



**City of Broken Arrow**  
**Meeting Agenda**  
**Broken Arrow Economic Development**  
**Authority**

*Chairperson Craig Thurmond*

*Vice Chair Scott Eudey*

*Trustee Mike Lester*

*Trustee Johnnie Parks*

*Trustee Debra Wimpee*

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**Tuesday, January 16, 2018**

**Council Chambers**  
**220 S. 1st Street**  
**Broken Arrow, OK**

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**TIME:** Follows City Council meeting which begins at 6:30 p.m. and the Broken Arrow Municipal Authority meeting which follows City Council.

**1. Call to Order**

**2. Roll Call**

**3. Consideration of Consent Agenda**

- A.     [18-96](#)           Approval of Broken Arrow Economic Development Authority Meeting Minutes of January 2, 2018

**Attachments:**   [1-2-2018 BAEDA Minutes](#)

- B.     [18-93](#)           Approval of Broken Arrow Economic Development Authority Meeting Minutes of December 19, 2017

**Attachments:**   [12-19-2017 BAEDA Minutes](#)

There is NO Claims List for January 16, 2018.

**4. Consideration of Items Removed from Consent Agenda**

**5. General Authority Business - NONE**

**6. Executive Session - NONE**

**7. Adjournment**

**NOTICE:**

If you wish to speak at this evening's meeting, please fill out a "Request to Speak" form. The forms are available from the City Clerk's table or at the entrance door. Please turn in your form prior to the start of the meeting. Topics are limited to items on the currently posted agenda, or relevant business.

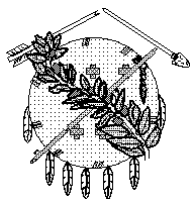
All cell phones and pagers must be turned OFF or operated SILENTLY during meetings.

Exhibits, petitions, pictures, etc., shall be received and deposited in case files to be kept at the Broken Arrow City Hall. If you are a person with a disability and need some accommodation in order to participate in this meeting, please contact the City Clerk at 918-259-2400 Ext. 5418 to make arrangements.

POSTED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_  
a.m./p.m.

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City Clerk



# City of Broken Arrow

## Fact Sheet

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**File #: 18-96, Version: 1**

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### **Broken Arrow Economic Development Authority**

**Meeting of: January 16, 2018**

**To: Chairman and Authority Members**

**From: Office of the City Clerk**

**Title: Approval of Broken Arrow Economic Development Authority Meeting Minutes of January 2, 2018**

**Background: Minutes recorded for the Broken Arrow Economic Development Authority Meeting**

**Cost: \$0**

**Prepared By: Lisa Blackford, City Clerk**

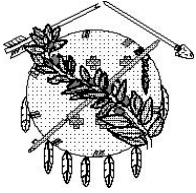
**Reviewed By: Russell Gale, Assistant City Manager of Administration**

**Beth Anne Childs, City Attorney**

**Approved By: Michael L. Spurgeon, City Manager**

**Attachments: Broken Arrow Economic Development Authority minutes of January 2, 2018**

**Recommendation: Approval of the minutes of January 2, 2018 for the Broken Arrow Economic Development Authority meeting**



## City of Broken Arrow

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

### Minutes Broken Arrow Economic Development Authority

*Chairperson Craig Thurmond*  
*Vice Chair Scott Eudey*  
*Trustee Mike Lester*  
*Trustee Johnnie Parks*  
*Trustee Debra Wimpee*

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Tuesday, January 2, 2018

Council Chambers

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#### 1. Call to Order

Chairman Craig Thurmond called the meeting to order at approximately 7:04 p.m.

#### 2. Roll Call

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

#### 3. Consideration of Consent Agenda

Chairman Thurmond asked if there were any items to remove from the Consent Agenda. There were none.

MOTION: A motion was made by Scott Eudey, seconded by Johnnie Parks.

**Move to approve the Consent Agenda**

The motion carried by the following vote:

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

**A. 18-6 Approval of the Broken Arrow Economic Development Authority Claims List for January 02, 2018**

#### 4. Consideration of Items Removed from Consent Agenda

There were no items removed from the Consent Agenda. No action was required or taken.

#### 5. General Authority Business

**A. 18-124 Consideration, discussion, and possible approval of Resolution No. 1079-CORRECTED, a Resolution of the Broken Arrow Economic Development Authority approving and authorizing execution of a certain economic development agreement by and among the Broken Arrow Economic Development Authority, an Oklahoma Public Trust, the sole beneficiary of which is the City of Broken Arrow, Oklahoma, and SoundMind Behavioral Health Hospital, LLC, an Oklahoma Limited Liability Company; and other provisions relating thereto**

Economic Development Director, Norm Stephens, stated there were several concerns about the agreement between the authority and SoundMind at the previous meeting. He reported City Attorney, Beth Anne Childs, went through the agreement and made the necessary requested changes, which was in turn sent to SoundMind's attorney. He reported Broken Arrow received the agreement back from SoundMind and all the changes had been addressed. He explained Ms. Childs was unable to attend the City Council meeting as she had business out of state. He reported the prepared fact sheet listed the purchase price for the property as \$1 million dollars, which was inaccurate; the purchase price was \$1.2 million dollars and the agreement reflected this. He stated he reviewed the last BAEDA meeting and matched the concerns to the contract, as did the Deputy City Attorney, Trevor Dennis, and found the issues had been addressed. He stated the concerns on page 3 included added language "to include an acute evaluation center emergency room and an area for intensive outpatient services." He stated page 6 added the language Planned Unit Development and PUD showing the overlay zoning district intended as

an alternative conventional development complete in accordance with the City of Broken Arrow zoning ordinance and other applicable codes. He stated article 2, 2.1, added the language “including an acute evaluation center emergency room and an area for intensive outpatient services, as well as infrastructure.” He stated article 4, 5.2, received considerable discussion from the authority and the language “of the thirty years” was removed; language added was “SoundMind shall have the ability to seek an amendment to the PUD in strict accordance with the City of Broken Arrow zoning ordinances and applicable codes” and “approval of any amendments not to be unreasonably held, conditioned or delayed.” He stated article 4, 5.4, was another item which received considerable comments. He stated the provision of 15 years was removed and language added “shall have the ability to revise the projected parameters through an amendment to the PUD in strict accordance with the City of Broken Arrow zoning ordinances and applicable codes.” He stated article 6, 6.1, under the purchase sale and conveyance, removed the language indicating deed restrictions would remain in effect for a period of 30 years from the closing date, and language was added stating that the authority agreed to sell and convey by General Warranty Deed, SoundMind agreed to accept such General Warranty Deed, and the General Warranty Deed contained deed restrictions prohibiting the exclusive treatment of drugs and alcohol rehabilitation. Mr. Stephens stated he believed all items of concern to the authority had been addressed and agreed upon by SoundMind’s counsel and doctors.

MOTION: A motion was made by Scott Eudey, seconded by Mike Lester.  
**Move to approve Resolution No. 1079 Corrected and authorize its execution**  
The motion carried by the following vote:

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

**6. Executive Session**

There was no Executive Session.

**7. Adjournment**

The meeting adjourned at approximately 7:09 p.m.

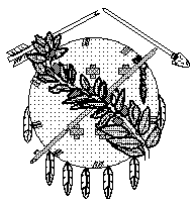
MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.  
**Move to adjourn**  
The motion carried by the following vote:

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

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



# City of Broken Arrow

## Fact Sheet

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**File #: 18-93, Version: 1**

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**Broken Arrow Economic Development Authority**

**Meeting of: January 16, 2018**

**To: Chairman and Authority Members**

**From: Office of the City Clerk**

**Title: Approval of Broken Arrow Economic Development Authority Meeting Minutes of December 19, 2017**

**Background: Minutes recorded for the Broken Arrow Economic Development Authority Meeting**

**Cost: \$0**

**Prepared By: Lisa Blackford, City Clerk**

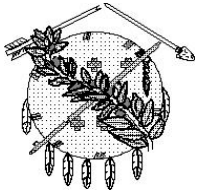
**Reviewed By: Russell Gale, Assistant City Manager of Administration**

**Beth Anne Childs, City Attorney**

**Approved By: Michael L. Spurgeon, City Manager**

**Attachments: Broken Arrow Economic Development Authority minutes of December 19, 2017**

**Recommendation: Approval of the minutes of December 19, 2017 for the Broken Arrow Economic Development Authority meeting**



**City of Broken Arrow**  
**Minutes**  
**Broken Arrow Economic Development Authority**

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

*Chairperson Craig Thurmond*  
*Vice Chair Scott Eudey*  
*Trustee Mike Lester*  
*Trustee Johnnie Parks*  
*Trustee Debra Wimpee*

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**Tuesday, December 19, 2017**

**Council Chambers**

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**1. Call to Order**

Chairman Craig Thurmond called the meeting to order at approximately 7:47 p.m.

**2. Roll Call**

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

**3. Consideration of Consent Agenda**

Chairman Thurmond asked if there were any items to remove from the Consent Agenda. There were none.

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

**Move to approve the Consent Agenda**

The motion carried by the following vote:

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

**A. 17-1718 Approval of Broken Arrow Economic Development Authority Meeting Minutes of December 5, 2017**

**B. 16-1604 Approval of the Broken Arrow Economic Development Authority Claims List for December 19, 2017**

**4. Consideration of Items Removed from Consent Agenda**

There were no items removed from the Consent Agenda. No action was required or taken.

**5. General Authority Business**

**A. 18-1 Consideration, discussion, and possible approval of Resolution No. 1079, a Resolution of the Broken Arrow Economic Development Authority approving and authorizing execution of a certain economic development agreement by and among the Broken Arrow Economic Development Authority, an Oklahoma Public Trust, the sole beneficiary of which is the City of Broken Arrow, Oklahoma, and SoundMind Behavioral Health Hospital, LLC, an Oklahoma Limited Liability Company; and other provisions relating thereto**

Economic Development Director, Norm Stephens, stated Broken Arrow Economic Development Authority (BAEDA) owned unencumbered fee title to certain lands within the city, portions of which were suitable for construction. He reported in 2009 the Authority purchased 25.48 acres of property for the sum of \$1,390,609.35. He stated on October 28, 2017 John Story, an Oklahoma State Certified General Appraiser, at Mr. Stephens' request, updated a previous appraisal on approximately 14.1569 acres located north of the Creek Turnpike and west of Aspen, appraising the value at approximately \$1 million dollars. He stated in the fall of 2017 he was approached by representatives of the buyer who expressed an interest in purchasing the property to build an adult geriatric psychiatric hospital. He reported

SoundMind Behavioral Health Hospital's founding mission was to provide accessible and affordable comprehensive inpatient psychiatric care for adults and seniors in crisis. He reported SoundMind Behavioral Health Hospital received a Certificate of Need for the establishment of a new 72 bed free-standing adult and geriatric psychiatric hospital from the State of Oklahoma. He stated as part of its long term strategy SoundMind would consider implementation at a future date of emergency services complying with the Oklahoma administration code in the form of an urgent care center including diagnostic and x-ray services, as well as provide a continuum of follow-up services. Mr. Stephens introduced Mr. James H. Brewer, proposed Chief Executive Officer for SoundMind stating Mr. Brewer had received an undergraduate degree in Psychology with Minors in Business and Religion while simultaneously completing course requirements for a Masters Degree in Psychology. He stated Mr. Brewer completed a Masters Degree in Public Health with an emphasis on Health Care Administration. He stated Mr. Brewer was a former hospital CEO and had served multiple facilities across the United States including the Cancer Treatment Centers of America located in Tulsa. He stated Mr. Brewer had consulted with major providers and hospital systems in improving quality and operational effectiveness, mergers, and clinical service line development and had overseen establishment of skilled nursing facilities and multiple home health agencies. He stated Mr. Brewer had managed providers' networks of major national insurance providers in five northeastern states, and as a Chief Operating Officer of a suburban Boston hospital he managed a Premier Behavioral Health Program with 68 inpatient beds, partial hospitalization, day treatment and outpatient services, and contracts for over 300,000 lives. He stated Mr. Brewer's passion was the development of patient focused integrated comprehensive care systems that delivered high value to all stakeholders, patients, and members of the community. He invited Mr. Brewer to speak, as well as Mr. Masood Kasim who represented SoundMind Hospital.

Mr. James Brewer stated in his experience what was proposed was unique and long overdue. He stated the science of medicine had improved rapidly since he had started in health care; medication was better, integration of care teams across functionality and disciplines was better, coordination with and education of families was better, and there was better knowledge regarding how to interface with different agencies, different hospitals, referral sources, nursing homes, emergency services and burgeoning life care facilities, residential care and Alzheimer's units. He stated these would be sources for SoundMind patients. He stated SoundMind sought to establish a facility to treat patients in a unique way which would be cutting edge compared to similar facilities across the United States. Mr. Brewer stated SoundMind's target population was the 55 plus geriatric population. He stated this was not intended to be a long term care facility; it was intended for patients in an acute state, to be treated for 7 to 10 days, become stabilized and safe for themselves, their families and the community.

Mr. Brewer displayed and discussed the site plan map. He stated the current plan included a two story building which preserved the ambiance of the facility, blended well with the neighborhood setting, and presented an attractive face to the public. He stated the facility housed an outpatient facility and group therapy rooms. He explained typically when the average patient was discharged the patient entered an outpatient program for up to 40 sessions; therefore, he anticipated a fairly large outpatient volume which would support the inpatient volume. He reported the building was very secure with monitoring of all entrances and exits, and keyed magnetic badge locks to control patient flow. He stated there was one elevator, room for a second, and both would be controlled and accessed with badges; staff would accompany patients in the elevators. He stated there was a "main street" concept with a large gathering area with a dining area adjacent to it enabling patients to gather and converse. He stated nursing stations with supplies and various supportive devices were dispersed throughout the patient units to minimize required walking distances. He stated the dining area was designed with a second set of doors which would enable the dining area to be closed off when patients were not eating and allow general public entry. He stated the building was designed to maintain maximum flexibility and multiple uses for each room, while meeting stringent building codes. He reported the State Health Department had recently adopted within the

licensure requirement a National Code which described what all hospitals were recommended to have, which was being incorporated into the building design. He stated the administrative offices were by design small, to encourage administration to be out in the facility. He stated the facility had an “emergency room” which was an evaluation center that provided the opportunity to meet with each acute crisis patient brought to the facility for evaluation and to determine a definitive diagnosis and treatment plan prior to release into the general patient areas. He stated there was a Chapel, soda shop, beauty parlor, etc., and it was intended to be decorated very comfortably and home-like. He stated many years ago he had toured the Hebrew Rehab Hospital in Boston. He explained the Hebrew Rehab Hospital had recreated the neighborhood from which many of the residents had come, recreating how it had looked when the residents were young. He stated the Hospital had even painted storefronts along its “central street.” He stated while SoundMind would not be able to do exactly this, the general concept was in the forefront of thinking.

Mr. Brewer displayed a top-down view of the building which demonstrated the front business area, support services area, and the emergency room as single story, while the major patient unit was in the rear and on the second floor. He stated in the second story center core was an area which would be open to the first floor to convey an open feel, next to which was a gathering area for the second floor patients. He stated there would be nursing stations in all four corners which enabled more personalized nursing care. He stated baseline staffing was planned to be reasonably high and would follow California law mandates. He explained this was aggressive from a financial standpoint, but SoundMind felt a high health staff to patient ratio was needed to accomplish what SoundMind was attempting to do. Vice Chair Eudey asked if California law mandates were higher than JCAHO standards (Joint Commission on Accreditation of Healthcare Organizations). Mr. Brewer responded in the affirmative. Mr. Brewer stated you could contract almost every service out of a hospital, except for nursing; nursing was the core of any hospital.

Mr. Brewer stated SoundMind continued to work with the architect, Health Facilities Group (HFG) out of Wichita, KS with branch offices in Tulsa, who worked with the Veterans Association and locally with Hillcrest Hospital. He stated HFG was a competent firm who understood health care and had designed psychiatric facilities in the past. Mr. Brewer displayed a slide which depicted the desired design look. He explained it was a lodge homey feel with residential style furnishings. He explained furnishings and fixtures were different in this type of hospital; it was important for furnishings and fixtures to be conducive to the safety of patients, for example fixtures would break away from the wall or ceiling if a patient attempted a hanging. He stated SoundMind was very mindful to the safety of the patient, as well as the safety of the staff. He stated all staff members, not just select staff members, would have special combative patient training.

Mr. Brewer stated the State Health Department established an ideal standard of 117 license beds in the state per 100,000 population; however, the current number was 53 beds per 100,000. He reported this project, with its addition of 72 beds, would increase the number to 66 beds per 100,000, which unfortunately was a long way from the ideal, but was an improvement.

Mr. Brewer stated SoundMind intended to hire employees with a heart and sensitivity to older folks, an understanding and passion for older patients; intelligent individuals who were able to work together in an interdisciplinary team, cross functionally, for the benefit of the older patient. He explained SoundMind used its best and most intuitive staff members to select and train new staff members, thereby building success upon success. He stated SoundMind would have a team available to assist outside facilities with difficult patients, a team available to go on site and evaluate potential patients and facilitate transfer to the SoundMind facility, assuming it was acceptable to the patient, the patient’s family/legal guardian and the transferring facility.

Mr. Brewer stated SoundMind anticipated opening in 2019 with a payroll of approximately \$5,400,000 dollars, potentially growing to 150-200 employees in 2021 with a payroll of approximately \$8,100,000 dollars. He stated he felt this was a substantial contribution in terms of services to the community, as well as an economic contribution through taxes and through additional payroll dollars circulating within the City of Broken Arrow.

Mr. Brewer stated SoundMind's vision was a state of the art campus which provided integrated comprehensive services for the care of seniors, training and development of skilled clinicians, and increased quality of life for seniors, caregivers and families. He asked if there were any questions.

Trustee Johnnie Parks stated he was in favor of this project, and felt it would encourage growth and be beneficial to south Broken Arrow. He stated, however, he had some concerns about the quickness of this process, the legal language, and the PUD (Planned Unit of Development). City Attorney, Beth Anne Childs, stated the agreement she originally distributed differed from the Agenda; therefore, after Mr. Stephens finished she would like to walk through the points of the agreement which she felt would be of particular concern to the authority. She stated she felt this item should be tabled until the next meeting to allow two additional weeks to address any issues the authority identified. Trustee Parks stated he approved of this and asked if she would make herself available to answer questions in the interim. Ms. Childs responded in the affirmative. Trustee Parks stated he appreciated the work staff had done to bring this project about quickly; however, he had not had time to go through the project details. Mr. Brewer stated the staff and support team had been amazing. He stated it was clear the staff and support team were favorably disposed to the project and were working hard on behalf of the city to bring this project to fruition in the correct manner.

Trustee Mike Lester stated Norm Stephens had done a yeoman's job in putting this quickly together in a very concise package. He stated while he had not had an opportunity to completely read through the package, it seemed as if most of his questions had been addressed. He thanked Mr. Stephens and staff for being accommodating, answering his questions and modifying the plan to meet the Council's concerns and questions. Mr. Stephens stated he would invite Wes Smithwick, Chamber of Commerce President, to say a few words before turning it over to the City Attorney, Beth Anne Childs.

Vice Chair Eudey wanted to state for the record that this facility would minister to the needs of individuals 55 and above who suffered from conditions such as Alzheimer's and dementia. He stated this was not a mental institution; it was a facility for individuals of a certain age who suffered from oftentimes end of life issues. Mr. Brewer concurred. He explained it was referred to as a psychiatric hospital due to State of Oklahoma licensure.

Mr. Masood Kasim stated he was excited to bring this project to Broken Arrow, and after seeing City Council had received a 93% approval rating from the citizens he was doubly glad to be working with the City of Broken Arrow.

Mr. Wes Smithwick, Chamber of Commerce President, stated in an August 2017 Authority Meeting a discussion was held regarding the lack of development in the south side of Broken Arrow. He stated at the Meeting the Authority discussed the types of projects which would facilitate growth and development in south Broken Arrow. He stated he felt this particular project would be optimal for this purpose; it would generate more traffic, daytime population, and would draw other complementary services to the area, such as drug stores, convenience stores, and perhaps even a hotel. He stated a hospital was an ideal project for this piece of property which was difficult to market for retail due to the fire station dividing the land parcel. He stated the Economic Development Corporation Board reviewed this project in November and unanimously voted to recommend it to the city. He stated he and his team, and the Economic Development Corporation Board, felt this was an excellent project. He stated he

understood there were legalities city staff needed to work through, and safeguards that needed to be put in place to safeguard the citizens and taxpayer money, but he encouraged the city to continue working fastidiously to get this accomplished as this project was certain to be of benefit to the south side of Broken Arrow.

Vice Chair Eudey stated he agreed with Mr. Smithwick; when you looked at the Cancer Treatment Centers of America you noted evidence of significant development surrounding the Centers including hotels, shopping, and restaurants. He stated the SoundMind Hospital would not only draw patients, but would draw families and caregivers as well. He stated he felt this could be a positive step for south Broken Arrow, and he felt it would stimulate development. Mr. Smithwick agreed.

City Attorney, Beth Anne Childs, directed the Authority's attention to page 3 of the package. She stated the original purchase price for the 14 acres was \$1,200,000 dollars. She stated this was supported by a fair market appraisal completed by John Story. She stated originally SoundMind had been requested to extend West Norfolk Drive to the western end of the property. She stated this had been a fluid process and the layout had been adjusted several times; however, SoundMind expressed concerns regarding the requirement to build the road up and the expense of building a road to the edge of the reserve area, which ended at a creek. She stated connectivity was important to the Authority and planning staff, and it had been suggested the purchase price be reduced by \$200,000 contingent upon the road being built to the edge of the property. She stated Mr. Kenny Schwab, Assistant City Manager of Operations, had calculated the approximate price for a span bridge or box culvert and she asked him to discuss this. Mr. Schwab reported currently Oklahoma Transit Authority (OTA) had a reinforced concrete box or drainage structure which was about 30 feet wide. He stated if you moved just north of OTA where the creek crossing was, to where crossing was desired, a reinforced concrete box could be installed as opposed to a span bridge. He stated based upon the estimated numbers the reinforced concrete box structure would cost approximately \$500,000 at today's prices. He stated if the project was delayed for 30 years it could cost around \$1.1 million dollars. He stated this cost included the road across the structure and the wing walls. Trustee Parks asked if the city had committed to completing this construction. Ms. Childs responded the current agreement listed a full fair market value price for the entirety of the tract of \$1.2 million dollars; however, during the platting process SoundMind would be required to dedicate the right of way for future road construction and the Authority would have the entitlement to construct a roadway on the dedicated right of way. She stated staff would ensure this would be handled through the platting process, as well as through the PUD. Trustee Parks asked if he was correct in understanding the right of way was included, but not the Authority's commitment to build the road at any specific time. Ms. Childs replied in the affirmative and stated the wording indicated the road could be built at the Authority's sole discretion; the Authority was not obligated to build it.

Ms. Childs directed the Authority's attention to page 4. She stated page 4 was a good overall summarization. She stated there were 2 small "i" sections which ensured there was a general warranty date. She stated verification with the title attorney was needed to make sure Broken Arrow had the title. She explained she thought Broken Arrow held the title, but it was necessary to verify this. She stated the "iv" section indicated SoundMind was required to dedicate through the platting process the right of way for the road continuation. She stated the area marked by the dark shaded area would be required to be built up by SoundMind. She explained this was necessary to provide the Authority the ability to continue the public roadway through this space.

Ms. Childs directed the authority's attention to page 11. She stated there was a tract located to the north, just east of the existing fire station which was a parcel SoundMind was interested in acquiring. She stated the right of first refusal had been discussed; however, SoundMind had requested an option. She explained staff believed that an option was too restrictive; therefore,

SoundMind agreed to the right of first refusal. She stated this area was identified by lot and block as it had already been platted. She asked if there were any questions or concerns. Trustee Lester asked if this was the lot to the east of the fire station, between the fire station and Aspen. Ms. Childs responded in the affirmative. Trustee Parks asked if this lot belonged to Broken Arrow and if SoundMind would have right of first refusal. Ms. Childs responded in the affirmative. Vice Chair Eudey stated he approved as he felt an option was indeed too restrictive.

Ms. Childs directed the authority's attention to section 5.2. She stated SoundMind was required to undertake preparation of a master site plan and a PUD for submission to the city, which would go through the normal process, as well as the authority. She explained the PUD "shall provide for a freestanding adult and geriatric psychiatric hospital designated to serve those 55 years of age and older and its related improvements on the real property." She reported she took that language directly from the Certificate of Need. She stated the PUD would specifically prohibit the exclusive treatment of drug and alcohol rehabilitation for a period of 30 years. She stated it was the original intention of the authority that the restriction would carry on into perpetuity, handled through the PUD process as well; however, SoundMind requested it be limited to a period of 30 years with regard to the restrictions. Chairman Thurmond asked if in 30 years the PUD would need to be amended to make any changes. Ms. Childs responded in the negative. Vice Chair Eudey asked if the 30 year restriction was only relative to the treatment of drug and alcohol rehabilitation. Ms. Childs stated that was the intent, but they are going to have to utilize the PUD in accordance with the certificate of need, but could be written how the authority wanted. Trustee Parks asked if the PUD would contain the wording above of "55 years of age and above geriatric..." Ms. Childs responded in the affirmative. He asked if this wording would only be valid for 30 years and at the end of 30 years the treatment center could change. Ms. Childs replied the prohibition of treatment of drugs and alcohol rehabilitation would remain in place for a period of 30 years. Trustee Parks asked if SoundMind would have the freedom to change the facility to a treatment center for drugs and alcohol rehabilitation at the end of the 30 year restriction period. Ms. Childs responded in the affirmative. Trustee Lester asked if SoundMind would be required to return under the PUD and request a change. Ms. Childs responded in the negative. She stated if the authority would instruct her in what it wanted she could make any necessary changes. Trustee Lester stated in 30 years drug treatment could be something other than it was today; therefore, he simply wanted to be certain that in 30 years the authority had an avenue of protection for the citizens of Broken Arrow. He stated he would not feel comfortable with SoundMind not being required to come before the Council and the authority prior to changing what services it provided. Ms. Childs stated there was language which could be utilized within the agreement which would give SoundMind the ability to return and modify the PUD inclusive of language which indicated it would not be unreasonably withheld. Trustee Lester stated it had been the authority's concern from the beginning regarding the safety of Broken Arrow citizens; therefore, while he did not want to prohibit treatment of drug and alcohol abuse indefinitely, there needed to be some safeguard if it were to be permitted. Trustee Parks stated he felt a change to this type of facility needed to be done through a public hearing. Mr. Brewer stated SoundMind was agreeable to a permanent restriction against a drug and alcohol rehabilitation center. Ms. Childs thanked Mr. Brewer for this information and stated this would be removed from the PUD. Discussion was held regarding the wording of the PUD and the necessity of a public hearing to make changes in the future. Vice Chair Eudey stated he wanted to be certain SoundMind understood the PUD restriction against a drug and alcohol treatment center could be changed in the future, it would simply require a public hearing to approve any proposed changes. Trustee Parks agreed and added this gave the surrounding properties a voice in regard to possible hospital changes. Mr. Kasim stated SoundMind was very comfortable with a permanent restriction against a drug and alcohol rehabilitation center. Ms. Childs stated SoundMind's attorney requested SoundMind be given the right to walk away from the provisions of the agreement if there was language in the PUD with which SoundMind was uncomfortable. She stated she felt this was a reasonable request. The authority agreed.

Ms. Childs directed the authority's attention to page 12, section 5.4. She stated this section specified the facility would be unable to operate any facility other than a free standing adult geriatric hospital with provisions effective for 15 years after closing date. She stated if the authority desired, language could be added to stipulate if the use changed it must go through the PUD process. She explained this would provide continuity between the two sections. She asked if the Trustees were agreeable. The Trustees were agreeable. Vice Chair Eudey stated the authority did not want to incapacitate SoundMind's ability to make changes; however, he felt any changes needed to be transparent.

Ms. Childs stated section 5.6 discussed the obligation to create the extension of Norfolk in accordance with applicable codes, and through the platting process dedicate the additional right of way. She explained she would work with engineering and construction on the wording. She stated page 13, section 5.11 provided the additional requirements of SoundMind where SoundMind agreed to provide training to the Broken Arrow Police Department for responding to individuals suffering from mental health crises. She explained this was a huge issue in national litigation in terms of dealing with the mentally ill and de-escalation techniques. She stated as the Chief Legal Officer, this was something she felt was fairly critical. She stated this section also discussed providing resources for individuals. Ms. Childs stated she appreciated SoundMind's willingness to follow these provisions. She stated page 13, section 6.1 dealt with the general warranty deed. Trustee Lester asked if the wording which discussed the 30 year restriction in section 6.1 should be struck. Vice Chair Eudey stated he felt to provide continuity with the earlier discussion the phrase "for a period of 30 years from the closing date" should be removed. He stated the restriction needed to be in the deed to provide clarity for all parties. Ms. Childs asked if Mr. Eudey was saying the authority still wanted the deed restriction in terms of exclusivity of drugs and alcohol; to be covered in both the PUD and the deed restriction. Vice Chair Eudey replied in the affirmative; to be consistent with the previous provision he felt it needed to be included in both the deed and PUD.

Ms. Childs stated these were the issues she felt would be important to the Trustees. She stated she recommended this matter be tabled until the next meeting. She stated Legal would complete the document draft according to the authority's direction tomorrow and distribute it to the Trustees for review. Vice Chair Eudey asked if, by tabling the matter, the authority was creating difficulties for the purchasers. Mr. Brewer stated SoundMind preferred to have a vote; however, he felt there was some wiggle room with the State Certificate of Need if the authority needed time to review. Trustee Parks stated he felt his questions had been answered and he was prepared to vote. Vice Chair Eudey stated he felt the record was clear enough to vote; however, he did not want to pressure the Legal Department. Chairman Thurmond asked if the motion could be worded as subject to the changes discussed. Ms. Childs responded in the affirmative and explained she would put the resolution in a corrected format with the actual agreement up for ratification at the next meeting. Chairman Thurmond asked if the motion should approve the agreement at the current meeting, with resolution ratification approved at the following authority Meeting. Ms. Childs stated tonight's motion should approve the resolution consistent with the direction given by the Trustees. Vice Chair Eudey asked if this was the optimal way to word the motion. Ms. Childs responded in the affirmative.

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

**Move to approve the resolution consistent with the direction given by the Trustees**

The motion carried by the following vote:

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

Trustee Parks stated Beth Anne had done a tremendous job hurrying this project through. He stated the Authority felt this was an important development for Broken Arrow and he thanked all staff in attendance. He wished all a Merry Christmas.

Trustee Lester thanked SoundMind for attending and presenting.

Vice Chair Eudey stated Broken Arrow’s Legal Department never ceased to amaze him and he thanked Ms. Childs and the Legal Department for a job well done.

**6. Executive Session**

There was no Executive Session.

**7. Adjournment**

The meeting adjourned at approximately 8:47 p.m.

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

**Move to adjourn**

The motion carried by the following vote:

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

Attest:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary