



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 Johnnie Parks
Council Member Lisa Ford
Council Member Justin Green

Tuesday, August 20, 2024

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 Scott Moore performed the invocation.

3. Roll Call

Present: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

4. Pledge of Allegiance to the Flag

Council Member Lisa Ford led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee asked if there were any Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

- A. 24-83 Approval of the City Council Meeting Minutes of August 5, 2024
- B. 24-1091 Acceptance Planning Commission meeting minutes of July 11, 2024
- C. 24-1076 Acceptance of Amended Drainage Advisory Committee meeting minutes of January 29, 2024
- D. 24-1077 Acceptance of Drainage Advisory Committee meeting minutes of April 29, 2024
- E. 24-1123 Approval of and authorization to execute Budget Amendment Number 1 for Fiscal Year 2025
- F. 24-1120 Approval of and authorization to execute Resolution No. 1598, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- G. 24-1034 Approval of and authorization to execute a Professional Consultant Agreement with Wallace Design Collective to design construction drawings for Ash and Commercial Rose District Parking Lot (Project 2417280)
- H. 24-1122 Approval of a License Agreement with Metro FiberNet, LLC, on property located one-half mile south of Albany Street and one-quarter mile west of Lynn Lane along the north side of Hillside Drive, Tulsa County, State of Oklahoma
- I. 24-1087 Approval of and authorization to execute the purchase of body worn cameras and related equipment pursuant to a quote received from Brite pursuant to a previously awarded multi-year contract
- J. 24-1094 Approval of and authorization to purchase one 2024 Ford F150 Crew Cab 4X4 from Vance Country Ford, pursuant to the Oklahoma Statewide Vehicle Contract 1000009315
- K. 24-1095 Approval of and authorization to purchase one 2024 Ford F150 Extended Cab 4X4 from Vance Country Ford, pursuant to the Oklahoma Statewide Vehicle Contract 1000009315
- L. 24-1099 Approval of and authorization to execute a purchase of year 3 of a 3-year agreement with an annual opt out option for Zscaler Internet Access (ZIA/ZPA) for deploying Web filtering from Presidio Network Systems, pursuant to the Oklahoma Statewide Contract
- M. 24-1100 Approval of and authorization to purchase annual maintenance for ERP Servers through Davenport Group
- N. 24-1101 Approval of and authorization to purchase annual maintenance for Compellent Storage through Park Place Technologies
- O. 24-1078 Acceptance of the Drainage Advisory Committee's recommendation to reject expenditure of 2018 GO Bond, Proposition 6 funds for the mitigation of drainage concerns at 519 S Redwood Ave (Case No. 24-009)
- P. 24-1079 Acceptance of the Drainage Advisory Committee's recommendation to approve

expenditure of 2018 GO Bond, Proposition 6 funds for the design of drainage improvements from 3729 South 195th East Ave to East 37th Court South (Case No. 24011)

- Q. 24-1080 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 GO Bond, Proposition 6 funds for construction of a culvert at South 8th and East Natchez Street (Case No. 24012)
- R. 24-1081 Acceptance of the Drainage Advisory Committee recommendation to approve expenditure of 2018 GO Bond, Proposition 6 funds to design improvements to NEEDA Pond (Case No. 24013)
- S. 24-1082 Acceptance of the Drainage Advisory Committee recommendation for Final Acceptance of the Drainage Advisory Committee project Eagle Creek, original Agenda Item Number 20-1054
- T. 24-1083 Acceptance of the Drainage Advisory Committee recommendation for Final Acceptance of the Drainage Advisory Committee project El Paso Ditch Clearing, original Agenda Item Number 23-872
- U. 24-1103 Acceptance of the Drainage Advisory Committee recommendation for Final Acceptance of the Drainage Advisory Committee project Galveston and Cedar Storm Sewer Improvements, original Agenda Item Number 22-731
- V. 24-1104 Acceptance of the Drainage Advisory Committee recommendation for Final Acceptance of the Drainage Advisory Committee project Knights of Columbus Swale Grading, original Agenda Item Number 23-1121
- W. 24-1108 Approval of and authorization to execute Change Order No. 1 with R&L Construction, LLC for the Wolf Creek Drainage Improvements (2453170)
- X. 24-1020 Approval of a request for a variance from section 5.1 of the Land Subdivision Code for LOT-001645-2024, Northside Christian Church, 5.59 acres, located approximately one-quarter mile north of Kenosha Street (71st Street), east of Elm Place (161st Avenue)
- Y. 24-1115 Approval of PT-001571-2024|PR-000510-2023, Conditional Final Plat, Antler Falls, approximately 46 acres, 149 Lots, A-1 (Agricultural) to RS-4 (Single-Family Residential)/PUD-001242-2023 (Planned Unit Development), located south and east of the southeast corner of Houston Street (81st Street) and 257th Street (Midway Road)
- Z. 24-1110 Acceptance of a Temporary Construction Easement from Thomas J Vail, the owner, on property located at 405 E Dallas Street, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of the Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma Parcel 3.A for the Dallas Stormwater Improvements Project No. S.23060
- AA. 24-1128 Acceptance of a Temporary Construction Easement from Christopher W and Abby N Roesslein, the owners, on property located at 409 E Dallas Street, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of the Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma Parcel 4.A for the Dallas Stormwater Improvements Project No. SW23060
- AB. 24-1131 Acceptance of a Temporary Construction Easement from Mathew and Courtney Miller on property located at 2917 North Hickory Court, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of the Section 34, Township 19 North, Range 14 East, Tulsa County, State of Oklahoma Parcel B3, L33, for the Stonewood Crossing Subdivision Drainage Improvements Project No. SW23010
- AC. 24-1129 Acceptance of a Utility Easement from David Pesta, the owner, on property located at 11616 East 64th Street, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma Parcel 13.0 for the Melinda Park Sanitary Sewer Improvements Project No. S.23030
- AD. 24-1130 Acceptance of a Utility Easement from Jetfighters Investments, LLC, an Oklahoma limited liability company on property located at 6324 South 114th East Avenue, Broken Arrow, Oklahoma 74012, located in the Northwest Quarter of the Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma Parcel 2.0 for the Melinda Park Sanitary Sewer Improvements Project No. S.23030
- AE. 24-1107 Ratification of the Claims List Check Register Dated August 12, 2024

Mayor Wimpee noted there were quite a few items on the Consent Agenda from the Drainage Advisory Committee, funded through Proposition 6, which helped with citizen drainage issues.

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 24-1065 **Presentation of Certificate of Recognition to Broken Arrow's Martial Arts Advantage for their participation in Team USA in the Independent Taekwondo Schools' 2024 UTA British Championships in Bromsgrove, England**

Mayor Wimpee stated Team USA consisted of students from Oklahoma, Texas, Arkansas, and Louisiana, with 52 participants and 2 coaches. She stated Martial Arts Advantage in Broken Arrow had 8 students who participated in the tournament and one of the coaches. She announced in the Team Competition, the 14 to 16 year old USA boys earned gold in patterns

and silver in sparring while the 14 to 16 year old USA girls earned gold in patterns and silver in sparring as well. She reported in the Individual Competition, Noah Cabrera won 3rd in sparring; Connor Callahan won 2nd in patterns and 4th in sparring; Logan Callahan won 1st in patterns and 3rd in sparring; Connor Johnson won 3rd in patterns; and Calen Willis won 3rd in patterns, 2nd in sword and shield, and 2nd in baton battle. She commended and congratulated the winners and invited the participants and winners forward. She read the Certificate of Recognition.

Mr. Conner Johnson thanked the City of Broken Arrow and everyone who supported Team USA. He stated it was a wonderful experience.

Ms. Calen Willis stated she was the only female who participated from her school. She stated it was the trip of a lifetime and she would love to compete again in the future. She thanked her instructor, Jim Hammons.

Commemorative photos were taken.

B. 24-1045

Presentation of the results of the Roadway Improvements Micro-Survey

Communications Director Aaron McCulloch reported on January 30, 2024, the City of Broken Arrow opened the comprehensive Citizen Survey for feedback from citizens regarding the City's performance providing public services and to seek input on a future public infrastructure and quality of life capital improvement projects. He stated after approximately 30 days, the Citizen Survey closed with 3,947 responses, which he felt was amazing. He stated 40 different locations were presented to the public with capital improvement ideas to determine the level of citizen support. He stated the responses were categorized into 10 different facets of community livability which allowed City Staff to study the data and potentially create a more targeted and specific survey to glean more information. He reviewed the top 10 locations which were the most highly supported for improvement: 1) Adding a center turn lane to Elm Place between New Orleans Street and Florence Street; 2) Widen County Line Road to three lanes between Houston Street and Washington Street; 3) Widen Kenosha Street to five lanes between Aspen Avenue and Rhema Bible Church; 4) Improve the intersection of Kenosha and Aspen Avenue; 5) Widen County Line Road to three lanes between Washington Street and New Orleans Street; 6) Widen Washington Street to five lanes between Aspen Avenue and Elm Place; 7) Widen Houston Street to five lanes between Aspen Avenue and Elm Place; 8) Improve the intersection of Kenosha Street and Elm Place; 9) Resurface Lynn Lane between New Orleans Street and Florence Street, including safety improvements such as guard rails; and 10) Widen Washington Street to five lanes between Arrowhead Park Softball Complex and Lynn Lane. He noted the public was provided the opportunity to fill in responses for ideas the City perhaps overlooked and there were 83 pages of single spaced responses from the community. He stated a vast majority of the fill-in responses were projects the City already had underway, some were Tulsa County projects, some were Wagoner County projects. He stated of the 83 pages there were 219 responses about Garnet between Washington and New Orleans and the intersection; 153 responses about 209th East Ave between Kenosha and Albany which was now under construction; 118 responses for Aspen Ave between Tucson and Jasper; 106 responses for Lynn Lane between Houston and New Orleans. He noted these last two projects were approved with the 2018 GO Bond Package. He stated the City would analyze the data collected by the Survey and would consider the results for the 2026 General Obligation Bond Package. He said the goal was to find solutions to improve traffic flow in the City. He stated it was learned through the Citizen Survey that Broken Arrow traffic flow only had a 40 percent positive rating from its citizens, and this prompted the Roadway Improvements micro-survey. He noted this micro-survey would help the City as it moved forward with traffic flow road projects, as well as provide insight during the fall work session regarding roadway improvements. He stated the next survey would look at connectivity, walkability, rideability, etc., in the City of Broken Arrow, and would be released sometime in late September.

Council Member Lisa Ford asked if the results of this survey were sent to Tulsa County and Wagoner County Commissioners.

Mr. McCulloch indicated this was an excellent idea and would be done.

Council Member Johnnie Parks asked if the results were available online.

Mr. McCulloch responded in the affirmative.

City Manager Michael Spurgeon stated in the 2018 Bond Package there were 10 more miles of road which were to be widened, and most of these projects were somewhere in the construction cycle, be it design, right-of-way, or about to go to construction. He stated Houston between Garnet and Olive would start construction sometime after Labor Day. He stated when this was done, Houston would be done from Olive to Aspen. He discussed a couple of projects he planned to recommend to City Council. He stated traditionally streets

and roads, or transportation propositions, were 50 percent of a GO Bond package, and Broken Arrow could be looking at a \$375 million dollar to \$400 million dollar transportation package. He stated this fall the City would discuss the best way to move traffic effectively and efficiently.

Council Member Parks stated the City had Elm Place from Kenosha to the Expressway in the design stage.

City Manager Spurgeon stated this was part of the overall study being done, considering the corridor on Highway 51 from Aspen down to County Line Road. He stated the City had a 44 million dollar grant from the federal government and the City was looking at this project. He stated the City was on the 8 year Oklahoma Department of Transportation Plan for Lynn Lane, so other projects were being considered to best improve Broken Arrow traffic flow as well.

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. 24-1112 Consideration, discussion, and possible action regarding COMP-001531-2024 (Comprehensive Plan Change), Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential), 10.9 acres, Level 2 and 3 to Level 3, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)

Planning and Development Manager Amanda Yamaguchi reported COMP-001531-2024 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 3 (Transitional Area) to Level 3 for 10.9 acres located one-quarter mile north of Kenosha Street and one-quarter mile east of North Elm Place; the property was currently unplatted and undeveloped. She stated the applicant was submitting this Comprehensive Plan change with the intention of applying for a rezoning to CM (Community Mixed-Use) with a Planned Unit Development (PUD). She stated Comprehensive Plan Level 3 labeled rezoning to CM as possible. She stated a draft PUD was submitted, along with a conceptual layout of the proposed development. She indicated the applicant proposed a residential development, with a variety of housing including Single Family Detached, Single Family Attached, Duplex, Cottage Court, and some commercial aspects in the form of Live/Work townhome style development. She stated the conceptual draft PUD submitted with this application had definitions for cottage court and live/work use categories, which were heavily influenced by the Downtown Residential Overlay District. She stated the primary access of this site was proposed to be off an extension of West Madison Street, which would pass through city owned property currently being used as a regional detention facility. She stated secondary access was still being discussed with a potentially gated access south on to North Circle Drive, and a potential emergency access on the northwest corner of the property which connected to West Madison Street, after going north and west of the detention facility. She stated a stub street was proposed to be provided to the undeveloped property to the north. She noted the conceptual layout submitted with this application was still subject to change. She stated the layout had a public street giving frontage to all proposed lots, with additional access being provided from private alleys. She stated the final layout would be required to meet all requirements in the Zoning Ordinance, Engineering Design Criteria, and the International Fire Code. She reported a community meeting was held Friday August 2nd from 4:45-5:45 p.m. at the Broken Arrow Public Library, where modifications to the conceptual PUD were discussed. She noted some of the items addressed in the community meeting such as fencing, landscaping, and gating the southern access onto North Circle Drive have not yet been incorporated into the Conceptual PUD submitted for this application, but were expected to be updated before the public hearing for the rezoning/PUD. She stated this item was heard by Planning Commission on August 8th, 2024, where Planning Commission recommended approval with 4 votes to approve per staff recommendation, and one abstention. She stated Staff recommended to approve COMP-001531-2024, subject to City Council approving a PUD similar to the conceptual PUD provided, and the property being platted. She stated four neighbors spoke in opposition, and one neighbor spoke in favor of this request. She stated Staff recommended City Council approve COMP-001531-2024 per Planning Commission and Staff recommendation.

Council Member Parks stated the property to the south was Level 2 in the Comprehensive Plan. He asked how many homes would be built on this 3 acre parcel.

Ms. Yamaguchi stated up to 10 homes could be built on the 3 acre parcel.

Council Member Parks asked about the stub street.

Ms. Yamaguchi explained the stub street was intended to connect with an emergency gate due to the fact that there was some commercial traffic within the proposed development and

the City did not like commercial traffic going through a residential neighborhood; this was also a concern of the neighbors.

Council Member Parks stated if the Comprehensive Plan did not change then the north 7 acres would develop as a transition area. He noted all around this existing neighborhood was a transition area. He asked what traditionally was constructed in transitional areas.

Ms. Yamaguchi responded traditionally apartments were built in Level 3 or high density single family housing similar to what was proposed with this development, but often traditional apartments were constructed.

Council Member Parks asked how many apartments could be constructed on 7 acres.

Ms. Yamaguchi responded it would be quite a few, but she did not wish to speculate.

Vice Mayor Gillespie asked about the 3 acres.

Council Member Parks explained where the 3 acres were located on the map was Level 2, and the 7 acres to the north were Level 3. He explained if this were not approved the 3 acres would be developed as R-2 and the 7 acres would be developed as transitional which could potentially be apartments. He asked what was north of this area.

Ms. Yamaguchi stated she believed to the north was still transitional, Oakland Place was proposed to be extended, to the south of Oakland Place was RD and to the north there was a PUD allowing more commercial type uses.

The applicant, Jennifer Griffin, stated she was the architect for this project for BA Restored, and Nick Parker was the developer. She indicated this project was inspired by walkable developments; the developer wanted to bring high quality housing in a walkable development to the Broken Arrow. She stated this development had a focus on quality community amenities. She noted there was a detention facility to the west of the property; the project team was collaborating with the City to beautify this detention facility turning it into a park, a landscaped recreational amenity which the neighborhood would face and have access to. She noted the park would be open to other Broken Arrow residents as well. She indicated other community amenities would include a pool, pickleball courts, and landscaped courtyard spaces. She stated inspiration for the housing types was taken from the DROD. She stated the range of building types went from house scale cottages and cottage courts to single family detached to single family attached to townhouses to duplexes to live-work. She stated the live-work portion would be very small scale neighborhood commercial, such as coffee shops, and would only be on the western side of the development. She noted commercial access to the north, Furniture Row, would also be provided according to City Staff recommendations. She stated she understood tonight was consideration of the Comprehensive Plan amendment. She noted the draft PUD submitted originally was changed slightly as a result of collaboration with City Staff and community feedback. She stated a separate meeting would be held to discuss the PUD in more detail, but she was happy to answer any questions.

Council Member Parks noted there was a tie into Birch Street, and this was a good street to tie into. He stated he understood the PUD was not being considered this evening, but the PUD was important as it would stay with the property indefinitely, and it was important to have several points of ingress and egress.

The Developer, Nick Parker, stated multiple points of ingress and egress were intended. He stated he was working closely with City Staff to finalize the access points to the development. He agreed tying into North Birch Street was critical.

Council Member Parks noted he lived in the neighboring subdivision, and it was difficult to get out of his development onto Kenosha. He said he agreed the emergency gate access to Furniture Row was important because you did not want commercial traffic having access to residential neighborhoods.

Mr. Parker stated he did not want to increase the traffic running through the existing neighborhood, especially to exit onto 71st, which was why he was proposing a gated entrance on the north circle. He stated he had offered to leave that gate off, so the existing residents could use the West Madison extension and North Birch, but the residents were strongly opposed to this at this time. He stated he was open to opening access if the neighbors wished, but he did not want to negatively impact or increase the neighbors' traffic.

Mayor Wimpee stated this development reminded her of Carlton Landing.

Mr. Parker stated the aesthetic of the homes would be more in line with what would be seen in a traditional urban infill project as opposed to Carlton which was predominantly secondary vacation homes with more playful coastal exteriors. He said his development would feel

more established and intentional as opposed to playful, but the way the neighborhood was designed was similar to Carlton.

Council Member Parks noted the drainage of this development would run into the detention pond. He said there were a lot of different ways for the water to flow in this area. He discussed the various water flow directions in the area.

Mr. Parker stated one concern was regarding water flowing down North Circle into the Kenwood properties, but in talking with the engineer it was confirmed all water flow would shed north and west to the detention pond area; the flow would not increase into the Kenwood subdivision in any direction.

Vice Mayor Christi Gillespie asked about the exhibit which showed the housing and the red dots.

Mr. Parker explained because of the commercial road and the accessibility to the commercial structures, he was working with engineering regarding the right-of-way widths and such, and he was working to ensure it looked nice for the neighbors, as well as functioned well. He noted the area Vice Mayor Gillespie was asking about would be reserved for commercial use. He said the deep red color was where the commercial live-work component would be focused.

Vice Mayor Gillespie asked if this would be ownership or rental.

Mr. Parker responded the PUD would allow for short term rentals legally licensed through the City.

Vice Mayor Gillespie noted short-term rentals were only permitted within 300 feet of each other.

Ms. Griffin stated she understood; the intent was to allow homeowners to have a short-term rental as permitted by the City.

Council Member Parks stated when the City reviewed the PUD the landscaping would be reviewed.

Ms. Griffin noted some changes to the landscaping were also made in the PUD due to neighborhood feedback.

Council Member Justin Green stated BA Restored did quality work in the Community, so he was optimistic about the potential of this development. He stated he understood there were citizen concerns, and he was open to hearing these concerns, but he looked forward to seeing what was done with this development.

Citizen John Lindemann stated he sent an email with his concerns to the City Council Members, and he would not rehash all his concerns, especially regarding the noise of pickleball courts, but overall, he felt it was a great project. He stated he was in opposition to the pickleball courts, not the entire development. He said this development would be good for Broken Arrow and was certainly better than high density apartments.

Council Member Parks asked if the PUD would go before Planning Commission this week.

Ms. Yamaguchi responded in the affirmative. She noted there was some confusion due to the notices being sent out close to one another. She explained tonight the Comprehensive Plan amendment was being considered and if approved, then the PUD would be on the Planning Commission Agenda on Thursday.

Council Member Parks stated the PUD would be reviewed by Planning Commission first and would come back to City Council sometime in September.

Mr. Lindemann stated this property was unique in that it had a panhandle, and he did not feel the space necessarily needed to be developed as it was a nice green space.

Council Member Parks stated the panhandle was probably originally intended to be a point of ingress or egress, but the developers were trying to work with the residents to prevent traffic increase.

Citizen Bryan Wenetschlaeger stated he was a residential contractor for 22 years and had worked as a field appraiser for all 77 Oklahoma Counties for taxable value. He stated his biggest concern was the development would raise the property taxes of the surrounding properties. He stated he worried about the amount of money the City would have to spend to fix up the existing detention area to handle this new development. He stated he did not like

that the pickleball courts would be in his front yard as well. He stated in his professional opinion the City Council should hold off on rezoning this property to residential land until a plan and the cost of the pond was determined, so it would not cost the taxpayers.

City Manager Spurgeon stated the developer requested a public private partnership with the City, met with himself and discussed the concept of the project, and met with Staff about the City's cost participation in the project. He stated he was putting together a meeting to look at the stormwater, as well as roadway improvements.

Council Member Parks stated he was surprised to know this was a dry pond, because it had a lot of water in it. He noted the project went through the Drainage Advisory Committee as well. He stated this pond drained the northern part of his subdivision, as well as Bass Pro. He said he appreciated the City working to fix the detention area, and he understood the Drainage Advisory Committee approved funds to be used for engineering, to see what it would cost to improve the detention area.

City Manager Spurgeon stated this type of development would create jobs, create sales tax, and was unique, and it was felt appropriate to consider a public private partnership and due to the regional impact, he believed it could be recommended to City Council; however, he needed to see the whole package before submitting anything to City Council for consideration. He said the public private partnership had to be justifiable to the public, and it had to make sense for the City to contribute.

Assistant City Manager of Operations Kenny Schwab stated Item 5R in the Consent Agenda was an approval for \$50,000 dollars to study this detention area for the hydrology and hydraulics of this detention pond. He stated the detention pond already existed, it took in the church to the west, the skate rink, Fergusons, and this property already drained into the detention area; it would be the increase which was being evaluated.

Council Member Parks noted this was listed as a dry pond retention area.

City Manager Spurgeon stated he had the privilege of managing a community which had a similar development, and he understood how viable this area would be in terms of interest in the community with the uniqueness of this development. He stated he felt this was an amazing opportunity for the City. He noted he was concerned about traffic after the development was completed, and this needed to be discussed with the developer, because he did not know if the City should be responsible for any and all of those costs.

Vice Mayor Gillespie stated she had a big concern about the traffic on Elm. She said the northern street would exit from Madison, and the traffic in this area was very difficult. She noted there was a school here also. She stated exiting onto Elm was scary in this area, there was no turn lane. She stated she felt the City needed a plan for this area.

Mr. Schwab reported the City secured \$9 million dollars for Elm from Kenosha (71st Street) north to the Broken Arrow Expressway, up to Albany; \$3 million dollars in STP and \$6 million dollars from the Bond. He stated the City obtained a \$5.84 million dollar planning grant, and this area was included in that, and the Oklahoma Department of Transportation has hired a consultant to look at the highway corridor. He stated the corridor would be from Aspen (145th E. Ave) all the way to the Muskogee Turnpike; the actual anticipated construction would be from Elm all the way to Kenosha, a future widening of the Broken Arrow Expressway. He explained this was why the City was holding off on widening this road to five lanes as it was possible that the ODOT Corridor Study might indicate it should be 7 lanes. He reported ODOT chose its consultant and was negotiating the contract. He stated things were moving forward, and in the future, there would be at least 5 lanes on Elm, but possibly more.

City Manager Spurgeon stated this would help with the issue regarding getting onto Kenosha.

Vice Mayor Gillespie stated with the school, traffic was bad and there were many accidents.

Council Member Parks stated Madison went south of the school, and this was why he asked about Birch which went to 71st Street.

Discussion ensued regarding traffic flow in the area, and which way drivers would turn to access the different roadways.

Mayor Wimpee noted Citizen Amy Weneschlaeger filled out a form, but did not wish to speak, noting Ms. Weneschlaeger said, "I'm okay with development, I'm not okay with anything [pickleball courts] in my front yard." She stated Ms. Claudia Taylor did not wish to speak but was in opposition.

Citizen Wade Sewell stated he lived in the neighboring subdivision and purchased

commercial property on the west side of the retention pond on Madison. He discussed his concerns about the traffic in the area. He said he was not opposed to this development but felt it should be delayed until the traffic study was completed. He discussed his concerns regarding drivers using Madison and Birch through the development to save time and avoid traffic. He said a stop light on Norman or Madison would help slow traffic and enable residents to exit the development safely.

Council Member Green noted tonight the Comprehensive Plan was being considered, not the PUD, and just because the Comprehensive Plan was approved, it did not mean the PUD was approved.

Vice Mayor Gillespie asked about the timeline of the development.

Mr. Parker stated he wished to have roadways and utilities installed and start home construction in the fourth quarter of next year, which would mean it would be the first or second quarter of 2026 before residents began to move into the development. He stated he estimated it would take three years to complete construction, so full capacity would be done in four and a half years.

Vice Mayor Gillespie stated she liked the concept; it was just the traffic which was a concern.

MOTION: A motion was made by Justin Green, seconded by Johnnie Parks.

Move to approve COMP-001531-2024 (Comprehensive Plan Change), Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential), 10.9 acres, Level 2 and 3 to Level 3, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 24-1113 Consideration, discussion, and possible action regarding a modification to Section 4.1(n) of the Land Subdivision Code for 3226 North Elm Avenue, 34.42 acres, 1 lot, A-1 (Agriculture), south and west of the southwest corner of West Omaha Street (East 51st Street) and North Elm Avenue (North 161st East Avenue)

Ms. Yamaguchi reported the property owner was constructing a single-family residence at 3226 North Elm Avenue. She stated the property was located south and west of the southwest corner of West Omaha Street and North Elm Avenue and was currently unplatted. She stated the building permit for the new home was issued on August 21st, 2023. She noted the property owner was in the process of getting the final inspection when the lack of sidewalk construction came into question. She stated in lieu of installing a sidewalk, the property owner would have been allowed to pay a fee into escrow; this fee was \$65 per square yard of sidewalks to be installed along North Elm Avenue (approximately 2,350 square foot), and West Omaha Street (150 feet). She explained this came out to an estimated 1388 square yards, which would be roughly \$90,277 dollars. She stated on behalf of the property owner, City Staff was requesting a modification to Section 4.1(n) of the Land Subdivision Code to waive the sidewalk installation or escrow fee along the Elm Avenue and Omaha Street frontages of their property. She stated this item was heard by Planning Commission on August 8th, 2024, where Planning Commission recommended a partial waiver unanimously. She indicated Planning Commission voted to require escrow to be paid for the 720' of frontage onto North Elm Place which was from the driveway to the south of the property, and to require escrow to be paid for the 150 linear feet of frontage onto West Omaha Street; this was a total of 870 linear feet of escrow to be paid, approximately \$31,416 dollars, which was shown on the attached exhibit. She stated Staff recommended approval of the modification to Section 4.1(n) of the Land Subdivision Code for 3226 North Elm Avenue per Planning Commission recommendation. She stated this property also had a lot split application which would come before City Council and the next Item was also regarding this property.

City Manager Spurgeon stated he supported Staff's recommendation. He said he met with the property owner and explained the reason for this. He noted this was a good way to help the homeowner, as well as put money into escrow for future development.

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

Move to approve the modification to Section 4.1(n) of the Land Subdivision Code for 3226 North Elm Avenue, 34.42 acres, 1 lot, A-1 (Agriculture), south and west of the southwest corner of West Omaha Street (East 51st Street) and North Elm Avenue (North 161st East Avenue)

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

C. 24-1117 Consideration, discussion, and possible action regarding a waiver of Section 24.104 of the Codes of Ordinances for 3226 North Elm Avenue, 34.42 acres, 1 lot, A-1 (Agriculture), south and west of the southwest corner of West Omaha Street (East 51st

Street) and North Elm Avenue (North 161st East Avenue)

Ms. Yamaguchi reported the property owner was constructing a single-family residence at 3226 North Elm Avenue. She stated the building permit for the new home was issued on August 21st, 2023. She explained the property has not passed the final plumbing inspection because it installed an aerobic system for sewer. She explained to install an aerobic system the applicant must get permission from the Department of Environmental Quality (DEQ). She noted this permission was given, and the approval was attached. She noted additionally, the applicant must get a waiver from section 24.104 of the code of ordinances. She stated Section 24.104 of the Codes of Ordinances (as approved through Ordinance No. 2224) required properties located within 300 feet of a public sanitary sewer to connect to the sewer. She stated as noted in the attached request from the property owner, they were requesting a waiver from this requirement to allow an on-site system on the property due to the challenges associated with making a connection to the public sanitary sewer lines. She stated Staff confirmed that the sanitary sewer to the west of the property (as shown in the attached utility atlas) was an 8 inch gravity sanitary sewer (not a force main) and the terrain could have made a connection difficult, and a private lift station or grinder pump could have been required. She stated there was currently a lot split application which has been submitted for this parcel, which would suggest that future development was planned. She stated this waiver was only for the existing house, and any future sanitary sewer waivers would have to be approved before the City would issue any permits on future construction. She stated a Temporary Certificate of Occupancy was issued for this site and a permanent Certificate of Occupancy would not be issued until the issues with the sanitary sewer and sidewalk have been resolved. She stated Staff recommended approval of this waiver.

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

Move to approve the waiver of Section 24.104 of the Codes of Ordinances for 3226 North Elm Avenue, 34.42 acres, 1 lot, A-1 (Agriculture), south and west of the southwest corner of West Omaha Street (East 51st Street) and North Elm Avenue (North 161st East Avenue)

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

D. 24-1118 Consideration, discussion, and possible action regarding BAZ-001459-2024 (Rezoning), Broken Arrow West, approximately 109.55 acres, A-1 (Agricultural) to RS-3 (Single Family Residential) located west of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street)

Ms. Yamaguchi reported BAZ-001459-2024 was a request to change the zoning designation on 109.55 acres from A-1 (Agricultural) to RS-3 (Single-Family Residential). She stated the property was located West of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street) and was unplatted. She stated the property owner was rezoning the property for future Single-Family Residential development. She stated the development would be comprised of approximately 230-240 lots; this area was Comprehensive Plan Level 2 which does support rezoning to RS-3. She stated the Planning Commission recommended approval, per staff recommendation, of BAZ-001459-2024 on July 25, 2024, per staff recommendation with a 5-0 vote. She stated during the July 25th planning commission meeting, there were public comments about traffic, density, road conditions, and infrastructure capabilities. She stated Staff recommended approval subject to the property being platted.

Council Member Parks noted the City had not officially approved the new Zoning Ordinance, so if approved this property would be built with the old Zoning Ordinance regulations.

Ms. Yamaguchi stated the new Zoning Ordinance would not apply to this property if approved.

Council Member Parks asked if the property sat for a period of time would it come under the new Zoning Ordinance.

Ms. Yamaguchi stated since the property was being developed with straight zoning, if RS-3 were to convert to RS-C in the new Zoning Ordinance, it would come under the new Zoning Ordinance at that time.

Vice Mayor Gillespie asked who was responsible for this portion of County Line.

Ms. Yamaguchi responded the City of Broken Arrow was responsible for this portion of County Line.

Vice Mayor Gillespie asked about the plans for this portion of County Line.

Council Member Green noted there was a lot of traffic in this area.

Ms. Yamaguchi stated she was unaware of any funded projects for this stretch of road.

City Manager Spurgeon stated this road would not make his recommendation to City Council next spring; however, City Council had the final say. He said there was a need for shoulders from 81st to 101st because of the lack of turning movements, and he felt County Line Road south of the Creek Turnpike up to 121st needed some improvements, but going further south, while he would look at these, with the other improvements left on the 2018 bonds, as well as the other improvements already heard from the public, it would be hard to justify working on this road while balancing the other improvements needed elsewhere in the community.

Council Member Parks noted this land was in the Broken Arrow School District.

Council Member Green concurred.

Vice Mayor Gillespie asked if the school weighed in regarding this project.

Mr. Schwab stated the School District was aware of this project. He stated with respect to the road, when and if this moved forward, when the engineers designed the development, a traffic impact analysis would be needed, and he believed the analysis would show the intersection would need improvement with the bare minimum of a turn lane.

Ms. Yamaguchi stated the property owner also owned property just south of this parcel and was looking to develop the land within the County, not annexing the property into Broken Arrow and developing the land as large lot single family residential. She stated there was also some development happening on the Wagoner County side, just outside of Broken Arrow jurisdiction.

The applicant, Alan Betchan, AAB Engineering, said he represented the developer of this project. He stated the developer owned all the way down to 141st, and also owned 80 acres adjacent to this property on the east side. He stated the bulk of the rest of the tract would be developed in half acre low density rural style. He noted the 80 acres would have 109 lots as there was a lot of flood plain, and a lot of steep terrain. He stated this particular section would have 70 x 130 foot lots; the vast majority of the development would conform to RS-2 and would be a high end product being conscious of the surrounding area. He said this was a good builder who constructed very high end homes, and this would be a development Broken Arrow would like to have within its City.

Mayor Wimpee asked why the developer was asking for R-3 instead of R-2.

Mr. Betchan explained there were some fingers of land, some steep terrain, and some gulleys, around which the developer was fitting in lots, and these lots might have slightly smaller than a 70 foot lot frontage. He said the developer was not building a high density project.

Vice Mayor Gillespie stated she would be happier with R-2, and she was still nervous about the road.

Mr. Betchan said Broken Arrow had a lot of roads and dollars to spread across the City. He said this development would grant the City the right-of-way to make future needed improvements and would move toward creating the traffic counts along the road needed to prioritize this road for future improvement. He stated regardless, the development certainly had a lower density and would be a good product for the City.

Mayor Wimpee stated the Broken Arrow citizens did not want the City to build first and improve infrastructure second.

Mr. Betchan stated this project would put the pieces together for future improvements. He stated a traffic impact analysis would come up as part of the platting process.

Council Member Parks asked if this was City of Broken Arrow water.

Mr. Betchan responded in the affirmative. He stated the property to the east was served by Rural Water.

Mr. Schwab stated all this land down to 141st was in Broken Arrow's district if the City could serve the property; if not, then Rural Water could serve the area if granted permission.

Mr. Betchan noted conversations were being held regarding whether the City wished to serve this property or whether Rural Water would serve the properties.

Mayor Wimpee stated she was concerned about the schools.

Council Member Parks stated it sounded like this development would have a lot of green area and reduced structures. He stated the property was just so large that the number of units

sounded high.

Mr. Betchan noted discussions with City Staff about whether this should be developed with a PUD were held and it was decided not to use a PUD as it would lock the land into the existing Zoning Ordinance. He said as the Zoning Ordinance was changed the development would fall fully under the new guidelines.

Council Member Ford noted a traffic analysis study would show if the area could handle this development. She stated this development was supported by the Comprehensive Plan. She noted the schools were a concern, but if this was not approved, the developer would simply develop just outside Broken Arrow jurisdiction while the children would still be attending Broken Arrow Schools.

Mayor Wimpee noted there was a concern about development just outside Broken Arrow City Limits going into Broken Arrow Schools which the City had no control over.

Council Member Ford made a motion to approve BAZ-001459-2024. There was no second. The motion died.

Mr. Betchan noted the schools were sent these zoning applications, and again sent notice at the platting stage. He stated this was a 10 to 15 year buildout; these houses would not even begin construction for two years. He noted the Schools were aware and had not raised any concerns.

Mayor Wimpee stated she and Council Member Parks were on a committee which met with representatives of the School District and there was a huge concern, so perhaps Mr. Betchan should reach out to the School District and have a conversation.

Mr. Betchan stated he would be happy to do so.

Council Member Parks stated he liked the large lots, but this was a big area and there would be a lot of homes. He noted if this were an R-2 or larger lot, it would make it a little bit easier to approve.

Mr. Betchan stated the intent was to build 70 x 130 foot lots, which conformed to RS-2 standards. He said if City Council insisted the lots be 70 x 130 foot lots, even in tight corners, the developer would be willing to accommodate.

Council Member Parks stated he would be in favor of R-2 and more green area. He noted this was why he preferred PUDs which encouraged the inclusion of green areas.

Mr. Betchan stated he was willing to ask for R-2 because this was what the developer planned to build. He explained RS-3 was only requested to allow a little flexibility along the lot frontage in the tighter curves of the roads.

Council Member Parks asked if the application could be changed to R-2.

City Attorney Trevor Dennis the application could be changed, but not tonight because on the Agenda it was specifically for R-3. He explained the application would have to be re-noticed and republished.

Council Member Parks stated he would approve of an R-2 development.

Mr. Betchan thanked City Council for the feedback.

Council Member Ford stated she had made a motion to approve because she consistently heard from residents that Broken Arrow needed bigger homes on bigger lots, and this was a project with bigger homes on bigger lots. She stated she felt the residents of Broken Arrow would like this project.

Vice Mayor Gillespie stated the traffic study would still be needed.

Mr. Betchan stated if this was the will of the City Council and if it was possible to continue this and readvertise at the City Council level, he was in support and would change this to R-2. He asked for City Council to table this, so R-2 could be brought back to City Council as opposed to going back to Planning Commission.

Ms. Yamaguchi stated the City would have to publish a new notice; the surrounding residents would receive new notice in the mail, the yellow signs would go up, and the newspaper publication would also be made.

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

Move to table this Item

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

E. 24-1133 Consideration, discussion, and possible action regarding BAZ-001334-2024 (Rezoning) and SP-001335-2024 (Specific Use Permit), Floral Haven Expansion, 27 acres, A-1 (Agriculture) and R-1 (Single Family Residential) to A-1 (Agriculture)/SP-001335-2024, north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue)

Ms. Yamaguchi reported BAZ-001334-2024 and SP-001335-2024 was a request to change the zoning designation on 27 acres from A-1 (Agriculture) and R-1 (Single Family Residential) to A-1/SP-001335-2024. She stated the property was located approximately north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue) and is currently un-platted. She stated BAZ-001334-2024 was a request to rezone the southernmost 37,500 square feet of this property from R-1 (Single-Family Residential) to A-1 (Agriculture). She stated this portion could be seen on the case map included in the agenda packet. She stated this was to allow expansion of the Floral Haven Cemetery which was directly east of the subject tract. She stated according to the Zoning Ordinance, a cemetery is only allowed in the A-1 District with a Specific Use Permit. She stated in Staff's opinion, SP-001335-2024 was consistent with the criteria listed in the staff report for Planning Commission. She stated on March 28th, 2024, BAZ-001334-2024 and SP-001335-2024 were heard by Planning Commission. She noted one neighbor emailed in a letter of support for the proposal; during the public hearing, 4 community members spoke in opposition, concerns included health concerns, fence requirements, loss of nature, and property value. She stated Planning Commission recommended approval of BAZ-001334-2024 and SP-001335-2024 subject to: 1) A new legal description being submitted that is similar to the proposed development area in the conceptual site plan being submitted to staff before the city council hearing; 2) Platting being waived subject to all of the necessary easements and ROW being dedicated; and 3) An opaque fence being required along the property one where the SP abuts a neighboring property. She noted this recommendation was passed with a 4-0 vote. She stated Staff recommended approval of BAZ-001334-2024 and SP-001335-2024 per Planning Commission's recommendation. She reported on April 16th, 2024 City Council heard this item and, after some discussion, continued the item until the meeting on May 7th, 2024; on May 7th, Council removed this item from the agenda until the applicant was ready to move forward. She stated since the May meeting, Staff was in contact with the applicant to discuss the potential platting of the property; since the lot in question was technically considered non-conforming, due to insufficient street frontage, Staff recommended that in lieu of platting, the property be permanently consolidated with the existing Floral Haven property to the east. She stated Staff recommended approval of BAZ-001334-2024 and SP-001335-2024 per Planning Commission and Staff recommendations.

Council Member Parks stated he thought the point of ingress and egress was too close to the other one to the south. He said he thought these points of ingress and egress would be combined. He asked if there would still be two roads onto 71st Street.

Ms. Yamaguchi responded there were two roads right now, one was a gravel drive which led to a house which was no longer there, and the other went into the RV park. She said by consolidating the lots, access could be restricted to the parcel, and could be restricted to the one off Olive and Kenosha.

Mr. Schwab stated the discussion has been to eliminate the gravel drive and the property owner was willing to do this. He noted the property would still have access to the drive to the east and the drive to Olive; there would still be two different access points.

Council Member Green stated the issue of access to 71st was still not resolved; if there was no access to 71st, all this traffic would go back onto Olive, and the widening of Olive situation was also not resolved. He stated combining the lots did not address the concerns expressed during the previous meeting.

Mr. Schwab stated once the lots were combined and connected, Floral Haven could come out on Kenosha; however, to Council Member Green's point, cemetery traffic could still come out on Olive as well. He stated with respect to the right-of-way along Olive, the City had the condemnation hearing which fell in favor of Floral Haven, the City decided not to pay, and the issue was closed. He stated new right-of-way documents were sent to Floral Haven and the City was trying to acquire a substantially smaller amount of right-of-way which he believed would be more favorable for both Floral Haven and the City. He noted the City was waiting for the final appraisal so the City could make the final offer.

Vice Mayor Gillespie asked if the City's plan for widening Olive changed.

Mr. Schwab explained the City had made some substantial changes to the widening design;

the road was moved east, and the intersection was adjusted. He said the biggest change was the City was no longer asking for right-of-way in the floodplain area which Floral Haven indicated was important to the cemetery.

Vice Mayor Gillespie stated it sounded like Floral Haven has not made any concessions; the City changed its plan.

Mr. Schwab concurred noting the City changed its plan, sent Floral Haven new right-of-way documents, but Floral Haven was waiting for the offer from the City at this point. He noted the offer would be sent once the appraisal was completed.

Vice Mayor Gillespie stated she was not okay moving forward with anything until she knew Olive would be widened.

Council Member Ford stated she thought she would hear more information about Olive tonight, and this was why it was back on the Agenda.

The applicant, Lou Reynolds, recommended continuing this Item until the next meeting.

Mr. Schwab stated he was expecting the appraisal at any time and believed he would be able to make the offer to Floral Haven next week.

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

Move to continue this Item to Tuesday, September 3, 2024 City Council Meeting

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

A. 24-1089

Consideration, discussion and possible adoption of Ordinance No. 3842 amending Section 4.1.B (Table 4.1-2: Dimensional and Density Standards- Residential Districts), of the City of Broken Arrow Zoning Ordinance; repealing all ordinances or parts of ordinances in conflict herewith; and declaring an emergency

Ms. Yamaguchi reported this was the change to the Ordinance previewed at the last City Council Meeting changing the front setbacks for RE and RS-1 districts from 35 feet to 25 as discussed. She noted this was the Ordinance which went with the preview.

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

Move to adopt Ordinance No. 3842

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 24-1090

Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3842

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

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

C. 24-1109

Consideration, discussion and possible adoption of Ordinance No. 3843, an ordinance revision updating Chapter 25, Stormwater Management of the Broken Arrow Code of Ordinances; Updating definitions to match Federal Emergency Management Agency (FEMA); Updating current floodplain maps to FEMA updates; Consolidating the design criteria to the Engineering Design Criteria Manual; repealing all ordinances to the contrary; and declaring an emergency

Stormwater Division Manager Pat Wilson reported this was an update of Chapter 5 of the Stormwater Management Ordinance. He noted the preview ordinance was presented July 15, 2024. He stated this updated the floodplains, the definitions and consolidated design criteria into the Engineering and Design Criteria Manual. He noted since the preview, one definition was added for the Deputy Floodplain Administrator. He stated Staff recommended approval.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.

Move to adopt Ordinance No. 3843

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

D. 24-1032

Consideration, discussion, and possible approval of an emergency clause for Ordinance No. 3843

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 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

12. Remarks and Inquiries by Governing Body Members

Vice Mayor Gillespie stated election day was next Tuesday. She encouraged all to vote.

Mayor Wimpee stated early voting was open Thursday, Friday and Saturday.

Council Member Ford noted absentee ballots had to be postmarked before next Tuesday.

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

City Manager Spurgeon thanked City Council for the work session last week which was fruitful. He noted the next work session would be in October 2024 to discuss road improvements. He stated he and the Mayor would be serving on the selection committee for the new Chamber EDC President and CEO, and face to face interviews had begun. He noted there were several good candidates. He thanked those who served in the interim.

At approximately 8:21 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 Christi Gillespie, seconded by Lisa Ford.

Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 9:15 p.m. the room was cleared for Executive Session.

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

Move to clear the room for Executive Session

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 9:21 p.m. City Council entered into Executive Session.

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

Move to enter into Executive Session

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Director of Human Resources, City Attorney and any other pertinent staff members discussing, conferring on matters and possible action in open session pertaining to:

1. Litigation, including potential resolution and settlement, of a matter involving the worker's compensation claims of Bradley Davis, WCC #CM2023-03665W and #CM2023-05468R, including possible authorization to settle these claims, under 25 O.S. §307(B)(4).

2. Litigation, including potential resolution and settlement, of a matter involving the worker's compensation claims of Matthew Payne, WCC #CM2023-01642F and #CM2023-01662J, including possible authorization to settle these claims, 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.

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

Move to find the Executive Session necessary

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

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

Move to authorize the City Attorney and outside counsel to settle the workers compensation claims of Bradley Davis and Matthew Payne in the amounts recommended by outside counsel

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

City Council returned to open session at approximately 9:23 p.m.

15. Adjournment

The meeting was adjourned at approximately 9:24 p.m.

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

The motion carried by the following vote:

Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Mayor

City Clerk