with Councilor Lester that any casino gaming near the City of Broken Arrow was a negative influence on the culture of the surrounding communities, neighborhoods, and schools. He stated he understood the owner of the land was attempting to exercise rights to do gaming as a member of the Kialegee Tribal Town. Mayor Thurmond stated this was possible as it was a member of the Kialegee Tribe who was attempting to get the permit; however, the land was Muscogee Creek Nation allotted land, not Kialegee land. Mr. Williamson stated the owner of the Bruner tract could not be the individual Creek Nation allottee. He explained if the owner was an allottee of majority

age when the original Creek Nation allotment of that land was issued he would be over 135 years old. A Council Member responded the owner's family was the allottee. Mr. Williamson explained that Mr. Bruner was then the owner by conveyance, not an allottee, and probably not a restricted Indian. He asked if the City had a Public Relations or Public Information Director who would put together a factual narrative of this issue including the relationship between the Kialegee Tribal Town who was not a part of the Muscogee Creek Nation because the Kialegee Tribe was one of the three Creek Tribal Towns who took up the BIA's offer in 1939 to opt to become a sovereign independent Indian Tribe. He said the Kialegee Tribe was considered an independent Indian Tribe and had no territorial jurisdiction in Tulsa County; Kialegee jurisdiction was in Hughes, Okfuskee and McIntosh County. He reported it was illegal in Oklahoma for a tribe to operate gaming outside its territorial jurisdiction. He stated Indian tribes were only enabled to operate casino gaming because of certain laws in Oklahoma which were changed a few years ago to allow it; therefore, it would be Oklahoma law that would be broken if gaming was to take place on the Bruner tract. He stated the Council should request a formal opinion from the Attorney General which would be legal precedent in court.

Mr. Spurgeon stated Ms. Childs has had multiple conversations with the State Attorney General's Office regarding this issue to ensure that Broken Arrow's position and the facts as known by the Council were understood by the State Attorney General. He stated he was pleased by how Ms. Childs was handling the situation locally, federally, and at the state level.

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

Move to approve Resolution No. 1039 and authorize its execution

The motion carried by the following vote:

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

Mayor Thurmond thanked Ms. Childs, Mr. Spurgeon and staff for their hard work and Creek Nation for its support.

B. 17-2484 Consideration, discussion, and possible approval to grant a waiver for property owned by Ryan Adams, and Shane and Brittany Casey located within the Steeplechase Farms and Amended Glen Eagles subdivisions regarding the Assessment District for stormwater initiated in 2007

Ms. Childs stated this item had been considered at the last meeting, but the City Clerk had received additional requests for consideration. She stated the waivers were as indicated, and previously the Council had acted to grant the waivers. She stated she would be happy to answer any questions. Vice Mayor Eudey asked if the facts were identical to prior cases; if the residents had contacted the City and had been told no liens or assessments were held against the property. Ms. Childs responded in the affirmative.

Mr. Spurgeon stated two Council Members were absent when last this was discussed and he wanted to bring them up to speed. He explained it had come to his attention that an assessment had been placed on properties in Steeplechase Farms and the amended Glen Eagles subdivisions for improvements made by the City with respect to stormwater. He stated an assessment district was established and assessments to the property owners were based on total cost and divided up accordingly. He explained there were a number of individuals who were contesting the assessment because upon closing the City had indicated there were no fees or liens due on the respective properties. He stated he had decided the assessments should still be paid because the new property owners enjoyed the benefit of the improvements made, and having to make a decision he desired to err on the fact that there were individuals who had paid the assessments regardless of lien notification. He stated at the last Council Meeting there were three individuals who approached Council, as he had explained in a letter to these individuals that the ultimate decision would come from the governing body. He explained this matter started with the City Council via the assessments and the ordinance to authorize expenditures, and that was where it should finish. He stated he was comfortable with the Council's action, even though he felt the residents still should have paid the assessment. The City erred several years ago when these residents who purchased the properties received a letter from the City indicating there was no fee due and owing; therefore, he felt if a property owner could demonstrate that the City had indicated there was nothing due, the City could waive this assessment fee. He stated the City had put a process in place to ensure no future errors of the like would be made. He asked the Council to grant the waiver request to any residents who could prove the City had indicated there was no lien or assessments due on the property upon closing.

Councilor Parks inquired if the system had been improved to prevent future errors. Mr. Spurgeon confirmed it had.

Mayor Thurmond reminded the Council the above-mentioned subdivisions were built in Wagoner County and not to Broken Arrow standards; there was a "600-year storm," houses were flooded in these annexed areas and thus the City, covering labor costs, improved the stormwater system, while residents were responsible for material costs.

Mayor Thurmond introduced Citizen Ryan Adams. Mr. Adams stated his address was 195 East 39th Street South. He thanked the Council for allowing him to speak. He stated he felt it was unfair to go into closing on his property, receive the assessment from the title company which indicated he had no liens on his property, and then be held responsible for this assessment. He stated he felt it was the responsibility of the prior homeowner to handle the lien and he believed that if the City of Broken Arrow had issued liens in a timely manner it would have been handled by the prior owner and thus the City would have received its money. He stated he purchased his home in 2014, and as the work was done prior to 2010, the City had plenty of time to issue liens on the previous homeowner.

Vice Mayor Eudey stated the Council should remain consistent in these decisions.

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

Move to issue waivers for Ryan Adams and for Shane and Brittany Casey under the circumstances as presented

The motion carried by the following vote:

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

C. 17-2494 Consideration, discussion, and possible approval of and authorization to execute an Amended Engagement Letter with Arledge & Associates, P.C. to conduct the Fiscal Year 2017 Audit superseding the Engagement Letter dated May 25, 2017

Acting Finance Director Tom Cook reported at the June 15th City Council Meeting the Council authorized the execution and approved an engagement letter with Arledge and Associates for the completion of the FY 2017 audit. Subsequently, at the last Council Meeting, the Council approved and authorized the execution of an engagement with Crawford and Associates to prepare the annual financial statements. He stated staff went back to Arledge and Associates as there was a portion of what Arledge had done which Crawford would now be doing, and asked Arledge to consider if there would be a scope change and a change in pricing. He reported Arledge had agreed there was a change in scope and presented a new engagement letter which reflected a decrease in pricing of \$15,000. He asked the Council to approve the execution of the Amended Engagement Letter.

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

Move to approve and authorize execution of the Amended Engagement Letter with Arledge and Associates, P.C. to conduct the Fiscal Year 2017 Audit superseding the Engagement Letter dated May 25, 2017

The motion carried by the following vote:

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

D. 17-2284 Consideration, discussion, and possible approval of and authorization to execute a Master Lease Agreement between New Cingular Wireless PCS, LLC d/b/a AT&T Mobility and the City of Broken Arrow, Oklahoma, regarding the placement of communication facilities on City properties and utility poles

Mayor Thurmond stated AT&T requested this item be tabled until the next meeting.

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

Move to table Item D until the following meeting

The motion carried by the following vote:

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

E. 17-2251 Consideration, discussion, and possible approval of Resolution No. 1019, a Resolution of the Broken Arrow City Council declaring approximately 1.864 acres of city-owned property located at 305 North Main Street, surplus and authorizing transfer to the Broken Arrow Economic Development Authority, an Oklahoma Public Trust of which the City of Broken Arrow is the sole beneficiary for good and valuable consideration and specifically for the public purpose of furthering the City's economic development goals; and approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title, including a General Warranty Deed; and containing other provisions relating thereto

Ms. Childs stated she would not go into detail, as Mr. Stephens would in discussion of the Resolution improving the Economic Development Agreement. She stated the City acquired the property on February 12, 2016 for the sum of \$600,000 plus attorney's fees and related costs, with the idea that the property would be utilized for City purposes or for comprehensive economic development activity. She explained this Resolution declared the property surplus, declared the goal of furthering economic development and for the health, safety and welfare of the citizens of Broken Arrow. She explained it authorized execution of a General Warranty Deed and transfer to the Broken Arrow Economic Development Authority which was a public trust upon which the City Council served as Trustees. She respectfully requested the Council approve Resolution No. 1019 and authorize its execution. She stated she would be happy to answer questions.

Councilor Parks commented when this property was purchased the intention had been to level the property and make it attractive on Main Street, and to use it to the benefit of the City of Broken Arrow. He stated he was excited about the economic development of it and that eventually the monies spent on this project would return to Broken Arrow. He said he felt it was a win-win situation.

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

Move to approve Resolution No. 1019 and authorize its execution

The motion carried by the following vote:

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

- F. 17-2483** **Consideration, discussion, and possible approval of Resolution No. 1023-Corrected, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of Rivergate Crossroads v. City of Broken Arrow, Tulsa County District Court Case CV-2017-00590, authorizing a foreclosure and vacation of mutual access and utility easements generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street**

Ms. Childs stated there was a problem discovered with the legal description in the prior resolution which was approved by Council. She explained this corrected resolution fixed the legal description and authorized Legal to move forward. She requested the Council approve Resolution No. 1023-Corrected and authorize its execution.

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

Move to approve Resolution No. 1023-Corrected and authorize its execution

The motion carried by the following vote:

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

- G. 17-2485** **Consideration, discussion, and possible approval of Resolution No. 1029, a Resolution of the Broken Arrow City Council, an Oklahoma Municipal Corporation, accepting, agreeing, and consenting to a First Amendment to the Trust Indenture of the Broken Arrow Industrial Trust, which provides for clarification of the language describing the trust estate; which further provides that the Trustees shall be the members of the Broken Arrow City Council, as said Council is from time to time constituted; which further provides that the Mayor of the City of Broken Arrow shall be the Chairman of the Trust and the Vice-Mayor shall be the Vice-Chairman of said Trust; which further provides for the clarification and expansion of the powers and duties of the Trustees in accordance with the purposes set forth in said trust indenture; and which further provides for addition of a new section providing for a secretary, treasurer, and manager of the Trust; to reaffirm and re-accept the City's beneficial interest in the trust herein created for and provided for and finding that such actions are in the best interests of the City of Broken Arrow and the health, safety, and welfare of the City and residents within and near the City**

Ms. Childs reported the Broken Arrow Industrial Trust met on July 25th and presently was comprised of the City Manager, Mr. Smithwick and Mr. Cundiff. She stated this Resolution authorized the First Amendment to the Trust Indenture which would enable the City Council to serve as Trustees. She stated the language had also been modernized to give the Trustees wide discretion to perform a variety of functions. She requested the Council approve Resolution No. 1029 and authorize its execution.

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

Move to approve Resolution No. 1029 and authorize its execution

The motion carried by the following vote:

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

- H. 17-2465** **Consideration, discussion, and possible approval of Resolution No. 1038, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain Economic Development Agreement by and among the City of Broken Arrow and Alfa Laval, Inc.; and other provisions relating thereto**

Economic Development Coordinator Norm Stephens stated the City Manager's Office and the Chamber of Commerce were excited about the next two items on the Agenda. He stated Item H had been worked on for well over a year and countless meetings had been held with Alfa Laval to finalize this agreement. He reported the international company, Alfa Laval, Inc., formally ACE (Air Cooled Exchangers) had a local plant located at 1201 South 9th Street, was a corporate organization under the laws of the State of New Jersey, and was headquartered in the United States in Richmond, VA. He stated the local Alfa Laval plant currently employed 114 individuals and was interested in expanding. He explained it was currently comprised of 17.5 acres, but Alfa Laval had purchased an additional 21 acres of land adjacent to and east of the Alfa Laval site, and planned to create a United States of America Confidence Center in the City of Broken Arrow with a greater critical mass of welded heat exchangers expertise. He indicated Alfa Laval was consolidating several different locations throughout the US into the operation in Broken Arrow. He stated the project would comprise two phases; phase 1 was to

add 68,500 additional square feet of space for manufacturing, warehouse, office and other related uses and to hire 120 new full time employees bringing the total number of employees at Alfa Laval up to 234 employees. He stated the phase 1 construction start date was January 1, 2018, and the phase 1 completion date was June 30, 2019. He explained when phase 1 was completed phase 2 would start around May 30, 2023 which would be the construction of 220,000 square feet of additional space for manufacturing, warehouse, office and other related uses and the hiring of 147 additional new full time employees bringing the total employee staff up to 381 employees. He stated Alfa Laval requested the City assist them with an industrial access road to be built on the south side of the property to run from Lynn Lane to the east. He reported that extension road would ultimately help open land in the back of that area, not owned by Alfa Laval, but that had access to railroad, so there could be a railroad spur in the future if the person who owned it so desired. He stated through the negotiations and under approval of Mr. Spurgeon the City brought an offer before the Council and the City would spend no more than \$500,000 for the engineering and construction of the industrial access road. He stated in partnership of the State of Oklahoma, the Governor and the Department of Commerce had given the guarantee that sufficient funds would be provided to complete the industrial access road, which would be approximately \$800,000 to \$1,000,000 above the \$500,000. He stated Kinnee Tilly with Broken Arrow Economic Development Corporation had worked on some quality job aspects with this. He said the City of Broken Arrow would not spend any more than \$500,000, the industrial access road would become a City street, and it would be called Nashville Street on the south side. He invited Mr. Wes Smithwick, who had spent a considerable amount of time with the Leadership of Alfa Laval, to speak.

Mr. Smithwick stated a few weeks ago, he wrote an article for the Chamber Newsletter entitled "Why Jobs Matter." In that article, he commented that few citizens got excited about jobs, and that "jobs should be our #1 concern. Quality job growth is the future of Broken Arrow." He stated the Alfa Laval project was beneficial to Broken Arrow as it brought new jobs, new capital investment, and growth to the local economy. He explained the project had the potential to bring upwards of \$20 million dollars of new annual payroll income to the community of Broken Arrow which was new money for people to spend on goods and services in the community. He stated additionally there would be the one-time construction related dollars. He said Alfa Laval was a relatively unknown entity in Broken Arrow; Broken Arrow was familiar with ACE (Air Cooled Exchangers) who had been in Broken Arrow many years; however, ACE had been purchased some years back by Alfa Laval out of Sweden, which was a large company with 12,000 employees around the world from China to Europe to Africa and the United States. He explained Alfa Laval grew by acquisition and had purchased ACE in Broken Arrow several years ago, and had purchased other heat exchangers and related businesses throughout the United States. He reported when this project began 18 months ago, he and Kinnee Tilly had determined a new road would be necessary for this project. He explained Google Maps had indicated there was a road in the area called East Nashville Street. He said he called Norm Stephens to verify and Mr. Stephens verified there was no road at all in the area; therefore, a road would need to be constructed. Mr. Smithwick reported over the past 18 months countless hours of negotiation and conversation had been had, the Oklahoma Department of Commerce and the Governor's Office had been engaged and the State partners had provided critical resources to make this project a reality. He stated last October Secretary Snodgrass and her team visited Alfa Laval in Sweden to push Oklahoma as the location for Alfa Laval's new facility. He stated a few weeks later he visited Alfa Laval and pushed for Broken Arrow specifically. He stated in June, he, Governor Fallin and Kinnee Tilly visited Alfa Laval headquarters and met with the CEO and Chairman of the Board to discuss why it was important for Alfa Laval to be in Broken Arrow, Oklahoma. He stated last November there was one last opportunity to convince Alfa Laval that Broken Arrow was the best place for this facility; Mr. Stephens, a number of City representatives, the Secretary of Commerce, Secretary Ridley of the Oklahoma Department of Transportation, and Governor Fallin (via speakerphone), were present and worked to bring this project into focus. He stated this was the day the requirements from an infrastructure and road perspective were put into place. He mentioned the timeline and organization of a project of this magnitude was not quick, nor simple; it required teamwork, networking, relationships, and politics to enable it to come to fruition and without the combined efforts of all above mentioned individuals and representatives Alfa Laval might have chosen to build elsewhere and Broken Arrow would be losing jobs rather than gaining. He expressed his appreciation to the Oklahoma Department of Commerce and the Governor's Office for all the work done to help Broken Arrow win this project. He recognized the hard work of Kinnee Tilly on his team, and of Norm Stephens at the City. He stated numerous others at the City were also engaged and he thanked them as well. He encouraged the City Council to support this project.

Mayor Thurmond stated it was momentous when a European company chose to invest in Broken Arrow. He stated this project represented 267 new jobs being brought to the area. He said the EDC was constantly working on new projects to bring in new jobs and this was how Broken Arrow had grown as a City, through jobs generated, over the past 5 to 10 years.

Mr. Stephens asked the Council to support this project as he felt it was good for the City and would benefit Broken Arrow immensely. He stated anytime the EDC did economic

development the priority was employment, bringing good jobs to Broken Arrow.

Vice Mayor Eudey stated he, Councilor Lester and Mayor Thurmond each at different times had the privilege of serving on the EDC Board and he knew every Council Member wanted Broken Arrow to be successful, grow, thrive, and bring in quality jobs. He said if the price to be paid for this was an infrastructure project it was certainly a small price to pay to be able to celebrate Broken Arrow gaining some excellent employment opportunities. He was happy Alfa Laval could see how special Broken Arrow was as a city.

Mr. Stephens stated he and Mr. Spurgeon toured the Alfa Laval facility a week or two ago, and Alfa Laval was grateful to the City of Broken Arrow and the EDC for the reception it received from Broken Arrow and were instantly sold on the City of Broken Arrow. Mr. Spurgeon stated Alfa Laval was a \$35 billion company, and he felt it was amazing Alfa Laval chose to invest in the City of Broken Arrow. He stated the \$500,000 road expenditure would originate from the Capital Improvement Sales Tax Fund as the Council had designated funds a couple of years ago, to provide economic development opportunities; therefore, this project had been budgeted for previously. He stated Kinnee Tilly was amazing and to entice Alfa Laval to come to Oklahoma, more specifically Broken Arrow, along with 300 to 400 jobs, was almost unheard of in today's economy. Mr. Spurgeon thanked Mr. Smithwick and Mr. Stephens for their great tenacity in ironing out the details. He asked the Council to support this agreement.

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

Move to approve Resolution No. 1038 and authorize its execution

The motion carried by the following vote:

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

I. 17-2502 Consideration, discussion, and possible approval of Resolution No. 1042, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain Economic Development Agreement by and among the Broken Arrow Economic Development Authority, the City of Broken Arrow, Oklahoma, and Milestone Capital, L.L.C.; Designating representatives of the City of Broken Arrow for purposes of granting certain approvals and executing certain instruments as required under and in connection with said Agreement; and containing other provisions relating thereto

Mr. Stephens stated the Council had the foresight in 2016 to realize the church property located at 305 North Main was dilapidated, was an eye sore, and was becoming dangerous. He stated the City purchased the property, tore down the building and moved forward to market the property. He said the first time it went to market an organization came in and stated it would be able to complete this project, but were ultimately unable to without additional funding in the amount of an additional \$3 million to \$4 million dollars. Mr. Stephens decided with his staff, in cooperation with Mr. Smithwick's staff, that an effort would be made to find another financial partner. He stated in January of 2017 negotiations began with John Cowen, of Cowen Construction, and Steve Easley, the Director of Development for Cowen Construction, and over the course of several months the negotiation continued. He reported now he was prepared to bring an agreement before the Council for approval. He stated the agreement was for Milestone, LLC to build a project on that space which would advantageously transition the north side of Broken Arrow. He explained the Economic Development Agreement was written to ensure a good quality product, a good quality construction crew, and he felt everyone would be pleased. He explained the developer agreed to develop a 4-story building consisting of residential, retail, restaurant, and office space with a gross building floor area of 121,080 square feet; the commencement date to begin when the developer entered into final agreement with an architect to complete design documents for the project, but no later than two months following the effective date of the agreement, if approved, August 11th, 2017. He said the construction commencement date would be no later than 6 months after and the subsequent completion date would be no later than 24 months after the construction commencement date. He stated the project restrictions and recruitments indicated the developer would actively recruit upper scale restaurants, a neighborhood style market, unique lunch and dinner designations, boutiques, and even possibly a tailor shop for the establishment. He stated the minimal amount Milestone, LLC would invest in this property was more than \$17 million, a substantial amount of money to invest in a project like this. He explained the City had requirements to fulfill, namely to enter in to a long term 99-year lease with Milestone, LLC. He stated this lease, if approved by the Authority and the Council, would go into effect on August 11, 2017. He stated the City would also extend a 12-inch water line to the development by the end of March 2018 which would be done through CDBG funds. He stated the CDBG funds were purposed to supply water to the neighborhood around the project and it would also be used for fire suppression for the development. He stated the City would design and construct one more block of streetscape in front of the project to match what was just completed in front of the Chamber of Commerce. He explained this was to be done by the time Milestone's construction was completed. He reported power lines would need to be rerouted out of the current alley as the project would extend across said alley. He stated a sanitary sewer located in the alley would have to be relocated slightly to the east, and the City had fiber in the alley which would need to be moved to the east or west, whichever was easiest. He explained Cowen Construction was entering

into a 99-year lease on the property because the City owned the property and would continue to own the property; however, if Cowen decided to sell the property with the first five years following completion of the project, it could be sold for no less than \$701,151.40 which would make the City whole in its investment. He stated after the 5th year, starting year 6, if Cowen Construction sold the property fair market value would be determined by the Tulsa County Assessor and adjusted for inflation by the US Bureau of labor statistics, plus an additional 10%. Mr. Stephens stated while no agreement was a perfect agreement, he felt this was a good agreement and as such was presentable for the Council. Mr. Stephens believed the financial return to the City would be substantial, and believed the use tax brought in would be approximately \$260,000. He stated the property tax would come back to the City at around \$250,000. He stated the Development Fees for the project were estimated between \$40,000 and \$50,000. He introduced John Cowen and Steve Easley with Milestone, LLC and asked them to provide additional information regarding the project.

Mr. John Cowen, representing Milestone, LLC, stated Mr. Steve Easley would be displaying renderings of the proposed project. Mr. Cowen reported when the Council rejected the previous project development proposal for this property and the Council issued a second request to the public for developers, Milestone, LLC submitted a specific response to the request for proposals. He stated he and Mr. Easley had been actively engaged with many of the City staff present since the middle of March. He stated the agreements were all in place and Milestone, LLC was ready to move forward with the project. He explained a 4-story building was being proposed, with an urban design, pushing the construction of the building as close to three of the property lines as possible, on Main, Elgin, and Detroit. He stated parking for the project would be on the east side. He indicated the bottom floor of the building project would be exclusively retail, restaurant, and office space. He stated the rentable area was approximately 121,000 square feet and the whole project was approximately 150,000 square feet. He stated the top three floors would be an upper scale, urban type, multifamily project, with up to a total of 90 units in the building. He stated if he gained the Council's approval the designers would begin work and the actual number of units would be determined. He stated there was a large central common area designed into the project which would include a public art feature of some kind, perhaps a fountain, but it would align with Broken Arrow's current Rose District theme. He stated the architects were informally engaged at this point as Milestone was not able to enter into a contract with the architects until it had a contract with the City; however, the draft contracts were in place and ready to proceed. He stated Milestone Capital would be the developer on the project, and Cowen Construction would be the construction manager who built the project. He explained Milestone Capital was an LLC just for this project and would be inviting different development partners who brought in specific areas of expertise, and had been working with them throughout, on behalf of this project. He stated the development partners were familiar to Milestone and had experience with projects, current and past, similar to and much larger than the proposed project. He asked if there were questions.

Councilor Lester asked if Milestone intended to utilize the parking located at the Methodist Church across from this project's location. Mr. Cowen stated he had been in discussion with them. He stated it was possible Zoning would determine the project needed up to 250 parking spaces, but the project site could only house 150 parking spaces; therefore, in preparation to react to this, he had been in discussions with the Church and the Church expressed a willingness to negotiate with Milestone, but no negotiation could take place until zoning determined how many parking spaces were in fact required. He stated he was confident this was an issue that would easily be resolved.

Councilor Lester asked if the project had proceeded to the point where Milestone had determined what rental rates would be for the proposed units and retail space; he was not asking Mr. Cowen to divulge numbers, but wanted to know if the rental rates had been determined. Mr. Cowen replied Milestone had reviewed the market research available and other projects' market studies. He stated he would not employ the specific market study for this site and design until Milestone and Broken Arrow had an agreement. He explained the rates he currently used were based on surrounding downtown Broken Arrow rental rates and when compared to a couple of projects, which were not truly comparable, but were in the Rose District, he was forecasting lower rental rates to ensure the project's success.

Mr. Spurgeon stated the City's first goal was to remove the property which had fallen into total disrepair, and second the Council determined the property should be developed. He stated the proposed development project, which he recommended to the Council, would accomplish many City goals by increasing the number of residential units' available downtown, by increasing daytime traffic downtown which was desired and would promote business growth and increase job availability. He stated most importantly to him, it would provide more opportunities for the citizens of Broken Arrow to shop local. He stated the Rose District had a certain vibe which made it a very desirable area for residents and businesses alike, and growing the area in this way would be highly beneficial to Broken Arrow and the Rose District by allowing more residents to be closer to the action and businesses to be more involved and to flourish in the area. He stated there were many synergies involved with this project beyond the jobs, the additional places to shop, and the additional daytime traffic which he felt would make

this a place residents would be drawn to. He asked for the Council's consideration of this agreement.

Vice Mayor Eudey stated he felt this project accomplished what the Council had promised to do, which was remove a blighted structure and get the City's money back. He believed at the end of the day it fulfilled this promise, but also accomplished much more in that when it was finished the City would have a beautiful structure which would provide additional sales tax and additional development opportunities, and he felt it tied in the north end of the Rose District to the south end nicely.

Mr. Stephens stated this project did not stop at the borders of the project. He asked Mr. Wes Smithwick to speak on the estimated economic impact for the surrounding area. Mr. Smithwick stated he hoped the Council understood the enormous potential of this project. He stated it was the biggest capital investment the Rose District has had by far; second place did not come close. He stated this project would provide additional retail and restaurant space (which until now had been unavailable in the Rose District), it provided residential living opportunities in the Rose District which helped with density and would capture nearby residents in the Rose District. He stated a strategic objective of the Rose District this year had been to improve and increase residential population density. He stated this project would allow the Rose District to grow organically to the north, and he expected additional capital investment to the north; there would be new streetscape which would enable pushing into the north which would in turn enable more investments and revitalization of the northern area. He stated the property tax alone within a few years would have paid back Broken Arrow's investment and would go into the TIF fund. He stated based on the retail mix and products sold, there could be upwards of a \$200,000 per year sales tax also flowing back to the TIF. He stated this was a highly beneficial project which would help attract a younger generation of residents to the Rose District to frequent the restaurants, retail establishments and entertainment venues. He stated Mr. Russel Gale, as acting City Manager, was the individual who initially had supported this idea. He thanked Mr. Gale profusely for his vision and his confidence in this project. He thanked Mr. Spurgeon for quickly embracing this project and for his enthusiastic backing of the project. He thanked Mr. Norm Stephens for his diligence in pulling all the processes together and making this happen. He reiterated this was a wonderful opportunity for Broken Arrow and he hoped the Council would support this project.

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

Move to approve Resolution No. 1042 and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

There were no preview ordinances.

11. Ordinances

A. 17-2445 Consideration, discussion, and possible adoption of Ordinance No. 3488-Corrected, 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

Ms. Childs stated Items A, B and C were approved at the last meeting, but as there was not a super majority of Counselors in attendance the emergency clause could not be put into effect. She explained with these ordinances it was important to move forward with the effective date, rather than waiting for the 30 days to run, especially on the closure if the City wanted to be responsive and accommodate the citizens. She respectfully requested the Council approve Items A, B and C each separately.

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

Move to adopt Ordinance No. 3488-Corrected

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 Mike Lester.

Move to approve the emergency clause

The motion carried by the following vote:

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

B. 17-2446 Consideration, discussion, and possible adoption of Ordinance No. 3489-Corrected, amending Chapter 16, Offenses-MISCELLANEOUS, Article 1, In General, Section 16-28, Possession of marijuana and controlled dangerous substances; adding Schedule I and II drugs to the definition of controlled dangerous substances, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency

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

Move to adopt Ordinance No. 3489-Corrected

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 Mike Lester.

Move to approve the emergency clause

The motion carried by the following vote:

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

- C. 17-2447 Consideration, discussion, and possible adoption of Ordinance No. 3490-Corrected, amending Chapter 16, Offenses-MISCELLANEOUS, Article III, Offenses Against Property, Section 16-56, Petit Larceny, amending the definition of Petit Larceny to be the taking of personal property of a value not to exceed \$1,000, amending the maximum punishment to be imprisonment of not more than 30 days, of the Broken Arrow Code; repealing all ordinances to the contrary; and declaring an emergency**

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

Move to adopt Ordinance No. 3490-Corrected

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 Mike Lester, seconded by Johnnie Parks.

Move to approve the emergency clause

The motion carried by the following vote:

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

- D. 17-2491 Consideration, discussion, and possible adoption of Ordinance No. 3491, amending the Broken Arrow Code, Chapter 8, Cemeteries, Article II, Park Grove Cemetery; Division 1. Generally; Sec. 8-33 Benches, urns, etc. prohibited to provide for the installation of memory benches, the sale of memory benches and designating types and areas where benches are allowed; repealing all ordinances to the contrary; and declaring and emergency**

Ms. Childs stated this Ordinance was previewed at the last Council Meeting and provided for establishment of benches in Park Grove Cemetery. She stated it was a terrific project and was substantially in the same form as it was presented, and she recommended the Council adopt the Ordinance.

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

Move to adopt Ordinance No. 3491

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 Mike Lester, seconded by Scott Eudey.

Move to approve the emergency clause

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated he was pleased with the two items passed at this Council Meeting. He was pleased with the work done with Alfa Laval over the past 18 months and what the State had done to bring Alfa Laval to Broken Arrow and he was excited about the downtown Rose District project which would be a huge anchor for Broken Arrow. He asked if there were any questions or comments from the Governing Body. There were none.

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

Mr. Spurgeon thanked the Council for its support on the Resolution regarding illegal gaming, and he thanked Beth Anne Childs for her efforts in this. He thanked the Council for taking a strong position against illegal gaming and thanked Ms. Childs for her due diligence and her guidance throughout. He stated he wanted to bring two things to the attention of the Committee regarding the proposed 2018 General Bond Delegation package. He reported in June staff had begun the process of putting together preliminary recommendations which he reviewed last week. He stated staff would be running a parallel track and would be putting together its projects and recommendations for the Council while at the same time engaging a public relations firm to assist with public education and to poll the Community to determine what the Community's priorities were with respect to the Quality of Life projects. He stated tomorrow he and Krista Flasch would review the request for proposals received from two experienced companies. He stated the preliminaries of putting together a package had begun and he would

anticipate in November he would be bringing this before the Council for consideration. He noted that as a part of due diligence the administration would be meeting with members of the chamber to determine specifically what was important to the Chamber regarding potential economic development opportunities as this would be the opportunity to review the infrastructure. He stated preliminary discussions had already begun through Mr. Schwab with the school district and he would be formally meeting with the school district to see where the planned schools were, and see where growth was anticipated, to ensure those projects would be submitted to the Council.

Mr. Spurgeon stated prior to the Council Meeting there was a special work session on the Manual of Fees, and he thanked the Council for its time and the staff Members for putting together recommendations. He said he would come forward with a resolution at one of the next two meetings. He reported August 22nd, 2017 a meeting would be held in south Broken Arrow regarding the city's development efforts in south Broken Arrow and he was working on the agenda and presentations for said meeting. He stated he would be providing information to the citizens and inviting them to the meeting to divulge what investments the City had made, what economic development recruitment efforts were ongoing, and the developer of Aspen Creeks was invited to attend and discuss his specific efforts, to ensure the concerned citizens understood what the City's hopes were, as he believed the City's hopes and the residents' hopes aligned in regard to the additional retail and commercial endeavors in south Broken Arrow. He stated additional communications equipment would be acquired soon; therefore, there was a possibility the meeting would be recorded and televised on Cox 24 and the website. He stated he could not commit to this possibility as the training had not been done, but he was hopeful that the meeting on August 22nd could be video recorded. He stated if this was not a possibility a highlight segment would be done, and any questions that came in following would be answered.

Mr. Spurgeon stated as there were two Council Members out of state last month he wanted to mention at the last meeting the Council approved an agreement to allow the City to buy, either through direct acquisition or through lease, three new ambulances. He stated the City should have the ambulances in approximately 150 days; therefore, by the end of the year the City of Broken Arrow would have three new ambulances. He reported Chief Moore said for the Fire Department to keep 6 ambulances working, 12 ambulances were needed. He wanted to thank the Council Members for their support in purchasing the ambulances. He stated on July 19th a seventh ambulance was staffed for the first time in the City's history; therefore, there were now 7 stations and 7 ambulances running to provide support to the citizens as approximately 75% to 80% of 911 calls were emergency medical related. He stated the City could do this because the Fire Department now had the necessary personnel, which was a result of the Vision 2025 repurposing. He reminded the Council that conversations regarding the ambulances began in January and that on March 7th the Fire Chief made a presentation to the Council requesting the addition of a seventh ambulance; the Council told him to put a plan together with administration and then make certain it could be paid for, and on July 19th this came into fruition. He stated he was very proud to be able to offer this much-needed service to the Citizens of Broken Arrow.

At approximately 8:02 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 Debra Wimpee.

Move to recess in order to enter into the Broken Arrow Municipal Authority and 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 8:43 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 8:49 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

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

14. Executive Session

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

Workers' Compensation Court Case, Tony McGill vs. City of Broken Arrow; to include updating the City Council, discussing appeal and other matters and taking appropriate action under 25 O.S. §307(B)(4); and

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. In the opinion of the City Attorney, the Council is advised that disclosure will seriously impair the ability of the public body to process the Worker's Compensation claim, in the public interest.

At approximately 8:52 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

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

Move to ratify appeal of the Tony McGill Worker's Compensation Claim

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 8:53 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

/Craig Thurmond _____
Mayor

/Lisa Blackford _____
City Clerk