



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, January 2, 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

Chaplain Katrina Palan 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 Johnnie Parks led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee noted Items O and Q were to be removed for discussion and asked if there were any other Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda less Items O and Q

The motion carried by the following vote:

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

- A. 24-10 Approval of the Broken Arrow City Council Meeting Minutes of December 19, 2023
- B. 24-20 Approval of the Broken Arrow City Council Special Meeting Minutes of December 19, 2023
- C. 24-21 Acceptance Planning Commission meeting minutes of November 2, 2023
- D. 24-22 Acceptance Planning Commission meeting minutes of November 16, 2023
- E. 24-23 Acceptance Planning Commission meeting minutes of December 7, 2023
- F. 24-31 Approval of and authorization to execute Budget Amendment Number 18 for Fiscal Year 2024
- G. 23-1604 Approval of and authorization to execute an annual Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Youth Football Association Incorporated in conjunction with the Broken Arrow Lacrosse Club
- H. 24-19 Approval of and authorization to execute Agreement for Professional Consultant Services with Professional Engineering Consultants, P.A. for providing design services on the North 23rd Street Rehabilitation project (Project Number ST24210)
- I. 23-1628 Approval of and authorization to execute a Clinical Affiliation Agreement between Heartland Education Inc and the City of Broken Arrow
- J. 23-1632 Approval of and authorization to execute the purchase of thirteen (13) mobile communication radios for the police department from L3 Harris Technologies Inc.
- K. 23-1633 Approval of and authorization to execute the purchase of fourteen (14) portable communication radios for the police department from L3 Harris Technologies Inc.
- L. 24-2 Approval of and authorization to execute an Amendment to Capital Improvements Agreement with Tulsa County Board of Commissioners for the Broken Arrow Elm Place & New Orleans Improvements Project
- M. 24-3 Approval of and authorization to execute Agreement for Professional Consultant Services with Walter P. Moore and Associates, Inc. for Residential Streets Concrete Panel Replacement (Project Numbers ST23040 and ST24090)
- N. 24-4 Approval of and authorization to execute Amendment Number 2 to Professional Consultant Agreement with MKEC Engineering, Inc. for the 37th Street Improvements From Houston Street to Albany Street (Project Number ST1413)
- O. 24-24 Approval of PT-001171-2023 | PR-000155-2023, Conditional Final Plat, Home2 Suites, 2.92 acres, 1 proposed lot, CH/PUD-156, located one-quarter south of West Albany Street (61st Street) and one quarter mile east of North Elm Place (161st East Avenue)
- P. 24-25 Approval of PT-001180-2023 | PR-00564-2023, Conditional Final Plat, Pine Valley Reserve, approximately 18.5 acres, 65 lots, PUD-326/RS-4/RM, located north of the northwest corner of New Orleans Street (101st Street) and Olive Avenue (129th East

- Q. 24-26 Avenue)
- Approval of PT-001181-2023|PR-00565-2022, Conditional Final Plat, Pine Valley Ranch, approximately 40 acres, 136 lots, PUD-326/RS-3, located north of the northwest corner of New Orleans Street (101st Street) and Olive Avenue (129th East Avenue)
- R. 24-15 Ratification of the Claims List Check Register Dated December 26, 2023

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Consent Agenda Item O, "Approval of PT 001171 2023 | PR 000155 2023, Conditional Final Plat, Home2 Suites, 2.92 acres, 1 proposed lot, CH/PUD 156, located one quarter south of West Albany Street (61st Street) and one quarter mile east of North Elm Place (161st East Avenue)."

Vice Mayor Gillespie indicated she requested this Item be removed because she wished to be sure the traffic concerns were being addressed.

Interim Community Development Director Grant Rissler stated this development was located behind the Holiday Inn along Bass Pro Drive and Albany. He explained this area was zoned Commercial Heavy, and the proposed Home2 Suites was an appropriate use for the property. He indicated the average daily traffic along Albany in this area was 10,332 cars in 2022 which reflected an 8 percent increase from 2019, approximately 2 percent per year.

Vice Mayor Gillespie asked if the entrance to the Home2 Suites would be on Bass Pro Road.

Mr. Rissler responded the entrance was not yet planned, but likely there would be an entrance along Bass Pro Road. He explained this was just the conditional final plat. He noted the proposed hotel would be 4 stories, 103 units.

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

Move to approve the Consent Agenda Item O

The motion carried by the following vote:

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

Mayor Wimpee read Consent Agenda Item Q, "Approval of PT 001181 2023|PR 00565 2022, Conditional Final Plat, Pine Valley Ranch, approximately 40 acres, 136 lots, PUD 326/RS 3, located north of the northwest corner of New Orleans Street (101st Street) and Olive Avenue (129th East Avenue)."

Mr. Rissler noted there were a couple of questions regarding drainage and this property. He stated there were concerns from the Pembroke neighborhood to the west which had current drainage issues. He stated based on the engineering provided, the applicant was trying to over detain on the property and there should be a 38 percent reduction of inflow onto the Pembroke property. He indicated there was a gate located on Delmar for the private community to the south and the PUD provided language indicating the developer intended to put up temporary barricades during construction to prevent construction traffic through the existing subdivision.

Vice Mayor Gillespie stated the detention was her main concern. She noted meetings were held with the citizens of Pembroke Park and the Trails due to the flooding issues, and promises were made to over detain in the new development, and she just wanted to be certain this was being done.

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

Move to approve the Consent Agenda Item Q

The motion carried by the following vote:

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

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

- A. 24-9** Conduct a public hearing regarding the proposed creation of Increment District No. 5, City of Broken Arrow and the Sunset at Broken Arrow Economic Development Project Plan

Nate Ellis with the Public Finance Law Group indicated this evening the first public hearing regarding the Amphitheater project would be held. He discussed Tax Increment Districts (TIF Districts) explaining it was an economic development tool used to incentivize capital investment in undeveloped or underdeveloped property in order to enhance the tax base and create employment opportunities within the City. He noted TIFs were created by City Ordinance after completion of the TIF Process. He noted TIF Districts did not capture the existing tax base, only the incremental taxes created by the increase in value in the newly developed area. He discussed the TIF Process including determination of eligibility; development of a project plan; the statutory TIF Review Committee; review of the Project Plan by the TIF Review Committee; review of the Project Plan by the Planning Commission; recommendation to City Council regarding approval of Project Plan; two Public Hearings held by City Council; City Council consideration of an Ordinance approving the Project Plan;

and finally, creation of the TIF. He noted this TIF District would not capture ad valorem taxes. He stated this TIF would collect sales tax and hotel in and around the Broken Arrow Events Park. He discussed the proposed location of the amphitheater and the TIF area. He stated a modest amount of development in and around the proposed amphitheater was projected, but the surrounding development could be much more than projected. He indicated the term of the TIF was 25 years but could be terminated early if the TIF costs were recuperated and repaid. He stated the TIF would capture a portion of the incremental sales tax revenues; it would capture: 100 percent of the Amphitheater sales taxes and 50 percent of the sales tax from any additional development surrounding the Amphitheater within the TIF District; 100 percent of new hotel taxes; 100 percent of Wagoner County sales tax revenue for the first four years, then 75 percent for the next two years, 50 percent for the next two years, 25 percent for the last two years, and then none after 2033. He indicated the Notes Live Group agreed to assess a 1 percent Fee by Agreement surcharge on all ticket sales, concessions, merchandise, etc. as a part of the TIF revenue stream.

Mr. Ellis discussed the Amphitheater project. He stated the Amphitheater project would develop a destination entertainment experience that would draw regional and out-of-state traffic to Broken Arrow; a 12,500 seat outdoor performance and events venue (Notes Live, Inc.) which would be located on property immediately north of the Broken Arrow Events Park. He indicated it was projected to open by December 2025. He stated there was a projected Capital Investment in excess of \$71.5 million dollars; projected \$85.5 million dollars in annual retail sales (ticketing, concessions, merchandise); it would create 459 construction jobs (\$39.9 million dollars in payroll and a \$141 million dollars economic impact); 240 permanent direct jobs and 393 indirect jobs (\$18.3 million dollars in annual payroll and a \$211.2 million dollar annual economic impact). He noted there were opportunities for significant additional development within the TIF District area. He displayed and discussed renderings of what the Amphitheater would look like. He stated there was significant traffic infrastructure being contemplated for this project. He displayed and discussed the map showing the TIF District area. He reviewed the estimated construction project costs totaling \$28,450,000 dollars: Parking Infrastructure (\$7.2 million dollars) in and near BA Events Park; Stormwater Infrastructure (\$2.3 million dollars) in and near BA Events Park; Traffic Infrastructure (\$10.3 million dollars) including Events Park road improvements and access to arterial roadways; Utilities Infrastructure (\$550,000 dollars); Land Acquisition (\$2.2 million dollars); Project Engineering and Contingencies (\$6 million dollars); Additional Potential TIF Costs; Organizational Costs (\$100,000 dollars); Administration Costs (\$250,000 dollars); Financing Costs (\$50.36 million dollars). He explained the estimated financing costs were an over estimation and he anticipated the financing costs would be significantly lower. He discussed the estimated TIF revenues at \$258 million dollars in total sales tax revenues, \$97 million dollars allocated to project costs; \$7 million dollars from other development allocated to the City, approximately \$29 million dollars to Wagoner County, and \$124 million dollars to the State of Oklahoma. He stated there was an estimated \$4.3 million dollars in hotel tax revenue, and about \$23.6 million dollars from the Fee by Agreement. He explained certain Sales and Hotel Tax TIF Revenues could qualify for Leverage Act incentive payments from the State of Oklahoma with a sales tax net benefit of potentially up to \$124.3 million dollars allocated to TIF Project Costs. He stated there was an estimated total TIF revenue of \$125 million dollars not including the Leverage Act funds. He noted this was not an ad valorum TIF, but the area was estimated to generate approximately \$24 million dollars in ad valorum tax revenues, of which approximately \$15 million dollars would go to Broken Arrow Public Schools.

Mr. Ellis explained the City would apportion TIF revenues pursuant to the respective Project Plan; the City Manager was listed as the person in charge of implementation; the City would approve public agreements with developers as appropriate. He stated there could be some components of the project, such as road and parking improvements, which could be done by the developer, requiring reimbursement by the City; these types of projects and reimbursements would be considered on a case by case basis. He noted infrastructure projects would generally be undertaken by the City; public construction contracts (subject to competitive bidding), approved by the City, were subject to the City's annual auditing. He discussed additional expected impacts of the project including potential increases in population, increases in visitors to the City, and additional increased development outside of the TIF District area. He indicated the next step would be the second public hearing to be held on January 16, 2024 at 6:30 p.m. at the City Council Meeting, during which, following the public hearing, the Ordinance would be considered for approval.

Council Member Parks noted this was not Broken Arrow's first TIF District. He stated the other TIF Districts were successful. He asked if there was any sales tax currently being generated within the proposed TIF District area.

Mr. Ellis stated the Dollar General was currently in the TIF District area and generating sales tax.

Council Member Parks stated he felt this TIF would be highly beneficial to the City of

Broken Arrow. He stated an amphitheater in this area had been included in the Master Plan for the City for years, so this was not a new concept.

Mr. Ellis agreed.

Mayor Wimpee stated the increased ad valorem taxes would highly benefit the schools, and property values would also rise in the area. She opened the public hearing and asked three times if any member of the public would like to speak regarding this Item; there were none who wished to speak. She closed the public hearing.

B. 24-14

Presentation by Wagoner County Engineer Rachael Cooper, concerning a Wagoner County special election for the intent of repurposing Wagoner County Sales Tax

Mayor Wimpee explained this was a presentation regarding Wagoner County Resolutions; City Council was taking no action.

Wagoner County Engineer Rachel Cooper reported she was making a presentation regarding eight Propositions which would appear on the March 5, 2024 Primary Ballot. She stated she would review the Propositions in order of Resolution number as the Proposition numbers would come out at a later time. She reviewed Resolution 50 regarding a County Lodging Excise tax of 5 percent. She explained funds collected would be used by Wagoner County to encourage, promote, develop, construct, maintain and repair facilities, trails, and access, for the enjoyment of public spaces, and other recreation throughout Wagoner County and the tax would apply to furnished rooms or recreational vehicles at RV Parks for the purpose of sleeping accommodations (examples: AirBnB, Hotel, Motel, Traditional Bed and Breakfast, VRBO, RV). She noted the tax would only apply to unincorporated areas. She stated the tax would be used to create a fund for continued development and maintenance for County Recreation specifically the County Recreational Park and Jean Pierre Chouteau Trail (59 Recreational Trail developed by USACE in 1970s along the MKARNS).

Ms. Cooper discussed Resolution 139 making a sales tax of 0.80% for County Roads and Bridges permanent. She explained currently there was 0.80% sales tax for County Roads and Bridges on a 10 year renewal schedule, and the purpose of the permanent tax would be to secure VITAL infrastructure funding. She stated Sales Tax funding for County Roads and Bridges made up more than 68% of total available revenue constituting approximately \$11,500 dollars per mile (certified county miles) and if this were to be lost, the available funds would be reduced to \$7,848 dollars per mile. She noted there were 864 certified county miles. She stated if this fund were lost, the County would also lose County Engineering, County Economic Development, and Emergency Management which were all funded through the Use Tax tied to this sales tax.

Ms. Cooper discussed Resolution 140 and Resolution 141 which also addressed taxes currently in place, 0.10% for Sheriff Department Operations and 0.10% for General County Government and would make these taxes permanent. She discussed Resolution 142 which addressed an existing 0.30% permanent sales tax for Fire Trust and Fire Districts. She explained it would divert 0.15% of the 0.30% permanent fire trust and district tax to a County-wide ambulance authority. She stated Fire District funding averaged \$16,000 monthly in 2023; prior to 2020, Districts were averaging \$8,000 dollars monthly. She stated this reduction would take monthly earnings to pre-COVID levels. She noted ambulance services for unincorporated Wagoner County were borrowed from other municipalities and neighboring counties and ambulance response times reached over one hour, even in City limits. She stated Resolution 142 was an effort to provide a needed public service to unincorporated areas, as well as ambulance services which would have interlocal agreements with the surrounding agencies. She stated the goal was to enhance response times and provide a higher level of safety for citizens.

Ms. Cooper discussed Resolution 143, a new temporary sales tax levy proposed for the purpose of creating parking and pedestrian access to the Courthouse and would allow for needed renovations to the Courthouse. She explained the goal was a \$10 million dollar fund via a 30 year tax at 0.125%. She displayed renderings illustrating the Courthouse complex improvements. She stated in 2021 a property exchange was completed between the County, the Wagoner Independent School District, and the City of Wagoner, in which the County received the entirety of the City block, also it included facilities the School District moved out of when the new school facility was built. She stated the project, which was initiated over a year ago, was to provide the needed parking and an entry on the north side. She indicated the fund would also allow for some needed improvements.

Ms. Cooper discussed Resolution 144, a new 0.25% sales tax levy for the purpose of funding a County Jail Trust. She quoted the County Jail and Jail Trust Authority Report Prepared for the ACCO SIG/SIF Board: "A properly trained, equipped, professional staff that is held accountable by leadership, that takes a more proactive approach is the first and best line of defense [from excessive judgements]" and the County Jail and Jail Trust Authority Report Prepared for the ACCO SIG/SIF Board: "Using county general funds as a primary or even

secondary source of funding may blur the lines [of legal separation]." She explained the goal was to provide some level of separation between the Jail and County Government. She noted there were several Jail Trusts in the State and none had received a judgment against them. She stated the Association of County Commissioners was a self-funded insurance and the Counties were afforded a maximum of \$2 million dollars of insurance in cases related to jails, but these funds could run out very quickly. She noted there were several cases in the State of Oklahoma in which judgements were rendered well over \$30 million dollars. She stated the goal was to establish a Jail Trust to provide some separation and to pay a professional staff. She stated Resolution 145 provided a new 0.125% sales tax levy for the funding of the Wagoner County Fairgrounds. She explained the goal was to generate \$10 million dollars over 30 years. She noted the current Fairground was in the City of Coweta and was nearly 50 years old, undersized, with poor accessibility, surrounded by residential neighborhoods and schools. She stated the new Fairgrounds location, in partnership with the City of Coweta, would be located at State Highway 51 and the Muscogee Turnpike which was centrally located in the County and would provide adequate space and access for all participating cities, including Broken Arrow. She stated the Fairgrounds would house the OSU extension, would have exhibit area stalls and conference spaces. She noted the anticipated needed square footage was 75,000 square feet.

Ms. Cooper stated, in conclusion, a combination of 7 Sales Tax Propositions would result in a permanent increase of 0.125% and a temporary increase of 0.25%. She stated the County currently had a 1.3% sales tax which would increase to 1.8% for a maximum of 30 years and 1.55% in perpetuity. She stated the combination of 8 Propositions, if approved by the voters, would result in an investment in Tourism, an investment in Criminal Justice via the funding of a new Jail Trust, an investment in County Services, Infrastructure, and Law Enforcement, an investment in Public Safety via County-wide Ambulance, and an investment in youth education and agricultural preservation. She noted Wagoner County Commissioner Edwards and Wagoner County Commissioner Hanning were present.

Mayor Wimpee asked if any public hearings had been held by Wagoner County regarding these Resolutions.

Ms. Cooper indicated many of the proposed projects were discussed on public record at the Board of County Commissioners Meetings; there had been no public hearings yet, but public hearings would be held in the next 60 days.

Wagoner County Commissioner James Hanning indicated background information, studies, numbers, etc., were not discussed in public meetings. He stated this information was presented during a meeting in which he was trying to get clarity on the remaining 0.7 percent available for Wagoner County for a Justice Center. He indicated this incremental increase would prevent what the Wagoner County Commission was seeking to obtain for funding for a Justice Center. He stated these Resolutions were given to him the morning of the above mentioned meeting; he stated he was never asked for any input or provided any information regarding these Resolutions and was asked to vote to approve these with no prior knowledge. He stated he had no prior knowledge of any details of this, did not know how these numbers were obtained, or how it was determined 0.8% percent was going to be sufficient to maintain the roads in Wagoner County, especially as the County grew. He stated he did not know where the numbers originated as the numbers were never presented to him.

Mayor Wimpee indicated two citizens signed up to speak.

Citizen Gary Goodnight stated he lived in Wagoner County, and he was concerned about the lack of public hearings, and the lack of information provided prior to the vote by the County Commission on Monday. He discussed his concerns regarding the lack of information provided and the rush to push the Commission to approve. He stated there was a lack of transparency in this and due process was not followed. He noted the Resolutions seemed reasonable, but he was very concerned about the process.

Citizen Doug Longnecker stated he lived in Wagoner County. He discussed his concerns which mirrored Mr. Goodnight's concerns. He noted the information regarding the Resolutions was available online for two days prior to the meeting, but the public was not informed of this, nor was the information provided detailed. He stated only a brief overview of the Resolutions were provided online. He stated the Commission was told it was imperative to make a permanent tax out of the 0.8%, it had to be on the ballot in March, so the County could bond the funds, but no information regarding the bonds was provided. He noted \$10 million dollars was not going to help the Courthouse over the next 30 years; \$10 million dollars would not be nearly enough to finance improvements of the Courthouse, nor would it be enough to build a 75,000 square foot Fairgrounds building.

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. 24-1 **Consideration, discussion, and possible appointment of two City Council members and one Planning Commission member to serve on the New City Hall Initiative Committee**
City Manager Michael Spurgeon stated the New City Hall Initiative was a major initiative. He stated to review the options and determine what would be best, renovations and expansion of the existing facility or the possibility of a new facility, thorough consideration was needed. He indicated this was where the New City Hall Initiative Committee came in. He discussed the other things the Committee would be considering such as necessary square footage, organization, aesthetics, design, etc. He stated it would be helpful for two City Council Members to serve on the Committee and the participating members could rotate at the start of phase 2 of the process. He discussed the different stages of the process up to construction, with a goal to go out to bid in early 2026. He stated if City Council approved, he would work to also get a Planning Commission Member on the Committee as well and start meetings in the next month or two.

Mayor Wimpee indicated she would like to serve on the Committee.

Council Member Ford indicated she would like to serve on the Committee.

Council Member Parks agreed the Committee was a good idea. He stated the City Hall needed expansion or relocation.

City Manager Spurgeon stated at the next meeting he would include an Item on the Agenda for City Council to appoint individuals to serve on the Committee and later this year, at the start of phase 2 of the process, he would provide an opportunity for the City Council Members to be rotated if the City Council wished.

Council Member Green agreed the New City Hall Initiative was very important.

Vice Mayor Gillespie stated she appreciated the transparency of the process. She agreed the New City Hall Initiative was important.

Council Member Parks noted even though he might not serve on the Committee, he knew he would be well informed during City Council Meetings of what transpired during Committee meetings.

City Manager Spurgeon discussed Phase 1, deciding whether the City Hall should be expanded or relocated, and Phase 2, the design phase, and Phase 3, the engineering, bidding, and construction phase.

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

Move to appoint Mayor Debra Wimpee and Council Member Lisa Ford to serve on the New City Hall Initiative Committee

The motion carried by the following vote:

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

- B. 24-28 **Consideration, discussion, and possible approval of and authorization to execute Amendment Number 1 of the inter-local agreement between Wagoner County and the City of Broken Arrow concerning the identification and exchange of ownership, construction, maintenance, operation, and financial responsibilities for infrastructure**
Assistant City Manager over Operations Kenny Schwab reported on June 22nd 2022, City of Broken Arrow City Council approved the inter-local agreement between City of Broken Arrow and Wagoner County in an effort to better define each agency's role and to provide clear distinction for each entity's responsibilities and duties of specifically defined transportation facilities and associated public rights-of-way (border streets between Wagoner County and City of Broken Arrow). He stated the purpose of Amendment Number 1 of the interlocal agreement was to extend the responsibilities of the City of Broken Arrow to maintain New Orleans Street from 215th Street to Evans Road (225th Street), including the New Orleans Street and Evans Road intersection which were the border streets which ran along the Events Park. He stated the Amendment also clarified intersection responsibilities. He noted 101st was being widened by Wagoner County at the intersection down to Oneta Road and up to Highway 51, but Evans was not a part of this widening. He indicated if approved, Broken Arrow would take over maintenance responsibilities. He reported Exhibit A showed the border streets and intersections and who owned which. He noted Wagoner County approved with one caveat: the map (Exhibit A) would be changed to show the intersection at Kenosha and Oak Grove Road as owned by Broken Arrow. He noted City Staff agreed with this caveat. He stated Staff recommended approval and authorization to execute the Inter-local Agreement with the caveat.

Mayor Wimpee noted Houston and 81st, just east of midway to Oak Grove, would also be the responsibility of Broken Arrow.

Mr. Schwab agreed. He stated the map would be changed to reflect the transition to Broken Arrow ownership in the future.

Vice Mayor Gillespie asked if the intersection at Evans and New Orleans would have a roundabout.

Ms. Rachel Cooper with Wagoner County responded in the affirmative. She noted there would also be a roundabout at Oneta.

Council Member Ford asked if the road projects underway, to be inherited by Broken Arrow, would be built to Broken Arrow standards.

Mr. Schwab responded the road projects were being funded by Wagoner County and ODOT, so the projects would be built to ODOT standards which were in line with Broken Arrow standards.

Mayor Wimpee agreed noting once completed the roads and intersections would fall to Broken Arrow for maintenance.

Council Member Parks stated it was important for the City to work closely with the County. He noted Wagoner County was growing. He stated he approved of this interlocal agreement.

Council Member Ford stated she wanted the City to stay engaged during the projects' construction to better enable the City to understand what it was inheriting.

Vice Mayor Gillespie asked if the County was continuing the sidewalks in the area east of the Events Park.

Ms. Cooper responded in the affirmative; 4 foot wide concrete sidewalks with pedestrian crosswalks at the roundabout would be extended on the north side of the road out past Evans.

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

Move to approve and authorize execution of Amendment Number 1 of the inter-local agreement between Wagoner County and the City of Broken Arrow, concerning the identification and exchange of ownership, construction, maintenance, operation, and financial responsibilities for infrastructure, as well as the caveat amending the map in Exhibit A

The motion carried by the following vote:

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

10. Preview Ordinances

A. 24-18 Consideration, discussion, and possible preview of an Ordinance amending Broken Arrow Code of Ordinances Chapter 5 "Animals"; and set for adoption

City Attorney Trevor Dennis noted several excellent questions were asked at the previous meeting regarding this Ordinance. He stated Captain Brandon Tener and Tim Boni (Animal Control Manager) were present to answer said questions. He reported this Ordinance was changed to remove the requirement for registration of cats and dogs. He noted the registration requirement was initially imposed to confirm rabies vaccinations, but now Animal Control could determine vaccination status from tags and veterinary records.

Chief Brandon Berryhill introduced Captain Tener, second line supervisor of the Animal Control Shelter.

Captain Tener stated the intent of the mandatory spay and neuter Ordinance was to lower the animal shelter population. He explained for the last three quarters of 2023 the Animal Shelter brought in approximately 80 dogs every month, with a daily average of 40. He stated Broken Arrow had 44 kennels and there were days the Shelter had more than 44 dogs and had to utilize quarantine kennels if available, etc. He stated the idea of this Ordinance was not proactive enforcement, but reactive enforcement. He explained just as the Police Department could not stop a car for no reason just to check a license, the Animal Control Department would not be knocking on doors to check the status of spay/neuter. He stated if Animal Control came in contact with an animal via animal at large or vicious animal calls, then the status of spay/neuter would be checked and either a warning or citation would be issued.

Mayor Wimpee noted a citizen had a concern about the requirement to be spayed or neutered by 6 months as a Google search showed spaying or neutering was recommended between 9 and 18 months for large dogs.

Captain Tener responded the vets contracted at the Animal Control Shelter indicated 6 months, but of course there were exceptions to this rule, and a provision was included in the Ordinance stating if a veterinarian indicated in writing the spay/neuter should occur at a later

age, this would be approved.

Mayor Wimpee asked about dogs which were used for breeding.

Captain Tener stated commercial breeding was an issue in Broken Arrow. He stated this Ordinance did not address commercial breeding and was not designed to; it was designed to address the problems with a very small portion of Broken Arrow residents who were repeat offenders, who repeatedly showed up with a litter of puppies or kittens for voluntary surrender. He stated if this type of activity could be curbed and the small percentage of problem citizens could be encouraged to take better care and responsibility for their pets, as most of the population of Broken Arrow did, it would lessen the burden on the Shelter.

Mayor Wimpee asked how repeat offenders would be addressed if the Ordinance were to pass.

Captain Tener responded if an individual showed up with a litter of puppies, the Shelter would ask where the mother dog was, and encourage the owner to have the dog spayed. He stated he understood people could lie and there was not much which could be done if this was the case; however, it was hoped the Ordinance would help to lower the number of animals it had to take in.

Council Member Parks asked if a dog was picked up and the owner was contacted for pickup, would the dog be required to be fixed before return to the owner.

Captain Tener stated if an animal at large was picked up, the City would not force any medical procedures upon the animal before release to its owner but would have the City would have the option to issue a citation which would hopefully encourage the pet owner to come into compliance with the Ordinance. He stated the vet at the Shelter would not perform a spay or neuter on an animal before it was released to the owner.

Chief Berryhill noted all animals who were adopted from the Animal Shelter were spayed or neutered before release. He stated all animals who were surrendered to the Shelter would be spayed or neutered before leaving the shelter.

Mayor Wimpee asked about citation amounts.

Captain Tener noted it would be a Class C offense and could be up to \$500 dollars. He explained the exact amount had not been set but generally citations did not start at \$500 dollars.

Vice Mayor Gillespie stated she liked the removal of the pet registration requirement. She stated she was in favor of spaying and neutering, but understood some people had strong feelings about having animals spayed or neutered and did not want to spay or neuter, and she did not feel she had the right to mandate spaying or neutering. She stated she was against requiring residents to spay and neuter.

Chief Berryhill noted if a dog never got out and never was picked up by animal control, the Shelter would never know the animal was not spayed or neutered. He stated, second, the ticket was to encourage residents to have an animal spayed or neutered, and if the resident chose to pay the ticket as opposed to having the animal spayed or neutered, this was always an option. He explained the problem was, when an animal which was not spayed or neutered got out into the community and procreated, this often became a problem for the Animal Control Shelter who was then responsible for caring for the animals and in some cases euthanizing the animals.

Council Member Green asked about those who wished to breed "boutique" dogs.

Animal Control Manager Tim Boni explained the City of Broken Arrow did not have a breeder's permit, or breeder's exception; however, the hobbyist permit allowed for those with show dogs or hunting dogs, etc., to be exempt from the spay and neuter ordinance, but Broken Arrow did not encourage the commercial breeding of animals. He noted there were several communities in the area who had spay and neuter ordinances which mirrored the proposed Broken Arrow Ordinance. He stated the Ordinance would be just another tool Animal Control could use to help control the animal population.

Vice Mayor Gillespie asked if it were possible residents would start dumping litters of puppies, knowing they would be asked about the parent animals, as opposed to bringing them safely to the Shelter.

Mr. Boni noted there was a high probability residents may not tell the truth upon surrender of animals regardless, so he did not feel this would be a big concern.

Chief Berryhill noted Animal Control would pick up any animals who were found on the side of the road regardless and would be as humane as possible.

Vice Mayor Gillespie stated she felt the Animal Shelter was doing an excellent job. She noted she was simply uncomfortable with this mandate.

Council Member Parks stated he wished to be sure the residents of Broken Arrow could freely walk without worry of a dog bite. He stated he wanted to be sure residents were fined if pets got out. He indicated 30 to 40 years ago Broken Arrow had a problem with dogs running all over the City.

Chief Berryhill noted vaccination was also a reactive enforcement for the Animal Shelter Staff.

Captain Tener stated 156 citations were issued last year for no proof of current rabies vaccination, along with 30 citations for running at large.

Chief Berryhill noted Animal Control did not know whether an animal was vaccinated prior to being called for a complaint, and it would be the same for spaying and neutering.

Captain Tener noted 30 citations did not sound like a lot, but Animal Control took many more calls for animals at large. He noted Animal Control had to be able to contact the owner or observe the violation to be able to issue a citation.

Mr. Boni stated the Shelter's live release rate was in the 90th percentile, which was excellent for a municipal shelter, but he hoped the spay and neuter ordinance would have a positive impact and improve this number.

Citizen Angela Liter stated she was opposed to the proposed Ordinance. She discussed her concerns with the proposed issuance of a citation for failure to spay or neuter a pet prior to 6 months of age. She expressed concerns regarding animal health and wellness and 6 months being too young for spaying her large breed dog. She asked City Council to veto the proposed Ordinance.

Mr. Boni stated the proposed Ordinance provided allowances for medical conditions or recommendations from a veterinarian indicating it would be unsafe or imprudent to perform sterilization at 6 months of age. He noted residents would simply need to show it was medically recommended to wait; this would be an appropriate exemption from the Ordinance requirements.

Vice Mayor Gillespie stated she disagreed with the 6 months requirement as having large dogs fixed at 6 months was not recommended.

Captain Tener indicated this was the age recommended by the Animal Shelter vets, but this number could certainly be revisited and researched further for possible amendment.

Chief Berryhill noted the Animal Control Shelter had two vets who provided services, and this was the age recommended by the veterinarians, but the vets also understood there would be exceptions and this was why there was a provision for exemptions. He indicated the vets understood different dogs needed to be sterilized at different ages.

Mayor Wimpee noted she had chihuahuas and her vet recommended no sterilization due to the small size of her pets.

Council Member Ford noted Mayor Wimpee would be able to get a note from the vet exempting her animals from the sterilization requirement due to health reasons.

Vice Mayor Gillespie stated she did not like the sterilization requirement.

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

Move to set the Ordinance for adoption without the portion regarding sterilization
The motion carried by the following vote:

Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee
Nay: 1 - Johnnie Parks

11. Ordinances

A. 24-27

Consideration, discussion, and possible adoption of Ordinance No. 3814, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving PUD-000984-2023 generally located one-quarter mile north of Houston Street (81st Street), east of Elm Place (161st E. Avenue), repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency

Mr. Grant Risler stated Dallas Street Multi-Family Flats was tract of land located

approximately one-quarter mile north of Houston Street (81st Street), east of Elm Place (161st E. Avenue). He recommended City Council adopt Ordinance No. 3814 and approve the Emergency Clause.

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

Move to adopt Ordinance No. 3814

The motion carried by the following vote:

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

B. 24-29 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3814

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

12. Remarks and Inquiries by Governing Body Members

Mayor Wimpee wished all a Happy New Year.

Vice Mayor Gillespie stated hearing from Wagoner County today made her appreciate Broken Arrow even more. She indicated she never came to a meeting feeling as if she did not have plenty of notice regarding what would be voted upon. She stated Broken Arrow was very transparent and always allowed plenty of time for citizens to speak to items and this was wonderful. She stated she felt Broken Arrow did an excellent job keeping citizens informed and included in the process.

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

There were no remarks or updates by City Manager, including recognition of recent accomplishments by employees and elected officials.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting was adjourned at approximately 8:08 p.m.

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

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

