

- L. 17-2757 Approval of and authorization to execute a Service Agreement Work Order between the City of Broken Arrow and Institute for Building Technology and Safety (ITBS), to provide building, mechanical, electrical, plumbing and accessibility plan review for Phase I of Alfa Laval, a 62,250 square foot office building located just east of 9th Street and a half mile south of Houston Street
- M. 17-2758 Approval of and authorization to execute a Service Agreement Work Order between the City of Broken Arrow and Institute for Building Technology and Safety (ITBS), to provide building, mechanical, electrical, plumbing and accessibility plan review for the Milestone Mixed Use Facility located at 305 N. Main Street
- N. 17-2780 Approval of and authorization to execute Agreement for Professional Consultant Services, Amendment No. 1 with Professional Engineering Consultants, P.A. for Design of Events Park Adult Softball Fields (Project No. 176037)
- O. 17-2781 Approval of and authorization to execute Amendment No. 3 to Architect-Engineer Contract with Infrastructure Solutions Group for 23rd Street Improvements (Houston Street to Kenosha Street) for redesign of Sidney Street and warrant analysis at the Houston intersection (Project No. ST0914)
- P. 17-2748 Approval of and authorization to purchase CISCO Smartnet Maintenance Services from Chickasaw Telecom pursuant to the Oklahoma Statewide Contract
- Q. 17-2777 Approval of PT16-100, Conditional Final Plat, The Villas at Bel Lago, 55 lots, 17.96 acres, A-1 to RS-3, one-quarter mile west of Evans Road, north of Houston Street
- R. 17-2736 Approval of SP-285 (Specific Use Permit), The Ridge at Broken Arrow, 12.0028 acres, A-1, east of 37th Street, one-third mile south of Kenosha Street
- S. 17-2756 Acceptance of a Detention Easement from 91st Lynn Lane, LLC on a portion of unplatted property north of Washington Street and quarter mile east of 9th Street, shown as Exhibit 6A (Section 13, T18N, R14E) (Ninety One Subdivision)
- T. 17-2754 Acceptance of an Overland Drainage Easement from 91st Lynn Lane, LLC on a portion of unplatted property north of Washington Street and quarter mile east of 9th Street, shown as Exhibit 4A (Section 13, T18N, R14E) (Ninety One Subdivision)
- U. 17-2755 Acceptance of an Overland Drainage Easement from 91st Lynn Lane, LLC on a portion of unplatted property north of Washington Street and quarter mile east of 9th Street, shown as Exhibit 5A (Section 13, T18N, R14E) (Ninety One Subdivision)
- V. 17-2752 Acceptance of a Temporary Roadway and Utility Easement from 91st Lynn Lane, LLC on a portion of unplatted property north of Washington Street and quarter mile east of 9th Street, shown as Exhibit 1A (Section 13, T18N, R14E) (Ninety One Subdivision)
- W. 17-2753 Acceptance of a Utility Easement from 91st Lynn Lane, LLC on a portion of unplatted property north of Washington Street and quarter mile east of 9th Street, shown as Exhibit 3A (Section 13, T18N, R14E) (Ninety One Subdivision)
- X. 17-2765 Acceptance of a Utility Easement from REIP, LLC on a portion of unplatted property north of Albany Drive and a quarter mile east of Aspen Avenue, shown as Exhibit A (Section 34, T19N, R14E) (Jim Norton Chevrolet Support Lot)
- Y. 17-2766 Acceptance of a Utility Easement from Tahoe II Properties, LLC on a portion of unplatted property south of Albany Drive and a quarter mile east of Aspen Avenue, shown as Exhibit A (Section 34, T19N, R14E) (Jim Norton Chevrolet Support Lot)
- Z. 16-1590 Approval of the Broken Arrow City Council Claims List for October 17, 2017

Vice-Mayor Eudey left the room at approximately 6:32 p.m.

6. Consideration of Items Removed from Consent Agenda

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

Move to approve Item R

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Craig Thurmond
Recused: 1 - Scott Eudey

Vice-Mayor Eudey returned to the room at approximately 6:32 p.m.

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

A. 17-2764 Review and discussion of proposed draft of the Downtown Residential Overlay District Design Standards and associated changes to Table 3.1-1 and Section 5.8.D of the Broken Arrow Zoning Ordinance

Special Projects Manager Farhad Daroga stated last December a contract was entered into with ADG Consulting Firm out of Oklahoma City and Winter and Company out of Colorado to conduct a residential development guideline study for the downtown Broken Arrow area. He reported this resulted in the Downtown Residential Overlay District, which was a one square mile area that encompassed Kenosha Street on the north, Houston on the south, Elm on the west and Lynn Lane

on the east. He indicated Item A was a non-action item which explained the process. He explained the Downtown Residential Overlay District design standards was an 85 page document to be added as a supplement to the zoning ordinance and was created with input from stakeholders, City Council, Planning Commission and the Downtown Advisory Board (DAB). He stated the zoning ordinance, section 5.8.D, contained short language about the Downtown Overlay District, but did not include detailed standards. He stated he proposed adoption of an ordinance within section 5.8.D and then inclusion of a supplemental document which explained the entire Overlay District Development standards. He reminded the Council this was for residential development only and would apply only to new buildings and new building additions. He explained this would not apply to interior remodeling or existing structures which would be grandfathered in. He stated during the review process many residents had wondered how existing homes would be affected, and residents had been informed existing homes would remain the same; however, if any redevelopment was desired, or if any additions were desired, then the new development standards would apply, if the new standards were approved ultimately by the City Council. He stated after this meeting's review it would be presented at the Downtown Advisory Board meeting on 11/14/2017, and if approved, a Public Hearing with the Planning Commission was to be held on 11/16/2017. He stated this would be up for resolution adoption and preview ordinance in the first City Council meeting in December, and he hoped it would be adopted to go into effect January of 2018. He stated Consultants Mike Mize from ADG and A.J. Kirkpatrick, who was a Broken Arrow resident in the past, were in attendance to make a short presentation. He indicated that the forthcoming presentation had been made to the Home Builder's Association last week and the Home Builder's Association was in support. He stated approximately 30 to 35 stakeholders had been involved in the process over the past year, and were in support of the Downtown Residential Overlay District design standards. He stated some minor adjustments and tweaks had been made to the document in direct response to input from the stakeholders.

ADG Consultant Mr. A.J. Kirkpatrick greeted City Council and thanked the Planning and Development staff for its assistance throughout the process. He mentioned his great grandparents had lived in the study area from the late 1920s until the 1980s and he had fond memories of the area. He reported he had worked for the City of Oklahoma City for over 8 years and had worked for Downtown OKC managing the Downtown Business Improvement District. He explained Winter and Company were his teammates in this project, were known for utilizing this design management tool throughout the Country, and particularly in this part of the Country throughout the plains states. He indicated that Winter and Company were great experts in design standards and design guidelines. He stated project objectives were to engage the community to determine the appropriateness of various residential building types, create a strong and unique sense of community, increase project feasibility by removing development barriers, ensure compatibility with the Rose District and established residential districts, and to create an easy to use prescriptive design standard. He indicated that there was a difference between standards and guidelines; standards were predictable and measurable, would raise the minimum bar on development, would be administered by staff and would allow citizens and developers to clearly understand what to expect prior to beginning projects, while guidelines tended to be more nuanced and flexible, qualitative in nature and performance oriented, involved judgment of intent and usually involved standing citizen committees to ensure fairness in interpreting guidelines. He explained staff was looking for the ability to cut down on the red tape of review; therefore, standards were developed as opposed to guidelines. He complimented Broken Arrow for its Rose District Downtown Plan and stated the Comprehensive Plan, the 2005 Downtown Master Plan and the Rose District 2.0 Plan all requested development of these standards.

Mr. Kirkpatrick displayed various Power Point slides which reviewed the standards development process. He stated he began December 13, 2016 with trip #1; he traveled to Broken Arrow and interviewed over 30 stakeholders and held a community workshop which had over 80 residents in attendance. He explained the Workshop provided good information regarding what was most appropriate in different parts of the community. He reported generally the residents wanted the core single family areas to be protected where possible, density to continue to be directed along Main and Broadway, reuse of alleyways where available, and to ensure existing infrastructure could support the higher density development. He stated this was all taken into consideration. He stated a street by street analysis was done, past development trends were reviewed, Geographical Information Systems (GIS) property data was reviewed, and additional stakeholder interviews were held. He stated trip #2 was in May of 2017 and included stakeholder interviews inclusive of new stakeholders and a second Public meeting was held during which positive feedback was received.

Mr. Kirkpatrick reviewed the final draft design standards and stated while it was 90 pages only a small section of the 90 pages were the actual standards. He explained the Introduction contained the guiding principles: to implement the Comprehensive Plan, Downtown Master Plan, and Rose District 2.0 Study; to promote high quality urban design and walkability; to respond to the context and key features; and to respect the established development patterns. He reported Chapter 2 of the standards broke up the square mile into seven different areas which had differing characteristics. He displayed a map of the square mile which illustrated the seven different areas and included four different residential areas, two commercial mixed-use areas, and one Rose District transition area. He discussed the various residential areas and the types of housing each contained. He reported Chapter 3 outlined the building types found throughout the document including Single Family A, Single Family B, Two Family, Cottage Court, 4-Plex/Mansion Apartment, Rowhouse, Flats

(residential only), Mixed Use A (residential and commercial) and Mixed Use B (commercial and office). He stated the Public had responded well to the Cottage Court building type which was a cluster of homes surrounding a community Green Space. Mr. Kirkpatrick displayed a table graph which indicated which types of buildings would be located in which area. He explained Chapter 4 of the document contained the design intent statements which fell into four categories: lot, site, building form and building activation, and included a short explanation of each standard's intention. He stated Chapter 5 contained the actual standards. He explained there would be four pages per building type: the Lot page contained four variables, the Site page twelve variables, Building Form eight variables, and Building Activation nine variables. He explained builders would only need to refer to the 4 pages associated with the desired building type. He stated the rest of the document was justification and explanation of the standards. He reported Chapter 6 was a reference section which included building material standards and general definitions for clarity purposes. He asked if there were any questions.

Councilor Wimpee asked if there had been pushback from residents. Mr. Daroga responded in the negative and said there were several residents from the area on the stakeholder list which were very supportive. Councilor Parks asked about the meeting timetable. Mr. Daroga responded the next meeting was with the Downtown Advisory Board on November 14, 2017 at which this presentation would be repeated. He stated on November 16, 2017 was a Planning Commission meeting. He reported the Planning Commission had reviewed this presentation and the document twice prior. Councilor Parks asked if this would be voted on before the end of the year. Mr. Daroga responded in the affirmative.

City Manager Michael Spurgeon asked Mr. Daroga and Mr. Kirkpatrick to discuss the previously held meetings. Mr. Daroga stated feedback received in prior meetings indicated concern regarding where Single Family A and B homes were to be permitted; therefore, recent changes had opened up the availability of land use by Single Family A and B homes. He explained other comments were related to materials; for example residents wanted to see more red brick masonry on Main Street and wanted no other materials to be permitted while others desired stone and beige colored stone masonry also be permitted; therefore, the materials chart was adjusted appropriately. He stated other concerns involved the height of buildings and were scale-related. He explained the standards were intended to promote Urban Scale Development; walkable developments required more density. He stated following input and discussion building height (first floor ceiling height) was to be between 9 feet minimum height and 15 feet maximum height. He explained following the changes the standards were reviewed with stakeholders and the Home Builders Association. He stated there were a few items which needed proofreading and tweaking; however, this would be completed prior to upcoming meetings, at which additional feedback was welcome. Mr. Daroga stated for those who wanted to develop a building project in the future which did not fit within the standards, the Planned Unit Development (PUD) was still available and was reviewed within the standards. He stated formation of an informal committee to review the PUD application procedures and to determine if the applicant qualified for a PUD had been discussed. He indicated that he felt all types of possible developments had been addressed, at least for the foreseeable future; however, the PUD was in place for developments which did not fit the standards. Vice Mayor Eudey asked if the PUD was only able to be used in instances the proposed build was not provided for in the standards, or if developers could use the PUD for any build variation. Mr. Daroga responded he did not see the PUD being needed unless a developer wanted to build a commercial project in a residential area, or vice versa. He stated any PUD would come to Council for review via the Planning Commission. He explained the standards were designed to allow projects to be approved at staff level, in-house, with no application or waiting period.

Citizen Rebeka Wood of the Museum of Broken Arrow stated her address was 1507 East New Orleans Place. She stated she was a Member of the Board of Directors for the Museum of Broken Arrow and she was acting as Spokesperson for the Built Heritage Preservation Committee of the Broken Arrow Historical Society. She commended the City of Broken Arrow for having the wisdom to establish the Downtown Residential Overlay District design standards (DROD). She stated she was encouraged by the new design standards designed to promote protection of sensitive established residential neighborhoods. She stated many of the existing buildings in the area were historic and bore testimony to Broken Arrow's unique history. She explained as the historic architectural styles were varied with unique scale and detail, the DROD design standards would ensure residential in-fill would enhance, and not overwhelm, the historic character of the neighborhoods. However, she stated, the proposed DROD did not specifically protect the historic structures from demolition as residential in-fill proceeded. She explained several important historic structures had already been lost, for example the Brooks Boatwright home built in 1909 by W. T. Brooks, Broken Arrow's first Postmaster, was demolished this past year. She stated, in addition to adopting the DROD design standards, she asked the City consider adopting a historic preservation ordinance to protect Broken Arrow's built heritage. She stated historic buildings were important and kept the stories of the Pioneers who dared to follow their dreams in establishing Broken Arrow alive, and of the Pioneer's descendants who made Broken Arrow what it was today. She explained by understanding the past there was a greater appreciation of the future. She stated preserving Broken Arrow's built Heritage kept Broken Arrow a unique destination. She reported Broken Arrow had proven success in utilization of historic structures on Main Street which made the Rose District a unique gathering place for residents and visitors. She stated historic residents in adjoining neighborhoods could become a draw for walking tours, for example families could

walk by Phenie Lou Ownby's house, Broken Arrow's first and only female mayor. She explained a local Historic Preservation Ordinance would ensure the protection of Broken Arrow's built Heritage and would open doors to grants for National Register Nominations and Preservation Funding, thereby placing Broken Arrow on a wider stage of recognition. She reported many Oklahoma Cities were already reaping the benefits of Historic Preservation Ordinances, from fostering pride in the community to bringing in heritage tourism dollars. She stated Broken Arrow took a step in the right direction with the DROD, but she encouraged City Council to consider the next step and consider drafting a Historic Preservation Ordinance.

B. 17-2790

Public Hearing for proposed deannexation of 36.02 acres located generally at 10900 South 209th East Avenue, Broken Arrow, Oklahoma, more particularly described as a part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma in accordance with Oklahoma State Statute

Plan Development Manager Larry Curtis reported the City of Broken Arrow received a formal notice of filing petition from Samuel Ray Stokely as Trustee of the Samuel Ray Stokely Revocable Trust dated July 9, 2010 for deannexation or detachment of his property located in the northwest corner of Florence and 219th Ave, more commonly known as 10900 South 209th East Avenue, and the application was received on July 14, 2017. He stated the prerequisites, reviewed at the prior City Council meeting, had been met, and this was the required public hearing. Mayor Thurmond asked if the applicant was present. Mr. Curtis responded in the affirmative.

Citizen Sam Stokely stated his address was 10900 South 209th East Avenue. He stated the address listed in the petition was his home where he resided with his family. He stated it was his primary residence, and he also had a farm with animals and a fruit orchard. He explained this acreage was purchased from his parents; it was originally an 80 acre tract; however, he obtained a lot split through the City which was educational for him. He reported during the lot split process he met with Mr. Farhad Daroga who educated him further concerning his property and the City's and county's rules, etc.; for example 40 acres produces large amounts of excess wood that needed to be disposed of, City law does not allow burning on residential property while county law does. He stated Mr. Daroga explained if the neighbors were not complaining rules were not necessarily enforced and what a resident did on his property was his business. He explained with this being the case when he purchased the property he had no issues being within the City limits. He stated Mr. Daroga explained the property had been annexed into the City when the Creek Turnpike was built and the area surrounding the Turnpike was annexed into the City limits. He stated while his property was technically within the City Limits there were no city services for his property; no sewer, no electric, no gas, no trash service, no water service and the road was maintained by the county. He stated the county installed a new culvert for his driveway when it was needed. He stated he did not utilize the city school system as his children were in private schools. He stated when he asked why no city services were provided for his property he never obtained a clear answer; however, he felt as no rules were being enforced he could behave as if he lived out in the country and he was content. He stated the Master Plan for the City did not include plans near his property; no commercial development was slated for his area. He stated that he felt his property should be classified as county according to Oklahoma State standards. He distributed six packets of information to City Council. He explained the first item in the information packet was a Google map of his property. He stated the second item in the packet was his Cherokee ID; his grandfather was full blood Cherokee. He stated he and his children utilized the Coweta Indian Clinic which was not very far from his home. He explained the operator of the Clinic was Muskogee Creek Nation and he was permitted to use the Clinic as a Cherokee because he lived in the Muskogee Creek district. He explained Indian benefits were allotted by address. He reported his allergies had been a problem for him since childhood, and in 2006 he was required to have sinus surgery to enable him to breathe. He stated it was at this point he realized medications could be used to alleviate his allergies, which he continued to use along with his three children, and the medications were expensive. He explained it was also around this time that he sought out the aid of the Indians and the Coweta clinic became his primary medical provider. He stated in 2015 the Coweta clinic determined he needed another surgery which was denied by Indian benefits four times and he was required to pay over \$20,000 for the surgery in 2017. He stated the information packet contained the names and numbers of the Indian Benefits Coordinators, the areas covered by benefits, as well as a description of how the benefits system worked. He reported benefits were determined by address were limited if someone resided within Broken Arrow city limits. He stated if his property was outside City Limits his benefits would go beyond medical to include his children's college education, daycare, housing, eye care, dental, nutrition, and more. He said he felt he was presenting a reasonable request and that if any member of the City Council were in his shoes he or she would desire to take advantage of these benefits as well. He stated he was born in Broken Arrow, had lived his whole life in Broken Arrow, and was raising his family in Broken Arrow. He stated Oklahoma was a great state with friendly people and he was proud to call it home. He explained he wanted to provide the best he possibly can for his children. He stated his home was a single family residence, zoned agricultural and had county services. He explained the surrounding properties were county and his neighbors gave full support of his petition. He asked for the City Council's support of his application as presented. He asked if there were questions.

Councilor Lester asked why the provided literature referenced the Creek Nation when Mr. Stokely was a Cherokee Citizen. Mr. Stokely replied the Creek Nation was the provider for the area in

which he lived. He explained the levels of services provided were based upon address. Councilor Lester asked if he had gone to the Cherokee Nation to originate his services. Mr. Stokely responded in the negative. He stated the Cherokee Nation was an hour away and Coweta Indian Clinic provided the same services. He explained the Indian Benefits Coordinator informed him his surgery would have been covered if he had lived outside City Limits, and many other benefits would be available to him if he were outside the City Limits. He displayed a map which showed that his neighbors were all outside City Limits. Councilor Wimpee asked about a previous statement regarding development and Mr. Stokely referenced possible development geared towards the college in the area. He asked for City Council to approve his application. Mayor Thurmond asked if there were any more questions. There were none. He stated this was a Public Hearing and asked three times if anyone else would like to speak regarding this issue. No one requested to speak.

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 Thurmond stated several citizens had requested to speak regarding the crosswalk and he invited them to come forward.

Citizen Jared Myers introduced his son, McCoy Myers, and stated his address was 11599 South 140th East Avenue in Broken Arrow. Citizen McCoy Myers stated if Broken Arrow widened the road in front of his school it would be more difficult for him to cross. He asked if a crosswalk could be installed. Citizen Jared Myers stated he walked daily with his son and several other residents and children who attended Aspen Creek Elementary across the road to the school. He stated he fought traffic daily and there was no crosswalk available. He stated he had been attempting to get the School District and the City to work together to solve this problem for years, but unfortunately nothing had been done. He stated he felt widening the road to five lanes would be excessive, a waste of City funds, and three lanes would be more appropriate as well as making plans for a crosswalk.

Citizen Alyssa Little stated she was a fourth grade student at Aspen Creek Elementary. She stated she felt a crosswalk was important because cars would not stop to allow them to cross the road to school, and she was often getting caught in the rain or the cold waiting to cross. She stated she was nervous and scared to cross the road and she felt a crosswalk would help.

Citizen Michelle Anderson stated she lived at 11464 South 140th East Avenue. She stated she lived across the street from Aspen Creek Elementary and the Early Childhood Center. She stated she had been working with her neighbors to attempt to get a crosswalk built for some time, but had been "getting the run around" from the School District and the City. She reported Derek Blackburn from the school district informed her that a crosswalk would not be installed as there were plans to expand the road to five lanes and they did not want to put a crosswalk across five lanes. She stated currently she and her family crossed the street daily with nothing to alert drivers of pedestrian crossing, not even a posted sign. She reported it was a dangerous situation with parents daily being required to step into the road to make drivers slow down and stop to allow the children to cross. She stated she desired to live in a community that promoted a safe environment where children were able to cross the road safely and neighbors looked out for neighbors. She stated that upon review of her Thrive packet she discovered widening of Florence from Aspen to Olive would cost over \$4 million dollars and she felt this was excessive; she said three lanes would be nice, but five was overkill. She asked City Council to consider putting this issue to a new vote, to consider changing this to a three lane widening to aid school traffic, but to include a crosswalk in the new design plan. She stated she felt the crosswalk should be a priority no matter how wide the road was. She explained changing the proposed road expansion from five to three lanes would save the City millions, would save residents' property lines along the road, and would promote safer crossing for the children who attend Aspen Creek Elementary.

Mayor Thurmond asked attendees who were in support of the crosswalk to raise their hands and asked that a count be taken.

Citizen Norris Little stated he walked his daughter (Alyssa Little) and his other two children to school and he felt it was a very dangerous atmosphere. He stated his job included hazard and risk assessment, and in this situation the risk was very high; the likelihood of a child getting hurt or possibly killed was high. He explained crossing the road, with or without his children, in this area made him nervous. He stated the Council needed to understand he was not talking about money, or necessity, or road widening; he was talking about the protection of children. He stated he and the City had a duty to protect the children or Broken Arrow in every respect, and he felt this was one way to accomplish this goal.

City Manager Michael Spurgeon stated he would speak with Kenny Schwab and Alex Mills regarding the Bond language to determine if the voters had approved a five lane widening specifically or just a general lane widening. He reported the plans and specifications had not been completed and Council would be selling the bonds for the project later in the year. He stated the project would go out to bid in the summer. He explained this meant there was time for a possible project adjustment to include a crosswalk. He stated he would visit with his staff

and develop a plan and subsequently contact the residents because he agreed the children needed a safe way to cross the street. Mayor Thurmond stated he had seen signalized crosswalks; these were expensive and probably not included in the Bond, but this could be a solution if the Bond specifically indicated a five lane widening.

Ms. Michelle Anderson stated she had pictures of a possible crosswalk solution which would be less expensive than a traffic signal and she handed a picture of her proposed solution to the City Council Members. Vice Mayor Eudey stated he would rather install a traffic light as this would be the safest crosswalk method. Mayor Thurmond stated Council wanted the road to be safe for children to cross and he felt a traffic signal would be a good solution and this could possibly be included depending upon the Bond language. He thanked the Citizens for attending the City Council meeting and for bringing this issue to the City Council's attention.

Mayor Thurmond stated Ms. Rita Kay Helm wished to discuss the Rose Event Center and invited her to come forward.

Citizen Rita Kay Helm stated her address was 215 West Jackson Street and she also owned 214 West Jackson Street. She reported there were two safety issues which concerned her on Main Street. She stated the first issue was the Rose Event Center which was a wedding venue which served alcohol. She stated the owner of the Rose Event Center gave facility keys to its patrons after receiving a cash payment, for which she felt the City was not getting funding in return. She reported parties often were held from noon until midnight. She reported Michael Wedel, owner of the Rose Event Center, was threatening Charlie Raska who owned the business next door to the Rose Event Center, and Mr. Raska was afraid. She stated Broken Arrow Police had been called and had done an outstanding job handling the situation so far. She reported parking for the two businesses was a problem which Mr. Wedel and Mr. Raska argued about. She reported the parties held in the Rose Event Center caused noise issues in the evenings. She stated partygoers were often passed out drunk at the Event Center. She stated Mr. Wedel lived in a motor home behind the Event Center and she had discussed this with Code Enforcement who explained there was nothing that could be done unless Code Enforcement specifically caught him residing there. She reported there was evidence of prostitution, drugs and alcohol consumption. She declared that she felt this was not what the Rose District desired. She stated her husband's family had owned several businesses in the Rose District, Vice Mayor Eudey knew her and her family, and her husband had lived in his current residence since he was 16 years of age.

Ms. Helm stated the second issue was the Restore House. She reported the last event held at the Restore House went from 4:00 PM until 12:35 AM and several neighbors called the police in regard to the event. She stated the event included a country band which played so loud pictures fell off of her walls and her windows rattled. She stated she had to shut her windows and put in earplugs to sleep. She stated she called the police who said the party would end at dusk, but it did not end at dusk. She reported when her husband called the police after dusk the dispatcher informed him the event had a time limit, could not be shut down early, and her husband would need to call Code Enforcement in the morning. She stated she called Code Enforcement in the morning, Code Enforcement directed her to call the Chief of Police. She said an Officer Bannon reached out to her and explained a case had been filed through the District Attorney and would be investigated; the businesses did not have permits. She reported the Restore House was keeping chickens illegally and her neighbor was being harassed about his dogs possibly killing the chickens. She stated an obviously intoxicated woman drove away from the last event with open containers and her baby in the car. She stated her husband attempted to stop the woman who responded "if you don't like it, call my friend. She's on the City Council." She said her husband responded that he would. She stated she had videotaped the incident in question, and called Fox 23 and Channel 2 to ask what could be done. She stated she was not trying to talk negatively about the Rose District as the Rose District did not approve of this behavior. She explained this was a situation of "trash on that side of the track," but she lived on that side of the track and was proud to live there. She stated the two businesses had money and connections and were in effect saying she had no recourse; however, she had connections as well. She explained this was a terrible situation; the Restore House was only being utilized for events at this point and this was bringing drugs and noise pollution to the neighborhood. She stated she may live in the poorer area of Broken Arrow, but she was proud to live where she lived and the current situation was unacceptable. She stated her husband was a hardworking man and she was not going to allow the Restore House to force her out of her home.

Mayor Thurmond thanked her for bringing the situation to City Council's attention. City Manager Spurgeon stated he would not tolerate code noncompliance; businesses were required to be licensed and permitted and if a business was noncompliant he would take appropriate action and pull the permits. He explained he would speak with the police and would inform the owners and operators of the properties of the complaints; if the owners did not remain in compliance with City Codes permits would be revoked, operations would be suspended and the law would step in if operations continued. Ms. Helm asked about Mr. Wedel living in a motor home behind his business. She stated Code Enforcement indicated proof was required; however, she had video of the motor home and Mr. Wedel, and she knew there was drug use and prostitution being conducted on the property. Mr. Spurgeon stated he would look into it. Ms.

Helm stated Mr. Wedel had been living on the property all summer, and drug activity had escalated and she was concerned there would be more shootings like the one in May in Mr. Raska's parking lot which was associated with the Rose Event Center. Mr. Spurgeon stated the focus should be on what could be done to rectify the situation, not on possible atrocities. He stated he and City Council expected residents and business owners to be in compliance with the Codes and Laws, and hoped business owners and residents would respect one another throughout Broken Arrow. He stated he and City Council wanted every resident of Broken Arrow to have peace and good order and to enjoy residing in Broken Arrow. Ms. Helm explained she felt irate at this point; she had been struggling to improve the situation to no avail for an extended period of time and she was extremely frustrated. Vice Mayor Eudey thanked Ms. Helm and stated he had faith in the City Manager's ability to address the situation.

Mayor Thurmond stated Patricia Lyle was to speak.

Citizen Patricia Lyle stated her address was 7204 South Peach Avenue. She stated she had recently been made aware of a family with a 9 or 10 year old child squatting/camping outside Leisure Park behind the Braums, as well as in the woods near the Creek Park Trail. She reported the adult male squatter had assaulted a minor in the Walgreen's parking lot, and the adult male and adult female squatter were known to associate with a gang of youth intimidating residents and teenage Braums employees. She stated she specifically knew of a gentleman who was worried about his two teenage children who worked at Braum's and had been threatened by the adult male squatter. She stated the child squatter was not attending school. She explained she did not know all the details about this family, but was wondering what Broken Arrow's position was in this regard. She stated the police indicated the squatters were technically camping on private property; therefore, the police had no jurisdiction, as no laws or codes were being broken. She explained her daughter worked near the indicated area and had originally intended to walk to work; however, Ms. Lyle no longer felt it was safe for her daughter to walk to her place of employment. She stated she felt the squatters presented a danger to her daughter, as well as to all the children in the surrounding area. She stated Section 16-65 indicated a motor vehicle parked on private property without specific permission was unlawful, and she felt it should also be illegal for a family to squat on private property without specific permission. She stated she understood DHS was aware of the little boy and the boy's aunt had offered to take him in. She reported she would be investigating this situation further and would attend the next City Council meeting. She stated she hoped code could be adjusted to give the Police Department the jurisdiction to handle this and similar situations. She stated while the squatting itself was not illegal, the current squatters were intimidating residents, threatening violence and perpetrating violence, and she wondered why the squatters were not in police custody.

Councilor Lester asked if Ms. Lyle had reported this to the authorities. She responded it had been reported, but not by her personally. Mr. Spurgeon stated he was unaware of the situation. Councilor Lester stated he had not heard of the situation. Ms. Lyle stated she had just been made aware of the situation, but there was video available. Mayor Thurmond asked if the video had been made available to the police. Ms. Lyle responded in the affirmative. She stated Broken Arrow Police reported the squatters could not be prevented from camping at that location as it was private property. She stated she wanted to bring this to the Council's attention and requested City Council investigate and speak with Police about Emily Love and Teddy Mullins. She stated Broken Arrow needed to address the current situation and ensure it would not happen in the future. She stated this was a detriment to the commercial businesses in the surrounding area, including the movie theater, and the Elm and 101st area which was to be revitalized. She stated the squatters were terrorizing the residents in the area and she felt squatting in a tent should be as illegal as parking a car on private property without permission. She thanked the Council for its attention to this matter.

Mayor Thurmond stated Richard Pisaturo was to speak. Citizen Richard Pisaturo came forward and stated his address was 2608 South Gardenia Place. He stated it was long overdue, but he wanted to thank the City of Broken Arrow, and especially the Parks Department, for their hard work in preparing Wolf Creek Park, under heavy rain circumstances, for the Wolf Creek Block Party which was a success. He thanked the City for its cooperation and helpfulness and for working with residents to problem-solve in many different ways. He stated that he felt Broken Arrow was a wonderful City to live in as a direct result of this helpful atmosphere. He asked how he could determine when the roads in Wolf Creek might be repaired. Mayor Thurmond stated he was unsure if this was on a Bond already passed, but there was a future Bond approaching up for which City Council desired input. Assistant City Manager Kenneth Schwab stated he was unsure, but thought Wolf Creek Street Repair was on the last Bond sale, which would become available in February 2018, but he would investigate and reach out to Mr. Pisaturo with the requested information.

9. General Council Business

- A. 17-2791 **Consideration, discussion, and possible action on the proposed deannexation of 36.02 acres located generally at 10900 South 209th East Avenue, Broken Arrow, Oklahoma, more particularly described as a part of the Southeast Quarter of the Southeast Quarter of Section 30, Township 18 North, Range 15 East of the Indian Base and Meridian, Wagoner County, State of Oklahoma in accordance with Oklahoma State Statute**

Plan Development Manager Larry Curtis stated as the Public Hearing had been held, the applicant had stated his case, and residents had been given the opportunity to speak for or against, he would now present the staff report which included what impact the deannexation of the property could have on the City of Broken Arrow. He reported the property was currently zoned A1 which was agricultural, and was abutted by the Creek Turnpike to the west, agricultural land to the north, 37th Street to the east and Florence to the south. He stated it was abutted on 3 sides by City annexed property and to the east of the property was county land. He stated the City of Broken Arrow Comprehensive Plan showed the area to be level 2 which was urban residential. He stated in addition to single family detached homes, 2 family units and neighborhood office parks were in accordance with the Comprehensive Plan within this area. He stated since annexation in 2000 the property had access to city services such as Police, Fire, Street Maintenance (specifically for 111th and 37th Street through cooperation with Wagoner County), Animal Control, Land Use Control and associated building codes. He reported in 2010 the property owner availed itself to Land Use Control for the lot split procedure on 05/28/2015, splitting the original property which was 74.78 acres into one 37.76 acre tract and one 36.02 acre tract. He stated minor cost and savings could be associated with deannexation of the land proposed. He stated once deannexed the City of Broken Arrow could see a minor reduction in infrastructure and maintenance costs of some of the streets and rights of way, but could experience increased cost in coordination of road projects on the rights of way which would be split between jurisdictions. He stated the City could experience minor cost savings for providing Police and Fire Services to the site. He stated although the area was currently rural in nature, and future urban services were not anticipated in the immediate future, the City would forgo any property tax or sales tax generated by the future development of the area if deannexed. He stated the City would incur minor costs associated with updating Broken Arrow's computer systems to reflect the revised corporate limits. He stated deannexation, if approved, would remove the fence line boundary for the area of the City which was associated to the eastern side. He stated with removal of the fence line there was a possibility the property could be annexed into the neighboring City of Coweta as Coweta's fence line was located on 37th Street. He stated that Tribal benefits were not regulated by the City of Broken Arrow or by Wagoner County and were solely a Tribal jurisdiction. He stated staff recommended denial of the deannexation request due to the potential growth and development within the area, and due to changing annexation laws possibly making annexation more difficult for the City of Broken Arrow in the future. He stated this was originally a part of the annexation in 2000 when the Creek Turnpike was built and future growth and development along the Creek Turnpike corridor was expected. He asked if there were questions. There were none.

Mayor Thurmond asked the applicant if he had any additional remarks. Mr. Samuel Stokely stated he understood what Mr. Curtis was saying; Mr. Curtis was correct in that the property was rural in nature. Mr. Stokely stated his property would remain rural; it was his home and would not be developed commercially. He stated the standards imposed an unfair restriction on his property which would not allow his family to fully prosper in Broken Arrow. He stated he would be happy to work with the City in the future regarding the rest of the property. He asked City Council for its help today, help for him and his family, help with his property.

Mayor Thurmond asked if there was any discussion. Councilor Lester stated in his opinion it set a bad precedent to begin allowing deannexation, especially when the property fronted the turnpike. He stated he was not in favor of the deannexation. He stated he appreciated Mr. Stokely's position, but felt Tribal benefits should not be a deannexation consideration. Mayor Thurmond stated he agreed with Councilor Lester; he felt the property would benefit from many city services. He stated he had never before been presented with a deannexation request. Councilor Parks stated he agreed; he did not feel the City should give up the property. He stated he was always in favor of annexing undeveloped lands to allow control of how it was developed. He stated this was one way in which the City protected its surrounding properties and he was completely against any deannexation.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to deny deannexation detachment of the 36.02 acres located generally at 10900 South 209th East Avenue, Broken Arrow, Oklahoma

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

B. 17-2775 Consideration, discussion, and possible approval of BACP-160 (Comprehensive Plan), The Villas at Turnberry, 5.46 acres, Level 4 to Level 3, south and west of the southwest corner of Dearborn Street and 37th Street

Stating a conflict, Mayor Thurmond left the room at approximately 8:03.

Mr. Larry Curtis stated BACP-160 was a request to change the Comprehensive Plan designation on 5.46 acres, an undeveloped tract of land, from Level 4 to Level 3. He reported the applicant was interested in rezoning the property from RS to RS4 and developing single family detached homes on the property. He stated RS4 was considered to be in conformance with the Comprehensive Plan in Level 3. He stated the undeveloped property located south and west of the southwest corner of Dearborn and 37th Street was currently zoned CG (Commercial General). He reported the property had been platted as lot 1, block 1, of Turnberry Commercial. He stated the conceptual layout submitted with BACP-160 showed 22 single family lots and four commercial lots. He reported the commercial lots were approximately 190 feet in depth. He stated at the

meeting on 09/28/2017 the Planning Commission recommended approval of BACP-160 by a vote of 4 to 0 as recommended by staff. He stated staff recommended approval of BACP-160 subject to the property being replatted. He said one resident spoke to this item with drainage and stormwater concerns. He explained the speaker was not opposed to BACP-160 or any subsequent development, but wished to know what steps would be taken to preserve drainage ways in existing neighborhood subdivisions. He stated it was recommended BACP-160 be approved per Planning Commission and staff recommendations. He asked if there were questions. There were none.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to approve BACP-160 as recommended by the Planning Commission and staff

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey

Recused: 1 - Craig Thurmond

Mayor Thurmond returned to the room at approximately 8:06.

10. Preview Ordinances

- A. 17-2774 Consideration, discussion, and possible preview of an ordinance closing a utility easement on property located in the Northeast Quarter (NE/4) of Section Thirty Four (34), Township Nineteen (19), North Range Fourteen (14) East, Wakefield Heights at Battle Creek, a subdivision in the City of Broken Arrow, Tulsa County, State of Oklahoma, generally located south of Omaha Street and one-half mile west of Elm Place; repealing all ordinances to the contrary; and declaring an emergency (Yancy Thompson)**

Deputy City Attorney Trevor Dennis stated the applicant requested closure of a 14.5 foot portion of an existing 17.5 foot utility easement. He stated this was part of a plat recorded in Tulsa County in 1997. He stated the existing home was lot 20, block 1, and the applicant proposed to construct a pool which would encroach into the easement. He stated the easement was on the east side of the property and was currently not in use and not necessary for public purposes. He stated the utility lines for the area were located in the side yard easement on the west side of the property. He reported American Electric Power (AEP), Public Service of Oklahoma (PSO), Windstream, Oklahoma Natural Gas (ONG), Cox Communications and the City of Broken Arrow consented to the closing of the requested portion of easement. He stated it was his understanding staff recommended Council preview the ordinance and set it for adoption.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- B. 17-2786 Consideration, discussion, and possible preview of an ordinance closing all utility easements on property located in Part of Lot Two (2), Block One (1), Tiger Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north of Kenosha and east of 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (QuikTrip #33)**

Deputy City Attorney Trevor Dennis stated this was associated with the replatting of the property located north of Kenosha and East of 23rd Street and was related to a QuikTrip #33 project. He reported the applicant was Stephen Schuller with Gable Gotwals and he requested the closure of the utility easement on the plat for type of plaza lot 2, block 1. He stated the easements were being closed in part or in whole and would be replatted for the property which would have new easements. He stated the property was being replatted for expansion of retail development and the subject easements and rights of way were no longer required for public purposes. He stated city staff had reviewed the utility easement closing documents and were in agreement with the closure. He stated the utility companies had reviewed the documents and were in agreement with the closure. He stated city staff recommended Council preview the ordinance and set it for adoption.

MOTION: A motion was made by Mike Lester, seconded by Debra Wimpee.

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

- C. 17-2787 Consideration, discussion, and possible preview of an ordinance closing utility easements on property located in Part of Lot One (1), Block One (1), Wagoner County Line Plaza, a subdivision in the City of Broken Arrow, Wagoner County, State of Oklahoma, generally located north of Kenosha and east of 23rd Street; repealing all ordinances to the contrary; and declaring an emergency (QuikTrip #33)**

Deputy City Attorney Trevor Dennis stated this was associated with the property generally located north of Kenosha and east of 23rd Street for the replatting for QuikTrip #33. He stated the property was being replatted for the expansion of retail development and the subject easements and rights of way were no longer required for public purposes. He stated city staff had reviewed the utility easement closing documents and were in agreement with the closure. He stated the utility companies had reviewed the documents and were in agreement with the closure. He stated city staff recommended Council preview the ordinance and set it for adoption.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to preview the ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

11. Ordinances

A. 17-2759

Consideration, discussion, and possible approval of Ordinance No. 3499, an ordinance amending Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau, Sec. 2-211 Created, specifically adding two members to the CVB Board, clarifying the experience members must possess, adding a City Councilmember to the Board and requiring members to live and/or work within the Broken Arrow city limits; repealing all ordinances to the contrary, and declaring an emergency

Deputy City Attorney Trevor Dennis stated this item was previewed at the City Council meeting on 10/03/2017. He stated the strategic plan for the Tourism Asset Inventory set forth recommendations to restructure the Broken Arrow Convention and Visitors Bureau, also known as the CVB. He explained some of the recommendations included restructuring of two additional Board Members to increase Board membership from seven to nine and the two additional Board Members would be appointed by the Mayor allowing the Mayor a total of four appointed positions within the CVB. He stated in addition, the Strategic Plan recommended the restructure of the CVB to consist of members from different areas of the community including Lodging, Dining, Retail, Sports, Attractions and City Council. He stated the Ordinance incorporated the recommended changes and staff recommended City Council adopt Ordinance No. 3499 and approve the emergency clause.

MOTION: A motion was made by Debra Wimpee, seconded by Scott Eudey.

Move to adopt Ordinance No. 3499

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

Move to approve the emergency clause

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated it was "Pinktober" and he encouraged female residents to obtain mammograms. He stated he learned from his late wife that routine mammograms and follow-up ultrasounds were extremely important and could save lives. Vice Mayor Eudey stated that while it lengthened the City Council meeting he was grateful to have heard from concerned citizens and he hoped viewers understood City Council was listening and residents were welcome to voice concerns. Councilor Wimpee stated she wanted the record to reflect she definitely did not approve of drinking and driving, especially with a baby.

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

Mr. Spurgeon stated it was great to see concerned citizens in attendance for the purpose of addressing the Governing Body. He stated he and staff would investigate the items brought to the Council's attention. He stated these were serious concerns and Broken Arrow wanted peace and good order to prevail throughout the City and that appropriate action would be taken when peace and good order were disturbed. He stated he was concerned about the crosswalk and the length of time it would take to complete the road; therefore, he would be looking into different options for a temporary fix until a traffic signal was installed. He stated he felt the Council meeting displayed public policy in action and he thanked those who attended and spoke.

At approximately 8:14 Mayor Thurmond entertained a motion to recess in order to enter into the Broken Arrow Municipal Authority and Broken Arrow Economic Development Authority meetings. Broken Arrow Industrial Trust meeting was cancelled due to lack of agenda items.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move for brief recess to enter in to the Broken Arrow Municipal Authority and the Broken Arrow Economic Development Authority

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Mayor Thurmond reconvened the City Council meeting at approximately 8:16 p.m. and called for a brief recess before entering into Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Johnnie Parks.

Move to recess before entering into Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

The Council returned to the room at approximately 8:24 p.m. Mayor Thurmond entertained

motion to enter into Executive Session.

MOTION: A motion was made by Mike Lester, seconded by Scott Eudey.

Move to enter into Executive Session

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

14. Executive Session

Executive Session for the purpose of confidential communications between the Broken Arrow City Council, the City Manager and the City Attorney, and possible action in open session on matters pertaining to the following:

- 1. Discussing the purchase and appraisal of real property located at the Southwest corner of the intersection of South 23rd Street and East 115th Street South, and taking appropriate action in open session, including making an offer of purchase, under 25 O.S. § 307(B)(3);**
- 2. Discussing litigation, including potential resolution of a matter involving the Daniel Obarr and Kimberly Obarr v. City of Broken Arrow, Case No. CJ-2016-2672, in the District Court of Tulsa County, State of Oklahoma, and taking appropriate action in open session, including possible authorization to settle this litigation, under 25 O.S. §307(B)(4); and**

In the opinion of the City Attorney, the Council is advised that the Executive Session is necessary to discuss the purchase and appraisal of real property in accordance with State Statute. 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.

At approximately 8:43 p.m. Mayor Thurmond reconvened the regular session of the City Council meeting and the room was opened to the public.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.

Move to grant the Legal Department full settlement authority to settle the O’Barr Case consistent with Council direction

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

15. Adjournment

The meeting adjourned at approximately 8:43 p.m.

MOTION: A motion was made by Johnnie Parks, seconded by Mike Lester.

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Debra Wimpee, Johnnie Parks, Mike Lester, Scott Eudey, Craig Thurmond

Attest:

Mayor

City Clerk