



## 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, October 1, 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**

Ms. Hannah Pelkey performed the invocation.

**3. Roll Call**

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

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

The Webelos Cub Scout Pack 903 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. 19-1063 Acknowledgement of upcoming out-of-state travel by City Council members**
- B. 19-19 Approval of the City Council Meeting Minutes of September 17, 2019**
- C. 19-1209 Acceptance of Elm Place and New Orleans Advisory Committee meeting minutes of August 29, 2019**
- D. 19-1237 Approval of and authorization to execute an Encroachment Agreement and Release of Liability between the City and Alfa Laval Incorporated for a sign to be built into city right-of-way located southwest of Lot 1, Block 1, Alfa Laval, Tulsa County, Oklahoma (Section 13, Township 18 North, Range 14 East)**
- E. 19-1042 Approval of and authorization to execute a Professional Consultant Agreement with Meshek & Associates, LLC, for providing engineering design services for culvert improvements on West Jasper Street located 400 feet east of Aspen Avenue (Project No. SW1911) and downstream channel improvements through Indian Springs Golf Course (Project No. SW1917)**
- F. 19-1041 Approval of and authorization to execute a Professional Services Agreement with Cowan Group Engineering, LLC, for design of Stone Ridge Towne Center Drainage Improvements Packages "B", "C", and "D" (Project No. SW1910)**
- G. 19-1216 Approval of and authorization to execute a Promotional License on City Property allowing the Rotary Club of Broken Arrow to host the 2019 Cool Grilles Event**
- H. 19-1219 Approval of and authorization to execute a Waiver of Conflict of Interest of Doerner, Saunders, Daniel & Anderson, LLP between Dennis Ray Sherwood and Mary J. Sherwood and the City of Broken Arrow involving the acquisition by the City of two parcels of real property located behind 505 West Broadway Street, Broken Arrow, Oklahoma**
- I. 19-1221 Approval of and authorization of the purchase of a Police/Fire Command post from Farber Specialty Vehicles pursuant to the Omnia Partners purchasing Cooperative, for the Police Department**
- J. 19-1222 Approval of and authorization of the purchase a Special Operations Team Equipment Truck from Farber Specialty Vehicles pursuant to the Omnia Partners purchasing Cooperative for the Police Department**
- K. 19-1203 Acceptance of a Waterline Easement from Timber Wolf Excavating, LLC on Lot 6, Block 1, Timber Ridge Business Park, approximately one-third mile south of Kenosha Street (71st Street), one-half mile west of Evans Road (51st Street), shown as Exhibit A (Section 8, T18N, R15E)**
- L. 19-1205 Approval of PT19-112, Conditional Final Plat, Timber Ridge Cottages, 8.05 acres, 1 Lot, A-1 (Agricultural) to RM (Residential Multi-Family) and PUD-276 (Planned Unit Development), one-quarter mile south of Kenosha Street (71st Street), east of 37th**

- Street (209th East Avenue)**
- M. 19-1204** Approval of PT19-114, Conditional Final Plat, Bentley Row, a re-subdivision of Lots 6 thru 10 Block 6, Homestead Addition and Lots 4 and 5, Block 51 Original Town of Broken Arrow, 0.56 acres, 7 Lots, R-2 (Single-Family Residential), one-eighth mile west of Elm Place (161st East Avenue), one-quarter mile north of Houston Street (81st Street)
- N. 19-1197** Approval of PUD-292 (Planned Unit Development) and BAZ-2034 (Rezoning), Casey's General Store, 1.77 acres, A-1 to PUD-292/CG, located on the southeast corner of Kenosha Street (71st Street) and 37th Street (209th East Avenue)
- O. 19-1153** Approval of and authorization of Final Acceptance for the public improvements at The Citadel Duplexes located at 314 West Fort Worth
- P. 18-1462** Ratification of the Claims list dated 09/27/2019

City Manager Michael Spurgeon reviewed a few of the Consent Agenda Items. He noted there was an event being held this weekend and he asked Council Member Wimpee to comment. Council Member Wimpee reported the Rotary Club was organizing a fundraising car show for Saturday, October 12, 2019. She noted this would be the second annual Cool Grilles Event and would include a "Fun Run" and "Doggie Dash." She invited all to attend.

City Manager Spurgeon noted the Consent Agenda included minutes of the Elm Place and New Orleans Advisory Committee Meeting held August 29, 2019. He noted he was available to answer any Council Member questions regarding the meeting or its minutes. He reported the next meeting of the Advisory Committee would be held Thursday, October 3, 2019.

City Manager Spurgeon thanked City Council for its support of the purchase of the Police and Fire Command Post which was included on the Consent Agenda.

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

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

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

- A. 19-1220** Consideration, discussion, and possible approval of and authorization to execute a Proclamation declaring the Month of October of 2019 as Manufacturing Month
- Ms. Darla Heller stated the month of October was nationally deemed Manufacturing Month. She reported Broken Arrow was the third largest manufacturing city in the State of Oklahoma. She stated the Economic Development Corporation was making efforts to raise awareness regarding manufacturing in Broken Arrow including student tours of manufacturing facilities, social media campaigns, and in-school activities. She stated the Lieutenant Governor would attend the Chamber meeting on October 9, 2019 to speak and recognize local Broken Arrow manufacturers. She reported the State-wide Manufacturing Summit would be held in Broken Arrow this October. She noted Continental Industries in Broken Arrow was hiring 130 new positions and RISE Armament in Broken Arrow would be hiring 90 new employees.

Council Member Wimpee stated she was excited to see student involvement in this effort; it was important to educate the youth regarding future job opportunities. Ms. Heller stated the manufacturing job opportunities in Broken Arrow were excellent with clean facilities and an average wage across all manufacturing positions of \$61,000 dollars per year.

Mayor Thurmond read through the Proclamation declaring the Month of October of 2019 as Manufacturing Month.

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

**Move to approve and authorize execution of a Proclamation declaring the Month of October of 2019 as Manufacturing Month**

The motion carried by the following vote:

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

Commemorative photos were taken.

- B. 19-1206** Presentation regarding the Ronald D. Flanagan Gold Project Award for The Together Project

Assistant City Manager of Operations Kenny Schwab reported on September 19, 2017 he presented the possibility of the City partnering with the Schools for an outdoor classroom to teach student about flood plains, water quality, ecology, and water habitat. He reviewed some of the questions the City Council had for him on that date in this regard and noted the questions were insightful and educated. He briefly reviewed the process of organizing the outdoor classroom including student participation and City involvement. He reported on June 4, 2018, City Council adopted the name Tiger Creek Nature Park for the detention facility and City-owned property located immediately north of Albany Street across from Broken Arrow High School. He reported since the inception of the program, Donna Gradel of Broken Arrow Public Schools and Kenny Schwab, Assistant City Manager of Operations,

had numerous opportunities to present to various in-state and out-of-state organizations about the outcomes of this overwhelmingly successful and innovative collaboration including the American Public Works Association, Oklahoma Flood Plain Managers Association, and a couple of Regional Agencies and a National Agency. He stated this was an extremely unique program. He noted on September 17, 2019, The Together Project (Tiger Creek Nature Park outdoor classroom) was presented with the Ronald D. Flanagan Gold Project Award at the Oklahoma Floodplain Managers Association (OFMA) annual conference. He noted Mr. Flanagan was a founding member of OFMA and an instrumental voice in helping Tulsa overcome its significant flooding issues in the 1970s and early 1980s. He reported due to Mr. Flanagan's efforts, coupled with many others, Tulsa went from the number one flood-prone community in the United States in the 1980s to the number one flood-resistant community. He indicated this award was a great honor and he wished to present the award to Mayor Thurmond.

Mr. Schwab presented the Ronald D. Flanagan Gold Project Award to Mayor Thurmond.

Vice Mayor Eudey stated it was rare and important to see Community partners work together and accomplish something this consequential. He commended Assistant City Manager Kenny Schwab and Staff for their efforts and involvement in this project.

**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 the Council on General Topics related to City Business or Services.

**9. General Council Business**

**A. 19-1242 Consideration, discussion, and possible approval to reject all bids for the construction of Fire Station No. 2 Foundation & Precast Repair (Project No. 193509) and find that the best interests of the Broken Arrow City Council will be served by the rejection**

Mr. Schwab stated in 2012 the City constructed Fire Station No. 2; shortly after opening the Fire Station, cracking in the truck bay area was noted and monitored over the years. He stated BKL Engineering reviewed the damage and made recommendations; Wallace Engineering was next consulted for recommendations. He stated it was discovered approximately 25 feet down there was soft soil which was being compressed by the weight of the Fire Station. He stated a project to fix this settling was bid out on August 14 and August 21 and three responsive bids were received starting at approximately \$780,000 dollars; however, the engineer's estimate was just under \$375,000 dollars. He stated research was conducted to determine why there was such a great distance between the bids and the estimate. He stated Staff recommended the governing body reject all bids and the City would return to the contractors to determine if there were ways to bring this number into budget.

Council Member Parks asked if there was any fault to be found in the pre-project testing regarding the soft soil. Mr. Schwab stated geotechnical bores were conducted on site. He explained the geotechnical bore went down approximately 20 feet and the soft soil was located 5 feet further down. He indicated it was standard practice to conduct geotechnical bores down to 20 feet for floating foundations such as the one used for the Fire Station.

Vice Mayor Eudey asked if any legal remedies had been considered; was there liability associated with the building of the structure. City Attorney Trevor Dennis responded legal remedies had been considered and currently the Legal Department did not recommend moving forward in this regard.

Mr. Schwab indicated Wallace Engineering had been hired to not only give a second opinion, but also to determine if there might be some liability issues; Wallace determined the problems were unforeseen and outside of standard procedures.

Discussion ensued regarding the type of foundation for this structure, standard geotechnical bore practices, the slope of the property, learning from this mistake, drilling deeper in the future, and Fire Station 3 and Fire Station 7 having conducted deeper geotechnical bores.

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

**Move to reject all bids for the construction of Fire Station No. 2 Foundation & Precast Repair (Project No. 193509) and find that the best interests of the Broken Arrow City Council will be served by the rejection**

The motion carried by the following vote:

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

**B. 19-1210 Consideration, discussion, and possible approval of and authorization to waive the residency requirement of the Drainage Advisory Committee to allow members of the committee residing outside the City limits, but within the fence line, to serve pursuant to Broken Arrow Code of Ordinances Chapter 2, Section 2-13**

City Attorney Dennis reported on September 3, 2019 City Council considered nominations

for the Citizens Drainage Advisory Committee and among the nominations was Mr. Joel Coggins who was approved by City Council to serve on the Drainage Advisory Committee. He stated following approval, Staff was advised Mr. Coggins lived within the City's fence line, but not within City limits. He stated Section 2-13 indicated members of temporary boards or commissions must reside in the City during the term of office; however, there was a provision which indicated this requirement could be waived by City Council.

Council Member Wimpee stated Mr. Coggins was her nomination; she had not realized he lived outside of City limits. She stated she understood Mr. Coggins owned residential property within the City limits, as well as two commercial buildings. Discussion ensued regarding waiving the requirement, the importance of citizens who voted to approve the Bond Propositions serving on the Committee, Mr. Coggins having construction experience, the difficulty in knowing which homes were within City limits, the Drainage Advisory Committee not being the right committee to waive residency requirements for, requiring completion of a committee application for prospective committee members which indicated residency, denying Mr. Coggins nomination to the Committee due to the residency requirement, and finding a replacement to serve in Mr. Coggins stead.

City Attorney Dennis stated no action was required if City Council decided Mr. Coggins should not serve on the Committee; Ordinance determined Mr. Coggins was disqualified from office. He stated at the next Meeting consideration of a new Committee Member could be considered.

Vice Mayor Eudey stated it was important to acknowledge Mr. Coggins willingness to serve. He expressed appreciation for Mr. Coggins.

City Manager Spurgeon stated Staff could begin to ask interested parties about residency status and vet out potential committee candidates in the future. He stated it was important for potential committee members to fill out the committee application forms.

**C. 19-1238 Consideration, discussion, and possible appointment of Jason Featherngill to the Broken Arrow Drainage Advisory Committee**

Community Relations Liaison Jennifer Swezey reported there were several members from Leadership Broken Arrow in attendance. She noted the Form for Committees was on the Broken Arrow website for any interested parties. She reported on September 3, 2019 City Council approved Vice Mayor Eudey's nomination to serve on the Drainage Advisory Committee; however, Vice Mayor Eudey's nominee recently moved to Tulsa and could no longer serve on the Committee. She noted Vice Mayor Eudey named Mr. Jason Featherngill as a replacement.

**MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie. Move to approve the nomination of Jason Featherngill to the Drainage Advisory Committee**

The motion carried by the following vote:

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

**D. 19-1247 Consideration, discussion, and possible approval of the proposed list of projects for the 2018 General Obligation Bond Issue, Series 2019A Sale**

Mr. Kenny Schwab stated on August 28, 2018 the voters of Broken Arrow passed a bond in the amount of \$210 million dollars over 10 years, the first sale of which took place last fall at approximately \$12.5 million dollars. He stated Item D was the proposed list of projects identified to be in the next bond sale. He reviewed the proposed project breakdown: Proposition 1 – Transportation at \$13,085,000 dollars; Proposition 2 - Public Safety at \$5,760,000 dollars; Proposition 3 - Quality of Life at \$2,585,000 dollars; Proposition 4 - Public Facilities at \$1,400,000 dollars; Proposition 5 - Stormwater at \$420,000 dollars; totaling \$23,250,000 dollars. He reviewed and discussed several of the proposed projects for each Proposition. He indicated a complete project breakdown was attached to the Agenda for review. He stated Staff recommended approval of the proposed projects.

Council Member Parks asked if the proposed projects fell within the 10 year plan. Mr. Schwab responded in the affirmative; the 10 year plan was developed based on the valuation of City Assets.

City Manager Spurgeon stated Cindy Arnold and Tom Cook advised him due to assessed value calculations an additional \$750,000 dollars could be made in issuances. He recommended \$500,000 dollars be invested in BA Expressway entry improvements and \$250,000 dollars be invested in sidewalks. He stated installing sidewalks on New Orleans from Aspen to Elm could cost from \$300,000 dollars to \$400,000 dollars. He discussed the importance of walkability in this area, especially given the schools. He noted the extra \$500,000 dollars was needed for the BA Expressway entry improvements as the appointed \$2 million dollars would not go far and the City should consider the possibility of creative signage which could make the City stand out to passersby.

Vice Mayor Eudey stated lamentably the least attractive part of Broken Arrow was the exit off the Broken Arrow Expressway. He stated it was important for this area to be clean and well maintained; this alone would dramatically improve the public's first impression of Broken Arrow. He stated he did approve of creation of special signage in this location, and hoped to see something iconic of Broken Arrow.

Mayor Thurmond commented other municipalities were painting underneath bridges, exposed drainage pipes, and other visible infrastructure. He recommended the City consider this as a possibility.

City Manager Spurgeon stated he felt a portion of these funds should be spent on an experienced land planning consultant who was able to take recommendations from City Council and the Community and develop an executable plan for the \$2 million dollars.

Council Member Gillespie stated she felt it was important to develop a consistent brand for Broken Arrow; something highly recognizable and attractive which encouraged social media participation.

Discussion ensued regarding developing a recognizable brand for Broken Arrow, possible corporation partnership, and the Broken Arrow symbol.

Council Member Parks stated he agreed with the other Council Members.

City Manager Spurgeon noted in 2020 a Committee for Proposition 3 should be considered. He discussed Proposition 1 and the widening of Albany from 23<sup>rd</sup> Street to 37<sup>th</sup> Street. He noted next year the School system would begin construction on the STEM Academy and the road in the STEM Academy area would need some attention. He stated conversations had been held regarding the bus barn and necessary improvements to ensure the safe bus entry and exit from the school property.

Mr. Schwab reported the STEM school would be constructed east of Casey's and the entry into the facility would be located on Albany (61<sup>st</sup> Street). He noted City Staff was working with the school to move some unnamed funds from Bond Proposition 1, funds from 15<sup>th</sup> Street from Joliet to College (approximately \$1.1 million dollars) and funds from College. He noted the school was under design and construction was anticipated to begin spring of 2020; the Academy would be operational by the 2021 school year. He stated Broken Arrow needed to prioritize this road project to ensure the project was completed prior to school opening.

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

**Move to approve the proposed list of projects for the 2018 General Obligation Bond Issue, Series 2019A Sale**

The motion carried by the following vote:

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

**E. 19-1229 Consideration, discussion, and possible approval and authorization to execute Resolution No. 1270, a Resolution fixing the amount of Series 2019A Bonds to mature each year, fixing the time and place the bonds are to be sold and authorizing the clerk to give notice of said sale as required by law; approving a legal services agreement with Kiser Law Firm, PLLC and a financial advisor services agreement with Municipal Finance Services, Inc. and containing other provisions with respect to the issuance of general obligation bonds**

Finance Director Cindy Arnold noted City Council just approved the project list for the sale of \$23,250,000 dollars in General Obligation Bonds. She reported this would be the second sale of the authorization approved by voters on August 28, 2018. She indicated the series would be referred to as the 2019A series and would include \$13,085,000 dollars from Proposition 1 (Streets), \$5,760,000 dollars from Proposition 2 (Public Safety), \$2,585,000 from Proposition 3 (Quality of Life), \$1.4 million dollars from Proposition 4 (Public Building and Facilities, and \$420,000 dollars for Proposition 5 (Stormwater). She noted the bonds would have a 20 year life. She stated the bonds would be offered for sale on November 5, 2019 and would close in December 2019. She indicated Staff recommended approval of Resolution No. 1270 and authorization of its execution. She noted representatives from Kiser Law Firm and Municipal Finance Services (MFS) were present for questions.

Council Member Parks asked about interest rates. Mr. John Wolfe with Municipal Finance Services responded currently there was a low interest pattern at approximately 2.5% or less. He stated he hoped this would translate into the ability to complete more projects earlier than planned.

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

**Move to approve Resolution No. 1270 and authorize its execution**

The motion carried by the following vote:

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

- F. 19-1230** **Consideration, discussion, and possible approval and authorization to execute Resolution No. 1271, a Resolution providing for the issuance of General Obligation Refunding Bonds in a principal amount not to exceed Ten Million One Hundred Thousand dollars (\$10,100,000) by the City of Broken Arrow, Oklahoma, for the purpose of refunding a portion of the city's outstanding general obligation bonded indebtedness; Establishing a not to exceed true interest costs and maturity dates; Prescribing form of refunding bonds and providing for registration thereof; Providing a levy of an annual tax for payment of principal and interest on said refunding bonds; Waiving competitive bidding and designating an underwriter for the bonds and authorizing execution of a bond purchase contracts, escrow fund agreements, continuing disclosure agreements and paying agent/registrar agreements; Ratifying and confirming a legal services agreements and a financial services agreement with respect to the issuance of the bonds; approving an Official Statement and providing other details of the issue**

Ms. Cindy Arnold stated the City had three General Obligation Bonds outstanding (Series 2009C, Series 2009D, and Series 2010) which were now subject to optional redemption or would be subject to redemption within the next year. She explained this provided the City an opportunity to reduce future interest costs. She reported the City would issue new General Obligation Bonds in an amount not to exceed \$10.1 million dollars to pay off the three series. She explained the low interest rates in today's market provided significant benefits to the City and the taxpayers. She reported there would be two series: Series 2019B (\$3.6 million dollars) which would be used for the purpose of refunding the outstanding balance of Series 2009C and Series 2009D. She stated Series 2019C (\$6.5 million dollars) would be used for the purpose of refunding the outstanding balance of Series 2010B. She stated Staff recommended City Council approve Resolution No. 1271 and authorize its execution.

Vice Mayor Eudey asked if approving Resolution No. 1271 saved the City and taxpayers money. Mr. Wolfe responded in the affirmative.

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

**Move to approve Resolution No. 1271 and authorize its execution**

The motion carried by the following vote:

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

- G. 19-1241** **Consideration, discussion and possible approval and authorization to execute Resolution No. 1268, a Resolution authorizing the City Attorney to defend Joshua Zoller in the civil action Ellsworth vs. The City of Broken Arrow et al, Case No. 19-CV-34-TCK-FHM in the United States District Court for the Northern District of Oklahoma**

City Attorney Dennis reported Amanda Ellsworth filed a lawsuit against the City of Broken Arrow due to an incident in August of 2018. He stated since that time the plaintiff amended the lawsuit to name individual officers, including Officer Joshua Zoller and Officer Rodney Garner. He indicated the Legal Department found the Officers acted in good faith in the course and scope of their employment. He noted Section 23-01 provided the procedure for Officers to request legal defense in such matters. He stated Staff recommended City Council approve Resolution No. 1268 and authorize its execution which would authorize the City Attorney's Office to defend the Officers in this case.

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

**Move to approve Resolution No. 1268 and authorize its execution**

The motion carried by the following vote:

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

- H. 19-1195** **Consideration, discussion and possible approval and authorization to execute Resolution No. 1269, a Resolution authorizing the City Attorney to defend Rodney Garner in the civil action Ellsworth vs. The City of Broken Arrow et al, Case No. 19-CV-34-TCK-FHM in the United States District Court for the Northern District of Oklahoma**

City Attorney Dennis reported Resolution No. 1269 was a companion resolution for Resolution No. 1268. He noted this Resolution authorized the City Attorney's Office to represent Officer Rodney Garner in the previously discussed lawsuit.

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

**Move to approve Resolution No. 1269 and authorize its execution**

The motion carried by the following vote:

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

- I. 19-1249** **Consideration, discussion and possible approval of and authorization to execute Resolution No. 1274, a Resolution of the City of Broken Arrow (CITY) declaring approximately 1.77 acres of land situated at 2200 W. Norfolk Dr., Broken Arrow, OK**

**74011, in the City of Broken Arrow, Tulsa County, State of Oklahoma, surplus and authorizing transfer to the Broken Arrow Economic Development Authority (BAEDA), an Oklahoma Public Trust of which the City of Broken Arrow is the sole beneficiary; and approving and authorizing the execution of certain documents necessary to accomplish the declaration of surplus and transfer of title, including a general warranty deed; and containing other provisions relating thereto**

City Attorney Dennis reported in 2009 the Broken Arrow Municipal Authority purchased this property with the intent to construct a new Fire Station and a lot split was performed on the property. He stated on May 3, 2019 BAEDA transferred the land to the City for the construction of the fire station; the City platted the land into two parcels of land and constructed a fire station on one parcel of the land. He reported the remaining parcel of land, consisting of approximately 1.77 acres, was not being utilized by the City. He noted the City had an interested buyer for this property. He noted pursuant to Oklahoma State Statute and the Broken Arrow Code of Ordinances, the City had the right to declare the real property surplus and transfer said property to the Authority for sale. He noted Resolution No. 1274 enabled this transfer.

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

**Move to approve Resolution No. 1274 and authorize its execution**

The motion carried by the following vote:

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

#### **10. Preview Ordinances**

There were no Preview Ordinances.

#### **11. Ordinances**

There were no Ordinances.

#### **12. Remarks and Inquiries by Governing Body Members**

Mayor Thurmond reported October was Pinktober. He stated breast cancer awareness was extremely important.

Mayor Thurmond read a letter he received regarding VJ Day: "Dear Sir, You thrilled us again this year with your Proclamation. Thank you so very much. This made our celebration of the 74<sup>th</sup> Anniversary of VJ Day so memorable. Your recognition of veterans has meant so much to all of us and to our great City." Signed by Frank Riesinger. Vice Mayor Eudey stated it was important to recognize Frank for his incredible work regarding the VJ Day celebration.

Council Member Wimpee reported Gold Star Mother's Day was September 29 and she had contacted the City Manager regarding the possibility of making this an official day in the City of Broken Arrow. She noted this Saturday was "Military through the Ages" at the Military History Center. She encouraged families to attend.

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

City Manager Spurgeon reported he did a story with Channel 6 regarding the development of Tiger Hill. He noted the developer of the Tiger Hill property met with Community Development preliminarily and outlined the scope of the project. He noted the project was tentative; however, there would be two phases and would include approximately 70,000 square feet of retail commercial on Tiger Hill. He noted the developer intended to begin construction in the spring of 2020. He noted the project would bring more traffic; however, Mr. Schwab had spoken with the Oklahoma Department of Transportation about a corridor project from Kenosha to Hillside in an effort to ease traffic increases.

He reported Mr. Schwab would have the design and tentative construction schedule at the end of October for the Hillside retention wall. He noted this road would probably not be open to the public until Memorial Day 2020. He stated Mr. Norm Stephens was sending the Business Retention team to Hillside area businesses in an effort to ensure the businesses were aware of the progress.

He reported Friday he performed a Take 5 Segment at the Military History Center with General Mancino (ph) discussing the veteran banners. He noted there were approximately 70 veteran banners prepared for display. He noted the permit fee for the banners would be waived for the Military History Center. He reported the banners would be displayed from the middle of October until November 12, 2019. Council Member Wimpee noted there was currently a 20 person waiting list for banners.

At approximately 7:40 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 Christi Gillespie.

**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

The City Council Meeting reconvened at approximately 8:32 p.m.

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

**Move to enter into the 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 other pertinent staff members discussing and conferring on matters pertaining to:**

**Workers' Compensation Court Case, Glen Hash v. City of Broken Arrow, Case No. CM2018 05084F, CM2018 05085J and Cm2018 05083A; to include updating the City Council, potential resolution of the pending Workers' Compensation claim, and taking appropriate action in open session, including possible authorization to settle this 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 to process the pending claims, litigation and possible litigation in the public interest in accordance with State Statute. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.**

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

**Move to find the Executive Session necessary**

The motion carried by the following vote:

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

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

**Move to authorize outside Counsel to settle the workers compensation claims of Glen Hash as recommended by outside Counsel**

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 8:38 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

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Mayor

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City Clerk