



City of Broken Arrow

Special Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Tuesday, April 6, 2021

Time 5:30 p.m.

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 5:30 p.m.

2. Invocation

There was no invocation.

3. Roll Call

Present: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, 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 noted Items T, U, V and W would be removed from the Consent Agenda for discussion. He asked if there were any other Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda absent Items T, U, V, and W

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 21-19 Approval of the City Council Meeting Minutes of March 16, 2021
- B. 21-405 Approval of the Amended Special City Council Meeting Minutes of January 19, 2021 to reflect the meeting was held at Stoney Creek Hotel and Conference Center and Broken Arrow Council Chambers
- C. 21-469 Approval of the City Council Meeting Special Minutes of March 16, 2021
- D. 21-398 Acceptance of Planning Commission meeting minutes of March 11, 2020
- E. 21-435 Approval of and authorization to execute a budget transfer request to fund a new capital improvement project -Renovation of the Animal Shelter for the Police Department
- F. 21-443 Approval of and authorization to execute a Proclamation declaring the week of April 11-17, 2021 as National Telecommunicators Week
- G. 21-414 Approval of and authorization to execute a Proclamation declaring the week of May 2-8, 2021 as National Travel and Tourism Week in the City of Broken Arrow, Oklahoma
- H. 21-454 Approval of and authorization to execute Agreement for Professional Consultant Services with BKL, Inc. for providing design services on the South Broken Arrow TIF (Tax Increment Financing) Infrastructure Phase 1 Project from Aspen Avenue eastward approximately 1,200 feet (Project Number 2152260)
- I. 21-452 Approval of and authorization to execute Amendment No. 1 to agreement for Professional Consulting Services with Geodeca, LLC for providing Professional Surveying and Related Support Services (SURV 20-01)
- J. 21-402 Approval of and authorization to execute Amendment No. 3 to Agreement for Professional Consultant Services with GH2 Architects, LLC for New Fire Station No. 3 (Project No. 163511)
- K. 21-463 Approval of and authorization to execute Amendment No. 3 to Agreement for Professional Consultant Services with GH2 Architects, LLC for New Fire Station No. 7 (Project No. 173509)
- L. 21-458 Approval of and authorization to execute Agreement for Mitigation Credit purchase with Hoffman Environmental, Inc. for providing wetland mitigation credits (Project Number SW1312)
- M. 21-403 Approval of and authorization to execute Amendment No. 1 to Agreement for Professional Consultant Services with Selser Shaefer Architects for The Center for Arts, Innovation and Creativity (Project No. 161715)
- N. 21-421 Approval of and authorization to execute Agreement for Professional Consultant Services with Tulsa Engineering & Planning Associates, Inc. for providing engineering services on

the Rushbrooke Erosion and Mitigation Study in Reserve Area “B” of the subdivisions (Project Number SW21110)

- O. 21-412 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- P. 21-439 Approval and authorization to execute Change Order #1 with Envision Civil Contractors, LLC. on Construction Contract SW1921; Willow Springs IV Storm Sewer
- Q. 21-455 Approval and authorization to execute Change Order #2 with R&L Construction, LLC on Construction Contract #ST1616B; Washington Street Improvements from Garnett Rd. to Olive Ave; Reinforced Concrete Package
- R. 21-453 Award the lowest responsible bid to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for Concrete Roadway Panel Replacement With Additional Miscellaneous Concrete Work for: Aspen Pond Subdivision (ST21200), Westwind Subdivision (ST21180), & Granger Street (ST21250)
- S. 21-404 Award the lowest responsible bid to Magnum Construction, Inc. and approve and authorize execution of a construction contract for the Nienhuis Park Skate Park Improvements (196029)
- T. 21-401 Approval of BAZ-2078 (Rezoning), Old Hitching Post, approximately 0.84 acres, A-1 (Agricultural) to CN (Commercial Neighborhood), northeast corner of Main Street and Washington Street (91st Street)
- U. 21-359 Approval of SP-259A (Specific Use Permit Amendment), Saint Francis, 17.88 acres, R-1 (Single-Family Residential)/SP-259, one-quarter mile north of New Orleans Street (101st Street), west of Elm Place (161st E. Avenue)
- V. 21-378 Approval of and authorization to execute Resolution No. 1388, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 5.0 for the Albany Street: 23rd to 37th Street Roadway Improvements located at 3400 East Albany Street, Broken Arrow, Oklahoma in the Southeast Quarter of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma, from the Alan and Brenda Miller, and authorization of payment in the amount of \$150,300.00 for the Albany Street: 23rd to 37th Street Roadway Improvements, Parcel 5.0 (Project No. ST2035)
- W. 21-371 Approval of and authorization to execute Resolution No. 1389, a Resolution authorizing acceptance of two (2) General Warranty Deeds for Parcels 6.0 and 6.1 for the Albany Street: 23rd to 37th Street Roadway Improvements located at the southeast corner of Albany and 37th Street, Broken Arrow, Oklahoma in the Northwest Quarter of Section 5, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from the Terry and Rebecca Carter Trust, and authorization of payment in the amount of \$9,700.00 for the Albany Street: 23rd to 37th Street Roadway Improvements, Parcel 6.0., 6.1 (Project No. ST2035)
- X. 21-441 Acceptance of Sidewalk Easement from Roland Investments, Ltd, an Oklahoma Corporation, on property generally located in the 300 block of East Hillside Drive, Broken Arrow, Oklahoma, located in the Northeast Quarter of Section 2, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Hillside Drive Sidewalk, Parcel 1.1 (ProjectNo. ST2034)
- Y. 21-429 Acceptance of Utility Easement 14.0 and Temporary Construction Easements 14.A and 14.B from Deborah D Snell and Hud W Watts, on property located at 7816 South Park Avenue, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 14.0, 14.A, 14.B (Project No. S.1606)
- Z. 21-428 Acceptance of Utility Easements 31.0, 31.1 and Temporary Construction Easements 31.A, 31.B from W.R. Benintendi, on property located at 15303 E 122nd Street, Broken Arrow, Oklahoma, located in the Northeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 31.0, 31.1, 31.A, 31.B (Project No. S.1606)
- AA. 21-422 Acceptance of Utility Easement 19.0 and Temporary Construction Easement 19.A from Muscogee (Creek) Nation, on property located at 7701 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 19.0, 19.A (Project No. S.1606)
- AB. 21-440 Acceptance of Utility Easement 18.0 and Temporary Construction Easements 18.A and 18.B from Mary Jo Walker and Carl Soap, on property located at 7705 South Juniper Place, Broken Arrow, Oklahoma, located in the Southeast Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma for the Elm Creek Trunk Line Replacement, Parcel 18.0, 18.A, 18.B (Project No. S.1606)
- AC. 21-460 Ratification of the Claims List Check Register dated March 30, 2021

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond stated the Items removed from the Consent Agenda would be discussed later during the Meeting.

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

- A. 21-448 Presentation of Living Green Program Certification to Broken Arrow Public Schools

for the design and construction of Rosewood Elementary

Urbanism and Sustainability Manager Justin DeBruin invited Chief Operating Officer Michelle Bergwall, and Director of Construction Bob Telomeo to help present. He stated the City of Broken Arrow encouraged the use of Low Impact Development (LID) practices on development sites through the Living Green Program to reduce the impacts of building on the surrounding environment. He stated these practices were specifically implemented to improve storm water quality, open space, site aesthetics, sustainability, and quality of life. He stated he was proud to be awarding Bronze Level Certification to Broken Arrow Public Schools for the newly constructed Rosewood Elementary. He indicated through planning and construction, a number of best practices were incorporated, including preservation of mature trees, inclusion of rain gardens and a rainwater cistern as part of an outdoor classroom, installation of a wind and solar inverter, and creation of a long-term maintenance and operation plan for the various site amenities. He explained as a Living Green certified location, Broken Arrow Public Schools understood the importance of preserving and enhancing the community’s natural resources for this generation and the ones to follow. He stated the Community Development Department requested City Council recognize Broken Arrow Public Schools as a community leader in sustainable design and present the Living Green certification and plaque. The plaque was presented, and commemorative photos were taken.

Council Member Debra Wimpee indicated her granddaughter attended Rosewood Elementary and loved her school.

- B.

21-436

Presentation and possible acceptance of 2021 Get Fit Festival at New Orleans Square

Steve Yoder with the City of Broken Arrow Tourism and Economic Development Team indicated the Get Fit Festival was an event that would take place on Saturday, April 17 from 10:00 a.m. through 3:00 p.m. in the southwest parking lot of New Orleans Square. He explained this was a tactical urbanism type event which would invite Broken Arrow and the surrounding areas to participate in fun activities designed to help you “get fit.” He displayed an aerial view of where the event would be held. He reported 20 local businesses in the fitness industry would participate. He displayed a slide which illustrated the layout of the festival including Astroturf, booths, food trucks, stage area, etc. He stated 10 of the 20 participating businesses would present in the stage area. He noted the vendors included the YMCA, Blacklock MMA, Broken Arrow Youth Sports, Lotus Chiropractic and Chinese Acupuncture, Broken Arrow Table Tennis, Broken Arrow Family Drug, Broken Arrow Therapy, Pro Day Athletics, Marriage on the Rocks Fitness, Lumberjack Attack, Broken Arrow Ping Pong, World Class Fighting and Fitness, Brighter Dimensions Counseling, Top Prospects Training Center, Broken Arrow Parks and Recreation, and more. He explained the presentations would include Zumba, yoga, speed and agility training, defense exhibition, ping pong exhibition, etc. He stated there was a world class sparring exhibition planned, possibly with a celebrity fighter.

Vice Mayor Scott Eudey thanked the City of Broken Arrow Tourism and Economic Development Team for organizing this event. He stated this event could be a catalyst to help citizens down the path towards health and fitness. He stated he appreciated the fact that “mental fitness” vendors were also being included in this event. He noted, often the struggle with physical fitness was related to emotional damage. He stated this event was important on many levels and he was pleased the City found it worthy to invest in.

Council Member Gillespie asked if the Parks Department would have a booth. Mr. DeBruin responded in the affirmative. Council Member Gillespie discussed the positive response to the events being planned in New Orleans Square.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to accept the 2021 Get Fit Festival at New Orleans Square

The motion carried by the following vote:

Aye:

5 -

Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- C.

21-417

Presentation and update on Museum Broken Arrow’s building mural project Makala Barton

Makala Barton, Community Relations Liaison, reported the Museum Broken Arrow (MBA) was located in a city-owned building at 400 S. Main Street. She reported the MBA received a Keep Oklahoma Beautiful, Inc. grant to install a mural on the south exterior side of the building. She stated the Museum Board formed a Committee to discuss mural designs, artist selection, and fundraising, and held a contest to choose the final mural design which would be painted on the approximately 2,000 square foot exterior wall on the building’s south side. She indicated Ms. Julie Brown, Executive Director of the Museum of Broken Arrow, would provide an update.

Ms. Julie Brown displayed and discussed the final design selection by Carlos Barboza. She indicated the artist worked closely with the Muscogee Creek Nation to ensure the Muscogee Creek woman and symbols were portrayed accurately. She reported the artist would begin in

May, and the project would take approximately three weeks to complete. She stated the full wall on the south side of the building would be covered by the mural. She stated grants were received from Oklahoma Humanities, Broken Arrow Community Foundation, and the City of Broken Arrow. She reported there would be a Mural Wrap party on June 3, 2021 for which she would send out invitations to all who were involved financially and otherwise.

City Council was unanimously happy with the mural and excited to see it completed.

City Manager Spurgeon stated he and the legal department were comfortable with the mural agreement (Item 9A) as well.

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 indicated no Citizens signed up to speak.

9. General Council Business

A. 21-418 Consideration, discussion, and possible approval of and authorization to execute an agreement with Carlos Barboza for the painting of a mural on the exterior wall of The Museum Broken Arrow, a city-owned building located at 400 South Main Street

Ms. Makala Barton reported before City Council was a three-way agreement regarding the Museum Mural Project outlining the relationship between the City, Museum Broken Arrow (MBA), and the artist Mr. Carlos Barboza. She explained the Agreement permitted Mr. Barboza to paint a mural on the exterior wall of 400 South Main Street, with a completion date of May 25, 2021. She reported, if approved, the artist fee would be \$33,789 dollars and would be paid for solely by the Museum through the grant funds.

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

Move to approve and authorize execution of an agreement with Carlos Barboza for the painting of a mural on the exterior wall of The Museum Broken Arrow, a city-owned building located at 400 South Main Street

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 21-470 Consideration, discussion and possible action to appoint a member of the Broken Arrow Planning Commission to serve as a representative on the South Broken Arrow Tax Incremental Finance District Review Committee

City Attorney Dennis reported on March 25, 2021, the Broken Arrow City Council approved the creation of a Tax Increment Financing District in South Broken Arrow by passing Resolution No. 1392. He stated at the time, Council Member Parks was selected to serve as the representative from City Council. He noted there would also need to be a Planning Commission Member appointed to the TIF Committee. He explained this Item allowed City Council to appoint the Planning Commission Member.

Vice Mayor Scott Eudey asked if any Planning Commission Member expressed a desire to serve on this Committee.

City Attorney Dennis responded in the affirmative.

Mr. Norm Stevens reported he worked with Jill Ferenc who visited with Planning Commission Chairperson Lee Whelpley; Chairperson Whelpley was excited to serve on the TIF Committee.

Council Member Parks indicated he approved of appointing Chairperson Whelpley to serve on the Committee. He stated he was excited about this project and had begun searching for the additional seven Committee Members needed. He stated he felt Chairperson Whelpley would do an excellent job serving on the Committee.

Council Member Gillespie asked if Chairperson Whelpley's term with the Planning Commission would be up shortly.

City Manager Spurgeon responded in the negative.

Council Member Parks noted these types of Committees did not last long. He reported the previous TIF Committee he served on only had three meetings.

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

Move to appoint Lee Whelpley to serve on the TIF Committee

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 21-464 Consideration, discussion and possible action in regard to marketing and branding by Brandera Consulting in regard to New Orleans Square

Planning and Development Manager Jill Ferenc reported this was a followup from the Meeting on March 16, 2021 for the branding of New Orleans Square during which modifications of the approved logo were discussed. She displayed and discussed the newly designed logos. She stated Ms. Jennifer Swezey was present to answer questions as well.

Discussion ensued regarding the three new logos (numbered 5, 6 and 7); it was decided to approve logo design number 7.

MOTION: A motion was made by Christi Gillespie, seconded by Debra Wimpee.

Move to approve logo design number 7

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

- A. 21-399** **Consideration, discussion, and possible adoption of Ordinance No. 3677 closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 1, Block 2)**

Ms. Jill Ferenc reported the owner, Windsor Plaza, LLC, submitted an application requesting the closure of an approximately 0.55-acre drainage easement on property located approximately one-quarter mile north of Kenosha Street (71st Street), east of 37th Street (209th East Avenue). She stated the property was platted as Lot 1, Block 2, Northeast Crossroads. She indicated this was previewed on the previous Agenda. She noted the detention easement was dedicated by the plat filed in Wagoner County on December 21, 2007; the applicant was requesting to close the drainage easement and replace it with a new drainage easement. She noted on the March 16, 2021 Agenda the new drainage easement was accepted. She indicated Staff reviewed the documents and recommended acceptance of the drainage easement closure.

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

Move to adopt Ordinance No. 3677

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- B. 21-400** **Consideration, discussion, and possible adoption of Ordinance No. 3678 closing a drainage easement from Windsor Plaza, LLC, on property located approximately one-eighth mile north of Kenosha Street (71st Street), one-eighth mile east of 37th Street (209th East Avenue), Wagoner County, State of Oklahoma, (Section 5, T18N, R15E); repealing all ordinances to the contrary; and declaring an emergency (Lot 3, Block 3)**

Ms. Ferenc indicated this was a companion Ordinance for closing the drainage easements associated with Windsor Plaza LLC platted as part of the same plat with Northeast Crossroads. She indicated Staff reviewed the documents and recommended acceptance of the drainage easement closure. She noted this Ordinance was previewed on the March 16, 2021 City Council Meeting Agenda.

MOTION: A motion was made by Christie Gillespie, seconded by Johnnie Parks.

Move to adopt Ordinances No. 3678

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- C. 21-434** **Consideration, discussion, and possible adoption of Ordinance No. 3679, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving of BAZ-1988, generally located one-quarter mile north of Houston Street (81st Street) and one-quarter mile east of 23rd Street (County Line Road), south of the Broken Arrow Expressway, granting CG zoning classifications be placed upon the tract; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**
Ms. Jill Ferenc reported this was for consideration of adoption of a zoning ordinance which

would change the zoning map on the associated property to CG. She explained the rezoning for the lot was approved previously by City Council and the final plat was approved and recorded. She noted this property was 7801 Old Highway 51 and at this time a gymnastics facility was proposed for the property. Staff recommended City Council adopt Ordinance No. 3679 and approve the Emergency Clause.

MOTION: A motion was made by Debra Wimpee, seconded by Christie Gillespie.

Move to adopt Ordinances No. 3679

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

D. 21-459 Consideration, discussion and possible adoption of Ordinance No. 3680, an Ordinance amending Chapter 25, Article 1, Section 25-4 (Local administrator) and Article III, Section 25-208 (Stormwater Development Permit) of the City of Broken Arrow Code of Ordinances; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Ms. Ferenc reported currently the Ordinance only allowed the local administrator of the stormwater management program to officially review stormwater development permit applications and approve or deny the stormwater development permits. She explained the proposed Ordinance would authorize the City Manager or City Manager's designee to review the stormwater development permits and provide the recommendation and approve, waive, or deny applications. She noted Staff recommended approval.

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

Move to adopt Ordinances No. 3680

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Christie Gillespie.

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Council Member Wimpee noted today was an election day. She stated if today happened to be her last City Council Meeting, she wished all to know she was very honored to have served the City as a City Council Member for the past four years.

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

City Manager Spurgeon noted Council Member Wimpee contacted himself one week ago regarding the infrastructure projects planned in the north part of Broken Arrow. He discussed the planned road widening projects noting he spoke with County Commissioner Stan Sallee yesterday. He indicated a joint meeting between the City and the County would be held, inviting the local residents, to discuss the infrastructure projects and answer questions. He stated the joint open house meeting planned to be held sometime before July 4, 2021. He reported the Broken Arrow projects were in good shape; several projects were close to going to bid; the County Line from 51st to 61st project was under design. He reported the Washington Street Road Widening project was close to finished. He read an email from Rocky Hinkel to Kenny Schwab: "I wanted to share a milestone as it relates to the Washington Street Widening Project. Earlier today we completed the last lift of asphalt for the remaining two west-bound lanes of Washington Street from Garnet to Olive. As you are aware, City crews were tasked with completing a majority of this project and our efforts began on August 27, 2020. Today marks 7 months and 4 days that we have been working diligently to complete the project as soon as practicable. I had Christina do some research to find out how many days we did not work on this project due to weather or holidays. Christina informed me that we did not do any work for 64 days due to inclement weather and holidays. If you subtract those days from today, we would have substantially completed the main line Washington Street between Garnet and Olive on January 27th, 2021. That is exactly 5 months from the day we took over this project. In essence our crews constructed one lane mile every month for 5 months. This is truly remarkable when considering the circumstances. It is extremely difficult to put into words my appreciation for everyone's efforts to get this project where it is today. This project has been fun, challenging, educational, yet rewarding. We look forward to wrapping things up on our end very soon, probably in the course of next month, and look forward to the next project that we are called upon to do." He commended Rocky Hinkel and the construction crews.

Mr. Kenny Schwab commended City Staff and especially Mr. Hinkel’s Team. He noted the public appreciated the efforts. He thanked City Council for putting its trust in Broken Arrow City Staff.

City Manager Spurgeon indicated the Groundbreaking Ceremony for the Senior Annex would happen early next week.

City Manager Spurgeon discussed the Rose District TIF and the New Orleans Square TIF. He reported in the Rose District, in the first three months of the 2021, \$151,968 dollars in sales tax was collected. He reported in the first three months of 2020, \$108,419 dollars in sales tax was collected in the Rose District reflecting a 40.17% increase. He stated in regard to New Orleans Square, in the first three months of 2020, \$349,699 dollars in sales tax was collected; in the first three months of 2021, \$394,495 dollars, was collected in New Orleans Square. He stated New Orleans Square sales tax would be continuously tracked.

City Manager Spurgeon reported Russo’s in New Orleans Square would be open in less than 60 days; and all the infrastructure improvements in the New Orleans Square area over the past 10 years were beginning to bear fruit. He stated an update regarding the growth, events, and activity in the City of Broken Arrow would be provided to the Citizens of Broken Arrow.

City Manager Spurgeon stated he had mixed emotions regarding the resignation of Jennifer Swezey effective May 4, 2021. He reported Ms. Jennifer Swezey would become the new Assistant City Manager in the City of Muscogee. He congratulated and commended Ms. Swezey.

Council Member Gillespie commended City Manager Spurgeon as a leader who well equipped future leaders. She congratulated Ms. Swezey.

City Manager Spurgeon gave a brief history of Ms. Swezey’s career and accomplishments in Broken Arrow. He noted Ms. Swezey would be hard to replace.

Mayor Thurmond indicated there was an Executive Session; therefore, he would entertain a motion for a brief recess to enter into BAMA and BAEDA.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.

Move for a brief recess

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to enter into Executive Session

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, 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, conferring on matters and possible action in open session pertaining to:

1. A pending claim, and potential litigation or asserted by the City of Broken Arrow against Contech, et. al., CJ-17-295 in the District Court of Tulsa County, in regard to the Tiger Hill Retaining wall project and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the claim under 25 O.S. § 307(B)(4);

2. A pending claim, and potential litigation or asserted by the Hoey Construction Co. against the City of Broken Arrow, CJ-21-702 in the District Court of Tulsa County, in regard to the Indian Springs Sports Complex Baseball and Soccer Improvements project and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the claim and allow the legal department to provide representation under 25 O.S. § 307(B)(4);

3. A pending claim, and potential litigation or asserted by Jeannette Peterson against the City of Broken Arrow for a claim in tort and investigation thereof, and taking appropriate action in open session including possible authorization to settle, approve or deny the claim under 25 O.S. § 307(B)

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the litigation and disclosure will seriously impair the ability of the public body to process the 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.

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

Move to find the Executive Session necessary

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to authorize the City Attorney to defend the City in the matter of Hoey vs. the City of Broken Arrow

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to deny the tort claim filed by Jeannette Peterson

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to deny the settlement offer in the matter of the City of Broken Arrow vs. Contech

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

After Executive Session, the following motions were made, but were not recorded on video:

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

Move for a brief recess

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to approve Consent Agenda Item V and W

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

Move to approve Consent Agenda Item T

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Christi Gillespie, seconded by Debra Wimpee.

Move to approve Consent Agenda Item U

The motion carried by the following vote:

Aye: **5 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 6:53 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 -** Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Mayor

City Clerk