



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 Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Monday, July 16, 2019

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

No invocation was performed.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Vice Mayor Scott Eudey led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond stated Item H and Item R should be removed from the Consent Agenda. He asked if there were any other items to be removed from the Consent Agenda. Council Member Parks asked for Item E to be removed from the Consent Agenda.

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

Move to approve the Consent Agenda less Item E, Item H and Item R

The motion carried by the following vote:

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

- A. 19-831** Acknowledgement of upcoming out-of-state travel by City Council members
- B. 19-13** Approval of the City Council Meeting Minutes of June 17, 2019
- C. 18-1447** Approval of the Joint Work Session City Council and Planning Commission Meeting Minutes of June 20, 2019
- D. 19-854** Approval of the Special City Council Meeting Minutes of June 20, 2019
- E. 19-863** Approval of the City Council Special Meeting Minutes of July 5, 2019
- F. 19-740** Accept Planning Commission meeting minutes of May 9, 2019
- G. 19-741** Accept Planning Commission meeting minutes of May 23, 2019
- H. 19-809** Approval of and authorization to declare Ryker, a police canine, as surplus obsolete property and retiring said canine to his handler, Corporal Robert Motley, effective July 17, 2019
- I. 19-833** Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
- J. 19-836** Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood, P.L.L.C., for providing counsel and legal advice to the City of Broken Arrow and the Broken Arrow Police Department relative to the case of Wilson v. City of Broken Arrow, et al. Case No. CJ-2017-1521, risk management and the defense of civil cases filed against the City and member of the Police Department
- K. 19-838** Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Doerner, Saunders, Daniel & Anderson, L.L.P. for providing counsel and legal advice regarding employment, labor issues and to review daily court filings
- L. 19-844** Approval of and authorization to execute a Professional Services Agreement with Doerner, Saunders, Daniel & Anderson, L.L.P., for providing counsel and legal advice regarding general litigation and open meetings issues
- M. 19-902** Approval of and authorization to execute a Promotional License on City Property between the City of Broken Arrow and Broken Arrow Chamber of Commerce to host the 2019 Taste of Summer event
- N. 19-828** Approval of and authorization to execute an Equipment Lease Agreement with Preferred Business Systems, LLC for city wide copy equipment and maintenance service
- O. 19-789** Approval of and authorization to execute renewal applications for Firefighter's Jeremy Roberts, Justin Williams, Stephen Heins, and Jill Boeckman to participate on the

- Oklahoma Taskforce-1 Urban Search and Rescue Team for fiscal year 2020
- P. 19-830 Approval of and authorization to execute a renewal of an annual Commercial Services Agreement with Cox Communications for Data Services for fiscal year 2019-2020
- Q. 19-896 Approval of and authorization to execute Resolution No. 1227, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 2, which consists of 0.12 acres of permanent Right-of-Way for the Olive Avenue Waterline, Tucson to New Orleans generally located on Olive between Tucson and Florence in the Southeast Quarter of Section 32, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from The Swindell Family Living Trust and authorization of payment in the amount of \$5,800.00 for the Olive Waterline, Tucson to New Orleans, Parcel 2. (Project No. WL1610)
- R. 19-889 Approval of and authorization of Final Acceptance of the public improvements at North Rose Business Park at East of Northeast corner of Elm Place and Kenosha Street
- S. 19-890 Approval of and authorization of Final Acceptance of the public improvements at Pines at the Preserves located at Southwest corner of 37th and Omaha
- T. 19-891 Approval of and authorization of Final Acceptance of the public improvements at Foster Lewis Acreage Lot 6 located at 210 South Hickory Place
- U. 19-892 Approval of and authorization of Final Acceptance of the public improvements at Aspen Crossing Residential Phase 1 located North of Jasper, East of Aspen
- V. 19-893 Approval of and authorization of Final Acceptance of the public improvements at Aspen Crossing Patio Homes located North of Jasper, East of Aspen
- W. 19-894 Approval of and authorization of Final Acceptance of the public improvements at Timber Ridge Industrial Park located at Kenosha and 45th Place
- X. 19-869 Approval of and authorization to purchase one (1) ¾ ton truck for the Fire Department pursuant to the Oklahoma Statewide Contract SW35 and approval of and authorization to execute Fiscal Year 2020 Budget Amendment # 1
- Y. 19-835 Approval of BAZ-2030, Larry Stalcup, 2.50 acres, A-R-1 to R-2, one-half mile east of Aspen Avenue (145th East Avenue), north of Jasper Street (131st Street) at 12932 South 152nd East Avenue
- Z. 19-815 Approval of PT19-107, Conditional Final Plat, Creek Center, a replat of a part of Possum Run Addition, 1.05 acres, 1 Lot, A-1 (Agricultural) to CG (Commercial General), west of the southwest corner of Kenosha Street (71st Street) and 51st Street (Evans Road)
- AA. 19-840 Approval of PUD-249A (Planned Unit Development), a major amendment to PUD-249, Bluebird Storage Facilities, 6.50 acres, IL (Industrial Light)/PUD-249 to IL/PUD-249A, south of Washington Street (91st Street), one-quarter mile east of the Creek Turnpike
- AB. 19-882 Approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of approximately 1,240 acres located South of Dearborn Street (41st), East of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East and parts of Section 27, Township 19 North, Range 15 East and parts of Section 33, Township 19 North, Range 15 East and parts of Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma
- AC. 19-859 Award of the Sole Source purchase of Gades Video Detection Systems for the Traffic Signals Division of the Streets and Stormwater Department
- AD. 19-888 Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Consultant Agreements with a value of less than \$25,000
- AE. 19-750 Acceptance of a Detention Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-eighth mile west of 51st Street (Evans Road), one-eighth mile north of 91st Street (Washington Street), shown as Exhibits A.1 and A.2 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AF. 19-751 Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-quarter mile west of 51st Street (Evans Road), one-quarter mile north of 91st Street (Washington Street), shown as Exhibits A.3 and A.4 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AG. 19-752 Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-quarter mile west of 51st Street (Evans Road), one-quarter mile north of 91st Street (Washington Street), shown as Exhibits A.5 and A.6 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AH. 19-753 Acceptance of a Utility Easement from Creek 51 Business Park, LLC on unplatted property located approximately one-half mile west of 51st Street (Evans Road), north of 91st Street (Washington Street), shown as Exhibits A.7 and A.8 (Section 18, T18N, R15E) (Creek 51 Business Park)
- AI. 19-842 Ratification of a Corrected Utility Easement from Cathleen Doyle on a portion of a 3.1-acre unplatted property approximately one-half mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road), shown as Plat of Survey, Tulsa County, State of Oklahoma (Section 24, T18N, R14E)
- AJ. 19-843 Ratification of a corrected Utility Easement from Cathleen Doyle on a portion of a 2.0-acre unplatted property approximately one-half mile north of New Orleans Street (101st Street), one-quarter mile west of 23rd Street (193rd E. Avenue/County Line Road), shown as Plat of Survey, Tulsa County, State of Oklahoma (Section 24, T18N, R14E)

- AK. 19-861 **Ratification of the Fiscal Year 2019-20 General Liability and Umbrella coverage policy with Central Insurance Companies for the city-owned building occupied by Bass Pro Shops**
- AL. 19-897 **Ratification of filed recorded General Warranty Deed 2019054444 from The Swindell Family Living Trust, which consists of 0.12 acres of permanent Right-of-Way for the Olive Avenue Waterline, Tucson to New Orleans generally located on Olive between Tucson and Florence in the Southeast Quarter of Section 32, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, (Project No. WL1610)**
- AM 19-884 **Approval of the Broken Arrow City Council Claims List for July 16, 2019**

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond stated Item E was the Minutes from the July 5, 2019 City Council Meeting.

MOTION: A motion was made by Christi Gillespie, seconded by Scott Eudey.

Move to approve Item E

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Scott Eudey, Craig Thurmond
Abstain: 1 - Johnnie Parks

Mayor Thurmond stated Item H was the approval and authorization to declare Ryker, a police canine, as surplus obsolete property and retiring said canine to his handler, Corporal Robert Motley, effective July 17, 2019.

Police Chief Berryhill stated canine officer Ryker was a nine year old German Shepard who had been in service of the Broken Arrow Police Department since August 2012. He explained Ryker was having trouble with mobility and was no longer fully able to perform his duties as a police canine. He noted Ryker’s handler, Corporal Robert Motley, requested to keep Ryker. He reported in the past City Council had approved such requests to retire canines with handlers and explained, due to police training, the canines were not adoptable to the public. He thanked Ryker for his service and asked City Council for approval.

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

Move to approve and authorize the declaration of Ryker, a police canine, as surplus obsolete property and retiring said canine to his handler, Corporal Robert Motley, effective July 17, 2019

The motion carried by the following vote:

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

Vice Mayor Scott Eudey called for a motion for Item R.

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

Move to approve Item R

The motion carried by the following vote:

Aye: 4 - Christi Gillespie, Debra Wimpee, Scott Eudey, Johnnie Parks
Recuse: 1 - Craig Thurmond

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

- A. 19-887 **Presentation regarding the National Association of Government Communicators First Place Award for the 2018 Build Our Future BA - General Obligation Bond public education campaign**

Director of Communications Krista Hemme reported the City of Broken Arrow won an award for the 2018 General Obligation Bond Campaign. She reported the City of Broken Arrow won First Place for a Promotional or Educational Campaign competing against all levels of governments: local, state and federal in all 50 states. She stated she felt this Award spoke volumes about the dedication of Staff, time, effort and support of all City Departments, as well as support and confidence from the City Council. She displayed the Award.

- B. 19-913 **Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring August 14, 2019, as the 74th Anniversary Celebration of VJ Day in Broken Arrow, Oklahoma**

Vice Mayor Eudey stated he had the privilege of being the initial keynote speaker at the 70th Anniversary Celebration of VJ Day in Broken Arrow. He read through a portion of the proclamation declaring August 14, 2019 as the 74th Anniversary Celebration of VJ Day in Broken Arrow, OK. He stated VJ Day commemorated Japan’s surrender during WWII, thereby bringing an end to the war.

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

Move to approve and authorize execution of a Proclamation declaring August 14, 2019, as the 74th Anniversary Celebration of VJ Day in Broken Arrow, Oklahoma

The motion carried by the following vote:

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

Citizen Mr. Frank Riesinger thanked City Council for the Proclamation. He invited City Council to join the Veterans as honored guests for the Celebration. He invited all present to Celebrate VJ Day on August 14, 2019.

C. 19-914 Presentation and possible consideration, discussion and approval regarding the Hillside Drive Wall Project

Director of Engineering and Construction Alex Mills noted historic rain events in May 2019 caused problems throughout the City of Broken Arrow and exacerbated the problems with the Hillside Drive retaining wall. He reported after the rains the retaining wall moved. He displayed a video illustrating the significant movement of the retaining wall. He reported the wall moved 3 feet towards the street and the street was closed for safety purposes. He stated the wall was approximately 600 feet long and approximately 250 feet of the wall had shifted. He stated Mr. Scott Mills with engineering recommended dismantling the portion of the wall which had failed and rebuilding said portion with addition of an extensive drainage system. He displayed a chart which illustrated how the wall was constructed and the materials with which it was built. He explained how and why the wall failed. He stated the Department of Engineering and Constructed recommended rather than rebuilding the existing wall, the City remove the existing wall and construct a concrete cantilever wall, as well as a more extensive drainage system behind it. He explained this was more expensive, but would be more effective and would last many years.

Mayor Thurmond stated he approved of the cantilever wall construction as he felt this would be more effective. Mr. Mills stated he received a proposal from Wallace Engineering to design a cantilever concrete wall and he could bring this before City Council at the next meeting; however, he believed a budget between \$800,000 dollars and \$1 million dollars would be needed to replace the entire wall.

Vice Mayor Eudey asked if there was damage to the roadway alongside the wall. Mr. Mills responded in the affirmative, but he was unsure how much damage. He stated he believed once the wall was constructed there would be a portion of the roadway which would need replacement. He stated this could possibly be done in-house, or could be included as a part of the construction contract.

Council Member Parks noted it was difficult to hold back a vertical wall of mountain and most methods of retention required extensive right-of-way. Mr. Mills stated there was limited right-of-way in this location. Council Member Parks noted the previous earth quake contributed to the wall damage and he agreed replacing the wall in its entirety with a cantilever concrete wall was an excellent solution to the issue at hand. He stated he understood it was expensive, but safety was more important.

Vice Mayor Eudey agreed with Council Member Parks and Mayor Thurmond. He stated this was an important portion of roadway which needed to be opened to the public. He stated this should be a high priority project.

Council Member Gillespie asked about drainage. Mr. Mills explained there would be significant drainage rock installation behind the wall with pipes to guide water through the wall and out of the way.

Mr. Mills reported it would take several months to design the wall and several months to rebuild the wall; therefore, the road would not reopen until the first part of 2020. Vice Mayor Eudey stated he felt it was important to move as expeditiously as possible.

Council Member Wimpee noted the retaining wall along Albany should be inspected as well to determine if there were any potential problems as it was built by the same contractor. Mr. Mills reported Staff was closely monitoring this wall, as well as all retaining walls throughout the City.

City Manager Spurgeon recommended City Council proceed as per Mr. Mills recommendation for a permanent replacement and requested City Council authorize administration to consider funding the project with the reserves for capital improvements or by delaying another project as this was a public safety issue.

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

Move to approve City Staff's recommendation with regard to replacement of the full wall with a different type of wall and to move as expeditiously as possible including financial adjustments as necessary

The motion carried by the following vote:

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

City Manager Spurgeon noted the retaining wall project might require a budget amendment if funds were needed from STCI, in which there were adequate reserves, or if it was necessary to cancel or delay projects. He noted he would bring the options before City Council for final

determination.

D. 19-908 Councilor Parks' call to order of the Special Meeting of the Tax Increment District Review Committee of the City of Broken Arrow, Proposed Increment District No. 2 (Creek 51 Business Park) located within boundaries of Broken Arrow Independent School District No. 3

Council Member Parks stated he believed there was a quorum for the Tax Increment District Review Committee for the Creek 51 Business Park. He called the Meeting to order and asked for roll call.

Present at roll call: Johnnie Parks, Lee Whelpley, Johnna Blair, Jim Hoffmeister, Mary Ann Colston, and Michelle Bergwall. A quorum was present.

Council Member Parks reminded the Committee there was a Tax Increment District Review Committee Meeting at 5 p.m. July 23, 2019 in the Meeting Room. He encouraged the Committee to ask questions during the City Council Meeting, especially regarding Committee applicable topics.

E. 19-868 Conduct a public hearing regarding the proposed creation of Increment District No. 2, City of Broken Arrow and the Creek 51 Business Park Economic Development Project Plan

Mayor Thurmond opened the Public Hearing for Item E.

Nate Ellis with the Public Finance Law Group reported the City of Broken Arrow retained him to go through the process of creating a Tax Increment District. He gave a brief history of Tax Increment Districts (TIFs) in general and a history of Broken Arrow TIFs. He explained the Project Plan was the primary document of a Tax Increment District and was used as the framework of the TIF. He indicated step one was development of the Project Plan which would set the TIF parameters. He noted a TIF could last up to 25 years, could capture up to 100% of different local tax revenues, would establish the TIF District boundaries of the increment district (geographic boundary) and the project area, set specific projects and infrastructure improvements, as well as outline the proposed allocation of TIF revenues. He explained the Project Plan would be reviewed by the statutory TIF Committee and Planning Commission which would make a recommendation to City Council. He reviewed the taxing jurisdictions impacted: Broken Arrow Schools, Tulsa Tech Center, Wagoner County, Wagoner County Health Department, and City of Broken Arrow. He noted each of these entities was represented on the TIF Committee, as well as a member of the Broken Arrow Planning Commission and three at large representatives. He displayed and discussed two maps which illustrated the increment district boundaries and the project area boundaries. He stated the developer which brought forth the TIF proposal was Creek 51 Business Park, LLC who proposed to invest over \$73 million dollars and construct 800,000 square feet of business and industrial space. He stated the TIF was proposed to spend up to \$5.4 million dollars for site acquisition and development costs including a road and utility drainage improvements. He displayed and discussed the most recent site plan, which could change. He discussed necessary site improvements.

Mr. Ellis explained this TIF District was proposed to capture 100% of the new incremental ad valorem tax revenues. He stated the existing baseline tax revenues would continue as before; the TIF District would not affect the existing revenue stream. He stated the projected revenue from the 97 acres in 2019 was approximately \$191 dollars. He explained the TIF District was formed to promote development which would significantly enhance the tax base and generate additional tax revenue. He reported the proposed term was approximately 11.5 years, expiring December 31, 2030. He stated the TIF revenues would be allocated at 50% to the developer, subject to a maximum of \$5 million dollars. He stated up to \$355,000 dollars would be allotted to reimburse the City for traffic improvements and organizational costs. He noted 50% of the TIF revenues would go back to the taxing jurisdictions, less the amount reimbursed to the City of Broken Arrow. He displayed and discussed a chart which illustrated the estimated potential impact on ad valorem collections including taxing entities, revenues captured and allocation of captured revenues. He explained if the projected total TIF Revenues reached \$8.6 million dollars, then \$355,000 dollars would go to the City for reimbursement of traffic improvements and organization, \$4.3 million dollars would go to the Developer as incentive, \$3.9 million dollars would go to Taxing Jurisdictions (allocated pro rata excluding sinking fund levies) with \$800,000 dollars to Wagoner County, \$140,000 dollars to Wagoner County Health Department, \$730,000 dollars to Tulsa Technology Center and \$2.3 million dollars to Broken Arrow Schools. He reviewed the remaining steps in the process of establishing the TIF District and the meetings which would be held: July 16, 2019 Public Hearing #1 (during the City Council meeting at 6:30 p.m.), July 23, 2019 TIF Review Committee Meeting (5:00 p.m.), July 25, 2019 Planning Commission Meeting (6:00 p.m.), August 6, 2019 TIF Review Committee Meeting (5:30 p.m.), August 6, 2019 Public Hearing #2 (during the City Council meeting at 6:30 p.m.), August 6, 2019 Potential Consideration of TIF Ordinance, followed by the approval of Economic Development Agreement with Developer.

Council Member Parks reviewed the membership of the Tax Increment Financing (TIF) District Committee.

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 Mr. Richard Bisatero signed up to speak.

Citizen Richard Bisatero stated his address was 2608 South Gardenia Place. He thanked the City Council for its service. He reported he attended a City Council Meeting previously with a complaint regarding the repair of the streets and sidewalks in Wolf Creek as he believed City Ordinance indicated homeowners were responsible for sidewalk repair. He noted he was told, according to the ADA (American Disability Act), the City was required to repair sidewalks. He reported the ADA indicated the City was required to repair sidewalks when near a public building, school, library, or hospital. He explained the sidewalks in Wolf Creek were not near a public entity. He asked why his money, City money, was used to repair sidewalks in a residential area nowhere near a public entity. He stated according to the law, in every city in the United States, it was the homeowner's responsibility to repair the sidewalks. He stated he had a neighbor who damaged his sidewalk and believed the City was responsible to make the repair. He noted the actual road repair was subpar and was cracking and breaking. He stated he was upset his hard earned money was being misused. He stated it was very difficult to even walk along the sidewalks due to cars parking (in driveways) across the sidewalks and he complained the handicap ramps were being blocked as well.

City Manager Spurgeon stated he understood Mr. Bisatero's position, although he disagreed as connectivity was extremely important to the residents of Broken Arrow; however, he would be happy to look into the issues Mr. Bisatero had brought to the Council's attention. He invited Mr. Bisatero to come to the City Manager's Office at any time to discuss concerns such as these.

Council Member Gillespie stated she believed the sidewalks in Wolf Creek were important as children who lived in Wolf Creek walked to Wolf Creek Elementary.

City Manager Spurgeon asked Assistant City Manager of Operations Kenny Schwab to speak regarding the City's responsibilities when working on a road project. Mr. Kenny Schwab reported Mr. Bisatero was correct in the sense that City Ordinance stated the sidewalk was the property owner's responsibility to maintain and this was pretty standard throughout the United States. He explained federal law indicated through the ADA (American Disability Act) when a City widened, reconstructed, rehabbed, etc., a residential subdivision street then the sidewalks were required to be brought up to standard. He explained the sidewalk was located within public right-of-way which was owned and maintained by the City. Vice Mayor Eudey asked for Mr. Schwab to provide the ADA Statute to which he was referring for clarification purposes. Mr. Schwab stated he would find the reference for the Council.

9. General Council Business

A. 19-873 Consideration, discussion, and possible approval to form a Drainage Advisory Committee regarding 2018 General Obligation Bond Proposition No. 6

Mr. Schwab reported August 28, 2018 was a historic day in the City of Broken Arrow. He reported the voters in Broken Arrow approved the largest municipal bond in the history of Broken Arrow at \$210 million dollars with 6 Propositions. He reported Propositions No. 1 through No. 5 met one section of State Statute in which the City was required to own the project property. He reviewed the Propositions and noted the Propositions listed the projects, locations and costs. He stated Proposition No. 6 fell under a different section of State Statute which allowed the municipal entity to spend public money on private property if it was of public benefit. He explained under Proposition No. 6, as long as the City had an easement it could improve drainage; the projects were identified by watersheds/drainage basins. He explained in order to meet the intent of the law and in order to be transparent Staff recommended a Drainage Advisory Committee consisting of five Citizens appointed by City Council, and two City Council Members. He stated a Technical Advisory Committee consisting of appropriate Staff members would be appointed to advise the Drainage Advisory Committee. He indicated if City Council approved of the Drainage Advisory Board concept Staff would draft an Ordinance and bring the ordinance back to City Council for approval.

Mayor Thurmond stated he felt this was an excellent idea. He volunteered to be a member of the Committee. Vice Mayor Eudey asked if the formal Committee selections would be made after the Ordinance was passed. Mr. Schwab responded in the affirmative.

Council Member Parks stated he agreed this was an excellent idea.

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

Move to direct City Staff to prepare an Ordinance for forming the Drainage Advisory Committee for later submission to City Council

The motion carried by the following vote:

- B. 19-839 Consideration, discussion, and possible approval of BAZ-2031, Patrick Bromley, 0.30 acres, RM (Residential Multifamily) to R-2 (Single Family Residential), one-third mile west of 9th Street (Lynn Lane/177th East Avenue), south of Jasper Street (131st Street)** Acting Director of Community Development Larry Curtis reported BAZ-2031 was a request to change a zoning designation from RM to R-2. He noted the property was zoned R-5 (residential multifamily) in 1972 as part of BAZ-307 and on February 1, 2008 Zoning Ordinance was updated and R-5 zoning became RM zoning; however, single family detached was no longer a permitted use in the RM zoning district. He explained, as a result, the single family detached use on the property was classified as a nonconforming use. He stated the Future Development Guide showed the site to be designated as Level 2, and the R-2 zoning requested by the applicant was in conformity with the Comprehensive Plan in Level 2. He stated none of the property was located in the 100 year flood plain. He stated BAZ-2031 was reviewed by the Planning Commission on June 27, 2019; Staff recommended BAZ-2031 be approved and platting be waived. He noted three residents spoke on BAZ-2031 at the Planning Commission Public Hearing session. He explained the three residents were neighbors of the applicant and worried at some point their properties would require rezoning as well.

Mr. Curtis displayed a map which illustrated where the property was located, as well as the surrounding single family homes which were zoned RM. He explained there was great discussion at the Planning Commission Meeting regarding this issue and Staff requested guidance. He explained there were several similar nonconformity situations throughout the City including Indian Springs, Cedar Ridge, and a section of Graham Franklin. He explained how the situation had come to exist and indicated the Planning Commission directed Staff to determine all nonconforming locations and report back to the Planning Commission. He stated the Planning Commission had the ability to submit a group rezoning application on behalf of the property owners in order to bring these properties into compliance which would eliminate the need for each affected property owner to pay \$750 dollars for a rezoning application. He stated Staff recommended BAZ-2031 be approved.

Council Member Parks asked if Staff and the Planning Commission were going to make an effort to rezone every property which was out of compliance throughout the City or change City Ordinance. Mr. Curtis responded in the affirmative; the zoning ordinance could be updated textually to provide language which indicated if a single family home was located within RM it may be rebuilt without being rezoned, or each property could be rezoned and brought into compliance. He noted there were a few different solutions which could be employed. He stated he intended, through Staff and summer interns, to review every square mile of the City of Broken Arrow to determine where these nonconforming properties were located and to provide the information to the Planning Commission and City Council.

Vice Mayor Eudey stated he approved of this plan. Council Member Parks stated he was surprised this had not come before the Planning Commission and City Council earlier.

Citizen Stacy Greenleaf stated his address was 8308 South 4th Street; he was a neighbor of the applicant. He stated he was opposed to the rezoning as he worried this would cause a “domino effect” and all the other property owners who were in a similar situation might be required to pay the same fee. Vice Mayor Eudey stated Staff and City Council were working to ensure this did not happen. Mr. Greenleaf noted this was the first he had heard of the plans to discover a solution for property owners such as himself. He stated he appreciated the efforts being made. He stated he did not understand how the zoning change came about in 2008. Mayor Thurmond explained in February 2008 R-5 zoning became RM through the Comprehensive Plan; the zoning was not changed. Mr. Greenleaf stated it should have been determined whether there were single family homes in the R-5 district before R-5 was redefined as RM which no longer permitted single family homes as a use. He stated he believed if the rest of the neighborhood was properly rezoned without cost, the applicant for BAZ-2031 should be refunded. Vice Mayor Eudey responded if the applicant requested reimbursement it would be considered. Mr. Greenleaf asked to be kept informed regarding the possible zoning change of his property. Mayor Thurmond responded he would be kept informed.

Citizen Amy Greenleaf stated her address was 8308 South 4th Street. She stated she had lived in her home for 20 years and felt this was a sad situation. She stated she opposed BAZ-2031 for the same reasons as her husband (Stacy Greenleaf). She noted she worried it would cause a financial hardship on herself, as well as her neighbors. Vice Mayor Eudey noted Staff, Planning Commission and City Council were worked to ensure this would not become a hardship for anyone involved. Mrs. Greenleaf stated she had left her email address with Staff at the previous Planning Commission Meeting to receive updates, but never received an update regarding this situation. She stated she worried once BAZ-2031 was approved her concerns would be “put on the back burner” and disregarded. Discussion ensued regarding the zoning not being changed in her area (it was always multifamily), the Comprehensive

Plan being changed which redefined multifamily zoning, and the City never changing zoning without notification.

MOTION: A motion was made by Christi Gillespie, seconded by Scott Eudey.

Move to approve BAZ-2031 as per Planning Commission and Staff recommendation

The motion carried by the following vote:

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

C. 19-841 Consideration, discussion, and possible approval of PUD-291 (Planned Unit Development), Boston Heights, 2.10 acres, A-1 (Agricultural) to PUD-291/RS-2 (BAZ-1991, Single-Family Residential), one-half mile east of Elm Place (161st E. Avenue), one-quarter mile south of Washington Street (91st Street)

Acting Director of Community Development Larry Curtis reported during the platting and construction process of the Boston Heights project site it was discovered there was a problem with the sewer lines not being located in the existing utility easement as required by City Ordinance; therefore, there was a modification to the plat required to ensure the current location of the sewer lined up with the plat. He explained, as a result, the applicant requested a PUD to make a modification of the lot width requirements to ensure the existing sewer line fell within the utility easement. He reported the plat approved by Planning Commission and City Council. He noted originally the plat had seven lots, but this PUD requested increased the number to eight lots. He explained all other requirements of the underlying zoning district of RS-2 were met; however, the lot widths would be narrowed from 70 feet to 65 feet. He displayed a map which illustrated where the sewer line and utility easement were located, as well as the redesigned lots. He noted Planning Commission and Staff recommended approval of PUD-291.

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

Move to approve PUD-291 as per Planning Commission and Staff recommendation

The motion carried by the following vote:

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

D. 19-866 Consideration, discussion, and possible approval of BACP-163 (Comprehensive Plan Change), Tidal Wave, 3.11 acres, Public/Semi Public to Level 6, south of the southeast corner of Houston Street (81st Street) and Elm Place (161st East Avenue)

Acting Director of Community Development Larry Curtis reported BACP-163 was a request to change the Comprehensive Plan designation on a 3.11 acre tract of land from Public/Semi Public to Level 6. He explained the applicant intended to rezone the property from R-2 to CH. He reported CH was considered to be in conformance with the Comprehensive Plan in Level 6. He stated the undeveloped property was currently owned by Broken Arrow Public Schools and was previously used as a track area for the former elementary school to the north. He stated the Planning Commission recommended approval of the Comprehensive Plan change per Staff recommendations subject to the property being platted. He noted there was no opposition to the Item. He stated the Public School System was looking to sell the property; however, Tidal Wave did not intend to utilize the entire property. He displayed and discussed a map which illustrated the property and the Level 6 designation to the north and south of the property.

Council Member Parks asked if the School System still owned the elementary school building. Mr. Curtis responded in the negative; however, the building was being used as an educational facility. Discussion ensued regarding the property, what exactly was owned by the School System, Tidal Wave's intentions to develop a car wash facility on the property, the flood plain and associated drainage area, and 1 acre being developed as a car wash with the remaining 2.11 acres being available for future commercial development. Mr. Curtis explained the Item before City Council today was the Comprehensive Plan change alone; prior to any development a PUD and rezoning request would come before the Planning Commission and City Council. He stated it was appropriate for this property to be designated Level 6.

City Manager Spurgeon asked what type of car wash was intended to be developed. Mr. Curtis responded this was intended to be a drive through car wash. City Manager Spurgeon noted this was a difficult area to get into and out of and he worried the traffic problems would only increase with development of the property. Mr. Curtis stated Staff was working with the Schools to ensure mutual access was provided to the property in an effort to prevent traffic stacking and other difficulties. He reported this would be more thoroughly reviewed during the platting process.

Vice Mayor Eudey stated he did not disapprove of the Comprehensive Plan change; however, he felt it was important for any developer to understand City Council would be closely considering project development on the property prior to approval. Council Member Parks agreed; especially with consideration to traffic flow.

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

Move to approve BACP-163 per Planning Commission and Staff recommendations

The motion carried by the following vote:

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

E. 19-870 Consideration, discussion and possible award of the most advantageous bid to Tyler Technologies for Request for Proposals for Software and Implementation Services for an Enterprise Resource Planning (ERP) System and approval and authorization to execute the License and Services Agreement

Director of Information Technology Stephen Steward explained an (ERP) Enterprise Resource Planning System was a suite of integrated applications. He noted the current ERP System employed by Broken Arrow was 27 years old and lacked the ability to support the City of Broken Arrow's governmental needs. He reviewed the steps taken to get to this point including the assistance given by Berry Dunn, Staff involvement, meetings held, surveys taken, determination of system needs and functional requirements, development of RFPs, vendor demonstrations, vendor scoring based on functionality, reference checks, and contract negotiations which included payment schedules and annual maintenance fees. He reported it was estimated the ERP for Financials would go live in July 2020, Utility Billing in February 2021, Human Capital Management in July 2021, and Tyler Asset Management in August 2021. He reviewed the breakdown of the project costs using Tyler Technologies which totalled approximately \$2.6 million dollars.

Council Member Gillespie asked if the total cost included upgrading hardware and servers. Mr. Steward responded in the negative. Council Member Gillespie stated she felt a software upgrade was long overdue and she appreciated all the employee input and Staff involvement during this process.

City Manager Spurgeon stated he believed the new software would enable Staff to better serve the Community.

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

Move to award of the most advantageous bid to Tyler Technologies for Request for Proposals for Software and Implementation Services for an Enterprise Resource Planning (ERP) System and approval and authorization to execute the License and Services Agreement

The motion carried by the following vote:

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

F. 19-871 Approval of and authorization to execute a Professional Consultant Agreement with Berry Dunn McNeil & Parker, LLC dba BerryDunn for Implementation Project Management Services during the Implementation of the Tyler Technologies Munis Enterprise Resource Planning (ERP) System

Director of Information Technology Stephen Steward reported implementation of the new (ERP) Enterprise Resource Planning System would take approximately two years. He reported it was crucial to the success of the project to stay on schedule, meet various milestones, and train City staff on the use of this new system. He reported during visits with other municipalities which had also made the transition from one ERP system to another (particularly Munis), it became evident that Broken Arrow did not have the staff or expertise to manage a project of this scope and complexity. He stated Berry Dunn had intimate knowledge acquired from numerous successful implementations of the Tyler Munis product which was necessary to direct this implementation and assist City Staff in meeting these various goals and milestones. He explained Staff had the option to scale back the project management at any time. He reported Berry Dunn would conduct front end research, develop initial project documents, and conduct stakeholder orientation meetings. He stated Berry Dunn's project management for months 1 through 7 would average approximately 24 hours per week, and would include weekly project team meetings, implementation of vendor deliverables, monthly project status reports and on-site project management activities. He stated months 8 through 36 would include oversight of the user acceptance test, training oversight and go-live oversight. He reported project management fees for Berry Dunn totalled \$476,000 dollars plus \$57,000 dollars in travel expenses.

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

Move to approve and authorize execution of a Professional Consultant Agreement with Berry Dunn McNeil & Parker, LLC dba BerryDunn for Implementation Project Management Services during the Implementation of the Tyler Technologies Munis Enterprise Resource Planning (ERP) System

The motion carried by the following vote:

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

G. 19-872 Approval of and authorization to execute a Quote with United Systems for purchase and installation of server hardware to host Tyler Enterprise Resource Planning (ERP) System software

Director of Information Technology Stephen Steward reported as part of the installation of

the new (ERP) Enterprise Resource Planning software systems, the City must expand the existing datacenter to provide the capacity to host all of the servers required by Tyler Technologies. He explained this proposal was to build a Hyper-V cluster specifically for hosting the servers required for the new ERP system. He stated the equipment proposed was well suited to integrate with existing equipment in the City's main datacenter. He reported the Dell Compliant SAN proposed as a part of this installation would allow the City to enable replication between other existing Dell SANs in the network. He explained this provided an additional layer of protection from data loss on the new ERP servers. He indicated all of the pricing for the equipment in this proposal was based on State Contract pricing.

Council Member Parks asked if the funds were in place for purchase. Mr. Steward responded in the affirmative. Vice Mayor Eudey noted this was approved by the Citizens in the last bond election as there was a dire need. City Manager Spurgeon concurred. He noted there were three funding sources for this project: the (GO) General Obligation Bond, (BAMA) Broken Arrow Municipal Authority Capital funds, as well as the 911/Police funds. He explained the cost for this project would be spread over multiple years.

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

Move to approve and authorize execution of the Quote with United Systems for purchase and installation of server hardware to host Tyler Enterprise Resource Planning (ERP) System software

The motion carried by the following vote:

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

10. Preview Ordinances

A. 19-860 Consideration, discussion and possible preview of an Ordinance amending Section 3.1.F (Table 3.1-1) Table of Allowed Uses, Section 3.2.C, Commercial Uses, Section 3.3.D, Additional Standards for Specific Accessory Uses, Section 5.4.D (Table 5.4.1), Off-Street Parking Schedule A, and Section 10.3.D.11a, Definitions of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

City Attorney Trevor Dennis reported technology had significantly changed the transient occupancy business, specifically bed and breakfasts. He noted there were many new transient type lodgings now available and Staff had worked to address three different types of permitting for various transient lodgings.

Acting Director of Community Development Larry Curtis reported Lori Hill, himself and City Attorney Dennis's office had been working very closely regarding this Ordinance for approximately a year and a half. He explained new transient type lodgings, such as AirBNB and VRBO, were in need of regulation. He stated currently in the City of Broken Arrow these types of facilities were not permissible in any District, except commercially zoned districts and Downtown areas. He reported it was discovered there were approximately 75 AirBNB type facilities located in the City of Broken Arrow. He reported, as proposed to the Planning Commission, Staff recommended a change to Zoning Ordinance to allow for three new types of bed and breakfasts.

Mr. Curtis explained Type 1 would be permissible by right in A-1, RE, certain residential districts, Areas 1 through 5 of the (DROD) Downtown Residential Overlay District; property owners would be required to pay a fee to obtain a permit which would be valid for one year. He reported Type 1 required the property owner to live on-site in the rented structure and parking was required to be provided on-site (no street parking was permitted). He noted following application for the permit the Building Official and Fire Marshall Staff would perform a life safety and building code check; this inspection would be required annually.

Mr. Curtis reported Type 2 required a Specific Use Permit and would be allowed in A-1, RE, RS-1, RD, and R-1 zoning districts. He stated the homeowner was not required to live on-site for Type 2. He explained as a Specific Use Permit was required for this type of facility the Public would be notified and the neighborhood would be made aware of the AirBNB type facility. He noted certain lot size requirements were associated with Type 2, with a maximum of four bedrooms, and on-site parking was required (no in street parking permitted). He explained no signage was permissible on-site.

Mr. Curtis reported Type 3 was the standard bed and breakfast facility and would be permissible in NM, CM, DS, AG, A-1, DM, CG, CH and Area 6 of the DROD. He stated Type 3 followed current bed and breakfast policy in place, rentals were not to exceed more than 30 days, and no cooking facilities were permissible inside guest bedrooms. He explained for Type 3 a Hotel/Motel tax was collected.

Mr. Curtis reported Planning Commission recommended approval; however, recommended annual renewal of the Specific Use Permit in Type 2. He explained Staff recommended Type 2 be required to renew the Specific Use Permit every five years given the time and expense involved with renewal. Council Member Wimpee agreed with the five year renewal of

Specific Use Permits. Council Member Wimpee asked if Staff had contacted AirBNB regarding tax collection. Acting Director of Community Development Larry Curtis responded in the affirmative; AirBNB and VRBO had Staff dedicated to tax collection, and City Staff would move forward in this regard. He noted for those not registered with a tax collecting entity expenses would be recuperated with fees.

City Manager Spurgeon explained the difficulty in knowing where the transient occupancy homes were located. He asked how Staff determined \$1000 dollars was the proper fee amount. Mr. Curtis responded the fee consisted of estimated annual tax collection, along with administration costs and inspection costs.

City Manager Spurgeon asked what concerns were discussed at the Planning Commission Meeting. Mr. Curtis responded one Citizen expressed a concern regarding a constant stream of strangers living in his neighborhood without his knowledge. He noted the Specific Use Permit notifications would provide knowledge of Type 2 bed and breakfasts. He reported another concern was street parking associated with bed and breakfasts which was also addressed through the Ordinance.

Vice Mayor Eudey stated he understood Citizens were concerned about strangers living nearby; however, he believed this was currently happening without any knowledge of locations. He stated this Ordinance would at the least provide information regarding the location of AirBNB's. He asked what the penalty was for failure to comply with new Ordinance requirements. Mr. Curtis responded failure to comply was a misdemeanor and could potentially lead to a year in City jail. City Attorney Dennis stated he did not believe this would be considered a Class A misdemeanor with associated jail time. Vice Mayor Eudey stated he was not suggesting throwing citizens in jail, but he hoped there would be some financial penalty incentives to encourage participation as it was important for these facilities to be registered with the City.

Council Member Gillespie asked if there was any data available regarding AirBNB/VRBO effects on surrounding home values. Mr. Curtis noted there was a representative of the Tulsa Real Estate Association present who could better answer this question. Council Member Gillespie asked if HOAs had the right to regulate these types of facilities. Mr. Curtis responded in the affirmative and noted while the City did not have the ability to enforce HOA covenants, the permit would ask if a resident was in compliance with the HOA covenant (if applicable). City Attorney Dennis stated HOA covenants were civil matters which the City was not permitted to enforce.

Mr. Spencer Gainey stated he was the Government Affairs Director for the Greater Tulsa Association of Realtors (GTAR). He explained there was no standard practice in place regarding these types of facilities and he commended Broken Arrow Staff for its efforts. He stated there was no hard data regarding property values as related to AirBNB/VRBO type facilities; however, experience had taught his realtors, due to the stellar maintenance and upkeep, as well as the purposed design in making properties attractive, AirBNB type properties certainly did not lower property values. He stated the GTAR (Greater Tulsa Association of Realtors) supported Broken Arrow's proposed Ordinance, but suggested an amendment to end Specific Use Permits if a property changed ownership. He stated GTAR believed a license program specifically for this new use should be developed, rather than requiring a Specific Use Permit, as this might remove some of the more onerous tasks such as coming before City Council and the Planning Commission. He note GTAR had been working with the City of Tulsa in development of a specific licensure program and noted he would be happy to share this with City of Broken Arrow Staff. Discussion ensued regarding specific use permits, language involved in PUDs, and amending PUDs. City Manager Spurgeon asked Mr. Gainey to share his findings and suggestions with Mr. Larry Curtis. Mr. Gainey agreed. City Manager Spurgeon recommended holding this item until the next meeting, following further research and discussion with Mr. Gainey.

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

Move to table Item 10A

The motion carried by the following vote:

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

11. Ordinances

A. 19-852

Consideration, discussion, and possible adoption of Ordinance No. 3586 amending the Broken Arrow Code of Ordinances, Appendix A - Chapter 5, Development Standards, Section 5.7, Signs, specifically amending the purpose and intent of the Sign Ordinance, bringing the Ordinance into compliance with federal law, establishing criteria for digital signs, amending the criteria for signs in Areas 5 and 6 of the Downtown Residential Overlay District, allowing and establishing criteria for commercial signs in Area 7 of the Downtown Residential Overlay District, and adding sections for pole signs, sandwich board signs, signs for educational institutions, and a Definitions section; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an

emergency

City Attorney Dennis reported the City of Broken Arrow had a Sign Ordinance in place since February 2008. He reported in 2015, the Supreme Court in Reed v. Town of Gilbert ruled the Town of Gilbert's sign regulations were content based and an unconstitutional regulation of speech. He reported sign regulation could include public safety regulations, aesthetics, economic development, etc., but not content regulations. He explained Ordinance No. 3586 brought current Sign Code up to date and in line with the Supreme Court ruling. He stated in addition, the Sign Code was being updated to address regulations regarding light emitting diode digital signage. He discussed the digital signage regulations, as well as other signage code updates. He reported this Ordinance was previewed on June 17, 2019, it was approved by Planning Commission, and Staff recommended adoption of Ordinance No. 3586 and approval of an emergency clause.

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

Move to adopt Ordinance No. 3586

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 Johnnie Parks, seconded by Scott Eudey.

Move for the emergency clause

The motion carried by the following vote:

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

B. 19-816 Consideration, discussion, and possible adoption of Ordinance No. 3587, to be codified, creating Article XVI, Broken Arrow Elm and New Orleans Advisory Committee, Section 2-230, created, Section 2-231, Appointments, Section 2-232, Removal of Office, Section 2-233, Organization, Section 2-234, Duties, specifically establishing the Broken Arrow Elm and New Orleans Advisory Committee, repealing all ordinances to the contrary; and declaring an emergency

City Attorney Dennis reported the City Council previously authorized retention of Catalyst Commercial for a Study Plan for the New Orleans and Elm corridor. He stated a kick-off workshop was conducted on May 31, 2019 with additional research and a final public meeting held June 18, 2019. He noted there were approximately 200 Citizens in attendance. He explained Ordinance No. 3587 would create an Elm and New Orleans Advisory Committee and would follow a similar process to that utilized in development of the Rose District. He stated Ordinance No. 3587 created a Board of twelve members consisting of two City Council Members, five members appointed by City Council, two members nominated by the City Manager, one member nominated by the Broken Arrow Economic Development Corporation, one member nominated by the Broken Arrow Public School Board, and one member nominated by the Planning Commission. He indicated this would promote a broad cross section of the Community to represent the various interests of stakeholders and the interests of the Community as a whole. He discussed the purpose and responsibilities of the proposed Committee. He stated Staff recommended adoption of Ordinance No. 3587 and approval of the emergency clause.

City Manager Spurgeon noted Council Member Parks had recommended an Advisory Committee, as it was important to receive Citizen's input regarding projects of this type. He noted this was intended to be a temporary Committee and he discussed the reasoning behind the broad spectrum of nominating bodies. He stated, if approved, he hoped the nominations could be made for consideration on August 6, 2019 and hopefully the first Committee Meeting could be held in mid or late August 2019.

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks.

Move to adopt Ordinance No. 3587

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 Debra Wimpee.

Move for the emergency clause

The motion carried by the following vote:

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

Mayor Thurmond recommended the City Council Members who represented south Broken Arrow should be involved with the Committee. Council Member Gillespie volunteered to be a member of the Committee. Vice Mayor Eudey volunteered to be a member of the Committee.

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond reported on July 5, 2019 the City Council Meeting only took 1 minute and 40 seconds. He wished Mr. Alex Mills a Happy Birthday and thanked him for his presence.

Council Member Wimpee reported the Mission 22 War At Home monuments would be arriving July 17, 2019 at 2:30 p.m. and she invited all to attend a brief ceremony at Veteran's

Park. City Manager Spurgeon reported he was able to identify \$125,000 dollars available for contribution to this project.

Council Member Parks asked for Staff to consider the possibility of either rescheduling or simply cancelling the City Council Meeting during the week of July 4th in the future as it was a very popular week for vacation for City Council Members, as well as City Staff. He asked for Staff input in this regard.

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

City Manager Spurgeon stated he wished to speak about the “spirit of intent.” He stated it was difficult to police the two hour parking limit downtown. He noted homes which were built 50 years ago were constructed with one vehicle parking, but now needed multi-vehicle parking. He explained in the spirit of intent he decided to only enforce the two hour parking limit in the downtown area on a complaint driven basis (downtown was an entertainment district and visitors should feel welcome) and he had not asked the police department to ticket cars parked across the sidewalk unless it created a problem, as ticketing all these residents could lead to unintended consequences and unhappy residents.

Council Member Wimpee stated she appreciated being able to park downtown for more than two hours as often she would have a hair appointment, followed by lunch with friends, followed by shopping which could take 4 to 5 hours. She noted the Rose District wanted visitors to stay and support local businesses. City Manager Spurgeon agreed and stated if the City Council wished for him to approach these issues differently he was amenable to suggestions.

Discussion ensued regarding downtown parking time limits.

At approximately 9:03 p.m. Mayor Thurmond stated there was an executive session and he would entertain a motion for a brief recess to enter into BAMA and BAEDA.

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

Move for a brief recess to enter into BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 10:02 p.m. Mayor Thurmond reconvened the Meeting of the City Council and stated he would entertain a motion for a brief recess to clear the room for Executive Session.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.

Move for a brief recess to clear the room for 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 and conferring on matters pertaining to:

- 1. Discussing the purchase and appraisal of real property located at 1117 S. Main, Broken Arrow, OK., and taking appropriate action in open session under 25 O.S. §307(B)(3);**
- 2. Discussing the purchase and appraisal of real property located at 1944 S. Main, Broken Arrow, OK., and taking appropriate action in open session under 25 O.S. §307(B)(3);**
- 3. Discussing the purchase and appraisal of real property located near West Commercial Street between Kenosha Street and Houston Street, Broken Arrow, OK., and taking appropriate action in open session under 25 O.S. §307(B)(3);**
- 4. Litigation, including potential resolution, of a matter involving the litigation case of Cloudi Mornings, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV 2018 1213, under 25 O.S. §307(B)(4).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary for discussing the purchase and appraisal of real property and is necessary to process the pending 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.

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

Move to enter into the Executive Session

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 find the Executive Session necessary

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 10:48 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk