



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, November 18, 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

Pastor Rich Manganaro 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

Mayor Thurmond led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Thurmond indicated Items 5H, 5I, 5J, and 5K were to be removed for discussion. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda less Items 5H, 5I, 5J, and 5K

The motion carried by the following vote:

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

- A. 19-22** Approval of the City Council Meeting Minutes of November 5, 2019
- B. 19-1400** Approval of and authorization to execute Resolution No. 1284, a Resolution authorizing the selection of a qualified firm concerning Bridge Inspection responsibility by local government for compliance with National Bridge Inspection Standards, Bridge Inspection Contracts for April 1, 2020 to March 31, 2022
- C. 19-1338** Approval of and authorization to execute Change Order CO6 for Construction Contract ST1507; 37th Street: Omaha to Albany and Rural Water District #4 Waterline
- D. 19-1403** Approval of and authorization to execute a Professional Consultant Services Agreement with Marquardt Engineering, PLLC for providing design services on the Albany Street Widening from 23rd Street to 37th Street and Bridge Improvements (Project No. ST2035)
- E. 19-1420** Approval of and authorization to execute a Professional Services Agreement with Metcalf & Splitler, LLP., for providing counsel and legal advice regarding Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., Co., and Heartstone
- F. 19-1416** Approval of and authorization to execute a Professional Services Agreement between the Public Finance Law Group, PLLC ("PFLG"), the City of Broken Arrow, Oklahoma, an Oklahoma Municipal Corporation (the "City"), the Broken Arrow Municipal Authority, an Oklahoma Public Trust ("BAMA") and the Broken Arrow Economic Development Authority, an Oklahoma Public Trust ("BAEDA") for providing counsel and legal advice regarding economic development law
- G. 19-1397** Approval of and authorization to execute a Promotional License on City Property allowing Ruts N Guts LLC to host the 2019 Ruts N Guts event
- H. 19-1362** Acceptance of the Drainage Advisory Committee's recommendation of the design and construction of a storm sewer system between Stone Wood Crossing I and Stone Wood Crossing II and direct staff to obtain an easement for such drainage improvements and authorize the expenditure of 2018 GO bond, Proposition 6 funds for the improvements
- I. 19-1363** Acceptance of the Drainage Advisory Committee's recommendation of the design and construction of an underground interceptor and diversion system near and around 2935 North Lions Drive and direct staff to obtain an easement for such drainage improvements and authorize the expenditure of 2018 GO Bond, Proposition 6 funds for the improvements
- J. 19-1364** Acceptance of the Drainage Advisory Committee's recommendation to clear the creek and drainage way of downed trees and debris in the East Branch of Haikey Creek near the Pembroke Park retention pond, to include rip rap, not to exceed \$10,000.00 and

- direct staff to obtain an easement for such improvements and authorize the expenditure of 2018 GO Bond, Proposition 6 funds for the improvements
- K. 19-1390 Approval of and authorization for the City Manager to waive development fees, not to exceed \$24,000, for the Bentley Row Project located at 304 East Commercial Street in Broken Arrow
 - L. 19-1405 Acceptance of a Deed of Dedication from Mark A. Fletcher and Erica J. Fletcher on an approximately 37-acre unplatted property located approximately one-half mile south of Tucson Street (121st Street), west of 23rd Street (193rd East Avenue) as shown in Exhibit A, Tulsa County, State of Oklahoma (Section 01, T17N, R14E)
 - M. 19-1406 Acceptance of a Utility Easement from Mark A. Fletcher and Erica J. Fletcher on an approximately 37-acre unplatted property located approximately one-half mile south of Tucson Street (121st Street), west of 23rd Street (193rd East Avenue) as shown in Exhibit A, Tulsa County, State of Oklahoma (Section 01, T17N, R14E)
 - N. 18-1471 Ratification of the Claims List Check Register dated November 14, 2019

6. Consideration of Items Removed from Consent Agenda

Mayor Thurmond reported Carol Carter wished to speak regarding Item 5I.

Citizen Carol Carter stated her address was 2317 West Twin Oaks Street, Broken Arrow. She stated she was speaking on behalf of her daughter. She reported her daughter owned a home on Lyons which was being impacted by the underground spring causing the ground to become so wet it was impossible to mow the yard, play in the yard or even simply walk in the yard. She noted this was the case even without rain. She stated her daughter invested in a French drain system to no avail. She stated her daughter was going through a divorce and needed to sell the property, but the home was not marketable due to the drainage difficulties. She stated there was an offer placed on the house which was contingent upon City Council approval of Item 5I. She thanked City Council for its consideration in this regard. She thanked Mr. Kenny Schwab for his assistance and support.

Mayor Thurmond reported Mr. Jim Jones wished to speak regarding Item 5J, another drainage related item.

Citizen Jim Jones stated his address was 3800 West Boston, Broken Arrow. He thanked the Drainage Advisory Committee for recommending \$10,000 dollars be spent by the City to help solve the drainage problems involving his community pond. He noted Haikey Creek was eroding the east side of the pond and the situation was dire. He reported he investigated the Haikey Creek area and noted many blockages along Haikey Creek between 129th and Garnet. He played a video and displayed several photographs which illustrated the blockages in Haikey Creek which he felt were causing the erosion difficulties. He indicated the Drainage Advisory Committee approved \$10,000 dollars to clear out the debris nearest the pond which needed to be done prior to rip rap installation. He asked for City Council approval of Item 5J.

City Manager Spurgeon explained he asked for Item 5H to be removed from the Consent Agenda in case the Council Members had any questions as this was the first time the Drainage Advisory Committee had submitted any recommendations. He stated he was in full support of Items 5H, 5I, and 5J, as this was exactly what the Bond funds the voters approved were purposed to be used for in public/private partnership.

Council Member Johnnie Parks, as a member of the Drainage Advisory Committee, agreed. He explained these Items represented Proposition 6, monies which could be spent in a private/public area. He noted after the last Drainage Advisory Committee Meeting, he was contacted by a citizen and walked quite a bit of Haikey Creek to personally observe the fallen trees and debris throughout Haikey Creek which were causing erosion. He noted it was a problem. He indicated Haikey Creek was not within Broken Arrow City Limits and was not owned by the City; however, he felt a long-term solution with creation of a couple of detention areas and possibly straightening of the creek line should be considered with the next bond issue.

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

Move to approve Item 5H, 5I, and 5J

The motion carried by the following vote:

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

Mayor Thurmond indicated Norm Stephens would speak regarding Item 5K as there was a scrivener's error.

Economic Development Coordinator Norm Stephens reported on the Request for Action in the agenda packet the address 304 East Commercial was incorrect; the project would be on the northeast corner of Date and El Paso.

City Manager Spurgeon noted the developer was present to answer questions. Council

Member Wimpee asked Mr. Parker to speak regarding this development.

Mr. Nick Parker stated his address was 304 East Commercial Street, Broken Arrow. He stated he and his wife always dreamed of providing housing at a lower price point than \$300,000 dollars. He indicated his proposed development would do this by sharing lot cost and constructing townhouse style living. He noted he planned to construct seven townhouse units with a Charleston feel to be sold between \$276,000 dollars and \$300,000 dollars. He stated the project would break ground later this week.

Vice Mayor Eudey asked if these would be single-family dwellings for purchase. Mr. Parker responded in the affirmative.

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

Move to approve and authorize the City Manager to waive development fees, not to exceed \$24,000, for the Bentley Row Project subject to correction of the scrivener's error

The motion carried by the following vote:

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

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

A. 19-1355 Presentation and annual programming update by the Broken Arrow Seniors Incorporated

Recreation Manager Thor Rooks introduced Shawn Simpson, Broken Arrow Seniors Incorporated Executive Director.

Mr. Shawn Simpson thanked City Council for the new Senior Center roof. He stated the mission of the Broken Arrow Senior Center was to provide a safe place for older adults to be physically active and socially engaged. He reported the Senior Center had more than 2,000 members and more than 65 planned activities during any given week. He displayed photos of various Senior Center activities. He displayed and discussed photos of individual members of the Senior Center including Joanie who volunteered in the office and loved Zumba, Murray who through the limited exercise program went from needing a walker to needing no aid at all, Cecil and Jerry who enjoy the various games, Rita who had served as a volunteer for over 15 years and now was a member, and Ollie and Virginia who were a couple who enjoyed many activities at the Center. He indicated the volunteers at the Senior Center provided \$175,000 dollars in free labor. He discussed the many different activities including exercise programs, games, crafts, meals and classes. He discussed mealtime at the Senior Center. He reported Taylor, who was a new member, took advantage of the transportation services provided by the Senior Center. He noted Taylor was wheelchair bound and had been unable to leave her home until the Senior Center offered transportation services. He reviewed a list of activities Taylor had joined since coming to the Senior Center; the list was extensive and impressive especially given she would not leave her home one month ago. He indicated this was what the Senior Center was for: to impact the lives of Seniors throughout Broken Arrow. He distributed cards to the City Council Members which had been hand crafted by the Seniors Paper Crafting Group.

Vice Mayor Eudey stated he had served on the Board of Broken Arrow Seniors for six years. He indicated there was no place in Oklahoma like the Broken Arrow Senior Center, not even in the larger cities. He reported the Broken Arrow Senior Center offered everything from guitar and ukulele lessons to Zumba classes. He stated he appreciated Mr. Shawn Simpson and the work being done in the Senior Center. Mr. Simpson noted Senior Center dues were \$30 dollars per year.

Council Member Parks stated he currently was a member of the Senior Center Board and he felt the Senior Center was extraordinary. He stated the Senior Center was unique and other cities were visiting to determine how to bring something similar into other municipalities.

Council Member Gillespie stated she visited the Senior Center and she appreciated the passion and the work being done there.

B. 19-1393 Presentation and annual programming update by the Broken Arrow History Museum (Museum Broken Arrow)

Community Relations Liaison Jennifer Swezey introduced Julie Brown, Executive Director of the Museum Broken Arrow.

Ms. Julie Brown reported she began at Museum Broken Arrow in February 2019. She noted the Museum recently changed its hours to provide evening hours on Thursdays to allow evening visitors. She displayed a photo of the Museum and noted the Museum mission was to be a place where the community came together to explore Broken Arrow's past, appreciate its present, and imagine its future. She indicated this year Broken Arrow Museum joined the North American Reciprocal Association: a museum sharing program which allowed Members to visit over 1,000 museums across the United States. She stated the Genealogy

Department was in the Museum building and although this was a separate nonprofit program, the Genealogy Department was an important part of the Broken Arrow Historical Society. She stated the Museum Broken Arrow was a triple threat which housed genealogy, history and art. She discussed the Marmie Mouse on Main Street book and how this was used to get children involved in Broken Arrow history. She noted the Museum hosted an annual Ladies Tea, showcased family heirlooms and artifacts, led tours and scavenger hunts, and held Sponsored Saturdays. She reported the Museum held fund raisers including the annual Pioneer Dinner. She noted the Museum exhibited art and discussed the various artists which had been on display this year. She discussed the fall and winter events including the War Par-Tee event, daddy daughter art classes, book club and Big Spirit Little Trees which was a tree and toy drive for Christmas. She stated this year was the 10 Year Anniversary Event for the Museum during which Dr. Clarence Oliver was honored. She reported Jan Collins was working on a book with Dr. Oliver called the Broken Arrow Centennials which should be released in 2020. She reported the Broken Arrow timeline would be brought up to date and the entry wall, listing donor names, had been updated. She reported the Police and Fire exhibits would be updated as well. She indicated audio guides would now be offered at the Museum. She displayed a picture of the south wall of the Museum which was being prepped for the Broken Arrow Mural. She noted a Committee had been formed to consider the subject matter and artist for this Mural. She discussed the various types of individuals who visited the Museums including developers, potential investors in the City, history buffs, art enthusiasts, artists, residents out on dates, and Broken Arrow tourists. She asked if there were any questions.

Vice Mayor Eudey commented the Barbara Brown Kimbrough Exhibit Hall had hosted exhibits from the Smithsonian. Ms. Brown concurred.

8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services (No action may be taken on matters under this item)

Mayor Thurmond noted Mr. Mark Carpenter had signed up to speak.

Citizen Mark Carpenter stated his address was 4412 West Greely Street, Broken Arrow. He stated he was alone, but had tried to get his HOA President to attend and express the concerns his neighborhood had regarding the Recycling Program. He stated Broken Arrow did not need carts; he had lived in Broken Arrow for 20 years and the trash bag pickup system had worked very well for a very long time. He stated he and his HOA did not think it was necessary to spend hundreds of thousands of dollars on pilot programs. He stated he believed it was important to ask all citizens of Broken Arrow to vote regarding this program as it would affect all the citizens of Broken Arrow. He stated he believed most residents did not have room to store 96-gallon container and his HOA had a bylaw which required such containers to be stored out of plain view. He stated his neighbors who currently used carts tended to leave the carts on the curbside for extended periods of time which was a violation of HOA bylaws. He indicated he foresaw great difficulty with carts being left in the open when not in use. He suggested the use of a different color bag for recycling curbside rather than cart usage.

9. General Council Business

A. 19-1357 Consideration, discussion, and possible approval of the creation of a Finance Audit Committee

Finance Director Cindy Arnold reported in March of 2018 the City received a Report on Best Practices for Financial Operations from Crawford and Associates. She indicated the report served as a guide for developing updated policies and procedures for the Finance Department. She stated with this report she had updated many policies and procedures. She noted one of the proposed items in the report was the establishment of an audit committee: the report recommended the committee consist of at least one City Council member and external individuals with finance-related backgrounds. She stated also, the Government Finance Officers Association (GFOA) recommended that every state and local government establish an audit committee or its equivalent, to be established by a resolution or other appropriate legal means. She noted she contacted the City of Edmond and the City of Norman who had this Finance Committee and noted the summary of actions taken by these cities was included in the Agenda Packet for review. She indicated Staff recommended the Crawford Report recommendations be implemented as follows: 1) The Finance Audit Committee consist of two City Council members and one external representative appointed by a majority vote of the City Council. 2) The Committee would have training on financial reporting and related functions to be coordinated through Crawford and Associates and City Staff utilizing materials from the GFOA. 3) Committee Duties would include monthly review of fund Revenues and Expenditures; review of all financial professional service contracts and submission of a recommendation to the City Council; review of applications for all debt issuance and submission of recommendations to the City Council or Authority as required; review the audit prior to City Council action; and review and recommend all fees and rates. She noted Staff recommended approval of creation of the Finance and Audit Committee and to direct the Legal Department to prepare a resolution in this regard.

Vice Mayor Eudey stated he liked the idea of this Committee as it would enhance transparency and would allow City Council Members to better understand the audit and finance processes of the City.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.
Move to approve creation of a Finance Audit Committee and direct the Legal Department to prepare a resolution to create the Committee

The motion carried by the following vote:

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

B. 19-1396 Consideration, discussion, and possible approval of PUD-294 (Planned Unit Development) and BAZ-2036 (Rezoning), Spring Creek Plaza, 13.78 acres, CG (Commercial General) and R-2 (Single-Family Residential) to PUD-294/CH (Commercial Heavy), located south and east of the southeast corner of Tucson Street (121st Street) and Elm Place (161st East Avenue)

Community Development Director Larry Curtis reported the property associated with PUD-294 was currently zoned Commercial General and R-2 (Single Family Residential). He stated in conjunction with PUD-294 the applicant submitted BAZ-2036, a request to change the underlying zoning from CG and R-2 to CH (Commercial Heavy). He stated PUD-196, BAZ-1823 and SP-231 were approved by City Council on February 17, 2009; BAZ-1823 requested to change the zoning on the property from CG and R-2 to CH. He indicated the development was proposed to have mini-storage and indoor RV storage which required a specific use permit to be approved on the property. He noted these requests were approved subject to the property being platted, but no plat was completed for the development and thus the PUD expired. He explained with PUD-294, the applicant proposed a development which contained retail, restaurant, office, indoor RV storage, and mini storage; PUD-294 was very similar in context and design with the previously approved PUD-196. He noted the main difference was PUD-196 proposed a street through the development, where PUD-294 designated this general area for a drainage channel; PUD-294 was also more restrictive of permitted uses in Tracts C and D.

Mr. Curtis reported during the meeting of October 24, 2019, the Planning Commission recommended approval (5-0 vote) of PUD-294 and BAZ-2036 per Staff recommendation with two added requirements: 1) State in the PUD no semi-truck parking would be allowed on Tract G. 2) Restrict windows on the east side of any two-story building on Tract E to be clearstory or opaque windows located not less than 6 feet in height from the floor of the second story. He indicated three residents from surrounding neighborhoods spoke in opposition to the proposed development; residents were concerned with privacy due to second story offices overlooking backyards, reduced property values, light and noise of RV storage, and obstructed views. He noted a letter of protest was submitted from a resident and was included as an attachment to this report. He stated Staff recommended PUD-294 and BAZ-236 be approved per Staff and Planning Commission recommendations.

Council Member Parks asked about the R-2 zoning. Mr. Curtis explained the property did currently have R-2 zoning. He noted back in 2003 rezoning was requested. He explained originally the property was zoned C-3 and R-2 and when the zoning ordinance was updated the R-2 was grandfathered in, but the C-3 became CG. He stated today's request was for CH zoning across the entire property with a PUD which restricted the uses associated with the CH zoning. He reviewed the development tracts. Council Member Parks stated he felt it was a big jump going from R-2 to storage buildings. He noted this may be a high-quality storage building and may be a quieter environment than R-2, but it was a large jump. Mr. Curtis indicated this was why Staff required a 50-foot buffer between the residential area and the proposed development which would allow greenspace and landscaping between the two. He indicated, additionally, this was why the Planning Commission required opaque and clearstory windows. Council Member Parks asked if the proposed development met the Comprehensive Plan requirements. Mr. Curtis responded in the affirmative.

Vice Mayor Eudey asked if there would be an 8-foot opaque fence bordering the property, with an additional fence on the inside of the development. Mr. Curtis responded in the affirmative; tract G (mini-storage and indoor RV storage) had two fences: a 6-foot masonry fence located as a buffer between the landscaping and the adjacent property, and an 8-foot opaque wooden fence which would parallel Ridgeland Park. He stated the developer would be required to work with the property owners to ensure the fencing worked well for both parties.

Council Member Gillespie asked if the buildings would be masonry or metal. Mr. Curtis responded the buildings would all be masonry, including the storage buildings.

Vice Mayor Eudey indicated he met with the authors of the letter submitted with the Agenda Packet. He indicated the authors brought up legitimate concerns. He noted he had an excellent meeting with this couple. He noted this development was not completely unique and storage units were found adjoining neighborhoods in several areas throughout Broken

Arrow. Mr. Curtis agreed; there were approximately five or six storage facilities which abutted subdivisions throughout Broken Arrow. Vice Mayor Eudey noted PUD's in general allowed the City to make additional requirements of developers such as dual fences and 50-foot buffers versus 20-foot buffers which he felt was a positive.

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

Move to approve PUD-294 and BAZ-2036 per Staff and Planning Commission recommendations

The motion carried by the following vote:

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

C. 19-1426 Consideration, discussion, and possible approval of project requirements and authorization to advertise for bids the Hillside Drive Retaining Wall structure

Assistant City Manager over Operations Kenny Schwab reported last May there was an extensive amount of rain, flooding and tornados in Broken Arrow. He reported the rain began the third week of May and after two to three consecutive days of rain the Hillside Drive retaining wall failed and slid about 2 feet to the south causing problems with Hillside Drive. He stated the Engineering Director immediately closed the road for public safety reasons and hired an outside retaining wall expert to review the situation. He indicated the engineer created a report which recommended construction of a new cantilever retaining wall which would better withstand the elements. He stated City Council agreed with this recommendation and directed Staff to hire a professional engineering consultant to design and prepare the plans for construction. He stated the City entered into an agreement with Wallace Engineering who determined the cost would be approximately \$1 million dollars and it would take approximately 150 days to complete the project. He indicated the plans were completed and it was time to advertise the bid. He asked for City Council guidance regarding the possibility of: 1) Prequalifying the contractors to ensure the contractors were qualified to construct a retaining wall of this magnitude; 2) Conduct an incentive based bid (such as \$2,500 dollars per day up to a 30 day maximum incentive for any day the developer came in under the scheduled finish date); 3) Waive the special provision in the construction specifications regarding hours of permitted construction (7 a.m. to 7 p.m.). He noted there were very few residents near this area of construction and these residents were several hundred feet away; he did not believe construction would disturb any residents if continued after hours. He stated he hoped if the developer could work around the clock the project could be completed in a better timeframe. He indicated Staff was ready to advertise tomorrow with these recommendations. He reviewed the bidding and potential construction schedule.

Council Member Parks asked what the wall would look like upon completion. Mr. Schwab indicated the wall would be similar to a concrete wall located near Los Cabos and Charleston's found in the parking lot. He noted the wall would have a decorative concrete form pattern.

Vice Mayor Eudey asked about the potential for noise pollution. Mr. Schwab stated if noise became a nuisance the situation would be addressed. He noted most of the noise pollution would be blocked by the hillside; most noise pollution would be truck noise. Mayor Thurmond indicated the City had a 10 p.m. noise ordinance. Mr. Schwab stated he believed the contractor would most likely work after hours during concrete pouring. Vice Mayor Eudey stated he supported the around the clock construction, he just wanted to be certain the City had the ability to step in if noise became a problem. Mr. Schwab agreed and noted the City did have this ability.

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

Move to approve the incorporation of identified project requirements and authorize Staff to advertise the Hillside Drive Retaining Wall structure construction documents for bids

The motion carried by the following vote:

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

10. Preview Ordinances

A. 19-1411 Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 16-Offenses, Article I-In General, Section 16-3.1 Domestic Abuse; arrest without a warrant; repealing all Ordinances to the contrary; and declaring an emergency

City Attorney Trevor Dennis reported State Law recently changed a couple of key definitions under the Domestic Violence Statute and Broken Arrow Ordinance needed to be changed to match State Statute. He reviewed the changes which were made to State Statute. He stated Staff recommended City Council preview the Ordinance and set it for adoption.

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

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

- B. 19-1413** **Consideration, discussion, and possible preview of an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 23 Traffic, Article IV-Stopping, Standing and Parking, Division 1-Generally, Section 23-133-Parking in accordance with special signs or markings; Repealing all ordinances to the contrary; And declaring an emergency**
City Attorney Dennis reported the City added back-in parking spaces and in order to ensure the back-in spaces were used properly it was necessary for the City to amend the Code of Ordinances. He stated this would allow signage to be posted indicating the requirement for back-in angled parking and allow violators to be cited and prosecuted. He stated Staff recommended City Council preview the Ordinance and set it for adoption.

MOTION: A motion was made by Christi Gillespie, 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

- C. 19-1424** **Consideration, discussion, and possible preview of an Ordinance Amending the Broken Arrow Code of Ordinances, Chapter 5, Animals, Article I, In general, Section 5-6, Dog/Cat license fee, registration and tag generally; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency**

Mr. Larry Curtis reported currently Section 5-6 of the Broken Arrow Municipal Code of Ordinances required a pet license fee to be paid annually. He noted this ordinance allowed Staff to waive this fee if the owner could provide service dog training documentation or the applicant could sign an affidavit indicating that the dog was trained for the intended service. He noted Staff had been approached by citizens expressing concerns associated with these requirements. He indicated while the City may legally require such proof it was recommended that the ordinance be amended to waive the fee for service animals without required documentation. He noted this amendment would bring Broken Arrow into alignment with federal requirements.

Council Member Gillespie stated she wondered how many Broken Arrow residents obtained a pet license. She noted other municipalities no longer even had this type of ordinance. Mr. Curtis explained there were many safety concerns regarding pets and this ordinance encouraged citizens to have pets vaccinated and helped to track pet vaccinations. He noted there was no state-wide database in this regard; therefore, this was the only way Broken Arrow could keep track of pets, licensing, and vaccinations. He stated there was an opportunity here to educate the public regarding the need and benefit for pet licenses. Council Member Gillespie asked how many Broken Arrow citizens had pet licenses. Mr. Curtis indicated he was unsure, but he believed approximately 600 citizens had licensed pets. He indicated the licensing program also helped when an animal was lost, especially if said animal was chipped. Council Member Gillespie asked how residents were to know about the license requirement. City Manager Spurgeon noted information regarding the need to license pets was released through the Broken Arrow newsletter. Council Member Gillespie noted 600 citizens out of 115,000 citizens was a pittance. She stated she wondered if it was necessary to have this ordinance; she did not feel the ordinance accomplished its purpose.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

Nay: 1 - Christi Gillespie

11. Ordinances

- A. 19-1398** **Consideration, discussion, and possible adoption of Ordinance No. 3605, closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park)(North); repealing all ordinances to the contrary; and declaring an emergency**
Mr. Larry Curtis reported the Preview Ordinance was reviewed at the previous City Council Meeting regarding the vacation of the easement and right-of-way associated with the property for the new Creek 51 Business Park. He stated this Ordinance would enable the closing of the utility easements and right-of-way.

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

Move to adopt Ordinance No. 3605

The motion carried by the following vote:

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

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

Move to approve the emergency clause

The motion carried by the following vote:

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

- B. 19-1399 Consideration, discussion, and possible adoption of Ordinance No. 3606, closing a portion of Right-of-Way on property located one-quarter mile north of Washington Street (91st Street), one-quarter mile west of 225th East Avenue (Evans Road), Wagoner County, State of Oklahoma, (Section 18, T18N, R15E)(Creek 51 Business Park)(South); repealing all ordinances to the contrary; and declaring an emergency**
Mr. Larry Curtis reported Ordinance No. 3606 was for the other portion of the Creek 51 Business Park property which had a utility easement and right-of-way needing to be closed. He noted it was the same situation as with Ordinance No. 3605.

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

Move to adopt Ordinance No. 3606

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 to approve 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

There were no remarks or inquiries by Governing Body Members.

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

City Manager Spurgeon reported based on current weather conditions he believed Lynn Lane would be reopened by the end of the week. He stated he was very impressed by the number of citizens who came out last Thursday for the Tee-Off. He thanked the Tourism and Economic Development Office for its efforts. He thanked the Main Street Merchants. He noted there were many events planned between now and the end of the year and he encouraged residents to show support for the Rose District and Main Street Merchants.

At approximately 7:41 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

The City Council Meeting reconvened at approximately 7:59 p.m. Mayor Thurmond Mayor Thurmond called for a motion for a brief recess to clear the room for the Executive Session.

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

Move for a brief recess to clear the room for the Executive Session

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 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 any other pertinent staff members discussing and conferring on matters pertaining to the claims and potential litigation or actions pertaining to:

1. The City's potential claim and litigation or action related to Stronghand, LLC's potential breach of the Tiger Hill Soldier Pile Retaining Wall Contract No. 171703, Bid No. 19.121;

2. Litigation involving City of Broken Arrow v. Purdue Pharma, L.P., et al, Case No. 19-cv-0047-TCK-JFJ in the United States District Court for the Northern District of Oklahoma.

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to protect the confidentiality of businesses and to process the pending claim, litigation and possible litigation and that disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

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

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 8:57 p.m.

MOTION: A motion was made by Scott Eudey, seconded by Craig Thurmond.

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk