



# City of Broken Arrow

City Hall  
220 S 1st Street  
Broken Arrow OK  
74012

## Minutes City Council Meeting

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

Tuesday, October 20, 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

Boy Scout Troop 904 led the Pledge of Allegiance to the Flag.

### 5. Consideration of Consent Agenda

Mayor Thurmond indicated Item 5J was to be removed from the Consent Agenda. He asked if there were any additional 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 less Item 5J**

The motion carried by the following vote:

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

- A. 20-19 Approval of the City Council Meeting Minutes of October 6, 2020
- B. 20-1281 Acceptance of Planning Commission meeting minutes of September 24, 2020
- C. 20-1044 Acceptance of Drainage Advisory Committee meeting minutes of July 27, 2020
- D. 20-1305 Acceptance of Drainage Advisory Committee meeting minutes of August 31, 2020
- E. 20-1229 Approval of and authorization to execute Budget Amendment Number 6 for Fiscal Year 2021
- F. 20-1289 Approval of and authorization to execute Budget Amendment Number 11 for Fiscal Year 2021
- G. 20-1290 Approval of and authorization to execute Budget Amendment Number 12 for Fiscal Year 2021
- H. 20-1317 Approval of and authorization to execute the engagement letter with Arledge & Associates, PC for fiscal year ending June 2020
- I. 20-1307 Approval of and authorization to execute Resolution No. 1346, a Resolution confirming the supplementation and publication of the City of Broken Arrow's Code of Ordinances
- J. 20-1302 Approval of and authorization to accept a grant from the Oklahoma District Attorneys Council for the City of Broken Arrow (Victims of Crime Act Grant) to provide a Victim Response Program for the City of Broken Arrow in fiscal year 2020-2021
- K. 20-1303 Approval of and authorization to execute a contract for professional services between the City of Broken Arrow and Family & Children's Services (F&CS) to provide a Victim Response Program for the City of Broken Arrow in fiscal year 2020-2021
- L. 20-1294 Approval of and authorization to execute a Parks and Recreation addendum between the City of Broken Arrow and the Broken Arrow Softball Club, Incorporated
- M. 20-1221 Approval of and authorization to execute a Promotional License on City Property allowing Ruts N Guts, LLC to host the 2020 Ruts N Guts event
- N. 20-1300 Approval of and authorization to execute Amendment to Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Broken Arrow Albany & Stonewood Intersection Improvements Project
- O. 20-1297 Approval of and authorization to execute Amendment to Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Broken Arrow Conference Center Project
- P. 20-1252 Approval of and authorization to execute Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Broken Arrow Elm Place & New Orleans Improvements Project
- Q. 20-1301 Approval of and authorization to execute Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Broken Arrow E. Dallas & 1st St. Parking Lot Improvements Project

- R. 20-1298 Approval of and authorization to execute Capital Improvements Agreement with the Board of County Commissioners of Tulsa County for Vision 2025 Surplus Funds for Broken Arrow Gateway Signage Project
- S. 20-1324 Approval of and authorization to execute a Parks and Recreation Use Agreement between the City of Broken Arrow and the Broken Arrow Amateur Basketball Association, Incorporated
- T. 20-1163 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
- U. 20-1304 Acceptance of the Drainage Advisory Committee's recommendation of the expenditure of up to a maximum of \$15,000.00 to design, obtain necessary easements and construct the drainage and erosion control improvements to the watercourse in Waterford Park II subdivision
- V. 20-1306 Acceptance of the Drainage Advisory Committee's recommendation of the design and construction of drainage and erosion control improvements near the intersection of 9th Street and Natchez Avenue and direction to staff to obtain necessary easements for such drainage improvements and authorization of the expenditure of 2018 General Obligation Bond, Proposition 6 funds for the improvements
- W. 20-1313 Approval of and authorization to execute Resolution No. 1347, a Resolution authorizing acceptance of a Quit Claim Deed from AVB Bank conveying The North 5 feet of Lot Sixteen (16) and all of Lots Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21) and Twenty-two (22), and the East 10 feet of the vacated alley adjacent to the West lines thereto, in Block Fifty-five (55), ORIGINAL TOWN OF BROKEN ARROW, Creek Nation, Indian Territory, according to the Recorded Plat filed at the Bureau of Indian Affairs in Muskogee, October 17, 1902 generally located at the southwest corner of Main Street and Dallas Street in the Southwest Quarter of Section 11, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma, for future construction of the Creative Arts Center (Project No. 161715)
- X. 20-1308 Acceptance of a Temporary Construction Easement consisting of 0.09 acres from the Kansas City Life Insurance Company, a Missouri corporation, the owner, on property located at 2224 N Olive Avenue, Broken Arrow, Oklahoma, a tract of land that is part of Lot 1, Block 3, Commerce Crossing, a Subdivision in located in the Northeast Quarter of Section 5, Township 18 North, Range 14 East, Tulsa County, State of Oklahoma for the Olive Avenue Improvements, Kenosha to Albany, Parcel 19.A. (Project No. ST1710)
- Y. 20-1327 Acceptance of a Temporary Construction Easement for a tract of land in Tiger Hill Plaza in the City of Broken Arrow, Tulsa County, State of Oklahoma for the construction of wall improvements for the Tiger Hill Modified Soldier Pile Retaining Wall, Project No. 171703
- Z. 20-1204 Approval of BAZ-2063 (Rezoning), 121st Street Rezoning, 40 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential), south of Tucson Street (121st Street), one-half mile west of Aspen Avenue (145th East Avenue)
- AA. 20-1279 Approval of PT15-117C, Conditional Final Plat, Ninety One - Phase 4, 24.58 acres, 76 lots, A-1 to RS-3, one-half mile east of 9th Street (Lynn Lane/177th E. Avenue), north of Washington Street (91st Street)
- AB. 20-1205 Approval of PUD-317 (Planned Unit Development), Tytan Station, R-3 (Single-Family Residential), Downtown Residential Overlay District (DROD) Area 5, located at the southeast corner of Fort Worth Street and 1st Street
- AC. 20-1269 Approval of and authorization for Final Acceptance and donation of the public improvements at Stone Horse Phase IV located at ¼ mile East of Olive Avenue and Tucson Street
- AD. 20-1325 Approval of and authorization to execute Resolution No. 1351, a Resolution of the Broken Arrow City Council identifying additional funding source for the design and construction of 37th Street Park and Highland Park improvements
- AE. 20-1285 Ratification of the Claims List Check Register dated October 13, 2020

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

Council Member Debra Wimpee indicated Item 5J deserved notice as it was a grant which would help the Community thrive.

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

**Move to approve Consent Agenda Item 5J**

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. 20-1220 **Presentation and annual programming update by the Broken Arrow History Museum**  
Acting Community Relations Liaison Mackenzie Jones reported Julie Brown, the Executive Director of the Museum of Broken Arrow was present to speak about the Museum and the mural which would be painted on the side of the building.

Ms. Julie Brown reported on October 16, 2020 the Museum celebrated its 116<sup>th</sup> birthday. She displayed photos of the exhibits which had been at the Museum in January, February, and March 2020. She indicated the Rightfully Hers exhibit which celebrated women’s right to vote was still on display at the Museum. She discussed other exhibits at the Museum noting several intended exhibits had been canceled due to COVID. She discussed efforts made during COVID to continue to get the Museum’s message out to the Community and the involvement of Art Bridges which gave the Broken Arrow Museum a grant which enabled the Museum to employ an artist to design a coloring book which were distributed to all Broken Arrow and Union School third graders (5,000 coloring books were distributed). She stated Art Bridges also gave the Broken Arrow Museum a second grant for \$20,000 dollars which would be utilized in the coming months to promote and reopen the Museum. She indicated the Broken Arrow Museum’s social media presence was improved. She discussed various Facebook posts which were designed during the COVID months to educate and entertain the citizens and children of Broken Arrow including history profiles, story time, and Marmie the Mouse posts. She noted the Pioneer Dinner and the Annual Ladies Tea had been canceled, but the War Par-Tee Golf Tournament was held, as well as the book club via Zoom. She noted the Night for the Museum was postponed. She reported a book signing on November 7, 2020 would be held at the Museum; the Big Spirit, Little Trees display and toy drive was also being held.

Ms. Brown displayed and discussed the photos of the mural finalists. She stated the mural artists would remain anonymous until after a winner was chosen. She indicated voting for the murals would be through Survey Monkey and within the Museum. She reported gift shop remodeling was underway and a ribbon cutting would be held on Tuesday, November 17, at 11:00 a.m. She discussed the funding entities which supported the Broken Arrow Museum including Tulsa Reset funding (\$35,000 dollars), Paycheck Protection Program, Institute of Museum and Library Services, Oklahoma Department of Libraries, and Oklahoma Business Reset (\$8,100 dollars).

Council Member Christi Gillespie asked if the book signing would be in person. Ms. Brown responded in the affirmative; however, residents were welcome to call and arrange to have the book signed via curbside service. Council Member Wimpee noted November 7, 2020 was also the Veteran’s Parade which would bring in additional visitors to the Museum.

**B. 20-1314 Presentation and acceptance of a Proclamation declaring November 1, 2020 as Extra Mile Day in the City of Broken Arrow, Oklahoma**

Ms. Mackenzie Jones reported Extra Mile Day was a day to recognize people and organizations who were creating positive change in their communities through extra mile efforts in volunteerism and service. She stated the organization Extra Mile America was inspired by the belief "going the extra mile" opened doors to new possibilities, improved the results found in professional and personal lives, and enabled people to make a difference in the community and in the world. She stated Mayor Thurmond wished to recognize Kelley Rash, Jennifer Conway, and Darla Heller for their “extra mile” contribution and service to the City of Broken Arrow. She stated Extra Mile America would feature each of these local heroes on its website.

Mayor Thurmond read the Proclamation: “WHEREAS, Broken Arrow, Oklahoma, is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and WHEREAS, Broken Arrow, Oklahoma is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and WHEREAS, Broken Arrow, Oklahoma is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and WHEREAS, Broken Arrow, Oklahoma acknowledges the mission of Extra Mile America to create 500 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2020. NOW THEREFORE, I, Craig Thurmond, Mayor of Broken Arrow, Oklahoma do hereby proclaim November 1, 2020, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.”

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.  
**Move to accept a Proclamation declaring November 1, 2020 as Extra Mile Day in the City of Broken Arrow, Oklahoma**

The motion carried by the following vote:

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

**C. 20-1292 Presentation and discussion regarding the COVID-19 Infection rate for Broken Arrow**

Mr. Russell Gale reported at the October 6, 2020 City Council Meeting he shared the Oklahoma State Department of Health Data which compared Broken Arrow's infection rates to the Tulsa infection rate on a week by week basis. He noted Council Member Parks asked for an update regarding infection rates to be provided during future City Council Meetings. He noted today's update would include comparison data through October 17, 2020. He displayed and discussed the infection rate graph. He noted over the past two weeks infection rates for Broken Arrow and Tulsa both increased; Broken Arrow had an increased rate from 193 cases per 100,000 residents to 223 cases per 100,000 residents; Tulsa's rate increased from 151 cases per 100,000 residents to 184 cases per 100,000 residents. He explained this meant as of October 17, 2020 Broken Arrow's infection rate was approximately 21% greater than Tulsa. He displayed and discussed a hospitalization data graph. He reported as of October 17, 2020 Broken Arrow's infection rate was higher than Tulsa, but Tulsa's overall hospitalization rates exceeded Broken Arrow by approximately 9%. He noted Council Member Gillespie requested demographic information regarding COVID patients; however, Tulsa Health Department had not yet provided this data.

Council Member Parks requested a copy of the graphs. Mr. Gale indicated the graphs had been emailed to the City Council Members. Council Member Parks discussed the case numbers noting he also compared numbers to the City of Edmund. He noted the Wagoner County infection rate had declined. Mr. Gale concurred. Discussion ensued regarding why Wagoner County rates had declined, why Broken Arrow rates had increased, why Tulsa rates had increased, and school being back in session in Broken Arrow.

Council Member Parks asked Mr. Gale to gather COVID data from Broken Arrow Public Schools as well to be included in the charts. He noted there was more difficulty with student gatherings after school than with during school social distancing. He stated he believed Broken Arrow Schools were doing an excellent job preventing the spread of COVID. He stated he would like to continue to see updates during City Council Meetings regarding COVID rates. Mr. Gale indicated agreement.

Council Member Wimpee commented while Broken Arrow numbers were slightly higher than Tulsa numbers, Broken Arrow Schools were open, and parents were back to work while Tulsa schools were still closed.

Council Member Gillespie discussed residents' reluctance to admit where COVID might have been contracted, the importance of keeping the elderly and those with comorbidities safe, the number of cases in those under the age of 36, and children wanting to socialize.

**D. 20-1310 Public hearing regarding the issuance of General Obligation Refunding Bonds by the City of Broken Arrow, Oklahoma, for the purpose of refunding the outstanding balance of the City's General Obligation Bonds, Series 2011A and General Obligation Bonds, Series 2011B**

Finance Director Cindy Arnold reported the City had \$9,570,000 dollars in outstanding City of Broken Arrow General Obligation Bonds, Series 2011A and Series 2011B. She reported the 2011 series had maturities between August 1, 2021 and August 1, 2031. She indicated the average interest rate for the bonds was currently approximately 3.9%, and the new interest rate was estimated at 1.36% based on the current market which would be a savings of roughly \$969,000 dollars. She explained refunding did not require an election and could be issued with City Council approval; however, a State Statute required a Public Hearing to be conducted. She stated Notice of Public Hearing was published in Tulsa World and Wagoner County America Tribune on October 7, 2020.

Mayor Thurmond opened the public hearing and three times he asked if any wished to speak regarding this Item; hearing none, he closed the public hearing.

**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 no Citizens had signed up to speak.

**9. General Council Business**

**A. 20-1196 Consideration, discussion, and possible approval of one voting delegate and one alternate voting delegate for the National League of Cities Annual Business Meeting held via teleconference on Friday, November 20, 2020**

Ms. Mackenzie Jones reported the National League of Cities required each member city to designate a voting delegate and an alternate to vote on business matters before its annual congress. She noted historically, Council had appointed the Mayor, Vice Mayor or City Manager to the delegate position; however, any official may be designated. She stated the City Manager would not be attending the business meeting portion of the conference. She noted this year's virtual meeting was scheduled for Friday, November 20, 2020.

Mayor Thurmond asked if there were any recommendations for a delegate.

Vice Mayor Scott Eudey noted he planned to attend. Mayor Thurmond nominated Vice Mayor Eudey to be the delegate.

MOTION: A motion was made by Craig Thurmond, seconded by Debra Wimpee.  
**Move to appoint Vice Mayor Scott Eudey to serve as voting delegate for the National League of Cities Annual Business Meeting held via teleconference on Friday, November 20, 2020**

The motion carried by the following vote:

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

MOTION: A motion was made by Johnnie Parks, seconded by Debra Wimpee.  
**Move to appoint Mayor Craig Thurmond to serve as alternate voting delegate for the National League of Cities Annual Business Meeting held via teleconference on Friday, November 20, 2020**

The motion carried by the following vote:

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

**B. 20-1284 Consideration, discussion, and possible approval of the appointment of Judd Hatch to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2023**

Community Development Director Larry Curtis reported Board of Adjustment (BOA) members were appointed to serve three-year terms. He stated the term for Board of Adjustment member Steven Knight expired on May 1, 2020; Mr. Knight was originally appointed to the Board of Adjustment on September 1, 2015 by City Council to fill a vacancy created by a member's resignation. He stated Mr. Judd Hatch applied to serve on the Board of Adjustment and has been nominated by Vice Mayor Scott Eudey to fill the currently vacant position. He indicated Mr. Hatch expressed his willingness to serve on the Board for a three-year term to expire on May 1, 2023. He noted Mr. Hatch worked as a Financial Advisor and had been a resident of Broken Arrow for over 16 years.

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

**Move to appoint Judd Hatch to the City of Broken Arrow Board of Adjustment for a three-year term to expire May 1, 2023**

The motion carried by the following vote:

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

**C. 20-1316 Consideration, discussion, and possible approval of the appointment of Max Grunoff to the City of Broken Arrow Board of Adjustment for the remainder of a three-year term to expire March 5, 2022**

Mr. Larry Curtis reported Board of Adjustment (BOA) members were appointed to serve three-year terms. He stated Board of Adjustment member Stanley Evetts recently moved outside City Limits and was no longer eligible to serve on the Board of Adjustment; his term was set to expire on March 5, 2022. He indicated Mr. Evetts was originally appointed to the Board of Adjustment on February 22, 2008 by City Council to fill a vacancy created by a member's resignation. He reported Max Grunoff applied to serve on the Board of Adjustment and has been nominated by Council Member Debra Wimpee to fill the currently vacant position. He indicated Mr. Grunoff expressed his willingness to serve on the Board for the remainder of the three-year term to expire on March 5, 2022.

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

**Move to appoint Max Grunoff to the City of Broken Arrow Board of Adjustment for the remainder of a three-year term to expire March 5, 2022**

The motion carried by the following vote:

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

**D. 20-1323 Consideration, discussion, and possible approval to direct the City Manager and staff to proceed with retention of Consulting Firm/s to conduct a study for creating the New Orleans Square Overlay District (NOSOD)**

Mr. Curtis reported on September 1, 2020, the City Council accepted the Final Report presented by its Citizen Advisory Committee for the Elm and New Orleans intersection, which is now known as New Orleans Square. He noted this Report recommended several study options for various projects. He stated one of the recommendations, which was keenly discussed and recommended unanimously, was to promote Commercial and Mixed Land Uses in this area; towards this goal, additional Zoning and Land Use control methods were to be studied. He stated Staff recommended an Overlay District strategy, like the Downtown Overlay (DROD), be considered. He noted the study of and creation of the New Orleans Square Overlay District (NOSOD), for Commercial, Residential and Mixed Uses, could promote and provide incentives for redevelopment and new proposals in this region. He stated Staff prepared a proposal to invite qualified consulting firms, through a Request for Proposal (RFP) process, to assist the City with this project.

Council Member Gillespie stated she was excited about the idea of NOSOD which would set some standards for this area.

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

**Move to authorize the City Manager and Staff to proceed with retention of Consulting Firm/s to conduct a study for creating the New Orleans Square Overlay District (NOSOD)**

The motion carried by the following vote:

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

**E. 20-1330 Consideration, discussion, and possible approval to direct the City Manager and staff to proceed with possible retention of Consulting Firm/s to have a traffic, walkability, and streetscape study preformed for New Orleans Square**

Mr. Curtis reported on September 1, 2020, the City Council accepted the Final Report presented by its Citizen Advisory Committee for the Elm and New Orleans intersection, which is now known as New Orleans Square; this Report recommended several study options for various projects. He explained one of the recommendations discussed from the beginning of this process was to conduct a study concerning the feasibility of constructing a roundabout in place of the traditional cross style intersection that currently existed. He stated in addition, the study would investigate and examine other critical components, such as: walkability and Americans with Disability Act (ADA) features, landscaping, and roadway diet elements, as well as utility corridor congestion impacts, specifically looking at the utility lines associated and the possibility of relocating or burying the lines. He indicated Staff recommended a professional consulting firm, with experience and expertise in all aspects of the potential improvements, be selected to conduct the study. He noted the study was intended to provide direction in order to improve access to this corridor and fulfill the goals and recommendations of the Advisory Committee. He stated if Council approved the recommendation, Staff could use the 2018 GO Bond A/E selection results to invite qualified consulting firms to interview for the study. He explained this would expedite the selection process and present the City with qualified professional consulting firms with experience and expertise as needed. He noted Staff was positioned to begin the process immediately.

Vice Mayor Eudey indicated he felt some of the language dealing with what should be studied in regard to the intersection needed to be changed; all options should be studied and then recommendations should be made regarding different options for the intersection.

Mr. Curtis apologized for the unclear language and indicated all options would be studied; he would clarify the language during the RFP process. He stated Staff intended to explore all options including the potentials of differing cross intersections, as well as the possibility of a roundabout in this location.

Vice Mayor Eudey stated there was an opportunity to do fascinating things with this intersection, whether that be lane narrowing or a roundabout or other. He stated it was important to have a full scope of what would work best for this intersection.

Council Member Gillespie stated the powerlines in this location were an eyesore and she was pleased options for removing the powerlines were being considered. Mr. Curtis agreed and noted PSO was working with the City, providing potential cost numbers, etc.

Vice Mayor Eudey commented the intersection of Elm and New Orleans was the convergence of three or four different power nodes. He noted the City would need to be creative in finding funding to relocate the powerlines, and he felt the study which would outline what would work best in this location was important.

Mr. Curtis commented there were roughly two miles of powerlines which would need to be relocated along this intersection which would be expensive.

City Manager Michael Spurgeon asked about the study's timeframe. Mr. Curtis responded Staff was prepared to move forward with the RFP, several consultants were preapproved for the bonds; therefore, he believed a recommendation for a consultant would be ready very soon. City Manager Spurgeon asked how long it might take the consultant to complete the study. Mr. Curtis responded approximately six months.

City Manager Spurgeon stated with this timeline he hoped to be able to put the chosen improvements for this intersection out to bid at the end of next year. He noted the voters approved \$2 million dollars of unnamed funds which could be utilized for infrastructure improvements for this intersection, combined with \$2.2 million dollars included in this year's budget, which meant there was approximately \$4.2 million dollars available for this intersection's infrastructure.

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

**Move to direct the City Manager and staff to proceed with possible retention of Consulting Firm/s to have a traffic, walkability, and streetscape study preformed for New Orleans Square**

The motion carried by the following vote:

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

- F. 20-1329 **Consideration, discussion, and possible approval to modify Resolution No. 1345, a Resolution of the Broken Arrow City Council approving and authorizing the formation of a Citizen Advisory Committee, for New Orleans Square, and approving and authorizing the appointment of at least five (5) individuals to assist the City Council and the City Manager towards guidance for future projects to benefit the rejuvenation of New Orleans Square and authorizing this committee to meet with City staff's assistance through 2021 at which time the City Council may continue this Resolution and its intent**
- Mr. Curtis reported at the previous City Council Meeting, Resolution No. 1345 was approved for a new Advisory Committee and the original Elm and New Orleans Advisory Committee was dissolved. He asked for the City Council's opinion and direction regarding the possibility of adding two members to the new Committee, making it a seven-member committee, as well as additional direction regarding the scope and goals of this Committee.

Vice Mayor Eudey indicated he supported a seven-member committee which included an appointee from the Chamber of Commerce. He stated each City Council Member could submit a nominee, the Chamber of Commerce could submit a nominee and the City Manager could submit a nominee.

Mr. Curtis noted this Item was for discussion only and Staff would bring a new Resolution before City Council at the next Meeting for ratification. He noted if City Council wished, the nominations for the Committee could be approved at the next Meeting as well. City Council agreed.

Vice Mayor Eudey stated regarding scope, he believed the current scope included in Resolution No. 1345 was excellent and needed no expansion.

Council Member Parks noted his appointment for this Committee also served on the previous Elm and New Orleans Advisory Committee.

- G. 20-1318 **Consideration, discussion, and possible approval of and authorization to take the necessary actions to restructure the City's General Services Department**
- Human Resources Director Jannette McCormick reported to improve organizational effectiveness and efficiency, the City Manager recommended the restructuring of the General Services Department. She stated currently, General Services was comprised of six divisions: Operations (Action Center), Sanitation, Logistics (Purchasing), Fleet Maintenance, Cemetery and Building Maintenance. She explained the current services provided by the Sanitation Division grew alongside the community and required an updated department model to streamline operations; in addition, to properly maintain and account for city assets, an overall focus on asset maintenance is needed. She reported accordingly, the City Manager was requesting approval to amend all applicable City Ordinances to restructure the General Services Department as follows: 1. Move Logistics (Purchasing) operations to the Finance Department; 2. Move the Cemetery operations to the Parks & Recreation Department; 3. Create a new department focused on sanitation and recycling services entitled Solid Waste and Recycling; and, 4. Consolidate the remaining divisions of General Services (Operations, Fleet Maintenance and Building Maintenance) into a new department entitled Maintenance Services. She stated this new structure would streamline services to the Community and assist Staff in finding talent which had the skillset needed to meet organizational goals. She indicated the new Solid Waste and Recycling Director position would be funded from an existing vacancy (Assistant Sanitation Manager) and anticipated salary savings within the General Services Department.

City Manager Spurgeon thanked Ms. McCormick for her assistance with the reorganization efforts. He noted the Sanitation Department needed its own Department due to its size. He indicated the current General Services Director Lee Zirk announced he intended to retire at the beginning of 2021. He stated he believed it would be extremely difficult to find an individual with the skill set to fill Mr. Zirk's position; therefore, for efficiency purposes, creating a separate Solid Waste and Recycling Department and consolidating the other divisions would produce a better pool of candidates to lead the Maintenance Services Department. He discussed the next steps if City Council approved. He noted the cost of reorganization and creating a new position would be minimal.

Vice Mayor Eudey indicated he was sad to see Lee Zirk retire.

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



**Move to approve and authorize taking the necessary actions to restructure the City's General Services Department**

The motion carried by the following vote:

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

**H. 20-1270 Consideration, discussion and possible approval of BACP-131A (Comprehensive Plan Change), Oak Pond, 6.1 acres, Level 1 (Rural Residential) to Level 3 (Transition Area), north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue)**

Mr. Curtis reported BACP 131A was a request to change the Comprehensive Plan designation from Level 1 to Level 3, on 6.1 acres located north of Washington Street (91st Street), one-quarter mile west of 9th Street (177th E. Avenue); the property, which was unplatted, was currently zoned A-1 (Agriculture). He stated with BACP-131A, the applicant requested approval to amend the Comprehensive Plan land use designation from Level 1 (Agricultural) to Level 3 (Transition Area). He noted while a draft Planned Unit Development document had not been submitted with this request, Staff anticipated receiving a request to rezone the property to RM (Residential Multifamily) should the Comprehensive Plan amendment be approved. He stated should these requests be approved, the Specific Use Permit (SP-273) for horticultural nursery sales would need to be abrogated. He reported a blue line stream was located on the site; the area across the street to the south of Washington Street was mapped as 100-year floodplain. He noted Staff anticipated a study of this project site would result in some areas of floodplain on the site; City utilities were available to serve the site. He reported BACP-131A was reviewed by the Planning Commission on September 24, 2020; one resident spoke on this item with concerns about flooding in the area and questioned if construction on the site would improve drainage. He noted Commissioner Ricky Jones responded grading and drainage would be addressed through the platting and engineering phases; Staff had recommended that BACP-131A be approved subject to the following: 1. Rezoning the property from A-1 (Agriculture) to RM (Residential, Multifamily); 2. The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including dedication of required rights-of-way and utility easements; 3. Applicant to map the limits of the FEMA floodplain. Areas identified as floodplain shall be zoned FD (Floodplain) in conjunction with the future rezoning request; 4. Applicant to abrogate SP-273 in conjunction with a future rezoning request for the property. He indicated after reviewing the information presented in the Staff report and information provided by the applicant, the Planning Commission recommended approval (5-0) of BACP-131A as per Staff recommendation.

Council Member Wimpee asked if this was the old Rose District farm. Mr. Curtis responded in the affirmative. He indicated Staff had believed the property owner would continue with the rose farm and as such left the property as Level 1 in the Comprehensive Plan; however, the property adjacent was Level 3 and Level 3 made sense for this area which was why Staff recommended approval.

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

**Move to approve BACP-131A as recommended by Planning Commission and Staff**

The motion carried by the following vote:

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

**I. 20-1271 Consideration, discussion and possible approval of BACP-171 (Comprehensive Plan Change), Bricktown East, 23.5 acres, Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area), one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue)**  
Mayor Thurmond recused himself for this Item due to a conflict of interest. He left the Chambers prior to and returned following the discussion and vote for this Item.

Mr. Curtis reported BACP-171 was a request to change the Comprehensive Plan designation from Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area) on 23.5 acres located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue); the property, which was vacant and unplatted, was currently zoned CG (Commercial General) and IL (Industrial Light). He stated with BACP-171, the applicant requested approval to amend the Comprehensive Plan land use designation from Level 3 (Transition Area) and Level 6 (Regional Employment/Commercial) to Level 3 (Transition Area) for a single-family residential development. He noted in conjunction with BACP-171, the applicant submitted an application to rezone the property to single-family residential (RS-4) and for a Planned Unit Development (PUD-318) for Bricktown East which included 92 residential lots in a gated community with private streets. He indicated a preliminary plat was also submitted and was heard during the October 8, 2020 Planning Commission meeting. He stated BACP-171 was reviewed by the Planning Commission on September 24, 2020; no one spoke on this item during the Public Hearing portion of the proposed change in the Comprehensive Plan. He indicated after reviewing the information presented in the Staff report, the Planning Commission recommended approval (5-0 vote) of BACP-171 as per Staff recommendation.



He reported Staff recommended BACP-171 be approved subject to the following: 1. Approval of the rezoning of the property from CG and IL zoning designations to RS-4/PUD-318; 2. The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including the dedication of required rights-of-way and utility easement.

Council Member Parks asked where the points of ingress and egress would be located. Mr. Curtis responded there would be two points of ingress and egress; one would be out onto Elder, and one would be to the north along the construction associated with the apartment complex. He stated in addition, there was a small portion left behind and as a part of the preliminary plat a stub street was planned in this location. He indicated there would be no ingress or egress off West Lansing. He displayed and discussed a map which illustrated this property. He noted this was a difficult site to develop; this was the location of the crossroad for all high-pressure gas lines in the City. He explained this was why the property was abnormally shaped. He discussed Major Comprehensive Plan changes and noted only four were permitted per year for a property. He noted RS-4 zoning between the single family residential and industrial area was a good fit for this location.

Council Member Parks commented a Major Comprehensive Plan was difficult to obtain.

Council Member Gillespie asked about the railroad in this location. Mr. Curtis indicated the developer was free to build next to a railroad if he so chose. He noted there was another development next to a railroad further east within the City which sold very well. He said the Broken Arrow railroad was relatively quiet with only one or two trains per day.

Vice Mayor Eudey stated the owners should know the market. Mr. Curtis agreed.

MOTION: A motion was made by Johnnie Parks, seconded by Christi Gillespie.  
**Move to approve BACP-171 as recommended by Planning Commission and Staff**  
The motion carried by the following vote:

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

- J. 20-1273 **Consideration, discussion and possible approval of BACP-170 (Comprehensive Plan Change), Honey Springs at Battle Creek, 75.276 acres, Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and a decreased amount of Level 4, southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street)**
- Mr. Curtis stated many citizens were present to speak regarding this Item. He reported BACP-170 was a request to change the Comprehensive Plan designation from Level 2 (Urban Residential), Level 3 (Transition Area) and Level 4 (Commercial/Employment Nodes) to an increased amount of Level 2 and Level 3 and a decreased amount of Level 4 on 75.276 acres located at the southeast corner of Aspen Avenue (145th E. Avenue) and Dearborn Street (41st Street); the property, which was vacant and unplatted, was currently zoned PUD-94Q/A-CG (Annexed-Commercial General), A-RD (Annexed-Residential Duplex) and A-R-3 (Annexed-Single-family Residential). He stated on June 20, 1994, the City Council approved Ordinance No. 1862 to annex the tract of land (a 479-acre area of Section 27, T19N, R14E) into the corporate limits of the City of Broken Arrow with assigned "Annexed" zoning of AC-2, AR-4 and AR-3 (now converted to A-CG, A-RD and A-R-3). He stated the 786.5-acre Battle Creek planned unit development (PUD-94) was approved by the City Council on November 16, 1995; also approved on this date was BAZ-1236 to rezone property within the northern portion of the Battle Creek PUD (that had been annexed from the City of Tulsa) to designations that were in accordance with the Zoning Ordinance (C-2, R4 and R-3, now converted to CG, RD, and RS-3), subject to platting. He reported in 2010, a Comprehensive Plan amendment (BACP-105) reallocated the areas of Level 2, 3 and 4 on this site and converted 11.38 acres of Level 6 (Regional Employment/Commercial) and 9.18 acres of Public Recreation to 20.56 acres of Level 3 (Transition Area) on a site located north of the Broken Arrow Expressway and east of Aspen Avenue. He indicated this layout was carried over into the current Comprehensive Plan, Broken Arrow Next. He stated with BACP-170, the applicant requested approval to modify the configuration of the areas of Levels 2, 3 and 4 due to the topography of the site and the location of existing ponds and blue line streams. He noted in conjunction with BACP-170, the applicant submitted a draft major amendment to PUD-94 and PUD-94Q (PUD-94W). He indicated the forthcoming PUD amendment and plat would address any required right-of-way and utility easement dedications; all major utilities were available in other phases of the Battle Creek subdivision and would need to be extended to serve this area. He noted the topography sloped downhill to the north posing a challenge to serve this area of the site; thus, a sewer lift station would likely be needed to serve this area. He stated BACP-170 was reviewed by the Planning Commission on September 24, 2020; several people spoke during the Public Hearing portion, and several other written comments were read into the record for the proposed change in the Comprehensive Plan. He noted one person was in support of the proposal, some were undecided, and several were in opposition. He indicated concerns included property values, traffic, existing low water pressure in the vicinity, loss of wildlife habitat, wetlands, proposed lot sizes, and the size and

quality of proposed homes (see attached citizen comments). He stated after reviewing the information presented in the Staff report and hearing the public comment, the Planning Commission recommended approval (5-0) of BACP-170 as per Staff recommendation. He explained Staff recommended BACP-170 be approved subject to the following: 1. Approval of the rezoning of the property from "Annexed" zoning designations to those that are in conformance with the current Zoning Ordinance, and approval of a major amendment to PUD-94 and PUD-94Q; 2. The property shall be platted in accordance with the Land Subdivision Code and the Engineering Design Criteria Manual including the dedication of required rights-of-way and utility easements.

Mr. Curtis explained this was a Comprehensive Plan amendment request; this was not a rezoning request and not a request to approve a PUD. He displayed and discussed a map which illustrated the current Comprehensive Plan Future Land Use Map for the property. He noted a large portion of the property was designated as Level 4 (Commercial), a smaller portion of Level 3, and the remainder would be Level 2. He displayed and discussed a map which illustrated the requested Comprehensive Plan layout which included a much smaller portion of Level 4 pushed to the north along the main road, a slightly increased Level 3 area also pushed to the north, with a much larger portion of Level 2. He commented the draft PUD showed duplex type homes in Level 3, and single family residential in Level 2.

Vice Mayor Eudey commented any PUD, were it submitted, was subject to approval by Planning Commission and City Council. Mr. Curtis agreed. He commented the property could not be developed without first being rezoned and platted; the rezoning, conditional final plat and amendment to the PUD would require approval by Planning Commission and City Council. He noted there would be new public hearings held before Planning Commission and City Council for the rezoning and PUD amendment; the public would be notified for each.

Council Member Parks noted several years ago, the apartments along the Broken Arrow Expressway on Aspen were intended to be built along 41<sup>st</sup> Street. He asked if this was near the property in question. Mr. Curtis responded in the affirmative. Council Member Parks commented the Comprehensive Plan change would have less commercial (Level 4), and the Level 3 and Level 2 area would be increased. Mr. Curtis agreed.

Mr. Curtis noted the original Comprehensive Plan for this property did not take into consideration the natural wetlands on this property. He stated relocating Level 4 and Level 3 would eliminate the need to reconfigure the wetlands; the wetlands would remain within Level 2 untouched. He commented if City Council denied this Comprehensive Plan change, the applicant could still apply for rezoning.

Council Member Parks noted he had wondered why the applicant asked to reconfigure and reduce the Level 4 area. Mr. Curtis explained due to the topography and the creek and wetlands, it was difficult to develop the land in the south of the property as Level 4; therefore, the applicant requested to reduce the Level 4 area and shift it to the north of the property.

Discussion ensued regarding the PUD needing to fall within the Comprehensive Plan changes if approved; and a PUD not being considered at this time.

Council Member Wimpee wondered if those present to speak regarding this Item believed it was a PUD being discussed.

The Applicant, Nathan Cross, stated his address was 2 West 2<sup>nd</sup> Street, STE 700. He agreed only the Comprehensive Plan Amendment was being discussed this evening; no specifics were being discussed. He noted the Comprehensive Plan Amendment represented a fairly significant reduction in density; the Commercial area was being cut back significantly due to the jurisdictional waterway on the property. He displayed and discussed a map which illustrated where the waterway was located on the property. He commented the area was Army Corps of Engineers governed and could not be built upon; therefore, the development was organized around this area. He noted the waterway would serve as a greenspace for the residential area and a buffer between residential and commercial. He noted the PUD was submitted and would be reviewed at the Planning Commission Meeting on Thursday night. He stated the intention for Level 3 was patio homes, not multifamily; there would not be apartments located on the property. He stated while the Level 3 area was being increased, the number of units would not be increased from what was currently allowed with PUD-94Q.

Council Member Gillespie asked about the single-family homes which would be developed on this property. Mr. Cross indicated this would be discussed during the PUD phase.

Council Member Wimpee commented if this were not approved, the PUD would still come before City Council for approval. Mr. Cross noted if it were not approved, the property could be developed with the larger swath of commercial and still have the patio homes in Level 3. He noted the Comprehensive Plan Change application was an attempt to reorient the site to be

more consistent with the area and move the commercial area farther away from the existing residential.

Council Member Gillespie commented she liked that the proposed PUD (although not being discussed) did not have a street which went all the way through from 41<sup>st</sup> Street.

Mayor Thurmond noted several Citizens requested to speak.

Citizen Debra Sikkema stated her address was 4600 N. Walnut Avenue in Greenbrier. She asked if a caveat could be included which would require the new homes to be like the existing homes which were all brick and stone. Mayor Thurmond noted the PUD was not being discussed; the discussion should revolve around the Comprehensive Plan Change. Ms. Sikkema asked if she could discuss the number of homes which would be developed as currently there would be two backyards against her one backyard. Mayor Thurmond noted this would be discussed with the PUD as well. Ms. Sikkema noted she opposed this development strongly.

Citizen Kurt Arras stated his address was 4612 N. Sycamore. He pointed to his home's location on the map. He noted this new development would be cutting through his neighborhood to enter and exit. He stated he did not believe the Planning Commission or City Council had enough information regarding engineering, pond discharge, and traffic. He commented there was a proposal for 175 new homes because Level 2 was expanding, which equaled 352 new cars in the small 75-acre plot. He stated if the Comprehensive Plan Change was approved the City Council would be approving and paving the way for Honey Creek Subdivision without enough information to determine the traffic impact. He noted the original Comprehensive Plan had a smaller Level 2 area which equaled fewer homes. He noted the wetlands were larger than Mr. Cross had indicated. He stated a pump station would not be sufficient for this development. He reiterated City Council did not have enough information before it to approve the Comprehensive Plan Change. He stated this Item should be tabled until traffic, public works and engineering were consulted.

Council Member Parks noted only the Comprehensive Plan Change was being discussed, not the PUD specifics.

Council Member Wimpee indicated she understood this Comprehensive Plan Change reduced the number of homes which would be developed by 78 homes. Mr. Cross responded in the affirmative; the PUD requested the development of approximately 170 homes; as currently configured, while not practical, up to 254 homes could be developed on this property.

Council Member Parks noted citizens were commenting on things which were not being discussed this evening; the Comprehensive Plan Change would give the applicant the right to return and present a PUD for consideration and discussion. He noted the applicant could build on the property as it currently stood with or without a Comprehensive Plan Change. He noted the subdivision entrances and exits would be discussed when the PUD was considered.

Council Member Wimpee noted during PUD discussion a traffic study would be considered, along with wetlands/flooding, etc. She noted the property could be developed with or without approval of this Comprehensive Plan Change.

Citizen Rob Dutkosky stated his address was 1713 W. Zillah Street, Belle Trace II. He noted while this was only the Comprehensive Plan Change request; it was the first step in the process. He stated each time he left Broken Arrow and returned, he thanked God when he returned home. He noted things such as density, crime, traffic, housing cost and quality of life were reasonable in Broken Arrow as compared with other places. He stated the City Council was charged to protect the Broken Arrow quality of life for the citizens. He indicated quality of life in some cases meant development, but it was too easy for City Council Members to become blind to the fact that growth for the sake of growth should not be the primary objective. He stated on the Broken Arrow website, Mayor Thurmond's welcome remarks stated, "Broken Arrow may be Oklahoma's fourth largest city, but it still carries a small-town charm." He noted there was a fine line between the development necessary for a stable and thriving community and that which begins to erode and put at risk the "small-town charm" He asked the City Council Members to continually ask themselves if they were truly representing quality of life for the Citizens of Broken Arrow. He asked City Council to not approve this first step which he felt would be crossing this fine line and moving away from the "small-town charm."

Mayor Thurmond stated the City ran only on sales tax; as property tax was added, it did not affect City operations in any way.

Citizen Robert Smith stated his address was 4700 N. Poplar Avenue. He stated he was Vice President of the homeowner's association of Belle Trace II. He noted the HOA petitioned the community regarding any changes to this property, especially traffic and those petitioned

were opposed as it would open traffic through the neighborhood. He stated there were 154 homes in Belle Trace and traffic was bad enough already; the addition of 175 homes would increase traffic. He noted 175 homes would equal smaller lots and smaller homes which would bring down property values.

Citizen Scott Robinson stated his address was 4616 N. Sycamore. He stated he had lived in Greenbrier for 16 years. He indicated he felt he and his neighbors were being taken advantage of. He noted the property with the current Comprehensive Plan layout would be too difficult for most developers to develop; changing the Comprehensive Plan would make the property a more attractive prospect and would set the wheels in motion for development of the property and devaluation of his home. He noted while the types of homes being developed was not to be discussed this evening, he believed the homes would not be like the homes in Greenbrier and Belle Trace. He noted his neighborhood was attractive and he had invested in his neighborhood. He stated he worried about a comment made by a Planning Commission extolling the virtues of progress; however, progress at the expense of citizens who had invested in City was unacceptable.

Citizen Randy Gray stated his address was 4616 N. Redbud Avenue in Greenbrier. He pointed his home out on the map. He stated he understood this property would be developed; progress would move forward. He noted he was only concerned the homes being developed would be of lower quality than the homes in Greenbrier. He indicated he did not care if the homes were smaller; but wanted the homes to be of the same quality standards. He stated he also hoped to get a clean break between Greenbrier and Honey Creek development. He stated he hoped to bring any homes built around the Greenbrier pond into the Greenbrier HOA. He noted otherwise it would be difficult to maintain security around the pond. He asked for information from the developer regarding home size, building materials, etc.

Mayor Thurmond indicated this type of information would be addressed with the PUD.

Council Member Gillespie asked if the Level 2 area south of the current Level 4 and Level 3 areas would be developed if the Comprehensive Plan Change was not approved. Mr. Cross responded he was unsure; he believed the commercial area would be fully developed and whatever would fit in the Level 2 space would be developed. He commented without the Comprehensive Plan Change approval, legally the developer had the right to develop up to 254 homes in the indicated Level 2 area. He noted with the Comprehensive Plan Change the developer was asking, through the PUD, to develop only 170 homes.

Council Member Gillespie asked why the applicant wished to change the Comprehensive Plan if 254 homes could be developed on the existing Level 2 property.

Mr. Cross explained the developer was not a commercial builder and did not wish to develop such a large commercial area.

Vice Mayor Eudey noted typically residents asked for a smaller commercial footprint, and tonight he was being asked to keep the larger commercial development area, which was unusual.

Council Member Parks stated without a PUD the City had no control over how a property was developed; with the PUD the City would have more control over the number of homes, type of materials used, and type of homes being built. He noted City Council had prevented a large apartment complex from being developed in this area several years ago due to the traffic difficulty on 41<sup>st</sup> Street and Aspen. He noted if this Comprehensive Plan Change were approved, and there was a PUD, he would hope the homes developed would be close to the same price range of the neighboring homes.

Vice Mayor Eudey agreed; however, City Council would have no say regarding what was developed in this location as long as the developer complied with the Comprehensive Plan and the property was properly zoned, but with a PUD the City had more control regarding the number of homes, type of building materials used, and traffic patterns. He noted he was confused about the reduction of the commercial area as this was where the City brought in sales tax; however, he liked the idea of a PUD which allow the City to address many of the concerns raised by the Citizens. He noted the Citizens concerns could not be considered, however, until the PUD was before City Council. He indicated the only thing he could consider this evening was the Comprehensive Plan Change request and he did not really like the idea of reducing the commercial footprint. He asked if the current commercial area would be difficult to develop as commercial.

Mr. Curtis stated from Staff's standpoint, the topography associated with this property and the creek which ran across the property from east to west, would create a natural divide in the middle of the commercial area. He stated the property could be developed for commercial, but the commercial area would essentially need to be two commercial development areas. He explained by utilizing the area south of the creek as Level 2 it moved the commercial to the

north and kept the commercial area in a natural location versus having a “skip-over” along the creek area.

Vice Mayor Eudey asked if Staff’s opinion was the highest and best use for the property would be to adopt the Comprehensive Plan Change. Mr. Curtis responded in the affirmative.

Council Member Parks noted if the Level 3 area remained unchanged, and there was no PUD associated, apartments could be developed in Level 3. He asked how many acres were in Level 3 currently. Mr. Curtis responded there were approximately 6 acres in Level 3 which could be developed as apartments.

Council Member Parks asked if the PUD included any apartments. Mr. Cross responded in the negative; no apartments would be developed on the property.

Vice Mayor Eudey stated if the Citizens were concerned about property values, this Comprehensive Plan Change would make more sense for the area and would keep the property values higher.

Council Member Wimpee stated surely when the Comprehensive Plan was put into place Staff was aware of the wetlands and creek on this property. Mr. Curtis stated the Comprehensive Plan reflected the existing PUD associated with this property (PUD-94Q and PUD-94W). He explained the PUD which was drafted in the 1990’s and had gone through a couple of changes reflected the current Comprehensive Plan (this was what prior developers envisioned for the area); Staff did not choose this Comprehensive Plan layout for this property.

Mr. Cross noted the current Comprehensive Plan layout reflected the 2010 amendment of the PUD; prior to 2010, the area was intended to have an even larger commercial area.

Council Member Wimpee asked if this property was always intended to be the next part of Battle Creek. Mr. Curtis responded this whole portion of the City was planned to be the Battle Creek development. He stated PUD-94 contained over 1,000 acres in this area and this piece of property was left over from PUD-94 as undeveloped and unutilized.

Vice Mayor Eudey noted he was surprised how much PUD information was included in this Comprehensive Plan Change application. He indicated he read the proposed PUD amendment (which he understood could change), and it seemed none of the existing PUD building, structural, or material requirements were being changed. He noted only the lot sizes were being changed. He agreed consistency of building materials was important; this was why PUD’s existed.

Vice Mayor Eudey noted this area would be developed at some point regardless; the question was whether the surrounding residents wished the City to have some control over the development. He stated the developer could develop this property without approval of the Comprehensive Plan Change, and without a PUD, and from his perspective it would result in a less palatable development.

Council Member Parks noted leaving the Comprehensive Plan unchanged would benefit the City as it would include more commercial development which would bring in more sales tax for the City; however, he was an advocate for a PUD as it allowed the City to control the development now and in the future.

Council Member Gillespie noted there were homes which were developed next to her property with much smaller homes; however, it turned out these smaller homes were higher in value than her subdivision’s larger homes. She stated she was keenly aware of the wishes of existing homeowners to ensure the development of high-quality homes in adjoining subdivisions.

Council Member Parks asked when the PUD would go before Planning Commission. Mr. Cross responded the PUD would go before Planning Commission on Thursday night.

Vice Mayor Eudey asked if the draft PUD included in the Comprehensive Plan Change application was identical to what was going before Planning Commission on Thursday. Mr. Tim Terrel of Tulsa Engineering and Planning Associates, address 9810 E. 42<sup>nd</sup> Street, STE 100, stated the PUD had fewer units than the draft PUD but was basically the same.

Vice Mayor Eudey asked if the building materials would be changed from the original PUD’s requirements. Mr. Terrel responded the original PUD contained no building material requirements.

Council Member Parks asked what the homes would look like. Mr. Terrel stated he was unsure; this was undecided and would be market driven. He noted the homes would not be “cheap.”

Mr. Nathan Cross indicated he had a meeting with the neighbors and what many residents did not appreciate was this was a phased process; the developer did not come in with a fully finished project at this phase. He noted the process drove changes to the development as it moved forward. He stated he was not hiding anything from the residents; there was no fully formed concept yet. He noted there were some general ideas, but these ideas were contingent upon moving through the process.

Mr. Terrel explained if the Comprehensive Plan was approved and the PUD was approved, then the details of the homes including sizes, elevations, etc. would be considered.

Council Member Wimpee noted this property would be developed regardless of today’s approval; however, when the PUD came before City Council, the City could then ask for certain materials, fencing, landscaping, greenspace, etc.

Mr. Terrel stated there was an existing PUD for this property; on Thursday, an amendment to the existing PUD would be considered.

Vice Mayor Eudey reiterated he was uncomfortable reducing the commercial footprint on this property. Mr. Terrel explained the blueline wetlands through the commercial area was undevelopable, and the size of the commercial space south of the wetlands was too small to develop. He noted in 2010 the wetlands were not considered when developing; this requested Comprehensive Plan Change was an effort to be sensitive to the existing natural environment.

Council Member Wimpee stated she did not understand why the residents were opposed. She explained with the Comprehensive Plan Change there would be less homes developed and patio homes instead of apartments. She stated if the Comprehensive Plan Change were not approved there would be more homes developed in the area, as well as apartments. Comments were made by the audience in opposition to the Comprehensive Plan Change; the residents did not agree fewer homes would be developed with the Change. Council Member Wimpee explained approval of the Comprehensive Plan Change would absolutely ensure fewer homes and no apartments were developed on the property; if the Comprehensive Plan remained the same, more homes and apartments could by right be developed.

Vice Mayor Eudey stated he would approve this only because Staff indicated the current commercial area could not be fully developed with the existing wetlands.

MOTION: A motion was made by Johnnie Parks, seconded by Craig Thurmond.  
**Move to approve BACP-170 as recommended by Planning Commission and Staff**  
The motion carried by the following vote:

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

**K. 20-1278 Consideration, discussion, and possible approval of BACP-172 (Comprehensive Plan Change), Robson North, 69.47 acres, Level 2, Level 3, Level 4, and Greenway/Floodplain to Level 2 and Greenway/Floodplain, generally located one-eighth mile north of Kenosha Street (71st Street), one-quarter mile east of 65th Street (241st E. Avenue/Oneta Road)**

Mr. Curtis reported BACP-172 was a request to change the Comprehensive Plan designation from Level 2, Level 3, Level 4, and Greenway/Floodplain to Level 2 and Greenway/Floodplain on 69.47 acres located one-eighth mile north of Kenosha Street (71st Street), one-quarter mile east of 65th Street (241st E. Avenue/Oneta Road); the property was unplatted and undeveloped. He stated the area associated with BACP-172 was designated as Level 2 in the previous Comprehensive Plan. He reported BACP-172 was reviewed by the Planning Commission on October 8, 2020. He stated two citizens spoke during the Public Hearing session on this item and four citizen comment forms were submitted; concerns expressed included increased stormwater runoff, flooding, and impacts on S. 245th E. Avenue, which is a narrow asphalt paved local street. He indicated Staff recommended BACP-172 be approved subject to the property being platted; after reviewing the information presented in the Staff report, the Planning Commission recommended approval (4-0) of BACP-172 as per Staff recommendation. He gave a brief history of the Comprehensive Plan designations for this property. He noted a master plan for approximately 1,200 acres, running north to south from Kenosha Street to 71<sup>st</sup> Street and the applicant requested this area to be utilized for residential development, but there would still be commercial development along Kenosha to the south. He noted the increase of Level 2 on this property would reduce the housing density in this area. He stated there was a lot of flood plain in this area; the property was part of one of the Adams Creek tributaries. He stated Staff was working with the property owner regarding utilization of the flood plain; currently it could not be used for any

development, but potential future open space could be dedicated in this area to ensure the wetland area is protected.

Mr. Tim Terrel with Tulsa Engineering and Planning stated Mr. Curtis was correct; essentially the developer was dropping the density and intensity to what it was previously in the 2019 Comprehensive Plan Revision. He noted this area was all Level 2 prior to the Comprehensive Plan Revision in 2019. He indicated some of the commercial area would be kept, but it was found this area would work much better with single family, RS-3 type zoning. He indicated a rezoning application was being submitted for RS-3 zoning for this property.

Council Member Wimpee stated she was concerned about developing homes in this area due to the excessive flooding in this area. Mr. Terrel noted the developer would follow the City of Broken Arrow stormwater regulations and would probably attempt to improve the stormwater drainage as well. He noted there were a few existing ponds which would most likely be improved and be utilized as stormwater detention ponds. He indicated much of this property was floodplain and floodway and could not be developed. He stated the developer was cognizant of the flooding issues in this area.

Council Member Wimpee stated she and the residents would feel better if Mr. Terrel were saying improvements would be made, rather than improvements probably would be made. Mr. Terrel explained it was too early in the process to make definitive statements.

Mayor Thurmond stated one individual signed up in opposition but did not wish to speak. Council Member Wimpee asked if the individual gave a reason for the opposition. Mayor Thurmond responded in the negative and noted many residents signed up in opposition of the previous Item as well but did not wish to speak.

Vice Mayor Eudey noted hydrologic studies would be completed and approved by the City and proper flood management would take place with a PUD or straight zoning. Mr. Terrel and Mr. Curtis concurred.

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

**Move to approve BACP-172 as per Planning Commission and Staff recommendations**

The motion carried by the following vote:

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

**L. 20-1272 Consideration, discussion, and possible approval of PUD-318 (Planned Unit Development) and BAZ-2064 (Rezoning), Bricktown East, 23.5 acres, CG (Commercial General) and IL (Industrial Light) to PUD-318/RS-4 (Single-family Residential), located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue)**

Mayor Thurmond indicated he had a conflict of interest with this Item; therefore, he recused himself. He left prior to and returned following the discussion and vote.

Mr. Curtis noted this was the PUD which accompanied the Comprehensive Plan Change heard earlier. He reported Planned Unit Development (PUD)-318 and BAZ-2064 (Rezoning) involve a 23.5-acre parcel located one-quarter mile north of Kenosha Street (71st Street), one-quarter mile west of Aspen Avenue (145th E. Avenue); the property, which was vacant and unplatted, was currently zoned CG (Commercial General) and IL (Industrial Light). He stated with PUD-318, the applicant was proposing a single-family detached residential development with up to 92 lots. He noted the primary point of access would be from Elder Place with gated access leading to private streets; an exit only access point was proposed on the east side of the site off Lansing Avenue leading to Aspen Avenue. He noted two additional stub streets were proposed for future access to the north; one of these was proposed at the intersection of Oakland Place and the other was adjacent to an undeveloped property to the north. He reported guest parking was proposed to be on-street and a landscape edge was proposed along the Elder Place street frontage, as well as a landscaped entry. He indicated a landscape buffer was proposed on the east side of the site where residences would abut existing industrial uses and a trail would be incorporated into the site.

Mr. Curtis reported in Staff's opinion, PUD-318 satisfied items 1, 2 and 5 of Section 6.4.A of the Zoning Ordinance: 1. PUD-318 limited the total number of units to 95, which was less than the 130 units allowed by the Zoning Ordinance, thereby limiting the intensity of use. 2. The landscape edge along Elder Place provided a public benefit, and the landscape buffer adjacent to industrial uses was a benefit to residents who would reside in those homes; the addition of a trail was an amenity for future residents. 5. Sidewalks would be provided throughout the neighborhood in accordance with the Subdivision Regulations making the neighborhood accessible. He indicated according to FEMA maps, none of the property was located in the 100-year floodplain; however, there was a blue line stream traversing the property from northeast to southwest and a detention area was proposed along the southwest



corner of the site. He noted sanitary sewer service and water would be provided by the City of Broken Arrow.

He stated PUD-318 and BAZ-2064 were reviewed by the Planning Commission on September 24, 2020; no one spoke on this item during the Public Hearing portion of the proposed Planned Unit Development and rezoning. He indicated after reviewing the information presented in the staff report, the Planning Commission recommended approval (5-0 vote) of PUD-318 and BAZ-2064 per Staff recommendation. He noted Staff recommended PUD-318 and BAZ-2064 be approved subject to the approval of BACP-171 and the property being platted.

MOTION: A motion was made by Debra Wimpee, seconded by Christi Gillespie.  
**Move to approve PUD-318 and BAZ-2064 as per Planning Commission and Staff recommendations**

The motion carried by the following vote:

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

- M. 20-1288 Consideration, discussion, and possible approval of Resolution 1348, a Resolution of the City Council of the City of Broken Arrow, Oklahoma (the "City") providing for the sale and issuance of General Obligation Refunding Bonds in the sum of not to exceed Ten Million Two Hundred Fifty Thousand Dollars (\$10,250,000.00) by the City of Broken Arrow, State of Oklahoma, for the purpose of refunding certain outstanding general obligation bonds including the outstanding portions of the General Obligation Bonds, Series 2011A of the City and the General Obligation Bonds, Series 2011B of the City; waiving competitive bidding for the bonds; prescribing form of bonds; providing for a bond issue designated "General Obligation Refunding Bonds, Taxable Series 2020A"; providing for registration thereof; designating the registrar for the issue; providing levy of an annual tax for payment of principal and interest on the bonds; approving the forms of a Continuing Disclosure Agreement, an Escrow Agreement, and an Official Statement; and fixing other details of the issue**

Finance Director Cindy Arnold reported this was for the two outstanding General Obligation Bonds (Series 2011A and Series 2011B). She noted this was related to the public hearing held earlier in the Meeting. She explained the benefits of refunding: lower interest rate, minimized tax impact for GO Bond issues in the future, and enabling the City to increase the Bond sale capacity from \$16 million to \$20 million. She noted Series 2011A and Series 2011B had an outstanding balance of approximately \$9.6 million dollars, both matured in 2031, and refinancing would provide an estimated savings of 10.13%. She displayed the estimated schedule for the Bond refunding noting closing was estimated for the middle of December. She noted Bonds were required to be authorized by City Council; Staff recommended BOK Financial Securities be awarded as the underwriter based on BOK being an Oklahoma Firm, knew Oklahoma laws and credit, and Broken Arrow had an existing relationship with BOK. She stated the Attorney General was required to approve the sale, but the 30-day contestability was waived for this Item. She noted Staff recommended approval of Resolution No. 1348.

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

**Move to approve Resolution No. 1348 and authorize its execution**

The motion carried by the following vote:

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

- N. 20-1309 Consideration, discussion, and possible approval of Resolution 1349, a Resolution fixing the amount of General Obligation Bonds, Series 2020B to mature each year; fixing the time and place the bonds are to be sold; designating a Paying Agent/Registrar and Disclosure Counsel; approving the Preliminary Official Statement and distribution thereof; and authorizing the Clerk to give notice of said sale as required by law and fixing other details of the issue**

Ms. Cindy Arnold stated this Resolution was for the General Obligation Bond Series 2020B. She reported the City Council earlier approved at a meeting on October 6, 2020 the projects list for the sale of \$19 million dollars in General Obligation Bonds Series 2020B. She stated Resolution No. 1349 set the amount of bonds to be issued, the time and place of the sale. She noted the bonds were scheduled to be awarded at the November 17, 2020 City Council meeting and were anticipated to close in late December 2020. She reported the 2020B Bonds would be the fourth series sold from the 2018 bond election and would include \$9,670,000 dollars from Proposition 1 (Streets), \$500,000 dollars from Proposition #2 (Public Safety), \$3,300,000 dollars from Proposition 3 (Quality of Life), and \$5,530,000 dollars from Proposition 4 (Public Buildings and Facilities). She noted the bonds would have a term of 20 years. She noted the list of associated projects were included in the Agenda Packet; she highlighted a few of the key projects. She indicated Staff recommended approval of Resolution No. 1349.

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

**Move to approve Resolution No. 1349 and authorize its execution**

The motion carried by the following vote:

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

- O. 20-1311 **Consideration, discussion, and possible approval of Resolution 1350, a Resolution fixing the amount of General Obligation Bonds, Series 2020C to mature each year; fixing the time and place the bonds are to be sold; designating a Paying Agent/Registrar and Disclosure Counsel; approving the Preliminary Official Statement and distribution thereof; and authorizing the Clerk to give notice of said sale as required by law and fixing other details of the issue**

Ms. Cindy Arnold reported this Resolution was for General Obligation Bond Series 2020C. she stated City Council approved at a meeting on October 6, 2020 the projects list for the sale of \$1 million dollars for drainage improvements exclusively owned or owned in part by the City of Broken Arrow (Proposition 6). She stated this would be the fifth series sold from the 2018 bond election. She stated the bonds would have a term of 5 years.

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

**Move to approve Resolution No. 1350 and authorize its execution**

The motion carried by the following vote:

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

**10. Preview Ordinances**

There were no Preview Ordinances.

**11. Ordinances**

There were no Ordinances.

**12. Remarks and Inquiries by Governing Body Members**

Mayor Thurmond reminded the public October was Pinktober. He recommended regular breast cancer screenings. He stated during the White House conference call Dr. Deborah Birx indicated she had visited 38 States and 30 Universities; numbers were beginning to rise in States like Montana, North Dakota, and South Dakota, while University numbers were coming down. He noted the CDC recommended flu vaccines.

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

There were no remarks or updates by City Manager.

**14. Executive Session**

There was no Executive Session.

**15. Adjournment**


The meeting adjourned at approximately 8:46 p.m.


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

**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

