

# City of Broken Arrow

## Minutes City Council Meeting

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Mayor Debra Wimpee  
Vice Mayor Christi Gillespie  
Council Member Scott Eudey  
Council Member Johnnie Parks  
Council Member Lisa Ford*

**Monday, June 20, 2022**

**Time 6:30 p.m.**

**Council Chambers**

**1. Call to Order**

Mayor Debra Wimpee called the meeting to order at approximately 6:30 p.m.

**2. Invocation**

Pastor Chauncey Forte performed the invocation.

**3. Roll Call**

**Present:** 5 - Lisa Ford, Scott Eudey, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Mayor Wimpee led the Pledge of Allegiance to the Flag.

**5. Consideration of Consent Agenda**

Mayor Wimpee noted Items A, AO, AV, AX, BB, BC, and BI would be pulled from the Consent Agenda. She 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 Christi Gillespie.

**Move to approve the Consent Agenda absent Items A, AO, AV, AX, BB, BC, and BI**

The motion carried by the following vote:

**Aye:** 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- A. 22-34 Approval of the City Council Meeting Minutes of June 6, 2022
- B. 22-817 Approval of the Special Joint Meeting Minutes of the Broken Arrow City Council, Broken Arrow Municipal Authority, and Broken Arrow Economic Development Authority of May 24, 2022
- C. 22-801 Approval of the Payroll and Benefit Calendar for Fiscal Year 23
- D. 22-761 Approval of the 2022-2023 International Association of Firefighters (IAFF) Local No. 2551 Collective Bargaining Agreement Salary Schedule to be effective July 1, 2022 based on the appropriation of adequate and sufficient funding of the Fiscal Year 2022-2023 budget process
- E. 22-760 Approval of the 2022-2023 Fraternal Order of Police (FOP) Lodge No. 170 Collective Bargaining Agreement Salary Schedule to be effective July 1, 2022 based on the appropriation of adequate and sufficient funding of the Fiscal Year 2022-2023 budget process
- F. 22-848 Approval of and authorization to execute Resolution No. 1468, a Resolution authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 1608 South 4th Street, Broken Arrow, Oklahoma 74012
- G. 22-849 Approval of and authorization to execute Resolution No. 1469, a Resolution authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 1209 North 31st Street, Broken Arrow, Oklahoma 74014
- H. 22-850 Approval of and authorization to execute Resolution No. 1470, a Resolution authorizing the City Legal Department to file an action in District Court to obtain a Decree ordering the abatement of a public nuisance regarding the property located at 3312 West Pittsburg Street, Broken Arrow, Oklahoma 74012
- I. 22-785 Approval of and authorization to execute Resolution No. 1471, A Resolution of the Broken Arrow City Council extending the current use agreement between the City of Broken Arrow and the Broken Arrow Seniors, Inc. from June 30, 2022 until August 5, 2022 for property located at 1800 South Main Street, Broken Arrow, OK 74012
- J. 22-866 Approval of and authorization to execute Resolution No. 1472, A Resolution of the Broken Arrow City Council extending the current use agreement between the City of Broken Arrow and the Broken Arrow Historical Society from June 30, 2022 until August 5, 2022 for property located at 400 South Main Street, Broken Arrow, OK 74012
- K. 22-783 Approval of and authorization to execute Resolution No. 1473, A Resolution of the

Broken Arrow City Council extending the current Services Contract between the City of Broken Arrow and the Broken Arrow Seniors, Inc. from June 30, 2022 until August 5, 2022

- L. 22-786 Approval of and authorization to execute a Risk Management Services Agreement with the Arrow Group to provide brokerage services for Risk Management and Insurance Services administration to be effective July 1, 2022
- M. 22-862 Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and ArtsOK, Inc.
- N. 22-823 Approval of and authorization to execute a Professional Services Agreement with Bradley Law, LLC, for providing counsel and legal advice regarding Franchise law
- O. 22-784 Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Community Playhouse
- P. 22-864 Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and Broken Arrow Genealogical Society
- Q. 22-805 Approval of and authorization to execute an annual use agreement with the Broken Arrow Military History Center for Fiscal Year 2023
- R. 22-863 Approval of and authorization to execute an annual use agreement between the City of Broken Arrow and Broken Arrow Veteran's Center, Inc.
- S. 22-855 Approval of and authorization to execute a First Amendment to cellular tower land lease agreement with Celco Partnership d/b/a Verizon Wireless for the 300 East Washington Street location (Arrowhead Park)
- T. 22-758 Approval of and authorization to execute an Emergency Medical Service Contract Agreement between Central Tech and the City of Broken Arrow
- U. 22-807 Approval of and authorization to execute an Agreement between the City of Broken Arrow and Claims Recovery Specialists LLC for providing City Recovery and Adjustment Services for property damages to City-owned assets
- V. 22-879 Approval of and authorization to execute an Amendment to Service Agreement No. 50006466 (second renewal) with Clean Uniform Company for non-public safety employee uniform rental service
- W. 22-640 Approval of and authorization to execute a service agreement quote with Donohue Commercial for heating, ventilation, and air conditioning service
- X. 22-767 Approval of and authorization to execute a third renewal for gasoline and diesel fuel with Frost Oil, dba Bowers Oil, for the period of July 1, 2022 to June 30, 2023
- Y. 22-782 Approval of and authorization to execute a renewal of the City of Broken Arrow Golf Course Professional Management Services Agreement with Greenway Golf Partners, LLC on City owned land known as the Battle Creek Golf Course
- Z. 22-824 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hall Estill, Attorneys at Law for providing counsel and legal advice regarding water related issues
- AA. 22-825 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hovey Williams, LLP, Attorneys and Counselors at Law for providing counsel and legal advice regarding the Rose District Trademark
- AB. 22-797 Approval of and authorization to execute a Professional Services Contract Amendment No. 1 between Kendig Keast Collaborative and the City of Broken Arrow for the Zoning Ordinance Update
- AC. 22-820 Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
- AD. 22-830 Approval of and authorization to execute a Professional Consultant Agreement with LandPlan Consultants Inc for the Design of the Sustainability Park (Project No. 2214010)
- AE. 22-822 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C. for providing counsel and legal advice regarding sovereignty law, employment law and labor law
- AF. 22-821 Approval of and authorization to execute a Professional Services Agreement with Metcalf & Spitler, LLP, for providing counsel and legal advice regarding the Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., and Heartstone
- AG. 22-808 Approval of and authorization to execute a Professional Transportation Services Contract with the Metropolitan Tulsa Transit Authority (Tulsa Transit) to provide public transportation services for Fiscal Year 2022-23
- AH. 22-788 Approval of and authorization to execute a First Amendment to the June 29, 2021 Economic Development Agreement by and among OakTrust Development LLC, Steve Easley, the Broken Arrow Economic Development Authority and the City of Broken Arrow
- AI. 22-649 Approval of and authorization to execute Firefighter Jo'es Okotoghaide's application for participation on Oklahoma Taskforce-1 Urban Search and Rescue Team and renewal for Firefighters Jeremy Roberts, Justin Williams, Stephen Heins, Jill Boeckman, and Kathryn Harsen, to participate on the Oklahoma Taskforce-1 Urban Search and Rescue Team for fiscal year 2023
- AJ. 22-768 Approval of and authorization to execute a city-wide copier equipment lease and

- AK. 22-865 maintenance agreement renewal with Preferred Business Systems LLC  
Approval of and authorization to execute an agreement between the City of Broken Arrow and Shade Structures Inc. to provide a shade structure at Family Aquatics Center, (project 2260260), pursuant to the BuyBoard National Purchasing Cooperative Interlocal Participation Agreement
- AL. 22-834 Approval of and authorization to execute a third renewal agreement with Storey Wrecker Inc. for wrecker services
- AM. 22-829 Approval of and authorization of a new spending limit for the new fiscal year for TEKsystems' professional services on an as needed basis
- AN. 22-853 Approval of and authorization to execute a renewal for Teladoc HealthiestYou services effective July 1, 2022
- AO. 22-719 Approval of and authorization allowing the Tourism and Economic Development Team to implement a rideshare program for Broken Arrow with Uber
- AP. 22-809 Approval of and authorization to execute a Stop Loss renewal with US Fire for fiscal year 2022-2023
- AQ. 22-826 Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood, PLLC Attorneys and Counselors at Law for providing counsel and legal advice regarding civil rights and use of force cases
- AR. 22-755 Notification of City Manager's execution of Professional Services Agreement New Orleans Square Block Party
- AS. 22-772 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- AT. 22-875 Notification of City Manager's execution of 2022 Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2022 Taste of Summer
- AU. 22-839 Approval of and authorization to purchase two (2) Pierce fire apparatuses from Conrad Fire Equipment, Inc. pursuant to the Houston-Galveston Area Council (HGACBuy) contract, using the "prepay" option, for the Fire Department and approve and authorize the execution of Budget Amendment Number 39 for Fiscal Year 2022
- AV. 22-871 Approval of and authorization to purchase (2) 2022 Mustang Mach-E 4dr 4x2 Select SUVs from Reynolds Ford, Inc. pursuant to the Oklahoma Statewide Contract
- AW. 22-771 Approval of and authorization to purchase three (3) complete sets of Motorola radio systems for (3) AEV Ford F550 Type 1 Ambulances from Sourcewell Purchasing Cooperative for the Fire Department
- AX. 22-814 Award the lowest responsible bid to Cook's Consulting, LLC and approve and authorize execution of a construction contract for Portland Cement Concrete Street Repair
- AY. 22-870 Award the most advantageous bid to Unicare Building Maintenance, Inc and authorize execution of a service agreement for Janitorial Services for Niehuis Park Community Center, Central Park Community Center, Nature Center, Animal Shelter, Training Center 1, Training Center 2, Training Center 3, Justice Center, Street and Stormwater, Physical Resources, and Police and Fire Building
- AZ. 22-759 Approval of quotes received, award of lowest responsible quote, and authorization to execute a construction contract to ASC Playground Adventures for a shade structure at Wolf Creek Park; Project #196028
- BA. 22-815 Approval of and authorization to execute Change Order No. 1 with Diversified Civil Contractors, LLC, for construction contract ST1941; New Orleans Sidewalk Improvements - Aspen to Elm
- BB. 22-867 Approval of and authorization to execute Change Order No. 1 with Diversified Civil Contractors, LLC, for construction contract ST1928; West New Orleans Street and Elm Place Intersection and Streetscapes Improvements
- BC. 22-803 Approval of PT21-107, Conditional Final Plat, The Trails at Aspen Creek, 26.32 acres, 1 Lot, A-1 to PUD-307A/CH and RM, located one-quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street)
- BD. 22-804 Approval of PT21-121, Conditional Final Plat, The Learning Experience, 5.16 acres, 1 Lots, A-1 to ON (BAZ-1966), located one-quarter mile south of Omaha Street (51st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road), north of Nienhuis Park
- BE. 22-833 Acceptance of a Drainage and Temporary Construction Easement from Christopher and Breann Lander, the owners, on property located at 1820 West Jasper Street, Broken Arrow, Oklahoma 74011, located in the Southwest Quarter of the Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 5.0, 5.A, for the Indian Springs Culvert Improvements. Project No. SW1911/SW1917
- BF. 22-835 Acceptance of a Drainage and Temporary Construction Easement from Regina T. Moore, the owner, on property located at 6675 South 129th East Avenue, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of the Section 4, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 11.0, 11.A, for the Olive Street Improvements, Kenosha to Albany. Project No. ST1710
- BG. 22-843 Acceptance of a Temporary Construction Easement from Bryan Lucenta on property located at 2236 West Charlotte Street, Broken Arrow, Oklahoma 74011, located in the Southeast Quarter of the Section 4, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 1.A for the Aspen Ridge Storm Sewer Improvements. Project No. SW21080

- BH. 22-777** Acceptance of a Utility Easement from Blue Bull Capital, LLC, on property approximately located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue
- BL. 22-840** Acceptance of a Utility Easement consisting of 0.2730 acres from Forest Ridge Board Homeowners Association, Inc., an Oklahoma corporation, on property generally located at 7500 block South 257th East Avenue, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 10, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Villas on the Greens Lift Station to Gravity Sewer Improvements, Parcel 1.0 (Project No. 2154290)
- BJ. 22-612** Acceptance of a Utility Easement from Walmart Real Estate Business Trust, on property located approximately one-quarter mile north of Tucson Street (121st Street), one-eighth mile west of Elm Place (161st Street), Tulsa County, State of Oklahoma, (Section 34, T18N, R14E)
- BK. 22-810** Ratification of the Claims List Check Register Dated June 11, 2022

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

Mayor Wimpee read Item A: "Approval of the City Council Meeting Minutes of June 6, 2022."

Council Member Scott Eudey indicated Item 9A of the Minutes reflected an abstention when it was a "no" vote.

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

**Move to approve the City Council Minutes of June 6, 2022 as amended**

The motion carried by the following vote:

**Aye: 5 -** Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Item AO: "Approval of and authorization allowing the Tourism and Economic Development Team to implement a rideshare program for Broken Arrow with Uber."

Economic Development Manager Jennifer Rush reported the Tourism Team was looking at ways to connect hotel visitors to the City in an effort to encourage visitors to stay, spend money in and enjoy the City of Broken Arrow. She stated when studying the Trolley Project, it was determined the capital and operating costs were higher than expected; therefore, the Tourism Team was looking at other options. She stated micro transit through Uber was a project Uber had done in other cities; the City would commit \$50,000 dollars to be spent as utilized and through Uber service from hotels into New Orleans Square and the Rose District.

Council Member Eudey noted he asked this item to be pulled because when he initially looked at it, as there was a Committee looking at public transportation items, and even though this dealt with tourism dollars, he wondered if it might be a good idea to wait and obtain the full report of the Committee before the City committed dollars to a project with regard to public transportation. He stated he wanted to understand more about what this project was about versus what the Public Transportation Committee was looking at.

Ms. Rush explained the difference was the Public Transportation Committee dealt more with getting residents around in the area while this project was more focused on tourism and getting visitors to visit the areas within the City. She noted Community Development Director Larry Curtis could speak more about the Public Transportation Committee.

Community Development Director Larry Curtis noted the Public Transportation Committee was focused on Broken Arrow residents ensuring proper public transportation to provide to citizens and to be good stewards of public transportation dollars. He noted he had worked in tandem with Ms. Rush and viewed the Uber project with the Economic Development group as a pilot to see how well Uber would do in this situation. He noted the study was expected to be wrapped up at the end of this month and this initial information from Uber would help guide the City as it moved along with the process of potential micro-transit for the entire City.

Council Member Eudey asked if the tourism study would help the Committee in its work.

Mr. Curtis responded in the affirmative. He stated the other item on the Agenda, the contract with Tulsa Transit, had a caveat in the agreement that with 30 days' notice, either party could discontinue the contract or expand the contract. He stated having this information as the City moved forward would be helpful in making transportation decisions.

Council Member Johnnie Parks asked if the City had a way to obtain feedback about the Uber micro-transit program.

Ms. Rush responded in the affirmative. She stated the feedback could be reviewed daily. She noted the hotels would need to participate in this program by marketing to visitors. She stated there would be a dashboard on which the city could daily look up rides, view what time

of day rides were used, where the rides went to, what hotels were utilizing the program more often, etc. She stated the \$50,000 dollars would be earmarked to pay for these rides and would only be spent as the rides were utilized. She explained if only \$10,000 dollars were used for micro-transit rides by visitors, there would still be \$40,000 dollars left, and she would come back before City Council and see whether the program should be continued.

Mayor Wimpee noted that for the time being, these Uber rides could be used to visit New Orleans Square and the Rose District, but in the future, as more events were held at the Events Park, the Events Park might be added to the list of free Uber rides for visitors.

Vice Mayor Christi Gillespie asked how visitors would utilize the program.

Ms. Rush responded Uber had a QR code which visitors would be able to scan. She stated she was working with hoteliers to figure out the process and how the QR code was distributed to guests. She noted it was important to verify someone was a guest and not someone who just wished to park at the hotel location and use the QR code for a free ride. She noted the data collected would be used to determine whether the City wished to pursue a Trolley program in the future.

Council Member Lisa Ford stated she was excited about this outside of the box thinking. She stated she did not want to see empty Trolleys driving around the City and this was a way for the City only to spend money if the rides were being used.

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

**Move to approve the Consent Agenda Item AO**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Consent Agenda Item AV: "Approval of and authorization to purchase (2) 2022 Mustang Mach E 4dr 4x2 Select SUVs from Reynolds Ford, Inc. pursuant to the Oklahoma Statewide Contract."

Mr. Larry Curtis stated the City received a grant from INCOG a couple of months ago from CMAQ to encourage a changeover in fleet for some of the City's vehicles. He noted, as such, Staff along with Building Maintenance and Transportation Services and the Purchasing Department looked at electric vehicle options. He stated due to familiarity with Ford technology and the ability to incorporate into the existing fleet, Staff determined the Mach E would be most beneficial. He noted these two vehicles would be within his department and utilized for his team efforts including the Farmer's Market, inspections with building code enforcement, and things along those lines. He noted this was an 80/20 match with CMAQ funding.

Council Member Eudey stated he asked for this to be pulled because he wanted to know why the City decided to go with the Mustang. He noted this was not actually a Mustang, it was an SUV Ford was calling a Mustang. He asked why the City was not selecting a Tesla since the City had a Tesla in its fleet.

Mr. Curtis stated this would give the City an opportunity to gauge the Tesla and the Mach E, and if the City chose to grow the fleet with electric vehicles, it would have gauges it could go by.

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

**Move to approve the Consent Agenda Item AV**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Consent Agenda Item AX: "Award the lowest responsible bid to Cook's Consulting, LLC and approve and authorize execution of a construction contract for Portland Cement Concrete Street Repair."

Council Member Eudey indicated he asked for this Item to be pulled because there was a 25% difference between the bids, and he wished to make a motion to table this Item so it could be reviewed to determine why there was such a disparity.

Assistant City Manager of Operations agreed this could be further researched. He noted there was a 25% difference between the two bidders, and there were only two bidders. He indicated he could look into this and bring the Council more information.

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

**Move to table Consent Agenda Item AX**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Consent Agenda Item BB: "Approval of and authorization to execute Change Order No. 1 with Diversified Civil Contractors, LLC, for construction contract ST1928; West New Orleans Street and Elm Place Intersection and Streetscapes Improvements."

Construction Division Manager Tim Robbins reported the Change Order before City Council was for the New Orleans Square intersection streetscaping and improvements project. He stated Change Order 1 was in relation to the decision on June 6, 2022, to review the color schemes and evaluate some additional color iterations. He stated as preparation for this, the contractor was given a stop work on issuing any color purchases. He noted as such, the schedule was impacted by 21 calendar days, and this was what Item BB was referring to.

Council Member Eudey stated his only concern was, at the meeting, Council Member Parks had asked if reconsidering the color schemes would result in a delay, or slow down the process, and the Council was told it should not. He stated he was anxious to have this project completed before the shopping season for Christmas began. He asked if the roadway work would still be completed before the holiday season began.

Mr. Robbins stated the City's contractor was committed to getting this done as fast as possible, and the City wished to contractually take care of the obligations within the contract. He stated the contract was pushing forward as fast as possible and had almost completed all the demolition work in the first phase, as well as Phase 1A. He stated unfortunately, this would extend the completion timeline into December. He stated the Team was working to find ways to mitigate this, but contractually there would be an impact into the holiday season.

Council Member Eudey asked if work was being done 24 hours a day.

Mr. Robbins stated work would be done within all hours of the 24 hour period but would be maintaining a 10 to 11 max hour workday; however, the contractor would be shifting to earlier concrete placements due to concrete demand and temperatures.

Council Member Eudey asked if the contractor understood how important it was to have this intersection opened.

Mr. Robbins responded in the affirmative. He stated he spoke with Diversified Civil Contractors who understood the timeliness of the project.

Vice Mayor Gillespie stated she thought she understood this would cause a small delay.

Council Member Eudey stated he understood other pieces of the project would keep moving forward to prevent this color delay from causing a project completion delay; therefore, he was wondering why the completion date was being extended.

Mr. Schwab apologized if he misspoke. He stated the contractors were working, as obviously there was a lot of work to do. He stated ordering the color concrete and additives was a critical path item. He asked if the change order could be held off as the contractor was still moving and revisit the change order. He noted the contractor was moving at a fast pace.

Discussion ensued regarding not issuing the change order to keep the contractor from slowing down.

Mr. Schwab indicated he would be okay holding the change order to see how the contractor was faring, but he also felt the contractor was due some additional time.

Council Member Eudey stated he did not want to upset the contractor; he just wanted the contractor to understand how important it was to have this done as soon as possible.

Mr. Schwab stated the fact that the contractor had moved into some of the phase 2 demolition demonstrated the contractor understood the City's time constraints and was thinking outside the box and attempting to make up some time on his own.

Vice Mayor Gillespie noted it seemed like demolition was going on at three of the corners.

Mr. Robbins discussed the efforts being made to move along with the construction process as quickly as possible.

Council Member Eudey noted even with the construction, traffic was flowing well through the area. He thanked the Broken Arrow Police Department for its assistance in this process.

Vice Mayor Gillespie agreed.

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

**Move to approve the Consent Agenda Item BB**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Consent Agenda Item BC: "Approval of PT21 107, Conditional Final Plat, The Trails at Aspen Creek, 26.32 acres, 1 Lot, A 1 to PUD 307A/CH and RM, located one quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street)."

Mr. Curtis reported PT21-107, the conditional final plat for The Trails at Aspen Creek, proposed to have 1 lot containing 26.32 acres. He reported the property, located one-quarter mile west of Aspen Avenue (145th E. Avenue), north of Tucson Street (121st Street) was presently zoned A-1. He stated on July 20, 2021, the City Council approved PUD-307A, a major amendment to PUD-307 on 106.78 acres, subject to the property being platted. He stated PUD-307A moved the previously approved multifamily area from the center of the property to the east side of the parcel. He provided a brief history of this PUD and the property. He reported this item was heard by the Tactical Advisory Committee on May 3, 2022 and was recommended for approval (4-0 vote) by the Planning Commission in their meeting of May 26, 2022, per Staff and the Technical Advisory Committee recommendations.

Vice Mayor Gillespie stated she pulled this Item as she had concerns about the fencing.

Mr. Curtis indicated the PUD allowed for wood on the west side; typically, an opaque wooden fence would be located on the west side of the property. He noted right now the PUD called for this to be commercial and it was atypical for this type of material to abut a commercial area.

Vice Mayor Gillespie asked if there were anything at this point the City could do to change it, possibly ask them nicely. She stated she felt it would be weird to have a wood fence along a commercial area.

Mr. Curtis stated because at this time nothing had come forward in regard to a plat and future development of that portion of the property, he did not have really good information regarding what this could be; however, typically when commercial went in next to residential an 8-foot high opaque wooden fence would be installed to separate the uses. He noted as he did not know the layout of the future development it was hard to mitigate any type of design standards to the west.

Vice Mayor Gillespie explained her thought was the City was creating these village type areas throughout the City and this went away from this as the traffic flow was not encouraged from the multifamily into the commercial area. She stated she felt it was strange there was only going to be an emergency entrance and exit between the two.

Mr. Curtis noted typically multifamily areas tended to be gated communities, even in more village oriented developments, but that did not mean there would not be connectivity through sidewalks or such. He stated this would be better determined as the western side of the property was developed.

Vice Mayor Gillespie asked why masonry fencing was not being required.

Mr. Curtis explained the developer increased the masonry requirements along the portion of the road which would be visible by the general public and in exchange reduced masonry requirements along the portion of the fencing which would not be visible to the general public. He noted in general the development overall had higher masonry standards than zoning code standards. He stated Item BC was approval of the plat; Staff still had not seen the specifics of the layout and development. He stated as the project moved forward a site plan would be submitted with construction design standards.

Vice Mayor Gillespie asked if the original developer was the current developer.

Mr. Curtis responded in the negative; the original owner of the property was not the current owner. He stated this property owner was Case and Associates and was not the original developer of the original PUD.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to approve the Consent Agenda Item BC**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor Wimpee read Consent Agenda Item BI: "Acceptance of a Utility Easement consisting

of 0.2730 acres from Forest Ridge Board Homeowners Association, Inc., an Oklahoma corporation, on property generally located at 7500 block South 257th East Avenue, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 10, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Villas on the Greens Lift Station to Gravity Sewer Improvements, Parcel 1.0 (Project No. 2154290).”

Council Member Eudey stated a resident reached out to him regarding this Item as there was a 140-year-old tree recognized by the State as a Centennial Witness Tree as it was older than the State of Oklahoma. He noted this tree was within 160 feet of the lift station and the easement came within 25 feet of the tree. He asked for this matter to be tabled to give Staff time to examine the impact any work around the tree would have on this natural historical structure. He stated he did not want to be responsible for killing a 140-year-old tree.

Mr. Schwab agreed to tabling this Item. He noted the project was to convert the Lift Station to a gravity sewer which benefitted the Community. He stated tabling this Item would enable the City to go out, survey the area, show where the easement was exactly, and if it were a problem, the easement could be moved. He noted the project was out to bid currently, but an addendum could be sent out which postponed the bid opening indefinitely; once the situation was resolved, the bid opening date could be scheduled.

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

**Move to table Consent Agenda Item BI**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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

### **A. 22-868 Presentation, consideration, and acceptance of the City of Broken Arrow Annual Financial Statements and single audit for Fiscal Year 2019-2020**

Finance Director Cindy Arnold reported this was for the 2020-2021 audit (not 2019-2020). She indicated Arledge and Associates was unable to attend this evening’s meeting but would be present July 19, 2022 to do a full presentation of the 2021 audit. She noted the audit had a clean opinion and one finding because the City failed to file with the Auditor General in time due to this being Broken Arrow’s first year with Munis and there were all new account numbers which made the process more difficult. She indicated this coming FY-2022 audit should be quicker. She asked City Council to accept the Financial Statements and the full draft would be available tomorrow or the next day.

Mayor Wimpee asked if the failure to file on time was the City’s fault or Arledge’s fault.

Ms. Arnold responded it was a combination of both. She explained with the conversion of Munis, this was the first full year, and the City was not certain what reports to use or how to pull things out of the system; it was a learning curve. She stated Arledge and Associates indicated the switch to Munis typically caused delays in auditing, and there were other municipalities who were years behind in their audits as a result. She explained it was an entirely new accounting system which took some getting used to. She discussed the difficulties in the transition due to COVID as well. She asked City Council to accept the City of Broken Arrow Annual Financial Statements for the Fiscal Year 2021. She indicated the audit would come before City Council for approval at the next meeting on July 19, 2022.

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

**Move to accept the City of Broken Arrow Annual Financial Statements for the Fiscal Year 2020-2021**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

## **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 Wimpee indicated no Citizens signed up to speak.

## **9. General Council Business**

### **A. 22-847 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1467 providing a change in the boundaries of City Council Wards, as said change is necessary due to the disproportionality of the Ward population**

Mr. Larry Curtis reported Farhad Daroga and his team were instrumental in ensuring Broken Arrow had excellent boundaries redrawn, working with INCOG, for as much of a balance as possible while keeping with the growth patterns of the City.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.

**Move to approve the boundaries as submitted**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee



- B. 22-787 Consideration, discussion and possible approval to reappoint Steven E. Edgar as Presiding Municipal Judge and Dennis A. Sagely as Alternate Municipal Judge for the City of Broken Arrow Municipal Court for a two-year term and consideration, discussion and possible approval of the rate of pay for each Judge including a possible 3 % adjustment to base rates of pay and authorization to execute an Employment Contract with each Judge**  
City Attorney Trevor Dennis reported on June 9, 2022, the Judicial Nominating Committee met to consider the positions of Presiding Judge and Alternate Judge; the Judicial Nominating Committee unanimously voted to recommend Steven E. Edgar be re-appointed to the position of Presiding Municipal Judge and Dennis A. Sagely be re-appointed to the position of Alternate Municipal Judge. He noted both Judges requested to serve another two-year term as Municipal Judge. He indicated his recommendation was the same. He explained before City Council was the consideration to keep the judge's pay rate the same or increase the rate by a 3% cost of living adjustment. He stated there had been no cost of living adjustment for the judges since 2018; therefore, a proposal for a 3 % increase to the contracts was suggested.
- MOTION: A motion was made by Johnnie Parks, seconded by Scott Eudey. Move to approve the reappointment of Steven E. Edgar as Presiding Municipal Judge and Dennis A. Sagely as Alternate Municipal Judge for the City of Broken Arrow Municipal Court for a two year term and approve the rate of pay for each Judge including a 3 percent adjustment to base rates of pay and authorize execution of an Employment Contract with each Judge**  
The motion carried by the following vote:  
Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee
- C. 22-802 Consideration, discussion, and possible approval of Resolution No. 1464, a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2022-2023 Annual Budget for the City in accordance with the provision of the Municipal Budget Act**  
Ms. Cindy Arnold reported the proposed Fiscal Year 2022-2023 budget was presented to the City Council at a special meeting on May 24, 2022 and a Public Hearing on the proposed Fiscal Year 2022-2023 budget was held at the regularly scheduled June 6, 2022 City Council meeting. She reported the proposed budget under consideration totaled \$310,980,873 dollars. She indicated Staff made few changes from the budget presented at the Public Hearing and the budget workshop on May 24, 2022; the total net change was \$392,430 dollars. She stated Resolution No. 1464 adopted the Budget and Staff recommended approval.
- MOTION: A motion was made by Christi Gillespie, seconded by Scott Eudey. Move to approve Resolution No. 1464**  
The motion carried by the following vote:  
Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee
- D. 22-831 Consideration, discussion, and possible approval of Resolution No. 1465, a Resolution fixing the amount of General Obligation Bonds, Series 2022 to mature each year; fixing the time and place the bonds are to be sold; designating a Paying Agent/Registrar and Disclosure Counsel; approving the Preliminary Official Statement and distribution thereof; and authorizing the Clerk to give notice of said sale as required by law and fixing other details of the issue and authorize execution of Resolution No. 1465**  
Ms. Arnold indicated this was being done earlier this year as interest rates were going up. She noted originally the City considered selling \$43 million dollars, but due to rising interest rates the sale amount would be lowered to \$40 million dollars to stay within target millage rates. She briefly reviewed the project list for each of the Propositions. She noted this was the seventh series from the 2018 bond election. She indicated Resolution No. 1465 authorized setting the sale of the bonds. She noted she hoped to have these funds by September and hoped interest rates did not rise further.
- City Manager Michael Spurgeon discussed the proposed bond sale noting the proposed sale was still an excellent sale. He discussed where the fund reductions were originating.
- Council Member Eudey asked if this could be moved along as expeditiously as possible to lock in interest rates.
- Ms. Arnold responded in the affirmative; the process would move forward as expeditiously as possible within the constraints of the rules and regulations. She stated she hoped to have the funds by September 1, 2022. She discussed the sale, bid, and closing timeline.
- MOTION: A motion was made by Lisa Ford, seconded by Johnnie Parks. Move to approve Resolution No. 1465**  
The motion carried by the following vote:  
Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee
- E. 22-832 Consideration, discussion, and possible approval of Resolution No. 1466, a Resolution declaring the intent of the City of Broken Arrow (the "City") to expend certain funds in**

**connection with the acquisition of certain firefighting apparatuses with said expenditures to be reimbursed from the proceeds of general obligation debt to be incurred by the City; and containing other provisions relating thereto and authorizing execution of Resolution No. 1466**

Ms. Arnold explained this was a reimbursement resolution to obtain firefighting apparatuses. She explained the City would order the apparatuses and use fund balance of the Fire Sales Tax to pay for the order; once the bonds were sold, the City would reimburse the Fire Sales Tax Fund. She stated it was important to get these ordered now. She noted the City also received a discount for paying for these as opposed to financing them.

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

**Move to approve Resolution No. 1466**

The motion carried by the following vote:

**Aye: 5 -** Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**F. 22-869 Consideration, discussion, and possible approval of and authorization to publish a Notice of Availability of Annual Audit for Fiscal Year 2020-2021**

Ms. Arnold reported Oklahoma State Statutes required publication of a Notice of Availability of the Annual Audit for public inspection. She stated this was to be accomplished following receipt of the audit. She indicated the attached Notice fulfilled this requirement. She stated the audit would be available in City Hall at the front desk and on the City website. She stated Staff recommended the City Council approve the Notice of Availability of the Annual Audit for Fiscal Year 2020-2021.

Council Member Parks noted City Council had reviewed this Audit several times.

Ms. Arnold noted the City had a good year in FY-2021.

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

**Move to approve and authorize publication of a Notice of Availability of Annual Audit for Fiscal Year 2020-2021**

The motion carried by the following vote:

**Aye: 5 -** Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**G. 22-816 Consideration, discussion and possible direction regarding the color scheme selection and possible approval and authorization for City Manager to execute Change Order #2 with Diversified Civil Contractors, LLC., for construction contract ST1928; West New Orleans Street and Elm Place Intersection and Streetscapes Improvements**

Construction Division Manager Tim Robins reported this Item was for the selection of the color scheme for the West New Orleans and Elm Place intersection. He noted at the previous City Council Meeting, City Council asked Staff to include a color scheme element which was better representative of the New Orleans Square logo. He stated as such, the Engineering and Construction Team, the Contractor, and Kimley Horn got together to create a new color scheme proposal. He distributed handouts which illustrated the new color scheme options. He discussed the color schemes and various finishes, the estimated costs and not to exceed amounts for each. He noted Staff had not gone line item by line item to determine exact costs; therefore, not to exceed amounts were included. He noted the central star design in color scheme 1 and color scheme 2 would be constructed at a later time; a temporary square of concrete would be placed in the center area until the star design was inlaid in Phase 5, the final phase of construction. He explained this would ensure the star was a consistent color. He indicated the central star in color scheme 3 and color scheme 4 would be constructed one quarter at a time throughout the construction process; however, it was believed that with the use of a broadcast hardener the color could be controlled throughout the star, but it would be riskier.

Council Member Eudey asked which color scheme would last the longest and require the least maintenance going forward.

Mr. Robins responded the treatments for each color scheme were similar. He stated the benefit of color scheme 1 and color scheme 2 was the contractor would be coming and casting the blue star all at one time, likely early in the morning, and sealed in the afternoon. He stated in schemes 3 and 4, the star would be constructed in a quadrant method with four different placements. He noted with that, there were joints which could have the potential to pop and there were higher risks for maintenance and repair needs with schemes 3 and 4. He explained there was extra costs in schemes 1 and 2 because the contractor would be required to return and do a phase 5, insertion of the blue star.

Vice Mayor Gillespie asked why the blue star in schemes 1 and 2 had to be the last piece of construction; why could it not be placed during construction.

Mr. Robins explained the idea was to avoid impacting school traffic. He stated construction phase 5, star insertion, would be rather aggressive and traffic would be a reduced east-west

path; a lane would need to be closed for 10 to 14 days.

Council Member Eudey noted if this were done during construction it would fall during prime shopping season.

Mr. Robins concurred. He noted the sacrificial temporary concrete center would reduce the complexity of the center construction and enable the construction timeline to move along more quickly. He noted the phase 5 star construction could then be completed during spring break reducing impact on school traffic.

Council Member Eudey noted it would also reduce the impact on the businesses as well.

Mr. Robins agreed.

Council Member Parks asked if he understood color schemes 1 and 2 would have more durability due to the lack of seams.

Mr. Robins responded in the affirmative; however, color schemes 3 and 4 were still excellent options.

Mayor Wimpee asked if there was concern about tire marks on the white concrete.

Council Member Eudey noted the stamped concrete in the Rose District was already showing damage from drivers. He stated he was disinclined to use a similar product here which would result in the same problem. He indicated he was concerned about the durability of this intersection. He asked how long this would last.

Vice Mayor Gillespie stated the Rose District seemed to be stamped concrete which was different.

Mr. Robins concurred; the Rose District used integral concrete with separate areas which were broadcast concrete. He stated, however, this was an intersection and would get a lot of wear and tear. He stated in building construction it was common to do "attic stock" and as such when the construction process was completed the contractor would hand over attic stock of the blue powder and tint to ensure any future repairs would have access to the blue color. He indicated Staff worked to determine the longevity of the blue concrete by searching for other projects which used the blue, but blue concrete was uncommon. He noted there was a pedestrian blue concrete monument which had weathered quite well over the last 12 to 14 years.

Vice Mayor Gillespie stated this meant the New Orleans Square intersection would be a unique intersection unlike any other.

Mr. Robins stated it was increasingly difficult to get obtain the blue concrete.

Vice Mayor Gillespie noted if this were true, Broken Arrow would have an intersection original and unique to the area which was the goal. She stated in her opinion color scheme 1 was by far the best option; it best exhibited New Orleans Square branding, it had excellent color contrast for beauty and ADA compliance, and the lack of joints would make it more durable. She noted while color scheme 1 was more expensive than 3 and 4, compared to the project cost as a whole it was not much, the longevity of concrete was better than asphalt roads, and this intersection would be good for 20 to 25 years or more.

Mr. Robins indicated he neglected to mention the original color schemes were still an option without any change to cost if the City Council so chose. He stated the timelines to consider included the extension into the spring break timeline; while this would add a little time at the end, the bulk of the project would be completed as initially scheduled.

Council Member Eudey stated he just wanted the intersection to be open for the Christmas season.

Mr. Schwab stated using the sacrificial concrete square insert would have the bulk of the job completed most quickly.

Council Member Eudey stated he felt option 1 or option 2 would be the best option (sacrificial concrete insert options) for scheduling purposes and aesthetics.

Mr. Robins stated the beige color in option 2 would be an additive and the white color in option 1 was a white Portland cement, not a grey cement. He noted both were easily replaceable products when maintenance called for a bit of replacement.

Council Member Eudey stated he was glad to hear this as he wanted this intersection to look

good for a very long time.

Council Member Parks agreed.

Discussion ensued regarding beige versus white, and whether the white color was worth the extra \$100,000 dollars.

Mr. Robins stated these options were written in “not to exceed” terms and as such Staff would work very hard to ensure the costs came in under the maximum spend.

Citizen Chase Elkins thanked City Council for looking at this so closely. He stated he sat on the original Elm and New Orleans Advisory Committee. He stated he was for the option 1 with the white and blue centerpiece. He noted the northwest shopping center was recently painted white with grey accents and option 1 would look excellent. He noted tire marks would be an issue regardless of the color choice. He stated he wanted to see the blue color have longevity; he believed it would look great.

Citizen Mindy Payne stated she served on both the Elm and New Orleans Advisory Committee as well as the New Orleans Square Advisory Committee. She stated she understood this was a big decision and she was excited about the blue and white option (option 1). She stated she felt option 1 would be an excellent draw for the intersection.

Citizen Lori Lewis thanked City Council. She stated as a member of the Advisory Committee she also liked color scheme option 1 with blue and white as this would work well with the newly selected logo and marketing plan. She stated she was happy to see this project moving forward. She stated this intersection was important to the existing businesses.

Mayor Wimpee read an email from Citizen Matthew Griffiths who was in favor of color scheme option 1 with blue and white colors.

Vice Mayor Gillespie discussed how much money had been spent on the Rose District, and the importance of spending monies on New Orleans Square. She noted the funds spent on New Orleans Square projects would exponentially pay for themselves.

City Manager Spurgeon indicated the City had the funds to do this Change Order. He stated he felt this project was the “ArmorAll” the City needed. He noted it might be a little more money, but he believed it was worth it; this was an opportunity to take the Community of Broken Arrow to a higher level. He stated the City was embarking on a streetscape initiative which would define how the City would look at intersections for future development and future bond packages. He stated this project would improve the area and improve the quality of life as a whole in Broken Arrow.

Mr. Robin stated as part of the motion, the City Manager would need to be authorized to execute the change order.

Discussion ensued regarding the proper motion.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to authorize the City Manager to execute a Change Order for the valuation based on color scheme number 1, not to exceed an additional \$230,000 dollars**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- H. 22-813 **Consideration, discussion, and possible approval of and authorization to execute an Inter-local Agreement between Wagoner County and the City of Broken Arrow concerning the identification agency responsibilities and duties to provide ownership, operation, maintenance, construction, and financial obligation for specific public rights of way**
- Mr. Rocky Henkel reported this was an interlocal agreement with Wagoner County to identify the responsibilities and duties regarding ownership, operations, maintenance, construction, financial obligations, etc. He explained this agreement would basically clean up the boundary lines as there seemed to be confusion regarding who owned and maintained what sections of roadway. He stated attached was an exhibit outlining these duties. He stated Wagoner County had an opportunity to review this agreement and were on board.

City Manager Spurgeon asked if Mr. Henkel would touch on what the agreement said regarding East New Orleans and the proposed switch.

Mr. Henkel stated in this instance, Broken Arrow would allow Broken Arrow to take the north and south half of the roadway from 101<sup>st</sup> to 215<sup>th</sup> Street and outlined who was responsible for maintenance and operations within the right-of-way.

Mayor Wimpee stated she was glad to see this agreement.

City Manager Spurgeon stated he recommended City Council approve this agreement. He noted late last week, Broken Arrow advertised for the road widening project from 209<sup>th</sup> to 215<sup>th</sup>, and if the bids were acceptable to Engineering and Construction, the bid would be awarded at the July 19<sup>th</sup> Meeting and then the construction would begin the Monday after Scotfest. He stated approving this agreement was step one in the project.

Council Member Parks stated historically any time there were two cities or counties bordering an area things became complicated, and this agreement would help simplify future projects. He commended Staff.

Mr. Henkel stated as Broken Arrow and Wagoner County grew, the duties and maps outlined in the agreement would change and the agreement itself would be updated.

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

**Move to approve and authorize execution of an Inter local Agreement between Wagoner County and the City of Broken Arrow concerning the identification agency responsibilities and duties to provide ownership, operation, maintenance, construction, and financial obligation for specific public rights of way**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**I. 22-711 Consideration, discussion, and possible approval of the appointment of Jason Coan to the City of Broken Arrow Planning Commission to fill the remainder of an unexpired term, to expire May 5, 2024**

Community Development Director Larry Curtis reported Planning Commission members were appointed to serve three-year terms. He stated Planning Commission member Heather Canard resigned; Ms. Canard was originally appointed by City Council on May 4, 2021. He stated the remainder of Ms. Canard's three-year term was set to expire on May 5, 2024. He reported Mr. Jason Coan was recommended to serve on the Planning Commission by Councilor Ford; Mr. Coan expressed his willingness to serve to fill the remainder of the unexpired three-year term to expire May 5, 2024.

Mayor Wimpee noted Mr. Coan expressed an interest in becoming more involved in the City in 2020; she was pleased to see him being given this opportunity.

Mr. Curtis stated Mr. Coan had already reached out to better understand what the Planning Commission did and required of him and was excited to serve in this manner.

Council Member Ford noted she met with Mr. Coan, and she felt Mr. Coan would serve well in this position.

Vice Mayor Gillespie thanked Mr. Coan for his interest and willingness to serve.

Council Member Parks stated he was pleased to see Mr. Coan being given this opportunity to serve.

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

**Move to approve the appointment of Jason Coan to the City of Broken Arrow Planning Commission to fill the remainder of an unexpired term, to expire May 5, 2024**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**J. 22-806 Consideration, discussion, and possible approval of the formation of a Stakeholder Advisory Committee for the Complete Streets & Streetscaping Plan project**

Mr. Curtis reported on May 17, 2022, City Council authorized the City Manager and Staff to proceed with a Request for Qualifications process to select a professional consulting firm to prepare a Complete Streets and Streetscaping Plan for the City of Broken Arrow. He stated as the RFQ process kicked off, Staff recommended an ad hoc Stakeholder Advisory Committee be formed and subsequent appointments be made to advise and inform the process from the beginning to the adoption of the Plan. He stated pending City Council approval, the proposed Committee would be made up of the following members and representations: City Council; City Council Appointments (by each Council member); Planning Commission; Chamber of Commerce; Economic Development Corporation; and City Manager's Appointment.

Vice Mayor Gillespie noted this was just creating the Committee.

Mr. Curtis concurred; if approved, selection of Committee Members would follow.

Council Member Ford encouraged any interested parties to visit the City website and fill out

an application to serve on this Committee or other Committee.

City Manager Spurgeon stated citizen involvement was important.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to approve the formation of a Stakeholder Advisory Committee for the Complete Streets & Streetscaping Plan project**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- K. 22-794 **Consideration, discussion, and possible approval of BAZ-2109 (Rezoning), Blue Bull Capital LLC Property, 1.05 acres, A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential), north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue**
- Mr. Curtis reported BAZ-2109 was a request to change the zoning designation on 1.05 acres from A-R-1 (Annexed Single-Family Residential) to R-2 (Single-Family Residential). He stated the property was located north of Jasper Street (131st Street), one-half mile east of Aspen Avenue (145th E. Avenue) at 12952 South 152nd East Avenue and was not platted. He reported in the Planning Commission meeting held May 12, 2022, two citizens spoke in opposition to this request as they were not in favor of the applicant splitting the lot to construct a new single-family home. He stated concerns cited included density, construction noise, traffic, and the potential removal of trees. He noted the Planning Commission elected to continue the request to the May 26, 2022 meeting as the applicant was not present to address these concerns or answer questions. He reported in the Planning Commission meeting held May 26, 2022, the applicant was present and addressed concerns mentioned in the previous meeting on his own accord, and by answering questions posed by the Planning Commission. He indicated the Planning Commission recommended approval (4-0) of BAZ-2109 per Staff recommendation.

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

**Move to approve BAZ-2109**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

#### 10. Preview Ordinances

- A. 22-776 **Consideration, discussion, and possible preview of an Ordinance for the voluntary annexation of property on approximately 0.1345 acres located one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma**

Mr. Curtis reported at the request of property owner, the City of Broken Arrow has been requested to annex approximately 0.1345 acres located one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma. He stated this 0.1345-acre site comprised of one (1) parcel was currently undeveloped. He noted the property was intended to be developed for a single-family residential subdivision. He stated the property was designated as Level 2 (Urban Residential) in the Comprehensive Plan; a single-family residential development was in accordance with the Comprehensive Plan. He noted this was the tiny strip of land which was accidentally left out by the applicant in a previous annexation application; the applicant was trying to correct the omission.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to preview the Ordinance and set it for adoption**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- B. 22-795 **Consideration, discussion, and possible preview of an ordinance amending the Broken Arrow Code of Ordinances, Appendix A, Zoning Ordinance, Chapter 5, Development Standards, Section 5.8, District-specific standards, Subsection D, Downtown residential overlay district (DROD), specifically sub-paragraph 1, Purpose; adopting Design Standards-Downtown Residential Overlay District- 2019, repealing all ordinances to the contrary and declaring an emergency**

Mr. Curtis reported Chapter 3 and Chapter 5 of the Downtown Residential Overlay District (DROD) were proposed to be modified to include two-family building forms in Area 5. He stated the DROD was approved by the City Council in December 2017 and had been in effect since January 2, 2018. He noted since that time, one modification was made to the document addressing transitional setbacks and other setback and textual changes. He stated in Chapter 2 of the DROD, the general description of Area 5, Rose District Transition, stated this area was to serve as a transition that buffers intensive commercial/mixed-use development from interior residential areas; as such, new construction and significant renovations should include a variety of building forms ranging from single-family to rowhouses to mixed-use buildings with limited commercial, such as neighborhood-level retail or small offices. He

stated as part of the development of the original draft in 2017, duplexes were left out and Staff felt to include this type of development would be recommended.

Council Member Eudey asked if Mr. Curtis had a map of Area 5.

Mr. Curtis responded he did not have a map, but the Downtown Area, Main Street and Broadway, were Area 6, then a block out away from this was Area 5. He stated the core of the Rose District was Area 6, and then the ring around the core would be Area 5.

Council Member Eudey asked if duplexes were consistent with what was currently being built in Area 5.

Mr. Curtis responded yes and no; there were single family and townhomes and things along those lines, so this would allow development of the missing middle duplex capability. He stated there was an interest in developing duplexes. He indicated having seen what has been requested and posed to Staff over the years, Staff recommended making this minor change to the code.

Vice Mayor Gillespie stated she thought there were duplexes in the Rose District.

Mr. Curtis indicated there were duplexes in the Rose District in Area 2, Area 3, and Area 4, but not in Area 5.

Council Member Eudey stated he did not see a need for this, but he was not necessarily opposed either.

Mr. Curtis explained there would be higher standards associated with duplex development in Area 5. He stated duplex developments prior to the DROD had garages in front and such, but newer duplexes had garages in the back and were developed to higher standards.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to preview the Ordinance and set it for adoption**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

## 11. Ordinances

- A. 22-873 **Consideration, discussion, and possible adoption of Ordinance No. 3730, an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 24 - Water, Sewers and Sewage Disposal, Article I - Overview and Definitions, Section 24-19; Repealing all ordinances to the contrary; Declaring an Emergency**

Assistant Director of Utilities Stacy Thornton reported on June 6 two Ordinances were previewed which would allow licensed plumbers to install new water services for three-quarter and one inch taps. She stated this would benefit both the City and the builders. She requested adoption of the revisions.

Council Member Parks noted in many cities licensed plumbers installed new water services.

Ms. Thornton concurred. She noted this was a low risk for the City while it made the builders and the City happy.

Council Member Eudey asked if the installations would be inspected by the City.

Ms. Thornton responded in the affirmative.

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

**Move to adopt Ordinance No. 3730**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- B. 22-876 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3730**

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

**Move for the emergency clause**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- C. 22-874 **Consideration, discussion, and possible adoption of Ordinance No. 3731, an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 24 - Water, Sewers and Sewage Disposal, Requirements for Water Service; Section 24-202 - Fee for Service Connection; Repealing all ordinances to the contrary; and Declaring an Emergency**  
Ms. Thornton indicated this was related to the previous Ordinance.

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

**Move to adopt Ordinance No. 3731**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- D. 22-877 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3731**

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

**Move for the emergency clause**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- E. 22-763 Consideration, discussion, and possible adoption of Ordinance No. 3734, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1347 generally located one-quarter mile west of 23rd Street (County Line Road), south of Kenosha Street (71st Street), granting CH zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Mr. Curtis reported Items E, G and I were all amendments to Zoning Ordinance related to projects which had gone through the requirements of the City Council as set forth in regard to zoning, PUD, or platting processes. He stated these were the Ordinances codifying those changes.

Council Member Eudey asked if a voice vote for all three Items could be done at one time.

City Attorney Dennis responded in the affirmative, if a separate emergency vote for all three was done as well.

MOTION: A motion was made by Scott Eudey, seconded by Lisa Ford.

**Move to adopt Ordinance No. 3734, Ordinance No. 3735, and Ordinance No. 3736**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- F. 22-764 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3734**

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

**Move for the emergency clause for Ordinance No. 3734, Ordinance No. 3735, and Ordinance No. 3736**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- G. 22-765 Consideration, discussion, and possible adoption of Ordinance No. 3735, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2025, along with PUD-289 generally located one-quarter mile north of Houston Street (81st Street), west of 23rd Street (County Line Road), granting IL zoning classification upon the tract along with PUD-289, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Motion for this Item above.

- H. 22-766 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3735**

Motion for this Item above.

- I. 22-790 Consideration, discussion, and possible adoption of Ordinance No. 3736, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-2044, along with PUD-297 generally located west of the southwest corner of New Orleans Street (101st Street) and Elm Place (161st E. Avenue), granting CG & IL zoning classification upon the tract along with PUD-297, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Motion for this Item above.

- J. 22-791 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3736**

Motion for this Item above.

- K. 22-726 Consideration, discussion, and possible adoption of Ordinance No. 3738, an Ordinance amending the Broken Arrow Code of Ordinances, Chapter 7 - Business Regulations and Licenses, Article XI, -Wrecker Services, 7-264, more specifically changing vehicle impoundment procedures; repealing all ordinances or parts of ordinances in conflict**



**herewith; and declaring an emergency**

City Attorney Dennis stated the Police Department shifted to an AutoCAD system; everything was being digitized. He stated under current Ordinance, if an inventory taken of a vehicle being towed, the wrecker would physically sign the form, in moving to the CAD electronic system, the officer on scene would record the name of the tow truck driver, but there would not be any physical forms. He explained this Ordinance brought current practices up to date.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to adopt Ordinance No. 3738**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

L. 22-827 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3738**

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.

**Move for the emergency clause**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

M. 22-851 **Consideration, discussion, and possible adoption of Ordinance No. 3739, an Ordinance amending the Broken Arrow Code, Chapter 2, Administration, Article I, In General, Section 2-1, Ward Boundaries and specifically providing for redistricting and defining the boundary lines of the four (4) wards of the City of Broken Arrow; Repealing all ordinances to the contrary; and declaring an emergency**

Mr. Curtis stated this was the Ordinance which codified the Ward changes.

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

**Move to adopt Ordinance No. 3739**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

N. 22-852 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3739**

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

**Move for the emergency clause**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

O. 22-857 **Consideration, discussion and possible adoption of Ordinance No. 3742, amending Chapter 7 Business Regulations and Licenses, Article XV Medical Marijuana Sec. 7-386 Definitions; Sec. 7-387 Permit required, general provisions; Sec. 7-388 Medical Marijuana dispensary requirements; Sec. 7-389 Commercial grower requirements; Sec. 7-390 Marijuana Processor requirements; Sec. 7-391 Approval, issuance, denial and appeal; Sec. 7-392 Operational and Business plan requirements for medical marijuana dispensary, commercial grower and marijuana permit holders; Sec. 7-393 Medical marijuana growing facilities for personal use; Sec. 7-394 Additional regulations; Sec. 7-395 Enforcement; Sec. 7-396 Penalties; Repealing all Ordinances to the Contrary and Declare an Emergency**

City Attorney Dennis reported this Ordinance updated the City of Broken Arrow's ordinances governing marijuana permits to reflect State law by updating the definitions section, tracking State language on the grandfathering clause, permit renewals, and additional permit and enforcement sections were included.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.

**Move to adopt Ordinance No. 3742**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

P. 22-858 **Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3742**

MOTION: A motion was made by Lisa Ford, seconded by Johnnie Parks.

**Move for the emergency clause**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

## 12. Remarks and Inquiries by Governing Body Members

Vice Mayor Gillespie stated she was very excited about things happening with New Orleans Square. She thanked City Staff.

Mayor Wimpee announced tomorrow evening was Tuesday Nights in the Park; Wednesday was Color with a Cop; Thursday was the second Mayors Council and Veterans Affairs Meeting at the Veterans Center, and Friday, the Broken Arrow Public School Foundation was holding a BBQ and Bingo fundraiser.

Vice Mayor Gillespie announced July 1 was the New Orleans Square Block Party. She suggested arriving early.

Council Member Ford announced statewide elections were being held June 28.

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

City Manager Spurgeon stated this morning a lengthy discussion was held regarding access to the New Orleans Square Block Party and based upon the number of vehicles which traveled this intersection daily, he believed limiting access to the area to those who were attending the block party and sending other traffic on a detour around the area would be best. He stated he was authorizing closing this intersection to local traffic only. He stated the Block Party was going to be a great event.

Council Member Eudey noted he was walking to the Block Party as his home was only 1.5 miles away and there were now sidewalks throughout the area. He encouraged others to consider this option.

City Manager Spurgeon stated last year Windstream approached the City about doing a "shallow installation" of fiber in front yards. He indicated there were a lot of different utilities and a lot of new right-of-ways would be necessary for this, and as a result the City did not approve this request. He stated this did not mean fiber could not be installed, it just meant the fiber had to be installed within the existing right-of-ways which were typically in backyards. He stated as a result, at least 3 to 5 Broken Arrow residents were told by Windstream they could not have fiber because Broken Arrow would not approve the permit. He stated this was not true; the City was willing to allow Windstream to install fiber, but there were existing easements which Windstream needed to work within. He explained Broken Arrow was not denying Windstream access to install fiber; however, where Windstream wanted to install the fiber did not meet Broken Arrow code.

City Manager Spurgeon indicated on the Consent Agenda there were a number of Use Agreements approved by City Council; two of which were Use Agreement extensions. He noted the first was the Broken Arrow Seniors and the second was the History Museum. He stated he spoke with the Senior Center Chairperson regarding possible changes to the Use Agreement and the Chairperson was going to discuss these possible changes with the Board. He discussed the conversations between himself, Mayor Wimpee, Vice Mayor Gillespie and the History Museum Board regarding the requested changes to the Use Agreement, and why City Council was requesting a City Council member serve on the History Museum Board. He stated it was surprising and disappointing that there was a lot of suspicion and incomprehension as to why the City Council wished to have a City Council Member serve on the History Museum Board. He stated the City Council might be contacted by Members of the Board or supporters expressing concern even though it was explained this was about the City Council wanting to be partners with any entity within the buildings for which the City had Use Agreements. He noted the Board continued the discussion and he expected to hear from the President or Vice President regarding what was decided; he would keep the Council updated.

Council Member Parks stated he did not understand why the Board would not want a City Council Member to serve. He noted Broken Arrow City Council Members served on many nonprofit boards, locally, statewide, and nationally. He indicated City Council wished to protect its investment by working with the History Museum Board. He stated he was at a loss.

Vice Mayor Gillespie agreed. She stated despite explaining exactly what Council Member Parks said, the Board was simply against it.

City Manager Spurgeon noted many comments came from the History Board supporters who were opposed and did not understand, and it was all being taken very personally. He indicated it had been mentioned to him on several occasions that it was a violation of the 501C3 to have a member of Council serve on the Board; however, he spoke with City Attorney Dennis who could not find anything which indicated a City Council Member could not serve, nor was there anything indicating the City could not provide financial contributions. He stated he has asked these individuals to provide a legal opinion which could be presented to City Attorney Dennis regarding City Council Members serving on the Board violating the 501C3. He stated the City did not wish to be in violation of the 501C3, but he needed a legal opinion to present to City Attorney Dennis in this regard to help City

Attorney Dennis make a determination.

Council Member Eudey stated if this were the case, there were hundreds of thousands of 501C3 boards which needed to have mass resignations because city officials were sitting on the 501C3 boards. He stated he was in opposition to City Council demanding to be appointed to any Board, but claiming it was in violation of 501C3 was not sufficient reason to deny the request.

Council Member Parks noted the City was very supportive of the various entities it had Use Agreements with, and he did not understand why the History Museum Board would not want a City Council Member to serve.

Vice Mayor Gillespie asked if a City Council Member had ever served on the History Museum Board.

Council Member Eudey stated he believed former City Council Member Thurmond may have served on the History Museum Board many years ago, and maybe former City Council Member Carter, but it had been a very long time.

City Manager Spurgeon stated in his perspective, from the comments made, the History Museum Board believed the liaison was good enough, that the report the liaison provided, and the periodic director's report should be sufficient. He stated the opposition to this concerned him.

Council Member Parks asked if the History Museum Board believed one vote would change everything.

City Manager Spurgeon responded in the affirmative; it was specifically said in the meeting by the Executive Director, that multiple people worried a City Council Member serving on the Board would affect how other Board Members would vote, as other Board Members would not vote in opposition of the City Council Member because the City Council Member would be intimidating.

Vice Mayor Gillespie indicated the Executive Director also said the Board Members had businesses to protect. She noted all the Use Agreement Boards in the City had business owners serving.

Council Member Ford stated as excellent as Makala was as a liaison, she felt the City Council was elected to protect the City's assets and the History Museum was in a building which the taxpayers continued to spend money on, and she felt the City Council should have a representative on the History Museum Board.

City Manager Spurgeon recommended the City Council be prepared to hear from the History Museum supporters in this regard. He noted History Museum supporters were reaching out to other Use Agreement Boards in an effort to lobby said Boards against the idea of having a City Council Member serve on the Board. He noted at least one Use Agreement Board Member had responded to such a call by responding it was excellent having a City Council Member serving on the Board as this provided direct access to a City Official.

Mayor Wimpee noted it also allowed City Council to develop relationships with the Board Members it may not have had previously.

City Manager Spurgeon stated he wanted City Council to be aware of the situation and he was hopeful this could be worked out.

Council Member Parks noted the Senior Board met tomorrow at 3:30 p.m.

At approximately 8:45 p.m. Mayor Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

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

**Move for a recess for BAMA and BAEDA**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

At approximately 8:51 p.m. the City Council meeting was reconvened by Mayor Wimpee who called for a motion to clear the room for Executive Session.

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

**Move to clear the room for Executive Session**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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

**Move to enter into Executive Session**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**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. Pending investigation and claim of a matter involving the tort claim of Sigfredo Hernandez and Kari Cecil, Tort Claim No. TRT 1188.2022, including authority to assume defense, and potential resolution, of Hernandez, et al., v. City of Broken Arrow, et al., Tulsa County District Court, CJ-2022-1628, and taking appropriate action in open session, under 25 O.S. §307(B)(4); ; and**

**2. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of Safeco, Tort Claim No. TRT 1216.2022 and taking appropriate action in open session, under 25 O.S. §307(B)(4);**

**In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the pending claim and 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 Christi Gillespie, seconded by Scott Eudey.

**Move to find the Executive Session was necessary to discuss possible claims and potential litigation under 25 O.S. Section 307(B)(4)**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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

**Move to authorize the City Attorney to settle the tort claims of Sigfredo Hernandez and Kari Cecil as recommended by the City Attorney and move to authorize the City Attorney to defend City of Broken Arrow and employee Clayton Glass in the matter styled Hernandez, et al. v. City of Broken Arrow, et al., Tulsa County District Court Case No. CJ-22-1628, should settlement negotiations fail**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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

**Move to authorize the City Attorney to deny the tort claim submitted by SafeCo Insurance**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

**15. Adjournment**

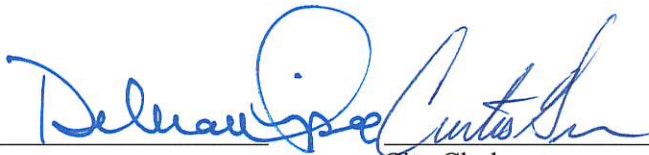
The meeting adjourned at approximately 9:01 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

  
\_\_\_\_\_  
Mayor City Clerk

