



City of Broken Arrow

Minutes City Council Meeting

City Hall
220 S 1st Street
Broken Arrow OK
74012

Mayor Debra Wimpee
Vice Mayor Christi Gillespie
Council Member Johnnie Parks
Council Member Lisa Ford
Council Member Justin Green

Tuesday, September 19, 2023

Time 6:30 p.m.

Council Chambers

1. Call to Order

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

2. Invocation

Pastor Andrew Conley performed the invocation.

3. Roll Call

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

4. Pledge of Allegiance to the Flag

Vice Mayor Christi Gillespie led the Pledge of Allegiance to the Flag.

5. Consideration of Consent Agenda

Mayor Wimpee indicated Item 7A would be presented at this time (please see below in section 7).

Following presentation of Item 7A Mayor Wimpee moved forward with the Consent Agenda. She indicated Item K was to be pulled for discussion. She asked if there were any other Items to be removed from the Consent Agenda; there were none.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.

Move to approve the Consent Agenda less Item K

The motion carried by the following vote:

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

- A. 23-1083 Acknowledgement of out-of-state travel by City Council Members
- B. 23-55 Approval of the City Council Meeting Minutes of September 5, 2023
- C. 23-1175 Acceptance Planning Commission meeting minutes of August 10, 2023
- D. 23-1176 Acceptance Planning Commission meeting minutes of August 24, 2023
- E. 23-1213 Approval of and authorization to execute Budget Amendment Number 8 for Fiscal Year 2024
- F. 23-1169 Approval of the nomination and reappointment of Amber Hamilton to the Broken Arrow Drainage Advisory Committee with a term expiring October 2, 2027
- G. 23-1111 Approval of the nomination and appointment of Gene Barber to the Visit Broken Arrow Board with a term expiring September 30, 2025
- H. 23-1143 Approval of the nomination and reappointment of Brian Dean to the Visit Broken (VBA) Board with a term expiring September 30, 2025
- I. 23-1142 Approval of the nomination and reappointment of Trevor Swanson to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2025
- J. 23-1144 Approval of the nomination and reappointment of Tommy Yardy to the Visit Broken Arrow (VBA) Board with a term expiring September 30, 2025
- K. 23-1170 Approval of and authorization to execute a professional services agreement with Flock Safety to provide the Broken Arrow Police Department with five (5) Flock Safety license plate reader cameras for a 60-day pilot period
- L. 23-1191 Approval of and authorization to execute an inter-local agreement with Independent School District No. 3 (Broken Arrow Public Schools) for a Memorandum of Understanding with Campus Security
- M. 23-1203 Approval of and authorization to execute a Professional Consultant Agreement with Kimley Horn for the Topographic Survey and Geotechnical Investigation for Events Park Infrastructure (Project No. 2417210)
- N. 23-1189 Approval of and authorization to execute a Ninth Amendment to the Employment Agreement, by and between the City of Broken Arrow, Oklahoma and Michael L. Spurgeon

- O. 23-1128 Approval of and authorization to purchase structural firefighting coats and pants from Northern Safety & Industrial, and boots, gloves, flashover hoods and helmets from Casco Industries Inc., pursuant to the Oklahoma State Purchasing Contract SW 0241
- P. 23-1188 Approval of and authorization to purchase (4) New 2023 Mustang Mach-E passenger cars, pursuant to the Oklahoma State purchasing contract SW035
- Q. 23-1205 Approval of and authorization to reject all bids to the Roof Replacement for the Central Park Community Center Building (Project 216002)
- R. 23-1204 Approval of and authorization to reject all bids to the Roof Replacement for the Streets and Stormwater Building (Project 185317)
- S. 23-1173 Acceptance of a Deed of Dedication from DixieLou RE, LLC, on property located at the northeast corner of Aspen Avenue (145th East Avenue) and Omaha Street (East 51st Street), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E) (EASE-001016-2023)
- T. 23-1194 Acceptance of a Detention Easement from FBM Gaming, Inc. on platted property located approximately one-third mile east of Aspen Avenue (145th East Avenue), one-third mile south of Albany Street (61st Street), shown as Exhibit A (Section 03, T18N, R14E) (EASE-001012-2023)
- U. 23-1211 Acceptance of a Waterline Easement from The Greens at Broken Arrow, Phase II, a Limited Partnership, on property located approximately one-quarter mile west of 23rd Street (Countyline Road) and south of Omaha Street (51st Street), Tulsa County, State of Oklahoma, (Section 36, T19N, R14E)(EASE-000897-2023)
- V. 23-1196 Approval of and authorization of Final Acceptance for the public improvements at Village at Southern Trails II located south of New Orleans between Olive and Aspen
- W. 23-1185 Ratification of the Claims List Check Register Dated September 11, 2023

6. Consideration of Items Removed from Consent Agenda

Mayor Wimpee read Item K: "Approval of and authorization to execute a professional services agreement with Flock Safety to provide the Broken Arrow Police Department with five (5) Flock Safety license plate reader cameras for a 60 day pilot period."

Police Chief Brandon Berryhill explained this was a request to approve a 60 day trial with Flock Safety license plate reader cameras; after the 60 days there would be a lease agreement for \$18,000 dollars per camera per year. He explained what a license plate reader camera was, how it operated, what types of information were collected, and how the camera reported information to the police department. He noted the camera software took the letters and numbers on license plates, translated it from a picture into text, and sent it to a database. He indicated Flock Safety had cloud based servers which were CJIS compliant, and the tags remained on file for 30 days, then were purged. He stated all captured tags were entered, and if a tag was linked to a crime, was wanted for some reason, or was a subject of interest in another law enforcement agency or in Broken Arrow, the tag was flagged. He stated this was important in amber alerts, silver alerts, missing/endangered persons, stolen vehicles, etc. He noted he was asked if the police needed probable cause to run a tag or take a picture of a car, and the answer was no. He explained if a tag was suspected of being associated with a crime, this information was verified with dispatch twice, dispatch called the originating agency for verification, and if the information was verified, then the police would take whatever action was necessary. He explained this procedure would be followed for any flagged tags discovered through the camera system, as well as any tags discovered by police. He explained the only tags which were flagged through the camera system were tags which had been entered into the system because the associated vehicles were subjects of a crime, wanted for some reason, or were lost or missing, such as with an Amber Alert. He noted the cameras were not used for traffic enforcement, speed enforcement, insurance purposes or anything of that nature.

Council Member Justin Green indicated he worked for the Tulsa County Sheriff's Office which also used the Flock cameras. He noted there were questions and controversies surrounding the cameras when Tulsa obtained them as well. He stated some of the questions raised were concerns about facial recognition software, whether the public could access the information, etc., but this was not the case. He asked Chief Berryhill to explain CJIS.

Chief Berryhill explained CJIS (Criminal Justice Information System) was a system in which information was regularly audited and was available to law enforcement only. He noted this software did not have facial recognition; the cameras were angled toward the vehicles and the photos taken did not show who was driving the vehicles.

City Manager Spurgeon commended Captain Tener for his research associated with Flock Safety. He asked what Chief Berryhill was looking for in terms of a successful trial.

Chief Berryhill responded he expected to see Broken Arrow's crime rate rise as a result of discovering stolen vehicles throughout the City which were not being discovered previously. He said success would be detecting criminals which previously were going undetected. He noted these particular cameras would be mobile and could be easily moved to hot spot areas. He anticipated a lot of stolen vehicles would be found as a result of the cameras. He noted

stolen vehicles and car burglaries were on the rise in Broken Arrow. He explained if the Flock cameras determined a vehicle which was tied to burglaries regularly came into town on Thursdays, and discovered it was in town, the police could actively start looking for the vehicle and potentially apprehend the burglar.

Vice Chair Gillespie stated she was in full support of the Broken Arrow Police, but she also understood existing hardware could simply be upgraded through an update in software. She discussed a camera system she used to sell. She stated she wanted to ensure the City was transparent. She stated she was concerned other agencies, such as Homeland Security or the FBI, could also access the data being collected by the Flock Safety cameras. She stated she wanted to be sure no one other than Broken Arrow Police had access to this data, and she was unsure how this could even be proven. She stated she was also concerned about how this data might be used by others in the future. She indicated she wanted to be sure the City was respecting the privacy of its citizens. She noted she felt this was a slippery slope. She stated yes, she wanted to catch the criminals, but she wondered if these cameras would actually keep the citizens safer.

Chief Berryhill explained currently if a car was stolen, the police would go out, take a report, enter the tag and car information in the National Crime Information Center (NCIC) which was a database used by Broken Arrow, but not controlled by Broken Arrow. He stated the National Crime Information Center was accessible by any law enforcement agency including Homeland Security and FBI. He explained information could not be entered into the National Crime Information Center unless it was crime related. He noted the current computer dispatch system had a cloud based database and was CJIS compliant. He explained CJIS compliant, for Broken Arrow, meant the system was cordoned off, could only be accessed by Broken Arrow Law Enforcement, and was certainly not open to the public. He said the Flock cameras were license plate readers and provided a license plate reading service; the cameras were not designed for facial recognition; if facial recognition were ever to become something the Police Department wished to utilize, it would come back before City Council.

Vice Chair Gillespie asked what law enforcement agencies could access NCIC.

Chief Berryhill responded any and all law enforcement agencies certified to access the NCIC system could access NCIC.

Mayor Wimpee asked what would happen if the camera read a tag incorrectly.

Chief Berryhill explained the Police did not go after a vehicle simply because it popped up in the system; the Flock system would take a picture of the vehicle and the tag, and the officers would still go through the human verification process before arresting any individuals.

Council Member Green stated there was no expectation of privacy while driving down the road. He noted wherever you went, be it Walmart, Reasor's, the dog park, etc., your vehicle was being filmed by cameras. He stated he did not know where Walmart stored its camera data, but he would still shop at Walmart.

Council Member Ford noted more information than tag information was being recorded at the dog park.

Vice Chair Gillespie noted the information being recorded at the dog park was not being collected by law enforcement.

Council Member Green responded that was the point, who knew who was accessing the information being collected at the dog park.

Vice Chair Gillespie stated people could hack into anything. She stated she was unsure if she liked the idea of Homeland Security and the FBI and other law enforcement agencies having the ability to access Broken Arrow Police Department information.

Council Member Green explained this was already the case. He said if he stopped Vice Chair Gillespie for speeding and ran her tag it would be entered into the National database.

Chief Berryhill agreed.

Vice Chair Gillespie said she understood, but it was not a picture of her car. She said perhaps Broken Arrow did not have the software for facial recognition, but other law enforcement agencies did and might be able to apply the facial recognition software to the data collected by the Flock cameras in Broken Arrow.

Chief Berryhill stated the Flock cameras did not take pictures of faces, the cameras were angled to take pictures of license plates only. He explained, also, the pictures were not sent to the database; Flock translated the pictures into tag and vehicle information and only this

information was sent.

Vice Chair Gillespie asked what happened if another law enforcement agency's software was more advanced than the Broken Arrow software.

Chief Berryhill explained when a database was CJIS compliant, an agreement of what could be searched from the database was strictly adhered to, and only tag information could be accessed.

Council Member Ford noted when Vice Chair Gillespie went through the Citizen Police Academy, her information was run through the national database to ensure she was not wanted. She stated these Flock cameras would be used to target criminals, not citizens.

Chief Berryhill gave an example of how the cameras could be used: if a car in Tulsa was involved in three shootings, the driver was unknown, but a tag number was obtained, Broken Arrow could use the camera system to identify the vehicle associated with the shooting and the Police could work to locate the vehicle. He noted perhaps the vehicle was not associated with a crime in Broken Arrow yet, but it would be good to speak with the driver of the vehicle who possibly was involved in five shootings in Tulsa; getting a potential shooter off of Broken Arrow streets would definitely make the City of Broken Arrow safer. He noted there was no wall between Tulsa and Broken Arrow, some of the crime in Broken Arrow was a spillover from Tulsa, and Broken Arrow should have the same capabilities as its neighboring municipalities.

Vice Chair Gillespie asked why Flock was the company chosen for this trial as opposed to the camera systems Broken Arrow had on hand.

Chief Berryhill explained the big difference between Flock and the Leonardo ELSAG package cameras was the ELSAG cameras were much more expensive, had to be purchased outright, and only lasted 5 to 7 years. He explained ELSAG cameras were high speed cameras which could read tags even in the dark while the Flock cameras were good cameras but were not built like the Leonardo cameras. He explained this was a leasing agreement for \$3,000 dollars per camera, each camera was self-contained and could be moved from area to area easily; this was not so with ELSAG cameras which were much more difficult to relocate. He noted Broken Arrow wished to have a blend of cameras, some purchased cameras and some leased. He indicated there were approximately 10 to 15 license plate reader companies and through the research done by Captain Tener, the Flock cameras were chosen for the hybrid system.

Vice Chair Gillespie asked about tribal license plates.

Chief Berryhill indicated the system worked the same for tribal tags as regular tags.

Discussion ensued regarding paper tags and the difficulties cameras had reading paper tags.

Council Member Johnnie Parks noted this Flock system would help the Police Department catch more criminals and in essence prevent criminals from committing more crime.

Chief Berryhill stated this camera system would be transformative; it was the next movement in policing.

Council Member Parks stated the Sheriff's Department and Tulsa Police utilized cameras such as these. He noted criminals would know if Broken Arrow was not using these cameras and it would be advantageous for the Police Department to have this system in place; it would improve Broken Arrow safety. He stated if Broken Arrow wished to continue as a safe city it would have to keep up with the technology.

Chief Berryhill noted he spoke with a citizen who related an incident in which his father went missing and this type of a camera system was instrumental in finding his father before he hurt himself or others.

Vice Chair Gillespie stated she trusted the Police Department, but she still had concerns about how the data was stored and how it could potentially be utilized.

Mayor Wimpee asked if Broken Arrow or any of the surrounding municipalities had information security breaches.

Chief Berryhill responded in the negative. He explained the difference between law enforcement databases and other databases was, there was no bill paying aspect; the database was not tied to another system. He explained in a hospital there was a bill paying process which was tied to a patient chart which was tied to medical history, etc., but law enforcement databases were siloed and were not tied to other databases.

Citizen Sarah Deneni spoke in opposition to this Item. She said she was in full support of the efforts of the Police in finding criminals and missing persons. She stated she had concerns regarding invasion of privacy; Flock being a general tracking system; Flock tracking vehicles across state lines; no warrant being required to obtain vehicle information from Flock; governmental tracking of citizens; how long the data was stored; who the data was shared with; and how the data was used by law enforcement. She noted these last three questions were answered by Chief Berryhill. She urged City Council not to approve the use of Flock cameras in Broken Arrow.

Mayor Wimpee asked if Chief Berryhill's answers to Ms. Deneni's questions addressed Ms. Deneni's concerns.

Ms. Deneni responded in the negative. She explained she hoped the Flock contract with the City would be adjusted to better address how long the data was stored, who the data was shared with, and how the data was used in an effort to truly protect its citizens' privacy.

Council Member Ford stated she felt Chief Berryhill made it clear the Flock system was just reading license plates.

Council Member Green asked if it was just Flock that was the issue. He noted Broken Arrow already had license plate readers in the City.

Ms. Deneni noted her complaint was specific to Flock and its competitors.

Mayor Wimpee asked how long Broken Arrow had been using license plate readers.

Chief Berryhill responded the ELSAG plate reader cameras were installed and were about to go online. He reiterated, license plate information would not pop up unless the plate was linked to a crime.

Council Member Ford asked how long officers have been able to pull up tag information on any vehicle for any reason at all.

Chief Berryhill responded for as long as he has been a police officer this has been the case. He stated the NCIC database has been in place for a very long time, and it was not just vehicle information, it was persons associated with crimes as well. He explained there were audit trails put into place to see when and why data was accessed.

Citizen David Oldham spoke in opposition to this Item. He thanked Vice Chair Gillespie for her statements. He had concerns about violation of citizens' rights; misuse of data collected; the possibility of data not being purged but becoming permanent; and the data being used for unconstitutional enforcement actions. He discussed past situations in which data was collected and misused by the government.

Chief Berryhill stated the data would be purged from the system every 30 days.

Mr. Oldham noted this did not stop other law enforcement agencies from downloading it before it was purged.

Captain Tener noted Mr. Oldham was correct, a law enforcement agency such as the NSA would have access to this data; that said, the NSA had powers far beyond the ability to get license plate information.

Vice Chair Gillespie stated the NSA would be able to access these cameras and use them as they pleased, possibly for facial recognition.

Captain Tener stated he did not believe that was the case with these license plate readers, but the surveillance cameras through the City which took videos could perhaps technically be overlaid with a facial recognition software. He said he could not speak to whether the NSA could or would hack Broken Arrow's local network, but the United States Government had a lot of capabilities.

Vice Chair Gillespie discussed her concerns regarding being too trusting with National Government, and not believing the data would actually be gone after being purged.

Chief Berryhill noted if an individual's tag was reported as related to a crime, the information was stored in the same manner with a qualified CJIS certified vendor. He stated he heard more questions from citizens concerned about Broken Arrow not having this capability than those concerned with Broken Arrow having this capability.

Vice Chair Gillespie stated she still had a healthy distrust of this system, and she was very

concerned about the data storage. She said if Broken Arrow was storing the information somewhere within Broken Arrow and could supervise the information, she would be in favor.

Chief Berryhill stated a cloud based server was more secure than a local server because of the protections in place and the way the cloud server was cut off from the internet except for a specific connection to law enforcement agencies. He explained this was the purpose of using a vendor such as Flock, because Flock was able to keep the data much more secure than Broken Arrow could on its own. He stated the computer dispatch system was not housed locally. He explained local storage was no longer the model as it was difficult to keep up with building a computer big enough to house all the software programs cities used.

Council Member Green explained housing the information locally would also reduce the functionality of the program; if a car was stolen here and driven to Tulsa, Tulsa police would not be able to see it was a stolen vehicle because the information was not shared and was kept local, and vice versa, if someone committed a murder in Tulsa, and came into Broken Arrow, Broken Arrow would not have any way of knowing this. He stated this was why the information was shared across law enforcement agencies.

Captain Tener explained NCIC was the national database which obtained information from each State database; the power of law enforcement was based upon sharing information. He said to have a system such as license plate recognition software, and to refuse to share the information with the neighbors would significantly reduce the capability of every agency.

Chief Berryhill noted information sharing was already being done. He explained if Boca Raton, FL, called asking for information about a missing person and a certain vehicle, the Broken Arrow Police Department would share any information it had, and vice versa; information sharing was already being done, with or without cameras, and the database existed in various siloes, but was pulled together in NCIC.

Vice Chair Gillespie stated she was still against this.

Chief Berryhill stated he was simply presenting the best tool available today to fight crime in Broken Arrow.

Vice Chair Gillespie stated she was not against keeping the citizens safe in Broken Arrow or against fighting crime, this was just a slippery slope, and it was important to ask, was the City willing to give away privacy. She said the citizens she has spoken with felt the same.

Council Member Green stated there was no expectation of privacy while driving down the road.

Vice Chair Gillespie disagreed saying she had an expectation of privacy inside her vehicle, and she did not trust this system could not be used in some other way with additional software.

Mayor Wimpee asked if an ordinance could be put into place to ensure additional software changing the use of the cameras could not be done.

Captain Tener stated, it might be possible these cameras could be enhanced by software; however, the Broken Arrow Police would never do this without approval, and it could only be done at a high cost. He stated the vendor would never automatically update the software to make facial recognition a possibility. He indicated the City had a network of video cameras in governmental buildings and parks which he would be more concerned about being hacked as opposed to the Flock cameras which were specifically designed to read and archive license plates. He said he understood the concern about the archiving and moving of license plate information, but he was not concerned about the cameras using artificial intelligence other than identifying a car by color or license plate, primarily because of where the cameras were located and what the cameras were designed to do. He stated cameras were everywhere, governmental buildings, parks, retail stores, gas stations, banks, toll roads, etc. He explained this was an extension of something which was happening throughout the City and had been for years.

Chief Berryhill noted the information was being gathered, and the police could not control how that information was handled by private vendors. He noted vehicles reported information back to car manufacturers daily. He stated the police would at least have some control over this information.

Vice Mayor Gillespie further discussed her concerns about the data collection and storage.

Citizen Joshua Stenros spoke in opposition of this Item. He shared concerns about the tracking of law abiding citizens and the storing of information collected by the HIDTA/ELSAG cameras for up to two years. He noted the State of Oklahoma had laws in

place requiring information to be purged within two years of collection, but this was only if the information was stored in the State of Oklahoma; information could be stored elsewhere and be kept indefinitely. He stated he supported the Broken Arrow Police, and he believed the work done by Police was necessary, but he did not believe housing a database not controlled by Broken Arrow was safe. He stated his biggest concern was with tracking; everyone's data was going into the database, not just criminals' data. He asked City Council to table this item until further research could be done.

Captain Tener noted the current data collected from the existing HIDTA/ELSAG cameras was stored in Houston, Texas, and the default for purging information was two years, but Broken Arrow had the right to reduce this as it saw fit. He stated the State of Kansas required purging in less than one year. He stated the database was CJIS compliant, which was the highest standard, and this was the assurance Broken Arrow had that the data (HIDTA and Flock) would be kept safe. He discussed the benefits of this new technology which would hopefully help Broken Arrow apprehend criminals much more quickly than in the past. He stated the HIDTA database was a default purge at two years, and the Flock database would be purged every 30 days. He noted Broken Arrow could request for the HIDTA database to be purged at smaller intervals. He recommended allowing investigators to weigh in on how long the HIDTA data should be kept before purging.

Citizen Matthew Vermillion stated he supported the Broken Arrow Police Department but had concerns about this license plate recognition system. He indicated studies showed this type of tracking did not help police departments solve crime more quickly and he wondered whether this system would help Broken Arrow solve crime. He discussed concerns regarding HIDTA and Flock databases being hacked, the costs of these cameras and information storage, violations of the 4th Amendment and 14th Amendment, and the relinquishing of civil liberties for safety.

Captain Tener stated this system would enable the Broken Arrow Police Department to solve crimes more effectively and more quickly. He stated having an excellent track record for solving crimes quickly and effectively lowered crime rates. He stated there was a small ongoing cost for the Leonardo cameras of \$35 dollars a month for the standalone cameras; Flock was an ongoing lease program.

Chief Berryhill explained Flock was a lease program and Flock would occasionally upgrade and replace its cameras; Leonardo ELSAG cameras were purchased outright and would need to be replaced by the City in approximately five years. He stated in the long run, the Leonardo cameras would be less expensive as there was no ongoing cost, but the cameras were harder to move around the City.

Mayor Wimpee stated the Flock cameras could be moved to crime "hot spots" in the City when needed.

Chief Berryhill agreed noting Flock cameras were self-contained and there was no necessary infrastructure required. He explained the Leonardo ELSAG cameras had to have a power source and internet connection.

Council Member Ford noted some neighborhoods installed video surveillance systems.

Captain Tener noted some neighborhoods even purchased Flock Safety cameras and while the Police Department would never share its data with the neighborhoods, the neighborhoods could choose to share data with the Police Department.

Chief Berryhill noted the neighborhoods were not required to share data; data was shared only at the discretion of the neighborhood.

Discussion ensued regarding neighborhood video camera systems and how this information might be shared with the Police.

Council Member Green asked what the benefit would be for tabling this Item. He stated he felt the City had the necessary information.

Mayor Wimpee stated the item could be tabled to obtain additional information, but she did not know what more information could be obtained.

Council Member Parks stated if the City approved this, it would be a 60 day trial period.

Captain Tener concurred; after the trial period, the City would begin the leasing period.

Vice Mayor Gillespie asked how many cameras were needed at an intersection.

Captain Tener responded eight cameras would be needed for a major intersection; however,

these cameras were not being used at major intersections, the cameras were being used at ingress and egress in retail areas with high theft.

Chief Berryhill explained how this information could be used to catch thieves.

Council Member Ford stated another benefit would be the fact that these cameras would act as a deterrent to potential criminals.

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

Move to approve Consent Agenda Item K

The motion carried by the following vote:

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

Mayor Wimpee indicated voting yes did not mean a Council Member was against the 14th Amendment.

Vice Mayor Gillespie indicated voting no did not mean a Council Member did not support the Police Department.

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

A. 23-1172 Presentation, discussion, and appointment of and swearing in of the Youth City Council members for the school year 2023-2024

Director of Tourism Lori Hill presented the members of the Youth City Council for 2023-2024: Junior: Luke Beasley; Sophomores: Dakota Bell, Everett Campbell, Isaac Fowble, Elizabeth Grounds, Savannah Henry, Stephanie Hill, Autumn McKittrick, Kaylee Morris, Hector Ochoa, Yireh Oh, Aarnavi Verma.

City Attorney Trevor Dennis swore in the Youth City Council Members.

Council Member Johnnie Parks welcomed the new Youth City Council.

Council Member Justin Green welcomed the new Youth City Council.

Commemorative photos were taken.

B. 23-1217 Approval of and authorization to execute a Proclamation declaring the week of September 17-23, 2023, as Constitution Week

Council Member Ford called her Chapter of the Daughters of the American Revolution forward. She read the Proclamation: "WHEREAS: This Constitution Week celebration was started by the Daughters of the American Revolution. In 1955, Daughters of the American Revolution petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into public law on August 2, 1956, by President Dwight D. Eisenhower. WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and WHEREAS: September 17, 2023, marks the two hundred and thirty-sixth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week, NOW, THEREFORE I, Debra Wimpee, by virtue of the authority vested in me as Mayor of the City of Broken Arrow, Oklahoma do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties."

Commemorative photos were taken.

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

Mayor Wimpee indicated one Citizen signed up to speak.

Citizen Keith Hays stated he was a disabled veteran. He defined socialism, communism, and tyranny. He discussed LifeRide and compared the required fees to socialism and communism. He questioned what authority the City Council had to move control of the Fire Department to the Water Department by putting the fees on water bills. He stated citizens were already covered for ambulance services through insurance, himself and his family included, and he did not think it was right he was required to pay this fee if he wanted water. He stated he felt this required fee was illegal and would be political suicide for the City Council Members. He stated the Constitution of Oklahoma, Section 2.37, part B-1,

Healthcare System, prohibited a required fee for any healthcare service, and Broken Arrow was in direct violation of the Constitution of Oklahoma.

Vice Mayor Gillespie asked City Manager Spurgeon to look into the Constitution of Oklahoma.

City Manager Spurgeon stated City Attorney Trevor Dennis would investigate.

9. General Council Business

A. 23-1168 **Consideration, discussion, and possible appointment of two Councilmembers to the 2026 General Obligation (GO) Bond Citizens Survey Committee**

City Manager Michael Spurgeon asked City Council to appoint two Council Members to the 2026 General Obligation Bond Citizens Survey Committee. He discussed past GO Bonds and how the projects for the GO Bonds were chosen. He noted the City would spend time determining what was important to the public for the 2026 GO Bond Package through a survey and it was important for City Council to be involved with developing the questions for the survey. He discussed the process of sending out the survey, collecting information, determining what the citizens' priorities were, and developing a proposed GO Bond Package. He stated this Committee would only run for the next three months.

Mayor Wimpee and Council Member Parks volunteered to serve on the 2026 General Obligation Bond Citizens Survey Committee.

Council Member Parks complemented City Manager Spurgeon for his work on the previous bond package and how he involved the public in choosing what projects were most needed and wanted.

City Manager Spurgeon discussed the importance of obtaining public input for this Bond Package. He discussed the other entities the City would obtain input from for the Bond Package.

MOTION: A motion was made by Christi Gillespie, seconded by Justin Green.

Move to appoint Debra Wimpee and Johnnie Parks to serve on the 2026 General Obligation Bond Citizens Survey Committee

The motion carried by the following vote:

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

B. 23-1199 **Consideration, discussion, and possible approval of Resolution No. 1546, a Resolution fixing the amount of General Obligation Bonds, Series 2023 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**

Finance Director Cindy Arnold stated this would be the eighth bond series sold, and would include \$26 million dollars for Streets, \$4.7 million dollars for Public Safety, \$3.1 million dollars for Quality of Life, and \$400,000 dollars for Public Buildings and \$650,000 for Stormwater. She reported the bonds would have terms of 20 years and Resolution No. 1546 would allow the City to move forward with the sale.

Council Member Parks asked, if this was approved and sold, how much would be left of the Series 2023 bond issue.

Ms. Arnold responded, about \$90 million dollars.

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

Move to approve Resolution No. 1546

The motion carried by the following vote:

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

C. 23-1200 **Consideration, discussion, and possible approval of Resolution No. 1548, a resolution declaring the intent to consider approval of a project and creation of a tax increment district under the Local Development Act; directing preparation of a Project Plan; appointing a Review Committee; directing the Review Committee to make findings as to eligibility and financial impact, if any, on taxing jurisdictions and business activities within the district; directing the Review Committee to make a recommendation with respect to the proposed Project Plan; directing the Planning Commission to make a recommendation with respect to the proposed Project Plan; and containing other provisions relating thereto**

Ms. Arnold explained Resolution No. 1548 would start the process for a potential Hospital TIF, No. 5, which would be in the southeast portion of the City. She stated it would allow the City to form a review committee. She noted at this point, the TIF being considered was for sales tax only.

Discussion ensued regarding a scrivener's error in the printed version of the Agenda; City Attorney Dennis indicated City Council could move forward with approval.

City Manager Spurgeon noted he spoke with the Superintendent today about this project.

City Attorney Dennis stated City Council needed to appoint a person to serve as a Chairperson and Representative of the City of Broken Arrow on the Review Committee as part of this motion, or in a separate motion.

Discussion ensued regarding the Review Committee.

Mr. Nate Ellis with Public Finance Law explained the TIF potentially did contemplate ad valorem tax as a component; therefore, the Review Committee was required to include a member representing the taxing entities. He stated the Chairperson provided a list of names of potential at-large representatives, the balance of the Committee would select the representatives, and then would simply serve as the Chair of the Committee. He stated he anticipated two to four meetings lasting up to two hours each potentially. He noted ultimately the Review Committee made a recommendation to City Council.

Vice Mayor Gillespie volunteered to serve on the Review Committee.

MOTION: A motion was made by Lisa Ford, seconded by Justin Green.

Move to approve Resolution No. 1548 and appoint Christi Gillespie to serve on the Review Committee as Chairperson and Representative of the City of Broken Arrow

The motion carried by the following vote:

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

- D. 23-1206 **Consideration, discussion, and possible approval of and authorization to execute an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group, PLLC**

Ms. Arnold stated this Item would bring in Mr. Nate Ellis to help with TIF No. 5.

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

Move to approve and authorize execution of an Agreement for Tax Increment Finance Counsel Services with the Public Finance Law Group, PLLC

The motion carried by the following vote:

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

- E. 23-1174 **Consideration, discussion, and possible approval regarding PT20-115, conditional final plat, Estates at Lynn Lane Blocks 1 - 6, 38.28 acres, 122 Lots, R-2 to PUD-315/RS-3, located one-quarter mile north of New Orleans Street (101st Street), east of 9th Street (177th E. Avenue/Lynn Lane Road)**

Community Development Director Kevin Maevers asked for this Item to be tabled until the next City Council Meeting. He noted a procedural error was discovered and would be rectified before the next meeting.

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

Move to table Item 9E until October 3, 2023

The motion carried by the following vote:

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

- F. 23-1212 **Consideration, discussion, and possible approval of BAZ-000945-2023 (Rezoning), Enclave at YOLy 18.17 acres, A-1 (Agricultural) to RS-3 (Single-Family Residential), located east of South Olive Avenue (129th East Ave), and one quarter mile south of West Jasper Street (East 131st Street South)**

Mr. Maevers reported BAZ-000945-2023 was a request to rezone 18.17 acres from A-1 (Agricultural) to RS-3 (Single-Family Residential) for The Enclave at YOLy, a proposed single-family detached development. He stated this rezoning was in accordance with the Comprehensive Plan. He noted the project would go before Planning Commission with a PUD and preliminary plat in a couple of weeks.

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

Move to approve BAZ-000945-2023 per Planning Commission and Staff recommendation, subject to platting

The motion carried by the following vote:

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

10. Preview Ordinances

There were no Preview Ordinances.

11. Ordinances

- A. 23-1215 Consideration, discussion, and possible adoption of Ordinance No. 3807 closing a Drainage Easement on property located one-quarter mile south of Dearborn Street (East 41st Street), one-quarter mile east of Aspen Avenue (145th East Avenue), Tulsa County, State of Oklahoma, (Section 27, T19N, R14E), repealing all ordinances to the contrary; and declaring an emergency (EASE-000843-2023)
Mr. Maevers reported this ordinance was previewed a couple of weeks ago. He explained it was a simple adoption of a drainage easement closure.

MOTION: A motion was made by Johnnie Parks, seconded by Justin Green.
Move to adopt Ordinance No. 3807

The motion carried by the following vote:

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

- B. 23-1216 Consideration, discussion, and possible approval of an emergency clause for Ordinance No. 3807

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

The motion carried by the following vote:

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

12. Remarks and Inquiries by Governing Body Members

Council Member Parks stated he attended ScotFest this past weekend and enjoyed his time there.

Discussion ensued regarding the ScotFest, the beautiful weather, the many visitors from outside of Broken Arrow who attended ScotFest, and Scotch Eggs.

Mayor Wimpee stated she wore orange today because of Hunger Action month. She noted today was Voter Registration Day.

Vice Mayor Gillespie stated she was wearing her Constitution shirt because it was Constitution Week. She read and discussed the 14th Amendment which stated, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States" and established civil and legal rights for black Americans.

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

City Manager Spurgeon reported in the next two weeks Broken Arrow would be opening bids for upgrading the pedestrian crossing for the Senior Citizen Center and Annex. He noted the lead time needed for the signals and equipment was lengthy unfortunately. He stated he would keep the City Council updated. He reported Lori Hill and himself were contacting representatives of the User Groups requesting ideas for recommended projects for the bond package. He noted these projects would be included in the bond package presented to City Council for consideration.

14. Executive Session

There was no Executive Session.

15. Adjournment

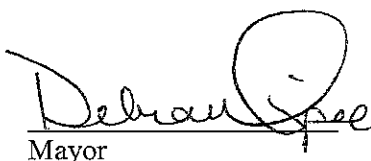
The meeting was adjourned at approximately 8:39 p.m.

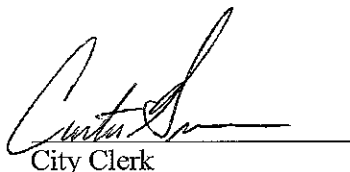
MOTION: A motion was made by Lisa Ford, seconded by Christi Gillespie.

Move to adjourn

The motion carried by the following vote:

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


Mayor


City Clerk

