



# City of Broken Arrow

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

## Minutes City Council

*Mayor Craig Thurmond*  
*Vice Mayor Richard Carter*  
*Councilor Mike Lester*  
*Councilor Johnnie Parks*  
*Councilor Scott Eudey*

Tuesday, July 5, 2016

Time 6:30 p.m.

Council Chambers

### 1. Call to Order

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

### 2. Invocation

Pastor John Winstead delivered the invocation.

### 3. Roll Call

**Present: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond  
**Absent: 1 -** Johnnie Parks

### 4. Pledge of Allegiance to the Flag

Councilman Lester led the Pledge of Allegiance to the Flag.

### 5. Consideration of Consent Agenda

Mayor Thurmond stated there was a request to table item 5A. He asked if there were any further items to be removed from the Consent Agenda. There being no other item, he asked for a motion.

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

**Move to approve the Consent Agenda with the exclusion of item A**

The motion carried by the following vote:

**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

- A. 16-680 Approval of City Council Meeting Minutes of June 6, 2016**
- B. 16-724 Approval of City Council Meeting Minutes of June 20, 2016**
- C. 16-712 Acceptance of minutes of Planning Commission meeting held May 26, 2016**
- D. 16-730 Approval to Purchase the Fiscal Year 2016-17 Property and General Liability Coverage Policy with Hartford Underwriters Insurance Company for the City-Owned Building Occupied by Bass Pro Shops**
- E. 16-732 Approval to Purchase the Fiscal Year 2016-17 Citywide Property Insurance Policies with the Oklahoma Municipal Assurance Group (OMAG) and Chubb Insurance**
- F. 16-731 Approval to Purchase the Fiscal Year 2016-17 Battle Creek Golf Course Business Insurance Policy with Philadelphia Insurance Company**
- G. 16-723 Approval and authorization to execute Budget Amendment Number 4 - Final for Fiscal Year 2016**
- H. 16-687 Ratification of Workers' Compensation Compromise Settlement for Daniel Haas, a former Fire Department Employee**
- I. 16-714 Approval and authorization declare the Month of July National Parks and Recreation Month in the City of Broken Arrow**
- J. 16-738 Approval and authorization to execute an Agreement for Professional Consultant Services with PDG, LLC, dba Planning Design Group for Design of Indian Springs Sports Complex Baseball and Soccer Improvements (Project No. 166028)**

- K. 16-713      **Approval and authorization to execute the City of Broken Arrow Annual Services Contract with Broken Arrow Seniors, Inc.**
  
- L. 16-741      **Consideration, discussion, possible approval and authorization to execute a negotiated Contract for Sale of Real Estate for a tract of land located at the southeast corner of First Place and Washington Street, part of the North Half of the North Half of the Northwest Quarter of the Northwest Quarter, less the east 858 feet and less the west 63 feet for roadway and less the north 60 feet thereof for roadway, Section 23, Range 18 North, Township 14 East, Tulsa County, 2.466 acres, for New Fire Station No. 7 (Project No. 173513)**
  
- M. 16-706      **Approval and authorization to execute a Parks and Recreation Use Agreement with the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center and Central Park Community Center**
  
- N. 16-750      **Approval and authorization to execute a Purchase Order to Select Trees for trees to be procured for Streetscapes Phase IV, to include payment of a deposit for the supplier to hold the trees until the construction contractor's delivery date (Project No. 161709)**
  
- O. 16-742      **Approval and authorization to execute Change Order C02 for Construction Contract Number 161708, Farmers Market Interactive Water Feature**
  
- P. 16-711      **Approval of PT16-104, Conditional Final Plat, JDC Houston Street Addition, 1 lot, 38.62 acres, A-1 to IL/PUD 245, north of Houston Street, one-quarter to one-half mile east of 9th Street**
  
- Q. 16-744      **Acceptance of a General Warranty Deed from St. John Building Corporation on a platted parcel of land, located on the Stoneridge Towne Center property just north of Albany Street, west of Elm Place, Broken Arrow, Tulsa County, State of Oklahoma, (Section 34, T19N, R14E)**
  
- R. 16-718      **Consideration, discussion, possible approval and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2016 Taste of Summer**
  
- S. 16-734      **Approval of the Broken Arrow City Council Claims List for July 05, 2016**

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

MOTION: A motion was made by Scott Eudey, seconded by Richard Carter.

**Move to table item A**

The motion carried by the following vote:

**Aye:      4 -**      Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

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

- A. 16-740      **Recognition of K-9 Officer Marque Baldwin and partner Jireh for receiving The North American Police Work Dog Association's Valor Award**

Officer Baldwin and his K-9 partner Jireh were presented with the Award for their actions in connection with a 911 call on the night of July 22, 2015, during which five members of a household were found murdered in their home. An officer representing the Police Department stated that the team displayed valor in being able to function and follow training in the wake of a horrific scene. The dog Jireh, tracked through thick vegetation, leading Officer Baldwin to the two suspects. One of the armed suspects was apprehended when the dog pulled at the police-style ballistic vest he was wearing. Officer Baldwin and Jireh exhibited the highest attributes of their profession: courage, determination and selflessness. Without the competent, well-trained K-9 team, it was questionable whether the apprehension would have occurred that night. The Mayor congratulated Officer Baldwin who, along with Jireh, received a standing ovation. Mayor Thurmond commented that Broken Arrow had an amazing Police Department, and expressed his appreciation for its innovative K-9 Unit, in particular.

- B. 16-757      **Presentation on Hillside Drive Street Closure due to natural gas leak of Oklahoma Natural Gas transmission line at Albany Street (East 61st Street South) intersection**

Tim Robbins, Construction Division Manager of Engineering/Construction, addressed the Council, saying he had a packet for their review that contained

attachments of the traffic control plan, visible on the screen, as well. Mr. Robbins related that they had received a call from Oklahoma Natural Gas (ONG) the previous week. An ONG representative, Joshua Pines, informed them that they needed to meet with him onsite, at the Hillside Drive and Albany Street intersection in front of the Bass Pro Shop, where they are investigating a gas leak. Mr. Robbins explained that three gas lines ran through the intersection: an ONG line, a ONEOK line, and a decommissioned petrol transportation line. Upon investigation it was found that there were higher readings in the center of the intersection that would necessitate excavation from curb to curb, along Albany Street on Hillside Drive. The road would have to be closed just past the Hillside Drive entrance of the Lonestar Steakhouse, just beyond the edge of the median. The closure on Albany Street would be staged right on the outside edge of the outer eastbound lane. A water wall barricade would be erected along the edges to block off the area and provide greater protection for the public. ONG would be making use of trench boxes in the digging process to minimize the amount of damage to the roadway and provide an additional safety precaution for the travelling public.

Mr. Robbins stated that he and Assistant City Manager of Operation Ken Schwab saw the opportunity to make use of the road closure with respect to two projects that would have necessitated closing the road as well. Associated with construction of the Stoney Creek Convention Center was installation of a new, 12-inch water line connection that would run down the roadway median. Installation of the connection would entail closing the left turn lane into Hillside Drive, so they combined the two projects to take place concurrently. They assembled the traffic controls, coordinating with ONG and B&H Construction, LLC, which was hired to do the water line project.

Mr. Robbins went on to say that they pulled together a new permit process that they wished to bring to the Council's attention. With reference to Ordinance No. 2837, giving the City Manager authorization to shut down the arterial roads in such a situation, they devised a permit application in order to facilitate execution of the permits. He referred to the cover page, where they added disclaimers of liability by the City for the private contractors to Section 8 of the Traffic Control Manual.

Mayor Thurmond asked on what dates the roads would be closed. Mr. Robbins replied that closure would begin the morning of the following day, July 6<sup>th</sup>. It was anticipated the roads would remain closed over a two-week period due largely to the fact that they were not sure of where the leak originated. He anticipated that it would be found in the succeeding section of the 50-foot joint, but with three lines in the location it could be any of the three. Mr. Robbins added that all departments had been notified and would be on standby. If ONG discovered it was not their leak they would immediately notify ONEOK, and if ONEOK did not find the leak then they would take the appropriate next step. In the course of the two-week timeline, the water line contractor would begin work at the 12-inch tie-in, working his way back west, so that he would be out of the intersection, as well. He would be going through the intersection to the Bass Pro Shop vehicle entrance, which would be impacted only within the two-week timeline. Referring to the last page of the packet he had distributed to members of the Council, Mr. Robbins reported that the businesses along Hillside Drive had been notified the previous Friday. They met with the general managers personally, and discussed the plan of action, leaving the plan sets with them. They explained the purpose of the projects, providing contact information should the managers have any questions. They also emphasized that the City would be placing signage at the intersections of Lynn Lane at Albany Street and Hillside Drive, prohibiting left turns at Hillside Drive at the Albany intersection, and stating that stores were accessible and open for business even though through traffic was closed off.

**C. 16-748**

**Presentation regarding the Road Closure for Omaha Street between 23rd and 37th Streets in Association with Silverleaf Subdivision Public Improvements**

Mr. Robbins handed out pertinent information to Council members stating that, as with the previous item he had reported on, they had processed the road closure he was now presenting utilizing the new permit application process. He related that the road closure request came from Ira M. Green Construction regarding the Silverleaf Subdivision, a new subdivision under construction along the 51<sup>st</sup> Street, west of the 209<sup>th</sup> Avenue intersection. Construction had begun with work on an offsite sanitary and storm sewer connecting to the south of the subdivision. That work was still in progress. He pointed out that they would be tying in down at the Creek and then working the sewer and storm line back to the north, crossing where

he had indicated a project work zone on the map. A substantial amount of limestone had been found at a relatively high elevation. Boring was not an option going across the roadway, so they decided they would open cut across, necessitating a detour route. The detour route would proceed to 41<sup>st</sup> Street around to the north of that section of town. It would go across 209<sup>th</sup> Street up to 41<sup>st</sup> Street, then across 41<sup>st</sup> Street, and back down by way of County Line Road. Mr. Robbins informed them that traffic control plans had been submitted as part of the permit application. It was anticipated that the duration of the shutdown would run about a week, beginning July 11<sup>th</sup>. Notification boards of the detour had been placed on display.

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services**

No citizens signed up to speak.

**9. General Council Business**

**A. 16-733 Consideration, discussion, and possible action on a Workers' Compensation Court Order for Ruby "Gina" Orey, former Utilities Department Employee, including approval of the Order, authorization for payment or direction to appeal**

City Attorney Beth Anne Wilkening explained that she believed it important to the Assistant City Manager of Administration that the City Council should have the opportunity to discuss the item in the Executive Session. She requested, therefore, that the item be tabled.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to table item 9A pending the Executive Session**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

**B. 16-755 Consideration, discussion, and possible action on pending tort claims filed by Daniel and Kimberly O'Barr, Kim Longacre, Ricky Beach, and State Farm Insurance Company, including potential resolution, potential settlement, acceptance or denial of the claims**

Ms. Wilkening recalled that a sanitary sewer back-up had taken place on February 29<sup>th</sup>, regarding which three homeowners were filing tort claims against the City of Broken Arrow. She added that she had provided background information and a fact sheet for the Council. Essentially, one involved a subrogation action on the part of State Farm Insurance. She stated that she had had the opportunity to briefly meet with some of the homeowners and that the matter was scheduled for the Council's consideration in the Executive Session since it involved pending claims.

Donny Tiemann, 7347 East 75th Street, Tulsa, stated that he was plaintiff Kimberly O'Barr's adoptive father. As he understood, the City had the right to use the ordinances in place to request things like check valves to eliminate such sewer back-ups. He was concerned that when a subcontractor came in to do the work of cleaning out the lines, they did not make the homeowners aware of the situation and failed to give any notice. The City had the responsibility of contacting homeowners in advance, as it was a scheduled maintenance procedure. Had the City done so, it would have given people an opportunity, perhaps, to make some adjustment to their sewer lines, or to take precautions to prevent what occurred at Daniel O'Barr's house, where every room had sewage running through it as a result the back-up. Mr. Tiemann stated that he wished the City Council to take some action to help defray the costs the homeowners incurred.

Daniel O'Barr, 1245 West Louisville Street, said he wished the City to consider the tort claim that his entire house was flooded with raw sewage on February 29, 2016. He said that he and his family had been living in a hotel and didn't have the roughly \$50,000 needed to repair the house that he had bought in August 2014. They had never had any flooding issues before and nothing had been disclosed. In response to a question posed by Councilman Lester, Mr. O'Barr confirmed that they had the house inspected prior to purchase. Councilman Lester commented that back flow preventers were a must to check in the course of a home inspection. Mr. O'Barr said that he thought the City ordinance was faulty. As a new homeowner, he was ignorant of the fact that he was required to have a back flow preventer according to a City ordinance. He added that his finished floor was one foot higher than the upstream manhole, which he had been unaware of since the manhole, he discovered later, was behind a fence four yards away.

Kimberly O'Barr addressed the Council, explaining that 97% of the house had been damaged and that her husband had had to shoulder the burden of cleaning up the sewage himself, while she and her two young children stayed in a hotel for four months. Councilman Eudey asked about their insurance claim and Mrs. O'Barr stated that of the roughly \$48,000 in estimated damage, the insurance covered only \$10,000. She added that they had gotten kicked out of the hotel because the insurance would not pay any more out and they had been forced to return to the house even though it was not habitable.

Kim Longacre, 1241 West Louisville Street, reported that at 9:30 a.m. on February 29th, raw sewage flooded her bedroom, which she was forced to wade through though she was recovering from knee surgery. The sewage destroyed about half the house, however, their insurance company covered the \$40,000 plus in damage being that they were veterans. She stated that she thought the City was responsible for the damage and should be held accountable. They had lived in their house 23 years and had never had anything like that happen. If it was a result of routine maintenance work, she asked, why hadn't it happened before? She said that at the time they purchased the house, no one knew about back flow preventers; home inspectors didn't check for it and still didn't include it in inspections. They were not notified by the City of the work being done and the City failed to inquire and make sure that everyone had back flow preventers.

Tracy Nixon, 1244 West Louisville Street, informed the Council that on the day the sewer backed up she had approached City workers, who told her that they had received a call at 2 a.m. from a homeowner on the next street requesting that they come to clean out her sewer line. Ms. Nixon stated that they should have cleaned out the manhole in the middle of the road and not the ones on Lions Avenue. She claimed that workers were not even sure whether they were at the right manhole but had they cleaned the one in the middle of the road, the back flow into neighboring houses would not have occurred.

Keith Nixon, 1244 West Louisville Street, said he wished they could find some way to prevent such a situation from happening in the future. He added that he had worked in the wastewater field for 23 years and had once received a letter stating that his flooring had to be a foot above the upstream manhole, although he didn't know the location of the manhole to which it referred. He didn't know whether the home inspector should have told him that when he was considering purchase of the house. He suggested that perhaps they could change the ordinance to require home inspectors to inform prospective homeowners.

Councilman Lester questioned Mr. Nixon about the letter he had received. Mr. Nixon specified that he had received a letter from the City around six years back, to the effect that if his floor was not a foot higher than the upstream manhole, then it needed a back flow preventer. He never did find out where the upstream manhole was located and which way the sewer water flowed but he hoped the Council could help improve the situation.

Ms. Wilkening stated that every few years they would send out a legal notice of obligation advising homeowners, because back flow preventers weren't something the average citizen knew much about. The legal notice cited the ordinance verbatim and the City welcomed anyone to contact them on the issue. In meeting with Engineering/Construction staff, they advised her that they received phone calls every so often and would go out and locate the nearest upstream manhole, providing information upon request. Councilman Eudey commented that he vaguely remembered receiving a letter of that nature a few years after he bought his house. Ms. Wilkening recommended tabling the item and taking it up in the Executive Session.

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

**Move to table item 9B pending the Executive Session**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

- C. 16-753 **Approval and authorization to execute an Amendment to Capital Improvements Agreement by and between the Board of County Commissioners of Tulsa County, Oklahoma, and the City of Broken Arrow related to improvements in the Rose District**  
 Giving some background on the item, Russell Gale, Assistant City Manager of Administration, reported that in September 2015 the Tulsa County Vision Authority approved Broken Arrow's application for \$2,737,500 in Vision 2025 surplus funds to assist in the construction of streetscape projects. The Vision Tax would continue to be collected through the end of the calendar year and due to existing funding commitments to other projects, Tulsa advised them that they could not fulfill the total funding request contained in the initial application. As a result, the City was advised that there would be multiple amendments to their initial application. The initial funding of \$1,100,000 had been amended once already to \$1.5 million. Mr. Gale stated that the item before the Council represented the second amendment to the Capital Improvements Agreement, increasing funding to \$2 million. He anticipated that the balance of the funds would be provided within 60 days in subsequent amendments. It was requested that the Council approve the amendment.
- MOTION: A motion was made by Mike Lester, seconded by Richard Carter.  
**Move to approve the Amendment to Capital Improvements Agreement for the Rose District and authorize its execution**  
 The motion carried by the following vote:  
 Aye: 4 - Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond
- D. 16-722 **Consideration, discussion, possible approval and authorization to execute Resolution No. 930, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances**  
 Ms. Wilkening explained that typically, the City receives quarterly updates to the Broken Arrow City Code. They had found that the most transparent way to manage updates was to have the Council approve a resolution with reference to them. It was requested that the Council approve Resolution No. 930 and authorize its execution.
- MOTION: A motion was made by Scott Eudey, seconded by Richard Carter.  
**Move to approve Resolution No. 930 and authorize its execution**  
 The motion carried by the following vote:  
 Aye: 4 - Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond
10. Preview Ordinances
- A. 16-719 **Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article III, Traffic Control Devices, Section 23-110. - Repealed; specifically bringing this section into compliance with state law regarding penalties involving driving through barricades and traffic control devices during flooding; repealing all ordinances to the contrary; and declaring an emergency**  
 Ms. Wilkening reported that the ordinance was brought to their attention by way of a request from the Acting Director of Engineering/Construction, who was very active in the Oklahoma Floodplain Managers Association. Recently, there had been legislation at the state level prohibiting individuals from driving around traffic control devices or barricades in sections of highways, turnpikes, county roads, city roads, and so forth. The Legal Department saw it as a good opportunity to remind motorists that if there were barricades, police cars, and so forth, in place, then they needed to turn around. It was requested that the Council preview the Ordinance and set it for adoption at the next meeting.
- MOTION: A motion was made by Mike Lester, seconded by Richard Carter.  
**Move to preview the Ordinance and set it for adoption**  
 The motion carried by the following vote:  
 Aye: 4 - Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

**B. 16-710**

**Consideration, discussion, and possible preview of an Ordinance amending Chapter 24, Article 1, Section 24-18--Restricting use of water during emergency; specifically providing that emergency water restrictions will be handled in accordance with the City of Broken Arrow's Water Conservation Program; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Wilkening recalled that at the last meeting the City Council and the Broken Arrow Municipal Authority both approved the City of Broken Arrow Water Conservation Program. It was recommended that they amend Section 24-18 of the Code, which would address the emergency water restrictions and indicate that they would be handled in compliance with the Water Conservation Program. They thought it a good way to remind citizens of how the City was progressing in terms of water conservation and it also served to streamline and ensure they were covering things contained in the Code through policies and procedures.

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

**Move to preview the Ordinance and set it for adoption**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

**11. Ordinances**

**A. 16-709**

**Consideration, discussion and possible adoption of Ordinance No. 3438, an Ordinance for the voluntary annexation of property for the development of a Kum and Go No. 837 on 1.15 Acres of land located at 9904 South 241st East Avenue, Broken Arrow, OK more particularly described as Lot 9, Block 2, Prairie Dale, a subdivision, in part of the E/2 of the SE/4 of Section 21, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma, repealing all ordinances to the contrary, adopting a service plan, and declaring an emergency**

Ms. Wilkening stated that the item represented the final of many steps that an annexation entailed. The legislature had wanted to make sure that all had an opportunity to comment on the annexation and it had gone through an exhaustive review at the staff level, as well. The Council was familiar with the matter and all the statutory notices had been provided. The Legal Department made one minor revision at the request of the Planning Development Division, in order to reflect assignment of a zoning code.

MOTION: A motion was made by Mike Lester, seconded by Richard Carter.

**Move to adopt Ordinance No. 3438**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Scott Eudey.

**Move to approve the emergency clause for Ordinance No. 3438**

The motion carried by the following vote:

**Aye: 4 -**

Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

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

There were no remarks or inquiries.

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

Mr. Spurgeon congratulated Officer Baldwin and Jireh on their award, along with the rest of Broken Arrow's talented Police Department for their outstanding work in tough situations.

Mr. Spurgeon reported that shortly after his arrival as City Manager, Vice-Mayor Carter and Councilman Lester brought a problem to his attention regarding a homeowner's association having to do with the fact that when the City widened 121<sup>st</sup> Street, it created some problems at the entrance of the subdivision of Wood Meadows. Through the efforts of Engineering/Construction, they were able to reconnect the line, and under the leadership of Tim Robbins, they completed the task of turning the electricity back on.

Mr. Spurgeon thanked the Council for agreeing to move forward with the ordinance regarding water conservation, adding that in the month of June the average water consumption was almost 16 million gallons per day, with a high of 20.5 million

gallons produced on June 22<sup>nd</sup>. With most of the summer still ahead there was some concern about the heat index, and he thought it likely that they would have to put the Water Conservation Plan into effect, to some degree, later on, in the months of July and August. It was a very good plan in terms of dissemination of information to residents on how they could help the City manage what it was capable of producing and what it received from the Tulsa connection. The Plan was scheduled for adoption at the next meeting, and in the meantime he would keep the Council posted on the City's status.

Mayor Thurmond entertained a motion to recess at approximately 7:19 p.m., in order to enter into the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority meetings, prior to the Executive Session.

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

**Move to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings**

The motion carried by the following vote:

**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 7:23 p.m. and asked for a motion to recess prior to entering into the Executive Session.

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

**Move to recess prior to entering into the Executive Session**

The motion carried by the following vote:

**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond reconvened the regular Council meeting at approximately 7:30 p.m. and asked for a motion to clear the room and enter into the Executive Session.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.

**Move to enter into the Executive Session**

The motion carried by the following vote:

**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

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

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

- 1. Pending tort claims, including potential resolution, potential settlement, acceptance or denial of the claims and taking appropriate action in open session regarding the tort claims filed by Daniel and Kimberly O'Barr, Kim Longacre, Ricky Beach and State Farm Insurance Company, under 25 O.S. §307(B)(4); and**
- 2. A settlement demand/claim and possible litigation submitted by Lamar Outdoor Advertising regarding the removal of billboards from the City right-of-way located north of the Broken Arrow Expressway, along West Fargo Street, west of Aspen Avenue, and possible action in open session including authority to accept or deny the demand; under 25 O.S. §307(B)(4); and**
- 3. A workers' compensation claim filed by Gina Orey, including possible approval or direction to appeal the Order of the Workers' Compensation Court, in open session, under 25 O.S. §307(B)(4); and**
- 4. Economic development and specifically discussing an economic development proposal involving a commercial and retail establishment proposed for the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha), to include the potential transfer of property, financing, and the creation of a proposal to entice a business to locate within the City of Broken Arrow, and taking appropriate action in open session, including direction to the City Manager and Staff to negotiate for an economic development proposal, under 25 O.S. §307(C)(10); and**

5. **The appraisal of the north side of Tiger Hill (on the southwest corner of Lynn Lane and Kenosha) and possible action in open session, including authorization to obtain additional appraisals for this real property, under 25 O.S. §307(B)(3).**

At approximately 8:13 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

The Mayor directed the Council’s attention back to item 9A, which had been tabled earlier in the meeting, and asked for a motion.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to approve the Workers’ Compensation Court Order regarding Gina Orey**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

Mayor Thurmond directed the Council’s attention to item 9B, which had been tabled earlier in the meeting, and asked for a motion.

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to table the matter to give City staff the opportunity to gather additional information regarding the tort claims filed by the O’Barrs, Kim Longacre, Ricky Beach and State Farm Insurance Company**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to deny the claim filed by Lamar Outdoor Advertising**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to authorize the City Manager to move forward with negotiations for an economic development agreement for the north side of Tiger Hill**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

MOTION: A motion was made by Richard Carter, seconded by Mike Lester.  
**Move to find that the Executive Session was necessary to process pending claims and to protect the confidentiality of the business**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

**15. Adjournment**

The meeting adjourned at approximately 8:16 p.m.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.  
**Move to adjourn**

The motion carried by the following vote:  
**Aye: 4 -** Scott Eudey, Mike Lester, Richard Carter, Craig Thurmond

**Attest:**

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**Mayor**

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**City Clerk**