



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, March 21, 2017	Time 6:30 p.m.	Council Chambers
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1. Call to Order

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

2. Invocation

Pastor Rich Manganaro delivered the invocation.

3. Roll Call

Present: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter. Craig Thurmond

4. Pledge of Allegiance to the Flag

Councilman Eudey led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond said he had been requested to remove item L from the Consent Agenda. He asked if there were any further items to be removed. There being none, he asked for a motion.

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

Move to approve the Consent Agenda, excluding item L

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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| A. 17-1985 | Approval of the Special Joint City Council and Broken Arrow Municipal Authority Meeting Minutes of February 28, 2017 |
| B. 17-1661 | Approval of City Council Meeting Minutes of March 7, 2017 |
| C. 17-1979 | Acceptance of Planning Commission meeting minutes of January 12, 2017, January 26, 2017, and February 23, 2017 |
| D. 17-1980 | Approval and authorization to execute Budget Amendment Number 3 for Fiscal Year 2016-2017 |
| E. 17-1929 | Approval and authorization to execute a Proclamation declaring the week of March 27, 2017 as Arbor Week |
| F. 17-1936 | Approval and authorization to execute Resolution No. 999, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 20, which consists of 0.70 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the East Half of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, at the Southwest Corner of 23rd Street and Houston Street, from East Kenosha Development LLC and authorize payment in the amount of \$35,000.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914) |
| G. 17-1935 | Approval and authorization to execute Resolution No. 1000, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 7, which consists of 0.02 acres of permanent right-of-way for 23rd Street, Houston to Kenosha, in the Southwest Quarter of Section 7, Township 18 North, Range 14 East, approximately 400 feet north of the intersection of 23rd Street and Houston Street, from GCM MG, LLC, and authorize payment in the amount of \$6,500.00, for the 23rd Street Widening from Houston to Kenosha Project (Project No. ST0914) |
| H. 17-1955 | Approval and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2017 Rooster Days Festival |
| I. 17-1928 | Notification of City Manager's and Assistant City Manager's signing Professional Consultant Agreements with a value less than \$25,000 |
| J. 17-1815 | Approval and authorization of a Letter of Agreement with Hillcrest Medical Center, under the Hillcrest Exercise and Lifestyle Programs, for the Broken Arrow Fire Department uniformed employee's biennial physical examinations |
| K. 17-1949 | Approval of a Service Agreement Renewal with SeeClickFix to provide software services for the online citizen reporting tool and mobile application |

L.	17-1971	Approval and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Rugby Football Club for the use of a specified area of the Events Park
M.	17-1972	Approval and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Volleyball Club for the use of Nienhuis Park Community Center
N.	17-1942	Approval and authorization to execute a Use Agreement between the City of Broken Arrow and the Indian Brewing Company, LLC to use the City of Broken Arrow Rose District Overflow Parking Lot and land portion west of the western edge of the parking lot for parking, entry walk and future outdoor seating area, particularly located at 333 West Dallas Street (Section 11, T18N, R14E) (Indian Brewing Company Brewery)
O.	17-1966	Approval and authorization to execute Downtown Residential Overlay Study Pay Request Number 2 to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown residential Overlay District Revitalization Study
P.	17-1967	Approval and authorization to execute Downtown Residential Overlay Study Pay Request Number 3, for Phase Two, to ADG, PC through the Sales Tax Capital Improvement Program (STCI) in association with the Downtown Residential Overlay District Revitalization Study
Q.	17-1963	Award the lowest responsible bid to MSB Construction, Inc., and approval and authorization to execute a construction contract for Westwind and Charleston II Storm Sewer Improvements Re-Bid (Project No. SW1707A)
R.	17-1962	Approval of bids received and award the most advantageous bid to Premier Truck (their #2 bid) for the purchase of a dump truck base unit with listed options
S.	17-1973	Award of the lowest responsible bid to Voy Construction, and authorization to execute a construction contract for Fire Station No. 2 Foundation and Precast Wall Repairs (Project No. 143518)
T.	17-1925	Approval and authorization to pay tenant relocation and moving costs for Parcel 17T, generally located at 2403 East Sydney Avenue, 23rd Street Improvements Between Houston and Kenosha Streets (Project No. ST0914)
U.	17-1933	Notification of Change Orders and Work Orders with a value of less than \$25,000 on Public contracts
V.	17-1978	Approval and authorization to execute Change Order Number 2 for Leisure Park I Mill and Overlay; Construction Contract ST1509A
W.	17-1968	Approval and authorization to execute Change Order C05-Final for Construction Contract ST1307 with Magnum Construction; Dallas Street Improvements
X.	17-1926	Approval and authorization of Final Acceptance for the public improvements at Evergreen Baptist Church located at 6000 West Florence Street
Y.	17-1934	Approval and authorization of Final Acceptance for the public improvements at Oak Estates also known as Oak Grove Estates located south of Jasper and east of Garnett
Z.	17-1922	Approval of BAZ 1973 (rezoning application), Village on Elgin, 0.50 acres, 1 Lot, R-3 (Single-Family Residential) to DM (Downtown Mixed-Use), northwest corner of First Street and Elgin Street
AA	17-1974	Acceptance of a General Warranty Deed, Utility Easement, and Temporary Construction Easement conveyed to the City of Broken Arrow a tract of land that is part of Block Two (2), Mound View Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the US Government Survey for the 9th Street Widening from Elgin to El Paso (Project No. ST1210)
BB.	17-1961	Acceptance of a Utility Easement on property located north of the Broken Arrow Expressway, a quarter mile west of 9th Street, Lot 4, Block 2, Hillside Crossings, Tulsa County, State of Oklahoma, (Section 2, T18N, R14E)
CC.	17-1975	Acceptance of a Temporary Construction Easement conveyed to the City of Broken Arrow two tracts of land contained in the SE/4 of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for the 37th Street: Omaha to Albany Roadway (Project No. ST1112)
DD.	17-1951	Acceptance of a Deed of Dedication from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 7, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)
EE.	17-1950	Acceptance of a Deed of Dedication from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 8, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)

- FF. 17-1952** **Acceptance of a Utility Easement from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 7, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)**
- GG. 17-1953** **Acceptance of a Utility Easement from Raul Gonzalez and Maria Tolentino, on property located one-quarter mile east of 37th Street, north of Omaha Street, Lot 8, Block 6, Sun City I, Tulsa County, State of Oklahoma, (Section 29, T19N, R15E)**
- HH. 17-1940** **Acceptance of a Utility Easement from City of Broken Arrow on City owned property associated with the Stoney Creek Hotel and Conference Center, related to providing main electric service to facility prior to final plat, located a quarter mile east of Elm Place and north of Albany Street (Section 2, T18N, R14E)**
- II. 16-1546** **Approval of the Broken Arrow City Council Claims List for March 21, 2017**

6. Consideration of Items Removed from Consent Agenda

Director of Parks and Recreation Department Scott Esmond addressed the Council on item L. He related that the Department had been working with Detective Gayla Adcock of the Broken Arrow Police Department, who was also a rugby coach. Parks and Recreation and the Broken Arrow Rugby Football Club worked out a deal for the Club to use of a specified area at the Events Park, to the east of the house situated there. Parking was available and portable bathrooms would be. Some improvements in design had been proposed, as well. Mr. Esmond added that his Department was looking at another area in Highland Park as a possibility for the future. There were funds in connection with the 2014 Bond issue, to build a rugby field there, perhaps.

Mr. Esmond introduced Gayla Adcock, who had signed up to speak, explaining that the rugby program was a growing one and as with all sports activities, Parks and Recreation desired to accommodate them and facilitate their growth. Ms. Adcock stepped forward with a rugby ball in hand and asked the Broken Arrow Rugby team to stand, relating that she had been working with them for the past five years and had been trying unsuccessfully, to find a place for the team to gather and practice. She approached the City to that end and its response had been gracious and helpful. Ms. Adcock informed the Council that she had also started a rehabilitation program in conjunction with the juvenile court system, in which a young person perpetrating a minor offense could perform community service through the Club. She noted the team's captain put the project together as part of his own Eagle Scout project. She requested Council's approval of the Agreement. Ms. Adcock presented Mr. Esmond with the ball and presented a framed collage of photos to the Council with the title "Thanks For Making Dreams Come True!", as a token of the Club's appreciation. Mr. Esmond asked for Council's approval of the Agreement.

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

Move to approve the Parks and Recreation Use Agreement for the Broken Arrow Rugby Football Club and authorize its execution

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Ms. Adcock and Broken Arrow Rugby Club members received a round of applause.

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

- A. 17-1981** **Presentation by Police Chief David Boggs on department updates and related discussion**
Police Chief Boggs reported on the Police Department's status in 2017, providing an overview of the Department and touching on a few items looking ahead to fiscal year 2018.

Chief Boggs recalled that the citizens' vote to extend Vision 2025 helped the Department tremendously in terms of hiring. A total of 20 new police officer positions to fill was planned over a five-year period, with ten officers to be hired by October 2017. He recalled too, that the Council approved a substantial sum to upgrade the Department's fleet by an additional 22 new patrol vehicles and 5 unmarked vehicles, in the course of the current fiscal year. Chief Boggs reported that at the beginning of 2018, the Department would participate in a P25 radio upgrade also, as part of their proposal for the subsequent year's budget.

With respect to current grants, Chief Boggs explained that some were renewed every year, such as Oklahoma Highway Safety Office (OHSO), and Justice Assistance Grant Program (JAG), along with Victim of Crime Advocate (VOCA). The Department was proud of the Firehouse Subs Public Safety Foundation grant application Ms. Wickersham spearheaded, which would furnish 20 Automated External Defibrillators (AEDs) for patrol cars.

In terms of growth and development, the Broken Arrow Police Department (BAPD) was running two police academies in the same year, for the first time: one currently and a second one starting in October. It was authorized 141 sworn police officers for the current fiscal year, which would move up to 146 in July, encompassing the next class. By 2021, when the Vision and extension of the Vision taxes would be in fully realized, they would have 156 sworn officers. Chief Boggs went on to report that training staff completely revamped written and physical testing and produced an excellent recruiting video. In all, 228 applicants were being vetted for the upcoming Police Academy in October, a large number to the credit of the training staff's hard work. Also, the 2014 Bond package approved by voters, enabled completely

upgraded car computers and printers. All cars were equipped with high-speed wireless connection and by summer, all units would be furnished with new Dell laptops.

Chief Boggs related that Dispatch was managing over 85,000 calls for service annually, and was coordinating with the Fire Department on Emergency Medical Dispatch in a constantly evolving process to assure the best possible customer service to citizens. Moreover, the Department's jail staff processed over 2,000 bookings the previous year, with that number seen to be steadily increasing. Operations expanded the Bicycle Patrol Unit in conjunction with growth in the downtown area, and a greater need for trail and special events coverage.

Chief Boggs also reported that they were very proud of a 90% live-release rate for dogs, maintained at the Broken Arrow Animal Shelter for over a year under the very efficient direction of Animal Control Supervisor Lanny Dampf, qualifying it technically, as a no-kill shelter.

Another accomplishment was the Agency's being re-accredited in 2017 by the Oklahoma Association of Chiefs of Police (OACP). Notably, BAPD's compliance rate with policies, most of which were national as well, was 100%, indicating that not a single problem was found in terms of their adherence to policies and procedures.

Chief Boggs reported that the migration from Windstream to AT&T, as the service provider for 911 calls, was moving forward, and would prove a benefit to citizens. Also, a full-time Emergency Manager was now serving the Department.

In terms of its task force partnerships, the Broken Arrow Police Department was on the cutting edge. Partners included the Drug Enforcement Administration, the United States Marshalls Service, the FBI Violent Crime Task Force, and a staff member embedded with the Secret Service, who was involved with computer forensics. Chief Boggs explained that most of the work done directly impacted Broken Arrow and the reach of the task forces was impressive, enabling crossing of jurisdictional lines to better serve Broken Arrow citizens.

Vice-Mayor Carter commented that observing all the developments and improvements over time, made him very proud, and he commended Chief Boggs and his staff for their work in making the Broken Arrow police force the best in Oklahoma and beyond.

Councilman Lester asked for confirmation that one day, the white units would disappear. Major Mark Irwin confirmed that it would be six to eight months until the white units disappeared. City Manager Michael Spurgeon stated that Chief Boggs had shared information with him about the recruitment and the number of individuals that had applied for the next class. Chief Boggs affirmed that there were 228 applicants in all and the Department were looking at 8 positions to fill, so that the field would be very competitive.

B. 17-1930

Presentation by Scott Esmond, Director of Parks and Recreation Department on current and upcoming projects and activities and related discussion about the Parks and Recreation Department

Mr. Esmond recalled that the Nienhuis Park tennis court project was a 2011 General Obligation (G.O.) Bond Project, and was part of the original Master Plan for the Park. He reported that the courts were open for use. Another completed project, provided by the same bond issue, along with Vision 2025 project surplus funds, was the switch of parking/security lighting to solar power at the Park's Community Center. At the Historical Museum, 2011 G.O. Bond funds were used to correct water infiltration problems, caulk windows, install lintels to windows and doors and seal all brick surfaces. Work to install a third floor terrace canopy to block rainwater and provide shade, was expected to be completed in April.

Mr. Esmond reported that the Indian Springs Sports Complex was undergoing improvements, courtesy of the 2011 G.O. Bond Project. Included was: new fencing and parking lot improvements for the baseball complex and east soccer complex; a new irrigation system on the east soccer complex; and addition of a park entry sign with electronic board for announcements. Plans for the projects were in place, with work to begin post-2017 sports seasons, for completion by opening of the 2018 sports seasons.

Turning back to Nienhuis Park, Mr. Esmond reported that the fields conversion, covered by 2011 and 2014 G.O. Bond projects funds, would entail converting two natural grass fields to synthetic ones. The conversion would extend programming time while reducing operating costs significantly. The project was expected to be completed by fall 2017, in time for football and lacrosse season.

A 2014 G.O. Bond issue refurbishment project at Copper Creek Park, set for completion by April, was in progress. New slides and components parts were being installed by in-house workers at the playground. Other Indian Springs Sports Complex projects underway, courtesy of the 2014 G.O. Bond Issue, were lighting of soccer fields at the west complex and the addition of a playground there also. Installation of security lighting at the Events Park was another aspect of the project taking place. Design of the Rose West Park's dog park by Crafton Tull was almost complete, with construction plans and specifications due in April. Construction plans and specifications for restrooms there would be in hand by June, as well. Various other projects, as provided for by the 2014 G.O. Bond Issue, included: construction of a new trail head restroom at Liberty Park Trail, Elm Place, slated for summer 2017; creation of a corridor connecting the Battle Creek Golf Club banquet facility to the clubhouse/grill; and expansion of restrooms, concessions, and addition of an umpire room at Arrowhead Park.

Mr. Esmond reported that a lot of work was going on at the Events Park, as provided for by the 2014 Bond Issue. A road connection to Highway 52 on the east side was scheduled. The land

had been purchased and construction plans and specifications were due in May, with completion anticipated before September 1st. A regional playground, picnic shelters, and restrooms were under design and consultants were being interviewed with regard to creation of an adult softball complex. Mr. Esmond stated that he was proud of the improvements planned for Leisure Park. That neighborhood park would be getting a new splash pad and new playground, under the 2014 G.O. Bond Issue, with construction plans and specifications due in July. A new playground system was planned for Country Aire Park, as well, with plans and specifications due in July also.

With regard to the Main Street Bikeway, Mr. Esmond recalled that the project, managed by the Oklahoma Department of Transportation (ODOT), involved two trail projects funded by federal funds and local matching funds available through the 2014 G.O. Bond Issue. He informed the Council that the consultant had been given the go-ahead to start construction plans. Also, the design of the Broken Arrow Creek Trail had been completed.

Mr. Esmond explained that the 2014 Bond Issue item in connection with Highland Park hadn't been sold yet. That beautiful site was awaiting funding for future sports practice fields, a rugby field, and a playground.

Updating the Council on the Rose District Phase IV, Mr. Esmond stated that trash pick-up had begun, trees had been planted, and the planting of rose bushes and other ornamental plants was forthcoming. Mr. Esmond reported that it was expected that the Liberty Parkway Trail would open to the public in April. Crews had had to address a drainage washout between 9th Street and Elm Place and the repair work there was close to completion.

Finally, highlighting a final list of miscellaneous projects, Mr. Esmond informed the Council that the Parks and Recreation Department's Geographical Information System (GIS) was about 85% complete. He confirmed that the ice skating rink would be returning around the holiday season. Expansion of the Monarch Butterfly gardens was in the planning, as well.

Confirming with Mr. Esmond, Mr. Spurgeon stated that out of the bonds sold late last year, approximately 8 or 9 million of that included these projects, which were just a fulfillment of what the council had already approved. In response to a question by Councilman Lester, Mr. Spurgeon explained that the financial report that will be sent out in late August will include a list of all these projects and their stages of completion.

C. 17-1969 Presentation regarding the Road Closure for Main Street between Elgin and College Streets in association with Streetscapes Phase IV Public Improvements Project

Director of Engineering/Construction Alex Mills informed the Council that closure of the portion of Main Street between Elgin and College Streets last one week, beginning Monday, March 27th. They would probably need to close the road down again on April 24th through May 8th, while utilities were moved and the intersection at Detroit and Main Streets was elevated, in connection with other improvements being done and avoiding interference with events taking place in May. Southbound traffic would be routed onto Ash Avenue and northbound traffic onto 1st Street. Mr. Mills added that they were in the process of contacting the Chamber of Commerce, the Church, and the few businesses in the vicinity.

Mr. Spurgeon asked Mr. Mills to talk about the traffic signal that would be installed at Dallas and Fort Worth Streets. Mr. Mills explained that the project had been approved by ODOT and they were awaiting awarding of the contract. A preemption at the signal would be done to ensure the public's safety, with another one on Elm Street.

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. 17-1860 Consideration, discussion, and possible approval of an Application to the Tulsa County Vision Authority for Vision 2025 Surplus Funds related to Albany Street Road Improvements near the Stoney Creek Hotel and Conference Center

Assistant City Manager of Administration Russell Gale stated that the staff was seeking Council's approval to submit an application to the Tulsa County Vision Authority for \$628,330. The funding was needed to expand and signalize the intersection of Albany Street and Stonewood Drive, to construct turn lanes near the Stoney Creek Hotel and Conference Center, and to install and improve sidewalks and a pedestrian crosswalk near the Conference Center. Improvements were essential to facilitate traffic flow and pedestrian access in the immediate area, once the Conference Center opened in late 2017. Staff anticipated that the project would begin in June, with completion by October, if funding were approved. It was proposed that Proposition 2 funds be used. Mr. Gale pointed out that funds in that category had to be used for Capital Improvements directly related to economic development. Utilization of the funds for that would exhaust all Proposition 2 funds allocated to the City. Mr. Gale requested Council's approval of the Application.

MOTION: A motion was made by Richard Carter seconded by Johnnie Parks.
Move to approve submission of the Vision 2025 Application

The motion carried by the following vote:

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

B. 17-1921

Consideration, discussion, and possible approval of BAZ 1972 (rezoning application), Fire Station No. 7, 2.5 acres, 1 Lot, A-R-1 (Annexed Single Family Residential) to RS-2 (Single-Family Residential), southeast corner of Washington Street and First Place

Development Services Director Michael Skates recalled that Fire Chief Jeremy Moore spoke on the item under consideration during his presentation at the last meeting. The item referenced a request to change the property's zoning from A-R-1 to RS-2, to meet setback requirements. He explained that the property was Level 2 in the Comprehensive Plan and it contained no floodplain. The Planning Commission had voted unanimously to approve the project in February, however, resident living to the east of the project expressed opposition to the proposed fire station, being concerned with noise and desiring a parking lot to be built for overflow from the softball fields, instead. Mr. Skates related that the project involved a lot of staff members working diligently to move it along. Approval of BAZ 1972 was requested, in accordance with the recommendations of the Planning Commission and staff and subject to the property being platted.

Mayor Thurmond announced that a citizen had signed up to speak on the item.

Robert Persinger of 239 East Washington Street, asked the Council for a postponement for continuance on the item until the next City Council meeting. He pointed out that no representative from the Fire Department was on hand at the Planning Commission meeting to answer questions. He had learned also, that four sites were under consideration for the fire station. He requested more time for the community to meet with their Councilman to discuss the proposal. He pointed out too, that the neighborhood was overwhelmed by a lack of available safe parking whenever ball tournaments took place.

Mayor Thurmond indicated that the site for fire station had been purchased, leaving no option for another site. Mr. Persinger inquired why the public hadn't been notified beforehand, so that their input could be acknowledged. The Mayor referred back to the study undertaken to find the best location for the firehouse. The location in question had been chosen as the best option and a deal to purchase the land had been negotiated.

Councilman Lester inquired what Mr. Persinger's issues were specifically, regarding the site, pointing out that ball field visitors were obliged to follow parking rules and regulations and that the City could monitor and address non-compliance on the part of visitors. Councilman Lester again asked what Mr. Persinger's objections were, specific to the site. Mr. Persinger answered that the noise of blaring sirens would present a problem.

Councilman Parks noted that it was not a citizen's decision where a fire station was located. The decision to contract a company specializing in the field was a good one, and in his experience, citizens wanted fire stations and they didn't. Councilman Parks went on to say that he lived within a block of a firehouse, and his desire to be safe outweighed the siren noise which, in the end, didn't bother him. It was up to the consultant and the Fire Department to determine where best to locate a fire house in order to provide for the safety of citizens. Councilman Parks confirmed to Mr. Persinger that the citizens had no input in the matter.

Councilman Eudey pointed out that the item had been under discussion by the City Council at least twice before, as presented by the Fire Chief and at the time purchase of the land was considered. No citizens signed up to speak on those occasions.

Fire Chief Moore confirmed to Councilman Eudey that the matter had been under consideration for at least a year, specifying that results of the study regarding the best geographic location to provide all of Broken Arrow's citizens with adequate response time, was presented by the Ludwig Group to the City Council in the fall of 2015. Chief Moore added that they had to factor in access streets, through streets, highway access, etc. In addition, the location chosen was one of the areas with the highest number of emergency calls and for that reason too, it was deemed ideal.

Councilman Eudey said he wished to answer some questions that were posed to him, for the benefit of citizens in attendance. He asked if there was a reason they could not continue using the old Station #2, currently Station #7. Chief Moore said that Station was being used to bridge the gap until the time that the new fire station was in operation. In response to Councilman Eudey's question on whether the Fire Station #7 was adequate to the task of serving the high volume of calls in the area, Chief Moore answered that they could only place certain fire trucks in that station, due to its relatively small size. Councilman Eudey asked if there had been other properties available. Chief Moore replied that they did search in the general vicinity for the most advantageous parcels, but the farther afield they went, the longer the response time would be to those in need.

Councilman Lester asked if there were accreditation standards dealing with response time. Chief Moore replied that there were. The National Fire Protection Association had response guidelines. The guideline response time was four minutes and with current resources they were able to achieve at least five minutes at the present time, basing their fire station locations on the guideline goal. He estimated that they would probably need 10 to 12 fire stations in all, to meet the four-minute guideline everywhere in the City.

Councilman Parks asked whether the new fire station would eventually replace O#2. Chief Moore stated that the station on Elm Street would eventually sunset, once the new one was built. The new one would be state-of-the-art, able to accommodate multiple trucks, an ambulance, and even the Battalion Chief, if necessary, providing a more centralized location for the purpose of responding to calls throughout the City.

Mr. Spurgeon pointed out that the City engaged GH2 to put together the concept. The City had

the funds for design and for acquisition of the property, but still needed to go to the voters to ask their approval on building the fire station. He went on to say that the Chief had talked to the Assistant City Manager of Operations about some ideas regarding overflow parking. Mr. Spurgeon invited the Assistant City Manager to speak briefly on that. Chief Moore responded by confirming all of the design plans they were reviewing with the architect included additional parking that would be used as public parking, in answer to citizens' concerns regarding shortage of parking in the area.

Councilman Lester requested that Chief Moore address the question of noise. Chief Moore stated that State law required them to turn on lights and sirens when responding to emergency calls. They were cognizant of the issue and were doing their best to minimize noise. As Chief Boggs had mentioned, they were working with 911 to ensure that they were sending the correct apparatus to the right calls. They were working to try to downgrade some of the calls so that they could run non-emergency, with no lights or sirens.

City Attorney Beth Anne Childs stated that since they were considering a rezoning application, it was important to return to the item's original purpose. Councilman Eudey observed that the item did not represent a Comprehensive Plan change.

Assistant City Manager of Operations Ken Schwab said that Chief Moore had addressed the issues regarding location of the fire station and staff was looking at creation of an oversized parking lot. There was also a concept plan to put in an additional 50 to 100 parking spaces at the green space to the east of the fields and north. It was preferable however, to try to deal with overflow parking onsite to avoid pedestrians having to cross Washington Street.

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

Move to approve BAZ 1972 in accordance with the recommendation of Planning Commission and staff and subject to the property being platted

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

C. 17-1958

Consideration, discussion, and possible approval of Resolution No. 1001, a Resolution authorizing the City Attorney to enter into a proposed Journal Entry of Judgment in regard to the matter of Levya v. Rich, et al., Case No. CV-2017-4, in the District Court for Wagoner County, State of Oklahoma and directing the City Attorney to prepare and file any and all necessary documents to settle the Journal Entry of Judgment for the court's approval

Ms. Childs reported that the item was in reference to a Quiet Title Action filed by Mr. Levya and to acquire title for the property, acquired through a Sheriff's sale. She explained that originally, the City had some liens on the tract, however, all were satisfied and had been released. It was requested that Council approve Resolution No. 1001 and authorize its execution, enabling the Legal Department to move forward with the Journal Entry.

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

Move to approve Resolution No. 1001 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

D. 17-1957

Consideration, discussion, and possible approval of Resolution No. 1002, a Resolution authorizing the City Attorney to enter into a proposed Joint Application for Approval of Settlement and Journal Entry of Judgment in regards to the matter of Elton Fernandes v. City of Broken Arrow et al. Case No. 16-CV-630-CVE-FHM in the United States District Court for the Northern District of Oklahoma and directing the City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the courts approval pursuant to 51 O.S. §158

Ms. Childs informed the Council that she had placed the item for Executive Session, if the Council wished to discuss it in closed session. Giving some background on the item, she stated that in October 2106, Elton Fernandes filed suit against the City and two Broken Arrow police officers, alleging his petition that his First, Fourth and Fourteenth Amendment rights were violated during a non-consensual of his vehicle and subsequent search of his residence. She recalled that the incident was the subject of a motion to suppress evidence and the Federal District Judge ruled that the search was illegal. Subsequently, the United States Attorney's Office dismissed the charges. The Department of Justice agreed to retain counsel to represent the officers individually, because the officers were working under the umbrella of the Drug Enforcement Administration (DEA). In the months that it had taken for them to get to that point, Ms. Childs reported, the Legal team thought it might be an opportune moment to attempt to negotiate total resolution, whereby the Officers would be dismissed with prejudice, and judgment would be taken against the City of Broken Arrow. It was sort of a cost of defense case, in which the City was not admitting by resolution of the case that the City or the police officers did anything wrong. However, in the last such case in 1983, in which the City prevailed, the City spent in the neighborhood of \$150,000 in outside counsel, a trip to Denver, and a great deal of discovery, with a lot of stress placed on the officers, as well. Ms. Childs went on to say that she didn't know that the City would get another such opportunity to resolve the case, once the Department of Justice got involved. She thought it prudent for the Council to consider resolution at this juncture. If the Council were in favor, it was requested that they approve Resolution No. 1002, or otherwise table it, taking time to reflect and discuss the matter

until after Executive Session.

Councilman Lester asked for confirmation that “with prejudice” meant that they could not file against the officers again. Ms. Childs replied that that was correct, adding that under Oklahoma law, judgment would be taken against the City in accordance with the Judgment Against Municipalities Act. Also, the Legal Department would have them sign a release, along with other documents, so that future legal action against the officers would be forever barred. Ms. Childs observed that in experience working with law enforcement, she had seen what litigation did to police officers and it was very hard on them.

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

Move to approve Resolution No. 1002 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

E. 17-1970

Consideration, discussion, and possible approval of Resolution No. 1003, a Resolution of the Broken Arrow City Council approving and authorizing execution of a certain Economic Development Agreement by and among the City of Broken Arrow and B.A. Vesper, L.L.C. (“Developer”); and other provisions relating thereto

Economic Development Coordinator Norm Stephens said he was addressing the Council on an exciting project proposal in the Rose District. He was approached by parties under contract who were interested in purchasing the former Presbyterian Church, located at 121 West College Street. Mr. Stephens asked one of the parties, Stan Synar, to speak to the Council on his concept for the site, although conceptual drawings for the project had not been finalized.

Stan Synar of 300 South 68th Street, Manager of B.A. Vesper, L.L.C. explained that the project he was proposing was born out of the success and excitement that he and his business partner Lynn Palmer, enjoyed with regard to the Main Street Square project, and out of the excitement that project generated. He recalled what he and Ms. Palmer had achieved with the old Tulsa Federal Credit Union property and felt they had another opportunity breathe new life into two structures that clearly had good bones and the potential to be transformed successfully, into their vision. One of the buildings on the property was a two-story structure of about 8,000 square feet, situated in the middle of the site. The other building, on the north side, was the old sanctuary, measuring approximately 5,000 square feet. In addition, there was an old, partial structure of a house on the alley side, that they planned to remove and introduce new construction elements in its place. The alley side had great visibility from the nearby intersection, driving south down Main Street, and great potential curb appeal. He was encouraged by the initial reception his concept was receiving among people in the area. He was confident that the proposed project would be a great success, just as Main Street Square was. He appreciated all the help the Mayor and Council could afford the project.

Mayor Thurmond inquired if it would be a mixed-use project. Mr. Synar replied in the affirmative, stating that currently, they anticipated it being a mixed-use commercial project, with the larger structure as office space and the sanctuary as space for a restaurant or retail establishment. The south side of the two-story building contained parking space for about 35 to 40 vehicles. He also saw the project as a potential opportunity for small businesses to come back to the Rose District, alongside larger scale business that would be attracted to the location. Mr. Spurgeon requested that Mr. Synar share what type of personal investment he and Ms. Palmer were thinking about making additionally, as entrepreneurs, in light of the Agreement before the Council. Mr. Synar stated that from a financial standpoint, they anticipated their investment in the project, above and beyond the purchase price, to be somewhere in the range of \$1 million. They had closed on the property and were engaged in site improvements for staging purposes already, and they were in the process of producing a working set of drawings.

Councilman Parks commented that from the Council’s perspective, they were looking at extending a water line. Mr. Stephens stated that in their conversations, Mr. Synar and Ms. Palmer voiced some of their own concerns with regard to infrastructure. He asked Mr. Schwab and Mr. Mills to sit down with them and the Mr. Synar and Ms. Palmer were pleased to learn that all their concerns were already being addressed by projects that were moving forward. For example, the eight-inch water line, which would be extended from Main Street, would be taken care of once the Streetscape IV on the north end was done. The only thing the developers were asking for was consideration for two ¾-inch water taps which, under the Code of Ordinances adopted by Council, could be approved by the City Manager, costing roughly \$700 per tap. Infrastructure work performed by the City would benefit all businesses in the area, as well. In answer to a question by Councilman Lester, Mr. Stephens stated that parking on Ash Avenue would be on the east side of the street only.

Councilman Eudey said he had three thoughts to share. First, the project would save an extraordinary building with a lot of history that would have had a much less secure future. Secondly, the City had been in great need of class-A office space in the downtown area for a long time and the project described by Mr. Synar would address that. Thirdly, the previous week he had attended the National League of Cities, along with some of his colleagues, and effectively, every meeting he attended had to do with public-private partnerships. He saw the use of the property in question as exemplary of what the City intended to do in the downtown area. It would entail a relatively small investment on the City’s part and would prove a benefit to citizens for years to come, spurring \$1 million of private investment. The City had done a

great job in the Rose District and the project under discussion represented a private-public partnership that made a lot of sense.

Vice-Mayor Carter commented that in the 1970s, he had an office in the building that the same developers had rehabilitated, and he was very familiar with what the old Savings and Loan was before. They succeeded in making a silk purse out of a sow's ear, making good use of the building and the whole center. He trusted that Mr. Synar and Ms. Palmer would do the same kind of job with the church property, preserving it while creating an asset to Downtown for the next 50 years.

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

Move to approve Resolution No. 1003 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

F. 17-1976

Consideration, discussion, and possible approval of Resolution No. 1004, a Resolution authorizing payment of attorney's fees and costs in the matter of City of Broken Arrow v. Bonnie E. Blalack Living Trust, Case No. CV-2013-00320

Ms. Childs explained that the law required municipalities and other condemning agencies to pay attorney's fees, court costs, and other expenses in the event that they exceeded the Commissioners' award by 10%. She recalled that the original offer for the tract and then, for the entirety of the taking, was in excess of \$400,000. The last offer that the City received was for approximately \$250,000 and then, the jury came in for less than that. Including costs and attorney's fees, it was still well below what the landowner was willing to settle for. The Legal Department did an evaluation of the costs and attorney's fees, keeping in mind that attorneys who took condemnation cases often did not bill at an hourly rate, but took a percentage, with either arrangement being acceptable in the eyes of the court. Ms. Childs stated that they had placed the matter for consideration in Executive Session, if the Council wished to discuss it further. On the other hand, if the Council was ready to move forward, it could do so by approving the Resolution. It was confirmed to her earlier in the day that it did constitute part of the judgment and as such, it would be placed on the tax rolls.

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

Move to approve Resolution No. 1004 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

G. 17-1984

Consideration, discussion, and possible approval of Resolution No. 1005, a Resolution of the Broken Arrow City Council approving, authorizing and accepting a Contract for Sale of Real Estate for real property located at 825 East Dallas Street, Broken Arrow, Oklahoma 74012 more particularly described as Lots one (1) and two (2), Block (1), East Haskell Addition to the City of Broken Arrow, Tulsa County, State of Oklahoma, according to the recorded plat thereof; and authorizing the City of Broken Arrow's expenditure of the sum of \$175,000.00 to effect such purchase, as well as reasonable and necessary costs; designating representatives of the City of Broken Arrow, Oklahoma for purposes of granting certain approvals and executing certain instruments as required under and in connection with said contract for sale of real estate; and containing other provisions relating thereto (9th Street Widening Project-Elgin to El Paso)

Ms. Childs reported that the item involved the 9th Street Widening Project. Staff in Engineering/Construction had done an excellent job in terms of acquiring the necessary right-of-way. It was down to just a handful of instances where the City would have to proceed to condemnation. She recalled that the Council had previously approved a Resolution of Necessity for the particular parcel under consideration. A purchase price of \$175,000 was negotiated, approximately \$20,000 over the appraised value of the property. She pointed out too, that it was a total take as Engineering/Construction had determined that there was no way the structure could remain, and certainly not in a safe way. The homeowner was amenable to taking \$20,000 over the appraisal value, with the Legal Department considering the sum to cover his relocation expenses. Also, the homeowner had recently done some renovations in the home. In addition, the homeowner made some requests with regard to his kitchen cabinets, tool shed, bathroom countertop, HVA system outside the house, and privacy fence, all of which he wished to relocate to his new residence. She did not have any reservations in that regard and both Mr. Schwab and Mr. Mills believed it appropriate. It was recommended therefore, that Council approve Resolution No. 1005 and authorize its execution.

MOTION: A motion was made by Johnnie Parks, seconded by Richard Carter.

Move to approve Resolution No. 1005 and authorize its execution

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Mike Lester, Johnnie Parks, Richard Carter, Craig Thurmond

10. Preview Ordinances

A. 17-1959

Consideration, discussion, and possible preview of an ordinance closing a mutual access and utility easement on property located in the Southeast Quarter (SE/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Lot 4, Block 2, Hillside

Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street; repealing all ordinances to the contrary; and declaring an emergency (Hillside Crossings)

Ms. Childs stated that the ordinance being considered for preview pertained to an easement closure, as did the two items to follow. Staff was recommending the closures, in keeping with the trend of relocating utilities in order to maximize development. If the Council was so inclined, it could approve the three items, A, B, and C, and ask that they be placed for adoption at the next meeting.

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

Move to preview ordinances A, B, and C and set them for adoption

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

B. 17-1960 **Consideration, discussion, and possible preview of an ordinance closing a mutual access and utility easement on property located in the Southeast Quarter (SE/4) of Section Two (2), Township Eighteen (18) North, Range Fourteen (14) East, Lot 5, Block 2, Hillside Crossings, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located north of the Broken Arrow Expressway, a quarter mile west of 9th Street; repealing all ordinances to the contrary; and declaring an emergency (Hillside Crossings)**

C. 17-1954 **Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located in the Southwest Quarter (SW/4) of Section Six (6), Township Eighteen (18) North, Range Fifteen (15) East, Tiger Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north and east of the northeast corner of Kenosha Street and 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (Tiger Plaza)**

D. 17-1989 **Consideration, discussion, and possible preview of an ordinance amending Chapter 5, Development Standards, Section 5.9, Telecommunication Towers, of the Broken Arrow Zoning Code, to update this Ordinance in accordance with current law, clarify the process for approval, and to include provisions for small cell facilities; repealing all ordinances to the contrary; and declaring an emergency**

Ms. Childs said that the item represented a tremendous undertaking on the part of staff. The Telecommunications Act had been revamped and interpreted in a number of different ways since its inception. As a result of changes along the way, she and her Legal team thought that with the present rapid development in technology, particularly with regard to small-cells placement, it was an opportune time to review the existing Ordinance and bring it up to date, modernizing it. With the Council's permission, the Legal Department retained the services of an attorney in Minnesota who had represented the City of Oklahoma City when it was negotiating its franchise with Cox Communications. The attorney was very well versed in the field of telecommunications and had provided the City of Broken Arrow with some excellent guidance. It was also important to get the matter in front of the Planning Commission because a public hearing was required. Ms. Childs stated that because of the technical language involved, they had forwarded the ordinance to the Minnesota attorney. Ms. Childs added that she would, in all probability, reach out to Best, Best & Krieger LLP, another national law firm of specialists, to review the City's status with regard to Telecommunications Act compliance. She suspected that the matter would be on the agenda for final adoption at the second meeting in April. Nevertheless, a very exciting aspect of the story was that small-cell deployment would bring 5G availability to Broken Arrow, 5G being the name given to the next generation of wireless networks. The ordinance under consideration would enable them to move forward in that regard. She expected the utilization of that level of technology would entail a license agreement to be brought before the Council when it came up.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

11. Ordinances

A. 17-1948 **Consideration, discussion, and possible adoption of Ordinance No. 3460-Corrected, an ordinance correcting a zoning designation on the property located on 27.97 acres of land located in Section 1, Township 17 North, Range 14 East of the Indian Base and Meridian, Tulsa County, Oklahoma, repealing all ordinances to the contrary, changing the zoning designation from AG to A-1 Agricultural District Zoning classification, and declaring an emergency**

Ms. Childs explained that the particular ordinance in question had been previewed in a completely different format. In meeting with Development Services, Legal Department staff decided to devise a corrected ordinance in order to alleviate concerns that might arise over designation of the zoning category without a public hearing. It was requested that Council adopt Ordinance No. 3460-Corrected and approve the emergency clause.

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

Move to adopt Ordinance No. 3460-Corrected

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Move to approve the Emergency Clause on Ordinance No. 3460-Corrected

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

B. 17-1944

Consideration, discussion, and possible adoption of Ordinance No. 3476, an ordinance closing a Detention Easement on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E), repealing all ordinances to the contrary; and declaring an emergency

Ms. Childs reported that the Ordinance involved closure of a detention easement. The utilities had already been relocated and staff supported the action, as did the utility companies. It was requested that Council adopt Ordinance No. 3476.

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

Move to adopt Ordinance No. 3476

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Move to approve the Emergency Clause on Ordinance No. 3476

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

C. 17-1945

Consideration, discussion, and possible adoption of Ordinance No. 3477, an ordinance closing a Utility Easement on property located east of 9th Street and a quarter mile north of Tucson Street, Tulsa County, State of Oklahoma, (Section 36, T18N, R14E), repealing all ordinances to the contrary; and declaring an emergency

Ms. Childs stated that the Ordinance under consideration authorized closure of a utility easement. Staff, as well as all utility companies involved, were supportive of the action. It was requested that Council adopt Ordinance No. 3477 and approve the emergency clause.

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

Move to adopt Ordinance No. 3477

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Move to approve the Emergency Clause on Ordinance No. 3477

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

D. 17-1956

Consideration, discussion, and possible adoption of Ordinance No. 3478, an ordinance amending the Broken Arrow Code, Chapter 23, Traffic, Article I, In General, Section 23-2. - Authority of City Manager to promulgate traffic regulations, specifically amending to grant the City Manager the authority to appoint a designee; amending Article II, Operation of vehicles generally, Section 23-79. - Driving on sidewalks; specifically allowing police motorcycles to operate on sidewalks; amending Article III, Traffic-Control Devices, Section 23-106. - Installation and maintenance generally, specifically amending to grant the City Manager the authority to appoint a designee; amending Section 23-107. - Conformity with state manual and specifications; uniformity; presumption of legality, specifically amending to include reference to the Broken Arrow Code of Ordinances; amending Section 23-118. - Adoption of the manual of uniform traffic control devices; specifically amending to remove the requirement of filing three copies of the uniform traffic control manual with the City Clerk; repealing all ordinances to the contrary; and declaring an emergency

Ms. Childs related that the Ordinance was substantially, in the same form as presented in preview. The language was cleaned up to bring it into compliance with state law and to deal with issues involving multiple copies of the Manual relating to uniform traffic control devices. It was requested that Council adopt Ordinance No. 3478 and approve the emergency clause.

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

Move to adopt Ordinance No. 3478

The motion carried by the following vote:

Aye: 5 -

Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

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

Move to approve the Emergency Clause on Ordinance No. 3478

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Councilman Lester provided an update on the project to memorialize the Bever family and honor first responders. Fundraising was not going as well as anticipated, with only about \$12,000 raised toward the \$50,000 needed. However, he had received a call that morning from Mike Case of Case & Associates Properties, Inc., who expressed a desire to assist in the effort. Mr. Case stated that he would provide up to \$20,000 in matching funds, and with the help of Director of Communications Krista Flasch, Mr. Case's announcement was being disseminated to the news media. He was grateful to Mr. Case and hopefully, people would step up to donate, making his \$20,000 offer count.

13. Remarks by City Manager

Mr. Spurgeon reported that AT&T had recently approached him about an opportunity for Broken Arrow to be the first city in the state of Oklahoma to have access to 5G, through small cell. Staff was moving quickly in order to accomplish that. The AT&T representative who contacted him was himself, a Broken Arrow native and resident. He hoped to make an announcement that the City was negotiating an agreement, by the following week. The agreement would be presented to the Council for consideration because there were terms and conditions that applied, as with any contract. Mr. Spurgeon thanked Ms. Childs for her hard work in getting them to that point and AT&T, as well, for the exciting opportunity.

Mr. Spurgeon recalled that in fall 2016, the City submitted an application for a Surface Transportation Program Grant (STP). An opportunity for funding of a project was given annually through the federal program, and he took the opportunity to meet with the people at Indian Nations Council of Government (INCOG), to examine which project would give the City the best score. The project which he and they felt would afford Broken Arrow the best chance to receive award involved Olive Street from 61st Street to 71st Street, for which there was only partial funding available through G.O. Bonds. Mr. Spurgeon was pleased to announce that they had received notice the day before, that the City's application was being recommended for approval and they had received preliminary approval in the amount of \$3,930,000. In combination with the funds approved by voters, the street project to provide five lanes in some areas and four lanes in others, could go ahead. He was grateful to Mr. Schwab, Mr. Mills, and their teams, for putting in the application. It was gratifying to see Broken Arrow's federal dollars coming back to it through the Grant.

At approximately 7:52 p.m., Mayor Thurmond entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings.

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

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

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

At approximately 7:53 p.m., Mayor Thurmond reconvened the meeting and asked for a brief recess before entering into the Executive Session.

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

Move to recess before entering into the Executive Session

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

The Council returned to the room at approximately 8:00 p.m.

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

Move to enter into the Executive Session

The motion carried by the following vote:
Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

14. Executive Session

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

1. **Litigation involving Elton Fernandes, United States District Court for the Northern District of Oklahoma, Case No. 16-CV-630-CVE-FHM under 25 O.S. §307(B)(4);** The Council voted on this item during their consideration of item 9D (17-1957) under General Council Business. Thus, there was no Executive Session for this item.

The Council voted on this item during their consideration of item 9F (17-1976) under General Council Business. Thus, there was no Executive Session for this item.

At approximately 8:33 p.m., Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

Move to find that the Executive Session was necessary to protect the confidentiality of businesses for a potential economic development

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Move to direct the City Manager to begin formal negotiations for an economic development agreement with Cowen Construction for the real property located at between East Detroit Street and East Elgin Street and North Main Street and North First Street, subject to review and approval of recommendations from the Economic Development Corporation

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

The meeting adjourned at approximately 8:34 p.m.

Move to adjourn

Aye: 5 - Scott Eudey, Johnnie Parks, Mike Lester, Richard Carter, Craig Thurmond

Attest:

Mayor

City Clerk