



## 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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**Monday, November 5, 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 Associate Pastor David Pelkey.

**3. Roll Call**

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

**4. Pledge of Allegiance to the Flag**

Vice Mayor Scott Eudey led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

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

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

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

- A. 18-1131 Approval of City Council Meeting Minutes of October 16, 2018**
- B. 18-1286 Approval of and authorization to execute Budget Amendment Number 1 for Public Safety Sales Tax Fund-Police for Fiscal Year 2019**
- C. 18-1265 Approval of travel expenses for Mayor Craig Thurmond to attend the White House Roundtable on Housing Affordability in Washington, D.C. on November 16, 2018**
- D. 18-1173 Approval of and authorization to publish the yearly notification of regularly scheduled meetings of the Broken Arrow City Council, and its Boards and Trusts**
- E. 18-1298 Approval of and authorization to execute an Administrative Services Agreement with Delta Dental Plan of Oklahoma to provide network and administrative services for dental claims**
- F. 18-1222 Approval of and authorization to execute a Court Agreement and Addendum with American Municipal Services Corporation to collect outstanding fines and warrants**
- G. 18-1206 Approval of and authorization to execute agreement with Oklahoma Natural Gas Company (ONG) for the relocation of ONG facilities on the Washington Street Improvements from Garnett to Olive (Project No. ST1616)**
- H. 18-1272 Approval of and authorization to execute Gas Facilities Relocation Agreement between Oklahoma Natural Gas Company (ONG) and the City of Broken Arrow for 23rd Street Houston to Kenosha Street Widening and Drainage Improvements (Project ST0914)**
- I. 18-1278 Approval of and authorization to execute Amendment Number 1 to agreement with Oklahoma Department of Transportation (ODOT) for the construction of Industrial Access Project, Project Number J3-3585(004), Job Piece Number 33585(04) pertaining to the City of Broken Arrow project - Nashville Street Industrial Collector Road and Waterline (Project Number ED1701)**
- J. 18-1273 Approval of and authorization to execute agreement with Oklahoma Department of Transportation (ODOT) for the improvements of the SH-51 (Broken Arrow Expressway) eastbound off-ramp to Lynn Lane (177th East Avenue/9th Street) as it relates to Traffic Signal Modification 9th Street & SH 51 Ramps (Project No. TS1801)**
- K. 18-1285 Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association**

- L. 18-1279 Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, LLC and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion**
- M. 18-1267 Approval of and authorization to withdraw the purchase of one (1) 3/4-ton crew cab truck from Bob Howard Dodge and delay the purchase until after the statewide vehicle contract is updated**
- N. 18-1174 Approval of and authorization to purchase one (1) ¾ ton cargo van from Bob Howard Dodge, pursuant to the Oklahoma Statewide Vehicle Contract, for the Fire Department**
- O. 18-1295 Approval of and authorization to purchase annual software maintenance services from Granicus**
- P. 18-1282 Notification of Professional Services Contracts with value of less than \$25,000 (Contract No. SURV 19-02)**
- Q. 18-1297 Approval of and authorization to execute Resolution No. 1142-Corrected, a Resolution of Necessity to Condemn Property located in the SW/4 of Section 17, T-18-N, R-14-E of the Indian Meridian, Tulsa County, Oklahoma, for the Washington Street Improvements, Garnett to Olive (Project No. ST1616)**
- R. 18-1262 Approval of and authorization to execute Resolution No. 1155, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 4.0, which consists of 0.0169 acres of permanent Right-of-Way and a Temporary Construction Easement for Parcel 4.1, which consists of 0.0011 acres for Kenosha Street Improvements, Date to Main, located in the Southwest Quarter of Section 2, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from JTD III Investments, LLC and authorization of payment in the amount of \$11,500.00 for the Kenosha Street Improvements: Date to Main, (Project No. ST1409)**
- S. 18-1244 Approval of and authorization to execute Resolution No. 1156, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 3, which consists of 0.12 acres of permanent Right-of-Way for Florence Street Improvements, Olive to Aspen, located in the Southwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Brooklyn Michelle and Micah David Clopton-Green and authorization of payment in the amount of \$5,040.00 for the Florence Street Improvements: Olive to Aspen, (Project No. ST1410)**
- T. 18-1246 Approval of and authorization to execute Resolution No. 1157, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 11a, which consists of 0.18 acres of permanent Right-of-Way and a Temporary Construction Easement for Parcel 11b, which consists of 0.010 acres for 37th Street Improvements, Albany to Houston, located in the Southeast Quarter of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from Roger Poffen and authorization of payment in the amount of \$66,500.00 for the 37th Street Improvements: Albany to Houston, (Project No. ST1413)**
- U. 18-1242 Approval of and authorization to execute Resolution No. 1158, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 16, which consists of 0.13 acres of permanent Right-of-Way for Florence Street Improvements, Olive to Aspen, located in the Northeast Quarter of Section 33, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from Aimee Marie Gudis and Lyndsey Lanae Dee and authorization of payment in the amount of \$9,150.00 for the Florence Street Improvements: Olive to Aspen, (Project No. ST1410)**
- V. 18-1263 Approval of and authorization to execute Resolution No. 1160, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 18, which consists of 0.08 acres of permanent Right-of-Way for Washington Street Improvements, Garnett to Olive, located at 11610 E 91st Street in the Northwest Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from 91st Land, LLC, the owner, authorization of payment in the amount of \$7,060.00 for the Washington Street Improvements: Garnett to Olive, Parcel 18 (Project No. ST1616)**
- W. 18-1264 Approval of and authorization to execute Resolution No. 1163, a Resolution of Necessity to Condemn Property located in the Northwest Quarter of Section 7, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the 23rd Street: Houston to Kenosha, widening project. Parcel 9 (Project No. ST0914)**
- X. 18-1230 Approval of BAZ-2013, EuroTexan, 1.05 acres, 1 lot, A-1 to CG, west of the southwest corner of Kenosha Street and Evans Road**
- Y. 18-1226 Approval of SP-291, Waters Edge Winery, 0.08 acres, request for a Specific Use Permit for micro food and beverage production in Area 6 of the Downtown Residential Overlay District, one-half mile north of Houston Street, west of Main Street at 116 South Main Street**

- Z. 18-1274 Acceptance of a Temporary Construction Easement from Gwendolyn L. McCullough Trust on property located at 4501 W Washington Street in the Northwest Quarter of Section 20, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Washington Street Improvements, Garnett to Olive, Parcel 17A (Project No. ST1616)**
- AA. 18-1281 Acceptance of a two (2) Temporary Construction Easements from Independent School District No. 3 of Tulsa County, Oklahoma, a.k.a. Broken Arrow Public Schools, on property located at 1301 East Albany Street, a tract of land in part of the Northwest Quarter of Section 1, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Southside Drainage Improvements, Parcels 3 and 4 (Project No. ST1411A)**
- AB. 18-64 Approval of the Broken Arrow City Council Claims List for November 05, 2018**

**6. Consideration of Items Removed from Consent Agenda**

There were no Items removed from the Consent Agenda. No action was needed or taken.

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

- A. 18-1284 Certificate of Recognition for citizens and employees for life-saving and heroic efforts presented by Mayor Thurmond**  
 Parks and Recreation Manager, Thor Rooks, recognized several citizens of Broken Arrow for heroic efforts performed on October 4, 2018 at the Central Park Community Center. Mr. Rooks reported, during a pickleball tournament, a local resident suffered a heart attack; the Broken Arrow Fire Department was dispatched and arrived in four and a half minutes. He stated Mr. Bill Bowlin recognized the emergency and called 911 while Mr. Jerry Farlin, Ms. Patti Pitcock and Ms. Jill Fitts performed lifesaving measures. He stated Tanner Wilburn retrieved the AED from the front desk area for use. He briefly described the event and thanked the citizens involved for heroic lifesaving efforts. He stated the gentleman who suffered the heart attack was home and doing well thanks to the citizens' assistance.

Mayor Thurmond presented Certificates of Recognition to Mr. Rooks, Mr. Wilburn and the citizens.

- B. 18-1287 Presentation of Financial Statements for the first quarter of Fiscal Year 2019 for the General Fund, Police Sales Tax Fund, Fire Sales Tax Fund, Sales Tax Capital Improvements Fund and the Broken Arrow Municipal Authority**  
 Controller, Tom Cook, presented the results of the first quarter of Fiscal Year 2019. He stated total sales tax collected was \$9.5 million dollars; this was \$733,000 dollars over the budgeted amount which brought the total current revenues for the first quarter to \$15,862,000 dollars, approximately \$1.3 million dollars above the budgeted amount. He stated total current expenditures were \$4.2 million dollars, with transfers out of \$9.8 million dollars, resulting in revenues over expenditures of \$1.85 million dollars. He reported the Police Sales Tax fund had current revenues of \$588,000 dollars, transfers in of \$5.584 million dollars from the General Fund, total current expenditures of \$4.7 million dollars, with a Capital Outlay of \$112,000 dollars, resulting in a net income of \$1.292 million dollars. He stated Fund 45 (Public Sales Tax Fund Fire) had \$581,000 dollars in current revenues, transfers in of \$4.5 million dollars, current expenditures of \$4.278 million dollars, and capital outlay of \$55,000, resulting in a net income of \$767,000 dollars.

Mr. Cook stated STCI's (Sales Tax Capital Improvements) year to date received \$1.9 million dollars in sales tax revenue with \$1.2 million dollars spent on Capital Projects. He stated this was on a cash basis; currently the fund balance had been raised to \$9.03 million dollars, but there was about \$3 million dollars in encumbered contracts in this fund. He stated STCI was a positive fund so far this year. He stated BAMA had charges for services (BAMA's primary revenue source) of \$12.679 million dollars with a total of \$13,080,000 in revenue. He explained, unlike the other funds, so far this year BAMA was below the budget of \$408,000 dollars and water revenues were below projection by \$300,000 dollars as a result of a rainy summer. He stated BAMA had current expenditures of \$7.8 million dollars, net loan proceeds and transfers for capital outlay, which brought the total available for debt service to \$10.5 million dollars. He stated debt service payments were \$7.6 million dollars and currently revenues were over expenditures in BAMA by \$2.8 million dollars for the Fiscal Year so far.

City Manager, Michael Spurgeon, stated this was the first quarter of the year, and while the financial report was very positive the city still had three quarters of the Fiscal Year to go. Mr. Cook 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)**

No citizens wished to address the Council on General Topics Related to City Business or Services.

## 9. General Council Business

### A. 18-1250 **Consideration, discussion, and possible approval to proceed with development of construction documents for Phase 1 of the Creative Arts Center project**

City Manager, Michael Spurgeon, reported the Broken Arrow voters approved a Bond to help fund the Center for Arts, Innovation and Creativity, and the city dedicated a portion of The Vision surplus to complete Phase 1. He stated last year City Council required the Creative Arts Center to secure operational funds prior to moving forward with Phase 1. He called Mr. Mark Frie forward.

Mr. Mark Frie, the Consultant for the Creative Arts Center, thanked the Arts OK Board Members and the Creative Arts Center Committee. He reported approximately seven months ago he was tasked to raise \$1.5 million dollars to finance a three year operating budget and he was currently at \$2.98 million dollars; \$1.5 million dollars to be provided during years 1, 2 and 3, and \$1.4 million dollars to be provided in years 4 through 10. He stated he felt this provided enormous stability for the Arts Center. He stated as this was a nonprofit arts group, the need to raise funds would never end, and it was his duty to raise funds and awareness. He thanked AVB Bank for its support and land donation. He thanked Kelley Rash for her ten year commitment to the project. He stated he felt this Creative Arts Center would be a hub in the Rose District. He stated Arts OK would manage the facility's day-to-day operations.

City Manager Spurgeon recommended moving forward with Phase 1 as the Center had secured operational funding as directed. He briefly described the next steps which would be taken in proceeding with this project; he hoped to bid the project in the summer of 2019.

Council Member Debra Wimpee asked what types of activities and events would be held at the Creative Arts Center. Mr. Frie responded the space was designed to conduct art classes such as water color, pottery, continued education opportunities, as well as after school activities for children. He stated once opened, the Center would be the home of the Kristin Chenoweth After School Program: a daily after school program which included art classes, socialization and homework time, as well as a hot meal. He reported evening activities included an art gallery and rentable spaces for social activities.

Council Member Mike Lester stated it seemed most donors to the Creative Arts Center were not necessarily Broken Arrow residents, but were patrons of the arts. Mr. Frie agreed; there were only three local donors on the list, the remaining donors were from all over the State of Oklahoma, especially Oklahoma City. He stated a partnership had begun with Allied Arts in Oklahoma City which he appreciated.

Council Member Johnnie Parks stated he felt this project would enhance the Rose District; he believed the Creative Arts Center would be a central hub for the district. Council Member Lester thanked Mr. Frie for his efforts on behalf of the Creative Arts Center and the City of Broken Arrow. Vice Mayor Eudey stated he was excited to see this project moving forward and congratulated Mr. Frie for his accomplishments on behalf of the Creative Arts Center. Mayor Thurmond stated the Creative Arts Center would be a welcome and positive addition to the Rose District. Council Member Parks asked if the existing building would be demolished. Mr. Frie responded in the affirmative.

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

### **Move to approve proceeding with development of the construction documents for Phase 1 of the Creative Arts Center Project**

The motion carried by the following vote:

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

### B. 18-1223 **Consideration, discussion, and possible approval of PUD-189C (Planned Unit Development), Highland 55 at Mission Hills, 19.62 acres, PUD-189/RM to PUD-189C/RM, located north of Albany Street, one-third mile west of 9th Street**

Plan Development Manager, Larry Curtis, reported PUD-189C involved 19.68 acres, which was part of PUD-189, with an underlying zoning of RM (residential multifamily). He stated PUD-189 contained 53.75 acres and had been approved by City Council on June 3, 2008 subject to the property being platted. He explained the 53.75 acres associated with PUD-189 was divided into three areas: A, B, and C; Development Area A (31.87 acres) was developed as Mission Hills Apartments; Development Area B (13.8 acres) was identified to have a permitted use of multifamily residential, and Development Area C (8.09 acres) had a permitted use of CG (commercial general). He stated PUD-189C proposed to encompass 5.82 acres of Development Area C into the 13.8 acres associated with Development Area B. He stated the developer proposed to build 98 duplex dwelling units on 19.62 acres which would be a reduction from the originally proposed 226 units for multifamily dwelling. He reported the property was not within a 100 year flood plain, was identified as Level 3 in the Comprehensive Plan, and PUD-189C was in accordance with the Comprehensive Plan in Level 3. He reported this would be a private gated community. He stated access to the property was currently from Fargo Street, through Lynn Lane Village and Country Lane neighborhoods to the north. He explained PUD-189C specifically recognized this sub street to the north would be restricted to emergency access only; primary access would be from the south,

through the access easement which would connect to Albany Street and align with 3<sup>rd</sup> Street. He stated on October 8, 2018 the Planning Commission concurred with staff and recommended approval by a vote of 3 to 0. He stated five residents spoke with concerns associated with this development regarding the pipeline that was located to the north, an increase of storm runoff, who would live in the development, age restrictions associated with the development, crime in the area, the projected start date, impact on property values, loss of wildlife and open space, and construction traffic through the neighborhood to the north (construction traffic would only enter through the south). He stated staff recommended PUD-189C be approved as recommended by Planning Commission and staff.

Mr. Curtis stated the applicant had been very accommodating. There were many things which needed to be accomplished through this process and the applicant was willing to work with staff in trying to find the best fit and best product for this area.

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

**Move to approve PUD-189C as recommended by the Planning Commission and Staff**

The motion carried by the following vote:

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

**C. 18-1289 Consideration, discussion, and possible approval of and authorization to execute the Fiscal Year 2018-19 Collective Bargaining Agreement with the International Association of Firefighters Local #2551**

Assistant Fire Chief, Mark Steward, reported the City Negotiation Team began contract negotiations in March of 2018 with the International Association of Firefighters Local #2551 regarding the Fiscal Year 2018-2019 Labor Agreement. He stated the Negotiation Team consisted of Michael Bates, Chief Jeremy Moore, Cindy Arnold and Jannette McCormick. He stated the Negotiation Team was currently out of town attending training for labor negotiations. He reported on October 4, 2018 the bargaining teams reached a tentative agreement; the IAFF ratified the proposed agreement on October 31, 2018. He gave a brief review of the agreement revisions including: overtime, call back time, drug and alcohol testing articles, special events and grooming AOP (Administrative Operating Procedures) policies, college tuition reimbursement, 2.5% base wage unit increase for all bargaining unit members. He stated the parties agreed to consider the Bennet Arbitration “Make Whole Award” on special events to have been satisfied and resolved as part of this agreement with no further financial impact owed by the city to any employee. He stated staff recommended approval of the Collective Bargaining Agreement with the International Association of Firefighters Local #2551, and authorization of its execution.

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

**Move to approve the Collective Bargaining Agreement with the International Association of Firefighters Local #2551 for Fiscal Year 2018-2019 and authorize its execution**

The motion carried by the following vote:

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

**D. 18-1268 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1164, a Resolution supporting the U.S. Census Bureau’s efforts to conduct a Complete and Accurate Count for the decennial 2020 Census**

Special Projects Manager, Farhad Daroga, reported every ten years the Decennial Census took place; the next would be in April of 2020. He explained to achieve a complete count the US Census Bureau and the Department of Commerce recommended communities form a Complete Count Committee to achieve an accurate count. He stated Resolution No. 1164 supported the 2020 Decennial Census. He stated the Census was important; it was used to redistrict the federal tax dollars. He stated the Census was approved every ten years, but the legacy effectively lasted for several years following.

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

**Move to approve Resolution No. 1164 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**

Council Member Lester encouraged Residents to vote tomorrow during Election Day. He announced he would be running for City Council reelection during the next election in April 2019.

Council Member Wimpee stated the Pride of Oklahoma was conducting a Send Off at 9 p.m.,

gates opened at 8:30 p.m.; the show this year was called “The United States of America.” She encouraged residents to attend. Mayor Thurmond concurred.

Council Member Parks announced he would be running for City Council once more for a Council Seat at Large.

Vice Mayor Eudey announced he also would be running for City Council once more.

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

City Manager, Michael Spurgeon, announced Mr. Trevor Dennis was the official new City Attorney. He reported Mr. Dennis graduated from Kansas State University with a Bachelor in Science and History and graduated from the University of Tulsa Law School with the highest honors in 2003. He stated Mr. Dennis worked in trial law for 7 years, was hired as the City of Broken Arrow Assistant City Attorney in 2010, was promoted to Deputy City Attorney in 2015 and served as Acting City Attorney from April 2018 through October 2018. He stated Mr. Dennis had successfully represented the City of Broken Arrow in litigation in both State and Federal Court, and was a graduate of the 2017 Broken Arrow Leadership Class. He welcomed City Attorney Dennis to his new position.

City Manager Spurgeon stated the third edition of the Thrive Newsletter was on the drawing board and would be released soon. He briefly reviewed some Thrive Newsletter highlights. He reported the Recycling Pilot Program open houses would be held on November 13, 2018 and November 14, 2018. He stated the Focus Newsletter would feature the Broken Arrow Development Services Department. He stated city staff continued to look at consulting services regarding the old Hobby Lobby space at the intersection of Elm Place and New Orleans. He stated he believed the city was doing due diligence, and the partnership between the city and the private sector would result in the revitalization of this location with a project which would result in a positive asset to Broken Arrow. He stated Mr. Russel Gale would be acting City Manager for the next three weeks and would begin negotiations for a new Broken Arrow Economic Development Corporation Contract to bring before Broken Arrow Economic Development Authority hopefully in December for review.

At approximately 7:13 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 BAEDA and BAMA**

The motion carried by the following vote:

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

At approximately 7:15 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 Joey Brashears 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. Potential litigation, including potential resolution of Amanda Ellsworth v. City of Broken Arrow, a pending tort claim, including possible authorization to settle this tort claim, 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 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.**

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

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

**Move to deny the tort claim filed by Joey Brashears against the City of Broken Arrow**

The motion carried by the following vote:

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

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

**Move to deny the tort claim filed by Amanda Ellsworth against the City of Broken Arrow**

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 7:38 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/Curtis Green\_\_\_\_\_  
City Clerk