



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, September 17, 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 Steve Smith performed the invocation.

3. Roll Call

Present: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee
Absent: 1 - Christi Gillespie

4. Pledge of Allegiance to the Flag

Mayor Wimpee led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee indicated Item X was to be tabled. She asked if there were any other Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.

Move to approve the Consent Agenda less Item X

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- A. 24-1258 Acknowledgement of travel by City Council Members
- B. 24-84 Approval of the City Council Meeting Minutes of August 20, 2024
- C. 24-1257 Approval of the Special City Council Meeting Minutes of August 20, 2024
- D. 24-1266 Acceptance Planning Commission meeting minutes of August 8, 2024
- E. 24-1260 Approval of and authorization to execute Budget Amendment Number 7 for Fiscal Year 2025
- F. 24-1275 Approval of and authorization to execute Budget Amendment Number 8 for Fiscal Year 2025
- G. 24-1242 Approval of and authorization to declare certain City owned vehicles and equipment as surplus and authorize the sale of those items at an online public auction
- H. 24-1163 Approval of and authorization to execute Resolution No. 1601, a Resolution of Necessity to Condemn Property located at 12104 S 145th E Ave, Broken Arrow, OK 74011, located in Section 4, Township 17 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Aspen, Tucson to Shreveport Roadway Improvements, Parcel 13.0 (Project No. ST2031)
- I. 24-1246 Approval of and authorization to execute Resolution No. 1602, a Resolution of Necessity to Condemn Property located at southwest corner of Elm Place and Albany Street, Broken Arrow, Oklahoma, located in Section 3, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Stone Ridge Stormwater Detention, Parcel 1.0 (Project No. SW1910)
- J. 24-1261 Approval of and authorization to execute an engagement letter with Arledge & Associates, PC for fiscal year ending June 2024
- K. 24-1273 Approval of and authorization to execute an Interlocal Agreement between the County of Wagoner, Oklahoma and the City of Broken Arrow, Oklahoma concerning County Road and Bridge Maintenance and Repair
- L. 24-1176 Approval of and authorization to renew Datto Backupify storage agreement
- M. 24-1233 Approval of and authorization to execute Agreement for Professional Consulting Services with Garver, for the study of NEEDA (North Elm Economic Development Area) Regional Pond (Project No. SW25020)
- N. 24-1224 Approval of and authorization to execute a Promotional License between Ice Challenge Enterprises, LLC and the City of Broken Arrow for the installation and operation of an outdoor holiday ice rink at the Rose District Pavilion
- O. 24-1217 Approval of and authorization to execute Amendment Number 2 to the Agreement for Professional Consultant Services with Poe & Associates, Inc. (Project Number ST2028)

- P. 24-1220 Approval of and authorization to execute a Tenth Amendment to the Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon
- Q. 24-1033 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 \$50,000
- R. 24-1262 Approval of and authorization to purchase Dell equipment for the Real-Time Information Center
- S. 24-1251 Approval of and authorization to purchase mobile communication radios for the police department from L3 Harris Technologies Inc
- T. 24-1180 Approval of and authorization to purchase annual maintenance for our city wireless network components through Park Place Technologies
- U. 24-1181 Approval of and authorization to purchase annual maintenance for stand-alone Rack Mount servers through Park Place Technologies
- V. 24-1209 Approval of and authorization to reject all bids for Bid 25.104 for Traffic Signals as it is not in the best interest of the City of Broken Arrow
- W. 24-1127 Award the most advantageous bid to Intellectix and authorize execution of a service agreement for transcription of meeting minutes
- X. 24-1263 Award the most advantageous bid to Morgan Service Company LLC, DBA Morgan Towing and approve and authorize execution of a contract for wrecker services
- Y. 24-1270 Award the most advantageous bid for gasoline and diesel to Offen Petroleum LLC, with the exception of the optional items; The optional items, including portable diesel and unleaded fuel tanks with fuel award the most advantageous bid to Fleet Fuels LLC
- Z. 24-1007 Approval of nomination and re-appointment of Ben Buie to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AA. 24-1004 Approval of nomination and re-appointment of Craig Hagin to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AB. 24-964 Approval of nomination and re-appointment of Sonja Schneider to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2026
- AC. 24-1271 Approval of a variance to section 6.3.c.1 of the subdivision regulations, Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential) to CM Community Mixed-Use via BAZ-001624-2024, 10.9 acres, Level 2 and 3 to Level 3 via COMP-001531-2024, 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)
- AD. 24-1272 Approval of PR-000124-2022|PT-001638-2024, conditional final plat, Ironwood, 21.7988 acres, 77 Lots, PUD-453/RS-4 and RD, located west of the southwest corner of Omaha Street (51st Street) and Elm Avenue (161st East Avenue)
- AE. 24-1231 Approval of and authorization to execute Change Order No. 1 with Allwine Roofing for the Streets and Stormwater Roof Replacement (185317)
- AF. 24-1248 Approval of and authorization to execute Change Order No. 1 with R&L Construction, LLC for the Wolf Creek Drainage Improvements (2453170)
- AG. 24-1247 Approval of and authorization to execute Change Order No. 1 with Tri-Star Construction, LLC on Construction Contract No. ST24010; Iola Street Rehabilitation from Elm Place to North 1st Street
- AH. 24-1228 Approval of and authorization to execute Change Order No. 4 with VOY Construction for the Elam Park Phase 1 Project (196031)
- AI. 24-1239 Ratification of the Claims List Check Register Dated September 09, 2024

6. Consideration of Items Removed from Consent Agenda

Item X was tabled; there were no other Items removed from the Consent Agenda; no action was taken or required.

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

- A. 24-1255 Approval of and authorization to execute a Proclamation declaring the week of September 17-23, 2024, as Constitution Week
Mayor Wimpee invited the Members of the Daughters of the American Revolution (DAR) forward.

A Member of the Daughters of the American Revolution stated today marked the 237th birthday of the United States Constitution. She stated on behalf of the Broken Arrow Creek Chapter of the DAR she wished to thank Mayor Wimpee, City Council and the City of Broken Arrow for supporting Constitution Week. She announced her Chapter of the DAR would host the American Revolution Traveling Exhibit in the Art Gallery at the Broken Arrow NSU Campus from December 5th, 2024 through December 17th, 2024. She invited all to attend.

Mayor Wimpee read the Proclamation: “WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and WHEREAS: September 17, 2024, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and WHEREAS: It is fitting and proper to

accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week, NOW, THEREFORE I, Debra Wimpee by virtue of the authority vested in me as Mayor of the City of Broken Arrow do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties. IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City to be affixed this 17th day of September of the year of our Lord two thousand twenty four.”

Commemorative photos were taken.

Council Member Lisa Ford noted she and Vice Mayor Gillespie belonged to other chapters of the DAR in Broken Arrow.

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

Move to approve and authorize execution of a Proclamation declaring the week of September 17-23, 2024, as Constitution WeekThe motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

B. 24-1235 Presentation updating the Council on the status of the Uber Rideshare Program

Tourism Manager Makala Barton reported in the fall of 2022 City Council approved a pilot program for a rideshare program with an intent to promote shopping and dining to visitors in the City. She stated the program enabled any visitor staying in a Broken Arrow hotel to obtain a free ride to and from the Rose District or New Orleans Square. She discussed some of the marketing efforts made over the past two years including flyers, business cards, website development, educating hotel staff, etc. She reported over the past two years approximately 258 trips were taken, the average individual stayed 1.5 nights, and overall, the City had spent approximately \$7,000 dollars on this program. She noted \$50,000 dollars was budgeted for this program; therefore, significantly less was spent on this program. She stated lengthy discussions were held with the Visit Broken Arrow Board to determine whether it was worthwhile continuing this program. She noted the program did not cost much aside from the time spent by Broken Arrow Staff marketing the program and keeping the hotels informed. She stated feedback from the VBA was positive overall. She noted one of the biggest difficulties the program faced was turnover in hotel front desk staff where hotel front desk staff was not keeping the public informed of this program. She stated the Visit Broken Arrow Board recommended continuing the program and had ideas for continued marketing. She stated Staff, the VBA Board, and the hotels suggested adding Tulsa airport rides to the program. She noted this would be added to the program for a trial period. She noted the current hours of the program would also be extended to accommodate later business hours in the Rose District. She stated the program would be removed from pilot program status, would be added into the budget, and analyzed annually. She noted the program was a great concept, there was a lot of interest, but the program needed more time and additional marketing.

Mayor Wimpee asked if all the hotels were participating.

Ms. Barton responded all hotels were aware of the program, but the City could not force the hotels to advertise.

Mayor Wimpee asked if hotels could be asked to add information about the program to their websites. She noted she felt the program would be a benefit to the hotels.

Ms. Barton stated the hotels were provided information about the program during the quarterly hotel meetings. She stated some of the hotels were not permitted to put business cards with the QR codes for the program on the front desk counters; each hotel had different rules regarding what could be advertised on websites, front desks, in rooms, and even regarding what could be discussed with patrons upon check-in.

Council Member Ford stated when she worked for the Police Department she wanted to put information in hotel rooms regarding safety, but even this was not permitted in some hotels.

Ms. Barton stated most hotels at least allowed a visitor’s guide, a Tulsa Visitor Guide, and there was discussion regarding creating a Broken Arrow Visitor Guide or putting a Broken Arrow Visitor section in the Tulsa Visitor Guide. She noted there would also be a digital ad placement in the airport. She stated there would also be other additions to marketing.

Council Member Ford noted in order to get a free ride from the airport, you had to stay in a Broken Arrow hotel.

Ms. Barton agreed. She noted information about the program would also be put into

conference swag bags.

Council Member Ford stated she was proud of City Staff for thinking outside the box regarding advertising and marketing.

Ms. Barton noted a hoteliers' meeting would be held, and this would be a topic of conversation during said meeting.

Mayor Wimpee asked about the average ride cost.

Ms. Barton responded it was approximately \$10 dollars per ride.

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. 24-1254 Consideration, discussion, and possible approval of and authorization to execute Resolution 1603, a Resolution fixing the amount of General Obligation Bonds, Series 2024 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**

Finance Director Cindy Arnold reported during the budget workshop there was a list of projects discussed. She noted this list was about the same, but a few modifications were made due to the fact that the City was able to bond a little more money. She stated Resolution No. 1603 fixed the amount of General Obligation Bonds, Series 2024. She displayed and discussed the project list for Series 2024A, which would be the 9th Series sold from the 2018 bond election and would include \$19,845,000 dollars in Proposition 1, Transportation; and \$3,655,000 dollars from Proposition 3, Quality of Life. She stated Staff recommended approval of Resolution No. 1603. She noted the City would go out to sell in 30 days.

Council Member Johnnie Parks noted these were projects approved by the citizens of Broken Arrow in 2018.

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

Move to approve Resolution No. 1603

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- B. 24-1202 Consideration, discussion and possible approval of and authorization to execute Resolution No. 1605, a resolution of the City of Broken Arrow, Oklahoma (the "City") approving the incurrence of indebtedness by the Broken Arrow Municipal Authority (the "Authority") issuing its Promissory Note, Series 2024 (the "note"); providing that the organizational document creating the authority is subject to the provisions of the Indenture authorizing the issuance of said Note; waiving competitive bidding with respect to the sale of said Note and approving the proceedings of the authority pertaining to the sale of said Note; approving and authorizing execution of an Agreement of Support; and containing other provisions relating thereto**

Ms. Arnold stated this Item should be tabled until after the BAMA meeting.

Following the Broken Arrow Municipal Authority Meeting Item 9B was discussed and a motion was made:

Ms. Arnold reported Resolution No. 1605 would approve the indebtedness incurred by Broken Arrow Municipal Authority for \$3,264,000 dollars for twelve side loaders for the Solid Waste and Recycling Department.

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

Move to approve Resolution No. 1605

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- C. 24-1232 Consideration, discussion, and possible award of the lowest responsible bid to Cherokee Pride Construction, Inc., and approval and authorization to execute a construction contract for the Arrow Forge - Innovation District Improvements (Project No. 2352100)**

Director of Engineering and Construction Charlie Bright reported on March 21, 2023, Broken Arrow City Council approved and authorized the Engineering firm, BKL, Inc., to design roadway, stormwater, gravity sanitary sewer, and water for Arrow Forge, located south of Florence Street between Olive Avenue and Aspen Avenue. He stated Arrow Forge included 4,700 feet of asphalt roadway, 960 feet of sidewalk, 8,326 linear feet of curb and gutter,

2,509 linear feet of storm sewer and associated appurtenances, 6,720 feet of waterline, and 4,060 feet of gravity sewer and associated appurtenances. He stated the Engineering and Construction Department, working in conjunction with BKL, Inc., prepared final plans and documents for bidding. He stated the bids came in significantly under budget; originally the estimates were approximately \$7 million dollars for this work, but bids came in closer to \$4.5 million dollars. He stated he was happy with the bids received and he recommended award of the lowest responsible bid to Cherokee Pride Construction, Inc.

Council Member Parks noted this was a big difference in cost. He stated he was pleased.

Mr. Bright stated the original estimates were made before the true scope of the project was determined and this contributed to the reduced cost. He stated \$7 million dollars had been in the budget for a long time for this project and he was excited to be able to put some of this money back into the Proposition to help with other projects.

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

Move to award of the lowest responsible bid to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for the Arrow Forge - Innovation District Improvements (Project No. 2352100)

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

D. 24-1267 Consideration, discussion and possible approval of and authorization to execute Agreement for Professional Consulting Services with Kimley-Horn and Associates, Inc for providing professional traffic engineering and related support services (2452140)

Mr. Bright stated he was excited about this agreement. He stated this would bring Broken Arrow to the next level in traffic control by hiring someone to work on Staff for the City providing professional traffic engineering and related support services. He introduced the new Broken Arrow Traffic Engineer, Luke Schmidt, from Kimley Horn who would help the City through traffic design, corridor studies, accumulating traffic data, and increasing efficiency now and in the future.

Mr. Luke Schmidt stated he was excited to be partnering with the City of Broken Arrow for all the traffic needs of the City. He discussed his past 15 years' experience in traffic engineering.

Council Member Ford stated she was pleased to have Mr. Schmidt on board, as was her husband and father. She noted her husband and father were retired police officers and always felt the one thing Broken Arrow lacked was an organizational traffic flow. She said she believed Mr. Schmidt would do great things for the City. She welcomed Mr. Schmidt.

Council Member Green welcomed Mr. Schmidt.

Council Member Parks welcomed Mr. Schmidt.

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

Move to approve and authorize execution of an Agreement for Professional Consulting Services with Kimley-Horn and Associates, Inc for providing professional traffic engineering and related support services (2452140)

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

E. 24-1253 Consideration, discussion, and possible approval of and authorization for the City Manager to execute a grant agreement for the City of Broken Arrow's participation in the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grant Program with respect to the Reconnecting Broken Arrow: Planning for Multimodal Improvements Project

Mr. Bright stated the City of Broken Arrow applied for and was approved for the RAISE Grant for the corridor around the Broken Arrow Expressway approximately one year ago. He stated it took a long time to get these approved when working with the federal government, but this had now been accomplished. He stated this was authorization to execute the contract. He stated this study was for approximately \$5.4 million dollars and included planning, preliminary design, up to 60 percent of the design of the Elm corridor through the Broken Arrow Expressway, the Lynn Lane corridor through the Broken Arrow Expressway, the Omaha and Aspen intersection, as well as north up to 46th Street and then basically everything in between such as sidewalks, multimodal paths, etc., with the goal of making communities more connected around urban highways. He noted almost \$6 million dollars for design was excellent. He commended Brent Stout (ph) for his work on this RAISE Grant.

Mayor Wimpee stated she was excited about this Grant as well.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.

Move to approve and authorization for the City Manager to execute a grant agreement for the City of Broken Arrow's participation in the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Transportation Discretionary Grant Program with respect to the Reconnecting Broken Arrow: Planning for Multimodal Improvements Project

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

City Manager Michael Spurgeon announced he signed the plans for a portion of the Gateway Project. He noted he would ask Mr. Bright to speak about this later during the meeting.

F. 24-1225 Consideration, discussion, and possible acceptance of the Federal Emergency Management Agency (FEMA) Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of twelve (12) new firefighter positions for a period of three (3) years

Fire Chief Jeremy Moore stated he was present to ask City Council to accept a \$2.9 million dollar SAFER Grant provided by FEMA. He stated Broken Arrow had 175 sworn fire fighters on an annual basis. He noted during the budgeting process the City Manager proposed to expand an over hiring pilot program, over hiring 12 fire fighters to help the City manage department attrition, and federal funds were sought to fund this program. He noted the FEMA SAFER Grant program was discovered. He noted the SAFER Grant would enable the City to fund the over hiring pilot program for the next three years, until March of 2028. He noted there were no matching funds required and there were no limits on salaries. He stated this was the third SAFER Grant the Broken Arrow Fire Department achieved in the last 9 years. He stated Broken Arrow's Federal Delegation was instrumental in helping push the Broken Arrow application across the finish line. He recommended approval.

Mayor Wimpee asked about sustainability after the three years were completed.

Chief Moore stated the City had no obligation to maintain the pilot program or maintain the 12 fire fighters beyond the three years; however, the City would have several options: if the pilot program was unsuccessful the positions could be sunset through attrition (retirement, etc.), the City could apply for another SAFER Grant and continue the program, or lastly, with economic development efforts and the growth of the community, the City could sustain the salaries within the Fire Department's operating fund.

Council Member Parks asked if the 12 fire fighters would be informed of these possibilities upon hire.

Chief Moore responded in the affirmative. He noted the Fire Department was in the hiring process right now, would hire 12 individuals who would specifically be funded in this grant program and would hire for three vacant positions as well. He noted the new Grant Administrator Molly would help administer this grant appropriately. He stated this hire would bring the department up to 187 positions, and if the Fire Department decided not to continue with these positions normal attrition would bring the number back down.

Council Member Green stated these grants were huge and brought the City to the next level. He stated public safety was paramount. He thanked Chief Moore and all City Staff who worked hard finding and applying for these grants.

Chief Moore stated it was truly a team effort finding, applying for, obtaining, and administering these grants appropriately.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.

Move to accept the Federal Emergency Management Agency (FEMA) Fiscal Year 2023 Staffing for Adequate Fire and Emergency Response (SAFER) Grant that will fund the salaries and benefits of twelve (12) new firefighter positions for a period of three (3) years

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

G. 24-1274 Consideration, discussion, and possible action of the Federal Transit Administration (FTA) Section 5310 grant funding distributed through Indian Nation Council of Governments (INCOG) and approval of phase 2 of the micro-transit pilot program

Community Development Director Rocky Henkel reported the Broken Arrow Micro-Transit program was an on demand, curb to curb public transportation program. He stated the City of Broken Arrow launched this program, in partnership with Metro-Link Tulsa (formerly Tulsa Transit), on March 18th, 2024. He thanked Henry Bibelheimer and Amanda Yamaguchi for their work on this program. He stated approximately two years ago the City applied for grant to acquire four electric vehicles, an accessible van, and to install chargers to help with the micro-transit program. He stated the purpose of the program was to eliminate the 508 Tulsa Transit bus route. He stated the Tulsa Transit 508 bus route averaged 170 riders; there was a

267 percent increase in number of riders using the micro-transit program versus the 508 Tulsa Transit route. He noted in addition there was a cost savings of roughly \$32,000 dollars by using the micro-transit program. He stated the City was awarded a 5310 Grant, which was an 80/20 match, for \$250,000 dollars, so the City was responsible for \$50,000 dollars. He indicated the Grant would be applied to operations with a focus on those with mobility issues and the elderly. He stated now, if a citizen were 65 years of age or older, said citizen could ride the micro-transit at a reduced rate, and the micro-transit program was free for anyone 75 years of age or older or anyone 18 years of age or younger. He stated currently the City was using general fund monies for the operations cost, but this Grant would eliminate the need to use general fund monies for the next two years. He noted this began as a six month program starting in March 2024 and City Staff proposed using the grant funds to expand the services. He displayed a map of the current operating area and indicated City Staff wished to expand the operating area, as well as extend the operating hours from 8 a.m. to 5 p.m. to 7 a.m. to 6 p.m. Monday through Friday. He stated currently the cost was \$2 dollars for a 3 hour pass. He noted with the expansion of area and hours there would be two micro-transit drivers on the road during operating hours. He displayed and discussed a map showing the expanded operating area.

Council Member Ford stated she would like to see the operating area extended at least to Olive and Kenosha. She asked when it might be expanded again.

Mr. Henkel stated this was phase 2 of the program and the City wished to see how well it operated over the next few months before making another recommendation.

City Manager Spurgeon stated the idea of expanding further was discussed in detail. He stated Phase 2 would be approximately 4 months, would start in December, and then the third phase would include expansion to other areas such as Olive and Kenosha.

Council Member Ford stated this program was a blessing to so many Broken Arrow residents. She stated the micro-transit program was a door-to-door program, not waiting at a bus stop for pickup. She stated she felt this was one of the best programs the City ever created.

Mr. Henkel noted the map could be changed at almost any time, but the operating hours had to be negotiated through the Union.

Council Member Ford stated she was glad to see the City continuing with this program and continuing to work to make it a better program.

City Manager Spurgeon stated at some point the program might extend to operate on the weekends. He said the City had to ensure there were an adequate number of drivers to be on the road to service the citizens. He stated going from 170 rides per month to a 267 percent increase in just six months was a huge success. He stated there might be a need in the future for additional vehicles. He noted this was a much more cost effective program than a bus route. He indicated he appreciated City Council's support, and he recommended approval.

Mr. Henkel stated currently Broken Arrow seniors had to drive to Tulsa to apply for the discount card for the micro transit program. He indicated Broken Arrow was working with Tulsa to create an office at Broken Arrow City Hall for this purpose.

Mayor Wimpee asked if this could be tied into the existing Tulsa County office in Broken Arrow.

Mr. Henkel responded in the affirmative and noted the City was also working with the Senior Center in this regard; hopefully seniors would be able to get the card through the Senior Center itself.

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

Move to accept the Federal Transit Administration (FTA) Section 5310 grant funding distributed through Indian Nation Council of Governments (INCOG) and approve phase 2 of the micro-transit pilot program

Aye: 4 -

The motion carried by the following vote:
Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

H. 24-1265 Consideration, discussion, and possible action regarding BAZ-001459-2024 (Rezoning), Broken Arrow West, approximately 109.55 acres, A-1 (Agricultural) to RS-2 (Single Family Residential) located west of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street)

Planning and Development Manager Amanda Yamaguchi reported BAZ-001459-2024 was a request to change the zoning designation on 109.55 acres from A-1 (Agricultural) to RS-2 (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 indicated the development would be comprised of

approximately 230-240 lots. She noted this area was Comprehensive Plan Level 2 which supported rezoning to RS-2. She stated according to the Zoning Ordinance, the minimum lot size for the RS-2 zoning district was 8,000 Sq ft, and a minimum frontage of 70 feet. She stated the property was designated as Level 2 by the comprehensive plan; RS-2 was permitted by right in Level 2 of the comprehensive plan. She stated Planning Commission recommended approval 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 reported in the City Council meeting held on August 20, 2024, City Council recommended the application be re-noticed as a rezoning request to RS-2 (Single-Family Residential) from the original request of RS-3. She indicated Staff sent new notices and this item was rescheduled for the September 17th meeting agenda. She stated Staff recommended approval subject to the property being platted.

Council Member Green noted this area had heavy traffic, but he believed there were plans to expand County Line between the Creek Turnpike and 121st Street.

Ms. Yamaguchi stated she did not believe there were any funded projects for expansion at this point, but expansion was being considered.

Council Member Parks stated he believed the intersections in the area were being considered for reconfiguration and expansion. He stated was not certain this was the case, but if the intersections were done it would improve traffic flow.

City Manager Spurgeon stated at the work session next month City Council would discuss the philosophy of intersections, road widening, and would provide directions to finalize the recommendation for the next General Obligation Bond Package. He stated this area would be discussed.

Council Member Green stated he communicated with the residents in the area. He read an email from a constituent which included concerns regarding high density RS-3 development, and current traffic difficulties in the area. He noted the proposed development was now presented with RS-2 zoning as opposed to RS-3 zoning.

Ms. Yamaguchi noted the last request was for RS-3 zoning which had 60 foot lot frontage and 7,000 square foot lots; the new proposal was for RS-2 with 70 foot lot frontage and 8,000 square foot lots.

The applicant, Alan Betchan, with AAB Engineering, stated the intent of this project was always to have 70 foot lot frontage. He stated there was a pretty significant creek which ran along the western boundary of this property with some fingers which created significant gullies which would create some lost areas of property, but he was perfectly content with having a fully conforming RS-2 subdivision. He noted he was cognizant of the concerns about traffic; traffic was always a concern, and as the project moved forward, a traffic impact analysis would be performed. He indicated the developer owned the tract below this tract, south down to 141st, and the tract on the east, and the traffic study would be comprehensive of all this property. He stated the other concern was regarding the schools, and he believed a 70 by 135 foot product selling in excess of \$600,000 dollars would create more ad valorem dollars per capita of student than lived in the neighborhood. He said the number of homes which would be developed was very complementary to the area. He noted the traffic study would make requirements of the developer to help alleviate traffic concerns. He stated he hoped City Council believed the developer was working to create a project which Broken Arrow would be proud of.

Mayor Wimpee noted Mr. Betchan clearly listened to City Council's concerns and she thanked Mr. Betchan.

Council Member Parks agreed. He noted RS-2 was a bigger lot and it would cut back on the number of homes developed on the property. He asked about the timeframe for development.

Mr. Betchan stated this project would take two to three phases until full development. He noted it took approximately 15 months to two years to bring a single phase online, and then homes would be built; therefore, it would take two years before homes would be constructed, and the final buildout of the entire project would take at least ten years. He said he believed this product would be well received. He noted it was a big step up from an entry level product.

Council Member Green noted the City also had a new Traffic Engineer who would help as well.

Council Member Parks asked about the surrounding zoning in the area.

Ms. Yamaguchi responded there was R-2 to the east, A-1 to the north, and County Agriculture on the northwest and the south.

Mr. Betchan noted the RS-1 being developed on the southeast corner was County Rural more closely matching RE, had a density of one acre lots, and would only be 80 or 90 lots due to the terrain. He noted the southern line was the City Limit and eventually the developer would be asking for annexation which would conform the lots which were half in the City and half outside of the City into the City Limits. He asked for the City's support.

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

Move to approve BAZ-001459-2024 (Rezoning), Broken Arrow West, approximately 109.55 acres, A-1 (Agricultural) to RS-2 (Single Family Residential) located west of 193rd E Ave/ County Line Rd (23rd Street), and one-eighth mile south of Jasper Street (131st Street)The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- I. 24-1154 Consideration, discussion, and possible approval of PUD-001634-2024 & BAZ-001472-2024 (Planned Unit Development & Rezoning), Oak Crossing, 39.36 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road)**

Mayor Wimpee noted Item 9I and Item 9J were being tabled.

City Attorney Dennis indicated Item 9J would be tabled until after executive session.

Council Member Parks asked when 9I would be tabled until.

City Clerk Curtis Green responded Item 9I would be tabled until October 1, 2024.

- J. 24-1264 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)**

After executive session the following motion was made:

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

Move to approve 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)The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

- A. 24-1182 Consideration, discussion, and possible adoption of Ordinance No. 3844, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-001008-2023, generally located one-third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), granting CG (Commercial General) and CN (Commercial Neighborhood)/SP-000408-2022 zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency**

Ms. Yamaguchi noted this was to change the zoning map for previously approved BAZ-001008-2023.

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

Move to adopt Ordinance No. 3844

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- B. 24-1183 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3844**

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

Move for the emergency clause

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

- C. 24-1221 Consideration, discussion, and possible adoption of Ordinance No. 3845, an ordinance**

amending the Broken Arrow Code of Ordinances Chapter 12, Garbage and other refuse, Article I in General, Section 12-1 Definitions; specifically amending employee title; Section 12-3 Right to engage in business of collecting, hauling, etc.; license, requiring the annual reporting of solid waste and recycling weights; Section 12-5 Inspection of collection vehicles, adding city discretion; Section 12-9 Curbside collection of recyclable materials; license required, etc. amending to allow flexibility of fees and deleting repetitive language; Article II Collection by City, Section 12-21 Duty to request and use service, updating language and removing exception; Section 12-22 Container specifications, updating to reflect current practices; Section 12-23 Location of containers and set out times, updating language and reflecting current practices; Section 12-24 Frequency of collections; rules and regulations, updating language; Section 12-25 Charges generally; minimum rate charge; monthly rates of residential customers, updating language and reflecting current practices and Section 12-26 Charges for improper disposal of hypodermic syringes, needles, and other such objects, deleting section for policy reasons; repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

City Attorney Trevor Dennis stated this was previewed by City Council in May. He explained this Ordinance updated the Solid Waste Ordinance to reflect how the City actually operated, changed some of the terms to reflect Mr. Schuber as the Director of Solid Waste and Recycling, clarified the use of containers, and clarified containers needed to put out after 5 p.m. the evening before trash pickup. He recommended adoption.

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

Move to adopt Ordinance No. 3845

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

D. 24-1222 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3845

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.

Move for the emergency clause

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

12. Remarks and Inquiries by Governing Body Members

Council Member Ford noted City Council discussed many grants this evening, accepted many grants this evening, and was awarded many grants this evening, but this did not happen unless the City followed through with its promises. She noted a good reputation was earned by the City which enabled the City to obtain these grants. She commended City Staff for working so hard on all these grants. She noted grants were not easy to obtain and were not easy to continue to obtain year after year. She congratulated City Staff and the City of Broken Arrow for obtaining these grants and renewals.

Council Member Green discussed ScotFest which was a success. He thanked those who put on ScotFest.

Council Member Parks stated Mayor Wimpee did an excellent job representing the City of Broken Arrow during the opening ceremonies of ScotFest. He said he was pleased with ScotFest.

Mayor Wimpee stated ScotFest did a great job utilizing the entire Community Center area in the new location this year. She noted the opening ceremonies of ScotFest were excellent.

Council Member Green stated a citizen came before City Council a while ago to discuss the issue with the U.S. Mail and the sorting center which was being closed in Tulsa. He indicated when City Council went to Washington D.C. this issue was discussed with the congressman and today it was announced the sorting center would not be closed and moved to Oklahoma City; instead, the postal system would be upgraded locally.

Mayor Wimpee announced Hops N Bops would be this weekend.

Council Member Ford stated Vice Mayor Gillespie was not present this evening because she was attending an award ceremony to receive an award.

City Manager Spurgeon explained there was a stormwater project off Florence between Elm Place and Aspen which Vice Mayor Gillespie worked on, and this was what Vice Mayor Gillespie was being recognized for this evening at a stormwater conference. He noted Mr. Schwab was also attending the stormwater conference.

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

City Manager Spurgeon stated the Housing Task Force would have its next meeting before the end of the month. He noted one of the Wagoner County Commissioners agreed to participate, which was important. He discussed what would be covered during the Housing Task Force Meeting. He noted the City Hall Task Force met last month and continued the endeavor to develop a recommendation to the governing body regarding the best location for the new City Hall. He stated he believed a recommendation would be made to City Council at the end of the year or early 2025. He noted once City Council made a determination regarding a new site, the design of the facility would begin. He indicated last week he met with the Visit Broken Arrow Board and presented a mini State of the City. He stated the Visit Broken Arrow Board was pleasantly surprised with the growth of the City and the projects which were ongoing. He indicated in the next month or two he would have a meeting with the VBA Chair and Council Member Ford (who served on the VBA Board) to obtain input regarding the bond package.

City Manager Spurgeon discussed some of the projects in the approved bond sale: Proposition 1, the widening of Aspen from Tucson to Shreveport construction money, and the residential street improvements. He stated he would be signing 12 sets of plans for 12 different subdivisions in the community to improve the residential streets. He discussed the Proposition 3 project: Community Trail Network which would promote connectivity in the City. He stated the next micro survey being conducted would be regarding connectivity.

Council Member Parks asked City Manager Spurgeon to email him this information.

City Manager Spurgeon indicated he would send the information to the City Council Members. He announced he signed plans for the Gateway Project which would be going out to bid soon. He explained City Council created a Task Force to look at gateways into the City providing additional signage, and a recommendation was made. He asked Charlie Bright to discuss the Gateway Project.

Mr. Charlie Bright noted a citizen committee was put together to develop a Gateway Master Plan which included signage for the entryways into Broken Arrow, including primary signs made of brick and mortar, stone, lights, landscaping, etc., secondary signs which were brick and mortar but less involved, and tertiary street signs welcoming visitors to Broken Arrow. He noted the Master Plan determined where the signs would be placed based upon traffic counts. He stated the plans were signed today for four primary signs with a few secondary signs and several tertiary signs which were all the signs except four primary signs. He discussed the four primary signs which were not included due to various reasons, but the City was working toward these signs as well. He indicated the project would go out to bid next week.

Mayor Wimpee indicated she was pleased to hear about this project moving forward.

Council Member Parks asked how tall the primary signs would be.

Mr. Bright responded the signs were 6 or 7 feet tall with lighting. He noted the basic design included taller evergreens behind the signs except at locations which already had nice landscaping. He noted QuikTrip was very cooperative and partnered well with the City regarding these gateway signs.

Mayor Wimpee stated she went to the Oklahoma Municipal League Conference this week and it was nice to see new Broken Arrow employees in attendance, as well as newly promoted employees. She noted the City was nominated for two awards for Mission 22 and ONE BA; the City did not win the awards but would keep trying.

Council Member Ford noted Mayor Wimpee was nominated for Mayor of the Year again, as well as Woman of the Year.

Mayor Wimpee noted Joyce Calvert of Glenpool won Mayor of the Year.

City Manager Spurgeon noted at some point the Amphitheater Project should go up for consideration of an award, especially with the State participating.

Mayor Wimpee agreed.

At approximately 7:46 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 Justin Green, seconded by Johnnie Parks.
Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

After BAMA and BAEDA City Attorney Dennis recommended Item 9B be considered before going into Executive Session. See above.

At approximately 8:06 p.m. the room was cleared for Executive Session.

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

Move to clear the room for Executive Session

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

At approximately 8:14 p.m. City Council entered into Executive Session.

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, involving a pending eminent domain proceeding, asserted by the City of Broken Arrow against Northstar Cemetery Services of Oklahoma, LLC and Northstar Funeral Services of Oklahoma, LLC, Tulsa Co. CJ-2022-3939 and taking appropriate action in open session, including possible authorization to settle the proceeding, 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 Lisa Ford, seconded by Justin Green.

Move to find the Executive Session necessary

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

Move to authorize the City Attorney to settle the matter of City of Broken Arrow v. Northstar Cemetery Services of Oklahoma in accordance with the recommendation of the City Attorney

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

City Council returned to open session at approximately 8:23 p.m.

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

Move to return to open session

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

15. Adjournment

The meeting was adjourned at approximately 8:27 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Mayor

City Clerk