City of Broken Arrow

Minutes
City Council Meeting

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 6, 2020 **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 Andrew Conley 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

Boy Scout Troop 151 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 Johnnie Parks.
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.	**20-1155**	**Approval of the Special City Council Meeting Minutes of September 9, 2020**
B.	**20-18**	**Approval of the City Council Meeting Minutes of September 15, 2020**
C.	**20-1146**	**Acceptance of the Planning Commission meeting minutes of August 27, 2020**
D.	**20-1147**	**Acceptance of the Special Planning Commission meeting minutes of September 1, 2020**
E.	**20-1189**	**Acceptance of the Planning Commission meeting minutes of September 10, 2020**
F.	**20-1195**	**Ratification of Workers' Compensation Court Order for Gary Snyder, current Fire Department employee**
G.	**20-1194**	**Ratification of Workers' Compensation Settlement for Michael Jackson, current Police Department employee**
H.	**20-1244**	**Approval of and authorization to execute Resolution No. 1345, a Resolution of the Broken Arrow City Council approving and authorizing the formation of a Citizen Advisory Committee, for New Orleans Square, and approving and authorizing the appointment of at least five (5) individuals to assist the City Council and the City Manager towards guidance for future projects to benefit the rejuvenation of New Orleans Square and authorizing this committee to meet with City staff's assistance through 2021 at which time the City Council may continue this Resolution and its intent**
I.	**20-1197**	**Approval of and authorization to accept a donation in the amount of $4,000 from Saint Francis Hospital South for the purpose of renewing the PulsePoint mobile application service**
J.	**20-1242**	**Ratification of acceptance of Grant Award #1060.021 from Oklahoma Homeland Security for replacement of rescue equipment and approval of and authorization to execute Budget Amendment #10**
K.	**20-1214**	**Approval of and authorization to execute a Professional Services Agreement for Bond Counsel Services with The Public Finance Law Group, PLLC**
L.	**20-934**	**Approval of and authorization to execute a Professional Consultant Agreement with LandPlan Consultants, LLC for the City Hall Landscape/Lighting Parking Improvements (Project No. 201707)**

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M. 20-1203 **Approval of and authorization to purchase two (2) 3/4-ton crew cab pickups from Bill Knight Ford, pursuant to the Oklahoma Statewide Vehicle contract, for the Parks Department**

N. 20-1159 **Approval of and authorization to purchase heavy rescue equipment for the Fire Department, from Conrad Fire Equipment, pursuant to the Houston-Galveston Area Council (HGACBuy) contract**

O. 20-1164 **Approval of and authorization to purchase Cisco Smartnet Maintenance Services from Chickasaw Telecom, Inc. pursuant to the Oklahoma Statewide Contract**

P. 20-1243 **Approval of and authorization to purchase equipment for Tyler Enterprise Resource Planning (ERP) Storage Area Network (SAN) Expansion**

Q. 20-1246 **Approval of and authorization to purchase equipment for Storage Area Network Expansion**

R. 20-1225 **Award the lowest responsible bid to R&L Construction, LLC and approval of and authorization to execute a construction contract for the Washington Street Improvements from Garnett Road to Olive Avenue; Reinforced Concrete Package (ST1616B)**

S. 20-1227 **Approval of waiver of bidding requirements set forth in Article V, Section b. of the City of Broken Arrow Purchasing Manual and ratification of the purchase order issued to Advanced Workzone Services for the Washington Street Improvements from Garnett Road to Olive Avenue construction project (ST1616B)**

T. 20-1245 **Approval of waiver of bidding requirements set forth in Article V, Section c. and Article XIV of the City of Broken Arrow Purchasing Manual and issuance of a purchase order for the purchase of storm drainage piping from DP Supply Co. for the Washington Street Improvements from Garnett Road to Olive Avenue construction project (ST1616B)**

U. 20-1233 **Approval of waiver of bidding requirements set forth in Article V, Section c. and Article XIV of the City of Broken Arrow Purchasing Manual and issuance of a purchase order for the purchase of stormwater infrastructure materials from Nance Precast Concrete Products for the Washington Street Improvements from Garnett Road to Olive Avenue construction project ST1616B**

V. 20-1251 **Approval of waiver of bidding requirements set forth in Article V, Section c. and Article XIV of the City of Broken Arrow Purchasing Manual and issuance of a purchase order for the purchase of PVC pipe for upcoming water line replacement projects**

W. 20-1224 **Ratification of Change Order No. 4 for Contract No. 171703 Tiger Hill Soldier Pile wall to implement the approved Settlement Agreement between Stronghand LLC, Great American Insurance Company ("GAIC") and the City of Broken Arrow**

X. 20-1148 **Approval of BAZ-2062 (Rezoning), DuPree Home, 0.66 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street)**

Y. 20-1151 **Approval of PT11-102A, Conditional Final Plat, SoundMind Behavioral Health, 14.16 acres, 2 Lots, A-1 (Agricultural) to CG (Commercial General)/ (Planned Unit Development) PUD-279, one-half mile north of Tucson Street (121st Street) west of Aspen Avenue (145th East Avenue), north of the Creek Turnpike**

Z. 20-1174 **Approval of PT16-100A, Conditional Final Plat, The Villas at Bel Lago II, 43 lots, 13.42 acres, A-1 to RS-3, northwest corner of Houston Street (81st Street) and 51st Street (Evans Road/225th E. Avenue)**

AA. 20-1176 **Approval of PT19-108, Conditional Final Plat, Harvest Center, 40.03 acres, 1 Lot, A-1 to PUD-289/IL, one-half mile north of Houston Street (81st Street), one-quarter mile west of 23rd Street (County Line Road)**

AB. 20-1206 **Approval of PUD-319 (Planned Unit Development) and BAZ-2065 (Rezoning), City PUD, approximately 20 acres, one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike**

AC. 20-1149 **Approval of a modification to Section 4.1(n) of the Land Subdivision Code for Glenn Zeiter, 1 lot, 0.66 acres, A-RE (Annexed Residential Estate) to RS-1 (Single-Family Residential), one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street)**

AD. 20-1162 **Accept the donation of public improvements at Broken Arrow Health and Rehab located at 1251 West Houston Street**

AE. 20-1137 **Accept the donation of public improvements at North Aspen Retail Center located at 2601 North Aspen Avenue**

AF. 20-1154 **Acceptance of a Temporary Construction Easement consisting of 0.0006 acres from The Korean Church of Tulsa, Inc., on property located at 13000 E 68th Street, Broken Arrow, Oklahoma, a tract of land that is part of Lot 1, Block 1 of Korean Church, located in the Southwest Quarter of Section 4, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Olive Avenue Improvements, Kenosha to Albany, Parcel 9.A. (Project No. ST1710)**

AG. 20-1126 **Acceptance of a Temporary Construction Easement consisting of 0.02 acres from the J K Cameron Family, LP, on property located at 3550 W Tacoma Street, Broken Arrow, Oklahoma, a tract of land that is part of Lot 1, Block 1 of Cam-Par Business Park, located in the Northwest Quarter of Section 4, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Olive Avenue Improvements, Kenosha to Albany, Parcel 17.A. (Project No. ST1710)**

AH. 20-1188 **Acceptance of a Temporary Construction Easement consisting of 0.02 acres from the Scissortail Crossing Apartments, LP, on property located at 2800 North 23rd Street, Broken Arrow, Oklahoma, a tract of land that is part of Lot 1, Block 1 of The Park at Albany, located in the Southwest Quarter of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma for the 23rd Street Roadway Improvements, Albany to Omaha, Parcel 8.1. (Project No. ST1931)**

AI. 20-1150 **Acceptance of a Utility Easement from Glenn Zeiter, on property located one-third mile west of Aspen Avenue (145th East Avenue), one-quarter mile south of Florence Street (111th Street), Tulsa County, State of Oklahoma, (Section 33, T18N, R14E)**

AJ. 20-1005 **Acceptance of a Utility Easement from Nicholas Parker, on property located at the southeast corner of 1st Street and Fort Worth Street, Tulsa County, State of Oklahoma, (Section 11, T18N, R14E)**

AK. 20-1210 **Ratification of the Claims List Check Register dated September 29, 2020**

6. Consideration of Items Removed from Consent Agenda

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

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

A. 20-1235 **Presentation and update by Broken Arrow Public Schools staff on the STEM (Science, Technology, Engineering and Math) Innovation Center**

Assistant City Manager over Operations Kenneth Schwab reported City Council asked the City Manager to arrange an update regarding the STEM Academy. He introduced Michelle Bergwall, Jason Jedamski, and Bob Tolomeo.

Mr. Bob Tolomeo, Director of Construction for Broken Arrow Public Schools reported programming for the STEM Academy began approximately 1.5 years ago. He displayed slides which illustrated the STEM Academy building. He gave a brief history of the progress which had been made regarding the Innovation Academy including brainstorming sessions, programing meetings, building design, lot layout, etc. He noted outdoor space was important, the building would open to a pond and river area, the building was two stories, and the VO AG building would be relocated to the back of this property. He displayed photos illustrating the proposed building design which included a large, covered promenade space, greenhouses, maker's space, community space, lab space, collaboration space, and show barns.

Mr. Jason Jedamski, Director of Student Life and Activities for Broken Arrow Public Schools, discussed academic programming. He indicated academic programming was just beginning. He reported the STEM Academy Innovation Center was being developed to create a more community conscious and globally aware society. He stated the Vision was evolving and would continuously change. He noted innovative thinkers would be encouraged. He indicated the Mission was to empower children to solve tomorrow's problems today. He reported there would be three program options available to eligible students: 1) Full time program option for grades 9-12: Problem Based Learning Interdisciplinary Program approach; 2) Full time Lab School program option: a co-creative independent study plan; 3) Innovative Elective Program, a part time program for grades 10-12. He discussed each of these three programming options including student eligibility, student goals, structuring, student problem solving, student voice and choice options, leadership opportunities, Capstone experience, and community showcase.

Mr. Tolomeo displayed an aerial photo illustrating the progress of the construction including the slab, steel framework, etc.

Vice Mayor Eudey noted Mr. Tolomeo commented the building would house two communities. He asked for clarification. Mr. Tolomeo explained there were four communities to be houses in this space (VO AG was one community, for example) and each community had a certain number of classroom spaces with labs, computer rooms, and studio space.

Council Member Wimpee asked about the expected construction completion date. Mr. Tolomeo responded occupancy was expected mid-May to enable fixtures and furniture to be installed over the summer; the school would be opened in August.

Council Member Wimpee commented on a similar program she visited in 2014. She indicated it was exciting to see Broken Arrow developing this school.

B. 20-1226 Presentation and update by Parks and Recreation Director on the Community Garden project

Parks and Recreation Director Matt Hendren reported the Community Garden would be located west of the tennis courts in Central Park; this location was chosen due to existing utilities such as water and electric and this being an unused space. He displayed a photo of a community garden which was used for budgeting purposes; he noted the Broken Arrow Community Garden would look similar to this photo. He reported the garden site would be 100 x 100 feet with 15 raised beds; could be expanded when needed; would include walkways between the beds; would be fenced; and would have a frost-free hydrant for watering and a compost bin. He indicated he wished to bring together a small group of citizens to discuss garden bed layout, possible amenities, bed rental fees, user agreements, etc.

Vice Mayor Eudey asked how the Community Garden would dovetail with the Rose Garden. Mr. Hendren responded the Rose Garden was south of the main drive, near the creek; he noted the Community Garden was not near the Rose Garden.

Council Member Gillespie asked who might be interested in renting garden beds, organizations, or individuals. Mr. Hendren responded individuals would be permitted to rent a raised bed.

City Manager Spurgeon noted the beds could be used for flowers or produce. He noted an organization might choose to rent a raised bed as well. He indicated the Community Garden would promote a sense of community and enable persons of similar interest throughout the City to come together.

Mr. Hendren stated if an individual rented a garden bed, said individual would be responsible for all bed maintenance.

Council Member Wimpee asked if the garden would be locked. Mr. Hendren responded there would be a gate and a lock; however, he wished to discuss this with the small citizen group.

Council Member Wimpee asked if Broken Arrow would be providing dirt for the raised beds. Mr. Hendren responded in the affirmative.

Council Member Gillespie stated she was excited about this Community Garden; she was passionate about gardening.

Mr. Hendren indicated he wished to gather the citizen group within the next month. He noted he hoped to complete the garden over the winter to enable residents to begin gardening in the spring.

Mayor Thurmond agreed this was an excellent project.

C. 20-1222 Presentation of a Proclamation declaring October 2020 as Manufacturing Month

Ms. Darla Heller, Vice President of Economic Development, Broken Arrow Economic Development Corporation and Chamber, reported manufacturing was the life blood of the Broken Arrow Community. She stated she hoped to return on

October 20, 2020 to discuss the Broken Arrow EDC and manufacturing. She reported Manufacturing Month was the EDC's attempt to highlight the manufacturing industry and manufacturing career opportunities. She stated several events would be held highlighting community manufacturing companies. She reported Broken Arrow had approximately 300 manufacturers representing approximately 7,000 employees with an average wage of $60,000 dollars. She discussed other Manufacturing Month events including an event at the high school to discuss careers in manufacturing, a manufacturing luncheon with a guest speaker, etc. She thanked City Council for supporting the manufacturing community in Broken Arrow.

Mayor Thurmond read the 2020 Manufacturing Month Proclamation: "WHEREAS, the City of Broken Arrow, Oklahoma is promoting Manufacturing Month in October of 2020; and WHEREAS, Manufacturing Month was developed to improve public perception of manufacturing and is supported by thousands of manufacturers as they host students, teachers, parents, job seekers and other local community members at open houses designed to showcase modern manufacturing technology and careers nationwide; and WHEREAS, it is a national celebration of modern manufacturing designed to inspire the next generation on how they can make a difference through manufacturing, give guidance on how to take first steps in starting a career in modern manufacturing. effectively communicate that manufacturers need the next generation, show students, parents and educators the opportunity, creativity, possibility and accomplishment that comes with a career in manufacturing; and WHEREAS, the City of Broken Arrow ranks third in the state of Oklahoma for manufacturing; and WHEREAS, more than 7,000 employees represent more than 300 local manufacturers within the City of Broken Arrow; and WHEREAS, modem advanced manufacturing relies on clean, well-lit and climate controlled environments; provides competitive benefits to every employee including healthcare and retirement plans ; and thereby makes manufacturing a worthwhile career choice for all residents; and WHEREAS, the City of Broken Arrow, Oklahoma supports and joins in this national and state effort to help America's manufacturers do what they do best - grow their business, create jobs, and ensure that our communities remain as vibrant tomorrow as they are today."

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to accept the Proclamation declaring October 2020 as Manufacturing Month
The motion carried by the following vote:

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

Commemorative photographs were safely taken.

D. 20-1156 Presentation of a Proclamation recognizing the 60th anniversary of Boy Scout Troop 151 in the City of Broken Arrow, Oklahoma

The Leader of Boy Scout Troop 151 reported this year was the 60th Anniversary of scouting in Broken Arrow. He thanked City Council for presenting this Proclamation in recognition of the Boy Scout Anniversary.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.
Move to accept the Proclamation recognizing the 60th anniversary of Boy Scout Troop 151 in the City of Broken Arrow, Oklahoma
The motion carried by the following vote:

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

Mayor Thurmond read the Proclamation: "WHEREAS, Boy Scout Troop 151 was established on October 12, 1960, chartered originally with First Presbyterian Church and currently chartered with Northside Freewill Baptist Church, and WHEREAS, Troop 151 is the oldest, continuously running troop in Broken Arrow, Oklahoma; and WHEREAS, the Troop has a proud and solid history of service to the community and the nation; and WHEREAS, Troop 151 has had a far-reaching positive impact on our community by providing youth with a safe and exciting environment where members can learn the value of citizenship, service, teamwork, fitness and leadership; and WHEREAS, more than 75 of the Troop's members have earned Scouting's highest achievement, the rank of Eagle Scout; and NOW, THEREFORE, I, Craig Thurmond, Mayor of the City of Broken Arrow, on behalf of the City Council, City staff, and residents, do hereby join the Boy Scouts of Troop 151, their families, leaders, and volunteers in celebrating the Troop's 60th Anniversary."

Commemorative photographs were safely taken.

E. 20-1228 Presentation of a Proclamation declaring October as Breast Cancer Awareness Month in Broken Arrow, Oklahoma

Mayor Thurmond indicated breast cancer awareness was extremely important and October, as breast cancer awareness month, was an important month. He indicated he learned from his late wife's experience the importance of being vigil regarding cancer checks and self-advocating if you believe you have a problem.

Mayor Thurmond read the Proclamation: "WHEREAS, October is National Breast Cancer Awareness Month, and WHEREAS, October 16th is National Mammography Day; and
WHEREAS, In the United States, breast cancer death rates are higher than those for any other cancer besides lung cancer; and WHEREAS, As of January 2020, there are more than 3.5 million women with a history of breast cancer in the U.S. WHEREAS, About 1 in 8 U.S. women (about 12%) will develop invasive breast cancer over the course of her lifetime; and WHEREAS, Approximately 2,620 new cases of invasive breast cancer are expected to be diagnosed in men in 2020; and WHEREAS, Early detection and treatment can save lives;
NOW, THEREFORE, I, Craig Thurmond, Mayor of the City of Broken Arrow, on behalf of the City Council, City staff and residents do hereby stand in solidarity with breast cancer survivors and thank the countless advocates, medical professionals, researchers, and caregivers who dedicate their lives to fighting for a world without breast cancer."

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.
Move to accept the Proclamation declaring October as Breast Cancer Awareness Month in Broken Arrow, Oklahoma
The motion carried by the following vote:

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

Commemorative photographs were safely taken.

F. 20-1208 Approval of and authorization to execute a Proclamation declaring the month of October 2020 as Community Planning Month

Community Development Director Larry Curtis asked Planning and Development Manager Jill Ferenc to present this Proclamation.

Ms. Jill Ferenc reported Community Planning Month was the commemoration of the role planning played in creating great communities. She reported each year the APA (American Planning Association), recognized National Community Planning Month during the month of October to celebrate and highlight the contributions sound planning and plan implementation made to the quality of neighborhoods and environment. She stated this year's theme was "Planning is essential to recovery" and it highlighted how planning could lead to equitable, resilient, and long-lasting recovery from the effects of the pandemic. She explained planning worked to improve the wellbeing of all residents by taking a comprehensive perspective in decisions and recommendations. She stated the celebration of National Community Planning Month gave Broken Arrow the opportunity to publicly recognize the participation and dedication of Planning Commission members, professional community planners, and other citizen planners who contributed their time and expertise to the improvement of the Community. She thanked City Council for this opportunity and recommended approval of the Proclamation.

Mayor Thurmond read the Proclamation: "WHEREAS, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and WHEREAS, community planning and planners can help manage this change in a way that provides better choices for how people work, live, and play live; and WHEREAS, community planning provides an opportunity for all residents to be equally involved in making choices that determine the shared-vision of their neighborhoods; and WHEREAS, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and WHEREAS, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and WHEREAS, The American Planning Association and its professional

institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our neighborhoods and environment; and WHEREAS, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Broken Arrow; and WHEREAS, we recognize the many valuable contributions made by professional community planners of the City of Broken Arrow and extend our heartfelt thanks for the continued commitment to public service by these professionals; NOW, THEREFORE, BE IT RESOLVED THAT, the month of October 2020 is hereby designated as Community Planning Month in the City of Broken Arrow in conjunction with the celebration of National Community Planning Month."

MOTION: A motion was made by Christi Gillespie, seconded by Debra Wimpee.
Move to accept the Proclamation declaring the month of October 2020 as Community Planning Month
The motion carried by the following vote:

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

Commemorative photographs were safely taken.

G. 20-1181 Presentation regarding update on the Washington Street Widening Project from Garnett Road to Olive Avenue

Streets and Stormwater Director Rocky Henkel reported on August 27, 2020, the City of Broken Arrow took control of the project to widen Washington Street from Garnett Road to Olive Avenue. He stated to date the traffic signal bases were installed, underground boring for the traffic signal system was completed, and three of the four corners had the new traffic signal poles installed, all driveways on the south side of Washington Street from Garnett to Olive were constructed per plan, approximately 2,400 linear feet of the curb and gutter were installed on the south side, stormwater installation was approximately 80% on the north side of Washington Street, backfilling and grading behind the installed curb and gutter had begun.
He displayed and discussed a video which illustrated the construction completed to date. He reported on tonight's Agenda was an Item approving the purchase of the remaining stormwater infrastructure including inlets, manholes, and concrete pipe to complete the project. He reported also on tonight's Agenda was a contract with R&L Construction who would be responsible for extending the box culvert, constructing the barrier wall on the south side, constructing the retaining wall and constructing the bike path. He reported in the next month the curb and gutter installation would continue, installation of the first layer of asphalt would begin, and grading would continue. He displayed and discussed a drone video of the work which had been completed. He recognized many of his workers including Tim Wilson and Nicole Shields. He indicated construction was on schedule.

Mayor Thurmond commended the Broken Arrow construction crews who were working on this project.

Council Member Wimpee indicated there was positive feedback on social media regarding this project.

Council Member Gillespie agreed. She commended the workers.

H. 20-1218 Presentation and discussion regarding the COVID-19 Infection rate for Broken Arrow

Mr. Russell Gale reported Council Member Parks requested Staff obtain data regarding new COVID-19 infections and present it to the City Council; specifically, Council Member Parks expressed an interest in comparing Broken Arrow infection rates (including both Tulsa County and Wagoner County) to Tulsa's infection rates. He reported Staff obtained data from the Tulsa Health Department (THD), and the Oklahoma State Department of Health (OSDH) regarding new infections. He displayed and discussed a graph which illustrated the data collected. He reported the week ending June 20, 2020 Broken Arrow's infection rate was 45% below Tulsa; over the following four weeks both Broken Arrow and Tulsa's rate rose; on July 16, 2020 Tulsa adopted a mask mandate; the week ending July 25, 2020 Broken Arrow's infection rate exceeded Tulsa and continued to exceed Tulsa; through August and

September both Broken Arrow and Tulsa infection rates declined but Broken Arrow's rates continued to exceed Tulsa; for the week ending October 3, 2020, both Broken Arrow and Tulsa rates began to increase with Broken Arrow rates at its greatest since August 8, 2020. He stated Staff would continue to maintain this data and make presentations to City Council as it so desired.

Mayor Thurmond stated Robert Redfield, Director of the CDC, indicated consequences rather than cases should be considered, meaning hospitalization rate rather than infection rate should be examined. He reported as of October 3, 2020 Broken Arrow only had three individuals hospitalized for COVID-19. Mr. Gale concurred. Mayor Thurmond reported Broken Arrow had only 3.5 hospitalizations per capita while Tulsa had 7.6 hospitalizations per capita.

Council Member Gillespie discussed the death rates.

Council Member Parks explained he asked for this information in response to concerns regarding whether or not wearing masks helped reduce the number of COVID-19 cases. He stated he understood the importance of hospitalization rates, but he felt it was also important to keep track of how many individuals simply had the virus and could pass it to others. He noted he was pleased the death rates were down. He indicated it was important to receive a weekly report; the public should be confident the government was keeping track of the situation. He stated he felt this data should be discussed at each City Council Meeting. Discussion ensued regarding how hospital data was reported and reflected.

Mayor Thurmond indicated citizens were encouraged to follow CDC guidelines.

Council Member Gillespie stated many reported positive cases were of individuals who suffered no sickness; therefore, test results were not accurately reflective of the number of those who suffered from COVID-19. She stated she wore a mask while she worked.

Vice Mayor Eudey thanked Mr. Gale for compiling and presenting this data. He agreed discussing the data collected during City Council Meetings would be beneficial. He stated wearing a mask was common courtesy. Council Member Parks agreed; he noted wearing a mask protected others.

Council Member Wimpee indicated Mr. Gale sent the City Council Members an update daily regarding COVID-19 numbers.

I. 20-1260 Presentation and update on the Hillside Drive concrete cantilevered retaining wall project

Director of Engineering and Construction Ethan Edwards reported the contractor for this project was Timber Wolf Excavation, project cost was approximately $1.65 million dollars, with a completion date set for mid-January 2021. He displayed and discussed renderings of the existing wall and the proposed reinforced cantilever wall. He reported the new wall was approximately 41% completed; the existing was demolished; foundation excavation was completed; reinforced concrete footing was completed; the vertical wall installation was beginning and would continue for 60 days, followed by the aggregate backfill and placement of a drainage flume along the back of the top of the wall. He played and discussed a drone video of the project. He indicated the contractor was making excellent progress and Staff was pleased with the work.

Council Member Parks asked where the water would drain. Mr. Edwards responded the water would run downhill.

Vice Mayor Eudey asked if a sidewalk along this road was being considered. Mr. Edwards responded in the affirmative; Staff was reviewing possible sidewalk options for this road. Vice Mayor Eudey indicated he felt it was important to enable pedestrian traffic in this location. Council Member Parks agreed.

City Manager Spurgeon stated a meeting was held two weeks prior regarding the idea of sidewalks in this location as typically a developer was responsible for sidewalk installation. He indicated he asked the Legal Department to research if there were a way for City Council to pass an ordinance which would require any developer who

purchased this land in the future to reimburse the City for any improvements made by the City at this point.

Council Member Wimpee asked about the hill excavation behind the wall. Mr. Edwards responded the hill was excavated for stability purposes and there would be a top treatment to make the wall and hill aesthetically pleasing.

J. 20-1236 Presentation of the City of Broken Arrow Traffic Calming Device Policy with respect to ongoing street habilitation projects in association with general obligation bond programs and street sales tax program

Assistant City Manager of Operations, Kenny Schwab, reported on August 26, 2020, the Engineering and Construction Department held a pre-work public meeting for Arrow Springs subdivision. He noted this was common practice before a street rehabilitation project. He noted Staff would meet with residents, explain the process, explain the construction schedule, and answer questions. He noted during this meeting a resident asked about the traffic calming devices. He indicated unwritten policy was traffic calming devices were removed, and if still warranted, the City would replace the devices. He explained the history of this unwritten policy noting in 2008, the City of Broken Arrow for the first time included a residential street habilitation component to the community's general obligation bond program. He explained during the first few neighborhood engagement meetings initiated with the impacted residents before the commencement of construction, some of the first questions from the residents regarded the traffic calming devices (speed humps). He noted in those meetings, residents quickly voiced their displeasure with the traffic calming devices placed in their neighborhoods; those present loudly voiced a wish to have the devices removed. He stated in the very first meeting, Staff indicated speed humps could be removed from the construction plans; however, Staff clearly stated if a resident desired to have the devices re-installed and the traffic and conditions met the requirements as defined in the Traffic Calming Policy, then the device would be re-installed; the residents present understood this criteria. He noted this same situation occurred a couple more times regarding other subdivision street rehabilitation programs. He indicated Staff met with previous City Administration and discussed the matter in detail; it was decided to leave the devices out of the public construction contract for this reason, as well as a few other reasons. He noted if the residents wished the devices to be re-installed, then the City would quickly perform the analysis to ensure the current traffic conditions still warranted the traffic calming devices. He noted a couple of other factors considered in the original decision included the fact that placement of the devices during construction would create an additional and unnecessary obstacle; also, to include the work in a public construction contract was not the best use of funds since the cost for a contractor to place the asphalt was significantly higher than for the City to perform the work. He stated it should be noted in all of the subdivisions where these devices were removed only a small fraction have been requested to be reinstalled. He explained Staff believed there were extenuating circumstances which warranted the re-installation of these devices; for example, in locations where a school was near or in a subdivision where there was a wide residential collector street with a long straight run, it made good sense to re-install the devices after the completion of construction with City crews.

Vice Mayor Eudey stated if the traffic calming devices were in place, this meant at some point a study was done to determine the traffic calming devices were necessary. He asked what would change to make the traffic calming devices no longer necessary. Mr. Schwab responded traffic patterns and number of speeders often changes. Vice Mayor Eudey asked if a study should be completed prior to removal of the traffic calming devices to ensure the devices were no longer needed.

Mr. Schwab explained the original written policy required an average daily traffic load of 500 cars or more, and the speed of the vehicles were taken into consideration, to require a traffic calming device. He indicated if there were a significant number of speeders, then the traffic calming device was installed.

Vice Mayor Eudey stated a study done prior to construction might solve this issue. He stated if traffic patterns had changed and traffic calming devices were no longer necessary, then the City could save the money and not reinstall the devices. Mr. Schwab stated the study could be done prior to construction; he explained this study was done in-house by Mr. Henkel's Staff.

Mr. Henkel made a comment which was inaudible. Mr. Schwab indicated Mr. Henkel was saying when the traffic calming devices were in place the study would show there were no speeders. Vice Mayor Eudey explained he did not mean for the City to conduct the study prior to construction while the speed humps were in place, but to conduct the study immediately following construction, prior to reinstalling the speed bumps, to automatically determine whether the traffic calming devices were needed and reinstall the devices as necessary. Mr. Schwab responded this could be done.

Mr. Schwab noted in cases where there was a nearby school or a wide straight road the traffic calming devices should automatically be reinstalled.

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 indicated no Citizens had signed up to speak.

9. General Council Business

A. 20-1183 Consideration, discussion and possible action on an appeal to the Hearing Officers decision declaring 520 West Detroit Street, Broken Arrow, Oklahoma 74012; Lots 15 & 16, Block 23 Broken Arrow- Original Town, Tulsa County; as a dilapidated structure and a public nuisance and authorization to demolish the property. Violations: Title 11 O.S. § 22-111 and § 22-112; City Nuisance Code 15-1 C.15 and 15-4 and 15-1 D.10 a & b

Mr. Larry Curtis reported the applicant requested this Item to be tabled until November. He explained the applicant contracted COVID and was unable to attend tonight's meeting.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to table this Item until November
The motion carried by the following vote:

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

B. 20-1180 Consideration, discussion and possible approval of PUD-50E (Planned Unit Development), Sparky McGee Medicine in Brentwood Center, 0.53 acres, PUD-50D/CG to PUD-50E/CG, located south of Washington Street (91st Street), west of Aspen Avenue (145th East Avenue)

Mr. Curtis reported Planned Unit Development (PUD)-50E involved a 0.53-acre parcel located south of Washington Street (91st Street), west of Aspen Avenue (145th E. Avenue). He indicated the applicant was requesting a major amendment to PUD-50D to allow a medical marijuana dispensary facility to be located on the property; the property has been platted as Lot 5, Block 1, Brentwood Center. He stated according to the applicant, Sparky McGee was a medical marijuana dispensary which opened in September 2019 and currently served over 1,000 patients each month. He explained this dispensary opened during a time when Broken Arrow had not yet established its ordinances but were now required to request a modification of the PUD to continue operations in this location. He stated the property associated with PUD-50E was designated as Level 4 in the Comprehensive Plan; the existing CG underlying zoning, which allowed Medical Marijuana, Retail Sales, was in accordance with the Comprehensive Plan in Level 4. He stated in Staff's opinion, PUD-50E continued to satisfy item 1 of Section 6.4.A of the Zoning Ordinance; all the other provisions approved by the City Council in 1984 remain, as well as PUD-50D which was approved by the Planning Commission in 2015. He indicated according to the Zoning Ordinance, medical marijuana dispensaries were not allowed within 1,000 feet of schools and a detailed survey would be conducted as part of any application for a medical marijuana license from the City of Broken Arrow. He noted Staff did review aerial photographs, and no schools were observed within 1,000 feet of the proposed dispensary. He stated PUD-50E was reviewed by the Planning Commission on September 10, 2020; no comments were received during the Public Hearing session on this item. He indicated Staff recommended PUD-50E be approved as requested and platting be waived. He stated after reviewing the information presented in the Staff report and information provided by the applicant, the Planning Commission recommended approval (4-0) of PUD-50E as per Staff recommendation.

Council Member Wimpee asked if this dispensary was near another dispensary. Mr. Curtis noted there was another dispensary diagonal from this dispensary.

Council Member Parks asked when the Ordinance regarding the distance requirement between dispensary businesses would go into effect. Mr. Curtis responded the Ordinance would go before Planning Commission for review at the end of October.

Council Member Gillespie asked if this dispensary was located near residences. Mr. Curtis responded in the affirmative; the dispensary backed up to a residential area.

Vice Mayor Eudey asked about the distance requirement ordinance. Mr. Curtis explained the ordinance was being crafted to require a 1,000-foot buffer between marijuana business, daycare facilities, and preschool facilities.

Council Member Wimpee asked if this dispensary would be inside a buffer range of a preschool. Mr. Curtis responded in the affirmative; this dispensary would be too close to a preschool if the future ordinance were approved. He cautioned City Council not to make decisions based on an ordinance which had not yet passed. Discussion ensued regarding the licensing determining whether or not a dispensary could be in this location, not the PUD.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to PUD-50E as per Staff recommendations
The motion carried by the following vote:

Aye: 3 - Johnnie Parks, Scott Eudey, Craig Thurmond
Nay: 2 - Christi Gillespie, Debra Wimpee

C. 20-1199 Consideration, discussion, and possible approval of the appointment of Mindy Payne to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2023

Mr. Larry Curtis reported the Board of Adjustment Members were appointed to serve a three-year term; the term of Board of Adjustment Rob Whitlock expired on May 1, 2020. He noted Mr. Whitlock was originally appointed to fill an unexpired term on May 7, 2019. He indicated Mindy Payne was nominated by Mayor Thurmond to fill the currently vacant position for Ward 2. He noted Ms. Payne expressed her willingness to serve on the Board a three-year term to expire May 1, 2023. He stated Ms. Payne had served diligently on the Elm and New Orleans Advisory Committee and was instrumental in this Committee. He stated Staff was excited to see her potential nomination to the Board of Adjustment. Council Member Gillespie agreed and commended Ms. Payne.

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks.
Move to approve the appointment of Mindy Payne to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2023
The motion carried by the following vote:

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

D. 20-1202 Consideration, discussion, and possible approval of the appointment of Julea' Merriott to the City of Broken Arrow Planning Commission for the remainder of a three-year term to expire May 1, 2021

Mr. Curtis reported Planning Commission Members were appointed to serve three-year terms. He stated former Planning Commission Member Mark Jones recently resigned from the appointment effective September 25, 2020 due to other professional commitments. He noted Mr. Jones was originally appointed to the Planning Commission on March 15, 2016, and his current term was set to expire on May 1, 2021. He indicated Mayor Craig Thurmond recommended the appointment of Julea' Merriott to serve the remainder of Mr. Jones's term. He noted Ms. Merriott has applied to serve on the Planning Commission and expressed her willingness to serve for the remainder of the three-year term to expire May 1, 2021. He stated Ms. Merriott was a business consultant and resident of Broken Arrow and was looking forward to infusing her knowledge, drive, and passion for the City through serving. He noted Staff met with Ms. Merriott who showed an eagerness to serve on the Planning Commission.

Council Member Gillespie indicated discussion had been held during a previous City Council Meeting, prior to her joining City Council, regarding the City Council Members being given the opportunity to recommend nominees for Planning Commission. She commented she did not receive any notice regarding Mark Jones'

resignation. She noted the Planning Commission was a very important board and she felt each City Council Member should have the opportunity to make a recommendation.

Council Member Wimpee stated she felt Ms. Merriott had an excellent resume for a marketing position but did not have much experience which would qualify her for the Planning Commission. She indicated she was concerned Ms. Merriott had only lived in Broken Arrow for 18 months, and about her current job position. She asked if this Item could be tabled to enable further discussion and a possible new nomination.

Council Member Parks noted it used to be City Council Members recommended nominations; however, State Law changed and now indicated only the Mayor could make Planning Commission nominations.

Vice Mayor Eudey concurred. Mr. Curtis concurred.

Mayor Thurmond noted his appointment of Ms. Merriott was an attempt to bring in new individuals to serve on the Planning Commission as requested by Council Member Gillespie. He noted Ms. Merriott had not served on any other Committees. Council Member Gillespie indicated she felt the Planning Commission was too important of a committee to bring in someone with no experience. Council Member Wimpee indicated Ms. Merriott was too new to the City of Broken Arrow and did not have any qualifications which made her a good candidate to serve on the Planning Commission. Council Member Gillespie noted she recommended Planning Commission Member Jaylee Klempa based on her experience within the construction community.

Council Member Parks indicated the next time a position came open on the Planning Commission, perhaps Mayor Thurmond could ask for possible appointment recommendations from the City Council Members to consider prior to making his appointment. Discussion ensued regarding the process of nominee and appointee selections.

Council Member Gillespie stated she felt this position needed to be filled by an individual who was familiar with Broken Arrow's Comprehensive Plan and the City of Broken Arrow in general.

Council Member Parks stated it was important for the individual who filled this position to be familiar with building/construction terminology. He agreed the Planning Commission filled an important position in the Broken Arrow government.

Vice Mayor Eudey stated he believed the most important asset for a Planning Commission Member was "thick skin."

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to approve the appointment of Julea' Merriott to the City of Broken Arrow Planning Commission for the remainder of a three-year term to expire May 1, 2021
The motion carried by the following vote:

Aye: 3 - Johnnie Parks, Scott Eudey, Craig Thurmond
Nay: 2 - Christi Gillespie, Debra Wimpee

Council Member Wimpee indicated she voted nay as she believed there was a conflict of interest with this nominee.

E. 20-1209 Consideration, discussion, and possible approval of changing the name of the Armed Forces Meeting Hall to the 'Broken Arrow Veteran's Center' (Project No. 176050A)

Mr. Charlie Bright reported in 2018, the voters in Broken Arrow approved of the construction of a new Armed Forces Meeting Hall as part of the 2018 General Obligation Bond Program; the facility was to be located on Main Street adjacent to Veteran's Park. He indicated the user group asked for the name of the building to be changed to the "Broken Arrow Veteran's Center." He gave a brief history regarding why this was being brought before City Council; it was decided City Council needed to approve a name change. He displayed and discussed renderings of possible name displays on the front of the new building.

Mr. Mitch Reed discussed ideas originally considered as names for this facility. He discussed his concerns with offering additional services in the facility before the facility was fully prepared. He indicated he believed the only two extra services which could be provided would be family counseling and a veterans' counselor who assisted with veteran paperwork. He noted 13 new services were being added to the VA Hospital at Fort Sill, many of which were for women.

Mayor Thurmond asked what name Mr. Reed recommended for the facility. Mr. Reed responded: Broken Arrow Veteran's Center. He noted veteran's centers typically represented the many various veteran branches and services.

Council Member Wimpee indicated the Veteran's Center would serve as a home for each military branch. She agreed with the name choice.

Council Member Parks asked if the five veteran's groups to be located in this facility were in agreement regarding the name Broken Arrow Veteran's Center. Mr. Reed responded in the affirmative. He noted calling this the Armed Forces Meeting Hall sounded more like a recruitment center than a veteran's center.

Vice Mayor Eudey noted when this project was approved it was understood that counseling services would eventually be offered. He asked if this was still the case. Mr. Reed responded hopefully counseling would be offered; he wished to see how much room there was in the facility prior to committing services. Vice Mayor Eudey stated he understood counseling services would be offered. He noted it was one of the reasons he approved the facility; it was important to him for counseling to be a part of this. He indicated the new name was fine, but the idea that counseling would no longer be offered as a service was disturbing.

Mr. Reed indicated the user group wanted to add services later if there was room in the facility. Vice Mayor Eudey noted this building was designed to house counseling services. Mr. Charlie Bright concurred; the building as designed had an extra office specifically for counseling services.

Mayor Thurmond noted the subject being discussed was the renaming of the facility.

Mr. Reed stated "services" was a confusing word when associated with all the varying VA groups. He stated while there was an office set aside for a counselor, a waiting room was also needed. He discussed the various services offered in Broken Arrow for veterans. He noted he did not believe there would be a space issue, but it was hard to tell until the facility was completed.

Vice Mayor Eudey stated the name was fine, but it was imperative to not lose sight of how important counseling services were.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.
Move to approve changing the name of the Armed Forces Meeting Hall to the 'Broken Arrow Veteran's Center'
The motion carried by the following vote:

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

F. 20-1175 Consideration, discussion, and possible approval of and authorization to execute an Agreement with the Muscogee Creek Nation and Mission 22 for partnering together for the War at Home Memorial (Project 206043)

Mr. Charlie Bright reported the War at Home Memorial would be an expansion to Veteran's Park located next to the new Broken Arrow Veteran's Center. He stated the War at Home Memorial would honor those soldiers who had fallen in the War against Veteran suicide. He stated the City was partnering with the Mission 22 non-profit organization and the Muscogee Creek Nation to construct this memorial. He briefly reviewed the history of the contract agreement which was canceled and tabled due to Mission 22 being unable to provide the funds for the project until Spring of 2021. He noted the contract before City Council indicated Mission 22 would donate the funds in spring of 2021. He noted the City had its funds budgeted and available; likewise, the Muscogee Creek Nation has its funds budgeted and available.

City Manager Spurgeon asked about the company hired for the professional services. Mr. Bright reported R.L. Shears was the company working on the construction documents for the Memorial. He noted a 60% plan submittal was given to the City two weeks ago. He noted the City reviewed the submittal and design meetings had been held with Mission 22 and Muscogee Creek Nation. He stated he believed this project might be ready to bid at the end of November. He noted the granite could be ordered in the next few weeks if desired. He stated COVID delivery delays were lessening.

Council Member Wimpee asked about pricing. Mr. Bright responded the project was on budget without including the alternate lighting. He noted Mission 22 might raise additional funds. He would have a better understanding of what costs would be and what add alternates could be included after the project was bid.

Council Member Gillespie asked where the monuments were being stored. Mr. Bright responded a trucking company in Sapulpa was storing the monuments.

Council Member Wimpee noted the owner of the trucking company worked with Soldier's Wish and was willing to store the monuments free of charge until needed. Mr. Bright noted the owner of the trucking company also committed to transporting the monuments free of charge as well. He indicated this was quite a savings.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.
Move to approve and authorize the execution of the Agreement with Muscogee Creek Nation and Mission 22
The motion carried by the following vote:

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

City Manager Spurgeon indicated he needed direction from City Council regarding the bidding of this project. He noted Mission 22 would not have available funds until Spring 2021. He asked if City Council would like to bid this project when ready or wait until the funds were fully available. He noted he hoped to have the plans and specs ready when the funds were available. Mr. Bright indicated typically funds were needed prior to bidding the project; therefore, he would not bid this project until the funds were in hand. He noted if City Council wished to bid this project prior to receiving funds from Mission 22, the City would need to transfer funds to cover this project until the City was reimbursed by Mission 22.

Council Member Wimpee asked if the City could request the funds which Mission 22 had raised up to this point. City Manager Spurgeon responded in the affirmative. He noted the City was in a position to forward fund this project, but he would need the Legal Department to review the Agreement which might require a reimbursement amendment prior to moving forward to protect the City's interests. He recommended forward funding this project with an amendment to the Agreement which indicated Mission 22 would reimburse the City as the funds came in.

Vice Mayor Eudey noted he would like to move forward with the project as soon as possible, but it was important for the Agreement to reflect a reimbursement amendment to protect the City and the taxpayers.

City Manager Spurgeon stated he would meet with the Legal Department and come back before City Council. Mr. Bright concurred; he would meet with Legal, Mission 22, and Muscogee Creek Nation to amend this agreement and bring it back before City Council. He noted many families were excited to see this Memorial going up in Broken Arrow.

G. 20-1215 Consideration, discussion, and possible approval of the proposed list of projects for the 2018 General Obligation Bond Issue, Series 2020A and 2020B Sale

Mr. Kenny Schwab reported this Item was for the next GO Bond Sale. He stated these were all 2018 GO Bonds; and Staff was recommending two Series (2020A and 2020B). He stated this sale was an increase of $3.5 million dollars above the originally projected amount of $16.5 million dollars due to the increased valuation of the City (for a total of $20 million dollars). He reported the proposed project breakdown and amounts included the following for Series 2020A: Proposition 1 - Transportation at $9.67 dollars (Widen Houston Street from Garnett Road to Olive Avenue; Widen Houston Street from Olive Avenue to Aspen Avenue; Widen

Washington Street from 9th Street to 23rd Streets; Widen 9th Street from Houston Street from Washington Street; Rehabilitate and/or resurface various residential streets located throughout the city; Widen Albany Street from 23rd Street to 37th Street; Widen New Orleans from 209th to 217th; Widen 37th Street from Dearborn Street to Omaha Street; Sidewalk improvements at various locations; and Elm Place and New Orleans Corridor Improvements); Proposition 2 - Public Safety at $500,000 dollars (Acquisition and equipping of fire trucks and/or ambulances); Proposition 3 - Quality of Life at $3.3 million dollars (Improvements to Indian Springs Sports Complex; Improvements to Nienhuis Park Skate Park; Improvements to Arrowhead Park; Construct new community trails near 1st Place; Highland Park; 37th Street Park); Proposition 4 - Public Facilities at $5.53 million dollars (Construct an Armed Forces Meeting Hall; Construct a new Senior Citizens Center; Software upgrade for city facilities) for a total of $19 million dollars. He reported the proposed project breakdown and amounts for Series 2020B included Proposition 6 – Drainage projects at $1 million dollars (Drainage Improvements in the Adams Creek Basin, Broken Arrow Creek Basin, Haikey Creek Basin, and Elm or Aspen Creek Basins). He discussed the projects associated with each Proposition and City Manager Spurgeon commented on a few projects. Mr. Schwab indicated Staff recommended approval of the proposed projects. He noted if approved, a Resolution identifying the projects and setting the sell date of the bonds would be set before Council at the next council meeting.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee
Move to approve the Proposed Project List of the 2018 General Obligation Bond authorization for Series 2020A and 2020B GO Bond sale
The motion carried by the following vote:

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

H. 20-1253 Consideration, discussion, and possible approval of and authorization to execute a Property Transfer and Naming Rights Agreement with AVB Bank for the Center of Arts, Innovation and Creativity

Mr. Schwab read the following into the record: "More than 12 years ago a group of citizens began to reach out to the Council and request that the City invest into a Center for arts, innovation and creativity. In 2008 the voters approved a Proposition in the amount $1.4 million dollars to purchase an existing facility and convert the facility into the Arts, Innovation and Creativity Center. After further investigations of that facility it was determined the original site was not well-suited for the proposed facility. In 2014, the $1.4 million dollars was repurposed by a vote of the people for a facility to be located near or in the central part of the downtown portion of the City. In 2016 the City entered into an agreement with the Board of County Commissioners of Tulsa County to use Vision 2025 Surplus funds for the proposed center. The total amount was in two separate applications for $2.6 million dollars. At that point in time, once approved, there was a total of $4 million dollars for the facility. Later in 2016, the City entered into an agreement with Selser Schaefer Architects to perform conceptual design and preliminary programing of the facility. This was very important because to understand how much it was going to cost you needed to know what services would be provided to the community, and to understand the services you needed to know how much square footage and ceiling height was needed. During the course of the conceptual design and preliminary programming, it became apparent to the team members including internal Staff and external participants, the total of $4 million dollars was not quite adequate to purchase the land, tear down an existing building, plus construct a new facility to meet the needs of the Community. AVB approached the City and offered to donate the land and the existing building (old bank); later AVB offered to demolish the building and donate and clear the parcel of land to the City for construction of the proposed facility. Today, the former building has been demolished and the land was ready for donation. As a part of the donation and transfer of real property, AVB was requesting the right to name the center 'The Brown-Kimbrough Center for Arts, Innovation & Creativity.' In addition, a plaque shall be fixed to the building on the east side of the building, facing Main immediately north of the main entrance."

Mr. Schwab reported currently Manhattan was the construction manager at risk; the project went out to bid on October 8, 2020. He explained, if approved, at the next City Council Meeting, AVB Bank would give to the City, via quitclaim deed, title to the property. He stated once bids were opened, guaranteed price documents with

Manhattan would be ready for City Council review as well. He introduced Ted Cundiff, President and CEO of AVB Bank.

Mr. Ted Cundiff, President and CEO of AVB Bank, recognized Kelley Rash, Cooper Rash, Neely Kimbrough, and Kathy Kimbrough. He explained Kelley Kimbrough Rash's grandfather, in 1905, started Arkansas Valley National Bank in the location of the AVB Bank. He stated he believed this Arts Center would round out the Rose District as an arts and entertainment area. He thanked City Council for its support.

Mr. Schwab reported without this generous donation the City would be very challenged to develop this Arts Center.

City Manager Spurgeon noted, on top of donating the land and clearing it in preparation of the construction of this facility, the Rash-Kimbrough family was donating seed money funds for the operation of this facility.

Vice Mayor Eudey stated there was no greater patron of the arts in Broken Arrow than Kelley Kimbrough Rash. He stated the level of commitment Ms. Kimbrough Rash's family had to investing in the Community would leave a beautiful legacy to the Kimbrough family. He stated he was grateful for the Kimbrough family's contribution, and the Citizens of Broken Arrow would be grateful as well.

Mayor Thurmond agreed.

MOTION: A motion was made by Scott Eudey, seconded by Debra Wimpee.
Move to approve and authorize the Property Transfer and Naming Rights Agreement with AVB Bank for the Center of Arts, Innovation and Creativity
The motion carried by the following vote:

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

I. 20-1250 Consideration, discussion, and possible approval of a 2020 Veterans Day Parade and authorization for fee waivers for all associated City fees

Parks and Recreation Director Matt Hendren reported at the September 15, 2020 City Council meeting, Mr. Mike Inman, Veteran Chairman for the Broken Arrow Elks Lodge 2673, presented an idea to council for an annual Veterans Day Parade in Broken Arrow. He stated the parade was intended to be a community event to honor Broken Arrow veterans which had served or were serving in the military. He indicated the event would take place annually on the first Saturday in November before Veterans Day. He noted the parade would be sponsored by the Broken Arrow Elks Lodge 2673 and planned to involve other Veterans programs. He stated if supported by City Council, the Veterans Parade would take place this year on November 7, 2020; if the parade was supported by City Council, City Staff was requesting all fees associated with the 2020 Veterans Day Parade be waived. He indicated he met with Mr. Inman regarding this parade; Mr. Inman wished the parade to be down Main Street and the banners to be up during the parade, this was why the Saturday before Veteran's Day was chosen for this event. He noted Mr. Inman was holding a parade planning meeting this evening.

Council Member Wimpee stated Mr. Joshua Starks, the Tulsa Veterans Parade organizer, extended an offer of assistance to Mr. Inman to help in organizing the Broken Arrow Veterans Day Parade.

City Manager Spurgeon stated the City would extend assistance with this Parade as well. He recommended approval.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.
Move to approve a 2020 Veterans Day Parade and authorization for fee waivers for all associated City fees
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

A. 20-1186 Consideration, discussion, and possible adoption of Ordinance 3653, an Ordinance repealing and re-enacting Broken Arrow Code of Ordinances Chapter 11-Food and Food Establishments; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Mr. Justin DeBruin reported this Ordinance updated Chapter 11 of the Broken Arrow Code of Ordinances – Food and Food Establishments. He briefly discussed the changes reviewed on September 15, 2020 during the Preview Ordinance.

Council Member Wimpee asked if the City had done its due diligence in reviewing these changes. Mr. Curtis responded in the affirmative.

MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey.
Move to adopt Ordinance No. 3653
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 for the emergency clause
The motion carried by the following vote:

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

B. 20-1261 Consideration, discussion, and possible adoption of Ordinance No. 3654, an ordinance repealing Chapter 2 of the Broken Arrow Code, Article XVI, The Broken Arrow Elm and New Orleans Advisory Committee, Sections 2-230, 2-231, 2-232, 2-233 and 2-234; repealing all ordinances to the contrary; and declaring an emergency

Mr. Larry Curtis reported on August 6, 2019, the City Council formed a 12-person Advisory Committee to review, analyze and prepare recommendations for improvements to the Elm and New Orleans Special Study Area, now known as New Orleans Square. He stated on September 1, 2020, this committee presented its final report to the City Council and with this report, concluded its assignment; as the committee had concluded its assignment, it was recommended the City Council dissolve this 12-person committee and possibly consider forming another committee to proceed with recommendations. He stated a subsequent, separate item was being presented to the City Council to consider the formation of an informal committee.

Council Member Parks noted each City Council Member would be able to choose a nominee to serve on the new informal committee. Mr. Curtis agreed. He noted the City Council approved formation of the New Orleans Square Advisory Committee earlier this meeting; each Member of City Council would appoint a member to the Committee.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.
Move to adopt Ordinance No. 3654
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 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 reminded the public October was Pinktober. He stated the White House call last Wednesday revealed more than 111 million tests had been performed in the United States to date, more than any other nation. He stated the State of Oklahoma received 77,000 tests last week for distribution. He noted Dr. Deborah Birx reported most COVID spread was due to private gatherings, not through bars and restaurants; cases were dropping in colleges. He noted discussion was held regarding the efforts being made to bring a vaccine to market as soon as possible. He stated the CDC urged the public to obtain a flu vaccine.

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

There were no remarks or updates by City Manager.

Mayor Thurmond indicated there was an Executive Session; therefore, 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
The motion carried by the following vote:

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

Mayor Thurmond reconvened the City Council Meeting at approximately 9:20 p.m. and called for a motion for a brief recess to clear the room for the Executive Session.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.
Move for a brief recess
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 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, conferring on matters, and possible action in open session pertaining to:

1. A litigation, including potential intervention by the City of Broken Arrow, involving the case of Holliday Sand & Gravel Company, Inc. v. Tulsa County Board of Adjustment, Tulsa County District Court Case Number CV 2020 996, under 25 O.S. §307(B)(4)

2. A litigation, including defense thereof, involving the case of Jason Nicholson et al. v. Kevin Stitt et al., Okmulgee County District Court Case Number CJ 2020 94, 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 litigation and 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.

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the litigation and 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 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 Debra Wimpee.
Move to direct the City Attorney's Office to file a request with the Tulsa County District Court to Intervene in Holliday Sand & Gravel Company, Inc. versus Tulsa County Board of Adjustment, Tulsa County, OK Case No. CV-2020-996
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's Office to defend the case of Nicholson, et al. versus City of Broken Arrow et al., CJ-2020-94, in Okmulgee County, OK and to take all necessary actions in defense of this case
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 9:34 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

Mayor

City Clerk

CITY OF BROKEN ARROW OKLAHOMA TULSA COUNTY