



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, March 20, 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

Invocation was delivered by Rich Maganero.

3. Roll Call

Present: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
Absent: 1 - Debra Wimpee

4. Pledge of Allegiance to the Flag

Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated Items J and L were to be removed from the Consent Agenda. He asked if there were any other items to be removed. There were none.

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

Move to approve the Consent Agenda excluding Items J and L

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 18-108 Approval of City Council Meeting Minutes of March 6, 2018**
- B. 18-358 Approval of and authorization to execute a Proclamation declaring the week of March 26, 2018 as Arbor Week**
- C. 18-381 Ratification of Mayor's signature on Application for FY18 Tulsa Urban County Community Development Block Grant (CDBG) Funds**
- D. 18-359 Approval of and authorization to execute a Master Services Agreement with Paymentus for credit card and debit card payment processing**
- E. 18-360 Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by public auction**
- F. 18-365 Notification of City Manager's execution of a Professional Consultant Agreement with a value of \$1,500.00**
- G. 18-370 Approval of and authorization to execute Amendment No. 2 to Agreement for Professional Consulting Services with PDG, LLC, dba Planning Design Group, for design of Arrowhead Park Improvements (Project No. 176036)**
- H. 18-363 Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consulting Services with PDG, LLC, dba Planning Design Group for design of Leisure Park Improvements, New Splash Pad and Playground (Project No. 176044)**
- I. 18-372 Approval of and authorization to execute Amendment No. 1 to Agreement between the City of Broken Arrow and Halff Associates, Inc. for preparing the new Comprehensive Plan, to specifically add to the Scope of Services for the Broken Arrow Parks & Recreation Master Plan update**
- J. 18-368 Award the lowest responsible bid to Ellsworth Construction, LLC, and approve and authorize execution of a construction contract for 4th Street Rehabilitation, Detroit to Midway (Project No. ST1804)**
- K. 18-362 Award the lowest responsible bid to Magnum Construction, Inc., and approve and authorize execution of a construction contract for Indian Springs Sports Complex Baseball and Soccer Improvements Monument Signage (Project No. 166028A)**
- L. 18-367 Award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surfacing on Aspen from Washington to New Orleans (Project No. ST1705A)**

- M. 18-309 **Approval of PUD-226A (Planned Unit Development) and BAZ-1997 (Rezoning), CSD Enterprises Amended, 4.09 acres, PUD-226/CH and A-CH to PUD-226A/CH and IL, located one-quarter mile south of Omaha Street, west of Aspen Avenue**
- N. 18-314 **Approval of PT17-116, Conditional Final Plat, Twin Cities Ready Mix, 1 Lot, 19.30 acres, IH, one-quarter mile west of 23rd Street, one-quarter mile south of Houston Street**
- O. 18-321 **Acceptance of a Deed of Dedication from Lovelle Properties, LLC on property located one-eighth mile west of 9th Street, north of New Orleans Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)**
- P. 18-337 **Acceptance of a Utility Easement from Lovelle Properties, LLC on property located one-eighth mile west of 9th Street, north of New Orleans Street, Tulsa County, State of Oklahoma, (Section 23, T18N, R14E)**
- Q. 18-19 **Approval of the Broken Arrow City Council Claims List for March 20, 2018**

6. Consideration of Items Removed from Consent Agenda

City Manager Michael Spurgeon stated he asked to have Item J and L removed from the Consent Agenda to allow discussion.

- J. 18-368 **Award the lowest responsible bid to Ellsworth Construction, LLC, and approve and authorize execution of a construction contract for 4th Street Rehabilitation, Detroit to Midway (Project No. ST1804)**
 Director of Engineering, Alex Mills, stated Item J was a request to award a construction contract to Ellsworth Construction for the rehabilitation of 4th Street from Detroit to Midway. He reported it was a Community Development Block Grant (CDBG) project that included sidewalks, curb and gutter, patching and overlaying the street. He reported bids were advertised on February 19th and 26th of this year, bids were opened on March 13th and 6 bids were received; all bids were responsive and the lowest bidder was Ellsworth Construction with a bid of \$196,979.75 on an engineer's estimate of \$214,420. He stated he recommended approval.

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

Move to award the lowest responsible bid to Ellsworth Construction, LLC, and approve and authorize execution of a construction contract for 4th Street Rehabilitation, Detroit to Midway (Project No. ST1804)

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- L. 18-367 **Award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surfacing on Aspen from Washington to New Orleans (Project No. ST1705A)**
 Mr. Alex Mills stated Item L was approval to award a construction contract to Vance Brothers for the micro-surfacing on Aspen Street from Washington to New Orleans, from 91st to 101st. He reported the project goal was to preserve Aspen Street from further deterioration. He explained it had been determined the road base was in good condition and micro-surfacing was a method which would allow resurfacing of the road, protect its integrity and extend its life at somewhat minimal cost. He stated it was a better process than traditional mill and overlay and would preserve the surface for many years. He reported this project was approved as part of the 2014 GO Bond. He reported it was advertised on February 20th and February 27th, bids were opened on March 13th, two bids were received, and both were responsive. He reported the lowest bid was from Vance Brothers at \$285,644.81 on an engineer's estimate of \$247,610.60. He stated he recommended approval.

Vice Mayor Scott Eudey asked when construction intended to begin and if traffic difficulties were anticipated. Mr. Mills responded construction would most likely begin within 45 days of approval and construction would only close down a single lane at a time to prevent traffic congestion. He stated, however, residents would want to avoid the area during rush hour if possible.

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

Move to award the lowest responsible bid to Vance Brothers, Inc., and approve and authorize execution of a construction contract for Micro Surfacing on Aspen from Washington to New Orleans (Project No. ST1705A)

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

There were no Public Hearings, Appeals, Presentations, Recognitions, or Awards.

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

Mayor Thurmond stated no citizen had signed up to address the Council.

9. General Council Business

Consideration, discussion, and possible action regarding an expression of support for Oklahoma Public School teachers, including their efforts to convince the State Legislature to provide funding for teacher pay raises and funding for public schools

City Manager, Michael Spurgeon, stated for many years, and increasingly in the past two years, the Broken Arrow City Council and Administration worked closely with officials from the Broken Arrow Public School District, as well as the Tulsa area chambers, and other cities, to express Broken Arrow's support of finding a long term solution for public education funding. He stated thus far no solution had been reached. He stated Broken Arrow City Council and Administration recognized the importance of teachers and support staff as a work force, as well as the important role teachers played in the local and state economy. He reported a walk-out by the Oklahoma Public School teachers was tentatively scheduled for 04/02/2018. He reported the City of Tulsa was passing a resolution in support of the teachers. He stated he felt City Council should discuss the situation and clearly state its supportive position in regard to Public Education and Broken Arrow teachers.

Mayor Thurmond reported over the last several years Broken Arrow had made extensive efforts to procure State Legislature and permanent funding for Public Education. He explained Oklahoma's lack of focus on Public Education was negatively affecting business's decisions to move to Broken Arrow. He stated he approved of a resolution in support of education and he would like to see the legislators take action toward permanent funding.

Council Member Mike Lester stated his wife, a retired teacher of 38 years, had worked 12 months a year, 12 hours a day, and most weekends. He stated while he was not calling out any legislator specifically, he was calling out all State Legislators as this has been an issue for years and no progress had been made. He stated he had suggested the possibility of raising income taxes and explained the dwindling view on education in the State of Oklahoma would eventually diminish property value more than the taxes would go up. He iterated he was in full support of the resolution, raises for teachers, and even a walk-out if that was what was needed to secure the State's attention.

Council Member Johnnie Parks stated he was a retired teacher and had taught for 23 years. He stated this was a sad state of affairs which had caused economic problems, would cause additional economic problems, and had caused teachers to leave the field. He stated he was embarrassed when on national television an Oklahoma Public School teacher, whom he knew personally, and had been voted Teacher of the Year, explained he had moved to Texas to teach because the wages were so poor in Oklahoma he only made enough to pay for day care and the gas to get to school; this teacher went on to say Oklahoma was one of the worst States in the nation for funding education and it was only getting worse. He stated he felt a message needed to be sent that Broken Arrow was not happy with the current situation. He stated he was not in support of a walk-out, but he did not view it as an actual strike, as the teachers would make up time lost in the end, and it was important that the teachers get the State's attention. He stated he felt the solution to the problem was a sustainable funding source, something to grow with the Public School System; a one-time raise was not the solution. He reported while there were a few Representatives who supported the Public School system, many did not, and he was extremely displeased with the State Legislators in this regard.

Vice Mayor Eudey stated he had considered teaching as a career, had taught as a student teacher, and had determined it was way too much work for the small salary. He stated his wife was a nurse who could earn \$50,000 to \$80,000 in a hospital, but had chosen to work as a school nurse for the same pay as a teacher. He stated he did not agree with the walk-out as he felt this would send the wrong message to the children and would negatively impact the school's support staff; however, he respected the Council Members' opinions and understood the teacher's frustration. He stated he believed quality education was extremely important to the community and students. He stated Oklahoma had a Constitutional obligation to fund Public Schools which was being ignored. He stated it was an embarrassment that the State of Oklahoma did not properly fund the Public School System. Despite the inadequate funding, he stated, Broken Arrow had amazing schools and the teachers in Broken Arrow, Union, and Bixby did an amazing job educating students without much pay or financial support, truly doing wonders with little. He stated he was disappointed in the legislature; he felt the State Legislators have been aware of the problem and have not taken steps to fix said problem. He stated he supported preparation of a resolution which whole-heartedly, without reservation, expressed support for the teachers in the community, expressed support for a pay raise commensurate with the value of the job teachers perform, expressed support for Broken Arrow Public Schools, Union Public Schools, Bixby Public Schools, and reminded the Legislature of the Constitutional mandate to appropriately fund the education system.

City Manager Spurgeon stated a resolution would be constructed and presented before Council. Council Member Parks asked if it was possible to complete the resolution prior to April 1st. City Attorney Beth Anne Childs responded in the affirmative; however, a special meeting would be required. Council Member Parks suggested the special meeting be held at 5:30 p.m. on Monday, March 26th, prior to the Comprehensive Plan Meeting. The City Council agreed; the Special Council Meeting would be held at 5:30 p.m., March 26th, 2018.

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1093, a Resolution authorizing the City Attorney to enter into a Final Journal Entry of Judgment without admitting liability in the matter of the Petition to Vacate Easements and Application to Vacate Plat and Portion of Plat and Terminate Restrictive Covenants, Wagoner County District Court case number CV-18-24, Vacating the Amended Plat of Wagoner County Line Plaza, by the Plat and Deed of Dedication dated 6 September 1995,

filed for record on 11 September, 1995 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 3, at Pages 300 A & B and a portion of the Plat of Tiger Plaza by the Plat and Deed of Dedication in Declaration of Restricted Conveyance dated for 4 October 2001, filed of record on 12 October, 2001 in the office of the County Clerk of Wagoner County, Oklahoma, recorded in Plat Cabinet 4 Page 394

City Attorney, Beth Anne Childs, reported this Resolution aided in enabling a beautiful, more accessible QuikTrip facility. She stated she recommended approval of Resolution No. 1093 and authorization of its execution.

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

Move to approve Resolution No. 1093 and authorize its execution

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 18-289 **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1094, a resolution fixing the amount of Series 2018A bonds to mature each year, Fixing the time and place the bonds are to be sold and authorizing the Clerk to give notice of said sale as required by law; Approving the Preliminary Official Statement pertaining to said bonds; and approving a Legal Services agreement and a Financial Advisor Services agreement and ratification of an Engagement Letter for Legal Services and containing other provisions with respect to the issuance of General Obligation Bonds**

Acting Finance Director, Tom Cook, reported Resolution No. 1094 fixed the amount of Series 2018A bonds to mature each year, fixed the time and place the bonds were to be sold and authorized the Clerk to give notice of said sale as required by law. He stated on October 4, 2017 the list of projects pertaining to this sale was presented to Council and there had been no change to this list. He asked for approval of Resolution No. 1094.

City Attorney Childs reported the Preliminary Official Statement (POS) was presented to Council a week ago, and was the National Standard for Provision and Review. She stated staff had made 30 or more revisions to this POS prior to presentation. She explained the importance of this accomplishment. She thanked those who assisted. She stated she believed the City Council would be pleased with the result.

Council Member Lester asked about the importance of the changes that had been made since last he saw the Preliminary Official Statement. She replied the changes in question were not hers, but the changes would not have been made otherwise.

Vice Mayor Eudey stated the Preliminary Official Statement was an important, if lengthy and detailed document and he appreciated the work which had gone into creating it.

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

Move to approve and authorize the execution of Resolution No. 1094

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- D. 18-385 **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1095, a Resolution approving and authorizing a Development Agreement between the City of Broken Arrow, New Bedford Lakes, LLC, New Bedford Park, LLC, Glenn Shaw and Charles L. Ramsay, Jr.**

Stating he had a conflict, Mayor Thurmond left the room at approximately 6:55 p.m.

City Attorney Childs stated Mr. Charles L. Ramsay was present to answer questions. She reported Resolution No. 1095 had been years in the works and she was delighted to finally present it to Council. She thanked those involved. She reported Mr. Shaw and Mr. Ramsay had made a variety of dedications to the City of Broken Arrow; each was outlined in the Resolution and the Agreement. She discussed various difficulties which had arisen and had been addressed. She reported the development would provide connectivity between Albany and Omaha, as well as access to Walmart. She reported land dedications had been made by Mr. Shaw and Mr. Ramsay for a detention pond and a park area. She reported the city had agreed to construct a detention pond at this location which would contain stormwater for the surrounding areas, which potentially would result in additional stormwater fund revenues. She reported the pond was approved in two separate General Obligation Bond issues, pond cost estimated at roughly \$1.3 million. She stated the city would construct a park surrounding the regional detention pond which would not cost any additional funds as money was earmarked in GO Bond proceeds. She reported the retention pond cost more than GO Bond proceeds; however, the funds had been provided from other areas. She reported while it was not standard procedure, in an effort to not go above budget, and as 50 acres in total were being dedicated, the filing of the final plat, as well as the fee in lieu of the Tucson Village Project was being waived. She stated she understood the credit to the developers was approximately \$185,000 dollars. She asked if there were questions. She requested approval for Resolution No. 1095 and authorization for its execution.

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

Move to approve Resolution No. 1095 and authorize its execution

The motion carried by the following vote:

Aye: 3 - Johnnie Parks, Mike Lester, Scott Eudey

Recuse: 1 - Craig Thurmond

Mayor Thurmond returned to the room at approximately 7:07 p.m.

E. 18-377 Consideration, discussion, and possible approval of the appointment of four (4) attorneys as nominated by the Mayor to fill the expired terms of the attorney memberships on the Judicial Nominating Committee

City Attorney, Beth Anne Childs, reported a number of years ago Council approved an Ordinance which provided for a Judicial Nominating Committee. She reported staff recommended the appointment of Robert Stubblefield, Jeff Steen, Mark Harper, and Travis Horton to the Judicial Nominating Committee. Mayor Thurmond asked if there were other recommendations for the Judicial Nominating Committee. There were none.

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

Move to approve the appointment of Robert Stubblefield, Jeff Steen, Mark Harper and Travis Horton to the Judicial Nominating Committee

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

F. 18-361 Consideration, discussion, and possible approval of and authorization to execute an Third Amended Interlocal Agreement by and between the Cities of Bixby, Broken Arrow, Collinsville, Glenpool, Jenks, Owasso, Sand Springs, Sapulpa, Skiatook, Tulsa, and Osage County, and Tulsa County and Northeast Oklahoma Enhanced 9-1-1 Trust Authority, and Indian Nations Council of Governments' (INCOG) regarding a Regional 911 Board for the purpose of shared management of 911 services

Broken Arrow Police Department, Major Thomas Cooper, reported this original Agreement had been voted and approved on December 6, 2016 and the Amended Agreement added Tulsa County and Osage County. He explained the Agreement was the same otherwise.

Council Member Lester commented new technology was difficult to keep up with. Major Cooper stated INCOG was at the forefront of 911 technology within the State of Oklahoma and he was pleased to be involved with INCOG.

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

Move to approve the Third Amended Interlocal Agreement and authorize its execution

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 18-339 Consideration, discussion, and possible adoption of Ordinance No. 3515, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1903, generally located one-quarter mile west of Elm Place, north of Tucson Street, granting a RM zoning classification be placed upon the tract along with PUD 220B, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

City Attorney Childs reported Section 11 Items A through H were all zoning ordinances and she requested Council to vote on each individually. She stated she would be happy to answer questions.

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

Move to adopt Ordinance No. 3515

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move for emergency clause

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 18-340 Consideration, discussion, and possible adoption of Ordinance No. 3516, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1911, generally located one-quarter mile east of Olive Avenue, south of Tucson Street, granting a RS-3 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

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

Move to adopt Ordinance No. 3516

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move for emergency clause

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 18-343** **Consideration, discussion, and possible adoption of Ordinance No. 3517, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1913, generally located one-quarter mile west of 23rd Street, south of Kenosha Street, granting an IL zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.
Move to adopt Ordinance No. 3517
The motion carried by the following vote:
Aye: 4 - 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: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- D. 18-344** **Consideration, discussion, and possible adoption of Ordinance No. 3518, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1931, generally located south and west of the southwest corner of New Orleans Street and Olive Avenue, granting a RS-3 zoning classification be placed upon the tract along with PUD 235, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move to adopt Ordinance No. 3518
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.
Move for emergency clause
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- E. 18-345** **Consideration, discussion, and possible adoption of Ordinance No. 3519, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1947, generally located one-quarter mile north of Washington Street, east of 9th Street, granting a RS-3 zoning classification to be placed upon the tracts, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.
Move to adopt Ordinance No. 3519
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move for emergency clause
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- F. 18-346** **Consideration, discussion, and possible adoption of Ordinance No. 3520, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1949, generally located one-half mile north of Jasper Street, west of Aspen Avenue, granting a RS-3 zoning classification be placed upon the tract along with PUD 244, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
- MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.
Move to adopt Ordinance No. 3520
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move for emergency clause
The motion carried by the following vote:
Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond
- G. 18-347** **Consideration, discussion, and possible adoption of Ordinance No. 3521, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ 1950, generally located north of Houston Street, one-quarter to one-half mile east of 9th Street, granting an IL zoning classification be placed upon the tract along with PUD 245, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

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

Move to adopt Ordinance No. 3521

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move for emergency clause

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- H. 18-348** **Consideration, discussion, and possible adoption of Ordinance No. 3522, an ordinance closing a utility easement on a part of Lot 3, Block 4, Bristol Ponds, an addition to the City of Broken Arrow, being a part of the southeast quarter (SE/4) of Section Fifteen (15), Township Eighteen (18) North, Range Fourteen (14) East of the Indian Base and Meridian, Tulsa County, State of Oklahoma; repealing all ordinances to the contrary; and declaring an emergency**

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

Move to adopt Ordinance No. 3522

The motion carried by the following vote:

Aye: 4 - 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: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Council Member Parks commented he had been having issues with his phone which Cox, AT&T and Apple had been unable to fix, but the City of Broken Arrow Information Technology (IT) department fixed his phone within 15 minutes. He thanked the IT department.

Vice Mayor Eudey reported he and Council Member Parks were privileged to serve as sponsors for the Youth City Council and had chaperoned five young individuals to the National League of Cities Conference. He stated he felt the Youth City Council Members had made excellent contributions and had learned much at the conference. He thanked Council Member Parks and Community Relations Liaison, Jennifer Hooks, and stated he felt the next generation was in good hands.

Council Member Lester reported during the 911 Committee he served on, several subjects had been discussed. He stated one subject was First Net, a nationwide new broadband open to the public as a telephone network, but in case of emergency public use of the network was shut down and the network was utilized only for public safety. He commented once this was fully implemented it would be a great public safety feature. He stated another subject discussed was disaster assistance, of which it was stressed local governments must have the resources available to care for the local community in times of disaster. He stated he was proud Broken Arrow had a Reserve Fund Balance; many cities did not have this important fund. He stated, lastly, he felt opioid use was a subject which needed to be discussed locally, as well as nationwide.

Mayor Thurmond indicated Jamie Ott, the Emergency Management Coordinator, agreed with Council Member Lester regarding local emergency response and funding. He reported a trip was made to Washington D.C. during which City Manager Spurgeon spent time lobbying for the city, and he and Vice Mayor Eudey had an opportunity to speak with the Federal Representatives. He stated on Thursday he and City Manager Spurgeon went to the White House and discussed the President's New Infrastructure Proposal. He explained he was one of fourteen mayors who were invited and was able to discuss what was important to Broken Arrow and other communities and what the federal government could do for Broken Arrow. He stated he felt it was a very fruitful trip from which he learned much regarding future application and opportunity for funding.

Vice Mayor Eudey stated serving on the Transportation and Infrastructure Services Committee at NLC, he was proud of how Broken Arrow was represented at the above New Infrastructure Proposal. He stated he was pleased the Citizens of Broken Arrow understood the importance of investing in infrastructure, and it was encouraging to know the Mayor had a seat at the table in conversation about what funding the federal government would send back to Broken Arrow to keep Broken Arrow's infrastructure needs met.

Council Member Parks added that during one of the Public Safety meetings he attended the Oklahoma State Attorney General was complimented for being ahead of other states in having already filed a lawsuit similar to a Federal lawsuit that was under way regarding opioid use and drug companies.

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

City Manager Michael Spurgeon stated all five Broken Arrow Council Members were in attendance at NLC which he felt was wonderful. He stated it was important to engage with the

elected officials and be certain that Broken Arrow's needs were brought to the attention of the Senators and Representatives. He was proud of City Council for its efforts in this regard. He stated in January the Mayor was invited to be present at the first infrastructure discussion at the White House, and he felt to be invited to the second Infrastructure Meeting was an honor and highly beneficial to the city. He stated he was extremely proud of Mayor Thurmond's performance at the Infrastructure meeting; Mayor Thurmond had made more points and asked more questions than any in attendance. He explained Mayor Thurmond had arrived well prepared, after much review with Assistant City Manager, Kenny Schwab and Director of Engineering, Alex Mills, with the pros and cons of the Infrastructure Plan and he was impressed with the Mayor's ability to discuss the Infrastructure Plan intelligently with the President's staff. He stated hopefully Broken Arrow would continue to be a part of the planning.

City Manager Spurgeon thanked John Wolfe and Don Kiser for assistance with the GO Bond Package. He stated it was an extremely well put together document.

City Manager Spurgeon reported last week the GO Bond Package was reduced from \$280 million dollars, down to around \$211 million dollars. He stated it was a difficult process as all proposed projects were worthy projects. He explained at this point a meeting with a select group of citizens and School District Representatives would be held March 27th to review the proposed changes, on April 17th the Preliminary Final Package would be presented to Council for review, and on April 24th one more Public meeting would be held to discuss the Preliminary Final Package and review which projects were cut. He stated Legal would be working alongside himself and staff to create the ordinance which would be presented to Council at the second Council meeting in May.

City Manager Spurgeon congratulated Major Thomas Cooper for his promotion to Major. He stated he enjoyed working with Major Cooper. He commended the Interim Finance Director Tom Cook for his work, and congratulated the new Finance Director Cindy Arnold.

City Manager Spurgeon stated the Comprehensive Plan Meeting would be held on March 26th at 6:00 p.m. and he hoped there would be good attendance and feedback.

At approximately 7:32 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: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

At approximately 7:33 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 Scott Eudey, seconded by Mike Lester.

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

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

The Council returned to the room at approximately 7:41 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

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

Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

14. Executive Session

1. Litigation, including potential resolution, of a matter involving the Petition for Condemnation in the matter of City of Broken Arrow v. BZ Properties, et al., in the District Court for Wagoner County, Case No. CV-18-21 and City of Broken Arrow v. BZ Properties, et al., Case No. CV-18-22 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, of a matter involving the Petition for Condemnation in the matter of City of Broken Arrow v. Abatement Systems, Inc. in the District Court for Wagoner County, Case No. CV-18-4 and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).

3. Litigation, including potential resolution, of a matter involving the tort claim of Kelsie Brunervs. City of Broken Arrow, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).

4.Litigation, including potential resolution, of a matter involving litigation in the matter of Juan Rodriguez v. City of Broken Arrow, in the District Court of Tulsa County, Case No. CJ-2017-978, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claim, litigation and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

At approximately 7:57 p.m. the regular session of the City Council Meeting was reconvened and the room was opened to the public.

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

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

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City Attorney to settle the case of Juan Rodriguez v. the City of Broken Arrow, in accordance with the direction given by the Council

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to reject the counter-offer submitted by the landowner in the case of B-Z Properties, LLC and to authorize the City Attorney to move forward with appointment of the Commissioners

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to settle the Tort Claim filed by Kelsie Bruner in the amount of \$25,000.00

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to authorize the City Manager to pay the Commissioners' Award in the case of City of Broken Arrow v. Abatement Systems, Inc.

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 7:59 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk