



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 Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Tuesday, May 7, 2019

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Invocation was performed by Pastor Andrew Conley.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Vice Mayor 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 Scott Eudey, seconded by Debra Wimpee.

Move to approve the Consent Agenda.

The motion carried by the following vote:

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

- A. 19-9 Approval of the City Council Meeting Minutes of April 16, 2019**
- B. 19-483 Accept Planning Commission meeting minutes of March 28, 2019**
- C. 19-530 Approval of and authorization to execute a renewal with CoreSource, Inc. to provide third party administration for the employee health plan**
- D. 19-508 Approval of reimbursement of travel expenses for Mayor Craig Thurmond to attend the Tulsa Regional Chamber's Washington DC Fly-In**
- E. 19-534 Approval to appoint Council member Christi Gillespie to serve as an alternate to the Broken Arrow Public Schools' Redefining Ready Planning Committee**
- F. 19-546 Approval of and authorization to execute a Proclamation declaring May 18, 2019, as Kids to Parks Day in the City of Broken Arrow**
- G. 19-531 Approval of and authorization to execute a Proclamation declaring the week of May 5-11, 2019, as Drinking Water Week**
- H. 19-528 Approval of and authorization to execute a Proclamation declaring the week of May 19-25, 2019, as National Public Works Week**
- I. 19-559 Approval of and authorization to execute an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group, PLLC by and among, the City of Broken Arrow, the Broken Arrow Economic Development Authority and the Public Finance Law Group, PLLC**
- J. 19-466 Approval of and authorization to execute a Second Amendment to Economic Development Agreement by and among the City of Broken Arrow and B.A. Vespers, L.L.C.**
- K. 19-467 Approval of and authorization to purchase five (5) 2020 Durango Police Pursuit Vehicles from John Vance Motors, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department**
- L. 19-475 Approval of and authorization to purchase five (5) Dodge Charger Police Pursuit Vehicles from Bob Howard Dodge, pursuant to the Oklahoma Statewide Vehicle Contract, for the Police Department**
- M. 19-521 Award the lowest responsible bid to A & A Asphalt, Inc., and approve and authorize execution of a construction contract for Cold Milling Asphalt Streets**

- N. 19-522 Award the most advantageous bid to SourceOne and approval of and authorization to execute the Stormwater Grounds Maintenance Agreement
- O. 19-465 Notification of City Manager's, Assistant City Manager's, and Department Director's execution of Professional Services Contract with a value of less than \$25,000
- P. 19-481 Approval of PT17-106, Conditional Final Plat, Timber Ridge Business Park, 72.02 acres, 9 Lots, A-1 to IL/PUD-259, one-half mile west of Evans Road (225th East Avenue), south of Kenosha Street (71st Street)
- Q. 19-482 Approval of PT17-112, Conditional Final Plat, The Estates at Ridgewood, 41.18 acres, 86 Lots, A-1 to RS-3, one-quarter mile north of Houston Street (81st Street), one-quarter mile east of Midway Road (257th East Avenue)
- R. 19-516 Approval of SP-292 (Specific Use Permit), Independent School District No. 3 (Broken Arrow Public Schools), 38.734 acres, A-1, located one-half mile north of New Orleans Street (101st Street), one-half mile west of Evans Road (225th East Avenue)
- S. 19-512 Approval of and authorization to execute Resolution No. 1212, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 2 for the 23rd Street at 115th Street Sidewalk Improvements, specifically located at 11601 South 193rd East Avenue, Broken Arrow, in the Southwest Quarter of Section 31, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma, from the Turner Family Revocable Trust, (Project No. ST1943)
- T. 19-518 Approval of and authorization to execute Resolution No. 1214, a Resolution authorizing the acceptance of a General Warranty Deed for Parcel 10a, consisting of 0.23 acres of permanent Right-of-Way, a Temporary Construction Easement for parcel 10b consisting of 0.010 acres and a Drainage Easement for Parcel 10c consisting of 0.149 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 Dawson Enterprises, LLC and authorization of payment in the amount of \$10,700.00 for the 37th Street Improvements: Albany to Houston, (Project No. ST1413)
- U. 19-485 Acceptance of Temporary Construction Easements consisting of 0.32 acres and 0.65 acres from William and Kathryn Darnell, on property located at 12608 South 185th East Avenue located in part of the Southwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,300.00 for the County Line Trunk Sewer Replacement, Parcel 3.1, 3.2 (Project No. S.1609)
- V. 19-497 Acceptance of Temporary Construction Easements consisting of 0.77 acres from Jerry L. Woodward, on property located at 13185 South 177th East Avenue located in part of the Northwest Quarter of Section 12, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$5,000.00 for the County Line Trunk Sewer Replacement, Parcel 6.A (Project No. S.1609A)
- W. 19-498 Acceptance of Temporary Construction Easements consisting of 0.18 acres and 0.41 acres and 0.05 acres from Margaret E. Crawford, on property located at 12720 South 185th East Avenue located in part of the Southwest Quarter of Section 1, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, and authorization for payment in the amount of \$2,000.00 for the County Line Trunk Sewer Replacement, Parcel 2.1, 2.2, 2A.1 (Project No. S.1609)
- X. 19-472 Approval of and authorization of Final Acceptance for the public improvements at Aspen Crossing Patio Homes located at the North East corner of Aspen Avenue and Jasper: Water, Sanitary Sewer; Paving and Stormwater
- Y. 19-473 Approval of and authorization of Final Acceptance for the public improvements at Aspen Crossing Phase I located at the North East corner of Aspen Avenue and Jasper
- Z. 19-474 Approval of and authorization of Final Acceptance for the public improvement at Goodwill Donation Center located at Kenosha and Evans Road: Paving
- AA. 19-471 Approval of and authorization of Final Acceptance for the public improvements at Oak Creek South II located at 23rd Street and Houston Avenue
- AB. 19-470 Approval of and authorization of Final Acceptance for the public improvements at Reserve at Aspen Ridge located on Aspen Avenue between Tucson and Jasper
- AC. 18-1432 Approval of the Broken Arrow City Council Claims List for May 07, 2019

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 19-417 Presentation, discussion, and possible acceptance of the 2019 Broken Arrow Youth City Council's Big Idea: Gateway Beautification
Community Relations Liaison, Jennifer Hooks, reported as part of the Youth City Council

(YCC) experience each school year YCC students were asked to research and select an idea to present to the City Council which would benefit the City of Broken Arrow. She noted this year the Youth Council partnered with local organizations to develop the idea of beautifying Broken Arrow. She stated the YCC spoke with the Streets and Stormwater Department, Keep Broken Arrow Beautiful, and the Metropolitan Environmental Trust with the objective to make a favorable and lasting first impression on visitors to the City of Broken Arrow. She introduced Youth City Council Mayor My Vu Le, and Vice Mayor Kelsie Schwab.

Youth City Council Mayor My Vu Le reported this year’s Big Idea to better the Community was Gate Way Beautification. She indicated Gateways were the first impression travelers had of the Community of Broken Arrow and it was important to beautify the gateways. She noted primary gateways were the crucial entry points into the Community, such as the Broken Arrow Expressway and the Creek Turnpike while secondary gateways were located along the major and minor arterials such as Kenosha, Houston, Washington and Elm. Youth Vice-Mayor Kelsie Schwab suggested using flower beds accented with cut stone borders or shrubberies for the primary gateways. She displayed photos with examples. She suggested utilizing bench walls or brick towers along with flower landscaping and signs reading “Welcome to Broken Arrow” or “Broken Arrow Where Opportunity Lives” along the secondary gateways. She displayed photos with examples. Youth Mayor My Vu Le noted challenges included initial cost, maintenance cost, obtaining landowner permission, and safety concerns. She suggested partnering with entities and organizations such as Keeping Broken Arrow Beautiful, the MET (Metropolitan Environmental Trust), ODOT (Oklahoma Department of Transportation), OTA (Oklahoma Turnpike Authority), and local nurseries for assistance, as well as utilizing funds from the 2018 GO Bond and possibly obtaining grants. Youth Vice Mayor Kelsie Schwab requested City Council support the Youth City Council initiative and make it a priority.

Council Member Wimpee asked if the Youth City Council had checked to see what grants were available or had an idea of the cost of such a project. Youth Vice Mayor Schwab responded the Youth City Council had not researched specific grants; the YCC believed there was money available in the GO Bond fund. She stated the Youth City Council would be happy to research possible grants and return to City Council with suggestions. City Manager Spurgeon reported there was indeed funds in the GO Bond earmarked for beautification, approximately \$1.5 million dollars to \$2 million dollars. He noted the areas chosen for beautification by the Youth City Council were the same areas which the City Council and city staff considered for beautification. Council Member Wimpee agreed. Mayor Thurmond stated he believed it was also a good idea to develop partnerships for assistance as well. Vice Mayor Eudey he agreed it was an excellent idea to beautify the gateways to the City of Broken Arrow. He commended the Youth City Council for its research and presentation.

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

Move to accept the Big Idea presented by the Youth City Council

The motion carried by the following vote:

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

B. 19-418 Presentation by the Broken Arrow Youth City Council on the 2019 Congressional City Conference, and recognition of Youth City Council Members and presentation of certificates

Ms. Jennifer Hooks reported the Youth City Council met regularly during the school year under the direction of City Council Member Johnnie Parks and Vice Mayor Scott Eudey along with Members of Staff. She reported this year the Youth City Council had the opportunity to hear presentations from various departments including Police, General Services, Sanitation, Human Resources, City Clerk, Utilities and Streets and Stormwater. She stated the Youth City Council toured the History Museum and the Water Treatment Plan. She reported six seniors completed a 2 year term and five were able to travel to Washington DC in March and would make a presentation regarding this trip. She stated City Council would be presenting certificates of recognition to the seniors: Shwetanshu Das, Brianna Hayes, Nathan Hubbard, My Vu Le, Madison Sipes, and Kelsie Schwab.

Youth City Council Member Nathan Hubbard reported at the National League of Cities Conference Youth Session in Washington DC the Youth City Council had the opportunity to meet with other Youth City Councils from other cities and states and discuss issues and projects. He reviewed several discussions with, and accomplishments of, other Youth City Councils. He commented it was an interesting opportunity to learn what other Youth City Councils were accomplishing. He reported the Broken Arrow Youth City Council had the opportunity to meet the Mongolian Ambassador, the Director of the Peace Corp and several other important individuals. He discussed the non-business side of the trip and the opportunities the YCC had for sight-seeing. He noted he found the trip an excellent learning opportunity and immensely enjoyable.

Youth City Council Member Shwetanshu Das reported upon attending the Session on Diversity and Inclusion, which included a City Councilor from Branson, MO, and from San

Antonio, TX, the importance of diversity in a city was discussed. He noted San Antonio had a Diversity Office, partnered with nonprofit organizations and other groups in the community for immigrants, and emphasized the importance of international students at university. He stated while exploring Washington DC, the Youth City Council had the opportunity to meet Broken Arrow's Congressman and to tour the Capital. He reported the Youth City Council learned a great deal at the National League of Cities Conference.

Mayor Thurmond presented the certificates of recognition to the Youth City Council Members who were present. Photos were taken to commemorate the moment.

Mayor Thurmond commended the Youth City Council for its presentations. He stated he felt the Big Idea was excellent.

Council Member Johnnie Parks noted this year's Youth City Council was extremely motivated and task oriented. He noted the Youth City Council Meetings were all well attended. He commended the Youth City Council for its efforts. He indicated next year sophomores would be welcome to join Youth City Council. He noted Youth City Council applications were available online. He commended Jennifer Hooks for her efforts.

Vice Mayor Eudey agreed. He noted this year's Youth City Council was an excellent hard working group. He stated the website for applications was www.brokenarrowok.gov/youth-city-council. He commended Council Member Parks for his efforts with the Youth City Council.

C. 19-409 Presentation of Local Technical Assistance Program (LTAP) Road Scholar Certificates to Streets and Stormwater employees Shawn Edwards, Nikolas Moler, John Terry, Jonathan Brown and Will Remington

Director of Streets and Stormwater, Rocky Henkel, reported Shannon Sheffert with the Oklahoma State University College of Engineering, Architecture and Technology would discuss LTAP and the Road Scholar Program.

Mr. Shannon Sheffert thanked City Council for the opportunity to make his presentation. He noted the Local Technical Assistance Program (LTAP) was housed out of Stillwater in Oklahoma State University, but was a State-wide program which worked with city employees, county commissioners, tribal governments, NPOs, etc. He stated this was a transportation related training program which included a wide array of transportation related topics. He briefly reviewed his past career and indicated he enjoyed working with LTAP. He gave a brief history of the Road Scholar Program which began in 1993 and consisted of 8 core classes, totaling 112 hours including bridge maintenance, construction, repair, soil properties, excavation safety, manual of uniform traffic control devices, etc. He noted the program was an excellent program which expanded city employee knowledge and ability. He presented Road Scholar Certificates to Jonathan Brown, Nikolas Mole, Shawn Edwards, William Remington and John Terry. Photos were taken to commemorate the moment.

Mayor Thurmond congratulated the Road Scholar Certificate recipients.

D. 19-479 Presentation of an annual report by representatives of Cox Communications, a cable service provider with a Non-Exclusive Franchise with the City of Broken Arrow, and regarding the services provided by Cox and operation of cable system

Cox Communications Tulsa Market Vice President, Roger Ramseyer, stated Cox was privileged to serve in Broken Arrow. He noted Cox continued to invest in technology. He reported Cox was involved in a wide variety of businesses, including Cox Residential Services, Cox Business, and Cox Media. He noted the four main product lines were Internet, Video Services, Telephone, and Security Services. He reported in January Cox announced it was the first provider to declare 100% of Broken Arrow gig enabled, meaning every resident in Broken Arrow had access to gigabyte speed internet where Cox services were available. He stated Cox was a major investor in the Broken Arrow Chamber and were proud sponsors of the Broken Arrow Performing Arts Center. He stated Cox charity programs continued to fund many classroom grants; this past year approximately \$12,000 dollars were donated to Broken Arrow classrooms and Cox was the lead investor for C-SPAN (Cable-Satellite Public Affairs Network). He discussed Cox sports programming. He discussed Cox Wi-Fi offerings and new programs including the ability to automatically shut off Wi-Fi at certain times daily, as well as voice control security services. He noted 25 high definition television channels were added in 2019, as well as streaming services and abilities. He reported Cox served the Broken Arrow School District providing data, data security and telephone services. He stated cyber security was a high priority for Cox Business. He stated Cox continued to construct hubs which enabled internet and cell phone services. He stated Cox had constructed over 10 miles of additional fiber technology, had completed approximately \$1.6 million dollars in build-outs to new residential developments within the city limits, and continued to install fiber technology in homes. He noted Cox replaced 7 miles of outdated older damaged fiber lines. He noted Cox continued to strive to be a leader in technology in Cyber Security and ensuring Broken Arrow was an attractive place for businesses and residents.

He stated Cox Communications was proud to serve the great City of Broken Arrow.

E. 19-524 Presentation, consideration, discussion and acceptance of the City of Broken Arrow Annual Financial Statements, Single Audit Report and the Independent Auditors Report for Fiscal Year 2017-2018

Director of Finance Cindy Arnold reported Clint Everhart with Arledge and Associates would review the 2018 Audit.

Mr. Clint Everhart with Arledge and Associates thanked City Council for the opportunity to meet Broken Arrow's annual audit requirements. He reported Broken Arrow earned an unmodified opinion which was the best possible opinion. He stated page 13, the Statement of Net Position showed there was in total for the primary government unit approximately \$330.4 million dollars in net position, which was an increase of approximately \$20.6 million dollars over the prior year. He stated the city was in a strong financial position and was improving its financial position steadily. He reported the GO Bonds and other City Debt included a Schedule of Debt Service Coverage Requirement and a Debt Reserve Account Balance Requirement which were met. He stated the Audit Communication Letter indicated there were two misstatements of an immaterial nature and there were no disagreements with management. He stated the Single Audit Report indicated an unmodified opinion. He noted there was one finding related to timing; however, the timing had improved by three months since the previous year and he believed next year there would be no issue. He stated the Broken Arrow Finance team did an amazing job with Audit compliance and cooperation.

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

Move to accept the City of Broken Arrow Annual Financial Statements, Single Audit Report and the Independent Auditor's Report for FY 2017-2018

The motion carried by the following vote:

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

F. 19-544 Presentation and possible discussion regarding Tax Increment Financing (TIF) Districts and a proposed project area, Creek 51 Business Park, located near West of the Creek Turnpike, South of Highway 51

Economic Development Manager, Norm Stephens, reported he was responsible for recruitment of manufacturing into the city. He stated manufacturing was the life blood of Broken Arrow's economic development and Broken Arrow was the third largest city in terms of manufacturing in the State of Oklahoma. He indicated it was difficult to find available property which was shovel-ready for manufacturing sites. He noted the east side of Broken Arrow was intended for manufacturing expansion. He reported two years ago Mr. Rex Robertson and Mr. Ricky Jones of Tanner Consulting contacted him to discuss a piece of property located on the south side of State Highway 51 near the Creek Turnpike regarding development of a 90 acre business park. He stated Mr. Robertson indicated when a business park of this magnitude was developed there was a tremendous cost over and beyond cost of the land which included industrial access roads, water lines, sewer lines, etc. He stated he began to research the ways in which Broken Arrow could partner with Mr. Robertson; he had conversations with the State of Oklahoma in reference to the Industrial Access Fund and met regularly with Wagoner County Economic Development Corporation in an effort to secure funding. He noted progress was sluggish and he and Mr. Robertson discussed the possibility of a TIF. He indicated he met with partners of taxing entities in Wagoner County, Broken Arrow Public Schools, and City Manager Spurgeon to discuss the possibility of a TIF. He invited Mr. Ricky Jones with Tanner Consulting to discuss the Creek 51 Business Park plan.

Mr. Ricky Jones thanked and commended Broken Arrow Staff who had been extremely involved and helpful during this process. He explained the project was approximately 97 acres of business industrial park. He displayed a map which displayed the proposed development. He noted along the frontage of Highway 51 would be retail and commercial, while along the back would be the light manufacturing and clean manufacturing. He stated there had been numerous inquiries of interest regarding the project from a half acre tract up to a 40 acre tract. He stated he, Mr. Norm Stephens, and Mr. Robertson would attend ICSC (International Council of Shopping Centers) in two weeks and had several meetings set with contractors and potential users. He reported the property had a number of developmental constraints including wetlands, oil wells, and limited highway frontage. He noted he had worked with the Fire Department to ensure adequate access points. He reported first submittal engineering plans had been submitted to the city and the preliminary plat would go before the Planning Commission on Thursday. He noted a lot of interest had been expressed regarding this project with very little advertisement.

Mr. Stephens stated Mr. Nathan Ellis with Public Finance Law Group was prepared to make a presentation of the process of creating a Tax Increment Finance District. Mr. Nathan Ellis reported the purpose of a TIF was to provide an incentive to move economic development forward. He stated the first action taken formally by a city with respect to TIF creation was passage of a Resolution of Intent which was not a binding resolution, but directed the development of a project plan and established a Statutory Review Committee.

He explained the Committee was comprised of a member of the City Council, a member of the Planning Commission, representatives of each affected taxing jurisdictions, and three members of the Community of Broken Arrow. He stated the Committee would review the project plan, perform a financial analysis, and make a recommendation to the City Council, as well as a financial report. He briefly explained each of these steps. He stated the Planning Commission would also review the project plan and make a recommendation. He stated two Public Hearings would be held; the first with a presentation of the project plan with a question and answer session and the second as an opportunity for public input. He stated following these steps an Ordinance would be recommended to the city for consideration.

City Manager Spurgeon asked what the time frame might look like for this process. Mr. Ellis responded the shortest possible time period would be two months as there were statutory constraints regarding notice for the Public Hearings. Council Member Parks asked if there was a TIF which involved a City Sales Tax. Mr. Ellis responded in the affirmative. Discussion ensued regarding TIF involvement, City Sales Tax, impacted taxing jurisdictions, ad valorem tax, the inability to capture State Sales Tax, the ability to capture County Sales Tax with County Commissioner authorization, and other TIF districts.

Council Member Wimpee asked if the Public Schools approved of the proposed TIF district. City Manager Spurgeon responded in the affirmative. He noted Dr. Janet Dunlop would be appointed to serve on the advisory Committee representing Broken Arrow Public Schools. Vice Mayor Eudey commented the Broken Arrow Public Schools had a voice on the Committee and played an important part in TIF development. Mr. Ellis agreed.

City Manager Spurgeon asked if City Council needed to make an action regarding this proposal. City Attorney, Trevor Dennis responded in the negative; this presentation was for informational purposes only.

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)

There were no Citizens who wished to address City Council on general topics related to City Business or Services.

9. General Council Business

A. 19-489 Consideration, discussion, and possible approval of and authorization for Mayor Craig Thurmond to execute a letter supporting the City of Broken Arrow application for Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant funds for 23rd Street (Project ST0914)

Engineering and Construction Director, Alex Mills, reported this item authorized the Mayor to sign a Letter of Endorsement for the BUILD grant application. He gave a brief history of previous applications for BUILD grants. He stated this project was multi-jurisdictional and scored very highly for grant approval. He stated INCOG (Indian Nations Council of Governments) recommended Broken Arrow hire a specialized outside consultant to assist with application preparation. He noted he was communicating with a potential consultant and would possibly return to City Council requesting approval for a consulting fee.

Council Member Wimpee asked if a denied application was given an explanation for denial. Mayor Thurmond responded in the affirmative. He noted this was a \$5 million dollar grant which would be greatly beneficial if won.

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

Move to approve and authorize the Mayor to execute the letter of support from the City of Broken Arrow requesting BUILD grant funds

The motion carried by the following vote:

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

B. 19-352 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1188, a Resolution of Necessity to Condemn Property that is generally located at 11406 South 193rd East Avenue, Broken Arrow, in the Northeast Quarter of Section 36, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609)

Mr. Alex Mills reported this was a Resolution of Necessity to Condemn Property related to the County Line Trunk Sewer Project. He noted city staff made numerous attempts to resolve this issue in a cooperative fashion with the landowner. He stated an offer of \$6,860 dollars was made initially based on a general market analysis; this was turned down, so the city had an appraisal done which demonstrated a lower value. He noted again the offer of \$6,860 dollars was made and turned down; therefore, he asked for approval of Resolution No. 1188.

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

Move to approve Resolution No. 1188 and authorize its execution

The motion carried by the following vote:

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

- C. 19-484 **Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1211, a Resolution of Necessity to Condemn Property generally located at 13600 S 177th East Avenue, Broken Arrow, in the Southwest Quarter of Section 12, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer Replacement, (Project No. S.1609A)**
Mr. Alex Mills reported this was another Resolution of Necessity to Condemn Property related to the County Line Trunk Sewer Project. He noted city staff made numerous attempts to resolve this issue in a cooperative fashion with the landowner. He stated the city received a counter offer; unfortunately, it was much more than market analysis and appraisal value. He asked for approval for Resolution No. 1211. Council Member Parks mentioned this was for a temporary construction easement, not a permanent easement. Mr. Mills concurred.

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

Move to approve Resolution No. 1211 and authorize its execution

The motion carried by the following vote:

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

- D. 19-517 **Consideration, discussion, and possible direction to Staff to continue discussions and negotiations for the possible approval of the Mission 22 War at Home Memorial**
Mr. Alex Mills reported the Mission 22 War Association approached the City of Broken Arrow Parks Department regarding the inclusion of a Mission 22 War at Home Memorial at Veteran's Park. He briefly reviewed the history of how the project had developed. He noted Muskogee Creek Nation was interested in partnering for this project possibly donating a total of \$50,000 dollars for the Memorial and donating construction staff to assist in Memorial construction. He displayed and reviewed a cost estimate of the Memorial as designed by R.L. Shears Company, P.C. He noted there was a significant funding gap which might be lessened if city staff assisted with construction of certain aspects of the construction, for example, Streets and Stormwater constructing the sidewalks. He indicated he was before City Council asking for direction. He asked if City Council wished him to further explore this, and if so, what funding level did the Council feel was acceptable.

Mayor Thurmond stated Mission 22 encouraged awareness of the 22 military veterans which committed suicide daily. He stated he believed this was an important monument and an important cause. Vice Mayor Eudey concurred. Discussion ensued regarding the different lines of cost and which lines were funded, which were not, and the reasons for each. Vice Mayor Eudey asked if the funding could be moved around to cover different costs of the project. Mr. Mills responded in the affirmative. He noted the construction could be phased over time and/or the project could be scaled back. Vice Mayor Eudey commented the original project presentation was not as large as this project. He stated he felt the project should be evaluated to determine how to use current funding to build the project and gradually expand the design as funding allowed.

Mr. Robert Shears reported he was retained by Mission 22 to design the War Hill Memorial. He stated Mr. Coon of Mission 22 originally had the idea of bring silhouettes from Virginia to Broken Arrow and including the silhouettes along a pathway for view. He noted it was determined the best place for the memorial would be between the Women's War Memorial and the pond. He displayed and discussed an illustration of the design plan. He noted the Memorial did grow in concept, but was a deserving memorial. He stated he could take a second look at possible phasing of the project. Council Member Wimpee noted the silhouettes were massive, measuring 10 feet tall, 4 feet wide and weighing 1,000 pounds. Mr. Shears displayed and discussed an illustration of the silhouettes.

Vice Mayor Eudey stated he felt the priority should be given to the display of the silhouettes and this should be the first step.

Mr. Michael Coon with Mission 22 stated he agreed with Vice Mayor Eudey; it was important to display the silhouettes first and foremost. He noted the granite used to display the silhouettes would be funded by Mission 22 and Muskogee Creek would assist with installation. He stated on July 11, 2019 he was heading to Norfolk, VA to move the Memorial from Virginia to Broken Arrow. He discussed the trip he would be taking with the Memorial, the assistance he would receive, as well as the escorts which would be provided. He stated he was pleased to be bringing this Memorial to Broken Arrow, and the veterans were excited as well. He thanked Broken Arrow for its patronage. He noted this would be the first National Monument in the State of Oklahoma.

Mr. Mills stated this project could be managed in the same manner as Reflection Park, where the Engineering and Construction Department coordinated the construction efforts and self-performed some tasks in an effort to reduce costs.

Council Member Parks stated as a veteran he appreciated any Veteran Park expansion and he

approved of this Memorial. He stated as a teacher he felt the Veteran Park was an excellent educational tool. He noted he agreed the display of the silhouettes should take priority and the remainder of the Memorial could be completed in phases, and constructed over time as funding became available.

Mr. Mills asked if he understood City Council wished him to use today's plan as a master plan for the Memorial, work with Muskogee Creek Nation, work with Mission 22, and return with a staged approach to this project with priority given to erection of the silhouettes, followed by a plan to stage the remaining improvements, ultimately completing the master plan as shown. Vice Mayor Eudey responded in the affirmative. Council Member Parks agreed. Mayor Thurmond agreed. He stated he firmly believed in the importance of this Memorial and the cause of veteran care emotionally, as well as physically. Council Member Gillespie thanked Mr. Coon and his family for their sacrifice. She stated suicide had affected her family and friends; she believed this was an important issue and she fully supported the monument.

Mr. Mills stated he would return to City Council with a potential plan for input and approval.

Council Member Wimpee noted once the silhouettes arrived the silhouettes required sandblasting and powder coating. She asked how long this process would take.

Mr. Coon discussed the process of installation of the silhouettes including silhouette preparation, grading, cement pouring, granite installation, etc. He stated once the silhouettes arrived the silhouettes would be stored for nine months. He noted it would be summer of 2020 when the silhouettes would be placed.

E. 19-506 Consideration, discussion, and possible appointment of Davis Robson to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022

Mr. Norm Stephens reported Article 2 of the bylaws of the Broken Arrow Economic Development Corporation provided for nine directors, three of whom would be represented as selected by the Broken Arrow City Council, the Broken Arrow Board of Education and the Broken Arrow Chamber of Commerce. He noted Executive Committee nominations of Directors would be made collaboratively by the Broken Arrow City Manager, Public Schools Superintendent and the President of the Chamber of Commerce. He noted nominations were then submitted to the City Council, the School Board and the Chamber. He stated Michael Cooper's term was expiring in 2019 and David Robson was requested to be appointed in his place. He explained Mr. Davis Robson was a business man whose family had been in business in the City of Broken Arrow for many years. Council Member Parks asked when Mr. Robson's term would expire. Mr. Stephens responded May 31, 2022. Vice Mayor Eudey asked if the School Board or Executive Committee approved this appointment. Mr. Stephens responded in the negative; City Council approval was the first step. City Manager Spurgeon stated he had spoken with Mr. Michael Cooper as Chairman of the Chamber, and Dr. Janet Dunlop with the Public Schools, who were in support of Davis Robson's nomination.

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

Move to approve the appointment of Davis Robson to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022

The motion carried by the following vote:

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

F. 19-507 Consideration, discussion, and possible reappointment of Jim Beavers to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022

Mr. Norm Stephens explained this item also applied to Article 2. He noted the term of Jim Beavers expired June 1, 2019 and he was nominated to be reappointed to a term expiring May 31, 2022. He stated Mr. Beavers was a resident of Broken Arrow, well recognized business person and community leader, who had served the Board well and was willing to continue his service.

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

Move to approve the reappointment of Jim Beavers to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a three year term beginning June 1, 2019 and expiring May 31, 2022

The motion carried by the following vote:

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

G. 19-515 Consideration, discussion, and possible approval of the nomination and appointment of Rob Whitlock to the City of Broken Arrow Board of Adjustment to fulfill and unexpired term expiring May 1, 2020

Acting Director of Development Services Larry Curtis explained Board of Adjustment Members were appointed to serve three year terms. He stated Pablo Aguirre was appointed to the Board of Adjustment for a three year term set to expire May 1, 2020, but was subsequently appointed to the Planning Commission on February 2, 2018, leaving open a vacant seat on the Board of Adjustment. He noted Rob Whitlock was recommended by Mayor Craig Thurmond to complete Mr. Aguirre’s remaining term to expire May 1, 2020.

Council Member Parks asked about the selection process. City Manager Spurgeon noted the selection process would be discussed at the May 21, 2019 City Council Meeting. Council Member Parks expressed his opinion regarding the selection process; it was important for City Council Members to have a say in board nominations. He commented it was unethical to tell other board members how to vote or even discuss matters outside of meetings.

Mayor Thurmond agreed City Council Members should all have a say in board nominations. He stated Council Member Gillespie expressed concern regarding not being made aware of nominations. He explained the nominations were made prior to Council Member Gillespie’s election; however, he approved of Council Member Gillespie’s nomination and mentioned the possibility of appointment said nominee to the Planning Commission or Board of Adjustment. He stated he did not consider his friends for appointment, he considered individuals who well qualified and would serve excellently. He explained his reasons for his nomination of Rob Whitlock. Council Member Parks stated he had known the Whitlock family for many years and agreed Mr. Whitlock would serve excellently, but he wished to return to past methods of nomination.

Council Member Gillespie stated the individual Mr. Whitlock replaced was moved to the Planning Commission which she felt was appropriate; however, Mr. Whitlock was the Chairman of the EDC (Economic Development Corporation) and she felt in a city of 115,000 citizens there were other appropriate individuals to serve on the various boards. She stated citizens should not serve on multiple boards and the boards needed diversity. She agreed each City Council Member should submit a candidate for nomination.

Vice Mayor Eudey stated he was not approached for a suggestion of a nomination; however, he felt he did not need to wait to be approached prior to making a suggestion. He stated when the decision for reconsideration was reached he recommended several individuals; however, ultimately today’s process was the approved process, approved by the City Council four years ago. He stated when a nomination was made by any Member of the Council he considered the nominee’s qualifications, were there any disqualifications such as moral turpitude or legal malfeasance, and conflicts of interest. He noted in this particular instance he consulted with the nominee wondering if there was indeed a conflict how said conflict would be addressed; he was satisfied with the nominee’s response. He stated if a candidate was otherwise qualified he had no right to deny the appointment. He stated unfortunately with this particular nomination, due to errors made at an earlier hearing, there would be a review; however, he approved of periodic governmental review.

Council Member Parks stated Council Member Gillespie had an excellent point in that Broken Arrow had over 100,000 citizens.

Council Member Wimpee agreed diversity was needed on the boards and individuals should not serve on multiple boards.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to approve the nomination and appointment of Rob Whitlock to the City of Broken Arrow Board of Adjustment to fulfill and unexpired term expiring May 1, 2020
The motion carried by the following vote:
Aye: 3 - Johnnie Parks, Scott Eudey, Craig Thurmond
Nay: 2 - Christi Gillespie, Debra Wimpee

- H. 19-540

Consideration, discussion, possible approval of and authorization to execute a Settlement Agreement and a Mutual Access Easement Agreement with Joyce Summers regarding property located at 100 East Kansas Street in the City of Broken Arrow, Tulsa County; acceptance of an Easement for Access to Property consisting of 0.084 acres on said property from Joyce Summers; authorization for payment in the amount of \$5,347

City Attorney, Trevor Dennis, reported Joyce Summers lived at 100 East Kansas Street in the City of Broken Arrow. He stated in August 2004 the city constructed a sidewalk within a street road easement, but not a dedicated sidewalk easement. He explained as a result Ms. Summers has an alleged cause of action against the City of Broken Arrow for inverse condemnation for taking her property for public purpose without compensation. He noted in an effort to address the situation the City Attorney’s Office had conversations with Mr. Randy Duncan, Ms. Summers’ attorney, and the above settlement was reached. He explained Ms. Summers’ wished to have the sidewalk relocated to another section of her property with her consent and to be provided payment for damages in the amount of \$5,347 dollars. He

explained how the \$5,347 dollars was determined. He stated he felt the proposed settlement was a reasonable resolution which provided a sidewalk for the students in the area and as such staff recommended approval.

Council Member Parks asked if he understood correctly the city built a sidewalk on private property without an easement present. City Attorney Dennis responded in the affirmative. He stated he believed it was a situation in which students had walked the path of least resistance and the city paved a sidewalk along this path, unfortunately without the proper agreements in place.

City Manager Spurgeon stated he ran into these types of nuances occasionally and he thanked Mr. Kenny Schwab for his efforts in resolving this. He state he believed the city needed to take responsibility. He stated he was not happy about it, but he was in agreement with the settlement. He recommended approval.

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

Approve and authorize execution of the Settlement Agreement and Mutual Access Easement Agreement; accept the Mutual Access Easement; and authorize payment according to the terms of the Settlement Agreement

The motion carried by the following vote:

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

I. 19-406 Consideration, discussion, and possible appointment of two (2) Trustees to the Oklahoma Municipal Assurance Group Board and approval of and authorization for the Mayor to execute the official ballot casting votes for the two (2) Trustee appointments with three year terms commencing July 1, 2019

City Attorney Dennis reported the Oklahoma Municipal Assurance Group (OMAG) was a consortium of local municipalities in the State of Oklahoma which could share risks and procure insurance. He stated the City of Broken Arrow had been a member of OMAG since 1982 and periodically Board seats would come open. He noted two Trustees terms would expire July 1, 2019 and the OMAG circulated a ballot. He stated after review of the biographical summaries staff recommended the ballot be cast for Justin Battles, Acting City Manager and Parks Director for the City of Mustang, OK and Jeremy Frazier, City Manager of El Reno, OK.

City Manager Spurgeon stated he knew Jeremy Frazier, City Manager of El Reno, through the Oklahoma City Manager's Association and he believed Mr. Frazier was a good person and a good steward. He stated he knew of Justin Battles and felt Mr. Battles was an appropriate selection as well.

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

Move to appoint two Trustees to the OMAG Board and approve and authorize the Mayor's execution of the Official Ballot

The motion carried by the following vote:

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

J. 19-558 Consideration, discussion, and possible approval of and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2017-2018

Director of Finance, Cindy Arnold, reported the Oklahoma State Statute required publication of the Notice of Availability which would be published in Tulsa World. She read the Notice which began "On the 7th day of May 2019 the Broken Arrow City Council accepted the City of Broken Arrow's Annual Audit." She asked for approval of the Notice of Availability and authorization for publication.

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

Move to approve the Notice of Availability and Annual Audit for the Fiscal Year 2017-2018 and authorize its publication

The motion carried by the following vote:

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

10. Preview Ordinances

A. 19-496 Consideration, discussion, and possible preview of an Ordinance for a Utility Easement Closure from Linda Philpott, on property located one quarter mile south of Florence Street (111th Street), one quarter mile west of Elm Place (161st East Avenue), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E)(Windsor Estates)

City Attorney Dennis indicated Ms. Philpott lived at 5205 South Lions Avenue; her home was built in 1983 and it was discovered the home encroached upon a City easement by 2.25 feet. He explained the original survey did not show this; however, when she wished to sell her home this issue arose. He noted an application to close the utility easement had been submitted to enable Ms. Philpott to sell her home. He stated the utility companies had no objection to closing the easement and the City of Broken Arrow would not have its utilities impacted by this closure. He stated he recommended the City Council preview the ordinance

and set it for adoption.

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

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

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

11. Ordinances

A. 19-449

Consideration, discussion, and possible adoption of Ordinance No. 3568, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD-264, generally located on the northeast corner of Tucson Street (121st Street) and 9th Street (177th East Avenue), granting PUD-264 zoning classification be placed upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

City Attorney Dennis reported Ordinance No. 3568 was the codification for the zoning for PUD-264. He stated this was a plat for the Top Dog training facility which had been recorded. He stated staff recommended approval of Ordinance No. 3568 and the emergency clause.

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

Move to approve Ordinance No. 3568

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 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

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond commended Council Member Parks and Vice Mayor Eudey regarding the Youth City Council.

Council Member Gillespie congratulated her nephew, Brayden Strickland, for winning second place at State in golf.

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

City Manager Spurgeon reported the proposed FY-2020 Municipal Budget had been transmitted to the governing body, City Council received copies and at a Special Meeting on May 9, 2019 the budget would be reviewed. He stated on June 3, 2019 there would be a Public Hearing with potential budget adoption on June 17, 2019. He discussed Special Meeting topics and schedule.

City Manager Spurgeon stated the newsletter contained a Focus on Curbside Recycling Pilots, as well as an introduction to the new City Clerk.

He noted the City Council Members received a letter dated April 12, 2019 from State Senator John Haste inviting the City Council Members to attend a Meeting on June 11, 2019 in the City of Coweta regarding the possibility of adding on and off ramps near the Armed Forces Reserve Center in Broken Arrow on the Muskogee Turnpike. He stated he believed this was an important meeting, the results of which could be very far reaching and potentially very beneficial.

He reported the Citizen's Police Academy, Spanish Edition, had 22 participants and has been very successful.

He stated a Public Meeting would be held on May 23 at 7:00 p.m. at the Broken Arrow Church of the Nazarene regarding a Small Area Plan for Elm and New Orleans. He explained a consultant was engaged in 2018 for revitalization of the corridor and the results were in. He noted following the Public Meeting the consultant, along with Development Services, would present the recommendations to City Council for consideration. He explained how the meeting would be publicized and he invited the City Council Members to attend.

He mentioned the advertisement for Streetscape 5, the North Main Project, was out for public bid. He stated following the notice to proceed, the project would take approximately eight months to complete. He stated he anticipated project completion in the first quarter of 2020.

He announced there was a new Assistant Director of Utilities, Stacey White. He stated he believed she was the best choice for the position and he congratulated Ms. White.

He stated Matt Her from Parks and Recreation submitted the GIS map project at the Annual South Central Arc Users Group. He explained the GIS map showed data relative to information about GIS and how the parks were located within the Community, as well as the park location tool. He congratulated Matt for winning the 2019 Best Map Gallery

Competition. Council Member Wimpee stated she was excited as this would be an excellent tool for the City of Broken Arrow to educate citizens regarding the parks and trails which were available. City Manager Spurgeon concurred.

He stated a new Parks and Recreation Director would be announced at the next City Council Meeting.

He indicated the search for a new CEO and President of the Chamber was close to being completed. He noted an individual had been selected and once official he would inform City Council.

He announced this weekend was the 2019 Rooster's Day Festival, May 9, 2019 through May 12, 2019. He listed the sponsors. He noted the Chamber still needed volunteers and interested parties could contact the Chamber Office at 918-251-1518.

At approximately 8:36 p.m. Mayor Thurmond stated there was an Executive Session and he would entertain a motion for a brief recess to enter into BAMA and BAEDA.

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

Move for a brief recess to enter into BAMA and BAEDA

The motion carried by the following vote:

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

At approximately 9:19 p.m. Mayor Thurmond reconvened the Meeting of the City Council.

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 and conferring on matters pertaining to:

- 1. Discussing the purchase and appraisal of real property located at 1117 S. Main, Broken Arrow, OK., and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);**
- 2. Discussing the purchase and appraisal of real property located at 1944 S. Main, Broken Arrow, OK., and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. §307(B)(3);**
- 3. Litigation, including potential resolution, of a matter involving the tort claim of Angela Abercrombie vs. City of Broken Arrow, and taking appropriate action in open session, including possible authorization to settle this tort claim, under 25 O.S. §307(B)(4).**
- 4. Potential claims, litigation or actions related to a matter involving litigation titled Forest Ridge Homeowner's Inc. v. Marilyn A. Enochs, Wagoner County District Court, Case No. CJ-2017-184 and other related litigation; under 25 O.S. §307(B)(4).**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary for discussing the purchase and appraisal of real property and to process the potential claims, litigation or actions 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 10:07 p.m. Mayor Thurmond reconvened the regular session of the City Council meeting.

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

Move to authorize the City Manager and staff to negotiate the purchase and appraisal of real property located at 1117 S. Main, Broken Arrow, OK

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 authorize the City Manager and staff to negotiate the purchase and appraisal of real property located at 1944 S. Main, Broken Arrow, OK

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 approve Angela Abercrombie's tort claim and authorize the City Attorney to enter into a Journal Entry of Judgment and other necessary documents to effect

settlement of this matter

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 negotiate a potential settlement of claims against the City related to litigation involving Forest Ridge Homeowner's Inc., Marilyn A. Enochs and other related homeowners involving Wagoner County District Court Case No. CJ-2017-184 and related litigation

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 find the Executive Session necessary

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 10:10 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Attest:

S\ Craig Thurmond _____
Mayor

S\ Curtis Green _____
City Clerk