



City of Broken Arrow

Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

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

Tuesday, May 7, 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 Andrew Conley performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Council Member Justin Green led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee indicated Items C, G, L and AE would be removed for discussion. She asked if there were any other Items to be removed from the Consent Agenda; there were none.

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

Move to approve the Consent Agenda less Items C, G, L and AE

The motion carried by the following vote:

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

- A. 24-74 Approval of the City Council Meeting Minutes of April 16, 2024
- B. 24-568 Approval of the Special City Council Meeting Minutes of April 16, 2024
- C. 24-612 Approval of Drainage Advisory Committee meeting minutes of January 29, 2024
- D. 24-608 Approval of and authorization to execute Budget Amendment Number 28 for Fiscal Year 2024
- E. 24-621 Acknowledgement of submittal of the Financial Statements for General Fund, Police and Fire Funds and Visit BA for March 2024
- F. 24-542 Approval of and authorization to execute a Proclamation declaring the month of May 2024, Flood Awareness Month
- G. 24-420 Approval of and authorization to execute a Proclamation declaring the week of May 19-25, 2024, as National Public Works Week
- H. 24-610 Ratification of a Proclamation declaring the week of May 1-7, 2024, as Youth Week
- I. 24-517 Approval of and authorization to execute Contract Amendment No. 2 with A&A Asphalt, Incorporated, for the cold milling of asphalt streets at various locations throughout the City
- J. 24-573 Approval of and authorization to execute Amendment No. 1 to Professional Consultant Agreement with BKL, Inc. for the design of the Operations Field Office Renovation Project (Project No. 2217090)
- K. 24-571 Approval and authorization to execute a Service Agreement with Cintas for Automatic External Defibrillator (AED) Machines
- L. 24-472 Approval of and authorization to execute Amendment Number 1 to Agreement for Professional Consulting Services with Garver, LLC for the Ninth Street Widening from Washington Street to Houston Street project (ST2027)
- M. 24-501 Approval of and authorization to execute the Honey Springs Mitigation Bank - Mitigation Credit Sales Agreement for Events Park Road Extension (Project No. 2152330)
- N. 24-540 Approval of and authorization to execute Amendment No. 4 to Professional Consultant Agreement with Kimley Horn for the design of Events Park Infrastructure Improvements (Project No. 2417210)
- O. 24-572 Approval of and authorization to renew the annual maintenance for the City's Fortinet firewalls and switches through Presidio, pursuant to the Oklahoma State Purchasing Contract
- P. 24-587 Ratification of extension of closing date contained in the Purchase and Sale Contract for the sale of 15.01 Acres of Real Estate to Sunset at Broken Arrow, LLC and extend closing date to on or before May 17, 2024

Q. 24-585 Approval of and authorization to execute an Amendment to the Master Service Agreement and Statement of Work with Virta Medical P.C. effective June 1, 2024

R. 24-609 Notification of City Manager's execution of 2024 Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2024 Rooster Days Festival

S. 24-596 Notification of City Manager's execution of 2024 Promotional License on City Property allowing the Broken Arrow Chamber of Commerce to host the 2024 Taste of Summer

T. 24-586 Approval of and authorization for the purchase of a Maintenance Agreement for the City's Uninterruptible Power Supplies (UPS) from Tubbensing Solutions for term of 1-year

U. 24-624 Approval of and authorization to purchase one (1) Lone Star Promaster 3500 ADA Custom Van from Creative Bus Sales pursuant to the Oklahoma State purchasing contract SW 0797C and approve and authorize execution of Fiscal Year 2024 Budget Amendment Number 30

V. 24-500 Award of the lowest responsible bid to Cherokee Pride Construction, Inc. and approve and authorize execution of a construction contract for Portland Cement Concrete Street Repair

W. 24-361 Award of the lowest responsible bid to Ground Level, LLC and approve the execution of a construction contract for the Adams Creek Wetlands Improvements (SW1913)

X. 24-611 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds for constructing a new storm sewer system along Dallas St between 2nd St and Haskell Park (Case No. 24-010)

Y. 24-613 Acceptance of the Drainage Advisory Committee's recommendation to reject expenditure of 2018 GO Bond, Proposition 6 funds for the repair and replace of a wood retaining wall (Case No 24-003)

Z. 24-614 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds to construct an interceptor ditch and a storm sewer system to mitigate erosion along the north side of the Preserve Park Detention Pond (Case No. 24-008)

AA. 24-615 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds to clean and repair an overgrown channel (Case No. 24-004)

AB. 24-618 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds for retaining an engineering consultant to design erosion control measures along the bank of Hailey Creek at the Diocese of south Tulsa (Case No. 24-007)

AC. 24-617 Acceptance of the Drainage Advisory Committee's recommendation to expend 2018 Go Bond, Proposition 6 funds for retaining an engineering consultant to design a set of construction plans for an updated outlet structure at 215 S Laurel Ave (Case No. 24-005)

AD. 24-567 Approval of PT-001341-2024|PR-000415-2023, Conditional Final Plat for Aspen Ridge Business Park North, 8.99 acres, O N (Office Neighborhood) and CN (Commercial Neighborhood)/SP-000408-2022 to PUD-001405-2024/CG (Commercial General) and CN (Commercial Neighborhood)/SP-000408-2022, one-third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue)

AE. 24-569 Approval of PUD-001405-2024, Planned Unit Development (PUD) for Aspen Ridge Business Park North, 8.99 acres, O N (Office Neighborhood) and CN (Commercial Neighborhood)/SP-000408-2022 to PUD-001405-2024/CG (Commercial General) and CN (Commercial Neighborhood)/SP-000408-2022, one-third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue)

AF. 24-622 Approval of and authorization to execute Resolution No. 1573, a resolution authorizing acceptance of a General Warranty Deed for Parcel 12.0, which consists of 0.27 acres of Permanent Right-of-Way for the Aspen/Tucson Improvements, located at the Southeast corner of Aspen Avenue and Tucson Street, Broken Arrow, Oklahoma in the Northwest Quarter of Section 3, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma, from the Vrooman Living Trust and Frances M Day Trust for the Aspen/Tucson Improvements, Parcel 12.0. (Project No. ST2031)

AG 24-511 Acceptance of a Utility Easement consisting of 0.1744 acres from Ignacia and Robert Tompkins on property located at 10138 S 137th E Avenue, Broken Arrow, Oklahoma, located in part of the Northeast Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the 137th East Avenue Waterline Loop, Parcel 3 (Project No. WL21010)

AH. 24-588 Acceptance of a Utility Easement from Tulsa L. Dev, LLC, on property located approximately one-half mile north of Kenosha Street (71st Street), east of 257th East Avenue (Midway Road), Wagoner County, State of Oklahoma, (Section 02, T18N, R15E) (EASE-001384-2024)

AI. 24-590 Acceptance of a Utility Easement from Tulsa L. Dev, LLC, on property located approximately one-half mile north of Kenosha Street (71st Street), east of 257th East Avenue (Midway Road), Wagoner County, State of Oklahoma, (Section 02, T18N, R15E) (EASE-001386-2024)

AJ. 24-589 Acceptance of a Utility Easement from Tulsa L. Dev, LLC, on property located approximately one-half mile north of Kenosha Street (71st Street), east of 257th East Avenue (Midway Road), Wagoner County, State of Oklahoma, (Section 02, T18N,

R15E) (EASE-001385-2024)

AK. 24-536 **Approval of and authorization of Final Acceptance for the public improvements at Kensington Ridge Fire Access located at 81st and 273rd East Avenue**

AL. 24-537 **Approval of and authorization of Final Acceptance for the public improvements at The Learning Experience located at 3501 North 9th Street, Broken Arrow, OK 74012**

AM 24-315 **Approval of and authorization of Final Acceptance for the public improvements at the North Rose Business Park located at 1050 North Birch Avenue**

AN. 24-574 **Ratification of the Claims List Check Register Dated April 29, 2024**

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Item C: "Approval of Drainage Advisory Committee meeting minutes of January 29, 2024."

Mr. Curtis Green indicated some errors were noted in the minutes and he asked City Council not to take any action until the Minutes were corrected and represented to City Council.

No action was taken regarding Item C.

Mayor Wimpee read Item G: "Approval of and authorization to execute a Proclamation declaring the week of May 19 25, 2024, as National Public Works Week."

Council Member Lisa Ford stated she felt it was important to pull this off the Consent Agenda and recognize Broken Arrow Public Works personnel. She asked if a presentation regarding some of the highlights of last year's National Public Works Week was prepared.

Mr. Tim Wilson stated he represented the APWA (American Public Works Association) and the theme for this year was "Advancing the quality of life for all." He discussed some of the services provided by the APWA. He stated public works strengthens every community.

Mr. Tim Robins indicated it was important to recognize the public works teams out in the field, here in Broken Arrow and across the country. He stated there were elements of danger in the day to day lives of public works employees, and it was important never to overlook this fact. He stated the Broken Arrow Public Works crews worked diligently to ensure Broken Arrow residents had water flowing in their homes, good streets to drive on, etc.

Mayor Wimpee stated she appreciated Broken Arrow Public Works crews who worked all hours of the night when needed.

City Manager Michael Spurgeon asked how many people worked in the Streets and Stormwater Department.

Mr. Wilson responded there were approximately 68 Streets and Stormwater employees.

City Manager Spurgeon asked how many miles of road the Streets and Stormwater Department maintained.

Mr. Wilson responded several hundred miles.

City Manager Spurgeon noted Streets and Stormwater worked nights to clear snow, put up barricades when necessary; the Streets and Stormwater Department worked all hours. He asked how many employees worked in Broken Arrow Utilities.

Mr. Robins responded there were approximately 94 Utilities employees.

City Manager Spurgeon stated this meant there were approximately 160 employees who had to be available to work almost 24 hours a day, 7 days a week, 365 days a year, depending on the conditions. He stated he was very proud of Broken Arrow's public works teams and was happy this proclamation was pulled from the Consent Agenda to recognize these hardworking individuals.

Council Member Ford read the proclamation: "PROCLAMATION City of Broken Arrow, Oklahoma WHEREAS, public works services provided in the City of Broken Arrow are an integral part of our citizens' everyday lives; and WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewer, streets and highways, public buildings, snow removal, park maintenance; and WHEREAS, the health, safety, comfort and quality of life of Broken Arrow citizens greatly depend on these facilities and services; and WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are dependent upon the efforts and skill of public works officials; and WHEREAS, the efficiency of the qualified and dedicated personnel who staff the public works department is influenced by the understanding of the importance of their work NOW, THEREFORE, I, Debra Wimpee, Mayor of the City of Broken Arrow, do hereby proclaim the week of May 19

through May 25, 2024 as NATIONAL PUBLIC WORKS WEEK with the theme, Advancing Quality of Life for All, and call upon all the citizens and civic organizations to recognize the contributions the public works staff and officials make every day to our health, safety, comfort and quality of life.”

Commemorative photos were taken. No action was taken or required.

Mayor Wimpee read Item L: “Approval of and authorization to execute Amendment Number 1 to Agreement for Professional Consulting Services with Garver, LLC for the Ninth Street Widening from Washington Street to Houston Street project (ST2027).”

Mr. Zach Smith reported the Ninth Street Widening from Washington Street to Houston Street project was a named 2018 General Obligation (GO) Bond project and was currently being designed by Garver, LLC. He stated there were a few complications with the project including difficulty obtaining right-of-way, as well as the railroad crossing. He stated to speed up the process, the Engineering and Construction Department negotiated an amendment with Garver, LLC to provide the services necessary to create a separate plan for the Ninth Street and Washington Street intersection. He stated Staff recommended approval of Amendment Number 1 to the Agreement for Professional Consulting Services with Garver, LLC.

Council Member Parks asked if City Staff intended to build the road from the south.

Mr. Smith responded in the negative; this agreement meant the City would build the Ninth Street and Washington Street intersection first, and the rest of the roadway through a different package.

Assistant City Manager of Operations Kenny Schwab explained this would allow the City to move to construction more quickly as the railroad had no impact on the intersection.

City Manager Spurgeon thanked Kenny Schwab, Zach Smith and Charlie Bright for coming up with this option as it would speed up the process and get the road completed more quickly.

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

Move to approve the Consent Agenda Item L

The motion carried by the following vote:

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

Mayor Wimpee read Item AE: “Approval of PUD 001405 2024, Planned Unit Development (PUD) for Aspen Ridge Business Park North, 8.99 acres, O N (Office Neighborhood) and CN (Commercial Neighborhood)/SP 000408 2022 to PUD 001405 2024/CG (Commercial General) and CN (Commercial Neighborhood)/SP 000408 2022, one third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue).”

Planning and Development Manager Amanda Yamaguchi reported PUD-001405-2024 was a proposed Planned Unit Development (PUD) for Aspen Ridge Business Park North, containing 7 lots on 8.99 acres. She reported the property was located one-third mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue). She stated PT-001341-2024, the conditional final plat for this project, was also on the Consent Agenda. She explained this PUD allowed for private streets to be dedicated as a reserve space and stipulated the property owners of Lot 1 Block 2 and Lot 1 Block 3 of Aspen Ridge Business Park North would be in charge of maintaining the private street to City of Broken Arrow standards. She stated additionally, this PUD decreased the minimum frontage required along Aspen Street from 200 ft to 100 ft. She stated this item was considered by the Planning Commission on April 11, 2024 and recommended for approval (3-0 vote) per staff recommendation. She stated Staff recommended PUD-001405-2024 be approved subject to the property being platted.

Vice Mayor Gillespie stated she asked for this Item to be pulled due to its high profile status. She asked if Mr. Easley could provide information about what was happening in Aspen Ridge.

Mr. Steve Easley responded nothing could be announced yet. He stated this project was a continuation of his confidence in the south Broken Arrow retail structure. He indicated he purchased land from Core Church for \$2 million dollars and was dividing it up. He stated there was a tremendous amount of interest in this land because it was a separate entity from Aspen Ridge. He indicated Aspen Ridge operated under one LLC group while this new property operated under another LLC group with different restrictions and would bring in other retail and other uses. He stated there was so much interest that the property was almost completely sold out, which was wonderful. He indicated dirt would begin moving before the end of the year. He said City Council would love what was coming to the area, but he was in too many nondisclosure agreements to discuss any of it yet. He noted this new property

would connect to Aspen Ridge as well as to the apartments and would be built to the same design standards as Aspen Ridge. He stated this was located immediately north of Aspen Ridge Business Park and behind the Reasor's.

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

Move to approve the Consent Agenda Item AE

The motion carried by the following vote:

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

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

A. 24-534

Recognition of Broken Arrow Citizen Nancy Charlick for her quick thinking and selflessness during a lost child situation

Police Chief Brandon Berryhill played a video telling the story of how Ms. Nancy Charlick helped save a lost child. He thanked Ms. Charlick for her quick thinking and for going above and beyond. He presented Ms. Charlick with a Certificate of Appreciation.

Commemorative photos were taken.

Ms. Nancy Charlick thanked Chief Berryhill and City Council and noted she did not do this for the recognition, but because she loves her community and cares about the welfare of children.

B. 24-515

Presentation, discussion, and possible acceptance of the 2023-2024 Broken Arrow Youth City Council's Big Idea

Community Relations Manager Lori Hill introduced the Youth City Council Seniors: Mark Lawson, Mayor; Victoria Williams, Vice Mayor; Phillip Oh; Parker Wagnon; and Ava Skipper (who could not be present this evening). She discussed her experience getting to know these Youth City Council Members. She welcomed the Youth City Council Seniors to the podium to present the Big Idea.

Mr. Mark Lawson indicated this year's Big Idea supported the initiative for another dog park in the City of Broken Arrow. He explained northeast Broken Arrow needed a dog park; the only dog park in Broken Arrow was Rose West Dog Park located in southwest Broken Arrow. He indicated the Big Idea objectives were to support the Parks and Recreation Department's proposal for a future dog park to be included in the upcoming bond issue; to fulfill the need of a dog park in Northeast Broken Arrow; to provide a safe and inviting space for dog owners and ordinary citizens alike to gather and enjoy; and to provide potential for a flower garden with monarch waystation certified flowers. He displayed an illustration of what the dog park could be noting these designs appealed to the younger generation of Broken Arrow.

Mayor Wimpee asked if the Youth City Council spoke with City Staff regarding potential sites for this dog park.

Mr. Lawson responded in the affirmative; the Youth City Council spoke with the Parks Director and found a potential location for the dog park. He noted there were a few available places which could work for the dog park.

Council Member Johnnie Parks agreed there was a need for a dog park in the northwest part of Broken Arrow as it was quite a drive to get to the existing dog park in Broken Arrow for those who did not live in the area.

Mr. Lawson noted it was not only Broken Arrow residents without access to a dog park in the northern part of Broken Arrow; Tulsa residents and others just north of Broken Arrow would appreciate the amenity as well and might stop and spend money while visiting the City.

Vice Mayor Gillespie stated she liked this Big Idea.

Council Member Ford noted every door she knocked on in the City of Broken Arrow had at least one dog, if not 3 dogs, and she could see there being a need for another dog park. She asked if the Youth City Council would be willing to come to bond meetings to promote this idea.

Mr. Lawson responded in the affirmative.

City Manager Spurgeon stated he was relatively confident in June, City Council would receive a Parks and Recreation packet including a potential dog park, and then it would become a matter for the community to determine the importance of a dog park.

Mr. Peter Wagman stated he understood City Council wanted to encourage Broken Arrow youth to remain or return to Broken Arrow, and he felt showing the Citizens of Broken Arrow that the City was willing to invest in open green spaces for the betterment of the community

would encourage the youth to remain in Broken Arrow by showing that Broken Arrow was a forward thinking city.

Certificates were presented to the Youth City Council Seniors and commemorative photos were taken.

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

Move to accept the Youth City Council Big Idea 2024

The motion carried by the following vote:

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

Ms. Lori Hill recognized Ms. Stephanie Hill, a Youth City Council Member sitting in the audience.

C. 24-170

Presentation and annual programming update by the Broken Arrow Veteran's Center

Ms. Lori Hill introduced Mitch Reed with the Veteran's Center.

Mr. Mitch Reed reported in the last year the ODVA service officer saw 1,100 veterans who needed assistance. He stated the Veteran's Center was organizing fundraisers. He asked if there were any questions.

Mayor Wimpee noted the Veteran's Center could be rented by anyone, not just veterans.

Mr. Reed concurred. He stated the Veteran's Center was booked for the months of May and June.

City Manager Spurgeon stated during the week of April 22 he had a good conversation with Mr. Reed regarding potential projects for the next bond package for the facility and there was a detailed discussion about the need to expand the building to accommodate growth, especially in the Blue Star Mothers area. He noted a Hawk Beacon for crossing the street at the Veteran's Center was also being considered. He thanked Mr. Reed.

Mayor Wimpee stated she served on the Veteran's Center Board. She said there were five veterans' organizations which were housed in the Veteran's Center.

Council Member Ford said she was happy to hear a crosswalk was being considered because it was dangerous to cross the street to the Veteran's Center.

City Manager Spurgeon stated it might be necessary to put a crosswalk where Veteran's Park was located, and folks could walk from the Veteran's Park down to the Veteran's Center.

D. 24-557

Approval of and authorization to execute a Proclamation declaring the week of May 5-11th, 2024, as Professional Municipal Clerks Week

Mayor Wimpee noted Broken Arrow had a fantastic Municipal Clerk in Curtis Green. She read the Proclamation: "Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all. Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community. Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, county, and international professional organizations. Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk. Now, Therefore, I, Debra Wimpee, Mayor of the City of Broken Arrow, do recognize the week of May 5 through 11, 2024, as Professional Municipal Clerks Week."

Mr. Curtis Green thanked City Council and Mayor Wimpee. He thanked and commended his Staff.

Council Member Ford commented on how much the City Clerk's office did to ensure the City ran smoothly. She thanked and commended the City Clerk's office.

Council Member Justin Green thanked and commended Curtis Green and his Team.

E. 24-597

Approval of and authorization to execute a Proclamation declaring the week of May 19 - 25th, 2024, as National Travel and Tourism Week

Tourism Manager Makala Barton noted Erin Hofener, Marketing and Communications Coordinator, was present. She stated tourism was Oklahoma's third largest industry, second

to oil and gas, and agriculture.

Council Member Ford asked for the new Broken Arrow Tourism commercial to be played.

Ms. Barton recognized Ms. Hofener for her service as the Interim Tourism Director.

Council Member Ford thanked Ms. Hofener for her service as well. She stated she was excited to see where Ms. Barton would take the City.

Ms. Hofener stated the Tourism Department made efforts to rebrand Broken Arrow over the past year and was homing in on Broken Arrow as a family friendly, safe community, where visitors and residents would feel warm and welcome.

The commercial was played.

Mayor Wimpee read the Proclamation: "WHEREAS the travel industry is essential to the success of every industry and will continue to be a critical part of Broken Arrow's economy, development, and workforce. WHEREAS travel is an economic powerhouse for every state and destination across the country, with an economic output of \$2.8 trillion, supporting 15 million American jobs. WHEREAS travel spending supports vibrant and safe communities in Broken Arrow and across the United States by generating \$89 billion in state and local tax revenue in 2023 to support essential services, such as education, emergency response, public safety and more. WHEREAS travel enables success for all industries—including manufacturing, agriculture, defense, healthcare and more—by driving sales growth, innovation, education, and operations that power our economy, our nation, and Broken Arrow. WHEREAS tourism is Oklahoma's third-largest industry and only second to oil and gas in bringing out-of-state dollars into Oklahoma. WHEREAS America's travel industry cannot be globally competitive without maximizing growth in leisure, business, and international inbound travelers; increasing travel to and within the United States drives our economy to a more prosperous future and connects America. WHEREAS Small businesses account for more than 60% of leisure and hospitality employment. WHEREAS travel is an essential industry, and we must continue to communicate that growing travel leads to economic growth, benefits businesses, fosters mutual understanding, and connects the nation. Therefore, I, Mayor Wimpee do hereby proclaim May 19-25, 2024, as National Travel and Tourism Week in Broken Arrow, Oklahoma, and urge the citizens of Broken Arrow to join me in recognizing the essential role this industry plays in Broken Arrow."

F. 24-594 Notification of approval for the street closure of a portion of 23rd Street (County Line Road) from just north of Quail Hollow Apartments drive to the south side of 61st Street (Albany Street) for May 14, 2024 from 4:00 p.m. to 10:00 p.m. for Broken Arrow Public Schools, high school graduation

Permitting, Licensing, and Sustainability Manager Grant Rissler reported next Tuesday night was Broken Arrow High School graduation. He displayed a slide showing where the road closure for the graduation would be located and discussed the traffic flow plan. He noted the plan was similar to the 2022 traffic flow plan. He indicated the businesses in the area were notified. He stated this was an information item only; no action was needed.

Council Member Ford stated she felt hosting graduation on the high school football field encouraged Broken Arrow's small town feel and this was excellent. She noted Union High School also would be having graduation on the football field this year. She stated it looked like the traffic plan was well thought out. She congratulated the Broken Arrow high school graduating seniors.

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

Mayor Wimpee indicated no Citizens signed up to speak.

9. General Council Business

A. 24-533 Consideration, discussion, and possible appointment of two (2) Trustees to the Oklahoma Municipal Assurance Group Board and approval of and authorization for the Mayor to execute the official ballot casting votes for the two (2) Trustee appointments with three year terms commencing July 1, 2024

City Clerk Curtis Green reported the Oklahoma Municipal Assurance Group (OMAG) was a provider of General Liability, Auto, Workers' Compensation, Property and Risk Management services for Oklahoma cities and towns since 1977. He stated it was governed by a seven-member Board nominated and elected by its members. He stated the City had been a member of OMAG since 1982 and the terms of two trustees would expire on June 30, 2024. He stated eight individuals were nominated to fill the two vacancies. He indicated after a review of the biographical summary, Staff recommended the ballot be cast for Mike Bailey, City Manager, Bartlesville, and Craig Stephenson, City Manager, Ponca City.

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

Move to approve the appointment of two (2) Trustees to the Oklahoma Municipal Assurance Group Board and approve and authorize the Mayor to execute the official ballot casting votes for the two (2) Trustee appointments with three year terms commencing July 1, 2024 as recommended by Staff

The motion carried by the following vote:

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

B. 24-464 Consideration, discussion, and possible approval of award of the lowest responsible bid to Cherokee Pride Construction, Inc. and authorize execution of a construction contract for 37th Street Pavement Reconstruction from Kenosha Street to Albany Street (ST1413)

Mr. Zach Smith indicated this was for the 37th Street widening from two lanes to three lanes with the addition of a sidewalk on the east side, as well as some storm improvements and relocation of a Rural Water District 4 waterline. He noted the lowest responsible bidder was Cherokee Pride Construction for \$4,087,474 dollars which included the base bid for the roadway and the sidewalk and the add alternate for the waterline.

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

Move to approve the award of the lowest responsible bid to Cherokee Pride Construction, Inc. and authorize execution of a construction contract for 37th Street Pavement Reconstruction from Kenosha Street to Albany Street (ST1413)

The motion carried by the following vote:

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

C. 24-591 Consideration, discussion, and possible approval of First Amendment of an Economic Development Agreement by and among the Authority, the City, and PDG-Broken Arrow, LLC

Finance Director Cindy Arnold reported this was the First Amendment of the Economic Development Agreement for the Adams Creek Town Center, a proposed development located approximately one-quarter mile north of East Kenosha Street (East 71st Street South), and west of County Line Road (North 23rd Street). She stated the development had an expected capital investment of \$37.1 million and was comprised of stores new to Broken Arrow (retail and restaurant). She stated on June 19, 2023 Broken Arrow City Council and the Broken Arrow Economic Development Authority approved an Economic Development Agreement between the City of Broken Arrow, Broken Arrow Economic Development Authority and PDG-Broken Arrow LLC to incentivize the development of 22+ acres by providing a performance-based annual rebate of 2% sales tax. She stated the maximum incentive was capped at \$16 million, payable based on actual new sales tax collections. She indicated PDG-Broken Arrow requested the First Amendment to the Economic Development Agreement adjusting rebates from annually to quarterly. She stated Staff recommended approval.

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

Move to approve the First Amendment of an Economic Development Agreement by and among the Authority, the City, and PDG-Broken Arrow, LLC

The motion carried by the following vote:

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

D. 24-570 Consideration, discussion, and possible action regarding BAZ-001334-2024 (Rezoning) and SP-001335-2024 (Specific Use Permit), Floral Haven Expansion, 27 acres, A-1 (Agriculture) and R-1 (Single Family Residential) to A-1 (Agriculture)/SP-001335-2024, north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue)

Ms. Yamaguchi reported BAZ-001334-2024 and SP-001335-2024 was a request to change the zoning designation on 27 acres from A-1 (Agriculture) and R-1 (Single Family Residential) to A-1/SP-001335-2024. She stated the property was located approximately north of West Kenosha Street (East 71st Street South), and one quarter mile west of South Olive Avenue (South 129th East Avenue) and was currently un-platted. She stated tSP-001335-2024 was a specific use permit to allow for the expansion of the Floral Haven Cemetery, which was directly to the east of the subject tract. She stated according to the zoning ordinance, a cemetery was only allowed in the A-1 district with a specific use permit which was why SP-001335-2024 was submitted to support a cemetery use. She stated on March 28th, 2024, BAZ-001334-2024 and SP-001335-2024 were heard by Planning Commission. She noted one neighbor emailed in a letter of support for the proposal and during the public hearing, 4 community members spoke in opposition, concerns included health concerns, fence requirements, loss of nature, and property value. She stated Planning Commission recommended approval of BAZ-001334-2024 and SP-001335-2024 subject to: a new legal description being submitted that is similar to the proposed development area in the conceptual site plan being submitted to staff before the city council hearing; platting be waived subject to all of the necessary easements and ROW being dedicated; and an opaque fence being required along the property one where the SP abuts a neighboring property. She noted the new legal description for a smaller area was now included with the application. She displayed a map of this new smaller area. She reported on April 16th, 2024 City Council

heard this item and, after some discussion, continued the item until the meeting on May 7th, 2024. She stated the applicant was present. She stated Staff recommended approval per Staff and Planning Commission recommendations.

Council Member Parks noted this application would give the City the right-of-way on 71st Street.

Ms. Yamaguchi responded in the affirmative.

Council Member Ford asked where the fence would be located.

Ms. Yamaguchi displayed an aerial view and discussed where the fence would be located along the south property line where the property abutted the RV park.

Vice Mayor Gillespie asked if there was any discussion regarding the right-of-way on Olive.

Ms. Yamaguchi noted Rocky Henkel had these discussions and the applicant was present to speak about this.

The applicant, Lou Reynolds, introduced Walter Still.

Mr. Walter Still noted the application before City Council was a separate issue from the expansion of 129th. He stated he was in support of the expansion of 129th, but there was a valuation which came in which was different. He explained the way cemeteries were valued was different from the valuation of other properties. He indicated he was speaking not only for himself and the cemetery, but also for the families who had loved ones laid to rest in the cemetery.

Vice Mayor Gillespie asked if Mr. Still was saying that the properties were not going to be connected.

Mr. Still stated the imminent domain property was not touching the property on the west side. He said the property in this application was behind the Last Supper Feature, just behind the mobile home park. He stated the grounds would have perpetual care. He noted residents jogged and walked through the cemetery park regularly. He stated the perpetual care funds would enable the cemetery to beautify and care for the community. He explained property in a cemetery was broken up into small lots and was very expensive because the cemetery would have to care for the land forever.

Vice Mayor Gillespie asked if this new part of the cemetery would be connected to the existing cemetery.

Mr. Reynolds responded in the affirmative; eventually it would be connected to the cemetery, but from a legal perspective there was no nexus between what was happening on Olive and what was happening in the southwest corner and these things should be considered separately. He said Oklahoma statute indicated there would be no required dedications in connection with zoning, except with platting. He stated the cemetery dedicated the right-of-way some time ago for 71st Street but was willing to dedicate more property.

Vice Mayor Gillespie stated she was not trying to make things difficult, but the City Council's fiduciary responsibility was to the City of Broken Arrow; she answered to the citizens of Broken Arrow. She stated while this specific request did not have any frontage along Olive, the cemetery was all connected and the cemetery did have frontage along Olive. She said the cemetery was adding traffic with this expansion and would not require all of the traffic to come in off of 71st Street, and drivers might come in off of Olive. She stated right now, the City was trying to widen Olive, and one little piece of right-of-way was costing the City \$1.6 million dollars while the City was trying to widen a road which the citizens, the taxpayers, voted to widen.

Council Member Green asked if the property the City needed dedicated for the widening of Olive had people laid to rest upon it.

Mr. Still responded in the negative; however, when you talked about bringing the road closer, when you had families visiting a grave, these would be the families calling to express concern. He asked the City to reach out to the cemetery's home office. He said he understood the home office was willing to negotiate. He noted the cemetery had spent a lot of money to obtain this property as well. He stated he believed this could be worked out with some conversation.

Mayor Wimpee stated she understood no discussion could be had with the local cemetery office because the decision went above the local level.

Mr. Still said he believed an agreement could be reached. He noted he understood the culvert on 71st had been a point of contention as it was at the entrance to Floral Haven Cemetery

Council Member Green wanted to be sure it was understood the City was not asking to move anyone's place of rest by requesting right-of-way along Olive. He noted Mr. Still's concern about traffic increasing closer to the resting places of loved ones should actually be relieved by the widening of Olive because widening Olive would ease the traffic congestion and would assist those who wished to visit Floral Haven. He said it would be to everyone's benefit to come to a mutual agreement.

Mr. Still agreed Olive needed to be widened. He said he had no control over whether an agreement could be made with the Floral Haven home office. He discussed the benefit of the cemetery expansion which this application was requesting.

Council Member Parks stated he was disappointed when he heard the City would not be able to widen Olive as much as it needed due to not being able to afford the Floral Haven right-of-way. He stated as far as the platting process was concerned, the City would be able to obtain the right-of-way it needed from this expansion. He said he did not feel the application for expansion was tied to the right-of-way needed to expand Olive and he did not believe the City could force Floral Haven to give the City the right-of-way on Olive just because it was the same property. He stated he felt this was a legal question and he did not feel the City should force Floral Haven to give the City the right-of-way on Olive in order to get this expansion approved, even if the City really did need that right-of-way.

Council Member Green stated City Council was not forcing anything; the City just wanted to have a conversation about it.

Council Member Parks stated he did not believe the City could require Floral Haven to donate the right-of-way; Floral Haven would have to chose to give the right-of-way to the City.

City Attorney Trevor Dennis stated it would be up to the court. He noted it was fairly debatable at this point. He stated some of the things the City was allowed to look at with a specific use permit was the facilities and services, which included transportation to the subject property. He said the way Broken Arrow Ordinance looked at this was through a wide lens: "are there specific available transportations available to serve the subject property while maintaining adequate levels of service for existing developments," and that included sewage, waste disposal, water, gas, electricity, roads, and transportation. He said it would be up to the court whether this body had the ability to do an acceptance of the specific use permit with conditions or a denial. He explained there were factors, pointed out by Vice Mayor Gillespie, which would cut in favor of looking at the transportation as a whole. He noted there was a stub street on this specific use permit property which would combine for the entirety of the section. He stated engineering determined Olive was an unsafe road for travel and this was why it needed to be widened, and there were concerns about additional traffic through Olive to the specific use property. He stated this body had plenary power in this area because it was zoning, and the City Council had legislative power. He stated the City Council could accept the specific use permit, accept it with conditions, or deny it.

Vice Mayor Gillespie stated this was about the safety of Broken Arrow citizens. She stated she knew and liked Mr. Walter Still. She stated Olive was a terrible road to drive with accidents all the time, and she worried about adding even more traffic. She noted it was impossible to require drivers to only enter Floral Haven along 71st.

Mr. Still noted it was not realistic to think the expansion of Floral Haven would significantly increase traffic.

Vice Mayor Gillespie asked about the communication between the City and Floral Haven.

Mr. Kenny Schwab explained the City's standard practice was to reach out to the property owner who would have been the home office of Floral Haven and send a letter asking for dedication. He said the moment the property owner got an attorney involved, the line of communication was no longer with the property owner; from that point forward the City communicated with the property owner's attorney. He stated the City continued to coordinate through Floral Haven's attorney, and Floral Haven's attorney said this was prime real estate, although a vast majority of the requested right-of-way was a flood plain. He explained the property the City was requesting to obtain permanently, not just temporarily as a construction right-of-way, was the far east 25 feet, which would have been dedicated to the City through platting if Floral Haven platted. He stated Floral Haven's attorney went almost a year without returning Broken Arrow's phone calls, so the line of communication problem was on Floral Haven's side. He indicated if the matter was open for discussion Broken Arrow was willing to have the discussion, but the City could not spend \$1.6 million dollars for a floodplain which could not be used as a burial site regardless.

Mr. Still discussed the flood walls built by Floral Haven, and boulders which could be placed along the water and used to store cremation remains. He stated as such there was still value for floodplain property.

Mr. Schwab stated he was a nationally trained floodplain manager and had been for 25 years. He explained Floral Haven would have to go through a FEMA process to address the floodplain. He explained Floral Haven's floodplain was not a creek, it was several hundred feet wide. He stated he understood the property still could be developed, but Floral Haven would have to go through the floodplain process with the City of Broken Arrow and if the land were raised it would backup the waterflow upstream.

Mr. Still stated it was his understanding the home office was willing to have a reasonable conversation with Broken Arrow. He indicated Floral Haven had a valuation it felt comfortable with, and he felt the City should contact Floral Haven's home office.

Mr. Schwab stated on behalf of the City of Broken Arrow, City Staff would love to speak with Floral Haven. He noted the design of the widening of Olive was significantly hindered by this lack of right-of-way.

Mr. Still noted this was not personal. He discussed how Floral Haven would value its property versus how the City would value Floral Haven's property.

Council Member Green asked if it was only 25 feet the City was trying to obtain.

Mr. Schwab stated statutory right-of-way was 24.75 feet, and when the City widened the road, it would expand this to 50 feet, so 25.25 feet would be the permanent acquisition. He noted the City had asked for more, but a lot of this was temporary to enable the City to fix some of the floodplain and put the bridge in, but the bridge was now scaled back. He said he would love to sit down with Floral Haven and come up with something reasonable for both parties. He noted shifting the road to the east was not ideal but was where the City was headed at this point.

Mayor Wimpee asked how the \$1.6 million dollars price tag compared to the City's estimated valuation of the property.

Mr. Schwab responded the City's appraisal of the property came in at \$170,000 dollars and the Commissioner's award came in at \$1.6 million dollars.

Council Member Ford stated it was not that the City wanted the property for free, but wanted it for a fair market value, and it seemed the City's fair market value was different than Floral Haven's fair market value, and this was where the City and Floral Haven needed to come together. She stated in total transparency, she had a boulder at Floral Haven, and as a resident of Stone Mill, cattycorner from Floral Haven, Olive was a headache. She said she understood Mr. Still personally had nothing to do with this issue, but it was important to remember that the residents of Broken Arrow, Floral Haven's future clients, wanted Olive to be widened to five lanes as it was originally designed. She stated she believed widening Olive would be good for Floral Haven as well as the citizenry of Broken Arrow. She discussed the importance of being a good steward of taxpayer dollars and \$1.6 million dollars was not a good use of tax money. She said she was glad to hear the City could speak with the home office.

Mr. Still said Floral Haven got a fair valuation. He said he understood it was higher than expected for the City of Broken Arrow, but he strongly believed the conversations continued.

Vice Mayor Gillespie asked if the City fought the valuation.

Mr. Schwab responded when a City went through the condemnation or the imminent domain process, the court would appoint one commissioner for the City, one for the property owner, and an independent commissioner. He indicated these commissioners had thirty days to turn in assessments and held a hearing, and typically the City attended these hearings. He stated he believed the City's attorney and the project engineer attended this hearing, but he did not think the project engineer was well versed in floodplain management.

Vice Mayor Gillespie stated she truly felt adding to the cemetery would bring in more people. She explained when a business was expanded it was expanded to bring in more business, which would bring in more people, which would bring in more traffic. She stated expanding the cemetery, adding more space for loved ones to visit, would bring in more traffic; therefore, she felt her argument was legitimate. She noted the City's attorney indicated it would be up to a court of law to determine whether or not her argument was justified. She stated the one thing which would solve the problem would be enabling the City to widen Olive. She stated she felt the City should fight the valuation, but also it should have another

conversation with Floral Haven.

City Manager Spurgeon stated the City would reach out to Floral Haven.

Council Member Ford asked if she, as a property owner in Floral Haven, should abstain from the vote.

City Attorney Dennis stated there was no conflict of interest; Council Member Ford did not need to abstain.

Mr. Reynolds stated the cemetery was under contract to buy this property, it had not made the purchase yet, and needed to either move forward with the purchase or cancel the purchase.

Citizen Steve Sumrall introduced himself as the President of the Union Station Homeowner's Board of Directors and Ms. Judy Martin as the Treasurer. He stated he felt expecting the City to pay \$1.6 million dollars for the right-of-way was extortion and taking advantage of the taxpayers. He said he saw nothing unethical about connecting this application to Olive as it was all one property. He said what was unethical was the cemetery lowering his property value. He stated he bet the cemetery was not paying anything near \$1.6 million dollars for the property it was acquiring, and there was quite a difference between how the right-of-way land was being valued compared to the new property the cemetery was acquiring. He stated historically there was a neighborhood here with families and ultimately the cemetery would tear down the greenbelt area. He stated the smaller area of expansion the cemetery was requesting at this time would not be an infringement upon the existing neighborhood, but if the cemetery expanded further into the greenbelt it would infringe upon the neighborhood. He discussed some of the good things about Floral Haven. He discussed the traffic problems along Olive.

Citizen Judy Martin noted most of what she had to say was regarding the land which abutted Union Station, but the cemetery was not looking to expand into this area at this time. She noted there was a lot of wildlife in the greenbelt, and she had concerns about tearing down any of the habitat. She indicated she felt Floral Haven should be responsible for rehoming any displaced wildlife.

Mr. Reynolds stated this project complied with the City's Comprehensive Plan, was recommended for approval by City Staff and Planning Commission, complied with all stated and federal regulations and the expansion was far away from Union Station. He indicated when he spoke with the home office about this project, the home office did not foresee any further expansion for at least 20 years.

Mayor Wimpee asked how wide the green belt was on this property.

Mr. Reynolds responded he believed it was 400 to 500 feet wide.

Council Member Parks asked if Floral Haven was purchasing the green belt.

Mr. Reynolds responded in the affirmative; Floral Haven was purchasing the green belt but was only going to develop the indicated 9 acres and would leave the green belt intact for the time being. He explained Floral Haven would have to return to City Council to expand any further than the currently indicated 9 acres of expansion.

Vice Mayor Gillespie stated she had to look ahead to the future when considering whether to approve this application.

Council Member Green commented if the City had to pay \$1.6 million dollars for 25 feet of right-of-way, these 9 acres would cost Floral Haven \$2 trillion dollars.

Vice Mayor Gillespie stated she still had traffic concerns.

City Attorney Dennis indicated there were 7 criteria which must be met for approval; one specific criterion was subsection F: "facilities and services, including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation as applicable will be available to serve the subject property while maintaining adequate levels of service for existing development." He stated he understood Vice Mayor Gillespie had concerns about traffic on Olive, concerns about traffic over the stub road to this specific use permit that may increase traffic; there were concerns over whether there was existing road infrastructure to support the existing traffic for the subject property, and these were factors the court would look at, and then the question would be was this a fairly debatable decision. He noted there was a lot of deference given to the body of a City Council and while he was not a judge and could not guarantee what a judge would say, this was the analysis which the judge would use. He stated he felt under Broken Arrow Ordinance, what Vice Mayor Gillespie described was a sufficient concern under subsection F.

Council Member Green asked if there was any communication between the City and Floral Haven corporate since the last meeting.

Mr. Schwab responded in the negative.

City Attorney Dennis responded he was unaware of any further conversation after the condemnation was dismissed.

Council Member Green stated he thought the Item was tabled at the last meeting so that there could be some communication.

Mayor Wimpee stated the Planning Commission approved this and Staff approved it. She asked whether Staff had any concerns with these issues.

Mr. Schwab stated Planning Commission was probably not aware of all of the previous discussions and the plans in place on Olive. He stated Staff which dealt with this application was community development, not engineering; therefore, while Staff might know there were projects and plans, community development did not know the details. He noted there were also federal monies which came down through the State with the STP program, so the Olive project was financed with bond money from the City of Broken Arrow, as well as federal funds.

Mayor Wimpee asked if this Item could be tabled so City Staff could reach out to the Floral Haven home office and have a discussion.

Council Member Ford noted Floral Haven did not return Broken Arrow's calls.

Council Member Green noted Mr. Still indicated the lines of communication would be open now.

City Manager Spurgeon stated normally when the commissioners awarded an amount, there was not much discussion left to be had. He stated this was the first time he heard that Floral Haven was willing to have a discussion. He indicated Floral Haven had not reached out to the City. He stated if there was an opportunity for the City to see if this property could be acquired for less than \$1.6 million dollars the City should look into it. He stated it was worth an attempt to reach an agreement with Floral Haven that was within the City's budget.

Council Member Green agreed noting there was an additional cost associated with redesigning and moving the road.

Mr. Schwab stated in his 35 years in planning, this was the first time after a city had gone to a condemnation hearing that the city said no and walked away. He stated all communications would have been with Floral Haven's attorneys, but if Floral Haven corporate was willing to talk with the City, then Floral Haven corporate needed to let the City know, otherwise, the City would be in breach of ethics.

Council Member Parks asked if the redesign was underway.

Mr. Schwab responded in the affirmative; however, this did not mean that the redesign could not be tweaked if a reasonable agreement were made with Floral Haven.

Vice Mayor Gillespie noted the redesign was not what the City wanted; the City was not redesigning the road and getting the same end product.

Mr. Schwab agreed.

Mr. Charlie Bright stated this project was 100 percent designed as a four lane road, so if somehow the City were to acquire the Floral Haven right-of-way, the City would be able to move forward with the original design.

Mr. Schwab stated the City had all necessary right-of-way other than the 500 feet of Floral Haven.

Council Member Parks indicated Vice Mayor Gillespie had a valid point; approval of this application could add traffic to the area.

Discussion ensued regarding tabling this Item; the need to acquire this right-of-way; and the possibility of increased traffic with approval of this application.

Mr. Still stated Floral Haven wanted to keep the wildlife on the property.

Mr. Reynolds stated he was willing to remove the road going north from the expansion and keep the expansion as a closed loop to prevent adding traffic to Olive. He stated the plan could be amended to connect in the future.

Discussion ensued regarding the possibility of Floral Haven removing a drive.

Council Member Ford stated if this were tabled, surely the City and Floral Haven could come to an agreement within two weeks, before the next meeting.

Mayor Wimpee noted the City and Floral Haven could at least have a conversation.

Council Member Green stated a special meeting could also be called if an agreement were reached to get this done more quickly.

City Manager Spurgeon noted City Council was already scheduled to meet next Tuesday.

Council Member Ford explained City Council was meeting in one week for a special budget meeting and could make the decision regarding this Item at that time.

City Manager Spurgeon indicated the special meeting would be at the Senior Center Annex. He said he would email Mr. Reynolds the information.

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

Move to table Item 9D

The motion carried by the following vote:

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

E. 24-607 Consideration, and possible action regarding COMP-001296-2024, Aspen Creek Village (Comprehensive Plan Change), approximately 90.33 acres from Level 6 (Regional Employment/Commercial) to Level 2 (Urban Residential), north of Tucson Street (121st Street), one-half west of Aspen Avenue (145th East Avenue), south of the Creek Turnpike

Ms. Yamaguchi reported COMP-001296-2024 was a request to change the Comprehensive Plan designation on an approximately 90.33-acre tract of land. She stated the applicant requested to change from Level 6 (Regional Employment/Commercial) to Level 2 (Urban residential) to facilitate the redevelopment of a portion of the property for a commercial and single-family residential development. She noted the property was currently undeveloped and unplatted. She stated the physical location of the subject property between a future frontage road and a primary arterial street supported the uses associated with the higher intensity of Level 6-type development approved by City Council with BACP-132, described in the site background section below. She stated in Staff's opinion this property did not lend itself well to single family type development. She noted the Staff Report included a summary of the changes to the property. She stated the property was Level 3 until 2013 when it was changed to Level 6, and now the request was to change it to Level 2. She reported this item was heard by Planning Commission on March 28, 2024, and was denied with a 3-1 vote per Staff recommendation. She stated based on previously approved Comprehensive Plan changes, surrounding land uses, and the Comprehensive Plan Transportation Plan, Staff recommended COMP-001296-2024 be denied. She stated no one spoke in favor of or in opposition to the request. She stated the applicant requested to appeal this decision and requested approval of this application.

Mayor Wimpee stated she understood the original change from residential to commercial was at the request of City Leadership and Staff due to the expected growth in the area.

Ms. Yamaguchi noted one of the arguments for the Comprehensive Plan change was, there was a lot of Level 6 in the area which had not developed. She stated Staff's concern was regarding the frontage road required by the Comprehensive Plan. She indicated no conceptual exhibit was provided with the Comprehensive Plan change request, but in previous conversations the applicant expressed a wish to remove the frontage road in order to preserve more area for single family residential. She indicated there were apartments under construction just east of this property for which the City did require the right-of-way for the frontage road to be developed; therefore, if this were approved, Staff would want to make sure the frontage road right-of-way would be dedicated.

Mayor Wimpee asked if an RS-4 housing development in Level 4 was just approved next to the Creek Turnpike without a frontage road.

Ms. Yamaguchi responded RS-4 was approved in a different section of the code and the PUD dedicated the right-of-way for a frontage road along the corner of the property. She explained for this Comprehensive Plan change application, the frontage road would run through the center of the property. She stated frontage roads had the potential for more

commercial development. She discussed some of the history of the property.

Vice Mayor Gillespie stated the Innovation District was underway, and Aspen Ridge on the north side of the Creek Turnpike, which was building out nicely, and then other development out by the Warren Theater. She asked about the Comprehensive Plan Level for the Innovation District.

Ms. Yamaguchi responded the Comprehensive Plan for the Innovation District was split between Level 3 and Level 6 currently.

Vice Mayor Gillespie asked what the Comprehensive Plan Level was before the City chose to use the land for the Innovation District. She stated she felt the City had a lot of commercial development in areas which would have been residential, and the Warren Theater did not build up nearly as fast as was anticipated. She stated she understood the idea of having commercial next to the highway, it made sense, but she was hesitant not to consider this application because there was a lot of commercial development in the area now.

Council Member Parks noted looking along the Turnpike and Creek Highway, the thought was commercial would go along the expressways, as well as apartments, which was why there was a lot of level 6 along the way. He stated he understood what Vice Mayor Gillespie was saying, and the City still needed the rooftops and commercial property did not count as rooftops.

Vice Mayor Gillespie noted she understood frontage roads were important, but there were no other frontage roads in the area and nothing to connect to on the other side.

Ms. Yamaguchi noted there was frontage road right-of-way dedicated on the east property which was developing apartments.

Vice Mayor Gillespie stated she meant to the east of Aspen there was no frontage road, so this would just be one mile of frontage road. She stated she was not saying there was no value in a frontage road in this location, but she felt a frontage road on the north side of the Creek Turnpike would be more likely.

Ms. Yamaguchi noted the Comprehensive Plan called for frontage roads on both sides of the Turnpike. She stated the Comprehensive Plan was a very long term plan and looked 20 years into the future.

City Manager Spurgeon noted one of the goals was to tie the Innovation District to Norfolk to Aspen, and then ensure there was a frontage road on the north side leading to Elm Place. He noted a frontage road on the south side of the Creek Turnpike would likely not be a part of the upcoming bond package.

Vice Mayor Gillespie asked if the Comprehensive Plan included a frontage road on the north or the south side of the Creek Turnpike.

Ms. Yamaguchi responded the Comprehensive Plan included a frontage road on both the north and south sides of the Creek Turnpike. She stated there was no conceptual plan submitted with the application, so she was referring to her conversations with the applicant. She stated the zoning application would still need to be approved if the Comprehensive Plan change were approved, and the frontage road could be hashed out at that point as well, but Staff's main concern was if the City did require right-of-way for a frontage road it would take up quite a bit of the property and would limit the number of lots. She stated the applicant indicated the project would be difficult to develop with a frontage road because the developer would not be able to build enough lots to make the development profitable.

Vice Mayor Gillespie asked what would happen if the property owners to the west of this applicant's property refused to give the City the right-of-way.

Ms. Yamaguchi stated eventually the property to the west would be developed and as the properties were developed the right-of-way requirements would be put into place.

Council Member Parks agreed, if the property to the west were developed, the City would get the necessary right-of-way.

The applicant, Alan Betchan, stated when this property was acquired in 2008 the property was Level 3 and the owner intended to develop the land as single family residential. He noted 2008, and for several years after, development of single family residential was in a slump. He stated the development group made the Comprehensive Plan change request from Level 3 to Level 6 and began marketing the property. He stated this property was over half a mile long, from 121st to the Creek Turnpike, on the western boundary, so it was difficult to develop the property for commercial without a through collector, especially since Warren

Theater did not develop as anticipated. He stated the developer wished to return to the original plan and develop this property as residential. He discussed the frontage road. He indicated this property was proposed to be developed as single family, not as multifamily. He indicated there were many conceptual plans with and without the frontage road for this property, and all were financially viable for the developer. He stated he was not asking for a waiver for the frontage road; the frontage road was more of a zoning and/or platting conversation. He stated he was just asking whether City Council felt single family development was appropriate in this location. He said housing would be needed as well as commercial when the Innovation District was developed. He stated Chairperson Klempa, while voting against the application, indicated the application should be appealed to City Council. He stated the developer could absolutely design around a frontage road.

Mayor Wimpee asked if any of the layouts included any sales tax generating concepts.

Mr. Betchan noted discussions were held about leaving a portion of the property as commercial, but this was not really a viable option.

Vice Mayor Gillespie commented she heard Mr. Betchan speak about the possibility of donating land to the school district.

Mr. Betchan stated at least half a dozen conversations were held with the school district regarding the possibility of donating land and the developer was still willing to do so if the school district wished; however, if a portion of the land was donated to the school district it would be more difficult to keep a portion of the property for sales tax generation.

Vice Mayor Gillespie noted the tract to the east of the apartments would be commercial.

Mr. Betchan agreed.

Ms. Yamaguchi noted there were several conversations about the possibility of a mix of commercial and residential and what the options were. She stated Staff was more supportive of a mixed type of development and Staff would still be in support of a mixed type of development. She stated Staff was just not in support of changing the whole property to single family; if the property were changed to Level 2, it would prohibit any commercial development. She noted school sites were a different scenario. She stated she was not aware of any conversations with the schools; typically, if the school district were looking to purchase property it would reach out to City Staff to discuss.

Mr. Betchan stated the developer believed there was a viable opportunity to develop single family residential on this property.

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

Move to approve COMP-001296-2024

The motion carried by the following vote:

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

F. 24-604 Consideration, discussion, and possible approval of and authorization to execute Resolution No. 1578, a Resolution to purchase 0.2250 acres of real property located at 202 West Commercial, Broken Arrow, OK from 222 Investments, LLC for the sum of \$232,000.00 with the sum of \$5,000.00 in earnest money and designating representatives for signing documents and closing the transaction; Approval and authorization to execute the purchase and sale agreement

Assistant Manager over Administration Norm Stephens stated in the quest to find parking close to the Rose District this parcel became available, and the City entered into negotiations to purchase the parcel. He stated it was 0.225 acres and the City believed it would get between 17 and 20 parking spaces on the parcel. He stated he negotiated with the broker and agreed to the sum of \$232,000 dollars.

Council Member Parks asked if this was felt to be fair market value.

Mr. Stephens responded in the affirmative.

Mayor Wimpee stated City Council wanted to retain the historic tree on the property.

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

Move to approve and authorize execution of Resolution No. 1578

The motion carried by the following vote:

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

G. 24-581 Consideration, discussion, and possible approval of and authorization to execute Fourth Amendment to the Economic Development Agreement by and among OakTrust Development LLC, Steve Easley, the Broken Arrow Economic Development Authority,

and the City of Broken Arrow

Mr. Norm Stephens reported the developer requested a little additional time to complete the terms of the original agreement. He stated there were three different items which needed an extension. He explained the Reasor's should be completed in terms of construction before July 1, 2024, to get the store stocked and ready to open would take a little more time. He stated the Amendment added an extra 30 to 45 days, bringing Reasor's to November 1, 2024 for opening. He stated he drove by the Reasor's today and there was a lot of work going on and he saw no reason the Reasor's would not be able to open by November 1, 2024. He stated the second item was the construction of the 168 unit multifamily apartments; the developer requested this be extended to November 1, 2026 and the date for the additional 200,000 square feet of commercial was requested to be extended to December 31, 2025. He stated he was hopeful this would be the last amendment needed for this agreement.

Council Member Ford asked when the apartments were originally required to be completed.

Mr. Steve Easley responded City Council asked him not to start building the apartments until Reasor's was opened. He explained as such, with the delay of the Reasor's, the apartment construction was delayed as well. He discussed inflation and interest rates which affected the construction costs of the apartments. He noted the apartments would now get started and would start coming out of the ground fairly quickly, but it was never the intention of the developer to start building the apartments without Reasor's.

Mr. Stephens indicated the apartments were originally supposed to be completed by April 30, 2025. He stated he personally told Mr. Easley that the apartments did not need to come out of the ground before Reasor's was completed.

Vice Mayor Gillespie stated she hoped interest rates would start coming back down. She asked if there was a possibility to keep 100,000 square feet of commercial development at the current completion date.

Mr. Easley stated it might be worthwhile for him to document exactly where the developer stood regarding the commercial development goal and then readdress this with City Council every three or six months. He stated development was moving rapidly and finally had Reasor's to a point where the north retail phase could begin. He indicated installation of the retention pond restricted the depth of the parcel and changed the layout of the commercial. He stated now the retail would begin coming in on the north side. He noted he bought the Core Church property to put in more retail along that side of the property as well.

Council Member Ford stated she felt Reasor's would be highly motivated to be finished before Thanksgiving.

Mr. Easley stated Reasor's had hired staff who were undergoing training and were excited about opening. He recommended the City help this new Reasor's be successful because its level of success would determine whether Reasor's built more stores in the community.

Vice Mayor Gillespie stated she believed this Reasor's would be highly successful, and shoppers would come from outside Broken Arrow to shop.

Mr. Easley stated this would be an incredible Reasor's.

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

Move to approve and authorize execution of the Fourth Amendment to the Economic Development Agreement by and among OakTrust Development LLC, Steve Easley, the Broken Arrow Economic Development Authority, and the City of Broken Arrow
The motion carried by the following vote:

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

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Council Member Parks stated City Council passed a zoning change across the street from Childers Elementary School. He stated afterwards he met with the citizens. He reported the citizens were excited about the trees in the greenspace remaining and wished to make sure this did not change. He indicated he explained Staff would make sure the greenspace with trails would remain as dedicated through the PUD. He stated he explained to the residents how the developer was putting in fewer homes just to ensure the greenspace could be preserved and how Broken Arrow Zoning Ordinance could lean more towards retention of greenspace in developments. He indicated the second thing this group of residents wanted

was a stop sign on 131st Street where Lynn Lane and 131st met as there was a stop sign on Lynn Lane, but none on 131st Street.

City Manager Spurgeon stated the Traffic Committee could look into this.

Council Member Parks thanked City Manager Spurgeon. He stated a couple of weeks ago a couple of City Council Members went on a tour of the Broken Arrow Public Schools System. He noted he had visited all the schools before, but it was good to visit each again and discuss what each school had planned. He stated the tour was called "Behind the Scenes" and he really enjoyed it. He indicated the schools have taken new hands-on teaching techniques and applied them to certain classes and in some cases to the whole school, which he felt was excellent. He discussed what he saw during his tours of the schools and indicated he was really impressed.

Council Member Green complimented Camp Bandage. He thanked the Broken Arrow Police Department. He discussed how successful Camp Bandage was.

Council Member Ford stated last night the Broken Arrow High School Band received a prestigious award. She stated she attended the Broken Arrow High School Band concert last night and the Band was very talented and deserved the award. She explained the Band received three Banner Awards and one Flag Award which was the highest award achievement; Broken Arrow High School Band was the only band in the nation to receive the Flag Award.

Vice Mayor Gillespie asked about One BA.

Mr. _____ 2:37:00 indicated there were projects all over the City for One BA; there were numerous churches and volunteers who would be doing projects all over the City with an end goal to help the community.

Council Member Ford noted the Exceptional Rodeo would be on Saturday.

Mayor Wimpee stated the Rooster Days Rodeo would be all weekend, but the Exceptional Rodeo would be Saturday, Fiesta de Mayo would be on Saturday and Rooster Days would be next weekend. She commented on her trip to Switzerland.

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

City Manager Spurgeon thanked and commended Curtis Green and the Municipal Clerks Office Team. He reported the April 22nd GO Bond week went very well, including a conversation with the School District Officials. He stated the FY Municipal Budget would be presented to City Council next week Tuesday and he looked forward to that meeting.

Mayor Wimpee indicated Broken Arrow recently lost WWII Veteran, Frank Riesinger who passed away.

14. Executive Session

There was no Executive Session.

15. Adjournment

The meeting was adjourned at approximately 9:10 p.m.

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

Move to adjourn

The motion carried by the following vote:

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

Mayor

City Clerk