



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

Monday, June 17, 2024	Time 6:30 p.m.	Council Chambers
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1. Call to Order

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

2. Invocation

Pastor Rich Manganaro performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Council Member Johnnie Parks 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

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| A. | 24-80 | Approval of the City Council Meeting Minutes of June 3, 2024 |
| B. | 24-759 | Approval of the Payroll and Benefit Calendar for Fiscal Year 25 |
| C. | 24-739 | Approval of premium changes for the Employee Health Care Plan for Employees of the City of Broken Arrow, effective July 1, 2024 |
| D. | 24-836 | Approval of and authorization to execute 2022 and 2023 Community Development Block Grant (CDBG) Contract/Agreement Renewals with Tulsa County from July 1, 2024 to June 30, 2025 for the PY2023 Iola Street Rehab and City-Wide Emergency Housing Repairs and the PY2022 Old Town Waterline Replacement and Elm Avenue Storm Drainage Replacement |
| E. | 24-792 | Approval of and authorization to execute a Risk Management Services Agreement with the Arrow Group to provide brokerage services for Risk Management and Insurance Services administration to be effective July 1, 2024 |
| F. | 24-758 | Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and John Barnhart, P.C., Attorneys and Counselors at Law for providing outside counsel and legal advice regarding Workers' Compensation matters |
| G. | 24-770 | Approval of and authorization to execute a Professional Services Agreement with Bradley Law, LLC, for providing counsel and legal advice regarding Franchise law |
| H. | 24-729 | Approval of and authorization to execute an Emergency Medical Service Contract Agreement between Central Tech and the City of Broken Arrow |
| I. | 24-738 | Approval of and authorization to execute an agreement between the City of Broken Arrow and Claims Recovery Specialists LLC for providing City Recovery and Adjustment Services for property damages to City-owned assets |
| J. | 24-832 | Approval of and authorization to execute a service agreement quote with Donohue Commercial as primary, with Polar Bear Jack's, Jackson Mechanical, and Airco Service as secondary vendors based on response time for heating, ventilation, and air conditioning services |
| K. | 24-730 | Approval of and authorization to ratify a Business Associate Agreement between the City of Broken Arrow and Hillcrest Hospital South |
| L. | 24-817 | Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Hovey Williams, LLP, Attorneys and Counselors at Law for providing counsel and legal advice regarding Patent law |
| M. | 24-754 | Approval of and authorization to execute an Inter-local Agreement with Independent School District No. 3 (Broken Arrow Public Schools) for school crossing guards |
| N. | 24-837 | Award the most advantageous bid to Hutchinson Salt Co. as primary, with Central Salt |

O.	24-755	as secondary based on availability for the purchase of Medium Road Salt with YPS (Yellow Prussiate of Soda) for the Streets and Stormwater Department
P.	24-768	Approval of and authorization to execute an Inter-local Agreement with Independent School District No. 9 (Union Public School District) for school crossing guards
Q.	24-747	Approval of and authorization to execute a Professional Services Agreement with Kivell, Rayment & Francis, P.C. for providing counsel and legal advice regarding right-of-way acquisitions, title opinions and property law
R.	24-769	Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Latham, Keele, Lehman, Ratcliff, Carter & Clarke, Attorneys at Law for providing outside counsel and legal advice regarding Workers' Compensation matters
S.	24-820	Approval of and authorization to execute a Professional Services Agreement with Metcalf & Spittler, LLP, for providing counsel and legal advice regarding the Tiger Hill Retaining Wall Design and Construction Defect Dispute with Contech, Inc., O.J.C., and Heartstone
T.	24-776	Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and McAfee & Taft, P.C. for providing counsel and legal advice regarding sovereignty law, employment law and labor law
U.	24-402	Approval of and authorization to execute a Global Financial Professional Services Agreement with Municipal Finance Services
V.	24-772	Ratification of a Letter of Agreement with Saint Francis Hospital South, for the Broken Arrow Fire Department uniformed employee's biennial physical examinations
W.	24-726	Approval of and authorization to execute a Client Services Agreement between the City of Broken Arrow and TEAM Professional Services, Inc., to providing occupational services for pre-employment and employment requirements
X.	24-791	Approval of and authorization to ratify a Clinical Rotation Agreement between Tulsa Technology Center and the City of Broken Arrow
Y.	24-788	Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Two Oaks Investments, LLC, dba Consolidated Business Resources (CBR) to provide services for Workers' Compensation claims administration
Z.	24-828	Approval of and authorization to execute a Professional Services Agreement between the City of Broken Arrow and Wood, Puhl & Wood , PLLC Attorneys and Counselors at Law for providing counsel and legal advice regarding civil rights and use of force cases
AA.	24-744	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 \$50,000 or less
AB.	24-771	Notification of Acting City Manager's execution of a Routeware integration project to interface with Munis
AC.	24-780	Notification of the City Manager's execution of 60-day agreement with Arctic Wolf and termination of our services
AD.	24-746	Approval of and authorization to execute the purchase of Oklahoma Municipal Assurance Group (OMAG) Insurance Policies for Bass Pro property, General Municipal Properties including Battle Creek Property, and Auto/Mobile Equipment effective July 1, 2024
AE.	24-821	Approval of and authorization to purchase Whelen NWS Software Server and RapidWarn system via a sole source contract
AF.	24-825	Award the most advantageous bid to Apac-Central, Inc., as primary with Anchor Stone Company as back-up, for purchase of Aggregate as needed
AG.	24-535	Award the most advantageous bid to Apac-Central, Inc as primary, with Tulsa Asphalt as back-up vendor for asphalt as needed
AH.	24-762	Approval of and authorization to execute the award of the lowest responsible bid to Envision Civil Contractors, LLC and approve the execution of a construction contract for the Preserve Park Pond North Path and Slope Repair project (SW24060)
AI.	24-806	Approval of and authorization to execute the award of the lowest responsible bid to Envision Civil Contractors, LLC and approve the execution of a construction contract for the Dallas and 4th Stormwater Improvements project (SW23060)
AJ.	24-827	Approval of and authorization to execute the award of the lowest responsible bid to Stronghand, LLC and approve the execution of a construction contract for the Cedar Ridge Estates Drainage Improvements project (SW22050)
AK.	24-823	Award the most advantageous bid to Twin Cities Ready Mix, Inc. for Concrete as needed
AL.	24-830	Award the most advantageous bid to Unicare Building Maintenance, Inc and authorize execution of a service agreement for Janitorial Services for City Hall, City Hall Annex, and Operations Office Building
AM.	24-834	Award the most advantageous bid to Watkins Sand Co. Inc. for the purchase of Backfill Sand and Masonry Sand as needed and Award the most advantageous bid to Tulsa Topsoil Inc. for the purchase of Topsoil as needed
AN.	24-838	Approval of and authorization to execute service agreement quote with Addco Electric, Inc. for electrician services
		Approval of and authorization to execute a service agreement with TLS Group Inc. for

- AO. 24-839

Approval of and authorization to execute a service agreement with TLS Group Inc. for traffic signal repair services
- AP. 24-510

Approval of and authorization to execute Resolution No. 1589, a Resolution of Necessity to Condemn Property located at southwest corner of Elm Place and Albany Street, Broken Arrow, Oklahoma, located in Section 3, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the Stone Ridge Stormwater Detention, Parcel 1.0 (Project No. SW1910)
- AQ. 24-509

Approval of and authorization to execute Resolution No. 1590, a Resolution of Necessity to Condemn Property located at 18574 East 101st Street, Broken Arrow, Oklahoma, located in Section 25, Township 18 North, Range 14 East of the Indian Meridian, Tulsa County, Oklahoma, for the County Line Trunk Sewer, Phase II, Parcel 21.0, 21.1 (Project No. 2154250)
- AR. 24-764

Approval of and authorization to execute Resolution No. 1585, a Resolution confirming the supplementation and publication of the City of Broken Arrow’s Code of Ordinances
- AS. 24-766

Approval of and authorization to execute Resolution No. 1586, a Resolution confirming the supplementation and publication of the City of Broken Arrow’s Code of Ordinances
- AT. 24-765

Approval of and authorization to execute Resolution No. 1587, a Resolution confirming the supplementation and publication of the City of Broken Arrow’s Code of Ordinances
- AU. 24-785

Ratification of the Claims List Check Register Dated June 07, 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. 24-816

Presentation of Certificate of Recognition to Judge Steven E. Edgar for 24 years of dedicated service as Judge for the City of Broken Arrow and approve and authorize its execution

City Attorney Trevor Dennis stated Judge Steven E. Edgar had been serving Broken Arrow as a stalwart servant for 24 years. He indicated Judge Edgar was judicious in temperament and had good relationships with the community. He stated Broken Arrow was sorry to see Judge Edgar go but wished him the best in his future endeavors and retirement.

Mayor Wimpee read the Certificate of Recognition: “IN HONOR OF JUDGE STEVEN E. EDGAR: In recognition of your 24 years of service to the citizens of the City of Broken Arrow as Municipal Alternate Judge and Municipal Presiding Judge. Congratulations on your retirement and thank you for your 24 years of dedication to the City of Broken Arrow.”

Mayor Wimpee presented Judge Edgar with his Certificate of Recognition and commemorative photos were taken.

Council Member Lisa Ford noted Judge Edgar was already in place when she began at the Police Department about 24 years ago. She stated thinking about how much Broken Arrow had grown over the years, it was amazing. She said she appreciated working in the building next to Judge Edgar for so many years. She congratulated Judge Edgar on his retirement.

Mayor Wimpee read the letter: “Dear Judge Steven Edgar, The purpose of this letter is to express the City of Broken Arrow’s appreciation and gratitude for your commitment to excellence and for the administration of Justice. During your time with the City of Broken Arrow, you have guided our Municipal Court through various trials and tribulations with integrity and fairness. This coupled with your passion for finding the truth and the outstanding example you have set have served our community, both inside and outside of the courtroom. Thank you for your contributions to the City of Broken Arrow for five years as the Alternate Judge and nineteen years as the Presiding Judge of Broken Arrow Municipal Court. We greatly appreciate your work for the City of Broken Arrow. As Mayor for the City of Broken Arrow, and on behalf of my fellow City Councilors and City Manager, Michael Spurgeon, I wish you a big Congratulations on your retirement, Judge Edgar. We wish you the very best in the future, Debra Wimpee, Mayor of the City of Broken Arrow.”

Council Member Johnnie Parks noted Judge Edgar was in his Civitan Group and last year he was a Sergeant at Arms. He said he never knew anyone in his Civitan Group who did such a good job as a Sergeant at Arms. He thanked and commended Judge Edgar.

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

Move to approve the Certificate of Recognition to Judge Steven E. Edgar for 24 years of dedicated service as Judge for the City of Broken Arrow and approve and authorize its execution

The motion carried by the following vote:

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

- B. 24-756

Presentation of Metronet regarding installation of fiber-optic telecommunication services in Broken Arrow

Community Development Director Rocky Henkel introduced Shana Brockett with Metronet.

Ms. Shana Brockett stated she was the Government Affairs Manager for Metronet. She provided a brief history of Metronet, established in 2005, and was the nation's largest independently owned fiberoptic company. She said Metronet provided high speed fiber internet and full feature fiber phone; Metronet service 250 plus communities in 16 states and was growing rapidly. She presented some of Metronet's recognitions including "Top 10 Overall ISP with Best Gaming Quality Index" in 2021; "Fastest Major ISP in the US" in 2023; Fastest Internet Speed provider in Iowa, Indiana, and Kentucky; "Best Performer" by Netflix; and "Top 3 Internet Providers Nationwide." She indicated Metronet's Safety Director Chuck Muller sat on the Ohio 811 Board, as well as the Michigan 811 Board. She stated Metronet took safety very seriously. She stated Metronet would partner with the City of Broken Arrow, communicate with the residents, and would remain in constant communication with the City and the residents. She stated Metronet would keep residents constantly apprised of Metronet construction activities within neighborhoods through construction newsletters, postcards, road signs, and neighborhood signage. She displayed and discussed a map showing LCP examples in another City. She indicated kickoff meetings would happen before construction began to discuss construction; following the start of construction monthly construction communication meetings with the City would be held; a construction website would be online for customers to put in a ticket; tickets would be responded to within 24 hours and would be closed out within 8 days. She discussed restoration noting restoration went on during construction, Metronet restored as it went. She displayed and discussed photos of restoration and post construction noting Metronet installed facilities at ground level which could be mowed over. She discussed Metronet's community engagement team which would partner and engage with the City with blood drives, food drives, toy drives, music festivals, etc. She noted there was no cost to the City of Broken Arrow for Metronet to build and install fiberoptic services.

Vice Mayor Gillespie noted she already asked Metronet many questions.

Council Member Green agreed noting a meeting with Metronet was held previously and the City Council Members were able to ask questions of Metronet.

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. 24-693

Consideration, discussion, and possible approval of and authorization to execute Resolution No.1584, a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2024-2025 Annual Budget for the City in accordance with the provision of the Municipal Budget Act

Finance Director Cindy Arnold reported a Budget Workshop was held in May, a public hearing was held at the last City Council Meeting, and City Manager Spurgeon would make a brief overview presentation.

City Manager Michael Spurgeon reported Broken Arrow operated on a fiscal year cycle from July 1 through June 30 annually. He stated there were six basic tenants, or top priorities, which the City focused on in terms of providing quality of life and services for the residents of Broken Arrow: 1) Public safety services and community wellbeing; 2) Economic development focused on growth and prosperity; 3) Innovative municipal operations; 4) Fiscal sustainability and strategic public investment; 5) Transformational initiative to help maintain a thriving and health community (parks and recreation, quality of life, events, etc.); and 6) Transparency and communication. He indicated there were four key budget principles or practices used by the City: 1) Focus on long-term financial sustainability; 2) Estimate revenues and expenditures conservatively; 3) Ensure all funds balance; and 4) Include built-in contingencies for the unexpected (build up reserves). He reported the proposed municipal budget was \$472,198,240 dollars; this was a 33% increase over last year's budget of almost \$355 million dollars. He displayed and discussed a chart showing how the funds were broken down. He noted all this information was on the Broken Arrow website. He stated the operating budget this year was \$165 million dollars, which was a 6.5% increase over the previous operating budget, which was small considering the raises given and the cost of doing business today. He explained the biggest increase in the total budget was due to capital outlay because Broken Arrow had projects somewhere in the lifecycle of approximately \$267 million dollars which was a 63% increase over last year. He explained these projects were roads, streets, sidewalks, utilities, etc. He stated Broken Arrow had a robust capital improvements program which was needed to maintain Broken Arrow's level of service and to expand the community to accommodate growth. He said almost all of these capital improvements were approved by the voters. He reported Broken Arrow's debt service this year was almost \$40 million dollars which was up 10 percent to pay for utility improvements. He thanked Broken Arrow Staff, and Cindy Arnold's team. He recommended approval of this year's proposed budget of \$472,190,240 dollars.

MOTION: A motion was made by Justin Green, seconded by Johnnie Parks. **Move to approve and authorize execution of Resolution No. 1584; a Resolution of the Broken Arrow City Council adopting the Fiscal Year 2024-2025 Annual Budget for the City in accordance with the provision of the Municipal Budget Act**

The motion carried by the following vote:

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

Vice Mayor Gillespie thanked City Manager Spurgeon for explaining that the increase in the budget was due to the City fulfilling its commitment to complete capital improvement projects approved by the Broken Arrow voters. She noted there would be lots of constructions and lots of good things coming in the next fiscal year.

City Manager Spurgeon agreed. He stated 209th, Houston, the west mile on 81st would begin soon. He stated he signed the plans today for the Innovation District. He thanked City Council.

Council Member Green stated it was good to see Broken Arrow taking steps to improve its infrastructure, especially as Broken Arrow was one of the fastest growing cities in the state. He noted it was important for infrastructure to grow along with economic development.

B. 24-800 Consideration, discussion, and possible approval of and authorization to execute memorandums of understanding with Family and Children Services and Grand Mental Health to provide crisis prevention and mitigation services to the Police and Fire Department

Assistant Fire Chief Mark Steward displayed and discussed a slide showing the cycle of crisis including precipitating factors (health, substance abuse, aging, etc.). He noted substance abuse was at the core of many crises. He noted the Broken Arrow community did a good job helping those in crisis, but unfortunately, some citizens in crisis fell through the cracks, and when this happened it became an emergency. He indicated unfortunately Broken Arrow Fire and Police were woefully unprepared to handle some crisis with only two options: jail or the emergency room. He noted these were short term solutions. He stated he would present some options which would be helpful to police officers and fire fighters managing these situations: prevention and mitigation.

Police Major Steven Garrett discussed the City's need for assistance in crises situations. He indicated the City received 590 calls in the last year for mental health crisis; 300 of these calls resulted in taking an individual into protective custody to get mental health services. He stated Broken Arrow had 92 overdoses and 8 suicides last year.

Chief Steward reported the City had 37 individuals in the last six months which resulted in 250 responses from the Fire team. He explained these were individuals in a bad situation whose needs were not being met and they were relying on the Fire Department to meet daily needs for basic activities.

Major Garrett stated this program was not an alternative to first responders going to the scene; police and fire would always go to the scene when called. He said it also not a replacement for police and fire personnel responding to a scene. He noted if there were care coordinators on scene, there would still be first responders on scene at the same time. He stated this was not a program to keep criminals from going to jail; laws would still be enforced. He stated this was not a response by the care coordinators in lieu of police or fire; responses by care coordinators would have police and fire personnel on scene simultaneously.

Chief Steward indicated the proposal was to form partnerships with two local agencies, Family and Children Services, and Grand Mental Health, both of which had representatives present to answer questions. He indicated the funding for this would come from the Opioid Settlement Fund. He stated there were two MOUs prepared for City Council approval, and the only other next step would be to embed the healthcare professionals into Broken Arrow agencies to begin work.

Mayor Wimpee stated she was thrilled by this presentation. She indicated she just came from a Mayor's Conference and many cities were dealing with these same issues. She noted she spoke about this proposed project which other cities might be able to adopt in the future. She said to be able to use the Opioid Settlement Fund to pay for this was great. She indicated she served on a Police Chief Panel a few weeks ago and there was talk about the difficulties of other cities dealing with mental health issues. She stated she again discussed this proposed project which Broken Arrow was about to launch and how the funding for the project came from the Opioid Settlement Fund.

Council Member Ford stated this program would be great for Broken Arrow Police and Fire personnel, but most importantly it would be beneficial to Broken Arrow citizens. She noted she was in Sacramento this past week and its police department had a similar program which

was successful. She stated this was something the citizens of Broken Arrow really needed.

Major Garrett noted embedding the care coordinators with both the Fire and Police agencies would be very helpful; care coordinators would be able to connect citizens with the services needed, whether it be home placement, job placement, substance abuse programs, etc.

Mayor Wimpee stated much of this would begin with dispatch.

Major Garrett noted dispatch was trained to understand whether a call was a crisis call and whether the care coordinator needed to be sent to the call.

Vice Mayor Gillespie asked if fire and police personnel would also be able to recognize whether a care coordinator was needed.

Major Garrett responded in the affirmative.

Vice Mayor Gillespie stated she did many ride-alongs with police and fire, and many calls ended up being some sort of mental health situation and this was a big issue for many Broken Arrow citizens. She said she was happy the citizens of Broken Arrow were extremely supportive and excited about this program. She said she was excited about this program as well and believed it would improve the quality of life of many Broken Arrow citizens, especially those who need help.

Council Member Parks stated he was happy to see the Opioid Settlement Fund being used in a manner which helped those who perhaps suffered from opioid use, or who perhaps might otherwise have turned to opioids. He said he felt this was an excellent use of the Opioid Settlement Fund.

Council Member Green stated first responders were limited with limited resources and limited manpower, and this community partnership would be huge. He stated finding professionals who could focus on the mental health needs of the community would be a game changer for the City. He thanked those who put together this plan for thinking outside the box and finding ways to better serve the community.

Council Member Ford asked for introductions.

The representatives from Family and Children Services and Grand Mental Health were introduced.

Council Member Green noted these resources (Family and Children Services and Grand Mental Health) were effective.

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

Move to approve and authorize execution of memorandums of understanding with Family and Children Services and Grand Mental Health to provide crisis prevention and mitigation services to the Police and Fire Department

The motion carried by the following vote:

Aye: 5 -

Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

City Manager Spurgeon noted this was an example of a transformational initiative to help maintain a thriving and healthy community.

C. 24-701

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

Planning and Development Manager Amanda Yamaguchi reported BAZ-001472-2024 was a request to rezone 39.36 acres from R-2 (Single Family Residential) to RS-4 (Single-Family Residential) for Oak Crossing, a proposed single-family detached development. She stated the property was generally located east of 23rd Street and South of Houston Street; the property was presently undeveloped and unplatted. She stated the rezoning request was associated with the potential Oak Crossing development which proposed to create a single-family development of detached homes on individual lots. She stated when a plat associated with this development was submitted Staff would require all dimensional standards for single-family detached lots in RS-4 zoning be met as set forth in the Zoning Ordinance. She noted additionally, access to 23rd Street and all adjacent stub streets would be required; all potential streets must be constructed to City of Broken Arrow standards. She stated according to the FEMA maps, none of this property was in the 100 year flood plain; water and sewer were available from the City of Broken Arrow. She noted Planning Commission recommended approval on May 23, 2024 with a 5-0 vote. She stated Staff recommended BAZ-001472-2024 be approved subject to platting per Planning Commission and Staff recommendation.

Vice Mayor Gillespie asked who the builder was.

Ms. Yamaguchi indicated the applicant could answer this question. She displayed and discussed a conceptual plat showing a proposed conceptual layout of the property.

Mayor Wimpee asked how many houses would be developed.

Ms. Yamaguchi responded approximately 107 houses might be developed.

Council Member Green stated he and the other City Council Members received emails with concerns from citizens. He explained he and the other City Council Members took these concerns into consideration.

Mayor Wimpee asked when County Line would be widened.

Ms. Yamaguchi noted the intersection was under construction right now, but she was unsure when the widening would take place.

The applicant Mike Setzer indicated the density would be RS-4. He noted there were some areas of obstruction which would affect the density and the overall numbers of homes able to be built including railroad tracks and drainage areas. He noted at Planning Commission the density was discussed and the net number of houses per acre being developed was RS-3 density; there would be stormwater detention on the site and the southern portion of the property had a big swath of railroad and existing easements. He noted there were some infrastructure issues discussed at Planning Commission which would have to be addressed.

Council Member Green asked if Mr. Setzer was saying there would be less than 107 houses built.

Mr. Setzer responded 107 houses on the property as a whole was a similar net number as an RS-3 development in density.

Vice Mayor Gillespie said the number houses per acre was similar to an RS-3 development because of the railroad.

Mr. Setzer agreed.

Council Member Green asked if the developer would make the necessary improvements to the infrastructure or if the developer planned to ask the City to make the improvements.

Mr. Setzer responded the developer had a concept which showed two connections to the sanitary sewer, and it was his understanding there were some existing issues with capacity. He said he could not speak to the specifics, but the developer could not connect to one of these points when capacity was a problem. He stated he understood there were also flow issues which the City was currently working on to the east of this property.

Vice Mayor Gillespie asked if houses could be built this close to the railroad.

Mr. Setzer explained the houses were being built close to the 100 foot right-of-way, the line in the middle of the right-of-way was the actual railroad.

Council Member Green asked if the development would connect to the neighborhood to the east.

Mr. Setzer indicated there were two connection points, one to the east on Louisville and one to the south on 27th.

Mayor Wimpee asked if the south connection (27th) would go to the neighborhood to the south.

Mr. Setzer responded in the affirmative. He noted the old stub streets were being connected to the existing subdivisions to promote connectivity.

Vice Mayor Gillespie stated this would connect the development through Louisville to County Line.

Mr. Setzer responded in the affirmative.

Vice Mayor Gillespie noted this development was different in that the existing subdivision would be more likely to drive through the new development to access the main roads rather than the other way around.

Council Member Parks asked about green space or walking trails.

Mr. Setzer noted the project was currently at the concept level. He explained there were two reserve areas for detention which also could be used as greenspace as a dry pond. He stated regarding connectivity for pedestrians, the developer had not reached this point in the plan yet. He indicated the development would meet the City requirements for sidewalks and such.

Council Member Parks stated it seemed like a big jump from RS-2 to RS-4 to get 107 houses on the property. He said it was important for families to have walking trails and green space.

Vice Mayor Gillespie asked when this property was zoned RS-2.

Ms. Yamaguchi noted she did not know the exact date, but it was before the current zoning ordinance was put into place. She stated it was at least 10 to 15 years ago.

Citizen Sean Parrish stated he was a resident of Oak Creek South and a representative of his neighborhood. He said Rausch Coleman was seeking to rezone this plot of land. He noted during the meeting Rausch Coleman referenced 150 homes which equaled 300 vehicles added to the area which already had a problem with traffic. He discussed the traffic difficulties and vehicles cutting through his neighborhood. He discussed the problems which arose during any type of rain event including raw sewage flowing out of manholes, even in his own backyard. He stated Rausch Coleman had a long track record for not doing things the right way. He indicated Rausch Coleman installed the sewer in his neighborhood backwards which was when these problems started. He indicated a neighborhood in Coweta had been fighting Rausch Coleman over a retention pond because the subcontractor put in the wrong piping for drainage, the property was flooding, one of the homes was unlivable due to flooding, and Rausch Coleman was refusing to fix the problem. He stated Rausch Coleman had numerous lawsuits and bad reviews. He discussed examples of cities denying Rausch Coleman projects and the reasons why. He stated if approved the road through his neighborhood would become “a racetrack” for drivers cutting through his subdivision. He discussed the park nearby which would be affected by this new traffic. He indicated Planning Commission asked about installation of a roundabout to slow traffic along this road, which he did not see in the drawing.

Vice Mayor Gillespie stated she agreed with Council Member Parks; she would appreciate a PUD.

Council Member Ford asked about the citizen’s concerns voiced during the Planning Commission meeting.

Ms. Yamaguchi indicated the concerns were similar to Mr. Parrish’s concerns: utility capacity, traffic, speeding through neighborhoods, connections to 23rd Street or County Line. She stated from Staff’s perspective, street A would have to have some curvature or something to it because it was too long and too straight as it was on the conceptual plat, and Staff would discuss this with the applicant. She stated this was not a final layout, it was just to show conceptually what was being considered, where the access points and connection points would be.

Council Member Ford asked if City Staff could meet with Mr. Parrish about the sewage in his backyard.

Assistant City Manager of Operations Kenny Schwab indicated City Staff were already working on this.

Mr. Setzer stated the developer was close to having the concept done at the time of the Planning Commission meeting, and during that time the developer was at 146 lots; 146 lots was similar to RS-3 in net numbers, but 107 lots was similar to RS-3 or even RS-2 in net numbers. He stated in terms of infrastructure he stated he believed this development would help with the sanitary sewer as it brought the issues forward to be addressed. He stated he could not speak to the sewer being installed incorrectly. He noted all subdivisions had to meet all Broken Arrow requirements and go through the review process; Broken Arrow had relatively stringent requirements. He indicated the connection to Louisville was required by City Zoning Code. He stated the straight line to County Line Road could be designed to include traffic calming measures, whether it be a speed hump or islands, to slow the traffic down.

Vice Mayor Gillespie stated she had a few concerns, one being the proximity of the railroad, and the leap from RS-2 to RS-4. She asked how many houses would be allowed with an RS-2 development.

Mr. Setzer stated the property only netted about 30 developable acres; 10 acres were

unusable.

Vice Mayor Gillespie stated RS-2 required a certain lot size.

Council Member Ford asked if the new development would about the existing subdivision.

Mr. Setzer responded in the affirmative. He stated the lots along 28th were pretty deep. He noted there was some drainage which would need to be addressed.

Vice Mayor Gillespie asked where the detention would be located.

Mr. Setzer discussed where the detention areas would be on the map.

Vice Mayor Gillespie stated she felt she had too many questions to make an educated decision.

Mayor Wimpee noted County Line was a mess and it was not getting any better any time soon.

City Manager Spurgeon stated he also had a concern about County Line Road, and this mile of road would not be included in his recommended projects. He stated any additional developments on this road would only create additional challenges at this time.

Vice Mayor Gillespie asked if this portion of County Line Road belonged to the City of Broken Arrow.

City Manager Spurgeon responded in the affirmative.

Council Member Parks stated he liked a PUD as it provided the City a little control over what happened with the development; the City could require trees or a park or a walking trail, etc. He stated by approving the zoning alone the development would be dictated solely by the developer. He indicated he would look at this development in a better light if it came forward with a PUD and he better understood how it would be developed.

Ms. Yamaguchi stated an RS-2 development with 35 developable acres could have a maximum of 156 lots, but this did not count for right-of-way or roads or detention areas, etc. She stated RS- 4 could have a maximum of 193 lots.

Mr. Setzer stated this showed the density was much lower than RS-4.

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

Move to deny BAZ-001472-2024 (Rezoning), Oak Crossing, 39.36 acres, R-2 (Single-Family Residential) to RS-4 (Single-Family Residential), located approximately one quarter mile south of Houston Street (81st Street), and east of 23rd Street (193rd Avenue/County Line Road)

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Aye: 5 -

D. 24-757

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)

Mr. Henkel indicated Staff recommended this Item be removed from the Agenda until NorthStar was able to bring a proposal to the City. He said depending upon the proposal, it may need to be revisited by the Planning Commission.

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

Move to remove this Item from the Agenda until there was further direction from NorthStar

The motion carried by the following vote:

Justin Green, Lisa Ford, Johnnie Parks, Christi Gillespie, Debra Wimpee

Aye: 5 -

E. 24-814

Consideration, discussion and possible appointment by the Mayor of a Presiding Judge for the Municipal Court for the City of Broken Arrow, Oklahoma effective 7-1-24 for a two-year term and approval and authorization to execute a Professional Services Contract

City Attorney Trevor Dennis stated with the retirement of Judge Edgar the City needed to appoint an Acting Presiding Judge and an Alternate. He reported a 9 member Judicial Nominating Committee had recommendations, signed by the Committee Chair Stephan Gray. He read the letter recommending Dennis Sagely, Roger Long, and Grant Lloyd. He stated the recommendations were subject to the Mayor's appointment. He noted there was an

accompanying item to award the contracts tonight as well. He indicated there were six dockets a month which were covered by the alternate judge; all other dockets were covered by the presiding judge. He noted there were three dockets a week, a juvenile docket, a review docket, a traffic docket, or a non-jury docket. He stated the presiding judge under the contract would be paid \$4,099.72 per month plus FICA taxes, and the alternate judge would be paid \$200.97 per docket. He noted Mayor Wimpee had the ability to reject the recommendations and then the Committee would reassemble and present new recommendations.

Council Member Ford asked who made up the Committee.

City Attorney Dennis indicated he did not have those names.

Council Member Ford stated she was just curious, but the City would post the names of the Committee Members for public knowledge.

Mayor Wimpee stated she would be honored to appoint Judge Sagely as the presiding judge.

Council Member Green asked about the two year term of the contract. He noted City Attorney Dennis mentioned an Interim Judge appointment.

City Attorney Dennis explained the contract for the presiding judge would be for two years and would be renewed after the two year time period. He stated if he said “Interim Judge” then he misspoke; this was simply an appointment of a presiding judge and approval of the contract.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie. **Move to approve the appointment by the Mayor of a Presiding Judge for the Municipal Court for the City of Broken Arrow, Oklahoma effective July 1, 2024 for a two year term and approve and authorize execution of a Professional Services Contract**

The motion carried by the following vote:

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

F. 24-815 Consideration, discussion and possible appointment by the Mayor of an Alternate Judge for the Municipal Court for the City of Broken Arrow, Oklahoma, effective 7-1-24 for a two-year term and approval and authorization to execute a Professional Services Contract

City Attorney Dennis indicated this was the same process, but for the Alternate Judge.

Mayor Wimpee appointed Roger Long to serve as the Alternate Judge.

Council Member Green asked for the newly appointed judges to stand and be recognized.

Judge Sagely stood and was recognized. He noted he had served as Alternate Judge for 19 years.

Vice Mayor Gillespie and Council Member Ford commended Judge Sagely.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie. **Move to approve the appointment by the Mayor of an Alternate Judge for the Municipal Court for the City of Broken Arrow, Oklahoma, effective July 1, 2024 for a two year term and approval and authorization to execute a Professional Services Contract**

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

A. 24-773 Consideration, discussion and possible Adoption of Ordinance No. 3832 amending Chapter 10, Fire Prevention and Protection, Article I, In General, Section 10.3, Manufacture, Sale, Use, Etc., of fireworks, of The Broken Arrow Code of Ordinances; Deleting the Permit Requirement and Fee; repealing all ordinances to the contrary; and declaring an emergency

City Attorney Dennis reported two weeks ago discussion was held regarding updating the Fireworks Ordinance; Staff were directed to go forward with the redline strike out changes. He noted the main change was eliminating the permit requirements and waiving the fee. He said, unless there were any other changes or additions, it was ready for adoption.

Council Member Parks stated he still felt a permit without a fee was a good idea, so he was not in favor of this Ordinance.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.
Move to adopt Ordinance No. 3832

The motion carried by the following vote:

Aye:	4 -
Nay:	1 -

B. 24-774 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3832

MOTION: A motion was made by Lisa Ford, seconded by Christi Gillespie.
Move for the emergency clause

The motion carried by the following vote:

Aye:	5 -
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C. 24-808 Consideration, discussion, and possible adoption of Ordinance No. 3827-CORRECTED, an ordinance amending the zoning ordinance of the City of Broken Arrow, Oklahoma, approving BAZ-1643, generally located north of the northwest corner of County Line (South 193rd East Avenue), and East Albany Street (East 61st Street), granting CG (Commercial General) zoning classification upon the tract, repealing all ordinances or parts of ordinances in conflict herewith, and declaring an emergency
Community Development Director Rocky Henkel reported this was an Ordinance amending the Zoning Ordinance of the City of Broken Arrow. He stated rezoning case BAZ-1643 was a zoning change from Agricultural to Commercial General, approved by City Council on July 6, 2004, subject to the property being platted. He noted this was just a zoning map clean up and Staff recommended adoption of the emergency clause as well.

MOTION: A motion was made by Christi Gillespie, seconded by Lisa Ford.
Move to adopt Ordinance No. 3827-CORRECTED

The motion carried by the following vote:

Aye:	5 -
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D. 24-809 Consideration, discussion and possible approval of an emergency clause for Ordinance No. 3827-CORRECTED

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move for the emergency clause

The motion carried by the following vote:

Aye:	5 -
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12. Remarks and Inquiries by Governing Body Members

Council Member Parks stated he and his wife walked at the girls’ softball complex as it had a nice trail for walking. He stated while walking he spoke with several individuals who were visiting for a tournament and expressed Broken Arrow was their favorite city to visit for tournaments with friendly locals and a lovely softball facility. He stated the visitors indicated this was the general feeling of those who traveled for softball tournaments.

Mayor Wimpee stated she visited with a Broken Arrow MMA team, ages 13 and up, who were going to England in July to compete for Team USA.

Council Member Green announced June 27, 28, and 29 would be the New Orleans Square Block Party with fireworks on Friday and Saturday. He stated there was a phenomenal music lineup with some well-known musicians and some local musicians. He stated there would be food trucks. He indicated it would be a great time to bring the kids and have a good time. He stated this was another effort of Broken Arrow to bring the small town feel to the community. He invited all to attend.

Vice Mayor Gillespie stated she and Council Member Ford served on the Senior Center Board and the Founder’s Day Luau, a fundraiser for the Senior Center, would be July 13, 2024 at 7:00 p.m. She stated the Senior Center Facebook page had additional information about the event and there were posters on Main Street as well. She stated it would be a traditional luau with fire dancers and roasted pig. She said all were invited and attendees were not required to be seniors.

Council Member Ford noted interested parties could donate money to the Senior Center even without attending the Luau.

Vice Mayor Gillespie noted there was an election tomorrow. She encouraged all to vote.

Council Member Green congratulated the Broken Arrow Police Department Motors Unit who competed in Branson and brought home a 1st, 2nd, and 3rd place trophy.

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

City Manager Spurgeon thanked the members of the Community Development Team, specifically Rocky, Grant and Kendra who worked very hard to put together the New Orleans Square Block Party. He stated the Block Party was going to be an amazing event for the Community and he wanted to recognize the Community Development Team for their hard work. He introduced the Interim Director of the Chamber and Economic Development Corporation, Jim Fram. He stated as a result of Council’s action regarding fireworks, he would be making a video about fireworks to be sent out soon. He stated he would also be making a video about solicitation and trespassing. He stated Broken Arrow received approximately 4,000 responses for the whole survey, and within two days received approximately 2,500 responses for the micro survey about roads which showed how important the roads were to Broken Arrow residents. He commended Aaron for his efforts regarding the micro survey. He noted the survey would be up for approximately a week and a half, following which he would present the results to City Council and then another micro survey would be released.

Council Member Ford reported this morning was the groundbreaking for CREOK’s Health Service, a 24 hour mental health facility, which would open in approximately one year. She stated CREOK’s would be for juveniles, veterans, and families. She stated not only would the facility help Broken Arrow citizens, but it would also bring 130 jobs to Broken Arrow. She welcomed CREOK’s to Broken Arrow.

At approximately 7:53 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 Johnnie Parks.
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 8:28 p.m. City Council reconvened.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move to clear the room for Executive Session

The motion carried by the following vote:

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

At approximately 8:34 p.m. City Council entered into Executive Session.

MOTION: A motion was made by Lisa Ford, seconded by Johnnie Parks.
Move to enter into Executive Session

The motion carried by the following vote:

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

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

1. Litigation, including potential resolution and settlement, of a matter involving the worker’s compensation claims of Kristopher Bowman, WCC #CM202-014818J and ##CM2121-02808J, including possible authorization to settle these claims, under 25 O.S. §307(B)(4).

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

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks .
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

MOTION: A motion was made by Christi Gillespie, seconded by Johnnie Parks.
Move to authorize the City Attorney and outside counsel to settle the workers compensation claims of Kristopher Bowman, in the amount recommended by counsel

The motion carried by the following vote:

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

15. Adjournment

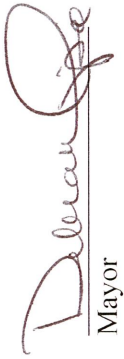
The meeting was adjourned at approximately 8:39 p.m.

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



