



## City of Broken Arrow

### Minutes City Council Meeting

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Craig Thurmond  
Vice Mayor Scott Eudey  
Council Member Johnnie Parks  
Council Member Debra Wimpee  
Council Member Christi Gillespie*

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Tuesday, March 16, 2021

Time 6:30 p.m.

Council Chambers

**1. Call to Order**

Mayor Craig Thurmond called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Scott Moore performed the invocation.

**3. Roll Call**

**Present:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**4. Pledge of Allegiance to the Flag**

Mayor Thurmond led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Thurmond noted Item H had been requested to be removed from the Consent Agenda. He asked if there were any other Items to be removed from the Consent Agenda; there were none.

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

**Move to approve the Consent Agenda absent Item H**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 21-16 Approval of the City Council Meeting Special Minutes of March 2, 2021
- B. 21-354 Approval of Drainage Advisory Committee meeting minutes of November 30, 2020
- C. 21-388 Approval of and authorization to execute the Tulsa County Urban County Community Development Block Grant (CDBG) Application for FY2021 Funds
- D. 21-394 Approval of and authorization to execute a Proclamation declaring support and encouraging participation in the 2021 Wyland National Mayor's Challenge for Water Conservation
- E. 21-231 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- F. 21-373 Approval of and authorization to award the lowest responsible bid to RJ Kool, INC, Johnson Commercial Fitness, Hubble Mitchell Business Interiors and Scott Rice and approve procurement of Furniture, Fixtures and Equipment for Fire Station No. 3 (Project No. 163511)
- G. 21-372 Approval of and authorization to award the lowest responsible bid to Combat Brands, LLC, RJ Kool, INC, Hubble Mitchell Business Interiors and Scott Rice, and approve procurement of Furniture, Fixtures and Equipment for Fire Station No. 7 (Project No. 173509)
- H. 21-361 Acceptance of the Drainage Advisory Committee's recommendation to reject additional expenditures of 2018 General Obligation Bond, Proposition 6 funds for construction of erosion control improvements on a private pond in the Pembroke Park subdivision
- I. 21-362 Acceptance of the Drainage Advisory Committee's recommendation of executing an agreement for professional consultant services with Tulsa Engineering & Planning Associates, Inc. for the study of a portion of the East Branch of Hailey Creek located within the Rushbrooke Subdivisions and the expenditure of 2018 General Obligation Bond, Proposition 6 funds for the study
- J. 21-377 Approval and authorization to execute Change Order #2 with A&A Asphalt, Inc. on Construction Contract #ST1808; Arrow Springs Subdivisions Rehabilitation
- K. 21-376 Approval of and authorization to execute Change Order #2 with Magnum Construction, Inc., for construction contract 191718; Armed Forces Meeting Hall
- L. 21-374 Approval of a modification to Section 24.104 of the Codes of Ordinances for Randell Diffee, 4.99 acres, A-RE (Annexed Residential Estate), one-half mile south of Jasper Street (131st Street), east of 9th Street (177th E. Avenue/Lynn Lane)
- M. 21-379 Approval of BAZ-2076 (Rezoning), Diffee Residence, 4.99 acres, A-RE to RS-2, one-half

mile south of Jasper Street (131st Street), east of 9th Street (177th E. Avenue/Lynn Lane)

N. 21-356 Approval of BAZ-2077 (Rezoning), Dodson Property, approximately 30 acres, A-1 (Agricultural) to R-2 (Single-family Residential), one-third mile south of Kenosha Street (71st Street), west of Evans Road (225th East Avenue)

O. 21-358 Approval of BAZ-2081 (Rezoning), Homan Homes, 0.80-acre, R-1 (Single-Family Residential) to R-2 (Single-family Residential), one-eighth mile south of Washington Street (91st Street), one-quarter mile east of Elm Place (161st E. Avenue)

P. 21-355 Approval of PT19-111, Conditional Final Plat, Village at 1Eleven, 15.51 acres, 64 Lots, A-1 (Agricultural) to RS-4 (Single Family Residential) & PUD-288 (Planned Unit Development), west of the northwest corner of Aspen Avenue (145th East Avenue) and Florence Street (111th Street) along with a request to waive a portion of Section 4.1 of the Subdivision Regulations

Q. 21-357 Approval of PUD-323 (Planned Unit Development) and BAZ-2079 (Rezoning), 3156 N Aspen Avenue, 4.64 acres, A-CH (Annexed Commercial Heavy) to IL (Industrial Light)/PUD-323 (Planned Unit Development), located one-quarter mile south of Omaha Street (51st Street), west of Aspen Avenue (145th East Avenue)

R. 21-312 Acceptance of a Drainage Easement dedication from Windsor Plaza, LLC, on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E) (Lot 1, Block 2)

S. 21-313 Acceptance of a Drainage Easement dedication from Windsor Plaza, LLC, on property located approximately one-eighth mile north of Kenosha Street (71st Street), one-eighth mile east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E) (Lot 3, Block 3)

T. 21-360 Approval of and authorization to execute Resolution No. 1385, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 4.0, which consists of 0.68 acres of permanent Right-of-Way for the 23rd Street Improvements: Omaha to Albany, generally located south of Omaha and 23rd Street on the west side in Broken Arrow, Oklahoma, in the Northeast Quarter of Section 36, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, from the Kenneth Grider Irrevocable Trust and authorization of payment in the amount of \$90,600.00 for the 23rd Street Improvements: Omaha to Albany, Parcel 4.0 (Project No. ST1931)

U. 21-370 Approval of and authorization to execute Resolution No. 1386, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 15.0 and Temporary Construction Easement 15.1 for the 23rd Street: Albany to Omaha Street Roadway Improvements generally located at 5203 South 193rd East Avenue, Broken Arrow, Oklahoma in the Northwest Quarter of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma, from Bryan McCoy, and authorization of payment for \$28,000.00 for the 23rd Street: Albany to Omaha Street Roadway Improvements, Parcel 15.0, 15.1 (Project No. ST1931)

V. 21-369 Approval of and authorization to execute Resolution No. 1387, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2.0 and Temporary Construction Easement 2.1 for the 23rd Street: Albany to Omaha Street Roadway Improvements generally located north of Albany and 23rd Street on the west side, Broken Arrow, Oklahoma in the Southeast Quarter of Section 36, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma, from Forum Properties, LLC., and authorization of payment for \$117,000.00 for the 23rd Street: Albany to Omaha Street Roadway Improvements, Parcel 2.0 (Project No. ST1931)

W. 21-351 Acceptance of Utility Easement 2.0 and Temporary Construction Easements 2.A and 2.B from Carl L Ketchum and Betty L. Ketchum Living Trust, on property located at 1200 West Jasper Street, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 2.0, 2.A, 2.B (Project No. S.1606)

X. 21-367 Acceptance of Utility Easements 7.0, 7.1 and Temporary Construction Easements 7.A, 7.B from John David Bruce Revocable Trust, on property located at 8011 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 7.0, 7.1, 17.A, 17.B (Project No. S.1606)

Y. 21-346 Acceptance of Utility Easement 8.0 and Temporary Construction Easements 8.A and 8.B from Paula McConnell, on property located at 8007 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 8.0, 8.A, 8.B (Project No. S.1606)

Z. 21-350 Acceptance of Utility Easement 16.0 and Temporary Construction Easements 16.A and 16.B from Jeremiah and Danielle Peery, on property located at 7713 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 16.0, 16.A, 16.B (Project No. S.1606)

AA.21-368 Acceptance of Utility Easements 17.0 and Temporary Construction Easements 17.A, 17.B from Barbara Sanchez Trust, on property located at 7709 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17

**6. Consideration of Items Removed from Consent Agenda**

Mayor Thurmond stated Item 5H was “Acceptance of the Drainage Advisory Committee’s recommendation to reject additional expenditures of 2018 General Obligation Bond, Proposition 6 funds for construction of erosion control improvements on a private pond in the Pembroke Park subdivision.”

Citizen Jim Jones stated his address was 3800 W. Boston Street, near Broken Arrow. He indicated he was opposed to Item H. He read, “On behalf of Pembroke Park, the residents would like to give thanks to Broken Arrow Staff for the recommendation and the Broken Arrow Drainage Committee on 10/28/2019 for acceptance and referral to the Broken Arrow City Council to approve the funds for \$10,000 dollars towards our pond erosion issue.” He stated during the 10/28/2019 Broken Arrow Drainage Advisory Committee Meeting (BADAC) Mr. Kenneth Schwab indicated Pembroke Park could develop a plan and return to the BADAC for plan review. He stated unfortunately, he was unable to attend the recent BADAC meeting to present this plan. He noted during the 10/28/2019 meeting it was implied the BADAC had the authority to approve additional funds; he asked if this were true.

Mayor Thurmond explained the BADAC had the authority to recommend a higher amount of funds; however, it was only City Council who had the authority to grant funds.

Mr. Jones stated he missed the recent BADAC meeting and would like to have the opportunity to present his Power Point to the BADAC. He stated he felt he had let down the Pembroke Park residents.

Council Member Parks stated he did not see any reason this Item could not be tabled until Mr. Jones could attend a BADAC Meeting and make his presentation. He asked if this was acceptable to Mr. Jones.

Mr. Jones indicated he was willing to wait and present at a BADAC Meeting.

Council Member Parks commented this particular drainage area/watershed needed to be addressed and considered for a City Bond Issue.

City Manager Michael Spurgeon indicated the next time the City would go to the voters for any type of significant money for stormwater would be in the 2028 bond package.

Mr. Jones invited City Staff, City Council, and the public to visit Pembroke Park for a walk down the creek.

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

**Move to table this matter to be reconsidered after the recommendation made stemming from the next BADAC Meeting**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

**A. 21-262 Presentation and recognition by Oklahoma Municipal League to City employees for twenty-five years of service**

Human Resources Director Jannette McCormick reported each year, the Board of Directors for the Oklahoma Municipal League recognized officials and employees of cities and towns who completed a minimum of twenty-five years of service. She stated Mr. Mike Fina was present to honor these Broken Arrow individuals.

Oklahoma Municipal League Director Mike Fina indicated he had served as OML Director for four years and in his four years more municipal events were held in Broken Arrow than any other community aside from Oklahoma City. He stated Broken Arrow was an excellent community with excellent leadership. He noted he had many friends in Broken Arrow government due to the involvement of Broken Arrow’s Staff and government with the State. He commented Mayor Thurmond had more invitations to the White House than any government official he knew. He indicated Broken Arrow should be proud, it was an excellent place to live with an excellent City Manager. He stated the municipal professionals he would be recognizing tonight had dedicated their lives to the Broken Arrow community. He indicated the recipients of the 25 Year Award would have their names on record at the OML in a published book and Broken Arrow had two full pages of names of employees who had dedicated 25 years or more to the City of Broken Arrow. He reported there were multiple Fire Fighters and Police Officers on the recipient list this evening; these individuals dedicated their lives to the protection of Broken Arrow and as such deserved respect and recognition. He named the individuals who received the 25 Year Award who were not

present: Mr. Brian Crawford Firefighter, Mr. Ronnie Dauer Firefighter-Paramedic, Mr. Bryan Durling Police Corporal, Mr. Jeffrey Johnson Street Superintendent, Mr. Tommy Kimbrough Utilities Supervisor, Mr. Edward Martin Stormwater Crew Chief, Mr. Michael Shaw Police Captain, Mr. Gary Stuckey Firefighter, and Mr. Thaddeus Teel Fire Lieutenant. He presented the award to Mr. Richard Carter, City Council & Board of Adjustments, and gave a brief history of Mr. Carter's career with Broken Arrow. Commemorative photos were taken. Mr. Carter thanked the City of Broken Arrow for allowing him to serve.

Mr. Fina presented the award to Mr. Gregory Cheatwood, Asst. Meter Reader Supervisor, and gave a brief history of Mr. Cheatwood's career with Broken Arrow. Commemorative photos were taken.

Mr. Fina presented the award to Mr. Philip Yager, Commercial Inspector, and gave a brief history of Mr. Yager's career with Broken Arrow. Commemorative photos were taken.

Mr. Fina thanked City Council and Staff.

**B. 21-384**

**Presentation and discussion of the Financial Statements of the City of Broken Arrow through January 31, 2021 for the General Fund, Sales Tax Capital Improvement Fund, Police and Fire Sales Tax Funds. Presentation will include Sales Tax Revenue, Overall Revenues, Investments and Expenses**

Finance Director Cindy Arnold reported the Finance Audit Committee had reviewed this presentation. She indicated on January 31, 2021, Broken Arrow had \$56 million dollars invested in five different banks; however, in February additional funds were invested and currently Broken Arrow had \$85 million dollars invested. She noted, sadly, the interest rate was only 1.7% to 1.87%. She reported sales taxes were up 8.8% over last year, but this included the Christmas season. She noted use tax was 39% higher than the previous year. She explained use tax had been steadily increasing over the years and she believed this year's rise in use tax was due to Amazon collecting sales tax. She stated General Fund revenues were at \$52 million dollars and expenditures were \$48.5 million dollars showing a net income of \$3.9 million dollars; however, there were things to be considered such as the higher sales tax and the reduced budget. She reported BAMA revenues were at \$42.9 million dollars with expenditures at \$34 million dollars and a net income of \$84,000 dollars; however, BAMA had a lot of debt service and payment timing was key. She stated Sales Tax Capital Fund revenues were at \$6.7 million dollars and expenditures were at \$4.3 million dollars. She reported Police Sales Tax Fund revenue was at \$17.1 million dollars, expenses were \$13.6 million dollars with a net income of \$3.4 million dollars. She stated Fire Sales Tax Fund revenues were at \$14 million dollars, expenses at \$12.5 million dollars with a net income of \$1.4 million dollars. She discussed why the police and fire funds showed a higher net income. She asked if there were questions; there were none.

**C. 21-382**

**Presentation, consideration, and acceptance of the City of Broken Arrow Annual Financial Statements and single audit for Fiscal Year 2019-2020**

Finance Director Cindy Arnold reported Jake Rinkler with Arledge & Associates, P.C. would make a brief presentation of the audit report on the City's financial statements and Single Audit report, as well as the required communication of findings by the audit firm.

Mr. Rinkler indicated Broken Arrow, in regard to the Annual Financial Statements, had a clean audit opinion. He reported there were no modifications to the report, no findings, no material weaknesses, no significant deficiencies, no disagreements with management, and no difficulty completing the audit. He stated this was excellent. He stated there were no estimate biases. He stated there were two new accounting standards adopted this year, neither of which had a material impact on the City. He reported in regard to the single audit (of the Community Development Block Grant) there were no findings, no material weaknesses, no questioned costs, and no significant deficiencies. He stated all prior year audit findings were fully corrected. He commended Cindy Arnold and the Broken Arrow Finance Team. He asked if there were any questions; there were none.

Vice Mayor Eudey stated the Finance Audit Committee (consisting of himself, Council Member Wimpee, and a local CPA) conducted a preliminary review of these audits which was a useful aid in understanding the audits.

City Manager Spurgeon asked if Vice Mayor Eudey was comfortable with these audits. Vice Mayor Eudey responded in the affirmative. He commended Finance Director Cindy Arnold and Staff.

Council Member Wimpee agreed.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.

**Move to accept the City of Broken Arrow Annual Financial Statements and single audit for Fiscal Year 2019-2020**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, 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)**  
Mayor Thurmond indicated no Citizens signed up to speak.

**9. General Council Business**

**A. 21-383 Consideration, discussion, and possible approval of and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2019-2020**

Ms. Cindy Arnold reported Oklahoma State Statutes required publication of a Notice of Availability of the Annual Audit for public inspection. She stated this was to be accomplished following receipt of the audit. She indicated the attached Notice fulfilled this requirement and Staff recommended City Council approve the Notice of Availability of the Annual Audit for Fiscal Year 2019-2020 which would be published in the newspaper.

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

**Move to approve and authorize publication of a Notice of Availability of Annual Audit for Fiscal Year 2019-2020**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**B. 21-263 Consideration, discussion, and possible approval of and authorization to execute the Fiscal Year 2020-21 Collective Bargaining Agreement with the International Association of Firefighters Local #2551**

Human Resources Director Jannette McCormick reported the City's negotiation team began contract negotiations in March 2020 with the International Association of Firefighters Local #2551 for a Fiscal Year 2020-21 labor agreement. She stated the negotiation team consisted of Cindy Arnold, Finance Director, Jeremy Moore, Fire Chief, and Jannette McCormick, Human Resources Director. She explained the proposed agreement provided for administrative revisions to the Administrative Operating Procedures (AOP) Chapters 2, 3, 5 and 6. She noted there were no wage adjustments included in the proposal. She indicated Staff recommended City Council approve the Collective Bargaining Agreement with the International Association of Firefighters Local #2551 and authorize its execution.

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

**Move to approve and authorize execution of the Fiscal Year 2020-21 Collective Bargaining Agreement with the International Association of Firefighters Local #2551**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**C. 21-345 Approval of and authorization to purchase (1) Tesla "Model Y" long range all-wheel drive Crossover / SUV from Tesla Inc., a sole source vendor, for the Police Department**

Chief Brandon Berryhill reported the Police Department was requesting the City approve the purchase of one Tesla "Model Y" long-range all-wheel-drive Crossover/SUV patrol vehicle. He stated this vehicle would be assigned to a traffic unit officer to replace an aging patrol vehicle. He noted this would be the first all-electric police patrol vehicle deployed in the state of Oklahoma. He explained although the initial cost was significantly higher than traditional gasoline-powered patrol vehicles, the cost of ownership over the vehicle's life would be considerably less. He indicated this savings was generated not only by less expensive fuel costs but by significantly reduced maintenance costs. He noted the police department tested a Tesla for one week and determined it exceeded the required needs of a police patrol vehicle. He stated Tesla Inc. was the sole source vendor and manufacturer of this vehicle; this was currently the only all-electric vehicle capable of meeting patrol needs, including the required battery life. He reported the proposed long-range model provided a range of 326 miles between charges. He explained funds had been appropriated and were available in the Police Department's portion of the Sales Tax Capital Improvement Fund for \$52,290 dollars. He displayed and discussed photos of the vehicle, along with vehicle specs.

Mayor Thurmond asked if a Police Officer would drive this vehicle home. He asked about the charging station.

Chief Berryhill responded the vehicle would remain at the PSC for the time being, eventually this vehicle would go home with a police officer. He explained no charging station was needed, only a dryer-plug-type outlet.

Captain Tener discussed the savings involved with purchase of the vehicle due to rising costs of gas fuel versus electricity costs. He noted the breakeven point in the cost of the vehicle versus savings in gas was approximately 35 months, and the expected savings in the expected eight-year life of the vehicle was over \$12,000 dollars but could be over \$20,000 dollars.

Vice Mayor Eudey asked about battery replacement cost.

Captain Tener noted battery replacement cost would be approximately \$6,500 dollars. He explained, however, Tesla had the best battery warranty in the industry and this vehicle had an 8-year, 125,000-mile, no questions asked battery replacement warranty; therefore, the Police Department would never be responsible for battery replacement.

Council Member Parks noted he went on a demonstration test drive in this vehicle, and it went from 0 to 85 mph very quickly. He indicated this vehicle had a lot of power.

Captain Tener agreed. He reported the Tesla outperformed the Hemi Durangos, as well as the Hemi Chargers.

Chief Berryhill noted traditional police vehicles usually were surpassed when the transmissions failed; however, the Tesla had no transmission. He stated as such the vehicle might last much longer than 8 years unlike traditional police vehicles.

Vice Mayor Eudey thanked Chief Berryhill for his cooperation in obtaining answers to questions regarding the vehicle for residents.

Captain Tener noted this vehicle exceeded all national crash test ratings; there would be no loss of safety for officers in this vehicle. He discussed the battery life per shift explaining the larger battery size was necessary because police vehicles drove an average of 135 miles per shift, but also ran continuously for the majority of the shift to operate the heat or A/C, emergency equipment, etc., also, there needed to be ample battery life due to the fact this vehicle could not simply refuel and keep going during a shift.

Council Member Gillespie stated it was great Broken Arrow would be the first City in the State of Oklahoma to have a Tesla.

City Manager Spurgeon asked about the operational advantages of the Tesla.

Captain Tener noted operationally the Tesla exceeded everything current police vehicles could do; the downtime for maintenance would be less as this was basically a maintenance free vehicle; the size of the vehicle was adequate; the quiet engine would prove to be an advantage when searching for criminals without being heard; and this vehicle could save the taxpayers \$20,000 dollars in one life cycle.

Mayor Thurmond stated the Tesla was an amazing vehicle.

**MOTION:** A motion was made by Debra Wimpee, seconded by Christi Gillespie.  
**Move to approve and authorize the purchase of one Tesla "Model Y" long range all-wheel drive Crossover / SUV from Tesla Inc., a sole source vendor, for the Police Department**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**D. 21-322 Consideration, discussion, and possible approval and direction for City Clerk to publish a Legal Notice of Annexation in a legally qualified newspaper for the voluntary annexation of approximately 13.40 acres located one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, mail all notices as required by law and to set a public hearing and preview ordinance for the Broken Arrow City Council meeting on April 20, 2021**

Mr. Larry Curtis reported at the request of property owner, the City of Broken Arrow was requested to annex approximately 13.40 acres located one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma. He stated pursuant to Title 11, Section 21-103 of the Oklahoma Statutes, the City Council must direct publication of a Notice of Annexation in a legally qualified newspaper of general circulation at least fourteen days prior to the public hearing notifying property owners abutting any public right-of way that forms the boundary of the territory of proposed property to be annexed. He stated all adjoining property owners of the requested annexation request must be notified of the public hearing, by regular mail, unless the property was five acres or larger and used for agricultural purposes. He explained to accommodate these requirements, all notices shall be sent by certified mail. He stated the 13.40 acres comprised of one parcel was currently undeveloped; the property was projected to be developed for a single-family residential subdivision. He stated Staff asked City Council to direct the City Clerk to publish the Legal Notice of Annexation in a legally qualified newspaper at least fourteen days prior to the public hearing and no more than thirty days before the City Council hearing, and mail all notices, as required and to set public hearing and preview ordinance date for April 20, 2021.

Council Member Parks asked about the surrounding properties.

Mr. Curtis explained the properties to the north, west and south were located within the City of Broken Arrow. He stated the property to the east was unincorporated.

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

**Move to direct the City Clerk to publish legal notice of annexation in a legally qualified newspaper at least 14 days prior to a public hearing, and no more than 30 days before the City Council hearing, mail all notices as required, and to set public hearing and preview ordinance date for April 20, 2021**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

## **10. Preview Ordinances**

**A. 21-314 Consideration, discussion, and possible preview of an Ordinance closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 1, Block 2)**

Mr. Larry Curtis reported this Item, and the next Item could be approved with one motion as these Items were dealing with the same property. He stated the owner, Windsor Plaza, LLC, submitted an application requesting the closure of an approximately 0.55-acre drainage easement on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue). He stated the property was platted as Lot 1, Block 2, Northeast Crossroads. He indicated the detention easement was dedicated by the plat filed in Wagoner County on December 21, 2007 and the applicant was requesting to close the drainage easement and replace it with a new drainage easement. He stated Staff reviewed the documents and recommends acceptance of the drainage easement closure. He stated Item B was another easement requesting closure within the same parcel of land.

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

**Move to set the proposed Ordinances in Item A and Item B for consideration and future adoption**

The motion carried by the following vote:

**Aye: 5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**B. 21-315 Consideration, discussion, and possible preview of an Ordinance closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-eighth mile north of Kenosha Street (71st Street), one-eighth mile east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 3, Block 3)**

## **11. Ordinances**

There were no Ordinances.

## **12. Remarks and Inquiries by Governing Body Members**

Council Member Parks noted he was receiving questions about when the Senior Center would reopen. He stated a Membership Committee had been considering when the Senior Center would reopen and today made a recommendation to the Senior Center Board. He indicated the Senior Center would open safely on April 12, 2021. He noted masks would be required. He stated he was excited to see the Senior Center reopening, as well as about the reduction in COVID cases. He commented there would be a group at the Senior Center tasked with cleaning during open hours.

Council Member Wimpee asked if the Senior Center needed funds from the CARES funds for additional cleaning supplies or otherwise.

Council Member Parks responded he was unsure. He noted he would mention the possibility to the Senior Center. He noted there would be quite a few activities available upon opening. Discussion ensued regarding the Resolution and how the Resolution positively effected the Senior Center.

Council Member Parks indicated he was a little concerned about how spring break would affect Broken Arrow COVID numbers.

Council Member Gillespie thanked Cindy Arnold, Michael Spurgeon, and all Department Heads for being so conservative regarding the budget this past year.

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

City Manager Spurgeon thanked Cindy Arnold and the Finance Department.

He noted the City Council, under the Consent Agenda, approved the application for the CBDG. He indicated he wished to pause infrastructure improvements with the CBDG funds

and consider an initiative for submission next year for some type of owner-occupied home improvement program. He noted there were areas in the Rose District, and other areas in the City, which would be eligible. He stated he wished to develop a program which would make a certain amount of money available for each owner-occupied unit to make improvements to the home. He indicated he hoped to gain additional funds for the program through bank donations. He noted he hoped to design the program so the funds could be forgiven if an individual met the qualifications. He indicated he believed it would be possible to find 15 to 20 homeowners which would meet the necessary qualifications to use these types of funds for improvements.

Vice Mayor Eudey noted INCOG did something similar a decade ago.

City Manager Spurgeon noted there might be additional funding available through INCOG as well.

City Manager Spurgeon indicated he met with Julie Brown yesterday to discuss the mural. He stated Julie Brown would be at the April 6, 2021 City Council Meeting to make a short presentation regarding the mural.

Council Member Wimpee asked if a decision had been made regarding the trees. City Manager Spurgeon responded in the affirmative; the trees would need to be removed and replaced with roses to enable visualization of the mural.

Vice Mayor Eudey asked if the trees could be replanted elsewhere. City Manager Spurgeon responded in the negative; he was 90% certain the trees could not be replanted.

City Manager Spurgeon stated April 6 was election night and he wished to move the meeting time to 5:30 p.m., to possibly be finished by 7:00 p.m. He asked City Council to let Mr. Curtis whether this was acceptable.

He thanked City Council for participating in the Special City Council extended leadership meeting. He noted there were some action steps regarding which Dr. Vinson, Ms. Jennifer Conway and himself would be following up. He noted he hoped the liaison group would be able to meet once a month or at least every other month, and then include an update from the liaisons on the City Council Agenda. He stated he hoped to organize a followup extended leadership meeting later in the summer prior to the September Best Practices Trip. He stated he felt the meeting was extremely productive.

City Manager Spurgeon congratulated those who received the OML Award. He thanked and commended Mr. Mike Fina.

City Manager Spurgeon announced he selected a new Community Relations Liaison, Makala Barton, who would begin next Monday. He announced he selected a new Economic Development Manager, Jennifer Rush, who was highly qualified. He discussed the expectations on the Economic Development Department. He noted Ms. Rush would begin April 12, 2021. He indicated he extended an offer to the top candidate who would work for Mr. Kenny Schwab in Solid Waste; this offer was accepted, and he hoped to announce said candidate as a new employee next week. He reported the list had been narrowed to two finalists for the Maintenance Services Director and he hoped the offer would be made later this week. He reported Amber Moreno, Assistant HR Director, would be leaving Broken Arrow and this position would need to be filled; however, there were already over 70 applications submitted with between 15 and 20 highly qualified candidates. He indicated the new employs were all highly talented individuals who would work well within Broken Arrow.

Mayor Thurmond indicated there was an Executive Session; therefore, he would entertain a motion for a brief recess to enter into BAMA and BAEDA.

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

**Move for a brief recess**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

**MOTION:** A motion was made by Debra Wimpee, seconded by Christi Gillespie.

**Move to enter into Executive Session**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

#### **14. Executive Session**

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

1. A pending claim, and potential litigation, or action asserted by CMR o/b/o Windstream Communications, 2720 S. 9th St., Broken Arrow, Oklahoma, and investigation thereof, and taking appropriate action in open session, including possible authorization to settle, approve, or deny the claim 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 litigation and disclosure will seriously impair the ability of the public body to process the worker's compensation claim and litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

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

**Move to find the Executive Session necessary**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

**Move to Deny tort Claim filed by CMR on behalf of Windstream Communications**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

## 15. Adjournment

The meeting adjourned at approximately 8:11 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

**Aye:** 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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Mayor

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City Clerk