



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, March 5, 2019

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Invocation was performed by Pastor Gregg Pittman.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Council Member Mike Lester 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

- A. 19-5** Approval of the City Council Meeting Minutes of February 19, 2019
- B. 19-313** Approval of the Special City Council Meeting Minutes of February 7, 2019
- C. 19-276** Accept Planning Commission meeting minutes of January 24, 2019
- D. 19-311** Approval of and authorization to execute Resolution No. 1190, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- E. 19-314** Approval of and authorization to execute Resolution No. 1193, a Resolution approving participation in the Interlocal Agreement between the City of Harrah and the City of Mustang establishing Oklahoma Municipal Management Services
- F. 19-310** Approval to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items by public auction
- G. 19-288** Approval of and authorization to execute Professional Consultant Agreement with Great River Associates, Inc. dba Great River Engineering for Highland Park Masterplan with Rugby Field (Project No. 196014)
- H. 19-283** Approval of and authorization to execute the Amendment No. 2 to Agreement for Professional Consulting Services for providing services during construction on the Tiger Hill Soldier Pile Retaining Wall (Project No. 171703)
- I. 19-292** Approval of and authorization to execute Change Order CO2 for Construction Contract with Crossland Heavy Contractors for the East Nashville Street Project (ED1701)
- J. 19-317** Award the lowest responsible bid to Builder's Unlimited, Inc. and approve and authorize execution of a construction contract for the Public Safety Complex Renovation and Forensic Lab (Project No. 181707)
- K. 19-277** Approval of (Planned Unit Development) PUD-286, Fire Station No. 3, 3.03 acres, 1 lot, A-1 to CG, one-half mile south of Florence Street, west of 23rd Street, north of the Creek Turnpike
- L. 19-290** Approval of and authorization to execute Resolution No. 1184, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 11.0, which consists of 0.0124 acres of permanent Right-of-Way for Kenosha Street Improvements, Date to Main, located in the Northwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from K&S Investments, LLC and authorization of payment in the amount of \$18,500.00 for the Kenosha Street Improvements: Date to Main, (Project No. ST1409)

- M. 19-327 **Approval of and authorization to execute Resolution No. 1185, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 10 for Washington Street Improvements, Olive to Garnett, specifically located at 3400 West Washington Street, Broken Arrow, in the Southwest Quarter of Section 16, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Wylie and Linda Neal and authorization of payment in the amount of \$2,000.00 for the Washington Street Improvements: Olive to Garnett, (Project No. ST1616)**
- N. 19-309 **Acceptance of a Temporary Construction Easement from the K&S Investments, LLC., on property located at 417 West Kenosha Street, a tract of land that is part of Lot 1, Block 3, North Side Addition in Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Kenosha Street Improvements, Date to Main, Parcel 12.1. (Project No. ST1409)**
- O. 18-1420 **Approval of the Broken Arrow City Council Claims List for March 05, 2019**

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. 19-242 **Presentation on the Nashville Street Economic Development Road project**
Engineering and Construction Director, Alex Mills, reported this project started June 4, 2018 and was completed January 4, 2019, with a contract price of \$1.5 million dollars. He explained this was a new industrial collector street, measuring approximately 2600 linear feet, with 8 inch concrete pavement, two lanes and a cul-de-sac. He stated this street created access to the industrial property to the east for development. He explained there was a reimbursement agreement with ODOT (Oklahoma Department of Transportation) for up to \$1.4 million dollars and staff was in the process of applying for the reimbursement. He reported \$500,000 dollars in STCI (Sales Tax Capital Improvements) funds for the project was used for the design; the city purchased and installed the water lines.

Construction Division Manager Tim Robbins displayed an aerial picture of the street pre-construction and an aerial video of the road post completion. He briefly discussed the challenges of the project and the goals which were met including water lines, stormwater detention, utilities, Alpha Laval Project, etc.

Council Member Lester asked if the road was designed to accommodate heavy industrial vehicles. Mr. Mills responded in the affirmative; weight, as well as size and length of semi-trucks and industrial size vehicles were taken into consideration when designing the road. Council Member Lester stated a property owner on the south side of this project was highly pleased with the result. Vice Mayor Eudey asked if it would be easy to continue the road from the cul-de-sac. Mr. Mills responded in the affirmative. Council Member Lester asked how large an area the stormwater detention would accommodate. Mr. Mills responded the detention facility accommodated the full Alpha Laval development, present and future, as well as the new roadway. Council Member Lester asked how large the Alpha Laval development would be. Mr. Mills displayed a map and illustrated the Alpha Laval development boundaries.

City Manager Spurgeon discussed the road project, its funding, and reimbursement.

Council Member Lester asked if there were street lights along the new roadway. Mr. Mills responded in the negative. City Manager Spurgeon stated once development of the available land began the City would consider installing street lights.

- B. 19-328 **Presentation of the Safe Room Rebate Program**
Emergency Management Director, Jamie Ott, gave a brief history of the Safe Room Rebate Program. He noted more than 500 Citizens attended the Safe Room Public Meetings and the City received over 300 applications. He explained the applications were vetted by the necessary City Departments prior to submission to OEM (Oklahoma Emergency Management) and FEMA (Federal Emergency Management Agency) for grant approval. He reported in February the City's grant application was approved by the OEM and FEMA for 164 safe room grants with 82 alternates for a total of \$328,000 dollars. He noted he, Ms. Cindy Arnold, and Mr. Michael Skates would meet to review the final process and the information packets to be distributed to the applicants who were approved. He indicated this was a team effort with many different City Departments working together producing extremely successful results.

Council Member Lester asked how the applications were approved. Mr. Ott explained applications were chosen through computerized random selection. He stated an informative email would be sent to the approved applicants and alternates later this week. He noted if this program were ever repeated the alternates would be first approved. Mayor Thurmond asked if the program would be offered again in the future. Mr. Ott responded in the affirmative; he believed it would be offered again. City Manager Spurgeon stated he felt this was an exciting opportunity. He asked Mr. Ott to explain how the program worked. Mr. Ott explained the

applicants were required to pay for and construct the safe room, and would be reimbursed a percentage of the cost, up to \$2,000 dollars. He explained documentation the safe room met City Code and FEMA Code, as well as proof of receipts, was required to be presented for reimbursement. He described the timeline, construction deadlines, etc.

C. 19-284 Presentation of the new memorial park located at 709 Magnolia Court and recognition of contributions by members of the Broken Arrow community

Mr. Alex Mills reported in 2015 Council Member Lester lead an effort to raise money through the Tulsa Community Foundation for the acquisition of the property located at 709 Magnolia Court. He stated the City of Broken Arrow accepted the property deed in 2017 and staff began working with an architect developing a conceptual plan for Memorial Park. He stated construction began in 2018 and was a community wide effort. He reported construction was completed in January 2019 and the ribbon cutting ceremony was scheduled in March 2019. He recognized the contributions of the Community Partners for time, money and materials donated to this project: Action Roofing Advertise Anything, Inc. Alaback Design Group Ark Wrecking, B&B Lawn and Landscape, Broken Arrow Fraternal Order of Police Lodge 170 Charities, City of Broken Arrow Engineering & Construction Department, City of Broken Arrow Parks & Recreation Department, Case and Associates Properties, Inc. Cherokee Pride Construction, Davis Elliot Utility Contractors, Dorwart Law Finn, Ewing Irrigation Supplies, Faith Assembly of God Church, Greater Tulsa Association of Realtors & Northeast Oklahoma Real Estate Service (NORES), Hal Smith Restaurants, Hunter Industries, Indians Springs III Homeowners Association, M&M Lumber Companies, Magnum Construction, Inc., Oklahoma Canopies and Awnings, QuikTrip, Roses Incorporated, Sanders Nursery- Berry Wholesale Nurseries, Sherwin-Williams Commercial Paint Store #4332, Socialvention, Tulsa Community Foundation, Waste Management Landfill, and White River Fish Market. He commended city staff, Tim Robbins, Chad Nichols, and Phil Hink. He displayed a video which illustrated the newly-constructed Memorial Park which included a gazebo, security lighting, park path, sidewalks, landscaping, and irrigation.

Mayor Thurmond stated it was a beautiful park and commended Council Member Lester for his extensive efforts on this project. He noted this would be a wonderful addition to the City of Broken Arrow. He commented this project almost was ruined due to a fire.

Council Member Lester stated this was his defining project. He briefly explained the history of this project and what brought the idea for the project to mind. He described the process and his communication with the neighbors. He noted this project was initiated in response to a tragedy which occurred on the property. He indicated this was truly a Community effort. He stated he had made plans with NBC news to air the story and create an opportunity for national fund raising for the project; however, when the house located on the property burned down the news story was canceled. He noted he was pleased with the project results and he thanked all the contributors, from the large money contributors to the neighbor who donated \$5 dollars. He recognized Ben Alaback, Chris Lester, Tim Robbins, Phil Hink, Scott Esmond, Tyler Butrim with Davis H. Elliot Company and Clint Redwine with Magnum Construction. He indicated these individuals stepped forward and turned this project into a labor of love. He stated he was proud to have been a part of this project.

Vice Mayor Eudey stated he was thankful for those who donated time and money to this project. He stated he believed the Park would be a salve to the wound left by the tragedy. Council Member Parks noted the tragedy left permanent scars on all involved, family, friends, and neighbors, First Responders, Fire and Police. He stated he hoped the Park would be a place of reflection. Mayor Thurmond concurred.

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)

Citizen Steve Foerster stated his address was 2305 S. 1st Place, Broken Arrow. He stated he spoke with Major Bennet, a Broken Arrow Police Officer, who indicated Broken Arrow's greatest issue was traffic congestion. He stated he believed the solution was computer simulation. He displayed photographs taken November 3, 2018 showing 600 vehicles parked for a softball game across the street from the Fire Station. He noted when the vehicles left the Event Center, the school and the softball field, there was potential to have over 1,000 vehicles blocking the Fire Station which would be extremely problematic. He stated this was a potentially dangerous situation, especially given there were no road shoulders and no center lane which prevented vehicles from moving out of the way for fire trucks. He offered several solutions for the potential problems: computer simulation traffic analysis, widening the road and installing shoulders, utilizing police for traffic control, and relocating the Fire Station and Event Center. He stated computer simulation regarding the area and traffic patterns would save the City millions of dollars as the State had free programs available. He asked City Council to consider taking advantage of these free computer simulation programs.

9. General Council Business

A. 19-241 **Consideration, discussion, and possible approval of park name for the new memorial park located at 709 Magnolia Court**

City Manager Spurgeon stated there were four names being considered for the new memorial park and asked City Council to choose one of the following: First Responders Park, Memorial Park, Reflection Park or Remembrance Park. Council Member Lester stated he felt “The Memorial Park” would be appropriate. He indicated he wanted the park to retain the memory of the family members lost in this tragedy and honor the survivors. He stated the park should also memorialize the work of the First Responders. Council Member Wimpee noted she agreed with Council Member Lester; however, she also felt “Reflection Park” would be a suitable name. Council Member Parks noted he liked “Reflection Park” as well. He stated he felt it was important to make this a place of reflection, not just a memorial to a tragedy. He indicated either name was appropriate. Council Member Lester stated “Reflection Park” was a nice name as well and he felt Council Member Parks made an excellent point.

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

Move to approve Reflection Park as the name for the new memorial park located at 709 Magnolia Court

The motion carried by the following vote:

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

Council Member Parks thanked Council Member Lester for his efforts on this project.

B. 19-302 **Consideration, discussion, and possible approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of approximately 1,240 acres located South of Dearborn Street (41st), East of 51st Street (Evans Road / 225th East Avenue) within all of Section 28, Township 19 North, Range 15 East and parts of Section 27, Township 19 North, Range 15 East and Section 33, Township 19 North, Range 15 East and Section 4, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma**

Development Services Director, Michael Skates, reported this was a request for a Legal Notice of Annexation for the above referenced property. He stated the 1,240 acres were currently undeveloped and were part of Fair Oaks until January 8, 2019 when it was de-annexed from Fair Oaks Township. He noted the property was projected to be developed for residential, commercial, industrial, office, recreational and mixed use. He noted he had been working with the applicant, as well as the Comprehensive Plan Consultant, to incorporate the area into the upcoming revised Comprehensive Plan.

Council Member Parks stated he was in favor of annexation. He asked how this area would be serviced by water and sewer. Mr. Skates responded this area had no current sewer service and this would be considered as the project moved forward. He indicated the applicant had been successful working with Rural Water District and obtaining variances for City Water in the past. He noted the property was located in Rural Water District 4. Vice Mayor Eudey asked if the city had the capability to provide sewer service in the area. Mr. Skates responded in the affirmative. Council Member Lester noted he appreciated the City would have the opportunity to develop this area as desired to be of benefit to the City of Broken Arrow. Mr. Skates concurred and indicated the applicant was excited about developing the property for the benefit of the city. Council Member Parks noted he appreciated the opportunity to zone the property as desired by the city.

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

Move to direct the City Clerk to publish Legal Notice of Annexation in a legally qualified newspaper at least 14 days prior to the Public Hearing

The motion carried by the following vote:

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

C. 19-299 **Consideration, discussion, and possible approval and authorization to execute a Professional Services Contract with the Broken Arrow Chamber of Commerce for the Rooster Days Festival, in an amount not to exceed \$20,000.00 per year, for festival years 2019, 2020, and 2021, subject to annual appropriations**

Convention and Visitors Bureau Director, Lori Hill, reported Rooster Days was the longest running Festival in the State of Oklahoma and this year, on May 9, 2019, would be the 88th Annual Rooster Days Festival. She reported the City and the Convention and Visitors Bureau were long standing supporters of the event. She requested approval for the Services Contract which would be \$20,000 dollars per year for 2019, 2020 and 2021, subject to annual appropriations. She explained funding for this Contract was through the Convention and Visitors Bureau Fund.

Vice Mayor Eudey stated he felt it was important for the city to be involved with the Rooster Days Festival and he supported this action. Council Member Parks asked if there were any issues with this being approved for three years, subject to annual appropriations. City Attorney Dennis responded in the negative. City Manager Spurgeon asked if the streets would be closed for the Festival. Ms. Hill responded in the affirmative. City Manager Spurgeon reported proper signage would be posted regarding traffic flow and parking. Ms. Hill concurred and noted the Special Events Committee reviewed every facet of every event as it related to public safety, street closings,

etc. Council Member Lester stated the Rooster Days Festival held a lot of memories for a lot of citizens. Council Member Parks agreed.

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

Move to approve and authorize execution of a Professional Services Contract with the Broken Arrow Chamber of Commerce for the Rooster Days Festival, in an amount not to exceed \$20,000.00 per year, for festival years 2019, 2020, and 2021, subject to annual appropriations

The motion carried by the following vote:

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

D. 19-295 Consideration, discussion, and possible approval to reject all bids for construction of the Nienhuis Park Sand Volleyball Courts (Project No. 186023) and find that the best interests of the City of Broken Arrow will be served by the rejection

Mr. Alex Mills reported the bid for the previously designed Sand Volleyball Courts went out February 4, 2019 and February 11, 2019 and seven bids were received and opened on February 26, 2019; unfortunately, there was a language glitch which caused confusion in bid selection. He stated the Legal Department indicated the bids needed to be rejected and the project immediately sent back out to bid with clear language to eliminate confusion.

Mayor Thurmond asked when the project would begin construction. Mr. Mills responded, if approved, the project would go out for bid again tomorrow, and hopefully construction would begin in May 2019.

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

Move to approve the rejection of all bids for construction of the Nienhuis Park Sand Volleyball Courts (Project No. 186023) and find that the best interests of the City of Broken Arrow will be served by the rejection

The motion carried by the following vote:

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

E. 19-298 Consideration, discussion, and possible approval of the reappointment of Randy Cherry to the City of Broken Arrow Board of Adjustment for a three-year term to expire March 5, 2022

Mr. Michael Skates this item was to approve the reappointment of Randy Cherry to the City of Broken Arrow Board of Adjustment.

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

Move to approve the reappointment of Randy Cherry to the City of Broken Arrow Board of Adjustment for a three-year term to expire March 5, 2022

The motion carried by the following vote:

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

F. 19-300 Consideration, discussion, and possible approval of the reappointment of Stanley Evetts to the City of Broken Arrow Board of Adjustment for a three-year term to expire March 5, 2022

Mr. Michael Skates this item was to approve the reappointment of Stanley Evetts to the City of Broken Arrow Board of Adjustment.

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

Move to approve the reappointment of Stanley Evetts to the City of Broken Arrow Board of Adjustment for a three-year term to expire March 5, 2022

The motion carried by the following vote:

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

G. 19-245 Consideration, discussion and possible approval of Resolution No. 1194, a Resolution of the Broken Arrow City Council finding that the design-build and construction management project delivery method is necessary for the Center for Arts, Innovation and Creativity

Mr. Alex Mills reported in 2014 the Citizens of Broken Arrow approved \$1.4 million dollars in the General Obligation Bond for the purchase and construction of land for an Arts Center, subsequent funding was provided by Vision 2025 Surplus in the amount of \$2.6 million dollars for a total overall project fund of \$4 million dollars. He noted this item was to discuss utilization of the construction management project delivery method for this project. He explained traditionally architects and engineers were selected for qualifications while general contractors were selected by lowest bid. He stated the construction industry was changing, and subcontractors were completing the majority of labor. He stated construction managers were professional managers skilled at estimating, purchasing, scheduling, and contract management. He indicated the benefits of utilizing the construction management method for project delivery would be the City would select a construction manager based on qualifications and reputation and the construction manager would join the team and become a collaborative member, working with the architect, engineers and owner in the design of the building, providing real time budgeting, cost estimating, scheduling, constructability reviews, and value engineering studies during the design process, which all would reduce the risk to the architect and engineer, as well as the owner. He stated he believed the City would

achieve a higher quality product at a comparable or lower cost point through this method. He stated construction time frame advantages could be garnered by bidding and awarding multiple bid packages to speed time to completion. He stated this would also reduce the risk for the client (the City) by the centralization of responsibility for construction under a single contract. He noted this was typically done at a cost plus fee contract normally based on a percentage of construction (typically 4% to 6%). He indicated because the construction manager was at risk to cover any costs over budget, he would more thoroughly vet the subcontractors; however, some subcontractors and general contractors may feel excluded as a result of not being able to meet the requirements of the construction manager. He stated construction management was a professional service, just as an architect and engineering firm.

Mr. Mills stated Oklahoma Statute Title 61 required the city to obtain approval from City Council to utilize the construction manager delivery method, and the City was required to have specialized construction aspects to be qualified to utilize this method. He stated he believed the City met this requirement, as the project included an art gallery, film and sound studio, “dirty space” for 3D animation and ceramic sculpting, and a kiln room, construction of which city staff did not have the necessary expertise to manage. He stated if approved, staff would issue a request for proposals, short list the proposals and interview the top qualified firms with a team consisting of city staff, the architect, and stake holders. He explained the fee would then be negotiated and a contract would come before City Council for approval, likely in May 2019.

Council Member Lester stated he felt the construction manager would allow more collaboration on the front end of the project, which he appreciated. Mr. Mills stated Broken Arrow Public Schools utilized this delivery method; it was not uncommon, and he believed the city would receive a nice selection of construction manager proposals. Mayor Thurmond stated he felt this was a special project which would be fairly unique and he agreed with the construction manager delivery method.

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

Move to approve Resolution No. 1194 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

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated he appreciated the efforts of all who were involved with the new Reflection Park. Council Member Lester agreed.

Council Member Wimpee stated yesterday, and today, she was at the Capital meeting with Legislators and the new Governor. She stated she felt hopeful and was pleased with the direction in which the State was moving.

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

City Manager Spurgeon reported he would be formalizing his report and creating a segment of City Council highlights and City Manager’s Report. He noted he was in communication with City Council Members daily and there were many items discussed which he wished to make public information in an effort to maintain maximum transparency.

He noted on the Consent Agenda, City Council authorized an Agreement for Professional Services with Great River Associates, Inc., doing business as Great River Engineering, to construct a Rugby Field. He noted this would be located on the east side of Broken Arrow in Highland Park, was a project approved by voters in 2004, funding in 2014, and master planning of the Rugby Field construction would begin shortly.

He reported Thor Rooks, with the Parks Department, submitted the City’s Tourism Sports Video for an award, and the City won the 2019 Texas, Oklahoma, Missouri and Arkansas Award for Best Public Services Announcement.

He announced this spring Chief Berryhill and the Police Department would hold a Citizen’s Police Academy for Spanish Speaking Residents. He stated the inaugural academy was scheduled for six consecutive Tuesday evenings and would utilize bilingual Broken Arrow Police Department employees including dispatchers and volunteers. He thanked Chief Berryhill for organizing this initiative.

He reported this issue of the Focus Newsletter included an article titled “Broken Arrow and Tulsa Fire Conduct Joint Training,” as well as other Public Safety related articles. He stated the Focus Newsletter also included an article outlining how the City Council and City Manager

form of government worked.

He asked Norm Stephens to come forward and introduce the new Vice President of Economic Development for the Broken Arrow Economic Development Corporation and Chamber of Commerce.

Mr. Norm Stephens stated he would make a presentation before City Council regarding Regionalism and Economic Development in Wagoner County in several weeks. He stated during the Economic Development Corporation's transitional period the EDC had the opportunity to hire new staff, and on March 1, 2019, the Chairman of the Broken Arrow Economic Development Corporation Rob Whitlock hired Darla Heller to fill the position of Vice President of Economic Development. He stated Darla Heller had worked in Wagoner County and throughout the State of Oklahoma in economic development. He stated he believed Ms. Keller to be extremely knowledgeable and capable. He indicated he was excited to have Ms. Keller in this new position.

Ms. Darla Heller thanked Mr. Stephens, Mr. Spurgeon and City Council. She noted she had working in Economic Development for over 18 years. She indicated she was excited about this new opportunity to work on a community level for a City as prestigious as Broken Arrow. She noted she looked forward to working with the EDC Board, as well as the Chamber. She stated she approached her endeavors from a servant's standpoint and hoped to be a servant to the City of Broken Arrow.

City Manager Spurgeon stated the decision had been made to reestablish the Community Service Program. He stated he would initiate a Community Service Program as part of a pilot program, which would run from April to October of 2019. He noted the Program would focus on litter removal and beautification, and would be supervised by Curtis Green, the City Clerk, Rocky Hinkel, Phil Hink, and the new Parks Director.

He stated the Parks Director candidates had been narrowed down to four candidates who would be in Broken Arrow next week for interviews. He stated two finalists would be selected and the selection team would travel to the communities of the two finalists to view the finalist's parks improvements. He indicated he hoped to select the new Parks and Recreation Director by early April.

He announced there would be a National Flood Plain Water Management Forum held in Washington DC on March 12, 2019 and March 13, 2019. He stated Mr. Jeff Bigby had been asked to participate and possibly present at the Forum. He commended Mr. Bigby for his leadership in the area of stormwater management.

He reported Mr. Kenny Schwab and Utilities Director Chuck Vokes selected Travis Schemonia as the Utilities Water Division Supervisor.

He stated Mr. Jeff Reasor with Reasor's announced the store at New Orleans and Elm Place would be closing. He indicated city staff had spoken with Mr. Reasor; Mr. Reasor expressed interest in placing a store in south Broken Arrow and wished to work with the city to discover the best location. He noted he and Mr. Stephens had been communicating with Mr. Reasor for several years regarding Mr. Reasor's intentions and what Mr. Reasor was looking for in a store location and property size.

Vice Mayor Eudey thanked City Manager Spurgeon and Mr. Stephens for the continued communication with Mr. Reasor. He stated he was happy to see the Community Service Program being reinitiated as he believed it was an option for executing justice in a positive manner for both the Community and the defendant. City Manager Spurgeon concurred.

At approximately 7:55 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 BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 9:11 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 to enter into the 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 litigation case of City of Broken Arrow v. CWP, Inc., et al., Wagoner County District Court Case Number CV-2018-114, under 25 O.S. §307(B)(4).
- 2. Litigation, including potential resolution, of a matter involving the litigation case of City of Broken Arrow v. B-Z Properties, LLC, et al., Wagoner County District Court Case Number CV-2018-21, 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 9:17 p.m. Chairperson Thurmond reconvened the regular session of the City Council Meeting.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.
Move to authorize the City Attorney to negotiate settlement of the case of City of Broken Arrow v. CWP., Inc. Wagoner County District Court Case Number CV-2018-114 as recommended by the City Attorney

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 reject B-Z Properties, LLC settlement offer and authorize the City Attorney to negotiate settlement of the case of City of Broken Arrow v. B-Z Properties, LLC, Wagoner County District Court Case Number CV-2018-21 as recommended by the City Attorney

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 find the executive session necessary

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

15. Adjournment

The meeting adjourned at approximately 9:19 p.m.

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