



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

Tuesday, July 17, 2018	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

Daniel Chamberlin 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 Johnnie Parks 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 Johnnie Parks.

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

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| A. | 18 507 | Approval of City Council Meeting Minutes of July 3, 2018 |
| B. | 18 818 | Approval of and authorization to execute Budget Amendment Number 4 for Fiscal Year 2018 |
| C. | 18 835 | Approval of Program Year 2018 CDBG Social Services Funding Recommendations and authorization to execute Social Services Contracts |
| D. | 18 837 | Ratification of the Fiscal Year 2018 19 Citywide Property Insurance Policies with the Oklahoma Municipal Assurance Group (OMAG) and Chubb Insurance |
| E. | 18 805 | Approval of and authorization to execute Resolution No. 1109, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 21, which consists of 0.43 acres of permanent Right of Way for 23rd Street, Houston to Kenosha, in the Southeast quarter of Section 12, Township 18 North, Range 14 East, at the NWC of 23rd Street and Houston Street from Sam and Maureen Azarian, husband and wife, authorizing payment in the amount of \$30,000.00 and authorizing staff to apply for reimbursement of 80 percent of the revised negotiated amount for the 23rd Street widening from Houston to Kenosha Project (Project No. ST0914) |
| F. | 18 780 | Approval of and authorization to declare Maverick, a police canine, as surplus obsolete property and retiring said canine to his handler Officer LaCroix, effective August 20, 2018 |
| G. | 18 796 | Approval of and authorization to execute an Expert Witness Consultant Agreement with Joseph W. Kowalski, P.E., for providing independent professional advice as a consultant regarding the City of Broken Arrow v. Contech et al CJ 2017 295 |
| H. | 18 804 | Approval of and authorization to execute a Professional Consultant Agreement with PDG LLC, dba Planning Design Group for the design of 37th Street Detention Park (Project No. 166024) |
| I. | 18 803 | Approval of and authorization to execute the Agreement for Professional Consultant Services with Selser Schaefer Architects for the Public Safety Complex Renovation & Forensic Lab (Project No. 181707) |
| J. | 18 836 | Approval of and authorization to execute a City of Broken Arrow Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse |
| K. | 18 801 | Approval of and authorization to purchase one (1) mid size utility vehicle from John Vance Motors pursuant to the Oklahoma Statewide Vehicle Contract, for the Development Services Department |

- L. 18 843 Approval of and authorization to purchase two (2) Ford Fusions from Vance Country Ford, pursuant to the Oklahoma Statewide Contract, one for City Clerk's Office and one for the City Hall staff pool car**
- M. 18 798 Award of the most advantageous bid to Mark's Rose Care for rose maintenance within the Rose District and the approval of and authorization to execute an agreement for rose maintenance for the Parks and Recreation Department**
- N. 18 802 Award the most advantageous bid to Core & Main for the supply of water line pipes and accessories for the construction of a water distribution system along East Nashville Street**
- O. 18 797 Approval of BACP 162 (Comprehensive Plan Amendment), Pat's Express Carwash BA, 1.01 acres, Level 4 to Level 6, north of Kenosha Street, west of Creek Turnpike**
- P. 18 834 Approval of BAZ 2003, Byrne Residence, 1.20 acres, R 1 to RS 1, one quarter mile west of 9th Street, one quarter mile north of Kenosha Street at 1111 North 4th Street**
- Q. 18 792 Approval of BAZ 2004, Martha A. Helm Trust, 7.50 acres, A 1 to RS 3, one half mile north of Houston Street, west of Evans Road**
- R. 18 681 Acceptance of a Deed of Dedication from Josh 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)(ROW A1)**
- S. 18 682 Acceptance of a Deed of Dedication from Josh 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)(ROW A2)**
- T. 18 819 Acceptance of a Deed of Dedication from Josh 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)(ROW B)**
- U. 18 820 Acceptance of a Deed of Dedication from Josh 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)(ROW C)**
- V. 18 821 Acceptance of a Utility Easement from Josh 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)(UE A1)**
- W. 18 822 Acceptance of a Utility Easement from Josh 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)(UE A2)**
- X. 18 823 Acceptance of a Utility Easement from Josh 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)(UE B)**
- Y. 18 824 Acceptance of a Utility Easement from Josh 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)(UE C)**
- Z. 18 806 Acceptance of a Temporary Construction Easement from Darrell H. Lau, Trustee of Darrell H Lau Revocable Trust, on property located at 312 N Main Street, a tract of land in part of the W/2 of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Main Street Streetscapes, Phase V, Parcel 3a (Project No. ST1820)**
- AA. 18 43 Approval of the Broken Arrow City Council Claims List for July 17, 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. 18 813 Presentation and discussion of newly enacted State Statutes governing the sale and possession of beer, wine and spirits**
 Acting City Attorney, Trevor Dennis, briefly reviewed the history of Broken Arrow's liquor laws, how they were developed and changed. He presented a slide show which reviewed the new State Statutes and how the State Statutes would affect Broken Arrow including: licensing; changes in alcohol percentage and what type of products grocery stores, liquor stores and breweries would now be permitted to sell; business hours of operation changes; tax changes; City participation/non-participation during events which served alcohol; Certificate of Compliance approval process; possibility of Sunday alcohol sale; and law enforcement changes. He stated there would be preview ordinances for consideration at the next Council Meeting regarding the changes. He asked if there were any questions.

Council Member Debra Wimpee stated the Rose District was considered the Arts and Entertainment District and citizens were currently allowed to drink low point beer in public. She asked if the new law would allow residents to publicly drink high point beer and wine.

Acting City Attorney Dennis responded in the affirmative. He explained the new law only prohibited public consumption of “spirits;” therefore, all beer and wine would be allowed for public consumption.

Council Member Johnnie Parks asked if the local microbreweries brewed beer with higher alcohol content. Acting City Attorney Dennis responded in the affirmative. He explained current beer for purchase in grocery stores had an alcohol content of 3.2%, whereas microbreweries had the ability to brew and sell beer with higher alcohol content. Council Member Lester asked if convenience stores would be required to have multiple licenses to carry beer with higher alcohol content than the currently approved 3.2% and if the licenses were required to be on display. Acting City Attorney Dennis responded new licensing would be required and he was unsure if the licensees required public display. He also clarified for Council Member Lester the prohibited public consumption of “spirits” as it only pertained to going off premises.

- B. 18 815

Presentation, consideration, and acceptance of the City of Broken Arrow Annual Financial Statements and single audit for Fiscal Year 2016 2017

Finance Director, Cindy Arnold, introduced Clint Everhart with Arledge and Associates, PC. Mr. Everhart, on behalf of Arledge and Associates, thanked City Council for allowing Arledge and Associates to continue in the position of performing Annual Financial Statements and Audits. He stated Arledge and Associates currently celebrated its 35th Anniversary as a company and presented the City of Broken Arrow with a small token of appreciation. He stated the Council had been provided with several documents: the Annual Financial Statement, the Single Audit Report, the required Communications Packet, and a brief summary sheet. Mr. Everhart directed Council’s attention to page 3 of the Annual Financial Statement and read through the “Opinion” section which stated Arledge and Associates felt the financial statements fairly represented the financial activities of the City of Broken Arrow. He stated the city’s financial net position had increased 21% at \$25.9 million dollars which was greater than the 16% increase in expenses. He briefly reviewed the various reasons for the increases in income and expenses. He reviewed the city’s debt requirements and reported the city had met and/or exceeded all debt requirements. He reviewed the Audit Communication Letter which listed the corrected and uncorrected misstatements. He explained there were two misstatements which were considered to be of an immaterial nature and were not recorded within the financial statements, while there was one correction which would be reflected in the financial statements. He reported there were no difficulties in performing the audits and no disagreements with management. He commended city staff for its cooperation and performance during audit conduction. He directed City Council’s attention to the Single Audit document. He stated this document reflected the City of Broken Arrow had complied with all requirements for all Federal Programs. He stated there were three findings which required reporting and he briefly reviewed the findings which included the misstatements and required restatements, a bank reconciliation, and the unmet deadline under Uniform Guidance for completion of the Audit and Single Audit within nine months or prior to March 31st of the following year. He explained he felt the findings were not unexpected with the changes the city had been undergoing this past year and he felt the city was now in good hands; therefore, these Findings would not be problematic in the future. He stated he felt Broken Arrow should be proud of the steps it had taken this year to ensure there would be no future findings to report. He asked if there were questions.

Council Member Lester asked if the misstatements were policy related or mathematical errors. Mr. Everhart responded the misstatements were not mathematical errors. Vice Mayor Eudey stated the challenges Broken Arrow faced last year included the sad passing of Broken Arrow’s Finance Director which caused a gap in leadership of the Finance Department. Mr. Everhart stated Arledge and Associates understood it was a difficult and abnormal situation and had expected glitches which would need to be overcome. He commended Broken Arrow for managing so well in the circumstances. Council Member Lester asked for clarity purposes, from a financial perspective, if the city was in good condition. Mr. Everhart responded in the affirmative; the city was in a positive net position.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.
Move to accept the City of Broken Arrow Annual Financial Statement and Independent Auditor’s report and Single Audit report for FY 2016-2017
The motion carried by the following vote:

- Aye: 5 -

Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 18 830

Presentation regarding the road closures of Omaha Street and Dearborn Street in Association with the Eaglecreek and Turnberry Drainage Improvements

Construction Division Manager, Tim Robbins, directed Council’s attention to a map which displayed where the drainage culvert boxes would be located. He reported the culvert boxes were large and would extend north to south along the entire length of the roadway. He stated the head structures and outlet structures on both boxes would be improved. He explained all possible preparations have been made, construction would begin July 26th on 51st Street/Omaha Eaglecreek drainage culvert box, road closure/detour would begin July

26th for five working days and August 1st construction would switch to the Turnberry drainage culvert box with road closures from August 2nd until August 8th. He explained road closures usually would only be weekdays; however, with this project the road would be closed during the weekend as well in order to meet the prior to school start completion date. He stated the road closure dates were well calculated, but ultimately tentative, and would be correlated with shipment/delivery of the culvert boxes. He reviewed two maps which displayed the two detour routes. He stated he felt confident the project would run smoothly and would be completed in a timely manner prior to the beginning of the school year.

Vice Mayor Eudey asked what the timeframe was for Dearborn Street closure. Mr. Robbins stated the road would be closed from Thursday, August 2nd until reopening August 8th. Council Member Wimpee asked if Mr. Robbins was confident the project would be finished prior to school start. Mr. Robbins responded in the affirmative; he reviewed the preparations which had been made to ensure success in a timely manner.

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. 18 842 Consideration, discussion, and possible approval of and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2016 2017

Finance Director, Cindy Arnold, reported State Statute required permission be obtained to advertise that the Annual Audit would be available at the Clerk's Office and online.

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

Move to approve authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2016 2017

The motion carried by the following vote:

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

B. 18 779 Consideration, discussion, and possible acceptance of a Grant Award from Oklahoma Emergency Management, and authorization to execute

Chief of Police, Brandon Berryhill, reported this Grant Award was from the State in the amount of \$10,000 dollars to be used to purchase replacement "end of life" equipment for the high frequency radio emergency operations center. He stated the City cost would be reimbursed by the Grant. Vice Mayor Eudey asked if there was an out of pocket cost to the City of Broken Arrow. Chief Berryhill responded in the negative; there was a flow-through cost which would be reimbursed by the Grant.

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

Move to accept the Emergency Management Performance Grant and authorize its execution

The motion carried by the following vote:

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

City Manager Michael Spurgeon reported there was a second Grant application in process through Emergency Management to secure funding for storm shelters.

C. 18 807 Consideration, discussion, and possible approval of and authorization to execute an Interlocal Contract for Cooperative Purchasing with the Houston Galveston Area Council

Assistant Fire Chief, Mark Steward, stated this was a proposed contract with Houston Galveston Area Council, the largest council on government in the State of Texas which managed buying group HGAC Buy. He stated the Legal Department had been asked to consider this buying group to replace the State Contract, as HGAC charged a flat fee rather than the State Contract's percentage-based fee which would result in significant savings for the City of Broken Arrow. He explained the Legal Department was required to enter into an agreement with HGAC in order to investigate whether HGAC met state and local requirements. He reported 38 Oklahoma cities, 12 counties, and 7 towns currently used HGAC's services. He asked if there were questions. There were none.

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

Move to approve and authorize execution of an Interlocal Contract for Cooperative Purchasing with the Houston Galveston Area Council

The motion carried by the following vote:

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

D. 18 808 Consideration, discussion and possible approval and authorization to execute a Representation and Fee Agreement with McAfee & Taft, P.C., Attorneys at Law, for providing representation to the City in a Class Action lawsuit against the manufacturers and distributors of opioid prescription drugs such as OxyContin, Actiq and Fentora

Acting City Attorney Dennis recommended this Item be tabled until after Executive Session.

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

Move to table Item D until after Executive Session

The motion carried by the following vote:

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

E. 18 832 Consideration, discussion, and possible approval and authorization to execute a Conflict of Interest Waiver with Terracon for a Professional Environmental Consulting Services Agreement between Terracon and Hansen Mueller Company

Acting City Attorney Dennis reported this Item involved an environmental assessment which was being conducted by Terracon Consultants at the request of Silo Ventures who was paying the \$2,300 dollar environmental assessment fee. He stated Terracon Consultants had previously done environmental work at this location and as the city may eventually take possession of the property the city recognized and waived any potential conflict associated. He stated the actual agreement was between Silo Ventures and Terracon. He stated Council Member Lester had noted the Conflict of Interest Waiver form incorrectly listed the city as a buyer, and this would be removed and initialed.

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

Move to approve the Conflict of Interest Waiver with Terracon and authorize its execution

The motion carried by the following vote:

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

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 18-683 Consideration, discussion, and possible adoption of Ordinance No. 3530, an ordinance closing portions of an overland drainage easement 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); repealing all ordinances to the contrary; and declaring an emergency

Acting City Attorney Dennis reported this was an application by Joshua Herron, who had purchased the property of 17.44 acres with the intention of building a home; however, the entire property was an overland drainage easement and the request was to close a portion for construction purposes. He stated Mr. Herron agreed to dedicate right-of-way and necessary utility easements at Dearborn Street and 37th Street. He stated Staff had reviewed the documents, were in agreement with the closure and recommended council adopt Ordinance No. 3530 and approve the emergency clause.

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

Move to adopt Ordinance No. 3530

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 Debra Wimpee.

Move to approve the emergency clause

The motion carried by the following vote:

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

B. 18-825 Consideration, discussion, and possible adoption of Ordinance No. 3532, an ordinance amending Chapter 14, Municipal Court, Article 1, In General, Section 14-32, by adding a breakdown of court costs collected, along with a provision authorizing the clerk of the municipal court to charge and collect a technology and administrative fee; providing for severability; repealing all ordinances to the contrary; and declaring an emergency

Acting City Attorney Dennis reported this ordinance allowed collection of additional court costs for technology fees to acquire desktops, laptops, video equipment, and licensing for court related software and personnel, such as court clerks, prosecutors and judges. He explained this was the result of an amendment to Title 11 Section 27-126 which authorized the collection of this fee. He stated Staff recommended adoption of Ordinance No. 3532 and approval of the emergency clause.

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

Move to adopt Ordinance No. 3532

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 Johnnie Parks, seconded by Scott Eudey.

Move to approve the emergency clause

The motion carried by the following vote:

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

C. 18-811 Consideration, discussion, and possible adoption of Ordinance No. 3533, an ordinance amending Chapter 21, Streets and Sidewalks, Article I, In General; Section 21-14, Streetlight Fee, created, of the Broken Arrow Code of Ordinances; specifically referencing the Manual of Fees, repealing all ordinances to the contrary; and declaring an emergency

Acting City Attorney Dennis reported this ordinance was related to the city's previously adopted Manual of Fees. He explained some of the fees had not been updated in the Manual and Ordinance No. 3533 would update the Manual of Fees to reflect the Streetlight Fee. He stated Staff recommended adoption of Ordinance No. 3533 and approval of the emergency clause.

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

Move to adopt Ordinance No. 3533

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 Debra Wimpee, seconded by Scott Eudey.

Move to approve the emergency clause

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 thanked those who attended the ceremony for the Livability Award. He was proud Broken Arrow was ranked number one in the country for livability. He thanked those who had worked so diligently towards this goal and had been involved in development of the Rose District which strongly contributed to Broken Arrow's receipt of this Award. He stated he was also excited to see Broken Arrow ranked as the number one Best Place for new home buyers to purchase a home in the United States. He stated he felt this was a very special achievement.

Vice Mayor Eudey thanked the Legal Department and Acting City Attorney Dennis for the statutes governing alcohol sales presentation. He asked if there would be a similar presentation regarding the medical marijuana matter. Acting City Attorney Dennis responded in the affirmative; the presentation was tentatively planned for the first meeting in August.

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

City Manager Michael Spurgeon reported the speaking engagements regarding public education for the GO Bond Propositions had begun and would continue through the vote on August 28th. He stated many Directors had attended informal discussions with different groups, and he had received excellent feedback regarding the projects and the comprehensiveness of the Propositions. He stated Krista Flasch was leading the effort to finalize the Voter Information Guide to be sent to households the first week of August which included FAQs

(Frequently Asked Questions) and broke down each proposition, named projects and unnamed projects. He stated the proposition explanation videos which Council Members had graciously agreed to do would be released soon, questions proposed via social media were being answered regularly, and feedback had been positive.

] Manager Spurgeon reported Acting City Attorney Dennis had sent a memo regarding the posting of banners which he felt City Council should discuss and possibly issue a policy decision for guidance purposes. He stated water production was up and production capacity had been almost maximized on several occasions. He stated Kenny Schwab was monitoring the situation and if there were problems the Conservation Plan would be implemented.

City Manager Spurgeon reported Broken Arrow tentatively had an agreement with the FOP (Fraternal Order of Police) for a contract for FY (fiscal year) 2019 which had been presented to the FOP President, the President would present it to FOP Members for a vote and then the contract would be presented to Council for ratification, possibly at the second meeting in August.

City Manager Spurgeon reported preliminary communications had begun with members of the Wagoner County Economic Development Association and Broken Arrow EDC (Economic Development Corporation) regarding the various economic development projects and partnerships.

At approximately 7:30 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 Mike Lester, seconded by Scott Eudey.

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 7:32 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

At 8:08 Mayor Thurmond reconvened to City Council to vote on previously tabled Item 9D.

D. 18 808 Consideration, discussion and possible approval and authorization to execute a Representation and Fee Agreement with McAfee & Taft, P.C., Attorneys at Law, for providing representation to the City in a Class Action lawsuit against the manufacturers and distributors of opioid prescription drugs such as OxyContin, Actiq and Fentora

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move to approve 9D

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

At approximately 8:09 p.m. Mayor Thurmond entertained a motion to re-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 other pertinent staff members discussing and conferring on matters pertaining to:

1. Litigation, including potential resolution involving litigation in the matter of Hanewinkel v. City of Broken Arrow, et al., Tulsa County District Court Case Number CJ-2018-12, under 25 O.S. §307(B)(4); and

2. A claim, potential litigation or action related to a Class Action lawsuit against the manufacturers and distributors of opioid prescription drugs such as OxyContin, Actiq and Fentora, 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 claims, litigation and possible litigation in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

Mayor Thurmond and Vice Mayor Eudey recused themselves at 8:11 p.m. and did not return.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move to go out of Executive Session

The motion carried by the following vote:
Aye: 3 - Debra Wimpee, Johnnie Parks, Mike Lester
Recused: 2 - Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 8:50 p.m.

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

The motion carried by the following vote:
Aye: 3 - Debra Wimpee, Johnnie Parks, Mike Lester
Recused: 2 - Scott Eudey, Craig Thurmond

Attest:

