

City of Broken Arrow

Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Craig Thurmond
Vice Mayor Scott Eudey
Council Member Johnnie Parks
Council Member Debra Wimpee
Council Member Christi Gillespie

Tuesday, May 19, 2020

Time 6:30 p.m.

Council Chambers

1. Call to Order

Mayor Craig Thurmond called the meeting to order at approximately 6:30 p.m.

2. Invocation

Pastor Scott Moore performed the invocation.

3. Roll Call

Present: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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 Thurmond indicated Item 5D was to be removed from the Consent Agenda for discussion. He asked if there were any other items to be removed from the Consent Agenda. There were none.

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

Move to approve the Consent Agenda absent Item 5D

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

- A. 20-10 Approval of the City Council Meeting Minutes of May 5, 2020
- B. 20-533 Acknowledgment of City Manager waiving of building permit fees for the construction of the Broken Arrow Public Schools STEM Academy
- C. 20-476 Ratification of a Proclamation signed by Mayor Craig Thurmond declaring the week of May 6 - 12, 2020 as "National Nurses Week" in the City of Broken Arrow
- D. 20-537 Ratification of the City Manager's signature authority up to \$3,000 for a professional services contract between the City of Broken Arrow and Lynn Percival of Wyrick, Robbins, Yates & Ponton, LLP
- E. 20-525 Approval of and authorization to execute Resolution No. 1323, a Resolution changing the date of the regularly scheduled meetings of the Broken Arrow City Council, Broken Arrow Economic Development Authority and Broken Arrow Municipal Authority on June 1, 2020 and June 15, 2020 to the new date of Tuesday, June 2, 2020 and Tuesday, June 16, 2020 at 6:30 p.m. due to the cancellation of Tuesdays in the Park
- F. 20-500 Approval of and authorization to execute Agreement for Professional Consultant Services with Geographic Technologies Group, Inc. for providing Enterprise GIS system (Project No. 205218)
- G. 20-478 Approval of and authorization to execute Amendment No. 1 to the Agreement for Professional Consulting Services with Kimley-Horn and Associates, Inc., for providing additional design services for Lions Avenue Drainage Improvements near 904 South Lions Avenue in the Central Park Estates 3rd Subdivision (Project No. SW2008)
- H. 20-514 Approval of and authorization to execute Contract Amendment No. 1 with A&A Asphalt, Incorporated, for the cold milling of asphalt streets at various locations throughout the City
- I. 20-502 Approval of and authorization to execute Supplemental Engineering Contract #4 - Financing Agreement by and between the City of Broken Arrow and the Oklahoma Department of Transportation (ODOT) for Engineering Services Involving 23rd Street Improvements (Kenosha to Houston) STP-172A(457)IG, J/P 26308(05) (Project No. ST0914)
- J. 20-479 Notification of City Manager's and Assistant City Manager's execution of Professional Consultant Agreements and Amendments to an Agreement, as well as public Construction Contracts not subject to the Competitive Bid Act, with a Contract value of less than \$25,000
- K. 20-517 Approval of PUD-303 (Planned Unit Development) and BAZ-2048 (Rezoning), Fiesta Mart, 2.32 acres, A-1 to PUD-303/CG, located on the northwest corner of New Orleans Street (101st Street) and 23rd Street (193rd E. Avenue/County Line Road)

- L. 20-534 Acceptance of an Encroachment Agreement and Release of Liability from Broken Arrow Public Schools Independent School District 3, on property located one-quarter mile south of Tucson Street (121st Street), one-quarter mile east of Elm Place (161st Street), Tulsa County, State of Oklahoma,(Section 02, T17N, R14E) (Ernest Childers Middle School (South 3rdStreet))
- M. 20-496 Approval of and authorization to execute Resolution No. 1322, a Resolution authorizing acceptance of a General Warranty Deed for Parcel9.0, which consists of 0.08 acres of permanent Right-of-Way for the Olive Waterline Improvements: Tucson to New Orleans generally located at10501 South 129th East Avenue, Broken Arrow, Oklahoma in the Northwest Quarter of Section 28, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, from the Reynolds Family Trust and authorization of payment in the amount of \$57,400.00 for the Olive Waterline Improvements: Tucson to New Orleans, Parcel 9.0 (Project No.WL1610)
- N. 20-314 Acceptance of a Deed of Dedication from Nghi Uy Truong and Diem Thuy Khoa Nguyen on an approximately 11.5-acres of unplatted property located approximately one-quarter mile east of Garnett Road (113th East Avenue),south of Houston Street (81st Street) as shown in Exhibits F.1 and F.2,Tulsa County, State of Oklahoma (Section 20, T18N, R14E)
- O. 20-315 Acceptance of a Utility Easement from Nghi Uy Truong and Diem Thuy Khoa Nguyen on an approximately 11.5-acres of unplatted property located approximately one-quarter mile east of Garnett Road (113th East Avenue),south of Houston Street (81st Street) as shown in Exhibits H.1 and H.2,Tulsa County, State of Oklahoma (Section 20, T18N, R14E)
- P. 20-452 Acceptance of a Deed of Dedication from OT Properties, LLC, on property located on the southeast corner of Albany Street (61st Street) and 23rdStreet (193rd East Avenue), Wagoner County, State of Oklahoma, (Section06, T18N, R15E)
- Q. 20-453 Acceptance of a Utility Easement from OT Properties, LLC, on property located on the southeast corner of Albany Street (61st Street) and 23rdStreet (193rd East Avenue), Wagoner County, State of Oklahoma, (Section06, T18N, R15E)
- R. 20-524 Acceptance of a Utility Easement from Oklahoma Conference Corporation of Seventh Day Adventists, an Oklahoma non-profit corporation, the owner, on property located at 1311 N Kenwood Drive, Broken Arrow, Oklahoma, located in the Southeast Quarter of the Section 2, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, Parcel 3.0 for the Kenwood Hills High Pressure Plane Waterline (Project No. WL1903)
- S. 20-526 Ratification of the Claims List Check Register dated May 12, 2020

6. Consideration of Items Removed from Consent Agenda

City Attorney Trevor Dennis reported the City of Broken Arrow contracted with Lynn Percival of Wyrick, Robbins, Yates & Ponton, LLP for the firm's assistance with negotiating some additional security provisions related to the ERP which City Council would discuss later in the Agenda. He indicated he had not received Mr. Percival's final invoice but anticipated it would be approximately \$3,000 dollars over the contract amount of \$25,000 dollars. He explained the City Manager had authority to approve contracts up to \$25,000 dollars; however, if the contract exceeded this amount City Council approval was mandatory. He stated Item 5D was a request to ratify the City Manager's signature of the \$28,000-dollar total contract which includes the additional \$3,000 dollars.

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

Move to approve the Contract for \$28,000 dollars

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

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

- A. 20-474 **Presentation, discussion, and possible acceptance of the 2020 Broken Arrow Youth City Council's Big Idea: Voter Education and Preparation**

Communications and Media Relations Manager Jennifer Swezey reported tonight was the final Youth City Council Meeting of the school year. She noted the Youth City Council returned from Washington D.C. just before the pandemic shut down travel. She indicated the Youth City Council met virtually in April and was able to hold a social distancing face to face meeting in the Chambers for its final meeting held earlier in the evening. She noted two Seniors would present the Youth City Council Big Idea this evening, following which she would present Certificates and one Senior would discuss the Washington D.C. trip. She called Ms. Sophie Arroyo and Mr. Taylor Eudey to the podium.

Ms. Sophie Arroyo presented the Youth City Council Big Idea: Political Registration through Education and Preparation, a voter prep program. She explained the program aimed to create community interest, prepare young adults (ages 18 through 25) for the upcoming local 2021 election, educate young residents on the importance of civic engagement, and take an innovative approach to increasing voter turnout figures by at least 10%.

Mr. Taylor Eudey explained the prep program would be a ten-month program with three tiers which would encourage young voters to reinvigorate local democracy and engage those who felt disconnected from the political system. He stated the three tiers included: 1) Formation of a Youth Advisory Board; 2) Cultivation of a partnership with the Oklahoma State Election Board to supply materials such as voter's registration forms and educational materials; and 3) Public Educational Events with the financial support of Broken Arrow.

Ms. Sophie Arroyo reviewed voter facts and statistics. She noted the mission of the Broken Arrow Youth City Council was to take an innovative approach to introduce active voter procedures to the next generation of voters. She explained Oklahoma was 5th in the Nation for lowest voter turnout in the 2020 election, and young voters had consistent low turnout numbers. She stated the Youth City Council hoped to increase voter turnout for the April 6, 2021 election by at least 10%.

Mr. Taylor Eudey stated once the program was approved, the Youth City Council would form a Youth Advisory Board from existing Youth City Council Members who would coordinate the program events with a goal of increasing young voter numbers. He stated the Youth Advisory Board would partner with the Oklahoma State Election Board. He indicated long term goals were to continue to educate residents regarding the importance of civic engagement, and host events open to the public and the local school districts. He noted the events would strictly adhere to the voter registration laws.

Ms. Sophie Arroyo discussed the timeline for these events noting the events would be organized according to pandemic guidelines at the times of the events. She indicated the event details were included in the Strategic Plan document. She explained the events were designed to educate and instill confidence in young voters in the voting process.

Mr. Taylor Eudey further discussed the process of forming the Youth Advisory Board (YAB), partnership with the Oklahoma State Election Board, and the organization of the events. He stated the goal of the Youth Advisory Board was to increase voter turnout by at least 10%; this metric would be measured through the Oklahoma Election Board.

Mayor Thurmond stated he felt this was an excellent Big Idea. He asked how the YAB planned to encourage more residents to register to vote. Ms. Arroyo stated legally the YAB could not coerce any resident to register to vote; therefore, the YAB's goal was to educate the public regarding the importance of voting and encourage residents to register to vote.

Vice Mayor Scott Eudey asked if the YAB planned to partner with the Oklahoma State Election Board or local county boards to provide forms if a resident wished to register to vote. Ms. Arroyo responded in the affirmative. She noted the Oklahoma State Election Board indicated it would supply the YAB with voter registration applications.

Council Member Christi Gillespie noted the YAB was legally able to pass out voter registration forms. She noted she kept these applications in her car and was constantly distributing forms to her daughter's college friends. She asked for Ms. Arroyo's opinion regarding why young adults tended not to vote.

Ms. Arroyo stated she believed young adults might believe their vote did not matter or were not well educated in the political realm and as such were unsure who/what to vote for or against. She stated she felt some young adults felt there was a lot of pressure making decisions regarding the community as a whole.

Mr. Taylor Eudey stated he believed many voted in the Presidential Election, but not locally as many individuals did not understand the importance of local elections. He stated he believed education of the public regarding the importance of local elections was key.

Council Member Debra Wimpee stated she felt this was an excellent program; educating the public regarding the importance of local government elections was a worthy endeavor.

Council Member Parks asked how the Senior Class would followup and work with the Junior Class regarding this program. Ms. Arroyo responded there would be a couple of Seniors on the YAB who would pass the torch and work closely with the Junior Class to ensure the Juniors were able to build a sustainable program to be proud of.

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

Move to accept the 2020 Broken Arrow Youth City Council's Big Idea: Voter Education and Preparation

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 20-475 Presentation by the Broken Arrow Youth City Council on the 2020 Congressional City Conference, and recognition of Youth City Council Seniors and presentation of certificates

Ms. Jennifer Swezey stated this year's Youth City Council was excellent. She noted several Seniors took leadership roles at the NLC and the conferences attended by the Youth City Council. She called Ms. Sydney Chincon to the podium.

Ms. Sydney Chincon reported the Washington D.C. NLC conference was entertaining and educational. She discussed the conference events including meeting NLC President Joe Buscaino; attending discussions led by Speaker of the House Nancy Pelosi, Former Speaker of the House Paul Ryan, Tulsi Gabbard, and Dr. Oscar Alleyne; attending Youth Conferences including an International Advocacy for Sustainable Goals conference and Domestic Violence conference at which Council Member Wimpee and Council Member Gillespie were leaders; and touring the Capital. She commented on what she learned from each important event and speaker. She displayed and discussed pictures of the trip. She thanked the City Council for making the trip possible.

Ms. Swezey stated the Youth City Council program allowed for a three-year membership; therefore, recruitment for rising sophomores would begin this summer. She called the four Seniors who were present to the podium to receive Certificates. She noted there were other Seniors who were unable to be present due to virtual graduation ceremonies taking place. She presented the Certificates to Ms. Sydney Chincon, Ms. Sophie Arroyo, Mr. Taylor Eudey, and Mr. Andrew Cloud.

Council Member Parks apologized to the Youth City Council for his inability to participate in the Youth City Council program the second half of the year due to health reasons. He stated he missed working with the youth and teaching; he missed being able to attend the NLC conference with the youth. He stated he was proud of Ms. Sydney Chincon for her excellent presentation.

Vice Mayor Eudey noted Council Member Parks participation was greatly missed, especially in Washington D.C. He stated it was an honor to work with the Youth City Council this year. He noted Mr. Taylor Eudey was his son and he was terribly proud of him. He stated he was proud of Sophie Arroyo and Sydney Chincon as well. He stated the presentations were excellent. He indicated the Youth City Council Meeting this evening was well conducted and little assistance was needed from himself or Council Member Parks. He thanked the Youth City Council and Ms. Swezey.

Council Member Wimpee stated she felt Ms. Arroyo, Mr. Eudey and Ms. Chincon were natural leaders. She stated she looked forward to seeing what the three would accomplish.

C. 20-513 Presentation, discussion, and possible approval of Preliminary Broken Arrow Innovation Strategy Framework Recommendations

City Manager Michael Spurgeon asked the Chairperson of the Economic Development Corporation Board to speak.

Chairperson of the EDC Board, Mr. Jim Beavers, stated the Innovation District would set Broken Arrow apart and exemplify the pledge to ensure growth in the economy and attract jobs. He stated the Innovation District was the City Council's vision and it was the honor of the EDC Board and Staff to facilitate and assist. He thanked City Council for enlisting the expertise of the consulting team of Halff Assoc. and HR&A Consultants to advise regarding creation of the Innovation District to maximize business development and drive innovation in Broken Arrow. He reported the Consulting Group completed its first phase of research and the Broken Arrow Economic Development Corporation reviewed and approved this research. He stated the EDC sought the City Council's approval and support to move forward. He reported Mr. Bob Geolas was present to discuss the findings of the Consulting Team; Mr. Geolas was a nationally recognized leader in development of innovation districts, research parks, and university campuses.

Mr. Bob Geolas of HR&A stated it was a great honor to speak with Broken Arrow City Council this evening (Mr. Geolas was present via video conference). He stated he was privileged to visit Broken Arrow just before Christmas and was impressed with the City of Broken Arrow and felt privileged to be working on this project. He discussed where the City was in the process of developing the Innovation District and what had been done thus far, including initial meetings and discussions, and economic and market conditions review. He noted Broken Arrow was halfway through the process; following tonight's review, the second half of the process would begin. He discussed HR&A's analysis of the economic and market conditions of Broken Arrow which included a review of the socioeconomic context, the real estate market, industry trends, and education profile. He reported the initial briefing book and analysis provided key takeaways for segments of Broken Arrow's market including Residential (healthy multifamily market), Office (lacked certain Class A office space), and Retail (significant amount of population left the City for food, beverage and general

merchandise). He noted this study was done pre-COVID-19; however, the fundamentals were still pertinent. He reported as the Consultant Team continued to work through the process it would visit Broken Arrow again to present a full report including an economic and physical conditions assessment and the Innovation District Framework Plan.

Mr. Geolas discussed successful Innovation Districts and the four characteristics of successful Districts: 1) Highly collaborative spaces; 2) Inspirational spaces; 3) Authentic development; and 4) Accessible and affordable spaces. He stated Innovation Districts promoted innovation by catalyzing collaboration and expediting the commercialization of new concepts. He reported the Brookings Institute (the Institute which first recognized Innovation Districts) identified over a dozen principles to be used as a guide in creating an Innovation District. He displayed these twelve principles. He stated Broken Arrow had a very strong and very advanced manufacturing industry and an excellent technology base. He reviewed the businesses which were weak but emerging in the City, as well as weak and declining in the City.

Mr. Geolas indicated the Innovation District was vital for getting Broken Arrow's Innovation Strategy underway. He noted the Innovation District would include designated spaces to bring together the regional communities for events concerning a range of industries and topics.

Mr. Geolas reviewed the various location options for the Innovation District. He indicated these locations were carefully reviewed. He recommended a Phase 1 and Phase 2 approach with Phase 1 being creation of the Innovation District within the Rose District. He stated this did not mean in the future other locations could not come together and join forces with the Innovation District to create a more vibrant ecosystem within Broken Arrow. He noted Broken Arrow's Rose District had many characteristics which promoted an Innovation District already in place including walkability, strong civic/community gathering places, retail, housing within walking distance, character and attractions, opportunities for adaptive reuse; therefore, the Rose District was the location the Consulting Team recommended for Phase 1. He explained Phase 1 included mixed use development, and an Innovation Center with Class A Office Building. He noted public realm improvements were already in place. He stated he believed Phase 2 of the Innovation District should be in the southern part of Broken Arrow through development of an Innovation Community with various companies and advanced manufacturing facilities. He stated Phase 1 would attract the Phase 2 businesses to come to Broken Arrow.

Mr. Geolas stated today was discussion and approval of the initial framework recommendations. He stated the next step was to pursue immediate funding opportunities, followed by finalization of the Framework and Implementation Roadmap and then finally beginning implementation of the Innovation Strategy.

Council Member Gillespie stated it sounded as if Phase 1 of this plan was accomplished through the Rose District. Council Member Wimpee agreed. Council Member Gillespie asked for some clarification. She noted there was already a mixed-use development in the Rose District, a PAC, and the new Arts Center was an innovation center, as well as Milestone. She stated it felt as if the Rose District was an Innovation District by Mr. Geolas's standards.

Mr. Geolas responded the Rose District had many key elements of an Innovation District. He stated Broken Arrow had begun to make the right investments to create a vibrant downtown community. He noted a vibrant downtown community itself was not an innovation district as it did not have the committed strategic location, the anchor facility (Innovation Center), which would be anchored by programs from the community college, public school system, and would have a specific economic strategy for entrepreneurs and small businesses. He stated when he visited the Rose District, he saw many opportunities for food and beverage and great public spaces which was why he recommended the Innovation District be started in the Rose District. He stated to become an Innovation District, the Rose District needed a deliberate programmatic anchor.

Vice Mayor Eudey stated he envisioned the Innovation District not being in the Rose District. He stated he envisioned it being created elsewhere in the City to stimulate growth where it was needed. He asked if Broken Arrow constructed an Innovation District anchor in the Rose District, how would it progress from there.

Mr. Geolas explained the Consultant Team was suggesting an Innovation District anchor building, or convergence hall, within the Rose District, either by repurposing an existing building or through new construction. He stated this would activate more of the Rose District for smaller innovation companies. He explained from what he learned about Broken Arrow, there was not enough market attraction for Broken Arrow to bring in the big, new technology companies without more of an attraction. He stated an Innovation District became the value proposition to attract such companies. He explained if the Innovation District were created in

another part of the City, it would be necessary to create the infrastructure, retail, and community spaces, etc. He noted these were already in place in the Rose District.

President and CEO of the Broken Arrow EDC and Chamber of Commerce Jennifer Conway explained Broken Arrow was trying to attract high tech businesses and these businesses, such as fly safety, engineers, and accountants, were trying to attract young talent. She stated as such Broken Arrow had to decide whether it wished to build a Research Park in the middle of nowhere or build a vibrant hub to which young adults were attracted and wished to remain. She noted a large number of individuals age 25 to 35 left Broken Arrow to find work elsewhere, as such, local businesses were finding it difficult to attract college graduates and innovative talent. She stated college graduates were not attracted to Research Parks in the middle of nowhere, but were attracted to life, each other, shopping, dining, etc. She indicated it was discovered while Broken Arrow had small businesses and entrepreneurs, there was no place where these entities could congregate, create programming, and support each other. She explained building an anchor building for the Innovation District within the Rose District would create just such a space. She explained it would be easier to have a successful Phase 1 Innovation District within the Rose District which would enable Broken Arrow to create an even stronger Phase 2 Innovation District.

Council Member Wimpee stated she understood. She stated it seemed as if the only thing which needed to be done for Phase 1 was to build this Innovation District anchor building in the Rose District, following which Phase 2 could begin right away. She indicated she envisioned the Innovation District sparking south Broken Arrow and promoting growth in south Broken Arrow. She noted the Rose District was already a successful area; therefore, following development of the anchor building, she believed Phase 2 should begin.

Vice Mayor Eudey agreed. He asked about Phase 2.

Ms. Conway stated Phase 1 included development of the concept and name of the organization, determining who would run the organization, and also construction of the physical space. She noted the physical space had to be inspirational and encourage collaboration. She explained it was more than just a building which was being constructed, an atmosphere was being encouraged. She stated developing this environment and creating this space would encourage strong relationships between Broken Arrow and the tech companies. She stated Phase 1 would develop the identity of the Innovation District, which would provide the necessary momentum to develop Phase 2 correctly.

Mr. Geolas noted this was not an either/or situation. He agreed it was important to develop an Innovation District Park in south Broken Arrow; however, development of an Innovation District Park in south Broken Arrow would be a five-year to eight-year endeavor. He explained in the interim Broken Arrow could begin to develop initial programs, an Innovation Center, and a culture for innovation in the Rose District; this would be the spark to feed the southern side of Broken Arrow. He noted this was why he described the process as a Phase 1 and Phase 2 program. He indicated he was not suggesting only completing Phase 1 or Phase 2; both should be accomplished.

Council Member Parks stated he felt an innovation district should be located near a large educational facility. He stated he had difficulty with this process being called Phase 1 and Phase 2. He indicated he understood there was \$6 million dollars available for the Innovation District and this funding would not be used for a Rose District Innovation Center. He asked if this was correct.

City Manager Spurgeon responded in the affirmative. He explained Broken Arrow had \$6 million dollars for infrastructure and \$3 million dollars for road improvements on Washington which looped around to the University; therefore, \$9 million dollars could be used for infrastructure for the Innovation District.

Council Member Parks asked if the funding for the Innovation Center in the Rose District would come from a different funding source. City Manager Spurgeon responded in the affirmative. Council Member Parks indicated he was happy to hear this. He stated he approved of the Rose District Innovation Center as long as progress continued regarding the Innovation District. He stated he believed the Innovation Center would enhance the Rose District. He indicated rather than thinking of this as Phase 1 and Phase 2, the Innovation Center should just be a part of the Innovation District which would work in the downtown area; development of the Innovation District should not be put on hold until the Innovation Center was completed.

Vice Mayor Eudey asked from where the funding for this Innovation Center would originate. Ms. Conway responded the CARES Act provided opportunities for EDA funding specifically for economic development agencies. She noted any City which could prove harm from COVID, could apply for these funds. She indicated the EDC was working with Mr. Geolas and INCOG on an application for this purpose. She explained there was urgency to move

forward with Phase 1 due to this EDA funding opportunity. She stated the EDC was ready to move forward with submitting an application quickly. She explained Broken Arrow was competing with the region (Austin, Oklahoma City and Tulsa), but she felt Broken Arrow was in an excellent position to receive grant funding.

Council Member Wimpee asked if it was necessary to call this an Innovation District, as the City had spent a lot of effort developing the Rose District and did not want to see a name change or confusion.

Mayor Thurmond stated he did not believe it would cause difficulties; this would be an Innovation Center in the Rose District. He stated it was important to keep the focus on the Innovation District in Phase 2; it was important for this to be in south Broken Arrow. He stated it was important to develop the plans and concept for the Innovation District. He indicated he approved of applying to the EDA for grant funding.

Council Member Wimpee stated she approved of development of an Innovation Center; however, she asked if it was necessary to call it an Innovation Center. She suggested calling it an Entrepreneur Center.

Mayor Thurmond explained more funds were available for innovation type districts; however, just because the area was called an innovation district in the grant application, it did not mean the City had to use the same name. He noted the City could name the area and building whatever it chose.

Vice Mayor Eudey stated this should not be considered a Phase 1 and Phase 2 project; it was all the same project and should be considered as such. He indicated he supported an Innovation Center in the Rose District to be used as a catalyst for the project but felt calling it Phase 1 and Phase 2 was misleading to the public.

Council Member Gillespie stated the City Council was ultimately accountable to the Citizens of Broken Arrow. She noted the Rose District did not need this as much as other areas in Broken Arrow. She stated New Orleans Square might be a better choice for the Innovation Center as it would benefit more from it. She noted the Rose District was about to develop an Arts Building. She indicated she believed the young adults were leaving Broken Arrow due to the lack of a four-year degree program in Broken Arrow. She stated the youth were leaving to go to college and not returning until it was time to start a family. She stated she understood the importance of moving forward with the grant application. She indicated she was confused why the Consultant was suggesting hiring more consultants for this project.

Mr. Geolas stated he appreciated the City Council's comments. He stated setting aside Phase 1 and Phase 2, there was a smart strategy in leveraging the investments already made in the Rose District to create an Innovation Center, the beginnings of an innovation program. He stated the Innovation District could be developed in south Broken Arrow, it would simply take a long time to develop as there was not enough of an anchor or market demand yet. He stated while the City was developing the Innovation District, an innovation culture could be cultivated in the Rose District which would contribute to the success of the Innovation District.

Council Member Gillespie stated she felt this was already happening in the Rose District; a new building was not necessary to cultivate an innovation culture.

Mr. Geolas stated there was wonderful retail downtown; however, it was not an innovation district as it did not have any of the innovation, entrepreneurial, or economic anchors which were required to be a true innovation district.

Vice Mayor Eudey agreed with Mr. Geolas; the Rose District was an arts and entertainment district, not an innovation district. He stated he understood the idea was not to turn the Rose District into an innovation district. He asked how it could be made clear to every resident who voted to approve development of an Innovation District this would be done in south Broken Arrow. He indicated it was important for the public to understand the Rose District was only a spark capitalizing on infrastructure already in place; the Innovation District was the ultimate goal in south Broken Arrow. He noted sometimes phase 2 of projects never came about and he felt it was important for residents to understand this would not be the case in this project. He stated he did not have a problem with an Innovation Center in the Rose District, he had a problem with how it was packaged. He noted while the Rose District was not an innovation district, it could serve as the catalyst for the Innovation District, providing a meeting space for the existing industries as the Innovation District was developed.

Council Member Wimpee noted when the Innovation District was proposed in 2017, it was understood it would take ten years to bring to fruition.

Ms. Conway stated the phraseology Phase 1 and Phase 2 originated as a result of wanting to

express development of an Innovation Center in the Rose District was not the end of this project; development of the Innovation District would continue. She noted the Innovation Center did not need to be a huge development; it could utilize an existing shop space. She stated it was simply a starting point to begin developing relationships, creating an entrepreneurial spirit and giving the concept of an innovation district an identity which would enable Broken Arrow to better understand how the Innovation District would function when finally developed.

City Manager Spurgeon stated he believed the bond issue funds should be spent on developing the Development District to the south. He agreed with Ms. Conway; many individuals struggled with exactly what the Innovation District would look like, what type of businesses and industries should be involved, etc. He stated this was why Halff and Associates recommended bringing Bob Geolas in to provide expertise regarding initiating the process. He stated it was never the intention to make the Rose District an Innovation District; the intention was to bring additional business opportunities to the area. He noted Broken Arrow needed more density to create the daytime traffic which would attract these businesses and keep the existing businesses thriving. He stated an Entrepreneurial Center did not mean there would not be opportunities for Milestone type projects. He noted he had spoken with several developers who wished to acquire land to develop multifamily housing. He stated his recommendation was to proceed with the innovation center downtown; however, the bond funds would not be available until 2022 or 2023. He stated the planning process needed to continue and land needed to be acquired without the use of the bond funds which were dedicated to infrastructure for the Innovation District.

Vice Mayor Eudey stated he was prepared to make a motion to adopt the fundamentals of this presentation, but the path forward should reflect the concerns and comments made regarding the use of the Rose District as a catalyst while moving deliberately toward development of the Innovation District in the south.

Council Member Wimpee stated she had been under the impression Broken Arrow hired a consultant for the Innovation District, not the Rose District. She stated she believed the money spent by the City on a consultant should have been spent on telling the City how to make the Innovation District in the south work. She stated the City already had been talking about an Entrepreneurial Center; she understood the importance of this and was in support of it. She stated she had believed the expert would assist the City in developing the vision of the Innovation District and determining how to move forward.

City Manager Spurgeon explained part of determining how to move forward included looking at what type of industries Broken Arrow could attract. He stated the expert looked at what resources the City had and how to enhance its investments which would allow the City to begin the planning process, acquire the land, build the relationships needed with higher education and other partners, determine the industries Broken Arrow wished to acquire, and then entice said industries to Broken Arrow. He stated without partnerships and relationships this would be difficult. He stated Council Member Wimpee's point was well taken; however, the situation evolved from "this is what we would like to see" to "this is what we have on the ground." He stated City Council could decide to move forward with the focus on the south and the planning process would begin.

Vice Mayor Eudey stated that was the fundamentals of his motion: to continue focusing on the south but employ the approach of using the Rose District to create a catalyst. He stated the ultimate goal was to follow through with the initial vision of an Innovation District in the south. He stated he understood what was being presented; however, felt it was important to couch this in terms of "we have not lost site of the ultimate vision."

Council Member Gillespie stated she was concerned about investing more of the Citizen's money in the Rose District. Council Member Wimpee stated this would be CARES Act money. Council Member Gillespie stated it would not all be CARES Act money; matches were required. Ms. Conway stated the matches had not been determined; the match rate should be lower than normal.

Council Member Gillespie stated she could not commit without knowing exactly what was being spent.

City Manager Spurgeon stated City Council was not being asked to commit to spending any money; the EDC was asking to proceed with beginning the process of making the plans so an application could be submitted to the EDA, at which time the City Council would have to approve the application to the EDA and would see exactly what the application consisted of, what was being applied for, etc. He stated if there was a match required, City Council would make the final decision regarding whether it would contribute funds towards the match.

Discussion ensued regarding the name "Innovation." Ms. Conway stated this could be addressed.

Vice Mayor Eudey stated his motion would be to adopt the fundamentals of the framework, but there was work to be done taking in the City Council's comments and concerns regarding utilizing the Rose District as a spark for the Innovation District in the south. He stated it was important not to lose sight of this.

Council Member Gillespie stated she was unsure what the fundamentals of the framework were. Council Member Wimpee responded the fundamentals of the framework were to move forward with applying for the funding. Council Member Gillespie asked what the grant would be used for. Ms. Conway responded the grant would be used to craft the vision for creating the spark which would lead to the Innovation District down south.

Vice Mayor Eudey stated he felt this was still the "broad stroke" of the plan; City Council would have the opportunity to approve or deny the details of the plan moving forward.

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

Move to approve the fundamentals of this framework, but there is some messaging work that needs to be done in light of City Council comments

The motion carried by the following vote:

Aye: 4 - Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond
Nay: 1 - Christi Gillespie

**8. Citizens' Opportunity to Address the Council on General Topics Related to City Business or Services
(No action may be taken on matters under this item)**

Mayor Thurmond indicated two Citizens signed up to speak.

Citizen Erin Huereca stated her address was 1100 West Tucson Street. She presented a petition created this past Friday with over 400 signatures requesting the City to open the Rose District Farmer's Market. She indicated Broken Arrow residents wanted fresh food and to support local small businesses, farmers, and ranchers. She stated she understood the plan was to reopen the market following June 1 when Phase III was expected to begin, and some would say a few more weeks was not a big deal, but opening the market sooner would provide much needed income to local vendors. She asked what would happen if Phase III was pushed out later than June 1. She asked if the Farmer's Market would remain closed a few more weeks during prime harvesting season. She stated she believed the Farmer's Market was an essential piece of the food supply and should be open during all phases. She stated many agreed. She indicated the virtual market set up online was great for those in high risk categories who chose to shop from home, but it was not a replacement for the in-person market and had drawbacks for vendors and customers alike. She stated if residents were permitted to shop at an indoor supermarket, she believed it would be safe to have an outdoor Farmer's Market, even if this meant moving the location to allow for social distancing, and even if it was necessary to rent handwashing stations. She stated minimarkets were open across the State and she was confident Broken Arrow could work through all obstacles to open the Farmer's Market. She asked Broken Arrow to give its farmers the opportunity to set up booths and sell meat, eggs, dairy, vegetables, and fruit in person.

Council Member Wimpee stated she also wished the Farmer's Market were open. She asked City Manager Spurgeon to explain what obstacles the City faced in terms of reopening the Farmer's Market. She noted City Manager Spurgeon and his wife both wanted the Farmer's Market to be open.

Vice Mayor Eudey stated the entire City Council wanted the Farmer's Market to be open as soon as possible; there were logistical issues and other issues to be faced.

City Manager Spurgeon stated now that the Emergency Proclamations have been lifted, the Farmer's Market could only be opened by City Council or himself in his capacity as City Manager. He stated he believed Broken Arrow did an outstanding job throughout this pandemic. He reported not one City employee had contracted COVID-19. He noted there were challenges in reopening the Farmer's Market. He stated Mr. Matt Hendren, Director of Parks and Recreation, spoke with most of the tenured produce vendors who indicated they were fine to wait until June 6th to open. He indicated most of these produce vendors only had green leafy vegetables to offer currently and most of the regular vendors did not wish to go to an alternate location. He noted when the Rose District Plaza renovations were in progress a couple of years ago and the Farmer's Market was temporarily relocated he received many complaints from vendors and customers alike; vendors who were upset about booth location, and customers who could not find the Farmer's Market which was only one block away from the original location. He stated if the Farmer's Market were temporarily set up in an alternate location to enable social distancing, he believed there would be low customer and vendor participation. He stated most of the vendors were senior citizens. He indicated currently vendors were satisfied opening on June 6, 2020 at which time the vendors would have more produce variety.

Citizen Joshua Stenros stated his address was 3901 South 201 East Avenue. He stated in a previous meeting in February, when the Steeple Chase and Glen Eagles amended addition special assessment was discussed, it was concluded accurate records and invoices regarding what residents owed regarding this assessment would be obtained. He stated the invoice he just received was the first invoice he had received (he had owned his property for three years). He stated the invoice was for \$109.96 dollars and was received via certified letter. He indicated according to the City of Broken Arrow no money had been paid against the assessment on his property; however, on April 7, 2020 there was a balance at the Wagoner County Treasury of \$385.44 dollars. He stated this was paid on April 7, 2020 by his previous mortgage company, Freedom Mortgage, during his refinance. He indicated currently Wagoner County Treasury showed a zero (0) balance for anything past due and any current dues would be on the invoices now. He stated this was the tenth year of the ten-year assessment. He explained when he reviewed the interest and principle on the assessment with the amortization chart, the tenth year, the tenth payment, which should finalize the assessment for his property, should only read \$54.03 dollars; however, his bill was \$109.96 dollars and the past due amount had been taken care of for over a month. He asked for City Council to review the financials on this once more. He indicated when he called Broken Arrow, he did an open records request and asked for every single invoice which should have been sent certified mail to the address, homeowner, and to Wagoner County Treasury since 2011. He noted only four invoices were sent. He indicated his remaining balance should only be \$54.03 dollars and he wished to settle this balance today.

Mayor Thurmond stated no action could be taken by City Council regarding this matter, but the City Manager would review the situation.

9. General Council Business

A. 20-495 Consideration, discussion and possible approval of the Schematic Design of the Senior Center (Project No. 191719)

Charlie Bright with the Engineering and Construction Department reported in 2018, the voters in Broken Arrow approved the construction of a new Senior Center as part of the 2018 GO Bond Program. He stated there were some conceptual drawings created when the bond was created. He indicated the drawings had been updated since. He noted the original drawing was a little over budget, the Building Committee at the Senior Center and the architects created a new design which was within budget. He explained in general, the spaces were larger than the previous design. He stated Phase 1 of the project would be development of the large spaces, while the potential Phase 2 would be smaller breakout rooms. He stated the design included two large spaces, one which could hold 100 people with a divider wall which could be utilized as needed. He displayed and discussed an illustration of the design.

Council Member Parks thanked Staff for working to pull this plan together. He reported the Senior Board voted unanimously in favor of this plan. He noted there was a question of funding for technology wiring, and it should be noted there were funds in place to provide for wiring.

Mr. Bright explained how the computer wiring would be installed and paid for during construction, including an IT room for the building. He indicated Broken Arrow would put the infrastructure in place and another entity would provide the service.

Council Member Parks asked if there were any center loadbearing walls in this facility. He commented it was very difficult to move a wall if the wall was loadbearing. Mr. Bright responded he was unsure; in the schematic design it was not yet known. He explained at this point the plan was to have the layout (schematic design) approved. He indicated if there was a goal for certain walls to not be loadbearing this could be considered during design. He noted a center loadbearing wall was less costly to construct but spread beams and structural steel could be utilized instead.

Council Member Parks indicated it would be beneficial if the wall separating the two large spaces could eventually be torn down to make one even larger space. Mr. Bright said this could be kept in mind while designing construction plans.

Council Member Gillespie asked about the orientation of the building. She noted it seemed as if the back of the building faced the street. Mr. Bright explained this was due to site restrictions; it was a narrow site and the entrance was in the back as this was where parking was located. He indicated the portion of the building which faced the road would be designed to look like the front of a building; the building would match the brick and mortar aesthetic of the area.

Council Member Parks commented the parking would also be shared with the softball complex.

Mr. Bright noted there was a typo in the information packet; the Budget was \$4.8 million dollars, not \$5.8 million dollars. He reported there were concerns regarding purchase of the

property; the City was moving forward with a Phase II Environmental Study. He stated he just received permission from the landowner to conduct this study and drilling for the study would begin tomorrow. He stated he hoped in four weeks the Study results could be known; at which point, assuming the results were good, construction design would begin, and the project might be advertised late fall.

Council Member Parks explained the Phase II Environmental Study was necessary due to the previous existence of a junkyard on this property to ensure there were no contaminants in the soil.

Mr. Bright indicated if contaminants were found in the soil, remediation would be negotiated with the landowner.

Mr. Sean Simpson stated the process over the past few months had gone well working with the City and Mr. Bright. He indicated rooms were needed and this design delivered rooms. He noted the Senior Board was excited, as well as the Building Committee. He stated a couple of years ago there were approximately 55 activities per week at the Senior Center, and a couple of months ago, prior to closure, there were approximately 75 activities per week. He indicated this new building would enable the Senior Center to hold up to 125 activities per week; therefore, within a span of three years the Senior Center would have gone from hosting 55 activities per week to 125 activities per week. He stated this would be an excellent addition to the Senior Center West; this would be Senior Center East.

Vice Mayor Eudey stated he was pleased this was finally moving forward. He noted this had been a conversation at the Senior Center for eight or nine years.

Council Member Parks stated the Senior Center Board, under the guidance of Mr. Sean Simpson, was working toward opening the facility back up over time and ensuring the governmental and health department guidelines were being followed. He commended Mr. Simpson.

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

Move to accept the Schematic Design of the Senior Center, approve and authorize City Staff and the architect to proceed with detailed design drawings

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 20-515 Consideration, discussion and possible approval to review bids received and award the most advantageous bid to CentralSquare for purchase of Software and Implementation Services for a Public Safety Software Suite and approval of and authorization to execute the License and Services Agreement

Chief of Police Brandon Berryhill reported Enterprise Resource Planning (ERP) was a business/technology term for an information system based on a common database and software tools which enabled information to be easily accessed, compared, and shared throughout an organization. He stated more specifically, this system was for a Public Safety software suite with a common database, which would improve information accuracy and availability. He noted common functions of the Public Safety Software Suite included Computer Aided Dispatch (CAD), Records Management System including offense, arrest, collision reports and field interview reports, document imaging, mobile reporting and data for Patrol Officers and Courts Management System interface. He reported the City currently used an aging system installed by SunGard in 1996; users required better access to data, information, and reporting currently unavailable or significantly restricted by the current system. He noted this lack of functionality and integration was inefficient, time consuming and inhibited the City from keeping up with industry best practices. He explained the current system was based on an IBM AS400 platform, which was very reliable, but difficult to interface with and maintain. He stated a new Public Safety Suite system would vastly improve business processes by eliminating the manual transfer of data and increasing access to information for internal and external customers. He stated in December 2017, the City selected BerryDunn Consulting to assist us in the selection of an ERP vendor and software system which best fits the City's current and future needs. He stated BerryDunn facilitated On-Site Needs Analysis and Joint Requirement Planning sessions with City employees to develop an RFP for an ERP solution. He explained the City ended up with 3,616 functional requirements which each vendor had to indicate whether the requirement was standard within their solution, would be available in a future release by February 1, 2019, would require customization to their software or that the feature/function could not be provided. He noted four vendors responded to the RFP: CentralSquare, Tyler Technology, Journal, and Pioneer. He reported it was noted that the CentralSquare response did not include a Courts package; the CentralSquare company believed a Courts Management System was a subject matter specific system better served by vendors focused on courts systems. He noted the Tyler response included a Courts package; while Tyler was not ultimately selected as the final vendor, the Tyler (InCode) Courts package was selected for the Courts system. He indicated Journal and Pioneer were Courts Management System vendors only; Pioneer was later

dropped from the consideration process. He stated an Evaluation Committee was formed which included the members of the Communication Center, Records, Operations and Headquarters Division, Fire services and the Court Clerk's Office; this Committee was tasked to read and evaluate each proposal based upon the following scoring criteria: functionality, technical, approach, vendor experience, and proposed staff experience. He reported CentralSquare scored the most points with 71.9 points (out of 100 possible points), and Tyler scored second highest at 58.3 points. He indicated CentralSquare, Tyler, and Journal were invited to demonstrate applications over a two-week period; BerryDunn and City employees developed demonstration scripts jointly. He explained this was to ensure each vendor would demonstrate the same features. He noted City employees with subject matter expertise in a particular application were encouraged to attend the corresponding demonstration sessions. He stated employees were given a scoring sheet to document what they liked and disliked with each vendor; these scoring sheets were submitted to the Evaluation Committee so the employee's input would be considered when the Evaluation Committee members filled out their round two scoring sheets. He reported round two of scoring showed CentralSquare in first place with 27.4 points (out of a total of 30 possible points) and second place was Journal at 19.9 points. He stated the Evaluation Committee interviewed references and submitted questions for clarification for both vendors. He indicated the final round results were CentralSquare at 40 points (out of a total of 40 possible points), Journal at 40 points and Tyler at 38.5 points. He commented Journal was a courts package only. He reported the proposed cost to the City over the course of ten years was \$2.4 million dollars (40 points) for CentralSquare and \$3.6 million dollars (38 points) for Tyler. He reported out of a total possible 200 points over the entire evaluation process, CentralSquare received 166.7 points, Tyler received 136.3 points, Journal received 104.5 points and Pioneer received 27.1 points. He stated the following were some of the agreed upon contract provisions negotiated by Staff: 1) Waiving of year one maintenance costs; 2) 20% holdback on license fees and services to provide leverage for on-time implementation. Amounts held back were included in the total cost and would be paid at the end of each phase of the implementation; 3) Reduction in annual maintenance fees in years 2 through 10 saving \$10,000 annually. He reported full implementation was estimated to take at least eighteen (18) months and would be completed in seven phases. He stated all seven phases were scheduled to begin in 2020 and the target go live date was September of 2021. He indicated the overall cost of the project was \$965,000 dollars; Fund 36 was the funding project. He noted there were two speakers, Mr. Steven Bradley, Manager of the Communications and 911 Center, and Major Thomas Cooper, the Patrol Division Commander and Chairman of the Selection Committee for the ERP Software.

Mr. Steven Bradley thanked City Council for its consideration. He explained a public safety suite consisted of Computer Aided Dispatching with automatic vehicle location (AVL), E911, State Interface; it included records management programs: offense reports, collisions, arrests, field interviews, pawn shop and sex offender registration; it included a Jail Management System with booking, prisoner management and release; it included Mobile Data Computer with mobile dispatch, field reports, State Interface, citations, and a Court Management System. He noted the system in place was built in the early 1990s and had difficulty with interfacing, data mining, and maintenance. He indicated the reasons for replacing the ERP system included: 1) Difficulties caused by duplicate processes with multiple databases for each module; 2) Research and reporting was challenging and data mining was critical for a City of this size; 3) Separate systems existed at varying levels of integration. He noted the existing system was brought online in 1996 based on an AS400 platform which was a stable platform but still presented difficulties retrieving data and conducting research. He noted IT professionals for this type of platform were limited; an outside contractor was being utilized for maintenance and updates. He stated since 1996 a lot of data had been collected; all existing databases would be converted to the new ERP system.

Major Thomas Cooper reported in 2017 the City selected BerryDunn to be a consulting firm for this project. He indicated in the spring of 2018 the Public Safety Project Team was created and tasked with developing and defining functional areas to be included in the new software with the assistance of BerryDunn. He noted this was completed and the project went to bid; bids came back from CentralSquare and Tyler. He stated while CentralSquare did not provide a court management product per se, it was determined overall CentralSquare had a good product. He noted CentralSquare allowed the users to create modules; this would allow flexibility for future needs and allowed flexibility in terms of data mining. He explained CentralSquare used a single database across its system which enabled easier data mining and records research. He noted CentralSquare also provided room to grow and develop in the future through its user module creation abilities. He stated CentralSquare servers would be maintained onsite by CentralSquare. He discussed the scoring results and how the scoring was created and utilized to select CentralSquare. He noted implementing the new ERP would take 18 months and he hoped CentralSquare would be up and running in fall of 2021.

Mr. Bradley stated it was understood security was an important issue for City Council, as well as for the Police Department. He explained there were standards set by the FBI and

other outside entities which were required to be met. He noted CentralSquare/Zuercher had never had a data breach, and external connectivity for the end users (patrol officers and others outside the offices) was accomplished through NetMotion, an FBI approved product which provided mobile security. He stated Zuercher met the FBI standard for handling criminal justice information. He reported the Zuercher system would not accept or receive credit card information, and all connections outside the mobile platform were done through VPN (virtual private network). He noted a new requirement, new to the public safety industry, was added to the contract: a certified public accounting firm would perform an annual SOC2, Type II audit of CentralSquare's operations and information security program.

Chief Berryhill asked if there were any questions.

City Manager Spurgeon stated he asked for this presentation to be very detailed to better ensure the best ERP was being chosen for police officers and public safety.

Vice Mayor Eudey stated he was pleased with the security of this system.

City Manager Spurgeon stated he was pleased the police officers approved of this system and found it easy to use. Council Member Parks agreed.

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

Move to award the most advantageous bid to CentralSquare for purchase of Software and Implementation Services for a Public Safety Software Suite and approve and authorize execution of the License and Services Agreement

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

C. 20-469 Consideration, discussion and possible approval of five (5) lay members as appointed by the Mayor and confirmed by the City Council to fill the expired terms of lay members on the Judicial Nominating Committee

City Attorney Trevor Dennis reported the Broken Arrow City Council extended the sitting Municipal Judge and Alternate Judge for one month to allow time to appoint the Judicial Nominating Committee Members, specifically the lay members. He stated there were currently four attorney members, whose terms were current. He stated the five lay member's terms were expired and the following were the nominations: Denny Hill, LaTonya Cundiff, Jim Hoffmiester, Joy Thorpe, and Zane Anderson. He indicated Staff recommended City Council approve the nomination of the Judicial Nominating Committee.

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

Move to approve the nominations of the five lay members to the Judicial Nominating Committee

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

D. 20-491 Consideration, discussion, and presentation of information related to the Glen Eagle/Steeplechase Farms assessment district, including but not limited to, the public notice and hearing for the assessment district and the consideration by the City Council of objections from the public to the proposed assessment roll

City Attorney Dennis reported at the May 5, 2020 City Council Meeting, the Vice Mayor requested additional information to confirm the City had held a public meeting related to the assessment districts for Glen Eagle/Steeplechase Farms. He stated the information requested was included as an attachment to the fact sheet. He noted there was a second Public Hearing held on November 2, 2010. He explained this was an assessment district created over twelve years ago; his review of the assessment district procedures showed the Resolution initiating the process, the Resolutions of necessity, the protests, the order for improvements, the assessment rolls, and all were proper and in order. He noted as to Mr. Stenros's question of billing, he did not have a member of the Finance Department available to address his question; however, in general he believed the amounts being charged, when delinquent, did include penalties, fees, certified mailing fees, treasury fees, and advertising fees collected by the County, so it was possible those fees, in addition to the interest rate, were contributing to his specific bill. He stated Finance could create a detailed breakdown for Mr. Stenros.

City Attorney Dennis indicated there was no action needed for this item; it was informational only.

Vice Mayor Eudey thanked City Attorney Dennis for researching this issue. He noted any time a resident raised questions regarding whether events and decisions followed correct procedures, especially when it involved a resident's personal money, it was worth conducting research to ensure and demonstrate the City did follow correct procedures in all ways.

E. 20-473 Consideration, discussion and possible appointment and reappointment of members of the Elm and New Orleans Advisory Committee

Community Development Director Larry Curtis reported the City Council, in the meeting of August 6, 2019, created a twelve person Advisory Committee to help review and complete the Elm and New Orleans Study and assist the City Council in decision making for setting priorities towards the revitalization of this area. He reported this Advisory Committee's term expired in April 2020 and the request was to extend this committee for at least 6 months, (or longer, if necessary). He noted all members (except one) agreed to continue to serve: Karla Dyess, representing the Broken Arrow Schools, requested to be replaced. He stated Staff recommended City Council approve the extension of the Advisory Committee and reappoint the members as listed.

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.

Move to approve the extension of the Advisory Committee and appoint the members as listed

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

F. 20-519 Consideration and possible action regarding PUD-307 (Planned Unit Development), Aspen Creek Village, 116.78 acres, A-1 to PUD-307/CH and RM (BAZ-1902), located one-quarter mile west of Aspen Avenue (145th East Avenue), north of Tucson Street (121st Street)

Mr. Larry Curtis reported Planned Unit Development (PUD) No. 307 involved 116.78 acres located one-quarter mile west of Aspen Avenue, one-quarter mile east of Olive Avenue, north of Tucson Street, and south of the Creek Turnpike. He stated on February 4, 2014, PUD-224 and BAZ-1902, a request to rezone the same unplatted property associated with PUD-307 from A-1 to RM (Residential Multifamily) and CH (Commercial Heavy), was approved by the City Council, subject to the property being platted. He noted according to Section 6.4.D.11 of the Zoning Ordinance, "If a plat has not been recorded on any portion of the PUD within two years after its approval by the City Council, the PUD shall expire." He stated it was possible for the PUD to be extended an additional two years with a letter of request from the owner. He indicated as per the Zoning Ordinance, PUD-224 expired; BAZ-1902, the request for RM and CH zoning, however, had not expired. He stated the design statement submitted with PUD-307 was the same exact design statement approved previously with PUD-224. He stated due to Public Notice requirements, this item was continued from the May 7, 2020, Planning Commission meeting to the May 14, 2020, Planning Commission meeting; zoning notice signs were placed correctly on the property in accordance with the Zoning Ordinance. He reported PUD-307 was proposed to be developed in accordance with the Zoning Ordinance and the use and development regulations of the CH and RM districts, except as described in the design statement. He indicated on November 5, 2013, the City Council approved BACP-132, a request to change the Level 3 designation on this property to Levels 3 and 6 in the Comprehensive Plan; BACP-132 was approved subject to the property being platted and being developed through the PUD process. He stated the CH zoning approved previously with BAZ-1902 was in accordance with the Comprehensive Plan in Level 6, as well as the RM zoning request approved previously in Level 3.

Mr. Curtis stated in Staff's opinion, PUD-307 satisfied items 1 and 4 of Section 6.4.A of the Zoning Ordinance: "(1) Within 200 feet of Tucson Street, buildings are limited to 35 feet in height. The Spring Creek of Broken Arrow and Riverstone Estates additions abut Tucson Street to the south. A service road will be constructed that extends from the east boundary to the west boundary. The requirements contained in the design statement permit and encourage innovative land development while maintaining appropriate limitation on the character and intensity of use. (4) PUD-307 is proposed to be a mixed-use development containing both commercial and multifamily uses."

Mr. Curtis reported PUD-307 was reviewed by the Planning Commission on May 14, 2020; three comment forms were submitted, one in opposition to the request, one undecided, and one in favor of the request. He stated in addition, one email was submitted. He indicated the primary concerns were increased traffic on a two-lane road, inadequate site distance on Tucson Street, increase in stormwater runoff, quality of housing and commercial development, and impacts on wildlife. He noted after reviewing the information presented in the Staff report, and the public information provided, the Planning Commission recommended approval (5-0) of PUD-307 as per Staff recommendation.

Vice Mayor Eudey indicated he received two emails from concerned citizens, one he had not had the opportunity to thoroughly review as of yet; however, both citizens seemed concerned about the road. He indicated he drove on this road over the weekend and it was narrow and hilly. He noted before any final plat was approved and before development took place, the City would require a traffic study. He asked if this was correct.

Mr. Larry Curtis responded in the affirmative. He explained as a part of platting and engineering requirements a traffic impact study would be conducted to determine if any deceleration lanes would be required. He noted road widening in this area was planned in the INCOG 2045 plan. He reported in 2018 the citizens voted to approve funding for the

widening of Aspen in this area which would alleviate some traffic concerns on Tucson.

Council Member Gillespie commented this was an outdated PUD. She asked if it would benefit the City to continue this PUD. City Attorney Dennis stated in terms of allowing development in the City and for the reasons outlined initially he felt it would be of benefit.

Council Member Gillespie noted this PUD was created in 2013 and was called Aspen Creek Village but looked nothing like a village. She stated it reminded her of a PUD which had been written even before 2013. She explained it was full of parking lots and did not have a village vibe with connectivity, walkability, or bike-ability. She stated she worried if the PUD were not updated it would not be in line with current City goals.

Mr. Curtis stated he understood Council Member Gillespie's concerns. He explained the corridors along the Creek Turnpike and along the Broken Arrow Expressway were designed to be utilized for high traffic volume and provide quick access. He explained the mixed-use component the City liked to see, for example commercial development with apartments on top were not permitted in the CH zoning area.

Council Member Gillespie stated she wondered if there was time to update this PUD to something more current. She asked the applicant for his thoughts.

Mr. Alan Betcham with AAB Engineering stated his address was 200 N. McKinley, Sand Springs. He stated this was a concept with "heavy users" and institutional type uses which was still a possibility. He explained he could not market the development until the necessary zoning was in place; once this was done it would be possible to design mixed use pieces. He reported the proposed conceptual design was by no means a final concept for the development; the detailed site plan process was still required, as well as platting and infrastructure. He explained it was important to have the area "shovel ready" otherwise investors were not interested. He noted there was interest in the pad development area in the front which was the more traditional development seen along Tucson. He stated the PUD would give the City the opportunity to comment as the development progressed. He noted the PUD set up the criteria of the zoning code as related to this development. He stated the Staff Report indicated the PUD was not modifying zoning code terribly; it was putting the infrastructure in place to allow more unique developments and more integrated community type developments. He indicated this land was a challenging tract; it was deep and bordered by the Creek Turnpike on the north; it was somewhat landlocked from Aspen due to the Creek and a bisecting tract. He stated it would be a challenge to develop this land; however, development could not even be broached until the zoning was in place through the PUD.

Council Member Gillespie stated she wanted to ensure the developer and the City were on the same page. She noted the design showed excessive parking and buildings backed up to the Turnpike which was unattractive.

Mr. Betcham noted the site plan had not yet been submitted; the site plan contained true elevations and true site layouts. He explained the illustrations of what this area might look like upon development were conceptual only and would change. He noted the unique multifamily components which were being encouraged would be considered; however, without the zoning in place investors and purchasers would not be interested. He stated if City Council wished, he was willing to bring site plans before City Council for review.

Council Member Gillespie stated she would feel better if the site plans were brought before City Council. She noted she lived close to this location and it was a beautiful area with hills and trees; looking at the current illustrations which showed lots of parking, she was uncomfortable with the proposed development.

Mr. Betcham agreed the conceptual design contained too much parking. He explained once multifamily and CH zoning were in place, he would be able to bring in investors to develop this property into something to be proud of. He noted once development began, amendments to the PUD would be requested to accommodate the development.

Vice Mayor Eudey asked Mr. Betcham if he would be willing to submit site plans to City Council. Mr. Betcham responded in the affirmative.

Council Member Parks noted this had been required in the past for other developments.

Vice Mayor Eudey stated from his understanding the residents had no concerns about the concept of the development, only the roads, and a traffic study would be conducted by the applicant while the City would address road widening in the area with a future bond issue.

City Manager Spurgeon stated this road was included in the original bond package; if this development moved forward the City would need to consider a mid-year vote of the public to request approval of funds to improve the road.

Council Member Parks noted this road was very narrow and even with acceleration and deceleration lanes traffic could be dangerous in the area.

Vice Mayor Eudey agreed with Council Member Gillespie's comments regarding the excessive parking lots.

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

Move to approve PUD-307 with the amendment that future site plans be submitted to City Council for final approval

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

G. 20-518 Consideration, and possible action regarding PUD-304 (Planned Unit Development) and BAZ-2049 (Rezoning), Park Place, 80.00 acres, A-1 to PUD-304/RS-3, located one-quarter mile north of Kenosha Street (71st Street), east of 79th Street (257th E. Avenue/Midway Road)

Mr. Curtis reported Planned Unit Development (PUD)-304 involved an 80-acre parcel located one-quarter mile north of Kenosha Street (71st Street), east of 79th Street (257th E. Avenue/Midway Road). He stated in conjunction with PUD-304, the applicant submitted BAZ-2049, a request to change the underlying zoning from A-1 (Agricultural) to RS-3 (Single-Family Residential); the property was undeveloped and not platted. He reported due to Public Notice requirements, this item was continued from the May 7, 2020, Planning Commission meeting to the May 14, 2020, Planning Commission meeting. He indicated zoning notice signs were placed correctly on the property prior to the May 14, 2020, Planning Commission meeting in accordance with the Zoning Ordinance. He stated on September 1, 2015, the City Council reviewed BAZ-1941, a request to change the zoning on this same property from A-1 to RS-3. He noted the City Council expressed concerns about storm water runoff, traffic along Midway Road and the narrowness of the road, the capacity of the lift stations associated with the sanitary sewer system, and this being the first RS-3 zoning in the area. He reported the City Council's decision to deny was appealed to District Court; the court upheld the decision made by City Council.

Mr. Curtis stated one of the comments made during the February 2, 2016, City Council meeting was a desire to have a PUD accompany the rezoning request. He explained with PUD-304, the applicant proposed to develop a single-family detached residential subdivision with up to 259 housing units in four phases over the next five years; of the 259 lots, at least 79 of the lots would be RS-2 type lots with a minimum lot width of 70 feet and a minimum lot size of 8,000 square feet. He stated the conceptual site plan showed all 31 lots abutting the south boundary next to the Ridgeway Heights addition to be of RS-2 standards.

He reported according to FEMA maps, none of the property was located within a 100-year floodplain; however, there was a blue line drainage swale that passed through the property. He indicated storm water detention would be provided in accordance with the City of Broken Arrow requirements and storm water detention would be designed to accommodate this subdivision, as well as the Ridgeway Heights addition to the south. He reported the Ridgeway Heights subdivision, which was developed in Wagoner County prior to being annexed into Broken Arrow, did not provide any storm water detention.

Mr. Curtis noted a detailed traffic study, prepared by Peters & Associates for the applicant, was included with this Staff report. He stated according to this report, dated December 10, 2019, approximately 2,464 vehicle trips (combined in and out) per average weekday were projected to be generated by the proposed single-family development. He noted the report stated, "the overall LOS (Level of Service) for traffic signal control study intersection of E. 71st Street and Midway Road is expected to operate at what calculates as an acceptable LOS "B" or better during projected conditions for the AM and PM peak hours." He stated the Kenosha Street/Midway Road intersection, according to the traffic study, presently operated as a LOS "A". He reported the study went on to say, "Additionally, all vehicle movements at the traffic signal controlled intersection and the "Stop" sign controlled new site street intersections are expected to operate at what calculates as an acceptable LOS "B" or better for these projected traffic conditions for the AM and PM peak hours."

Mr. Curtis noted landscaping exceeded the requirements of the Broken Arrow Zoning Ordinance. He explained instead of one tree per 50 feet of frontage along the arterial street, PUD-304 proposed to have one tree per 30 feet of frontage along Midway Road and where reserve areas abutted interior streets. He stated in addition, there would be one tree per lot; all trees would be large species type trees and would be at least two inches in caliper at the time of installation.

Mr. Curtis reported in Staff's opinion, as noted in the following analysis, PUD-304 satisfied all five of the conditions associated with Section 6.4.A of the Zoning Ordinance. He reported the number of dwelling units was limited to 259 instead of the 410 allowed with straight RS-3

zoning; 5 acres were left as open space, and approximately 15 acres of open space and a 10 foot wide landscape reserve along Midway Road would be provided. He reported infrastructure improvements included potential upgrading of an existing 8-inch sanitary sewer line along Midway Road to a 10-inch line, as well as upgrades to the existing lift station downstream from PUD-304 and Ridgeway Heights.

Mr. Curtis stated the property associated with PUD-304 and BAZ-2048 was designated as Level 2 in the Comprehensive Plan; RS-3 (single-family residential) zoning was considered to be in conformance with the Comprehensive Plan in Level 2. He reported one comment was provided to the Planning Commission during the Public Hearing expressing opposition to the rezoning request; the email expressed concerns about flooding problems in the area; pictures were provided with the email and shared with the Planning Commission. He stated based upon the Comprehensive Plan, the location of the property, the unique conditions associated with the property which were being addressed through the PUD, and the surrounding land uses, Staff recommended PUD-304 and BAZ-2049 be approved, subject to the property being platted. He noted after reviewing the information presented in the Staff report, information provided by the applicant, and the public comment information provided, the Planning Commission recommended approval (5-0) of PUD-304 and BAZ-2049 as per Staff recommendation.

Council Member Wimpee asked about the citizen's concerns in opposition to this development. Mr. Curtis responded there was one citizen who was concerned about the drainage in the area; however, the applicant was going above and beyond what was typically required for an application during the zoning phase of development by providing an engineering report for stormwater detention in the area which showed the design would also incorporate the runoff from Ridgeway Heights to alleviate some of the flooding concerns. Council Member Wimpee asked if Ridgeway Heights residents were aware of this.

Vice Mayor Eudey asked if a meeting was held between the developer and the residents in the area about this new PUD submission. Mr. Curtis responded he was unsure. He noted the developer was present and could perhaps answer this question. He stated he was willing to share this information with the residents of Ridgeway Heights to alleviate concerns regarding flooding.

The applicant Mr. Lou Reynolds stated his address was 2727 E. 21st Street. He stated a neighborhood meeting was held at Forest Ridge Country Club and was well attended. He stated copies of the sign-up sheet were sent to Broken Arrow Staff. He indicated stormwater retention was discussed at this meeting. He stated the Park Place subdivision was proposed to be a single-family subdivision with a maximum of 259 lots which was a 40% reduction in the number of permitted lots. He reported there would be many neighborhood amenities including entry monuments, sidewalks, landscaping, fencing, reserve areas, detention areas, a park, and a homeowner's association would be organized to maintain said amenities. He stated the conceptual site plan was presented to the residents; he displayed and discussed this conceptual site plan which illustrated the green areas, roadways, and entrances. He displayed and discussed an illustration of the traffic study which considered current traffic numbers and post development traffic numbers. He noted the AM peak traffic operated at Level A (which was excellent) and the PM peak traffic operated at Level B which was also excellent and showed the benefits of Broken Arrow's investment in the traffic signal at Kenosha. He further discussed the traffic report noting deceleration lanes were being constructed at the entrances through the PUD even though deceleration lanes were not required by Broken Arrow standards. He reported Park Place would be designed to detain stormwater from Park Place, as well as Ridgeway Heights. He discussed the stormwater collection system noting it would be built to Broken Arrow code. He explained this meant the stormwater peak outflow would be reduced. He noted a drainage report had been submitted to the City as well; this report determined post development outflow would be less than predevelopment outflow for all flood events. He noted the landscaping along the street was set back an additional 10 feet to allow future road widening without losing the character trees along the street. He indicated these trees would be maintained by the HOA. He reported there would be an upgraded sewer line (10-inch line to replace the 8-inch line); the lift station would be upgraded to enable capacity; and these upgrades would meet all Broken Arrow criteria. He noted this development was in conformance with the Comprehensive Plan. He summarized his presentation of the proposed development. He requested City Council approve the rezoning and PUD-304 as recommended by Staff and Planning Commission.

Council Member Gillespie asked about the development Phases. Mr. Reynolds stated he was unsure of where each Phase was located but pointed out the Phase I area on the map. Council Member Gillespie noted Mr. Reynolds addressed many of the questions and concerns which usually arose from these types of developments. She stated she lived in a smaller starter home for twenty years. She indicated any outside improvements, such as masonry and landscaping were highly beneficial. Mr. Reynolds agreed; he added maintenance was also important which was why the neighborhood would have an established HOA. He noted a large neighborhood such as this could easily maintain the area with low HOA dues.

Citizen LaGay Samuel stated her address was 1213 N. 86 Street. She thanked City Council for the new stop light. She indicated she had a stack of petitions against this development due to concerns regarding flooding. She displayed a photo of the proposed development area noting her neighborhood and the proposed neighborhood were the same size, but while her neighborhood had 120 homes, the proposed neighborhood would have 259 homes. She stated this was concerning and was not comparable. She stated there was also a concern regarding school overcrowding with an additional possible 400 children in the area.

Vice Mayor Eudey asked how many homes the developer would be able to build by right without a PUD in RS-2. Mr. Curtis responded RS-2 zoning would allow up to 350 homes to be constructed in the area.

Citizen Jimmy Beard stated his address was 5601 S. 257th E. Avenue. He stated factually Mr. Reynolds was incorrect. He noted he had lived in his home and drove this road every day for the past twenty years. He indicated the road had 6-foot-deep ravines along each side. He noted the traffic light was a good addition; however, it only changed the types of accidents along the road. He explained now there were rear-end accidents as this was the only intersection without a turn lane. He stated it was routine to see cars sideways and upside down in the ditch. He noted the proposed improvements to the roadway would not address these problems while adding up to 600 more cars daily. He stated he would love to see Mr. McDarren (ph) sell his property (the 80 acres), but not at the expense of the safety of the residents and not at the expense of the City of Broken Arrow who had spent tax dollars fighting this development in court. He quoted the Court's decision: "the City stresses the Council's articulated concerns about the condition of the primary roadway abutting the development, flooding, and stormwater issues in this area, and other offsite infrastructural safety issues which will worsen with increased density are reasons to deny the rezoning application. The City urges these concerns relate to the public's health, safety and general welfare; therefore, the original zoning classification was fairly debatable, and the District Court should have affirmed the zoning classification." He stated this meant the case never should have had to go before the Court, but it did, and the City won. He asked City Council to look at Ridgeway Heights and compare the number of homes in existence with the number of proposed homes. He noted he did not believe this was a feasible development of the property. He stated he lived south of 61st Street and three times this year he was unable to leave his neighborhood due to flooding on 61st and Midway and the Creek on the other side. He indicated this was a safety concern. He stated the proposed development was a poor fit for the area.

Citizen Bonnie Glidewell stated she lived at 6804 S. 254 E. Avenue. She stated she appeared before City Council three years ago regarding this same project. She noted in the three-year period the Adams Creek Watershed flooding issues in the area continued, the safety issues were the same, and other than installing a traffic light nothing had changed to alleviate the area's problems. She reported City Council had voted not to approve rezoning of this plot of land three years ago and the Oklahoma Court of Appeals ruled City Council made a sound decision. She discussed the case which went before the Oklahoma Court of Appeals and quoted some decisions. She indicated she understood the applicant had engineering studies which showed there would not be excessive runoff from this new subdivision and she was sure the engineers believed in the calculations; however, sometimes engineers could and did make mistakes. She indicated Tiger Hill and Hillside Drive were prime examples of this. She stated her watershed area was so sensitive, one mistake in miscalculation would prove disastrous for those who lived downstream of the proposed development area. She stated lives could be lost and properties would suffer irrevocable damage. She stated the local infrastructure was not adequate for a development of this size and scope at this time. She indicated she spoke for herself and others who could not be present when she urged the City Council to say no to this rezoning plan. She presented a copy of the court case she discussed and quoted to the City Council Members.

Citizen Larry Wilkinson stated his address was 6501 S. 241st E. Avenue. He stated his home was located one mile west of the proposed development; however, his property was 10 acres and his southern and eastern property lines were Adams Creek. He noted Adams Creek did flood and he knew this when he bought the property; however, his house did not flood, and he was worried it would flood with this new development. He noted he had a farm pond on his property which now contained sediment; the proposed retention ponds would also gradually fill with sediment. He explained he was worried in five or ten years, when there was sediment in the detention pond, the flooding would begin. He asked who was responsible for cleaning the sediment from the ponds. He stated he understood there was supposed to be an HOA for the area to maintain the ponds, but he worried this would not happen as it was expensive to clean sediment from a pond. He displayed and discussed a photo of Oneta Road (241st). He discussed the limitations of the lift station, the sewer line, and local infrastructure. He stated Oneta Road had no striping and the City informed him Oneta was not wide enough for striping; however, Midway Road was the same width as Oneta but had striping. He discussed a small bridge over a ravine which was deteriorating along Midway Road. He

discussed the drop off on the side of Midway Road which was approximately 12 inches deep. He noted this portion of Midway was in front of the proposed development area. He asked for this project to be denied.

Citizen Mary Ann Colston stated her address was 513 N. 79th Street. She displayed and discussed a map which illustrated where the proposed development was located in relation to Fire Station No. 4, which roadways flooded most often, and where the current retention ponds were located. She stated she served on the Kenosha Corridor Flood Action Committee for many years; this group received an award from the Oklahoma Flood Plain Manager's Association. She reported the flooding safety issue in this area was critical. She noted there were flood prone roads between Fire Station No. 4 and the proposed Park Place development. She indicated a few years ago a woman had a heart attack in the Country Gentleman addition (located a couple miles north of Park Place) and the paramedics could not reach the woman due to the flooded roadways. She stated this was a safety issue which needed to be solved. She stated knowingly placing 259 potential homeowners, and possibly 500 family members, at risk with this knowledge would be indefensible. She stated Broken Arrow Citizens relied on City Leaders to make decisions for the health, safety, and welfare of the public. She noted Timber Creek had many retention ponds which had been gradually added over the years and flooding had not improved or stabilized as a result. She indicated Park Place intended to develop retentions ponds, but this would not necessarily improve the situation. She displayed and discussed photos of flooding in the area. She stated until the flooding of Adams Creek Watershed was resolved, City Council should deny the rezoning application based on public health, safety, and general welfare.

Mr. Reynolds reported Park Place water went into Timber Creek and did not affect residents on 241st Street; Park Place was not in the Covington area and would not affect the storm sewer in the Covington area. He noted the lift station on Oneta would not be impacted by this development; the lift station to the south of Park Place and Ridgeway Heights would be affected and upgraded as a result. He stated he agreed with residents' comments regarding public policy and safety being important concerns. He stated traffic was not an issue in the area and Park Place would install deceleration lanes to ensure traffic would not become a problem. He noted the roadway would be striped in the area where the deceleration lanes were created. He reported flooding in the area would be reduced by at least 8% for the 100-year flood event. He noted per public plan the land was not being overcrowded. He stated he considered thoroughly the previous rezoning request case and worked with Broken Arrow Staff to ensure these valid concerns were addressed.

Council Member Wimpee stated she lived in the area and was well aware of the flood concern. She noted none of the infrastructure in the area had been improved in the past few years, yet Mr. Reynolds was claiming the addition of 259 homes and 600 cars would not negatively affect infrastructure. She indicated she had difficulty with this.

Mr. Reynolds indicated the traffic report showed traffic in this area was excellent and could well handle 600 more vehicles. He noted Staff had reviewed these numbers.

Council Member Parks stated when this was voted on previously, he had abstained due to an issue which had arisen that day; his abstain vote was counted as a no vote and the rezoning was denied. He asked about the road and bar ditches in the area, as well as the flooding. He noted a housing addition would eventually be developed in this location. He asked for Staff to discuss what improvements would be made to this road and when. He noted it was important to be certain flooding and driving in the area would not be worsened by this development.

Vice Mayor Eudey stated this was a challenge for him due to three areas of concern. He stated when this rezoning request previously came before City Council, he had commented he did not like the precedent of approving RS-3 zoning in the area without a PUD. He noted with a PUD the City was not establishing a precedent of RS-3; the development would be RS-2 with some RS-3 lots within. He noted this was now the case and he was required to reconsider his vote; however, there were also concerns regarding the road and the flooding. He stated he wished to hear Staff's opinion regarding how the development would affect flooding and what the future plans were for this road.

Assistant City Manager of Operations Kenny Schwab joined the City Council meeting.

Council Member Parks asked Mr. Schwab questions regarding flooding in the area.

Mr. Kenny Schwab responded when discussion began regarding design of the development City Staff requested the developer build a detention pond larger than necessary to allow for extra detention; the developer was willing at the time of discussion. He noted Ordinance indicated when a property was developed, stormwater discharge could not be increased; certain runoff was required to be detained. He noted the stormwater runoff in the area flowed into Tiger Creek, but Tiger Creek flowed into Adams Creek and the confluence area and

would still be an issue if not properly addressed.

Council Member Parks asked if Mr. Schwab had reviewed the detention area plans for the development. Mr. Schwab responded in the negative; it was not yet time for City Staff to review the detention pond design plans. Council Member Parks indicated he understood this, but it was important for City Council to know when voting whether the detention would improve flooding in the area. He stated he would like to know for certain the outflow of water would be improved with this development before he voted. Council Member Wimpee agreed; this development should not be approved until it was certain flooding would not worsen.

Mr. Schwab stated the vote tonight was only to approve the zoning. He explained this was standard procedure. He noted if City Council voted not to approve the zoning change, or required the engineering be completed before rezoning approval, it would be a very costly process for the applicant. He indicated if rezoning were approved the applicant would be required to go through engineering and design which required the street situation to be addressed and the light situation to be addressed. He noted engineering had predicted the street light installation would improve one type of accident while increasing the likelihood of rear-end type accidents.

Council Member Parks asked if the road in question belonged to the City or County. Mr. Schwab responded Kenosha was a City road, Midway was both City and County. He noted he believed the area in question was City road. City Manager Spurgeon agreed; he stated Rocky Henkel indicated Midway from 61st to 81st was the City's responsibility.

Council Member Parks asked when this portion of the road might be widened. Mr. Schwab responded the City of Broken Arrow had no plans for widening or improving this road at this time, nor were there funds dedicated to this mile segment (from Kenosha to Albany on Midway).

Vice Mayor Eudey asked if the deceleration lanes would improve the difficulties experienced on this road. Mr. Schwab responded he believed it would better improve the situation if a turn lane at the Kenosha/Midway intersection were created rather than deceleration lanes. He indicated if the PUD were approved Staff intended to approach Mr. Reynolds and ask him to consider investing in the intersection rather than investing in deceleration lanes.

Vice Mayor Eudey commented what was being considered was a PUD conceptual plan (not a final plan) which was capped at 259 lots; however, the conceptual plan included three deceleration lanes. He asked what control City Council would have following approval of the PUD regarding the deceleration lanes/intersection improvements.

Mr. Larry Curtis responded this would not be the last time City Council would see this project. He stated specifically with the concerns being raised by City Council regarding detention, deceleration lanes, sewer, etc., City Council would have an opportunity in the future to have these concerns reviewed and addressed before the project could move forward. He explained the applicant was required to present a preliminary plat to Planning Commission and a conditional final plat to City Council for approval prior to breaking ground. He stated City Staff from Community Development, Engineering and Construction, Streets and Stormwater, and the Stormwater Division within Engineering would review these concerns to ensure said concerns were being addressed.

Vice Mayor Eudey stated, understanding the City Council would be able to review the final plat to ensure all concerns were being addressed prior to the developer moving forward, this area would eventually become residential housing according to the Comprehensive Plan. He explained with straight RS-2 zoning in this area 300 plus lots could be developed by right without any input from City Council. He stated approval of this PUD would cap the number of permitted lots and allow City Council to have some say in how the flooding and street issues were addressed. Mr. Curtis concurred. Vice Mayor Eudey indicated this was what was being considered: would the City Council agree to a PUD which capped the number of lots versus denying the PUD and the area possibly being developed with straight zoning.

Mr. Schwab reported the City was aware of the sanitary sewer issues in the area. He reported BAMA executed a contract of \$128,000 dollars with Tetra Tech to review the Oneta Road Lift Station and the old Adam's Creek Lift Station. He stated the City hoped to change the flow direction to obtain better efficiency. He reported the lift station the proposed development would flow into was Wellstone, but Wellstone pumped into the collection system; therefore, the City was looking at all three lift stations to see if there were any design improvements which could be made to improve efficiency. He reported thus far the evaluation was providing positive results.

Council Member Parks asked if the design plans were reviewed, and it was determined there was not enough detention, would the number of permitted lots be reduced to ensure adequate

detention. Mr. Schwab responded in the affirmative. Mr. Curtis stated the applicant had agreed to over-detain to help with detention of water flowing in from the south, but the detention plan still needed to go through the proper review channels before approval.

Council Member Parks asked if the PUD guaranteed there would be enough property for detention. Mr. Curtis responded in the affirmative. He explained if it were determined the planned detention was not enough, the number of lots would be reduced; the PUD set the maximum number of lots at 259 lots, fewer lots were permitted.

Vice Mayor Eudey stated if the PUD were approved it would set the parameters but also would be required to go through the various levels of plan approval. Mr. Curtis concurred. Vice Mayor Eudey stated he saw a benefit to approving the PUD as it locked certain parameters in place and gave the City more control over what would ultimately occur on the property.

Council Member Parks asked if the detention would be a wet or dry detention. Mr. Schwab stated this was up to the developer.

Vice Mayor Eudey noted whatever type of detention was planned by the developer was required to approved by the City. Mr. Schwab noted City Staff would be scrutinizing the planned detention to ensure functionality.

Vice Mayor Eudey indicated he had tremendous faith in City Staff and believed City Staff would closely evaluate the proposed detention. Mr. Schwab agreed this would be done. He noted upon working with the Kenosha Corridor Flood Action Committee, City Staff well understood this basin.

Council Member Parks noted at some point the detention area would fill up. Mr. Schwab agreed. He stated much of this corridor (Covington Creek) was not detained due to much of the area's development occurring prior to coming into the Broken Arrow City limits. He stated the Forest Ridge communities had detention, but these communities were largely the only communities in the Covington Creek basin which did.

Vice Mayor Eudey stated sadly future developers were being required to "pay for the sins" of previous developers. He indicated he felt this PUD protected the area better than if left as a straight zoning development. He noted the road did need improvement, but this was incumbent upon the City.

Mr. Schwab reported the 2018 bond did contain unnamed funds for Transportation and this could be a potential project moving forward, but this would be between City Council and the City Manager.

Council Member Wimpee stated she agreed housing would be developed in the area eventually and this PUD allowed the City better control over how the area would be developed.

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

Move to approve PUD-304 and BAZ-2049 subject to final plat approval, Engineering review, etc.

The motion carried by the following vote:

Aye:	4 -	Christi Gillespie, Debra Wimpee, Scott Eudey, Craig Thurmond
Nay:	1 -	Johnnie Parks

10. Preview Ordinances

A. 20-471 Consideration, discussion, and possible preview of an ordinance amending Chapter 6, Building and Building Regulations, Article IV, Electrical Code; Section 6-66, Adoption of National Code; amendments; repealing all ordinances to the contrary and declaring an emergency

Mr. Larry Curtis reported on October 6, 2015, the City Council approved Ordinance No. 3366, which adopted the 2014 National Electrical Code (NEC) as adopted and amended by the Oklahoma Uniform Building Code Commission (OUBCC) with City amendments. He stated the amendment made to section 334.10 of the 2014 NEC was carried forward from previous City adoptions of the NEC. He explained the amendment prohibited nonmetallic-sheathed cable from being installed in one- and two-family single-family dwellings, multifamily dwellings and other structures exceeding three floors above grade. He indicated the current amendment also prohibited the use of nonmetallic-sheathed cable in hotels, motels, commercial structures, office buildings, industrial buildings, or similar uses. He stated at the time the amendment was first made by the City it was intended to prohibit nonmetallic-sheathed cable from being installed in hotels, motels, commercial structures, office buildings, industrial buildings, or similar uses. He explained the NEC at that time already prohibited nonmetallic-sheathed cable from being installed in one- and two-family dwellings, multifamily dwellings and other structures exceeding three floors above grade. He

reported the proposed amendment to the 2014 NEC section 334.10 would allow nonmetallic-sheathed cable to be installed in one- and two-family dwellings and in multi-family dwellings but would continue to prohibit nonmetallic-sheathed cable in hotels, motels, commercial structures, office buildings, industrial buildings or similar uses. He noted these amendments would not reduce the health, safety and welfare of the City and its citizens. He stated a letter of support for this amendment was received from the Home Builder's Association. He stated Staff asked for this amendment to be previewed and set for adoption.

Mr. Curtis stated he understood this was a very complicated item in the sense of electrical code but basically when the Ordinance was originally set the City mistakenly prohibited nonmetallic-sheathed cable to be installed in one- and two-family dwellings and in multi-family dwellings. He explained it was an accidental carryover from the update.

Mayor Thurmond stated basically this would allow Romex (nonmetallic-sheathed cable) in single family dwellings and multifamily dwellings versus conduit. Mr. Curtis concurred.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

B. 20-516 Consideration, discussion, and possible preview of an ordinance closing a utility easement from the Matt & Susan Brown Trust on property located approximately one-quarter mile north of Kenosha Street (71st Street) and one-third mile west of 9th Street (Lynn Lane), Tulsa County, State of Oklahoma, (Section 02, T18N, R14E); repealing all ordinances to the contrary; and declaring an emergency

Mr. Larry Curtis reported the owner, Matt & Susan Brown Trust, submitted an application requesting the closure of a utility easement on property located approximately one-quarter mile north of Kenosha Street (71st Street), one-third mile west of 9th Street (Lynn Lane). He reported the property was currently unused and was in the process of being developed as a senior, multi-family development, which was proposed to contain approximately 93 units. He noted the easement proposed to be closed was located in the center of the lot, directly under the proposed building and was not currently in use. He indicated Staff reviewed the documents and recommended acceptance of the utility easement closure. He noted AEP/PSO, Windstream, ONG, and COX had no objections to closing the easement.

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

Move to preview the Ordinance and set it for adoption

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

11. Ordinances

A. 20-535 Consideration, discussion, and possible adoption of Ordinance No. 3637 closing a utility easement from OT Properties, LLC, on property located at the southeast corner of Albany Street (61st Street) and 23rd Street (193rd East Avenue), Wagoner County, State of Oklahoma, (Section 06, T18N,R15E); repealing all ordinances to the contrary; and declaring an emergency (Larry Curtis)

Mr. Larry Curtis reported the owner, OT Properties, LLC, submitted an application requesting the closure of approximately 0.01-acre utility easement on property located at the southeast corner of Albany Street (61st Street) and 23rd Street (193rd East Avenue). He reported the property was currently being redeveloped as a commercial development which was proposed to contain a Domino's Pizza and an additional tenant space. He explained the easement proposed to be closed was located on the southern boundary of the property and was not currently in use. He stated Staff reviewed the documents and recommended acceptance of the utility easement closure. He indicated AEP/PSO, Windstream, ONG, and COX had no objections to closing the easement. He noted the preview of this ordinance was reviewed by the City Council on May 5, 2020. He stated Staff asked City Council to adopt Ordinance No. 3637 and approve the emergency clause.

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

Move to adopt Ordinance No. 3637

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee

Move for the emergency clause

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond

12. Remarks and Inquiries by Governing Body Members

Mayor Thurmond stated the bill regarding aid for police and firefighters who contracted COVID-19 never was put forward; therefore, the City would be required to take action

locally.

City Manager Spurgeon indicated he checked with the Oklahoma Municipal League regarding this bill. He explained the City had been told a bill had been put forward for police and fire, but disappointingly this was not the case. He indicated he asked City Attorney Trevor Dennis and Human Resources Director Janette McCormick to determine what could be done locally through worker's compensation for all City employees. He noted he would keep the City Council updated regarding what might be done locally; however, he felt this also needed a fix at the State level.

Mayor Thurmond thanked City Council.

Council Member Wimpee and Council Member Gillespie congratulated Broken Arrow graduates.

Vice Mayor Eudey announced his son, of whom he was very proud, graduated today.

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

City Manager Spurgeon reported the Hillside Drive wall project had been advertised and the Engineering Department would review bids in June and hopefully construction would begin in July.

He stated the FY-2020 municipal budget was distributed to City Council; a Budget Work Session would be held soon, and he hoped the Budget would be adopted in June.

He indicated COVID-19 pandemic operations continued; the City continued to open. He noted the City submitted its first reimbursement request through the CARES Act to the County for approximately \$150,000 dollars. He noted the City would be submitting another reimbursement request for \$150,000 dollars. He indicated the State's portal for submission of reimbursements would be opening soon. He stated he was unsure what the County would approve or when, but the City was monitoring the situation and submitting expenses in an attempt to recover the City's pandemic expenses.

He stated the City Council, through Broken Arrow Economic Development Authority, gave the EDC by way of a contract, funds for grants to assist nonessential businesses. He stated there was approximately \$139,000 dollars recommended to the Review Board and the City was in a position to grant aid to local small businesses for reopening.

He reported the Recycling and Trash public education program was in final draft form. He noted he would be reviewing this Thursday with Russell Gale and Lee Zirk. He stated he would keep City Council updated in this regard.

He thanked City Council for its direction given regarding the Innovation District. He apologized for not speaking prior to the Consultant's presentation and explaining the true goal of the proposal which was an amazing Innovation District in the south of Broken Arrow. He explained he had chosen not to speak due to the length of tonight's meeting but felt now this was a mistake. He noted he would not make the same mistake in the future. He stated he understood the City Council's position and the City would move forward accordingly. He indicated an application would be submitted to the EDA and planning would begin regarding the Innovation District for a couple of sites in south Broken Arrow concurrently.

14. Executive Session

There was no Executive Session.

15. Adjournment


The meeting adjourned at approximately 10:50 p.m.

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

Move to adjourn

The motion carried by the following vote:

Aye: 5 - Christi Gillespie, Debra Wimpee, Johnnie Parks, Scott Eudey, Craig Thurmond


Mayor


City Clerk

