



City of Broken Arrow

Minutes City Council

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice-Mayor Scott Eudey
Council Member Mike Lester
Council Member Johnnie Parks
Council Member Debra Wimpee

Monday, June 4, 2018

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor David Pelkey performed the Invocation.

3. Roll Call

Present: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

4. Pledge of Allegiance to the Flag

Council Member Debra Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond asked if there were any items to be removed from the Consent Agenda. There were none.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- A. 18 500 Approval of Broken Arrow City Council Meeting Minutes of May 15, 2018**
- B. 18 611 Approval of Broken Arrow City Council Special Meeting Minutes of May 8, 2018**
- C. 18 656 Approval of Legal Services Agreement with Kiser Law Firm, PLLC for services related to the approval and issuance of General Obligation Bonds in one or more series**
- D. 18 654 Approval of Financial Services Agreement with Municipal Finance Services, Inc. for services related to the approval and issuance of General Obligation Bonds**
- E. 18 655 Approval of and authorization to execute the engagement letter with Crawford & Associates for fiscal year 2018 2019 to prepare annual financial statements and required supplementary information**
- F. 18 664 Adoption of the name Tiger Creek for the unnamed tributary that runs from the Shops at Adams Creek commercial development to the city owned property along Albany Street immediately north of the Broken Arrow High School**
- G. 18 665 Adoption of the name Tiger Creek Nature Park for the detention facility and City owned property immediately north of Albany Street across from the Broken Arrow High School**
- H. 18 631 Approval of and authorization to execute a Letter of Agreement with Saint Francis South Hospital, for the Broken Arrow Fire Department uniformed employee's biennial physical examinations**
- I. 18 649 Approval of and authorization to execute 2017 CDBG Resolution Contract/Agreement Renewal with Tulsa County from July 1, 2018 to June 30, 2019 for 1st Street Waterline Project (Project No. WL1805)**
- J. 18 648 Approval of and authorization to execute 2017 CDBG Resolution Contract/Agreement Renewal with Tulsa County from July 1, 2018 to June 30, 2019 for 4th Street Rehabilitation Project (Project No ST1804)**
- K. 18 510 Approval of and authorization to declare 90 self-contained breathing apparatus (SCBA's) and 200 cylinders and masks as surplus and authorize the donation of those items to education organizations such as vocational trade schools, junior colleges, and any other training institutions**
- L. 18 612 Approval of and authorization to execute a Renewal Agreement No. 4 with Admiral Express to provide office supplies on a city wide basis**

- M. 18 603 Approval of and authorization to execute a Pest Control Service Agreement (fourth renewal) with Arrow Exterminators for monthly pest control at all City facilities**
- N. 18 625 Approval of and authorization to execute an agreement with Bee Clean Cleaning Service Inc. (fifth renewal) to supply custodial services and supplies for the Public Safety Complex**
- O. 18 629 Approval of and authorization to execute Amendment to Service Agreement No. 50006466 with Clean Uniform Company for non-public safety employee uniform rental service**
- P. 18 633 Approval of and authorization to execute Sales Purchase Agreement Contract Extension 3 with Petroleum Traders Corporation for the purchase of gasoline and diesel fuel**
- Q. 18 575 Approval of and authorization to execute Amendment No. 2 to Professional Consultant Agreement with The Schemmer Associates, Inc. for Computer Aided Drafting Design (CADD) and related technical services contract (Contract No. CADD 17 01)**
- R. 18 607 Approval of and authorization to execute a renewal agreement with Storey Wrecker Inc. for wrecker services**
- S. 18 605 Approval of and authorization to execute the Transaction Confirmation Renewal (third contract renewal) with Tiger Inc. for third party natural gas supply**
- T. 18 641 Approval of and authorization to execute Amendment No. 4 to Professional Consultant Agreement with CEC Corporation (formerly Cobb Engineering Company) for revising and updating design plans for Florence Street Improvements, Olive Avenue to Aspen Avenue (Project No. ST1410)**
- U. 18 640 Approval of and authorization to execute Amendment No. 5 to Agreement for Professional Consultant Services with Garver, L.L.C. for engineering of 9th Street Widening, El Paso to Elgin (Project No. ST1210)**
- V. 18 632 Approval of and authorization to execute a Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2018 Taste of Summer event**
- W. 18 644 Approval of and authorization to execute a construction contract for asphalt pavement mill and overlay for Fire Station #5; Project #183508**
- X. 18 642 Approval of and authorization to execute a construction contract to Midstate Traffic Control, Inc. for Traffic Signal Modifications, 9th Street and SH 51 Ramps (Project No. TS1801)**
- Y. 18 621 Approval of and authorization to execute service agreement quote with Custom Service for heating, ventilation, and air conditioning service**
- Z. 18 609 Approval of and authorization to execute service agreement quote from ADDCO Electric for electrical service**
- AA. 18 647 Approval of and authorization to execute a service agreement quote with Davis H. Elliot, Inc. for street light repair services**
- BB. 18 635 Award the most advantageous bid to Imajenus Inc. for the purchase and installation of two power distribution units and parts and labor to increase wire and breaker sizes at two existing power distribution units for the Parks and Recreation Department**
- CC. 18 624 Award the most advantageous bid to Preferred Business Systems, LLC for City wide copiers, and the approval of and authorization to execute an equipment lease agreement and an annual maintenance agreement for copier services**
- DD. 18 604 Award the most advantageous bid to S&S Powersports for the purchase of two (2) BMW Police Motorcycles**
- EE. 18 645 Approval of and authorization of Final Acceptance for the public improvements at Tucson Village located at 121st Street South and 193rd East Avenue**
- FF. 18 34 Approval of the Broken Arrow City Council Claims List for June 04, 2018**

6. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

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

- A. 18 666 Conduct a Public Hearing for the Proposed 2018 2019 Fiscal Year Budget**
City Manager Michael Spurgeon stated he would review a slide presentation regarding the proposed 2018-2019 Fiscal Year Budget. He reported the FY-2019 Budget cycle ran from July 1st through June 30th. He stated the City considered the following priorities when putting together the spending plan and budget for FY-2019: fiscal soundness, economic development administration, public safety, affordable and effective public utilities, investments in public infrastructure, great downtown (Rose District), maintaining high degree of civic engagement,

and maintaining great quality of life in community. He reported the Budget document included the Budget Book and the City Manager's Budget message. He reported the Budget Book included proposed revenue & expenditures for each fund, pie charts of revenue and expenses, proposed department budgets, and the special funds: proposed expenditures, revenues, and fund balance. He stated the Municipal Budget served the following purposes: it was a "blueprint" for providing municipal services, a financial plan for the fiscal year, matched available resources with community needs, and outlined the work plan and priorities for the organization. He stated Broken Arrow key budgeting practices included estimating revenues and expenditures conservatively, ensuring all funds were balanced, including built-in contingencies for the unexpected, and focusing on long-term financial sustainability. He stated the basis for recommendations for the Budget was implementation of Council's goal to provide great service to the community, continuing to address increasing demands for public infrastructure and public services as a part of a growing community, implementation of the Parks Master Plan & Comprehensive Plan, continued downtown redevelopment, Utilities Department CIP (Capital Improvements Plan) and GOB (General Obligation Bond) initiatives, and maintaining Broken Arrow's quality of place.

City Manager Spurgeon stated the Budget Concerns started on page 2 and ended on page 4 of the Budget Message. He stated the number one challenge and consideration was over-dependency on sales tax and lack of another sustainable revenue source for operations. He stated taxes collected for internet sales had improved as Amazon had begun taxing internet sales for the State of Oklahoma, but the taxes had tapered off, and there was a need to continue to lobby for a full-level playing field on sales made on internet. He stated there was a need for a sustainable revenue source for public safety as Police and Fire used 100% of all applicable sales tax and Broken Arrow needed another 8% of other available revenues to fund public safety. He stated he believed if a Public Safety District could be approved and implemented it could help support Public Safety. He stated the Utility Department was currently in growth mode which required implementation of a rate model and completion of CIP. City Manager Spurgeon reviewed a chart which showed how the sales tax was broken down. He reported out of the approximate 8% sales tax the State received about 4.5% and Broken Arrow about 3.5% with the other 1% going to the County and STCI (Sales Tax Capital Improvement Fund).

City Manager Spurgeon stated the City had a total of 27 different funds for the Budget including the General Fund, 3 Enterprise Funds (the Broken Arrow Municipal Authority, the Broken Arrow Economic Development Authority and Battle Creek Golf Course), 5 Capital Improvement Funds (Sales Tax Capital Improvement Fund and the General Obligation Issue Funds of 1994, 2008, 2011 and 2014), the Debt Service Fund, 2 Internal Services Funds (Employee Group Health Care and Workers Compensation), and 15 Special Revenue Funds that had specific revenue sources and rules that governed expenditures related to each fund. He stated the FY-2019 Proposed Municipal Budget totaled \$254,116,194 dollars which represented a 1.9% increase over the FY-2018 total of \$249,452,167 dollars. He stated the 2% increase was due to Capital Outlay: Community reinvestment through General Obligation Bonds and Utility Department improvements. He stated the FY-2019 Budget was broken into three sections: Operational at \$110,804,102 dollars, Capital Outlay at \$114,393,492 dollars, and Debt Service at \$28,918,600 dollars, totaling \$254,116,194 dollars. He reviewed a pie chart which described where the money came from and a pie chart which described how the money was spent.

City Manager Spurgeon stated the FY-2019 General Fund Budget was \$86,527,373 million dollars which included expenditures, transfers out and ending fund balance. He reported the FY-2018 General Fund was \$84,142,915 million dollars and the increase of 2.8% was found in operating costs, transfers out (public safety sales tax funds), and reserved fund balances. He stated operating costs were up approximately \$1 million dollars. He stated the FY-2019 General Fund Revenue Projections showed a slight increase projected in FY-2018 revenues, with sales taxes projected at a 1% increase and all other revenues projected at a 2.65% increase for a total projected increase at 1.7%. He directed Council's attention to a pie chart which displayed the General Fund Budget Resources, a pie chart which displayed the General Fund's Expenses by Department, and a pie chart which displayed General Fund Expenses by Category. He stated FY-2019 Personnel currently totalled 798 employees Citywide with 550 employed through governmental funds and 248 BAMA (Broken Arrow Municipal Authority) employees. He stated the new budget proposed thirteen and a half new positions with nine and a half in governmental funds and four in BAMA. He stated five of the nine and a half new positions were the five new police officer positions which were voter approved.

City Manager Spurgeon stated the FY-2019 BAMA Budget was proposed at \$112,219,135 dollars which included expenditures, transfers out, ending fund balance, capital outlay, and debt service. He stated this was a 17.2% increase over the previous year due primarily to capital outlay, as well as increases in operating costs, reserved fund balances, and debt service (Oklahoma Water Resource loans). He reviewed the pie chart which displayed the revenue resources for BAMA and a pie chart which displayed the expenses by classification.

City Manager Spurgeon reported BAMA was in the third year of a five year rate model. He stated included was \$3.9 million dollars of “pay as you go” capital which covered “day to day” capital such as purchase of vehicles, equipment, supplies, etc. He stated the Oklahoma Water Resource Board Projects were proposed at \$25 million dollars.

City Manager Spurgeon stated the Sales Tax Capital Improvement Fund, or STCI, was 0.5% of 3.55% of sales tax total, with revenues estimated at \$7,888,400 dollars which was used primarily for “pay as you go” capital expenses for the City. He stated Broken Arrow would spend approximately \$650,000 dollars on police vehicles, \$630,000 dollars on fire engine and other vehicles, \$830,000 dollars on Street and Stormwater new and replacement vehicles and \$275,000 dollars on the new traffic signal at Hillside Drive and 23rd Street. He stated STCI also included a portion of the debt service for Bass Pro, as well as funds available for economic development opportunities.

City Manager Spurgeon stated BAMA Capital Improvement Projects included \$40.4 million dollars in OWRB (Oklahoma Water Resources Board) projects which were currently underway, \$823,000 for new utility vehicles and equipment, County Line trunk sewer odor control equipment for \$235,000, and an upgrade of the water line on Jasper Street (Gardenia to Olive) for \$209,000.

City Manager Spurgeon stated the City Manager’s FY-2019 Work Plan could be found in detail in the City Manager’s Budget Message on pages 7-13. He stated it included communications and transparency, economic development administration and initiatives, new street maintenance program (Vision 2025 funds), approved GOB projects, and various programs and initiatives, new and ongoing (found on pages 12-13).

City Manager Spurgeon stated pages 170 through 193 related the specifics of Fund 92, which was the 2014 General Obligation Bond Issuance. He stated the total remained the same at \$42,057,775 dollars; however, the actual expenses incurred, of necessity, were updated.

City Manager Spurgeon thanked the Finance Department and Acting Finance Officer Tom Cook, he thanked Russel Gale, Assistant City Manager of Administration, the Directors and Staff and he thanked City Council. He asked if there were any questions. There were none.

Mayor Thurmond opened the Public Hearing and asked three times if anyone would like to speak regarding the proposed budget. No one desired to speak. Mayor Thurmond closed the Public Hearing.

- B. 18 663 Presentation and possible action as recommended by City Council to acknowledge City of Broken Arrow’s appreciation of Mr. Tommie Heltschel’s assistance with the planning, design and construction of the Floating Wetlands**
Mayor Thurmond stated he would entertain a motion to table Item 7B.

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

Move to table Item 7B

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- 8. Citizens’ Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)**
Mayor Thurmond stated no citizen had signed up to address the Council.

9. General Council Business

- A. 18 669 Consideration, discussion, and possible approval of and authorization to execute a Special Election and Proclamation and Notice providing for the calling and holding an election in the City of Broken Arrow, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of the issuance of bonds and said City in one or more series in amounts not to exceed the sums set forth in Ordinance No. 3528**
Acting City Attorney Trevor Dennis stated the 2018 GO Bond Ordinance, Special Proclamation and Ordinance was up for consideration at the City Council Meeting. He stated there were six named propositions in the Bond Proposal, five of which were Section 27 Bonds under Title 10 of the Oklahoma Constitution which included Streets, Public Safety, Parks, Recreation, Public Buildings, Facilities, and Stormwater Facilities. He stated the first five of the Propositions were located on property owned by the City of Broken Arrow. He stated a sixth Proposition for drainage improvements located on lands not owned by the City of Broken Arrow fell under Section 26 of the Oklahoma Constitution and required a 60% approval vote. He stated as written the Proposition No. 6 funds could only be used on property the City did not own exclusively. He stated the Oklahoma Attorney General’s Office had recommended a specific language change be made to allow some flexibility in how funds were used. He stated the language was to be changed to allow Broken Arrow to use funds to improve property owned exclusively by the City of Broken Arrow and property only owned in part by the City, such as a drainage easement. He explained the change would require a change to the title of Ordinance No. 3528, and as such would require a Special

Meeting to be adopted. He stated the Tulsa County Election Board required notice of the Special Election Proclamation by June 13th, and the Special Meeting required 48 hours' notice to the Public. He stated his recommendation was to table Item 9A for discussion at the Special Meeting, which ideally would be held prior to June 12th. He asked if there were questions.

Council Member Johnnie Parks asked if this meant the City could go on private property only when working on a larger project or if this meant the City could make repairs on any private property. Acting City Attorney Dennis replied it meant any property which was not owned exclusively by the City, or any property owned exclusively by the City. Mayor Thurmond stated the change in language allowed the City to begin work on a project on private property (property not owned exclusively by the City) and move onto City owned property during the same project. He explained the prior language did not allow the City to use funds allocated for improvements on private property to be used in this manner. Discussion ensued regarding availability for the Special Meeting and possible Special Meeting dates. It was decided to hold a Special Meeting June 6th at 9:00 p.m.

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

Move to table Item 9A until June 6th, 2018 at 9:00 p.m.

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 18 623 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1106, a resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances

Acting City Attorney Dennis stated Resolution No. 1106 provided the city passed and published ordinances as required by State Law. He stated the Resolution documented the city had distributed and published the Code of Ordinances according to Oklahoma Law. He stated staff recommended the approval and execution of Resolution No. 1106.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve and authorize execution of Resolution No. 1106

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

C. 18 637 Consideration, discussion, and possible approval of and authorization to execute an Employment Contract for Professional Services with Dennis Sagely as Alternate Judge for the City of Broken Arrow's Municipal Court

Acting City Attorney Dennis stated the Judicial Nominating Committee unanimously voted to reappoint Judge Sagely as an Alternate Judge for the City of Broken Arrow's Municipal Court. He stated this item would approve the proposed Employment Contract for Judge Sagely and staff recommended authorization of its execution.

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

Move to approve and authorize execution of an Employment Contract for Professional Services with Dennis Sagely as Alternate Judge for the City of Broken Arrow's Municipal Court

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

D. 18 638 Consideration, discussion, and possible approval of and authorization to execute an Employment Contract for Professional Services with Steve Edgar as Presiding Judge for the City of Broken Arrow's Municipal Court

Acting City Attorney Dennis stated the Judicial Nominating Committee unanimously voted to reappoint Judge Edgar as Presiding Judge for the City of Broken Arrow's Municipal Court. He stated this item would approve the proposed Employment Contract for Judge Edgar and staff recommended authorization of its execution.

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

Move to approve and authorize execution of an Employment Contract for Professional Services with Steve Edgar as Presiding Judge for the City of Broken Arrow's Municipal Court

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

E. 18 557 Consideration, discussion, and possible approval of the nomination and appointment of Carolyn Shafer to fill Lori Lewis' unexpired term on the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term expiring September 30, 2019

Economic Development Coordinator Norm Stephens stated on April 16th, 2018 Lori Lewis resigned from the Broken Arrow Convention and Visitors' Bureau. He stated Council Member Parks recommended nomination of Carolyn Shafer to fill Lori Lewis' unexpired term on the CVB Board. He stated Ms. Shafer was with Broken Arrow Girls Softball and would fill the Sports Member position on the CVB Board.

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

Move to approve the nomination and appointment of Carolyn Shafer to fill Lori Lewis' unexpired term on the Broken Arrow Convention and Visitors' Bureau (CVB) Board for a term expiring September 30, 2019

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

10. Preview Ordinances

- A. 18 639** **Consideration, discussion, and possible preview of an Ordinance amending Chapter 2, Article XIV, Convention and Visitors' Bureau, Section 2-211, Created, of the Broken Arrow Code of Ordinances; specifically allowing the councilmember board member to appoint an alternate to serve in their position and clarifying positions, repealing all ordinances to the contrary; and declaring an emergency**

Acting City Attorney Dennis stated the changes to the preview ordinance allowed the appointment of an appointee for the CVB and deleted language under subsection B regarding the number of positions available. He stated staff recommended Council preview the ordinance and set it for adoption.

MOTION: A motion was made by Debra Wimpee, seconded by Mike Lester.

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- B. 18 610** **Consideration, discussion, and possible preview of an Ordinance for an Overland Drainage Easement Closure from Joshua Herron, on property located north and west of the northwest corner of Dearborn Street and 37th Street, Wagoner County, State of Oklahoma, (Section 19, T19N, R15E)**

Acting City Attorney Dennis stated Mr. Herron submitted an application requesting the closure of 17.44 acres of an overlay and drainage easement. He stated the drainage easement occurred while the property was previously used as the Glenn Eagles Golf Course and the current owner had purchase the property with the intention of constructing a home. He stated Mr. Herron worked with staff to determine portions of the property which could be removed from the drainage easement and the portions which remained unclosed would remain in effect. He stated Mr. Herron agreed to dedicate right-of-way and utility easements in the area. He stated staff reviewed the documents and recommended acceptance of the overlay and drainage easement closure. He recommended Council preview the ordinance and set it for adoption.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 18 657** **Consideration, discussion, and possible preview of an Ordinance for a Utility Easement Closure from CSD Enterprises LLC, on property located none quarter mile south of Omaha Street, west of Aspen Avenue, Tulsa County, State of Oklahoma, (Section 33, T19N, R14E)**

Acting City Attorney Dennis reported this was property which was being replatted, and with the addition of new property, utility easements were located where a future building was planned to be constructed. He stated CSD submitted an application which requested the closure of 0.04 acres of utility easement. He reported staff had reviewed the documents and recommended acceptance of the utility easement enclosure. He recommended Council preview the ordinance and set it for adoption.

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

Move to approve the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

11. Ordinances

- A. 18 653** **Consideration, discussion, and possible adoption of Ordinance No. 3528, an Ordinance, not to be codified, authorizing the calling and holding of an election in the City of Broken Arrow, State of Oklahoma, for the purpose of submitting to the registered qualified electors of said City the question of the issuance of the bonds of said City in one or more series in amounts not to exceed the following sums: One Hundred Forty Two Million Six Hundred Twenty Five Thousand Dollars (\$142,625,000) for the purpose of constructing, reconstructing, improving and repairing streets within said City; Twenty Million Three Hundred Fifty Thousand Dollars (\$20,350,000) for the purpose of purchasing, constructing and repairing public safety utilities; Seventeen Million Seven Hundred Fifty Thousand Dollars (\$17,750,000) for the purpose of purchasing, constructing and repairing parks and recreation utilities; Sixteen Million Eight Hundred Thousand Dollars (\$16,800,000) for the purpose of purchasing land and constructing public buildings and facilities; and Seven Million Five Hundred Thousand**

Dollars (\$7,500,000) for the purpose of constructing, reconstructing, improving and repairing stormwater facilities; all to be owned exclusively by said City; Five Million Five Hundred Thousand Dollars (\$5,500,000) for the purpose of making drainage improvements to property not owned exclusively by said City; levying and collecting an annual tax, in addition to all other taxes, upon all the taxable property in said City for the payment of the interest on and principal of said bonds and containing other provisions relating to the issuance of municipal bonds and declaring an emergency
Mayor Thurmond asked if this item was to be tabled until the Special Meeting on June 6th. Acting City Attorney Dennis responded in the affirmative.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to table Ordinance No. 3528 until the Special Meeting on June 6th, 2018
The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated he appreciated all the work which had been done on the Bond.
Council Member Parks thanked Council Member Lester for his work with the Park Dedication.
Council Member Lester thanked Krista Flasch, Director of Communications, for her assistance with the Park Dedication.

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

City Manager Michael Spurgeon reported AT&T was moving forward with small cell technology and would be installing 5G in Broken Arrow. He stated AT&T had chosen to install 11 nodes, most of which were in the Garnett West Houston area where there were current connectivity issues. He stated this was an excellent economic development promotional tool, as Broken Arrow would be the first city in Oklahoma to have 5G technology.

City Manager Spurgeon welcomed Robert “Rocky” Henkel as the new Street and Stormwater Director. He stated he was happy to have Rocky on board and looked forward to working with him. He welcomed Ron Sullivan as the Acting Interim Director of the Utility Department and stated he looked forward to working with Ron in the future.

At approximately 7:20 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move for a brief recess to meet for Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

At approximately 7:28 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting. He stated there was an Executive Session and he would entertain a motion for a brief recess to clear the room for the Executive Session.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move for a brief recess to clear the room for the Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

The Council returned to the room at approximately 7:32 p.m. Mayor Thurmond entertained a motion to enter into Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.
Move to enter into the Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

14. Executive Session

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

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

2. Litigation, including potential resolution, involving litigation in the matter of Saleem Boon vs. City of Broken Arrow, Tulsa County District Court Case Number CJ-2017-3816, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4).

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

At approximately 7:38 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting and the room was opened to the public. Council Member Lester had left the room at approximately 7:37 p.m. during Executive Session and returned with the public at approximately 7:38 p.m.

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

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

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to deny Sarah and Connor Hamilton's tort claim

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

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

Move to direct the Acting City Attorney to negotiate a potential settlement with Saleem Boon as directed in the Executive Session

The motion carried by the following vote:

Aye: 4- Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Abstain: 1 - Mike Lester

15. Adjournment

The meeting adjourned at approximately 7:39 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk