



## 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*

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**Tuesday, October 2, 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**

Invocation was performed by Pastor Rich Manganero and Pastor Curt Moelling.

**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 reported Item J and Item K were to be removed from the Consent Agenda due to a conflict. He asked if there were any other 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 excluding Item J and Item K**

The motion carried by the following vote:

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

- A. 18 1164 Approval of City Council Special Meeting Minutes of September 25, 2018**
- B. 18 1011 Approval of City Council Meeting Minutes of September 18, 2018**
- C. 18 1159 Approval of and authorization to execute a Fourth Amendment to Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon**
- D. 18 1148 Approval of and authorization to execute a Professional Services Contract for Right of Way/Property Acquisition Services for various City Projects with RJP Real Estate Services, LLC**
- E. 18 1111 Award the most advantageous bid to Armscor for the purchase of rifle ammunition**
- F. 18 1120 Award the most advantageous bid to Rush Truck Center for the purchase of one (1) dump truck for the Streets and Stormwater Department**
- G. 18 1116 Approval of and authorization to purchase one (1) ½ ton crew cab pickup truck from John Vance, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department**
- H. 18 1152 Approval of and authorization to execute a Change Order CO2 for Construction Contract 176038/176040; Events Park Regional Playground and Pavilions**
- I. 18 1144 Acceptance of a Temporary Construction Easement for the Haikey Creek Sewer repair located at 4501 W Washington Street in NE/4 of the NW/4 of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Robert and Gwendolyn McCullough**
- J. 18 1156 Approval of PT16 108A, Conditional Final Plat, North Rose Business Park, 13.20 acres, 13 lots, RM, R 2, CN, and CH to IL/PUD 253A, north of Kenosha Street, one quarter mile east of Elm Place**
- K. 18 1155 Approval of PT18 102, Conditional Final Plat, Silverleaf II, 121 lots, 31.17 acres, A 1 to PUD 225/RS 3, one quarter mile north of Omaha Street, west of 37th Street**
- L. 18 58 Approval of the Broken Arrow City Council Claims List for October 02, 2018**

Mayor Thurmond left the room for Item J and Item K at approximately 6:34 p.m.

## 6. Consideration of Items Removed from Consent Agenda

Item J and Item K were removed from the Consent Agenda.

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

### **Move to approve Item J and Item K**

The motion carried by the following vote:

**Aye: 4 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey  
**Recused: 1 -** Craig Thurmond

Mayor Thurmond returned to the room at approximately 6:35 p.m.

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

### **A. 18 1115 Presentation by Development Services Director Michael Skates and Emergency Management Director Jamie Ott on Safe Room Rebate Program**

Development Services Director, Michael Skates, described a brief history of how he became familiar with the Safe Room Rebate Program. He reported he and Emergency Management Director Jamie Ott felt this was an excellent program. He stated an application had been sent to OEM (Oklahoma Emergency Management) and two public meetings were arranged for October 4, 2018 and October 9, 2018. He stated notices were released to the public and a Voluntary Participation Notice which applicants would complete and turn in by November 16, 2018 had been prepared. He stated the Voluntary Participation Notice application would enable the city to identify the applicant's property and determine if an applicant was located within a flood plain, as applicants could not participate if located within a flood plain. He stated after November 16, 2018 the applications would be sent to OEM who in turn would send the applications to FEMA (Federal Emergency Management Agency) for final approval which could take up to 3 months. He explained once FEMA informed the city which applicants had been approved, notice would be sent and another meeting would be arranged to provide information to those who were approved including: what steps needed to be taken, what companies sold FEMA certified Safe Rooms, inspection requirements, etc. He stated once the Safe Rooms were inspected and approved the applicants would receive a rebate up to 75%, not to exceed \$2,000 dollars, of the cost of the Safe Room. He briefly described the Safe Room regulations and guidelines which would be discussed at the two public meetings, as well as the follow-up meeting.

Council Member Debra Wimpee asked if the program could be retroactive. Mr. Skates responded in the negative; if an individual already had installed a safe room, said individual could not receive a rebate through this program. Council Member Wimpee asked if attendance at one of the two public meetings was required in order to qualify for the program. Mr. Skates responded in the affirmative. Council Member Mike Lester asked how many citizens Mr. Skates anticipated would apply. Mr. Skates replied he anticipated approximately 100 citizens. Discussion ensued regarding number of applicants, deadlines, and flood plain property lines. Vice Mayor Eudey asked if this would be available every year. Mr. Skates responded he hoped so; however, it depended upon FEMA funds availability. Mayor Thurmond stated he felt this was an excellent opportunity for the Citizens of Broken Arrow. He thanked Mr. Skates and Mr. Ott.

## 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 1158 Consideration, discussion, and possible approval of projects to be included in the sale of General Obligation ("GO") Bonds, Series 2018B, Series 2018C and Series 2018D**

Assistant City Manager, Kenny Schwab, reported Series 2018B was the last sale of the 2014 General Obligation Bonds in the amount of \$10.86 million dollars. He stated included were Transportation Projects at \$6.3 million dollars (road projects), Public Safety Projects at \$2 million dollars (mobile data, communication tower, command vehicle, etc.), Quality of Life projects at \$1.9 million dollars (several parks), and Stormwater projects at \$630,000 dollars (various).

Mr. Schwab reported Series 2018C, at \$11.5 million dollars, included Proposition 1 Transportation Projects (\$5.3 million dollars) and he briefly described a few of the projects. He reported he had been in communication with ODOT (Oklahoma Department of Transportation) regarding the Lynn Lane/Kenosha project and the Lynn Lane/Hillside Drive project. He explained an application for matched funds had been submitted and if approved Broken Arrow would receive a fund match which would bring Broken Arrow funds from \$4.1 million dollars up to \$20 million dollars and would enable the city to much more effectively complete the two projects, including the bridge and the road between the two intersections. He stated he was engaged in the preliminary conversations, but ODOT was interested in this possibility. Discussion ensued regarding the STP (Surface to Transportation Program), INCOG (Indian Nation Council of Governments), and/or State funding through the grant. He briefly described additional transportation projects which would be included in the Series 2018C projects: Omaha to Albany including the bridge, and subdivision street

improvements at \$1 million dollars. City Manager Michael Spurgeon stated altogether approximately \$3.5 million dollars’ worth of neighborhood road improvements would be completed this year.

Mr. Schwab stated Proposition 3 (also in Series 2018B) included approximately \$1.5 million dollars for Quality of Life projects including: a skate park in Nienhuis; improvements to the Indian Springs Sports Complex; equipment and furnishing of a park in the southwest quadrant of the city; community trails; and synthetic turf for the Softball Field.

City Manager Spurgeon reported last year the City was approved for a grant of \$3 million dollars through STP/INCOG (Surface to Transportation Program/Indian Nation Council of Governments) to repair Washington from Garnet to Olive; however, accepting the grant would cause a delay in project completion which was not acceptable. Mr. Schwab concurred and explained he had met with STP/INCOG to determine if this grant could be used for another project. He stated STP/INCOG was in favor of the idea and asked Broken Arrow to submit other projects for consideration.

Mr. Schwab stated Series 2018C included Proposition 4 Public Facilities: Armed Forces Meeting Hall, Senior Center activity and property and the software upgrade for city facilities.

City Manager Spurgeon stated his recommendation was to forward fund the Senior Center Annex project through a short term note, acquire the land for the Senior Annex and the parking lot for the Softball Complex and Arrowhead Park, develop the plans for the Senior Annex and begin construction; then in 2021, when the funds became available through Series 2018C, pay off the note.

Mr. Schwab stated the last list of projects in the Series 2018C included Stormwater, Proposition 5, which included Stone Ridge Town Center, Indian Springs near the golf course, Tiger Creek Nature Park and the Shops at Adams Creek. He stated the total for Series 2018C was \$11.5 million dollars.

Mr. Schwab reported Series 2018D was for \$1 million dollars, 2018 General Obligation Bond, Proposition 6. He explained Proposition 6 was required to be sold separately and had required a different public vote percentage. He stated this was a drainage project: Adams Creek Basin, Broken Arrow Creek Basin, Haikey Creek Basin, and the combined basin (Elm or Aspen).

Vice Mayor Eudey asked about the Olive Street project (included in Series 2018B). Mr. Schwab reported the design for this project was near completion, the right of way would be processed soon, and utilities would be moved as soon as possible. He stated staff believed this would be completed next year and construction would begin soon after.

Council Member Johnnie Parks asked if Series 2018B completed all of the 2014 General Obligation Bond projects. Mr. Schwab responded in the affirmative.

City Manager Spurgeon discussed scheduling of the abundance of future road projects, the preparedness of the Engineering and Construction Department, and planning ahead to enable smooth project completion.

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

**Move to approve projects to be included in the sale of General Obligation (“GO”) Bonds, Series 2018B, Series 2018C and Series 2018D**

The motion carried by the following vote:

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

**B. 18 1150 Consideration, discussion, and possible approval of and authorization to execute a Use Agreement with Patio Condominium Homeowners Association, Inc., for the 9th Street Improvements, Elgin to El Paso (Project No. ST1210)**

Engineering and Construction Director, Alex Mills, reported parking for the Patio Condominiums was suboptimal; the parking lot extended right up to 9<sup>th</sup> Street without any buffer and there were no parking delineations. He reported Staff had worked with the HOA (Homeowner’s Association) to discover a solution which would provide parking and accommodate the roadway expansion (this road would be widened from two to five lanes). Mr. Mills displayed a map which showed the current situation of the parking lot. He displayed a map which illustrated the proposed parking lot; it consisted of a parking lot to the west of the Condominiums, as well as diagonal parking in front of the Condominiums along 9<sup>th</sup> Street. He explained the land would be donated for the project and the city would construct the parking in exchange as a part of the road widening project. He stated the parking was included in the bid for the project. He stated the agreement included a 99 year lease, priced at \$1 per year, the HOA would be responsible for day to day maintenance (clean up, landscaping, irrigation, snow removal, etc.), and the City would be responsible for the long term maintenance of the parking lot (repaving, etc.). He reported there was a cancelation clause in the contract. He stated the design would provide 57 parking places, which was comparable to the current number of parking places.

Council Member Lester asked if the agreement included a “no disabled cars” clause. Mr. Mills responded in the affirmative; the city would own the parking lot and would have the right to remove disabled vehicles. Council Member Lester stated he wanted the HOA (Homeowner’s Association) to be aware of the “no disabled cars” clause. Mr. Mills stated the HOA would be made aware.

Mr. Mills stated currently the parking situation at the Condominiums was unattractive and this project would significantly improve the look of the area, as well as the safety of the parking situation. Council Member Lester asked about lighting improvements. Mr. Mills responded the lighting would be improved along 9<sup>th</sup> Street and lighting would be installed in the parking lot as well. Vice Mayor Eudey asked whether the exclusivity of the agreement was to be monitored by the city or the HOA. Mr. Mills responded the HOA would monitor the exclusivity; the HOA had the right to install signage indicating parking was for Patio Condominiums only and the right to have unauthorized cars towed. He stated the HOA would be required to meet city regulations regarding the look of the signage. Discussion ensued regarding policing the parking lot.

Council Member Parks asked if the city would gain any extra right of way through this project. Mr. Mills responded in the negative. Council Member Parks asked if the City needed any additional right of way for this project. Mr. Mills responded in the negative. Discussion ensued regarding the necessity of this agreement.

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

**Move to approve the Use Agreement with Patio Condominium Homeowners Association, Inc., for the 9th Street Improvements, Elgin to El Paso (Project No. ST1210), and authorize its execution**

The motion carried by the following vote:

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

- C. 18 1145 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1135, a Resolution authorizing acceptance of a General Warranty Deed for Parcel 3, which consists of 0.25 acres of permanent Right of Way and a Temporary Construction Easement for Parcel 3A which consists of 0.10 acres for 9th Street Improvements, Elgin to El Paso, located at 303/307/309 S 9th Street in the NW/4 of Section 12, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Patio Condominium Homeowners Association, Inc., for the 9th Street Improvements, Elgin to El Paso, Parcel 3, 3A (Project No. ST1210)**

Mr. Alex Mills reported this was a follow-up to Item B; it was the permanent Right of Way and Temporary Construction Easement needed to uphold the Use Agreement with Patio Condominiums Homeowners Association, Inc.

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

**Move to approve Resolution No. 1135 and authorize its execution**

The motion carried by the following vote:

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

- D. 18 1147 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1137, a Resolution authorizing the Acting City Attorney to Agree to Judgment in the case of the City of Broken Arrow v. B Z Properties LLC., Case No. CV 18 22 in Wagoner County District Court and directing the Acting City Attorney to prepare and file the necessary documents to effectuate settlement, including a Journal Entry of Judgment for the Court’s approval**

Acting City Attorney, Trevor Dennis, reported on February 6, 2018 City Council approved the filing of a Petition of Condemnation to acquire right of way as a part of the 23<sup>rd</sup> Street improvements between Houston and Kenosha Streets. He explained the Commissioner valued the property at \$74,500 dollars and an independent appraiser valued the property at \$95,000 dollars. He reported BZ Properties filed an inverse condemnation action alleging that property rent had not been properly paid as part of the relocation of the tenant, and the Legal Department determined this was accurate. He stated BZ Properties agreed to settle the matter for \$135,633.40 dollars, inclusive of fees and costs. He stated a settlement in this amount would be less than proceeding with a condemnation action including anticipated attorney’s fees. He stated, as such, staff recommended approval of Resolution No. 1137 and authorization of execution.

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

**Move to approve Resolution No. 1137 and authorize its execution**

The motion carried by the following vote:

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

- E. 18 1146 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1138, a Resolution authorizing the Legal Department to file an answer agreeing to vacate a part of the amended plat of Lynn Lane Industrial Park, generally located east of Lynn Lane south of Houston Street, and waiving any objections to the Petition to Vacate in the matter of Alfa Laval, Inc., v. City of Broken Arrow et al., Tulsa County District Court Case No. CV 2018 01173**

Acting City Attorney Dennis reported Alfa Laval sought to vacate a part of the amended plat of Lynn Lane Industrial Park. He stated Alfa Laval had followed all requirements of 11OS, Section 42-102, and requested Lot 1 and Lot 2 of Block 1 in Reserve Area A of the amended plat be vacated. He stated he understood there would be a replatting of this area to better suit Alfa Laval's purposes. He stated as Alfa Laval met the statutory duties under Section 42-102, Staff recommended approval of Resolution No. 1138 and authorization of execution.

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

**Move to approve Resolution No. 1138 and authorize its execution**

The motion carried by the following vote:

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

- F. 18 1157 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1139, a Resolution approving action taken by the Broken Arrow Municipal Authority authorizing the issuance of its Promissory Note in principal amount not to exceed \$21,305,000 to the Oklahoma Water Resources Board; ratifying and confirming a lease agreement and operation and maintenance contract and a security agreement between the City and the Authority and containing other provisions relating thereto**

Mayor Thurmond stated Item F needed to be tabled until following the Broken Arrow Municipal Authority Meeting.

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

**Move to table Item F**

The motion carried by the following vote:

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

Following the Broken Arrow Municipal Authority Meeting discussion of Item F proceeded.

Finance Director Cindy Arnold stated Resolution No. 1139 approved the action taken by BAMA and allowed the city to move forward with the loan contract.

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

**Move to approve Resolution No. 1139 and authorize its execution**

The motion carried by the following vote:

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

- G. 18 1167 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1141, a Resolution of the Broken Arrow City Council declaring an emergency as a result of a bridge failure resulting in undermining of the roadway on South Poplar between West Oakridge Street and West Pittsburg Court; activation of the City's Emergency Operation Protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; authorizing the city manager to execute emergency contracts as necessary for repairs and any subsequent critical events; ratifying all prior actions of the city manager, including the purchase of necessary materials for repair of the bridge and the closure of South Poplar Avenue; providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions**

Utilities Director, Rocky Henkel, reported the bridge failure was due to a significant rain event in the afternoon hours of September 21, 2018. He reported the road had been shut down in the interest of public safety and upon further inspection it was noted one of the three 84 inch corrugated steel stormwater pipes had deflected approximately one foot making the bridge structurally deficient; therefore, it was necessary to declare an emergency, bypass the bid process, and expedite repair of the bridge structure.

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

**Move to approve Resolution No. 1141 and authorize its execution**

The motion carried by the following vote:

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

- H. 18 1149 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 when this project went to bid, it was advertised August 28, 2018 and September 4, 2018, the City received six bids on September 18, 2018, four were non-responsive due to a technicality in the bidding process, and the City lost the low bidder; therefore, Staff felt it was in the City's best interest to reject the bids, clean up the bid documents and re-bid the project.

Council Member Parks asked if legally the city had the right to reject the bids for construction of the Nienhuis Park Sand Volleyball Courts and re-bid the project. Acting City Attorney Dennis responded in the affirmative.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.  
**Move to approve 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

**I. 18 1121 Consideration, discussion, and possible approval to withdraw the purchase of one (1) 3/4 ton crew cab truck from Bill Knight Ford due to a pricing and option change on the statewide vehicle contract; and possible approval and authorization to purchase one (1) 3/4 ton crew cab truck from Bob Howard Dodge, pursuant to the Oklahoma statewide vehicle contract, for the Information Technologies Department**

General Services Director, Lee Zirk, reported on August 21, 2018 City Council approved the purchase of a pickup truck for the Information Technologies Department (IT). He reported when the Purchasing Manager placed the order for the truck, Bill Knight Ford informed General Services that an appearance package (chrome wheels, trim, etc.) was ordered for the truck. He stated the IT Department felt having an appearance package on a work truck would send the wrong message to the public about how the city spent funds; therefore, the IT Department asked the Purchasing Manager to re-tabulate the dealer bids without any unneeded options such as appearance packages. He stated during this period Ford had price increases and therefore Bill Knight Ford was no longer the lowest bidder; Bob Howard Dodge was now the lowest bidder. He asked Council to withdraw its previous approval and re-award the bid to Bob Howard Dodge under State Contract.

Council Member Lester asked if he understood correctly that it was not re-bid, Staff had simply extracted the unnecessary options out of the bids that had been received. Mr. Zirk responded in the affirmative; under State Contract all vendors had bids, the city extracted pricing from each vendor that offered the right type of truck, and purchased the truck offered at the lowest price. He reported there was no bidding by the city; bidding was done under State Contract. Council Member Parks asked if the IT Department was simply purchasing a different truck. Mr. Zirk responded in the affirmative.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.  
**Move to approve the withdrawal of the purchase of one (1) 3/4 ton crew cab truck from Bill Knight Ford due to a pricing and option change on the statewide vehicle contract; and possible approval and authorization to purchase one (1) 3/4 ton crew cab truck from Bob Howard Dodge, pursuant to the Oklahoma statewide vehicle contract, for the Information Technologies Department**

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 October was Pinktober and felt it was important for women to get screened for breast cancer. He stated he learned from his late wife, just because a mammogram comes out clean does not mean you do not have breast cancer; if you do not feel well push the issue. He encouraged all women to consider being screened; lives could be saved with advanced screening.

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

City Manager Michael Spurgeon stated Broken Arrow should be receiving the Transitional Review Report sometime in the next few days and a Special Meeting would need to be held to review the Report. He stated Russel Gale would contact City Council regarding availability.

At approximately 7:17 p.m. Mayor Thurmond stated he would entertain a motion for a brief recess to enter into Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority.

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

The motion carried by the following vote:

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

At approximately 7:39 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 Mike Lester, seconded by Johnnie Parks.

**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

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

**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. Potential litigation, including potential resolution of Lamont Tharps v. City of Broken Arrow, a pending tort claim, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).**
- 2. Litigation, including potential resolution, of a matter involving the litigation case of Cloudi Mornings, LLC vs. City of Broken Arrow et al., Tulsa County District Court Case Number CV 2018 1213, 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 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 8:25 p.m. Mayor Thurmond reconvened the regular session of the City Council Meeting.

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

**Move to find that the Executive Session was 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 8:25 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: 5 -** Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

s/Craig Thurmond\_\_\_\_\_  
Mayor

s/Lisa Blackford\_\_\_\_\_  
City Clerk - Deputy