

City of 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, November 19, 2024	Time 6:30 p.m.	Council Chambers
1. Call to Order	Mayor Debra Wimpee called the meeting to order at approximately 6:30 p.m.	
2. Invocation	Pastor Scott Moore performed the invocation.	
3. Roll Call	Present: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee	
4. Pledge of Allegiance to the Flag	Council Member Justin Green led the Pledge of Allegiance to the Flag.	
5. Resignation Acknowledgement	A. 24 1539 Acknowledgement of Vice Mayor Gillespie's resignation MOTION: A motion was made by Justin Green, seconded by Lisa Ford. Move to approve the resignation of Vice Mayor Christi Gillespie. The motion carried by the following vote: Aye: 4 - Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee	
6. Appointment of Vice Mayor	A. 24 1537 Consideration, discussion, and possible action by City Council to appoint a Council member to fill the vacancy in the office of Vice Mayor pursuant to 11 O.S. Section 110 MOTION: A motion was made by Justin Green, seconded by Lisa Ford. Move to appoint Council Member Johnnie Parks as new Vice Mayor. The motion carried by the following vote: Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee	
7. Consideration of Consent Agenda	A. 24 88 Approval of the City Council Meeting Minutes of October 15, 2024 B. 24 1546 Approval of the City Council Special Work Session Meeting Minutes of October 22, 2024 C. 24 89 Approval of the City Council Meeting Minutes of November 5, 2024 D. 24 1503 Acceptance of Drainage Advisory Committee meeting minutes of July 29, 2024 E. 24 1467 Approval of and authorization to publish the 2025 notification of regularly scheduled meetings of the Broken Arrow City Council and its public bodies F. 24 1455 Approval of and authorization to execute Amendment Number 1 to Professional Consultant Agreement with Garver, LLC for Kenosha Street Sidewalks from North Sycamore Avenue to North Redbud Avenue with Pedestrian Railroad Crossings (Project Number ST23290) G. 24 1357 Approval of and authorization to execute Amendment No. 6 to Professional Consultant Agreement with Kimley Horn for the design of Events Park Infrastructure Improvements (Project No. 2417210) H. 24 1548 Approval of and authorization to execute a one-year contract renewal with Momentum Services for professional services related to Nuisance Abatement Property Structure Securing I. 24 1490 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 J. 24 1542 Approval of and authorization to purchase loose equipment for two fire apparatus from Banner Fire Equipment, Inc., pursuant to the Oklahoma State Contract	

- K. 24 1529 Approval of and authorization to purchase the renewal of annual Cisco support subscriptions through Presidio for one year pursuant to the Oklahoma Statewide Purchasing Contract
- L. 24 1479 Approval of and authorization to purchase forty-six handheld radios from L3Harris Technologies Inc. for the use by the City of Broken Arrow's Fire Department pursuant to the Oklahoma Statewide Contract and NASPO ValuePoint Pricing
- M. 24 1543 Approval of and authorization to purchase structural firefighting coats and pants from Municipal Emergency Services (MES), and boots, gloves, flashover hoods, and helmets from Casco Industries Inc., pursuant to the Oklahoma State Purchasing Contract SW 0241 and Municipal Emergency Services Sourcewell Contract 020124
- N. 24 1532 Approval of and authorization to purchase one (1) Toro 4700 mower from Professional Turf Products for the Parks Department pursuant to the Sourcewell Purchasing Cooperative Contract
- O. 24 1528 Approval of and authorization to purchase the Commvault Enterprise Solution through SHI, pursuant to the Oklahoma State Master Agreement
- P. 24 1489 Approval of and authorization to purchase grapplers from a sole source provider, Stock Enterprises, for the new Police Department Chevy Tahoe's and Ford F150 Responder
- Q. 24 1545 Approval of the re-appointment of Jason Hudson and appointment of Brad Hoffman and Jenny Cothran to the Broken Arrow Economic Development Corporation (BAEDC) Board of Directors for a term beginning January 1, 2025, and expiring December 31, 2027
- R. 24 1504 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond, Proposition 6 funds to design improvements to the retaining wall holding back a private pond on Aspen Avenue between New Orleans Street and Florence Avenue
- S. 24 1505 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond, Proposition 6 funds for construction of erosion mitigation and repair the leaking pond spillway at Shenandoah Valley at Battle Creek
- T. 24 1506 Acceptance of the Drainage Advisory Committee's recommendation to approve expenditure of 2018 General Obligation (GO) Bond, Proposition 6 funds for design of erosion control measures in the Bristol Ponds south detention pond and the channel between Bristol Ponds and Elm Place
- U. 24 1508 Approval of and authorization to execute Change Order No. 1 with Mowtown Outdoors for the Gardens at Central Park (2360450)
- V. 24 1484 Approval of BAZ 001765 2024 (Rezoning), Ellsworth Asphalt Plant, 12.83 acres, IL (Industrial Light) & CG (Commercial General) to IH (Industrial Heavy) & FD (Floodplain District), directly south of Houston Street (81st Street) and approximately one-sixteenth mile west of 23rd Street (193rd Avenue/County Line Road)
- W. 24 1549 Approval of SP 001773 2024, Ziggi's Coffee, 1 acre, request for a Specific Use Permit for a Drive Through Coffee Shop, south of the southeast corner of East Albany Street (61st Street) and County Line Road (North 23rd Street)
- X. 24 1499 Approval of and authorization of Final Acceptance for the public improvements at Brook Chase II located at 91st Street South between 193rd and Lynn Lane Road
- Y. 24 1500 Approval of and authorization of Final Acceptance for the public improvements at Elysian Fields located at 121st Street and South Garnett Road
- Z. 24 1501 Approval of and authorization of Final Acceptance for the public improvements at Estates at Lynn Lane Phase 1 located at 6671 South 257th Avenue East
- AA. 24 1525 Ratification of the Claims List Check Register Dated November 08, 2024

Aye: 4 -

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.
Move to approve Consent Agenda minus Items F and V.

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

8. Consideration of Items Removed from Consent Agenda

The council discussed Item 7F, which pertains to the approval and authorization of Amendment No. 1 to a professional consulting agreement with Garver, LLC, to design sidewalks along Kenosha Street, from North Sycamore Avenue to North Redbud Avenue. Charlie Bright, Engineering and Construction Director representing the project, noted that the amendment addresses a challenging sidewalk project segment involving crossing a railroad track. This process is both time-intensive and complex due to regulatory and logistical hurdles.

Council Member Lisa Ford took a moment to thank the team for advancing this project, emphasizing its importance for improving safety and connectivity, particularly for students at Rhema and residents east of 145th Street. The sidewalk will fill a critical gap between the two streets, enhancing accessibility in areas with limited pedestrian maneuverability.

Mr. Bright further explained that the amendment will facilitate the design process needed to address the missing portion of the sidewalk near Rhema and create a seamless connection

through the area, including over the railroad tracks. He highlighted the value of this project in improving pedestrian safety and connectivity for the community.

MOTION: A motion was made by Lisa Ford, seconded by Johnnie Parks.
Move to approve Consent Agenda Item 7F. Authorization to execute Amendment Number 1 to Professional Consultant Agreement with Garver, LLC for Kenosha Street Sidewalks from North Sycamore Avenue to North Redbud Avenue with Pedestrian Railroad Crossings (Project Number ST23290)

The motion carried by the following vote:

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Amanda Yamaguchi, Planning & Development Manager, presented the details of Item 7V BAZ 001765 2024's rezoning request for approximately 13 acres. The proposal seeks to rezone the property from IL (Industrial Light) and CG (Commercial General) to IH (Industrial Heavy), along with maintaining its FD (Flood District) designation. The rezoning is intended to prepare the site for the development of the Ellsworth Asphalt Plant, a use permitted by right within the IH zoning district. The property meets all dimensional standards for IH zoning and is designated as Level 7 in the comprehensive plan, aligning with the plan's guidelines.

The Planning Commission held a public hearing on October 24, during which no public comments were made in opposition or support. The commission voted 3-2 to recommend approval, in line with the staff's recommendation, which was contingent on the property being platted.

During the discussion, a council member inquired about plans for road improvements in the area. Staff explained that voters approved funding in 2018 to upgrade Houston Street from Lynn Lane to Highway 51. Due to a floodplain issue on the west side of County Line Road, the project may be divided into two phases, with the segment from County Line to Highway 51 potentially completed first. The design phase is nearly complete, but the stormwater issue west of County Line remains a factor in determining the project's timeline.

Kathryn Church, a 1300 South 28th Street resident, expressed concerns about the proposed rezoning and development of an asphalt plant near her neighborhood. She emphasized the potential impact on the quality of life for residents, particularly those in Creek South, which she noted would likely be downwind of the plant.

Ms. Church highlighted health risks associated with living near an asphalt plant, including respiratory irritations, headaches, dizziness, nausea, and other symptoms. She also mentioned the persistent odor often associated with asphalt production, explaining how it can make outdoor spaces unusable when the wind carries the smell to residential areas. Catherine stressed the importance of maintaining a high quality of life and preserving the ability to enjoy one's home and property without these nuisances. She concluded by thanking the council for the opportunity to share her concerns.

Lou Reynolds, representing Ellsworth Asphalt Company, supported the proposed asphalt plant development and addressed concerns about odor and environmental impact. He provided an example of advanced waste management technology at the waste-to-energy facility in West Tulsa, where exhaust fans and air filtration systems process odors and emissions from municipal solid waste. He noted that the air leaving that facility is cleaner than the ground level in the parking lot. Reynolds explained that the proposed asphalt plant would operate using a similar principle: exhaust fumes drawn into the fire, burned, and filtered, ensuring minimal odors and emissions.

Mr. Reynolds emphasized that the new plant would incorporate state-of-the-art technology to meet modern environmental standards, including compliance with the latest EPA requirements. He clarified that the facility would not bring older equipment commonly associated with noise, odors, and other nuisances from outdated asphalt plants. He also highlighted the plant's low noise levels, operating around 70 decibels, and described it as a good fit for the IH zoning.

Mr. Reynolds shared that the company had met with a nearby neighbor who expressed no objections to the project. He concluded by requesting approval for the rezoning, citing the project's alignment with IH zoning and support from city staff and the planning commission.

Councilor Justin Green, acknowledged meeting with representatives of Ellsworth Asphalt and reviewing materials about the proposed plant, including videos of similar facilities. They noted the stark differences between older asphalt plants and the new technology proposed for this project, which prioritizes environmental compliance and community compatibility. The council encouraged further explanation to clarify how the modern equipment would mitigate concerns raised about the project.

Nathan Ellsworth, representing Ellsworth Asphalt, emphasized that the proposed facility would utilize brand-new equipment with modern technology, including advanced air filtration systems. He reiterated that this was not a case of relocating an old asphalt plant but building a state-of-the-art facility to meet the highest environmental and operational standards.

Mr. Ellsworth highlighted the company's legacy as a family-owned business with a 50-year history and 274 employees. He underscored the importance of having a local asphalt plant to support the city's growth, noting the critical role asphalt plays in infrastructure, from streets to parking lots. He also mentioned the economic benefits, including job creation and increased sales tax revenue for the community.

Mr. Ellsworth invited any questions and assured the council that Ellsworth Asphalt was transparent about its intentions for the rezoning request. Ellsworth concluded by expressing pride in the company's long-standing history and commitment to contributing positively to the community. The council acknowledged his explanation, noting that it addressed some of the concerns raised by residents.

Robert Ellsworth, representing Ellsworth Asphalt, shared his perspective as a long-time business member. He explained that the company has been evaluating potential sites for the proposed asphalt plant over the past five years, prioritizing locations that align with market needs while minimizing impacts on residential areas. After extensive consideration, the property under review was deemed the most suitable for the project.

Mr. R. Ellsworth emphasized the growing demand for such a facility in Broken Arrow, Coweta, and Southeast Tulsa due to the area's rapid development. He noted that it is inevitable that a facility of this type will be established in the region and expressed hope that the council would grant Ellsworth Asphalt the opportunity to fulfill this need at the proposed location.

The council acknowledged that both city staff and the planning commission had recommended approval of the project, and the discussion moved toward a motion to either approve or deny the rezoning request.

MOTION: A motion was made by Justin Green, seconded by Johnnie Parks.
Move to approve Consent Agenda Item 7V. BAZ 001765-2024 (Rezoning), Ellsworth Asphalt Plant, 12.83 acres, IL (Industrial Light) & CG (Commercial General) to IH (Industrial Heavy) & FD (Floodplain District), directly south of Houston Street (81st Street) and approximately one-sixteenth mile west of 23rd Street (193rd Avenue/County Line Road)

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

Aye: 4 -

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

- A. 24 1540 Presentation of a Service Award to former Vice Mayor Christi Gillespie for her exceptional dedication to the City of Broken Arrow

City Manager Michael Spurgeon presented a service award to former Vice Mayor Christi Gillespie, recognizing her exceptional dedication to the City of Broken Arrow. The ceremony included a plaque commemorating her contributions, which Spurgeon noted had a lasting impact on the community. He recalled meeting Ms. Gillespie in 2018 when she became involved with city council meetings and played a significant role in the "Build a Better Broken Arrow" campaign, which led to the passage of a \$211 million bond package that year.

Ms. Gillespie was elected to the city council from 2019 to 2024. City Manager Spurgeon, joined by the mayor and council members, presented the plaque, which honored her commitment to shaping Broken Arrow into a vibrant community. He expressed gratitude on behalf of the council, city employees, and directors for her service, acknowledging her steadfast dedication to the city's growth and future. City Manager Spurgeon concluded by expressing excitement for Ms. Gillespie's new role and confidence in her continued positive impact on the city and state.

- B. 24 1550 Presentation of a Citation by Oklahoma State Representative Ross Ford to the City of Broken Arrow Utilities and the Street and Stormwater Departments for the emergency repair of a waterline break that went under Aspen Avenue - PULLED

10. 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) – NONE

11. General Council Business

- A. 24 1534 Consideration, discussion, and possible direction regarding City Council filling the

vacancy in the office of the council member for Ward No. 3 for the Broken Arrow City Council, including potentially appointing by a majority vote of the remaining members of council a person to fill the vacancy until the next general municipal election

The council discussed the process for appointing a replacement for former Vice Mayor Christi Gillespie following her resignation. Trevor Dennis, City Attorney, explained that state statute requires the council to appoint a replacement within 60 days of the resignation, with the appointee serving until the next general election on April 1, 2025. If the council does not make an appointment within this timeframe, the position will be filled in the general election.

The discussion centered on determining the process and timeline for the appointment. It was noted that the same procedure used the previous year, when another councilor was appointed, could be followed. This involves inviting interested individuals to submit letters of interest, holding a special meeting for candidates to present their qualifications, and voting during the following council meeting.

The council debated the timing of the special meeting, deciding to hold it on December 3, 2024. This allows sufficient time for interested candidates to submit their letters while ensuring the appointee can begin serving as soon as possible. Staff will immediately begin publicizing the vacancy through social media and other platforms, asking candidates to send letters of interest to the City Clerk by the specified deadline.

The council emphasized the importance of appointing a candidate who meets statutory requirements—a registered voter and a resident of Ward 3 for at least six months—and is committed to running for the position in the upcoming election. They encouraged anyone interested to reach out for more information about the responsibilities and time commitments of serving on the council. The process was straightforward, with letters of interest varying in length and detail based on the candidate's preference. The council expressed enthusiasm for engaging with the community to find the best candidate for the role.

B. 24 1530 Consideration, discussion, and possible approval of and authorization to execute the contract for Software Services and Professional Services with OpenGov

Cindy Arnold, Director of Finance, and the council reviewed a proposed update to OpenGov, which provides transparency and access to the city's financial and project data. The new version of OpenGov was more user-friendly and versatile, offering features beyond financial reporting, such as project tracking, performance dashboards, and interactive surveys. The updated platform will allow residents to drill down into data like department expenditures, project statuses, and response times for public services. The highly customizable design enables departments to input relevant information and present it engagingly.

City staff emphasized the need to enhance public engagement with the platform, acknowledging that the current version is underutilized, likely due to its limited scope and less interactive design. The new portal is expected to appeal to a broader audience by including data on infrastructure projects, progress updates, and community surveys. It will also consolidate existing tools, eliminating the need for a separate survey platform.

Concerns were raised about whether the updated platform would achieve higher usage. Staff proposed using social media, newsletters, and utility bill inserts to promote the platform and linking it directly in responses to public inquiries. They also suggested tracking usage over several years to evaluate its effectiveness and determine whether to continue the service.

Council members supported the initiative but stressed the importance of promoting the platform and educating the public on its capabilities. Suggestions included council members actively encouraging its use and periodic demonstrations to showcase new features and gather feedback. It was noted that the platform requires a three-year contract, with an option to terminate if deemed unnecessary after review. The council expressed optimism about the potential of the updated OpenGov to enhance transparency and engagement with residents.

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

Move to approve General Council Business Item 11 B Authorization to execute the contract for Software Services and Professional Services with OpenGov

The motion carried by the following vote:

Aye: 4 -

C. 24 1520 Consideration, discussion, and possible approval of the Fiscal Year 2024 2025 collective bargaining agreement with the Fraternal Order of Police (FOP) Lodge No. 170

Kelly Cox, Human Resources Director, presented the agreed-upon collective bargaining agreement with the Fraternal Order of Police. We started negotiations in March of this year. Negotiations continued until July. The FOP declared an impasse at that time and notified us they wanted to enter arbitration. Through the last couple of weeks, we have worked towards a

settlement offer and agreed upon one. I'll cover those main changes for you. As I go through this, the recognition, there are, of course, date changes throughout the entire article, or I'm sorry, the whole contract that will be changed to the applicable year of 2025. The recognition is an extension of the probationary period for employees, which we can extend for three months if the employee is having difficulty during the training and FTO phase, destroying officer property.

We now reimburse employees if they damage a watch or prescription sunglasses phones. So, we are proposing increasing those amounts, as noted in the article. I'm on holiday language. This is changing language that pertains to on-call personnel who work on a holiday. In addition, each employee has maximum accrual banks for holidays and occasional compensatory leave. We recommend increasing the holiday leave bank from 175 to 200 hours maximum.

The sick leave language is just a language change right now. Because we are practicing something, we need the language accompanying our practice, Article 22, which is compensation. It is a four-and-a-half percent increase effective July 1st, 2024, with a subsequent rise coming on January 1st, 2025, of 0.5%, the FLL FLSA implementation, and overtime.

This, again, increases them in their maximum lead bank. This will increase their lead bank from 130 to 150 hours of vacation leave. It's the same thing as this. This will increase their maximum tier levels by a vacation bank of 50 for each tier. They have vacation tier banks from one to five years, six to 10, 11 to 15, 16 to 20, and I think 20 and above our group health insurance has not increased since 2007.

So we are recommending increasing the individual contribution for insurance. From \$25 a month to \$40 a month. And on the promotions, we're recommending some language changes. There is a written process currently, an assessment process and then an internal interview panel. So, we are adjusting those percentages for each assessment. Our funeral benefit would increase from \$10,000 to \$20,000 in the event somebody passed away in the line of duty, and then adding the body-worn camera policy. I am happy to answer any questions you might have and recommend approval.

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

Move to approve General Council Business Item 11C Fiscal Year 2024-2025 Collective Bargaining Agreement with the Fraternal Order of Police (FOP) Lodge No. 170

The motion carried by the following vote:

Aye: 4 -

D. 24 1447

Consideration, discussion, and possible approval of and authorization to accept the Fourth Guaranteed Maximum Price (GMP No. 4) from Crossland Heavy Contractors Inc. for the construction of the Events Park Infrastructure Project (Project No. 2417210)

Shannon Marshall, Special Projects Division Manager, presented the Fourth Amendment for a guaranteed maximum price with Crossland Heavy Contractors for constructing an exit ramp connecting Events Park to the Creek Turnpike. The project's total cost is \$954,639, under the initial estimate of just over \$1 million. Marshall highlighted the importance of this ramp in ensuring efficient traffic flow and the overall success of the park's operations, particularly with the amphitheater and other venue-related activities.

In response to questions, Ms. Marshall noted that the construction management approach with Crossland Heavy has been highly effective for this large-scale and fast-paced project. She emphasized that the contractor's proactive planning and scheduling have helped meet the city's needs while maintaining high-quality work. The partnership has also facilitated coordination with nearby schools, such as accommodating an upcoming elementary school Turkey Trot event, showcasing the strong collaboration between stakeholders.

Council members expressed satisfaction with the contractor's performance, noting the precise organization of the site and effective traffic management, particularly in an area with significant school-related activity. They highlighted the project's ability to balance risk for the city and the contractor, calling it a "win-win" situation.

City Manager Michael Spurgeon requested detailed design layouts of the turnaround location to share with colleagues and the public. Ms. Marshall assured them that such materials would be provided, clarifying how the exit ramp would integrate with the existing infrastructure. Overall, the project was praised for its efficient execution and alignment with the city's goals for Events Park.

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

Move to approve General Council Business Item 11D Authorization to accept the

Fourth Guaranteed Maximum Price (GMP No. 4) from Crossland Heavy Contractors Inc. for the construction of the Events Park Infrastructure Project (Project No. 2417210)

Aye: 4 - The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

E. 24 1531

Consideration, discussion, and possible award of the most advantageous bid 25.124 for Wrecker Service to Storey Wrecker and 918 Wrecker Service to be rotated at the first of each month

Ryan Baze, Maintenance Services Director, and the council discussed the implementation of a bid package for non-consensual towing services and city vehicle towing managed by the Broken Arrow Police Department. This service covers situations where police request towing for accidents or other incidents where the vehicle owner has not specified a preferred towing company. The package also addresses towing city-owned vehicles.

The two companies involved, Storey Wrecker and 918 Wrecker, submitted competitive bids, each offering advantages in different areas. Storey Wrecker's rates for the public were lower, while 918 Wrecker provided better rates for towing city vehicles and additional services, such as traffic control and hazardous mitigation. Both companies have facilities in Broken Arrow and meet the requirements for secure storage, including a minimum of twenty indoor spaces and fifty outdoor spaces, ensuring evidence preservation and accessibility for law enforcement and the public.

Staff proposed a monthly rotation between the two companies to ensure fairness and efficiency, simplifying dispatch for the police and city departments. This approach also guarantees timely service, requiring tow services to respond within 30 minutes for at least 90% of calls. Both companies may be called simultaneously to handle more prominent incidents in high-demand situations.

The bid package includes provisions for towing operators to clean debris from accident sites and maintain the necessary equipment, such as brooms, rakes, and absorbent materials. Police department feedback will be used to address any issues with service quality or adherence to contract requirements. The rotation system was presented as a transparent and balanced solution benefiting vendors and the city.

Council members and police representatives expressed satisfaction with the bid structure, notably including clauses to handle high-demand scenarios. A citizen, George Bayshaw, voiced support for the proposal. The council commended the plan for its efficiency and ability to ensure rapid towing services, allowing officers to resume duties without unnecessary delays.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.
Move to approve General Council Business Item 11E Award of the most advantageous bid 25.124 for Wrecker Service to Storey Wrecker and 918 Wrecker Service to be

rotated at the first of each month.

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

F. 24 1544

Consideration, discussion, and possible appointment of a City Council Member to serve on the Streets for All Stakeholder Advisory Committee

Rocky Henkel, Community Development Director, informed the council about the need to appoint a new representative to the advisory committee for the "Streets for All" project. This vacancy arose following the resignation of former Councilor Christy Gillespie, who now serves as a state senator. The committee has three to five meetings, with the next scheduled for December 9th. After some discussion, Councilor Green volunteered for the role, and the council unanimously approved his appointment.

The council also discussed Comp Plan Amendment 1693-2024 and Rezoning Request BAZ-001692-2024 for the Brooke Chase expanded subdivision. This request involves changing 40 acres from Level 6 to Level 3 in the comprehensive plan to allow for a residential subdivision. The area is designated as Phase 5 and aligns with the RS4 zoning of earlier phases. The Planning Commission had previously approved the amendment on a 3-1 vote, and staff recommended approval contingent on the property being platted.

Council members raised questions about sewer capacity and traffic management. Staff confirmed that sewer capacity west of County Line Road is sufficient, and stormwater detention ponds will be constructed to manage runoff into the adjacent creek. Traffic from Phase 5 will primarily exit onto Washington Street, with a connection to Nashville Street. However, there will be no direct connection to County Line Road due to a floodplain.

Concerns were also expressed about ensuring nearby stakeholders, such as Alpha Laval, are informed about the potential increase in traffic from the development. Staff confirmed that Alpha Laval had been notified as part of the standard development process. The council emphasized transparency and communication with stakeholders while implementing the proposed changes. No public members spoke for or against the proposal during the session.

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

Move to approve General Council Business Item 11F Appointment of a City Council Member to serve on the Streets for All Stakeholder Advisory Committee.

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Aye: 4 -

G. 24 1461

Consideration, discussion, and possible approval of COMP 001693 2024 (Comprehensive Plan Change), Brook Chase Expanded, 40.2 acres, Level 6 to Level 3, located approximately one eighth mile west of 23rd Street (193rd Avenue/County Line Road) and one-quarter mile north of Washington Street (91st Street)

The council and Rocky Henkel, Community Development Director, considered a request to amend the comprehensive plan designation from Level 6 to Level 3 for approximately 40 acres west of County Line Road and north of Washington Street. This change would facilitate Phase 5 of the Brooke Chase residential subdivision, aligning with RS-4 zoning consistent with previously approved phases.

The Planning Commission previously recommended approval by a 3-1 vote, and city staff supported the change, citing no significant issues with sewer capacity on the west side of County Line Road. A 24-inch storm sewer trunk line in the area can handle additional capacity. Traffic concerns were also addressed, with plans for two entrances onto Washington Street and a stub street connecting to Nashville. However, Nashville currently does not provide direct access to County Line Road.

Discussions highlighted the potential traffic impact and the necessity to coordinate with the nearby industrial area, particularly with Alpha Laval, as Nashville Street was initially constructed under an economic development agreement. Council members emphasized the importance of informing and consulting all stakeholders.

The applicant, represented by their civil engineer, clarified that the design includes stormwater detention areas to manage runoff and avoid adverse impacts on existing drainage. Additionally, they confirmed that the proposed development respects the floodplain and includes proper drainage measures.

With no public opposition registered and the applicant addressing technical questions from the council, the discussion focused on ensuring thorough communication with nearby industrial stakeholders and the long-term compatibility of the development. The council opened the floor to public comments.

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

Move to approve General Council Business Item 11G COMP 001693-2024 (Comprehensive Plan Change), Brook Chase Expanded, 40.2 acres, Level 6 to Level 3, located approximately one eighth mile west of 23rd Street (193rd Avenue/County Line Road) and one-quarter mile north of Washington Street (91st Street)

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Aye: 4 -

H. 24 1519

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

Brittany Jones, a resident of Broken Arrow and a homeowner in a Rausch Coleman development, spoke in support of the project. She highlighted her positive experience with the developer, emphasizing the accessibility of affordable housing for young professionals like herself. Jones explained how Rausch Coleman's model made homeownership attainable for her family, providing a safe and desirable living environment. She also noted the broader benefits of affordable housing, such as freeing up apartments for others in need and addressing the housing crisis in Oklahoma. Jones urged the council to consider the importance of affordable housing options for young professionals and families.

Lori Hendricks, a resident, voiced her continued opposition to the proposed rezoning and PUD for the Oak Creek development. She raised several unresolved concerns, even after multiple reviews of the project.

Ms. Hendricks highlighted traffic concerns, noting that County Line Road is already under strain and there are no immediate plans to widen it. She pointed out that the council recently

approved additional developments, including a heavy industrial rezoning just west of the area and a comprehensive plan amendment one mile to the south, further exacerbating traffic congestion.

Flooding concerns were also reiterated, with Ms. Hendricks referencing new photos shared with council members showing near-flood-stage conditions in the creek separating the proposed development from existing neighborhoods following recent rains. Given the area's floodplain issues, she expressed skepticism about the development's ability to manage stormwater effectively.

Ms. Hendricks also noted that while reportedly being addressed by removing Bluebell's impact on the system, sewer capacity remains an unresolved issue for current residents.

In addition, Ms. Hendricks brought attention to recent news that Lennar Homes purchased Rausch Colemans, a developer known for building more upscale housing that might align with the current RS2 zoning of the parcel. She argued that this acquisition undermines Rausch Coleman's previous claim that RS2 zoning does not fit its business model.

While acknowledging the need for new housing, Ms. Hendricks emphasized the importance of balanced and well-planned development that considers existing residents' health, safety, and quality of life and the city's capacity to support the growth. She urged the council to deny the rezoning request, stating that the parcel could still be developed under its current RS2 zoning without increasing density to a level that could create more problems than benefits.

Kathryn Church, a long-time resident of Broken Arrow, shared her concerns about the proposed Oak Creek development, particularly the potential for property erosion due to stormwater runoff. Drawing from personal experience since moving into her home in 1989, she described how a once-small indentation in her yard has significantly deepened due to water flow, requiring her to slow her riding mower to navigate the area. She expressed skepticism about assurances from the developer's engineers that the retention ponds' discharge points would only release "a little trickle" of water. Based on her experience, she fears the runoff will worsen, leading to further erosion and damage to her property and others in the area.

Sean Parrish echoed opposition to the project, emphasizing traffic concerns. He pointed out that the proposed development, combined with others nearby, will significantly increase the number of vehicles on already congested roads. Using an estimated two cars per household for 600 units, he projected 1,200 vehicles contributing to traffic issues, particularly at County Line and 91st Street. Parrish noted that the city is still grappling with solutions for water-related challenges in that area, which complicates efforts to expand infrastructure to accommodate this growth.

Mr. Parrish further highlighted the likelihood of cut-through traffic, where drivers attempting to avoid congestion on major roads would navigate through residential neighborhoods. Parrish warned that this could affect the new Oak Creek development and surrounding communities like Oak Creek South, increasing safety risks and disrupting residents' quality of life.

Both residents urged the council to deny the rezoning request again, citing concerns about stormwater management, traffic congestion, and the broader impact on existing neighborhoods. Parrish criticized the applicant for previously missing a meeting and reiterated the community's frustration with the repeated attempts to push the project forward despite its rejection.

Nicole Watts, a civil engineer with Wallace Design, presented the case for the proposed Oak Creek development, emphasizing adjustments made in response to earlier feedback from the council, city staff, and neighboring residents. She outlined the developer's efforts to address concerns and create a residential subdivision that balances market needs with community expectations.

Ms. Watts reminded the council that the original request for straight RS4 zoning was amended to include a PUD at the council's request. The revised PUD introduced significant enhancements like walking trails, green buffers, and home masonry requirements. The developer has committed to constructing single-family homes, regardless of whether the zoning is RS2 or RS4.

Addressing traffic concerns, Ms. Watts argued that the development would improve traffic flow for existing neighborhoods by creating additional access points, reducing reliance on a single entrance to the nearby Rausch Coleman subdivision. She also pointed out that construction would begin no sooner than two years from now, allowing time for planned city road infrastructure improvements, such as the widening of 81st Street and potential upgrades to County Line Road. The subdivision would include traffic-calming measures, such as

islands and curved roads, to discourage high-speed cut-through traffic.

Regarding flooding concerns, Ms. Watts emphasized that the development includes multiple detention ponds designed to prevent stormwater runoff from exceeding current levels. The creek along the eastern boundary, regulated by the Army Corps of Engineers, would remain untouched and serve as a natural buffer between neighborhoods.

The PUD also incorporates additional green spaces, a walking trail network, and a buffer zone along the railroad, addressing earlier community feedback. Watts stressed that these features make the project consistent with modern residential standards and align with the city's vision for well-planned developments.

Ms. Watts noted that the developer had agreed to delay pulling building permits until the city's sewer capacity issues are resolved. Watts emphasized the developer's intent to be an excellent partner for the town and the community, fulfilling all regulatory requirements and enhancing the area with thoughtful design.

In conclusion, Ms. Watts urged the council to approve the rezoning and PUD, arguing that the plan meets the city's standards and the community's needs while addressing traffic, stormwater, and infrastructure concerns. She expressed confidence in the project's potential to improve the area's functionality and appeal.

The council revisited the rezoning and PUD request for a proposed Oak Creek development, which was previously denied. The applicant presented additional considerations, including updated plans for masonry requirements (100% brick or similar materials for all homes), walking trails, green spaces, and buffers. They emphasized that the proposed 155 units are fewer than the 175 allowed under RS2 zoning and significantly fewer than the 216 units possible under RS4 zoning without a PUD.

Council members raised concerns about infrastructure, particularly the unresolved sewer capacity issues in the area. They discussed how construction would be delayed until the city's sewer system improvements are completed, ensuring no strain on current resources. Traffic concerns and the importance of connecting a northern stub road for emergency services were also addressed, with assurances that these requirements were already included in the PUD plan.

The council discussed appreciation of the masonry requirement, noting it as a long-term value for the homes. They suggested that future code revisions might address minimum lot sizes to reduce density in similar developments. However, the discussion highlighted the lack of substantial changes since the last denial, expressing discomfort with proceeding until infrastructure issues, particularly sewer concerns, are resolved.

Trevor Dennis, City Attorney, clarified procedural requirements, stating that since the item had been previously denied, the council would need a three-fourths majority vote to waive the one-year cooling-off period and take action. If no action were taken, the prior denial would stand. The council concluded with a motion to take action on the application.

MOTION: A motion was made by Justin Green to take action. No second was made, and the motion died.

12. Preview Ordinances NONE

13. Ordinances NONE

14. Remarks and Inquiries by Governing Body Members

The council took a moment to reflect on recent events and achievements, expressing gratitude to city staff and highlighting community-focused initiatives. The holiday kickoff event, held the previous Thursday, was celebrated as a resounding success, earning praise for its inclusivity, particularly sensory-friendly events. The innovative use of the grain tower during the event added a special touch, drawing compliments for its green illumination.

Council members also shared their experiences attending the National League of Cities (NLC) conference in Tampa. They highlighted notable achievements, including Councilor Ford's upcoming role as president of Women in Municipal Government and the mayor's election to the NLC board of directors. These accomplishments underscore Broken Arrow's growing presence on the national stage.

Additionally, the council discussed the positive impact of involving local youth in the conference, noting their discipline and engagement. While the youth program was highly successful, members suggested enhancing future trips by adding extra time for cultural or educational experiences, such as a visit to historical landmarks or natural attractions.

The discussions underscored the city's dedication to fostering a strong sense of community and leadership development while celebrating local and national achievements.

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

City Manager Spurgeon provided updates on several important initiatives. The latest edition of the "Thrive" newsletter was highlighted, emphasizing its role in increasing transparency about the city's finances, projects, and achievements. Copies will be distributed to legislators in Washington and locally, while residents can access them digitally or request a physical copy. The newsletter will also feature prominently at the upcoming State of the City event on December 11th.

Preparations for the State of the City were discussed, focusing on showcasing the city's accomplishments and ongoing projects over the past year. Council members praised the event as an opportunity to reflect on the city's progress and celebrate achievements. The theme this year will highlight the city's ability to follow through on priorities set by the council.

The process to fill the vacant Ward 3 council seat was also reviewed. The city plans to issue a call for applications, requiring both a letter of intent and a resume. The council discussed the importance of transparency in the selection process and emphasized that candidates should understand the commitment necessary, including regular meetings, committee work, and event participation. The City Manager mentioned plans for a mini-orientation to ensure the new appointee is prepared to contribute effectively.

The council concluded with lighthearted comments about the zero-salary nature of the council position, underscoring the dedication and volunteer spirit required for public service.

At approximately 8:25 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 Lisa Ford, seconded by Justin Green.
Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Aye: 4 -

At approximately 8:35 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:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Aye: 4 -

At approximately 8:44 p.m. City Council entered into Executive Session.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move to find the Executive Session necessary

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

Aye: 4 -

16. 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 lawsuit known as 3226 S. Elm Place LLC v. City of Broken Arrow, Tulsa County District Court, Case No. CJ 22 3344, under 25 O.S. §307(B)(4);
2. Litigation, including potential resolution and settlement, of a matter involving the worker's compensation claim of Shaun Christmas, WCC #CM3 2024 02182Y, including possible authorization to settle this claim, under 25 O.S. §307(B)(4).

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to process the litigation, and disclosure will seriously impair the ability of the public body to process the claim or conduct a pending investigation, litigation, or proceeding in the public interest. After the conclusion of the confidential portion of executive session, the Council will reconvene in open meeting, and the final decision, if any, will be put to a vote.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move to authorize the City Attorney to settle the matter of 3226 S. Elm Place, LLC v. City of Broken Arrow, CJ-22- 3344, in accordance with the recommendation of the City Attorney.

Aye: 4 -

The Motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move to authorize the HR Director and outside counsel to settle the worker's compensation claim of Shaun Christmas in the amount recommended by outside counsel.

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

City Council returned to open session at approximately 9:10 p.m.

No vote taken

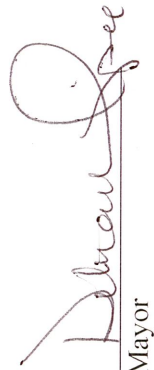
17. Adjournment

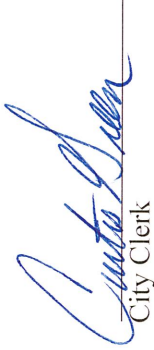
MOTION: A motion was made by Debra Wimpee, seconded by Johnnie Parks.
Move to adjourn.

Aye: 4 -

Justin Green, Lisa Ford, Johnnie Parks, Debra Wimpee

The meeting was adjourned at approximately 9:13 p.m.


Mayor


City Clerk

