



Broken Arrow
Minutes
City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Debra Wimpee
Vice Mayor Johnnie Parks
Council Member Lisa Ford
Council Member Justin Green

Tuesday, December 3, 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 Rich Manganaro performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Mayor Debra Wimpee led the Pledge of Allegiance.

5. Consideration of Consent Agenda

- A. 24-1607 Acceptance Planning Commission meeting minutes of September 12, 2024
- B. 24-1608 Acceptance Planning Commission meeting minutes of September 26, 2024
- C. 24-1609 Acceptance Planning Commission meeting minutes of October 10, 2024
- D. 24-1560 Approval of and authorization to execute Resolution No. 1615, a Resolution of the Broken Arrow City Council providing notice of and calling for a nonpartisan general election to be held to elect City Councilmembers for Wards one (1), two (2), three (3) and four (4) to be held on April 1, 2025; establishing the filing period; providing for said officers to be nominated by ward and elected at large for a term of either two or four years as determined below; setting forth residency requirements; providing for absentee ballots in accordance with state law; and providing that the Tulsa county election board is responsible for holding the elections and certifying the results
- E. 24-1579 Acknowledgement of the submittal of the Financial Statements for General Fund, Broken Arrow Municipal Authority, Police Sales Tax Fund, Fire Sales Tax Fund, and Visit Broken Arrow for September 2024
- F. 24-1570 Approval of and authorization to declare certain City-owned property as surplus and authorize the sale of such property
- G. 24-1584 Approval of and authorization to execute a Second Amendment for a five-year extension on the Lease Agreement at Tiger Hill with Cellco Partnership DBA Verizon Wireless
- H. 24-1401 Approval of and authorization to execute a 5-year contract with Fusus by Axon for the Real Time Information Center for the Police Department pursuant to the Oklahoma Statewide Contract
- I. 24-1571 Approval of and authorization to execute a project agreement between the Oklahoma Department of Transportation and the City of Broken Arrow for the construction of the Broken Arrow Creek Trail Phase 2, Project No. TAP 272C(363)IG, J/P No. 34066(04) (Project No. 196032)
- J. 24-1559 Approval of and authorization to execute an agreement with Turner Roofing to replace the lower roof on the north wing of City Hall via the Omnia Partners Cooperative
- K. 24-1561 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
- L. 24-1577 Ratification of the 2024 2025 Traffic Safety Enforcement Grant with the Oklahoma Highway Safety Office
- M. 24-1578 Ratification of the 2024 2025 Motorcycle Safety Grant with the Oklahoma Highway Safety Office
- N. 24-1572 Award of the most advantageous quote to Eaton Electronic Concepts for installation of police equipment in eight new patrol Ford Explorers, seven patrol Chevy Tahoes, two CID Chevy Traverses, one PRU Chevy Traverse, one SIU Ford F150, and one K9 Ford F150
- O. 24-1557 Approval of and authorization to award bid 25.122 for traffic signals to Gades Sales

- P. 24-1562 Award of the lowest responsible bid to Gober Construction, LLC, and approve and authorize execution of a construction contract for Concrete Panel Replacement Street Repair Turtle Creek Phase 2 (ST23030)
- Q. 24-1597 Approval of and authorization to execute Change Order No. 1 with Envision Civil Contractors for the E Dallas St and 4th Stormwater Improvements (SW23060)
- R. 24-1580 Approval of and authorization to execute Change Order No. 2 with Envision Civil Contractors for the Preserve Park Pond North Path and Slope Repair (SW24060)
- S. 24-1599 Approval of PR 000779 2024|PT 001830 2024, Conditional Final Plat, Artesia II at Forest Ridge, 6.623 acres, 10 Lots, PUD 66/R 1, located one-half mile south of Kenosha Street (71st Street), one-half mile east of 79th Street (Midway Road/S. 257th E. Avenue)
- T. 24-1600 Approval of PT 001180 2023|PR 001777 2024, 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 Avenue)
- U. 24-1604 Approval of PUD 001772 2024 (Planned Unit Development) and BAZ 001552 2024 (rezoning), Aspen Park, CH (Commercial Heavy), R 3 (Single Family Residential), RD (Residential Duplex) and PUD 118A to IL (Industrial Light) and PUD 001772 2024, 7.4 acres, Comprehensive Plan Level 3 to Level 6 via COMP 001570 2024, generally located one-quarter mile north of west Kenosha Street (East 71st Street South) and one quarter mile east of North Aspen Avenue (South 145th East Avenue)
- V. 24-1605 Approval of PUD 001785 2024, a major amendment to PUD 001521 2024, 81st Street Office Storage, 40 acres, A 1 (Agricultural) to IL (Industrial Light)/PUD (Planned Unit Development) 001521 2024, located north of Houston Street (81st Street), one-quarter mile west of 23rd Street (193rd East Avenue/County Line Road)
- W. 24-1620 Acceptance of a Stormwater Detention Easement from The Robson Companies, Inc., on property located west of Midway Road (257th East Avenue) and one-third mile south of Kenosha Street (71st Street), Wagoner County, State of Oklahoma, (Section 10, T18N, R15E)(EASE 001846 2024)
- X. 24-1621 Acceptance of a Temporary Emergency Access Easement from The Robson Companies, Inc., on property located west of Midway Road (257th East Avenue) and one-third mile south of Kenosha Street (71st Street), Wagoner County, State of Oklahoma, (Section 10, T18N, R15E)(EASE 001846 2024)
- Y. 24-1573 Ratification of the Claims List Check Register Dated November 22, 2024

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

Move to approve Consent Agenda

The motion carried by the following vote:

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

6. Consideration of Items Removed from Consent Agenda - NONE

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

A. 24-1619 Recognition of Additive Systems Inc. 40th Year Anniversary

Additive Systems Inc. was recognized for 40 years of service in Broken Arrow, with a certificate presented by Mayor Debra Wimpee to honor their commitment to excellence, innovation, and dedication to quality in the industry. The acknowledgment celebrates their four decades of successful business operations.

B. 24-1582 Consideration, discussion, and possible approval of and authorization for the City of Broken Arrow Engineering and Construction Department to proceed with the final design of Olive Avenue between Albany Street and Kenosha Street for three lanes, four lanes, or five lanes

The Director of Engineering and Construction, Charlie Bright, addressed the council to discuss the Olive Avenue widening project between Albany and Kenosha Street. This project, originating from the 2014 bond issue, is the last remaining undertaking from that bond. The bond, fully allocated without contingency funds, was initially underfunded for the proposed five-lane road design.

The project was envisioned as a five-lane road to accommodate anticipated traffic growth, with traffic counts in 2014 around 12,000 vehicles per day, just under the capacity of a two-lane highway. However, traffic counts have remained stable, not increasing as expected over the decade. Despite this, plans and funding applications were based on a five-lane design.

The project has faced delays due to right-of-way acquisition challenges but is now ready to proceed. Bright outlined the engineering options: a three-lane design, sufficient for current traffic levels but less beneficial due to minimal turning movements; a four-lane design, which adds travel capacity but removes turn lanes; or the originally planned five-lane option, the

most comprehensive but requiring additional funding.

Currently, available funds, including a federal STP grant, can support a three-lane design. Expanding to four or five lanes would require securing additional funding. Bright sought the council's direction on how to proceed, providing details on the implications and trade-offs of each option. He offered to address any questions from the council regarding the project.

In the discussion, Vice Mayor Parks inquired about the section of Olive Avenue south of 71st Street from Kenosha to Houston. Mr. Bright confirmed it is a three-lane road and is planned to remain so as it operates efficiently. Bright emphasized that traffic congestion, particularly backups heading southbound toward Kenosha, stems from the intersection rather than road capacity. He assured that regardless of the lane configuration, intersection improvements would expand the intersection to five or six lanes, resolving traffic backups.

Regarding the STP grant, Vice Mayor Parks asked if the grant terms specified the number of lanes. Mr. Bright explained that while the original 2016 grant application was based on a five-lane design, discussions with NCOG and ODOT indicated flexibility to adjust the project to three lanes without jeopardizing the funding. However, the grant application would need to be updated.

Council Member Ford, representing the area in question, shared concerns about the Olive Avenue project. She noted that traffic congestion has likely discouraged drivers, keeping the vehicle count at 12,000. Council Member Ford expressed that many constituents believe they were promised a five-lane road when voting for the bond, though the bond language does not explicitly state this. While she doesn't want to overbuild if the data suggests a smaller design is sufficient, she proposed holding a community meeting to present the data, gather feedback, and ensure transparency.

Council Member Ford emphasized the importance of educating citizens on the rationale for a three- or four-lane design to avoid perceptions of a "bait and switch." She acknowledged that while improved intersections will resolve backups, some residents might prefer the comfort and speed of additional lanes. However, she pointed out that the community would likely oppose unnecessary spending, favoring efficient use of funds for tangible benefits. Bright agreed that intersection improvements alone would significantly reduce delays, though more lanes could improve driver comfort.

Mayor Wimpee sought clarification on whether the Olive Avenue project was ever explicitly promised as a five-lane road. Mr. Bright explained that the 2014 bond language stated the road would be "widened" but did not specify the number of lanes. However, during the application process for an STP grant, the previous engineering director included a five-lane design.

Mr. Bright noted that while the bond language did not legally commit to five lanes, public meetings or statements from past city officials may have suggested a five-lane design. These statements were informal and not part of the bond's official language, which left room for flexibility in determining the final design.

City Manager Spurgeon provided additional context on the Olive Avenue project, noting that while the 2014 bond language did not specify a lane width, he was informed that the project was initially envisioned as five lanes after his arrival. He recognized the funding shortfall and directed the engineering and construction team to apply for the STP grant to address the gap. Spurgeon acknowledged that many residents believed a five-lane road was promised, creating a perception that the project would meet that standard.

City Manager Spurgeon highlighted that the current funding only supports a three-lane configuration and that pursuing additional funding for a four- or five-lane road would require either a new STP grant or voter approval, further delaying the project. He expressed concern about prolonging the timeline, given the nearly decade-long delay already experienced. Spurgeon emphasized the importance of completing the project efficiently and pointed out that the lack of contingency funds in the original bond package contributed to the ongoing challenges. He stressed the need to resolve the issue and finalize the project.

The council discussed moving forward with the Olive Avenue widening project, focusing on a three-lane design. Vice Mayor Parks supported proceeding with the three-lane plan, emphasizing that it fits the current budget, allows traffic to flow effectively, and aligns with the design of adjacent road sections. He also agreed to host a public meeting to share information and gather citizen feedback, ensuring transparency and community involvement.

Mr. Bright confirmed that designs for three-, four-, and five-lane configurations were completed, with minor adjustments needed based on the chosen option. Mr. Bright also noted that public meetings would not significantly delay the project, as the design plans could be finalized concurrently.

City Manager Spurgeon and the council collectively supported a plan to hold a public meeting after the holidays, including presentations and social media communication to inform residents and receive their input. However, Vice Mayor Parks motioned to adopt the three-lane configuration as the current direction, with flexibility to revisit the decision if public feedback strongly favored an alternative design. This approach would show progress on a long-delayed project while maintaining responsiveness to community concerns.

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

Move to approve and authorization for the City of Broken Arrow Engineering and Construction Department to proceed with the final design of Olive Avenue between Albany Street and Kenosha Street for three lanes

The motion carried by the following vote:

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

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services
(No action may be taken on matters under this item)**

9. General Council Business

A. 24-1585 Consideration, discussion, and possible action by City Council to appoint a person to fill the vacancy in the office of the council member for Ward No. 3 for the Broken Arrow City Council pursuant to 11 O.S. Section 8 109

Mayor Debra Wimpee asked the council members to share their thoughts and decide on the next steps for filling the vacancy. The council acknowledged the flexibility of the process and the possibility of making an immediate decision or taking more time for deliberation.

During the council's discussion on filling the Ward 3 vacancy, Vice Mayor Parks reflected on the significance and challenges of appointing a candidate. Drawing from personal experience as a previously appointed council member, the speaker acknowledged that appointments can lead to success but emphasized the importance of thorough deliberation due to the implications of such a decision.

Vice Mayor Parks highlighted the practical need to fill the vacancy, noting the potential issues of operating with only four council members for nine upcoming meetings. This limited number increases the risk of split votes or complications if a council member is absent.

However, he expressed reluctance to make an immediate appointment, emphasizing the importance of reviewing notes, asking further questions, and possibly contacting the applicants. He suggested delaying the decision until the next council meeting, allowing for a more thoughtful evaluation. Vice Mayor Parks also pointed out that the appointment carries significant weight, providing the appointee with valuable insight and a potential advantage in the forthcoming election, underscoring the need to approach the decision carefully and diligently.

The council continued deliberating on the appointment for the Ward 3 vacancy, with members agreeing on the need for careful consideration and recognizing the quality of the candidates. Mayor Debra Wimpee supported delaying the decision to allow time for further reflection and potential follow-ups with applicants. Drawing on their appointment experience, they highlighted the importance of not rushing into the decision.

Council Member Lisa Ford echoed concerns about the timing and noted the staff effort required to onboard a new member, especially for a short interim period before the next election. This could result in duplicating efforts if the appointee is not run or elected. Council Member Ford also supported a two-week delay to review the candidates thoroughly.

Mayor Wimpee acknowledged the merit in both perspectives, noting the challenge of evaluating a mix of resumes and letters of intent while meeting some candidates for the first time during the special session. They emphasized the advantage of having a strong pool of applicants and suggested this surplus of talent could benefit the city through other roles.

All members appreciated the high caliber of the candidates, acknowledging it made the decision both challenging and promising. After further consideration, they agreed to revisit the decision in the next council meeting.

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

Move to table Item 24-1585 City Council to appoint a person to fill the vacancy in the office of the council member for Ward No. 3 for the Broken Arrow City Council pursuant to 11 O.S. Section 8 109 to next City Council meeting.

The motion carried by the following vote:

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

- B. 24-1601 **Possible administration of the Oath of Office and the Loyalty Oath as prescribed by 11 O.S. 8 103 and 51 O.S. 36 1 - No action taken**
- C. 24-1541 **Consideration, discussion, and possible appointment of three (3) representatives and one alternate representative to the Indian Nations Council of Governments (INCOG) Board of Directors and one representative and one alternate to the INCOG General Assembly, each for a two-year term beginning in January 2025**

City Manager Michael Spurgeon addressed the council regarding the city's representation on the INCOG (Indian Nations Council of Governments) board, emphasizing its significance in securing federal funding and influencing regional initiatives. The mayor, former Vice Mayor Christi Gillespie, and City Manager Spurgeon represent Broken Arrow, with Lisa Ford as the designated alternate. City Manager Spurgeon noted Vice Mayor Parks' prior experience as a board member and alternate.

He explained that the council must decide on the three representatives and the alternate for the next two-year term. Additionally, a decision is needed for the General Assembly position, currently held by the former Vice Mayor, with City Manager Spurgeon serving as the alternate. He highlighted the importance of having consistent representation, including the alternate, to ensure the city maintains influence and engagement at these meetings. The decision was left to the council to discuss and finalize.

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

Move to table Item 24-1541 Appointment of three (3) representatives and one alternate representative to the Indian Nations Council of Governments (INCOG) Board of Directors and one representative and one alternate to the INCOG General Assembly, each for a two-year term beginning in January 2025 to next City Council meeting.

The motion carried by the following vote:

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

- D. 24-1606 **Consideration, discussion, and possible approval PUD 001787 2024 (Planned Unit Development) and BAZ 001788 2024 (Rezoning), Gatesway Multi-Family, 35.5 acres, Level 3 and 6 to Level 3, located one-half mile north of East Houston Street (81st Street) and one-quarter mile east of 9th street (177th East Avenue/ Lynn Lane Road)**

Rocky Hinkel, Community Development Director, presented a proposal for the council's consideration regarding PUD 1787-2024 and rezoning BAZ 1788-2024 for a 35.5-acre Gatesway multi-family development. The project site is located north of East Houston Street and east of Lynn Lane Road. The land is regulated under PUD 176, approved in 2007, but the new proposal seeks to modify the development plan.

Key updates in the proposal include reducing the maximum units from 243 to 180, increasing the minimum landscaping requirements along East College to 60 feet, and introducing a 30-foot minimum along the eastern property line, which previously had none. Tree requirements have been raised from one per 50 feet to one per 35 feet. Parking spaces per unit have been reduced from two to 1.7, and the maximum building length has increased from 160 feet to 300 feet.

The proposal was approved by the Planning Commission on November 21, 2024, with a 4-0 vote. However, three residents expressed concerns about traffic, potential low-income apartments, and crime during the public hearing. The applicant attended the meeting to provide additional details and address questions.

Robert Franklin, Vice Chair of the Gatesway board, addressed the council to advocate for the proposed development, highlighting Gatesway's six decades of community partnership with Broken Arrow. He emphasized the organization's commitment to improving housing quality for its clients and the broader community. Franklin noted that Gatesway would retain a 51% ownership stake in the project, ensuring continued vested interest in its success and management.

He acknowledged concerns raised by community members but stressed that the development was carefully planned in collaboration with their construction partner, Beacon. Mr. Franklin expressed pride in offering affordable yet high-quality housing, noting that some existing Gatesway housing desperately needed modernization. He assured the council that traffic studies were either underway or completed and pointed out the difference between this residential project and industrial developments.

Drawing on personal experience, Mr. Franklin shared how affordable housing enabled his family to thrive early in their lives, underscoring the importance of such opportunities for others. While he could not address all aspects of the project's changes, including the increased lot size from 10 to 35 acres, he confirmed the development would consist of 180 units. He reiterated Gatesway's commitment to maintaining a well-run and secure property.

During the council discussion, Mayor Wimpee sought clarification on the footprint and scope of the proposed Gatesway development. It was confirmed that the project footprint remained consistent with the initial plan, focusing on a 10-acre tract. Council Member Lisa Ford raised concerns about traffic, referencing a 233-page traffic study included in the proposal materials. The study recommended improvements, such as adding right-turn and southbound left-turn lanes, to address anticipated traffic impacts.

Council Member Ford inquired whether the developer or the city would be responsible for implementing these traffic improvements. City Manager Michael Spurgeon affirmed that the developer should bear these costs. The developer's representative expressed willingness to comply, agreeing that adding turn lanes was reasonable and confirming they were prepared to handle such requirements before seeking permits.

Council Member Ford emphasized the importance of ensuring these measures are implemented and not left as a city expense, especially given citizen concerns about traffic raised in previous discussions. The developer and Mr. Franklin, Gatesway's Vice Chair, reassured the council that they were committed to these safety improvements, aligning with the recommendations from the traffic study. The conversation concluded with Council Member Ford expressing interest in hearing further input from residents.

Resident Alicia Hinkle opposed the proposed Gatesway development, arguing that the location is unsuitable for the intended purposes. While she supported Gatesway's mission, she questioned the plan's feasibility and raised concerns about its potential impacts on the surrounding community. She noted that only 10–20% of the proposed 180 units are designated for Gatesway clients, with the remainder intended for rent-subsidized tenants.

Ms. Hinkle highlighted several infrastructure concerns, including the need for significant improvements to College Street, such as widening, leveling, adding sidewalks, and addressing blind spots and drainage issues. She also stressed the necessity for stormwater retention systems to mitigate runoff from the proposed buildings and parking lots.

Citing the November 21st Planning Commission meeting, she criticized the reduction in parking spaces from two per unit to 1.7, a decision she attributed to cost savings and aesthetics. Hinkle questioned the adequacy of parking for the development, especially given the proposed mix of one-, two-, and three-bedroom units and the resulting vehicle traffic. She also raised doubts about the thoroughness of the traffic study, stating that no significant data-gathering activities were observed.

Ms. Hinkle expressed safety concerns about pedestrian traffic on College Street and the challenges of navigating nearby intersections due to heavy traffic and obstructions. She urged the city council and Gatesway to explore alternative solutions, such as smaller-scale developments like quads, which she argued would have a less disruptive impact on the neighborhood. She appealed to the council to prioritize residents' concerns over those of the out-of-state developer.

Resident Amy Thomas voiced strong concerns about the proposed Gatesway development, particularly the planned 180-unit apartment complex. While expressing support for Gatesway's mission and smaller projects, such as the eight-plexes and potential senior housing, she emphasized that the large-scale development was inappropriate for College Street. Ms. Thomas urged city officials to engage directly with neighborhood residents, suggesting a meeting to allow citizens to voice their concerns and receive transparent updates.

She highlighted inconsistencies in communications from Beacon, the out-of-state developer, noting that the intended use of the apartments has frequently changed across various meetings. Initially, none of the units were planned for Gatesway clients, but subsequent meetings suggested 10–20% would be allocated for that purpose. Thomas criticized the lack of clarity and transparency, which has fueled community mistrust.

Ms. Thomas also raised safety concerns about traffic and speeding on College Street, exacerbated by the street's reopening and a raised speed limit. She recounted incidents such as her mailbox being struck by a vehicle and ongoing issues with speeding cars, including school buses. Additionally, she questioned the long-term vision for the area, pointing out nearby light industrial zones and asking whether the neighborhood would remain single-family or transition to dense apartment complexes.

Ms. Thomas reiterated her opposition to the 180-unit development, advocating for smaller-scale projects that align better with the community's character and needs. She emphasized the importance of involving residents in decision-making to ensure their concerns are heard and addressed.

During the discussion, Mayor Wimpee sought clarification on the speed limit changes along

College Street, noting that the limit was 25 mph near a former school and was later raised to 35 mph to create consistency across the mile-long stretch after the school was no longer in use. The issue of school buses contributing to traffic on College Street was also addressed, with an update that a new facility was being built to redirect some buses away from the area. However, it would not serve as a full bus barn.

City Manager Michael Spurgeon proposed engaging with the police chief to increase enforcement on College Street. He suggested conducting traffic counts and deploying equipment to measure actual speeds, which could help determine whether speeding is a significant issue and whether additional enforcement is warranted. Mayor Wimpee agreed this approach would be more appropriate than relying on existing resources without enforcement capabilities.

Council Member Justin Green inquired whether the 25 mph speed limit on College Street had initially been maintained due to the presence of a hill, as mentioned in the traffic study. Mayor Wimpee clarified that the 25 mph limit had been in place because of a nearby school, which served as a high school in the 1980s with a large student population. The lower speed limit accommodated heavy student and bus traffic during that time. With the school no longer operating, the speed limit was later raised to 35 mph for consistency along the roadway.

Ben Thomas, a resident of College Street, expressed strong opposition to the proposed 180-unit multi-family development, citing concerns about its impact on infrastructure, schools, and the surrounding single-family neighborhood. He highlighted that College Street lacks shoulders and turn lanes and is already heavily trafficked by buses. He pointed out that adding 180 units, primarily for families rather than retirees, would exacerbate overcrowding at the local elementary school, which is already strained. Mr. Thomas noted that redistricting would likely be required due to a bus driver shortage, further increasing bus traffic in the area.

Mr. Thomas also raised concerns about the sewer system's capacity, sharing firsthand knowledge from a sewer line replacement project at his mother's house, located directly across the street from the proposed development. He warned that the additional load from the development could cause issues, including backups affecting nearby homes.

He criticized the zoning change from light industrial to multi-family, warning it could set a precedent for additional multi-family developments on similarly zoned properties in the area. Thomas advocated for restrictions, including a moratorium on the number of units allowed on two-lane roads without turn lanes, limiting developments to four units per acre instead of 18–19, and requiring more robust infrastructure improvements before zoning changes are approved.

Mr. Thomas reiterated his family's desire for a neighborhood meeting with at least two city council members to discuss the community's concerns in more detail.

Mayor Debra Wimpee addressed concerns raised about the Gatesway development, noting that a turning lane is planned for the project. She highlighted findings from a housing study, indicating that multi-family apartments generate fewer school-age children than single-family homes. City Manager Michael Spurgeon stated he would verify the sewer system's capacity to handle the additional load with the utility director but had not identified any immediate issues.

Vice Chair of the Gatesway, Robert Franklin, clarified that 20% of the units would be reserved for Gatesway clients and workforce housing, emphasizing that many clients do not drive, which would reduce traffic. He acknowledged community concerns and expressed a commitment to being a good neighbor. Franklin and the council supported holding another community meeting to address neighborhood concerns and enhance communication.

City Manager Michael Spurgeon proposed coordinating the January meeting involving residents, the developer, and council members to ensure broad participation. Mr. Franklin suggested providing an FAQ to address common questions and highlight steps already taken to address concerns.

Brooklyn Cadwallader addressed the council to emphasize the importance of the project timeline for Gatesway and Beacon. She highlighted that an application to the Oklahoma Housing Finance Authority is planned for January, with the exact date being a critical factor for moving the project forward. She noted that timely action by the council would be necessary to align with the grant application process.

She expressed openness to continuing conversations with the community and suggested a possible pathway to approve the project conditionally while maintaining ongoing discussions. She reiterated that the grant's success would depend on tax incentives, ultimately determining the project's viability. Brooklyn offered to provide additional details about the timeline if

needed.

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

Move to table Item 24-1606 approval PUD 001787 2024 (Planned Unit Development) and BAZ 001788 2024 (Rezoning), Gatesway Multi-Family, 35.5 acres, Level 3 and 6 to Level 3, located one-half mile north of East Houston Street (81st Street) and one-quarter mile east of 9th street (177th East Avenue/ Lynn Lane Road) to next City Council meeting.

The motion carried by the following vote:

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

E. 24-1564 Consideration, discussion, and possible approval of award of the lowest responsible bid to Muscat Co. and authorize execution of a construction contract for Paint Existing Traffic Signals (Project Number 2453180)

Charlie Bright, Director of Engineering and Construction, presented an update on the citywide initiative to paint streetlight poles black, a project that has already been partially completed. Mr. Bright noted the positive feedback from residents regarding the aesthetic improvement this change has brought to the community. He emphasized that the project significantly enhances the city's visual appeal.

The council was informed that the remaining poles across the city had been bid out for painting. Once the contract is awarded, all poles will be painted black, except in areas slated for upcoming construction. These poles will remain as is until construction is completed, after which they will also be transitioned to black.

Mr. Bright highlighted that the new bid was awarded to a different company, offering a cost savings of approximately \$100,000 compared to previous bids. The city feels confident in the new contractor's ability to complete the work successfully.

MOTION: A motion was made by Lisa Ford, seconded by Debra Wimpee.

Move to approve award of the lowest responsible bid to Muscat Co. and authorize execution of a construction contract for Paint Existing Traffic Signals (Project Number 2453180)

The motion carried by the following vote:

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

F. 24-1615 Consideration, discussion and possible approval of Resolution No. 1617, a Resolution of the Broken Arrow City Council declaring an emergency for the environmental cleaning and restoration of the headworks wet well pumping structure located at the Lynn Lane Wastewater Treatment Plant; activation of the City's Emergency Operation Protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; authorizing the City Manager to execute emergency contracts as necessary for repairs and any subsequent critical events; providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

Tim Robins, Utilities Director, addressed the council to discuss an essential but challenging matter. Acknowledging the gravity of the issue, Robins introduced City Attorney Mr. Dennis to provide an overview of the process and its impacts. Robins said he would follow up by explaining the scenario under discussion and outlining the next steps for addressing it. While details were not immediately provided, Robbins emphasized the topic's significance for the council's consideration.

City Attorney Trevor Dennis provided context for the council regarding the legal requirements for public construction contracts, which are typically subject to competitive bidding. He explained that exceptions can be made in emergencies and stated his belief that the current circumstances qualify as an emergency. He noted that specific actions have been and will need to be taken within the 45-day window of the declared emergency. Mr. Dennis then deferred to Utilities Director Tim Robins to elaborate on the details of the situation, which involves issues with the city's pumps caused by infiltration and recent rains.

Utilities Director Timothy Robins provided a detailed explanation of the emergency impacting the Lynn Lane wastewater treatment plant. He described how a severe rain event in early November brought over nine inches of rainfall and caused significant infiltration and soil saturation in the city's sewer system. This led to sinkholes forming in several locations, with one massive sinkhole in the Indian Spring subdivision contributing substantial amounts of soil into the sewer system.

The soil and debris from these sinkholes flowed into the wet well of the Lynn Lane plant, where large pumps process wastewater. Over time, the damp well became inundated with soil, causing the pumps to fail. Despite these challenges, plant staff kept the system

operational and avoided sanitary sewer overflows through emergency measures, including mobilizing additional pumps.

The city executed an emergency contract with an environmental cleaning service to begin cleaning the wet well, but the extent of the damage and debris required ongoing efforts. Mr. Robins reported that three pumps were damaged, with two already removed for repairs and one still in the well. The proposed resolution seeks to declare a formal emergency to expedite contracts for continued cleaning, pump repairs, and additional rental equipment to maintain system flows.

Mr. Robins emphasized the situation's urgency, noting that while the plant manages flows, it operates at limited capacity and requires swift action to restore full functionality. Several weeks of work remain to address the damage and stabilize the system.

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

Move to approve Item 24-1615 Resolution No. 1617, a Resolution of the Broken Arrow City Council declaring an emergency for the environmental cleaning and restoration of the headworks wet well pumping structure located at the Lynn Lane Wastewater Treatment Plant; activation of the City's Emergency Operation Protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; authorizing the City Manager to execute emergency contracts as necessary for repairs and any subsequent critical events; providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

The motion carried by the following vote:

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

G. 24-1616

Consideration, discussion, and possible approval of Resolution No. 1618 authorizing the City Attorney to enter into a Final Journal Entry of Judgment in Ironwood Property Group, LLC vs. City of Broken Arrow et al., Wagoner County District Court, Case Number: CV 2024 2525, authorizing foreclosure of utility easements located one-eighth mile south of Omaha Street (51st Street) and one eighth mile west of North Elm Place (161st East Avenue), City of Broken Arrow, Tulsa County, State of Oklahoma

City Attorney Trevor Dennis presented a resolution regarding six parcels of land, ranging from 2,000 to 30,000 square feet, located south of Omaha Street and north of Elm Place. These parcels have been deemed unnecessary for public purposes, with no water, sewer, or gas lines. The city determined the land is no longer needed and can revert to the landowner.

The final step involves creating a journal entry of judgment to foreclose the city's right to reopen land use, officially transferring it back to the property owner. Denis recommended that the council authorize this action and pass Resolution 1618.

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

Move to approve Item 24-1616 Resolution No. 1618 authorizing the City Attorney to enter into a Final Journal Entry of Judgment in Ironwood Property Group, LLC vs. City of Broken Arrow et al., Wagoner County District Court, Case Number: CV 2024 2525, authorizing foreclosure of utility easements located one-eighth mile south of Omaha Street (51st Street) and one eighth mile west of North Elm Place (161st East Avenue), City of Broken Arrow, Tulsa County, State of Oklahoma

The motion carried by the following vote:

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

H. 24-1628

Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1616, a Resolution of the Broken Arrow City Council declaring an emergency as a result of the November 2024 rain storms and damage to city infrastructure, including the bridge carrying New Orleans Street over Haikey Creek in the City of Broken Arrow; Activation of the City's emergency operation protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; Awarding the of the lowest responsible quote for bridge repairs to Timber Wolf Excavating, Inc.; Authorizing the City Manager to execute emergency contracts as necessary for repairs and any subsequent critical events; Providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

Zach Smith, Assistant Director of Streets, presented a resolution to declare an emergency for repairs to the New Orleans Street bridge over Hakey Creek. The bridge sustained damage in November due to heavy rainfall, which caused debris to accumulate against the columns, diverting water and eroding the western supports. Following the discovery, the city engaged Garver, its bridge inspection consultant, for an emergency evaluation, which confirmed the need for urgent repairs to prevent bridge closure.

A similar issue occurred in 2014 on the bridge's east side, which was also resolved under an emergency declaration. Staff sought quotes from three contractors, but only Timberwolf Excavation, already working nearby on a water line project, responded with a bid of \$109,650. Due to their readiness and familiarity with the site, staff recommended awarding the repair contract to Timberwolf Excavation and approving the emergency resolution to expedite repairs.

Upon further questioning by the council, Mr. Smith provided additional context regarding the New Orleans Street bridge repairs. He noted that the council had already approved a consultant design project for this roadway, which will include replacement or improvement of the bridge in the coming years. The east dam, armored with large rocks in 2014, held up well, and similar protective measures will be applied to the west abutment to prevent future erosion.

Mr. Smith emphasized the need for ongoing monitoring to ensure debris does not accumulate against the bridge, though controlling upstream debris is challenging. He shared an anecdote from the contractor on-site, who reported that a precast concrete utility hole, not yet in use, had been washed down the creek during the rainstorms. The contractor recovered and removed the structure, demonstrating the severity of the storm's impact.

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

Move to approve Item 24-1628 Approval of and authorization to execute Resolution No. 1616, a Resolution of the Broken Arrow City Council declaring an emergency as a result of the November 2024 rain storms and damage to city infrastructure, including the bridge carrying New Orleans Street over Haikey Creek in the City of Broken Arrow; Activation of the City's emergency operation protocols, including waiving state and local provisions pertaining to competitive bidding as allowed by law; authorizing an informal bidding process; Awarding the of the lowest responsible quote for bridge repairs to Timber Wolf Excavating, Inc.; Authorizing the City Manager to execute emergency contracts as necessary for repairs and any subsequent critical events; Providing for the termination and extension of the provisions of this resolution; and directing the City Manager to carry out all applicable provisions

The motion carried by the following vote:

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

10. Preview Ordinances - NONE

11. Ordinances- NONE

12. Remarks and Inquiries by Governing Body Members

The council members discussed several upcoming community events in Broken Arrow. The Civitan Christmas Parade will take place on Saturday at 10:00 a.m., preceded by a \$5 all-you-can-eat pancake breakfast hosted by the Rotary Club from 7:00 a.m. to 10:00 a.m., with proceeds supporting the community. Other activities include Harvest Church's Turkeys and Toys giveaway after the parade and "Carols and Cocoa" at the ice rink and farmer's market Saturday evening, featuring Anna and Elsa.

Council Member Lisa Ford praised city staff for their exceptional neighborhood meeting in Stone Mill, where they provided clear explanations and maps about upcoming sidewalks and road improvements, earning appreciation from residents. Mayor Wimpee encouraged everyone to explore the array of Christmas activities throughout the Rose District and New Orleans Square, all designed to enhance the quality of life for Broken Arrow citizens. She highlighted the Visit Broken Arrow website and the city's Facebook page as resources for detailed event information.

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

City Manager Michael Spurgeon highlighted the upcoming Carols and Cocoa event, a new initiative designed to attract more people to the Rose District and support local merchants. Developed by Jennifer Deal and her team at Arts 302, the event will feature professional carolers, aiming to enhance the festive atmosphere and community engagement.

City Manager Spurgeon also mentioned the State of the City presentation, scheduled for next Wednesday, which will be an opportunity to reflect on the year's accomplishments and share plans for 2025 and 2026. The presentation, with the theme of "Planting Seeds," will showcase long-term projects like Broken Arrow Transit that are now coming to fruition. Spurgeon encouraged the community to attend or watch the event online, celebrating a successful year and the city's ongoing growth and prosperity.

At approximately 7:44 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 Johnnie Parks, seconded by Justin Green.

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

At approximately 8:01 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 8:07 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 City Attorney, and any other pertinent staff members discussing conferring on matters and possible action in open session pertaining to:

1. A pending investigation and claim, including potential resolution and settlement, of a matter involving the tort claim of Leonard Branch et al., Tort Claim No. TRT 1537.2024 and taking appropriate action in open session, if any, under 25 O.S. Section 307(B)(4)

In the opinion of the City Attorney, the Council is advised that 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 Johnnie Parks, seconded by Debra Wimpee

Move to find executive session was necessary

The motion carried by the following vote:

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

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

Move to deny the tort claim of Leonard Branch et al.

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 8:15 p.m.

15. Adjournment

The meeting was adjourned at approximately 8:16 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk