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, September 3, 2024 **Time 6:30 p.m.** **Council Chambers**

1. Call to Order

Mayor Debra Wimpee called the meeting to order at approximately 6:30 p.m.

2. Invocation

Pastor Katrina Palan performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

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

5. Consideration of Consent Agenda

Mayor Wimpee asked if there were any Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.
Move to approve the Consent Agenda
The motion carried by the following vote:

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

A. 24-1190 Approval of the Special Joint City Council -Broken Arrow Municipal Authority Meeting Minutes (BAMA) of August 13, 2024

B. 24-1143 Acceptance of the Planning Commission meeting minutes of July 25, 2024

C. 24-1174 Acknowledgement of the submittal of the Financial Statements for General Fund, Broken Arrow Municipal Authority, Police Sales Tax Fund, Fire Sales Tax Fund, and Visit Broken Arrow for June 2024 and July 2024

D. 24-1205 Approval of and authorization to execute Budget Amendment Number 4 for Fiscal Year 2025

E. 24-1159 Approval of and authorization to execute Resolution No. 1599, a Resolution of the Broken Arrow City Council approving the Fiscal Year 2025 Manual of Fees, establishing fees costs charged by the City of Broken Arrow: authorizing the periodic adjustment and waiver of fees by the City Manager; providing an effective date of October 1, 2024

F. 24-1197 Approval of and authorization to execute Resolution No. 1600, a Resolution of the Broken Arrow City Council ratifying, approving, authorizing, and accepting a purchase and sales agreement of real estate for the purchase of real property located at 21044 East 101st Street, Broken Arrow, Oklahoma (the "real property"), in accordance with the terms of a certain purchase and sales agreement of real estate by and between Karla A. Ralph and the City of Broken Arrow; approving and authorizing the purchase of the real property pursuant to the contract for sale of real estate for the sum of $255,000.00; and authorizing the City of Broken Arrow's designating representatives for purposes of granting certain approvals and executing certain instruments as required under and in connection with said purchase and sales agreement; and containing other provisions relating thereto; and approval and authorization to execute the purchase and sales agreement

G. 24-1075 Approval of and authorization to execute Amendment Number 2 to Agreement for Professional Consulting Services with Benham Design, LLC for the 23rd Street Widening from Albany Street to Omaha Street and Bridge Replacement (ST1931&1932)

H. 24-1153 Approval of and authorization to execute a maintenance agreement on our cities G2 Fire Alerting Systems with Honeywell International Inc. for the term of 1 year

I. 24-1192 Approval of and authorization to execute a lease agreement with Peyday Realty, LLC, for space at the Main Street Plaza Shopping Center, 1635 South Main Street, to house the Service Oklahoma Driver License Exam Site

J. 24-1189 Approval of and authorization to execute Amendment Number 1 to Agreement for

		Professional Real Estate Appraisal and Related Support Services with Smith-Roberts Land Services, Inc. for providing right-of-way acquisition services for 23rd Street Widening from Albany Street to Omaha Street and Bridge Replacement (Project No. ST1931 and ST1932)
K.	**24-1141**	**Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than $50,000**
L.	**24-1175**	**Acceptance of a settlement claim for Unit No. 1950 from State Farm in the amount of $30,646.99 and declaring the Unit No. 1950 surplus and releasing the unit to State Farm**
M.	**24-1149**	**Approval of and authorization to reject all bids for Bid 24.160 for Bermuda Sod as it is not in the best interest of the City of Broken Arrow**
N.	**24-1173**	**Award the most advantageous bid to Termax Pest Control for Pest Control Services for the various City owned facilities**
O.	**24-1203**	**Approval of participation in cost sharing of shuttle services to be utilized at Scotfest and authorization to execute a contract with 918 Shuttle LLC and Scotfest**
P.	**24-1155**	**Notification of Quarterly Enterprise Resource Planning (ERP) Systems Status Report for City Council**
Q.	**24-1142**	**Approval of appointment of two Planning Commission members to serve on the Housing and Demographic Study Advisory Group**
R.	**24-1186**	**Approval of appointment of one Wagoner County Commission member to serve on the Housing and Demographic Study Advisory Group**
S.	**24-1187**	**Approval of appointment of one Wagoner County Economic Development Authority member to serve on the Housing and Demographic Study Advisory Group**
T.	**24-1204**	**Approval of BAZ-001618-2024 and PUD-001617-2024 (Planned Unit Development), a major amendment to PUD-000865-2023 Iron Buck Acres, 15 acres, A-1 to IL via (BAZ-000865-2023), generally located west of Oneta Road (241st E. Avenue) and north of Kenosha Street (71st Street)**
U.	**24-1167**	**Approval of PT-001629-2024|PR-000543-2023, Christian Brothers Automotive, Conditional Final Plat, 1.5 acres, 1 lot, A-1 (Agricultural) to CN (Commercial Neighborhood)/SP(Specific Use Permit) 001224-2023, one-eighth mile north of Albany Street (61st Street), west of 23rd Street (193rd E. Avenue/County Line Road)**
V.	**24-1162**	**Acceptance of a Mutual Access Easement from 918 Home Investments, LLC, located at 2116 North 28th Street, Lot 21, Block 1, Bentree, Broken Arrow, Oklahoma, 74014, located in the Northwest Quarter of Section 6, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma; This easement is for the Bentree Lift Station Access Road Project No. S.24010**
W.	**24-1161**	**Acceptance of a Temporary Construction Easement from Charles Harrell on property located at 309 E Dallas Street, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 1.A for the Dallas and 4th Stormwater Replacement Project No. SW23060**
X.	**24-1160**	**Acceptance of a Temporary Construction Easement from William J. Fox and Suzanne Miller on property located at 401 E Dallas Street, Broken Arrow, Oklahoma 74012, located in the Southeast Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 2.A is for the Dallas Stormwater Improvements Project No. SW23060**
Y.	**24-1158**	**Acceptance of a Temporary Construction Easement and Drainage Easement from New Bedford Park, LLC, The location is generally ½ mile north of 37th and Albany, and ½ mile west of 37th Street, Broken Arrow, Oklahoma 74014, located in the East Half of Section 31, Township 19 North, Range 15 East, Wagoner County, State of Oklahoma, for the Preserve Park Pond North Path Repair Project No. SW24060**
Z.	**24-1157**	**Acceptance of a Utility Easement from Jaime Lee Norvell on property located at 6321 S 114th E Avenue, Broken Arrow, Oklahoma 74012, located in Lot Six (6) of Block One (1), Melinda Park Plat, Tulsa County, State of Oklahoma. Parcel 3.0 for the Melinda Park Sanitary Sewer Improvements Project No. S.23030**
AA.	**24-1164**	**Approval of and authorization of Final Acceptance for the public improvements at Center for Men's Health Clinic located at 1601 West Yakima Street, Broken Arrow, Oklahoma 74012**
AB.	**24-1165**	**Approval of and authorization of Final Acceptance for the public improvements at Hawaiian Bros located at 500 East Kenosha Street**
AC.	**24-1166**	**Approval of and authorization of Final Acceptance for the public improvements at O'Reilly Auto Parts located at 3901 East Kenosha Street, Broken Arrow, Oklahoma**
AD.	**24-1168**	**Approval of and authorization of Final Acceptance for the public improvements at Scooter's at Battle Creek located at 2190 West Omaha Street in Broken Arrow, Oklahoma**
AE.	**24-1169**	**Approval of and authorization of Final Acceptance for the public improvements at Washington Lane IX Subdivision located at 91st and Lynn Lane**
AF.	**24-1193**	**Ratification of the Claims List Check Register Dated August 27, 2024**

6. Consideration of Items Removed from Consent Agenda

There were no Items removed from the Consent Agenda; no action was taken or required.

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

A. 24-1184 Presentation, discussion, and appointment of and swearing in of the Youth City Council members for the school year 2024-2025

Community Relations Manager Lori Hill reported 2024 marked the 23rd year of the Youth City Council which was established in 2001 by former Mayor Wade McCaleb. She announced this year's cosponsors for the Youth City Council program were Council Member Parks and Council Member Green. She invited YCC Mayor Sloan Beese and YCC Vice Mayor Ananya Sundaram to introduce the 2024-2025 Youth City Council Members.

YCC Mayor Sloan Beese and YCC Vice Mayor Ananya Sundaram discussed the importance of Youth City Councils, how Youth City Councils impacted and educated participants, and how Youth City Councils benefited the community. Ms. Beese and Ms. Sundaram announced this year's Youth City Council Members: Graham Bowser, Breese Campbell, Brooklyn Ezell, Lucas Martin, Ayat Nayyer, Raghav Rajaperumal, Tiffany Shanks, and Nithilan Sundaram.

City Attorney Trevor Dennis administered the Youth City Council Oath of Office to the new 2024-2024 Youth City Council Members. Commemorative photos were taken.

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. 24-1196 Consideration, discussion, and possible approval of an amendment to the Broken Arrow Historical Society User Group Agreement

City Manager Michael Spurgeon reported it was recently brought to his attention that the Broken Arrow Historical Society changed its meeting time, and Council Member Johnnie Parks would have more difficulty attending Historical Society Board Meetings. He stated he met with Council Member Parks and Dr. Gary Gerber to discuss the History Museum, the changes, and things the Historical Society would like to see in the next Bond Package. He noted the topic of meeting attendance arose. He asked Council Member Parks to speak.

Council Member Parks explained he sometimes could not attend meetings and while the Historical Society did not mind this, he felt it was important for a City Council Member or a City representative to attend these meetings. He stated the Historical Society moved its meetings from 3:30 p.m. to 5:30 p.m. on the second Tuesday of every month and Tuesday evenings were sometimes Broken Arrow City Council Work Sessions. He indicated City Manager Spurgeon suggested changing the language in the User Group Agreement to accommodate a replacement attendee.

City Manager Spurgeon noted any change to the User Group Agreement had to be approved by City Council. He asked City Council to consider an amendment which stated, "In the event that the sitting member of the City Council has a conflict in scheduling or is unable to attend the meeting, for any reason, the sitting City Council member shall have the sole authority to designate a representative to appear at the meeting and said representative shall have the same voting rights and obligations as the sitting Council member." He stated this would enable Council Member Parks to appoint someone who represented the City to attend in his stead. He indicated he recommended Brent Brassfield be appointed as he was heavily involved with the Rose District, was part of the TED Team, and had experience working on boards; however, Council Member Parks had the right to appoint whoever he chose. He stated Mr. Brassfield expressed an interest in serving on the Historical Board when Council Member Parks was unable to attend. He agreed there was a potential conflict between the Historical Society Board meetings and City Council work sessions.

Council Member Parks noted this was similar to what was done with INCOG, for which meetings an alternative was appointed if one could not attend.

City Manager Spurgeon noted Dr. Gerber expressed his wish for Council Member Parks to continue to serve on the Historical Society Board and appreciated Council Member Parks' contributions.

Council Member Lisa Ford asked when the Historical Society Board would meet.

Council Member Parks responded at 5:30 p.m. on the second Tuesday of each month. He noted the time of the meeting was the potential conflict.

Council Member Ford noted Council Member Parks would be able to attend most meetings; this was just to approve a replacement for the rare event Council Member Parks was unable to attend.

Council Member Parks agreed.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.
Move to approve an amendment to the Broken Arrow Historical Society User Group Agreement
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

B. 24-1152 Consideration, discussion, and possible approval of allowing the Oklahoma Military History Center to permanently display a 75mm Pack Howitzer in front of the museum building

City Manager Spurgeon announced the Military History Center received a 75 mm Pack Howitzer from the 45th Division Museum. He stated the ATF confirmed the Howitzer was unusable. He stated any improvements at the History Center or Veteran's Park were required to come before the governing body for consideration. He reported the Howitzer would be placed 15 feet from the Brick Park and at least 4 feet back from the sidewalk. He noted sketches were provided. He indicated he was in full support of this recommendation.

General Mancino discussed the history of the Pack Howitzer. He noted the Howitzer was small enough it would not overshadow the Brick Park or the Flag Plaza. He indicated it was nonoperational and would be mounted on Jack stands and bolted to the concrete. He stated it would make a nice addition to the museum.

Council Member Parks indicated he felt this would be a nice addition to the Museum.

General Mancino stated on September 26th, Council Member Parks would be inducted into the Oklahoma Military Hall of Honor.

Council Member Ford asked if a City representative would ensure the installation of the Howitzer met City standards and requirements.

General Mancino responded in the affirmative.

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks.
Move to approve allowing the Oklahoma Military History Center to permanently display a 75mm Pack Howitzer in front of the museum building
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

C. 24-1031 Consideration, discussion and possible approval of and authorization to accept the Third Guaranteed Maximum Price (GMP No. 3) from Crossland Heavy Contractors Inc. for the construction of the Events Park Infrastructure Project (Project No. 2417210)

Direction of Engineering and Construction Charlie Bright stated Crossland Heavy was hired as the Construction Manager at Risk for the City's portion of the Amphitheater project. He noted this project was a bit unusual due to the timeline; portions of the project were rolled out as the design was finished. He stated this GMP (guaranteed maximum price) was for the improvements to 101st Street. He noted most of the design for the park was completed, and the consultant had moved on to design 101st Street, so this package pertained to widening 101st Street from the entrance at Events Park to the entrances to the Turnpike with a goal of getting cars off the highway into the Park and out of the Park back onto the highway as quickly as possible. He noted also in this package were some allowances for driveway connections to Rosewood Elementary. He recommended approval.

Council Member Justin Green asked how many driveway connections would be to the school.

Mr. Bright responded the City would connect to Rosewood to the east and the west with a short drive which would enable the school to have a loop around the school.

City Manager Spurgeon asked Mr. Bright to discuss the construction.

Mr. Bright indicated the original intent was to open the Amphitheater by fall of 2025; the contract stated improvements would be done December 31, 2025. He noted Broken Arrow was on schedule and improvements would be completed by fall of 2025. He stated today Broken Arrow had completed all underground work in the main parking lots; underground work for parking lot three was not done. He noted paving of the parking lots would start in the next month, lighting was underway, and if this was approved, road work would begin. He stated the road was anticipated to be completed by summer 2025. He stated Crossland Commercial, working for Notes Live, indicated they were on schedule as well; however, in his professional opinion he felt Crossland Commercial was a little behind schedule due to some design changes as a result of the grand opening in Colorado Springs.

Mayor Wimpee noted at the grand opening concert of the Amphitheater in Colorado Springs, the Owner's Suite and the restaurant were not open.

Mr. Bright stated from the outside looking in, it seemed Notes Live was making some adjustments based on things learned at the other facility. He said he anticipated the Amphitheater would open closer to spring 2026.

Council Member Ford commended the Broken Arrow Streets Department for their work on Broken Arrow streets.

Vice Mayor Gillespie asked who would be doing the connection to the turnpike.

Mr. Bright responded he anticipated one additional GMP for the turnpike connection. He explained this portion of the project lagged due to the need for an agreement with the Turnpike which still was not signed; however, both parties agreed in principle to the terms, and he believed in the next month the agreement would come to City Council.

City Manager Spurgeon asked if there would be an onramp off Highway 51. He stated Executive Director Joey Kelley indicated this would be built.

Mr. Bright responded any project between Highway 51 and the OTA was a project for the State of Oklahoma; it was not a City of Broken Arrow project. He noted Joey Kelley had spoken at the City of Broken Arrow and at APWA luncheons and mentioned this onramp. He stated the OTA had a program called Access Oklahoma which was similar to Broken Arrow's Bond Programs, and this project was on the list for Access Oklahoma. He stated he did not think a timeline had been assigned, but it was on the list as a project the OTA was looking at.

Council Member Green asked about the road crossing the railroad tracks.

Mr. Bright stated Broken Arrow was done constructing south of the railroad tracks. He stated the contractor would tie into this where the Amphitheater was. He reported the City was going through the permitting process with the railroad. He stated the City received verbal approval of the crossing, the Railroad's consultant was working on the actual design of the crossing, and the City was finalizing the design of the road north of the railroad tracks. He explained the north side of the tracks was a little more complicated with a couple of different industrial park business owners from which land was needed, and next the intersection itself would be designed. He said completion depended on the Railroad and the permitting process and he hoped to have it open before the first Amphitheater concert, but he could not guarantee this would be done. He indicated Notes Live was aware, and there was an alternate traffic plan in place if this crossing was not open.

Mayor Wimpee asked if Rosewood Elementary would be able to use the crossing once it was completed.

Mr. Bright responded in the affirmative.

Mayor Wimpee stated she was glad the railroad crossing would be done as it would help significantly with traffic congestion around the school once it was open. She noted she had asked for something to be done to improve the traffic congestion around the school when the Notes Live Amphitheatre was discussed.

MOTION: A motion was made by Justin Green, seconded by Christi Gillespie.
Move to approve and authorize acceptance of the Third Guaranteed Maximum Price (GMP No. 3) from Crossland Heavy Contractors Inc. for the construction of the Events Park Infrastructure Project (Project No. 2417210)
The motion carried by the following vote:

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

D. 24-1084 Consideration, discussion and possible award of the lowest responsible bid to Ascend Commercial Builders, and approve and authorize execution of a construction contract for the Public Works Field Office Renovation Project (Project No. 2217090)

Special Projects Manager Shannon Marshall reported this was the project for the building formally known as the Windstream Building behind the jail building off 1st. She reported in 2022 a Space Needs Assessment was executed by the governing body and the report concluded a series of facility improvements were needed. She stated this was the first of many to serve multiple departments. She indicated the project went out to bid with a base bid and four alternates, and after receiving three bids City Staff recommended award for the base bid and all four alternates to the lowest responsible bidder, Ascent Commercial Builders.

City Manager Spurgeon asked who would be located in this building.

Ms. Marshall responded Streets and Stormwater, as well as Utilities, would use this building

as home base for the field crews.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.
Move to approve the award of the lowest responsible bid to Ascend Commercial Builders, and approve and authorize execution of a construction contract for the Public Works Field Office Renovation Project (Project No. 2217090)
The motion carried by the following vote:

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

E. 24-1085 Consideration, discussion and possible award of the lowest responsible bid to Mowtown Outdoors LLC., and approve and authorize execution of a construction contract for the Gardens at Central Park Project (Project No. 2360450)

Ms. Marshall reported in the 2018 GO Bond, this project was considered with unnamed funds under Proposition 3. She stated the plants selected for this project were a mixture of herbs, pollinators and native species highlighting Broken Arrow's beauty. She indicated this project went out to bid as a base bid with alternates, there were four responding bidders; City Staff recommended award of the base bid only to the lowest responsible bidder Mowtown Outdoors.

City Manager Spurgeon asked about the Engineer's estimate versus project cost.

Ms. Marshall explained the estimate was initially done in 2023 and was updated in June 2024, and there was a difference in the estimate due to market inflation. She stated the alternates were a pergola, water feature, benches and larger trees, but sadly these were over budget. She stated the project would still be beautiful with trees, planting beds, walking trails, etc.

Council Member Parks stated the Keep Broken Arrow Beautiful organization worked hand in hand with the City for this project. He stated he was pleased to see this moving forward.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.
Move to approve the award of the lowest responsible bid to Mowtown Outdoors LLC., and approve and authorize execution of a construction contract for the Gardens at Central Park Project (Project No. 2360450)
The motion carried by the following vote:

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

F. 24-1188 Consideration, discussion, and possible action regarding BAZ-001624-2024 (Rezoning) and PUD-001623-2024 (Planned Unit Development), Ven Park, A-1 (Agriculture) and R-2 (Single-Family Residential) to CM Community Mixed-Use, 10.9 acres, Level 2 and 3 to Level 3 to Level 3 via COMP-001531-2024, located one-quarter mile north of Kenosha Street (East 71st Street South) and one-quarter mile east of North Elm Place (North 161st East Avenue)

Planning and Development Manager Amanda Yamaguchi reported BAZ-001624-2024 (Rezoning) and PUD-001623-2024 (Planned Unit Development) was a request to change the zoning on the 10.9 acre property from A-1 and R-2 to CM/PUD-001623-2024 located one-quarter mile north of Kenosha Street and one-quarter mile east of North Elm Place; the property was currently un-platted and undeveloped. She stated COMP-001531-2024 was on the Planning Commission agenda on June 27th, 2024, and August 8th meeting, where approval was recommended to City Council. She stated this comprehensive plan change was a proposal to change the Comprehensive Plan designation from Level 2 (Urban Residential) and Level 3 (Transitional Area) to Level 3. She noted COMP-001531-2024 was heard by City Council on August 20th, 2024 and was approved subject to a PUD being approved similar in context to the draft PUD submitted with the Comprehensive Plan change; this was before City Council tonight. She stated BAZ-001624-2024 was an application to change the base zoning of this parcel to Community Mixed-Use. She explained PUD-001623-2024 proposed a mixed-use development, with a variety of housing including Single Family Detached, Single Family Attached, Duplex, Cottage Court, and some commercial aspects in the form of Live/Work townhome style development. She stated the PUD set a maximum of 95 dwelling units, with 82 being shown in the conceptual exhibit; CM allowed for all the proposed uses, except for Duplex and Single Family Detached. She stated it was interpreted that these were the lower intensity uses, which could be allowed with PUD-001623-2024. She stated additionally, when looking at the commercial uses allowed in the Live/Work area, the commercial uses decreased the uses allowed by right, or by specific use permit, in the CM district. She stated the proposed PUD defined cottage court and live/work use categories, which were heavily influenced by the Downtown Residential Overlay District. She noted PUD-001623-2024 proposed different design standards for single family detached, single family attached, duplex, cottage court, and live/work attached; these design standards were summarized in the table in the Staff Report. She stated the primary access of this site was proposed to be off an extension of West Madison Street, which would pass through city owned property currently being used as a regional detention facility. She indicated secondary access was still being discussed with potentially gated access south on to North Circle Drive.

She indicated multiple options were discussed for secondary fire access; these options included a potential path on the west of the detention facility, a connection onto Ash, or a potential connection onto Oakland Place. She stated these details were not decided, but the development would be required to provide secondary access sufficient to meet the fire code requirements. She stated a stub street was proposed to be provided to the undeveloped property to the north. She indicated the conceptual layout submitted with this application was still subject to change. She stated the layout had a public street which gave frontage to all of the proposed lots, except the cottage court lots, which could count the internal court as frontage, with additional access being provided from private alleys. She noted the final layout will have to meet all requirements in the zoning ordinance, Engineering Design Criteria, and the international fire code. She reported a community meeting was held Friday August 2nd from 4:45 to 5:45 p.m. at the Broken Arrow Public Library, where modifications to the conceptual PUD were discussed. She indicated some of the items addressed in the community meeting were fencing, landscaping, and gating the southern access onto North Circle Drive. She stated the PUD required a 30 foot landscape buffer along the south and eastern edges, planted with one tree per 50 linear feet, in addition to a 6 foot fence. She stated the conceptual exhibit showed a gated access onto North Circle Drive. She said Section 6.3.c of the subdivision regulations only allowed gates to be installed on private streets; a variance to the subdivision regulation would need to be heard for this to be approved. She stated BAZ-001624-2024 and PUD-001623-2024 were heard by Planning Commission on September 3rd, 2024, where 11 citizens were in opposition but did not wish to speak, and 10 citizens were opposed and signed up to speak. She noted concerns included traffic, density, pool placement, and the primary concern discussed was the placement of the pickleball courts. She stated Planning Commission recommended approval per Staff recommendation with the following items being added to the PUD: the pickleball courts being moved to the interior or west of the site, and not along the south and east side of the development; this motion passed with a 3-1 vote, with one abstention. She stated following the Planning Commission meeting, the applicant updated the PUD Design Statement to prohibit pickleball courts in the 30 foot landscape edge on the east and south of the development, as well as in Development area B as shown in Exhibit D of the design statement. She stated since the applicant updated the PUD document as Planning Commission recommended, the recommendation to approve would be as presented in the design statement.

Council Member Parks asked if Circle Drive would be gated for fire and police.

Ms. Yamaguchi responded it was shown in the conceptual exhibit to be gated. She stated there was a recommendation from City Staff to allow a variance which would enable this to be gated. She stated Circle Drive had a stub street, which was where the gate would be; if required for fire access, there could be a road out to Ash, and if this was built, the road to Ash would also be gated. She noted this was a big if because there were a lot of different ways to meet the Fire Code.

Citizen Jamie Wenetschlaeger stated she was opposed to the pickleball courts being located in her front yard. She noted she understood the pickleball courts were recommended to be moved away from her front yard and she was thankful; however, she was opposed to any recreational area being placed in her front yard which might bring people into her yard. She noted a pavilion was currently exhibited as being in this location according to the PUD and she asked for this to be removed.

Council Member Green asked what Ms. Wenetschlaeger would like to see developed on this piece of land.

Ms. Wenetschlaeger responded she offered to purchase this piece of land from the developer to solve the problem. She stated if there were people on this piece of land her dogs would bark constantly, and she would not feel comfortable allowing her grandchildren to play in the front yard.

Vice Mayor Gillespie asked for clarification regarding where Ms. Wenetschlaeger's yard was located.

Ms. Wenetschlaeger explained the panhandle extended right by her front yard. She said this was a quiet community and any type of sport activity on this land would be highly disruptive to her and her neighbors.

Citizen Bryan Wenetschlaeger stated his wife covered most of his concerns. He displayed and discussed photos of his property and the surrounding land. He noted he had a circular driveway which was built in the 1950s when his home was constructed. He stated the developer, Nick Parker, indicated he would not have access to the south end of his driveway after development. He discussed the 8 foot drop in elevation from the end of his front lawn noting he did not want a retaining wall. He stated his driveway should be grandfathered into the development; he should have access to his driveway. He discussed his concerns

regarding the PUD, where the gate was located, the neighborhood storm shelter, the detention pond, access to his neighborhood, and the need for a better plan.

Mayor Wimpee asked about the storm shelter.

Council Member Parks stated there was a storm shelter in the City right-of-way at this location. He stated he believed someone sold this property for a future street through the area; however, there was a storm shelter right at the end of the property. He stated he objected to a road being built through here.

Council Member Green asked if Mr. Wenetschlaeger's driveway was on someone else's land.

Citizen John Lindeman stated he owned the property on which the storm shelter was located; it was on a City easement, and when he moved in, he contacted the City about rehabilitating the storm shelter. He stated the City expressed no interest in fixing the storm shelter at the time and the shelter was in bad condition currently. He indicated he was in agreement with his neighbors, the Wenetschlaegers; he did not wish to see any recreation area built on the peninsula of land next to his property as this would create noise and traffic. He noted the peninsula of land was very small and a recreational sport activity would be very disruptive.

Mayor Wimpee stated she felt the developer was simply trying to find something to do with this piece of land, but she understood the existing homeowners not wanting a recreational area built this close to their homes.

Mr. Lindeman noted this was an incidental piece of land and he understood wanting to get the most out of an investment, but unfortunately, there was not a lot which could be done without significantly impacting the existing neighborhood, both in terms of noise, as well as drainage, as there were other problems with this land due to the topography.

Citizen Wade Sewell displayed and discussed photographs of his backyard. He stated he was opposed to the developer removing the existing trees and planting one tree per 50 feet. He noted his backyard would be facing the pool. He noted his trees were not great and were falling over, but one tree per 50 feet would not provide enough privacy between his home and the new development. He stated four condos, 60 feet tall, would be built behind his home. He stated the trees needed to be tall and there needed to be more than one per 50 feet. He stated recreational sports, on the south and east side, included the recreational pool, and this would be just as noisy as any other recreational sport.

Council Member Parks asked if the back of the barn was on Mr. Sewell's property line.

Mr. Sewell responded his property line was approximately 4 feet beyond the back of his barn. He discussed the unstable trees which were falling down. He stated he would not object to removing the bad trees but would like if the developer would keep the good trees to provide privacy.

Mayor Wimpee stated she understood Mr. Sewell's frustration.

Mr. Sewell stated he understood the property behind his home would be developed eventually but had not thought there would be 71 units on 11 acres behind his home. He stated he did not want to tell the landowner what to do with his property, he just wanted privacy.

Council Member Green stated change was hard, but as a Council Member he had to make these decisions. He stated he could not tell someone they could not build a pool because their neighbor might not like it. He noted the trees on the adjacent property were the property owners to do with as they liked. He stated Mr. Sewell could plant trees for privacy on his own property.

Mr. Sewell stated he actually could not plant privacy-type trees in his backyard due to the existence of a 20 foot easement across the back of his property. He noted the shed was in the easement but was movable with 24 hour notice.

Citizen Kasey Sewell discussed her private backyard which she loved. She noted she homeschooled her children and spent a lot of time in her backyard. She stated the PUD plans set the pool behind her home. She stated she had concerns regarding the safety of the pool, the noise, and the lighting. She asked for the wording of the PUD to indicate no construction of any recreational areas along the eastern and southern borders of the development. She asked for the recreational areas to be constructed elsewhere on the developer's property. She stated a 6 foot opaque fence, 30 foot greenspace buffer with a tree every 50 feet would not provide enough privacy. She asked for increased privacy solutions.

Council Member Green asked Ms. Sewell if she had any concerns about the other existing pools in the area.

Ms. Sewell responded in the affirmative; there was a pool to the south, which was perpetually covered, and while it was fenced and locked, the fence was not tall, and it was concerning.

Mayor Wimpee asked if there was a street between the pool and the 30 foot landscape buffer.

Ms. Yamaguchi responded there was a 30 foot landscape buffer between the east property line and any building, so in that 30 foot buffer there would be a landscape buffer and an alleyway providing access for the rowhouse development on the east property line.

Citizen Stacy White stated she had the same concerns as her neighbors, the Sewells, regarding the pool. She stated she was opposed to the project and had concerns regarding the pool, privacy, noise, and safety. She asked for the pool to be moved more internally into the new development. She discussed her concerns regarding loss of wildlife, asked for an environmental study, she asked for some of the existing nature to be left intact. She noted she even saw eagles in the area.

Citizen Stephanie Bradley stated she had concerns regarding the loss of nature, loss of privacy, traffic, difficulty exiting her neighborhood, increased density, and school overcrowding. She asked for the pool to be placed away from the existing subdivision and for increased privacy. She stated she understood City Council was excited to see this development and she understood development was inevitable.

Council Member Green stated he was not excited to see this development; he would not benefit from this development in any way. He explained he was playing devil's advocate. He stated City Council listened to the citizens' concerns and took them all into consideration. He stated he understood Ms. Bradley's concerns.

Citizen Claudia Taylor discussed the beauty, peace and natural wildlife in her backyard. She stated she did not want to have an alleyway built in her backyard. She noted there were existing trees which were tall enough to mask whatever was built, but these trees had to be saved. She asked for the existing trees to be saved to provide privacy.

Mayor Wimpee asked if the existing trees could be preserved.

Ms. Yamaguchi responded there were options in the Zoning Code providing tree preservation credits. She explained if the developer did a survey, identified the types and size of the trees, etc., the trees could count for a certain number of trees planted. She stated this could happen during the site planning, and sometimes it was more cost effective to cut down all the trees than it was to save some; however, tree preservation was an option, but not a requirement.

Council Member Green stated the developer could also speak better to this.

Mayor Wimpee stated when she bought her home, she was assured the land behind her home would not be developed for at least five years, but it was developed three months later, which was disappointing. She noted, however, that she did still have hawks, squirrels, hummingbirds, and a lot of other wildlife. She stated she would like to see as many trees preserved as possible with this new development because it took a very long time for a newly planted tree to provide a buffer.

Ms. Yamaguchi noted City Code allowed medium to small trees to be planted in easements, so it would be possible for a homeowner to plant trees in an easement; however, the homeowner would be running the risk of PSO coming in and ripping out a tree.

Council Member Ford noted one citizen mentioned an eagle sighting. She asked if environmental studies were required to ensure endangered species were not being harmed.

Ms. Yamaguchi stated Broken Arrow had no requirements for environmental studies.

Vice Mayor Gillespie stated protection of endangered species was a federal requirement.

Assistant City Manager of Operations Kenny Schwab stated the City of Broken Arrow could not enforce federal laws; the developer was required to follow federal laws of their own volition.

Mayor Wimpee stated there were two other citizens who were in opposition, but did not wish to speak. She asked Mr. Parker what his plans were for the peninsula piece of land in front of the Wenetschlaeger's home.

The applicant, Developer Nick Parker, responded the pickleball courts were moved away from this land. He stated much of the development was designed to minimize impact on the existing Kenwood Hills subdivision. He noted perhaps the pickleball courts could be located

on the detention site. He stated a dog park or walking trails were also considered for the peninsula of land, but he was unsure if this fell within the parameters of recreational activities. He stated the other issue he was still working on was the second point of egress for the development. He stated if the West Madison extension was utilized, the North Circle Drive, although the connection had to be there, it did not meet the fire requirement for the separation of the two access points; therefore, it was possible, if he did not have the ability to connect on the north side to Oakland, or on the west side of the detention pond, the connection to Ash would have to be used as the second point of egress, but this would remain gated for fire access only. He stated until these details were worked out, he could not eliminate the possibility of a roadway through the peninsula if no other solution were found, but this was definitely not his preference.

Vice Mayor Gillespie stated she felt there were still a lot of unknowns with this project, and she was not ready to move forward. She stated she had many traffic concerns. She explained she was not against the development itself, but the traffic was still a huge concern because this was one of the most traveled roads in Broken Arrow and while improvements were approved, when the improvements would take place was not known. She stated these improvements needed to be made now; there were accidents in this area constantly. She stated the entrance onto Elm was a big concern, and Kenosha was also a concern.

Mr. Parker noted West Madison would provide one entrance onto Elm.

Ms. Jennifer Griffin with J. Griffin Design stated there were two points of access to the west which could go down Birch Avenue to Kenosha. She stated the traffic could also go along West Madison out to Elm. She noted there was a stub street to Circle Drive which would be gated, so there would be no traffic impact to the Kenwood subdivision through the Kenwood subdivision. She noted the developer offered to open access if the Kenwood residents would like to access the roads through this new development for additional access points. She noted the other option being considered was the west street up through the detention area which would be a third point of access. She stated there were four options for the fire access. She noted if an emergency access had to be built along the peninsula, it could be a natural road and did not have to be paved as long as it could support the weight of a fire truck.

Vice Mayor Gillespie stated she was concerned about Elm and the school which came out on Norman, on the west side of Elm, north of Madison; there were no turn lanes, and the traffic was horrible. She said she used to live in the area, and it was worse now than ever. She noted she mainly worried about the school traffic and a stop light was needed.

Mr. Parker stated there was the potential for congestion but there would be different options to leave the development depending on which direction the driver wished to take. He agreed Elm could be improved significantly and there were plans in the works for this, but for the time being there were multiple egress points for this development. He noted these homes would also not be available for some time.

Council Member Green stated in terms of the uncertainties related to the project, these could not become certainties unless the project were approved and moved forward. He stated he believed the traffic issues were being addressed through the plans to widen Elm and he did not feel the developer could control the Elm traffic.

Vice Mayor Gillespie stated City Council could vote no and control traffic.

Council Member Green stated voting no would not fix the existing traffic concerns. He stated while he did not know when Elm would be widened, this project would also not be developed overnight either.

Mayor Wimpee asked about the estimated timeline of completion for this development.

Mr. Parker responded realistically it would take two years to begin move in, with an estimated three year buildout; it would be 2028 before this development was at full capacity.

Council Member Parks stated he lived in the Kenwood subdivision for over 40 years. He stated he knew how dangerous it was for him to get out onto Kenosha. He stated he hoped to see a development which did not dump any traffic into the Kenwood subdivision. He noted the development to the north of his home would be the commercial area, and right now Ash would be fire gated and he was pleased to see this. He noted he lived on a hill and looked down on his neighbor's roof. He stated he felt this was a good project. He agreed it needed some more work done, especially in terms of ingress and egress. He stated if this did not pass it would go back to the Comprehensive Plan and the Comprehensive Plan called for 3 acres to be Level 2, and while R-2 could be Level 2, it could also be R-3 or R-4 and if this happened, the subdivision would open into Kenwood. He explained the only reason this access was fire gated now was because of the high density of the proposed project; if there was a lower density then the stub street would not be permitted to be gated. He noted the other 7 acres

were Level 3, and Level 3 could have R-4, R-5 or R-6, which was apartments, or even a mobile home district. He noted while there were apartments on one side of the proposed development, he felt this was a unique idea and if the homes were going to be as expensive as the developer intimated, and were high quality, this could be very good for the community. He noted it might drive up property taxes a little bit, but other types of development might bring down property taxes, as well as property value. He agreed there should be no recreational development on the peninsula piece; however, if it had to be an emergency road, at least it would only be used in emergencies. He discussed the trees and wildlife and noted he would be sorry to lose any trees and wildlife, but this development needed to be seriously considered otherwise it would go back to straight zoning and who knew what could be built on the land. He said he was concerned about the private/public relationship between the developer and the City regarding the detention pond, but this was up to the City Manager. He noted the City had $50,000 dollars to spend on engineering the detention pond, which was owned by the City. He stated the pond currently was supposed to be a dry pond but had standing water.

Mr. Parker asked what the City's response to the traffic would be if this were denied and it reverted back to the Comprehensive Plan. He stated he would imagine higher density apartment complexes would produce more traffic than this proposed development.

Council Member Parks agreed. He stated he just did not want to see the City in a bind building streets for the developer.

Vice Mayor Gillespie read through the questions she asked of Staff earlier, as well as the answers received; the questions were regarding estimates for requested incentives. She stated this Item was for the Zoning and the PUD and it was important to understand everything before this was approved. She noted it was important for the developer to understand all the fees and requirements to ensure there were no surprises before moving forward and she did not feel this was the case. She stated if this project was dependent upon City incentives she did not feel she could approve, as she did not know what the City incentives were exactly. She stated it was her responsibility to ensure the City's money, the people's money, was being spent wisely. She noted this was a cool project, but she wanted to slow down and get some more answers before the next City Council meeting.

Council Member Green asked for the thoughts of Mr. Spurgeon and Mr. Schwab regarding traffic. He asked if this project was indeed dependent upon City incentives. He stated this project could move forward without City incentives.

Mr. Parker stated he would love to work in unison with the City to develop but was not dependent upon it. He noted a partnership with the City would make the project more viable. He noted the commercial portion of the project could be stripped away, and the emergency gate into Kenwood could be removed, but that was not his intention. He stated he wanted to work to develop this property while maintaining the integrity of Kenwood and honor the Kenwood residents.

Council Member Parks stated he felt the plan was looking good, but also felt it was important to know the points of ingress and egress. He noted residents were not pleased with the swimming pool location. He asked if the swimming pool could be moved away from the east property line.

Mr. Parker stated the pool was located on the east property line because this was the best placement for a number of different reasons. He stated he considered placing it where the cottage court was, central to the development, but there were connectivity issues with this placement, and he wished to design this as a walkable community. He stated the townhouse structures were now located in the live/work section, on the west property line, not the east property line. He stated additional screening measures were being considered on the east side of the pool, additional height for the fencing, to help with the buffer. He noted the noise ordinance would be followed, lighting would be minimized, and the pool would have limited hours of use.

Council Member Parks noted it was an outdoor pool and would only be in use a limited time of the year.

Ms. Griffin stated she understood traffic and access points were a concern. She noted today was consideration of the PUD and zoning, but not the platting. She stated there were many more steps in the process which would require City approval along the way.

City Manager Spurgeon stated from his perspective this project was unique compared to other types of housing in Broken Arrow. He stated having worked in a community previously which had an incredibly unique housing development he understood the impact this type of development could have on a community. He stated because of this uniqueness he was considering any type of incentives beyond the stormwater. He stated Broken Arrow had a

history of public/private partnerships which created what Broken Arrow was today. He explained every project had two sides, the construction side (site improvements) and the buildings themselves. He noted Broken Arrow's Ordinance and Code of Fees had expectations for approvals and associated fees for both sides. He indicated City Staff was not just looking at the building of the homes; there were site improvements every site developer had to take care of and then the builder came in and built the units. He stated he sat down with Mr. Parker a week ago to review the requested partnership and these incentives still were under review by Charlie Bright who was creating estimates. He stated there were a lot of unanswered questions from the City's perspective on the site development itself and making sure the developer understood the expectations of the City. He noted there were requests for waivers of certain permit fees associated with each lot and he needed to understand what the fees were before he could discuss this with the developer. He indicated the meeting included a lot of information for the developer to ensure the developer fully understood all requirements which came into play with a public/private partnership. He stated most concerning was the traffic. He stated it was important to have a plan in place for the traffic otherwise the homes would be built, and the residents would be calling to complain about the need for a traffic signal for a protective turn left. He stated this corridor was included in the grant received from the federal government to study the best way to reconfigure the area from Aspen all the way down to the County Line Road area along Highway 51. He stated the City could move forward with designing the area, putting a traffic signal in, and maybe adding a middle turn lane, but from his perspective it made more sense to wait and let the consultant come in and study the area and make a determination, because not only was there a need for a traffic signal here, up by Ferguson was so poorly designed, the City had an opportunity to realign the entire area. He said while the traffic signal was important to this development, it was a small element of redesigning the area to better suit the tens of thousands of cars which used this road. He stated he needed a few more weeks to confirm the estimates, and then he would sit down with Mr. Parker to review the estimates, and make sure everything was completely understood. He noted ultimately the public/private partnership would come before City Council for consideration. He stated as such, until he had all the information, he was not in a position to say whether he would recommend this for approval as it related to the incentive portion. He stated the project itself, the residents had some serious issues, and if these could be addressed, it was a project he felt should be considered.

Mayor Wimpee stated she appreciated the developer addressing the pickleball concerns and no longer having any type of recreation in the peninsula area. She stated she appreciated that the commercial was moved away from the eastern border as well.

Mr. Parker stated because of the commercial components, and the delivery vehicles which would be involved, as well as the traffic for servicing those businesses, there was some connectivity required and with right-of-way widths, it was going to rob from the overall aesthetic to have the commercial on the east. He noted the commercial element also connected to the property to the north which would soon be developed and would provide another point of egress going north up to the Oakland Extension. He stated the tree planting and fence height was never intended for privacy as the Kenwood development was up on a hill and towered over the neighboring property. He explained the fence was to provide restricted access to and from each development and prevent residents from wandering through yards and so forth. He stated there was nothing which could be built that could act as a privacy screen because there was such a discrepancy with elevations. He stated in regard to maintaining the trees, keeping the trees, this was certainly something he was open to. He explained 50 foot plantings was code, but the intent was to have plantings which were on each property line, on the east side of the alley, which would help restrict the vantage points from the Kenwood residents between the structures. He noted Kenwood residents would see the backs of the structures, but the trees would help prevent sightlines through the development.

Mayor Wimpee asked when the study on Elm would take place.

Mr. Schwab responded this was part of the $5.84 million dollar grant from the federal government, the RAISE grant. He stated the City was waiting for the federal government to execute the contract and had been for quite some time. He stated he understood once approved it could take a year or so, and it had been about a year, so he would hope the City would have this by the end of the year, but it was completely on the federal government's schedule and the presidential election might interfere with the process.

Mayor Wimpee asked if City Staff could reach out to the legislators and ask about this.

Mr. Schwab responded in the affirmative.

Vice Mayor Gillespie asked if the City was waiting for the federal government to approve the City moving forward with the study.

Mr. Schwab explained the contract allowed preliminary design. He stated the City had already selected the engineer for this project, entered into the contract with the engineer, and the engineer could do up to 60 percent of the plans for Elm. He noted this stretch of Elm from Kenosha (71st Street) north to Broken Arrow Expressway might be the most challenging roadway section in Broken Arrow. He noted moving north there was 1st Street (Lansing) on either side, continuing north was Madison on one side only, Norman on one side only, Oakland on one side only, then Oakland on the other side, then Queens which did not line up, then Southwest Blvd which did not line up. He stated Planning preferred intersections to line up; T intersections created nightmares for signalization. He stated moving forward the intersections would not line up and turning at T intersections caused challenges and stopped traffic flow. He stated more signals were not the answer, less signals were needed, and trying to tie the streets together would be extremely difficult. He stated this proposed development would require a traffic impact analysis which would be done at the engineering stage. He stated he expected the developer to install 3 lanes on Madison at the intersection on Elm, so all right hand movement going north would be free flow; the traffic going left would be the problem. He stated he believed Birch would also require three lanes. He stated in terms of stormwater, the detention pond was owned by the City and whether this development was built or not the City had to make improvements. He stated the biggest issue was the Corps as there was a blueline creek along the side of the detention pond. He stated if this were turned into a wet pond, which looked beautiful, it would be a big expense. He stated in terms of the federal government's environmental laws, the resident was referring to the Endangered Species Act, and if there were endangered species present then the developer was required to address the situation, if it was water then it would fall under Fish and Wildlife, it could be the Army Corps of Engineers. He explained the City had no jurisdiction on endangered species. He stated if there were no endangered species on the property, then there was nothing to address. He noted coyotes and hawks were not endangered; bald eagles were protected under a separate law.

Council Member Parks stated he felt this was a good project, especially for this buffer area. He stated he was pleased with this project and liked it much more than three story apartments. He asked if Mr. Parker was willing to table this for a few weeks to obtain the final information about points of ingress and egress and to give Mr. Parker time to get the necessary information regarding partnering with the City. He asked City Manager Spurgeon if it would be possible to have all of this information within the next four weeks.

City Manager Spurgeon responded in the affirmative.

Mayor Wimpee asked how waiting would affect the decision regarding moving forward, especially because Mr. Parker intended to move forward with the project with or without incentives.

Council Member Parks noted it would allow time to determine the exact points of ingress and egress. He stated he would like to know where the ingress and egress points would be before voting.

Mr. Parker noted identifying access points was part of the plat approval process. He stated this was just the conceptual plan and approval would give him the ability to move forward with identifying where the access points would be located.

Vice Mayor Gillespie stated she agreed with Council Member Parks. She stated she saw three story units in the PUD.

Mr. Parker noted the live/work area was three stories.

Council Member Parks stated there were no three story units on the east side of the development.

Mr. Parker stated the single family homes along the east side could have a maximum of three stories with a maximum of 50 feet high peak of roof.

Council Member Parks asked if the streets shown in the exhibit would be the streets in the final development.

Ms. Griffin responded this was not necessarily the case. She explained this was just for zoning and established the lot minimums, widths, heights, setbacks, etc. She stated this layout was the intention, but as projects went beyond PUD approval, the plans were developed with City engineering and then the final plat. She stated approval today would be giving the developer the City's blessing to move forward with this intent of design. She stated it was in the developer's best interest to keep these streets as shown; things could change, but the City would have to approve all changes.

Ms. Yamaguchi explained yes, the PUD was up for approval right now, but what would be

approved were the items Ms. Griffin mentioned, setbacks, screening requirements, all things specifically laid out in the PUD as far as design standards were concerned, and zoning, the actual use of the property.

Vice Mayor Gillespie asked if the prohibition of recreational sports in the peninsula was included in the PUD.

Ms. Yamaguchi stated currently the PUD language read no pickleball would be located in the peninsula. She stated the City Council could make a further prohibition. She stated the street layout could change. She noted this layout was what the developer wanted, but when the process got to engineering, if the roads did not work out quite right due to topography, drainage, etc., road layouts could change; however, the plat would come back before City Council for consideration.

Discussion ensued regarding how to word the prohibition of recreational sports in the peninsula.

Discussion ensued regarding whether to table this Item for a few weeks.

Vice Mayor Gillespie asked if the developer would move forward with the project with or without any partnership with the City.

Mr. Parker responded in the affirmative. He noted the project would look different without a partnership with the City. He stated the project would have a better finished product and would better benefit the City if a partnership were achieved; however, the project would move forward even without a partnership.

City Manager Spurgeon stated the possibility of a public/private partnership had thrown a wrench into what would normally just be the consideration of a residential development application. He stated he was comfortable with City Council acting upon what was on the Agenda.

Vice Mayor Gillespie stated she was not ready to approve this project; she would like to know how the City would be spending its money before approval.

Council Member Green noted the approval of how the City would spend its money would still come before City Council; approval of this project was not approval of the partnership.

City Manager Spurgeon stated incentives aside, he would recommend City Council consider the application. He stated this was a unique project for the community and being a PUD, it gave the City a lot more ability to make a final decision regarding what would be built on this land.

MOTION: A motion was made by Justin Green, seconded by Lisa Ford.
Move to approve BAZ-001624-2024 (Rezoning) and PUD-001623-2024 (Planned Unit Development) with the amendment to prohibit recreational sports with rackets or balls in development area B
The motion carried by the following vote:

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

G. 24-1198 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) Amanda Yamaguchi
Ms. Yamaguchi reported Staff recommended continuing this Item until September 17, 2024 in order to gather more information.

City Manager Spurgeon stated a couple of City Council Members requested an update regarding the right-of-way. He noted Mr. Schwab would put something together for this purpose.

MOTION: A motion was made by Johnnie Parks, seconded by Lisa Ford.
Move to continue this Item until September 17, 2024 City Council meeting
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

Mayor Wimpee stated there were a lot of cool events coming up in September: Scotfest, Chalk It Up, Hops N Bops, and others.

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

There were no remarks or updates by City Manager.

At approximately 8:59 p.m. Mayor Wimpee noted there was an Executive Session and called for a recess for BAMA and BAEDA.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.
Move for a recess for BAMA and BAEDA
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 9:39 p.m. the room was cleared for Executive Session.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.
Move to clear the room for Executive Session
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

At approximately 9:44 p.m. City Council entered into Executive Session.

14. Executive Session

Executive Session for the purpose of confidential communications between the City Council, the City Manager, the Director of Human Resources, City Attorney and any other pertinent staff members discussing, conferring on matters and possible action in open session pertaining to:

1. Discussing the employment of the City Manager, Michael L. Spurgeon, and specifically to permit the City Council to conduct the annual evaluation as provided for in the City Manager's Employment Agreement as amended and taking appropriate action in open session regarding his employment and contract as allowed for under 25 O.S. § 307(B)(1).

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

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.
Move to find the Executive Session necessary
The motion carried by the following vote:
Aye: 5 - Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

City Council returned to open session at approximately 9:57 p.m.

15. Adjournment

The meeting was adjourned at approximately 10:00 p.m.

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