



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 Scott Eudey
Council Member Johnnie Parks
Council Member Lisa Ford

Tuesday, May 17, 2022

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor Andrew Conley performed the invocation.

3. Roll Call

Present: 5 - Lisa Ford, Scott Eudey, Johnnie Parks, Christi Gillespie, Debra Wimpee

4. Pledge of Allegiance to the Flag

Council Member Lisa Ford 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 Scott Eudey.

Move to approve the Consent Agenda

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- A. 22-28** Approval of the City Council Meeting Minutes of May 3, 2022
- B. 22-609** Acceptance Planning Commission meeting minutes of April 14, 2022
- C. 22-610** Acceptance Planning Commission meeting minutes of April 28, 2022
- D. 22-611** Acceptance of a Utility Easement from 139BA, LLC, on property located approximately one-third mile south of Tucson Street (121st Street), one-half mile west of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 04, T17N, R14E)(15' Utility Easement)
- E. 22-635** Acceptance of a Temporary Construction Easement from Shawanda Terrell on property located at 2244 West Charlotte Street, Broken Arrow, Oklahoma 74011, located in the Southeast Quarter of the Section 4, Township 17 North, Range 14 East, Tulsa County, State of Oklahoma. Parcel 3.A
- F. 22-636** Acceptance of a Temporary Construction Easement for Parcel 8 from Quail Hollow Apartments, LLC, on property located at 2600 East Albany, Broken Arrow, Oklahoma in the Northwest Quarter of Section 6, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma for the Albany Street: 23rd to 37th Street Roadway Improvements, Parcel 8.A, 8.B (Project No. ST2035)
- G. 22-634** Approval of and authorization to award the lowest responsible bid to John A. Marshall Co., and Merrifield Office Supply and approve procurement of Furniture, Fixtures and Equipment for The Senior Citizen's Activity Center and to approve bids recommended by City Staff (Project Number 191719)
- H. 22-576** Approval of and authorization of Final Acceptance for the public improvements at Stonewood Vision located at 1751 W Albany
- I. 22-616** Approval of and authorization to execute Amendment Number 1 to Agreement for Professional Consulting Services with Traffic Engineering Consultants, Inc. for providing Professional Traffic Engineering and Related Support Services (2252110)
- J. 22-594** Approval of and authorization to execute the Oklahoma Municipal Retirement Fund Authorized Agent Notification Form designating Kelly Cox as an Authorized Agent for the City of Broken Arrow
- K. 22-535** Approval of and authorization to execute a professional services contract with First Responder Support Services, LLC to provide behavioral health services (counseling, training, and consultation) to all employees of the Broken Arrow Fire Department
- L. 22-593** Approval of and authorization to execute a restated MissionSquare Governmental Money Purchase Plan Adoption Agreement
- M. 22-631** Approval of and authorization to execute an agreement by and between the Indian Nation Council of Governments and the City of Broken Arrow for Traffic Technology

- Improvements**
- N. 22-608 Approval of SP-307, 302 E College, 0.16 acres, request for a Specific Use Permit for a Type 4 Short Term Rental, northeast corner of East College Street and North 2nd Street
 - O. 22-613 Approval of PT22-105, Conditional Final Plat, Aspen Ridge Business Park, approximately 41.40 acres, 11 lots, A-1 (Agricultural) and ON (Office Neighborhood)/SP-198 (Specific Use Permit) to CH (Commercial Heavy), RM (Residential Multi-Family), PUD-324A, one-half mile south of Florence Street (111th Street), east of Aspen Avenue (145th East Avenue), north of the Creek Turnpike
 - P. 22-599 Award the lowest responsible bid to Cherokee Pride Construction, Inc., and approve and authorize execution of a construction contract for Broken Arrow Events Park Trail (196037)
 - Q. 22-600 Award the lowest responsible bid to Traffic & Lighting Systems, LLC, approve and authorize execution of a construction contract for West Albany Street & North Stone Ridge Drive Traffic Signal Repair (TS22100), and approve and authorize execution of Budget Amendment Number 33
 - R. 22-601 Award the lowest responsible bid to A & A Asphalt, Inc. and approve and authorize execution of a construction contract for Cold Milling Asphalt Streets (ST22310)
 - S. 22-606 Award the most advantageous bid to Consolidated Traffic Controls for the purchase of thirty-seven (37) Solar School Zone Flasher Systems for the Streets and Stormwater Department and approval of and authorization to execute budget amendment #34
 - T. 22-605 Notification of the City Manager's intent to make the City of Broken Arrow flag available for purchase by the public
 - U. 22-629 Notification of City Manager's execution of 2022 First Amended Promotional License on City Property
 - V. 22-628 Notification of City Manager's execution of Professional Services Agreements with a Contract value of less than \$25,000
 - W. 22-565 Ratification of the Claims List Check Register Dated May 9, 2022

6. Consideration of Items Removed from Consent Agenda

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

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

- A. 22-602 **Recognition of 2022 high school graduates' achievements by Congressman Kevin Hern**
Congressman Hern's Deputy District Director, Brian O'Hara, indicated it was an honor to recognize several local 2022 High School Graduates for their achievements. He discussed some of the challenges faced by students this past year. He read a letter to the students from Congressman Hern. He read and presented Certificates of Recognition to the following students: Audrey Arant, Caden Brassfield, Andrew Brown, Corbett Campbell, Ben Cloud, Coby Downes, Mason Rollow, Amaan Saeed, Jacob Shotton, Melody Stanley, and Finley Wimpee. Commemorative photos were taken.

Mayor Wimpee commended the graduates.

Vice Mayor Gillespie commended the graduates.

- B. 22-620 **Presentation and update from Sean DeWitt regarding CSC IV, LLC and 24K Labs, LLC, located at 811 W. New Orleans Street, Suite 103**
Larry Curtis introduced Mr. Sean DeWitt.

Mr. Sean DeWitt indicated he did not have a presentation prepared but would be happy to answer any questions.

City Manager Michael Spurgeon asked for an update regarding the progress of the facility and the number of individuals hired.

Vice Chair Gillespie asked for a brief background of the business.

Mr. DeWitt reported rezoning of this property was in January 2020 and production began in March 2020 with three employees; now there were over 100 employees. He stated this was an excellent facility to work in; Governor Stitt had visited twice.

Vice Chair Gillespie indicated she had asked for an update as this rezoning had been a difficult decision for City Council to make, and she wanted to see if things were going according to plan. She stated she was happy to see the facility employed more than 100 individuals and was growing.

Mr. DeWitt stated supply far exceeded demand in this industry. He explained the business was located not in a retail building, but in a 50,000 square foot manufacturing facility. He stated his business was helping the area bring in commerce just from employees going to lunch and dinner and shopping in the area. He noted the jobs varied from production staff to executive and administrative staff. He invited any who wished to tour the facility.

Mayor Wimpee asked what Mr. DeWitt's facility manufactured.

Mr. DeWitt noted he also employed another 40 individuals in Tulsa at an 11,000 square foot facility. He stated his facility manufactured edible medical marijuana products. He again invited the City Council to visit the facility to help disperse misconceptions. He stated he would akin this facility to a consumer packaged goods company.

City Manager Spurgeon stated he would coordinate facility visits for the City Council Members.

**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 one Citizen signed up to speak.

Citizen Jason Doss stated he graduated in 1993 in Broken Arrow. He stated he opened a business 4.5 years ago, American Shaman, and opened three more American Shaman locations and 3.5 years ago opened Mojo Rising Dispensary. He stated he has been battling a disease for over ten years. He indicated he was being shut down for something which was out of his hands. He discussed his health issues and the difficulties he has had with medications over the years; medications were destroying his body. He stated OMMA had pushed its license renewal date from August 15th until December 15th which caused him to delay renewing his license in Broken Arrow. He stated when he tried to renew his license in Broken Arrow, he was informed there was a preschool located 780 from his facility. He stated he had not known about the preschool facility, if he had known, and if OMMA had not changed the renewal date, he would have had the paperwork completed earlier and his facility would have been grandfathered in. He stated he was hoping for some compassion and compromise. He stated he lost everything due to COVID and only had this one little shop with four employees left. He stated if he was unable to save his shop he would be evicted from his business and his home in less than 30 days. He asked to be able to keep his license for one more year to give him time to find a new location and move his business.

Mayor Wimpee noted no action could be taken regarding Mr. Doss's concerns at this meeting.

Vice Mayor Gillespie asked about the four other businesses Mr. Doss had referred to opening.

Mr. Doss indicated he no longer had those businesses; the only business he had left was this dispensary on Elm. He explained he lost the other businesses during COVID.

Council Member Scott Eudey asked if Mr. Doss had taken any steps to appeal this through City Staff and City processes.

Community Development Director Larry Curtis explained the process established was an application and renewal process; there was no mechanism for any kind of relief process through the City Ordinance. He stated as the applicant did not file in enough time to have his license renewed, the process indicated the applicant had to file for a new permit which would now be subject to current City Ordinance and the 1,000 foot radius requirement regarding schools and preschools.

Council Member Eudey asked if there were any appeal process under current ordinance.

City Attorney Dennis responded in the negative; there was no provision for an appeal process. He noted there were two zoning changes coming before City Council, one of which would help address these issues, but these changes would not come before City Council this evening. He noted in terms of timeline, on November 2, 2020, the City issued Mojo Rising a permit which was valid for one year at the location. He stated on December 15, 2020, City Council unanimously adopted Ordinance No. 3669 which restricted dispensaries from being within 1,000 feet of public or private schools, preschools, or state licensed childcare facilities. He noted there were no exceptions for this Ordinance. He explained once Mr. Doss's permit expired and the State OMMA license expired, there was nothing legally allowing the operation at that location. He noted the upcoming possible ordinance changes would address some of the timing of the renewal, but it was not in place currently.

Council Member Eudey asked what relief, if any, the City could give the applicant. He asked if City Council had any legal authority to grant relief.

City Attorney Dennis responded in the negative; under the current ordinance there was nothing City Council could do. He stated there was a provision under District Court which was recognized under the Ordinance for appeals, but the Ordinance adopted by City Council did not provide for an appeal to City Council to make an overriding decision on permitting

issues.

Discussion ensued regarding what Mr. Doss was and was not told by City Council and Staff; and whether City Council could assist Mr. Doss in any way.

Mayor Wimpee asked if Mr. Doss's OMMA license had expired or was extended.

Mr. Doss stated all he needed was a certificate of compliance from the City of Broken Arrow and he could keep his business open. He stated he had one week before he lost his OMMA license.

Mayor Wimpee noted the OMMA license should have been renewed in December.

Mr. Doss indicated he would lose his OMMA license in one week.

Mayor Wimpee noted Mr. Doss had months to come and speak before City Council.

Mr. Doss responded he had been ill. He stated he was being shut down because he did not know a school was nearby and he did not know the Ordinance with the school requirement was put into place. He asked why he was not notified about the new Ordinance.

Mayor Wimpee stated she believed businesses were notified regarding new Ordinances.

Mr. Doss stated he was not notified until he came in to renew his license.

Mayor Wimpee explained there was nothing City Council could do to help Mr. Doss. She asked if this could be addressed with OMMA or if there were any resources the City could provide Mr. Doss.

Mr. Doss stated all he needed was the Certificate of Compliance from the City.

Mayor Wimpee noted Mr. Doss had been out of compliance since November 2021.

Mr. Doss stated he was unaware of the Ordinance and unaware of the nearby school. He noted the school had been unaware of his business as well.

9. General Council Business

A. 22-630 Consideration, discussion, and possible approval for award to the lowest responsible bidder, Diversified Civil Contractors, LLC, as well as approval of and authorization to execute a construction contract for West New Orleans Street and Elm Place Intersection and Streetscapes Improvements (ST1928)

Travis Small of the Engineering and Construction Department reported last week bids were opened for the New Orleans and Elm Intersection Project. He reported the project was advertised for bid on April 19 and April 26, 2022. He noted bids were opened on May 10, 2022 with four bids received. He stated the lowest responsible bidder was Diversified Civil Contractors, LLC with a Total Bid of \$4,465,993.50 dollars (\$3,981,317.50 dollars Base Bid and \$484,676 dollars for Bid Alternate A); the engineer's estimate was \$4,431,354 dollars (\$3,884,952 dollars Base Bid and \$546,402 dollars for Bid Alternate A). He indicated Staff recommended awarding the bid.

Vice Mayor Gillespie stated she was excited to begin this project.

Mayor Wimpee stated two Citizens signed up to speak regarding this Item.

Citizen Nick Zografos stated he was with Diversified Civil Contractors and was present to answer any questions City Council may have.

Vice Mayor Gillespie asked if Diversified Civil Contractors did any other work for the City.

Mr. Zografos responded in the affirmative; his company did the Downtown Streetscapes, Phase 5, and the Kenosha Street widening, and won excellence in construction awards with ABC for both. He noted he was also currently doing the New Orleans sidewalk improvements.

Council Member Eudey asked if Mr. Zografos was comfortable this project could be completed for his price bid.

Mr. Zografos responded in the affirmative.

Citizen Mark Huff stated he owned Tristar Construction. He stated his company did most of the Downtown Streetscapes throughout the year. He noted he was the second place bidder on this job. He stated in the bid documents there were no less than seven places which required

the bidders to show proof of \$4 million dollar plus projects; and in the pre-bid it was required to show proof of \$4 million dollar plus sized projects. He noted the low bidder in this project had no \$4 million dollar plus sized projects. He stated he was present in opposition to awarding this contract to Diversified Civil Contractors. He noted in the specs it was very clear the contractor had to have experience with \$4 million dollar size projects. He stated this was grounds for rejection of Diversified Civil Contractors. He noted Diversified Civil Contractors did not have experience with this size project. He noted he had worked for the City of Broken Arrow for many years and completed many projects. He stated his company met all of the criteria.

Mr. Small indicated there was one location in the contract documents which requested a \$4 million dollar contract be listed as experience; however, there was another location which stated the City of Broken Arrow could waive informalities for any reason. He stated as such, the City looked at the bids which came in, and the apparent low bidder, Diversified Civil, listed projects which were \$2.9 million dollars and \$2.7 million dollars. He noted Diversified Civil worked on the Streetscapes Phase 5 project, and also the Kenosha widening project; both of these projects included patterned concrete and decorative concrete, and the Streetscapes 5 project included lighting; therefore, there were aspects of both projects which were going to be included within the New Orleans and Elm intersection project. He stated he felt comfortable with the work Diversified Civil had done on previous projects and Staff felt Diversified Civil had the staff on hand, right now, to tackle this project. He stated the \$2.9 million dollars was slightly less than the \$4 million dollars plus listed in the experience document, but Staff felt Diversified Civil had the ability to complete this project.

Council Member Eudey noted statute required the City to select the lowest, most responsible bidder. He noted Diversified Civil was the lowest bidder. He asked how the most responsible bidder was defined.

City Attorney Dennis noted Section 2-29 discussed the factors which went into the most responsible bid; factors included ability, capacity, skill of the bidder, ability to provide service promptly within the specified time, character, judgment, reputation, quality of performance, etc. He stated as such, he would defer to Engineering's expert opinion as to the qualifications of the bidders on this project. He noted this was not a prequalification of bidders; this was a different procedure. He stated from his understanding, Engineering reviewed the character, quality of work, reputation, previous work for the City, etc. and made its determination based on these standards. He stated he did not see a violation of the Competitive Bidding Act in awarding the bid to Diversified Civil.

Council Member Eudey stated with this in mind, he respected the work both of these companies had completed for the City; however, the bottom line was, the City Council had a responsibility to save money for the taxpayers, and as such, if the lowest bidder was also a responsible bidder, then he believed City Council was obligated to award the bid to the recommended lowest responsible bidder.

Mayor Wimpee stated looking at the bids, there was large difference between the City's estimate for the irrigation system the bidder's quote.

Mr. Small stated the Engineer's estimate for the irrigation system was \$160,000 dollars and the apparent low bidder was \$207,000 dollars. He noted the next lowest bidder was \$251,000 dollars. He stated yes there were some significant differences within those numbers; however, looking at the overall numbers throughout the apparent low bidder's bid, the numbers were fairly close to the Engineer's estimate. He noted there was a total difference between the Engineer's estimate and the apparent low bidder of \$34,639 dollars. He noted between the apparent low bidder and the next lowest bid, there was a total difference of \$882,607 dollars and there were significant differences beyond this with the third and fourth bidder. He noted, at this point, based upon the numbers and based upon the comfort level the City has had with Diversified Civil on previous projects, Staff did not feel uncomfortable recommending the award as stated.

Council Member Eudey noted the City had given business to all of the bidders for this project; however, for this particular project, Diversified Civil had the best price by almost \$1 million dollars. He stated with this in mind, he could not in good conscience expect the taxpayers to pay more because of one item on the application.

MOTION: A motion was made by Christi Gillespie, seconded by Scott Eudey.
Move to approve the award to the lowest responsible bidder, Diversified Civil Contractors, LLC, as well as approve and authorize execution of a construction contract for West New Orleans Street and Elm Place Intersection and Streetscapes Improvements (ST1928)

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Vice Mayor Gillespie thanked Mr. Huff and Mr. Zografos and their respective companies for excellent work done for the City of Broken Arrow.

- B. 22-618** **Consideration, discussion and possible approval of Resolution No. 1459, a resolution of the City of Broken Arrow, Oklahoma (the “city”) approving the incurrence of indebtedness by the Broken Arrow Municipal Authority (the “authority”); the authority’s entrance into a term loan facility agreement with Closed Loop Fund, Lp A Delaware Limited Partnership doing business as Closed Loop Infrastructure Fund to purchase project equipment for the purpose of improving the processing and recycling of solid waste materials to prevent or reduce pollution and environmental deterioration and to reduce landfill disposal fees; and waiving competitive bidding with respect to the notes evidencing the foregoing indebtedness and containing other provisions relating thereto; documents creating the authority are subject to the provisions of the indenture authorizing the issuance of said notes**
Finance Director Cindy Arnold indicated this Item should be considered following the BAEDA Meeting.

After the BAEDA Meeting, upon reconvening the City Council Meeting, the following motion was made:

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

Move to approve Resolution No. 1459

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- C. 22-621** **Consideration, discussion and possible authorization of the City Manager and staff to proceed with the Request for Qualifications process of professional consulting firms to prepare a Complete Streets and Streetscaping Plan for the City of Broken Arrow**
Community Development Director Larry Curtis reported the City of Broken Arrow recognized the need for a plan which ensured the City provided for all modes of transportation for all people and provided gateway corridor improvements to enhance visual appeal and placemaking. He indicated the City of Broken Arrow acting as the project lead, intended to develop a Complete Streets and Streetscaping Plan which would serve as a guide to transportation improvements and a right-of-way treatment design to support economic development and community placemaking. He noted the plan would also be used as a guide for capital improvements along the public right-of-way, as well as for recommendations or requirements for private landscaping as properties developed within the City. He indicated design elements may include street trees, other landscaping, pedestrian corridor design, furniture, signage, lighting, sidewalks, and hardscapes. He stated Staff prepared a proposal to invite qualified consulting firms, through a Request for Qualifications process, to assist the City with this project. He asked City Council to authorize the City Manager to move forward.

City Manager Spurgeon stated the City would review existing intersections during this process, and through the process make recommendations for improvement to possibly be included in the next bond package.

Mr. Curtis stated Broken Arrow had done exceptionally well in trying to maintain its streets and improve the quality of life in Broken Arrow. He noted as with any city, the Citizens of Broken Arrow deserved the highest quality of life possible; this plan would help develop all the intersections and corridors in Broken Arrow and would put a plan in place in how this would be done.

City Manager Spurgeon noted City Council Members had talked about some of Broken Arrow’s main corridors and the fencing, and efforts to improve the aesthetics of these corridors. He asked if these types of improvements might be considered as well.

Mr. Curtis responded in the affirmative. He stated this plan would incorporate landscaping, fencing, and other corridor improvements. He noted Broken Arrow loved continuity and it would be good to have a plan regarding what type of fencing, landscaping, etc., should be used in future development.

City Manager Spurgeon asked if lighting would also be included.

Mr. Curtis responded in the affirmative; this document would create a standard for all public right-of-ways and could also create a standard for private areas as well to encourage continuity.

Council Member Eudey asked if this would also review sign ordinances and signage issues.

Mr. Curtis responded yes and no; the bulk package of the sign ordinance update was a part of the update of the zoning ordinance which was in progress. He stated this plan would

incorporate elements of the sign ordinance. He stated the development of the Complete Streets and Streetscaping Plan would begin this summer and would hopefully be completed next spring.

Vice Mayor Gillespie asked what the \$200,000 dollar budget included.

Mr. Curtis explained the budget included the entire Complete Streets package. He noted while \$200,000 dollars was budgeted for this project, it might not require all \$200,000 dollars.

City Manager Spurgeon noted it might be a good idea for the City Council to have a subcommittee or citizen's committee to provide input. He asked if City Council wished to have this done.

Vice Mayor Gillespie indicated this was a very important project; she felt a subcommittee/citizen committee was appropriate. She noted Broken Arrow lacked continuity and continuity was important.

Council Member Parks agreed a citizen committee was appropriate.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to authorize City Manager and Staff to proceed with the Request for Qualifications process of professional consulting firms to prepare a Complete Streets and Streetscaping Plan for the City of Broken Arrow

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

D. 22-624 Consideration, discussion, and possible approval and direction to publish a Legal Notice of Annexation for the voluntary annexation of approximately 0.1345 acres one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma

Mr. Curtis stated this was a small piece of property which wished to be annexed into the City of Broken Arrow. He noted when the original property was annexed into the City, this small piece of property was left out of the legal description. He stated the property owner was moving forward with the platting process and noticed this discrepancy and wished to correct the discrepancy.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to approve and direct Staff to publish a Legal Notice of Annexation for the voluntary annexation of approximately 0.1345 acres one-quarter mile north of Washington Street (91st Street), one-half mile west of Midway Road (257th East Avenue), Section 15, Township 18 North, Range 15 East, Wagoner County, State of Oklahoma

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

E. 22-641 Consideration, discussion and possible approval of and authorization for the City Manager to approve water service to 12833 S. 121st E. Ave. in Broken Arrow, located outside of the City of Broken Arrow

Mr. Curtis reported under Section 24-27, the City may, at the discretion of the City Manager, provide water service to customers outside the City limits; providing a City owned water main, with sufficient capacity, was within the boundaries of or in right-of-way abutting the property to be served. He stated as this property was located outside the boundaries of, or in the right-of-way abutting the property, the City Manager did not have the authority to provide water services, so this was coming before City Council for consideration. He explained this home was built in unincorporated Tulsa County within a subdivision not located within the City of Broken Arrow, but a number of the homes within this subdivision were provided water service by Broken Arrow, including the two abutting properties. He noted a well had originally been considered, but this was impossible due to the nature of the soils in the area. He stated the homeowner would have to provide access on his own accord.

Council Member Parks asked if this property was located within another water district, such as Water IV.

Mr. Curtis responded in the negative.

Council Member Eudey asked if the property owner had considered being annexed into the City to be availed of all City benefits.

Mr. Curtis stated this has been discussed for this neighborhood, and for the adjacent property which was a Bixby school. He explained due to this lot being in the middle of the

subdivision and due to the nature of the annexation laws updated recently, this single lot would be difficult to annex into Broken Arrow. He noted the conversation was ongoing, however.

The applicant, Josh Ford, stated due to cross contamination he was unable to dig a well on his property. He noted his property line was approximately 300 feet from the existing fire hydrant.

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

Move to approve and authorize the City Manager to approve water service to 12833 S. 121st E. Ave. in Broken Arrow, located outside of the City of Broken Arrow

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

City Manager Spurgeon asked about the next step.

Mr. Curtis responded the next step would be for the City to coordinate with the property owners to ensure the property owners had the means of connection to the water system. He noted the waterline was located to the north of this property by approximately 300 feet. He stated no additional action would be needed from City Council.

City Manager Spurgeon asked if the property owner was willing to pay to connect to Broken Arrow's system.

Mr. Curtis responded in the affirmative.

10. Preview Ordinances

- A. 22-615 Consideration, discussion and preview of an ordinance amending Section 3.2.C.7 (Specific Use Permit Standards: Commercial Uses); Section 10.3.D.9 (Definitions: Commercial Uses) Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance; and repealing all ordinances or parts of ordinances in conflict herewith**

Mr. Curtis reported modifications to the Broken Arrow Zoning Ordinance were being proposed which would amend regulations and associated definitions for retail medical marijuana dispensaries and medical marijuana commercial growing/cultivating facilities. He reviewed the modifications. He noted during a regular meeting on April 28, 2022, the Planning Commission held a public hearing and unanimously recommended approval (4-0) of the modifications to the ordinance with a condition that the term "setback" be changed to a "minimum separation" requirement. He stated this change was reflected in the attached proposed ordinance. He noted no one from the audience spoke in favor of or in opposition to the modifications. He asked for this Ordinance to be previewed and set up for adoption at the next City Council Meeting.

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

Move to preview the Ordinance

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- B. 22-571 Consideration, discussion, and possible preview of an Ordinance amending Chapter 2, Administration, Article I, In General, Sec. 2-13 -Members of boards and commissions, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow, repealing all ordinances to the contrary and declaring an emergency**

Ms. Lori Hill reported the Broken Arrow Convention and Visitors' Bureau approved changing the name of the CVB to Visit Broken Arrow. She noted many other CVBs across the country made a similar name change to reflect an industry-wide goal and standard of driving tourism dollars into their respective communities. She stated the CVB approved this name change at their April 12, 2022 meeting. She noted the CVB website address was VisitBrokenArrowOK.com. She explained there were two sections within the Ordinance book which listed the Convention and Visitor's Bureau by name, and this would amend the Ordinance to reflect the name change.

Council Member Eudey noted this Item (Item B), as well as Item C, addressed this.

Ms. Hill concurred.

Mayor Wimpee asked if the Committee and Board names would change as well.

Ms. Hill responded in the affirmative.

Council Member Eudey noted the CVB, or VBA as it would be now known, discussed this at length and felt this made sense and would modernize terminology and make the CVB sound

more inviting.

City Attorney Dennis noted this process was similar to when the Community Development Department was renamed.

MOTION: A motion was made by Scott Eudey, seconded by Lisa Ford.

Move to preview the Ordinance

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

- C. 22-572** **Consideration, discussion, and possible preview of Ordinances amending Chapter 2, Administration, Article XIV, Convention and Visitors' Bureau (CVB); Sec. 2-211 Created, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-212. Appointments, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-213. - Removal from office, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-214. - Organization, specifically changing the name of the Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-215 - Duties, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-217 - Selection of Officers, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; Sec. 2-218 Codes of Ethics, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; and Sec. 2-219 Public Hearings, specifically changing the name of the Broken Arrow Convention and Visitors' Bureau (CVB) to Visit Broken Arrow; repealing all ordinances to the contrary and declaring an emergency**
Ms. Hill indicated this was related to the previous preview Ordinance.

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

Move to preview the Ordinance

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

11. Ordinances

There were no Ordinances.

12. Remarks and Inquiries by Governing Body Members

Mayor Wimpee noted this week had been National Police Week. She stated there had been several events and opportunities for citizens to show appreciation for the Broken Arrow Police Department. She thanked and commended the Broken Arrow Police Department.

Vice Mayor Gillespie read the 13th Amendment which abolished slavery and outlawed the practice of involuntary servitude.

Mayor Wimpee stated there were many events happening this Saturday: Camp Bandage, Mission 22 Indian Taco Fundraiser, the Farmers Market, and many others. She recommended checking the City's website for information regarding these events.

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

City Manager Spurgeon stated the Senior Citizen Advisory Committee had held two meetings. He noted Council Member Eudey and Council Member Ford were serving on this Committee. He indicated over the next several weeks the Committee would take tours of the Senior Center, as well as other Senior Centers around the State.

Council Member Ford and Council Member Eudey commented on the excellent level of engagement and enthusiasm shown by the Committee.

City Manager Spurgeon noted he distributed the proposed budget to the City Council Members for the upcoming Budget Meeting. He stated he distributed a hard copy of the proposed re-districting to City Council as well; this would be discussed next month. He indicated in June, City Council would be given an update on the planned road construction improvements on east New Orleans in front of the Events Park. He noted options regarding an access road to the Events Park were also being considered; this would be included in the proposed GO Bond package.

City Manager Spurgeon reported two Directors were added last year, Ryan Baze as Maintenance Services Director and Jerry Schuber as Director of Solid Waste and Recycling. He commended and thanked Ryan Baze and Jerry Schuber.

Mayor Wimpee commended Chris Oler (ph) and his Team for the excellent progress on the War at Home Memorial. She commended Matt Hendren, Director of Parks and Recreation,

noting this Saturday was Kids to Park Day.

At approximately 7:39 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 Scott Eudey, seconded by Christi Gillespie.

Move for a recess for BAMA and BAEDA

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

At approximately 7:46 p.m. the City Council meeting was reconvened by Mayor Wimpee.

Finance Director Cindy Arnold reviewed Item 9B; a motion was made, and vote was taken; please see Item 9B above.

Mayor Wimpee called for a motion to clear the room for Executive Session.

MOTION: A motion was made by Scott Eudey, seconded by Christi Gillespie.

Move to clear the room for Executive Session

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

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. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of Angela and Anthony Brewster, Tort Claim No. TRT 1212.2022 and taking appropriate action in open session, under 25 O.S. §307(B)(4);

2. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of Mitchell Christopher, Tort Claim No. TRT 1213.2022 and taking appropriate action in open session, under 25 O.S. §307(B)(4);

3. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of James Alexander, Tort Claim No. TRT 1216.2022, and taking appropriate action in open session, under 25 O.S. § 307(B)(4);

4. Pending investigation and claim, including potential resolution, of a matter involving the tort claim of Hannah Balderson, Tort Claim No. TRT 1234.2022, and taking appropriate action in open session, 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 pending claim and 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 Scott Eudey.

Move to find the Executive Session was necessary

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

MOTION: A motion was made by Christi Gillespie, seconded by Scott Eudey.

Move to deny the tort claim submitted by Kristopher Overose

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.

Move to enter back into BAEDA

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

15. Adjournment

The meeting adjourned at approximately 7:58 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Lisa Ford, Johnnie Parks, Scott Eudey, Christi Gillespie, Debra Wimpee

Mayor

City Clerk